

Palmetto City Council
April 15, 2002 7:00 PM

Elected Officials Present:

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

Elected Officials Absent:

Charlie Grace, Council Member

Staff and others present:

Alan Prather, City Attorney
Karen A. Conlon, City Clerk
Chief Garry Lowe, Palmetto Police Department
Mike Hickey, Public Works Director
Diane Ponder, Administrative Assistant

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

Mayor Bustle read a proclamation

1. APPROVAL OF AGENDA

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously approving the April 1, 2002 agenda.

2. ACCORD

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried unanimously to approve and authorize Mayor Bustle to sign the ACCORD.

3. RESOLUTION NO. 02-05

**A RESOLUTION OF THE CITY COUNCIL OF PALMETTO, FLORIDA
SUPPORTING A COUNTY WIDE SCHOOL ONE-HALF CENT SALES
SURTAX FOR ACQUISITION, RENOVATION AND CONSTRUCTION OF
EDUCATIONAL FACILITES; PROVIDING AN EFFECTIVE DATE**

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to adopt Resolution No. 02-05.

4. FPL PRESENTATION ON EXPANSION OF POWER PLANT

Don Sayre of Florida Power & Light briefly discussed plans to expand the power plant. Copies of the application are on file at FPL offices at 416 Manatee Avenue, West and the Rocky Bluff Library in Ellenton.

5. MPO PRESENTATION OF SARASOTA/MANATEE PUBLIC TRANSPORTATION SYSTEM ANALYSIS

Mike Maholtz, Metropolitan Planning Organization, reviewed the organization's Public Transportation System Analysis, focusing on the bus rapid transit portion of the report. The MPO is proposing the initial transit line will begin in Palmetto and end in the vicinity of Sarasota Square Mall, eventually expanding to Venice and North Port. He is encouraging the area municipalities to review their comp plans and begin making changes now to incorporate any dedicated lanes the MPO is proposing for the transit line.

6. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-739
Ordinance No. 02-739 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA ANNEXING CERTAIN TERRITORIES TO THE CITY OF PALMETTO, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE. (AN 02-03-Alan and Carmen J. Zirkelbach, 1810 21st St. W.)

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to approve Ordinance No. 02-739 for advertising and schedule a public hearing May 6, 2002.

7. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-740
Ordinance No. 02-740 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA ANNEXING CERTAIN TERRITORIES TO THE CITY OF PALMETTO, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE. (AN 0204-Carlos D. and Patsy R. Ugarte, 1906 21st St. W.)

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to approve Ordinance No. 02-740 for advertising and schedule a public hearing May 6, 2002.

8. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-741
Ordinance No. 02-741 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF THE CITY CODE OF ORDINANCES TO AMEND THE CITY'S POLICY ON RACIAL, SEXUAL AND OTHER FORMS OF HARASSMENT; PROVIDING FOR INVESTIGATION OF SUCH CLAIMS; PROVIDING FOR DISCIPLINARY ACTION; PROVIDING FOR APPLICABILITY; PROVIDING FOR COMPLAINT PROCEEDINGS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Discussion ensued on section 5(c) of the policy and the fact the document provided no bypass procedure. Attorney Prather requested time for Attorney Groff and the Mayor to review the document. The topic was placed on the April 29, 2002 agenda for further discussion.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to approve Ordinance No. 02-741 for advertising and schedule a public hearing May 6, 2002.

9. DISCUSSION OF RIVERSIDE PLAZA PROJECT

Attorney Prather advised Council the property being proposed for exchange does not need to be declared surplus because it would be a value for value exchange with the same type of use. He spoke of the permits Council would have to approve and if the exchange did not happen, the City of Palmetto would be acting as the owner of the property. Council Members discussed stipulations they would have to see satisfied before they would approve the exchange – parking for boat trailers, satisfactory rezoning, assurance the city would expend no funds on the exchange, performance bond on the project and elimination of the deed restrictions. Attorney Prather suggested the only item Council should be considering was the land exchange, they would have the ability to negotiate their concerns with the developers during the development stages, before granting approvals. He advised Council it would be appropriate for the motion to represent the statement of direction they wish to give staff concerning the project.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried unanimously that City staff and the attorneys prepare appropriate agreements or resolutions necessary to effect the land swap of that portion of the City's parking lot located at the northeast corner of Riverside Drive and Tenth Avenue West, as shown as Parcel 2 on the attached sketch. Such swap may be effectuated through an agreement with the City, or conveyance of land with the CRA, or through other means. It is understood that such swap would not occur until Waygood

Marine Enterprises, Inc. has obtained a building permit and provided appropriate financial assurances for the completion of its proposed improvements as presented to City Council at its prior meetings. Nothing herein shall be deemed to provide any assurance of approval for any proposed rezone or plan approval for the proposed development that must be procured in accordance with the laws of the City and State. No proposal shall be valid until approved by City Council with such conditions as deemed appropriate.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried unanimously to inform and direct staff that the transfer will be accomplished without expense to the City and the City Council's expressed concerns must be adequately addressed before Council will act on the agreement.

10. CONSENT AGENDA

- A) Minutes of April 1, 2002 Council meeting**
- B) Special Function Permit for Cinco de Mayo (Alvarez Mexican Restaurant) and Dinner on the Grounds at First Baptist Church**
- C) March Check Resister**

Ms. Bryant removed the Cinco de Mayo Special Function Permit from the Consent Agenda.

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

Ms. Cornwell asked that the Check Register be formatted to better describe the departments and accounts from which funds are being expended.

