

**CITY COMMISSION WORKSHOP MEETING  
MARCH 19, 2012  
4:30 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor  
Brian Williams, Vice Mayor, Commissioner, Ward 3  
Tamara Cornwell, Commissioner-at-Large 1  
Alan Zirkelbach, Commissioner-at-Large 2  
Tambra Varnadore, Commissioner, Ward 2

Elected Officials Absent

Charles Smith, Commissioner, Ward 1

Staff Present

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

Vice Mayor Williams called the meeting to order at 4:35 p.m.

1. PRESENTATION: COMPREHENSIVE ANNUAL FINANCIAL REPORT

Mr. Freeman reported the presentation will be postponed until April 2, 2012.

2. DISCUSSION: PROPOSED ORDINANCE FOR PORTABLE, TEMPORARY AND POLITICAL SIGNS

Commission discussed the proposed ordinance with Attorney Barnebey and staff, and received explanations for language contained therein and how to affect its enforcement. The following discussion topics resulted in Commission making an amendment or request for additional information:

1. Identification of right-of-way and placement of political signs in right-of-way vs. easement: Attorney Barnebey opined right-of-way should remain in the ordinance, for enforcement purposes. He will consult Florida Statutes to determine if there is a definition for right-of-way.
2. Section 3-68(3) will be amended by revising public property to "publicly owned property". Attorney Barnebey will determine if a tenant of a publicly owned building can erect a Political sign.
3. Political sign deposit: Staff concurs with not charging a deposit. The ordinance allows adoption of a resolution requiring a deposit, should non-removal of signs become an issue. Attorney Barnebey explained that if the proposed ordinance is adopted as written, a property owner could be subject to code enforcement should a sign not be removed. He will amend the ordinance to also include a candidate should enforcement become necessary.
4. Sec. 3-86 Continuation in use: Attorney Barnebey explained this section is currently in the code for all signs except portable, temporary or political signs. The section is included because there could be an argument that a sign could be nonconforming because it was allowed under the code. .

5. Section 3-157 Portable and temporary on-site signs:

- Attorney Barnebey will revisit the reference to political signs. If necessary, he will move the reference to the political sign portion of the ordinance.
- Discussion ensued on the 60-day use of real estate signs, which currently reads 45 days in the code, and sales. It was concurrence of the Commission that the time limit for real estate sales and rental signs should be removed from the ordinance. The ordinance will be corrected to allow these types of signs in the residential zoning district.
- Discussion ensued on signs advertising grand openings, sales and special events, which are allowed in commercial zoning districts only. These types of sign are not allowed in industrial zoned districts.
- Attorney Barnebey opined that the Commission must decide how they wish the City to look when it comes to temporary and portable signs. He suggested that at some point a time frame should be included, or there is not restriction at all. Attorney Barnebey confirmed that a time frame will also control signs that are placed on vacant property, which is not prohibited.
- (6) will be amended to read: No Portable or Temporary sign shall be located in a right-of-way and visibility triangle.

Commissioner Zirkelbach concurred with placing a time limitation on temporary and portable signs to ensure the appearance of the City is conducive to attracting new businesses. Commissioner Cornwell concurred that some type of standard has to be placed on the signs, as they all have a life span. Commissioner Varnadore did not wish to place a time limitation in the ordinance, but agreed that "appearance" could be set as a standard. Attorney Barnebey recommended that from a legal standpoint, he preferred a definite timeframe to possibly avoid challenge. He agreed that real estate signage should be treated differently; appearance could be considered, as well as a definite timeframe for removal after the property is sold or rented.

Commissioner Williams commented on signage wrapping large trucks parked at businesses. Attorney Barnebey suggested it will be more appropriate to look at the topic in the overall sign code. Storage units being placed in yards, such as PODS, will also be looked at in the overall sign code or other sections of the code.

The topic will be brought back to the next workshop.

3. SUTTON PARK RENOVATION PROJECT UPDATE (J. Burton)

Mr. Burton confirmed he is not requesting that the contract be approved during the CRA meeting.

He reviewed the plans for Phase 1 (\$750,000); Phase 2 (\$250,000) next year; Phase 3 (\$250,000) the following year. An additional Phase A (\$600,000) will be funded by an FDOT/MPO grant; the application is being prepared. An additional Phase B (\$200,000) is a 50% grant from SWFWMD. The total projected cost for the park's renovation will be approximately \$2 million; the CRA's portion amounts to \$1.3 million.

Mr. Burton reported on the bids for the project that were received and how the committee arrived at its recommendation of award. Mr. Burton described the add-ons the City is recommending.

Mayor Bryant suggested that if necessary, a special meeting can be called to approve the contract, which will allow the contractor to meet the July 4<sup>th</sup> deadline. Attorney Barnebey discussed the fact a contract cannot be awarded until a contractor has been chosen.

Commissioner Zirkelbach voiced his concerns with the contractor being recommended to perform the project; projects they listed as their work when several of them were performed by his firm and the internal financial statement vs. financial information provided by a CPA. Mr. Burton discussed the additional information he had requested from Manasota, which was immediately provided. Stellar provided a letter of explanation, which Mr. Burton read to the Commission. The letter is attached hereto and made a part of these minutes.

Mr. Burton stated it may be possible to move Phase 1 forward this year, which could mean the bathrooms, walking path or green parking, if grant awarded, could be completed. Commission agreed that the bathrooms should be completed first.

The Veterans' Monument will be brought forward at a later meeting.

Meeting adjourned at 6:00 p.m.

Minutes approved:

*James R. Freeman*

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City Clerk