

Palmetto City Commission  
September 10, 2005 10:00 AM

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  
Chief Garry Lowe  
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 10:00 AM.

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

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the September 10, 2005 10:00 AM agenda.

2. PUBLIC HEARING – TENTATIVE MILLAGE RATE AND TENTATIVE FISCAL YEAR 05-06 BUDGET

Mayor Bustle opened the public hearing concerning the tentative millage rate and tentative fiscal year 2005-2006 budget.

Mayor Bustle discussed the tentative millage rate of 5.1645 per \$1,000, stating it represents a 13.60 percent increase over the roll-back rate of 4.5462 mills per \$1,000. The reason for a tentative millage rate exceeding the roll-back rate is to fund the budget with increases in salaries, materials, medical insurance, law enforcement, and operations including parks and buildings. Mayor Bustle stated it should be noted the City did not raise the tentative millage rate over last year.

Mayor Bustle opened the floor to public comment concerning the tentative millage rate and tentative fiscal year 2005-2006 budget. After no public comment, Mayor Bustle closed the public hearing.

RESOLUTION NO. 05-45

Resolution No. 05-45 was read in its entirety.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING AND ADOPTING A PROPOSED TENTATIVE MILLAGE FOR THE TAX YEAR 2005.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to adopt Resolution No. 05-45.

RESOLUTION NO. 05-46

Resolution No. 05-46 was read in its entirety.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING AND ADOPTING A PROPOSED TENTATIVE BUDGET FOR FISCAL YEAR 2005-2006.

MOTION: Mrs. Lancaster moved and Ms. Varnadore seconded to adopt Resolution No. 05-46.

Ms. Cornwell discussed her reasons for not supporting the salary increase for the mayor's position.

Motion on the floor carried 4-1. Ms. Cornwell voted no.

3. RESOLUTION NO. 05-47

Resolution No. 05-47 is the City's notice that rules and regulations concerning inclusionary housing are being developed. An ordinance requiring that developers contribute to housing affordable by the workforce will be brought to a subsequent meeting.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, DECLARING LEGISLATION CONCERNING INCLUSIONARY HOUSING TO BE IN PROGRESS; PROVIDING FOR DURATION OF LEGISLATION IN PROGRESS; DIRECTING CITY STAFF NOT TO APPROVE ANY APPLICATIONS, PETITIONS OR REQUESTS IN CONTRAVENTION OF SAID LEGISLATION IN PROGRESS; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 05-47.

4. PUBLIC HEARING – ORDINANCE NO. 05-864

Ordinance No. 05-864 was read by title.

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.

Mayor Bustle opened the public hearing.

Clyde Boltz, chairman of the Board of Supervisors of The Palms of Terra Ceia Bay Community Development District, discussed the petition to the City to expand the boundaries of the development through the annexation of 27 acres owned by Manatee Fruit Company. Mr. Boltz spoke of the initial density and traffic concerns being addressed and satisfied through an extensive education process. He stated the major advantages of granting the petition are financial; increased density factors can better support the amenities of the development. He reported the Board of Supervisors supported the petition by a 4-1 vote, and the property owners exhibited vast support of the petition.

Mayor Bustle closed the public hearing after no further public comment.

MOTION: Mr. Ball moved and Mrs. Lancaster seconded to adopt Ordinance No. 05-864.

Discussion: Attorney Hall confirmed there has been discussion concerning the ownership of the CDD roads and reported that within the current CDD some roads are private, some are public. She further reported that stormwater regulations coming forward have a credit system built into the rate structure. Mr. Lukowiak stated his opinion the CDD is responsible for maintenance of roads and the stormwater system within the CDD. Carlos Escalante, Manatee Fruit Company, stated the main boulevard in the current CDD is a CDD street and the side roads supporting the condominiums are private roads owned by the condominium associations. He reported exactly the same will apply to the Manatee Fruit Company property; one main boulevard from Fairway Trace to 20th Avenue will be a Manatee Fruit Company/CDD street and the side streets will be private to support the villas, carriage homes and condominiums.

Motion on the floor carried 5-0.

#### 5. PUBLIC HEARING – ORDINANCE NO. 05-863

Ordinance No. 05-863 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 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).

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

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 05-863.

#### 6. CONTRACT APPROVAL – GLE ASSOCIATES, INC. (C. Lukowiak) (TAB 5)

Manatee County Environmental Management Department advised the City the underground single-walled fuel storage tanks must be closed by December 31, 2009 to comply with Section 62-761.510 of the Florida Administrative Code.

Discussion ensued on the possible intermittent fuel supply in the event of an emergency and the City's equivalency of fuel usage. Staff was instructed to obtain pricing on either an additional tank for emergency use only, or a larger capacity tank. Mayor Bustle suggested Commission should approve the current expenditure so staff may begin the project. Attorney Hall informed Commission the correct amount of the project will be \$140,000, to allow for the performance bond required by the City.

Staff also discussed the location of the tank, the safeguards that will be put in place to protect the tank and how an accidental spill would be contained.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve and authorize the Mayor to execute the GLE Associates, Inc. contract in an amount not to exceed \$140,000.

#### 7. AGENDA ITEM SUSPENSE LOG

Agenda Item Suspense Log maintains Commission's pending ordinances or agenda topics. Ms. Varnadore requested to reclassify In-house attorney to Legal Services and move it to a #1 status; she would like Commission to consider adopting a policy as to what duties the attorney and staff are to perform. Mr. Ball stated that based on discussion in Commission's retreat, he would like to

focus on items most important to the City such as land use, development and growth, or where an opportunity may be lost if not quickly addressed, i.e., inclusionary housing.. Ms. Cornwell stated the priority ranking should be based on how important an issue is to the City; #1 is an emergency or health issue, #2 would be growth and finance. She concurred a topic may not be completed according to its ranking. Staff will meet, consider Commission's comments made at the retreat and comments from this meeting and produce a reprioritized suspense log for Commission's review.

