

**CITY OF PALMETTO
CITY COMMISSION MEETING
May 15, 2017
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
Harold 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, Director Public Works
Scott Tyler, Chief of Police
Amber LaRowe, 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 the City Commission were duly sworn.

PROCLAMATION: Commissioner Davis presented the National Nursing Home Week proclamation to Susan Shofstall of Riviera Palms Rehabilitation Center. National Nursing Home Week is May 14th-May 20th.

PROCLAMATION: Mayor Bryant presented the National Police Week proclamation to Chief Tyler.

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion failed 2-3 to approve the May 15, 2017 Agenda with the removal of item 3.A.2. and the addition of a discussion for a moratorium on special events for larger events in the City until Commission and staff are finished discussing how to handle special function permits/rental agreements and to add the continued discussion from today's Workshop meeting. Commissioners Cornwell, Davis, and Smith voted no.

Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the May 15, 2017 Agenda with the removal of item 3.A.2. and the addition of item 8.A. for a discussion of a moratorium on special events in the City.

2. PUBLIC COMMENT

None.

3. CONSENT AGENDA APPROVAL

A. Clerk's Office

1. Minutes: March 13th, April 3rd, April 17th
 2. ~~Resolution 2017-14 Scrivener's Error on Ordinance 2017-04~~—Removed.
 3. Special Function Permit:
 - a. July 4th Festival
 - b. Bed and Breakfast Weddings August to December 2017
 - c. Centerstone Walk for Life September 23rd
- B. Police Department
1. Surplus Police Vehicles

Motion: Commissioner Williams moved, Commissioner Varnadore seconded to approve the May 15, 2017 Consent Agenda with the removal of item 3.A.3.a. from the agenda as a whole. Commissioner Varnadore withdrew her second. Motion dies for lack of second.

Discussion: Commissioner Williams opined that the July 4th Special Function Permit did not need to be on the agenda due to the event being City sponsored and no sale of alcohol. The ordinance only requires Permits for a City event if there is the sale of alcohol. Staff stated that, while Commissioner Williams is correct, they thought it would be in the best interest to present it to Commission. It could have been presented as informational only; that was an oversight. The Permit itself does not need formal approval. Commissioner Varnadore requested information from Mr. Freeman regarding what events are considered City sponsored.

Discussion ensued regarding the family friendly portion of the July 4th event and how the CRA is selecting the vendor(s) and the criteria for what types of activities will go on at the park. Mr. Burton indicated that three people have replied to the RFP for the event, once a vendor is selected, it will be presented to the CRA Board. Commissioner Varnadore questioned who would be selecting the vendor; staff, or a committee? And how would that be presented to the Board/Commission? Mr. Burton stated it will be a contract approval to be signed by the Mayor; approval from the Board will happen before she signs the contract. Mrs. Varnadore wanted to be certain that this information will be coming before the Board before anything is done with the vendor. Mayor's intention is to bring it forward to the Board irrelevant of the dollar amount even though it was budgeted. Commissioner Varnadore stated she does not specifically need to approve the contract or the vendor(s) but that she wants to have information about what will be occurring at the Fourth event. Mr. Burton will put the documents onto Dropbox for Board approval before the June 5th CRA Board meeting. This discussion will be placed on the June 5th CRA Board again for potential approval if necessary; if no approval necessary, then it will be presented as informational only.

Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the May 15, 2017 Consent Agenda with the removal of item 3.A.3.a.

4. 1st READ ORDINANCE 2017-08 LOST/ABANDONED VESSELS

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, ADOPTING REGULATION OF LOST AND ABANDONED VESSELS; PROVIDING FOR PURPOSES AND FINDINGS; PROHIBITING LOST AND ABANDONED VESSELS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR REMOVAL, STORAGE AND DISPOSAL OF LOST OR ABANDONED VEHICLES; PROVIDING FOR COSTS AND LIENS; PROVIDING FOR PROCUREMENT OF SERVICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Chief Tyler informed Commission that this ordinance language was drafted to mirror the County ordinance, therefore it will allow the help of the Manatee County Sheriff's Office to assist the City with these types of issues.

Commissioner Williams brought up many discussion points regarding the removal of these types of vessels. He questioned what storage will be like for the removal, what will disposal be like for the removing of these vessels, and who will be responsible for footing the bill? Attorney Barnebey appreciated his questions and will continue working on this before the Public Hearing and adoption. He is still in the process of researching and reviewing, more specifically, how the County does things.

Commissioner Varnadore requested information regarding budgetary impacts, if any, before the adoption of this at the next meeting. She is in support of this ordinance.

