

Palmetto City Commission
October 3, 2005 7:00 p.m.

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, City Attorney
Chief Garry Lowe
Chris Lukowiak, Public Works Director
James R. Freeman, City Clerk
Tanya Lukowiak, CRA Executive Director
Jessica McCann, City Planner Consultant
Frank Woodard, Deputy Public Works Director
Deanna Roberts, Administrative Assistant

Mayor Bustle called the meeting to order at 7:05 p.m. and offered an invocation followed by the Pledge of Allegiance.

All persons expecting to address City Commission during the meeting were sworn in.

ORDER OF BUSINESS:

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve the agenda with the removal of Item #8.

2. CONSENT AGENDA

- A) Minutes: Commission meetings of September 7, 10, and 19, 2005
- B) Attorney Billing through August 31, 2005
- C) Special Function Permit: Veterans Day 2005 Event

MOTION: Mr. Ball moved, Mr. Williams seconded and the motion carried 5-0 to approve the October 3, 2005 Consent Agenda.

3. PUBLIC HEARING – ORDINANCE NO. 05-866 (C. Lukowiak)

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 made a motion to approve Ordinance No. 05-866. Ms. Cornwell seconded.

Discussion: Mr. Ball felt the language on page 4, item (v) was too arbitrary.

MOTION: Mr. Ball made an amended motion to approve Ordinance 05-866 with the words, "Pursuant to guidelines established by the City stormwater management

department” inserted before “the building official may require”...on page 4, item (v). Ms. Cornwell seconded the amended motion and motion carried 3-2. Mrs. Varnadore and Mr. Williams cast the dissenting votes.

4. PUBLIC HEARING – ORDINANCE NO. 05-867 (J. Freeman)

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: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 05-867.

5. PUBLIC HEARING – CONDITIONAL USE PERMIT

Horizon Bank is applying for a conditional use permit at 501/503 8th Avenue West to construct a 40 square foot pole sign plus a 20 square foot electronic reader board, for total signage of approximately 60 square feet.

City Planner Consultant Jessica McCann recommended that Horizon Bank install a sign comparable to Manatee River Community Bank which is 50 square feet, inclusive of the reader board. Butch Jackson, Palm Harbor, Florida, said Horizon Bank had recalculated the size of its sign to bring it into accordance with the Manatee River Community Bank. The bank is now requesting a sign which would be 48.75 square feet inclusive of the reader board. An overhead presentation by Mr. Jackson showed the sign the bank was now requesting and a square foot comparison with the Manatee River Community Bank sign. The overhead presentation will be a part of these official minutes.

Mrs. Cornwell asked if the electronic sign could be used for evacuation notices in emergency situations. Charles Conoley, President, Horizon Bank said the bank had already spoken to Chief Lowe about utilizing the sign for the community.

Attorney Hall said any motion must include certain findings since staff is recommending a sign which exceeds the size allowed by the code. The Commission must find that the waiver or modification is consistent with our Comprehensive Plan and with our district regulations; that the waiver or modification will not adversely affect the public interest or adjacent properties; that the waiver or modification is not discriminatory considering similar situations in the general area in past decisions under the ordinance; and, that the purpose of the requirement is otherwise fully achieved or more important purposes of this ordinance or Comprehensive Plan will be served thereby.

MOTION: Mr. Ball moved, Mrs. Varnadore seconded and motion carried 5-0 to approve, including findings, Conditional Use Permit 0504 for 501-503 8th Avenue West.

6. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 05-865

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM RES-16 (RESIDENTIAL 16 DU/AC - COUNTY) TO PD (PLANNED DEVELOPMENT – CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (THE GENESIS DEVELOPMENT GROUP - PA0502, PID # 29363.0025/9, 29348.005/9, 29349.0005/9, 29367.0000/0, 29363.0010/8 AND 2936.0015/9, APPROXIMATELY 1.64 ACRES).

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to approve Ordinance 05-865 for advertising and schedule a public hearing November 21, 2005.

7. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 05-871

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 665 AND RENDERING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT, DRI #236; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND OBLIGATIONS; 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. 05-871 for advertising and schedule a public hearing Oct. 17, 2005.

8. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 05-872

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING LOCAL INCLUSIONARY HOUSING FOR MEDIAN-INCOME HOUSEHOLDS; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEVELOPER INCENTIVES; PROVIDING FOR PAYMENTS IN LIEU; PROVIDING FOR EXEMPTIONS, REDUCTIONS, AND WAIVERS; PROVIDING FOR ADMINISTRATION; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Removed from the agenda.

9. AWARD OF BID – US 301/US 41 ROAD WIDENING PROJECT (T. Lukowiak)

This project is the final phase of the US 41/301 CDBG project. Commission will consider awarding a bid to a qualified contractor to construct northbound turn lanes into Riviera Dunes, and an additional northbound thru lane between DeSoto Bridge and Haben Blvd.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to award the US 301/US 41 Widening Project to Westra Construction Corp. in an amount not to exceed \$1,252,946.

10. AWARD OF BID – US 301/US 41 SIGNALIZATION PROJECT (T. Lukowiak)

This project installs traffic signals at the intersection of US 301/US 41 and Haben Blvd., completing the widening project.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and, after discussion, motion carried 5-0 to award the US 301/US41 Signalization Project to Road Runner Highway Signs, Inc. in an amount not to exceed \$253,532.

Discussion: Ms. Cornwell verified that the light would be at 7th St. and US 41 across from the Civic Center. Mrs. Varnadore expressed concern about safety as there is a lot of fast traffic coming over the overpass bridge and a lane merging into the bridge traffic; both traveling towards that intersection. Mrs. Lukowiak said three traffic studies have been done regarding safety, and for safety's sake, FDOT agreed the signal is warranted. Mrs. Lukowiak said eventually 7th will go across making it a four way intersection. Mayor Bustle said it will open up the city for people coming in from Riviera Dunes and points east. Traffic on 301 can come into town more easily.

11. APPROVAL – MAYOR'S CODE ENFORCEMENT BOARD APPOINTMENT (Mayor Bustle)

MOTION: Ms. Cornwell moved, Mrs. Varnadore seconded, and motion carried 5-0 to approve the appointments of Patricia S. Bear and Anthony R. Gallo as alternate members of the Code Enforcement Board for a term ending October 2008, with the stipulation that the alternate members have full voting rights.

12. APPROVAL-INTERLOCAL AGREEMENT RELATING TO INTERGOVERNMENTAL COOPERATION FOR EFFECTIVE POST-DISASTER DEBRIS MANAGEMENT AND DEBRIS SITE MONITORING (C. Lukowiak)

Commission reviewed the agreement August 29, 2005 and requested amendment of the language pertaining to what type of debris will be accepted at disposal sites. The proposed agreement reflects updated language, which Manatee County representative John Barnott approved.

Manatee County Utilities Customer Service Department wishes to enter into an interlocal agreement with the City relating to post-disaster debris management and debris site monitoring. As part of the interlocal agreement, Manatee County has requested the City enter into contracts with the same parties under contract with the County. These companies are Post, Buckley, Schuh & Jernigan, Inc. (PBSJ); Ashbritt, Inc.; and Phillips & Jordan, Inc.

MOTION: Ms. Cornwell moved, Mr. Ball seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Interlocal Agreement Relating to Intergovernmental Cooperation for Effective Post-Disaster Debris Management and Debris Site Monitoring.

13. DEPARTMENT HEADS' COMMENTS

Tanya Lukowiak

Reported that 500-600 people attended the Katrina benefit on October 2. \$5,200 was collected and with the matching funds from Nelco, the goal of \$10,000 was met. She thanked Public Works staff and all volunteers. She is working out the details of getting the donations to Waveland, MS. Mr. Williams suggested that pictures of the event be sent to Waveland, to show all that the City did. Suggested that volunteers and businesses who participated be presented with a certificate at a Commission meeting. Mrs. Lukowiak will get names and addresses to the Mayor's office for thank you letters.

Chris Lukowiak

Thanked Mrs. Lukowiak for all her hard work organizing the Katrina benefit and also all the many volunteers.

Reported he made contact with Gary Schaefer at Dr. Branich's office and the City of Palmetto will be put on the notification list for future burning within the city.

Regarding the four water overages when the city exceeded 2 million gallons in one day, and was billed by the county, Mr. Barnott who is in charge of the meter readers for the county has agreed that it is probably an equipment malfunction and will test the equipment. The county will credit the city once it is figured out.

