

**Palmetto City Commission**  
**January 10, 2005 - 7:00 P.M.**

**Elected Officials Present:**

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

**Staff and Others Present:**

J.E. Free, Jr., City Clerk  
Captain Clyde Hedrick  
Chris Lukowiak, Public Works Director  
Jessica McCann, City Planner  
Michele Hall, City Attorney  
Deanna Roberts, Administrative Assistant

Mayor Bustle opened the meeting at 7:00 p.m.

Pastor Tad Mathews of the Church on the Rock delivered the invocation followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle recognized members of Boy Scout Troop 32 who were observing the meeting as part of the requirement for Citizenship and the Community merit badges. They were accompanied by Scoutmaster Ken Boehle and Ms. Sheila Walker.

Judge Robert Boylston administered the Oath of Office to Mayor Larry Bustle, At-Large Commissioner Tamara Cornwell and At-Large Commissioner Eric Ball.

Mayor Bustle announced that the recognition for Lupe Cantu, Public Works Employee of the Year, had been done at the 4:00 p.m. commission meeting.

**Public Comment**

Ann Marshall addressed the commission. She advised commissioners that she and several other people came January 3 for the regularly scheduled meeting. The meeting had been rescheduled and she felt the public had not been adequately notified.

She told commissioners she is disheartened; she feels that we are losing the sense of community in Palmetto. Mayor Bustle had brought forward a proposal at the December 20 meeting about members of the Palmetto Historical Commission (PHC) being granted a discounted rental fee for use of the buildings at the Palmetto Historical Park. In the past, members of the PHC were not charged a fee for the use of the park. The city commission seems more concerned about money than about honoring the people who have served the community. She said the discussion was not noticed as being on the December 20 agenda.

Commissioner Varnadore informed Ms. Marshall that the discussion came up under Mayor's Comments and was not an agenda item. She was not aware of the problem in advance and looks forward to a more formal presentation to commission regarding fees.

Commissioner Ball said he is in favor of waiving the fee, especially in cases where people have put time and work into the park. He is the city liaison to the PHC and will discuss it at their next meeting and bring back comments and proposals to the city commission.

Brian Williams said the fee secures the park. You can still use the park without paying fees as long as it is available. That's what has happened in the past. The fees currently in effect were reviewed by, and agreed to, by the PHC.

Mayor Bustle said this will be reviewed. Commissioner Ball will represent the city at the PHC meeting and a proposal will be brought forward to commission for a vote.

### **1. AGENDA APPROVAL**

**MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the January 10, 2005, 7:00 p.m. agenda.**

### **2. CONSENT AGENDA**

**MOTION: Mrs. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the Consent Agenda with the addition of the requirement that the city must be added as an additional insured on the Big Brothers/Big Sisters Special Function Permit.**

Discussion: Commissioner Ball wanted to know if there is a fee to close roads for the Vintage Car Show. Mr. Lukowiak will check and let him know.

### **3. PUBLIC HEARING - 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.

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

**MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 04-821.**

### **4. RESOLUTION NO. 05-01**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; ESTABLISHING AND PROVIDING A SCHEDULE OF LAND USE AND DEVELOPMENT FEES; SUPERSEDING RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Discussion: Mrs. Varnadore stated that applicants need to be made aware of any potential legal fees. In the past the city has absorbed these fees. Attorney Michele Hall said they could be advised that "legal fees may be incurred up to \$1,000" (as an example). She further said it would be appropriate for the planning department to develop an administrative procedure and post it on the application. Mr. Free said we currently give notice to applicants that they will be responsible for engineering fees, and the city will do the same for legal fees.

Mr. Williams said the resolution states that the applicant will be responsible for required advertising, posting and mailing of notices. He questioned how applicants will know what needs to be advertised and how the city will know they have conformed to all requirements. Mrs. Hall said the applicant will be provided contents of the notices by Jessica McCann, City Planner, and applicant must provide an affidavit of proof of publication of notices. This also relieves the city of some of the responsibility of errors made by the Bradenton Herald. Jessica McCann said meetings can take place as long as she is given affidavits. In answer to Mr. Williams other concerns, Mrs. Hall said there are also affidavits for mailings and sign postings.

Mrs. Lancaster said this responsibility has already been passed on to applicants in other cities, including Bradenton.

**MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Ordinance No. 05-01.**

**5. VEOLIA WATER NORTH AMERICA OPERATING SERVICES AGREEMENT FOR WASTEWATER TREATMENT FACILITY OPERATIONS (Chris Lukowiak)**

**Motion: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Agreement for Operations, Maintenance and Management Services for the City of Palmetto Wastewater Facility and Lift Stations.**

**6. 1st READING & ADVERTISING APPROVAL - ORDINANCE NO. 05-834**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A GENERAL DEVELOPMENT PLAN FOR THE PARCEL LOCATED NORTH OF 26TH STREET WEST AND HOLY CROSS CATHOLIC CHURCH, SOUTH OF LEISURE LAKES, EAST OF LEISURE LAKES AND WEST OF US 41; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 0405 Diocese of Venice, PID #2421900008, approx. 8.28 acres)

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 05-834 for advertising and schedule a public hearing for January 24, 2005.**

**7. 1st READING & ADVERTISING APPROVAL - ORDINANCE NO. 05-835**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A GENERAL DEVELOPMENT PLAN FOR THE PARCEL ON THE CORNER OF 7TH STREET EAST AND U.S. HIGHWAY 301; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 0406 Gilbert Waters, PID #2603600053, approx. 12.53 acres).

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 05-835 for advertising and schedule a public hearing January 24, 2005.**

**8. 1st READING & ADVERTISING APPROVAL - ORDINANCE NO. 05-836**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING CHAPTER VII, BUILDINGS AND BUILDING REGULATIONS; ARTICLE XI, MINIMUM MAINTENANCE STANDARDS AND GUIDELINES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 05-836 for advertising and schedule a public hearing January 24, 2005.

#### **9. 2005 APPOINTMENTS**

The nomination of Steve White and Rosa Smith to the Personnel Board came before commission. Mr. White is not a resident of the city and the question arose as to whether that is a requirement. There are members on other boards who are not residents. Mrs. Varnadore said she would like uniformity on the requirements for the boards. Mayor Bustle said that, without objection, the item will be researched by the clerk and brought back to commission at the January 24, 2005, meeting.

#### **10. ELECTION OF VICE MAYOR**

**MOTION:** Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to nominate and approve Brian Williams as Vice Mayor of the City Commission for 2005.

#### **11. DEPARTMENT HEADS' COMMENTS**

##### **Captain Hedrick**

Thanked the Mayor for all his support of his family during his recent illness. He said he's happy to be back and was also grateful for all the support from the police department.

Ann Marshall stepped forward to thank the police department for fast action in locating a missing eight-year-old boy. Capt. Hedrick said the department used reverse 911 to alert the community, and with the assistance of the sheriff's department the issue was resolved within nine hours.

##### **Jim Free, City Clerk**

Advised commission he had a meeting with Supervisor of Elections Bob Sweat regarding ordinances that have been passed by the state legislature. The ordinances will impact the City of Palmetto in the 2005 election. Two issues arise; one is early voting, the other is voting machines for the blind. The city piggybacks off the county election, therefore state statutes apply. The city must establish, by ordinance, that it will either have no early voting or limited early voting. He will obtain samples of ordinances from Bob Sweat's office and the proposed ordinance will be on the January 24 agenda.

He advised commission that Bob Sweat will attend an elected officials meeting of the beach communities on January 19. Anyone wishing to get more information on the new state ordinances may attend. The county will not be able to accommodate early voting this year; it will have to be done in the city and the city will have to provide a voting machine that can be used by the blind.

Mr. Free said the meter readers and Code Enforcement will probably be returning to City Hall.

##### **Chris Lukowiak, Public Works Director**

He advised commission that Tanya Lukowiak, CRA Executive Director, would like to come before commission on January 24 with the consultant, to give an update on the Edenfield property. Mr. Free said he had been contacted and thought it was February 7, but he will check with her.

Regarding a curb quote he handed out to commission, the additional amount requested is \$90,522.25 for curbing everything with "D" Curb in the areas that the Westra project encompasses, as described on the attached handout.

Mrs. Lancaster asked if this was over and above the original price of the project. Mr. Lukowiak said yes. The original \$3.2 million did not include curbing. Mr. Lukowiak said this is a good estimate arrived at after a drive around the project to see where there is no curbing and what will need to be added. Mrs.

Varnadore stressed that she wanted credits negotiated for any curbing that was torn up during the road construction.

Mayor Bustle said since this is an estimate, commission could give Mr. Lukowiak permission to proceed with a "not to exceed" amount of \$100,000. He can make the value judgment of what curb needs to be replaced or added. However, the Mayor feels the curbing should be consistent. Most of the curb on 20<sup>th</sup> Avenue is Miami Curb, so it should all be Miami Curb and the side streets could be D Curb as most of it is now.

