

Palmetto City Council
Minutes
August 2, 2004

Elected Officials present:

Larry Bustle, Mayor
Tamara Cornwell, Vice Mayor
Eric Ball, Council Member
Mary Lancaster, Council Member
Brian Williams, Council Member

Staff and others present:

Attorney Michele Hall
J. E. Free, Jr., City Clerk
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Diane Ponder, Administrative Assistant

Mayor Bustle called the meeting to order at 7:00 pm.

A moment of silence in memory of Staff Sgt. Paul Charles Mardis, Jr. was observed, followed by the Pledge of Allegiance to the United States Flag.

Retiring Council Member Shirley Bryant was recognized for her many years of dedicated service to the City of Palmetto. Ms. Bryant was presented with tokens of appreciation as well as a plaque of recognition from the North River Fire Department. Ms. Bryant expressed her gratitude to the Council and citizens of the City of Palmetto.

Mayor Bustle recognized City Council candidates Ted Schmidt, Charles Smith and Tandra Varnadore.

1. APPROVAL OF AGENDA

Mayor Bustle informed Council that City Planner Jessica McCann requested that item seven, Habitat for Humanity General Development Plan Modification, be removed from the agenda.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 4-0 to approve the August 2, 2004 7:00 pm agenda as modified.

2. CONSENT AGENDA

- A) Minutes: June 21, 2004 Workshop and Council Meeting
July 14, 2004 Special Meeting
- B) City Attorney billing through June 30, 2004
Professional-\$23,914.95; Litigation-\$2,832.00
- C) June Check Register
- D) Special Function Permit: The Connection (1st Baptist Church)

Mrs. Lancaster asked that more detailed information regarding events be included on the special function permits being presented for approval.

Mr. Free informed Council that approval of the attorney's billing would exceed the attorney's FY 2003-2004 budget.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 4-0 to approve the August 2, 2004 Consent Agenda.

3. PUBLIC HEARING - ORDINANCE NO. 04-806

Ordinance No. 04-806 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (AN0403 - Taylor Concrete, Inc., PID #2599600059 approx. 1.03 acres)

Mayor Bustle opened the public hearing.

Attorney Jim Porter stated he, Dave Campbell and other representatives from Kimley Horn were there representing the applicant for items three, four and five. He explained the annexation is for an abandoned CSX railroad right-of-way, currently surrounded by city property, which the property owner had never annexed into the city. Attorney Porter stated his comments applied to all three projects and should be so noted.

Dave Campbell, engineer of record for the Wal Mart project, explained the three items before Council were for approval of the annexation of the property, change in land use land to be compatible with adjacent properties and rezoning to allow for commercial development.

Mr. Williams discussed not being aware of the annexation issue, stating he had questioned Wal Mart representatives at their initial presentation about all annexation and rezoning issues. He stated he had told constituents voicing concern about Wal Mart coming into the community there was nothing Council could do, and now there were agenda items Council had to consider. Mr. Campbell discussed the initial presentation where the two annexations were discussed - the voluntary Taylor annexation and the city annexation of Haskos Road. Mr. Campbell explained Wal Mart has requested the city annex Haskos Road so it can be developed to city standards. Mr. Williams acknowledged he maybe should have asked more questions of staff and Wal Mart, so he could have provided the correct information to his constituents.

Mayor Bustle closed the public hearing.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-1 to adopt Ordinance No. 04-806. Mr. Williams voted no,

4. PUBLIC HEARING - ORDINANCE NO. 04-807

Ordinance No.-04-807 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM RES-6 (Residential 6 Units per Acre-County) TO HCOMIND (Heavy Commercial Light Industrial-City); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Taylor Concrete, PA0405, PID #2599600059, approx. 1.03 acres)

Mayor Bustle opened the public hearing. Attorney Porter referred to his prior comments. Mayor Bustle closed the public hearing.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-1 to adopt Ordinance No. 04-807. Mr. Williams voted no.

5. PUBLIC HEARING - ORDINANCE NO. 04-808

Ordinance No. 04-808 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM LM (Light Manufacturing-County) TO CHI (Heavy Commercial Light Industrial-City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0408 Taylor Concrete, Inc., PID #2599600059, approx. 1.03 acres)

Mayor Bustle opened the public hearing. Attorney Porter referred to his prior comments. Mayor Bustle closed the public hearing.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-1 to adopt Ordinance No. 04-808. Mr. Williams voted no.