Received a letter from Dave Rothfuss, Assistant County Administrator, regarding the ten issues the city had met with the county to discuss. The county will count what it spends on the 17th Street utility relocation against the city's contribution to Jackson Park instead of exchanging funds.

He will have two or three agenda items coming to Commission at the next meeting: the Kimley Horne traffic study, an affidavit from DEP about boat docks, and team building and communication between Department Heads and respective staffs.

Jim Freeman

Kudos to Tanya for her hard work.

Coming to workshop on the October 17: Discussion of the Derelict Boat Ordinance. Bill Strollo is working on a point paper which he will forward to Michele Hall for review. Mrs. Hall said clarifying language will be needed if the city decides to stay with the current ordinance. The Suspense Log has been reprioritized and will be brought to Commission for review.

Regarding stormwater rates, the department heads have looked at the existing study and will probably come to commission with this in November.

Referenced a memo he sent to Commission with some title changes but no salary adjustments. Mr. Williams said in the past Commission has allowed title changes and within six months a salary adjustment is requested.

Chief Lowe

Thanked Commission for allowing him to attend the IACP. Over 14,000 were in attendance. He made some contacts and brought back some good information. The city may benefit from free classes which will save the city money.

Michele Hall

There are a handful of ordinances that are ready. At the next work session, after reviewing the reprioritized Suspense Log, commission must decide what should be brought forward for consideration and advise staff. Suggests that the sign ordinance and the dock ordinance may take more than one meeting.

14. MAYOR'S REPORT

As a follow up to the SWOT analysis done at the retreat, he would like to continue with a one-day retreat. He proposed a half-day spent on a Personalis profile, a valuable instrument to evaluate personalities and how they interrelate to one another. The other half would be spent with Dr. Paine to create a vision statement for the city based on the SWOT analysis developed in Orlando. With no objection, he said he will proceed with setting that up and bring it back to Commission for approval.

Regarding Palmetto Elementary School, the issue is between the School District, the Fair and the County. The City is in the position of just waiting to see what happens.

The county has requested a meeting regarding the Manatee County Radio Controllers. The paintball sub lessee may have violated the cover over the landfill. He will brief Commission on the meeting.

15. COMMISSIONERS' COMMENTS

Tambra Varnadore

A citizen expressed concern that a vacant property with zero consumption is being billed for \$40 plus for water consumption. Jim Freeman said he will check the rates out for her and get back to her.

Traffic on the Green Bridge is flowing better. She thanked Chris Lukowiak if he is responsible for the change.

Thanked staff for the hard work at the Katrina benefit.

Informed Commission that she will be traveling for the holidays and will not be attending the Nov. 21, meeting.

Brian Williams

Thanked all employees for the Katrina benefit. It was fun. Expressed hope that through CRA something could be done for Waveland for Christmas. He suggested collecting toys.

In the past, Commission had been informed of and approved overnight travel by employees. He questioned what happened to that policy. Mr. Williams said this may have been prior to the charter changes. He just wants to be sure that policy is being followed. The Mayor said he approves Department Heads travel

Commented that Blackstone Park is dark and floods whenever it rains. The city needs to ask the county to do something. Chris Lukowiak said he will look into it.

Asked if it was feasible to purchase Lexis for the staff to look up legal issues, or at least have helpful websites identified. The Mayor said it could be harmful to have staff researching legal issues and acting like lawyers. As far as ordinances go, staff can draft an ordinance and then have the city attorney review. Michele Hall will provide a list of websites. Ric Hartman, City Planner, said that Lexis mostly provides

case law and in his opinion, it is an expense not necessary for the city to incur. Florida Statutes, Muni-Code and Fine Law are easily accessed resources for staff.

He asked to get the inclusionary housing questions by email so commission can answer on email. Michele Hall said she will get the form to Tanya and she will distribute to Commission. Tanya said she will consolidate the answers and get them back to Michele Hall.

Michele Hall interjected that the City had previously approved a contract for the sale of a fiber optic conduit to the School Board and that is on an upcoming School Board agenda for their approval. The Potable Water agreement with the county will not be on a consent agenda because the staff wants to explain the change the City made to the agreement. She informed the county that the city will be present to address any issues.

