

Palmetto City Council
November 4, 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:

Attorney Alan Prather
Karen Conlon, City Clerk
Chief Garry Lowe
Mike Hickey, Public Works Director
Margaret Tusing, Planning & Zoning
Diane Ponder, Administrative Assistant

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

Reverend Sterling Forrester, Southside Baptist Church, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

Citizen Comment:

Vivian Jones, 220 11th St. W., and Betty DeNeal, 308 11th St. W., commented on the flooding in their neighborhood, distributing pictures which are attached hereto and made a part of these minutes. Ms. DeNeal stated she has experienced seven instances where her home was flooded. Both ladies expressed appreciation to the CRA for grant funds received for revitalizing their homes. Ms. Lukowiak, executive director of the CRA, stated Ms. DeNeal is participating in the FEMA program tracking repetitive losses. Public Works will review the area, look at the storm drains for blockages and report back to Council.

Mayor Bustle read a proclamation declaring November 17 - 14, 2002 as Farm City Week in the city. Alice Myers accepted the proclamation and reviewed some of the events planned for the week.

1. APPROVAL OF AGENDA

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the November 4, 2002 revised agenda.

2. CONSENT AGENDA

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

3. PUBLIC HEARING - 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.

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

It was suggested that the next update to the ordinance should contain language dealing with sexual harassment involving the internet and emails. Discussion also ensued on the number of times an employee is offended before it is considered harassment. Attorney Prather will consult with Attorney Groff and communicate with the Mayor about the perimeters of violations.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to adopt Ordinance No. 02-769.

4. LAND PURCHASE - 3.91 ACRES FROM RIVIERA DUNES

Mrs. Lukowiak reported the 3.91 acres of land is being purchased by a \$200,000 grant with no out-of-pocket expense to the city. The parcel being purchased by the city abuts the Estuary Park on the north side. The most northern piece of property fronting 7th Street is owned by Riviera Dunes.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to approve and authorize the Mayor to execute the contract to purchase 3.91 acres from Riviera Dunes.

5. SPECIAL FENCE PERMIT

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve the requested Special Fence Permit for 1615 17th St. W. to install a 4-foot high fence as a swimming pool enclosure complying with all applicable requirements of the Standard Swimming Pool Code.

6. CHRISTMAS DECORATIONS

Mr. Grace stated his opinion the city should not be spending the money for Christmas decorations when cutting security at Public Works.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4-1 to approve the Clark Sales display proposal dated October 28, 2002 for Christmas decorations not to exceed \$8,750. Mr. Grace voted no.

7. REQUESTED OPERATION & VOLUNTARY COOPERATION AGREEMENT

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 5-0 to approve and authorize Mayor Bustle and Chief Lowe to execute the Requested Operational and Voluntary Cooperation Agreement with Manatee County Sheriff's Office.

8. RIVERSIDE TRAFFIC STUDY

Attorney Prather advised Council Ms. Tusing was correct in stating the Comprehensive Plan regulates the city's land use activity and in order for a development order to be legal it must be consistent with the city's Comprehensive Plan. Mr. Prather stated concurrency is a provision within the Comprehensive Plan process. Statute allows three years after approval of a C.O. for transportation improvements to be completed. If the city approves an inconsistent development order its Comprehensive Plan is violated. Mr. Prather further stated the developer runs the risk from a third party challenge. He cautioned Council the issue is planning; when concurrency is not followed there is potential of a future challenge by another developer.

Discussion ensued among Council Members and staff on ways to accomplish the traffic flow recommended by the traffic engineer, while preventing through traffic across 8th Avenue. It was consensus of Council that a right turn only would be allowed at the intersection of Riverside Drive and 8th Avenue. Staff will take the necessary steps to ensure adequate signage will be posted alerting the traffic on Riverside Drive and the boat ramp traffic of the change in traffic flow at the intersection.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 5-0 to take the previous motion off the table.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 5-0 to amend the motion to limit traffic to a right turn only at the intersection of Riverside Drive and 8th Avenue.

