

**CITY OF PALMETTO
CITY COMMISSION MEETING
June 18, 2012
7:00 PM**

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
Alan Zirkelbach, Commissioner-at-Large 1

Staff Present

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Lorraine Lyn, Planning and Zoning Supervisor
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Amber Foley, Assistant City Clerk

Mayor Bryant called the meeting to order at 7:01 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

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

Mayor Bryant acknowledged that Attorney Mark Barnebey was honored by the Florida Bar and that she is proud to have him on board with the City.

Non-agenda Item Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve the June 18, 2012 Agenda.

2. CONSENT AGENDA APPROVAL

A. CITY CLERK'S OFFICE

1. Minutes: June 4, 2012
2. Approval: Designation of Mayor Bryant as the Voting Delegate to the 86th Annual Florida League of Cities Conference.
3. Special Function Permit: Slicks Garage, First Fridays:
July 6, 2012, August 3, 2012, September 7, 2012
4. Fiscal Year 2013 School Resource Officer Contract
The Manatee County School Board will reimburse the City for 50% of Fiscal Year 2013 total salary or \$62,000 for 2 designated sworn police officers.
5. Appointment of City Clerk and Mayor to the Canvassing Board
6. Legal Billing: Bryant Miller Olive Invoice Date 4/30/2012
Fournier and Connolly Invoices Dated 2/8/2012 and 5/8/2012

Motion: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the June 18, 2012 Consent Agenda with the removal of item number three as requested by Commissioner Williams and removal of item number four as requested by Commissioner Cornwell.

Item #3 Special Function Permit for Slick's Garage First Fridays July 6th, August 3, and September 7. Commissioner Williams discussed the issues he sees with the road closure on the July 6th date. Due to construction on 5th Street, there should be no road closure there for now. Jim Freeman has been in contact with the contractor regarding 5th street and suggested that for July's date that 5th not be closed. There is a tentative date of August completion for the 5th Street project. As of now, for the First Fridays event, just close off 10th Avenue. Mr. Freeman will stay in touch with the contractor and let Slick's Garage know if 5th Street can be closed off for their events in August and September.

Motion: Commissioner Williams moved, Commissioner Zirkelbach seconded, and motion carried 5-0 to approve the First Fridays Special Function Permit for the closure of 10th Avenue between the 400 block and 500 block and closure of 5th Street would be contingent upon the completion of the construction project and the Mayor's approval.

Item #4 Fiscal Year 2013 School Resource Officer Contract. Commissioner Cornwell expressed concern about Manatee County pulling resource officers from their middle schools. She does not want this to be happening in Palmetto. Chief Wells explained that Palmetto Police Department is still going to keep with their plan of keeping resource officers in the middle schools here.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and motion carried 5-0 to approve Fiscal Year 2013 School Resource Officer Contract with Manatee County School Board reimbursing the City for 50% of Fiscal Year 2013 total salary or \$62,000 for two designated sworn police officers, one at Lincoln Middle School and one at Palmetto High School.

3. 1ST READ: ORDINANCE NO. 2012-12 (Carried Forward from the Workshop Meeting)

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR AMENDMENT OF THE REGULATION FOR THE SELLING AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY LIMITS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Williams moved to schedule a public hearing for Ordinance No. 2012-12 for June 25, 2012 and July 2, 2012.

Discussion ensued regarding a second public hearing date of July 2, 2012. Attorney Barnebey advised that this can be done as long as the public comment portion is kept open from the June 25th meeting date and continued to the July 2nd hearing date.

Commissioner Zirkelbach seconded the motion on the floor and the motion carried 3-2 with Commissioners Varnadore and Cornwell voting nay.

4. PUBLIC HEARING: CONDITIONAL USE PERMIT 12-01

City Planner Lorraine Lyn explained how North River Properties Management has complied with the requirements of the CPTED review. Their proposal is for the 13 units that are on-site. Since 2008 they have made several improvements to the interior of the buildings and the water and sewer lines. This site has been used as farm worker housing; they are making a good faith effort to comply with the City's ordinance. It meets the requirements of the conditional use standards and planning and zoning staff recommend approval of the permit.

Discussion ensued regarding the Planning and Zoning Board meeting from May 17, 2012. On-site care taker and contact information to be visibly posted are two requirements that still need to be met.

Commissioner Varnadore asked if there has been research done on the business tax receipts for this type of housing. Discussion ensued regarding the modification for business tax receipts to include a farm worker housing class.

Commissioner Cornwell referenced section 3.C. of the ordinance and asked that it makes an on-site caretaker be a requirement when the facility is occupied and that contact information should always be posted.

Attorney Barnebey noted that this property is currently illegal because they are not permitted, but they will be brought into conformity with the conditional use approval. Commission has authority to approve this permit before Ordinance 2012-07 is adopted.

