

MINUTES
CITY COMMISSION MEETING
FEBRUARY 5, 2024
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
Tamara Cornwell, Vice- Mayor, Commissioner-at-Large 2
Sunshine Joiner, Commissioner, Ward 2
Sheldon Jones, Commissioner-at-Large 1
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 (Not Present)
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 Commissioner Sunshine Joiner, 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 Cornwell seconded, and the motion carried 5-0 to approve the February 5, 2024 City Commission Agenda

3. PROCLAMATION: ENGINEERS WEEK

Chris Sharek and Marquis Bind from American Society of Engineers, ASCE, accepted the Proclamation.

City Commission Meeting

February 5, 2024

Page 2 of 8

4. PUBLIC COMMENT

Gabby A spoke on the death of Breonte Johnson-Davis.
Traci Lipton spoke on the death of Breonte Johnson-Davis.
Jessica Murray spoke on the death of Breonte Johnson-Davis.
Franklin Perez spoke via ZOOM on the death of Breonte Johnson-Davis.
Nakia spoke via ZOOM on the death of Breonte Johnson-Davis.

Brian Jones spoke on the flooding issue in his neighborhood. Mayor Bryant responded that they sent out letters to the neighbors who they need easements from, but they haven't responded.

William Griffin spoke on the death of Breonte Johnson-Davis.
Betty Sailes Rhodes spoke on the death of Breonte Johnson-Davis.

Chief Tyler reminded everyone that the investigation regarding Breonte Johnson-Davis' death is still open by the FDLE. Once it is completed, all the documents will be released.

5. CONSENT AGENDA

- a. Minutes: 01/08/2024 & 01/22/2024
- b. AMENDED-Special Function Permit- Desoto Children's Parade
- c. Special Function Permit – Desoto Grand Parade
- d. Resolution 2024-05 Maintenance Agreement with FDOT
- e. Resolution 2024-03- SWWMD Toilet Rebate Grant FY 2024
- f. Resolution 2024-04- WCIND Derelict Boat Removal Grant FY 2024

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

6. FIRST READING ORDINANCE 2024-01 CONVENTION CENTER HOTEL GDP

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; APPROVING AN AMENDMENT TO THE GENERAL DEVELOPMENT PLAN FOR THE CONVENTION CENTER HOTEL PROJECT TO ADD AN ENTERTAINMENT PAVILION WITH RELATED DEVELOPMENT; PROPERTY IS 10.92 ACRES LOCATED 600 US 41 NORTH, PALMETTO, FL; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

MOTION: **Commissioner Cornwell moved, Commissioner Williams seconded.**

City Commission Meeting

February 5, 2024

Page 3 of 8

Commissioner Williams questioned the 7th Street extension and Haben Boulevard. He asked when it was changed and who changed it.

Bob Gause spoke to his question. Commissioner Williams wanted to be informed of future changes. Mr. Gause stated that the developers worked with city staff during the process.

the motion carried 5-0 to approve the First Reading of Ordinance 2024-01 and authorize staff to notice this for the appropriate public hearings before the City Commission.

7. PUBLIC HEARING ORDINANCE 2023-05: AMENDMENTS TO CHAPTERS 8, 9 AND 10 OF THE ZONING CODE (B.CORNELIUS/K.HILL/M.BARNEBEY)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA APPROVING TEXT AMENDMENTS TO APPENDIX "B" (THE ZONING CODE) OF THE CITY OF PALMETTO CODE OF ORDINANCES AMENDING CHAPTER 8 ESTABLISHING REQUIREMENTS RELATING TO VARIOUS DEVELOPMENT PLANS; AMENDING CHAPTER 9 REGARDING REQUIREMENTS RELATING TO PLANNED DEVELOPMENTS GENERALLY; AMENDING CHAPTER 10 TO IDENTIFY AND BROADEN THE APPLICATION OF PLANNED DEVELOPMENT CATEGORIES AND AMENDING THE REQUIRMENTS FOR PLANNED DEVELOPMENT PROJECTS; FINDING THIS REQUEST TO BE CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the Public Hearing at 7:36 pm.

Mr. Barnebey spoke to the Ordinance that is being proposed. He gave a recap of the discussions and the reason behind the Ordinance.

Brad Cornelius, Contracted City Planner with Wade Trim, opined that this is making the code much clearer. A history of the discussion, and the proposed changes were also highlighted in the Agenda packet.

Commissioner Williams questioned if this would affect current planned development projects. Mr. Barnebey explained that the provisions would apply to submitted projects that were in place at the time of their submittal.

Dan Lobeck, Attorney for Bel Mare Condo Association, Hammocks at Riviera Dunes Association, Homes of Riviera Dunes HOA, Laguna Riviera Condo Association, and Riviera Dunes Condo Association expressed his strong opposition to this Ordinance. He also opined that the proper procedures weren't followed due to not having the Planning and Zoning Board Public Hearing prior to the 1st Public Hearing at the City Commission meeting.

Mr. Barnebey responded to Mr. Lobeck's comments. The Planning and Zoning Board meeting is being continued to February 22, 2024.

