

**CITY OF PALMETTO
CITY COMMISSION MEETING
August 20, 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
Alan Zirkelbach, Commissioner-at-Large 1

Staff Present

Mark Barnebey, City Attorney
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 7:06 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

CITIZEN RECOGNITION: The Police Department Citizen Recognition scheduled for this meeting has been rescheduled to the September 10 meeting.

PROCLAMATION: Women's Equity Day-August 26, 2012
Accepting: Dorothy Middleton, Dr. Mona Jain, and Valerie Fisher
Manatee and Sarasota Commissions on the Status of Women

All persons intending to address City Commission were duly sworn.

Non-agenda Item Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant amended the agenda to add the correction of the July 16 minutes as #3 under 2. A. City Clerk Consent Agenda. Mayor Bryant corrected the minutes of July 16, 2012 to reflect that Mr. Garrett supported the recommendation as approved by the Planning and Zoning Board [regarding Ordinance No. 2012-07].

Motion: Commissioner Zirkelbach moved, Commissioner Smith seconded and motion carried 5-0 to approve the August 20, 2012 Agenda as amended.

2. CONSENT AGENDA APPROVAL

A. CITY CLERK'S OFFICE

1. Minutes: July 30, 2012 and August 6, 2012
2. Disposition of surplus property
3. Correction to the July 16, 2012 minutes

B. PUBLIC WORKS

1. Renewal of contract with CINTAS for an additional year

Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and motion carried 5-0 to approve the August 20, 2012 Consent Agenda.

3. RESOLUTION NO. 2012-20 PARKS IMPACT FEE TRANSFER

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.

Mr. Freeman explained this is a transfer of money for park impact fees of approximately \$160 thousand. This resolution will establish moving money to the Capital Projects Fund and establishing a budget for the MLK Park project.

Motion: Commissioner Zirkelbach moved, Commissioner Smith seconded, and motion carried 5-0 to adopt Resolution No. 2012-20.

4. RESOLUTION NO. 2012-21 EXTENDING INTERNET AND SWEEPSTAKES GAMING CAFÉ

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, EXTENDING THE MORATORIUM AS TO THE FILING AND/OR PROCESSING OF APPLICATIONS FOR THE ESTABLISHMENT OF BUSINESSES KNOWN AS INTERNET OR SWEEPSTAKES GAMING CAFES ADOPTED PURSUANT TO ORDINANCE 2012-01; PROVIDING THAT SAID MORATORIUM SHALL BE IN EFFECT UNTIL MARCH 31, 2013 OR SHALL TERMINATE ON THE EFFECTIVE DATE OF THE CITY'S ADOPTION OF LAND USE AND DEVELOPMENT REGULATIONS TO REGULATE INTERNET/SWEEPSTAKES CAFES; AND PROVIDING AN EFFECTIVE DATE.

Attorney Barnebey explained that this resolution provides for a six-month extension on the moratorium. He does not expect to see this moratorium extended again.

Motion: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 5-0 to adopt Resolution No. 2012-21.

Discussion: Attorney Barnebey stated that he is in the process of evaluating whether or not there is a need to make adjustments to the current regulations to the land use code regarding internet and sweepstakes cafés.

5. RECOMMENDATION OF AWARD FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ADMINISTRATION SERVICES

Mr. Freeman explained that the City issued a Request for Proposal (RFP) for CDBG Grant Administration Services on July 18 with three responses received. A committee of five reviewed all responses and recommended Guardian. The application deadline for CDBG grants is October 1. The City is currently working with the engineer to complete the drawings for the project on 24th and 28th Avenues between 10th and 13th Streets for the CDBG application.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and motion carried 5-0 to approve and authorize the Mayor to execute an agreement between the City and Guardian Community Resource Management, Inc., for grant administration services in the amount not to exceed \$48,750.00.

Discussion: Commissioner Williams questioned switching from Clark for the CDBG Administration Services. He opined that it's better to stay with one company that knows the City. Mr. Freeman explained that the CDBG process is to go to RFP with a committee reviewing each response and scoring them based on five factors.

6. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2012-04

Lorraine Lyn, City Planner, informed Commission that this is a request for a Conditional Use Permit for a child care center located in the Commercial Core (CC) zoning district. R&D submitted the site-plan for the child care center to the Planning and Zoning Board on August 9; however, it was an incomplete site-plan. This is due to the fact that the Department of Children and Families (DCF) has to measure the facility to determine the number of children allowed there. Once DCF has established the number of children allowed there, R&D will be able to revise their site-plan to meet the City's parking requirements. Staff is recommending a continuation to September 24 to allow for a complete site-plan.

Mayor Bryant opened the public hearing.

Motion: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to continue the public hearing on Conditional Use Permit CU 2012-04 until September 24, 2012 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.

7. PUBLIC HEARING ROY FAMILY RANCHES PROJECT DEVELOPMENT AGREEMENT 2012-01

Mayor Bryant departed the meeting at 7:30 p.m.

