

Palmetto City Commission
August 29, 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:

James R. Freeman, City Clerk
Michele Hall, Attorney
Lt. Craig Himes
Chris Lukowiak, Public Works Director
Frank Woodard, Deputy Public Works Director
Jessica McCann, City Planner Consultant
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:03 PM.

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

Commissioner Mary Lancaster, Chairperson, and Faye Butler, Founder of the GTP Sickle Cell Foundation, accepted a Proclamation read by Mayor Bustle declaring September 1, 2005 Sickle Cell Awareness Day in the City. Commissioner Lancaster invited the Commission and public to the September 1, 2005 grand opening of the Foundation.

PUBLIC COMMENT:

Allen Tusing, representing Zirkelbach Construction, requested Commission permit a variance to the City's noise ordinance by allowing the delivery of concrete to the company's office site located at 1415 10th St. W. Mr. Tusing presented acknowledgment from the most impacted surrounding property owners agreeing to the early morning delivery.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 5-0 to grant the variance to the City's noise ordinance.

David Ferdinand, 627 S. Osprey Ave., Sarasota, FL, spoke about the Palmetto Enterprise Night event planned for September 28, 2005. He stated the public speaking portion of the event will now be held at a City park and the entertainment portion of the event at a private residence. He also commented on the fact he has not received any comments from the Mayor or Commission concerning the event. Mr. Ferdinand explained he is expressing a desire to help bring very large capital dollars into the City.

1. AGENDA APPROVAL

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the August 29, 2005 7:00 PM agenda.

2. CONSENT AGENDA

- A) Minutes: Commission meetings of August 8, 13, and 15, 2005
- B) Attorney billing through July 31, 2005
- C) Special Function Permit: Church on the Rock 5th Quarter

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the August 29, 2005 Consent Agenda.

3. PUBLIC HEARING – 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.

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

Commissioner Williams announced he would abstain from the vote, as he will personally be affected by the decision.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded to adopt Ordinance No. 05-862.

Discussion: The City's Nuisance Ordinance regulates trucks with attached equipment that may be deemed dangerous. Staff will advise Commission if vehicles with attached trailers or boat trailers in excess of ten feet are meant to be regulated by Ordinance No. 05-862.

The vote on the floor carried 3-1. Ms. Varnadore voted no.

4. FINAL PLAT APPROVAL – RIVERBAY TOWNHOMES PHASE III

Ms. McCann informed Commission approval of the final plat is a ministerial action of Commission, as there has been no changes made to the preliminary plat pervious approved.

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to approve the Riverbay Townhomes Phase Three Final Plat.

5. FDOT AGREEMENT FOR US 41 MEDIAN LANDSCAPING INSTALLATION AND MAINTENANCE

Mrs. Lukowiak informed Commission Resolution No. 05-43 approves and authorizes execution of the FDOT Agreement authorizing the continued maintenance of two medians on US41, one north of 17th Street and one south of 17th Street. Resolution No. 05-44 establishes a budget of \$20,000 for the enhancement of the medians that will be reimbursed fully from FDOT.

A) RESOLUTION NO. 05-43

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION HIGHWAY LANDSCAPING INSTALLATION AND MAINTENANCE AGREEMENT

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 05-43.

B) RESOLUTION NO. 05-44

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: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to adopt Resolution No. 05-44.

6. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 05-863

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A GENERAL DEVELOPMENT PLAN FOR SANCTUARY COVE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 05-03 Sanctuary Cove, PID #10157.2510/9, 10157.2505/9 and 10157.1005/9 approx. 211 acres).

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 05-863 for advertising and schedule a public hearing for September 10, 2005.

7. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 05-864

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, A MUNICIPAL CORPORATION, ENACTING AMENDMENT TO ORDINANCE NO.167 EXPANDING THE BOUNDARIES OF THE PALMS OF TERRA CEIA BAY COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (1999), ADDING APPROXIMATELY 27.00 ACRES; PROVIDING FOR SEVERABILITY; PROVIDING FOR ACKNOWLEDGMENT AND AGREEMENT BY THE PETITIONER; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 05-864 for advertising and schedule a public hearing for September 10, 2005.

8. DEPARTMENT HEADS' COMMENTS

Mr. Lukowiak

Advised Commission the Chief of Police, Fire Chief and he have been advised training that for the National Incident Management System (NIMS) must be completed by key personnel and elected officials by September 30, 2005 to apply for FEMA reimbursement. Classes have been organized into two sessions for August 30, August 31 and September 1, 9:00 AM-12:00 PM and 1:00 PM – 4:00 PM. Training and testing can also be done online.

Smoke testing begins September 1, 2005.

Mr. Lukowiak discussed the memo distributed at the beginning of the 4:00 workshop meeting concerning:

1. WWTP is operating in an overflow reserve line as a result of accumulated sediment occupying the fermentation tank. Cost to correct is anticipated not to exceed \$41,000. Mr. Lukowiak explained the transfer pipe is totally closed and the system is operating in by-pass flow. The last time the tanks were cleaned was in 1969. Veolia will contract for the immediate removal of accumulated sediment from the fermentation tanks at their cost; the City will reimburse the expense at the end of the current Veolia contract year, 2006.

