

Palmetto City Council
Minutes
October 6, 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

Elected Officials Absent:

Mary Lancaster, 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
Bob Schmitt, Interim Planner
Diane Ponder, Administrative Assistant

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

Pastor John Liner, House to House Fellowship, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle read a proclamation declaring October 10, 2003 Palmetto Tigers Day.

1. APPROVAL OF AGENDA

MOTION: Ms. Bryant moved, Mr. Grace seconded and motion carried 4-0 to approve the October 6, 2003 agenda.

2. APPROVAL OF FINAL SETTLEMENT DOCUMENTS AND ACTION REGARDING TOP 3%, INC. AND LOUIS EURICE V. CITY OF PALMETTO, ET AL

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 4-0 to approve the final settlement documents and action regarding Top 3%, Inc. and Louis Eurice v. City of Palmetto, et al.

3. PUBLIC HEARING - ORDINANCE NO. 03-782

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, ANNEXING CERTAIN TERRITORIES INTO THE CITY OF PALMETTO, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE. (AN0301-Brenda Fenimore of Jestany Investment Corp., 803 10th St. E.; approximately .7656 acres)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 4-0 to adopt Ordinance No. 03-782.

4. PUBLIC HEARING - ORDINANCE NO. 03-783

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE CITY OF PALMETTO COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM RES-6 (RESIDENTIAL SIX UNITS PER ACRE/COUNTY) TO GC

(GENERAL COMMERCIAL/CITY) BY INCORPORATING THE LAND LEGALLY DESCRIBED IN SECTION ONE AND IN PLAN AMENDMENT NO. PA0301 ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (PA0301-Brenda Fenimore of Jestany Investment Corp.; approximately .7656 acres)

MOTION: Mr. Grace moved, Ms. Bryant seconded and motion carried 4-0 to adopt Ordinance No. 03-783.

5. PUBLIC HEARING - ORDINANCE NO. 03-784

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM NCM (NEIGHBORHOOD COMMERCIAL-MEDIUM/COUNTY) TO CG (BUSINESS OR LIGHT COMMERCIAL/CITY); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Z0305-Brenda Fenimore of Jestany Investment Corp., Inc., approximately .7656 acres)

MOTION: Mr. Grace moved, Ms. Bryant seconded and motion carried 4-0 to adopt Ordinance No. 03-784.

6. TERRA CEIA BAY COUNTRY CLUB MASTER DEVELOPMENT PLAN AMENDMENT

Attorney recapped the topic; the application deals solely with the issue of the Master Development Plan for the Palms of Terra Ceia and whether the overall density should be increased from 800 to 843 units. However, the application is connected to issues raised relating to a specific piece of property, Tract 2, and a specific project being proposed. Attorney Prather suggested to Council and the public the topic under consideration is not dealing with a specific project or site plan, which will come forward for review and approval at a future date.

Interim Planner Bob Schmitt stated he had nothing further to add to his staff report relating to the topic under consideration.

Mayor Bustle resumed the public hearing continued from August 4, 2003.

Phil Smoak, President of 10 Downing Street Condominium Association distributed photographs of the association property, a copy of which is attached hereto and made a part of these minutes. Mr. Smoak stated, on behalf of the association, they are jointly and severally opposed to any increase in the current 50 units.

Steven Thompson, attorney with law firm of Porges, Hamlin, representing the owners of Tract 2, stated there has not been a legal amendment to the PUD approved in the 1980's changing the 93 units of Tract 2, agreeing with City staff's report stating unified control is necessary to effect legal amendment. Mr. Thompson opined there was never unified control when the FRUCON amendment to the PUD was approved in 1992 pursuant to 92-31. He stated proof of ownership was never submitted, thus no unified control and no legal amendments to the original approved plan. He stated his clients are asking Council to rectify an error made in 1992 when the amendment was approved without unified control.

Mark Jonnatti, Jonnatti Architecture, Inc., architect for the proposed development for Tract 2, discussed the history of planned unit developments, stating the City's Code clearly defines planned development, indicating a unified ownership must be proven for the initial generation of a detailed or general development plan for the PUD. He provided information to support his discussion, which is attached hereto and made a part of these minutes.