9. REUSE ENTERPRISE FUND

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 4-0 to combine the Reuse Enterprise Fund with the Water and Sewer Enterprise Fund. Ms. Bryant was absent for the vote.

10. RENEWAL, REPLACEMENT & IMPROVEMENT PROGRAM

Mayor Bustle explained the Water & Sewer Enterprise Fund budget currently contains several line items titled maintenance and repair which the RR&I will replace. Mrs. Conlon also stated a formally established RR&I program could also aid the city with future financing or bonding issues. Any RR&I funds not spent during the year will be carried forward in a reserve account. Discussion ensued on how the program is an integral part of the CIP and the need to develop that plan before establishing the RR&I program. A workshop was scheduled for November 25, 2002, with Council requesting the financial consultant recommending the program be in attendance.

Under this same topic the CIP Team was discussed; the potential team members and the ultimate approval of the plan by Council. Other topics of discussion were the creation of a data base of flood prone areas and a water rate study. Mayor Bustle advised the City of Bradenton will allow the city to use its rate study model.

Mr. Williams requested Council view the RFP for a consulting engineer before its advertisement, with Mrs. Lancaster stating her wish it also be reviewed by the attorney prior to the notice being published.

11. DEPARTMENT HEADS' COMMENTS

Mrs. Conlon

Reminded Council FDOT would be at the November 18, 2002 meeting. It is scheduled to begin at 4:00 and continue no later than 6:00 pm.

The city responded to an incident at Cuts Edge Marina where a boat was sinking and spilling diesel fuel into the water. All appropriate departments responded.

Thanked each department for their participation in decorating city hall for Patriotism Week.

Chief Lowe

Reported on attending the new chief's training in Tallahassee.

A Citizen's Law Enforcement Academy is being planned for January, 2003.

Attorney Prather

Advised the city has been brought into a suit filed by Clifford Cohoon in the Federal District Court. Mr. Cohoon is representing himself on an issue regarding regulations on fishing. Attorney Prather discussed Rule 4 that allows the city to accept incoming mail documents vs. a summons, and then allows the city 60 days to respond. Attorney Prather advised a government can only act through its City Council where a quorum is present and voting at a properly noticed meeting, therefore he requested Council approve authority for execution of the waiver and accept service of process.

MOTION: Mrs. Lancaster moved, Ms. Bryant seconded and motion carried 5-0 to allow the mayor and/or the city attorney to execute the waiver and accept service.

12. MAYOR'S COMMENTS

Mayor Bustle read a letter from Dr. Patricia Lucas, School Board of Manatee County, responding to the Mayor's correspondence regarding renewal of the School Resource Officers Agreement, which is attached hereto and made a part of these minutes. Discussion ensued on the topic, resulting in Council's consensus to authorize the Mayor to respond to

Dr. Lucas the city's agreement to the additional funding of \$6,701 and request the Interlocal Agreement is revised accordingly. The topic of whether to retain the school resource officer at Palmetto Elementary will be placed on a future agenda.

13. COUNCIL MEMBERS' COMMENTS

Mr. Williams

The 2003 Holiday Schedule was placed on the November 18, 2002 agenda.

Employees need to be responsive when questions are voiced from Council Members.

Requested a status report on Church on the Rock. Mayor Bustle stated results of the meeting and a plan of action would be presented to Council.

Requested minutes of the DRC meetings.

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Ms. Cornwell

Requested Mr. Hickey update Council via email regarding the issues brought forward by Mr. VanGemert.

Mr. Grace

Stated his approval of the Law Enforcement Academy.

Meeting adjourned at 10:05 pm.

