

CITY COMMISSION MEETING

November 15, 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:

Shirley Groover Bryant, Mayor
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

STAFF PRESENT:

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)
Xavier Colon, Assistant CRA Director
Penny Johnston, Executive Assistant
Vanessa Cochran, Assistant City Clerk

STAFF PRESENT ELECTRONICALLY:

Todd Williams, Information Technology (IT) Consultant

1. Mayor Bryant called the meeting to order at 7:00 p.m., Pastor John Foulkrod, Palmetto Presbyterian Church, did the invocation followed by a moment of silence and the Pledge of Allegiance.

All persons intending to address the Commission were duly sworn.

2. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant added one item to the Agenda. Item 4.H will be Resolution 2021-35 Fiscal Year 2020-2021 Year End Budget Clean-up.

Motion: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the November 15, 2021 City Commission Agenda with the addition 4.H Resolution 2021-35 Fiscal Year 2020-2021 Year End Budget Clean-up.

3. PUBLIC COMMENT

Charlene Love questioned her water bill amount and reported that her neighbor built a fence that is partially on her property. In response, Mayor Bryant stated that both issues will be looked into.

4. CONSENT AGENDA

- a. Minutes: September 27th and October 4th
- b. Legal Bills
- c. Special Event Permit: Multicultural Festival
- d. Special Event Permit: Bradenton Area River Regatta
- e. Special Event Permit: Beer Sales @ Regatta
- f. Special Event Permit: Palmetto Market
- g. 2022 Commission Meeting and Holiday Calendar
- h. Resolution 2021-35 FY 2021 Year End Budget Clean-up

Items 4.F and 4.G were removed for discussion and Item 4.G was discussed first followed by item 4.F.

Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to approve items A, B, C, D, and E of the November 15, 2021 Consent Agenda with the additional item 4.H Resolution 2021-35 FY 2021 Year End Budget Clean-up.

4F. PALMETTO MARKET SPECIAL EVENT PERMIT

The topic of renting the CRA property to host the Special Event Palmetto Market was discussed. Before the Board made a decision, they asked how many vendors were participating, if a fee is charged to participate, and the event set-up arrangement. Mayor Bryant suggested to defer the item, so the applicant can be phone conferenced into the meeting to answer the Board's questions. *The applicant, Melissa Burns, was conferenced into the meeting after Mayor Bryant presented the National Key Club Food Drive Proclamation.*

4G. 2022 COMMISSION MEETING AND HOLIDAY CALENDAR

In regards to the 2022 Commission Meeting schedule, Commissioner Cornwell expressed her opinion on having the first meeting in November before Election Day and proposed the 14th instead of the 7th. Next, she discussed proposed date November 21st and requested November 28th instead.

Motion: Commissioner Cornwell moved, Commissioner Jones seconded, and the motion carried 5-0 to approve the 2022 Commission Meeting and Holiday Calendar with changes November 7th and 21st to November 14th and 28th on the Commission Meeting Calendar.

Mayor Bryant presented a proclamation to the Key Club as National Key Club Food Drive Recognition Day in the City of Palmetto.

Melissa Burns, American Traditions, was phone conferenced into the meeting to answer the Board's question regarding the Palmetto Market Special Event Permit. She expressed that the funds collected from the participating vendors will cover the insurance, the DJ expenses, and the advertising. The drawing that was provided displayed how the arrangement will be set-up and electricity is not needed.

Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the Palmetto Market Special Event Permit.

5. CITY REDISTRICTING (M. BARNEBEY)

Attorney Barnebey referenced the 2020 Census Study and stated that the City is scheduled to hold ward elections in 2022, and the City's ward boundaries need to be reexamine pursuant to the Charter. He outlined the steps that are required to fulfil the study and requested the Board's approval to obtain a consultant to work with the City regarding the redistricting issues.

Discussion ensued regarding the consultant responsibilities and cost. Attorney Barnebey explained that the consultant is hired to determine if there should be a change or not. And, if not no additional work required.

Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to direct the City Attorney to bring back a consultant to work with the City regarding redistricting issues.

6. NEW CINGULAR WIRELESS PCS, LLC OPTION AND LAND LEASE AGREEMENT (J. FREEMAN)

Mr. Freeman, City Clerk, reported that New Cingular accepted the below counter proposals offered by the Commission.

- Rent increase from \$975 to \$1,033 per month.
- Rent escalate from 15% every 5 years to 3% per year.

He explained that if the Commission approves the proposal tonight, the City will receive about \$203,000 over 15 years. The lease has a remainder of about 15 years on the existing American Tower Lease and subject to mutual agreement for 5 years extensions beyond the first 15 years. Also, the first 15 years can only be cancelled on discretion of the tenant after that either party can cancel.

Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve 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.

7. VERIZON/AMERICAN TOWER CELL TOWER EXTENSION REQUEST (J. FREEMAN)

After Mr. Freeman gave a brief summary of the American Tower Cell extension request, he stated that at the October 4, 2021 Workshop Meeting, the Board recommended to ask for an increase to the annual escalator from 2% to 3%, and American Tower declined.

Discussion ensued among the Board regarding the length of the requested extension and the rapid changing of technology.

Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to deny the request to extend the current land lease agreement with Verizon Wireless at Hidden Lake Park/87017 FL by 15 years with all terms remaining the same and including a \$20,000 signing payment.

8. FIRST READ ORDINANCE 2021-11 WOODRUFF REZONING PID #2414520109(K.HILL)
AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA REZONING APPROXIMATELY 1.989+/- ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST INTERSECTION OF 17TH STREET WEST AND 24TH AVENUE WEST, PALMETTO, FLORIDA, FROM CITY ZONING PD-H (PLANNED DEVELOPMENT HOUSING) TO CITY ZONING E-R, (ESTATE RESIDENTIAL), AND AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE. (DONALD AND DEBORAH WOODRUFF)

Motion: Commissioner Cornwell moved, Commissioner Jones seconded, and the motion carried 5-0 to approve the First Read Ordinance 2021-11 and authorize staff to advertise for the appropriate public hearing.

9. FIRST READ ORDINANCE 2021-12 MANATEE FRUIT COMPANY REZONING PID #2414520059 (K.HILL)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA REZONING APPROXIMATELY 34.43+/- ACRES OF PROPERTY GENERALLY LOCATED ON 17TH STREET WEST, APPROXIMATELY 430 FEET WEST IF THE INTERSECTION OF 17TH STREET WEST AND 24TH AVENUE WEST, FLORIDA, FROM CITY ZONING PD-H (PLANNED DEVELOPMENT HOUSING) TO CITY ZONING E-R, (ESTATE RESIDENTIAL), AND AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE. (MANATEE FRUIT COMPANY)

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the First Read Ordinance 2021-12 and authorize staff to advertise for the appropriate public hearing.

10. FIRST READ ORDINANCE 2021-16 RM-5 AND RM-6 DISTRICT REQUIREMENTS (K.HILL)
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF APPENDIX B, ARTICLE IV, SECTION 4.3 OF THE CITY'S ZONING CODE, PERTAINING TO SCHEDULE OF AREA, HEIGHT AND PLACEMENT REGULATIONS OF SINGLE FAMILY RESIDENTIAL DETACHED UNITS WITHIN THE RM-5 AND RM-6 ZONING DISTRICTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Ms. Hill, Planning Analyst, referenced a modification that was done in 2006 footnote 8 of Section 4.3 for Schedule of area height and placement regulations. The modification has created a hardship for property owners to renovate or rebuild single-family residences on properties within the RM-5 and RM-6 zoning districts. Most lots and existing single-family residences within these districts do not confirm to the zoning districts. Ms. Hill stated that Ordinance 2021-16 will correct the issue and requested the Board's approval to advertise for a Public Hearing.

