

Palmetto City Commission
March 7, 2005 7:00 PM

Elected Officials present:

Larry Bustle, Mayor
Brian Williams, Vice Mayor
Eric Ball, Commissioner
Tamara Cornwell, Commissioner (entered at 7:30 pm)
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 7:04 p.m.

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

1. AGENDA APPROVAL

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the March 7, 2005 agenda, with the removal of item eight.

2. CONSENT AGENDA

February 2005 Check Register

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 4-0 to approve the Consent Agenda.

3. 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 reopened the public hearing continued from February 28, 2005.

Mr. Robert Schmidt informed the Commission he was available to discuss the annexation. With no further discussion, Mayor Bustle closed the public hearing.

MOTION: Mrs. Lancaster moved and Mr. Ball seconded to adopt Ordinance No. 05-837.

Mr. Williams inquired what the plans were for the property. Ms. McCann stated it was her understanding the existing structure would be demolished, but she had received no formal proposal, as there is an existing county right-of-way the property owner must resolve.

Mr. Williams encouraged the Commission to suggest staff contact the JPC if a future proposal contains multiple stories. Ms. McCann informed the Commission the property was submitted as part of the UDZ map and she did not consider any further formal notification necessary. She confirmed Commission information she has received has been forwarded to county staff.

The motion on the floor carried 4-0.

4. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 05-840
Ordinance No. 05-840 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A CONCEPTUAL DEVELOPMENT PLAN FOR THE TRACT OF LAND GENERALLY LOCATED SOUTH OF FAIRWAY TRACE, EAST OF TERRA CEIA BAY, NORTH OF 17TH STREET WEST AND WEST OF 24th AVENUE WEST; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (CP 0501 Manatee Fruit Company. PID #2414000006, 2414500054, 2414000006, and 2414510004, approx. 88.5 acres).

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 4-0 to approve Ordinance No. 05-840 for advertising and schedule a public hearing March 21, 2005.

5. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 05-841
Ordinance No. 05-841 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 (Daniel Courtney AN0402, PID # 2580010102 approximately 5.56 acres).

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 4-0 to approve Ordinance No. 05-841 for advertising and schedule a public hearing April 4, 2005.

6. AWARD OF CONTRACT - US 301/41 WATER MAIN RELOCATION

A Request for Bids was advertised seeking contractors to bid on the relocation of approximately 2,700 linear feet of 16 inch water main on US301/41 from DeSoto Bridge to Hwy 301.

Mr. Lukowiak informed the Commission Manatee County will reimburse the City the total cost of the project via a Joint Participation Agreement currently being developed, which will be brought to the Commission for approval. He confirmed the City has received a letter of commitment from county staff. Mr. Lukowiak requested the Commission authorize the Mayor to execute the contract after the city attorney's review, as the City has accepted grant funding for the project and time lines are applicable.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 4-0 to award the US301/41 water main relocation contract to Westra Construction Corp. in an amount not to exceed \$369,687 and authorize the Mayor to execute, subject to city attorney approval.

7. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 05-844

The proposed ordinance will amend the fixed water rate for residential single-family customers that have meters larger than ¾". Prior to the adoption of Ordinance No. 04-832 there was no rate differential based on the meter size.

Ordinance No. 05-844 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ARTICLE 1, "MASTER UTILITY SYSTEM REGULATIONS", SECTION 29-33, MONTHLY RATES-GENERALLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Free informed the Commission there are twenty-five accounts involved. If the City exchanges meters, it will cost approximately \$300 per meter. The proposed ordinance will grandfather the user at the $\frac{3}{4}$ " rate. Commission requested all locations be physically inspected to ensure each is a single-family residence. If inspection reveals otherwise, no adjustment will be made to that individual account.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 4-0 to approve Ordinance No. 05-844 for advertising and schedule a public hearing March 21, 2005, after staff has confirmed the accounts are single-family residences.

8. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 05-839
Ordinance No. 05-839 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING THE CITY CODE OF ORDINANCES CONCERNING ACTIVITIES WITHIN PUBLIC STREETS AND RIGHT-OF-WAYS; PROVIDING FOR RIGHT-OF-WAY USE PERMITS; PROVIDING THE DIRECTOR OF PUBLIC WORKS WITH AUTHORITY TO ENFORCE SUCH PERMITS; PROVIDING FOR THE PROMULGATION OF PROCEDURES AND POLICIES; PROVIDING FOR ADDITIONAL AUTHORITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 4-0 to approve Ordinance No. 05-839 for advertising and schedule a public hearing March 21, 2005.

