

**Palmetto City Council
June 3, 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
Karen Conlon, City Clerk
Mike Hickey, Public Works Director
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 G. I. Bradley, Providence Missionary Baptist Church, gave the invocation followed by the pledge of allegiance to the United States flag.

Public Comment:

Carol Hunt, Executive Director of Project Child Care, addressed Council regarding the City's Facility Use Fees, encouraging Council to reconsider the prohibition of waiving fees for non-profit organizations holding events open to the public. Council members expressed individual opinions on the waiver of the established facility use fees.

1. APPROVAL OF AGENDA

MOTION: Mrs. Lancaster moved, Mr. Grace seconded to bring the City's Facility Use Fees back for further discussion. Ms. Bryant, Ms. Cornwell and Mr. Williams voted no. Motion failed 3-2.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried unanimously to approve the June 3, 2002 agenda.

2. EOC UPDATE - JOHN MARBLE

John Marble briefed Council on the recent hurricane conference. He discussed the expenditure to PC Weather Products, explaining it will provide city wide intranet access to the latest weather updates during a storm.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to approve the expenditure not to exceed \$2,419.40 for PC Weather Products through the Emergency Operations Center.

3. PUBLIC HEARING (CONTINUED) - 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 Street West; approximately 3.686 acres)

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

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to adopt Ordinance No. 02-735.

4. PUBLIC HEARING (CONTINUED) - ORDINANCE NO. 02-736

Ordinance No. 02-736 was read by title.

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)

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. 02-736.

5. PUBLIC HEARING (CONTINUED) - ORDINANCE NO. 02-737

Ordinance No. 02-737 was read by title.

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 adopt Ordinance No. 02-737.

6. B3 OAKRIDGE CONTRACT

Attorney Prather informed Council he had reviewed the contract and recommended approval.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried unanimously to approve the B3 base contract with McLeod Land Services, Inc. in the amount of \$646,464.93.

7. TOP 3% PROPOSED SETTLEMENT

Attorney Prather advised Council he had not received confirmation of the proposed settlement and requested the item be removed from the agenda.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried unanimously to remove the item from the agenda.

8. RESOLUTION NO. 02-10

Attorney Prather informed Council this was a standard resolution form FDOT used to effect adoption of its Subordination of City Utility Interest. He recommended the City insert a consideration amount. Mr. Hickey explained the location of the utilities as being the Albertson's project on 8th Avenue between 10th and 11th Streets.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to adopt Resolution No. 02-10 with the insertion of \$10 into the blank consideration amount.

9. 1ST READING - ORDINANCE NO. 02-747

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 22, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-81, DEFINITIONS, TO AMEND THE DEFINITIONS OF "ACCUMULATED CONTRIBUTIONS" AND "CREDITED SERVICE"; AMENDING SECTION 22-84, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 22-87, PRERETIREMENT DEATH; AMENDING SECTION 22-88, DISABILITY; AMENDING SECTION 22-89, VESTING; AMENDING SECTION 22-90, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 22-91, BENEFICIARIES; DELETING SECTION 22-94, BOARD ATTORNEY AND PROFESSIONALS; AMENDING SECTION 22-95, MAXIMUM PENSION; AMENDING SECTION 22-98, REPEAL OR TERMINATION OF SYSTEM; AMENDING SECTION 22-101, FORFEITURE OF PENSION; AMENDING SECTION 22-103, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 22-106, MILITARY SERVICE

**Palmetto City Council
June 3, 2002**

PRIOR TO EMPLOYMENT; ADDING SECTION 22-107, PRIOR GOVERNMENT SERVICE; AMENDING SECTION 22-108, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to approve Ordinance No. 02-747 for advertising and schedule a public hearing June 17, 2002.

10. 1ST READING - ORDINANCE NO. 02-742

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. PA0207 ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0207/Alan and Carmen Zirkelbach; approximately 2.5 acres)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve Ordinance No. 02-742 for advertising and schedule a public hearing June 17, 2002.

11. 1ST READING - ORDINANCE NO. 02-743

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 (MINIMUM 1-ACRE LOT/COUNTY) TO ER (ESTATE RESIDENTIAL, MINIMUM 1-ACRE LOT/CITY); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Z0211/Alan and Carmen Zirkelbach; 2.5 acres)

MOTION: Ms. Cornwell moved, Mr. Grace seconded and motion carried unanimously to approve Ordinance No. 02-743 for advertising and schedule a public hearing June 17, 2002.

