

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND CRA BOARD MEETING
March 7, 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
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.

PRESENTATION: Ray Niecestro and Terry Wilson with the Hernando DeSoto Society Crewe made a presentation to City Commission. They announced the Children's Parade will be March 25th beginning at the Manatee County Fair Grounds and ending at Sutton Park with a party. The Seafood Festival is also coming to Palmetto's Sutton and Lamb Parks on April 1st through April 3rd with food and live entertainment.

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Davis moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the March 7, 2016 Agenda.

2. PUBLIC COMMENT

None.

3. CONSENT AGENDA APPROVAL

A. Clerk's Office

1. Minutes: February 1, 2016 and February 22, 2016
2. Special Function Permits:
 - a. Spring Classic Bicycle Race 4/17/2016
 - b. Jerry Hill Memorial Kids Fishing Tournament 5/7/2016
3. Blalock Walters Legal Invoices
4. Resolution 2016-07 CRA Budget Amendment
5. July 4th Fireworks Display Contract

B. Police Department

1. Resolution 2016-06 Budget Amendment DNA Forensics

Commissioner Williams requested the removal of item 3.A.4 Resolution 2016-07 CRA Budget Amendment. It was asked to have this item heard after the Commission returns from the CRA Board meeting; Mayor Bryant moved this item to 11A (after the return to Commission meeting).

Motion: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the March 7, 2016 Consent Agenda with item 3.A.4 being moved to 11A of tonight's agenda.

4. PUBLIC HEARING 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.

Mayor Bryant reopened the public hearing from February 22, 2016. Mayor Bryant closed the public hearing after hearing no public comment.

Commissioner Cornwell exited the meeting at 7:11 p.m.

Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 4-0 to adopt Ordinance 2016-01. Commissioner Cornwell was absent for the vote.

5. 1st PUBLIC HEARING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

Commissioner Cornwell returned to the meeting at 7:13 p.m.

Corbett Alday, Guardian Community Resource Management, gave a brief presentation to Commission regarding the areas of application for the CDBG. He discussed the areas of eligibility for funding. The Citizens Advisory Task Force met on March 4th and decided to seek CDBG funding for neighborhood revitalization and economic development.

Mayor Bryant opened the public hearing.

Betty Sailes, resident of Palmetto, commented on the Palmetto Youth Center project from a few years ago. It was determined that this project was unrelated to CDBG

Mayor Bryant closed the public hearing after public comment.

Motion: Commissioner Davis moved, Commissioner Varnadore seconded, and the motion carried 5-0 to accept the Citizens Advisory Task Force's recommendation to seek CDBG application for the FFY 2015 and allow staff to proceed with the application.

Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to accept the Citizens Advisory Task Force's recommendation to seek Economic Development CDBG application for the FFY 2015 and allow staff to proceed with application.

6. PUBLIC HEARING CU PERMIT 2015-02

Debra Woithe, City Planner, gave highlights in regards to the last Commission meeting and Planning and Zoning Board meeting. At the February 1st Commission meeting, a motion was made to remand the following items to the Planning and Zoning Board for reconsideration:

- Length of time for Conditional Use Permit
- The appropriate number of computer gaming machines in light of state requirements and the impact on parking
- The appropriateness of the waiver of the Code requirement for location of this type of facility on a principal arterial roadway, which Hasko Road is not.
- The adequacy of parking

The Planning and Zoning Board met on February 18th and voted in denial of the Conditional Use Permit.

Nicole Sohn, attorney for the applicant, gave handouts to Commission with date information in regards to parking use during peak times of operation and a map of locations where the patrons are coming to the business from. She addressed previous safety concerns and crimes at or around the location of the business. Attorney Sohn requested that, if approved, it not be a stipulation for the business to be unable to sell alcohol. Ms. Colman does not intend to sell alcohol, because she has a state license for the sale of packaged liquor, Ms. Sohn did not want there to be a potential issue with her client obtaining a renewal of the alcohol license in the future.

Commissioner Williams expressed his concern regarding the expansion of the business without the City being notified. Attorney Sohn explained that Ms. Colman (business owner) was unaware that she had to inform the City of the expansion as it was not indicated on her Order of Approval for the original Permit issued in 2010.

Mayor Bryant opened the public hearing from February 22, 2016.

Betty Sailes, resident, spoke in favor of granting the Conditional Use Permit for Hot Spins 777.

