

Palmetto City Commission and  
September 24, 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  
Chief Garry Lowe  
Chris Lukowiak, Public Works Director  
Michele Hall, Attorney  
Karen Simpson, Finance Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:02 pm, followed by a moment of silence for overseas military personnel and the Pledge of Allegiance to the United States Flag.

All persons planning to address Commission were sworn in.

**PUBLIC COMMENT:**

Kerry Ward of Wachovia Bank informed Commission Manatee School of the Arts will be approaching the City concerning another bond issue to fund improvements to the school - \$3.5 million in 2007 and \$3 million in 2008. He reiterated the fact the City faces no liability in this type of bond issue, and the Strand vs. Escambia County case has no impact on this type of bond financing.

Jonathan L. Davis, representing residents of 24<sup>th</sup> Ave W, presented a petition opposing the eight foot sidewalk being constructed through their neighborhood. Also speaking in opposition to the sidewalk were Pastor Greg Burgess, Jason Niles and Travis Longpre. Reasons cited for their opposition were:

- Lack of notice to directly affected property owner or residents of the area
- Potential flooding
- Potential increase of thefts
- Potential for citations because of the inability to park without vehicles extending into the sidewalk
- Impact to existing trees
- Lack of lighting

Grants Coordinator Tanya Lukowiak explained the project is part of the Trails and Greenways grant funding and the project, once finished, will connect Hydrant Park out to Snead Island, via trails. She cited the noticing the City performed to meet legal requirements. She also confirmed no private property had been taken, construction of the trail is occurring only in the City's right-of-way. After discussing the issue, Commission directed staff to schedule a meeting with residents of the area so they can understand the full origin of the project and review the plan. Mayor Bustle stated the City would try to work with the residents of the area on the issues they have brought forward.

1. AGENDA APPROVAL

**MOTION:** Mrs. Lancaster moved and Ms. Cornwell seconded to approve the September 24, 2007 7:00 PM agenda.

Mr. Williams suggested the public hearing for the dock ordinance should be moved forward to item #3. Commission concurred.

**Motion on the floor, with the amendment to the order of the agenda, carried 5-0.**

2. CONSENT AGENDA

- A. Minutes: September 10, 2007
- B) August Check Register
- C) SPF: Manatee County Animal Services

**MOTION:** Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the September 24, 2007 Consent Agenda.

3. PUBLIC HEARING: ORDINANCE NO. 07-946

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO CHAPTER 10 BY CREATION OF AN ARTICLE V, PERTAINING TO DOCK CONSTRUCTION; PROVIDING A STATEMENT OF INTENT AND APPLICABILITY; PROVIDING DEFINITIONS; PROVIDING BUILDING OFFICIAL-DUTIES AND POWERS; CLARIFYING THE STATUS OF PRIOR PERMITS AND CONSTRUCTION; PROVIDING FOR PERMITS AND EXCEPTIONS; PROVIDING APPLICATION PROCEDURES; PROVIDING FOR APPEALS FROM ACTIONS OR DECISIONS; PROVIDING FOR MAINTENANCE AND ABATEMENT OF HAZARDOUS CONDITIONS; PROVIDING FACTORS FOR EVALUATION OF PERMIT APPLICATIONS; PROVIDING FOR MOORING OF BOATS; PROVIDING FOR VARIANCES; PROVIDING FOR MODIFICATION AND PENALTIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing.

Bob Rickey commented on Sec. 10-106(1)(a) that would prohibit a dock and a set of davits on a seawall. Commission concurred it was intended that both uses be allowed on an individual lot provided the required setbacks were met, and instructed staff to make the minor change to the ordinance.

Mayor Bustle closed the public hearing.

**MOTION:** Mrs. Lancaster moved, Ms. Cornwell seconded to adopt Ordinance No. 07-946.

Discussion: Ms. Varnadore commented on the fact boathouses and roofed structures were not allowed in the canals and should not be allowed on the river. Mayor Bustle explained the ordinance does not affect **boathouses** in the river, as other agencies grant the permit; the City's ordinance requires a permit so the Building Department can confirm the structural integrity of docks.

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

**4. PUBLIC HEARING – ORDINANCE NO. 07-944**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA ADOPTING THE EVALUATION AND APPRAISAL REPORT FOR THE CITY OF PALMETTO COMPREHENSIVE PLAN; STATING THE INTENT OF THE CITY COMMISSION TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT; APPROVING TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

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

**MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 07-944.**

**5. PUBLIC HEARING: ORDINANCE NO. 07-947**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA PROVIDING FOR AMENDMENT OF CHAPTER 17, ARTICLE III OF THE CITY CODE OF ORDINANCES, PERTAINING TO FLOOD HAZARD REDUCTION; PROVIDING FOR MINIMUM FLOOR ELEVATIONS IN AREAS WITH BASE FLOOD DATA; PROVIDING FOR REGULATION OF RESIDENTIAL AND COMMERCIAL CONSTRUCTION IN COASTAL HIGH HAZARD AREAS (V-ZONES); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**MOTION: Mr. Ball moved, Ms. Cornwell seconded to adopt Ordinance No. 07-947.**

Discussion: Mr. Williams inquired if the velocity zone maps had been forwarded to Commission as requested in the previous discussion of the ordinance. Staff will ensure the maps are supplied. Attorney Hall opined there is an error in the minutes of the meeting, as they did not contain the discussion on the proposed ordinance, and the boat dock discussion listed under the topic was in the wrong place. Staff will consult the tape of the meeting and note any needed correction to the minutes. Commission took no action to correct the minutes as approved under the Consent Agenda.

