

**CITY COMMISSION MEETING**

**June 21, 2021**

**7:00 pm**

This Commission Meeting was conducted utilizing Communications Media Technology. Some 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 (Not Present)  
Brian Williams, Vice Mayor, Commissioner, Ward 3  
Sheldon Jones, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2  
Harold Smith, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2 (Not Present)

**STAFF PRESENT IN CHAMBERS:**

Mark Barnebey, City Attorney  
Mohammed Rayan, Public Works Director  
Scott Tyler, Chief of Police  
Jim Freeman, City Clerk  
Kera Hill, Planning Analyst  
Jeff Burton, CRA Director (Not Present)  
Penny Johnston, Executive Assistant  
Vanessa Cochran, Assistant City Clerk

**STAFF PRESENT ELECTRONICALLY:**

Todd Williams, Information Technology (IT) Consultant

1. Vice Mayor Williams called the meeting to order at 7:02 p.m., Pastor David Shenning, First Baptist Church, gave the tonight's invocation, followed by a moment of silence and the Pledge of Allegiance.

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

2. CITY COMMISSION AGENDA APPROVAL

**Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 4-0 to approve the June 21, 2021 City Commission Agenda.**

3. PUBLIC COMMENT

Rodney Jones and Betty Rhodes gave their opinions on the Lincoln Memorial Academy issue.

4. CONSENT AGENDA

- a. Minutes: May 17th and June 14th
- b. Legal Bills

**Motion: Commission Cornwell moved, Commissioner Jones seconded, and the motion carried 4-0 to approve the Consent Agenda as presented by staff.**

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5. RESOLUTION 2021-15 OPIOID CLAIMS AND APPROVAL OF THE MEMORANDUM OF UNDERSTANDING-This item will be heard time certain at 7:30 p.m. (M. Barnebey)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO AUTHORIZING THE CITY TO JOIN WITH THE STATE OF FLORIDA AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN.

**(Item 6 Public Hearing Ordinance 2021-04 General Development Plan Riviera Dunes was discussed first and paused at 7:30 p.m., to discuss the time certain Resolution 2021-15 Opioid Claims and Approval of the Memorandum of Understanding)**

William Robertson and Joseph Rice (attorneys representing the City), via telephone into Zoom Meeting, discussed the Opioid settlement that remediates the harms caused to the settling states and their citizens by the opioid epidemic. They are seeking the approval of Resolution 2021-15, which deals with the City's proposed settlement that will be a yearly payment of approximately \$10,000 over a period of about 18 years. And, the eligible expenses are outlined specifically in the Memorandum of Understanding (MOU).

**Motion: Commissioner Jones moved, Commissioner Smith seconded, and the motion carried 4-0 to adopt Resolution 2021-15, approve the Memorandum of understanding and authorize the Mayor to sign the Memorandum of Understanding.**

6. PUBLIC HEARING ORDINANCE 2021-04 GENERAL DEVELOPMENT PLAN/RIVIERA DUNES APARTMENTS (K. Hill)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING ADOPTION OF A GENERAL DEVELOPMENT PLAN AS DESCRIBED HEREIN FOR A MULTI-FAMILY, PLANNED DEVELOPMENT CONTAINING 255 MULTI-FAMILY RESIDENTIAL UNITS ON 8.37 ACRES OF PROPERTY GENERALLY LOCATED ALONG THE EAST SIDE OF U.S. 41 SOUTH OF HABEN BOULEVARD AT THE WESTERN ENTRANCE TO THE RIVIERA DUNES DEVELOPMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE. (RIVIERA DUNES APARTMENTS)

**Vice Mayor Williams opened the Public Hearing at 7:13 p.m.**

Mrs. Hill, Planning Analyst, presented the General Development Plan for Riviera Dunes Apartments that contains one 2 story buildings and four 4 story buildings containing a total of 255 multi-family residential units on 8.37 acres, and the presentation is a part of the minutes. The zoning and future land use for the property is Planned Unit, Mixed Development (PD-MU) and Planned Community (PC), which is compatible with and allowed for multi-family development. It is located east of US 41 and south of the 7-11 Gas Station and surrounded by the properties Laguna at Riviera Dunes and Bel Mare. The applicant, Epoch Properties, requested use on the property, and the request has to be approved by Planning and Zoning. Also, the applicant waived the conceptual plan requirements since the Planned Development (PD) zoning is already in place, and there are some stipulations and deviations that have been requested by the applicant.

