

Palmetto City Commission
October 18, 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
Captain Clyde Hedrick
Chris Lukowiak, Public Works Director
Jessica McCann, Planner
Diane Ponder, Administrative Assistant

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

Mayor Bustle gave an invocation followed by the Pledge of Allegiance to the United States Flag.

1) APPROVAL OF AGENDA

Mayor Bustle informed the Commission staff has requested item #17, Emergency Work Policy, be removed. Approval of City Hall position reclassifications and job descriptions was added as item #17.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the October 18, 2004 7:00 p.m. agenda as amended.

2) CONSENT AGENDA

- A) Minutes: October 4, 2004 Workshop and Commission Meeting
- B) September Check Register
- C) Special Function Permit: ARC Spay/Neuter Mobile Clinic

MOTION: Ms. Cornwell moved, Mr. Ball seconded and motion carried 5-0 to approve the Consent Agenda.

3) PUBLIC HEARING - ORDINANCE NO. 04-819

Ordinance No. 04-819 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, VACATING A PORTION OF 20TH AVE WEST RIGHT-OF-WAY AS MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE AND AS GRAPHICALLY DEPICTED ON EXHIBIT "A" OF THIS ORDINANCE; RETAINING A 20-FOOT WIDE PUBLIC UTILITY EASEMENT AS MORE PARTICULARLY DESCRIBED IN SECTION 2 OF THIS ORDINANCE AND AS GRAPHICALLY DEPICTED ON EXHIBIT "B"; AND PROVIDING FOR AN EFFECTIVE DATE. (V0401-Samuel and John Fogarty)

Mayor Bustle reopened the public hearing continued from September 15, 2004. He announced staff's request to continue the public hearing to November 15, 2004 because of a lack of quorum at the Planning and Zoning Board meeting.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 5-0 to continue the public hearing to November 15, 2004.

4) 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 reopened the public hearing continued from October 4, 2004. After no public comment, Mayor Bustle closed the public hearing.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 04-822.

5) 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 reopened the public hearing continued from October 4, 2004. After no public comment, Mayor Bustle closed the public hearing.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to adopt Ordinance No. 04-823.

6) PUBLIC HEARING - 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).

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

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 04-825.

7) PUBLIC HEARING - 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).

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

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 04-826.

8) PUBLIC HEARING - ORDINANCE NO. 04-827

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).

Mayor Bustle opened the public hearing.

Mr. Bob Schmidt, representing developers, stated he concurred with staff's findings and the Planning and Zoning Board's unanimous approval of the proposed project. Mr. Schmidt discussed the location of the proposed project. The site plan allows for future retail, proposed recreation areas, a strip of land the developer is willing to donate to the City and three fifteen story buildings, which has all been planned to be pedestrian friendly.

Mr. Schmidt stated his group was requesting a variance for the three 15-story buildings; four 12-story buildings could be constructed without any variances. He gave the following reasons for requesting the variance:

- Reduced lot coverage
- Increase recreational amenities and future commercial sites
- Estimated 60 foot separation between four buildings vs. 80 feet for three buildings
- Reconfiguration of the access road; meandering vs. 90° road
- Project in the Urban Development Zone, the place for height; urban sprawl is not promoted

Mr. Schmidt reviewed the massing study previously presented to the Commission. He discussed the three views; from the boat basin, from the Hammocks, from the golf range. The three buildings will not increase density approved in the DRI process.

Mayor Bustle requested other public comment.

Charlie Castelli, secretary of the Riviera Dunes Homeowner's Association, stated satisfaction with the Corvus Corporation in its attempts to involve the Association in the project. The Association has seen the plan as three buildings and no specific, negative comments were posed to the Board of Directors. Most people he has personally spoken with prefer three buildings.

Mary Beth Romack, treasurer of the Riviera Dunes Homeowner's Association, echoed Mr. Castelli's comments.

Jim Bailey informed the Commission the Board of Directors of the Homeowner's Association voted unanimously for three buildings.

Patricia Shafer, a resident of Riviera Dunes, spoke in opposition to the project, presenting a letter of opposition from another Riviera Dunes resident. Ms. Shafer stated Riviera Dunes (Linda Svenson) and First Dartmouth Homes had told some residents there would be nothing higher than eight story buildings in the community. She also cited the destruction of views, the inadequacy of the infrastructure and the possibility of increase in height of future buildings as reasons for her opposition. Mayor Bustle commented on 12 story buildings being included in the DRI at the time of approval.

Ms. Varnadore questioned the variance request reducing the right-of-way setback on Haben Blvd. from 35 feet to 15 feet. Mr. Schmidt explained the variance request applied only to an accessory building that will house the backup generator for life safety issues.

Ms. Varnadore asked for clarification on the variance request for a reduction in parking spaces from two to 1.75 spaces per unit. Mr. Schmidt explained the sales information shows the vast majority of purchasers are taking only one space. The 189 proposed units will be provided 372 parking spaces.

