

PALMETTO CITY COUNCIL
MINUTES
March 10, 2003

Elected Officials Present:

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

Staff and others present:

Attorney Alan Prather
Mary Jean Forrester, Interim City Clerk
Chief Garry Lowe
Allen Tusing, Public Works Supervisor
Diane Ponder, Administrative Assistant

Mayor Bustle called the meeting to order at 4:00 p.m. He gave the invocation followed by the Pledge of Allegiance to the United States Flag.

1. APPROVAL OF AGENDA

MOTION: Mr. Williams moved, Mr. Grace seconded and motion carried 5-0 to approve the March 10, 2003 agenda.

2. APPOINTMENT OF CITY CLERK

MOTION: Ms. Bryant moved and Mr. Williams seconded the appointment of Mr. James E. Free as City Clerk at an initial salary at the comparable rate for Department Heads.

Mayor Bustle recommended the appointment be through 2004, to coincide with the election of new City officers, to offer stability to the City and as an endorsement of the City's intention to Mr. Free. Mr. Grace stated his opinion ten months was too short, the minimum term should be 22 months but, he preferred three-year appointments for department heads. Mr. Williams voiced concern the City may face "property rights" when granting terms longer than called for in the Charter. Mr. Williams agreed with a ten month appointment at \$55,796, the same salary as the other department heads. Mrs. Lancaster agreed with a ten month appointment but voiced her objection to paying the same salary as the other department heads. Ms. Bryant suggested making the appointment for one year, review Mr. Free in January, and then extend the appointment for one calendar year at that time; this would guarantee Mr. Free one year. Commenting on the salary, Ms. Bryant stated she felt the salary should be comparable to the other department heads that have a vehicle, which is an additional benefit for them. Ms. Cornwell agreed with a ten month appointment and the fact the automobile should be a consideration in determining salary. She further suggested a salary breakdown by years of service should be developed for department heads.

Mr. Prather advised that according to the language in Section 4 of the Charter, the motion on the floor would be considered a motion for length of office to be for one year.

An amending motion would have to prevail by a 4/5 vote.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 3-2 to amend the motion for the term to be until January 2004. Ms. Bryant and Mr. Grace voted no.

The original motion was amended to approve the appointment of Mr. Jim Free for approximately ten months to January 2004 at an initial salary at a comparable rate to the department heads. The motion carried 5-0.

Chief Lowe recognized officers involved in several narcotic arrests. Officer Ryan LaRowe, Corp. Chris Ahler and Sgt. Bobby Taylor were commended on their performance.

3. STATUS REPORT - US 41 DRIVEWAY CONNECTION

Grants Coordinator Tanya Lukowiak reported additional fill dirt is needed to fill the swale for the US Hwy 41 driveway connection into Riviera Dunes. The cost to purchase the fill is \$45,000. Riviera Dunes will donate the fill and the City will install it at a reduced cost of approximately \$25,000. Funds will be provided by the CDBG Grant and has been approved by the DCA.

DOT has verbally approved the reduction in the DRI requirements to eliminate the southbound lane. DOT is now updating their plans for the signalization at 7th Street. It is anticipated instructions to begin construction should be received from DOT within the next six weeks.

Ms. Lukowiak reported on the progress at the Estuary Park. She also informed Council the City has the award and contract for the \$200,000 to purchase the next parcel.

4. DISCUSSION - GENERAL INTERLOCAL AGREEMENT TO IMPLEMENT ACCORD

Ms. Cornwell referred to the language in the agreement identifying municipalities as an entity and the County as an entity, stating the document needed to be more explicit as to who is financially responsible for the dispute process. Mr. Williams further suggested the entity filing the dispute should absorb the greater share of the expense.

Another issue discussed was the language in the agreement stating municipalities could request only a one-half cent sales tax increase. Attorney Prather referenced paragraph 6 of the ACCORD dealing with the sales tax increase and paragraph 4B dealing with annexations and the May 31, 2003 date. Attorney Prather stated the ACCORD supercedes the interlocal agreements; any major amendments would have to be made to the ACCORD.

Discussion ensued on the May 31, 2003 date as it relates to the sales tax increase and the lost revenue to the City from ad valorem taxes through annexations. Mr. Williams requested language be added that confirmed the County would be willing to work with municipalities regarding the sales tax and the May 31, 2002 deadline. Attorney Prather stated his opinion that after May 31, 2003, with no sales tax increase, the municipalities have the option of not abiding by paragraph 4 as it relates to annexations.

Attorney Prather discussed the Impact Fee Equivalency, stating he was not aware of any

action implementing the issue. He voiced concern about legally imposing county impact fees on the citizens of Palmetto. Attorney Prather further stated this issue is tied specifically to the sales tax issue; the County will received funds with no equivalent back to the municipalities. Attorney Prather suggested inserting the following language "This limitation shall survive the termination of the agreement, provided; however, such five year limit shall not apply to any annexation that occurs pursuant to these provisions if no sales tax initiative is adopted by May 31, 2003." It was consensus of Council to instruct Attorney Prather to contact the County attorney regarding the insertion of the language discussed. Attorney Prather was also instructed to ask for further clarification on how the County impact fees will be collected by the municipalities, as well as asking the County to consider dividing the expense associated with the Notice of Dispute so the initiator bears three-fourths of the expense. City of Bradenton attorney Mr. Lisch will be copied on the correspondence.

