

Palmetto City Council
Minutes
August 16, 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.

Mrs. Lancaster gave an invocation, followed by the Pledge of Allegiance to the United States Flag.

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

1. APPROVAL OF AGENDA

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 4-0 to approve the August 16, 2004, 7:00 pm agenda.

2. CONSENT AGENDA

- A) Minutes: August 2, 2004 Workshop and Council Meeting
- B) July Check Register
- C) Special Function Permit-NAACP Unity March

Mrs. Ponder requested Council approve the Special Function Permit for the NAACP Unity March contingent upon proper insurance.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the Consent Agenda contingent upon receipt of insurance for the NAACP Unity March Special Function Permit.

3. HABITAT FOR HUMANITY GENERAL DEVELOPMENT MODIFICATION

Planner Jessica McCann informed Council the requested modifications were minor in nature, allowing City Council approval without further review by staff. Requested modifications discussed were:

- Enlargement of the pond to meet SWFWMD criteria
- A six-foot chain link fence surrounding the pond
- Elimination of two lots, reducing the total lots to 34
- Access from 12th St. W to 5th Ave. Dr. W. was eliminated
- Addition of a play area surrounded by a four-foot chain link fence
- Relocation of interior sidewalks to the back of the curb

- Eight-foot utility easements from the west side of 6th Ave. Dr. and six-foot easements for all other locations for lots
- Ten-foot utility easement at the north, east and south sides of the pond
- Reconfiguration of the "T" driveway for lots 7-12, 17-13, 20-25, reducing the backside of the driveway by two feet.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded to approve the Habitat for Humanity Village of the Palms general development plan modifications as enumerated in the staff report.

Attorney Hall advised Council the topic under discussion required a public hearing. Ms. McCann confirmed the public hearing had been properly noticed.

MOTION: Mr. Ball withdrew his motion. Mrs. Lancaster withdrew her second.

MOTION: Mr. Williams moved, Ms. Cornwell seconded to set aside the previous motion because of public hearing requirements. Motion carried 4-0.

Mayor Bustle opened the public hearing. There being no public comment, Mayor Bustle closed the public hearing.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the Habitat for Humanity Village of the Palms general development plan modifications as enumerated in the staff report.

Ms. McCann requested that Council consider allowing staff to administratively review and approve minor modifications to general development plans. Attorney Hall informed Council Manatee County allows minor modifications to general development plans by staff, subject to criteria set forth by ordinance. Mayor Bustle suggested Council consider such an ordinance and requested a draft be brought to a subsequent workshop meeting. Council concurred.

4. 1st READING & ADVERTISING APPROVAL - ORDINANCE NO. 04-817

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTIES DESCRIBED IN EXHIBIT "A" FROM RM-6 (MULTI-FAMILY 10 DU/AC) TO GO (GENERAL OFFICE); AMENDING THE ZONING MAP OF THE CITY OF PALMETTO PERTAINING TO THE PROPERTIES DESCRIBED HEREIN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Patricia Dodson Z0409 PID # 3105400000, approximately .2901 acres).

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 4-0 to approve Ordinance No. 04-817 for advertising and schedule a public hearing September 13, 2004.

5. 1st READING & ADVERTISING APPROVAL - ORDINANCE NO. 04-819

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, VACATING A PORTION OF 20TH AVE WEST RIGHT-OF-WAY AS MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE AND AS GRAPHICALLY DEPICTED ON EXHIBIT "A" OF THIS ORDINANCE; RETAINING A 20-FOOT WIDE PUBLIC UTILITY EASEMENT AS MORE PARTICULARLY DESCRIBED IN SECTION 2 OF THIS ORDINANCE AND AS GRAPHICALLY DEPICTED ON EXHIBIT 'B'; AND PROVIDING FOR AN EFFECTIVE DATE. (V0401-Samuel and John Fogarty)

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 4-0 to approve Ordinance No. 04-819 for advertising and schedule a public hearing September 13, 2004.

