

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
September 23, 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  
Jeff Burton, CRA Director  
Jim Freeman, City Clerk  
Allen Tusing, Public Works Director  
Rick Wells, 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: David Smith, Waste Services, Inc. of Florida, said that his business is located in the City of Palmetto and is interested in bidding on solid waste services for the City.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant added item 3.C. to the agenda for a vote on staff's recommendation regarding renegotiating the contract with the current provider for waste services. She also moved item 7, Cancellation of two Development Agreements, to item 3.D. of the agenda.

**Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to approve the September 23, 2013 Agenda with the addition of item 3.C. and moving Item 7 to 3.D.**

2. CONSENT AGENDA APPROVAL

A. Mayor's Office

1. Appointment of Larry Denyes to the Planning and Zoning Board

B. City Clerk's Office

1. Minutes: September 9, 2013 and September 16, 2013
2. Resolution 2013-30 Ward I Phase II Settlement
3. Blalock Walters Legal Bills
4. End of Year Budget Clean-Up Resolution 2013-25
5. Ratification of Department of Economic Opportunity Funding Agreement

C. Police Department

1. Approval of Contract for Automotive Services

Commissioner Cornwell removed Item 2.B.4 for discussion.

Commissioner Varnadore removed Item 2.C.1 for discussion.

**Motion:**           **Commissioner Cornwell moved, Commissioner Williams seconded and the motion carried 5-0 to approve Item 2.A.1, 2.B.1 through 3, and 2.B.5 of the September 23, 2013 Consent Agenda.**

2.B.4 End of Year Budget Clean-Up Resolution:

Mr. Freeman explained the adjustments made to the revenue and expense lines show in Attachment A of Budget Resolution 2013-25.

2.C.1 Approval of Contract for Automotive Services

Commissioner Varnadore questioned why the motion on the point paper read “Motion to approve the contract with Lex’s Automotive for one year with the option to renew for two additional one year terms” but the contract did not indicate the renewal. Attorney Barnebey stated that the contract needs to be amended to include the renewal option as stated in the motion and to include “with Commission approval.”

**Motion:**           **Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve 2.B.4 and 2.C.1 with the amendment made to the contract as stated.**

3. PUBLIC HEARING—FINAL MILLAGE RATE AND FINAL FISCAL YEAR 2014 BUDGET

**Mayor Bryant opened the public hearing for both resolutions and read the following statement into the record:**

- We are here tonight to adopt the City of Palmetto final millage and budget for FY 2014 that begins on October 1, 2013.
- The City proposes to adopt a FY 2014 millage of 5.7171 per \$1,000 of taxable value, which is 9.92% greater than the rolled-back rate of 5.2010. The rolled-back rate is the rate that will allow the City to collect the same amount of revenues in comparison to the prior year.
- Taxable value in the City for the FY 2014 budget is \$654,625,857 which represents an increase of .53% compared to the prior year.
- The overall City-Wide budget is \$22,643,083 which is 1.75% higher than last year. The General Fund budget is \$9,451,737. Additional revenues are being used to fund capital expenditures, public safety, and payroll costs.

Cis Paulson, Palmetto Historical Commission, discussed non-profits and how they are a benefit to the community. She stated that there should always be consideration of funding for non-profits.

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

A) RESOLUTION NO. 2013-28 (read in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF PALMETTO FOR FISCAL YEAR 2014; AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion:**           **Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to adopt Resolution 2013-28.**

B) RESOLUTION NO. 2013-29 (read in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2014, AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion: Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 5-0 to adopt Resolution 2013-29.**

C) WASTE SERVICES CONTRACT

Mr. Tusing explained that the current contract with Waste Management for solid waste removal expires in April 2014. The contract states that it can be renewed for one additional 5 year period. He would like to renegotiate with the current vendor for solid waste services.

**No motion was made.**

Mayor Bryant explained that, since there was no motion made regarding staff's recommendation to renegotiate with current vendor, then a Request for Proposal (RFP) needed to be issued for solid waste services.

D). PUBLIC HEARING: CANCELLATION OF DEVELOPMENT AGREEMENTS

This is a request for the cancellation of the following two Development Agreements:

- Memphis Road Industrial Park, located at 1700 14<sup>th</sup> Avenue East, approved for 39,000 square feet of commercial/industrial uses on 4.7 acres at a floor-area-ratio of 0.5 and a maximum height of 45 feet; and
- 21<sup>st</sup> Street Industrial Park, located at 1901 14<sup>th</sup> Avenue East, approved for 54,750 square feet of commercial/industrial uses on 6.0 acres at a floor-area-ratio of 0.5 and a maximum height of 45 feet.

Mayor Bryant opened the public hearing.