2. The Cottage House in the Historic Park is being refurbished through CIP funding. It is estimated an additional \$10,000 will be necessary to complete the project.

The basement of the Carnegie Library requires a new air-conditioner, at a cost of \$4,200. This unforeseen expense is not included in the current year's budget. (Staff will determine if a grant is available before purchasing a new air-conditioner.)

3. The Parks Department proposes the installation of identification cornerstones at each block of the cemetery at a cost of approximately \$2,000.

After discussion of the topics, Commission agreed to the expenditure. Mr. Lukowiak will bring necessary documentation for each project to a subsequent meeting.

Mr. Freeman

Announced the Department Heads will be meeting tomorrow with the intention to present a balanced budget with full Cody implementation. Discussion resulted in a September 7, 2005, 6:00 PM budget meeting.

Provided the following information:

- The ZNS contract does contain planning services.
- Code Enforcement revenue is posted to the General Fund.
- Translation and hearing impaired services, as well as Spanish classes, are being researched.

Centralized cash receipting at City Hall begins Monday, September 12, 2005.

Attorney Hall

Confirmed there is no workshop meeting scheduled for September 10, 2005.

A memo regarding the expansion of a CDD has been distributed for review prior to the ordinance concerning the expansion of the Palms of Terra Ceia CDD.

Given the fact the inclusionary housing issue would have been discussed at a September 10, 2005 workshop, Attorney Hall suggested the Planning Administrator should develop a notice of pending land development regulation that puts developers on notice the City is seriously considering an inclusionary housing ordinance.

9. MAYOR'S REPORT

Reported on the MPO Southwest Florida Chairs Committee meeting. Palmetto's project, improvements at Riverside Dr. and 8th Ave. W. looks promising; \$150,000 will be funded by CRA and \$150,000 by the TRIP program. It was agreed Sarasota's Advanced Transportation Management System is the number one project; Manatee County's portion of the ATMS is funded by Skyway Bridge tolls.

10. COMMISSIONERS' COMMENTS

Ms. Varnadore

Inquired about the status of the dock ordinance, wherein a board of citizens would review issues before presentation to Commission. Attorney Hall is researching the topic, while staff has completed an inventory of lots having or seeking docks. Mayor Bustle stated he would prefer receiving staff's position before seeking public input.

Inquired about the status of the historic preservation board; she wishes to seek information on grants that may be available for historic preservation. Attorney Hall has prepared a draft ordinance and design guidelines that will be included in an administrative document.

Ms. Varnadore commented on accelerating the priority of the in-house attorney, given the amount of projected legal fees. Stated her opinion that Commission should discuss whether new policies regarding attorney fees should be implemented to lower the fees. Discussion resulted in the Agenda Item Suspense Log being placed on the September 10, 2005 agenda.

Commented on the fill ordinance and the fact not all fill is related to new construction.

Commented on her position as liaison to the 4H Foundation and the fact the foundation's new year is beginning.

Mr. Williams

Stated he would be at the NIMS training.

Stated his satisfaction with the recent FLOC conference and the following retreat.

Recognized JEA representative Claude Tankersly.

Mrs. Lancaster

Reviewed the schedule of the NIMS training. Training is available online. Commissioners can transmit the final portion to Mr. Lukowiak for verification.

Announced her main concern is meeting needs before beautification begins.

Mr. Ball

Commented on his opinion the NIMS training is not required according to the information he was given. He stated he will attend the training. Ms. Cornwell stated she wants to see the specific language from FEMA that will restrict funding if Commissioners do not attend the training.

Reminded Commission of the Toy Social at the Historic Park. Also, monthly meetings of the Palmetto Historical Commission are held the first Saturday of each month beginning at 10:00 PM, which includes a presentation regarding Palmetto's history.

Commented on attending the new urbanism seminar at the FLOC conference and how the inclusionary housing is a positive step in involving developers. He spoke of the need to move as quickly as possible in creating a Code that encourages developing a community that will be built around a central commercial core and central park.

Ms. Cornwell

Requested information that will inform Commission of items they can request when approving developments; location, demographics, children's needs, etc. Mr. Lukowiak stated the Department Heads and Attorney Hall will meet to discuss this topic and develop a list of what the City's current code can impose on developers for submittal to Michele Mellgren, the consultant preparing the EAR and Land Development Code. Attorney Hall also informed the Commission a planning firm retained by Manatee County is developing a planning theory that can be applied county wide.

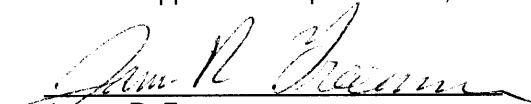
The County Commission voted to install the 25 yard pool at Blackstone Park.

Staff will research implementing the requirement of fingerprinting employees.

Will supply a SWFWMD contact name for the individual handling the bracelets.

Meeting adjourned at 9:15 PM.

Minutes approved: September 19, 2005


James R. Freeman
City Clerk

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST


I, Brian T. Williams, hereby disclose that on August 29, 2005:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

September 6, 2005
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.