

Palmetto City Commission
December 6, 2004 4:00 PM

Elected Officials present:

Larry Bustle, Mayor
Tamara Cornwell, Vice Mayor
Eric Ball, Commissioner
Brian Williams, Commissioner

Elected Officials absent:

Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner

Staff and others present:

Michele S. Hall, 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 4:00 pm. A moment of silence for overseas military personnel was observed, followed by the Pledge of Allegiance

1. AGENDA APPROVAL

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 3-0 to approve the December 6, 2004 4:00 pm agenda.

2. MASTER UTILITY ORDINANCE

Commission discussed language contained in Section 29-33(b)(3) as it pertains to the automatic pass through of any Manatee County rate increases. Mayor Bustle suggested the Commission should be allowed the discretion to pass through any rate increases rather than it be an automatic action. Mr. Ball stated the same issue applies to the proposed ordinance regarding the increase in the landfill tipping rates. It was consensus of the Commission to incorporate a version of the following language to Master Utility Ordinance 04-832 and proposed ordinance 04-833 as suggested by Attorney Hall:

The pass through will happen automatically unless there is a finding by consensus of the Commission that an increase is unreasonable or impractical.

Mr. Ball asked for clarification of Section 29-7 concerning a tenant being responsible for connecting a structure to the City's infrastructure. Mr. Free stated a tenant or occupant could be affected by the section because of rights the City has bestowed upon a tenant or occupant, but the ultimate responsibility will lie with the owner.

3. LAND VACATION POLICY

Mr. Lukowiak explained the proposed Vacation of Streets, Alleys, Easements, Right-of-Ways or Canals was developed as a result of Commission's request for a policy before concluding the application for vacation from Mr. John Fogarty. Also at Commission's request, Attorney Hall advised that the City can lawfully issue a fence permit without relinquishing the property.

Mr. Lukowiak discussed the fact the City's Comp Plan contains Policy 2.10.3 governing vacations, and suggested the additionally proposed policy could be used as an administrative

procedure/guideline for staff to consult when considering vacation applications. Mayor Bustle agreed that Policy 2.10.3 is straightforward and may not need to be altered.

Ms. Cornwell inquired if the city could sell the alleyway associated with Mr. Fogarty's application without declaring the property surplus and going through the bid process, which is not permitted under the City's code. Commission discussed the land vacation and surplus property processes. Attorney Hall will research if the City can develop an ordinance allowing for the vacation of platted, undeveloped right-of-way, giving first right of refusal to abutting property owners. Attorney Hall further explained that if property is vacated, by operation of law, the property is split between the two abutting property owners. Mr. Ball inquired if a property owner can refuse a piece of vacated property. Attorney Hall replied that by operation of law it accedes to the property owner. Mr. Ball again stated his belief if one piece is vacated the entire alley should be vacated.

It was consensus of the Commission to accept and approve the Vacation of Streets, Alleys, Easements, Right-of-Ways or Canals as an Administrative Policy.

4. LAND USE FEES

Mr. Lukowiak advised staff was seeking approval of the proposed ordinance that will allow establishing land use fees by resolution. Commission amended the language by changing "City Planner" to "City Staff" in Chapter 26, Article III, Section 26-8(a) and Article 18m, Section 18-1 (a) of the Zoning Code.

Mr. Williams expressed his opinion the DRC Review or Meeting \$300 initial review fee was too low when compared to the DRC Pre-application Meeting \$300 fee when factoring the proposed staff involvement. Staff will supply Commission the survey made of surrounding municipalities prior to proposing fees in resolution form.

5. OTHER DISCUSSION

Mayor Bustle referred to Mayor SueLynn's letter to Commissioner von Hahmann. Mayor Bustle stated he will keep the Commission informed of developments regarding the ACCORD and the charter county government issue.

Mr. Williams inquired the status of the seawall issue at Riverside Park. Mr. Lukowiak informed the Commission FEMA has been provided a quote to repair the seawall, but in the meantime Public Works has corrected any safety issues and Riverside Park is open to the public.

Mr. Williams informed the Commission he had suggested to Mrs. Lukowiak that a presentation of the charette being held December 13 and 14, 2004 should be made to the Commission at its December 20, 2004 meeting. Mayor Bustle informed the Commissioners they would receive the results of the study, but he would speak with Mrs. Lukowiak about a presentation.

Meeting adjourned at 5:15 pm.

Minutes approved: December 20, 2004


J. E. Free, Jr.
City Clerk