

Palmetto City Commission
July 24, 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
Deputy Chief Mike Mayer
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 7:05 pm.

A proclamation declaring August 12, 2006 Children's Summit Day in the City of Palmetto was read by Mayor Bustle.

Mayor Bustle gave an invocation, followed by the Pledge of Allegiance.

1. AGENDA APPROVAL

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the July 24, 2006 7:00 PM agenda.

2. CONSENT AGENDA (4:47)

- A) Minutes of June 19, 2006 Commission meetings
- B) June Check Register
- C) Attorney Billing through May 31, 2006

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the July 24, 2006 Consent Agenda.

3. PROPOSED AGGREGATE MILLAGE RATE APPROVAL (5:09)

Item carried forward from the 4:00 workshop.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the proposed aggregate millage rate at \$5.1645 per \$1,000 and set the first budget public hearing for September 12, 2006 at 7:00 pm.

4. PUBLIC HEARING - ORDINANCE NO. 06-891 (5:50)

Ordinance No. 06-891 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 22, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-81, DEFINITIONS, BY AMENDING THE DEFINITION OF "CREDITED SERVICE"; AMENDING SECTION 22-90, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 22-95, DISTRIBUTION OF BENEFITS; AMENDING SECTION 22-102, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 22-108, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing. After no public comment, Mayor Bustle closed the public hearing.

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 5-0 to adopt Ordinance No. 06-891.

5. PUBLIC HEARING - ORDINANCE NO. 06-892 (7:41)

Ordinance No. 06-892 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING A MEANS OF INCREASING LOCAL ATTAINABLE HOUSING FOR MEDIAN-INCOME HOUSEHOLDS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR DEFINITIONS; PROVIDING FOR A VOLUNTARY PERIOD; 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.

Attorney Hall amended the ordinance with the following minor changes for clarification purposes:

Section 17-52 (e): Deleted Section 13.6(b)

Section 17-53 (b): Added ...provided, however, that all credits still must be redeemed by the expiration date provided on the original Certificate to the end of the last sentence.

Mayor Bustle closed the public hearing.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No 06-892, as amended by the attorney.

6. PUBLIC HEARING - ORDINANCE NO. 06-886 (11:46)

Ordinance No. 06-886 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT AMENDING CHAPTER 7, ARTICLE IV OF THE CITY OF PALMETTO CODE OF ORDINANCES TO PROVIDE FOR THE IMPOSITION OF IMPACT FEES; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR RULES OF CONSTRUCTION; PROVIDING THAT DEVELOPMENT IS PRESUMED TO HAVE THE MAXIMUM IMPACT PERMITTED; PROVIDING FOR NOTICE AND PUBLIC HEARING FOR

ESTABLISHING OR INCREASING IMPACT FEES; PROVIDING FOR THE IMPOSITION, CALCULATION AND COLLECTION OF IMPACT FEES; PROVIDING FOR IMPACT FEE ACCOUNTS; PROVIDING FOR USE OF IMPACT FEE PROCEEDS; PROVIDING FOR REFUNDS; PROVIDING FOR AUDITS; PROVIDING FOR PROTESTS AND APPEALS; PROVIDING A STATUTE OF LIMITATION; PROVIDING FOR VARIANCES AND EXCEPTIONS; PROVIDING AMENDMENT PROCEDURES; PROVIDING FOR CREDITS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING INTENT AND PURPOSE FOR IMPOSITION OF GENERAL GOVERNMENT, POLICE, PARKS AND RECREATION, AND ROAD IMPACT FEES; PROVIDING FOR ASSESSMENT OF NEW PROJECTS; PROVIDING A FEE SCHEDULE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing. After no public comment, Mayor Bustle closed the public hearing.

MOTION: Mr. Ball moved and Mrs. Lancaster seconded to adopt Ordinance No. 06-886.

Discussion: Parks and Recreation's impact fee amount is due in part to the high cost associated with the acquisition of property necessary to comply with the Parks component in the City's Comp Plan.

Motion on the floor carried 5-0.

7. RESOLUTION NO. 06-23 (20:12)

Jim Free, financial consultant to the CRA, explained the Resolution authorizes the CRA to issue a promissory note in an amount not exceeding \$4,500,000 to fund the purchase of the Olympia Theater, school properties and to pay off of the 2004 promissory note issued for Ward 1 infrastructure improvements. CRA Executive Director Tanya Lukowiak updated the Commission on the school property issue.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA AUTHORIZING THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY TO ISSUE ITS PROMISSORY NOTE, SERIES 2006A, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$4,500,000; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 06-23.

8. APPOINTMENT APPROVAL (24:16)

MOTION: Mr. Ball moved, Ms. Varnadore seconded and motion carried 5-0 to approve the appointment of Barbara Jennings to the Manatee Riverwalk organization.

9. RESOLUTION NO. 06-24 (30:10)

Resolution authorizes the reallocation of CRA funds to ensure full expenditure and to accurately track expenses to represent projects' costs.

