

Palmetto City Commission
December 4, 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
Bob Schmitt, Planning Consultant
Frank Woodard, Public Works Deputy Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:00 pm, followed by an invocation and the Pledge of Allegiance.

All persons planning to address Commission were sworn in by Diane Ponder.

Public Comment: There was no public comment.

1. AGENDA APPROVAL

It was not consensus of Commission to carry item #11 forward from the 4:00 meeting. Mayor Bustle asked Commission to insert Riviera Dunes 4th Amendment to Declaration of Easements as item #11.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the December 4, 2006 7:00 pm agenda with the removal of item #11 and addition of the Riviera Dunes 4th Amendment to Declaration of Easements as item #11.

2. CONSENT AGENDA

- A) Minutes of November 13, and November 20, 2006 7:00 PM Commission meetings
- C) Attorney billing through October 31, 2006

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the December 4, 2006 Consent Agenda.

3. PUBLIC HEARING – ORDINANCE NO. 06-905

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING SECTIONS 2-104 AND 2-105 OF THE CODE OF ORDINANCES; AMENDING AMOUNT OF TIME TO CONTEST VIOLATION; AMENDING PROVISION FOR CHANGES TO SCHEDULE OF VIOLATION; AMENDING ATTACHMENT "A"; SCHEDULE OF VIOLATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 06-905.

4. PUBLIC HEARING – ORDINANCE 06-906

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING SECTION 2-26 OF THE CODE OF ORDINANCES; AMENDING REFERENCES; CLARIFYING DATES FOR ADMINISTRATIVE MEETINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION: Mr. Ball moved and Mrs. Lancaster to adopt Ordinance No. 06-906.

Discussion: After discussion concerning some Commissioner's opinion that City Commission meetings should preempt all other meeting schedules of other boards of the City and the language referring to Commission's ability to change a regular meeting date that falls on a holiday, the last sentence of Sec. 2-26 Regular meetings was revised to read as follows:

Should the city commission vote to hold an administrative meeting on a date or at a time other than the dates and times aforementioned, such meeting shall not interfere with the regular meeting of a city board for which public notice has been provided.

Motion on the floor carried 5-0.

Mr. Ball agreed to amend his motion to reflect the revision to Ordinance No. 06-906. Mrs. Lancaster agreed to amendment her second to the motion to reflect the revision to Ordinance No. 06-906.

5. PUBLIC HEARING – ORDINANCE NO. 06-907

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING SECTION 8.4 OF APPENDIX B, ZONING CODE, OF THE CITY CODE OF ORDINANCES; UPDATING SPECIFIC TERMINOLOGY; PROVIDING FOR WAIVER OF SUBMISSION OF A CONCEPTUAL PLAN FOR PLANNED DEVELOPMENT APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION: Mr. Ball moved and Ms. Varnadore seconded to adopt Ordinance No. 06-907.

Discussion: Staff explained the proposed ordinance would allow an applicant to present a conceptual plan and then submit a general development plan, or combine the two separate plans into one general development plan submittal. If only a general development plan is submitted, it will have completed the entire application before its presentation to Commission for approval.

Motion on the floor carried 5-0.

6. PUBLIC HEARING – SPECIAL FENCE PERMIT 0604

Applicant is seeking a permit to erect a six-foot wood stockade fence to replace an existing fence at 1500 5th Street West.

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

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Special Fence Permit 0604 for the property located at 1500 5th Street W.

7. CONTRACT APPROVAL – JONES, EDMUNDS & ASSOCIATES, INC.

Commission approved negotiation with eight engineering firms that would each bring different areas of expertise to the city. To date, contracts have been approved with ZNS, CPH Engineers, Inc., Ghafari Associates, Inc., Giffels Webster Engineers, Lombardo Foley & Kolarick, PBS&J and the TBE Group. The final contract to be approved is with Jones, Edmunds & Associates, Inc.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Professional Engineering Consulting Services for General Engineering Projects contract with Jones, Edmunds & Associates, Inc.