6. 1st READING & ADVERTISING APPROVAL - ORDINANCE NO. 04-820 (TAB 7)
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A GENERAL DEVELOPMENT PLAN FOR PARCEL #18 AND #4 OF THE RIVIERA DUNES MASTER DEVELOPMENT PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 0401 The Palms at Riviera Dunes, Ltd., PID #2604600102, approximately 7.03 acres)

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 4-0 to approve Ordinance No. 04-820 for advertising and schedule a public hearing September 13, 2004.

7. CONDITIONAL USE PERMIT 0402

Planner Jessica McCann discussed the application from Carolyn Waygood for an electronic messaging center to provide advertising space to the tenants in Riverside Plaza. She explained the new technology of the sign, stating it would not be obtrusive to the surrounding area. She informed Council the Planning and Zoning Board had recommended denial of the application due to not having enough information. Their concern was the aesthetics of the sign located in a gateway into the City and the effect on the neighborhood. She stated the Board would support City Council's decision.

CRA Executive Director Tanya Lukowiak informed Council the CRA Board was in favor of the approval of the signage. Ms. Lukowiak discussed ways the City might partner with Riverside Plaza to advertise City events and display public service messages.

Mrs. Waygood distributed materials pertaining to the electronic messaging center she proposes to install at Riverside Plaza, explaining the sign would be located at the top of the elevator shaft. She gave a brief history of signage businesses have used, stating the newest technology uses blocks of LED that has color and supports graphics. Ms. McCann suggested the requested sign will eliminate the need for businesses at the location to display individual signs.

Mr. Williams stated he approved the sign but wanted to set the condition that a contact is always available to the City. Mrs. Waygood stated the property manager of Riverside Plaza is always available and would serve as the contact. She requested that a single source from the City be identified to Riverside Plaza to ensure any request for display was approved by City Council. Discussion ensued on Mr. Williams' condition, resulting in him withdrawing it from the floor.

Attorney Hall advised a special permit requires a public hearing. Ms. McCann confirmed the public hearing had been properly noticed.

Mayor Bustle opened the public hearing. Charles Smith commented on the topic not being posted as a public hearing on the agenda, as he observed several people reviewing the agenda posted on the bulletin board. Mayor Bustle closed the public hearing.

MOTION: Ms. Cornwell moved and Mrs. Lancaster seconded to approve Conditional Use Permit 0402.

Attorney Hall suggested Council may want to consider whether the permit would be transferable if the property sold. Ms. McCann stated conditional use permits go with the land. Discussion ensued on the topic.

MOTION: Mr. Ball moved, Ms. Cornwell seconded to amend the motion adding a restriction that signage only be used to advertise for business at Riverside Plaza and public service notices.

Tanya Lukowiak requested that if Council wishes to place a restriction on the signage, they consider advertising for downtown events also be allowed. Mayor Bustle suggested that Riverside Plaza should have no more restraints placed on their signage than any other business in the City. Peter Burrows, Riverside Plaza Proper Manager, stated he was comfortable with the wording of the motion. He stated "public service" would include City sponsored events, school events and downtown events.

The current motion on the floor carried 4-0

The motion to approve the Conditional Use Permit carried 4-0.

8. RESOLUTION NO. 04-57

Final project cost of the Estuary Park observation decks

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, Mrs. Lancaster seconded and motion carried 4-0 to adopt Resolution No. 04-57.

9. MANATEE RIVER FAIR ASSOCIATION LICENSE AGREEMENT FOR EXHIBITORS AND CONCESSIONAIRES

MOTION: Ms. Cornwell moved, Mr. Ball seconded and motion carried 4-0 to approve and authorize the Mayor to execute the Manatee River Fair Association 2005 License Agreement for Exhibitors and Concessionaires.

10. APPOINTMENT OF COUNCIL MEMBERS AS TRUSTEES TO PENSION BOARDS

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve amendment of ordinances pertaining to city pension boards to allow a city council member, mayor, and police chief to serve on a pension board of trustees, and such service shall be in addition to their normal duties.

