

PALMETTO CITY COUNCIL
MINUTES
OCTOBER 20, 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:

Alan Prather, Attorney
Jim Free, City Clerk
Captain Clyde Hedrick
Chris Lukowiak, Public Works Director
Jessica McCann, Planner
Diane Ponder, Administrative Assistant

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

Mayor Bustle gave the invocation followed by the Pledge of Allegiance to the United States Flag.

1. APPROVAL OF AGENDA

MOTION: Ms. Bryant moved, Mr. Williams seconded, and motion carried 5-0 to approve the October 20, 2003, 7:00 p.m. agenda.

2. CONSENT AGENDA

- A) Minutes: September 29, 2003 City Council Minutes
October 6, 2003 City Council Minutes
October 13, 2003 City Council workshop Minutes
- B) September Check Register
- C) Dye, Deitrich, Prather, Petruff & St. Paul, P.L. billing through 9/30/03
Professional Services - \$15,757.23; Litigation - \$2,650.00

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

3. 1ST READING AND ADVERTISING APPROVAL - ORDINANCE NO. 03-786

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 RS-3 (SINGLE FAMILY RESIDENTIAL) TO PD-H (PLANNED DEVELOPMENT HOUSING); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0306/Lolita English, approximately .4832 acres PID #27349.0000/0)

MOTION: Ms. Bryant moved, Ms. Cornwell seconded, and motion carried 5-0 to approve Ordinance No. 03-786 for advertising and schedule a public hearing for November 3, 2003.

4. 1ST READING AND ADVERTISING APPROVAL - ORDINANCE NO. 03-787
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, VACATING A PORTION OF 20TH AVENUE WEST RIGHT-OF-WAY AS MORE PARTICULARLY DESCRIBED IN SECTION 2 OF THIS ORDINANCE AND AS GRAPHICALLY DEPICTED ON EXHIBIT "A" OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (V0302 - Melissa Ribarch)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded, and motion carried 5-0 to approve Ordinance No. 03-787 for advertising and schedule a public hearing for November 3, 2003.

5. SCHOOL BOARD DONATION OF LINCOLN PARK PROPEPRTY

MOTION: Ms. Cornwell moved, Ms. Bryant seconded, and motion carried 5-0 to accept the Manatee County School Board's transfer of ownership to the City of Palmetto for property abutting Lincoln Park, parcel ID #2583500059, and to approve the expenditure of funds for survey services not to exceed \$1,500.

6. ON-CALL/STANDBY POLICY

Attorney Prather called Council's attention to the memo from Attorney Groff concerning the proposed policy.

MOTION: Mr. Williams moved, Ms. Bryant seconded, and motion carried 5-0 to table the item to the November 3, 2003, Council meeting.

7. RESOLUTION NO. 03-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 03-22, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2003-2004, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Williams questioned the purchase order of the CRA for funding a review of the Edenfield Property. Mayor Bustle stated the file review would document what the City is obligated to do on the property. Attorney Prather advised Ms. Petruff indicated that at the time of purchase of the land there was no enforceable legal obligation to the City to remediate the site, so long as the City did nothing with the property. Mr. Prather acknowledged there has been contact between DEP and the City and DEP and Ms. Petruff but at this point there has been no indication that action for enforcement has to be undertaken. Discussion ensued on CRA agreeing to spend the funds without Council approval and whether or not the particular purchase order could be approved with attached caveats. Mr. Lukowiak advised he has received correspondence from DEP indicating action will be taken against the City unless an engineer performs a file review.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded, and motion carried 4-1 to adopt Resolution No. 03-27. Mr. Williams voted no.

8. RESOLUTION NO. 03-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 03-22, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2003-2004, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded, and motion carried 5-0 to adopt Resolution No. 03-28.

9. RESOLUTION NO. 03-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 03-22, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2003-2004, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Williams moved, Mr. Grace seconded, and motion carried 5-0 to adopt Resolution No. 03-29.

10. MAYOR'S COMMENTS

Mayor Bustle advised Council Captain Lowe was attending the International Police Chief's Conference.

11. DEPARTMENT HEADS' COMMENTS

Mr. Free

Beginning Tuesday, he will be on vacation for two weeks.

Captain Hedrick

Chief Lowe has left for Philadelphia for the conference mentioned by the Mayor.

Mr. Lukowiak

Sought Council's approval on the proposed shirts that would replace the current uniform shirts at a cost savings of \$13 to \$15 per employee. Ms. Cornwell requested that any surplus vests be donated to Lincoln Middle for the students participating in the cleanup programs. Mr. Williams suggested some of the local mobile home parks could also use the surplus vests.

Mr. Lukowiak thanked Council for working with him during the issues that occurred last week.

11. COUNCIL MEMBERS' COMMENTS

Mr. Grace

Requested the City review its mixed-use zoning to see if it's used and for Council to discuss the topic. Mayor Bustle advised a committee has been created that is currently reviewing the entire zoning ordinance.

Mr. Williams

Thanked the Mayor for the letter regarding the telecommunications internet tax.

Applauded Attorney Michele Hall for her work on the School Board utility fee issue.

Ms. Cornwell

Stated the Tomato Festival is not in the Florida League of Cities' Festival Listing, suggesting it would be an excellent place to advertise the festival and the rodeo.

Commended the police department; vagrants have been cleared from around Lincoln Middle School. Asked that Animal Services be notified about the abundance of roosters around the school.

Ms. Bryant

The Tomato Festival is November 21 and 22, 2003. A PRCA sanctioned rodeo will be part of the festival this year.

Requested staff report on a 4-unit apartment that caught on fire regarding the extent of damage, whether or not it was a non-conforming use and if the structure can be rebuilt.

October 21, 2003, is the deadline for response to the Manatee-Sarasota Fish & Game Association's meeting.

Mrs. Lancaster

Congratulated the police department on the letter received from Piney Point.

Captain Hedrick will report to Mrs. Lancaster on the Johnnie Calhoun issue.

Stated she had brought Charles Smith up-to-date on the Jackson Park issue. Thanked everyone for diligently working on a solution to the problem.

Thanked staff for keeping her informed and up-to-date on events happening in the City.

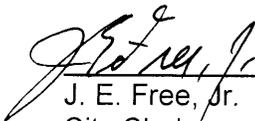
12. PUBLIC COMMENT

Charles Smith thanked Council for the work they have performed on behalf of Jackson Park.

David Potter apologized to Council about his comments regarding the Building Department not informing his neighbor of an easement.

Meeting adjourned at 8:15 p.m.

Minutes approved: November 3, 2003 with corrections



J. E. Free, Jr.
City Clerk