

Palmetto City Council
Minutes
September 29, 2003 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 Jim Dye
J. E. Free, Jr., City Clerk
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Allen Tusing, Public Works Superintendent
Diane Ponder, Administrative Assistant

Mayor Bustle called the meeting to order at 7:00 p.m.

Mayor Bustle gave the invocation followed by the Pledge of Allegiance to the United States Flag.

1. APPROVAL OF AGENDA

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve the September 29, 2003 agenda.

2. CONSENT AGENDA

- A) Minutes: September 15, 2003 Council Budget Workshop Minutes
September 15, 2003 City Council Minutes
September 22, 2003 City Council Workshop Minutes
- B) August Check Register
- C) Dye, Deitrich, Prather, Petruff & St. Paul billing through August 31, 2003
Profession Services - \$10,517.25; Litigation - \$5,200.18
- D) Special Function Permit - Full Gospel Holiness Church-Revival Under Tent

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 5-0 to approve the Consent Agenda.

3. PUBLIC HEAIRNG - ADOPT FINAL MILLAGE AND FISCAL YEAR 03-04 BUDGET

Attorney Dye advised Council the proper procedures to follow when adopting the final millage rate and the FY 03-04 budget.

Mayor Bustle discussed the budget process Council completed and the reasons the tentative millage rate has been set at 5.1645, a one-half mill increase over last year's millage rate, which equates to a 22.36 percent increase over the current year roll-back rate of 4.2209 mills per \$1,000.

Council Members Bryant, Grace and Williams discussed their reasons for supporting the millage increase, with Mr. Grace discussing his opposing opinion.

Mayor Bustle opened the public hearing.

Palmetto City Council
September 29, 2003

Robert Zanders discussed the millage increase as it relates to the economy. He also discussed the growth in the City, stating his opinion the City can't depend on increased property taxes to pay for large development in the City.

Lisa Potter expressed her support of the millage increase.

Mayor Bustle closed the public hearing.

RESOLUTION NO. 03-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, ADOPTING THE MILLAGE FOR THE TAX YEAR 2003 AND LEVYING AD VALOREM TAXES ON PROPERTY WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF PALMETTO FOR THE TAX YEAR 2003.

MOTION: Mr. Williams moved and Ms. Bryant seconded to adopt Resolution No. 03-21, setting the millage rate at 5.1645, which equates to 22.36% over the current roll back rate of 4.2209.

Ms. Cornwell stated her reasons for opposing the millage rate increase.

Mayor Bustle called for a vote to the motion on the floor.

Motion passed 3-2 with Ms. Cornwell and Mr. Grace voting no.

RESOLUTION NO. 03-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING AND ADOPTING A BUDGET FOR FISCAL YEAR 2003-2004; MAKING APPROPRIATION OF MUNICIPAL FUNDS AND PROVIDING AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Mr. Grace seconded and motion carried 4-1 to adopt Resolution No. 03-22. Ms. Cornwell voted no.

ORDINANCE NO. 03-785

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING, ADOPTING AND ENFORCING THE FINAL MILLAGE, BUDGET AND THE RECEIPT AND COLLECTION OF AD VALOREM TAXES ON PROPERTY WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF PALMETTO FOR THE TAX YEAR 2003; AUTHORIZING THE MAYOR AND CITY CLERK TO CERTIFY COMPLIANCE AND THE MILLAGE; AUTHORIZING THE TAX COLLECTOR OF MANATEE COUNTY TO COLLECT SAID AD VALOREM TAXES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-1 to adopt Ordinance No. 03-785. Ms. Cornwell voted no.

4. RESOLUTION NO. 03-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING A BOND MODIFICATION AGREEMENT BETWEEN THE CITY AND BANK OF AMERICA, N.A. RELATING TO THE CITY'S CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 1998; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 03-23.

5. CDBG - WADE TRIM CONTRACT CHANGE OF SCOPE OF SERVICES

Grants Coordinator Tanya Lukowiak informed Council that the Wade Trim contract is associated with the CDBG grant for the US 41/301 widening project that awarded the City \$750,000 of a

project in excess of \$1 million. The proposed change in scope of services of the Wade Trim contract is to limit engineering to a 15% ratio to the construction. She explained the grant called for the relocation of utilities and the most prudent way to accomplish the directive is to relocate the water main in its entirety. The proposed change in scope of services results in no additional engineering costs from Wade Trim, no additional expenses to the City, and no additional grant funding. If the City does not limit the scope of services, engineering will exceed the City's ability to construct; there would be excessive design and no construction, which CDBG will disallow. Ms. Lukowiak also stated the current grant application has committed the jobs created by the restaurant, 7-11 and golf center. By relocating the water main south, the new construction north of the project will create new jobs, which will allow the City to apply for an additional \$750,000 CDBG grant funding, that can be used to match the Economic Development Administration's funding for a total of \$1.5 million with new jobs. The City is proactively asking developers of the undeveloped out parcels to sign a participating party agreement.

Ms. Lukowiak briefly discussed the signalization project, stating CRA has approved payment for an update to an existing warrant study required by FDOT. She stated the study would take approximately one month to complete.

MOTION: Ms. Bryant moved, Mr. Grace seconded and motion carried 5-0 to approve the change in scope of services to the Wade Trim Contract pertaining to the CDBG grant for the US 41/301 widening project.

6. RESOLUTION NO. 03-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 02-15, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2002-2003; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 03-24.

7. RESOLUTION NO. 03-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 02-15, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2002-2003; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Resolution No. 03-25.

8. APPOINTMENT OF CODE ENFORCEMENT OFFICERS

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to appoint the sworn officers of the City of Palmetto as Code Enforcement Officers in addition to any other duties as provided by law.

