

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
AND SPECIAL CRA BOARD MEETING  
September 22, 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—(Entered the meeting at 7:03 p.m.)  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Staff Present

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Javier Vargas, Deputy Director Public Works  
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.

All persons intending to address City Commission were duly sworn.

**RECOGNITION:** Mayor Bryant recognized the Manatee School for the Arts Action Team for their clean-up efforts at the City Parks. The following people were present from the Action Team: Danielle Pawlikowski, Gabrielle Jarmoszko, Cassandra Yerger, Noah Sprinkle, Jazmin Reyes, Emil Wainio-Oato, Addie Ward, Adam LeBuffe, Martin Perez and Wilfredo Reyes. Kevin Gush, Action Team Coordinator, announced that the Action Team recently received a letter from the New York Yankees acknowledging their efforts in cleaning up the Parks.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant informed City Commission and the public that she recently attended the Keep Manatee Beautiful recognition dinner. The City won honorable mention for the landscape done on Riverside Drive West and for the landscape at the gateway. The City of Palmetto won first place for the landscape on the 5<sup>th</sup> Street low impact design (LID) project.

Mayor Bryant stated that a corrected version of item 3A4, Resolution for the Manatee County Fair Board, had been provided to Commission before the beginning of the meeting. She asked that the Special Function Permit for the 1<sup>st</sup> Annual Stop the Violence Event be added to the agenda. Mayor stated that the Commission can review the Permit and approve it now or it can be added to the next agenda on September 29<sup>th</sup>.

**Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the September 22, 2014 Agenda with both changes as mentioned by Mayor Bryant.**

2. PUBLIC COMMENT

Creighton Beddow, resident of Palmetto, expressed concerns with the canals along 23<sup>rd</sup> Avenue. He opined that the canals along that avenue as well as 22<sup>nd</sup> and 21<sup>st</sup> need to be dredged. He asked what the City could do to help with this problem. Mayor Bryant stated that this can be addressed at a later meeting. She would like time to gather more information with staff and provide it to him as well as his surrounding neighbors.

### 3. CONSENT AGENDA APPROVAL

#### A. Clerk's Office

1. Special Function Permits
  - a. Vintage Car Show 2/1/2015
  - b. It Works! Green Carpet Event 10/1/2014
2. Resolution 2014-21 Reserves for Unspent 2014 CIP Funding
3. Blalock Walters Legal Bills
4. Resolution 2014-22 Manatee County Fair Board

**Motion:** Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the September 22, 2014 Consent Agenda including the addition of the Special Function Permit for the 1<sup>st</sup> Annual Stop the Violence Event subject to receipt of their site plan and insurance by the dates given on bottom of permit.

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

**Mayor Bryant opened the public hearing to discuss the final millage rate and final FY 2015 budget.**

- We are here tonight to adopt the City of Palmetto Final 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.

**Mayor Bryant closed the public hearing after no public comment.**

#### A. RESOLUTION NO. 2014-19 (read in its entirety)

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

**Motion:** Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to adopt Resolution 2014-19.

#### B. RESOLUTION NO. 2014-20 (read in its entirety)

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

**Motion:** Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to adopt Resolution 2014-20.

### 5. RESOLUTION 2014-23 MENTAL HEALTH BILL

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, SUPPORTING THE HELPING FAMILIES IN MENTAL HEALTH CRISIS ACT (H.R. 3717) BILL CO-SPONSORED BY U.S. REPRESENTATIVE VERN BUCHANAN AND REPRESENTATIVE TIM MURPHY OF PENNSYLVANIA.

**Motion:** Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to adopt Resolution 2014-23.

6. 1<sup>st</sup> READ ORDINANCE 2014-15 NOISE CITATION

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, REGULATING AND PROHIBITING THE EMISSION OF HARMFUL NOISE; AMENDING SECTION 5-8, INCLUSIVE, OF CHAPTER 5 OF THE CITY OF PALMETTO CODE OF ORDINANCES; PROVIDING FOR ADDITIONAL CIVIL PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion:**            **Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 5-0 to schedule a public hearing on Ordinance 2014-15 for October 20, 2014 at 7:00 p.m. or as soon thereafter as same can be heard and direct staff to advertise for same.**

7. 2<sup>ND</sup> 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.

