

Palmetto City Commission
February 7, 2005 - 4:00 P.M.

Elected Officials Present:

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

Staff and Others Present:

J.E. Free, Jr., City Clerk
Chief Lowe
Chris Lukowiak, Public Works Director
Tanya Lukowiak, CRA Executive Director
Geoff Seger, Parks and Recreation Supervisor
Michele Hall, City Attorney
Deanna Roberts, Administrative Assistant

Mayor Bustle called the meeting to order at 4:05 p.m. The meeting began with a moment of silence for military personnel serving overseas and the families of those who have lost loved ones, followed by the pledge to the flag.

1. APPROVAL OF WORKSHOP AGENDA

MOTION: Commissioner Lancaster moved, Commissioner Varnadore seconded and motion carried 5-0 to approve the February 7, 2005, 4:00 p.m. agenda.

2. ENVIRONMENTAL ASSESSMENT OF EDENFIELD PROPERTY

Tanya Lukowiak and Robert Westly, SCS Engineering

Mrs. Lukowiak said the Edenfield property is listed in the CRA Redevelopment Plan as a property to look at for redevelopment. Due to environmental concerns, CRA had an assessment done to meet the Florida Department of Environmental Protection (FDEP) requirements and determine the best use for the property.

SCS Engineering performed an assessment of the property and Project Director Robert Westly presented a summary of the findings. A map of the property and a summary analysis are attached as part of the official minutes.

A Phase I assessment done on the property at the time of the sale to the city showed that uses by CSX Railroad and runoff from adjacent West Coast Tomatoes impacted the property. A Phase II assessment showed that some contaminants were present at levels not permitted by FDEP. These two assessments showed that additional testing needed to be performed. SCS performed a limited environmental assessment based on the specifics of correspondence from the FDEP. FDEP required a soil analysis, a permanent well and sediment analysis from the drainage ditch. Based on this data collection, the DEP would make a judgment of the status of the site.

Michele Hall arrived at 4:26 p.m.
Commissioner Ball arrived at 4:28 p.m.

Results: The soil analysis showed that the two constituents of concern were either not detectable or present at permitted levels in the areas tested; no action needed. However, arsenic was found. The groundwater at the well is not affected by the contaminants; the water is potable. Two contaminants of concern and arsenic were found in the drainage ditch.

Results of the study are on a drawing in the attached packet. With regard to arsenic, the key concern on the property, anything on the west side of the line in the drawing could be used for commercial/industrial purposes. In some areas, there may be no human contact with the soils. Commissioner Cornwell asked if parking lots would be okay and Mr. Westly said they would. A line designates the areas of the property that may be used for residential purposes.

FDEP still must study the report. If the FDEP guidelines for arsenic are changed, and the city adopts those guidelines, the entire property may be usable according to Mr. Westly.

With the Commission's approval, Mrs. Lukowiak will see what the DEP requirements are, based on the study, and move forward to bid out the property for development, or pursue city use of the property.

3. MANATEE FRUIT COMPANY PRESENTATION

Caleb Grimes, attorney for Manatee Fruit Company, presented a conceptual plan for 324 acres of former agricultural land recently annexed into the city. Under the Comprehensive Plan, the land has been approved for a designation of Planned Development. Manatee Fruit Company is now going through the process to obtain a zoning designation and will be applying to the city for a Planned Development zoning designation. It will present a conceptual site plan for approval through the city's public hearing process. Following that, a more detailed general site plan will be presented and then actual development will begin.

Michael Peters, land planner for Manatee Fruit Company, presented the conceptual site plan. The plan calls for a pedestrian-friendly community, a lake in the middle with a central park amenity, single-family attached units with low maintenance, a large trail servicing a 7 ½ acre amenity area which will include a canoe launch and access to Terra Ceia Bay. Amenity areas for each of the condo units and boardwalks are proposed for the community.

Commissioner Eric Ball said he is concerned that the major developments coming into the city do not provide affordable housing. He feels that working people need to be able to buy a home in this community. Mr. Grimes said when they come back for the public hearing this will be addressed more fully.

Commissioner Cornwell asked the possible number of families the project would accommodate. Mr. Grimes said the maximum number of units is 1550. He can get more specific with numbers at the public hearings. She expressed concern about supporting traffic and if the wastewater treatment plant could handle the growth. Mrs. McCann said it could. Commissioner Cornwell said we are already dumping water into the bay; with increased growth, where will all the water go? Mr. Lukowiak said there will be a presentation at the 7:00 p.m. meeting regarding an agreement with SWFWMD for an ASR well. In addition, more reclaimed lines are being laid throughout the city and he's hopeful more people will use the reclaimed water.

Commissioner Williams also expressed concern about being able to handle the water.

Commissioner Lancaster asked staff if they would recommend the project to the commission if the city couldn't handle it; she depends on staff recommendations. Mr. Lukowiak said he would not bring something to commission unless he felt in good conscience the city could handle it.

