

Palmetto City Council
January 6, 2003 7:00 PM

Elected Officials Present:

Larry Bustle, Mayor
Mary Lancaster, Vice Mayor
Shirley Bryant, Council Member
Tamara Cornwell, Council Member
Charlie Grace, Council Member
Brian Williams, Council Member

Elected Officials Absent:

Shirley Bryant, Council Member

Staff and others present:

Attorney Alan Prather
Karen Conlon, City Clerk
Chief Garry Lowe
Mike Hickey, Public Works Director
Diane Ponder, Administrative Assistant

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

Council Member Brian Williams gave the invocation followed by the Pledge of Allegiance to the United States Flag.

Jude Thomas Gallen conducted the swearing-in ceremony for re-elected Council Member Shirley Bryant, Council Member Mary Lancaster, and Council Member Brian Williams.

PUBLIC COMMENT

Betty DeNeal spoke to Council about the flooding of her home New Year's Eve, voicing her opinion Carr Drain didn't help. She related city employees Ron Koper and Matt Bloom had visited her home, walking the property; Matt Bloome seemed to think the only thing to help would be to lift the structure and Ron Koper requested data. Ms. DeNeal requested Council do something about the situation.

Vivian Jones asked that Council keep the area on their agenda.

Mr. Williams asked the Master Drainage Plan be placed on the suspense log for review. He discussed the need for the city to more proactive; plans need to be expanded, attention to having crews available in weather events, police penalties for joy riders in flooded areas. It was also suggested the EOC needs to expand its plan established for this type of situation.

1. AGENDA APPROVAL

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the January 6, 2003 agenda.

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2. CONSENT AGENDA

Minutes: December 16, 2002 Workshop Meeting and Council Meeting
Dye, Deitrich, Prather, Petruff & St. Paul billing through November 30, 2002
Professional Services - \$3,214.74; Litigation Services - \$1,514.50

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

3. APPROVAL OF SETTLEMENT AGREEMENT: MARTHA A. FINCH V. CITY OF PALMETTO AND HEATHCLIFF KRYSZCZUK V. CITY OF PALMETTO

Attorney Dick Groff recommended settlement terms as set forth in his correspondence.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 5-0 to enter settlement in the amount of \$1,000 each to the named parties.

4. PUBLIC HEARING - ORDINANCE NO. 02-765

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 (AN0207-Palmetto Rental Properties, Inc., 612 10th St. E.; 2.02 acres)

Mayor Bustle opened the public hearing. There was no public comment. Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved, Mr. Grace seconded and motion carried 5-0 to adopt Ordinance No. 02-765.

5. CONTINUATION OF PUBLIC HEARING - PLAN AMENDMENT FOR PROPERTY LOCATED AT 612 10TH STREET, EAST - ORDINANCE NO. 02-766

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLAMETTO, AMENDING THE PALMETTO COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM IL (INDUSTRIAL, LIGHT/COUNTY) TO HCI (HEAVY COMMERCIAL/INDUSTRIAL/CITY) BY INCORPORATING THE LAND LEGALLY DESCRIBED IN SECTION ONE AND IN PLAN AMENDMENT NO. PA0212 ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0212/Palmetto Rental Properties, Inc.; 2.02 acres)

Mayor Bustle announced the public hearing was continued from November 18, 2002 and opened the floor for public comment. There was no public comment. Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved, Mr. Grace seconded and motion carried 5-0 to adopt Ordinance No. 02-766.

6. CONTINUATION OF PUBLIC HEARING - CHANGE OF ZONING FOR PROPERTY LOCATED AT 612 10TH STREET, EAST - ORDINANCE NO. 02-767

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO,

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FLORIDA, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM LM (LIGHT MANUFACTURING/COUNTY) TO CHI (COMMERCIAL, HEAVY/INDUSTRIAL/CITY); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0221/Palmetto Rental Properties, Inc., 2.02 acres)

Mayor Bustle announced the public hearing was continued from November 18, 2002 and opened the floor for public comment. There was no public comment. Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Ordinance No. 02-767.

