

Palmetto City Council  
January 5, 2004 7:00 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  
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.

Rev. Tabor, Tenth Street Baptist Church, gave the invocation, followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle read a proclamation declaring January 29, 2004 Tamiami Trail Scenic Highway Day which was accepted by Robert Herrington, Transportation Planner for Metropolitan Planning Organization. Mr. Herrington discussed the activities scheduled for the dedication.

Mayor Bustle discussed a job training program through Manatee Technical Institute that has come to fruition because of a conversation he had with Bill Gainor, MTI, at the Fair's tasting contest a year ago. Steve Mixson, Verizon's Director of Advocacy Support presented a check for \$3,300 to Dr. Mary Cantrell, Director of Manatee Technical Institute. The \$3,300 grant will fund 10 students in a 75 hour course, that if successfully completed will qualify the student as a home health aide. Also involved in the endeavor was Dottie Dykeman, MTI's Continuing Education Coordinator, Carmen Ramirez-Talavera, Tillman Elementary's Family Involvement Specialist and Arnie Victorine, Administrator of Palmetto Nursing and Rehab Center, who has donated the facility for the training.

PUBLIC COMMENT

Rev. Tabor and Katrina Parsons, Tenth Street Baptist Church, shared the vision the church has for its new day care center.

1. APPROVAL OF AGENDA

Ms. Cornwell asked that the agenda be amended to include the nomination of the vice mayor.

MOTION: Ms. Cornwell moved. Ms. Bryant seconded and motion carried 5-0 to approve the January 5, 2004 with the addition of the nomination of the vice mayor as item 1A.

There was no nomination from the floor for the vice mayor position.

MOTION: Ms. Cornwell moved. Ms. Bryant seconded and motion carried 5-0 to move the item to 15A on the agenda and include as 15B the reappointment of the City Clerk.

2. CONSENT AGENDA

- A) Minutes: December 15, 2003 City Council Workshop Minutes  
December 15, 2003 City Council Minutes
- B) Special function permits: DeSoto Heritage Festival Children's Parade  
DeSoto Heritage Festival Grand Parade

MOTION: Ms. Cornwell moved. Ms. Bryant seconded to approve the Consent Agenda.

Mr. Williams called for discussion regarding the police department's involvement in the parades and whether or not the DeSoto Historical Society would be charged for city services. Chief Lowe stated the Children's Parade is normally manned by volunteers; the only involvement in the Grand Parade is the closure of the Green Bridge. It was consensus of Council that if city services are provided a fee must be levied so the city is consistent with all organization holding functions in the city. The police department will provide an estimate of the cost associated with the parades so the DeSoto Historical Society can be notified.

3. CRA BOARD MEMBER APPOINTMENT

MOTION: Mrs. Lancaster moved. Ms. Bryant seconded and motion carried 5-0 to approve Mayor Bustle's appointment of Rose Marie Tory to the CRA Board.

4. PUBLIC HEARING - ORDINANCE NO. 03-788 (Jessica McCann)

Ordinance No. 03-788 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN TERRITORIES INTO THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN 0302-Manatee Fruit Company, PID #23863.0000/4; 23868.0000/3; 24233.0012/9, apprx. 323.9 acres)

Mayor Bustle opened the public hearing. Don Varnadore and Joe Weikenbach spoke in favor of the annexation. Whiting Preston, Manatee Fruit Company, asked that City Council vote in favor of the annexation. After no further comment, Mayor Bustle closed the public hearing.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded, and motion carried 5-0 to adopt Ordinance No. 03-788.

