

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
May 21, 2018  
7:00 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor  
Jonathan Davis, Vice Mayor, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2—(arrived at 7:05 p.m.)  
Harold Smith, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Staff Present:

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Allen Tusing, Director of 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.

1. CITY COMMISSION AGENDA APPROVAL

**Motion:**        **Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 4-0 to approve the May 21, 2018 Commission Agenda. Commissioner Cornwell was absent for the vote.**

2. PUBLIC COMMENT

Bob Gause, Gause and Associates, informed the Commission of the changes since the last discussions regarding the hotel at the Civic Center. The Pinzon Parcel is under contract for purchase by the developer, Tony DeRusso, and he plans to build the hotel on that Parcel instead of the Convention Center property as proposed last year; plans will be forthcoming.

Tony DeRusso, Developer for the hotel as mentioned above, explained that he is working with Mr. Burton at the CRA and the Property Appraiser's Office regarding the plans and development of the hotel. He will be seeking incentives in the form of TIF reimbursement from the CRA for the difference between what the property is valued at at the start of the development hotel versus what

it is valued at upon completion of the hotel. He would like to get this in front of the Board at the next CRA Board meeting.

3. CONSENT AGENDA APPROVAL

A. City Clerk's Office

1. Minutes: 5/7/2018
2. Blalock Walters Legal Bills
3. Resolution 2018-07 CDBG Project (Scrivener's Error)

B. Public Works

1. Resolution 2018-16 Voluntary Annexation Fees
2. Special Magistrate Agreement

Commissioner Williams asked that the May 7<sup>th</sup> Workshop minutes be modified to specify that he was talking about Riverside Drive, not Riverside Drive East. Mrs. LaRowe will change the minutes to indicate Riverside Drive, east of 8<sup>th</sup> Avenue West.

**Motion:**     **Mr. Davis moved, Mr. Smith seconded, and the motion carried 5-0 to approve the May 21, 2018 Consent Agenda with the modification to the minutes as mentioned above.**

~~4. SUNSHINE SKYWAY MARATHON DISCUSSION~~

~~Discussion continued from today's Workshop meeting regarding the proposal of the 2019 Skyway Marathon.~~

**This item was discussed at today's 4:30 p.m. Workshop meeting.**

5. PUBLIC HEARING ORDINANCE 2018-13 MAP AMENDMENT 1550 US 301 NORTH

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, APPROVING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN; CHANGING THE FUTURE LAND USE MAP DESIGNATION FOR THE TERRITORY HEREIN AFTER DESCRIBED FROM CITY FUTURE LAND USE MAP DESIGNATION PC, PLANNED COMMUNITY, TO CITY FUTURE LAND USE MAP DESIGNATION GCOM, GENERAL COMMERCIAL, CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE ADOPTED COMPREHENSIVE PLAN, AS REQUIRED BY SECTION 163.3187, FLORIDA STATUTES; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE. (CIVIX PROPERTY)

6. PUBLIC HEARING ORDINANCE 2018-12 REZONE 1550 US 301 NORTH

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, REZONE APPROXIMATELY 7.6 ACRES OF PROPERTY, GENERALLY LOCATED AT 1550 US 301 NORTH, PALMETTO, FL 34221, PID# 2582900003, FROM COUNTY URBAN DEVELOPMENT ZONE TO CITY BUSINESS AND LIGHT COMMERCIAL (CG), AND AS MORE

PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing for Ordinance 2018-12 and Ordinance 2018-13.

Karla Owens, Development Services Director, discussed both Ordinance 2018-13 and 2018-12. She explained that the applicant for the property contacted the City and is interested in rezoning it and moving forward with development. The first use of the property will be the construction of an Extended Stay America Hotel with other development to follow. No zoning of the property has occurred since 2006; Ordinance 2018-12, if adopted, will zone the property to City Business and Light Commercial (CG).

Attorney Barnebey made a slight change to Ordinance 2018-12, Section 5, to make the Ordinance effective when Ordinance 2018-13 takes effect (which is 30 days from adoption).

Mayor Bryant closed the public hearing after hearing no comment.

**Motion:** Commissioner William moved, Commissioner Davis seconded, and the motion carried 5-0 to adopt Ordinance 2018-13.

**Motion:** Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to adopt Ordinance 2018-12 with the change to Section 5 as noted by the City Attorney.

