

Palmetto City Commission
November 21, 2005 7:00 p.m.

Elected Officials present:

Larry Bustle, Mayor
Brian Williams, Vice Mayor
Eric Ball, Commissioner
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner

Elected Officials Absent:

Tambra Varnadore, Commissioner

Staff and others present:

Michele Hall, City Attorney
Deputy Chief 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 7:00 p.m. and offered an invocation followed by the Pledge of Allegiance.

PUBLIC COMMENT

No one came forward.

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

ORDER OF BUSINESS:

1. AGENDA APPROVAL

The proposed Stormwater Rate Ordinance carried forward from the 4:00 pm workshop agenda was added as the last item on the 7:00 agenda.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the November 21, 2005, 7:00 PM agenda.

2. CONSENT AGENDA

A) Minutes: Commission meetings of November 7, 2005
B) October Check Register

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the November 21, 2005 Consent Agenda.

3. PUBLIC HEARING – ORDINANCE NO. 05-865 (5:22)

Ordinance No. 05-865 was read by title.

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).

Mayor Bustle opened the public hearing.

Robert Schmidt, Land Planning Associates, discussed the necessity of the proposed Comp Plan amendment. Amy Griswold requested information concerning what is planned for the neighborhood and requested the road not be moved. Steve Contarino, a resident of Captain's point, informed Commission there are ten units in Captain's Point. Mr. Schmidt stated he will clarify the number, as his information shows there are fourteen units.

Mayor Bustle closed the public hearing after no further comments.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 05-865.

4. PUBLIC HEARING – ORDINANCE NO. 05-868 (19:50)

Ordinance No. 05-868 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Jim Amerson, Palmetto Rental Properties, Inc., AN0503, PID # 242200001 approximately 1.33 AC).

Mayor Bustle opened the public hearing.

Margaret Tusing, representing Palmetto Rental, discussed the proposed annexation. She informed the Commission the Joint Planning Commission recommended approval of the annexation at a meeting held earlier in the day.

Mayor Bustle closed the public hearing after no further comments.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Ordinance No. 05-868.

5. PUBLIC HEARING-ORDINANCE NO. 05-869 (22:50)

Ordinance No. 05-868 was read by title.

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).

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

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 4-0 to adopt Ordinance No. 05-869.

6. PUBLIC HEARING-ORDINANCE NO. 05-870 (24:20)

Ordinance No. 05-868 was read by title.

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).

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

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Ordinance No. 05-870.

7. PALMETTO BRANCH LIBRARY PROJECT (25:40)

Manatee County has submitted a site plan showing the existing and planned new addition to the Palmetto Public Library.

Mayor Bustle opened the public hearing.

Sharon Eichler of Wade Trim, and Paul Palmer, the architect for the Palmetto Public Library expansion reviewed the site plan with Commission.

MOTION: Mr. Ball moved and Ms. Cornwell seconded to approve the renovation and expansion of the Palmetto Branch Library.

Discussion: John VanBerkel, Manatee County Library Services Manger, confirmed he will convey the City's request to the County Commission to consider the approval of wiring the building during construction to provide Wi-Fi accessibility.

Responding to the question concerning the parking issue, Mr. Palmer stated he was confident regarding the safety issue. Mr. VanBerkel agreed, stating there has never been a safety issue at the location.

Motion on the floor carried 4-0.

8. BEHAVIORAL HEALTH MANAGEMENT SERVICES, INC. AGREEMENT APPROVAL (54:36)

Agreements will renew the Employee Assistance Program Services and Managed Behavioral Healthcare Services administered by Baycare Life Management for one year expiring December 31, 2006.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 3-0 to approve and authorize the Mayor to execute the agreements between the City and Behavioral Health Management Services, Inc. d/b/a Baycare Life Management for Employee Assistance Program Services and Managed Behavioral Healthcare Services for one year expiring December 31, 2006. Ms. Cornwell was absent for the vote.

9. AWARD OF BID – HEALTH INSURANCE BENEFITS (1:01:32)

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 3-0 to award the health insurance benefits to Self Insured Plans, LLC and GE Financial Reinsurance Company in amount not to exceed \$966,000. Ms. Cornwell was absent for the vote.

