

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
December 6, 2010  
7:00 PM**

Commission Members 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  
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 Williams seconded and motion carried 5-0 to approve the December 6, 2010 7:00 PM Agenda.**

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: November 15, 2010
- Special Function Permit: First Fridays (On Fifth)  
The Main Event  
Vintage Wheels Car & Truck Show
- C) Noise Exception Permit: First Fridays (On Fifth)
- D) Lease approval: Public Works copier replacement
- E) Lease approval: Police Department copier replacement
- F) Agreement approval: DSM Discover/Capacity Planner Assessment
- G) Police Department air-conditioning upgrades (IT room)
- H) 2011 Holiday Schedule

Items B and C were pulled from the Consent Agenda for discussion.

**MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve items 2A, D, E, F, G and H, as corrected, of the December 6, 2010 Consent Agenda.**

Item 2B

Chance Hancock 2415 Emory Ave., Bradenton, FL spoke in favor of the First Fridays on Fifth event.

Jane Hunter, representing Slicks Garage, spoke of her attempts to extend the First Fridays on Fifth event to include the businesses along Main Street (10<sup>th</sup> Avenue), all of which have been rejected [by the Main Event organizer].

Vintage Wheels Car & Truck Show will be advised of where sprinkler heads are located in the parks.

Discussion ensued on First Fridays on Fifth. Commission discussed that fact that with two events on the same day (First Fifth on Fridays and the Main Event, along 10<sup>th</sup> Avenue) the flow of traffic could be impeded. At the event held December 3, 10<sup>th</sup> Avenue was blocked at 5<sup>th</sup> Street by a coffee bus, which had previously been located in a different spot. Chief Wells confirmed that cones are the only way a street can be blocked and that blockage of any street to emergency vehicles is not acceptable. Mr. Tusing opined that vendors should be to the side of the street not in the middle of a street.

Jaime Wilson, representing the Main Event, described the charity that would receive funds from the December 3rd event and spoke of issues that occurred during the event.

Commission discussed possible solutions to the issues arising from two events happening on the same date, including limiting events to only twice a year or separating the events to different dates.

Commissioner Zirkelbach suggested that the two parties pull both special function permit applications from the table, seek a mediator and bring a solution to the December 13, 2010 meeting. Mayor Bryant concurred, citing her concern regarding the flow of traffic and the fact all the vendors will benefit from a joint event.

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve the Vintage Wheels Car and Truck Special Function Permit.**

**MOTION: Commissioner Zirkelbach moved and Commissioner Williams seconded to defer the First Friday and Main Event for both the Special Function Permit and Noise Exception Permit, allowing and understanding that their event is on January 7, 2011.**

Jane Hunter withdrew Slicks Garage Special Function Permit, stating they did not wish to close the street, that the event would be held on private property.

**Commissioner Zirkelbach retracted the motion on the floor and Commission Williams withdrew his second.**

**MOTION: Commissioner Zirkelbach moved, Commission Williams seconded and motion carried 5-0 to approve the Special Function Permit for the Main Event.**

**MOTION: Commission Zirkelbach moved and Commissioner Lancaster seconded to approve the Noise Exception Permit for First Friday on Fifth.**

Discussion ensued on whether the motion should be amended to include stipulations that if complaints are received regarding the level of noise, that subsequent events can be modified or rescinded. Attorney Barnebey recommended approving only the January 7, 2011 event.

**Commissioner Zirkelbach modified his motion on the floor to approve only the January 7, 2011 event. Commissioner Lancaster agreed to modify her second.**

Commissioner Varnadore stated that if the bass is excessive to the point that windows are rattling, she will not consider that approval in a Noise Exception approval.

**Motion carried 5-0.**

It was consensus of commission that the Special Function and Noise Exception permits' language should be reviewed. They noted the need to consider 1) that language regarding safety when blocking streets is plainly stated, 2) that caveats can be placed on permits that subsequent approved permits may be revoked based on excessive complaints, 3) excessive bass will be prohibited, and 4) permits will be revoked after an established number of police responses to an event. The item will be brought to a workshop.

**3. PUBLIC HEARING: 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 opened the public hearing. Mayor Bryant closed the public hearing after public comment.

**MOTION: Commissioner Zirkelbach moved and Commissioner Lancaster seconded to adopt Ordinance No. 2010-19.**

Discussion: Attorney Barnebey confirmed that for existing facilities, any change of use will require a new parking plan.

