

Palmetto City Commission
November 7, 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
Captain Mike Mayer
Chris Lukowiak, Public Works Director
James R. Freeman, City Clerk
Tanya Lukowiak, CRA Executive Director
Ric Hartman, Planning Supervisor/Zoning Administrator
Frank Woodard, Deputy Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:03 p.m. and offered an invocation followed by the Pledge of Allegiance.

PROCLAMATIONS

Farm City Week November 14 – 18, 2005
Veterans Day November 11, 2005

POLICE DEPARTMENT RECOGNITION

Promotion of Detective George LaGasse to the rank of Sergeant in the Patrol Division

PUBLIC COMMENT

No one came forward.

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

ORDER OF BUSINESS:

1. AGENDA APPROVAL (15:15)

The order of the agenda was amended, as follows:

- Palmetto Branch Library Project was deleted, due to technicalities.
- JKL Christmas Party Special Function Permit was added to the Consent Agenda.
- Limited Change of Use for Island Restaurant at Regatta Pointe was moved forward to be heard after the Consent Agenda.
- Proposed Boat Dock Ordinance (4:00 Workshop Agenda) was moved forward to be heard after the Limited Change of Use for Island Restaurant at Regatta Pointe.
- The balance of the 4:00 Workshop Agenda was carried forward for consideration after the conclusion of the 7:00 Commission agenda.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 5-0 to approve the November 7, 2005, 7:00 PM agenda as amended.

2. CONSENT AGENDA (17:53)

- A) Minutes: Commission meetings of October 17, 2005
B) Attorney Billing through September 30, 2005
C) Special Function Permit: Family Celebration of Lights (Resource Connection for Kids)
JKL Christmas Party (Smokin Martini, LLC)

MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 5-0 to approve the Consent Agenda.

3. LIMITED CHANGE OF USE FOR ISLAND RESTAURANT AT REGATTA POINTE (26:13)
Item carried forward from the 4:00 agenda for Commission action.

Discussion: Mr. Sean Murphy recapped how he became involved in the proposed banquet facility. He opined a 200 seat restaurant in today's market is not a viable use for the location; a six month temporary use can aid the property owner in determining if a banquet can be a successful venture.

MOTION: Mr. Ball moved and Mrs. Lancaster seconded to authorize use of the second floor of the building on the island parcel at Regatta Pointe Marina (sometimes referred to as the "restaurant facility") as a banquet hall for a period of six months commencing upon the date the building receives a certificate of occupancy from the Building Department and final approval for occupancy from the North River Fire Department and terminating no later than July 1, 2006, regardless of whether the temporary use has been permitted for six months; provided, however, that such authorization shall be contingent upon the City receiving approval of the temporary use modification from the State and the execution of an amendment to the sublease permitting such temporary use modification; and to authorize the Mayor to execute said sublease amendment.

Discussion: Attorney Hall confirmed the permitted uses in the existing lease for the first and third floors have not been changed. Discussion ensued on the legal expense associated with the preparation of the temporary use modification. Attorney Hall indicated it should be minimal, therefore, Mr. Zirkelbach indicated he would bear the cost.

Motion on the floor carried 5-0.

4. PROPOSED BOAT DOCK ORDINANCE (41:45)

City Planner Ric Hartman informed Commission that DEP has relinquished jurisdiction over artificially created waterways, which now allows the City to establish setback criteria for its finger canals. Mr. Hartman and Mr. Lukowiak held a detailed discussion with Commission concerning the portion of the ordinance addressing the location of future docks in canals:

- Length of a dock is tied to 50% of the water frontage.
- For all lots with water frontage larger than 20' and parallel to the length of the canal, setbacks are proposed at 10' beginning at the point farthest removed from the headland.
- Joint ownership of parallel docks centered between two lots may be a maximum of 50% of water frontage.
- Proposing no perpendicular docks will be allowed for individual headland lots.
- Existing docks not meeting the criteria of the proposed ordinance will become non-conforming structures; they may be maintained but not increased and must be built to conform to Code in case of more than 50% damage.
- One dock and one structure will be allowed per lot (staff is researching size allowances for additional attachments to a dock).

Mayor Bustle recessed the meeting for ten minutes. The meeting was reconvened at 8:35, at which time Mrs. Lancaster departed the meeting.

Continuing the discussion, Mr. Hartman explained how a joint ownership dock on a headland lot may allow for perpendicular mooring of a boat, because the site line of the adjacent lots will not be affected and safe maneuverability and docking for boats belonging to the end lots will be provided. It was suggested language should be added to the proposed ordinance addressing smaller sized canals.

Mr. Hartman informed Commission he would like to hold charettes with the homeowners that will be affected by the adoption of the proposed ordinance. In the essence of time, he requested Commission provide him with comments concerning the remaining portion of the proposed ordinance for the next draft.

5. RESOLUTION NO. 05-62 (1:34)

A RESOLUTION OF THE CITY OF PALMETTO, MANATEE COUNTY, FLORIDA PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR APPLICATION FOR RE-DESIGNATION OF THE PALMETTO/NORTH MANATEE COUNTY ENTERPRISE ZONE; PRESCRIBING THE PURPOSES AND AUTHORITY OF THE EZDA; PRESCRIBING FOR THE REPRESENTATION ON SAME; AND PROVIDING FOR OTHER RELATED MATTERS.

Mrs. Lukowiak explained the interlocal agreement with Manatee County regarding participation in the EZ Board's activities expires December 31, 2005. The County has applied to re-establish the Enterprise Zone, which necessitated the re-designation of the zone's boundaries. The EZDA Board developed the new boundaries based on census block groups. Property west of 8th Avenue north to 10th Street was deleted from the map because there is no longer enough poverty located in that census block. Riviera Dunes remains in the zone because of its inclusion in the census block and its substantial revenue stream.

