

Palmetto City Commission
February 4, 2008 7:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor
Eric Ball, Commissioner
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Brian Williams, Commissioner

Elected Official Absent:

Tambra Varnadore, Vice Mayor

Staff and Others Present:

James R. Freeman, City Clerk
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Tanya Lukowiak, CRA Executive Director
Michele Hall, City Attorney
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:05 p.m., followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

Mayor Bustle announced that Ms. Varnadore was absent from the meeting because of illness.

Swearing-in of all persons speaking to Commission.

Public Comment: Carolyn Bartlett-Richman requested that Commission consider the repaving of 10th Avenue between 6th Street and 10th Street West.

1. AGENDA APPROVAL

Mayor Bustle announced that item #8 had been considered at the 4:00 meeting and would be removed from the agenda. Mr. Schmitt requested that items #10 and #11 be removed, as they would be amended. Mr. Ball requested that item #7 be removed until his questions could be fully answered.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 4-0 to approve the February 4, 2008 7:00 pm agenda, with the deletion of items 7, 8, 10 and 11.

2. CONSENT AGENDA

A) Minutes: January 22, 2008
B) January Check Register

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the February 4, 2008 Consent Agenda.

3. FARMERS MARKET SPECIAL FUNCTION PERMIT

Mr. Lukowiak reported staff had addressed the questions raised by Commission at the previous review of the topic. The Palmetto High School Flea Market school representative has indicated the Farmer's Market should not be an issue for the school's monthly event. Staff is proposing the following as in-kind services for a three-month trial period:

- Waiver of the rental for Riverside Park West for three months (\$220 per day);
- 6-yard roll behind dumpster at no charge (Waste Management does not charge the City to dispose of the debris for these dumpsters);
- Banner display (\$25 per week)

Mr. Kevin Lindbloom confirmed he will bear the expense of an Occupational License. He also stated he will have the necessary insurance in place before the event, once he determines how the business will be registered. Attorney Hall advised that if approved, it should be conditional on the insurance being applicable to the appropriate entity, as the application was signed by Mr. Lindbloom as an individual.

Mr. Williams estimated the expenses for the three-month period to be \$3,000 and stated his belief the amount was high for the City to absorb, as the City does not do this for other new businesses unless the start-up fees are funded by CRA.

Mr. Seger confirmed that the public's access to the park, bridge, and boat ramp will not be hindered. He also confirmed that during his tenure with the City the park has never been rented; the City has never absorbed the cost of displaying a banner for a for-profit business; a for-profit business has never been set up on the message board, parking will not be affected and the protestors will not be affected.

Discussion ensued on the City setting a precedent if it provided the requested waivers. Ms. Cornwell voiced no opposition, except for the waiver of the banner fees. Mr. Ball stated he supported the event, but shared concern regarding the signage and the precedent issue. Ms. Hall opined the City has the right on a case-by-case basis to determine what benefits the public as a whole and it is appropriate for Commission to waive fees once that determination has been made.

Mrs. Lukowiak stated that because the event is to be held in the CRA district, she can bring the topic to the CRA Board for approval to pay the fees, but the CRA Board would then be setting the precedent. Mr. Williams opined it is within the CRA's purview to pay the start-up fees for a business rather than the City paying the fees. He suggested the CRA pay the City the estimated expenses. Mrs. Lukowiak stated there are no expenses to be paid, as the support being requested are in-kind services. Mayor Bustle stated the issue is not a business being started, but a City function that will bring people to the downtown area.

MOTION: Mr. Ball moved and Mrs. Lancaster seconded to approve the Farmer's Market Special Function Permit. Mr. Ball and Mrs. Lancaster voted yes; Ms. Cornwell and Mr. Williams voted no. Motion failed.

Mrs. Lukowiak stated she would ask the CRA Board for the sponsorship next Wednesday. Mr. Williams again opined it is appropriate for the CRA to fund the expenses. Attorney Hall suggested that if the event would have been approved without the fees, a motion to reconsider could be made and approval granted upon the consideration the CRA pay the fees.

MOTION: Ms. Cornwell moved, Mr. Ball seconded and motion carried 4-0 to reconsider the Farmer's Market Special Function Permit.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the Lindbloom Farmer's Market Special Function Permit upon approval by the CRA Board to fund all of the fees.

4. AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING

Mr. Schmitt informed Commission this is the final draft of the agreement that has been previously reviewed and commented on by Commission. The major concerns Commission voiced in Section 9 of the agreement have been negotiated and amended to the fullest extent possible.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded to approve and authorize the Mayor to execute the Amended and Restated Interlocal Agreement for Public School Facility Planning.

