

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
AND CRA BOARD MEETING  
August 20, 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

Jeff Burton, CRA Director  
Jim Freeman, City Clerk  
Will Robinson, Assistant City Attorney  
Allen Tusing, Public Works Director  
Scott Tyler, Deputy Chief of Police  
Amber Foley, Assistant City Clerk

Mayor Bryant called the meeting to order at 7:01 p.m., followed by a moment of silence and the Pledge of Allegiance.

All persons intending to address City Commission were duly sworn.

Non-agenda Item Public Comment: Leon Moyer, City resident, stated he is an avid bicycle rider and enjoys riding throughout the City. He recently had an incident with a City truck who failed to yield at a crosswalk to him while on his bicycle. He was able to speak with Officer Lovett who educated the City employee on the traffic laws regarding bicyclists and pedestrians. Mr. Moyer asked that the City look into providing education to their employees and residents on the traffic laws regarding bicyclists and pedestrians. He also requested that the City maintain their sidewalks for the public to be able to use for bicycling and walking.

Mayor Bryant announced that at the Florida League of Cities Annual Conference this past weekend, Commissioner Charles Smith was elected to serve as the Second Vice President of the Florida Black Caucus of Local Elected Officials.

1. CITY COMMISSION AGENDA APPROVAL

**Motion: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the August 20, 2013 Agenda.**

2. CONSENT AGENDA APPROVAL

A. City Clerk's Office

1. Minutes: July 22, 2013, July 29, 2013, July 31, 2013, and August 5, 2013
2. Slicks Garage First Fridays September 6<sup>th</sup>, October 2<sup>nd</sup>, and November 1<sup>st</sup>
3. Blalock Walters Legal Bills

B. Public Works

1. Cintas Contract Renewal

C. Police Department

1. School Resource Contract for 2013-2014 School Year

Mayor Bryant clarified that item 2.A.2, Slicks Garage First Fridays Special Function Permit, will be approved for the closure of the 400 block of 10<sup>th</sup> Avenue West and the closure of the 900 block of 5<sup>th</sup> Street West for the September 6<sup>th</sup> date only; the Permit will come back for approval for the October date after the September event, and for approval of the November date after the October event.

**Motion:** Commissioner Smith moved, Commissioner Cornwell seconded, and the motion carried 4-1 to approve the August 20, 2013 Consent Agenda. Commissioner Williams voted no.

### 3. PUBLIC HEARING CONDITIONAL USE PERMIT 2013-01

Ms. Lyn stated that this is a request for a Conditional Use Permit by Just Bounce, for an indoor children's entertainment center in Palmetto Village Shopping Center located at 609 10<sup>th</sup> Street W, Palmetto, FL. The following conditions apply to all recreational and amusement services within the City:

1. All sites for recreation and amusement services uses shall front on a principal arterial roadway, and shall utilize such arterial roadway as the primary access for the site.
2. All recreation and amusement services uses shall provide a six-foot perimeter wall or opaque fence for all portions of the site which are adjacent to residential uses or residentially-zoned property.
3. Hours of operation for recreation and amusement services uses shall be limited to the hours between 8:00 a.m. and 12:00 a.m.

Staff is recommending that condition #2 be waived because Just Bounce will orient towards 10<sup>th</sup> Street West with minimal impact to the south; this condition is most applicable to new development; and the shopping center is separated from the adjacent mobile home park by an existing retention pond.

The Planning and Zoning Board is recommending approval of the Permit with a waiver of the opaque fence or wall requirement.

Mayor Bryant opened the public hearing.

Ismail Tanrisever, applicant, stated that, currently, his business is bounce house rentals. He is requesting approval of the permit to put bounce houses inside the building. He will not be preparing food in the business; he will order outside food from local restaurants if needed for a party. If approved, this will be the only indoor bounce house facility in Manatee County.

