

MINUTES
CITY COMMISSION MEETING
MARCH 4, 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
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 Pastor 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 Williams moved, Commissioner Jones seconded, and the motion carried 5-0 to approve the March 4, 2024 City Commission Agenda with the addition of item 3a. Presentation of the Youth of the Year.

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3. PROCLAMATION: NATIONAL KIDNEY AWARENESS MONTH

Mayor Bryant presented the proclamation to Sherri Thomas with Caring 4 Carrie-Kidney Advocacy. March was deemed National Kidney Awareness Month in the City of Palmetto.

3a. YOUTH OF THE YEAR

John Ignelli, Director of Advocacy and Strategic Initiatives with the Boys and Girls Club, presented the Youth of the Year to Ms. Gracie Jean-Charles from the Palmetto Boys and Girls Club.

4. VEOLIA REBATE CHECK PRESENTATION

Devin Bloome, Project Manager from Veolia, presented the rebate check for \$214,350.04 back to the City.

5. PUBLIC COMMENT

Mayor Bryant mentioned an email sent prior to the meeting from Attorney Lobeck that was given to all the Commissioners and made part of the Minutes.

Star Parsons Katinas spoke on the tennis courts near the Boys and Girls Club being used for pickle ball use. Mr. Barnebey clarified that the City owns the property, but they lease it to the Boys and Girls Club. They will get the contact information to her.

6. CONSENT AGENDA

- a. 2024 MPO City Projects
- b. Special Function Permit- Palmetto's Heritage Festival
- c. Surplus Police Vehicle Asset #17654
- d. Resolution 2024-07 FY24 US Bancorp Lease Documents
- e. Ratification of Pension Board Appointments
- f. Veolia Contract Extension

MOTION:

Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the Consent Agenda as presented by staff with the removal of item 6a. for discussion.

6a. 2024 MPO City Projects, was removed by Commissioner Williams for discussion. He questioned the trail and asked about costs or plans associated with it. Mr. Rayan said it has been on the MPO list for the last few years, but they don't have any plans to share at this time. Mr. Rayan explained the list of commitments. They referenced the document that was attached to the Agenda. Commissioner Cornwell explained that all they're

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doing is approving the project priority list. They're not approving of the projects themselves. It is a project priorities list, which is what the motion suggests.

MOTION: Commissioner Jones moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the 2024 project priority list.

7. 2ND 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 02/26/2024.

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.

Mayor Bryant opened the Public Hearing at 7:31 pm.

Mr. Brad Cornelius, contracted City Planner with Wade Trim, gave a recap of the Ordinance. He discussed the changes that occurred since the last public hearing. They also made suggested changes based off an email from Mr. Lobeck. He then noted the other recommendations Mr. Lobeck suggested that they didn't recommend. This was also discussed during the Workshop earlier today. The handout that Mr. Cornelius referenced was included in the Minutes. Mr. Barnebey gave his opinion on why they shouldn't change the language in the mixed-use section of the code. Mr. Cornelius went on to further opine on the code as presented.

Nancy Benavides spoke on her opposition to the language proposed in the Ordinance.

Jeff Conwell appreciated the changes that were made in the proposed Ordinance.

Keith Ewer spoke about a Planning and Zoning meeting he attended and his opposition to the Ordinance.

Dan Lobeck, Attorney, spoke on behalf of five HOA's within Riviera Dunes. He expressed his opposition to this Ordinance. He referenced the email that was sent out to the Commissioners prior to the meeting, which was included in the Minutes.

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Tim Halligan spoke on his opposition to the Ordinance.
Jackie Hine spoke on her opposition to the Ordinance.
Bev Reason spoke on her opposition to the Ordinance.
Phil Secord spoke on his opposition to the Ordinance.

Mr. Barnebey opined on the Ordinance. He recommended approval with the discussed changes.

Mayor Bryant closed the Public Hearing at 8:06 pm.

MOTION: Commissioner Joiner moved, Commissioner Cornwell seconded.

Commissioner Cornwell pulled the item for discussion. She reiterated that any changes would come before the City Commission. She is taking the recommendation from the City Attorney regarding the term variance. She reiterated that any project must be signed off on by the Police and Fire Chief. She appreciated the additions that were added.

