

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND SPECIAL CRA BOARD MEETING
August 27, 2018
7:00 PM**

ELECTED OFFICIALS PRESENT:

Shirley Groover Bryant, Mayor
Jonathan Davis, Vice Mayor, Commissioner-at-Large 1
Tamara Cornwell, Commissioner-at-Large 2
Harold Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2—(Entered the meeting at 7:03 p.m.)
Brian Williams, Commissioner, Ward 3

STAFF PRESENT:

Jim Freeman, City Clerk
Scott Rudacille, Chief Assistant City Attorney
Allen Tusing, Director of 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 Cornwell seconded, and the motion carried 4-0 to approve the August 27, 2018 Commission Agenda. Commissioner Varnadore was absent for the vote.

2. PUBLIC COMMENT

Penny Johnson, Executive Administrative Assistant and member of the public, spoke regarding the decorum of the meetings and asked for civility and courtesy when speaking to each other and to the public. She also prayed over tonight's meeting.

3. CONSENT AGENDA APPROVAL

A. City Clerk's Office

1. Minutes: June 25th, July 18th, July 25th, and August 6th
2. Blalock Walters Legal Bills
3. Resolution 2018-23 PACE Program Opt-In
4. Resolution 2018-24 Budget Amendment
5. Special Function Permits:
 - a. Veteran's Day Parade 11/11/2018
 - b. Conquistador Half Marathon 12/15/2018
 - c. Relay for Life/Bark for Life 2/2/2019
 - d. 2019 River Regatta 2/9/2019

B. Public Works

1. Traffic Regulation 17th Avenue and 7th Street West

Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the August 27, 2018 Consent Agenda with the removal of A.5.b. and B.1. for discussion.

5.B. CONQUISTADOR HALF MARATHON SPECIAL FUNCTION PERMIT DISCUSSION:

It was clarified that no other events are scheduled to occur in the City the same date as this event. The Historical Park Christmas in the Park is December 8th.

Motion: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to approve item 3.A.5.b. Conquistador Half Marathon Special Function Permit.

B.1. TRAFFIC REGULATION 17TH AVENUE AND 7TH STREET WEST DISCUSSION:

Due to no new information, this item is moved to the next agenda.

4. J. LAWSON, LLC. INGRESS, EGRESS, PARKING, DRAINAGE, AND UTILITY EASEMENT

This easement coincides with Ordinance 2018-05 as adopted by the City Commission on April 16, 2018.

Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to accept the easement proffered by J. Lawson, LLC and authorize the clerk to record the: 1. Ordinance 2018-05 and 2. the easement in the public records of Manatee County, Florida.

Commissioner Williams reminded staff to provide maps with the planning documents for the agenda.

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

5. PUBLIC HEARING ORDINANCE 2018-17 ANNEXATION VARNADORE

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ANNEXING A .189 ACRE PARCEL OF UNINCORPORATED MANATEE COUNTY, FLORIDA INTO THE CITY OF PALMETTO WHICH PARCEL IS REASONABLY COMPACT AND IS INFILL PROPERTY CONTIGUOUS TO THE CITY OF PALMETTO; REDEFINING THE BOUNDARY LINES OF THE CITY OF PALMETTO, FLORIDA TO INCLUDE SAID PARCEL; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (VARNADORE PROPERTIES, LLC.)

6. PUBLIC HEARING ORDINANCE 2018-18 MAP AMENDMENT VARNADORE

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA APPROVING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN; CHANGING THE FUTURE LAND USE MAP DESIGNATION FOR THE TERRITORY HEREINAFTER DESCRIBED FROM COUNTY FUTURE LAND USE MAP DESIGNATION ROR (RESIDENTIAL, OFFICE, RETAIL), TO CITY FUTURE LAND USE MAP DESIGNATION GCOM (GENERAL COMMERCIAL), CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE ADOPTED COMPREHENSIVE PLAN, AS REQUIRED BY SECTION 163.3187, FLORIDA STATUTES; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE. (VARNADORE PROPERTIES, LLC)

7. PUBLIC HEARING ORDINANCE 2018-19 REZONE VARNADORE

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA REZONING APPROXIMATELY .189 ACRE OF PROPERTY GENERALLY LOCATED AT 1705 7TH AVENUE WEST, PALMETTO, FLORIDA, FROM COUNTY ZONING GC, GENERAL COMMERCIAL, TO CITY ZONING CG, BUSINESS AND LIGHT COMMERCIAL, AND AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE. (VARNADORE PROPERTIES, LLC)

Mayor Bryant opened the public hearing on Ordinances 2018-17, 2018-18 and 2018-19.

