

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
JUNE 15, 2020 AT 7:00 PM**

This Commission Meeting was conducted utilizing Communications Media Technology in accordance with the Governor's Executive Order. Some Elected Officials and Staff members were present in the Commission Chambers while others were present via the Zoom application to respect the social distancing guidelines.

ELECTED OFFICIALS PRESENT IN CHAMBERS:

Shirley Groover Bryant, Mayor  
Harold Smith, Commissioner, Ward 1

ELECTED OFFICIALS PRESENT ELECTRONICALLY:

Tambra Varnadore, Vice Mayor, Commissioner, Ward 2  
Tamara Cornwell, Commissioner-at-Large 2  
Jonathan Davis, Commissioner-at-Large 1  
Brian Williams, Commissioner, Ward 3—(Joined meeting at 7:24 p.m.)

STAFF PRESENT IN CHAMBERS:

Mark Barnebey, City Attorney  
Karla Owens, Development Services Director  
Mohammed Rayan, Public Works Deputy Director  
Scott Tyler, Chief of Police

STAFF PRESENT ELECTRONICALLY:

Jim Freeman, City Clerk  
Amber LaRowe, Assistant City Clerk  
Todd Williams, Information Technology (IT) Consultant

Mayor Bryant called the meeting to order at 7:01 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 Cornwell moved, Commissioner Davis seconded, and the motion carried 4-0 to approve the June 15, 2020 Commission Agenda. Commissioner Williams was absent for the vote.

2. PUBLIC COMMENT

None.

3. CONSENT AGENDA APPROVAL

- a. 2020-2021 School Resource Officer Contract
- b. Special Function Permit: Dance and Aerial Arts Recital August 1, 2020
- c. Sole Source Purchase

**Motion:** Commissioner Smith moved, Commissioner Davis seconded, and the motion carried 4-0 to approve the June 15, 2020 Consent Agenda as recommended by staff with the removal of item A, School Resource Officer Contract. Commissioner Williams was absent for the vote.

3.A. 2020-2021 SCHOOL RESOURCE OFFICER (SRO) CONTRACT DISCUSSION:

Commissioner Smith questioned why there is one officer for Palmetto Elementary and two officers for Palmetto High School, but no officers for Lincoln Academy. Chief Tyler explained the Statute that allows a school board to choose a guardian or a school resource officer; last year, Lincoln had a guardian and the Manatee County School Board is intending to keep the same as last year. Commissioner Smith strongly disagreed with this and questioned why the Mayor has not spoken to the School Board to enforce Chief's recommendation of a SRO at that school. Mayor Bryant stated that the School Board has a choice and their choice is a guardian, it is allowed per Statute and it is their decision. Commissioner Smith was displeased with this statement and told the Mayor and the Chief that they need to speak to the School Board again and get their recommendation. He stated it is imperative that an officer be placed there because they have arrest powers.

Commissioner Cornwell echoed some of Commissioner Smith's comments in regards to Lincoln needing to have an SRO as it is the only middle school in the County that does not have an SRO. If the School Board declines the City's recommendation, then the Commission needs to come back to discuss this at the next workshop meeting. Commissioner Smith indicated if the City has to pay full salary to get an SRO in that school then he is ready to approve such item.

Commissioner Davis agreed with the comments and desires to have a formal discussion with the School Board.

This item is tabled until the next meeting.

4. FIRST READ ORDINANCE 2020-08 CHARTER REVISIONS

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING SUBMISSION OF AMENDMENTS TO THE CITY CHARTER TO THE VOTERS AT THE NOVEMBER, 2020 GENERAL ELECTION PROVIDING FOR AMENDMENT TO SECTIONS RELATING TO THE ABILITY OF THE COMMISSION TO HOLDING MEETINGS THROUGH PHYSICAL PRESENCE OR ELECTRONIC MEDIA; PROVIDING FOR APPROVAL OF A BALLOT QUESTION; PROVIDING FOR APPROVAL OF BALLOT QUESTION TITLE; PROVIDING FOR PUBLICATION; PROVIDING FOR COORDINATION WITH SUPERVISOR OF ELECTIONS; PROVIDING FOR ELECTION DATE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Barnebey stated that his Ordinance was drafted at the discussion with Commissioner Davis. It is an amendment to the Charter to remove restrictions of having a quorum of the Commission as physically present at the meetings and allows attendance through electronic means, only if permitted by Florida Law. The proposed language simply removes the requirement for a quorum to be physically present.

Commissioner Smith believes this is an illegal meeting because the Commission cannot see who they are talking to, only hear them. He said how can one know for sure that the person speaking is not being coerced and told to say the things they are saying. He opined a physical appearance is the only appropriate way. Attorney Barnebey assured Mr. Smith and the Commission that these electronic meetings that have been held are very much legal and in accordance with the Executive Order as written by the Governor.