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 5-0 to adopt Resolution No. 06-24

10. PARTICIPATION AGREEMENT BETWEEN BANK OF AMERICA AND CITY OF PALMETTO (32:48)

The agreement sets forth the terms and conditions the City is responsible for in the purchase of the on-line credit card system being purchased.

MOTION: Mr. Ball moved, Ms. Varnadore seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Participation Agreement Between Bank of America, N.A and the City and the Customer Initiated Payments Service Addendum.

11. SUPERIOR ASPHALT CONTRACT APPROVAL (37:40)

Mr. Lukowiak explained the proposed contract is a piggy-back on the Manatee County and City of Bradenton contract with Superior Asphalt and will provide services for projects in the CIP.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Superior Asphalt, Inc. Agreement for Operations and Maintenance Services, based on the unit price competitively bid and awarded to Manatee County and the City of Bradenton in an amount not to exceed \$145,589.06.

12. PUBLIC WORKS FACILITY STORM WATER DRAINAGE PROFESSIONAL SERVICES (39:56)

Mr. Lukowiak explained existing storm water drainage at the Public Works facility does not meet SWFWMD guidelines. Engineering and design construction plans are necessary for the SWFWMD permitting application. Mr. Lukowiak confirmed that the fuel tank and break room projects at Public Works have escalated the need to address the storm water drainage at the Public Works location.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Proposal for Professional Services with City Engineer ZNS, in an amount not to exceed \$25,500.

13. POLICE DEPARTMENT ENVIRONMENTAL MONITORING (44:38)

Mr. Lukowiak reported JEA anticipates this may be the last monitoring period of the Police Department property FDEP will require and then the City may be able to cap some of the existing wells. He requested authorization issue a notice to proceed to JEA for the FDEP required 18-month monitoring only assessment of the Police Department property.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to authorize the Public Works Director to issue a notice to proceed to JEA for monitoring of the Police Department property, in an amount not to exceed \$12,000 for a twelve month period.

14. MUNICIPAL UNDERGROUND UTILITY CONSORTIUM (47:46)

Mr. Lukowiak stated a group of municipalities have developed a consortium to commission a study to the feasibility of converting existing overhead utility distribution to underground distribution facilities. Frank Woodard, Deputy Public Works Director, explained that if the City elects to participate in the study, the City will commit only to the study; the City may elect to withdraw from the consortium at any time and the Commission must approve any additional expense. Mr. Williams expressed concern about the City's responsibility to expenses listed in Appendix 2. Attorney Hall confirmed the City may elect to participate as stated in Section 7.2.

MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 4-1 to approve and authorize the Mayor to execute an Interlocal Agreement to Promote Undergrounding of Utility Facilities and Related Implementation Activities, with participation expenses not to exceed \$2,406. Mr. Williams voted no.

15. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 06-893 (1:00:25)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING AND MEMORIALIZING PROCEDURES FOR USE OF CITY CEMETERIES; PROVIDING FOR AMENDMENT TO CHAPTER 9, CITY OF PALMETTO CODE OF ORDINANCES, PERTAINING TO USE OF CITY CEMETERIES; PROVIDING FOR ESTABLISHMENT OF PROCEDURES; PROVIDING FOR CREATION OF CEMETERY FEE SCHEDULE; 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 Ordinance No. 06-893 for advertising and schedule a public hearing August 7, 2006.

16. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 06-887 (1:01:19)

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 (Mary Forristall, AN0601, PID #10009.0000/9, 10107.0000/1, 10108.0000/9, 10109.0000/7, 10117.0000/0 and 10118.0000/8, approximately 6.25 acres).

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve Ordinance No. 06-887 for advertising and schedule a public hearing August 7, 2006.

17. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 06-888 (1:02:51)

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 IH (Heavy Industrial - County) to HCOMIND (Heavy Commercial/Industrial - City) PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Mary Forristall, PA0601, PID #10009.0000/9, 10107.0000/1, 10108.0000/9, 10109.0000/7, 10117.0000/0 and 10118.0000/8, approximately 6.25 acres).

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve Ordinance No. 06-888 for advertising and schedule a public hearing August 7, 2006.

18. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 06-889 (1:04:20)

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 HEREIN FROM HM (Heavy Manufacturing – County) to CHI (Heavy Commercial/Light Industrial – City) PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Approximately one-mile north of the intersection of the Canal Road and U.S. 301, having PID numbers: 10009.0000/9, 10107.0000/1, 10108.0000/9, 10109.0000/7, 10117.0000/0 and 10118.0000/8 - approximately 6.25 acres total).

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve Ordinance No. 06-889 for advertising and schedule a public hearing August 7, 2006.

19. DEPARTMENT HEADS' COMMENTS (1:06:21)

Mr. Freeman

The meeting calendar will be revised and distributed.

Chief Lowe

National Night Out is August 1, 2006. The event will be held at 11th St. Dr. and 3rd Ave., beginning 5:30.

Mr. Lukowiak

ADA playground equipment is being installed in Sutton Park.

Requested Commission contact him with comments regarding the EAR and LDC timeline.

Global Modular will begin the break room construction within the next week.

