

Palmetto City Council
October 7, 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

Elected Officials Absent:

Brian Williams, Council Member

Staff and others present:

Attorney Dick Groff
Mary Jean Forrester, Deputy City Clerk
Captain Clyde Hedrick, Police Department
Mike Hickey, Public Works Director
Diane Ponder, Administrative Assistant

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

Diane Ponder gave the invocation followed by the Pledge of Allegiance to the United States Flag.

Citizen Comment:

Donna Bottoms, Patricia DeTour, and Herman Bottoms spoke to Council about the lot rental increase and the sub-meter installation issue at Lone Oak Trailer Park. Park owner Tom Melancan explained the notice mailed to park residents, as required by *Florida Statutes*, and the rent increase being a net \$20 per month. Mr. Melancan also stated the sub-meters were meant to encourage water conservation, charging the tenants for the water they actually consumed.

Mayor Bustle stated the *Florida Statutes* provided the course of action the city took in passing the resolution allowing the sub-meter installation in Lone Oak Trailer Park. He further stated the rent issue was between the park owner and residents.

Mrs. Lancaster stated the city would monitor the invoices from FEWTEK, the company licensed to install the meters, to ensure a surcharge is not added to the residents' monthly bill. Mr. Melancan agreed to supply the city with copies of the invoices.

Mike McCoy, distinguished alumnus and member of the Community Leadership Council accepted the proclamation Mayor Bustle read proclaiming October 13-19, 2002 as University of South Florida Sarasota/Manatee Week.

Hope Family Services Executive Director Laurel Lynch accepted the proclamation Mayor Bustle read proclaiming October 2002 as Domestic Violence Awareness Month.

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Ms. Lynch also spoke of the successful program the Palmetto Police Department started where advocates go into homes in the city to explain the programs available through Hope Family Services.

1. APPROVAL OF AGENDA

Mrs. Tusing asked the agenda be amended to add item 8A the Preliminary Plan for the Boccage Subdivision.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the October 7, 2002 agenda with the addition of 8A, Preliminary Plat for Boccage Subdivision.

2. PUBLIC HEARING - ORDINANCE NO. 02-759

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 22, PERSONNEL, ARTICLE V, POLICE OFFICERS' RETIRMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-171, DEFINITIONS, BY AMENDING THE DEFINITION OF "ACCUMULATED CONTRIBUTIONS"; AMENDING SECTION 22-177, DISABILITY; AMENDING SECTION 22-180, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 22-185, MAXIMUM PENSION; AMENDING SECTION 22-187, MISCELLANEOUS PROVISIONS; AMENDING SECTION 22-194, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 22-195, PRIOR POLICE SERVICE; ADDING SECTION 22-197, MILITARY SERVICE PRIOR TO EMPLOYMENT; ADDING SECTION 22-198, 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 hearing. After no public comment, Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Ordinance No. 02-759.

3. PUBLIC HEARING - ORDINANCE NO. 02-754

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. (AN 0205 – Alan and Carmen J. Zirkelbach, 1802 21st Street West)

Mayor Bustle opened the public hearing. After no public comment, Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 02-754

4. PUBLIC HEARING - ORDINANCE NO. 02-755

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

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MAP FROM RES-3 (RESIDENTIAL/3 UNITS PER ACRE/COUNTY) TO RES-4 (RESIDENTIAL/4 UNITS PER ACRE/CITY) BY INCORPORATING PLAN AMENDMENT NO. PA0210 ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0210 Alan and Carmen Zirkelbach; approximately 2.5 acres)

Mayor Bustle opened the public hearing. After no public comment, Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 02-755.

5. PUBLIC HEARING - ORDINANCE NO. 02-756

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. (Z0217/Alan and Carmen Zirkelbach; 2.5 acres)

Mayor Bustle opened the public hearing. After no public comment, Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 02-756.

6. PUBLIC HEARING - ORDINANCE NO. 02-760

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA APPROVING A GENERAL DEVELOPMENT PLAN AND ELEVATIONS FOR THE HAMMOCKS AT RIVIERA DUNES, PARCEL 5, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Z0219; Hammocks at Riviera Dunes/RD Hammocks, LLC; 12.98 acres)

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Ordinance No. 02-760.

7. PRELIMINARY PLAT APPROVAL - THE HAMMOCKS AT RIVIERA DUNES

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4-0 to approve the Preliminary Plat Approval for the Hammocks at Riviera Dunes.

Mrs. Tusing explained that waivers to the Subdivision Code had been requested by Riviera Dunes and Planning and Zoning Board had recommended conditional approval of the preliminary plat; therefore, Council's approval should reflect the same information. Riviera Dunes requested a waiver to decrease the minimum right-of-way for minor streets to 40-feet and to extend the length of a dead-end street. The Planning and Zoning Board recommended conditional approval of the preliminary plat.

