

**CITY OF PALMETTO
CITY COMMISSION MEETING
October 16, 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
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 Commissioner were duly sworn.

PROCLAMATION: Mayor Bryant presented the Red Ribbon Week Proclamation to Ally Bergmann, M.S. Prevention Coordinator, Drug Free Manatee. Red Ribbon Week is October 23-26th. Ms. Bergmann informed the public of the 15th Annual Red Ribbon Week Breakfast at Pirates City, Bradenton on October 24th; tickets are still available.

PROCLAMATION: Commissioner Williams presented the Florida City Government Week Proclamation to Commissioner Harold Smith. Florida City Government Week is October 23-29th. Mayor Bryant informed the public that on Tuesday the City Officials will be present at Popi's from 8:30 a.m. to 9:30 a.m. to speak with the public and then again on Wednesday at the Palmetto Library from noon to 1:00 p.m.

SWEARING IN: Chief Scott Tyler introduced and swore in the newly hired Captain, Lorenzo Waiters. Captain Waiters joined the Police Department on Wednesday, October 11th.

1. CITY COMMISSION AGENDA APPROVAL

Motion: **Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the October 16, 2017 Commission Agenda.**

2. PUBLIC COMMENT

No public comment.

3. CONSENT AGENDA APPROVAL

- A. Mayor's Office
 - 1. Appointment to the Police Pension Board of Trustees
- B. Clerk's Office
 - 1. Minutes: 9/15, 9/25, 9/26
 - 2. Special Function Permit
 - a. Tanya Clavey Annual Car Show 1/13/2018
 - b. Vintage Wheels Annual Car Show 2/4/2018
 - 3. Blalock Walters Legal Bills
 - 4. Resolution 2017-20 Yearend Budget Cleanup
 - 5. Resolution 2017-26 Lease Reimbursement for 2018 Capital Items
- C. Public Works
 - 1. Maintenance Agreement with FDOT for Sidewalk Project FPID# 436983-1-32/52-01

Commissioner Varnadore removed item 3.C.1. for discussion/clarification.

Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the October 16, 2017 Consent Agenda with the removal of item 3.C.1.

3.C.1. Maintenance Agreement with FDOT for Sidewalk Project FPID# 436983-1-32/52-01 Discussion:

Mr. Tusing clarified the scope of the project, summarizing that the sidewalk project focuses on the area around Blackstone Park.

Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the Maintenance Agreement with FDOT for Sidewalk Project FPID# 436983-1-32/52-01.

4. 1st READ ORDINANCE 2016-09 NOISE

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, REGARDING THE EMISSION OF HARMFUL NOISE WITHIN THE CITY OF PALMETTO; AMENDING ARTICLE I OF CHAPTER 5 OF THE CITY CODE; DEFINING CERTAIN TERMS; PROVIDING FOR CERTAIN EXCEPTIONS; PROHIBITING THE MAKING, CAUSING OR ALLOWING OF HARMFUL NOISE WHICH CAUSES NOISE DISTURBANCES OR EXCEEDS CERTAIN SOUND LEVELS; PROVIDING FOR THE MEASUREMENT OF LEVELS OF HARMFUL NOISE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion: Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to schedule Ordinance 2016-09 for a public hearing on November 6, 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. RESOLUTION 2017-27 SECTION 504 POLICY

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, ADOPTING A HUD SECTION 504 HANDICAP ACCESSIBILITY COMPLAINT AND GRIEVANCE PROCEDURE, AND PROVIDING AN EFFECTIVE DATE.

Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to adopt Resolution 2017-27.

6. RESOLUTION 2017-28

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, ADOPTING A POLICY FOR THE PROTECTION OF INDIVIDUALS ENGAGING IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS, REPEALING ALL RESOLUTIONS IN CONFLICT, AND PROVIDING AN EFFECTIVE DATE.

Motion: Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 5-0 to adopt Resolution 2017-28.

7. PUBLIC HEARING ORDINANCE 2017-11

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, VACATING A PORTION OF UTILITY EASEMENT 20 FEET IN WIDTH AND APPROXIMATELY 190 FEET IN LENGTH, LOCATED SOUTH OF 7TH STREET WEST AND EAST OF THIRD AVENUE WEST, WITHIN THE PARCEL LOCATED AT 209 7TH STREET WEST, PID# 2796800007.