Referring to a previously discussed topic regarding Manatee County turning over jurisdiction of certain streets to the City, Mr. Lukowiak stated Manatee County has agreed to the transfer of jurisdiction, but is requiring a survey of all the affected properties. Mr. Lukowiak was asked to bring the topic forward at the next Commission meeting with supporting documentation.

The next Movie in the Park is August 4, 2006 at 8:30 in Sutton Park. *The Benchwarmers* will be shown.

The Pete Turner Fishing Tournament is August 10, 2006 at Regatta Pointe.

Mr. Lukowiak reported the Mobility Study will be on the July 31, 2006 agenda. Mayor Bustle updated staff and Commission on the MPO's actions regarding the Mobility Study. MPO met voted not to fund the mobility study because of a policy issue; however, Commissioner McClash stated it should be easy to get Manatee County to fund the study. Mr. Lukowiak stated the piece coming to the Commission will relate only to the street of Palmetto, at a cost of approximately \$73,000.

Mrs. Lukowiak

The grant application, with Manatee County as a partner, to extend the recreational trail behind Hidden Park down 24th Ave., west to the Snead Island bridge was ranked #1 in the State, which means the grant is fully funded to \$400,000. The City's contribution is in-kind labor.

Attorney Hall

Through resolutions previously approved authorizing the filing of the eminent domain petition to take Olympia Theater, the petition is in draft form and may be filed by the end of the week. The City extended an offer on the property with a 30-day response deadline, which has expired.

20. MAYOR'S REPORT

He and staff performed a walk-through of the Goldome Building. Mayor Bustle suggested the need to consider a City center. He spoke of potential sites, including the Police Department Property, which is being considered for affordable housing. Mayor Bustle proposed Commission authorize him to begin discussions with Fawley Bryant about completing the Spatial Needs Study using the Goldome Building. He stated he will obtain a quote that will encompass the evaluation of the building as a City center, including the installation of City-needed technology, and to include evaluation of the building's structural integrity. Mayor Bustle informed Commission the

price that has been discussed is \$130 per square foot, which equates to approximately \$7.1 million; new construction is \$200 to \$250 per square foot. Commission approved Mayor's request to speak with Fawley Bryant concerning the Spatial Needs Study and the Golddome building.

Requested Commission submit their legislative priorities.

A City resolution was located that designated the 14th Avenue soccer fields as land to expand the cemetery. A copy of the deed conveying the 14th Avenue property to the City from the Trustees of the Internal Improvement Fund of the State has no such restriction. Mayor Bustle informed Commission Attorney Caleb Grimes unofficially opined that the present City Commission could decide the future use of the property; a new resolution may repeal an existing resolution.

21. COMMISSIONERS' COMMENTS

Mr. Williams

Suggested there is a potential to create an advisory board for issues dealing with Parks & Rec and the cemetery, given the cemetery ordinance that may be adopted.

JPC recently approved the annexation of the Boma parcel.

Suggested it would be benefit Commission if Deanna Roberts took notes during the meetings and emailed an update to the Commissioners after each meeting. Mayor Bustle advised Commission Ms. Roberts attended the meeting on her personal time, the recordings and minutes of the meetings should be sufficient.

Thanked Mr. Hartman for his service to the City.

Mrs. Lancaster

Reported pot holes on the street beside Alvarez Restaurant.

Ms. Cornwell

Commented on the Sanctuary Cove development appeal letters Commission has received. Attorney Hall and Mr. Lukowiak reported the situation has been remedied by Mr. Vining, Ms. Svenson and Mr. Morrison. The Mayor on behalf of the City Commission and City will respond to each individual who mailed a letter to the City and Commission concerning the appeal. Attorney Hall opined the reconsideration of City Commission's decision is provided for in Roberts Rules of Order.

School begins August 7, 2006. The Police Department will assist the opening with traffic control. Mr. Lukowiak informed Commission a three-man team will be surveying the in-town schools sites for signage, sidewalks, etc.

Ms. Varnadore

Inquired about reviewing the park rental fees. Parks & Rec controls the paperwork on the management of the Chapel; rental information concerning the chapel is available from personnel at the Historic Park.

August 5, 2006 is the Palmetto Historic Commission's Summer Social, which will include a Scholastic Book Fair. The event begins at 11:00 am.

Mr. Ball

Congratulated the Mayor and staff on the budget's preparation.

The pavement at the Post Office will be repaired when Superior Asphalt begins projects in the City.

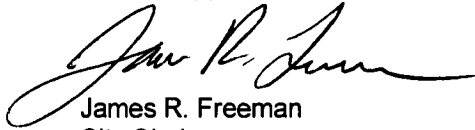
Reported his inability to read the legislative priorities email and requested it in another format.

22. PUBLIC COMMENT

Manatee River News Associated Editor Lia Martin informed Commission the paper will publish information on events if the information is provided.

Meeting adjourned at 9:00 pm.

Minutes approved: August 7, 2006

A handwritten signature in cursive script, appearing to read "James R. Freeman".

James R. Freeman
City Clerk