

MINUTES
CITY COMMISSION MEETING
AUGUST 21, 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 (left the meeting at 8:30 pm, and returned at 8:31 pm)
Sunshine Mathews, Commissioner, Ward 2 (Present via ZOOM)
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
Kera Hill, Development Services Supervisor

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 Reverend Larry Collins from 11th Street Church of Christ, 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 Williams seconded, and the motion carried 5-0 to approve the August 21, 2023 City Commission Agenda.

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3. PUBLIC COMMENT

Dan Lobeck, Attorney for Riviera Dunes Homeowners Association, spoke regarding the July 31st City Commission meeting's reconsideration of the Riviera Dunes Apartments. He believed their motion for reconsideration was against the law and against Roberts Rules of Order.

4. CONSENT AGENDA

a. Minutes: 07/31/2023 & 08/07/2023

b. PPD Drone Replacement

c. Special Function Permit – Mardi Gras Half Marathon

d. Resolution 2023-18 Rescinding of October 5, 1943 Unnamed Resolution re use of property as cemetery

MOTION:

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

Item 4d. was pulled for discussion regarding Resolution 2023-18. Commissioner Jones questioned if this is the right decision for this parcel. Commissioner Smith reiterated his previous vote against the property from May 15, 2023. He questioned the Resolution from 1943 indicating that this property was to be used as overflow for the Palmetto cemetery. He does not believe the information is clear. He asked which part of the land the City owns. The two parcels were outlined in the packet. Mr. Barnebey and Mr. Freeman further explained the parcels in question. Commissioner Smith continued to opine that he would not vote for it because the land was intended for overflow of the graveyard. Mr. Freeman read minutes from the 2019 Workshop discussion where Commissioner Williams and Commissioner Smith thought the property would be better used for recreational purposes.

Commissioner Williams discussed the conversation from 2019. There are no conditions on the grant. There is no reason to keep that property for overflow of cemetery. He opined that they need more parks and recreation. Mr. Barnebey reiterated that there are no restrictions on the property, but it is up to the Commission.

Commissioner Mathews agreed that it would be better used as a recreational facility.

Commissioner Smith wanted the approval from the State. Mr. Barnebey has done a title search, not an inquiry with the State. There were no conditions on the deed from the title search.

Mayor Bryant reiterated the findings from the title search and the needs of the community.

MOTION:

Commissioner Williams moved to adopt Resolution 2023-18, Commissioner Cornwell seconded, and the motion carried 3-2. (Commissioner Jones and Commissioner Smith voted nay.)

5. ADOPTION PUBLIC HEARING ORDINANCE 2023-04 COMPREHENSIVE PLAN TEXT AMENDMENTS INVOLVING THE CALCULATION OF INTENSITY AND DENSITY FOR FUTURE LAND USES (B.CORNELIUS/K.HILL/M.BARNEBEY)

This item was continued from 06/05/2023.

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 OF 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.

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

Brad Cornelius, Contracted Planner with Wade Trim, gave a recap of the history of this Ordinance. He added a phrase "to assure compatibility with surrounding areas and provisions of appropriate infrastructure" to each of the land use districts to explain how they will determine density. He explained what the code said prior, and what it says after the changes that he was proposing. He also noted that the Ordinance was sent to the State after the first Public Hearing for transmittal, and they had no comments or objections. All three primary agencies had no objections to the proposed changes. Mr. Cornelius made changes to reflect Commissioner Cornwell's suggestions at the last Workshop. The Planning & Zoning (P&Z) Advisory Board recommended approval.

Randy Iaboni, Chair for the Planning and Zoning (P&Z) Board, had always questioned the wording in this document in the past. The averaging calculations were not clear. He thought it was great that they took that out and provided clarity. He noted that he wasn't at the P&Z Board meeting in August where they voted, but he would have voted in favor of these changes, had he been there.

Dan Lobeck, Attorney for Riviera Dunes homeowners' association spoke against this Ordinance. He was granted ten minutes to speak. He listed the 5 HOA's he represented. He and his clients are against these changes. He also sent in an email to each of the Commissioners prior to the meeting stating his opposition to this Ordinance. The email was made part of the minutes.

Commissioner Smith asked Mr. Barnebey to clear up what Mr. Lobeck stated. Mr. Cornelius responded. He stated that this is not a typical way to deal with density. In his almost thirty years in the business, he has not come across another municipality that used this language. The proposed changes will make the requirements clear and consistent.

