

Palmetto City Commission
December 3, 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: Kerry Ward, Wachovia Bank, spoke to Commission concerning the proposed Manatee School for the Arts bond. He related the outstanding \$5 million could not be grandfathered as hoped. A resolution authorizing the bond issuance with the City's support will be presented to Commission December 17, 2007.

1. AGENDA APPROVAL

MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 5-0 to approve the December 3, 2007 7:00 PM agenda.

2. CONSENT AGENDA

Ms. Cornwell removed the Vintage Wheels Car Show Special Function Permit

A) Minutes: November 19, 2007

B) Special Function Permit: Vintage Wheels Car Show
North River Care Pregnancy Center Walk for Life

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the December 3, 2007 Consent Agenda as amended.

Ms. Cornwell referred to a past experience with the Club's event and the sprinkler system in Sutton Park. She requested that staff obtain the Club's written acknowledgment that they will be responsible for any repairs to the system which they cause. Staff confirmed that the insurance will be provided to the City ten days prior to the event.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the Vintage Wheels Car Show Special Function Permit, with the stipulation discussed.

3. PUBLIC HEARING: CONDITIONAL USE PERMIT CU0703

Manatee Civic Center Message Sign conditional use permit for an existing electronic message sign.

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

Discussion: Staff reviewed the circumstances surrounding the installation of the sign. Elliott Falicone, manager of the Civic Center, apologized that proper procedures in obtaining the necessary permits were not followed, and explained that the company hired to retro-fit the sign never pulled the required permit. He was not aware of the issue until Mr. Lukowiak brought it to his attention. He also explained the retro-fit changed only the lighting system; the remainder of the sign fits the same footprint. Mr. Schmitt confirmed the county has verified the sign is not within the right-of-way. Mr. Ball disclosed he attended the Planning and Zoning Board meeting. Mr. Schmitt stated that in the commercial and industrial category, the maximum square footage for signage is the same; the public category doesn't state a size. He confirmed the sign is in compliance with the current code.

It was consensus of Commission to attach the following stipulations to the Conditional Use Permit:

1. Except in the case of emergency or public service messages, the sign shall not be illuminated between the hours of 11 pm and 6 am.
2. Except in the case of emergency or public service messages, messages shall be limited to advertisement of events held at the Manatee County Civic Center.
3. The sign may be used by the City of Palmetto to identify public service messages and emergencies

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-1 to approve Manatee County Civic Center Conditional Use Permit #CU0703, modified by stipulations as discussed. Mr. Williams voted no.

4. RESOLUTION NO. 07-47

Budget amendment for the indoor air quality testing of City Hall.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 07-39, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2007-2008, AND PROVIDING FOR AN EFFECTIVE DATE.

Commission requested that staff identify any guidelines or mandates the City must follow if it is determined repairs to the building or air-conditioning system are necessary.

MOTION: Mr. Ball moved, Ms. Varnadore seconded and motion carried 5-0 to adopt Resolution No. 07-47.

5. APPROVAL: ONECO CONCRETE & ASPHALT WORK ASSIGNMENTS

Approval of Work Assignment #2 to repair the catch basin at 9th and 16th and Assignment #3 to install sidewalks in Jackson Park, under the master contract approved by Commission on November 5, 2007.

MOTION: Mr. Ball moved and Ms. Cornwell seconded to approve and authorize the Mayor to execute Oneco Concrete & Asphalt Work Assignment #2, in an amount not to exceed \$16,939.50, and Work Assignment #3 in an amount not to exceed \$45,086, Job #07-573.

Discussion: Staff confirmed the sidewalks in Jackson Park were being installed on the street side where there would be less intrusion, but it would be necessary to remove twelve trees to complete the project. Mr. Lukowiak informed Commission there could be additional expense if driveways have to be repaired. Mr. Bloom stated the catch basin being installed below ground would support traffic.

Motion on the floor carried 5-0

6. CITY CO-SPONSORED EVENTS

Mr. Freeman stated staff recommends approval of the fourteen previously agreed upon by Commission, plus six of the remaining nine undecided events, for a total of twenty City co-sponsored events. In addition to the events staff recommends approval of the proposed guidelines to be considered by City Commission when evaluating applications for co-sponsorship.

MOTION: Mr. Ball moved to approve the Co-sponsorship Evaluation Guidelines as identified in Exhibit C of the agenda packet. Ms. Cornwell seconded.

MOTION: Mr. Ball moved to remove item #1.

