

Palmetto City Commission
January 9, 2006 7:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor
Brian Williams, Vice Mayor
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner

Elected Officials Absent:

Eric Ball, 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
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 7:01 p.m. Pastor Lawrence Livingston, Eternity Temple, offered an invocation, followed by the Pledge of Allegiance to the United States Flag.

Judge Charles E. Williams, accompanied by Pastor Livingston, administered the Oath of Office to Commissioner Tambra Varnadore, Commission Mary Lancaster and Commissioner Brian Williams.

Mayor Bustle read a proclamation declaring January 19 – 29, 2006 as Manatee County Fair Week. Accepting the proclamation was Manatee River Fair Board President Jimmy Parks, Fair Manager Dan West, Manatee River Fair Board members Shirley Bryant and Allen Tusing.

Mayor Bustle read a proclamation declaring January 20, 2006 Florida Arbor Day in the City of Palmetto. Yvette Little, operations manager for Keep Manatee Beautiful, accepted the proclamation.

Mayor Bustle read a proclamation declaring January 22 – 29, 2006 as Tampa Bay Emergency Planning and Community Right-to-Know EPCRA Awareness Week. Bill Lofgren, principal planner and LEPC coordinator, District VIII, Tampa Bay Regional Planning Council accepted the proclamation.

All persons expecting to address Commission were sworn in.

Ms. Cornwell moved to nominate Mary Lancaster as Vice Mayor for the upcoming year. Mr. Williams seconded the motion and it carried 4-0.

ORDER OF BUSINESS

1. AGENDA APPROVAL

Mayor Bustle informed Commission of the necessity to amend the agenda to show item #4 as a first reading for Ordinance No. 05-874 rather than a public hearing, with an action request to

approve the advertising and schedule a public hearing January 23, 2006. He also stated he would request Commission continue the public hearing for item #3, Ordinance No. 05-872.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the January 9, 2006 7:00 p.m. agenda with the change to item #4 being a first reading.

2. CONSENT AGENDA

- A) Minutes: Commission meetings of December 19, 2005
- B) December 2005 Check Register
- C) Attorney Billing through November 30, 2005

MOTION: Mrs. Lancaster moved and Ms. Cornwell seconded to approve the January 9, 2006 Consent Agenda.

Attorney Hall requested the December 19, 2005 Commission shade meeting be corrected to reflect she did not attend the meeting.

Motion on the floor carried 4-0.

3. PUBLIC HEARING – ORDINANCE NO. 05-872 (29:00)

Ordinance No. 05-872 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING LOCAL INCLUSIONARY HOUSING FOR MEDIAN-INCOME HOUSEHOLDS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REQUIREMENTS; 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.

Mayor Bustle opened the public hearing.

Eddie Rowe, representing the Home Builders Association of Manatee County (HBA), distributed a letter from HBA President Alan Atchley. He informed Commission the HBA supports the goal of providing workforce housing, supports many of the incentives included in the ordinance, but is opposed to the mandatory and punitive measures included in the ordinance. He relayed the association's opinion that certain mandatory and punitive measures may slow the development the City has recently experienced. He requested that a voluntary program be given a chance. If Commission makes the decision to move forward, he requested the HBA members be given the opportunity to meet with Commission to discuss concerns regarding the ordinance before its adoption.

A brief discussion commenced on the Manatee County information concerning affordable/workforce housing designation application distributed by Mr. Rowe.

Devin Harms, 906 35th Ave. Dr. W., Palmetto, FL, requested that Commission consider developing an ordinance similar to one passed by Manatee County addressing the addition to homes to house relatives 62 or older without reassessment of the property.

Mayor Bustle requested Commission continue the public hearing to February 6, 2006. Staff explained that after conversations with attorneys and developers, details on deed restrictions, the incentives and how they can be balanced, and how to retain the affordable value of the property needs further clarification. Continuing the public hearing will also allow staff the opportunity to

meet with HBA members. Mr. Williams requested that Commission receive a list of the issues that have led to the recommended continuation of the public hearing.

Attorney Hall informed Commission that if there are significant changes to the proposed ordinance it will die at the public hearing. The ordinance's adoption process will then begin anew with a first reading and advertising approval, followed by a scheduled public hearing.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 4-0 to continue the public hearing for Ordinance No. 05-874 to February 6, 2006.

4. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 05-874 (53:20)

Ordinance No. 05-874 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF APPENDIX B, ARTICLE IV, SECTION 4.3 OF THE CITY'S ZONING CODE, PERTAINING TO CONSTRUCTION OF SINGLE FAMILY RESIDENTIAL UNITS IN THE RM-5 AND RM-6 ZONING DISTRICTS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 4-0 to approve Ordinance No. 05-874 for advertising and schedule a public hearing January 23, 2006.

5. MANATEE COUNTY AREA OPEN ROAD POLICY (54:43)

The Manatee County Area Open Road Policy is a multi-agency policy between the City, FDOT, FHP and other local response agencies to enhance the safety of roadways during urgent traffic incidents.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to approve and authorize the Mayor to execute the Manatee County Area Open Road Policy.

6. RESOLUTION NO. 06-01 (55:46)

Resolution No. 06-01 establishes a budget for the SRF loan payments.

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: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Resolution No. 06-01.

7. 2006 COMMISSION MEETING SCHEDULE (56:50)

Commission discussed the proposed meeting schedule, focusing on the meeting dates during July. It was consensus of Commission to set the meeting schedule as follows:

March 6 and 20, 2006	April 3 and 17, 2005
May 1 and 15, 2006	June 5 and 19, 2006
July 24 and 31, 2006	August 7 and 21, 2006
September 11 and 25, 2006	

Commission discussed the workshop scheduled January 30, 2006. Keeping with tradition that Commission members would accommodate each other's schedules, the meeting was changed to February 13, 2006 at 5:00 pm.

8. MAYOR'S REPORT

Board appointments will be included on the January 23, 2006 agenda.

The mobile FCAT lab will be located at Palmetto Youth Center Mondays and Tuesdays from 2:30 to 6:00 pm January 23, 2006 through March 7, 2006. Staff will confirm with the School Board that the schedule has been provided to the schools north of the Manatee River.

A tree planting and plaque honoring Miriam Burnett will be held at the Memorial Walk January 27, 2006 at 10:00 am, with a reception immediately following at the Carnegie Library.

Discussed the letter received from Mandy Polson at the Historic Park and Diane Ingram at the Ag Center recapping activities held at their locations. Commission was invited to attend one of the planned school tours.

Reported on the Mayor's meeting as follows.

- The City of Bradenton parking garage will be completed in approximately three months.
- The judicial center may take 25 months to complete.
- Because he had to leave the meeting to attend the workshop, he was unable to debate the legislative priorities issued by Manatee County. Mayor Bustle informed Commission he is still very concerned about the county trying to achieve their objectives being addressed under the current character and compatibility study. Mayor Bustle opined Manatee County is trying to usurp home rule as it relates to annexation and development within the cities.
- The interlocal agreement, which will essentially be the framework for the county's character and compatibility study, was to be discussed after his departure from the meeting. It is anticipated the agreement will be passed by the county commission without Palmetto and Bradenton's comments, which must be presented before the Council of Governments meeting January 19, 2006.

Commission discussed contacting Florida League of Cities regarding the legislation Manatee County is pursuing, and suggested the municipalities of the county should be very proactive, band together, and develop their own legislative priorities for presentation to their delegation. Mayor Bustle stated it may be necessary to inform the county that if they insistent on moving forward in their attempts to get the legislation passed, he would request the character and compatibility study be suspended.

9. DEPARTMENT HEADS' COMMENTS

Mr. Hartman

Advised Commission there may be grants available through the Scenic Highways program. Reported he is looking to the Planning and Zoning Board to fill a non-city employee designee to the program.

The final dock ordinance meeting is scheduled for January 12, 2006 at 6:30 p.m. at City Hall. The meeting is geared to Terra Ceia but is open to all the public. He anticipates a new draft will be available within the next week.

Attended a meeting on a new interlocal agreement regarding school concurrency. The one sheet within the document on school citing was very vague with no timeframe for including a city representative, which the document requires. He stated he discussed the fact all the cities should be involved as early in the process as possible.

Mr. Lukowiak

Quotes have been received for a larger capacity aboveground storage tank: 12,000 gallons - \$13,000; 15,000 gallons - \$22,000; and 20,000 gallons - \$35,000. It was consensus of Commission to purchase the 15,000 gallon tank at \$22,000, provided Mr. Freeman confirms funding is available. Mr. Lukowiak will also contact all the agencies using the City's fuel tank concerning the possibility of sharing the increased cost.

