

Palmetto City Commission
September 19, 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
Chris Lukowiak, Public Works Director
Tanya Lukowiak, CRA Executive Director
Deputy Chief Mike Mayer
Frank Woodard, Deputy Public Works Director
Jessica McCann, City Planner Consultant
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:02 PM.

Commissioner Lancaster gave an invocation, followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle read a Proclamation declaring October as Physical Therapy Month in the City of Palmetto. Accepting the proclamation and recognizing physical therapists in the audience was Michele Guevin, PT, Certified Manual Therapist.

Betty Rhodes, representing the Palmetto Youth Center, awarded certificates of appreciation to Mayor Bustle, Mr. Lukowiak, Mr. Seger and Mrs. Johnson in recognition of the City's participation in the summer work program.

Palmetto Historical Commission Treasurer Richard Pack presented a certificate to Commissioner Ball for service during his tenure as the City Commission's liaison.

Swearing-in of all persons speaking to Commission was completed.

PUBLIC COMMENT: David Ferdinand addressed Commission on the Palmetto Enterprise Night event he is planning for September 28, 2005. He stated he is facing a challenge concerning his application for a special use alcohol permit for beer and wine, and asked for Commission's support in expediting the permit. He left information for distribution concerning the event. City Planner Jessica McCann, who also serves as the Zoning Administrator, informed Commission the Zoning Administrator is required to approve a temporary permit involving alcohol. She stated the City's ordinance prohibits the dispensing or consumption of alcohol in parking lots; the event is planned for the parking lot at 930 5th Avenue, West, which is separated from the Olympia Theatre parking lot by a planter. Commissioner Williams commented on the fact the City subleases the Olympia Theatre parking lot for use as a public parking lot. Ms. McCann stated the Code does not differentiate between public and private parking lots concerning the dispensing and consumption of alcohol. Mr. Ferdinand cited Section 4.3, subsection 2 of the Code, wherein the language pertains to existing structures selling/dispensing alcohol, maintaining the Code does not pertain to this event. Attorney Hall confirmed with Mr. Ferdinand he did intend to sell beer and wine at the event on private property. He stated care would be taken to contain alcohol usage to the property. Mr. Lukowiak, Ms. McCann's supervisor, stated he has reviewed the

Code, believes the City has basis to deny the application, and recommended the permit be denied. Mayor Bustle thanked Mr. Ferdinand for his presentation.

ORDER OF BUSINESS:

1. AGENDA APPROVAL

Mayor Bustle requested the Joint Project Agreement between the City of Palmetto and Manatee County for Construction of County Facilities Along US 301/US 41 From DeSoto Bridge North to 7th Street West be added to the Consent Agenda. Commission concurred.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the September 19, 2005 7:00 pm agenda as amended.

2. CONSENT AGENDA

- A) Minutes: Commission meetings of August 22 and 29, 2005
- B) August Check Register
- C) Special Function Permit: First Baptist Church Fall Festival
Palmetto High School Homecoming Parade
Palmetto Historical Commission Membership Drive Yard Sale
Palmetto Historical Commission Halloween Social
City of Palmetto Balloons, Tunes & BBQ - Hurricane Katrina Benefit
- D) Joint Project Agreement Between the City of Palmetto and Manatee County for Construction of County Facilities Along US 301/US41 From DeSoto Bridge North to 7th Street West

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 5-0 to approve the September 19, 2005 Consent Agenda.

3. PUBLIC HEARING – ADOPTION OF MILLAGE RATE FOR THE TAX YEAR 2005 AND ADOPTION OF FISCAL YEAR 05-06 BUDGET

Resolution No. 05-50 was read in its entirety.

A) RESOLUTION NO. 05-50

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ADOPTING THE MILLAGE FOR THE TAX YEAR 2005 AND LEVYING AD VALOREM TAXES ON PROPERTY WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF PALMETTO FOR THE TAX YEAR 2005.

Mayor Bustle opened the public hearing. He announced the City of Palmetto as the taxing authority setting its millage at 5.1645, a 13.60% increase over the roll back rate of 4.5462. He further stated the millage rate was not changed from the last year's millage rate. After no public comment, Mayor Bustle closed the public hearing.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 4-1 to adopt Resolution No. 05-50. Ms. Cornwell voted no.

Resolution No. 05-51 was read in its entirety.