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MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 4-0 to reconsider the previous motion for the Hammocks at Riviera Dunes.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4-0 to approve the requested waivers and conditionally approve the Preliminary Plat for the Hammocks at Riviera Dunes.

8. PUBLIC HEARING - ORDINANCE NO. 02-761

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, APPROVING THE PROJECT DENSITY; APPROVING A GENERAL DEVELOPMENT PLAN FOR THE BOCCAGE SUBDIVISION ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Z0220 THE BOCCAGE SUBDIVISION/Z, LLC; 20.36 acres)

Mrs. Tusing reported the proposed development is a 22-single family detached unit private subdivision with the average density at 1.08 units per acre. Requested waivers to the Subdivision Code are a 40-foot right-of-way for minor streets in the one-way portion of the development and the deletion of internal sidewalks. The sidewalk for the length of the development on 20th Avenue will be provided on the west side of the street. Discussion was held at the Planning and Zoning Board meeting, as well as with staff, concerning the placement of the funds for the sidewalk in a city fund for use when the sidewalks in the area are constructed at a later date. Staff and the Planning and Zoning Board have no objection to the developer's request concerning the 20h Avenue sidewalk. The DRC and the Planning and Zoning Board recommended conditional approval of the proposed density, the General Development Plan, the Preliminary Plat, and the requested waivers for the Boccage Subdivision. Mrs. Tusing reviewed all the conditions with Council, stating Mr. Zirkelbach is aware of, and has agreed to meet all the conditions.

Mayor Bustle opened the public hearing.

Developer Alan Zirkelbach deferred his presentation until after public comment.

David Wilcox, representing Mr. and Mrs. Charles Roy, informed Council his clients do not oppose the development but there are several items they wished to see occur before final approval of the project. Discussing the widening of 20th Avenue, Mr. Wilcox expressed the desire to see the agreement by the adjacent property owner regarding the purchase of property to widen 20th Avenue by ten-feet. Mr. Wilcox also stated his clients wished to see the 20th Avenue sidewalk, down to 21st Street, constructed at this time. The final issue Mr. Wilcox discussed was the drainage issue, stating all necessary permits from Southwest Florida Water Management District need to be in hand before beginning the project.

Ms. Sutton Johnson requested the road be constructed before the project begins to alleviate dust. She also inquired about the drainage off the back of the subdivision.

Mr. Zirkelbach explained his plan to develop the property as it relates to density. The "grove road" right-of-way, platted as a road since 1913, will be widened to 50-feet. Regarding drainage of the property, 100% of the property drains to the north. The ditch on the western boundary of Ms. Sutton and the eastern boundary of the "grove road" will

have the noxious plant material removed and be enhanced by cleaning and the addition of more native material along the rim. Mr. Zirkelbach stated there is no ability to obtain a completion order from the city without SWFMD approval. Mr. Zirkelbach stated an Army Corp of Engineer study would be done regarding the lake structure of the project.

Discussing the sidewalk concern raised by Mr. Wilcox, Mr. Zirkelbach stated there is no sidewalk extending from the end of the subdivision to 21st Street, which also has no sidewalk. Mr. Zirkelbach stated that if Council stipulated the sidewalk be constructed, he would request the topic not be voted on, he would go back to Planning and Zoning and request the additional lots for the subdivision to cover the cost of the sidewalk. Mr. Zirkelbach stated he understands the required sidewalk for the frontage of his development and is willing to pay into a fund for the sidewalk. Mr. Zirkelbach stated the way a road is constructed, stating he will endeavor to keep the dust at a minimum via sprinkling water at the construction site.

Mrs. Tusing clarified the developer was requesting a waiver of the internal sidewalks, which staff and Planning and Zoning has approved. She further stated code requires only that Mr. Zirkelbach is responsible for the cost of the sidewalk fronting the property he owns, thus the recommendation to place funds into a city account for construction when the surrounding property is developed.

Mr. Zirkelbach again stated if Council will require the construction of the sidewalk to 21st Street that the vote be delayed until he can reconfigure the plan, add at least two lots, and return to Planning and Zoning for approval for the new plan.

Kevin Taylor stated his opinion the additional sidewalk is not necessary.

Charles Roy discussed his concern that ordinances are written to increase property values and the sidewalk should be constructed to 21st Street, as a concession had been made on interior sidewalks and size of the roadways. Mr. Roy stated assurances need to be made the 600-feet of sidewalk is constructed when the rest of the property is constructed.

Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 02-761.

8A. PRELIMINARY PLAT APPROVAL - BOCCAGE SUBDIVISION

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4-0 to approve with the conditions, the preliminary plat, and to approve the requested waivers, with the additional condition that the funds used to construct the 20th Avenue, West sidewalk only on the portion fronting the Boccage Subdivision would be given to the city.

