

TAB 1

**DRAFT
CITY OF PALMETTO
CITY COMMISSION WORKSHOP MEETING
September 24, 2012
4:30 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor
Brian Williams, Vice Mayor, Commissioner, Ward 3
Tamara Cornwell, Commissioner-at-Large 2
Charles Smith, Commissioner, Ward 1
Alan Zirkelbach, Commissioner-at-Large 1

Elected Officials Absent

Tambra Varnadore, Commissioner, Ward 2

Staff Present

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Amber Foley, Assistant City Clerk

Mayor Bryant called the meeting to order at 4:30 p.m.

1. DISCUSSION: STATE AMENDMENTS

Mayor Bryant informed Commission that there is a resolution on the 7:00 p.m. agenda tonight regarding Amendment 4. She opened the floor to Commission to discuss the twelve amendments that are on the ballot for November and the impact they will have on the City if approved.

Mr. Freeman discussed Amendment 4. He explained that if this amendment passed, it would prevent the assessed value of homesteaded and specified non-homesteaded properties from increasing if the market value of that property decreases compared to the previous year; reduce from 10 percent to 5 percent the cap on annual increases in assessments of specified non-homesteaded properties such as residential rental property, seasonal homes, and commercial property; and, authorize an additional homestead exemption to first-time homebuyers or to buyers who have not owned property during the previous three years or longer. Commission was not in support of Amendment 4.

Discussion ensued on the remaining eleven amendments that are on the November ballot and the impact they will have on municipalities if passed. Attorney Barnebey was asked to provide Commission with more information on the amendments.

2. DISCUSSION: REBRANDING OF BRADENTON AREA CONVENTION CENTER

Mayor Bryant informed Commission that the new branding for the Manatee County Convention Center is going to be "Bradenton/Anna Maria Island/Longboat Key—Florida's West Coast". Mayor Bryant discussed the Bradenton Herald article "Branding a destination is important". This article is attached to and made a part of these minutes. Commission expressed disappointment with the rebranding of the Convention Center and the fact that no mention of Palmetto is made in the name even though it is located in the City of Palmetto.

Mr. Burton discussed an article in the Bradenton Herald regarding the progress in Palmetto and the first phase of renovations to Sutton Park. This article is attached to and made a part of these minutes.

Commissioner Cornwell stated that, while watching News Channel 8, she heard the meteorologist refer to the City of Palmetto as Memphis. She asked Mr. Burton to please contact News Channel 8 to have them correct Memphis to the City of Palmetto.

Commissioner Williams asked to have a discussion placed on a future workshop agenda regarding housing authorities. Mayor Bryant stated that a fair housing discussion will be placed on the October 1, 2012 workshop agenda.

Mayor Bryant adjourned the meeting at 5:27 p.m.

Minutes approved:

James R. Freeman
City Clerk

**DRAFT
CITY OF PALMETTO
CITY COMMISSION MEETING
September 24, 2012
7:00 PM**

Elected Officials Present

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

Staff Present

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Lorraine Lyn, Planning and Zoning Supervisor
Karen Simpson, Deputy Clerk-Finance
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Amber Foley, Assistant City Clerk

Mayor Bryant called the meeting to order at 7:00 p.m., followed by a Moment of Silence and the Pledge of Allegiance. She asked all to remember Eddie (Bear) Clark, former City of Palmetto employee who passed away Sunday morning.

All persons intending to address City Commission were duly sworn.

Non-agenda Item Public Comment:

Peggy Van Gemert, representing the Merchant Marines, commented on Sutton Park and the Military Services' emblems. She expressed disappointment that there was no emblem displayed for the Merchant Mariners. Mayor Bryant read an email she received from Ms. Adrien F. C. Starks, Senior Assistant for Public Affairs Policy Office of the Assistant Secretary of Defense, regarding the order in which Military Service emblems should be displayed. The email is attached to and made a part of these minutes. Mayor Bryant stated that the City is looking into displaying a medallion at Sutton Park to honor all civilians who have served with the armed forces during wartime.

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and the motion carried 5-0 to approve the September 24, 2012 Agenda.

