

**MINUTES**  
**CITY COMMISSION MEETING**  
**JUNE 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.

**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  
Kera Hill, Development Services Supervisor  
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 Alan Bosmeny 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 27, 2023 City Commission Agenda.**

3. JOHN LAND YEARS OF SERVICE AWARD

Eryn Russel from Florida League of Cities presented the John Land Years of Service Award to Brian Williams for his 30 years of public service.

4. PUBLIC COMMENT

Dora Bencomo spoke about her property at 1503 11<sup>th</sup> Ave W, and the demolition that is needed. This was previously discussed at the May 1<sup>st</sup> meeting. Discussions ensued between the Commissioners and staff.

David Spitnale who lives in the Palmetto Mobile Home Club, spoke about his issues with the permitting department and code enforcement.

5. CONSENT AGENDA

- a. Minutes: 06/05/2023
- b. Special Function Permit- 4<sup>th</sup> of July Fireworks
- c. Special Function Permit – Twin Angels Back to School Bash
- d. GDP Minor Modification for MSA
- e. Resolution 2023-09 – SBR Purchase for School Resource Officers
- f. Legal Invoices

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

6. FLORIDA LEAGUE OF CITIES VOTING DELEGATE

**MOTION:**                      **Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to nominate Commissioner Jones as the delegate for the Florida League of Cities.**

7. FIRST READING – ORDINANCE 2023-08 GENERAL EMPLOYEES' PENSION PLAN CHANGES (J.FREEMAN)

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 22, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-81, DEFINITIONS; AMENDING SECTION 22-84, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 22-87, PRE-RETIREMENT DEATH; AMENDING SECTION 22-95, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 22-105, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 22-107, PRIOR GOVERNMENT SERVICE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Mr. Freeman gave a synopsis of the changes being proposed. The Ordinance was recommended by the General Employees' Pension Board for approval. This would allow members to buy back years of retirement benefits for prior government service over 5 years versus a one-time lump sum payment.

**MOTION:** Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the First Reading of Ordinance 2023-08 and authorize staff to advertise the appropriate Public Hearing.

8. FIRST READING – ORDINANCE 2023-09 POLICE OFFICERS’ PENSION PLAN CHANGES (J.FREEMAN)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 22, PERSONNEL, ARTICLE V, POLICE OFFICERS' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-171, DEFINITIONS; AMENDING SECTION 22-174, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 22-186, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 22-195, PRIOR POLICE SERVICE; AMENDING SECTION 22-197, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 22-200, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS, CHAPTER 185 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Mr. Freeman gave a synopsis of the changes being proposed. The Ordinance was recommended by the Police Pension Board for approval. This would allow members to buy back years of retirement benefits for prior government service over 5 years versus a one-time lump sum payment.

**MOTION:** Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the First Reading of Ordinance 2023-09 and authorize staff to advertise the appropriate Public Hearing.

9. PUBLIC HEARING – 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.

*Mayor Bryant opened the public hearing at 7:28 pm.*

Mr. Barnebey gave a synopsis of the project based on section 70.51 of Florida statutes. The adoption of this Ordinance would be consistent with the Magistrate’s recommendation. The DRI has expired but the conceptual plan that is in Ordinance 2022-06 is still in effect. Senate Bill 102 was mentioned, which would allow for

affordable housing without further review of the property by the City Commission.

Mr. Cornelius, Contracted Planner from Wade Trim, discussed the changes that have occurred since the mediation. As part of the mediation the number of dwelling units were reduced from 255 to 220 units. They also eliminated all of the deviations they were requesting last year. They would have 2 parking spaces per unit, and all the parking spaces would meet the standard size as required by the city. They are also allowing for the required buffers along US 41 and a 35-foot buffer along Haben Blvd. The set back variances have been eliminated, which now exceed set back requirements. Other changes include, 2 buildings, 3 and 4 stories high, which does not exceed height requirements. They would also extend the turn lanes. The plan is consistent with Ordinance 2022-06. Staff recommended the adoption of this Ordinance.

Commissioner Williams shared that he was on the mediation team in October. He mentioned Senate Bill 102. He expanded on the bill for the public's knowledge. It would allow for affordable housing without needing the Commission's approval. He read from the senate bill. He expressed the possibility of bringing more units to that parcel if they don't approve the ordinance tonight. It would also allow for less parking units. These are all things that can happen if they don't approve the project tonight. A future project may not require Commission's approval.

Mr. Vogler, Attorney for the Developer, spoke on the project. He presented a PowerPoint presentation, which was included in the record. He was given 15 minutes to present. He read a quote from the conclusion of the Special Magistrate's recommendation. Section 70.51- Florida land use and environmental dispute resolution act was discussed. This would require the Commission to decide what the proper use of the property is within 30 days after denial. The GDP was shown. They will also expand a turn lane. This will improve the area for all the neighbors. The landscape buffer was discussed. He reiterated the benefit of approving the project. He also mentioned Senate Bill 102 and what may come. He discussed the Quasi-Judicial Process and what substantial evidence is and what it is not.

Mr. Vogler introduced Mr. David Mechanik, Attorney, who he stated would render an independent opinion based on practicing land use law for over 44 years. He reviewed all the documents leading up to tonight, his opinion is that the proposal being presented satisfies all the previous denials and recommendations of the special magistrate.