Karla Owens, Development Services Director, spoke regarding the three Ordinances as presented. Ordinance 2018-17 is for the annexation of 1705 7th Avenue West. The owner purchased this property in April this year and wishes to develop the property in conjunction with the existing property that was annexed into the City in 2011. Ordinance 2018-18 is for a future land use map amendment from County ROR (Retail, Office, Residential) to City GCOM (General Commercial). GCOM designation is consistent with the surrounding properties and with the Comprehensive Plan Objective 1.3. Ordinance 2018-19 is to rezone the property from County GC (General Commercial) to City CG (Business and Light Commercial). The property is smaller than the City's minimum lot area requirements for the CG district; however, the property owner owns all the remaining property surrounding this specific parcel and it is intended that this property will be developed consistently with the other properties. On August 16th the Planning and Zoning Board held a public hearing on all three Ordinances and unanimously recommended their approval. Mrs. Owens informed the Commission that, should these Ordinances be approved, a General Development Plan will be submitted in the near future.

After hearing no public comment, Mayor Bryant closed the public hearing on Ordinances 2018-17, 2018-18 and 2018-19.

Motion: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 4-0 to adopt Ordinance 2018-17. Commissioner Varnadore was absent for the vote.

Motion: Finding the request consistent with Chapter 163, Florida Statutes and the City of Palmetto Comprehensive Plan, Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 4-0 to adopt Ordinance 2018-18. Commissioner Varnadore was absent for the vote.

Motion: Based upon the staff report, the comments made at the Public Hearing, and finding the request to be consistent with the City of Palmetto Comprehensive Plan, Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 4-0 move to adopt Ordinance 2018-19. Commissioner Varnadore was absent for the vote.

8. PUBLIC HEARING ORDINANCE 2018-20 VACATION VARNADORE

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, VACATING A PLATTED SEWER AND WATER EASEMENT LOCATED ALONG THE REAR 5 FEET OF LOTS 4, 5, 6, 15, 16 AND 17, BLOCK 1, ORANGE PARK SUBDIVISION, GENERALLY LOCATED NORTH OF 17TH STREET WEST BETWEEN 7TH AVENUE WEST AND 8TH AVENUE WEST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (VARNADORE PROPERTIES, LLC/FORD)

Mayor Bryant opened the public hearing.

Mrs. Owens explained that this is a request to vacate the remaining portion of a platted water and sewer easement. The easement was created by virtue of the Plat of the Orange Park Subdivision in 1925. On October 3, 2011, the applicants applied to the City and were granted a vacation of the southern portion of the same easement. The subject easement is five feet wide and approximately 182 feet long. Mrs. Owens received an email from Florida Power and Light (FPL) today regarding the transmission lines in the easement, and from Spectrum who has equipment on those transmission lines. FPL understands that the property is under one ownership now and both FPL and Spectrum are fine with the vacation of this easement. No other utilities are located in this area.

Mrs. Owens noted that language has been incorporated in the Ordinance to provide that the effective date of the vacation is contingent on provision to FPL by the applicant/developer of a temporary easement and subsequent relocation of the utilities during construction and prior to final inspection.

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

Motion: Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 4-0 to adopt Ordinance 2018-20. Commissioner Varnadore was absent for the vote.

Commissioner Varnadore returned to the meeting at 7:22 p.m.

