

Palmetto City Commission  
February 6, 2006 7:00 p.m.

Elected Officials Present:

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

Staff and Others Present:

James R. Freeman, City Clerk  
Chris Lukowiak, Public Works Director  
Captain Mike Mayer, Deputy Chief of Police  
Ric Hartman, Planning Supervisor/Zoning Administrator  
Tanya Lukowiak, CRA Executive Director  
Michele Hall, City Attorney  
Frank Woodard, Deputy Public Works Director  
Deanna Roberts, Administrative Assistant

Mayor Bustle called the meeting to order at 7:02 p.m. He offered an invocation which was followed by the Pledge of Allegiance.

Mayor Bustle presented a plaque to H.A. "Laddie" Durrance in appreciation of his thirty years of service on the Planning and Zoning Board. Commission members, members of the Planning and Zoning Board and some members of the audience thanked him and offered personal recollections.

Mayor Bustle proclaimed February 14, 2006, Palmetto Reads Day in the City of Palmetto. Accepting the proclamation were Debbie Valcarcel, Principal, Palmetto High School, Dr. Jennifer Rosenboom, Reading Coach and Dr. Crystal Herold, Reading Coach.

All persons wishing to speak before Commission during the meeting were sworn in by City Clerk Jim Freeman.

PUBLIC COMMENT 16:35

Mr. Jon Moore addressed Commission. He pointed out that there are a lot of things that need to be changed in the Land Development Code. One in particular is Section 2, page 6 defining height as the highest point of the roof. A flat roof with a parapet could be built 40' high. A house with a peaked roof could only be built 35 ft. high. He pointed out that the great historic houses like the Blue House would never comply with this particular ordinance. Regarding Footnote 2 defining the flood hazard area; in the flood hazard zone, you would have to build 3-4 ft. above grade making the effective height of the house 31 ft., whereas a home two houses down could be built all the way to 35 ft. Another way this has been interpreted is that the Base Flood Elevation is the elevation to which the first floor can be built which could be 14 ft. in the air and then 35 ft. above that. He urged the Commission at some point in time to address both those height issues.

PUBLIC COMMENT 20:15

Mr. Charles Leonard briefed Commission on the issue of the floor elevation of his residence and current discussions with the City, the surveyor and Public Works. Due to a surveyor's admitted error, his house was certified at the 8.0' Base Flood Elevation (BFE) instead of the 9.0' required on the FEMA map. The City requires 6" above BFE so that his house was built at 8.6'. The error was discovered when he applied for a building permit to enclose the bottom floor of his stilt style home. He wrote to FEMA for a Letter of Map Amendment. FEMA denied the request. The Mayor in December 2005 authored a letter to FEMA requesting that they revisit the LOMA request and that request was also denied. His house has been devalued because with the current requirement he will never be able to enclose the ground floor to add

additional bedrooms. He thanked the City for all work on his behalf and requests that the city continue to work with him. Mayor Bustle suggested that he contact Representative Katherine Harris' office for assistance in dealing with FEMA. He assured Mr. Leonard that the City will continue to work with him.

1. AGENDA APPROVAL (39:58)

**MOTION:** Mrs. Lancaster moved, Mrs. Varnadore seconded and the motion carried 5-0 to approve the February 6, 2006, 7:00 PM agenda.

2. CONSENT AGENDA (40:50)

**MOTION:** Mr. Williams moved, Mrs. Lancaster seconded and the motion carried 5-0 to approve the February 6, 2006, Consent Agenda.

3. PUBLIC HEARING – ORDINANCE NO. 05-872 (41:14)

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 and announced the city is withdrawing Ordinance 05-872 for consideration because of significant changes since first reading and advertising. Mayor Bustle closed the Public Hearing.**

4. PUBLIC HEARING – ORDINANCE NO. 05-874 (42:33)

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.

**Mayor Bustle opened the Public Hearing and announced that the city is withdrawing proposed Ordinance 05-874 because of significant changes since the first reading and advertising, and replacing it with new Ordinance No. 06-877, which appears as Item 7 on the February 6, 2006, agenda. With no objection from Commission, Mayor Bustle closed the Public Hearing.**

5. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 06-875 (44:04)

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 (Samuel Asfur, AN0601, PID # 2582900003 – 1550 U.S. Highway 301 North, approximately 7.58 acres).

