

Palmetto City Commission
October 1, 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
Chris Lukowiak, Public Works Director
Chief Garry Lowe
Tanya Lukowiak, CRA Executive Director
Bob Schmitt, Interim City Planner
Michele Hall, City Attorney
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:00 pm. Pastor Mark Cotignola, Palmetto Assembly, gave an invocation, followed by the Pledge of Allegiance.

1. AGENDA APPROVAL

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve the October 1, 2007 7:00 PM agenda.

2. CONSENT AGENDA

A) Minutes: Commission 7:00 meeting of September 10 and September 17, 2007 meetings
B) Dye, Deitrich, Petruff & St. Paul litigation billing through August 31, 2007

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the October 1, 2007 Consent Agenda.

3. PUBLIC HEARING – FINAL MILLAGE RATE AND FINAL FISCAL YEAR 2008 BUDGET

Mayor Bustle opened the public hearing for the final millage rate and final Fiscal Year 2007-2008 Budget adoption.

Mayor Bustle discussed the proposed 2007-2008 operating millage of 4.6662 mills, which is 9% less than the roll-back rate of 5.1277. The 5.1277 millage would have provided the same revenue as the previous year. The 4.6662 millage is the rate requested by the state legislature. He announced the City of Palmetto has no voted debt service millage.

The tentative FY2007-2008 budget of the City is a total of \$36,003,564, of which the General Fund consists of \$12,090,878; the balance of the budget is allocated to the City's various funds.

Mayor Bustle invited comments from the public. After no public comment, Mayor Bustle closed the public hearing.

A) RESOLUTION NO. 07-38

Resolution No. 07-38 was read in its entirety.

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF PALMETTO FOR FISCAL YEAR 2007-2008; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 07-38.

B) RESOLUTION NO. 07-39

Resolution No. 07-39 was read in its entirety.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2007-2008; MAKING APPROPRIATION OF MUNICIPAL FUNDS AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 07-39.

4. PUBLIC HEARING: ORDINANCE 07-937

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 (AN0706 – Forristall Development, Inc. PID #1012000004, approximately 0.87 acres).

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. 07-937.

5. PUBLIC HEARING: ORDINANCE NO. 07-938

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 IH – INDUSTRIAL HEAVY (COUNTY), TO HCOMIND – HEAVY COMMERCIAL/LIGHT INDUSTRIAL (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Forristall Development, Inc. PA0706, PID # 1012000004, approximately 0.87 acres).

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

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to adopt Ordinance No. 07-938.

6. PUBLIC HEARING: ORDINANCE NO. 07-939

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 HM, HEAVY MANUFACTURING, (COUNTY) TO CHI, COMMERCIAL HEAVY/LIGHT INDUSTRIAL (CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0706, Forristall Development, Inc. PID #1012000004, approximately 0.87 acres).

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

MOTION: Mr. Ball moved and Mrs. Lancaster seconded to adopt Ordinance No. 07-939.

Discussion: Mr. Schmitt confirmed that the proposed site plan contains no provision for alcohol on the premises, all uses would have to adhere to ordinances of the City, and any future alcohol sale or consumption would require a liquor license, which he must review for approval.

Motion on the floor carried 5-0.

7. PUBLIC HEARING: ORDINANCE NO. 07-941

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 (AN0705 – Diocese of Venice, PID #2421900059, approximately 6.9 acres).

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

MOTIN: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Ordinance No. 07-941.

8. PUBLIC HEARING: ORDINANCE NO. 07-942

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 RES-9 – RESIDENTIAL 9 UNITS PER ACRE (COUNTY), TO – RES-10, RESIDENTIAL 10 UNITS PER ACRE (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (The Diocese of Venice PA0705, PID # 2421900059, approximately 6.9 acres).

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

MOTION: Ms. Cornwell moved and Mrs. Lancaster seconded to approve Ordinance No. 07-942.

Discussion: Mr. Schmitt confirmed that this property is outside the perimeter of the Design Guidelines.

Motion on the floor carried 5-0

9. PUBLIC HEARING: ORDINANCE NO. 07-943

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 A-1, SUBURBAN AGRICULTURE, (COUNTY) TO RM-5, DUPLEX AND SINGLE FAMILY RESIDENTIAL (CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0705, Diocese of Venice, PID #2421900059, approximately 6.9 acres).

