

**CITY COMMISSION MEETING
OCTOBER 3, 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
Ward 1 Commissioner - Vacant
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3

Staff Present:

Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Chief Wells
Mark Barnebey, City Attorney
Deanna Roberts, Administrative Assistant

Mayor Bryant called the meeting to order at 7:00 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

All persons intending to address City Commission were duly sworn.

Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and motion carried 4-0 to approve the October 3, 2011 Agenda.

Commissioner Varnadore advised Commission that she will be filing a Voting Conflict Form for Items 7-10.

2. CONSENT AGENDA APPROVAL

CITY CLERK'S OFFICE

1. Minutes: September 26, 2011
2. Special Function Permit:
 - a. First Fridays, December 2, 2011
 - b. Veterans Day Parade November
3. Special Legal Billings:
 - a. Kirk Pinkerton
 - b. Bryant Miller Olive
4. Department of Agriculture Grants Amendments #1
 - a. FECC Energy Initiative #17657 (formerly #ARS016)
 - b. FECC Clean Energy #17676 (formerly #ARS050)
5. Company Care Provider Letter of Agreement: Renewal to expire September 14, 2012

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded, and motion carried 4-0 to approve the October 3, 2011 Consent Agenda.

Mayor Bryant informed Commission that she had received a request from the Roy family to continue the public hearings to November 7, 2011.

Mayor Bryant opened the public hearings for items 3, 4, 5 and 6.

3. PUBLIC HEARING: ORDINANCE NO. 2011-21

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)

4. PUBLIC HEARING: ORDINANCE NO. 2011-22

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)

5. PUBLIC HEARING: ORDINANCE NO. 2011-23

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)

6. PUBLIC HEARING: ORDINANCE NO. 2011-24

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)

There being no public comment, Mayor Bryant closed the public hearings.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded, and motion carried 4-0 to continue the four public hearings to November 7, 2011 at 7:00 p.m., or as soon thereafter as they can be heard.

7. PUBLIC HEARING: ORDINANCE NO. 2011-25

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)

Mayor Bryant opened the public hearing. She announced that applicant Raymond Varnadore was present for the hearing. There being no public comment, Mayor Bryant closed the public hearing.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 3-1, with Commissioner Varnadore abstaining, to adopt Ordinance No. 2011-25.

8. PUBLIC HEARING: ORDINANCE NO. 2011-26

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 APPROXIMATELY 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),

Mayor Bryant opened the public hearing. There being no public comment, she closed the public hearing.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 3-1, with Commissioner Varnadore abstaining, to adopt Ordinance No. 2011-26.

9. PUBLIC HEARING: ORDINANCE NO. 2011-27

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)

Mayor Bryant opened the public hearing. There being no public comment, she closed the public hearing.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 3-1, with Commissioner Varnadore abstaining, to adopt Ordinance No. 2011-27.

10. PUBLIC HEARING: ORDINANCE NO. 2011-28

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)

Mayor Bryant opened the public hearing. There being no public comment, she closed the public hearing.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 3-1, with Commissioner Varnadore abstaining, to adopt Ordinance No. 2011-28.

11. 1st READ: ORDINANCE NO. 2011-29

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 0.26 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 1615 & 1619 OAKWOOD AVE, PALMETTO; MORE PARTICULARLY DESCRIBED AS LOTS 4 AND 5, BLOCK 3, PAL-ELL PARK (PLAT BOOK 8, PAGE 123); PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN #2011-05 Applicant: Waste Services of Florida, Inc.)

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded, and motion carried 4-0 to schedule a public hearing for Ordinance No. 2011-29 for November 7, 2011.

12. 1st READ: ORDINANCE NO. 2011-30

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, APPROVING A SMALL SCALE PLAN AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF PALMETTO COMPREHENSIVE PLAN BY REDESIGNATING APPROXIMATELY 0.26 ACRES OF PROPERTY GENERALLY LOCATED AT 1615 & 1619 OAKWOOD AVE, PALMETTO, FROM IH (County) to HCOMI (City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-2011-05 Applicant: Waste Services of Florida, Inc.)

