

Palmetto City Council
August 20, 2001 7:00 PM

Elected Officials Present:

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

Staff and others present:

Alan Prather, City Attorney
Karen A. Conlon, City Clerk
Chief Kenny Bright Palmetto Police Department
Mike Hickey Public Works Department
Margaret Tusing, Planning & Zoning Director
Karen Simpson, Finance Director
Diane Ponder, Administrative Assistant

Charlie Grace gave the invocation followed by the pledge of allegiance to the United States flag.

1. PUBLIC HEARING - ORDINANCE NO. 01-704

Ordinance No. 01-704 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE MASTER UTILITY SYSTEM REGULATIONS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO SECTION 29-33 (c) (1) AND (2), MONTHLY CHARGES, CITY CODE; PROVIDING FOR CREATION OF SECTION 29-33 (d), MONTHLY RATE FOR RECLAIMED/REUSE WATER CONSUMPTION, CITY CODE; AMENDING SECTION 29-34 (a), DETERMINATION FOR NON-CONNECTED STRUCTURES, CITY CODE; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Mayor Whitesel opened the public hearing. There was no public comment, public hearing was closed.

Mr. Prather suggested correcting the ordinance by eliminating the "Per 1,000 Gallons" as a portion of the heading under both the Water Rate Schedule and Sewer Rate Schedules. The heading will simply read "Charge".

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to adopt Ordinance No. 01-704 with the adjustments.

2. LAGUNA AT RIVIERA DUNES VARIANCE REQUEST

This item is for the Laguna at Riviera Dunes, Parcels 13 and 14. Mrs. Tusing stated the following variances were being requested:

- 1) First Dartmouth Homes is requesting a variance that the required 35' setback from any structure to the right-of-way be reduced to 20' for the accessory structures on Riviera Dunes Way running north and south throughout the project.
- 2) For the 98' high structures, city code would require 56.5' separations. First Dartmouth Homes is requesting a 50' separation.
- 3) Requesting the parking dimension is lowered to 9' x 18' vs. the required 9'x20.

Mrs. Tusing stated both staff and Planning and Zoning recommended approval of the request.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve waivers to Zoning Code Section 8.5 (a) (3) (4) and Parking Regulations Section 28-73 for the Laguna at Riviera Dunes.

3. PUBLIC HEARING - ORDINANCE NO. 01-711

Ordinance No. 01-711 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA APPROVING A GENERAL DEVELOPMENT PLAN AND ELEVATIONS FOR THE LAGUNA AT RIVIERA DUNES, PARCELS 13 AND 14, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (LAGUNA AT RIVIERA DUNES)

Mayor Whitesel opened the public hearing. There was no public comment, public hearing was closed.

MOTION: Mrs. Keefer moved, Mr. Williams moved and motion carried unanimously to adopt Ordinance No. 01-711.

4. SIGN AT MANATEE COUNTY FAIRGROUNDS

MOTION: Ms. Bryant moved, Mrs. Keefer seconded and motion carried unanimously to approve the sign as presented for the Manatee County Fair.

5. SPECIAL FENCE PERMIT – TROPIC ISLES MOBILE HOME PARK

Tropic Isles Mobile Home Park is proposing a 4' fence for its pool rather than required 6' fence. The latch will be placed on the inside, explaining the 54" latch.

MOTION: Mrs. Keefer moved and Ms. Bryant seconded to approve the Special Fence Permit at Tropic Isles Mobile Home Park.

Discussion was called for on the material of the fence. Staff will verify the material as the vertical plastic material vs. chain link.

MOTION: Mrs. Keefer amended her motion to approve the Special Fence Permit at Tropic Isles, provided the fencing is vertical plastic, not chain link. Ms. Bryant seconded the motion and motion carried unanimously.

6. DISCUSSION – BANKING PROPOSALS

This item was placed on the August 27, 2001 meeting agenda.

7. RESOLUTION NO. 01-15

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA AUTHORIZING THE PARTICIPATION IN A COOPERATIVE WATER PLANNING ALLIANCE

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to adopt Resolution No. 01-15.

8. WESTRA CONSTRUCTION CHANGE ORDER #5

Mrs. Conlon explained Change Order #5 was the final from Westra Construction on the 10th and 10th project. A meeting was held with Jeff Siewert, where he was instructed change orders must be brought forward before the final order. Mrs. Conlon stated she was comfortable with the billing. She also stated \$30,000 had already come back to the city from Verizon, and was placed in the stormwater account.

Mrs. Conlon further stated the change order changed the amount of the contract to Westra Construction and the additional amount had not been budgeted.

MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to approve the E-2 10th and 10th Project Change Order No. 5-Final and increase the contract with Westra Construction in the amount of \$95,380.77.

MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to approve the E2 10th and 10th Project Periodic Estimate No. 21- Final payment to Westra Construction in the total amount of \$100,193.77.

9. 11th AVENUE PARKING

Mr. Hickey discussed the proposed parking in his memo to Council. Mayor Whitesel advised Council affected residents had been notified of the fact the proposed change in parking would be discussed at tonight's meeting. Mayor Whitesel called for public comments; there were none.

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to approve "No Parking Any Time" on the east side of 11th Avenue from Riverside Dr. to Seventh Street.

Mr. Prather advised Mr. Hickey's memo should be noted for the record as the traffic engineer's recommendation.

10. DISCUSSION OF CHRISTMAS LIGHT LEASE PROPOSAL

This item was tabled until Mr. Prather has reviewed the lease.

11. REQUESTED OPERATIONAL & VOLUNTARY COOPERATION AGREEMENT WITH MANATEE COUNTY SHERIFF'S DEPARTMENT

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to approve the Requested Operational & Voluntary Cooperation Agreement with the Manatee County Sheriff's Department.

