

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
June 3, 2013  
7:00 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor  
Tambra Varnadore, Vice Mayor, Commissioner, Ward 2  
Tamara Cornwell, Commissioner-at-Large 2  
Jonathan Davis, Commissioner-at-Large 1  
Charles Smith, Commissioner, Ward 1  
Brian Williams, Commissioner, Ward 3

Staff Present

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Allen Tusing, Public Works Director  
Rick Wells, Chief of Police  
Lorraine Lyn, City Planner  
Amber Foley, 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.

Paul Sharff, Executive Director for the Early Learning Coalition of Manatee County, and Hilarie Jackson, Resource Development Coordinator for the Early Learning Coalition of Manatee County, informed Commission that their office will be moving to the City of Palmetto by the end of the month. They have been working with the Police Department on providing books for the officers to hand out to children when they are separated from their parents.

**PROCLAMATION:** Commissioner Davis presented the Hurricane Awareness Month Proclamation to City Clerk Jim Freeman.

All persons intending to address City Commission were duly sworn.

Non-agenda Item Public Comment: None.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant amended item 2.A.5., RFP Approval for IT Services, stating that the approval will be for the selection of the vendor for IT services. The final agreement will be brought forward for approval at the next meeting.

**Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the June 3, 2013 Agenda as amended.**

2. CONSENT AGENDA APPROVAL

A. City Clerk's Office

1. Minutes: May 20, 2013
2. Resolution 2013-21 PD Abandoned Property
3. Resolution 2013-22 MLK SWFWMD Grant
4. Palmetto B&B Special Function Permits for Weddings 8/2013-12/2013
5. RFP Approval for IT Services

**Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the June 3, 2013 Consent Agenda.**

4. PUBLIC HEARING ORDINANCE 2013-02 MOBILE FOOD VENDORS AND TEMPORARY USES

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, ZONING CODE, TO PROVIDE FOR A DEFINITION OF MOBILE VENDORS; REVISING THE CURRENT TEMPORARY USE PERMIT CRITERIA AND ADDING CRITERIA FOR USE AND OPERATION OF MOBILE VENDORS, INCLUDING PUSH CARTS AND TEMPORARY VENDORS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearings from April 1, 2013 and May 6, 2013. There being no public comment, Mayor Bryant closed the public hearing.

*The second public hearing on Ordinance 2013-02 will be June 17, 2013 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.*

5. PUBLIC HEARING ORDINANCE 2013-06

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT REZONING APPROXIMATELY 2.72 ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF 14<sup>TH</sup> STREET WEST, APPROXIMATELY 200 FEET EAST OF 8<sup>TH</sup> AVENUE WEST, PALMETTO (PARCEL A), FROM SINGLE FAMILY RESIDENTIAL (RS-4) TO DUPLEX AND SINGLE FAMILY RESIDENTIAL (RM-5); REZONING APPROXIMATELY 7.82 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN 13<sup>TH</sup> STREET WEST AND 14<sup>TH</sup> STREET WEST AND ON THE SOUTH SIDE OF 13<sup>TH</sup> STREET WEST, APPROXIMATELY 200 FEET EAST OF 8<sup>TH</sup> AVENUE WEST, PALMETTO (PARCEL B), FROM MULTIPLE FAMILY RESIDENTIAL (RM-6) TO DUPLEX AND SINGLE FAMILY RESIDENTIAL (RM-5); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-2012-02 Applicant: Top 3% Inc. PID# 262600055/10.54 acres)

6. PUBLIC HEARING CONDITIONAL USE PERMIT NO. 2012-10

Mayor Bryant opened the public hearing for Ordinance 2013-06 and Conditional Use Permit 2012-10.

Lorraine Lyn, City Planner, stated that the applicant, Top 3% Inc., is requesting a rezone and Conditional Use Permit for property located at 500-706 14<sup>th</sup> Street West and 501-704 13<sup>th</sup> Street West, also known as Oakridge Apartments. There are 140 residential units along with one Laundromat and one office. The north side of 14<sup>th</sup> Street has always been zoned as single family residential (RS-4). Staff is recommending the north side be rezoned from RS-4 to RM-5 which is the duplex zoning district. Staff is also recommending the rest of the property be rezoned from RM-6 to RM-5. All duplex units will then be conforming uses if approved.