Mr. Williams referred to the 80 feet between buildings and the right-of-way being reduced from 111 feet. Ms. McCann explained the 111 feet is the setback measurement required by code for buildings over 35 feet. The measurement extends from the building to the perimeter of the district. Ms. McCann further explained the variance being requested is a building setback requirement of 111 feet to 15 feet. Although 80 feet is depicted on the plans, the necessity for the 15 foot variance is due to the generator building. With the exception of the generator building, which will be 15 feet from the perimeter, the balance of the buildings will be constructed 50 to 80 feet from the perimeter. Mr. Williams suggested future staff reports should include why a variance is being requested.

Referring to Ms. Shafer's comment regarding future building heights, Ms. McCann stated the City is not obligated to approve future applications for a height variance but, having buildings clustered together fosters pedestrian traffic.

Also referring to Ms. Shafer's comment regarding the building height, Mr. Williams questioned if consideration had been given to the buildings' placement. Mr. Vining stated his group has worked closely with the Riviera Dunes residents, had consulted the CRA regarding the Riverwalk and future jobs and Palmetto Police Department about free space for a substation. He stated if the buildings are shifted, access to retail and by emergency vehicles will be affected. Mr. Vining informed the Commission his group, at its own expense, is preparing to install additional parking spaces for existing retail where a parking problem already exists. He also stated aid had been extended to Riviera Dunes' residents concerning problems with street lights, entryways and parking.

Mr. Ball voiced concern regarding the parking, stating he expected as the project moves forward the issue would be addressed by the developer. Mr. Schmidt agreed the parking problem would be addressed.

Mayor Bustle closed the public hearing.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 04-827.

9) RESOLUTION NO. 04-71
FYE04 ADA Compliance litigation

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, Mr. Williams seconded and motion carried 5-0 to adopt Resolution No. 04-71.

10) RESOLUTION NO. 04-72
FYE05 - Establish budget for carry-over PO's

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. Williams questioned the \$200,000 carryover purchase order. CRA Executive Director Tanya Lukowiak explained statutes allow the CRA to carry-over SHIP funds for three years, thus the two \$100,000 carry-over PO's for the SHIP Program, which Manatee County matches for FYE03 and FYE04. The area eligible for SHIP funding has been expanded to include the EDZ. Previously, CRA has been unsuccessful finding homeowners willing to participate in the program, but currently have ten homes that will be funded in the next 60 days. In FYE05 the CRA has \$600,000 available SHIP funds.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to adopt Resolution No. 04-72.

11) APPROVAL - REPLAY SYSTEMS, INC. SERVICE AGREEMENT

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize Chief Lowe to sign the Replay Systems, Inc. Service Agreement, not to exceed \$2,849.75.

12) RESOLUTION NO. 04-74
Replay Systems, Inc. Service Agreement

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.

Mr. Free corrected the title of Resolution No. 04-74 to read:

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.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to adopt Resolution No. 04-74 as stated by Mr. Free.

13) ANNOUNCEMENT OF ELECTION AND APPOINTMENT OF CANVASSING BOARD

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to announce the November 2, 2004 election for the At-Large 1 Commission seat and appoint a Canvassing Board consisting of Mayor Bustle, City Clerk Free and Manatee County Supervisor of Elections, Robert Sweat.

14) RESOLUTION NO. 04-73

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING AND APPROVING POLLING PLACES; AND PROVIDING AN EFFECTIVE DATE.

Discussion determined the polling places listed in Resolution No. 04-73 were incorrect.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 04-73, with the polling places for the November 2, 2004 City of Palmetto election as designated by the Supervisor of Elections of Manatee County.

15) PUBLIC WORKS EQUIPMENT PURCHASE

Mr. Lukowiak informed the Commission Public Works was seeking permission to purchase a replacement street sweeper that was approved in the FY 2004-2005 Budget. The sweeper will be purchase through a lease/purchase program, which will be brought to the Commission for approval at a subsequent meeting.

MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 5-0 to authorize the order of a street sweeper to be funded through a lease/purchase agreement to be approved at a subsequent date.

16) CITY COMMISSION ADMINISTRATIVE POLICY NO. 04-03

Administrative Policy No. 04-03 is a Cell Phone Policy. Mr. Free discussed the fact the policy does not preclude directors from authorizing personal calls by employees in certain instances. He confirmed all City phones are on the same plan, but the Police Department pays a different rate.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve City Commission Administrative Policy No. 04-03.

17) CITY HALL JOB DESCRIPTIONS AND RECLASSIFIED POSITIONS

Mr. Free stated the approved FY 2004-2005 Budget contained funding for proposed reclassifications. He discussed the following reclassified positions, the position's proposed job description and pay grade modification, if applicable:

- Administrative Assistant to Deputy Clerk-Administration, pay grade change from 107 to 113 (Administrative Assistant to the City Clerk position is deleted)
- Accounting Clerk to Accountant, pay grade change from 103 to 109 (Accounting Clerk position is deleted)
- City Planner/Zoning Administrator, pay grade change from 112 to 113
- Inventory Clerk to Warehouse Operator Assistant, pay grade change from 101 to 103
- Deputy Clerk-Finance (Existing Deputy City Clerk position modified by adding Chief Finance Officer responsibility and assignment of administrative duties to Deputy Clerk-Administration); no pay grade change
- Finance Director position re-titled to Finance Manager, no pay grade change

Mr. Free discussed the change in responsibilities that accompanied each reclassification. He confirmed the accountant positions were filled by individuals with an accounting degree. Discussion ensued on the receptionist position that is being filled pursuant to the Commission's wishes that the phone system be manned by an individual, rather than utilizing the automated feature provided in the system. Mr. Free also discussed the new HRN Personnel Evaluation software being instituted, explaining how it will assist in personnel evaluations.

