

Palmetto City Commission
April 3, 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
Chief Garry Lowe
Tanya Lukowiak, CRA Executive Director
Michele Hall, City Attorney
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. He gave an invocation, followed by the Pledge of Allegiance.

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

PUBLIC COMMENT: Vivian Jones, 220 11th St. W., sought Commission's intervention in a problem she is having with her plumbing that has required her to call a plumber on numerous occasions. She alluded the City should assist with the expense as the building inspector approved the plumbing project at her home. Mr. Lukowiak reported Public Works has visited the property, addressing issues on City property. He further stated his opinion the problem may be a blockage in the home's pipes. Mr. Lukowiak will make contact with a plumber concerning the situation.

Alan Stewart, 2107 27th Ave. Blvd. W., spoke to Commission concerning street lights. He stated he had been told two years ago lighting would be installed where 21st St. and 24th St. connect to 27th Ave. Blvd. W., and the installation has not occurred. Mr. Lukowiak stated he is not aware of any planned lighting installation; sidewalks are planned for the area. Mr. Lukowiak was requested to survey the area for lighting. Commission also suggested petitioning FPL for lighting. Mr. Stewart also reported speeding on 21st Street and inquired if a stop sign and speed bumps could be installed to alleviate the problem. Chief Lowe reported radar is being used and citations are written in the area.

Mr. Hartman informed Commission DRC reviews lighting for industrial and commercial projects; most residential is a single-family home and the Code governs that type of lighting. Mr. Lukowiak discussed the ordinance adopting CEPTED review at the DRC level, which could be used to review residential lighting for safety issues.

1. AGENDA APPROVAL

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the April 3, 2006 7:00 PM agenda.

2. CONSENT AGENDA

- A) Minutes of March 20, 2006 Commission meetings
- B) Attorney billing through February 28, 2006
- C) Special Function Permits: Easter Sunrise Service
Great Palmetto Cleanup/Multi Cultural Event
2006 Boy Scout Show
Cinco De Mayo

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to approve the April 3, 2006 Consent Agenda.

3. PUBLIC HEARING – ORDINANCE NO. 06-881 (16:25)

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 reopened the public hearing continued from March 20, 2006.

Bob Schmidt, representing the applicant, described the location of the property. He stated the applicant has not decided what type of development he plans to place on the property, thus the future land use of PUD-Planned Development. He explained PUD category would require Commission's review and approval of a rezoning of the property and site development before any construction can commence.

Mayor Bustle closed the public hearing.

Discussion: Commission discussed the future land use in the vicinity; the site being a gateway into the city and compatibility of new construction with the area.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 06-881.

4. PUBLIC HEARING – ORDINANCE NO. 06-882 (28:30)

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).

Mayor Bustle opened the public hearing.

Elizabeth Bluangtook asked two questions: 1) Why such a long extension; and 2) Will there be any proposal to increase the density or allow mid-rises. Attorney Hall responded, explaining the Code allows the Commission to provide a one-year extension and another one-year extension. She also reiterated the approved plan could not be altered. Attorney Hall advised Commission that the planner for the project stated the delay in being able to secure professional services is the reason for the time extension application. Mr. Williams

Cindy Willis, 2215 21st St. W., stated she, as well as other audience members, is concerned the current density is going to be changed. Staff confirmed there will be no changes to the originally approved site plan.

Mayor Bustle closed the public hearing.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 06-882.

5. LEGAL SERVICES (34:00)

Item carried forward from the 4:00 agenda for Commission action.

MOTION: Mrs. Lancaster moved and Ms. Varnadore seconded to authorize the Mayor to sign a letter contract with Dye, Deitrich, et al for legal services as described in the Point Paper and the letter contract.

Discussion: Ms. Varnadore suggested that during the six-month trial the city look at the hourly rate other municipalities pay for legal services. Attorney Hall confirmed neither she nor Edward Conrad will charge for travel between the firm's office and city offices.

Motion on the floor carried 4-1. Ms. Cornwell voted no.

