

Palmetto City Council
January 22, 2001 7: 00 PM

Elected Officials Present:

Pat Whitesel, Mayor
Tamara Cornwell, Vice-Mayor
Shirley Groover Bryant, Council Member
Donna Keefer, Council Member
Mary Lancaster, Council Member
Brian Williams, Council Member

Staff and other present:

Jim Dye, Attorney
Chief Ken Bright, Palmetto Police Department
Mary Jean Forrester, Acting City Clerk
Margaret Tusing, Planning & Zoning Director
Mike Hickey, Public Works Director
Diane Ponder, Administrative Assistant

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

Chief Bright gave the invocation followed by the pledge of allegiance to the United States Flag.

1. PUBLIC HEARING ORDINANCE NO. 01-701

Ordinance No. 01-701 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE ESTABLISHMENT OF REGULATIONS CONTROLLING ANIMALS WITHIN THE CITY OF PALMETTO AND ADOPTING BY REFERENCE AND INCORPORATING HEREIN MANATEE COUNTY ANIMAL SERVICES ORDINANCE NO. 00-01, SECTIONS 1 THROUGH 15 AND SECTION 17 THEREOF TO BE CODIFIED AS CHAPTER 6, ARTICLE I, SECTION 6-1 THROUGH SECTION 6-16 OF THE CITY CODE OF THE CITY OF PALMETTO; PROVIDING FOR ADOPTION OF SECTION 6-17, KILLING OR SLAUGHTERING OF ANIMALS PROHIBITED, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; PROVIDING FOR ADOPTION OF SECTION 6-18, ENFORCEMENT AND PENALTIES, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; PROVIDING FOR REPEAL OF EXISTING CHAPTER 6, ARTICLE I AND ARTICLE II, CODE OF ORDINANCES AND

OTHER ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Public hearing was opened.

Bill Blankenship, 410 21st Ave. W. stated he was in support of the proposed Ordinance, yet hoped it did not prohibit the skinning or eviscerating of an animal within a closed building not visible to the public.

Public hearing was closed.

MOTION: Mrs. Lancaster moved, Mrs. Keefer seconded to adopt Ordinance No. 01-701. Mr. Williams called for discussion.

Discussion was held on the wording of Section 6-17 of Ordinance No. 01-701, after which the following changes were made:

“It shall be unlawful for any person to intentionally kill or slaughter any domestic pet, farm animal, fowl or other animal, excluding pests, vermin, rodents and fish, within the City Limits of the City of Palmetto.”

“Additionally, this Section is not intended to restrict the subsequent quartering, butchering or processing of wild game taken or killed outside of the City Limits. The cleaning, dressing or removal of the visceral remains of such animals in the City Limits is authorized if such activities are conducted within an enclosed room or building or behind a privacy fence which screens these activities from neighboring properties.”

Vote was called for and the motion was unanimously approved, subject to the necessary corrections.

2. PUBLIC HEARING ORDINANCE NO. 01-702

Ordinance No. 01-702 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDNG ORDINANCE NO. 624, THE 2010 CITY OF PALMETTO COMPREHENSIVE PLAN BY REVISING THE DEFINITION SECTION BY ADDING A DEFINITION FOR DE MINIMIS AND REVISING THE MOBILE HOME PARK CATEGORY DEFINITION; BY REVISING THE FUTURE LAND USE ELEMENT BY ESTABLISHING FLOOR AREA RATIOS; BY ADDING A FORMULA TO DETERMINE THE DENSITY FOR THE PLANNED DEVELOPMENT CATEGORY; BY PROHIBITING SCHOOL SITING IN THE CONSERVATION CATEGORY; BY ENCOURAGING SCHOOL LOCATION ADJACENT TO OTHER PUBLIC FACILITIES; BY REVISING THE TRANSPORATION ELEMENT BY REQUIRING COORDINATION WITH

