

**CITY COMMISSION MEETING  
OCTOBER 17, 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  
Commissioner, Ward 1, Vacant  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Staff Present

James R. Freeman, City Clerk  
Allen Tusing, Public Works Director  
Chief Rick Wells  
Mark Barnebey, City Attorney  
Lorraine Lyn, City Planner  
Deanna Roberts, Administrative Assistant

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Mayor Bryant called the October 17, 2011 meeting to order at 7:00 p.m. She asked all to remember that October is Breast Cancer Awareness Month and to pray for a cure. A moment of silence was observed followed by the Pledge of Allegiance.

Commissioner Tambra Varnadore presented the National Red Ribbon Week Proclamation to the Young Marines. Accepting were Sergeant Devin Bloome, Lance Corporal Lexus McDonald, and Unit Commander Tony Rosado.

All persons wishing 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 17, 2011 7:00 p.m. agenda allowing for further discussion of the CRA Plan.**

2. CONSENT AGENDA APPROVAL

**A) CITY CLERK'S OFFICE**

1. Minutes: October 3, 2011
2. Special Legal Billings: Kirk Pinkerton September 19, 2011 invoices  
Persson & Cohen
3. Jan-Prop Cleaning Systems contract approval: A one-year contract for City Hall, not to exceed \$6,588; and a one-year contract for Public Works not to exceed \$8,388
4. Resolution No. 2011-34: Budget amendment to record outstanding purchase orders carried forward into FY2012
5. Resolution No. 2011-35: Approval of the 2012-2016 Capital Improvement Fund
6. Special Function Permit: Palmetto High Homecoming Parade

**MOTION: Commissioner Cornwell moved to approve the October 17, 2011 Consent Agenda Commissioner Zirkelbach seconded.**

Mr. Williams asked to remove items 3 and 5 for discussion. Maker of the motion and second accepted the change.

**MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and motion carried 4-0 to approve items 1, 2, 4 and 6 on the Consent Agenda.**

Discussion: Item 3: Mr. Williams asked about the Police Department not being included in the cleaning services contract. Chief Wells said trustees clean the police department. Item 5: Mr. Williams verified that all changes that were discussed were included in the resolution for approval of the CIP on tonight's Consent Agenda. Mr. Tusing confirmed that they were.

**Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and motion carried 4-0 to approve items 3 and 5 on the Consent Agenda.**

3. PUBLIC HEARING: CONDITIONAL USE PERMIT #2011-03

Sunnydale Properties, LLC is the applicant for a conditional use permit for a farm labor camp located at 2005 & 2011 Bayshore Road and 500 20<sup>th</sup> St. W. Approval of the permit will bring the operation into compliance with the City's zoning requirements.

Mayor Bryant opened the public hearing.

City Planner Lorraine Lyn briefed Commission on the application. The property has always been used for migrant housing. Staff feels the applicant is making a good faith effort to comply with the City requirements after annexing into the City by connecting to water and sewer. The proposed residential use is consistent with surrounding uses. The site will be monitored by the Health Department. The proposal is consistent with zoning and the 2030 Comp Plan. The Planning and Zoning Board recommended approval with the condition that a 6' high opaque decorative fence or wall be installed on the north and west sides of the property within 90 days of obtaining approval.

Mr. Barnebey informed Commission that if it wants additional stipulations, now is the time to do it.

Bob Spencer and Fritz Stauffacher of West Coast Tomato spoke on behalf of the application. Mr. Spencer told Commission he is willing to do whatever Commission wants, but he has concerns about an opaque fence. A clear fence would allow police to see through if there was crime going on. His workers are more vulnerable to crime, and he wants to protect his workers.

Mayor Bryant informed Mr. Spencer that the Police Department has personnel certified in Crime Prevention through Environmental Design (CPTED). They would be happy to come out and assess the site. Chief Wells stated he agreed with Mr. Spencer on the fence.

In answer to Commissioner Cornwell's question, Mr. Spencer stated the security cameras would not feed to another location but only tape and could be reviewed later if there were an incident. Mr. Stauffacher told Commissioner Cornwell that the laundry facilities were closed because the residents of the adjoining apartment complex were coming over to use them and people were parking their cars there and coming in to harass the workers. They had actually been thinking about a fence for awhile. The fence there would run north to south on the west side.