Commissioner Davis opined that this is the best option to ensure business keeps moving in the City during an emergency like this or a hurricane.

Commission discussed the cost for this including advertisements, adoption, and placing on the ballot. It was estimated it should be less than \$5,000.

**Motion: Commissioner Davis moved, Commissioner Varnadore seconded the motion to approve the first reading of Ordinance 2020-08.**

Mrs. LaRowe sought clarification and understanding. It was her impression that if the Florida Statute does not change, then adopting this won't have any effect until such Statute changes. Attorney Barnebey stated that is correct, the point is to adopt it in the event the legislation changes. She was assured that adopting this will not mean tomorrow a meeting can be held electronically without a physical quorum if the Statute does not allow such.

With the above information being clarified, the Commission did not seem to be of the opinion that this Ordinance was of a dire need.

**Commissioner Williams requested an amendment to the motion by adding that this option is utilized for emergencies only and not for others wanting to sit at home on their computer. The maker and the seconder of the motion agreed to this amendment.**

**Mayor Bryant called for the vote; the motion on the floor died 0-5.**

**Mayor Bryant called for the vote on the original motion of approval of the first reading for Ordinance 2020-08; motion died 0-5.**

#### 5. PUBLIC HEARING ORDINANCE 2020-06 SIGN CODE AMENDMENTS

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, SUBSTANTIALLY AMENDING AND REPLACING ARTICLE III, DIVISION 1, SECTIONS 3-61 THROUGH 3-72 OF APPENDIX "B" OF THE PALMETTO CITY CODE OF ORDINANCES REGULATING SIGNS; PROVIDING FOR APPLICABILITY, PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITS AND REQUIREMENTS FOR PERMITS; PROVIDING REGULATIONS FOR PROHIBITED, EXEMPT, NONCONFORMING, AND UNSAFE SIGNS; REGULATING FREE-STANDING SIGNS, WALL SIGNS, BILLBOARDS, CHANGEABLE MESSAGE SIGNS, TEMPORARY SIGNS AND OTHER TYPES OF SIGNS; PROVIDING FOR DESIGN, CONSTRUCTION, AND MAINTENANCE OF SIGNS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

This item was discussed at today's Workshop meeting.

Mrs. Owens is asking for a continuance of this public hearing to August 24, 2020.

**Motion: Based on 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 Cornwell seconded, and the motion carried to continue the public hearing on Ordinance 2020-06 to August 3, 2020 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.**

6. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2018-02 CHURCH ON THE ROCK

Conditional Use Application by Church on the Rock for an electronic message sign located at 1401 14th Avenue West.

Mrs. Owens asked the Commission to continue this public hearing to August 3, 2020 at 7:00 p.m. because it goes along with the Sign Ordinance 2020-06 and that was continued.

Mayor Bryant opened the public hearing.

**Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to continue the public hearing on Conditional Use Permit 2018-02 to August 3, 2020 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.**

7. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2020-03 CIEM REFU LLC

Conditional Use Application by CIEM REFU, LLC to construct a telecommunication tower at 1550 US 301 N, Unit 5.

Mayor Bryant opened the public hearing.

Mrs. Owens stated that the applicant is applying for a Conditional Use Permit to construct a telecommunication tower at the above mentioned location. The tower is proposed to be a 150 foot tall monopole as designed by Summit Manufacturing and American Tower; it is depicted in the attached drawings. The builder of the tower, if approved, must submit a building permit application that will undergo a full technical code review prior to construction. It is anticipated that the tower will hold several telecommunication related antennas that will provide continued cell phone service where there are current gaps.

Mrs. Owens confirmed the surrounding uses are predominately zoned heavy commercial/light industrial. The application requirements as identified in the City Code defines the application procedure for towers; the application and pertinent documentation are attached to the Agenda. The Code states that no new tower shall be permitted unless the applicant demonstrates that no existing tower or structure, whether in the City limits or not, can accommodate the applicant's proposed antenna. Information made available by the applicant indicates that the new tower will not conflict with other antennas in the area and should provide excellent coverage and help offload some of the traffic of nearby towers.

Based on the information, staff and the Planning and Zoning Board both recommend approval of the Conditional Use Permit.

Commissioner Williams is concerned about the safety and stability of the tower and would like some reports on that before making a decision. Commissioner Cornwell agreed with the comment of safety and does not want to approve this without proper information showing that.

Commissioner Smith agreed but is also okay with approval only if all necessary information is provided to the Planning and Building Departments.

Rod Connelly, applicant, respectfully requested approval. He reminded the Commission that this is not for the request to build the tower but to grant approval that the tower can be built on this site. Appropriate documentation from the tower company will be provided to the City before anything is built.

Commissioner Varnadore requested information on the two towers already constructed in the City and she expressed trepidation with the construction of a third tower in a seven square mile radius of the City.

