

PALMETTO CITY COMMISSION MEETING
November 1, 2010
7:00 PM

Elected Officials Present:

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

Elected Officials Absent:

Alan Zirkelbach, Commissioner-at-Large 1

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

Call to order at 7:00 pm followed by a Moment of Silence in honor of Keith McCloskey, and the Pledge of Allegiance.

Proclamations: Farm City Week, November 12-20, 2010

Accepted: Ann Marshall and Gretchen Leclezio, Farm City Week Committee

Pancreatic Cancer Awareness Month, November 2010

FPL Energy Efficiency Program

Accepted: Don Sayre, Florida Power & Light

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

Public Comment (non-agenda items):

Brad Buckley, 751 10th St. E., commented on Section 4-2 of the Code regarding consumption of alcohol, stating that the Morning Breeze Restaurant on 10th Street, W. is allowed to sell alcohol, yet it cannot be consumed in the restaurant. He opined the ordinance needs to be revised to allow consumption on the premises of the restaurant.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant requested that items #3 and #11 be removed from the agenda and added item 2F- Special Function Permit for Palmetto B&B and item 2G - Noise Exception Permit for Maria Munoz.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 4-0 to approve the November 1, 2010 7:00 p.m. Agenda.

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: October 18, 2010 Workshop and Commission
- B) Business Information Systems, Inc. (BIS) Support Agreement Renewal
- C) Special Function Permit: Eccentric Otter
- D) Special Function Permit: Martin Luther King, Jr. Parade
- E) Noise Exception Permit: Placido Antunez
- F) Special Function Permit: Palmetto B&B
- G) Noise Exception Permit: Maria Munoz

Items D through F were removed from the Consent Agenda for discussion.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 4-0 to approve items A, B and C of the November 1, 2010 Consent Agenda.

Item D - Martin Luther King, Jr. Parade: Discussion was held regarding the expenses associated with the 12 police officers needed for the parade. Chief Wells stated he will arrange for as many reserve officers as possible to volunteer for the duty and then supply a final expense amount for the Police Department. Mayor Bryant suggested approving the Special Function Permit, subject to the final expense amount being supplied when determined. Chris Lukowiak, Palmetto Youth Center, thanked Commission for the consideration given to costs associated with the parade.

Item E - Noise Exception Permit for Palcido Antunez: The applicant was advised that if complaints are received by the Police Department they will visit the event ask that the music be turned down. If a second visit is required the music will be turned off.

Item F - Special Function Permit for Palmetto Riverside B&B: After discussion regarding the parking, the permit was deferred to the November 15, 2010 meeting to give staff the chance to address parking for the event.

Discussion ensued on the general practice that has occurred regarding approved Noise Exception Permits. Attorney Barnebey confirmed that the Code does not contain a specific provision in Section 5-7 stating that if an applicant is notified they must stop the music; the permit allows the applicant to violate the noise ordinance for the time frame in the application. Chief Wells stated they do not respond during the time frame listed on an approved permit and questioned even having the Noise Exception Permit. Attorney Barnebey stated that the permits should be reviewed and approved on a case by case basis, and apply stipulations as appropriate. If no special exception is granted, the standard would be that the music must be turned down, no matter the time. The special exception permit grants a time frame for noise exception, unless stipulations are placed on the application.

Staff was directed that the Noise Exception Permit should be amended to allow for stipulations.

MOTION: Commissioner Williams moved, Commissioner Lancaster seconded and motion carried 4-0 to approve the special exception for music from 7:00-10:00 p.m.

Chief Wells will have Officer Martinez call the applicant to fully explain the approved permit.

Item G: Noise Exception Permit for Maria Munoz

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 4-0 to approve the Noise Exception Permit for 6:00 – 10:00 p.m.

Item D: Special Function Permit-Martin Luther King, Jr. Parade

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 4-0 to approve the Special Function Permit, subject to actual cost of police officers that will be required.

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 reopened the public hearing continued from October 18, 2010. After no public comment, the public hearing was closed.

Attorney Barnebey reviewed the Future Land Use Map amendment made during the 4:30 p.m. workshop. If certain planned projects do not happen, staff will come back to Commission and make a recommendation.

