

Palmetto City Commission
August 21, 2006 7:00 p.m.

Elected Officials Present:

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

Elected Officials Absent:

Eric Ball, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk
Chris Lukowiak, Public Works Director
Frank Woodard, Deputy Public Works Director
Matt Bloome, Stormwater Manager
Deputy Chief Mike Mayer
Tanya Lukowiak, CRA Executive Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:05 p.m. He offered an invocation, followed by the Pledge of Allegiance.

A proclamation declaring September 2006 Sickle Cell Anemia Month was read by Mayor Bustle and presented to Sickle Cell Foundation Board Member Mary Lancaster and CED Faye Butler. The Commission, staff and public were invited to attend a free Gospel Concert at the Foundation on September 1, 2006, 11:00 am to 7:00 pm.

Mayor Bustle read a proclamation declaring September 2006 as National Alcohol and Drug Addiction Recovery Month.

All persons planning to address Commission were sworn-in.

Public Comment:

Byron Smith, Jr., 1809 5th St. W., Palmetto, FL 34221 spoke to Commission concerning the newly erected fence at the cemetery prohibiting his ability to enter at his customary entry point into the cemetery. Staff explained Mr. Smith had been entering in an area that is an open space between the cemetery block, not a cemetery street. Mr. Smith also spoke about the Supplemental Rules and Regulations of the recently adopted cemetery ordinance prohibiting artificial flowers. He suggested a container that would place the flowers at least six inches above ground level would suffice. He asked that the ordinance be put back on an agenda for discussion. Staff was instructed to place the Supplemental Rules and Regulations on a future workshop agenda and notify Mr. Smith of the date of the meeting.

Mark Becker, 1000 Riverside Drive, Palmetto, FL 34221, stated he was speaking for himself. He referred to the editorial in the August 10, 2006 *North River News* and subsequent events he has witnessed, stating city officials should be representing the interest of the citizens of Palmetto, not their own self interests. Mr. Becker cited a recent CRA Board meeting where the property south of Riverside Dr. was discussed by a board member, who in his opinion, was speaking for his own self interest. He opined that city official should remove themselves when there is conflict between the citizens' interest and their own self interest. Mayor Bustle opined every citizen of the City

-serving on a board has the right to an opinion and it is their duty to express themselves; however, they recuse themselves during the vote of any item where there may be a conflict of interest.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 4-0 to approve the August 21, 2006 7:00 pm agenda.

2. CONSENT AGENDA (20:34)

- A) Minutes of July 31 and August 7, 2006 Commission meetings
- B) July Check Register
- C) Special Function Permit: Sickle Cell Anemia Month Free Concert

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 4-0 to approve the August 21, 2006 Consent Agenda.

3. PUBLIC HEARING – ORDINANCE NO. 06-899 (21:01)

First reading occurred July 31, 2006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF ARTICLE XII OF THE CITY ZONING CODE PERTAINING TO THE PLANNING AND ZONING BOARD; PROVIDING FOR ESTABLISHMENT AND COMPOSITION OF SAID BOARD; PROVIDING FOR POWERS AND DUTIES OF SAID BOARD; PROVIDING FOR RULES AND PROCEDURES GOVERNING SAID BOARD; PROVIDING FOR APPEAL OF DECISIONS OF SAID BOARD; PROVIDING FOR REPEAL OF ARTICLE XIII OF THE ZONING CODE PERTAINING TO THE BOARD OF ADJUSTMENT; 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: Mrs. Lancaster moved, Ms. Varnadore seconded and motion carried 4-0 to adopt Ordinance No. 06-899.

4. SCHOOL RESOURCE OFFICER AGREEMENT APPROVAL (25:13)

Agreement with the School Board of Manatee County to fund one-half of the salaries for the School Resource Officers located at Palmetto High School and Lincoln Middle School.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve and authorize the Mayor to execute the Agreement with the School Board of Manatee County to fund School Resource Officers in the amount of \$56,156.

5. MANATEE RIVER FAIR ASSOCIATION LICENSE AGREEMENT FOR EXHIBITORS AND CONCESSIONAIRES APPROVAL (26:35)

2007 License for the City's booth during the Manatee County Fair.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 4-0 to approve and authorize the Mayor to execute the 2007 Manatee River Fair Association's License Agreement for Exhibitors and Concessionaires in an amount not to exceed \$615.

6. RESOLUTION NO. 06-26 (27:03)

Annual budget amendment for the supplies purchased by Manatee County EMS.

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. Cornwell moved, Ms. Varnadore seconded and motion carried 4-0 to adopt Resolution No. 06-26.

7. RESOLUTION NO. 06-27 (28:01)

Annual budget amendment for the supplies purchased by North River Fire Department.

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. 06-27.

8. RESOLUTION NO. 06-28 (28:40)

Resolution No. 06-28 establishes the Cemetery Fee Schedule as provided for in the ordinance.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING A CEMETERY FEE SCHEDULE AS PROVIDED FOR IN ORDINANCE 06-893; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Williams moved and Ms. Cornwell seconded to adopt Resolution No. 06-28.