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Mrs. Hill requested the approval with the stipulations and deviations as stated in the ordinance. She informed the Board that Brad Cornelius of Wade Trim and consultant for the City of Palmetto, and the land owner, Dr. Gino Sedillo, were present. Then, she introduced Brad Cornelius.

Mr. Cornelius presented a memorandum summarizing his analysis, and it is a part of the minutes. He expressed that he reviewed the Staff Report and Public Hearing information for the proposed Riviera Dunes Apartments General Development Plan, and the analysis focused on three areas, which are the surrounding property densities, the appropriateness of densities within the area, and the traffic impacts. The information was obtained from the City, Manatee County Property Appraiser, Geographic Information System (GIS), and the State of Florida Division of Emergency Management. Mr. Cornelius expressed that he supports the Staff's recommendation and analysis.

**Vice Mayor Williams paused the Public Hearing to address the time certain item 5 Resolution 2021-15 Opioid Claims and Approval of the Memorandum of Understanding at 7:30 p.m.**

**Vice Mayor Williams reconvened the Public Hearing Ordinance 2021-04 General Development Plan/Riviera Dunes Apartments at 7:47 p.m.**

### PUBLIC HEARING ORDINANCE 2021-04 GENERAL DEVELOPMENT PLAN/RIVIERA DUNES APARTMENTS CONTINUATATION

Ed Vogler, attorney for Epoch Properties, gave a presentation, which is part of the minutes. He stated that the property is zoned and comprehensively planned. And, the issue is the General Development Plan approval. He emphasized that the City's policies were followed accurately for the Riviera Dunes Project. Next, he introduced Justin Sands, Principal and President of Epoch Residential. Mr. Sands gave an overview of the company, its projects, the various community meetings held, and stated that the development is ready to proceed.

Attorney Barnebey asked if Epoch Properties will commit to the substantial compliance if the Commission likes the renderings. And, Attorney Vogler replied yes.

Vice Mayor Williams reported that additional information was received just before the meeting, and it needs to be reviewed. Therefore, a future meeting may be considered, and those who will not be able to attend the future meeting will be able to make comments tonight.

Commissioner Smith inquired when the Plan was submitted to the City. Attorney Vogler responded August 12, 2020, and a letter was received from the City's Planning Director in February 2021 that listed the process and what resolution will apply. Given that several Board members were not present, Commissioner Smith acknowledged that he will not vote on the item tonight.

Dr. Gino Sedillo, land owner, commented that he made sure that whatever would be built on the property stayed consistent with the community. He affirmed that the developers has met this expectation and asked for it to be taken in consideration.

CONTINUATION PUBLIC COMMENTS

Attorney Lobeck, Lobeck and Hansen Law Offices, representing Riviera Dunes Home Owners Association Inc., stated that he disagreed with what was presented tonight, and documents are being prepared to send tomorrow. He also recommend that the decision be delayed for a future City Commission Meeting.

The below speakers gave their opinions about the proposed Riviera Dunes Apartments General Development Plan.

Erik Arroyo  
Andrew Georgiadis  
Tony Carpino  
Elizabeth Law  
Attorney Dan Lobeck

Attorney Lobeck gave his views on the City's time limit for public comments.

