

Palmetto City Commission
December 20, 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:

Jim Dye, Attorney
J. E. Free, Jr., City Clerk
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Jessica McCann, City Planner
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:05 p.m.

Brian Bustle, Headmaster of Palmetto Christian School, gave the invocation followed by the Pledge of Allegiance to the United States Flag. Members of the Church on the Rock AWANA Group, led by Rev. Steve Bolles, Children's Minister, presented a medley of Christmas music. Participants were David Bolles, Jonathan Bolles, Mariah Bolles, Daniel Bolles, Tommy Bolles, Mikala Bolles, Sierra Bustle, Sarah Cole, Beka Cole, Caleb Cole, Brandy Ward, Stephanie Kelley, Zoe Arnold and Cory Bolles.

PUBLIC COMMENT:

Ron Gill, 905 25th Ave. W. asked Commission to consider an ordinance that would allow for a structure such as a boat lift cover to be built on boat docks.

1. AGENDA APPROVAL

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the December 20, 2004 7:00 pm agenda, deferring item #9, Manhole Sealing Contract, until January 10, 2005.

2. CONSENT AGENDA

- A) Minutes: December 6, 2004 Workshop and Commission meeting
- B) November 2004 Check Register
- C) November 2004 Attorney Billing

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

3. PUBLIC HEARING - ORDINANCE NO. 04-832

Ordinance No. 04-832 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEAL OF CHAPTER 29, "UTILITIES", ARTICLE I, "IN GENERAL"; PROVIDING FOR REPEAL OF CHAPTER 29, "UTILITIES", ARTICLE II, "MASTER UTILITY SYSTEM REGULATIONS"; CREATING A NEW CHAPTER 29, "UTILITIES", ARTICLE I, "MASTER UTILITY SYSTEM REGULATIONS", SECTIONS 29-1 THROUGH 29-43; PROVIDING FOR DEFINITIONS; PROVIDING A SCOPE

OF APPLICABILITY; PROVIDING FOR A RIGHT OF ENTRY; PROVIDING FOR NON-LIABILITY OF CITY FOR DAMAGE; PROVIDING AUTHORITY TO THE CITY COMMISSION TO ESTABLISH REGULATIONS, STANDARDS, AND SPECIFICATIONS; PROVIDING FOR COMPLIANCE WITH TECHNICAL PROVISIONS; PROVIDING THAT CONNECTION BE REQUIRED FOR CERTAIN BUILDINGS; PROVIDING FOR PAYMENT OF CONNECTION CHARGES PRIOR TO ISSUANCE OF A BUILDING PERMIT; PROVIDING AN APPLICATION PROCEDURE FOR SERVICE AND ACCOUNTS; PROVIDING FOR ANNEXATION AND INSPECTION OF PREMISES OUTSIDE THE CITY; REQUIRING METERS; PROVIDING THAT THE CITY SHALL DETERMINE AND AUTHORIZE THE APPROPRIATE METER SIZE; PROVIDING RESPONSIBILITY FOR DAMAGE TO METERS; PROHIBITING UNLAWFUL CONNECTIONS; PROHIBITING UNAUTHORIZED CONNECTION, DISCONNECTION, REPAIR OR REPLACEMENT OF EQUIPMENT; PROHIBITING DAMAGE AND TRESPASS OF EQUIPMENT OR PREMISES; PROVIDING THAT USE IS ASSUMED IF PREMISES ARE CONNECTED; REQUIRING AN OWNER SHUTOFF VALVE FOR PREMISES UNDER CONSTRUCTION; PROVIDING FOR MAINTENANCE OF CONNECTIONS AND EQUIPMENT BY CUSTOMER; PROHIBITING THE SALE OF SERVICE BY A CUSTOMER; PROVIDING THE CITY WITH AUTHORITY TO RESTRICT USE; RESERVING TO THE CITY THE RIGHT TO TEMPORARILY INTERRUPT SERVICE; PROHIBITING NON-SANITARY WASTES IN SANITARY SEWERS; PROHIBITING THE UNAUTHORIZED DISCHARGE OF INDUSTRIAL WASTE INTO THE SANITARY SEWAGE SYSTEM; PROVIDING AUTHORITY TO REQUIRE PRETREATMENT FACILITIES; PROVIDING FOR INDIVIDUAL PRIVATE SEWAGE TREATMENT FACILITIES; PROVIDING FOR LIMITED USE OF PRIVATE WELLS; AUTHORIZING TERMINATION OF SERVICE; PROVIDING A SCHEDULE FOR METER DEPOSITS; PROVIDING FOR TRANSFER OF ACCOUNTS AND DEPOSITS; PROVIDING A SCHEDULE OF CONNECTION CHARGES; PROVIDING A SCHEDULE OF FIRE SYSTEM CONNECTION CHARGES; PROVIDING A SCHEDULE OF MONTHLY CHARGES FOR POTABLE WATER; PROVIDING A SCHEDULE OF MONTHLY CHARGES FOR SEWER; PROVIDING A "BASE FACILITY FEE" FOR STRUCTURES NOT CONNECTED TO AVAILABLE WATER AND SEWER SERVICE; MANDATING CONNECTION TO POTABLE WATER, SANITARY SEWER AND REUSE WATER SYSTEMS WHERE AVAILABLE; PROVIDING FOR VOLUNTARY DISCONTINUANCE OF SERVICE; PROVIDING THAT PAYMENT SHALL BE DUE TWENTY (20) DAYS FOLLOWING THE DATE OF A BILL FOR SERVICES; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A DELINQUENCY NOTICE FOLLOWING DISCONNECTION; PROVIDING FOR RECONNECTION AFTER DISCONTINUANCE; PROVIDING ADDITIONAL REMEDIES; PROVIDING FOR SPECIAL SERVICE CHARGES; PROVIDING AN EFFECTIVE DATE OF DECEMBER 1, 2004, FOR RATES, CHARGES AND FEES; PROVIDING FOR APPLICABILITY, RATIFICATION, PRESERVATION AND RESERVATION OF RIGHTS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing.

