

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND CRA BOARD MEETING
April 6, 2015
7:00 PM**

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
Tambra Varnadore, Commissioner, Ward 2

Elected Officials Absent:

Harold Smith, Commissioner, Ward 1

Staff Present

Mark Barnebey, City Attorney
Jeff Burton, CRA Director—(arrived 7:18 p.m.)
Jim Freeman, City Clerk
Scott Tyler, Chief of Police
Javier Vargas, Deputy Director of Public Works
Debra Woithe, City Planner
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 the City Commission were duly sworn.

PROCLAMATION: Mayor Bryant presented the National Tartan Day proclamation to Michael Wilcox, St. Andrews Society of Sarasota, who was representing The St. Andrews Society of Sarasota, Inc., The Caledonian Club of Florida West, The Scottish Heritage Society of Sarasota, Inc., and The New World Celts International.

Mayor Bryant recognized Boy Scout Troop 10 of Manatee County who were in attendance to observe the meeting to earn a badge.

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 4-0 to approve the April 6, 2015 Agenda.

2. PUBLIC COMMENT

None.

3. CONSENT AGENDA APPROVAL

A. Clerk's Office

1. Minutes: March 16, 2015
2. Special Function Permits:
 - a. Regatta Pointe 5K Run 10/3/2015
 - b. Praise in the Park 11/21/2015
 - c. Cinco De Mayo 5/5/2015
3. Blalock Walters Legal Bills
4. Budget Resolution 2015-03

Commissioner Cornwell removed item 4 from the Consent Agenda for further clarification.

Motion: **Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 4-0 to approve the April 6, 2015 Consent Agenda with the removal of item 4, Budget Resolution 2015-03, for discussion.**

3.A.4. Budget Resolution 2015-03 Discussion:

Commissioner Cornwell questioned why there were two amounts that were identical but under different account numbers.

Mr. Freeman explained that the budget resolution in general was needed to reallocate CRA funds that are available now that the fiscal year was closed out back in September of 2014. Certain revenues and expenses that were previously estimated are now known and must be reassigned. On the boat ramp project, it was determined that the matching grant dollar reimbursement from SWFWMD was going to be \$46,875 less than initially projected. As a result, the amount being transferred out from the CRA operating fund (190 account) to the capital projects fund (390 account) needs to be reduced by \$46,875. In addition, the revenue being transferred into the capital projects fund was reduced by the same amount as we no longer needed these funds for matching purposes. As a result, the expense associated with the matching revenue was also reduced by that same amount.

Motion: **Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 4-0 to approve item 3.A.4., Budget Resolution 2015-03.**

4. MANATEE SCHOOL FOR THE ARTS MINOR GDP MODIFICATION

Debra Woithe, City Planner, explained to Commission that this is a request from Manatee School for the Arts (MSA) for a minor modification to their General Plan Development (GDP). MSA would like to add 7,100 sq. feet to an existing music building. Mrs. Woithe stated that there is a dumpster currently located in the proposed site but will be moved to the back parking lot and screened in. According to City Code, Commission can approve any modification of an approved GDP which is of a minor nature and not contrary to the intent and purpose of the general development plan approval. City Commission may approve such minor modifications upon making a finding that such changes are:

- In accord with all applicable regulation in effect at the time of the amendment creating the planned development district, as modified in the amending action;
- In accord with all applicable regulations currently in effect; and
- In accord with all the conditions and requirements specified in the amendment creating the planned development.

Attorney Barnebey and Mrs. Woithe stated that in the City Code, Commission has to use the following guidelines to determine if the requested changes constitute a substantial deviation:

- Any increase in intensity of use. An increase in intensity of use shall be considered to be an increase of more than five (5) percent in usable floor area, or an increase of more than three (3) percent in the number of dwelling units, or an increase of more than five (5) percent in the amount of outside land area devoted to sales, displays or demonstrations. In no case shall the intensity or density be increased over the maximum permitted by the planned development district in general or the comprehensive plan.
- Any change in parking areas resulting in an increase or reduction of ten (10) percent or more in the number of spaces approved.
- Structural alterations significantly affecting the basic size and form of the building(s) as shown on the approved plan. Changes in form will only be considered substantial if they occur within two hundred (200) feet of the boundary of the planned development district.
- Any reduction in the amount of open space of more than five (5) percent or any substantial change in the location or characteristics of open space.