B) RESOLUTION NO. 05-51

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING AND ADOPTING A BUDGET FOR FISCAL YEAR 2005-2006; MAKING APPROPRIATION OF MUNICIPAL FUNDS AND PROVIDING AN EFFECTIVE DATE.

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 4-1 to adopt Resolution No. 05-51. Ms. Cornwell voted no.

4. CONTRACT APPROVAL: WESTRA CONSTRUCTION CORPORATION

Staff is seeking approval and authorization to enter into a contract with Westra Construction Corporation for completion of five CIP identified drainage projects and one project not on the CIP in an amount not to exceed \$1,830,355.

Discussion: Mr. Lukowiak informed Commission Westra Construction will perform the projects listed in the contract at the bid price if the contract is executed before October 1, 2005, regardless of price increases in materials. Discussion ensued on the City's ability to purchase and stockpile pipe in anticipation of price increases. Mr. Lukowiak and Mr. Freeman will discuss funding to determine the feasibility of securing contracts prior to October 1, 2005 for projects scheduled in 2006

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Westra Construction Corp. contract, based on the unit prices contained in a similar contract that was competitively bid and awarded to the City of Clearwater, in an amount not to exceed \$1,830,355.

5. APPROVAL: MANATEE COUNTY POTABLE WATER CONTRACT

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Manatee County Potable Water Contract.

6. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 05-867

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 29, ARTICLE III, ENTITLED IMPACT FEES, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO, FLORIDA, BY AMENDING THE WATER AND SEWER IMPACT FEES IN SECTIONS 29-82 AND 29-83; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 05-867 for advertising and schedule a public hearing October 3, 2005.

7. APPROVAL – MAYOR'S CODE ENFORCEMENT BOARD APPOINTMENT

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to approve the appointment of James T. Bailey to the Code Enforcement Board for a term ending January 2006.

8. RESOLUTION NO. 05-48 (C. Lukowiak)

DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT BY THE DISTRICT

MOTION: Mr. Ball moved, Ms. Varnadore seconded and motion carried 5-0 to adopt Resolution No. 05-48.

9. EMERGENCY MANAGEMENT

A) RESOLUTION NO. 05-49

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING SALARIED EMPLOYEES TO RECEIVE PAYMENT FOR OVERTIME DURING A STATE OF EMERGENCY WHEN A LOCAL DECLARATION IS ESTABLISHED BY THE MAYOR OR VICE MAYOR FOR PAYMENT OF SUCH OVERTIME.

Discussion: Discussion ensued on the City's obligation to pay overtime if an emergency occurs that results in a major impact to the City's finances. Enforcement of Resolution 05-49 will be the responsibility of department heads; overtime hours will only accumulate when absolutely necessary. In the event of a catastrophic event, City reserves will fund necessary expenses.

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to adopt Resolution No. 05-49.

B) RESOLUTION NO. 05-52

A RESOLUTION BY THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE MAYOR, OR IN HIS OR HER ABSENCE THE VICE-MAYOR, TO DECLARE A STATE OF EMERGENCY AND IMPLEMENT EMERGENCY PROCEDURES; AND AUTHORIZING THE MAYOR AND CITY COMMISSION TO DECLARE THAT A STATE OF EMERGENCY NO LONGER EXISTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Discussion: The title of Resolution No. 05-52 was amended and is so stated in these minutes.

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to adopt Resolution No. 05-52.

10. RESOLUTION NO 05-53

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. Ball moved, Ms. Varnadore seconded and motion carried 5-0 to adopt Resolution No. 05-53.

11. RESOLUTION NO. 05-54

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 4-0 to adopt Resolution No. 05-54. Mr. Williams was absent for the vote.

12. RESOLUTION NO. 05-55

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, Mrs. Lancaster seconded and motion carried 4-0 to adopt Resolution No. 05-55. Mr. Williams was absent for the vote.

13. RESOLUTION No. 05-56

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, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 05-56.

14. DEPARTMENT HEADS' COMMENTS

Mrs. Lukowiak

Updated Commission on the event the City is hosting for Hurricane Katrina victims.

Reported is it possible the CDBG grant will be extended an additional six months. There remains \$192,000 of grant funding to complete the US 301/US 41 water main relocation project. The bid to award the road widening portion of the project will be on the October 3, 2005 Commission agenda.

Mr. Lukowiak

Reported Manatee County Land Acquisition Department is in the process of compiling a land acquisition package for the Jackson Park project. The final step in negotiating a land purchase is a 30-year title search. American United Title Services is proposing to perform the search for five properties at a total cost of \$500. It was consensus of Commission to move forward with the title searches.