**Motion: Commissioner Smith moved, Commissioner Jones seconded, and the motion carried 3-1 to allow 2 minutes for each speaker to speak. Commissioner Williams voted nay.**

Mr. Freeman, City Clerk, provided 3 dates for a City Commission Meeting to continue the Riviera Dunes General Development Plan, and the Board selected August 2nd. Also, it was recommended to locate a larger venue to hold the meeting.

**Motion: Commissioner Cornwell moved, Commissioner Jones seconded, and the motion carried 4-0 to continue the Public Hearing Ordinance 2021-04 General Development Plan/Riviera Dunes Apartments to August 2, 2021, and a venue will be announced later.**

**Vice Mayor Williams recessed the City Commission Meeting at 8:40 p.m.**

**Vice Mayor Williams reopened the City Commission Meeting at 8:45 p.m.**

Commissioner Cornwell suggested to have Workshop/CRA Meetings for Plans before they are built out, so the essential information is provided to the Board. Commissioner Jones agreed and mentioned the Manatee School of Arts project. Also, Attorney Barnebey recommended a larger venue for the August 2nd Commission Meeting.

7. CONDITIONAL USE 2021-01 TELECOMMUNICATION TOWER (K. Hill)

**Vice Mayor Williams opened the Public Hearing at 8:58 p.m.**

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Ron Conley, via telephone into Zoom Meeting, expressed that he agreed with the Conditional Use 2021-01 Telecommunication Tower continuation to September 27, 2021.

**Vice Mayor Williams closed the Public Hearing after comments at 9:01 p.m.**

**Motion: Commissioner Jones moved, Commissioner Smith seconded, and the motion carried 3-1 to continue Conditional Use No. 2021-01 to September 27, 2021 at 7:00PM in the City of Palmetto Commission Chambers. Commissioner Cornwell voted nay.**

8. FIRST READING ORDINANCE 2021-09 VACATION OF EASEMENT (K. Hill)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, VACATING A PLATTED EASEMENT LOCATED ALONG THE REAR OF LOTS 9, BLOCK C , H.W. HARRISON'S SUBDIVISION, GENERALLY LOCATED AT 1511 2ND AVENUE WEST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (G & M PROPERTIES & INVESTMENTS, LLC)

**Motion: Commissioner Jones moved, Commissioner Cornwell seconded, and the motion carried 4-0 to approve First Reading of Ordinance 2021-09 and authorize staff to advertise for the appropriate Public Hearing.**

9. FIRST READING ORDINANCE 2021-10 VACATION OF EASEMENT (K. Hill)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, VACATING A PLATTED EASEMENT LOCATED ALONG THE REAR OF LOTS 6, 7, AND 8, BLOCK C, H.W. HARRISON' S SUBDIVISION, GENERALLY LOCATED AT 203 16TH STREET WEST AND 1515 2Nn AVENUE WEST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (G & M PROPERTIES & INVESTMENTS, LLC)

**Motion: Commissioner Jones moved, Commissioner Smith seconded and the motion carried 4-0 to approve First Reading of Ordinance 2021-10 and authorize staff to advertise for the appropriate Public Hearing.**

10. HIDDEN LAKE PARK CELL TOWER EXTENSION REQUEST (J. Freeman)

Mr. Freeman, City Clerk, gave a brief background on the cell tower lease with Verizon Wireless at Hidden Lake Park. Verizon signed its rights to American Tower, a company that manages all their sites. About 2 months ago, the City received a request from Lyle Company, an authorized vendor for American Tower, to extend their current lease that ends in 2035 for an additional 25 years. The tower has the capabilities for 3 providers and has one provider. For the extension, the company has agreed to pay a one-time payment of \$10,000 and continue the current terms at the expiration of the lease. Currently, the City receives about \$19,000 per year with a 2% escalator per year and will continue. Also, Mr. Freeman stated that he proposed a 15 year lease extension to the company, and their response was positive.