Mrs. Woithe clarified that there should not be an issue with Ms. Colman's alcohol license with the state as she signs off on them often. The state asks the City if the sale of alcohol is an allowable use in the zoning district, and it is. Mrs. Woithe would request that, if approved, the stipulation stay. Also, Mrs. Woithe displayed the 2010 Conditional Use Permit (in the agenda packet) that shows the square footage of the business originally.

Attorney Sohn explained there was some discrepancy in the voting at the Planning and Zoning Board on February 18th. She stated that two of the Board members were not allowed to vote per the Board attorney. Discussion between City Attorney Barnebey and Commission ensued regarding the vote. Mr. Barnebey asked Ms. Sohn if her client wanted to have this issue remanded back to the Planning and Zoning Board for a new vote. Ms. Sohn and Ms. Colman indicated they did not wish to remand it back to the Planning and Zoning Board again.

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

Motion: Commissioner Smith moved, Commissioner Davis seconded the motion to approve the Conditional Use Permit 2015-02 with the following stipulations:

- The Conditional Use be granted until the expiration of the owner's lease, November 2017.
- The business will be open from 8:00 a.m. to 12:00 a.m.
- Approval is tied to the property and will not transfer with the property owner
- Alcohol will not be consumed or sold on premises

- **Storefront windows and glass doors shall not be covered or be obscured for security purposes**
- **The applicant shall install and maintain a wide angled peep hole in the rear exit door**
- **The rear exit door shall remain closed except for when in use for entry or for exit, and shall not be propped open at any time**
- **Waive requirement of location along principal arterial**

Motion failed 2-3. Commissioners Cornwell, Varnadore and Williams voted no.

Commissioner Williams inquired if there are applicable fees for permitting that need to be assessed due to the expansion of this business. Mr. Tusing is going to let the building official know.

Motion: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 3-2 to deny Conditional Use Permit 2015-02 and approve recommended order as provided in the agenda, allowing the applicant until April 15, 2016 to wrap up current operations. Commissioners Davis and Smith voted no.

7. PUBLIC HEARING ORDINANCE 2016-02 ELECTIONS

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING AND REPLACING ARTICLE 12 IN ITS ENTIRETY, REGARDING ELECTIONS, INCLUDING AMENDING PROVISIONS RELATED TO GENERAL AND SPECIAL ELECTIONS; AMENDING REQUIREMENTS RELATING TO FILING FEES, THE TIME OF FILING THE OATH AND FEES, EARLY VOTING AND THE PROCEDURE FOR CANVASSING VOTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

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

Motion: Commissioner Varnadore moved, Commissioner Smith seconded, and the motion carried 4-1 to adopt Ordinance 2016-02. Commissioner Cornwell voted no.

8. PUBLIC HEARING ORDINANCE 2016-03 CODE ENFORCEMENT

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING SECTIONS 2-81 AND 2-83 OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 4-1 to adopt Ordinance 2016-03. Commissioner Cornwell voted no.

9. 1st READ ORDINANCE 2016-04 CHARTER AMENDMENT

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING SUBMISSION OF AMENDMENTS TO THE CITY CHARTER TO THE VOTERS AT THE NOVEMBER, 2016 GENERAL ELECTION PROVIDING FOR AMENDMENT TO SECTIONS RELATING TO COMMISSIONER QUALIFICATIONS AND OFFICE HOLDING, TO THE VICE MAYOR, COMMISSIONER VACANCIES AND REPLACEMENT, TO CHARTER REVIEW; CLARIFYING THE EFFECTIVE DATE OF ANY AMENDMENTS TO THE CHARTER; PROVIDING FOR APPROVAL OF A BALLOT QUESTION; PROVIDING FOR APPROVAL OF BALLOT QUESTION TITLE; PROVIDING FOR PUBLICATION; PROVIDING FOR COORDINATION WITH SUPERVISOR OF ELECTIONS; PROVIDING FOR ELECTION DATE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 4-1 to schedule Ordinance 2016-04 for a public hearing on April 4, 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. Commissioner Cornwell voted no.

10. 1st READ ORDINANCE 2016-05 UNSAFE STRUCTURES

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR AMENDMENTS TO CHAPTER 16, ARTICLE II, OF THE CODE OF ORDINANCES RELATED TO NUISANCES; PROVIDING FOR AMENDED REGULATIONS RELATED TO THE ELIMINATION OF NUISANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to schedule Ordinance 2016-05 for a public hearing on April 4, 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.

11. FEBRUARY CHECK REGISTER (Informational Only)

Mayor Bryant recessed the City Commission meeting at 8:29 p.m. to open the March 7, 2016 CRA Board meeting.

Mayor Bryant resumed the City Commission meeting at 8:52 p.m.

