

Palmetto City Commission  
September 22, 2008 – 7:00 p.m.

Elected Officials Present:

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

Elected Officials Absent:

Mary Lancaster, Commissioner (Mrs. Lancaster joined the meeting via conference call to vote on agenda item No. 3 regarding the budget resolutions.)

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  
Deanna Roberts, Administrative Assistant

Mayor Bustle called the meeting to order at 7:01 p.m. Pastor Bud Long, First Baptist Church of Palmetto, offered the invocation which was followed by the Pledge of Allegiance.

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

**PUBLIC COMMENT**

Betty Rhodes, 1007 26<sup>th</sup> Street East, Palmetto, Florida, spoke in opposition to a proposed labor camp in the city limits of Palmetto.

Joseph Ricciardi, 4357 85<sup>th</sup> Avenue, Parrish, Florida, addressed Commission regarding injuries to his family members in a recent car accident.

**1. AGENDA APPROVAL**

**MOTION:** Commissioner Cornwell moved to approve the September 22, 2008, 7:00 p.m. agenda with the addition of item 2C, a Special Function Permit for Palmetto High School Homecoming and a discussion by Mr. Freeman regarding the Bradenton Herald under agenda item 3. Commissioner Ball seconded the motion.

Commissioner Varnadore moved to amend the motion to add item 13, a discussion of Resolution 08-27 regarding Palmetto Elementary School. The amendment passed 4-0.

The motion on the floor to approve the agenda as amended passed 4-0.

## 2. CONSENT AGENDA

- A) Minutes: August 28, September 2, September 3, September 8, 2008
- B) Special Function Permits: Garmon/Greifenstein Wedding
- C) Palmetto High School Homecoming

Commissioner Cornwell asked to withdraw the Special Function Permits, and Commissioner Varnadore asked to withdraw the September 8, 2008 minutes from the Consent Agenda.

Commissioner Varnadore would like language added to the minutes of the September 8, 2008, 7:00 p.m. meeting, page 4 of 7, item 8, stating that she requested that item be tabled because the original contract was not included in the agenda packet, and she did not receive it in time to allow for her review.

Commissioner Williams asked to have the same minutes changed on page 4 of 7 under a budget discussion to reflect that he supports the transfer of only a portion of the Building Department reserve funds, not the full amount of \$400,000.

Commissioner Ball pointed out that he was shown absent at the 7:00 p.m. meeting on September 8, 2008; he was in fact present, and would like the minutes to reflect that.

**MOTION: Commissioner Varnadore moved, Commissioner Ball seconded and the motion passed 4-0 to approve the minutes on the September 22, 2008, Consent Agenda as amended.**

**MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion passed 4-0 to approve the Garmon/Greifenstein Wedding Special Function Permit pending verification of the insurance requirements for the rental at the Historical Park by Mr. Lukowiak.**

**MOTION: Commissioner Cornwell moved, Commissioner Ball seconded and motion passed 4-0 to approve the Palmetto High School Homecoming Special Function Permit.**

Commissioner Lancaster joined the meeting via a conference call for item 3.

## 3. PUBLIC HEARING – FINAL MILLAGE RATE AND FINAL FISCAL YEAR 2009 BUDGET

**Mayor Bustle opened the public hearing on Resolutions 08-31 and 08-32.**

- o Discuss percentage increase/decrease in proposed tentative millage over rolled-back rate
- o Discuss specific purposes for which ad valorem revenues are being increased/decreased
- o Discuss proposed tentative budget
- o Public Comment

Mr. Freeman informed Commission that as part of the budget process the City is required to publish the Summary Budget. Although the correct ad was submitted to the paper, there was a typo in the ad. A letter was provided by the Bradenton Herald acknowledging its error, and this is sufficient to meet TRIM requirements.

Each year, the first week in October, the City receives the DR422, the Final Certificate of Taxable Values from the Property Appraiser's office. Property Appraiser Greg Pennington has advised Mr. Freeman that this year the variance based on the Value Adjustment Board will most likely exceed the plus or minus 1 percent of the taxable value allowed by Florida Statute. The City has the option to administratively adjust that millage to remain revenue neutral within three days of receiving the DR422. No further budget hearings or noticing are needed to do so, but he will advise Commission when he receives the DR 422.

