

Palmetto City Commission
May 18, 2009 7:00 p.m.

Elected Officials Present:

Shirley Bryant, Mayor
Brian Williams, Vice Mayor
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner
Alan Zirkelbach, Commissioner

Staff Present:

Mark P. Barnebey, City Attorney
James R. Freeman, City Clerk
Garry Lowe, Chief of Police
Tom McCollum, Interim City Planner
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 pm. Frank Woodard gave the invocation, followed by the Pledge of Allegiance.

PROCLAMATION: Small Business Week
Accepting: Debbie DeLeon, Manatee County Neighborhood Services
Rebekah Brightbill, Central Community Redevelopment
Agency

POLICE DEPARTMENT RECOGNITION: Chris Metzger as 2008 Officer of the Year; Lorna White for Relay for Life, Corporal Garrett Makeever, Officer Joe Rodgers, Officer Luis Martinez, Officer Chris Metzger, Officer Jeffrey Lewis

Swearing-in of all persons intending to address City Commission.

PUBLIC COMMENT:

Cindy Jarvis introduced Mathew Mayo, the executive director of the Olympia Performing Arts Theater. Mr. Mayo invited Commission to attend and participate in the ribbon cutting for the grand opening on May 23, 2009, at which time the theater will host a Masquerade Ball.

Leticia Leon approached Commission concerning a Noise Exception Permit for an anniversary party at the Woman's Club. Commission determined the permit was not necessary

Oscar Vela and Chuck Hague, representatives of the North River American Little League, inquired if there are plans in place for the ball fields (relocation of Palmetto Elementary). Mayor Bryant stated the entities are very hopeful the fields will be ready for the spring season. Mr. Hague also stated there are contractors that have pledged services to facilitate the construction of the fields. Mayor Bryant stated there will be a contact person available from the construction company available for contractors wishing to participate in the project.

Jonathan Davis inquired if Homeland Security has been contacted, given the proximity of the new school to the National Guard Armory. Mike Pendley, School Board representative, will address the inquiry later in the meeting.

ORDER OF BUSINESS:

1. AGENDA APPROVAL

MOTION: Commissioner Williams moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the May 18, 2009 agenda.

2. CONSENT AGENDA

- A) Minutes: May 4, 2009
- B) April Check Register
- C) Special Function Permits & Noise Exception Permit: July 4th Celebration
- D) Noise Exception Permit: Bradenton Yacht Club

Item C was withdrawn from the Consent Agenda.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve items A, B and D of the May 18, 2009 Consent Agenda.

Discussion ensued on the July 4th Celebration. Mr. Tusing informed Commission that a verbal agreement with bank and the property owner to allow for the placement of the carnival rides on private property, as well as insurance from the carnival. He stated that because this is a City event, City insurance will prevail provided there is an agreement obtained from the bank and property owner. Attorney Barnebey stated he will have to review the documents from the property owner and carnival vendor. Mr. Tusing confirmed that the stage is being moved further east on Riverside Dr. and that barricades will be placed along 9th Avenue around the carnival rides.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the 4th of July Special Function Permit and Noise Exception Permit, subject to legal counsel approval.

3. PALMETTO ELEMENTARY SCHOOL SITE PLAN

Tom McCollum, Interim City Planner, reviewed the project that consists of six buildings totaling 103,000 sq feet, surrounding a central court yard. Tenth Street provides for two driveways; one for parent drop off and one for school bus access. The project has been reviewed by the DRC and P&Z Board, which has endorsed the project.

Commissioner Zirkelbach discussed the fact the driveways into the school did not line up with City streets, which create traffic issues. Mr. Tusing confirmed there will be no traffic light dedicated to the project. Commissioner Williams inquired about the bus entry that was proposed on 12th Street when Commission reviewed the project in September, 2008.