Mayor Bryant opened the public hearing.

Matthew Matyasi, resident of Palmetto, spoke against the proposed ordinance.

Mayor Bryant closed the public hearing after hearing no further public comment.

Commissioner Smith expressed his opposition against this proposed ordinance.

Commissioner Williams discussed the surrounding communities and the varying rules regarding the establishment of such dispensaries in their jurisdiction. He questioned what happens if this ordinance is adopted but Amendment 2 on the ballot fails. Attorney Barnebey stated that nothing would happen, the ordinance could be removed; however, he would recommend highly to not revoke it if adopted.

Commissioner Varnadore expressed concerns about what happens the day after the voting takes place on November 3<sup>rd</sup> for Amendment 2. Attorney Barnebey stated that if Amendment 2 is passed the City could start receiving applications for the establishment of dispensaries. He said the Zoning Code theoretically allows this type of business in the Commercial Districts without Commission approval.

Commissioner Smith does not agree that the government should try and intervene on an issue that has not been voted and decided on by the people.

**Motion:**            **Commissioner Williams moved, Commissioner Davis seconded the motion to adopt Ordinance 2014-11.**

Commissioner Davis asked if the ordinance is not adopted, is any zoning district a place where this type of business could be established. Attorney Barnebey stated that these businesses are considered retail type businesses and a retail business is currently allowed in any Commercial District in the City without Commission approval. This ordinance would only allow these retail businesses to be established in the Commercial Heavy Industrial (CHI) District with a Conditional Use Permit; therefore allowing Commission to see the application and approve, approve with modifications, or deny.

Commissioner Williams opined that the City needs to be prepared to give these business owners certain criteria to operate under instead of allowing them to open and operate in any commercial area in the City.

Commissioner Varnadore stated that this ordinance provides a good starting point in allowing the City to be prepared for what is to come. She agrees that it is best to be proactive for the City and the residents.

**Motion on the floor carried 3-2. Commissioners Cornwell and Smith voted no.**

Mayor Bryant exited the meeting at 7:45 p.m.

**8. 2<sup>nd</sup> 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. After hearing no public comment, Vice Mayor Davis closed the public hearing.

**Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to adopt Ordinance 2014-10.**

**9. PUBLIC HEARING ORDINANCE 2014-14 COMPREHENSIVE PLAN AMENDMENT**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE 2030 PALMETTO COMPREHENSIVE PLAN, ORDINANCE 2010-01, AS AMENDED; AMENDING AND ADDING DEFINITIONS; AMENDING THE FUTURE LAND USE ELEMENT, THE TRANSPORTATION ELEMENT, THE COASTAL MANAGEMENT ELEMENT, THE CONSERVATION ELEMENT, THE PARKLAND OPEN SPACE, AND RECREATION ELEMENT, AND THE PUBLIC SCHOOL ELEMENT; PROVIDING FOR AMENDMENTS RELATED TO THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR UPDATES; PROVIDING FOR A CODIFIED COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Davis re-opened the public hearing from August 25, 2014.

**Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded the motion to continue the public hearing on Ordinance 2014-14 to October 20, 2014 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.**

Discussion ensued regarding the need for a Workshop meeting on this item. Mr. Burton stated that the ribbon cutting for the MLK Park is October 20<sup>th</sup> at 5:30 p.m. so the Workshop on that day will be cut short.

