

Palmetto City Commission
July 18, 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
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.

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

Tameka Moore accepted a proclamation declaring August 6, 2005 as the 11th Annual Children's Summit.

1. AGENDA APPROVAL

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the July 18, 2005, 7:00 PM agenda.

2. CONSENT AGENDA

- A) Minutes: June 20, 2005 4:00 PM and 7:00 PM Commission meetings
- B) June Check Register
- C) Attorney billing through May 31, 2005

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

3. PUBLIC HEARING – ORDINANCE NO. 05-857

Commission reviewed the revised general development plan June 20, 2005. Commission's findings were to have been provided to Planning & Zoning Board as an informational topic only at the July 11, 2005 meeting.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A GENERAL DEVELOPMENT PLAN FOR 600 AND 822 HABEN BLVD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 0502 Riviera Walk East, PID # 2579600152 and 2579600202 approx. 10.69 acres).

Mayor Bustle opened the public hearing. Attorney Caleb Grimes informed Commission the general development plan had been redesigned to assure all concerns of the Planning and Zoning Board had been met, the plan is consistent with the City's Comprehensive Plan and has been reviewed by DRC and staff. Mayor Bustle closed the public hearing.

Ms. McCann informed Commission of the following setback corrections:

- 20' from Haben Blvd.
- 15' from the private drive to Manatee School for the Arts
- Interior drives will be 15' from each other; 7'.5" from lot line to lot line

The DRC comments are construction related and can be handled during the DRC process. Ms. McCann asked that a stipulation requiring the satisfaction of DRC comments prior to staff signing off on construction drawings.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 05-857, with all DRC stipulations as presented.

4. PUBLIC HEARING – APPEAL OF BOA0502 VARIANCE REQUEST 1118 11th St. W.

The property owners at 1118 11th St. W. applied for a variance from the 7 ft. setback to a 3.5 ft. setback for a home expansion; the original house is built with a 3.5 ft. setback. The variance is to maintain the original site line of the house. Planning and Zoning denied the variance, as it did not meet all the stipulations of the Code under which approval might have been given. The item is an appeal for reversal of the Planning and Zoning Board's decision.

Mayor Bustle opened the public hearing. Applicant John Fogarty requested the Commission approve his appeal of a variance so he can build onto the back of his home. Mayor Bustle closed the public hearing.

MOTION: Ms. Varnadore moved, Mr. Williams seconded and motion carried 5-0 to grant Mr. Fogarty a variance.

5. PROPOSED TENTATIVE AGGREGATE MILLAGE RATE

Mayor Bustle explained to the public a Commission must declare a proposed tentative aggregate millage rate that may be lowered once the budget has been developed, but the tentative rate may not be increased. Mayor Bustle proposed adopting a tentative aggregate millage rate at one-half mil above last year's millage rate. Mayor Bustle opened the floor to public comment.

PUBLIC COMMENT:

Capt. William E. "Gene" Davis, 909 18th Ave. W. stated he represented his grandmother Rose Davis Worley. He spoke in opposition of raising the millage.

Jonathan L. Davis spoke of the growth in the City that provides a larger tax base and requested Commission hold the millage at last year's rate.

Philip Geracio, 1209 24th Ave. W., spoke of the growth and the existing home sales increasing revenue. He encouraged the Commission to keep the budget under control and not increase the millage.

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to adopt a tentative aggregate millage rate of 5.6645.

6. CITY CLERK APPOINTMENT

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve the appointment of Jim R. Freeman as City Clerk for a term ending at the conclusion of the first regular meeting after the mayor's election in November 2008.

7. PLANNING AND ZONING BOARD MEMBER APPOINTMENTS

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve the appointment of Jon Moore to the Planning and Zoning Board for a term expiring January 2007.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve the appointment of Devin Harms to the Planning and Zoning Board for a term expiring January 2006.

8. RESOLUTION NO. 05-40

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE OF THE CITY IN THE PRINCIPAL AMOUNT OF \$5,400,000.00 TO PROVIDE FUNDS TO FINANCE IMPROVEMENTS TO THE CITY'S WATER, WASTEWATER, WASTEWATER REUSE AND STORMWATER SYSTEMS, ROADWAY IMPROVEMENTS AND RECREATIONAL FACILITIES IMPROVEMENTS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A PROMISSORY NOTE AND A LOAN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Staff requested the item be continued to July 25, 2005 to allow for confirmation of additional funding to include the wastewater treatment plant issues. Commission concurred.

9. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 05-860

Ordinance No. 05-855 approving the general development plan for Palmetto Retail Center was adopted June 6, 2005.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A MODIFICATION TO THE GENERAL DEVELOPMENT PLAN FOR PALMETTO RETAIL CENTER, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDPM 05-02 Palmetto Retail Center, 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. 05-860 for advertising and schedule a public hearing July 25, 2005.