- Substantial alterations significantly affecting the basic size and form of the building(s) as shown on the approve plan. Changes in form will only be considered substantial if they occur within two hundred (200) feet of the boundary of the planned development district.
- Any reduction in the amount of open space of more than five (5) percent or any substantial change in the location or characteristics of open space.
- Substantial changes in location or type of pedestrian or vehicular accesses or circulation.
- An increase in traffic generation by more than ten (10) percent.
- Any increase in the area allocated to any land use type by more than ten (10) percent.
- An increase in structure height greater than eight (8) feet.
- Any change in the number of pedestrian or vehicular access points.
- Any changes in the phasing schedule
- Any changes in yards of more than ten (10) percent.
- Any changes in a condition specifically required by the city council as part of the planned development amendment.

If City Commission determines that any of the above changes are present, the change shall be considered a substantial deviation and shall be handled as a new application. Mrs. Woithe stated that all criteria were considered and necessary calculations, such as the increase in usable floor area (4%), were provided with the application. She explained that the building setbacks will follow those established in the GDP and will require approval by the Fire Marshal. The site plan and building will be subject to City Code for approval.

Jon Moore, Architect for the GDP modification, displayed the 2008 GDP. Mr. Moore explained the process that MSA has gone through with their GDPs in 2008 and 2011. He stated that there are 10 foot setbacks for the new addition that is being requested this evening.

Commissioner Varnadore opined that this GDP minor modification does not meet all the criteria as outlined in the Code and she does not see it being a minor modification. She feels that it is a significant structural change. Mrs. Varnadore stated that because it abuts residential neighborhoods, it would be best to send out a notice to those property owners to allow them to have public input at a meeting regarding the modification.

Discussion ensued regarding whether the request meets the criteria for a minor modification or a substantial modification.

Dr. Bill Jones, Principal for MSA, explained that on the 2011 GDP it showed that the existing building was going to be built as large as what is being proposed tonight; however, it was not done at the time.

Attorney Barnebey discussed the setbacks on the GDP that are in question. He explained that Mr. Moore has indicated no change in setbacks.

Motion: Commissioner Varnadore moved to find that this request does not meet the standards as a minor modification and needs to go through the required process for a substantial modification to the GDP. The motion on the floor dies for a lack of second.

Motion: Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 3-1 to approve the modification to GDP 2015-01 as proposed in this application. Commissioner Varnadore voted no.

5. 1ST READ ORDINANCE 2015-03 CEMETERY

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING AND MEMORIALIZING PROCEDURES FOR USE OF CITY CEMETERIES; PROVIDING FOR A NEW CHAPTER 9, CITY OF PALMETTO CODE OF ORDINANCES;

PERTAINING TO USE OF CITY CEMETERIES; PROVIDING FOR AMENDMENT OF THE SUPPLEMENTAL RULES AND PROCEDURES; PROVIDING FOR AMENDMENT OF CEMETERY FEE SCHEDULE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: **Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 4-0 to schedule Ordinance 2015-03 for a public hearing on May 4, 2015 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers and direct staff to advertise for same.**

6. REGATTA EVENT 2016 DISCUSSION

Mayor Bryant explained that she and City staff have had a few meetings with Bradenton Mayor and his staff regarding the regatta event held in February. They are seeking to find approval from the City of Palmetto for participation in the event next year. She also mentioned that the City will be receiving a check in the amount of \$8,700.00 from the proceeds of the event. The City spent \$9,300.00 for the services of the City staff before, during, and after the event this year.

Topics discussed were:

Funding for more performances on this side of the River

How will Palmetto be better utilized for the event?

Will businesses in Palmetto be hindered as they were during this years' event?

Tourist Development Council providing funding to the City for more activities on this side of the River.

Mayor Bryant explained that the Hernando DeSoto Society has volunteered to provide coordination with both cities during the planning of the 2016 event. She opined that they will be able to provide more for the event as far as staffing goes. Mayor expressed concerns with the City receiving funding for the event next year.

Commission expressed their concerns regarding the guarantee from Bradenton that Palmetto will be utilized more in the event.

