

Palmetto City Commission
June 20, 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, ZNS Consultant-City Planner
Diane Ponder, Deputy Clerk-Administration

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

Pastor Ted Francis, Terra Ceia Baptist Church, gave an invocation, followed by the Pledge of Allegiance to the United States Flag.

1. AGENDA APPROVAL

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the June 20, 2005 7:00 PM agenda.

2. CONSENT AGENDA

- A) Minutes: June 6, 2005 4:00 PM and 7:00 PM Commission meetings
B) May Check Register
C) Special Function Permit: Neighborhood Watch Block Party
City 4th of July Festival
Smokin' Martini July 4th Noise Exemption

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

3. PUBLIC HEARING – ORDINANCE NO. 05-851

Ordinance No. 05-851 was read by title.

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 H-COM-IND (HEAVY COMMERCIAL/LIGHT INDUSTRIAL - CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Palmetto Hasko L.L.C. - PA0501, PID # 2599610108 and 2598800007, approximately 4.58 acres).

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. 05-851.

4. PUBLIC HEARING – ORDINANCE NO. 05-852
Ordinance No. 05-852 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 ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED IN HEREIN FROM LM (LIGHT MANUFACTURING - COUNTY) TO CHI (HEAVY COMMERCIAL / LIGHT INDUSTRIAL - CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Palmetto Hasko, LLC, - Z0502 PID # 2599610108 and 2598800007, approximately 4.58 acres).

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

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to adopt Ordinance No. 05-852.

5. PUBLIC HEARING – ORDINANCE NO. 05-858
Ordinance No. 05-858 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 5, ARTICLE I, SECTION 5-6, SUBSECTION 5-6(4) OF THE CITY OF PALMETTO CODE OF ORDINANCES PERTAINING TO NOISE; PROVIDING FOR FINDINGS OF FACT; PROVIDING AN EXEMPTION FOR CONSTRUCTION ACTIVITIES TAKING PLACE AT SPECIFIED TIMES; 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. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 05-858.

6. PUBLIC HEARING – CONDITIONAL USE PERMIT 0503

Conditional Use Permit 0503 proposes to bring the telecommunication tower at 245 9th St. W. into compliance by submittal of annual reporting and registration fees. The permit will also allow the installation of new equipment on the tower for Metro PCS.

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

Discussion: Metro PCS has agreed to pay outstanding fees and maintain the telecommunication tower's site, as well as provide a performance bond until the tower is abandoned. The following stipulations will be added to the Conditional Use Permit:

- Owner of the telecommunication tower shall meet all statutory requirements
- Owner of the telecommunication tower shall remit an annual fee
- Owner of the telecommunication tower shall provide a bond
- Any violation of the Conditional Use Permit may result in the filing of a lien
- Co-locators shall be responsible for complying with all City resolutions and ordinances in existence

- Any unpaid fees may result in the filing of a lien

MOTION: Mr. Ball moved, Ms. Varnadore seconded and motion carried 5-0 to approve Conditional Use Permit 0503 for 245 9th Street West, as amended with the stated stipulations.

7. RESOLUTION NO. 05-38

Manatee School for the Arts item carried forward from the 4:00 PM workshop meeting. Manatee School for the Arts has requested the City assist the School in securing funding by participating in an Industrial Development Revenue Bond, Series 2005, in an amount not to exceed \$1,625,000.