18) APPROVAL CITY HALL JOB DESCRIPTIONS

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 3-2 to approve the job descriptions of reclassified City Hall positions as presented. Ms. Cornwell and Mrs. Lancaster voted no.

19) APPROVAL - PUBLIC WORKS REORGANIZATION

MOTION: Ms. Varnadore moved, Mr. Ball seconded and motion carried 3-2 to approve the reorganization of the Public Works Department and job descriptions of reclassified positions as presented at the October 18, 2004 Commission workshop meeting.

20) RESOLUTION NO. 04-69

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 that given the decision made at the workshop meeting concerning the mayor and commission salaries and the approval of the service agreement for the Police Department's phone system, the figures contained in proposed Resolution 04-69 were incorrect. He restated the information as follows:

1. Account 0015111201, Regular Salaries, will be increased by \$18,368
2. Account 0015115413, Technical & Training, will remain at \$10,000
3. Account 0015125271, Fairs & Festivals, will remain at \$4,500
4. Account 0015123116, Contract Services, will be reduced to \$10,000
5. Account 0015128204, Grants/Special Projects will be decreased by \$42,868
6. \$16,246 will be reserved in Account 0015128204, Grants/Special Projects, for evaluation of a future City Center

MOTION: Mr. Williams moved, Ms. Varnadore seconded and motion carried 5-0 to adopt Resolution No. 04-69.

21) DEPARTMENT HEADS' COMMENTS

Mr. Free

An RFP for an Impact Fee Study and Ordinance Update will be published in the Bradenton Herald on Tuesday. The REP is soliciting input as to what the City should be looking at in Impact Fees.

Announced he will be on vacation October 25, through November 2, 2004. He will return in time to serve on the Canvassing Board.

Captain Hedrick

Chief Lowe is at the NOBLE meeting.

Informed the Commission the Police Department was involved in the capture of an individual involved in a drive-by shooting and an individual involved in robberies at the marina.

Mr. Lukowiak

Announced he will be on vacation October 19 and 20, 2004.

Attorney Hall

A conference call is to be scheduled with DEP representative and Ed Vogler to address the final issue to return the modified submerged land lease back to where it should be.

Will meet with Mr. Free regarding the Valuation Board.

MAYOR'S REPORT

The proclamation for the Police Department Accreditation was postponed because of Chief Lowe's absence and the unavailability of Corp. Comacho.

A special Commission meeting has been called for Monday, October 25, 2004. Mayor Bustle explained the need to call the meeting to address the ORC report for the Comp Plan amendments. The meeting will be a one-item agenda.

A Career Day scheduled for October 27, 2004 is mandatory for employees. They will tour Heritage Park, participate in classes and be served lunch.

22) COMMISSIONER'S COMMENTS

Commented on the calls he is receiving regarding Johnathan's. Mr. Williams suggested the property owner needs to be notified the noise is an issue and advise them of the City's Noise Ordinance. The Police Department will provide a recap of the logged calls.

Ms. Varnadore

Thanked Mr. Lukowiak and Waste Management for taking care of issues at Palms of Terra Ceia.

Ms. Cornwell

Requested information regarding the free Animal Services spay/neuter clinic be placed in the utility bills.

Reminded staff all contracts should be listed on the contract calendar.

A meeting to discuss Blackstone Park will be held at Palmetto High School on Wednesday, beginning at 6:00 pm.

Inquired about the notice of a breakfast with Curtis Johnson.

Inquired about the notice of a seminar November 3, 2004. Mayor Bustle discussed the seminar, stating he and Mayor Poston supported the Chamber of Commerce initiative regarding the ACCORD and the perceived polarization of the community. Ms. Cornwell stated evening meetings of this type would be easier for elected officials to attend, as many are employed.

Spoke of the possibility of reactivating the Charter Review Committee. If the City is going to consider moving to a city manager, a timeline needs to be created so a plan can be developed. Mayor Bustle suggested the Charter Review Committee should meet after the current government has been in place a year, to determine if the Committee's non-charter issues are being addressed.

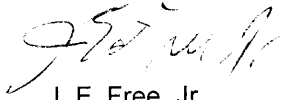
Mrs. Lancaster

Informed the Department Heads she felt everyone is doing a great job.

Congratulated the Police Department for receiving its accreditation.

Meeting adjourned at 9:30 pm.

Minutes approved: November 1, 2004

A handwritten signature in black ink, appearing to read "J. E. Free, Jr.", written in a cursive style.

J. E. Free, Jr.
City Clerk