

**CITY OF PALMETTO
CITY COMMISSION MEETING
NOVEMBER 19, 2012
7:00 PM**

Elected Officials Present

Brian Williams, Vice Mayor, Commissioner, Ward 3
Tamara Cornwell, Commissioner-at-Large 2
Jonathan Davis, Commissioner-at-Large 1
Charles Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2

Elected Officials Absent

Shirley Groover Bryant, Mayor

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

Vice Mayor Williams called the meeting to order at 7:03 p.m.

Dr. Phillip Hamm, Senior Pastor of First Baptist Church of Palmetto, gave the invocation, followed by the Pledge of Allegiance.

Vice Mayor Williams read the Certificate of City Canvassers report for the City of Palmetto election held on November 6, 2012 into the record.

Judge Gilbert A. Smith, Jr., administered the Oath of Office to Commissioner-at-Large 2 Tamara Cornwell, Commissioner-at-Large1 Jonathan Davis, and Commissioner, Ward 1 Charles Smith.

Vice Mayor Williams recessed the City Commission meeting at 7:13 p.m. for a reception to recognize the newly elected City officials.

Vice Mayor Williams reconvened the City Commission meeting at 7:27 p.m.

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 Cornwell seconded, and the motion carried 5-0 to approve the November 19, 2012 Agenda.

2. CONSENT AGENDA APPROVAL

A. City Clerk's Office:

1. Special Function Permits: Palmetto B&B Weddings for December 2012 through June 2013
Palmetto B&B Fundraiser for Pace Center for Girls May 10, 2013
De Soto Heritage Festival Children's Parade March 29, 2013
De Soto Heritage Festival Grand Parade April 27, 2013
Slicks Garage First Fridays December 7, 2012 and January 4, 2013
Vintage Wheels Car and Truck Show February 3, 2013
2. Company Care Agreement Renewal
3. Postage Meter Lease Acceptance
4. Grant Administration Contract Work

B. Police Department

1. Florida Power and Light Outdoor Security Light Agreement
2. Creation of an additional 5th corporal position

Commissioner Varnadore removed item 2.B.1 for more information.

Commissioner Cornwell removed items 2.A.2-4 and 2.B.2 for more information.

Commissioner Williams removed item 2.A.1, First Fridays Special Function Permit, for discussion.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to approve Palmetto B&B Weddings for December 2012 through June 2013, Palmetto B&B Fundraiser for Pace Center for Girls May 10, 2013, De Soto Heritage Festival Children's Parade March 29, 2013, De Soto Heritage Festival Grand Parade April 27, 2013, and Vintage Wheels Car and Truck Show February 3, 2013.

2.A.1. First Fridays Special Function Permit:

Attorney Barnebey explained that the event needs to be consistent with the Special Function Permit. He stated that there have been issues with the City parking lot that is located on the east side of the Olympia Theater being used for the event. This parking lot is to remain open for public parking only. If they would like to use that parking lot, it needs to be requested on the Special Function Permit.

The consensus of the Commission was to approve the December 7, 2012 First Fridays date with the stipulations of no street closure before 5:00 p.m., the parking lot located on 5th Street and 9th Avenue is to be used for public parking only, not for display purposes, and to keep off unimproved properties. Mr. Tusing was asked to notify Slick's Garage of the stipulations.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to approve Slick's Garage First Friday for December 7, 2012 with the stipulations as provided herein.

2.A.2., 2.A.3, and 2.A.4:Company Care Agreement Renewal:

Items 2.A.2 through 2.A.4 were discussed and clarified for Commissioner Cornwell.

Motion: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the Consent Agenda items 2.A.2-2.A.4.

2.B.1. Florida Power and Light Outdoor Security Light Agreement

Chief Wells stated that the lights have been there for several years and there was an agreement in place at one time; however, it had not been renewed. Recently, FPL came out to make some repairs to the lights and asked that the City renew the contract. Chief Wells asked for the renewal to be for a three- year term.

2.B.2. Creation of a 5th Corporal Position:

Chief Wells explained that this will be a promotion for Detective Chad Oyler. The funding for this promotion is already in the budget as a result of backfilling positions at a lower salary than those who retired or vacated..

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to approve item 2.B.1 three- year term and approve item 2.B.2 of the Consent Agenda.