6. SPATIAL NEEDS PHASE II (38:15)

Item carried forward from the 4:00 agenda for Commission action. Mr. Freeman advised Commission the original Fawley Bryant contract was approved for \$19,000, which included Phase I and Phase II, specific to Palmetto Elementary. Mr. Freeman recommended keeping the motion as is, approving Phase II as discussed at the 4:00 meeting in an amount not to exceed \$8,000. Mr. Freeman stated he assumed the \$8,000 would be sufficient for the options discussed at the 4:00 meeting; should there be a difference in the price the topic will be brought back to Commission.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-1 to authorize Fawley Bryant to proceed with the Spatial Needs Phase II, to evaluate the Gold Dome Bank building and to evaluate a bare lot option any place in the City to achieve the maximum reduction of slum and blight and economic revitalization, in an amount not to exceed \$8,000. Mr. Williams voted no.

7. CRA CONSULTANT (43:50)

Item carried forward from the 4:00 agenda for Commission action. CRA seeks approval to retain a consultant to assume the responsibility of land assembly and the associated contracts, as well as the development of funding mechanisms and joint participation agreements for the major projects to which the CRA and the City are committed.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve CRA retaining J.E. Free, Jr. as a consultant, in an amount not to exceed \$5,625.

8. URBAN AND COMMUNITY FORESTRY GRANT APPLICATION APPROVAL (44:20)

Mrs. Lukowiak requested authorization to apply for an Urban and Community Forestry Grant in the amount of \$10,000. If the grant is awarded, the funds will be used to offset the purchase of a water truck, which will be budgeted in the next fiscal year.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Urban and Community Forestry Grant application.

9. AMENDMENT TO AGREEMENT OF SUBLEASE FOR ISLAND RESTAURANT AT REGATTA POINTE (45:52)

Staff recommends approval of an Amendment to the Agreement of Sublease for the restaurant facility located on the island at Regatta Pointe, to permit the temporary development and use of the second floor of the facility to be used as a banquet hall for a six-month period.

Staff confirmed all required repairs have been completed and approved by appropriate officials and an occupational license has been issued. Attorney Hall confirmed the temporary use as it relates to

the Submerged Sovereignty Land Lease has been resolved but the language pertaining to the temporary use modification was left in the agreement in the event of personnel or policy changes at DEP. Section 2 of the agreement will be amended to include a specific expiration date of the six-month temporary use.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to authorize the Mayor to execute an Amendment to Agreement of Sublease to allow for a private banquet hall for the period of six months, beginning on the date the amendment is executed, prior to April 17, 2006, and ending six months from that date.

10. CODE ENFORCEMENT BOARD APPOINTMENT (52:21)

Nomination to fill the vacant position on the Code Enforcement Board.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to approve the appointment of Frank E. Joseph to the Code Enforcement Board for a term ending January 2009.

11. CONTRACT APPROVAL - INSITUFORM TECHNOLOGIES, INC. (53:30)

Staff seeks approval and authorization to enter into a contract with Insituform to complete the I&I projects approved in the 2005 CIP. Phase I of the scope of work under this contract will be the 12th Street project, in an amount not to exceed \$85,000. All future I&I projects and their related contracts will be brought to Commission for approval prior to project's start.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Insituform Technologies, Inc. contract, based on the unit prices competitively bid and awarded to Manatee County, in an amount not to exceed \$295,000.

12. AWARD OF BID AND CONTRACT APPROVAL – 4TH OF JULY CELEBRATION (1:03:06)

Staff recommends awarding the bid for the 4th of July fireworks display to Pyrotecnico of Florida and seeks approval and authorization to enter into the contract. The City pays the entire contract price and then the City of Bradenton and Manatee County each reimburse the City one-third of the cost of the display.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to award the 4th of July fireworks display bid to Pyrotecnico of Florida and approve and authorize the Mayor to execute the Pyrotecnico of Florida contract, in an amount not to exceed \$23,329.33.

13. BAIT SHOP ROOF (1:03:38)

Staff seeks approval to proceed with the repair of the Bait Shop roof. This item was approved in the FY06 budget. Mr. Freeman discussed the purchasing ordinance's requirements relating to bids; under \$10,000 requires only three verbal quotes. Quality Plus Roofing recently completed the WWTP project. Mr. Lukowiak confirmed the project had not been bid; based on historical quotes, Quality Plus Roofing has served the city well.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-1 to approve and authorize Quality Plus Roofing to repair the Bait Shop roof, in an amount not to exceed \$6,160. Ms. Varnadore voted no.

