

Palmetto City Commission
September 18, 2006 7:00 p.m.

Elected Officials Present:

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

Staff and Others Present:

James R. Freeman, City Clerk
Chris Lukowiak, Public Works Director
Frank Woodard, Deputy Public Works Director
Chief Garry Lowe
Tanya Lukowiak, CRA Executive Director
Karen Simpson, Deputy Clerk-Finance
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:01 pm. He gave an invocation, followed by the Pledge of Allegiance.

Persons expecting to address Commission were sworn-in.

PUBLIC COMMENT: David Potter commented on a raw sewer spill in his neighborhood. Mr. Lukowiak explained the steps that had been taken to identify the problem, stating that the excessive rains and the amount of stormwater contributed to the spill. He further stated it is not anticipated this will be an on-going issue, as the earlier issues that plagued the area have been rectified.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved and Mr. Williams seconded to approve the September 18, 2006 7:00 pm agenda.

Mr. Ball requested that item #13, First Reading & Advertising Approval-Ordinance No. 06-898 be removed from the agenda and be placed back on a workshop agenda to further discuss the Floor Area Ration (FAR), densities and the edges of the overlay district.

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to amend the agenda by deleting item #13.

Mr. Lukowiak informed Commission it is staff's intention to request the boundaries, as described in #6 of the ordinance, be deleted from the proposed ordinance; the only action being requested is to create an overlay district in the future land use category. Attorney Hall confirmed it is within Commission's discretion to delete any reference to the legal description (#6) because the ordinance is city initiated and the public's rights have not been compromised. Commission discussed the topic and ultimately concurred with Mr. Ball.

The motion to amend the agenda by deleting item #13 carried 5-0.

The motion to approve the September 18, 2006 7:00 pm agenda as amended carried 5-0.

2. CONSENT AGENDA

- A) Minutes of September 11, 2006 Commission meeting
- B) August 2006 Check Register
- C) Special Function Permit: Jason Purinton Benefit
6th Annual Hooked on Scouting

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the September 18, 2006 Consent Agenda.

3. PUBLIC HEARING – ADOPTION OF THE 2006 MILLAGE RATE AND FISCAL YEAR 06-07 BUDGET

Mayor Bustle opened the public hearing. He stated the proposed millage rate of 5.1645 mills is an 18.59% increase over the rolled-back rate.

Mr. Ball stated his opinion the annual COLA could have been postponed until next year, and he would have used the savings to reduce the tax rate. Ms. Cornwell stated she would have reduced the tax rate and read from information she received from the Florida League of Cities.

Mayor Bustle opened the floor for public comment on the 2006 millage rate and Fiscal Year 2006-2007 Budget. After no comment, Mayor Bustle closed the public comment.

Mayor Bustle declared the following:

Based on no public comment, the final millage does not have to be recomputed
The City of Palmetto is the taxing authority
The rolled back rate is 4.3548
The percentage increase of property taxes is 18.59% over the rolled back rate
The millage rate for tax year 2006 is 5.1645 mills per \$1,000

A) RESOLUTION NO. 06-32

Resolution No. 06-32 was read by title.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, MANATEE COUNTY FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES ON PROPERTY WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF PALMETTO FOR FISCAL YEAR 2006-2007; PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Williams moved and Ms. Varnadore seconded and motion carried 3-2 to adopt Resolution No. 06-32. Ms. Cornwell and Mr. Ball voted no.

B) RESOLUTION NO. 06-33

Resolution No. 06-33 was read by title.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2006-2007; MAKING APPROPRIATION OF MUNICIPAL FUNDS AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Ms. Varnadore seconded and motion carried 4-1 to adopt Resolution No. 06-33. Mr. Ball voted no.

Mayor Bustle closed the public hearing.

4. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 06-900

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 22-86, BENEFIT AMOUNTS AND ELIGIBILITY TO PROVIDE FOR COST OF LIVING INCREASES; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 06-900 for advertising and schedule a public hearing October 2, 2006.

5. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 06-901

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING AND RESTATING CHAPTER 22, PERSONNEL, ARTICLE V, POLICE OFFICERS' RETIREMENT PLAN, SECTIONS 22-171 THROUGH SECTION 22-210, INCLUSIVE, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR POLICE SERVICE; PROVIDING FOR REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR PURCHASE OF CREDITED SERVICE FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR BI-ANNUAL REVIEW OF STATUS OF RETIREES AND BENEFICIARIES; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to approve Ordinance No. 06-901 for advertising and schedule a public hearing October 2, 2006.

6. APPROVAL-PROFESSIONAL ENGINEERING CONSULTING SERVICES

Mr. Lukowiak informed Commission negotiations with the engineering firms have concluded and eight firms have been chosen based on their expertise and availability. He stated the rates differ slightly among the firms, which will allow for competitive pricing. He gave Commission examples of how the firms would be used.

MOTION: Mr. Williams moved, and Mrs. Lancaster seconded to approve and authorize the Mayor to execute the Professional Engineering Consulting Services for General Engineering Projects Agreement with:

1. CPH Engineers, Inc.

2. **Giffels-Webster Engineers, Inc.**
3. **PBS&J; and**
4. **Lombardo, Foley & Kolarik, Inc.**

Ms. Varnadore referenced Article 4, A (b) of the contract that provides two one-year renewals upon mutual agreement of the city and consultant. She requested that language be added that requires Commission review before renewals. Commission concurred.

