

Palmetto City Council  
October 21, 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, Attorney  
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 7:00 p.m.

Pastor Willie Ford, Christian Fellowship Church, gave the invocation followed by the Pledge of Allegiance to the Flag of the United States.

Steve Minnis, Southwest Florida Water Management District, presented Council material on the Regional Water Supply Plan Briefing. A copy of the material reviewed is attached hereto and made a part of these minutes.

1. APPROVAL OF AGENDA

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 5-0 to approve the October 21, 2002 agenda.

2. CONSENT AGENDA

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

3. PUBLIC HEARING - 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 HERWITH AND PROVIDING AN EFFECTIVE DATE.

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

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Ordinance No. 02-768. Ms. Bryant was absent for the vote.

4. PUBLIC HEARING - ORDINANCE NO. 02-762

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. (AN0206-Kevin Taylor and Sandra Zappa, 1710 21st St. W.)

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

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 4-0 to adopt Ordinance No. 02-762. Ms. Bryant was absent for the vote.

5. PUBLIC HEARING - 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)

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

MOTION: Mr. Williams moved, Mr. Grace seconded and motion carried 4-0 to adopt Ordinance No. 02-763. Ms. Bryant was absent for the vote.

6. PUBLIC HEARING - 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. (Z0218/Kevin Taylor and Sandra Zappa; 2.5 acres)

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

MOTION: Mr. Williams moved, Mr. Grace seconded and motion carried 4-0 to adopt Ordinance No. 02-764. Ms. Bryant was absent for the vote.

7. AWARD OF BID - TROPIC ISLES WATER LINE REPLACEMENT

Mrs. Conlon informed Council the reason for the first motion is that the Enterprise Funds budget has not yet been approved. She also explained the attorney had not reviewed the contract because of the unapproved budget. Discussion ensued on the project being an emergency because of numerous problems. Discussion also revealed the road work is not part of the bid. Staff was instructed to research paying the road expense from the Water Enterprise Fund rather than the General Fund account.

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MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve the Tropic Isles Water Line Replacement expenditure of \$122,880 from the Water & Sewer Enterprise Fund.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to award the Tropic Isles Water Line Replacement bid to Kuxhausen Construction, Inc. not to exceed \$122,880, and authorize the Mayor to execute the contract after the attorney's review and receipt of insurance and bonds.

8. APPROVAL OF CONTRACT - SCHOOL BOARD OF MANATEE COUNTY

Mayor Bustle discussed the fact the SRO program is costing the city approximately \$186,500 in personnel costs and the School Board is reimbursing the city only \$53,000. He suggested the need to negotiate reimbursement by the School Board closer to the city's actual expense. It was the opinion of Council the program is valid and needed in the schools but, the majority felt with the recent additional sales tax awarded the School Board, it should absorb a greater portion of the cost of the program.

MOTION: Mrs. Lancaster moved, Ms. Bryant seconded and motion carried 5-0 to authorize the Mayor to discuss the School Resource Officer program with the School Board and bring the results back to Council.

9. CITY COUNCIL MEETING SCHEDULE

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to cancel the November 11, 2002 Council meeting.

10. CITY COUNCIL POLICY - ATTORNEY CONTACT LIST

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to amend the City Council Policy authorizing direct attorney contact by the Mayor and Council Members, department head and his or her deputy, and the Human Resources Director.

11. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-769  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF THE CITY CODE OF ORDINANCES TO AMEND THE CITY'S POLICY ON RACIAL, SEXUAL AND OTHER FORMS OF HARASSMENT; PROVIDING FOR INVESTIGATION OF SUCH CLAIMS; PROVIDING FOR DISCIPLINARY ACTION; PROVIDING FOR APPLICABILITY; PROVIDING FOR COMPLAINT PROCEEDINGS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 5-0 to approve Ordinance No. 02-769 for advertising and schedule a public hearing November 4, 2002.

12. RESOLUTION NO. 02-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, RECOGNIZING OCTOBER 22, 2002 AS HOMETOWN SECURITY DAY.

MOTION: Mr. Williams moved, Mr. Grace seconded to adopt Resolution No. 02-19. Ms. Bryant, Ms. Cornwell and Mrs. Lancaster voted no. Motion failed 3-2.

### 13. DEPARTMENT HEADS' COMMENTS

#### Mr. Hickey

The area of 14th Avenue recently repaved has been striped.

Zoller, Naajar has scheduled a meeting to review the drainage issue in and around Church on the Rock on November 1, 2002. All pertinent parties will be in attendance. Staff was instructed to notice the meeting as soon as the location of the meeting is established.

#### Mrs. Conlon

The Charter Review Committee has been contacted to set its initial meeting. October 24 or October 29 was given as possible dates. Majority of the responses will establish the meeting date.