Michael Redd, President of Team Plan, Inc. stated his company did all the original planning when the property was rezoned in 1991. Mr. Redd stated that in the entire PUD the property in

question was the least dense, working out to 4.65 dwelling units per acre. He indicated it was down zoned in 1991 without the approval of the property owners. He stated every PUD he had ever done had to have unity of title, which he is unable to find. He further stated he doesn't think the Barneby Group who owned Tract 2 agreed to it. He opined property can not arbitrarily be rezoned from 93 to 50 units. It was Mr. Redd's opinion the density on Tract 2 has more distance between the buildings than any spot in the PUD known as Palms of Terra Ceia. Lastly, Mr. Redd stated the reason for the down zone was because the DCA was about to un-zone the PUD to zero; it was down zoned to 800 units to get under the threshold.

Bill Kaklis, an attorney representing six homeowners on 21st Street, West, referred to the Planning and Zoning Board's recommendation in June, citing its reasons for rejecting the request. Mr. Kaklis also referred to Mr. Redd's plans showing 50 units on Tract 2. Mr. Kaklis referred to staff's report regarding the unified control issue, stating his belief the owners of Tract 2 want to use the development privileges available to the other parcels in the development, but not subject to the reduction in density applicable to the other parcels. He requested Council deny the request.

Barry Romkey, co-developer of the project, stated due process is being denied by limiting discussion to two minutes about a project worth a considerable amount to the City. He read a letter from Mr. Redd stating his position on the units allocated to Tract 2, which is attached hereto and made a part of these minutes. Mr. Romkey stated there was no legal mechanism in place to change the density; they are not asking for more units.

Pat McGraff, Ten Downing Street, stated the parking lot for his building was not safely detached. He inquired why the City was the petitioner for the amendment.

Bob Waren, Ten Downing Street, requested the decision makers of public safety visit the proposed development site and Ten Downing to personally observe the existing problems related to traffic, density and crossing to the building's amenities. He requested a structural analysis and a road engineering survey by independent sources be made prior to considering additional density. He also requested a professional noise analysis be performed by an independent source.

Jerry Snyder, co-developer of 1600 Pennsylvania Ave., stated he didn't agree with the way the planning staff had determined the density of the property. He commented on the road accessing the property. Mr. Snyder discussed and distributed a density comparison chart, which is attached hereto and made a part of these minutes. He stated his proposed development is less dense than the existing developments. A copy of a map with photographs will be delivered to the clerk.

Ted Reeve, Ten Downing Street, spoke of 50 units being the assumed density, stating the effect on property value would force him to move. He also spoke of the traffic concerns.

After no further public comment, Mayor Bustle closed the public hearing.

Attorney Prather reiterated the issue before Council is not a site plan; Council is to consider only the density issue. Mr. Prather explained why the City is the applicant. The City has taken the position it will stand behind its Resolutions regarding density as being valid and applicable. The City felt it appropriate, as a resolution to the total density question, to propose the 43 unit increase in the entire development. If as a policy matter, the City Council determines the increase is appropriate, there will not be the issue of one owner losing density to the benefit of the other.

Attorney read the staff's recommendation and the Planning and Zoning recommendation; both recommending disapproval. He also discussed the options available to Council being a motion to approve Resolution 03-26 adding an additional 43 density units to be earmarked for Tract 2; a

motion to deny which results in the density remaining status quo; a motion to continue the matter pending further information or facts; or a motion to table the matter.

Attorney Prather explained a vote up would increase the overall density for the entire Palms of Terra Ceia from 800 to 843, with the 43 additional units dedicated to Tract 2. A no vote leaves the density as is, leaving the City's Resolutions valid, with the developers of Tract 2 maintaining the position they own 93 units for Tract 2.

MOTION: Ms. Bryant moved, Mr. Grace seconded and motion carried 4-0 to deny the adoption of Resolution No. 03-26.

7. AWARD OF BID - JANITORIAL SERVICES

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 4-0 to award the Janitorial Services bid to Buckeye Cleaning Services, Inc. for a one-year term, not to exceed \$990 per month.

8. AWARD OF BID - BRICK PAVING SERVICES

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 4-0 to award the bid for Brick Paving Services to U.S. Brick & Block, Inc., not to exceed \$14,865 for the CRA Old Main Street project.

9. CITY COUNCIL MEETING SCHEDULE ADJUSTMENT

It was consensus of Council to adjust their meeting schedule on a trial basis as follows:

October 13, 2003 4:00 p.m. Administrative Meeting (Riverside Plaza)
October 20, 2003 4:00 p.m. Administrative Meeting followed by a 7:00 p.m. Council Meeting
October 27, 2003 Meeting Cancelled
November 3, 2003 4:00 p.m. Administrative Meeting followed by a 7:00 p.m. Council Meeting
November 10, 2003 Meeting Cancelled
November 17, 2003 4:00 p.m. Administrative Meeting followed by a 7:00 p.m. Council Meeting
November 24, 2003 Meeting Cancelled

Ms. Bryant requested that the 4:00 p.m. meetings followed by a 7:00 meeting be time certain to end at 6:00 p.m. Mr. Williams requested that staff allow time for Council to consider items before placing them on a 7:00 p.m. meeting agenda.