2. CONSENT AGENDA APPROVAL

A. CITY CLERK'S OFFICE

1. Minutes: September 10 and 11, 2012
2. Correction of July 16, 2012 Minutes
3. Special Litigation Billing: Blalock Walters
4. Appointment: Michael J. Fuller as the 5th Trustee of the Police Officers' Pension Plan Board of Trustees
5. Special Function Permits: Veterans Day Parade
Slick's Garage First Friday's, October 5, November 2, and December 7, 2012

Item 2.A.5., Special Function Permits, was pulled for discussion.

Motion: Commissioner Zirkelbach moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the September 24, 2012 Consent Agenda items 1 through 4.

2.A.5. Veterans Day Parade Special Function Permit:

Don Courtney, Manatee County Veterans Council, informed Commission that the parade should start at 9:30 a.m. on Sunday, November 11, with a ceremony to begin at 11:00 a.m.

2.A.5. Slick's Garage First Friday's Special Function Permit:

Mr. Burton presented a survey that he performed regarding the businesses surrounding 5th Street and 10th Avenue. This survey is attached to and made a part of these minutes.

Mayor Bryant explained that the streets are not to be closed until 5:00 p.m. She would like to see someone policing the surrounding areas for cleanup after the event is over.

Slick Humphreys of Slick's garage stated that he will make sure that the streets are not closed off until 5:00 p.m. on the days of their events. He also said that he will police the area after the event is over.

Mayor Bryant informed Mr. Humphreys that the Christmas in the Park event has been moved to Friday November 30 this year instead of Friday December 7. Mr. Humphreys stated that he has a car show planned that weekend as well, so he may be able to tie that event into the Christmas in the Park event this year. If so, he will fill out a new Special Function Permit for that date as well. He agreed to remove the date of December 7 from his permit until he has further information. He will submit a new Special Function Permit at a later date.

Commissioner Varnadore requested that additional signage be displayed for road closures that take place at 5:00 p.m. for the First Friday events.

Motion: Commissioner Williams moved, Commissioner Zirkelbach seconded, and the motion carried 5-0 to approve the Special Function Permits for the Veterans Day Parade and Slick's Garage First Friday's for October 5 and November 2, 2012 with clean-up [after the event] and the street not to be shut down before 5:00 p.m.

3. PUBLIC HEARING—FINAL MILLAGE RATE AND FINAL FISCAL YEAR 2013 BUDGET

Mayor Bryant opened the public hearing and read the following statement into the record:

- We are here tonight to adopt the City of Palmetto final millage and budget for FY 2013 that begins on October 1, 2012.
- The current millage is \$5.1185 per \$1,000 of taxable value
- Taxable value in the City for the FY 2013 budget is \$656,070,755 which represents a decline of 4.78% compared to the prior year.
- The rolled-back millage rate for FY 2013 is \$5.2171 per \$1,000 of taxable value.
- The City proposes to adopt a FY 2013 millage of \$5.2171 per \$1,000 of taxable value, which is equal to the rolled-back rate or a 0% increase over the rolled-back rate. The rolled-back rate is the rate that will allow the City to collect the same amount of revenues in comparison to the prior year.

There being no public comment, Mayor Bryant closed the public hearing.

A) RESOLUTION NO. 2012-26 (read in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF PALMETTO FOR FISCAL YEAR 2013; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Williams moved, Commissioner Zirkelbach seconded, and the motion carried 5-0 to adopt Resolution No. 2012-26.

B) RESOLUTION NO. 2012-27 (read in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2013, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Williams moved, Commissioner Zirkelbach seconded, and the motion carried 5-0 to adopt Resolution No. 2012-27.

4. RESOLUTION NO. 2012-28

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ADOPTING THE 2013-2017 CAPITAL IMPROVEMENT PROGRAM AND ADOPTING THE CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEAR 2012-2013, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Zirkelbach moved, Commissioner Smith seconded, and the motion carried 5-0 to adopt Resolution No. 2012-28.

5. 2ND PUBLIC HEARING FOR THE CDBG GRANT

Mr. Freeman explained that the Citizens Advisory Task Force met on September 11 and made a recommendation to move forward with the application for the 28th Avenue revitalization and 13th Street drainage project. There is an alternate location in Ward 1 between 17th Street and 14th Street and 2nd Avenue to replace fire hydrants in that area.

Mayor Bryant opened the public hearing. After no public comment, Mayor Bryant closed the public hearing.

