

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
AND SPECIAL CRA BOARD MEETING  
February 24, 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  
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 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

RECOGNITION: 5-year old Alexander Foley was recognized for his heroic efforts on getting help for his mother and two sisters on February 2, 2014.

PROCLAMATION: Engineers Week, February 16-22, 2014  
Representing American Society of Civil Engineers: Former President ASCE-R. Christopher Sharek, PE, Atkins North America and Current President ASCE-Kim B. Clayback, PE, Jones Edmunds & Associates, and Bob Lombardo, PE, Florida Engineering Society,

All persons intending to address the City Commission were duly sworn.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant amended the agenda by adding items 3.A.3 , appointment of Evangeline Joy to the Planning and Zoning Board and item 4B Emergency Pain Clinic Moratorium Ordinance. Also, the motion for Ordinance 2013-20 needs to be amended to schedule the public hearing for April 7, 2014.

**Motion: Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the February 24, 2014 Agenda as amended.**

2. PUBLIC COMMENT

None.

3. CONSENT AGENDA APPROVAL

- A. Clerk's Office
  - 1. Minutes: 2/3/2014
  - 2. Amended Special Function Permit for Seafood Festival April 2014
  - 3. Appointment of Evangeline Joy to the Planning and Zoning Board
- B. Police Department
  - 1. SaDIP Grant Acceptance Budget Resolution 2014-01
- C. Public Works
  - 1. ASR Contract

2. New Position: Inmate Service Coordinator

Commissioner Varnadore removed item A.2. from the Consent Agenda for discussion.

**Motion:** Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the February 24, 2014 Consent Agenda with the removal of item A.2.

3.A.2. Amended Special Function Permit for the Seafood Festival Discussion:

Commissioner Varnadore questioned how long the roads would be closed for the event. Mr. Freeman explained that the roads will be closed as marked on the map provided for the full length of the event. Mr. Kortzendorf, Chairman of the Seafood Festival, informed Commission that he has spoken with the library as well as the owners of the apartment complex and have made arrangements for alternate parking during the event. He will be sending a letter to the residents letting them know of the dates that the parking will not be available along 10<sup>th</sup> Avenue during the event.

Mr. Freeman informed Commission that he received a special permit from DeSoto Historical Society for alcohol to be served during their Seafood Festival event. He will be signing it and giving it to Mr. Kortzendorf so it can be sent to the State.

Commissioner Cornwell asked Mr. Kortzendorf if they have any historical items that could be put on display at the Historical Park during the event. Mr. Kortzendorf stated that the DeSoto Historical Society has a traveling museum that he will look into getting set up at the Palmetto Historical Park during the Seafood Festival.

Discussion ensued regarding parking. Mr. Burton is developing a parking map for the areas surrounding the event.

Mr. Kortzendorf noted that, depending on how big the construction area is in Sutton for the building of the restrooms, the kid zone area may be moved.

In regard to grease removal, Mr. Kortzendorf has hired Griffin Industries to remove grease from the park during the event.

**Motion:** Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the amended Special Function Permit for the Seafood Festival for April 2014.

4. 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.

Attorney Barnebey informed Commission that the only change made to the Ordinance since the last meeting was that up to one outdoor vending machine will be allowed per parcel. The Planning and Zoning Board met and had some discussion on the Ordinance. They continued their public hearing until March 20<sup>th</sup>. Mr. Barnebey recommends scheduling the public hearing for April 7<sup>th</sup>.

**Motion:** Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 4-1 to schedule Ordinance 2013-20 for a public hearing on April 7, 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. Commissioner Cornwell voted no.

4.B. EMERGENCY ORDINANCE 2014-02 PAIN MANAGEMENT CLINIC MORATORIUM

AN EMERGENCY ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, DECLARING A MORATORIUM AS TO THE FILING AND/OR RECEIVING OF ANY PETITION OR ANY APPLICATION FOR THE ESTABLISHMENT OF PAIN MANAGEMENT CLINICS AS DEFINED HEREIN; PROVIDING THAT SUSPENSION OF ANY SUCH ZONING, PERMITTING AND LICENSING PROVIDING THAT SAID MORATORIUM SHALL BE IN EFFECT FOR A PERIOD OF SIX (6) MONTHS OR SHALL TERMINATE ON THE EFFECTIVE DATE OF THE CITY'S ADOPTION OF REGULATIONS TO REGULATE PAIN MANAGEMENT CLINICS; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSE; PROVIDING FOR A DEFINITION OF PAIN MANAGEMENT CLINIC; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR AN EXTENSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Barnebey explained that in 2010 the City Commission adopted an Ordinance for a moratorium on pain management clinics while the State Legislation considered the management of pain clinics. Manatee County has adopted regulations for the registering and monitoring of pain management clinics. This moratorium will allow time for the City to review the regulations on pain management clinics and determine if more regulations need to be established.

**Motion: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to adopt Ordinance 2014-02.**

5. 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 Davis moved, Commissioner Smith seconded, and the motion carried 4-1 to continue the public hearing on Ordinance 2013-19 to March 3, 2014 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers. Commissioner Cornwell voted no.**

6. 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.

Mayor Bryant and City Commission received a letter from Mr. Joseph Clawson, City of Palmetto resident. A copy of his letter opposing the adoption of Ordinance 2013-21 was made a part of the record.

