

Palmetto City Commission  
June 2, 2008 7:00 PM

Elected Officials Present:

Larry Bustle, Mayor  
Tambra Varnadore, Vice Mayor  
Eric Ball, Commissioner  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
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  
Bob Schmitt, Planning Supervisor/Zoning Administrator  
Karen Simpson, Deputy Clerk-Finance  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:06 p.m., followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

Persons planning to address Commission were sworn in.

Public Comment:

Jan Hilker requested that Commission approve a Special Function Permit for a fireworks display off the end of the Green Bridge Pier on June 14, 2008. Mayor Bustle stated the event is a surprise for an individual, who she wished to remain anonymous. Diane Ponder informed Commission the fireworks display company has submitted a permit for the display with North River Fire District. Mr. Lukowiak stated staff does not have a problem with the event. He also described the safety precautions that will be taken. The permit was added to the Consent Agenda.

Shirley Groover Bryant applied for a Special Function Permit for an event to be held in the Historic Park on June 12, 2008. The permit is necessary because more than 50 people are expected to attend. The permit was added to the Consent Agenda.

1. AGENDA APPROVAL

Mrs. Lancaster stated she would make the motion to approve the agenda, but also moved:

**MOTION: Mrs. Lancaster moved to approve the June 2, 2008 7:00 agenda and also moved that as a matter of procedure from this point forward that the regular City Commission meeting be adjourned by 9:00 pm unless extended to a time certain by a motion moved and approved by the Commission. Ms. Varnadore seconded for discussion.**

Discussion: Mrs. Lancaster discussed the reasons for her motion. Attorney Hall explained how an extension could be made. Discussion ensued on how remaining agenda items would be handled if the agenda were not complete and an extension of time was not approved.

**MOTION: Ms. Varnadore moved to change the time certain end to 10:00 pm. Mr. Williams seconded for discussion.**

Discussion: Mr. Williams questioned if the amended motion should also include a procedure for completing an unfinished agenda. Commission discussed the possibility of adding unfinished business to the next agenda.

**The amended motion carried 5-0.**

**The motion on the floor carried 5-0.**

2. CONSENT AGENDA

A) Minutes: May 19, 2008

B) Special Function Permit: Sickle Cell Anemia Event  
Praise & Deliverance Ministries International (Youth Picnic)

The Sickle Cell Anemia Special Function Permit was removed from the Consent Agenda.

**MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to approve the June 2, 2008 Consent Agenda with the two additional Special Function Permits.**

Mayor Bustle recognized County Commissioner Carol Whitmore.

Ms. Cornwell questioned whether the Sickle Cell Foundation would be required to obtain insurance for the planned event listed in the Special Function Permit. Mr. Lukowiak stated staff would work with the foundation regarding the insurance.

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the Sickle Cell Anemia Special Function Permit.**

3. PUBLIC HEARING: ORDINANCE 08-969

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (AN-08-04 – Christopher & Tanya Lukowiak. PID # 2607800109, approximately 0.44 acres).

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

**MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to adopt Ordinance No. 08-969.**

4. PUBLIC HEARING: ORDINANCE NO. 08-970

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM RES-6 – RESIDENTIAL 6 UNITS PER ACRE (COUNTY), TO – RES-6, RESIDENTIAL 6 UNITS PER ACRE (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-08-04 Christopher & Tanya Lukowiak., PID # 2607800109, approximately 0.44 acres).

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

**MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to adopt Ordinance No. 08-970.**

5. PUBLIC HEARING: ORDINANCE NO. 08-971

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 RSF-4.5 (Residential Single Family-4.5 units per acre) (County) TO RS-2, Residential Single Family-4.36 units per acre (City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-08-04, Christopher & Tanya Lukowiak., PID # 2607800109, approximately 0.44 acres).

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

**MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to adopt Ordinance No. 08-971.**

6. DEMOLITION OF 9<sup>TH</sup> AVENUE WEST PROPERTIES

Approval of Commission's informal action on April 28, 2008, to demolish the vacant buildings assembled for a potential elementary school. Manatee County School Board has agreed to reimburse the City the demolition expense and the CRA Board has approved the demolition.

**MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to ratify City Commission's informal action of April 28, 2008, approving the demolition of properties located at 835, 835A, 821, 821.5 and 823 9<sup>th</sup> Avenue, West, in an amount not to exceed \$18,850.**

7. RESOLUTION NO. 08-17

Budget amendment to fund tax abatement payments to Albertson's for tax years 2005 and 2006.

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 5-0 to adopt Resolution No. 08-17.**

8. APPROVAL: APPOINTMENT OF COUNSEL FOR SPECIAL PROJECT AND EMPLOYMENT LAW ADVICE

Formalization of appointment of Wendy Smith of Fisher & Phillips LLC as special counsel regarding legal issues related to background testing of current and prospective employees, vendors and licensees. Commission discussed and concurred with this appointment at the May 19, 2008 meeting.

**MOTION: Mr. Williams moved and Ms. Varnadore seconded to approve the appointment of Wendy Smith of Fisher & Phillips for Special Project and Employment Law Advice, with terms as set forth in the letter of engagement dated May 27, 2008.**

Discussion: Mrs. Lancaster stated that at the May 19, 2008 meeting she stated Commission was hearing from counsel representing employers and she wanted to hear from counsel that represents the employee, and she still wanted to hear that side. Ms. Cornwell discussed the fact that it had been her experience that counsel representing employers also considered the employee when making an opinion. Attorney Hall concurred. Commission also discussed the fact that the action was only to retain counsel to provide an opinion on the City implementing background checks for all employees.

Public Works employee George Fountain addressed Commission, relaying Public Works employees concerns regarding the issue. He requested that the Public Works liaison meet with the employees to explain Commission's intention. Mr. Fountain stated the employees would like to be heard before a vote is taken on background checks. Commission explained that the only action they were considering at this time is whether or not to retain counsel to provide the legal opinion on the issue.

**Motion on the floor carried 4-1. Mrs. Lancaster voted no.**

**9. APPROVAL: FDOT HIGHWAY LIGHTING, MAINTENANCE AND COMPENSATION AGREEMENT**

Annual renewal contract for maintaining agencies of street lights on state roads.

**MOTION: Ms. Cornwell moved and Mr. Williams seconded, for discussion, to approve and authorize the Mayor to execute the FDOT Highway Lighting, Maintenance and Compensation Agreement, AM860.**

Discussion: Mr. Lukowiak estimated there is no real revenue derived from the compensation FDOT provides. He was instructed to question FDOT of the impact to the City if the agreement is not approved by Commission at the next renewal.

**Motion on the floor carried 5-0.**

**10. APPROVAL: FINANCIAL POLICIES (J. Freeman – Carried forward from the 4:00 meeting)**

**A) RESOLUTION NO. 08-18 (FUND BALANCE POLICY)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, TO ESTABLISH A POLICY PERTAINING TO THE RESERVING OF FUND BALANCE FOR PURPOSES OF ENSURING THE FINANCIAL STABILITY OF THE CITY.

**MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 08-18.**

**B) RESOLUTION NO. 08-19 (DEBT POLICY)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, TO ESTABLISH A POLICY PERTAINING TO THE ISSUANCE OF DEBT FOR PURPOSES OF ENSURING THE FINANCIAL STABILITY OF THE CITY.

**MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to continue Resolution No. 08-19 to June 16, 2008.**

**11. BABCOCK/EWING APPEAL OF CODE ENFORCEMENT FINE**

**MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to authorize the Mayor to execute a release of the Code Enforcement lien for Babcock/Ewing, case 07-11.**

12. 1<sup>st</sup> READ & ADVERTISING APPROVAL - ORDINANCE NO. 08-972

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO DESIGNATE THE ZONING OF THE PROPERTIES DESCRIBED IN EXHIBIT "A" AS PDMU (PLANNED DEVELOPMENT-MULTI-USE); AMENDING THE ZONING MAP OF THE CITY OF PALMETTO PERTAINING TO THE PROPERTIES DESCRIBED HEREIN; APPROVING AN AMENDED GENERAL DEVELOPMENT PLAN FOR THE PROPERTIES DESCRIBED HEREIN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 05-08 Sanctuary Residential Partners, LLC/Sanctuary Development Partners East, L.L.C./Sanctuary Development Partners, L.L.C./Manatee Island Partners, LLC, PID # 1015725159, # 1015725259, # 1015725209, # 2607800159, # 1016400359, and # 1016400409, approx. 225.22 acres).