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 2010-01, with the amended Future Land Use Element Map (FLUM), with changes to Policies 3.6.2, 3.7.1 and 5.1.4 as outlined in the workshop discussion, and changes identified by Lorraine Lyn.

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 17TH STREET WEST AND THE FUTURE EXTENSION OF 10TH 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 23RD STREET WEST AND THE FUTURE EXTENSION OF 10TH AVENUE WEST (PARCELS 2, 3 AND THE HALF RIGHTS-OF-WAY FOR 10TH 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 8TH AVENUE WEST, NORTH OF 23RD 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 21ST 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 reopened the public hearing continued from October 18, 2010. After no public comment, the public hearing was closed.

Attorney Barnebey announced that these proposed changes have also been incorporated into the previously adopted ordinance. This ordinance will allow changes to the FLUM relating to two parcels which should have had a Comp Plan amendment in 1998, and to the three parcels related to the ball field project.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 4-0 to adopt Ordinance No. 2010-05, as recommended by staff.

5. 1st PUBLIC HEARING 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 OR CONDITIONAL 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.

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

The ordinance was noticed to allow Commission to decide if the proposed child care amendment to the Zoning Code should be a permitted or conditional use. Discussion ensued on the topic, resulting in consensus from the Commission that it should be added to the Zoning Code as a conditional use in the CC district.

Mayor Bryant announced that the second public hearing will be held November 15, 2010 at 7:00 p.m., or as soon thereafter as the item can be heard, in these chambers.

6. RESOLUTION 2010-22

Proposed Resolution 2010-22 to establish a City wide budget policy was deferred to the November 15, 2010 meeting.

7. CRA ADVISORY BOARD MEMBER APPOINTMENT

Jeff Burton reviewed Rev. Sellars' credentials and opined he will bring wisdom to the CRA Advisory Board and will and represent the area quite well.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 4-0 to approve the appointment of McArthur Sellars to the CRA Advisory Board for a term ending January, 2012.

8. CANVASSING BOARD APPOINTMENT (J. Freeman)

Pursuant to Section 12-10 of City Code, the City Clerk and Mayor are to be appointed to the Canvassing Board.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 4-0 to appoint the City Clerk and Mayor to the Canvassing Board for the General Election to be held on November 2, 2010.

9. CONTRACT APPROVAL: WARD 1 PHASE 2

The contract is between the City of Palmetto and Gator Grading and Paving, LLC for construction activities associated with the Ward I Phase II project.

MOTION: Commissioner Williams moved, Commissioner Lancaster seconded and motion carried 4-0 to approve and authorize the Mayor to execute the contract between the City of Palmetto and Gator Grading and Paving LLC for construction activities associated with the Ward I Phase II project in an amount not to exceed \$2,277,764.50.

Signs announcing that the project is being funded by the CRA and CDBG funding are being developed and will be placed on site. Construction will begin after the holidays.

10. EXTENSION OF DUE DILIGENCE FOR PHASE II PALMETTO BALLFIELD AND DEDICATION AGREEMENTS

Mayor Bryant requested that a meeting be scheduled to discuss the topic, as a decision must be made by November 8, 2010. The topic was deferred to a Special City Commission meeting scheduled for November 3, 2010, beginning at 5:30 p.m.

11. FINANCE REORGANIZATION

Proposed reorganization of the Finance Department as was deferred to the November 15, 2010 Commission meeting.

12. 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. Mr. Burton asked for an extension of time to allow him to contact the property owner regarding the possibility of the CRA purchasing the property. Commission agreed, instructing that the topic be placed on the November 15, 2010 Commission meeting agenda.

13. EXTENSION OF CITY ATTORNEY CONTRACT

Attorney Barnebey stated the firm has prepared the extension of the contract to the first organizational meeting after the 2012 general election. The proposal will freeze the rate until the maturity of the contract.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 4-0 to approve Kirk Pinkerton as City Attorney for the City of Palmetto for the period from November 1, 2010 until the organizational meeting in January, 2013, at a monthly cost of \$18,333 or \$220,000 per year.

14. 1st READ & ADVERTISING APPROVAL: ORDINANCE 2010-15

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, VACATING PORTIONS OF 8TH AVENUE WEST AND 23RD STREET WEST, AS MORE PARTICULARLY DESCRIBED IN SECTION 2 OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 4-0 to approve Ordinance No. 2010-15 for advertising and schedule a public hearing November 15, 2010.

15. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 2010-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO RELATING TO REAL PROPERTY; PROVIDING PURPOSE, INTENT, DEFINITIONS, AND APPLICABILITY, REQUIRING MORTGAGEE REGISTRATION RELATING TO REAL PROPERTY MORTGAGES IN DEFAULT; PROVIDING FOR AN ELECTRONIC FORM OF REGISTRATION; REQUIRING MAINTENANCE OF CERTAIN REAL PROPERTY BY PROPERTY OWNERS AND MORTGAGEES, PROVIDING SECURITY REQUIREMENTS; PROHIBITING OBSTRUCTION OF CODE ENFORCEMENT OFFICERS; PROVIDING FOR IMMUNITY OF CODE ENFORCEMENT OFFICERS; PROVIDING FOR ADDITIONAL MAINTENANCE AND SECURITY REQUIREMENTS; PROVIDING SUPPLEMENTAL AUTHORITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 3-1 to approve Ordinance No. 2010-16 for advertising and schedule a public hearing November 15, 2010. Commissioner Williams voted no.

16. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 2010-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 17, ARTICLE III, OF THE CODE OF ORDINANCES, TO REVISE THE REQUIREMENTS RELATED TO THE PROVISION OF ATTAINABLE HOUSING; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Lancaster moved, Commissioner Varnadore seconded and motion carried 4-0 to approve Ordinance No. 2010-17 for advertising and schedule a public hearing November 15, 2010.

Commissioner Varnadore requested that item #17 be placed on a workshop before moving forward for first reading, provided it is not a time sensitive issue. Attorney Barnebey stated it will resolve an on-going dispute between two property owners and will have an impact on properties throughout the City. Commissioner Cornwell requested information on the properties being affected by the proposed ordinance and the parameters of stipulations joint owners can apply to one another. It was consensus of Commission to place the item on the November 15, 2010 workshop agenda and then move it forward to the 7:00 p.m. agenda for action.

17. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 2010-19

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, SECTION 28-74, TO ADD PROVISIONS RELATED TO THE JOINT USE OF PARKING FACILITIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant recessed the City Commission meeting at 9:00 p.m. to open the November 1, 2010 CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 9:10 p.m.

18. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)

No report. Mayor Bryant announced the Special City Commission Meeting scheduled for Wednesday, November 3, 2010 beginning at 5:30 p.m.

19. DEPARTMENT HEADS' COMMENTS

Allen Tusing

Reminder that on November 4, 2010 the railroad will be coming through and four streets will be blocked. Mr. Tusing was asked to alert the schools of the street closures.

Signs will be placed in the construction areas to let people know the polls will be open.

Jim Freeman

Announced Public Works is doing reconfiguration construction of curbing and traffic flow at City Hall relating to Access Agreement recently approved by Commission.

Commented on the markings in the City Hall parking lot in preparation of installation of the new generator.

Chief Wells

Manatee County is making modifications on 17th St. and they will be placing signage alerting the public the road will be open during voting hours. Chief Wells confirmed an officer will be on site during voting to ensure there are no issues.

Attorney Barnebey

Thanked Commission for his firm's contract extension.

19. MAYOR'S REPORT

Announced the Halloween Social at the Historic Park went very well.

20. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Mr. Tusing stated he will personally check on the school bus going through Palmetto Mobile Home Park. The times of the bus route are 7:10 a.m. and 3:50 p.m.

Mr. Tusing stated it is his department's position that they want everyone in the City to have reuse. He is not aware of any plan not to serve 13th Street with reuse water.

Ms. Cornwell

Suggested that for individuals needing language assistance, she would like to work toward a goal of having City forms in English and Spanish. She suggested that at the very least the forms should ask if language assistance is necessary. Mayor Bryant suggested that when necessary, an on-duty Hispanic officer may be able to attend a meeting to offer interpretation.

Requested that the noise ordinance be placed on a future workshop agenda.

Stated that Halloween went smoothly - City is a wonderful place in which to have children.

Ms. Varnadore

Reminder that she asked for a list of conditional use permits that have been granted for farm worker housing.

Mr. Williams

No report.

Meeting adjourned at 9:30 pm.

Minutes approved: November 15, 2010

James R. Freeman

James R. Freeman
City Clerk