

**CITY OF PALMETTO
CITY COMMISSION MEETING
April 21, 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.

PROCLAMATION: Mayor Bryant presented the National Day of Prayer proclamation to Pastors Andy Avalos and Jim Corbett of PalmettoBUILD. Mayor Bryant invited everyone to attend the 63rd Annual Observance of the National Day of Prayer on May 1st at 9:00 a.m. at the Palmetto Historical Park.

PROCLAMATION: Commissioner Davis presented the Child Abuse Prevention Month proclamation to Monique Myers, Director of Child Welfare Operations Sarasota YMCA, and Sharon Groover, CBC Trainer, Safe Children Coalition Manatee County.

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

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant added Resolution 2014-11, 6-month extension of the internet café moratorium, to the agenda as item 4A.

Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the April 21, 2014 Agenda with the addition of item 4A.

2. PUBLIC COMMENT

Hank Mallol, representing Peace Walkers of Manatee County, explained that the Peace Walkers would like to have a march in Palmetto in the higher crime areas to promote peace in the City. Peace Walkers would like to hold the march in July this year. Chief Wells will contact Mr. Mallol to set the march up.

3. CONSENT AGENDA APPROVAL

- A. Clerk's Office
 - 1. April 7, 2014 Minutes
 - 2. Special Function Permits
 - a. Slicks Garage First Fridays May 2, 2014
 - b. Alvarez Cinco De Mayo May 3, 2014
 - 3. Mauldin and Jenkins Contract Renewal
 - 4. Blalock Walter Legal Bills
 - 5. Surplus and Transfer of Edenfield Property
- B. Public Works
 - 1. Resolution 2014-10 Veolia Reimbursement
- C. CRA
 - 1. CRA Administrative Assistant Job Description

Commissioner Cornwell removed item C.1. and A.2.a. from the Consent Agenda for discussion.

Mayor Bryant asked that the Consent Agenda be approved with a modification made to the motion for item A.5. to be for the surplus of the Edenfield property only, not to include a transfer of that property at this time.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the April 21, 2014 Consent Agenda with the changes made [removal of item C.1. and A.2.a. and the motion for item A.5. to be for the surplus of the Edenfield property only].

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

Mayor Bryant requested that the application be approved for the closure of the 900 block of 5th Street West only, no closure along 10th Avenue for this event.

C.1. CRA Administrative Assistant Job Description Discussion:

Mr. Burton explained that this job description is for a current part-time employee that will be moved to full-time status if approved. There is currently one employee in the same job title that is full-time at the CRA; with the approval of this job description, he will have two administrative assistants in full-time status. He stated that with the increase of projects, grants, and events, it is necessary to have two employees at the CRA in this job position.

Motion: Commissioner Smith moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the Slicks Garage First Fridays Special Function Permit with the closure of 5th Street only, not 10th Avenue, and the approval of item C.1. CRA Administrative Assistant Job Description.

4. POLICE DEPARTMENT BUILDING SPATIAL ANALYSIS PRESENTATION

David Bishop, Vice President Ugarte and Associates, made a presentation regarding the spatial analysis study that was performed on the Police Department. He was given data by staff at the Police Department to come up with a building design and needed square footage for their needs. The square footage is currently 13,500 for a total of 61 employees. In meetings, it was decided that over the next ten years the number of employees would increase to 67 which would raise the needed square footage to be 16,000 for a one-story building. Mr. Bishop discussed the needed square footage for a two-story and three-story Police Department. His preliminary design was for a three-story Police Department. A copy of this presentation is attached to and made a part of these minutes.

Commissioner Smith opined that the assumption of employees only increasing to 67 is too small. He stated that a building should be built for an increase to approximately 100 employees in the future which will allow the Police Department to grow over 30 to 50 years without the need to add-on to the building.

Commissioner Varnadore asked Chief Wells if there was discussion on installing K9 kennels inside the new building. Chief Wells stated that there was currently no discussion on that; however, he liked Mrs. Varnadore's idea and he will look into the development of those in the new building.

In response to questions about parking for this size of building, Mr. Bishop stated that a parking needs analysis was not performed at this time; the needs that his firm worked on were for that of a new building only. Commissioner Varnadore encouraged a parking needs analysis be done as that will factor into the decision of what site the new building will be constructed on.

Discussion ensued regarding the preliminary design of the first floor. Commissioner Cornwell would like to see a patrol officer located on the first floor so that a victims will be responded to quickly.

Motion: Commissioner Smith moved, Commissioner Varnadore seconded, and the motion carried 5-0 to have the CRA and Police Department work in conjunction with the Purchasing Department to draft an invitation to negotiate or a request for proposal.