The motion on the floor carried 5-0, with the amendment of the contract to include the discussed language.

7. PURCHASE APPROVAL – CITY HALL SAFE

Mr. Freeman obtained Commission's approval to purchase a new safe for City Hall at the August 21, 2006 Commission meeting.

MOTION: Mrs. Lancaster moved, Ms. Varnadore seconded and motion carried 5-0 to approve the purchase of a new City Hall safe in an amount not to exceed \$1,249.

8. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 06-890

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 PORTIONS OF THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM CG (Commercial General) AND GO (General Office) TO CC (Core Commercial); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Owner: Jim Wade PID# 2783100106 and 2782100008).

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 06-890 for advertising and schedule a public hearing October 2, 2006.

9. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 06-894

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 (BOMA LLC, PID # 10164.0015/9, approximately 8.44 acres).

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 06-894 for advertising and schedule a public hearing October 2, 2006.

10. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 06-895

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 RES-9 (Residential - County) to PD (Planned Development – City) PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (BOMA LLC, PID # 10164.0015/9, approximately 8.44 acres).

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 06-895 for advertising and schedule a public hearing October 2, 2006.

11. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 06-896

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 (Sanctuary Development Partners East LLC, PID # 26078.0015/9, approximately 1.15 acres).

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 06-896 for advertising and schedule a public hearing October 2, 2006.

12. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 06-897

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 RES-6 (Residential - County) to PD (Planned Development – City) PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Sanctuary Development Partners East LLC, PID # 26078.0015/9, approximately 1.15 acres).

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 06-897 for advertising and schedule a public hearing October 2, 2006.

13. DEPARTMENT HEADS' COMMENTS

Mr. Freeman

Reviewed the remainder of the calendar year Commission meeting schedule, as follows:

October 2 and 16
November 6 and 20
December 4 and 18

In response to Ms. Varnadore's inquiry concerning the consequences if the budget had not been approved, Mr. Freeman stated it is possible to continue the public meeting. Such a scenario will be research and Commission will be advised of the proper procedures the City must follow.

Advised Commission it is anticipated Burton & Associates will review the results of the stormwater study at the October 2, 2006 workshop meeting.

Mr. Lukowiak

Informed Commission the Giffels-Webster engineering firm (contract approved earlier in the meeting) has quoted a price of \$9,800 to perform the due diligence study on the Goldome Building. Mr. Lukowiak discussed the quote of approximately \$15,000 received from Fawley Bryant for the same study. Commission authorized Mr. Lukowiak to issue a notice to proceed to Giffels-Webster for the Goldome Building due diligence study.

Informed Commission interviews for the Planner's position have concluded and staff is preparing to make an offer to a very strong candidate, Sharon Canton. Mr. Lukowiak discussed Ms. Canton's qualifications, her available start date and salary expectation of \$58,000 per year. Commission authorized Mr. Lukowiak to offer Ms. Canton a starting salary of \$58,966 - Step 117, Grade 8.

Stated this year's budget process has been the most pleasurable process he has ever participated in.

Mrs. Lukowiak

Stated the movies in the park have been very successful; last week's event drew approximately 400 people. The next movie, RV is scheduled for October 7, 2006

14. MAYOR'S REPORT

Informed Commission he will be on vacation the week of September 25th.

15. COMMISSIONERS' COMMENTS

Mr. Ball

Described the budget process ans being very smooth; staff did what Commission asked in a quick and efficient manner. He asked that his comments be passed to each department head's staff.

Ms. Varnadore

Requested an update on the library. Mr. Lukowiak will supply information after his scheduled meeting with county personnel.

Requested an update on litigation cases, excluding eminent domain.

Requested the fence at the 5th Street cemetery be repaired.

Requested the cemetery be returned to the active suspense log until the Supplemental Rules and Procedures have been reviewed at an upcoming workshop.

Ms. Cornwell

Requested the approved holiday schedule.

Announced this is Homecoming Week at Palmetto High School.

Commented on the inability to combat some events occurring from excessive rains and simultaneous high tides, other than possibly finding a way to alert the public.

Mrs. Lancaster

Thanked Mayor Bustle and staff responding to the Jackson Park flooding situation.

Commented on situations occurring where new building/remodeling is creating flooding on abutting property as a direct result of filling. Mr. Lukowiak stated he would speak with her to get information so the situation can be addressed by staff.

Mr. Williams

Mr. Lukowiak discussed the status of the parcel assembly in the Jackson Park area, stating Chief Lowe is assisting with personal contacts. It appears that all property owners are willing to sell, but formal commitment has not been obtained. Attorney Hall stated that all but two parcels have estates that have never been opened, which will be costly and time consuming. A brief conversation has been held with Attorney Palmer regarding public notice vs. opening and probating estates. She suggested it may be more efficient to proceed under eminent domain. Mr. Lukowiak stated the county is willing to assist in any eminent domain proceedings. Attorney Hall will inform Commission of who determines who has the right to receive funds derived from the sale of the property.

16. PUBLIC COMMENT

Annie Ruth Jackson spoke to Commission concerning the flooding in Jackson Park. Mr. Lukowiak explained to Mrs. Jackson that the issue just discussed is how the city plans to alleviate the problem in Jackson Park by the construction of a retention pond in the area.

Meeting adjourned at 8:25 pm.

Minutes approved: October 2, 2006



James R. Freeman
City Clerk