Commissioner Varnadore needed clarification regarding the document. Mr. Burton clarified that there is one document that has been previously discussed that is the Downtown Redevelopment Code which is not related to the City guidelines/code. It only has to do with incentives and Store Front Grants. The developer on a project does not have to use the Downtown Redevelopment Code until they are wanting to seek incentives or the Store Front Grant. Mr. Burton stated the item on tonight's agenda is for the changes to the City's Comprehensive Plan. He has amended the City's Comprehensive Plan by cleaning up issues related to the downtown area specific to the CRA District. The changes that the Attorney made are also marked in the Plan. The Downtown Redevelopment Code will be brought forward at a later date for a Workshop along with several other documents that tie into that Code.

**Motion on the floor carried 5-0.**

**10. AUGUST 2014 CHECK REGISTER (Informational Only)**

*Vice Mayor recessed the City Commission meeting at 8:15 p.m. to open the September 22, 2014 Special CRA Board meeting.*

*Mayor Bryant reconvened the City Commission meeting at 9:11 p.m.*

#### 11. REGATTA BOAT FESTIVAL FEBRUARY 2015 UPDATE

Chief Wells has had one meeting with the staff from Bradenton. The next meeting is scheduled for mid-October. At that meeting, logistics, funding, lane closures, etc. will be discussed. Right now the northbound lanes of the Green Bridge have been requested to be closed. Chief Wells agrees that those two lanes should be closed.

Mr. Burton clarified that the CRA has not pledged the donation of any funds for this event. There has been discussion of the rental of the Fishing Pier and Sutton Park for the event. The fee for Sutton is \$200 a day and for the Pier it would be \$150. Mayor Bryant will be reaching out to Bradenton staff as well as Elliot Falcione regarding the event, funding, and more information.

Commissioner Cornwell exited the meeting at 9:17 p.m. and returned at 9:20 p.m.

#### 12. ASR WELL UPDATE

Mr. Vargas stated he handed out a report to Commission regarding the Permit and the I&I system.

#### 13 DEPARTMENT HEADS' COMMENTS

Mr. Freeman—reminded Commission that there will be a special set meeting next Monday at 5:30 p.m. The items on the agenda include the adoption of the FY2015-2019 Capital Improvement Plan and two public hearings for the map and text amendment for the Civic Center location.

Attorney Barnebey—he updated Commission on the MLK Park parcel that the City has been trying to get the title to. Some progress has been made and will be brought forward to Commission shortly. He stated that the process may require a quiet title action.

#### 14. MAYOR'S REPORT

Mayor Bryant did not have any comments this evening.

#### 15. COMMISSIONERS' COMMENTS

Commissioner Williams—recently joined the Energy, Environment, and Natural Resources Committee. He attended his first meeting this month that consisted of approximately fifty other people from other municipalities. The attendees were asked to narrow down a list of legislative actions to a top two and bring those forward to the Board at the next meeting. The legislative actions are:

- Water quality and sustainable statewide policy to include groundwater/landfills
- Stormwater fee collection
- Sea level rise and adaptation to climate change
- No mandated hookup to central sewer without state funding (septic tanks)
- Renewable energy and expedited permitting for alternative energies

The consensus of Commission was to have Mr. Williams bring forward bullet point one and two above to the Board for consideration of a policy.

Commissioner Varnadore—questioned what is going on with the acquisition of the property located at 10<sup>th</sup> Street and 20<sup>th</sup> Avenue West. Attorney Barnebey stated that attempts are being made to contact the owner. Before an eminent domain process begins, information and approval will be brought forward to Commission.

Commissioner Davis—thanked Bob Marble, CRA, for opening and closing the Sutton Park restrooms on the weekends allowing patrons to use them.

Commissioner Smith—asked what the City has decided regarding the issuance of insurance for City festivals. Mr. Freeman has more information that he can provide to him. Commissioner Smith would like to have more discussion at the next Commission meeting regarding insurance requirements for City sponsored events.

Mayor Bryant adjourned the meeting at 9:30 p.m.

Minutes approved: October 20, 2014

*James R. Freeman*

James R. Freeman  
City Clerk