3. FIRST BAPTIST CHURCH OF PALMETTO SITE PLAN AMENDMENT

Lorraine Lyn, City Planner, informed Commission that this is a request from First Baptist Church of Palmetto for a three-year extension of two portables that are located on the SE corner of 6th Street West and 11th Avenue West. On March 1, 2010, the City Commission approved a site plan allowing two portables on church property with seven stipulations. The seventh stipulation indicated that the structures would be removed by March 1, 2013. Due to the economy, the church is requesting additional time to build their structure and remove the two portables. The Planning and Zoning Board recommends approval of the extension.

Dick pack, Treasurer of the Historical Commission Board, stated he is opposed to the church receiving another three-year extension.

Dr. Hamm, Senior Pastor of First Baptist Church of Palmetto stated that, at this time, the church is not interested in selling the property. The church would like to see it used for parking or another building.

Discussion ensued on the time frame for building of the new structure. Attorney Barnebey recommended shortening the time frame to two years and have the church come back to Commission before the end of the two years to show what progress they have made.

Motion: Commissioner Smith moved, Commissioner Varnadore seconded, and the motion carried 5-0 to approve the site plan amendment with conditions as recommended by the Planning and Zoning Board with a change to stipulation 7 to read that the structures will be removed by March 1, 2015.

4. PUBLIC HEARING CONDITIONAL USE PERMIT 2012-12

City Planner Lorraine Lyn informed Commission that this Conditional Use Permit is for 38 duplexes of farm worker housing owned by Pacific Tomato Growers, LTD., located at 1000-1042 and 1001-1031 1st Avenue Court West. The Crime Prevention Through Environmental Design (CPTED) review was done in February, and the applicant has implemented most of the CPTED requirements. The Planning and Zoning Board recommends approval with the following stipulations:

1. The property owner shall maintain doors and windows in good working order with all parts including single cylinder deadbolt locks and pry guards on all doors.
2. Maintain wide-angle peep-hole viewers in all doors.
3. Maintain chain link fencing on the north, south, and east sides of the property.
4. Landscaping on the south side of the property shall be maintained so as not to obscure visibility from 10th Street West.
5. The property owner shall insure that lighting on poles on the south side of 1st Avenue Court West is maintained in good working condition to create good visibility.
6. The property owner shall insure that lighting on the north side of 1st Avenue Court West is maintained in good working condition to create good visibility.
7. Maintain simple, energy efficient pole mounted lanterns that work on photocells for the areas between buildings.
8. Maintain motion activated security lights on the back corners of each building.
9. Maintenance 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. Provided parking areas are depicted on the submitted site plan including fifty-eight spaces with bumper stops, general parking locations, and bus parking for a company bus.

Vice Mayor Williams opened the public hearing.

Alan Garrett, planner for Pacific Tomato Growers and the Overpass Apartments, stated that the applicant is in agreement with the CPTED requirements and the site plan. There are approximately twenty residents living on site during the off season. The fencing that is being built will be aesthetically pleasing while allowing for visibility. The site has fifty-eight marked parking spaces along with approximately another fifty-eight unmarked parking spaces.

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

Motion: Based upon the staff report and the evidence presented and finding the request to be consistent with the Palmetto Comprehensive Plan and Code of Ordinances, Commissioner Varnadore moved, Commissioner Smith seconded, and the motion carried 5-0 to approve CU2012-12, subject to the conditions set forth above as recommended by the Planning and Zoning Board with the waiver of residential parking requirements to conform with the site plan.

5. PUBLIC HEARING TRAFFIC REGULATION

Mr. Tusing explained that this is a request to change 8th Avenue Drive West from 7th Street to 9th Street from one way traffic to two-way traffic. Originally 8th Avenue Drive was changed to one way from 8th Street to 7th Street to create a safe

environment for the younger children at Palmetto Elementary during drop off and pick up by the parents. With the school being moved and demolished, this need is no longer warranted.

Vice Mayor Williams opened the public hearing.

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

Motion: **Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the traffic regulation changing 8th Avenue Drive West from 7th Street to 8th Street from a one way to a two-way street and creating a three-way stop at 8th Avenue Drive and 8th Street and prohibiting parking on the west side of 8th Avenue Drive from 8th Street to 9th Street.**

6. 1ST PUBLIC HEARING BROWNFIELDS DESIGNATION

Mr. Burton stated that this is the first of two public hearings to designate a portion of the CRA district as a brownfields area, to be called the "Palmetto Economic Enhancement District." He read the state of Florida Economic Incentives which are attached to and made a part of these minutes.

