

CITY COMMISSION MEETING

January 3, 2022

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 (Via telephone into Zoom Meeting)

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 (Via telephone into Zoom Meeting at 7:09 p.m.)

STAFF PRESENT:

Mark Barnebey, City Attorney

Mohammed Rayan, Public Works Director

Scott Tyler, Chief of Police

Jim Freeman, City Clerk

Kera Hill, Development Services Supervisor

Jeff Burton, CRA Director

Xavier Colon, Assistant CRA Director

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 7:00 p.m., Pastor Ron Shipp, St. John's Missionary Baptist Church, did the 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

Vice Mayor Williams requested item 5, Selection of Vice Mayor, be moved to item 9A on the agenda.

Motion: Commissioner Cornwell moved, Commissioner Jones seconded, and the motion carried 4-0 to approve the January 3, 2022 City Commission Agenda with moving Item 5, Selection of Vice Mayor, to Item 9.B, Selection of Vice Mayor, on the agenda. Commissioner Varnadore was not via telephone into Zoom Meeting for the vote.

3. PUBLIC COMMENT

The below residents gave their views on the RS-4, RM-5 and RM-6 district zoning requirements.

- Vicki Moore
- Dave Berry (via telephone into Zoom Meeting)

4. CONSENT AGENDA

- a. Minutes: November 1 & 15, 2021 and December 6, 2021
- b. Legal Bills
- c. Neptune Software Upgrade
- d. First Baptist Land Donation Agreement
- e. Department Head Appointments

Motion: Commissioner Jones moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the Consent Agenda as presented by staff with the removal of Item 4.D, First Baptist Land Donation Agreement, for discussion.

FIRST BAPTIST LAND DONATION AGREEMENT DISCUSSION

Commissioner Smith asked why the Commission needs to vote on the land if it is donated and gave his opinion on the proposed parking spaces project. Attorney Barnebey replied that the donation has to be accepted first, and there are requirements to convert the property to parking spaces. Commissioner Smith followed up with his inquiry regarding the 2 parcels sold that eliminated about 50 parking spaces. Attorney Barnebey explained that the 50 parking spaces were not of the same standard or configuration as the proposed parking spaces for the donated land. Commissioner Smith echoed his disagreement on the funds that will be used to construct the parking spaces on the donated land.

Motion: Commissioner Cornwell moved, Vice Mayor Williams seconded, and the motion carried 3-2 to approve the Consent Agenda Item 4.D, First Baptist Land Donation Agreement, as presented by staff. Commissioners Smith and Jones voted nay.

5. SELECTION OF VICE MAYOR

(Item 5, Selection of Vice Mayor, was changed to Item 9A after Public Hearing Conditional Use 2021-02 Kali Building, Inc.)

6. 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 AMENDING APPENDIX B, ARTICLE IV, SECTION 4.3, FOOTNOTE 8 OF THE CITY'S CODE OF ORDINANCES, 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.

Vice Mayor Williams informed Leo Mills that public comments are not permitted on First Reads, and Mr. Mills agreed to waive his time to speak.

Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to approve the First Reading of Ordinance 2021-16 and authorize staff to advertise the appropriate public hearings with discussion.

Commissioners Cornwell and Varnadore favored option 3 that allows single family residences to utilize all of the district requirements of RS-4 even lot configuration.

Commissioner Jones voiced his concerns about the zoning requirement errors that were made to prompt Ordinance 2021-16.

Commissioner Smith agreed with Commissioner Jones comments and asked the difference between options 3 and 4. Ms. Hill, Development Services Supervisor, explained the differentiations and stated that the minimum lot areas and lot widths are different. Commissioner Cornwell called for the question, and the call for question was adopted by a vote of 5-0.

Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to approve Option 3 for First Reading of Ordinance 2021-16 and authorize staff to advertise the appropriate public hearings.

7. PUBLIC HEARING 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)

Vice Mayor Williams opened the Public Hearing at 7:29 p.m.

