

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
AND CRA BOARD MEETING  
February 3, 2014  
7:00 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor  
Jonathan Davis, Vice Mayor, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2  
Charles 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, Public Works Director  
Rick Wells, Chief of Police  
Amber Foley, Assistant City Clerk

Mayor Bryant called the meeting to order at 7:00 p.m., followed by an Invocation made by Dr. F.D. Brown, Pastor, St. John First Baptist Institutional Church in recognition of the recent passing of City Employee Willie Lee Jones. The Invocation was followed by the Pledge of Allegiance.

All persons intending to address City Commission were duly sworn.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant stated she received the renewal of the Manatee County Mosquito District Agreement to fly over the City of Palmetto. She added this agreement to the Consent Agenda as item number 5.

**Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the February 3, 2014 Agenda as amended.**

2. PUBLIC COMMENT

No comment.

3. CONSENT AGENDA APPROVAL

A. Clerk's Office

1. Minutes: 1/6/2014 and 1/13/2014
2. Special Function Permits
  - a. Slicks Garage First Fridays
  - b. Historical Park Events: 3/7/2014, 3/8/2014, 4/18/2014, 10/4/2014, 10/18/2014 and 12/5-12/6/2014
  - c. It Works! Global 4/17/2014
3. July 4<sup>th</sup> Fireworks Display Agreement with Creative Pyrotechnics
4. Blalock Walters Legal Bills

**Motion: Commissioner Varnadore moved, Commissioner Davis seconded the motion to approve the February 3, 2014 Consent Agenda.**

Commissioner Williams removed item A.2.a. of the Consent Agenda for discussion.

**Commissioner Varnadore amended the motion on the floor to approve the February 3, 2014 Consent Agenda with the removal of item A.2.a. Commissioner Davis seconded the amended motion. The motion carried 5-0.**

3.A.2.a. Slicks Garage First Fridays Special Function Permit Discussion

Staff informed Commission that the insurance for the First Fridays event had been received today.

**Motion:**           **Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to approve item 3.A.2.a. Slicks Garage First Fridays Special Function Permit for March.**

Mayor Bryant clarified that the road closure for the event will be along 10<sup>th</sup> Avenue between 5<sup>th</sup> Street West and 4<sup>th</sup> Street; however the entrance to the Laundromat will not be blocked. The closure is to stop just north of the entrance to the Kwick Kleen Laundromat.

**Motion:**           **Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried to approve the road closure for Slicks Garage First Fridays along 10<sup>th</sup> Avenue only between 5<sup>th</sup> Street and 4<sup>th</sup> Street up to the north entrance of the Kwick Kleen Laundromat.**

4. PUBLIC HEARING RESOLUTION 2013-41 INTERFUND LOAN

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERFUND LOAN BETWEEN THE TRAILER PARK TRUST AND WATER/SEWER FUNDS; AUTHORIZING THE EXECUTION OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE TRANSACTIONS CONTEMPLATED HEREBY; AND PROVIDING AN EFFECTIVE DATE.

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

**Motion:**           **Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to adopt Resolution 2013-41.**

4A. RESOLUTION 2013-42 BUDGET AMENDMENT

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2013-29, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2013-2014, AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion:**           **Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to adopt Resolution 2013-42.**

5. 1<sup>ST</sup> PUBLIC HEARING FOR THE CDBG GRANT

Corbett Alday, Guardian Community Resource Management, gave a Power Point presentation to Commission regarding Community Development Block Grants (CDBG). He discussed eligible applicants, the application process, the funding categories, and the time line. Mr. Alday stated that the application for the CDBG is due March 12<sup>th</sup>. There will be a Citizens Advisory Task Force meeting on February 19<sup>th</sup> and the second public hearing for the CDBG Grant will be March 3<sup>rd</sup>.

Mayor Bryant opened the public hearing.

In regard to a time frame for final ranking to be identified, Mr. Alday stated that the City should expect final ranking for the CDBG by the end of May.

Mayor Bryant closed the public hearing.

