

**CITY OF PALMETTO
CITY COMMISSION MEETING
June 19, 2017
7:00 PM**

Elected Officials Present:

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, Director Public Works
Scott Tyler, Chief of Police
Penny Johnston, Executive Assistant

Vice Mayor Brian Williams 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.

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the June 19, 2017 Agenda.

2. PUBLIC COMMENT

Gail Cox spoke about "Claws", TNT at 9:00 p.m. Sunday night asking Commissioners to make legislation to stop this trash. She encouraged people to contact TNT and the show sponsors, as well as a resolution by the City to stop using the name of Palmetto and Manatee County in this disgraceful program. Commissioner Varnadore wants the City to do what they can to take the name Palmetto out of this program. Ms. Cox said we are trying to get the program off the air due to the content of the show, not just changing the name. She says she spoke with two law firms who say since they are degrading Palmetto we could ask them to stop. Attorney Barnebey said he would prepare something for the Commission to review.

Jon Wright spoke about improving the exterior of "Lofts on Old Main Street" and asked for clarity on the Façade Grant Program, submitting requests and getting reimbursed on a project by project basis, over a five year period. CRA Director Jeff Burton expounded to the CRA Board that Mr. Wright's properties are some of the few privately owned historic properties. CRA Board may consider granting permission based on the historic value of property. Commissioner Varnadore wanted staff recommendations for the next CRA meetings scheduled July 17 and again August 7, 2017.

3. CONSENT AGENDA APPROVAL

A. Clerk's Office

1. Minutes: June 5, 2017
2. Resolution 2017-15 MPO Ratification
3. Resolution 2017-16 Budget Amendment Junior Accountant

B. Police Department

1. 2018 Ballistic Vest Partnership Grant

Motion: Commissioner Davis moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the June 19, 2017 Consent Agenda.

4. PUBLIC HEARING ORDINANCE 2017-07 TERRA CEIA TOWNHOMES GENERAL DEVELOPMENT PLAN

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR A 22-UNIT, ONE-STORY RESIDENTIAL VILLAS PROJECT ON A 3.42-ACRE SITE ZONED PD-H AND GENERALLY LOCATED WEST OF 14TH AVENUE WEST AND SOUTH OF TERRA CEIA BAY CLUBHOUSE & GOLF; SAID PARCEL IS PID# 2416820005, PALMETTO, FLORIDA, AND AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

City Planner Karla Owens recommended continuance of this item to the July 17, 2017 meeting.

Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and motion carried 5-0 to continue the public hearing on Ordinance 2017-07 to July 17, 2017 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.

5. PUBLIC HEARING ORDINANCE 2017-03 BONITA VISTA GENERAL DEVELOPMENT PLAN

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR AN 18-UNIT, THREE-STORY MULTI-FAMILY BUILDING ON A 0.90-ACRE SITE ZONED PD-H AND LOCATED GENERALLY AT THE SOUTHWEST CORNER OF 14TH AVENUE WEST AND 23RD STREET WEST, PALMETTO, FLORIDA; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Williams re-opened the public hearing continued from June 5, 2017. Independent Consultant Brad Cornelius offered a seven (7) item addendum to the March 2017 staff report.

- 1) Stormwater- This property is part of the 1983 stormwater permit for Terra Ceia Bay. According to the General Development Plan (GDP), the project is still conceptual, not yet into the engineering phase. At the time of the final site approval, there is a stipulation to have a fully permitted stormwater management system consistent with rules and regulations required by the State.
- 2) Parking- The parking standard is 2 spaces per dwelling unit x 18 units, totaling 36, which they have provided in their conceptual plan.
- 3) Traffic- According to the ITE 9th edition Traffic Generation Manual, using the equation method, the trip generation amount during P.M. projected peak hours was less than the required amount to provide a traffic study. City code will require additional traffic analysis at the time of final site plan permitting.
- 4) Student Generation- This value is fully a function of Manatee County School District, and the School District will grant a final certificate of concurrency when the project is in the engineering phase.
- 5) Open Space and Landscaping- Bicycle, pedestrian or equestrian pathways or trails within the buffer perimeter allow you to use details of the larger master plan to reach the 25% open space. A landscaping plan is not required until site plan permitting, but builder will need to landscape 20% of the site.
- 6) Set Back Deviation for rear west property line- City code requires a setback of 38.5 feet, the builder is requesting an 8 foot setback. The important purpose of a setback is to insure compatibility next to the tennis courts and swimming pool. This is a multi-family project next to a similar use type. Planner Cornelius opined this was an appropriate deviation.
- 7) Variance vs. Deviation- City code uses both terms, although important provisions are in place to confirm consistency and compatibility with surrounding areas.