Attorney Barnebey reminded the Commission that the criteria for Conditional Use Permits can be found in Article 15 of the Zoning Code.

Commissioner Smith opined that a tower in this area will be good because it will assist with better reception.

Commissioner Cornwell stated that she is not comfortable with the placement of the tower nor the design.

Commissioner Williams inquired about continuing this public hearing to have someone from the tower construction company answer the questions, more specifically, about safety. Mr. Connelly is not in favor of a continuance.

Attorney Barnebey stated that the Commission can continue this but it would be preferable if specifications and direction can be given so that staff and the applicant can provide that information at the next public hearing.

**Motion: Commissioner Smith moved, Commissioner Davis seconded, and the motion carried 3-2 to continue the public hearing on Conditional Use Permit 2020-03 to July 20, 2020 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.**

Attorney Barnebey will prepare two separate motions for the next Agenda and staff will prepare more information from the applicant.

#### 8. PUBLIC HEARING ORDINANCE 2020-02 REZONE

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, REZONING APPROXIMATELY .4488 ACRES OF PROPERTY GENERALLY LOCATED AT 526 9TH AVENUE WEST, PALMETTO, FLORIDA, FROM CITY ZONING RM-6 (MULTI-FAMILY RESIDENTIAL) TO CITY ZONING CC, (COMMERCIAL CORE), AND AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE. (CASIQUE, LLC.)

Kera Hill, Planning Analyst, explained that this is a request by the applicant to change the zoning from residential to commercial. This request is consistent with the current surrounding uses. The area of the City where this property is located is no longer used for single family use, it is now more predominately commercial core with some sporadic multi-family, general office, and public uses. The future land use in this area is designated Downtown Commercial Core. The request to rezone is consistent with this future land use category.

Mrs. Hill explained that the applicant would like to repair the structure and utilize it for offices and personal service type businesses. Staff recommends approval of the request to allow the applicant to remodel and convert the existing structure for office. The Commercial Core (CC) district requires a minimum lot area of 15,000

square feet and a minimum lot width of 100 feet; this property contains 19,550 square feet with 170 feet of lot frontage.

Mayor Bryant opened the public hearing.

Commissioner Cornwell questioned what types of uses are allowed in the Commercial Core district? Mrs. Hill stated that it can be retail like convenience stores, gas stations, eating establishments, banking, business services, professional offices, personal services, etc.

Commissioner Smith was not pleased with the applicant not being here and would prefer to hold off on approval until the Commission can speak with her. Mrs. Hill confirmed that the applicant was notified and did appear at the Planning and Zoning Board meeting.

In regards to the allowable uses in the CC category, Commissioner Cornwell is not comfortable with a few of the allowable uses; she would prefer a designation of General Office (GO) instead.

Mayor Bryant closed the public hearing after no public comments.

**Motion: Based on 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 Varnadore moved, Commissioner Davis seconded, and the motion carried 3-2 to adopt Ordinance 2020-02. Commissioners Cornwell and Smith voted no.**

#### 9. 9th STREET WEST MAINTENANCE AFFIDAVIT

Attorney Barnebey stated that the City of Palmetto has maintained and/or repaired certain portions of 9<sup>th</sup> Street West located between 10<sup>th</sup> Avenue West and 8<sup>th</sup> Avenue West from 1973 to present. Section 95.361, Florida Statutes, provides that when a road is regularly maintained or repaired for the immediate past 7 years by a municipality, such road shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period. In order to have this portion of the road dedicated to the City, Mr. Allen Tusing executed a Maintenance Affidavit confirming the maintenance of this portion by the City. Section 95.361, Florida Statutes, also allows for the Mayor and the City Clerk to certify the map attached to the Maintenance Affidavit.

Commissioner Davis questioned if this is to show the railroad company that the City has been maintaining it. Mr. Barnebey confirmed that is correct.

Commissioner Williams questioned the right-of-way. Attorney Barnebey stated that the Affidavit is confirming just the portion as dictated on the map.

Commissioner Smith does not believe this is the right thing to do. He questioned the amount of legal fees the City will incur due to this Affidavit if it becomes challenged. Attorney Barnebey cannot make an accurate estimation at this time; it all depends on the circumstances.

**Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 4-1 to authorize the Mayor and the City Clerk to certify the map attached to the**

**Maintenance Affidavit and approve the recording of the Maintenance Affidavit and attachments. Commissioner Smith voted no.**

10. CITY LAND PURCHASE RELATED TO HABEN AND 7TH STREET

Attorney Barnebey stated that this request for purchase is part of the Convention Center Hotel project and the extension of 7<sup>th</sup> Street. The City needs this land for a roundabout at the future intersection of Haben Boulevard and 7<sup>th</sup> Street. The City opened a discussion with 39638, LLC to purchase the land at the northeast corner of the 7<sup>th</sup> Street extension and Haben Boulevard for the roundabout. The purchase price for the .0214 acre parcel is expected to be under \$15,000; an appraisal was completed in May with an appraised value of \$10,077.