Ms. Hill, Development Services Supervisor, discussed the reason for Ordinance 2021-11 Woodruff Rezone. She explained that the property is about 2 acres and was previously a part of a 36 acre piece parcel that was owned by Manatee Fruit Company. Mr. and Mrs. Woodruff purchased the nearly 2 acres and wants to build a single family residence on this property. Ms. Hill reported that the Conceptual Plan required a general development plan be submitted, which did not happen, and the property has been vacant. Ms. Hill requested that the property be rezoned to ER, which is estate residential and is consistent with the surrounding properties. She also informed the Board that Manatee Fruit Company is also proposing to build single-family residential homes on their property.

Commissioner Cornwell inquired if the zoning clarifications are consistent. Ms. Hill expressed that the 2 acre site owned by the Woodruffs and the 35 acre site owned by Manatee Fruit Company are requesting the same rezoning which is single-family residential.

Commissioner Jones asked if any plans has been reviewed, and Ms. Hill responded that this is the beginning stage and the site plans will follow.

PUBLIC COMMENTS

Attorney Jose Estigarribia, Mackey Law Group, stated that he is present today on the behalf of a land owner. And, the land owner resides on the western part of the mentioned rezoning area and is concerned about a small piece of land next to Manatee Fruit Company, which is not owned by the company.

City Commission Meeting

January 3, 2022

Page 4 of 7

Troy Warren gave his opinions on road improvements required at the Bahia Visa Sub-division on 17th Street West. Attorney Barnebey and Mr. Rayan, Public Works Director, stated that they will review Mr. Warren's concerns.

Leo Mills commented that he supports the Woodruff and Manatee Fruit Company rezoning request and provided his opinion on the development.

Vice Mayor Williams closed the Public Hearing at 7:57 p.m.

Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded and the motion carried 5-0 to adopt Ordinance 2021-11.

PUBLIC HEARING ORDINANCE 2021-12 MANATEE FRUIT COMPANY REZONING PID #2414520058 (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 OF 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)

Vice Mayor Williams opened the Public Hearing at 7:59 p.m.

Ms. Hill reported that the applicant has requested to have Ordinance 2021-12 Manatee Fruit Company Rezoning continued.

Vice Mayor Williams closed the Public Hearing 8:00 p.m.

Motion: Commissioner Cornwell moved, Commissioner Jones seconded, and the motion carried 5-0 to continue Ordinance 2021-12 to February 7, 2022 at 7:00 p.m., or as soon thereafter as same can be heard in these Chambers.

Attorney Barnebey instructed Ms. Hill to obtain information on the ownership of the small property that is next to Manatee Fruit Company before the February 7, 2022 meeting.

8. PUBLIC HEARING CONDITIONAL USE CU 2021-02 KALI BUILDING, INC. (K.HILL)

Ms. Hill discussed the Conditional Use 2021-02 for an electronic sign located at 433 8th Avenue West. She stated that the property is zoned Commercial Core (CC) and is located in downtown Commercial Core zoning district. The conditional use permit was approved by the Planning & Zoning (P&Z) Board on December 6, 2021. She informed the Board that the applicant, Mr. Little, is present and requests to speak on the subject.

Vice Mayor Williams opened the Public Hearing 8:02 p.m.

Public Comment

Mr. Little stated that the conditional use process started about 9 months ago and reported not having an electronic sign has caused a powerful negative impact for business because customers are not aware that the businesses are there, and tenants have left for the lack of customers.

Ms. Hill informed the Commission that the language in the code pertaining to projecting signs needs to be reviewed with the City Attorney. She recommended to have the item continued, so they will be able to work through the concerns. Attorney Barnebey addressed Section 3-95, 4.E of the code and stated that in 2020 the code was rewritten and prohibits projecting signs.