Based on this information, the City has a new set of stipulations: approval shall expire in 3 years from date of GDP approval by the City Commission; if final site plan is not submitted to City within that time, two one year extensions may be granted by Director of Public Works; project development will follow GDP; revised plan cover sheet will reflect the waivers and deviation list of stipulations; Stormwater system will be approved and permitted by state; all-weather stabilizing emergency accesses will be obtained; street signs shall be installed; gates shall be installed in compliance with Manatee County; water mains and hydrants must be installed in compliance with fire codes; dead end roads over 150 feet must have turn around provisions for emergency vehicles; building will meet 38.5 foot set-back on the northern side of building; must provide enhanced landscaping; developer must provide minimum of 25% open space.

Alan Prather, attorney retained by Bonita Vista, accepted stipulations made by the City Planner. Engineer Rick Schappacher, proposed putting a bubbler box at the property line as a stormwater system. Mr. Prather opined that location and depiction meets requirements under general development plan. Pathways provided would bring additional property into code compliance for the GDP regarding open space. Property was part of the whole Palms of Terra Ceia project, this 1-acre parcel was removed from CDD. The City zoned it planned development housing. He continued that the actual, effectual set back is over 190 feet.

Mr. Robert Lincoln, on behalf of Palms of Terra Ceia CDD expressed concern about supposed waiver received from Mr. Tusing. City code protects from piece-mealed zoning. Consulting engineer Robert Lombardo shared his concerns about the driveway being approximately 25 feet from main roadway; the viability of a bubbler box when an impervious structure is in place; questionable open space calculations not counting sidewalks, right of way setbacks and ditches; and density. Mr. Lincoln remarked the City should not grant deviations on density. He opined the multiple deviations do not improve living conditions or amenities. He asked the Commission to deny the project due to the high density and multiple code deviations. He opined the builder will pressure staff to approve issues in the future based on the theory the City approved the design plan earlier.

Jan Alexander is not in support of the development going forward. She and her husband have previously submitted concerns which are already on record. She expressed concern of how developers will manage and maintain the apartment complex, considering they do not respect the residents or the neighboring properties enough to even maintain the vacant lot.

Jenny Cosally was concerned about increased traffic entering at the 3-way stop, with students walking, golf carts and bikes all using the same intersection. She requested a traffic light.

Bill Cosally felt the best codes were probably written without the staff being pressured. This code decision should follow the same thoughtful process for variances as when reasonable decisions were made. He did not want the variances to be granted.

Phillip Forbes, President of the Association at Ten Downing stated a signed contract exists with property owners for shared use of the amenities with Ten Downing. Easements and drainage could also be negotiated.

Jack Karlarhode agreed with comments from the Palms of Terra Ceia Bay attorneys. Palms of Terra Ceia Bay cannot assess the developer for maintenance or repair of the stormwater system. However, if the developer is not allowed to tie into the Terra Ceia stormwater system, the developer seems to respond they will just dump their water on our property, and either way, they do not have to pay for it.

Gerald Vitky raised fire and safety issues, questioning how emergency vehicles could pass between enhanced landscaping and chain link fencing with only an 8 foot setback. For safety reasons as well as reasons Mr. Lincoln mentioned, Mr. Vitky requested the City deny the developer's request.

Daniel Shephard is a Ten Downing resident and also on the Association Board of Directors. He commented the builder has taken down invasive Brazilian pepper trees, and has met with the Association

to discuss several of these issues. Mr. Shephard said he was excited about the new building because it will stop golfers from trespassing.

Brad Smith is a Terra Ceia resident. He opined that Palmetto Codes were written to promote quality development and to prevent inappropriate structures. He felt there was no benefit to the City to approve the Bonita Vista project, no justification for deviations, no amenities, not enough open space, minimal parking and landscaping, and the driveway would not be allowed elsewhere in the city. Mr. Smith was concerned about the precedent being set for additional land available for development within the Palms of Terra Ceia. Mr. Smith felt Bonita Vista would diminish the standards of the community, and asked the Board to protect the current residents.

