

Palmetto City Commission
March 3, 2008
7:00 P.M.

Elected Officials Present:

Larry Bustle, Mayor
Tambra Varnadore, Vice Mayor
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Brian Williams, Commissioner

Elected Official Absent:

Eric Ball, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk
Chris Lukowiak, Public Works Director
Chief Garry Lowe
Tanya Lukowiak, CRA Executive Director
Michele Hall, City Attorney
Bob Schmitt, Planning Supervisor/Zoning Administrator
Karen Simpson, Deputy Clerk-Finance
Deanna Roberts, Administrative Assistant

Mayor Bustle called the meeting to order at 7:02 p.m. The invocation was given by Pastor Cory Brinson of the Spiritual House of Praise, followed by the Pledge of Allegiance.

All persons wishing to address Commission during the meeting were sworn in.

PUBLIC COMMENT

Shirley Groover Bryant, announced candidate for Mayor of the City of Palmetto, addressed Commission regarding Groover's Market located at the southeast corner of 17th Street and 2nd Avenue. She wanted to make it clear that the property had in fact been sold on January 22, 2008, and that she has never owned any part of the property. In a prepared statement she said that her family does not condone, nor have they ever condoned, the activity that has been described in the papers regarding drugs, drinking, etc. on this site.

1. AGENDA APPROVAL

MOTION: Commissioner Lancaster moved and Commissioner Cornwell seconded a motion to approve the March 3, 2008 7:00 PM agenda.

MOTION: Commissioner Williams asked to amend the motion to change the action request in Item #14 (Westra Contract) to say, "pending approval of the development agreement." Commissioner Cornwell agreed and the amended motion passed 4-0.

2. CONSENT AGENDA

- A) Minutes: February 18, 2008
- B) Noise Exception & Temporary Use Permit: El Molcajetes (Cinco de Mayo)
- C) Special Function Permit: Palmetto High Class of 98 Reunion
Spring Classic

Commissioner Cornwell requested that Items B and C be withdrawn from the Consent Agenda approval for discussion.

Motion: Commissioner Varnadore moved, Commissioner Lancaster seconded and the motion passed 4-0 to approve the February 18, 2008 minutes (item A on the Consent Agenda) with a change to show that Commissioner Varnadore was present at that meeting.

MOTION: Commissioner Lancaster moved, Commissioner Varnadore seconded and motion passed 4-0 to approve items B and C on the Consent Agenda.

3. SPECIAL FUNCTION PERMIT: JULY 4TH CELEBRATION (C. Lukowiak)

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion passed 4-0 to approve the July 4th Celebration Special Function Permit.

Following a discussion of proposed revenues and expenses, Mr. Lukowiak assured Commissioner Williams that the city will be in the black for the event. Commissioner Cornwell stated that she would like this event to become self-supporting except for the fireworks expenses; even to eventually exclude CRA and city funds for the event. Commissioner Williams asked Karen Simpson to provide him with a breakdown of last year's revenue and expenses. Commissioner Varnadore asked for frequent updates on the plans for the event.

4. SPECIAL FUNCTION PERMIT: KID'S FISHING TOURNAMENT

Submittal for approval of the city's co-sponsorship of the Kid's Fishing Tournament.

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion passed 4-0 to approve the Kid's Fishing Tournament Special Function Permit.

5. SPECIAL FUNCTION PERMIT: VFW 2488 EASTER EGG HUNT FOR PALMETTO ELEMENTARY SCHOOL) Submittal of the SFP for waiver of the park rental fees so VFW 2488 can host the annual Easter egg hunt for students at Palmetto Elementary.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion passed 4-0 to approve the VFW 2488 Easter Egg Hunt Special Function Permit.

6. SPECIAL FUNCTION PERMIT: GREAT PALMETTO CLEAN UP/MULTI-CULTURAL FESTIVAL

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion passed 4-0 to approve the Great Palmetto Clean Up/Multi-Cultural Festival Special Function Permit.

7. PUBLIC HEARING: ORDINANCE NO. 08-960

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 REPEAL OF CHAPTER 19, ARTICLE II OF THE CITY CODE OF ORDINANCES ; PROVIDING FOR ENACTMENT

OF A NEW CHAPTER 19, ARTICLE II; 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.