Discussion ensued among the Board regarding the permit application that requested approval for an electronic sign instead of a projecting sign, the differences between an electronic sign and projecting sign, and the 2020 rewritten code. Attorney Barnebey confirmed that the sign that is being discussed tonight for approval is a projecting sign since it protrudes from the building and hangs over the sidewalk, which the present code prohibits it. Commissioner Smith asked if the Board can vote to make a change tonight. Attorney Barnebey pointed out that the change must be published and presented to the P&Z Board before it returns to the Commission. He recommended to have the item continued to January 24th and if the Board decides to make a change to the sign code, authorize the City to move forward with the change.

Mr. Freeman, City Clerk, proposed the following meetings:

- January 20th P&Z Board Meeting
- January 24th Workshop Meeting
- February 7th Public Hearing City Commission Meeting

Jack May, (via telephone into Zoom Meeting), gave his opinion on the necessities for projection signs.

Commissioner Varnadore reiterated that the proposed sign will protrude out, which makes it an issue, and she requested liability information on who will be responsible if the sign falls and someone gets injured. Attorney Barnebey communicated that he will have the information at the January 24, 2022 meeting.

1ST Motion: Commissioner Cornwell moved, Commissioner Jones seconded, and the motion carried 5-0 to continue the Public Hearing January 24, 2022 at 7:00 p.m.

2ND Motion: Commissioner Jones moved, Vice Mayor Williams seconded, to move forward with the code change potentially that will allow projecting signs 10 feet above the ground. Commissioner Varnadore asked for discussion.

Commissioner Varnadore stated that before a motion is made the Commission should have all the information because staff may have prohibited projecting signs due to liability issues. She suggested that staff create a system that entails what is in the City's ordinances.

City Commission Meeting

January 3, 2022

Page 6 of 7

After discussion a vote was taken on the motion and it was approved 3-2. Commissioners Varnadore and Cornwell voted nay.

9. TRAFFIC UPDATE

None

9A. SELECTION OF VICE MAYOR

Vice Mayor Williams nominated Commissioner Varnadore and Commissioner Jones nominated Commissioner Smith to serve as Vice Mayor.

Motion: Vice Mayor Williams moved, Commissioner Cornwell seconded, and the motion carried 3-2 to nominate Commissioner Varnadore as Vice Mayor.

Vice Mayor Williams recessed the City Commission Meeting to open the January 3, 2022 CRA Board Meeting at 8:55 p.m.

Vice Mayor Williams reconvened the City Commission Meeting at 9:54 pm

STANDING AGENDA ITEMS:

COMMENTS:

10. DEPARTMENT HEADS' COMMENTS

Chief Tyler announced that the new Police Department Building ground breaking will be Saturday, January 8, 2022, and the Commission decided to hold the event at 4:30 p.m.

Mr. Freeman provided the update on the gateway electronic sign repairs.

Motion: Vice Mayor Williams moved, Commissioner Jones seconded, and the motion carried 5-0 to extend the City Commission Meeting for 15 minutes.

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

- I&I Report
- MLK Restrooms Project
- 23rd Avenue Roundabout
- 7th Street Project

Attorney Barnebey thanked the Board for the reappointment opportunity to serve the City. He also reported that the Redistricting Analysis will be scheduled on a Workshop Meeting within 3 weeks.

11. MAYOR'S REPORT

None

City Commission Meeting

January 3, 2022

Page 7 of 7

12. COMMISSIONERS' COMMENTS

Commissioner Jones inquired about the below issues:

- MLK playground equipment
- Lighting issues at MLK Park
- Free Annual Bulk Trash pickup for residents

Commissioner Cornwell asked about the January 10th CRA Workshop Meeting. Mr. Burton, CRA Director, announced that the Woman's Club Renovation, the Boat Ramp Alternative/Riverside Property, and Housing Rehabilitation Program items will be presented at this meeting. The Board agreed to have the meeting from 5:30 p.m. to 7:30 p.m.

Vice Mayor Williams adjourned the meeting at 10:16 pm.

MINUTES APPROVED: FEBRUARY 7, 2022

JAMES R. FREEMAN

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CITY CLERK