

Palmetto City Commission
October 4, 2004 7:00 PM

Elected Officials present:

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

Staff and others present:

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

Mayor Bustle called the meeting to order at 7:00 pm.

Reverend Sterling Forrester gave the invocation, followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle presented a plaque to past Commissioner Shirley Groover Bryant, recognizing her ten years of service to the City as an elected official.

Mayor Bustle introduced Representative Bill Galvano, who as Chairman of the Manatee County Legislative Delegation, recognized Mary Jean Forrester by proclamation for her 52 years of service to the City. Mayor Bustle also presented Mrs. Forrester with a plaque.

Public Comment: Vivian Jones, 220 11th St. W., informed the Commission that when Public Works repaired sinkholes in the street she began experiencing problems of water backing up in her garage during the use of her washing machine. She reported she had requested Public Works look at the situation. She also commented on her high utility bill. Mayor Bustle assured her the situation would be addressed.

1. APPROVAL OF AGENDA

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 5-0 to approve the October 4, 2004 7:00 pm agenda.

2. CONSENT AGENDA

A) Minutes: September 15, 2004 Workshop and Council Meeting
September 20, 2004 Workshop and Council Meeting

B Special Function Permit: PHS Homecoming Parade
Full Gospel Holiness Church Revival Under Tent

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve the Consent Agenda.

3. PUBLIC HEARING - ADOPTING 2004 MILLAGE RATE AND FISCAL YEAR 04-05 BUDGET

Mayor Bustle opened the public hearing.

Mayor Bustle announced the City of Palmetto as the taxing authority that will levy a millage rate of 5.1645 mills per \$1,000, a 10.37 percent increase over the rolled-back rate of 4.6794 mills.

Mayor Bustle commented on the escalating health insurance, land development code renewal and update expenses and the general cost of living increase as items being funded by the ad valorem taxes.

Mayor Bustle asked for public comment. There being none, Mayor Bustle closed the public hearing.

A) RESOLUTION NO. 04-63

Resolution No. 04-63 was read in its entirety.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ADOPTING THE MILLAGE FOR THE TAX YEAR 2004 AND LEVYING AD VALOREM TAXES ON PROPERTY WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF PALMETTO FOR

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 04-63.

B) RESOLUTION NO. 04-64

Resolution No. 04-64 was read in its entirety.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING AND ADOPTING A BUDGET FOR FISCAL YEAR 2004-2005; MAKING APPROPRIATION OF MUNICIPAL FUNDS AND PROVIDING AN EFFECTIVE DATE.

Mayor Bustle stated the budget before the Commission is as discussed at the September 15, 2004 budget hearing. The excess \$61,000 was placed in the Clerk's budget for future allocation. Mr. Williams requested that the personnel reclassifications proposed in the Public Works' reorganization not be implemented until after the Commission has reviewed the positions. Mr. Free confirmed the Commission's intention to retain the proposed funds supporting the reclassifications. The Commission agreed to Mr. Williams' request. Mr. Lukowiak will review the proposed reorganization at the October 18, 2004 Commission workshop meeting.

MOTION: Mr. Ball moved, Ms. Varnadore seconded and motion carried 5-0 to adopt Resolution No. 04-64.

4. PUBLIC HEARING - VILLAS AT OAK BEND GDP MODIFICATION

Mayor Bustle opened the public hearing for the Villas at Oak Bend GDP Modification

Planner Jessica McCann informed the Commission the developer of the Villas at Oak Bend is requesting a modification to the general development plan as follows:

- Increase the length of ten type A villas from originally approved 61 feet long to 66.6 feet
- Deletion of the lanais from type B villas

After no public comment, Mayor Bustle closed the public hearing.

The Commission found the minor modifications to the Villas at Oak Bend general development plan to be:

- In accord with all applicable regulations in effect at the time of the amendment creating the PD district, as modified in the amending action; and
- In accord with all applicable regulations currently in effect; and
- In accord with all the conditions and requirements specified in the amendment creating the PD.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve a minor modification to the Villas at Oak Bend GDP by increasing the length of the ten type A villas to a maximum of 66.6 feet.

5. PUBLIC HEARING - ORDINANCE NO. 04-822

Ordinance No. 04-822 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 22, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-81, DEFINITIONS, BY AMENDING THE DEFINITIONS OF "ACCUMULATED CONTRIBUTIONS" AND "RETIREMENT"; AMENDING SECTION 22-82, MEMBERSHIP; AMENDING SECTION 22-83, BOARD OF TRUSTEES; AMENDING SECTION 22-108, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 22-109, REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 04-822 to October 18, 2004 at 7:00 pm.

6. PUBLIC HEARING - ORDINANCE NO. 04-823

Ordinance No. 04-823 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, AMENDING CHAPTER 22, PERSONNEL, ARTICLE V, POLICE OFFICERS' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-173, BOARD OF TRUSTEES; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing.