6. PUBLIC HEARING - ORDINANCE NO. 04-812

Ordinance No. 04-812 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, READOPTING ORDINANCE NO. 04-796 CONCERNING RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT, DRI NO. 236; PROVIDING FOR FINDINGS OF FACT; RESTATING AND CLARIFYING ORDINANCE NO. 04-796 BY IDENTIFYING EXHIBIT "A", THE MASTER DEVELOPMENT PLAN WITH A MASTER DEVELOPMENT PLAN MAP, AND BY ATTACHING AS EXHIBIT "B" A LEGAL DESCRIPTION REFERENCED IN ORDINANCE NO. 04-796; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 4-0 to adopt Ordinance No. 04-812.

7. SPECIAL FENCE PERMIT 0401

Planner Jessica McCann explained Palmetto Plantation has applied for a special fence permit to construct a 6-foot privacy fence fronting 24th Avenue to screen an existing nursery operation. The original plat approved by Council did not depict a fence. The construction of the 6-foot fence will not impede traffic, nor violate any clear-site triangles.

MOTION: Ms. Cornwell moved, Mr. Ball seconded and motion carried 4-0 to approve Special Fence Permit 0401.

8. PUBLIC HEARING - ORDINANCE NO. 04-814

Ordinance No. 04-814 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, CONSENTING TO THE ESTABLISHMENT OF MUNICIPAL SERVICE BENEFIT UNITS BY MANATEE COUNTY; PROVIDING THAT SUCH CONSENT SHALL EXTEND FOR A TERM OF THREE (3) YEARS WITH RESPECT TO THE INITIAL ESTABLISHMENT OF SPECIAL ASSESSMENTS; LIMITING THE FACILITIES AND SERVICES THAT MAY BE PROVIDED BY THE MUNICIPAL SERVICE BENEFIT UNIT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing.

Devin Harms spoke to Council about the item being an administrative issue to allow Manatee County to assess five properties on 35th Ave. Dr. W. that are located within the city.

Mayor Bustle closed the public hearing.

Mr. Williams inquired of staff if all city residents on the street have been surveyed regarding interest in city utilities. Mr. Ball commented on installing utility pipes prior to the street being paved. Mr. Lukowiak informed Council Manatee County had requested three years to complete the project and had set no timeline. He also stated that neither the CIP nor the budget contained funds for installation of city infrastructure.

MOTION: Ms. Cornwell moved to adopt Ordinance No. 04-814. Mr. Williams seconded.

Ms. Cornwell confirmed she had previously suggested the city's pipes be installed for future use at the time Manatee County paved the street. Ms. Hall confirmed she had spoken with county personnel regarding the project's timeline. She stated she will enter a special request for advance notification of the start date so staff can coordinate any city construction with Manatee County. Mr. Harms confirmed there had been no official survey, but interest has been expressed, with one possible annexation. He discussed the fact that for environmental purposes the project should proceed, suggesting the residents may be more inclined to accept city utilities if they know the cost. Mr. Lukowiak was granted permission to contact the city residents and project a cost for city utility installation.

Motion on the floor carried 4-0.

9. COUNCIL CHAMBERS AUDIO/VIDEO SYSTEM

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 4-0 to authorize staff to negotiate a contract with the Whitlock Group to install an audio/video system in Council Chambers not to exceed \$55,000.

10. PROPOSED AGGREGATE MILLAGE RATE

The department heads were strongly encouraged to review their proposed budgets so that a millage increase is not necessary at the conclusion of the budget process.

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 4-0 to authorize the Mayor to sign the DR420 establishing the proposed aggregate millage rate at 5.6645 mills per \$1,000.

11. BUDGET HEARING DATES

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 4-0 to amend the City Council meeting dates approved January 5, 2004 and set the budget hearing dates for September 13, 2004 and September 27, 2004 at 7:00 pm.

MOTION: Ms. Cornwell moved, Mr. Ball seconded and motion carried 4-0 to schedule budget workshop meetings on August 9, 2004, August 23, 2004, and August 30, 2004 at 4:00 pm.

