

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND SPECIAL CRA BOARD MEETING
March 16, 2015
7:00 p.m.**

Elected Officials Present

Shirley Groover Bryant, Mayor
Brian Williams, Vice Mayor, Commissioner, Ward 3
Tamara Cornwell, Commissioner-at-Large 2
Jonathan Davis, Commissioner-at-Large 1
Harold Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2

Staff Present

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Scott Tyler, Chief of Police
Deanna Roberts, Administrative Assistant

Mayor Bryant called the City of Palmetto City Commission and Special CRA Board 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.

Public Comment: Ilene R. MacDonald, 808 3rd Avenue West, #208, Bradenton, Florida, addressed City Commission regarding pickleball. She provided a handout to the Commission which is attached to and made a part of these minutes. She has observed that the tennis courts are underused and expensive to maintain. She requests that the City line two of the courts with pickleball lines. She said pickleball is the fastest growing sport in the United States. Manatee County has already created several venues for pickleball. The Villages has 140 dedicated pickleball courts. It will draw people from surrounding communities. Mayor Bryant said the City will look into it.

PROCLAMATION: Commissioner Cornwell presented the National Safe Place Week proclamation. The proclamation was accepted by Tenia Rumph, Program Director of Family Resources, Inc. Manatee County and Jessica Kruger, Community Relations Specialist/TOP Facilitator, Family Resources, Inc. Ms. Rumph thanked the City for its consistent support.

PROCLAMATION: Vice Mayor Brian Williams presented the Safe Digging Month proclamation to Deputy Director of Public Works Javier Vargas. Mr. Vargas encouraged citizens to contact Public Works if they observe anyone who doesn't look official digging.

PROCLAMATION: Commissioner Harold Smith presented the Florida Bicycle Month proclamation to Public Works Director Allen Tusing. Mr. Tusing said this is the first time this proclamation has been presented, and he would like to do it every year. Since the City is doing a multimodal trail on 10th Avenue with the Florida Department of Transportation and expanding trails, he would like to bring more attention to bicycles.

RECOGNITION: Chief Tyler recognized his two newly-appointed bureau commanders. Chief Tyler introduced Mike Stinson who has been appointed to the rank of captain. Chief Tyler said Captain Stinson is the enforcement bureau commander in charge of overseeing the operations and patrol, criminal investigation division and the School Resource Officer division. Captain Stinson thanked the Commission for the opportunity. Captain Steve Greer was unable to attend the meeting.

RECOGNITION: Mayor Bryant recognized students from the Palmetto High FFA who helped plant new foliage and flowers at City Hall on February 25, 2015. Also present were Martha Glenn from the Extension Office, Karen Kiebler of Bill Moore Company and teacher Mike Ingraham, substituting for Julie Tillett.

Ms. Kiebler of Palmetto said as part of her coursework in a personal and business development course, she was required to create and implement a community project. She collaborated with Martha Glenn and Julie Tillet. Mrs. Tillet and her FFA students helped plant the flowerbed to beautify City Hall. Area businesses donated towards the project.

Mayor Bryant administered the oath of office to new Code Enforcement Officer Joe Fenton. Mr. Fenton thanked Commission for the opportunity to work at the City. He advised Commission that he has twenty-four years' experience in code enforcement and is a state certified trainer for the Florida Association of Code Enforcement. He looks forward to bringing his experience to the City.

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried unanimously to approve the amended March 16, 2015 Agenda with the addition of Item 5a, Ordinance No. 2015-03, the Cemetery Ordinance.

2. PUBLIC COMMENT

There was no other public comment.

3. CONSENT AGENDA APPROVAL

A. Clerk's Office

1. Minutes: March 2, 2015
2. It Works! Special Function Permit 7/23/2015

Commissioner Cornwell pulled Item A.2 for discussion.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried unanimously to approve Item 3. A. 1 on the Consent Agenda.

