

Palmetto City Council
March 1, 2004 4:00 PM

Elected Officials Present:

Larry Bustle, Mayor
Tamara Cornwell, Vice Mayor
Shirley Bryant, Council Member
Mary Lancaster, Council Member
Brian Williams, Council Member

Staff and others present:

Attorney Michele Hall
J. E. Free, Jr., City Clerk
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Jessica McCann, Planner
Diane Ponder, Administrative Assistant

Mayor Bustle called the meeting to order at 4:00 p.m.

Pastor Matthews, Church on the Rock, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle introduced Palmetto Boys & Girls Club Program Director Louis Murrell and five student star performers, Brian Anderson, Garry Lowe, Jr., Jasmine Means, Shietta Howell, and Kyle Parsley. The group discussed city government with Mayor Bustle prior to the meeting.

1. APPROVAL OF WORKSHOP AGENDA

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the March 1, 2004, 4:00 pm agenda.

2. DISCUSSION - CHURCH ON THE ROCK

Public Works Director Chris Lukowiak advised that after several phone calls concerning the ongoing project, he went to the Church on the Rock project site and spoke with Pastor Matthews, School Master Brian Bustle and church member Tom McCullom, who works with Zoller, Najjar & Shroyer.

The drainage plans being constructed on the project were approved February 2003. On behalf of the church, Zirkelbach Construction asked for a T.C.O. for the school. A letter was generated by Public Works Superintendent Tusing denying the T.C.O., but because of a staff miscommunication the T.C.O. was issued based on what Zirkelbach Construction said would be done. A modification to the drainage plan was the use of ADS pipe rather than concrete pipe at the rear of the building because of the lack of vehicle traffic. Subsequently the church has complied with the city's request to modify the access to the property off 14th Avenue with concrete piping and better drainage. Steve Minnis, SWFWMD, has confirmed the church is in compliance with their SWFWMD permit.

When questioned about the approval process for plan modifications, Mr. Lukowiak advised Council that normally there is communication between the site manager and project engineer, one of whom will then submit revised plans to the city. In this case, each assumed the other had contacted the city concerning the modifications, when in fact neither had submitted revised plans for review and approval.

Mr. Williams discussed the September 2002 Council meeting, wherein assurances were given Council that any changes to the project would be brought to Council. Mr. Williams chastised staff for not keeping Council informed of what's occurring in the city. Ms. Bryant concurred with Mr. Williams, stating the presentation gave everyone the opportunity to hear the update.

3. DISCUSSION - PROPOSED ORDINANCE AMENDING APPENDIX B, SECTION 11.9

Attorney Hall advised Council the two main items accomplished by the ordinance was to add the building official to the Development Review Committee and to provide language designed to give a staff report to Council with the P&Z report in their agenda packet if the item requires Council approval. Attorney Hall further informed Council that if an item does not require Council approval the revision language does not provide for a staff report to be supplied; if an item is within the discretion of the DRC, the decision would have already been made prior to Council receiving a report.

Mr. Williams referred to the revision language, stating that if the DRC is going to take administrative action Council should be apprised of the action. Mr. Williams and Mrs. Lancaster discussed not being aware of new businesses coming into the city. Mayor Bustle discussed the fact that in the approval process he, as well as Council, is informed at the correct time. Mr. Free voiced the need to have a process where perspective developers can meet with staff to determine what is required to be able to develop in the city; developers may not wish for the preliminary discussions be public record. He suggested that when a site plan is brought to DRC the city can assume the developer has a viable project and the minutes of the DRC meeting will be distributed.

Mr. Lukowiak questioned at what point Council should legally have information on projects on which they have to take action. Attorney Hall stated the ordinance was drafted to avoid Council or the Mayor being subjected to accusations of interference in any perspective projects. Under the proposed ordinance, Council, in the normal administrative procedure, would receive a report after the DRC has made a decision, which removes the option of the decision being altered; the other instance would be the inclusion in the agenda packet when the item comes to Council for a decision. Mr. Free noted that a "DRC action is an administrative action of city staff based on the application codes, Council should only affect these actions by modifying appropriate codes."

Mrs. McCann stated the purpose of the DRC is to ensure developments coming into the city are in compliance with city codes. Discussion ensued on the established criteria set forth in the review process and the fact that criteria can not be altered for any reason, which ensures every project is reviewed and approved in an equitable manner. Mr. Williams argued that if the DRC takes action on an item that will not go to P&Z at that point Council should be provided a staff report on action taken by the DRC.

Mayor Bustle suggested separating the two phases contained in the revision language as follows:

- Projects upon which the DRC takes administrative action and renders a decision will require a staff report notifying Council of the decision.
- Projects forwarded to P&Z for action will also require a DRC staff report inclusion in the council agenda packet.

Mayor Bustle suggested that in addition to the criteria upon which DRC takes administrative action, that Council should consider the possibility of creating a threshold for projects that surpass a dollar value or square footage area for Council to receive advance notification of large projects coming into the city. Attorney Hall requested Mrs. McCann research other cities for this type of criteria.

Attorney Hall advised Council that when they are serving in a quasi legislative capacity, such as when reviewing development orders, they do not have blanket immunity as a government official they would otherwise have; they must be very careful when setting standards to ensure consistency and to prohibit any arbitrary acts by Council Members. Attorney Hall will provide case law pertaining to this subject.

Chief Lowe discussed the need for the Police Department to be a part of the DRC review process on certain projects for crime prevention through environmental design. Attorney Hall stated provision for advisory capacity has been provided in Section 11.9 of the ordinance. She suggested an administrative policy be established by staff to warrant involvement of the Police Department.

MAYOR'S COMMENTS

Mayor Bustle referred to the Great Palmetto Clean-Up, inquiring the number of copies of the flyer Council would like and how many volunteers they expected to participate so an adequate lunch could be provided.

Mr. Free discussed the determination by Attorney Groff that the city will have to hold a special election for seat vacated by Mr. Grace. The item was placed on the 7:00 pm agenda for action.

Discussion ensued on events that incur expenses from the Police Department and Public Works Department. Mayor Bustle suggested the city should budget and pay for any event sponsored by the city. Specifically mentioned was the Heritage Festival - Children's Parade, MLK Parade, Cinco de Mayo, and PHS Homecoming Parade. Mayor Bustle requested Council formalize a list of events the city will sponsor. Discussion ensued on whether or not the city should sponsor an event conducted by a for profit business; the business reaped the income derived from the event. Council acknowledged they would support a Cinco de Mayo event, but not when held at a private, for profit business. It was suggested the topic be placed on the March 15, 2004 agenda.

Mayor Bustle reminded Council of the social planned at 6:30 pm for retiring Council Member Charlie Grace.

Meeting adjourned at 5:30 pm.

Minutes approved: March 15, 2004



J. E. Free, Jr.
City Clerk