MANATEE COUNTY AREA TRANSIT (MCAT); BY REVIEWING THE MPO AND FDOT 5-YEAR PROGRAMS; BY REVISING THE FUTURE TRAFFIC CIRCULATION MAP AS NECESSARY; BY INCORPORATING TABLES 2-1, 2-2, AND 2-3 IN THE ADOPTED PORTION OF THE COMPREHENSIVE PLAN; BY REVISING THE COASTAL MANAGEMENT ELEMENT BY RESTRICTING DEVELOPMENT IN THE COASTAL HIGH HAZARD AREA (CHHA) AND BY CREATING A FORMULA TO CALCULATE DENSITY IN THE CHHA; BY REVISING THE CONSERVATION ELEMENT BY REQUIRING WETLAND DELINEATIONS AT THE EARLIEST POSSIBLE DEVELOPMENT STAGE; BY REVISING THE CAPITAL IMPROVEMENTS ELEMENT BY REVISING THE CONCURRENCY MANAGEMENT SYSTEM TO BE CONSISTENT WITH STATE REGULATIONS; BY REVISING THE DATE FOR COMPLETION OF CERTAIN PROJECTS BY ADDING ONE (1) YEAR TO THE COMPLETION DATE; BY REVISING THE ADOPTION DATE FOR THE LAND DEVELOPMENT CODE TO APRIL 2002; BY INCORPORATING PLAN AMENDMENT NO. PA0008; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0008/REMEDIAL ACTION)

Public hearing was opened; no public comment, public hearing was closed.

Attorney Dye advised Council there were two minor wording changes in the effective date language, whereby adoption of the Ordinance would not take effect until the City has heard from the Department of Community Affairs, after writing the final order.

MOTION: Mrs. Keefer moved, Mr. Williams seconded to adopt Ordinance No. 01-702. Mr. Williams called for discussion.

Mr. Williams inquired about the definition DeMinimis and the effective level of service. Mrs. Tusing explained the definition and the questioned difference of the maximum volume percentage of level of service.

The revision of the definition of the Mobile Home Park Category, as it relates to density, was discussed. In the case of catastrophic destruction the revision would prohibit all the current homes being rebuilt. It was consensus of Mr. Dye and Mrs. Tusing to delete Section 2 in its entirety.

Policy 1.8.7 was discussed as it relates to how measurements are taken. Mrs. Tusing stated measurements excluded the right-of-way. Mr. Dye added the following language to the end of the first paragraph of Policy 1.8.7 "Any right-of-way with an adjacent property shall be excluded from the averaging but the size of the adjacent property shall be extended an amount equal to the size of the public right-of-way." This verbiage will also have to be added to Policy 8.6.7. He stated his concern in putting it to use in the future. Mr. Williams stated this language would necessitate the amendment of the Zoning Code. Mr. Dye concurred.

Under Policy 1.13.1, schools may be considered in all land use plan categories, except Conservation. Ms. Cornwell stated a new ruling had passed disallowing schools to be built in area where students have to cross a major highway, and questioned if the ruling relates to this policy. Mrs. Tusing stated no.

Under Policy 2.5.2 Mr. Williams questioned the use of "shall" and what happens if the City elected not to review the Plan on an annual basis. Mr. Dye recommended the use of "shall".

Mr. Williams questioned how mobile home parks would be effected under Policy 8.6.7. The city has no mobile home parks within the Coastal High Hazard Area (Evacuation Zone A).

In recapping the discussion the following changes will be made:

1. Amend the Title to eliminate "Revising the Mobile Home Park Category Definition.
2. Page Two of Ten: Delete Section 2, renumbering all other Sections accordingly.
3. Page Three of Ten: Section 4, Policy 1.87 - add the suggested language relating to property measurements.
4. Page Four of Ten: Correction in Policy 2.5.2 – Change to MPO. Mr. Dye was asked to clarify the usage of "shall" vs. "may".
5. Page Five of Ten: Policy 8.67 – add the suggested language relating to property measurements.
6. Section 21 will be changed to reflect the effective date of the Ordinance.

Exhibits will also be amended to reflect changes.

MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to amend Ordinance No. 01-702 as stated by Mrs. Tusing.

Motion to adopt Ordinance No. 01-702 was unanimously approved.

