

Palmetto City Commission  
April 2, 2007 7:00 p.m.

Elected Officials Present:

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

Staff and Others Present:

James R. Freeman, City Clerk  
Michele Hall, Attorney  
Deputy Chief Mike Mayer  
Chris Lukowiak, Public Works Director  
Bob Schmitt, Planning Consultant  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:05 pm. Reverend Ted Till, House of God, gave an invocation followed by the Pledge of Allegiance.

Persons planning to address Commission were sworn in.

Mayor Bustle acknowledged the presence of County Commissioner Carol Whitmore and Bradenton Beach Mayor John Chappie.

There was no public comment.

1. AGENDA APPROVAL

**MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the April 2, 2007 7:00 pm agenda.**

2. CONSENT AGENDA

- A) Minutes: March 5 (7:00 PM) and March 19, 2007
- C) Special Function Permits: Regatta Pointe Marina 2007 Boat Show  
Great Palmetto Clean Up/Multi-Cultural Event  
Scout Show 2007  
Arthritis Walk

The March 5 and March 19, 2007 minutes and the Regatta Pointe Marina 2007 Boat Show were pulled from the Consent Agenda for discussion. The Triathlon One O One Special Function Permit was not carried forward from the 4:00 pm workshop meeting.

**MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the Special Function Permits for the Great Palmetto Clean Up/Multi-Cultural Event, Scout Show 2007 and Arthritis Walk.**

Referring to the addition to the March 5, 2007 minutes, Mr. Williams read, "Ms. Cornwell stated that she did not want the Commission to be polled or addressed by phone on any topic affecting the budget." Mr. Williams inquired if Commission was going to establish any type of policy regarding the topic. Mayor Bustle stated he reserved the right to call Commissioners to speak with them concerning budget items. Ms. Cornwell stated she said she did not want a poll to be

taken over the phone. As to budget items, phone calls may be necessary. Mr. Williams questioned if a policy should be established prohibiting polling, or a change to the current policy is necessary to allow Mr. Freeman's actions. Mrs. Lancaster stated she felt a policy is necessary on anything affecting the budget. Mr. Ball suggested the establishment of a policy should be discussed at a different time; the accuracy of the minutes is what is under discussion.

Attorney Hall requested the March 19, 2007 minutes be corrected to clarify that impact fees are awarded pursuant to City Code.

**MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the minutes with the necessary corrections.**

Because the Regatta Pointe Marina has withdrawn its request to close Riverside Drive and the use of City services, the Special Function Permit was deleted from the Consent Agenda.

### 3. SANCTUARY COVE IMPACT FEE CREDITS

Mr. Lukowiak reviewed the March 5, 2007 Commission approval of the Amended and Restated Utility Agreement with Sanctuary Cove concerning the US 301 utility expansion project, which is part of the approved Capital Improvement Plan. Recapping prior discussions, Mr. Lukowiak stated Sanctuary Cove will front \$750,000 for the US 301 utilities expansion. As per the agreement, Sanctuary Cove has been billed the initial deposit of \$250,000, with the \$500,000 balance due at approval of the CDD or May 31, 2007, whichever is earlier.

Mr. Lukowiak reviewed the newly created impact fee credit forms and discussed the approval process as follows:

1. Preliminary Determination of Impact Fee Credit – Determined by the Public Works Director, executed by the applicant and then submitted to City Commission for approval and award of the determined amount.
2. Final Determination of Impact Fee Credit – Upon City Commission approval the form is completed by the City Clerk and forwarded to the Building Department.
3. At the time of certificate of occupancy or impact fee due payment, the balance of the total impact fee due the City must be paid.

Mr. Williams discussed the form, stating his opinion the form should contain a breakdown of each requested impact fee credit. Attorney Hall referred to the utility agreement approved March 5, 2007, stating the \$750,000 credit for Sanctuary Cove will apply only to utilities.

Ms. Cornwell inquired how the impact fee payment is recorded. Mr. Lukowiak described the process already in place for impact fee payment. Mr. Ball agreed with Ms. Cornwell, stating a place recording payment should be included on a form. Mr. Lukowiak reiterated that the impact fee credit is not applied to any project until all impact fees are payable - at time of CO or issuance of a building permit. Attorney Hall suggested the Final Determination for Impact Fee Credit form should be amended to include language such as, "Commission has made a determination and the applicant is entitled to a certain amount of credit upon stated conditions".

Mr. Freeman also confirmed receipt of the Sanctuary Cove \$750,000 will be brought to Commission in the form of a budget resolution.

**MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to award Sanctuary Cove impact fee credits totaling \$750,000; \$250,000 as set forth in the Amended and Restated Utility Agreement approved March 5, 2007,**

**and \$500,000 due and payable upon approval of the Sanctuary Cove CDD or May 31, 2007, whichever is earlier.**

**4. ROYAL PALM CAR WASH IMPACT FEE CREDITS**

Mr. Lukowiak stated the impact fee credits were the same as presented with the agreement approved March 5, 2007. Ms. Cornwell confirmed the same corrections would be made to the forms as discussed for Sanctuary Cove.