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and motion carried 4-0 to schedule a public hearing for Ordinance No. 2011-30 for November 7, 2011.

13. 1st READ: ORDINANCE NO. 2011-31

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 0.26 ACRES OF PROPERTY GENERALLY LOCATED AT 1615 & 1619 OAKWOOD AVENUE, PALMETTO, FROM HEAVY MANUFACTURING (HM) (County) to COMMERCIAL HEAVY-INDUSTRIAL (CHI) (CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-2011-05 Applicant: Waste Services of Florida, Inc.)

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 4-0 to schedule a public hearing for Ordinance No. 2011-31 for November 7, 2011.

14. DISCUSSION: WARD 1 COMMISSION SEAT VACANCY

Mayor Bryant presented two proposed options to the City Commission for filling the Ward 1 vacancy:

Option #1

- Establish timeframe for accepting resumes from interested residents and communicate process
 - 2-3 weeks ending October 14 or 21st
 - Issue press release stating criteria and process to submit
 - Post on website, local papers
- Have potential replacements complete an affidavit stating they meet eligibility requirements
- Potential candidate's resumes presented to Commission after the deadline
- Commission reviews the potential candidates based on resumes submitted
- Commission makes motion for a replacement at the November 7th meeting which could include one of the resumes submitted or anyone else who meets the qualifications

Option #2

- Commission can make a motion for a replacement at any time based on the resumes received to date or personal knowledge of someone who is interested and meets the qualifications
- Potential replacement to complete affidavit stating they meet eligibility requirements

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 4-0 to approve Option #1 with a three-week time period.

15. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Mayor Bryant provided Commission with a copy of a letter from County Administrator Ed Hunzeker in response to her letter regarding the ball fields. A copy of the letter is attached to these minutes. It appears the county is willing to do what the Little League had asked. The county can help with the land for the fields and the maintenance, which is what was agreed on initially; however, the county cannot

commit funds to help build the fields. Commissioners commented that the Little League just needs the fields at this point and could forego amenities for the time being.

The Commission reviewed the plans sent by the County.

Mayor Bryant said she will check with the School Board to see if the softball fields could be placed at the old Palmetto Elementary School site as part of the park complex. It will be some time before a new school goes there, and in the meantime the School Board has to maintain the property.

Mayor Bryant will discuss with County staff, and this item will be brought back to the next Commission meeting.

16. ASR WELL UPDATE

No report.

17. DEPARTMENT HEADS' COMMENTS

Allen Tusing - No Comments

Jim Freeman – No Comments

Chief Wells – No Comments

Mark Barnebey – No Comments

18. MAYOR'S REPORT

News in Brief articles are due October 10. The CRA Plan has been distributed for Commission review. When it has been finalized, it will be going to the County Commission and they will have it for fifteen days for review.

Mayor Bryant asked Commission for clarification on Commission Administrative Policy No. 08-01, Advance Notice of Utility Bill Inserts. Following discussion, it was decided that Commission needs a copy of inserts so that they are aware in case they get questions from constituents. Commissioner Varnadore opined they need to be knowledgeable and requested email copies of anything going into the utility bills. The Mayor brought up requests by charities to place inserts in the water bills, and Attorney Barnebey reiterated that this is not City policy. If you open up to one, you must open to all.

The Mayor advised Commission that she and Lt. Tyler attended a prayer rally at Rossi Park on Saturday.

19. COMMISSIONERS' COMMENTS

Commissioner Varnadore – No comments

Commissioner Zirkelbach – No comments

Commissioner Williams – Reminded Commissioners to send historical information to Karen Simpson for the budget submittal per her request.

Commissioner Cornwell – No comments

20. PUBLIC COMMENTS FOR CITY COMMISSION

None

The meeting was adjourned at 7:53 p.m.

Minutes approved: October 24, 2011

James R. Freeman

James R. Freeman, City Clerk