

Palmetto City Council
May 17, 2004 7:00 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
Mary Jean Forrester, Deputy 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 7:00 p.m. Mrs. Lancaster gave an invocation, followed by the Pledge of Allegiance to the United States Flag.

PROCLAMATION

Mayor Bustle read a proclamation declaring May 31, 2004, as Memorial Day. Accepting the proclamation was Manatee County Veterans Service Office Dale Keene.

Mayor Bustle read a proclamation declaring May 16 - 22, 2004 as National Public Works Week. Public Works Director Chris Lukowiak accepted the proclamation.

Mayor Bustle recognized Mr. Steve White, whose Mobil Station was named the #1 Mobil Station in the State of Florida. Ms. Bryant commended Mr. White, stating, "Steve exemplifies what giving back to the community represents."

1. APPROVAL OF AGENDA

Mayor Bustle requested the agenda be amended to include the Ward 1 Infrastructure Update and the Repair/Resurfacing of Haben Blvd. carried over from the 4:00 workshop meeting and deleted #5, Public Hearing - Ordinance No. 04-803, #6 Public Hearing - Ordinance No. 04-804 and #7 Public Hearing - Ordinance No. 04-805, due to incorrect advertising.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the May 17, 2004, 7:00 agenda with changes noted by Mayor Bustle.

2. CONSENT AGENDA

- A) Minutes: April 26, 2004 Work Shop and Council Meeting
- B) April Check Register

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the Consent Agenda.

2C. WARD 1 INFRASTRUCTURE PROJECT UPDATE

Grants Coordinator Tanya Lukowiak informed Council it is unlikely the city will receive CDBG funding for the infrastructure project to the Ward 1 area bordered by 10th St. W. on the south, 2nd Ave. W. on the east, 5th Ave. W. on the west, and 11th St. Dr. on the north; the city received 98.56 out of a possible 250 points. Regardless of the receipt of funding, CRA is moving forward with the project. Public meetings were held March 17 and 25, 2004, and door-to-door interviews and income surveys have been performed. CRA, with assistance from the City Clerk, is negotiating a \$1.5 million loan to fund the \$1.476 million project. It is anticipated engineering of the project may begin this summer.

2D. REPAIR/RESURFACE OF HABEN BLVD.

CRA Executive Director Tanya Lukowiak stated she was seeking permission from Council to take the Haben Blvd. repair/resurfacing project at a cost of \$8,560 to the CRA Board for approval. She explained Haben Blvd. is located in the CRA district, and its infrastructure must be adequately improved to meet the goals of the CRA. Council concurred with the item being presented to the CRA Board.

Referring to discussion at the 4:00 meeting, Ms. Cornwell asked Mrs. Lukowiak if grants are available if the city were to shift a traffic pattern from a major highway. Mrs. Lukowiak explained that FDOT transportation enhancement grants are associated with a specific type of development or economic advancement. When diverting traffic and creating jobs that have been determined necessary, funds are readily available, otherwise it is more difficult.

She stated that CRA is working with Riviera Dunes and Bluewater, another development coming to the area, to apply for a second CDBG grant of \$750,000. The \$400,000 from MPO is also eligible as a match, thus the potential for a \$1.5 million grant exists.

Ms. Lukowiak confirmed the Historical Park is not in the CRA.

2. PUBLIC HEARING - ORDINANCE NO. 04-798

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. (AN 04-01 - Palmetto II, LP, PID #1015725059, 1015710059 apprx. 211 acres)

Mayor Bustle reopened the public hearing continued from May 3, 2004.

Attorney Hall advised Council the applicant has requested the item be continued to June 7, 2004.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 4-0 to continue the public hearing for Ordinance No. 04-798 to June 7, 2004. at 7:00 pm.

4. PUBLIC HEARING - ORDINANCE NO. 04-802

Ordinance No. 04-802 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (AN0404 - Diocese of Venice, PID #24219.0010/9 approximately 8.28 acres).

Mayor Bustle opened the public hearing

Sister Kathy Buster thanked Council for their consideration of the annexation of the property on which the Holy Cross Manor, an apartment complex for the low income elderly, will be built.

Mayor Bustle closed the public hearing.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 4-0 to adopt Ordinance No. 04-802.

5. COLONIAL MOBILE MANOR AND PALM BAY MOBILE HOME PARK SUB-METER INSTALLATION

Mr. Lukowiak reported he and a representative of Few Tek met with the associations of both parks and came to an agreement. Mr. Robert Savage inquired if Few Tek would give a firm commitment that only two days at a time will be spent installing meters. Mr. Lukowiak advised against the City getting involved in the installation arrangements.