**MOTION:** Mrs. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 06-875 for advertising and schedule a Public Hearing for February 27, 2006.

6. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 06-876(45:04)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A GENERAL DEVELOPMENT PLAN FOR PID # 2580010003, 2580010102 and 2580000004; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 0601 Riviera Walk West, PID # 2580010003, 2580010102 and 2580000004 approx. 6.40 acres).

**MOTION:** Mrs. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 06-876 for advertising and schedule a Public Hearing for February 27, 2006.

7. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 06-877 (46:21)  
**Carried forward from the 4:00 workshop meeting.**

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:** Mrs. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-0 to approve Ordinance No. 06-877 for advertising and schedule a Public Hearing for February 27, 2006.

Mr. Williams informed Commission that due to his residency in this area, he declares that he has a conflict of interest. Mr. Ball informed Commission that due to his residency in this area, he also has a conflict of interest.

8. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 06-878 (49:38)  
**Carried forward from the 4:00 workshop meeting.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF APPENDIX B, ARTICLE VI, OF THE CITY CODE OF ORDINANCES, PERTAINING TO A REQUIREMENT OF PROVIDING HAND SANITIZERS IN PORTABLE RESTROOM FACILITIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Mrs. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 06-878 for advertising and schedule a Public Hearing for February 27, 2006.

9. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 06-879 (50:25)  
**Carried forward from the 4:00 workshop meeting.**

AN ORDINANCE OF THE CITY OF PALMETTO PROVIDING FOR REVIEW OF DEVELOPMENT PLANS IN ACCORDANCE WITH THE PRACTICES OF CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Mr. Williams moved, Mrs. Varnadore seconded and motion carried 5-0 to approve Ordinance No. 06-879 for advertising and schedule a Public Hearing for February 27, 2006.

10. GRANT APPLICATION APPROVAL (T. Lukowiak) (51:09)

Grants Coordinator is seeking authorization to apply for emergency management preparedness grant funding through the Department of Community Affairs.

**MOTION:** Mrs. Varnadore moved, Mrs. Cornwell seconded and motion carried 5-0 to authorize application to the Department of Community Affairs for emergency management preparedness grants funding.

Discussion: Mrs. Lukowiak advised Commission that to this grant application she will add an excavator for Public Works. The projected cost of the excavator is \$199,000, half of which will come from the CIP. It will be used for routine maintenance of ditches so that in the event of storms and flooding, the waters will

recede more quickly. This will be added to the generators for the traffic lights which have a projected cost of \$33,000. Mr. Freeman said the matching funds for the generators, approximately \$16,000, could come from the traffic study which may be significantly less than anticipated. Matching funds for the excavator, approximately \$100,000, could come from the 35<sup>th</sup> Street Drive project which was removed from the CIP per Commission. Mr. Williams asked that three other intersections be considered for the generators: US 41 and 17<sup>th</sup> St, 21<sup>st</sup> and 17<sup>th</sup> and 10<sup>th</sup> Ave. and 10<sup>th</sup> St. Mr. Lukowiak said he will ask the county to consider the first two under their emergency preparedness plan, and Capt. Mayer said an officer could handle 10<sup>th</sup> and 10<sup>th</sup>. As long as the main corridor through the city going north is open, the police department can handle the rest. He anticipates that the major problems would come in the weeks and months following an event if the electricity were off for an extended period of time and not necessarily in the initial evacuation of the city.

11. RESOLUTION NO. 06-06 (Mayor Bustle) (1:10:34)

Manasota League of Cities adopted a resolution concerning affordable housing funds, and is requesting league members to adopt a similar resolution.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO URGING THE FLORIDA LEGISLATURE TO FULLY FUND THE STATE AND LOCAL HOUSING TRUST FUNDS FOR FISCAL YEAR 2006-2007.

**MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to adopt Resolution No. 06-06.**

12. RESOLUTION NO. 06-07 (C. Lukowiak) (1:11:43)

**Carried forward from the 4:00 workshop meeting.** Resolution to authorize the execution of a CSX Pipeline Crossing Agreement to complete the US 301 (10th Street) forcemain project.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF A PIPELINE CROSSING AGREEMENT WITH CSX TRANSPORTATION, INC.

**MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to adopt Resolution No. 06-07.**

13. INTER-TEL LEASE APPROVAL (C. Lukowiak) (1:12:20)

Lease to replace the phone system Public Works purchased in 1996 that is not compatible with the systems in City Hall and the Police Department. Lease term is 60 monthly payments of \$576.09.

**MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to approve and authorize the Mayor to execute Inter-Tel Total Solution Program lease documents in an amount not to exceed \$34,565.40.**

14. EMPLOYEE RECLASSIFICATION APPROVAL (C. Lukowiak) (1:13:37)

**Carried forward from the 4:00 workshop meeting.** Reclassification of an employee from Service Worker II to Equipment Operator because of increased job responsibilities.

**MOTION: Mrs. Lancaster moved, Mrs. Varnadore seconded and motion carried 5-0 to approve the reclassification of Lennard Mays from Grade 105, Step 2 to Grade 104, Step 5 at a salary of \$27,832 per year.**

Discussion: Mr. Williams said that for the record he would like to state that this is not the appropriate action to take as this should have gone through Cody first, but since Mr. Mays is already doing the job, it's necessary to take some action. He would encourage staff to look into this as soon as possible. Mr. Freeman said he will bring it back to Commission as quickly as possible.

15. APPOINTMENT APPROVAL (J. Freeman) (1:14:50)

**MOTION: Mr. Ball moved, Mrs. Cornwell seconded and motion carried 5-0 to approve Mayor Bustle's appointment of Brian Williams to the Joint Planning Committee.**

**MOTION: Mr. Ball moved, Mrs. Cornwell seconded and motion carried 5-0 to ratify the Police Officers' Pension Plan Board of Trustees' appointment of Kevin Kinney for a two year term ending January 2008.**

16. RESOLUTION NO. 06-04 (J. Freeman) (1:15:50)

Establishes the budget for the aboveground storage tank project.

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: Mrs. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-1 to adopt Resolution No. 06-04. The dissenting vote was cast by Mrs. Varnadore.**

17. RESOLUTION NO. 06-08 (J. Freeman) (1:16:34)

Establishes the budget for the lease/purchase 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, Mr. Williams seconded and motion carried 5-0 to adopt Resolution No. 06-08**

18. RESOLUTION NO. 06-09 (J. Freeman) (1:18:01)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING CERTAIN CITY INDIVIDUALS TO INITIATE FINANCIAL TRANSACTIONS FOR THE CITY; UPDATE SIGNATORY CARDS AS REQUIRED; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Mrs. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to adopt Resolution No. 06-09**

19. STREET SWEEPING AGREEMENT APPROVAL (C. Lukowiak) (1:18:36)

**Carried forward from the 4:00 workshop meeting.** Agreement with contractors for the City to sweep the streets adjacent to development sites.

**MOTION: Mrs. Cornwell moved, Mr. Ball seconded and motion carried 5-0 to approve the Street Sweeping Agreement and authorize the Mayor to execute subsequent agreements as required.**

20. DEPARTMENT HEADS' COMMENTS (1:19:23)

Deputy Chief Mike Mayer  
Nothing to report.

Mr. Freeman

Laserfiche has been installed and all of 2005 resolutions, ordinances and minutes are scanned in. Mr. Williams recommended using volunteers for scanning. Mr. Freeman said that is a possibility.

Mr. Lukowiak

Nothing to report.

Mr. Hartman  
Nothing to report.

Michele Hall

Reported she has provided commissioners with copies of five bills to be submitted to the Florida Legislature. The bills concern the scope of authority that a city or a CRA should have to condemn property to put it to public use through redevelopment. She asks that after their review, they let her know if the city wants a formal resolution expressing intent, or their preference for one bill over another. Since the city will be taking a look at the Comp Plan and Land Development Codes, and the waterfront study will recommend changes within the CRA, it would be important for the City and the CRA to retain that authority.

