

Palmetto City Council
August 5, 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:

Karen A. Conlon, City Clerk
Garry Lowe, Chief of Police
Mike Hickey, Public Works Director
Diane Ponder, Administrative Assistant

Mayor Bustle called the meeting to order at 4:00 p.m.

Reverend T. R. Barriss, Sr., Palmetto Assembly of God, gave the invocation, followed by the Pledge of Allegiance to the Flag of the United States.

Vice Mayor Lancaster presented Mayor Bustle a Certificate of Completion issued by the Institute of Elected Officials.

1. APPROVAL OF AGENDA

Mayor Bustle informed Council since the agenda's preparation Mr. Laferte has requested permission to speak to Council concerning sub-metering in the local mobile home parks, and asked he be permitted to do so as item 2A.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 5-0 to approve the August 5, 2002 agenda with the addition.

2. PUBLIC HEARING - 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 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 announced the public hearing was continued from June 17, 2002. Attorney Scott Christiansen, counsel for the Police Officers' Pension Plan Board of Trustees, explained changes made in the ordinance to adopt new laws recently enacted.

There being no public comment, Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 5-0 to adopt Ordinance No. 02-747.

2A. MOBILE HOME PARK SUB-METERING PROGRAM

Mr. Laferte explained sub-metering as a program whereby the mobile home park owner would sub-meter the lots in the park, charging a rate for the water no higher than the City would charge. It was Mr. Laferte's opinion the program provides a more equitable way of billing the total water bill to the individual homeowners. Mr. Laferte discussed Florida Statute 723.045 and Public Service Commission legislation 367.022 concerning the topic. Mr. Laferte discussed the manner in which individual sub-meters would be read and how residents would be billed.

Attorney Prather discussed the fact the City's customer is the mobile home park and regardless of what happens internally in the park the City's obligation ceases at the master meter. Florida Statute 723.045 states the mobile home park owner may not charge a greater rate than the amount charged by the public utility in the resale of water. The statute also allows the park owner to charge a maintenance fee for the maintenance of the private lines inside the park, as well as an administrative cost. Attorney Prather stated the City's ordinance provides for resale of utility services the City supplies its residents, provided the City Council permits the resale. Attorney Prather stated there may not be an issue as the proposed sub-metering does not appear to be in violation of state or city laws.

Staff will research the topic, meet with Attorney Prather and bring the topic back to Council.

3. SPECIAL FENCE PERMIT (SPF0201)

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 5-0 to approve the Special Fence Permit to Gloria H. Lenon, 1702 5th Street, West.

4. TOMATO FESTIVAL

Ms. Bryant stated as president of the Manatee River Fair Association, she would not abstain from the vote, as approval of the donation of \$2,246 would not inure to her or her family's gain or loss.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve transfer of the balance of the Tomato Festival budget line item totaling \$2,246 to the Manatee River Fair Association.

5. RESOLUTION NO. 02-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, APPROVING STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION STATE HIGHWAY LIGHTING, MAINTENANCE AND COMPENSATION AGREEMENT.

Mrs. Conlon stated FDOT would reimburse the City \$7,875 the first year for the maintenance, adjusting the fee on an annual basis. Attorney Prather stated the adoption of the resolution would also authorize the Mayor to sign the agreement.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to adopt Resolution No. 02-16 and authorize the mayor to sign the FDOT State Highway Lighting, Maintenance and Compensation Agreement.

6. TRANSFER OF SUPPLUS PROPERTY - KENT GEARTZ

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to authorize the Mayor to execute the purchase agreement, closing and transfer documents for surplus property located at 7050 69th Street, West.

7. 1st READING & APPROVE FOR ADVERTISING - ORDINANCE NO. 02-753

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-2 (SINGLE FAMILY RESIDENTIAL, MINIMUM 10,000 SQ.FT. LOT); PROVIDING FOR SEVERABILITY;

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**AND PROVIDING FOR AN EFFECTIVE DATE (Z0215/PEN DEVELOPMENT, LLC;
approximately 19.66 acres)**

**MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 5-0 to
approve Ordinance No. 02-753 for advertising and schedule a public
hearing August 19, 2002.**

**8. LICENSE AGREEMENT BETWEEN CITY OF PALMETTO AND MANATEE
COUNTY RADIO CONTROLLERS, INC.**

**Mayor Bustle recommended executing the License Agreement with Manatee County
Radio Controllers, Inc., stating there was ample protection in the document to
enable the City to break the agreement. The item was continued to August 19, 2002
to allow for the agreement's inclusion of items discussed at the July 29, 2002 Council
meeting.**

