

Palmetto City Commission
August 25, 2008 7:00 PM

Elected Officials Present:

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

Elected Officials Absent:

Eric Ball, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk
Michele Hall, Attorney
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Tanya Lukowiak, CRA Executive Director
Bob Schmitt, Planning Supervisor/Zoning Administrator
Diane Ponder, Deputy Clerk-Administration

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

Proclamations: Sickle Cell Month,
Accepting: Mary Lancaster

Women's Equity Day,
Accepting: Dorothy Middleton, Manatee Commission on the Status of Women

United Way Day
Kathie Marsh, Chair of the United Way Board of Directors

Swearing-in of all persons speaking to Commission.

PUBLIC COMMENT

Kelly Johnson, vice president of the Riviera Dunes Home Owner's Association, requested that the City consent to a variance to the stormwater mitigation process to allow the association to file one application for stormwater mitigation credit.

Shirley Groover Bryant, resident of Palms of Terra Ceia, and speaking concerning the stormwater issue at the development, opined it would have been better if the Commission had been allowed to converse directly with the CDD; issues could have been discussed amongst the two bodies; it would have saved legal expenses paid out by the CDD. Ms. Bryant stated she is not in favor of arbitration.

Brett Varnadore read a statement touching on different topics: his opinion some unelected individuals in the City believe they control the City Commission, the results of the cell phone audit, communications between the Mayor and Commission, the migrant labor camp on 17th Street, and county commissioner Amy Stein's efforts in securing traffic control on 17th Street near Lincoln Middle School.

1. AGENDA APPROVAL

Mayor Bustle suggested moving item #8 Resolution No. 08-27 (development of a new elementary school) to be heard as item #3 on the agenda, and to add a Special Function Permit application from the Manatee Democratic Party to the Consent Agenda.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the August 25, 2008 7:00 pm agenda, as amended.

2. CONSENT AGENDA

A) Minutes: July 28, 29 and August 4, 5, 2008

B) July Check Register

C) Special Function Permits: Rockin to the Oldies Fundraiser Car Show
Veteran's Day Parade
Southeastern Guide Dogs, Inc. 23rd Annual Walkathon
Noise Exception Permit Manatee Democratic Party

Items A and C were withdrawn from the Consent Agenda.

MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 4-0 to approve Item B of the Consent Agenda.

Discussion ensued on Item C, the Special Function and Noise Exception permit applications. Staff confirmed the Noise Exception Permit application for the Rockin to the Oldies Fundraiser Car Show event was only for the August 30, 2008 event date. Staff was instructed to work with the applicant to ensure traffic control. It was consensus of the Commission to not approve the City absorbing any of the expenses associated with the car show event. Staff confirmed that park restroom facilities will be open during the Southeastern Guide Dogs, Inc annual walkathon. Staff also confirmed the appropriate insurance would be obtained from each applicant before the event date.

Ms. Varnadore requested that the August 5, 2008 minutes be corrected to reflect that none of the CRA Board members attended that date's joint meeting with City Commission.

MOTION: Ms. Varnadore moved, Mr. Williams seconded and motion carried 4-0 to approve Items A and C from the Consent Agenda, as amended.

3. RESOLUTION NO. 08-27

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; PROVIDING AN AGREEMENT IN PRINCIPLE THAT THE CITY WILL TAKE CERTAIN ACTIONS AND ENTER INTO CERTAIN AGREEMENTS TO FACILITATE DEVELOPMENT OF A NEW ELEMENTARY SCHOOL TO BE GENERALLY LOCATED AT 1600 10th STREET WEST IN PALMETTO; SUPERSADING RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commission requested that the public be allowed to speak on the topic before beginning their deliberation.

The following individuals, voicing their personal reasons, spoke in favor of the City's continued involvement in locating a new elementary school at the 10th Street site: Diane Lang, Gene Brown, Celeste Hughes, Garry Lowe, Jr., Janie Garza, Carl Weeks, Susan Hecker, Colin Kirker, Becky Canesse, CEO of Manatee County Girls Club, Inc. dba Just for Girls, and Tim Knowles, vice president of the Boys & Girls Club Board of Directors..

The following individuals, voicing their personal reasons, spoke against or opined more information is necessary before a decision is made by the Commission to continue the City's involvement in locating a new elementary school at the 10th Street site: Leonard Krueger, Bruce Varnadore, Jeanne Paulsen, Raymond Varnadore, Sam Dodson, Shirley Bryant, and Charles Smith.

Karen Windon, deputy director of Manatee County government, stated the county does support the baseball fields and would like to be part of any dialogue.

Mrs. Lukowiak, CRA Executive Director, reaffirmed the School Board's intent to reimburse the City the \$1,239,547 spent in the property assembly, as well as demolition costs incurred by the City. She stated there is still the possibility of obtaining the historic FFA school building, which the Palmetto Historic Commission expressed interest in obtaining.

