

Palmetto City Commission
March 19, 2007 7:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor
Eric Ball, Vice Mayor
Tamara Cornwell, Commissioner (entered at 7:08)
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner (entered at 7:08)
Brian Williams, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk
Michele Hall, Attorney
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Frank Woodard, Public works Deputy Director-Projects & Engineering
Bob Schmitt, Planning Consultant
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:05 pm, followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

Persons planning to address Commission were sworn in.

Mayor Bustle presented Mr. Ball a Certificate of Completion from the John Scott Daily Florida Institute of Government for the completion of 18 hours of instruction from the Institute for Elected Municipal Officials.

PUBLIC COMMENT: Marc Hayes, representing Regatta Pointe Marina, informed Commission the marina reconsidered the recently submitted Special Function Permit, stating the boat show planned for May 18 – 21, 2007 would be contained on the marina's property; therefore, no city services would be required. He also confirmed all the business owners in the plaza were aware of the boat show. The Special Function Permit will be placed on the April 2, 2007 Consent Agenda.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the March 19, 2007 7:00 pm agenda.

2. CONSENT AGENDA

- A) Minutes: February 26, March 5 and 12, 2007
- B) February Check Register
- C) Special Function Permits: International Carnival Parade
Easter Sunrise Service

The Minutes and International Carnival Parade were withdrawn from the Consent Agenda for discussion.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve the February Check Register and Easter Sunrise Service Special Function Permit.

Commission discussed the International Carnival Parade with the applicant. Staff confirmed all City expenses associated with the parade would be absorbed by the parade sponsor.

Corrections to the March 5, 2007 workshop minutes were made as follows:

Mayor Ball was corrected to read Mayor Bustle.

Corrections to the March 5, 2007 7:00 meeting were made as follows:

Ms. Varnadore's comments will be properly labeled.

Ms. Cornwell commented on the lack of the final action Commission took concerning the salary adjustment. Discussion ensued on whether or not the issue required a budget resolution. Commission pulled the March 5, 2007 7:00 pm minutes so staff can research the audio to determine if any action was taken by Commission to finalize the topic. The minutes will be brought back for review on the April 2, 2007 agenda.

MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 5-0 to approve the International Carnival Parade Special Function Permit, February 26, 2007 7:00 minutes, March 5, 2007 4:00 minutes, and March 12, 2007 5:00 minutes.

3. PUBLIC HEARING: ORDINANCE NO. 07-918

Ordinance No. 07-918 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; EXTENDING THE TIME WITHIN WHICH A SPECIFIC GENERAL DEVELOPMENT PLAN MUST BE SUBMITTED; AND PROVIDING FOR AN EFFECTIVE DATE (CP0501/Z0501 Manatee Fruit Company/Pullen Tract; PID numbers 24140.0000/6, 24145.0010/9, 24145.1000/4 and 24145.2000/3).

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

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 07-918.

4. PUBLIC HEARING: ORDINANCE NO. 07-919

Ordinance No. 07-919 was read by title.

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.

Mayor Bustle opened the public hearing. Cis Paulsen, a member of the Cemetery Committee, thanked each Commissioner for their cooperation during the resolution of the cemetery issue. Mayor Bustle closed the public hearing.

MOTION: Mr. Ball moved, Ms. Varnadore seconded and motion carried 5-0 to adopt Ordinance 07-919.

5. RESOLUTION NO. 07-12

2007 CIP amendments including the Hwy 301 utilities expansion.

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: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 4-1 to adopt Resolution 07-12. Ms. Cornwell voted no.

6. RESOLUTION NO. 07-13

Purchase and resale of cemetery spaces

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: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Resolution 07-13.

7. APPROVAL: APPOINTMENT AS SPECIAL COUNSEL (J. Freeman)

(TAB 8)

Proposal to retain Richard Groff of Dye, Deitrich, Petruff & St. Paul, P.L. as special counsel.

MOTION: Mr. Williams moved and Ms. Varnadore seconded to approve and authorize the Mayor to execute the Proposal for Appointment as Special Counsel with Dye, Deitrich, Petruff & St. Paul, P.L. for a term ending January 31, 2008, at a rate not to exceed \$200 per hour.

Discussion: Attorney Hall confirmed Mr. Groff could be retained for litigation at \$200 per hour, the remaining firm attorneys at the firm's prevailing rate. She stated the intent of the agreement was to retain Mr. Groff, as he was still working on outstanding litigation, and to have a firm available in the event of an emergency. The agreement does not commit the City to using the firm. Ms. Hall further stated that if it became necessary to retain outside counsel she would "shop around" and bring the item to Commission for approval. Mr. Williams suggested instructions should be given to Ms. Hall that she will shop if it becomes necessary to retain special counsel.