7. PUBLIC HEARING ORDINANCE 2018-09 MAP AMENDMENT 917 11 AVE W

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA APPROVING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN; CHANGING THE FUTURE LAND USE MAP DESIGNATION FOR THE TERRITORY HEREINAFTER DESCRIBED FROM CITY FUTURE LAND USE MAP DESIGNATION HCOMIND, HEAVY COMMERCIAL AND INDUSTRIAL, TO CITY FUTURE LAND USE MAP DESIGNATION PC, PLANNED COMMUNITY, CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE ADOPTED COMPREHENSIVE PLAN, AS REQUIRED BY SECTION 163.3187, FLORIDA STATUTES; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE. (HEARTLAND PROPERTY)

8. PUBLIC HEARING ORDINANCE 2018-08 REZONE 917 11 AVE W

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA REZONING APPROXIMATELY 8.26 ACRES OF PROPERTY GENERALLY LOCATED AT 917 11<sup>TH</sup> AVENUE WEST, PALMETTO, FLORIDA, PID#'S 2707900003 AND 2707500050 FROM CITY CHI, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL TO PD-MU, PLANNED DEVELOPMENT, MULTIPLE USE, AND AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

9. PUBLIC HEARING ORDINANCE 2018-10 GENERAL DEVELOPMENT PLAN 917 11 AVE W

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING ADOPTION OF A GENERAL DEVELOPMENT PLAN AS DESCRIBED HEREIN FOR A MULTIPLE USE, PLANNED DEVELOPMENT CONTAINING APPROXIMATELY 204 MULT-FAMILY RESIDENTIAL USES AND OTHER COMMERCIAL USES ON 8.26 ACRES OF PROPERTY GENERALLY LOCATED AT 917 11<sup>TH</sup> STREET WEST; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE. (HEARTLAND PROPERTY)

Mayor Bryant opened the public hearing for Ordinance 2018-09, 2018-08, and 2018-10.

**Motion:** Commissioner Williams moved, Commissioner Varnadore seconded, and the motion carried 5-0 to continue the public hearing on Ordinance 2018-09 to July 16, 2018 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.

**Motion:** Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 5-0 to continue the public hearing on Ordinance 2018-08 to July 16, 2018 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.

**Motion:** Commissioner Williams moved, Commissioner Varnadore seconded, and the motion carried 5-0 to continue the public hearing on Ordinance 2018-10 to July 16, 2018 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.

10. 2<sup>ND</sup> PUBLIC HEARING ORDINANCE 2018-03 FENCE

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, SUBSTANTIALLY AMENDING AND REPLACING CHAPTER 7, ARTICLE II, SECTIONS 7-181 THROUGH 7-188 OF THE PALMETTO CITY CODE OF ORDINANCES REGULATING FENCES; PROVIDING REGULATIONS FOR FENCES IN RESIDENTIAL AND COMMERCIAL DISTRICTS; PROVIDING FOR EXISTING NON-CONFORMING FENCES; PROVIDING FOR MEASUREMENT OF FENCE HEIGHT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Mrs. Owens stated that no new changes have been made since the first public hearing held on May 7<sup>th</sup>. There will be one change indicating that razor wire is not allowed in the City.

Mrs. Owens stated that language in the Ordinance will be further clarified to indicate that if there is property in the existing Downtown Code area of the City, that the Downtown Code requirements with regard to fences will prevail.

In regards to Commissioner Williams' comments on Section 3 (c) of the Ordinance that defines an unsafe fence as a fence that incorporates razor wire, glass, electricity or barbed wire; Attorney Barnebey suggested removing that specific definition all together, making Section 3, Unsafe Fence, defined with (a) and (b) only.

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

**Motion:**        **Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to adopt Ordinance 2018-03 with the three changes as mentioned above by Mrs. Owens and Attorney Barnebey.**

11. PUBLIC HEARING ORDINANCE 2018-06 639 8<sup>th</sup> AVE WEST VACATION

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, VACATING TWO SECTIONS OF AN ALLEY, ONE SECTION IS APPROXIMATELY 207 FEET IN LENGTH AND 12 FEET WIDE, THE OTHER APPROXIMATELY 55 FEET IN LENGTH AND 6 FEET WIDE; BOTH LYING SOUTH OF 7TH STREET WEST, WEST OF 8TH AVENUE WEST. SAID PARCEL IS LOCATED BETWEEN 639 8TH AVENUE WEST, 811 7TH STREET WEST, 815 7TH STREET WEST, 625 8TH AVENUE WEST, 810 PARKWAY DRIVE, 814 PARKWAY DRIVE, AND 818 PARKWAY DRIVE, PID#'S2740500000, 2740700055, 2740700105, 2741300004, 27412000006, 2741100057,2741100008, AND AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Bryant open the public hearing continued from May 7, 2018.

