

Palmetto City Commission  
February 28, 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 7:00 p.m.

Mayor Bustle gave an invocation, followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle presented a Proclamation recognizing retiring Public Works Supervisor of Operations Allen Tusing for over 31 years of service to the City of Palmetto.

1. AGENDA APPROVAL

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the February 28, 2005 agenda.

2. CONSENT AGENDA

- A) Minutes: January 24, 2005 Workshop and Commission meeting  
February 7, 2005 Workshop and Commission meeting  
B) Attorney billing through January 31, 2005  
C) January 2005 Check Register  
D) Special Function Permit: Arthritis Walk  
Kids' Green Bridge Fishing Tournament  
Easter Sunrise Service  
St. Pete Bike Club Spring Classic

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

Arthritis Foundation Executive Director Bridgett Gennett spoke to Commission of the upcoming event, encouraging participation to further expand the awareness of arthritis. Ms. Gennett commended the Public Works Department for their participation in staging the event.

3. PUBLIC HEARING – ORDINANCE NO. 05-835 (J. McCann)

Ordinance No. 05-835 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 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 reopened the public hearing continued from January 24, 2005. City Planner Jessica McCann advised the Commission the applicant has requested the application be withdrawn. Mayor Bustle closed the public hearing.

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 5-0 to accept the applicant's withdrawal of Ordinance No. 05-835, based on the recommendation of staff.

#### 4. PUBLIC HEARING - ORDINANCE NO. 05-837

Ordinance No. 05-837 was read by title.

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).

Mayor Bustle opened the public hearing. Ms. McCann requested the public hearing be continued to March 7, 2005 to allow for the completion of the application. Commission did not object to the public hearing being continued to March 7, 2005.

#### 5. 1<sup>st</sup> READING & ADVERTISING APPROVAL – ORDINANCE NO. 05-838

Ordinance No. 05-838 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES GENERALLY PERTAINING TO CITY ELECTIONS; AMENDING SECTION 12-1 PERTAINING TO ADOPTION OF THE STATE ELECTION CODE; DELETING SECTION 12-2 PERTAINING TO ELECTION OF OFFICERS; AMENDING SECTION 12-5 PERTAINING TO POLLING PLACES; DELETING SECTION 12-6 PERTAINING TO RESIDENCY REQUIREMENTS; DELETING SECTION 12-7 PERTAINING TO QUALIFICATION OF CANDIDATES; DELETING SECTION 12-8 PERTAINING TO PARTY AFFILIATIONS; DELETING SECTION 12-11 PERTAINING TO OATH OF CANDIDATES; DELETING SECTION 12-13 PERTAINING TO WARD BOUNDARIES; AMENDING SECTION 12-17 PERTAINING TO CANVASSING BOARDS; PROVIDING FOR RENUMBERING; FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 05-838 for advertising and schedule a public hearing March 21, 2005.

#### 6. UNIFIED LAND DEVELOPMENT CODE AWARD OF CONTRACT

A request for professional services to develop a unified land development code was advertised December 13, 2004, which resulted in five responses. A committee of city staff reviewed and ranked the responses and subsequently interviewed each firm.

Discussion ensued on affordable housing in the City. Ms. McCann informed the Commission she and CRA Executive Director will be making a presentation to Commission in the near future regarding the housing available in the City.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to award the Unified Land Development Code contract to Michele Mellgren and Associates, Inc. and authorize the Mayor to execute the contract in an amount not to exceed \$60,085.

7. EMPLOYEE LIFE INSURANCE CONTRACT APPROVAL (J. Free) (TAB 9)  
Approval provides continuation of employee life insurance coverage through GE Group Life Assurance Company.

Mr. Free informed the Commission GE Group Life Assurance Company will provide for the continuation of City provided employee life insurance. The change in agents was necessitated when the City changed its medical insurance agent.

MOTION: Ms. Cornwell moved and Mrs. Lancaster seconded to approve and authorize the Mayor to execute the GE Group Life Assurance Company application for group insurance.

Mr. Williams discussed the need consider providing life insurance to employees at 1.5 times their annual salary, given the minimum policy is \$20,000 and the starting base pay now exceeds that threshold. Staff will bring the requested information to Commission at a subsequent meeting.

The motion on the floor carried 5-0.

8. RESOLUTION NO. 05-12

The CRA Board has approved funding a partnership with FDOT to plant trees in the city's US 301/41 entry corridor. Total cost of the project is \$11,460, of which FDOT will reimburse \$8,000.

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 and Mrs. Lancaster seconded to adopt Resolution No. 05-12.