14. ENGINEERING SERVICES (1:07:40)

As a result of a published Request for Qualifications, staff has chosen seven firms from the eighteen proposals received. Mr. Lukowiak discussed his intention to negotiate and then go to contract with all seven companies, as each company offers the City specialized expertise in specific areas.

MOTION: Ms. Varnadore moved and Mrs. Lancaster seconded to authorize staff to enter into negotiations with the seven selected engineering firms as listed on the RFP Evaluation-Selected Firms report.

Discussion: Commission discussed the scoring and how the work would be dissimilated among the seven firms. Mr. Lukowiak stated four companies now do business with the City under piggy-back contracts, which would be eliminated in the event of a contract approval. Quotes for future projects will be solicited from the other three firms. Attorney Hall explained the negotiation process would result in an approved bidder list; hourly rates may vary but the City could use any of the firms for City projects.

Mr. Woodard discussed how references were scored; prior history with the City was considered and played a part in the selection. Attorney Hall stated that if the RFQ specified certain criteria and other criteria was considered that was not specified, she would suggest the City enter into negotiations with any firm that received a 31 or higher ranking. After discussion of the topic, Attorney Hall advised the City to enter into negotiations with any firm with a 31 or higher ranking.

MOTION: Ms. Varnadore amended her motion, Mrs. Lancaster seconded the amendment and motion carried 5-0 to authorize staff to enter into negotiations with any firm having a 31 or higher ranking.

15. WASTEWATER TREATMENT PLANT HYDRAULIC EVALUATION (1:36:25)

Staff seeks approval to authorize JEA to conduct a hydraulic evaluation of the wastewater treatment plant's oxidation ditch, which is currently operating at one-half of its designed capacity.

Stormwater Manager Matt Bloome and Ray D'iauto, manager of the wastewater treatment plant, spoke to Commission about the issue, explaining the proposed study will identify problems associated with the ditch and recommend appropriate measures to correct the problem. Mr. Bloome stated that because of the plant's function, a certified engineer would have to identify necessary repairs.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize JEA to proceed with a hydraulic evaluation of the wastewater treatment plant oxidation ditch, in an amount not to exceed \$21,000.

16. POTENTIAL DEMOLITION OF STRUCTURE AT 615 8TH AVE. W. (1:36:25)

Mr. Lukowiak informed Commission this is an action seeking permission to demolish the structure or place a deadline in which the repairs must be made. Attorney Hall explained the Code provides for the City to grant an extension of time, provided the property submits the request in writing. Previous correspondence shows the property owner asked for an extension, but the correspondence doesn't clearly ask for review by Commission. Because of the length of time this issue has been outstanding, Mr. Lukowiak and his staff has requested the topic be brought to Commission's attention for a final determination.

Referring to the Point Paper stating the building permit has been extended until April 26, 2006, Building Official Roger Titus informed Commission the property owner was advised in December 2004 that the building had been determined to be abandoned and he had 30 days to obtain a permit and 30 days to complete the required work. He explained a building permit has no expiration, provided work continues and a call for inspection is made every six months; the last inspection occurred October 28, 2005. Mr. Titus explained the original letter (December 2004) contained a deadline after which the property owner was to write a letter for an extension, which occurred, but no action was taken to bring the item to City Commission for approval of the extension.

Attorney Hall stated the city has the right to demolish the property, but advised the city should give a 30 or 60-day extension if City Commission feels the property owner demonstrates he is entitled to the extension. Attorney Hall commented on the Building Department's attempt to allow the property owner to make repairs to the building under discussion, referring to a letter dated January 2005. Because of the city's liability in allowing an unfit and unsafe building to remain un-repaired, Attorney

Hall recommended the city either put a deadline on repairs or move forward in the demolition of the building.

Mr. Titus confirmed the doors that would not latch and broken windows were repaired early in the project. Mr. Lukowiak stated there is no roof on a portion of the building. Mr. Freeman informed Commission Code Enforcement Director Bill Strollo has visited the property on several occasions and reported the roof on the western portion of the building is exposed. Mr. Titus reported work has occurred on the building; the issue is the property owner has been working on the building for an extended period of time.

