

Palmetto City Council  
Minutes  
September 15, 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  
Chief Garry Lowe  
Chris Lukowiak, Public Works Director  
Jessica McCann, City Planner  
Diane Ponder, Administrative Assistant

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

Pastor Brian Bustle, Church on the Rock, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

PUBLIC COMMENT

David Potter, Lynn Myer, Ellen Wyle and Richard Johnson spoke on the sewage problems on 20th Avenue. Mayor Bustle gave a status report on the steps the City has undertaken to begin solving the problem; the update to the I&I Plan which will identify the problem and then the implementation of the plan to solve the problem and the rebuilding of 5th, 6th and 7th Streets. He informed the audience he has been in conversation with DEP concerning the City's planned solutions. Mr. Lukowiak also stated he has met with the Health Department director and reaction standards are being developed for implementation until the problem can be fixed. Warning signs for the area have been ordered and Public Works is developing a dike system for the area to help contain the effluent.

1. APPROVAL OF AGENDA

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 5-0 to approve the September 15, 2003 agenda.

2. CONSENT AGENDA

- A) Minutes: August 18, 2003 City Council Budget Workshop Minutes  
August 18, 2003 City Council Minutes  
August 25, 2003 City Council Workshop Minutes  
September 8, 2003 City Council Minutes
- B) Dye, Deitrich, Prather, Petruff & St. Paul, P.L. billing through July 31, 2003  
Professional Services - \$11,002.79; Litigation - \$3,081.90
- C) Special Function Permit - First Baptist Church - 40 Days of Purpose  
Palmetto High School - Homecoming Parade

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

Palmetto High School will be notified that once the Homecoming Parade passes a closed street the barricade is to be immediately removed.

3. PUBLIC HEARING - TENTATIVE MILLAGE RATE AND FISCAL YEAR 03-04 BUDGET

Attorney Prather announced the public hearing for adoption of the tentative 2003 millage rate and tentative FY03-04 Budget. He discussed the criteria for the TRIM Act, stating that based on the DR420 the City's proposed tentative millage is 5.6645, 34.20 percent over the roll back rate.

Mayor Bustle opened the public hearing.

Mr. Free stated the City has a tentative operating budget, excluding projects, at the current tentative millage rate. Pending projects the City needs to fund amounts to approximately \$10 million, and will be addressed separately under the Enterprise Funds. Mayor Bustle suggested a slight millage increase may be necessary to provide funding for the backlog of projects facing the City. Mr. Williams discussed the \$662,000 in equipment the City needs to acquire in the future.

David Potter inquired how the City uses impact fees assessed on new homes. Lisa Potter inquired if impact fees could fund the replacement of pipes. Attorney Prather addressed the impact fee being available to only capital projects for future growth, not maintenance and refurbishment projects, which is funded through revenue streams contained in the General Fund. Appropriate revenue would be user fees, grants and ad valorem taxes.

Mr. Free cited the following net revenue amounts a millage increase could provide:

1/4 mill increase	\$ 88,665
1/2 mill increase	\$177,330
3/4 mill increase	\$265,996
1 mill increase	\$354,661

A 1/2 mill increase will support the debt capacity of a \$3 million loan for a ten year period at approximately 4.5%.

Attorney Prather suggested Council should consider the tentative millage rate at 5.16645 until Council can positively set a millage rate. Mr. Free stated the City would be seeking an ad valorem tax increase so funding from the General Fund would be available to fund projects. Mr. Williams and Ms. Bryant stated they would support a 1/2 mill increase, with Mr. Grace supporting a 1/4 mill increase. Mr. Williams stated his opinion any millage increase would be used to fund projects.

Jerry Gardina spoke to Council about the assessment on his home at 335 Terra Ceia Drive. The Property Appraiser's office will be contacted on his behalf.

Recapping the discussion, the City of Palmetto, as the taxing authority, will set the proposed tentative millage rate at 5.1645 which is 22.36 percent over the roll back rate.

Mayor Bustle closed the public hearing.

Attorney Prather read Resolution No.03-19 in its entirety.

RESOLUTION NO. 03-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING AND ADOPTING A PROPOSED TENTATIVE MILLAGE FOR THE TAX YEAR 2003.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 4-1 to adopt Resolution No. 03-19. Ms. Cornwell voted no.

Attorney Prather read Resolution No. 03-20 in its entirety.

RESOLUTION NO. 03-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING AND ADOPTING A PROPOSED TENTATIVE BUDGET FOR FISCAL YEAR 2003-2004.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 4-1 to adopt Resolution No. 03-20. Ms. Cornwell voted no,

1ST READING & APPROVAL FOR ADVERTISING ORDINANCE NO. 03-785

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING, ADOPTING AND ENFORCING THE FINAL MILLAGE, BUDGET AND THE RECEIPT AND COLLECTION OF AD VALOREM TAXES ON PROPERTY WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF PALMETTO FOR THE TAX YEAR 2003; AUTHORIZING THE MAYOR AND CITY CLERK TO CERTIFY COMPLIANCE AND THE MILLAGE; AUTHORIZING THE TAX COLLECTOR OF MANATEE COUNTY TO COLLECT SAID AD VALOREM TAXES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 03-785 for advertising and schedule a public hearing September 29, 2003.

As required by Florida Statute, Attorney Prather announced the City of Palmetto, as the taxing authority, has set its tentative millage rate at 5.1645 and will hold a public hearing on the final millage rate and FY03-04 Budget on September 29, 2003 at 7:00 pm in the City Council Chambers.

4. 1ST READING & APPROVAL FOR ADVERTISING ORDINANCE NO. 03-782

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, ANNEXING CERTAIN TERRITORIES INTO THE CITY OF PALMETTO, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE. (AN0301-Brenda Fenimore of Jestany Investment Corp., 803 10th St. E.; approximately .7656 acres)

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 5-0 to approve Ordinance No. 03-782 for advertising and schedule a public hearing for October 6, 2003.

