

Palmetto City Council
Minutes
August 18, 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 Dick Groff
J. E. Free, Jr., 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.

Pastor Bea Lovely, Christian Fellowship Church, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

Representative Bill Galvano gave Council a brief overview of the 2003 Legislative Session.

Pinellas County Commissioner Barbara Sheen Todd gave a presentation on the responsibilities of the Tampa Bay Regional Planning Committee, in which the City holds a membership.

PUBLIC COMMENT

Barry Romkey, co-developer of a project at Palms of Terra Ceia spoke to Council about the delay in the City addressing the issues surrounding his planned project. Mr. Romkey insinuated that by Council's unwillingness to correct what he perceives to be a prior administration's problem, the administration was stifling a multi-million project that would substantially increase the tax base; the administrators may be facing a lawsuit; and questioned why the administration was dealing in a "less than forthright manner".

On behalf of the Palmetto Youth Center and their football team the Trojans, Betty Rhodes thanked Vice Mayor Bryant, Council Member Brian Williams and Chief Garry Lowe for attending the Center's first National Night Out. She invited the public to visit the Center.

Kim Babecki spoke to Council about the raw sewage problem on 20th Avenue West. Mayor Bustle informed the public the Council would consider an agenda item to authorize an I&I Plan study that will identify the areas the City has to address to correctly eliminate the sewage problems in the neighborhood.

1. APPROVAL OF AGENDA

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the August 18, 2003 agenda.

2. CONSENT AGENDA

- A) Minutes: July 28, 2003 city Council Workshop Minutes
August 4, 2003 City Council Minutes
August 11, 2003 City Council Workshop Minutes
- B) July Check Register
- C) Special Function Permit - Church on the Rock

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

3. JOYLAND UPDATE

For the benefit of the public attending the meeting, Mayor Bustle discussed his reasons for bringing the Joyland lease to Council, stating he felt his role was to find the best solution. He explained that if the requirement of the Mayor to approve the sublease was not stipulated in the documents, that neither Council nor the public would have an opinion on what business occupied the building so long as the City's zoning codes and land use requirements were met. He further stated the City's Code of Ordinances were in place to govern the behavior of the businesses and residents of the City.

Mayor Bustle informed Council the City's attorney has declared a conflict of interest and will not be able to represent the City in this issue. Attorney Ron Witt has been retained by the City, but was only given the information on Friday and it will take a little time before he can represent the City's best interests.

Ms. Bryant stated her preference in having an attorney advise Council if they have the ability to deny the lease with Joyland. She discussed the stringent guidelines discussed at the last meeting that are to be incorporated into the lease agreement, with the total agreement of the new tenant. She requested Council be given occupancy requirements between a dance bar and a restaurant, with the parking requirements for each, and that they be advised how the City will address changes in use the tenant makes after occupying the building. Another safety issue she requested be reviewed is the structural soundness of the building; if it is converted to a dance bar the occupancy may increase.

Mr. Williams requested information on the occupancy; the DRI states the City was permitted to built a 265 person restaurant; if the use is a dance bar will the City be required to apply for a change to the DRI. Attorney Scott McKay, representing Century Bank, stated he was not prepared to speak to the DRI issue. He stated when the land was initially conveyed from the State to the City in 1982 documents provided for a 200 seat restaurant.

Mr. McKay stated the principals of Joyland intended to run it as a restaurant and the Joyland concept as it exists. Mr. McKay informed Council he had re-reviewed the documents and confirmed there are 85 parking spaces dedicated to the restaurant. He also informed Council Joyland had purchased golf carts to help in transporting patrons from the proposed additional parking at the Shell station. Attorney McKay also informed Council Joyland's headliner events will be held offsite; they will participate in towing illegally parked cars; occupancy requirements will be complied with and the

business is willing to work with the community. Attorney McKay stated Council needs to look at Joyland as a business and not a stereotype.

Mayor Bustle opened the floor to public comment.

Frank Shumaker, Jim Hager, Eric Ball, Rocky Couch, Dean Christopoulos, Edward Massey, Margaret Penner, Janna Joseph, Amanda Lash, Deborah Couch, and Suzanne Herberson all spoke against Joyland at the proposed location, citing noise, parking, crowd control outside the establishment and community as topics of concern. Mr. Shumaker distributed a survey from the residents of the Regatta Pointe Condominiums, which is attached hereto and made a part of these minutes.

Andrea Varner and Jim Allen spoke positively about Joyland's environment. Lori Marland spoke positively about Joyland and encouraged Council to perform due diligence before making a decision; if the business doesn't fit the criteria then prohibit it from entering the location.

Bob Green, representative for Joyland, stated Mr. Preston intends to move to Palmetto and plans to be a limited service restaurant. Mr. Preston stated the dance floor will be much larger and can accommodate one person for every seven square feet. He also stated the Fire Marshall can reapprove the occupancy for up to 400 people.