In regards to moving the race track for the boats, Mr. Freeman stated that it is not possible to move it because the City of Bradenton received a permit for the track; there is a small possibility that they can extend it a little more than last year, but they cannot remove it from its location. The permit is multi-year. Commissioner Williams opined that it might be possible that the City can get a sponsorship for a different class of races to occur on this side of the River.

Attorney Barnebey was asked about any laws regarding the temporary closure of state roads. Mr. Barnebey indicated that prior to temporary closing of the state road for a special event, the local governmental entity responsible for approving the closure must determine whether a temporary closing of the road is necessary for the event and obtain prior approval from the Department. Also, a special event must be approved in writing by the appropriate local governmental entity before the temporary closure of a state road.

The consensus of the Commission was that in order to agree to have the event next year, there needs to be some reassurance and guarantees on how well the City of Palmetto will be involved in the event. Too many City businesses suffered during this past event. The Commissioners also received several complaints from residents on how limited the involvement was for the City.

The Commission would like to have a meeting with the Hernando DeSoto Society to discuss what their plans are for involving the City of Palmetto in the event next year.

7. MARCH CHECK REGISTER (INFORMATIONAL ONLY)

Mayor Bryant recessed the City Commission meeting at 8:45 p.m. to open the April 6, 2015 CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 8:49 p.m.

8. ASR WELL UPDATE

Mr. Vargas stated that the Florida Department of Environmental Protection has given the approval to begin doing the cycle testing which has occurred over the last two weeks.

9. TRAFFIC UPDATE

Commissioner Varnadore questioned if the City was going to have representation at the next Council of Governments meeting. Commissioner Davis will be in attendance and Mayor Bryant will try to attend.

10. DEPARTMENT HEADS' COMMENTS

Attorney Barnebey—will be checking the Florida Department Transportation's rules regarding the closure of the Green Bridge for events.

He recently prepared a letter regarding the case analysis on open litigation with the City for the audit. That information will be presented to Commission shortly.

On May 26th from 1:00 p.m. to 5:00 p.m. the County Commission will be holding a meeting on Sunshine, Public Records Laws, and Ethics. It is free and a great opportunity for the elected officials to receive their four hour training as required.

Mr. Burton—received an email from Universal Sciences regarding the testing of the dirt from the Boat Ramp. The results show that it can be sold for commercial use or the City can spend another \$2,000 for more testing to find out if the dirt can be used at any of the City parks. Mayor Bryant would like to sell the dirt.

Chief Tyler—announced that the last of the promotions have happened. The new Detective Sergeant went to Ryan LaRowe and Officer Strassner is now the Lincoln Middle School Resource Officer.

He informed Commission that the kids are safely back in school for their first day back after spring break vacation.

Chief Tyler stated that investigations are ongoing regarding the fatality crash that occurred early Wednesday morning last week.

11. MAYOR'S REPORT

None.

12. COMMISSIONERS' COMMENTS

Commissioner Davis—asked Chief Tyler to reach out to the community surrounding Martin Luther King Jr. Park to watch out and report vandalism.

Stated that the Mayor recently received an email from a boater stating he bent his prop because of a piling near the new Boat Ramp. Commissioner Davis and the contractor went out to the Boat Ramp with the resident looking for the piling; however, determined that the gentleman hit the dredge line which bent his prop. Commissioner Davis would like to have the City reach out to West Coast Inland Navigation District to find out if they can give funds to slope the dredge wall so that this will not occur again.

Mayor Bryant announced that she and staff recently attended the Tampa Bay Regional Planning Council's award luncheon. The City received Second Place in the Future of the Region Awards for Martin Luther King Jr. Park and Honorable Mention for the July 4th celebration.

Commissioner Williams—inquired how much it would cost to put the dirt at Edenfield.

Bob Gause, Allison-Gause, explained that when Universal tested the dirt, one of the five tests performed came back above the state standard for residential use. Because one of the five was over the threshold, it is recommended to be cautious and not allow the material to be used for residential areas which includes parks. The City can pay for more testing to be performed on the dirt.

Commissioner Williams questioned when cameras would be installed at the Historical Park. Mr. Burton explained that there are two lamps in the Park that are wired for cameras and should be able to get the cameras installed there soon.

Mayor Bryant adjourned the meeting at 9:04 p.m.

Minutes approved: April 20, 2015

James R. Freeman

James R. Freeman
City Clerk