MOTION: Mrs. Lancaster moved, Ms. Varnadore seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 04-823 to October 18, 2004 at 7:00 pm.

7. PUBLIC HEARING -ORDINANCE NO. 04-824

Ordinance No. 04-824 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO CHAPTER 19, ARTICLE IV, SECTIONS 19-177 AND 19-178 OF THE CITY CODE OF ORDINANCES PERTAINING TO SPECIAL FUNCTION PERMITS; CREATING CHAPTER 19, ARTICLE IV, SECTION 19-180 EXEMPTING CERTAIN CITY FACILITY RENTALS FROM THE SPECIAL FUNCTION PERMIT REQUIREMENT; PROVIDING FOR REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing.

Discussion confirmed the ordinance did not permit waiver of fees unless the City is a joint sponsor of an event. The City Facility Rental Rules and Regulations document was amended to reflect the forfeiture of fees and security deposit if rules are not followed.

Mayor Bustle closed the public hearing.

MOTION: Mr. Ball moved, Ms. Varnadore seconded and motion carried 5-0 to adopt Ordinance No. 04-824.

8. 1st READING & ADVERTISING APPROVAL - ORDINANCE NO. 04-825

Ordinance No. 04-825 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM IL (INDUSTRIAL LIGHT-COUNTY) TO H-COM-IND (HEAVY COMMERCIAL/LIGHT INDUSTRIAL-CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Palmetto Industrial Park, LLC - PA0406, PID #2575700059, apprx 3.993 acres).

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to approve Ordinance No. 04-825 for advertising and schedule a public hearing October 18, 2004.

9. 1st READING & ADVERTISING APPROVAL - ORDINANCE NO. 04-826

Ordinance No. 04-826 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM LM (LIGHT MANUFACTURING-COUNTY) TO CHI (HEAVY COMMERCIAL LIGHT INDUSTRIAL-CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Palmetto Industrial Park, LLC, Z0412, PID #2575700059, apprx. 3.993 acres).

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to approve Ordinance No. 04-826 for advertising and schedule a public hearing October 18, 2004.

10. 1st READING & ADVERTISING APPROVAL - ORDINANCE NO. 04-827

After informing the Commission the title of Ordinance No. 04-827 had been corrected, Ordinance No. 04-827 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A GENERAL DEVELOPMENT PLAN FOR PARCELS #8 AND #9 AND PORTIONS OF PARCELS #11 AND #19 AND A CONCEPTUAL DEVELOPMENT PLAN FOR PARCEL #12 AND PORTIONS OF PARCELS #10 AND #11 OF THE RIVIERA DUNES MASTER DEVELOPMENT PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP0402 Bel Mare @ Riviera Dunes, Ltd., PID #2581600319, 2581600609, 2581600509, 3133700509, 2581600859, 2581600809, 2581600759, 2581600709, apprx. 31 acres).

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 04-827, which changes, for advertising and schedule a public hearing October 18, 2004.

11. APPROVAL OF DCA DISASTER RELIEF FUNDING AGREEMENT

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the State of Florida Department of Community Affairs Disaster Relief Funding Agreement No. 05-PA-C%-08-51-02-625.

12. RESOLUTION NO. 04-67

FYE04 year-end budget adjustments

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 03-22, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2003-2004, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Resolution No. 04-67.

13. RESOLUTION NO. 04-70

FYE04 Additional Police Department soil testing

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 03-22, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2003-2004, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 5-0 to adopt Resolution No. 04-70.

14. Resolution No. 04-69

FYE05 - Mayor and Commission salary; Mayor and Commission retreat; Initiation of City records archiving

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 04-64, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2004-2005, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Free stated Resolution No. 04-69 proposed to allocate the \$61,964 surplus in the FYE05 Clerk's budget by adjusting the Mayor's annual salary to \$45,000 and the Commissioner's annual salary to \$7,500. Also being allocated from the surplus funds is \$10,000 for a Mayor, Commission and Department Head retreat in conjunction with the Florida League of Cities conference and the reinstatement of \$3,000 to the Tomato Festival and \$1,500 to the Multicultural Festival. The remainder will be allocated to archiving City records.

MOTION: Mr. Ball moved and Ms. Varnadore seconded to adopt Resolution No. 04-69.

Research revealed that if the Commission approved an expense allowance they would still have to submit an accounting of their expenses. Administratively, an increase in salary is the most accountable way to fund the increase in expenses the Commissioner's are experiencing in fulfilling their responsibilities.

Mr. Free discussed the proposed increase to the Mayor's salary, stating it had been some time since the position had received an increase. Ms. Varnadore stated her opinion the salary increase was indicative of the increased responsibility and time demands of the position; the current salary level limits applicants for the position. Mr. Williams spoke of the change being instrumental in the transition to a city manager form of government. Mr. Ball voiced his opinion that based on the current \$21,648 salary, a candidate for the position has to be of wealth or retired. Mrs. Lancaster voiced concern in doubling the salary, questioning if other positions will be eliminated. Ms. Cornwell also voiced reservations, as she had requested funds are allocated to plan for a new city center.