5. DISCUSSION - INTERLOCAL AGREEMENT ESTABLISHING JOINT PLANNING COMMITTEE

Mayor Bustle stated the change added establishes a base line regarding regulation or ordinances in the county; the document is tied to the effective date of the ACCORD. Attorney Prather commented on the Joint Planning Agreement having to be approved by all the bodies executing the ACCORD.

6. DISCUSSION - JACKSON PARK STORMWATER IMPROVEMENTS ALTERNATIVES

Public Works Superintendent Tusing referred to the Jackson Park study prepared by JEA. The report contained five alternatives which, if completed, can reduce the water on 17th Street by 1.5 feet. Mr. Tusing discussed increasing the size of the pipes on 17th Street, which will increase hydraulic flow. Provided Manatee County Commissioners approve the proposed project, \$3.2 million will be spent on 17th Street between 8th Avenue and US Hwy 41: the culvert under 17th Street will be increased, which will lower the elevation of Carr Drain, thereby resolving some of the problems in Jackson Park.

Mr. Tusing referenced an aerial map of the area showing the natural flow of water during heavy rains. Mr. Tusing informed Council discussions are taking place with the County about a joint venture to increase the culverts in certain areas. Mr. Tusing also discussed possibly entering negotiations with property owners to create a retention area. Council will be kept abreast of the City's endeavors to alleviate flooding in this area of the City.

7. DISCUSSION - PROPOSED SKATEBOARD ORDINANCE

Council approved the proposed ordinance, after minor revisions, for first reading. Council discussed the proposed skate park being considered at Blackstone Park. Ms. Cornwell reminded Council, County Commissioner Stein promised to look into a pool at Blackstone when the City deeded the library property to the County. Discussion also addressed the bike paths off the Green Bridge and the signs that need repainting.

8. DISCUSSION - PROPOSED NOISE ORDINANCE REVISION

The discussion was postponed until March 31, 2003.

9. SPECIAL FUNCTION PERMIT

Mayor Bustle informed Council the Special Function Permit for Tony D's Pub was for an

exception to the noise ordinance. Ms. Bryant referred to the permit issued to Alvarez' Mexican Restaurant and requested the same conditions apply.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 4-1 to approve the Special Function Permit for Tony D's Pub. Ms. Bryant voted no.

10. DEPARTMENT HEADS' COMMENTS

Mrs. Forrester

Mr. Bob Schmitt has been retained as the City's Interim Planner and is available on Wednesdays. Appointments can be made through the Mayor's office. Staff will provide Mr. Schmitt a copy of the General Interlocal Agreement to Implement Accord and the Interlocal Agreement Establishing Joint Planning Committee.

The Code Enforcement Officer and Building Official will appear in court Tuesday, March 11, 2003 regarding the issued at 1316 28th Avenue Drive. The City has removed the vehicles and issued citations, which the property owner is contesting.

Last week the Building Department issued 18 building permits, and three occupational licenses were issued.

Mr. Tusing

Public Works is working with FDOT on the traffic study north of 10th Street. A meeting is scheduled to discuss the exact timeframe. Public Works may participate in the traffic counts.

Chief Lowe

The speeding on 8th Avenue between 10th Street and 17th Street resulted in twenty-three citations being issued.

11. MAYOR'S REPORT

Council will be provided maps of the three ward proposals. The ward boundaries will be changed by ordinance at a future meeting.

The City should closely monitor the issue the Florida Association of Counties is activating regarding the CRA.

Walter Brown will come back to work March 17, 2003.

The engineer contracts are close to being finalized. Mayor Bustle reported his inclination is to appoint JEA to the CIP Team. Discussion ensued as to whether the City can appoint the alternate engineer vs. the primary engineer. It was concluded the Mayor should seek the attorney's opinion regarding the issue before implementing his plan.

12. COUNCIL MEMBERS' COMMENTS

Mr. Grace

Reported on the mobile home park visits.

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Attended Imagine Manatee's second of three sessions for elected officials. Statistics of the participants closely follows the 2002 Census.

Mr. Williams

Thanked Ms. Lukowiak for her report.

Ms. Cornwell

She and Mr. Grace will meet with Tropic Isles March 22, 2003 and Palm Bay on March 29, 2003. Council will receive the questions and answers from the meetings.

Welcomed Mr. Free.

Suggested Council needs to develop a plan for presenting the public swimming pool issue to Manatee County.

Ms. Bryant

Heritage Day was a wonderful event.

Suggested Jackson Park should be a separate item on the Suspense Log so Council can receive updates regarding grants.

Mrs. Lancaster

Reported people believe the Code Enforcement Board has been dissolved. Inquired why the board isn't meeting. Mayor Bustle will pursue the topic and report back to Council.

Commended Chief Lowe on the Citizen's Law Enforcement Academy.

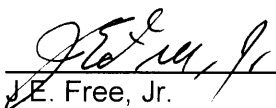
Thanked Chief Lowe for working the 8th Avenue speeding situation.

13. PUBLIC COMMENT

Cynthia Fobbs spoke to Council about the Jackson Park flooding topic, stating there is still no resolution. Mr. Tusing rebutted, maintaining the City is aware of the problem and is working on projects that will alleviate the flooding.

Meeting adjourned at 6:50 pm.

Minutes approved: April 7, 2003



J.E. Free, Jr.
City Clerk