MOTION: Ms. Bryant moved, Mr. Grace seconded and motion carried 4-0 to schedule the City Council 4:00 p.m. administrative meetings the first and third Monday of each month, preceding the 7:00 p.m. regular City Council meeting, beginning October 20, 2003 through the month of November.

10. SANITATION DEPARTMENT PRIVATIZATION

Public Works Director Chris Lukowiak stated the purpose of the discussion was to obtain Council's permission to begin negotiations with Waste Management to provide the City's waste collection service, either to continue the rear load currently provided by the City or a new automated system, utilizing a 64 gallon container. It is expected the City will piggy-back onto the Manatee County contract with Waste Management, but amendments to the contract will be necessary because the City's volume is smaller.

Expected monetary benefits from privatization of the Sanitation Department are reduced capital expenditures, reduced insurance rates, reduced workers' compensation claims, reduced salary expenditures, together with an expanded recycle program.

Expected changes resulting from the outside service will be the elimination of vacation rates and increase in commercial rates. City residents are currently charged a recycling fee but the program is not mandatory. If the City elects to use Waste Management, residential rates will not change but the recycling program will be mandatory. Ms. Cornwell inquired if recycling would be provided to commercial accounts such as schools and condominium associations. Ms. Rose Quinn-Barr, District Manager, stated Waste Management could provide cardboard and yard at an additional fee. She also stated the company does a lot of community service and could negotiate concerning the recycling service at schools in the City.

Mr. Lukowiak stated four City employees will remain employed by the City. The balance of the department, eight employees, will have first right of hire with Waste Management, provided they meet their hiring qualifications. The employees that are hired by Waste Management will also experience a salary increase; they will be paid \$99 per day or \$12.38 per hour and will also be eligible for an overtime rate. Mr. Lukowiak stated he didn't feel the City's employees would be hurt by the possible change in employment. Mr. Williams commented on any possible contract requiring language assuring the hire of City employees dismissed.

The elimination of vacation rates was discussed. Staff reported a total of 235 vacation accounts, less than 5% of the total utility accounts, at approximately \$40 per annum. Waste Management will not provide the vacation rate service to residents of the City.

Ms. Bryant inquired of ramifications to other staff. Mr. Lukowiak stated the vacant mechanic's position, currently in the General Fund, could be moved to an Enterprise Fund account. He also stated there could be savings in the fleet and inventory departments. Butch David will retain his supervisor's position as a liaison to Waste Management; as he becomes familiar with the job responsibilities, additional assignments will be given to Mr. David.

The proposed term of the contract is for seven years. Holiday schedules will provide the closest Saturday to a holiday as one of the two required pickup days per week.

Ms. Barre also discussed the franchise fee Waste Management will pay the City; twelve percent will be assessed on everything except for the roll-off container landfill fee. The schedule will be Monday/Thursday, Tuesday/Friday and possibly Wednesday/Saturday.

MOTION: Ms. Bryant moved, Mr. Grace seconded and motion carried 3-1 to approve the concept of privatizing the Sanitation Department and authorize staff to negotiate a contract with a solid waste collection company currently under an existing contract with another governmental entity. Mr. Williams voted no.

11. PROJECTS

Mayor Bustle began the discussion by drawing attention to the fact the utility infrastructure and drainage/stormwater projects have been separated. He also discussed how the priority was determined, advising Terra Ceia should not have been added as part of a project title, its reuse installation will happen during the overall scheduled reuse distribution system.

Mr. Free stated staff is seeking Council's consent on the priority ranking authorization for staff to secure financing options to bring back to Council for review. Mr. Free stated Bank of America has indicated financing is obtainable.

Mr. Free discussed the phases of the projects and their funding requirements through FYE06. Water and Street projects can be funded from Fund Balance; Sewer and Stormwater projects will require debt financing; Reuse is anticipated to be funded from the Waste Water Facility SRF loan. Financial requirements total \$6,334,900. It is anticipated Reuse projects will be funded through increased revenues; the balance of funding will result in an annual debt service of approximately \$500,000 for a 20 year

term at a projected 5% fixed rate interest rate. A copy of the projects information is attached hereto and made a part of these minutes.

Council discussed the projects, their priority ranking and financing options. Also discussed was the necessity to determine ownership of the streets in Terra Ceia, and cooperative funding with SWFWMD.

