

Palmetto City Commission
May 7, 2007 4:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner (entered at 4:05 pm)
Tambra Varnadore, Commissioner
Brian Williams, Commissioner (entered at 4:10 pm)

Elected Officials Absent:

Eric Ball, Vice Mayor (entered at 5:00 pm)

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
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 4:05 p.m., followed by a moment of silence for overseas military personnel.

Mayor Bustle announced there was no need for a quorum as no action would be taken on any subject.

1. AGENDA APPROVAL

Mayor Bustle requested that item #4 Discussion: Jackson Park, be moved to item #1. Ms. Varnadore and Ms. Cornwell agreed to Mayor Bustle's request.

2. DISCUSSION: JACKSON PARK

Mr. Lukowiak reviewed the history of the Jackson Park drainage issue. Mr. Lukowiak referred to comments from engineer Jim McClean relating to the certain factors Commission must consider before entering into eminent domain proceedings.

Attorney Gill addressed Commission concerning his expertise in eminent domain law. He stated the resolution under discussion is authorization to proceed with the eminent domain for the property acquisition for construction for the Jackson Park drainage retention pond. He described the actions that would be taken after approval of the resolution. He stated the problem with the property owners is fragmented and fractional ownerships of the properties. The eminent domain statutes allow the City to begin the eminent domain proceedings after publication in a local newspaper and notification by registered mail to all known property owners. He described the process the City follows to become a fee simple owner of the properties should the City prevail in establishing a public need, and the process property owners would follow to claim their portion of the good faith deposit (110% of the current appraised value of each property) the City would place with the court.

Mr. Gill informed Commission the resolution contains conditions the Commission must consider in the eminent domain proceeding: 1) alternative solutions, 2) costs associated with the project, 3) environmental factors, and 4) safety considerations. He further explained that a court will not substitute its decision for Commission's decision.

Commission discussed the topic. Mr. Gill confirmed that in the event of a full apportionment suit by any claimant, the City would bear the full legal expense. Mr. Lukowiak confirmed there is a verbal consent from Manatee County to bear one-half of the cost of the total project, but a written commitment has not yet been obtained. Mr. Lukowiak broke the project down as follows:

Construction costs	\$425,000
Land acquisition	\$135,000 (10% above appraised value)
Designs	\$ 15,000 (already incurred)
Legal expense	\$ 50,000

He stated he will request that Commission approve his authoring a letter to Manatee County with a not to exceed cost of \$700,000 for the total project, because some of the figures are estimates. Manatee County will be responsible for \$350,000.

Mr. Lukowiak discussed the alternative plan to pipe under 17th Street into Carr Drain that had been considered, but Southwest Florida Management District concluded the plan would eliminate only one inch of flooding, while creating a greater flooding probably downstream. Jones Edmunds' engineering study developed the retention pond alternative.

Mr. Gill opined that the documentation before Commission for consideration would be adequate to support the eminent domain proceeding.

Commission agreed to move the item forward to the 7:00 agenda.

3. DISCUSSION BOAT DOCK ORDINANCE

Commission concluded the review of the proposed ordinance. Staff noted the sections that were amended according the Commission's comments. The proposed ordinance will be rewritten to reflect Commission's comments, Commission's conceptual ideas, additional research that is required on various sections, and to ensure consistent language throughout the document. The new draft of the ordinance will be presented to Commission at a future workshop meeting. A copy of the draft will also be provided to the Boat Dock Committee.

4. WALLACE, ROBERTS & TODD: EAR DISCUSSION

Lindsey Withrow, representative of Wallace, Roberts & Todd, advised Commission a draft of the Evaluation and Appraisal Report (EAR) will be forwarded to the City in approximately two weeks. She recapped the EAR process and the research data her firm has compiled to complete the EAR.

Ms. Withrow stated that until the EAR is accepted by the DCA, the Commission may not revise the Comprehensive Plan. Ms. Withrow reviewed the recommended updates Wallace, Roberts & Todd are recommending the City submit to the Department of Community Affairs (DCA), as follows:

Local Issues:	Parks & Open Spaces Facility Maintenance Traffic Circulation and Transportation Affordable Housing Effective Management of Development and Redevelopment Protection of Neighborhood Characteristics
State Compliance:	Water Supply Planning Public School Concurrency Transportation Concurrency Waterfronts (mostly access issues) Coastal High Hazard Areas

Leftover issues: Inconsistency and incompatibility of the Land Development Code (LDC)
 Definition of Future Land Use categories within the Plan
 Recognition of new ordinances in the Plan and creation of policies as appropriate
 Community-wide vision process
 Direction of development downtown and within the CRA District

Ms. Withrow stated a courtesy review by DCA may make the approval process more efficient and will reduce the number of requests.

Mr. Williams voiced concern with the language "particularly in western Palmetto" and "demarcation" within the EAR. Ms. Lukowiak suggested alternative language for "demarcation". Ms. Withrow stated issues cannot be removed, but language can be drafted to include the community as a whole.


Ms. Withrow confirmed she can provide Commission a comparison of newly enacted legislation as it relates to the EAR.

Commission thanked Ms. Withrow for the update.

Attorney Hall advised Commission she has been informed Attorney Hennessey will appear at the 7:00 meeting to possibly ask that Commission consider a public/private partnership for Olympia Theater. A request to schedule a litigation shade meeting will be made at the 7:00 meeting so the recently completed mediation can be discussed with Commission.

Meeting adjourned at 6:00 pm.

Minutes approved: May 21, 2007


James R. Freeman
City Clerk