Commissioner Jones also noted that the setbacks still have to come back before the Commission before they are approved. Mr. Barnebey explained that it will come back to them as part of the approval process. He discussed the process city wide.

Commissioner Williams believed the Commission has shown flexibility. They've always been flexible. They listen to the citizens. He agreed that there should be more commercial property, but sometimes it's not always possible based on the DRI. He believed they're making the code easier to understand.

the motion carried 3-2 to adopt Ordinance 2023-05 with the changes that were recommended at tonight's meeting. (Commissioners Smith and Jones voted nay)

Mayor Bryant recessed the meeting at 8:17 pm.

Mayor Bryant reconvened the meeting at 8:20 pm.

8. 2nd 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 02/26/2024.

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

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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 8:21 pm.

Mr. Cornelius highlighted changes that have been made since the first public hearing, these changes were also listed in the Agenda packet.

Commissioner Cornwell said there's very limited space to add landscape at Old Salt Marine. She doesn't want them to be out of compliance but recommends leaving the property as it is. The City approved the chain link fence, she wouldn't approve that again, but she would prefer to let them leave it. If the CRA could assist with beautification, that would be one thing. The property is very well kept. She would like to make these allowances for this property. Mr. Cornelius explained that this Ordinance would need to be approved to allow for the sale of used boat. The next agenda item would be the motion to allow for their conditional use permit.

Commissioner Jones agreed with Commissioner Cornwell except for using the CRA to help fund their fence.

Patricia Petruff, Attorney for Old Salt Marine, spoke. If they approve the Ordinance, she will be asking for those alternatives to the conditional use permit, which is the next item. The client does not want to spend any more funds on fences. They want them to move this Ordinance forward.

Phil Secord spoke in support of Old Salt Marine being allowed to sell used boats.

Mayor Bryant opined that she has supported their venture here. She thought an error was made in issuing a chain link fence along the front of the property and thinks it needs to be corrected along 8th Avenue. She thought we need to make a concerted effort to make that right. She suggested the CRA help with that.

Mayor Bryant closed the Public Hearing at 8:39 pm.

MOTION: Commissioner Williams moved, Commissioner Jones seconded, and the motion carried 5-0 to approve Ordinance 2023-15.

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

This item was continued from 02/05/2024.

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Mayor Bryant opened the Public Hearing at 8:40 pm.

Mr. Cornelius recapped the item. They are able to consider this item now that they approved the previous item, which was Ordinance 2023-15. He agreed with the Mayor that they need to work to fix the fence issue over time. The Mayor opined that there is a commercial façade program that does provide for a matching grant- up to \$75,000. An application would have to be submitted to the CRA. The applicant would have to match the grant's contribution.

Commissioner Cornwell questioned the matching grant and if it were possible to use the value of the existing fence to offset the applicant's portion of the "match". Mr. Johnson stated that they're not the same thing. In his opinion, they would have to sell their current fence to someone and come in with a plan to match their dollar-for-dollar grant. Commissioner Cornwell requested a copy of the CRA language for this program. Mr. Johnson read from the document. Mr. Barnebey stated that the code doesn't allow for chain link fences in that area. However, the City may have use for the chain link fence in another area.

Commissioner Jones suggested black or green material to cover the fence as a temporary solution. It was answered that law enforcement wouldn't be able to see through that. Mr. Barnebey opined that there are ways to take care of this, if they're willing to work with the City.

Commissioner Williams asked if Mr. Rayan has any need for the fence. Mr. Rayan answered that they are in the process of using 6-foot fencing around the WWTP. They could look into areas where they may have a need for 4-foot fencing.

Patricia Petruff, Attorney for Old Salt Marine, asked for the chain link fence to remain on the property at the time. If there is zero cost to the property owner/leasee they are open to changing the fence. They will work on submitting the application to the CRA for the matching grant. She reiterated that there is not much room to add landscaping. The storage of the boats will be in the back of the property. She also noted that the language in the conditional use permit needs to be reconciled with what was just approved in the Ordinance.

Mayor Bryant closed the Public Hearing at 8:52 pm.

MOTION: Commissioner Williams moved, Commissioner Jones seconded.