Mr. Tusing informed Commission that the property owner/applicant and the financial institution are in agreement for the cancellation of both Development Agreements.

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

**Motion: After considering the evidence presented and finding the request to be consistent with the City of Palmetto Comprehensive Plan, Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the cancellation of the Memphis Road Industrial Park Development Agreement.**

**Motion: After considering the evidence presented and finding the request to be consistent with the City of Palmetto Comprehensive Plan, Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the cancellation of the 21<sup>st</sup> Street Industrial Park Development Agreement.**

4. PUBLIC HEARING: ORDINANCE 2013-09 POLICE OFFICERS' PENSION PLAN

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 22, PERSONNEL, ARTICLE V POLICE OFFICERS' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-171, DEFINITIONS; AMENDING SECTION 22-174, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 22-185, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing continued from September 9, 2013.

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

Attorney Barnebey informed Commission that he did provide a copy of this ordinance to the Police Benevolent Association (PBA); however he did not hear anything back from them. This ordinance needs to be voted on tonight.

**Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to adopt Ordinance 2013-09.**

**5. PUBLIC HEARING: ORDINANCE 2013-13 MARINA HOTEL AND PLAZA**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR 100-ROOM HOTEL, 3,000 SQUARE FEET OF RETAIL/OFFICE, AND 4 RESIDENTIAL DWELLING UNITS, ON +/- 2.37-ACRE PARCEL LOCATED AT 120 RIVIERA DUNES WAY, PALMETTO, FLORIDA; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (GDP 2013-01, Armed Forces Bank, N.A., PID# 2581600639)

Attorney Barnebey stated that the Planning and Zoning Board met on September 19<sup>th</sup> regarding this proposed ordinance. They continued their public hearing to October 17<sup>th</sup>. The City Commission needs to continue their public hearing to October 21<sup>st</sup> in order to receive the Planning and Zoning Board's recommendation.

Mayor Bryant informed Commission and the public that she is in receipt of several letters of opposition. Attorney Barnebey said that these letters will be attached to the agenda and made a part of the record for the public hearing on October 21<sup>st</sup>.

Mayor Bryant opened the public hearing.

Commissioner Williams stated that a resident, Linda Svenson, called him and expressed her concerns regarding the proposed hotel.

**Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to continue the public hearing to October 21, 2013 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.**

**6. PUBLIC HEARING: ORDINANCE 2013-12 GRANTING CERTAIN SPECIAL POWERS TO THE PALMS OF TERRA CEIA BAY 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, FLORIDA STATUTES; PROVIDING CONDITIONS FOR THE EXERCISE OF SPECIAL POWERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR ACKNOWLEDGEMENT AND AGREEMENT BY THE PETITIONER.

Attorney Barnebey explained that this is an Ordinance to allow the Terra Ceia Bay CDD to do certain maintenance and operational jobs within their District. The following special powers are being proposed to be granted to the CDD with the adoption of this Ordinance:

- A. To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:
  - a. Stormwater management and control for the lands within the district and to connect some or any of such facilities with roads and bridges; and
  - b. District roads equal to or exceeding the applicable specifications of the City in which such district roads are located; lights; alleys; landscaping; hardscaping and the undergrounding of electric utility lines; and
  - c. Conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real property.
- B. To plan, establish, acquire, construct, or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

- a. Parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and
- b. Security, including, but not limited to, guardhouses, fences and gates, electronic-intrusion detection systems, and private patrol cars; except that the District may not exercise any police power, but may contract with the City for an increased level of such services within the District boundaries.

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

**Motion:** Commissioner Davis moved, Commissioner Cornwell seconded, and the motion carried 5-0 to adopt Ordinance 2013-12.

8. PUBLIC HEARING: TRAFFIC REGULATION

Installation of an all-way stop at the intersection of 9<sup>th</sup> Avenue and 5<sup>th</sup> Street West.

Mayor Bryant opened the public hearing.

Due to a noticing issue, Mr. Tusing requested this public hearing be continued to October 7<sup>th</sup>.

**Motion:** Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to continue the public hearing on the installation of an all-way stop at the intersection of 9<sup>th</sup> Avenue and 5<sup>th</sup> Street West to October 7, 2013 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.

9. PUBLIC HEARING: TRAFFIC REGULATION

Installation of an all-way stop at the intersection of 11<sup>th</sup> Avenue and 5<sup>th</sup> Street West.

Mayor Bryant opened the public hearing.

Mr. Tusing requested that this public hearing be continued to October 7<sup>th</sup> also.

**Motion:** Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to continue the public hearing on the installation of an all-way stop at the intersection of 11<sup>th</sup> Avenue and 5<sup>th</sup> Street West to October 7, 2013 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.

10. BASEBALL FIELD UPDATE

No new updates.