Motion: **Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to schedule Ordinance 2017-08 for a Public Hearing on June 5, 2017 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers and direct staff to advertise for same.**

5. 1ST READ ORDINANCE 2017-06 VACATION OF RIGHT OF WAY

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY, CONTAINING APPROXIMATELY 15,212.80 SQUARE FEET, AND LOCATED BETWEEN 14TH AVENUE WEST AND 13TH STREET WEST; SAID PARENT PARCEL IS LOCATED GENERALLY AT 312 14TH AVENUE WEST, PID#3130200052, AND AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Motion: **Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to schedule Ordinance 2017-06 for a Public Hearing on June 5, 2017 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers and direct staff to advertise for same.**

6. 1ST READ ORDINANCE 2017-07 TERRA CEIA TOWNHOMES GENERAL DEVELOPMENT PLAN

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR A 22-UNIT, ONE-STORY RESIDENTIAL VILLAS PROJECT ON A 3.42-ACRE SITE ZONED PD-H AND GENERALLY LOCATED WEST OF 14TH AVENUE WEST AND SOUTH OF TERRA CEIA BAY CLUBHOUSE & GOLF; SAID PARCEL IS PID#2416820005, PALMETTO, FLORIDA, AND AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Motion: **Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 4-0 to schedule Ordinance 2017-07 for a Public Hearing on June 5, 2017 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers and direct staff to advertise for same. Commissioner Williams abstained from voting.**

7. APRIL CHECK REGISTER (Informational Only)

8. 17TH STREET AND 14TH AVENUE INTERSECTION IMPROVEMENTS

Mr. Tusing stated that the City has secured funding for some intersection improvements at the intersection of 17th Street and 14th Avenue West. These improvements will provide realignment of the north/south segments of the intersection, better turn radiuses for the bus turns, a safer pedestrian movement, a handicap accessible transit bus stop, repaving and restriping of the intersection. The project has been bid and the City received four bids ranging from \$204,553 to \$283,131. The City recommended Superior Asphalt to the Florida Department of Transportation (FDOT), and, after review, FDOT concurred with the City's recommendation.

Commissioner Davis exited at 7:58 p.m. and returned at 8:00 p.m.

Commissioner Williams asked for some prior information regarding this project be sent to Commission for information.

Motion: **Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the recommendation to award the construction bid for 17th Street West and 14th Avenue West intersection improvements to Superior Asphalt, Inc. in the amount of \$204,553.25, not to exceed that amount, and authorize the Mayor to execute the contract.**

8.A. Moratorium on Large Events requiring a Special Function Permit Discussion:

Commissioner Varnadore opined that a moratorium on large events in the City is in the best interest until more clarifications and decisions can be made for events in the parks. She has had several complaints from surrounding residents of Sutton Park regarding the volume of noise, the lyrics in the music, and the number of events. She opined that the rates should mirror that of the City of Bradenton as that is the closest competition.

Commissioner Cornwell would prefer a disclaimer be stated in the event a Permit that if approved, the applicant is subject to changes made to the City's policy and they will need to comply if that occurs before their event is held. Commissioner Varnadore opined that events with amplified music should be limited.

Commissioner Smith opined the stage needs to be turned around at Sutton Park to help with the noise. Commissioner Smith will work with Mr. Burton on the cost of MoJo sound equipment; he opined it is too expensive and will be finding someone for a better price. He also stated that the Multicultural Fair needs to have more money budgeted for the stage and sound system.

Discussion ensued regarding the types of music to be played at events and how to monitor the lyrics and the language. Attorney Barnebey stated that there are some parameters that can be made for music and events.

Motion: **Commissioner Davis moved, Commissioner Cornwell seconded to add the Noise Ordinance to the June 5th Workshop for discussion.**

Discussion continued regarding events in the City, large events, rates for the Parks, and noise.

After discussion, the maker and the seconder removed the motion on the floor.

Motion: **Commissioner Davis moved, Commissioner Cornwell seconded, and the motion carried 4-1 to increase the rental rate as staff has suggested in the interim until Commission decides otherwise (Sutton Park to \$600 for a whole day, \$300 for a half day, deposit increase to \$500 for events 1,000 attendees or more and \$250 security deposit for events less than 1,000 attendees, and to have no change in rates [\$200 a day and \$50 security deposit for rental of Sutton Park without a Special Function Permit]. Commissioner Varnadore voted no.**

Commissioner Varnadore expressed her opinion and displeasure on the above motion. She highly suggested that the Riverwalk rental rates at \$2550.00 be the rate for Sutton Park.

9. TRAFFIC UPDATE

Mayor Bryant informed Commission that the City of Bradenton will be bringing back in operation their red light cameras. Mayor will be drafting a letter to Mayor Poston and Bradenton's Council to not activate the camera located at 3rd Avenue and 8th Avenue West (base of Green Bridge).

10. PALMETTO POOL UPDATE

11. CONVENTION CENTER HOTEL UPDATE

Mayor Bryant stated that there was a press release issued on Friday regarding the hotel and a video will be made available to the Commission via Dropbox.

