

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND SPECIAL CRA BOARD MEETING
August 28, 2017
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
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
Amber LaRowe, 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.

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the August 28, 2017 Agenda.

2. PUBLIC COMMENT

Margaret Tusing, City resident, spoke regarding the earlier discussion on medical marijuana dispensaries. Her opinion was that the City should consider discussing the cultivating and processing facility locations as well as dispensaries and would like to see all of the facilities/dispensaries be considered into the zoning where they belong in the City versus completely banning them at this time.

3. CONSENT AGENDA APPROVAL

A. Clerk's Office

1. Minutes: 7/17, 7/31, 8/7, 8/14
2. Special Function Permits:
 - a. AMENDED Wheels for Purple Hearts Permit 10/28 (NEW DATE)
 - b. Impact Church Trunk or Treat 10/31
 - c. Relay for Life 4/7/2018
3. Blalock Walters Legal Bills

B. Police Department

1. MTC Partnership for Simulators

Motion: Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the August 28, 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 ID 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.

Mayor Bryant opened the public hearing continued from July 17, 2017.

Karla Owens, City Planner, explained that this is a General Development Plan (GDP) for a 22-unit villa project located immediately west of the 10 Downing Street building, and is bordered to the north and south by the Terra Ceia golf course. The access to the property is via Terra Ceia Bay Lane, a 36 foot platted right-of-way which is owned by the Terra Ceia Community Development District (CDD). There will be a total of eleven buildings, each containing two residential units with attached garages. The property will also contain a proposed open space/water feature, and will be a small community marketed toward seniors. The developer is asking for the following three deviations:

1. Reduction of perimeter landscaped setbacks between structure walls and the perimeter of the district from 35 feet to 12.88 feet on the north boundary; from 35 feet to 21.90 feet on the west boundary; from 35 feet to 2.24 feet on the southwest corner; from 35 feet to 7 feet on the south boundary of the subject property; and from 35 feet to 8 feet on the northeast boundary; and
2. Reduction of setback between buildings from 25 feet to 18.5 feet for the townhomes along the south property line; and
3. Reduction of structure setback from private right-of-way from 35 feet to 20 feet.

Staff recommends approval of the GDP with the requested deviations as well as the following additional conditions:

1. Prior to final site plan and/or construction plan approval, the developer shall provide the City with a fully executed copy of the Agreement with the CDD regarding realignment and construction of the access and roadway through the property; and
2. The GDP approval and all deviations approved therein shall expire three (3) years from the date of approval by the City Commission if a complete site/construction plan is not submitted to the City for review within that period. Two (2), one year extensions may be granted by the Director of Public Works, or designee, if deemed appropriate by the Site Development Review (SDR) Committee; and
3. Development of this project shall not deviate from the GDP approved by the City Commission unless modified pursuant to Section 8.8 of the Code as may be subsequently amended; and
4. The GDP shall be subsequently amended to reflect all deviations and conditions as approved by the Commission; and
5. Prior to final site plan and/or construction plan approval, the developer shall submit to the Public Works Director a plan for a storm-water system that is consistent with the State of Florida rules and regulations for storm-water management, and that is properly permitted through either the Florida Department of Environmental Protection (FDEP) or the Southwest Florida Water Management District (SWFWMD), whichever agency has jurisdiction; and
6. All development must comply with all applicable provisions of the Florida Fire Prevention Code including but not limited to:
 - a. Installation of water mains and hydrants to meet the required fire flow demand prior to any vertical construction, and
 - b. Any dead-end road longer than 150 feet must provide appropriate turn-around radius for fire apparatus; and

7. Developer agrees to comply with all provisions of the City Landscape Ordinance and further agrees to provide additional landscaping along the southeast corner of the parcel; and
8. Prior to final site plan and/or construction plan approval, the developer shall provide the City with its National Pollutant Discharge Elimination System Permit/permit application and all required State and/or Federal Permits from the appropriate agencies, including drawings, plans, etc.; and
9. The developer acknowledges that approval of this GDP does not establish vested rights with respect to construction of the project; and
10. All construction work, including roads, drainage, and utilities, shall be constructed and tested in accordance with City of Palmetto Design Standards; and
11. The developer acknowledges that, should the City collect funds under a guarantee document or bond, the developer shall authorize the City, or its designee, access to the property in question to complete the required work; and
12. The developer acknowledges that should the City be required to institute legal proceedings in order to collect any funds under a guarantee or bond document, the developer shall be responsible for attorney's fees and court costs incurred by the City in such action; and
13. If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundation, are discovered, work shall come to an immediate stop, and the Florida Department of Historical Resources (State Historic Preservation Officer) and the City shall be notified within two (2) working days of the resources found on the site; and
14. If, during construction activities, any evidence of the presence of State and Federally protected plant and/or animal species is discovered, works shall come to an immediate stop and the City shall be notified within two (2) working days of the plant and/or animal species found on the site.