12. 1ST READING - ORDINANCE NO. 02-744

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. PA0208 ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0208/Carlos and Patsy Ugarte; approximately 2.5 acres)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve Ordinance No. 02-744 for advertising and schedule a public hearing June 17, 2002.

13. 1ST READING - ORDINANCE NO. 02-745

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 (MINIMUM 1-ACRE LOT/COUNTY) TO ER (ESTATE RESIDENTIAL, MINIMUM 1-ACRE LOT/CITY); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Z0212/Carlos and Patsy Ugarte; 2.5 acres)

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried unanimously to approve Ordinance No. 02-745 for advertising and schedule a public hearing June 17, 2002.

14. 1ST READING - ORDINANCE NO. 02-746

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 EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF FROM A-1 (COUNTY) TO CG (GENERAL COMMERCIAL/CITY); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0214/The Preston Family)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve Ordinance No. 02-746 for advertising and schedule a public hearing June 17, 2002.

15. 1ST READING - ORDINANCE NO. 02-748

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING THE PALMETTO COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM RES-4 (RESIDENTIAL/4 UNITS PER ACRE) TO RES-6 (RESIDENTIAL/6 UNITS PER ACRE) BY INCORPORATING PLAN AMENDMENT NO. PA0209 ATTCHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (PA0209/Mark W. Wolfe; approximately 6.3 acres)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve Ordinance No. 02-748 for advertising and schedule a public hearing June 17, 2002.

16. 1ST READING - ORDINANCE NO. 02-749

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 1 OF THIS ORDINANCE FROM RS-1 (SINGLE FAMILY RESIDENTIAL, MINIMUM 15,000 SQ.FT. LOT) TO RS-3 (SINGLE FAMILY RESIDENTIAL, MINIMUM 7,250 SQ. FT. LOT); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0213/MARK W. WOLFE, approximately 6.3acres)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve Ordinance No. 02-749 for advertising and schedule a public hearing June 17, 2002.

17. 1ST READING - ORDINANCE NO. 02-751

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA AMENDING ORDINANCE NO. 677, BY REVISING THE DEVELOPMENT SCHEDULE FOR PHASE II; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (NW corner of 26th Street West and U.S. 41)

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried unanimously to approve Ordinance No. 02-751 for advertising and schedule a public hearing June 17, 2002.

18. 1ST READING - ORDINANCE NO. 02-752

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA AMENDING ORDINANCE NO. 01-707, BY REVISING THE DEVELOPMENT SCHEDULE FOR CERTAIN PARCELS IN PHASE II, PHASE III, AND PHASE IV; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Riviera Dunes)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve Ordinance No. 02-752 for advertising and schedule a public hearing June 17, 2002.

19. RESOLUTION NO. 02-11

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

**Palmetto City Council
June 3, 2002**

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to adopt Resolution No. 02-11

20. CHARTER REVIEW COMMITTEE

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to retain a facilitator for the first meeting of the Charter Review Committee, not to exceed \$325.00.

21. CONSENT AGENDA

(TAB 19)

- A) Minutes: May 20 and May 29, 2002 City Council Meetings**
- B) Dye, Deitrich, Prather, Petruff & St. Paul, PL billing through April 30, 2002
Professional Services - \$8,674.00; Litigation Services - \$1,431.00**
- C) Special Function Permit - 4th of July Fireworks**

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

22. AWARD OF BID - WASTEWATER TREATMENT PLANT PERMIT

Karen Conlon reported Jones Edmunds & Associates was the sole bid received for the Wastewater Treatment Plant permit application. The base bid for the permit application was \$25,000. If additional work is required by FDEP the City will be assessed hourly rates by classification.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to award the project to Jones Edmunds & Associates based on the proposal submitted and to proceed with a negotiated contract as soon as possible.

23. DEPARTMENT HEAD REPORT

Chief Lowe, Palmetto Police Department

Reported the satisfactory training of Corp. Smith and the K9 unit.

Reported the resignations of Officer Alex Gregoire and employee Sherrie Rader.

Requested Council declare 18 light bars as surplus and approve donating them to the Manatee County Sheriff's Department for services rendered.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to approve declaration of 18 light bars as surplus equipment so they can be donated to the Manatee County Sheriff's Department for services rendered.