Mr. Jack Martin, Palmetto Mobile Home Club, discussed the noise level of the Cinco de Mayo event. Council discussed the noise level, problems with parking and security at the event. Staff was instructed to contact Mrs. Alvarez to inform her, the police officers acting as security at the event would be instructed to control the noise level.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried unanimously to approve the Cinco de Mayo Special Function Permit contingent upon further discussion with Mrs. Alvarez, apprising her how the noise affects the neighborhood, and that if it is too obtrusive it's going to be a judgment call on the part of the police department to ask them to turn it down and Council will expect them to do that.

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Ms. Bryant volunteered the use of the Manatee Fair Board's decimeter, so the police department can sample the noise levels. She informed Council the police department has been working with the Fair Board to establish acceptable noise levels.

11. DEPARTMENT HEAD REPORT

Chief Lowe, Police Department

Officer Chris Vidoli tendered his resignation effective April 28, 2002.

Officer Gabe Eckert is contemplating a position with the Sarasota Sheriff's Department and wishes to purchase his K9 unit, Talon. Officer Eckert is willing to pay \$2,300 for the dog. Staff was instructed to determine the amount the city has expended on the animal, work with the attorney on the proper way to address the issue as City property, and bring a recommendation to Council at the April 29, 2002 meeting

Karen Conlon, City Clerk

The roof at the police department has been in disrepair for a couple of years and has been patched several times. Building Official Roger Titus has determined it can no longer be repaired. Several contractors spoken to this week asked to use bids they had submitted last year; they did not believe the City was serious in replacing the roof as bids were solicited several times over the last couple of years. The Contingency Fund currently has \$90,000. Quality Plus Roofing has submitted a quote of \$55,800 for a Stevens Roofing System that has a 15-year warranty. All Weather Enterprises asked that we use a bid submitted in November 2001 which quoted a price of \$65,573.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to declare the roof an emergency purchase under Section 2-59, seek appropriate competition and proceed with replacement of the roof at the Palmetto Police Department not to exceed \$60,000, taken from the Contingency Fund.

Police officers are working security for private entities but being covered by the City's Workman's Compensation Insurance. Mrs. Conlon commented on how other municipalities charge back the officers a set amount per hour. Chief Lowe stated discussion is taking place now to get an interpretation. Mr. Williams asked Chief Lowe to look into a separate policy for police officers working security on their off time.

Mike Hickey, Public Works Department

Paving at 3rd and 4th Avenues on 15th and 16th Streets begins April 16, 2002. Paving on 7th Street begins April 17, 2002.

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SWFWMD has concerns on the drainage from the Oakridge project that may impact the neighborhood in the vicinity of 11th Street and 2nd Avenue. The City's consultant will adjust the project with a 55-foot piece of pipe at the area. The new modeling will be to SWFWMD by April 17, 2002, after which it will be reviewed as soon as possible. Hopefully the new modeling will resolve the regulator's concerns regarding the project. Mrs. Lancaster expressed her displeasure with the situation.

13. INDIVIDUAL COMMENTS

Mrs. Lancaster

Stated her opinion charging organizations supporting life or good causes the \$25 per week is wrong. The City's facility use fees will be readdressed at the April 29, 2002 meeting.

Pat Whitesel requested that Council waive the \$25 fee for the Cancer Society's Relay for Life banner display. Because City Council had not addressed the waiver, Council Members Bryant, Cornwell and Williams contributed the funds to the organization to pay for the banner display.

Advised a stop sign needs to be straightened at 6th Street off 8th or 9th Avenue.

Ms. Bryant

Requested the Ag Museum topic be placed on the April 29, 2002 agenda.

Advised staff a seat is available at the MCC Cultural Diversity Training class April 16, 2002 8:30 am to 12:30 pm.

Requested the City's digital camera be available at council meetings.

The Palmetto Historic Commission is refurbishing some of its buildings.

Ms. Cornwell

Discussed the City's past practice of purchasing a tree or book upon the demise of a city employee or board member. It was consensus of Council to purchase a tree honoring William McMillan, a member of the Historic Preservation Board.

Regarding the e-mail situation, the IT department will provide its written procedure.

When ownership of the ditch at the mobile home park has been determined, schedule the cleaning when the striped suits are available. If the ditch is private, notify the owner the date of the cleaning.

A contract for the K9 units needs to be developed. Chief Lowe advised Council a contract exists and he would distribute it to Council.

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Signs need to be erected at city hall advising the public the parking is for city residents and employees' use. Requested the police department patrol the area and issue warnings to outside employees using the parking lot.

Discussed the light at Lincoln Middle across from Racetrack. 17th Street has not been repaved and there is no turn lane. The issue will be referred to the Traffic Safety Team.

Discussed her concern with a 99-year lease on the Erie Road landfill property to the aviation club because the School Board may wish to utilize the property in the future.

Commented on the ribbon cutting ceremony for the wildlife rescue organization.

Mr. Williams

Commented on the Suspense Log not being property updated. Department Heads should discuss updates that are not noted on the log as part of their report.

Mayor Bustle

Encouraged Council Members to participate in the Palmetto High School Challenge Day.

Commented on his memo concerning the light at US 301/41 and 7th Street.

Expressed his disappointment with the Oakridge situation. The City is making every effort to catch up as quickly as possible. Carr Drain will proceed as scheduled.

14. PUBLIC COMMENT

Bill Bolling, Palmetto Mobile Home Club, commented on the entrances and exits to Albertson's. Public Works is currently conducting a traffic study in the area.

Mr. Hinz, Palm Bay Mobile Home Park, inquired about ownership of the ditch at the park. Public Works is identifying all city-owned ditches and will contact Mr. Hinz upon completion of the project.

Meeting adjourned at 10:30 pm.

Minutes approved: May 6, 2002



Karen A. Conlon
City Clerk