

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND CRA BOARD MEETING
September 14, 2015
7:00 PM**

Elected Officials:

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
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Scott Tyler, Chief of Police
Debra Woithe, City Planner
Amber Foley, Assistant City Clerk

Mayor Bryant called the meeting to order at 7:30 p.m., followed by a moment of silence and the Pledge of Allegiance.

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

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant removed item 3.C.1. Lamb Park Plan, from the Agenda.

Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the September 14, 2015 Agenda with the removal of 3.C.1.

2. PUBLIC COMMENT

Joe Rogers, Detective for the Police Department, thanked the City Commission for considering the PBA Agreement tonight.

3. CONSENT AGENDA APPROVAL

A. Clerk's Office

1. Minutes: 8/3/2015 Workshop and 8/28/2015 Emergency Commission
2. Blalock Walters Legal Bills
3. Taste of Manatee Special Function Permit
4. Resolution 2015-25 Manatee County Fair
5. Electronic Billboard

B. Police Department

1. Surplus of COBAN and Dell Computer Equipment
2. School Resource Officer Agreement 2015-2016 School Year

C. Community Redevelopment Agency

1. Lamb Park Plan (**REMOVED**)

Commissioner Williams removed item A.5. Electronic Billboard, for discussion.

Motion: Commissioner Williams moved, Commissioner Varnadore seconded, and the motion carried 5-0 to approve the September 14, 2015 Consent Agenda with the removal of A.5. for discussion.

3.A.5. Electronic Billboard Discussion:

Attorney Barnebey stepped down for this discussion and Attorney Bill Lisch came to the dais.

Attorney Lisch explained that the contract changed to state that the City shall not install or allow a third party to install another digital outdoor sign on any City property within 2500 feet and will give Impact Local first right of refusal. He stated that Impact Local also finds it very necessary to have a 20 year contract. Commissioner Williams does not like such a long contract and would prefer it to be for 15 years. Commissioner Smith would prefer the 2500 feet to be reduced to 1000 feet. It was determined that the agreement will remain with the 2500 feet with Impact Local having the first right of refusal. Mayor Bryant agrees with Impact Local and understands the need for a 20 year contract. She stated that the contract will not automatically be renewed and will be brought forward to the Commission after 20 years to discuss the idea of renewing or not at that time.

Mayor Bryant informed Commission that this agreement is contingent upon an appropriate site location and compliance with a Conditional Use Permit if it is determined such is needed.

Commissioner Williams commented on Article 6B of the contract that states Impact Local will donate 1/3rd of the net proceeds; however it does not articulate who will receive the donation. Attorney Lisch will put in the agreement for the net proceeds to be donated to the City of Palmetto.

Commissioner Varnadore said she is weary of approving the contract without knowing the exact location of where the sign will be placed.

Discussion ensued regarding a Conditional Use Permit for the sign. It was determined that Impact Local will need to apply for a Conditional Use Permit from the City once the sign is ready to be built. That Permit will be brought forward to Commission for approval.

Chris Burns, representing Impact Local, informed Commission that the agreement will not be in effect until the site for the billboard has been agreed upon and a Conditional Use Permit is approved.

Motion: Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 4-1 to approve the operating agreement between Impact Local LLC and the City of Palmetto using a piggy back RFP from the Manatee County School Board and authorize the Mayor to execute said agreement with the two conditions mentioned above [site location agreed upon and the approval of a Conditional Use Permit]. Commissioner Williams voted no.

4. POLICE BENEVOLENT ASSOCIATION AGREEMENT

The agreement was ratified by the members of the PBA.

Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the Collective Bargaining Agreement between the City of Palmetto and the Southwest Florida Police Benevolent Association for the term October 1, 2015 to September 30, 2018.

5. PUBLIC HEARING—TENTATIVE MILLAGE RATE AND TENTATIVE FISCAL YEAR 2016 BUDGET

Mayor Bryant 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 2016 that begins on October 1, 2015.
- The City proposes to adopt a FY 2016 millage of 5.9671 per \$1,000 of taxable value, which is 6.89% greater than the rolled-back rate of 5.5827. 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 2016 budget is \$716,329,546 which represents an increase of 4.9% compared to the prior year.
- The overall City-Wide budget is \$25,357,481 which is 5.1% higher than last year. The General Fund budget is \$10,399,318. Additional revenues are being used to fund capital expenditures, personnel costs, public safety and utility infrastructure needs within the City.