Sargon Argozy questioned the Fire Marshall being able to change the occupancy of the building.

MOTION: Mrs. Lancaster moved, Mr. Grace seconded and motion carried 4-1 to table the matter for three weeks pending attorney review. Ms. Cornwell voted no.

4. 2ND READING AND PUBLIC HEARING - ORDINANCE NO. 03-781

AN ORDINANCE 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.

Mrs. Lancaster informed her constituents have voiced problems with the redistricting of the Ward boundaries.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 4-1 to adopt Ordinance No. 03-781. Mrs. Lancaster voted no.

5. RESOLUTION NO. 03-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 02-15, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2002-2003, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 03-14.

Mr. Williams asked staff to research the surrounding municipalities to determine if any utilized in-house attorneys and the monetary impact of such a position.

6. RESOLUTION NO. 03-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 02-15, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2002-2003, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 5-0 to adopt Resolution No. 03-15.

7. JEA PROPOSAL TO UPDATE I&I PLAN

JEA representative Claude Tankersley informed Council the study would look at the 24-inch gravity trunk system that also accepts wastewater from other parts of the City via a force main, feeding into lift station #1 at the WWTP. The study will also look at the intersection of 10th Ave. & 20th St. which is an intersection of the gravity system plus the pressure system coming from lift stations #2, #3 and #21. The system will be analyzed by cleaning, televising and smoke testing the gravity system. A portion of the contract will be subcontracted, but JEA personnel will be on site and will supervise subcontracted employees.

When asked if the City would have to expend funds in spot checking the sloping capacity of the sewers, Mr. Hickey stated the City would assist but he could not guarantee there wouldn't be associated costs involving U. S. Filter. Council instructed JEA that data previously gathered should be used whenever possible to eliminate duplication of expense.

David Potter spoke to Council concerning inconsistencies in incident reports he obtained from Public Works regarding the sewage backup in his neighborhood. Mayor Bustle discussed how the proposed I&I study is the first step in correctly identifying the problems that need to be corrected to eliminate the problems the neighborhood has been experiencing.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize Mayor Bustle to execute the contract with JEA to update the City's I&I Plan as described in the proposal dated July 31, 2003, not to exceed \$74,187.

8. ZNS CONTRACT ADMINISTRATION FOR THE 7TH ST. & US HWY 41 INTERSECTION

ZNS representative Mike Drapala informed Council the contract was all encompassing through construction of the project. It was consensus of Council, to which Mr. Drapala agreed, to eliminate the third paragraph under General Conditions. A new contract, with a current date, will be provided for execution.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize Mayor Bustle to execute the contract with ZNS administering the 7th Street and US Hwy 41 intersection as modified not to exceed \$23,500.

9. MANATEE COUNTY SHERIFF'S DEPARTMENT REQUESTED OPERATIONAL 7
VOLUNTARY COOPERATION AGREEMENT

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to authorize Mayor Bustle to execute the Requested Operational & Voluntary Cooperation Agreement with the Manatee County Sheriff's Department.

10. DEPARTMENT HEAD'S COMMENTS

Chief Garry Lowe

Manatee County Sheriff's Department has donated 25 MDT's to the Police Department.

Jeff Hale is doing a good job in his new Code Enforcement position. Council requested a monthly report of Code Enforcement activities be provided.

J. E. Free, City Clerk

Distributed the Salary Plan prepared by Cody & Associates.

Mike Hickey

Discussed the sewer problem in Mr. Potter's neighborhood being caused by the rain and power outage at the waste water treatment plan.

Distributed pictures of the 6-inch pump recently purchased.

11. MAYOR'S REPORT

Mayor Bustle had no report.

12. COUNCIL MEMBER'S COMMENTS

Mr. Grace

Given the time, Mr. Grace had no report.

Mr. Williams

Asked Mr. Zirkelbach be forwarded the information on building permit fees that have been provided to Council.

Mr. Hickey will contact Mrs. Knight at Colonial Mobile Manor.

The City must follow ordinances and see things are done correctly in the Joyland matter.

Ms. Cornwell

Requested surveying the residents for items of interest and then hold a workshop if necessary.

Ms. Bryant

The City has again received notification from the City's engineers that they will be accepting a job within the City limits. In the bid process for the position the City had three finalists and only negotiated with the top two. Ms. Bryant inquired if the City can negotiate with the third finalist and have them available for future situations. Staff will obtain the attorney's opinion on Ms. Bryant's request.

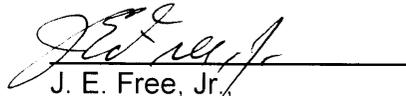
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Mrs. Lancaster

Inquired how the City prepares for weather events. After discussing the plan, Mrs. Lancaster stated Public Works has the technology to know when it is expected a flood may occur and should plan accordingly - not wait until they begin to receive calls.

Meeting adjourned at 10:20 p.m.

Minutes approved: September 15, 2003


J. E. Free, Jr.,
City Clerk