Commissioner Smith expressed his concerns about the property and how nuisances will be addressed. Mayor Bryant noted that farm worker housing ordinance that is coming forward, will include the addition of the lights and landscaping so that the property can be easily monitored. She also explained that it is also highly recommended that the property be equipped with security cameras, but that this cannot be made a requirement. Ms. Lyn also noted the property is completely fenced in now.

Commissioner Williams discussed appendix C, the Florida Department of Health (FDOH) Migrant Farm-Workers and Residential Migrant Housing Basic Guidelines. He had concerns with the compliance of sewage and liquid waste disposal. Ms. Lyn noted that appendix C is just for information; this was not a part of the conditional use permit. Further discussion ensued regarding these guidelines and compliance.

Discussion took place regarding compliance and the various recommendations made. Some issues are still outstanding and have yet to be complied with. Attorney Barnebey would like further clarification on the security conditions that Code Enforcement will enforce on the property. Chief Wells noted that CPTED is nothing but recommendations and it's up to the Commission on what they will mandate. Discussion continued regarding more concrete recommendations.

Commissioner Cornwell expressed concerns on the enforcement of the codes and what will happen if and when they are not met by the property. Mr. Tusing discussed the proper channels would be to go through code enforcement and apply proper fines and that they could be shut down by the City through a code enforcement hearing.

Attorney Barnebey explained that Commission needs to make sure to identify particular uses that are approved under this permit and that the conditions we are adopting show what we expect and what the applicant expects from the City. Attorney Barnebey recommended to Commission that this public hearing be continued.

Discussion ensued in regards to inspections of the property.

Mayor Bryant opened the public hearing.

Mayor Bryant closed the public hearing after no public comment.

Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and motion carried 5-0 to continue the public hearing for Conditional Use Permit CU 2012-01 to July 16, 2012.

Commissioner Varnadore departed the meeting at 8:00 p.m.

5. PUBLIC HEARING: MANATEE SCHOOL FOR THE ARTS (MSA) CONDITIONAL USE PERMIT
CU 2011-02

Lorraine Lyn noted that there has not been any negative impact noted because of this sign. The sign does not have continuous video. Studies have been done on the sign regarding safety, and there has been no evidence found impeding the safety of motorists because of the sign. Mayor Bryant opened the public hearing.

Mayor Bryant read an email from Terrance Regan into the record.

Jon Moore, speaker on behalf of MSA stated he has not heard of any complaints regarding the sign.

Commissioner Varnadore returned to the meeting at 8:12 p.m.

Eric Gilbert commented in regards to the time frame that was referred to in the email from Terrance Regan. The Planning and Zoning Board discussed the timing issue and opted for the Department of Transportation's standard.

Mayor Bryant closed the public hearing.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, to approve the permanent revised Conditional Use Permit 2011-02 for Manatee School for the Arts' electric sign located at 700 Haben Boulevard, subject to stipulations set out in the conditional use permit.

Commissioner Varnadore discussed her feelings on the need for parameters on electronic signs.

Motion on the floor carried 4-1 with Commissioner Varnadore voting nay.

6. PUBLIC HEARING: ORDINANCE NO. 2012-09

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 0.8732 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 409 20th STREET WEST, PALMETTO; MORE PARTICULARLY DESCRIBED IN EXHIBIT A; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN2012-01 Applicant: Volunteers of America of Florida, Inc. PID# 2432900005/0.8732 acres)

Mayor Bryant departed the meeting at 8:18 p.m.

Lorraine Lyn discussed that Volunteers of America (VOA) is applying for an annexation to hook up to the City's water and sewer services. VOA would be considered affordable housing and they have received a grant from Manatee County for this proposal.

Commissioner Williams opened the public hearing for comment.

Kevin Letch of Volunteers of America gave a brief presentation to the Commission introducing who VOA is.

Mayor Bryant returned to the meeting at 8:32 p.m.

Questions were asked regarding the guidelines used by VOA on the acceptance of tenants. Mr. Letch explained their screening process, describing the background checks they do and the eviction process when rules are broken.

Discussion ensued about what would happen if this property did not get annexed into the City.

Discussion took place regarding sewer and water lines and cost. Mr. Letch noted that the impact fees for tapping into the lines are projected in their budget.

Kevin Letch noted that the VOA follows the Fair Housing Laws. Every tenant has the same criteria and rules to follow to be able to live there. Eligibility is based on max income.

Mr. Letch introduced B.J. Graf, with VOA, to answer further questions from Commission.

Discussion ensued regarding the eviction process.

B.J. Graff gave the Commission a small presentation of the services offered by VOA. He noted great success with allowing safe and affordable housing to low income individuals and he is in favor of VOA being annexed into the City.

