

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND CRA BOARD MEETING
JANUARY 7, 2013
7:00 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor
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

Staff Present

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Lorraine Lyn, City Planner
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.

All persons intending to address City Commission were duly sworn.

Non-agenda item public comment: None

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant made a change to item 2.A.2, stating that that Commissioner Davis will be the representative for the Tampa Bay Regional Planning Council and Commissioner Williams will be the alternate.

She added a Blue Cross Blue Shield Proshare Agreement to the Consent Agenda as item 2.A.5 and moved item number 7 to 3A of the agenda and the Department Head appointment item was moved to 3B of the agenda.

Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the January 7, 2013 Agenda as amended.

2. CONSENT AGENDA APPROVAL

A. City Clerk's Office:

1. Minutes: December 3, December 10, and December 18, 2012
2. 2013 Mayoral City Board and Outside Organization Appointments
3. PBA Resolution 2013-03
4. Bryant Miller Olive and Blalock Walters Special Legal Billing

B. Police Department:

1. Agreements for Canine Training at Local Businesses
2. Budget Amendment Resolution 2013-02

Motion: Commissioner Varnadore moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the January 7, 2013 Consent Agenda as amended.

3A. BLACKSTONE PARK EXPANSION SITE PLAN APPROVAL

Lorraine Lyn, City Planner, explained that this is a request for site plan approval for an expansion at Blackstone Park for three regulation Little League fields, parking lot, press box/concession facility, storm water management area, bleachers, sidewalks, lighting, irrigation, etc. The site plan is consistent and compatible with the surrounding uses in the area and the Planning and Zoning Board recommends approval.

Ms. Lyn introduced Charlie Bishop, Director of Property Management with Manatee County, and Tom Yarger, Construction Services Manager with Manatee County. Mayor Bryant thanked them for their work with City staff in developing the site plan.

Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the site plan as recommended by the Planning and Zoning Board.

3B. DEPARTMENT HEAD APPOINTMENTS

Mayor Bryant would like to make the following appointments:

- Jeff Burton, CRA Director
- Jim Freeman, City Clerk
- Allen Tusing, Public Works Director
- Rick Wells, Chief of Police
- Mark Barnebey, City Attorney

Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to confirm the appointments of the Appointed Officials as set forth by the Mayor in the January 7, 2013 agenda memorandum and authorize her to execute the letter with Blalock Walters.

4. PUBLIC HEARING: ORDINANCE NO. 2012-14

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 0.6828 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 529 20th STREET WEST, PALMETTO; MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN #2012-02 Applicant: Art Rentals, LLC. PID# 2433400005/0.6828 acres)

Lorraine Lyn, City Planner, stated that three ordinances on the agenda tonight pertain to property located at 529 20th Street West. The request is for an annexation, a small scale plan amendment, and a rezone of 0.7 acres. The primary goal of the annexation application is to be able to hook up to the City utilities to serve the existing development of four duplexes. Ms. Lyn stated that the proposed annexation is consistent with the Accord adopted by the City Commission on April 15, 2002 that lists recommended addresses of properties the City would annex in. The address for this property is on that list. The Planning and Zoning Board recommends approval.

Mayor Bryant reopened the public hearing from December 10, 2012.

Mayor Bryant closed the public hearing after no public comment.

Commissioner Williams stated that he is concerned about the condition that the property is in and the burden it would place on staff to get the property up to City Code.

Attorney Barnebey stated that this item can be continued to another date if Commission is seeking more information or the property can be denied annexation.

Motion: Commissioner Williams moved, Commissioner Smith seconded and the motion carried 5-0 to deny Ordinance No. 2012-14.

Attorney Barnebey explained that, because the property was being denied annexation into the City, items 5 and 6 on the agenda tonight did not require action.

5. PUBLIC HEARING: ORDINANCE NO. 2012-15

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING APPROXIMATELY 0.6828 ACRES OF PROPERTY GENERALLY LOCATED AT 529 20TH STREET WEST, PALMETTO, FROM RESIDENTIAL 9 (COUNTY) TO RESIDENTIAL 10 (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (PA-2012-02 Applicant: Art Rentals, LLC. PID# 2433400005/0.6828 acres)

Reopen the public hearing from December 10, 2012.

