

Palmetto City Commission
May 7, 2007 7:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor
Eric Ball, Vice Mayor (entered at 7:05)
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 7:03 pm. A moment of silence was observed for overseas military personnel.

All persons planning to speak to Commission were sworn in.

Chief Lowe recognized Officer Adam Spatafora and Detective Corey Griffin, MSO, for their actions during the recent incident at Palmetto High School.

PUBLIC COMMENT:

Attorney Kevin Hennessey, counsel for Mr. and Mrs. Jarvis in the Olympia Theater eminent domain proceedings, thanked the Mayor and City representative Jim Freeman for their attendance in the mediation. Mr. Hennessey stated his clients were not willing to sell the property and an agreement was not reached to sell the property. He informed Commission his clients still hope to see a cultural center open at the Theater, and while his clients do not wish to sell the property, they will consider a partnership or public/private partnership.

Attorney Hall advised Commission that later in the meeting she will request a shade meeting so the Commission can be updated on what occurred during mediation and discuss any other litigation issues related to expenses.

Preston DeShazo addressed Commission concerning the impoundment of a golf cart and the storage fees in excess of \$800. He explained his neighbor was out of town and upon her return reported the theft on April 14, 2007 to the Palmetto Police Department. Subsequently a newspaper ad was read listing the golf cart for sale. Chief Lowe explained MSO had recovered a golf cart April 12, 2007 but listed the incident as suspicious, not stolen. The previous owner was contacted, but the present owner could not be located. Deputy Chief Mayer explained that if the MSO had entered the report as stolen the VIN # would have been entered into the data base and the Palmetto Police Department would have been alerted it was the same cart. Mr. DeShazo stated Chief Lowe had intervned and spoke with the towing company, to no avail. Chief Lowe and Deputy Chief Mayer stated the Palmetto Police Department had properly handled the issue.

ORDER OF BUSINESS:

1. AGENDA APPROVAL

Chief Lowe requested that item #6 be removed from the agenda.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the May 7, 2007 7:00 PM agenda as amended.

2. CONSENT AGENDA

- A) Minutes: April 16, 2007
- B) April Check Register

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the May 7, 2007 Consent Agenda.

3. APPROVAL: AMENDMENT #3 – STATE REVOLVING FUND LOAN

Mr. Freeman explained the information provided was in response to Commission's request. Amendment #3 will terminate the ability to draw from the 1998 SRF preconstruction activity loan and re-amortize the annual payment for the balance of the loan. Should the City decide to apply for a construction related loan, interest would be lower than on the current loan.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 4-1 to approve and authorize the Mayor to execute State Revolving Fund Amendment 3 to Loan Agreement CS12054101P. Mr. Williams voted no.

4. PRESENTATION: GANGS AND GANG-RELATED ACTIVITIES

Det. Sgt. Scott Tyler presented Commission general information on Palmetto street gang basics.

5. RESOLUTION NO. 07-15

Resolution No. 07-15 was read by title.

A RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY ANY LEGAL MEANS, OF CERTAIN REAL PROPERTY IN FEE SIMPLE REQUIRED FOR THE JACKSON PARK STORMWATER DRAINAGE PROJECT.

MOTION: Mr. Ball moved and Mr. Williams seconded to adopt Resolution No. 07-15.

Discussion: Ms. Varnadore commented on the fact the resolution contains no project amount, and the tasks have escalated from \$576,000 to \$625,000. Mr. Lukowiak proposed a not to exceed amount of \$700,000. Mr. Lukowiak stated \$527,000 is approved in the Capital Improvement Plan (CIP), and the amount will be increased by \$163,000, which will be included in the 2008 CIP. Mr. Freeman confirmed there is \$200,000 in this year's budget.

Mr. Lukowiak reviewed the concerns Commission must consider before entering into eminent domain proceedings. For each topic he gave a history of City actions pertaining to the resolution of flooding in Jackson Park. Concerns discussed were: 1) alternative stormwater mitigation sites; 2) costs associated with the project; 3) environmental factors; and 4) planning and safety.

Attorney Hall advised Commission that the resolution authorizes the acquisition of land; it is not contingent upon a dollar amount for the project. The resolution contains statutory directives; the funding of the project is a budgetary item. Attorney Hall confirmed that the resolution also does not state the assumption Manatee County has verbally committed to responsibility for one-half of the cost of the project, but like the funding, the resolution should not contain the commitment language. She recommended that the resolution should be approved as written, but as an aside, the Commission could request that staff not file the petition until a budget resolution is approved

and a written commitment agreement from Manatee County is approved. Mr. Lukowiak confirmed this year's CIP allocates the amount that may be spent this fiscal year.