**Motion: Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 4-1 to continue the public hearing on Ordinance 2013-21 to March 3, 2014 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers. Commissioner Cornwell voted no.**

7. PUBLIC HEARING 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.

Mayor Bryant opened the public hearing.

Mr. Tusing informed Commission that he will have a presentation at the next meeting regarding this Ordinance. This Ordinance will be continued to the next meeting at which time it will need to be adopted so that it can be sent to the Department of Emergency Management and to FEMA. There is a deadline that it has to be to them by.

**Motion: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 4-1 to continue the public hearing on Ordinance 2014-01 to March 3, 2014 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers. Commissioner Williams voted no.**

8. INTERLOCAL AGREEMENT WITH MANATEE COUNTY FOR TRAFFIC MAINTENANCE AND OPERATIONS

**Action Request: Motion to authorize the Mayor to execute the Traffic Management Center Operation and Maintenance Interlocal Agreement between the City of Palmetto and Manatee County.**

No action was taken, this item will be continued to the March 3, 2014 Commission meeting.

9. DECEMBER 2013 AND JANUARY 2014 CHECK REGISTER

Mayor Bryan recessed the City Commission meeting at 7:46 p.m. to open the February 24, 2014 CRA Board meeting.

Mayor Bryant reconvened the February 24, 2014 City Commission meeting at 8:11 p.m.

10. GATEWAY SIGN APPROVAL

**Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 3-2 to approve the Green Bridge Gateway Entrance Sign not-to-exceed \$75,000. Commissioners Varnadore and Williams voted no.**

11. POLICE DEPARTMENT BUILDING UPDATE

Chief Wells stated that he and staff are still working on the spatial needs study.

12. ASR WELL UPDATE

Mr. Tusing informed Commission that the project is moving on schedule. The building should start going up and all the piping for the ultra-violet (UV) apparatus is taking place.

13 DEPARTMENT HEADS' COMMENTS

Mr. Tusing—stated that this Thursday there will be a lane closure on 8<sup>th</sup> Avenue and 10<sup>th</sup> Street West to replace a hydrant that was hit at Walgreens.

The solid waste contract with Waste Management will expire April 1<sup>st</sup>. He has finished the draft for the request for proposal (RFP) and is ready to send to the Purchasing Department to be advertised. He would like an extension to the existing contract with Waste Management for six months to allow time for

the RFP to go out, the RFP committee to review the bids, and a contract to be signed. The current contract with Waste Management will remain the same with no increase in price.

**Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to extend the current solid waste contract with Waste Management for an additional six months, to expire September 30, 2014.**

Rose Quin-Bare, representative for Waste Management, explained to Commission that she would prefer to see the contract extended for at least nine months so that everything is done correctly the first time and no other extensions will need to be granted. She stated that six months will be a close call considering the time to allow responses to the RFP, the committee to review and meet to discuss the responses and a contract to be drafted and reviewed by the City's Legal Department.

Mr. Tusing informed Commission that the RFP is drafted and would like to allow three months for the bid to be out and responses to be received. Discussion ensued regarding the time-frame for the extension. Consensus was to extend the contract for ten months.

**Motion: Commissioner Smith moved, Commissioner Varnadore seconded, and the motion carried 5-0 to reconsider the previous motion and to modify the previous motion to extend the current solid waste contract with Waste Management for an additional ten months, to expire January 31, 2014.**

Mr. Tusing passed out an insert that the City will be placing in the water bill. This insert offers citizens to bring their used motor oil to Public Works for disposal. Citizens will also need to bring a copy of their most recent water bill.

Chief Wells—said he is working on the information that was given to the Department by Commissioner Cornwell. Patrol has been increased in that area. [This is in regards to a person soliciting in the City without a permit signed off by the City and the Police Department.]

Attorney Barnebey—stated he is working on several ordinances which include a medical marijuana dispensary ordinance in the event the State passes the law to legalize medical marijuana and the sign ordinance will be coming to Commission in an upcoming meeting.

## 15. MAYOR'S REPORT

### 16. COMMISSIONERS' COMMENTS

Commissioner Williams—will be attending a 101 course on CRAs that will be conducted by the Florida League of Cities and will be in Tampa.

Commissioner Varnadore—complimented Mr. Tusing on the striping along 10<sup>th</sup> Avenue West.

She asked that the shrubs and trees that are growing around the cemetery be spruced up and the diseased foliage removed.

Mrs. Varnadore thanked the Bradenton Herald for their story on the traffic flow on the bridges from Palmetto to Bradenton. She also thanked the Mayor for contacting the media to spread the word that the City is trying to work on the traffic congestion.

Commissioner Davis—asked Chief to provide Mr. Tusing with a list of all the street lights that are not working.

Commissioner Cornwell—stated she has noticed less abandoned shopping carts around the City and is glad to see that the ordinance and procedure that was put in place is working.

Commissioner Smith—said that he recently traveled to Washington, D.C. with other elected officials to meet regarding flood insurance in Florida. There is supposed to be a vote regarding this on Wednesday. He opined that some of the Legislation does not seem interested in doing anything about it.

He noticed that the Supervisor of Elections, Mike Bennett, has closed thirty-five voting precincts in the County. Mr. Smith asked the Mayor and staff to find which voting precincts they were and if any of them affect the residents in the City.

Mayor Bryant adjourned the meeting at 8:44 p.m.

Minutes approved: March 17, 2014

*James R. Freeman*

James R. Freeman  
City Clerk