Mayor Bryant opened the public hearing.

Karla Owens, City Planner, explained this is a request from Impact Community Church of God to vacate a portion of an existing utility easement to allow for the construction of a 6,570 square foot addition to the Church building, along with a portico and additional parking. The easement exists entirely within the property owned by the Church and will not affect any neighboring property owners. Mrs. Owens stated that this easement was formerly platted to extend the entire width of the parcel; however, only a portion of the easement is actually necessary for utility services. All utility companies have responded indicating no issue with vacation of this easement.

Mayor Bryant closed the public hearing after hearing no public comment.

Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to adopt Ordinance 2017-11.

8. 1ST PUBLIC HEARING ORDINANCE 2017-12 MEDICAL MARIJUANA DISPENSARIES

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, REGARDING THE REGULATION OF MEDICAL MARIJUANA TREATMENT CENTERS; AMENDING THE ZONING CODE (APPENDIX B OF THE CODE OF ORDINANCES); PROVIDING FOR DEFINITIONS; PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES IN THE CITY; ESTABLISHING LIMITATIONS ON THE LOCATION OF MEDICAL MARIJUANA TREATMENT CENTER CULTIVATING AND PROCESSING FACILITIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the first public hearing.

Commissioner Smith exited the meeting at 7:24 p.m.

Attorney Barnebey reminded the Commission that there are only two options per state law; one is to either ban dispensaries altogether in the City or, if allow them, then they are to be allowed in all zoning categories as pharmacies are currently allowed. The Ordinance presented tonight bans dispensaries from the City at this time.

Sharon Kramer, Executive Director, Drug Free Manatee, agreed with the Ordinance.

Mayor Bryant closed the first public hearing after hearing public comment.

Motion: Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 4-0 to schedule Ordinance 2017-12 for a second public hearing on November 6, 2017 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers. Commissioner Smith was absent for the vote.

Commissioner Smith returned to the meeting at 7:33 p.m.

9. PUBLIC HEARING CONDITIONAL USE PERMIT 2017-01

Mayor Bryant opened the public hearing.

Mrs. Owens explained that this request is for a Conditional Use Permit for a commercial property located at 604 6th Street West. The property owner, Sixth Street West, Inc, would like to remodel two of the four commercial units for residential use. The remaining two units would continue to be rented as commercial office space. This request is consistent with the City's Comprehensive Plan, with the General Commercial (CG) zoning district regulations, and with the surrounding neighborhood as analyzed.

The Planning and Zoning Board met on this item on October 12th and recommended approval with the following conditions:

- The total number of conditional uses shall be limited to one conditional use permit per property. If the property for this conditional use application is currently subject to a conditional use permit, the existing conditional use permit shall cease upon approval of a new conditional use. If approval of a new conditional use permit is not granted, the existing conditional use permit shall remain in full force and effect; and,
- It shall be the responsibility of the owner to make any sublease aware of the conditional use permit; and,
- A minimum of 25 percent of the total floor area of the building must remain as commercial and/or office use at all times; and,
- This conditional use runs with the land and shall be applicable to all subsequent owners, assignees, or tenants.

E.V.E. Joy, property manager, provided pictures of the property to the Commission. She respectfully requested that the Commission grant the approval of the Conditional Use Permit with the above stated stipulations.

Commissioner Williams asked if she could move the one handicap parking space more equal to the entrance as opposed to the current location at the end of the parking lot.

William Gray, resident, works on projects with E.V.E. and echoed Ms. Joy's remarks.

Mayor Bryant closed the public hearing after no further public comment.