Commissioner Cornwell wanted to clarify that they are allowing for the fencing to remain, they are not requiring the landscaping, the storage is remaining in the back of the property and the newer boats will be in the front. She emphasized that they need to keep the noise at a considerable level. Mr. Barnebey clarified that changing out the fence for a decorative fence would not be a violation of this conditional use.

the motion carried 5-0 to approve CU 2023-02 and make sure it is aligned with Ordinance 2023-15.

Mayor Bryant recessed the City Commission Meeting to open the March 4, 2024 CRA Board Meeting at 8:55 pm.

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Mayor Bryant reconvened the City Commission Meeting at 9:18 pm

STANDING AGENDA ITEMS:

10. Traffic Update

Chief Tyler noted that the 23rd Street roundabout is coming along and nearing completion.

COMMENTS:

11. DEPARTMENT HEADS' COMMENTS

Mr. Rayan provided updates on the following items:

- The 7th Street extension project is working with FPL to design and install lighting in that area, near the roundabout and Haben Blvd.
- On 10th Avenue, they finally got notification from FDOT that they are ready to turn the project over to the City, as the project is at 30%. They are hoping to see those documents soon and continue with an engineering firm to move forward.
- They are finalizing the scope of work for Ward 1 phase 3. They are on track to put it out for bid in late April/early May.

Mr. Freeman reminded everyone of the following items:

- The next meetings are on March 18th and April 1st.
- Impact fees will be coming back for discussion at a Workshop in the near future.
- The CDBG Housing Rehab program, worth \$750,000, is currently going through the advertising process. They are 60-90 days away from hopefully advertising to the public. Community meetings will follow. They are hoping to open the application period in the summer, with the selection period being in the fall.
- The April 1st Workshop will have a presentation from the one response they received for the parcel south of the new police department.

Chief Tyler noted that during the break he emailed the Commissioners about electronic speed detectors in school zones. The legislature and Governor agreed this should be allowed in school zones. Manatee County has decided to move forward. He asked if the Commission had an interest in him pursuing this. Commissioner Cornwell asked if they could piggyback with the county. Chief Tyler responded that he would bring back more information.

Mr. Barnebey noted that there is a good chance they can piggyback off someone's contract. He

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also reported that he would be out of the country at the next meeting because his son is getting married.

12. MAYOR'S REPORT

Nothing additional to report.

13. COMMISSIONERS' COMMENTS

Commissioner Cornwell asked Mr. Rayan about replacing the bushes at Riviera Dunes near the roundabout after the car went through the fence. Mr. Rayan responded that they have already replaced them. Commissioner Cornwell also thanked the Mayor for the opportunity to judge the Junior Youth of the Year contest and noted that it was a great experience.

Commissioner Jones asked the Chief if he could look into sensitivity or diversity training for officers and employees.

He went on to ask Mr. Barnebey and staff about the property off 69th Street and it already being fenced in. He believed they couldn't lease the property, the same as they didn't with Tropic Isles. Mr. Barnebey answered that they're not restricted in the same way as Tropic Isles. This is a different situation and will be brought back for further discussion. Mr. Freeman noted that Mr. Bunce had more information to provide, and he would invite him to a future meeting where they will be discussing this issue.

Commissioner Jones went on to question the Palmetto Mobile Home Park and their ability to pull their own permits. The email he was referring to was sent out to all the Commissioners and made part of the minutes. Staff will follow up with the building official and Palmetto Mobile Home Park.

Commissioner Jones opined that the Mayor needed to be fair when public comments go over the time limit or when representing groups of people. Mr. Barnebey noted that we have rules on this. He can provide them with a copy of this. Discussions continued regarding this matter.

Mr. Rayan noted that he had a picture of the bushes that were replaced near Riviera Dunes.

Commissioner Williams noted that a lot of new legislation is being passed that may be of interest to them and Ms. Penny can forward to everyone.

Forest Blanchard asked about the game plan to install lighting around the roundabout at Haben Blvd. Mr. Rayan answered that the City constructed a new roadway that connects 7th Street to extend east towards Haben Blvd to US 301. There will be streetlights installed in that area.

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Mayor Bryant adjourned the meeting at 9:42 pm.

MINUTES APPROVED: APRIL 1, 2024

JAMES R. FREEMAN

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CITY CLERK