Discussion: Referring to the verbiage relating to school site selection and the City's recourse, Attorney Hall informed Commission that elsewhere in the document, a provision is made that the School Board has to notify the City within 60 days prior to putting a site under contract. This allows the School Board to purchase and hold the property.

Motion on the floor carried 4-0.

5. RESOLUTION NO. 08-03

Support of Florida League of Cities legislative priorities.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2008 LEGISLATIVE SESSION.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 4-0 to adopt Resolution No. 08-03, with the correct date of February 4, 2008.

6. MOVIE IN THE PARK SPONSORSHIP

A) Approval of Bright House Networks' 2008 sponsorship of Movie in the Park.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the 2008 sponsorship of the Movie in the Park by Bright House Networks, in an amount of \$3,000.

B) Resolution No. 08-04 amends the budget to reflect the Movie in the Park sponsorship expense and revenue in the CRA budget.

RESOLUTION NO. 08-04

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.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Resolution No. 08-04.

7. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 08-959

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 21, SECTION 21-8 OF THE CITY CODE OF ORDINANCES PERTAINING TO THE TEMPORARY USE OF MOBILE HOMES AND MANUFACTURED BUILDINGS AS SALES OFFICES OR ON ACTIVE CONSTRUCTION SITES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 4-0 to approve Ordinance No. 08-959 for advertising and schedule a public hearing February 18, 2008.

8. DEPARTMENT HEADS' COMMENTS

Ms. Hall
No report

Chief Lowe
No report

Mr. Freeman

Informed Commission he is working with the property appraiser's office to assess the impact of Amendment 1. Preliminary estimates show a 6% impact. He explained that based on the assessed property values, the legislation allows the roll-back rate to actually be a roll-up rate (increase in millage rate) to collect the same amount of taxes collected. He explained the state mandated last year that the City had to go back to the 06-07 millage rate level plus an additional 9% reduction. It is not yet known if there will be any further mandates from the state. He will keep Commission informed of any information he receives.

Commented on the letter he has sent the county regarding the utility bills relating to Lincoln Park and the concession stand. He will keep Commission updated as receives information on the topic.

Mr. Lukowiak

Requested that the study on the parking garage/city center be put on hold. Commission concurred.

The first invoice to Manatee County for the Jackson Park stormwater project is being prepared. The first bill is for \$324,000; Manatee County will be asked to pay one-half. He stated they have budgeted only \$300,000, but he expects it to be \$425,000 for each entity.

Reported the quote for 7th Avenue is \$12,068. Reported a traffic study showed 100 cars per day use 7th Avenue vs. 5,000 per day for 10th Avenue. He discussed the projects and the costs between the two streets. Mr. Lukowiak was asked to bring the topic back to Commission, and include the scope for the four projects that were approved January 22, 2008.

Parks budgeted \$10,600 for utilities at the Historic Park, and estimates show the utilities will be close to \$20,000. The topic will be discussed at the monthly meeting with representatives from the Palmetto Historic Commission. Ms. Cornwell reminded Commission that when assistance to the Ag Museum was granted, it was not intended to be forever. Ms. Cornwell opined the county has not assisted with Lincoln Park and it should now contribute. Mr. Williams opined Manatee County is subsidizing an entire salary for the Palmetto Historic Commission. She suggested that at the least, a conservation program should be considered and implemented.

Mr. Schmitt

Informed Commission the trial period for the conditional use permit for the Riverside Plaza sign ends February 15, 2008. He reported he has received no complaints.

Mrs. Lukowiak

Reported that 416 of the 5,000 structures in the CRA district are valued at \$75,000 or less, the new homestead value. She estimates a reduction in revenue of \$130,000 - \$150,000.

Informed Commission the fair expenses came in \$2,000 under budget.

Emergency Management Preparedness Assistance program is accepting grant applications. She is working with police staff to also apply for a VOCA grant. Commission agreed to the grant applications.

Received funding for the fingerprint machine, but the cost has gone up \$5,000 since the award. The funding will pay for the machine but not all the education materials staff had planned to purchase with the grant funds.

9. MAYOR'S REPORT

A schedule is being prepared for the Commission, Mayor and Department Heads to meet with local mobile home parks.

