

Palmetto City Commission
November 19, 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
Lt. Craig Himes
Michele Hall, City Attorney
Frank Woodard, Deputy Director of Engineering & Special Projects
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:00 pm. A moment of silence was observed for our military men and women, followed by the Pledge of Allegiance.

Swearing-in of all persons speaking to Commission.

PUBLIC COMMENT: No public comment.

ORDER OF BUSINESS:

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the November 19, 2007 7:00 PM agenda with the inclusion of the CMS presentation from the 4:00 agenda.

2. CONSENT AGENDA

- A) Minutes: October 15, 2007
- B) Special Function Permit: LaFamilia Cristiana
- C) Dye, Deitrich, Petruff & St. Paul billing through October 31, 2007

Mr. Freeman informed Commission the applicant has withdrawn the Special Function Permit application.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the November 19, 2007 Consent Agenda, with the removal of item B.

3. PUBLIC HEARING: ORDINANCE 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.

Mayor Bustle reopened public hearing continued from October 15, 2007. Attorney Hall informed Commission staff has additional changes it wishes to include in the new ordinance that will permit the City to take advantage of recently enacted legislation and requested Commission retire this ordinance.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to retire Ordinance No. 07-951.

4. APPROVAL: REVISED TRANSFER OF JURISDICTION OF CERTAIN PUBLIC ROADS

Mr. Woodard informed Commission county staff has requested that the transfer of jurisdiction agreement approved October 15, 2007 be revised to remove the language stating an enclave will not be created upon the transfer of jurisdiction to the City for 11th St. Ct. W. (The agreement will also be amended to reflect the correct address as west rather than east.)

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to revoke the City's approval of the agreement dated October 15, 2007 and approve the revised Agreement Between the County of Manatee, Florida, and the City of Palmetto, Florida, for the Transfer of Jurisdiction of Certain Public Roads, for 11th St. Ct. W.

5. APPROVAL: 13TH STREET DRAINAGE PROJECT

Work Assignment for City Engineer Giffels-Webster Engineers, Inc. (GWE) to perform the final design, permitting and construction services for the approved CIP project for stormwater improvements to a portion of 13th St. W. near the wastewater treatment plant.

MOTION: Mr. Ball moved and Ms. Cornwell seconded to approve and authorize the Mayor to execute Giffels-Webster Engineers, Inc. Work Assignment #3, for 13th Street Drainage, Project #07-568, in an amount not to exceed \$87,145.

Discussion: Ms. Varnadore questioned the projected cost of the project and if the work assignment would have to be redone if the project is not completed in the near future. Mr. Lukowiak estimated the cost would be approximately \$600,000, based on current projections, but funding would be finalized when construction of the project is scheduled. Mr. Freeman confirmed funding for the engineering is currently in place. John Cole, GWE, informed Commission the

work assignment is for a survey and hard design of the infrastructure, and would be useable even if the project is not completed in the next five to ten years. Ms. Cornwell requested an update on all engineers.

Motion on the floor carried 5-0

6. 2008 HOLIDAY AND COMMISSION MEETING SCHEDULE

Proposed 2008 City holiday schedule and City Commission meeting schedule. Mr. Freeman informed Commission the point paper contained the incorrect date for the second January meeting; it should read January 22, 2008.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the 2008 Holiday and City Commission meeting schedules as corrected.

7. CITY HALL INDOOR AIR QUALITY TESTING

Proposal from JEA to supervise an indoor air quality test for the City Hall facility.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to authorize JEA to perform an indoor air quality test at the City Hall facility, in an amount not to exceed \$3,372.50.

8. PRESENTATION: MPO FUNDED TRANSPORTATION PROJECTS

Mr. Lukowiak presented Commission an updated report on the currently funded MPO transportation projects. The presentation included funding amounts for projects out to fiscal year 2012, together with some conceptual drawings.

8. DEPARTMENT HEADS' COMMENTS

Attorney Hall

The Motion for Summary Judgment in the Thornton case has been argued. A decision will be made in the next several weeks.