9. MANATEE COUNTY EDUCATION IMPACT FEE

**Attorney Prather advised Council it was his opinion entering into the proposed
interlocal agreement would be of no benefit to the City, and that several other
municipalities have taken the same stance.**

**MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0
to authorize the Mayor to confirm to the School Board that the City of
Palmetto has determined not to enter into any type of interlocal
agreement with the School District or the County for collection of
educational impact fees, but rather to direct individuals to pay the
referenced impact fee to the Clerk of the Circuit Court for that
purpose.**

10. COMPREHENSIVE ANNUAL FINANCIAL REPORT

**MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried
unanimously to accept the Comprehensive Annual Financial Report
of the City of Palmetto for fiscal year ended September 30, 2001.**

11. CONSENT AGENDA

- A) Minutes: June 17, June 24, July 29, 2002 Council meetings**
- B) Dye, Deitrich, Prather, Petruff & St. Paul, PL billing through June 30, 2002
Professional Services - \$6,571.41, Litigation \$13, 631.91**
- C) A. J. Spalla, PA billing through June 30, 2002 - \$5,962.22 (Creel litigation)**
- D) Special Function Permit: (1) Church on the Rock Exception to Noise Ordinance
(2) DeSoto Children's Parade
(3) Walk for Life**

**MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 5-0 to
approve the Consent Agenda.**

12. DEPARTMENT HEADS' COMMENTS

Karen Conlon, City Clerk

The budget will be delivered to Council Wednesday.

Chief Lowe, Police Department

Captain Hedrick started his duties with the Police Department today.

13. COUNCIL MEMBERS' COMMENTS

Ms. Cornwell

Stated all questions pertaining to an agenda item should be clarified before the topic is brought back to Council for consideration.

Requested the Police Department aid the schools opening on Monday with traffic control.

Ms. Bryant

Inquired when the City property at Snead Island cut would be posted.

Signage directing the public to the fairgrounds is being erected.

Mrs. Lancaster

Stated she had been informed the new computer system does not serve the needs of a particular department as well as the old system. Mrs. Conlon stated it was a matter of training; the new system provided more and better accounting - it gives the same information.

Announced the MOC has appointed her to its Personnel Committee.

Mr. Grace

Has received a complaint about the weeds and mosquitoes at Hidden Lake. Mr. Hickey discussed the wetlands vegetation in the area and stated he will contact Mosquito Control.

Mr. Williams

Read from correspondence from Sia Mollanazar regarding fairgrounds drainage, a copy of which is attached hereto and made a part of these minutes. He asked the information be passed on to the DRC and the engineering firm working on the Church on the Rock project.

14. MAYOR'S COMMENTS

A power point presentation will introduce the FY 2002-2003 budget at the August 12, 2002 Council meeting. The accountant and consultant will be present.

There was no public comment.

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Meeting adjourned at 9:00 pm.

Minutes approved: August 19, 2002


Karen A. Conlon
Karen A. Conlon

From: Sia Mollanazar
To: Rogers, Brenda
Date: Wednesday, July 31, 2002 3:56PM
Subject: Re: Fairgrounds Drainage

The ditch used to fill up almost to the top. The objective of the project was to fill in portion of the ditch to gain upland for fair activities and It was not a drainage improvement project. Because of that we provided enough compensation to keep the existing flooding condition the same and tried not to make things worth than it was. If one adds more water to the system that has problem now, common sense tells you that things could get worth for upstream, if additional accommodation is not provided at the outfall point. The out fall point is the pipe line that starts at 17th & 14th running north (36 inch metal pipe) . The problem with this pipe is that it is laid running up hill rather than down slope. The map that I sent you will show what area of the land historically drained into this ditch. Any additional area outside of that map would be in excess of it's capacity.

>>> Brenda Rogers 07/31/02 02:51PM >>>

Thanks, we are especially looking for history that shows the areas/capacity this drainage ditch was designed to accomodate.

>>> Sia Mollanazar Wednesday, July 31, 2002 9:51:04 AM >>>

I will send you what I have. The west side of 14th Ave did not drain into the fair ground ditch with exception of two small pipes coming from the west side into the ditch. One was at the intersection of 14 and 17 and the other was 200 feet north of 12 St. West.

>>> Brenda Rogers 07/30/02 12:50PM >>>

At yesterday's City of Palmetto Council meeting, Church On The Rock engineers, Zollar, Najar et. all, presented their plan for drainage. That plan does include a request to SWFWMD for permission to bore under 14th Ave to flow storm water runoff into the drainage ditch on the West side of the Fairgrounds. I need to acquire copies of reports of the plans when the drainage area was designed, we are trying to put together the history. Who do I need to talk to? Do you have any of the drawings? Any direction would be appreciated.

CC: Mau, Larry