MOTION: Ms. Bryant moved, Mr. Grace seconded and motion carried 4-0 to grant consensus to proceed with the priority ranking and authorize staff to proceed with securing financing options, amending the project list by deleting Terra Ceia from the project title.

Mr. Free advised Council he hopes to have the public hearing for the Waste Water Facility Plan the first Monday meeting in November.

12. DEPARTMENT HEADS' COMMENTS

There were no comments.

13. MAYOR'S REPORT

Thanked Public Works for the support at the picnic.

The School Board wishes to give the City a piece of property adjacent to Lincoln Park for the cost of survey expenses. The topic will be brought back at a future date.

Reported he will be out of town the rest of the week.

The October 13, 2003 meeting will be held at the Riverside Plaza

14. COUNCIL MEMBERS' COMMENTS

Ms. Bryant

The Palmetto Historical Commission is researching placing a reader board on Carnegie Library.

Encouraged everyone to attend the November 20, 2003 Palmetto Historical Commission luncheon.

The Institute of Government was attended. At this time there is no grant funding available.

Ms. Cornwell

Thanked Mayor Bustle for the letter to the Council of Mayors.

Inquired what happens when an automobile is red tagged, it disappears for a few days, and then reappears.

October 19 through October 25 is Celebrate Florida City Government Week. Deanna Roberts has been asked to contact Mr. Rio for participation.

Ms. Bryant discussed the issues at Palmetto Trace; stating the City needs to take initiative to properly handle the situation. Council discussed the lack of following up on items, especially when conditions are set by Council. Mr. Free stated he will follow-up with appropriate agencies and see if they can offer suggestions on how to correct problems at Palmetto Trace.

Mr. Williams discussed a like situation at Manatee Motors, where follow-up is lacking.

Palmetto City Council
October 6, 2003

Mr. Williams

Commented on the CDD confirming a letter with Mr. Lukowiak. Mr. Williams suggested Mr. Lukowiak should correct information on backflow preventers. He also requested a report on the installed backflow preventers.

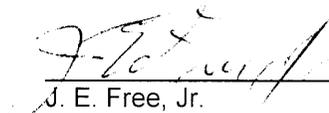
Mr. Grace

No comment

There was no public comment

Meeting adjourned at 9:45 p.m.

Minutes approved: October 20, 2003



J. E. Free, Jr.
City Clerk

Photo #1: Proximity of back entrance of proposed parcel and our garage entrance/exit. Source of potential congestion and traffic.

Photo#2: View of the narrowness of the end of our “parking lot” as it joins the proposed property.

Photo#3: Closer view of #2

Photo #4: View of “street” running in front of our “parking lot”

Photo #5: Turn in front of pool amenities, quite tight, not much room for 100+ cars traffic.

