

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
October 18, 2010  
7:00 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor  
Tamara Cornwell, Vice Mayor, Commissioner-at-Large 2 (entered at )7:05  
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  
Jeff Burton, CRA Director  
Jim Freeman, City Clerk  
Lorraine Lyn, City Planner  
Allen Tusing, Public Works Director  
Rick Wells, Chief of Police  
Diane Ponder, Deputy Clerk-Administration

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

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

Public Comment (non-agenda items): None

1. CITY COMMISSION AGENDA APPROVAL

**MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 4-0 to approve the October 18, 2010 7:00 PM Agenda. Commissioner Cornwell was not present for the vote.**

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: September 27 and October 4, 2010 Workshop and Commission
- B) September Check Register
- C) Bryant Miller Olive Special Legal (Labor issues)
- D) Persson & Cohen, PA Special Legal
- E) Corrective Documents relating to Palmetto Elementary School site
- F) MPO Tamiami Trail Brownfields Revitalization Initiative Coalition
- G) Special Function Permit: Palmetto B&B Weddings: November 20, 2010,  
March 13, March 25, April 9, April 23, April 30, October 8, October 15,  
and November 5, 2011

**MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 4-0 to approve the October 18, 2010 Consent Agenda. Commissioner Cornwell was not present for the vote.**

3. PUBLIC HEARING: ORDINANCE NO. 2010-01

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. Attorney Barnebey recommended this item be continued until Commission has completed its review of the revised Comp Plan. There was no public comment.

**MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 2010-01 until October 25, 2010 at 5:30 p.m., or as soon as the item may be heard, in these chambers.**

Commission discussed the need for an additional workshop on the revised Plan. Attorney Barnebey confirmed that the workshop could begin at 5:30 p.m., and the meeting for the public hearings could begin immediately following the conclusion of the workshop.

**MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 4-1 to schedule a workshop to discuss Ordinance 2010-01 for October 25, 2010 at 5:30 p.m. Commissioner Cornwell voted no.**

4. PUBLIC HEARING: ORDINANCE NO. 2010-05

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 2.1 ACRES AT THE INTERSECTION OF 17<sup>TH</sup> STREET WEST AND THE FUTURE EXTENSION OF 10<sup>TH</sup> AVENUE WEST (PARCEL 1) FROM PUBLIC FACILITY (PF) TO GENERAL COMMERCIAL (GCOM); ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR AN AREA OF APPROXIMATELY 14.0 ACRES AT THE INTERSECTION OF 23<sup>RD</sup> STREET WEST AND THE FUTURE EXTENSION OF 10<sup>TH</sup> AVENUE WEST (PARCELS 2, 3 AND THE HALF RIGHTS-OF-WAY FOR 10<sup>TH</sup> AVENUE WEST ADJOINING PARCELS 2 & 3) FROM PLANNED DEVELOPMENT (PD) TO GENERAL COMMERCIAL (GCOM); ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR AN AREA OF APPROXIMATELY 14.0 ACRES LOCATED EAST OF 8<sup>TH</sup> AVENUE WEST, NORTH OF 23<sup>RD</sup> STREET WEST, AND WEST OF BUSINESS U.S. HIGHWAY 41 (PARCEL 4) TO DESIGNATE THE PROPERTY AS GENERAL COMMERCIAL (GCOM); ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR AN AREA OF APPROXIMATELY 29.0 ACRES LOCATED EAST OF BUSINESS U.S. HIGHWAY 41, NORTH OF 21<sup>ST</sup> STREET WEST AND WEST OF BAYSHORE ROAD (PARCEL 5) TO DESIGNATE THE PROPERTY AS 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. This item is specifically tied to baseball field agreements and a 1998 agreement that was never fully considered by Commission. Attorney Barnebey recommended continuing the item until October 25, 2010 at 5:30 p.m. There was no public comment.

**MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 2010-05 until October 25, 2010 at 5:30 p.m., or as soon as the item may be heard, in these chambers.**

5. RESOLUTION NO. 2010-33

Resolution 2010-33 is a budget amendment to address carry-forward encumbrances.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2010-29, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2010-2011, AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 2010-33.**

6. CODE ENFORCEMENT LIEN REDUCTION

Palmetto Funding, LLC is requesting a reduction in a Code Enforcement lien on property located at 98 US 41 N. that was the subject of a mortgage foreclosure. The request is for reduction of the lien amount from \$48,600 to \$5,000.

