

Palmetto City Commission
May 2, 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 PM.

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

Ken Magown, Chaplain, Fraternal Order of Police and Palmetto Police Chief Garry Lowe accepted a Proclamation read by Mayor Bustle declaring May 9 – May 15, 2005 as Police Week in the City of Palmetto.

Mayor Bustle read a proclamation declaring May as Civility Month.

Public Comment: Garry Plum spoke to Commission about the burglary to his home and attempted theft of items from his property. He voiced his opinion that with the growth the City is experiencing there may be a need to increase personnel in the police department, suggesting CRA may be able to fund some of the positions.

Public Comment: Betty Plum commented on potential residents always asking about safety and schools. Mrs. Plum also voiced her disappointment in some of the business owners along 8th Avenue allowing their properties to deteriorate to the point it looks like a slum area.

1. AGENDA APPROVAL

Mayor Bustle requested modification of the agenda to accommodate the addition of the department head appointment expiration date and the purchasing ordinance review carried forward from the 4:00 agenda. The items were placed on the agenda as item number two and eight, respectively.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the May 2, 2005 7:00 PM agenda as modified.

2. DEPARTMENT HEAD APPOINTMENT DATE EXPIRATION

The original department head appointment expiration coincided with the November 2008 Mayor's election.

MOTION: Mr. Ball moved and Mrs. Lancaster seconded that the appointment of the incumbent department heads would run through the completion of the first regular meeting after the Mayor's election in November 2008.

Discussion: The issue is the fact the incumbent department heads' term would not extend through the meeting of the first regular Commission meeting following the election. Mr. Free suggested verbiage, but two of the Commissioner's preferred having the term expire the second meeting after the November 2008 election.

MOTION: Mr. Ball amended his motion on the floor to reflect the appointment of the incumbent department heads would run through the second regular meeting after the election. Motion died for the lack of a second.

Mayor Bustle called for the vote of the motion on the floor. Motion failed by a 3-2 vote. Mrs. Lancaster, Mr. Williams and Ms. Varnadore voted no.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded to reconsider the first motion on the floor. Motion failed by a 3-2 vote. Mr. Ball, Mr. Williams and Ms. Varnadore voted no.

MOTION: Mr. Ball moved, Ms. Varnadore seconded that the appointment of the incumbent department heads would run through the completion of the second regular meeting after the Mayor's election in November 2008. Motion passed 3-2. Ms. Cornwell and Mrs. Lancaster voted no.

3. CONSENT AGENDA

- A) Minutes: April 18, 2005 4:00 PM and 7:00 PM Commission meetings
- B) Attorney Billing through March 31, 2005

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

4. 1ST READING & ADVERTISING APPROVAL – ORDINANCE NO. 05-853

Ordinance No. 05-853 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, CREATING CHAPTER 7, ARTICLE I, SECTION 7-10 PERTAINING TO HURRICANE SAFETY AND THE SECURING OF CONSTRUCTION MATERIALS; PROVIDING FOR THE PROMULGATION OF OPERATIONAL RULES OF PROCEDURE; 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 5-0 to approve Ordinance No. 05-853 for advertising and schedule a public hearing May 16, 2005.

5. 1ST READING & ADVERTISING APPROVAL – ORDINANCE NO. 05-854

Ordinance No. 05-854 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO PROVISIONS OF CHAPTER 3, ARTICLE III, SECTIONS 3-69 AND 3-71, PERTAINING TO VARIANCES FROM THE SIGN ORDINANCE; PROVIDING FOR AMENDMENT OF APPENDIX B, ARTICLE XII, SECTION 12.4 OF THE CITY ZONING CODE, PERTAINING TO POWERS OF THE PLANNING AND ZONING BOARD; PROVIDING NOTICE REQUIREMENTS FOR PUBLIC HEARINGS CONDUCTED BY THE PLANNING AND ZONING BOARD; PROVIDING THAT APPEALS FROM DECISIONS OF THE ZONING ADMINISTRATOR SHALL BE FILED WITH THE PLANNING AND ZONING BOARD WITHIN THIRTY DAYS; PROVIDING THAT APPEALS FROM DECISIONS OF THE PLANNING AND ZONING BOARD SHALL BE HEARD BY THE CITY COMMISSION; PROVIDING THAT SUCH APPEALS MUST BE FILED WITH THE CITY COMMISSION WITHIN THIRTY DAYS;

PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 05-854 for advertising and schedule a public hearing May 16, 2005.