3. PUBLIC HEARING ORDINANCE NO. 01-703

Ordinance No. 01-703 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR REQUIREMENTS TO ESTABLISH TEMPORARY SANITARY FACILITIES AND TEMPORARY CONSTRUCTION DEBRIS CONTAINMENT FACILITIES AT CONSTRUCTION SITES; PROVIDING FOR FINDINGS OF FACT; PROVIDING REQUIREMENTS FOR TEMPORARY SANITARY FACILITIES; PROVIDING REQUIREMENTS FOR TEMPORARY CONSTRUCTION DEBRIS CONTAINMENT FACILITIES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF ORDINANCES IN

CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Public hearing was opened; not public comment, public hearing was closed.

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to adopt Ordinance No. 01-703.

4. DISCUSSION – IMPLEMENTATION OF FINAL SETTLEMENT - SAM SCOTT

Mr. Dye stated the City had settled with Mr. Scott, but had left open the payment to the attorneys and consultants Mr. Scott had hired in the eminent domain action. According to Florida Statutes, the condemning authority is required to pay the property owner's fees and costs. Mr. Dye stated he has found the invoices proper.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve the final settlement of Sam Scott not to exceed the amount of \$41,612.33.

5. DEPARTMENT HEAD REPORT

Palmetto Police Department – Chief Kenny Bright

The citation report was distributed, showing 157 citation issued in 10 days. In view of the additional revenue, Chief Bright suggested using a portion of the funds for the purchase of a speed trailer at a cost of \$15,000. Also discussed was the construction of a permanent structure to house the department's motorcycles and other equipment. Chief Bright was instructed to research equipment that would flash messages as well as speeds to the motorists. He was also instructed to compare the cost of the concrete structure vs. an aluminum building on a concrete slab and an aluminum building on a wooden floor.

City Clerk's Office – Mary Jean Forrester

Mrs. Forrester presented an Expenditure Over \$500 request for the purchase of five Microsoft Office 2000 Professional programs for Code Enforcement, Data Processing and the City Clerk's Office in the amount of \$1,845.00.

MOTION: Ms. Cornwell moved, Mrs. Keefer seconded and motion carried unanimously to approve the expenditure not to exceed \$1,845.00.

Ms. Cornwell asked that the City's web site address be put on the water bills and the City's stationary when reordered.

Ms. Cornwell asked staff to determine the last meeting held by the Code Enforcement Board.

Mr. Williams stated his opinion the City's Data Processing Department was splintered. Mr. Williams suggested Mr. Burkhardt develop a policy for Council's review covering the City's Data Processing Department. Council concurred. Mr. Burkhardt was asked to undertake this task and bring it to Council as quickly as possible.

Public Works Department – Mike Hickey

Mr. Hickey presented an Expenditure Over \$500 request for Ron Koper and Frank Baxter to attend the FEMA National Emergency Training in the amount of \$1,290.00. Of this amount, \$900 will be reimbursed by FEMA and lodging is free.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4 to 1 to approve the expenditure not to exceed \$1,290.00. Mr. Williams voted no.

Mr. Hickey advised the swales for the Hidden Lakes Flood protection was begun Friday, with complaints from residents concerning the extremity of the size of the swales. Jeffrey Siewert explained staff from Smith & Gillespie was brought in to evaluate to basic necessity of the swales. Subsequent to negotiations with SWFWMD, a mitigation area was designed which is a lot larger than the swales. Review of the project is being done to determine the feasibility of eliminating the swales with curb and gutter. If the swales are eliminated an increase of cost will occur. Council will have two options to consider: 1) slightly raising the swales to make it less pronounced or 2) eliminate the swales and put in curb and gutter. The topic will be brought to Council next Monday for review and a decision.

City Attorney, Jim Dye

A shade meeting to discuss the Creel Property was scheduled for January 29, 2001 at 4:05 p.m.

6. MAYOR'S REPORT

The Manatee County Chamber of Commerce award for economic development in Manatee County was shared with Council.

Mayor Whitesel commented on the legal issues she would be lobbying in Tallahassee.

Mayor Whitesel informed Council she has appointed Alan Zirkelbach to the Planning and Zoning Board.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to approve the appointment of Alan Zirkelbach to the Planning and Zoning Board.