Major points and questions emerged from the Board regarding Ordinance 2021-16 RM-5 and RM-6 district requirements. The following recommendation was proposed to have this item scheduled for another Workshop to discuss and not advertise for a public hearing.

~~Motion: to approve the first reading of Ordinance 2021-16 and authorize staff to advertise for the appropriate public hearing.~~

11. PUBLIC HEARING ORDINANCE 2021-06 ANNEXATION - ART RENTALS, LLC (K. HILL)
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ANNEXING TWO PARCELS CONTAINING A COMBINED TOTAL OF 5.22 ACRES OF UNINCORPORATED MANATEE COUNTY, FLORIDA INTO THE CITY OF PALMETTO SPECIFICALLY LOCATED AT 1907 AND 2003 16TH AVENUE EAST, PALMETTO, FL 34221, WHICH PARCELS ARE REASONABLY COMPACT AND ARE CONTIGUOUS TO THE CITY OF PALMETTO; REDEFINING THE BOUNDARY LINES OF THE CITY OF PALMETTO, FLORIDA TO INCLUDE SAID PARCELS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (ART RENTALS, LLC.)

Continuation of Public Hearing from October 4, 2021

Mayor Bryant opened the Public Hearing at 8:02 p.m.

Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to continue Ordinance 2021-06 to January 24, 2022 at 7:00 p.m.

12. PUBLIC HEARING ORDINANCE 2021-07 FUTURE LAND USE MAP DESIGNATION - ART RENTALS, LLC (K. HILL)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA APPROVING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN; CHANGING THE FUTURE LAND USE MAP DESIGNATION FOR THE TERRITORY HEREINAFTER DESCRIBED FROM COUNTY FUTURE LAND USE MAP DESIGNATION IL (INDUSTRIAL LIGHT), TO CITY FUTURE LAND USE MAP DESIGNATION HCOMIND (HEAVY COMMERCIAL INDUSTRIAL), ON APPROXIMATELY 5.22 COMBINED TOTAL ACRES MORE SPECIFICALLY LOCATED AT 1907 AND 2003 16TH AVENUE EAST, CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE ADOPTED COMPREHENSIVE PLAN, AS REQUIRED BY SECTION 163.3187, FLORIDA STATUTES; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE. (ART RENTALS, LLC)

Continuation of Public Hearing from October 4, 2021

Mayor Bryant opened the Public Hearing at 8:04 p.m.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to continue Ordinance 2021-07 to January 24, 2022 at 7:00 p.m.

13. PUBLIC HEARING ORDINANCE 2021-08 REZONE - ART RENTALS, LLC (K. HILL)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA REZONING APPROXIMATELY 5.22 ACRES OF PROPERTY SPECIFICALLY LOCATED AT 1907 AND 2003 16th AVENUE EAST, PALMETTO, FLORIDA, FROM COUNTY ZONING A-1 (AGRICULTURAL SUBURBAN), TO CITY ZONING CHI (HEAVY COMMERCIAL AND LIGHT INDUSTRIAL), AND AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE. (ART RENTALS, LLC.)

Continuation of Public Hearing from October 4, 2021

Mayor Bryant opened the Public Hearing at 8:07 p.m.

Motion: Commissioner Cornwell moved, Commissioner Jones seconded, and the motion carried 5-0 to continue Ordinance 2021-08 to January 24, 2022 at 7:00 p.m.

14. PUBLIC HEARING ORDINANCE 2021-15 SIGNAGE (K. HILL)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, REAFFIRMING AND RESTATING ORDINANCE 2020-06 AS AMENDMENTS TO ARTICLE III, SECTIONS 3-61 THROUGH 3-73 OF THE PALMETTO CITY CODE OF ORDINANCES REGULATING SIGNS, EXCEPT AS AMENDED BY THIS ORDINANCE; AMENDING SECTION 3-68 TO AMEND THE MAXIMUM HEIGHT FOR CERTAIN SIGNS AND AMENDING THE MAXIMUM WALL SIGN AREA FOR NON-RESIDENTIAL DISTRICTS; AMENDING SECTION 3-70 TO ALLOW ELECTRONIC MESSAGE CENTER SIGNS IN NON-RESIDENTIAL AND PUBLIC DISTRICTS BY CONDITIONAL USE PERMITS;

AMENDING SECTION 3-73 TO PROVIDE FOR NOTICE FOR REMOVAL OF SIGNS IN THE RIGHT OF WAY OR PUBLIC PROPERTY; ADDING A NEW SECTION 3-74 FOR APPEALS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Bryant opened the Public Hearing at 8:10 p.m.

