

MINUTES
CITY COMMISSION MEETING
MARCH 10, 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
Tamara Cornwell, Commissioner-at-Large 2
Sunshine Joiner, Commissioner, Ward 2
Harold Smith, Commissioner Ward 1
Scott Whitaker, Commissioner-at-Large 1

STAFF PRESENT IN CHAMBERS:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Mohammed Rayan, Public Works Director
Scott Tyler, Chief of Police
Rowena Young-Gopie, CRA Director
Cassi Bailey, Assistant City Clerk
Jake Bibler, City Planner

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, and Pastor Steve Rasmussen from First United Methodist Church, 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 Whitaker seconded, and the motion carried 5-0 to approve the March 10, 2025 City Commission Agenda.

3. PALMETTO YOUTH OF THE YEAR AND JUNIOR YOUTH OF THE YEAR

The Boys and Girls Club Director introduced the Youth of the Year and Junior Youth of the Year, both of which are from Palmetto.

City Commission Meeting

March 10, 2025

Page 2 of 8

Youth of the Year: Taylor Bryce

Junior Youth of the Year: Chandler Davis

Chief Tyler recognized the Officer of the Year: Corporal Quinn Moriarty and the Police Department Employee of the Year: Rebekah Moore (Dispatcher).

4. PUBLIC COMMENT

Mr. Freeman noted that a public comment was sent in prior to the meeting by Susan Dionian regarding the lift station on her property. A copy was given to each Commissioner and the Mayor. It was also included in the Minutes.

Ms. Kendzior and Ms. Dixon, Palmetto Downtown Mainstreet, PDMS, spoke in support of moving forward with adding three additional members to the CRA Advisory Board, CRAAB, for a total of five members.

5. CONSENT AGENDA

- a. Minutes: 2/10/25 & 2/24/25
- b. Resolution 2025-03: FY25 US Bancorp Lease Documents

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

6. FIRST READING-ORDINANCE 2025-03: A COMPREHENSIVE PLAN AMENDMENT TO ALLOW COASTAL HIGH HAZARD AREA ALTERNATIVES AS PERMITTED BY STATUTE 163.3178(8), FLORIDA STATUTES

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA APPROVING TEXT AMENDMENTS TO THE PALMETTO COMPREHENSIVE PLAN AMENDING OBJECTIVES 1.6 AND 8.5 REGARDING DEVELOPMENT WITHIN THE COASTAL HIGH HAZARD AREA (CHHA) AND RELATED POLICIES; AMENDING THE MAXIMUM DENSITIES AND INTENSITIES ALLOWED WITHIN THE CHHA IF CERTAIN CRITERIA CAN BE MET; FINDING THIS AMENDMENT 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, PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Williams asked if they should move forward or table it so they can discuss this further at upcoming Workshops. Mr. Freeman stated that there could be three other potential Workshops before it comes back for Public Hearing, which would be April 21st.

City Commission Meeting

March 10, 2025

Page 3 of 8

Commissioner Cornwell asked what the cost for advertising a public hearing is. Ms. Bailey answered typically between \$70-\$100.

MOTION: Commissioner Joiner moved, Commissioner Whitaker seconded, and the motion carried 5-0 to approve the First Reading of Ordinance 2025-03 and authorize staff to notice this for the appropriate public hearings.

7. PUBLIC HEARING-ORDINANCE 2025-01: AMENDMENT TO TERMS OF CRA ADVISORY BOARD (R.YOUNG-GOPIE)

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; AMENDING REGULATIONS RELATED TO THE MEMBERSHIP AND TERMS OF OFFICE FOR THE PALMETTO COMMUNITY REDEVELOPMENT AGENCY ADVISORY BOARD; AMENDING PURPOSE AND DUTIES OF THE COMMUNITY REDEVELOPMENT AGENCY ADVISORY BOARD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor West opened the Public Hearing at 7:22 pm.

Commissioner Smith didn't have a problem with five members being on the Board, but they should live in the City of Palmetto. He wanted them to not be able to just own a business in the City.

