

**CITY COMMISSION MEETING
SEPTEMBER 12, 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
Karen Simpson, Deputy Clerk-Finance
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. She asked that H. A. "Laddie" Durrance, who passed away Sunday morning, and his family, and the victims and families of the Friday night shooting be remembered during a Moment of Silence. The Pledge of Allegiance followed.

PROCLAMATION: Constitution Week - September 17 - 23, 2011
 Accepting: Harold Crapo, Jr., V.P. Saramana Chapter FLSSAR
 Peggy Veeder, Regent Osceola Chapter DAR

 Hydrocephalus Awareness Month
 Accepting: Shay Hague, Director
 Florida Pediatric Hydrocephalus Foundation

Recognized Commissioner Tamara Cornwell for being named the School Coordinator of the Year.

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

Thursday accompanied Attorney Mark Barnebey and Planner Rachel Layton, of Kirk Pinkerton, to accept the American Planning Association Florida Chapter 2011 Planning Project Award of Merit for the Palmetto Elementary School complex.

Announced that the property owner of the Club Elite, the property where the double homicide occurred has announced that the club will not be reopened and a more community friendly business will be found for the location. She asked that anybody with information concerning the crime contact the Police Department or Crime Stoppers, where the call will remain anonymous. Chief Wells reported that ATF, MSO and other agencies are assisting in the investigation. The Gold Star Club has offered an additional \$10,000 reward for information leading to an arrest, which the CRA will match.

Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 5-0 to approve the September 12, 2011 7:00 PM Agenda.

2. CONSENT AGENDA APPROVAL

A) CITY CLERK'S OFFICE

1. Minutes: August 8, 15, and 29, 2011
2. Special Function Permit: Women's Resource Center at Palmetto B&B
Highwaymen Calendar Signing at Ag Museum
3. Special Litigation Billing: Kirk Pinkerton; Bryant Miller Olive
4. Use of School Board property for storage of City equipment
5. Budget Resolution No. 2011-26 Close out CRA Capital Projects Fund and establish approved CRA projects in the CRA Fund

B) PUBLIC WORKS DEPARTMENT

1. Addendum to extend the engineering contract for one year to September 14, 2012
 - a. Atkins (formerly PBS&J)
 - b. Jones Edmunds & Associates, Inc.

C) POLICE DEPARTMENT

1. Budget Resolution No. 2011-27 for deposit of surplus funds allocated but not used back into the Law Enforcement Reserve
2. Budget Resolution No. 2011-28 depositing excess Explorer Funds into the Special Investigation Account
3. Budget Resolution No. 2011-29 Budget transfer to pay DNA International lab invoices
4. Approval and authorization for the Mayor to execute the FY2012 School Resource Officer Agreement with the School Board

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 5-0 to approve the September 12, 2011 Consent Agenda.

3. PUBLIC HEARING – TENTATIVE MILLAGE RATE AND TENTATIVE FISCAL YEAR 2012 BUDGET

Mayor Bryant announced the following discussion topics relating to the millage and FY 2012 budget:

- The FY 2012 proposed operating millage for the City is 5.1185 mills, which is equal to the rolled-back rate.
- The City property values have declined by approximately 40% over the last 3 years, which includes a 9% reduction for FY 2012 compared to last year.
- The rolled-back rate of 5.1185 mills will allow the city to collect the same ad valorem revenues compared to last year, which is \$3,348,599.
- During the last 3 years, the City has made several operational cuts to improve our efficiency and meet the demands of declining revenues. Examples include reducing positions, freezing salaries, changing employee benefits and outsourcing when appropriate. In addition, we have successfully applied for and received grant funding to offset many expenses.
- The city-wide operating budget for FY 2012 is \$25,690,225 and represents a 10% reduction compared to FY 2011. Mayor Bryant announced the amount of each Fund contained in the budget.
- FY 2008 – 2012 millage rates remained the same at 4.6662

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

A) RESOLUTION NO. 2011-24 (read in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR THE CITY OF PALMETTO FOR FISCAL YEAR 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Williams moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Resolution No. 2011-24.

B) RESOLUTION NO. 2011-25 (read in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 4-1 to adopt Resolution No. 2011-25. Commissioner Williams voted no.

