

**PALMETTO CITY COMMISSION
JANUARY 25, 2010 - 7:00 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor (Not voting)
Tamara Cornwell, Vice Mayor
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner
Brian Williams, Commissioner
Alan Zirkelbach, Commissioner

Staff Present:

Mark Barnebey, City Attorney
Jeff Burton, Interim CRA Administrator
Garry Lowe, Chief of Police
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 pm.

Moment of Silence, followed by the Pledge of Allegiance.

Swearing-in of all persons intending to address City Commission or the CRA Board.

Public Comment:

Jane Von Hahmann, member of the Mandates Committee of the Manatee School Board, issued invitation for the Commission to attend a Legislative 101 forum Thursday night at Bradenton River High School. She commended the City for an "incredible job" hosting the Manatee County Fair.

Tony Katsamakakis addressed Commission regarding zoning on his property located at 314 8th Ave. W. He stated that because of the zoning and conditions placed in the Conditional Use Permit for the property he has lost a renter that had occupied the building for five years and subsequent rental possibilities have fallen through. Attorney Barnebey informed Commission he has spoken with Tom McCollum regarding the issue. The zoning is CC and the Conditional Use Permit has specific conditions that he has concerns about; the prohibition of auto repair on site and test driving of vehicles on public streets. He recommended that Mr. Katsamakakis apply to amend the Conditional Use Permit. Staff will contact Mr. Katsamakakis regarding the topic.

A letter from Willie and Lois Davis commending Brian Williams and Jeff Burton was read into the record.

Mayor Bryant congratulated Commissioner Zirkelbach as the recipient of the Senator Edgar H. Price, Jr. Humanitarian Award at the MLK Banquet.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant requested that Commission delete item four from the agenda and reverse the order of the topics in item three.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the January 25, 2010 7:00 PM Agenda with the deletion of item 4 and reversal of items 3A and B.

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: January 4, 2010
- B) December Check Register

- C) Special Function Permit: Vintage Wheels Antique Car Show
Slicks Garage Grand Opening
- D) Adopt-A-Shore Program Agreement
- E) Holy Cross Utility Easement

Commissioner Cornwell removed items C and E from the Consent Agenda for discussion.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to approve the January 25, 2010 Consent Agenda, with items C and E removed for further discussion.

Consent Agenda Item C

Vintage Wheels Auto Show: Staff confirmed that restrooms will be open in Sutton Park, 10th Ave. between 6th and 7th Streets will be barricaded and no police coverage is necessary.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to approve the Vintage Wheels Auto Show Special Function Permit.

Slicks Garage Grand Opening: Staff confirmed that the Noise Exception Permit for the band at Olympia Theater was attached to the Special Function Permit and that road closure signage would be posted in appropriate areas. Applicant Chris Humphrey confirmed surrounding businesses are participating in the event and an appointment to discuss the use of the church's parking lot has been made.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the Special Function Permit for Slicks Garage Grand Opening.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the Special Permit Exception to the City's Noise Ordinance for Slicks Garage.

Consent Agenda Item E

Holy Cross Easement: Mr. Tusing confirmed the City is accepting the Utility Easement from Holy Cross Manor, Inc. for the installation of water services to the new building, which requires the City crossing the existing building's site on the property. He confirmed that the easement had been recorded into the public records when received by the City.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to accept the Holy Cross Utility Easement, as described by Mr. Tusing.

3. MAYORAL 2010 APPOINTMENTS

A) Board Appointments

Mayor Bryant added the appointment of Walter L. "Mickey" Presha to the CRA Advisory Board and the appointment of Robert "Butch" Westbrook to the Code Enforcement Board and Nuisance Abatement Board. A copy of the 2010 appointment listing is attached hereto and made a part of these minutes.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the 2010 Appointments as amended.

B) Liaison appointments

Mayor Bryant stated that even though it has been the practice in prior years to appoint liaisons to City departments, she questioned if the practice is still necessary because she meets weekly with

all the department heads. She voiced her preference to utilize the Commissioners for various projects. Commission did not object to discontinuing liaison appointments.