Mayor Bryant closed the Public Hearing at 8:00 pm.

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Commissioner Williams questioned how this change would affect developments. He asked if there are any benefits, pro or con, that will change potential developments. Mr. Cornelius replied "from his prospective as a planner, no." He continued to explain the bigger density issue, stating there is the maximum, however, no developer is entitled to the maximum, as there are other conditions to consider. The Commission would still need to give their approval or denial when they look at all the pieces.

Commissioner Jones asked about the maximum density and the process for projects coming before the Commission. It doesn't take anything away from the City Commission regarding their approval.

Mr. Barnebey spoke regarding the Live Local Act and the fact that those projects wouldn't come back to them for approval. He gave an example of mixed use in the downtown area and calculating density.

Commissioner Smith asked Mr. Cornelius why they are doing this now. Mr. Cornelius answered that it was the request they had, from the City Attorney's office to bring this forward. Commissioner Smith wanted to ensure they weren't doing this for one development. Mr. Cornelius assured him it wasn't. Mr. Cornelius noted that they had 180 days from when they received the comments from the State to take a vote.

MOTION:

Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 3-2 based upon the staff report, comments received at the public hearing, and consideration of the Planning & Zoning Board recommendation, to approve Ordinance 2023-04 for adoption of the comprehensive plan text amendment. (Commissioners Smith and Commissioner Jones voted nay.)

6. ADOPTION PUBLIC HEARING ORDINANCE 2023-11- COMPREHENSIVE PLAN 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 8:10 pm.

Brad Cornelius, Contracted Planner from Wade Trim, gave a recap of the history of this Ordinance. This was generated at the request of the City Commission. The Florida Agencies had no objections or comments. The P&Z Board recommended the approval of this Ordinance.

Mayor Bryant closed the Public Hearing at 8:13 pm.

MOTION: Commissioner Jones moved, Commissioner Williams 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 Ordinance 2023-11 for the adoption of the comprehensive plan text amendment.

7. ADOPTION PUBLIC HEARING ORDINANCE 2023-12- REVISING ZONING CODE ADMINISTRATIVE APPEALS, VARIANCES, DOWNTOWN ALTERNATIVE PLAN PROCESSES, AND OTHER RELATED REVISIONS (B.CORNELIUS/K.HILL/M.BARNEBEY)

This item was continued from 07/31/2023.

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 8:15 pm.

Brad Cornelius explained that the P&Z Board did not make a recommendation. They tabled it to their September 21st meeting. The P&Z Board asked what generated this idea. The three members that were there, did not seem supportive of taking away their decision making. They were supportive of the other changes.

Mr. Barnebey would recommend continuing this item to October 9th, 2023.

MOTION: Commissioner Jones moved to continue this item to October 9, 2023 at 7:00 pm or as soon thereafter as can be heard in these chambers, Commissioner Cornwell seconded, and the motion carried 5-0.

8. PUBLIC HEARING CONDITIONAL USE PERMIT (CU2023-02) OLD SALT MARINE (B.CORNELIUS/K.HILL/M.BARNEBEY)

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

Mr. Cornelius explained the conditional use permit that was submitted by Old Salt Marine. There is a current conditional use permit in place. They are asking for additional provisions in this new application, which would include selling used boats. The staff and the P&Z Board do not recommend approval of this permit. If the Commission want to allow this, the code will need to be changed.

Commissioner Williams questioned I & J on the point paper, regarding the impervious surface vs. paving. Mr. Cornelius answered that these are part of the City Code.

Kera Hill spoke of the impervious area that was approved in 2020. Mr. Barnebey opined that they would have to comply with the current City Code. Discussions continued regarding what was approved on their original conditional use permit and the current City Code.

Donald Lacharite, applicant, spoke regarding their desire to add used boat sales to their business. They are also interested in a boat concierge club.

Commissioner Williams wanted to work with them, but they cannot issue two conditional use permits. They would have to open up a new one. Mr. Barnebey responded that was correct unless they amended the code. Commissioner Williams explained why they have treated new boats differently than used boats in the past.

Discussions continued regarding the possibility of an issue being raised about the impervious area. Commissioner Williams liked the concierge service idea, but he's concerned with boat rentals. Mr. Lacharite clarified that they won't be storing boats. The boat repairs would strictly be working on boats that have come to them, or ones that they are selling. They wouldn't be working on motor repairs.

