

MINUTES
CITY COMMISSION MEETING
FEBRUARY 27, 2023
7:00 P.M.

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
Sheldon Jones, Vice- Mayor, Commissioner-at-Large 1
Tamara Cornwell, Commissioner-at-Large 2
Sunshine Mathews, Commissioner, Ward 2
Harold Smith, Commissioner, Ward 1
Brian Williams, Commissioner, Ward 3 (Zoom)

STAFF PRESENT IN CHAMBERS:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Mohammed Rayan, Public Works Director
Scott Tyler, Chief of Police
Cassi Bailey, Assistant City Clerk (Not present)
Penny Johnston, Executive Assistant

STAFF PRESENT ELECTRONICALLY:

Todd Williams, Information Technology (IT) Consultant

1. Mayor Bryant called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance, and Pastor David Washington, from New Life General Baptist Church, gave the prayer for tonight's meeting.

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

2. **CITY COMMISSION AGENDA APPROVAL**

MOTION: Commissioner Cornwell moved, Commissioner Jones seconded, and the motion carried 5-0 to approve the February 27, 2023 City Commission Agenda.

3. **PUBLIC COMMENT**

Betty Sailes Rhodes, 207 12th Street West, commented on changing the sign at Lincoln Park.
Betty Doby commented on drainage issue and possible sink hole developing at 204 11th Street West.
Brian Jones, 220 11th Street West, asked if there was any progress on the flooding issue that was discussed about a month ago.
Mr. Robert Jones, 1104 3rd Avenue West, opined that the City created the ditches and the County is in control of the drainage system.
Mayor Bryant stated all the parcels, including the ditches, are private property. Commissioner Smith said that the Mayor could help them if she wanted to. Commissioner Jones asked if the residents would be able to sign a waiver to allow the City to work on their property.

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Mayor Bryant said she nor Attorney Barnebey did not approve the changing of the sign in Lincoln Park.

4. CONSENT AGENDA

- a. Minutes: 02/06/2023
- b. Special Function Permit- Jerry Hill Memorial Fishing Tournament
- c. Surplus trade-in radios from Police Department
- d. Resolution 2023-02 SWFWMD Toilet Rebate Program FY23
- e. MOU for Range Services
- f. Surplus-Computer Equipment
- g. Mediation expenses associated with Epoch Properties, Inc.
- h. Legal Bills

MOTION: Commissioner Jones moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the Consent Agenda as presented by staff.

Mayor Bryant presented a plaque from FEMA to the Public Works Department for participating in the FEMA National Flood Insurance Program Community Rating System and for significantly exceeded the requirements for NFIP Flood Plain Management. Mrs. Kera Hill, Development Services Director explained some of the steps implemented by the City to keep insurance rates as low as possible for the City residents.

5. PUBLIC HEARING ORDINANCE 2023-01; SMALL AREA PLAN AMENDMENT OF THE COMPREHENSIVE PLAN MAP FOR A PORTION OF THE OLD PALMETTO ELEMENTARY SCHOOL SITE FROM PUBLIC TO PLANNED COMMUNITY (B.CORNELIUS/K.HILL/M.BARNEBEY)

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 TO PLANNED COMMUNITY FUTURE LAND USE MAP DESIGNATION, ON APPROXIMATELY 4.0 ACRES, MORE SPECIFICALLY LOCATED AT THE NORTHEAST CORNER OF 10TH AVENUE WEST AND 7TH STREET WEST (A PORTION OF THE OLD PALMETTO ELEMENTARY SCHOOL SITE); FINDING THE REQUEST 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.

Kera Hill, Development Services Supervisor, summarized the intent of the ordinance. The Planning & Zoning Advisory Board recommended denial of the Ordinance, with concerns of having residential on this property just south of the newly constructed police department. The staff proposed Planned Community would be the best use of the property, providing flexibility and a specific plan to come before the Commission in the future. Maximum height would be dependent on the rezoning to a Planned Development.

