

Palmetto City Commission
March 17, 2008 7:00 p.m.

Elected Officials Present:

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

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
Bob Schmitt, Planning Supervisor/Zoning Administrator
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:07 p.m., followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

Mayor Bustle recognized the attendance of mayoral candidates Shirley Groover Bryant and Chris Lukowiak and County Commissioner Carol Whitmore.

Swearing-in of all persons speaking to Commission.

PUBLIC COMMENT: County Commissioner Carol Whitmore informed Commission her presence at the City's commission meetings was solely to act as the City's representative commissioner, not to police the meetings.

ORDER OF BUSINESS:

1. AGENDA APPROVAL

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve the March 17, 2008 7:00 p.m. agenda.

2. CONSENT AGENDA

- A) Minutes: March 3, 2008
- B) February Check Register
- C) Royal Palm Car Wash right-of-way dedication
- D) Noise Exception & Temporary Use Permit:
 - Alberto Medina
 - Gulbertha Hernandez

Ms. Cornwell removed item D for discussion.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the March 17, 2008 Consent Agenda, tabs 1-3.

Alberto Medina and Gulbertha Hernandez, applicants for the Noise Exception & Temporary Use Permit confirmed the applications were two different parties. Mrs. Lancaster confirmed with the

applicants that if complaints about the noise were made to the Police Department, the music's volume would be reduced.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the two Noise Exception and Temporary Use Permits, with the stipulation that if complaints are made, they will agree to turn the music down.

3. PUBLIC HEARING-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).

Mayor Bustle opened the public hearing.

Jim Boyd, real estate broker stated he is representing the Manatee River Community Bank in a contract with Jim Wade, owner of the (old Palmetto Federal) Goldome building. Mr. Wade has requested a rezone on the property so it may be used as overflow parking for potential tenants in the Goldome building. He informed Commission P&Z had recommended approval. One adjacent property owner had opposed the rezone, but according to the January 2008 P&Z minutes, the property owner did not object to a parking lot on the site. Mr. Boyd opined the additional parking will aid Mr. Wade in attracting technical/professional tenants to the now vacant building.

Mayor Bustle closed the public hearing.

MOTION: Ms. Varnadore moved and Ms. Cornwell seconded, for discussion, to adopt Ordinance No. 08-961.

Discussion: Mr. Schmitt confirmed a straight rezone cannot attach conditions; therefore, a stipulation the site can only be used as a parking lot cannot be made. He further stated Mr. Boyd was willing to enter into agreement with Mr. Seney, the opposing property owner, that the site would not be used for anything but a parking lot for ten years, but Mr. Seney refused the agreement. He informed Commission this is the only parcel west of 7th Avenue between 4th and 7th Streets that has not been zoned a commercial or general office category. Mr. Schmitt further stated that with the development requirements that must be met, the site can only support a structure of approximately 4,200 square feet, and opined that the lack of visibility from 8th Avenue is not conducive to development.

Motion on the floor carried 5-0.

4. PUBLIC HEARING-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).

Mayor Bustle opened the public hearing. Mayor Bustle closed the public hearing after no public comment.

MOTION: Mr. Williams moved and Mr. Ball seconded to adopt Ordinance No. 08-962.

Discussion: Ms. Varnadore questioned if this is the only time the plan would come before Commission and the effect the market may have on the full development of the project. Mr. Schmitt confirmed that unless the proposed general development plan expires, this meeting is the only time Commission will see the proposed project. He further stated that until the EAR based amendments to the Comprehensive Plan is completed, which will allow mixed uses and increased density, etc. applicable to the entire downtown design guideline area, only Phase I & II (of the projected six phases) can be accomplished; the remaining phases will proceed after the completion of the EAR based amendment. He confirmed the applicant is aware of the construction limitation.

Mayor Bustle reopened the public hearing.

Ms. Varnadore expressed concern about the project's location in the heart of the downtown historic district and her difficulty approving a zoning change for the entire project with the uncertainty of the economic outlook. Mr. William L. Manfull stated he expects it will take two years to build out Phase I & II. He spoke of his experience in real estate development, his personal contribution to the project to date and his intent to see the project through to completion. Mr. Manfull briefly commented on working with the City on the public/private parking garage issue and his agreement to contribute to the infrastructure improvements. Mr. Lukowiak confirmed a development agreement will be executed regarding Mr. Manfull's contribution to the infrastructure improvements.