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

MOTION: Ms. Cornwell moved and Mr. Ball seconded to adopt Ordinance No. 07-943.

Discussion: Mr. Schmitt explained churches are permitted in every zoning category in the City. When staff considered the proper category to assign the property, the proposed designation was the most logical. He confirmed the church has been built and there is no proposed redevelopment for the site.

Motion on the floor carried 5-0.

10. APPROVAL: 2008 CAPITAL IMPROVEMENT PLAN

Mr. Lukowiak confirmed the proposed 2008 Capital Improvement Plan reflects the reallocation of the 7th Street project throughout the Plan, as discussed at the September 24, 2007 final CIP presentation. He further stated the reallocation does not have any impact on the proposed loan and its debt service.

MOTION: Mr. Ball moved and Mrs. Lancaster seconded to approve the 2008 Capital Improvement Plan in an amount not to exceed \$8,499,000 and authorize staff to negotiate a new bank loan not to exceed \$5,337,000.

Discussion: Mr. Freeman confirmed the proposed \$5,337,000 loan and its debt service was loaded into the budget, and would be brought back to Commission for approval and authorization to execute the loan documents. Mr. Lukowiak discussed the projects questioned by Commission and then confirmed all contracts relating to the proposed projects will also be brought to Commission for approval and authorization to execute before beginning any project.

Motion on the floor carried 5-0.

11. RESOLUTION NO. 07-40

A RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT RENEWAL FOR HIGHWAY MAINTENANCE WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mr. Ball moved and Ms. Cornwell seconded to adopt Resolution No. 07-40.

Discussion: Mr. Lukowiak explained that FDOT sets the reimbursement amount for the maintenance work performed by the City, which in his opinion is less than what it actually costs the City. He confirmed Mr. Seger had negotiated the reimbursement amount, after which FDOT

did increase the amount by approximately \$3,000. Mr. Lukowiak will monitor the issue and bring the topic back if FDOT reimbursement continues to decline.

Motion on the floor carried 5-0.

12. APPROVAL: GRENNE & SCHERMER LETTER OF ENGAGEMENT

MOTION: Ms. Varnadore moved, Mr. Ball seconded and motion carried 4-1 to approve Greene & Schermer as legal counsel, limited to the purpose of foreclosure of city liens, at an hourly rate of \$150 plus costs incidental to representation. Ms. Cornwell voted no.

13. 1st READING & ADVERTISING APPROVAL: ORDINANCE NO. 07-951

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA AMENDING THE CITY CODE OF ORDINANCES PERTAINING TO OCCUPATIONAL LICENSES; PROVIDING FOR REPLACEMENT OF THE TERMS "OCCUPATIONAL LICENSE TAX" AND "OCCUPATIONAL LICENSE FEE" WITH "LOCAL BUSINESS TAX", AND THE TERM "OCCUPATIONAL LICENSE" WITH "LOCAL BUSINESS TAX RECEIPT," THROUGHOUT THE CITY'S CODE OF ORDINANCES; PROVIDING FOR AMENDMENT OF CHAPTER 19, ARTICLE II OF THE CITY CODE OF ORDINANCES ; PROVIDING FOR PAYMENT OF LOCAL BUSINESS TAX AND ISSUANCE OF A RECEIPT; PROVIDING FOR A DETERMINATION OF CLASSIFICATION; PROVIDING FOR A TERM AND EXPIRATION DATE; PROVIDING FOR POSTING OF BUSINESS TAX RECEIPT; PROVIDING FOR TRANSFER AND CHANGE OF OWNERSHIP OF BUSINESS; PROVIDING FOR REVOCATION OF BUSINESS TAX RECEIPT; PROVIDING FOR APPROVAL OF ZONING AND BUSINESS DEPARTMENTS; PROVIDING FOR PROCESSING AND REGULATORY FEES; PROVIDING FOR APPEAL; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING A SCHEDULE OF LOCAL BUSINESS TAX AMOUNTS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 07-951 for advertising and schedule a public hearing for October 15, 2007.

14. 1st READING & ADVERTISING APPROVAL: ORDINANCE NO. 07-952

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT, TO BE KNOWN AS THE SANCTUARY COVE COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 07-952 for advertising and schedule a public hearing for October 15, 2007.

15. DEPARTMENT HEADS' COMMENTS

Attorney Hall

Confirmed that Commission had received the memo on the Numont case, relating to changes made to an ordinance after first reading.