Motion on the floor carried 4-1. Ms. Varnadore voted no.

6. VERIZON FLORIDA LLC RIGHTS-OF-WAY SYSTEM CONSTRUCTION AUTHORIZATION AND AGREEMENT and MEMORANDUM OF UNDERSTANDING

Construction Agreement and Memorandum of Understanding with Verizon to authorize use of City rights-of-way to install and offer cable and FiOS services. Mr. Lukowiak stated there are statutes that require the utility locates be done within 48 hours and the City does not have the personnel to meet those requirements. Verizon proposes to hire a contractor to do the utility locates and then bill the City \$25,000 per year.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Rights-of-Way System Construction Authorization and Agreement and the Memorandum of Understanding with Verizon Florida LLC, and to establish an annual budget for "locate costs" not to exceed \$25,000.

7. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 07-921

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (AN0701 – Brett C. Johnson, PID#2575500759, 3.54± acres).

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 07-921 for advertising and schedule a public hearing June 4, 2007.

8. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 07-922

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM LM (Light Manufacturing) - COUNTY TO IL (Industrial Light) - CITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0701 – Brett C. Johnson, PID#2575500759, 3.54± acres).

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 07-922 for advertising and schedule a public hearing June 4, 2007.

9. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 07-923

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM LM – LIGHT MANUFACTURING (COUNTY) TO CHI – HEAVY COMMERCIAL AND LIGHT INDUSTRIAL (CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0701 – BRETT C. JOHNSON, PID#2575500759, 3.54± ACRES).

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 07-923 for advertising and schedule a public hearing June 4, 2007.

10. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 07-924 (TAB 9)
AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (AN0702 – Memphis Road Industrial Park, LLC, PID#2575100109, 4.74± acre).

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 07-924 for advertising and schedule a public hearing June 4, 2007.

11. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 07-925 (TAB 10)
AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM LM (Light Manufacturing) - COUNTY TO IL (Industrial Light) - CITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0702 – Memphis Road Industrial Park, LLC, PID#2575100109, 4.74± acre).

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to approve Ordinance No. 07-925 for advertising and schedule a public hearing June 4, 2007.

12. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 07-926
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM LM – LIGHT MANUFACTURING (COUNTY) TO CHI – HEAVY COMMERCIAL AND LIGHT INDUSTRIAL (CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0702 – Memphis Road Industrial Road, LLC, PID#2575100109, 4.74± acre).

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 07-926 for advertising and schedule a public hearing June 4, 2007.

13. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 07-930
AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING APPENDIX B, ARTICLE IV OF THE CITY OF PALMETTO CODE OF ORDINANCES IS HEREBY AMENDED BY ADDING A SECTION 4.4, RELATING TO DEVELOPMENT WITHIN DOWNTOWN PALMETTO; PROVIDING FOR FINDINGS OF FACT; PROVIDING DEFINITIONS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY AND REVIEW; DESIGNATING THE GEOGRAPHICAL AREA BOUNDED BY THE MANATEE RIVER, THE EASTERNMOST BOUNDARY OF 11TH AVENUE WEST, THE SOUTHERNMOST BOUNDARY OF 10TH STREET WEST AND THE WESTERNMOST BOUNDARY OF US 41/301 AS THE DOWNTOWN CORE; PROVIDING FOR DOWNTOWN CORE DEVELOPMENT GUIDELINES; ESTABLISHING CHARACTER DISTRICTS WITHIN THE DOWNTOWN CORE; PROVIDING DEVELOPMENT REGULATIONS FOR EACH CHARACTER DISTRICT; PROVIDING FOR REPEAL OF CONFLICTS; 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. 07-930 for advertising and schedule a public hearing May 21, 2007.

14. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 07-931

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: Mr. Ball moved and Mrs. Lancaster seconded to approve Ordinance No. 07-931 for advertising and schedule a public hearing May 21, 2007.

Discussion: Commission discussed the length of the extension of the moratorium.

MOTION: Mr. Ball moved and Mrs. Lancaster seconded to extend the moratorium 90 days.

Discussion: Commission discussed whether or not 90 days will be sufficient. Mr. Williams stated he is willing to accept what staff develops provided the extension is for 90 days. **Mrs. Lancaster withdrew her second to the motion on the floor.**

MOTION: Mr. Williams seconded to extend the moratorium 90 days.

Discussion: Commission discussed the time an ordinance enforcing the moratorium would not be in effect – May 7 through May 21, 2007.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 3-2 to amend the motion to extend the moratorium six months. Mr. Ball and Mr. Williams voted no.