Discussion: Ms. Varnadore questioned the liability the City would assume by collecting a burial right certificate fee and the City's responsibility in verifying burial rights. She stated that in her opinion the ordinance had "gone too far". Discussion ensued on the approval process when ownership of a burial space is transferred. Commission also discussed the City's responsibility if an error should occur in a burial in a wrong space.

Motion on the floor carried 3-1. Ms. Varnadore voted no.

9. LIFT STATION #1 REHABILITATION (39:08)

Proposal to rehabilitate Lift Station #1 includes four manholes and two influent channels. This project is part of the approved CIP.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to authorize Veolia to perform the Lift Station #1 rehabilitation in an amount not to exceed \$60,215.

10. LIFT STATION #16 REHABILITATION (42:10)

Proposal to rehabilitate Lift Station #16 located within Heritage Bay includes sandblasting the wet wall and master manhole, pumps and associated piping, bases and guide rails.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 4-0 to authorize Veolia to perform the Lift Station #16 rehabilitation in an amount not to exceed \$50,224.

11. DEPARTMENT HEADS' COMMENTS

Mrs. Lukowiak

Commission confirmed a joint Commission and CRA meeting will be held August 28, 2006.

Mr. Lukowiak

Referring to a recent meeting where Vivian Jones spoke to Commission about the plumbing problem she is having at her home, Mr. Lukowiak informed Commission the permits that had been pulled did not include plumbing; doors and windows only. He further stated that through the investigation, it appears as if Manatee County contributed to the remodeling, which may mean a county inspector reviewed the work. He stated he has had conversation with Mr. and Mrs. Jones, suggesting trimming the tree may help alleviate the problem.

Stated he, Mayor Bustle and several staff members will be meeting with DEP on Tuesday to discuss THM issues.

Informed Commission an employee was transported by ambulance earlier in the day; no new has been received as to his condition.

Mr. Freeman

The revised budget will be prepared by Wednesday.

Monday's agenda will include the General Employees' Pension Plan proposed benefit changes.

Karen Simpson has requested a new safe be ordered by City Hall at a cost of approximately \$1,200. The item will be brought to Commission at a future date.

Deputy Chief Mayer

Chief Lowe is recuperating and will be back to work at the end of next week.

Attorney Hall

Attorney Mickey Palmer has been scheduled for the September 12, 2006 workshop meeting to discuss the Olympia Theater. As the briefing is fact specific, the meeting will not be held in the shade.

12. MAYOR'S REPORT

Referred to the overlay categories information supplied to Commission. A briefing for Commission will be scheduled for August 28, 2006. Ms. Cornwell requested that Commission receive information on any restrictions. Prior to the meeting, Commission will receive the drafts that the P&Z Board will consider September 11, 2006.

Legal Services

Mr. Williams opined a flat rate is the best course for the City, even with the proposed increase. Ms. Varnadore commented on an in-house attorney, and the revenue pass through fees will generate for any firm representing the City. Ms. Cornwell voiced concern about the proposal from Dye Deitrich being a calendar year rather than the fiscal year. Attorney Hall stated the firm had considered the Mayor's appointment time as the basis for the proposal. Attorney Hall stated it was her impression that at the end of a contract, and on an interim basis, the fee would revert to an hourly rate.

Mayor Bustle stated staff had reviewed the proposal and presented one of their own. Mr. Lukowiak stated the department heads had discussed placing the responsibility of creating and monitoring the attorney's budget on the department heads. He stated that Public Works creates the majority of the fees, and suggested his fees could be spread through the Enterprise Funds. He stated the department heads collectively estimated a maximum budget of \$260,000, of which \$131,000 would be paid from Enterprise Funds.

Mrs. Lukowiak stated the department heads felt the \$300,000 was unfair and could be offset by pass through fees back to the City.

Mr. Freeman stated that going back to the hourly rate will require better utilization of the attorney by the department heads. He stated he was willing to support the proposal, but changes in how the pass through fees is handled may be necessary.

Mayor Bustle voiced concern because the same method has been used and historically the fees rose year by year. His worry is how to control the Mayor/Commission budget; there may be meetings Attorney Hall will need to attend and there may not be budget available.

Summarizing the discussion, Commission must decide if they are going to approve the proposed flat fee rate, go with an in-house attorney or the department head's proposal. Commission requested that staff provide them with a written recommendation of their plan.

13. COMMISSIONERS' COMMENTS

Ms. Varnadore
No report

Ms. Cornwell
Reported the street lights are not working from Holy Cross Catholic Church to 23rd Street. Staff will contact FPL to determine the status of the work order.

Mrs. Lukowiak stated she will receive a 48 to 72 hour notice before moving the blue house. She will email the date and time of the move.

Reported the CRA Board is amiable to speaking the Commission concerning proposed projects, Waterfront Plan plans, etc.

Mrs. Lancaster
No report.


Mr. Williams
Reporting as a Fair Board member, it appears as if Southwest Florida Water Management may pave the midway. He thanked everyone who helped in the project.

14. PUBLIC COMMENTS

Byron Smith inquired if Commission will consider reviewing the cemetery issues. Staff will contact him when the item is placed on a workshop agenda.

Meeting adjourned at 8:25 pm.

Minutes approved: September 12, 2006


James R. Freeman
City Clerk