Council discussed an incremental increase of \$5,000 per year for the next four years; the potential salary of a city manager, and if other positions would be altered thus reducing the related salary; and the estimated debt service required to support a new city center. Staff was instructed to research cities of comparable size and gather salary information for the mayor, commission and the cities department head positions.

Mr. Ball withdrew his motion and Ms. Varnadore withdrew her second.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to table Resolution No. 04-69 to October 18, 2004.

15. COMMISSION ADMINISTRATIVE POLICY NO. 04-02

The Policy was amended to also include required Commission approval for changes to the personnel budget.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Commission Administrative Policy No. 04-02 as amended.

16. DEPARTMENT HEADS' COMMENTS

Mr. Lukowiak

The Town Hall Meeting scheduled for October 11, 2004 at the Palmetto Youth Center to discuss the Master Utility Ordinance will be cancelled.

Advised the Commission he will be at a mandated TMDL Conference October 12 and 13, 2004.

Mr. Lukowiak will work with the well permitting agency in an effort to secure City approval in the signature block of permits.

Previous Council action mandated no left turns onto 8th Avenue or crossover from either side of Riverside Dr. Mr. Lukowiak inquired if that action is still the City's intent. He and Mayor Bustle will discuss if there is a continued reason for the enforcement of the previous decision. The Commission asked that if it is determined the precautions are still warranted, the surrounding businesses be contacted before implementing the prohibition.

The Commission was informed that Public Works has responded to Mrs. Jones' complaint on three separate occasions. While repairing the sinkhole in 11th Street, tree roots were found growing in the sewer main. The City repaired the pipe on City property, but Mrs. Jones is responsible for repairs to the pipe located on her property and has been so informed. Mr. Lukowiak was asked to determine the property on which the tree is located.

Thanked Chief Lowe for police cooperation during Hurricane Jeanne. Mr. Lukowiak also recognized Matt Bloome for his performance during the hurricane.

Attorney Hall

Advised the Commission there is nothing that prohibits the City from turning off water to delinquent accounts that house children. She also advised the law states the City can't discriminate in its policy when dealing with special needs individuals; therefore, the City must be put on notice by individuals with special needs or water may be legally turned off because of a delinquency.

17. MAYOR'S REPORT

There is a workshop scheduled October 11, 2004 at 4:00 pm to discuss the Personnel Policy.

18. COMMISSIONER'S COMMENTS

Mr. Ball

Inquired why the October 11, 2004 Town Hall Meeting was being cancelled. Mr. Lukowiak stated the majority of people preferred October 14, 2004. He will confirm the cancellation with the individuals he has contacted regarding the meeting.

Reported on the Historical Commission's fund raiser. Requested the City address a maintenance item; sprinklers are hitting buildings and causing wood damage.

Regatta Pointe Marina sustained damage to some of the floating docks during Hurricane Jeanne.

Mr. Williams

Asked that other cities in Manatee County be asked how their commissioners are briefed during storms.

Referring to the new Charter, Mr. Williams inquired how commissioners are to deal with constituent's calls. Mayor Bustle stated that if the problem is urgent, contact someone who can help. Mayor Bustle elaborated, stating there is nothing wrong with Commissioners saying they don't have an answer to a question and refer the individual to the Mayor's office or a Department Head. Mayor Bustle inferred it is not appropriate for a Commissioner to call a Department Head and change the operation of the City.

Ms. Varnadore

Reported parking on 4th Street between 8th and 10th Avenues is creating problems. Chief Lowe stated the City allows parking on the streets, but the police department will monitor.

The 7th Street project is slated to be completed before January 2006.

Encouraged the City to put forth an effort to secure funding this year for a Victim's Advocate position. Mayor Bustle stated he would research the topic.

Ms. Cornwell

The 10.37 percent increase over the rolled-back rate will generate approximately \$352,000.

Mr. Free confirmed he is planning to return to retirement; his appointment ends January 2005. Interviews for the City Clerk position are being held. Mayor Bustle stated he will bring the candidate to the Commission.

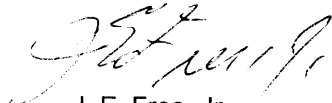
Mr. Lukowiak explained it will take until January 2006 to complete the 7th Street project; as the construction works its way back to 14th Avenue on 5th and 6th Streets, the adjoining side streets are also being addressed. Suggested the City should consider establishing a policy prohibiting parking and closing streets during construction projects.

Mrs. Lancaster

Stated the City needs a way to govern tall trees. Mr. Lukowiak stated FPL has been contacted because they have the right to cut down trees. Attorney Hall advised the ordinance governing hazardous conditions on land requires the Commission to make a finding and then the property owner can be noticed. Mr. Lukowiak will address the issue.

Meeting adjourned at 9:30 pm.

Minutes approved: October 18, 2004



J. E. Free, Jr.
City Clerk