

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND SPECIAL CRA BOARD MEETING
February 24, 2020
7:00 PM**

ELECTED OFFICIALS PRESENT:

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

STAFF PRESENT:

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Mohammed Rayan, Public Works Deputy Director
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 5-0 to approve the February 24, 2020 Commission Agenda.

2. PUBLIC COMMENT

Virginia Hawkins, Ellenton resident, spoke regarding a citation for an illegal u-turn and asked if the sign could be placed in a more visible area.

3. CONSENT AGENDA APPROVAL

- A. January 27th and February 3rd Commission Minutes
- B. Special Function Permit: First Baptist Church Easter Egg Hunt April 4th
- C. Special Function Permit: Heritage Festival March 21
- D. Resolution 2020-02 Council of Governments Meeting
- E. Legal Invoices
- F. Resolution 2020-04 Capital Lease

Commissioner Cornwell requested the removal of item B, Special Function Permit for Easter Egg Hunt.

Motion: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the February 24, 2020 Consent Agenda as recommended by staff with the removal of item B for discussion.

3B EASTER EGG HUNT SPECIAL FUNCTION PERMIT DISCUSSION

Mrs. Cornwell expressed her concerns with having this event on the same day as the Relay for Life event at the Fair Grounds; she asked for staff to inform the Church of the event that coincides on same day.

Motion: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to approve item 3.B. Easter Egg Hunt Special Function Permit.

4. PUBLIC HEARING CONDITIONAL USE PERMIT 2020-01 VILLA ITALIA RESTAURANT

Mayor Bryant opened the public hearing on Conditional Use Permit 2020-01.

Kera Hill, Planning Analyst, discussed the history of the property and the request. Villa Italia has applied for a Conditional Use Permit to allow the consumption of beer and wine at their restaurant. This property is located within 200 linear feet from a residentially zoned property on the north, south and the west. This request is consistent with Chapter 4, Alcoholic Beverages, of the Code of Ordinances, and with the provision of Section 6.14.

The Planning and Zoning Board met on this request and unanimously approved the Permit; public attended the Planning and Zoning Board meeting in favor of this request.

Eugenio Rizzo, owner of Café, respectfully requested approval.

The following people spoke in favor of the request for Conditional Use Permit:

- ❖ Belinda Strickland
- ❖ Cary Vorbeck
- ❖ Jon Zemirlan
- ❖ Nick Sharpe

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

Motion: Based upon the staff report, the recommendation of the Planning and Zoning Board, and finding the request to be consistent with the City of Palmetto Comprehensive Plan, Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to adopt Conditional Use Permit 2020-01.

5. PUBLIC HEARING ORDINANCE 2020-01 CITY SEAL

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, ADOPTING AN OFFICIAL CITY SEAL; ADOPTING AN OFFICIAL COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALMETTO SEAL; APPOINTING AN OFFICIAL CUSTODIAN OF THE SEALS; PROVIDING FOR USE AND PENALTIES FOR IMPROPER USE OF THE SEALS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Attorney Barnebey discussed why this Ordinance is important. Section 165.043, Florida Statutes, provides for cities to designate the official seal by ordinance and make it a second degree misdemeanor to use the seal

without the express approval of city officials. Mr. Barnebey provided a copy of the Statute to the Agenda. Both the City seal and the CRA logo are included in the Ordinance as attached.

Attorney Barnebey stated that there are no cases interpreting Section 165.043, Florida Statutes, and one Attorney General (AG) Opinion that reviews the ability of a municipality to charge for the use of the City seal for other than official use. The AG opined that he could not say a city is prohibited from imposing a fee and goes on to state that the language of the Statute clear contemplates official use of the seal and the use for the other purposes is only with the express approval of the governing body.

At the February 3rd City Commission Meeting, the Commission asked that the Ordinance be revised to provide that “clothing or novelty items (pins, pens, and shopping bags) featuring the City or CRA seal which have been provided to an individual by the City, CRA, or an official of the City or CRA shall be authorized for use of the individual”; this language has been added to the end of Section 2-1.(f).

Commissioner Smith opined adopting this Ordinance before the election is discrimination. He believes this adoption should have happened decades ago when the seal was first decided upon and distributed.

Commissioner Varnadore expressed her misunderstanding as to why adopting this Ordinance before November election is discriminating and why it won't be discriminating after.

Discussion ensued regarding adopting this Ordinance before or after the November election. Attorney Barnebey reminded the Commission that the Statue is still in place regardless. Commissioner Davis opined the effective date could be after November elections.

Charles Smith, resident, spoke regarding in opposition of this Ordinance.