Phil Houk, 119 Capri, Tropic Isles, spoke to Commission regarding the \$6 fee placed on every meter after the first unit, including the vacant lots. He questioned why the fee was in place when the City did not maintain the system inside the Tropic Isles Mobile Home Park. Mr. Lukowiak informed Commission his staff had met with Mr. Houk regarding the issue. He also related that an error in the solid waste bill had been identified and corrected by the City. Mr. Houk was advised the City would evaluate the situation and contact him.

Mayor Bustle closed the public hearing.

In response to Commissioner Lancaster's question regarding the removal of obstructions to assure accurate readings, Mr. Tusing explained the language gives the City the right to remove

objects that prevent the meter readers accessing the meter box, i.e. the City has the right to secure service to tow an automobile blocking access to a meter box.

Commissioner Lancaster also questioned the \$15 per hour account research fee. Mr. Free informed the Commission he was not aware of the fee being charged during his tenure. It was consensus of the Commission to strike the charge from the ordinance.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 04-832 as amended by removing the account research fee.

Mr. Ball suggested including information in the City's newsletter on how the rates are developed and how they are meant to assist the City in recovering expenses associated with the water distribution system.

4. PUBLIC HEARING - ORDINANCE NO. 04-833
Ordinance No. 04-833 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING THE CITY CODE OF ORDINANCES BY ADDING SUBSECTION 15-20(I) TO CHAPTER 15, SOLID WASTE; PROVIDING THAT INCREASES IN RATES, FEES AND CHARGES FOR THE DISPOSAL OF SOLID WASTE AT THE COUNTY LANDFILL SHALL BE PASSED DIRECTLY THROUGH TO CUSTOMERS OF THE CITY'S SOLID WASTE COLLECTION SERVICE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 5-0 to adopt Ordinance No. 04-833.

MOTION: Mr. Williams moved to authorize a rate increase for residential and commercial solid waste customers. The motion died for lack of a second.

MOTION: Mr. Ball moved, Ms. Cornwell seconded to authorize a rate increase for commercial solid waste customers.

Ms. Varnadore stated her opinion that commercial customers have been hit hard enough with recent water and solid waste rate increases. Mayor Bustle opined commercial customers create the largest amount of waste and should pay an equitable pro rata share.

Mr. Free explained residential customers are charged \$10 and it costs the City \$9.17 per month for residential solid waste disposal; the City will not experience a deficit in residential fees. Mr. Williams suggested the City could absorb some of the cost of the residential and commercial rate increase because of the excess residential revenue which is not refunded to residential customers. If the City does not pass through the landfill tippage fee increase to commercial customers, it will cost the City \$1,347 per month. The pass through fee increase will be based on an increase of 12 cents per yard for a one-yard dumpster picked up once a week. Commission discussed the issue. Mayor Bustle opined the City had negotiated the contract with Waste Management, which included a freeze of monthly rates; one year for residential and two years for commercial customers.

The motion on the floor carried 3-2. Ms. Varnadore and Mr. Williams voted no.

5. VILLAGE OF THE PALMS FINAL PLAT APPROVAL

Manatee County Habitat for Humanity, Inc. final plat for a subdivision named Village of the Palms to be located between 11th St. Dr. W. and 12th St. Dr. W., consisting of 34-single family homes.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve the Village of the Palms final plat, approve the surety provided by the applicant and authorize the Mayor to execute the agreement in conjunction with the surety provided.

