

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

Elected Officials Present:

Shirley Groover Bryant, Mayor
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

Staff Present:

Mark Barnebey, City Attorney
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 7:09 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

Public Works Director Allen Tusing presented the Commission a plaque and banner acknowledging the City's distinction of being named a Tree City USA by the Arbor Day Foundation. The current Planning and Zoning Board will serve as the City's Tree Board and, will soon begin work on a new tree ordinance to further protect the City's canopy.

Proclamation: Engineers Week – February 20-26, 2011 Accepted by Frank Woodard, Deputy Director-Project Management & Engineering and Chris Sharek, PBS&J.

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

Public Comment

Palmetto Police Department Detective Ryan LaRowe, representing the officers that voted against the union, spoke about the recent vote.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant requested that item 2C, Sanctuary Cove Final Plat, be removed from the Consent Agenda and be renumbered as item 3A, and the Capital Improvement Program (CIP) be renumbered as item 3B. She also requested that item 2D, Victim of Crimes Act (VOCA) Grant, be amended to allow her to accept the grant, if awarded.

MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 5-0 to approve the February 7, 2011 7:00 PM Agenda, as amended.

2. CITY COMMISSION CONSENT AGENDA

Items #4 – Noise Exception Permit and #5 – CRA Budget Resolution 2011-05 were removed for discussion. On item #3 – Special Function Permits, staff confirmed there is no street closure conflict dates with the previously approved Main Event and the applications under consideration. Commission will also be given notice of any future date conflicts between applications and approved events.

2A. CITY CLERK'S OFFICE

1. **Minutes:** January 24, 2011

2. **January Check Register**

3. **Special Function Permits:**

- Palmetto Historical Commission - Heritage Day
- Palmetto Historical Commission - Gospel & Games
- Palmetto Historical Commission - History & All That Jazz
- Palmetto Historical Commission - Family Fun Day
- Palmetto Historical Commission - Art Exhibit Reception
- Palmetto Historical Commission – Evening & Day Social
- Palmetto Historical Commission - Annual Yard Sale
- Palmetto Historical Commission - Halloween Social
- Palmetto Historical Commission - Pongo's Party
- Palmetto Historical Commission - Palmetto's Christmas in the Park
- Habitat for Humanity Walk for Hope
- Eileen Hoffner – MTI Foundation Tour of Kitchens

4. **Noise Exception Permit:**

- Kojak's Palmetto Ribhouse Blues & Art Fest
- Jose Rodriguez Baptism Party
- Slick's Garage First Fridays on Fifth

5. **Budget Resolution No. 2011-05**

Resolution No. 2011-05 identifies budget allocations and adjustments to fund the CRA Downtown Commercial Core Incentive Program approved by the CRA Board on January 24, 2011.

2B. PUBLIC WORKS DEPARTMENT

1. **I&I Program Grant Extension**

Approval and authorization for the Mayor to execute the DEP Agreement No. LP8966 Amendment No. 2 granting a one-year extension of the grant to complete additional rehabilitation of old sewer lines and manholes in System I. and also authorize Mayor to accept grant if awarded.

2C. PLANNING DEPARTMENT

1. **Special Fence Permit for 220 7th St. W. (L. Lyn)**

Approval of a special fence permit application from Palmetto Animal Clinic for the installation of a 6-foot opaque fence along the northern and eastern section of a new expansion of the clinic. The fence will enclose a dog run at the animal clinic.

2D. POLICE DEPARTMENT

1. Victims of Crime Act (VOCA) Grant

Authorization to apply for a \$75,000 grant, with a 20% or \$15,000 matching requirement, which will be budgeted in FY2012 for grant use only. The purpose of the VOCA Grant is to support and enhance the Police Department's existing Victims Advocate Program. **Mayor Bryant requested that Commission also authorize her to accept the grant, should it be awarded. Commission concurred.**

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the Consent Agenda, which consists of the bottom of page #1 of the agenda and all of page #2, with the exception of the noted items that have been taken off.

#4 Noise Exception Permits

Commission discussed setting a time for the permits vs. setting a number of warnings that the police could give before an event is shut down because of excessive noise. Chief Wells stated that the police officers handle excessive noise complaints on a regular basis. If officers respond to a complaint, one warning is given and then the music is shut down. He opined that the law to prohibit excessive noise is in place and the City should eliminate the Noise Exception Permit.