Minutes approved: November 18, 2002



Karen A. Conlon
Karen A. Conlon
City Clerk

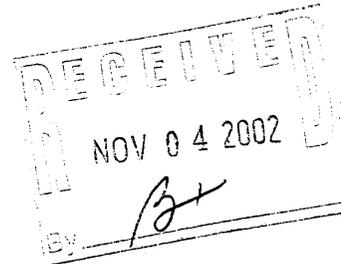
Media

School Board of Manatee County

P.O. Box 9069
Bradenton, Florida 34206-9069

DR. DAN NOLAN
SUPERINTENDENT

215 MANATEE AVENUE WEST
BRADENTON, FL 34205
TELEPHONE (941) 708-8770
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SCHOOL BOARD
HARRY G. KINNAN
* CHAIRMAN *
BARBARA A. HARVEY
* VICE-CHAIRMAN *
FRANK BRUNNER
WALTER E. MILLER
LARRY SIMMONS

November 1, 2002

Larry Bustle, Mayor
City of Palmetto
516 8th Avenue West
Palmetto, Florida 34220-1209

Dear Mayor Bustle:

Dr. Nolan has asked me to respond to your letter of October 24, 2002 regarding the renewal agreement for the School Resource Officers. At this point in the school year with our funding issues, we are only able to come up with an additional \$6,701.00 to increase our contribution to a total of \$43,701.00. It would be our intent to only maintain the officer at Palmetto High and the officer at Lincoln Middle School. We do not have officers at our other elementary schools within the district and would not request one for Palmetto Elementary. Any arrangement for the Manatee School for the Arts is, of course, separate and not a part of the agreement with the School Board.

According to our calculations, the \$43,701.00 amounts to one half of the salaries for these two individuals. This rate of reimbursement is in line with agreements with other agencies and, at this point, represents all of the additional funding available for this purpose. It is unfortunate that this issue has arisen at this time rather than being resolved during the draft/negotiations process and prior to all of our funds being committed.

Realizing that this is not the amount which was requested, but also realizing that we have requested only the two officers, it is our hope that we will be able to proceed with the renewal agreement as it would be appropriately amended.

Sincerely,

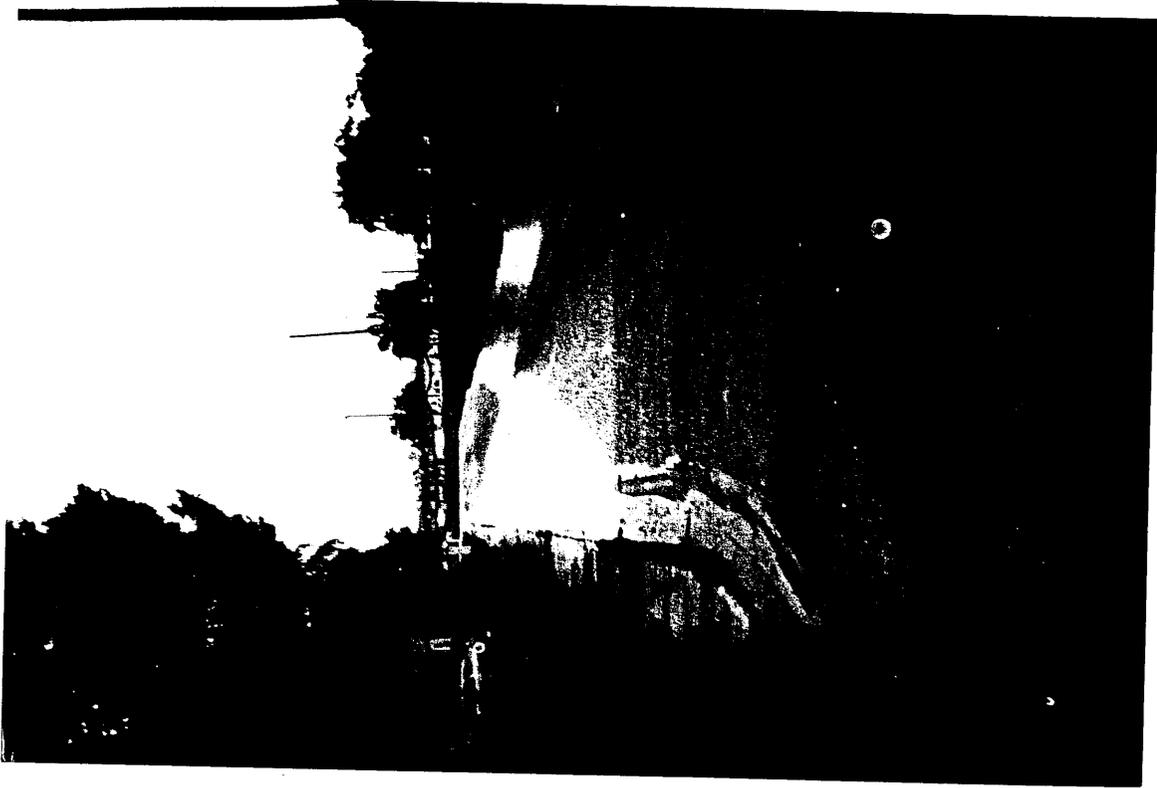
A handwritten signature in cursive that reads "Patricia E. Lucas".

