

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
AND CRA BOARD MEETING  
October 1, 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  
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 7:02 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

PROCLAMATION:                   The Children's Summit Proclamation was accepted by Lynn Anderson, Chair, Summit Public Relations Committee

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 item number 8.1, a budget amendment not to exceed \$8,100.

**Motion:           Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the October 1, 2012 Agenda with the addition of item 8.1, a budget amendment for the CRA.**

2. CONSENT AGENDA APPROVAL

A. Police Department:  
    1. DNA Lab Service

**Motion:           Commissioner Varnadore moved, Commissioner Zirkelbach seconded, and the motion carried 5-0 to approve the October 1, 2012 Consent Agenda.**

3. RESOLUTION NO. 2012-33

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 Zirkelbach moved, Commissioner Smith seconded, and the motion carried 5-0 to adopt Resolution No. 2012-33.**

4. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2012-04

Mayor Bryant reopened the public hearing from September 24, 2012.

Commissioner Smith departed the meeting at 7:06 p.m.

City Planner Lorraine Lyn informed Commission that there have been improvements made to the site plan since the last meeting. The site plan now shows a circular drive in the front yard for pick-up and drop-off as requested by Commission. The site plan was also revised to exclude parking along 4<sup>th</sup> Street.

Mr. Burton stated that he spoke with the applicant, Ms. Fredrick, to discuss possible funding from the CRA. While talking with her it was discovered that she is represented under a church. According to Florida Constitutional Law, Article 3, no government funds shall be used to promote the activities of a church.

Mr. Burton informed Commission that the appearance of a "sea of asphalt" from the rights-of way and curb cuts at every site is inappropriate according to the City's Downtown Design Guidelines.

Ms. Frederick, Director, R&D Academy, informed Mr. Burton that she spoke with the pastor of the church and was told that this Academy is owned by the pastor but not affiliated with the church.

Leo Mills, representing R&D Academy, discussed the new site plan that shows the circular drive as requested by Commission. The site has five parking spaces for parents to pick-up and drop-off their children. The proposed circular drive and parking will be concrete, not asphalt. The Fire Department has approved this site plan.

Mayor Bryant closed the public hearing.

Mr. Tusing stated that he is still working on the traffic study for 4<sup>th</sup> Street. Mayor Bryant said she would like the traffic study brought back to the next Commission meeting for possible no parking along that street.

**Motion:**            **Commissioner Zirkelbach moved, Commissioner Cornwell seconded the motion to approve the Conditional Use Permit for a child care center on the subject property with the attached site plan or a site plan that is approved by the CRA for the downtown guidelines for R&D Academy with conditions 1-3 as recommended by staff.**

Discussion ensued regarding the approval of the site plan. Commissioner Zirkelbach clarified that the approval is for the site plan as presented tonight with adjustments to be made to the drive isles.

Mr. Mills stated that his client will accept a motion amended to state that the site plan will come back before Commission to meet the City codes.

**The motion on the floor failed due to a tie vote. Commissioner Cornwell and Commissioner Zirkelbach voted aye. Commissioner Varnadore and Commissioner Williams voted no. Commissioner Smith was absent for the vote.**

Mayor Bryant and Commissioner Varnadore departed the meeting at 7:43 p.m.

#### 5. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2012-05

Application by Peerless Manatee, Inc., located at 401, 405, 409, and 413 6<sup>th</sup> Street West.

Vice Mayor Williams opened the public hearing.

**Motion:**            **Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and the motion carried 3-0 to continue the public hearing on Conditional Use Permit CU 2012-05 for farm worker housing located at 401, 405, 409, and 413 6<sup>th</sup> Street West, petitioned by Peerless Manatee, Inc., until November 5, 2012 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers. Commissioners Smith and Varnadore were absent for the vote.**

#### 6. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2012-07

Application by Old Florida Investments, Inc. located at 415 9<sup>th</sup> Street West and 804, 806, and 808 5<sup>th</sup> Avenue West.

Vice Mayor Williams opened the public hearing.

**Motion:**            **Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and the motion carried 3-0 to continue the public hearing on Conditional Use Permit CU 2012-07 for farm worker housing located at 415 9<sup>th</sup> Street West and 804, 806, and 808 5<sup>th</sup> Avenue West, petitioned by Old Florida Investment, Inc., until November 5, 2012 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers. Commissioners Smith and Varnadore were absent for the vote.**

## 7. DISCUSSION: MOBILE FOOD VENDORS

Mayor Bryant and Commissioner Varnadore returned to the meeting at 7:46 p.m.

Attorney Barnebey explained that this proposed ordinance is modeled after St. Petersburg's food vendor ordinance.