Mr. Lobeck, Attorney for Riviera Dunes, was granted 50 minutes to speak. He mentioned the associations he represents, which include: Bel Mare Condominium Associations, Hammocks at Riviera Dunes Association, Homes of Riviera Dunes Homeowners' Association, Laguna Riviera Condominium Association, and Riviera Dunes Marina Condominium Association. He reiterated his legal concerns with the Ordinance, which he believes are illegal. He believed the City Staff weren't being objective when presenting the Commission with the information. He gave his interpretation of the new state statute, senate bill 102. He believed it would be illegal to approve this Ordinance. He gave an extensive overview of his opposition to the adoption of this Ordinance. He also sent out a letter to all the Commissioners and the Mayor prior to the meeting, which was included in the minutes. He believed this plan violates the density limits. Density High Hazard Area and limiting density in those areas was also discussed. The density being too high, is the major concern of the people of Riviera Dunes. He reiterated that the DRI has expired. He encouraged the Commission to deny the Ordinance.

Gino Sedillo, owner of the property, spoke of the reasons the Commission should approve the Ordinance.  
Sharon Barhorst- spoke against the development.  
Nancy Boos- spoke against the development.  
Keith Ewer- spoke against the development.

Nigel Francis- spoke against the development.  
Hannah Hawkinberry- spoke for the development.  
Hayley Hawkinberry- spoke for the development.  
Robert Keskeny- spoke for the development.  
Dale Margritz- spoke against the development.  
Arthur Monbert- spoke against the development.  
Shay Hawkinberry- spoke for the development.

Mr. Cornelius readdressed the issues brought up during Mr. Lobeck's comments from his staff report. He stated that this is a unified project. Density related to the coastal high hazard area and the exchange matrix were discussed in detail. A traffic study was part of the staff report from June 2022. The impact of traffic was below the threshold of needing to adjust based on the City's code.

Commissioner Cornwell questioned the number of dwelling units and the exchange matrix. It was noted that there are other limiting factors that contribute to the potential units remaining.

Commissioner Williams further questioned the exchange matrix. He also discussed his concerns with traffic. Mr. Cornelius noted that there would be an additional turn lane on Riviera Dunes Way and Haben Blvd. They will also be paying impact fees. As of last year, the traffic engineers determined that it doesn't require additional changes based on the amount of vehicles that this project would bring.

Mr. Vogler presented a rebuttal and reiterated the reasons to approve the Ordinance.

Mr. Cornelius answered Mr. Williams earlier question regarding the impact on traffic. It would add 25 trips north on US 41, 50 trips going south on US 41, and 25 trips going east on Haben Blvd based on 255 units. This was from the traffic study which was submitted last year.

Mr. Barnebey responded to Mr. Lobeck's previous comments regarding the magistrate and the mediation process. He then noted that he didn't understand Mr. Lobeck's interpretation of Senate Bill 102. He reiterated what is stated in the bill. He also explained his and Mr. Cornelius' job. They give their best advice, and it is then up to the Commission to make a decision.

*Mayor Bryant closed the public hearing at 9:28 pm.*

Commissioner Cornwell stated that this is an entry piece of Palmetto. She asked Mr. Sedillo if he spoke with the CRA regarding the options of mixed use vs. apartment buildings and potential CRA incentives. Mr. Sedillo stated at the beginning of the project they did speak with the CRA. No additional incentives were mentioned. Mr. Vogler mentioned that there isn't a market for retail with apartments.

Commissioner Smith agreed with Commissioner Cornwell. He thinks they should get together with Mr. Johnson to discuss CRA incentives.

Commissioner Jones questioned if they are open to putting up fencing, as shown last year. It was answered that this plan is significantly different and there is more internal security.

Commissioner Williams questioned the retention on the property. The primary retention for storm water are vaults not ponds- under the parking area. His biggest problem with approving the Ordinance is with the overuse of the exchange matrix. However, he is also concerned with Senate Bill 102, which is now a law, and it limiting

their ability to decide what is approved on that parcel.

Commissioner Mathews appreciated Commissioner Cornwell asking hard questions. She appreciated the way things had been presented. The interest of the people of Palmetto is at the core of their decision.

**MOTION:**                      **Commissioner Jones moved, Commissioner Mathews seconded, and the motion failed 1-4 based on the Palmetto Comprehensive Plan, the Code of Ordinances, Ordinance 663, as amended, the staff report and public comment, to adopt Ordinance 2023-13. (Mathews voted yes)**

The Commissioners agreed to have further discussion regarding the reasons for denial at a future meeting.

10.     MAY 2023 CHECK REGISTER (Informational Only)

STANDING AGENDA ITEMS:

11.     Traffic Update

None

COMMENTS:

12.     DEPARTMENT HEADS' COMMENTS

None

13.     MAYOR'S REPORT

Mayor Bryant brought up the comments regarding code enforcement issues from earlier in the meeting and stated that her office would be reaching out.

14. COMMISSIONERS' COMMENTS

None

Mayor Bryant adjourned the meeting at 9:55 pm.

MINUTES APPROVED: JULY 31, 2023

***JAMES R. FREEMAN***

JAMES R. FREEMAN  
CITY CLERK