

Palmetto City Commission  
March 20, 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  
Deputy Chief Mike Mayer  
Ric Hartman, Planning Supervisor/Zoning Administrator  
Michele Hall, City Attorney  
Frank Woodard, Deputy Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:00 p.m. A moment of silence for military personnel was observed, followed by the Pledge of Allegiance.

All persons wishing to speak before Commission during the meeting were sworn in by Diane Ponder.

**PUBLIC COMMENT:**

Leonard Jarvis, president of the Colonial Mobile Manor Homeowner's Association, spoke to Commission regarding the damage to the streets within Colonial Mobile Manor and Palm Bay Mobile Home Park being caused, in his opinion, by the Waste Management solid waste trucks. Mr. Jarvis reported Mr. Tanebaum, the owner of both parks, has met with the City and was informed in December 2005 the trucks would be replaced by a smaller, two-man truck; the change has not yet occurred. Mr. Lukowiak stated a smaller truck weighing 64,000 pounds is currently being utilized in the parks; City trucks previously servicing the parks weighed 70,000 pounds. Mr. Lukowiak attributed the past two years' of rainfall contributing to the problem more than Waste Management's vehicles. Mr. Lukowiak informed Commission several offers have been made concerning the solid waste collection; centralized location and change of schedule. Mr. Jarvis stated a central location is not an option because of physical disabilities of park residents. Dave Smith, Waste Management, informed Commission a solution has been offered Mr. Tanebaum; Waste Management will utilize a 14-yard side-load truck during a new pickup schedule, provided a waiver is granted to Waste Management by Mr. Tanebaum. Negotiations are currently underway between Waste Management and the park owner's attorney concerning language regarding a waiver of liability to Waste Management. Mayor Bustle requested Mr. Lukowiak meet with the presidents of both parks' homeowner associations and deferred more discussion until after the meeting.

Terri Davis spoke in favor of the Manatee Players move to Palmetto.

1. AGENDA APPROVAL (25:50)

**MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the March 20, 2006 7:00 pm agenda.**

**2. CONSENT AGENDA**

- A) Minutes of February 27 and March 6, 2006 Commission meetings
- B) February 2006 check register
- C) General Employees' Pension Board Trustee appointment ratification

**MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the March 20, 2006 Consent Agenda.**

**3. COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) (27:20)**

Mr. Freeman gave a brief overview of financial highlights contained in the CAFR. Items discussed were:

- Major initiatives for the year
- Major initiative for the future
- Financial highlights surrounding the City's assets, expenses and revenue
- Review of Governmental, Proprietary (Enterprise) and Fiduciary funds

Tommye Barie of CPA Associates, the City's external auditor, informed Commission the audit of the City's basic financial statements received an unqualified opinion. Ms. Barie directed Commission to different parts of the CAFR she recommended should be reviewed:

- Management's Discussion and Analysis
- Statement of Net Assets, which excludes CRA assets of \$1,080,000
- General Fund Schedule of Revenue, Expenditures and Changes
  - Final budget reflected a deficit of approximately \$2 million; actual deficit amounted to \$475,000; no adverse financial result
- Single Audit, Grants & Management
  - City in compliance with all federal grant requirements
- Management Letter
  - Prior audit recommendation has been cleared
  - Current year audit findings and recommendations deals with water consumption reconciliation; the City has been unable to reconcile differences between County and City readings; dollar amount not material; staff is aware of and researching the issue.

**4. PUBLIC HEARING-- ORDINANCE NO. 06-880 (56:22)**

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 RM-6 (Multi Family) TO RS-4 (Single Family); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Barbara Mollanazar/Nabs Corporation, PID # 2635500008, 2635600006 and 2635700004 - approximately .69 acres total).

Mayor Bustle opened the public hearing. Mayor Bustle closed the public hearing.

Mr. Hartman confirmed a Comp Plan small scale amendment is not necessary because the Future Land Use Code is applicable to the RS-4 zoning. Mr. Hartman explained why the amendment is not necessary; future land use elements of RES-10 allows for ten dwelling units per acre. Dimensional requirements of a RS-4 zoning category allow 8.7 dwelling units per acre. Attorney Hall discussed the inconsistency in the named zoning categories, which will be addressed in the EAR. Attorney Hall advised a final plat approval will come before the Commission at a subsequent meeting.

Applicant Sia Mollanazar discussed the rezoning of the three lots to four lots, on which four single-family homes of approximately 1300 square feet each will be built. Commission discussed the water retention requirements for the lots. As the water retention issue does not have a bearing on the rezoning application, Mr. Mollanazar will be supplied a copy of the applicable ordinance regarding stormwater retention.

**MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 06-880.**

5. PUBLIC HEARING – ORDINANCE NO. 06-881 (1:19:45)

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 IL (Industrial Light - County) to PUD (Planned Development - City) PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Samuel Asfur, PA0504, PID # 2582900003 – 1550 U.S. Highway 301 North, approximately 7.58 acres).

Mayor Bustle opened the public hearing. Staff informed Commission the applicant has requested the item be continued to April 3, 2006.

**MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 06-881 to the April 3, 2006, 7:00 pm Commission meeting.**

6. MASTER LICENSE AGREEMENT APPROVAL (1:21:40)

Authorization for the purchase of ArcSDE® to enhance the application of the City's GIS program.

**MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Environmental Systems Research Institute, Inc. (ESRI) Master License Agreement, in an amount not to exceed \$10,000.**

7. CONTRACT APPROVAL (1:22:30)

Attorney Mickey Palmer discussed the legal aspect and procedural processes of an eminent domain taking at the February 27, 2006 Commission workshop. Staff seeks permission to engage Mr. Palmer and the firm of Williams, Parker, Harrison, Dietz & Getzen. Attorney Hall will contact Mr. Palmer to amend the letter of engagement to broaden the scope of work to include all eminent domain proceedings the City may undertake. She will also request an amendment to reflect the City does not have to use the firm for title work.

**MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 4-1 to approve and authorize to execute an amended letter of engagement, as suggested by Attorney Hall, regarding eminent domain proceedings with Williams, Parker, Harrison Dietz & Getzen. Ms. Cornwell voted no.**

8. CONTRACT APPROVAL – ONECO CONCRETE & ASPHALT (1:25:04)

Approval of a piggyback contract to complete improvements to sidewalks and curbing projects approved as part of the CIP.

**MOTION: Mr. Ball moved, Ms. Varnadore seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Oneco Concrete and Asphalt contract, based on the unit prices competitively bid and awarded by Manatee County in an amount not to exceed \$62,500.**

9. CONTRACT APPROVAL – PERKLING CONSTRUCTION, INC. (1:33:55)

Approval of a contract to complete Historic Park repairs approved as part of the CIP.

**MOTION:** Ms. Varnadore moved, Mr. Williams seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Perklings Construction, Inc. contract for the Historic Park repair projects in an amount not to exceed \$112,000.

10. CONTRACT APPROVAL – PERKLING CONSTRUCTION, INC. (1:40:51)

Approval of a contract to complete ADA compliance improvements approved as part of the CIP.

**MOTION:** Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 approve and authorize the Mayor to execute the Perklings Construction, Inc. contract for ADA compliance projects in an amount not to exceed \$138,000.

11. RESOLUTION NO. 06-13 (1:42:34)

Resolution No. 06-13 establishes a budget for the Planning Department's legal advertising revenue and expenses pass-thru to developers.

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. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 06-13.

12. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 06-882 (1:45:03)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; EXTENDING THE TIME WITHIN WHICH A SPECIFIC GENERAL DEVELOPMENT PLAN MUST BE SUBMITTED; AND PROVIDING FOR AN EFFECTIVE DATE (PID numbers 24140.0000/6, 24145.0010/9, 24145.1000/4 and 24145.2000/3).

**MOTION:** Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to approve advertising for Ordinance No. 06-882 and schedule a public hearing April 3, 2006.

13. DEPARTMENT HEADS' COMMENTS

Deputy Chief Mayer

Chief Lowe is on vacation.

Mr. Freeman

Mr. Williams and Mr. Ball have filed Form 8B-Memorandum of Voting Conflict pertaining to the adoption of Ordinance No. 06-877 adopted February 27, 2006.

Maintenance and cleaning of air-conditioning vents has occurred.

Anticipates staff will recommend the execution of a three-year renewal of CPA Associates' contract at a subsequent meeting.

Informed Commission of a possible need to add a workshop to the April meeting schedule. The tentative date is April 10, 2006, from 4:00 to 6:00 to accommodate the regular P&Z meeting beginning at 6:15 pm.

Attorney Hall

Informed Commission Ms. Lukowiak signed the contract today on the CBI property.

The inclusionary housing ordinance is in its final stages. Based only on a conversation with the attorney for A Thousand Friends of Florida, she indicated that in concept the ordinance is innovative and legally defensible. The draft will be forwarded to her for review. Mr. Williams requested Commission be copied the draft ordinance as soon as possible.