Informed Commission the Supreme Court, on its own, issued a clarified decision on the Strand case. The original decision does not apply to existing bonds or participation agreements. It is still not clear if CRA's will be able to incur future debt.

Chief Lowe

A suspect was apprehended in the burglaries occurring at the Mobil station.

Mr. Freeman

Announced that pursuant to the master utility ordinance, the City's sewer and reclaim water rates will increase 6% and 3%, respectively. Additionally, Manatee County has increased the wholesale water rate to \$1.38 /1,000 gallons, an 8% increase, and the solid waste tipping fees will increase \$3 per ton. Mr. Freeman further informed Commission the Waste Management 2.5% CPI increase is scheduled for April and staff is currently negotiating with the firm to see if the CPI increase can be combined at this time so the City doesn't have to raise fees again in April. Mr. Lukowiak discussed the success of contracting out the solid waste service. The Monday holiday schedule is still an item of discussion with Waste Management. He also informed Commission Waste Management may request a fuel surcharge increase, which has not been requested during the last four years. Commission requested a list of all user fees that will be increased during the budget year.

Manatee School for the Arts will be on the October 15, 2007 agenda.

Mr. Lukowiak

The median on 10th Street from 8th to 7th Avenue will be constructed to return the street to two-way traffic. FDOT has not requested any funds for the construction.

Attorney Hall

Suggested the City should consider retaining bond counsel should the City participate in the Manatee School for the Arts bond issue.

16. MAYOR'S REPORT

Reported on the recent Chamber of Commerce retreat.

17. COMMISSIONERS' COMMENTS

Ms. Varnadore

Mr. Freeman estimated that with all the previously discussed fee increases, the average water bill will increase approximately 8%.

Mrs. Lukowiak updated Commission on the 24th Avenue project. The flooding issue is being researched by Westra to correct the problem. There is one family that has no apron, which will also be corrected during the project. A meeting will be scheduled for the community.

Mrs. Lukowiak informed Commission there is difficulty in making the Riverside Dr. sign operational. The applicant is aware of the permit's timeframe.

The Palmetto Elementary School location will be discussed at the meeting with Dr. Dearing.

There is no update on the Jackson Park Interlocal agreement. Points of interest are being exchanged between City staff and county staff.

Mr. Williams

Complimented Chief Lowe on the burglary arrest.

Inquired if staff will be able to enforce issues related to the adoption of the dock ordinance. Mr. Lukowiak stated the Bailey issue is being researched; other issues are being settled between neighbors.

Referring to the building next to City Hall, Mr. Lukowiak stated the Fawley Bryant study will be revisited, to make sure it would be a feasible location for a city center. Mr. Free is compiling several funding options for Mr. Freeman's review.

Reported lawn maintenance is needed at the Palmetto Guest Home location.

Mrs. Lancaster

Mr. Freeman discussed the backflow program and the cost to each homeowner. Mrs. Lancaster commented on the homeowners that do not have the backflow preventer device who have been paying for the program for four years.

Mr. Ball

No comment.

Ms. Cornwell

The Christmas lights have been purchased and stored.

Discussed the county's action regarding the Blackstone Park pool and her opinion the City should aggressively pursue the topic. Mayor Bustle stated that at this point he is not sure he can recommend the City pick up 1/3 of the pool's operational cost estimate of \$500,000 per year. He reminded Commission other jurisdictions do not have to pay for county recreational facilities. Ms. Cornwell stated City presence should be at every county commission to bring the pool topic forward. She opined this is a safety/welfare issue, as previous school surveys supported. She suggested it could benefit the cause to see if Dr. Dearing would allow the survey to once again be done in the local schools.


Complimented Chief Lowe on the visibility of police vehicles throughout the neighborhoods. Referencing the police vehicle take home policy, she then requested Chief Lowe provide the following information:

- How many cars have been called from home for emergency duty?
- How much gas city is incurring for cars outside the city limits, and what is the cost?
- How many officers live in the city as opposed as to how many outside the city?
- Have there been any accidents that have occurred traveling home for off-duty officers?
- Has maintenance improved and is better care of the vehicles being taken?

Commission concurred with Ms. Cornwell's request.

Meeting adjourned at 8:30 pm.

Minutes approved: October 15, 2007


James R. Freeman
City Clerk