

Palmetto City Commission  
October 15, 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  
Tanya Lukowiak, CRA Executive Director  
Deputy Chief Mike Mayer  
Bob Schmitt, Planning Supervisor/Zoning Administrator  
Frank Woodard, Deputy Director of Engineering & Special Projects  
Michele Hall, City Attorney  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:02 pm. A moment of silence was observed for our military men and women serving all over the world, followed by the Pledge of Allegiance.

Commission **Tamara Cornwell** read a proclamation declaring October 18, 2007 as Lights on After School day in the City.

Persons planning to address Commission were sworn in.

1. AGENDA APPROVAL

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the October 15, 2007 7:00 pm agenda.**

2. CONSENT AGENDA

- A) Minutes: September 24 and October 1, 2007
- B) September Check Register
- C) Special Function Permit: Southeastern Guide Dogs Walkathon
- D) Special Permit Exception to Noise Ordinance: Evelia Ramirez event

Commission removed the September 24, 2007 7:00 pm minutes, and items C and D from the Consent Agenda.

**MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve the Consent Agenda, as amended.**

Ms. Varnadore requested that the September 24, 2007 minutes be corrected to reflect that the boat dock ordinance does affect boathouses in the river, rather than the minutes' statement that the ordinance does not affect docks in the river. After discussion, Commission concurred that page two of the minutes should be corrected to read "the ordinance does not affect boathouses in the river".

**MOTION: Ms. Varnadore moved, Mr. Williams seconded and motion carried 5-0 to approve the September 24, 2007 7:00 pm minutes, as amended.**

C) Special Function Permit for Southeastern Guide Dogs Walkathon

Mr. Lukowiak confirmed the City incurs no expense for the event, off-duty police officers are hired by the organization for security. Staff also confirmed the insurance for the event would be obtained prior to the event.

**MOTION: Ms. Cornwell moved, Mr. Ball seconded and motion carried 5-0 to approve the Special Function Permit for the Southeastern Guide Dogs Walkathon.**

D) Special Permit Exception to Noise Ordinance: Evelia Ramirez event

Evelia Ramirez informed Commission the hours of the event had been changed from 6 pm to 1:00 am to 7:00 pm to 12:00 am. She also confirmed that Taylor & Fulton Packinghouse has approved the event being held on its property.

**MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the Special Permit Exception to the Noise Ordinance for December 31, 2007.**

Mr. Williams suggested that item #7 be moved forward on the agenda to #4. Commission concurred.

3. RESOLUTION NO. 07-42

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; ESTABLISHING AND PROVIDING A SCHEDULE OF FEES; SUPERSEDING RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Ms. Varnadore moved and Mrs. Lancaster seconded to adopt Resolution No. 07-42.**

Discussion: Mr. Williams questioned the advertising costs for annexations. Mr. Schmitt informed Commission he had consulted Mr. Lukowiak about placing the revision of the fee schedule as a high priority. He stated the resolution is only being revised by the addition of the Community Development District (CDD) fees. Attorney Hall requested that an annotation be placed under the CDD section of the fee schedule that reflects professional consulting services are included in the fee. Mr. Freeman explained the CDD was established using comparative analysis from other jurisdictions. Mr. Lukowiak stated the fee schedule would be brought back to Commission in the near future with recommended changes.

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

4. PUBLIC HEARING: 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.

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

**MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to adopt Ordinance No. 07-952.**

5. PUBLIC HEARING: 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 OF 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 FOR 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.

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 4-1 to adopt Ordinance No. 07-949. Mr. Williams voted no.**

6. PUBLIC HEARING: 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.

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

Mr. Freeman informed Commission of the following minor amendments to the ordinance:

Section 29-207(a) and (b): The stated dated should be October 1, 2010 not 2011. Mr. Freeman confirmed the rate schedule is not affected by this change.

Section 29-207(d) will be deleted in its entirety because it refers to ERU's which are no longer applicable; calculation is based on actual impervious area. The remainder of the ordinance will be renumbered accordingly.

**MOTION: Mr. Ball moved and Mrs. Lancaster seconded to adopt Ordinance No. 07-950, as amended.**

Discussion: Ms. Varnadore inquired if anyone in the City qualified for a 100% credit mitigation for a private system. Mr. Freeman stated the operation and maintenance (O&M) portion of the credit mitigation is only 50%. Andy Burnham, Burton & Associates, confirmed Mr. Freeman's statement and further explained that if someone qualified for a 100% credit, it would only be for 50% of the fee.

Mr. Freeman explained the CPI 2.5% index was added for consistency with the City's other master utility fees, and is automatic unless Commission decides otherwise (each October when the other utility user fees are adjusted). Mr. Burnham confirmed the CPI figures will be incorporated into the final report.