Mayor Bryant announced there would be a five minute recess to allow for a presentation by the applicant for the next agenda topic. Mayor Bryant then departed the meeting.

4. PUBLIC HEARING: MANATEE SCHOOL OF THE ARTS CONDITIONAL USE PERMIT (CU2011-02)

City Planner Lorraine Lyn reviewed the request for an electronic message sign to be located at 700 Haben Blvd. Currently there is a 62 sq. ft. sign on site that was permitted in 2001. The applicant is requesting to replace the current sign with a freestanding 20' high modern, artistic, pole-supporting sign containing 26 sq. ft. of identification surface area and 28.6 sq. ft. of electronic message surface area, totaling 54.6 sq. ft. of surface area, to be located at the north side of the main entrance of the school. The proposed sign is 14.6 sq ft over the maximum 40 feet permitted by sign ordinance.

Ms. Lyn discussed the criteria staff had considered in processing the application. She stated the P&Z Board recommended approval with conditions, as follows:

1. Signage shall be automatically programmed not to be illuminated between the hours of 11:00 p.m. to 6:00 a.m.
2. The brightness of the sign on the south side shall not exceed 5,000 lumens during the daytime and 1,500 lumens at nighttime. Brightness of the sign on the north side shall not exceed 6,000 lumens in the daytime and 1,800 lumens at nighttime. Brightness of the sign shall be subject to the discretion of the Building Official.
3. Changeable copy display shall not change more than once every five seconds
4. The sign shall be in substantial conformance with the rendering dated July 6, 2011 that was presented at the hearing.
5. No video, animation or scrolling.

Jon Moore, architect for and representing Manatee School for the Arts, introduced other individual in attendance: John Boyle, West Coast Signs; Mark DeLisle, Clearview LED Signs; Dr. Bill Jones, Terry DeVine, and Sandy Dietrich, Manatee School of the Arts.

Mr. Moore stated that rather than debate the definition of video, animation and scrolling, it was decided a demonstration of what the school would like to accomplish on the sign would be beneficial. A short presentation of the sign's electronic message capabilities was demonstrated by Mr. DeLisle and Mr. Boyle. Mr. DeLisle explained the top portion of the sign would always highlight Manatee School of the

Arts and the lower portion would be the electronic changeable copy. He also explained some of the technical aspects of the sign.

Dave Kramer, Manatee School for the Arts, was sworn. Mr. Kramer commented on the fact that the farther away a person is from the sign the clearer it becomes. He acknowledged that City public announcements can also be displayed on the sign.

Commission discussed the concerns they have with the proposed sign; size and height, the scrolling messages, illumination, and proximity to residential areas. Mr. Moore estimated the sign is approximately 600 feet from properties to the south, 75 feet from properties to the west, and 1,000 feet from the property to the north. The lumens on the south side of the sign will be 1,500 at night and 2,000 on the north side. The messages will be displayed until 11:00 p.m. when events are occurring, not every night.

Discussion ensued on how legitimate complaints regarding the illumination would be handled by the school. Mr. DeLisle confirmed the illumination can be reduced very simply by computer.

Discussing the size of the proposed sign vs. the signs at Palmetto High and Palmetto Elementary, Mr. Moore stated the current sign on the school site is 35 feet high. Mr. Moore opined the sign size is appropriate, especially for the cars coming south on Haben Blvd.

Discussion ensued on the P&Z stipulation prohibiting video, animation or scrolling. Ms. Lyn confirmed there are no similar signs on Haben Blvd. Ms. Lyn stated the P&Z recommendation for this stipulation was based on the fact there are no other signs in the City that displays animation or video. It was determined that the sign at Riverside Plaza does in fact have video capability. Dr. Jones opined that the other schools in the City have signs that offer animation. Dr. Jones confirmed that the sign will have an advertising component to attract students to the school.

Discussion ensued on the height and scrolling if it becomes a traffic safety hazard. It was suggested that like the sign approved for Palmetto High School, the MSA sign be approved with the stipulation that if the scrolling becomes a safety issue, it would be turned off and the sign would become a standardized sign. Dr. Jones inquired under what authority a complaint would be found to be "legitimate".

Mr. DeLisle informed Commission that the LED portion of the sign will begin at 8 feet to conform to the Manatee County sign ordinance, which now prohibits LED's in monument signs.

