

Palmetto City Council
February 3, 2003 7:00 P.M.

Elected Officials Present

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

Staff and others present:

Mary Jean Forrester, Deputy City Clerk
Chief Garry Lowe, Palmetto Police Department
Mike Hickey, Public Works Director
Deanna Roberts, Administrative Assistant

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

Pastor Margaret Reed of the Palmetto Drive-In United Methodist Church gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

Mayor Bustle called to mind the families of the Columbia and all affected by the tragedy.

1. APPROVAL OF AGENDA

MOTION: Motion to approve the February 3, 2003 agenda. Ms. Cornwell moved to approve the February 3, 2003 agenda as presented. Mr. Williams seconded and the motion carried unanimously.

2. CONSENT AGENDA

MOTION: Motion to approve the consent agenda. Ms. Cornwell moved to approve the consent agenda with the exception of the Special Function Permit submitted by Run for Runaways 6. Council directed Chief Lowe and Mike Hickey to meet with the coordinators of the event to map out an alternate route so as not to close Regatta Pointe Marina boat ramp or any businesses and return to Council with the resubmitted route at the February 10, 2003 meeting. Chief Lowe seconded and the motion passed unanimously.

3. AGREEMENT – ADULT PROTECTIVE INVESTIGATIONS PROGRAM OF THE DEPARTMENT OF CHILDREN AND FAMILIES – Chief Lowe

MOTION: Ms. Cornwell moved to approve and authorize the Mayor to execute the Adult Protective Investigations Program of the Department of Children and Families Agreement. Mrs. Lancaster seconded and the motion carried unanimously.

4. DEPARTMENT HEADS' COMMENTS

Garry Lowe, Chief of Police
No comment.

Mary Jean Forrester, Interim City Clerk

Reported that she is continuing to work with the election board to get the right map so they can prepare for the ward change. The proposed redistricting will be brought back to Council in a few weeks.

Mike Hickey, Public Works Director

Commended Public Works employees Frank Perry and Johnny Williamson for quick action that prevented a possible explosion at the Fair. They received recognition from Chief Johnson in the February Tailboard.

Mayor Bustle asked for an update on Church on the Rock. Mr. Hickey reported that the Church on the Rock site plan for the new building project will be coming before the DRC on Feb. 5th.

The Mayor asked Mr. Hickey to send to Council the steps that were outlined by Zoller, Najjar at the meeting on November 1, 2002, that had to do with restoring the retention pond back to its previous level, bypassing the lift station. The plan would clarify what the city is working toward on resolving the drainage question at Church on the Rock.

Discussion ensued and Ms. Cornwell asked once a deal is struck, who makes sure all conditions are met. Mr. Hickey said a professional engineer has to certify and SWFWMD relies on the engineer to sign and certify and then review one year later.

Mr. Williams asked if the City could delay the permitting process until all questions have been answered. He expressed concern that the City is spending money to modify the lift station and install pipes; money that may not have been budgeted. He requested that this matter come before Council first before the modifications are made. Maybe the City needs to stop the process. He feels that Council should see permits before they're issued to see how water is going to be handled. Mr. Prather said SWFWMD is the regulatory agency and the City accepts their permits. The City could not afford to create a new department to oversee this.

Mr. Hickey reported that Church on the Rock put in a larger pond and will restore the other pond and is getting a permit from the water management district to handle all the storm water in a way which would be acceptable to the water management district. Following the November meeting the Church on the Rock committed to providing a drainage system that would not require an easement from Mr. West.

Council requested a workshop on Church on the Rock. Ms. Cornwell stated that Mr. West has hired an attorney and two engineers so the City attorney may have to get involved and all meetings should be documented.

Alan Prather, City Attorney

Requested a Litigation Assessment meeting on February 17, 2003 at 6:00 P.M. in the matter of Jean Sisk v. City of Palmetto. Council approved the request.

Advised Mayor Bustle there is no action necessary on the part of the City of Palmetto re the Public Service Commission Hearing arbitration with Verizon and all interested parties.

5. MAYOR'S REPORT

Reported that he will meet with ZNS planner at 10:00 a.m. on Feb. 4th.

Reported that he met with the County regarding renewal of the Palmetto Water Agreement and the City will no longer be limited in the amount of water it can get but agreement will read "as required." A clean draft will be coming to Council after the County's legal review. Ms. Cornwell requested a workshop on the agreement after completion of Mr. Prather's review.

In order to keep thing moving smoothly and in accordance with the Accord, Mayor Poston and he agreed with Commissioner McClash that vacant large tracts of land like Manatee Fruit Co. will fit into the Joint Planning Overlay. There will be a dialog between the County and the City regarding density, intensity and height on Overlay properties. JPC dialogue is not binding and these types of land are worthy of discussion.

Mr. Williams would like a workshop within Council to make a decision on building height restrictions. He would like Mr. McClash's views. Ms. Cornwell commented that we should have the planner on board before the workshop. The Mayor said there is nothing wrong with a discussion with the County but he wants to preserve the spirit of the Accord.

In the UDZ there is no discussion. The City defines how that property will look. Overlay properties are open for discussion. He will take the Manatee Fruit Co. property out and leave it open for discussion.