Mr. Titus voiced his opinion it is possible repairs can not be completed in 30 days. Attorney Hall informed Commission the maximum extension permitted in the Code is 60 days, plus a 30-day extension, but the property owner has to request the 30-day extension.

Jeff Burton, a friend of the property owner, addressed Commission concerning the topic. He concurred with Mr. Titus concerning a building permit. He described the work that is on-going in the front part of the building; the back portion of the building will be open storage after the removal of that portion of the roof. He suggested using the Code Enforcement Board for the policy portion of the ordinance; a fine for continued policy violations is an incentive to property owners to correct violations in a timely manner. He voiced his opinion a Code Enforcement hearing would make the issue "clean" if an order of demolition is ordered. Mr. Burton opined that 60 days will probably be sufficient to complete the work, "if all things are equal, nothing changed and everybody plays according to the rules". Attorney Hall informed Mr. Burton the letter submitted in January 2005 has been deemed to be the letter of request for an extension. The Commission must now decide whether or not to grant a maximum 60 day extension. If at the end of 60 days special hardship is proven, an additional 30-day extension may be granted by Commission.

MOTION: Ms. Varnadore moved, Mr. Williams seconded to grant a 60-day extension to complete the work and then re-evaluate the subject.

Mr. Titus confirmed the building if capable of being remediated, but could not confirm whether or not the project can be completed in 60 days. Mr. Burton could not confirm if the building is on the historical register. Attorney Hall discussed how the property owner has to request the additional 30-day extension.

Motion on the floor carried 5-0.

17. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 06-883
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING SECTION 6-2 OF THE CITY OF PALMETTO'S CODE OF ORDINANCES, ADOPTING OF COUNTY ANIMAL CONTROL ORDINANCE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve advertising of Ordinance No. 06-883 and schedule a public hearing for April 17, 2006.

18. DEPARTMENT HEADS' COMMENTS

Mr. Hartman

The public meeting for the community character study was well attended. The major issue is height as a way to allow more density within a city. The next phase is the location of the different characters.

The final draft of school concurrency is being prepared for an interlocal agreement.

Mr. Lukowiak

Requested commission call him with any questions concerning the memos distributed.

Jackson Park land acquisition is progressing. One owner of three parcels has given a possible verbal agreement. Staff is requesting assistance to help locate some of the property owners.

Mr. Freeman

Thanked Commission for the opportunity to go to Florida of Cities' Legislative Action Day.

Reminded Commission of the April 10, 2006 workshop meeting.

Requested clarification on moving agenda items from the 4:00 workshop directly to the 7:00 meeting. Mayor Bustle discussed his responsibility in developing an agenda and moving an item directly forward to a 7:00. Mr. Williams requested minutes from the last discussion regarding this topic.

Attorney Hall

Thanked Commission for appointing Dye, Deitrich and her to provide the City legal services for the six-month trial.

Commented the Florida League of Cities' Legislative Action Day and the bills before the Legislature:

- Local control of growth management; the County could not implement the ACCORD and implement land uses on cities unless approved by city voters
- Eminent Domain; proposal to declare eminent domain cannot be used for economic development or to eliminate slum and blight; another proposed bill will pre-empt eminent domain totally to the state for redevelopment purposes; constitutional amendment will restrict when eminent domain can be used and then sell to a private property owner
- Derelict boats; proposal will allow marina owners or a city to secure boats and be held harmless
- Transportation: proposal will all counties to legislate a sales tax; a portion will go to the cities; appropriate general revenue funds to FDOT for projects on state roads not part of the SIS system; possible rental car surcharge that may benefit cities
- Cities may still have a mandatory sewer connection ordinance, but a variance procedure must be added that will allow someone to apply to opt out if they can prove the safety of the system
- A proposed affordable housing bill will require cities to identify lands that will support affordable housing; the league lobbyist has been contact concerning the insertion of language to implicitly support mandatory affordable housing
- Telecom industry is lobbying to have franchises pre-empted to the state; DCA will issue the franchise and the city will not have a vote

19. MAYOR'S REPORT

Reported he, Jim Freeman and Donny Burkhardt will travel to Lakeland to look at the city's Wi-fi system.