Dr. Jones confirmed the sign has sound capability, but there are no plans to use it at this time. Attorney Barnebey stated a stipulation regarding sound can be added to the permit.

Discussion ensued on the fact the Conditional Use Permit will run with the land unless abandoned. Attorney Barnebey suggested that Commission can place a stipulation on the use that if the building is not used as an educational facility for a six-month period the sign must be removed.

John Boyle confirmed that the center box on the rendering will not be used. Mr. Moore was advised that a new rendering will have to be supplied showing that the third box has been removed.

Discussion ensued on P&Z stipulation #2 naming the Building Official responsible for monitoring the brightness of the sign. Ms. Lyn reported that P&Z is concerned that stipulations placed on previously approved signs are not being enforced. Commission determined that Code Enforcement should also be assigned to monitor conditions placed on the sign.

Mayor Bryant departed the meeting.

Mr. Moore confirmed that the sign will be placed on the property as stipulated by the P&Z Board. He also confirmed the sign may be used for governmental announcements.

Vice Mayor Zirkelbach inquired if Commission would consider deleting stipulation #5 and revisit the topic with the school should a legitimate complaint be received. Commissioner Cornwell stated she will not support the sign if stipulation #5 is dropped; however, she would support it if it is approved (like Palmetto High) as a test for 90 days. Commissioner Varnadore stated she will not support the sign, citing the difference in size and scrolling used by the other schools and because she doesn't think electronic signs are in the best interest of the City, especially at night.

Attorney Barnebey confirmed stipulation #5 would prevent animation, graphics and scrolling. He voiced concern with stipulation #2 because it does not give the Building Official a standard to use in determining brightness of the sign. He further recommended that the Palmetto High stipulation not be used because the applicant needs to know what approval is being granted.

Commissioner Williams stated he is in favor of removing stipulation #5. He inquired about a possible discrimination between this sign and other signs. Attorney Barnebey stated that distinguishing characteristic between where the signs are located must be considered. If there are not differences then Commission should treat the signs differently. A fact that should be considered is this sign being located farther away from residential areas than the Palmetto High and Palmetto Elementary school signs, as an example. He voiced he is still concerned about music being emitted from the sign.

Commissioner Lancaster stated she needs to know the conversation that occurred during the P&Z Board review before she can make a decision about the sign. She also asked for studies that may be available related to electronic signs and accidents. She said she is not against the sign but she won't know about the brightness of the sign until the sign is operational. She agreed that there should be no sound. Vice Mayor Zirkelbach offered his firm's light meter to measure the brightness. Commissioner Lancaster opposed only the Building Official monitoring the sign; Code Enforcement should also be involved. She was not in favor of removing stipulation #5.

Vice Mayor Zirkelbach opened the public hearing. After no public comment, Vice Mayor Zirkelbach closed the public hearing.

Attorney Barnebey offered the following definition to be included in stipulation #2 regarding the measurement of the brightness of the sign: The brightness of the sign shall be reduced subject to the discretion of the Building Official or Code Enforcement Officer, if objectionable at the property line, based on a reasonable person's standard. He concurred that the stipulation contained a numeric standard by which the brightness can be measured.

Commissioner Cornwell reiterated that the concern [of three members of the Commission] is the movement component of the sign. She stated that if the school is not willing to try the sign for the probationary period, she will have to accept the P&Z stipulations. She stated that like Palmetto High School, if no complaints are received and there are no traffic accidents [attributed to the animation of the sign], she is "good with it and it can run 24/7". Vice Mayor Zirkelbach confirmed that after the 90-day probation, the school is "off the hook" regarding the animation, but will always be "on the hook" regarding the illumination. Commissioner Williams repeated the condition; if issues arise during the 90-day period, then the sign would have stationary information; issues would be decided by the Building Official, Code Enforcement, or the Chief of Police. Dr. Jones stated he could not agree; it "was way too arbitrary and capricious".

Mr. Tusing suggested that with the closing of the roadway for the roundabout construction, a 90-day probationary period should start at the completion of the construction.

Commissioner Varnadore suggested that the Commission needs to either accept the sign, or not; hard to place stipulations on the sign.