12. SCHOOL RESOURCE OFFICERS CONTRACT WITH THE SCHOOL BOARD OF MANATEE COUNTY

MOTION: Ms. Cornwell moved and Ms. Bryant seconded to authorize the Mayor and City Clerk to execute the contract with Manatee County School Board to provide 2.5 police officers as School Resource Officers.

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Mr. Prather stated his concern for the city relating to the portion of the contract making the city responsible to indemnify and hold harmless the School Board from any and all claims; it would appear to waive the protection the city has under Section 768.28, which is the waiver of sovereign immunity. Mr. Prather suggested the city should not accept that position, stating it could possibly be amended.

MOTION: Mrs. Keefer moved, Mr. Williams moved and motion carried unanimously to table item number 12.

13. CONSENT AGENDA

A) Minutes of August 1 and August 2, 2001 Council Meetings

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

14. PRESENTATION – BOAT GRANT

Chief Bright introduced Sgt. Taylor and Sgt. Jones who prepared the presentation for Council. Sgt. Jones discussed the grant funds that would purchase a 21' Carolina Skiff and all its accessories and reasons the police department should have a marine unit. Resident Joe Hampton encouraged Council to consider accepting the grant; he felt the need for a marine unit. Chief Bright stated the time frame for a decision was the end of September; that he was only presenting the concept tonight. No vote was taken.

15. DEPARTMENT HEAD REPORTS

Karen Conlon, City Clerk

Mrs. Conlon stated her office and Public Works is working with JEA to develop concise time lines for bringing items forward for Council's review.

Mrs. Conlon stated Council's approval was needed to add Carr Drain and the associated engineer's fees to the SRF Loan Agreement for stormwater projects. If approved by the body governing the SRF Loan Agreement, this will allow Carr Drain to be moved forward on the city's project list and be included in the Oakridge project.

MOTION: Ms. Bryant moved, Mrs. Keefer seconded and motion carried unanimously to add Carr Drain and its associated engineer's fees to the SRF Loan Agreement for the stormwater projects.

Mrs. Conlon asked permission from the Council to allow city employees to serve as mentors at schools north of the river for an hour a week. This mentoring program is being sponsored through the Manatee Schools Foundation. Ms. Bryant voiced concern that being under staffed, employees may not have the time and still be able to complete their job responsibilities.

MOTION: Ms. Cornwell moved, Mrs. Keefer seconded and motion carried 4 to 1 to allow city employees to be mentors at schools north of the river. Ms. Bryant voted no.

Mike Hickey, Public Works

Mr. Hickey discussed the sludge trailer that had been severely damaged. Public Works has been looking to replace the trailer and is expecting it to cost approximately \$15,000. Florida League of Cities is sending a property damage assessor to assess the trailer. Mr. Hickey stated his belief FLOC would cover the cost of a new trailer within \$1,000 to \$3,500. He stated Public Works would have to make a decision quickly on replacing the piece of equipment when all the information is available.

Attorney Alan Prather

Advised Council a litigation assessment meeting was needed for the Top 3% lawsuit. Council set the date of the meeting for August 27, 2001 beginning at 4:00 p.m.

16. INDIVIDUAL COMMENTS

Ms. Cornwell

Discussed the tape of the budget workshop and stated she would not support a budget without a cap on raises. Ms. Cornwell commented on the police chief's comments and stated her agreement with the slower steps in the pay plan.

Asked the Mayor for notes on why she had disqualified Curt Pinkerton for the attorney's position.

Mrs. Keefer

Mr. Hickey informed Mrs. Keefer the drain problem with Dale Maxwell has been taken care of.

Discussed scheduling a workshop for the minimum maintenance standards. This item will be added to the August 27, 2001 agenda.

Mrs. Lancaster

Commended the officers making the presentation.

Asked for copies of the Mayor's response to letters received from residents.

Asked Chief Bright for more patrol on the weekends. Mrs. Hickey will check on the location and installation of the speed bumps.

Mr. Williams

Asked the status of the Geartz property. Mr. Prather informed Council there is no reason to change the status quo while the item is still being investigated.

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Mr. Prather explained the research being conducted. Mrs. Conlon was instructed to notify Mr. Geartz of this position in writing.

Ms. Cornwell departed the meeting at 8:45 p.m.

Stated he had spoken with Jeff Siewert about the plantings at Lake Rowlett. Land the size of .2 acres will be replanted, but will be mitigated to another location which hasn't been identified at this point.

The purchase order for G3 should have been written today on the maintenance.

Suggested the city should take inventory of the dead plants at Hidden Lakes before replanted by the contractor.

Ms. Bryant

A notebook will be developed containing emergency management procedures needed by Council Members during a hurricane event.

Confirmed funding in the FEMA account would ordinarily rollover in tact.

The reuse planning team will meet August 22, 2001 and Terra Ceia Golf & Tennis Club will attend. Mr. Prather commented on the agreement regarding reuse with Manatee Fruit and the need to find other sources for the water.

Mayor Whitesel presented the agreement for the booth at the Manatee Fair, which will cost \$615 plus a \$100 performance deposit.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to authorize the Mayor to sign the agreement with the Manatee County Fair.

The completion date for Celebration Center is August 27, 2001.

Classes through Open Campus are available for the Florida Notary Law Update and an Election Law Update.

The proposed fees for city facilities was placed on the August 27, 2001 agenda.

Meeting adjourned at 9:00 p.m.

Minutes approved: September 17, 2001


**Karen A. Conlon
City Clerk**