

Palmetto City Commission
November 6, 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, Attorney
Frank Woodard, Deputy Director Operations
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:05 pm. In honor of Veterans Week and Veterans Day, a moment of silence for military overseas personnel was observed, followed by the Pledge of Allegiance.

Persons planning to address Commission were sworn-in.

Mayor Bustle read a proclamation honoring Veterans on Veterans Day, November 11, 2006 and declared November 4 through November 11, 2006 as American Patriotism Week. Accepting the proclamation was Chris Wenzel, Veteran Services Counselor and Dale Keen, Manatee County Veteran Service Officer. Mr. Wenzel briefly discussed events planned throughout the community, including the Parade taking place in Palmetto.

Mayor Bustle read a proclamation declaring November 12 through November 18, 2006 as Farm City Week. Accepting the proclamation was Alice Myers, Ann Marshall and Shirley Groover-Bryant. Ms. Groover-Bryant discussed events planned during the week, including the induction of John and Jay Taylor into the Agricultural Hall of Fame.

Mayor Bustle read a Certificate of Appreciation in recognition of Chief Garry Lowe's 25 years of dedicated service to the City of Palmetto – September 1, 1981 – September 3, 2006.

PUBLIC COMMENT: Shirley Groover-Bryant presented a print of a commissioned painting by artist Regina Stahl Briskey of the Harlee Barn that stood on the "Harlee 100". The Harlee family donated the barn to Fair Board and a sum of money to have the barn reconstructed on the fairgrounds. The prints of the barn are being sold for \$150 to raise funds to finish the reconstruction. The original painting is on permanent loan to the Agricultural Museum.

Shirley Groover-Bryant presented a petition to Commission asking for the repeal of the Ordinance No. 06-893, the cemetery ordinance. Ms. Bryant requested immediate consideration for the following items:

- Opening on 14th Avenue be marked entrance only, citing safety issues
- Changes to cemetery rules be posted at the cemetery
- Consideration for the approaching holidays

- Repeal of the ordinance as written and allow city staff to meet with the Cemetery Committee on November 30, 2006

Mayor Bustle stated the ordinance doesn't have to be repealed to correct the concerns that have been expressed regarding the Supplemental Rules and Procedures. The Citizens Committee was established to address the rules and recommend rules acceptable to the entire community. Ms. Bryant stated each point of the ordinance have not been reviewed, but there are many more issues affecting property rights. She opined it would be more appropriate to repeal the ordinance and bring something back.

MOTION: Mr. Williams moved, Ms. Varnadore seconded and motion carried 5-0 to suspend enforcement of the Supplemental Rules and Procedures for 90 days.

Mr. Lukowiak was instructed to look at the 14th Avenue entrance as to placement of the requested signage.

1. AGENDA APPROVAL

Because there was not sufficient time to discuss item #4 of the workshop agenda, Comp Plan Amendment Ordinance, Mayor Bustle suggested the item be carried forward to the 7:00 agenda and amend the agenda to include a discussion period prior to item #9. Commission concurred.

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to approve the November 6, 2006 7:00 PM agenda as amended.

2. CONSENT AGENDA

- A) Minutes of October 16, 2006 Commission meetings
- B) Attorney Billing through September 30, 2006
- C) Special Function Permits: MLK Parade

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to approve the November 6, 2006 Consent Agenda.

3. MARIA THERESA MANOR FINAL PLAT APPROVAL

On March 20, 2006, Commission adopted Ordinance No. 06-880 approving the rezoning of property from RM-6 (multi-family) to RS-4 (single-family). Applicant is seeking approval to re-plat three lots into four lots for the purpose of constructing four single-family detached residences.

MOTION: Mr. Ball moved, Ms. Varnadore seconded and motion carried 5-0 to approve the Maria Theresa Manor Final Plat.

4. PUBLIC HEARING: RIVERSIDE PLAZA MESSAGE CENTER SIGN CONDITIONAL USE PERMIT CU0602

As a condition of the conditional use permit issued for the existing message center sign on the Riverside Plaza, the new owner of the property is seeking approval of a new conditional use permit for the sign. Mayor Bustle informed Commission the applicant has requested the item be continued to November 20, 2006 because of a conflict.

Mayor Bustle opened the public hearing.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to continue the public hearing for Conditional Use Permit CU0602 to the November 20, 2006 Commission meeting.

5. RESOLUTION NO. 06-36 (J. Freeman)

(TAB 6)

Resolution No. 06-36 approves the FYE06 carry-over PO's by increasing the expense budgets as set forth in the attachment to the resolution.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 06-33, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2006-2007, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to adopt Ordinance No. 06-36.

6. APPROVAL: JEA PROFESSIONAL SERVICES FOR THM TRENDS AT WASTEWATER TREATMENT PLANT

Staff seeks approval and authorization to issue a notice to proceed to JEA in an amount not to exceed \$15,000 to continue assistance to the city regarding DCBM level compliance at the wastewater treatment plant.

