

Palmetto City Commission
September 15, 2004 7:00 PM

Elected Officials present:

Larry Bustle, Mayor
Tamara Cornwell, Vice Mayor
Eric Ball, Commissioner
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner
Brian Williams, Commissioner

Staff and others present:

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

Mayor Bustle called the meeting to order at 7:00 pm. Mayor Bustle gave the invocation, followed by the pledge of allegiance to the United States Flag.

Judge Robert Boylston administered the Oath of Office to Commissioner Tambra Varnadore.

Mayor Bustle read a proclamation declaring September 14, 2004 as the National POW/MIA Recognition Day.

Public Works Deputy Director Frank Woodard informed the Commission Palmetto was the first municipality to respond to Arcadia's request for aid after Hurricane Charley. He narrated a slide presentation of the Public Works' crew that spent two weeks in Arcadia assisting its public works department. Individual crew members recognized for their service were Bobby Jackson, Fletcher Mobley, Jim Michener, James Council, Mike McClendon and Victor Pompey. Chris Lukowiak also recognized Mr. Woodard for his involvement.

1. APPROVAL OF AGENDA

Mayor Bustle informed the Commission he wished to amend the agenda by deleting item #3C, proposed Ordinance No. 04-825. Staff also stated the need to continue item #5 to October 18, 2004.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded, and motion carried 5-0 to approve the September 15, 2004 7:00 agenda, deleting item #3C and continuing item #5 to October 18, 2004.

2. CONSENT AGENDA

- A) Minutes: August 9, 2004 Budget Workshop
August 16, 2004 Workshop and Council Meeting
August 23, 2004 Budget Workshop
August 30, 2004 Budget Workshop
- B) August Check Register
- C) City attorney billing through July 31, 2004; Litigation-\$3,184; Professional-\$20,322.61
- D) Permit Exception to City Noise Ordinance-Church on the Rock

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the Consent Agenda.

3. PUBLIC HEARING - TENTATIVE MILLAGE RATE AND FISCAL YEAR 04-05 BUDGET

Mayor Bustle opened the public hearing. Discussion ensued on the tentative millage rate being established at 5.1645 mills per \$1,000 and the fact it is the same millage adopted last year. Even though the Commission will not increase the millage rate, property taxes will exceed the roll-back rate by 10.37%. Mr. Free stated the 10.37% increase over the roll-back rate is in total taxes to be collected in the City, not on individual properties. Individual property owners who have not bought or sold properties this year will experience a 1.9% increase in City taxes.

Mr. Free distributed the amended budget that reflects the discussion of the 4:00 workshop meeting. The Chief Building Inspector and an associated vehicle have been deleted, \$4,500 for festivals will be reinstated when the surplus for future allocations included in the Clerk's budget is amended October 4, 2004.

Mayor Bustle opened the floor for public comment. After no public comment, Mayor Bustle closed the public hearing.

RESOLUTION NO. 04-61

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING AND ADOPTING A PROPOSED TENTATIVE MILLAGE FOR THE TAX YEAR 2004.

Resolution No. 04-61 was read in its entirety.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to adopt Resolution No. 04-61.

RESOLUTION NO. 04-62

(TAB 5)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING AND ADOPTING A PROPOSED TENTATIVE BUDGET FOR FISCAL YEAR 2004-2005.

Resolution No. 04-62 was read in its entirety.

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to adopt Resolution No. 04-62.

Mrs. Ponder announced the City of Palmetto's 2004 tentative millage rate of 5.1645 and tentative budget would again be open to public comment at a public hearing scheduled for October 4, 2004 beginning at 7:00.

4. PUBLIC HEARING - ORDINANCE NO. 04-817

Ordinance No. 04-817 was read by title.

AN ORDINANCE OF THE CITY COMMISSION 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).

Ms. McCann informed the Commission the property is a home located in the historic district that abuts an office district. The owner applied for the rezoning so the property could be used as

office space, which will be occupied by the CRA. Parking has been addressed through an agreement with Manatee River Bank. While the Historic Preservation Board does not have the authority to review the rezoning, it supports the planned use of the property.

Mayor Bustle opened the public hearing. Mayor Bustle closed the public hearing after no public comment.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 04-817.

5. PUBLIC HEARING - ORDINANCE NO. 04-819

Ordinance No. 04-819 was read by title.

AN ORDINANCE OF THE CITY COMMISSION 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)

Mayor Bustle opened the public hearing. Ms. McCann requested the hearing be continued to October 18, 2004.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 5-0 to continue the public hearing to October 18, 2004.

6. PUBLIC HEARING - ORDINANCE NO. 04-820

Ordinance No. 04-820 was read by title.

