

Palmetto City Commission
July 9, 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
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Tanya Lukowiak, CRA Executive Director
Attorney Jim Dye
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:03 pm. A moment of silence and appreciation was observed for overseas military personnel.

Tameka Moore and Judy Bellamy, Manatee County Community Services, accepted a Proclamation declaring August 11, 2007 as Children's Summit Day.

Public Comment: Steve Heintz commented on the dock being constructed into the river at the end of 7th Street, stating his belief a road was platted on the property and the present owners have no clear title to the shore. Mayor Bustle confirmed the city is aware of the issue, but no valid plat has been located to document the road still exists. He stated the issue will be remanded to Attorney Hall when she returns from vacation.

1. AGENDA APPROVAL

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 4-0 to approve the July 9, 2007 7:00 pm agenda.

2. CONSENT AGENDA

A. Special Function Permit: Rios Birthday Party
B) June 2007 Check Register

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 4-0 to approve the July 9, 2007 Consent Agenda.

3. PUBLIC HEARING: ORDINANCE NO. 07-927

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 (AN0703 – Palmetto Warehouse Company, LLC, PID#2424300008, 0.32± acres).

Mayor Bustle opened the public hearing. After no public comment, Mayor Bustle closed the public hearing.

MOTION: Mr. Ball moved and Mr. Williams seconded to adopt Ordinance No. 07-927.

Discussion: Mr. Schmitt informed Commission the Planning and Zoning Board discussed the conditions of the existing site and the property's future site plan that will be administratively reviewed and approved, without Commission comment. He confirmed the applicant must conform to all City codes at the time of site plan approval. Margaret Tusing, representative for the applicant, confirmed the current use on the property is a wholesale car dealership; any future uses will comply with the City's permitted land use for the zoning district. Mr. Schmitt and Mr. Lukowiak confirmed that until the property is annexed into the City, enforcement of City codes is not permitted; the City can better control the appearance and use of the property once annexation is approved. Commission inquired what consequences the City would face if the plan amendment and zoning ordinances are not approved. Attorney Dye instructed Commission the only item under consideration during this discussion should be the annexation ordinance. He confirmed that attaching stipulations to a rezone is not allowed under Florida law. He then recommended that Commission gather the information necessary for them to make an informed decision and continue the public hearing to a set date and time. He further recommended that all three ordinances should be considered at the same time rather than adopt an annexation ordinance without also adopting the land use and zoning category on the same property.

Mr. Williams withdrew his second and Mr. Ball withdrew his motion to adopt Ordinance No. 07-927.

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 4-0 to reopen the public hearing.

Mayor Bustle reopened the public hearing.

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 4-0 to continue the public hearing to August 6, 2007 during the 7:00 Commission meeting.

4. PUBLIC HEARING: ORDINANCE NO. 07-928

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 ROR (Residential-Office-Retail) - COUNTY TO GCOM (General Commercial) - CITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0703 – Palmetto Warehouse Company, LLC, PID#2424300008, 0.32± acres).

Mayor Bustle opened the public hearing.

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 4-0 to continue the public hearing for Ordinance No. 07-928 to August 6, 2007 during the 7:00 Commission meeting.

5. PUBLIC HEARING: ORDINANCE NO. 07-929

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 RSF-4.5 (RESIDENTIAL SINGLE FAMILY) - COUNTY TO CG (COMMERCIAL, GENERAL) – CITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0703 – PALMETTO WAREHOUSE COMPANY, LLC, PID#2424300008, 0.32± ACRES).

Mayor Bustle opened the public hearing.

MOTION: Mr. Ball moved, Ms. Varnadore seconded and motion carried 4-0 to continue the public hearing for Ordinance No. 07-929 to August 6, 2007 during the 7:00 Commission meeting.

6. PUBLIC HEARING: SPECIAL FENCE PERMIT 1301 11th AVE W

Applicant seeks approval to fence a portion of the 13th Street W property line with a six-foot fence.

Mayor Bustle opened the public hearing. After no public comment, Mayor Bustle closed the public hearing.

MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 4-0 to approve Special Fence Permit No. 07-02 for 1301 11th Avenue, West.

