

Palmetto City Commission
April 18, 2005 4:00 PM

Elected Officials present:

Larry Bustle, Mayor
Brian Williams, Vice Mayor
Eric Ball, Commissioner
Tamara Cornwell, Commissioner (entered at 4:14 PM)
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner

Staff and others present:

Michele Hall, Attorney
J. E. Free, Jr., City Clerk
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Jessica McCann, City Planner
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 4:00 PM.

A moment of silence for overseas military personnel was observed, followed by the Pledge of Allegiance to the United States Flag.

1. AGENDA APPROVAL

MOTION: Eric Ball moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the April 18, 2005 4:00 PM agenda.

2. MANATEE COUNTY RADIO CONTROLLERS, INC. LEASE AMENDMENT

Manatee County Radio Controllers, Inc. (MCRC) seeks approval to amend their lease dated September 24, 2002 to allow a sublease of a portion of the property to a paintball recreational park and to extend the lease term to 25 years. Mr. Free referred to the lease amendment he delivered to the Commission and requested it be substituted for the lease agreement in the agenda packet. He explained modification language was added to the amended lease agreement so as to not expose the City to the \$50,000 limit regarding capital improvements and to not limit the amount of capital improvements MCRC chooses to put on the property. The modification language also ensures that the City has the right to require the removal of all capital improvements upon termination of the lease, if the City so chooses, and to provide Lessee the right to request removal of capital improvements upon or prior to termination of the Lease. Mr. Free also stated he had removed language he felt was not beneficial to the City.

Mr. Free discussed how the organization would submit capital improvements for which it wants protection; if an item is not included on the Capital Improvement and Depreciation Schedule the lessee will receive no compensation at the expiration of the lease. If the City chooses, the City may keep any capital improvement not included on the schedule.

Commissioner Lancaster voiced opposition to the fact the organization will profit from the sublease to a third party while using City property. She inquired if a public hearing on the topic should be held to allow the citizens to voice their opinion regarding City property being used for a profit making venture. Mr. Free pointed out MCRC is a not-for-profit organization that is limited in the amount of funds that may be retained, there are limited uses permitted in the lease for the property and all subleases must come to the City for approval. Commissioner Ball stated he would like the lease amended to show sublease approval must be granted by the City Commission. Commission concurred.

Commissioner Cornwell voiced opposition to granting a sublease to a paintball park, citing insurance issues and its proximity to the elementary school. She stated she wanted the following information before she would vote for the lease amendment:

- If the paintball venture goes out of business, is the city free of outstanding liability issues?
- Can the City issue a cease and desist order to the paintball venture because of unacceptable activity?
- Can the City add language stating the maintenance of the property is the sole responsibility of MCRC?

Attorney Hall informed the Commission insurance naming the City as an additional insured would be required of any sub-lessee. She suggested Florida League of Cities could advise the City what type and how much coverage the City should require. Attorney Hall also suggested the City's Risk Manager should review insurance policies before execution of the amended lease.

Mr. Lukowiak informed the Commission that prior to the execution of the original lease Manatee County was responsible for monitoring and maintaining the property. Mr. Billy Dillworth, MCRC, confirmed MCRC maintains the property, but DEP requires Manatee County to mow the property eight times a year. Manatee County also inspects the land for, and repairs, potholes as the property is a watershed.

The topic was moved to the 7:00 PM agenda.

3. PROPOSED HURRICANE PREPAREDNESS ORDINANCE

The proposed ordinance requires all persons to secure construction materials within 24 hours of a hurricane warning being issued. Mr. Lukowiak requested that the proposed ordinance be amended to require construction materials be secured 24 hours after a hurricane warning has been issued; hurricane "watch" was deleted. The ordinance will be placed on the May 2, 2005 agenda for advertising approval.

4. PROPOSED DOCK ORDINANCE

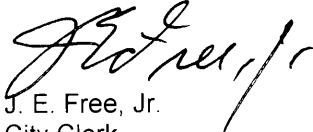
The Commission began a discussion on the proposed ordinance. Given the abundance of material contained in the ordinance, current issues regarding docks and Commissioners' questions, each Commissioner will contact Ms. McCann regarding the proposed ordinance. Ms. McCann will compile Commissioners' comments into an outline form to more efficiently develop the ordinance Commissioners feel will best represent the City's needs.

5. PROPOSED PLANNING AND ZONING APPEALS ORDINANCE

Commission made no changes to the proposed ordinance governing the appeals process for land use issues. The ordinance will be placed on the May 2, 2005 agenda for advertising approval.

Meeting adjourned at 5:30 PM.

Minutes approved: May 2, 2005


J. E. Free, Jr.
City Clerk