6. PALMETTO PLANTATION FINAL PLAT APPROVAL

Birch Development Enterprises, LLC final plat for a subdivision named Palmetto Plantation to be located in the 1300 block on the east side of 24th Ave W., consisting of 18-single family homes.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve the Palmetto Plantation final plat, approve the surety provided by the applicant and authorize the Mayor to execute the agreement in conjunction with the surety provided.

7. FORFEITURE CASE SETTLEMENT

MOTION: Ms. Varnadore moved, Mr. Williams seconded and motion carried 5-0 to approve and authorize the Mayor to execute the forfeiture proceeding with Paul Grantland, not to exceed \$1,300.

8. MEDICAL INSURANCE

Mr. Free informed the Commission the proposed network of providers had been supplied to the employees and any doctors employees indicate are not on the plan would be contacted regarding entry into the network; the major difference between the proposed and current plans is a new 12/15 coverage period; there will be no increase in employees' monthly premiums.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to authorize the Mayor to execute a one-year contract with SIP/GE for employee medical insurance based on rates in their proposal delivered December 3, 2004, for 125 insured employees, including 28 with dependents, at a cost not to exceed an estimated \$1,017,060, and a one-year contract with GE for life insurance at our current rates.

9. US 41/301 WIDENING PROJECT

Tanya Lukowiak, Grants Coordinator, informed Commission that to continue to draw funding from a \$750,000 CDBG Grant and to secure funding for the 7th Street signalization, the city must complete the design and construction of the north-bound through lane, which cost is in excess of the CDBG Grant. CRA is proposing to fund the necessary engineering work to complete the project.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to authorize the CRA to fund the completion of the engineering for the US 41/301 Widening Project by ZNS in an amount not to exceed \$144,684.

10. HASKO ROAD TRANSFER

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to authorize the Mayor to execute the Agreement Between the County of Manatee, Florida, and the City of Palmetto, Florida, for the Transfer of Jurisdiction of Certain Public Roads, specifically Hasko Road.

11. IMPACT FEE CONSULTANT SELECTION

Mr. Lukowiak advised Commission a Request for Proposal was advertised to secure a consultant to perform the necessary research and public meetings to assist the City in developing an Impact Fee Ordinance to allow for growth to be funded by development rather than the General Fund. Five responses were received, three of which were reviewed and rated by a committee, resulting in the recommendation that Burton & Associates conduct the study. Mr. Free stated the study will encompass a diverse selection of impact fees. The Commission will be presented the study and will determine which impact fees will be developed.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Burton and Associates to perform an Impact Fee Study in an amount not to exceed \$51,000.

12. RESOLUTION NO. 04-82

Establishes a budget of \$1,200,000 for the 5th Street project.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 04-64, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2004-2005, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 5-0 to adopt Resolution No. 04-82.

13. RESOLUTION NO. 04-83

Establishes a \$1,200,000 budget for the 6th Street project.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 04-64, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2004-2005, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 04-83.

14. RESOLUTION NO. 04-85

Establishes a \$326,000 budget for the fiber optic ring project.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 04-64, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2004-2005, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 5-0 to adopt Resolution No. 04-85.

15. RESOLUTION NO. 04-84

Establishes a budget of \$11,800 for JEA to modify the Reclaimed Water Groundwater Monitoring Plan

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 04-64, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2004-2005, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 04-84.

16. 2005 APPOINTMENTS

A) 2005 City Board Appointments

MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 5-0 to approve the 2005 Appointments to City Boards as presented.

B) Department Head Appointments

MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 5-0 to approve the appointment of J. E. Free, Jr., as City Clerk, Garry Lowe, as Chief of Police, and Chris Lukowiak as Public Works Director, for a term beginning January 2005 and ending with the November 2008 election.

C) City Attorney Appointment

MOTION: Motion to approve the appointment of Dye, Deitrich, Prather, Petruff & St. Paul, PL, as City Attorney for a one-year term beginning January 2005.

17. 1ST READING & ADVERTISING APPROVAL - ORDINANCE NO. 04-821

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING CHAPTER 26, ARTICLE III, SECTION 26-8 OF THE CITY OF PALMETTO CODE OF ORDINANCES PERTAINING TO LAND USE AND DEVELOPMENT FEES; CREATING ARTICLE 18, SECTION 18-1 OF THE ZONING CODE OF THE CITY OF PALMETTO CODE OF ORDINANCES PERTAINING TO LAND USE AND DEVELOPMENT FEES; PROVIDING AUTHORITY FOR ESTABLISHMENT OF A REVISED SCHEDULE OF LAND USE AND DEVELOPMENT FEES; PROVIDING FOR AMENDMENT OF THE FEE SCHEDULE BY RESOLUTION; PROVIDING FOR REPEAL OF ORDINANCES AND OF RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 04-821 for advertising and schedule a public hearing January 10, 2005.