7. RIVERBAY TOWNHOMES PHASE THREE FINAL PLAT

Mr. Schmitt informed Commission the Approval of replat of lots 69-74, tracts "S" and "T" of Riverbay Townhomes, Phase Three was requested to correct the original recording.

MOTION: Mr. Ball moved, Ms. Varnadore seconded and motion carried 4-0 to approve the Riverbay Townhomes Phase Three Final Plat.

8. RESOLUTION NO. 07-25

Resolution No. 07-25 establishes the budget for the purchase of two cemetery spaces.

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 Mr. Ball moved, Mr. Williams seconded and motion carried 4-0 to adopt Resolution No. 07-25.

9. RESOLUTION NO. 07-26

Resolution No. 07-26 approves Property Schedule 2 to the Master Lease, for the lease/finance of equipment to be utilized by Public Works.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP; AUTHORIZING A LEASE OF EQUIPMENT THEREUNDER; AUTHORIZING THE EXECUTION OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE TRANSACTIONS CONTEMPLATED HEREBY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Resolution No. 07-26.

10. DEPARTMENT HEADS' COMMENTS

Mr. Lukowiak

Requested Commissioners return the CIP books distributed last week, as they were drafts and the information would be finalized before departing for the FLOC Conference. He encouraged the Commissioners to personally contact him with any questions concerning the CIP as well as the impact fee information.

Confirmed the additional information he is to obtain for his department's budget justifications.

Mr. Freeman

Revised budgets will be distributed after certification of the compound annual growth rate is received July 13, 2007.

Confirmed a special Commission meeting will be held the week of July 30, 2007.

Chief Lowe

Reported Palmetto police officers participated in the gang roundup on Friday evening.

The ManaTEEN organization has presented the City's two K-9 units with an emergency kit for use in the event of an emergency in the field. Each kit is valued at \$2,500 and includes all necessary training.

Mr. Schmitt

Informed Commission a county representative will not be present at the July JPC meeting. The Mayor and Commission had no problem with the absence, provided the committee has a quorum of members present.

11. MAYOR'S REPORT

Thanked Tanya Lukowiak, Waste Management and Bright House for the Movie in the Park and commented on the Frisbee dog show prior to the movie on July 6, 2007.

12. COMMISSIONERS' COMMENTS

Ms. Cornwell

Suggested individuals planning on attending the Waste Management Death By Chocolate event at the FLOC Conference should make arrangements for reservations.

Mr. Ball

Suggested moving announcements to the 4:00 meeting agendas vs the 7:00 meeting. He stated that most of the time the public has departed the meeting by the time announcements are made, so the announcements are not necessarily for the public's benefit. He also discussed issues that arise that require a motion and his reluctance to act on a topic at the last minute, stating he preferred making a motion at the 4:00 meeting to move the topic forward to the 7:00 meeting for action. He requested Commission consider the option.

Mr. Williams

Referencing Mr. Ball's suggestion, Mr. Williams stated there should always be the opportunity for Commission to comment at the end of a meeting on issues that have arisen during either the 4:00 and 7:00 meetings.

Inquired why the City should have to call a special meeting to meet the DR420 submittal deadline, if there is a penalty if the date is not met and can the City submit the DR420 after the August 6, 2007 Commission meeting. Mr. Freeman was instructed to contact the Property Appraiser's office to obtain the information.

Commented on the 4th of July, stating staff had done a superb job in planning the event.

Ms. Varnadore

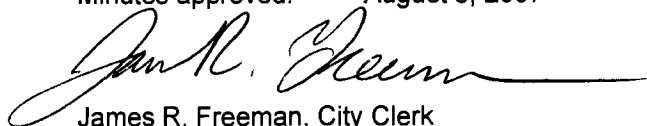
Stated she would prefer the special meeting be scheduled so all Commissioners may attend.

Inquired if the interlocal agreement for the Historical Park has been completed. Mr. Lukowiak stated the agreement is scheduled for the August 6, 2007 agenda.

Congratulated staff on the preparation of the budget.

Meeting adjourned at 8:30 pm.

Minutes approved: August 6, 2007



James R. Freeman, City Clerk