

Palmetto City Council
Minutes
August 4, 2003 7:00 PM

Elected Officials Present:

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

Staff and others present:

Attorney Alan Prather
J. E. Free, Jr., City Clerk
Captain Clyde Hedrick
Mike Hickey, Public Works Director
Diane Ponder, Administrative Assistant

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

Pastor Ted Francis, Terra Ceia Baptist Church, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle read a proclamation honoring the life of Kenneth Hunter "Ken" Adams. The proclamation was accepted by Mr. Adams' family members.

Mayor Bustle read a proclamation declaring August 26, 2003 as Women's Equity Day. The proclamation was accepted by Diane Moreland, Chair of the Manatee Commission on the Status of Women.

City Clerk Jim Free presented Mayor Bustle the Florida Institute of Government and the Florida League of Cities Certificate of Completion of the 2003 Advanced Institute for Elected Municipal Officials.

PUBLIC COMMENT

Robin Stivers, 715 14th Avenue, spoke to Council regarding the proposed site for the City Center, voicing his opposition to a commercial building on 14th Avenue West. He cited the increased traffic that would occur on 14th Avenue and the current use of the land as a recreational facility for families.

David Potter, 909 20th Ave. W., referred to the City's mission statement, informing Council of the sewage infiltrating his street. Mr. Hickey stated the City is requesting a revised I&I Plan from the City engineer. Mayor Bustle reported the estimate of the project has been received and every attempt will be made to locate funds to correctly alleviate the problem.

1. APPROVAL OF AGENDA

MOTION: Mr. Williams moved, Mr. Grace seconded and motion carried unanimously to move item number eight to be head as item number two on the agenda.

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MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to approve the August 4, 2003 agenda as amended.

2. TERRA CEIA BAY COUNTRY CLUB MASTER DEVELOPMENT PLAN AMENDMENT

Mayor Bustle announced the public hearing was continued from June 16, 2003.

Motion: Ms. Bryant moved and Mrs. Lancaster seconded to continue the public hearing until October 6, 2003 at 7:00 PM, or as soon thereafter as may be heard.

Attorney Prather advised anyone wishing to speak on the topic should be afforded the opportunity to do so.

Phil Smoke, 2311 14th Avenue, West, president of the association for Ten Downing Street objected to any continuation of the public hearing. Stephen Thompson, attorney for Barry Romkey, spoke in opposition of continuing the hearing, stating there is no need to consider the plan amendment and site plan together. Co-owner of the property Jerry Snyder voiced his opinion staff needs a determination on the Master Development Plan amendment because in processing the Site Plan the density of 43 vs. 90 units has caused confusion.

Attorney Prather advised the items are two separate items and are not put together for the public hearing process; being inter-related, one can control the other. He advised he and staff felt the two items should move forward together. Staff has not been provided items the DRC has requested; therefore the project has not yet gone to the Planning and Zoning Board. Mr. Prather also advised Council that in reviewing the total plan for Terra Ceia, items have arisen that caused the City to look at the plan in a different manner.

Mayor Bustle called for a vote to the motion on the floor. The motion passed unanimously.

3. CONSENT AGENDA

A) Minutes: June 16, 2003 City Council Meeting

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to approve the Consent Agenda.

4. ATTORNEY FEES

A) Dye, Deitrich, Prather, Petruff & St. Paul billing through March 31, 2003

May 31, 2003 Profession Services - \$8,803.41; Litigation Services - \$3,216.00

June 30, 2003 Professional Services - \$18,857.18; Litigation Services - \$13,393.17

Estuary II Preserve Title Premium - \$1,747.50

B) A. J. Spalla, PA - June 30, 2003 Litigation Services - \$3,521.20

Discussion ensued on the City's escalating attorney expenses. Staff was instructed to review the bills and provide an accounting of how the bills are being generated. Council expressed the necessity of reviewing the Personnel Policy to determine how issues arose, if they could have been prevented at inception, and amend the Policy as necessary to allow the City to prevent issues rather than react to issues.

Attorney Prather discussed how Council had taken steps to ensure that his firm was only receiving submittals at the department head level. He also commented on the work facing the City next year, such as the rewrite of the Land Development Code. Attorney Prather was instructed to provide his estimate of attorney fees through the end of the year.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion passed unanimously to approve the Attorney's billings and instruct the City Clerk to bring Council a budget amendment resolution at a subsequent meeting reducing the Contingency Fund in account 519-Other General Government and increase the amount available for the Attorney.

5. APPOINTMENT APPROVAL

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion passed unanimously to approve Mayor Bustle's appointment of Jon Moore as the Ward 3 representative to the Historic Preservation Board.

6. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 03-781 AN ODINANCE OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REDISTRICTING OF VOTING WARDS; AMENDING SECTION 12-13 OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Prather advised Council an amended ordinance would be delivered to the City Clerk to correct the body of the document; the title is not affected and can be read as presented.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion passed unanimously to approve Ordinance No. 03-781, with the corrected as noted by Alan Prather, for advertising and schedule a public hearing for August 18, 2003.