Vice Mayor Williams opened the public hearing.

Chris Kelly, resident of Regatta Pointe, asked several questions regarding the designation of the CRA district, specifically where the brownfields will be located. Mr. Burton stated that this will be roughly from 11th Avenue to the east and from the river all the way to 17th Street; not to include Rivera Dunes. Mr. Burton advised Mr. Kelly that he is willing to meet with the homeowners association at Regatta Pointe to answer any questions the residents may have.

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

Motion: **Commissioner Varnadore moved, Commissioner Smith seconded, and the motion carried 5-0 to schedule a second public hearing for brownfields designation for December 3, 2012 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.**

7. OCTOBER CHECK REGISTER (Informational Only)

8. BASEBALL FIELD UPDATE

Mr. Tusing informed Commission that there is a meeting with the County tomorrow to go over the site plan. He will have an update at the next meeting.

9. ASR WELL UPDATE

Mr. Tusing stated that he has been working with the engineers on a redesign of the hardware of the well. This will save money on future operational costs. He will have more information for Commission at a later date.

Commissioner Cornwell said she would like to see some recognition by the Florida League of Cities for the percentage of residents that have reuse (80-85%) for a city the size of Palmetto; also the Fifth Street Project. She will send more information to Mr. Tusing so that he can contact the League regarding the awards process.

10. 5TH STREET STREETScape AND SUTTON PARK PROJECTS UPDATE

Mr. Burton informed Commission that both projects are essentially complete. He has received the report from the project manager.

In regard to the playground for Sutton Park, Mr. Burton said he will ask Commissioner Bustle to ask the County Commission for Tourist Development Funds to pay for half of the structure (pavilion) at the park; roughly a \$120,000 match. The site brings thousands of County visitors throughout the year to events, most recently the Veterans Day Parade.

11. DEPARTMENT HEADS' COMMENTS

Commissioner Williams thanked Bob Marble for his work on the brownfields designation.

Mr. Burton—Informed Commission that the two community founders being recognized at the fair this year have been selected and the Historical Commission chose Josephine Harrison and Alice Myers. Also, the 2013 historic place is going to be the Palmetto Armory because it was added to the [National Register of Historic Places.]

He is waiting on SWFWMD to get the agreement back to him regarding MLK Park.

Commissioner Williams asked if the City received a response regarding funds for the oil spill. Mr. Freeman stated that he spoke with one of the attorneys representing the City and the deadline for a response is January 2013. Commission requested that Mr. Freeman get an email hard copy with the deadline dates.

Mr. Tusing—Congratulated the Commissioners on their re-elections and welcomed new Commissioner Jonathan Davis.

Mr. Freeman—Congratulated the returning Commissioners and the new Commissioner Davis.

He stated that the 2013 Commission meeting schedule and City holiday calendar will be brought forward at the first meeting in December. He reminded Commission that there are back-to-back meetings in December: December 3rd and 10th.

Attorney Barnebey—Informed Commission that the PBA impasse hearing needs to be scheduled, it will be held on a special night. He asked Commissioners to let him know of a few dates where they would be available for this hearing.

Chief Wells—Congratulated the re-elected Commissioners and welcomed newly elected Commissioner Davis.

12. MAYOR'S REPORT

None

13. COMMISSIONERS' COMMENTS

Commissioner Smith—Thanked everyone for the opportunity to serve another two years and welcomed Jonathan Davis. Wished everyone a Happy Thanksgiving.

Commissioner Cornwell—Wished everyone a Happy Thanksgiving. She stated that she is glad to be serving once again with Commissioner Smith and Mayor Bryant, She welcomed Jonathan Davis.

Commissioner Davis—Stated he looks forward to working with everyone.

Commissioner Varnadore—Asked if there has been any traffic studies performed on 4th Street and 9th and 10th Avenues. Mr. Tusing stated that, because the conditional permit was denied, no studies have been performed. Commissioner Varnadore requested that a study be looked into. Thanked the Finance Department for their work on the budget book. She was very pleased with the detail that was put into it. She welcomed the returning Commissioners and Jonathan Davis. Wished everyone a Happy Thanksgiving.

Commissioner Williams—Welcomed everyone back to Commission and welcomed Jonathan Davis. Wished everyone a Happy Thanksgiving.

Vice Mayor Williams adjourned the meeting at 9:11 p.m.

Minutes approved: December 10, 2012

James R. Freeman

James R. Freeman
City Clerk