MOTION: Commissioner Varnadore moved and Commissioner Zirkelbach seconded to approve the Noise Exception Permits listed under item #4 with the stipulation they go to 10:00 p.m.

Discussion: Discussion ensued on the business that would be affected by limiting the time. Commissioner Cornwell opined that at any point during any event the police have to be given the ability to reduce the noise level. She also stated that with the time limit on the business, it would lessen the amount of business that could be conducted. Attorney Barnebey suggested that the music can continue until someone complains.

Motion on the floor carried 4-1. Commissioner Cornwell voted no.

#5 Budget Resolution 2011-05

CRA Director Jeff Burton confirmed that the map in the Downtown Commercial Core incentives package defines exactly the properties that are allowed to participate in the program, accompanied by a table in the package that will be used to calculate the level of participation.

After comment from Mayor Bryant, Mr. Burton agreed to transfer \$20,000 from the CRA advertising budget to the CRA demolition budget to demolish dilapidated homes in the CRA District.

Mr. Burton described the approval process that must be followed for any use that may not be included in the Comp Plan. All applications in the program must receive final approval from the CRA Board.

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 4-1 to approve item #5, Budget Resolution No. 2011-05, as amended regarding the demolition. Commissioner Williams voted no.

3A. SANCTUARY COVE FINAL PLAT

Mr. Tusing stated Commission reviewed and approve the plat in 2008 but it was never recorded. With the downturn in the economy, development stopped and the property is now under new ownership. Commission approved the revised General Development Plan in 2010. He requested approval of the final plat, subject to attorney approval of bond documents.

Mr. Tusing confirmed the project is piped for and connected to reclaimed water; there are irrigation wells that will be used for landscaping purposes in the time of drought when the City cannot provide the reclaimed water. The City will not maintain the internal roads, but has been granted access and utility easements over the roadway segments. The City will own and maintain the utility infrastructure in the project. While there is no revenue at present to support the maintenance of the utilities, the customer base that will be created with the build out of the project will be a benefit to the City's utility system in the long term. Mr. Tusing confirmed there is an agreement to give \$750,000 in impact fee credits because of the utility line extension made by the developer. Mr. Tusing estimated the lifetime expectancy of the utility system in place to be 50 to 75 years.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the Sanctuary Cove final subdivision plat and related documents; accept the Bill of Sale for utility infrastructure improvements; approve and accept the Homeowner's Association documents, contingent upon accepted bond forms and their associated agreements for the project being in place, subject to approval by the City Attorney of those bonds and agreements; and settlement of all outstanding invoices.

Mr. Freeman stated his office is working with the applicant to settle all external costs related to the project, over and above the application fee already received from the applicant.

3B. 2011 CAPITAL IMPROVEMENT PLAN

Mr. Freeman requested additional time for staff to clarify the CIP spreadsheet, based upon comments made at the 4:30 meeting. An additional workshop meeting will be scheduled before the February 28, 2011 Commission meeting for consideration of the CIP, along with additional items needing Commission attention.

4. 1ST READ OF ORDINANCE NO. 2011-01

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING PROVISIONS RELATED TO THE PROCEDURES OF THE PLANNING & ZONING BOARD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to schedule a public hearing for Ordinance No. 2011-01 for February 28, 2011.

5. 1ST READ OF ORDINANCE NO. 2011-02

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING SECTION 4-2 OF THE PALMETTO CODE OF ORDINANCES TO AMEND THE LOCATIONS WHERE THE SALE OF ALCOHOLIC BEVERAGES IS PROHIBITED WITHIN THE CITY LIMITS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to schedule a public hearing for Ordinance No. 2011-02 for February 28, 2011.

6. 1st READ OF ORDINANCE NO. 2011-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE CITY OF PALMETTO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Zirkelbach moved and Commissioner Lancaster seconded to schedule a public hearing for Ordinance No. 2011-03 for February 28, 2011.

Discussion: Attorney Barnebey confirmed he is working with FPL counsel on several issues which he expects to be resolved before the next meeting. If agreement is not reached, discussion will have to occur on the areas of dispute, namely existing payments due the City under the current franchise agreement and renewable energy provisions. Commission decided to schedule a workshop meeting to discuss the issues prior to the public hearing scheduled for February 28, 2011.

