

**City Commission Meeting**  
**Monday, July 20, 2020**  
**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

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:

Jeff Burton, CRA Director  
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.

Mayor Bryant introduced Pastor Kevin Washington from Life Changers World Ministries in Palmetto; he came tonight to do the Invocation. Mayor Bryant informed everyone of Pat Whitesel (former Mayor) who passed away; she asked to keep her family in thoughts and prayers.

Pastor Kevin Washington gave tonight's invocation followed by the Pledge of Allegiance.

All persons intending to address the City Commission were duly sworn.

Mayor Bryant presented the Carol Westmoreland Day Proclamation. Carol Westmoreland day is October 15, 2020.

1. CITY COMMISSION AGENDA APPROVAL

**Motion: Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the July 20, 2020 Commission Agenda.**

2. PUBLIC COMMENT

Mike Contarino, R-Cubed Engineering located in Palmetto, discussed the availability of other commercial properties in the City to expand his business. Mayor Bryant will discuss with Mr. Burton on available nearby properties.

### 3. CONSENT AGENDA APPROVAL

- a. Minutes: June 1, June 8, June 15, and June 18, 2020
- b. Appointment of Maria Sosa to CRA Advisory Board
- c. Appointment of Mohammed Rayan as Director of Public Works
- d. Legal Invoices
- e. Surplus Tangible Property
- f. Resolution 2020-13 Local Mitigation Strategy
- g. FY 2020-2021 School Resource Officer Contract

**Motion:** Commissioner Varnadore moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the July 20, 2020 Consent Agenda as recommended by staff with the removal of item C and G for discussion.

#### ITEM 3 C APPOINTMENT OF MOHAMMED RAYAN AS DIRECTOR OF PUBLIC WORKS DISCUSSION:

Commissioner Smith complimented Mr. Rayan and the work he has done for the City over the last couple of years.

**Motion:** Commissioner Smith moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the appointment of Mohammed Rayan as the Director of Public Works.

#### ITEM 3 G SCHOOL RESOURCE OFFICER CONTRACT DISCUSSION:

There will be two officers total; both will be located at Palmetto High School. The School Board will be placing a guardian at both Palmetto Elementary and Lincoln Memorial.

Mr. Freeman informed the Commission that a revised Exhibit A to reflect two officers was distributed to the Commission via e-mail today.

**Motion:** Commissioner Smith moved, Commissioner Varnadore seconded, and the motion carried 5-0 to approve the School Resource Officer Agreement for the school year 2020-2021.

### 4. FISCAL YEAR 2021 PROPOSED AGGREGATE MILLAGE RATE AND DATES FOR TENTATIVE AND FINAL BUDGET HEARINGS

**Motion:** Commissioner Williams moved, Commissioner Varnadore seconded, and the motion carried 5-0 to move this item to July 27, 2020 at 5:30 p.m. or as soon thereafter as same can be heard in these Chambers.

### 5. DECLARATION OF SURPLUS PROPERTY 415 11 STREET WEST

Attorney Barnebey explained that this is for the surplus of City-owned property at 415 11<sup>th</sup> Street West; this property is currently vacant. The adjoining property owner has inquired about the property and wanted to know what the City was going to do with it. The value of the property is approximately \$11,250 according to the Property Appraiser, however, no formal appraisal has been completed. Mr. Barnebey stated that declaring the site surplus is the first step in the possible sale of this parcel.

Commissioner Smith stated that he does not understand why staff does not workshop surplus of properties. He has discussed this request several times but it does not seem to happen. He is not interested in discussing this further until it can be on a workshop agenda. He has several questions on the zoning, what can be built there, what does the adjoining property owner(s) wish to utilize this for. Mr. Smith then pursued a conversation and discussion with Mrs. Owens regarding another property in the City that has a residential house being built but he opined the lot is not big enough for such an establishment. He stated that it has been inspected, he could see the information on the site by the Building Department; however, he asked Mrs. Owens to follow up with this issue. The location is on 2<sup>nd</sup> Avenue.

The consensus of the Commission was to move this to a workshop.

**Motion: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to bring this item to the next available workshop meeting as determined by the City Clerk.**

#### 6. ANNEXATION AGREEMENT AND SEWER AGREEMENT---DENTON

The property owner is located just west of the City in unincorporated Manatee County. This is the same as previous requests where the owner requested approval of connection to the City's sewer system. The owner has executed a voluntary annexation agreement that is legally binding. When the property is contiguous to the City limits and is available to annex in, it will be.

**Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the Voluntary Annexation Agreement and Petition to Annex for Caroline Denton, and authorize the Mayor's execution of same.**

#### 7. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2020-02 CONTARINO

Mrs. Owens stated that the applicants are proposing to remodel the existing laundromat building into a coffee, wine, and craft beer café. They plan to live in or rent the single family home as well. The existing parking area in the front of the laundromat building will be used for customer seating. Parking requirements will be met using street parking plus contracted use of parking areas on adjoining property owned by the CRA or the neighboring churches. The Conditional Use (CU) Permit is for the ability to have on-premises consumption of beer and wine. The Commercial Core Zoning of the Code allows for drinking establishments as a permitted using in this district upon the approval of a CU Permit if the establishment is within 200 linear feet from a residentially zoned or used parcel and is measured from property line to property line. This property is located within 200 linear feet from residentially zoned property to the west and south. A notice of this proposed use was mailed to every property owner within 300 feet of the subject property and a legal notice was properly advertised in the newspaper. No comments have been received regarding this request. This CU is consistent with Chapter 4, Alcoholic Beverages of the City Code.

Mrs. Owens indicated that the owners have provided renderings of the proposed establishment which have been provided in tonight's Agenda. There will be compliance of the Downtown Guidelines before anything official is

completed; this is just a conceptual of their intent. The applicant was notified of the meeting; however, is not in attendance.

Commissioner Cornwell expressed concerns on the restriction of consumption of alcohol as well as the hours of operation. She discussed parking and inquired if this would be a recommendation to the CRA Board. Mr. Burton stated that next month there is a plan to bring forward a discussion of public parking in the downtown in order to eliminate the requirements in the Code for parking of downtown establishments.

Discussion continued on the sale and consumption of alcohol within close proximity to two churches. It was discussed about the idea of placing restrictions with the CU Permit for the sale as well as the timeframes for sale and consumption of alcohol. Mrs. Varnadore stated that the CU Permit will be recorded and go with the property so any future property owners would be subject to same stipulations.

The Commission discussed the establishment allowing for live music, bands, entertainment and how this could impact surrounding residents and the church.

Commissioner Smith opined there are different rules for different parts of the City. He prefers consistency. Mrs. Owens explained the City's Zoning Code and how that works.

Commissioners Williams and Davis prefer not to make a decision on this item until the applicant appears.

Mayor Bryant opened the public hearing.

**Motion: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to continue the public hearing on Conditional Use No. 2020-02 to August 3, 2020 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.**

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

Mrs. Owens discussed this Conditional Use (CU) Permit and stated that this is a continuation from the last meeting. She included a statement from American Tower Co. in regards to the Commission's questions on safety. She reminded the Commission that this is a request to put a tower on the site.

Commissioner Smith questioned if the tower will be 4G or 5G because if it is 5G he has serious problems with that; he cannot vote on this tonight without that information.

Mrs. Owens reiterated that this is for the approval of the tower structure itself not for the company or companies that will utilize the tower.

Commissioner Williams expressed his concerns again with regards to the stability of the tower with high winds and the close proximity to a proposed hotel.

Rod Connelly, representing the applicant, stated that the hotel has signed off and welcomes this tower build nearby. They believe that this is a benefit to their customers as well as the City residents.

Mayor Bryant opened the public hearing.

Michelle Martin, resident, is concerned about the tower being used for 5G services.

Discussion ensued regarding stipulations and what can be approved and not approved. The majority of the Commission requested a continuation of this public hearing.

**Motion:** Commissioner Smith moved, Commissioner Davis seconded, and the motion carried 4-1 to continue the public hearing on Conditional Use 2020-03 to August 3, 2020 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers. Commissioner Cornwell voted no.

#### 9. PUBLIC HEARING EMERGENCY ORDINANCE 2020-09 MASK SIGNS

AN EMERGENCY ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, REQUIRING BUSINESS ESTABLISHMENTS TO POST SIGNAGE REGARDING FACE COVERINGS AS MORE FULLY SPECIFIED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Barnebey stated that there have been inquires of the City to provide additional direction to businesses related to informing the public on safety through the COVID pandemic. The attached Ordinance requires businesses to post a sign which either advises persons entering the building whether face coverings are required or requested to be worn within the business or notifying the persons entering that face coverings are recommended by The Center for Disease Control and Prevention (CDC) to be worn in public especially when social distancing cannot be maintained. This Ordinance will require signage to be posted by Friday, July 24<sup>th</sup> and will be in effect for 60 days unless extended. Because this is an emergency Ordinance, it must be passed by a vote of four or more Commissioners.

