

City Commission Meeting
Monday, August 3, 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 a 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance. Pastor Jason Lane from Skyway Memorial gave tonight's invocation.

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

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the August 3, 2020 Commission Agenda.

2. PUBLIC COMMENT

Rodney Jones, commented on the water bill and Lincoln Memorial Academy. He is requesting that the Commission consider a policy to ensure this issue doesn't happen again.

Attorney Barnebey reminded the Commission of the litigation pending; therefore, comments are not appropriate at this time.

3. CONSENT AGENDA

a. GML Piggyback Agreement

- b. DFS Scada System Sole Source
- c. DeJonge Excavating Piggyback Agreement
- d. Resolution 2020-12 Mid-Year Budget Cleanup
- e. 7th Street Interlocal Agreement
- f. Surplus Property 11th Street

Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the item D of the August 3, 2020 Consent Agenda as presented by Staff.

3.A. GML PIGGYBACK AGREEMENT AND ITEM 3.C. DEJONGE EXCAVATING PIGGYBACK AGREEMENT DISCUSSION:

Commissioner Williams questioned the fourth whereas clause in the GML Agreement that mentions sanitary system for purchase; he is not okay with the purchase of that. Mr. Rayan stated that is not something the City intends to purchase, it is solely for Inflow and Infiltration (I&I) work.

Mr. Williams discussed the fee schedule in the DeJonge Excavating Agreement; Mr. Rayan indicated these prices are fair and appropriate for the agreement.

Motion: Commissioner Williams moved, Commissioner Varnadore seconded, and the motion carried 5-0 to approve items A and C from the Consent Agenda.

3.B. DFS SCADA SOLE SOURCE AGREEMENT DISCUSSION:

Commissioner Williams is not a fan of sole source agreements and wanted to ensure that the pricing and product are appropriate for the City. Mr. Rayan stated that the City has the Scada System and this is compatible and appropriately priced.

Motion: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve item 3.B. of the Consent Agenda.

3.E. 7TH STREET INTERLOCAL AGREEMENT WITH MANATEE COUNTY DISCUSSION:

There are no known issues at this time, if the cost to construct 7th Street costs more than the Grant it will be the responsibility of the developer to sure up the costs. Mr. Freeman stated that anything above and beyond what is mentioned, this includes Stormwater and Southwest Florida Water Management District (SWFWMD) fees will be the responsibility of the developer.

After further discussion, it was determined that this needs to be placed on the August 24th Workshop for continued discussion; it was noted that this is time sensitive and needs to be approved as soon as possible.

3.F. SURPLUS PROPERTY DISCUSSION:

This item was on today's Workshop Agenda. Mayor Bryant mentioned the two names of the people who contacted her regarding the property. Commissioner Smith has a problem with surplus of this property without knowing what will be constructed there; he is not in favor of any commercial establishment being constructed. He opined that commercial establishments just pop up in Ward 1 without anyone knowing about them.

Attorney Barnebey reiterated to the Commission that the City can put whatever restrictions on the property, including if anything can be built on it, before it is surplus. He recommended putting restrictions on this property and then surplus. The Commission requested another workshop on this topic.

Motion: Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 5-0 to move this item to the next available workshop meeting for discussion.

Commissioner Williams would like the addresses from Commissioner Smith that he stated have been displaced by development in Ward 1.

4. 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.

Mrs. Owens is requesting a continuance to allow for staff to make the changes as discussed at today's Workshop.

Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to continue the public hearing on Ordinance 2020-06 to September 14, 2020 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.

5. PUBLIC HEARING CONDITIONAL USE PERMIT CU 2018-02 CHURCH ON THE ROCK (K. Owens)

Mayor Bryant opened the public hearing on CU Permit 2018-02.

Mrs. Owens requested a continuance of the Public Hearing to September 14th.

Motion: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to continue the public hearing on Conditional Use Permit 2018-02 to September 14, 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 2020-02 CONTARINO

Mayor Bryant opened the public hearing.

David Hadzima, property owner at 401 10th Avenue West, discussed the questions as mentioned at the last meeting. He prepared an email response as well, which has been distributed to the Commission. The email is attached to the minutes.

