

MINUTES
CITY COMMISSION MEETING
JUNE 5, 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.

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 Pastor Randy Young from Bayside Community 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 Jones moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the June 5, 2023 City Commission Agenda.**

3.PRESENTATION OF PROMOTED POLICE OFFICERS (S.TYLER)

Chief Tyler presented the following promoted officers:

- Sgt. Vincent Diorio
- Cpl. Matthew Wilson
- Cpl. Joel Hosein

City Commission Meeting

June 5, 2023

Page 2 of 9

4. PUBLIC COMMENT

Tom Porter, President of the Fraternal Order of Police, spoke on the Police Memorial.

Betty Sailes Rhodes, spoke on her desire to work together.

Commissioner Jones read into the record, a public comment sent in prior to the meeting from Lynn Meyer, regarding her opposition to developing the Riverside property.

MOTION:

Commissioner Jones moved to allow Mr. Lobeck 20 minutes to speak, Commissioner Smith seconded. Commissioner Jones rescinded his motion.

Commissioner Jones moved to allow Mr. Lobeck 10 minutes to speak, Commissioner Smith seconded, and the motion carried 5-0.

Dan Lobeck, Attorney, spoke on Agenda No. 7 regarding Riviera Dunes, discouraging the Commission from moving forward.

5. CONSENT AGENDA

a. Minutes: 05/15/2023

b. Resolution 2023-08 FDOT Traffic Signal Maintenance and Compensation Agreement

c. Emergency Debris Services- Removal- RFP Committee Recommendation

d. Emergency Debris Services- Monitoring- RFP Committee Recommendation

e. Special Function Permit- 2024 Bradenton Area River Regatta

f. FEMA Agreement for Hurricane Ian

g. EPA Grant Application

MOTION:

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

6. FIRST READING ORDINANCE 2023-12 REVISING APPEALS OF ADMINISTRATIVE DETERMINATION (B.CORNELIUS/K.HILL/M.BARNEBEY)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING APPENDIX B (THE ZONING CODE) OF THE CODE OF ORDINANCES TO PROVIDE FOR APPEALS OF DETERMINATIONS BY THE DIRECTOR OF PUBLIC WORKS TO BE HEARD BY THE CITY COMMISSION AFTER RECOMMENDATION BY THE PLANNING AND ZONING BOARD; AMENDING THE REQUIREMENTS FOR RELATING TO THE GRANTING OF A VARIANCE; TO PROVIDE FOR THE GRANTING OF VARIANCES BY THE CITY COMMISSION AFTER RECOMMENDATION BY THE PLANNING AND ZONING BOARD; ADDING DEFINITION FOR DIRECTOR OF PUBLIC WORKS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION:

Commissioner Williams moved, Commissioner Jones seconded to approve the first reading of Ordinance 2023-12 and direct staff to advertise public hearings for the Planning & Zoning Board and the City Commission.

Commissioner Jones asked why they changed from 60 to 30 days for appeals. Mr. Barnebey responded that 30 days is the normal length of time for appeals within the court system. Commissioner Jones would like to keep it at 60 days. Section 1.8 was questioned. Mr. Barnebey will clarify that section regarding the recommendation from the Planning and Zoning Board before coming to the City Commission for approval. Commissioner Williams noted a workshop they had a year ago to discuss this Ordinance. He believed they should review it for the new Commissioner and to refresh the subject before moving forward. Mr. Barnebey responded and clarified the Ordinance. Commissioner Mathews would appreciate a workshop. Mr. Barnebey stated they can do it at the next Workshop meeting. Commissioner Smith agreed they should put it on a Workshop Agenda.

REVISED MOTION:

Commissioner Jones moved, Commissioner Williams seconded to approve the first reading of Ordinance 2023-12, increasing the timeframe for appeals from 30 days to 60 days and direct staff to advertise public hearings for the Planning & Zoning Board and the City Commission, and the motion carried 5-0.