7. PUBLIC HEARING - ORDINANCE NO. 02-770

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, BY REVISING ARTICLE VI, SECTION 6.7(b) SWIMMING POOLS BY AMENDING THE ENCLOSURE REQUIREMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (ZCA0201)

Mayor Bustle opened the public hearing. There was no public comment. Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved and Ms. Cornwell seconded to adopt Ordinance No. 02-770.

Mr. Williams commented on the ordinance lacking language describing the type of fence required if used as the enclosure, citing the need to prevent children's ability to scale fencing. Ms. Bryant discussed Council's past practice of insisting more restrictive fencing when granting variances. Mrs. Conlon stated the proposed language had been taken verbatim from the Florida Building Code. Mr. Prather advised Council portions of the Florida Building Code could not be changed by local jurisdictions, recommending research on the fence requirements be completed. If amended, the ordinance must be taken back to Planning and Zoning for consideration prior to Council's review.

Ms. Bryant withdrew her motion and Ms. Cornwell withdrew her seconded.

Council Members and Attorney Prather requested a copy of Chapter 4 of the Florida Building Code.

8. CONTRACT APPROVAL - SCHOOL RESOURCE OFFICER

Mayor Bustle reported the Manatee County School Board agreed to fund an amount not to exceed \$43,701 for two School Resource Officers at Lincoln Middle School and Palmetto High School.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the School Board of Manatee County contract for School Resource Officers for fiscal year 2002-2003 and authorize the Mayor to sign the contract.

9. AWARD OF BID - CITY LAND SURVEY

Mrs. Conlon explained the bid was for a survey to rewrite the legal boundaries of the City as requested by the Supervisor of Elections Office. Ms. Bryant questioned the necessity of the survey, stating annexation documentation is filed and copied to the Property Appraisers' Office - the information is available through a source without expending the funds. Ms. Bryant stated her opinion the bid should not be awarded until it is determined the information available to the Supervisor of Elections is incomplete. It was consensus of Council to defer the item until a later date.

10. APPROVAL OF UNBUDGETED SOFTWARE EXPENDITURE

Mrs. Conlon explained the requested Adobe software would be used for various applications throughout the city and the Bar Code Labeler software would be used to create identification tags for the city's fixed assets.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 5-0 to approve the purchase of Adobe software not to exceed \$499 plus shipping and Bar Code Labeler software not to exceed \$102.94.

11. APPROVAL OF UNBUDGETED PURCHASE

Mrs. Conlon explained the value of the water cooler in city hall was less than the cost to repair it - it no longer cools the water.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 5-0 to approve the purchase of an Elkay water cooler Model EHFA-8 not to exceed \$456.03.

12. TAMAMI TRAIL SCENIC HIGHWAY CORRIDOR MANAGEMENT PLAN

Mayor Bustle discussed the draft document; reassuring Council any resources expected from the city would be reviewed and approved by Council prior to committing the funds or manpower.

MOTION: Mr. Williams moved, Mr. Grace seconded and motion carried 5-0 to authorize the Mayor to sign the draft Tamiami Trail Scenic Highway Corridor Management Plan.

13. DEPARTMENT HEAD APPOINTMENTS

Mayor Bustle read a brief statement concerning the accomplishments of the department heads over the prior year, specifically citing finance, purchasing and the development of the budget using the new software. He asked Council to ratify his reappointment of the city counsel and city clerk.

Ms. Bryant discussed the evaluations of each department head, stating she did not concur with the evaluation in all instances. She went further by stating she opposed evaluations and in her case they did not reflect her evaluation.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 5-0 to appoint Dye, Deitrich, Prather, Petruff & St. Paul as city attorney for one year.

Ms. Cornwell stated she had been advised by Mr. Dye not to respond orally or in writing concerning the evaluations of the department heads.

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MOTION: Ms. Bryant moved to reappoint Karen Conlon as city clerk for six months. Motion died for lack of a second.

MOTION: Mr. Williams moved to appoint Ms. Conlon as city clerk for one year.

Discussion ensued concerning the one year appointment vs. a six month appointment. Ms. Bryant offered her opinion a six month review may provide a time to address concerns and reach a compromise.

Mr. Grace seconded Mr. Williams' motion. Hr further stated his opposition to one-year appointments.

Mr. Williams inquired of Mr. Prather if it is possible to condition the one-year renewal with a six month review. Mayor Bustle discussed the appointment of Chief Lowe with a six month review. Attorney Prather consulted the Charter and Code concerning appointments, stating neither was specific in answering the question. He stated his belief the six month review would be permissible.