Chief Wells opined that the Commission would have to look at the accident reports in totality to determine the negative impact of the sign. Attorney Barnebey stated it will be very difficult to develop a

measurement relating to traffic accidents. Dr. Jones suggested that the school give notice of when the sign is installed and then 90 days later the Commission could get reports from the Chief of Police, Building Official and Code Enforcement. Chief Wells stated that the problem with the data he could provide would be the contributing cause of the crashes. Commissioner Cornwell opined the data could provide a quantitative measure that would be attributed to the sign. Chief Wells suggested that the police department would look at a 25% increase in traffic accidents.

Commissioner Varnadore inquired what enforcement the City could use if the applicant refused to turn off the [moveable component] sign if so directed by the City. Attorney Barnebey agreed it is difficult to tie this particular issue to a stipulation; any of the areas under discussion could have potential issues. He suggested that the City could possibly issue a temporary use permit for 90 days and then hold a public hearing to review issues related to video, animation and scrolling. At that hearing the City could also place additional stipulations that may prohibit those uses. He stated "that is a very unusual stipulation" and he was "not very excited about it". He also opined that Commission needs to address the subject of electronic signs as quickly as possible.

Mr. Kramer recapped the discussion, stating the issue of the light and sound had been resolved, the only issue remaining is the motion. The concern is that if there is a significant increase in auto accidents during the 90-day period that the school may have to make adjustments; discontinue the motion but keep the sign. The measurable standard during the 90 days would be a 25% increase in accidents directly related to the sign.

Vice Mayor Zirkelbach announced that the public hearing had been closed.

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 3-2 to continue the issue until September 26, 2011. Commissioners Williams and Zirkelbach voted no.

Commissioner Cornwell asked for the data referring to electronic signs' cause and effect and either hear the audio from the P&Z Board meeting as a Commission or have a representative from the Board present at the meeting. Attorney Barnebey confirmed the American Planning Association has performed studies on this issue.

Attorney Barnebey reminded Commission and the participants from the school that the public hearing has been closed on this topic and another hearing will not be held until September 26, 2011.

MOTION: Commissioner Varnadore moved to reconsider the vote to continue the item to September 26, 2011. Commissioner Williams seconded.

Attorney Barnebey commented that it is possible someone has left the meeting thinking the meeting was continued to September 26, 2011, they will not know the action on the floor has happened.

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

MOTION: Commissioner Williams moved and Commissioner Zirkelbach seconded to approve the installation of the sign with the conditional use requirements, eliminating #5, adding a no music or noise emitting device, and requiring a 90 day after installation review of the traffic conditions during that 90-day period, for video animation only.

Attorney Barnebey stated that if there is support for the motion as stated that the Commission should break to allow him time to write the condition, or recess this portion of the hearing.

Commissioner Williams withdrew his motion and Commissioner Zirkelbach withdrew his second to the motion on the floor.

Vice Mayor Zirkelbach recessed this part of the agenda.

5. 1st READ: ORDINANCE NO. 2011-21 (L. Lyn)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 4.3 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 2007 21ST STREET WEST, PALMETTO; AND MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN #2011-03 Applicants: Pamela Roy, Brian and Heidi Allwood)

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to schedule Ordinance No. 2011-21 for a public hearing October 3, 2011.

6. 1st READ: ORDINANCE NO. 2011-22 (L. Lyn)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, APPROVING A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF PALMETTO COMPREHENSIVE PLAN BY REDESIGNATING APPROXIMATELY 4.3 ACRES OF PROPERTY GENERALLY LOCATED AT 2007 21ST STREET WEST, FROM RESIDENTIAL-3 (COUNTY) TO RESIDENTIAL 4 (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (PA-2011-03 Applicants: Pamela Roy, Brian and Heidi Allwood)

MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to schedule Ordinance No. 2011-22 for a public hearing October 3, 2011.

