

MINUTES
CITY COMMISSION MEETING
JANUARY 27, 2025
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:

Dan West, Mayor
Brian Williams, Vice-Mayor/ Commissioner Ward 3 (Entered the meeting at 7:16 pm)
Tamara Cornwell, Commissioner-at-Large 2 (Entered the meeting at 7:02pm)
Sunshine Joiner, Commissioner, Ward 2
Harold Smith, Commissioner Ward 1
Scott Whitaker, Commissioner-at-Large 1

STAFF PRESENT IN CHAMBERS:

Jim Freeman, City Clerk
Marisa Powers, City Attorney
Mohammed Rayan, Public Works Director
Scott Tyler, Chief of Police
Rowena Young-Gopie, CRA Director
Cassi Bailey, Assistant City Clerk
Jake Bibler, City Planner
Penny Johnston, Executive Assistant

STAFF PRESENT ELECTRONICALLY:

Todd Williams, Information Technology (IT) Consultant

1. Mayor West called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance, 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 Joiner moved, Commissioner Smith seconded, and the motion carried 4-0 to approve the January 27, 2025 City Commission Agenda.

3. RECOGNITION PRESENTATION (S. TYLER)

Chief Tyler and former Mayor Bryant discussed the AED's which were donated by Ernie Withers, founder of Defibrillate Manatee County Foundation. Mr. Withers shared his experience of suffering a cardiac arrest and his experience with lifesaving AED's. Thankfully through his foundation, the Palmetto Police Department now has 40 brand new defibrillators, one for every patrol car. Brian Felt from Sudsco and OPAL were big sponsors, along with other companies. Chief Tyler spoke about Brian Felt with Sudsco and their generous donation of brand-new gym equipment for the Police Department.

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4. PUBLIC COMMENT

No public comment.

5. CONSENT AGENDA

a. Minutes: 12/16/2024 & 01/06/2025

b. Resolution 2025-01: Council of Governments Meeting

c. BS&A Upgrade Agreement

d. FEMA Agreement for Hurricane Helene

e. FEMA Agreement for Hurricane Milton

f. City Legal Invoices

g. Authorization to file suit to determine the City's rights regarding the deed restriction on the property located at the Northeast corner of 10th Avenue and Riverside Drive.

h. Updated Map for the 2025 Regatta to include the parking lot on the corner of 10th Avenue West and Riverside Drive

MOTION: Commissioner Cornwell moved, Commissioner Joiner seconded, and the motion carried 4-0 to approve the Consent Agenda as presented by staff with the removal of g and h.

Item "g" was pulled for discussion by Commissioner Cornwell. Attorney Powers spoke on this item. When the property was conveyed from the CRA to the City there was a provision in the original deed for the property to be used only as a parking lot. Ultimately the CRA conveyed that that property to the City. It was the city's hope to eventually be developed. The problem arose when the title company indicated once the deed went from CRA to the city, that this would extinguish the restriction requiring the property be used as a parking lot. The title company has since changed their mind.

This authorization would allow Blalock Walters to take this issue to the courts to get a final decision. The estimate of legal fees is \$45,000. The property is still going to be used as a parking lot, but it would also now have mixed use development.

Commissioner Smith asked what Palmetto Wharf's involvement is with this property. Ms. Powers responded they were the original owner, and they conveyed it to the CRA who then conveyed it to the city. Commissioner Smith asked if Blalock Walters could win the case. Ms. Powers stated that they can present all the facts to the judge, and the court would then have to make a judgement. The estimated cost is \$45,000.

Commissioner Cornwell asked where the \$45,000 will come from. Mr. Freeman responded it is included in the budget under special litigation. This property belongs to the city, not the CRA. She asked if this cost will be added to the cost of the Gray property. Mr. Freeman explained it is the city's responsibility to provide a clear title and that this additional cost would have to be negotiated with Gray. Staff has discussed this internally. Commissioner Cornwell wants that amount to come off the bottom line. They can look at that with closing costs or incentives, etc.

Commissioner Smith questioned the budgeted amount of \$68,000. That amount has been budgeted for the year for unanticipated legal fees. Ms. Powers said they are looking for a motion to move forward. If the Commission wants them to have negotiations first, Ms. Powers asked them to express that to her.

Commission Cornwell wants the buyer to share the impact of costs.

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Attorney Petruff, Council for Gray Properties, spoke on the deed restriction. She pointed out the property currently has 79 parking spaces, and the improved property Gray is proposing would have 150 which brings value to the city.

Commissioner Whitaker said they also need to take into consideration the appraised property value. Mr. Freeman noted the appraisal assumes there is a clear title. Commissioner Williams discussed the price of the appraisal. The revised appraisal was \$1.1 million, which is higher than the proposed \$925,000. Staff have been pushing for the appraised price.