Motion: Commissioner Varnadore moved, Commissioner Zirkelbach seconded, and the motion carried 5-0 to accept the Citizens Advisory Task Force recommendation regarding the 28th Avenue revitalization and 13th Street drainage project and authorize staff to submit the 2012 CDBG application (Neighborhood Revitalization) and accept grant funds if awarded.

6. RESOLUTION NO. 2012-31

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO MAKE APPLICATION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (FDEO) FEDERAL FISCAL YEAR 2012 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, PROVIDING AN EFFECTIVE DATE.

Motion: Commissioner Varnadore moved, Commissioner Zirkelbach seconded, and the motion carried 5-0 to adopt Resolution No. 2012-31.

7. RESOLUTION NO. 2012-32

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, REGARDING THE EXPENDITURE OF LOCAL FUNDS ON FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT ELIGIBLE ACTIVITIES AS LEVERAGE FOR THE FFY 2012 COMMUNITY DEVELOPMENT BLOCK GRANT, NEIGHBORHOOD REVITALIZATION APPLICATION.

Motion: Commissioner Zirkelbach moved, Commissioner Varnadore seconded, and the motion carried 5-0 to adopt Resolution No. 2012-32.

8. RESOLUTION NO. 2012-29

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY FLORIDA; CONCERNING AMENDMENT 4 TO THE FLORIDA CONSTITUTION WHICH, IF ADOPTED, WOULD CREATE ADDITIONAL INEQUITIES IN FLORIDA'S TAX SYSTEM BY GRANTING CERTAIN TAX BREAKS TO SOME TAXPAYERS AT THE EXPENSE OF OTHER TAXPAYERS; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Zirkelbach moved, Commissioner Williams seconded, and the motion carried 5-0 to adopt Resolution No. 2012-29.

9. RESOLUTION NO. 2012-30 FY 2012 YEAR END BUDGET CLEANUP

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2011-31, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2011-2012, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Zirkelbach moved, Commissioner Smith seconded, and the motion carried 5-0 to adopt Resolution No. 2012-30.

Commissioner Smith departed the meeting at 7:44 p.m.

10. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2012-04

Mayor Bryant reopened the public hearing from August 20, 2012.

City Planner Lorraine Lyn explained that since the last meeting, the applicant indicated that the State is allowing 35 children based on the size of each classroom within the facility. A total of seven employees is regulated based on the State's staff-to-children ratio guidelines. The City's parking requirements are one parking space per employee and two parking spaces for patron use. The proposed site plan meets the Code's parking requirements with four parking spaces for pick-up and drop-off. Staff recommends approval of the proposed conditional use permit for a child care center with the following conditions:

- The child care center shall be limited to 35 children and seven employees
- The applicant shall insure the safe and orderly drop-off and pick-up of children in a manner which prevents disruptive stacking of vehicles on 4th Street West
- The outdoor play area shall be limited to the hours between 8:00 a.m. and 7:00 p.m.

Ms. Fredrick, Director R&D Academy, spoke to the drop-off and pick-up of the children. She indicated that drop-off and pick-up times would be staggered. She anticipates using the side door for pick-up and drop-off as per the site plan unless it needed to be changed.

Leo Mills, representing R&D Academy, explained that the site plan meets the City requirements for parking. He explained that there may be a drop-off and pick-up area along 4th Street with signage and striping.

Mr. Burton indicated that there may be downtown core design incentives available to the applicant related to parking and fencing. He will gather that information and contact Ms. Frederick regarding these incentives.

Discussion ensued regarding parking and the development of a U-shaped drive. Mr. Mills was asked to develop a site plan showing a circular drive in the front yard with additional parking for pick-up and drop-off that would be constructed within a year. Commission also indicated that there should be no parking along 4th Street as it is only 22' wide.

Mayor Bryant closed the public hearing.

Motion: Commissioner Williams moved, Commissioner Zirkelbach seconded, and the motion carried 4-0 to continue the public hearing on Conditional Use Permit 2012-04 to October 1, 2012 at 7:00 p.m. or as soon thereafter as same can be heard. Commissioner Smith was absent for the vote.

Commissioner Varnadore requested that the traffic engineer look at this site and put up no parking signs.

11. FIRST BAPTIST CHURCH OF PALMETTO SITE PLAN AMENDMENT

Commissioner Smith returned to the meeting at 8:24 p.m.