Ms. Cornwell inquired how the mitigation credit will be calculated. Mr. Freeman explained the process that is available to customers each January. Mr. Burnham further stated the calculation of the credit is an implementation process; the customer would receive a percentage credit toward the O&M portion of the fee, because both the fee and the O&M portion changes on an annual basis. Mr. Lukowiak opined the City will be able to monitor changes to the mitigation credits through building permits, but he stated he would follow-up on procedures to ensure accurate monitoring of the issued credits. Mr. Freeman confirmed the credit procedure would be implemented based on this discussion. Mr. Burnham also stated JEA has provided different options from which the City may choose, to assist in developing guidelines for the credit award. Mr. Freeman confirmed mitigation forms have been created.

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

**6. PUBLIC HEARING: 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.

Attorney Hall requested the public hearing be continued to November 19, 2007 to allow staff the time to further clarify the procedure for the Equity Commission's review and adjustment of rates.

Mayor Bustle opened the public hearing.

**MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 07-951 to November 19, 2007.**

**8. APPROVAL: CRA PURCHASE OF 200 11<sup>TH</sup> ST. DR. W.**

Approval of the CRA purchase of 200 11<sup>th</sup> St. Dr. W., as discussed during the joint budget meeting with Commission. Mrs. Lukowiak confirmed the property is vacant.

**MOTION: Mr. Ball moved, Mrs. Williams seconded and motion carried 5-0 to approve and authorize CRA to purchase property at 200 11<sup>th</sup> St. Dr. W., in an amount not to exceed \$36,000 plus closing costs.**

Mayor Bustle recognized the presence of School Board Member Bob Gause.

**9. WASTEWATER TREATMENT PLANT (WWTP) UPGRADES & LIFT STATION REPAIRS**

Ray Daiuto of Veolia Water informed Commission JEA is close to final design for the return activated sludge project at the wastewater treatment (WWTP), which will increase capacity to 2.4. In addition to that project, staff is recommending certain upgrades to the plant. Mr. Daiuto and

Matt Bloom, Stormwater Manager, reviewed each proposed project and the necessity for the upgrades.

**MOTION:** Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the 2008 CIP Wastewater Treatment Plant upgrades and return activated sludge pump project, in an amount not to exceed \$650,600, City project #07-547.

10. APPROVAL: ACCEPTANCE OF JURISDICTIONAL TRANSFER OF 11<sup>th</sup> ST. CT. W.  
As part of the Pelican Bay development, Manatee County will transfer of jurisdiction of 11<sup>th</sup> St. Ct. W. to the City.

**MOTION:** Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Agreement between the County of Manatee, Florida, and the City of Palmetto, Florida, for the Transfer of Jurisdiction of Certain Public Roads, for 11<sup>th</sup> Street Court, West.

11. RESOLUTION NO. 07-43

Resolution authorizing execution of the CSX Pipeline Crossing Agreement for the expansion of water and sewer utilities along Canal Road from 12<sup>th</sup> St. E. to 17<sup>th</sup> St. E. and westerly on 17<sup>th</sup> St. E. to 15<sup>th</sup> Ave. Dr. E., a section of which crosses CSX property. CSX has identified the crossing location as Valuation Station 2209+60, Milepost SW-869.82.

Ms. Varnadore questioned the budget impact, which the point paper lists only at \$2,250, when the resolution and agreement specifically refers to an application fee of \$4,000. Mr. Woodward explained the \$2,250 contained in the point paper is for liability insurance the City must furnish for the project. Mr. Lukowiak confirmed the \$4,000 is a one-time application fee, which has already been paid by the US 301 utility project.

**MOTION:** Mr. Ball moved and Mrs. Lancaster seconded and motion carried 4-1 to adopt Resolution No. 07-43, City project #06-534. Ms. Varnadore voted no.

12. CONTRACT APPROVAL: WESTRA CONSTRUCTION JACKSON PARK PROJECT

Mr. Lukowiak stated the item is the approval of a piggyback contract for the construction of the Jackson Park stormwater retention project.

**MOTION:** Mr. Ball moved, Mrs. Lancaster seconded to approve and authorize the Mayor to execute the Westra Construction Corporation contract for the Jackson Park improvements, based on the unit prices competitively bid and awarded to the Sarasota County Bahia Vista, City of Clearwater Beachwalk, County of Manatee 57<sup>th</sup> Avenue and Sarasota County Area C contracts, in an amount not to exceed \$550,000, City project #03-369.

Discussion: Attorney Hall confirmed the City now owns the property, under a quick take and by order of the court. Ms. Varnadore referred to the Interlocal agreement with Manatee County and a previous statement in the minutes that inferred the county would not participate if the project is not bid. Mr. Lukowiak discussed his opinion on why a county staff person made a statement requiring that the project be bid. Mr. Lukowiak stated there is not a defined cost to the project, but the Interlocal agreement with county states their portion is \$350,000, but should the project exceed \$700,000 negotiation with the county will ensue. Attorney Hall referred to past conversations with county personnel wherein a commitment on the county's behalf was made for one-half the cost of the total project. Mr. Lukowiak also discussed that by piggy-backing on an existing, properly bid contract, the City could potentially realize a substantial savings on the project.

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

13. RESOLUTION NO. 07-41

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, SUPPORTING PASSAGE OF FLORIDA SENATE JOINT RESOLUTION 436.