Mike Pendley, School Board representative, discussed the partnership that will be formed with the Boys & Girls Club and Just for Girls to provide a facility that provides "a common benefit to all of Palmetto." He stated the plans attempt to move the traffic off 10th Street onto the school property by expanding traffic circulation to a maximum of 1,540 feet. As a result of Commission's comments at earlier presentations of the site plan regarding traffic congestion on 12th Street, the gate at the north end of the property is for emergency entrance only and will be kept locked. In addition, he stated there is a left turn lane into the property off 10th Street. Referring to Mr. Davis' comments earlier in the meeting, Mr. Pendley committed to contacting Homeland Security. Todd

Wilsey, architect for the project, confirmed that the entrances onto the property were located at existing entry locations to the property. Mr. Pendley stated that State Requirements for Educational Facilities prohibit buses and parent drop off areas being at the same location, thus the separate, mid-block entrance for the buses. Commissioner Zirkelbach expressed his concerns with all the entrances into the property off of 10th Street.

Bob Lombardo, engineer for the project, described the traffic analysis model that was used to generate the traffic report, which determined every intersection operates in a satisfactory level of service except 15th Avenue, thus the only dedicated left turn lane will be at 15th Avenue. The study also determined the volume of traffic does not warrant a left turn onto 16th Avenue. Commissioner Zirkelbach requested a copy of the traffic study. Commissioner Williams agreed with Commissioner Zirkelbach's comments, stating he too is pointing out potential issues. Commissioner Varnadore also discussed her concern of potential traffic congestion on 10th Street.

Commissioner Cornwell inquired about before school programs. Tim Knowles, Boys & Girls Club, confirmed there are no preschool hours at the club. He also stated Just for Girls does have preschool and a charter school with a small operation.

Commissioner Zirkelbach requested a left turn lane onto 15th Avenue from 10th Street. He also questioned where the parking for the tennis courts will be located. Mr. Wilsey reviewed the parking that has been identified for the tennis courts. Mr. Tusing stated the intersection improvement at 10th Street and 14th Avenue will provide for the same width of pavement all the way to the 14th Avenue intersection, which will be striped for a left turn lane onto 15th Avenue. He also reported there may be room at the area of 16th Avenue to allow for the stacking of two cars making a left turn from 10th Street. He opined that current traffic congestion on 10th Street will not exist after the School Board and City have completed the street and intersection improvements, which hopefully will be completed at the same time.

Commissioners expressed support of the project, but also reiterated their concerns regarding the traffic and how it could impact the citizens of the City. Mayor Bryant commended all the agencies and staff involved in working cooperatively to bring the project to fruition.

Attorney Barnebey explained the project is a permitted use in the zoning category and explained that the Code requires that Commission must 1) review the project for minimal dimensional requirements, as described by Mr. McCollum as those shown on the site plan and 2) review the site plan for consistency with the City's Comprehensive Plan and Zoning Code and other land development regulations.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 5-0 that based upon the City Comprehensive Plan and Zoning Code and the Amended and Restated Interlocal Agreement for Public School Facility Planning, I hereby move to find the proposed School Site Plan is consistent with the City Comprehensive Plan and Zoning Code and other land development regulations and approve the minimal dimensional requirements for the new Palmetto Elementary School, (08-587) as set forth in the School Site Plan provided at the May 18, 2009 City Commission meeting.

4. BOYS & GIRLS CLUB-PALMETTO BRANCH GENERAL DEVELOPMENT PLAN

Mr. McCollum stated the project is a 26,624 square foot building on a parcel of land of approximately two acres. The City is selling the property, which is located adjacent to the new Palmetto Elementary school. He stated the P&Z Board had recommended approval of the project with two stipulations, as follows:

1. The facility will be constructed generally in accordance with submitted Site Plan.
2. Prior to commencement of construction, required construction drawings and architectural plans must be approved by the City. The applicant must demonstrate that stormwater permits have been issued by the Southwest Florida Management District.

Andy Allison, Allison Engineering, briefly reviewed the plans for the new Boys and Girls Club facility, and discussing the drop off area for the facility. Tim Knowles, Boys and Girls Club, discussed the afternoon student population, stating the pick up at 6:00 is when there is more significant traffic. Referring to the entrance into the Boys & Girls Club facility that also serves as the school bus drop off, Mr. Pendley stated there is no violation of the regulations prohibiting the use of the same location by buses and parents, as the facility is not a school site. Clay Johnson, Manasota Construction confirmed the maintenance area for the facility is fenced.

