

Palmetto City Commission
April 4, 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
Captain Clyde Hedrick
Chris Lukowiak, Public Works Director
Jessica McCann, City Planner
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:00 PM.

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

1. AGENDA APPROVAL

MOTION: Eric Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the April 4, 2005, 7:00 PM agenda.

2. CONSENT AGENDA

- A) Minutes – March 7, 2005 4:00 PM and 7:00 PM Commission meetings
- B) Attorney Billing through February 28, 2005
- C) Special Function Permit: Cinco de Mayo (May 5 and May 7, 2005)
Blue Star Salute-Armed Forces Day

Ms. Cornwell corrected the minutes of the March 7, 2005 Commission meeting to reflect she entered the meeting at 7:30 PM so she could not have made the motion to approve the agenda.

MOTION: Ms. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve the Consent Agenda with the correction to the March 7, 2005 Commission meeting minutes.

3. PUBLIC HEARING - ORDINANCE 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).

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

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to adopt Ordinance No. 05-841.

4. PUBLIC HEARING - ORDINANCE NO. 05-843

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING CHAPTER 16, ARTICLE II OF THE CITY CODE OF ORDINANCES BY DELETING SECTIONS 16-26 THROUGH 16-31, PERTAINING TO HAZARDOUS CONDITIONS ON LAND; ADDING NEW SECTIONS 16-26 THROUGH 16-31, PERTAINING TO NUISANCES AND SANITARY NUISANCES; 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: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to adopt Ordinance No. 05-843.

5. PUBLIC HEARING - ORDINANCE NO. 05-845

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 5, ARTICLE I OF THE CITY OF PALMETTO CODE OF ORDINANCES PERTAINING TO NOISE; PROVIDING FOR FINDINGS OF FACT; PROVIDING A STATEMENT OF PURPOSE AND INTENT; PROVIDING DEFINITIONS FOR "NOISE" AND "NOISE DISTURBANCE"; PROVIDING A DESCRIPTION OF PROHIBITED ACTS; PROVIDING STANDARDS FOR EVALUATING NOISE; PROVIDING THAT CERTAIN NOISES SHALL CONSTITUTE PUBLIC NUISANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to adopt Ordinance No. 05-845.

6. 1st READING & ADVERTISING APPROVAL ORDINANCE NO. 05-846

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF THE CITY CODE OF ORDINANCES TO ESTABLISH A NEW PERSONNEL POLICY; PROVIDING FOR APPLICABILITY; PROVIDING FOR THE REPEAL OF PALMETTO CITY ORDINANCES 584, 605, 02-741 AND 02-769; PROVIDING FOR REPEAL OF CITY OF PALMETTO CODE OF ORDINANCES CHAPTER 22, ARTICLES, I, II, AND VI IN THEIR ENTIRETY; PROVIDING FOR INCORPORATION OF THE NEW PERSONNEL POLICY INTO THE CODE OF ORDINANCES BY CREATING A NEW CHAPTER 22, DIVISION I; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 05-846 for advertising and schedule a public hearing April 18, 2005.

7. 1st READING & ADVERTISING APPROVAL ORDINANCE NO. 05-842

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM IL (INDUSTRIAL LIGHT - COUNTY) TO PD (PLANNED DEVELOPMENT CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR

SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (DANIEL DUKE COURTNEY - PA0407, PID # 2580010102, APPROXIMATELY 5.56 ACRES).

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to approve Ordinance No. 05-842 for advertising and schedule a public hearing April 18, 2005.

8. 1st READING & ADVERTISING APPROVAL ORDINANCE NO. 05-847

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO DESIGNATE THE ZONING OF THE PROPERTIES DESCRIBED IN EXHIBIT "A" AS PD-H (PLANNED DEVELOPMENT-HOUSING); AMENDING THE ZONING MAP OF THE CITY OF PALMETTO PERTAINING TO THE PROPERTIES DESCRIBED HEREIN; RE-APPROVING A CONCEPTUAL PLAN FOR THE PROPERTIES DESCRIBED HEREIN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0501 Manatee Fruit Company. PID #2414000006, 2414520003, 2414500109, and 2414510004, approx. 88.5 acres).

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 05-847 for advertising and schedule a public hearing April 18, 2005.

9. 1st READING & ADVERTISING APPROVAL ORDINANCE NO. 05-848

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A PRELIMINARY PLAT FOR THE PARCEL OF LAND IN THE 1600 BLOCK OF 17TH AVENUE EAST; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PP05-01 Palmetto Industrial Park, LLC., PID # 2575700059, 2575700109, 2578800001, approx. 10 acres).

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 05-848 for advertising and schedule a public hearing April 18, 2005.

10. RESOLUTION NO. 05-19

Resolution will establish a budget to fund the salary increases for two police sergeants.

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, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 05-19.

11. RIVERSIDE PARK WEST CONCESSION (Carried forward from the 4:00 Workshop meeting)

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to defer the item until staff can return a recommendation to Commission accommodating such a concession.

12. GREEN BRIDGE BAIT SHOP SIGNAGE

Concessionaire at the Green Bridge Bait Shop proposes to erect two banners at the Green Bridge Bait Shop, each of which will be 10' x 30". The signage will be visible during working hours and removed to storage at the close of the business day.

MOTION: Ms. Cornwell moved and Ms. Varnadore seconded to accept signage at the Green Bridge Bait Shop as long as signage is solely for the purpose of advertising the concession at the Bait Shop.