Suzy Dobbs, Community Development Manager for the Manatee County Neighborhood Services Department. She spoke in favor of allowing the annexation of VOA into the City.

In regards to the question of how the County would handle this property if an annexation is not approved, Ms. Dobbs noted that the land will need to be reassessed by the Department of Health for septic tanks.

A discussion took place regarding the deadline for this program to be completed and the land use restriction agreement of 20 years.

Concerns were raised regarding the benefits of allowing this property to be annexed into the City. There were concerns of no taxes being paid because of VOA being a non-profit organization.

The following individuals spoke in support of the VOA:

1. Tim Pedon, Bradenton
2. Suzanne Story, Bradenton
3. Jennifer Story, Bradenton
4. Jeffrey Renn, Punta Gorda
5. Stan Campbell, Punta Gorda
6. Terence Entrician, Punta Gorda

Mayor Bryant closed the public hearing.

Mr. Letch let Commission know, if they wanted to see a VOA housing unit, the closest open one at this time is located in Punta Gorda.

Commissioner Cornwell would like to see sidewalks and curbing built on this site, this would provide enhancements to the City. Mr. Tusing noted that if Commission allows for the annexation of this property, then the City has codes that the VOA will have to put on their site plan, allowing for the inclusion of sidewalks and curbing. Mr. Letch advised Commission that the VOA is on board with whatever enhancements the City may want. Mr. Tusing confirmed that Commission will not have the ability to improve the site plan if zoning and land use as proposed is approved. Discussion ensued on the possibility of approving the project as planned development, which will require Commissioner's approval of the site plan.

Motion: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 5-0 to extend the meeting to 10:15 p.m.

Meeting recessed at 9:55 p.m.

Meeting back in session at 10:08 p.m.

Attorney Barnebey discussed that VOA is concerned about timing and suggested a special Planning and Zoning meeting may be necessary to help them with that. There is a risk that they will not get construction completed in time; however, the alternative is that the lot will remain vacant for some time.

Mayor suggested that perhaps the master utility ordinance could be amended to serve non-profit properties outside the City limits in the alternative of annexation.

Attorney Barnebey recommended continuing the public hearing to July 2nd for a special hearing.

Discussion ensued on design plans for site.

Motion: Commissioner Williams moved, Commissioner Zirkelbach seconded, and motion carried 5-0 to extend the meeting until 10:30 p.m.

Suzie Dobbs informed Commission that Manatee County Building Department has not viewed VOA site plan because they decided to try to get annexed into the City first. SWFWMD has reviewed and approved the site plans that have been made with 3 duplexes to be built on the land.

7. PUBLIC HEARING: ORDINANCE NO. 2012-10

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM RES-9 (COUNTY) TO RES-10 (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA2012-01 Volunteers of America of Florida, Inc. PID# 2432900005/0.8732 acres).

Mayor Bryant opened the public hearing.

8. PUBLIC HEARING: ORDINANCE NO. 2012-11

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 0.8732 ACRES OF PROPERTY GENERALLY LOCATED AT 409 20th STREET WEST, PALMETTO, FROM GC, GENERAL COMMERCIAL (County) TO RM-5, DUPLEX AND SINGLE FAMILY RESIDENTIAL (City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-2012-01 Applicant: Volunteers of America of Florida, Inc. PID# 2432900005/0.8732 acres)

Mayor Bryant opened the public hearing.

Motion: Commissioner Williams moved, Commissioner Smith seconded, and motion carried 5-0 to incorporate all the public comments made from item number 6 on the agenda into the public comment for items number 7 and 8 on the agenda.

After no further public comments, Mayor Bryant closed the public hearing on Ordinance No. 2012-10 and Ordinance No. 2012-11.

Motion: Commissioner Zirkelbach moved, Commissioner Smith seconded, and motion carried 5-0 to continue item number 6 to July 2, 2012 at 6:30 p.m., or as soon thereafter as same can be heard in these chambers.

Motion: Commissioner Williams moved, Commissioner Zirkelbach seconded, and motion carried 5-0 to continue item number 7 to July 2, 2012 at 6:30 p.m., or as soon thereafter as same can be heard in these chambers.

Motion: Commissioner Zirkelbach moved, Commissioner Williams seconded, and motion carried 5-0 to continue item number 8 to July 2, 2012 at 6:30 p.m., or as soon thereafter as same can be heard in these chambers.

It was the consensus of Commission to instruct staff to prepare an ordinance amendment [to the master utility ordinance] to allow consideration for non-profits to connect to sewer without being annexed into the City, with a first read to be held on June 25, 2012 and public hearing on July 2, 2012.

Commissioner Varnadore requested staff to research how many properties have been annexed into the City that do not have sewer.

Mayor Bryant adjourned meeting at 10:30 p.m.

Minutes approved: July 2, 2012

James R. Freeman

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