Mr. Freeman recommended the following amendments to the proposed ordinance:

Delete Sec. 19-46 because of its redundancy to Sec. 19-47

Within Sec. 19-47: a) Change all references to City Clerk to Building Department
 b) Change service fee to inspection fee
 c) Strike ...handling and processing the application...(line 4)

Commission concurred with Mr. Freeman's recommendation.

In addition, the Commission agreed thatin addition to the business tax set forth in the chapter... would be struck from line 1.

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

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion passed 4-0 to adopt Ordinance No. 08-960.

8. CRA BUDGET MODIFICATION

CRA budget modification to fund associated expenses for the three-month pilot of the Palmetto Farmer's Market.

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion passed 4-0 to approve the CRA budget modification for the Palmetto Farmer's Market three-month pilot program.

9. BEHAVIORAL HEALTH MANAGEMENT SERVICES, INC. d/b/a BAYCARE LIFE MANAGEMENT

Approval of the agreement for the Employee Assistance Program as part of medical benefits.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion passed 4-0 to approve and authorize the Mayor to execute the Behavioral Health Management Services, Inc. d/b/a Baycare Life Management contract in an estimated amount of \$2,666 for 2008.

Discussion: Commissioner Varnadore asked if background checks are done on all employees to see if they have drug or alcohol related issues. Mr. Freeman said the City, within the last year, began doing background checks on all new-hires. She followed up and asked if background checks were done for Parks employees specifically as they are out in the community and around children. Mr. Freeman said there is no policy requiring existing employees to go through background checks. Commissioner Williams commented that he thought it should be done, and Commissioner Varnadore asked for the costs related to doing background checks, specifically for employees out in the public. It was agreed that the subject would be discussed further under the Comments portion of the agenda.

10. APPOINTMENT: GENERAL EMPLOYEES' PENSION PLAN TRUSTEE

Proposal to fill the City Commission's appointment to the Board of Trustees of the General Employees' Pension Plan.

MOTION: **Commissioner Cornwell moved, Commissioner Williams seconded and motion passed 4-0 to approve the appointment of Jim Terry to the General Employees' Pension Plan Board of Trustees, for a term ending January, 2010.**

11. RESOLUTION NO. 08-07

Budget resolution to adjust the Department of Revenue's revenue estimates.

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: **Commissioner Lancaster moved, Commissioner Cornwell seconded and motion passed 4-0 to adopt Resolution No. 08-07.**

12. 1st READING & AVERTISING APPROVAL-ORDINANCE NO. 08-961

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A ZONING ATLAS AMEDMENT FOR MANATEE RIVER COMMUNITY BANK FROM RM-6 - MULTI-FAMILY RESIDENTIAL TO CG – BUSINESS AND LIGHT COMMERCIAL; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-07-08 Manatee River Community Bank, PID # 2780900003, approx. 0.42 acres).

MOTION: **Commissioner Lancaster moved, Commissioner Cornwell seconded and motion passed 4-0 to approve Ordinance No. 08-961 for advertising and schedule a public hearing March 17, 2008.**

13. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 08-962

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 CC – COMMERCIAL CORE TO PDMU – PLANNED DEVELOPMENT MULTI USE; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR A MULTI USE PROJECT DEPICTING 80 MULTI FAMILY UNITS, 21,840 SQUARE FEET OF COMMERCIAL/OFFICE, AND A PARKING GARAGE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-07-07/GDP-07-07), William L. Manfull & Heather Lee Cosgrove, PID #2747600050, approximately 1.93 acres).

MOTION: **Commissioner Lancaster moved, Commissioner Varnadore seconded and motion passed 3-0 to approve Ordinance No. 08-962 for advertising and schedule a public hearing March 17, 2008.**

Commissioner Cornwell was not present for this vote.

14. US 301 UTILITY EXPANSION LEG 4 (C. Lukowiak)

Proposal to extend city services along Canal Road from 12th St. E. to 17th St. E. and along US 301 from 19th Ave. E. to 750' east of the railroad. (Carried from 4:00 workshop meeting)

MOTION: Commissioner Lancaster moved to approve ZNS Engineering Change Order #3 in an amount not to exceed \$190,550, Job #04-396. The motion died for lack of a second.

Action Request: Motion to approve and authorize the Mayor to execute the Westra Construction Corporation contract based on the unit prices competitively bid and awarded in the Sarasota County Bahia Vista contract, Central Hillsborough County contract, City of Clearwater Beachwalk contract, State Road 25 (US 27) contract, Sarasota County Area C contract, Pinellas North County Reclaimed Water Transmission Main contract and North County Reclaimed Water Phase 2A contract, in an amount not to exceed \$275,000, Job #04-396.