10. FRDAP GRANT ACCEPTANCE

July 1, 2005, the City received a notice of award of a \$50,000 FRDAP Grant for the enhancement of the Palmetto Estuary Park. Commission must authorize the Mayor to execute the FRDAP Grant Agreement and approve a corresponding resolution to establish the budget for the award.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Florida Recreation Development Assistance Program Project Agreement, #F6297.

11. RESOLUTION NO. 05-39

Resolution No. 05-39 establishes the budget for the \$50,000 FRDAP Grant award.

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. 05-39.

12. INTERLOCAL AGREEMENT - PALMS OF TERRA CEIA COMMUNITY DEVELOPMENT DISTRICT (STREET SWEEPING AGREEMENT)

Mr. Lukowiak presented Commission the proposed interlocal agreement June 20, 2005. If approved, the agreement will allow the City to sweep the streets of Palms of Terra Ceia at a cost to the development of \$48 per hour.

Ms. Hall informed Commission she has not resolved who owns the streets relative to the topic under discussion. Mayor Bustle suggested moving forward with the issue while Attorney Hall continues her research regarding street ownership.

MOTION: Ms. Cornwell moved and Mrs. Lancaster seconded the motion to approve and authorize the Mayor to execute the Interlocal Agreement between the City of Palmetto and the Palms of Terra Ceia Community Development District.

Discussion: Ms. Varnadore and Mr. Williams spoke in opposition of the proposed fee, as the residents of the CDD currently pay full City taxes. Mr. Ball supported the agreement because the CDD has voiced no particular objection to the fee and a general policy change would have to be made to sweep privately maintained streets.

Clyde Boltz, Chairman of the CDD, stated there is unrestricted access to the development during the day because the pier is constructed over sovereign public lands and the boardwalk is constructed over a DEP conservation easement; however, the gate is locked at night. He further stated the CDD has a gate and can employ guards but they cannot restrict public access, they can only control public access. He also informed Commission the CDD will generate close to \$200,000 in tax revenue, 90% of which will be spent on basic City services. He stated one of the primary objectives of sweeping the streets is to protect the stormwater system by eliminating infiltration of accumulated debris.

Discussion ensued on the 14 multiple homeowners' associations in the CDD and the fact some streets were dedicated to the CDD and some were incorporated as part of the condominium documents and remain the property of the homeowners' associations.

Mayor Bustle suggested the topic is an access issue rather than a CDD issue. He suggested that if the Commission approved sweeping the streets in the CDD, Riviera Dunes, which is a truly gated community, could demand the same. He also referred to the possibility of the CDD's gate eventually being manned twenty-fours a day. Mayor Bustle suggested that if both the CDD and Riviera Dunes wished to dedicate their streets to the City, then the City would maintain them.

Mayor Bustle called for a vote for the motion on the floor. Motion carried 3-2. Ms. Varnadore and Mr. Williams voted no.

13. AWARD OF BID – EVALUATION AND APPRAISAL REPORT

Staff has ranked the firms submitting a bid to review the City's Comprehensive Plan and prepare the Evaluation and Appraisal Report. The culmination of the project will result in the acceptance of the report by Florida Department of Community Affairs.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to award the Evaluation and Appraisal Report bid to Michele Mellgren & Associates in an amount not to exceed \$69,000.

14. DEPARTMENT HEADS' COMMENTS

Mr. Lukowiak

The City Planner position will be reposted. Mr. Dodes has withdrawn his acceptance of the position.

Charlie Ugarte, the architect on the new building by West Coast Tomato has requested the Commission approve three cement deliveries at 3:00 am. If the request is approved delivery can be made in the next week vs. a six week timeframe. He assured Mr. Lukowiak the noise level will be below the established decibel level. There is a small residential area that may be affected by the early deliveries. Commission requested the residents in the area be notified of deliveries and advised who to contact at Public Works of any problems. Commission approved the request.

The funding of the CIP was approved without the cost of the addition of the wastewater treatment plant issues. The loan may be extended by \$1.5 million. As a result of the new contract with Veolia Water, an audit was performed which identified several critical items that must be addressed immediately. Ms. Cornwell asked staff to determine if a portion of the estimated expense associate with the wastewater treatment plant problems is due to growth and, if so, can CRA can help fund the expenditure as part of its support of growth. Attorney Hall informed the Commission the recent legislature change CIP requirements. She and Mr. Lukowiak are reviewing the new laws to determine concurrency with recent law changes. An opinion from CRA Executive Director Tanya Lukowiak will be asked to opine on CRA's funding the wastewater treatment plant maintenance.

Informed Commission he would be out of town until Thursday night.

Chief Lowe

Officer Metzger is home recovering from his injuries. An arrest has been made.

15. MAYOR'S REPORT

The revised Cody & Associates Pay Plan will be to the City next week. A budget meeting is scheduled for August 13, 2005 beginning at 9:00 am to discuss personnel issues.