7. COMMUNITY REDEVELOPMENT AGENCY INTERLOCAL AGREEMENT

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion passed unanimously to approve and authorize Mayor Bustle to sign the Interlocal Agreement between the City of Palmetto and the Community Redevelopment Agency Regarding Sharing of Costs and Services.

8. AWARD OF BID - GREEN BRIDGE BAIT SHOP

Mr. Free reported of eleven mailed bids, Tony Lesick was the only responder. Discussion was held with Mr. Lesick concerning his bid, resulting in a letter to the City advising he would submit all labor and materials to clean the building if the City would reimburse him by means of deducting the cost from the monthly rent. Mr. Free stated Council could elect to not award the bid. Mr. Lesick informed Council he was willing to rent the building as is, that he did not demand to be reimbursed.

Mr. Free will draft a document to memorialize Mr. Lesick's willingness to lease the building "as is", discuss the document with Mr. Lesick and bring the document back to Council on August 11, 2003.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion passed unanimously to table the award of the bid to Mr. Lesick until August 11, 2003.

Mr. Williams asked that Regatta Pointe and Shell be made aware the City may lease the building and that bait will be sold to the public.

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9. DEPARTMENT HEADS' COMMENTS

Captain Hedrick, Police Department

Captain Hedrick advised Council of a Memorandum of Understanding between Florida Department of Law Enforcement and the City regarding the initial receipt of six sets of protective equipment for use in domestic preparedness purposes. Captain Hedrick reviewed the required training as set forth in the document. It was consensus of Council to authorize Mayor Bustle to execute the Memorandum of Understanding with the Florida Department of Law Enforcement.

J. E. Free, Jr., City Clerk

A joint meeting with the CRA Board is tentatively scheduled for August 25, 2003 to review the department's FY03-04 budget. If it can be scheduled, the meeting will instead be scheduled for August 11, 2003.

Mr. Hickey, Public Works

Work continues on the Green Bridge Pier with the installation of trash receptacles and benches.

The requisition for the port-o-lets at the soccer field has been submitted. Staff was instructed to red-flag events with repetitive dates so all equipment is in place prior to the events beginning.

10. MAYOR'S REPORT

Mr. Williams will attend the free seminar on bio-terrorism.

Council was pleased with the letter to Chairman Bruce.

11. COUNCIL MEMBERS' COMMENTS

Mrs. Lancaster

Updated Council on the Enterprise Zone meeting; the application to extend the Zone has to be brought up on the floor during the legislative session, businesses are encouraged to complete and return the questionnaire, a conceptual plan from Green Ways & Trails will be taken to the County Commissioners within six months, and the Sun Coast Work Force Unit is available to help small businesses.

Ms. Bryant

The Palmetto Historical Commission is looking for volunteers to help with the back-to-school social at the Historical Park. The Commission is requesting the City follow-up on the shingles that were to be put on the Chapel. Staff will be notified of the request.

Thanked Mr. Free for the individual budget meetings - they have been very helpful.

Complimented Deanna Roberts on the excellent job she is performing for the Council Members. Advised Council a letter Ms. Roberts had composed on her behalf for the Korean War Conflict dinner/dance at Kirby Stewart has been forwarded to Washington.

Ms. Cornwell

As the City's voting delegate, she will vote according to the City's adopted Resolution regarding the membership of FLOC being open to governmental units other than municipalities.

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Requested Council immediately discuss the School Resource Officers, as school begins Monday, August 11, 2003.

Requested the Police Department assist the schools in traffic control on opening day. Mrs. Lancaster requested a police presence also be obvious in the Oakridge area.

Requested that both Lincoln Middle and Palmetto High be kept current on the construction project on 17th Street.

Requested Animal Services be contacted regarding stray dogs.

Potholes she previously reported are not repaired and inquired the best way to report items of this nature. Mr. Hickey will report back to Ms. Cornwell the status of the repairs.

Expressed gratitude for weekend repairs during the recent water main break.

Complimented the appearance of the Estuary Park.

Mr. Williams

The Terra Ceia Grill Room is having a grand opening August 16, 2003 at 6 PM. Council Members were each extended an invitation.

Inquired the status of the Fill Ordinance. The item will be placed on the Suspense Log.

Suggested the Sign Ordinance, slated for review August 25, 2003, be postponed until after the budget is completed.

Inquired the status of Jackson Park. Mr. Hickey reported the county has prepared plans and will be presenting them to SWFWMD with a no permit request. The county is also preparing an estimate for the project.

Referring to Mr. Potter's comment regarding the situation on 20th Avenue stated his opinion the City should react immediately when there is imminent threat of heavy rain at night or on the weekend. The 20th Avenue area, together with Jackson Park, should be first areas to be assessed.

Mr. Grace

Complimented Mr. Free on the way the budget has been presented to Council.

Commented on the barricades on 8th Avenue during the water main break and the reasons for them being left over the weekend.

Meeting adjourned at 8:50 PM.

Minutes approved: August 18, 2003



J. E. Free, Jr.,
City Clerk