Motion on the floor carried 5-0.

7. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Staff is researching repairing the roof leak on the Birkholtz building vs. moving the Little League into the front portion of the CBI building. The School Board has been notified that the City is interested in purchasing the building across from the old Palmetto Elementary school location, which could also be considered as a temporary location for the Little League.

Discussion ensued on the environmental work yet to be completed on the location for the proposed ball field complex. Commission will be updated on the topic as information is received.

Mayor Bryant commended Commission on their decision made at the last meeting regarding additional payments to the grant writer and application for any additional grants.

It was suggested that the City or the Little League attend meetings scheduled by Manatee County for CDBG grant projects, as the meetings may provide an opportunity to apply for some of the grant funds.

Sutton Park will not be available for use by the Little League. There has been discussion regarding the use of the fields on 14th Ave. Commissioner Varnadore requested clarification of the Little League needs.

8. DEPARTMENT HEADS' COMMENTS

Attorney Barnebey

Morgan Stanley Smith Barney has made the three changes requested and he has signed off on the agreement.

There has been a case out of City of Palm Bay regarding code enforcement lien superiority over prior recorded mortgages. He suggested the City may want to file an amicus brief in support of the City of Palm Bay, as the topic could potentially be costly to the City.

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to authorize the City Attorney to file an amicus brief in support of Palm Bay in regards to the case of City of Palm Bay vs. Wells Fargo Bank.

Mr. Tusing

Discussed the McDonalds sign that was taken down for inspection. It is staff's position that the sign is no longer a nonconforming sign and in order to reinstall it, McDonalds will have to come before Commission. Attorney Barnebey recommended not discussing the topic until more information is received.

The Ward 1 Phase II signage was not part of the contract. Signage will be a part of all future contracts.

Chief Wells

Commended his staff on the substantial reduction in crime statistics over the past year.

Discussed the arrest made in the recent burglaries.

Thanked the CRA for its assistance in compiling the crime stats so the officers have a tool to allow them to target the areas and times where is occurring. Mayor Bryant also commended the Police Department and commented on the CRA and other City departments that are compiling information to make the City a better place to live.

9. MAYOR'S REPORT

Announced Ray Daiuto has been asked to be guest editor for the *News In Brief*. One of the key components of the ASR is to have a plan to disseminate information to the public regarding reuse and potable water and the wastewater treatment plant. Commissioner Cornwell asked that the Commissioners be named in the *News in Brief* so the public knows who to contact. Commission also requested that the publication be provided to them before distribution.

10. COMMISSIONERS' COMMENTS

Ms. Varnadore

Thanked Chief Wells and his department for the high visibility of officers in her Ward.

Attorney Barnebey confirmed the Personnel Policy is being finalized.

Mr. Williams

Commented on adding the sign ordinance and mobile home ordinance that needs to come before Commission.

Staff confirmed that part-time employees are slotted into the step and grade plan as other comparable full-time employees.

Staff will have position on the sign and then can be appealed to Commission, if necessary.

Ms. Cornwell

Congratulated Public Works on the Tree City USA award.

Commented on the 17th Street lights and sidewalks.

Commented on the visit to Lincoln Middle in September and the promised follow-up meeting. Mayor Bryant stated that she would prefer to delay the follow up visit until the community policing ideas are completed. Ms. Cornwell requested that the participants at the last meeting be informed the follow up visit will be scheduled for a later date. She also suggested that calls should be made to the homeowner associations and mobile home parks to see if they wish Commission to schedule meetings with them.

Suggested that safety for Commissioners and meeting attendees needs to be considered. Mr. Freeman discussed the measures he is researching.

Mrs. Lancaster

Confirmed that the meeting at Lincoln was held when all the mobile home park meetings were being held.

Congratulated the Police Department for the job they are doing, stating the whole atmosphere has changed in her area. She thanked all the staff for the fine job they are doing.

Mr. Tusing described how the remainder of 17th Street will be paved.

Meeting adjourned at 9:23 p.m.

Minutes approved: February 28, 2011 with correction to **Victims of Crime Act (VOCA) Grant** item.

James R. Freeman

James R. Freeman
City Clerk