Motion: Commissioner Williams moved, Commissioner Zirkelbach seconded, and the motion carried 5-0 to continue the First Baptist Church of Palmetto site plan amendment to November 5, 2012 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.

12. SUTTON PARK PLAY AREA

Commissioner Zirkelbach departed the meeting at 8:27 p.m.

John and Vicki Moore of Moore 2 Designs discussed the conceptual site plan for Sutton Park, Phase 2. The improvements include the upgrade or additions made to the playgrounds, pavilions, restrooms, and walkways.

Commissioner Williams would like to see a water fountain put in at the pavilion nearest to the playground.

Commissioner Varnadore suggested that one of the pavilions should have no benches inside so as to allow a covered space with room for people to exercise in. Mr. Burton explained that there is a larger pavilion at the park with enough room for benches and for people to exercise.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 4-0 to conceptually approve the site plan. Commissioner Zirkelbach was absent for the vote.

Commissioner Zirkelbach returned to the meeting at 8:47 p.m.

13. BASEBALL FIELD UPDATE

Manatee County sent a letter to City asking that an interlocal funding agreement be developed to convey the \$800,000 that the City has from the proceeds of the sale of the old Little League site to Manatee County.

Attorney Barnebey explained that he is working on a Memorandum of Understanding regarding the maintenance of the ball fields to be the County's responsibility.

Commissioner Varnadore would like to have a discussion at a later date regarding the development of a fourth field for the Little League.

14. ASR WELL UPDATE

Mr. Tusing discussed the first work assignment for the well. This will be for the drilling of the first four holes. The cost will be \$730,675. He will email Commission a copy of the work assignment once it has been signed off on.

15. 5TH STREET STREETScape AND SUTTON PARK PROJECTS UPDATE

Mr. Burton stated that 5th Street is closed to the west of Growers Hardware for the reconstruction and paving of the street.

16. DEPARTMENT HEADS' COMMENTS

Mr. Tusing—Explained that the curbs are to be completed by the end of the week in the Ward 1 Phase 2 project. Once those are completed they will begin work on the sidewalks and driveways. This project should be completed within the next two to three weeks.

Commissioner Smith—Asked that no roads are blocked on Election Day due to City construction so as to not hinder anyone's ability to go out and vote.

Commissioner Cornwell and Varnadore requested more information regarding the traffic regulation handout that was given to them prior to tonight's meeting. Mr. Tusing explained that the City is proposing to install two new Stop signs on 5th Street and 9th Avenue West to create a four-way stop. This four-way stop will increase the safety for the pedestrians and vehicular traffic along this roadway. Discussion ensued on whether there is a need for two more stop signs on 5th Street. Attorney Barnebey read City Commission Administrative Policy No. 05-14 stating that all proposed traffic regulation amendments shall be in writing and shall require public notification to surrounding property owners prior to a public hearing to consider such amendments.

Mr. Tusing explained that since two Commissioners asked to discuss this regulation, there now has to be a vote taken on whether or not to install these two stop signs.

Motion: Commissioner Williams moved, Commissioner Varnadore seconded, and the motion carried 4-1 to deny the placement of the two stop signs on 5th Street and 9th Avenue West. Commissioner Zirkelbach voted no.

Mayor Bryant stated she would like to address the Commission Policy book at the next workshop meeting on October 1.

Chief Wells—Announced that he selected Lieutenant Scott Tyler to replace Deputy Chief Hannaford.

17. MAYOR'S REPORT

The agreement between Manatee County and the Palmetto CRA for the \$350,000 grant for the boat ramp has been signed.

The Walk For Life was very successful this past weekend.

Discussed the MPO meeting she attended today. They discussed Project Development and Environment (PD&E) studies that have a low priority on the list. The 301/41 Corridor PD&E study should be prioritized higher on the list. There are possibly some smaller factors that can be incorporated into the 10th Street exchange. It has been agreed on that this is a failed intersection and more issues will arise when the 7th Street light is turned on. This will be brought up at the Council of Government meeting in October.

The MPO has applied for a one million dollar grant for Brownsfields. There are three grants regarding the MLK Park that are utilizing the funds. The City has applied for three more for the Heartland Fertilizer, FFA building and the McGuire Property.

She thanked staff for working so hard on the grants.

18. COMMISSIONERS' COMMENTS

Commissioner Varnadore—Commented on the timing of the light on 10th Street and 14th Avenue West. She asked that Mr. Tusing look into this and correct the issue.

