

**MINUTES**  
**CITY COMMISSION MEETING**  
**FEBRUARY 26, 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  
Jake Bibler, City Planner  
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 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 Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the February 26, 2024 City Commission Agenda**

3. PUBLIC COMMENT

Nancy Benavides spoke on item #5, against reconsidering the development by GDAWG.  
Nancy Boos spoke on item #5, against reconsidering the development by GDAWG.  
Jeff Conwell spoke on item #5, against reconsidering the development by GDAWG.  
Keith Ewer spoke on item #5, against reconsidering the development by GDAWG.  
Keith Grady spoke on item #5, against reconsidering the development by GDAWG.  
Tim Halligrin spoke on item #5, against reconsidering the development by GDAWG.  
John Kendzior spoke on item #5, against reconsidering the development by GDAWG.  
Rachel Kendzior spoke on item #5, against reconsidering the development by GDAWG.

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

Dan Lobeck, Attorney, spoke on behalf of five HOA's within Riviera Dunes in favor of accepting option A for item #5 on the Agenda.

Deborah Sperry spoke on item #5, against reconsidering the development by GDAWG.  
Steve Valley spoke on item #5, against reconsidering the development by GDAWG.  
Ted Knoke spoke on item #5, against reconsidering the development by GDAWG.

Franklin Perez spoke via ZOOM on Breonte Johnson-Davis' death.  
Karla P. spoke via ZOOM on Breonte Johnson-Davis' death.  
Bobby spoke via ZOOM on Breonte Johnson-Davis' death.  
Ali Abdel-Qader spoke via ZOOM on Breonte Johnson-Davis' death.  
Peyton Hoey spoke via ZOOM on Breonte Johnson-Davis' death.

Gabby A. spoke on Breonte Johnson-Davis' death.  
Helen Back spoke on Breonte Johnson-Davis' death.  
Ruth Beltran spoke on Breonte Johnson-Davis' death.

*Mayor Bryant recessed the Commission meeting at 8:03 pm.*

*Mayor Bryant reconvened the Commission meeting at 8:08 pm.*

Traci Lipton spoke on Breonte Johnson-Davis' death.  
Tsi Day Smyth spoke on Breonte Johnson-Davis' death.  
Tracey Washington spoke on Breonte Johnson-Davis' death.

4. CONSENT AGENDA

- a. Minutes: 01/30/2023
- b. Special Function Permit- Manatee Bridging the Gap- Children's Fishing Tournament
- c. Special Function Permit- Rise as One Crusade pre-rally
- d. Resolution 2024-08 Drone Replacement
- e. Legal Invoices

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

5. GDAWG VENTURE LLC, ET. AL. C. CITY OF PALMETTO HARRIS ACT CLAIM DISCUSSION (J.DAIGNEAULT/M.BARNEBEY)

Mr. Barnebey introduced Mr. Jay Daigneault, Attorney representing the City in the Harris Act Claim. He gave a recap of the reason for this discussion being on the Agenda. He stated that they have two days from today to make a settlement offer. He provided three options to choose from, or they may choose any other option.

**MOTION:**                      **Commissioner Jones moved to choose option A, Commissioner Cornwell seconded the motion for discussion.**

Commissioner Cornwell questioned the difference between the options. Mr. Daigneault explained that option A, would be a settlement offer of no change to the City's prior action, which was the denial of the 255-unit multi-family residential development. Mr. Daigneault went on to explain that option B proposed a development order of the approval of their General Development Plan that was negotiated during their FLUEDRA process. Option C suggests a proposal to include 10,000 square feet of mixed use.

Commissioner Joiner questioned the benefit of proposing a settlement. Mr. Daigneault answered that there isn't a benefit in proposing nothing.

Commissioner Smith asked Mr. Barnebey his opinion. Mr. Barnebey answered that all of the options are viable, and they have the recommendation of Mr. Daigneault, but it is up to the Commission how they want to proceed.

Commissioner Williams expressed concern over some of the public comments at tonight's meeting. He believed there had been information that was misrepresented or misunderstood. He spoke to why we're here again, as he believed we didn't do the procedure right in June. He also believed there may be further issues depending on the option they choose tonight.

Mr. Daigneault did not want to express theory or strategy in an open meeting, with the threat of pending litigation.

Mr. Barnebey explained that in June we were under the FLUEDRA process. He further explained the history of this item and how we got here today. The Harris Act is a totally separate issue.

Commissioner Williams went on to discuss the expired DRI. The comprehensive plan has certain requirements. Over the last two years, they've made some changes. Mr. Barnebey reiterated that the DRI has expired, the conceptual plan and zoning are still in effect. Commissioner Williams stated that EPOCH has the right, based on the zoning code, to build on that property. He believed there have been changes made over time to meet the needs of the City, as they've also done previously throughout Riviera Dunes.

**The motion carried 5-0.**

*Mayor Bryant recessed the meeting at 8:32 pm.*

*Mayor Bryant reconvened the meeting at 8:37 pm.*

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

This item was continued from 02/05/2024.