Attorney Barnebey explained the project is a permitted use in the zoning category and explained that the Code requires that Commission must 1) review the project for minimal dimensional requirements, as described by Mr. McCollum as those shown on the site plan and 2) review the site plan for consistency with the City's Comprehensive Plan and Zoning Code and other land development regulations.

MOTION: Commissioner Williams moved, Commissioner Varnadore seconded and motion carried 5-0 that based upon the City Comprehensive Plan and Zoning Code, I hereby move to approve the minimal dimensional requirements for the proposed Boys and Girls Club (09-595) as set forth on the General Development Plan provided at the May 18, 2009 City Commission meeting, with stipulations as recommended by staff.

5. PUBLIC HEARING: ORDINANCE NO. 09-992

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE CODE OF ORDINANCES TO REVISE THE REQUIREMENTS FOR THE DISPOSITION OF SURPLUS PROPERTY BY THE CITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 09-992.

6. PUBLIC HEARING: ORDINANCE NO. 09-993

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, VACATING 15TH AVENUE DRIVE WEST RIGHT-OF-WAY BETWEEN THE NORTH RIGHT-OF-WAY LINE FOR 10TH STREET WEST AND THE SOUTH RIGHT-OF-WAY LINE FOR 12TH STREET WEST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Attorney Barnebey informed Commission this property is part of the school relocation project. He stated there is a private interest in the middle of the street that has to be acquired prior to this

ordinance becoming effective. It is anticipated the closing on the private property will occur simultaneously with the school site closing. The vacation will be subject to the closing occurring.

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 09-993 to June 1, 2009.

7. PUBLIC HEARING: ORDINANCE NO. 09-994

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, VACATING THE 8TH STREET WEST RIGHT-OF-WAY BEGINNING 217.5 FEET EAST OF THE EASTERN RIGHT-OF-WAY LINE FOR 10TH AVENUE WEST TO THE EASTERN RIGHT-OF-WAY LINE FOR 9TH AVENUE WEST; VACATING 9TH AVENUE WEST FROM THE SOUTHERN RIGHT-OF-WAY OF 9TH STREET WEST TO THE SOUTHERN RIGHT-OF-WAY LINE FOR 8TH STREET WEST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Attorney Barnebey informed Commission this also relates to the Palmetto Elementary. The CRA owns certain properties along 9th Avenue. The School Board is requesting they be consolidated. This vacation will allow the consolidation. The adjacent day school is being contacted because it owns property all the way to 9th Avenue. If the day school owner does not consent to the vacation, the length of the vacated street will be shortened. If the vacation occurs as anticipated, there will be no public access after the vacation becomes effective.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 09-994 to June 1, 2009.

8. RESOLUTION NO. 09-22

Budget amendment resolution to decrease capital lease items.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, AMENDING RESOLUTION NO. 08-32, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2008-2009, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Resolution No. 09-22.

9. RESOLUTION NO. 09-23

Budget amendment resolution to revise expected interest revenue and interest expense.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, AMENDING RESOLUTION NO. 08-32, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2008-2009, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Resolution No. 09-23.

10. EDENFIELD PROPERTY-WORK ASSIGNMENT #1

Malcolm Pirnie, Inc. Work Assignment #1, Change Order #1 to proceed with the development of a site assessment plan as required by FDEP. This item has been approved by the CRA Board as part of the CRA Capital Improvement Plan. Mr. Tusing confirmed this is a portion of the \$116,710 budget approved for this project. Commissioner Varnadore questioned if Commission has previously reviewed and approved the contract with Malcolm Pirnie, Inc. Mr. Woodard confirmed the contract was brought to Commission for approval.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Malcolm Pirnie, Inc. Work Assignment #1, Change Order #1 for development of the Edenfield property site assessment plan in an amount not to exceed \$22,240.