In regard to the Conditional Use Permit, Ms. Lyn explained that the applicant is requesting that all 140 units be approved for farm worker housing to allow for the flexibility of providing farm worker housing in available units at any given time. Staff has researched the Department of Health (DOH) permits for the property and found that Oakridge has never had more than 25% of the 140 units being used for farm worker housing at one time. Currently there are 18 units approved by DOH. It is staff's recommendation that a Conditional Use Permit be granted for farm worker housing with the following conditions:

1. No more than 25% or 35 units shall be used for farm worker housing at any one time.
2. Use of the existing office and Laundromat shall be limited to serving residents of 140 duplex units.
3. The property owner shall maintain doors and windows in good working order with all parts including locking hardware (lock and pry guards), window panes and screens that fit securely and are not torn. All doors must be able to be closed securely. Cardboard or other screening material covering windows must be replaced
4. Install and maintain wide-angle peep-hole viewers in all doors.
5. Ensure that all vacant units are secured and windows are not broken.

6. The property owner shall insure that there are lights at the front and rear doors of the units and that they are in good working condition.
7. Install dusk to dawn security lighting to illuminate focal points such as the parking areas, the Laundromat and the area around the mailboxes located on 13<sup>th</sup> Street.
8. Install and maintain security lighting in the rear of the units along the fence line on the south, east, and north sides of the property. This lighting could be free-standing pole lights or security lights installed on the south, east, and north side of the apartments that illuminate these areas. These lights could be connected to a photo cell for energy efficiency. Replace yellow or soiled lenses on lighting fixtures and trim trees and shrubs around existing lights to ensure maximum effectiveness of lighting.
9. Electrical boxes on the exterior of the units shall be secured or removed.
10. The existing chain link fence along the northern, western, and southern boundaries of the property shall be maintained and in good repair.
11. Landscaping around units shall be maintained no higher than four feet for natural surveillance.
12. Installation of digital video surveillance is strongly encouraged for parking areas, the front and rear of the buildings, and the Laundromat for the protection of the residents and to aid the protective efforts of the Police Department.
13. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
14. The owner shall have 90 days from the date of approval of the Conditional Use Permit to complete the required site improvements.

Ms. Lyn noted that there is a waiver for the parking requirements of one parking space per unit. Oakridge has ample parking with two parking spaces per unit.

Attorney Barnebey stated that if Commission wants more landscaping to be a requirement then there needs to be a condition added.

Commissioner Williams questioned why the Planning and Zoning Board is not recommending that all units be approved as farm worker housing. Ms. Lyn explained that staff's recommendation is based on the past number of DOH permits. She stated that there were never more than 25% of the units at one time designated as farm worker housing. Commissioner Williams opined that all units should be considered in the Conditional Use Permit.

Ms. Lyn informed Commission that, to date, there have been a total of 140 units deemed as farm worker housing in the City.

Bill Eurice, caretaker for Oakridge, requested approval of the rezone and Conditional Use Permit for all 140 units of housing on the property. He stated he does not agree with putting peep-holes in each unit.

Henry Jones, homeowner near the Oakridge Apartments, is not in favor of the rezone and Conditional Use Permit for the property.

Commissioner Smith spoke against the rezoning of the Oakridge Apartments. He opined that rezoning the apartments is not conducive to the development of the surrounding neighborhood.

Discussion ensued regarding the number of units to consider in the Conditional Use Permit application.

After no further public comment, Mayor Bryant closed the public hearing on Ordinance 2013-06 and Conditional Use Permit 2012-10.

**Motion:**           **After considering the evidence presented and finding the request to be consistent with the City of Palmetto Comprehensive Plan, Commissioner Varnadore moved,**

**Commissioner Cornwell seconded, and the motion carried 4-1 to approve Ordinance 2013-06. Commissioner Smith voted no.**

**Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded the motion to approve Conditional Use Permit 2012-10 for farm worker housing with the conditions as recommended by the Planning and Zoning Board, with the exception to change item 1 of the recommendations to 50% [or 70 units.]**

Commissioner Williams questioned item 10 of the Planning and Zoning recommendations regarding maintaining of the fencing. Mr. Tusing clarified that the applicant would not be responsible for maintaining the northern fence along Public Works property.