Attorney Barnebey informed Commission that the Ordinance that was distributed Friday (May 18<sup>th</sup>) has the correct information. The Ordinance was also placed on the dais for Commission review. The change made was to Section 4, the effective date of the Ordinance.

It is noted that PID# 27411000006 is incorrect; it is 2741100006.

**Motion:**        **Commissioner Davis moved, Commissioner Smith seconded the motion to adopt Ordinance 2018-06. No action was taken on this motion due to the public hearing still being open and further discussion regarding the discrepancies of the PID #s.**

In regards to the extra zero being in the PID # for the title block of the Ordinance, Attorney Barnebey indicated that this is not a large issue, fortunately, there is no property with the PID number as written. He opined re-advertising for this public hearing was not necessary.

Commissioner Cornwell expressed her reasons as to why she does not wish to support the adoption of this Ordinance.

Mrs. Owens explained that the alleyway being vacated will not have an effect on the ability of the surrounding property owners to get into their properties. The Circle K will be fenced, therefore, residents and patrons will not be accessing Circle K from the alleyway. The vacation request is to allow for the relocation of utilities to facilitate the construction of the new 3,000 foot convenience store, with eight gas pumps. If approved, the applicant intends to demolish the existing single-family home, custom auto shop, and a bar/restaurant which are currently on site. The residents will not be effected by the relocation of the utilities.

Attorney Barnebey noted that there are two separate sections of the subject alleyway; section one runs south of lots 1, 3, and 4 (as indicated in the agenda attachment) and section two runs north of lot 10 (as indicated in the agenda attachment).

In regards to lot 5 (on the attached agenda item) the property owner will not be losing any of the property already owned. If section 2 is vacated, north of lot 10, then there will be a six foot wide easement south of lot 5. It shall be noted that the property on lot 5 currently has a tree through it from storm damage and is also on the market to be sold. The property owner of lot 5 has not indicated any complaints or issues with the vacation of the easement north of lot 10.

Discussion ensued regarding the vacation of the easement north of lot 10. Commissioner Williams stated that he is not in favor of approving this Ordinance with the vacation of this specific easement. Mr. Tusing indicated that if section 2 is not vacated, it will not have an adverse effect on this project.

Commissioner Cornwell indicated this is not a use that she wants to see for the 8<sup>th</sup> Avenue corridor. Mrs. Owens stated that this is an allowable use based on the City's Code. If this is not a use that the Commission would like to see for 8<sup>th</sup> Avenue, then Commission needs to outline specific uses for the different areas of the City and adopt appropriate ordinances, incentives and guidelines. Mr. Freeman reminded the Commission that the CRA Board has already incentivized this specific project.

The Commission had a lengthy discussion regarding meetings for incentivizing projects and what the vision is for the City and the specific zoning. It was discussed that at the next Workshop, the Commission would like to review the incentive agreements as well as a map of the entire City and the current allowable uses/zoning.

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

**Motion:**        **Commissioner Williams moved, Commissioner Varnadore seconded, and the motion carried 4-1 to adopt Ordinance 2018-06 [with the effective date as distributed on Friday May 18<sup>th</sup> by the Clerk] with the vacation of Section 1 only, no vacation of the alley north of lot 10 (Section 2). Commissioner Cornwell voted no.**

12. 1<sup>ST</sup> PUBLIC HEARING ORDINANCE 2018-11 FOWL

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 6, ARTICLE I, SECTION 6-1 OF THE PALMETTO CODE OF ORDINANCES, BIRD SANCTUARY, TO PROHIBIT THE HARBORING OR KEEPING OF CHICKENS OR ROOSTERS EXCEPT IN CONFORMANCE WITH CITY REGULATIONS, AMENDING CHAPTER 6, ARTICLE II, SECTION 6-31 OF THE PALMETTO CITY CODE OF ORDINANCES, LIVESTOCK AND FOWL, TO PROVIDE REGULATIONS FOR KEEPING OF HENS WITHIN CITY LIMITS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Bryant opened the first public hearing.