7. FIRST READING ORDINANCE 2023-13 RIVIERA DUNES APARTMENTS (B.CORNELIUS/K.HILL/M.BARNEBEY)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; APPROVING THE FINDINGS AND RECOMMENDATION OF THE SPECIAL MAGISTRATE UNDER THE FLORIDA LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION ACT, AS PROVIDED IN SECTION 70.51, FLORIDA STATUTES; AND APPROVAL OF A REVISED GENERAL DEVELOPMENT PLAN, WITH STIPULATIONS, CONSISTENT WITH THE RECOMMENDATION OF THE SPECIAL MAGISTRATE, WITHIN THE RIVIERA DUNES PLANNED DEVELOPMENT PROJECT FOR AN APARTMENT PROJECT CONTAINING 220 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 FINDINGS OF FACT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Mr. Barnebey and Mr. Cornelius responded to Attorney Lobeck's comments from the public comment portion of the meeting. They both encouraged moving forward with the first reading and scheduling of the public hearing.

MOTION:

Commissioner Williams moved, Commissioner Cornwell seconded

City Commission Meeting

June 5, 2023

Page 4 of 9

Commissioner Smith questioned why they have to do this now, and why they can't wait. Mr. Barnebey responded that they are required to take action within a certain period of time, which the developer has extended.

and the motion carried 5-0 to approve first reading of Ordinance 2023-13 allowing consideration of acceptance and implementation of Chapter 70.51, Florida Statutes, Special Magistrate's recommendation regarding the Riviera Dunes Apartments and authorizing the staff to advertise the public hearing by the City Commission for Ordinance 2023-13.

8. PUBLIC HEARING- CONDITIONAL USE 2023-01-ELECTRONIC MESSAGE SIGN- MANATEE SCHOOL FOR THE ARTS (B.CORNELIUS/K.HILL/M.BARNEBEY)

Mayor Bryant opened the Public Hearing at 7:37 pm.

Mr. Cornelius explained the message board that is being requested at MSA. The message board is on the internal property. It is not visible from Haben Blvd or US 301. The Planning & Zoning Board unanimously recommended it for Commission approval.

Commissioner Cornwell spoke on the location of the sign and recommended approval.

Mayor Bryant closed the Public Hearing at 7:42 pm.

MOTION:

Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 based on the information and testimony provided, finding the requested conditional use for the electronic message sign compliant with Section 3-70, Code of Ordinances, and consistent with the standards for a conditional use, to approve the conditional use for the electronic message sign.

9. ADOPTION PUBLIC HEARING FOR ORDINANCE 2023-04- COMPREHENSIVE PLAN TEXT AMENDMENTS INVOLVING THE CALCULATION OF INTENSITY AND DENSITY FOR LAND USE (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.

City Commission Meeting

June 5, 2023

Page 5 of 9

Mayor Bryant opened the Public Hearing at 7:43 pm.

Mr. Cornelius recapped the history of this discussion. No comments were received from the state agencies that they were sent to. He is confident in moving forward for adoption. The Planning & Zoning Board recommended adoption by the City Commission. If it is adopted, it will get sent to the state agencies again.

Mr. Barnebey explained this Ordinance will clean up language in the Comprehensive Plan involving intensity and density for land use. This Ordinance will not take effect for at least 30 days, pending appeals.

Dan Lobeck, Attorney, was given two minutes to speak on his opposition to the Ordinance. After the completion of the two minutes, Mr. Barnebey suggested giving him an additional 15 minutes to speak. Mr. Lobeck was against this Ordinance and opined it was a substantial change that would allow for additional density on the proposed Riviera Dunes Apartment project. He also stated this would be a radical change in preserving neighborhood compatibility. He opined that the proposal called for very different language and wasn't created for the purpose of cleaning up redundancy. He also addressed the lack of comment by the state agencies and reiterated the insignificance of this statement.