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The Board discussed the matter in detail and made the following comments and suggestions: not satisfied with the lease extension of additional 25 years, wants lease rates information for cities with similar population as Palmetto, and suggested that Florida League of Cities be contacted because they have access to the cell towers revenue that the Cities collect from the companies. In response, Mr. Freeman communicated that he will follow through on the Board's recommendations and bring the information back to the Board.

~~**Motion: Motion to approve/deny the request to extend the current land lease agreement with Verizon Wireless at Hidden Lake Park/87017 FL by \_\_\_\_\_ years with all terms remaining the same and including a \$10,000 signing payment and authorize the Mayor to sign the extension of lease upon final City Attorney's review.**~~

### 11. NEW CINGULAR WIRELESS PCS, LLC OPTION AND LAND LEASE AGREEMENT AT HIDDEN LAKE PARK (J. Freeman)

Mr. Freeman, City Clerk, explained that the lease is for New Cingular Wireless PCS to lease ground space for their cellular equipment. He outlined the payment options and terms of the lease. The Board declared that more information was needed before a decision. Mr. Freeman replied that more information will be collected and brought back to the Board.

~~**Motion: Motion to approve/deny the Option and Land Lease Agreement with New Cingular Wireless PCS, LLC for ground space at the Hidden Lake Park cell tower site and authorize the Mayor to sign the agreement.**~~

### STANDING AGENDA ITEMS:

#### 12. TRAFFIC UPDATE

Mr. Rayan, Public Works Director (PWD), reported that the proposed Plan for the roundabout was approved, and a map will be provided to the Board on the street closures. He added that the project will start July 2022 through the fall semester. Chief Tyler communicated that when the roundabout construction starts both lanes going north bound and south bound will remain moving.

#### 13. POLICE DEPARTMENT BUILDING UPDATE

None

### COMMENTS:

#### 14. DEPARTMENT HEADS' COMMENTS

Mr. Rayan, PWD, gave updates on various projects going on throughout the City; to include streets paving, Chloramine House Project, and MLK Restroom Project.

Mr. Freeman, City Clerk, informed the Board that they will receive the version 1 of the budget around the week of July 4th and will provide dates for additional Workshops.

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On the Police Department financing, the financial advisor is sending a Request For Proposal (RFP) to the banks for the loan. Mr. Freeman informed that Board that both bidders declined their offers for the Celebration Center and requested guidance on how to proceed. The Board moved to have the Celebration Center demolished.

Attorney Barnebey gave an update on the 7th Street Extension and stated that it is moving forward.

### 15. MAYOR'S REPORT

None

### 16. COMMISSIONERS' COMMENTS

Commissioner Jones inquired if a 4 way stop could be installed on the corner of 11th Street Drive and 3rd Avenue. Also, the railroad tracks to the west of 11th Street a no parking sign near the habitant house on 3rd Avenue. Commissioner Jones requested the status of the drainage issue at 2441 17th Street, and Mr. Rayan replied that the City will be able to help with the drainage problem.

Commissioner Cornwell asked for clarification on the 90 days extension relating to the Shell Station property. Attorney Barnebey replied that the Board moved to not hear the item until September. Next, Commissioner Cornwell addressed the 10 minutes rule regarding public comments and requested that the rules are followed.

**Motion: Commissioner Cornwell moved, Vice Mayor Williams seconded, and the motion carried 3-1 to extend the City Commission Meeting to 10:10 p.m. Commissioner Smith voted nay.**

Vice Mayor Williams requested copies of the June 17, 2021 Planning and Zoning Meeting minutes regarding the Riviera Dunes Apartments. Mr. Freeman answered that he will get with Kera Hill, Planning Analyst. Also, Vice Mayor Williams asked if there is going to be a presentation on Quasi-Judicial Process, and Attorney Barnebey replied that it will be done at the Workshop on July 19th.

Vice Mayor Williams adjourned the meeting at 10:05 p.m.

MINUTES APPROVED: AUGUST 2, 2021

*JAMES R. FREEMAN*

JAMES R. FREEMAN

CITY CLERK