

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
AND CRA BOARD MEETING  
January 7, 2019  
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  
Brian Williams, Commissioner, Ward 3

**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

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.

Proclamation: Commissioner Davis presented the Law Enforcement Appreciation Day Proclamation to Chief Scott Tyler. Law Enforcement Appreciation Day is January 9, 2019.

**1. CITY COMMISSION AGENDA APPROVAL**

Mayor Bryant added two items to the Agenda. Item 8.A. will be the extension of the Grower's Hardware Agreement and 8.B. will be the extension of the Sarasota Investment Trust Agreement.

**Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the January 7, 2019 Commission Agenda with the two additions.**

**2. PUBLIC COMMENT**

No comment.

**3. CONSENT AGENDA APPROVAL**

A. City Clerk's Office

1. Minutes: November 26<sup>th</sup> and December 3<sup>rd</sup>
2. Special Function Permits:
  - a. Seafood Festival 4/5/2019
  - b. 2019 Historical Park Events
  - c. DeSoto Grand Parade 4/27/2019
3. Blalock Walters Legal Invoices

#### 4. FEMA Agreement Hurricane Irma

Commissioner Smith requested the removal of item 3.A.2.a. for further discussion.

**Motion: Commissioner Smith moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the January 7, 2019 Consent Agenda.**

#### 3.A.2.A. SEAFOOD FESTIVAL SPECIAL FUNCTION PERMIT DISCUSSION:

Commissioner Smith requested information on the music lineup for the event and if they had chosen all their bands.

Mr. Rob Bell and Mr. John DeLesline, representing the Hernando DeSoto Society, spoke regarding the music lineup for the event.

Commissioner Smith confirmed with both the representatives that he would be getting his VIP passes for the event.

**Motion: Commissioner Smith moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the Seafood Festival Special Function Permit.**

#### 4. SELECTION OF VICE MAYOR

Commissioner Cornwell nominated Commissioner Varnadore to serve as Vice Mayor and Commissioner Davis seconded. Commissioner Varnadore declined the nomination.

**Motion: Commissioner Davis moved, Commissioner Varnadore seconded, and the motion carried 5-0 to nominate Commissioner Cornwell as Vice Mayor.**

#### 5. 1<sup>ST</sup> READ ORDINANCE 2018-32 ANNEXATION HARLLEE PACKING

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ANNEXING A PARCEL CONTAINING 18.12 ACRES OF UNINCORPORATED MANATEE COUNTY, FLORIDA INTO THE CITY OF PALMETTO WHICH PARCEL IS REASONABLY COMPACT AND IS 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.

Karla Owens, Development Services Director, informed the Commission that due to the size of the parcel, the Comprehensive Plan Amendment and Rezone of the parcel will come back individually. The Comprehensive Plan will be submitted to the State for review first. She did note that the property owner's intent is to construct an industrial subdivision with paved roads and individual buildings.

**Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the first reading of Ordinance 2018-32.**

#### 6. DECEMBER CHECK REGISTER (Informational Only)

MAYOR BRYANT RECESSED THE CITY COMMISSION MEETING AT 7:15 P.M. TO OPEN THE JANUARY 7, 2019 CRA BOARD MEETING.

MAYOR BRYANT RECONVENED THE CITY COMMISSION MEETING AT 8:04 P.M.

**7. PROPOSED AGREEMENT WITH BACC HOTEL, LLC**

*This item was previously discussed and voted upon by the CRA Board.*

Attorney Barnebey suggested that the approval be made with the changes as directed by the CRA Board.

**Motion: Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 3-2 to approve the Agreement with BACC with changes as requested by BACC and as amended by the CRA Board at tonight's meeting. Commissioners Varnadore and Williams voted no.**

**8. MCGOWAN HARRIS CLAIM**

Attorney Barnebey reminded the Commission on the recent claim filed in July. The claim was filed by the attorney for Mr. and Mrs. McGowan and alleges that the Property was inordinately burdened as a result of the actions of the City to prohibit auto repair uses on the Property. The claim attached an appraisal report which alleges that the value of the property was reduced from \$173,000 to \$126,000 as a result of the City's actions.

Mr. Barnebey explained that pursuant to the provisions of the Harris Act, the City is required to issue a settlement offer along with a statement of allowable uses to the Property Owners within 150 days following its receipt of the claim. On December 3<sup>rd</sup>, the City Commission approved an Agreement for an Extension of Time which extended the response time to January 31<sup>st</sup>.

After reviewing this matter and meeting with the Property Owners and their representative, staff is recommending that the City's CRA offer to purchase the Property for the full pre-regulation value of \$173,000 (according to the Property Owner's appraisal). The CRA will pay all closing costs and will waive all contingencies. The purchases would be funded from the CRA budget and, upon approval, staff will present the offer to the Property Owners, along with a statement of allowable uses, as required by the Act.

**Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to approve that the City's CRA offer to purchase the property for \$173,000, as the City's offer of settlement pursuant to Florida State Statute 70.001(4)(c), with the CRA paying closing costs and waiving contingencies, and direct staff to proceed accordingly.**

**8.A. GROWERS HARDWARE EXTENSION ADDED TO THE AGENDA:**

Attorney Barnebey reiterated the CRA Board discussion from tonight and requested that consistent action be taken as was done at the CRA Board meeting.

**Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to allow an extension to allow for due diligence to February 15, 2019 with a closing scheduled for March 15, 2019.**

**8.B. SARASOTA INVESTMENT TRUST EXTENSION ADDED TO THE AGENDA:**

Attorney Barnebey retired the CRA Board discussion from tonight and requested that consistent action be taken as was done at the CRA Board meeting.

Liens on the property were discussed as well as the “waiving” of the liens. There are both Utility and Code Enforcement Liens that total over \$100,000. Attorney Barnebey made the argument that he is unsure if the Code Enforcement liens are valid any longer; the Utility liens are approximately \$11,000. Discussion ensued heavily regarding the reduction and/or waiving of the liens on the property; Commission had varying opinions.

**Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to reduce all of the Code Enforcement Lien except for the \$500.00 hard costs to the City [Administrative and Legal Fees] and to not reduce or waive the Utility Lien, contingent on extension being granted, and to allow an extension to allow for due diligence to February 15, 2019 with a closing scheduled for March 15, 2019.**

**STANDING AGENDA ITEMS:**

**9. TRAFFIC UPDATE**

Green Bridge has been completed and traffic is moving freely. Mayor Bryant’s only complaint is that the turn only lane onto Manatee Avenue from the bridge is a complete 90 degree angle. Also, better signage needs to be provided to alert motorists that the right hand lane is a turn only lane once you reach Manatee Avenue.

**10. PALMETTO POOL UPDATE**

None at this time.

**11. POLICE DEPARTMENT BUILDING UPDATE**

Mr. Freeman informed the Commission that the Request for Quotes was issued for design services for the Police Department building; responses are due January 31<sup>st</sup>.

**COMMENTS:**

**12. DEPARTMENT HEADS’ COMMENTS**

**MR. BURTON**—the CRA received an award from the Florida Redevelopment Association for their work with the University of South Florida.

**MR. TUSING**—stated that Hydrant Park Playground has been finished, he is working on ordering the fire hydrant shaped garbage cans to go with the theme of the Park. Resolution 2018-34 that was adopted established a project list but staff has not prepared a budget amendment for the expenditures. At the June 18<sup>th</sup> meeting, Commission approved the incorporation of the waste cans as well as benches with the North River Fire Department and City of Palmetto logos with a cost of approximately \$2,780 from Allied Mobile Products. A formal resolution will be brought forward to a future meeting to establish the final budget for the Hydrant Park Playground project.

**Motion:** Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the expenditure of \$2,780 and a formal budget amendment will be brought forward at the next meeting.

**ATTORNEY BARNEBEY**—discussed the email that was sent out today regarding the injunction for the property that was demolished without proper permitting.

### 13. MAYOR'S REPORT

Mayor Bryant discussed the report from the community meeting that was conducted today at Tropic Isles Mobile Home Park. The majority of questions were in regards to Red Tide.

### 14. COMMISSIONERS' COMMENTS

**COMMISSIONER CORNWELL**—questioned Mr. Tusing's system of repairing potholes; Mr. Tusing asked Commissioner Cornwell to email him specific areas where potholes are an issue.

She complimented the VFW roof and how quickly it is going up.

Mrs. Cornwell would like an update on Sutton and Lamb Parks; Mayor Bryant indicated this is coming forward to a future agenda.

Discussion ensued regarding the homeless population at Sutton and Lamb Park, Mrs. Cornwell is more concerned with the foul language and the debris left behind at the end of the day.

**COMMISSIONER SMITH**—made a public records request on the cost of the Fourth of July events through the years. Mr. Burton will provide him with this information.

**COMMISSIONER VARNADORE**—requested more vertical signage at the right turn only onto Manatee Avenue West headed south over the Green Bridge.

In regards to the current Coyote disturbances, Chief Tyler will provide the Commission with the information packet that he has prepared and been distributing to the residents especially at the Community Meetings held in the mobile home parks.

**COMMISSIONER WILLIAMS**—reminded everyone that the Manatee County Fair begins January 17<sup>th</sup>.

He requested a copy of the Minutes or Agreement or documents that were sent to Manatee County [in regards to the Lincoln Park Pool project] prior to the joint meeting that will be held on Wednesday January 9<sup>th</sup>.

In regards to the Third Street Drive and Fourth Avenue surveys, Mr. Tusing stated that they are ready to go.

Mr. Williams complained about the recycle truck that goes down Third Street Drive and then backs up the whole length of the street to collect recycling from both sides; can Mr. Tusing discuss this issue with the current Franchise.

In regards to the septic tank legislative bill proposal, Mr. Williams requested information on the City's recommendation so that he can discuss this when he attends the Manasota League of Cities meeting.

He discussed the vehicles that are parked overnight at both Riverside Drive Parks. Chief Tyler indicated that that Commission could authorize no overnight parking but it will be hard to distinguish which cars are there parked due to someone utilizing the fishing pier during the night or walking the bridge overnight versus those that are just parked there for the sake of parking overnight.

**COMMISSIONER DAVIS**—commented on the corner of Manatee Avenue West and 9<sup>th</sup> Street in the City of Bradenton and how better signage needs to be erected due to several cars going straight and cutting people off who are in the correct middle lane to go straight. Also, he would like more information on why it is such a 90 degree angle making it very hard for large vehicles to make the turn.

Mayor Bryant adjourned the meeting at 8:57 p.m.

MINUTES APPROVED: February 25, 2019

*James R. Freeman*

JAMES R. FREEMAN  
CITY CLERK