City Planner Lorraine Lyn reviewed a section of the current code regarding parking spaces. She requested that the ordinance be amended, based on previous Commission comments regarding the Planner's 20% deviation ability, by adding a provision that "two or more commercial uses meet these requirements."

Distances and peak hours were discussed, but no further amendments were considered.

**Motion on the floor carried 5-0.**

**4. CORRECTIVE ACTION FOR ERRONEOUS DEEDS**

Attorney Barnebey requested authorization to file and pursue actions to correct legal descriptions for the properties located at 402 10<sup>th</sup> St. W. and 415 11<sup>th</sup> St. W. The CRA accepted property from Manatee County, who acquired the property by tax deeds.

**MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5- to authorize the City Attorney to file and pursue actions to quiet title on the properties located at 402 10<sup>th</sup> St. W. and 415 11<sup>th</sup> St. W.**

Staff was asked to prepare correspondence to Manatee County to seek their participation in completing the corrective process.

**5. RESOLUTION NO. 2010-35**

Establishes budget for the Ward 1 Phase 2A project.

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. 2010-35.**

6. RESOLUTION NO. 2010-39

Replacement of a police cruiser totaled by the City's insurance carrier.

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 Varnadore moved, Commissioner Williams seconded and motion carried 5- to adopt Resolution No. 2010-39.**

7. 1<sup>st</sup> READING: ORDINANCE NO. 2010-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 08-972 TO APPROVE AN AMENDED GENERAL DEVELOPMENT PLAN FOR THE PROPERTIES DESCRIBED IN THE ATTACHED EXHIBIT "A", LOCATED IN THE PDMU (PLANNED DEVELOPMENT – MIXED-USE) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 05-03 Rev II (2010) Sanctuary Residential Partners, LLC/ Sanctuary Development Partners East, L.L.C./Sanctuary Development Partners, L.L.C./Manatee Island Partners, LLC, approx. 225.22 acres).

**MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to schedule Ordinance No. 2010-18 for public hearing on December 13, 2010**

8. 1<sup>st</sup> READING: ORDINANCE NO. 2010-20

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY, GENERALLY LOCATED IN THE FORMER RIGHT-OF-WAY FOR 8<sup>TH</sup> AVENUE WEST, SOUTH OF 23<sup>RD</sup> STREET WEST AND NORTH OF U.S. 41, INTO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to schedule Ordinance No. 2010-20 for public hearing on January 3, 2011.**

9. 1<sup>st</sup> READING: ORDINANCE NO. 2010-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 08-976 TO APPROVE AN AMENDED GENERAL DEVELOPMENT PLAN FOR THE PROPERTIES DESCRIBED IN THE ATTACHED EXHIBIT "A", LOCATED IN THE PD ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 2010-21, Perle Fine LLC, approx. 0.64 acres).

Architect Mary Marsh Lasseter, representing Palmetto Bed & Breakfast, requested to repeal the P&Z Board's recommendations for the proposed General Development Plan amendment. She explained that since the proposed amendment will reduce the rooms from twelve to six, they request a maximum of seven parking spaces be required rather than the P&Z Board's recommendation of 13. She also stated the applicant would like to keep the sidewalk at the present location along 11<sup>th</sup> Avenue and rather than deed the property to the City, he will accept maintenance of the property.

The P&Z minutes from the meeting when the item was considered will be obtained before the public hearing.

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to schedule Ordinance No. 2010-21 for public hearing on January 3, 2011.**

Mayor Bryant recessed the City Commission meeting to open the CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting.

#### 10. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

A meeting is scheduled with the grants writer on Tuesday, after which more will be known about when the grants will be submitted. Attorney Hankin is beginning Phase 2 of the audit, a part of the due diligence period that is proceeding.

#### 11. DEPARTMENT HEADS' COMMENTS

##### Mr. Tusing

Reported his department overwhelmingly supported Good Friday vs. President's Day as a holiday date. Mr. Freeman's department also supported Good Friday.

The City did not qualify for the Safe Route to School Grant. The State has approved the use of excess funds from the 10<sup>th</sup> & 10<sup>th</sup> project to extend sidewalks to 13<sup>th</sup> Avenue, eliminating the need for students to cross 10<sup>th</sup> Street.