12. DEPARTMENT HEADS' COMMENTS

Mr. Burton—informed Commission that the CRA is interested in purchasing Surface tablets for the CRA Board and Mrs. LaRowe, clerk for the Board.

Commissioner Cornwell is pleased with her Surface tablet and believes it will be a good option for review of the agenda materials.

Attorney Barnebey will do some research to verify the tablets can be used by both the CRA Board and the City Commission agendas without conflict.

Mr. Freeman—clarified the agenda for June 5th will have a couple GDPs on it, as motioned earlier tonight. Also, there will be a couple resolutions regarding financing for the hotel.

Chief Tyler—thanked Commission on their support for the lost and abandoned vessel ordinance.

Attorney Barnebey—will be speaking with staff at the next Department Head to discuss having the 7:00 p.m. Commission meeting at another venue due to the potential crowd for the multiple public hearings.

13. MAYOR'S REPORT

Mayor Bryant recently presented the Manatee School for the Arts (MSA) Action Team with a proclamation for recognition of their cleanup efforts in the City's parks. She thanked Commissioner Davis for accompanying her to present this to the team.

Mayor Bryant presented a proclamation to Reverend Larry Pritchett, Palm View Baptist Church, on Sunday for his 40 years of service as their Reverend.

She commented on the Jerry Hill Kids Fishing Tournament that was held this past Saturday, noting it was well attended. Commissioner Davis attended that event as well, and was complimentary.

Mayor Bryant asked Commissioner Williams to find out at the Manasota League of Cities if other cities are having abandoned vessel problems. Commissioner Williams discussed the Florida League of Cities app for cell phone that is a good resource and forum.

14. COMMISSIONERS' COMMENTS

Commissioner Cornwell—discussed the Historical Park meeting.

With all the schools getting out soon, Commissioner Cornwell suggested the Police Department have some activities over the summer as they have done before.

Commissioner Varnadore—reminded Mr. Freeman to provide her with a list of all City sponsored events.

She questioned Mr. Tusing as to why some of her neighbors have little reclaimed water use, but at the cemetery and parks the reuse is flowing well; why is the pressure different and what can they do about it? Mr. Tusing is not really understanding the issue as there has not been any issues at the parks or cemeteries with reuse and the pressure. He suggested that Mrs. Varnadore ask them to call the Public Works Department with their complaints so that they are made aware and can go take a look at the issue during operating hours. Commissioner Varnadore stated she will give Mr. Tusing the specific address

after the meeting so that he or his staff can go look at it. She stated that some days they have water when they turn their hose on and other days they do not. She also said that the City has been called and that staff has said there is no water available but then the parks are using the water. Mr. Tusing explained how reclaimed/reuse water is stored and made available to the public. He stated that the ASR Well is not available for use yet, but will be soon as he mentioned at the last meeting. He went into further detail about supply and demand and how the operation of the system works. Staff does the best they can with what is available at this time. There has not been very much rain so the demand is higher, it is unfortunate but it is the way it works. Commissioner Varnadore opined that his a hardship for those who work and want to water their lawns in the evening because they are not able to since the supply runs out by mid-afternoon. Mr. Tusing does not feel that the water allocation should be specifically set aside for residents only; the parks and cemeteries need to be maintained as well. He opined that a lot of residents in the City without sprinkler systems and only hoses leave their hoses hooked up and the valves open so that when the water is made available it just starts running at their houses and stops when the water runs out; this is extremely inefficient and wasteful. Mr. Tusing is available anytime to the public to educate them on proper watering and to explain the supply and demand to any resident.

Commissioner Varnadore expressed her opinions about lack of well permits and questioned why with the supply and demand this is not an option. Mr. Tusing stated no, the City invested quite a bit of money in the ASR Well project and it will be in operation soon; with the ASR there is no need for wells or well drilling. The ASR requires testing and standards as set forth by the Florida Department of Environmental Protection (DEP); it is not in Mr. Tusing's sole control of when they open it up for complete use by the City. As he stated on the May 1st meeting, it is his understanding from DEP it should be ready to go within, at most, six months. Commissioner Varnadore expressed her displeasure with the length of time this has gone on to get the ASR Well operational. Staff is doing the best they can and cannot make every resident happy with the amount of water available.

Commissioner Williams—presented the captain of the MSA Action Team with a \$2,000 grant.

Announced that the next Constitutional Review Committee meeting is on May 18th in Tampa.

Mr. Williams suggested that the City should consider having a discussion about hiring freezes due to the homestead exemption discussion that has been occurring in the legislation. He specifically means no new positions created not necessarily the replacement of existing positions when people leave the City.

Commissioner Davis—was glad to be part of the presentation of the proclamation to the MSA Action Team. He noted that this is the largest action team in the United States with the most members.

Mayor Bryant adjourned the meeting at 9:45 p.m.

Minutes approved: June 5, 2017

James R. Freeman

James R. Freeman
City Clerk