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

A. RESOLUTION 2015-23 TENTATIVE MILLAGE RATE (read in its entirety)

Commissioner Cornwell requested discussion on the changes that occurred within the budget on savings that recently occurred due to lower costs of some items. She questioned if there was still a need to have a millage rate increase due to the savings to the budget. Mr. Freeman explained that even though there was a small savings to some items, it is offset by the increase in cost for some other items in the budget. He explained that there was a net-effect of an increase to the budget by about \$2,990 since Version 2 of the FY2016 budget that was presented to the Commission at the last Workshop meeting; this includes the .25 mil increase.

Motion: Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to adopt Resolution 2015-23.

B. RESOLUTION 2015-24 TENTATIVE FY 2016 BUDGET (read in its entirety)

Motion: Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to adopt Resolution 2015-24.

6. PUBLIC HEARING ORDINANCE 2015-11

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 1.50 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 705, 711, 717 AND 723 15TH AVENUE DRIVE EAST, PALMETTO; MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

7. PUBLIC HEARING ORDINANCE 2015-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE 2010-01, AS AMENDED; TO APPROVE AN AMENDMENT TO THE FUTURE LAND USE MAP TO CHANGE A +/- 1.5 ACRE PARCEL, FROM COUNTY RESIDENTIAL - 6 DU/GA (RES-6) TO CITY PLANNED COMMUNITY (PC) FOR A PARCEL OF LAND LOCATED GENERALLY AT 705, 711, 717 AND 723 15TH AVENUE DRIVE EAST, PALMETTO, FLORIDA; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

8. PUBLIC HEARING ORDINANCE 2015-13

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 1.5 ACRES OF PROPERTY GENERALLY LOCATED AT 705, 711, 717 AND 723 15TH AVENUE DRIVE EAST, PALMETTO, FROM COUNTY RESIDENTIAL SINGLE-FAMILY 4.5 DU/GA (RSF-4.5) TO CITY PLANNED DEVELOPMENT – MIXED USE (PDMU); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

9. PUBLIC HEARING ORDINANCE 2015-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A REVISED CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR EDUCATIONAL FACILITIES LOCATED AT 700 HABEN BOULEVARD, PALMETTO; ADDING +/- 5.6 ACRES OF LAND TO THE SITE, FOR A TOTAL SIZE OF +/- 27.2 ACRES; ADDING 197,400

SQUARE FEET OF EDUCATIONAL USES FOR A TOTAL OF 344,929 SQUARE FEET OF EDUCATIONAL USES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Mayor Bryant opened the public hearing for all above ordinances.

Debra Woithe, City Planner, gave a summary of what was included in the agenda for the above ordinances. The Manatee School for the Arts (MSA) recently purchased an additional four parcels of property that they would like to incorporate into their campus. These parcels are zoned residential and are currently located in unincorporated Manatee County. The purchase of these four parcels requires MSA to do an entirely new General Development Plan. This new General Development Plan includes anything that MSA plans to do on their campus in the next few years, not necessarily what will be done today.

Mrs. Woithe addressed each Ordinance starting with Ordinance 2015-11, annexation. This ordinance is required because of the four parcels being in Manatee County. The second Ordinance 2015-12 is for a Comprehensive Plan Amendment to allow a future land use category of Planned Community to be assigned to the new parcels. Ordinance 2015-13 is to re-zone the new parcels of land from Manatee County to an appropriate City Zoning District of Planned Development Mixed Use. The General Development Plan is Ordinance 2015-14 for the 26 acre campus.

Mrs. Woithe elaborated on the General Development Plan, stating that there are two new 2-story buildings, two new 3-story buildings, and a 3-story building being proposed to replace the existing modular buildings. One of the new 2-story buildings is to be built instead of the recently approved expansion to the music building. This new General Development Plan also includes a new access from US 301 and from 15th Avenue Drive East. Additional parking is not necessary at this time, but will be provided as needed.