Ms. Varnadore commented on past City landscaping projects that resulted in the material being removed due to visibility issues and maintenance upkeep. She requested information be supplied on the height of the proposed trees being installed in the US 301/41 entry corridor.

The motion on the floor carried 5-0.

9. RESOLUTION NO. 05-13

Building Department must purchase current editions of the Florida Building Code, Florida Fire Protection Code and National Electrical Code that were previously provided free of charge. As provided in the City's Code of Ordinances, one copy of the Florida Building Code must be retained in the City Clerk's office.

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, Mr. Williams seconded and motion carried 5-0 to adopt Resolution No. 05-13.

10. PROFESSIONAL ENGINEERING CONSULTING SERVICES FOR GENERAL ENGINEERING PROJECTS RENEWAL

Mr. Lukowiak informed the Commission this is the final renewal of the Zoller, Najjar & Schroyer, L.C. Professional Engineering Consulting Services for General Engineering Projects agreement.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute a Letter of Intent to Zoller, Najjar & Schroyer, L.C., to renew the Professional Engineering Consulting Services for General Engineering Projects agreement for one year, to expire March 31, 2006.

11. LEASE APPROVAL

The relocation of the City Planner and Building Department has created the need to locate a postage meter at the Department of Public Works. Staff is requesting approval of a 66-month lease with Pitney Bowes at \$97 per month.

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried unanimously to approve and authorize the Mayor to execute a 66-month lease with Pitney Bowes for a postage meter, not to exceed a total lease amount of \$6,402.

12. LEASE APPROVAL

The existing leases with Savin/Ricoh Corporation for copiers located at PD/Records, PW/Engineering and City Hall/Finance will expire within the next two months. Staff is requesting approval of a 36-month lease with Savin/Ricoh Corporation for the three locations at monthly payments of \$350.75, \$122.40 and \$542.70, respectively.

MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 5-0 to approve and authorize the Mayor to execute a 36-month lease with Savin/Ricoh Corporation for a PD/Records copier not to exceed a total lease amount of \$12,627; a PW/Engineering copier not to exceed a total lease amount of \$4,406.40; and a City Hall/Finance copier not to exceed a total lease amount of \$19,537.20.

13. COMMISSION ADMINISTRATIVE POLICIES APPROVAL

Administrative policies Commission reviewed and amended, now formatted to formalize a City Commission Administrative Policy Manual.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Commission Administrative Policies Nos. 05-05 through 05-11.

Mr. Williams requested that the audit procedure for monitoring internet usage be developed.

14. SIGNAGE APPROVAL

Staff is seeking approval to erect signage recognizing the Red Hat Society of Palmetto who has adopted the Haben Blvd sidewalks from the Courtney Retirement Center to US 301.

MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 5-0 to approve the installation of Adopt-a-Sidewalk signage for the Red Hat Society of Palmetto to adopt sidewalks on Haben Blvd. from the Courtney Retirement Center to US 301.

Ms. Cornwell requested staff to ensure the Red Hat Society is aware of the orange safety vests the city provides when organizations are maintaining streets and sidewalks.

15. NATURAL GAS FRANCHISE AGREEMENT RENEWAL

Peoples Gas has requested to exercise the renewal provisions of their existing non-exclusive franchise agreement under provisions of Ordinance No. 394 adopted February 1990. The franchise agreement allows for one 15-year renewal through February 5, 2020.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve renewal of the Peoples Gas Franchise Agreement through February 5, 2020 and authorize the Mayor to execute the letter of renewal.

The Commission cautioned staff to negotiate the length of all future contracts. Staff was also asked to secure maps showing the location of Peoples Gas natural gas lines.

16. DEPARTMENT HEADS' COMMENTS

Chris Lukowiak, Public Works Director

Manatee Fruit Company has scheduled a meeting with Palms of Terra Ceia for Tuesday, March 1, 2005.

Regarding the vibration complaints, Mike Bukema of Westra Construction will contact the residents to see what they can do to take care of the issue.

Jim Free, City Clerk

Referring to the reinstated Suspense Log, he asked the Commission to contact him if there were any questions.

Due to the short week, the agendas for the March 7, 2005 meeting will be available on Thursday rather than Wednesday.

Chief Garry Lowe

No report.

Michele Hall, City Attorney

Reported she will be out of the office at a continuing education course. The core curriculum is rural cities developing into urban cities.

17. MAYOR'S REPORT

The company completing MPO 2030 long-range transportation plan projects the City's population will be approximately 30,000 at 2030 and jobs will rise by a factor of three. Mayor Bustle stated he is obtaining each Commissioner a video copy of the joint seminar sponsored by the Bradenton Herald, University of South Florida and Citizens for a Sustainable Future.

