

CITY COMMISSION MEETING
January 3, 2011
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 Attorney
Lorraine Lyn, City Planner
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Diane Ponder, Deputy Clerk-Administration

Call to order, followed by a Moment of Silence and the Pledge of Allegiance.

Andy Hanson, Florida League of Cities representing the Florida Municipal Insurance Trust, presented a check for \$35,361, a return of premium paid by the City for property, Worker's Compensation and automobile and casualty insurance.

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

Public Comment (non-agenda items): None

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 4-0 to approve the January 3, 2011 7:00 PM Agenda.

2. CITY COMMISSION CONSENT AGENDA

MAYOR'S OFFICE

A) **2011 Appointments**

CITY CLERK'S OFFICE

- A) **Minutes:** December 13, 2010
- B) **Special Function Permit** – Klingbiel Wedding
- C) **Verizon Application for Service** – Authorize Mayor to execute application for installation of a FIOS 35Mbps fiber Internet connection
- D) **Windstream Government Telecom Services** - Proposal to install a T-1 circuit at City Hall and at the Police Department, with Public Works receiving service from both circuits and the City's fiber optic network
- E) **Budget Resolution 2011-01** – Adopt Resolution to establish budget for the capital lease/purchase of the new phone system approved by City Commission December 13, 2010

- F) **Budget Resolution 2011-02** – Adopt Resolution to transfer of funds from Parks to Code Enforcement for an independent law service vendor to address issues relating to abandoned properties
- G) **TECO Peoples Gas Service Application** – Authorize Mayor to execute application and acknowledge as a sole source provider for the installation of a natural gas line for the new City Hall generator
- H) **Capital Purchase of a new generator for City Hall Price Revision** – Approve increase in purchase price of \$2,830; total purchase price from TAW Power Systems not to exceed \$40,239
- I) **Budget Resolution 2011-03** – Adopt Resolution to establish budget for the revised price increase of \$2,830 for the City Hall generator purchase
- J) **Legal Billings** – Approval of special litigation billings for Kirk Pinkerton, Bryant Miller Olive (Labor & Employment) and Persson and Cohen (Manatee Fruit Company)

PLANNING DEPARTMENT

Special Fence Permit – Approve Lone Oak Mobile Home Park application for a six-foot white tongue and groove PVC fence along the eastern property

City Clerk items C, D, E and H were removed for discussion.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 4-0 to approve Mayor's Office 2A and City Clerk's Office items 2B, F, G, I and J.

Item C: The Verizon application for service is for Internet connectivity, and will result in a monthly savings of approximately \$170.

Item D: As recommended by MiTel, the provider for the City's new phone system, Windstream Government Telecom Services will install T1 circuits to provide 24 lines under one single line. The installation will be under budget by approximately \$3,000, with anticipated savings of \$200 per month.

Item E: The additional information supplied in the agenda was extra communications between the vendor and the government services representative prior to the contract being finalized.

Item H: Mr. Freeman explained the reason for the increase in the quote, stating the vendor still remains the lowest of three, and still within budget. The electrical contractor is the only remaining vendor in the installation of the generator.

Mr. Freeman informed the Commission the cell tower installation may begin in May.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 4-0 to approve items 2C, D, E and H.

Planning Dept. Special Fence Permit

Lorraine Lyn stated the proposed 6' vinyl tongue and groove fence will replace the existing chain link fence on the eastern border of the property. She stated the installation of the fence must comply with the vision site triangle David Bailey, Cherokee, stated the installation will only replace the existing fence, and 100' on the west side of the property on 10th Street to conceal the abutting commercial property. The fence will be at least 48' feet from the highway

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 4-0 to approve the Special Fence Permit for Lone Oak Trailer Park.

3. PUBLIC HEARING: 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 8TH AVENUE WEST, SOUTH OF 23RD 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.

Mayor Bryant opened the public hearing. Mayor Bryant closed the public hearing after no public comment.

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 2010-20.

4. PUBLIC HEARING: 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, 1102 Riverside Dr., approx. 0.64 acres).

Mayor Bryant opened the public hearing.

