

Palmetto City Council  
February 24, 2003 4:00 PM

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  
Mike Hickey, Public Works Director  
Diane Ponder, Administrative Assistant

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

Council Member Charlie Grace gave the invocation followed by the Pledge of Allegiance to the United States Flag.

PUBLIC COMMENT

Alan Zirkelbach spoke to Council about the city parking lot where spaces have been reserved for boat trailers. Warnings are being given to cars parking in the designated boat trailer parking. Mr. Zirkelbach also spoke for Mr. Vander Noord, stating they didn't want people afraid to frequent the Riverside Dr. businesses. Mayor Bustle stated it was the intent of the signs to limit trailer parking only between the signs. There was a breakdown in communication, which has been corrected, and there should not be any tickets issued henceforth. The topic of the signage was placed on the March 10, 2003 agenda. Mr. Zirkelbach volunteered to offer language for Council's review.

Helen O'Neil, Leisure Lake Co-Op, spoke to Council about the dangerous intersection at 23rd St. and Hwy 41. She has spoken to the County Commissioners about FDOT activating a full traffic light at the corner and is requesting the City Council join the effort to the extent of helping with the funding, if necessary. Mr. Williams stated that because it is a state road the city's participation will be limited. Mayor Bustle assigned the item to the city's traffic engineer.

1. APPROVAL OF AGENDA

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 5-0 to approve the February 24, 2003 agenda.

2. INTRODUCTION OF CITY CLERK CANDIDATE, MR. JIM FREE

Mayor Bustle informed Council Mr. Free had been through two interviews, one with the interviewing committee and one with the department heads. He proposed bringing back Mr. Free's nomination at the March 3, 2003 Council meeting. Mayor Bustle introduced

Mr. Free, who briefly reviewed his background. Mr. Free made himself available to individually meet with Council Members.

### 3. GULF COAST MARINE INSTITUTE PRESENTATION

Business Manager Debbie Hall informed Council Gulf Coast Marine Institute has been awarded a grant which allows them to locate in Palmetto next to Palmetto High School. The Institute is funded by the School Board of Manatee County and the Department of Juvenile Justice. The school will initially enroll 65 at-risk middle and high school students. Ms. Hall discussed the successful history of the Institute since 1985.

### 4. DISCUSSION - MANATEE COUNTY WATER AGREEMENT

Dan Gray, Utility Operations Director, and members of his staff, Dave Brangaccio, retiring Fiscal Manager, Beverly Chiotti, Fiscal Manager, John Zimmerman, Water Division Manager and John Barnott, Customer Service Manager for Manatee County were present to discuss the proposed agreement with Council. Mayor Bustle stated points in past agreements that have been debated have been reviewed, resulting in alternatives for the city and county to consider.

Mayor Bustle stated the major difference Council must address is the Facility Investment Fee (FIF), a way of paying for the incremental increase in production and demand. If the contract is adopted, the FIF will ensure an interrupted supply of water without negotiation. The FIF will only be assessed against new and larger installed meters and will be collected when the city issues the CO.

Dan Gray stated the FIF allows for the payment of growth. The contract contains language setting two dates for payment of the FIF - April 1 and October 1; the new customer charge is effective April, the payment of the fee is due October 1. This will allow the city to properly budget the expenditure.

Another portion of the contract that provides an alternative solution is the inclusion of the county's 25% responsibility of the cost of maintaining the pipes servicing Snead Island. The agreement also contains language whereby the county agrees to pay 25% of the cost of capital improvement expenditures in the rehabilitation or upgrade of the water distribution system to Snead Island.

Discussion ensued on the portion of the contract identifying Snead Island as the only area outside the city limits receiving water service. Staff will provide the county an exhibit showing the various unincorporated areas receiving water services from the city, together with comments relating to assessment of a surcharge by the city or the county's agreement to participate in the maintenance of the area's water distribution system. Council requested the agreement be modified to incorporate language reflecting the correct information.

During the conversation relating to how the annual reimbursement for the maintenance of the unincorporated system was determined, Council requested an itemized accounting of historical expenses associated with maintaining the unincorporated areas distribution system.

Attorney Prather questioned if with the execution of this document there would be no fee for the existing 2,000,000 gallons. County staff replied in the affirmative.

Attorney Prather also stated there must be a legal mechanism for the city to charge and deliver the county's impact fee. Language will be included in the city's document to allow for future increases by the county to become automatic. Attorney Prather cautioned the city's impact fee is not the same or equivalent to the county's fee, and the mechanism for the collection of the fee by the city must be in place before the proposed agreement becomes effective.

When questioned about the possibility of contamination entering the city's lines, county staff stated the lines would be flushed and the city would be credited the amount flushed out of the system.

County staff discussed the agreement becoming effective October 1, 2003. Council requested the agreement be modified to include a period exempting new construction from the FIF.

#### 5. DISCUSSION - FILL ORDINANCE

Mike Hickey gave a brief history of the sample fill ordinance Council had for review. Steve Minnis, SWFWMD, discussed the role of the water district as it pertains to development. He stated that single-family residences fell under the jurisdiction of Florida Department of Environmental Protection; if development is under four units the water district does not get involved. Mr. Minnis discussed the city's Stormwater Master Plan identifying hot spots, which the water management district would take into account when considering permits for new development. Mr. Minnis further described the checks and balances created to monitor new development, such as recertification every two years to ensure drainage is properly working, but also stated the district does not have the manpower to physically review every project.

Council discussed the need for the city to be proactive in protecting existing homes from flooding created by construction built to current code. Roger Titus reviewed the final inspection process where drainage on single-family lots is inspected; proper drainage must be in place or a CO is not issued. Mr. Titus also stated after the final inspection the building department is no longer involved in any issue related to drainage.