MAYOR BRYANT OPENED THE PUBLIC HEARING AT 7:25 p.m.

Mr. Robert Jones, 1104 3rd Avenue West, asked what part of FEMA protects the property owner. Mrs. Hill explained that FEMA guidelines were for construction of structures rather than drainage.

MAYOR BRYANT CLOSED THE PUBLIC HEARING AT 7:28 p.m.

Mrs. Kera Hill reiterated that a mixed use, Planned Community with density up to 45 dwelling units per acre would come before the City Commission again. The developer would have to rezone to Planned Development, with a maximum height of 120 feet, but that specific plan would have to come before Commission again.

Attorney Mark Barnebey assured the Commission that there would be several opportunities for Commission to review the proposals.

MOTION: Finding the request consistent with the City of Palmetto Comprehensive Plan and Code of Ordinances, Commissioner Jones moved to adopt Ordinance No. 2023-01, Commissioner Cornwell seconded, and the motion carried 5-0.

6. PUBLIC HEARING ORDINANCE 2023-02; SMALL SCALE PLAN AMENDMENT OF THE COMPREHENSIVE PLAN MAP FOR A PORTION OF THE OLD PALMETTO ELEMENTARY SCHOOL SITE TO PUBLIC SERVICE FACILITY (B.CORNELIUS/K.HILL/M.BARNEBEY)

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 FROM PUBLIC FUTURE LAND USE MAP DESIGNATION TO PUBLIC SERVICE FACILITY FUTURE LAND USE MAP DESIGNATION, ON APPROXIMATELY 4.2 ACRES, LOCATED AT 818 10TH AVENUE WEST, PALMETTO, FL (INCLUDES A PORTION OF THE OLD PALMETTO ELEMENTARY SCHOOL SITE); FINDING THE REQUEST 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.

MAYOR BRYANT OPENED THE PUBLIC HEARING AT 7:37 p.m.

Mrs. Hill explained the ordinance will help clarify designations attached to the Comprehensive Plan. The Planning & Zoning Advisory Board recommended approval of the ordinance.

MAYOR BRYANT CLOSED THE PUBLIC HEARING AT 7:38 p.m.

MOTION: Finding the request consistent with the City of Palmetto Comprehensive Plan and Code of Ordinances, Commissioner Cornwell moved to adopt Ordinance No. 2023-02, Commissioner Jones seconded, and the motion carried 5-0.

7. PUBLIC HEARING ORDINANCE 2023-03; SMALL SCALE FUTURE LAND USE MAP COMPREHENSIVE PLAN AMENDMENT FOR THE CURRENT PALMETTO POLICE ADMINISTRATION BUILDING PROPERTY FROM HEAVY COMMERCIAL/INDUSTRIAL TO PLANNED COMMUNITY (B.CORNELIS/K.HILL/M.BARNEBEY)

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 TO THE PLANNED COMMUNITY FUTURE LAND USE MAP DESIGNATION, ON APPROXIMATELY 4.0 ACRES, FOR THE PROPERTY LOCATED AT 1115 10TH STREET WEST, PALMETTO, FLORIDA (THE CURRENT PALMETTO POLICE ADMINISTRATION BUILDING SITE); FINDING THE REQUEST 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.

Mrs. Hill explained the ordinance would change the Comprehensive Plan from Heavy Commercial/ Light Industrial to Planned Community designation, requiring rezoning to Planned Development with a specific plan subject to approval by the Commission. The Planning & Zoning Advisory Board recommended approval at the February 16, 2023 meeting.

MAYOR BRYANT OPENED THE PUBLIC HEARING AT 7:40 p.m.
MAYOR BRYANT CLOSED THE PUBLIC HEARING AT 7:40 p.m.

MOTION: Finding the request consistent with the City of Palmetto Comprehensive Plan and Code of Ordinances, Commissioner Williams moved to adopt Ordinance No. 2023-03, Commissioner Smith seconded, and the motion carried 5-0.