**MOTION: Mrs. Lancaster moved and Mr. Williams seconded and motion carried 5-0 to approve Ordinance No. 08-972 for advertising and schedule a public hearing June 16, 2008.**

Discussion: Commission agreed that the ordinance containing the P&Z Board's recommendations in track changes as discussed at the 4:00 meeting is the ordinance that will be advertised

13. 1<sup>st</sup> READ & ADVERTISING APPROVAL - ORDINANCE NO. 08-973

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO DESIGNATE THE ZONING OF THE PROPERTIES DESCRIBED IN EXHIBIT "A" AS PDMU (PLANNED DEVELOPMENT-MULTI USE); AMENDING THE ZONING MAP OF THE CITY OF PALMETTO PERTAINING TO THE PROPERTIES DESCRIBED HEREIN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0803, Sanctuary Development Partners, L.L.C. PID # 2607800159, approx. 1.15 acres).

**MOTION: Mrs. Lancaster moved, Mr. Cornwell seconded and motion carried 5-0 to approve Ordinance No. 08-973 for advertising and schedule a public hearing June 16, 2008.**

14. 1<sup>st</sup> READ & ADVERTISING APPROVAL - ORDINANCE NO. 08-974

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO DESIGNATE THE ZONING OF THE PROPERTIES DESCRIBED IN EXHIBIT "A" AS PDMU (PLANNED DEVELOPMENT-MULTI USE); AMENDING THE ZONING MAP OF THE CITY OF PALMETTO PERTAINING TO THE PROPERTIES DESCRIBED HEREIN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0802, Sanctuary Development Partners East, L.L.C. and Sanctuary Residential Partners, LLC, PID # 1016400359 and # 1016400409 respectively, approx. 8.44 acres).

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 08-974 for advertising and schedule a public hearing June 16, 2008.**

15. DISCUSSION: PALMS OF TERRA CEIA CDD CONFLICT RESOLUTION

Commission discussed who the participants in an initial conflict assessment with representatives of the Palms of Terra Ceia Community Development District. Because of Mr. Freeman's responsibility for the utility billing and any resolution's potential effect, it was decided he should also attend the meeting. Mr. Ed Bennett, Chairman of the Board of the CDD stated he anticipated Attorney Hall would be in attendance and did not object to Mr. Freeman participating in the meeting.

RESOLUTION NO. 08-20

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA PERTAINING TO CONFLICT RESOLUTION PROCEEDINGS WITH THE PALMS OF TERRA CEIA COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INTENT; DESIGNATING REPRESENTATIVES TO PARTICIPATE IN AN INITIAL CONFLICT ASSESSMENT MEETING; PROVIDING FOR AUTHORIZATION; SUPERSEDING RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Resolution No. 08-20, with the addition of Mr. Freeman to the resolution.**

16. DISCUSSION: BUDGET MEETING SCHEDULE

Commission set the following initial budget meeting schedule:

June 23	5:00 to 7:00 pm	June 24	5:00 to 7:00 pm
July 21	4:00 pm	July 22	5:00 to 7:00 pm
July 28	4:00 pm	July 29	5:00 to 7:00 pm
August 4	4:00 pm	August 5	5:00 to 7:00 pm
August 18	4:00 pm	August 19	5:00 to 7:00 pm

17. DEPARTMENT HEADS' COMMENTS

Mr. Schmitt

Reported he and Mrs. Lukowiak will be making door-to-door calls to solicit input on the sign ordinance. He also reported signage is causing limitations for the business community and there is a problem with banners businesses are using. He informed Commission he would like the new owner of the Saints and Sinners restaurant to be able to apply for a conditional use permit for additional signage.

Mr. Lukowiak

Reported he had met with county representatives concerning the 7<sup>th</sup> Street extension. Dan Schlant has agreed with Attorney Hall's position on the reverter clause. A design has been agreed upon with the county's design team and Mr. Lukowiak stated he will send it to Commission prior to it being placed on a workshop agenda.

