

Palmetto City Commission
April 16, 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
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Tanya Lukowiak, CRA Executive Director
Bob Schmitt, Planning Consultant
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:15 pm, informing the public the meeting was late because of the Commission's litigation shade meeting.

A moment of silence was observed for overseas military personnel, people touched by the Virginia Tech incident and Palmetto resident Alice Myers, followed by the Pledge of Allegiance to the United States Flag.

All persons planning to speak to Commission were sworn in.

Mayor Bustle read two proclamations declaring May as Early American History Month. Accepting the proclamations were Linda Farley, regent ex officio of the Manatee Chapter Daughters of the American Revolution and Harold Crapo, member of the Saramana Chapter Sons of the American Revolution.

Mayor Bustle read a proclamation declaring May 3, 2007 as National Day of Prayer. The City will commemorate the day with a prayer service at the Palmetto Historical Park, beginning at 10:00 am.

PUBLIC COMMENT: Rita Bernot, 4379 Pompano Lane, addressed Commission concerning her water bill for 211,000 gallons, totaling \$1,270. Mayor Bustle described the investigation the City had conducted and staff's conclusion the water had passed through the Bernot's meter. Mrs. Bernot requested her water meter be removed and sent for testing at a state certified lab, stating she would pay for the test. After a general discussion, Commission concurred with Mrs. Bernot's request; agreeing the cost of the test would be passed through to Mrs. Bernot.

Dale Keen thanked City Commission for their support during his tenure

ORDER OF BUSINESS:

1. AGENDA APPROVAL

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the April 16, 2007 7:00 PM agenda, with the addition of two action items from the shade meeting at 6:00 pm and removal of item #3, Discussion of the Boat Dock Ordinance.

2. CONSENT AGENDA

- A) Minutes: April 2, 2007 and April 9, 2007-Special Meeting
- B) March Check Register
- C) Special Function Permits: Memorial Day Program
Cinco de Mayo Celebration
Palmetto Outreach

Ms. Cornwell removed the Cinco de Mayo Celebration and the Palmetto Outreach Special Function Permits from the Consent Agenda.

MOTION: Mr. Cornwell moved, Mr. Ball seconded and motion carried 5-0 to approve the April 16, 2007 Consent Agenda with removal of the Cinco de Mayo Celebration and Palmetto Outreach.

Ms. Cornwell discussed the noise issue associated with events, such as Cinco de Mayo. She requested Chief Lowe attend meetings at surrounding mobile home parks to inform them of the planned event.

Staff confirmed the copy of the certificate of flame resistance was provided for the tent at the Palmetto Outreach Special Function Permit.

MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 5-0 to approve the Cinco de Mayo and Palmetto Outreach events as stipulated in the Special Function Permits.

3. ACTION ITEMS FROM THE SHADE MEETING ON OLYMPIA THEATER

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the entry of an order of motion to appeal, as discussed in the shade meeting.

MOTION: Mr. Ball moved, Ms. Cornwell seconded to authorize the Mayor to enter into mediation with the opposing counsel and owners of the Olympia Theater, with a budget not to exceed \$6,000, and with a mediation team from the City of no more than three people.

Discussion: Discussion ensued on whether or not the attorney and commissioners should be excluded from the mediation team. Mr. Williams stated he would not vote for the motion unless they were excluded.

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 3-2 to amend the motion to exclude commissioners from being mediators. Ms. Cornwell and Mrs. Lancaster voted no.

Mayor Bustle called for a vote on the motion as amended. **Motion carried 5-0.**

4. DISCUSSION: DESIGN GUIDELINES

Mrs. Lukowiak confirmed the design guidelines had been distributed to Commission, per their instructions at the last meeting. P&Z has requested Commission comments prior to the public hearing at the P&Z Board meeting, Tuesday, April 17, 2007.

Mr. Williams commented on the fact Commission has been assured the Waterfront Plan is a vision and now the P&Z Board and Commission has to determine what is wanted out of the document. Mayor Bustle stated the document does not compromise Commission's ability to approve projects under the design guidelines. He further stated it does not institutionalize the Waterfront Plan- it compliments the Waterfront Plan and allows Commission the ability to apply the design guidelines to projects. Mrs. Lukowiak stated she would remove CRA from the title of

the Waterfront Plan if Commission wished. She also stated the document asks for compatibility not uniformity.

