

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

Elected Officials Present:

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

Staff and Others Present:

Alan Prather, Attorney  
Jim Free, City Clerk  
Chief Garry Lowe, Palmetto Police Department  
Chris Lukowiak, Public Works Director  
Jessica McCann, City Planner  
Allen Tusing, Public Works Superintendent  
Deanna Roberts, Administrative Assistant

Mayor Bustle called the meeting to order at 7:03 p.m.

Councilwoman Mary Lancaster gave the invocation followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle read a proclamation setting aside the week of November 13-22, 2003, as Farm City Week. The proclamation was accepted by Alice Myers of the Palmetto Historical Commission and Councilwoman Shirley Groover Bryant.

Mayor Bustle read a proclamation setting aside the week of November 8-14, 2003, as American Patriotism Celebration Week. The proclamation was accepted by Dale Keen, Manatee County Veteran's Services Officer.

1. APPROVAL OF AGENDA

MOTION: Mr. Williams moved, Mr. Grace seconded and motion carried 5-0 to approve the November 3, 2003 7:00 pm agenda.

2. CONSENT AGENDA

- A) Minutes: October 20, 2003 City Council Workshop Minutes  
October 20, 2003 City Council Minutes
- B) Special Function Permit: Family Celebration of Lights

Mr. Grace asked for corrections to the October 20, 2003 minutes: Page 2 paragraph 2 of the 4:00 p.m. meeting referencing public hearing should read November 17, instead of November 13.

Page 3 #10 Mayor's Comments of the 7:00 p.m. meeting, should read Chief Lowe and not Captain Lowe.

Regarding the Special Function Permit, Ms. Bryant asked for an estimate of the cost to the city for the Family Celebration of Lights. Mr. Free will provide that estimate at the November 17, meeting. She said this estimate should be used for future budgetary purposes.

MOTION: Ms. Cornwell moved, Mr. Grace seconded, and motion carried 5-0 to approve the Consent Agenda with corrections.

### 3. PUBLIC HEARING - 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, 407 12th Ave. W.)

The ordinance was read by Alan Prather, City Attorney. Mayor Bustle opened the public hearing. City Planner, Jessica McCann, read comments from Pat Ernest, 1211 5<sup>th</sup> Street West, and Carl Hultgren, 417 12<sup>th</sup> Avenue West, in opposition to the proposed rezoning. Mayor Bustle closed the public hearing.

Discussion ensued. Mr. Williams stated this is an illegal non-conforming building. Mr. Prather said the rezoning PD-H would allow the two family dwelling to exist legally. Under PD-H, the city could impose reasonable conditions and stipulations on approval. Mrs. Lancaster said the rules had already been broken when the detached duplex was built. Ms. Bryant said we are being asked to correct a wrong; the zoning districts are already in place. Mrs. McCann said the owner, Mrs. English has spent considerable money to try and bring her property close to compliance. Mayor Bustle said there had been a compounding of mistakes and the problem is still non-conforming irrespective of the changes made.

Mayor Bustle reopened the public hearing so that Mrs. English, owner of the property, could be heard. She said she has been working with city staff to bring the property into compliance. If the zoning is not legal, she will lose the property.

Mrs. Lancaster is concerned that allowing the rezoning would lead to others in the neighborhood coming before Council for a similar rezone. Mr. Prather said all would have to come before council for approval.

Former Interim City Planner, Bob Schmitt, said his concern was there is less than a half acre with 3 units in a 6 unit per acre category. The decision to seek a PD-H category and have Mrs. English reduce the number of units from five down to three was made by the previous planner.

But, from a comprehensive plan perspective, it is over density. Mrs. English inherited some illegalities.

Mrs. Lancaster said council is being asked to condone something that is contrary to existing zoning. This is investment property for Mrs. English; she doesn't live there. Residents of the neighborhood have asked Council not to approve this.

Jessica McCann asked for direction. Mr. Williams wants staff to review the feasibility of doing what Mr. Prather discussed; PD-H on both properties and splitting it with zero lot line with the stipulation that the duplex becomes a single family home.

Mr. Prather recommended Council make a motion to continue the public hearing to a date and time certain and he and Jessica McCann and Bob Schmitt can discuss and come up with something.

MOTION: Mr. Williams moved, Ms. Bryant seconded and the motion carried 5-0 to continue the public hearing to November 17, at the 7:00 p.m. meeting.

Mr. Williams left the council meeting at this point.

#### 4. PUBLIC HEARING - 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, 1969 11th St. W.)

Mayor Bustle opened the public hearing. There was no public comment; public hearing was closed.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and the motion carried 4-0 to approve Ordinance No. 03-787.

#### 5. RESOLUTION NO. 03-30

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, Ms. Lancaster seconded and the motion carried 4-0 to approve Resolution No. 03-30.

## 6. RESOLUTION NO. 03-31

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, Ms. Lancaster seconded and motion carried 4-0 to approve Resolution No. 03-31 with corrections pointed out by Mr. Free. Section 2 RAS Pump Replacement should read \$10,000 and not \$20,000.

## 7. DEPARTMENT HEADS' COMMENTS

### Jessica McCann

Requested a Council workshop on Conditional Use. Mayor Bustle asked that she brief him first.