No motion was made on the requested action.

15. DEPARTMENT HEADS' COMMENTS

Bob Schmitt
No comment.

Chris Lukowiak

Informed Commission that Florida Power and Light (FPL) will be cutting down trees in the city. Two are in the city right-of-way and the rest, approximately twenty-eight, are on private property. FPL will be approaching the property owners to remove the trees, as a main feeder line supplying electric to major users in the City (including Palmetto High School, Lincoln Middle School and the Waste Water Treatment Plant) may be compromised in the event of a hurricane. FPL is trying to be proactive. The City has no problem with its two trees. If any owner objects, FPL will just trim the tree and move on. They will begin within the next two weeks.

Asked if Commission had any questions regarding his email about Palmetto Elementary School. He will be back to Commission with more specifics. He has met with the Boys and Girls Clubs, Little League, Just for Girls and the School Board. He will send an updated design to Commission tomorrow. He wanted to make sure they were informed and okay with talks proceeding. The Boys and Girls Club is asking for an extension to their existing lease, so they can stay in the same building while their new facility is being built on the same property. That lease will be coming to Commission for approval soon. Mr. Bob Gause, School Board Commissioner, joined the discussion. Mr. Lukowiak said the School Board will be asking for a fifty year lease on the property.

Mr. Lukowiak asked that Commission reconsider Item #14 on tonight's agenda. Some engineering dollars have already been expended. Leg 4 is an annexed piece of property and at annexation the City agrees to provide utilities. Commissioner Varnadore said there is no timetable for providing utilities. Mr. Lukowiak said to approve both motions tonight would make it possible for both projects to come in \$485,000 under budget. Reclaimed water lines are not included in this project, as it would have cost an additional \$500,000. There is no real need for it to that location at this time.

Commissioner Williams said he feels the item needed more explanation and discussion.

Commissioner Varnadore said she has been on the record as not supporting this project because she thinks more projects need to be completed within the City core. She asked why if an item is not passed, it

comes up again for lengthy discussion during the same meeting until it is passed. Such items should be brought back to another meeting.

Mr. Lukowiak explained that the taxes that this project will bring in will help pay for other projects within the city. By spending money, the City brings in money. New development helps support needed projects in other parts of the City.

Commissioner Cornwell suggested bringing it back on the next agenda. Commissioner Varnadore asked to speak to Mr. Lukowiak in a separate meeting regarding how many years it would take to get back the \$3 million investment being made on this project. Commissioner Cornwell commented that Commissioner Ball, who was absent at the meeting, needs to be updated.

Jim Freeman

Code Enforcement Director has sent a letter to Mrs. Bailey who has added a boat to her marina. The property was already non-conforming under the new dock ordinance, and she cannot increase the non-conformity. Mr. Strollo asks through his letter that the boat be removed. He is awaiting a reply.

He has sent out an email update to Commission regarding the insurance reserves. The City has requested an audit of the claims paid in the last quarter of the year. There is a possibility that the City will receive a refund based upon the outcome of the audit. The network provider tried to pass on increased costs mid-plan year. Attorney Hall said the City's position is that we adhere to the original agreed upon contract; they cannot up our prices mid-contract. Mr. Freeman said this prompted the audit to see if claims were overpaid and seek a refund if they were.

Chief Lowe

Reported that the live scan finger printing machine will be here within the next 30-45 days. It was grant funded. Provided a detailed annual report from the police department.

Michele Hall

Informed Commission she was contacted by Ann Marie Harper, Manatee County Code Enforcement/Nuisance Abatement Board, that the new owner of Groover's Market and his attorney, Caleb Grimes, will meet with the County regarding possible annexation. County Attorney Maureen Sikora suggested that Ms. Hall may want to attend that meeting to hear what the County is going to require of the new owner. She mentioned some stipulations such as a camera on the property and an off-duty sheriff on the premises during business hours. If they do annex, the City might want to implement some of the same enforcement mechanisms.

