

**CITY OF PALMETTO**  
**CITY COMMISSION WORKSHOP MEETING**  
**August 25, 2014**  
**4:30 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor  
Jonathan Davis, Vice Mayor, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2—(Entered the meeting at 4:34 p.m.)  
Tambra Varnadore, Commissioner Ward 2  
Brian Williams, Commissioner, Ward 3

Elected Officials Absent

Charles Smith, Commissioner, Ward 1

Staff Present

Mark Barnebey, City Attorney  
Jeff Burton, CRA Director  
Jim Freeman, City Clerk  
Allen Tusing, Public Works Director  
Rick Wells, Police Chief  
Amber Foley, Assistant City Clerk

Mayor Bryant opened the meeting at 4:33 p.m.

1. CRA BUDGET DISCUSSION

Commissioner Cornwell and Attorney Barnebey left the meeting at 4:35 p.m.

Mr. Freeman discussed the few changes that were made to the CRA Budget since the last meeting. Those include the Haben Roundabout, Phase 4 of Sutton Park, and the reduction of legal fees. The most current CRA Budget is included in the workshop agenda and will be adopted along with the City Budget. The CRA Board will take formal action to adopt the budget at the September 8<sup>th</sup> meeting based on the advice of the CRA Advisory Board.

Commissioner Williams requested to have a joint meeting with the CRA Board and the CRA Advisory Board. Mr. Burton stated that he will coordinate with the CRA Advisory Board on a date to have the meeting.

The next budget meeting is September 8, 2014 at 7:00 p.m. The Final Budget Hearing will be on September 22, 2014 at 7:00 p.m.

2. CAPITAL IMPROVEMENT PLAN (CIP) for FY 2015

Mr. Freeman provided a general overview of the FY 2015 CIP Plan. He would like to have this adopted with the Final Budget at the September 22<sup>nd</sup> meeting. Staff has requested that Commission review the Plan and familiarize themselves with the list of projects and determine if there are any project that they would like to see added, modified or removed. Mayor Bryant would like to add the Road Improvement Project at 13<sup>th</sup> Avenue from 7<sup>th</sup> to 8<sup>th</sup> Street West to the next workshop to discuss how to go about starting the project. A copy of the CIP Plan is attached to and made a part of these minutes.

Commissioner Cornwell and Attorney Barnebey returned to the meeting at 4:46 p.m.

Commissioner Williams requested a meeting to discuss the validity of the EQ tank/basin that is included on the CIP. He also requested a report on the smoke testing at the mobile home parks.

In regards to the City Wide Facilities Upgrades on the CIP, Mr. Tusing indicated that it is mostly for repair to the roof on the Public Works Building. Mr. Freeman will check on that item and provide more information.

### 3. PAIN MANAGEMENT CLINIC REGULATIONS ORDINANCE 2014-10

Attorney Barnebey explained that since the City adopted a moratorium in 2010, the Florida Legislature has adopted requirements related to the operation of these types of pain clinics and the County has adopted a registration ordinance for these clinics as well. The City's Moratorium has recently expired and only one pain management clinic has applied for an occupational license to be located within the City. Mr. Barnebey stated that because land use regulation is either lacking or insufficient, this proposed Ordinance is to make all such uses conditional uses in the Heavy Commercial and Industrial (CHI) Zoning Category. The ordinance also provides for the following requirements:

- Prohibition against loitering in the parking areas;
- Provision for annual Community Protection through Environmental Design (CPTED) review;
- Prohibition against drive through facilities;
- Requirement of a 300 foot separation from certain protected uses including pre-existing schools, day care centers, day care home, parks, and other pain management clinics;
- Restriction on hours of operation from 7:00 a.m. to 7:00 p.m., and;
- Compliance with other federal, state, and local laws.

Rachel Layton, Interim City Planner, informed Commission that the Planning and Zoning Board heard this item at their meeting last Thursday and unanimously approved to adopt the proposed ordinance as drafted. She stated that it is similar to other ordinances throughout the State.

Commissioner Varnadore opined that the distance as indicated in bullet point four should be 200 feet instead of 300 feet. Attorney Barnebey explained that the distance is consistent with that in the alcohol ordinance. He will review the distance.

Commissioner Williams requested that in the future if an ordinance mentions an exhibit or criteria, as indicated in this ordinance under Section C., those be provided with the ordinance for Commission review. He also discussed Section C.a. Loitering that mentions "The Pain Management Clinic shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property." He asked that it be changed to four sides instead of three.

Attorney Barnebey will look into modifying the ordinance to include age restrictions, without parental accompaniment.

Commissioner Williams asked staff to get information from the County on their plans regarding the establishment of pain management clinics.

### 4. MEDICAL MARIJUANA FACILITIES ORDINANCE 2014-11

Attorney Barnebey explained that a referendum has been placed on the November 2014 general election ballot to allow the dispensing of marijuana for medical purposes under certain circumstances. In discussion with the Mayor, the Mayor desired the Commission to consider some additional limitations if one was to establish a dispensary within the City in light of expected impacts of these types of uses. The potential impacts to surrounding areas from these uses could be significant. In other locations, these are virtually exclusively cash businesses which raise several safety concerns. The Legislature may address several aspects of these businesses in the future, but land use regulations are likely to remain with the local government. This proposed ordinance suggests making all such uses conditional uses in the CHI zoning district. The ordinance also provides for the following additional requirements:

- Prohibition against loitering in the parking areas;
- Provision for annual Community Protection through Environmental Design (CPTED) review;
- Prohibition against drive through facilities;

- Requirement of a 300 foot separation from certain protected uses including pre-existing schools, day care centers, day care home, parks, and other pain management clinics;
- Restriction on hours of operation from 7:00 a.m. to 7:00 p.m., and;
- Compliance with other federal, state, and local laws.

Ms. Layton stated that the Planning and Zoning Board addressed this ordinance at their last meeting and unanimously approved it.

Discussion ensued regarding the issuance of a moratorium for these type of facilities. Mr. Barnebey weighed the pros and cons of doing such. A one year moratorium would be sufficient and can always be extended. Commissioner Cornwell is in favor of issuing a moratorium on these type of facilities. She would like to watch what happens during the election and the voting on this issue as well as the legal ramifications a municipality could endure for these facilities and the establishment of them. Mayor Bryant disagrees and opined it would be in the best interest of the City to have an ordinance ready in case it becomes legal. Chief Wells also expressed his concerns regarding this ordinance and the amendment that is on the ballot for vote this November specifically related to a lot of regulations being decided upon by the Department of Health.

Commissioner Davis exited the meeting at 5:55 p.m. and returned at 5:56 p.m.

Commissioners encourage the public to read and gather information to make and educated vote on this amendment.

5. NOISE ORDINANCE 2014-06 & NOISE CITATION ORDINANCE 2014-15

6. OUTDOOR EATING AND DRINKING ESTABLISHMENTS ORDINANCE 2014-07

**DUE TO TIME ITEMS 5 AND 6 WERE NOT DISCUSSED AND WILL BE ON THE NEXT WORKSHOP AGENDA.**

Mayor Bryant adjourned the meeting at 6:03 p.m.

Minutes approved: October 20, 2014

*James R. Freeman*

James R. Freeman  
City Clerk