Commissioner Davis inquired if the City intends to supply businesses with masks and with the signage and/or appropriate wording. Attorney Barnebey stated that the Commission can supply masks if they so choose. Mr. Davis requested a standardized sign requirement if that is the direction the City wants to go.

Attorney Barnebey reminded the Commission that this Ordinance is not to make masks mandatory; it is to ensure that businesses help to remind the public of the recommendations of the CDC; if businesses want to require masks in their establishment that is their choice.

Commissioner Cornwell expressed hesitation on the verbiage in the Ordinance not being clear to allow for face shields instead of masks due to the "cloth face covering" language.

Commissioner Varnadore is concerned about the hardship this requirement would place on businesses to print and post and if they have to provide masks to patrons. Mayor Bryant indicated that the template could be provided to the business on the City's Website for easy printing. Commissioner Davis opined that the City should be the one to print out the signs and provide to the businesses. Commissioner Smith opined the City should purchase the premade signs from the Manatee County Chamber of Commerce and deliver to the businesses.

Mayor Bryant opened the public hearing.

Michelle Martin, resident, wanted to know why the City would be requiring businesses to do this. She is not understanding why the City would require such a law if there is no enforcement intended. She opined that there is considerable confusion on the Ordinance amongst the Commission and stated that will translate to confusion among the businesses. Mayor Bryant stated it is the hope of the City to keep people safe from this virus.

Discussion continued regarding the posting of signage in businesses.

Mayor Bryant closed the public hearing after comments.

**Motion:** Commissioner Williams moved, Commissioner Cornwell seconded, and the motion failed 3-2 to adopt Ordinance 2020-09 with the addition of face shield and a doctor's note would be an exemption for not wearing a mask or shield. Commissioners Davis and Smith voted no.

**Motion:** Commissioner Williams moved, Commissioner Cornwell seconded to bring Ordinance 2020-09 to the next meeting to include exemptions and face shields.

Commissioner Smith discussed punitive charges if businesses do not want to post signs.

**Commissioners Cornwell and Williams rescinded the motion on the floor.**

Commissioner Cornwell would prefer to place this Ordinance on a workshop.

#### 10. JUNE CHECK REGISTER (Informational Only)

MAYOR BRYANT RECESSED THE CITY COMMISSION MEETING AT 9:50 P.M. TO OPEN THE JULY 20, 2020 CRA BOARD MEETING.

MAYOR BRYANT RECONVENED THE CITY COMMISSION MEETING AT 10:08 P.M.

#### STANDING AGENDA ITEMS:

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#### 11. TRAFFIC UPDATE

#### 12. PALMETTO POOL UPDATE

#### 13. POLICE DEPARTMENT BUILDING UPDATE

#### COMMENTS:

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#### 14. DEPARTMENT HEADS COMMENTS

**MR. RAYAN**—discussed the U.S. 41 safety concerns. Florida Department of Transportation (FDOT) is moving forward to prepare a design for a roundabout in that area. This project is budgeted for \$1.2M. FDOT is willing to move forward with the project to match the funding we have committed; if the City does not wish to move forward at this time, if not, it will be postponed until 2027.

Mayor Bryant stated that the County Commission has been very helpful through the process; there are funds in the Capital Improvement Plan as well as the sales tax funding. She would like consensus from the Commission to commit these funds. Mayor and staff will be meeting with the property owners in this area to discuss the plans for the intersection [US 41 and 23<sup>rd</sup> Street].

**MR. FREEMAN**—discussed vote by mail and the information from the Supervisor of Elections.

The CDBG Grant cycle opens in August and he is asking for input on residents that the Commission would like to appoint to the Citizens Advisory Task Force. He asked for Commissioners to email him with names and contact information so that he can provide the application to them; it is approximately at two hour commitment to assist in the project selection for the Grant.

15. MAYORS REPORT

16. COMMISSIONERS COMMENTS

Mayor Bryant adjourned the meeting at 10:19 p.m.

MINUTES APPROVED: AUGUST 24, 2020

*JAMES R. FREEMAN*

JAMES R. FREEMAN  
CITY CLERK