Mr. Williams agreed to amend the motion to include a six month review if Council concurred. Mr. Grace stated his opposition to re-evaluations, again stating his opposition to one-year reappointments. He further stated if the motion was amended he would withdraw his second. Mr. Williams discussed his reasons for amending the motion.

Ms. Cornwell stated her desire to always reach a happy medium, but discussed reasons for not having a six month evaluation, such as being in the middle of budget at the time of review. She stated her belief the reappointment should be now or in another year. Ms. Cornwell also stated Council was aware she had hesitations a year ago.

Mayor Bustle discussed complying with Council's direction in performing the department head evaluations, offering the opportunity to provide comments or outside guidance. Mayor Bustle reiterated his belief the city is better run than a year ago, attributing much of the success to the city clerk.

Ms. Bryant discussed her issue with teamwork between the department heads. Mrs. Lancaster discussed seeing discord among the departments and Mrs. Conlon's absence from city hall. Mrs. Lancaster discussed previous concerns she had brought to Mayor Bustle's attention.

It was discussed whether or not to amend the motion to add a six month review. Question was called for. The call for the question failed by virtue of Ms. Cornwell, Mr. Grace and Mr. Williams voting no.

MOTION: Mr. Williams amended his original motion, reappointing Mrs. Conlon for one year with a six-month review by City Council. Mr. Grace seconded. The amended motion passed 3-2. Ms. Cornwell and Mrs. Lancaster voted no.

Attorney Prather stated the question now before Council was the appointment at the amendment. Motion to reappoint Karen Conlon as city clerk for a one year term with a six month review by City Council failed 3-2. Ms. Cornwell and Mrs. Lancaster voted no.

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Mayor Bustled recessed the meeting for ten minutes.

14. MAYOR'S APPOINTMENTS TO CITY BOARD & COMMITTEES

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 5-0 to ratify the Mayor's board and committee appointments as shown under tab 11.

A copy of the appointments is attached hereto and made a part of these minutes.

15. CONTRACT RENEWAL

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to renew CPA Associates, PA as city auditor for an additional three years ending after the September 30, 2005 audit.

16. ELECTION OF VICE MAYOR

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to nominate Ms. Bryant as Vice Mayor.

17. DEPARTMENT HEADS' COMMENTS

Mike Hickey, Public Works Director

Applauded the six people in his department that worked New Years Eve and New Years Day. Stated he and Ron Koper had visited the Public Safety Office to observe the 911 system. Mr. Hickey also informed Council the Public Safety Office and the Red Cross assisted in the weather event New Years Eve. Mr. Williams requested a local plan be established whereby phones in the Public Works Department would be manned in known weather emergencies. The item was placed on the suspense log for a response within 30 days.

18. MAYOR'S REPORT

Discussing the newspaper article on the flooding, Mayor Bustle stated Carr Drain did perform, that some events cannot be prevented. He discussed the need for a mini EOC where phones are activated and people are pre-designated to be available. Ms. Bryant discussed the fill ordinance provided to her by Southwest Florida Water Management District, which she passed on to the department head at that time. Ms. Bryant stated the adoption of a fill ordinance is a recommendation by SWFWMD and proposed it be brought back to Council for consideration.

Referring to Dr. Jones', Manatee School for the Arts, reply concerning funding a School Resource Officer, Mayor Bustle recommended not renewing the interlocal agreement. Council suggested that the city keep the SRO at Manatee School for the Arts for the remainder of the 2002/2003 school year, with a reimbursement of \$18,917.00 (\$2,916.00 above the previous year) on the condition the school budget for the full 50% reimbursement (\$27,000.00) for 2003/2004 and repay the balance of \$9,083.00 for school year 2002/2003.

Discussed an alternate date for the January 20, 2003 meeting, as the date is a city holiday.

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MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 5-0 to cancel the January 20, 2003 meeting, due to a national holiday, and move the 7:00 meeting to January 27, 2003.

The January 20, 2003 4:00 meeting stands with a time certain 6:00 adjournment.

Reminded Council he needs their comments on the Urban Development Zone.

