

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND CRA BOARD MEETING
August 6, 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 Present

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
Scott Rudacille, Chief Assistant City Attorney
Amber Foley, Assistant City Clerk

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

PRESENTATION: Sherry Knowles, on behalf of Mary Glass of the Manatee Education Foundation, presented the Connect Your Community Awards to:
Rubonia Community Center
Shining Light Church
Kelly Brown Career Development Center
Bible Baptist Church, accepted by Commissioner Smith
Palmetto Police Department, accepted by Chief Wells-The Palmetto Police Department donated refurbished computers to the program.

All persons intending to address City Commission were duly sworn.

Non-agenda Item Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Varnadore moved, Commissioner Smith seconded and motion carried 4-0 to approve the August 6, 2012 Agenda.

2. CONSENT AGENDA APPROVAL

A. CITY CLERK'S OFFICE

1. Minutes: July 16, 2012
2. Appointment of Leon Kotecki to the Planning and Zoning Board
3. Appointments to Enterprise Zone Development Agency
4. Approval: Designation of Brian Williams as Voting Delegate for Florida League of Cities Conference
5. Legal Billing: Blalock Walters Invoices Dated 6/30/2012
6. Special Function Permit: 9/11 Memorial

B. POLICE DEPARTMENT

1. Approval: Mutual Aid Agreement and DOJ Award
2. Approval: Memorandum of Understanding between law enforcement agencies of Manatee County for the purpose of sharing radio communications

Mayor Bryant noted that Mr. Kotecki was in the audience tonight and thanked him for volunteering his time with the City. She also informed Commission that a letter of appreciation had been written to Ms. Barbara Jennings for her service on the Planning and Zoning Board.

Motion: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 4-0 to approve the August 6, 2012 Consent Agenda.

3. RESOLUTION NO. 2012-18 LEGAL FEE INVOICES FOR POLICE UNION

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2011-31, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2011-2012 AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Varnadore moved, Commissioner Williams seconded the motion to adopt Resolution No. 2012-18.

Regarding how much has been spent on legal fees for the police union; Mr. Freeman informed Commission that with this amendment approximately \$57,000 has been spent to date.

Motion on the floor carried 4-0.

4. RESOLUTION NO. 2012-19 CRA PROJECT REALLOCATION

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2011-31, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2011-2012, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded and motion carried 4-0 to adopt Resolution No. 2012-19.

5. AWARD OF PROPOSAL FOR DEBRIS MONITORING SERVICES

Mr. Freeman informed Commission that the City put out two Requests for Proposals (RFP) on June 14 with responses due July 12. There were four responses received for the debris monitoring services RFP. A committee of five evaluated the responses with results of their scoring showing a recommendation for O'Brien's Response Management. Once approved, the City will move forward with negotiating a contract.

Mr. Freeman explained that Grubbs was the vendor they used in the past; however, [due to FEMA requirements], two separate vendors have to be used, one for debris monitoring and one for debris removal.

Motion: Commissioner Cornwell moved Commissioner Varnadore seconded the motion to approve and authorize the Mayor to execute a contract between the City and O'Brien's Response Management for debris monitoring services as recommended by the committee.

Commissioner Williams requested information be provided to him on where O'Brien's Response Management is located as well as the location of the three vendors for debris removal.

Motion on floor carried 4-0

6. AWARD OF PROPOSAL FOR DEBRIS REMOVAL SERVICES

Mr. Freeman informed Commission that debris removal services was the second of the RFPs put out by the City. There were twelve responses received and reviewed by the committee. The committee is recommending three debris removal companies. During a disaster the City would call on the first choice, Ceres. If they were not available to perform the job,

the City would call on the second choice, Crowder Gulf, and then the last vendor, Omni, would be called if the previous two companies could not respond at the time.

Motion: Commissioner Williams moved, Commissioner Varnadore seconded and motion carried 4-0 to approve and authorize the Mayor to execute separate contracts between the City and Ceres, Crowder Gulf, and Omni for debris removal services.

7. APPEAL OF UTILITY LIEN, SANCTUARY RESIDENTIAL PARTNERS, LLC

Mr. Freeman explained to Commission that the property is Sanctuary Cove, located at 1799 US 301 N. In June of 2008, Sanctuary Cove paid for the installment of a 10 inch compound master meter per the City's request. The City then started billing with readiness to serve fees of approximately \$760 per month. There has been minimal use of the utilities on this property. During this time period, 2008-2011, the developer had been in contact with the City regarding the account and billing. A lien was filed on the property in December of 2009 for non-payment. During that same time, the property was sold and the new owners are now trying to refinance and the lien has become an issue.