Jim McCollum of JEA informed Commission that since last year the City has reduced the THM levels by 25%, from 45 to 30, still above the required 22 microgram level. Mr. Lukowiak reported that the September meeting with DEP resulted in an extension of time due to the City's efforts to come into compliance. He also informed Commission the mixing zone is currently for copper, nickel and toxicity; it may be possible to add THM to the zone.

A perforated one-inch pipeline attached to a blower will be inserted into a 30-inch water pipe to aerate the water and will be tested for a period of time to determine if aeration of the water is successful in reducing the THM levels. This technique will be tested because the tests for the THM levels are conducted at the pipeline rather than in the mixing zone in the bay.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 5-0 to authorize the Director of Public Works to issue a notice to proceed to JEA for professional services regarding THM compliance levels, in an amount not to exceed \$15,000.

7. 1st READING & ADVERTISING APPROVAL ORDINANCE NO. 06-903

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING SECTION 12.1 OF APPENDIX B, ZONING CODE, OF THE CITY OF PALMETTO CODE OF ORDINANCES, PERTAINING TO APPOINTMENT OF INDIVIDUALS TO THE PLANNING AND ZONING BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 06-903 for advertising and schedule a public hearing November 20, 2006.

8. 1st READING & ADVERTISING APPROVAL ORDINANCE NO. 06-904

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, GRANTING A CABLE TELEVISION FRANCHISE TO VERIZON FLORIDA INC.; AUTHORIZING EXECUTION OF SAID CABLE TELEVISION FRANCHISE (A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF); PROVIDING CERTAIN RIGHTS, PRIVILEGES AND CONDITIONS RELATING THERETO; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 06-904 for advertising and schedule a public hearing November 20, 2006.

9. 1st READING & ADVERTISING APPROVAL ORDINANCE NO. 06-898

Mrs. Lukowiak reported staff is working on the county-wide compatibility study and hopes to go to Planning and Zoning and a Commission workshop to ensure accurate information regarding the City's character districts is reflected in the county study. One character district is an urban downtown, which staff has been studying how to allow for its development.

Mr. Lukowiak referred to Ordinance 06-898 discussed by Commission on September 18, 2006 which was ultimately removed from discussion. Prior review by the Planning and Zoning Board resulted in the recommendation that the overlay ordinances be postponed, but the Comp Plan amendment be advanced to permit developers to begin the development process. Pursuant to P&Z and Commission recommendation, staff abandoned the creation of overlay districts. The proposed ordinance is not site specific; it is for planned development, which must be compatible to the surrounding area.

Ms. Lukowiak spoke of Suncoast Developers who began the development approximately one year ago; presenting and amending a conceptual plan based on Commission's comments and pre-application with DRC. The plan Commission reviewed can be accomplished by having 45 dwelling units per acre and a maximum floor area ratio (FAR) of 10.

Ms. Lukowiak discussed how the inclusionary housing requirement is recognized and credits that may be chosen by developers. She confirmed that in the design process concessions to maximum density may be made in lieu of dedicated public land, etc. provided the maximum 45 dwelling units per acre are not exceeded.

Also discussed was the fact the Future Land Use categories and zoning categories do not match. Staff will provide Commission a chart of the Future Land Use categories showing what zoning categories are allowed. Interim City Planner Bob Schmitt discussed how the zoning categories relate to the Future Land Use categories. Mr. Schmitt also confirmed the proposed ordinance relates to only planned development.

Commission approved moving forward with reading of the title of Ordinance No. 06-898.

AN ORDINANCE OF THE CITY OF PALMETTO, MANATEE COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE 2010 COMPREHENSIVE PLAN OF THE CITY OF PALMETTO, FLORIDA; PROVIDING CONSISTENCY BETWEEN THE FUTURE LAND USE CATEGORIES DEFINED IN THE PLAN AND THOSE LISTED IN POLICY 1.8.4; PROVIDING TEXT AMENDMENTS TO POLICY 1.8.4, PERTAINING TO MAXIMUM ALLOWABLE DENSITY FOR EACH FUTURE LAND USE CATEGORY; PROVIDING TEXT AMENDMENTS TO POLICY 1.8.6, PERTAINING TO THE MAXIMUM ALLOWABLE INTENSITY FOR EACH FUTURE LAND USE CATEGORY; FINDING CONFORMITY WITH STATE STATUTES; PROVIDING FOR APPLICABILITY, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 06-898 for advertising and schedule a public hearing November 20, 2006.

10. DEPARTMENT HEAD'S COMMENTS

Mr. Lukowiak

The WWTP permit requires the City to have an added power source. The current 800kw generator has failed. Staff has negotiated a rental of \$12,000 vs. a new generator at \$250,000 to be delivered in 22 weeks. Mr. McCollum will review the situation tomorrow morning to see if the generator can be repaired and to determine the exact size the generator must be. Mr. Lukowiak stated he will have more information at the November 13, 2006 meeting concerning expenses the

City will incur in renting a standby generator. Ms. Cornwell suggested Veolia Water be approached to assist in the expense, as U.S. Filter, predecessor to Veolia Water, stated they would when the renewal contract was being negotiated. Mr. Williams requested that Mr. Lukowiak speak with him about a possible generator that may be loaned to the City.

