

**Palmetto City Council
June 17, 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:

**Jim Dye, 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.

Vice Mayor Mary Lancaster gave the invocation followed by the pledge of allegiance to the United States flag.

Public Comment:

Duane Rosier complimented Mayor Bustle and Council on the improvements throughout the city.

1. APPROVAL OF AGENDA

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried unanimously to approve the June 17, 2002 agenda with the deletion of item #21 and the addition of the attorney's monthly billing to the Consent Agenda.

2. DISUCSSION - OAKRIDGE ALTERNATE PLAN FUNDING

Mrs. Conlon reviewed the Oakridge stormwater alternate project cost justification, a copy of which is attached hereto and made a part of these minutes. Attorney Dye advised the contract had been reviewed and approved, subject to receipt of the correct bonds from McLeod Land Services.

MOTION: Mrs. Lancaster moved, Mr. Grace seconded and motion carried unanimously to approve the base and alternate contract in the amount of \$841,981.14 for Oakridge with McLeod Land Services and authorize the Mayor to sign the contract, subject to receipt of bonds from McLeod Land Services.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried unanimously to approve \$45,000 to JEA for design and permitting of the alternate plan for Oakridge per proposal dated April 2002.

MOTION: Mrs. Lancaster moved, Ms. Bryant seconded and motion carried unanimously to approve \$31,700 to JEA for construction services for Carr Drain and Oakridge base and alternate plans per proposal dated April 2002.

3. PAY PLAN - EMPLOYEE ADJUSTMENT

Mayor Bustle advised Council an administrative decision had been made to remove the probation of Geoff Seger and James Michener, restoring them to their previous positions. Mayor Bustle spoke of Mr. Seger's involvement with the administration of grants and coordination of city events, which has led to a revision of his job description incorporating the additional responsibilities. Human Resources conducted a market evaluation to substantiate the proposed pay grade adjustment for Mr. Seger to Grade 15, Step 3.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded to approve a pay plan adjustment for Geoff Seger to Grade 15, Step 3.

Mr. Williams and Mrs. Lancaster voiced opposition to voting on the pay increase without the new job description listing the added responsibilities. Mr. Grace suggested a partial increase until the job description is available for Council's review. Ms. Bryant called for the question, which was unanimously passed.

Mayor Bustle called for a vote on the motion on the floor. Motion passed 3 to 2. Mrs. Lancaster and Mr. Williams voted no.

4. RIVERBAY TOWNHOMES - MINOR MODIFICATION TO GENERAL DEVELOPMENT PLAN

Mrs. Tusing informed Council the developer of the project had submitted a revised site plan. Considering Council's suggestion, the total units was lowered to 114 vs. 140, all but 40 units will have a two car garage and the back elevation of the buildings on Tenth Street was improved. The proposed changes meet criteria for a minor modification as defined in Section 8.8 of the code, and Mrs. Tusing recommended approval.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried unanimously to approve the minor modification to the Riverbay Townhomes General Development Plan as delineated in the packet.

5. PUBLIC HEARING - ORDINANCE NO. 02-747

Ordinance No. 02-747 was read by title.

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 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.

Mayor Bustle opened the public meeting. Staff informed Council Attorney Christiansen was not available to attend the meeting but his schedule had been confirmed as to his availability August 5, 2002.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to continue the public hearing on Ordinance No. 02-747 until August 5, 2002.

6. PUBLIC HEARING - ORDINANCE NO. 02-742

Ordinance No. 02-742 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. PA0207 ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0207/Alan and Carmen Zirkelbach; approximately 2.5 acres)

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

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MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried unanimously to adopt Ordinance No. 02-742.

7. PUBLIC HEARING - ORDINANCE NO. 02-743

Ordinance No. 02-743 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 (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)

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

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to adopt Ordinance No. 02-743.

8. PUBLIC HEARING - ORDINANCE NO. 02-744

Ordinance No. 02-744 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. PA0208 ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0208/Carlos and Patsy Ugarte; approximately 2.5 acres)

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

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried unanimously to adopt Ordinance No. 02-744.

9. PUBLIC HEARING - ORDINANCE NO. 02-745

Ordinance No. 02-745 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 (MINIMUM 1-ACRE LOT/COUNTY) TO ER (ESTATE RESIDENTIAL, MINIMUM 1-ACRE

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LOT/CITY); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Z0212/Carlos and Patsy Ugarte; 2.5 acres)

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. 02-745.

10. PUBLIC HEARING - ORDINANCE NO. 02-746

Ordinance No. 02-746 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 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)

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

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to adopt Ordinance No. 02-746.

11. PUBLIC HEARING - ORDINANCE NO. 02-748

Ordinance No. 02-748 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-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)

Mayor Bustle opened the public hearing.