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

**Motion:** Based upon the staff report and the evidence presented and finding the request to be consistent with the Palmetto Comprehensive Plan and Code of Ordinances, Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to approve CU Permit 2013-01, subject to the conditions set forth in Section 6.22 of the Zoning Code with a waiver of the opaque fence or wall.

### 4. PUBLIC HEARING ORDINANCE 2013-07 ABANDONED SHOPPING CARTS

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR THE MAINTENANCE OF A SYSTEM TO RETAIN SHOPPING CARTS WITHIN THE PROPERTY BOUNDARIES OF A BUSINESS LOCATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**Motion:** Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to adopt Ordinance No. 2013-07.

### 5. PUBLIC HEARING ORDINANCE 2013-11 COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 2010-01 (THE CITY OF PALMETTO 2030 COMPREHENSIVE PLAN); ADOPTING AMENDMENTS TO CERTAIN ELEMENTS INCLUDING THE DEFINITIONS SECTION, THE FUTURE

LAND USE ELEMENT, THE TRANSPORTATION ELEMENT, THE POTABLE WATER ELEMENT, AND THE CAPITAL IMPROVEMENT ELEMENT REGARDING THE CONCURRENCY MANAGEMENT POLICY; ADOPTING COMPLETE STREET PROVISIONS; AMENDING TIMEFRAMES FOR COMPLETION OF CERTAIN TASKS; ADOPTING THE 10-YEAR WATER SUPPLY FACILITIES WORK PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

There are four text amendments made to comprehensive plan. They are:

1. Adoption of the Complete Streets Policies
2. Adoption of a Water Supply Plan
3. Reinstate the Concurrency Management System Policy
4. Update policies throughout the plan

Mayor Bryant opened the public hearing. After hearing no public comment, Mayor Bryant closed the public hearing.

Ms. Lyn stated that staff is recommending no new water line installation shall be less than 6" instead of the 4" listed in Policy 7.1.4.

Commissioner Williams questioned why the City was not able to prepare the Water Supply Plan by January 26, 2013 as indicated in the staff report. Ms. Lyn stated that the City had to hire a consultant to gather statistical data to prepare the Water Supply Plan. SWFWMD is not penalizing the City for not meeting the deadline. Mr. Tusing stated that, because the City buys the water from Manatee County, staff had to wait until Manatee County prepared their Water Supply Plan.

Commissioner Williams requested the address be changed in Section B of the 10-Year Water Supply Facilities Work Plan to indicate that the elevated storage tank at 25<sup>th</sup> Street West and 2<sup>nd</sup> Avenue West is located in Manatee County, not the City of Palmetto. Mr. Tusing stated he will clarify Section B to indicate the watermain and storage tank are in Manatee County,.

Ms. Lyn informed Commission that the Department of Economic Opportunity has to respond within 30 days of transmittal. The City has 180 days from tonight, if approved, to adopt the changes proposed.

**Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to transmit the text amendment to the Department of Economic Opportunity and applicable review agencies for review.**

**6. 1<sup>st</sup> READ ORDINANCE 2013-12 GRANTING CERTAIN SPECIAL POWERS TO THE PALMS OF TERRA CEIA BAY COMMUNITY DEVELOPMENT DISTRICT (CDD)**

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, RELATING TO THE PALMS OF TERRA CEIA BAY COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FINDINGS OF FACT; PROVIDING AUTHORITY; CONSENTING TO THE EXERCISE OF CERTAIN SPECIAL POWERS BY THE PALMS OF TERRA CEIA BAY COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO SUBSECTION 190.012(2), FLORIDA STATUTES; PROVIDING CONDITIONS FOR THE EXERCISE OF SPECIAL POWERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ACKNOWLEDGEMENT AND AGREEMENT BY THE PETITIONER.**

Mayor exited the meeting at 7:34 p.m.