Mayor Bustle closed the public hearing.

Architect Laura Gee reviewed the changes that have been made to the exterior of the building pursuant to the Planning & Zoning Board's comments. Staff informed Commission that in response to the Fire Department's review an additional stairway will be added to the construction documents; the safety of pedestrian traffic will be documented in the construction drawings; the final design will ensure setbacks and width of the sidewalks will be consistent with design guidelines; and all ADA requirements have been considered in the plan.

Mr. Schmitt stated that because only Phases I and II are being approved at this time, (16 units on 1.93 acres) the project does not qualify for a density bonus. He also discussed the fact that with the adoption of the EAR, density in the area will increase to 45 units per acre. Attorney Hall recommended that because Commission is issuing development approval for the entire project, a stipulation should be added to the ordinance stating that building permits for Phases III through VI, as shown on the Conceptual/General Development Plan, should not be issued until the City's Comprehensive Plan is amended to permit the density and intensity for those phases. Attorney Hall further confirmed the approval of the Conceptual/General Development Plan could be approved for only Phases I and II, but the cover page of the Conceptual/General Development Plan will have to be amended to reflect the correct site data for Phase I and II. Attorney Hall stated the most efficient way to approve the project is to add a stipulation to the ordinance stating Phase III through Phase VI cannot be developed until the City's Comp Plan is amended to permit the density and intensity for those phases.

Ms. Varnadore stated she was not comfortable approving the entire project because the zoning on the entire parcel will be changed. Mr. Schmitt informed Commission that any future deviation from the approved plan and zoning would require the public hearing process and Commission approval.

Mr. Williams and Mr. Ball amended the motion on the floor to include the stipulation to the ordinance as recommended by Ms. Hall. Motion carried 4-1. Ms. Varnadore voted no.

5. RESOLUTION NO. 08-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO SUPPORTING THE FLORIDA FOREVER PROGRAM AND THE CREATION AND FUNDING OF A SUCCESSOR PROGRAM TO FLORIDA FOREVER; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 08-10.

6. RESOLUTION NO. 08-11

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, DECLARING CERTAIN PROPERTY OWNED BY THE CITY OF PALMETTO TO BE SURPLUS AND AUTHORIZING ITS SALE OR DISPOSAL.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Resolution No. 08-11.

Staff was instructed to have the auctioneer determine if the police vehicles will have any value at auction.

7. APPROVAL: AGREEMENT FOR PROFESSIONAL AUCTIONEERING SERVICES

Agreement to authorize Holzman Auctioneers to conduct the City's auction of surplus property.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Agreement for Professional Auctioneering Services with Holzman Auctioneers.

8. APPOINTMENT: MANATEE COUNTY ACTION AGENCY

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve the appointment of Tanya Lukowiak as the City's representative to the Manatee County Action Agency.

9. APPROVAL: GRANT APPLICATION

Authorization to apply for an Office of Greenways and Trails Grant to pave the linkage between Hydrant Park and the recreational trail and purchase picnic facilities and fitness stations for installation at the trailhead and along the trail. This is a matching grant; staff proposes in-kind services as the City's contribution. Staff also requests that the project be added to the City's CIP.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to authorize the Grants Coordinator to apply for the Office of Greenways and Trails Grant in an amount up to \$15,000, authorize the addition of the project to the City's CIP, and approve only in-kind services as the City's match.

10. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 08-963

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 2, SECTION 2-88 OF THE CITY CODE OF ORDINANCES PERTAINING TO LIENS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to approve Ordinance No. 08-963 for advertising and schedule a public hearing April 21, 2008.

11. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 08-964

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES BY REMOVING SECTIONS 8-1 THROUGH 8-25 FROM CHAPTER 8 AND RE-CODIFYING SAID PROVISIONS IN APPENDIX A, ENTITLED "FRANCHISES"; PROVIDING FOR FINDINGS OF FACT; 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 5-0 to approve Ordinance No. 08-964 for advertising and schedule a public hearing April 21, 2008.

12 DEPARTMENT HEADS' COMMENTS

Chief Lowe

No report.