Item 16 will be named Legal Services and Item 22 Historic Preservation/Design Guidelines. A Cemetery Ordinance will be added to the log.

#### 8. CITY COMMISSION LIAISON POSITIONS

MOTION: Mrs. Lancaster moved, seconded and motion carried 5-0 to approve the City Commission liaison positions as presented.

#### 9. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 05-866

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING APPENDIX B OF THE CITY CODE OF ORDINANCES, THE ZONING CODE, ARTICLE VI., SUPPLEMENTAL REGULATIONS, BY ADDING SECTION 6.21, PERTAINING TO MANAGEMENT OF STORMWATER RUNOFF; PROVIDING THAT ALL DEVELOPMENT WITHIN THE CITY MUST BE DESIGNED, CONSTRUCTED AND MAINTAINED TO MEET SPECIFIC PERFORMANCE STANDARDS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to approve Ordinance No. 05-866 for advertising and schedule a public hearing for October 3, 2005.

#### 10. DEPARTMENT HEADS' COMMENTS

Mr. Freeman

Centralized cash receipts begin Monday, September 12, 2005.

Notice regarding the Manatee County water rate increase of approximately 3% effective October 1, 2005 will be included on the City's utility bills.

A master copy of the budget will be prepared and placed in Commission's office.

Credit card processing will be brought to Commission at a subsequent meeting. City Hall is received increasing complaints about the City not offering this service.

Mr. Lukowiak

Thanked Mayor Bustle and the Commission for allowing staff to work through the budget process.

Proposed a City sponsored benefit to be held in Sutton Park and Lamb Park, the proceeds of which will be donated to the victims of Hurricane Katrina. He stated he has received positive responses to his initial contact with some of the City's larger developers concerning donations. Ms. Cornwell discussed how the School Board is aiding victims of Hurricane Katrina and suggested the City look at how the City can support individuals relocating to the area. She also suggested legislation should be developed regarding temporary housing for victims of disasters. Commission approved the proposed event. Discussion ensued on developing a list of fees and deposits that may be waived and development of a resolution authorizing same. Staff suggested the Mayor can be advised of individuals seeking waivers and decisions can be made

administratively regarding each individual case. Attorney Hall informed Commission she would prefer the City sponsor an event being held by a non-profit organization that would in turn disperse the funds that are collected.

#### 11. MAYOR'S REPORT

Referring to his memo regarding the City's withdrawal from the cable TV consortium, Mayor Bustle stated he will send the message to appropriate County personnel.

He will be attending the Leadership Florida session in Haines City Tuesday through Thursday. Friday he will be in Orlando at the Florida League of Cities Municipal Finance and Taxation Committee meeting.

#### 12. COMMISSIONERS' COMMENTS

##### Ms. Varnadore

Thanked staff for their efforts in the preparation of the budget.

##### Mr. Williams.

A Growth Management Workshop is scheduled on September 23, 2005 in Pinellas Park.

Inquired how much the North River News ad concerning Palmetto Enterprise Night cost. The City has not yet received the bill. Mayor Bustle discussed the need to advise the public the City was not sponsoring the event, as has been rumored.

Thanked staff for their efforts in the preparation of the budget.

##### Mrs. Lancaster

Thanked staff for the budget, stating she was sorry she had to miss some of the meetings. Reminded staff she would like to receive answers concerning questions she raised on some of the position's titles.

##### Mr. Ball

Also commended staff on the budget.

Expressed his satisfaction in serving as the liaison to Public Works. He stated it was the best way to learn the inter-workings of the City, and most people have no idea what Public Works does on a daily basis. Mr. Ball stated he looks forward to serving as the City Hall liaison.

##### Ms. Cornwell

Reiterated she had asked for specific information regarding the road issue at the Palms of Terra Ceia CDD prior to the petition's approval. She opined there is a lack of communication between the City and the CDD as to what each entity is responsible for; she doesn't want the CDD to continue to seek services from the City. Attorney Hall discussed the presence of Mr. Boltz, Chairman of the CDD, during Mr. Escalante's confirmation the main roads are the property of the CDD and Manatee Fruit Company and the side roads are private to the condominiums. Ms. Cornwell opined the city should send a letter to the CDD confirming ownership of the streets. She also suggested ownership and responsibility of the CDD's infrastructure should be confirmed and documentation developed.

Opined staff should be involved in the Blackstone pool development meetings. Mr. Lukowiak stated the City will have a voice during the DRC review process.

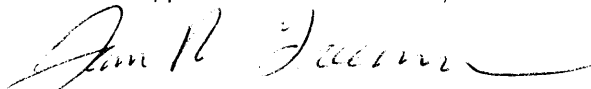
The November 2005 election qualifying dates are September 19 – 23, 2005. As the current Vice Mayor is a candidate, he may not participate in the canvassing of the ballots.

Suggested arrangements for an alternate should be considered for when the Mayor and Vice Mayor are both unavailable or absent from the City.

Commented on the possibility of the agendas being delivered once prepared.

Meeting adjourned at 12:15 PM.

Minutes approved: October 3, 2005

A handwritten signature in black ink, appearing to read "James R. Freeman", with a long, sweeping underline.

James R. Freeman  
City Clerk