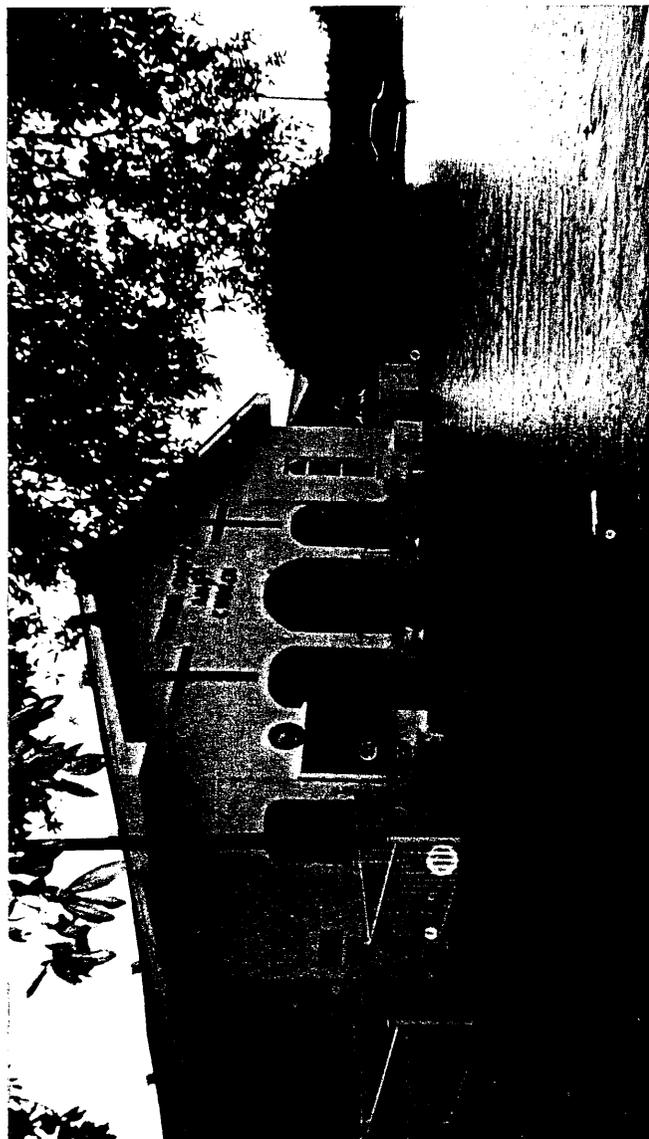
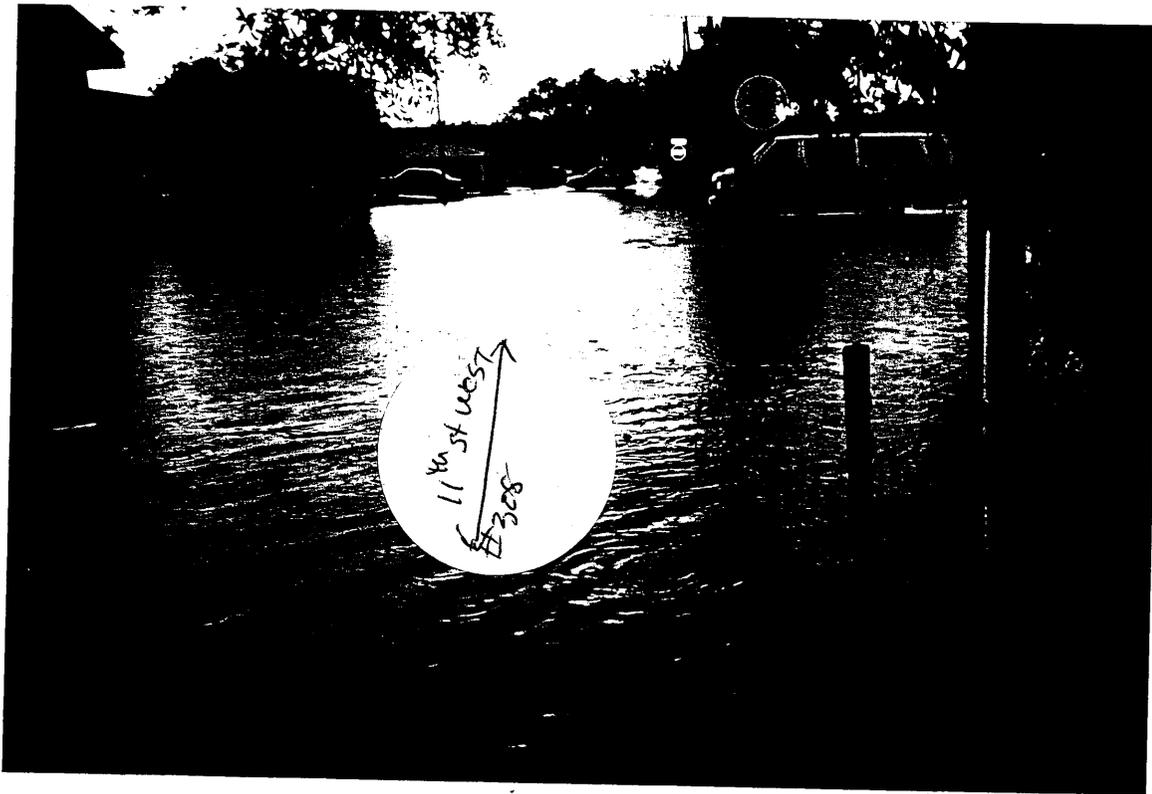
Patricia E. Lucas, Ed.D.
Assistant Superintendent
District Support Services