5. PUBLIC HEARING - ORDINANCE NO. 03-789 (Jessica McCann)

Ordinance No. 03-789 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, VACATING A PORTION OF 14TH AVENUE WEST RIGHT-OF-WAY AS MORE PARTICULARLY DESCRIBED IN SECTION 2 OF THIS ORDINANCE AND AS GRAPHICALLY DEPICTED ON EXHIBIT "A" OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (V0304-Manatee Fruit Company, apprx. 5.54 acres)

Ms. McCann located the portion of 14th Avenue West right-of-way being vacated as from 23rd Street north to 33rd Street West to north. The majority of the reviewing agencies had no major concerns about the vacation, subject to the city retaining a blanket utility easement. Manatee County EMS had a concern regarding access; Ms. McCann stated their concerns can be addressed when development plans are reviewed. Council and staff member Allen Tusing discussed the fact the portion of 14th Avenue West being vacated was a dirt road that has been barricaded since a Roadway Agreement between the city and Manatee Fruit Company was executed in 1988 and since the construction of 23rd Street. Ms. McCann advised Council the

EMS Department has not returned any of her or the applicant's phone calls. She further stated the developer will be required to provide adequate emergency access. Mayor Bustle opened the public hearing. Tom McCollum, Director of Planning for Zoller, Najjar & Shroyer, and speaking on behalf of the applicant, stated he originally wrote the letter to the County's EMS, and it is his opinion they would not consider using 14th Avenue West as it exists today, they want a paved street for access. Clyde Boltz, Chairman of the Board of Supervisors of Palms of Terra Ceia Community Development District, stated the Board has addressed the annexation and vacation and supports both. After no further comment, Mayor Bustle closed the public hearing.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 5-0 to adopt Ordinance No. 03-789.

6. RIVERBAY TOWNHOMES FINAL PLAT APPROVAL (Jessica McCann) (TAB 6)

Ms. McCann advised Council the Final Plat for Phase I of Riverbay Townhomes has been reviewed by appropriate personnel, with no problems noted. Mr. Williams questioned why drainage was not depicted on the Final Plat and why it was not the same as the Preliminary Plat. Robert Douglass, owner and developer of the property, advised Council the Final Plat for Phase I outlines the lots. Attorney Prather advised the Final Plat allows for transfer of title, the dedication of right-of-way, utility easements and public improvements. Ms. McCann stated a final plat does not show drainage, it shows the metes and bounds of the lots to be officially recorded. Attorney Prather also stated that if the improvements are not completed by the expiration date of the letter of credit, the developer must provide additional security. Mr. Douglass stated improvements have been completed.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve the Riverbay Townhomes Final Plat with the caveat that additional performance security shall be required if improvements required by the Code are not completed on or before the letter of credit's expiration date of March 31, 2004. The City shall require an extension of the letter of credit expiration date if the improvements are not completed or the City shall draw on the letter of credit.

7. 1ST READING & ADVERTISING APPROVAL - ORDINANCE NO. 04-791

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (AN0304-Irrevocable Trust for Shawn Loveless U/A/D 5/23-1995 by Roy and Teresa Thornton as trustees, PID #2984900056, apprx. 24 acres)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approved Ordinance No. 04-791 for advertising and schedule a public hearing for February 2, 2004.

8. ELECTION SERVICES AGREEMENT

MOTION: Ms. Bryant moved, Mr. Grace seconded and motion carried 5-0 that the City of Palmetto should piggy back onto the August 31, 2004 Primary Election.

9. CRA STREETScape/SIDEWALK IMPROVEMENTS

CRA Director Tanya Lukowiak stated CRA and Public Works have worked together to determine needs within the CRA District. The Streetscape/Sidewalk Improvement Project is the first of a phased plan, with Phase II planned immediately to the west. CRA is seeking permission to obtain cost estimates for the project.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to authorize CRA to proceed with the procurement of engineering services from Zoller, Najjar & Shroyer associated with the CRA Streetscape/Sidewalk Improvement Design for 2nd Ave. W. to 5th Ave. W. and 10th St. to 12th St.