7. 1st READ: ORDINANCE NO. 2011-23 (L. Lyn)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 4.3 ACRES OF PROPERTY GENERALLY LOCATED AT 2007 21ST STREET WEST, PALMETTO, FROM SUBURBAN AGRICULTURE (A-1) (COUNTY) TO PLANNED DEVELOPMENT HOUSING (PD-H) (CITY); REZONING APPROXIMATELY 3.68 ACRES OF PROPERTY GENERALLY LOCATED AT 2011 21ST STREET WEST, PALMETTO, FROM ESTATE RESIDENTIAL (ER) TO PLANNED DEVELOPMENT HOUSING (PD-H); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-2011-03 Applicants: Charles and Pamela Roy, Brian and Heidi Allwood)

MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to schedule Ordinance No. 2011-23 for a public hearing October 3, 2011.

8. 1st READ: ORDINANCE NO. 2011-24 (L. Lyn)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A GENERAL DEVELOPMENT PLAN AND PRELIMINARY PLAT FOR 8.01 ACRES OF PROPERTY GENERALLY LOCATED AT 2007 AND 2011 21ST STREET WEST, PALMETTO, AND LOCATED IN THE PLANNED DEVELOPMENT – HOUSING (PD-H) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP-2011-03 Applicants: Charles and Pamela Roy, Brian and Heidi Allwood)

MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to schedule Ordinance No. 2011-24 for a public hearing October 3, 2011.

Commissioner Varnadore left the meeting.

9. 1st READ: ORDINANCE NO. 2011-25 (L. Lyn)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 0.7 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 700 17th STREET WEST, 702 17th STREET WEST AND 1703 7th AVENUE WEST, PALMETTO; MORE PARTICULARLY DESCRIBED AS LOTS 1, 18, 19 AND 20, BLOCK 1, ORANGE PARK SUBDIVISION (PLAT BOOK 2, PAGE 137); PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN #2011-04 Applicant: Varnadore Properties, LLC)

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 4-0 to schedule Ordinance No. 2011-25 for a public hearing October 3, 2011. Commissioner Varnadore was absent for the vote.

10. 1st READ: ORDINANCE NO. 2011-26 (L. Lyn)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF PALMETTO COMPREHENSIVE PLAN BY REDESIGNATING APROXIMATELY 0.7 ACRES OF PROPERTY GENERALLY LOCATED AT 700 17TH STREET WEST, 702 17TH STREET WEST, AND 1703 7TH AVENUE WEST, PALMETTO, FROM RETAIL/OFFICE/RESIDENTIAL (COUNTY) TO GENERAL COMMERCIAL (CITY); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (PA #2011-04 Applicant: Varnadore Properties, LLC),

MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 4-0 to schedule Ordinance No. 2011-26 for a public hearing October 3, 2011. Commissioner Varnadore was absent for the vote.

11. 1st READ: ORDINANCE NO. 2011-27 (L. Lyn)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 0.7 ACRES OF PROPERTY GENERALLY LOCATED AT 700 17th STREET WEST, 702 17th STREET WEST AND 1703 7TH AVENUE WEST, PALMETTO FROM GENERAL COMMERCIAL (GC) (COUNTY) TO COMMERCIAL GENERAL (CG) (CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-2011-04 Applicant: Varnadore Properties, LLC)

MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 4-0 to schedule Ordinance No. 2011-27 for a public hearing October 3, 2011. Commissioner Varnadore was absent for the vote.

12. 1st READ: ORDINANCE NO. 2011-28 (L. Lyn)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, VACATING A PLATTED SEWER AND WATER EASEMENT LOCATED ALONG THE REAR 5 FEET OF LOTS 1, 2, 3, 18, 19, AND 20, BLOCK 1, ORANGE PARK SUBDIVISION (PLAT BOOK 2, PAGE 137), GENERALLY LOCATED NORTH OF 17TH STREET WEST BETWEEN 7TH AVENUE WEST AND 8TH AVENUE WEST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR RECORDATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (VAC-2011-02 Applicant: Varnadore Properties, LLC)

MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 4-0 to schedule Ordinance No. 2011-28 for a public hearing October 3, 2011. Commissioner Varnadore was absent for the vote.

13. AUGUST CHECK REGISTER (Informational only)

14. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

No report.

15. ASR WELL UPDATE

Mr. Tusing reported he, Mr. DiAuto and the City engineer had met with FDEP staff members, who were very helpful with technical aspects of the project. They would like to see this go forward and will assist the City through the process.

Commissioner Varnadore returned to the meeting.

16. DEPARTMENT HEADS' COMMENTS

No reports.