Discussion ensued on the fencing. Chief Wells opined that the police would like to have the fences open so they can see through; he prefers a CPTED design. Mayor Bryant said the fencing should suit the needs of the property, and a certified CPTED officer will take a look at the property.

This hearing was recessed so that Attorney Mark Barnebey could discuss additional stipulations with the applicants. Commission continued with agenda item #5.

5. PUBLIC HEARING: ORDINANCE NO. 2011-19

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE CODE OF ORDINANCES TO AMEND THE POWERS, DUTIES AND RESPONSIBILITIES OF THE PALMETTO COMMUNITY REDEVELOPMENT ADVISORY BOARD; PROVIDING FOR REPEAL OF

ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Zirkelbach opened the public hearing. There being no public comment, he closed the hearing.

**MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded, and motion carried 4-0 to adopt Ordinance No. 2011-19.**

Commissioner Zirkelbach recessed the Commission meeting.

Mayor Bryant reconvened the meeting and continued with the public hearing for item #3. Attorney Barnebey stated the suggested motion with the agreed upon stipulations.

Mayor Bryant closed the public hearing.

**MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and motion carried 4-0 to approve Conditional Use Permit #CU2011-03 for a farm labor camp located at 2005 and 2011 Bayshore Road and 500 20<sup>th</sup> St. W. with the following conditions:**

1. **There shall be an opaque decorative fence along the north property line**
2. **There shall be no overnight parking of commercial vehicles and/or buses on the subject property unless not visible from a public street**
3. **All vehicles on site shall be operable and display a valid registration tag**
4. **Clotheslines for air drying of laundry must be screened from public view**
5. **Site shall be reviewed by the police chief or his designee for compliance with CPTED requirements and installation of security cameras consistent with CPTED requirements**
6. **The applicants shall comply with the above stipulations within ninety (90) days of this approval**

4. PUBLIC HEARING: CONDITIONAL USE PERMIT #CU2011-04

Florida Commercial Laundry Equipment, Inc. is the applicant for a conditional use permit for prepaid phone time sweepstakes, proposed to be located in a laundromat building located at 1527 8<sup>th</sup> Ave. W.

Mayor Bryant opened the public hearing.

City Planner Lorraine Lyn informed Commission that since the primary use for the property is a laundromat, staff recommended approval subject to conditions. Planning and Zoning conditions are:

1. **Sales of the prepaid phone time card sweepstakes shall only be allowed in the 784 square foot proposed area of the building**
2. **Hours of operation shall be 8:00 a.m. to 12:00 a.m.**
3. **The Conditional Use Permit shall be limited to a 5-year period**

The applicants were present for the hearing. Marie McCaughan addressed Commission as representative for the applicant/property owner Doug Honicker. She explained to Commission that this is not gaming. They will sell phone cards, and buying cards here gives the purchaser sweepstakes points, which is the incentive to buy the card here instead of at a Walmart, for example. The facility must have an attendant to sell the phone cards, and you must be 18 to purchase the cards and play the game. Twelve parking spaces are required at the facility, and Mr. Honicker has sixteen existing spaces.

Commissioner Williams expressed concern that this is gaming.

Mr. Barnebey informed Commission that whether or not this is gaming is currently being litigated in other counties in the state.

Commissioner Varnadore recommended that the permit be clarified to be for sales of prepaid phone cards only, the hours of operation to be 8:00 a.m. – 10:00 p.m. and the permit limited to a period of three years.

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

Mr. Williams stated he was in favor of adding staff's recommendation to limit to adults only; not included in P&Z recommendations.

Commissioner Cornwell asked for discussion on what areas these types of facilities should be permitted in. How do we want the City to look, especially on 8<sup>th</sup> Avenue? What kind of signage will be allowed for the business?

Commissioner Zirkelbach opined that Hasko Road was approved because of the location. He is in favor of a short time limit for this conditional use permit as it is in the City's gateway. It is not in the spirit of the design guidelines.

Commissioner Cornwell commented that specific use should be looked at for establishments in the main corridors.

Regarding signage, Mr. Barnebey cautioned Commission against restricting signage. If it is an allowed business, it can advertise consistent with the sign code. He said this is strictly a land-use issue.