Ms. Cornwell suggested Mr. Hunt needed to be recognized for his 13 years of service on the Planning and Zoning Board. A plaque will be ordered recognizing his service.

7. INDIVIDUAL COMMENTS

Ms. Bryant

Requested clarification on the status of the Chapel expenditures, asking for the bottom line. Mr. Williams asked for the list of people donating the job when they in fact billed the City for their services. Staff was requested to bring this information to Council at the February 5, 2001 meeting.

Inquired if the issues brought forward by the North River Action Team had been addressed. Mayor Whitesel stated the topic had been discussed at the Department Head meeting, where they had been asked to submit their responses. The information will be compiled and be presented to Council.

Donna Keefer

Mrs. Keefer asked about electing a Vice-Mayor.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried unanimously to elect Ms. Bryant as Vice Mayor for the next year.

Commented on the memo discussing the televised Council Meetings at \$85 per meeting.

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously not to pursue televised Council meetings.

The suggested Employee Relations Committee was discussed at the Department Head Meeting and they are looking for recommendations.

Mrs. Keefer read Section 9.02 Travel and Subsistence Allowance, paragraph F of the Personnel Policy relating to employees traveling out of the area for training, stating she didn't feel the employee should be making accommodations. Mrs. Forrester stated the lodging should be obtained through the Purchasing Department. Mrs. Keefer requested the Human Resources Director be directed to reword Section 9.02 (F) of the Personnel Policy.

Commented on the water situation meeting. A Peace River workshop is scheduled February 1, 2001.

Mrs. Lancaster

Asked Chief Bright and Mr. Hickey if they thought the Lone Oak Trailer Park's questions were not important enough for them to attend the meeting. Chief Bright explained his absence.

Asked where the CRA Director is. Mayor Whitesel stated she was in Washington and would be back in the office Tuesday.

Stated she wanted Council to know her main objective of being on Council is that there are needs that need to be met in a Ward that has been neglected. Her agenda is seeing needs met in the whole City and particularly Ward 1.

Mr. Williams

Requested a special workshop on projects that have not been completed. It was requested the Progress in Progress list be distributed to the Department Heads for their review and response. A workshop on this topic was scheduled February 26, 2001.

Thanked Mr. Hickey for his response to problems cited at the Historical Park and the wash water situation at Alvarez and the emergency telephone numbers.

Discussed the position of liaison to the City's departments. Mayor Whitesel asked each Council Member the department they wished represent.

Mr. Williams	Public Works Department
Ms. Cornwell	Palmetto Police Department
Mrs. Lancaster	CRA
Mrs. Keefer	City Hall
Ms. Bryant	Floating Liaison

Mrs. Keefer asked Mr. Hickey if the Mexican Restaurant in Whittles Complex had been corrected.

Mrs. Lancaster asked Mr. Hickey if he had responded to her inquiry about his absence at Lone Oak Trailer Park. Mr. Hickey will contact the manager of the park. Chief Bright was asked to do the same.

Ms. Cornwell

Requested the answers to the notes taken at the mobile home park meetings be given to Council as an update.

Requested Mr. Hickey to furnish the back flow schedule and a response to inquiries from businesses about recycling.

At the MPO Meeting there were two areas discussed that will affect our side of Manatee River between 2000 and 2005. The Stop & Ride map was discussed. Each Council Member was provided with maps delineating the topics discussed.

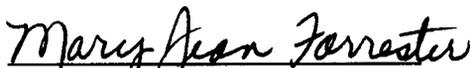
Asked Mr. Dye if the storm water discharge was for Council's perusal. Mr. Dye stated it was transmitted for review.

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Commented on the breakfast with Senator Les Miller, where impact fees the county is looking at enforcing was discussed. Mr. Dye stated the county would be rewriting its Impact Fee Ordinance to make it effective within the cities unless the cities have an impact fee. It is very important an ordinance for the City be written as soon as possible, bringing it back this week for Council's review. The Mayor will be attending the Mayor's Meeting with Mr. McClash on January 25, 2001.

Meeting adjourned at 9:20 p.m.

Minutes approved: February 5, 2001



**Mary Jean Forrester
Acting City Clerk**

Audio tapes of the meeting are on file in the city clerk's office.