Motion: Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 5-0 to approve Conditional Use Permit 2017-01 with the following conditions:

- The total number of conditional uses shall be limited to one conditional use permit per property. If the property for this conditional use application is currently subject to a conditional use permit, the existing conditional use permit shall cease upon approval of a new conditional use. If approval of a new conditional use permit is not granted, the existing conditional use permit shall remain in full force and effect; and,
- It shall be the responsibility of the owner to make any sublease aware of the conditional use permit; and,

- **A minimum of 25 percent of the total floor area of the building must remain as commercial and/or office use at all times; and,**
- **This conditional use runs with the land and shall be applicable to all subsequent owners, assignees, or tenants.**

10. RESOLUTION 2017-24 FY 2018-2022 CAPITAL IMPROVEMENT PLAN

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ADOPTING THE CAPITAL IMPROVEMENT PLAN BUDGET FOR FISCAL YEARS 2018-2022; AND PROVIDING AN EFFECTIVE DATE.

Motion: Commissioner Davis moved, Commissioner Cornwell seconded, and the motion carried 5-0 to adopt Resolution 2017-24, the Fiscal Year 2018-2022 Capital Improvement Plan.

11. SEPTEMBER CHECK REGISTER (Informational Only)

12. TRAFFIC UPDATE

Information regarding the traffic was discussed at today's workshop meeting.

13. PALMETTO POOL UPDATE

14. CONVENTION CENTER HOTEL UPDATE

Attorney Barnebey informed Commission of the discussions that have been occurring with the developer as it stands today. The agreement has been terminated; but this does not preclude a new agreement from being negotiated. Attorney Barnebey clarified that the City/CRA was planning to provide payment and incentives totaling \$8.5 million; only \$3.1 million of that amount was going towards the Pinzon Parcel. Mr. Barnebey made it very clear that the \$8.5 million was not being spent on the Pinzon Parcel as a whole.

15. DEPARTMENT HEADS' COMMENTS

Attorney Barnebey—announced that the hearing regarding the Amberwynd Subdivision is scheduled for November 7th.

Chief Tyler—updated the Commission on the recent trial regarding the incident where the car ran into a storage shed in Lone Oak and killed three people. The driver was convicted on all three counts of vehicular manslaughter; sentencing is upcoming.

Mr. Freeman—would like to bring forward the half cent sales tax discussion at the next workshop meeting.

He informed the Commission that that Community Development Block Grant is still moving forward.

Mr. Tusing—briefed the Commission on the debris removal process [from Hurricane Irma]. Mayor reminded the public to please ensure the debris is off the sidewalks so that the company can remove the debris appropriately. Also, with Halloween approaching, the sidewalks need to be safe for families.

Mr. Burton—informed the Commission that Haben Boulevard landscape is ready to go; just waiting on the County to proceed.

Mr. Burton continued to update the Commission on upcoming projects, these projects include the environmental study on the dirt in the Riverside Drive West Parking lot, the market studies that are pending, solar trees, and the 505 5th Street redevelopment.

Mr. Tusing would like to surplus the dirt that was left over from the project at the Boat Ramp. This will be brought forward to the next agenda to allow the Commission to declare the dirt as surplus so that it can be sold.

16. MAYOR'S REPORT

Mayor made a comment regarding no parking on the streets that lie between 17th Street to 10th Street. Waste Management and the street cleaning team have trouble collecting trash and doing the things they need to do due to the cars parked along those narrow streets. Staff has been in contact with the high school regarding parking. Further discussion will be had regarding this issue and what the solution could be.

Mayor discussed the recent change to the Manatee County School calendar, specifically the week of Thanksgiving. Originally, the School Board had the entire week of school out of session for students; however, due to Hurricane Irma, school will be in session for a couple of those days. The Commission moved the date for the second meeting in November for after Thanksgiving due to the School calendar. Mayor Bryant asked the Commission if they would prefer to keep the second meeting on November 27th or would they prefer to move it back to the third Monday in November, November 20th.

Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to change the second Commission meeting in November from November 27th to November 20th.

17. COMMISSIONERS' COMMENTS

All of the Commission congratulated Mr. Waiters on becoming the new Captain for the City. They also recognized Mrs. Waiters who was with Mr. Waiters.

All Commissioners were thankful and complimentary of the debris removal process that has occurred since the Hurricane.

Mayor Bryant adjourned the meeting at 8:41 p.m.

Minutes approved: November 6, 2017

James R. Freeman

James R. Freeman
City Clerk