MOTION: Mr. Ball moved and Ms. Cornwell seconded to adopt Resolution No. 05-62 and authorize the Mayor to execute the Interlocal Agreement between the City, the CRA, Manatee County and the Enterprise Zone Development Agency. Mr. Williams and Ms. Varnadore voted no. Motion failed because of a tie vote.

Mrs. Lukowiak detailed how the boundaries of the Enterprise Zone were adjusted. She explained that failing to pass the resolution and execution of the interlocal agreement could adversely affect financial benefits to businesses located in the zone, and subsequently the City in the loss of ad valorem tax revenue.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 3-1 to adopt Resolution No. 05-62 and authorize the Mayor to execute the Interlocal Agreement between the City, the CRA, Manatee County and the Enterprise Zone Development Agency. Ms. Varnadore voted no.

6. RESOLUTION NO. 05-63 (2:06)

Resolution No. 05-63 establishes the budget to accept the Department of Justice Grant of \$15,263 for the replacement of the Police Department's radios.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 05-51, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2005-2006, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Resolution No. 05-63.

7. PROPOSAL TO FUND STREET CURBING (2:06:45)

Proposal from Westra Construction to replace type D curbs with Miami curbs along 16th, 17th and 18th Avenues between 6th and 7th Street.

Discussion: Commission discussed the fiscal responsibility of replacing new curbing and the possible precedent that may be set if approved. Mayor Bustle reminded Commission the decision to change the curb from type D to Miami curbs was made by Commission after the installation of the three segments under discussion; Mr. Lukowiak explained resident complaints prompted the decision to change the curb.

MOTION: Mr. Williams moved, Ms. Varnadore seconded and motion carried 4-0 to deny the curbing for 16th, 17th and 18th Avenues due to funding and if additional funding become available, to look at the issue in the future.

8. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 05-869 (2:26)

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 R-O-R (RESIDENTIAL - OFFICE - RETAIL - COUNTY) TO GCOM (GENERAL COMMERCIAL - CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Jim Amerson, Palmetto Rental Properties, Inc., PA0503, PID # 242200001 – 2500 U.S. Business 41, approximately 1.33 AC).

MOTION: Ms. Cornwell moved, Mr. Ball seconded and motion carried 4-0 to approve Ordinance No. 05-869 for advertising and schedule a public hearing November 21, 2005.

9. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 05-870 (2:27:14)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED IN HEREIN FROM NC-M (NEIGHBORHOOD COMMERCIAL - COUNTY) TO CG (COMMERCIAL GENERAL - CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Jim Amerson, Palmetto Rental Properties, Inc., Z0503, PID # 242200001 – 2500 U.S. Business 41, approximately 1.33 AC).

MOTION: Ms. Cornwell moved, Mr. Ball seconded and motion carried 4-0 to approve Ordinance No. 05-870 for advertising and schedule a public hearing November 21, 2005.

It was consensus of Commission to complete the remainder of the 4:00 agenda at the November 21, 2005 meeting.

10. DEPARTMENT HEADS' COMMENTS

Jim Freeman (2:30:41)

- If no adverse comments concerning Solid Waste fees are received prior to November 11, 2005, noticing of the increase will be placed on utility bills.
- Overtime for exempt employees during Hurricane Wilma amounts to approximately \$4,700. Commission concurred with the payment.

- Commission agreed to a revenue enhancement training class for staff at approximately \$900.
- Criminal background checks for new employees will begin at a cost of approximately \$27 per person.

Chief Lowe (2:33)

- Will be on vacation November 14, through December 4, 2005.

Mr. Lukowiak (3:14:15)

Manatee County will confirm City's payment of water overage fees may be withheld until the situation is resolved.

11. MAYOR'S REPORT (2:33:49)

- Compensation Committee will develop a policy concerning essential personnel during a state of emergency for Commission's review and approval. Department Heads will not submit for overtime wages.
- Retreat scheduled for December 3, 2005 has been postponed.
- Reported on the recent workforce housing seminar sponsored by TBRPC.
- Reported on the 1st meeting concerning the Compatibility and Character Study.
- American Patriotism Celebration events.
- Discussed recent events concerning Palmetto Elementary School's possible relocation to Manatee Fruit Company rather than the Fairgrounds. The planned aquatic center and soccer fields at Blackstone Park may be adversely affected.

12. COMMISSIONS' COMMENTS

Mr. Ball (3:09:23)

- Celebration trip will be scheduled for a later date.
- Attended presentation of plaque honoring Ben Sutton.
- Commended performance of staff in addressing Commission's concerns.
- Acknowledged the department heads' commitment to continue service improvement through education and training of City staff.

Mr. Williams (3:13:10)

- Mr. Lukowiak reported the crew working in Marco Island had a very positive effect.
- Referring to the Public Works retention area, requested a cost be obtained on providing screening for the area. Mr. Lukowiak is speaking with a developer purchasing abutting property.
- Mr. Lukowiak informed Commission the City is waiting on information regarding the Manatee County Radio Controllers issue at the landfill site.

Ms. Varnadore (3:17:08)

- Green Bridge traffic has been discussed at the County Commissioners' meeting.
- Will be absent from the November 21, 2005 Commission meeting.
- Grant funding for USF to perform imagery at the old cemetery.

Meeting adjourned at 10:55 pm.

Minutes approved: November 21, 2005



James R. Freeman
City Clerk