

**CITY OF PALMETTO
CITY COMMISSION MEETING
September 8, 2014
7:00 PM**

Elected Officials Present

Jonathan Davis, Vice Mayor, Commissioner-at-Large 1
Tamara Cornwell, Commissioner-at-Large 2
Charles Smith, Commissioner, Ward 1—(Entered the meeting at 7:03 p.m.)
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3

Elected Officials Absent

Shirley Groover Bryant, Mayor

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

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

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

PROCLAMATION: Vice Mayor Davis presented the Tribute to Heroes proclamation to Chief Michael S. Rampino, North River Fire District and Chief Rick Wells, Palmetto Police Department

Mr. Freeman noted two typos that were on the agenda. There is a scrivener's error to the word "proclamation" should be "proclamation" and the word "rage" on the title for agenda item number 4 is "rate". Also, he gave Commissioners a handout regarding item 4 of the Consent Agenda. Mr. Freeman asked for that to replace the old handout that was included. The surplus is for AV equipment and phones not Utility Meters as stated on the agenda.

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the September 8, 2014 Agenda.

2. PUBLIC COMMENT

None.

3. CONSENT AGENDA APPROVAL

A. Clerk's Office

1. August 4, 2014 & August 19, 2014 Minutes
2. Canvassing Board Appointment
3. Special Function Permits
 - a. First Baptist Church Kickball and Pot Luck
 - b. First Baptist Church Fall Festival
 - c. Richter Benefit
4. Surplus Property

B. Police Department

1. Budget Resolution 2014-18

Motion: Commissioner Williams moved, Commissioner Varnadore seconded, and the motion carried 5-0 to approve the September 8, 2014 Consent Agenda.

4. PUBLIC HEARING—TENTATIVE MILLAGE RATE AND TENTATIVE FISCAL YEAR 2015 BUDGET

Vice Mayor Davis opened the public hearing to discuss the tentative millage rate and tentative FY 2015 budget.

- We are here tonight to adopt the City of Palmetto Tentative Millage and Budget for FY 2015 that begins October 1, 2014.
- The City proposes to adopt a FY 2015 millage of 5.7171 per \$1,000 of taxable value, which is 2.29% greater than the rolled back rate of 5.5889. 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 2015 budget is \$682,858,047 which represents an increase of 4.04% compared to the prior year.
- The overall City wide budget is \$24,118,288, which is 6.51% higher than last year. The General Fund is budget is \$9,745,457. Additional revenues are being used to fund capital expenditures and personnel costs.

There being no public comment, Vice Mayor Davis closed the public hearing.

A. RESOLUTION NO. 2014-16

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR THE CITY OF PALMETTO FOR FISCAL YEAR 2015; AND PROVIDING AN EFFECTIVE DATE.

Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to adopt Resolution 2014-16.

B. RESOLUTION NO. 2014-17

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2015; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Williams discussed adding budget for the purchase of body cameras and software to the Police Department's budget. Chief and Mr. Freeman were asked to work together to find funding for the cameras that Mr. Williams opined costs approximately \$400 each. He stated if the City cannot fund all of the officers to have body cameras this year then to start with a budget for one squad to have cameras. Mr. Freeman stated there is a small surplus to the budget that could be used towards this purchase. Commissioner Varnadore is supportive of funding these cameras and suggested that there could be grant opportunities for this purchase. Commissioner Cornwell is not in favor of funding these cameras this budget year and would prefer that some research is performed and quotes received from different companies regarding the cameras. Mr. Freeman suggested a compromise to allow Chief time to provide more information to Commission at a later date; a budget amendment can always be prepared later to use the surplus to fund the purchase if Commission so chooses.

Discussion ensued regarding the issuance of a step increase as opposed to a 3% cost of living allowance (COLA) for the City employees. Commissioner Varnadore stated that lower salary positions will be receiving less than a 3% increase where higher salary employees like Department Heads will be receiving more than a 3% increase in salary. Mr. Freeman stated that due to compression a step increase would be better than a COLA. This will allow for employees that have been here for several years to move up a step and receive an increase therefore allowing new employees to start at a lower salary instead of the same salary as an employee that has been here for several years. Commissioner Williams requested a discussion on a salary study be put on a future agenda.

Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 4-1 to adopt Resolution 2014-17. Commissioner Smith voted no.