Mary Lancaster

Thanked staff for the Katrina benefit.

Inquired if roosters are allowed in the city. Michele Hall, quoting the code, said it is "unlawful within 50 ft. of any residence." Jim Freeman and Chris Lukowiak will get the address in question and check on it.

Eric Ball

Requested that Commission set the January meeting dates. January 9th and 23rd were approved for the meeting dates.

He extended compliments to Geoff Seger for the barbecue at the Katrina benefit. He said if anyone from the City plans a trip to Waveland, he would be interested in going.

He informed Commission he will be out of town from October 5 though October 11.

Tamara Cornwell

Informed Commission she will be in Tallahassee from October 4 through October 7.

Great job by staff on the benefit and lots of fun.

Requests the message board from the Police Department for the fair.

Regarding an article the Mayor copied to Commission, she suggested a workshop on false alarms.

She will attend the Growth Management Concurrency meeting on October 18 at the Civic Center.

The meeting was adjourned at 8:44 p.m.

Minutes approved: October 17, 2005


James R. Freeman, City Clerk

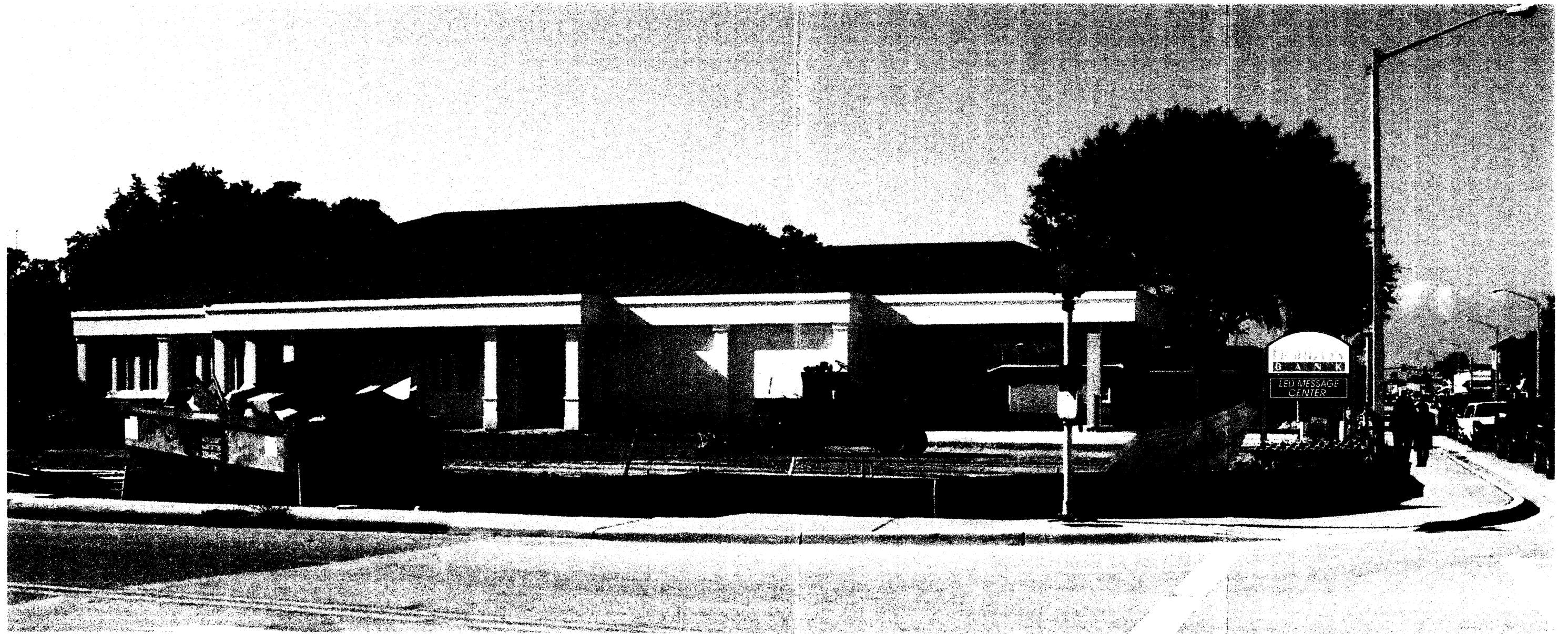


Front Elevation: Proposed Pylon Sign

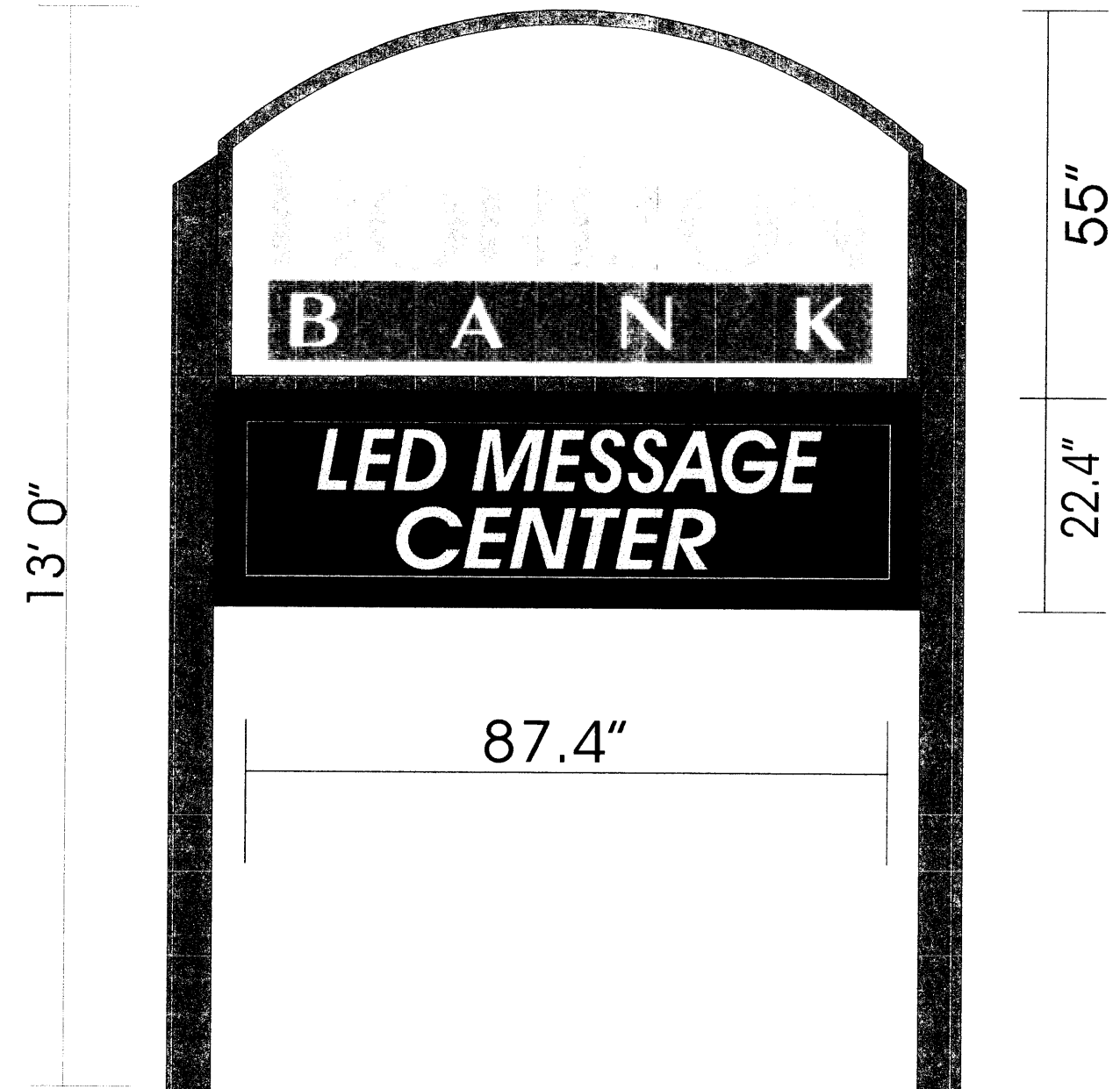
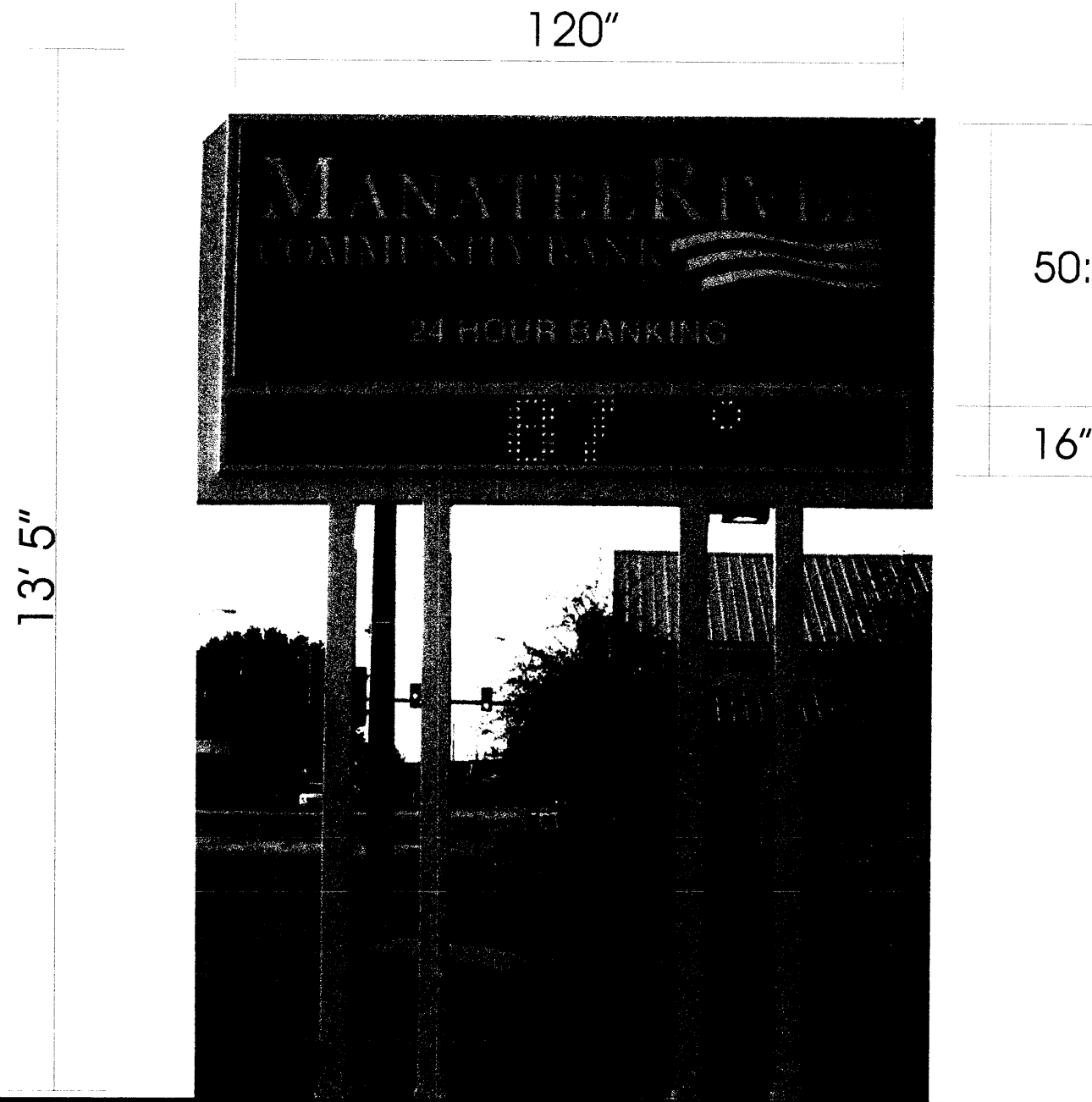
End Elevation

Nts.





Sq. Ft. Comparison Chart



Sign Sq. Ft. Calculation

Manatee River Cabinet 41.66 Square Feet.
 LED message board 13.33 Square Feet.
 Total Square Footage of sign = 54.99

Sign Sq. Ft. Calculation

Horizon Bank cabinet 35.16 Square Feet.
 LED message board 13.59 Square Feet.
 Total Square Footage of sign = 48.75