

**Palmetto City Council
May 6, 2002 7:00 PM**

Elected Officials Present:

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

Staff and others present:

**Alan Prather, City Attorney
Chief Garry Lowe, Palmetto Police Department
Allen Tusing, Public Works Supervisor
Margaret Tusing, Planning & Zoning Administrator
Diane Ponder, Administrative Assistant**

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

Pastor John Liner of House to House Fellowship gave the invocation, followed by the pledge of allegiance to the United States flag.

Public Comment:

Alice Kaddatz, 511 4th St. W., requested City Council approve the waiver of the required permit for installation of new windows at 519 4th St. W. The topic was placed on the May 13, 2002 agenda.

Bill Bolling, Palmetto Mobile Home Club, commented on the proclamation declaring May as Civility Month. He suggested that because the city lacks a Chamber of Commerce, the proclamation should be mailed to all businesses in the city.

Kent Gertz informed Council Mrs. Conlon had instructed him to be at the meeting because Council would be reviewing his attempt to purchase the city's property located on Erie Road. Mayor Bustle will contact Mr. Gertz with the status of the matter.

1. APPROVAL OF AGENDA

MOTION: Ms. Bryant moved and Mrs. Lancaster seconded to approve the May 6, 2002 agenda.

Mr. Williams asked that the Agricultural Museum be added to the agenda for further discussion.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried unanimously to add the Agricultural Museum topic to the agenda.

The motion to approve the May 6, 2002 agenda was approved unanimously.

2. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-734

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA REPEALING ORDINANCE NO. 695 IN ITS ENTIRETY; ANNEXING CERTAIN TERRITORIES TO THE CITY OF PALMETTO, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE. (AN0201-Forristall Enterprises, Inc.; 1415 17th St. E., approximately 15.62 acres)

Mrs. Tusing informed Council Mrs. Forristall has purchased the FPL property. The remaining piece of property is owned by CSX Railroad, who maintains it is a right-of-way. Manatee County currently provides water and sewer services to the property, thus a letter has been sent to Manatee County requesting they continue the service even after the property is annexed.

Attorney Prather discussed the Stipulation of Final Judgment that is proceeding forward and the status of the litigation with the county. He also informed Council the heading of the ordinance indicates it is appealing an ordinance and, if so, operative language accomplishing the repeal must be added to the language of the ordinance. If Council does not wish to repeal the ordinance referred to in the title and have the Stipulated Final Judgment handle the situation, the reference in the heading must be deleted. Mrs. Tusing stated she will handle to clarification.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 4 to 1 to approve Ordinance No. 02-734 for advertising and schedule a public hearing May 20, 2002, with the correction of spelling in the heading and inclusion of the operative language.

3. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-735

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. (AN0202-Charles A. Roy and Pamela G. Roy, 2011 21st St. W., approximately 3.686 acres)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve Ordinance No. 02-735 for advertising and schedule a public hearing May 20, 2002.

4. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-736

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING THE PALMETTO COMPREHENSIVE PLAN; AMENDING THE

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FUTURE LAND USE MAP FROM RES-3 (RESIDENTIAL/3 UNITS PER ACRE/COUNTY) TO RES-4 (RESIDENTIAL/4 UNITS PER ACRE/CITY) BY INCORPORATING PLAN AMENDMENT NO. PA0206 ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0206/City of Palmetto/Charles A. and Pamela Roy; approximately 3.686 acres)

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to approve Ordinance No. 02-736 for advertising and schedule a public hearing May 20, 2002.

5. 1st READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-737

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, 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 A-1 (COUNTY) TO ER (ESTATE RESIDENTIAL/CITY); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Z0210/City of Palmetto/Charles A. and Pamela Roy; approximately 3.686 acres)

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to approve Ordinance No. 02-737 for advertising and schedule a public hearing May 20, 2002.

6. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-738

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA APPROVING A GENERAL DEVELOPMENT PLAN FOR THE RIVERBAY TOWNHOMES ATTACHED HERETO AS EXHIBIT "A"; APPROVING CERTAIN VARIANCES TO SECTION 8.5 OF THE ZONING CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Z0209- Riverbay Townhomes)

MOTION: Ms. Cornwell moved, Mr. Grace seconded and motion carried unanimously to approve Ordinance No. 02-738 for advertising and schedule a public hearing May 20, 2002.

7. 2nd READING & PUBLIC HEARING - 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. (AN0203 – Alan and Carmen J. Zirkelbach, 1810 21st St. W.)

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

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MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to adopt Ordinance No. 02-739.

8. 2ND READING & PUBLIC HEARING - 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. (AN0204-Carlos D. and Patsy R. Ugarte, 1906 21st St. W.)

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

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to adopt Ordinance No. 02-740.

9. 2ND READING & PUBLIC HEARING - 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.

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

Attorney Prather discussed the fact this ordinance replaces the existing Harassment Policy in its entirety.

Mrs. Lancaster called for discussion on paragraph 3(c) of Section 1, stating her opinion the Human Resources Director should not have the sole responsibility of making the decision on whether or not an investigation is warranted. Attorney Prather suggested an additional sentence to read, "In cases where the decision is made not to investigate, that decision will be reviewed by the Mayor".

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to adopt Ordinance No. 02-741 with the change suggested by Attorney Prather.

10. AGRICULTURAL MUSEUM

Mr. Williams stated he wished to revisit the topic because Ms. Bryant and Mrs. Lancaster were absent at the meeting when the vote was taken regarding the museum's request for additional funding. Attorney Prather stated a member on the prevailing side could move for reconsideration of the motion.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried unanimously to reconsider the motion approved April 29, 2002 for paying the Agricultural Museum's electric and water bill and continued lawn maintenance.

Discussion ensued on the city participating in the electric and water bills, with suggestions that the amount of participation should be capped and the length of participation should be for one calendar year vs. the fiscal year ending 2003.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to amend the original motion to state the City will assist the Agricultural Museum with the water and electric, to be capped at a total not to exceed \$4,000 for the next twelve months, and the lawn maintenance be continued.

11. 4TH OF JULY CELEBRATION

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried unanimously to authorize the Mayor to sign the third year contract with Jim Taylor, DBA Taylor Made, not to exceed \$15,000.

12. MIXING ZONE PERMIT - DESIGN & INSTALLATION OF EFFLUENT FLOW ENCHANCEMENT DEVICE

Discussion ensued on the sole source purchase. Mr. Tusing explained the valve to be installed, explaining the Public Works Department had requested a turn key package. Attorney Prather stated the City had sufficiently met the requirement of the code as it relates to sole source purchases. Jeff Siewert, JEA, explained the fees associated with the installation.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to approve JEA to provide design services, procurement and construction for the installation of a Tideflex Check Valve to the Wastewater Treatment Plant Outfall in Terra Ceia Bay to facilitate the Mixing Zone Permit as a sole source purchase not to exceed \$26,000 according to JEA's proposal dated March 12, 2002.

13. RESOLUTION NO. 02-06

A RESOLUTION AMENDING RESOLUTION NO. 01-18, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2001-2002, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4 to 0- to adopt Resolution No. 02-06. Ms. Bryant was absent for the vote.

14. LOAN AGREEMENT WITH BANK OF AMERICA

CRA Executive Director Tanya Lukowiak explained the \$700,000 line of credit with Bank of America would be to purchase the Love property. CRA intends to use the property to provide owner-occupied affordable housing. Ms. Lukowiak advised Council the CRA Board has not reviewed the loan agreement, nor has there been legal review on the agreement. Trent Rodimel, Bank of America, discussed the loan agreement.

Ms. Lukowiak informed Council the CRA would develop an RFP inviting developers to submit plans for the property. They would also be required to offer relocation assistance to current tenants. The contractor awarded the bid would purchase the property from the City prior to development, thereby paying the loan.