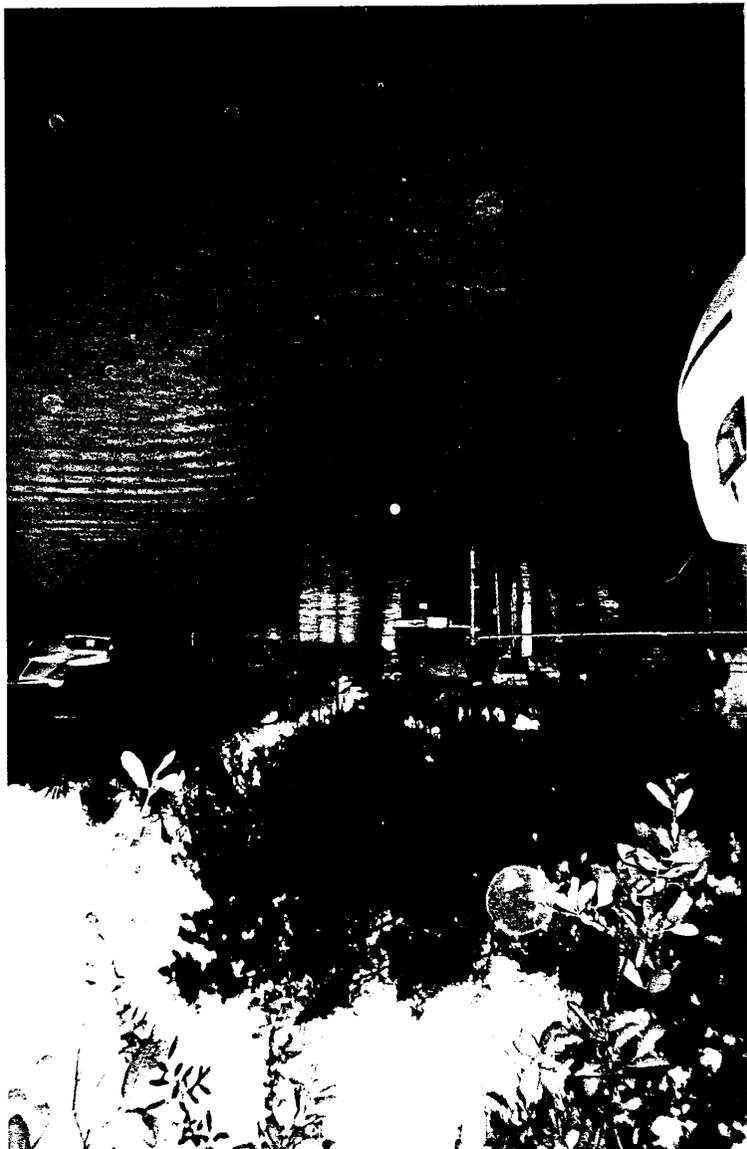


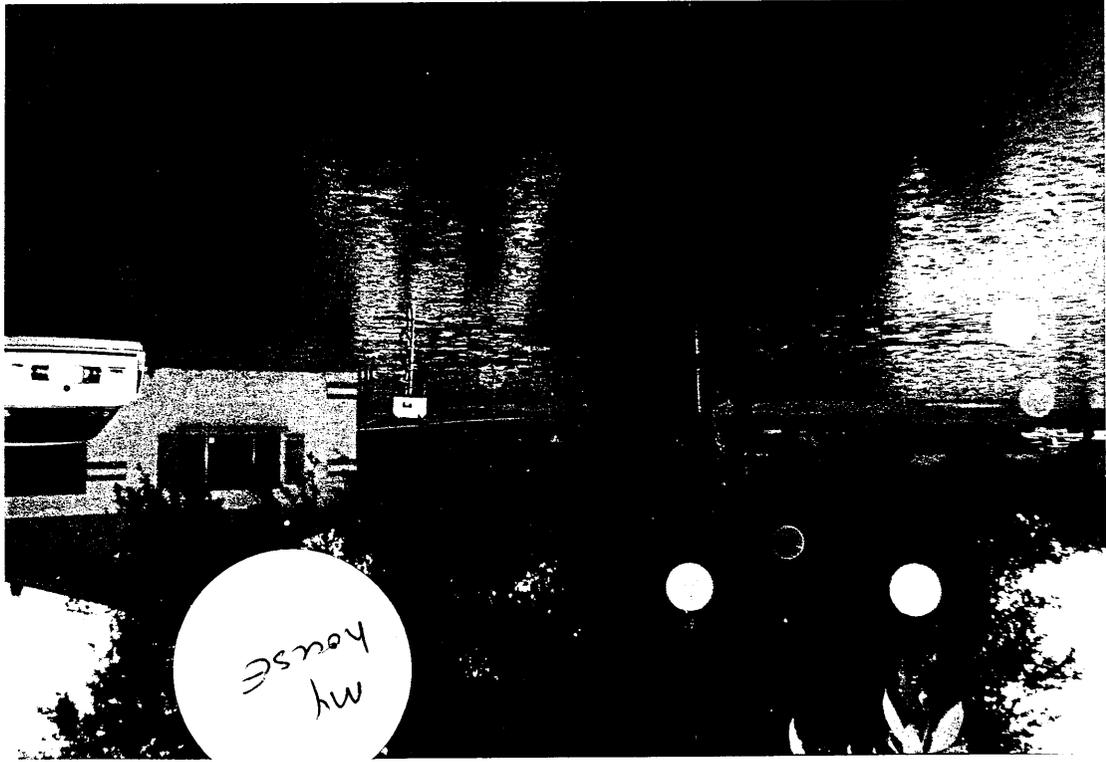