The Jackson Park agreement has been reviewed by Attorney Hall. It will be forwarded to Dan Schlant for comments and will then be brought to Commission. The project is in the \$750,000 to \$800,000 range and Manatee County will contribute a total of \$378,000.

The School Board has had an appraisal of the property done, and valued the property at \$83,000 to \$84,000 per acre. The School Board wants only nine acres, not including the Boys & Girls and Just for Girls property. This falls short of the \$900,000 to build a baseball field; however, the boys & Girls Club will approach their board concerning a plan to make up the difference. A full traffic study for the new school location will be performed and a joint meeting with the School Board is

being scheduled. Mr. Lukowiak estimated it could take 12-16 weeks to build the ball fields. Mr. Lukowiak stated he is aware that the fields are a key component of the location of the new school. Ms. Varnadore reminded Mr. Lukowiak she would like a written report of his prior meetings.

Reported he has the meeting dates for the public meetings regarding the traffic study. Commission requested the schedule in memo form.

Mrs. Lukowiak

Saints and Sinners is co-sponsoring the 4<sup>th</sup> July VIP reception from 7:30 – 9:30 pm. Volunteers are being recruited to man a ticket booth for beverage sales.

The Water Horse is the Movie in the Park on Friday, June 6<sup>th</sup>.

Camps are soon going to be available.

The CRA meeting this month will again be noticed as a joint meeting with the City Commission and Planning and Zoning Board.

Mr. Freeman

No report.

Attorney Hall

Requested Commission call her should they have any questions concerning the memo regarding recent election laws.

18. MAYOR'S REPORT

Reported he had attended the meeting of Renaissance Senior Enrichment Center serving Bradenton and Palmetto citizens.

Reported he had represented the City at the groundbreaking of the new VA Cemetery on Clark Road in Sarasota. The cemetery will work on a 75-mile radius and eventually serve 600,000 veterans.

19. COMMISSIONERS' COMMENTS

Mr. Williams

Opined that every document that has to come back to Commission should automatically be in track changes. Ms. Varnadore stated that when a document has multiple changes, she wants it in track changes with a clean copy.

Ms. Cornwell

Confirmed with Chief Lowe the police department will assist with the last day of school on Thursday and will be providing additional traffic during the summer months. Mrs. Lancaster reported that children are not using the crosswalk at 8<sup>th</sup> Ave. and 10<sup>th</sup> Street.

Confirmed with Mr. Lukowiak that the fence is in place around the pond. He reported his department is back on graffiti patrol.

Stated she spoke with FPL concerning tennis shoes on power lines and they will work quickly to remove them; this is a flag for drug sales.

Mr. Ball

Agreed with Ms. Varnadore's request regarding documents with track changes.

He was invited to the Just For Girls' graduation on Wednesday and how lucky the City is to have that program and the Boys Club. He acknowledged the efforts of Mr. Lukowiak and Mr. Freeman in putting the school project together.

He reported he had attended the last CRA meeting that was noticed so City Commission and Planning and Zoning could participate. The topic was the waterfront and reported it to be excellent.

Ms. Varnadore

Inquired about the copy of the application from the event held Saturday at The Hall. Mr. Lukowiak reported there were no incidents during the event.

Requested a copy of the Verizon cell tower contract. Mr. Freeman will supply.

Apologized that she did not realize the CRA meeting was a joint meeting.

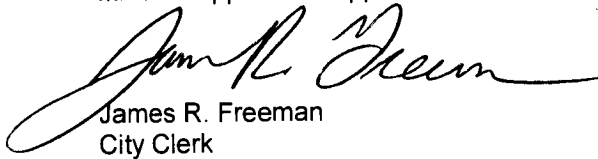
Mrs. Lukowiak

Mrs. Lukowiak confirmed the notice to proceed has been completed; engineering has not yet begun.

Reported a DEA agent had said during a visit with a Congressman that shoes on power lines did mark where drug sales occur, and foil on windows usually indicated illegal activities.

Meeting adjourned at 8:45 pm.

Minutes approved: Approved June 16, 2008, with corrections



James R. Freeman  
City Clerk