Mr. Lukowiak led a lengthy discussion on the topic, joined by Mike Pendly, Manatee School Board. Mr. Lukowiak distributed new information relating to the topic consisting of:

- A revised site plan showing altered traffic patterns utilizing 10th Street West, and a pedestrian walkway between the new Boys Club and the existing Just for Girls buildings.
- Examples of cooperative improvement projects between the School Board and local governmental agencies.
- Elementary School Proposal-Cost Analysis Projection showing the Manatee Fruit Company impact fee analysis projection and the figures associated with the sale of real estate and construction of a new Little League complex.
- A traffic study, based on the City's methodology, which reflects 53 less trips (material displayed only).

To summarize the discussion, items reviewed and issues of concern voiced by Commission are as follows:

1. Traffic concerns:
 - a) Traffic study showed only peak 4-6 pm trips
 - i. School Board can perform an am peak trip traffic study, but Commission must direct the times for which they want data collected
 - b) Intersection improvements (Grant funding approved)
 - i. MPO, including county commission representation, has approved the 10th Ave. and 14th Ave. intersection projects
 - c) Amount of available automobile stacking on the site
2. Resolution No. 08-27
 - a) Attorney Hall assured the Commission the resolution does not obligate the City in any way to proceed with the project; no obligation to enforce the fifteen listed items of City responsibility. Attorney Hall advised that Commission can amend the draft resolution to contain any conditions of approval or any opt out language they wish.
3. New ball fields
 - a) County responsibility that will continue if new ball fields are constructed
 - i. City currently pays utilities for existing ball fields; County has provided capital improvements but will only mow the grass as of October 1
 - b) Location of new ball fields

- i. Mr. Lukowiak reiterated that locating the new ball fields at the gate of Palms of Terra Ceia has never been considered

4. Impact Fee projections (as prepared by Mr. Lukowiak)
 - a) Impact Fee credits based on total build-out of the Manatee Fruit Company project amount to approximately \$2.7 million
 - b) Projected revenue based on total build-out amount to approximately \$9.9 million
 - c) If the 12 acres for the new ball field complex is not conveyed by Manatee Fruit at this time, the Comp Plan requires that upon the Manatee Fruit project plan approval, the project must provide a 15 acre park or the equivalent in impact fees

5. Sale of real estate & construction of new ball fields
 - a) Revenue from sale of 12 acres of City property estimated at \$1,035,200
 - i. Just for Girls has now expressed interest in purchasing their property
 - b) Construction of new ball fields estimated at \$900,000

MOTION: Ms. Varnadore moved and Mr. Williams seconded to table the issue until the next meeting.

Discussion: Ms. Varnadore stated she is asking that the item be tabled until she has had a chance to review all the new material that has been provided.

Referring to the new ball fields, Ms. Cornwell requested that staff collect data that will show the obligations for which the City, the Little League and the county will be responsible. She also asked that the county be contacted to determine if they are interested in continuing their support of the ball fields should the new complex be built.

Mr. Williams inquired: 1) where the parking for the tennis courts will be located if Just for Girls purchases their property; 2) if each entity would release the other entities from liability; and 3). as a result from a conversation with Southwest Florida Water Management, he inquired if the site contains enough retention area. He opined that all parties involved in the project should hold a joint meeting.

Motion on the floor carried 4-0.

Ms. Cornwell requested that a time line be established for when the topic will be brought back to City Commission. It was consensus of Commission to establish the September 8, 2008 workshop agenda be dedicated only to this topic.

Mayor Bustle recessed the meeting.
Mayor Bustle reconvened the meeting at 9:50 pm.

MOTION: Mrs. Lancaster moved, Ms. Varnadore seconded and motion carried 4-0 to extend the meeting to 10:30 pm.

4. PUBLIC HEARING: CONDITIONAL USE PERMIT 08-01

Conditional Use Permit for the establishment of three cell antennas to be located on the top of the Estuaries II condominium building.

Mayor Bustle opened the public hearing.

Lauralee Westine, representing the client, stated the proposed antennas would be located behind a camouflage screen on the roof of the building and would not exceed the City's maximum height limit. Ms. Westine also confirmed that proper noticing had been completed. Mr. Schmitt stated no negative comments have been received.

Mayor Bustle closed the public hearing.

MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 4-0 to approve the T-Mobile Conditional Use Permit 08-04 for 2625 Terra Ceia Bay Boulevard.

5. RESOLUTION NO 08-26

Budget resolution to fund the Amer-I-Can program contribution approved July 28, 2008.

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, Mr. Williams seconded and motion carried 4-0 to adopt Resolution No. 08-26.

6. RETIREMENT OF K9 TALON

Transfer ownership of K-9 Talon to his handler.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 4-0 to transfer ownership of K-9 Talon to Corporal Tom Smith.

7. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 08-975

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, ADOPTING BY REFERENCE MANATEE COUNTY ORDINANCE 07-74 CONCERNING THE REGULATION OF VENDING FROM ICE CREAM TRUCKS ON PUBLIC RIGHTS OF WAY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 4-0 to approve Ordinance No. 08-975 for advertising and schedule a public hearing September 22, 2008.

8. DISCUSSION: CHAPTER 16 REVISIONS

Mr. Freeman informed Commission the proposed ordinance before them is amend the noticing requirements for Notices of Nuisance. Code currently requires posting the property and publication of the notice if the certified mail is returned. The proposed ordinance amends Chapter Code to serve notice by regular mail and delete the publication requirements. Attorney Hall explained that the proposed ordinance complies with due process. Commission approved the placement of the ordinance on the next meeting's agenda.

9. DEPARTMENT HEADS' COMMENTS

Mr. Schmitt
No report.

Mr. Lukowiak

Reported the Planning and Zoning Department building has again been burglarized; Mr. Schmitt was at the building, called 911 and the suspect was arrested.

Mr. Freeman

Due to the publication of the agenda on Wednesday prior to Monday's regular meeting, he requested that a budget workshop be scheduled Thursday, August 28 and Tuesday, September 2 so the tentative budget can be approved and included in the agenda packet prior to its adoption September 8, 2008. Commission agreed to the two meeting dates.

Chief Lowe

Commended his staff for the arrest made in the bank robbery last week.

Attorney Hall

Her response to the Palms of Terra Ceia CDD issue will be prepared by Wednesday. Attorney Hall stated she made the decision to place her response in a memo for Commission comment and direction. Mayor Bustle opined there is a City position that has to be taken and City Commission's input is necessary. Attorney Hall advised against holding a workshop on the CDD memo. She also opined the conflict resolution should proceed according to Statute.

Mr. Lukowiak inquired how the City should respond to the request from the Riviera Dunes Home Owner's Association request made during public comment. Attorney Hall will respond to the issue in a memo.

10. MAYOR'S REPORT

Reported school board member Bob Gause has been in touch with Mr. Wallace regarding the possibility of obtaining the property (proposed site for the new school); Mr. Wallace is requesting \$55,000, which according to Mr. Gause, the school board may pay.

11. COMMISSIONERS' COMMENTS

Ms. Cornwell

Requested that information requested on the school site be available by September 2.

Inquired if Commission has a hurricane representative. Mr. Lukowiak discussed the City employees that report to the emergency operations center. City Commission will be provided updates as they become available.

Mr. Williams

Staff confirmed the City still has VHF radios and some satellite phones. Mr. Williams opined there needs to be resolution in how Commission will be contacted during weather events.

Inquired if the Riviera Dunes sales trailer tagged July 9th has been removed. Mr. Freeman stated it will be removed by Wednesday; after August 28, the City can move the trailer with no notification.

Ms. Varnadore

Requested Attorney Hall's July timesheet.

Requested that she also receive the Palms of Terra Ceia work order requested by Mr. Williams on August 4, 2008.

Mayor Bustle confirmed the county has been involved in the school issue since the beginning. Ms. Varnadore requested that staff ascertain the county's involvement in the school site; a report from the school board stating the land acquisition cost and construction cost. Mr. Williams requested the original construction amount for the school on the current property; Mr. Lukowiak reported approximately \$16 million \$1.5 million for the portable buildings, \$13.2 million for construction and an additional \$1.5 million for additional items Mr. Lukowiak could not remember. Current school board budget is \$23 million.

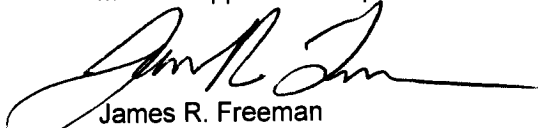
Mrs. Lancaster

Inquired if the Code addresses the parking of labor buses in areas not designated in labor camps. Mrs. Lancaster reported labor buses are being parked in the vicinity of the Habitat for Humanity village. Staff will research the topic.

Mr. Schmitt reported C&D Vegetable has not yet applied for a variance for the migrant camp located on 17th Street. He further explained that research has revealed there was never a conditional permit issued for the property. In addition, ten operating migrant labor camps have been identified in the City, none of which have approved conditional use permits. Mrs. Lancaster opined that if illegal migrant labor camps are operating something must be done. Attorney Hall stated there may be violations throughout the City, City Commission should be made aware of them and a workshop should be held to give staff direction on how to proceed. Mr. Williams requested a copy of the list of labor camps identified by Code Enforcement. Discussion ensued on how a labor camp is identified; Mrs. Lancaster suggested that on a state level there is a criterion that establishes what is a labor camp.

Meeting adjourned at 10:50 pm.

Minutes approved: September 8, 2008


James R. Freeman
City Clerk