Staff recommends approval of the annexation, the Comprehensive Plan Amendment, the rezone, and the General Development Plan with the following stipulations:

1. Article X Landscaping Requirements will be met with the addition of each new building. Included are property boundary landscape buffers, vehicle use area and building perimeters landscaping, preservation of existing plant communities, tree protection and permits for tree removal. Accordingly, a landscape plan and irrigation plan will be provided with site plans for each new building. Landscaping approved with previous General Development Plans will continue to be maintained as required.
2. The building setback for the two 2-story buildings along 15th Avenue Drive East will be increased from 25' to 35' along 15th Avenue Drive East and the neighboring residence to the south.
3. Location and size of all sewer lines, water lines, drainage facilities and easements within and adjacent to the site will be provided on site plans submitted with new building applications.
4. Topographic contours at vertical intervals of no longer than one foot as well as proposed land elevations will be provided on site plans submitted with new building applications.
5. Stormwater treatment facilities/drainage requirements will be met with the addition of each building.
6. Analysis of exiting lift station to determine if pumps are adequate for additional buildings. If not adequate, upgrades will be provided.
7. All additional structure shall connect to the City of Palmetto sewer system.
8. Water lines shall be connected to the City of Palmetto water system and sized to provide adequate potable and fire lines.
9. Traffic study for the new 3-story buildings will be undertaken, if needed, to ensure adequate transportation services are available.

Mrs. Woithe stated that the Planning and Zoning Board met on August 19th with several comments made by the public. As a result, there were three stipulations added to the General Development Plan:

10. Traffic study for the new 3-story buildings will be undertaken if determined necessary by City staff to ensure adequate transportation services are available, the study shall be performed and submitted prior to construction and any transportation improvements required by staff based on information from the traffic study shall be installed prior to completion of the building
11. Vehicular access from 15th Avenue Drive East shall be limited to emergency access only
12. Limited pedestrian and bicycle access may be provided on 15th Avenue Drive East.

The Planning and Zoning Board does recommend all four ordinances for approval with the above stipulations added to Ordinance 2015-14.

Jon Moore, architect for Manatee School for the Arts, explained that it is the intent of MSA to connect the main campus with the north campus when the north campus does get built.

Commissioner Varnadore has concerns with building a three-story classroom near the residents. She opined that the distance needs to be more than 35' from the property line. She said if it was not a three-story building she would not have such an issue. Mr. Moore indicated that the 35' is just a minimum set back and when ready to build, if feasible, the building can be set back further.

Dr. Jones, MSA, explained that the loop road being proposed is about 25' with a set-back to begin at the road. He agrees with the 35' set-back that will begin at the road. He requested that the stipulation that states 15th Avenue Drive East is for emergency access only, be modified to allow it for school use only, i.e. lawn maintenance, deliveries, etc.

Keenan Kintz, resident of 15th Avenue Drive East, stated that he and other residents appreciate MSA; their major concern is more traffic and the deterioration of the road due to that. He explained that there are no sidewalks so the only way to get around traffic on that road is to walk or ride bike through a resident's yard. Mr. Kintz said that there are never any issues of the children peering out of the classroom windows in the two-story building already built on the property.

Brian Smith, resident of 11th Avenue East, is in support of MSA and the growth of such a wonderful educational facility.

Mr. Tusing stated that he would appreciate if the stipulation for 15th Avenue Drive East be modified to state that it is for limited access only. He would suggest that it specifically state no tractor trailers or large straight trucks permitted. Attorney Barnebey would like it to include no buses or student drop off either and the applicant agreed.

Mayor Bryant closed the public hearing for all four ordinances after hearing no further public comment.

Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to adopt Ordinance 2015-11.

Motion: Based upon the staff report, evidence presented, finding the request to be consistent with Chapter 163, Florida Statutes, and the City of Palmetto Comprehensive Plan, Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to adopt Ordinance 2015-12.

Motion: Based upon the staff report, evidence presented, and finding the rezone to be consistent with the Comprehensive Plan and requirements of the Land Development Code, Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 5-0 to adopt Ordinance 2015-13.