Commissioner Smith asked for Mr. Barnebey to clear up Mr. Lobeck's comments. Mr. Barnebey stated that the majority of what was said was Mr. Lobeck's opinion. This amendment will not become effective pursuant to the Ordinance itself and Florida Statute 163.3184 subsection 2 until 31 days after state and land planning agency enters a final order determining the adopted amendment is compliant with Chapter 163. If it is challenged, it will not become effective until that process is over. Some of what is being proposed is a policy decision that is up to the Commission. Mr. Cornelius stated that as the City's contracted Planner, he believed this is the right amendment for them to make.

Commissioner Williams asked Mr. Barnebey where in our processes this can create issues for the City. Mr. Barnebey explained some of the confusion with our current comprehensive plan.

Commissioner Cornwell questioned if this is a time certain event. She suggested that it might be wise to postpone and discuss further at a future date. Mr. Barnebey explained that they had 180 days from the date of recommendation to make a decision. Her recommendation is to move this to a date later in the summer.

Mayor Bryant closed the Public Hearing at 8:06 pm.

MOTION:

Commissioner Smith moved, Commissioner Jones seconded, and the motion carried 5-0 to postpone this Ordinance to a Workshop discussion on August 7th and a Public Hearing on August 21st.

City Commission Meeting

June 5, 2023

Page 6 of 9

10. PUBLIC HEARING ORDINANCE 2023-07 UPDATE DOWNTOWN DESIGN CODE AND ART. IV, SEC 4.4., ZONING CODE (B.CORNELIUS/K.HILL/M.BARNEBEY)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA APPROVING TEXT AMENDMENTS TO DOWNTOWN CORE DESIGN CODE AS INCORPORATED IN SECTION 4.4 OF APPENDIX "B" (THE ZONING CODE) OF THE CITY OF PALMETTO CODE OF ORDINANCES; AMENDING THE REQUIREMENTS FOR CHARACTER DISTRICTS FOR THE DOWNTOWN WATERFRONT DISTRICT, THE MIDTOWN DISTRICT, AND THE UPTOWN DISTRICTS TO ELIMINATE MAXIMUM HEIGHT, AND INTENSITY AND DENSITY REQUIREMENTS FROM THE DOWNTOWN CORE DESIGN CODE; FINDING THIS REQUEST TO BE CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Bryant opened the Public Hearing at 8:08 pm.

Mr. Cornelius spoke on the Ordinance being proposed. He explained the conflict between the current downtown design code and the zoning code. The purpose of the amendment is to remove any references to density, intensity, or height in the downtown design code. This item was previously discussed on February 27th during the Workshop. The Planning & Zoning Board unanimously recommended adoption of this Ordinance.

Commissioner Cornwell questioned the height restrictions. When she reads it, it doesn't add that language. She's uncomfortable with the way this is written. The language needs to be added to the beginning and softened. Mr. Cornelius responded that these items are only being removed from the design code because it conflicts with other portions of the zoning code. Mr. Barnebey said they can add compatibility language. Commissioner Cornwell stated that it's a perception issue.

Commissioner Smith asked what exactly they're changing. Mr. Cornelius explained the language they're removing, to avoid conflicting language in other parts of the code.

Mr. Barnebey discussed their ability to adjust height requirements in planned development projects.

Mayor Bryant recessed the public hearing at 8:18 pm.

Mayor Bryant re-opened the public hearing at 8:38 pm.

Mr. Barnebey suggested based off the Commissioners comments, adding a sentence to each of the areas where they removed that language and add a sentence that says, "Height, density, and intensity of planned development projects shall be reviewed for compatibility with surrounding properties."

Mayor Bryant closed the Public Hearing at 8:39 pm.

MOTION:

Commissioner Williams moved, Mathews seconded, and the motion carried 5-0 finding the request compliant with the City's Comprehensive Plan and Zoning Code and based on the comments made during the Public Hearing, to adopt Ordinance 2023-07 with the language read by the city attorney in all 3 places where the language is being stricken.

11. TRANSMITTAL PUBLIC HEARING FOR 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.

Mayor Bryant opened the Public Hearing at 8:19 pm.