**Motion:**           **Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to allow staff to proceed with the application and categories of choice.**

6. 1<sup>ST</sup> READ ORDINANCE 2013-20 USE AND LOCATION OF OUTDOOR VENDING MACHINES

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR THE REGULATION OF THE USE AND LOCATION OF OUTDOOR VENDING MACHINES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion:**           **Commissioner Davis moved, Commissioner Williams seconded the motion to schedule Ordinance 2013-20 for a public hearing on February 24, 2014 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers and direct staff to advertise for same.**

Discussion ensued regarding the ice/water standalone building that is a vending machine located in the Palmetto Village shopping plaza across from the Walmart on 10<sup>th</sup> Street East. Commissioner Williams expressed concerns with the language in the proposed ordinance regarding a required wall being built to cover outdoor vending machines. Commission agreed that there are several questions and concerns regarding this ordinance that need to be answered and they asked Mr. Barnebey to provide them with an updated ordinance.

**Commissioner Davis and Commissioner Williams withdrew the motion on the floor.**

No action was taken. This proposed ordinance will be updated and provided to Commission for a first read at the February 24<sup>th</sup> Commission meeting.

7. PUBLIC HEARING ORDINANCE 2013-19 REGULATION OF DROP BOXES

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR THE REGULATION OF THE USE AND LOCATION OF DROP BOXES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

**Motion:**           **Commissioner Varnadore moved, Commissioner Smith seconded the motion to continue the public hearing on Ordinance 2013-19 to February 24, 2014 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.**

Commissioner Williams questioned the date of March 31, 2014 mentioned in Section 2 of the proposed ordinance. He opined that the compliance date of the ordinance should say within 90 days of the effective date of the ordinance. Mr. Barnebey would prefer it be date specific and suggested that the date of March 31<sup>st</sup> be changed to June 30<sup>th</sup> instead.

**Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 3-2 to change the March 31, 2014 compliance date to June 30, 2014. Commissioners Cornwell and Smith voted no.**

**The first motion on the floor carried 3-2. Commissioners Cornwell and Smith voted no.**

8. PUBLIC HEARING ORDINANCE 2013-21 REGULATION OF THE USE AND LOCATION OF PORTABLE STORAGE CONTAINERS

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR THE REGULATION OF THE USE AND LOCATION OF PORTABLE STORAGE CONTAINERS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Commissioner Varnadore informed Attorney Barnebey that the point paper does not match the proposed ordinance. She requested an updated ordinance be provided to Commission.

*(The generator for City Hall came on due to a transformer outside being blown. Due to the switch to generator power, you will hear in the audio a dull buzz sound for a few seconds, audio then picks back up)*

Commissioner Williams questioned Section 19-221(a) 7 of the proposed ordinance. He requested clarification be made to the section to identify when end of construction is. Mayor Bryant opined that it would be when a Certificate of Occupancy (CO) is issued. Attorney Barnebey will add language to that section to define when end of construction is.

**Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 3-2 to continue the public hearing on Ordinance 2013-21 to February 24, 2014 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers and direct staff to advertise for same. Commissioners Cornwell and Davis voted no**

Commissioner Cornwell explained that she is concerned with this proposed ordinance effecting properties in the Commercial Heavy Industrial (CHI) Zoning District. She opined that businesses that are in the CHI Zoning District should be allowed to have large portable storage containers on their property to house their heavy machinery and large supplies. Mayor Bryant requested that Attorney Barnebey add language in the ordinance to reflect Commissioner Cornwell's concerns.

#### 9. PUBLIC HEARING 2013-16 PERSONNEL POLICY

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF THE CITY CODE OF ORDINANCES TO ADOPT A NEW PERSONNEL POLICY; PROVIDING FOR APPLICABILITY; PROVIDING FOR THE REPEAL OF PALMETTO CITY ORDINANCE 05-846; AMENDING CHAPTER 22, ARTICLE I OF THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Barnebey explained that he and staff are still updating the Policy with suggestions from the Human Resources Coordinator.

