

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND CRA BOARD MEETING
NOVEMBER 5, 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, City Planner
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
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.

PROCLAMATION: The Farm City Week Proclamation was accepted by Ann Marshall and Jimmy Michener Farm City Week Committee

All persons intending to address City Commission were duly sworn.

Non-agenda Item Public Comment: None

Mayor Bryant read a letter that she received from the Florida Department of State Division of Historical Resources regarding the Armory. The Palmetto Armory has been officially listed in the National Register of Historic Places. She thanked Bob Marble for his efforts in getting the Armory registered.

1. CITY COMMISSION AGENDA APPROVAL

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

2. CONSENT AGENDA APPROVAL

A. City Clerk's Office:

1. Minutes: October 15, 2012
2. Jan-Prop Cleaning Systems contract approval
3. BIS Digital contract renewal for an additional year ending November 16, 2013 in an amount not to exceed \$993.68
4. Blalock Walters and Bryant Miller Olive Legal Billings

B. Police Department:

1. Resolution 2012-37 Budget Amendment

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

3. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2012-05

Mayor Bryant reopened the public hearing from October 1, 2012.

Mayor Bryant departed the meeting at 7:11 p.m.

City Planner Lorraine Lyn informed Commission that this Conditional Use Permit is for four duplexes owned by Peerless Manatee, Inc. located at 401, 405, 409, and 413 6th Street West. The property is currently zoned general commercial, and, if approved, this property will become legal non-conforming use. Staff recommends approval subject to the following CPTED conditions:

1. The property owner shall insure that the wooden fence in the rear is in good repair
2. The property owner shall maintain doors and windows in good working order with locking hardware (locks and pry guards) and window screens that fit securely and are not torn.
3. Install and maintain wide-angle peep hole viewers in all doors.
4. The property owner shall replace the doors to the enclosures (with water heater) at 411 and 413 6th St. W; maintain enclosure doors in good repair and insure that they are secure with good locking hardware.
5. The property owner shall insure that existing lights at the front and rear doors of the units are in good working condition.
6. Install and maintain dusk to dawn security lighting in the fenced area at the rear of the units to include either free standing pole lights or wall mounted security lights.
7. Provide and maintain motion activated security lights between buildings to illuminate high traffic areas from dusk to dawn.
8. The property owner shall secure existing electrical boxes on the exterior of the units or remove them.
9. The property owner shall install unit numbers along 6th Street W. per City ordinance.
10. Installation of video surveillance is strongly encouraged for parking areas, front and rear of the buildings, and open area in the back for the protection of the residents and to aid the protective efforts of the Police Department.
11. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
12. The owner shall have 60 days from the date of approval of the Conditional Use Permit to complete required site improvements.

Patricia Petruff, representing Peerless Manatee, Inc., stated that her client agrees with the CPTED stipulations and improvements are underway.

Vice Mayor Williams recommended changing #12 of the CPTED stipulations to read 90 days to complete required site improvements.

Vice Mayor Williams closed the public hearing after no further public comment.

Motion: Commissioner Zirkelbach moved, Commissioner Smith seconded, and the motion carried 5-0 to approve Conditional Use Permit 2012-05 for farm worker housing located at 401, 405, 409, and 413 6th Street West petitioned by Peerless Manatee, Inc., with the change to item #12 from 60 days to 90 days.

Mayor Bryant returned to the meeting at 7:20 p.m.

4. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2012-06

City Planner Lorraine Lyn informed Commission that this Conditional Use Permit is for properties owned by Peerless Manatee, Inc. for duplexes located at 712 and 716 5th Avenue West and a single family house located at 408 8th Street West. Staff recommends approval with the following CPTED stipulations on the two duplexes located at 712 and 716 5th Avenue West:

1. The property owner shall maintain doors and windows in good working order with all parts including locking hardware (locks and pry guards), window panes and screens that fit securely and are not torn. Cardboard or other screening material covering windows must be replaced with glass to allow residents to see outside.
2. The property owner shall insure that air conditioner units are securely installed to prevent removal and unauthorized entry.
3. Install and maintain wide-angle peep-hole viewers in all doors.
4. The property owner shall install and maintain lights at each door, activated by an inside switch.
5. Install and maintain dusk to dawn security lighting at the rear of the units (east side) to include either free standing pole lights or wall mounted security lights.