Jamie Turtle, Engineer for the Applicant, respectfully requested approval of the GDP. The FDEP Stormwater Permit for the project has been received.

Dr. Rebecca Moreland, resident living in Boccage neighborhood, commented on the project. She spoke neither in favor of nor opposed to the GDP. Dr. Moreland has discussed boundary lines with the developer and would like to ensure open communication is provided to the neighboring properties and that proper landscape is planted around the property.

Motion: Based upon the Staff Report, evidence presented, and finding the request to be consistent with the Comprehensive Plan and Land Development code, Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to adopt Ordinance 2017-07 with specified conditions and deviations.

5. CONTRACT RENEWAL DISASTER RECOVERY SERVICES

The contracts for Disaster Recovery Services have expired. All vendors are in agreement with renewals. The following vendors are:

- O'Brien's Response Management
- Ceres Environmental
- CrowderGulf
- Omni Pinnacle

Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve and authorize the Mayor to execute a contract between the City and O'Brien's Response Management for debris monitoring services for a term ending December 31, 2020.

Motion: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to approve and authorize the Mayor to execute separate contracts between the City and Ceres Environmental, the City and CrowderGulf, and the City

and Omni Pinnacle for debris removal services for a term ending December 31, 2020.

Mayor Bryant recessed the City Commission meeting to open the August 28, 2017 Special CRA Board meeting at 7:31 p.m.

Mayor Bryant reconvened the City Commission meeting at 8:07 p.m.

6. TRAFFIC UPDATE

Mr. Tusing commented on the 14th Avenue and 17th Street West intersection improvements; the work is scheduled to begin on September 11th.

He will be providing an update to the Commission regarding the Florida Department of Transportation's project on the Green Bridge.

7. PALMETTO POOL UPDATE

Mr. Burton stated that he will be having a meeting with Manatee County next week to review the overall scope of the pool project and the surrounding properties.

8. CONVENTION CENTER HOTEL UPDATE

Improvement Network Development Partners, LLC, a Texas limited liability corporation, which is the Convention Center Complex Developer, has verbally requested consideration of Amendments to the Amended Participation Agreement, but had not provided them to the City as of August 23, 2017. They have indicated that, at a minimum, they will be proposing extensions of time related to construction deadlines, which they have indicated will not be met, and a change in the development contractor. We will provide the proposed changes to the Commission as soon as possible after evaluation. Due to a number of key financial and property control factors, including the lack of time to adequately evaluate the proposed changes, the City Attorney does not recommend taking any action on this matter at the meeting on August 28, 2017 and until additional information required from the Developer under Section 2.3 of the Participation Agreement is provided to the City and CRA. This is not to suggest that continuing discussion and consideration of a new or revised Participation Agreement is not appropriate, it is simply that the City Commission, CRA Board, staff and advisors need adequate time to fully analyze any proposed changes to the Agreement and the Project parameters.

Tony DeRusso, Improvement Network Development Partners, explained the need for an extension to include various factors. He is seeking an extension date to November 1st. An Amendment to the previous Agreement has been provided and there were a few simple changes overall.

No action was taken at this meeting, further discussion and meetings will occur regarding the Amendment/Agreement.

9. DEPARTMENT HEADS' COMMENTS

Mr. Burton—will be holding a meeting tomorrow to review the bids received for the landscape project along Haben Boulevard. The results will be brought forward to the CRA Board on September 11th. The project for 715 10th Avenue was discussed with regards to number of units, the CRA/City owning the property, and rentals. Further detail on this project will be discussed as plans move along.

Mr. Burton reviewed all the projects to include the Riverside ADA Dock, Riverside redevelopment project, 302 10th Avenue West, and the park project for 505 5th Street West.

Mr. Tusing-informed Commission that over the weekend with all the rain, there was some minor street flooding but nothing too excessive.

He asked if the Commission would be okay with removal of the raised crosswalks on 6th and 7th Avenues. The Commission would prefer a cost estimate before removal is considered.

Mr. Freeman—reminded the Commission of the budget meeting to adopt the tentative millage and budget on September 11th during the 7:00 p.m. meeting along with the adoption of the CRA Budget that night as well. The final adoption of both the millage and budget will be on September 26th at 5:30 p.m.

After the adoption of the budget, Mr. Freeman would like to have further discussion and adoption of the 5 year Capital Improvement Plan as well as a formal resolution for the projects that will utilize the half-cent sales tax funds.

10. MAYOR'S REPORT

11. COMMISSIONERS' COMMENTS

Commissioner Smith—will be discussing the shed ordinance with Mrs. Owens.

Mayor Bryant adjourned the meeting at 8:42 p.m.

Minutes approved: September 25, 2017

James R. Freeman

James R. Freeman
City Clerk