Ms. Cornwell stated the item needs to be bid to determine what is competitive. Mr. Williams suggested the motion should be passed as is, amended to retain only Mr. Groff, or Commission should develop a policy that requires Commission approval to retain any outside attorney.

Mr. Williams amended his motion to approve and authorize the Mayor to execute the Proposal for Appointment as Special Counsel for Richard Groff with Dye, Deitrich, Petruff & St. Paul, P.L. for a term ending January 31, 2008, at a rate of \$200 per hour. Ms. Cornwell seconded the amended motion. Motion carried 4-1. Ms. Varnadore voted no.

Mayor Bustle called for a vote on the motion, as amended. A roll call vote reflected Mr. Williams, Mr. Ball, Mrs. Lancaster and Ms. Cornwell voting yes. Ms. Varnadore voted no. Motion passed 4-1.

8. APPROVAL: PARTICIPATION AGREEMENT WITH BA MERCHANT SERVICES AND BANK OF AMERICA, N.A.

Participation agreement with Bank of America and BA Merchant Services to provide on-line electronic utility payment abilities, based on the State of Florida Consolidated Price Schedule Electronic Payment Receipt System. Mr. Freeman informed Commission the City will be able to take advantage of a reduction in the transaction billing fees, as the service will not be live for

several more days. Commission requested a report after the service has been operational three months.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Participation Agreement Between BA Merchant Services and Bank of America, NA, based on unit prices of the State of Florida Consolidated Price Schedule Electronic Payment Receipt System.

9. APPROVAL: ASR WELL WORK ASSIGNMENT #1

Mr. Woodard informed Commission the Post, Buckley, Schuh & Jernigan (PBS&J) work assignment for the ASR Well will span several years and will see the well through its construction and testing phase. He also stated steps are being taken now to ensure the test well can also serve as the permanent well.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve and authorize the Mayor to execute PBS&J Work Assignment #1 for the Reclaimed Water ASR Project-Test Well Construction and Testing, Job #04-427, in an amount not to exceed \$558,712.

10. APPROVAL: ROYAL PALM CAR WASH, LLC AGREEMENT (Carried forward from 4:00 meeting)

Agreement to grant the dedication of a fourteen-foot wide strip of land to the City in exchange for impact fee credits. Mr. Freeman confirmed the impact fees for the project were not included in the 2007 budget.

Mr. Williams commented on his belief Commission had decided not to move items forward to the 7:00 agenda. Mr. Lukowiak explained the request to move the item forward was because at the City's request the applicant had been delayed six months.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 4-1 to approve and authorize the Mayor to execute the Royal Palm Car Wash II, LLC, City Project #06-510. Mr. Williams voted no.

11. DEPARTMENT HEADS' COMMENTS

Mr. Schmitt

Planning and Zoning has reviewed the Design Guidelines. Mr. Schmitt stated he would like to workshop the item April 2, 2007, after which it will go through the formal public hearing process with Planning and Zoning and then Commission.

Mr. Lukowiak

Displayed a depiction of what he was told Manatee County Transportation plans for the extension of the recreational trail across the Snead Island bridge. Rather than a cantilevered walkway spanning the bridge, a barrier will be moved six feet into the traffic lanes. Mr. Lukowiak stated the bridge is a major evacuation route and the six-foot reduction would create safety issues. He reminded Commission they approved the grant application from the City for \$200,000 - \$300,000, which the City would contribute to the trail's extension. He requested permission to attend the Board of County Commissioners meeting to inform them the City is not amenable to the proposed reduction in the traffic lanes and will withdraw the grant application if the County Commission approves the plan as shown. Commission granted Mr. Lukowiak permission to speak to the County Commission on the City's behalf concerning the proposed plan.

Informed Commission Sanctuary cove is requesting a burn permit, which the Health Department has approved. Commission stated that because of possible health concerns, the citizens need to be put on notice of the date of the burn.

Mr. Freeman

Informed Commission Mike Towns, the agent for the City's health benefits provider, Gulf Coast Benefit Solutions, has merged his business with Atlas Insurance. Mr. Freeman stated Mr. Towns assured him there will be no change in coverage. Mr. Freeman is researching the topic to determine if there is anything required from the City.

Reported the remote payments on-line will hopefully launch this week.

Chief Lowe

K-9 Kantu was certified last week.

