

Palmetto City Commission
January 24, 2005 7:00 PM

Elected Officials present:

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

Staff and others present:

Michele 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 7:05 p.m.

A moment of silence was observed for overseas military personnel, followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle presented a Proclamation to Manatee River Fair Association Board Members Mitchell John and Shirley Bryant declaring January 24, 2005 Fair Day in recognition of the 89th anniversary of the Manatee County Fair.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the January 24, 2005 agenda.

2. CONSENT AGENDA

A) December 2004 Attorney Billing

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

3. AMENDMENT OF CITY COMMISSION FEBRUARY MEETING SCHEDULE

MOTION: Mrs. Lancaster moved, Ms. Varnadore seconded and motion carried 5-0 to set the City Commission February meeting dates as February 7, 2005, and February 28, 2005.

Mrs. Ponder will bring and amended October meeting schedule to Commission at a subsequent meeting for approval.

4. PUBLIC HEARING - ORDINANCE NO. 05-834

Ordinance No. 05-834 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 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)

Mayor Bustle opened the public hearing.

Architect Marcos Ibarguen, representing the Diocese of Venice, briefly described the project. Holy Cross Manor, a three story building containing 68 units providing housing for the very low income elderly, will be located north 26th Street, adjacent to Holy Cross Catholic Church.

Mayor Bustle closed the public hearing.

Staff confirmed the setbacks of the project and confirmed residents of Leisure Lakes attended the Planning and Zoning meeting and voiced no concerns regarding the project.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to adopt Ordinance No. 05-834.

5. PUBLIC HEARING - 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).

Mayor Bustle opened the public hearing.

Staff informed Commission the Planning and Zoning Board continued their public hearing on the topic to February 4, 2005, and requests Commission continue their public hearing to February 28, 2005.

Mayor Bustle closed the public hearing.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 05-835 to February 28, 2005.

6. PUBLIC HEARING - 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.

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

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 05-836.

Mayor Bustle confirmed that prior to the adoption of Ordinance No. 05-836, minimum maintenance standards were limited only to the area of the City located within the CRA boundaries. Attorney Hall informed the Commission that because the City has adopted the Florida Building Code, if the City's code is less stringent than any State standards, the provisions of the City's minimum maintenance standards would be superseded.

7. 1st READING & ADVERTISING APPROVAL ORDINANCE NO. 05-837

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Katherine T. Williams, Bill Christopoulos, and Dean Christopoulos, AN0501, PID #293600259, 2934900059, 2934800059, 2936300159, 2936700000, 2936300108; approximately 1.6857 acres).

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 05-837 for advertising and schedule a public hearing February 28, 2005.

Mr. Williams discussed the need to ensure property annexing into the City is compliant with City codes, and questioned if staff had inspected the property. Ms. Cornwell questioned if the discussion should be occurring, given prior advise from the attorney regarding discussion at first reading of an ordinance. Attorney Hall stated the discussion was on a peripheral issue, not the merits of the annexation. Staff confirmed the zoning is residential and will remain so. Mayor Bustle asked for a decision regarding discussion at first readings. Attorney Hall advised that from a legal perspective, Commission should not discuss the merits of the annexation at a first reading. Mr. Ball suggested the discussion was to determine if the City is ready to advertise a public hearing, not the annexation issue. Mayor Bustle informed the Commission they may contact him with any concerns they have and he will ensure staff addresses issues Commission brings to his attention prior to a public hearing. Mayor Bustle informed the Commission that in the future there will be no discussion at the first reading and advertising approval of an ordinance.

Mr. Williams requested Mayor Bustle direct staff to make property inspections part of the procedure for annexation to ensure compliance with zoning and City codes. He suggested a disclosure should be placed on the application regarding code compliance.

8. AWARD OF BID – PD FLEET MAINTENANCE & REPAIR SERVICES

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to award and authorize the Mayor to execute the Police Department Fleet Maintenance and Repair Services contract with Bill Lee's Professional Automotive Services, Inc. in an amount not to exceed \$60,000 for fiscal year 2005.

9. RESOLUTION NO. 05-03

Resolution No. 05-03 formalizes the City's benefit to employees who purchase dependent health insurance, by allowing the purchase with pre-tax dollars.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO TO PROVIDE EMPLOYEES CERTAIN BENEFITS, TO AUTHORIZE A FLEXIBLE BENEFIT PLAN, AND PROVIDE AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to adopt Resolution No. 05-03.

10. 2005 APPOINTMENTS

MOTION: Mr. Williams moved and Mrs. Lancaster seconded to approve the appointment of Steve White and Rosa Smith to the Personnel Board, to run concurrent with the appointing Commissioner's current term.

Commissioners discussed the belief board members must be residents of the City, but the Code of Ordinances does not state that requirement for the Personnel Board. Mayor Bustle suggested Commission may change the ordinances to make city residency a requirement for all board members.