Asked for guidance on how to proceed with the capital improvement program team. Mayor Bustle suggested Mrs. Conlon be considered as an interim clerk until the projects in process could be completed. It was suggested Mrs. Forrester be asked to assume the duties until such time the position can be filled.

19. COUNCIL MEMBERS' COMMENTS

Mr. Grace

Commented on Mrs. Forrester's health problems and the burden the city would be placing on her if named as the interim city clerk.

Ms. Cornwell

Thanked everyone who worked during the New Years holiday

Discussed her reasons for not reappointing Mrs. Conlon; citizen and employee comments concerning her leadership style, signing a Council Member's name, changing an employee's salary without Council approval, lack of communication.

Mr. Williams

Inquired how the city was going to handle the planner's position.

Reported overgrown vegetation at Hidden Lakes. Inquired if a maintenance program for the park has been established.

The ditch on the south side of 4th Street in the 1300 block needs cleaning.

Commented on each Council Member having the right to their decision and the fact none of them made a decision lightly. He suggested reconsidering using Mrs. Conlon as an interim clerk. He also stated he trusted the Mayor to fill the position.

Mrs. Lancaster

Stated she had supported Council Members voting no in the past. Also agreed with Ms. Cornwell - the issue is a matter of trust.

Thanked the Chief and Captain for traffic control on the north end of 8th Avenue.

Ms. Bryant

Inquired if the stormwater engineer is going to look at the feasibility of some type of fill ordinance.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to ask the stormwater engineer to give an opinion on the feasibility of a fill ordinance in areas of the city.

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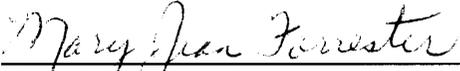
Read the Pledge of Public Comment in the heading of the agenda.

20. PUBLIC COMMENT

Betty DeNeal expressed her opinion Carr Drain did not work in the December 31, 2002 flooding, stating she had been flooded before and after the construction project on Carr Drain. Mr. Hickey advised the project has only been completed approximately 1-1/2 months. He also stated the culvert under 12th has no effect on Carr Drain.

Meeting adjourned at 9:30 pm.

Minutes approved: January 27, 2003 with corrections



Mary Jean Forrester
Interim City Clerk

**City of Palmetto
Mayor's Appointments
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Appointee	Position	Term Ends
Ellen Leonard	General Employees' Pension Board	January, 2006
VACANCY	General Employees' Pension Board	
Charlie Ugarte	Planning & Zoning	January, 2006
Jim Freeman*	Planning & Zoning	January, 2006
Lee Piper	Personnel Board	January, 2006
James Hall	Personnel Board	January, 2006
Laurel Taylor	Personnel Board	January, 2006
Paula Lowe*	CRA	January, 2006
Phil Hoffman	Code Enforcement	January, 2005
Ricky Mitchell	Code Enforcement	January, 2006
Inez Ware	Code Enforcement	January, 2006
Barbara Marinaro*	Historic Preservation	January, 2007
Yvonne Times*	Historic Preservation	January, 2007
Mary McConnell Harrison	Historic Preservation	January, 2007
VACANCY	Historic Preservation	
VACANCY (Alternate)	Historic Preservation	
Jeff Higgins	Board of Adjustment	January, 2006
Barbara Turner	Board of Adjustment	January, 2006

* New appointments

Appointments to Outside Organizations:

Bob Gehrning	Manatee County Riverwalk	January, 2004
Jim Schimpf	Manatee County Riverwalk	January, 2004
Brenda Bayly	Manatee County Riverwalk	January, 2004
Shirley Bryant	Palmetto Historical Commission	January, 2004
Mary Lancaster	Manatee Opportunity Council	January, 2004
Mary Lancaster	Enterprise Zone Development Agency	January, 2006
Brian Williams	Manatee Water Alliance	January, 2004
Tamara Cornwell	Manatee River Fair Board	January, 2004
Mike Hickey	Technical Advisory Committee, Manatee Water Alliance	January, 2004

Liaison Appointments

Mary Lancaster	Community/Emergency Management/Floating
Tamara Cornwell	Palmetto Police Department
Shirley Bryant	City Hall
Brian Williams	Community Redevelopment Agency
Charlie Grace	Public Works Department