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 07-41.**

14. WWTP CAPACITY RE-RATE STUDY AND PERMIT RENEWAL (C. Lukowiak) (TAB 16)  
Jones Edmunds & Associates (JEA) Work Assignment #4 to perform a re-rate study, preparation of a Capacity Re-Rate Report and concurrent engineering services for renewal of the WWTP FDEP operation permit.

**MOTION: Ms. Cornwell moved and Mr. Ball seconded to approve and authorize the Mayor to execute Jones Edmunds & Associates, Inc. Work Assignment #4, for the WWTP Capacity Re-Rate Study and Permit Renewal, in an amount not to exceed \$106,950, City project #07-562.**

Discussion: Mr. Williams requested that in the future items that are required, such as the permit, be separated. He stated his discomfort in voting for the Re-Rate Study because it has not previously come to Commission.

**Motion on the floor carried 4-1. Mr. Williams voted no.**

15. DEPARTMENT HEADS' COMMENTS

Mr. Schmitt

Reported on the Riverside Plaza sign.

Mr. Lukowiak

Commented on the recent article on the Notice of Violation for the WWTP. He summarized the number of reported violations, most of which the City reported.

Mr. Freeman

Requested the Commissioners short list the City co-sponsored events.

Deputy Chief Mayer

Informed Commission the Police Department's annual report would be presented November 5, 2007.

A location for the next neighborhood cookout is being sought.

Attorney Hall

She has placed a memo on involuntary annexation in Commissioners' mailboxes.

Requested a shade meeting for November 5, 2007 at 6:00 pm to discuss the Heagerty litigation strategy. She requested Commission contact her concerning the case.

16. MAYOR'S REPORT

Reported Manasota League of Cities is developing a list of legislative priorities, which includes the City's. Commission will be provided the list at its completion.

Reported the Council of Governments meeting has been rescheduled for November 7, 2007, at which time the Interlocal agreement with the School Board will be discussed.

The Hometown Democracy is still an issue, and if approved by the voters, its passage could ultimately compromise the present form of representational democracy.

Reported he has viewed the sidewalks on 24<sup>th</sup> Avenue and along 10<sup>th</sup> Street and it is looking very good.

He has received a complaint about the lighting on 21<sup>st</sup> Street. Commission has previously responded to complaints about the lack of lighting on the street.

Reported the fire department was called to the Goldome building during the meeting break, and they found only a problem with escaping Freon.

#### 17. COMMISSIONERS' COMMENTS

##### Ms. Cornwell

Reported the PHS Tigers remain undefeated and requested the electronic sign be utilized on the route the opposing team will use to enter the City.

Commented on the Scott building's new painting and inquired the status of attempts to bring the building to code. Mr. Lukowiak state he will visit the building and report back to Commission.

##### Mr. Ball

No report.

##### Mrs. Lancaster

Requested Mr. Lukowiak call her regarding the Check Register's entry for payment to the United Methodist Church.

Complimented CRA on the job done in Ward 1.

Thanked Code Enforcement for removing the carpet off the ground. Mr. Schmitt stated he had visited the location, but it had been cleaned up at the time of his visit. He acknowledged plants remain at the location, but after viewing other locations selling vegetable and citrus at the site, he stated he has approached the issue with the intent to clean and screen the property. Mrs. Lancaster affirmed her position on the site and its operation as a nursery, stating that if an occupation license is required, the occupant must be made to comply, just as any other person not in compliance with the code should be made to comply. Mr. Schmitt will revisit the topic and report back to Commission.

##### Mr. Williams

Reported the curbing at 3<sup>rd</sup> St. Dr. and 4<sup>th</sup> Street has worsened since Mr. Lukowiak's visit.

Mr. Schmitt reported on the annexation north of town. Mr. Schmitt informed Commission he has met with the property owner, after which he believes the property owner has come to the realization the property cannot be used for its present purpose. He further reported he has spoken with the previous owner, who may take back ownership of the property because the present use cannot continue. Mr. Schmitt estimate action on the property will be taken within 60 days.

Reported on the high number of work trailers, boats without cars and cars parked in the wrong direction on City streets. Mayor Bustle suggested the City should wait to address the issue until the on-street parking plan has been finalized by Commission.

Requested the Suspense Log be placed on the November 5, 2007 agenda so items can be prioritized.

Ms. Varnadore

Mayor Bustle confirmed the cemetery fence will be handled administratively.

Referring to the letter received on the aquatic center, she inquired if there will be a workshop on the item. Mayor Bustle confirmed the item has been removed from the county's CIP. Mayor Bustle again stated he could not recommend the City pay even 1/3 of the cost to maintain the center.

Inquired if there is an update on Palmetto Elementary. School Board Member Gause reported the initial property is not a suitable site; there are diligent attempts by the school district to acquire a different site from Manatee Fruit Company that may require coordination between the School Board, Manatee Fruit Company and the City.

Meeting adjourned at 9:05 pm.

Minutes approved:           Corrected November 5, 2007 to reflect correct commissioner reading the proclamation.



James R. Freeman  
City Clerk