9. PUBLIC HEARING ORDINANCE 2018-24 CONCEPTUAL PLAN PINZON

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A CONCEPTUAL DEVELOPMENT PLAN AS DESCRIBED HEREIN FOR A MULTIPLE USE, PLANNED DEVELOPMENT CONTAINING AN EIGHT STORY, 251 ROOM HOTEL INCLUDING A ROOF-TOP LOUNGE, AND ONE OUTPARCEL CONTAINING UP TO 7,500 SQUARE FEET OF RESTAURANT/OFFICE/RETAIL, AND ONE OUTPARCEL CONTAINING UP TO 7,500 SQUARE FEET OF RESTAURANT/OFFICE/RETAIL AND/OR UP TO A 126 KEY, 4 STORY HOTEL ON A 12.53 ACRE TOTAL SITE GENERALLY LOCATED AT THE NORTHEAST CORNER OF U.S. 41 NORTH AND 7TH STREET IN PALMETTO; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE. (PINZON PROPERTY)

Mrs. Owens reviewed the attached Ordinance. Pursuant to Objective 1.3 of the Comprehensive Plan, the PC (Planned Community) future land use category is appropriate for development connected with a general development plan, and is also consistent with the existing pattern of development in this area. Staff has included stipulations to the conceptual plan requiring submittal of a complete general development plan within one year of the date of Commission approval of this conceptual development plan. Failure to do so will cause the conceptual plan attached hereto to expire and become null and void. Additional stipulations are as follows:

1. THIS APPROVAL SHALL EXPIRE IF A FORMAL, COMPLETE, GENERAL DEVELOPMENT PLAN AS DESCRIBED IN SECTIONS 8.4 AND 8.5 OF APPENDIX "B" OF THE CITY OF PALMETTO CODE OF ORDINANCES IS NOT SUBMITTED TO THE CITY WITHIN ONE YEAR OF THE DATE OF APPROVAL OF THIS CONCEPTUAL DEVELOPMENT PLAN. TWO, ONE YEAR EXTENSIONS MAY BE GRANTED BY THE CITY COMMISSION UPON APPLICATION BY THE DEVELOPER. SUCH WRITTEN REQUEST FOR EXTENSION MUST BE FILED PRIOR TO THE EXPIRATION DATE DESCRIBED ABOVE; AND
2. ANY GENERAL DEVELOPMENT PLAN MUST BE SUBSTANTIALLY CONSISTENT WITH THE CONCEPTUAL DEVELOPMENT PLAN DATED JULY 27, 2018 PREPARED BY GAUSE AND ASSOCIATES; AND
3. ALL SIGNAGE WILL BE APPROVED BY SEPARATE BUILDING PERMIT; AND

4. CONTINGENT ON PROVISION OF PROPERTY/RIGHT-OF-WAY BY MANATEE COUNTY, THE DEVELOPER SHALL CONSTRUCT AND COMPLETE THE 7TH STREET EXTENSION PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY FOR THE HOTEL. PRIOR TO PERMITTING, FINAL DESIGN OF THE ROADWAY MUST BE REVIEWED AND APPROVED BY THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE. SAID ROADWAY EXTENSION MAY INCLUDE A ROUNDABOUT AT HABEN BOULEVARD AND 7TH STREET WEST; AND
5. ~~ALL PARKING AREAS FOR PROPOSED USES MUST BE CONSTRUCTED AND COMPLETED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE PROPOSED HOTEL AND ALL OTHER ASSOCIATED USES; AND~~
6. A PROPOSED LANDSCAPE BUFFERING PLAN SHALL BE SUBMITTED WITH THE GENERAL DEVELOPMENT PLAN. A FULL LANDSCAPE BUFFERING PLAN SHALL BE SUBMITTED WITH THE FINAL SITE/CONSTRUCTION PLAN APPLICATION TO PROVIDE BUFFERING AND FENCING ALONG THE NORTHERN AND EASTERN BOUNDARIES OF THE PROJECT SITE, AND LANDSCAPE BUFFERING ALONG THE U.S. 41/301 FRONTAGE OF THE PROPERTY; AND
7. THE DEVELOPER SHALL BE RESPONSIBLE TO PROVIDE AND CONSTRUCT A PUBLIC SIDEWALK ALONG THE U.S. 41/301 FRONTAGE OF THE PROPERTY ALONG U.S. 41/301 AND ALONG THE LENGTH OF 7TH STREET AND 7TH STREET EXTENSION TO THE INTERSECTION OF HABEN BOULEVARD AND 7TH STREET WEST; AND
8. THE APPROVED CONCEPTUAL DEVELOPMENT PLAN AND THESE STIPULATIONS SHALL RUN WITH THE LAND, AND SHALL BE APPLICABLE TO THE APPLICANT AND ITS SUCCESSORS IN INTEREST; AND
9. THE CONCEPTUAL DEVELOPMENT PLAN COVER SHEET SHALL BE REVISED TO REFLECT ANY DEVIATIONS AS APPROVED BY THE CITY COMMISSION.