8. 2007 HOLIDAY SCHEDULE AND COMMISSION MEETING SCHEDULE

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to approve the 2007 Holiday Schedule and the 2007 Commission Meeting Schedule as listed in the agenda.

9. P&Z BOARD APPOINTMENT APPROVAL

MOTION: Ms. Varnadore moved, Mr. Williams seconded and motion carried 5-0 to approve the appointment of Ed. C. Bennett to the Planning and Zoning Board for a term ending January 2008.

10. ACCEPTANCE OF THE WAL-MART GIFT

A) Action to formally accept the \$1,500 Wal-Mart contributed to the Police Department. Wal-Mart has requested the funds be used to purchase a K-9 work dog.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to accept the \$1,500 Wal-Mart gift to the Palmetto Police Department.

B) RESOLUTION NO. 06-41

Resolution No. 06-41 establishes the budget for the \$1,500 Wal-Mart donation.

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. Williams seconded and motion carried 5-0 to adopt Resolution No. 06-41.

11. RIVIERA DUNES 4TH AMENDMENT TO DECLARATION OF EASEMENTS

Attorney Caleb Grimes, representing Riviera Dunes, described the placement of the original planned road and the access easement from which the utility and maintenance easements branched off. Riviera Dunes voluntarily executed a Declaration of Easements giving the City and the public access rights across the road.

Properties are being sold and the property owners are entering into a Declaration of Easements for Riviera Dunes. The title company completing the title transfers is suggesting that the City join in the Declaration to make the document match what City Commission has approved.

Mr. Grimes stated that approval to allow the Mayor to execute the Fourth Amendment to Declaration of Easements for Riviera Dunes will not change the DRI approval, the site plans approved by the City Commission, or stipulations placed on any of the approved documents. The City's attorney and staff has reviewed and approved the accuracy of the 4th Amendment.

Attorney Hall confirmed the City engineer has also reviewed the 4th Amendment and has stated it matches plans approved by the city Commission.

Mr. Grimes reviewed the maps included in the agenda packet, which are attached to the 4th Amendment as exhibits.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to authorize the Mayor to execute the Fourth Amendment to Declaration of Easements for Riviera Dunes as consisted in the plan previously submitted into the record.

12. RENEWAL OF HEALTH INSURANCE BENEFITS

(Carried forward from the 7:00 Commission meeting)

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Addendum to the Customer Agreement with Self Insured Plans effective January 1, 2007 and ending December 31, 2007, in an amount not to exceed \$1,206,117.

13. 1st READING AND ADVERTISING APPROVAL – ORDINANCE NO. 06-908

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 29, ARTICLE VII, ESTABLISHING A STORMWATER UTILITY PURSUANT TO SECTION OF 403.0893(1), FLORIDA STATUTES; PROVIDING FOR ESTABLISHMENT OF A STORMWATER UTILITY; PROVIDING FINDINGS AND DETERMINATIONS; PROVIDING DUTIES AND POWERS; PROVIDING AUTHORITY FOR STORMWATER UTILITY FEES; PROVIDING FOR RESIDENTIAL AND NON-RESIDENTIAL FEES; PROVIDING FOR FEE ADJUSTMENTS; PROVIDING AUTHORITY FOR A READINESS TO SERVE FEE; PROVIDING APPEAL, FEE ADJUSTMENT AND BILLING PROCEDURES; PROVIDING FOR A STORMWATER MANAGEMENT UTILITY SYSTEM ENTERPRISE FUND; PROVIDING FOR LIMITED LIABILITY; PROVIDING FOR INSPECTIONS AND MAINTENANCE; 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. 06-908 for advertising and schedule a public hearing December 18, 2006.

14. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 06-909

(Carried forward from the 4:00 Commission meeting)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, ADDING ARTICLE V, SECTIONS 10-110 THROUGH 10-113, TO CHAPTER 10 OF THE CITY OF PALMETTO CODE OF ORDINANCES, PROVIDING FOR THE ISSUANCE OF DOCK AND DOCK-RELATED STRUCTURE PERMITS; PROHIBITING THE CONSTRUCTION OF DOCK AND DOCK-RELATED STRUCTURES WITHOUT SUCH PERMITS; PROVIDING FOR GENERAL REGULATIONS FOR THE CONSTRUCTION AND REPAIR OF DOCK AND DOCK-RELATED STRUCTURES; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; 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. 06-909 for advertising and schedule a public hearing December 18, 2006.

15. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 06-910
(Carried forward from the 4:00 meeting)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING A MORATORIUM ON THE ISSUANCE OF PERMITS TO CONSTRUCT DOCKS WITHIN THE CITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN EFFECTIVE TERM OF THE MORATORIUM; PROVIDING FOR EXEMPTIONS; 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. 06-910 for advertising and schedule a public hearing December 18, 2006.**

16. DEPARTMENT HEADS' COMMENTS

Chief Lowe

Thanked Commission for the K-9 work dog.

Reported arrests have been made in two recent burglaries.

Mr. Freeman

No report.

Mr. Lukowiak

Informed Commission the Goldome Building structural engineering study has been completed and it showed the structure to be sound. Copies of the report will be provided to the Commission. Commission concurred to the placement of the Fawley Bryant Phase II study on the December 18, 2006 7:00 pm agenda.

Reported it is his intention to fund Trakit, the permitting program presented at a prior workshop, out Building Department funds. He stated it is on the CIP and can be funded as a CIP project, but it can be removed and be funded as a stand alone project. Commission instructed Mr. Lukowiak to ensure it is proper to fund the program from Building Department funds before its placement on the December 18, 2006 7:00 pm agenda.

As a result of Mr. Palmer's extensive involvement with Olympia Theater, another attorney specializing in eminent domain has been located and will be interviewed. Commission agreed to the item being placed on the December 18, 2006 7:00 pm agenda.

Attorney Hall confirmed the current legislation in progress resolution previously approved for boat docks will continue the same protection until the moratorium becomes effective. She stated she will bring forward a resolution stating the prior resolution will no longer be active and will be superseded by the proposed ordinance, if adopted December 18, 2006.

Mr. Schmitt

A workshop with the P&Z Board concerning the new proposed character districts of the City has been held. Comments from the Board will be incorporated and one more meeting will be held before bringing the proposed ordinance to a Commission workshop.

Attorney Hall

No report.

17. MAYOR'S REPORT

Reported the MPO Board voted to fund the Downtown Mobility Study and approved Manatee County up-fronting the funding of the expansion of SR 64 from Lena Road to I75 to six-lanes.

Opined Commission needs to seriously consider how the City can acquire the Goldome Building if the Fawley Bryant study confirms the building will fit the City's needs. Informed Commission he has received information that the Sheriff has determined the Gevity building is unacceptable.

A news report stated construction on the emergency operation center for the county should be completed before the next hurricane season.

Informed Commission he will be out of the office beginning December 12, 2006 for medical reasons and may be absent from the December 18, 2006 Commission meeting.

18. COMMISSIONERS' COMMENTS

Mr. Ball

No report.

Ms. Varnadore

The Celebration of Lights is December 8 and 9, 2006. She will officiate at the lighting ceremony.

Ms. Cornwell

No report.

Mrs. Lancaster

Thanked Ms. Varnadore for representing the City at the Celebration of Lights lighting ceremony.


Mr. Williams

Stated there were a couple of items on the 7:00 agenda he would have liked to have seen at a 4:00 meeting first.

Mr. Woodard informed Commission the construction on the light at 301 and 7th Street should begin in early January.

Meeting adjourned at 8:20 pm.

Minutes approved: December 18, 2006


James R. Freeman
City Clerk