6. Provide and maintain motion activated security lights between buildings to illuminate high traffic areas from dusk to dawn.

Staff recommends approval with the following CPTED recommendations that apply to the single family house located at 408 8th Street West:

1. The property owner shall maintain doors and windows in good working order with all parts including locking hardware (locks and pry guards), window panes and screens that fit securely and are not torn.
2. Install and maintain wide-angle peep-hole viewers in all doors.
3. Install and maintain dusk to dawn security lighting on the west and south sides of the unit to include either free standing pole lights or wall mounted security lights to illuminate the front door and parking area.

The following CPTED recommendations apply to both the two duplexes and the single family house:

1. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
2. The owner shall have 60 days from the date of approval of the Conditional Use Permit to complete required site improvements.

Ms. Lyn requested the change of 60 days to 90 days to complete the required site improvements.

Mayor Bryant opened the public hearing.

Patricia Petruff, representing Peerless Manatee, Inc., stated her client agrees with the CPTED conditions and she respectfully requests approval.

Mayor Bryant closed the public hearing after no further public comment.

Attorney Barnebey informed Commission that there needs to be two separate motions made, one for the two duplexes and one for the single family house.

Motion: **Commissioner Zirkelbach moved, Commissioner Smith seconded, and the motion carried 5-0 to approve Conditional Use Permit 2012-06 for farm worker housing located at 712 and 716 5th Avenue West with conditions 1-6 as proposed by staff for this location and with the two additional stipulations applied to both sites with the change to allow 90 days to come into compliance with the site improvements and approve Conditional Use 2012-06 for 408 8th Street West with conditions 1-3 and the additional two recommended for both sites with the change to allow 90 days for the applicant to come into compliance with the site improvement requirements.**

5. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2012-07

City Planner, Lorraine Lyn informed Commission that this Conditional Use Permit is for properties owned by Old Florida Investments, Inc., for four duplexes located at 415 9th Street West and 804, 506, and 808 5th Avenue West. Staff recommends approval of the Conditional Use Permit subject to the following CPTED stipulations:

1. The property owner shall maintain doors and windows in good working order with all parts including locking hardware (locks and pry guards), window panes and screens that fit securely and are not torn.
2. The property owner shall insure that air conditioner units are securely installed to prevent removal and unauthorized entry.
3. Install and maintain wide-angle peep-hole viewers in all doors.
4. The property owner shall insure that existing lights at the front and rear doors of the units are in good working condition.
5. Install and maintain dusk to dawn security lighting in the fenced area at the rear of the units to include either free standing pole lights or wall mounted security lights.
6. Provide and maintain motion activated security lights between buildings to illuminate high traffic areas from dusk to dawn.
7. The property owner shall secure existing electrical boxes on the exterior of the units or remove them.
8. The property owner shall install unit numbers along 5th Avenue West per Section 25-39 of the City Code.

9. Installation of video surveillance is strongly encouraged for parking areas, front and rear of the buildings, and open area in the back for the protection of the residents and to aid the protective efforts of the Police Department.
10. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
11. The Owner shall have 60 days from the date of approval of the Conditional Use permit to complete required site improvements.

Ms. Lyn requested the change from 60 days to 90 days for completion of the required site improvements.

Mayor Bryant reopened the public hearing from October 1, 2012.

Patricia Petruff, representing Old Florida Investments, Inc., stated her client has no objections to any of the CPTED stipulations and requests Commission approve the permit.

Mayor Bryant closed the public hearing after no further public comment.

Motion: Commissioner Zirkelbach moved, Commissioner Williams seconded, and the motion carried 5-0 to approve Conditional Use Permit 2012-07 for farm worker housing located at 415 9th Street West and 804, 806, and 808 5th Avenue West, petitioned by Old Florida Investment, Inc. with the all of the stipulations in the CPTED and a change being made to #11 to go from 60 days to 90 days.

