

**PALMETTO CITY COMMISSION**  
**APRIL 19, 2010 - 7:00 PM**

Elected Officials Present:

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

Staff Present:

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Karen Simpson, Deputy Clerk-Finance  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 pm, followed by a Moment of Silence and the Pledge of Allegiance.

A Proclamation was read by Commissioner Zirkelbach establishing Toastmasters Awareness Week, April 18-24, 2010. Accepting was Sharon Tarman, Vice President of Education for the Power Speakers of Manatee County Government Toastmaster Club

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

Public Comment (non-agenda items):

Glen Clover, Oak Square Consultants, gave a brief report on the Energy Efficiency Grant that was submitted but not awarded, as most City projects were replacement projects. Mr. Clover applauded City employees involved in the application preparation.

Ellen Leonard, attorney at law, stated she was appearing on behalf of Commissioner Mary Lancaster. Ms. Leonard read a statement regarding two ethics complaints filed against Commissioner Lancaster, stating the case was closed after no ethic violations were found, and no penalty was imposed. There was discussion regarding the inconsistency between the Charter and the City's website statement and written documents regarding the appointment of department heads. Attorney Barnebey requested that he be provided a copy of the Commission's opinion when published.

Bill Belle spoke of the lack of speed limit signs on 4th Street and a telephone pole on 4th Street at 15th Avenue that is protruding into the street. Mr. Tusing stated his understanding that FPL will replace the pole. Mayor Bryant stated the Police Department has been asked to look at the area around the church because of speeding; staff will look at the entire street and report back their findings. Mr. Belle also asked that the survey on website be easier to identify. Mr. Freeman reported the survey will also be included in the next two utility billings.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant requested the agenda be amended by moving item 11 to 4A.

**MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the April 19, 2010 7:00 PM Agenda as amended.**

2. CITY COMMISSION CONSENT AGENDA

A) Minutes: April 5, 2010

B) March Check Register

C) Special Function Permit: Palmetto Riverside B&B Wedding 5/15/2010  
Palmetto Riverside B&B Wedding 11/4/2010  
Palmetto Riverside B&B Wedding 1/22/2011  
Palmetto Riverside B&B Wedding 3/19/2011  
Palmetto Riverside B&B Wedding 4/16/2011

D) Noise Exception Permit: Palmetto Riverside B&B Wedding

E) Special Litigation Billing: Kirk Pinkerton

Commissioner Williams removed item C for discussion.

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve items A, B, D and E.**

Item C: The special function permit applications are being submitted to secure the approval for advance dates for weddings. Commission discussed if approvals for the Special Function Permits should be granted because of a recent decline to approve advance permitting for a specific event.

**MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 5-0 to approve item C of the Consent Agenda.**

3. PUBLIC HEARING: TRANSMITTAL OF ORDINANCE NO. 2010-05

Public hearing for the transmittal of a proposed amendment to the 2030 Comp Plan Future Land Use Map.

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, THE CITY OF PALMETTO COMPREHENSIVE PLAN; ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR AN AREA OF APPROXIMATELY 11.2 ACRES AT THE INTERSECTION OF 23<sup>RD</sup> STREET WEST AND THE FUTURE EXTENSION OF 10<sup>TH</sup> AVENUE WEST FROM PLANNED DEVELOPMENT (PD) TO GENERAL COMMERCIAL GCOM; ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR AN AREA OF APPROXIMATELY 2.1 ACRES AT THE INTERSECTION OF 17<sup>TH</sup> STREET WEST AND THE FUTURE EXTENSION OF 10<sup>TH</sup> AVENUE WEST FROM PUBLIC FACILITY (PF) TO GENERAL COMMERCIAL (GCOM); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Attorney Barnebey informed Commission that the ordinance is not yet ready for action because of advertising issues. The matter is part of the Palmetto Elementary and the 23rd Street relocation. Manatee Fruit Company is requesting that parcels 1, 2 and 3 be designated GCOM as part of the process. The City agreed to look at changing the designation of parcels 4 and 5 in 1998, which are being included in this amendment. The P&Z Board will have to also rehear the topic. This proposed amendment will extend the GCOM designation across all five parcels.

There was no further public comment.