12. CITY FACILITY RENTAL APPLICATION RULES AND REGULATIONS

Mr. Lukowiak discussed the proposed application and rules and regulations, and staff's efforts to secure input from surrounding areas, City Council and the Historical Society. Events held in the historical park will be attended by a staff member of the Historic Commission and the rental will be coordinated between the City and the Commission. Mr. Williams suggested the document should be tabled until Council and the Historical Commission has had a chance to review all the changes. Attorney Hall advised Council the application cannot be implemented until the ordinance governing special function permits is amended.

Staff informed Council the Historical Commission had requested certain items which are set forth in the addendum. Also changed was the Commission's request for a two week notice prior to an event in the historical park.

Council discussed the documents, citing the following topics that need additional attention:

- As the point of contact in the case of an emergency, the Police Department has keys to the restrooms.
- Decisions based on staff's discretion should have established guidelines.
- Applicants unhappy with a decision made by the Director of Public Works may appeal to City Council.
- A threshold number of event attendees, after which security is required.
- An ordinance specifying when the number of attendees at an event requires a special function permit.
- Fees for a special function permit and facility rental fee.
- Combination of daily rental of Sutton and Lamb parks.

Attorney Hall opined that to protect the staff and the best interests of the public, and given the city's growth, it may be the appropriate time to develop an Administration Procedures Manual. Attorney Hall agreed that when exercising discretion in decision making, guidelines for staff should be in place.

Mr. Williams opined there are too many inconsistencies in the document, i.e. facility vs. city facility, etc., and suggested the document should be brought to a subsequent meeting for approval.

Mayor Bustle clarified Palmetto Historical Park, not Heritage Park, is the correct name of the park housing the historical buildings.

Lance Thornton, Palmetto Historical Commission, inquired if the commission would have to pay a fee for the school tours conducted at the park, informing Council the park is closed during the tours. Discussion ensued on the topic, resulting in Council direction that the park should not be closed during tours. Mr. Thornton advised Council that another county employee will be provided for the park at the beginning of the next fiscal year.

Attorney Hall will provide a special function permit draft ordinance and alternative provisions for the rules and regulations governing city facilities at a subsequent workshop meeting.

13. RESOLUTION NO. 04-53

Budget resolution to fund appraisal services for City Hall and Palmetto Police Department

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 03-22, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2003-2004, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Resolution No. 04-53 and authorize the Mayor to continue discussions with Manatee County and the School Board.

14. RESOLUTION NO. 04-54

Resolution authorizing Schedule 3 of the Master Lease Program with Florida League of Cities for the lease/purchase of a New 2005 Caterpillar mini excavator.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA LEASING & CAPITAL, LLC; AUTHORIZING A LEASE OF EQUIPMENT THEREUNDER; AUTHORIZING THE EXECUTION OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE TRANSACTION CONTEMPLATED HEREBY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Resolution No. 04-54.

15. RESOLUTION NO. 04-55

Budget resolution to record sale of solid waste vehicles and equipment.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 03-22, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2003-2004, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 4-0 to adopt Resolution No. 04-55.

16. RESOLUTION NO. 04-56

Budget resolution funding deputy clerk for finance position.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 03-22, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2003-2004, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Resolution No. 04-56.

17. POLICE DEPARTMENT PHONE SYSTEM

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve and authorize the Mayor to enter into a 60-month lease with Inter-Tel, not to exceed \$7,620 per year for installation of a phone system at the Police Department.

18. DEPARTMENT HEADS' COMMENTS

Chris Lukowiak, Public Works Department

Mr. Lukowiak informed Council he had met with Pastor Tad Matthews and a representative from ZNS concerning Church on the Rock's construction project, reminding Council the church was operating under a temporary certificate of occupancy. ZNS reviewed a punch list of approximately 12 items pertaining mostly to drainage issues that require completion. Building Official Roger Titus had stated the only outstanding issue for the city is connection to a permanent transformer, which has been resolved. Mr. Lukowiak informed Council the church cannot get its final construction until the city issues certificate of occupancy.