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 REQUIREMENTS 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.

Mr. Barnebey explained that this is a continuation of the First Public Hearing from 02/05/2024. There will be a Second Public Hearing which will be continued to 03/04/2024.

Brad Cornelius, contracted City Planner with Wade Trim, gave a recap of the history of this Ordinance. He went into detail on the Ordinance, which was also included in the Agenda packet. He noted that this item went to the Planning and Zoning Board on 02/22/2024 and they recommended an approval (3-1) with the recommendation to add language to section 9.8 to limit someone to only

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be able to go through the process of requesting a minor change once. He noted that staff would support that amendment. Mr. Cornelius opined that this Ordinance would make the code much cleaner and more logically structured.

Commissioner Jones stated that he wants minor modification decisions to remain in the hands of the Commission, not the Public Works Director, as referenced in section 9.10. He wants it to remain as it is now.

Commissioner Williams asked how a minor change is defined. Mr. Cornelius explained that if they don't hit specific triggers, as listed in the code, they are classified as a minor change. Mr. Cornelius read from the document. Commissioner Williams suggested notifying the Commission of minor changes and if they have an issue with it then they could respond within a certain time frame. Mr. Barnebey opined that if they still want to see minor changes, to keep the code as it is now for that section. Most times minor changes are listed as an item on the consent agenda.

Commissioner Smith agreed that the Public Works Director's approval should not be on there.

Nancy Benavides spoke and wanted them to take out the ambiguity in the Ordinance.

Jeff Conwell spoke and echoed what he previously stated during the public comment section and agreed with having the Commission make approvals, not City staff.

Tim Hallagan spoke and echoed his previous comments on keeping the space beautiful and not just a town to drive through.

Dan Lobeck spoke for 10 minutes on behalf of five of the HOA's in Riviera Dunes. He spoke against the approval of this Ordinance.

Mr. Barnebey noted that they can make the change to the Ordinance to have non-substantial changes come back to the Commission, rather than being approved by the Public Works Director. Commissioner Cornwell also wanted to make sure the recommendation from the Planning and Zoning Board was incorporated in the changes.

Commissioner Cornwell asked that they please do a word search of the document and change any places that say City Council instead of City Commission.

*Mayor Bryant closed the Public Hearing at 9:17 pm.*

7. SECOND 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 REQUIREMENTS 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 Byrant opened the Public Hearing at 9:19 pm.*

**MOTION:**                      **Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to continue the 2<sup>nd</sup> Public Hearing for Ordinance 2023-05 to March 4, 2024 at 7:00 PM or as soon thereafter as can be heard in these chambers.**

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)

This item was continued from 02/05/2024.

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 9:21 pm.*

Mr. Cornelius, Contracted City Planner with Wade Trim, gave a recap of the history of this Ordinance. This was also detailed in the Agenda packet. He went on to discuss the changes that were made since their last discussion. The Planning and Zoning Board recommended approval (2-1) and one member abstained from the vote.

Commissioner Cornwell discussed landscape continuity and fencing along 8<sup>th</sup> Avenue. Mr. Cornelius agreed that there should be continuity. Mr. Barnebey discussed current businesses and trying to work with those existing businesses while also encouraging continuity and beautification within the City.

Commissioner Jones questioned the buffer and fence which were previously discussed. He asked about the permit that Old Salt Marine was issued for the fence along 8<sup>th</sup> Avenue. Mr. Cornelius noted that the plan is to change out the fence along 8<sup>th</sup> Avenue and the possibility of working with the CRA to help with the funding. Commissioner Jones expressed an issue with them throwing around CRA monies for the fence. Discussions continued about the fencing.

Mayor Bryant met with the Principals and the CRA Director to discuss the store front grant. The purpose of this grant is to eliminate slum and blight. One of their goals is to improve their corridors. So, they're looking at the possibilities in similar terms.

Commissioner Williams expressed issues with the buffer area, the short timeframe to implement landscaping, and requiring maintenance of boat parts to be limited to indoors. He gave suggestions of other options. For example, extending the length of time for landscaping from 60 to 180 days. He also believed they should be allowed to work on boat parts outside of the building.

Commissioner Cornwell believed that 6 months was too long a timeframe, and 2 months is too short for implementing landscaping. She believed if something is going to be taken apart it needs to be done under roof. She suggested maybe 120 days for landscaping.

Patricia Petruff, Attorney for Old Salt Marine, responded to the proposed Ordinance. This is a leased piece of property. The owner submitted his conditional use application 8 months ago just to sell used boats. This Ordinance would be the most regulated policy in the City, according to her. She went through individual points that she had an issue with.

Commissioner Williams asked if they pass this Ordinance, if they could give them 90 days to apply for the CRA storefront grant. He believed they should work with the CRA to obtain help in replacing the fence.

**MOTION:**

**Commissioner Cornwell moved to extend the meeting by 30 minutes, Commissioner Jones seconded, and the motion carried 5-0.**

Commissioner Smith agreed with the Attorney Petruff. He didn't believe they should set a particular age on the boats. As long as they look good, they should be allowed.