Ms. Cornwell said the work should be done for aesthetic, among other reasons. A lot of money has already been invested in the project, and this should not be ignored.

**MOTION: Brian Williams moved, Tamara Cornwell seconded and motion carried 5-0 to allow curbing to be put into the Westra project, as described in the handout from Public Works, in an amount not to exceed \$100,000.**

Mr. Lukowiak advised commission he will be out of the office on January 11, 2005, to discuss an award he won in Hernando County.

**Michele Hall, City Attorney**

Thanked the commission for reappointing Dye, Deitrich, Prather, Petruff & St. Paul as the city attorneys. She enjoys working with the city and invites constructive criticism from the commission.

**Mayor Bustle**

Attended a Tampa Bay Regional Planning Council (TBRPC) meeting on January 7, 2005. The guest speaker was Department of Community Affairs Secretary, Thaddeus Cohen. His talk was on proposed development changes that will affect the Development of Regional Impact (DRI) process. Decision making will be decentralized and fall more to the local level. The role of the TBRPC will be enhanced and limits the state to state issues. Commissioner von Hahmann is now the president of the TBRPC. Mayor Bustle has a CD of the Strategic Regional Policy Plan, the policy document the region will use for all development. He said Sen. Mike Bennett has been named chairman of the committee which will have oversight of the Department of Community Affairs. Sen. Bennett has been eager to be involved in this, as last year he tried to get through an amendment to the DRI process.

Mayor Bustle made an announcement that on January 11, the Student Advisory Committee of Palmetto High School is hosting a reception to welcome new principal, Debbie Valcarcel. The reception will be at the Mangrove Grill from 4:00 to 6:00 p.m. and the community is invited.

There will be a meeting of the Joint Planning Committee on February 7, 2005, at 2:00 p.m.

**Mary Lancaster**

Thanked the department heads for the good job they're doing and complimented the police department on the job it's doing. Asked Ms. Cornwell to make an announcement to students at Lincoln Middle School to get across the street at 301 and not play around; they tie up traffic and people are trying to get to work. Thanked the mayor for the good job he is doing.

**Tamara Cornwell**

Requested that the new system be used so that the audience can see all the pages of the agenda packet that the commission is seeing.

During the recent storms, a boat washed up against the railroad tracks. The city needs an ordinance for boats anchored in the city's right of way. The City of Bradenton and the City of Sarasota have ordinances dealing with derelict boats and Palmetto could look to their ordinances as a model.

Commissioner Ball agreed that the city needs an ordinance, and it needs to have minimum requirements, including current registration and proof of seaworthiness.

Commissioner Cornwell commented that she would like to see a joint plan between public transportation, the schools and local government to transport school choice students. Vouchers could be provided to students to use a fleet always in service (public transportation) as opposed to school buses which are not. This could potentially save taxpayer dollars.

**Tambra Varnadore**

Reminded everyone the county fair begins January 20. She encouraged all to attend and said it is possible this could be the last year it will be held in the City of Palmetto.

**Brian Williams**

Regarding the Charter proposed by the county, Mr. Williams urged all to attend the January 27, 2005, Elected Officials Roundtable at the Civic Center. The proposed Charter and The Accord will be discussed.

He thinks the City Commission may need to have independent meetings, as well as fund raisers to pay for any city action. He mentioned again the Joint Planning Committee on February 7, 2005, at 2:00 p.m. at Bradenton City Hall. He favors getting citizens to call the county commissioners and tell them we don't want charter government.

Mayor Bustle said the city can make up flyers or brochures regarding the city's position on the proposed charter and have them available at the fair booth. Mrs. Lancaster asked that the flyers advertising the meeting hosted by the CRA for Ward I residents also be available at the fair booth.

Mr. Williams advised City Commission that County Commissioner's McClash and von Hahmann will be at the Holmes Beach City Commission meeting on January 11. They will answer questions and try to better understand the island cities' view of the Charter issue to make sure that view is adequately represented.

**Eric Ball**

Recognized Alvarez Restaurant for its annual Christmas Day Dinner. He said it is a nice thing to do for the community. He is looking forward to riding in his first Martin Luther King, Jr. Parade on January 15.

Mayor Bustle thanked Troop 32 for coming and asked if they had any questions. There were none.

Meeting adjourned at 8:20 p.m.

Minutes approved: February 7, 2005

  
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J.E. Free, Jr., City Clerk