Betty Rhodes, resident, spoke in opposition of this Ordinance.

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

Motion: Commissioner Williams moved, Commissioner Varnadore seconded, and the motion carried 3-2 to adopt Ordinance 2020-01. Commissioners Davis and Smith voted no.

6. SURPLUS CITY OWNED PROPERTY-10TH STREET

Attorney Barnebey stated that there has been an interest in redevelopment of the site located on 10th Street West between 4th and 5th Avenues West. Declaration of the properties as being surplus is the first step in the possible redevelopment of the site by a private developer. The properties will be subject of a request for proposals in the future.

Mr. Burton stated that the proposal for the development of the site will be brought back to the Commission for approval.

Commissioner Williams would like to know what type of businesses can be developed on the properties. Commissioner Smith would prefer to have a discussion on a workshop regarding the uses and the zoning before surplus of the site.

Action Request: ~~Motion that the City Commission declare the City owned properties located on 10th Street West between 4th and 5th Avenues West (PID#26365.00159 and #26377.00002) as surplus and may be eligible for conveyance and redevelopment in the future.~~

NO ACTION; THIS WILL BE BROUGHT FORWARD TO A WORKSHOP FOR DISCUSSION.

7. JANUARY CHECK REGISTER (INFORMATION ONLY)

MAYOR BRYANT RECESSED THE CITY COMMISSION MEETING AT 8:08 P.M. TO OPEN THE FEBRUARY 24, 2020 SPECIAL CRA BOARD MEETING.

MAYOR BRYANT RECONVENED THE CITY COMMISSION MEETING AT 8:29 P.M.

8. RESOLUTION 2020-01 BUDGET AMENDMENT

Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to adopt Resolution 2020-01.

Commissioner Williams requested information be provided regarding the allocation of the funds from streetscape for 10th Avenue West.

STANDING AGENDA ITEMS:

9. TRAFFIC UPDATE

10. PALMETTO POOL UPDATE

11. POLICE DEPARTMENT BUILDING UPDATE

COMMENTS:

12. DEPARTMENT HEADS COMMENTS

13. MAYORS REPORT

Mayor Bryant stated that the Blackstone Park will have a formal opening for the new dog park, soccer field, and concession stand. No exact date and time has been announced; Mayor encourage the public to go by and review the progress of the Park.

She discussed the Sarasota-Manatee Metropolitan Planning Organization (MPO) transforum meeting. An email was distributed with the link www.mympo.org/transformtomorrow to review the discussions and presentations from today.

Mayor Bryant attended the following events on Saturday:

- ❖ Jet Mobile Home Park pancake breakfast
- ❖ Palmetto Mobile Home Park fundraiser breakfast for the Palmetto High baseball and girls flag football

First Baptist Church had their annual serve day and cleaned at Estuary Park on Saturday.

14. COMMISSIONERS COMMENTS

COMMISSIONER DAVIS—discussed the Tampa Bay Regional Planning Council (TBRPC) meeting he attended last week; an email was sent to Mrs. Johnston for distribution to the Commissioners. TBRPC had their committee assignments and Mr. Davis was assigned to the Executive Budget Committee and the Bay Management Committee.

He discussed complaints he received regarding the traffic on 7th Street at 8th Avenue and how no one could see work being performed; however, the street was closed. Mr. Rayan stated that Mr. Tusing had a discussion with the contractor performing the work to let them know it is unacceptable to close a road and not begin working.

COMMISSIONER VARNADORE—requested a timeline for paving from Mr. Rayan; he stated they will be paving over the next couple of month.

COMMISSIONER WILLIAMS—requested that speedbumps be considered for 13th Avenue near 17th Street West. Mr. Rayan and the Chief will discuss the idea and review traffic in that area.

COMMISSIONER CORNWELL—attended a ribbon cutting two weeks ago at the Artisan Market on 8th Avenue and enjoyed the opening of the business.

She discussed the Historic Board meeting and the incorporation of the County into the Board. Mr. Freeman and the Mayor will have more discussions with the Board regarding this cooperation.

Mayor Bryant asked Mr. Rayan to let Fletch Mobley know that she wished him a Happy Birthday and was unable to attend the event at Public Works.

Mr. Rayan informed the Commission that the wastewater treatment facility will be “offline” for about three hours on Thursday beginning at 2:00 a.m.

Jerry Donley, resident of Palmetto Mobile Home Park, asked for consideration of speed bumps along 13th Avenue as they have been requesting those.

Mayor Bryant adjourned the meeting at 8:49 p.m.

MINUTES APPROVED: MAY 18, 2020

Jim Freeman

JAMES R. FREEMAN
CITY CLERK