Mr. Cornelius explained the purpose of the text amendment to the permitted uses in the gcom future land use category. This would allow for single family homes within the general commercial with some locational criteria. If approved at tonight's transmittal hearing, it will be sent to the appropriate state departments for comment and review. It will then come back to the Commission for a second public hearing. The Planning & Zoning Board recommended adoption of this Ordinance.

Commissioner Cornwell questioned the area of 17th Street West and the areas which this involves. Mr. Cornelius explained that it is for any property that has a gcom future land use category. The location is secondary.

Commissioner Williams asked for clarification on specific requirements. He also inquired if this would require re-zoning. Mr. Cornelius answered no, it would not. If this is adopted, they will amend the gcom in the zoning code to allow for permitted use.

Mr. Barnebey noted that the site that triggered this amendment doesn't need a new zoning code. It already has residential zoning on it. This would allow that residential zoning to stay intact and be developed as residential, as opposed to having to go commercial.

Betty Sailes Rhodes questioned 2nd Avenue and why there was a house there that was allowed to be built.

Commissioner Cornwell questioned if someone could build a restaurant on the front of a property and a

City Commission Meeting

June 5, 2023

Page 8 of 9

house on the back of the property. It was answered, yes, that is allowable. She also wanted to make sure homeowners are protected if there's a hurricane or disaster, that they can rebuild. Mr. Barnebey and Mr. Cornelius will look at that concern and bring it back for further discussion.

Mayor Bryant closed the Public Hearing at 8:35 pm.

MOTION: Commissioner Jones moved, Commissioner Cornwell seconded, and the motion carried 5-0 based upon the staff report, comments received at the public hearing, and consideration of the Planning & Zoning Board recommendation, to approve staff to transmit the proposed comprehensive plan text amendment provided with Ordinance 2023-11 to Manatee County, Florida Department of Economic Opportunity, and other required state agencies for review and comments.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to direct staff to review those residential areas within the general commercial core for establishment of those anomalies and then a recommendation coming forward to protect those single family homes.

Mayor Bryant recessed the City Commission Meeting to open the June 5, 2023 CRA Board Meeting at 8:40 pm.

Mayor Bryant reconvened the meeting at 10:09 pm.

STANDING AGENDA ITEMS:

12.Traffic Update

The traffic update was mentioned after the Mayor's report.

The roundabout on 23rd street is on track, and the drainage is currently being worked on. The road closure on Haben Blvd is on schedule to reopen on the 16th of June.

City Commission Meeting

June 5, 2023

Page 9 of 9

COMMENTS:

13.DEPARTMENT HEADS' COMMENTS

Mr. Freeman reminded everyone of the next meeting on Tuesday, June 27th at the Bradenton Area Convention Center, which will include the Public Hearing for the Riviera Dunes apartments. The Workshop on June 27th will be in the City Hall Chambers at 4:30 pm and the regular meeting will be at the Convention Center at 7:00 pm. The tentative budgets will be sent to the Commissioners the first week in July. There will be the first budget Workshop scheduled for July 31st. They will need to establish the preliminary millage before August 4th. They can't go up from that but can go down.

Mr. Barnebey reported that he hadn't heard back from the property owners about the easement requests, as previously discussed.

14.MAYOR'S REPORT

Mayor Bryant received a call from Manatee County letting her know of an upcoming discussion at a future meeting regarding the tennis courts on 10th street. The courts are theirs, but the property is ours. She also mentioned a ribbon cutting at Baycare Medical Group Primary Care on Wednesday, June 7th. There is also a safety event at the racetrack on June 8th. This event is to teach people how to drive safely.

Mayor Bryant also noted that the school board's project at Palmetto High School is underway. They are installing artificial turf on the football fields, and they are remodeling the baseball field. There are also several buildings being torn down. The Convention Center renovations are moving along as well. Lecom is adding an additional ball field.

15.COMMISSIONERS' COMMENTS

No additional comments.

Mayor Bryant adjourned the meeting at 10:17 pm.

MINUTES APPROVED: JUNE 27, 2023

JAMES R. FREEMAN

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CITY CLERK