A team from FDOT spearheaded by Amy Perez will give a presentation of services available to the city during the November 18, 2002 Council meeting.

#### Chief Garry Lowe

Advised the Juvenile Justice Interlocal Agreement previously provided to Council has been review by Attorney Prather and needs execution by the Mayor. The agreement is meant to allow the sharing of information and elimination of duplicate services between agencies.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to authorize the Mayor to sign the Interlocal Agreement for Juvenile Justice.

### 14. MAYOR'S COMMENTS

Mayor Bustle asked if a Council Member would like to have the liaison position to the Manasota Basin Board added to their responsibility. Discussing the Water Alliance, Mayor Bustle stated Mr. Williams was the liaison and Mrs. Conlon was on the technical committee. The current positions will remain unchanged until Mayor Bustle's appointments in January.

### 15. COUNCIL MEMBERS' COMMENTS

#### Mr. Grace

Inquired about the status of the 14th Avenue ditch. Mayor Bustle stated it would be part of the discussion at the November 1st meeting regarding the Church on the Rock drainage issue.

#### Ms. Cornwell

Public Works reported that to prevent parking on the streets every block would have to be posted on both sides of the street. She asked that research be done to determine required signage placement if a street has been declared an evacuation route. Once complete the topic will be brought back to Council.

The city's policy for calling in sick will be posted in each area and will become part of the new employee orientation.

Mr. Williams

Complimented staff on the Enterprise Funds presentation.

Asked the suspense log be updated.

Mrs. Lancaster

Mr. Hickey reported staff had been instructed to mow the fence on 301 at Lone Oak Trailer Park. He will check the status and report back to Mrs. Lancaster.

Thanked Chief Lowe for the report on his recent class.

Complimented the Enterprise Funds presentation.

Discussed her nomination of Mr. Ricky Mitchell to the Code Enforcement Board and the Mayor appointing Mr. Mitchell to the Historic Preservation Board. Mayor Bustle stated he placed Mr. Mitchell where he saw a need. Mrs. Lancaster advised Mayor Bustle he could remove Mr. Mitchell's name, as the Historic Preservation Board is not the board he agreed to serve on.

Stated Planning and Zoning and the Council needed to remember their obligation to long-time residents as well as newcomers when allowing development in flood prone areas. Ms. Cornwell suggested establishing a letter whereby the developers would be required to submit documentation all drainage requirements have been met. Mayor Bustle discussed amending the city's ordinance to require adherence to SWFWMD rules established for development. Attorney Prather informed Council of his belief there are exceptions for single-family lots; some lots may reach the potential of requiring retention ponds if required to follow SWFWMD rules. Mr. Prather stated residents' recourse in instances where an adjacent improvement harms their property is the trespass law. The law allows private property owners to sue for damage for water put on their property. Mr. Williams discussed the city's ordinance dealing with impervious surfaces and the need to coordinate the building and utility departments so the correct fee can be charged. Ms. Bryant discussed the SWFWMD two-year review process after development completion. Staff is to research to determine if the City gets a copy of SWFWMD's final certification of a development.

Ms. Bryant

Inquired if Council was satisfied with citizen comments not pertaining to an agenda item being on the front of the agenda. It was consensus of Council to leave the agenda as is but limit public comments to two minutes.

Suggested that a 4:00 meeting before a 7:00 meeting should be time certain to end at 6:00.

Advised Mr. Grace the CRA budget contains \$40,000 to be used as event grants. Asked Council to think about what the grant would entail. Ms. Bryant stated she has concerns and asked that if Council has problems with the program they should be voiced now rather than later.

