

**Palmetto City Council
May 20, 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
Chief Garry Lowe, Palmetto Police Department
Karen Conlon, City Clerk
Mike Hickey, Public Works Director
Margaret Tusing, Planning & Zoning Administrator
Diane Ponder, Administrative Assistant**

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

Reverend Rafe Vigil of First United Methodist Church of Palmetto gave the invocation followed by the pledge of allegiance to the United States flag.

Mayor Bustle read a proclamation declaring May 19 through May 25, 2002 as National Public Works Week.

Public Comment:

Matthew Rikman, Palmetto Shopping Village, addressed Council concerning the master meter leading to the property, requesting that individual meters be installed for individual businesses. A meeting will be arranged between the city attorney, public works director and the city clerk concerning the topic. Options will be brought back to Council for consideration.

1. APPROVAL OF AGENDA

Items number 3 and 11 were removed.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to approve the May 20, 2002 agenda.

2. RESOLUTION NO. 02-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, RATIFYING AMENDMENTS TO AN INTERLOCAL AGREEMENT WHICH CREATED A TAMPA BAY REGIONAL PLANNING COUNCIL; PROVIDING AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to adopt Resolution No. 02-07.

3. 2ND READING & PUBLIC HEARING - ORDINANCE NO. 02-734

Ordinance No. 02-734 was read by title.

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. (AN02-01-Forristall Enterprises, Inc. 1415 17th St. E., approximately 15.62 acres)

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

Discussion ensued on the existing litigation pertaining to the prior annexation attempt, the purchase of the FPL property and the fact the annexation was in process before entering into the ACCORD.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 4 to 1 to adopt Ordinance No. 02-734, correcting a typographical error on the signature page. Mrs. Lancaster voted no.

4. 2ND READING & PUBLIC HEARING - ORDINANCE NO. 02-735

Ordinance No. 02-735 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. (AN0202-Charles A. Roy and Pamela G. Roy, 2011 21st St. W., approximately 3.686 acres)

Mayor Bustle opened the public hearing. Mrs. Tusing informed Council the public notice had been incorrectly advertised in the newspaper, it was being re-advertised and the hearing would have to be continued until June 3, 2002.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried unanimously to continue the public hearing until June 3, 2002.

5. 2ND READING & PUBLIC HEARING - ORDINANCE NO. 02-736

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

Mayor Bustle opened the public hearing.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried unanimously to continue the public hearing until June 3, 2002.

6. 2ND READING & PUBLIC HEARING - 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)

Mayor Bustle opened the public hearing.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3 to 1 to continue the public hearing until June 3, 2002. Mr. Williams was absent for the vote.

7. 2ND READING & PUBLIC HEARING - ORDINANCE NO. 02-738

Ordinance No. 02-738 was read by title.

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)

Mayor Bustle opened the public hearing. Robert Lombardo, consulting engineer, Mike Burton, Environmental Affairs and developer Bob Douglas presented the Riverbay Townhomes project. Mr. Lombardo requested the following variances to the city's Zoning Code and subdivision regulations:

- Reduce the distance between buildings from 25 feet to 15 feet
- Reduce the setback from private roadway from 35 feet to 25 feet
- Reduce right-of-way from private roadway from 50 feet to 24 feet
- Elimination of internal sidewalks

Discussion ensued on parking within the complex after a portion of a letter from resident David Copeland was read. Discussion also ensued on the view of the back of the buildings from 10th Street, with Council requesting the developer find a way to make the view more aesthetically appealing.

Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried unanimously to adopt Ordinance No. 02-738.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve the General Development Plan and Preliminary Plat for the Riverbay Townhomes with variances as briefed.

8. KENDAR-MARSAC CONCEPTUAL SITE PLAN EXTENSION REQUEST

Mrs. Tusing explained the request was being made because of a recent change in ownership. Phase I, the boat/RV storage has lapsed. Phase II, the gas station/convenience store expires June 5, 2002. Dan Sack, representing the developer, explained he is requesting the extension because additional time is needed for the engineering of the project.

MOTION: Mr. Williams moved, Ms. Bryant seconded to grant the one year extension ending June 5, 2003. Ms. Cornwell and Mrs. Lancaster voted no. Mayor Bustle broke the tie, voting yes. Motion passed 3 to 2.