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to continue the public hearing to May 17, 2010 at 7:00 pm or as soon thereafter as the item may be heard in these chambers.**

4. PUBLIC HEARING: TRANSMITTAL OF ORDINANCE NO. 2010-01

Public hearing for the transmittal of the proposed 2030 Comprehensive Plan to the Department of Community Affairs.

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 624 (THE CITY OF PALMETTO COMPREHENSIVE PLAN); ADOPTING AMENDMENTS TO THE DEFINITIONS SECTION, FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, SANITARY SEWER ELEMENT, SOLID WASTE ELEMENT, STORMWATER ELEMENT, POTABLE WATER ELEMENT, COASTAL MANAGEMENT ELEMENT, CONSERVATION ELEMENT, PARK, OPEN SPACE, AND RECREATION ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, CAPITAL IMPROVEMENT ELEMENT, AND PUBLIC SCHOOL FACILITIES ELEMENT OF THE CITY OF PALMETTO COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Commission is in the process of reviewing the document; therefore, the public hearing will be continued until May 17, 2010.

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to continue the public hearing to May 17, 2010 at 7:00 pm or as soon thereafter as the item may be heard in these chambers.**

4A. GRANT APPLICATION AUTHORIZATION: CAPITAL PHILANTHROPY GROUP

Staff is seeking authorization to contract with Capital Philanthropy Group as a sole source provider for the purpose of seeking grants related to the 23rd Street relocation, 10th Avenue extension and construction of a Little League Complex. Mr. Freeman reported the RFP for the project has been amended as discussed at the last meeting, to include all three projects. The item is considered sole source because of the firm's technical qualification; ability to submit the grant application at a particular time and the firm's existing relationship with YMCA.

Debra Gestner, Capital Philanthropy Group, reviewed a presentation on the history of the firm and grants it has secured for clients. She confirmed that proposed fees are specific to work only for the projects.

Ms. Gestner discussed how each grant would apply to the City's project. The grant applications that will be submitted are for:

- 23rd St. Road Relocation: State Road Trust Fund up to \$3 million based on new employment. The application will be for \$1.4 million.
  - Ball fields improvements: City of Palmetto dedicated funds as listed in the Capital Improvement Plan for the match for the State funds
- 10th Ave. Extension: CDBG-ED; \$700,000 to \$750,000 based on economic development; will be offset by some of the land assembly

She reported the YMCA Executive Committee has stated the 23rd Street location will be the number one location for a new YMCA if 23rd Street and 10th Avenue are built by the City. The site is also being considered because of the ability to install a swimming pool at the location at a future date. The YMCA Board will meet Thursday, after which a letter of commitment for the project will be issued. She also stated her understanding that Manatee County is researching the incorporation of monies for the pool into its budget within the next two years.

Additional funds for the YMCA and City are being pursued from private foundations, at no cost to the City. Manatee County has a grant application with the Rays; the Pirates will also be contacted. There is a possibility of \$100,000 in total grant funds.

Attorney Barnebey stated the contract is generally acceptable, with minor revisions. He suggested that one-half of the fees (\$22,500 which represents 50%) be paid when the CDBG grant is submitted and the balance when the Enterprise Road Trust Fund application is submitted. Mr. Freeman confirmed the first payment would be \$22,500, with the balance of up to \$22,500 due if awarded the funding.

Discussion occurred regarding Manatee County's possible contribution in the event the City should not receive grant funding. Manatee County's commitment includes maintenance and management of the ball field complex and to see the project to completion. Attorney Barnebey confirmed the contracts for the land swap will be coming to Commission possibly as early as May 3, 2010.

Ms. Gestner confirmed the YMCA will sign an affidavit before the City receives a contract; i.e. the application will be filed, issuance of a letter stating the application is complete and approved by the board will be received, which triggers the legal funding agreement from the Office of Tourism and Economic Development; all the documents will be received by the City and the City will be responsible for getting the executed affidavit. If the grant is approved but YMCA withdraws, the final balance will not be due Capital Philanthropy Group.

Ms. Gestner briefly described a possible third grant application should funding for the Road Trust and CDBG not be awarded. She stated there will be no fee associated with its submittal.

Attorney Barnebey questioned whether payment would be expected if the commerce grant has to be filed. Ms. Gestner confirmed payment would be due at the time of application.

