

Palmetto City Council
April 29, 2002 4:00 PM

Elected Officials Present:

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

Elected Officials Absent:

Mary Lancaster, Vice Mayor
Shirley Groover Bryant, Council Member

Staff and others present:

Dick Groff, City Attorney
Karen A. Conlon, City Clerk
Chief Garry Lowe, Palmetto Police Department
Mike Hickey, Public Works Director
Margaret Tusing, Planning & Zoning Administrator

Mayor Bustle called the meeting to order at 4:08 p.m.

Pastor Duane Albers of Faith Lutheran Church gave the invocation, followed by the pledge of allegiance to the United States flag.

Mayor Bustle read a proclamation declaring May as Civility Month in the City of Palmetto.

Captain Joe Kansler from Manatee County EMS and as a community board member of the American Heart Association presented three automatic external defibrillators to the City of Palmetto, asking one be placed in city hall and the others in police vehicles. Police personnel are trained to use the machine and training will be provided for employees in city hall.

Mike Labree introduced the program Challenge Day, informing Council Principal Pauley instituted the program at Palmetto High School. The program is meant to break down racial and sexual barriers between students. Adults are paired with the students during the day-long program. Sgt. Bob Taylor and PHS students Jennifer Young and Devonne Garvin spoke to Council about the program. Mr. Labree is seeking Council's commitment to attend a Challenge Day next school year and funding for the program and a Challenge Day in Palmetto sponsored by the City of Palmetto.

Mayor Bustle asked for any public comment that was not subject to the agenda.

1. APPROVAL OF AGENDA

MOTION: Mr. Williams moved, Mr. Grace seconded and motion carried unanimously to approve the April 29, 2002 agenda.

Mrs. Conlon advised Council Mrs. Tusing's need to leave the meeting early, requesting that items 4 and 5 become items 2 and 3.

2. FINAL PLAT - ISLAND AT RIVIERA DUNES

Mrs. Tusing advised Council the bonds have received, resolving the issue regarding the plat, stating staff was looking for a motion authorizing the Mayor to sign the plat. Mayor Bustle read a portion of a letter from Mr. Prather advising Council's approval must be conditioned upon all collateral documents will be corrected to reflect the actual name of the subdivision and the plat will not be filed for record until such revisions have occurred. Mrs. Tusing stated she had reviewed the documents and they appeared to be correct; the plat has been revised eliminating "the" from the name of the project and the bank documents reflected the name of the project in all capital letters. She further stated the bank documents were not recorded. Mr. Williams suggested obtaining a clarification letter from the bank regarding the name of the project covered in the letter of credit.

MOTION: Ms. Cornwell moved, Mr. Grace seconded and motion carried unanimously to approve the Final Plat of the Island at Riviera Dunes with conditions as stated in the April 26, 2002 letter from Dye, Deitrich, Prather, Petruff & St. Paul in reference to the City of Palmetto, OFN: 0190/1.

3. DISCUSSION - HANGAR RESTAURANT SIGN

Mrs. Tusing reviewed Mr. Biggins' proposal for an unusual application to the Sign Ordinance. She discussed the existing code's maximum height of 30' vs. the proposed height of the proposed sign, with the helicopter, at 30'; existing maximum square footage of 40 sq. ft. vs. the proposed sign at 72 sq. ft., not including the helicopter. Mrs. Tusing also discussed the proposed Sign Ordinance's maximum height of 25; maximum sq. ft. of 87 sq. ft., based on linear feet of roadway. The requested variance would be for an additional five feet of height above the proposed Sign Ordinance, but would meet the square footage requirement.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried unanimously to approve the request for the unusual sign, including the helicopter.

4. AGRICULTURAL MUSEUM

Mayor Bustle discussed the request from the Manatee Agricultural Museum for the City to continue paying utilities and provide lawn maintenance for an additional year. Ms. Cornwell discussed her opinion the City did not own the property, it was a stand alone venture, the City had paid the utilities during construction, and that was sufficient. The City pays the Historic Commission's electric and water on the buildings in Heritage Park.

MOTION: Mr. Williams moved, Mr. Grace seconded and motion carried 2 to 1 to continue paying the electric and water bills and continue lawn maintenance at the Ag Museum until the end of the next fiscal year, September 30, 2003. Ms. Cornwell voted no.

5. DISCUSSION ORDINANCE NO. 02-741

Responding to questions from the last meeting, Mr. Groff advised Council the policy in itself is a by-pass policy, providing for the plaintiff of harassment to go directly to the Human Resource Director with the complaint, vs. moving through the chain of command in the current policy. He stated there may be a need to circumvent the handling of complaint brought directly against the Human Resource Director.

The second comment was the appointment of the investigator. Mr. Groff discussed how the complaint would be received by the Human Resource Director who make her comment of opinion, delivering it to a person of authority who would appoint an appropriate person to conduct the investigation. Ms. Cornwell discussed the process for filing grievances in the police department and the fact the city clerk was not part of that process. Mr. Groff informed Council the proposed policy supercedes all existing policies. Ms. Cornwell stated her opinion the Mayor should be the person making the appointment of the investigator. It was consensus of Council to change the language on page 5, (c) and (e) to read Mayor rather than City Clerk. Discussion also ensued on complaints lodged against the Mayor. Language will be added allowing the Vice Mayor to proceed with the duties assigned to the Mayor.

Discussion ensued on the definition of a timely manner. The language in the policy will be left as written. In the realm of the timely manner discussion, the appeal process will be taken under advisement.

Discussion ensued on the "chain of command" when dealing with harassment complaints and the fact this policy calls for employees to report directly to the Human Resource Director vs. an employee's department head. Mr. Groff discussed the fact a department head may be appointed as the investigating officer, but will be advised of the findings of the investigation. Mr. Groff discussed the Complaint Procedure and how it defines complaints that will or will not be required to follow the chain of command.

6. DISCUSSION - FACILITY USE FEES

Mayor Bustle advised Council that since the passage of the new fee schedule requests have been made to waive the fees. Mayor Bustle suggested it might be wise to reconsider the clause in the motion that no waivers would be considered. He also asked Council to consider grandfathering-in organizations that have used the facilities on a regular and prolonged period free of charge. Discussion ensued on the topic. Council will place the topic on a future agenda if it wishes to revisit the standing motion prohibiting the waiver of fees for exclusive use of City facilities.

7. APPOINTMENT - MANATEE FAIR BOARD.

MOTION: Mr. Williams moved, Mr. Grace seconded and motion carried unanimously to approve the Mayor's appointment of Tamara Cornwell as the City's representative to the Manatee Fair Board.

Chief Garry Lowe advised the Police Officers' Pension Plan Board of Trustees met April 26, 2002 and elected Kevin Kinney to the board, replacing Jay Taylor.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried unanimously to approve the appointment of Kevin Kinney to the Police Officers' Pension Plan Board of Trustees.

Chief Lowe advised Council the K9 unit was placed with another handler. They were attending their first class tonight. Mr. Williams asked that a report be brought back to Council about the transfer of the dog to the new handler. Ms. Cornwell stated the need to have K9 officers sign a contract for the K9 unit. Chief Lowe stated he and Mr. Groff are working on the contract and both K9 officers were willing to sign the contract once developed and approved by Council. Chief Lowe was asked to check other municipalities the size of Palmetto to see how they handle this issue.

Meeting adjourned at 6:00 p.m.

Minutes approved: May 6, 2002



Karen A. Conlon
City Clerk