Discussion: The Code is silent on signage on property zoned public. Mr. Williams stated private business owners are not permitted to display such signs. Commission discussed the fact the concession serves the public at Riverside Park West.

Motion carried 4-1. Mr. Williams voted no.

13. APPROVAL TO APPOINT INDEPENDENT COUNSEL

In as much as the City Attorney advises staff in material preparation for hearings before the Code Enforcement Board and Personnel Board, they may not represent the Boards at the hearings. The City finds it necessary to appoint independent counsel for each Board when necessary. Commission concurred that a request for letters of interest will be advertised to develop a qualified vendor list.

MOTION: Ms. Varnadore moved, Mr. Ball seconded and motion carried 5-0 to authorize the Mayor to appoint independent counsel for the Code Enforcement Board and Personnel Board, individually, and advertise a request for letters of interest to develop a qualified vendor list.

14. DEPARTMENT HEADS' COMMENTS

Mr. Free and Frank Woodard, Public Works Deputy Director

In the 5th Street, 6th Street and 7th Street project, a crushed storm drain pipe was found on 15th Avenue between 4th Street and 5th Street. It will cost approximately \$220,000 to repair, which will also include the repair of the boxes at each corner. When the project is finished a report will be compiled detailing what the City spent on the project compared to what was budgeted, and an update of the CIP showing what projects will have to be delayed because of the added expense of the 5th Street, 6th Street and 7th Street project. Discussion ensued on bidding projects, projects the City has been able to salvage, and problems that are unforeseen until construction actually begins. Any budget amendment required will be brought to Commission at a May meeting.

Captain Hedrick

The Police Department has made several good arrests; auto theft, drugs and one multiple felony warrant. The department has seen an overall rise in activity over the last two years.

Attorney Hall

Discussion with Attorney Prather and Attorney Dye has confirmed the Commission should refrain from discussing an item at the first reading of an ordinance.

15. MAYOR'S REPORT

Mayor Bustle acknowledged a recent relatively derogatory article in the newspaper concerning the Police Department. He informed the Commission he felt the department has made a lot of progress during the last three years, he has a lot of confidence in the management of the department and the City supports the police officers protecting the citizens.

Reported on his trip to Tallahassee. The major topics this year seem to be growth management and the attempt to modify the CRA districts. He voiced his concerns regarding the

communications constraints and how they may affect the City's fiber optic ring; Senator Bennett's proposal would prohibit construction of new antennas, which will affect the City's ability to serve City departments.

Requested Commission set a special meeting date to review and approve the City's resolution regarding growth management in response to Manatee County's resolution concerning the same topic. The meeting was scheduled April 6, 2005 beginning at 5:00 pm.

Commented on his email regarding attempts to encourage Mr. Free to reconsider his retirement plans. Mayor Bustle requested the Commission email him individually. The topic will be brought up at a subsequent workshop meeting.

Informed the Commission he will be in Orlando Thursday and Friday attending the Leadership Florida Local Government conference.

16. COMMISSIONERS' COMMENTS

Ms. Varnadore

Commented on the escalating legal bill. Ms. Varnadore requested the billing be further broken down by issue so appropriate parties may be billed. Attorney Hall responded only pass through charges as currently separated. Ms. Varnadore suggested it may be time for the City to begin considering in-house counsel, using counsel outside only for specialized services. Discussion ensued on the topic. The topic will be placed on the Commission's suspense log.

Mr. Williams

Echoed Mayor Bustle's comments regarding the Police Department.

In response to Mr. Williams' inquiry, Captain Hedrick confirmed police officers work 86 hours before overtime pay is applicable.

Mrs. Lancaster

Voiced her opinion the City has a fine Police Department; commended their community patrolling and reduced response time.

Inquired the status of the Jackson Park project. Mr. Woodard informed the Commission Mr. Lukowiak is attempting to schedule a meeting with county personnel to discuss Jackson Park and several other pending issues.

Mr. Ball

Patrick Bryant has been elected president of the Palmetto Historical Commission. Informed Commission 500 people visited the Ag Museum during Palmetto's Heritage Day event.

Tony D's will hold a fund raiser April 9, 2005 for Hospice of Southwest Florida.

Ms. Cornwell

Consideration should be taken for project overages and police department increased activity during the budget process.

Voiced her opinion Impact Fees should be number one on the suspense log, and travel movement should be higher than number four. Mr. Woodard informed the Commission Public Works is meeting with a consultant this week to discuss how the City should approach a traffic movement study. Attorney Hall stated the study is also required by EAR.

Graffiti problems are in visible in the Lincoln Middle School area. Ms. Cornwell cautioned Public Works to be aware of the situation so graffiti is quickly removed.

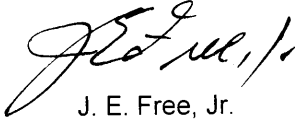
Requested that staff confirm the fee for the Leadership Florida conference scheduled April 16-19, 2005.

Mr. Williams

Commented on the ranking of suspense log items. Mayor Bustle suggested the Commissioners review the log and send him their suggested ranking of the items.

Meeting adjourned at 8:45 pm.

Minutes approved: April 18, 2005

A handwritten signature in black ink, appearing to read "J. E. Free, Jr.", written in a cursive style.

J. E. Free, Jr.
City Clerk