Attorney Barnebey commented that there could be a delay entering into contracts authorizing construction. Ms. Gestner stated the RFP was written in phases so that if the Road Trust Fund is constructed with the ball fields as a match, the City will not have to deal with federal documents. She stated 10th Ave. can be done after the ball fields, and will be subject to federal documents unless there is an opinion from counsel stating otherwise. Mr. Freeman confirmed that the RFP has design, permitting and construction of 23rd slated for August, 2010 and design and permitting for 10th Avenue slated for April, 2011.

**MOTION: Commissioner Williams moved and Commissioner Zirkelbach seconded to authorize Capital Philanthropy Group, as a sole source provider, to apply for various grants on behalf of the City for the 23rd St. relocation, 10th Ave. extension and construction of a Little League Complex, and to authorize the Mayor to execute the contract with Capital Philanthropy Group, contingent upon City Attorney approval.**

Discussion: Commissioner Lancaster voiced concern because the letter of commitment has not been received from the YMCA. Ms. Gestner again reiterated the Executive Committee of the YMCA has approved the project. Mayor Bryant confirmed the YMCA is very interested in pursuing the location as a possible location for a new YMCA, stating Mr. Allison requested the meeting with the involved parties.

**Motion on the floor carried 4-1. Commissioner Lancaster voted no.**

5. AWARD OF BID FOR US 41 & RIVERSIDE DRIVE PROJECTS

Award of bid for the Riverside Dr. at 8th Ave. project and the Riverside Improvements project. The project will extend the left-turn lanes onto Riverside Dr., close left turns onto 8<sup>th</sup> Ave. and will widen Riverside Dr. to 9<sup>th</sup> Ave. Mr. Tusing stated five bids were received. The cost of the project will be funded by the CRA and MPO.

**MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 4-1 to award the bid for the US 41 (8th Ave. W) and Riverside Drive Project, COP Job #06-535 and the Riverside Drive Improvement Project, COP Job #09-608, to Superior Asphalt, Inc. in an amount not to exceed \$134,944.30. Commissioner Williams voted no.**

6. APPROVAL OF SURPLUS PROPERTY

The Police Department proposes to declare five vehicles as surplus and consign them for auction. Lt.

**MOTION: Commission Varnadore moved, Commission Lancaster seconded and motion carried 5-0 to declare police vehicles #610, 611, 672, 674 and 681 as surplus property.**

7. APPROVAL OF PLANNING SUPERVISOR/ZONING ADMINISTRATOR POSITION

Staff seeks approval of a revised job description for the City's Planning Supervisor/Zoning Administrator position and authorization to advertise and fill the position. The budget that was allocated for the consultant that has served as the Interim City Planner will be exhausted before the end of the year. Staff feels it is to the benefit of the City to hire a full time planner. A budget resolution to fund the position through the end of the year is also presented for approval. It is anticipated the position will be filled at the mid point of the pay scale. Discussion ensued on what the monthly fixed fee for the consultant has covered, and what is considered special services outside the scope of services.

**MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the Planning Supervisor/Zoning Administrator job description and authorize staff to advertise and fill the position.**

B) RESOLUTION NO. 2010-12

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to adopt Resolution No. 2010-12.**

8. GRANT APPLICATION AUTHORIZATION: NATIONAL PARK SERVICE

Mr. Burton requested approval to apply for a Save America's Treasures Grant through the National Park Service to redevelop historic Riverside Park and Riverside Drive. The CRA plan for the Riverside Park previously approved depicts the relocation of the bait shop to the pavilion area, repair of seawall, sidewalks, installation of docks and an amphitheater. The grant will not facilitate the implementation of

the Plan; the repair of the seawall will be the focus of the grant. A copy of the CRA plan will be provided to Commission.

**MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the application for a National Park Service Save America's Treasures Grant**

9. RESOLUTION NO. 2010-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, MANATEE COUNTY, FLORIDA, REGARDING OFF-SHORE OIL AND GAS DRILLING IN FEDERAL WATERS IN THE GULF OF MEXICO; STATING THE POSITION OF THE CITY COMMISSION AS BEING AGAINST ALL OIL AND GAS DRILLING IN STATE WATERS IN THE GULF OF MEXICO; AND SETTING FORTH FINDINGS.

**MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 4-1 to adopt Resolution No. 2010-13. Commissioner Williams voted no.**

10. AUDIT OF CITY ELECTRIC BILLING

Staff proposes a professional review of the City's electricity bills to recover any overpayments related to anomalies in metering or usage of utilities. There is no fee unless associated with the audit unless the City receives a refund. The fee will then be 50% of the amount received. Attorney Barnebey confirmed he has accepted the contract.

**MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Agreement with MARN Enterprises LLC dba URC for a review of City electricity accounts for potential credits or refunds.**

12. APPROVAL: PLANNING SERVICES CONTRACT RENEWAL

Staff proposes renewal of the ZNS Planning Services contract on a month-to-month basis until terminated by the City. Mayor Bryant indicated that the firm has agreed to do what is necessary until the position is filled by the City. Staff was asked to supply Commission an accounting of what is outstanding.

**MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Extension of Agreement for Planning Services setting the General Planning Services at a fixed prorated monthly fee of \$4,150, and naming Tom McCollum as the Interim City Planner.**

13. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)

The RFP for the projects have been given to newspaper. The projects have been broken into segments and phases. Phase I will be a qualifying of the top three bids and Phase II will then award the bid.

14. DEPARTMENT HEADS' COMMENTS

Attorney Barnebey  
No report.

Mr. Tusing  
No report.

Chief Lowe  
No report.

Mr. Freeman  
The Interim City Planner has charged \$125 per hour for Comp Plan services.

The next date for the Comp Plan review was scheduled for May 3, 2010.

Requested that Commission forward their pictures for the website. Staff is locating photographs on file.

Survey for Sunday sales of alcohol is on the website and an insert of the survey will be included in the utility bills. The survey will be on website for one month.

The quarterly budget review is available. Mr. Freeman asked Commission to let him know if they wish it to be included on a future workshop. He reported they are closely monitoring the water/sewer account. He anticipates ad valorem income to decline by 10%, but that could be offset by relief on the pension side.

Received 30 responses from the RFQ for Engineering Services.

City employees are doing a Treasure & Trash event Saturday from 8:00 am to 3 pm in the City parking lot across from Taylor & Fulton to benefit a fellow employee's child that is ill.

#### 15. MAYOR'S REPORT

The Business Advisory Committee will meet April 29 at 5:30 pm. The property owner would like Commission to tour the building next door.

Reiterated her desire for a policy and check off list for City issued business tax licenses.

Three condemned residential structures have been demolished. Once a letter of authorization is received from the owner of the blue motel, it will be demolished and a lien placed on the property.

Received Ed Bennett's resignation from the P&Z Board. The P&Z Board would like to meet with Commissioners to discuss the proposed ordinance. Suggested that as a compromise, a majority of the members would be required to live in the City.

#### 16. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Mr. Burton stated no response has been received concerning the CBI Building. Conversation with the Fire Marshall regarding securing the building has been held. A letter has been drafted to Dr. Alkire setting a deadline for response; thereafter the CRA will go to bid.

Discussed her vote on the grant approved earlier in the meeting.

Mr. Tusing confirmed that there has been some reduction in City services. He stated that the top portion of the ditch bank will be cleared as soon as possible.

Ms. Cornwell

**Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to extend the meeting by 15 minutes.**

Requested that consultant fees be monitored and a table be developed of the expenses so Commission knows how to move forward.

The DeSoto Parade is Saturday.

Thanked department heads for a quick response to her inquiry.

Mayor Bryant requested that staff confirm that a permit had been obtained for the installation of a window in the commercial building on 5th Street.

Mr. Zirkelbach

Requested that Mr. Freeman look at the planning services contract in LaserFiche that was approved in July, as the agenda packet had no documentation.

Ms. Varnadore

Mr. Tusing stated the church has not come back before DRC regarding the temporary structures. Commissioner Zirkelbach stated Jon Moore has been hired to do the drawings. Attorney Barnebey stated there is nothing in the Code that sets a reasonable time for completion and suggested they should be reminded that they need to come back to the City regarding the structures.

Mr. Williams

Inquired if the City has records of graves outside of the cemetery, reporting there are two grave markers on property close to 312 12th St.

Commented on the project at the Estuary Park. A report will be provided Commission.

Meeting adjourned at 10:10 pm.

Minutes approved:

*James R. Freeman*

James R. Freeman  
City Clerk