A meeting is scheduled July 27, 2005 with Ernie Padgett to discuss the water agreement, Jackson Park, Blackstone Park and other outstanding issues.

The courts approved a Motion for Summary Judgment in the Jerome Waiters case.

Discussed the Growth Management Bill. One portion of the bill was an Impact Fee Study, for which the Mayor has submitted paperwork to volunteer to serve on a state committee for the study. Another portion of the bill is the Transportation Regional Incentive Program, which will fund regionally significant transportation projects through grant funds that will require a like match. The City has submitted two projects: 1) the intersection at 8th Avenue and Riverside Drive (CRA will provide the match) and 2) the extension of Haben Blvd. to 12th Avenue (CRA, Westra and the City will provide the match). The projects will be forwarded to a regional review committee.

A CRA Special Board Meeting will be held Tuesday to review the Riverfront Plan. The meeting has been noticed so that Commission may attend and participate.

Discussed the most recent proposed organizational chart for the City. The only change to the chart is IT being placed under the Mayor. Mayor Bustle proposed IT representatives in each department will report to the IT Director.

Mike Towns, the City's insurance broker, will present a health insurance briefing during a mandatory supervisor's meeting Wednesday. He will also make himself available to employees during scheduled meetings in each department.

Referring to the outstanding Padares claim, Attorney Hall reported an audit has been performed. The auditor's firm has prepared a draft letter to All Children's Hospital concerning procedures deemed unusual (unbundling or duplicate entries). The letter will also discuss the wrongness of requiring payment before an audit is performed.

Mayor Bustle announced he has been accepted for the Leadership Florida program.

16. COMMISSIONERS' COMMENTS

Ms. Varnadore

On 19th Ave. between 7th Street and 8th Street, flooding is involving four properties as the result of the City piping a ditch. Standing water previously affected two properties, but now water is standing on one property endangering exotic plantings. Public Works is aware of the problem and will look at how to correct it.

Requested the City look at placing No Parking signs at 12th Street and 27th Avenue because of the narrow streets. Mr. Lukowiak stated the Kimley Horn traffic study will include street parking.

Inquired the status of the dock ordinance. It will be brought to Commission shortly and will include language establishing criteria for dock placement.

Inquired if the in-house attorney issue will be included in the budget. Mayor Bustle stated the issue be moved up in priority. Ms. Varnadore concurred it should be reprioritized.

Stated she had read the Waiters decision in the paper, and opined an email should be sent to Commissioners advising them of newsworthy items.

Mr. Williams

Commented on the in-flow and the tagged meter at the wastewater treatment plant. Discussed cleanouts that are directly connected to the sewer lines. Public Works will coordinate with Code Enforcement to address found violations.

Interviews for the captain's position will begin next week.

Commented on the need to train personnel to understand the step and grade pay plan so the City does not have to pay for an updated study each year.

City Hall's front door has been ordered but there is a six week wait.

Requested Public Works survey and repair street pot holes.

Inquired why there is flooding at 11th Street and 8th Avenue. Mr. Lukowiak reported DOT did not install enough catch basins. DOT has been contacted numerous times, to no avail. Staff will continue to work the problem.

Commented on not receiving agenda information in a timely manner.

Mrs. Lancaster

Congratulated Jim Freeman on his City Clerk appointment.

Requested the police department monitor speeding on 8th Avenue between 10th Street and 17th Street.

Ms. Cornwell

Thanked Mr. Lukowiak for his quick response to phone calls.

Commented on the Chief's updates and how communication provides Commission information needed when dealing with the public.

Inquired what Mr. Freeman's salary would be. The amount will be provided to Commission.

Suggested Mr. Free's retirement should be recognized by proclamation.

Requested information on projects being carried over to the next fiscal year so Commission will have the data during the budget review.

Mary Ann Barneby advised Ms. Cornwell Bradenton has adopted a derelict boat ordinance and Manatee County is working on a like ordinance.

Requested staff looks at planned development and how the growth will increase the tax base and fee revenue the City will realize. The information will enable Commission to better decide funding issues vs. purchasing.

Clyde Boltz informed Commission the Palms of Terra Ceia CDD Board has approved a \$166,000 project to rebuild a road. He advised there is a problem with a stormwater catch basin where sand has infiltrated and caused a collapse in the right-of-way. He requested the Commission authorize Public Works to make the repair, with the understanding the City will be reimbursed by the CDD. Mr. Lukowiak discussed the issue, advising Commission it is a staff project that will take approximately four hours, and will be billed to the CDD. Attorney Hall advised that an interlocal agreement may be adopted by both governing bodies that will allow the CDD to piggyback on City contracts.

Meeting adjourned at 9:30 pm.

Minutes approved: August 15, 2005



James R. Freeman
City Clerk