

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND CRA BOARD MEETING
February 1, 2016
7:00 PM**

Elected Officials Present:

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

Staff Present:

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Scott Tyler, Chief of Police—(entered the meeting at 7:55 p.m.)
Amber Foley, Assistant City Clerk

Mayor Bryant called the meeting to order, followed by a moment of silence and the Pledge of Allegiance.

All persons intending to address Commission were duly sworn.

RECOGNITION: Chief Tyler will recognize Dispatch Supervisor Maria Sanchez as Civilian of the Year. *(Continued to next meeting)*

RECOGNITION: Mayor Bryant recognized the following City Employees for their recent nomination for Employee of the First Quarter:

Jorge Aguilar	Juan Madrid
Keith Mitchell	Kathy Riley
Pedro Rios	Bobby Simpson
Kurt Stokke	Fidel Carranza
Audrea Dixon	Amber Foley
Deanna Roberts	Ofc. Evans
Det. Sgt. LaRowe	Ofc. Ligman
Ofc. Marston	Ofc. M. Mathews
Ofc. T. Matthews	Ofc. Moore
Det. Cpl. Oyler	Maria Sanchez
Lorna White	

Mayor Bryant congratulated Kurt Stokke, Utilities Supervisor, who was chosen as the City's Employee of the First Quarter.

PRESENTATION: John Gibson and Brett Taylor, Veolia, made a safety presentation to Commission explaining that this is the 24th year in a row without a loss of time due to an incident. He presented the City with a plaque for that recognition.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant removed items 3.C.3 and 3.C.4.; they will be brought forward at the next meeting.

Motion: **Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the February 1, 2016 Agenda with the removal of the two items.**

2. PUBLIC COMMENT

At the last meeting during the Conditional Use Permit discussion, the public hearing portion was closed at that time. There are several people that have requested to speak on this item tonight. Attorney Barnebey stated that if Commission would like to reopen the public hearing to allow them to speak during that time, then a motion will need to be made; if not, the people who signed up to speak can speak during this section of the agenda.

Motion: **Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to reopen the public hearing for Conditional Use Permit 2015-02.**

3. CONSENT AGENDA APPROVAL

A. Mayor's Office

1. Board Appointments: Code Enforcement, CRA Advisory, and General Employees' Pension

B. Clerk's Office

1. Special Function Permits:
 - a. Humane Society Paws in Motion 3/5/2016
 - b. Historical Park Permits 2016

C. Public Works

1. Surplus of Equipment
2. Acquisition of a Drainage and Maintenance Easement Across 0.82 Acres of Manatee Fruit Company Property Extending Northerly from 17th Street West
3. Acquisition of a Drainage and Maintenance Easement Across 1.68 Acres of Manatee Fruit Company Property Extending Northwesterly from 17th Street West
4. Acquisition of 0.59 Acres of Property Adjacent to Public Right of Way for 17th Street West from Manatee Fruit Company
5. Acquisition of 0.28 Acres of Property Adjacent to Public Right of Way for 24th Avenue West from Manatee Fruit Company

Motion: **Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the February 1, 2016 Consent Agenda with the removal of the Paws in Motion Special Function Permit.**

3.B.1.a. Humane Society Paws in Motion 3/5/2016 Special Function Permit Discussion:

Commissioner Cornwell's question was clarified regarding the restrooms during the event.

Motion: **Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to approve the Human Society Paws in Motion Special Function Permit.**

4. PUBLIC HEARING CU PERMIT 2015-02

Ms. Foley made a small correction to the documents as presented. The actual square foot total for the business as expanded is 1,800 square feet not 2,700 square feet as indicated.

Attorney Barnebey recapped the discussion from last week's public hearing. The public hearing portion was closed (will be reopened per the earlier motion) and an order of denial was drafted by his office as directed.

Mayor Bryant reopened the public hearing.

Nicole Sohn, Berger Singerman LLP representing the applicant Phalla Coleman, discussed the background of the business and recapped what was already presented to Commission at the last meeting. Attorney Sohn addressed the safety concerns that have been fixed, i.e. the window coverings removed, safes installed on the walls, back door being closed and locked, etc. Ms. Coleman has indicated that she is willing to do whatever she can to ensure her business is safe and can continue operating at this location in the City of Palmetto.

Phalla Coleman, applicant, respectfully requested the approval of Conditional Use Permit 2015-02.

The following people spoke in favor of Commission approval for the Conditional Use Permit:

- Betty Sailes Rhodes
- Art Grasmeyer
- Tony Martin

Debra Woithe, City Planner, clarified some of the statements made during public comment. She stated that the issue is not with window tinting it is with fabric covering the windows of the business making it difficult of people to see both into the business and out. She stated that if 50 computers is a requirement of the State to allow the business to operate, then adequate parking needs to be a consideration made. Currently, the business has 9 parking spaces per City Code (1 parking space for every 200 square feet). Mrs. Woithe opined that an agreement with a neighboring business for overflow parking could be an option. The business is not required to have an alcohol license to operate, only a license, and a food license could be a better option as staff is recommending that no alcohol be sold or consumed on the premises (she is licensed to sell alcohol; however does not currently nor intend to do so); the business owner does provide food and beverages on site. Mrs. Woithe stated that this type of business is allowed to operate on a principal arterial roadway; it is an option to Ms. Coleman to move her business to a principal arterial roadway location.