Close the public hearing after public comment.

Action Request: After finding the request to be consistent with Chapter 163, Florida Statutes, and consistent with other provisions of the City of Palmetto Comprehensive Plan, I move to approve Ordinance 2012-15.

No action was required due to the annexation of this property being denied.

6. PUBLIC HEARING: ORDINANCE NO. 2012-16

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 0.6828 ACRES OF PROPERTY GENERALLY LOCATED AT 529 20TH STREET WEST, PALMETTO, FROM GENERAL COMMERCIAL (GC) (COUNTY) TO DUPLEX AND SINGLE FAMILY RESIDENTIAL (RM-5) (CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-2012-03 Applicant: Art Rentals, LLC. PID# 2433400005/0.6828 acres)

Reopen the public hearing from December 10, 2012.

Close the public hearing after public comment.

Action Request: After considering the evidence presented and finding the request to be consistent with the City of Palmetto Comprehensive Plan, I move to approve Ordinance 2012-16.

No action was required due to the annexation of this property being denied.

8. PUBLIC HEARING CONDITIONAL USE PERMIT NO. 2012-08

Lorraine Lyn, City Planner, explained that this is an application by Old Florida Investments, Inc., for farm worker housing located at 607 & 609 11th Street West and 608 & 610 11th Street West. The housing located at 607 & 609 11th Street West is a two story duplex that meets code. The Planning and Zoning Board recommends approval with the Crime Prevention Through Environmental Design (CPTED) conditions:

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 insure that there are lights at the front and rear doors of the units and that they are in good working condition.
5. The property owner shall maintain unit numbers along 11th Street West for better visibility of addresses.
6. Installation of video surveillance is strongly encouraged for parking areas and the front, rear and sides of the buildings for the protection of the residents and to aid the protective efforts of the Police Department.
7. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
8. The owner shall have 90 days from the date of approval of the Conditional Use Permit to complete required site improvements.

These CPTED recommendations apply to 607 & 609 11th Street West only:

1. The property owner shall insure that the wooden fence in the rear and west side are in good repair.
2. Install and maintain dusk to dawn security lighting in the fenced area at the south (rear) and east sides of the building to include either free standing pole lights or wall mounted security lights to illuminate these open areas.
3. The property owner shall more clearly define the parking area with either landscaping or posts similar to the style across the street, painted in a contrast color for definition.

These CPTED recommendations apply to 608 & 610 11th Street West only:

1. Install and maintain dusk to dawn security lighting at the rear of the units (northwest side of property) below the tree canopy to include either free standing pole lights or wall mounted security lights to illuminate open areas to the north and west.
2. Provide and maintain motion activated security lights between buildings to illuminate high traffic areas from dusk to dawn.
3. The property owner shall more clearly define the parking area with either landscaping or existing posts painted in a contrast color for definition. Damaged posts must be repaired and missing posts, replaced.

Patricia Petruff, representing the applicant, stated the applicant agrees with the stipulations as recommended by staff and requests Commission approval.

Mayor Bryant stated that the survey for the property that was done by Leo Mills has the property owner listed as Sam Cornwell. She clarified that the property is not currently owned by Mr. Cornwell. Ms. Petruff stated that staff allowed the applicant to use an existing survey for the property as long as there were no significant changes that were made. Ms. Petruff clarified that there have been no significant changes made to the property since the survey was done.

Mayor Bryant opened the public hearing.

There being no public comment, Mayor Bryant closed the public hearing.

Motion: Based upon the evidence presented at the public hearing and finding the request to be consistent with the City of Palmetto Comprehensive Plan and Code of Ordinances herein, Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 5-0 to approve CU 2012-08 for the property located at 607 & 609 11th Street West with conditions 1-8, plus the additional 3 conditions for this property as provided in the staff report and approval of a waiver of the parking requirement in Section 28-78(b)(1) of the City Code of Ordinances.

Motion: Based upon the evidence presented at the public hearing and finding the request to be consistent with the City of Palmetto Comprehensive Plan and Code of Ordinances herein, Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 5-0 to approve CU 2012-08 for the property located at 608 & 610 11th Street West with conditions 1-8, plus the additional 3 conditions for this property as provided in the staff report and approval of a waiver of the parking requirement in Section 28-78(b)(1) of the City Code of Ordinances.