5. 1ST PUBLIC HEARING ORDINANCE 2014-11 MARIJUANA DISPENSARIES

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AFFECTING THE USE OF LAND IN THE CITY OF PALMETTO; PROVIDING FOR AMENDMENTS TO THE ZONING CODE RELATED TO MEDICAL MARIJUANA DISPENSARIES; SETTING FORTH DEFINITIONS, STANDARDS AND REGULATIONS FOR MEDICAL MARIJUANA DISPENSARIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Davis opened the public hearing.

Benjamin Bryant, resident of California, works inside medical marijuana dispensaries. He opined that medical marijuana and other alternative medicines do help a lot of people. He is in favor of medical marijuana dispensaries.

Commissioner Smith stated that he is not in favor of this ordinance.

Attorney Barnebey stated that there have been a few changes made to the ordinance since the last meeting. The most significant changes were made to amend the distance requirements to more closely match the alcoholic beverage requirements and to prohibit the sale and consumption or use of alcoholic beverages and marijuana on the premises. He reminded Commission that if a dispensary were to want to operate in the City, this ordinance requires them to be done by a Conditional Use Permit therefore having to come before Commission for approval. At that time, Commission can then make changes, approve or deny.

After no further public comment, Vice Mayor Davis closed the public hearing.

No action required. Vice Mayor Davis announced that the second public hearing on Ordinance 2014-11 will be on September 22, 2014 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.

6. 1ST PUBLIC HEARING ORDINANCE 2014-10 PAIN MANAGEMENT CLINICS

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AFFECTING THE USE OF LAND IN THE CITY OF PALMETTO; PROVIDING FOR AMENDMENTS TO THE ZONING CODE RELATED TO PAIN MANAGEMENT CLINICS, SETTING FORTH DEFINITIONS, STANDARDS AND REGULATIONS FOR PAIN MANAGEMENT CLINICS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Davis opened the public hearing.

Attorney Barnebey stated that there have been a few changes made to the ordinance since the last meeting. The most significant changes were made to amend the distance requirements to more closely match the alcoholic beverage requirements and to prohibit the sale and consumption or use of alcoholic beverages and marijuana on the premises.

Discussion ensued regarding the action request for a motion on both Ordinances 2014-11 and 2014-10. Attorney Barnebey stated that because the dates for this public hearing and the next public hearing were announced in a motion at the meeting on August 25, 2014 there does not have to be a motion made at this meeting. Commissioner Cornwell opined that the agenda should be amended to eliminate the action request that asks for a motion to hold a public hearing on this ordinance and ordinance 2014-11 if a motion is in fact not required.

Motion: Commissioner Williams moved, Commissioner Cornwell seconded the motion to remove the action request as written for items 5 and 6 of the agenda and replace it

with the announcement of the date, time and location of the second public hearing for both ordinances.

Attorney Barnebey suggested that the motion to amend the agenda be made after the public hearing has been closed and the announcement of the next public hearing is made.

Commissioner Williams and Commissioner Cornwell withdrew the motion on the floor.

After no public comment, Vice Mayor Davis closed the public hearing.

No action required. Vice Mayor Davis announced that the second public hearing on Ordinance 2014-10 will be on September 22, 2014 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.

Motion: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to remove the action request on items 5 and 6 of the agenda and replace those with the announcement of the dates and times for the second public hearing for both Ordinance 2014-11 and 2014-10.

7. 1st READ ORDINANCE 2014-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 2010-01, AS AMENDED, TO APPROVE AN AMENDMENT TO THE FUTURE LAND USE MAP TO CHANGE A +/- 13.6 ACRE PARCEL, FROM PUBLIC SERVICE FACILITY (PF) TO PLANNED COMMUNITY (PC) FOR A PARCEL OF LAND GENERALLY LOCATED AT 1 HABEN BOULEVARD, PALMETTO, FLORIDA; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Manatee County, PID# 26045.00005)

Rachel Layton, Interim City Planner, stated that the County has submitted a request to amend the Future Land Use Map of the City's Comprehensive Plan from Public Service Facilities (PF) to Planned Community (PC). This will allow the County to seek hotel entitlements to attract potential hotel management groups to develop on the Convention Center property located at 1 Haben Boulevard. The map amendment will bring the entire property of 24.61 acres under one land use category. Currently, 11.1 acres of the site are already under the PC category. The site is surrounded by the PC Future Land Use category to the north, south and east. The Planning Department has reviewed the proposed ordinance and recommends approval of Ordinance 2014-16 to the Planning and Zoning Board at 5:30 p.m. on September 18, 2014. The City Commission public hearing on this item is scheduled to be held at a special set meeting on September 29, 2014 at 5:30 p.m.

