

**CITY OF PALMETTO
CITY COMMISSION MEETING
PART 2
February 26, 2018
7:00 PM**

Elected Officials Present:

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

Elected Officials Absent:

Shirley Groover Bryant, Mayor

Staff Present:

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Allen Tusing, Director of Public Works
Scott Tyler, Chief of Police
Amber LaRowe, Assistant City Clerk

Due to a recording error, this is the continuation of the February 26, 2018 Commission meeting minutes at 8:16 p.m.

4. RESOLUTION 2018-05 INTERLOCAL SERVICE BOUNDARY AGREEMENT

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; REPEALING AND REPLACING RESOLUTION 2018-01; INITIATING THE NEGOTIATION PROCESS FOR AN INTERLOCAL SERVICE BOUNDARY AGREEMENT WITH MANATEE COUNTY FOR VOLUNTARY ANNEXATION PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES (INTERLOCAL SERVICE BOUNDARY AGREEMENT ACT); IDENTIFYING SPECIFIED AREAS AND ISSUES TO BE ADDRESSED IN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT NEGOTIATIONS; PROVIDING FOR REQUIRED MAILING; AND PROVIDING FOR AN EFFECTIVE DATE.

- Robert Blenker, Snead Island resident, opposed to the adoption of this Resolution.

Discussion ensued among the Commission and Staff regarding the City's sewer system and the cost.

Motion: **Commissioner Varnadore moved, Commissioner Smith seconded the motion to deny Resolution 2018-05 and to remove Resolution 2018-01.**

Commissioner Varnadore withdrew her motion to make a different motion as discussed by the Attorney.

Motion: Commissioner Varnadore moved, Commissioner Smith seconded, and the motion carried 5-0 to deny Resolution 2018-05.

Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to amend the Agenda to add the reconsideration of Resolution 2018-01.

4.A. Reconsideration of Resolution 2018-01:

Motion: Commissioner Varnadore moved, Commissioner Smith seconded, and the motion carried 5-0 to repeal Resolution 2018-01.

Vice Mayor Davis recessed the Commission meeting at 8:39 p.m. for a 10 minute recess.

Vice Mayor Davis reconvened the Commission meeting at 8:48 p.m.

5. PUBLIC HEARING ORDINANCE 2018-01 PARK AND PUBLIC FACILITIES USE REGULATIONS

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, REGARDING PROHIBITED ACTIVITIES IN CITY PARKS, AT CITY FACILITIES, AND ON PUBLIC PROPERTY AND FACILITIES WITHIN THE CITY OF PALMETTO; AMENDING CHAPTER 20 OF THE CITY CODE OF ORDINANCES; ESTABLISHING PROHIBITED ACTIVITIES IN CITY PARKS; AMENDING THE HOURS OF OPERATION FOR CITY PARKS; DEFINING UNLAWFUL LOITERING AT CITY FACILITIES; RESTRICTING LODGING OUT-OF-DOORS ON PUBLIC PROPERTY; PROVIDING FOR TRESPASS WARNINGS AND PENALTIES FOR BEING IN VIOLATION OF TRESPASS WARNINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Davis opened the public hearing and closed the public hearing after hearing no public comment.

Commissioner Cornwell would like the Ordinance to be amended to clarify that the City Attorney will recommend special magistrates to the Commission and that the Commission will be the body that appoints up to three magistrates from the recommendations provided by the Attorney.

Mrs. LaRowe asked for clarification on the prohibition of remote control cars and drones as the City and the CRA both own drones and fly them in the City's parks. Discussion ensued regarding the prohibition of the remote control vehicles and drones. Both Commissioner Cornwell and Smith disagreed with prohibiting those from the Parks.

Motion: Commissioner Smith moved, Commissioner Cornwell seconded, and the motion carried 3-2 to adopt Ordinance 2018-01 with the change as requested

by Commissioner Cornwell regarding special magistrates, with the change to prohibition (d) to remove remote control cars and drones and to correct a few typographical errors. Commissioners Davis and Varnadore voted no.

6. PUBLIC HEARING ORDINANCE 2018-02 CODE ENFORCEMENT BOARD SPECIAL MAGISTRATE

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, DESIGNATING SPECIAL MAGISTRATES TO CONDUCT CODE ENFORCEMENT HEARINGS; AMENDING THE CITY CODE; PROVIDING FOR THE APPOINTMENT OF SPECIAL MAGISTRATES; PROVIDING PROCEDURES FOR ENFORCEMENT HEARINGS; PROVIDING PENALTIES FOR CODE VIOLATIONS; PROVIDING FOR NOTICE AND APPEALS OF SPECIAL MAGISTRATE HEARINGS; REVISING SECTIONS OF THE CITY CODE REFERENCING THE CODE ENFORCEMENT BOARD; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Barnebey explained that the attached Ordinance proposes to replace the Code Enforcement Board with a Special Magistrate; the Magistrate is required to be an attorney. It is helpful to have a Special Magistrate to ensure proper procedural due process in quasi-judicial proceedings such as those held by the Code Enforcement Board. Mr. Barnebey stated that he does not anticipate any increased cost to the City as there are already fees paid to the attorney for the Code Enforcement Board; more than likely the fee for the Special Magistrate will be similar. Attorney Barnebey clarified that that appointments of Special Magistrates will be by the City Commission after recommendations are made by the City Attorney. The Ordinance is proposed to take effect on June 1, 2018 to allow time to retain Special Magistrates.

Vice Mayor Davis opened the public meeting and closed the public meeting after hearing no public comment.

Commissioner Cornwell echoed the same comments in regards to Special Magistrates as made during the discussion of tonight's Ordinance 2018-01.

Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to adopt Ordinance 2018-02 with the change that the City Attorney will make recommendations on the Special Magistrate and the City Commission will make the appointment of up to three (3).

7. JANUARY CHECK REGISTER (Informational Only)

8. TRAFFIC UPDATE

9. NOISE

10. PALMETTO POOL UPDATE

11. DEPARTMENT HEADS' COMMENTS

Chief Tyler—updated the Commission regarding the various school threats made around the County. The School Board and the Police Department are adding a second School Resource Officer at Palmetto High School.

12. MAYOR'S REPORT

Vice Mayor Davis gave a report regarding various letters drafted from the Metropolitan Planning Organization that will be sent to the State Senators opposing various legislation. He left the letters on the dais for the Commission to review at their leisure.

Commissioner Cornwell also discussed a handout that was anonymously sent to the City regarding some type of article that says Palmetto is overreaching. It is unknown where this came from but appears it has something to do with the public's discussion of Resolution 2018-05.

13. COMMISSIONERS' COMMENTS

Vice Mayor Davis adjourned the meeting at 9:45 p.m.

Minutes approved: April 16, 2018

James R. Freeman

James R. Freeman
City Clerk