

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

Elected Officials Present:

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

Elected Officials Absent:

Mary Lancaster, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk
Chris Lukowiak, Public Works Director
Chief Garry Lowe
Tanya Lukowiak, CRA Executive Director
Michele Hall, City Attorney
Frank Woodard, Deputy Director Operations
Bob Schmitt, Interim City Planner
Deanna Roberts, Administrative Assistant

Mayor Bustle called the meeting to order at 7:05 pm. A moment of silence was observed for our military personnel serving overseas, followed by the Pledge of Allegiance.

All persons wishing to address Commission during the meeting were sworn in.

1. AGENDA APPROVAL

MOTION: Commissioner Ball moved, Commissioner Williams seconded and motion passed unanimously to approve the July 2, 2007, 7:00 p.m. agenda.

Mayor Bustle asked that the record reflect that Commissioner Lancaster was on an excused absence this evening and will also be excused for the next meeting on July 9, 2007.

2. CONSENT AGENDA

MOTION: Commissioner Ball moved, Commissioner Varnadore seconded and motion passed unanimously to approve the July 2, 2007, Consent Agenda with the removal of the Rios Birthday Party Special Function Permit.

Discussion: Commissioner Ball asked the criteria for obtaining a Special Function Permit. Attorney Hall said that Section 19-180 states that if more than fifty people may attend an event, a permit is required. Mr. Ball said that proof of insurance then would be required and is not shown on this application. In fact, neither of the two (referring to the Brinson Family Reunion) has proof of insurance attached. Mrs. Hall said Section 19-179 states that proof of General Liability Insurance is required and is usually attached to the application.

Mr. Lukowiak will speak to Risk Manager Ron Koper and bring it back to Commission on July 9. Mayor Bustle said the other one, the Brinson Family Reunion, needs to be re-evaluated as well.

3. PUBLIC HEARING: ORDINANCE 07-933

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING ARTICLE XIV OF APPENDIX B, ZONING CODE, OF THE CITY CODE OF ORDINANCES; PROVIDING FOR A PROPORTIONATE FAIR-SHARE PROGRAM, TO ALLOW UNDER CERTAIN CONDITIONS CONTRIBUTIONS TO BE MADE TOWARD TRANSPORTATION CAPITAL IMPROVEMENTS, AS REQUIRED BY SECTION 163.3180(16), F.S.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle opened the Public Hearing for comment. There being no public comment, Mayor Bustle closed the Public Hearing.

MOTION: Commissioner Ball moved, Commissioner Cornwell seconded and motion passed unanimously to adopt Ordinance No. 07-933.

4. APPOINTMENT APPROVAL

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion passed unanimously to approve the appointment of Margaret K. Hopkins to the Citizens Advisory Committee of the Sarasota-Manatee Metropolitan Planning Organization for a term ending July 1, 2010.

5. RESOLUTION No. 07-23

Resolution No. 07-23 establishes the revenue budget for the Bright House Networks sponsorship of the Movie in the Park

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: Commissioner Ball moved, Commissioner Cornwell seconded and motion passed unanimously to adopt Resolution No. 07-23.

6. RESOLUTION NO. 07-24

Resolution No. 07-24 reduces the established Olympia Theater budget.

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: Commissioner Varnadore moved, Commissioner Ball seconded and motion passed unanimously to adopt Resolution No. 07-24.

7. US 301 FUTURE UTILITY EXPANSION CHANGE ORDER #3

Additional engineering services to design, permit and construct approximately 700 linear feet for a potable water main and force main along the northern right-of-way east of Canal Road to 2200 US 301 and a reclaimed water line along the southern right-of-way of US 301 to 2200 US 301.

Action Request: Motion to approve and authorize the Mayor to execute ZNS Engineering, L.C. Change Order #3 for the East Side Utility Improvement, City project #04-396, in an amount not to exceed \$38,460.

Discussion: Mrs. Varnadore asked about the total project cost. Mr. Lukowiak said it would be \$1.8 million and this portion of the project is an additional \$400,000 after the engineering services. This project takes utilities to an area that has annexed into the City but is not currently served by City utilities. He wants to add this on while crews are already out there working on the project. The County contacted him and told him they did not want this on their utilities. The developer will be paying a portion of the costs.

Mayor Bustle called for a motion. There was none. The discussion continued. Mr. Lukowiak said he is not asking approval for construction dollars, only for engineering costs.

Mayor Bustle again called for a motion. There was no motion forthcoming, and he proclaimed the item was deferred.

8. APPROVAL: SCHOOL BOARD OF MANATEE COUNTY SCHOOL RESOURCE OFFICER

Annual contract with the School Board of Manatee County to provide School Resource Officers at Palmetto High School and at Lincoln Middle School.

MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion passed unanimously to approve and authorize the Mayor to execute the School Board of Manatee County contract for two School Resource Officers, with the improvement to Section III F.

Discussion: Attorney Hall asked that the contract be approved subject to the insertion to Section III F of statutory and hold harmless and indemnification language the City is allowed to use by which the City would agree to be liable for anything except for the School Board's negligence.

9. CIP DISCUSSION CONTINUED FROM 4:00 WORKSHOP

Mr. Lukowiak continued with the discussion of the 2008 Capital Improvement Program (CIP) beginning with the 10th Avenue Extension north to 23rd Street and the realignment of 23rd Street. This is the project presented to Commission by Whiting Preston of Manatee Fruit Company at the Workshop. He directed Commission's attention to the spreadsheet column entitled Developer Accelerated Impact Fees. All the funding for this project is shown in this column. Staff is not asking for funding. He wants to keep it on the CIP with the understanding that Mr. Preston will fund this with some type of developer agreement.

There will be some cost sharing on the proposed public boat ramp portion of the project, which is the last phase of the project.

Mr. Lukowiak continued with a discussion of the Department of Public Works Facility Upgrade, Tree Pruning and Removal and Regional Reuse System.

He next covered proposed additions to the 2008 CIP which include: **Canal Road – Phase II** 12th to 17th Streets (installation of city utilities to the eastern city boundary) and this includes \$210,000 of developer contributions; **US 301 Leg IV** a continuation of US 301 and Canal Road, again to install sewer and reuse lines to provide services to the eastern city boundary (this project includes ZNS engineering services he asked for at the Workshop which failed to get a motion); includes a developer contribution of \$150,000.

Mr. Lukowiak said it makes sense to continue the utilities while they're out there working because of the potential for annexations and an increased customer base in that area. A discussion ensued on growth and new construction which Mr. Lukowiak said will fund his budget in coming years. Mrs. Varnadore expressed concern about the proposed new debt and how the City would pay for that. He asked the Commission to reconsider the ZNS motion that failed at the Workshop.

Other additions include: **Telemetry/Backflow Prevention Program**; Mrs. Cornwell said she would like to see fees collected for backflow devices stay in that line item in the budget instead of being absorbed into water and sewer so that you can always tell if the system is paying for itself. This would avoid the need for rate studies. Mr. Lukowiak said as of October 1, he will set the line item up that way. If there is a positive amount he will move it into Operations and Maintenance; if it's in the negative he will subsidize it. He will also show the debt service amount. Mrs. Cornwell asked that the program be phased in around the City so that they wouldn't all have to be replaced at the same time; **13th Street Drainage** to address ongoing flooding; **7th Street Extension** through the Civic Center to Haben Boulevard, total project cost of \$1.5 million with the project to begin before the end of 2008; **WWTP Evaluation** to achieve additional capacity and for permit renewal; **23rd Street Realignment**, Part of the 10th Avenue Extension project discussed earlier. He pointed out the Developer Accelerated Impact Fees column on the spreadsheet for 2008. Projects listed here, of which 23rd Street Realignment is one, will be partially funded by developers;

Haben Boulevard Traffic Circle to improve traffic movement and minimize congestion; funded by the MPO with no matching funds required. The CRA will pay for the engineering services.

10. PRELIMINARY DISCUSSION OF FY 2007-2008 BUDGET

City Clerk Jim Freeman stated that based on comments by Commissioners last year, he and Mr. Lukowiak were bringing the CIP and the operating budget forward at the same time. His presentation of the operating budget this evening is simply a preliminary discussion of the budget. His goal is to provide the highlights of assumptions that are loaded into the 2007-2008 budget. This initial budget was prepared based on the mandates that municipalities must follow coming out of the special legislative session on property taxes. He reported that the COLA, the step increase, health costs, pensions, sick leave buy back and longevity are loaded into the budget. Citywide, ten full time positions and one part time position are vacant and will not be filled for purposes of the upcoming budget. Employee of the year awards will be reduced from fourteen to six.

Storm water revenue assumptions discussed with Mike Burton and Associates are included in the budget. The General Fund, Water/Sewer, Road and Bridge are subsidizing the storm water fund. New debt service for the City's portion is approximately \$7.4 million; the rest of the money for the proposed projects presented by Mr. Lukowiak's CIP presentation will come from outside sources such as grants and developer impact fees.

Commission was concerned that the new in-car videos in the police cars are not working properly and will not be approving more if these don't work. Mr. Freeman said they are addressing the problem. He believes they will be able to get them to work.

Commissioner Varnadore asked to be presented with the exact current debt of the City and to whom it is owed. Mr. Freeman said he will provide that information to her.