MOTION: Commissioner Cornwell moved to authorize the city attorney to file suit to determine the city's rights regarding the deed restriction on the property located at the northeast corner of 10th Avenue and Riverside Drive at the current appraised price, Commissioner Whitaker seconded, and the motion carried 5-0.

Item "h" was pulled by Commissioner Cornwell for discussion. This item was previously approved by the commission in April 2024. The applicant would like to include closing the parking lot in his proposal.

Mr. Freeman can let them know if any other businesses have any issues with exclusive use of the parking lot. Mr. Freeman confirmed that they will not be parking at the corner of Riverside and 8th as it remains fenced off. Mr. Rayan spoke on the Regatta using It Works! last year. Commissioner Whitaker asked Chief Tyler if this is feasible and safe. Chief Tyler expressed they have already planned for either using the parking lot or not depending on the commissions preference.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the special function permit, with the stipulation that all the businesses impacted have bought in.

6. CONDITIONAL USE PERMIT 2024-03: ROYAL PALM BANQUET HALL PUBLIC HEARING (J. BIBLER)

Jake Bibler, City Planner, explained the conditional use permit. The supporting details were included in the agenda.

They are asking to consider a Conditional Use Permit Application (CU-2024-03) by the applicant, Celestino Palomino (Royal Palm Associates Even Halls, Owner), to permit the use of recreation and amusement services, to allow for two 4,500 square event halls in a general commercial zone district located at 627 10th Street East, Palmetto, Florida. Conditional use approval is required pursuant to Section 4.2 of the Palmetto Zoning Code and Section 6.22 for Recreation and Amusement Services. The proposed use would need to be compatible with surrounding businesses and comply with proposed criteria. Application meets criteria, apart from a 6-foot perimeter wall or opaque fence, for which they are requesting to deviate from the code. Applicant agrees if property is ever redeveloped that they would have to meet this portion of the code. Chief Tyler expressed concerns of exceeding operating hours of 8:00 a.m. to midnight. Redevelopment of the existing site is only for internal renovations. Chief Sicking shared concerns that it may cause noise issues with the residential community. Dr. Palomino spoke about using the site for birthday parties, Quinceañeras, baby showers, etc.

The Planning and Zoning Board recommended approval with a 3-0 vote at their December 19th, 2024 meeting.

Mayor West opened the Public Hearing at 7:50 pm.

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Commissioner Joiner questioned the businesses that are currently in that area. The current businesses will remain. The building is currently empty.

Dr. Palomino, applicant, spoke about the property. The building has been empty for years. Commissioner Williams asked about the large retention area behind the property, without curb stops. Parking is included in the plan. Mr. Bibler spoke about the parking spaces. There is a drive aisle between the retention area and the parking spaces. Dr. Palomino responded there is an existing chain link fence, and that the retention pond belongs to the mobile home park.

Betty Sailes Rhodes spoke on this item. In the back they're going to have to be careful driving behind the building. Otherwise it is a good idea. She questioned the type of amusement.

Jake Bibler answered. Recreation and amusement are how he defined this request, based on the definitions in our Code. These will be event halls.

Mayor West asked about mitigating noise. Mr. Bibler spoke if that if it were to be redeveloped they would have to comply with code. He asked if it was a concrete block building.

Mayor West closed the Public Hearing at 8:02pm.

Commissioner Cornwell was concerned with the noise. If it becomes an issue, they will need to make adjustments. Otherwise she thinks it is a great idea.

Commissioner Whitaker asked what kind of wall would make this compliant for noise. He agreed he was concerned with noise. He likes the idea but is concerned about the noise.

Commissioner Williams said that they had a problem in the past with Jet Park and the noise from the convention center. They may still have a problem with the privacy fence.

Mr. Bibler has not thoroughly reviewed what would be involved in adding a fence. It may be a hinderance to impose a fence because of the small drive aisles. Commissioner Williams asked for the staff's recommendation.

Mayor West recessed the meeting at 8:10 pm for Mr. Bibler to review the Code and make a recommendation.

Mayor West reconvened the meeting at 8:17 pm.

Mr. Bibler explained that there is already an existing fence, but the City could stipulate that he needs to replace the fence with a 6-foot opaque fence. He hasn't received any calls or emails showing concern of the noise. There have been no other public comments.

Noise was discussed. Chief Tyler explained the allowable decibel levels. This use is allowed to stay open until

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12am, but the noise needs to be complied with. Ms. Powers clarified that the violation happens when it exceeds the noise thresholds. Dr. Palomino stated that each event hall has double doors in the back to allow loading. They have emergency handles to be opened from the inside. Commissioner Whitaker is also worried about the noise. He wants to make sure the doors stay shut during events.