8. FIRST READING ORDINANCE 2023-04; COMPREHENSIVE PLAN TEXT AMENDMENTS INVOLVING THE CALCULATION OF INTENSITY AND DENSITY FOR LAND USES (B.CORNELIUS/K.HILL/M.BARNEBEY)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA APPROVING TEXT AMENDMENTS TO THE PALMETTO COMPREHENSIVE PLAN CLARIFYING AND AMENDING OBJECTIVE 1.3 AND RELATED POLICIES ESTABLISHING THE FUTURE LAND USE CATEGORIES OF THE COMPREHENSIVE PLAN; CLARIFYING AND AMENDING THE CALCULATION OF MAXIMUM DENSITIES AND INTENSITIES WITH THE FUTURE LAND USE CATEGORIES; FINDING THIS REQUEST TO BE CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE ADOPTED COMPREHENSIVE PLAN, AS REQUIRED BY SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to approve this First Reading of Ordinance 2023-04 and authorize staff to notice this for the appropriate public hearings before the Planning & Zoning Board and City Commission.

Commissioner Williams wanted to discuss this item on another workshop.

9. FIRST READING ORDINANCE 2023-05; CODE REVISIONS TO DEVELOPMENT PLAN REQUIREMENTS AND PLANNED DEVELOPMENT ORDINANCES OF APPROVAL OF APPENDIX "B" OF THE PALMETTO CODE OF ORDINANCES (B.CORNELIUS/K.HILL/M.BARNEBEY)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA APPROVING TEXT AMENDMENTS TO APPENDIX "B" (THE ZONING CODE) OF THE CITY OF PALMETTO CODE OF ORDINANCES AMENDING CHAPTER 8 ESTABLISHING REQUIREMENTS RELATING TO DEVELOPMENT PLANS; AMENDING CHAPTER 9 TO CONSOLIDATE THE REQUIREMENTS FOR ALL PLANNED DEVELOPMENTS; DELETING CHAPTER 10; FINDING THIS REQUEST TO BE CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE ADOPTED COMPREHENSIVE PLAN; PROVIDING THAT ALL PLANNED DEVELOPMENT ZONING SHALL BE CLASSIFIED AS "PLANNED DEVELOPMENT" ZONING AND SHALL BE SUBJECT TO THE PROVISIONS OF CHAPTER 9; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

MOTION: **Commissioner Cornwell moved, Commissioner Jones seconded, and the motion carried to approve this First Reading of Ordinance 2023-05 and authorize staff to notice this for the appropriate public hearings before the Planning & Zoning Board and City Commission.**

10. FIRST READING ORDINANCE 2023-06; SMALL AREA PLAN AMENDMENT OF THE COMPREHENSIVE PLAN MAP FOR THE NORTHWEST CORNER OF THE INTERSECTION OF 8TH AVENUE AND RIVERSIDE DRIVE (B.CORNELIUS/K.HILL/M.BARNEBEY)

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 TO THE PLANNED COMMUNITY FUTURE LAND USE MAP DESIGNATION, MORE SPECIFICALLY LOCATED AT THE NORTHWEST CORNER OF 8TH AVENUE WEST AND RIVERSIDE DRIVE (COMMONLY REFERRED TO AS THE SHELL STATION PROPERTY) ON APPROXIMATELY 3.35 ACRES; FINDING THE REQUEST 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.

MOTION: **Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried to approve this First Reading of Ordinance 2023-06 and authorize staff to notice this for the appropriate public hearings before the Planning & Zoning Board and City Commission.**

11. JANUARY 2023 CHECK REGISTER (Informational Only)

Mayor Bryant recessed the City Commission Meeting to Open the February 27, 2023 Special CRA Board Meeting at 7:52 p.m.

Mayor Bryant reconvened the City Commission meeting at 8:36 p.m.