Resolution No. 05-38 was read by title.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA AUTHORIZING THE ISSUANCE OF THE CITY'S INDUSTRIAL DEVELOPMENT REVENUE BOND, SERIES 2005 (MANATEE SCHOOL FOR THE ARTS PROJECT) IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$1,625,000 FOR THE PURPOSE OF PROVIDING FUNDS TO MAKE A LOAN TO RENAISSANCE ARTS AND EDUCATION, INC. D/B/A MANATEE SCHOOL FOR THE ARTS (THE "BORROWER") TO PROVIDE FUNDS TO FINANCE COMPLETION OF AN ADDITION TO AND CAPITAL EXPENDITURES WITH RESPECT TO AN EDUCATIONAL FACILITY OWNED AND OPERATED BY THE BORROWER AND TO PAY A PORTION OF THE COSTS OF ISSUING THE BOND; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT, A BOND PURCHASE AGREEMENT, A MORTGAGE, ASSIGNMENT OF RENTS AND SECURITY AGREEMENT, AN ENVIRONMENTAL INDEMNITY AGREEMENT AND AN ASSIGNMENT OF LOAN AGREEMENT, MORTGAGE, PROMISSORY NOTE AND OTHER COLLATERAL; AWARDED THE SALE OF THE BOND BY A NEGOTIATED SALE; AUTHORIZING OFFICIALS OF THE CITY TO TAKE CERTAIN ACTION IN CONNECTION WITH THE ISSUANCE OF THE BOND; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF THE BOND; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 05-38.

8. APPROVAL - FUNDING FOR THE APPROVED CIP

Item carried forward from the 4:00 agenda. As directed at the June 6, 2005 Commission meeting, staff has amended the CIP by shifting projects forward and identifying non-city funding sources. Mr. Free distributed an anticipated debt service schedule for a \$5.4 million loan.

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to approve the amended CIP and authorized staff to proceed in securing funding.

9. APPROVAL - PALMETTO HISTORIC CEMETERY RESTORATION

Item carried forward from the 4:00 PM workshop meeting. Staff is requesting approval to allow Palmetto Christian School's Historical Service Club to participate in the maintenance and restoration project planned for the Palmetto Historic Cemetery.

MOTION: Mr. Williams moved, Ms. Varnadore seconded and motion carried 5-0 to approve the participation of the Palmetto Christian School Historical Club in the Palmetto Historic Cemetery maintenance and restoration project.

10. APPROVAL - MUNICIPAL TRAFFIC CONTROL JURISDICTION AGREEMENT WITH RIVIERA DUNES HOMEOWNERS' ASSOCIATION, INC.

The Riviera Dunes Homeowners' Association, Inc. has petitioned the City to allow the Police Department to provide traffic control within the association's boundaries.

Discussion: State Statutes permit the City to monitor the streets if the speed limit is 25 or 30 miles per hour. If The City adopts the agreement stating the speed limit shall be 22 miles per hour, the City must adopt an ordinance with applicable language. If the City amends the agreement to read 20 miles per hour the association will be responsible for erecting proper signage.

Also discussed was the fact the City has agreed to provide this service, yet plans to charge the Palms of Terra Ceia CDD for sweeping its internal streets. Attorney Hall explained she had been informed the streets of the CDD had not been conveyed to the City. The City may make distinctions in service and the residents of Riviera Dunes are entitled to expect protection from the Police Department. She suggested that when the land development code consultant provides recommendations, the City should at that point make a decision regarding private street issues.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Interlocal Agreement for Municipal Traffic Control Jurisdiction between the City of Palmetto and Homes of Riviera Dunes Homeowners' Association, Inc., as amended to 20 miles per hour.

11. RESOLUTION NO. 05-31

Resolution No. 05-31 establishes the budgets for the approved 2005 CIP reclaimed water projects.

Resolution No. 05-31 was read by title.

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. Ball seconded and motion carried 5-0 to adopt Resolution No. 05-31.

12. RESOLUTION NO. 05-34

Resolution No. 05-34 increases the budget for the repair of police vehicles by \$3,391, the reimbursement amount from Florida Municipal Insurance Trust.

Resolution No. 05-34 was read by title.

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. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 05-34.

13. RESOLUTION NO. 05-35

Resolution No. 05-35 increases the budget for Jackson Park drainage system engineering by \$13,000. Modeling of the project has determined a more efficient solution to the drainage problems in the area than was originally suggested. JEA will perform the additional engineering necessary to design the improvements.

Resolution No. 05-35 was read by title.

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.

Discussion: The additional budget is necessary to re-contour the pond to eliminate the purchase of one piece of property, to consider a storm drain running through one piece of property and to address permitting changes.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to adopt Resolution No. 05-35.

