

TAB 1

**DRAFT  
CITY COMMISSION WORKSHOP MEETING  
MARCH 19, 2012  
4:30 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor  
Brian Williams, Vice Mayor, Commissioner, Ward 3  
Tamara Cornwell, Commissioner-at-Large 1  
Alan Zirkebach, Commissioner-at-Large 2  
Tambra Varnadore, Commissioner, Ward 2

Elected Officials Absent

Charles Smith, Commissioner, Ward 1

Staff Present

Mark Barnebey, City Attorney  
Jeff Burton, CRA Executive Director  
Jim Freeman, City Clerk  
Allen Tusing, Public Works Director  
Rick Wells, Chief of Police  
Diane Ponder, Deputy Clerk-Administration

Vice Mayor Williams called the meeting to order at 4:35 p.m.

**1. PRESENTATION: COMPREHENSIVE ANNUAL FINANCIAL REPORT**

Mr. Freeman reported the presentation will be postponed until April 2, 2012.

**2. DISCUSSION: PROPOSED ORDINANCE FOR PORTABLE, TEMPORARY AND POLITICAL SIGNS**

Commission discussed the proposed ordinance with Attorney Barnebey and staff, and received explanations for language contained therein and how to affect its enforcement. The following discussion topics resulted in Commission making an amendment or request for additional information:

1. Identification of right-of-way and placement of political signs in right-of-way vs. easement: Attorney Barnebey opined right-of-way should remain in the ordinance, for enforcement purposes. He will consult Florida Statutes to determine if there is a definition for right-of-way.
2. Section 3-68(3) will be amended by revising public property to "publicly owned property". Attorney Barnebey will determine if a tenant of a publicly owned building can erect a Political sign.
3. Political sign deposit: Staff concurs with not charging a deposit. The ordinance allows adoption of a resolution requiring a deposit, should non-removal of signs become an issue. Attorney Barnebey explained that if the proposed ordinance is adopted as written, a property owner could be subject to code enforcement should a sign not be removed. He will amend the ordinance to also include a candidate should enforcement become necessary.
4. Sec. 3-86 Continuation in use: Attorney Barnebey explained this section is currently in the code for all signs except portable, temporary or political signs. The section is included because there could be an argument that a sign could be nonconforming because it was allowed under the code. .

5. Section 3-157 Portable and temporary on-site signs:

- Attorney Barnebey will revisit the reference to political signs. If necessary, he will move the reference to the political sign portion of the ordinance.
- Discussion ensued on the 60-day use of real estate signs, which currently reads 45 days in the code, and sales. It was concurrence of the Commission that the time limit for real estate sales and rental signs should be removed from the ordinance. The ordinance will be corrected to allow these types of signs in the residential zoning district.
- Discussion ensued on signs advertising grand openings, sales and special events, which are allowed in commercial zoning districts only. These types of sign are not allowed in industrial zoned districts.
- Attorney Barnebey opined that the Commission must decide how they wish the City to look when it comes to temporary and portable signs. He suggested that at some point a time frame should be included, or there is not restriction at all. Attorney Barnebey confirmed that a time frame will also control signs that are placed on vacant property, which is not prohibited.
- (6) will be amended to read: No Portable or Temporary sign shall be located in a right-of-way and visibility triangle.

Commissioner Zirkelbach concurred with placing a time limitation on temporary and portable signs to ensure the appearance of the City is conducive to attracting new businesses. Commissioner Cornwell concurred that some type of standard has to be placed on the signs, as they all have a life span. Commissioner Varnadore did not wish to place a time limitation in the ordinance, but agreed that "appearance" could be set as a standard. Attorney Barnebey recommended that from a legal standpoint, he preferred a definite timeframe to possibly avoid challenge. He agreed that real estate signage should be treated differently; appearance could be considered, as well as a definite timeframe for removal after the property is sold or rented.