Mr. Lukowiak proposed granting a CO to the church, contingent upon the church's execution of an agreement to complete the job in a stated period of time and delivery of a bond for completion

of the project; the church volunteered the purchase of the bond. Attorney Hall cautioned that by issuing the certificate before project completion the city puts itself in a precarious situation and sets a precedent, but if the city has no objections the ordinance should be amended to allow such action.

Mr. Titus confirmed that as long as the requirements of the Building Code are met, the city may issue a CO with conditions. Mr. Lukowiak stated that as long as the church operates under the TCO the project will not be completed. He stated the building and parking lot are sound, the issue is the drainage. If the project is not completed the surrounding areas will continue to flood. Attorney Hall suggested that if the city elects to go forward, it should very carefully define the circumstances allowing the issuance of the CO.

Discussion ensued on the bank accepting a bond rather than the city and other financing tools available to the church and what the risk to the city would be in accepting the bond.

MOTION: Mr. Williams moved and Mrs. Lancaster seconded to deny the CO.

Attorney Hall clarified that if the city accepts a bond it is not at risk financially. Her concern is that there is no authority for the acceptance of the bond and it may be difficult to follow in the future. She suggested that Council could direct her and Mr. Lukowiak to meet with church and bank representatives to further discuss the topic and stipulations regarding the final construction draw.

CRA Executive Director Tanya Lukowiak informed Council the Habitat for Humanity had been issued a CO prior to project completion in order to meet the kickoff date.

Ms. Cornwell discussed the number of students at the school and the fact registration for public school expires noon, August 10, 2004.

Mr. Williams withdrew his motion and Mrs. Lancaster withdrew her second.

Staff was directed to determine when the TCO expires. Attorney Hall advised a TCO can be extended.

Tanya Lukowiak, CRA Executive Director

Testing of the Edenfield property will be concluded early next month. The property will be included in the waterfront plan being developed.

CRA is in the process of developing an RFP for a mixed use parking facility for downtown.

No application has been received from Gevity. CRA is specifically looking for a lease between Gevity and Zirkelbach Construction for a 15 year term; the other alternative is that CRA give great concessions to build a private person building. The lease must also contain a provision that there will be no subsidized cafeteria in the building.

CRA will be moving to its new location on 4th Street in October. City records being stored at the location will have to be relocated.

Commented on the recent media coverage the city received about the city being the only place not flooding. She also commented on the increase in the budget and how the increase pays for quality of staff, projects for the city and helps encourage firms such as Gevity to come to the city.

Chief Lowe

The police department should receive its accreditation from the full commission in October.

August 3, 2004, is National Night Out. The event will be held at Palmetto Youth Center beginning at 6:00 pm.

19. MAYOR'S COMMENTS

Four public meetings regarding the new charter have been scheduled; the ones that have been held are going well. A flyer will be mailed to the residents of the city and public service announcements will occur. A short news conference was held prior to the beginning of the workshop meeting today.

20. COUNCIL MEMBERS' COMMENTS

Mr. Ball

Commented on the 4th of July being enjoyable and suggested starting the event later in the day next year.

Mr. Williams

Enjoyed the 4th of July event.

Commented on the need for each council member to individually encourage passage of the charter referendum when discussing it with the public.

Congratulated the police department on its accreditation.

The signs on the overpass on 10th Street need to be moved to a more visible location. FDOT has been contacted regarding the signage.

Ms. Cornwell

Reported on graffiti at the entrance to the city. Chief Lowe discussed attempts to apprehend individuals painting the graffiti.

Requested the police department assist the schools by providing traffic control during the opening days of school.

Mrs. Lancaster

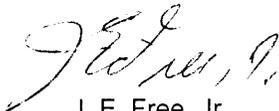
Inquired about Jackson Park. Mr. Lukowiak reported it appears the plan for a retention pond will work. Manatee County will be approached in the near future regarding funding.

Reported individuals are living in the house on 2nd Street that was previously condemned. Staff was asked to address the problem.

The automobiles that were tagged have been brought into compliance. Chief Lowe stated the towing policy is in place, but there is only a limited amount of storage. Barfield has agreed to also tow for the city.

Meeting adjourned at 10:20 pm.

Minutes approved: August 16, 2004



J. E. Free, Jr.
City Clerk