#### 10. RECREATIONAL TRAILS GRANT APPLICATION APPROVAL

The city is eligible to apply for a grant of \$100,000 from the Office of Greenways and Trails for the development of a public walkway along the waterfront. The trail will be constructed on the berm at Riviera Dunes, which is owned by Bluewater Development of Sarasota III, L.L.C. The property owner will grant the City a perpetual easement for the walkway will also enter into a maintenance agreement with the City. Matching funds will be the land value of the donated parcel.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the Grant Coordinator's application for a Recreational Trails Grant for the construction of a public walkway at Riviera Dunes.

#### 11. AUTHORIZATION TO CHANGE THE CDBG PARTICIPATING PARTY AGREEMENT

During the 2000 CDBG grant application, the City identified Genesis Jacklin Golf Center as the participating party. The property has been sold to Bluewater Development of Sarasota III, L.L.C., who has agreed to be responsible for the grant's obligations, which includes the company's expenditure of \$4,000,000, the creation of 25 full-time equivalent jobs, and the required documentation to support same. It is necessary for the City to change the Participating Party in the CDBG Grant so the responsible developer will be correctly identified.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to authorize the Mayor and Grants Coordinator to complete necessary documents to change the CDBG Participating Party from Genesis Jacklin Golf Center to Bluewater Development of Sarasota, III, L.L.C.

#### 12. RESOLUTION NO. 04-01

Florida League of Cities requested Resolution No. 04-01 be adopted to support legislative priorities during the 2004 State Legislative Session.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING MUNICIPAL ISSUES DURING THE 2004 LEGISLATIVE SESSION.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 04-01.

#### 13. RESOLUTION NO. 04-02

Resolution No. 04-02 approves the inclusion of Schedule 2 into the Master Lease Program.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA LEASING & CAPITAL, LLA; AUTHORIZING A LEASE OF EQUIPMENT THEREUNDER; AUTHORIZING THE EXECUTION OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE TRANSACTIONS CONTEMPLATED HEREBY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Resolution No. 04-02.

14. CONTRACT EXTENSION - JIM TAYLOR D/B/A TAYLOR-MADE PYROTECHNICAL ENTERTAINMENT

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to approve a 2nd year extension of the 3-year contract approved February 17, 2003, with Jim Taylor d/b/a Taylor-Made Pyrotechnical Entertainment for the 4th of July fireworks display.

15. 2004 COUNCIL MEETING CALENDAR APPROVAL

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the 2004 City Council meeting calendar as proposed, noting there may be adjustment due to TRIM requirements.

15A. APPOINTMENTS

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 5-0 to nominate Tamara Cornwell as Vice Mayor.

15B. APPOINTMENT OF CITY CLERK

Mayor Bustle advanced the reappointment of J. E. Free, Jr. as City Clerk for a one-year period.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded to reappoint Mr. Free as City Clerk for a one-year period.

Mr. Free asked that he and the Mayor be allowed to have a discussion prior to an appointment for City Clerk.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to table the reappointment to January 26, 2004.

16. DEPARTMENT HEADS' COMMENTS

Chief Lowe

The City enjoyed a non-eventful New Years' Eve.  
Informed Council he has been elected president of NOBLE for the Tampa Bay area.

Jim Free, City Clerk

Informed Council a preliminary plan for Capital Projects is close to being done. Also commented that the key to the plan is financing; if the CRA projects have to be financed they will have an impact on the City's financing plan.

The City needs to move forward with a Water, Sewer and Reuse Rate Study. He and the Mayor will discuss an RFP and advertise it as soon as possible. He reminded Council an RFP does not obligate the City, as all bids can be rejected.

Chris Lukowiak, Public Works Director

Giving Mr. Tusing the credit, he stated there may be a solution for Jackson Park. He will brief Council when details have been finalized.

17. MAYOR'S REPORT

Reported Ms. Roberts was transported by EMS to Manatee Memorial Friday, January 2, 2004. She was later released.