Staff will determine the best way to record Mr. Zirkelbach's payment for the sidewalk.

9. AWARD OF BID - DEMOLITION OF 608 12th STREET DRIVE, WEST

MOTION: Ms. Cornwell moved, Mr. Grace seconded and motion carried 3-0 to award the bid for demolition of 608 12th Street Drive, West to Johnson's Excavation Services, Inc., not to exceed \$3,930.00. Ms. Bryant was absent for the vote.

10. AWARD OF BID - ESTUARY PARK OBSERVATION DECKS

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to award the bid for the Estuary Park observation decks to Bayshore Construction, Inc., not to exceed \$20,290.00.

11. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-762

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, ANNEXING CERTAIN TERRITORIES TO THE CITY OF PALMETTO, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE. (AN0206-Kevin Taylor and Sandra Zappa, 1710 21st St. W.)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 4-0 to approve Ordinance No. 02-762 for advertising and schedule a public hearing for October 21, 2002.

12. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-768

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 22-108, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-0 to approve Ordinance No. 02-768 for advertising and schedule a public hearing for October 21, 2002.

13. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-763

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. PA0211 ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (PA0211/Kevin Taylor and Sandra Zappa; approximately 2.5 acres)

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-0 to approve Ordinance No. 02-763 for advertising and schedule a public hearing for October 21, 2002.

14. 1st READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-764

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. (Z0217/Kevin Taylor and Sandra Zappa; 2.5 acres)

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-0 to approve Ordinance No. 02-764 for advertising and schedule a public hearing for October 21, 2002.

15. CONSENT AGENDA

- A) Minutes: September 9, 2002 Council Meeting
September 10, 2002 Budget Workshop
September 16, 2002 Budget Workshop
September 16, 2002 Council Meeting
September 23, 2002 Council Meeting
- B) September Check Register
- C) SFP: Fall Festival, October 31, 2002
Martin Luther King Day Parade, January 18, 2003

Ms. Cornwell requested a copy of the letter written by Mayor Bustle responding to the question from the residents of 24th Avenue be attached to the minutes of the meeting when the issue was discussed.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 4-0 to approve the Consent Agenda.

16. DEPARTMENT HEADS' COMMENTS

Mike Hickey, Public Works Department

In-kind services for the Family Celebration of Lights will amount to approximately \$6,000.

Highway 41 improvements will be placed on the next administrative meeting agenda.

Attorney Groff

The Thom and Jacqueline Brown lawsuit has been resurrected. Attorney Groff stated it was his opinion they will not prevail, but the firm will continue the defense.

17. MAYOR'S COMMENTS

Reported on a staff meeting to discuss the Enterprise Funds. Council will begin reviewing the funds October 21, 2002.

Informed Council the Chairman of the CRA Board had requested that the salary for Executive Director Tanya Lukowiak be left at the \$60,000 approved by the Board. Discussion ensued wherein Council Members expressed their belief that was the salary they had approved. By consensus vote, Council approved Ms. Lukowiak's salary at \$60,000 per year.

18. COUNCIL MEMBERS' COMMENTS

Mr. Grace

Advised he will be on vacation until October 20, 2002.

Ms. Cornwell

Inquired if a response would come back from Public Works on the potholes on 17th Street and glass in the park Ms. Cornwell reported. Mr. Hickey replied in the affirmative.

Council Members' comments on the ACCORD should be forwarded to Deanna for compilation. The topic was placed on the October 28, 2002 agenda.

Suggested the Charter Review Committee should meet by the end of October so they can at least decide how they are going to move forward.

A staff member should attend the October 24, 2002 meeting at Lone Oak Trailer Park.

Mrs. Lancaster

Attended the Enterprise Zone meeting and reported construction on 17th Street would begin 2004.

Inquired of Captain Hedrick if police officers are assigned designated areas. Stated the officers should be visible by the residents.

Discussed the \$12,000 PO for sidewalks that is still open. Mrs. Forrester will research the item and report back to Mrs. Lancaster.

Ms. Bryant

Reported on the Institute of Government steering committee meeting; the International Symposium February 7, 2003 meeting, grand opening for Innovation and Technology at Lakewood Ranch on February 19, 2002.

Requested a report on the Spanish classes.

Tropic Isles has been purchased by the residents.

Complaints were received regarding the sewer treatment plant. Mr. Hickey will research and report back.

Has received the resignation of a Historic Preservation Board member. Suggested utilizing the water bills to advertise openings on the City's board so more people would be aware of the opportunity to serve on a board.

Several business people have suggested the Historic Preservation Board should expand the perimeters regarding the preservation of buildings of certain ages.

Meeting adjourned at 9:50 pm. Minutes approved October 21, 2002.


Mary Jean Forrester, Deputy City Clerk