Two individuals spoke during the regular public comment portion of the meeting in favor of adopting this Ordinance.

Mayor West closed the Public Hearing at 7:23 pm.

Commissioner Cornwell read from the Ordinance regarding requirements to be on the Board and discussed the vested interested she wanted the members to have in the City. Mr. Barnebey clarified that she wanted to remove the ability to waive the requirements of a member living in the City, having a business in the City or being an officer of a business in the City.

Commissioner Williams had an issue with "the officer and director". He doesn't think it's wise to have members on the Board that don't live in the area.

Commissioner Smith said the Board has spoken and made their feelings known and yet the changes haven't been made.

Ms. Young-Gopie spoke on what was changed in the Ordinance. Most of the language is what is in the current code. Commissioner Smith wants people who reside in the City of Palmetto on the Board. Ms. Young-Gopie spoke on why they are trying to bring diversity to the City. Commissioner Smith doesn't want anything to change in the City.

City Commission Meeting

March 10, 2025

Page 4 of 8

Commissioner Whitaker spoke on how it would be nice to have diversity on the advisory board. It will help all of them gain wisdom. He is in favor of a waiver having to be approved by the Mayor AND the Commission. He is in favor of the five-member Board.

Commissioner Joiner agreed with Commissioner Whitaker. They have all said they would like it to be someone in the City of Palmetto. However, she doesn't think that means they have to exclude someone, if it is the right fit. Ultimately, the decision will be up to the Commission. She appreciated the CRA Directors' approach.

Commissioner Williams thinks there should be five members, but they should be residents of the City.

Commissioner Smith asked if they couldn't find an additional three people from the City of Palmetto. He was fine with a five-member Board as long as they live in the City.

Commissioner Cornwell agreed they should have five-members who live in the City. If there is a hardship in finding someone who is qualified and lives in the City, they can bring it back to the Board.

Mr. Barnebey clarified that most of this language is already in the code. They continued to discuss the language that they would like to change.

Commissioner Whitaker thinks they should be able to own property, and then the membership qualifications could be waived, if they can't find someone.

Commissioner Cornwell reiterated that the members must reside in the City. The last sentence will remain.

MOTION: **Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to adopt Ordinance 2025-01 with the amendment of the second sentence of subsection a, to read "any person may be appointed as a member of the Board if he or she resides in the City of Palmetto." The last sentence will remain.**

8. 2ND PUBLIC HEARING- ORDINANCE 2025-02: IMPACT FEES (J.FREEMAN)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING A STATEMENT OF PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING THE CITY OF PALMETTO IMPACT FEE REGULATIONS AND AMOUNTS; AMENDING AND RESTATING ARTICLE IV OF CHAPTER 7 OF THE CODE RELATING TO IMPACT FEES; PROVIDING FOR APPLICABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR STATUTORY NOTICE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

Mayor West opened the Public Hearing at 7:52 pm.

City Commission Meeting

March 10, 2025

Page 5 of 8

Mr. Freeman gave a recap of the item, as detailed in the agenda point paper. This is the second public hearing. The first reading was on February 10th and the first public hearing was on February 24th. These changes will be for new development only.

Mayor West closed the Public Hearing at 7:54 pm.

MOTION: Commissioner Whitaker moved, Commissioner Joiner seconded, and the motion carried 5-0 to adopt Ordinance 2025-02.

9. GRAY PURCHASE AND SALE CONTRACT

Nick Gray, Gray Property Group, was last here on January 6th for the 2nd public hearing to move forward with the sale of 320 10th Ave West. He reviewed a few updates in the contract. He noted the higher purchase price is now \$1,110,000, which is the same as the appraised value. There is also flexibility in the number of parking spaces for the City between 80-100 at \$35,000/each. The development would be 8-stories or less, and include 75 apartments, with retail on the first floor, public parking, and residential parking.