Reported he and the Department Heads are trying to determine how the passage of Amendment 1 will affect the City. Staff is thinking about different ways to perform city jobs, i.e. how to more efficiently run the City while keeping the quality of life services. He stated that before beginning the budget process he would like to hold a well advertised meeting, under a well structured agenda, to receive suggestions from a broad spectrum of the public. Mr. Williams stated he would like the opportunity to discuss ideas at a workshop prior to any public meeting.

10. COMMISSIONERS' COMMENTS

Mr. Ball

Stated he will be attending the Florida Fly-In legislative event in Washington, DC.

Ms. Cornwell

February 20, 2008 is the next Council of Governments meeting. She read excerpts from March 18, 2002 minutes which noted Ms. Stein supported the pool in exchange for the City's support of the library issue. Ms. Cornwell opined the pool is a safety issue, not a recreational issue. She requested the number of people north of the river, less Palmetto. She discussed the reasons cited by the county for not funding the pool, stating the dog parks, pavilions and "nickel and dime" projects are not comparable to the life of a child. She stated she would like to know if there is reason a pool can be financially supported, why it is not. Mayor Bustle stated the pool was eliminated from the county's CIP budget through 2012 because there are no operational dollars. Mayor Bustle stated a letter is forthcoming to Commission regarding a project currently being funded by the county CIP. Ms. Cornwell and Mrs. Ponder reviewed the history of the new library. Mrs. Lancaster and Ms. Cornwell recalled the meeting where Commissioner Stein encouraged support of the pool because the City had been so cooperative with the county regarding the new library in Palmetto.

Mr. Williams

Mrs. Lukowiak confirmed the CDC will provide a quarterly report on their business conducted in Palmetto.

Chief Lowe confirmed he does not know the cost of a National Accreditation.

Mr. Williams referred to the memo from Mr. Lukowiak regarding the sign tech position, stating the position is not in the budget. Mr. Lukowiak reminded Commission that during the budget process the position was empty, but Commission approved \$25,000 for training an individual to complete the position's duties. Mr. Lukowiak informed Commission he was proposing the individual be placed in the sign tech position at the minimum entry level, which was a grade 107, resulting in a \$3,793 pay increase. The individual has received training from Manatee County and the City of Bradenton, and will finish Level 1 and Level 2 certification (two 2-day courses) by the end of March. Debate ensued between Mr. Williams and Mr. Lukowiak about the appropriateness of funding a position that was not included in the budget. Mr. Lukowiak assured Commission that of the \$25,000 that was approved for training, \$5,000 will be used to fund the pay increase and complete training. He further stated the individual's current Service Worker 1 position will remain vacant. At the conclusion of the discussion, Mr. Williams requested Mr. Lukowiak to send Commission a memo that the Service Worker 1 position would be removed from the budget. Mr. Lukowiak agreed to do so.

Mr. Williams commented on the letter Mayor Bustle addressed to Manatee County concerning the renaming of 17th Street to Martin Luther King Boulevard. Mrs. Lancaster recalled her opinion of the discussion of the topic at the January 22, 2008. Mr. Williams relayed comments from the businesses along 17th Street regarding the change in signage. Mayor Bustle clarified that 17th Street would remain on the street sign together with Martin Luther King.

Mr. Williams suggested that "consensus" among Commission needs to be defined. Mayor Bustle stated that as long as there was not opposition voiced on a topic, he considered he had received consensus.

Mrs. Lancaster

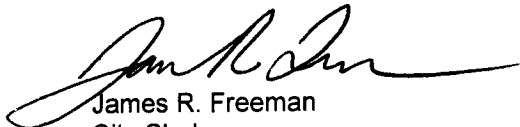
Inquired if a sign can remain on a property where there is not structure. Staff will research the topic and advise Commission of her findings.

Inquired if the mobile home parks are the only place Town Hall meetings will be held, stating the meetings should be planned to include different areas so all the senior citizens in the City can attend, if they choose. Mayor Bustle stated the meetings can be held wherever Commission wishes. Ms. Cornwell requested plenty of advance notice once the schedule has been finalized.

Inquired if the Mayor has received any further information on what could be done at Groover's Market. She commented that if individuals cannot be prosecuted under the existing ordinance, someone should inquire what has to be done to correct it so it can be upheld. Attorney Hall informed Commission that at the Mayor's request, she is in the process of researching extra-territorial enforcement. Chief Lowe confirmed the patrol has increased in the area.

Meeting adjourned at 9:00 p.m.

Minutes approved: February 18, 2008


James R. Freeman
City Clerk