In addition to the character and compatibility study, there is a parallel interlocal agreement to modify the ACCORD. If the city signs the agreement, a ballot referendum will be moot because the city will have conceded all the issues the county wants. He spoke of the importance of the local control growth bill; it would require the referendum by voted on by unincorporated voters and be passed by city voters. A meeting is schedule Friday with Commission McClash, Mayor Poston and Mayor Bustle to discuss definitions of enclaves and contiguity.

20. COMMISSIONERS' COMMENTS

Mr. Williams

Reported he had attended the Manatee Players town meeting. The time line is very challenging. Mayor Bustle reported he and the staff members involved have informed Manatee Players a grant of \$4 to \$5 million will not succeed. He stated a discussion was held with Manatee Players describing a proposal discussed with Commission regarding a grant of \$1 million and the remainder being a loan that must be repaid; amortized for 20 years with no interest. Attorney Hall stated she was received a proposed agreement, but neither she nor staff has had a chance to review it. Commission discussed possible scenarios in funding the proposed move. The item was placed on the April 10, 2006 agenda.

Stated Commission should also receive copies of draft documents that are provided to the private sector. Commission should also see all copies of draft documents that have been amended. Suggested the Mayor or staff should contact Commission on issues.

Discussed a definition of consensus. Opined staff is sometimes confused when one Commissioner requests an item and no other Commissioner objects. It was determined that if a Commissioner requests an item and no other Commissioner objects, and if the Mayor does not object, staff will follow through with the request.

In response to Mr. Williams' comments on the 44 pending items, the suspense log will be updated to include all pending items.

Mrs. Lancaster

Read into the record her reasons for not attending the retreat that is scheduled for April 22, 2006, the same day as Palmetto's Great Cleanup and Multicultural Event.

MOTION: Mrs. Lancaster moved and Ms. Cornwell seconded to change the date of the retreat to a date no city function is scheduled and that is convenient for the Commission and the presenter.

Mayor Bustle confirmed the retreat was scheduled from 9:30 until approximately 3:30 at Pirate City.

Motion on the floor carried 5-0.

Ms. Cornwell

Thanked staff for the prompt removal of graffiti. The Police Department has the ability to collect data on specific sites if the graffiti reappears.

Mr. Lukowiak reported he met with Mike Pendley on the Palmetto High issue.

Requested to be notified if more than two houses are scheduled to be built at "The Enclave" at the end of 17th Street. Mr. Lukowiak will follow up with information.

Staff confirmed Ordinance 06-18 is the Manatee County animal control ordinance that Ordinance No. 06-883 proposes to adopt.

Ms. Varnadore

Confirmed the scope of services for Fawley Bryant's study is only the Golddome building and a generic lot. Mr. Lukowiak stated the generic lot would also contain information concerning the lot's economic impact to a specific area.

Discussed her concern in being able to complete the planned items on the April 10, 2006 agenda. Staff discussed placing a time certain on agenda items. Staff decided Manatee Players and the proposed attainable housing would be the only items placed on the agenda. Discussion resulted in moving the workshop meeting to the Palmetto Police Department, beginning at 5:00 and ending at 7:00.

The stop sign study is tied to the traffic mobilization study. It would be very expensive to separate stop signs from the study and perform a stop sign audit. Mayor Bustle again opined the issue is a law enforcement issue; stop signs do not slow traffic. Ms. Varnadore discussed the inconsistent use of stop signs throughout the city. Chief Lowe reported over 2,300 tickets are issued annually.

Mr. Ball

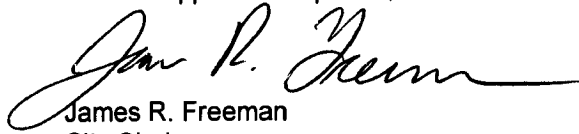
City Hall's hours of operation are now on the city's website.

Commented on the advantages of being a small town. Reported from his recent trip that New Orleans still has vast areas that are uninhabitable, while Waveland, a small town, has been cleaned.

Spoke to fact that stop signs do not slow traffic. He will provide information he has received that speaks to making streets less secure to drive fast.

Meeting adjourned at 10:10 pm.

Minutes approved: April 17, 2006


James R. Freeman
City Clerk