

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND CRA BOARD MEETING
November 4, 2013
7:00 PM**

Elected Officials Present

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

Elected Officials Absent

Shirley Groover Bryant, Mayor

Staff Present

Mark Barnebey, City Attorney
Scott Rudacille, Chief Assistant City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Lorraine Lyn, City Planner
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Javier Vargas, Public Works Superintendent
Amber Foley, Assistant City Clerk

Vice Mayor Varnadore called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

PROCLAMATION: Commissioner Cornwell presented the Farm City Week proclamation to Ann Marshall and Julia Durrance. Farm City Week is November 17-23.

Commissioner Williams presented the Veterans Day proclamation to Don Courtney, Chairman of the Veterans Council and Parade Coordinator. The Veterans Day Parade will be held on Monday, November 11th.

Vice Mayor Varnadore presented Commissioner Jonathan Davis with a certificate from the Florida League of Cities for graduating from the Institute for Elected Municipal Officials (IEMO).

Vice Mayor Varnadore recognized Commissioner Charles Smith for being Elected President of the Florida Black Caucus of Local Elected Officials.

All persons intending to address City Commission were duly sworn.

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the November 4, 2013 Agenda.

2. PUBLIC COMMENT

Rose Quin-Bare, Waste Management, stated she understands the City needed to go use the Request For Proposal (RFP) process for their solid waste services. She looks forward to submitting the RFP to the City for Waste Management and is hopeful that she will continue to serve the City.

3. CONSENT AGENDA APPROVAL

A. City Clerk's Office

1. October 7, 2013 Minutes
2. Special Function Permits:
 - a. MLK Parade 1/18/2014
 - b. DeSoto Heritage Seafood Festival April 4-6, 2014
3. Resolution 2013-37 Blackstone Park Ball Field Contribution
4. Persson & Cohen, P.A. Code Enforcement Board Attorney Agreement

B. Police Department

1. Resolution 2013-33 Bulletproof Vest Grant

Vice Mayor Varnadore pulled item A.2.b., DeSoto Heritage Seafood Festival Special Function Permit, from the Consent Agenda for discussion.

Motion: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the November 4, 2013 Consent Agenda with the removal of item A.2.b. for discussion.

DeSoto Heritage Seafood Festival Special Function Permit:

Commissioner Smith expressed concerns with the Seafood Festival being so close to the RibFest. He asked that the two groups meet to discuss the concerns. Mr. Smith also said that efforts should be made to protect the brick paving at Sutton Park from grease so as not to tarnish its appearance.

Vice Mayor Varnadore expressed concerns regarding the road closures for the event. Mr. Freeman discussed the road closures as designated in the map provided in the agenda.

Gary Kortzendorf, Chair of the Hernando DeSoto Historical Society Seafood Festival, stated that he has left a message with the Woman's Club regarding the use of their facilities during the event. He has also been in contact with the library and will be putting up signs two weeks in advance to notify the public regarding parking.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to approve consent agenda item A.2.b.

4. 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, 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)

Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to reopen the public comment from the October 21, 2013 meeting.

Lorraine Lyn, City Planner, informed Commission that they should be in receipt of the opposition letters that have been received and a copy of a letter from Herston Engineering to the Tampa Bay Regional Planning Council (TBRPC) dated October 30th. She has not had any other issues regarding this project since the last meeting on October 21st.

Misty Servia, Planning Department Manager for King Engineering and consultant for the City, discussed her research on the Riviera Dunes DRI. She has reviewed the TBRPC records on file as well as information from Ms. Lyn and has concluded that the DRI does allow for a hotel on parcel 11B. She reminded Commission that this is only one piece of information that they should consider regarding

whether a hotel should be built on that site. A copy of her final recommendation is attached to and made a part of the minutes.

The following people spoke in opposition of Ordinance 2013-13:

- Attorney Bob Hoonhout, representative for Dr. Gino Sedillo who is a resident of Riviera Dunes and owns lots 14, 10B, 12A-12D. Dr. Sedillo owns lot 12A which is zoned for a hotel.
- A presentation was given by Attorney Caleb Grimes, Bill Horton, Doug Garton, Michael Strink, Fred Sperry, and Deborah Sperry, explaining their reasons for opposition of the hotel. A copy of this presentation is attached to and made a part of the minutes.
- Anne Buchanan, resident of Bel Mare
- William Zwick, resident of Bel Mare
- Dr. Barry Schneider, resident of Riviera Dunes
- Dr. Rebecca Moreland, Riviera Dunes Master Association Secretary
- Ed Bartels, resident of Bel Mare
- Hugh McGuire, attorney for the Riviera Dunes Marina Condominium Association, discussed several legal issues and handed Commission a copy of a stipulation he would like to enter into the record if the hotel project is approved. A copy of the stipulation is attached to and made a part of the minutes.
- Michael Becks, resident of Bel Mare
- Brian Smith, resident of Riviera Dunes
- Dr. Gino Sedillo, resident of Riviera Dunes

There were several reasons expressed for the public's opposition to the proposed Ordinance that include:

- Parking issues
- Not an appropriate use
- Does not fit the site
- Decreased property values

James Herston, professional engineer for the RW Marina Hotel and Plaza and representative for Harry Wallia, applicant, complimented staff on their hard work for this project. He discussed several questions that were raised during the public comment. He asked Commission to approve the project.

