

MINUTES
CITY COMMISSION MEETING
MAY 1, 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

STAFF PRESENT IN CHAMBERS:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Edward Johnson, Interim CRA Director
Mohammed Rayan, Public Works Director
Scott Tyler, Chief of Police
Cassi Bailey, Assistant City Clerk
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 Jonathan Elwing, Pastor at Palm View Baptist Church, gave the prayer for tonight's meeting.

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

2. **PROCLAMATION: HAITIAN FLAG DAY**

Marc Alexis accepted the Proclamation. It was declared that May 13th, 2023 would be Haitian Flag Day in Palmetto, FL. There is a Haitian Flag Day Festival at the Palmetto Youth Center on May 13th.

3. **PROCLAMATION: KALE BUNCE DAY**

Kale Bunce, weightlifting student from Palmetto High School, accepted the Proclamation. It was declared that May 1, 2023 would be Kale Bunce Day in Palmetto, FL.

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4. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Jones moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the May 1, 2023 City Commission Agenda.

5. PUBLIC COMMENT

Dora Bencomo spoke on the needed demolition of her property. This is item #7 on the Agenda.

Mayor Bryant read an email that was submitted prior to the meeting, into the record. The email was in support of the Apogee project for the Riverside Property.

6. CONSENT AGENDA

- a. Minutes: 04/10/2023
- b. Resolution 2023-05 Council of Governments Meeting
- c. Sole Source Purchase- CEM
- d. Resolution 2023-07 FY 2023 Mid-Year Budget Adjustment
- e. Special Function Permit- Veteran's Day Parade
- f. Special Function Permit- Cinco De Mayo Event
- g. Special Function Permit- CRA's 4th of July Festival

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

7. ABATEMENT AUTHORIZATION (D.CUSHING/K.SEXTON)

Darin Cushing, Building Official, provided an overview of the situation with this property. On 3/17/23 the property owner was given 30 days to demolish the back building on their property. At this time, she has not complied. He did state that she agrees that it needs to be demolished, but she is hesitant because she was told that once she removes that building, she will only be allowed to have one dwelling on the property, per our current code.

Commissioner Jones asked to hear more from the property owner, Dora Bencomo. Ms. Bencomo stated that she wants to re-build the 2 dwellings, which have 2 different addresses.

Commissioner Smith opined that she should be able to have the 2 dwellings. Discussions continued regarding the dwellings and demolition. Brad Cornelius, City's contracted Planner with Wade Trim, read from the code.

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Commissioner Williams continued the conversation. He reiterated that according to the City's code, only one structure can be re-built. It was then noted that the one dwelling can be multi-family, ex. duplex or triplex. Mayor Bryant asked the building official if he was ok with giving the property owner 30 days to demolish the existing dwelling, or the City will contract demolition services to remove it. He was, and the Commissioners agreed.

MOTION: **Commissioner Williams moved, Commissioner Jones seconded, and the motion carried 5-0 for the homeowner to be given 30 days to demolish the structure or they authorize staff to move forward with contracting demolition services to remove the structures.**

8. FIRST READING ORDINANCE 2023-11: TEXT AMENDMENT TO THE PERMITTED USES IN THE GCOM FUTURE LAND USE CATEGORY (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; AMENDING THE PERMITTED USES WITHIN THE GENERAL COMMERCIAL (GCOM) FUTURE LAND USE CATEGORY; 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 Williams seconded for discussion.**

Commissioner Williams questioned residential and general commercial land use along 17th Street, near the high school. Mr. Cornelius responded that if there's any general commercial land use in that area, it could be used as single family as long as it doesn't front on 17th Street. Mr. Cornelius stated that it doesn't change any of the current land uses they already have. He will look at that specific area to be able to better answer his questions before the public hearing.

the motion carried 5-0 to authorize staff to advertise the required transmittal public hearing by the Planning & Zoning Board, serving as the City's Local Planning Agency, and the first reading and transmittal public hearings by the City Commission for Ordinance 2023-11.

Mayor Bryant recessed the City Commission Meeting to open the May 1, 2023 CRA Board Meeting at 7:40 pm.

Mayor Bryant reconvened the meeting at 8:11 pm.

STANDING AGENDA ITEMS:

9. Traffic Update

None

COMMENTS:

10. DEPARTMENT HEADS' COMMENTS

Mr. Freeman reminded the Commissioners that their next meeting is on May 15th, which will include the Special CRA Board meeting. He also informed them that by the end of month, the request for proposals, RFP, will go out for the southern portion of the old Palmetto elementary school site. It will be for at least 90 days.

Mr. Barnebey sent an email to all the Commissioners with a memo on a case from April 12, 2023 regarding the Sunshine Law. Three City Councilmembers from the City of Sebastian were convicted. He wanted to be proactive and remind everyone of the seriousness in following the Sunshine Law.