Mrs. Owens noted that Stipulation 5 is removed because the Planning and Zoning Board opined it was redundant as no Certificate of Occupancy can be issued until parking is complete. The Planning and Zoning Board held a public hearing on August 16th and voted unanimously to recommend approval of this Ordinance with that only change; staff agrees.

Tony DeRusso, applicant, InDevelopment, defined the term “lounge” as light food and drinks; there will not be a kitchen on the roof-top, only light food and bar area. He anticipates there will be some outdoor music, however, hotel management will know more of the specifics as to what type of music; it will be a family area.

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

Motion: Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 5-0 to adopt Ordinance 2018-24 with the above 8 stipulations as listed, removing stipulation 5.

10. FIRST READ ORDINANCE 2018-29 EVALUATION AND APPRAISAL REPORT

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE TEXT OF THE COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3191, *FLORIDA STATUTES*, AS PART OF THE REQUIRED EVALUATION AND APPRAISAL PROCESS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the first reading of Ordinance 2018-29 and authorize staff to advertise for the appropriate public hearings.

11. POLICE DEPARTMENT BUILDING DISCUSSION

Mr. Freeman reminded the Commission of the presentation made by Architects Design Group on August 13th and the two sites that were analyzed. The presentation has been provided as part of the Agenda Packet tonight also.

Mayor Bryant announced that she received a few public comment cards on this topic and will now turn the floor over to the public for their two minutes of comment on this item.

The following members of the public spoke in favor of Site “A” for the Police Department (Site “A” is the location off of 10th Avenue West):

- Charlie Ross, Palmetto resident
- Dawn Ostrander, Palmetto resident
- Leo Mills, Palmetto resident

Commissioner Smith expressed his opinions on the site selection and is adamantly in favor of Site “B” located off of 10th Street. He opined that the CRA can only help fund the Police Department at this location. Mayor Bryant reminded the Commission of Attorney Barnebey’s opinion letter regarding funding by the CRA for both sites as they are both in the CRA district. The CRA Plan would have to be amended to accomplish that if that is the direction that the CRA Board and City Commission would like to take. Commissioner Smith disagreed with this opinion letter and stated that he never received a copy of the letter; Commissioner Varnadore read the letter into the record.

Commissioner Williams opined that Site “A” is the most logical and cost effective for the Police Department to be built.

Commissioner Cornwell expressed her concerns regarding proper storm water drainage at the Site “A” location.

Motion: Commissioner Varnadore moved, Commissioner Williams seconded the motion to select Site “A” as the site for the new Police Department.

COMMISSIONER WILLIAMS AMENDED THE MOTION TO SAY “NOT TO SPEND ANY CRA FUNDS FOR THE CONSTRUCTION OF THE NEW POLICE DEPARTMENT”; COMMISSIONER VARNADORE AGREED WITH THE AMENDMENT.

COMMISSIONER DAVIS REQUESTED A SECOND AMENDMENT TO THE MOTION ON THE FLOOR TO INDICATE THAT THE SITE FOR THE POLICE DEPARTMENT WILL NOT FRONT 10TH AVENUE WEST NOR WILL IT FRONT 7TH STREET WEST; THAT IT WILL BE LOCATED TO THE NORTH EAST OF THE PROPERTY. BOTH COMMISSIONER VARNADORE AND WILLIAMS AGREED TO AMEND THE MOTION TO REFLECT COMMISSIONER DAVIS’ COMMENTS.