Mr. Prather brought up the sales tax which was to come up for discussion in March 2003. This was one of the major items for the agreement and Council will have to bring this up for discussion. The Mayor said a lot of people want to see the Accord go ahead even if that's not done immediately and the County will have to figure out how to appease the Cities.

The Mayor referenced his memo of January 24 regarding the selection of an engineer. Mr. Prather advised him of the need to modify that process. The review committee will have to notice, meet in public and keep minutes. The Mayor said the committee members will work independently for evaluation and then hold one noticed meeting for a conclusion. Regarding all engineers being present for the presentation, it is a violation of the Sunshine Law to ask any one of them to wait outside.

He has asked Annette Cook for her appraisal as to what potential concerns would come from businesses with the change in the sign ordinance. He would like to schedule a public hearing and have Diane email businesses and ask them to attend. Mr. Prather advised that the first entity that usually deals with the sign ordinance is the planning department and the City may want to wait until a planner is hired before adopting the sign ordinance. Mr. Williams asked if we are obliged to make changes and the Mayor said the ordinances have to be consistent with the Comp Plan. There is no deadline but Mr. Prather said the City is open to challenge if the ordinances are not consistent with the Comp Plan and you have not undertaken a review. Mr. Prather said a professional planner should review the ordinance. Mr. Williams asked for a copy. Deanna will get copies to Council.

He has asked Mr. Prather to get involved in the unit count at Terra Ceia as it is a complicated issue.

6. COUNCIL MEMBERS' COMMENTS

Mrs. Lancaster

Asked the Chief to thank Sgt. Tyler for uncovering the illegal restaurant operating at Oakridge.

Asked Mr. Hickey to have Verizon and the cable company remove old poles.

Asked the attorney if Department Heads up for reappointment have to be present in the Council Chambers. He advised that they do not have to be present but must be allowed to be if they wish. She thought having them wait in an outer office might avoid potential embarrassment. Ms. Cornwell suggested that the Department Heads second in command could sit in at the first meeting and after the appointment was made official the Department Head could be seated. Mr. Grace suggested taking the vote away from the Mayor and tell him so he can tell them in his office that they're not being reappointed.

Ms. Cornwell

Called for Public Works to investigate ownership of areas of 16th street. A speed bump has been installed and it limits Public Work's access to the facility off the park. She asked Mr. Hickey to report back to Council with the final answer over ownership.

Ms. Cornwell thanked the Mayor for all his great letters of response; Annette Cook for answering code infractions particularly Mr. Potter's complaint; the Police Department for inviting her to their meeting; and Public Works for its handling of the fair emergency (Tailboard article) and the 8th Street West meeting.

Asked about a joint effort with Manatee County to pay tribute to the shuttle heroes. The Mayor said he would look into this.

Asked if the Mayor can exempt himself from voting and retain veto power. In that event could he approach Council to discuss a subject? Currently Council is unable to go to the Mayor to discuss concerns as in the matter of Department Heads reappointments. Discussion ensued. Mr. Prather said much of this will be part of the charter review. But, items of a factual nature can be discussed between Mayor and Council and this is best done in writing.

Ms. Cornwell brought up City Hall hours. If employees in customer service come in at 7:00 a.m., they should be manning the phones and the doors should be open. She would like resolution on this matter.

Inquired about Enterprise Funds. The Mayor said Mike Hickey, Tanya Lukowiak and Jim Keranen have been meeting but he needs the rest of the CIP Team in place. The City still does not have an engineer or planner.

Mr. Williams

Mr. Williams thanked Mrs. Forrester for the Fill Ordinances and Mr. Grace for attending the Water Planning Alliance Board meeting in his stead.

Asked if the CRA note will come before Council. Mrs. Forrester said it is on the February 17, 2003 agenda. He wanted to make sure that others besides Mrs. Lukowiak will be available to field questions relative to bond issues.

Mr. Williams would like a list of new businesses and new building in the City on a regular basis.

He asked if the Mayor had talked to the County about reuse. Mike Hickey said a meeting is scheduled in February and then in March a meeting with the Mayor and County Administrators.

Mr. Grace

Mr. Grace said he also would like the list of new businesses and new buildings.

Council had asked him to brief the employees at Public Works about the benefits they have coming to them. He has done this twice at Public Works meetings and it was well received.

The issue regarding 16th Street had been brought to his attention previously and he contacted Public Works about it and they are working on it.

He attended the Water Planning Alliance Board meeting on January 31 for Mr. Williams. He found it very interesting and reported that counties get together to do planning for allocating water. The goals are to limit salt water intrusion and identify all sources of reasonable water allocation through 2020.

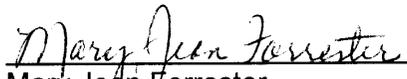
7. PUBLIC COMMENTS

None.

Mr. Williams raised the issue again of mobile home park visits. He would like to see a council liaison visit the park and report back. Ms. Cornwell reminded him that she and Charlie Grace had volunteered to do this and Deanna Roberts will be writing letters to the parks to let them know a council member will come if they so desire. They will bring issues back to Council. Mr. Grace said Council should be notified of any large group that would like to have a visit from council members. Mrs. Lancaster agreed that all groups should be offered this opportunity.

Meeting adjourned at 9:15 p.m.

Minutes Approved: March 3, 2003


Mary Jean Forrester
Interim City Clerk