14. RESOLUTION NO. 05-36

Resolution No. 05-36 increases the budget for the 17th Street utility relocations by \$2,570 to fund additional engineering services. Staff has reviewed JEA's 60% plans and determined additional conflicts were not identified on the original scope of the project. Wade Trim performed a conflict adjustment that identified a manhole conflicting with the force man. The 90% plans should be completed within the next two months.

Resolution No. 05-36 was read by title.

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. Williams moved, Mr. Ball seconded and motion carried 5-0 to adopt Resolution No. 05-36.

15. RESOLUTION NO. 05-37

Resolution No. 05-37 increases the budget for the WWTP engineering services by \$15,000. JEA has submitted a plan to further reduce the level of the THM compound DCBM in treated wastewater to meet the September 2005 compliance level. Staff was instructed to determine if the City may petition DEP to extend the compliance date.

Resolution No. 05-37 was read by title.

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. 05-37.

16. APPROVAL – FDLE MUTUAL AID AGREEMENT TO FORM THE SOUTHWEST FLORIDA CHILD ABDUCTION RESPONSE TEAM

A voluntary cooperation mutual aid agreement among law enforcement agencies in southwest Florida and FDLE to form a response team of specialized law enforcement investigators to focus primarily on cases involving abducted children.

MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 5-0 to approve and authorize Chief Lowe to execute the Voluntary Cooperation Mutual Aid Agreement Among Law Enforcement Agencies in Southwest Florida and the Florida Department of Law Enforcement to Form the Southwest Florida Child Abduction Response Team.

17. APPROVAL – CONTRACT FOR SCHOOL RESOURCE OFFICERS 2005-2006

Proposed contract with the School Board of Manatee County will fund one-half of the School Resource Officer positions at Lincoln Middle School and Palmetto High School.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the School Board of Manatee County School Resource Officers Contract.

18. APPROVAL-SANCTUARY COVE UTILITY AGREEMENT

Sanctuary Cove Planned Development will impact the eastside sewer system (301 force main). The developer will pay the lesser of 25% of the City's actual cost of the improvements or \$250,000. Payment shall be due either at the acceptance of the improvements or at the project's final plat approval, whichever is later.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Utility Agreement with Sanctuary Development Partners, LLC.

19. APPROVAL – CHAZ EQUIPMENT COMPANY, INC. CONTRACT

As part of the CIP, Public Works proposes to rehabilitate approximately sixty-two manholes in the lift station #4 system. Chaz Equipment Company, Inc. has been selected to perform this pilot program.

Mr. Lukowiak reported a recent 3/10's inch rainfall created a spike at the wastewater treatment plant. He stated staff suspects that in addition to manhole problems there could be a collapsed pipe allowing infiltration or a cross connection. He stated these types problems need to be identified but a smoke test can not be performed this time of year. The proposed contract does not contain smoke testing.

Mr. Lukowiak discussed his belief it would be more advantageous to spend \$165,250 on a camera truck that would allow his department to perform a complete visual assessment of the piping system in the City's infrastructure. Matt Bloom, Stormwater Superintendent, stated the camera truck is a self contained unit that requires two people to operate. Public Works has staff trained in the use of this type of camera. With Commission's concurrence, Mr. Lukowiak suggested amending the proposed motion to allow the purchase a camera truck rather than enter into a contract to rehabilitate the manholes. Mr. Lukowiak stated that an I&I assessment over the next year will reveal if there is an issue with manholes and, if so, he will bring the issue back to City Commission. The visual assessment will also provide accurate information as to what the City can expect to spend in maintaining the City's sewer system.

Mr. Free suggested a lease/purchase program that may be funded through the road and bridge, water and sewer and stormwater funds. CRA will also be solicited to provide funding, as the equipment will directly benefit residents and businesses in the CRA district.

Commission concurred with Mr. Lukowiak's request and instructed him to proceed with ordering the camera truck. Details of the lease/purchase agreement will be brought to Commission at a subsequent meeting for review and approval.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 that in lieu of approval of the contract with Chaz Equipment, Commission approves of the general terms discussed regarding the purchase of a camera truck.