4.A. RESOLUTION 2014-11 6-MONTH EXTENSION TO INTERNET CAFÉ MORATORIUM

A RESOLUTION OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA EXTENDING THE MORATORIUM AS TO THE ZONING, PERMITTING AND LICENSING OF INTERNET OR SWEEPSTAKES CAFES, ADOPTED PURSUANT TO ORDINANCE 2013-04; PROVIDING THAT SAID

MORATORIUM SHALL BE IN EFFECT ENDING OCTOBER 30, 2014, OR SHALL TERMINATE ON THE EFFECTIVE DATE OF THE CITY'S ADOPTION OF LAND USE AND DEVELOPMENT REGULATIONS TO REGULATE INTERNET/SWEEPSTAKES CAFES; AND PROVIDING AN EFFECTIVE DATE.

Motion: Commissioner Varnadore moved, Commissioner Smith seconded, and the motion carried 5-0 to adopt Resolution 2014-11.

5. SOLID WASTE AGREEMENT

Mr. Tusing stated that he has been in the process of writing the request for proposal (RFP) for solid waste; the RFP is about 98 percent complete. It has taken staff longer than first expected to complete the RFP because there has never been one done before with the City for solid waste services. Longboat Key recently issued an RFP for solid waste services, so that is the one that staff has been using as a guide in writing the RFP for the City.

Brad Avery, representing WCA solid waste, looks forward to submitting an RFP for the City's solid waste services.

Keith Banasiak, Waste Pro, appreciates the opportunity to bid on an RFP.

Ian Boyle, representing Progressive Waste Solutions, supports the City's decision to issue an RFP for solid waste services.

Fred Olsen, District Manager for Progressive Waste Solutions, looks forward to submitting an RFP for solid waste services.

Rose Quin-Bare, representing Waste Management, thanked Commission and Staff for allowing her to work with the City over the last 10 years. She is hopeful that Waste Management will get to continue to provide solid waste services to the community.

Bill Gresham, representing Waste Management, clarified the comment that was made during the Workshop meeting regarding Hillsborough County's solid waste services. He stated that currently Hillsborough County's rates are \$9.08; however, this does not include disposal and franchise fees. Removing those fees from the City of Palmetto's rate actually makes the City's rates lower, at \$7.84.

Motion: Commissioner Smith moved, Commissioner Varnadore seconded, and the motion carried 5-0 to instruct staff to publish a Request for Proposal (RFP) for solid waste services.

6. PUBLIC HEARING ORDINANCE 2014-05 BUILDING DEPARTMENT FEE SCHEDULE

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, REPEALING THE CITY OF PALMETTO BUILDING RELATED FEE SCHEDULE AS CONTAINED IN SECTION 7-25 OF THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR A NEW SECTION 7-25 OF THE PALMETTO CODE OF ORDINANCES TO ALLOW ADOPTION OF A BUILDING RELATED FEE SCHEDULE BY RESOLUTION AND PROCESSING OF FEES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion: Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 5-0 to adopt Ordinance 2014-05.

6a BUILDING DEPARTMENT FEES RESOLUTION 2014-09

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; ESTABLISHING AND PROVIDING A SCHEDULE BUILDING AND RELATED FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 5-0 to adopt Resolution 2014-09.

7. PUBLIC HEARING ORDINANCE 2014-04 UTILITY EASEMENT VACATION

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, VACATING CERTAIN UTILITY EASEMENTS SHOWN ON LOTS 1, 2, 3, 8, 9, 10, 12 AND 13 OF BLOCK, E OF RIVERSIDE PARK SUBDIVISION, LOCATED GENERALLY AT 2010 7TH STREET W AND 2007 8TH STREET W, PID#'S 2850100109 & 2850100059. (VAC-2014-01).

Mayor Bryant opened the public hearing.

John Chasey, owner of properties located at 2010 7th Street West and 2007 8th Street West, stated that he would like approval of the utility easement vacation as the easement is not being utilized for utilities. The utility companies have no objection.

Mayor Bryant closed the public hearing.

Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to adopt Ordinance 2014-04.