Mr. Cornelius gave a recap of the P&Z Board meeting from Thursday, August 17th. Their concern was based on the City Code's current allowances. The City Code would need to be amended if they would like to support this project.

Mr. Barnebey opined on the situation. If they want to consider this, they will need to add a conditional use to include the appropriate pieces. Commissioner Williams asked how long this would take. Mr. Barnebey responded that it would probably be the end of the year.

Commissioner Jones asked if the applicant would be comfortable waiting until the end of the year. Mr. Barnebey clarified that this would allow the City to work on a code amendment that may allow the conditional use that he is requesting. This isn't a guarantee, but it would allow further discussions of a code amendment. Ms. Hill asked for specifics from the Commission before staff can work on drafting an amendment. The Commission will have a Workshop to discuss.

Cole Blanton spoke in favor of granting the Conditional Use permit for Old Salt Marine.

MOTION: **Commissioner Williams moved to continue this item until December 4th ,2023 at 7:00 pm or as soon thereafter can be heard in these chambers, Commissioner Jones seconded, and the motion carried 5-0.**

Commissioner Williams commented that this area was designated as Commercial Core a long time ago. They are trying to make changes so businesses can grow.

9. PUBLIC HEARING CONDITIONAL USE PERMIT (CU2023-03) D'S BREAKFAST AND BURGERS (B.CORNELIUS/K.HILL/M.BARNEBEY)

Mayor Bryant opened the Public Hearing at 8:49 pm.

Brad Cornelius explained that D's Breakfast and Burgers are requesting to sell beer and wine. They are a breakfast and lunch operation. Staff and the P&Z Board recommended approval.

Tolga T, applicant, explained that they had a recent ownership change, which is why they had to re-apply for this Conditional Use permit. They are applying for the same thing that was approved with the previous owner.

Commissioner Williams questioned if it is the same business. The applicant clarified that nothing has changed.

Mayor Bryant closed the Public Hearing at 8:54 pm.

MOTION: **Commissioner Williams moved, Commissioner Jones seconded, and the motion carried 4-1 to approve Conditional Use Permit 2023-03. (Commissioner Cornwell voted nay.)**

10. JULY 2023 CHECK REGISTER (INFORMATIONAL ONLY)

STANDING AGENDA ITEMS:

11. Traffic Update

Mr. Rayan provided the following updates:

- The roundabout at US 41 and 23rd Street has changed traffic patterns. The two outside lanes are operational and 23rd Street heading West is open.
- The 7th Street extension, in front of the Palmetto Trace apartments, has been paved and striped. This is in preparation of closing the West end to US 41 in conjunction with the Convention Center Hotel construction.

COMMENTS:

12. DEPARTMENT HEADS' COMMENTS

Mr. Rayan reported that the MLK restroom has scheduled its final inspection on September 8th.

Commissioner Jones asked about a temporary restroom at MLK park. The consensus from the Commission was to put a temporary restroom back until the final project is completed.

Mr. Freeman reminded the Commission of the next meetings on September 11th and September 25th. These will be for the tentative and final budget hearings.

Chief Tyler reminded the Commission of the invitation he sent out for the Palmetto Police Department's grand opening, which will be on Friday, September 8th.

Commissioner Williams thanked him for the invitation, but he won't be able to attend due to the Florida League of Cities Board meeting.

Mr. Barnebey asked Mr. Freeman to look at a date, preferably in September, to discuss the potential code amendments at an upcoming Workshop. September 25th was determined to be a good date.

Commissioner Williams recommended sending a letter to the Old Salt Marine owner to describe what he wants to do on that property. Mr. Barnebey didn't think they should tailor it to a particular applicant. Commissioner Williams clarified that it would be broader than just what he wants but they should consider what he wants to encompass those needs.

13. MAYOR'S REPORT

Mayor Bryant mentioned the Tourist Development Meeting she attended that morning. There was extensive conversation about the Green Bridge fishing pier. The pier belongs to Manatee County, but the City of Palmetto maintains it. She has requested support from the Tourist Development Council.

14. COMMISSIONERS' COMMENTS

Commissioner Jones mentioned to Mr. Barnebey that he discussed the Blalock Walters contract at a previous Workshop, and he didn't have a problem with his raises. Mr. Barnebey clarified that besides the cost-of-living adjustment, they aren't increasing their rates.

Mayor Bryant adjourned the meeting at 9:10 pm.

MINUTES APPROVED: SEPTEMBER 25, 2023

JAMES R. FREEMAN

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CITY CLERK