Attorney Barnebey stated that there are twelve stipulations to be incorporated into Ordinance 2015-14 that were given to Commission in the agenda. He modified (J), or 10, of the Ordinance to state vehicular access from 15th Avenue Drive East shall be limited access only, there shall be no access for tractor trailers, large straight trucks, buses or for student drop off.

Motion: Based upon the staff report, evidence presented, and finding the site plan consistent with the Comprehensive Plan and requirements of the Land Development Code, Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 4-1 to adopt Ordinance 2015-14 with stipulations 1-12 as recommended by staff and stipulation 10 as read by the City Attorney tonight. Commissioner Varnadore voted no.

10. PUBLIC HEARING ORDINANCE 2015-15

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; AMENDING REGULATIONS RELATED TO THE PALMETTO COMMUNITY REDEVELOPMENT AGENCY AND THE PALMETTO COMMUNITY REDEVELOPMENT ADVISORY BOARD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Attorney Barnebey stated that the information provided in the agenda address the changes that are being proposed with two significant changes that include the change to Section 11-81 reducing the CRA Advisory Board members from 5 to 3 and the change made to Section 11-83 reducing the quorum for the CRA Advisory Board to 2. He also noted that Section 7-248 is being removed; this section appeared to give the CRA Advisory Board code enforcement authority in the downtown.

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

Motion: Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 5-0 to adopt Ordinance 2015-15.

11. AUGUST CHECK REGISTER (Informational Only)

Mayor Bryant recessed the City Commission meeting at 8:58 p.m. to open the September 14, 2015 CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 9:24 p.m.

12. TRAFFIC UPDATE

None.

13. DEPARTMENT HEADS' COMMENTS

Attorney Barnebey—the closing on 1002 26th Avenue West will occur tomorrow.

He filed the amicus brief as discussed at the last meeting. The Supreme Court did not take any jurisdiction over the case so there is no further action.

Mr. Burton—discussed the property located at 540 10th Street West. This property will be rezoned commercial and demolished shortly.

Chief Tyler—reminded Commission of the value of having a Palmetto Detective dedicated to the homicide task force at the Sheriff's Office. The recent murder on Labor Day was assisted by several other local agency's detectives due to having one of our detectives on the team.

14. MAYOR'S REPORT

Mayor Bryant congratulated Commissioner Cornwell on receiving her doctorate.

She announced that this year the Manatee County Fair is turning 100 years old and is designing a commemorative pin to distribute. The City is sponsoring a quarter of the number of pins to be made and displayed some pictures that show where "Palmetto" will be on the pin. Commission preferred "Palmetto Florida" along the Ferris wheel.

Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to sponsor \$1,000 for the Manatee County Fair commemorative pin.

15. COMMISSIONERS' COMMENTS

Commissioner Williams—commented on the fence surrounding the tennis courts and basketball courts at Lamb Park. He stated that they are deteriorating and are becoming a significant safety hazard.

Motion: Commissioner Williams moved to remove the fence surrounding the courts at Lamb Park. The motion died for lack of a second.

Commissioner Varnadore—commented on the murder that happened in the City on Labor Day. She commended the officers and detectives for their diligent work in solving it. She was very proud to see the City come together and have an outreach and vigil for what happened. Mr. Freeman noted that City Employee Wayne Washington was one of the members of the community that coordinated the event.

Commissioner Varnadore expressed her condolences to the family.

Commissioner Davis—attended the Tampa Bay Regional Planning Council meeting today and it was suggested that Mr. Burton get in touch with one of the other Board members regarding the seawall and assistance with funding. Mr. Davis will meet with Mr. Burton after the meeting to provide that contact information.

Manatee County Commissioner Charles Smith conveyed to Commissioner Davis that tomorrow, Tuesday September 15, at 5:30 p.m. there will be a vigil at Snappy's Convenience Store on 17th Street [in regards to the recent homicide].

Mayor Bryant adjourned the meeting at 9:40 p.m.

Minutes approved: September 28, 2015

James R. Freeman

James R. Freeman
City Clerk