Commissioner Varnadore recommended reducing the utility lien to the actual usage fee rounded up to \$1,000.00.

Bjorn Svenson, on behalf of Sanctuary Cove, informed Commission that the development installed the master meter per the City's request.

Motion: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 4-0 to reduce the utility lien totaling \$25,602.45 to the actual usage fee rounded up to \$1,000.00 on the property located at 1799 301 N. known as Sanctuary Residential Partners, LLC.

8. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2012-02

City Planner Lorraine Lyn informed Commission that this is for property owned by Palmetto Land Company, LLC located at 413 12th Street West. It is zoned RM-6 and RES-10. The parcel has a single-family unit in the front and a duplex in the rear. The surrounding developments are predominantly residential except for the parcel to the west which is zoned commercial and is vacant. The subject parcel uses this property for access because there is no physical access from 12th Street West directly onto their site. The applicant has agreed to a condition that states if access through the adjacent lot is cut off, the property owner would provide a shell drive off 12th Street West. Several conditions were placed on the property by the Planning and Zoning Board that include:

- The property owner shall maintain doors and windows in good working order with locking hardware, locks and pry guards.
- Front and rear doors shall be equipped with wide-angle peep-hole viewers.
- Install and maintain wall mounted flood lights on the front of the units, facing the parking lot to illuminate the front doors and parking area.
- Provide motion activated security lights for the rear corners of the buildings, to illuminate these areas when there is movement.
- Installation of video surveillance is strongly encouraged for all entrances, parking areas, and the rear of the buildings, for the protection of the residents and to aid the protective efforts of the Police Department.
- The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health
- The owner shall have 60 days from the date of approval of the Conditional Use Permit to complete required site improvements.

The Planning and Zoning Board had its public hearing on July 19th and they recommended approval. The Planning and Zoning Board added two additional conditions to this property only.

- Install large limestone rocks to create border definition for the perimeter of the property, especially along the western and southern property lines.
- If access through the adjacent lot to the west is ever cut off, the property owner shall provide a shell drive off 12th Street West.

Regarding the shell drive, Lorraine Lyn explained the reason it is not required to be a paved drive is that the Conditional Use Permit is intended to recognize farm worker units which are existing residential uses rather than to bring them up to code.

Lorraine Lyn informed Commission that each of these housing units has a working kitchen and restroom facility.

[Mayor Bryant proceeded with the public hearing.]

Patricia Petruff, representing Palmetto Land Company, LLC, explained to Commission that the windows are boarded up on the homes during the off season when they are unoccupied. Boarding of the windows is to maintain the premises and keep vandals away.

In regard to the boarding of the windows complying with the City Code, Attorney Barnebey noted that it may not be in compliance. He stated that it will have to be looked at as a separate code enforcement issue. He does not believe this is a CPTED issue, but a housing code issue. Discussion ensued regarding the boarding up of the windows and the City Code. Mr. Freeman cited Chapter 7 Section 7-238 of the City Code regarding window requirements. Mayor Bryant stated that the issue with the boarding of windows on these seasonal properties will be looked into further.

Mayor Bryant closed the public hearing.

Motion: Commissioner Williams moved, Commissioner Cornwell seconded the motion to approve Conditional Use Permit CU 2012-02 for existing farm worker housing located at 413 12th Street West with all nine stipulations as recommended by the Planning and Zoning Board.

Commissioner Smith stated that he is in support of the motion and trusts that Ms. Petruff will be working with this Commission to do the right thing.

Motion on floor carried 4-0.

9. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2012-03

City Planner Lorraine Lyn explained to Commission that this is an application by Palmetto Land Company, LLC located at 501 11th Street West. This property is in the RM-6 zoning district and has three duplexes on the site. Surrounding uses are single family and vacant residential. The property has been used as farm worker housing since 2006. The Planning and Zoning Board held its public hearing last month and recommended approval with the same seven CPTED requirements as the property on 413 12th Street West.

Mayor Bryant opened the public hearing.

Attorney Barnebey informed Commission that, once the Conditional Use Permit is approved, the property will become a legal conforming use.

Patricia Petruff, representing Palmetto Land Company, LLC, noted that CPTED has been completed on this site. There is a permanent resident living in the duplex closest to 11th Street. Ms. Petruff requests approval with the seven conditions as recommended by the Planning and Zoning Board.

Mayor Bryant closed the public hearing.