Code Enforcement Director Bill Strollo discussed the filing of the lien against the owner of the property at the time of the code enforcement action, July 8, 2008. At the completion of the foreclosure proceedings through the courts, Palmetto Funding took possession September 9, 2008.

Attorney Barnebey informed Commission that Palmetto Funding has raised an argument regarding the priority of the lien. Mayor Bryant opined that while she is never in support of reducing a lien, in this case it will be appropriate to do so. Attorney Barnebey recommended placing a 30-day time period on the payment of the lien.

Jeff Burton, Interim CRA Administrator, requested that the item be tabled until the next Commission meeting. He would like to investigate the possible purchase of the property.

Commissioner Zirkelbach requested that Attorney Barnebey research the prevailing party issue before the item is considered.

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to table the item until the next Commission meeting.**

7. ACCESS LICENSE AGREEMENT WITH 600 PALMETTO, L.C.

The Agreement will allow vehicles accessing City Hall from 5<sup>th</sup> Street to cross over property owned by 600 Palmetto, L.C. Mr. Tusing discussed the improvements and the maintenance the City will perform on the paved area granting the access.

**MOTION: Commissioner Varnadore moved, Commission Williams seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Access License Agreement between 600 Palmetto, L.C. and the City of Palmetto.**

8. JOB DESCRIPTION APPROVAL

Mr. Burton proposed a part time temporary GPS Field Technician/GIS Assistant position that will be filled by a high school or college student. The position will be for approximately ten hours a week. The funding will be from the amount that had been budgeted for VISAT Volunteers, which has been terminated in Manatee County.

**MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 5-0 to approve the Part-Time Temporary GPS Field Technician/GIS Assistant Job Description and the addition of Grade100P to the City Grade and Step Plan.**

9. RESOLUTION NO. 2010-34

Resolution No. 2010-34 will establish the budget for the first FECC Grant award.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2010-29, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2010-2011, AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Resolution No. 2010-34.**

10. 1<sup>st</sup> READ AND ADVERTISING APPROVAL: ORDINANCE NO. 2010-12

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES; ZONING CODE, TO ADD CHILD CARE CENTER AS A PERMITTED USE IN THE COMMERCIAL CORE (CC) DISTRICT WITHIN THE SCHEDULE OF PERMITTED USES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Lancaster moved and Commissioner Zirkelbach seconded to approve Ordinance No. 2010-12 for advertising and schedule public hearings for November 1, 2010 and November 15, 2010.**

Commissioner Varnadore opined it would better serve the City for the topic to be a conditional use because of the broad scope of the commercial core.

**Motion on the floor carried 3-2. Commissioners Varnadore and Williams voted no.**

11. DISCUSSION OF DEPARTMENT HEAD COMPENSATION SCHEDULE

Mayor Bryant referred to the information that was provided, stating that as discussed at the CRA Advisory Board, it is her intent to nominate Mr. Burton as the CRA Director. Mr. Freeman confirmed that \$78,660 is what is currently budgeted for the position. Discussion ensued on Mr. Burton's compensation amount as a vendor. Mayor Bryant recommended Mr. Burton's salary be established at approximately \$79,000 plus the use of an available City vehicle; she concurred that the budgeted amount would be sufficient.

Mayor Bryant stated there remains one Public Work issue, but she is making no other changes at this time.

12. CRA DIRECTOR NOMINATION

**MOTION: Commissioner Zirkelbach moved, Commissioner Varnadore seconded and motion carried 5-0 to approve the nomination of Jeff Burton as CRA Director for a term concurrent with Mayor Bryant's term, at \$78,660, with a car available.**

13. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Attorney Barnebey reported that the due diligence is being performed and discussed various items that will be coming to Commission in the near future.

#### 14. DEPARTMENT HEADS' COMMENTS

Attorney Barnebey

Discussed some of the items being prepared by his office.

Mr. Tusing

Reported his department has removed a diseased oak tree from City Hall parking lot. Staff is going to correct the median where the tree was located before replanting.

Mr. Freeman

Reported that the code enforcement lien settlement that was approved by Commission, subject to payment within 30 days, has not been received and the time limit has expired. Mr. Freeman confirmed the property management company has been contacted about the payment. He stated his intention to bring the topic back to Commission to accept or reject the settlement. It was consensus of Commission to return the check.

