

**CITY COMMISSION WORKSHOP MEETING  
NOVEMBER 21, 2011  
4:30 PM**

Commission Members Present

Shirley Groover Bryant, Mayor  
Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2  
Charles Smith Commissioner, Ward 1 (to be sworn at 7:00 p.m.)  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Staff Present

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Lorraine Lyn, City Planner  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:30 p.m.

1. PROPOSED ORDINANCE AMENDING DEVELOPMENT REVIEW PROCEDURES

Attorney Barnebey explained the proposed ordinance contains the comments from the last meeting. He explained the DRC Committee is subject to the Sunshine Law, according to AGO; therefore, staff is not permitted to discuss projects. The ordinance was amended to change the responsibility for the DRC from the City Planner to the Director of Public Works, or his designee, which will correct the possibility that the committee is a Sunshine committee.

The item was moved forward to the 7:00 agenda for first reading.

2. INTERLOCAL AGREEMENT TO CREATE AND ADMINISTER A BROWNFIELDS ASSESSMENT COALITION

Lorraine Lyn discussed the \$1 million EPA grant that has been awarded to the MPO for the environmental assessment of "Tamiami Trail", the US 41 corridor which has been designated as a Scenic Highway. The City will partner with Manatee and Sarasota Counties and the municipalities of Bradenton, Sarasota, Venice, and North Port. Grant funds can only be used for assessment duties listed in Phase I and Phase II of the agreement.

Mike Maholtz, MPO Transportation Planner, described the scope of duties contained in Phase I and Phase II of the interlocal agreement, stating the purpose is the redevelopment of the "Tamiami Trail".

The item was moved forward to the 7:00 Consent Agenda.

3. PRESENTATION: INSTALLATION OF POLE AND ANTENNA IN CITY RIGHT-OF-WAY

Mr. Tusing commented on the presentation that was previously forwarded to the Commission. Staff and legal has reviewed. Because Commission does not have to take action, the installation of the sign can be moved forward using the right-of-way permit for the installation of the pole and antenna.

Wayne Walding, NextG representative, briefly commented on the project, letting Commission know the company will place educational material regarding the project at the home sites in the area. He confirmed the pole can host two carriers. In this particular case, the company is handling 138 sites for a "second

tier" customer. Mr. Tusing compared the installation of the pole as being the same as installing a telephone pole, because the company is considered a telecommunication utility. NextG would be responsible for any damage caused by the collapse of the pole.

Attorney Barnebey confirmed the City cannot assess a franchise fee for this type of project pursuant to the Telecommunication Act, but is entitled to regular fees for the use.

#### 4. PROPOSED ORDINANCE NO. 2011-33 FOR FARM WORKER HOUSING

Ms. Lyn stated the corridors were adjusted pursuant to comments at the last review of the proposed ordinance. Acreage of RM 6 zoning was reduced from 106.5 acres or 3.4% of City to 81.1 acres or 2.6% of the City. Attorney Barnebey stated there is a statute requiring the City provide a reasonable amount of farm worker housing to meet local needs; there is no definition of "local needs".

Attorney Barnebey informed Commission that of the 16 sites issued permits by the Health Department; eight will remain illegal under this ordinance. One has applied for a conditional use permit, they others will need to apply. Some may or may not be able to comply with the ordinance. He stated the proposed ordinance complies with Florida Statutes.

Attorney Barnebey explained how Code Enforcement will be involved in the process for the farm camps to apply for a conditional use permit, and for those camps not in the approved zoning category. He confirmed that if the ordinance is challenged, there could possibly be litigation.

Mayor Bryant questioned why the requirement for lighting and cameras on site had not been added to the ordinance, as well as follow-up operational inspections for the cameras and lighting. Attorney Barnebey stated he was comfortable with the language in the proposed ordinance because these types of issues would be addressed at the time of application for a conditional use permit.

Discussion ensued on notification that was mailed to the farm camps approximately five months ago. Attorney Barnebey assured Commission that Code Enforcement will give the sites reasonable time to come into compliance. Mayor Bryant discussed the process and how attempts will be made to assist the owners in bringing the sites into compliance.

Referring to the RM6 zoning category, Attorney Barnebey will consider whether additional language can be added that will make it very apparent where farm worker housing is allowed. He reminded Commission that the proposed ordinance is more restrictive than the current ordinance. Before the public hearing he will look at any possibility of housing discrimination that may result due to the adoption of the proposed ordinance.

Mayor Bryant reminded Commission that staff is trying to eventually improve all the farm worker housing sites to make the areas safer and reduce crime because the farm workers are targets. She suggested that first the ordinance has to be adopted and then the notification process will begin. Attorney Barnebey stated that if Commission does not wish to make a change in the ordinance, possibly only eight sites can be issued a conditional use permit; one has the permit and the other seven will have to come into compliance. She asked Commission to make a decision on the ordinance as amended from their comments.

Mr. Tusing suggested that language regarding the cameras and lighting could be added as 4(a) to read: In addition to CPTED review, each farm labor camp shall install adequate security lighting and security cameras within the facility. Mayor Bryant stated she wants this type of language incorporated within the ordinance. Attorney Barnebey stated he would like to speak with Mr. Tusing and Chief Wells regarding the requirement before it is added to the ordinance.

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Attorney Barnebey stated staff can look at and make assumptions on what the "local needs" are for the community.

Commissioner Williams suggested that 4<sup>th</sup> Street in Jet and Pegal be included in the corridor.

The item was moved forward to the 7:00 agenda.

Mr. Freeman informed Commission that the two vehicles that are on the Consent Agenda are parked outside City Hall.

Meeting adjourned at 5:55 p.m.

Minutes approved: December 5, 2011

*James R. Freeman*

James R. Freeman  
City Clerk