MOTION:

Commissioner Williams moved, Commissioner Jones seconded, and the motion carried 5-0 to continue the 1st public hearing to February 26th, 2024.

8. PUBLIC HEARING ORDINANCE 2023-15: AMENDMENT TO ZONING CODE TO ALLOW USED BOAT SALES, BOAT RENTAL, BOAT REPAIR AND MAINTENANCE, AND BOAT STORAGE IN ADDITION TO NEW BOAT SALES IN COMMERCIAL CORE ZONING DISTRICT AND RELATED CHANGES (B.CORNELIUS/K.HILL/M.BARNEBEY)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA APPROVING TEXT AMENDMENTS TO APPENDIX "B" (THE ZONING CODE) OF THE CITY OF PALMETTO CODE OF ORDINANCES AMENDING SECTION 4.2, THE SCHEDULE OF PERMITTED AND CONDITIONAL USES BY DISTRICT; AMENDING SECTION 6.20 TO ADDRESS BOAT SALES, RENTAL AND REPAIR; FINDING THESE AMENDMENTS TO BE CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Cornelius gave a recap of the history of this item. This was also detailed within the Agenda packet. He discussed Compass Consignment and their conditional use permit which was issued in 2010. He suggested considering them as a non-conforming use. This would be acceptable as long as they don't expand their business. He went on to discuss how Old Salt Marine's conditional use is newer and how it differs.

Commissioner Williams stated that they need to send a letter to Compass on the way things are going to be changed. Mr. Cornelius agreed, if that is the direction of the Commission. He also expressed concerns about setbacks with Old Salt Marine. Mr. Cornelius responded regarding the buffer along the roadway. The sight triangle was discussed. He would recommend removing the 15-foot buffer and keep the 8-foot buffer.

Commissioner Jones agreed with removing the 15-foot buffer and keeping it at 8 feet. He opined that we are trying to draw businesses here. He doesn't want to put things in place to run businesses out of town.

Mr. Barnebey suggested the applicant seek CRA assistance with the landscaping.

Patricia Petruff, Attorney representing Old Salt Marine, spoke on behalf of her client. Their major objection to the Ordinance is the landscaping provision. She opined that the additional landscaping would kill their business. She also wanted clarification on flying the American flag. They clarified that it was referring to advertising banners. She also stated that they are against the changes to the fence requirements.

Mayor Bryant asked Chief about compliance with the shrubs and the sight triangle. Chief Tyler's concerns with that property are the sight triangle and unobstructed view to see in the property.

Commissioner Williams questioned the grass and the fence line. He also had concerns with the barbed wire fencing on their property. Donald LaCharite, owner of Old Salt Marine, stated that there wasn't any barbed wire fencing. Mr. LaCharite later clarified that there was barbed wire attached to the fencing along the south, west, and north side of their property. He reiterated that there wasn't any barbed wire fencing along the 8th Avenue side.

MOTION: **Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to continue the 1st public hearing to February 26, 2024.**

9. PUBLIC HEARING CONDITIONAL USE PERMIT (CU 2023-02) OLD SALT MARINE (B.CORNELIUS/K.HILL/M.BARNEBEY)

This item was continued from 12/4/23.

MOTION: **Commissioner Cornwell moved, Commissioner Jones seconded, and the motion carried 5-0 to continue the Public Hearing for Conditional Use (CU 2023-02) Old Salt Marine to March 4, 2024.**

STANDING AGENDA ITEMS:

10. Traffic Update

No traffic update.

COMMENTS:

11. DEPARTMENT HEADS' COMMENTS

Mr. Rayan provided updates on the following items:

- They have received all the design paperwork from the engineers for the Ward 1 Phase 3 project and they're waiting on the preparation of the easement paperwork to install the lift station. Once that happens, they will get in queue to go out for bid for the project. They are hoping that will be at the end of March or beginning of April.
- They have been communicating with FPL on the installation of streetlights, in addition to working with FPL on the installation at the 7th street extension project/roundabout. They have also added a message board to alert the motorist coming from 301 to the roundabout area.
- Last July the Commission permitted him to apply for a grant for the lead and copper inventory grant. That grant was approved, and they hired the consultant to begin the collection of all the data. The report is complete and will be submitted within the next couple of weeks.
- The DEP allowed for additional funds, subsequent to the inventory if lead and copper is discovered to provide a 50/50 share of the cost. He is requesting to apply for the grant. The project is anticipated to be completed by 2030. If we are awarded that grant, we would have to budget for our portion of the 50% cost.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to apply for and accept the grant, if awarded.

Mr. Freeman reported that there are two upcoming deadlines for the Request for Proposals (RFP) for the parcel south of the new Police Department and the Women's Club project. Once they receive the responses back, he will let them know the status of the submittals.

Mr. Barnebey spoke to comments given on Breonte Johnson-Davis' death. He stated that it is still being reviewed by the Florida Department of Law Enforcement, FDLE, and the State Attorney's office. They are hoping to have a response soon. Once those investigations are complete, everything will be made public.