9. PUBLIC HEARING CONDITIONAL USE PERMIT NO. 2012-09

Lorraine Lyn, City Planner, stated that this is an application by Old Florida Investments, Inc., for farm worker housing located at 619, 621, & 623 11th Street West and 1010 & 1012 7th Avenue West. The Planning and Zoning Board recommends approval with the following conditions:

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 insure that there are lights at the front and rear doors of the units and that they are in good working condition.
5. Install and maintain dusk to dawn security lighting at the east side of property below the tree canopy to include either free standing pole lights or wall mounted security lights to illuminate the east side parking area and grassy area between buildings.
6. Provide and maintain motion activated security lights between buildings and the rear of 623 11th St. W to illuminate high traffic areas from dusk to dawn.
7. The property owner shall maintain unit numbers along 11th Street W and 7th Avenue W for better visibility of addresses and an additional unit number on the east side of 623 11th St. W is recommended.

8. The parking areas shall be defined and given good territorial reinforcement. Posts should be replaced or repaired and painted in a contrast color for definition.
9. Installation of video surveillance is strongly encouraged for parking areas and the front, rear and sides of the buildings 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 90 days from the date of approval of the Conditional Use permit to complete required site improvements.

Mayor Bryant opened the public hearing.

Patricia Petruff, representing the applicant, stated the applicant agrees with the stipulations as recommended by staff and requests Commission approval.

There being no public comment, Mayor Bryant closed the public hearing.

Motion: **Based upon the evidence presented at the public hearing and finding the request to be consistent with the City of Palmetto Comprehensive Plan and Code of Ordinances herein, Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to approve CU 2012-09 for farm worker housing located at 619, 621, & 623 11th Street West and 1010 & 1012 7th Avenue West subject to the stipulations contained in the staff report, and including a waiver of the parking requirement in Section 28-78(b)(1) of the City Code of Ordinances.**

10. 1st READ: ORDINANCE NO. 2013-01

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES, CHAPTER 26, SUBDIVISIONS; PROVIDING FOR AMENDED SUBDIVISION REGULATIONS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Discussion ensued regarding the performance security percentage. Consensus of the Commission was to increase the performance security to 130%.

Motion: **Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to schedule a public hearing for January 28, 2013 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.**

11. SELECTION OF VICE MAYOR

Motion: **Commissioner Smith moved, Commissioner Cornwell seconded, and the motion carried 5-0 to nominate Commissioner Varnadore as Vice Mayor.**

Mayor Bryant recessed the City Commission meeting at 7:46 p.m. to open the January 7, 2013 CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 8:22 p.m.

12. BASEBALL FIELD UPDATE

None

13. ASR WELL UPDATE

Mr. Tusing stated that he, Ray D'Auito, and the engineers will be meeting with FDEP tomorrow for a redesign discussion. The redesign will save capital cost as well as future operational cost. Also, they will be going to Busch Gardens to look at the Ultraviolet disinfectant process they use there, because he is looking into implementing a UV system in the City. The UV system at Busch Gardens is one of two that he is considering.

14. DEPARTMENT HEADS' COMMENTS

Mr. Tusing—Informed Commission that at the January 28 meeting he will be bringing a Safe Route to Schools grant from Florida Department of Transportation (FDOT) to install sidewalks around the new Palmetto Elementary School. FDOT will

oversee the construction of the sidewalk which will go along 12th Street from 24th to 14th Avenue. He will be designating four-way stops on 20th Avenue, 21st Avenue, 22nd Avenue, and 23rd Avenue because the sidewalk will be crossing these through streets. Mr. Tusing is working on noticing all the surrounding property owners of the public hearing on January 28th along and publishing a notice in the paper.

Mr. Freeman—Thanked the Commission for his reappointment.

He requested a motion to ratify the submittal of the 2012 Restore Act Grant application for MLK Park and to authorize the City to accept the \$250,000 grant if awarded.

Motion: Commission Smith moved, Commissioner Williams seconded the motion to ratify the submittal of the 2012 Restore Act Grant application for MLK Park and authorize the City to accept the \$250,000 grant if awarded.