Mr. Williams inquired if billing would be the same for all three parks. Mr. Lukowiak explained Few Tek had been given the incorrect information by the City, but billing had been corrected. Mr. Lukowiak stated he had been assured by Few Tek that the incorrect billing would be corrected. Mr. Lukowiak will confirm the correction and report on the situation at the next Council meeting.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 4-0 to authorize and confirm, pursuant to Sec. 29-40, City Code, sub-metering (resale) of utility services by Colonial Mobile Manor and Palm Bay Mobile Home Park, upon the condition that the resale is in compliance with Section 723.045, Florida Statutes, as it relates to fees and charges; installation of meters is performed by a licensed plumber with proper City permits; and residents will not be charged for installation of sub-meters unless such charge is expressly authorized in the respective mobile home park's prospectus.

6. HAMMOCKS FINAL PLAT APPROVAL

Ms. McCann informed Council the final plat has changed from the preliminary plat approved August 2002; total units have increased to 65 vs. 60 and the area has increased by 1.52 acres. She reported the change did not pose a significant change to

the plan development or modification to the DRI and has received engineering approval. The only item remaining to be completed is the installation of permanent reference monuments.

Discussion ensued on 3rd St. Dr. E. and whether or not a turn around is available. Ms. Linda Svenson, Riviera Dunes, confirmed there is a turn around. Mr. Lukowiak reported Darrell Riker, North River Fire District, has reviewed and approved the construction drawings. Ms. Cornwell asked staff to confirm with all involved parties that the turn around is satisfactory.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the Hammocks final plat, subject to the setting of all permanent reference monuments, certification of improvements by the City Engineer, and acceptance by the City of the performance and defect securities; however, if the improvements are not completed, and the letter of credit is nearing expiration, the City must receive additional security or it will draw on the letter of credit.

7. RESOLUTION NO. 04-31

Westra Construction contract for reclaimed water line installation

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 03-22, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2003-2004, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Resolution No. 04-31.

8. RESOLUTION NO. 04-32

Manatee County Agricultural Museum, Inc. electric and utility bills

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 03-22, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2003-2004, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Resolution No. 04-32.

9. EQUITAS SEWER SERVICES CONTRACT AMENDMENT

Video and cleaning services for Riverside Dr. from 11th Ave. to 13th Ave. W. and 12th St. from 14th Ave. to 17th Ave. W

Mr. Lukowiak advised Council the amendment to the Equitas Sewer Services Contract was for two jobs that had been removed from the original \$11,500 contract to provide for the special cleaning and video services of another project. He stated he was going forward with the projects because of concern voiced by some Council members.

Mr. Williams inquired if the \$6,300 quote was the same amount as was previously submitted, stating he recalled the quote at \$4,600. Mr. Lukowiak would not positively confirm, as he did not have the original paperwork in his possession. Mr. Williams stated he would move to approve if the amount was not greater than the original quote provided. Mayor Bustle suggested deferring the issue until the amount could be verified or vote to approve the project not to exceed \$6,300.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 2-1 to approve an increase of the Equitas Sewer Services contract in an amount not to exceed \$6,300 for City Project 04-391. Mr. Williams voted no. Ms. Bryant was absent for the vote.

10. RESOLUTION NO. 04-33

Budget resolution supporting the Equitas Sewer Services contract increase

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 03-22, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2003-2004, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 2-1 to adopt Resolution No. 04-33. Mr. Williams voted no. Ms. Bryant was absent for the vote.

11. CIP STREET RESURFACING LIST AMENDMENT

Mr. Lukowiak informed Council Mr. Cline of the FPL Service Center has requested the City pave 12th Avenue, East. He requested Council approve adding the project to the first phase of resurfacing.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to approve the 12th Avenue, East resurfacing in an amount not to exceed \$13,351.

12. RESOLUTION NO. 04-34

Budget resolution supporting the CIP Street Resurfacing line item budget increase

Council requested staff explore the possibility of CRA contributing to the cost of the project.

MOTION: Mrs. Lancaster moved, Ms. Bryant seconded and motion carried 4-0 to table Resolution No. 04-34 to the June 7, 2004 Council meeting.

13. 2004 AUCTION SURPLUS LIST AMENDMENT

Mr. Lukowiak informed Council the surplus property list is being amended to allow for the deletion of one truck, inclusion of one truck and donation of the electric car to the Manatee County Sheriff's Office. Council discussed the electric care being obtained through grant funds and the need to confirm the City may donate the car. Staff will confirm if the donation is possible before any transfer of ownership.

MOTION: Mr. Williams moved. Ms. Bryant seconded and motion carried 4-0 to approve the amendment of the surplus property list approved for the May 15, 2004, auction by donating the Bombadier electric car to the Manatee County Sheriff's Office, adding vehicle 412 and removing vehicle 741.

14. AGREEMENT FOR LOCATION AND MAINTENANCE OF PRIVATELY OWNED FACILITIES IN PUBLIC RIGHT-OF-WAY

Utility pole located in City's right-of-way at 2812 14th St. W.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-0 to approve and authorize Mayor Bustle to execute the Agreement for Location and Maintenance of Privately Owned Facilities in Public Right-of-Way for Eugene and Gwen Reid.

15. DEPARTMENT HEAD'S COMMENTS

Chief Lowe

Extended an invitation to Council for the police department's annual awards banquet May 26, 2004 beginning at 3:00 pm.