Commissioner Varnadore would like to see the Policy come back to the next workshop meeting to allow for more open discussion and review. She requested more discussion on employee earned comp-time versus flex-time.

Mr. Freeman would like to bring the Personnel Policy back for discussion at the workshop meeting on February 24<sup>th</sup> and then for a public hearing at the March 3<sup>rd</sup> Commission meeting.

Mayor Bryant opened the public hearing.

**Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to continue the public hearing on Ordinance 2013-16 to March 3, 2014 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.**

#### 10. 1<sup>ST</sup> READ ORDINANCE 2014-01 FLOODPLAIN

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA; AMENDING THE CITY OF PALMETTO CODE OF ORDINANCES TO REPEAL CHAPTER 14; ADOPTING A NEW CHAPTER 14; ADOPTING NEW FLOOD HAZARD MAPS; DESIGNATING A FLOODPLAIN ADMINISTRATOR; ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; PROVIDING

FOR REPEAL FOR ORDINANCE IN CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion:**           **Commissioner Cornwell moved, Commissioner Davis seconded the motion to schedule Ordinance 2014-01 for a public hearing on February 24, 2014 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.**

Staff asked that the motion be amended to include “direct staff to advertise for same.”

**Commissioner Cornwell amended the motion to include “direct staff to advertise for same”; Commissioner Davis seconded the amended motion. The motion carried 5-0.**

*Mayor Bryant recessed the City Commission meeting at 8:02 p.m. to open the February 3, 2014 CRA Board meeting.*

*Mayor Bryant reconvened the February 3, 2014 Commission Meeting at 8:11 p.m.*

#### 11. RATIFICATION OF THE THIRD ADDENDUM TO PURCHASE AND SALE AGREEMENT

Wells Fargo had requested to extend the closing date on the property located at 1806 5<sup>th</sup> Avenue West, Palmetto, Florida until January 31, 2014.

**Motion:**           **Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to ratify the Third Addendum to the Purchase and Sale Agreement with Wells Fargo for the property located at 1806 5<sup>th</sup> Avenue West, Palmetto, Florida.**

#### 12. POLICE DEPARTMENT BUILDING UPDATE

Chief Wells informed Commission that staff is in the process of having a special need analysis performed on the Police Department.

#### 13. ASR WELL UPDATE

Mr. Tusing stated that the project is moving along. He will have more information to report to Commission on the 24<sup>th</sup>. The agreement from the Southwest Florida Water Management District (SWFWMD) has been received regarding the additional funding for the project. The agreement will be put on the agenda for Commission approval on February 24 or March 3. Mr. Tusing complimented SWFWMD and how well they have been working with the City regarding the well.

#### 14. DEPARTMENT HEADS' COMMENTS

Mr. Freeman-requested clarification from Commission regarding the report that is received monthly from Bob Gause for the MLK Park and Riverside Boat Ramp Projects. The consensus of Commission was to receive the report via email instead of printed out every meeting.

Mr. Freeman informed Commission that there was a transformer that blew somewhere near City Hall that Florida Power and Light (FPL) is currently searching for. City Hall is currently using the back-up generator to power the building.

Chief Wells—stated that the Florida League of Cities is currently working on the officer involved vehicle crash that occurred in October 2013. It has been determined that the officer was not at fault and the vehicle had to be totaled. The Department was able to recoup some of the money from the loss of the vehicle and will be using those funds to buy a new one. The Finance Department is working on a budget amendment that should be brought forward in the next few weeks.

He noted that the Manatee County Fair was a success with very little problems throughout the two weeks. There was record breaking attendance this year.

Chief Wells informed Commission that the Palmetto Mobile Home Park donated \$84.00 to the Police Department that they received from their Illinois Pot-Luck Supper Club. The money will be deposited into a City account to be used for the Honor the Badge program next Christmas.

Attorney Barnebey—the closing has been complete on the property located at 1806 5<sup>th</sup> Avenue West.

He is working on bringing the property transfer forward from when the City acquired the Agriculture Building at the old site of Palmetto Elementary. This property is being transferred to the CRA which will then be put out for a Request for Proposal. The proceeds, minus the costs/fees associated with the transfer of property, will be donated to Manatee County for the baseball field project at Blackstone Park.