**Motion: Commissioner Williams moved, Commissioner Varnadore seconded, and the motion carried 5-0 to approve the contract for purchase of the .0214 acre of 39638, LLC property for an amount not to exceed \$15,000.00 and authorize the Mayor to sign the contract and execute all closing documents.**

11. MAY CHECK REGISTER (INFORMATIONAL ONLY)

STANDING AGENDA ITEMS:

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12. TRAFFIC UPDATE

13. PALMETTO POOL UPDATE

Attorney Barnebey stated that he has agreed to general form as related to the documents for the Pool and is continuing to work with the County Attorney's Office. They are working on final budget numbers. Mr. Barnebey did receive a legal description today.

14. POLICE DEPARTMENT BUILDING UPDATE

COMMENTS:

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15. DEPARTMENT HEADS COMMENTS

**MR. RAYAN**—there will be street repairs during the night hours on 10<sup>th</sup> Street and 8<sup>th</sup> Avenue West. This is for the repair of a deflection in one of the 8-inch sanitary lines. This project begins today with an estimated two to three weeks for completion.

The paving project has been moved back to the beginning of July; the company is tied up in Manatee County completing the work along US 301.

Public Works staff will be meeting with the CRA staff for the Lincoln Park restrooms; the plan is to meet with the architect to develop a vision for the construction at the Park.

He touched on the plans for the project in Ward 1 Phase 3. He met with the engineers for a proposal. Staff is looking for the funding to get the engineering work completed. The Capital Improvement Project (CIP) has funds allocated for engineering services for surface upgrades at 2<sup>nd</sup> Avenue and 10<sup>th</sup> Street West; Ward 1 stormwater improvement. Mr. Rayan stated that the Ward 1 Phase 3 project consists of utilities upgrades, fire

suppression upgrades, and sanitary sewer upgrade. Some of the residents in this area are still on septic, so this project will help to upgrade them to the City's sewer system. The City is applying for grants to help fund this project and a budget amendment will be brought forward to the next meeting.

**CHIEF TYLER**—discussed body cameras for the officers and how there will be a joint agreement made with the Manatee County Sheriff's Office for support and maintenance.

**MR. FREEMAN**—the lobby is planned to be reopened to the public on June 17<sup>th</sup> while following the Center for Disease Control (CDC) guidelines regarding distancing, sanitizing, and the requirement of face masks in public spaces.

He provided an update on the Fiscal Year 2021 Budget distribution. Version one is planned to be provided to the Commission by July 2<sup>nd</sup> with the first meeting on July 20<sup>th</sup> for a Budget Workshop with a meeting on July 27<sup>th</sup> at 5:30 p.m. for adoption of the proposed millage; he reminded the Commission that they can approve a millage and change it, but only to reduce it not to increase it. Commissioner Varnadore stated she will be out of town. Mr. Freeman mentioned a few proposed dates in August for Budget Workshops:

- ✓ August 5, 2020 at 5:30 p.m.
- ✓ August 12, 2020 at 5:30 p.m.
- ✓ August 19, 2020 at 5:30 p.m.

These can all be cancelled if not necessary, but he felt it was necessary to add them to the calendars now.

In regards to the new Police Department and a meeting with the architects, Mr. Freeman proposed a date of July 22<sup>nd</sup> for a Workshop only, but due to Commissioner Varnadore not being available, the proposed date changed to July 21, 2020 at 5:30 p.m.

**ATTORNEY BARNEBEY**—congratulated Commissioner Cornwell for being reelected for another four year term.

He reminded the Commission of the Shade Meeting on June 18, 2020 at 6:00 p.m. to last approximately on hour. It will be held in the Commission Chambers at City Hall only, no electronic means.

## 16. MAYORS REPORT

Thanked Commissioners for their comments this evening on the various items.

She congratulated Commissioner Cornwell for being reelected for another four year term.

## 17. COMMISSIONERS COMMENTS

**COMMISSIONER DAVIS**—thanked Mr. Rayan for his timely response to some issues he questioned.

**COMMISSIONER CORNWELL**—thanked Public Works for helping to fix some water issues.

**COMMISSIONER VARNADORE**—congratulated Commissioner Cornwell on her reelection.

In regards to zoning changes, she would like to have some workshop on these to move forward. This would include discussion of the various zoning categories, where they are in the City and what is allowed.



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**COMMISSIONER WILLIAMS**—thanked Public Works for the going away party that was had for Mr. Tusing’s retirement.

Mayor Bryant adjourned the meeting at 9:54 p.m.

MINUTES APPROVED: JULY 20, 2020

*James R. Freeman*

JAMES R. FREEMAN  
CITY CLERK