Requested Attorney Prather's aid in obtaining the Mutual Agreement with the Bradenton Police Department.

**Palmetto City Council
June 3, 2002**

Requested additional lighting around the Police Department, increasing the wattage from 70 to 400 watts for increased security and safety reasons. Chief Lowe reviewed the current utility bill and the expected increase of approximately \$160 per month.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to approve the increase in the wattage of the lights and the increased expenditure.

Mrs. Conlon, City Clerk

Mr. Finney begins the team building seminars with city employees June 4, 2002. Arrangements will be made to tape the meeting for absent employees.

Discussed Council taking off time in July prior to the budget meetings. Topic will be placed on the June 17, 2002 agenda for a decision.

Mr. Hickey, Public Works Director

Briefed Council on the construction at the Estuary Park.

Briefed Council on the ditches being cleaned. Mr. Hickey was instructed to send a letter to the mobile home park owner and manager advising the ditch is privately owned by the park and the city will no longer maintain it. If, out of necessity, the city has to intervene in its maintenance, the property will be cleaned and a lien for incurred expenses will be recorded.

24. MAYOR'S REPORT

The Pledge of Civility plaque will be mounted in an appropriate place in Council Chambers.

Requested discussion on the City's Facility Use Fees. Other than discussing taking appropriate measures for city sponsored events in the budget process, Council declined to further discuss the topic.

25. INDIVIDUAL COMMENTS

Mrs. Lancaster

Discussed the need to ensure completeness and accuracy when executing City contracts.

Ms. Bryant

It was consensus of Council to allow the Fair Board to proceed with organization of the Tomato Festival for a one year period. There will be an associated fee because the event will be held at the fairgrounds.

Ms. Cornwell

Requested the suspense log be updated with an item asking the County Commission declare an effective date of the ACCORD.

**Palmetto City Council
June 3, 2002**

Requested the suspense log be updated with a date for an amnesty day. Mr. Hickey advised the first and last Wednesday of Daylight Savings Time have been set aside for amnesty days.

Mr. Grace

Commented on the excellent performance of city hall staff during his absence.

Mr. Williams

Commented on the elimination of open ended contracts. Mrs. Conlon discussed the fact they are being eliminated by Council vote as they come up for discussion and this is an ongoing process. She also advised the auditor's management letter no longer listed contracts not being reviewed by the attorney before execution.

Staff was requested to contact the model airplane association about the lease of the landfill property. A meeting between Mayor Bustle, Commissioner Stein and the leader of the group is tentatively scheduled July 13, 2002. Ms. Cornwell reiterated a school may be built near the property in the near future and the fact the association was requesting a 99-year lease.

Requested a letter be sent to the Historical Commission about the tree removal at Heritage Park. Council was advised one tree will not be removed because of an endangered species currently roosting in the tree.

The water deposit refund topic was placed on the June 10, 2002 agenda.

Attorney Groff is continuing to work on the contract for a K9 unit. It was suggested a contract also be considered for the motorcycle.

Suggested a tickler file for events to ensure no disruption by timed city services.

26. PUBLIC COMMENT

Bill Eastwood, McLeod Land Services, asked Council's recommendations on his company's bid bond, as the decision has not yet been made on which project the City will be doing - the base or alternate plan for Oakridge. He discussed the difficulty in purchasing the performance bond as his company didn't know which project would ultimately be done by the City. Attorney Prather discussed the City's desire to accomplish the alternative project, but stated the settlement has not been finalized, nor has the project been designed by Jones, Edmunds & Associates.

Mr. Eastwood described a Limited Notice to Proceed the City could execute which would allow McLeod Land Services to begin preliminary work. Attorney Prather cautioned Mr. Eastwood that a contract has not been approved for either project, therefore McLeod Land Services would not be paid for any work performed.

**Palmetto City Council
June 3, 2002**

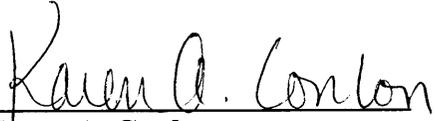
Discussion ensued on revising the motion on the base bid in the event the City elected to do the alternate bid.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to reconsider the previous motion on awarding the bid on the B3 project.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried unanimously to table the motion on the bid concerning the B3 project.

Meeting adjourned at 10:55 pm.

Minutes approved: June 17, 2002


Karen A. Conlon
City Clerk