

Palmetto City Commission
November 1, 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:

Michele S. Hall, Attorney
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Jessica McCann, City Planner
Karen Simpson, Deputy Clerk-Finance
Diane Ponder, Deputy Clerk-Administration

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

Pastor Lawrence Livingston, Eternity Temple, gave the invocation, followed by the Pledge of Allegiance to the United States Flag.

Vice Mayor Cornwell read a proclamation recognizing the Accreditation of the Palmetto Police Department. Chief Garry Lowe accepted the proclamation and recognized Lt. Rex Hannaford, Lt. Craig Himes and Corp. Camacho for their efforts during the accreditation process.

Mayor Bustle read a proclamation recognizing the nation's veterans and declared the week of November 6 - 11, 2004 as American Patriotism Celebration Week. Don Courtney, Warrant Officer, Retired and Chairman of the Manatee County Veterans' Council, accepted the proclamation.

1. AGENDA APPROVAL

Ms. Ponder asked that item #12, first reading of Ordinance No. 04-828 be deleted from the agenda and advised the Commission item #13, Ordinance No. 04-829 would be renumbered to Ordinance No. 04-828 for first reading and advertising approval.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the November 1, 2004 7:00 pm agenda, with changes as stated by Diane Ponder.

2. CONSENT AGENDA

- A) Minutes: October 11, 2004 Workshop Meeting
October 18, 2004 Workshop and Commission Meetings
October 25, 2004 Special Commission Meeting
- B) Attorney Billing September 30, 2004: Litigation - \$6,609.00
Professional - \$16,419.70

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

3. PALM LAKES ESTATES FINAL PLAT APPROVAL

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to approve the Palm Lakes Estates Final Plat and approve the defect and performance securities.

4. RIVERBAY TOWNHOMES PHASE II FINAL PLAT

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the Riverbay Townhomes Phase II Final Plat and approve the defect security.

5. RECLAIMED WATER GROUNDWATER MONITORING PLAN

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to approve JEA completing the WWTP Reclaimed Water Groundwater Monitoring Plan modifications as assigned by FDEP, in an amount not to exceed \$11,800.

6. LEASE APPROVAL - 2004 HOLIDAY DECORATIONS

Commission discussed the decorations' outages experienced last year. Staff will contact the vendor regarding maintenance and advise Commission.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize Mayor Bustle to execute the Clark Sales Display, Inc. lease for the 2004 holiday decorations in an amount not to exceed \$8,750.

7. APPROVAL - COMMISSION GENERAL EMPLOYEES' PENSION PLAN BOARD OF TRUSTEE APPOINTMENTS

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 5-0 to approve Larry Bustle and Ray Dielman as the Commission's appointment to the General Employees' Pension Plan Board of Trustees for a three year term ending January 1, 2008.

8. INSTALLATION OF STREET SIGNAGE APPROVAL

MOTION: Ms. Cornwell moved and Mrs. Lancaster seconded to approve the installation of No Parking signage as recommended by the Police Chief, Fire Chief, City Engineer and Public Works Department.

Mr. Williams stated his opinion this action is what would be classified as an emergency and Commission should identify the emergency ordinance that allows the signage placement without public notice. Attorney Hall advised the Commission that as discussed at the workshop meeting, approval isn't needed. Mr. Williams requested a list of locations before the signs are erected. Attorney Hall advised the Commission could withdraw the motion. A traffic regulation could then be developed, signed by the City Clerk and be implemented. If two Commissioners did not agree with the regulation it could be called up for consideration. She suggested that perhaps the best way to proceed would be to withdraw the motion and Commission consider itself advised and take no further action. Mr. Williams stated his opinion Commission should be advised of where the No Parking signs are placed.

The motion on the floor carried 5-0.

9. OPERATIONAL AND VOLUNTARY COOPERATION AGREEMENT

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize Mayor Bustle and Chief Lowe to execute the Operational and Voluntary Cooperation Agreement with Manatee County Sheriff's Office.

10. RESOLUTION NO. 04-75
Building Department new position

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: Mr. Ball moved, Ms. Varnadore seconded and motion carried 5-0 to adopt Resolution No. 04-75.

11. RESOLUTION NO. 04-76
Building Official salary adjustment

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, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 04-76.

