

Palmetto City Commission  
August 6, 2007 7:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
Brian Williams, Commissioner

Elected Officials Absent:

Eric Ball, Vice Mayor  
Tambra Varnadore, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk  
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 was observed for overseas military personnel.

Proclamation: Women's Equity Day, accepted by Dorothy Middleton, Manatee County Commission of the Status of Women.

Swearing-in of all persons speaking to Commission.

**PUBLIC COMMENT:** Brian Bustle, Headmaster of Palmetto Christian School, requested that Commission review and considers waiving or reducing the \$54,600 impact fees paid to the City for construction of a new classroom building. Discussion ensued, wherein Mr. Bustle indicated Manatee County has waived impact fees on certain non-profit business' projects. Attorney Hall informed Commission that if a jurisdiction waives or reduces an impact fee, that jurisdiction must pay the amount of the reduction into the impact fee fund. Attorney Hall recommended that if the Commission considers this request that a policy or guideline concerning Commission's support of non-profit organizations should be adopted. Mayor Bustle concurred with Commission, and requested Attorney Hall to research the Manatee County waiver with the county attorney, and to look at the county's past practices regarding such a waiver. Mr. Williams also requested any opinions from the State Attorney's Office be researched.

**ORDER OF BUSINESS:**

1. AGENDA APPROVAL

**MOTION:** Mrs. Lancaster moved, Mr. Williams seconded and motion carried 3-0 to approve the August 6, 2007 7:00 PM agenda.

2. CONSENT AGENDA

- A. Minutes: July 2, 2007 and July 9, 2007
- B) July 2007 Check Register
- C) Noise Ordinance Permit Exception: Bryce Cummings

Ms. Cornwell withdrew the Noise Ordinance Permit Exception from the Consent Agenda.

**MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 3-0 to approve the August 6, 2007 Consent Agenda as amended.**

Ms. Cornwell voiced concern with the Noise Ordinance Permit Exception because of the ending time of 12:30 am. Mr. Cummings informed Commission the neighbors that are in the area have been or will be notified of the event. He also stated the Police Department will have his personal cell phone number if a complaint is registered.

**MOTION: Mr. Williams moved and Ms. Cornwell seconded to approve the Noise Ordinance Permit Exception for Bryce Cummings.**

Mrs. Lancaster stated that she expected Mr. Cummings to quickly address any complaints received by the Police Department.

**Motion on the floor carried 3-0.**

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 re-opened the public hearing continued from July 9, 2007. Mayor Bustle closed the public hearing after no public comment.

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded to adopt Ordinance No. 07-927.**

Mr. Williams voiced concern about the annexation given the condition of the property, and inquired if stipulations would be attached to the annexation's approval. Attorney Hall informed Commission she agreed with Mr. Dye's comments regarding the Commission's inability to attach stipulations on an annexation or rezone. Mr. Lukowiak and Mr. Schmitt assured Commission the applicant is aware the property's current use may not be appropriate if the annexation and rezone is approved. They also informed Commission there has been discussion with the applicant, and he will submit a plan and go through the DRC process.

**Motion on the floor carried 3-0.**

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 re-opened the public hearing continued from July 9, 2007. Mayor Bustle closed the public hearing after no public comment.

**MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 3-0 to adopt Ordinance No. 07-928.**

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 re-opened the public hearing continued from July 9, 2007. Mayor Bustle closed the public hearing after no public comment.

**MOTION: Mrs. Lancaster moved and Mr. Cornwell seconded to adopt Ordinance No. 07-929.**

Mr. Schmitt confirmed there is no established timeframe for submittal of a site plan, but the applicant will not be able to operate a business until he secures an occupational license, which mandates inspection of the building.

**Motion on the floor carried 3-0.**

6. FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT

Mrs. Lukowiak requested authorization for the acceptance and execution of a \$200,000 FRDAP grant for the enhancement of the Estuary Park. Review of the proposed site plan resulted in Commission recommending parking and a footbridge at the entrance, and that the parking at the playground is angled. It was suggested that some type of emergency call service be installed, funds permitting. The Police Department will review the plan for security recommendations.

**MOTION: Mrs. Lancaster moved, Mr. Cornwell seconded and motion carried 3-0 to accept and authorize the Mayor to execute the Florida Department of Environmental Protection Florida Recreation Development Assistance Program Project Agreement for the Palmetto Estuary Preserve, Phase III, Project F08113, in an amount not to exceed \$200,000.**

7. RESOLUTION NO. 07-28

Resolution No. 07-28 establishes the budget for the \$200,000 Estuary Park FRDAP grant.

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, Ms. Cornwell seconded and motion carried 3-0 to adopt Resolution No. 07-28.**

8. APPROVAL: FRDAP GRANT APPLICATION

Mrs. Lukowiak requested authorization to apply for a \$50,000 non-matching FRDAP grant for the installation of a restroom at Riverside Park West near the Fishing Pier. After discussion regarding placement of the restroom, Commission directed that it be placed at the middle point of the bridge.

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-0 to authorize the application for a \$50,000 non-matching Florida Department of Protection FRDAP Grant.**

9. ATTAINABLE HOUSING ANNUAL UPDATE 2007

The attainable housing ordinance, 06-892 adopted July 24, 2006, requires annual updated estimates for the median household income and maximum attainable housing unit sales price. City Commission must approve any changes to the values.