John Farone spoke in opposition to the project, citing increased density, drainage and traffic issues. Betsy Bannack, planner for Wilson Miller, reviewed the project, discussing lot sizes and setbacks. Mark Wolfe described the housing that would be built in the project. Robert Lombardo, engineer for the project, discussed the site plan, the retention areas for storm water and the permitting process with the water district. Jonathan L. Davis, Philip Guerlio, Robert Rotundo and Duane Rosier voiced opposition to the project, also citing density, drainage and traffic issues.

Mayor Bustle closed the public hearing.

Discussion ensued on the drainage problems residents of the area cited. When questioned about compliance with drainage after the project is completed, Mr. Lombardo explained that SWFWMD requires recertification of the project every two years. Staff was also instructed to inspect the drainage pipes in place in the neighborhood and to consult the master drainage plan for a time line for future plans.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 3 to 2 to adopt Ordinance No. 02-478. Mrs. Lancaster and Mr. Grace voted no.

Mayor Bustle recessed the meeting at 9:10 pm and reconvened it at 9:15 pm.

12. PUBLIC HEARING - ORDINANCE NO. 02-749

Ordinance No. 02-749 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 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)

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

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 3 to 2 to adopt Ordinance No. 02-749. Mrs. Lancaster and Mr. Grace voted no.

13. PUBLIC HEARING - ORDINANCE NO. 02-751

Ordinance No. 02-751 was read by title.

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)

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

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 3 to 2 to adopt Ordinance No. 02-751. Mrs. Lancaster and Ms. Cornwell voted no.

14. PUBLIC HEARING - ORDINANCE NO. 02-752

Ordinance No. 02-752 was read by title.

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

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

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to adopt Ordinance No. 02-752.

15. RESOLUTION NO. 02-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, SUPPORTING THE URBAN INFILL AND REDEVELOPMENT AREA PLAN; PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 3 to 2 to adopt Resolution No. 02-09. Mrs. Lancaster and Mr. Williams voted no.

16. AWARD OF BID - STREET LIGHT MAINTENANCE

Mrs. Conlon explained American Light & Signalization was the only response to the invitation to bid. The company will be issued a blanket purchase order for the maintenance of the street lights. In the discussion Mr. Hickey advised FDOT pays \$150 per light repaired by the City. Staff will research to determine where this revenue is placed.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to award the bid to American Light & Signalization.

17. AWARD OF BID - TRAFFIC STRIPING

Mrs. Conlon explained the company awarded the bid for traffic striping would also be issued a blanket purchase order. The contract is for three-years, subject to Council's approval on an annual basis.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to award the bid to Centerline Road Company.

18. JULY SCHEDULE OF COUNCIL MEETINGS

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried unanimously to cancel the July 1, July 8, and July 15, 2002 City Council meetings.

19. APPROVAL OF REDISTRICTING OF WARDS

MOTION: Ms. Bryant moved, Mr. Grace seconded and motion carried unanimously to authorize the Supervisor of Elections to determine new proposed city district boundary alternatives at a cost not to exceed \$750.

20. APPROVAL OF ELECTRONIC MAIL POLICY

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve the City of Palmetto Electronic Mail Policy.

21. CONSENT AGENDA

- a) Minutes of June 3, 2002 and June 10, 2002 City Council meetings.
- b) May check register
- c) Attorney Billings through May 31, 2002; Litigation \$7,036.75, Professional Services \$6,587.55

Ms. Bryant corrected the June 3, 2002 minutes to reflect that the associated fee for the Tomato Festival at the fairgrounds should read "admission fee".

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried unanimously to approve the Consent Agenda with the correction to the June 3, 2002 minutes and addition of the attorney billing.

22. DEPARTMENT HEAD REPORT

Chief Garry Lowe, Palmetto Police Department

Two suspects were apprehended in the attempted Mercantile break-in.

Discussed Council's prior approval of increasing the security light wattage at the Police Department and asked authorization for Mayor Bustle to execute the agreement.

MOTION: Mrs. Lancaster moved, Ms. Bryant seconded and motion carried unanimously to authorize the Mayor to sign the Outdoor Security Light Agreement with Florida Power & Light, subject to city attorney approval.

Requested authorization for Mayor Bustle to sign the application for continuing the accreditation process of the Police Department. The agreement has been reviewed and approved by Attorney Groff. Mr. Williams asked for a report concerning the accreditation of the department.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to authorize the Mayor to sign the application to the accreditation agency.

Thanked Ms. Bryant for her input in the process of searching for a Captain. Chief Lowe reported eight interviews were performed out of 20 resumes. Three final applicants have

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been chosen. The Interview Committee consisted of Ms. Bryant, Mickey Presha, C. J. Czaia, Major Becky Thorpe of FHP, Major. Connie Shingledecker of the Sheriff's Department and Dan Hager.

Karen Conlon, City Clerk

As directed by Council, meeting is scheduled Tuesday between Mayor Bustle, Mr. Hickey, Zoller & Naajar and Mrs. Conlon regarding the Church of the Rock.