The Mayor called for public comment; there being none, he closed the public hearing.

**A) RESOLUTION NO. 08-31 (Read in its entirety)**

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF PALMETTO FOR FISCAL YEAR 2009; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Williams moved, Commissioner Ball seconded and motion passed 5-0 to adopt Resolution No. 08-31.**

**B) RESOLUTION NO. 08-32 (Read in its entirety)**

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2009; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Varnadore moved, Commissioner Ball seconded and motion passed 4-1 to adopt Resolution No. 08-32. Commissioner Cornwell voted nay.**

Discussion: Commissioner Varnadore asked Mr. Lukowiak if he had information on monitoring wells. He said that will be brought back as a workshop.

Commissioner Williams commented that it is not responsible budgeting to use money from a reserve account to pay for a department that is not supporting itself. He was referring to the Building Department. He added that by Florida Statute 163 the Commission has yet to have the required meeting with the CRA. He requested a review of the budget the first of January and an opportunity to reevaluate following the meeting with the CRA. Mr. Freeman reminded Commissioner Williams that during the budget discussions staff had agreed to provide a quarterly review in addition to the monthly financials Commission currently receives. It was agreed that the quarterly review would be in January, and CRA Executive Director Tanya Lukowiak reported that her board wants the joint meeting before November. The date will be determined at the next Commission meeting.

The conference call with Commissioner Lancaster was terminated.

**4. PUBLIC HEARING: ORDINANCE NO. 08-975 (Chief Lowe)**

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.

Mayor Bustle opened the public hearing. There being no public comment, he closed the public hearing.

**MOTION: Commissioner Cornwell moved, Commissioner Ball seconded and the motion passed 4-0 to adopt Ordinance No. 08-975.**

**5. PUBLIC HEARING: ORDINANCE NO. 08-977 (J. Freeman)**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA PERTAINING TO ABATEMENT OF NUISANCES AND NOTICE PROCEDURES; PROVIDING FOR REVISION OF SUCH PROCEDURES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing. Ms. Betty Rhodes asked for clarification of "nuisance." There being no further comment, the public hearing was closed.

**MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion passed 4-0 to adopt Ordinance No. 08-977.**

**6. APPROVAL: BUSINESS TAX LICENSE (J. Freeman)**

Approval of the issuance of a Business Tax License to Value Pawn & Jewelry.

**MOTION: Commissioner Ball moved, Commissioner Varnadore seconded and motion passed 3-1 to approve the Business Tax License for Value Pawn & Jewelry. Commissioner Williams voted nay.**

Mr. Freeman informed Commission that the license had already been issued contingent upon Commission approval. All licenses in this category require Commission approval, and it was only at the end of the process that staff became aware of it. The business has actually already opened. Commissioner Cornwell recommended a workshop to establish procedures so that this does not happen again.

**7. APPROVAL: PPD VEHICLE MAINTENANCE AWARD OF BID**

Approval of a one-year contract with Lex's Automotive and 4-Wheel Drive Repair, Inc. for the maintenance of the Police Department fleet.

**MOTION: Commissioner Ball moved and Commissioner Varnadore seconded a motion to approve and authorize the Mayor to execute a contract with Lex's Automotive and 4-Wheel Drive Repair, Inc. for one year ending September 30, 2009 in an amount not to exceed \$65,000.**

Discussion: Commissioner Cornwell said the packet did not really indicate if they were comparing apples to apples. All the bid documents were not included, and she would like to see them. Commissioner Williams said Commission should have been provided a copy of the ad. He has received complaints from businesses that wanted to bid on the vehicle maintenance and were not aware it had gone out for bid; letters should have been sent.

**MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion passed 4-0 to table the award of bid to the October 6, 2008 meeting.**

Discussion: Bill Lee, Professional Automotive, 4706 US 41 North, Palmetto, Florida, thanked Commission for the opportunity to serve the City of Palmetto for the past thirteen years. He has contacted Lex Automotive and offered to help with the transition.

