

Palmetto City Council
October 16, 2000 7: 00 PM

Elected Officials Present:

Pat Whitesel, Mayor
Tamara Cornwell, Vice Mayor
Shirley Groover Bryant, Council Member
Donna Keefer, Council Member
Mary Lancaster, Council Member
Brian Williams, Council Member

Staff and other present:

Jim Dye, Attorney
Rex Hannaford, Palmetto Police Department
Mary Jean Forrester, Acting City Clerk
Margaret Tusing, Planning & Zoning Director
Don Patterson, PSG
Diane Ponder, Administrative Assistant

Mayor Whitesel called the meeting to order at 7:00 p.m.

Don Patterson gave the invocation followed by the pledge of allegiance to the United States Flag.

A discussion was held concerning the two-minute time limit allowed for public comments. It was consensus of the Council that Parliamentary Procedures would govern public comment time limits.

Mayor Whitesel read a proclamation designating November 5 – 11, 2000 as American Patriotism Week, also declaring November 11, 2000 as Veterans Day. Also read was a proclamation designating September 20, 2000 as Undoing Racism Day in the City of Palmetto.

Mayor Whitesel recognized Human Resource Director Sharon Jones on her appointment as Regional Coordinator of the Florida Public Personnel Association, Inc.

Mayor Whitesel informed Council that the Palmetto Make a Difference Day Committee will hold a pancake breakfast and car wash on October 28, 2000 for the benefit of the parents of Erin Polson, a child who lost her life to leukemia. The funds raised at the event will be used to help defray the medical expenses incurred in Erin's fight against the disease.

1. PUBLIC HEARING ORDINANCE NO. 627

Ordinance No. 627 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING THE MASTER UTILITY SYSTEM REGULATIONS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEAL OF CHAPTER 29, UTILITIES, ARTICLE I, "IN GENERAL," CITY CODE; PROVIDING FOR REPEAL OF CHAPTER 29, UTILITIES, ARTICLE II, "SERVICE RATES AND CHARGES," CITY CODE; PROVIDING FOR CREATION AND ADOPTION OF CHAPTER 29, UTILITIES, ARTICLE I, "MASTER UTILITY SYSTEM REGULATIONS," SECTIONS 29-1 THROUGH 29-43, CITY CODE; PROVIDING FOR APPLICABILITY, RATIFICATION, PRESERVATION AND RESERVATION OF EXISTING ACCOUNTS, FEES, CHARGES, DEPOSITS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

The public hearing was opened; no public comment, hearing was closed.

MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to adopt Ordinance No. 627.

2. PUBLIC HEARING ORDINANCE NO. 695

Ordinance No. 695 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA ANNEXING CERTAIN TERRITORIES TO THE CITY OF PALMETTO, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE. (AN0006-Forristall Enterprises, Inc. 1415 17th Street, East)

The public hearing was opened; no public comment, hearing was closed.

MOTION: Mr. William moved, Ms. Bryant seconded and motion carried unanimously to adopt Ordinance No. 695.

3. PUBLIC HEARING ORDINANCE NO. 696

Ordinance No. 696 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE DATE AND TIME OF CITY COUNCIL MEETINGS PROVIDED IN CHAPTER 2, ARTICLE II, SECTION 2.26 OF THE PALMETTO CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened; no public comment, hearing was closed.

MOTION: Mrs. Keefer moved, Mr. Williams seconded and motion carried 4 to 1 to adopt Ordinance No. 696. Mrs. Lancaster voted no.

4. FIRST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 697

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY, TO CHANGE THE ZONING FROM RS-2 (SINGLE FAMILY RESIDENTIAL, 10,000 SQ.FT. LOTS) TO PLANNED DEVELOPMENT/MULTI-USE (PD-MU) AND TO APPROVE THE GENERAL DEVELOPMENT PLAN, WITH CONDITIONS, AS REQUIRED BY SECTION 8.4 OF THE ZONING CODE FOR THE PROPERTY DESCRIBED IN SECTION ONE AND AS GRAPHICALLY PORTRAYED ON THE PLAN ATTACHED HERETO AS EXHIBIT "A", TO APPROVE THE RESTORATION PLAN NARRATIVE ATTACHED HERETO AS EXHIBIT "B"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z00010/Palmetto House Inn)

MOTION: Ms. Cornwell moved, Mrs. Keefer seconded and motion carried unanimously to approve Ordinance No. 697 for advertising and schedule a public hearing for November 6, 2000.