Mayor Bryant acknowledged an article in the Blalock Walters Review welcoming Mark Barnebey and Scott Rudacille as the firm's Land Use, Local Government, and Real Estate attorneys.

Commissioner Williams—Asked that a traffic study be performed on 4th Street West traffic between 9th and 10th Avenues.

Mayor Bryant adjourned the meeting at 9:30 p.m.

Minutes approved:

James R. Freeman
City Clerk

**DRAFT
CITY OF PALMETTO
CITY COMMISSION WORKSHOP MEETING
October 1, 2012
4:30 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor
Brian Williams, Vice Mayor, Commissioner, Ward 3-(Entered the meeting at 4:34 p.m.)
Tamara Cornwell, Commissioner-at-Large 2
Charles Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2-(Entered the meeting at 4:56 p.m.)
Alan Zirkelbach, Commissioner-at-Large 1

Staff Present

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Amber Foley, Assistant City Clerk

Mayor Bryant called the meeting to order at 4:30 p.m.

1. DISCUSSION: HOUSING AUTHORITIES

Attorney Barnebey discussed the Housing Authority Creation under Chapter 421, Florida Statutes handout. This handout is attached to and made a part of these minutes.

Discussion ensued on the procedure for establishing a Housing Authority in the City. Mr. Freeman was asked to provide Commission with information on what the cost would be to the City, if any, to establish a Housing Authority.

Mayor Bryant stated that she would like a director from both the City of Bradenton and Manatee County Housing Authorities to attend the next workshop meeting and provide more information to Commission.

Mayor Bryant asked for more information regarding how many Housing Authority Section 8 vouchers that are provided by Manatee County to City residents are in the City at this time.

Attorney Barnebey was asked to provide Commission with a timeframe on how long it takes to establish the Housing Authority and a list of pros and cons of the City having one.

Additional information regarding Housing Authorities will be brought back to the next workshop meeting.

2. DISCUSSION: CITY COMMISSION POLICY BOOK

Mr. Freeman discussed the City Commission Administrative Policies. He requested information from Commission regarding which policies they would like to see adopted into resolutions and ordinances and any policies that can be disposed of. Policy no. 09-07 needs to be updated to reflect Sharon Jones as the ADA Officer for the City. Commission discussed making the policies more generic with no specific names listed, just the appropriate titles.

Commissioner Varnadore opined that no policies should be disposed of at this time.

Commissioner Williams requested that information be provided to him on when the Executive Policy for Employee Position Designations was adopted by Commission.

Commissioner Smith opined that the City needs a Housing Authority to help with the areas of slum and blight in the City and to provide clean, affordable housing to low income residents.

Mayor Bryant stated that she would like any policies that have been adopted by resolution be deleted and any policies that Commission would like to keep should be adopted by an appropriate resolution or ordinance.

Commission would like to see a copy of the resolutions that adopted some of the Commission policies.

Mr. Tusing opined that Commission Administrative Policy No. 05-14, Traffic Regulations Amendment, should be incorporated into an ordinance.

Mayor Bryant asked that changes be made and brought forward to the next workshop meeting.

Mayor Bryant adjourned the meeting at 5:43 p.m.

Minutes approved:

James R. Freeman
City Clerk

DRAFT
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CITY COMMISSION MEETING
AND CRA BOARD MEETING
October 1, 2012
7:00 PM

Elected Officials Present

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Staff Present

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Lorraine Lyn, Planning and Zoning Supervisor
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Amber Foley, Assistant City Clerk

Mayor Bryant called the meeting to order at 7:02 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

PROCLAMATION: The Children's Summit Proclamation was accepted by Lynn Anderson, Chair, Summit Public Relations Committee

All persons intending to address City Commission were duly sworn

Non-agenda Item Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant amended the agenda to add item number 8.1, a budget amendment not to exceed \$8,100.

Motion: **Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the October 1, 2012 Agenda with the addition of item 8.1, a budget amendment for the CRA.**

2. CONSENT AGENDA APPROVAL

A. Police Department:
 1. DNA Lab Service

Motion: **Commissioner Varnadore moved, Commissioner Zirkelbach seconded, and the motion carried 5-0 to approve the October 1, 2012 Consent Agenda.**

3. RESOLUTION NO. 2012-33

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2011-31, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2011-2012, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: **Commissioner Zirkelbach moved, Commissioner Smith seconded, and the motion carried 5-0 to adopt Resolution No. 2012-33.**

4. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2012-04

Mayor Bryant reopened the public hearing from September 24, 2012.