6. DECLARATION OF SURPLUS PROPERTY

Attorney Barnebey stated that this is a request to declare property located at 5th Street West between 9th and 10th Avenues as surplus. This is in anticipation of possible development of that site. Mr. Burton is working on a Request for Proposal (RFP) to see if there is any interest in the development of this site. Commission and the CRA will see the RFP before it goes out.

Motion: Commissioner Zirkelbach moved, Commissioner Cornwell seconded the motion to declare the City owned property at the northwest corner of 5th Street West and 9th Avenue West as surplus and may be eligible for conveyance and redevelopment in the future.

Commissioner Zirkelbach amended the motion to add "as set forth in Exhibit A" and Commissioner Cornwell seconded the amended motion.

The amended motion on the floor carried 5-0.

7. RESOLUTION NO. 2012-38 PALMETTO HOUSING AUTHORITY

A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF PALMETTO, FLORIDA, DECLARING THE NEED FOR A HOUSING AUTHORITY IN THE CITY OF PALMETTO; CREATING A FIVE-MEMBER COMMISSION TO CONDUCT THE BUSINESS OF THE AUTHORITY; PROVIDING FOR THE AUTHORITY TO BE SERVED BY THE EMPLOYEES OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney Barnebey stated that the City cannot enter into an agreement with the County's Housing Authority, but the City's Housing Authority, once created, can enter into an agreement with the County Housing Authority regarding Section 8 vouchers. The Board for the Housing Authority does not have to be created tonight. The Mayor will appoint members to the Board and the Commission will ratify those.

The consensus of the Commission was that the City does need a Housing Authority. Concerns were expressed regarding funding and staff involvement.

Discussion ensued regarding the removal of section four of the proposed resolution that states "The Housing Authority shall be served by City staff and legal counsel, to the extent and in the manner directed by the Mayor, until such time as the Housing Authority elects to retain other staff and/or legal counsel" and the removal of "providing for the authority to be served by employees of the City" from the title of the resolution. Consensus of Commission was to remove that section and phrase from the resolution.

Motion: Commissioner Smith moved, Commissioner Zirkelbach seconded, and the motion carried 5-0 to approve Resolution No. 2012-38, deleting from the title the phrase “Providing for the Authority to be served by employees of the City,” and deleting Section 4.

8. RESOLUTION NO. 2012-35 RULES OF PROCEDURES FOR PUBLIC HEARINGS

A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF PALMETTO, FLORIDA, ADOPTING RULES OF PROCEDURE FOR PUBLIC HEARINGS AND REPEALING THE RULES AND PROCEDURES IN CONFLICT TO GOVERN MEETINGS OF THE CITY COMMISSION, SETTING FORTH THE FINDINGS; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF IF DECLARED INVALID; AND PROVIDING AN EFFECTIVE DATE.

Attorney Barnebey stated that the rules have been revised based on the comments made at the last meeting. Section 1 was revised to allow participation by phone or video conference with notification to the Mayor or a member of the Commission and section 2 was simplified to eliminate the distinction between Proponents and Opponents and treat them as simply members of the public. If this resolution is adopted, these rules will take effect on November 19, 2012.

In regard to the limit on presentations, Commissioner Williams requested that Section 1(j) and Section 2(h) be the same. Also, he requested that language be added to Section 2(k) to get approval from City Commission for additional time for presentations.

Commissioner Cornwell asked that language be incorporated into the rules to say the “Mayor or the Presiding Officer” so that in the absence of the Mayor the meeting can proceed.

Motion: Commissioner Varnadore moved, Commissioner Zirkelbach seconded the motion to adopt Resolution No. 2012-35, adopting Rules of Procedure related to Public Hearings.

Commissioner Varnadore amended the motion to include “with all the changes that were mentioned during discussion” and Commissioner Zirkelbach seconded the amended motion.

The amended motion on the floor carried 5-0.

Mayor Bryant recessed the City Commission meeting at 8:05 p.m. to open the CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 8:10 p.m.

9. BASEBALL FIELD UPDATE

Mayor stated that Manatee County is continuing to work on the ball fields.

Attorney Barnebey stated he has spoken with Mr. Clague with the County. County staff is reviewing the draft of the Memorandum of Understanding and he is awaiting comments.