Mr. Freeman

Municipal Code Corporation will be conducting on-site training for the new records scanning project March 7 – 10, 2006. Three discs housing Supplement 17 to the City's Code are available.

RF filters have been installed in the chamber microphones to alleviate radio interference.

Reported Laddie Durrance has provided his letter of resignation from the Planning and Zoning Board. A proclamation and plaque will be presented to Mr. Durrance at the February 6, 2006 meeting.

The new items on the suspense log, Nuisance Ordinance, Code Enforcement and Revision to Section 7.5 of the Zoning Code were all given a medium prioritization.

Reported Mrs. Lukowiak has ordered the additional wrist bands discussed at the 4:00 meeting.

Chief Lowe

Details of the Martin Luther King Day parade have been finalized.

A Police Department report will be provided Commission before the end of the month.

Captain Mayer is attending the Florida Police Chief's Conference.

Attorney Hall

Encouraged Commissioners to contact her with any questions they may have concerning the legal services issue.

10. COMMISSIONERS' COMMENTS

Ms. Varnadore

Comments on the suspense log relating to the Historic Preservation Board Ordinance will be revised to correctly reflect Commission's involvement in the draft ordinance.

Reported she has received inquires if the City provides the public a list of contractors deemed to be unsatisfactory based on City experience; has received information Manatee County and Bradenton have an ordinance in place that allows for the public to receive this type of information. Attorney Hall advised against providing that type of information without an adopted ordinance and procedures in place. She stated she has seen an ordinance that, as an example, prohibits a contractor obtaining permits within a timeframe if certain or numerous violations to a City's code occur. Inquired if the item should be placed on the suspense log as a low priority.

Inquired the status of the stop sign request at 5th St. and 18th Ave. Mr. Lukowiak informed Commission he is waiting for the engineer to provide a quote for an audit of City stop signs in the area.

Mr. Williams

Agreed with Ms. Varnadore that the contractor/business ordinance should be placed on the suspense log with a low priority; Commission voiced no objection. The suspense log will also be renumbered.

Mr. Lukowiak reported the City is waiting on the county regarding Jackson Park. Last update showed positive contact with four of the six landowners.

Referring to the LOMA letter, Mr. Lukowiak explained the letter was created as of a result of a request from Mr. Leonard. A 5' foot section of Mr. Leonard's property falls within the flood zone, his home does not meet the minimum flood zone elevation, yet the City permitted his home. Mr. Leonard was of the opinion the City was responsible for the error and should provide resolve the matter. Legal review has determined the City is not liable because the City was working from a sealed survey by a professional surveyor. It has been determined the flood map has not been updated since 1993. The letter under discussion states why the City feels FEMA is wrong and it requests a flood map amendment. Mr. Williams stated he has been told his property on Riverside Dr. is not in the flood zone, and knowing FEMA has adjusted the map, stated the City needs to obtain an updated map. Mr. Lukowiak assured Commission that if FEMA has updated the 1993 map that update has not been provided to the City. A letter to FEMA requesting a newer than 1993 map will be requested.

Mrs. Lancaster

Will be out of town January 15, 2006 through February 2, 2006. Mr. Ball has agreed to take any of her phone calls received by staff.

Commended Ms. Cornwell for looking out for the employees on the July 3, 2006 meeting date issue.

Regarding contractors, stated municipalities are not the Chamber of Commerce and should not report whether or not a business is in good standing. She discussed the fact SHIP has a list of contractors that is provided to applicants, which the applicant may or may not use. Mrs. Lancaster voiced her opposition to the City reporting such information.

Ms. Cornwell

Requested the street sweeper be utilized more often in areas under construction. Mr. Lukowiak will review the topic, as the developers are required to monitor their street debris.


Inquired about the move of the Lamb house. Staff reported there is a possibility the house may be relocated to a lot on 11th Ave. north of the Palmetto House. The best route for the possible move is being determined by Public Works.

Referred to the monetary incentive for the Employee of the Year, stating it was a surprise when it was awarded. Ms. Cornwell requested that a detailed list of financial changes be presented to Commission when amending or passing policies.

Opined the county is not aware of the services the City provides it residents. It may become necessary to inform the county of the funding the City saves the county.

Meeting adjourned t 9:25 p.m.

Minutes approved: **Minutes corrected January 23, 2006 to read "Mrs. Lancaster commended Ms. Varnadore for looking out for the employees on the July 3, 2006 meeting date issue".**



James R. Freeman
City Clerk