Motion: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 4-0 to approve Conditional Use Permit CU 2012-03 for existing farm worker housing located at 501 11th Street West with the seven conditions as recommended by the Planning and Zoning Board.

Regarding the eight recommendations made by the Planning and Zoning Board at their meeting and the seven recommendations from the staff report tonight, Patricia Petruff advised that at the Planning and Zoning Board meeting a recommendation was made regarding required parking of one 9'x20' parking space for each housing unit shall be shown on the site plan/survey. Attorney Barnebey noted that there is parking shown on the site plan, but that is not where the parking will actually be.

Motion: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 4-0 to reconsider the motion.

Motion: Commissioner Williams moved, Commissioner Cornwell seconded the motion to approve Conditional Use Permit CU 2012-03 for existing farm worker housing located at 501 11th Street West with the eight conditions as recommended by the Planning and Zoning Board.

Lorraine Lyn clarified that when this conditional use was brought in front of the Planning and Zoning Board they did not have the site plan. After the Planning and Zoning Board meeting, the site plan was received so she removed that condition from the recommendations for tonight's meeting.

Motion on the floor carried 4-0.

10. 2nd PUBLIC HEARING: ORDINANCE 2012-07

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, ZONING CODE, TO PROVIDE STANDARDS FOR FARM WORKER HOUSING AND BOARDING/ROOMING HOUSES AS CONDITIONAL USES IN THE RM-5 AND RM-6 ZONING DISTRICTS; REMOVING BOARDING/ROOMING HOUSES AS A PERMITTED USE IN THE CN AND CG ZONING DISTRICTS; AMENDING GENERAL STANDARDS FOR CONDITIONAL USES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Scott Rudacille informed Commission that there have been two changes made to the ordinance since the last meeting. The language was modified regarding the cessation of use restrictions and the severability clause was removed.

Regarding the property maintenance code, Attorney Barnebey explained that it applies to all residential properties. There can be a stipulation added to the Conditional Use Permit at the time of approval. Discussion ensued regarding properties that violate. Attorney Rudacille informed Commission that if the property is not abiding by the code then the permit can be removed.

Mayor Bryant opened the public hearing.

The following people spoke in opposition of Ordinance No. 2012-07:

- Patricia Petruff
- Ricinda Perry, on behalf of Pacific Tomato Growers, Inc. (Overpass Apartments), explained to Commission that she would like the apartments to be considered for rezoning.

Mayor Bryant closed the public hearing.

Motion: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 4-0 to adopt Ordinance No. 2012-07.

Mayor Bryant recessed the City Commission meeting at 8:40 p.m. to open the August 6, 2012 CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 9:16 p.m.

11. CHECK REGISTER REPORT FOR JULY 2012 (INFORMATIONAL ONLY)

12. BASEBALL FIELD UPDATE

Mayor Bryant emailed a request on Friday to the County for updated information [regarding the results of soil testing] from the Environmental Protection Agency. She is waiting to hear back from the County.

13. ASR WELL UPDATE

Attorney Barnebey informed Commission that he is working with Veolia's attorneys on moving forward on a possible agreement.

14. 5TH STREET STREETScape AND SUTTON PARK PROJECTS UPDATE

None

15. DEPARTMENT HEADS' COMMENTS

Mr. Freeman

Will be bringing forward at the next workshop meeting a discussion regarding the Capital Improvement Plan (CIP) projects for FY 2013 and a telemetry meter presentation.

Commission should be receiving the final budget books a week before the September 11th budget meeting.

Requested an additional \$2,000.00 for the completion of grant writing for the projects for Haben Boulevard and 10th Avenue and 10th Street. These grants should be closed out by next month.

Motion: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 4-0 to approve an additional \$2,000.00 to be payable out of Engineering Services Road and Bridge for additional financial reporting on the grants.

16. MAYOR'S REPORT

On Thursday, August 16th at 7 p.m., Emergency Management Officer Don Herme will hold a Hurricane Awareness workshop in the Commission Chambers. City residents and businesses are welcome to come and get information from Manatee County Emergency Management. A city-wide email regarding the workshop will be sent out.

17. COMMISSIONERS' COMMENTS

Commissioner Williams

He will be sending an email to Mr. Tusing regarding the canal and drainage on 16th Avenue.

Thanked Bob Gause for the excellent report [on the Sutton and 5th Street projects.]

Commissioner Cornwell

First day of school is August 20, 2012--the Police Department is ready.

Mayor Bryant adjourned the meeting at 9:26 p.m.

Minutes approved: August 20, 2012

James R. Freeman

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