Mrs. Owens informed the Commission that there have been no changes made to the Ordinance since the last Workshop and first read.

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

**Mayor Bryant announced that the second public hearing on Ordinance 2018-11 will be on June 4, 2018 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.**

13. TRAFFIC UPDATE

The update was given during today's Workshop meeting.

14. NOISE

Nothing to report at this time; Mayor Bryant asked that this item be removed from the agenda until further notice.

15. PALMETTO POOL UPDATE

Nothing to report.

16. DEPARTMENT HEADS' COMMENTS

Mr. Freeman—the consultants are ready to make a presentation to the City Commission for the new Police Department. They are available on June 6<sup>th</sup>, so Mr. Freeman is proposing to have a special meeting with this item only from 5:30 p.m. to 7:00 p.m. The Commission agreed to have a meeting that date; Commissioner Varnadore may be unavailable.

Mr. Freeman will be bringing forward a calendar with proposals for budget workshops to be held in July and August.

Attorney Barnebey—indicated there may be a potential Shade Meeting regarding Police Bargaining negotiations in the next month.

Chief Tyler—officers are preparing for the last days of school.

He informed Commission regarding the Officer of the Year Banquet that was held this month. The Palmetto Police Department Officer of the Year was Officer Harold Baez. Officer Baez received Officer of the Year for apprehending one of the armed robbers of the Burger King. While chasing the robber on foot, he was able to call in to dispatch the description of both robbers, but only successfully apprehending one of them at that time. Because Baez was able to chase down and describe the individuals, the second robber was successfully arrested soon after.

At this yearly Banquet, an Officer of the Year is chosen from all the agencies that participate. This year, a Manatee County Sheriff's Deputy won for his heroic act regarding the saving of lives from a vehicle accident that caught on fire and the people were trapped inside; the Deputy came upon this accident while off duty on a leisure motorcycle drive with his wife.

#### 17. MAYOR'S REPORT

Mayor Bryant attended the Fraternal Order of Police (FOP) for the Memorial Service that is held annually in the courtyard of the County Courthouse. This year it was held at the First Baptist Church of Bradenton due to weather. She encouraged everyone to place this event on their calendars and make time to attend next year.

#### 18. COMMISSIONERS' COMMENTS

Commissioner Williams—questioned how the CRA could partner with the VFW to promote a fundraising event regarding paying off a lien in the City. Mayor Bryant stated this will be discussed with Mr. Burton.

Commissioner Varnadore—suggested a moratorium be placed on CRA incentives while the CRA Board works on reviewing and revising incentives in the CRA. She requested this be placed on the June 4<sup>th</sup> CRA Board meeting for discussion.

Commissioner Davis—attended the FFA Banquet for Lincoln Middle School on May 15<sup>th</sup>. He was very pleased with the event.

Over the weekend, Mr. Davis took a veteran out fishing through the Healing Waters Project during the Crosthwait Fishing Tournament at the Bradenton Yacht Club. He is hopeful that more fishing tournaments will incorporate Healing Waters into their event to get veterans on the water.

Mayor Bryant attended the Palmetto High School FFA Banquet and echoed Mr. Davis' remarks, stating the both 4-H and FFA are wonderful programs for youth.

Speaking of 4-H, Commissioner Varnadore announced that the 4-H awards will be held at the Manatee County Fair Grounds on June 1<sup>st</sup>. She will provide the Commission with more information as she receives it.



Commissioner Cornwell—stated that she recently went onto the Manatee County Supervisors of Election website and did not see the City of Palmetto listed; Mr. Freeman will review and email Commission when it has been completed.

Mrs. Cornwell is glad to see that the agreement was approved for a Special Magistrate for the Code Enforcement violations.

There will be new end times for Manatee County schools next school year (2018-2019); when she receives the information she will pass this along.

Commissioner Cornwell is looking forward to discussion regarding the CRA incentives.

Mayor Bryant adjourned the meeting at 8:57 p.m.

Minutes approved: June 4, 2018

*James R. Freeman*

James R. Freeman  
City Clerk