

**MINUTES**  
**CITY COMMISSION MEETING**  
**JULY 31, 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 (left the meeting at 8:01 pm, and returned at 8:03 pm)  
Cassi Bailey, Assistant City Clerk  
Penny Johnston, Executive Assistant  
Jenny Silverio, CRA Administrative/Compliance Coordinator

**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 Josh Holly from the Church of Hope, 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 Williams moved, Commissioner Jones seconded, and the motion carried 5-0 to approve the July 31, 2023 City Commission Agenda.**

3. PRESENTATION OF REBATE CHECK-VEOLIA

Devin Bloome, Veolia, presented the City Commission with the 2022 Rebate Check. The check presented was for \$231,929.13.

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### 4. PUBLIC COMMENT

Harold Britt stated that he was speaking for several people. He asked permission from the Commission to speak for 5 minutes. The Commissioners granted this permission. He spoke about the VFW building in Palmetto and his concern that their lease was not going to be renewed at the end of term in three years.

David Spitnale spoke about the permitting process and not being allowed to install a mini-split AC unit on his own.

Mayor Bryant recessed the meeting at 7:23 pm.

Mayor Bryant reconvened the meeting at 7:25 pm.

Ed Vogler, Attorney, spoke on behalf of the Riviera Dunes Apartment developer, Epoch, and the owner of the land, Dr. Sedillo. He requested that they direct staff to provide notice for an additional public hearing to complete their mediation process, to consider a mixed-use portion of the project that will consider the addition of non-residential uses in the project.

**MOTION: Commissioner Williams moved to reconsider this project with modifications. Commissioner Mathews seconded.**

Commissioner Cornwell wanted to clarify what Mr. Vogler was proposing. They would have to bring the project back and look at apartments with a mixed-use section. They are open to hearing the proposal, but they are under no obligation to approve that project. Mr. Barnebey clarified that they cannot go to a Workshop first, but they are still in settlement discussions. If they decide to bring this back for a public hearing, they will need to have specific details from Mr. Vogler beforehand. He reiterated that we would have to re-advertise it for a new public hearing. If they don't take action, they will need to officially deny the Ordinance and specify what they will allow to see on the property by September 13, 2023.

Commissioner Smith questioned not being able to have a Workshop. Mr. Barnebey said they are just voting to have the item come back, they are not voting on a project.

Commissioner Jones said he wanted Mr. Vogler to come back and see what they propose.

Commissioner Williams asked if there was any way they could meet individually with Mr. Barnebey and Mr. Vogler. Mr. Barnebey answered that they can always meet with him, but he would not suggest meeting with Mr. Vogler.

Mr. Freeman clarified that the motion on the floor is to reconsider the development project and that can only be done in a quasi-judicial setting at a public hearing. The motion on the floor is to have the developer come back to discuss other options for the development. At that time, they would vote again on the new proposal.

**the motion carried 3-2. (Commissioner Smith and Jones voted nay)**

Mr. Barnebey stated that Mr. Vogler's clients will need to submit a revised plan, which the City will review, and once they do, an advertisement for a Public Hearing will be scheduled.

5. CONSENT AGENDA
- a. Minutes: 06/27/2023
  - b. Surplus Firearms
  - c. Resolution 2023-10 Council of Governments Meeting
  - d. Special Function Permit- Palmetto Market
  - e. CRA Advisory Board Member Appointment
  - f. Sanctuary Cove Access and Public Utility Maintenance Easement

**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 the item d, e, and f.**

5d. Special Function Permit- Palmetto Market was pulled for discussion. The Commissioners discussed their conversations with Ms. Burns, Mr. Wright, and other local businesses. They were concerned with closing 10<sup>th</sup> Avenue. Commissioner Cornwell also mentioned her concern with the market being on Veterans Day, November 11<sup>th</sup>. She wanted to ensure if there is a market that day, they would be doing something to honor the veterans.

**MOTION:** **Commissioner Jones moved to deny the special function permit, item 5d. Commissioner Williams seconded, and the motion carried 5-0.**

The Commissioners expressed their desire for a compromise to be reached on the location of the market before bringing it back to reconsider.

5e. CRA Advisory Board Member Appointment was pulled for discussion. Commissioner Jones questioned if the address listed on the application was Mr. Cadena's home or business address. Mr. Cadena answered that it was his business address. Commissioner Jones asked Mr. Cadena if there would be any conflict of interest with being an Advisory Board member and his business. Mr. Cadena expressed his desire to help the City. It was also clarified by Mr. Barnebey the process of recusing himself if he had a conflict of interest on a future Agenda item that would require his vote. Mr. Barnebey also clarified that an Advisory Board member can own a business or live in the CRA to be an eligible Board member.