6. 1ST READING & ADVERTISING APPROVAL – ORDINANCE NO. 05-855
Ordinance No. 05-855 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 PALMETTO RETAIL CENTER; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 05-03 Kendar Marsac LLC, PID # 2422200059, approximately 4.3 acres)

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 05-855 for advertising and schedule a public hearing May 16, 2005.

7. RESOLUTION NO. 05-22

Resolution will establish a budget to fund the Fawley Bryant needs assessment to determine the feasibility of relocating a City Center to the current site of the Palmetto Elementary School.

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: Mr. Ball moved, Mrs. Lancaster seconded to adopt Resolution No. 05-22.

Discussion: Mr. Lukowiak will contact Fawley Bryant in an attempt to implement only the first phase of the contract, the study that will determine the City's needs. Mr. Lukowiak will also investigate the possibility of delaying the second phase, the study of the site, until it has been determined the school will relocate.

Motion on the floor carried 5-0.

8. PROPOSED PURCHASING ORDINANCE

Mr. Free informed the Commission the proposed ordinance was before them for review of the appeals procedures, which Commission requested be researched at a previous workshop meeting. Commission amended the proposed ordinance as follows:

Sec. 2-56 (b)(1)

Amended to read: Costs quotations and proposals are received in writing or by fax or e-mail, from three (3) or more vendors; and

Sec. 2-56 (b)(3)

New language added: Goods and/or services are purchased from the lowest responsible, responsive qualified vendor.

Sec. 2-62 (a)(1)

Final sentence amended to read: Cause for debarment may include but not be limited to:

Sec. 2-63 (c)(1)

New language added: The city clerk shall promptly issue a written decision.

Sec. 2-63 (c)(2)

Amended to read: Appeals of the city clerk's decision pursuant to subsection (c)(1) shall follow subsection (a)(3) and (a)(4).

Attorney Hall stated she and Mr. Free would edit the language in Sec. 2-64, Disposition of surplus property. The proposed ordinance will be legislatively formatted and be presented at the May 16, 2005 Commission meeting for advertising approval.

9. DEPARTMENT HEADS' COMMENTS

Mr. Free

A resolution authorizing CRA to execute a promissory note of \$500,000 will be presented at the May 16, 2005 meeting. The promissory note is to revive an expiring line of credit. Any potential purchases by CRA with the line will be brought to Commission for approval.

The FLOC annual conference is August 16 – August 20, 2005 at the Marriott World Center in Orlando. A Commission retreat may be held Sunday, August 21, 2005.

Mr. Free reviewed his planned time away from the City dates.

10. MAYOR'S REPORT

National Day of Prayer will be observed May 5, 2005, with events planned in the Palmetto Historical Park beginning at 10:00 am.

Mayor Bustle reviewed the facility investment fees associated with the Manatee County potable water agreement the Commission recently approved. The City will begin collecting the fees July 1, 2005 for all new water meters or replaced meters of a larger size.

Commission declined to advertise in the 9th Annual Pete Turner Memorial Fishing Tournament.

Mayor Bustle informed Commission City staff had met with County staff to discuss the following topics:

- Jackson Park – County will use their land acquisition department to aid the City with the purchase of land needed for the retention pond; will coordinate with City staff for the construction of the pond; will share responsibility in removing the debris. City will pay for the project up front and use the expenditure as a credit against the removal of City utilities in the 17th Street project.
- Hasko Road – County administrator has agreed in concept to the transfer of ownership to the City. The drainage ditch draining the WalMart property and property to the north will be addressed as a separate issue. The County will perform an initial maintenance dredge; the City will assume the daily maintenance of the ditch, but the County will provide support staff in certain situations. Necessary easements under WalMart's control will be obtained.
- 17th Street East project – Commission approved accepting a small piece of property at Lincoln Park in exchange for the City paying for the survey. The transfer has not yet occurred so the City is relinquishing interest in the property so the County can negotiate directly with the School Board.
- 12th Avenue extension – The County has agreed to study the possible extension of 12th Avenue East to 17th Street East as an alternate route to Canal Road. A current traffic study has indicated the level of service at the Canal Road and US 301 intersection will

fail due to the increased traffic, thus requiring a traffic signal. The proposed 12th Avenue extension may negate the additional signalization.