16. MAYOR'S REPORT

He has received a letter from the Code Enforcement Board regarding violations by Genesis Development at Pelican Perch located just before the cut going out to Snead Island. The Code Enforcement Board feels the violations are so serious, presenting a threat to the public health, safety and welfare, that they sent an appeal to him and the City Commission. The Mayor has already met with the developer, Mr. Bradford. Mr. Lukowiak, who attended that meeting, said Mr. Bradford has agreed to fill the abandoned pool with dirt, eventually ripping it out, and he will remove two units that feed a leaky septic tank (one is a burnt out unit). He has agreed to do all this by the next Code Enforcement meeting and will attend that meeting to update the Board on his progress. Code Enforcement Director Bill Strollo will monitor the situation. In the meantime, he is being fined each day the conditions exist. Commissioner Williams inquired about any tenants being forced to leave. Attorney Hall suggested that Mr. Lukowiak inform Mr. Bradford by letter that the City understands that the tenants are on a month-to-month lease and are entitled to thirty days notice prior to being asked to vacate.

Manatee County Commissioner Getman has advised him that county attorneys are preparing an ordinance to permit the placement of cameras at intersections within the County to document red light running. He asked if the City wanted to be included in the ordinance. There was a consensus by the Commissioners to opt-in to the ordinance. That ordinance will come to Commission for review.

Informed Commission that the next Council of Governments meeting will be on March 19. The agenda will include Blackstone Park.

The March 8, 2008, Community Meeting at Tropic Isles has been rescheduled to April 19th.

The Joint Meeting with the County will be April 7, 2008, in the Palma Sola Room of the Civic Center. Mr. Lukowiak will put an agenda together for that meeting.

Gave an additional briefing to the Commission on the ongoing talks between the City of Palmetto, School Board, the Boys and Girls Clubs and Just for Girls regarding Palmetto Elementary School. The current site of Palmetto Elementary may become a lab school, and the School Board is interested in purchasing the land the CRA has amassed.

17. COMMISSIONERS' COMMENTS

Commissioner Cornwell

Requested the sweeper be used around town to pick up leaves.

Told the Chief she has observed drag racing within the City especially on 17th Street near Palmetto High School and on 301. The Chief made a note of that.

The De Soto Children's Parade is not providing transportation or signage for Commission this year. Mr. Lukowiak said he will ask Dan West at the Fairgrounds if he would loan a trolley to the City for the parade. Ms. Cornwell asked for candy and bubble gum to throw at the parade.

Commissioner Williams

Asked Mr. Lukowiak how he was going to alert citizens to the fact that some stop signs are coming down. He suggested a standing caution light and Mr. Lukowiak said he will look into the cost. He will also be using the message board and possibly the new On Site 200 radar equipment.

Inquired about the old motel near the Shell station. CRA Executive Director, Tanya Lukowiak, said the owners of the property have vacated the property and said it was too big a liability. The owners don't have the money to demolish it and will leave it there as long as it is not a nuisance. They will keep it safe for the community.

In answer to his inquiries about the Nuisance Abatement Board established by the County, which presumably the City could have used, Attorney Hall said she will call Jim Minnix and get more details.

Asked Bob Schmitt about the auto lot [AutoSales/1811 8th Avenue West]. Mr. Schmitt said the owner is close to compliance. He still has too many cars and needs to install an opaque fence around the back of the property. He will have more information for Commission on March 17th after the Planning and Zoning Board meets on March 10th. If needed, the property could be referred to the Code Enforcement Board.

Commissioner Varnadore

She would like to begin receiving the Planning and Zoning Board agendas again. Mr. Schmitt said he will make sure all Commissioners get them.

Reminded Commission that March 8 is Heritage Day at the Historical Park.

Referencing the earlier discussion on background checks for all city employees, she said she is interested in the cost. Commissioner Cornwell asked that this topic come to Commission at the next Workshop. Attorney Hall will get the legal framework for the background checks ready for review at that Workshop.

Commissioner Lancaster

She told Commission that the only reason she brought up Groover's Market at the Council of Government's meeting was because it's in her community. No one present would want that kind of establishment in their community. It was not the first time she has brought it up, and it was in no way meant to demean the Groover family.

Agreed with Commissioner Varnadore about the background checks and was under the impression it was already being done. She wants to make sure that the City performs them legally.

Attorney Hall updated Commission on the status of the ditch/easement dispute and communication with Bill Galvano, attorney for the property owner. Commission will await a report on her research. It will be an agenda item.

There being no public comment, the meeting was adjourned at 10:34 p.m.

Minutes approved: March 17, 2008

James R. Freeman, City Clerk