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded, and motion carried 3-1, with Commissioner Cornwell voting nay, to approve Conditional Use Permit #CU2011-04 for 1527 8<sup>th</sup> Ave. W. with the following stipulations:**

1. Sales of the prepaid phone time card sweepstakes shall only be allowed in the 784 square foot proposed area of the building; only for prepaid phone card sweepstakes machines
2. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.
3. The Conditional Use Permit shall be limited to a 2-year period
4. The recreational and amusement services facility shall be limited to use by people 18 years of age and older
5. Limited to 22 terminals

Commissioner Williams asked to limit the number of terminals to 22. The maker and second of the motion agreed and that became stipulation #5.

Mayor Bryant recessed the City Commission meeting to open the Special CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting.

#### 6. 2011-2015 COMMUNITY REDEVELOPMENT PLAN

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded, and motion carried 4-0 to move the 2011-2015 Community Redevelopment Plan to the November 7, 2011 agenda.**

#### 7. SEPTEMBER CHECK REGISTER (Informational purposes only)

#### 8. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Mayor Bryant informed Commission that she met with an architect who is working on the possibility of reconfiguring the fields. She will be meeting with the president of the Little League tomorrow.

Commissioner Varnadore asked Mayor Bryant if she could see about getting the ball fields on a County Commission agenda. Mayor Bryant said the difficulty is working with all the entities involved, but she thinks there is a greater possibility now, more than ever before, to get this resolved

#### 9. ASR WELL UPDATE

Mr. Tusing told Commission that the engineer is working on the final design.

#### 10. DEPARTMENT HEADS' COMMENTS

Mr. Tusing reported that, depending on weather, the curbs are scheduled to go in tomorrow in the Ward I Phase 2 project. Structures are being put in at the roundabout. Once the structures are in, they can begin staking and putting curbs and roads back in. Bus service to the Courtney has been restored with the help of MCAT and Manatee School for the Arts (MSA). The bus is being routed through MSA.

#### Jim Freeman

Reported that he has received only one resume to date for the Ward 1 vacancy. This will go on the November 7, 2011 agenda for discussion and approval. The City is moving forward with the energy grants. By the next meeting the retrofitted lights should be completed at City Hall.

#### Chief Wells

The Police Department assisted the Sheriff's Office in the apprehension of three gang members involved in a RICO investigation on Friday. Apprehended the subject in a stolen vehicle robbery off Snead Island on Saturday. The Metro phone store was robbed on Thursday, and the suspect was apprehended on Friday.

#### Mark Barnebey

No comments

#### 11. MAYOR'S REPORT

Provided Commission with a flyer announcing a District 2 Community meeting on October 20, 2011 at the Palmetto Youth Center. County Commissioner Michael Gallen, local law enforcement and the State Attorney will be at the meeting. Informed Commissioners they will receive an invitation to participate in the Veterans Parade. The parade task force met today. They are planning a big parade concluding with a ceremony at Sutton Park. The guest speaker will be State Representative Greg Steube.

#### 12. COMMISSIONERS' COMMENTS

##### Commissioner Varnadore

No comments

##### Commissioner Zirkelbach

Advised Mr. Tusing that on the north side of 17<sup>th</sup> Avenue, just east of 9th Street, there is a tree growing out into the roadway. The tree blocks the oncoming traffic. Also, please advise Code Enforcement that the pet supply store on 8<sup>th</sup> Avenue and 6<sup>th</sup> Street put up a banner that is in the visibility triangle.

##### Commissioner Williams

No comments

##### Commissioner Cornwell

The Palmetto Historical Commission needs candy for the Halloween Social on October 28. Please contribute if you can. The theme for the fair this year is red, white, and blue, a Star Spangled Year, because it is an election year. The Fair may add Manatee's Got Talent. Reported the Yellow Fever Cemetery sign has been knocked down. Mr. Tusing said that he has it; it was down due to vandalism. The sign is broken, but he thinks he can get it fixed. She applauded the Mayor for keeping the Commission in the loop, especially about the ball fields. Also, thanks to Department Heads and especially the chief for getting a quick response to her for something that recently occurred.

Mr. Williams asked to meet with Mayor Bryant and Mark Barnebey on Tuesday to go over his questions on the CRA Plan. They agreed to meet at 11:00 a.m.

13. PUBLIC COMMENTS FOR CITY COMMISSION

None

14. ADJOURNMENT

The meeting was adjourned at 9:36 p.m.

Minutes approved: November 7, 2011

*James R. Freeman*

James R. Freeman, City Clerk