Attorney Will Robinson stated that in 1982 The Palms of Terra Ceia Bay CDD was created and granted general powers by Ordinance. This is a request for the original ordinance to be modified to grant the CDD special powers to allow them to construct, operate, and maintain streets, drainage systems, waste water collection systems, a pier, and a golf course. Mr. Robison has received a request from a citizen of the CDD to modify Section 4 of the proposed ordinance that states "all parks and recreational facilities owned, acquired, established, constructed or reconstructed, enlarged or extended, equipped, operated, maintained or repaired by the District or with District funds shall be open to the public."; the CDD would

like to remove "open to the public" from the ordinance. He suggested that the City's legal team review the request and any modifications will be brought forward at the second reading.

Commissioner Varnadore would like the City Attorney's Office to prepare a memo for Commission educating them on the issues at hand with the CDD and then Commission can schedule individual meetings with the attorney for more understanding. She also asked staff to prepare a time line of the CDD since its creation in 1982.

Mayor Bryant returned to the meeting at 7:40 p.m.

Louis Lawman, District Manager for The Palms of Terra Ceia Bay CDD, informed Commission that the adoption of the proposed ordinance is time sensitive due to the district creating their budget for the fiscal year, beginning October 1<sup>st</sup>. The CDD is requesting to levy an additional \$2 mills in ad valorem taxes this year, and can only do that if this ordinance is adopted, granting the CDD special powers.

Mr. Tusing clarified that the CDD is requesting to maintain storm water, not the entire water management. Commissioner Cornwell requested that the ordinance be modified to indicate water management means storm water specifically.

Commissioner Williams questioned the CDD maintaining their waste water collection systems. Mr. Lawman stated that the waste water system was dedicated to the City of Palmetto shortly after it was created. He indicated that the CDD has no interest in maintaining the waste water collection systems.

Barbara Gard, Supervisor, Seat 2, of Terra Ceia Bay, explained that the proposed ordinance language is taken directly from Florida Statute 190.012. She stated the CDD has no interest in maintaining their water management system; however, the Statute gives a CDD any or all of the special powers to do so.

Mr. Freeman clarified that if this ordinance is passed, the City is essentially consenting the CDD to exercise all certain special powers listed. Commissioner Williams questioned if there are any special powers the City should be concerned with the CDD having. Mr. Freeman expressed concern over the special power of providing waste management. Currently the City has a contract for waste management services. He questioned that if this ordinance passes, would it give the CDD the option of refusing waste management services from the City. Mayor Bryant asked the attorney to research Mr. Freeman's concerns.

Commissioner Cornwell suggested the drafting of interlocal agreement with the City for the services the City currently provides to the CDD. This could ensure that the City is protected from the CDD refusing these services.

**Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to schedule a public hearing on Ordinance 2013-12 for September 23, 2013 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.**

Mayor Bryant explained that a time line will be provided and the information clarified as discussed. Also, she asked that any documents needed, are to be drafted that may need to accompany the proposed ordinance.

#### 7. JULY CHECK REGISTER (Informational Only)

*Mayor Bryant recessed the City Commission meeting at 8:02 p.m. to open the August 20, 2013 CRA Board meeting.*

*Mayor Bryant reconvened the City Commission meeting at 8:22 p.m.*

#### 8. BASEBALL FIELD UPDATE

Mr. Tusing handed out the quarterly status report from Manatee County. He stated that the County received one proposal for the Site Civil and Earthwork contract they advertised. Due to that bid being considered non responsive, the County has added the construction of the concession building to the Site Civil plans in an attempt to gain more contractor interest in the project. The advertisement will be issued August 21<sup>st</sup> with proposals to be received by September 20<sup>th</sup>. Mr. Tusing said that the Site Electrical and Field Lighting contract has also been advertised on August 8<sup>th</sup>, with bids to be opened on September 10<sup>th</sup>. A copy of this report is attached to and made a part of these minutes.

#### 9 ASR WELL UPDATE

Mr. Tusing informed Commission that the requisition has been filled out for the UV equipment.