Mary Marsh Lassiter, Architect for the project and representing the property owner, appealed the stipulations placed on the amended general development plan by the P&Z Board. She explained that the concept of the project had changed by reducing the guest rooms to six to nine and the parking spaces from twelve to seven. The proposed plan was reviewed by Ms. Lassiter. The proposed parking spaces will have a 3.5 foot grade change for vehicles backing out onto 11th Avenue and will have two plant medians to allow an island of safety for pedestrians. Curb stops will be against the building.

Mr. Tusing and Ms. Lyn confirmed that staff approved the plan as presented as the seven parking spaces meet; Code requirements; and this property being more like many residential structures than commercial, sidewalks are located so that vehicles back across them to gain street access. Ms. Lyn also confirmed that the Bed & Breakfast has made alternate parking arrangements for activities that will create more traffic.

Palmetto Bed & Breakfast Innkeeper Wim Lippens confirmed that all landscaping placed in the parking medians will be low and maintained by the B&B.

Ms. Lassiter reviewed the dimensions of the handicapped, compact and regular parking spaces contained in the plan. Attorney Barnebey opined that seven spaces can be approved by Commission but they must be at least 10'x20' or angled as suggested by Commissioner Williams, which would therefore eliminate stipulations #2 and #3 for plan approval.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 4-0 to approved GDP08-01 revision 2 and Ordinance 2010-21 with Section 2 being that the proposed amended General Development Plan is hereby approved with the following stipulation: 1) The project shall have a minimum of seven parking places which shall be at least 9'x20' in size located on the subject property.

Mayor Bryant recognized School Board Chair Bob Gause.

5. PUBLIC HEARING: CONDITIONAL USE PERMIT #2010-05

Application for approval for a commercial apartment at 702 9th St. W.

Mayor Bryant opened the public hearing.

Ms. Lyn stated that the applicant should have been aware the item was on the agenda, but was not in attendance.

Mayor Bryant closed the public hearing after no public comment.

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 3-1 to approve Conditional Use Permit (CU2010-05) for a commercial apartment at 702 9th St. W. Commissioner Williams voted no.

6. PUBLIC HEARING: CONDITIONAL USE PERMIT #CU2010-06

Application for approval for video amusements/computer slots/games space at Palm Plaza I, 1035 Hasko Road.

Mayor Bryant opened the public hearing. Mayor Bryant closed the public hearing after no public comment.

MOTION: Commissioner Lancaster moved and Commissioner Cornwell seconded to approve Conditional Use Permit (CU2010-06) for video amusements/computer slots/games space at Palm Plaza 1, 1035 Hasko Road.

Discussion: Jim Amerson, managing partner for the project, stated patrons will be able to rent computer space on terminals that will be on site to sign up for sweepstakes, check email, and play games, with prizes and possible cash prizes being awarded. He presumes patrons will have to be 18 years of age or older to enter the premises.

Attorney Barnebey stated there were no conditions listed by the P&Z Board in its approval, but the venue would have to abide by State laws.

The motion on the floor failed as the result of a 2-2 vote. Commissioners Cornwell and Lancaster voted yes; Commissioners Varnadore and Williams voted no.

Commissioner Lancaster inquired if the absent Commission could ask that the item be reconsidered. Attorney Barnebey advised that the prevailing side would have to make a motion to reconsider and continue the item until the next meeting, or it could be brought back up for reconsideration at the next meeting after re-advertisement.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 3-1 to reconsider the Conditional Use Permit, CU2010-06. Commissioner Varnadore voted no.

MOTION: Commissioner Williams moved, Commissioner Lancaster seconded and motion carried 3-1 to continue this item to the next regularly scheduled meeting on January 24, 2011 at 7:00 p.m. or as soon thereafter as the item can be heard in these chambers. Commissioner Varnadore voted no.

7. ELECTION OF VICE MAYOR

Mayor Bryant informed Commission that Commissioner Zirkelbach has indicated he would be interested in serving as Vice Mayor.

MOTION: Commissioner Lancaster moved, Commission Cornwell seconded and motion carried 4-0 to elect Alan Zirkelbach as Vice Mayor.