10. ASR WELL UPDATE

Mr. Tusing stated that Commission will receive a copy in their mailboxes of the Veolia Work Assignment for the well drilling. Drilling of the well has begun.

Commissioner Varnadore requested that staff speak with Tropic Isles regarding the drilling that will be going on and any noise disturbances they should expect.

Commissioner Smith thanked Mr. Tusing for the project in Ward 1.

11. 5TH STREET STREETScape AND SUTTON PARK PROJECTS UPDATE

Commissioner Williams commented on the difficult turn off of 9th Avenue onto 5th Street. Mr. Burton said he will have Mr. Ugarte take a look at the intersection.

12. DEPARTMENT HEADS' COMMENTS

Mr. Freeman—Staff is exploring the option of using automated agendas. There are funds budgeted for some hardware in the IT department to use for I Pads. He plans to purchase one to see how it works with the agenda process and helping to promote a paperless environment. He will keep Commission updated.

Staff is also exploring updating the City's website. He is working with the current vendor, Civic-Plus to implement a new look to the site.

He updated Commission on the CDBG application for Ward 2 drainage. Out of 45 applicants, the City scored 23rd. The State's cutoff is at thirteen. There is funding available for a portion of the project through the CIP. During the next cycle, the City can reapply for the CDBG for the Ward 2 drainage project. Right now the City can go ahead with the project on the portion that has been budgeted through the CIP.

Regarding the outlets on the light posts on 5th Street, he has received a question regarding the vendors using those during the First Friday's events. He proposes that a nominal charge should be implemented on the Special Function Permit to cover staff going out and unlocking those outlets and to cover the usage. He'll bring a recommendation back to Commission at the next meeting.

He thanked Commissioner Zirkelbach for his service over the last four years.

Mayor Bryant commented on street closure during the First Friday's event. She stated that the businesses need to be reminded that street closure is not supposed to be until 5:00 p.m.

Chief Wells—Thanked Commissioner Zirkelbach for his service.

Mr. Barnebey—Reminded everyone that Election Day is tomorrow. He thanked Commissioner Zirkelbach and stated he enjoyed working with him.

13. MAYOR'S REPORT

Mayor Bryant stated that she has had several complaints from citizens and businesses of the City regarding the rebranding of the Civic Center. She plans to communicate to them that it is not something she either agreed with or supported.

Mayor Bryant thanked Commissioner Zirkelbach for his service over the last four years.

14. COMMISSIONERS' COMMENTS

Commissioner Smith—Thanked the Mayor, Commission, and staff for their work on the Housing Authority. He commended Commission for making a historic vote. He stated that it has been a pleasure working with Commissioner Zirkelbach.

Commissioner Varnadore—Commented on the flashing light at 10th Avenue and 7th Street. Mr. Tusing stated he put the light up to help residents get used to the removal of the red light and the placement of stop signs.

She stated it has been a pleasure working with Commissioner Zirkelbach.

Commissioner Williams—Enjoyed working with Commissioner Zirkelbach.

Commissioner Zirkelbach—Discussed several points that Commission should think about long term. When he ran for office he wanted to be a voice for the businesses in the community. He hopes to see this Commission work on a long term goal to help City businesses. He would like to see the City implement a rapid response to the permit approval process. He opined the CRA should spend more money on City owned property, not Store Front Grants. The City should think about free Wi-Fi areas connecting the City parks. He feels that there should be more City parking and parking garages in the downtown area through a public/private partnership. Commissioner Zirkelbach would like to see the City support the CRA with more incentives; for the staff to be more bold and lure targeted businesses to the community. Commission should spend more time deciding what those target businesses should be. His business, along with Mr. Ugarte and Mr. Moore, will be working on a City master plan to show all the projects that are currently being worked on throughout the City.

Commissioner Zirkelbach read a poem with his thoughts regarding each Commissioner and Department Head.

Commissioner Cornwell presented Commissioner Zirkelbach with a plaque made by her students.

Mayor Bryant adjourned the meeting at 8:42 p.m.

Minutes approved: December 3, 2012

James R. Freeman

James R. Freeman
City Clerk