

Palmetto City Council
June 5, 2000 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 others present:

Alan Prather, City Attorney
Chief Ken Bright, Palmetto Police Department
David Meng, City Clerk
Don Patterson, Interim Public Works Director/PSG
Margaret Tusing, City Planner/Zoning Administrator
Diane Ponder, Administrative Assistant

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

Mr. Williams requested a change in the agenda.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion passed unanimously to bring items number 10, 11, and 12 to the front of the agenda and move item number 1 to item number 12.

Mayor Whitesel explained items number 5, 6, 7, and 13 would be moved to the front of the agenda to avoid attorney fees for the duration of the meeting.

1. RESOLUTION NO. 00-08 - A RESOLUTION EXPRESSING THE INTENT OF THE CITY COUNCIL TO AGREE TO THE ANNEXATION OF PROPERTY KNOWN AS THE PALMETTO BUSINESS PARK SUBJECT TO THE COUNCIL AGREEING TO CERTAIN CONDITIONS AS SET FORTH IN THIS RESOLUTION

Ed Vogler, attorney for the applicant requested a continuance until the June 19, 2000 meeting

2. RESOLUTION NO. 00-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, VACATING THE ALLEYWAY RUNNING EAST-WEST BETWEEN LOTS 1-3 AND LOTS 12-14, BLOCK A, J. C. MCNABBS SUBDIVISION; RETAINING A PUBLIC UTILITY EASEMENT ON THE ALLEYWAY; AND PROVIDING FOR AN EFFECTIVE DATE. (V0002-City of Palmetto/Sam Scott)

MOTION: Mrs. Keefer moved, Ms. Bryant seconded to approved Resolution No. 00-09. Mr. Williams, Ms. Cornwell, and Mrs. Lancaster voted no. Motion failed 3 to 2.

3. RESOLUTION NO. 00-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, VACATING PARKWAY DRIVE (aka 6th STREET DRIVE WEST); RETAINING A PUBLIC UTILITY EASEMENT FOR THE RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE. (V0003-City of Palmetto/Sam Scott)

MOTION: Mrs. Keefer moved, Ms. Bryant seconded to approve Resolution No. 00-10. Mr. Williams, Ms. Cornwell, and Mrs. Lancaster voted no. Motion failed 3 to 2.

4. PUBLIC HEARING – ORDINANCE NO. 678

Ordinance No. 678 was read by title as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLAMETTO, AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PLAMETTO, FLORIDA, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM RM-6 TO CC (COMMERCIAL CORE); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0004/CITY OF PALMETTO/Sam Scott)

The public hearing was opened. There was no public comment on Ordinance No. 678. Mayor Whitesel closed the public hearing.

MOTION: Mrs. Keefer moved, Mrs. Lancaster seconded to deny Ordinance No. 678. Mr. Williams, Ms. Bryant and Ms. Cornwell voted no. Motion failed 3 to 2.

Discussion was held concerning the zoning of the property being changed to commercial core, which would benefit the City and may facilitate the sale of the property.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to adopt Ordinance No. 678.

5. PUBLIC HEARING – ORDINANCE NO. 675

Ordinance No. 675 was read by title as follows:

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 0002-Norman W. Bond – NW corner of 26th Street West and Bus. 41/US 19; approximately 4.87 acres)

The public hearing was opened.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried unanimously to close the public hearing.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried unanimously to table Ordinance No. 675.

6. PUBLIC HEARING – ORDINANCE NO. 676

Ordinance No. 676 was read by title as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING THE PALMETTO COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM RES-9 (RESIDENTIAL/9 UNITS PER ACRE/COUNTY- TO PD (PLANNED DEVELOPMENT/CITY) BY INCORPORATING PLAN AMENDMENT NO. PA 0002 ATTACHED HERETO AS EXHIBIT “B”, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0002/Norman W. Bond; approximately 4.87 acres)

The public hearing was opened. Council accepted public comments regarding Ordinance No. 676.

Mr. Todd Pressman, representative of Norman W. Bond, addressed Council on the land use issue of Ordinance No. 676.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried unanimously to close the public hearing.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried, unanimously to table Ordinance No. 676.

7. PUBLIC HEARING – ORDINANCE NO. 677

Ordinance No. 677 was read by title as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY TO CHANGE THE ZONING FROM NCM (NEIGHBORHOOD COMMERCIAL-MEDIUM/COUNTY) TO PLANNED DEVELOPMENT/MULTI-USE (PD-MU/CITY) AND TO APPROVE THE CONCEPTUAL DEVELOPMENT PLAN, WITH CONDITIONS, AS REQUIRED BY SECTION 8.4 OF THE ZONING CODE FOR THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND AS GRAPHICALLY PORTRAYED ON THE PLAN ATTACHED HERETO AS EXHIBIT "B"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0003/Norman W. Bond)

Ms. Tusing described the procedure for handling the public hearing.

The public hearing was opened.

Ms. Tusing gave a brief overview of the request. Staff explained procedures that would take place at the county level if Council denied applicant's request. A discussion of Council's questions and concerns was held with Ms. Tusing. Mr. Prather advised Council and the audience of the criterion of this public hearing relating to Ordinance No. 677.