**Commissioner Varnadore modified the motion on the floor to include that the applicant is only responsible for maintaining the fencing along their property. Commissioner Cornwell seconded the modification.**

Discussion ensued regarding landscaping requirements. Attorney Barnebey explained that currently the applicant is responsible for having landscape as written in the City's Code. If Commission would like to ask for anything specific there would have to be a motion with the landscaping requirements.

**Commissioner Williams moved to amend the motion that the landscaping currently in place is sufficient to meet the landscaping requirements. Commissioner Smith seconded that motion.**

Commissioner Varnadore stated she does not want to add that to her motion, she requested that the landscape for the property be kept to the current City code.

**Commissioner Williams withdrew the motion on the floor and Commissioner Smith withdrew his second.**

**The motion on the floor to approve Conditional Use Permit 2012-10 for farm worker housing with the conditions as recommended by the Planning and Zoning Board, with the exception to change item 1 of the recommendations to 50%, or 70 units, and that the applicant is only responsible for maintaining the fencing along their property, carried 5-0.**

#### 7. BASEBALL FIELD UPDATE

None

#### 8. ASR WELL UPDATE

None

#### 9. DEPARTMENT HEADS' COMMENTS

Mr. Freeman—Discussed the proposed budget schedule he handed out to Commission. He said that the first budget workshop meeting will be held during the regularly scheduled Commission workshop meeting on July 29<sup>th</sup>. He also included budget workshops to begin at 5:30 p.m. on the days of no regularly scheduled Commission workshop meetings. Mr. Freeman informed Commission that City budget books should be out to Commission by the first week of July.

Commissioner Cornwell requested the budget workshops that begin at 5:30 p.m. be moved to 6:00 p.m. to allow Commission to have dinner before the meeting. The consensus of Commission was to schedule all budget workshop meetings to begin at 6:00 p.m. and conclude at 8:00 p.m.

Mr. Freeman will bring a revised budget calendar for July and August to the next Commission meeting.

Chief Wells—Informed Commission that the total crime index for the City shows a drop of 38 percent over the last two years. The actual crime rate has dropped 27.4 percent.

Mr. Wells said that the Police Department is ready for the last day of school with extra patrol officers out along with officers on bicycle patrol.

#### 10. MAYOR'S REPORT

Mayor Bryant attended Lynn Pope's retirement party at the Historical Park. She commented on how well it was attended.

She announced that Code Enforcement Director Bill Strollo is retiring. His last day is tomorrow. There will be a small lunch at noon tomorrow in Chambers.

Mayor Bryant discussed Administrative Policy No. 04-02, Budget Amendments. She would like to have the second paragraph removed that states "Commission has requested any allocation of personnel budget or change to job descriptions require their approval." Staff is working on rewriting some of the current job descriptions.

Commissioner Williams expressed concerns about removing that from the policy because a change to a job description might have an impact on the approved budget and Commission should be made aware of that.

Commissioner Varnadore said that she is fine with removing "change to job descriptions require their approval." She asks that Commission be given a memo if any change does occur so they are aware.

**Motion: Commissioner Smith moved, Commissioner Williams seconded, and the motion carried 5-0 to delete the highlighted section of the Administrative Policy Budget Amendments. [Removal of "Commission has requested any allocation of personnel budget or change to job descriptions require their approval." from Administrative Policy 04-02]**

#### 11. COMMISSIONERS' COMMENTS

Commissioner Williams—Inquired about the vacant Code Enforcement position. Mr. Freeman explained that he received a few applications and will be doing some interviews this week. He is going to re-advertise for the position for another week. He stated that the Police Department is willing to help if needed. It will probably be another two to three weeks before the vacant position is filled.

Mayor Bryant stated that she is currently working on a realignment of the Code Enforcement position.

Commissioner Williams asked for more information regarding what types of easements and right-of-ways are along 13<sup>th</sup> Avenue and Riverside Drive and down to the railroad tracks. Mr. Tusing will gather the information and provide it to Mr. Williams.

Attorney Barnebey informed Commission that the City Charter does not require that two public meetings be held each month; however, there is a City Ordinance that does. If Commission would like to change that, he can draft an ordinance to allow for one public meeting a month.

Mayor Bryant adjourned the meeting at 9:18 p.m.

Minutes approved: July 22, 2013

*James R. Freeman*

James R. Freeman, City Clerk