AN ORDINANCE OF THE CITY COMMISSION 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).

Mayor Bustle opened the public hearing.

Mike Miller, President of Waterford Companies of Venice, Florida, introduced Elaine Miller Sanchez, Waterford Design Group, who narrated a video of the concept of the proposed development. She highlighted the following features of the development:

- Preservation of existing landscape as much possible
- Two wings and a central amenity feature constructed around a central lake, which will be constructed in two phases
- Two parking spaces per unit
- Gated entry with a water feature; two entry locations from Haben Blvd.

Ms. McCann confirmed the police and fire officials have reviewed the site plan; as part of the DRC review, fire officials have signed off on the plan. Emergency personnel will have access through the gated entry. Public Works has requested a fence not be located along the drainage ditch to allow for maintenance. The development has met the City's code regarding tree mitigation.

Ms. McCann also stated a traffic study was not performed because one was conducted and approved during the DRI process. Also part of the DRI was the donation of Parcel #4 to the City for the reconfiguration of Haben Blvd., which will be dedicated when the condominium plat is recorded.

Ms. McCann informed the Commission the Riviera Dunes DRI ends in 2005 and there are plans to request a five-year extension. As part of the approval process for The Palms' general development plan, a time limit has been placed on the project and has been agreed to by the developer. The developer must have approved construction drawings no later than two years prior to the expiration of the DRI. If the deadline is not met by the developer, the approval process must begin anew.

The Commission discussed the plan, inquiring about the timing of the project, the prices of the units and steps the developer can take to alleviate potential problems with surrounding neighbors. The developer agreed to meet with staff to locate and develop a site on the property to allow for City vehicles maintaining the drainage ditch and to ensure maneuverability of fire department vehicles.

Mayor Bustle closed the public meeting.

MOTION: Mr. Williams moved, Ms. Varnadore seconded and motion carried 5-0 to adopt Ordinance No. 04-820, to approve conditions set by the DRC, the dedication of Parcel #4 and the rendering of The Palms at Riviera Dunes.

7. CANVASSING BOARD REPORT

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and certify the August 31 2004 Canvassing Board Report.

8. RESOLUTION NO. 04-59

Waste Management budget amendments.

A RESOLUTION OF THE CITY COMMISSION 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 5-0 to adopt Resolution No. 04-59.

9. RESOLUTION NO. 04-60

Budget amendment for reimbursement of zoning and building engineering fees and North River Fire central store issues.

A RESOLUTION OF THE CITY COMMISSION 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 5-0 to adopt Resolution No. 04-60.

10. RESOLUTION NO. 04-65

Budget amendment for underestimated attorney fees.

A RESOLUTION OF THE CITY COMMISSION 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 5-0 to adopt Resolution No. 04-65.

11. RESOLUTION NO. 04-66

Budget amendment for installation of the audio system in Commission Chambers

A RESOLUTION OF THE CITY COMMISSION 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 5-0 to adopt Resolution No. 04-66.

12. 1st READING & ADVERTISING APPROVAL - ORDINANCE NO. 04-823

Ordinance No. 04-823 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, AMENDING CHAPTER 22, PERSONNEL, ARTICLE V, POLICE OFFICERS' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-173, BOARD OF TRUSTEES; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 04-823 for advertising and schedule a public hearing October 4, 2004.

13. 1st READING & ADVERTISING APPROVAL -ORDINANCE NO. 04-824

Ordinance No. 04-824 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO CHAPTER 19, ARTICLE IV, SECTIONS 19-177 AND 19-178 OF THE CITY CODE OF ORDINANCES PERTAINING TO SPECIAL FUNCTION PERMITS; CREATING CHAPTER 19, ARTICLE IV, SECTION 19-180 EXEMPTING CERTAIN CITY FACILITY RENTALS FROM THE SPECIAL FUNCTION PERMIT REQUIREMENT; PROVIDING FOR REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 04-824 for advertising and schedule a public hearing October 4, 2004.

14. MAYOR'S APPOINTMENT TO OUTSIDE ORGANIZATION

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to approve Mayor's Bustle's appointment of Tambra Varnadore to the 4-H Foundations' Board of Directors.

15. DEPARTMENT HEADS' COMMENTS

Mr. Lukowiak

Advised the Commission DEP has indicated additional testing of the contaminated area at the police department site will have to be performed by the City. The topic will be placed on the September 20, 2004 agenda.

Mr. Free

Constructions sites were visited before the recent storm to ensure precautions had been taken to secure construction materials. The Building Department also spent the better part of a day contacting contractors advising them of the need to secure their sites. Mr. Lukowiak confirmed the sites he visited had been secured against the wind. Mr. Williams commented on the need to also secure port-o-lets.