**MOTION:** **Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve item 5e.**

5f. Sanctuary Cove Access and Public Utility Maintenance Easement was pulled for discussion. Commissioner Cornwell asked about the easement. Mr. Barnebey clarified that it is designed to provide both our access to any utilities they may have and emergency access over the area of the easements. The plat will also provide for a driveway in those areas. He expressed that he had no objection. Mr. Rayan further clarified that it is only a utility easement and for emergency services. The City will only be responsible for any utility repairs if it happens.

**MOTION:** **Commissioner Cornwell moved, Commissioner Jones seconded, and the motion carried 5-0 to approve item 5f.**

**6. FISCAL YEAR 2024 PROPOSED AGGREGATE MILLAGE RATE AND DATES FOR TENTATIVE AND FINAL BUDGET HEARINGS (J.FREEMAN)**

Commissioner Smith asked if the proposed millage is the same as last year. Mr. Freeman answered yes.

Commissioner Jones wanted to add a Lincoln Park sign to the budget. Mr. Williams thinks there is enough in the budget to include that.

Mr. Barnebey questioned if there was enough in CRA budget to include a sign if they go in that direction. Mr. Johnson responded that there are adequate funds if that's what they decide.

**MOTION:**                      **Commissioner Cornwell moved, Williams seconded, and the motion carried 5-0 to approve a proposed aggregate millage rate of \$5.9671 for FY 2024 and to schedule the tentative budget hearing for September 11, 2023 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers and a final budget hearing on September 25, 2023 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.**

**7. PUBLIC HEARING ORDINANCE 2023-08 GENERAL EMPLOYEES' PENSION PLAN CHANGE (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.

*Mayor Bryant opened the Public Hearing at 8:15 pm.*

Mr. Freeman explained the changes being proposed within this Ordinance and the matching Ordinance being proposed for the Police Pension plan. The Ordinances were recommended for approval by the General Employees' Pension Board and the Police Pension Board.

*Mayor Bryant closed the Public Hearing at 8:19 pm.*

**MOTION:**                      **Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to adopt Ordinance 2023-08.**

8. PUBLIC HEARING ORDINANCE 2023-09 POLICE PENSION PLAN CHANGE (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.

*Mayor Bryant opened the Public Hearing at 8:21 pm.*

*Mayor Bryant closed the Public Hearing at 8:22 pm.*

**MOTION:** **Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to adopt Ordinance 2023-09.**

9. PUBLIC HEARING 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.

*Mayor Bryant opened the Public Hearing at 8:23 pm.*

**MOTION:** **Commissioner Jones moved, Commissioner Cornwell seconded, and the motion carried 5-0 to continue the Public Hearing on Ordinance 2023-12 until August 21, 2023 at 7:00 PM or as soon thereafter as can be heard in these chambers.**

10. JUNE 2023 CHECK REGISTER (Informational Only)

STANDING AGENDA ITEMS:

11. Traffic Update

Mr. Rayan reported that at US 41 and 23<sup>rd</sup> street, the FDOT roundabout project, will be switching the traffic flow within the next 2-3 weeks. The completion will be delayed.

The contractor for the 7<sup>th</sup> street extension will be paving the east portion in mid-August. There will be a closure from US 301 to the west side of the entrance to Palmetto Trace, which will be done concurrently with the entrance to hotel. They will let school start at MSA and let things settle before the road closure.

COMMENTS:

12. DEPARTMENT HEADS' COMMENTS

Chief Tyler noted that they have been pretty consumed with preparing for school to start on August 10<sup>th</sup>. He also reported that he and his officers have been to the Boys and Girls Club several times over the summer to interact with the children. They have also been to the daycares. They are working to continue their positive interactions with the youth in their neighborhoods. He also reported that he is planning to have the Citizens Academy in the fall.

Mr. Freeman provided the following updates:

- Old Police Department will be coming forward to surplus within the next couple months.
- Old Palmetto Elementary is currently out to, RFP, Request for proposals. It went out for advertising as of last Monday 7/24/23 and will be open for 90 days.
- The next meeting is on August 7<sup>th</sup>, 2023.
- The CDBG housing grant will most likely be active towards the end of the year or beginning of next year.

