

Palmetto City Commission
August 15, 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
James R. Freeman, City Clerk
Frank Woodard, Deputy Public Works Director
Jessica McCann, City Planner Consultant
Diane Ponder, Deputy Clerk-Administration

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

A moment of silence for overseas military personnel was observed, followed by the Pledge of Allegiance to the United States Flag.

Vice Mayor Williams read a proclamation declaring August 26, 2005 as Women's Equity Day. The proclamation was accepted by Peg McGarrity, Secretary of the Manatee Commission on the Status of Women and Mary Reynolds, a charter member of the organization.

PUBLIC COMMENT:

Walter H. "Mickey" Presha, 880 33rd St. E. and owner of businesses located at 640 and 704 10th St. W., spoke in opposition of the recent traffic regulation changing 7th Ave. W. into a one-way south bound street. He asked Commission to reconsider the action, stating as he was never notified of the pending traffic change. He also spoke of problems associated with the traffic flow change.

David Ferdinand, 627 S. Osprey Ave., Sarasota, spoke to Commission concerning Palmetto Enterprise Night, a special event scheduled September 28, 2005 at the Civic Center.

Mary Kimbrough, 1011 7th Ave. W., also requested Commission reconsider the 7th Ave. W. one-way issue. She also referred to traffic problems associated with the change.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the August 15, 2005, 7:00 PM agenda.

2. CONSENT AGENDA

- A) Minutes: July 18, July 25 and August 1, 2005 Commission meetings
- B) July Check Register

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the August 15, 2005 Consent Agenda.

3. PUBLIC HEARING-ORDINANCE NO. 05-861

Ordinance No. 05-861 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF APPENDIX B, ARTICLE VI, OF THE CITY CODE OF ORDINANCES, PERTAINING TO TEMPORARY USE OF PORTABLE RESTROOM FACILITIES; 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 and Mr. Ball seconded to adopt Ordinance No. 05-861.

Discussion: After discussion concerning the proposed new language pertaining to the City's ability to grant a variance, Sec. 6.11.E was struck from the ordinance. Commission amended Sec. 6.11.A to restrict portable restrooms on any property for a period of five days rather than ten days during one calendar year. Commission also inserted language in Sec. 6.11.D to exempt Manatee County from the provisions of the section.

Mrs. Lancaster withdrew her motion. Mr. Ball withdrew his second.

MOTION: Mr. Williams moved, Ms. Varnadore seconded and motion carried 5-0 to adopt Ordinance No. 05-861 with the change in 6.11A to five days rather than ten days, the deletion of 6.11.E, and change 6.11.D to reflect the use of portable restrooms on City or Manatee County property shall be exempt from the provisions of the section.

The motion on the floor carried 5-0.

4. PUBLIC HEARING – CONDITIONAL USE PERMIT 0502 - 208 11TH ST. DR. W.

Miguel Robledo has applied for a conditional use permit to operate a home office and park a roofing kettle truck at 208 11th St. Dr. W.

Mayor Bustle opened the public hearing.

Palmetto Police Detective Alvarez acted as translator for applicant Miguel Robledo.

Ms. McCann informed Commission the Planning and Zoning Board recommended approval of the home business, but denied approval of the parking of the kettle truck on the premises, based on specific standard #5 not being met in Sec. 6.12 Home Occupation of the Zoning Code. Also cited as a basis for the denying the parking of the kettle truck on the premises was child welfare and general incompatibility with the neighborhood.

Mr. Robledo informed Commission he was seeking a variance to allow him to operate a new roofing business and park a roofing kettle truck in the front yard of his residence. He stated his business is new and he cannot rent a site to park the kettle truck. He is requesting the variance to permit him to park the kettle truck from 7:00 pm to 6:00 am for three months. The truck will be parked in the front yard because there is no access to the back of the property.

Robert Jones, 1104 3rd Ave. W. spoke in opposition of the conditional use permit. Yvonne Presha, 203 12th St. W. spoke in opposition due to health issues.