8. PUBLIC HEARING ORDINANCE 2014-03 REDFISH COVE GDP

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 2011-17 TO APPROVE A CONCEPTUAL/GENERAL DEVELOPMENT PLAN AND PRELIMINARY PLAT FOR 6 SINGLE FAMILY LOTS ON +/- 1.69 ACRE PARCEL, ZONED PD-H (PLANNED DEVELOPMENT-HOUSING) AND LOCATED AT 4009 11TH STREET COURT WEST, PALMETTO, FLORIDA; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (GDP 2014-01, Redfish Cove, Manatee LLC, PID#2936300209)

Mr. Tusing informed Commission that this is a planned community plan category for the PD-H zoning. The existing use is for mutli-family/apartments and is located on the south side of 10th Street West, east of the cut-off canal and along the Manatee River. There are six lots on a parcel size of 1.69 acres. Commission last adopted Ordinance 2011-17 for the Villa Por La Marina General Development Plan (GDP) of 10 units. The Planning and Zoning Board held its public hearing on March 20th and recommended approval with the following stipulations:

1. The addition of a 1' non ingress/egress easement on the plat to prevent driveways from being installed across 10th Street West.
2. The project shall meet Southwest Florida Water Management's (SWFWMD) requirements.
3. The project shall provide a 2" standpipe at the entrance to the proposed dock as required by North River Fire Department.
4. Proposed improvements to 11th Street Court West right-of-way will require a right-of-way permit by Manatee County.
5. The proposed 5' sidewalks on the north side of 11th Street Court West or the existing 4' sidewalk on the south side of 11th Street Court West shall connect to the multiuse path on the opposite side of 10th Street West.
6. The unit on Lot 1, including the proposed watch tower, shall set back an additional 1' at ground level for each 2' of height over 35' as measure at grade to the highest point of the roof, (from the western property line).

Bob Gause, Allison-Gause, presented the preliminary drawings of the Redfish Cove Planned Development. The developers on this proposed project are Jeff Gravely and Jeff Stevenson, both residents of Palmetto. When Commission approved the adoption of Ordinance 2011-18 to allow the GDP for Villa por la Marina there were six stipulations, one of which stated that if the GDP expired or the property owner elected not to utilize the GDP, the property may be developed as single-family detached units consistent with the requirements of the RS-4 zoning district. Mr. Gause discussed the overall design for this GDP which includes a garage in the back of the houses, a single parking space in front of each house along 11th Street Court West, a watchtower, and a common dock. The developers are asking for variances that include:

1. Perimeter landscaped setbacks, 35-feet between the walls of all structures and the perimeter of the district. 8-foot landscape buffer along 10th Street West, 5-foot setback on the west end of the property and a 22-foot setback on the east end.
2. Building setback, 25-feet from wall-to-wall between structures. The proposed project consists of six single-family (SF) detached units. Lots 1-5 units are 10-feet apart, lots 5-6 are split by an access easement and are 30-feet apart.
3. Public or private right-of-way setback, 35-feet from any structure to right-of-way. The proposed project has a 22-foot setback from 11th Street Court West with a 12-foot encroachment for covered porches that have open or screened enclosures only. A 30-foot building setback from 10th Street West (except lot 6 which has a 20-foot building setback from 10th Street West). The previously approved GDP had 20-foot front yard setbacks. There is an 8-foot setback from the access easement with a 6-foot encroachment for second floor balconies and a 5-foot side yard setback with a 30-inch encroachment for bay window and chimney.
4. Minimum common open space and recreation areas, 25 percent of the gross site acreage shall be delineated as tracts for common open space and recreation areas. The project's usable open space is located on the riverfront, across 11th Street Court West. The project's open space is approximately .30 acres or 18 percent of the project site. Because this is a single family detached project, most of the open space included within the lots cannot be included in the calculation.
5. Structures over 35-feet in height, additional 1-foot setback at ground level for each additional 2-feet of height. The proposed project has a maximum building height of 45-feet except 14'x14' towers may extend up to 55-feet above base flood elevation.

Mr. Gause stated that the developers have received a letter of exemption from SWFWMD. The developers have agreed to comply with the six stipulations as requested by the Planning and Zoning Board.

In regard to the architectural designs displayed, Mr. Gause clarified that the developers will sell the lots with strict architectural criteria that must be met. The houses that will be built on the lots may not look exactly as displayed.

Mayor Bryant recessed the City Commission meeting at 8:47 p.m.

Mayor Bryant reopened the City Commission meeting at 8:56 p.m.

Amy Griswold, resident next to proposed GDP, is opposed to the planned development's building of a commercial dock.

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

Mayor Bryant reopened the public hearing after a member of the audience requested to speak.

Don Mills, resident of Captain's Point, is opposed to the planned development's dock.

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

Mr. Gause clarified that the Florida Department of Environmental Protection (DEP) is working with ECO Consultants on the permitting for the proposed dock. The DEP has asked that they develop it as a commercial dock instead of a residential dock and pay the State a Sovereignty Submerged Land Lease.