Mr. Pressman made a presentation to Council concerning Ordinance No. 677. Council addressed their questions concerning the project to Mr. Pressman. Mr. Pressman submitted into record a Summary of Trip Generation Calculation report, which is attached hereto and made a part of these minutes.

Council accepted public comments concerning Ordinance No. 677.

Rebuttal from staff, concerning water and sewer services was made. Ms. Keefer and Mrs. Williams stressed the City would not provide any sewer and water lines to the site at this point in time. Mr. Pressman responded Mr. Bond would hook up to water and sewer lines when they are made available at the site.

The public hearing was closed.

A consensus vote of Council was taken regarding the zoning issue. Mr. Williams, Mrs. Keefer, and Ms. Bryant voted in favor of the application. Mrs. Lancaster and Ms. Cornwell dissented in their vote.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion passed unanimously to table Ordinance No. 677 and to remove from the table Ordinance No. 675 and Ordinance No. 676.

7. PUBLIC HEARING – ORDINANCE NO. 677 (continued)

MOTION: Ms. Bryant moved, Mrs. Keefer seconded to adopt Ordinance No. 675. Mrs. Lancaster and Ms. Cornwell voted no. Ordinance No. 675 was adopted by a 3 to 2 vote.

MOTION: Mrs. Keefer moved, Mr. Williams seconded to adopt Ordinance No. 676. Mrs. Lancaster and Ms. Cornwell voted no. Ordinance No. 676 was adopted by a 3 to 2 vote.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion passed unanimously to remove Ordinance 677 from the table.

MOTION: Mr. Williams moved, Mr. Bryant seconded to approve Ordinance No. 677 without the setback variance. Mrs. Lancaster and Ms. Cornwell voted no. Ordinance No. 677 was adopted by a 3 to 2 vote.

Mayor Whitesel recessed the meeting for five minutes.

Mrs. Lancaster requested the meeting go back to the order of the originally proposed agenda so the Business Advisory Committee would be next in line to address Council.

MOTION: Mrs. Lancaster moved, Mrs. Keefer seconded to go back to the order of the originally proposed agenda. Ms. Bryant, Ms. Cornwell and Mr. Williams voted no. Motion failed by a 3 to 2 vote.

The Business Advisory Committee members departed the meeting at this time

8. NOTICE OF APPEAL HEARING-NORTHFIELD INSURANCE COMPANY, INSURED: JEFFERY BURTON, 414 6TH AVE. W.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to deny the Notice of Appeal Hearing.

9. AUDIT ENGAGEMENT LETTER-PURVIS, GRAY & COMPANY, YEARS ENDED SEPTEMBER 2000, 2001, AND 2002

Ms. Bryant stated she had asked for clarification on pricing on the previous auditor's expenses. Bill Hawthorne and Dale Hoffner, shareholders of CPA Associates, City's previous auditors, clarified the fees their firm had charged the City for 1996. There was a discrepancy between the fees they quoted and the figures Mr. Meng had taken from the City's accounting system. Ms. Bryant supplied the correspondence she had received from CPA Associates to Mr. Meng to enable him to identify the cause of the discrepancy.

9. AUDIT ENGAGEMENT LETTER – PURVIS, GARY & COMPANY, YEARS ENDED SEPTEMBER 2000, 2001, AND 2002 (continued)

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to go out to bid for the engagement of an auditing firm.

Ms. Cornwell asked that Council be advised of any of the City's contracts expiring 90 days before expiration date in the agenda.

10. AWARD OF BID – 4TH OF JULY FIREWORKS

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried unanimously to approve award of bid to Taylor-Made Pyrotechnical Entertainment in the total amount of \$15,000.

11. RESOLUTION NO. 00-11 - A RESOLUTION AMENDING RESOLUTION NO. 99-18, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 1999-2000, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Williams moved, Ms. Bryant seconded to deny Resolution No. 00-11.

Mr. Williams stated Council had requested one revenue and one expense account be established for Heritage Park. Mr. Meng explained his understanding of how the fund should have been established. Mr. Williams suggested the resolution be amended, removing section two thereby having one expense account for operating and repair and maintenance.

Mr. Williams withdrew his motion and Ms. Bryant withdrew her second.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to amend Resolution No. 00-11 by moving section two into section five and closing section two.

12. FIRST READING AND APPROVE FOR ADVERTISING ORDINANCE NO. 674

Mr. Prather advised Council the Ordinance titled on the agenda was incorrect and should be eliminated. He then read the correct title of Ordinance No. 674 as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 11, SECTION 11-42 OF THE PALMETTO CITY CODE TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD OF COMMISSIONERS OF THE COMMUNITY REDEVELOPMENT AGENCY FROM FIVE MEMBERS TO SEVEN MEMBERS AND TO PROVIDE FOR A FOUR YEAR TERM OF OFFICE; RATIFYING AND CONFIRMING THE REMAINING PROVISIONS OF THE SECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

12. FIRST READING AND APPROVE FOR ADVERTISING ORDINANCE NO. 674
(continued)

Mrs. Lancaster stated her awareness of the vacancy on the CRA Board, but felt the CRA Board should be increased by two members.