Mayor Bustle closed the public hearing.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to follow the recommendation of Planning and Zoning and allow Mr. Robledo to have an office in his home but he will need to find another location to park the kettle truck.

Commission encouraged Mr. Robledo to contact the CRA for information on help available to new businesses in the City.

5. SPECIAL FENCE PERMIT 0503 – 1724 18th St. W.

Jay Taylor has applied for a special fence permit to allow two, six-foot tall fence posts supporting a double gate for the main entrance of his property.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Special Fence Permit 0503.

6. WATER & WASTEWATER FY 2005 IMPACT FEE STUDY

At the August 1, 2005 Commission meeting, Burton & Associates presented results of the Water & Wastewater Impact Fee Study. Impact fees were developed at full cost recovery for both water and wastewater, based upon the replacement or reconstruction cost of the City's existing major functional components and the five-year capital improvements program. City Commission will determine the water and wastewater impact fees to be assessed against new development in an attempt to cover the cost of providing additional capital facilities.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve a Water and Wastewater Impact Fee based on full cost recovery, and instruct staff to draft a proposed ordinance for adoption.

7. LICENSE AGREEMENT APPROVAL – MANATEE COUNTY FAIR ASSOCIATION, INC.

This License Agreement for Exhibitors and Concessionaires is for the City's booth at the annual Manatee River Fair.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Manatee River Fair Association License Agreement for Exhibitors and Concessionaires in an amount not to exceed \$615.

8. RESOLUTION NO. 05-42

On July 25, 2005, City Commission approved and authorized the Mayor to execute the Interlocal Agreement to Create a Manatee County Cable Television Consortium. Resolution No. 05-42 formalizes items associated with the consortium that Commission has previously discussed, i.e., the City's representative to the Governing Board of the Consortium and alternates, administration of existing franchise agreements.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ADOPTING AN INTERLOCAL AGREEMENT FOR CABLE TELEVISION CONSORTIUM; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ANY RELATED DOCUMENTS; PROVIDING FOR ENTRY OF NEW MEMBERS SUBSEQUENT TO ADOPTION; PROVIDING FOR INITIAL APPOINTMENT OF CONSORTIUM GOVERNING BOARD REPRESENTATIVE AND ALTERNATES; PROVIDING FOR ASSIGNMENT OF ADMINISTRATION OF CURRENT FRANCHISE AGREEMENT TO THE CONSORTIUM; PROVIDING DIRECTION TO STAFF CONCERNING ORDINANCE REVIEW; PROVIDING FOR SEVERABILITY; MAKING RELATED FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Ms. Varnadore seconded and motion carried 5-0 to adopt Resolution No. 05-42.

9. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 05-862

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR AMENDMENT OF APPENDIX B, ARTICLE III, SECTION 3.2 OF THE CITY CODE OF ORDINANCES BY CREATING A NEW DEFINITION OF "COMMERCIAL VEHICLE"; PROVIDING FOR AMENDMENT OF APPENDIX B, ARTICLE VI, SECTION 6.5 OF THE CITY CODE OF ORDINANCES PERTAINING TO THE PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR AMENDMENT OF CHAPTER 28, ARTICLE III, SECTION 28-52 OF THE CITY CODE OF ORDINANCES PERTAINING TO THE

PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 05-862 for advertising and schedule a public hearing for August 29, 2005.

10. DEPARTMENT HEADS' COMMENTS

Mr. Freeman

A budget spreadsheet incorporating the changes will be available Wednesday. A revised budget will be ready for the August 22, 2005 meeting.

Attorney Hall

Informed Commission she and Mr. Freeman had met with the City's insurance agent Mike Towns who, as a courtesy to the City, reviewed the Padares claim. Mr. Towns explained the different components of the City's prior insurance policy and how they operated, stating the City has the ultimate fiduciary responsibility. Mr. Towns suggested Commission strongly consider paying All Children's Hospital the \$40,000, as it is contractually owed. He also stated the hospital could have demanded payment of the entire \$145,000, as it has been owed since August 2004. Attorney Hall, Mayor Bustle, Mr. Freeman and Mr. Towns have scheduled a meeting with the hospital to discuss settlement of the claim. It was consensus of Commission that Mayor Bustle has the authority to effect settlement during the meeting. Attorney Hall stated the City may ask for an audit after payment; work will continue to recoup the \$40,000.