With the excess training dollars for the new computer system, a consultant who knows the system and who has been a financial manager in cities around the state will come and help train on the budgeting process.

Discussed the insurance claim the City has to pay the \$25,000 deductible, as the expenditure was not budgeted. Discussion ensued on the \$25,000 per occurrence deductible. Mrs. Conlon stated a new procedure regarding complaints, that could possibly become a liability, is being developed. Florida League of Cities has been notified that all insurance claims will be directed to the City Clerk as the City's first contact. Ms. Cornwell suggested that signage should be erected at possible hazardous areas.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve the \$25,000 expenditure for settlement of the trip and fall on Suzanne Belcher.

Mr. Hickey

Public Works has purchased a new dump truck for \$69,000, which was under the budgeted amount.

23. INDIVIDUAL COMMENTS

Mrs. Lancaster

Thanked the Council, Mayor and staff for diligently working on the Oakridge project.

Ms. Bryant

The Executive Board of the Manatee River Fair Association has voted to assume responsibility for the Tomato Festival. The event will be held November 23 and 24, 2002.

As a result of discussion with the law officers involved in the recent interview process, Ms. Bryant advised she has contacted Open Campus about prices for conversational Spanish classes for city employees. CRA has been contacted and Mrs. Lukowiak stated she felt CRA could fund the classes, especially for police officers and front line employees. Ms. Cornwell informed Council there is a teacher at Lincoln who teaches a high school Spanish class and may be available to teach.

A resident has inquired about the billboard sign. Mayor Bustle displayed his choice for the sign, stating it will be changed very soon.

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Ms. Cornwell

Informed Council a voting delegate for the convention needed to be chosen. Charlie Grace volunteered for the position.

Requested the past job descriptions of Mrs. Conlon and Mr. Hickey so they can be compared to the last revision. Mrs. Conlon stated the only change to both descriptions was the change of the Building Department.

Mr. Grace

CRA meets Wednesday at 6:00 pm.

Mr. Williams

Reiterated his opinion Council should not have to vote on anything until all supporting documentation is in place.

Mayor Bustle

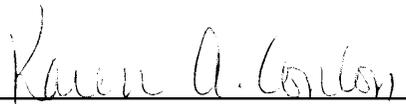
The education impact fee becomes effective July 1, 2002, after which a single family residence will be assessed \$2,500. If demolition is involved it must be done after July.

Advised the proposed 1/2 cent sales tax for the county and cities will be placed on a special ballot in the spring prior to May. The county will base their support of the tax on acquisition of environmentally sensitive lands and the development of blueways and greenways, enhancement of park and recreational areas and sidewalks particularly near schools, and boat ramps and boat trailer parking in the county and cities. Mayor Bustle suggested a resolution of dumping in the bay could be the City's number one priority.

Mrs. Lancaster again stated she felt Mr. Seger was doing a great job but she still wanted to look at the topic before making a decision.

Meeting adjourned at 10:45 pm.

Minutes approved: August 5, 2002



**Karen A. Conlon
City Clerk**

City of Palmetto
Project Justification
Oakridge Stormwater Alternative Project

June 13, 2002

The original Oakridge Stormwater base project was bid at \$646,464.93, which will be paid for by grants from the SWFMD and the Water Advisory Panel, with the remainder taken from the SRF Loan. At the time of the base bid, Jones Edmunds also requested a bid on the "alternate" project, which will not only take care of the water issue, but also make the area more aesthetically pleasing.

The bid for the alternate project was \$841,981.14, which is \$195,516.21 more than the base bid. Additionally, Jones Edmunds has advised us that the additional engineering fee for the design and permitting of the alternative portion of the project is \$45,000.00.

Base & Alternative Project Cost – Construction	\$841,981.14
JEA Design & Permit – Base	\$115,200.00
Additional Design & Permit – JEA	\$ 45,000.00
 Total Project Cost for Alternative & Base	 \$1,002,181.14

We will pay for the total project as follows:

SWFMUD Grant	\$272,840.00
WAP Grant	\$309,000.00
SRF Loan	\$179,824.93
CRA Contribution – City Council	\$ 53,000.00
Loan from Water Enterprise Fund	\$187,516.21
 Total	 \$1,002,181.14

The City has not had to transfer as much money into the General Fund from the Enterprise funds as we had anticipated, so the money may be used to supplement this project. The current budget of the CRA is encumbered; however, during the budget process for next year, part of their budget could be set aside to pay back the City, in whole or in part, for the loan from the Enterprise Fund.

Finally, Jones Edmunds has provided us with a proposal to do the Construction Management for Carr Drain and Oakridge, which includes both the base and alternative projects, for \$31,700.00. I am recommending that this amount also be taken from the Enterprise Fund, as the SRF loan should be left alone in case of construction change orders, etc.