Discussion: Mr. Ball stated his belief it does not matter if an applicant is a not for profit entity, as long as it meets the rest of the guidelines.

Mr. Williams seconded the motion to amend the motion on the floor. Motion carried 4-1. Ms. Cornwell voted no.

Citing items 10 and 11, Mr. Ball stated they both referred to a benefit to the community and he did believe it mattered if the benefit to the community was economic.

MOTION: Mr. Ball moved to amend item #10 to delete the word "economic".

Discussion: Mr. Ball stated that item 10 is a speculation on the benefit to the community and the benefit in item 11 is based on previous history.

Ms. Varnadore seconded and the motion to amend the motion on the floor carried 5-0.

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

MOTION: Mr. Ball moved to approve the list of co-sponsored events identified as #1 - #14 on Exhibit A of the agenda packet, for FY2008. Ms. Varnadore seconded for discussion.

Discussion ensued on the list of proposed co-sponsored events. Each Commissioner voiced their opinions on why the City should or should not co-sponsor events. Mayor Bustle reminded

them that if the events were not approved, each organization would have to approach Commission about their events, even though some had occurred in the City for many years. Mayor Bustle called for a vote on the motion on the floor.

Motion on the floor failed by a 3-2 vote; Ms. Cornwell, Mrs. Lancaster, Mr. Williams voting no and Mr. Ball and Ms. Varnadore voting yes.

Mayor Bustle reminded staff that a resolution disencumbering funds included in the budget for events that have not yet been approved should be presented to Commission.

7. SUTTON PARK PLAYGROUND EQUIPMENT UPGRADE

Upgrade to the Sutton Park playground equipment to provide ADA accessibility.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the ADA accessibility upgrades to Sutton Park playground equipment by Oneco Concrete and Asphalt, Inc., in an amount not to exceed \$2,160 and Little Tikes Playgrounds, in an amount not to exceed \$1,648, Job #04-385.

8. APPROVAL: RENEWAL OF HEALTH INSURANCE BENEFITS

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the health insurance plan offered by Atlas Financial, Inc., utilizing Meritain as the third party provider and Sun Life as the reinsurance subsidy, for the period January 2008 to September 2008.

Ms. Varnadore requested a monthly report on the insurance reserve account and that the departmental tracking of dependent coverage is implemented.

9. CITY ATTORNEY CONTRACT RENEWAL

MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 5-0 to reappoint Michele S. Hall as City Attorney for a period of one year, ending on the commission meeting January 5, 2009.

10. DEPARTMENT HEAD APPOINTMENT EXTENSION

MOTION: Ms. Varnadore moved and Ms. Cornwell seconded to extend the terms of City Clerk Jim Freeman, Chief of Police Garry Lowe and Public Works Director Chris Lukowiak, until the commission meeting January 5, 2009.

Prior to the vote being completed, Mr. Lukowiak requested that he be removed from the list and be allowed to stay in the current term of his contract. Attorney Hall confirmed the appointment could be viewed as a contract and the motion could be amended prior to the vote.

MOTION: Mr. Ball moved and Ms. Cornwell seconded to remove Mr. Lukowiak from the motion on the floor. Motion carried 4-1, with Mr. Williams voting no.

11. DEPARTMENT HEADS' COMMENTS

Mr. Schmitt
No report.

Mr. Lukowiak

In response to Commission's request, Mr. Lukowiak informed them the cost to lay a reclaim water line on Canal Road through the Industrial Park and north to Canal Road would cost \$280,000. To extend the line the entire length of Canal would be an additional \$107,000, for a total project cost of \$387,000. Two businesses on Canal Road can use the reclaim in the production of their products, rather than potable water, which may assist the City in obtaining grant funds from Southwest Florida Water Management District (SWFWMD). The City would have to bear the cost of the project, with a future grant reimbursement from SWFWMD. Also informed Commission he is still working with Bradenton on the joint project for reclaimed water.

Informed Commission lift station #5 is failing and temporary repairs, that will extend the life of the station for approximately one year, will cost \$15,500. Funding for the repair will be taken from the CIP approved WWTP line item.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the funds for the project as discussed.

Mr. Freeman

Florida League of Cities written information and DVD on its opposition to the property tax referendum will be placed in Commission's mailboxes. Mr. Freeman stated he will place the material on the City's web site.