Commissioner Varnadore stated she would like to receive a letter from the Council representing the City for the BP Oil spill claim stating that accepting the grant, if awarded, would not affect the City's current claim. She opined the motion should be modified to ratify the application, but not to accept the funds if awarded at this time until the letter is received.

Mayor Bryant requested that the Restore Act Grant application be placed on the January 28th agenda to provide Commission more information.

Commissioner Smith modified the motion on the floor to ratify the submittal of the 2012 Restore Act Grant application for MLK Park only and to place it on the next agenda. Commissioner Williams seconded the modified motion.

The modified motion on the floor carried 5-0.

Chief Wells-Thanked Commission and the Mayor for his reappointment.

Attorney Barnebey-Thanked everyone for his reappointment.

Mayor Bryant congratulated the Department Heads on their reappointments.

15. MAYOR'S REPORT

Mayor Bryant stated that Bright House has agreed to continue the movie in the park for 2013. She asked Commission if they would each take a month and volunteer to serve popcorn and soda. Commissioner Cornwell stated she will contact the high school to get volunteers.

Mayor Bryant thanked all the sponsors for helping make the employee Christmas party a huge success. She announced that the Fair will run January 17th - January 28th. She is in need of volunteers for the City booth. Mayor Bryant reminded Commission of the Terra Ceia Community meeting tomorrow at 7:00 p.m.

She discussed the last MPO meeting and the multimodal project. She stated that the multimodal path that was to cross the Green Bridge from the City of Bradenton to the City of Palmetto has been taken off MPO's [5-Year Transportation Program] due to funding. She will be working to have it placed back on. During the last meeting, Manatee County requested to remove the PD&E study for 17th Street to 13th Avenue in Bradenton and instead have a feasibility study done. This means there will be no improvements made to the Desoto Bridge. She would like to have this issue placed on a future workshop agenda for discussion. Commissioner Williams would like to see it placed on a Council of Governments meeting.

16. COMMISSIONERS' COMMENTS

Commissioner Varnadore—Stated she appreciates the Department Heads and the work they do for the City.

Commissioner Williams—Questioned when the Christmas decorations would be coming down. Mr. Tusing said that the decorations should be taken down sometime within the week. A bucket truck has been out of operation.

In regard to striping, Mr. Tusing reported that he has bought a striping machine to do some in-house striping and is looking into getting a new paint product to use that will last longer.

He requested that the Commission chairs be fixed or replaced, because most of the chairs are broken.

He asked the Chief to contact the Bradenton Police Department about the lights at the new skate park. Commissioner Williams opined that they are a traffic hazard to the vehicles driving south over the Desoto Bridge.

Commissioner Williams also asked that the Chief communicate to the Manatee County Sheriff's Office that the boats on the east side of the Green Bridge have no anchor lights.

He welcomed the Department Heads back.

Commissioner Davis—Asked Mr. Tusing to look into having trash receptacles placed along the walkway (along 24th Avenue to 14th Avenue) connecting Hidden Lake Park to Hydrant Park.

With respect to the recent thefts in the neighborhoods, Mayor Bryant suggested that the residents may want to develop a Crime Watch. Commissioner Davis will let the residents know to hold a community meeting and to contact the Police Department to have a representative come to the meeting to discuss how to establish a Crime Watch.

Congratulated the Department Heads on their reappointments.

Commissioner Cornwell—Asked that staff send out a calendar to Commission of all the mobile home park meetings for the year.

Commissioner Smith—Questioned when the Housing Authority appointments would be made and what the criteria is for serving on the Board. Attorney Barnebey stated that Commissioner Smith needs to let the Mayor know if he has anyone interested in serving on the Board because she will make the appointments.

He would like to see Coach Willie Taggart be recognized with a proclamation. Willie Taggart grew up in the City of Palmetto and is now a head coach for the University of South Florida football team. Mayor Bryant asked Commissioner Smith to talk with Mr. Taggart's parents to see when he will be back in Palmetto so that she can recognize him for his accomplishments.

Mayor Bryant adjourned the meeting at 9:00 p.m.

Minutes approved: January 28, 2013

James R. Freeman

James R. Freeman
City Clerk