18. DEPARTMENT HEADS' COMMENTS

Mr. Lukowiak

Mr. Lukowiak stated his meeting with Mr. Houk regarding the master utility ordinance lasted approximately two hours. He will meet with him again to further discuss his concerns regarding the fee for the individual meters inside Tropic Isles.

Mr. Lukowiak informed the Commission he will be taking the Public Works Department's twelve Employees of the Month to lunch. An Employee of the Year will be presented to the Commission in January.

Mr. Lukowiak thanked the Mayor and Commission for his appointment.

Mr. Free

Mr. Free expressed appreciation to the Mayor and Commission for their confidence in appointing the department heads to a four-year term. He reminded the Mayor and Commission he did not expect to fulfill the entire term and would work diligently in finding a suitable replacement.

Chief Lowe

Chief Lowe thanked the Mayor and Commission for his appointment.

Jim Dye, Attorney

Mr. Dye advised the Commission a settlement offer regarding the Thom Brown v. City of Palmetto litigation has been received. A shade meeting to discuss the litigation was scheduled for 6:00 pm, January 10, 2005.

Mr. Dye thanked the Mayor and Commission for the one-year appointment of Dye, Deitrich, Prather, Petruff & St. Paul as the City Attorney.

19. MAYOR'S COMMENTS

Mayor Bustle informed the Commission a suggestion had been made at the Palmetto Historical Commission meeting regarding the possibility of members of the Commission being granted a discounted rental fee for use of the buildings in the Palmetto Historical Park. The Commission debated the concept of the free/reduced fee with no resolution. As liaison to the Palmetto Historical Commission, Mr. Ball will take the issue to the next meeting and bring a more definitive proposal back to the City Commission in January.

Mayor Bustle informed the Commission Manatee River Fair Association has requested reserved parking from 17th Street to Gate 5 along 13th Avenue, of which four would be earmarked for the City. Commission concurred and requested five spaces be designated as City of Palmetto parking.

20. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Mrs. Lancaster congratulated the department heads on their appointments.

Questioned when the engineering phase of the Ward 1 project would be completed. Mr. Lukowiak stated he would advise the Commission on the status of the project.

Congratulated Mayor Bustle on the fine job he was doing.

Ms. Cornwell

Ms. Cornwell reminded staff she was on vacation and could not receive e-mails.

Asked Public Works to confirm records are being maintained of when the silt-boxes are cleaned; the City had to dredge a canal because maintenance records were not maintained.

Requested the 4:00 workshop meetings have a time certain 6:00 pm end. The Commission discussed the topic, with a suggestion that items not completed at the workshop be carried forward to the 7:00 meeting or return to meeting every Monday night. It was suggested the Commission strive to finish by 6:00 pm or use parliamentary power to end debate or conclude the meeting at 6:00 pm.

Inquired if the roads and curbs issue is complete. Mr. Lukowiak informed the Commission a quote was being prepared for 20th Avenue, specifically 5th Street through 7th Street. Several options will be presented to the Commission.

Congratulated the appointees on their appointments.

Informed the Commission she would be moving within the City limits, off 17th Street.

Ms. Varnadore

Ms. Varnadore congratulated the department heads, stating they were doing an excellent job.

Requested a block for Procedures/Public Interest be added to the newsletter.

Requested that all exhibits accompany items contained in the agenda packet.

Mr. Williams

Mr. Williams suggested the dais could be altered by removing the old speakers to lower the monitors.

Congratulated the department heads on their appointments.

Recognized Joyce and Martin Lawson for their attendance at each Commission meeting.

Commented on the very valuable information gathered during the riverfront charettes.

Mr. Ball

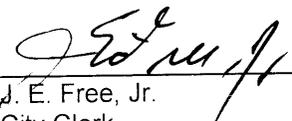
Mr. Ball explained he was unable to print the resume of Neal Woolson, his appointment to the Personnel Board, and instead gave a brief biographical sketch.

Inquired the status of the historical period lights being installed. Mr. Lukowiak informed the Commission additional quotes had been obtained; the lights would be installed at a cheaper price and should be completed in the near future.

Congratulated the appointees on their appointments. He voiced his appreciation of the staff he had known the longest, stating they epitomize the Palmetto community and what people appreciate in the City.

Meeting adjourned at 9:15 pm.

Minutes approved: January 10, 2005



J. E. Free, Jr.
City Clerk