

**CITY OF PALMETTO
CITY COMMISSION MEETING
January 24, 2011
7:00 PM**

Elected Officials Present:

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

Elected Officials Absent:

Shirley Groover Bryant, Mayor

Staff and Other Present:

James R. Freeman, City Clerk (departed meeting at 8:15 p.m.)
Allen Tusing, Public Works Director
Chief Rick Wells
Lorraine Lyn, City Planner
Mark Barnebey, City Attorney
Deanna Roberts, Administrative Assistant

Vice Mayor Zirkelbach called the meeting to order at 7:00 p.m., followed by a Moment of Silence and the Pledge of Allegiance. Chief Wells asked all to remember the St. Petersburg police officers killed in the line of duty today.

Vice Mayor Zirkelbach presented the Certificate of Achievement for Excellence in Financial Reporting to Finance Director Karen Simpson. The award was presented to the City by the Government Finance Officers Association.

All persons intending to address City Commission were duly sworn.

Public Comment (non-agenda items) None

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded, and motion carried unanimously to approve the January 24, 2011 7:00 p.m. agenda with the addition of items 2 and 3 under Item 2A: to accept the resignation of Chris Moquin and appoint Jim Pastor to the Planning and Zoning Board [same seat].

2. CITY COMMISSION CONSENT AGENDA

A. MAYOR'S OFFICE

1) Appointed Officers' Terms:

Recommendation to extend all appointed officers' terms to the organizational meeting scheduled for the first regular meeting following the 2012 general election for the Mayor's seat, so they are consistent with the term of the appointed City Attorney. Currently the appointed officers' terms run concurrent with Mayor Bryant's term.

B. CITY CLERK'S OFFICE

1) Minutes:

- a. January 3, 2011
- b. January 4, 2011 (Council of Governments)
- c. December 11, 2006 (Workshop with Manatee County School Board)

2) Noise Exception Permits:

- a. Slick's Garage
- b. Eccentric Otter

Discussion: Chris Humphrey of Slick's Garage and Stacy Stinton of Eccentric Otter addressed Commission and reported there were no problems at the previous event.

3) **December, 2010 Check Register**

4) **Florida Clean Energy Grant #AS2050:**

Acceptance of and authorization for the Mayor to execute the grant documents for the second energy grant award to the City in the amount of \$287,760. the

5) **BayCare Life Contract Renewal**

Renewal of the BayCare Life contract to continue the Employee Assistance Program for a term ending December 31, 2011.

6) **Morgan Stanley Smith Barney Contract**

Approval of a contract with Morgan Stanley Smith Barney to provide for the maximization of the City's investment funds, pursuant to the Investment Policy.

Discussion: Finance Director Karen Simpson informed Commission that this is not an exclusive agreement. There is no time frame on the contract; the City can end it at any time. The City does not pay fees to Morgan Stanley; they receive their fees from the investment instruments. Commissioner Cornwell requested the motion be changed to read "agreement" and not contract. Mr. Barnebey said there are two remaining items under discussion. Regarding the jurisdiction of disputes, Morgan Stanley shifted it to the state of Florida, and the City has requested courts in Manatee County. They asked the City to waive the right to jury, and Mr. Barnebey said he is okay with that if they also waive their right.

C. PUBLIC WORKS DEPARTMENT

1) **PBS&J Work Assignment No. 2 relating to the Palmetto Police Department**

Environmental Issues

Authorization to fund a Supplemental Site Assessment Report to obtain data necessary to bring closure to the petroleum environmental issue, rather than continue to monitor the site on an annual basis.

Discussion: Commissioner Varnadore asked where the money would come from. Mr. Freeman said from fund balance, and he will be bringing back a budget amendment. Mr. Williams questioned the need for more wells. Mr. Tusing explained that there is a need to dig three, deeper wells for a supplemental report. If the report shows improvement, the City may be able to go to once a year monitoring. If there is no improvement, the solution may be as simple as designating the site for parking lot use only. In answer to Mrs. Cornwell's concerns, Mr. Tusing said there is no danger to the public; the concern is the water getting into the aquifer. The reports will determine where the confining layers are. The DEP is requiring the action as the last quarter monitoring showed no improvement.