Mr. Ball questioned the legal force of the document. Attorney Hall explained the guidelines will prevent the Commission of being accused of making a decision without a rational basis. Mr. Ball then questioned the outcome if Commission enforced only some of the guidelines. Attorney Hall stated most of the language is subjective; Commission does not have to agree with staff's interpretation. She also stated an appeal process is built into the ordinance. Mr. Schmitt stated a guideline not open to interpretation is one on density and height. Mr. Schmitt also informed Commission the P&Z Board had requested that an alternative design approach that allows the Guggenheim approach be allowed, if appropriate.

Mr. Ball suggested that page 51, Property Maintenance, may not be appropriate in the guidelines. Mrs. Lukowiak stated the P&Z Board had requested the page be added, as well as the last paragraph on page 79. Mrs. Lukowiak will inform the P&Z Board of Mr. Ball's comment.

Ms. Cornwell requested that the staff report be amended to include the approval/denial process and any stipulations placed on a project.

5. PUBLIC HEARING: ORDINANCE NO. 07-920

Ordinance No. 07-920 was read by title.

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.

Mayor Bustle opened the public hearing. Mayor Bustle closed the public hearing after no public comment.

MOTION: Ms. Cornwell moved, Mr. Ball seconded and motion carried 5-0 to adopt Ordinance No. 07-920.

6. RESOLUTION NO. 07-14

Resolution No. 07-14 was read by title.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, URGING FULL FEDERAL FUNDING OF THE NATIONAL WILDLIFE REFUGE SYSTEM IN ORDER TO ACCOMPLISH THE MISSION AND GUIDING PRINCIPLES OF THE SYSTEM.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 07-14.

7. APPROVAL: AMENDMENT #3 – STATE REVOLVING FUND LOAN (J. Freeman) (TAB 7)

Mr. Freeman stated the City had drawn approximately \$142,000 of the \$405,000 SRF loan. Amendment #3 closes out the loan and re-amortizes the \$142,000 over the life of the loan at the original interest rate of 3.18%. Deputy Clerk-Finance Karen Simpson stated she was advised it was better to close the loan than draw it down, which would require updating of the original engineer's drawings and project data submitted in 1998. Ms. Simpson also stated the loan could only be used for engineering and design and it could not be used for stormwater projects.

Commission also requested that staff provide an explanation of why the loan has not been utilized, if it can be used for reuse distribution and the ASR Well, and how often a draw on the loan must be made. Commission also requested staff review the loan's documents to compare the new terms vs. the old and to determine if it is to the City's advantage to close out the loan.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to table Amendment #3 until the next Commission meeting.

8. APPROVAL: CHAZ EQUIPMENT COMPANY, INC. CONTRACT

Mr. Lukowiak informed Commission the contract will rehabilitate sixty-six (66) manholes located within Lift Station No. 4 (fairgrounds), and seven other critical manholes. Funding was approved as part of the Capital Improvement Program. Discussion ensued on the cost of the contract vs. potential savings.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Chaz Equipment Company, Inc. contract for City Project #05-461, based on the unit prices competitively bid and awarded to the City of Delray Beach, in an amount not to exceed \$125,047.

9. APPROVAL: ESTUARY PARK FENCING

Proposal to install fencing around the Estuary Park playground.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the installation of chain link vinyl fencing at the Estuary Park playground in an amount not to exceed \$1,868.

10. DEPARTMENT HEADS' COMMENTS

Attorney Hall
No report.

Chief Lowe
Recognized newly promoted Detective Sgt. Scott Tyler. Detective Tyler has assumed responsibility for the Criminal Investigation Division. The culmination of a four-month undercover operation resulted in arrests by the department.

Mr. Freeman
Informed Commission the public has been noticed of the Waste Management CPI increase of 2.5% on the service portion of the solid waste collection. The increase will be effective May 1, 2007.

Requested approval to add the International Property Maintenance Code to the Suspense Log. He also requested that an ordinance allowing for the award of local preference points during the ranking of a bid submission be added to the Suspense Log. Commission granted approval.