Commissioner Williams commented on signage wrapping large trucks parked at businesses. Attorney Barnebey suggested it will be more appropriate to look at the topic in the overall sign code. Storage units being placed in yards, such as PODS, will also be looked at in the overall sign code or other sections of the code.

The topic will be brought back to the next workshop.

### 3. SUTTON PARK RENOVATION PROJECT UPDATE

Mr. Burton confirmed he is not requesting that the contract be approved during the CRA meeting.

He reviewed the plans for Phase 1 (\$750,000); Phase 2 (\$250,000) next year; Phase 3 (\$250,000) the following year. An additional Phase A (\$600,000) will be funded by an FDOT/MPO grant; the application is being prepared. An additional Phase B (\$200,000) is a 50% grant from SWFWMD. The total projected cost for the park's renovation will be approximately \$2 million; the CRA's portion amounts to \$1.3 million.

Mr. Burton reported on the bids for the project that were received and how the committee arrived at its recommendation of award. Mr. Burton described the add-ons the City is recommending.

Mayor Bryant suggested that if necessary, a special meeting can be called to approve the contract, which will allow the contractor to meet the July 4<sup>th</sup> deadline. Attorney Barnebey discussed the fact a contract cannot be awarded until a contractor has been chosen.

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Commissioner Zirkelbach voiced his concerns with the contractor being recommended to perform the project; projects they listed as their work when several of them were performed by his firm and the internal financial statement vs. financial information provided by a CPA. Mr. Burton discussed the additional information he had requested from Manasota, which was immediately provided. Stellar provided a letter of explanation, which Mr. Burton read to the Commission. The letter is attached hereto and made a part of these minutes.

Mr. Burton stated it may be possible to move Phase 1 forward this year, which could mean the bathrooms, walking path or green parking, if grant awarded, could be completed. Commission agreed that the bathrooms should be completed first.

The Veterans' Monument will be brought forward at a later meeting.

Meeting adjourned at 6:00 p.m.

Minutes approved:

James R. Freeman  
City Clerk



**B. PUBLIC WORKS DEPARTMENT**

1. Approval of Easement to Teco Peoples Gas System

**C. POLICE DEPARTMENT**

1. Approval to expend an additional \$4,000 to Victor Woods Corporation as part of the Crime Prevention Partnership program.
2. Approval to hire one part-time police officer not to exceed 31 hours per week at a Grade 110/ Step 0, \$15.61 per hour, for the remainder of fiscal year 2012.

Commissioner Williams removed the First Fridays and Jerry Hill Memorial Kids' Fishing Tournament Special Function Permits for discussion

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 4-0 to approve the March 19, 2012 Consent Agenda, as amended.**

First Fridays: Commissioner Williams called attention to the fact that Mr. Tusing stipulated that 5<sup>th</sup> Street will not be closed for the May and June event dates. He also commented on the fact that the application was not received 30 days prior to the first event's date of April 6, 2012 and asked that the applicant adhere to the application submission date rules in the future. Not going to be open for May and June. Closure being 4/6/12; point out again, as in the past supposed to be 30 days prior to the event.

**MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 4-0 to approve the First Fridays Special Function Permit.**

**Jerry Hill Memorial Kids Fishing Tournament**

Mayor Bryant confirmed that cost expenditures to the City for the event will not be waived. Discussion ensued on the rental of the Fishing Pier being listed as an in-kind service. Staff was asked to bring the City Facility Rental Fee Schedule to a future workshop.

**MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 4-0 to approve the Jerry Hill Memorial Kids' Fishing Tournament Special Function Permit.**

**3. PUBLIC HEARING: ORDINANCE NO. 2012-05**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE CODE OF ORDINANCES TO REVISE PROVISIONS RELATED TO CRIMINAL PUBLIC NUISANCES AND THE CRIMINAL NUISANCE ABATEMENT BOARD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Betty Rhodes asked for an explanation of violations the ordinance will address. Attorney Barnebey explained that incidents relating to drugs, prostitution, stolen property or gang related activity could be brought forward to the Nuisance Abatement Board.

Mayor Bryant closed the public hearing.