The City will participate in an aggressive traffic violation program March 19 – 23, 2007.

12 MAYOR'S REPORT

The reception for the new county administrator is scheduled April 9, 2007 from 5 – 7 pm for Commissioners, department heads and whomever they wish to bring from their departments.

The Council of Governments' meeting is Wednesday at the Bradenton Municipal Auditorium from 4 – 6 pm. Mayor Bustle stated he will distribute the agenda.

Informed Commission Code Enforcement is again looking at RV parking in front yards. Referring to a previous Commission discussion regarding the issue vs. boats parked in the front yard, he suggested that maybe Commission should consider a special class or variance to protect RV's that cannot be parked in side yards, or the ordinance should be enforced. Attorney Hall suggested that a conditional use permit could be applied to allow special conditions. Commission agreed that the ordinance should be reviewed. Attorney Hall will check other jurisdictions for objective criteria that could be applied to resolve the issues of parking RVs and boats. Commission agreed that Code Enforcement should not ticket violators until the ordinance has been reviewed, but stressed living in an RV is not permitted.

Dr. Dearing has advised he is confident his board will recommend that a new elementary school should be built at 33rd Street and then the School Board will come back and rebuild Palmetto Elementary. Mayor Bustle suggested there should be another joint meeting with the School Board to discuss the plan for the downtown Palmetto Elementary school.

13. COMMISSIONERS' COMMENTS

Ms. Varnadore

Commission concurred the dock ordinance will be placed on each workshop agenda with a one-hour time certain discussion limit.

Reported she will be out of town March 26 – March 31, 2006. Mr. Williams will take her calls.

Mr. Williams

Distributed a portion of the Datagram containing articles on docks and marinas and mooring grounds. Mr. Lukowiak stated he will attend the workshop on mooring grounds.

Mr. Lukowiak reported Public Works is waiting on a price for street lights. A complaint has been received that 21st Street from 14th Avenue to 24th Avenue is very dark for the pedestrian traffic in the evenings. Mr. Williams requested 3rd Street Drive also be looked at for possible lighting.

Opined the height of the cemetery fence violates the sight-triangle. Mayor Bustle stated that unless there is a legal or safety issue involved, the fence will remain as it is. He stated low profile automobiles have been used and he has driven the route in different cars to test the sight triangle issue. Mr. Williams stated he is not happy with the outcome of the fence issue and he will have to pursue some other way to remedy the issue.

Inquired if a replacement will be hired to replace the police officer that has tendered his resignation. Mayor Bustle stated he and Chief Lowe will review the issue to determine if there will be a safety issue if the position is not filled. Chief Lowe confirmed that at the acceptance of a resignation all City property is obtained from the departing employee.

Mrs. Lancaster

Reported officers are writing tickets to people going to businesses located after the 7th Street closure. Chief Lowe stated that warnings are being issued in an attempt to prevent head-on collisions. Chief Lowe stated he will work with Public Works to determine whether "local traffic only" type signage can be used at the location.

Commenting on the crime in Ward 1 on 2nd Ave and 11th Street Dr., she stated that if losing an officer is going to reduce patrol in the area, the vacant police officer position should be filled. Chief Lowe informed Commission a plan for that location has been devised and will be implemented in the near future. He also stated better control on what is happening outside the City must be addressed. Mayor Bustle opined the City and county need to resolve the jurisdictional and county enclave issues. Attorney Hall was instructed to schedule a meeting with the attorney representing the Sheriff's Department to discuss the topics.

Mr. Ball

Suggested it may now be appropriate to consider involuntary annexation for the Groover's Market area. Mr. Schmitt informed Commission there has been conversation with the owners of Groover's Market concerning voluntary annexation into the City.

Discussed the fact the City allows the resale of City water in some mobile home parks. He stated he would like the Commission to look at placing restrictions on the amount of late fees the parks may charge for past due water bills, the pass through of capital improvement expenses and how they are billed, and how the parks handle outstanding debt by previous owners of park units. Mayor Bustle suggested the items should be considered when Commission reviews the mobile home park ordinance in the near future.


Ms. Cornwell

Informed Commission she has received complaints about noise from the recent event held at the fairgrounds, which had the required noise exception permit. She discussed the rules governing the decibel levels, and requested Chief Lowe to advise her if the decimeter was used. She suggested there may be a need to discuss with the Fair Board how to mitigate noise being created by events at the location.

Commented on the public notice sent out to the residents concerning the boil water alert.

Meeting adjourned at 9:05 pm.

Minutes approved: April 2, 2007


James R. Freeman
City Clerk