5. 1ST READING & APPROVAL FOR ADVERTISING ORDINANCE NO. 03-783

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE CITY OF PALMETTO COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM RES-6 (RESIDENTIAL SIX UNITS PER ACRE/COUNTY) TO GC (GENERAL COMMERCIAL/CITY) BY INCORPORATING THE LAND LEGALLY DESCRIBED IN SECTION ONE AND IN PLAN AMENDMENT NO. PA0301 ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0301/Brenda Fenimore of Jestany Investment Corp.; approximately .7656 acres)

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 5-0 to approve Ordinance No. 03-783 for advertising and schedule a public hearing for October 6, 2003.

6. 1ST READING & APPROVAL FOR ADVERTISING ORDINANCE NO. 03-784

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, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM NCM (NEIGHBORHOOD COMMERCIAL-MEDIUM/COUNTY) TO CG (BUSINESS OR LIGHT COMMERCIAL/CITY); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0305/Brenda Fenimore of Jestany Investment Corp., Inc., approximately .7656 acres)

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 5-0 to approve Ordinance No. 03-784 for advertising and schedule a public hearing for October 6, 2003.

7. SPECIAL FENCE PERMIT - 1518 12TH ST. W.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 5-0 to approve the Special Fence Permit for 1518 12th St. W.

The staff report will be corrected to show the correct address and the fact the fence will be replacing an already existing fence in the back yard of the property.

8. NOTICE OF LIMITATION OF USE/SITE DEDICATION -RECREATIONAL TRAIL FOR HYDRANT TO HIDDEN LAKE PARK PROJECT

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize Mayor Bustle to execute the Notice of Limitation of Use/Site Dedication for the Recreational Trail for Hydrant to Hidden Lake Park.

9. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPPA) POLICY

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and adopt the City of Palmetto HIPPA Policy.

10. SCHOOL BOARD OF MANATEECOUNTY SCHOOL RESOURCE OFFICER CONTRACT

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize Mayor Bustle to execute the contract with the School Board of Manatee County regarding School Resource Officers.

11. DEPARTMENT HEADS' COMMENTS

Chief Lowe

The Citizen's Police Academy will begin September 17, 2003.

MDT's are being programmed in the patrol cars.

The K-9 report will be provided to Council as a monthly report. Chief Lowe also informed Council K-9 Rix has cataracts and has been deemed unable to continue service. He will prepare documentation to declare the animal as surplus property. Rix's prior handler had expressed interest in keeping the animal and will be contacted to see if the interest is still there. A ceremony honoring Rix's retirement from the force will be held.

12. MAYOR'S REPORT

Mayor Bustle advised Council they will be receiving a copy of the Imagine Manatee study and requested they formulate their comments and return them to staff.

A picnic for City employees and their families is planned for October 4, 2003 at Sutton Park. U.S. Filter, JEA and Zirkelbach Construction is participating in the bar-b-que.

13. COUNCIL MEMBERS' COMMENTS

Mrs. Lancaster

Welcomed Mr. Lukowiak.

Encouraged everyone to attend the Citizens Police Academy.

Ms. Cornwell

Requested that an alley between 19th and 20th Avenues be paved when 7th Street is paved. It had previously been measured and was partially paved but is now in disrepair.

Mr. Williams

Requested the DRC minutes.

Requested Code Enforcement look at the City's clear site triangles.

Inquired if the City is actively seeking forfeitures. Chief Lowe stated Attorney Prather is researching the \$500 fine against each vehicle used in the commission of a crime.

Referring to the appointment of Code Enforcement Officers, Attorney Prather discussed the reasons why police officers must be designated as code enforcement officers. Chief Lowe suggested appointing the patrol officers and sergeants as code enforcement officers. The topic will be brought back to Council at a subsequent meeting.

Inquired the status of the Edenfield Property. Mr. Lukowiak advised Council he has a meeting scheduled with a company that mediates old landfills, brown fields, etc. Mayor Bustle stated he and Ms. Petruff have spoken about asking DEP for a meeting. Attorney Prather maintains his firm's position that the City is not in violation and there is no legal requirement for the City to mediate.

Attorney Prather advised his office is in communication with the law firm for Terra Ceia Bay Golf & Tennis Club regarding stormwater reimbursement. A recommendation will be forthcoming.

Mr. Williams inquired if the annexation approved for advertising would be taken to the JPC. He suggested a packet should be prepared for review by the JPC at its October 2, 2003 meeting because the UDZ has not yet been approved.

Mr. Grace

Stated he will be attending the Citizen's Police Academy.

Recently attended the Florida Neighborhood Conference. The conference discussed the pitfalls of mixed zone zoning, suggesting the Land Development Code needs to be reviewed periodically.

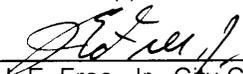
Mayor Bustle stated that in the DRC review, the impact of new developments on existing city services and systems should be a consideration and the cost should be absorbed by the developer. Mr. Williams expanded on the topic, stating his opinion the treatment plant will have to be expanded if the City continues to allow growth. Mrs. Lancaster also suggested that new developments are being built higher than existing neighborhoods.

Attorney Prather commented on concurrency, infrastructure in place when development occurs, stating as the mandated new Land Development Code is developed, a major issue will be that growth will not occur unless services are programmed, reasonably anticipated or available.

Attorney Prather informed Council the School Facilities Interlocal Agreement will be brought to Council no later than September 29, 2003.

Meeting adjourned at 9:20 p.m.

Minutes approved: September 29, 2003

  
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J. E. Free, Jr., City Clerk