Reported Richard Hartman has been hired as the new City Planner and will report to work on October 1, 2005.

Mr. Freeman

Reported that pursuant to utility Ordinance No. 04-832, notice has been made to utility customers regarding rate changes to water, sewer and reclaim water.

A meeting is being scheduled with Department Heads to reprioritize the Agenda Suspense Log.

Reported he will be in Orlando October 9 – October 14, 2005 attending the second year of the City Clerk certification.

Attorney Hall

FPL is bringing forward a new contract regarding decorations on light poles. She cautioned there may be conditions which City will not want to agree to carte blanche. Mr. Lukowiak will contact FPL representative Don Sayer concerning the topic.

15. MAYOR'S REPORT

The first session of Leadership Florida was outstanding.

Informed Commission he would like to reinstate the budget line item for video taping the Commission meetings. METV will tape 26 sessions for less than \$12,000. Commission has the ability to cancel the program.

Attended the Sheriff's Advisory Board meeting with Chief Lowe and Deputy Chief Mayer. He commented briefly on County personnel who had gone to New Orleans after Hurricane Katrina's landfall.

The city will manage Christmas in the Park planned for December 17, 2005.

16. COMMISSIONERS' COMMENTS

Ms. Cornwell

Briefed Commission on the CRA Board meeting.

Thanked everyone for their help with the several hundred Hurricane Katrina evacuees in the county.

Mr. Ball

The Palmetto Historic Commission's monthly meeting is October 1, 2005. A membership drive yard sale will be held that date from 9:00 am until 1:00 pm.

Commented on the hiring of the Planner, stating he is pleased the City now has team positions filled.

Inquired about the smoke testing in Tropic Isles. Mr. Lukowiak reported some problems have been found but, Tropic Isles, as well as Riviera Dunes and Palms of Terra Ceia, will make necessary repairs at their cost.

Mrs. Lancaster

Requested Public Works check the drains in the areas prone to flood with the forecasted possibility of rain.

Requested she be advised of her NIMS test score.

Requested staff checks the new house on 12th St. to ensure water is being drained to the road.

Ms. Varnadore

Inquired if the City can do something to expedite crossing the Green Bridge into Bradenton during rush hour. She stated her belief synchronization of the Bradenton traffic lights and enforcement prohibiting the blocking of major intersections for southbound traffic would help alleviate the problem. Commission discussed the topic; the need for the bridge at Ft. Hamer, the City's 8th Avenue Arterial Analysis by FDOT and the projects we are moving forward on as per the study's recommendations. Deputy Chief Mayer was asked to contact the Bradenton Chief of Police concerning enforcement of intersection traffic movement.

Commission discussed the current status of the Palmetto Elementary and fairground property swap.

Reported she has received complaints concerning the burning taking place at the Wal-Mart project. Mr. Lukowiak stated a burning permit was issued by North River Fire Department. Attorney Hall opined the situation may be able to be addressed through the City's nuisance ordinance. Commission discussed the possibility of the City being added to the Fire Department's approval process, much the same way as they are part of the City's DRC process.

Election qualifying week begins September 19th and continues to September 23, 2005 at 5:00 PM.

17. PUBLIC COMMENT

Planning and Zoning Board Member Devin Harms commented on individual items he will be taking to Linda Childs in the Planning Department. He stated one issue is the sign ordinance businesses follow but, then recommendation is received from CRA. He questioned what line to follow, stating hopefully ordinances can be rewritten with the new Planner and EAR. He also reported he was approached by Grady Thornton, who annexed property into the City, concerning the fact a City land use zoning has not been assigned to the property. Mayor Bustle and Attorney Hall confirmed the County zoning is still applicable to the property. Attorney Hall further stated she and Jessica McCann have met with a developer, acting as an agent of a contract purchaser of the property, and her impression was the developer wished to keep the County zoning as is because it permits more density than a City zoning would permit. She and Ms. McCann agreed that the Commission would not approve any development orders if they were not approving City ordinances. Mr. Harms stated he also gets caught in the congestion on the Green Bridge.

Meeting adjourned at 8:55 PM.

Minutes approved: October 3, 2005

A handwritten signature in cursive script, appearing to read "James R. Freeman", written in black ink.

James R. Freeman
City Clerk