#### 15. MAYOR'S REPORT

Mayor Bryant informed Commission that Mrs. Virginia Whisenant passed away and asked that everyone keep the family in their prayers.

#### 16. COMMISSIONERS' COMMENTS

Commissioner Williams—asked if the noise ordinance was being worked on, and, if so, if it could be expedited. Attorney Barnebey stated he is currently reviewing the ordinance that Manatee County recently adopted. He is talking to the County Attorney's Office regarding their changes. He expects it to be coming forward shortly. Commissioner Williams asked for a date specific, in which Mayor Bryant replied that she would like it to be the last item on the March 3<sup>rd</sup> Workshop agenda.

Mr. Williams noted that he had spoken with both Mr. Tusing and the Purchasing Department regarding the Solid Waste Request for Proposal (RFP). He was informed that Purchasing is currently working on the RFP.

He expressed concerns regarding the time-frame that important ordinances are being put on for discussion. He opined that there has not been enough time for Commission to ask questions and that he feels it is being rushed. Mayor Bryant said that this can be worked on.

Mr. Williams asked Mr. Tusing for an update regarding the smoke testing that is being performed on the sanitary sewer lines. Mr. Tusing stated that he will provide Commission with an update on the testing at the next meeting. He stated that Public Works staff are able to perform some of the testing; however, they are not equipped to do it all. Most of the smoke testing will be contracted out.

Commissioner Varnadore—she discussed the recent traffic congestion that has occurred because of the accident that was on I-75. Traffic north of the river has been moving very slowly and she questioned if the City was in contact with Manatee County and the City of Bradenton to work on a traffic solution, especially on the Green Bridge. Mayor Bryant stated she will draft a letter to the Metropolitan Planning Organization (MPO). She would also like to see this topic on the next Workshop agenda for discussion. Chief Wells noted that the biggest issue for the City of Palmetto seems to be the timing of the lights located at the south of the Green Bridge (3<sup>rd</sup> Avenue).

Mrs. Varnadore complimented City Staff who put the Fair Booth together; she stated it is the best looking fair booth the City has had in years.

Commissioner Davis—complimented staff on the excellent fair booth.

He agrees with the traffic issues along 8<sup>th</sup> Avenue and is in support of the Mayor sending a letter to the MPO.

Mr. Davis invited everyone to come out to the Cortez Fishing Festival which is held during February 14<sup>th</sup> through the 16<sup>th</sup>.

In regard to the Manatee County Fair, Mayor Bryant shared what the Shake Pit posted on their sign “To Mayor Bryant and City of Palmetto Great Fair-Thank You.”

Commissioner Cornwell—in regard to the power shortage, she questioned how the citizens would find out what happened and when to expect power to be on. Chief Wells stated that if a resident without power calls FPL they will be provided with information regarding the power outage.

Commissioner Smith—stated that the Manatee County Fair was excellent this year. He will be meeting with the Fair Board to discuss some ideas he has for the next fair.

He will be going to Washington, D.C., with the Florida League of Cities on February 10<sup>th</sup> through the 12<sup>th</sup>. He will be talking to Congress about flood insurance in the State of Florida. On February 17<sup>th</sup>, Mr. Smith will be headed to Pensacola, Florida for the Florida Black Caucus of Elected Officials. Earvin “Magic” Johnson will be a speaker there. He asked Mayor Bryant to do a press release regarding that meeting.

Bob Marble, Strategic Planning Specialist, reminded Commission about the Movie-in-the-Park on Friday at 7:00 p.m. Before the movie, there will be a concert by the Manatee Concert Band.

In regard to the traffic along U.S. 41 (8<sup>th</sup> Avenue), Mr. Marble suggested that the City look into informing the State about the congestion that occurs since that road is a State road.

Mayor Bryant adjourned the meeting at 8:45 p.m.

Minutes approved: February 24, 2014

*James R. Freeman*

James R. Freeman  
City Clerk