Mayor Bustle cautioned against misleading terminology. He said the wastewater treatment plant can handle the project. Reuse is another topic and the ASR well will address that.

Commissioner Varnadore asked what the timetable was for the project. Mr. Grimes said full build out would actually be several years down the road.

Commissioner Cornwell expressed concerns as to where students would go to school as all the schools are maxed out.

Mayor Bustle asked Mr. Peters to consider mixed-use and recommended commercial space which could include professional offices and a grocery store to keep people from making any more automobile trips than necessary. Mr. Grimes said he would get with city staff regarding the suggestion.

4. UPDATE OF FLORIDA ELECTION CODE AND DISCUSSION OF PROPOSED ELECTIONS ORDINANCE

Nancy Bignell, Assistant Supervisor of Elections, appeared before commission to answer any questions regarding the elections ordinance proposed by Jim Free, Michele Hall and Diane Ponder.

Commissioner Cornwell asked about the deleted sections in the existing elections ordinance. Mr. Free said anything covered in the new charter would not be covered in the ordinance. Commissioners said it would have been more helpful if there had been a reference guide to show where the deleted items were covered in the charter. Mayor Bustle asked staff to verify again that all deleted items are covered in the charter.

Commissioner Cornwell asked Ms. Bignell if it is true an election can be held by mail. Ms. Bignell said yes. She elaborated that the city will have only one more "stand alone" election. Thereafter, the city will be "piggybacking" off the county-wide elections and will conduct elections under the auspices of the county. Florida Statutes allow for special elections with a mail ballot but currently for referenda issues only. Anything not covered in the city charter would revert back to election code.

Mr. Free commented that the city could not dictate, in a county election, that there not be ballots by mail. In a city election there could be stipulations.

Ms. Bignell said that in a mail ballot each registered voter receives a ballot through the mail and must sign an affidavit. The elections office will check validity of signatures. There are safeguards in place. Mail balloting is a cost effective way to hold a special election.

Mayor Bustle asked Ms. Bignell for a summary of changes in the Florida election code. She said Florida Statutes did not address early voting in the municipalities. The legislature made new guidelines the supervisor's of elections must adhere to.

Regarding early voting, the supervisor's office will not conduct early voting for any municipality having an election in November. The elections office had advised the municipalities that if they wished to have early voting, they would be on their own. Ms. Bignell said the city can opt out of early voting by ordinance or possibly by resolution. Mayor Bustle and Mrs. Hall commented that the City of Palmetto had already decided to opt out of early voting. Other available options were not pertinent since the city will not have early voting. After the November election, the city will have early voting under the auspices of the supervisor of elections.

Another change is that beginning July 1, 2005, any election in the state of Florida must have disability compliant election equipment in place. The elections office is going to try to arrange with the company they are buying equipment from to rent equipment to the municipalities.

In answer to Mrs. Hall's question about the ordinance language for early voting, Ms. Bignell said she had not received a copy of that. Mrs. Hall said she will make sure she gets a copy.

Commissioner Ball commended Ms. Bignell and her staff for their help during the two elections he recently stood for.

In response to Commissioner Williams concern about representation on the canvassing board, Commissioner Ball suggested that Section 10 should read ... canvassing board, which shall consist of: the city clerk *or designee*, the Manatee County Supervisor of Elections, and the mayor *or designee*. Designee may be replaced with the actual person designated, e.g. vice mayor for mayor.

Ms. Bignell said Jim Free had shown her the early voting language in the ordinance and she saw no problem with it.

5. PARKS AND RECREATION BUILDING MURAL PROJECT (Geoff Seger)

The Parks and Recreation Department has moved into a building at 17th Street Park. Major repairs have been done and now Mr. Seger would like to invite students from area schools to compete in a design contest to paint a mural on an outside wall to beautify the building. Judging would be done by the Mayor and City Commission and the winning team would paint their mural on the wall. The CRA would provide the materials needed plus a prize for the winning team.

Mr. Seger asked commission's approval to proceed with the project. There was a consensus of commission to have Mr. Seger proceed.

6. DISCUSSION – LEADERSHIP FLORIDA (Mayor Bustle)

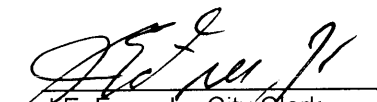
Mayor Bustle said he would like to attend the Leadership Florida class and would need city funding to attend. Commissioner Cornwell said she is a graduate and it is a tremendous opportunity. The Mayor said the cost would be spread out over two fiscal years. Commission approved his request.

7. DISCUSSION – PERSONNEL POLICY (Jim Free)

Carried forward to the 7:00 p.m. meeting. Commissioner Lancaster requested that if the policy discussion is not finalized at the 7:00 p.m. meeting, it should be first on the next workshop agenda.

Meeting adjourned at 6:03 p.m.

Minutes approved:



J.E. Free, Jr., City Clerk