**Motion on the floor carried 5-0.**

**6. RESOLUTION NO. 07-37**

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. Varnadore moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Resolution No. 07-37.**

**7. STORMWATER SRF LOAN AMENDMENT #1**

Mr. Freeman explained the proposed amendment will close out the 1999 Stormwater SRF loan and re-amortize the amount that was drawn. All projects were completed in 2004 or before. Mrs. Simpson confirmed the loan has already received DEP review, and the only outstanding requirement is a specific audit.

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the State Revolving Fund Amendment 1 to Loan Agreement SW120863010.**

**8. 1<sup>st</sup> READING & ADVERTISING APPROVAL: ORDINANCE NO. 07-950**

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 29, ARTICLE VII, OF THE CITY CODE OF ORDINANCES, PERTAINING TO THE CITY STORMWATER MANAGEMENT SYSTEM; PROVIDING A METHODOLOGY FOR THE CALCULATION OF STORMWATER MANAGEMENT FEES FOR RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES; PROVIDING FOR THE DETERMINATION OF IMPERVIOUS AREA; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; 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. 07-950 for advertising and schedule a public hearing October 15, 2007.**

**9. 1<sup>st</sup> READING & ADVERTISING APPROVAL: ORDINANCE NO. 07-949**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES, HOUSING, BY PROVIDING FOR ADOPTION BY REFERENCE OF CERTAIN SECTIONS THE INTERNATIONAL PROPERTY MAINTENANCE CODE, EDITION, 2006; ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES WITHIN THE CITY; PROVIDING AN EXEMPTION FOR CERTAIN STRUCTURES OF HISTORICAL SIGNIFICANCE; PROVIDING FOR FINDINGS OF FACT; PROVIDING INSTRUCTIONS IN THE EVENT OF CONFLICTING PROVISIONS; PROVIDING FOR APPLICABILITY; 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. 07-949 for advertising and schedule a public hearing October 15, 2007.**

**10. DEPARTMENT HEADS' COMMENTS**

**Mr. Lukowiak**

Discussed the possibility of purchasing a reverse 911 system with a block of 10,000 minutes (which will cover one incident) for approximately \$5,000. Mr. Lukowiak will research to determine if FEMA will reimburse the City in the event of a weather event.

Advised Commission he will remove the 7<sup>th</sup> Street extension project from the CIP. Mrs. Lukowiak has identified a possible funding source but, the project will not qualify if it is on the CIP. Commission did not object.

Informed Commission the City owns all the land for the Jackson Park project and Westra Construction is ready to begin the project. Manatee County's representative in the project has stated that the project must be bid if the county participates in the funding of the project. Mr.

Lukowiak stated his quotes are from 2005-2006 contracts, and he fears the cost of the project may escalate. He is negotiating with the county to use Westra's piggy-back contract so the project will not be delayed while waiting for 17<sup>th</sup> Street project to begin. Stating his desire to complete the project as soon as possible, he informed Commission City funding is available to complete the project and then the county can be billed. Mr. Lukowiak confirmed there is no written approval for the Jackson Park project from the county commission. After discussing the issue, the majority of Commission concurred with proceeding with the project.

Mr. Freeman

Agendas may be delayed because of the short week between meetings.

Chief Lowe

No report.

Mrs. Lukowiak

The sales office for Palmetto Town Center will open Tuesday.

The final draft of the school concurrency report will be on the October 1, 2007 workshop agenda. Mr. Lukowiak will advise Commission the correct date of the Council of Governments meeting.

Attorney Hall

Referring to the Strand v. Escambia case, the Supreme Court granted the motions. FLOC will have oral argument on October 9, 2007.

11. MAYOR'S REPORT

Updated Commission on what the news commentator reported on the referendum amendment.

Reported he will be in Naples Thursday through Sunday for the Chamber of Commerce retreat.

12. COMMISSIONERS' COMMENTS

Ms. Varnadore

No report.

Mr. Bustle

Staff confirmed the new cemetery mirror has been ordered, and a reconfigured step-down in the cemetery fence will cost approximately \$1,500.

Opined the telemetry meters may be advantageous and considered phasing them in. He requested the topic be brought back to a workshop.

Mrs. Lancaster

Advised Commission the problems around Groover's Market are escalating. Chief Lowe and Mayor Bustle discussed the steps the City has taken to alleviate the problem. Mayor Bustle suggested a petition of surrounding residents may draw attention to the problem. Commission briefly discussed the involuntary annexation process.

Mr. Ball

Referring to involuntary annexation, he stated he would like to see the City's border in that area as 17<sup>th</sup> Street. Attorney Hall will research the involuntary annexation statutes.

Ms. Cornwell

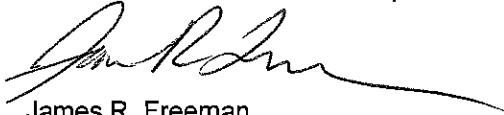
Suggested IT should update the City's website to include a "What's Happening" area for the residents to access.

Palmetto High School's football team is currently undefeated. She suggested that announcing the team's record on an electric sign as the season progresses would be positive recognition of their efforts.

Regarding existing sign issues, Mr. Lukowiak informed Commission McDonald's has hired a lobbyist, Riverside Plaza is waiting to hear from the property owner before turning on its sign and the City will delay a decision on the Civic Center sign in the City's right-of-way until after the meeting with the county administrator.

Meeting adjourned at 8:55 pm.

Minutes approved: Minutes corrected October 15, 2007, by replacing "dock" with "boathouses" in the discussion portion of item #3.

A handwritten signature in black ink, appearing to read 'James R. Freeman', with a long horizontal flourish extending to the right.

James R. Freeman  
City Clerk