Vice Mayor Varnadore closed the public hearing after hearing no further public comment.

Vice Mayor Varnadore recessed the Commission meeting at 8:31 p.m.

Vice Mayor Varnadore resumed the Commission meeting at 8:45 p.m.

Commissioner Williams asked how the hotel project would affect the traffic conditions. Ms. Lyn stated that when the development order was approved, it was approved with a maximum of 1206 trips. At 44% of the 1206 trips, or 529, US 41 would have to be expanded. As of November 2012, the total number of external PM peak hour trips was 391. The proposed hotel would generate 72 PM peak hour trips, leaving a remaining balance of 66 trips before the threshold is triggered.

In regard to handicap parking, Ms. Lyn stated that the parking meets the requirements; however, there were questions about the size of those parking spaces. The requirement is 12 foot by 20 foot; there has been discussion about whether the 20 foot can be waived to 19 feet. Ms. Lyn has not altered that or waived that requirement at this time.

Vice Mayor Varnadore asked Ms. Lyn to discuss the guidelines and deviations as requested by the applicant and provided on page 7 of the staff report in the agenda. Ms. Lyn reminded Commission that it

is not unusual for applicants to ask for deviations from the Code. The deviations that the applicant is requesting are:

- Perimeter landscaping setbacks
- Right-of-Way setbacks
- Height of structures over 35 feet
- Common open space
- Parking
- Buffer for differing adjacent land use

Attorney Rudacille discussed the stipulation that was handed out to them from Attorney McGuire during the public comment portion of tonight's hearing. This stipulation from the Marina would provide the hotel owner enter into an agreement with the Marina owner for maintenance on the shared drive isle. Attorney Rudacille is not recommending that the stipulation be included into the motion if the project is approved tonight. He is making that recommendation because, even though it may be a good idea, it should not be a condition on the development approval; it is not something that is necessarily in control of the property owners.

Motion: Finding that the hotel is compatible with adjacent residential uses including set back, buffering, and screening, finding the relationship between the residential uses and hotel is compatible, finding that the variances are appropriate for the site, finding that parking is adequate for uses as proposed, and finding that the request is consistent with the Comprehensive Plan including policies 1.1.4, 1.14.4, and 1.14.5, and based on the review of and finding the request to be consistent the Palmetto 2030 Comprehensive Plan, the Riviera Dunes DRI, and the City's Zoning Code in addition to the public comments made at the public hearing, Commissioner Smith moved to approve GDP 2013-01 with stipulations 1 and 2 and recommended by staff and to approve Ordinance 2013-13. The motion died for the lack of a second.

Motion: Finding that the hotel is incompatible with residential units, particularly with limited setbacks, buffering and screening, finding the relationship between the residential and hotel uses creates compatibility and use issues, finding that the proposed variances are not appropriate to protect the public health, safety and welfare, finding that parking is inadequate for the uses as proposed, and finding that the request violates various Comprehensive Plan policies including policy 1.1.4, 1.14.4, and 1.14.5, and based on the review of and finding the request to be inconsistent with the Palmetto 2030 Comprehensive Plan, the Riviera Dunes DRI, and the City's Zoning Code in addition to the public comments made at the public hearing, Commissioner Williams moved, Commissioner Cornwell seconded the motion to deny GDP 2013-01 and deny Ordinance 2013-13.

Commissioner Cornwell questioned whether the words "Riviera Dunes DRI" should still be in the motion seeing as the Commission heard evidence from a professional who conducted research specifically to the DRI. The evidence concluded that the Riviera Dunes DRI does allow for a hotel on that parcel. She questioned why the motion to deny would include finding that the request is inconsistent with the DRI when that was not what was concluded earlier this evening. Commissioner Williams agreed to modify the motion on the floor to remove "Riviera Dunes DRI" from the motion.

Commissioner Williams moved to modify the motion on the floor to remove "Riviera Dunes DRI". Commissioner Cornwell seconded the modification. The modified motion on the floor carried 4-1 with Commissioner Smith voting no.

Vice Mayor Varnadore recessed the City Commission meeting at 9:11 p.m. to open the November 4, 2013 CRA Board meeting.

Vice Mayor Varnadore reconvened the City Commission meeting at 9:48 p.m.

5. TRANSFER OF PROPERTY AT 1806 W. 5TH AVE

Wells Fargo wishes to donate the property located at 1806 W. 5th Avenue, Palmetto, Florida.

Motion: **Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the contract between Wells Fargo Bank, N.A., and the Palmetto CRA to transfer the property at 1806 W. 5th Avenue, Palmetto, Florida, to the Palmetto CRA.**

6. BASEBALL FIELD UPDATE

Mr. Tusing stated that there was a pre-construction meeting last week. Construction should begin the week of November 12th, with a completion date of June 2014.

Vice Mayor Varnadore asked Mr. Tusing to ask a representative from Manatee County to attend the next Commission meeting to provide an update.

7. ASR WELL UPDATE

None

8. DEPARTMENT HEADS' COMMENTS

None

9. MAYOR'S REPORT

None

10. COMMISSIONERS' COMMENTS

None

Vice Mayor Varnadore adjourned the meeting at 9:52 p.m.

Minutes approved: November 18, 2013

James R. Freeman

James R. Freeman
City Clerk