- US 301/41 water main relocation – The County has agreed to fund the project.
- Blackstone Park – A 25 meter pool will be installed, which is what was originally proposed. Mayor Bustle will make a presentation to the County Commission to inform them the City will consider a joint effort if consideration will be given to a 50 meter pool.

Reported on the last Growing Pains seminar he attended. He will attempt to obtain a video tape. It is also being aired on METV.

11. COMMISSIONERS' COMMENTS

Ms. Cornwell

The insurance for the proposed paintball park has not yet been finalized.

Requested Commission receive information on the new rules and regulations for developing a community development district (CDD) and how a CDD will benefit the City.

Requested the agenda suspense log be placed on a workshop so Commission may prioritize pending issues.

Chief Lowe and Mr. Lukowiak have agreed to participate in the 8th Grade dance at Lincoln Middle School.

Mr. Ball

The Cancer Walk will be held May 13, 2005 from 6:00 p.m. to 6:00 a.m. at Palmetto High School.

Patrick Bryant has been elected president of the Palmetto Historical Society.

Reported on his attendance at the fair housing luncheon.

The seawall to be repaired on Riverside Drive is an outstanding FEMA claim.

Mrs. Lancaster

Explained she will continue to remind the Mayor, Department Heads and fellow Commissioners of the needs in Ward 1.

Voiced concern about reports that a structure in close proximity to the elementary school and adjacent day care is operating as a halfway house. Mr. Free reported what staff is doing to substantiate the claim and researching the City's ability to close the facility.

Thanked Public Works for removing a diseased tree.

Requested the ex parte communications ordinance be brought to Commission at a subsequent meeting.

Mr. Williams

Reported the Fair Board will no longer sponsor the Tomato Festival. Mr. Williams voiced his opinion the City shouldn't abandon the festival and should consider seeking contributions from the tomato industry to help support the event. Ms. Cornwell suggested the Ag Museum should become involved, given the support the City contributes to the museum.

Complimented staff on their information distribution to the Commission and other entities.

Reported that at the JPC meeting it was learned the parties involved in the 48th Street East (Bradenton) enclave dispute have agreed to allow the courts to settle the issue.

Requested that a presentation of the riverwalk study be made to Commission before the consultant submits concepts. Mr. Williams stated closure of the boat ramp is one of his concerns.

Referring to Mr. Plum's comments, stated his belief the City should review crime statistics in the City. Chief Lowe reviewed the 4th Street statistics for May 2, 2004 – May 2, 2005. Chief Lowe also stated the Department of Justice statistics indicate the City is adequately staffed. He also reported police officers have assigned patrol zones.

Ms. Varnadore

Also referring to Mr. Plum's comments, she stated that with the construction in the area there has been a lot of activity in the area. Chief Lowe confirmed he has made himself available to meet with the residents.

Reported complaints she has received from residents of Palms of Terra Ceia concerning noise in the early morning hours and the fact the City's ordinance allows construction to begin at 6:00 am. Mr. Lukowiak will contact Manatee Fruit to discuss the topic.

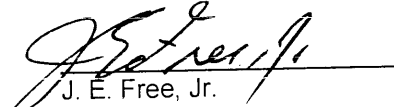
Reported some of the residents of Palms of Terra Ceia believe a vote on the CDD's expansion will come to the City for approval. Mayor Bustle stated the City must approve a modification to the CDD because City ordinance created the CDD. Mr. Free stated his opinion the issue will only come to the City if the CDD Board approves the expansion. Mayor Bustle opined the City must consider an ordinance if requested by the developer. Attorney Hall will review the law to properly advise how the City must handle the issue.

Clarified the manholes under discussion for refurbishing are all in Ward 1.

Vendors selling on 17th Street are located in Manatee County.

Meeting adjourned at 9:30 p.m.

Minutes approved: May 16, 2005


J. E. Free, Jr.
City Clerk