

**CITY OF PALMETTO
CITY COMMISSION MEETING
JANUARY 23, 2012
7:00 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor
Brian Williams, Vice Mayor, Commissioner, Ward 3
Tamara Cornwell, Commissioner-at-Large 2
Charles Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2

Elected Officials Absent:

Alan Zirkelbach, Commissioner-at-Large 1

Staff Present:

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

Mayor Bryant called the January 23, 2012 meeting to order at 7:00 p.m. She called for a moment of silence followed by the Pledge of Allegiance. She asked all to remember recently departed members of the community: Joel Jarvis, Clovia Russell, sister of City of Bradenton Councilmember, Harold E. Byrd, Jr., and Pastor Joe Choate.

PRESENTATION: Police Department Officer of the Year

Chief Wells recognized Officer Doug Marston as Officer of the Year. Chief Wells told Commission that Officer Marston was instrumental in solving several burglaries on the west side of the City which also brought attention to burglaries in Manatee and Hillsborough Counties. Officer Marston is committed to traffic safety and was very involved in the Click It or Ticket national campaign. Chief Wells commended him for his work ethics, and stated the award came from his peers who appreciate all that he does.

PROCLAMATION: Palmetto Tigers Day

Mayor Bryant proclaimed January 23, 2012 as Palmetto Tigers Day in recognition of the Tigers outstanding 2011 season. Accepting were Coach Dave Marino and senior player Kevin O'Brien. Coach Marino pointed out that he is proud of his players, not just for their success on the field, but for their volunteer work in the community as they learn it's also about winning off the field.

PROCLAMATION: Florida Arbor Day

Commissioner Cornwell presented the proclamation to Eric Gilbert, Chair of the Planning and Zoning and Tree Boards. Mr. Gilbert thanked the Commission for its interest and support of a "green" community.

PRESENTATION: Palmetto Riverside Bed and Breakfast

Mayor Bryant said she was happy to take the opportunity to recognize the Palmetto Riverside Bed and Breakfast for its designation by Travelscore Magazine as the 2011 Best Bed and Breakfast Inn of Florida. She thanked owner Wim Lippens for bringing the designation to the City of Palmetto.

All persons intending to address City Commission were duly sworn.

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded, and motion carried unanimously to approve the January 23, 2012 Revised Agenda with the addition of a permit for Slicks Garage under item #3.

2. CONSENT AGENDA APPROVAL

A. CITY CLERK'S OFFICE

1. Minutes: January 9, 2012
2. Special Legal Billing: Bryant Miller Olive
3. Special Function Permits: St. Patrick's Day 5K
DeSoto Children's Parade
DeSoto Grand Parade
4. Communication Service Tax Agreement approval
5. Library Board 2012 Appointment: Edie Bustle
6. MPO Grant Application and authorization to accept funds (if awarded) for 10th Ave. and 6th and 7th St. roundabouts

B. POLICE DEPARTMENT

1. Budget reallocation for 2010 JAG Grant application

MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded, and motion carried unanimously to approve the January 23, 2012 Consent Agenda with the exception of items A6 and B1 pulled for discussion as requested by Commissioner Williams.

Discussion: Commissioner Williams opined that items such as A6, if not elsewhere on the agenda, should be pulled so that the public could comment. Mr. Barnebey stated that the public will have an opportunity to comment at the beginning of the meeting under Public Comment and the disclaimer is being revised to reflect that. Under the discussion for B1, he asked Chief Wells for an update on COBAN. Chief Wells informed Commission that COBAN has made improvements and updated the server for free. They have been quite helpful even though there was no service agreement. The five cameras requested are for laptops so there are cameras in the vehicles as well as the laptops.

MOTION: Commissioner Williams moved, Commissioner Smith seconded, and motion carried unanimously to approve items A6 and B1 under the Consent Agenda.

3. RESOLUTION NO. 2012-02

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING EXECUTION OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE AGREEMENT #BDT59, FM #424087-1-78-02, PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOTE: When preparing documents for execution, staff amended the Resolution number to correctly read Resolution No. 2012-03.