For Council's consideration Mayor Bustle described a project similar to Habitat for Humanity, wherein the CRA would subsidize the purchase of Oakridge. Working with the County and perhaps the Hope 6 organization, the CRA would purchase the land, the County would provide some funding and the project would be put out to bid. As part of any agreement, a prohibition on structures would be placed on the area of the property that most often floods. It was stated the Overpass Apartments should be considered first, the City could consider the area for a City Center. Mrs. Lancaster asked that density in the area be considered as the only ingress/egress in onto 8th Avenue. Discussion ensued on the proposed project with Council voicing no objection to exploring the matter.

#### 18. COUNCIL MEMBERS' COMMENTS

##### Mrs. Lancaster

No report

##### Ms. Bryant

The Fair Queens were scheduled to attend the 2nd January Council meeting but that will be during the Fair. Arrangements may be made to have them come to City Hall at an earlier date.

##### Ms. Cornwell

Referring to Hazel Smith's bequest to the City, suggested honoring her by proclamation, plaque or planting a tree in her honor. Ms. Bryant stated she had also bequeathed the Historical Society and felt a tree would be appropriate. The terms of the will have to be reviewed to see if the City can deviate from the brick wall stipulated in her bequest.

Thanked everyone for the calls and cards during her recent surgery recovery, wishing everyone a Happy New Year.

Thanked everyone for voting her vice mayor.

##### Mr. Williams

Commenting on the letter to Mr. Padgett regarding the sales tax, there is a County Commission meeting Tuesday and the item is on the agenda. Mr. Prather stated he has received a copy of the revised ordinance and it now reads water, stormwater and wastewater facilities.

Requested staff confirms the expiration date of the city engineer contract.

Commented on the erroneous information printed in the newspaper regarding holiday pickup dates. He also referred to the Residential Holiday Garbage Pickup Schedule distributed by Public Works containing the incorrect date. Public Works will remedy the situation for 2004. The solid waste crew were commended for averaging 6.4 tons of waste they collected the first pick up day following the holidays; they will be recognized at the January 26, 2004 Council meeting.

##### Mr. Grace

Wished everyone a Happy New Year.

Mayor Bustle informed Council Riviera Dunes will be coming to Council to discuss a Notice of Proposed Change to Riviera Dunes' DRI.

Ms. Cornwell inquired about completion of the gift disclosure reporting form. Staff will research and notify Council.

Mayor Bustle discussed the redesign of US 301/91 (NOPC) from the bridge north to Haben Blvd. to the overpass; the southbound 3rd lane has been proposed to not be built because the City would have to take land from the Estuary Park. Manatee County has now stated they feel the

lane should be built and there should not be a light at 7th Street. A meeting is being scheduled between the interest parties to discuss the topic.

Allen Tusing discussed the differences between Preliminary Plats, Conceptual Plans and Final Plats. Mr. Prather stated the Land Development Code, which is currently undergoing revision, may change the process of approving developments. Information will be brought back to Council.

Referring to the Zoning rezone application, Ms. McCann has inquired what Council's guidance was in the matter. Mr. Prather advised the Planner should consult the minutes of the meeting; it was not appropriate to discuss the matter. As the applicant withdrew the rezone request, no direction was given by Council. Mr. Prather suggested Ms. McCann should contact his office. Ms. Bryant informed Council Tropic Isles Mobile Home Park has invited the Mayor and Council to their coffee on February 7, 2004, at 8:00 a.m. Mayor Bustle and Mrs. Lancaster both stated they are not in favor of mobile home park meetings, they favor town meetings. Mr. Cornwell and Ms. Bryant suggested the mobile home park meetings as a way to inform the public about the need for the ½ cent sales tax. Mayor Bustle stated Sue Mullen will inform the nature group supporting the sales tax issue how the campaign has to be presented to the public. Ms. Bryant stated the park visits should be split among the Council Members, but whoever is attending the meetings has to present to the audience that the Council is a united front on the sales tax issue.

Meeting adjourned at 9:30 p.m.

Minutes approved: January 26, 2004



J. E. Free, Jr.  
City Clerk