He will bring the Commission thoughts for consideration that have arisen from his attendance of the Local Government Leadership Florida course.

The charter issue is quiet. Mayor Bustle stated it appears as if county staff is advocating, as opposed to, educating the public on the issue.

18. COMMISSIONERS' COMMENTS

Ms. Cornwell

Reported reading the average home sells for \$185,000 in Manatee County, a 30% increase over last year.

Thanked the Police Department for addressing the issues dealing with selling to minors.

Commented on the wonderful retirement ceremony held for Mr. Tusing and applauded Mr. Ball for his part in the event.

Mr. Ball

Stated it was a great honor to be the Commission's liaison for the retirement event honoring Mr. Tusing, stating he had made a huge contribution to the City and would be missed.

Announced he now has a column in the Palm Bay Mobile Home Park newspaper.

Referring to El Sombrero, he advised the Commission he had had a conversation with the gentlemen managing the facility, who reported there were 1200 people in attendance at a recent wedding. He reported he has had a conversation with Fire Chief Johnson about El Sombrero.

Reported Riverside Dr. is striped.

Inquired if the light poles on 10<sup>th</sup> Avenue would be enhanced at the sidewalk level. Mr. Lukowiak stated he would email the Commission pictures of what is planned for the light poles.

Mrs. Lancaster

Reported CRA is of the opinion code enforcement issues are not being addressed and the building department and code enforcement department should work together to enforce codes rather than wait until structures reach the stage of condemnation.

CRA will hold another meeting Thursday with residents of Ward 1 to address one-way streets. If a positive resolution cannot be reached, the project will proceed using the one-way proposal as planned.

Reported a visibility problem at the location of the clock business. Chief Lowe will address the issue.

Mr. Williams

Inquired as to the status of the Jackson Park project. Mr. Lukowiak stated the City is waiting on a response from Manatee County. Mayor Bustle will contact the County Administrator.

Spoke of a structure located east of 2<sup>nd</sup> Avenue by Lincoln Middle School, suggesting Manatee County Code Enforcement should be contacted. Mrs. Lancaster identified the structure as being in the City's limits. Chief Lowe will confirm the location of the structure; code enforcement will address the issue if the structure is in the City limits.

Voiced concern regarding the change in disbursement amounts CRA is granting for business grants, stating he felt the \$25,000 award is inappropriate and beyond what the Commission established as a guideline. He stated he would like to see discussion between the Commission and CRA on the topic.

Inquired if the City will retain two engineering firms when the professional service is bid in 2006. Mr. Lukowiak stated the City will again retain two engineering firms to avoid potential conflicts of interest.

Reported he had discussed the potable water contract with the city attorney. Attorney Hall stated she needed feedback from email recipients and will contact the county attorney or John Zimmerman. Mr. Williams stressed the City must stay on top of the situation.

Suggested Mayor Bustle should develop a letter to the Palms of Terra Ceia CDD concerning misinformation. Mayor Bustle stated it is the developer's responsibility to solve the misunderstanding; the developer is meeting with the CDD Tuesday evening. Attorney Hall stated Ms. McCann was correct in declaring the City's only concern is determining whether there is a legal access as shown on the plans. Ms. Varnadore stated she would like to see the residents fully understand the Commission's position.

Spoke of a need for affordable housing; there is a difference between affordable and workforce housing and the City needs an inventory of what is available. Mr. Free stated a presentation by Ms. Lukowiak and Ms. McCann will be made on the topic at a subsequent meeting.

Reported on the recent JPC meeting, where discussion ensued on how the JPC works within the ACCORD. Mr. Williams solicited comments from the Commission on an outline distributed to them, stating he would like to take their comments to the next meeting scheduled March 21, 2005.

Ms. Varnadore

Thanked Mr. Free and his staff for the financial report. She commented on the projected millage rate remaining the same over the next several years and stated she would like to make it a goal of the Commission to lower the millage rate in the very near future.

Stated a plan on how to control city traffic needs to be developed.

Mayor Bustle

Commented on the time of the conclusion of the meeting being due in part to staff's efforts in preparing the agenda items. Encouraged the Commission members to contact him with questions regarding issues or agenda topics, as they may be resolved before they become public issues.

Mayor Bustle introduced Mitra Malek, the City's new Herald-Tribune reporter.

Meeting adjourned at 8:30 pm.

Minutes approved: March 21, 2005



J. E. Free, Jr.  
City Clerk