12. 1ST READING & ADVERTISING APPROVAL ORDINANCE NO. 04-828

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF ARTICLE III, SECTION 3.2 OF THE CITY ZONING CODE BY DELETING THE DEFINITION OF "BOARD OF ADJUSTMENT"; PROVIDING FOR AMENDMENT OF ARTICLE XII OF THE CITY ZONING CODE TO COMBINE THE FUNCTIONS OF THE PLANNING AND ZONING BOARD AND BOARD OF ADJUSTMENT INTO A SINGLE, CONSOLIDATED BOARD TO BE CALLED THE "PLANNING AND ZONING BOARD"; PROVIDING FOR ESTABLISHMENT OF SAID CONSOLIDATED BOARD; PROVIDING FOR POWERS AND DUTIES OF SAID BOARD; PROVIDING FOR RULES AND PROCEDURES GOVERNING SAID BOARD; PROVIDING FOR APPEAL OF DECISIONS OF SAID BOARD; PROVIDING FOR REPEAL OF ARTICLE XIII OF THE ZONING CODE PERTAINING TO THE BOARD OF ADJUSTMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve Ordinance No. 04-828 for advertising and schedule a public hearing November 15, 2004.

13. DEPARTMENT HEADS' COMMENTS

Chief Lowe

Recognized Capt. Hedrick's contributions to the successful accreditation of the department. Capt. Hedrick is recuperating and will be returning to work soon.

Mr. Lukowiak

Thanked the Commission for "keeping him on his toes".

Attorney Hall

Requested Commission direct her to prepare an ordinance to allow for swearing-in of people addressing Commission on agenda topics.

14. MAYOR'S COMMENTS

Interviews for the City Clerk position have been completed and two candidates have been chosen. Mayor Bustle suggested scheduling both candidates for a workshop meeting so Commission could meet and speak with them. Commission concurred.

The Career Day event went quite well. Mayor Bustle thanked Don Patterson, Veolia Water, for contributing and preparing the lunch.

Commented on the charter government issue. Stated his concern there could be a threat to Palmetto as it is now known. He further stated the ACCORD is doing exactly what it was supposed to do.

The Kiwanis luncheon at the Bradenton City Center is open to the public. The speaker is the only Air Force ace pilot in the Viet Nam War.

Encouraged everyone to vote.

15. COMMISSIONERS' COMMENTS

Ms. Varnadore

Requested the City look into a Victim's Advocate, suggesting some of the surplus monies may be a possible source of funding.

Acknowledged removal of the tree ordinance, but suggested it should be brought back revised for developers so there are rules in place to enforce the issues.

Requested the agenda be distributed to the Commissioners on Wednesdays, by noon. Commission discussed the topic and concurred.

Mr. Williams

Agreed with the publication time for the agenda and suggested a policy should be put in place regarding submission of agenda items.

Suggested that when an item is on the agenda, the supervisor of the department supervisor should be in attendance to contribute to the discussion.

Chief Lowe is aware of the noise problem with Jonathan's and will address the issue.

Commented on staff's request for comments on the existing Commission policies.

Ms. Cornwell

Asked Public Works to develop a procedure for advising citizens of when water would be turned off.

Stated that as quickly as the charter government issue has been brought up is how quickly the municipalities must react. Suggested a meeting between the cities and constitutional officers should be arranged as soon as possible.

Mr. Ball

Commended the Mayor for the article in the North River News, stating very few citizens are aware of the charter government problem and how it will control the fate of the community.

Discussing the agenda, suggested if the bulk of the items are available on Wednesday a few could also be distributed on Friday if necessary.

Applauded staff on the tree ordinance, but asked staff to remember that while they are in the midst of an issue, Commission is not. He suggested staff advise Commission of major issues prior to bring forth proposed ordinances.

Mrs. Lancaster

Commented on the Mayor's efforts in developing the ACCORD and asked that he keep Commission update on the current issue. Commission agreed the ACCORD is responsible for helping settle the Perico Island issue.

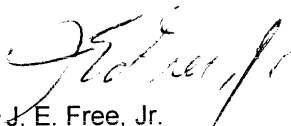
16. PUBLIC COMMENT

Margaret Tusing, 1401 21st Street, West spoke to Commission regarding the charter government issue, stating she's not sure the citizens of each municipality realize how they will be affected. She stated she doesn't feel the County Commission should decide for her if a change in government is necessary. She encouraged the Commission to keep up the good work and to hold citizen forums to educate the people on the issue. Mrs. Tusing also thanked Mr. Ball for his newsletter.

Ann Marshall, 706 20th Avenue, West commented the agenda provided the public does not sufficiently explain what issues the Commission is considering. An explanation will be provided for each item on future agendas until the new audio/video system is installed.

Meeting adjourned at 8:05 pm.

Minutes approved: November 15, 2004


J. E. Free, Jr.
City Clerk