9. DEPARTMENT HEADS' COMMENTS

Ms. McCann
No comment

Mr. Lukowiak
An update on the Hazel Smith \$25,000 bequest will be presented at the March 21, 2005 Commission meeting.

Mr. Free
An updated Suspense Log has been provided the Commission.

Agenda items for the March 21, 2005 meeting are due March 14, 2005.

Mr. Free informed the Commission he will be leaving Thursday, March 10, 2005 for a week's vacation.

City Clerk applicant Tom Calderon could not attend the meeting because of illness. He is rescheduled to attend the March 21, 2005 meeting.

Attorney Hall

No comment.

10. MAYOR'S REPORT

The County Commission will discuss the ACCORD March 15, 2005. Commissioner Getman will bring forward a resolution that is proposed to push the charter to the rear and the ACCORD to the forefront and direct the involved entities to modify the ACCORD. Mayor Bustle voiced concern regarding a proposal from some of the commissioners that in exchange for executing the resolution, the cities will be asked to agree to a moratorium on annexations and possibly a moratorium on all the features listed in the draft charter. Mayor Bustle stated he was personally opposed to declaring a moratorium and conceding the points asked for in the draft charter. He stated the City had worked in good faith and should not have to declare a moratorium, especially on UDZ matters. Mayor Bustle stated he will attend the March 15, 2005 meeting and if allowed to speak will state the City is looking for an indication on the part of the County that they are concerned about the sprawl east of I-75 and how that growth affects the cities.

Ms. Cornwell entered the meeting at 7:30 pm.

Attorney Hall informed the Commission she had attended a growth management conference, where presentations were made dealing with growth in rural areas of counties. She will distribute the information to Ms. McCann so she can inform the other planners in the county and municipalities.

11. COMMISSIONERS' COMMENTS

Ms. Varnadore

Stated she has received comments regarding the lack of an ordinance to regulate covers for docks.

Mr. Williams

Requested the Parks Department trim all limbs overhanging streets city wide. Mr. Woodard reported the most necessary areas have been done first, but an inventory will be done city wide.

The cleaning of the 14th Avenue pond has been completed. With the exception of two individuals, all abutting property owners participated.

Encouraged the Mayor to immediately send a letter to Mike Bennett regarding the telecommunications issue. Mayor Bustle informed the Commission he has spoken to Senator Bennett regarding the issue. He discussed the potential impact to the City's fiber optic ring. Several organizations, including Florida League of Cities, are getting involved in the issue.

Mrs. Lancaster

Inquired if citizens appointed to City boards are provided any information regarding the position they will hold. New appointees are mailed information regarding their individual board's function in the City, as well as financial disclosure forms if required. Mrs. Lancaster informed the Commission Mr. Mitchell, a member of the Code Enforcement Board, has moved.

Mr. Ball

Pavers have arrived for the light poles on 10th Avenue.

Saturday, March 12, 2005, is Palmetto's Heritage Day.

Ms. Cornwell

Reported a conversation with Dr. Dearing, during which he opined the fairgrounds property is large enough to allow for a new elementary school and an expansion. Ms. Cornwell related that a

new school is necessary when 4,000 new homes have been built; the City is currently projecting 3,700 new homes in the near future.

Requested a presentation on recommendations staff would make on controlling the City's traffic, placement of condominium projects, limitations associated with projects, building facades, etc. Mayor Bustle discussed the pending Historic Preservation Board ordinance that will provide design guidelines for the City. Ms. McCann informed the Commission the Public Works Director has instructed her to interview candidates that will aid the City in addressing these types of issues.

Ms. Cornwell requested the planning issue be added to the Suspense Log. She also commented on the need to have the dates topics are introduced, as well as the dates an issue is scheduled to be brought to the Commission. Mr. Free stated staff will establish a priority order and introduction dates will be provided where possible.

Mrs. Lancaster

Commented on the drivers in the City who are turning left on red arrows.

Mr. Williams

Requested Spot Courtney and Duke Courtney be contacted regarding the noise ordinance.

Meeting adjourned at 8:00 pm.

Minutes approved: April 4, 2005



J. E. Free, Jr.
City Clerk