11. DISCUSSION – PERSONNEL POLICY

Mr. Free informed the Commission the majority of the Personnel Policy had been reviewed and approved. Mr. Free reviewed items of substance he had amended as follows:

- Administrative: Policies replaced rules and regulations. (Rules & Regulations pertaining to departments may be formulated by department heads.)
- Sec. 2.06: Language added authorizing the department head to extend a probationary period in a promoted position.
- Sec. 2.07: Language added to reflect the salary of employees taking a lower paying position will be adjusted accordingly.
- Sec. 5.01A: Language added requiring that inefficiency or substandard performance must be documented.
- Sec. 5.01D: Personnel Policy Manual replaced with City rules and regulations.
- Sec. 5.02: Proposed for elimination. (Mr. Free will confirm the pre-disciplinary procedure is a legal requirement.)
- Article 6: Mr. Free requested permission to rewrite the Article, voicing his opinion a Special Master in a disciplinary action is not necessary, and may be handled in a different manner. The Article will be revised and presented to Commission at a future meeting.
- Sec. 7.01J: Delete language regarding part time employees.
- Sec. 7.01K(1): A regular weekly work schedule shall be defined as 40 hours per pay period for non-sworn employees and 86 hours per pay period for sworn employees. (Mr. Free informed Commission all references in the manual to cash payments shall be deleted.)
- Sec. 7.01L(1): "If the City offers compensatory time, employees may elect to receive compensatory time in lieu of cash payments" was deleted. Compensatory leave elections shall be retained in the Human Resources Department; employing department was deleted.
- Sec. 7.02: Language will be added discussing direct deposit of pay. (The City has offered the service but it is not addressed in the manual. Mrs. Jones also informed the Commission employees who choose not to have a checking account will be informed of an ATM card available through Bank of America.)
- Sec. 8.06: The title of the section, Paid Leave, will be changed to Authorized Leave.
- Sec. 8.06B: Add #3 to read: HR Director may require proof of such family death such as a published obituary in a recognized newspaper upon return to work.
- Sec. 8.06C: Eliminated. (Early election laws provide early voting over a weekend.)

Sec. 8.06M(4): Language changed to reflect the Human Resources Director shall have the discretion to require certification from a licensed medical doctor for an employee on sick leave for three or more days (deleted department head or supervisor).

Section 12.01: Deleted "Employees may not personalize shirts paid for by the City."

Mr. Free informed the Commission he will confer with Attorney Groff regarding the pre-disciplinary procedure. If the procedure is necessary, it will be brought to Commission for review at the same time the revised Article 6 is provided.

12. DEPARTMENT HEADS' COMMENTS

Jim Free, City Clerk

Referencing the minimum maintenance standards adopted earlier in the meeting by Ordinance No. 05-836, Mr. Free informed the Commission Section VII Building and Building Regulations requires the Mayor to designate a minimum maintenance standards official. Mr. Free requested the City Clerk or designee be named as the official who will sign all correspondence regarding structures not in compliance, and proposed utilizing code enforcement personnel to gather the information. Section VII also references an administrative official in connection with the demolition of structures, but staff is not clear as to who that person should be. Mr. Lukowiak informed Commission conversations with other cities revealed their building official served as the administrative official.

At the February 7, 2005 Commission meeting, staff will discuss the Edenfield property and hopes to deliver the City's audited financial statement; discuss the status of the City, linking the discussion with how the City may fund the capital improvement program.

Garry Lowe, Chief of Police

The police dispatch department received 100% compliance on a recent FDLE audit of criminal history records.

Reported the demise of former employee, Sgt. Curtis Courtney.

Chris Lukowiak, Public Works Director

Lights on 10th Avenue are now working.

FDOT has requested a meeting with the City to discuss recommendations derived from the arterial analysis of 8th Avenue. If the City agrees to FDOT's recommendations, there may be grant funding available for improvements on 8th Avenue. Mr. Lukowiak stated he will keep the Commission apprised of future developments.

The meetings on US 41 have been completed. Mr. Lukowiak stated with Commission's approval, he will move forward in turning control of the project over to Manatee County.

Thanked Mayor Bustle for his timely intervention in solving the issue at the fair.

13. MAYOR'S REPORT

Referencing the press release concerning Riverwalk statues and a memo discussing the plans for the project, he requested the Commission contact him with any concerns. He advised the Commission they will have an opportunity to approve the plans and statues in advance.

Mayor Bustle informed the Commission he was elected vice chairman of the MPO.

The fiber optic project is very close to completion.

The City received a plaque from the EDC for participation in economic development.

14. COMMISSIONERS' COMMENTS

Ms. Varnadore

Leadership Manatee is scheduled January 26, 2005.

Reported difficulty in crossing 16th Avenue as it is closed between 4th and 7th Street. Mr. Lukowiak will research and confirm it is part of the CIP project.