The motion on the floor to select Site “A” as the site for the new Police Department, the construction of the new Police Department will not utilize any CRA funds, and the location on the property for the new Police Department will be located to the north east end of the parcel (not to front 10th Avenue West or 7th Street West) carried 3-2. Commissioner Smith and Commissioner Cornwell voted no.

Commissioner Smith read the definition of a CRA and stated that the City/CRA has done nothing in Ward 1 to reduce slum and blight as defined.

12. JULY CHECK REGISTER (Informational Only)

MAYOR BRYANT RECESSED THE CITY COMMISSION MEETING AT 8:17 P.M. TO OPEN THE AUGUST 27, 2018 SPECIAL CRA BOARD MEETING.

MAYOR BRYANT RECONVENED THE CITY COMMISSION MEETING AT 8:22 P.M.

13. TRAFFIC UPDATE

No update.

14. PALMETTO POOL UPDATE

Mayor Bryant informed the Commission that there will be a future joint meeting with the City Commission and the Manatee County Commission to discuss the plans for the pool at Lincoln Park.

15. DEPARTMENT HEADS' COMMENTS

MR. TUSING—stated that at the next meeting he will provide the Commission with a map for the 17th Avenue and 7th Street Traffic Study. Commissioner Cornwell would like to know more about the protocol for stop sign installation. Also, she noted drainage issues that have been occurring on 7th Street and 10th Avenue West.

He will provide an update on the Green Bridge construction at the next meeting; nothing received at this time.

Mayor Bryant noted that an Eagle Scout has built bat houses as part of his project and has been working with Mr. Tusing on installation of those in the City; Mr. Tusing informed the Commission that they will be installed at Estuary Park.

MR. FREEMAN—informed the Commission that he anticipates having the Capital Improvement Plan (CIP) and the ½ cent sales tax discussion on the next Workshop; he will email those documents to the Commission for review prior to the meeting. Also, the public hearing on the tentative millage and budget will be September 10th at 7:00 p.m. with the final hearing on both items scheduled for September 24th at 7:00 p.m.

CHIEF TYLER—noted that there has not been any issues with the school year thus far.

He informed the Commission that the U.S. Attorney's Office reached out to various law enforcement agencies to setup a task force for human trafficking; Chief Tyler submitted Detective Richard Wilson for the task force and they accepted him.

16. MAYOR'S REPORT

Mayor stated that Chief Tyler attended the Chamber Retreat this past weekend.

She encouraged the Commission and public to take a look at the completed sidewalk on 23rd Street. Also, Florida Department of Transportation is working on a plan for the intersection of 23rd Street and U.S. 41.

Mayor Bryant thanked Commissioner Davis for attending the ribbon cutting this weekend and she encouraged everyone to go and vote tomorrow.

17. COMMISSIONERS' COMMENTS

COMMISSIONER WILLIAMS—thanked Penny for her comments tonight during public comment.

COMMISSIONER VARNADORE—encouraged everyone to vote tomorrow.

COMMISSIONER DAVIS—commented on the ribbon cutting this weekend, stating he had a nice time.

COMMISSIONER CORNWELL—attended the Historic Board meeting last week and expressed the concerns of the Board members on the homeless population at Sutton Park and the disturbances and altercations that they are causing. She stated that some of the homeless have been defecating in the Park after hours. Chief encouraged anyone that sees anything to always call and report the issue to the Police to allow them to handle it. Chief Tyler will speak to Commissioner Cornwell offline about this issue.

Mayor Bryant informed the Commission that the County Commission met last week regarding annexations and she will be providing them with the information of the issues discussed at that meeting.

Mayor Bryant complimented the new owners of the apartment building on 10th Avenue and 5th Street West; the facility looks nice.

Mr. Freeman stated that there will be software upgrades to all City issued phones. He will be asking the Commission to bring their phones in for a few hours this week to allow IT to install this update.

Mayor Bryant adjourned the meeting at 8:44 p.m.

MINUTES APPROVED: SEPTEMBER 24, 2018

James R. Freeman

JAMES R. FREEMAN
CITY CLERK