Mr. Lukowiak
The boat dock moratorium expires May 7, 2007. Necessary documents to extend the moratorium will be brought to Commission.

Informed Commission he is working with county staff concerning the \$4,500 bill the City received for the use of the reverse 911 system. Mr. Lukowiak stated he was not aware a fee would be charged for the utilization of the system. Commission concurred with Mr. Lukowiak working the situation. Ms. Cornwell suggested he contact the school board to inquire about the system the school principals use when making blanket calls.

11. MAYOR'S REPORT

Commented on the Senate's summary of the tax plan.

The Great Palmetto Clean up is Saturday, April 21st from 9 – 12, after which the 3rd Annual Multicultural Festival will be held.

May 3, 2007 is the National Day of Prayer event in the Palmetto Historical Park.

Reported on the annual update meeting of the strategic planning for the school system. He stated the implementation is well under way.

Commented on his notification to Commission that the City had withdrawn from the triathlon event.

12. COMMISSIONERS' COMMENTS

Ms. Cornwell

Discussed the need to ensure sufficient legislation is in place and City personnel are properly trained to enforce the City's noise ordinance.

Inquired if the City has an ordinance that requires permanent restroom facilities. Mr. Lukowiak stated the port-o-potty ordinance limited the amount of time temporary sanitary facilities may be used at a specific location. He also confirmed Mr. Titus considers the facility when inspecting a site for an occupational license. Code Enforcement does enforce current sanitary facility ordinances.

Mr. Lukowiak discussed his understanding that a building permit has no time limitation provided inspections are called for in a timely manner, but he will confirm the process with the Building Official and inform Commission.

Mr. Ball

Acknowledged the recent arrests. Commented on the team effort undertaken to handle the City's problematic areas.

Commented on his attendance at the Rib Fest at the Fairgrounds. Mayor Bustle stated he had judged the rib competition at the event.

Commented on the noise at Lincoln Park, stating that inside his home (south of 10th Street) you can hear audio systems battling between automobiles. He stated it is now occurring at least once a week.

Mrs. Lancaster

Congratulated Sgt. Tyler on his new position. She also stated she had witnessed the arrests and spoke of the professionalism exhibited by the police officers.

Referring to Mr. Lukowiak's comments regarding a building permit, she questioned why the checklist is given to applicants if items are not completed in a timely manner and the permit remains valid. Mrs. Lancaster stated she would like to see the written documentation regarding the limitation of a building permit.

Mr. Williams

Referring to the noise ordinance, inquired what is the proper procedure to report a noise problem; who is to be called and who is keeping records of the complaints. Chief Lowe stated a record is made and kept on file if a complaint is received by the police department. He stated the complaints are not going unnoticed by the police department; a patrol of the area is made. Mr. Freeman also informed Commission Code Enforcement will also follow up when aware of a problem. Mayor Bustle stated he could send a letter to the Fair Manager concerning noise complaints when he receives facts on the events.

Mr. Lukowiak stated Commission will be copied on a letter memorializing agreements made at the recent meeting concerning Jackson Park. A resolution will be presented to Commission at the May 5, 2007 regarding the eminent domain proceedings in Jackson Park.

Inquired what the MPO funds at Riverside Park will pay for. Mayor Bustle stated the project was submitted by the City as a trip funding project. CRA will contribute \$150,000 and MPO \$150,000.

The scope of the project is a right-in, right-out. The mobility study underway will help determine the exact scope of the project.

Opined TBD is used too often on the Suspense Log.

Ms. Varnadore

In response to her inquiry, Mayor Bustle stated there is no news on the joint meeting with the School Board.

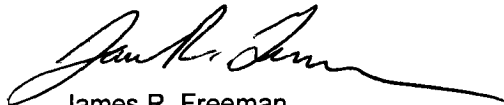
Referring to the CAFR and expense vs. revenue in recreation, she inquired if rental fees on building will be discussed by Commission. She requested a list of rental fees.

Mr. Lukowiak informed Commission the draft of the mobility study may be ready for review in June.

Congratulated Scott Tyler on making detective.

Meeting adjourned at 9:50 pm.

Minutes approved: May 7, 2007



James R. Freeman
City Clerk