Ms. Bryant suggested the city needs to look at legislature to control the amount of impervious areas allowed on residential lots. Mr. Titus stated most cities have a maximum percentage of impervious areas that are allowed and agreed this restriction should be added to the city's code.

Mr. Minnis advised Council there are ordinances that address these different types of issues; landscape codes, building and lot codes, design of homes on lots, etc. He suggested using the internet to access sites such as the Municipal Code. Mr. Minnis will attempt to locate some of the information the city is seeking.

#### 6. WARD REDISTRICTING ALTERNATIVES

Bob Sweat, Supervisor of Elections, presented Council with three scenarios for redistricting the city's wards. As required by law, Mr. Sweat used census data to formulate the proposed boundaries in each scenario. Scenario one allows for the growth at Palmetto Trace and Riviera Dunes, as the two projects were not complete at the time the census was taken. Scenario two breaks the population, while scenario three, in Mr. Sweat's opinion is the most user-friendly. Mr. Sweat stated all three proposed wards

Palmetto City Council  
February 24, 2003

meet the socio-economic standards in Palmetto. He will forward the breakdown of each ward.

Attorney Prather informed Council that once the ward division is finalized the boundaries will have to be established by ordinance.

Mr. Sweat briefly discussed the city's qualifying dates and election. He suggested holding the election a month later. The Charter Review Committee will consider the change in the election date as it reviews the Charter.

## 7. DEPARTMENT HEAD'S COMMENTS

Mike Hickey, Public Works Director

The Oakridge finish date has been delayed to March 25, 2003.

Tropic Isles waterline replacement is almost complete; paving will begin next week.

The new fuel tank for the generator at the WWTP is being replaced.

A subcontractor's dump truck caused a break in power, phones and cable to the area around Oakridge. Risk Management is helping businesses with insurance claims.

DCR has reviewed the site plan for Church on the Rock. Engineer Rob Roberts has submitted his comments. The Engineer for Church on the Rock will revise the drawings and will again be reviewed by Mr. Roberts for completeness. Mr. Hickey commented on the size of the new building and the fact the new pond is about the size of four tennis courts.

## 8. MAYOR'S COMMENTS

The engineering contracts from ZNS and JEA will be in Monday's agenda for Council's review. Ms. Bryant commented on the procedure to select the engineer, stating the tally should be written on a board, both for Council and the public. Ms. Bryant stated she was not satisfied with the ranking, as she left the meeting thinking the number two firm was CH2M, not JEA. She stressed that in the future votes should be written on the board.

## 9. COUNCIL MEMBERS' COMMENTS

Mr. Williams

Suggested some of the problems at Oakridge could be resolved by a retention area in the public works yard. Mr. Hickey will research the possibility.

Mayor Bustle stated the county is interested in helping with installing the culvert on 17th Street; the city will probably contribute in-kind services. Mayor Bustle further discussed the culvert and the one under 10th Street as the two things not done as part of the Jackson Park study. Mrs. Lancaster spoke of the area of the county that drains to the ditch bordering Jackson Park, stating the county is responsible for a portion of the flooding occurring in Jackson Park.

Suggested the Mayor, Chief and Mr. Eurice meet to discuss the issues at Oakridge.

Ms. Cornwell

Cautioned Council to be sure no city offices would be transferred to the public works area if considering constructing a retention area.

Updated Council on the MPO meeting: A strobe light analysis is being done to determine relationship to seizures; Sarasota is experiencing drivers running red lights; there will be a public information meeting Tuesday, February 25, 2003 regarding the new link to I75 on the Sarasota Parkway, because it is not budgeted - Mr. McClash is cautioning municipalities to have funding in place before planning projects; Manatee County found funds to beautify the area in Manatee County surrounding the I75 exit after the completion of Hwy 64 widening project.

Suggested developing a policy prohibiting services being turned off on Fridays. Mr. Williams also suggested developing a 24-hour contact list. Attorney Prather cautioned Council the city cannot disconnect utilities to a master meter when the renters' utilities are included in the monthly rental payment. Attorney Prather is also researching a lien that was not paid to the city when the property in question was allegedly sold.

Visits to Jet Mobile Home Park on March 8 at 9 am and Rainbow Trailer Park on March 11 at 8 am (pending) have been arranged. Ms. Cornwell asked the department heads to develop a list of information such as new businesses, etc. for distribution at the visits.

Requested Mr. Hickey be sure everything associated with the maintenance of the Snead Island distribution be compiled into the amount the county will reimburse the city as related to the water agreement. Ms. Cornwell also stated a formula for replacing the system should be developed.

Suggested that changing the elections will be more expensive for the city. Suggested collecting data from the beach communities as to the voter turn out. Ms. Bryant stated she is concerned about the qualifying date - it should be changed.

Stated Council should look at priority lists and funding from the Enterprise Funds. Council needs input from the CIP Team so it can be discussed at a workshop.

Inquired about the next JPC meeting date.

Mrs. Lancaster

Encouraged Mr. Eurice is consulted so the Oakridge project can be completed.

Informed Chief Lowe she enjoyed the Citizen's Academy.

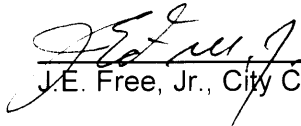
Personally thanked Mr. Hickey for handling the situation concerning the disruption of the power, phone and cable service.

10. PUBLIC COMMENT

Mr. Robert Hierak invited Council to ride in the Mardi Gras Parade, asking the Mayor and Chief to be Marshalls.

Meeting adjourned at 7:50 pm.

Minutes approved: March 17, 2003

  
\_\_\_\_\_  
J.E. Free, Jr., City Clerk