11.A. Resolution 2016-07 CRA Budget Resolution:

Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to adopt Resolution 2016-07.

12. PURCHASE AGREEMENT OF VETERANS OF FOREIGN WARS BUILDING

Motion: Commissioner Davis moved, Commissioner Cornwell seconded, and the motion carried 4-0 to approve the purchase agreement between the Palmetto Community Redevelopment Agency and the Vets of Foreign Wars Post 2488 to purchase the property located at 810 6th Street West, Palmetto. Commissioner Williams abstained from voting.

13. TRAFFIC UPDATE

Mr. Tusing provided Commission with the draft document that the Florida Department of Transportation (FDOT) produced regarding the Central Manatee Network Alternatives Analysis. Mr. Tusing attended the meeting with FDOT to review the document. This is a draft document; FDOT is waiting to get further information from their staff before the presentation to the Metropolitan Planning Organization (MPO).

Mayor Bryant stated that the next MPO meeting is on March 28th at 9:30 a.m. She said that there is discussion about having the FDOT do a presentation on that document on March 31st and will allow for public comment.

Mayor Bryant announced that at the next Council of Governments Meeting, April 5th at 4:00 p.m., there will be a presentation of that study as well.

14. DEPARTMENT HEADS' COMMENTS

Mayor Bryant read the Homes of Riviera Dunes HOA, Inc. Resolution for Kayak Storage and Bike Trails into the record. A copy of the Resolution is attached and made part of these minutes. Mayor Bryant asked Mr. Burton to bring this Resolution to the next CRA Advisory Board meeting.

Mr. Tusing—informed Commission that Waste Management emailed him to let the City know that since going to single stream recycling, the recycling has been very heavy. Due to the heavy load, Waste

Management was unable to pick up all the recycling, and will be completing the rest on Tuesday (tomorrow).

Chief Tyler—Discussed the Citizens Academy that just started last Tuesday. He said it went well with eleven people showing up, he expects a good turnout tomorrow night as well.

He announced that Detective Cavazos is filling the new crime prevention position he recently created out of another vacant position.

Attorney Barnebey—he is continuing to work on the soccer field property [title issues that would restrict the use of the property] off of 14th Avenue. He is still communicating with the State and it will be reviewed by their attorneys before we know anything.

15. MAYOR'S REPORT

Mayor Bryant discussed the volunteer program by PalmettoBUILD called "Operation Inasmuch". The volunteer group consisted of about 400 people that:

- Filled 350 hygiene bags to take to Anchor House to give to seafarers
- 3,600 pounds of food were collected and delivered to Meals on Wheels
- Seven vehicles were serviced for people who did not have the means to fix them
- 23 units of blood were donated at the bloodmobile
- North River Pregnancy Center and Manasota Care Net got the exterior of their buildings painted, landscaping cleaned up and beds mulched
- Solve House received interior and fence painting, landscape clean-up and interior cleaning
- The City of Palmetto had 157 storm drains tagged and mulch and trash pick
- Children filled and delivered 20 hygiene bags to the homeless
- Fireman and Police Officers were prayed for and received snacks and cards
- Cards were written to the people at the nursing home
- Several hundred dollars were given at the laundromat for the washers and dryers and people were prayed for as they waited on their clothes to wash
- Manatee Religious Services got trees trimmed, landscaping and some minor repairs
- A prayer team prayed for the whole time in the worship center of various locations

Mayor Bryant wished Commissioner Williams a happy 70th birthday.

16. COMMISSIONERS' COMMENTS

Commissioner Williams—commented on the well-attended meeting at Palm Bay Mobile Home Park.

Commissioner Cornwell—requested that a notice be posted on the gateway sign that notifies the public of the upcoming time change this weekend.

Commissioner Davis—recently welcomed the new class to the Citizens Academy that Chief mentioned earlier.

He informed every one of the movie in the park on Friday put on by PalmettoBUILD and First Baptist Church; the movie is War Room.

Commissioner Varnadore—thanked Mayor for the email that she sent out this morning regarding the traffic in Palmetto. Mayor Bryant asked that the traffic discussion be placed on the next workshop agenda so that Commissions comments could be collected and submitted at one time to the Council of Governments for their meeting.

She clarified the amount for the documentary stamps tax (as discussed during the VFW Property Agreement) is \$910.00.

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Everyone wished Commissioner Williams a Happy Birthday!

Mayor Bryant adjourned the meeting at 9:23 p.m.

Minutes approved: April 4, 2016

James R. Freeman

James R. Freeman
City Clerk