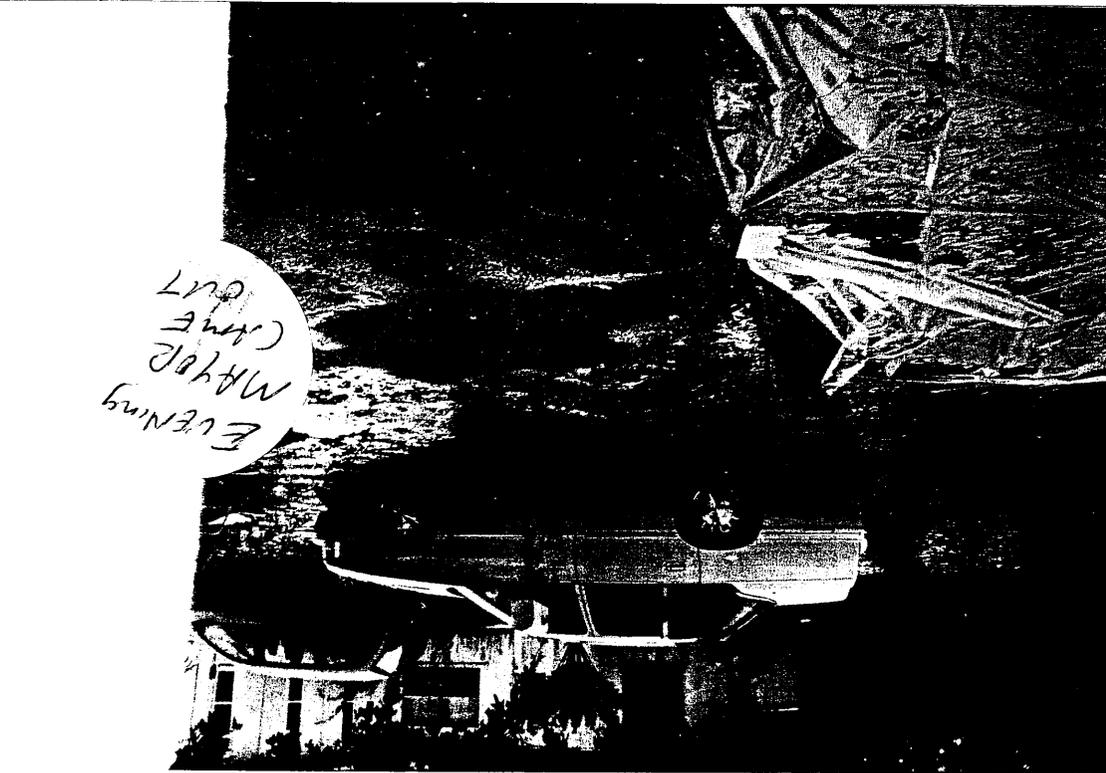








my house



EVENING
MAYBE
CAME
OUT