Commissioner Cornwell asked about the It Works! permit and the request for two off-duty officers. She asked how the cost is covered. Chief Tyler said that is arranged separately through the off-duty security coordinator. There is no cost to the City.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried unanimously to approve the It Works! Green Carpet event for July 23, 2015.

4. PUBLIC HEARING ORDINANCE 2015-01 SOLICITATION (M. Barnebey)

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

Mayor Bryant reopened the public hearing continued from March 2, 2015. There being no public comment she closed the public hearing.

Mr. Barnebey noted that clarifications had been made to the version on the agenda. They are: Prohibit solicitation within a visibility triangle; prohibit solicitation of a vehicle under all circumstances; prohibit solicitation within fifteen feet of the right-of-way, or as far away from the roadway if fifteen feet is not possible; broaden restrictions on solicitation on private property; and, clarify policy on which the City Clerk and Police Department can terminate the permit by hand delivery with mailed copy to follow.

Mr. Barnebey said that Commissioner Williams had concerns with panhandling. He opined that the definition of solicitation would include panhandling, but it is up to Commission to decide how to handle that.

Mr. Barnebey discussed changes made by the Commission in today's workshop meeting. In the last two Whereas clauses, public places within the City will be broadened to say within the City limits; by consensus of Commission, no change in Section 19-121 to exempt certain types of solicitation; Section 19-124 inspection of the permit shall also include "by any City employee;" Section 19-126 An appeal must

be "made" instead of "demanded" in writing, and "The right to appeals to the City Commission is not in derogation" ...will be changed to "is not limited by any other rights of law or equity;" Section 19-127 code enforcement will be added to enforcement.

MOTION: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion passed 4-1 to adopt Ordinance 2015-01 as amended by Mr. Barnebey. Commissioner Cornwell voted nay.

5. 1ST READ ORDINANCE 2015-04 BRADENTON YACHT CLUB REZONE

AN ORDINANCE OF THE CITY OF PALMETTO, PROVIDING FOR FINDINGS OF FACT; REZONING AND AFFIRMING ZONING OF APPROXIMATELY 7.34 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF SNEAD ISLAND ROAD (AKA 13TH STREET WEST), AND WEST OF THE SNEAD ISLAND CUTOFF CHANNEL AT 4307 SNEAD ISLAND ROAD WEST FROM COUNTY ZONING DESIGNATION R1-B TO CITY ZONING DESIGNATION OF GENERAL COMMERCIAL (GC); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (CITY INITIATED, OWNER: BRADENTON YACHT CLUB, INC., PID# 2931700059/APPROXIMATELY 7.34 ACRES.)

MOTION: Commissioner Davis moved, Commissioner Cornwell seconded, and the motion carried unanimously to schedule a public hearing for Ordinance 2015-04 for April 20, 2015 at 7:00 p.m. or as soon thereafter as same can be scheduled and direct staff to advertise for same.

Mr. Tusing explained that when the property was annexed there were no zoning changes made on that parcel. The City initiated this action to correct the zoning to General Commercial.

5A Cemetery Ordinance

Mr. Freeman discussed proposed changes to the ordinance.

Section 9-5 requires an owner intending to transfer ownership of a plot previously sold by deed, with no deed to show proof of ownership, to advertise in a newspaper for seven consecutive days. The City feels this is cost prohibitive. The new requirement would be to notice two times in a consecutive two-week period.

Section 9-6 (e) Interment of cremains have been done without a funeral director present. The change would require someone from a vault company to sign off that the City's requirements in the procedures have been met.

The new ordinance provides for either a maximum of one burial and two urns, or a maximum of six urns in a space. The current fee is \$800.00 per space for a burial. The interment of cremains would incur a second interment fee of \$250.00 to cover staff time.

Following discussion, it was clarified that a vault is the requirement for cremains and not an urn. A container goes into a sealed vault.

Mr. Freeman said it is the City's job to use reasonable assurance to prove that a person has ownership to a space. A will could prove ownership, depending on how the space was originally purchased.