Discussed recent events surrounding the State Board of Administration's recently frozen short-term investment fund. The City's has invested \$2.1 million, earning 5.5%, which are not used to meet operational needs. He also reported the City has invested \$2.7 million (Trailer Park Trust Fund) and an additional \$600,000 with Florida League of Cities. Ms. Cornwell requested information concerning when and why the City invested in the SBA fund.

Chief Lowe

Reported the 2007 Property & Evidence Report confirms all items are accounted for.

Attorney Hall

Thanked Commission for her re-appointment.

Reported she had attended a two-day seminar aimed at risk allocation. Reported two small changes have been made regarding special event insurance requirements.

12. MAYOR'S REPORT

Wednesday, December 5 at 2:00 pm is the Alice Myers Room dedication at the Palmetto Branch Library.

The Hometown Democracy move is still underway. Requested to be made aware of any petition takers Commission is aware of, as out-of-town petition takers have been hired to approach citizens. Floridians for Better Development is diligently trying to educate the public about the consequences on cities should the referendum pass.

Commented on the request from the Clerk of the Court regarding the letter of support for the Cortez Maritime Museum. Commission authorized the Mayor to send the letter of support to the Florida Department of State Historical Resources.

Mayor Bustle referred to the letter from the county administrator concerning the paintball operation at the landfill. Mayor Bustle stated that at this time he is not recommending the City take control of the landfill permit; the county has the responsibility of the active closure permit

until 2014, at which time FDEP will review the permit. Mayor Bustle stated that at a joint meeting with county personnel, it was agreed to proceed with a minor technical modification to the permit through FDEP to allow the paintball operation to proceed, which, he understands, FDEP had no comment on the modification. Mayor Bustle also reported it is the county administrator's position to turn the permit over to the City. The county spends \$76,000 a year to maintain the permit, which the county says they will give the City to assume the permit. Mayor Bustle stated there is question as to the definition of "closure", as well as the unknowns at the site. Commission authorized the Mayor to rebut the letter

Reported Commission's questions have been provided to Jim Free for forwarding to CSX.

13. COMMISSIONERS' COMMENTS

Ms. Cornwell

Commented on the letter from Mr. Alvarez regarding polygraph services. Chief Lowe informed Commission Mr. Alvarez has resigned from the police force and opened his own business. The department currently receives free polygraph services.

Confirmed the next Council of Governments meeting is December 19, at 4:00 at the Public Safety Building. Mr. Lukowiak will forward the email containing the meeting's time and location.

Mr. Ball

Inquired the status of the proposal for reuse submitted to Riviera Dune's Homeowner's Association. Mr. Lukowiak stated a draft scope of services is ready for staff's review. He further reported the project will be a SWFWMD grant the City will pursue.

Mr. Lukowiak stated the City is waiting on the county's approval to move the sewer line in the Jackson Park project, which should be within the next two weeks. Manatee County is paying the entire amount to move the sewer line.

Commented on the Celebration of Lights event, where he volunteered in the School House.

Mrs. Lancaster

Told the department heads and CRA executive director that she has been very pleased with their performance and hopes they are the only ones she has to work with. She stated there are procedures in place for reappointments and if they are going to change, it should be by policy.

Mr. Williams

Mr. Lukowiak informed Commission the vacant project manager position will not be filled until after January.

Chief Lowe suggested Commissioners should individually speak with him if there are any questions concerning the vehicle report.

Thanked Deanna Roberts for the preparation that went into the event planned acknowledging the Mayor and Mrs. Bustle's 50th wedding anniversary.

Voiced his personal opinion on the department head reappointment topic.

Ms. Varnadore

Voiced her personal opinion on the department head reappointment topic.

Attorney Hall estimated the Thornton Summary Judgment decision may take up to a month.

Mr. Lukowiak stated there is not yet an Interlocal Agreement on Jackson Park.

Mr. Williams responded to Ms. Varnadore's comments regarding the department head reappointment. Mayor Bustle also discussed the advantage of stability in the transition period a new mayor faces.

Mayor Bustle advised Commission the Manatee Legislative Delegation will hold a meeting 9:00 tomorrow morning at the new Senior Enrichment Center where they will listen to legislative priorities.

14. PUBLIC COMMENT

Dave Kraner, Manatee School for the Arts Chairman of the Board, thanked the Commission for the confidence the City had in a new public charter school on the north side of the river. He spoke of the school's ranking in the county. Requested that the City notify Wachovia Bank of what the City will need in funding next year, regarding the amount the school can borrow in 2008.

Meeting adjourned at 9:15 pm.

Minutes approved: December 17, 2007



James R. Freeman
City Clerk