Mayor Bustle confirmed the motion on the floor is to approve advertising and schedule a public hearing for May 21, 2007 and to extend the moratorium to November 21, 2007. After no further discussion, Mayor Bustle called for a vote on the motion as amended.

Motion on the floor carried 4-1. Mr. Ball voted no.

15. DEPARTMENT HEADS' COMMENTS

Chief Lowe

Informed Commission the Victim's Advocate will work with the victim in the golf cart issue. Ms. Cornwell discussed the topic, and strongly suggested jurisdictions should work together to find a way to resolve the data entry problem so that victim's property can be recovered.

Jim Freeman

A special session of the legislature has been called June 12 – June 22, 2007 because the property tax issue was not resolved.

Finance staff is beginning preparation for the 2008 budget.

Mr. Lukowiak

No report.

Mrs. Lukowiak

Reported the CRA Board is interested in offering first option to the workforce housing next to the CRA office to essential personnel (city government employees, police, fire fighters, and teachers). Mrs. Lukowiak stated Genesis Development submitted the only RFP, which will be considered at the next CRA Board meeting. The housing will be privately owned and privately sold. She further

reported other jurisdictions have assisted in down payments to service providers. Attorney Hall discussed the assistance that has been adopted in Homestead.

A public meeting is scheduled tomorrow at Riverside Park West at 6:30 pm concerning the park.

Attorney Hall

Attorney Hall requested a shade meeting for May 21, 2007 at 6:00 pm for the purpose of discussing settlement negotiations and strategy relating to litigation, expenditures in connection with the Olympia Theater. She confirmed the court ordered mediation has been officially concluded. She also stated that Mr. Hennessey's statement that his clients were unwilling to sell the theater is less than accurate and potentially in violation of the confidentiality requirement. The shade meeting will allow the Commission to discuss in detail what occurred in mediation and determine the City's next course of action.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve a shade meeting for May 21, 2007 at 6:00 pm.

Reported she will be attending the annual attorney's conference beginning Thursday afternoon. The following Friday she will be attending a meeting in Miami on workforce housing.

16. MAYOR'S COMMENTS

Reported he will be leaving for a week's vacation on Thursday afternoon. Mayor Bustle spoke of a trip he is planning in July and requested that Commission amend the July Commission meeting schedule to hold the two meeting on July 2 and July 9, 2007.

MOTION: Ms. Varnadore moved and Mrs. Lancaster seconded to honor the Mayor's request.

Referring to the budget, and the House's proposal for ad valorem taxes, Mayor Bustle suggested it may be beneficial to develop a budget with a rolled back revenue of \$2.2 million and a budget with revenue of \$1.2 million. He spoke of possible cuts City Commission may face.

Motion on the floor carried 5-0.

Attorney Hall stated she will be absent from the July 9, 2007 meeting, but will secure a replacement.

17. COMMISSIONERS' COMMENTS

Ms. Varnadore

Attorney Hall confirmed a substitute attorney at the July 9, 2007 meeting will not be outside legal expense.

Mr. Lukowiak updated Commission on the status of the Bernot meter issue.

Mayor Bustle confirmed a date has not yet been established for the joint meeting with the School Board.

Mr. Williams

Mr. Lukowiak estimated the traffic study for the 7th Street light should be completed in the near future and be forwarded to FDOT within 30 days. The light will be completed in the next seven to ten days, but a decision has not been made whether or not to activate the light. A temporary Maintenance of Transportation (MOT) plan has been obtained. He informed Commission he is obtaining a quote to extend 7th Street to Haben Blvd., but that will probably not happen until 2008. Mayor Bustle stated there is active discussion between Manatee County and Corvus concerning

the purchase of the property. Mr. Lukowiak reminded Commission the City has been granted easements rights from Hwy 41 to the end of the Vining property, less the Civic Center property.

Requested that all CRA expenditures be so marked on the monthly check register. Mrs. Lukowiak explained the \$3,000 check to Palmetto Warehouse.

Requested Mayor Bustle sends a letter of congratulations to the new officers of the Palmetto Historic Commission.


Mrs. Lancaster
No report.

Mr. Ball
Discussed the Suspense Log and inquired if the entire downtown district is included in the historic preservation ordinance.

Commented on the City's ability to involuntarily annex property around Groover's Market to even out City boundaries along 17th Street. He compared involuntary to voluntary annexations. Mayor Bustle reminded Commission the ACCORD must be remembered when considering this type of action.

Meeting adjourned at 10:15 pm.

Minutes approved: May 21, 2007


James R. Freeman
City Clerk