Commissioner Varnadore would like the location on rights-of-way of at least 100 feet from any restaurant be looked into and changed to a further distance or add some different criteria. She also discussed section (i)6 of the proposed ordinance that states "a pushcart or mobile food vendor vending business license shall expire on September 30 but may be renewed on an annual basis for one year periods. A copy of any requested state license shall be submitted to the City. If a copy of the renewed state license is not submitted to the City by February 1, such business license shall become null and void." Commissioner Varnadore opined that timeframe between September 30 and February 1 is too long. Consensus of Commission was to shorten that to state that the renewed State license is to be submitted to the City within 30 days of their business license renewal.

Commissioner Smith returned to the meeting at 7:51 p.m.

Attorney Barnebey stated that the City Clerk will be responsible for monitoring the business licenses. Code Enforcement would monitor the vendors to make sure they are operating at the location stated on their license.

Chief Wells suggested the City look at the County's ordinance related to ice cream truck vendors.

Mr. Freeman asked for further clarification regarding renewing current food vendor licenses. Attorney Barnebey stated that no new business licenses will be processed for food vendors at this time; however, existing food vendors can renew their licenses while waiting for the new ordinance to be adopted. Once the new ordinance is adopted, they will have to comply with it. Consensus of Commission was to allow existing food vendors to renew their licenses.

The following people spoke in opposition of proposed Ordinance No. 2012-14:

- John Daniels
- Georgia Drakopoulos

Mr. Burton stated that he can conduct a mailing survey to businesses within the CRA district to see what the businesses feel about pushcart food vendors.

Mayor Bryant departed the meeting at 8:20 p.m.

Vice Mayor Williams remarked that this proposed ordinance will come back on another workshop agenda.

Commissioner Cornwell departed the meeting at 8:30 p.m.

*Vice Mayor Williams recessed the City Commission meeting at 8:30 p.m. to open the CRA Board meeting.*

*Mayor Bryant reconvened the City Commission meeting at 8:36 p.m.*

## 8. BASEBALL FIELD UPDATE

Mayor Bryant informed Commission that the County is working on the ball fields.

### 8.1. BUDGET AMENDMENT NOT-TO-EXCEED \$8,100

**Motion: Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 4-1 to approve the budget amendment not-to-exceed \$8,100 for the CRA. Commissioner Cornwell voted no.**

## 9. ASR WELL UPDATE

Mr. Tusing said he is still waiting on the reports from the district. As soon as those come in the project can begin.

#### 10. 5<sup>TH</sup> STREET STREETScape AND SUTTON PARK PROJECTS UPDATE

Project Manager Bob Gause stated that the first phase of Sutton Park has been completed. The lights that were vandalized have been replaced, and the monument has been repaired. Fifth Street should be completed by mid-October.

Mr. Burton informed Commission that there will be a meeting on Thursday with the engineers working on the MLK Park Project. There will be a groundbreaking for this project scheduled for sometime in January.

#### 11. DEPARTMENT HEADS' COMMENTS

Attorney Barnebey—Suggested not releasing the money for the Little League fields to the County until there is an agreement in place. Mayor Bryant stated that the County is working on a Memorandum of Understanding and when she receives it she will forward it to Mr. Barnebey.

Mr. Tusing—Stated he will bring the 4<sup>th</sup> Street traffic study back for further discussion. He suggested painting the curb to signal a no parking area instead of using no parking signs.

Mr. Freeman—Informed Commission that the CDBG grant application went in today. He is working on the telemetry meters and will bring that back to Commission either at the next meeting or the first meeting in November. He explained to Commission that there will be a utility rate study performed this year.

#### 12. MAYOR'S REPORT

Mayor Bryant reported that the City has applied for eleven brownsfields projects and eight have been approved.

#### 13. COMMISSIONERS' COMMENTS

Commissioner Williams—Inquired about the cost for phase 2 of Sutton Park. Mr. Burton stated that it is being worked on now. He will obtain an estimate from the architect and then it will go out to a Request for Proposal (RFP). He should be able to provide estimates to Commission at the next meeting.

Commissioner Zirkelbach—Regarding the 4<sup>th</sup> Street parking issue, he opined that a better analysis would be to figure out how much right-of-way we have. As an urban city, it makes more sense to have parking on the streets, and parking slows down traffic, which is better than signs. Fifth Street is a model of what parking can be.

Mr. Zirkelbach opined that if the City is going to look at the Development of Regional Impact (DRI) for the boat ramp, it is time to look at Regatta Pointe Marina. If the wharf was used by the City prior to 1937 or 1938, the City could collect the rent for the submerged land instead of the State. Mr. Burton said he is looking into amending the Regatta Pointe DRI to add a sliver of land and at that time he will look into the lease.

Mr. Zirkelbach suggested the City consider looking at what Manatee County does regarding obtaining estimates for projects they are working on. The County has a contractor they use that provides them with budgets and alternates ahead of time so they have this information before they go out to an RFP.

Mayor Bryant adjourned the meeting at 9:01 p.m.

Minutes approved: October 15, 2012

*James R. Freeman*

James R. Freeman  
City Clerk