PUBLIC COMMENTS

The below public speakers gave their opinions on Ordinance 2021-15 Signage.

- Nick St. John
- Melton Little
- James St. John

Commissioner Varnadore questioned the language used for Freestanding Signs within the interchange intersection. Ms. Hill replied that 30 feet is allowed within the interchange intersection and 20 feet for the rest of the City. Attorney Barnebey commented that the language will be modified to stipulate the feet requirements for the interchange intersection and for the rest of the City.

Mayor Bryant closed the Public Hearing after comments at 8:19 p.m.

Motion: Commissioner Cornwell moved, Commissioner Jones seconded, and the motion carried 5-0 to approve with modifications made to Ordinance 2021-15.

STANDING AGENDA ITEMS:

15. TRAFFIC UPDATE

Mayor Bryant attended the Public Transportation Task Force Meeting and reported on the bus services improvements.

COMMENTS:

16. DEPARTMENT HEADS' COMMENTS

Mr. Freeman mentioned the potential agenda items for the December 6th Workshop and Commission Meetings. Also, he provide an update on the Sutton Park playground equipment.

Mr. Rayan, Public Works Director, gave updates on the below projects within the City.

- Christmas Light repairs
- MLK Restroom Project
- Infiltration and Inflow(I&I) Study
- Reclaim Water Projects
- Ward 1 Phase III Project
- Paving Project

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Mr. Freeman reported that he will present to the Board at the next Workshop a request to obtain consultant, Ernst Young, who is assisting Manatee County with their American Rescue Plan Act (ARPA) fund allocation, to assist the City with our allocation. And, this consultant is on a State contract for this particular work. The consultant's proposed fee is not to exceed \$45,000, and the fee can be paid from the City's 6.8 million ARPA funds.

Mr. Colon, Assistant CRA Director, reported that copies of the CRA Plan modifications were placed in the Commissioners' mailboxes.

In regards to the Lamb and Sutton Park upgrades, Commissioner Varnadore voiced that she is not in favor of athletic facilities being placed near the Women's Club.

17. MAYOR'S REPORT

Mayor Bryant commented that she will get an update on the Lincoln Pool construction and will inform the Board when it is received. Also, she mentioned that Manatee County approved 7 million dollars in funding for several projects, and they are looking for 80 parking spaces on Cortez Road and 80 parking spaces just north of Palmetto. Next, she announced that the 23rd Street Roundabout Project will start August 2022.

18. COMMISSIONERS' COMMENTS

Mayor Bryant asked Attorney Barnebey to provide information on the request that was made to the Florida Legislators about funding improvements for the City. In regards to the request submitted for funding improvements for the City, Attorney Barnebey stated that he received favorable responses from Senator Boyd and Representative Robinson for funding at least \$750,000 for waste water plant treatment and other sewer related issues in the City. Once he receives an answer, it will be presented to the Board.

Commissioner Cornwell commented on the courteous service that she received from the Palmetto Police Officers after being involved in an automobile accident, and she congratulated City employee Nixa Haisley on receiving the Employee of the 4th Quarter.

Commissioner Williams reported that he had trouble locating the audio for the meeting he was not able to attend regarding Connor Park.

Mayor Bryant adjourned the meeting at 8:59 p.m.

MINUTES APPROVED: JANUARY 3, 2022

JAMES R. FREEMAN

JAMES R. FREEMAN
CITY CLERK