### Chris Lukowiak

Insituform Technologies is ready to start on the 24" pipe relining when Mr. Prather gets back to him on the contract. As time is of the essence, Mayor Bustle suggested Council approve the contract subject to Mr. Prather's review. The City is paying a daily fee to keep a bypass line in place until this work is done.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 4-0 to approve the contract with Insituform Inc., for the relining of the 24" sewer line, subject to attorney review.

Reported that he met with JEA on Nov. 3, regarding Jackson Park. JEA will be at the November 17, meeting to discuss the Waste Water Facility Plan.

### Jim Free

No comment.

### Chief Lowe

The new vehicles have arrived. Speed carts have been placed at various locations around the city. Code Enforcement officers have completed Level 1 of training with two more levels to go. The Citizens Academy graduation will be Nov. 20, and he hopes the Mayor will attend and say a few words. All Council members are invited as well.

## 8. MAYOR'S REPORT

Mayor Bustle informed Council of the annual Christmas in the Park event scheduled for December 20, 2003 at the Celebration Center. The City co-sponsors this with the F.A.N. Club (Filling Area Needs). He asked Council's input on sources for kids to invite e.g. Palmetto Youth Center and day care centers.

The County has scheduled an all day workshop on impact fees to be held at the Civic Center on Nov. 10. The county was willing to come before Council on Nov. 17, to discuss impact fees, but as the city's agenda for that day is too full, Mayor Bustle asked council members to try and make the workshop at the Civic Center. The meeting should be noticed.

The Fish and Game Association meeting was successful. Mr. Walters gave a presentation on the half-cent sales tax. It appears the environmental groups are in support of the half-cent sales tax, and they have no problem with cities spending the money on high priority infrastructure problems such as the City of Palmetto's Waste Water Facility Plan.

## 9. COUNCIL MEMBER'S COMMENTS

### Charlie Grace

Mr. Grace praised the Palmetto Police Department's Citizen's Academy. He will graduate on November 20, 2003. Commented that the morale at the Public Works Department is picking up and it seems like a new department.

### Tamara Cornwell

Ms. Cornwell brought up the possibility of recognizing citizens who are mowing city property for free and suggested a volunteer appreciation dinner to be held after the holidays. She asked about a fair booth. Mayor Bustle said he is checking with Florida League of Cities for the software that was used for their kiosk at the annual conference. Reported that she is still getting complaints about cars parking along 7<sup>th</sup> Street. Emergency vehicles wouldn't be able to get down 7<sup>th</sup> with cars parked on both sides. Staff will research and get back to Council with recommendations. Regarding the half cent sales tax, citizens ultimately pay more because you can't really collect one half cent.

### Shirley Bryant

Asked Mr. Lukowiak from the city's perspective wouldn't it be to the city's advantage to have more people hooked up to reuse. Terra Ceia would add a few hundred homes. Mayor Bustle reminded council and staff that Terra Ceia is not high on the priority list because other areas in the city have been waiting longer and referred council and Mr. Lukowiak to his recent letter to Mr. Boltz stating same. Ms. Bryant would still like to see Terra Ceia hooked on as soon as possible because of the potential return to the city. Mr. Lukowiak will look into that. He said the project priorities list will be discussed at the November 17<sup>th</sup> meeting.

Asked for clarification of budget issues, especially Purchase Orders carried forward. Mr. Free said if they had not been carried forward, the 2004 budget would have been increased by the \$645,000 amount which was carried forward. This is an administrative process that avoided having to close out old Purchase Orders and open new ones.

Informed Council that the Palmetto Historical Commission has increased student visitation. The Commission is reviewing its by-laws. Also, the Commission thanks the city for the nuisance species trees that have been removed.

November 13 is Ag-Venture. Chief Lowe is volunteering. Jimmy Michener represents the city on the Farm City Week Committee and he's doing a very good job. Encouraged everyone to

attend the Farm City Week luncheon at the Woman's Club on November 20. Call Julia Durrance or Ann Marshall for reservations. Thanked staff for the update on the quad-plex on 5<sup>th</sup> St. The city is trying to get away from multi-family use in a single-family area.

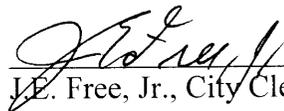
Mary Lancaster

Residents across from Habit for Humanity are calling her about reclaimed water lines. If the Habitat development gets it, will the homes across the street? Mr. Tusing said all new subdivisions are required to put the reclaimed water lines in, but they won't get the water until the water lines are extended to that point. When the street is torn up, the lines will be put in for both sides of the street.

Brought up unsightly, overflowing dumpsters especially on 10<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> Streets. She asked for suggestions for the problem. Mr. Lukowiak said he is negotiating with Waste Management at this time. In the interim he will get with Butch David and Code Enforcement officers to see what can be done. She said it would help if the dumpsters were moved to the rear of the properties. Can the city do an ordinance? The Mayor said it should fall within the Minimum Maintenance Standards. Mr. Prather said it may be a basis for an ordinance under public health, safety and welfare and he will look into that.

There being no public comment, the meeting was adjourned at 8:59 p.m.

Minutes Approved: November 17, 2003

  
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J.E. Free, Jr., City Clerk