Mr. Freeman stated that Mr. Gray has been before the City Commission five times before tonight. He first presented to the Commission in September 2024. He has also met with the Commissioners individually. His project has remained relatively the same throughout the process. Two public hearings were held on December 16th and January 6th. Tonight is the sixth time he has been before the Commission. There will be a 120-day due diligence period. The deed restriction must be removed by the City. Mr. Freeman continued to read from the point paper. The developer is eligible for a TIF incentive. The final amount will be determined further down the road. He highlighted the section detailing damages.

Commissioner Smith asked Mr. Barnebey to repeat what he told him earlier today on the phone. Mr. Barnebey noted that he told the same thing to all of the Commissioners. Commissioner Smith said Mr. Barnebey told him to vote yes. Mr. Barnebey said he did not tell him to vote any such way. Mr. Barnebey continued to discuss the contract.

Commissioner Cornwell was concerned with section 14.3, which she read from the contract. If it is only those four points, she would be fine with it, but she didn't want damages to be ambiguous.

Commissioner Whitaker really liked the project. He opined that Mr. Gray has been very consistent and accommodating. Commissioner Whitaker recapped that he had asked that the purchase price be raised to the appraised price. Mr. Gray agreed to that. He continued that they need to be partners. He noted that section 14.3 was concerning for him as well. Mr. Barnebey clarified it is specific to those four things. If they deny it due to those items, the City would be responsible for paying damages. Commissioner Whitaker said if everything remains consistent, he was completely on board with the project.

Mr. Gray explained why this provision came about. Risk is part of the business. However, the City is both the seller and the approver of the project, which is unique. He has already spent approximately \$100,000 up to this point. He will continue to postpone development to his other lot, and he will continue to invest in this project. He doesn't want the City to change their mind on the four points that have been consistent throughout the process. He is not asking for a guarantee of his project. He just wants a guarantee that they won't deny his project based off those four items. He wants to have a partnership with the City.

City Commission Meeting

March 10, 2025

Page 6 of 8

Commissioner Williams liked the project. He noted that working with Mr. Gray has been great. He is a little confused with the wording. He doesn't like section 14.3. He would like to remove that section. Mr. Gray explained why he wants that section to remain.

Mr. Barnebey further discussed the process. Mr. Gray explained the costs he will need to incur. He wants this to be done in the spirit of a partnership.

Approval for the Coastal High Hazard Area, CHHA, Ordinance could take 6-8 months. Commissioner Williams thinks section 14.3 needs to be adjusted. The City has also put in a lot of time.

Commissioner Smith liked his project. He doesn't agree with how much money the City and CRA have to spend on his project. He can't agree with the project unless we know that the project is going to go through.

Commissioner Whitaker echoed that we have to be partners. He wants to keep this project. He questioned if the CHHA doesn't get approved, would the City be held responsible. It was answered, yes. Mr. Freeman clarified that the CHHA not being approved would not make the City liable. Mr. Gray shared the same interpretation as Mr. Freeman. He clarified that if situations outside of the City's control, make the project not go through, no damages would be owed to either party. He clarified that section 14.3 only applies if they change their mind to the four main points of the project, if the City acts in bad faith. He anticipates the project moving forward smoothly. Mr. Barnebey stated that he can clean up that language with Mr. Gray's attorney.

The meeting was recessed at 8:33 pm.

The Mayor reconvened the meeting at 8:50 pm.

Mr. Barnebey read the changes that were made to section 14.3 and 15.14.

Section 14.3 now reads:

Section 14.3 The parties understand that the parties have reviewed the general parameters of the Project, the plans and renderings are of sufficient detail to obtain a general development plan approvals, and that the denial by the City Commission of a comprehensive plan amendment pursuant to Section 6.4(a) herein or rezoning and general development plan as submitted pursuant to Section 6.4 (b) herein, for having:

1. Buildings of 8 stories or less,
2. 75 residential units or less,
3. 15,000 square feet of non-residential development or more, or
4. The number of parking spaces that meet the provisions as defined in the definition of "Project" as set forth herein

shall cause Gray to incur damages and losses related to this real estate contract and Gray may pursue damages from the City which shall be limited to Gray's actual out-of pocket expenses necessary to obtain general development plan approval incurred after the effective date of this Agreement. The ability to pursue damages shall only exist if Gray has continued to maintain a contract for the Property and the Neighboring Property through the application and approval process pursuant to Section 6.4(b). Gray acknowledges and agrees that the filing of the applications for rezoning and general development plan, does not, in any way, assure that the rezoning or general development plan applications will be approved. In the event the Project as proposed cannot

City Commission Meeting

March 10, 2025

Page 7 of 8

be approved due to the limitations of the coastal high hazard area policies of the Comprehensive Plan or due to the limitation of the Deed Restrictions, this Section 14.3 shall not apply and the City shall not be responsible for damages pursuant to this Section.

Section 15.4 now reads:

Section 15.14 Approval by parties. The Agreement is entered subject to approval by the City Commission on or before March 14, 2025, as amended at the March 10, 2025, City Commission Meeting. Gray acknowledges and agrees that approval of the business terms of this Agreement by the City Commission does not in any way assure that the rezone, GDP, comprehensive plan applications will be approved.

MOTION: **Commissioner Williams moved, Commissioner Joiner seconded, and the motion carried 4-1 to declare the City property at 320 10th Ave. West surplus in accordance with section 2-64 (b) 3 and authorize the Mayor to sign the purchase sale agreement between the City of Palmetto and Gray Property Group LLC including the amendments as read by the City Attorney. (Commissioner Smith voted nay)**

10. FEBRUARY 2025 CHECK REGISTER (INFORMATIONAL ONLY)

Mayor West recessed the City Commission Meeting to open the March 10, 2025 CRA Board Meeting at 8:54 pm.

Mayor West reconvened the City Commission Meeting at 9:20 pm.

COMMENTS:

11. DEPARTMENT HEADS' COMMENTS

Mr. Freeman shared that we are in the process of interviewing third party vendors to help with marketing and increase the City's social media presence/branding. This was already included in this year's budget.

Chief Tyler shared an update from Red Speed. Manatee County chose to terminate their electronic speed monitoring system in school zones. The City of Bradenton is still enforcing their school zones all day. Holmes Beach is in the process of setting up enforcing school zones in the morning and afternoon. He asked if our Commission wants to move forward with setting up electronic school zone enforcement. Commissioner Cornwell was not interested in pursuing it. The consensus was not to move forward with the electronic speed monitoring in school zones.

City Commission Meeting

March 10, 2025

Page 8 of 8

12. MAYOR'S REPORT

No additional comments

13. COMMISSIONERS' COMMENTS

Commissioner Smith asked if the Multi-Cultural Festival received the \$5,000 contribution from the Palmetto Marriott hotel. Mr. Freeman said the City invoiced the Marriott, but he wasn't sure if they had received the \$10,000 yet. He said he would check on the status of it. He also clarified that the agreement with the hotel was for them to contribute \$10,000/year for events such as the Multi-Cultural Festival and the 4th of July event.

Commissioner Whitaker reiterated that the money should be directed appropriately to these events once we receive it. He appreciated everyone's opinions and having a productive meeting. He is excited for the Gray Property Group project.

Commissioner Williams thinks Gray got a good deal. He wants to have a good partnership with him.

Commissioner Cornwell asked Ms. Young-Gopie about Senate Bill 1242, which would terminate CRA agencies. She asked the Commissioners to send an email if they're in disagreement. Commissioner Cornwell would like the Mayor to send out a letter as a whole group. Commissioner Cornwell asked Chief Tyler about the County's vendor fees from the electronic speed monitoring company.

Commissioner Williams suggested the CRA reach out to people who receive incentives to write in support of keeping the CRA too. Ms. Young-Gopie shared that they put it on their website.

Mr. Barnebey spoke on the Live Local Act. The legislature is starting to discuss this again.

Mayor West adjourned the meeting at 9:31 pm.

MINUTES APPROVED: APRIL 7, 2025

JAMES R. FREEMAN

JAMES R. FREEMAN
CITY CLERK