Lorraine Lyn, City Planner, explained that this is a Development Agreement (DA) with the City for Roy Family Ranches located at 2007 and 2011 21st Street West. On November 21, 2011 City Commission approved the annexation, plan amendment, and rezone for six lots at a gross density of 0.75 du/ac. The applicant is requesting a DA to defer the construction of stormwater facilities for the remaining four single family lots. The DA is consistent with the previous approvals by the City Commission as well as the City's Comp Plan. Staff recommends approval.

Attorney Barnebey stated that the DA defers the installation of stormwater drainage until the family is ready to develop each individual lot.

In regard to the DA allowing the applicant twenty years to construct the drainage, Attorney Barnebey explained that State Statute allows for that; however, Commission can make changes to that.

Vice Mayor Williams opened the public hearing.

Leo Mills Jr., agent for the Roy Family discussed the history surrounding the Roy Family Ranches Project. He asked to approve Development Agreement 2012-01.

Vice Mayor Williams closed the public hearing after public comment.

Motion: Commissioner Zirkelbach moved, Commissioner Smith seconded, and motion carried 5-0 to approve the Development Agreement for Roy Family Ranches Project Development Agreement 2012-01.

8. ROY FAMILY RANCHES SUBDIVISION FINAL PLAT

Mayor Bryant returned to the meeting at 7:41 p.m.

Lorraine Lyn, City Planner, explained that this is the final plat for the Roy Family Ranches Project. On November 21, 2011, City Commission approved the GDP and preliminary subdivision plat for 6 lots at a gross density of 0.75 du/ac with the following stipulations:

- The maximum number of lots shall not exceed six lots.
- The minimum lot size shall be 1.0 acre.
- Horses may be kept and housed on an approved lot or parcel.
- Residences on lots one and six shall face 21st Street and meet a 50-foot setback from 21st Street.

The final plat is consistent with the preliminary subdivision plat that was previously approved and consistent with the City's Comp Plan.

Motion: Commissioner Zirkelbach moved, Commissioner Williams seconded the motion to approve the final plat for Roy Family Ranches Subdivision.

Attorney Barnebey informed Commission that the four stipulations listed are still in effect in the final site-plan.

Motion on the floor carried 5-0.

9. BASEBALL FIELD UPDATE

Mayor Bryant has communicated with Manatee County to get more information on the baseball fields. She spoke with Mr. Hunzeker who stated he should be receiving some updated information this week and will send that information to her as soon as he gets it.

The City is partnering with North River Little League on August 28 at the Marauders Game. For every ticket sold, the League will get \$3.00. Tickets are on sale at City Hall and Mayor Bryant asked each Commissioner to take ten tickets and sell them.

10. ASR WELL UPDATE

Allen Tusing informed Commission that he will be bringing more information forward to them at the August 28 meeting.

11. 5TH STREET STREETScape AND SUTTON PARK PROJECTS UPDATE

Mayor Bryant informed Commission that they are working on the design of the children's playground. She also noted that Geoff Seger is state certified in park planning and has been helping with guidelines on what material to use for the playground.

Mayor Bryant discussed the 5th Street West Revitalization and LID Implementation-Contingency Tracking Report provided by Allison-Gause. She explained that the project has been exceeded by \$32,687.93 to pave 5th Street.

Discussion ensued on funding the paving of 5th Street. Commissioner Cornwell suggested using funds from the City and to ask that the CRA reimburse the City.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and motion carried 5-0 to approve the allocation of \$32,687.93 for the 5th Street West Revitalization and LID Implementation Project and request the CRA to fund that part of the project if it has already been spent.

12. DEPARTMENT HEADS' COMMENTS

Allen Tusing—Announced that the 5th Street and 9th Avenue intersection will be closed this Thursday, August 23 until Monday, August 27 while concrete and crosswalk work is being performed on that intersection.

Jim Freeman—Discussed the current Commission meeting schedule with the addition of a special set meeting on Tuesday, August 28 at 5:30 p.m. to hear a one item agenda for the Veolia contract and ASR Well discussion that requires a public hearing. Attorney Barnebey informed Commission that he will brief them before the meeting regarding the Veolia contract.

13. MAYOR'S REPORT

Announced she attended a groundbreaking of Berth 12 at Port Manatee on Friday, August 17.

Stated she'll be speaking with Mr. Burton about adding a part-time intern at the CRA for data collection that will go to the Economic Development Corporation.

14. COMMISSIONERS' COMMENTS

Commissioner Williams—Discussed the issues regarding 5th Street and the potential damage to the curbing.

Attorney Barnebey—Wished his wife a happy anniversary.

Commissioner Cornwell--Feels the drainage is much better in the City of Palmetto than the City of Bradenton. She informed Commission that the Police Department handled a break in the water line at 3:00 a.m. very quickly.

Commissioner Smith—Requested to speak with Allen Tusing and Attorney Barnebey this week.

Mayor Bryant adjourned the meeting at 8:08 p.m.

Minutes approved: September 10, 2012

James R. Freeman

James R. Freeman, City Clerk