Bids have been received for the 10<sup>th</sup> & 10<sup>th</sup> project, ranging from \$189,000 to \$207,000. The award will be brought to City Commission in the near future.

Confirmed that he does not yet have an answer regarding the housing facility by Holy Cross.

##### Chief Wells

An arrest warrant has been signed for the suspect in attempted homicide, and the information is being distributed to the appropriate agencies and media.

Referring to the armed robbery at Publix on Saturday, the Police Department will reach out to Publix about CEPTED, especially for the west side of store.

Mayor Bryant commented on Lt. Tyler's communication with Commission regarding different topics being very helpful.

Announced an arrest warrant has been signed on the home invasion crime.

##### Mr. Freeman

Announced next Monday is the last meeting of the year.

Announced the receipt of Form 8B from Commissioner Cornwell regarding the code enforcement lien reduction.

New carpet and possible rearrangement of the podium and seating in the chamber will take place before the first meeting in January. New chairs are actively being researched.

##### Attorney Barnebey

Announced that the December 13 meeting will be very busy.

## 12. MAYOR'S REPORT

Reported a conflict between the MPO and TBRPC meeting on December 13, and asked any Commissioner that can attend the TBRPC meeting to contact Deanna Roberts.

Announced that she has received a comment regarding Ordinance 09-999 that amended the Code to add recreation uses. The topic was placed on the suspense log for consideration at a future workshop.

Commented on the Projects, CRA Action Status, and Suspense Log reports that were supplied to Commission.

Asked that the Commissioners advise Deanna Roberts if they will be riding in the MLK Parade. Staff was asked to seek alternatives to candy for distribution during the event.

Mayor Bryant and Mr. Tusing will contact Manatee County regarding the possibility of erecting larger signs to alert the public that businesses along 17<sup>th</sup> Street are open for business during the construction on the street.

## 13. COMMISSIONERS' COMMENTS

Mr. Tusing inquired if it was Commission's intent to incorporate Ms. Lynn's recommendation in the joint parking ordinance regarding changing the units from five to two in the shopping centers.

**MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 5-0 to reconsider Ordinance No. 2010-19.**

**MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to add the verbiage that Lorraine Lyn suggested from the old ordinance into the new ordinance: "Where two or more commercial uses are located within a commercial shopping center containing a minimum of one acre in size and 200 foot frontage along a public street, the parking requirements for commercial uses, including restaurants, can be one parking space for 175 square foot of commercial space." (Read into the record by Lorraine Lyn, who stated she can use the exact language out of the Code, but this is basically what it says.); with the change from five to two.**

Attorney Barnebey confirmed that with that change, the motion is to adopt Ordinance No. 2010-19, as amended by the change read into the record.

### Mr. Williams

Announced that prior to the election he received phone calls regarding golf carts on streets. He commented on witnessing a golf cart traversing City streets. Chief Wells opined it is not necessary to adopt laws that are already in place. It is not legal to operate golf carts in rights-of-way unless they are in a designated community. He has had conversation on the topic and will continue to provide educational information to the public.

### Ms. Varnadore

Attorney Barnebey reported the Personnel Policy will probably be brought to Commission in January. Commissioner Varnadore asked that it be available for review at least two weeks before its placement on an agenda.

Discussion ensued on the prioritization of items on the Suspense Log.

Mr. Zirkelbach  
No report.

Ms. Cornwell  
Should Manatee High go to the state playoffs, the electronic traffic sign will be implemented offering congratulations.

Ms. Varnadore committed to attend the Historic Commission's board meeting on Saturday. The Historic Board commended the Parks Department for the erection of the Christmas lights. Mayor Bryant commended the department for the appearance of the Historic Park for the annual Christmas event.

Commented on the mural that was recently unveiled, stating people should view it before the fair begins on January 13<sup>th</sup>. She also asked that staff work to ensure that 17<sup>th</sup> Street will be open to assist in moving the additional traffic during the fair

Requested that police officers be available at the new Palmetto Elementary for the first day of school after the holiday break.

Mrs. Lancaster  
Referring to garbage pickup on holidays, Mr. Tusing explained that a slide system has been implemented. Notice of the 2011 pickup schedule will be mailed in the utility bills.

Meeting adjourned 9:25 p.m.

Minutes approved:

*James R. Freeman*

James R. Freeman  
City Clerk