Commissioner Williams requested staff discuss with the County about his comments for the ball fields to have gender equity and the pitching area have new rubber stops. Mr. Tusing will forward Mr. Williams' requests to the County.

#### 10. DEPARTMENT HEADS' COMMENTS

Mr. Burton—asked that a motion be made to allow the Mayor to approve and sign the contract for 5<sup>th</sup> Street.

**Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to allow the Mayor of the City of Palmetto to approve and sign the contract [for 5<sup>th</sup> Street] subject to attorney approval.**

Mr. Freeman—discussed the upcoming budget workshop and Commission meeting schedule:

- August 26<sup>th</sup>-joint budget meeting with the Community Redevelopment Agency Advisory Board
- September 9<sup>th</sup>-budget workshop and regularly scheduled 7:00 p.m. Commission meeting
- September 16<sup>th</sup>-tentative budget meeting 7:00 p.m.
- September 23<sup>rd</sup>-4:30 p.m. workshop and 7:00 p.m. Commission meeting with the adoption of the budget on the agenda
- CIP and Utility Rate Study discussions will be coming forward in late September/early October.

Deputy Chief Tyler—Commented that the first day of school went well; no problems. He discussed the budget for the police building, stating the department is reaching out to the Commission for Florida Accreditation on the use of grants and unique ways to fund a new building for the Police Department.

Attorney Robinson—Thanked Ms. Foley for her help during the meeting tonight.

#### 11. MAYOR'S REPORT

Mayor Bryant commented on her trip to the Florida League of Cities conference she attended last week.

She informed Commission that the Manatee County Branch of the NAACP will be hosting their annual Freedom Fund Banquet on August 23<sup>rd</sup> at 6:30 p.m. at the Bradenton Municipal Auditorium. She encouraged all Commissioners to attend as Chief Wells will be receiving an award. Commissioner Smith is selling tickets for the banquet.

#### 12. COMMISSIONERS' COMMENTS

Commissioner Smith—would like to make a motion to increase the Mayor's salary to \$45,000 for the next fiscal year.

**Motion: Commissioner Smith moved, Commissioner Williams seconded, and the motion carried 5-0 to increase the Mayor's salary from \$40,976 to \$45,000 for fiscal year 2013-2014.**

Commissioner Smith stated there was a great turnout at the Operation People for Peace event on the 16<sup>th</sup>. The video that Mr. Burton prepared welcoming the attendees to the City was very well received. He said that they handed out hundreds of bags of food to people in need.

Commissioner Davis—said he had a great time at the Florida League of Cities conference.

Commissioner Cornwell—thanked Deputy Chief Tyler for helping with the first day of school.

Commissioner Varnadore—asked Mr. Tusing to inquire with FDOT about the wires that are on the street along 8<sup>th</sup> Avenue.

She would like to see a class organized to educate the residents on bicycle safety.

Commissioner Varnadore requested an assessment of the City's roads be done to prioritize which roads need to be worked on first. Also, some of the landscaping around the City needs to be looked at because it is blocking some of the signage.

Commissioner Williams—would like staff to address the issue of golf carts driving around on City roads. He suggested maybe some information be placed in the News In Brief that goes out to all the residents to remind them of the laws of driving golf carts on public roads.

Mayor is going to reach out to the North River Fire Chief to do a joint article in the News in Brief to remind citizens to make sure their houses are numbered and the numbers are visible.

Commissioner Williams would like to have a joint meeting with the Manatee County School Board to discuss issues. Mayor Bryant will be meeting with the Superintendent of the School Board and she will ask him about having a meeting with the City.

Mr. Williams commented on his attendance at the Florida League of Cities conference and the classes he attended.

Mayor Bryant adjourned the meeting at 8:49 p.m.

Minutes approved: September 9, 2013

***James R. Freeman***

James R. Freeman  
City Clerk