Mayor Bryant noted that the Council of Governments meeting is tomorrow, May 2nd, at 4:00 pm.

Mr. Rayan discussed the quotes he obtained for the private property in the City, near the railroad tracks, that is having drainage problems. This item was originally on the Workshop Agenda but was moved to the 7:00 pm meeting for discussion. The directive he received from the Commission was to obtain quotes for establishing an easement at the property in question. The attachments were included in the workshop Agenda. The total cost would be approximately \$30,000. He reminded the Commission that this is on private property, and for the City to move forward, they would need to obtain easements.

Commissioner Smith questioned if Mr. Rayan had talked to the people in the area. Mr. Rayan responded that he had not. Commissioner Smith asked how long it would take to complete the project. Mr. Barnebey reminded him that they would have to get easements first. The cost for easements weren't included in the estimate. Commissioner Smith asked Mr. Johnson if they were going to use CRA funds to complete the project. Mr. Johnson responded that there isn't money allocated in the CRA plan for this. The budget is earmarked for certain ongoing projects. Mr. Freeman stated that if the Commissioners wanted to move forward, the funding would most likely come from the City funds, not the CRA's. It would have to come back in the form of a budget amendment.

Mayor Bryant questioned if this is part of the City's current drainage system. Mr. Rayan responded that it is not currently part of the drainage system, however, when the area was developed, the developer allowed for 15 feet of easements at the back of the property. There are 2 homes that are east of the property that don't have an easement. This doesn't provide for an access point. The 2 homes would have to provide an easement for them to be able to access the area.

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Commissioner Williams was concerned with the ownership of the property, and the funding required to take on this project. He also questioned if it was legal to use City funds for a private property problem. Mr. Barnebey responded that they currently have a public easement for 4 of the lots. They would have to get an easement over the other 2 properties before the City could move forward with any repairs. He thinks they can, if they wish to, but the level of service is up to the City. The fences are the responsibility of the owners to move, not the City. He then noted that it may open them up for future requests.

Commissioner Jones is more inclined to help because the flooding caused by the lack of drainage in that area is bad. He opined that if they can get those easements and it helps 4-6 homes from flooding, he's for it.

Commissioner Mathews asked if there has been any precedent set before this? On private property, not to the Mayor's knowledge. Commissioner Smith stated that they have come in and dug out drains before.

Commissioner Williams asked how the original ditch got closed up and who was responsible for keeping it open. Mr. Rayan responded that it was never a City easement. It probably closed up due to overgrowth, foliage, sedimentation, etc.

Commissioner Jones would like Mr. Rayan to seek out those other 2 residents to determine if they can get the easements. Commissioner Williams thinks the people who want this, need to come to the City with the easements.

Mr. Barnebey responded that ideally, he would agree with that. They should send a letter to them, and request the easement, or contact them individually. They will need to have an ordinance or a resolution to set up guidelines for this process. Mr. Rayan and Mr. Barnebey will work on this to bring back.

11. MAYOR'S REPORT

Mayor Bryant reported that she has a meeting scheduled with Manatee County Commissioner Van Ostenbridge on May 8th, per this Commission's request. She noted that she sent an email to the Commissioners with a link demonstrating the proper way to navigate a roundabout, as previously discussed. Mayor Bryant stated that she has received several complaints regarding the traffic on Riverside Drive. She asked for Chief Tyler's input on the subject. Chief Tyler suggested putting 'no right turn' signs on the side streets at 8th Avenue. He stated that this would require Commission approval. Commissioner Jones strongly disagreed with that suggestion.

Commissioner Williams discussed the traffic on Riverside Drive. He opined that there should be signs limiting right hand turns during certain hours of the day. He thinks the traffic engineer should do a traffic study.

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12. COMMISSIONERS' COMMENTS

Commissioner Williams noted that Commissioner Cornwell nor himself can attend the Tampa Bay Regional Planning Council Meeting on May 4th and 5th. He asked Commissioner Jones if he would be able to attend. Commissioner Jones cannot, as it is too short of notice.

Commissioner Williams recognized Cassi for doing a great job.

Commissioner Cornwell stated if there's an online platform for the Tampa Bay Regional Planning Council, she may be able to attend. She also noted that she attended the Palmetto Historical Commission Meeting, and they may be bringing forward a plan to add a gazebo to the church area. Commissioner Cornwell will also be attending the Manatee County Fair Board meeting is tomorrow, May 2nd.

Mayor Bryant adjourned the meeting at 8:47 pm.

MINUTES APPROVED: MAY 15, 2023

JAMES R. FREEMAN

JAMES R. FREEMAN

CITY CLERK