MOTION: Commissioner Varnadore moved, Commission Smith seconded, and motion carried unanimously to adopt Resolution 2012-02

Discussion: Commissioner Cornwell asked about the fees being dropped again. Mr. Tusing said he has sent an email to the State to see why there is a difference. The resolution must be approved prior to February. He reasoned that the State probably has the same problem with funds that the City has. He is waiting for a response. Ms. Cornwell asked if it is still cost-effective for the City to perform the maintenance. Mr. Tusing said the money helps the City because we are not mowing now in the winter season and it all balances out. Also, the City was mowing the rights-of-way to keep the City looking nice even before FDOT paid us to do it. He will try to get the fees changed back to the fees in the previous

agreement. He reminded Commission that the last time it was lowered it was because the City took out the street sweeping because of the requirements made by FDOT.

3A. RATIFICATION OF COMMISSION ACTION TAKEN ON JANUARY 20, 2012

MOTION: Commissioner Varnadore moved, Commission Williams seconded, and motion carried unanimously to reaffirm and ratify the action taken with respect to the Cadence property assignment/contract at the January 20, 2012 Emergency City Commission meeting.

Discussion: Commissioner Varnadore asked for an update. Mr. Barnebey informed Commission that the Cadence Bank parcel closed today with Mr. Graham. It will be a two-part closing.

3B. ASSIGNMENT OF REAL ESTATE CONTRACT BETWEEN BOB GRAHAM AND CIRCLE K FOR THE PURCHASE OF 301 8TH AVENUE WEST.

MOTION: Commissioner Williams moved, Commissioner Smith seconded, and motion carried unanimously to approve the Assignment of Real Estate Contract with respect to the Circle K property as approved by the CRA at the December 19, 2011 CRA meeting and authorize the Mayor, or the CRA Chair as appropriate, to execute the Assignment.

Discussion: Mr. Barnebey clarified that the CRA has until the end of the week to decide if it wants to move forward. Due diligence ends on January 31, but we will not have all of the environmental information by January 31. He does hope to have a clear outline of what the risks are to present to Commission.

3C Special Function Permit/Slick's Garage

Request by Slick's Garage for permit for First Fridays on Fifth for February and March

The application was submitted today. Commissioner Varnadore commented that the applicant seems to have a hard time getting the paperwork submitted in a timely manner. Commission agreed that it would be willing to approve for up to three months at a time if there were no changes in the way the event is planned. Mayor Bryant informed Commission that this request has not allowed time for any of the Department Heads signatures or other official approval of the event.

MOTION: Commissioner Williams moved to approve the Special Function Permit application for Slick's Garage for First Fridays on Fifth for March 2.

The motion died for lack of a second.

Jeff Burton, CRA Director, reminded Commission that after March, 5th Street will be closed off until approximately October. Commissioner Cornwell asked that the City notify Slick's, in writing, of the street closing and the time frame for submitting Special Function Permits. She would not be in favor of approving a last minute request again.

MOTION: Commissioner Cornwell moved and Commissioner Smith seconded a motion to approve First Friday on February 3 and March 2 with all paperwork being signed and insurance forms and all backup documentation attached with the permit.

Discussion: Commissioner Williams referred to Code 19-71 which requires the application to be submitted thirty days in advance, and recommends that the sponsor attend the City Commission meeting to answer questions. Mr. Williams asked if it was possible to send a highlighted copy of the ordinance to Slick's and Mr. Freeman said yes. The maker of the motion agreed to add this to the motion and the second to the motion concurred.

MOTION: Commissioner Cornwell moved, Commissioner Smith seconded, and motion carried 3-1, with Commissioner Williams voting nay, to approve First Friday on February 3 and March 2 with

all paperwork being signed and insurance forms and all backup documentation included with the permit, and applicant being notified of requirements pursuant to code.

Commissioner Varnadore said she would make no exceptions in the future. Mr. Smith concurred.

4. SECOND PUBLIC HEARING: ORDINANCE NO. 2011-33 (L. Lyn)

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, ZONING CODE, TO PROVIDE STANDARDS FOR FARM LABOR CAMPS AS A CONDITIONAL USE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant reopened the public hearing continued from January 9, 2012.

Mr. Barnebey pointed out that there was no one in the audience who wanted to speak. Mr. Barnebey said the matter is currently in front of the P&Z Board. They had a meeting last week and a number of owners of farm labor housing had some concerns and they will meet with the Mayor and staff before it comes back on February 27. Mayor Bryant informed Commission that she has been meeting with the owners, and they are receptive to the ordinance because they want their locations to be as safe as possible.

MOTION: Commissioner Williams moved, and Commissioner Varnadore seconded a motion to continue Ordinance 2011-33 to February 27, 2012.