Paul Figg, attorney representing Phalla Coleman, addressed the recent robbery that occurred there. He stated that Ms. Coleman was very scared and she was aware that one of her customers left to report the crime. He stated that Ms. Coleman did not realize that expanding her business went against her original Conditional Use Permit. She is currently in a lease for her business that will cost her a lot of money to break. If her Conditional Use Permit is denied, he opined that she may have to operate a business selling beer as she is legally licensed to do in this space so as she does not lose money on the lease. Attorney Figg respectfully requested Commission's approval for the Conditional Use Permit.

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

Attorney Barnebey explained that he has drafted an Order of Denial based on last week's discussion. The sixth whereas clause will have tonight's meeting date added to it in the event this is approved.

Commissioner Williams stated he has a hard time approving the Conditional Use Permit as this business does not front a principal arterial road as directed in the City's Code.

Discussion between the Commission and staff ensued regarding the possibility of parking issues. Commissioner Varnadore stated that not having enough available parking spaces for this businesses and this being a strip-mall having to share all the parking is her biggest concern with approving this Conditional Use Permit. Commissioner Williams questioned if approval could be made for the Permit with a stipulation added that an agreement has to be reached with one or more surrounding businesses to use their parking for overflow parking. Attorney Barnebey stated that an option for Commission is to send this item back to the Planning and Zoning Board to discuss the parking issues (if any) for this business and strip-mall.

Attorney Paul Figg opined that it will be hard to get Walmart to agree to allow this business to use their parking for overflow parking. He stated that he can provide the City with data on the usage of the machines to show how many are being used throughout a day.

It was noted that the lease for this business expires in November of 2018.

Commissioner Varnadore suggested that Commission ask the Planning and Zoning Board to discuss this item again at their next meeting and to review:

- The stipulations that the Planning and Zoning Board made as well as staff
- The length of time for the Conditional Use Permit
- Number of computer games
- Waiver for location on a principal arterial roadway
- Adequate parking spaces

Motion: **Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to continue this hearing to March 7, 2016 at 7:00 p.m. or as soon thereafter as same can be heard and remit this item back to the Planning and Zoning Board (at their next meeting), at the expense of the applicant, and that the business is allowed to continue operating until the March 7th Commission meeting.**

Attorney Barnebey explained to Attorney Figg that the business owner will be required to pay for the additional advertising costs for the public hearing noticing in the newspaper.

Commission requested staff to monitor the parking throughout this time to determine issues, if any. Also, Attorney Figg will be providing data regarding machine usage to the Planning and Zoning Board.

Mayor Bryant recessed the Commission meeting at 8:17 p.m. and resumed the meeting at 8:22 p.m.

5. 1ST READ ORDINANCE 2016-01 POLICE OFFICERS' PENSION PLAN

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 22, PERSONNEL, ARTICLE V POLICE OFFICERS' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-171, DEFINITIONS; AMENDING SECTION 22-172 MEMBERSHIP; AMENDING SECTION 22-174, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 22-176 BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 22-178, DISABILITY; AMENDING SECTION 22-180, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 22-185, MAXIMUM PENSION; AMENDING SECTION 22-195, PRIOR POLICE SERVICE; AMENDING SECTION 22-198, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 22-200, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 185 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Motion: **Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to schedule Ordinance 2016-01 for a public hearing on February 22, 2016 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. FPL SOLAR AGREEMENT

Attorney Barnebey stated this agreement is ready for execution; all documentation has been received.

Motion: **Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the entering into the attached Solar Energy Lease and Easement Agreement between the City of Palmetto and Florida Power and Light Company (FPL) in substantial conformance with the attached agreement, and authorize the Mayor to execute the Agreement.**

Mayor Bryant recessed the City Commission meeting at 8:24 p.m. to open the February 1, 2016 CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 8:31 p.m.

7. TRAFFIC UPDATE

Commissioner Varnadore would like discussion with the City of Bradenton and what they are willing to do to make changes to the traffic in their downtown area that affects the Green Bridge.

8. DEPARTMENT HEADS' COMMENTS

Mr. Freeman—is planning to bring forward a recommendation on a vendor to complete the salary study for the City (money has been budgeted for this study). He explained that once a vendor is selected, the process will take three to four months to complete. Mr. Freeman would like to have recommendations from the study to Commission prior to the beginning of budget, which would be July.

The flag pole at Hidden Lake Park has had some pieces falling off. Mr. Freeman has reached out to Verizon and they explained that the maintenance has been outsourced and have reached out to get it repaired. Verizon indicated that the entire shell of the cell tower/flag pole will be redone which will take about five to six weeks, the flag and light will be removed during this time.

In regards to the River Regatta this weekend, the road closures have been posted on the City's website as well as the Gateway Sign.

Chief Tyler—informed Commission that there was a homicide this weekend and his staff is working diligently to make an arrest.

Attorney Barnebey-- told Commission that Claude Tankersley, City of Bradenton Public Works Director, has resigned and has accepted a job with St. Petersburg.

9. MAYOR'S REPORT

Mayor Bryant attended the bull riding event at the Fair Grounds on Saturday and the Palmetto's Got Talent Event at Sutton Park on Friday night. Both events were very successful and well attended.

10. COMMISSIONERS' COMMENTS

Commissioner Davis—complimented the bull riding event on Saturday, a great family event.

He commented on the traffic issues, saying that it is not just during season or school year, every year it gets worse and it will continue that way until something can be done.

Mayor Bryant adjourned the meeting at 8:41 p.m.

Minutes approved: March 7, 2016

James R. Freeman

James R. Freeman, City Clerk