The CRA Advisory Board is requesting a joint meeting with the CRA Board. Because of the amount of material that will be reviewed, a special meeting was scheduled for November 9, 2010 during the regular CRA Advisory Board meeting.

Chief Wells

Discussed the Uniform Crime Statistic report, commending his officers on a job well done. He will provide Commission with a breakdown of the data on a monthly basis, with a comparison of this year to last year.

In response to Mrs. Lancaster's inquiry, he reported that if a call is received reporting a crime, a report is generated.

Reported his department is working closely with Crime Stoppers to talk about cold cases and development of flyers to get information out on the cases.

#### 15. MAYOR'S REPORT

Attended the Elks Club ceremony acknowledging first responders; Palmetto will be included in the program next year.

Commission concurred that they wished to continue the review of the Comp Plan at the conclusion of agenda business.

#### 16. COMMISSIONERS' COMMENTS

Ms. Cornwell

Regarding item #10, Attorney Barnebey confirmed that the title of the ordinance can be amended before noticing the public hearing; Commission can reconsider the matter and advertise the title for a permitted or conditional use.

**MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to reconsider item #10 on the agenda.**

**MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to approve Ordinance No. 2010-12 for advertising and schedule a public hearing for November 1 and November 15, 2010, allowing for the possibility for child care centers to be a permitted use or a conditional use in the Commercial Core (CC) district.**

Ms. Varnadore

Discussed the Council of Governments meeting recently viewed on TV, and voiced concern regarding how an item is placed on the agenda now vs. when the meetings first began occurring. Mayor Bryant stated she will contact the County regarding the topic.

Ms. Cornwell

Regarding the *Quality Cities* magazine keeping a calendar of events, she suggested the CRA should inquire about the City participating. Mr. Tusing confirmed Mr. Seger is preparing City events information for submission to the magazine.

Mrs. Lancaster

Attorney Barnebey will meet with Mrs. Lancaster regarding the lien reduction.

Mr. Freeman stated the Ward 1 Phase II contract will be placed on the November 1, 2010 agenda for approval. He reported the grants consultant has informed him the grant contract has been executed by the State. Mr. Tusing reported the contractor will have to sign the contract documents after inclusion of required CDBG documents. He also inquired, on the contractor's behalf, if Commission wished to delay the start of the project until after the holidays, because the contractor will take time off at Thanksgiving and the week of Christmas.

Commission set a time certain end of the meeting at 9:00 p.m.

Discussion on the Comp Plan continued.

Discussion ensued on a FAR above 1 requiring Commission approval and the possibility of placing stipulations requiring a super majority vote to approve higher density.

Commission held discussion on general topics within the Comp Plan. The following amendments, excluding punctuation and grammatical notations, were made to the Plan:

Page 38: Criteria will be developed for when it is appropriate to annex land. Attorney Barnebey opined that to some extent, a strategy is currently in place.

Page 39: Policy 1.13.1 Discussion ensued on "precise boundary lines", as they refer to the ability to flex private boundary lines by 150'. Attorney Barnebey opined that pertaining particularly to downtown, and using as an example a church in the downtown area, the policy suggests that a boundary line can be extended 150' further west if the development in approved. Discussion ensued on how the transition is meant to operate in a residential area located next to commercial area. Ms. Lyn suggested that a super majority vote could be used in approving a project that would fall into this type of scenario and how the super majority vote would have to occur. Commission concurred that this policy needs further review.

Page 47: Staff was asked to ensure that the Future Transportation Circulation map agrees with the tables.

Page 51: Policy 3.6.4 Discussion ensued on why bonuses would be given. Attorney Barnebey recommended that the language read ..."will grant a density bonus to allow a maximum density of 16 du/ac".

Page 54: Farm Worker Housing Discussion ensued on Policies 3.9.1 and 3.9.2. Attorney Barnebey confirmed that the housing is permitted in the RM-6 category as a conditional use. Commissioner Varnadore requested that conditional use permits be provided on the farm worker housing that currently exists in the City.

Review of the Comp Plan ended at page 56.

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Meeting adjourned at 9:05 p.m.

Minutes approved: November 1, 2010

*James R. Freeman*

James R. Freeman  
City Clerk