Commissioner Smith departed the meeting at 7:06 p.m.

City Planner Lorraine Lyn informed Commission that there have been improvements made to the site plan since the last meeting. The site plan now shows a circular drive in the front yard for pick-up and drop-off as requested by Commission. The site plan was also revised to exclude parking along 4th Street.

Mr. Burton stated that he spoke with the applicant, Ms. Fredrick, to discuss possible funding from the CRA. While talking with her it was discovered that she is represented under a church. According to Florida Constitutional Law, Article 3, no government funds shall be used to promote the activities of a church.

Mr. Burton informed Commission that the appearance of a "sea of asphalt" from the rights-of way and curb cuts at every site is inappropriate according to the City's Downtown Design Guidelines.

Ms. Frederick, Director, R&D Academy, informed Mr. Burton that she spoke with the pastor of the church and was told that this Academy is owned by the pastor but not affiliated with the church.

Leo Mills, representing R&D Academy, discussed the new site plan that shows the circular drive as requested by Commission. The site has five parking spaces for parents to pick-up and drop-off their children. The proposed circular drive and parking will be concrete, not asphalt. The Fire Department has approved this site plan.

Mayor Bryant closed the public hearing.

Mr. Tusing stated that he is still working on the traffic study for 4th Street. Mayor Bryant said she would like the traffic study brought back to the next Commission meeting for possible no parking along that street.

Motion: Commissioner Zirkelbach moved, Commissioner Cornwell seconded the motion to approve the Conditional Use Permit for a child care center on the subject property with the attached site plan or a site plan that is approved by the CRA for the downtown guidelines for R&D Academy with conditions 1-3 as recommended by staff.

Discussion ensued regarding the approval of the site plan. Commissioner Zirkelbach clarified that the approval is for the site plan as presented tonight with adjustments to be made to the drive isles.

Mr. Mills stated that his client will accept a motion amended to state that the site plan will come back before Commission to meet the City codes.

The motion on the floor failed due to a tie vote. Commissioner Cornwell and Commissioner Zirkelbach voted aye. Commissioner Varnadore and Commissioner Williams voted no. Commissioner Smith was absent for the vote.

Mayor Bryant and Commissioner Varnadore departed the meeting at 7:43 p.m.

5. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2012-05

Application by Peerless Manatee, Inc., located at 401, 405, 409, and 413 6th Street West.

Vice Mayor Williams opened the public hearing.

Motion: Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and the motion carried 3-0 to continue the public hearing on Conditional Use Permit CU 2012-05 for farm worker housing located at 401, 405, 409, and 413 6th Street West, petitioned by Peerless Manatee, Inc., until November 5, 2012 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers. Commissioners Smith and Varnadore were absent for the vote.

6. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2012-07

Application by Old Florida Investments, Inc. located at 415 9th Street West and 804, 806, and 808 5th Avenue West.

Vice Mayor Williams opened the public hearing.

Motion: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and the motion carried 3-0 to continue the public hearing on Conditional Use Permit CU 2012-07 for farm worker housing located at 415 9th Street West and 804, 806, and 808 5th Avenue West, petitioned by Old Florida Investment, Inc., until November 5, 2012 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers. Commissioners Smith and Varnadore were absent for the vote.

7. DISCUSSION: MOBILE FOOD VENDORS

Mayor Bryant and Commissioner Varnadore returned to the meeting at 7:46 p.m.

Attorney Barnebey explained that this proposed ordinance is modeled after St. Petersburg's food vendor ordinance.

Commissioner Varnadore would like the location on rights-of-way of at least 100 feet from any restaurant be looked into and changed to a further distance or add some different criteria. She also discussed section (i)6 of the proposed ordinance that states "a pushcart or mobile food vendor vending business license shall expire on September 30 but may be renewed on an annual basis for one year periods. A copy of any requested state license shall be submitted to the City. If a copy of the renewed state license is not submitted to the City by February 1, such business license shall become null and void." Commissioner Varnadore opined that timeframe between September 30 and February 1 is too long. Consensus of Commission was to shorten that to state that the renewed State license is to be submitted to the City within 30 days of their business license renewal.