Mary Jean Forrester, Deputy City Clerk

Mr. Free is on vacation. Staff is working on compiling the 2004-2005 budget.

Chris Lukowiak, Public Works Director

Informed Council Manatee County has provided two message boards for the Arthritis Walk.

The Jackson Park survey has been completed. Information will be provided to Council at a later date.

The Edenfield property fencing should be completed by Tuesday.

Informed Council he would like to have some public works staff certified to do code enforcement; infractions are seen in their daily travel through the city. Discussion ensued on the necessity of additional code enforcement officers, given police officers are empowered to also perform the function. Ms. Bryant asked that a point paper be submitted on the topic.

The ASR Basin Board meeting is Tuesday at 9:00 am. Funding is looking positive.

The City realized a net profit of \$28,376.89 from the auction held May 15, 2004.

Informed Council public works had not removed trees from the site previously owned by Mr. West. Tim Elmore removed the trees and stumps.

The Farm City Week Committee has requested the use of Sutton Park November 12, 2004 for a picnic and Geoff Seger has requested a waiver of the rental fee. Mrs. Julia Durrance advised Council the Cattleman's Association will provide a luncheon for the bus tour, after which Heritage Park will be toured. Mayor Bustle discussed the fact Council has stated there would be no exceptions to waiving the fees, and suggested the

group set up their tents on a first come basis, understanding the public could attend the event. Ms. Hall commented on the item relating to previous discussion concerning events the City would fund and the need to develop criteria for sponsorship. Mr. Lukowiak will contact the organization about the use of Sutton Park.

Mr. Lukowiak introduced new Public Works Deputy Director Frank Woodard.

16. MAYOR'S REPORT

Commented on the document received from Manasota League of Cities regarding how the delegation voted.

Received an AGO from Scott Christiansen, counsel for the two pension plans' board of trustees, regarding a possible conflict of interest for a mayor and council member to sit on the boards. Ms. Hall will speak with Mr. Christiansen and report to Council.

Will distribute to Council correspondence received regarding the effort to get the FAIR Amendment on the constitution.

Requested approval to sign the FDOT Highway Maintenance and Compensation Agreement for lights at \$159.14 per light.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-0 to approve Mayor Bustle signing the FDOT Highway Maintenance and Compensation Agreement, subject to attorney review.

Referred to the plan of attack for the Charter revision that will be on the August 31, 2004 ballot. The city will have to develop a budget for the proposed flyer mailing.

Reminded everyone of the election Tuesday for the At Large Council seat vacancy. Recognized Mr. Smith and Mr. Schmidt in the audience.

17. COUNCIL MEMBERS' COMMENTS

Mrs. Lancaster

Reported the dumping of cats in her area. Animal Control Services will be notified.

Ms. Cornwell

Referring to Det. Stinson's report on calls of service, Chief Lowe stated the time period was one year.

Requested the City consider delaying the start of the street resurfacing project until after the close of school so as not to hinder the elementary students who walk to and from school.

Inquired if Wal-Mart is aware of the suit, tanks, etc. on the Creel property. Mr. Lukowiak confirmed they are and informed Council they have donated a 50x50 easement for the lift station.

Discussed the necessity of early reservations for the Florida League of Cities conference.

Ms. Bryant

A pipe work agreement has been executed with Mr. Jim Lake whereby the City will install pipe to cover a ditch at his home when he advises the pipe he purchased has arrived.

Commented on the renovation of a house at the end of 4th Street that appears to be hazardous, as well as the overgrown lawn. She requested Code Enforcement look at the property.

Reported she has received complaints about the ditches at Blackstone Park being full of bottles and that some of the receptacles are in disrepair. Stated the City needs to ask the County to address the problem.

Mr. Williams

Stated guidelines need to be established regarding citizens directly contacting the attorneys. Ms. Hall stated she sends an email to the appropriate party asking for direction on how to respond to a citizen wishing to discuss issues.

Ms. Hall stated conversation has taken place between her, Ms. McCann and Mr. Free regarding recouping the City's costs relating to land use or development applications. Mr. Williams stated several years ago the City established a \$2,500 fee, but it is not being charged. She stated Ms. McCann has completed a survey of like size cities for comparison. Ms. McCann stated it was her opinion the City's fee schedule is inadequate.

Mr. Williams stated the City needs to establish an impact fee for roads and parks. Ms. Hall informed Council development of impact fees will require the City to initially expend funds.

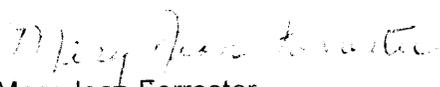
Mr. Williams reminded everyone to vote.

Mayor Bustle inquired if Council wished to address when the successful candidate would be sworn in.

MOTION: Mrs. Lancaster moved, Ms. Bryant seconded and motion carried 4-0 to swear in and install the successful candidate at the June 7, 2004, meeting.

Meeting adjourned at 8:50 pm.

Minutes approved: June 7, 2004


Mary Jean Forrester
Deputy City Clerk