5. CONTRACT FOR SALE & PURCHASE OF LAFITTE PROPERTY

This is a 15-acre parcel of land being sold to the city at a cost of \$135,000. A portion of the land will be used as stormwater retention in the G3 project, with the balance becoming a city park. Mr. Dye explained the parcel contained 10 acres of uplands and 5 acres of wetlands. Mr. Dye also explained there is a city assessment of approximately \$16,000 against the property, and the city has been asked to take title to the property subject to the assessment rather than retiring it at closing. The seller is paying all closing costs connected to the transaction and has reduced the price by \$5,000.

Mr. Dye also advised SWFWMD would be contacted during the due diligence period to confirm that two construction bonds forfeited by the previous owner will be available to the city for the reimbursement of the construction costs. Mr. Dye stated he was informed the bonds total a little over \$100,000. A meeting will be scheduled between SWFWMD, city personnel and city legal counsel concerning the bonds.

A discussion concerning the purchase of the property was held addressing the bonds, appraisal value and whether the G3 project could be completed without this piece of property.

MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to approve the Contract for Sale and Purchase of the property and authorize the Mayor to execute the contract.

6. WILL'S OAKS SUBDIVISION/WAIVER REQUESTS

Mrs. Tusing presented the Will's Oaks Subdivision waiver being requested by Don Rowe. The waiver requests are as follows:

- a) Waiver to allow access from private easement (25 feet) for Lot 4**
- b) Waiver to minimum right-of-way width (50 feet) for a private road (25 feet)**
- c) Waiver to percentage of flag lots permitted (25%) to 50%**

Ms. Tusing explained that when originally approved the subdivision contained three lots on five acres. The requested waivers will change Lot 1, dividing it into two lots, thereby making the subdivision contain a total of four lots. Ms. Tusing further explained the subdivision was not recorded, as Mr. Rowe and she started conversation concerning the waivers before the recording had taken place, as it is easier to record one time vs. doing a replat of one lot.

Mr. Rowe addressed Council, stating he and his brother Ron Rowe have contracted to purchase Lot 1, containing 2.5 acres, and divide it between themselves to build their personal residences. He explained the interest in purchasing the lot came after the approval of Wills Oaks Subdivision.

Mr. Williams stated he was against the approval of the waivers, discussing the reasons behind his decision. Mr. Williams also discussed a letter from Zoller & Najjar addressed to Ms. Tusing, stating Planning & Zoning should have been copied. Mr. Williams also asked Ms. Tusing for a copy of a letter addressing the jurisdictional lines on the property.

Mr. Tim Lewis, who is currently constructing his home in the subdivision, addressed Council, stating he was under the impression city sewer would be available to the project the first of the year. Mr. Lewis further stated that due to the fact his home is under construction, there would be too much of a cost to switch anything at this point in time, but he would welcome Mr. Rowe to the neighborhood. Mr. Patterson stated the city sewer had been included in the list of in-kind services submitted to DEP, but the construction would be undertaken regardless if approved as an in-kind service, as Council has already approved the project.

Mr. Williams asked Mayor Whitesel about her conversation with Mr. Prather and what his reservations were. Mayor Whitesel stated Mr. Prather, Ms. Tusing and she had met briefly to discuss the mylar and the changing of the project from three lots to four lots without it having come back to Council, and the fact Mr. Prather's major concern was the flag lots. Mayor Whitesel stated she did not know Mr. Prather's reservations. Mr. Dye stated he had not reviewed the project.

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Lynn Toombs, member of Planning & Zoning board, stated there was concern because when originally approved, it was conditioned that Lot 1 would be only one lot. Ms. Toombs further discussed reasons for the Planning & Zoning decision.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 4 to 1 to approve the Will's Oaks Subdivision waiver requests and authorize the Mayor to sign the Plat. Mr. Williams voted no.

7. AGREEMENT FOR PROFESSIONAL ENGINEERING CONSULTANTS SERVICES AS CITY ENGINEER – ZOLLER, NAJJAR & SHROYER, INC.

This item will be moved to a future date.

8. MANATEE RIVER FAIR ASSOCIATION – FAIR BOOTH

MOTION: Mr. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve the expenditure of \$615.00 for the fair booth.

Ms. Cornwell suggested the booth be used to let the residents know of upcoming events. She suggested involving the local business in the manning of the booth. In that same line, Mrs. Keefer advised Council of the bulletin board at the Post Office that is available for the city's use.