11. RIVERSIDE DRIVE CLOSURE

Mr. Tusing informed Commission Regatta Pointe Condos has requested closure of Riverside Dr. from 10th Avenue to 11th Avenue to permit placement of a crane on the street for completion of painting the building. The dates requested for the closure is May 26 – 29, depending on the weather, and an additional four to five days. Time certain for closure of Riverside Dr. is roughly 8 am to 5 pm. Attorney Barnebey suggested permitting the closure for an initial period and a five day period after the initial closure. Mayor Bryant leaving the closure period to Mr. Tusing's discretion, with him providing Commission the dates. Mr. Tusing confirmed Regatta Pointe will be notified of the closure.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the closure of Riverside Drive from 10th Avenue to 11th Avenue for up to ten days, at the discretion of the Public Works Director.

12. DEPARTMENT HEADS' COMMENTS

Mr. McCollum

The final meeting of the P&Z Board to review the Comp Plan is Wednesday of next week. He commended them on their work. The Board is still in favor of a joint meeting with the Commission. Mr. Freeman will schedule a joint meeting.

Mr. Tusing

Requested that Veolia Water, as a contractor employee for the Wastewater Treatment Plant, be authorized to provide services for the grit removal and the R&R projects for the plant. Commission concurred.

Mr. Freeman

Palms of Terra Ceia CDD has notified the City to terminate street sweeping services effective June 13, 2009, pursuant to the Interlocal agreement.

Florida League of Cities (FLOC) has settled the trip and fall case that occurred on the Green Bridge for \$7,500 and has requested reimbursement from the City. Mr. Tusing confirmed the City leases the pier from Manatee County and is responsible for maintenance of the pier. He also stated the City would be responsible for maintaining and keeping the pier safe. Attorney Barnebey opined FLOC has the authority to settle the claim and probably felt it was in the best interest of the City.

The actuary for the pension plans will be requested to attend the June 1, 2009 workshop to discuss the Actuarial Evaluation Report for each pension plan. The General Employees' report

discloses that the annual required contribution will increase to 21% of payroll from 15%, an increase of approximately \$225,000. The actuary has provided options to reduce the impact, which could potentially reduce the amount by half.

The June 1 workshop will contain the Verizon Cell Tower, the Cell Phone Policy and pension meeting.

Inquired if Commission wishes to adjust the August meeting calendar due to the FLOC Conference. Commission did not amend the calendar.

Chief Lowe

Would like to see the Under 21 Ordinance brought back to Commission as soon as possible, due to the summer months approaching. Attorney Barnebey will speak with the Sheriff's Office legal counsel.

Reported he has established a cold case investigative team to investigate four cold homicides. The team has full credentials as police officers and goes through the same criteria as an employee being hired.

He will work with Mr. Freeman regarding information on the discharge of firearms. The North River News has printed the information in Spanish and English.

Mayor Bryant received a phone call regarding the escort of the elderly lady walking the Green Bridge.

13. MAYOR'S REPORT

Inquired if a timeframe should be established for items on the workshop items. Mr. Freeman was instructed to split the time equally among the items.

Reported she attended Tampa Bay Regional Planning and Manasota League of Cities meeting.

Requested Public Works look at the trees planted at the Carnegie Library, as some may need to be anchored.

Requested that graffiti be addressed as quickly as possible. Requested the Commissioners notify Mr. Tusing and Mr. Freeman when graffiti is seen.

Requested an update on the Estuary Park and the funding received three years ago. Mr. Tusing stated he is planning on beginning construction before next month. Mrs. Lukowiak discussed the plan that was brought forward when accepting the grant, at which time Commission requested a harder walking service and parking at the northern edge of the park. The plan was taken back to the funding agency for approval of the changes. Approval has been provided for the amended plan. SWIM will clean the mosquito ditches, but SWIM still has to approve the clearing of the land.

The Business Advisory Group will have a meet and greet at the Eagle's Nest on May 21, 2009, 5:00 – 7:00 pm. Mrs. Lukowiak will make a presentation regarding CRA and Ms. DeLeon will attend for Manatee County. Commission can attend; Mayor Barnebey cautioned the Commission not to participate in any discussion. The group as offered to assist with the sign ordinance.