**8. APPROVAL: EXTENSION OF VEOLIA WATER CONTRACT**

Approval of a two-year extension of Veolia Water's contract for the operation of the wastewater treatment plant.

**MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion passed 4-0 to authorize the Mayor to execute a letter of notification to Veolia Water to extend the current contract for an additional two years, to expire December 31, 2010.**

**9. RESOLUTION NO. 08-33**

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 Varnadore moved, Commissioner Cornwell seconded and motion passed 4-0 to adopt Resolution No. 08-33**

10. RESOLUTION NO. 08-34

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 Varnadore moved, Commissioner Ball seconded and motion passed 4-0 to adopt Resolution No. 08-34.

11. APPROVAL: SCHOOL CAPACITY PROGRAM (B. Schmitt)

Approval of the annual School Capacity Program as required by the Interlocal Agreement with the School Board.

**MOTION:** Commissioner Cornwell moved, Commissioner Ball seconded and motion passed 4-0 to approve the annual School Capacity Program.

12. APPROVAL: TOMATO/FOUNDERS DAY FESTIVAL (Carried forward from 4:00)

Approval of the Tomato/Founders Day Festival Special Function Permit.

**MOTION:** Commissioner Cornwell moved, Commissioner Williams seconded and motion passed 4-0 to approve the Tomato/Founders Day Festival Special Function Permit with stipulations that included: goggles are to be used in the tomato fight; liability waivers must be secured; invite the schools to participate; and, tickets only, no cash rides for vendors.

13. DISCUSSION: Resolution 08-27 Palmetto Elementary School

Commissioner Varnadore asked for the discussion to be added to the agenda. Commissioners reviewed the amended resolution. Commissioner Varnadore asked Attorney Hall to review the tape of the workshop meeting. Commissioners Varnadore, Williams and Cornwell said Commission had passed the resolution "as amended" at the workshop, and some of the amendments were not included in the current version.

The following changes discussed at this meeting were a consensus among Commissioners:

- The Resolution will be contingent upon the county operating and maintaining the baseball fields at the same level they currently do, and that must be included in item 5, Section 2, page 3 of 7.
- Change item 10, Section 2, page 4 of 7, to read: The City of Palmetto MAY approve the Community Redevelopment Agency's (CRA) swap ... This was a new concern raised by Commissioner Williams at tonight's meeting. The City may prefer the money for the land to be used to pay off debt service. He was not sure what need the City would have for the FFA building.
- Insert a Not-to-Exceed amount of \$1,528,000 in item 8, Section 2, page 4 of 7, for the construction of the baseball complex by the City.
- Written verification from the County on item 17, Section 2, page 6 of 7, the last two bullets, regarding O & M of the ball fields and right-of-way improvements to 10<sup>th</sup> Avenue and 14<sup>th</sup> Avenue and restate it in item 5, Section 2.
- Change "agree" to "may" in item 14, Section 2, regarding accepting land from the School District for the eventual extension of 10<sup>th</sup> Avenue West.
- Item 16, Section 2, page 5 of 7, line 4, change to "City shall look to Manatee County to secure funding for additional improvements...(funding limited only to that portion not covered by CMS grant funding which has already been awarded)."

14. DEPARTMENT HEADS' COMMENTS

Tanya Lukowiak

Informed Commission that the Strand Decision had been overturned.

Chris Lukowiak

DEP approved the permit renewal with the stipulation that the City install a grit removal system by January 2010.

The Heagarty property has been sold. The new owner is willing to work with the City to keep an access easement there.

The Wheeler complaint regarding the tree has been resolved. She sent a thank you letter to Public Works.

He has been receiving complaints about the market on 17<sup>th</sup> Street and 2<sup>nd</sup> Avenue. The county has backed off from initial enforcement efforts there. He will send a letter to Ann Marie Harper at County Code Enforcement and ask them to step up efforts there. He will copy Ed Hunzeker, the owner of the property and Col. Hageman.

Jim Freeman

Utility customers are being noticed regarding the rate increase effective October 1. Per the Master Utility Ordinance, water is increasing 3 percent, sewer is scheduled to go up 6 percent and reuse 3 percent, but garbage will remain the same. Regarding storm water rates, staff is asking for time to review, approximately one month, before implementing the proposed increase on October 1.