Reported the fiscal year 2004-2005 budget is in the final stages of completion. Budget resolutions will be forthcoming regarding the Cody & Associates wage adjustments, worker's compensation and the salary expenses associated with the recent hurricanes. After the administrative changes to the budget have been completed, the CIP will be updated and distributed.

Attorney Hall

Commented on the City's code requiring a special exception by the Commission to allow private streets in a subdivision. Suggested standards and requirements addressing gated communities should be developed.

16. MAYOR'S REPORT

Commended Ms. McCann on the information she provided during the general development plan presentation.

Commented on the positive relationship between the Manatee Emergency Operations Center and the Palmetto Emergency Operations Center. He spoke of the experience the MECO gained from Hurricane Charley. He congratulated the PEOC on its performance.

Commented on the fact the City's code needs to be reviewed and repaired.

Regarding the water, sewer and reuse rate study, suggested the commercial accounts, who will experience the largest impact, should be contacted to ensure they are aware of when the public hearings will be held.

17. COMMISSIONER'S COMMENTS

Mrs. Lancaster

Welcomed Ms. Varnadore to the Commission.

Commended the Public Works Department on the aid they provided Arcadia and thanked Mr. Lukowiak for keeping her informed during the storms.

Inquired if certain contractors are allowed in the City. Mr. Lukowiak explained contractors who provide required documentation and secure an occupational license may work in the City. He further informed the Commission that the City does not have a list of recommended contractors.

The Youth Center is going to have a program aimed at voter registration September 25, 2004. Chief Lowe has been in contact with the organization regarding security.

Ms. Cornwell

Welcomed Ms. Varnadore to the Commission.

Stated her belief the City must be proactive in finding a site for a new facility and begin projections of when a move might occur.

During Hurricane Charley, Lincoln Middle School experienced some problems. She inquired who is responsible for the site and who should be contacted. Mayor Bustle and Mr. Lukowiak agreed the School Board is responsible for maintaining the property. Mr. Lukowiak stated he would try to find her the name of a contact. She stated that LMS had been designated as a pet shelter and the section was very calm.

Commented on the 7th Street construction. Mr. Lukowiak stated they had experienced delays; potable water is finished and the contractor has started the sewer and side streets.

Ms. Varnadore

Stated she is happy to be a part of the Commission and looks forward to working with the everyone.

Mr. Williams

Welcomed Ms. Varnadore to the Commission.

Commended Ms. McCann's information provided for the general development plan presentation.

Commended the Public Works Department's aid to Arcadia. Thanked Mr. Lukowiak for the information provided the Commission during the storm.

Commented on the water, sewer & reuse rates slated for October 1, 2004 implementation. Mr. Free stated the budget would be adjusted when the ordinance has been finalized.

Referring to the letter regarding boat docks, he stated he would like more information on the subject.

Mr. Williams suggested Commission should receive a list of ordinances so they can decide which ordinances should be reviewed. Mayor Bustle stated he will bring back a proposal of what needs to be done. Ms. McCann stated an RFP is being prepared for review of the Land Development Code, after which the ordinances should be done. A list is being prepared by the attorney and Ms. McCann regarding ordinances that need review in the planning and zoning area. Mayor Bustle suggested a committee could be formed to address the task.

Mayor Bustle informed Council a Career Day for the employees of the City would soon be held. Employees will tour the Historical Park and take part in a sensitivity training class.

Mr. Ball

Welcomed Ms. Varnadore to the Commission.

Congratulated the Public Works Department for the aid they provided Arcadia, stating they had made a huge difference in the city. He stated Palmetto should be proud of the quality of its infrastructure.

Reported he had been meeting with the supervisors of the Public Works Department and the Parks Department.

Volunteered to be the liaison to the EZDA.

Commented on a letter he had read and the rumors of the return of the charter government issue. Mayor Bustle stated that as long as the ACCORD is in effect there is no issue. Mr. Ball suggested it is time the City research impact fees. Mr. Free advised an RFP is being created to look at impact fees.

Reported the Historical Commission was very grateful for the way the City prepared the buildings in the Historical Park for the storm.

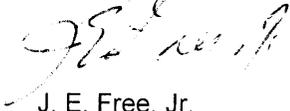
The biggest complaint he has received has been from the businesses regarding solid waste fees. Stated the City must give the businesses an opportunity to plan for a rise in future costs.

The Rummage Sale is still slated for September 25, 2004.

Mayor Bustle reported he has been attending the Florida League of Cities' Legislative Meeting.

Meeting adjourned at 9:35 pm.

Minutes approved: October 4, 2004



J. E. Free, Jr.
City Clerk