D. PALMETTO POLICE DEPARTMENT

1) **Declaration of surplus property**

Recommendation to declare police vehicles #626, 629 and 630 as surplus property and consign them to auction and authorize use of the proceeds to continue the installation of the new graphics on the patrol fleet.

2) **Resolution No. 2011-04:**

A budget resolution to authorize the purchase of three fully equipped police bicycles.

Items B3 and C1 were removed from the Consent Agenda for discussion by Commissioner Varnadore.

Items B2, 4, 5 and 6 were removed from the Consent Agenda for discussion by Commissioner Cornwell.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded, and the Consent Agenda was approved unanimously as presented.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded, and motion carried 4-1 to approve Item B2, Noise Exception Permit, on the Consent Agenda, with the stipulation that if asked to turn the music down they will comply. Commissioner Varnadore was not present for the vote.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded, and motion carried 4-1 to approve Item B3, the December Check Register, on the Consent Agenda. Commissioner Varnadore was not present for the vote.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded, and motion carried unanimously to approve Item B4 on the Consent Agenda: acceptance of and authorization for the Mayor to execute the grant documents for the second energy grant award to the City in the amount of \$287,760.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded, and motion carried unanimously to approve Item B5 on the Consent Agenda: renewal of the BayCare Life contract to continue the Employee Assistance Program for a term ending December 31, 2011.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded, and motion carried unanimously to approve Item B6 on the Consent Agenda: the agreement with Morgan Stanley Smith Barney to provide for the maximization of the City's investment funds, pursuant to the Investment Policy and subject to final approval by the City Attorney.

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded, and motion carried unanimously to approve Item C1 on the Consent Agenda: authorization to fund a Supplemental Site Assessment Report to obtain data necessary to bring closure to the petroleum environmental issue, rather than continue to monitor the site on an annual basis.

3. PUBLIC HEARING; CONDITIONAL USE PERMIT #CU2010-06 (L. Lynn)

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

City Planner Lorraine Lyn explained this hearing was continued from a previous hearing where it resulted in a tie vote. She informed Vice Mayor Zirkelbach that Staff and Planning and Zoning had recommended in favor of the permit.

Ms. Lyn said there are conditions in 6.22 of the Zoning Code: Access on an arterial roadway must be buffered if it is adjacent to residential, and the hours of operation are from 8:00 a.m. to 12:00 a.m. Mr. Barnebey suggested these be incorporated as conditions 1 and 2 in this Conditional Use Permit.

Vice Mayor Zirkelbach asked Mr. Barnebey if a time frame could be set on the permit, and Mr. Barnebey said it could.

Attorney Alan Prather of Porges, Hamlin, Knowles and Prouty, representative for the petitioner, addressed Commission. He explained the proposed use. Computer terminals will be available, and customers purchase time on the computers for internet access, email, research, to play games or go to video poker sites. Any prizes won there can be collected from the retailer. There will be no food or drink.

Commissioner Williams commented that Commission had talked in the past about passing an ordinance for businesses that might become a problem. He is in favor of setting a time limit on the permit until the City explores what it will do relative to video arcades, etc.

Mr. Zirkelbach stated he is in favor of limiting the time of the permit and reviewing it later for a continuance. New laws may be passed in the interim. This is a stipulation he would want.

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded, and motion carried 3-2 to approve Conditional Use Permit (CU2010-06) for video amusements /computer slots/games space at Palm Plaza I, 1035 Hasko Road with conditions 1-5:

1- all sites for recreation and amusement services uses shall front on a principal arterial roadway, and shall utilize such arterial roadway as the primary access for the site;

2- all recreation and amusement services uses shall provide a six-foot perimeter wall or opaque fence for all portions of the site which are adjacent to residential uses or residentially zoned property;

3- hours of operation for recreation and amusement services uses shall be limited to the hours between 8:00 a.m. and 12:00 a.m.

4- in the event that the operator or a patron at this location is found to be in violation of Florida Statutes relating to gaming or gambling, then this conditional use shall be terminated by a court of competent jurisdiction;

5 – the conditional use shall be valid for a period of five (5) years.