14. MAYOR'S REPORT

As the City completes its due diligence in the Manatee Players move to Palmetto, a number of issues have arisen:

- Time line is extremely challenging
- Ownership of the property and building
- CRA should move forward in the purchase of the property
- City should seek an alternative to fronting \$4 million up-front funds
  - Manatee Players could begin construction, at a later date CRA could contribute \$1 million as a loan
  - Manatee Players should seek challenge grants which the City could match as a loan

Mayor Bustle stated his opinion there is an economic benefit to the City, he is in favor of the project, but the City's best interests must be protected. Attorney Hall reported that after a meeting with Attorney Barnaby, the concept of a loan is "soft". Manatee Players felt the payback would be by tax dollars and revenue to local businesses. The draft agreement reflects a real money payback on a scale, depending on the length of time the organization operates in Palmetto. CRA's contribution to the project will depend on the consultant's projected TIFT funds.

Commission indicated favor with a possible move to Palmetto, but offered the following opinions:

- Mr. Williams: Use endowment funds to begin construction; build a smaller theatre
- Ms. Cornwell: The project should be self-sustaining; there should be no grant funds from the City.
- Ms. Varnadore: A definitive answer from Manatee Players as to where they wish to be located should be obtained.
- Mrs. Lancaster: Inquired if the endowment would be lost if construction isn't completed by the deadline.
- Mr. Ball: Concurred with the matching funds idea and phasing of the project.

Informed Commission he will be bringing forward a request for authorization to proceed with Phase II of the Fawley Bryant spatial needs study. Scope of work for Phase II will be to provide data on a clear site containing a new building and assessment of the Goldome building. Mr. Williams discussed a possible location being at the police department and the adjacent property to the east. Ms. Cornwell discussed concerns with the Goldome building; exits for fast moving police vehicles. She also discussed locating the center in a slum and blight area and the benefits such a location could mean to surrounding areas.

The legal services issue will be placed on an upcoming 7:00 agenda, with a proposal as outlined in the distributed memo. Mr. Williams discussed allowing the appointment term to extend a year beyond the Mayor's term. Ms. Varnadore voiced concern about giving a firm a contract for the balance of the Mayor's term. She stated she would have to see how the City could withdraw from the contract. She is willing to try the arrangement for the balance of this fiscal year. Mr. Ball concurred with Ms. Varnadore.

A day-long Emergency Management Summit is scheduled for April 2, 2006 at the Civic Center.

Commission commented on the trolley tour. The trolley did not allow for adequate communication.

15. COMMISSIONERS' COMMENTS

Mr. Ball

Commented on the trolley tour and the amount of the City he has seen.

No time schedule has been developed for the installation of the 7th Street signalization.

Has requested the City department's hours of operation be placed on the web site.

Ms. Varnadore

The City has submitted its scope of work to Renaissance Planning for the traffic study. Once Bradenton and Manatee County submit their scope, a meeting will be set to look at a major plan. No timeline has been established.

Referred to literature received on the implementation of smart lights in Pinellas County. Mr. Woodard explained the lights are related to public transportation. Manatee County is considering implementing such a system, of which Palmetto will participate to a degree, as Manatee County maintains the City's signal lights. The possible gap in the program will be Bradenton, as they maintain the signal lights in their jurisdiction.

Ms. Cornwell

Confirmed April meeting dates.

Inquired if the Police Department can intervene at Palmetto High School, where parents are dropping students off in the middle of the street. Deputy Chief Mayer stated the City can act if the normal flow of traffic is impeded, or if an ordinance prohibiting stopping and standing is adopted. The SRO will be asked to monitor the situation. Attorney Hall described the action the City may take under the Code. Mr. Lukowiak will speak with Mike Pendly of the School Board and City engineer Dick Clark regarding the situation.

Stated she wishes to bid the legal services for a one-year contract.

Mrs. Lancaster

Thanked Mr. Lukowiak for beginning the Ward 1 project.

Informed Commission she has spoken with Chief Lowe and Deputy Chief Mayer concerning on-going drug problems on 11th Street Drive.


Mr. Williams

Suggested a trolley tour should occur several times a year on smaller segments of the City.

Discussed the lack of sidewalks for Palmetto Elementary students at the entrance to the convenience store on 8th Avenue and the parking occurring on the City street next to the business.

Meeting adjourned at 9:50 pm.

Minutes approved: April 3, 2006

  
James R. Freeman, City Clerk