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 4-0 to adopt Ordinance No. 2012-05.**

4. PUBLIC HEARING: ORDINANCE NO. 2012-06

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REDISTRICTING OF VOTING WARDS; ADDING SECTION 12-13 OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing. Mayor Bryant closed the public hearing after no public comment.

**MOTION: Commissioner Zirkelbach moved, Commissioner Varnadore seconded and motion carried 3-1 to adopt Ordinance No. 2012-06. Commissioner Cornwell voted no.**

5. FIRST READ: ORDINANCE NO. 2012-02

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 22, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-81, DEFINITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 4-0 to schedule a public hearing for Ordinance No. 2012-02 for April 2, 2012.**

Mr. Freeman explained that State law changed rules to limit the amount of overtime, accrued sick and vacation time for purposes of calculating pension benefits. Commissioner Cornwell suggested that the topic should be placed on the workshop agenda for discussion prior to the scheduled public hearing.

Mayor Bryant recessed the City Commission meeting to open the CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 8:10 p.m.

6. BASEBALL FIELD UPDATE

The meeting with Manatee County scheduled for March 9, 2012 was cancelled and will be rescheduled.

7. ASR WELL UPDATE

Mr. Tusing reported he thinks all comments from Southwest Florida Water Management District have been resolved. A new liaison from the organization has been appointed for the project and he will meet with that person in the near future.

8. DEPARTMENT HEADS' COMMENTS

Mr. Tusing

None

Mr. Freeman

The Check Register for both February and March will be on the April 2, 2012 agenda.

Through the grant that purchased the two electric vehicles, a demonstration program, including wrapping the vehicles, is required. He displayed a proposed vehicle wrap, including a Police Community Services magnet that will be removable. The wrap for the Volt will be similar.

Chief Wells

None

Mr. Barnebey  
None

9. MAYOR'S REPORT

Community meetings are completed; they saw a good response with very few issues. She commended staff. A Ward 1 community meeting will be held at Bible Baptist on April 24, 2012, beginning at 7:00 p.m.

Commented on the Veterans' Monument that will be moved to Sutton Park. The City will correct the omission of Black American Veterans who served during World War 1.

10. COMMISSIONERS' COMMENTS

Mr. Williams

Attorney Barnebey stated the City can adopt an ordinance but will have to coordinate it with the Division of Forestry or the State would enforce the Statute. Discussion ensued on the City's inability to respond to complaints received regarding the burning of yard debris. Attorney Barnebey was asked to find out how the Division of Forestry would respond to a complaint. He was also asked to determine if the City can do anything (without an ordinance in place) if open burning creates a health concern.

Mr. Freeman confirmed he will be sending a letter to the car lot north of town this week. Mayor Bryant asked that information be given to Mrs. Roberts so she can prepare a complaint form for City files.

Ms. Varnadore

Stated her delight that the City will be correcting the Veterans' Monument. She inquired if there is any way to see if any other entities have the same issue.

Suggested that Manatee County needs to look at how emergency vehicles will navigate through traffic backups on the bridges. She also stated the City needs to work on getting a medical satellite facility.

Mayor Bryant commented on the Council of Governments meeting scheduled for April 3, 2012, when the 7<sup>th</sup> Street extension will be discussed. Correspondence has been received from Donna Hayes, Chairman of the Convention Center Authority, regarding the light. Mayor Bryant opined Ms. Hayes and other County Commissioners are not aware of all the meetings she and staff have had with the County staff regarding the light. She suggested that the City Commission also needed to discuss the topic, as Manatee County has indicated at a meeting that there is no funding available for the project.

Mr. Williams inquired if it is possible to place three to four items on the workshop agenda, and carry those items forward to the 7:00 meeting if the 7:00 meeting ends fairly early. Mr. Freeman discussed the items that are already scheduled for the April 2, 2012 workshop agenda, which will include the project log.

Meeting adjourned at 8:30 p.m.

Minutes approved:

James R. Freeman, City Clerk