11 ASR WELL UPDATE

No new updates.

12. DEPARTMENT HEADS' COMMENTS

Mr. Freeman—stated that staff has been working on updating the personnel policy and that it is almost completed. It will be sent out to Commission a few weeks before it is placed on a workshop agenda for discussion.

The proposed utility rate ordinance will be on the October 7<sup>th</sup> agenda for a first read and a public hearing on October 21<sup>st</sup>. Also, on the October 7<sup>th</sup> agenda, the RFP Committee's recommendation for Enterprise Software will be brought forward for approval.

Commissioner Varnadore questioned if a workshop would be held to discuss the proposed utility rate ordinance. Mr. Freeman explained that it is only scheduled for the October 7<sup>th</sup> and 21<sup>st</sup> 7:00 p.m. meetings. If Commission would like a workshop, that can be scheduled as well. Notice to the residents

of the October 21<sup>st</sup> public hearing date have already been sent out. The consensus of Commission was to have a workshop on the utility ordinance. Mr. Freeman stated that he will put that on the October 7<sup>th</sup> workshop for discussion as well as for a first read on the 7:00 p.m. agenda. Staff clarified that the October 7<sup>th</sup> workshop agenda will have a discussion on the Seafood Festival, FDEO Grant Planning Project with Mr. Burton, and the Utility Rate Ordinance. Discussion ensued regarding the October 7<sup>th</sup> workshop agenda. Attorney Barnebey stated he will be drafting a proposed ordinance regarding alcohol sales on City property during special events (this is in regard to the Seafood Festival). Mayor Bryant asked staff to reach out to Mr. Finton and Mr. Kortzendorf to let them know that the meeting on October 7<sup>th</sup> will be to discuss the proposed alcohol sales ordinance, not the specific Seafood Festival event.

Mr. Freeman wished Commissioner Cornwell a Happy Birthday.

Chief Wells—wished Commissioner Cornwell a Happy Birthday. He also wished Commissioner Smith a Happy Birthday. (Commissioner Smith's birthday is on Wednesday)

Attorney Barnebey--regarding the personnel policy, he explained that a clean version will be sent out to the Commission for their review, not the version that shows all the changes that were made. Commission requested a copy of the current Personnel Policy be provided to them so that they can compare what is current to what is being proposed.

Mr. Barnebey mentioned at the last meeting that he has been working on a draft ordinance regarding storage boxes. He stated that he will be bringing that to a future workshop before the end of the year.

### 13. MAYOR'S REPORT

Mayor Bryant thanked the public for attending the meeting tonight.

She announced that she is in search of a sponsor because she will be setting up a "Soup with the Super", the superintendent of the Manatee County School Board. She said that she is expecting 50-60 attendees for this lunch. The superintendent will be available to answer questions during this time. Mayor Bryant stated that when she has the date and time of this lunch, she will announce it.

### 14. COMMISSIONERS' COMMENTS

Commissioner Williams—thanked the Chief and his officers for catching the people involved in the shooting at the Palmetto Youth Center over the weekend.

Commissioner Cornwell asked Chief in what ways is the Police Department handling outside information they receive regarding criminal activity. Chief Wells stated that he and his officers work closely with the community and surrounding law enforcement agencies. They investigate any leads they receive from the community. Commissioner Cornwell opined when the Police Department receives outside information that a crime is potentially going to happen at an event, that the roads should be blocked off near that event as to not allow traffic through so the perpetrators cannot access the park, Youth Center, etc. to harm innocent lives.

Commissioner Williams asked Mr. Tusing to have Geoff Seger, Parks Director, look at the trees at Regatta [Pointe Marina].

He wished Commissioner Cornwell a Happy Birthday.

Commissioner Varnadore—thanked the officers for catching the suspects from the shooting this weekend at the Youth Center. Congratulated and thanked the Community for their involvement in assisting the officers in catching the shooters.

She wished Commissioner Cornwell a Happy Birthday.

Commissioner Cornwell—thanked everyone for the Happy Birthday wishes.

Commissioner Davis—thanked Chief and his officers for catching the suspects involved in the shooting and thanked the Community for their help as well.

Commissioner Smith—recognized Chief Wells for his hard work and extensive community involvement. He stated that the Chief is easily accessible to the public and has worked very hard to gain the trust of the community.

He stated that he does not condone violence or allow it in his community. If a person from this community is arrested and convicted of a crime, he will speak up and ask that the strictest sentence be imposed.

Cis Paulson, asked the community to work together to stop the violence within our City. She also recognized the Palmetto Police Department and Chief Wells.

Mayor Bryant adjourned the meeting at 8:13 p.m.

Minutes approved: October 7, 2013

*James R. Freeman*

James R. Freeman  
City Clerk