Council accepted public comments regarding Ordinance No. 674.

MOTION: Mr. Williams moved, Mrs. Keefer seconded to deny adoption of Ordinance No. 674. Mrs. Lancaster voted no. Adoption of Ordinance No. 674 was denied by a 4 to 1 vote.

13. FIRST READING AND APPROVE FOR ADVERTISING ORDINANCE NO. 679

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING AND RESTATING CHAPTER 22, PERSONNEL, ARTICLE V, POLICE OFFICERS' RETIREMENT PLAN, SECTIONS 22-171 THROUGH SECTION 22-186, INCLUSIVE, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO BY RESTATING THE CITY OF PALMETTO POLICE OFFICERS' RETIREMENT PLAN; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE; FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to approve Ordinance No. 679 for advertising and schedule a public hearing June 19, 2000

14. FIRST READING AND APPROVE FOR ADVERTISING ORDINANCE NO. 680

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA AMENDING ORDINANCE NO. 661 TO CORRECT A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION FOR THE VOLUNTARY ANNEXATION OF HORIZON INDUSTRIAL PARK; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried unanimously to approve Ordinance no. 680 for advertising and schedule a public hearing June 19, 2000.

15. CONSENT AGENDA: APPROVE MINUTES OF MAY 11 AND MAY 15, 200, APPROVE MAY CHECK REGISTER, APPROVE MAY STATEMENT – DYE, DEITRICH, PRATHER, PETRUFF AND ST. PAUL

Mr. Williams discussed the minutes of May 15, 2000, noting the first motion on page #9 was incorrect. A correction to the minutes should read 'and motion failed' 3 to 2.

Mr. Williams inquired about the attorney's billing, as to whether the City would be billed for any additional work done on the utility ordinance. Mr. Prather stated the ordinance has not been changed since presented to the City in January 2000.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried unanimously to approve the Consent Agenda, reflecting the correction to the May 15, 2000 minutes.

16. MAYOR'S REPORT

Mayor Whitesel appointed Cynthia Fobbs to fill the vacancy on the CRA Board.

Mayor Whitesel reported on the meeting on May 31, 2000 with FDOT. FDOT denied the crosswalk at 4th St. on 8th Ave., but a pavement stamp will be permitted at intersections where a traffic light is in place. FDOT will also determine the location and place a flashing light regarding the speed limit in Palmetto on 8th Ave. The City will be able to apply for grant money for these items, but the grants will be four years out.

Mayor Whitesel advised Council of the largest volunteer planting at the Palmetto Estuary on June 24, 2000 in the morning from nine to twelve.

17. INDIVIDUAL COMMENTS

Ms. Bryant

Ms. Bryant asked for clarification of the land to be dedicated, relating to the extension of the P2000 Grant, in Ordinance 663. She wanted to know the location of the land associated with the grant for which the City is applying.

Mrs. Keefer

Mrs. Keefer thanked Mayor Whitesel for the appointment to the fair board in the Mayor's absence

Mrs. Lancaster

Mrs. Lancaster reported on the Enterprise Zone meeting.

Mrs. Lancaster advised Council all the SHIP funds for this fiscal year have been committed.

Mr. Williams

Mr. Williams asked about the last page under tab number seven in the agenda. Mr. Meng advised Council it was included in error.

Ms. Cornwell

Ms. Cornwell brought to Council's attention the scheduled July 3, 2000 meeting the Monday before a holiday. It was consensus of Council to cancel the meeting. It was consensus of Council a work shop with Mr. Malifatano be scheduled June 29, 2000 at 4 PM.

18. CITIZEN COMMENTS

Mr. Robert Jones advised Council of his concern about traffic flow on 10th St. east of the 8th Ave. intersection. Mr. Patterson will research the problem.

Tambra Varnadore brought forth several issues; conformity of the agendas, availability of reuse, landscaping at the end of 8th Avenue and the CRA relating to incentive packages offered to businesses coming into the City.

Charles Jackson addressed Council concerning Ms. Fobb's appointment to the CRA Board and properties on 11th Street.

Gwen Petersen asked why the City would send out letters to citizens advising their home would be condemned when no one from the City has ever inspected the inside of the home. Mayor Whitesel advised Mr. Patterson to provide her with copies of the letters signed from Mr. Baxter relating to condemnation. Mayor Whitesel further instructed Mr. Patterson that all future correspondence relating to this topic should be copied to herself and Council. A discussion occurred relating to notification by code enforcement of violations before condemnation actions begin.

18. CITIZEN COMMENTS (continued)

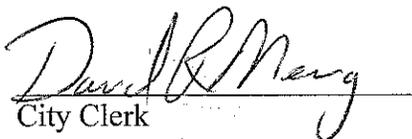
MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to allow the Mayor to make an administrative decision on the five structures notified for demolition during the month of May

Chief Bright reported on the signage on 7th St.

Mr. Patterson advised Council the Lamb Park electrical stands alone and the cost to bring it to code.

Meeting adjourned at 10:45 PM.

Minutes approved: June 19, 2000


City Clerk

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