**MOTION: Mr. Ball moved and Ms. Cornwell seconded to award Royal Palm Car Wash transportation and utility impact fee credits totaling \$44,944.85.**

Discussion ensued on the legality of using impact fees for legal representation. Mr. Lukowiak stated the applicant was in the audience and requested the item be approved contingent upon Attorney Hall's determination the use is legal. He further stated that if the use is not permissible he will meet with the applicant to determine another solution to address the smaller items that may not be included in the impact fees. (Mr. Lukowiak looked to the applicant, who nodded his acceptance of Mr. Lukowiak's suggestion.) Mayor Bustle suggested general government may cover attorney fees. Mr. Williams stated he wanted a breakdown of individual amounts that will be covered by transportation, utility and general government. Commission concurred with Mr. Lukowiak's request.

**Motion on the floor carried 5-0.**

**5. 1<sup>st</sup> READING & ADVERTISING APPROVAL: ORDINANCE NO. 07-920**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA PROVIDING FOR NUISANCE ABATEMENT; PROVIDING FOR THE FILING OF LIENS AS AN ENFORCEMENT MECHANISM; PROVIDING FOR CREATION OF A NUISANCE ABATEMENT BOARD; PROVIDING FOR COLLECTION OF NUISANCE ABATEMENT LIENS IN THE SAME MANNER AS SPECIAL ASSESSMENT LIENS; 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. 07-920 for advertising and schedule a public hearing April 16, 2007.**

**6. PRESENTATION: OVERVIEW OF SUNSHINE AND PUBLIC RECORDS LAW**

Attorney Hall narrated a Power Point presentation covering an overview of Florida state law governing sunshine meetings and public records. A general discussion was held during the presentation.

**7. DEPARTMENT HEADS' COMMENTS**

Tanya Lukowiak

Requested Commissioners contact her if they wished to again review the Design Guidelines. She stated the P&Z Board made very minor changes during their workshop review. The public hearing for the Design Guidelines at the P&Z Board meeting is April 17, 2007. The document will then come to Commission for review and approval.

The Ribfest is scheduled April 14 and 15 at the Manatee fairgrounds.

Mr. Lukowiak

Thanked Commission for their patience in developing the impact fee credits.

Updated Commission on the 7<sup>th</sup> Street signalization.

Mr. Freeman

The credit card remote payment is fully operational.

The CAFR has been distributed and will be presented at the April 16, 2007 workshop.

Requested Commission consider deleting the attorney's invoice from the Consent Agenda because the fee is a set monthly expense under contract. Commission agreed to delete Attorney Hall's invoice, but stressed any expense above her set monthly fee must be presented to Commission for approval before payment.

Deputy Chief Mayer

Reported several cases of vandalism along 8<sup>th</sup> Avenue that appears to be from marbles and slingshots. Some evidence has been recovered and is being processed by the Sheriff's office.

The Children's Parade is scheduled for Friday. There is also a movie in the park planned Friday evening.

Attorney Hall

Stated she will email her office information.

8 MAYOR'S REPORT

A joint meeting will be scheduled with the School Board.

April 9 is the social meeting for Mr. Hunzeker and his deputies. He encouraged the Commissioners to be present and stated the Department Heads and their invitees would also be attending. Deanna Roberts will send a reminder email.

Reported on the Legislative Action Day he and Mr. Ball attended, stating there is no clear resolution to the property tax issue. He briefly commented on the possible sales tax increase to substitute for property taxes. He also commented on the Florida League of Mayor's meeting, where the main topic of discussion was property taxes. A speaker at the meeting reported there are now more people leaving Florida than people moving into the state. Mayor Bustle stated he asked how the mayors of Florida should deal with county commissions regarding the taxes, and it was his conclusion the cities could "go it alone", but cities may have a more powerful position if they align with county governments.

9. COMMISSIONERS' COMMENTS

Ms. Cornwell

No comments.

Mr. Ball

Stated he appreciates the time and effort each Commissioner contributes to the community, again voicing his opinion Palmetto is a great place to live.

Mrs. Lancaster

Inquired if there is an ordinance governing littering, reporting the problem in her neighborhood. Deputy Chief Mayer described how the Police Department can cite violators. He also suggested utilizing people sentenced to community service. The item was placed on the suspense log.

Mr. Williams

Referring to the cemetery, staff confirmed the prohibition of novelty items on cemetery spaces had been deleted from the Supplemental Rules & Regulations.

Mr. Williams stated it is his opinion the fence on 14<sup>th</sup> Avenue is a possible liability issue to the City. Attorney Hall stated she could not give a legal opinion because she does not have all the

facts. She stated the Commission was put on notice there may be a concern, and it was her understanding Commission did not feel the topic warranted more action. She reminded Commission there is a procedure in place to allow Commissioners, with a majority vote, to place an item on the agenda. Mr. Lukowiak stated he will confirm if the Risk Manager has assessed the situation.

A complaint has been received concerning noise being generated by a guitarist at Mangrove Grill. Mr. Freeman confirmed the Code Enforcement Director has spoken with the individual making the complaint; he will follow-up with Mr. Stollo and communicate the status of the issue to Commission.

Ms. Varnadore

Stated she hoped there is a specific plan and specific items to discuss if the joint meeting with the School Board is scheduled.

Attorney Hall confirmed the decision on Olympia Theater has not been received.

Meeting adjourned at 8:55 pm.

Minutes approved: April 16, 2007

  
James R. Freeman  
City Clerk