Mr. Freeman

Referring to his letter regarding utility bills at Lincoln Park and the Boys & Girls Club concession stand, he informed Commission Manatee County will assume responsibility for the electric bill for the water meter to the medians but not the concession stand. The county maintains the concession stand is not their responsibility pursuant to the City's lease with the Boys Club, but they are open to further discussion.

Referring to the air quality study results, funding for the City Hall air system upgrade is being researched and will be brought to Commission in the near future.

The Waste Management annual 2.5% CPI increase will reflect in the utility bills beginning in April.

Mr. Lukowiak

Informed Commission Waste Management has requested the use of the City's movie screen and Sutton Park on April 19, 2008 to host a training video and movie for its employees. Mr. Lukowiak estimated fees associated with the use would be approximately \$221. Dave Smith, Waste Management, stated the training video is required for Waste Management staff, but any public who wished to view the movie would be welcome. Mr. Lukowiak confirmed the date is the same as the Palmetto Clean-up date, but the park would be available to Waste Management at the time of their event.

MOTION: Ms. Varnadore moved, Mr. Ball seconded and motion carried 4-1 to allow Waste Management to have the Park on April 19, 2008, subject to staff's approval of the necessary paperwork. Ms. Cornwell abstained from the vote because of her voting conflict of interest.

Referred to the letter to the Code Enforcement Board regarding Pelican Bay/Terra Mana. Mr. Lukowiak informed the Commission the property owner does not have the resources to correct the three most pressing safety issues. He proposed the City correcting the three violations and placing a lien on the property for City expenses. The property owner has agreed to the suggestion and has agreed to hold the City harmless. Commission discussed the proposal and directed that the property owner be notified that the lien must be satisfied before any development approval will be granted. Attorney Hall clarified that the City will address only three of the seven violations, and the \$250 per day fine will continue to accrue until the property owners goes back before the Code Enforcement Board.

Attorney Hall

Requested two concurrent shade meetings to discuss the settlement and negotiation strategy regarding litigation expenditures in the Thornton and Heagarty cases. The meeting was set for March 24, 2008 at 4:30 pm.

13. MAYOR'S REPORT

The next Council of Governments meeting is March 19, 2008 at 4:00 in the Longboat Key Room at the Civic Center. Agenda topics include TBRTA, Blackstone Park, and Groover's Market. Mrs. Lancaster commented on the lack of loitering at the market since the new owner's possession.

The agenda topics for the joint meeting with the county commission April 7, 2008 include Erie Road, the 7th Street extension and Lincoln Park.

Legislative Action Day in Tallahassee is Tuesday, March 25, 2008.

14. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Informed Commission she will be gone for a week. Mr. Williams and Ms. Cornwell volunteered to take any of her calls.

Ms. Varnadore

Confirmed with staff that additional information will be forthcoming regarding the Erie Road landfill issue. Ms. Varnadore commented on the usefulness of the timeline that had been developed and requested that it be expanded to include 1982 through 2005. She also requested that information be distributed to Commission as it is received.

Mr. Williams

Mr. Lukowiak confirmed that the dirt that was being stored on a lot on 7th Street is being moved. Part of it is going to Church on the Rock for an Easter presentation and part of it is being used, at the request of SWFWMD, to raise the elevation of a vacant lot.

Ms. Cornwell

Staff confirmed the soccer field on the park rental report is for the fields located on 14th Avenue.

Mr. Lukowiak reported on the ditch issue. Mr. Strollo has met with the park manager to inform him the owner may expect to receive another letter. Mr. Strollo also instructed that the fence be put back up, there would be no garbage before 7 a.m. and the containers must be covered. Mr. Lukowiak will obtain information on an aeration system for the ditch. Mr. Lukowiak stated the retention wall at Terra Ceia will be brought back to a workshop.

Suggested a successful way of accomplishing employee training is to combine the training with a summer city wide activity.

Mr. Ball

Confirmed the two community meetings scheduled for the week; King of Kings and Riviera Dunes.

Mr. Lukowiak assured Commission that any funds expended on the ditch will be billed back to Mr. Tannenbaum and One Stop.

The DeSoto Children's Parade is Friday.

Meeting adjourned at 8:50 p.m.

Minutes approved: April 7, 2008

James R. Freeman
City Clerk