21. MAYOR'S REPORT (1:24:10)

Mayor Bustle reminded Commission of the Feb. 8, 5:30 p.m. joint meeting with the School Board. Encouraged Department Heads to attend and all to be prepared to show support to keep Palmetto Elementary in Palmetto.

Advised Commission he will be away for his next session of Leadership Florida February 15-17 in Ft. Lauderdale and the following session will be March 9-11 in Tallahassee.

Proposed the following: Celebration Tour, Saturday, March 4; Trolley Tour of the City, March 20, in lieu of the workshop and Commission Retreat Saturday, April 22. Mr. Williams asked for the SWOT analysis prior to the retreat to review. Mayor Bustle will get a copy to everyone.

The Mayor said the Florida Legislature will be in session March 7 through the first or second week in May. Manasota League of Cities will send commissioners to Tallahassee to lobby and reimburse expenses. Mr. Ball and Mr. Freeman expressed an interest in going.

22. COMMISSIONERS' COMMENTS (1:36:10)

Mr. Ball

Attended his first Police Officers Pension Board meeting. It's a well run pension and has had a successful year. The annual report will soon be coming out and the investors have done a good job.

Thanked the Mayor for his guest editorial in the paper on February 6 as Chairman of the MPO.

Attended a Livable Cities seminar. He thought it was an exceptional seminar. With Palmetto's talk about mixed use, having a walkable city, downtown redevelopment, etc. it was very useful. It focused on roads and how important streets are; how they set the tone for what goes up around them. He will be able to download the PowerPoint presentation which he will share with anyone who is interested.

Mrs. Varnadore

Commented she saw in the legal fees a reference to a Lot Maintenance Ordinance and wondered why it wasn't on the Suspense Log. Mrs. Hall said that has expanded into what is now on the Suspense Log as the Nuisance Ordinance.

Asked for an update on the Blue House. Mayor Bustle said the Palmetto Historical Commission had shown no interest in keeping the house in Palmetto; therefore, Terry Stewart went to Cathy Slusser of the Manatee Historical Village who put him in touch with the Corbetts of the Canaan Land Foundation who plan to move the house by barge to Hillsborough County. They have already put money into this effort. Mr. Williams asked if the Mayor could contact the Palmetto Historical Commission (PHC) to come up with a plan and get with the Cornwells, the Alkires and Jonathan Shue, all of whom have expressed an interest in keeping the house here in Palmetto. Mayor Bustle said he will contact the PHC. Mr. Williams asked that Mrs. Varnadore bring it up at a PHC meeting.

Asked to be advised of the dates for this year's Florida League of Cities Annual Conference.

Geoff Seger and Jeff Scott made a PowerPoint presentation to the PHC about the cemetery restoration. The PHC was very impressed and appreciative of the City's work. The Valentine's social at the PHC had a small turnout due to the bad weather.

Mrs. Cornwell

Asked for clarification on future meeting times. The Mayor said the next meeting will be February 13 at 5:00 p.m. Mr. Freeman said the agenda is still being finalized. The next regular meeting after that will be February 27 due to President's Day holiday on February 20, which would be the normal meeting date.

She requested that Mr. Seymore Sailes be honored for his service to the City by proclamation and a tree planting.

Mrs. Lancaster

Thanked Mr. Ball for taking her calls while she was on vacation.

Reported that Head Start is having a teacher problem. The teachers are going to have to have a degree. Some have been there a long time and they knew they were going to have to get a degree. They had money to go to school but spent the money and didn't go, so they're getting laid off and they're upset.

Thanked Mayor Bustle for helping Mr. Leonard. She's confident that a solution will be found.

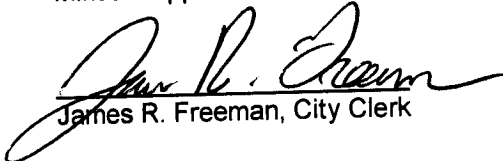
Mr. Williams

Missing storm drain covers are creating a dangerous situation. He asked Mr. Lukowiak if Matt Bloome could find a solution.

Asked Mr. Lukowiak to let him know when the company comes for a demonstration of the lighted crosswalks. He would like to attend the presentation.

The meeting was adjourned at 9:00 p.m.

Minutes approved: February 27, 2006

  
James R. Freeman, City Clerk