STANDING AGENDA ITEMS:

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12. Traffic Update

Chief Tyler and Public Works Director Moe Rayan both acknowledged that traffic will be getting congested at US 41 and 23rd Street as FDOT is starting the construction project, paving medians, and detouring traffic in order to make long-term improvements.

COMMENTS:

13. DEPARTMENT HEADS' COMMENTS

Mr. Rayan commented on the start of 7th Street Extension construction, and adding curbing and sidewalks to Haben Blvd.

Chief Tyler reported that the new police headquarters is progressing, and they should start moving in about 30 days.

Mr. Freeman mentioned the next meeting dates as March 6 and March 20. Florida Department of Economic Opportunity (FDEO) awarded \$750,000 for residential rehabilitation. The City will advertise in the 3rd quarter of the year and tentatively, applications will be awarded by the end of the year. Approximately 11 homes could be revitalized, depending on the extent of the application. This program is available citywide.

The City will be asking for the Commission's help to share the program with the community. Mr. Freeman opined there will probably be workshops in the future and information posted on the website. City staff will share information as it is available.

Mr. Barnebey said it was up to the Commission to give Tropic Isles an additional 6 months to find a new location to store their boat trailers. There was a consensus by all Commissioners to add the question to the March 6th agenda.

Attorney Barnebey noted in the Lincoln Memorial Academy case, the court dismissed the City of Palmetto and other respondents, however the petitioner appealed to the 11th Circuit. They have requested mediation. Mr. Barnebey is calling for a Shade meeting March 6, 2023 under an attorney-Client session. Lincoln Memorial case #23-10195. The meeting was set contingent on Mr. Williams being released from the hospital. Staff would re-notice the Shade meeting and cancel the original 4:30 p.m. workshop.

Recent decision in Testa case provides that going forward the City would be required to re-notice an item if it is continued, and the applicant would have to reapply as well.

Mr. Barnebey stated Lincoln Park is County property and reminded Commission that it was approved by the City Commission to give the pool property to the County. The City wanted it to remain Lincoln Park however the County renamed it. Mayor Bryant would like to reach out to Commissioner Ballard. Commissioner Jones said he is related to Coach Eddie Shannon, but we cannot let the County come into our property and rename it. The County currently maintains the park so Mr. Barnebey cautioned that if we press the naming of the park, the County may require us to maintain our portion of the property.

Commissioner Smith asked for paperwork when the City gave a portion of Lincoln Park to the County.

14. MAYOR'S REPORT

No report was given.

15. COMMISSIONERS' COMMENTS

Commissioner Williams asked about Epic Properties, with Mr. Barnebey responding that the applicant is revising a plan to bring it before the Commission. He summarized the Regatta races saying one boat flipped and the drone show was canceled due to high winds, but he felt the Regatta went well.

Commissioner Smith asked Mr. Rayan for a progress update on Ward 1 and MLK.

Commissioner Cornwell asked about condition of paving on 10th Avenue, and Mr. Rayan remarked FDOT will take pictures of the roads before and after the detour for 23rd Street project.

Mr. Rayan stated the map shows there are no City easements or utility easements, noting each of the lots are private property abutting other lots between 11th Street and 11th Street Drive West.

Commissioner Smith opined that they need streetlights there too. Commissioner Cornwell inquired if homeowners could give the City permission to maintain the depression in the rear of their yards.

Mr. Barnebey replied that if the Commission wants the City to maintain that ditch, the City would need be granted easements from each property owner. The other alternative is that the Developer be held responsible, if the new homes were built higher causing water to collect in the older properties.

Commissioner Williams would like to help but felt we would be setting a precedent to do this for everyone in the City. This ditch is private property.

Commissioner Smith thinks we should help everyone in the City. Mayor Bryant will discuss this with the Department Heads on Wednesday and will be discussed again on March 6, 2023 during Commissioner's comments.

Mayor Bryant adjourned the meeting at 9:33 p.m.

MINUTES APPROVED: APRIL 10, 2023

JAMES R. FREEMAN

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CITY CLERK