9. CONSENT AGENDA

- a) Minutes of September 28, 2000 and October 2, 2000 meetings
- b) September Check Register
- c) Dye, Deitrich, Prather, Petruff & St. Paul September Billing
- d) Special Function Permit – Palmetto Make a Difference Day
- e) Special Function Permit – Palmetto Tomato Festival
- f) Special Function Permit – First Baptist Church Fall Festival

Ms. Bryant corrected the minutes of the September 28, 2000 meeting as follows:

Under Individual Reports, Ms. Bryant's statement should read "Council should be apprised if an article may be coming out on a topic so we could be prepared for inquiries" rather than "Council should be apprised of topics concerning the City prior to them being made public record."

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion passed unanimously by present Council Members to approve the Consent Agenda with the correction to the September 28, 2000 minutes. Mr. Williams was absent when the vote was taken.

10. DEPARTMENT HEAD REPORT

There were no reports from Department Heads.

Ms. Bryant inquired when the Department Head meeting minutes would be available to Council. Ms. Bryant asked that the attorney be included in the Department Head reports.

11. INDIVIDUAL REPORTS

Ms. Bryant

Ms. Bryant informed Council the Local Historical Records Grant information had been received.

Ms. Bryant asked the status of the P2000 Grant. Mayor Whitesel stated the city did not receive the grant. Mayor Whitesel stated that when she spoke with Tallahassee she was told things were missing from the grant. The grant will be reviewed, with shortcomings detailed, so that the grant can be resubmitted.

Ms. Bryant asked about the meeting regarding the 7th Street issue. Mayor Whitesel reported the meeting was scheduled for October 18, 2000.

Mrs. Keefer

Mrs. Keefer referred to the October 12, 2000 correspondence from Mr. Groff regarding employee entry rate level. Mrs. Keefer inquired about the midrange rate for Mr. Cummings. Mayor Whitesel stated Mr. Cummings came in at below midrange. Mrs. Lancaster stated she was in total disagreement with the salary range at which Mr. Cummings was hired. Mrs. Keefer stated she was uncomfortable with the situation.

Mrs. Keefer asked staff to advise Mrs. Cook the buses are back at Still's Motel and the city needs to police the area. Mrs. Keefer asked for a report back from staff.

Mrs. Lancaster

Mrs. Lancaster inquired about the meeting to be set with the North River Action Team, Manatee County officials and city officials. Mrs. Forrester asked direction from Mrs. Lancaster as to who should be asked to attend the meeting. Ms. Bryant suggested asking Mr. McClash or Mrs. Glass. A letter will be mailed as soon as possible.

Mrs. Lancaster informed Council she would be at a Racial Healing Seminar in Tampa the next four Thursday evenings.

Mrs. Lancaster asked that the adoption of Ordinance 613 be confirmed. She further requested that if the ordinance was not adopted that it be reviewed by the attorney and placed on the agenda for adoption as soon as possible.

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Mrs. Lancaster inquired about the information received from Florida League of Cities concerning charging for something citizens don't have. Mrs. Lancaster stated Council should keep apprised of the situation.

Mr. Williams

Mr. Williams commented on the letter received on the pay entry level and information on hiring the administrative assistant, stating he was disturbed City Council doesn't have more control over what the person's job would be and the pay. He stated Council could eliminate the position from the budget, change the ordinance or change the personnel policy. Mr. Williams stated his opinion that the job could be a clerk position. Mr. Williams commented on conditions for hiring, stating he didn't feel both conditions had been met, i.e. prior notification. Mr. Williams stated there were issues Council needed to discuss.

Ms. Cornwell

Ms. Cornwell will be attending the Florida League of Cities to attend her Utilities and Telecommunications meeting. Staff was asked to make reservations for November 16, 2000.

Ms. Cornwell asked for an update on construction around Palmetto Elementary. When construction is completed the Police Department will be needed to direct traffic. Lincoln Middle School's new building will be ready the first week in December so the Police Department will also need to be available for that time period.

Ms. Cornwell asked about celebrating Veterans Day. She asked that businesses be asked to display flags as well as the city displaying flags at the East Park.

Mr. Williams asked for follow-up on Mr. Prather's reservations concerning the Wills Oaks Subdivision. He stated he felt Mrs. Tusing handled the situation inappropriately and wanted to know what improprieties or possible wrong doing may have been done.

Meeting adjourned at 8:45 PM.

Minutes approved: November 6, 2000

***Mary Jean Forrester*
Acting City Clerk**