

Palmetto City Commission
June 4, 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
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:00 pm. A moment of silence and appreciation was observed for overseas military personnel.

Mayor Bustle recognized the Palmetto High School Golden Herald Award winners, as follows:

Christopher Ochoa – English and Literature
David Matthews – Citizenship
Kristina Whisenant – Art
Katrina Ramos – Speech/Drama
Ashley Saburin – Vocational

Persons planning to address Commission were sworn in.

PUBLIC COMMENT:

Harry Lee Renner opined the cemetery fence is a traffic hazard. He suggested a portion of the fence should be lowered or a security mirror should be installed on the fence for autos moving onto 14th Avenue.

Francois Turcotte spoke to Commission about the repeated complaints he has made to the Police Department concerning the loud music at El Sombrero. Mr. Freeman explained the steps the City is taking to address the noise issues at El Sombrero and another site in the City.

ORDER OF BUSINESS:

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to approve the June 4, 2007 7:00 PM agenda.

2. CONSENT AGENDA

- A) Minutes: April 16 and May 21, 2007
- B) Special Function Permit: Simon Family Reunion
Manatee Glens Walk for Life
- C) Dye, Deitrich, Petruff & St. Paul, PL Billing thru April 30, 2007

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the June 4, 2007 Consent Agenda.

3. PUBLIC HEARING: 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. and Brenda J. Johnson, PID#2575500759, 3.54± acres).

Attorney Hall explained there are three contiguous parcels, two of which have applied for annexation, plan amendment and rezone. The third parcel has begun the process and will subsequently be considered by P&Z and JPC. All three parcels have requested development agreements. Consistent with Commission's comments during a previous development agreement review, staff is requesting the three parcels be considered when the developments are have been approved by P&Z, thus the requested continuation of the public hearings to a date certain for items three through eight.

Mayor Bustle opened the public hearing.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 07-921 to August 20, 2007.

4. PUBLIC HEARING: 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 IL (Industrial Light) - COUNTY TO HCOMIND (Heavy Commercial/Industrial) - CITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0701 – Brett C. and Brenda J. Johnson, PID#2575500759, 3.54± acres).

Mayor Bustle opened the public hearing.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 07-922 to August 20, 2007.

5. PUBLIC HEARING: 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. AND BRENDA J. JOHNSON, PID#2575500759, 3.54± ACRES).

Mayor Bustle opened the public hearing.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 07-923 to August 20, 2007.

6. PUBLIC HEARING: ORDINANCE NO. 07-924

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).

Mayor Bustle opened the public hearing.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 07-924 to August 20, 2007.

7. PUBLIC HEARING: ORDINANCE NO. 07-925

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 IL (Industrial Light) - COUNTY TO HCOMIND (Heavy Commercial/Industrial) - CITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0702 – Memphis Road Industrial Park, LLC, PID#2575100109, 4.74± acre).

Mayor Bustle opened the public hearing.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 07-925 to August 20, 2007.

8. PUBLIC HEARING: 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 Park, LLC, PID#2575100109, 4.74± acre).

Mayor Bustle opened the public hearing.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 07-926 to August 20, 2007.

9. PUBLIC HEARING: ORDINANCE NO. 07-932

(TAB 10)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING SECTIONS 17-52(C) AND 17-54 OF THE CITY CODE OF ORDINANCES; PROVIDING FOR THE TOLLING OF DEVELOPMENT APPLICATION REVIEW DURING CITY PLANNER REVIEW OF A REQUEST FOR INCENTIVES FOR THE CONSTRUCTION OF ATTAINABLE HOUSING UNITS; PROVIDING FOR AN INCREASE IN THE OPPORTUNITY FOR DEVELOPERS TO MAKE PAYMENTS IN LIEU OF CONSTRUCTING ATTAINABLE HOUSING UNITS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing.

Attorney Hall informed Commission Sec. 11-67 should read Sec. 17-54.

Mayor Bustle closed the public hearing.

Discussion: Discussion ensued on how the value of land being donated in lieu of units will be determined. Mr. Lukowiak stated he will develop the necessary procedure to provide sufficient information to allow City Commission to make an informed decision. Attorney Hall reiterated that Commission must approve all credits being granted by the City in lieu of building attainable housing units. Mr. Williams suggested a penalty or incentive should be established to encourage the construction of a home rather than the donation of land. Ms. Varnadore opined Commission is approving the insertion of the land donation option into the ordinance, not the criteria for how land should be accepted.

MOTION: Ms. Varnadore moved and Mrs. Lancaster seconded to adopt Ordinance No. 07-932.

Discussion: Mr. Williams commented on Sec. 17-52. Attorney Hall advised that in Sec. 17-52, the word "determination" should be changed to "recommendation", because nothing is final until approved by Commission.