Mr. Rayan reported that the MPO and FDOT tentatively approved them for a \$1.7 million grant to start the design of the complete street project on 10<sup>th</sup> Avenue. It will also require funds to come from the CRA and City.

Mr. Barnebey noted that they have closed on the triangular piece of property near the wastewater treatment plant, WWTP. The lease was extended by Manatee Fruit Company for Tropic Isles to continue to use the land until December 31<sup>st</sup>, 2023. Mr. Barnebey read the language which they were recommending to the County to include on the plaque at the Lincoln Park's Aquatic Center.

13. MAYOR'S REPORT

Mayor Bryant mentioned the Council of Government's meeting would be tomorrow, 08/01/2023 from 4:00-5:30 at the Convention Center. She also noted that she had a group of female volleyballers from Palmetto High School approach her for help in finding a sandy beach area for them to practice on. She will report back any updates. Mayor Bryant also expressed her desire to have further discussion with Representative Jim Boyd regarding lobbying and potential grants and funding for the City of Palmetto. She is going to pursue the Tourist Development Council regarding the needed repairs on the Green Bridge Fishing Pier.

14. COMMISSIONERS' COMMENTS

Commissioner Williams heard there is a new strain of Covid. He urged everyone to take precautions. He questioned the old Police Department demolition. He asked if Chief Tyler thought there would be a developer interested in the building. Chief Tyler didn't believe it could be rehabilitated. He thinks the building is a hazard to let stand. Commissioner Williams thought they would get more money when surplus it if there was a building on the property. Chief Tyler noted that as part of the surplus process, a package will be brought before the Commission to decide how they would like to proceed.

Commissioner Williams suggested using the money they received from the Veolia rebate check to help fund the sign at Lincoln Park and increasing employee levels or enticing new employees.

Mayor Bryant mentioned talks that have been ongoing for the sign at Lincoln Park.

Mayor Bryant asked Mr. Rayan the status of the Palmetto Mobile Home Park list she had given him. He responded that most of the items had been accomplished.

Mr. Rayan noted that the capital improvement and WWTP is where they usually utilize the Veolia rebate money.

Commissioner Williams referenced an email the Commissioners had received from a gentleman asking for a fence around Sutton's playground. Mayor Bryant responded that she believed there was a plan to put a fence along 6<sup>th</sup> Street.

Commissioner Cornwell didn't appreciate the consistent scare tactic of low-income apartments being presented at the Public Hearing in June at the Convention Center. She believed they need to focus on the needs of the City. She would like to have possibilities presented not negativity. Mr. Barnebey reiterated that they cannot stop affordable housing projects, according to the recent state legislature. Commissioner Cornwell also reported that school would be starting on August 10<sup>th</sup>.

Commissioner Jones asked Mr. Rayan if they had looked at getting cooler uniforms for the parks department. Mr. Rayan responded that they have been working on a pilot program for some time, but there are safety restrictions and requirements they have to keep in mind. They are working on a solution.

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Commissioner Jones also wanted to remind the Department Heads to make sure they are treating the employees and customers with the utmost respect. He asked Mr. Rayan for an update on the MLK restroom. Mr. Rayan reported that the electrical panel is ready to go but they are having trouble with the electrical work that was performed with the lift station. He is hoping to have it completed in August.

Mayor Bryant noted that she met with staff at Public Works and asked them about issues they may be having. She discovered a lot of those issues were misunderstandings, but they would all be responded to. She also noted that all the staff in leadership roles have been taking leadership training over the last year.

Commissioner Smith asked Mr. Freeman for an update on the trail running through the whole City. Mr. Freeman answered that he wasn't the lead on that. It was previously Mr. Jeff Burton. Mr. Johnson noted that he didn't have an update on that, but Moore 2 Design was working on several of those pieces.

Mayor Bryant noted that Charlie Huntsicker, with Manatee County, will be at a future meeting to provide a status report on all things that affect City of Palmetto from the county perspective.

Commissioner Smith asked Mr. Barnebey about the old Heartland land behind the police station. Mr. Barnebey said he knows they are still in remediation. The cleanup has not been completed at this time.

Commissioner Smith also questioned Mr. Johnson on the placement of the scoreboard at Lincoln Park. Mr. Johnson stated that he believed it was being removed from the budget because the CRA was not asked to participate financially.

Mayor Bryant adjourned the meeting at 9:12 pm.

MINUTES APPROVED: AUGUST 21, 2023

***JAMES R. FREEMAN***

JAMES R. FREEMAN

CITY CLERK