Attorney Barnebey explained that the conditional use permit will run with the land; any future property owners will have to comply with the Permit. Discussion regarding the sale/consumption of alcohol within so many feet of a church. The measurement is property line to property line and requires a conditional use permit if 200 linear feet; the two churches near this property are zoned residential.

Discussion continued regarding parking restrictions with Commissioner Smith pleased with the plans for this property but not in favor of the restrictions on parking. He stated that the downtown has parking available as well as the lot across the street that is now owned by the CRA [formerly known as Slicks].

In regards to live music, Mr. Hadzima indicated that outside music is something the establishment is looking to bring to the downtown. Some discussion was had with mention of the current Noise Ordinance.

Commissioner Smith followed up on the parking requirements. Mrs. Owens stated that there is the need for one space per 50 feet which equates to an estimated 35 parking spaces.

Lindsey Tanner, resident, lives near the proposed establishment. Requested a continuation to allow for the surrounding neighbors to know about this; and is not in favor of live music.

Charles Smith, resident, is in favor of this business coming to the City. He believes it will bring a positive impact to the City.

Mr. Hadzima stated that the application was submitted to the City in February. There have been two postings which have been distributed to the surrounding property owners, advertised appropriately in the newspaper, and posted on the property regarding all public hearings.

Commissioner Williams is in favor of this project and would like to remove the time limit and the parking restrictions.

Mayor Bryant closed the public hearing after no further comments.

Commissioner Varnadore expressed her concerns and disagrees that this is an appropriate use for the property.

Motion: Commissioner Williams moved to approve Conditional Use 2020-02 with the removal of 3E. The motion died for lack of a second.

Motion: Commissioner Smith moved, Commissioner Davis seconded the motion to approve the Conditional Use No. 2020-02, with conditions as proposed by staff and the removal of conditions B and E and the amendment of condition D to be “the proposed use shall comply with parking requirements set forth in Chapter 28 of the Palmetto City Code”.

Commissioner Williams questioned if it would be appropriate to increase the timeframe in condition B instead of removing it altogether; the maker and seconded disagreed.

The motion on the floor carried 3-2 with Commissioners Cornwell and Varnadore voting no.

Mrs. Owens informed the Commission that the addition of the Conditional Use Permit for the cell tower at Hidden Lake Park was added to the packet; also, additional information regarding the safety of 5G towers was added based on the discussion. Rod Connelly is present via telephone for questions.

Mayor Bryant opened the public hearing. She closed the public hearing after no comments.

Commissioner Cornwell discussed two articles on cell towers as well as the information that she has received over the years from the Florida League of Cities that discourages the construction of the towers. She stated that cell phone receptors can be installed on existing telephone poles in the City; she opined this is unnecessary for a City this size and does not want to be known for the City of cell towers. Mrs. Cornwell stated that this site will have a hotel on it and the hotel can install cell signal receptors on the roof if it so chooses.

Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion failed 2-3 to approve Conditional Use Permit 2020-03 with conditions as recommended by staff. Commissioners Cornwell, Smith, and Williams voted no.

Attorney Barnebey and Mrs. Owens will prepare an order for denial.

MAYOR BRYANT RECESSED THE CITY COMMISSION MEETING AT 9:34 P.M. TO OPEN THE AUGUST 3, 2020 CRA BOARD MEETING.

~~RECONVENETHECITYCOMMISSIONMEETING~~

~~STANDINGAGENDAITEMS:~~

~~8. TRAFFIC UPDATE~~

~~9. PALMETTO POOL UPDATE~~

~~10. POLICE DEPARTMENT BUILDING UPDATE~~

~~COMMENTS:~~

~~11. DEPARTMENT HEADS COMMENTS~~

~~12. MAYORS REPORT~~

~~13. COMMISSIONERS COMMENTS~~

This meeting was not reconvened due to the time.

MINUTES APPROVED: AUGUST 24, 2020

JAMES R. FREEMAN

JAMES R. FREEMAN, CITY CLERK