12. MAYOR'S REPORT

Mayor Bryant provided a report on the following items:

- Ribbon Cutting at Celebrity Looks and Esthetics & Beauty Spa
- The Rodeo was very successful.
- She attended the Manatee Chamber meeting on 1/31/24.
- She missed the last Commission meeting due to being in Tallahassee advocating for our City.
- They have a Community Meeting at Jet Park on 2/25/24 at 9:00 AM.
- Mr. Johnson attended the Bradenton Area EDC meeting on 1/25/24.
- She attended the MPO meeting on 1/29/24. There are still the following items on the project proprieties list: Palmetto Trails Network Plan, Bradenton/Palmetto connector, the Desoto Bridge replacement, and the 10th Avenue project.
- She attended the 50th Anniversary at ACA Blake Hospital on 2/1/24.
- The Scottish Highlands Games will be at the Fairgrounds on 2/10/24.
- She gave a reminder of speaking on the mics during the meeting.
- She also reminded everyone of the importance of completing the training on cyber-security. (She passed out a list to each Commissioner of their compliance)

13. COMMISSIONERS' COMMENTS

Commissioner Joiner noted that the new baseball field at Palmetto High School looks fantastic.

Commissioner Smith asked when they are going out to bid for Ward 1 Phase 3. Mr. Rayan responded that they are hoping to go out to bid by April but he is still waiting on the paperwork for the lift station.

Commissioner Cornwell reported that she attended the Historic Board Meeting, and they had a request to audit the library. She recommended they reach out to the City Clerk's office if they have questions regarding non-barcoded items.

Mayor Bryant noted that Keep Manatee Beautiful, along with Aqua Ventures collected 665lbs of trash along the Manatee River.

City Commission Meeting

February 5, 2024

Page 7 of 8

Commissioner Jones questioned if there was an update on the vandalism at the MLK restrooms. Mr. Rayan was not aware of apprehending any individuals. They have posted signs, but it continues to be an issue.

Commissioner Jones questioned if Keep Manatee Beautiful's office was closed. He had residents who reported that they couldn't get supplies. Mayor Bryant will reach out to her.

Commissioner Jones questioned the new cleaning factory parking for the building being built on 5th Avenue, behind the Taylor Fulton property. Mr. Cornelius answered the parking plan. They have some parking on their lot, but they also have a parking lot that will be to the North across the street that is part of their project.

Commissioner Jones went on to question the cyber related Veolia breach. They forwarded the email to the IT department. Commissioner Jones wanted the Commission to be aware. Todd Williams spoke on the subject as well.

Commissioner Jones asked Chief if moving forward, they can look into a policy to put officers on paid leave during a pending investigation, similar to what the county does.

Commissioner Williams asked Mr. Rayan about the Haben roundabout and if there are any plans to put up guard rails. Mr. Rayan responded yes; they are in the process of waiting on quotes. They are also adding additional lighting in the area. Commissioner Williams asked if the traffic engineers can limit truck size. Mr. Rayan answered that the cement is designed for that weight. Commissioner Williams opined that it wasn't designed to be a shortcut. Mr. Rayan answered that without doing a traffic study in that area, he can't speak to that. The pavement was designed for those weight limits. Commissioner Williams wants someone to contact google to not recommended that area as a shortcut.

Commissioner Williams attended the Florida League of Cities, FLC, state board meeting on 1/31/24. He discussed upcoming issues being presented to the legislature:

1. House Bill 609- business tax repeal. He wants them to notify our lobbyist that we're opposed to it.
2. House Bill 777- removing surcharge for water and sewer outside of City limits, for example on Snead Island.
3. House bill 1277- will jeopardize our bond issuance, financing, and planned projects.

There is a conference call every Monday morning at 9:00 AM during legislative sessions. The number is (888)-585-9008.

Commissioner Smith asked about the refrigerated place off 11th Street. He asked if they are going to be using semi-trucks in that area. He was referring to the laundry service project previously discussed. Commissioner Smith asked who approved the allowance of semi-trucks/tractors in that area. Mr. Cornelius responded that it met all of the City codes. Commissioner Smith didn't want semi-trucks in that area, especially at night.

Commissioner Smith asked Chief Tyler why the officers involved in the death of Breonte Johnson-Davis weren't suspended. Chief Tyler responded that he can't speak to that until the investigation is complete.

City Commission Meeting

February 5, 2024

Page 8 of 8

Commissioner Smith asked Mr. Barnebey and the Mayor if they had seen the tape that was played at the last Commission meeting involving Breonte Johnson Davis' death. Mr. Barnebey responded that he had, and the Mayor responded that she hadn't. The tape was provided to the FDLE.

Mayor reported that there has been a car spinning on the 14th Avenue property, across from the cemetery and they need to develop a plan to stop it.

Mayor Bryant adjourned the meeting at 9:03 pm.

MINUTES APPROVED: MARCH 18, 2024

JAMES R. FREEMAN

JAMES R. FREEMAN

CITY CLERK