Commissioner Smith asked what other doors they have. They have front and back exits, as required.

MOTION: Commissioner Williams moved, Commissioner Joiner seconded and the motion carried 4-1 to approve CU 2024-03 with stipulations as stated by the City Planner. Commissioner Cornwell voted nay.

7. CONDITIONAL USE PERMIT 2024-04: PEGAL POINT PUBLIC HEARING (J. BIBLER)

Jake Bibler, City Planner, explained the conditional use permit. The supporting details were included in the agenda. He expressed concern with the area being within the CHHA.

To consider a Conditional Use Permit Application (CU 2024-04) by the applicants, Pegal Point RV Parks, LLC. (Owner), to allow for Recreational Vehicles on the subject parcel in a MHP-1 Zoning district, located at 329 4th Street West, Palmetto, FL. The applicable code criteria is for Section 4.1 travel and transient trailers may be considered for conditional uses. He also referred to Section 4.2 of the Palmetto Zoning Code. The proposed use appears to be consistent with the intent. Pegal Point is in a flood zone so recreational vehicles may be temporarily placed there on site for less than 180 consecutive days and fully licensed and ready for highway use.

The Planning and Zoning Board recommended approval with a 3-0 vote at the December 19th, 2024 meeting.

Mayor West opened the Public Hearing at 8:34 pm.

Patricia Petruff, Attorney for Pegal Point, spoke on behalf of her client.

Dale Oringa spoke on his concern with the narrow roads and right of way/easements with City of Palmetto.

Scott Rickert, Owner & CEO Rickert Properties Inc., spoke on the project. He is not aware of any issues with RV's navigating through the area.

Ryan Sweat, COO Rickert Properties Inc., spoke on the project. They tend to have long-term stays between 3-6 months. Commented there are 4 hookups.

Commissioner Williams asked if there is a separate fee for each separate unit. Mr. Rayan believed only if they're putting in new taps. Typically the utilities are in the owners names and they just incorporate it in their fees. Mr. Williams stated that 3rd Avenue is labeled as a private drive. Mr. Williams asked Mr. Freeman to check on the taps that are billed.

James Wintah lives directly across from this proposed area and opined there have been issues with RV's navigating through the area in the past. Resident concerned about the condition of Jett Drive. He's worried about the RV's being able to evacuate.

Commissioner Williams questioned parking and if there are limitations on size. Ms. Petruff stated there is a

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parking pad for each space and generally people bring a tow car and that size has not been discussed. Ms. Petruff requests that they approve with the stipulations the staff has suggested.

Mayor West closed the Public Hearing at 9:02 pm.

MOTION: Commissioner Joiner moved, Commissioner Whitaker seconded, and the motion carried 5-0 to approve with the stipulations as provided by City Staff.

8. DECEMBER 2024 CHECK REGISTER (INFORMATIONAL ONLY)

COMMENTS:

9. DEPARTMENT HEADS' COMMENTS

Director of Public Works, Moe Rayan, hoped the WWTP presentation was helpful to the Commission. He will bring back a point paper with a request to move forward with the road map with additional details. Ward 1 Phase III- exploratory digging has been completed. They are in the purchasing phase of this project and are anticipating starting construction soon.

Mr. Freeman noted that the Multi-Cultural Festival has been progressing. The land is owned by the City but it is operated by the County. Normally it would require a Special Function Permit, but they were not planning to do so as they already have one with the County. Impact Fee Ordinance will be coming back for a first reading soon. We may put that on a workshop first for the benefit of the new Mayor and Commissioner. Water and sewer fees were intentionally left out in anticipation of the WWTP expansion. Those will come back at a later date. They are hoping to have a sale agreement on February 10th.

10. COMMISSIONERS' COMMENTS

Commissioner Cornwell commented she thought the fair went well besides some of the weather.

Commissioner Joiner stated the fair reiterates how wonderful our city is.

Commissioner Williams commented the fair was cold.

Commissioner Whitake appreciated the information they received today at WWTP. He would like to get together with Mr. Rayan to discuss some of his questions so that he can make an informed decision.

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11. MAYOR'S REPORT

NRFD submitted an unsolicited proposal for our old Police Department property. He has not had the chance to look at the plans yet. Mayor West encouraged others to get more involved with the Fair next year, try new things and listed a few areas that might be helpful to assist in.

Mayor West adjourned the meeting at 9:16 pm.

MINUTES APPROVED: FEBRUARY 24, 2025

JAMES R. FREEMAN

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CITY CLERK