20. DESIGNATION OF VOTING DELEGATE TO THE FLOC ANNUAL CONFERENCE

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to nominate Mayor Bustle as the voting delegate to the Florida League of Cities Annual Conference.

21. DEPARTMENT HEADS' COMMENTS

Mr. Free

The Palmetto Guest Home issue has been resolved.

Chief Lowe

The Police Department apprehended a burglar at Cuts Edge Marina.

Mr. Lukowiak

The original, fully executed supplemental agreement with CSX has been received by the City.

The bricked, raised 5th St. and 7th Ave. intersection has been completed. In lieu of reinstalling the bricks the intersection was paved at an estimated \$20,000 savings. Public Works proposes to stamp the asphalt at a cost of \$13,000. A company is offering a free pilot program at a crosswalk of the City's choosing. In addition to offering more stability, the stamped asphalt can be colored and easily repaired by staff. It was consensus of Commission to allow the topic to be brought forward at the July 18, 2005 meeting for review and approval.

Attorney Hall

Requested Commissioners call her if there are any questions on the memo regarding quasi-judicial items.

Code Enforcement Director Bill Stollo has brought up a code enforcement issue regarding commercial vehicles parking in residential areas. The City's Code of Ordinances defines a commercial vehicle as a vehicle weighing over one ton; most of today's vehicles exceed one ton. Attorney Hall will work with Mr. Stollo to develop an accurate definition of a commercial vehicle and prepare an ordinance amendment for Commission's consideration.

22. MAYOR'S REPORT

FLOC conference reservations have been confirmed. Proposed allowing the department heads to attend. The retreat is planned for Sunday and will be facilitated by Dr. Scott Payne, Ph.D., University of Tampa, and a speaker at the recent Leadership Florida seminar. Mrs. Lukowiak will act as recording secretary at the retreat. Dr. Payne will provide a report to the City based on what is learned at the retreat. It was consensus of Commission to approve the department heads' attendance at the FLOC annual conference.

23. COMMISSIONERS' COMMENTS

Mr. Ball

Distributed materials prepared by the Historical Commission regarding a summer social. The Palmetto Armory is trying to get designated to the historical register. Perkling Construction is progressing with projects at the Historical Park. Reported on the number of school children who toured the park in May.

Mrs. Lancaster

Stated speeding tickets need to be written on 8th Ave. between 10th and 17th Streets.

Ms. Cornwell

Requested a copy of the insurance policy for the Manatee County Radio Controllers sublease. Attorney Hall reviewed and amended the sublease to better protect the City's interests. It is her understanding Mr. Koper has reviewed and accepted the insurance. The entire sublease package will be provided the Commission.

Reported she is unable to open attachments in the Mayor's email correspondence.

Mr. Williams

Requested a fill ordinance be presented as soon as possible.

Mr. Lukowiak informed Commission he is reviewing a draft agreement from Kimley Horn regarding a traffic study that will address street striping. Mr. Fountain is assessing striping at raised intersections and crosswalks. Staff will complete whatever can be done in-house.

Mr. Lukowiak reported the 5th St. and 7th Ave. intersection was completed under budget.

Reported he has received three requests for stop signs at 5th St. and 18th Ave.

Ms. Varnadore

CRA is looking into the possibility of a roundabout on Haben Blvd. at the 90 degree turn. Information on the project will be provided to Commission.

Suggested policies on gated communities should be reviewed.

Inquired about the difference between a warning and a ticket in a residential area. She stated police presence may not be seen in an area for months; they will appear and ticket offenders and then will not be visible for another length of time. Chief Lowe stated many complaints have been received about drivers running stop signs.

The captain's position will be filled by the selection committee.

Mayor Bustle informed the Commission he considers Jim Freeman a strong candidate for the City Clerk's position. The candidate would not be able to fill the position until approximately September 1st. Mr. Freeman presently serves on the P&Z Board and was a member of the Charter Review Committee.

Meeting adjourned at 9:20 PM.

Minutes approved: July 18, 2005

J. E. Free, Jr.
City Clerk

Diane Ponder
Deputy Clerk-Administration