Referring to Heagarty litigation, the property owner has now decided he is not in favor of the proposed settlement. Mr. Lukowiak read a letter from the property owner, informed Commission what the property owner is now requesting and then discussed several options he is considering. Attorney Hall will call for another shade meeting if it becomes necessary. Commission commented on the property's new appearance.

Referring to the three foreclosures forwarded to Attorney Shermer, Commission gave consensus to proceed with filing.

Requested Commission's permission to bring forward an ordinance not included on the Suspense Log, to amend the Code for street parking to include areas where parking is restricted by permit only. Commission concurred.

Mr. Freeman

Reported the stormwater rate updates have been delayed, as he is still validating the information before the implementation.

Mr. Lukowiak

Invited Commission to the Employee Appreciation picnic on Wednesday, November 21, 2007, in Sutton Park.

Mr. Schmitt

Requested comments from Commission concerning the operational Riverside Plaza electronic sign.

Meetings are being scheduled for December to seek input from the business community regarding the new sign ordinance. Postings, door hangers and press releases will be utilized to advertise the meeting dates.

Mrs. Lukowiak

Because of the unresolved Strand decision, the fact CRA is unable to fund a large project without issuing debt. Utilizing the funds in the priority project list, the CRA Board discussed the purchase of a long-arm tractor for the stormwater crew. A savings of approximately \$50,000 will be realized if the tractor is purchased before January. The CRA Board also considered moving forward with the engineering for Phase II of the Ward I project, by drawing the balance of the \$600,000 loan through Bank of America, as well as partnering with CEDC in the Central CRA. The CEDC is a non-profit organization that assists small businesses. Participation in the program will amount to \$65,000, which will ensure the organization's presence two days a week in Palmetto. A budget amendment to reallocate the funds will be brought forward at a future meeting.

9. MAYOR'S REPORT

Reported on the public meeting he attended at Palmetto High School concerning the School Board's plan for Palmetto Elementary. Currently the proposed site for a new school is close to 23rd Street, West. A Lab/Magnet School is still being considered for the current downtown site, which will serve socio-economic concerns.

December 19 and January 16, 2008 are the next scheduled Council of Governments meeting.

Reported on the special MPO meeting, where a transportation specialist from Atlanta discussed perspectives of funding projects by leveraging debt and a transponder system that will calculate users' transportation times and places, and then charge the user through gas taxes at the gas pump.

10. COMMISSIONERS' COMMENTS

Ms. Varnadore

No report.

Mr. Williams

Mr. Lukowiak confirmed staff is working on the wastewater treatment plant cleaning.

Inquired if Mayor Bustle intended to extend department head's appointments. Mayor Bustle stated the topics will be brought forward at the December 3, 2007 meeting.

Mrs. Lancaster

Manatee Opportunity Council has changed its name to Manatee Action Agency. She reported that as a result of misinformation provided to the Board and the overspending that has occurred, approximately 47 individuals have been laid off for up to six weeks. She stated the agency is requesting any donations be made to Head Start.

Inquired why the Sawdust Joe sign has not been removed from the site where the demolished building was located. Mr. Lukowiak stated he will address the issue.

Mr. Ball

Commented on the holiday events being planned, stating it is a great time of the year to be in Palmetto.

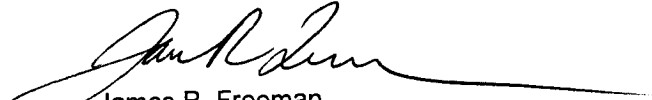
Reported he will be out of town for a week over the Thanksgiving holiday.

Ms. Cornwell

Manatee Fair is January 17 – 27, 2008. The VIP Reception for the Manatee County Distinguished Citizen of the Year is scheduled for January 16 at 6:00 pm.

Meeting adjourned at 8:20 pm.

Minutes approved: December 3, 2007


James R. Freeman
City Clerk