10. PROPOSED STORMWATER RATE ORDINANCE (1:03:08)

Attorney Hall gave an overview of the methodology used in determining the proposed rates. She explained the results of the study were applied to residential categories, which staff expanded to distinguish between the different sizes of homes in an attempt to make the fees equitable. The study looked at surrounding agencies to aid in developing the ERU at \$4.14, up from \$2.88. For commercial property, the study conducted a random study of properties in the City and determined that approximately 90% of all commercial properties are impervious, thus the larger fee increase.

Other items discussed were:

A variance procedure in the proposed ordinance that will allow property owners to appeal the assessed fee. The proposed ordinance also allows

- A property owner who can prove they maintain their own runoff may apply for a credit.
- Phasing in the increase by a percentage value over a three year period; 40%, 30%, 30%. Each year's fee assessment will also include customary increases.
- New construction being immediately assessed the new fees. (Attorney Hall will research for legality.)
- Using the Property Appraiser's information to determine the impervious areas of commercial properties. The City is researching this possibility.
- The section of the proposed ordinance dealing with monthly billing has been revised to refer back to the Master Utility Ordinance. The next draft will show the revision.

Staff will take Commission's comments regarding the definitions and the discussion items and incorporate them into the next draft of the proposed ordinance.

11. DEPARTMENT HEADS' COMMENTS

Mr. Hartman

The first public meeting with property owners along the finger canals regarding the dock ordinance has been scheduled. Property owners were notified via door hangers.

Mr. Lukowiak

Commission authorized Mr. Lukowiak to move forward with the repair of the roof and air-conditioning duct work at the wastewater treatment plant. Veolia will make the repairs at approximately \$39,000 and then invoice the City. The invoice will contain no wrap around fee.

Informed Mayor Bustle and the Commission the owner of North River Industrial Park will probably be contacting them regarding the placement of the development's final plat approval before December or a potential sale will be lost. Mr. Lukowiak discussed the issues relating to the topic.

Mr. Freeman

Invited Commission and the department heads to the pot luck dinner at City Hall on November 23, 2005.

Deputy Chief Mayer

The City has hired a Victim's Advocate.

Informed Commission one police officer has been dismissed, but will stay with the City as a reserve officer and complete the training program. Another police officer has tendered his resignation.

Attorney Hall

Informed Commission she has received information from DEP that permission will be granted to allow a catering business as a temporary use at the island property at Regatta Pointe. Documentation of the City's ownership of the island has been requested. The sublease modification will be prepared.

12. MAYOR'S REPORT

Informed Commission of the need to schedule an additional workshop meeting for November 28, 2005. Commission concurred.

Distributed the Florida League of Cities legislative priorities. Manasota League of Cities has included Red Tide research in its legislative priorities.

Discussed the latest meeting involving the fairgrounds and Palmetto Elementary between Dr. Dearing, Ernie Padgett, Jim Parks and Dan West. An alternative was reached in the meeting which must be approved by all the appropriate agencies' boards. Dr. Dearing will write a letter proposing permission to allow the Fair Board permission to use a property adjacent to the new Fair Board property as an exhibit hall. The Fair Board will write a letter to Mr. Padgett about their new requirements. The County will develop a three year project schedule.

Commented on the presentation of a plaque to Mrs. Alice Sutton honoring her son Ben Sutton. He also informed Commission the Veteran's Commission is seeking a new site for the Veteran's Memorial Park and has approached the City about a possible location. Geoff Seger is looking into the issue.

Because of the success of the Veterans Day Parade, the City has been asked to host the annual event.

Reported he will be out of the office beginning tomorrow for medical reasons.

13. COMMISSIONERS' COMMENTS

Ms. Cornwell

Reported on the recent Fair Board meeting.

Reported on the CRA meeting.

Commented on the success of the Veterans Day Parade.

Mr. Lukowiak updated Commission on the status of the ASR Well project.

Requested staff obtain the date when the construction of the pool at Blackstone Park will begin.

Mr. Ball

The Festival of Lights is scheduled for December 3, 2005.

Reported on his campaign with the paper to ensure accurate reporting.

Mr. Lukowiak informed Commission the WWTP fermentation tank issue has been resolved.

City News in Brief will be published in the near future.

Mr. Williams

Reported the JPC had met on the Amerson annexation and the meeting was very short because of staff's preparation.

Inquired if personnel records are being audited. Mr. Freeman reported staff is currently meeting with vendors regarding scanning the City's records into a digital format.

The fire at the Parks building was minimal.

Meeting adjourned at 10:05 pm.

Minutes approved: December 5, 2005



James R. Freeman
City Clerk