11. RESOLUTION NO. 04-58

Liability insurance deductible payment to Florida Municipal Insurance Trust

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. Ball seconded and motion carried 4-0 to adopt Resolution No. 04-58.

12. DEPARTMENT HEAD'S COMMENTS

Chris Lukowiak

Thanked Chief Lowe and Chief Johnson for their cooperation during the preparation for Hurricane Charley. The City has been approached about the possibility of treating contents of port-a-lets that may have been treated with high levels of nickel and copper. Mr. Lukowiak informed Council he had contacted DEP concerning possible ramifications the City may face and had received no answer. Mr. Lukowiak also advised Council he had volunteered his time on the weekends and requested their approval. After discussing the topic, Council approved the following items:

- Treatment of sewage, provided DEP grants the City an exemption to any possible fines
- Generator and/or equipment, plus the gas for operation
- Supplies, such as meals, that are nearing expiration
- Employees donating personal time

The City suffered no damage other than several fallen trees. In preparation for the storm, 25 tons of sand was used to make 4,977 sand bags for the citizens.

Jim Free

A draft of the revised Master Utility Ordinance will be distributed to City Council before the Labor Day weekend.

Work continues on the budget.

ADG is providing training on inventory and fixed assets. Changes and modifications of the program may be necessary to make the program meet the City's needs.

Chief Lowe

Thanked Mr. Lukowiak and his staff and commended Mr. Koper for information returned to the City from the Manatee EOC during the hurricane. He reported the City had experienced no major crimes.

Michele Hall

Attorney Hall will be copied on the Master Utility Ordinance once staff has completed the revisions.

Attorney Hall informed Council Attorney Groff has contacted the attorney representing both parties in the Siglock matter and feels arbitration will be futile. Attorney Groff proposes to draft a lawsuit that will not require a great deal of attorney time, and may encourage consideration of mediation or settlement. It is Attorney Groff's opinion that the \$15,000 in miscellaneous expenses is speculative; there is a strong claim to recover the removal of the slab and fence. Mr. Lukowiak stated the \$15,000 in miscellaneous charges is the labor and materials related to the spilled sewage; the problem has not occurred since the repair of the line. It was consensus of Council to move forward with the lawsuit for the entire amount.

13. MAYOR'S COMMENTS

Commended the performance of city staff during Hurricane Charley. Commented on Mr. Koper and Corp. Kelly's liaison position to Manatee EOC and how Mr. Koper had kept the City well informed of any updates.

Reminded Council there was a 4:00 pm budget workshop scheduled for August 23, 2004.

14. COUNCIL MEMBER'S COMMENTS

Mr. Ball

Expressed his appreciation to Mr. Lukowiak and his staff during the hurricane and the update that had been provided since the storm.

Mr. Williams

Related his conversation with Building Official Roger Titus, during which he was informed the Building Department has ample funds to pay for the building inspector position and truck CRA is funding. Suggested Council should consider allowing the Building Department to utilize its funds for personnel expenses. Mayor Bustle informed Council Building Department funds will be used to fund the archiving of City building records to electronic form and will spearhead the City's efforts to convert all City records. Mr. Williams also suggested the Building Department may be able to reimburse the City for the space it will utilize at Public Works. The topic will be discussed at the next budget workshop meeting.

Thanked the employees for their participation during Hurricane Charley.

Ms. Cornwell

Reminded staff of the request for a list of items that had been cut from the budget as well as items that were placed on a discussion list.

Mrs. Lancaster

Thanked Mayor Bustle and Mr. Lukowiak for keeping her informed during Hurricane Charley.

Reported a serious cat problem in her area and asked Chief Lowe to contact Animal Services.

Meeting adjourned at 8:50 pm.

Minutes approved: September 15, 2004



J. E. Free, Jr.
City Clerk