MOTION: Mr. Williams moved and Mr. Ball seconded to amend the motion to change the two words "determination" in Sec. 17-52 to "recommendation". The amended motion carried 5-0.

Discussion: Mr. Ball questioned the language "all other development applications received pursuant to this code..." Attorney Hall explained the intent of the language and suggested more definitive verbiage may be "all other development applications received pertaining to the subject property..." Attorney Hall also explained the intent of the language pertaining to incomplete applications.

MOTION: Mr. Ball moved and Mr. Williams seconded to amend the motion to change the language "all other development application received pursuant to this code" to "all other development applications received pursuant to the subject property". The amended motion carried 5-0.

The motion on the floor to adopt Ordinance No. 07-932 carried 5-0.

10. RESOLUTION No. 07-17

Establish budget for the funding of the 7th Street signalization project.

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. Ball seconded and motion carried 5-0 to adopt Resolution No. 07-17.

11. APPROVAL: LOMBARDO, FOLEY & KOLARIK, INC. ENGINEERING SERVICES AGREEMENT (Carried forward from the 4:00 agenda)

Mr. Lukowiak confirmed the agreement's scope of services would be amended to delete the irrigation well and insert reclaimed water, which should be no difference in funding.

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Lombardo, Foley & Kolarik, Inc. 7th Street Work Assignment #1 in an amount not to exceed \$95,800.

12. DEPARTMENT HEADS' COMMENTS

Mr. Lukowiak
No report.

Mr. Freeman
Reminded the elected officials and department heads that Form 1 must be filed by July 1, 2007.

For emergency preparedness reasons, Mr. Freeman requested that the City's Bank of America Visa credit cards limits be increased to \$2,500 and that one limit be increased to \$10,000. Mayor Bustle suggested the City Clerk's card be the one with the \$10,000 credit limit. Mr. Williams referenced emergency preparedness meetings he had attended where it was suggested cities should have a credit limit of at least \$25,000 available.

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 5-0 to increase the City Clerk's City Visa card credit limit to \$25,000.

Reviewed the budget meeting planning calendar. Informed Commission the tentative millage rate must be approved at the July 9, 2007 Commission meeting, as the DR420 must be submitted by August 4, 2007.

The property appraiser's preliminary tax appraisal has been received and reflects a 15% increase to the taxable values, up to just over \$1 billion. The final value is due July 1, 2007.

Chief Lowe
No report.

Attorney Hall
Reported she received an email from Ridan Industries, the firm proposing a cell tower at the wastewater treatment plan, advising they are withdrawing their proposal. She informed Commission the firm stated the changes requested by the City are not economically viable and suggested the City should offer a written response that the City was not refusing any license agreement, just the one offered by Ridan. She suggested that a response from the City would be that the City did not reject any license agreement, just the agreement as prepared by Ridan.

Referring to the Olympia Theater letter mailed under the Mayor's signature, Attorney Hall stated she has received a reply from Attorney Bill Moore. Mayor Bustle stated he would like to review the letter and then will contact Commissioners individually to discuss Attorney Moore's response.

13. MAYOR'S REPORT
No report

14. COMMISSIONERS' COMMENTS

Ms. Cornwell
Request the cuing system be repaired during the July break. Mayor Bustle stated it is now operational.

Mr. Ball
No report.

Mrs. Lancaster
No report.

Mr. Williams

Reported he is observing in other communities the words "participation administration" in articles. He described the terminology as upper management getting involved by working street level positions. He reported Lee and Charlotte police departments are employing the terminology in their counties. He suggested the concept is something department heads should consider in their budget preparation.

Ms. Varnadore

Commented on the cancellation of the joint School Board meeting. Mayor Bustle reported his last meeting with Dr. Dearing revealed his plan to build a full size elementary school at 33rd St. W. and 8th Ave. and then a lab school at the present Palmetto Elementary School site. It is anticipated students will be attending the new school in 2008.

Reported she has heard the county put the 17th Street project on hold. Mr. Lukowiak stated Public Works has no intention of moving any utilities until necessary, but he must budget for the eventuality because he may have very short notice to proceed.

Reported the pedestrian walkway at the Snead Island Bridge will be cantilevered under the bridge; the bridge will not be narrowed.


Requested that the Risk Manager submit a written assessment of the cemetery fence. Ms. Varnadore based her request on the complaints received concerning the fence and the possibility there is a clear site triangle violation. Mayor Bustle questioned the value of such assessment unless funds are budgeted to address every site triangle violation in the City.

Reported she will be attending the Institute for Elected Municipal Officials training this weekend in Tampa.

Mr. Williams acknowledged Mayor Bustle's feeling on the cemetery fence, but stated there is an issue with the fence. He agreed with Ms. Varnadore that an evaluation of the issue should be made to substantiate the City's position.

Meeting adjourned at 8:20 pm.

Minutes approved: June 18, 2007


James R. Freeman, City Clerk