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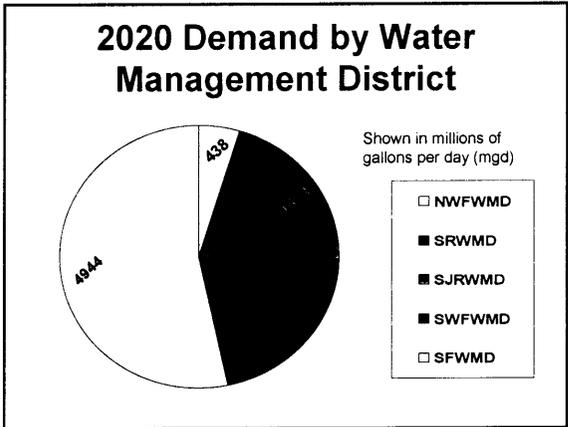
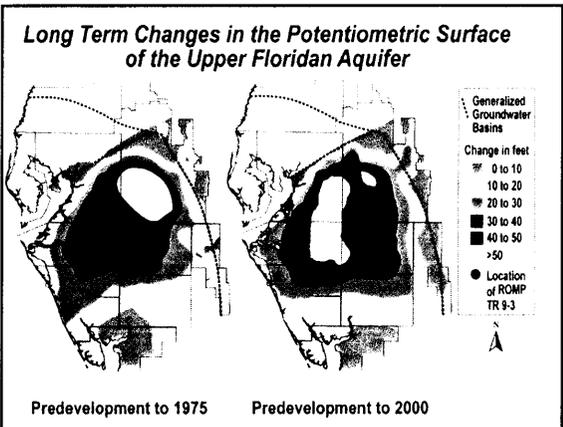
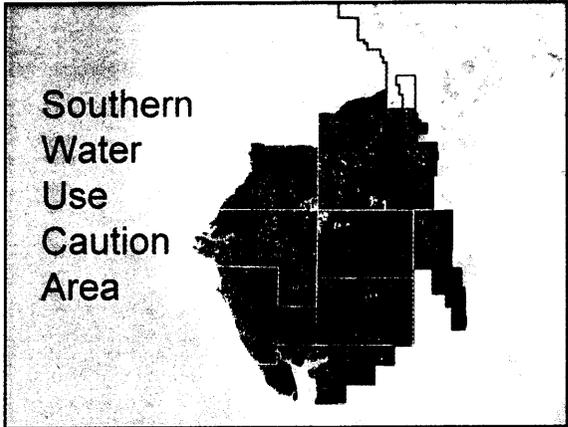
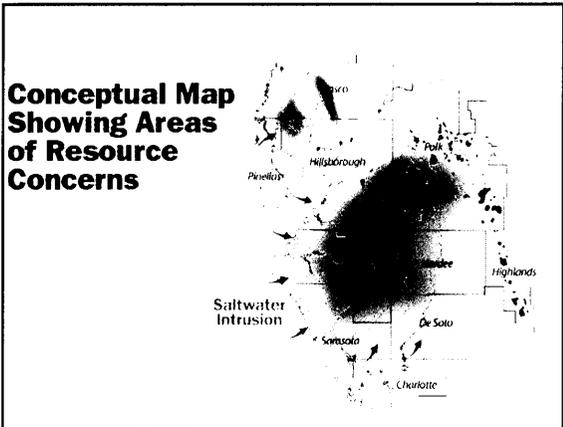
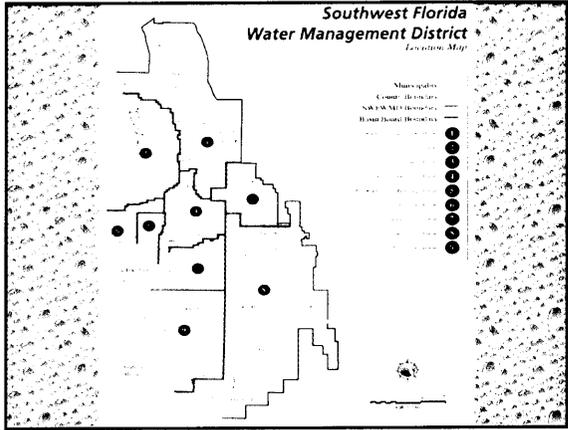
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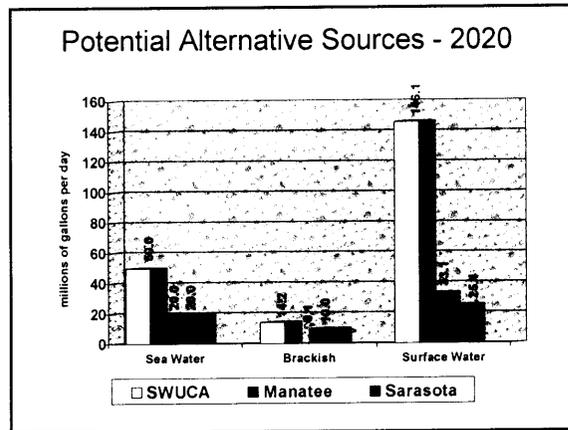
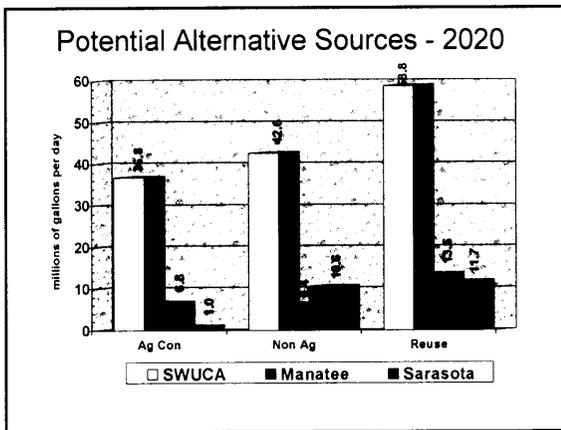
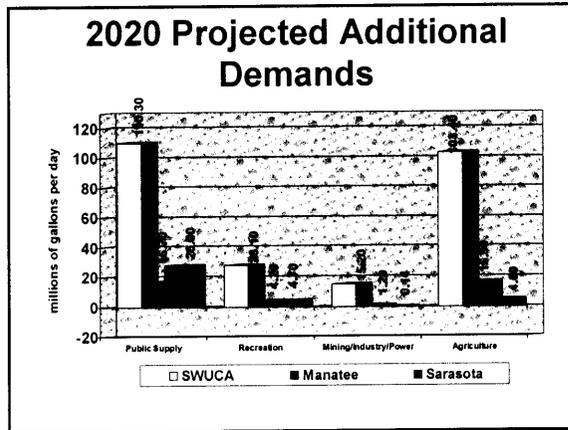
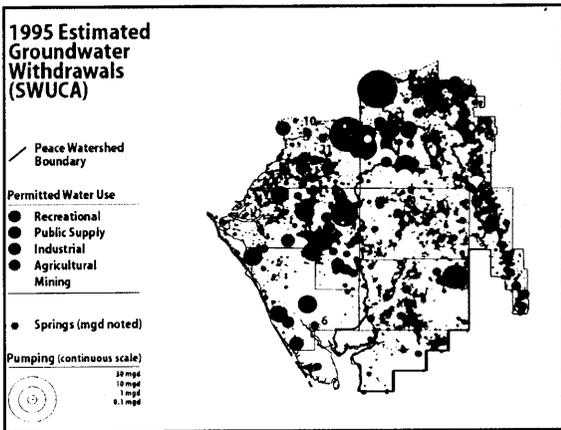
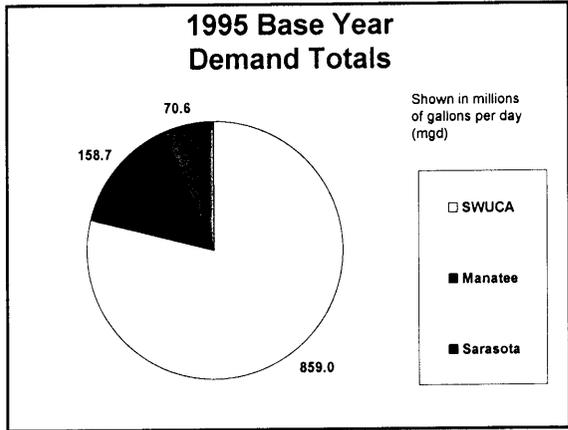