Commissioner Varnadore asked for a workshop on October 20 to discuss credit mitigations.

**MOTION: Commissioner Ball moved, Commissioner Williams seconded and motion passed 4-0 to delay the implementation of the scheduled storm water rate increase.**

Advised he will have a memo to Commission by the end of the week regarding cell phones.

Mr. Freeman briefed Commission on the September 22 Pension Board meeting. With the current market climate, the City plan is down about 10 percent. Our actuarial assumption is 7.5 percent. The actuary said the City will see an impact in the amount of contributions next year to cover the shortfall as a result.

Chief Lowe

No comment.

Michele Hall

Gave Commission a memo briefing them on the Florida League of Cities Energy and Environmental Quality Committee that she attended. It focused on the well issue and lobbying the League to protect Home Rule. Asked Commission to let her know if they have input for her to take back to the October meeting.

The letter that Commission had directed her to send to the Terra Ceia CDD regarding the conflict assessment procedure did not go out; she explained why in an email to Commission.

The Hall is advertising itself as the biggest hip hop club in southwest Florida with occupancy of 2,000. The advertised event is on Sunday, and she's not sure if they are aware they can't sell alcohol. They do not have a promoter's license. Bill Stollo, Code Enforcement Director, plans to issue a Notice of Violation and bring them for hearing to the Code Enforcement Board. Chief Lowe said North River Fire Department has been contacted regarding the capacity.

15. MAYOR'S REPORT

None

## 16. COMMISSIONERS' COMMENTS

### Commissioner Varnadore

Regarding the County's under 21 alcohol ordinance, she would like this to come to the next meeting for discussion and given high priority. The City might want to adopt its own ordinance to protect the youth of our community.

Inquired as to the status of the sign ordinance. Mr. Lukowiak said more public meetings are needed and he will schedule them. She commented the sign ordinance has been on the suspense log for two to three years and it needs to move along.

### Commissioner Williams

Asked Mr. Freeman to explain the SRF Audit. Mr. Freeman said it is required by the state, and CPA Associates performed it for the City. It is standard procedure to close out that loan. CPA issued an unqualified report.

Expressed concern about the parking at the new bar on 8<sup>th</sup> Avenue. Asked if a certain number of spaces weren't required for each business. Mrs. Lukowiak said that in the downtown area, if businesses were not allowed to share parking and use surrounding public parking, the building would be obsolete.

Commissioner Cornwell asked if shared parking is limited to businesses that require parking at different times of the day. Mrs. Lukowiak will check and get back to her.

Commissioner Williams raised the issue of impact fee credits in Resolution 08-27. The minutes of the workshop say to delete the impact fee credits to Manatee Fruit Company, but Commission recalled they only meant to delete the dollar amount of \$1, 864, 375. Attorney Hall will confirm that when she listens to the tape. Commissioner Varnadore commented that the minutes could be amended after Mrs. Hall's review of the tape.

The meeting extended past the agreed upon time of 10:00 p.m.

**MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion passed 4-0 to extend the meeting to 10:15 p.m.**

### Commissioner Cornwell

Asked if there was any word on Albertson's. Mr. Lukowiak said the new owner is just doing cosmetic work at this time but will be coming to the Building Department in the future.

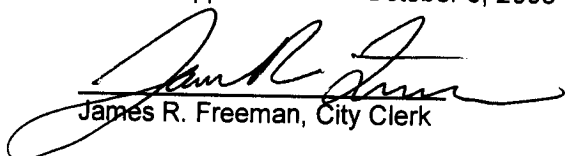
She asked that background checks be put on the next workshop agenda in order to establish a City policy and that it be given high priority. Mrs. Hall will check the availability of the attorney contracted by the City to help with this policy.

### Commissioner Ball

Informed Mr. Freeman that he is still not getting emails from the City. Mr. Freeman said the IT Department is still working on the problem.

The meeting was adjourned at 10:20 p.m.

Minutes approved: October 6, 2008

  
James R. Freeman, City Clerk