Commissioner Williams thanked staff for getting the CIP to Commission at this time. It will make the budget process easier.

11. DEPARTMENT HEADS' COMMENTS

Michele Hall

Reminded Commission she will be out of town but will have her cell phone with her. She will not be at the next meeting on July 9.

Chief Lowe

Reported the Police Department will be assessed for reaccreditation July 24-26, 2007.

Jim Freeman

Due to the holiday week coming up, the next agenda will not be available until Thursday, July 5.

Chris Lukowiak

Verizon has laid 107,000 feet of fiber and there have been twelve line breaks. One was an abandoned pipe; it didn't create a problem. The other lines were due to the lack of as-built information with the old utilities. They were working 8 feet off the lines and still hitting them. They repaired them quickly.

Bob Schmitt

Nothing to report.

12. MAYOR'S REPORT

Reminded Commission about the upcoming July 4th festivities being planned in the City. He encouraged Commissioners to attend. He would like to introduce them at the 5:30 p.m. opening and reminded them about the VIP reception at 7:30 p.m. in honor of City Board members. This is a thank you for their service to the City.

13. COMMISSIONERS' COMMENTS

Commissioner Varnadore

Inquired as to the status of the Palmetto Historical Park Interlocal Agreement. Attorney Hall said the Clerk's office, the last of the three parties, has given tentative approval and it should be on the agenda August 6. Regarding the 10th Street Project between 23rd and 26th, the roads on the avenues are rough and have huge potholes. Mrs. Lukowiak said they should be repaved shortly. Mr. Woodard said he will get that schedule to her. She received an email from a Mr. John Fitt regarding the Boys and Girls Club. They have blocked their driveway so that when parents pick up they have to park on the sidewalk. He can't use the sidewalk and he's in a wheelchair. Chief Lowe said the Police Department is working the problem. Mr. Fitt requested a No Left Turn coming out of the shopping center at 8th Avenue and 10th Street. Mayor Bustle said FDOT will be installing a median there. In the meantime, staff will look into a solution.

Commissioner Williams

Asked staff to recalculate the impact fees charged Palmetto Christian School. He does not believe this was calculated correctly and would like it reviewed before a credit is issued. Attorney Hall said the City should check with Burton and Associates and ask them what the standard is for schools. The Ordinance may be amended to create a separate classification. Reported he had three calls about the mirror at the cemetery. It went up and it's already down. It went missing. Chief Lowe said the Police Department has written a report on it.

Commissioner Ball

Asked to have justification sheets accompany request for budget transfers.

Commissioner Cornwell

Nothing to report.

The Mayor asked if there was any public comment.

Raymond Varnadore addressed Commission and said the fence at the cemetery blocks the line of vision anytime you're exiting onto 14th Avenue. Do Not Enter and other signs which block your vision should be moved, and the mirror should be moved to the other end. Stated the mirror is useless. Need to do away with the fence and move it to the other end for safety reasons; safety comes first.

Byron Smith, 1809 5th Street, Palmetto, Florida, said that at the last meeting Mary Lancaster, Brian Williams and Ms. Varnadore directed legal staff to determine if the fence was legal. The Mayor said the motion was for a legal opinion of the liability. Mr. Smith came to tonight's meeting to get a report on that. Attorney Hall said the report had been distributed to Commission and she would get a copy for him. He thought it would be discussed at the meeting tonight. He asked if the Commission would take any action on it. A brief discussion of her legal opinion and the fence itself ensued.

Mrs. Julia Durance said Hazel Smith left the City \$25,000 for a nice fence at the cemetery at the 10th Street entrance. The attorney for her estate was told the City could not put a fence on 10th Street because of set back requirements and yet there is very little space on 14th Avenue where the fence went.

Mr. Williams said the City needs to consider moving the fence over onto 10th or just removing it for safety reasons.

MOTION: Commissioner Williams moved and Commissioner Varnadore seconded to have the fence removed or moved someplace else.

Discussion: Commissioner Ball said he is not in favor of moving the fence. Mrs. Cornwell said she would need more information, for example, can the fence be relocated or stair stepped to improve the line of vision. In answer to Mr. Williams's question, Mr. Lukowiak said the integrity of the fence would be compromised if it were moved.

Mrs. Varnadore asked if the bequest paid for the fence. Mrs. Lukowiak said the bequest actually paid for the brick entrance on 10th Street with the estate's approval and the fence funds came from Parks and Recreation.

Commissioner Williams withdrew his motion and Commission Varnadore withdrew her second until a full Commission is present or until Mrs. Cornwell's questions have been answered.

The meeting was adjourned at 9:55 p.m.

Minutes approved: August 6, 2007



James R. Freeman, City Clerk