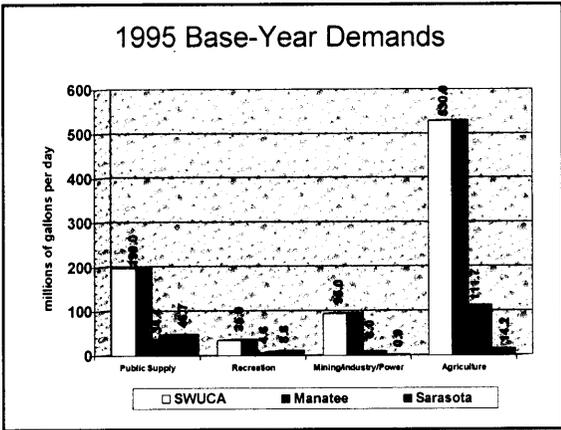
Minutes approved: November 4, 2002

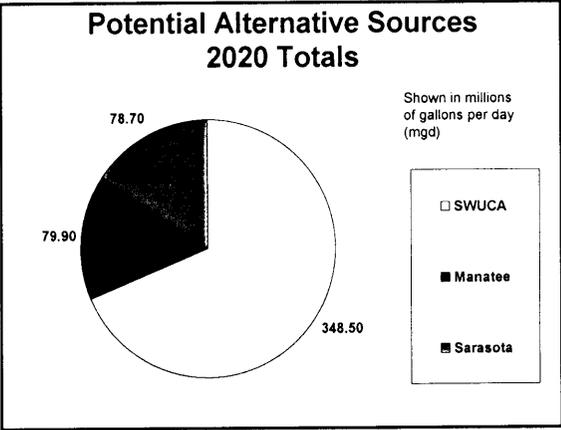
A handwritten signature in black ink that reads "Karen A. Conlon". The signature is written in a cursive style and is positioned above a horizontal line.

Karen A. Conlon  
City Clerk

# SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT REGIONAL WATER SUPPLY PLAN BRIEFING







**Thank You For  
Doing Your  
Part !**

Southwest Florida  
*Water Management District*