Commissioner Zirkelbach opened the public hearing. There being no public comment, he closed the public hearing. The vote was taken, and the motion carried 3-2 with Commissioners Williams and Varnadore voting nay.

Vice Mayor Zirkelbach clarified for Ms. Lyn that the applicant would have to reapply at the end of five years.

Mr. Zirkelbach recessed the City Commission meeting to open the CRA Board meeting.

Mr. Zirkelbach reconvened the City Commission meeting following the CRA Board meeting.

4. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)

Debra Gestner, Capital Philanthropy Group, gave a PowerPoint presentation which is attached to the minutes.

Ms. Gestner outlined sources of funding for the ball fields, a concession stand and a police substation. Funding gaps could be filled in by loans and reimbursed later with subsequent grants. Commissioner Varnadore commented that the City had pledged \$1.2 million from the sale of property towards the project, and that is all she is willing to commit to. She would be willing if there were multiple applicants, for example to include Manatee County.

Ms. Gestner said she has three requests to make of Commission:

- 1) Request authority to apply for the Land Water Conservation Fund and the FRDAP grants which must be submitted by February 15.
- 2) Asked to amend her contract to bill hourly for work done up to an additional \$11,000.
- 3) Suggested that the City budget for planning and a project manager.

The total fee for the LWCF grant, application and management, is \$6,000. She will bill on an hourly basis up to a total of \$6,000. It will initially be \$3,000 to apply, and an additional \$3,000 to manage and carry to closure. Any State grants must be hard copies, and the City will have to pay for the printing costs. She suggested budgeting \$15,000 for expenses.

In answer to Mrs. Varnadore's question, Mr. Barnebey said the due diligence on the property should be completed in three to four weeks. She expressed concern that if the grants are applied for, and the location of the ball fields changes, that might be problematic. And, she is looking for more of a partnership from the County.

Discussion continued on proceeding with only the two grants that have February due dates and Ms. Gestner's proposed amended contract. Mayor Bryant and City Clerk Jim Freeman were absent from the meeting, and there was a concern about proceeding. Ms. Gestner clarified for Commission that it would be \$3,000 each for the LWCF and the FRDAP grant applications.

Motion: Commissioner Cornwell moved to authorize Capital Philanthropy Group (CPG) to prepare and submit a \$200,000 ball field grant to LWCF on the basis of \$150 per hour up to a maximum of \$3,000 before the grant is filed, and \$150.00 per hour up to \$3,000 for grant administration, with the original CPG contract to come back with amendments and recommendations by the City Attorney.

The motion died for lack of a second. The matter will be scheduled for the February 7 Workshop.

5. DEPARTMENT HEADS' COMMENTS

Allen Tusing - None
Chief Wells - None
Mark Barnebey – None

6. MAYOR'S REPORT

Mayor Bryant was absent.

7. COMMISSIONERS' COMMENTS

Commissioner Lancaster – None

Commissioner Cornwell – Reported concerns about the MLK Parade. Other Commissioners concurred. She opined that the parade needs to be discussed, and more law enforcement may be needed. Chief Wells reported he has already had talks with NFRD and EMS and he will meet with the Palmetto Youth Center to discuss the changes that are needed. He will keep Commission informed.

Commissioner Lancaster – Reported she took an announcement to the churches in the community so they could report what was going on at the parade.

Commissioner Williams – Suggested shortening the parade. Chief Wells said that had been discussed. Referenced a letter Commissioners received from Stanley Roberts regarding Sawdust Joes. He would like to have this brought back for discussion, with historical documents of the property provided, at the March 7, 2011 meeting. Commissioner Varnadore – Suggested putting the address of the new Palmetto Elementary School on the sign located at the old school. She has applications available for the 4-H golf tournament fundraiser. This is the major fundraiser for the 4-H and helps provide scholarships for summer camps, among other things.

8. PUBLIC COMMENTS FOR CITY COMMISSION

None

9. ADJOURNMENT

Vice Mayor Zirkelbach adjourned the meeting at 9:58 p.m.

Minutes Approved: February 7, 2011

James R. Freeman

James R. Freeman, City Clerk