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-0 to approve, as required by the Attainable Housing Ordinance, the estimate for eligible attainable housing maximum household income of \$75,744 and the maximum attainable housing unit sales price estimate of \$201,600.**

10. RESOLUTION NO. 07-29

Authorization to execute supplemental agreements for FDOT's Local Agency Program (LAP) for the landscape and maintenance of medians between DeSoto Bridge and 7<sup>th</sup> St. at US 41 and signalization of 7<sup>th</sup> Street at US 41.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE EXECUTION OF LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENTS TO PROVIDE FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION'S PARTICIPATION IN THE CITY OF PALMETTO'S LANDSCAPING PROJECT ON US 41/ 301 FROM 7<sup>TH</sup> STREET TO THE NORTH END OF DESOTO BRIDGE, AND FOR THE SIGNALIZATION OF 7<sup>TH</sup> STREET AT US 41.

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-0 to adopt Resolution No. 07-29.**

11. STREET LIGHT INSTALLATION

Installation of eight street lights on 21<sup>st</sup> St. W. and four lights and one pole on 3<sup>rd</sup> St. Drive.

**MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 3-0 to approve the installation of street lights at 21<sup>st</sup> St. W. and 3<sup>rd</sup> St. Drive, in an amount not to exceed \$3,200.**

12. RESOLUTION NO. 07-31

Resolution No. 07-31 amends the CRA budget to fund the lease payments for capital equipment previously budgeted in the Parks and Sewer departments.

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: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-0 to adopt Resolution No. 07-31**

13. DISCUSSION: TREE ORDINANCE FEE SCHEDULE DRAFT RESOLUTION

Commission discussed the proposed resolution setting forth fees associated with tree removals, and made no changes. The resolution will be submitted for adoption the date of the public hearing for Ordinance No. 07-940.

14. 1<sup>st</sup> READ & ADVERTISING APPROVAL: ORDINANCE NO. 07-940

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING CHAPTER 7, ARTICLE 1 OF THE CITY CODE OF ORDINANCES BY ADDING SECTION 7-2, PERTAINING TO BUILDING PERMITS; AMENDING SECTIONS 7-218 AND 7-224 OF THE CITY CODE OF ORDINANCES CONCERNING TREE REMOVAL; AMENDING IN ITS ENTIRETY SECTION 7-225 OF THE CITY CODE OF ORDINANCES, PERTAINING TO ENFORCEMENT; AMENDING CHAPTER 7, ARTICLE X OF THE CITY CODE OF ORDINANCES BY ADDING SECTION 7-226, PERTAINING TO REPLACEMENT OF TREES AND CASH PAYMENT IN LIEU THEREOF; AMENDING CHAPTER 7, ARTICLE X OF THE CITY CODE OF ORDINANCES BY ADDING SECTION 7-227, PERTAINING TO ENFORCEMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 3-0 to approve Ordinance No. 07-940 for advertising and schedule a public hearing for August 20, 2007.

15. DEPARTMENT HEADS' COMMENTS

Mr. Lukowiak

Informed Commission a "reportable event" occurred at the wastewater treatment plant on Friday and Saturday. The plant was offline approximately one hour each day to clear pipes leading to the clarifier.

Stated that when his department is discussed during a budget workshop, he will request that the Sign Tech position be added back to his budget.

Mr. Freeman

Informed Commission he had distributed a credit card on-line payment update.

Mrs. Lukowiak

Reported the Tennis Camp had received \$3,000 in payment and \$3,000 in scholarship funds. There was not enough interest in basketball. Inquiries were made regarding a tennis league; CRA will advertise to see if there is enough community interest to pursue the formation of a league.

16. MAYOR'S REPORT

FLOC is next Wednesday through Sunday. Mayor Bustle stated there will again be a Commission and Department Head breakfast on Sunday morning.

17. COMMISSIONERS' COMMENTS

Mr. Williams

Referring to the democracy coalition, Mr. Williams proposed Commission authorize the Mayor to speak on behalf of the City. Mayor Bustle stated it will take a statewide effort to defeat the issue.

Referring to the recent MPO award of the CMS intersection projects, he requested that when items of this type are brought forward for Commission review they should be accompanied by a conceptual drawing.

Regarding the status of 7<sup>th</sup> Street signalization, Mr. Lukowiak stated he will meet with DOT Wednesday. He stated he believes the traffic count is sufficient to warrant the signal going live, but the problem is a left turn assumption has to be submitted. The meeting will determine what assumptions will be used for the signalization. Mr. Lukowiak stated his belief that if agreement on

the assumptions is not reached FDOT will not authorize the light until the 7<sup>th</sup> Street extension to Haben Blvd. is completed.

Regarding the electronic sign at the Civic Center that was not permitted, a meeting has been scheduled with Manatee County. Mayor Bustle stated he and Mr. Lukowiak had met with Mr. Hunzaker and submitted a list of eleven items that need to be addressed, of which the sign is one.

Regarding the utility on-line payments, Mr. Williams requested a figure of how much it is costing the city to operate the program. Mr. Freeman stated he will propose a waiver of the \$2 convenience fee that currently supports the program when the Customer Service budget is reviewed. Mr. Williams suggested the City may need to consider putting self-addressed envelopes in the water bills.

Mrs. Lancaster

Informed Mr. Freeman she is not receiving his emails.

Ms. Cornwell

School begins August 20, 2007. Chief Lowe stated his department is prepared to assist.

Reminded Commission Thursday is shirt day at the FLOC conference.

Meeting adjourned at 9:00 pm.

Minutes approved: August 20, 2007



James R. Freeman  
City Clerk