17. MAYOR'S REPORT

18. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Stated that she had looked at 13th Avenue and opined that an estimate should be obtained because every City street should be maintained.

Ms. Cornwell

Commissioner Cornwell agreed with Commissioner Lancaster regarding 13th Avenue. She suggested it should be reviewed as the City moves forward with the CIP. Mr. Tusing will obtain an estimate on paving the street.

Speaking of the recent shooting, Chief Wells assured Commission that when the case is completed he will discuss it with them. Commissioner Cornwell requested that information be provided on what other cities are doing so this type of crime can be prevented in the future.

Mr. Williams

Discussed his understanding that the homeowners did not want to pay for having 13th Avenue paved. Mr. Tusing stated that unless the policy has been changed by Commission, the expense of the project would be split between the property owners and the City. He discussed the process the City would have to follow regarding the potential paving.

Ms. Varnadore

Mr. Tusing stated he is not aware of a reply from Manatee County regarding the letter sent from the City supporting potential fields for the Little League at Blackstone Park.

She is the team leader for the Manatee Glens Walk for Life event scheduled for September 24, 2011. Participants can sign up with a \$25 registration fee, or donations can be made for the event.

Mr. Zirkelbach

Regarding Palm Lakes issues, he thanked the police for more activity. Mr. Tusing will report back on the white PVC fence the City painted brown to remove graffiti.

19. PUBLIC COMMENT

No comments.

Vice Mayor Zirkelbach reopened item #4, Manatee School for the Arts Conditional Use Permit 2011-02.

Attorney Barnebey reviewed the stipulations, as follows:

1. Signage shall be automatically programmed not to be illuminated between the hours of 11:00 p.m. to 6:00 a.m.
2. The brightness of the sign on the south side shall not exceed 5,000 lumens during the daytime and 1,500 lumens at nighttime. Brightness of the sign on the north side shall not exceed 6,000 lumens in the daytime and 1,800 lumens at nighttime. Brightness of the sign shall be measurable at the property line. Brightness of the sign may be required to be reduced at the discretion of the building Official or Code Enforcement Officer, if the brightness is objectionable based on a reasonable person's standard.
3. Attorney Barnebey recommended deletion because the changeable copy will be addressed in a new stipulation.
4. The sign shall be in substantial conformance with the rendering dated July 6, 2011 that was presented at the hearing.
5. Attorney Barnebey recommended deletion because the video, animation and scrolling will be addressed in a new stipulation
6. Attorney Barnebey recommended a new stipulation #6 to read: No sound shall be emitted from the sign.

Commission concurred to the stipulations thus far reviewed by Attorney Barnebey.

7. Attorney Barnebey recommended a new stipulation #7 to read: This Conditional Use Permit is valid until the first regular meeting of the City Commission held 90 days after the installation and beginning of operation of the sign. The applicant shall notify the City of the sign becoming operational. At the first regular meeting after the end of the 90-day period, the City shall hold a public hearing, noticed at the expense of the applicant. At this subsequent public hearing, the City shall review any issues related to the changeable copy, video, animation and scrolling messages or displays on the sign, and shall approve a permanent revised Conditional Use Permit, which may have conditions placed on the ability to use changeable copy, video, animation or scrolling displays or messages on the sign. This may include a complete prohibition of such types of displays or messages, or other appropriate restrictions. No other conditions with this Conditional Use Permit may be modified at this subsequent public hearing.

8. The sign shall be made available for public messages related to emergencies and other important public announcements.

9. In the event the school is no longer in operation for a period of six months, the Conditional Use Permit terminates and the sign shall be removed.

Attorney Barnebey did not feel it was necessary to stipulate in the permit that dated material being displayed had to be removed from the sign. He suggested the school would rectify the situation if it should ever arise.

Attorney Barnebey confirmed that the duration of the time between messages will be considered when the item is reviewed by Commission at the end of the probation period.

MOTION: Commissioner Williams moved and Commissioner Zirkelbach seconded [to approve the stipulations as read by Attorney Barnebey]. Motion carried 4-1. Commissioner Varnadore voted no.

Meeting adjourned at 10:05 p.m.

Minutes approved: September 26, 2011

James R. Freeman

James R. Freeman
City Clerk