Informed Commission that Mr. McCollum and Diane Ponder are working on a project to ensure all annexations are properly reaching the Property Appraiser's office.

14. COMMISSIONERS' COMMENTS

Ms. Varnadore

No comments.

Mr. Williams

The Charter Review Committee is meeting Thursday, and have requested Attorney Barnebey attend.

The bait shop RFP will be advertised in the very near future.

Reported there seems to be a lot of homeless congregating at the bait shop and pavilion areas. Mr. Tusing and Chief Lowe spoke of the actions their departments are pursuing to discourage the practice. PD will routinely patrol the areas.

Commented on the fact the Commission's web page no longer contains biographies and photos. Mr. Freeman will look into the matter.

Commented on the letter from Riviera Dunes referring to House Bill 380.06 regarding the automatic extension of the DRI. Attorney Barnebey opined the letter is referring to a bill passed last year extending all DRI timeframes by three years. He and Mr. McCollum will bring back a report on the topic.

Commented on the Business Advisory Group and the security systems report made to the group by Lt. Tyler. Mayor Bryant stated she had requested the report from Lt. Tyler to discuss the systems and how the security camera systems may be incorporated into the Storefront Grant Program.

Mr. Zirkelbach

Referring to the Business Advisory Group, he spoke of his desire to allow the local contractors to be able to bid on local projects, such as the new school. He stated his office could be used as a place to allow a forum for the groups to converse. Mayor Bryant stated the meeting with the Business Advisory Group on Thursday evening will also serve to gather contact email addresses to allow for an efficient distribution of notices and news to the businesses in the City.

Ms. Cornwell

Inquired if unused sick and vacation time will be brought to Commission. Mr. Freeman stated the Personnel Committee is discussing the topic. The City currently restricts the accumulation of sick time to 480 hours and vacation time to 360 hours for pay-out at normal retirement. Ms. Cornwell asked for a presentation of the topic.

Inquired if PD is putting the summer task force in place, such as midnight basketball or ice cream. Chief Lowe stated he will look into the program.

Reported the churches at the Ward 1 forum have requested copies of the Crime Stopper posters displayed at schools.

Requested that the consistency in design topic be placed on a workshop meeting. Mr. Tusing stated he will have Mr. Seger see if 4th of July banners are still in good repair and determine what equipment is necessary to have the banners displayed before the holiday. Mr. Zirkelbach stated if consistency in design is going to be placed on a workshop agenda, he would like to involve the P&Z Board. Referring to the Earth Boxes mentioned by Ms. Cornwell, Mayor Bryant stated the Ag Department at Palmetto High School sponsored that program, not the City. Ms. Cornwell also commented on benches that were in place but are not now being maintained.

Mrs. Lancaster

Requested when the task force will be visible in the targeted area. Chief Lowe will provide Commission the information. He described the target area as 12th St. Dr. from 5th to 8th Ave., 11th St. and 11th St. Dr. Mrs. Lancaster discussed the crime that is occurring in the area.

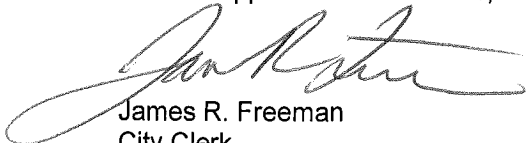
Inquired the status of the speed limit signs that are to be erected on 3rd Ave. Mr. Tusing stated they are meeting with Lt. Tyler to discuss the entire area that was reconstructed, as no signs are currently erected.

Inquired if Mayor Bryant has completed the CRA Advisory Board. Mayor Bryant stated she has an individual from Ward 1 CRA area that has been proposed to her and will make the information available when confirmed.

Mr. Williams asked Mr. Tusing if his budget proposal to the Mayor is forthcoming. Mr. Tusing stated he hoped to have the information to Mayor Bryant by the end of the week.

Meeting adjourned at 9:55 pm.

Minutes approved: June 1, 2009



James R. Freeman
City Clerk