Charles Widener said he had been an engineer for about 40 years and had never seen a bubbler used as the primary process for stormwater because they fail. He also stated he understood planners were taught a driveway should be 100 feet from an intersection, not 25 feet.

Debbie Faccino, a resident of Terra Ceia Bay, asked who will maintain the property during this process.

Attorney Alan Prather reiterated the developer is doing what is required by City code for a General Development Plan. The developer owns the property and will do something there. Engineer Rick Schappacher said bubblers work. He pointed out the driveway to the north is only an entrance, not an exit.

Vice-Mayor Williams closed the public hearing. Mr. Williams said that Code Enforcement would monitor the overgrowth of the property. The meeting recessed at 8:49 p.m. and reconvened at 8:53. Mrs. Johnston had difficulty reactivating the recording system.

MOTION: Commissioner Varnadore made a motion to deny approval of a 3-story, 18-unit General Development Plan based on multiple violations of the City Land Development codes. Commissioner Williams seconded, and motion failed 2-3, with Commissioners Cornwell, Davis and Smith voting no.

Commissioner Cornwell asked for additional clarification on staff stipulations. Commissioner Varnadore opined this parcel is too small for this project. Public Works Director, Allen Tusing reminded Commission that Florida Department of Environmental Protection (FDEP) could still decline the permit, and Southwest Florida Water Management District (SWFWMD) may require developer to utilize a different groundwater treatment.

MOTION: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 3-2 based upon the Staff Report, evidence presented, and finding the request to be consistent with the Comprehensive Plan and Land Development code, with the deviations as requested by applicant, to adopt Ordinance 2017-03. Commissioners Varnadore and Williams voted no.

Palmetto Planner Brad Cornelius mentioned the bonus density grant is not part of maximum of 45 dwelling units /acre.

6. SEWER AGREEMENT

City Attorney Mark Barnebey asked for authorization to file suit to enforce Sewer Agreement with Amberwynd, as the properties are now contiguous to the City. Commissioner Cornwell stated they use our city services without having to pay for them. Commissioner Smith asked if the Sewer Agreement was recorded. Mr. Barnebey confirmed they were noticed about the agreement. Commissioner Davis reiterated that people understood they would be annexed by the City.

MOTION: Commissioner Davis moved, Commissioner Cornwell seconded, and the motion carried 5-0 to authorize the City Attorney to file suite, if necessary, to enforce the agreement.

7. MAY CHECK REGISTER (INFORMATIONAL ONLY)

8. TRAFFIC UPDATE

No update.

9. PALMETTO POOL UPDATE

No update.

10. CONVENTION CENTER HOTEL UPDATE

Vice-Mayor Williams commented that staff has been in contact and more information will be coming at a later date.

11. DEPARTMENT HEADS' COMMENTS

Jim Freeman-- plans to have the first draft of the budget available by 7/07/17. He suggested scheduling additional budget workshops Wednesday 7/19, Monday 7/31 and Wednesday 8/02, from 5:30 p.m. – 7:00 p.m. Budget workshops would also be scheduled 07/17 and 8/07 at 4:30 p.m., prior to the regular Commission meetings. He would send an email with the dates.

Chief Tyler-- reported the crime rate is down below 4%. He is proud of our police officers and detectives, with a 40% clearance rate. He is seeing a decrease in crime for the first half of 2017 compared to 2016

Mark Barnebey-- stated planner was not the only person on the side of the City. Mr. Barnebey attempts to do his best to keep us defensible. He is happy to work with the City, but will be taking a break. Scott Rudacille will be on duty.

12. MAYOR'S REPORT

No report.

13. COMMISSIONERS' COMMENTS

Commissioner Varnadore-- asked about the rain policy for the 4th of July event. Mr. Burton talked about rain insurance and steps taken by the City. Commissioner Davis added the rain levels must be certified water levels for the insurance to acknowledge.

Commissioner Williams-- asked for the status of the Aquifer Recovery System (ARS), and for the final date of permit approval. Mr. Williams attended Florida League of Cities (FLC) Legislative Policy Committee meeting in Orlando. FLC emphasizing that Home Rule will be under attack again this year and Mr. Williams encouraged everyone to talk to legislators to defend Home Rule or give FLC the contact information of any people you know that might be able to help.

Vice Mayor Williams adjourned the meeting at 9:46 p.m.

Minutes approved: July 17, 2017

James R. Freeman

James R. Freeman, City Clerk