9. DEPARTMENT HEADS' COMMENTS

Chief Garry Lowe

Requested Council surplus K-9 Brix, because of medical reasons; Chief Lowe wants to offer the animal to Chris Ahler, his prior handler, at a fee set by the Council.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded to surplus K-9 Brix in order for him to be allowed to then be adopted by a needy family.

Mr. Williams suggested amending the motion to include the fee of \$100 to \$200 for Brix.

Palmetto City Council
September 29, 2003

Chief Lowe stated the fee should be between \$300 and \$500, that he would bring back the statistics at the retirement ceremony; other agencies have given the animal to the handler at a nominal cost. It was Council's opinion the amount be lower so the dog could go to a good home.

Attorney Dye advised Council they would have to follow the Code of Ordinances relating to the animal being declared surplus property. He advised Council the animal could not be given away, except to another governmental agency. If the City sells the dog at a value between \$100 and \$200, the sale must be noticed and three bids acquired.

Mr. Williams moved to amend the motion to sell the animal for \$99. Motion died for lack of a second.

Attorney Dye continued that if the value is less than \$100 it is sold to the highest bidder after reasonable notice to the public, or by publication.

Ms. Bryant suggested the motion on the floor declared the animal surplus property and the Chief and City Clerk should work within the guidelines of the Code to accomplish the deed.

The motion on the floor carried 5-0.

Chief Lowe requested authorization to utilize some of the \$16,000 recently placed in the forfeiture line item to purchase another K-9 unit. Training will be done by the Manatee County Sheriff's Department at no cost.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 5-0 to approve the purchase of another dog for the Police Department not to exceed \$3,000.

The police department recently participated with the Law Enforcement Traffic Team. Two undercover officers participated with Bradenton Police Department, resulting in 12 arrests.

Jim Free, City Clerk

Cody & Associates were scheduled to be at the October 13, 2003 Council meeting but it will be held at the Riverside Plaza. The tentative projects list is scheduled to be discussed on October 6, 2003 so the City can proceed with a public hearing on October 20, 2002 for the Wastewater Facility Plan.

Chris Lukowiak, Public Works Director

Requested the Public Works privatization issued be placed on the October 6, 2003 agenda.

There was minimal overflow at 20th Ave., with Public Works limiting the contaminated area. He referred to pictures distributed before the meeting, calling attention to the City's signs. If needed, the entire street will be blocked.

Jim Dye, Attorney

The easement from Jeanette Creel's attorney has been received by his office and will be sent for recording.

10. COUNCIL MEMBER'S COMMENTS

Mr. Grace

Thanked the Mayor, Chief Lowe and staff for their concern during his recent trip to the hospital.

Mr. Williams

Requested the fill ordinance be placed as a top priority.

Reminded staff Council has asked for updates on the Church on the Rock construction project, which was then opened for discussion. Mr. Lukowiak informed Council he had spoken with

Palmetto City Council
September 29, 2003

Reverend Bustle, advising him the C.O. would not issued until the City has received the project's drainage plan. Mr. Tusing advised Council the City relies on SWFWMD's regulations for stormwater. He also discussed the ditch along 14th Avenue being a City stormwater conveyance, stating he questioned if any other entity could prohibit the City from placing water in the system. He also informed Council that any drainage placed under 14th Avenue would be paid for by the developer.

Requested information on the Terra Ceia issue is made available as soon as possible.

Thanked CRA for a job well done and the funding it is providing to the City.

Ms. Cornwell

Confirmed the October 6, 2003 meeting is at 7:00 pm.

The 7th Street project is #2 on the projects list and will be paved from 14th Avenue to the river. Public Works was asked to contact Mr. Lowery that the alley at his address will not be paved at this time.

Inquired the procedure of when an automobile is red-tagged. Chief Lowe stated an individual is spoken to before tagging the vehicle and regardless if the tag is removed, the vehicle is towed in five days. Documentation is kept by the police department.

Request the walk-over near Carr Drain be patrolled. Chief Lowe stated they are aware of the situation and working the problem.

The hurricane preparedness will be ready for presentation this year.

Discussed the half cent sales tax plan and a possible presentation to the County. Mayor Bustle advised he and the other mayors of the county are united in keeping the topic before the county commissioners and the county administrator.

Requested a copy of Paula Lowe's letter of resignation from the CRA Board.

Ms. Bryant

Commented on Fire Chief Johnson's nice letter regarding the proclamation.

Code enforcement issues have been emailed to Chief Lowe. Mr. Lukowiak stated he would get the information on the 12th Street lot.

Information regarding Palmetto Trace will be copied and distributed.

Mrs. Lancaster

Reported a sink hole at the corner of 9th St. and 4th Avenue. She informed Mr. Lukowiak she has reported this before and nothing has been done.

Inquired when the work on the 5th Avenue railroad would be completed, with Mr. Lukowiak reporting approximately two weeks. Discussion ensued on what legal recourse the City has regarding the way CSX has repaired the rails, resulting in the change of elevation of the City's street.

Inquired who is ultimately responsible to ensure that drainage in developments works the way it is supposed to work.

11. PUBLIC COMMENT

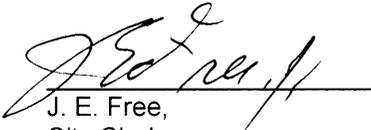
David Potter thanked Council for the work being done on 20th Avenue. He inquired if Public Works and the Building Department are the same. He reported a neighbor that had been issued

Palmetto City Council
September 29, 2003

a permit to erect a fence and build a brick paver driveway in the City's easement. He also commented on a permit that was issued for an aboveground pool, with the homeowner building an in-ground pool in the City's easement. Attorney Dye suggested his office should be brought into the discussion.

Meeting adjourned at 9:50 p.m.

Minutes approved: October 20, 2003



J. E. Free,
City Clerk