11. MAYOR'S REPORT

Official shirt day during the FLOC conference is Thursday.

The normal procedure when placing a tree in the Memorial Walk is for a family to pay for the tree. Mayor Bustle suggested that because Miriam Burnett was a long-term employee, the City should absorb all associated costs. Commission concurred. Mayor Bustle will finalize the details and schedule a ceremony.

Referring to the letter from Ms. Clark, Mayor Bustle stated he will be unable to attend.

The County Commission will discuss the Blackstone Park pool at a time certain 10:00 am. Attorney Hall will attend the Cable TV Consortium 1:30 pm meeting Tuesday, August 16, 2005. The Manatee County general franchising ordinance will be discussed, followed by the Manatee County proposed franchise with Verizon and finally the consortium. The first two items may affect the City because of its participation in the consortium.

12. COMMISSIONERS' COMMENTS

Ms. Cornwell

Suggested the City should consider purchasing an interpreting machine that can be used by hearing impaired or Spanish speaking individuals. Staff may contact Berdia Bradley at the School Board for information. It was also suggested Spanish lessons should be considered for interested City employees.

Referring to the one-way street issue, Ms. Cornwell inquired if Commission will discuss the topic in the future. Mr. Williams suggested that because new information is available, the City should revisit the situation; Mrs. Lancaster and Ms. Varnadore concurred.

Thanked the Police Department of assistance during the school year start.

Mr. Ball

Mr. Ball stated the City should consider whether or not making 7th Avenue one way accomplished what it was intended to do. The City should remember why the action was taken, even though it does inconvenience some people. Mr. Lukowiak respectfully disagreed with Commission, cautioning them about revisiting the issue because of one homeowner and one business owner, which could result in citizens living on other one-way streets petitioning Commission to revisit their street's traffic regulation. He stated everything was properly done and the action has accomplished what was intended.

Reported the Economic Zone Act was set to expire at the end of the year, it has been reauthorized but new application must be made. The new zone is significantly different; anything west of 8th Avenue has been eliminated and has been extended to the south, but it is limited to a three square mile area. The application, including an interlocal agreement with Manatee County, has to be completed by the end of November.

Mrs. Lancaster

Requested the open storage ordinance be placed on an agenda for discussion. Staff will provide a copy of the ordinance. Mrs. Lancaster will discuss the topic with the Mayor prior to it being placed on an agenda.

Stated she highly respected Mr. Lukowiak's opinion, but her concern with not revisiting the 7th Avenue issue is because of the ability to make a left turn into the plaza at the corner of 10th Street and 8th Avenue. Mr. Lukowiak explained the only egress/ingress into the plaza is off 10th Street; DOT will not permit one off 8th Avenue.

Mr. Williams

Requested Commission ask Public Works to monitor the 7th Avenue issue for three months and then furnish Commission a report. Mayor Bustle asked that Public Works be attuned to the situation and address any problems. Staff will bring back information on better identifying the traffic regulations at 7th Avenue.

FEMA related debris management contracts are scheduled for the August 29, 2005 meeting.

Ms. Varnadore

Thanked the Police Department for their aid – the car on 12th and 27th has moved. Stated she looks forward to the traffic study that will address street parking.

Regarding 7th Avenue, Chief Lowe stated the Police Department is continuing to monitor the situation, issuing warnings only.

Inquired if the in-house attorney position will be addressed during the budget process, stating the City Attorney budget contains \$53,000, with four months of the fiscal year remaining.

Meeting adjourned at 9:15 pm.

Minutes approved: August 29, 2005


James R. Freeman
City Clerk