9. AWARD OF BID - CITY SURPLUS PROPERTY

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to award the bid of \$7,000 to Kasey Geartz for the surplus property located at 7050 69th St. N., DP #659600001.

10. JOINT PLANNING COMMISSION APPOINTMENT

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried unanimously approving the appointment of Brian Williams as the city's representative and Mayor Bustle as the alternate representative to the Joint Planning Commission.

11. MODIFICATION OF POLICE DEPARTMENT PERSONNEL BUDGET

Based on job performance and additional duties, Chief Lowe requested that interim Lieutenant Craig Himes salary be adjusted to Grade 17, Step 7 until the new budget year.

Mayor Bustle recessed the meeting at 9:25 pm. Mayor Bustle reconvened the meeting at 9:30 pm.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried unanimously to approve the interim Lieutenant position for Craig Himes at Grade 17, Step 7, \$42,480, effective the date he assumed the interim Lieutenant position.

12. CITY HALL UNIFORMS

Mrs. Conlon presented a request to purchase uniforms for employees going out into the public and employees in the front area of city hall. Discussion was held on providing both shirts and pants and what is done in other city departments. Mrs. Conlon stated she was willing to wait until the expense can be budgeted so criteria for administrative personnel can be developed that will be consistent city wide. It was suggested the Department Heads develop perimeters and bring a suggestion back to Council at the June 10, 2002 meeting.

13. CONSENT AGENDA

- A) Minutes of May 6, 2002 City Council meeting
- B) April Check Register

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

14. DEPARTMENT HEAD REPORT

Chief Lowe

Is now a resident of Ward 3.

Law enforcement will be participating in the Click It or Ticket program Memorial Day weekend.

15. MAYOR'S REPORT

Presented the trophies Tampa Bay Regional Planning Council awarded to the city for the Estuary Park.

Reminded Council the May 27, 2002 meeting has been cancelled in observance of Memorial Day, encouraging everyone to attend activities at the Veteran's Memorial Park and Gamble Mansion.

Discussed the procedure for canceling meetings when there are no agenda items.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to establish a policy concerning Monday workshop meetings that if there is nothing on the agenda by Thursday at noon the meeting will be automatically cancelled and Council will be notified.

Ms. Cornwell suggested time off from Council meetings to prepare for the budget either in late June or early July. The topic was placed on the June 10, 2002 agenda.

Informed Council he will be out of town for ten days beginning May 21, 2002.

16. INDIVIDUAL COMMENTS

Mrs. Lancaster

Inquired the status of the Oakridge project now that the permit has been issued. Attorney informed Council the contract between the city and the contractor to build the base project must be approved June 3, 2002. Attorney Prather stated he, city staff and the lawyers for Top 3% have scheduled a meeting to clarify some issues. Mrs. Lancaster stated she didn't want to lose funding while waiting for an agreement with the plaintiff. Mr. Hickey is to contact Mr. Eurice to reconfirm what he has agreed to do relating to the Oakridge project.

Ms. Bryant

Inquired about the broken air-conditioner. Staff is in the process of obtaining bids for repair.

Ms. Cornwell

Mrs. Conlon is bringing a proposal to the June 3, 2002 Council meeting regarding the Charter Review Committee.

Mr. Hickey will establish an amnesty day date for large items and report back to Council.

Mr. Williams

Manatee County EMS will be contacted about training for the life packs.

Commented on the letter regarding the Consent Order. A bid has been developed seeking professional services to complete the permit for the wastewater treatment plant.

17. PUBLIC COMMENT

Richard Hicks, 1505 11th Ave. W., commented on the noise problem in the city. Ms. Bryant spoke of the Fair Board's efforts to eliminate the problem at the arena. Attorney Prather informed Council he is actively reviewing the city's noise ordinance. Ms. Cornwell stated Lincoln Middle School is willing to do public service announcements for inclusion on the public access station.

**Palmetto City Council
May 20, 2002**

Meeting adjourned at 11:05 pm.

Minutes approved: June 3, 2002

A handwritten signature in cursive script, reading "Karen A. Conlon", is written over a horizontal line.

**Karen A. Conlon
City Clerk**