Mayor Bryant recessed the City Commission meeting at 8:05 to open the CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 8:25 p.m.

8. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

None

Please access the January 3, 2011 CRA Board minutes to hear the entire presentation of the following item.

9. DEBORAH GESTNER UPDATE

Deborah Gestner, Capital Philanthropy Group, narrated a presentation on the Blackstone Park Project [23rd Street realignment and ball field complex project], a copy of which is attached hereto and made a part of these minutes.

Ms. Gestner discussed the CDBG-ED grant of \$750,000 and Road Trust Fund grant of \$2 million she is pursuing. She also discussed the participation of YMCA of Manatee in the project and the impact on the project if the Y does not build on the site.

Mr. Freeman and Attorney Barnebey discussed the \$4.8 million estimated cost of the ball field project and the shortfall of \$1.25 to \$4 million, depending on the award from the Road Trust Fund and CDBG-ED grants. If the YMCA is located at Blackstone and if both grants are awarded for approximately \$2.75 million, the City faces a \$1.25 million shortfall. Should the YMCA not located at Blackstone, a funding shortfall of \$2.2 - \$2.7 million is possible. The City has \$800,000 available in funding for either scenario; therefore, formal commitments from Manatee County and the School Board would be necessary for either shortfall amount.

In addition, the inspection period with Manatee Fruit [properties involved in the land swap for the project] will expire January 7, 2011, and the additional environmental study is not yet complete. Commission was asked to either authorize Attorney Barnebey to request an extension or to authorize the Mayor to terminate the agreement if the extension cannot be reached.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 4-0 to authorize the City Attorney, through special counsel, to request an additional extension of the inspection period with Manatee Fruit and authorize the Mayor to terminate the agreement if the extension cannot be reached.

The update provided Commission will also be presented at the Council of Governments tomorrow. Immediately following that meeting, a workshop will be also held to discuss the pool at Blackstone Park.

Mr. Tusing updated Commission on the county's scheduling of fields at Blackstone Park between the Little League and adult leagues. Mr. Gause also confirmed that the Little League declined use of the field at Lincoln Middle, citing the lack of lights as the issue. Mr. Tusing also confirmed that Sutton Park and the 14th Avenue fields had been offered the Little League for T-ball.

10. DEPARTMENT HEADS' COMMENTS

Mr. Tusing

No report.

Mayor Bryant commented on the directional sign for Woman's Club.

Mr. Freeman

Thanked the Public Works staff who assisted in the remodel of the chambers.

Informed Commission that staff had applied for a matching Florida League of Cities safety grant to fund the exterior lighting at City Hall. The quote for the lighting is \$9,800, of which the City will fund \$4,800, if the grant is award. Commission concurred with the application.

The second energy grant of \$150,000 has been awarded and will be on the next agenda for acceptance. The funds will purchase an alternate fuel vehicle and replace HVAC systems in City buildings.

Chief Wells

The Police Department will be supplying information on techniques they will to employ in keeping up with crime in the city, and how they will fund any purchases of necessary equipment.

Reported his department is still working with Publix to improve crime prevention by correcting an existing hedge at the site.

Extra staff will be on site for the new Palmetto Elementary opening and someone will be stationed at the old school. It was suggested that the electronic sign be used at the old location.

Attorney Barnebey

No report.

11. MAYOR'S REPORT

Reported she had requested that the School Board issue a press release regarding the old Palmetto Elementary site and the fencing.

Thanked staff for the chambers new configuration stating it was "public friendly".

12. COMMISSIONERS' COMMENTS

Mrs. Lancaster

No report.

Ms. Cornwell

Thanked Commissioner Varnadore for attending the Historic Board meeting.

Chief Wells confirmed he met with security team to discuss any issues with traffic for the opening day of the new school.

Mr. Tusing confirmed that two lanes in the construction area on 17th St. will be open.

Ms. Varnadore

No report.

Commended the department heads for answering all of her question very well.

Mr. Williams

Reported he has received positive calls regarding the police presence in the community.

Meeting adjourned at 9:30 p.m.

Minutes approved: January 24, 2011

James R. Freeman

James R. Freeman
City Clerk