5. DEP AGREEMENT NO. LP8966 GRANT EXTENSION

State Financial Assistance Agreement, DEP Agreement No. LP8966, was approved by Commission on January 12, 2009. The extension of this grant is for one year, ending January 31, 2011. Mr. Tusing stated the City is nearing completion of the evaluation of line, and now needs to compare what has been discovered to base information. He confirmed the City performs the work and then invoices the FDEP; the project will be completed in this budget year with available funds.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve and authorize the Mayor to execute Amendment No. 1 to the State Financial Assistance Agreement, DEP Agreement No. LP8966 for the Collection System Rehabilitation Program.

6. POLICE DEPARTMENT REACCREDITATION AGREEMENT

Authorization to enter into a Reaccreditation Agreement with the Commission for Florida Law Enforcement Accreditation for the next three-year accreditation cycle. Chief Lowe stated this is a three year continuing contract at a total cost of \$3,025.

Attorney Barnebey stated there are issues with the contract that needs to be resolved; the agreement can be amended without the consent of the City and the contract is with the City rather than with the Police Department.

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Reaccreditation Agreement with the Commission for Florida Law Enforcement Accreditation, subject to legal review, in an amount not to exceed \$3,025.

7. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT

Mr. Burton requested authorization to make application for an Energy Efficiency and Conservation Block Grant and award the costs associated with administering the grant. The grant is \$250,000 in federal stimulus money. He stated the CRA Advisory Board allocated \$10,000 for grant. He informed Commission that this is not a sole source, and that in addition to the one quote received, Angie Brewer & Associates is proposing to write the grant for \$4,200 which will only be due and payable if the City is awarded the grant. 20% of the grant is for administration, which will pay the proposed \$4,200 grant writing fee, if awarded, and the administration can then be bid. Mr. Burton further stated more points are awarded if there is a match, and the CRA is prepared to match the grant dollar-for-dollar.

Discussion ensued on what projects could be undertaken with the grant funds. Mr. Burton suggested the Finance Department could audit the grant, and the private sector could perform the actual work to complete projects.

Discussion also commenced on the requirements contained in the purchasing ordinance. Attorney Barnebey concurred that if an item is less than \$10,000 and is budgeted it is not necessary to acquire Commission approval; however, the Commission is not in the position to authorize a contract at this point because they have not been presented a contract. He acknowledged he could have a contract ready by the February 1, 2010 Commission meeting, if not sooner.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 4-1 to accept the application to move forward with the Energy Efficiency

and Conservation Block Grant, with a contract being presented either January 28, 2010 or February 1, 2010 for final approval and authorize staff to proceed with entering into the contract with Angie Brewer. Commissioner Varnadore voted no.

8. SIGN ORDINANCE STATUS UPDATE

The proposed sign ordinance, which Commissioner Zirkelbach stated was actually created in 2001, is currently being reviewed by Mr. McCollum. It is planned to present the ordinance to Planning and Zoning in February. Mayor Bryant asked that Commission submit their comments to either Mr. McCollum or Attorney Barnebey. Frank Woodard confirmed that public comments had been included into the newer version of the ordinance that was also distributed to Commission.

9. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)

Getting very close to having all documents together for the land exchange. As part of the land swap a survey needs to be done of the 10th Ave extension to obtain the right-of-way description and additional survey work needs to be completed on the perimeter of the Blackstone Park softball fields. Funding is not available for the surveys. While he does not have the exact amount, he stated it could be a total of approximately \$12,000. Attorney Barnebey confirmed he has had no discussion with the School Board regarding funds. Attorney Grimes, representing the land owner, will have the map of the property soon. Mr. Tusing requested that funds from the sale of the property be released to pay for the surveys.

Attorney Barnebey stated that to his knowledge there has been no discussion with the School Board regarding funds. He stated he has spoken with Caleb Grimes regarding receipt of the map. He confirmed the City will need the survey of 10th Ave. Mr. Tusing requested that the Commission approve a release of the funds from the sale of property not to exceed \$20,000.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to authorize Finance to allocate up to \$20,000 of the purchase money from the old Palmetto Elementary site for survey costs related to 10th Ave. and the ball fields.

Mr. Tusing reported he hopes bids will let late by early next week. Once the land swap is completed, the road can then be constructed. He hopes to have the property and surveys taken care of by end of February, after which the project can begin.