Mayor Bryant reopened the public hearing after a member of the audience requested to speak.

Sharon Heath, resident of Captain's Point, opposed to the development of the dock that is being proposed.

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

Mr. Gause reiterated that he is not working directly with DEP for the permitting of the dock; ECO Consultants is working with DEP for the permitting.

Motion: **Commissioner Varnadore moved, Commissioner Smith seconded the motion to adopt Ordinance 2014-03 with the addition of the stipulation that the dock spaces will only be leased to the residents of the community.**

Attorney Barnebey requested that the motion be amended to read “**Based upon the staff report, evidence presented and review of the Comprehensive Plan and Land Development Code, move to adopt Ordinance 2014-03 with stipulations 1 through 6 as recommended by staff and the addition of stipulation 7 as read by the City Attorney.**” Commissioner Varnadore and Commissioner Smith agreed with the requested modification to the motion. **The motion carried 5-0.**

9. PUBLIC HEARING ORDINANCE 2013-20 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.

Mayor Bryant re-opened the public hearing from April 7, 2014. Mayor Bryant closed the public hearing after no public comment.

In regard to the Planning and Zoning Board’s recommendation of securing the outdoor vending machines, Attorney Barnebey stated that he recommends adopting that in a Building Code ordinance.

Commissioner Williams discussed Section 19-223-Vending Machines of the proposed ordinance that states “vending machines shall not be located within the parking lot or a front yard setback.” He questioned how this section would affect the ice/water vending machine located in the Palmetto Village shopping plaza across from the Walmart on 10th Street East. Attorney Barnebey stated that those types of vending machines that are in existence currently would have to come into compliance by June 30, 2014 as currently stated in this proposed ordinance.

The consensus of the Commission was to have staff conduct an assessment to determine which businesses will be affected by this proposed ordinance.

Motion: **Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to continue Ordinance 2013-20 to May 19, 2014 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.**

10. MARCH CHECK REGISTER (Informational Only)

11. ASR WELL UPDATE

No update at this time.

12 DEPARTMENT HEADS’ COMMENTS

Mr. Freeman—informed Commission that he was contacted by the Manatee County Supervisor of Elections about inserting information into the City’s utility bills to inform and educate residents on the voting by mail option. The consensus of the Commission was to not have that information in the utility bills at this time.

Chief Wells—appreciated the feedback regarding the development of the new police station and the approval of Commission to continue forward with this project.

Attorney Barnebey—informed Commission that in regards to Ordinance 2014-04, Vacation of Utility Easement, there was a scrivener’s error in the attached exhibit. It should read “Exhibit A” not “Exhibit B”. It will be changed; no motion or action is required.

13. MAYOR'S REPORT

Mayor Bryant stated that the Department Heads have been working on several ordinances that will be added to future agendas. The ordinances that are being worked on will be sent to Commission ahead of time for review before the discussion at a meeting.

Mayor Bryant stated that Manatee School for the Arts will be working on removing graffiti from the two City parks as mentioned at the last meeting.

Staff has been having conversations with Bright House in regards to Wi-Fi available in the parks. The contract with Bright House has been submitted to legal for review; Commission should expect to see this on a future agenda for approval.

14. COMMISSIONERS' COMMENTS

Commissioner Williams—attended a meeting with Manatee County about the injection wells being installed at Port Manatee which he is not very pleased with.

He commented on the DeSoto Children's Parade this past Friday. Mr. Williams complimented Chief Wells on the K9 presentation that the Police Department put on; the children seemed to enjoy it.

Commissioner Varnadore—attended the Garden Gala event at Lincoln Middle School this weekend. She is interested in the City implementing a community children's garden. The consensus of the Commission was to have staff look into developing a garden for the community to share. Mr. Burton will contact the Deny Beach community that has a successfully implemented a garden. Mayor Bryant will discuss this with staff at the next Department Head Meeting.

Commissioner Davis—complimented the Public Works staff that took care of some recent tree trimming in the City. He hoped everyone had a Happy Easter with their families.

Commissioner Smith—asked about the Housing Authority. Mayor Bryant stated that she spoke with Alan Zirkelbach recently who stated that the Housing Authority will be setting up a meeting this week. She asked Mr. Freeman to reach out to Mr. Zirkelbach to discuss the date and time of the meeting.

Mayor Bryant adjourned the meeting at 9:47 p.m.
Minutes approved: May 5, 2014

James R. Freeman

James R. Freeman
City Clerk