Commissioner Williams amended the motion to add "to continue *the public hearing for*" Ordinance 2011-33 and Commissioner Varnadore seconded the amended motion.

MOTION: Commissioner Williams moved, Commissioner Varnadore seconded, and motion carried unanimously to continue the public hearing for Ordinance 2011-33 to February 27, 2012.

5. DECEMBER 2011 CHECK REGISTER (Information Only)

6. BASEBALL FIELD UPDATE

Mayor Bryant advised Commission that she, Mr. Barnebey and Mr. Freeman will be meeting with the County on Wednesday at 3:00 p.m. to discuss the interlocal agreement for building the ball fields. Commissioner Varnadore asked that the City clarify who is taking the lead on the agreement and asked the Mayor to call Commission with an update after the meeting.

Mr. Tusing said Cindy Turner, Director, Manatee County Parks and Recreation, called him and asked for any drawings the City might have for the ball fields. He sent over drawings received from Heidt. It appears the County has already begun working on this.

7. ASR WELL UPDATE

Mr. Tusing said he received an email from FDEP stating they were satisfied with answers to the Requests for Additional Information (RAIs). They intend to grant the permit, and the City should receive the draft soon. The 100% plans should be completed in a few weeks. He clarified for Mr. Williams that this is a construction and testing permit.

8. DEPARTMENT HEADS' COMMENTS

Allen Tusing

Commented this was a good fair. Mayor Bryant added that she wanted to congratulate Ray D'Aiuto and Veolia for the display at the fair. It drew a lot of attention and media coverage. Mr. Tusing recognized his staff for their work at the fair. The fair manager called and complimented him on his staff.

Jim Freeman

Reported that Verizon is underway with initial stages of construction of the cell tower. There will be a budget amendment coming forward for legal fees related to Police Department negotiations. He is working to close out the two energy grants. He will be bringing an amendment forward to request more funding for the HVAC component, as the contractor identified things that needed to be done at the Police Department. Some portion may come from CIP funds.

Chief Wells

Informed Commission that Officer Chris Rossman was officially hired full time last Friday. The Chief thanked Commissioner Smith for his help with projects at the Police Department and for his leadership.

Commissioner Varnadore inquired about crime at the fair this year, and he reported there was very little criminal activity this year at the fair. She said she had received compliments about his department's coverage at the fair.

Mark Barnebey

Reported he is busy working on the contracts for Circle K and Cadence properties and they should close shortly. Commissioner Varnadore said she saw an article that said people could begin parking on the properties. Mayor Bryant said this will need discussion. Mrs. Varnadore asked for a press release and signage on the property.

9. MAYOR'S REPORT

She attended a ribbon cutting on Saturday at Unique Gifts located at 414 10th Avenue.

10. COMMISSIONERS' COMMENTS

Commissioner Varnadore

No comments

Commissioner Williams

Thanked the Police Department for the great job done at the fair. The paper reported it was one of the top three fairs.

Asked what the plans are for turning the one-way streets behind Popi's and the MTI Academy into two-way streets. Mr. Tusing said the one-way signs behind the academy have been removed. Mr. Williams asked if we should do away with parking on that street. Mr. Barnebey remarked that part of the road has been vacated. Mr. Tusing said he is working on the road behind Popi's.

He has observed trees overhanging into the street that need to be pruned for street sweepers. Mr. Tusing said he will ask the street sweeper to log locations.

Commissioner Williams asked about the status of the business with old cars and boats on the property that he brought up in November. He indicated there has been no change. Mr. Freeman said he understood they planned to put a fence along 4th Street, but he will check with Code Enforcement. Mayor Bryant requested that he send an update to all Commissioners.

Reported there is marine repair work being done on 10th Street and 18th Avenue. He believes that, per code, this activity is not permitted west of 8th Avenue.

Commissioner Cornwell

Stated this fair was one of the most family friendly fairs she has been to, and it was very well attended. She thanked Mr. Burton for attending the Historic Commission meeting for her. She asked that any emergency meetings be scheduled for 5:30 p.m., if at all possible. It is a huge expense for her to come back into town and then go back to work in the middle of the day.

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Charles Smith
No comment.

The meeting was adjourned at 8:19 p.m.

Minutes approved: February 6, 2012

James R. Freeman

James R. Freeman, City Clerk