Mr. Tusing stated he has not conversed with the Little League recently, other than some correspondence concerning nets in the batting cages, which will have to be coordinated with Manatee County. He confirmed he will chart out a schedule for the project for Commission's next meeting.

The Little League has commented on the safety of the temporary mounds. Manatee County will be contacted about the safety issue.

10. DEPARTMENT HEADS' COMMENTS

Mayor Bryant reported that Mr. Freeman was at FEMA training in Maryland through the end of week.

Chief Lowe
No report

Mr. Tusing
No report

Attorney Barnebey
No report

11. MAYOR'S REPORT

Commented on the project status report that was distributed to Commission. The suspense log was emailed. She reviewed the top priorities currently being worked on and stated that she is adding the Nuisance Abatement ordinance for review. In conjunction to that ordinance's review, the Police Department is helping to set up a neighborhood meeting to establish a Neighborhood Watch.

It was consensus of Commission to order magnetic signs for their automobiles.

Mayor Bryant asked that the Commissioners sitting on boards give a brief report of meetings they attend. She reported that at the MPO meeting it was discussed that the increase in air quality standards will mean that neither Manatee nor Sarasota counties will be in compliance, which further supports the need to "go green" as much as possible.

12. COMMISSIONERS' COMMENTS

Mr. Williams

Stated he has been approached by one person who has purchased a foreclosed home for renovation and has asked if a motor home can be placed behind the home during construction. He suggested the City should look at a way to assist the purchasers trying to improve neighborhoods in such refurbishments. Code Enforcement will be asked to look at the ramifications of allowing such actions in the City's neighborhoods.

Stated that while he voted for the energy block grant application, he felt the presentation was incomplete; He stated he hopes that in the future Commission will get the information sooner and in a more complete form.

Ms. Varnadore
None

Mr. Zirkelbach

Reported on the recent Manasota League of Cities meeting where energy efficiency of cities and things that can be done in addition to street lighting was discussed. He reported Manatee County is the only community invited to participate in training happening in Maryland. He also commented on Manasota's development of a stronger position paper and its attempts to try to get 100% participation for a trip to Tallahassee.

Excited to hear about what's happening with the ball fields.

Ms. Cornwell

Stated she was not notified of the Historic Commission's board meeting; she will get an update.

Reported the fair was a huge success.

Inquired about the mobile home park visits. Ms. Varnadore opined there is a need to also have ward meetings for single-family homes that live outside associations. Ms. Cornwell suggested to record meetings and put on the web site. Discussion ensued on holding ward meetings prior to showing the Movie in the Park.

Mrs. Lancaster

Thanked Mr. Burton for the tee shirts, stating she preferred handing out the shirts.

Reported that the lady that has come before Commission numerous times regarding noise has informed her she has received a letter from an attorney threatening suit if she calls the police.

She stated she has been in the home and the sound is totally different. Mayor Bryant stated staff may have feedback by the next meeting.

Mayor Bryant reported on a meeting with First Baptist Church and Col. Pack from the Historic Center on the portables. She has asked that they look at a short and long-term solution. She inquired if the Historic Commission is interested in pursuing grant funding to purchase the property back from the church. The church has property on 10th Ave. that may be surplus.

Mrs. Lancaster reported the Enterprise Zone is developing a directory of businesses.

Mayor Bryant reported there is a business interested in moving into the City into a 7,000 to 10,000 square foot facility. Mrs. Lancaster reported the tire business has closed.

Mr. Burton

Reported that the CRA cannot do community policing, as it is not in CRA Plan.

Discussed plans to upgrade the billboard. The CRA Advisory can allocate funds to paint the existing advertisement. The CRA Plan contains an Imaging Plan. He would like to allow the local high schools to develop a new advertisement over the next budget year, with Commission selecting the final print. Attorney Barnebey stated a document giving the print to the City would be necessary. The document stating ownership of the billboard has not yet been located. Mr. Burton stated there is also a need to contact the entity currently renting the billboard on City property to remove sign.

Mayor Bryant requested that as Commission sees items needing attention that they email her.

Meeting adjourned at 9:10 pm.

Minutes approved: **Approved February 15, 2010 with a correction to the motion approving item #2 Consent Agenda, to properly reflect that Commissioner Williams seconded the motion and the motion carried 5-0.**

James R. Freeman

James R. Freeman
City Clerk