Manatee School for the Arts has approached the City concerning the possibility of reaching out to the three individuals owning the road that would allow an additional entrance into the school.

Reported a portion of the fence surrounding the 5th Street cemetery must be repaired. Fencing was ordered several months ago, but was installation was going to be postponed until after the Cemetery Committee has met. Commission agreed the fencing in need of repair should be replaced due to its proximity to 5th Street.

Reported that under the recently approved Giffels & Webster engineering contract a work order has been issued in the amount of \$9,200 to perform the Goldome Building study.

Mr. Woodard reported the ASR conceptual design and report to DEP and SWFWMD was made at a recent meeting, which received favorable report. Meeting with PBS&J and SWFWMD has been scheduled to discuss the new regulations regarding ASR wells and potable water. SWFWMD is working closely with the City regarding the funding.

A meeting is scheduled with John Cummings, Public Works Director of the City of Bradenton, to discuss a partnership with Bradenton in a reclaimed water system. Discussion on the City's reuse line installation and the MARS program.

There will be movies in the park Friday and Saturday nights, November 10 and 11.

Mr. Freeman

Will work with Commissioners to contact him regarding the stormwater rates.

Reported Diane Ponder has met once with the Cemetery Committee to review the ordinance. Discussion of the Supplemental Rules & Procedures will begin at the November 30, 2006 joint meeting with City staff.

A November 13, 2006 workshop meeting is scheduled. Agenda items include the Dock Ordinance, Trakit permitting software and City wide security. November 20, 2006 is a normal Commission meeting date.

Chief Lowe

Thanked Mayor Bustle for the Certificate of Appreciation recognizing his 25 years of service.

Thanked everyone who attended the cookout held October 31, 2005 at the Palmetto Youth Center.

Reported a robbery at the Shell; a suspect has been arrested. The SWAT team was called out over the weekend. One arrest was made without incident, one warrant has been issued and attempts are underway to identify the third suspect.

Attorney Hall

Reported she attended a brief hearing today regarding emails in the Olympia theater litigation. Discovery has grown with additional individuals to be deposed and further requests for production. Both sides agree five hours will not be enough time. Reported opposing counsel may not be inclined to a continuation. Attorney Hall encouraged Commissioners to contact her with individual questions. She stated she still feels the City can meet its burden.

11. MAYOR'S COMMENTS

Reported he had attended the joint meeting between the Associations of MPO's and the Florida MPO Advisory Committee. The meeting reaffirmed transportation is a national problem.

Suggested an interim step in the boat dock problems should be taken to give the City time to address the boat dock ordinance. There are conflicts between adjacent land owners in the canals and conflict between a property owner on the end of a canal and a property owner on the mainland over a 465' dock into the Manatee River. Mayor Bustled suggested a moratorium on dock for a period of six months or until such time the dock ordinance is developed. He discussed DEP's ability to approve docks extending into the river and the rights of citizens living on the canals. Attorney Hall opined the City may pass an ordinance or possibly a resolution stating the Building Department shall not issue any permits for docks or dock structures for a specific time. After discussion of the topic, Attorney Hall was directed to develop a resolution for review by Commission.

12. COMMISSIONER'S COMMENTS

Ms. Cornwell

Thanked the Police Department for helping with the car accident.

Ms. Varnadore

Congratulated Chief Lowe for his 25 years of service.

Informed Commission she has been contacted by a resident concerning the parking of RV's. She opined there is no difference between an RV and a boat, they are both recreational vehicles, and inquired if Commission is interested in amending the ordinance. The topic was placed on the Suspense Log.

Mr. Ball

In response to Mr. Ball's inquiry about the status of the traffic light at 7th Street and Hwy 301, Mr. Lukowiak reported a kickoff meeting to begin construction will occur within the next two weeks. Commission was also updated on the 7th Avenue one-way design and the Haben Blvd. roundabout.

Mrs. Lancaster

Reported she will be out of town on Monday, November 13, 2006.

Congratulated Chief Lowe on his 25 years of service.

Mr. Williams

Thanked *North River News* for the report on the cemetery, but reported it was a team effort; he was not the only individual involved.

Congratulated Chief Lowe on his 25 years of service.


Commented on the success of the cookout at Palmetto Youth Center and requested he be advised of future events.

Read a card from retired Chief Jay Ridings thanking Commission for the COLA to the police officers' pension.

Suggested a completed Suspense Log be developed so Commission can follow up on items needing review at a future date.

Meeting adjourned at 9:10 pm.

Minutes approved: November 20, 2006



James R. Freeman
City Clerk