When questioned about TIFT money being pledged, Ms. Lukowiak stated statutorily, TIFT has to continue payment until the debt is satisfied.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried unanimously to authorize support the actions of the CRA regarding the Bank of America loan in the amount of \$700,000 subject to approval by the CRA Board, CRA Attorney and City Attorney.

15. CONSENT AGENDA

- A) Minutes of April 1, 8, 15 and 29, 2002 City Council meetings**
- B) Dye, Deitrich, Prather, Petruff & St. Paul, PL February 28, 2002 and March 31, 2002 billings**
- C) Special Function Permit for the Cinco DeMayo Parade**

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried unanimously to approve the Consent Agenda except for pages 19-29, the Special Function Permit for the Cinco DeMayo Parade.

Discussion ensued on the Cinco DeMayo Parade, with concerns being voiced regarding the 10:30 - 12:00 noon time for the event, the origination point and route. It was suggested the time of the parade be changed to 1:30 - 4:00 pm. Mayor Bustle suggested approving the permit subject to the time of the event being changed,

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revision of the parade route, coverage by the Police Department and subject to approval by the Fair Board

MOTION: Mr. Williams moved, Ms. Cornwell seconded to deny the Special Function Permit for the Cinco DeMayo Parade.

Mayor Bustle recessed the meeting from 9:25 to 9:30 p.m.

Discussion ensued on the Special Function Permit. The Fair Board has scheduled an event the same date but the event will not begin until 12:00 p.m. The organization staging the parade has made no arrangement with the Fair Board. Mayor Bustle suggested a compromise on the Special Function Permit application regarding the time and route. Ms. Cornwell withdrew her second to the motion on the floor.

MOTION: Ms. Cornwell moved, Mr. Grace seconded and motion carried 3 to 2 to approve the Special Function Permit for the Cinco DeMayo Parade pending police coverage, Fair Board approval, change of route and starting no earlier than 1:30 p.m. Ms. Bryant and Mr. Williams voted no.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 4 to 1 to establish a Council Policy that if application for a Special Function Permit is not submitted 30 days prior to an event staff will inform the applicant Council will not accept the completed application under any circumstances. Mr. Williams voted no.

Mr. Williams also recommended that a representative of the organization applying for the Special Function Permit must be present at the meeting when Council reviews the application. Council voiced no dissenting vote.

16. DEPARTMENT HEAD REPORT

Chief Lowe

The K9 unit and new handler are doing fine in training. The contract for the K9 is being developed with Attorney Groff. Officer Eckert resigned effective May 6, 2002.

17. INDIVIDUAL REPORT

Mrs. Lancaster

The issue on the fee for displaying banners was discussed April 29, 2002.

Complimented the Police Department during the Cinco DeMayo event at Alvarez' Restaurant.

Ms. Bryant

Ms. Bryant also commented on the success of the event. She suggested the City should consider purchasing a decibel meter.

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Ms. Cornwell

It was consensus of Council to approve time of Geoff Seger in conjunction with the grant being rewritten by Lincoln Middle School.

Mr. Grace

Complimented the Public Works Department for survey of City streets.

Mr. Williams

**The Historic Commission is requesting "No Skate" signs in Heritage Park.
Advised Mr. Tusing of additional items that need to be taken care of when trimming the trees at Heritage Park.**

Mr. Tusing advised it is the intent of the Parks Department to entirely irrigate Heritage Park.

The Historic Commission complimented Mr. Seger on the job his department has done in Heritage Park.

Discussed the 7th Street light. The light is being designed by FDOT in Tallahassee.

The date Suspense Log 02-35 has been updated. Mr. Tusing will provide the completion date.

G3 is overgrown again. Mr. Tusing reported it can not be sprayed, it requires handwork. The road gang will be scheduled.

Meeting adjourned at 10:15 p.m.

Minutes approved: May 20, 2002



**Karen Conlon
City Clerk**