Mr. Williams asked for clarification on the fees. Mr. Freeman said in addition to the second interment fee, there may be a fee for the vault from the vault company and for the company to sign off on procedures.

Mr. Barnebey said there are other cleanup items. This will come back for a first read at a future meeting.

Mrs. Varnadore asked for clarification on the need for advertising. She recommends that this section be cleaned up. Mr. Freeman said he will take a look at it before it comes back. She also asked for rules governing scattering of ashes. Mr. Barnebey will research this.

6. FEBRUARY CHECK REGISTER (Informational only)

Mayor Bryant recessed the City Commission meeting at 8:05 p.m. to open the March 16, 2015 Special CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 8:32 p.m.

7. ASR WELL UPDATE

Mr. Tusing informed Commission that water is being pumped into the well and there are no issues. Mr. Vargas is planning an open house soon.

8. TRAFFIC UPDATE

Mayor Bryant announced that there is an MPO meeting next Monday. County Commissioner Charles Smith has been trying to get the County to help the City more. Mayor Bryant noted the traffic backup on all bridges in all directions and sometimes all day.

Mr. Burton commented the state of Florida has changed the requirements for comp plans, and the transportation element has changed dramatically. He would like to go over this at the next meeting. The City's comp plan is not due for two years.

Mayor Bryant suggested a meeting with Mr. Barnebey, Mr. Burton, Allen Tusing and Debra Woithe to discuss this, among other things.

9. DEPARTMENT HEADS' COMMENTS

Jim Freeman

None

Chief Tyler

Reported Total Part 1 crimes are running the same as last year, but violent crimes are down quite a bit. Property crimes are remaining steady; mostly retail theft.

Allen Tusing

Mr. Tusing presented a \$50,855.96 refund check from Veolia to Mr. Freeman. He would like the money to go toward the CIP/Wastewater Treatment Plant.

Jeff Burton

Within the next month the City should have a \$960,000 grant from SWFWMD [for Phase 1 of the multimodal project].

Mark Barnebey

None

10. MAYOR'S REPORT

Informed Commission that Supervisor of Elections Mike Bennett met with her to discuss putting Vote by Mail flyers in the City water bills. The elections office will pay all costs, so there will be no cost to the City. She asked if the Commission wished to do this. There was no reply.

11. COMMISSIONERS' COMMENTS

Commissioner Davis

Asked about pickleball. Mayor Bryant said the City will research this and look into the cost of permanent tape/markers for pickleball on the tennis courts.

Mr. Davis said the City could put [inserts] in the water bill, as long as he [Mike Bennett, Supervisor of Elections] is going to pay for it. Mr. Smith concurred.

Commissioner Davis moved and Commissioner Smith seconded a motion to include inserts in the water bills, as long as there is no cost to the city.

Following discussion Commissioner Cornwell amended the motion to include stating clearly how they would be returned to the Supervisor of Elections.

The amended motion on the floor carried 4-1 with Commissioner Varnadore voting nay.

Commissioner Varnadore
None

Commissioner Williams

Asked Mr. Barnebey if there were any results on the mediation on the case at Sutton Park. Mr. Barnebey said he will make a report at the next meeting.

Asked Chief Tyler about the use of body cams. Chief Tyler said he still has concerns, but there is a bill being considered in the Florida legislature that would address his concerns. He recommends the City not deploy the cameras until some issues are resolved.

Reminded Commission about the Garden Gala event at Lincoln Middle on Saturday from 3:00 – 6:00 p.m.

Commissioner Smith
None

Commissioner Cornwell

Commented on the state of the tile in the kitchen. Mr. Freeman said he has had trouble getting someone to do a small job. He is looking for a solution.

Informed Commission she will be out of town and unable to attend the Jet Park meeting on Saturday.

12. ADJOURNMENT

The meeting was adjourned at 8:51 p.m.

Minutes approved: April 6, 2015

James R. Freeman

Jim Freeman, City Clerk