Commissioner Smith returned to the meeting at 7:51 p.m.

Attorney Barnebey stated that the City Clerk will be responsible for monitoring the business licenses. Code Enforcement would monitor the vendors to make sure they are operating at the location stated on their license.

Chief Wells suggested the City look at the County's ordinance related to ice cream truck vendors.

Mr. Freeman asked for further clarification regarding renewing current food vendor licenses. Attorney Barnebey stated that no new business licenses will be processed for food vendors at this time; however, existing food vendors can renew their licenses while waiting for the new ordinance to be adopted. Once the new ordinance is adopted, they will have to comply with it. Consensus of Commission was to allow existing food vendors to renew their licenses.

The following people spoke in opposition of proposed Ordinance No. 2012-14:

- John Daniels
- Georgia Drakopoulos

Mr. Burton stated that he can conduct a mailing survey to businesses within the CRA district to see what the businesses feel about pushcart food vendors.

Mayor Bryant departed the meeting at 8:20 p.m.

Vice Mayor Williams remarked that this proposed ordinance will come back on another workshop agenda.

Commissioner Cornwell departed the meeting at 8:30 p.m.

Vice Mayor Williams recessed the City Commission meeting at 8:30 p.m. to open the CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 8:36 p.m.

8. BASEBALL FIELD UPDATE

Mayor Bryant informed Commission that the County is working on the ball fields.

8.1. BUDGET AMENDMENT NOT-TO-EXCEED \$8,100

Motion: Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 4-1 to approve the budget amendment not-to-exceed \$8,100 for the CRA. Commissioner Cornwell voted no.

9. ASR WELL UPDATE

Mr. Tusing said he is still waiting on the reports from the district. As soon as those come in the project can begin.

10. 5TH STREET STREETScape AND SUTTON PARK PROJECTS UPDATE

Project Manager Bob Gause stated that the first phase of Sutton Park has been completed. The lights that were vandalized have been replaced, and the monument has been repaired. Fifth Street should be completed by mid-October.

Mr. Burton informed Commission that there will be a meeting on Thursday with the engineers working on the MLK Park Project. There will be a groundbreaking for this project scheduled for sometime in January.

11. DEPARTMENT HEADS' COMMENTS

Attorney Barnebey—Suggested not releasing the money for the Little League fields to the County until there is an agreement in place. Mayor Bryant stated that the County is working on a Memorandum of Understanding and when she receives it she will forward it to Mr. Barnebey.

Mr. Tusing—Stated he will bring the 4th Street traffic study back for further discussion. He suggested painting the curb to signal a no parking area instead of using no parking signs.

Mr. Freeman—Informed Commission that the CDBG grant application went in today. He is working on the telemetry meters and will bring that back to Commission either at the next meeting or the first meeting in November. He explained to Commission that there will be a utility rate study performed this year.

12. MAYOR'S REPORT

Mayor Bryant reported that the City has applied for eleven brownsfields projects and eight have been approved.

13. COMMISSIONERS' COMMENTS

Commissioner Williams—Inquired about the cost for phase 2 of Sutton Park. Mr. Burton stated that it is being worked on now. He will obtain an estimate from the architect and then it will go out to a Request for Proposal (RFP). He should be able to provide estimates to Commission at the next meeting.

Commissioner Zirkelbach—Regarding the 4th Street parking issue, he opined that a better analysis would be to figure out how much right-of-way we have. As an urban city, it makes more sense to have parking on the streets, and parking slows down traffic, which is better than signs. Fifth Street is a model of what parking can be.

Mr. Zirkelbach opined that if the City is going to look at the Development of Regional Impact (DRI) for the boat ramp, it is time to look at Regatta Pointe Marina. If the wharf was used by the City prior to 1937 or 1938, the City could collect the rent for the submerged land instead of the State. Mr. Burton said he is looking into amending the Regatta Pointe DRI to add a sliver of land and at that time he will look into the lease.

Mr. Zirkelbach suggested the City consider looking at what Manatee County does regarding obtaining estimates for projects they are working on. The County has a contractor they use that provides them with budgets and alternates ahead of time so they have this information before they go out to an RFP.

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Mayor Bryant adjourned the meeting at 9:01 p.m.

Minutes approved:

James R. Freeman
City Clerk