Commissioner Varnadore exited the meeting at 8:05 p.m.

Motion: Commissioner Smith moved, Commissioner Cornwell seconded, and the motion carried 4-0 to schedule a public hearing on Ordinance 2014-16 for September 29, 2014 at 5:30 p.m. or as soon thereafter as same can be heard in these chambers. Commissioner Varnadore was absent for the vote.

8. 1st READ ORDINANCE 2014-17

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE 2030 PALMETTO COMPREHENSIVE PLAN, ORDINANCE 2010-01, AS AMENDED; ADOPTING AMENDMENTS TO THE FUTURE LAND ELEMENT OF THE CITY OF PALMETTO COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Varnadore returned to the meeting at 8:07 p.m.

Motion: **Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to schedule a public hearing on Ordinance 2014-17 for September 29, 2014 at 5:30 p.m. or as soon thereafter as same can be heard in these chambers.**

Vice Mayor Davis recessed the City Commission meeting at 8:07 p.m. to open the September 8, 2014 CRA Board meeting.

Vice Mayor Davis reconvened the September 8, 2014 City Commission meeting at 9:05 p.m.

9. ASR WELL UPDATE

There is no report at this time.

10 DEPARTMENT HEADS' COMMENTS

Mr. Tusing—discussed the handouts that were given to Commission this evening regarding the trends and effects of chloramine filtration in the water system. A copy of this handout is attached to and made a part of these minutes.

Mr. Freeman—congratulated Commissioner Smith for his victory for County Commissioner in the Primary Elections held last month.

Chief Wells—echoed Mr. Freeman's congratulations to Commissioner Smith.

He apologized for not attending the Workshop meeting earlier today; both he and Deputy Chief Tyler were in meetings. Chief Wells stated that he would like to see Commission adopt a noise ordinance that includes the citation clause. In regards to decibel meters vs. reasonable man standard; the Police Department is fine with either standard.

Attorney Barnebey—requested direction from Commission on the two versions of the noise ordinance that were discussed during the 4:30 p.m. Workshop today. Commissioner Varnadore and Commissioner Williams agreed that the Noise Citation Ordinance No. 2014-15 would be the best for the City right now. The consensus of Commission was to bring forward Ordinance 2014-15 for a first read at the next Commission meeting.

11. MAYOR'S REPORT

Vice Mayor Davis congratulated Commissioner Smith on his victory in the Primary Election last month.

He thanked the Church of Hope team that worked with the City to move the food distribution date to Wednesday instead of Tuesday to allow for residents to vote during the primary.

Vice Mayor Davis stated that Mayor Bryant would like the approval of Commission to draft a letter to the County Supervisor of Elections to request a comparison of the number of voters that turned out this year as opposed to the election four years ago. Commissioners agreed that a letter should be sent to the Supervisor of Elections.

He commended the Code Enforcement Officers' efforts to move forward on properties in the City that are in need of demolition.

He reminded Commission and Public to stop by Hidden Lake and Taylor Parks to see all the trees that were planted thanks to the donation from Turner Trees. Mr. Davis thanked Bob Gause and Geoff Seger for their efforts in coordination for the transplanting of the trees in the parks. Additional donated trees will be planted at Blackstone Park.

Vice Mayor Davis thanked Mark Young, reporter for the Bradenton Herald, on his recent article regarding the City's ASR Well.

He informed Commission that Mayor Bryant will be representing the City at the Keep Manatee Beautiful dinner on September 18, 2014 because the 5th Street project has been nominated for an award.

12. COMMISSIONERS' COMMENTS

Commissioner Williams—congratulated Commissioner Smith on his victory.

He attended the India Festival on Saturday that was held at the Civic Center. It was a well-attended pleasant event.

Commissioner Varnadore—congratulated Commissioner Smith.

Commissioner Cornwell—congratulated Commissioner Smith and let him know that her Civics Department would like to have him speak at her school

Commissioner Smith—thanked City Staff and fellow Commissioner for allowing him to serve in the City. He could not have done it without the support of the staff and Commission and all of their hard work.

Vice Mayor Davis adjourned the meeting at 9:21 p.m.

Minutes approved: October 20, 2014

James R. Freeman

James R. Freeman
City Clerk