Requested staff researches the synchronization of the lights on 10TH Street & 10th Avenue and 10th Street & 8th Avenue. Ms. Varnadore also suggested the City may need to consider a left turn lane on 10th Street at 14th Avenue in the future as the area continues to develop.

Striping on Riverside has not been completed. Mr. Lukowiak will inform Commission of a tentative completion date.

Mr. Williams

Inquired about the status of the manhole sealing project. Frank Woodard reported that because the majority of the City's manholes are brick, the chimney will be of no benefit. He has met with a different company about the rehabilitation of manholes and received a quote the staff is reviewing. Mr. Lukowiak will present a recommendation to Commission at a later date.

Thanked City fair volunteers Duane Kinn, Allen Tusing, Frank Woodard and Chris Lukowiak. Reported the power point at the City's fair booth was an excellent presentation. Thanked Chief Lowe for providing officers at pedestrian crossings.

Problems were encountered during the fair that may result in the possible need for no parking or one way traffic on 13th Avenue from 10th to 12th Street. Staff is looking at the situation and will advise the Commission at a subsequent meeting. Ms. Cornwell discussed previous discussions among Commission and suggested the need to look at an ordinance regarding street parking within the City.

Referencing the resolution on the red light photography, Mr. Williams inquired if statutorily the program can be expanded, i.e. can the speed cart be utilized in the same manner.

Expressed his opinion the more Commission communicates with the Mayor on issues prior to meeting, the shorter the meetings.

Mrs. Lancaster

Mrs. Lancaster discussed the parking on City streets during the fair which prevented people leaving their homes, parking on sidewalks and the City's towing policy. Presently street parking is permitted. Mayor Bustle suggested the City should automatically place signs for City parking spaces and no parking on 13th Avenue during the fair. Ms. Cornwell suggested no parking should be allowed on City streets, only in designated areas. Mrs. Lancaster and Ms. Varnadore concurred. Ms. Cornwell reminded the Commission she has asked that an ordinance be developed addressing street parking.

Jackson Park project is moving forward. Commission will be updated on the project in the near future on land acquisition, sharing of expenses, etc.

Reported the road between Alvarez and the service station has numerous pot holes.

CRA will be holding the first public meeting February 10th for citizens' input for Phase I of the Ward 1 project.

Mr. Ball

Offered his support of some type of unified parking in the City. While he may not support total no street parking city wide, at least guidance for parking on streets as related to the width of the street is needed.

Thanked staff for the lights on 10th Avenue. Reported two lights at the marina are not working.

Will discuss results of the Palmetto Historic Commission's meeting on the use of the Chapel and several different issues with the Mayor.

Reported on the Southeast Guide Dogs program and a fundraiser planned at the Elks.

Ms. Cornwell

Referring to Ms. McCann's comments during the Manatee Fruit Company presentation, inquired how designation will apply to the transition of acreage to condominiums to surrounding platted lots. Suggested a plan needs to be developed by the City to control where different aspects of a neighborhood are placed. Commission discussed staff reports and supporting exhibits not being part of the agenda packet. Mayor Bustle reiterated all supporting documentation of an item is to be included in the agenda packet or the item may be removed from the agenda.

Commented on the inadequacy of the new chamber system, suggesting criteria must be developed so items are readable to the Commission and the public. The Mayor has scheduled a meeting with IT staff to review the problems.

Ms. Cornwell reported she is unable to open some documents emailed by staff. Discussion of the nature of the failed emails suggested an issue with her computer system.

Citizens are commenting on the lack of reserved signage at park facilities. Staff informed the Commission signage is placed at the sites, but they will ensure adequate space is available and signage is displayed.

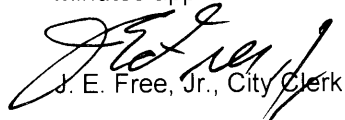
Inquired how a police case number is assigned. Chief Lowe stated a number is assigned when an officer asks for a case number to be issued, otherwise a transaction number is assigned. Citizens can request an information report. If a citizen requests an information report be issued, an officer should not refuse.

Requested the suspense log be brought back so the date an item is introduced is available.

Inquired if mobile home park visits are going to occur, especially in light of the ACCORD issue. Commission discussed an election in March probably not occurring, as it would have to be a special election. Manatee County has mentioned a mail out ballot. After Thursday's meeting on the ACCORD, more information will be available on the topic. Discussion ensued on the ACCORD, the municipalities adhering to the ACCORD, and the fact the county commissioners may put an item on a ballot for referendum; they are attempting to avoid Florida Statute 125 to avoid a Charter Commission. The City may hold a special election after the county commission approves the ballot or the City may get a citizen initiative of 15% of the voters of the last election and hold a special election without county commission approval. No decision was made regarding mobile home park visits.

Meeting adjourned at 9:20 pm.

Minutes approved: February 28, 2005


J. E. Free, Jr., City Clerk