*Mayor Bryant closed the Public Hearing at 10:02 pm.*

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9. SECOND 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 10:02 pm.*

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

Commissioner Jones asked if the changes they discussed will be made when this is brought back at the next meeting. Mr. Cornelius highlighted the changes regarding the buffer, the landscape timeframe, addressing the issue of parts being stored in the building and removing item #15. This will be brought back to the next Workshop as well.

**and the motion carried 5-0 to continue the 2<sup>nd</sup> Public Hearing for Ordinance 2023-15 to March 4, 2024 at 7:00 PM. or as soon thereafter as can be heard in these chambers.**

10. PUBLIC HEARING ORDINANCE 2024-01 CONVENTION CENTER HOTEL GDP (B.CORNELIUS/K.HILL)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; APPROVING AN AMENDEMENT 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.

*Mayor Bryant opened the Public Hearing at 10:06 pm.*

Mr. Cornelius gave a recap and history of this item. They're requesting to add a pavilion/stage to their property for special events. An updated copy of the Ordinance was provided to the Commission and made part of the Minutes. The only thing that changed from what was attached to the agenda was stipulation #1. The Planning and Zoning Board recommended approval with the revised Ordinance (4-0).

Bob Gause presented a PowerPoint of the project, which was made part of the Minutes.

*Mayor Bryant closed the Public Hearing at 10:18 pm.*

Commissioner Williams questioned the parking. Tony Deruso, Developer, answered by detailing the plan to coordinate with the Convention Center and conducting a traffic plan for special events that will require extensive parking.

**MOTION:** **Commissioner Williams moved, Commissioner Joiner seconded, and the motion carried 5-0 based on the information and testimony provided at the February 26, 2024, City Commission meeting and the recommendation of the Planning & Zoning Board, to approve Ordinance 2024-01 to amend the General Development Plan for the Convention Center Hotel Project to add an entertainment pavilion and related development.**

11. PUBLIC HEARING CU 2023-06 ON-SITE ALCOHOL CONSUMPTION- CONVENTION CENTER HOTEL (B.CORNELIUS/K.HILL)

*Mayor Bryant opened the Public Hearing at 10:25 pm.*

Kera Hill gave a recap of the reason for this item being brought forward by the Marriott Hotel. Per our City code, if there is onsite alcohol consumption within 200 feet of residential areas, a conditional use permit is required. The Planning and Zoning Board recommended approval of this item.

*Mayor Bryant closed the Public Hearing at 10:26 pm.*

**MOTION:** **Commissioner Williams moved, Commissioner Joiner seconded, and the motion carried 5-0 based on the information and testimony provided, to find the requested conditional use amendment for the proposed sale and consumption of alcohol on premises at the Marriott Hotel to be compliant with Section 6-14, Zoning Code, and consistent with the standards for a conditional use under Article XV, Zoning Code, and move to approve the conditional use permit.**

12. JANUARY 2024 CHECK REGISTER (Informational Only)

STANDING AGENDA ITEMS:

13. Traffic Update

No traffic update.

COMMENTS:

14. DEPARTMENT HEADS' COMMENTS

No additional comments.

15. MAYOR'S REPORT

They just had the Board sawing at 84 Lumber at 1315 17<sup>th</sup> St East to commemorate their opening.

The Palmetto High School baseball fields had a ribbon cutting and the first pitch was made by the principal.

Mayor Bryant wanted to clarify her position from the last meeting, regarding Breonte Johnson-Davis. At the last meeting she did not choose to discuss the matter at that time, because it was still an open investigation and legally, she was advised not to.

16. COMMISSIONERS' COMMENTS

Commissioner Jones asked the Chief if he had made any changes after the investigation was completed, specifically looking into programs similar to those in St. Petersburg. Chief Tyler stated that he is looking into the CALL program, as practiced in St. Petersburg. He will send information out to the Commissioners with his findings. He is also meeting with local mental health professionals.

Commissioner Jones asked Mr. Barnebey if the opioid money is different than mental health money. Mr. Barnebey will look into that.

Commissioner Jones went on to ask the Mayor when Mr. Johnson was going to be at the meetings. He wanted him to be at the meetings to discuss items as they arise. Mr. Barnebey noted that there is a CRA Board meeting scheduled for next week.

Commissioner Smith stated that Mr. Johnson needs to be here.

Commissioner Smith asked the Chief if the video he showed was the entire video. He also noted that they didn't tell the Commissioners about the press conference.

**MOTION:**

**Commissioner Williams moved, Commissioner Jones seconded, and the motion carried 5-0 to extend the meeting by 5 minutes.**

The Chief responded that he provided them with all of the footage and documents related to the case. Chief Tyler reiterated that he is happy to have the Commissioners come to the station and they can go over the footage again.

Mayor Bryant adjourned the meeting at 10:36 pm.

MINUTES APPROVED: APRIL 1, 2024

***JAMES R. FREEMAN***

JAMES R. FREEMAN  
CITY CLERK