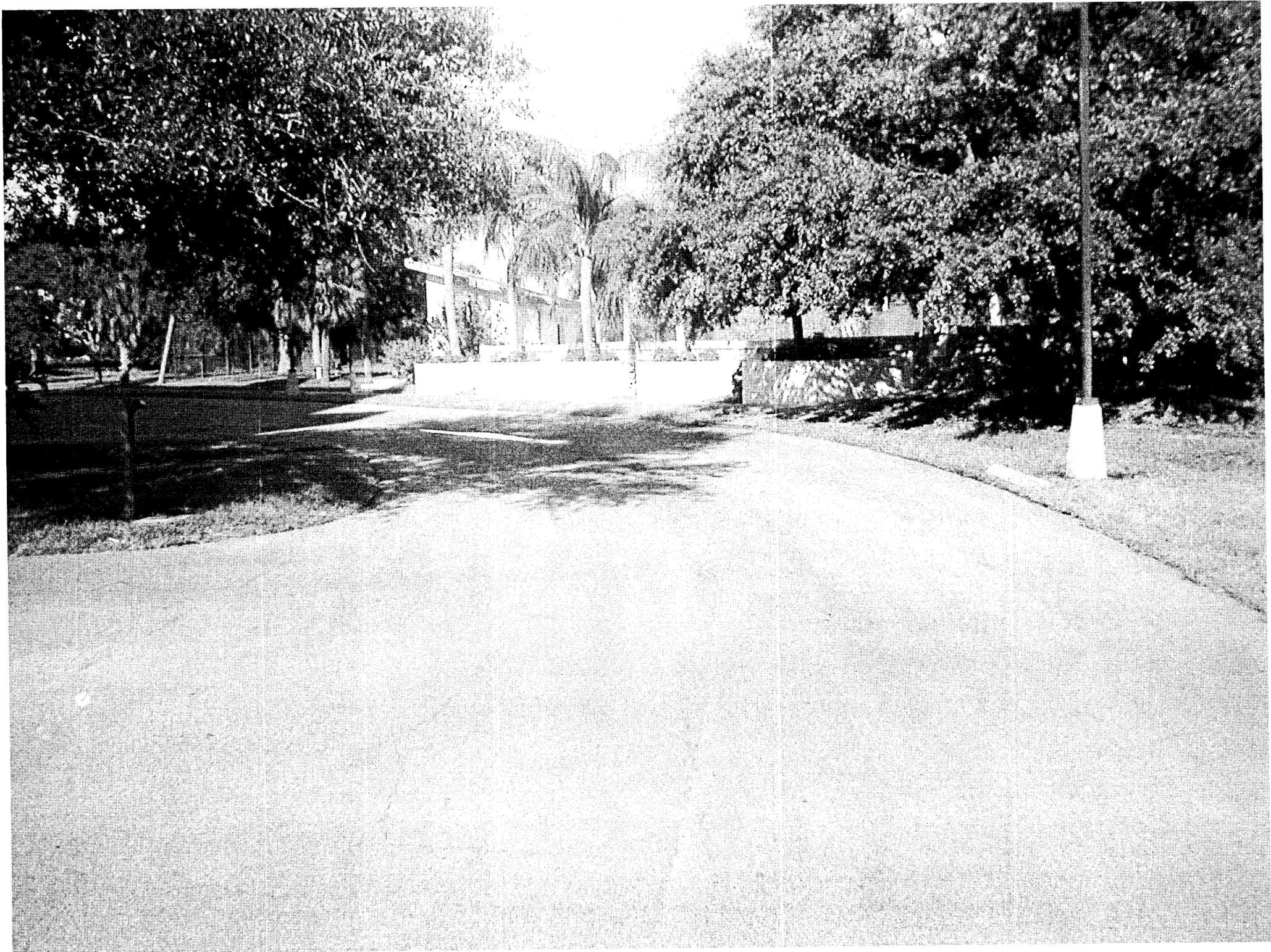
Photo#6: Damage to planter next to road as a result of settling.



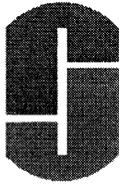












Mark Anthony Jonnatti, AIA

Jonnatti Architecture Incorporated
21021 US Highway 19 North
Clearwater, Florida 33765
(727) 725-2724 (727) 725-2603 fx
mjonnatti@jarch.com

Position President, Jonnatti Architecture Incorporated

Education Carnegie - Mellon University, Bachelor of Architecture, 1980
Harvard Graduate School Of Design, Professional Development Design Program, 1985
Registered Architect, State of Florida #10778
National Registration NCARB #55033
Holds Architectural Licenses in 12 States

Work Experience

Jonnatti Architecture Incorporated., Clearwater, Fl. 1999 – Present
President of this Florida-based firm providing Architectural Services to clients throughout the United States and specializing in quality retail, commercial and religious projects.

Spencer and Jonnatti Architects, Inc., Largo, Fl. 1989 - 1999
Principal and Design and Technology Partner of this award-winning Architectural practice. 1990 Florida "Night Beautiful" Design Award, 1995 Clearwater Small Business of the Year, 1997 Florida American Institute of Architects State Design Award.

Mudano Associates Architects Inc., Clearwater, Fl. 1981 - 1989
Project Architect and Design Director directly responsible for providing Architectural services on diverse project types, specializing in retail and commercial buildings.

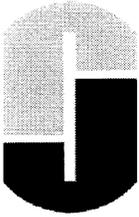
Frank Bosworth Architecture Inc., Clearwater, Fl. 1980 - 1981
Job Captain directing the design and working drawing preparation of large multi-family residential and small commercial projects.

Published Projects

"Squeezing a little exuberance out of Modernism," Florida Architect, (January/February, 1986)
"A vernacular clinic evokes patient confidence," Florida Architect, (July/August, 1988)
"Making Waves - RX for Architects," Florida Home and Garden, (November, 1988)
"Fast food construction - Checkers Restaurants" Metal Architecture, (February, 1993)
"Pharmacy 1 Express," Design Cost and Data, (January/March 1993)
"Fast Finish" - Florida Architect, (April/May 1995)

Credentials

Oak Forest Home Owners Association Board of Directors, 1998 - present
City of Clearwater, Development Code Adjustment Board, 1996-1999
Largo Chamber of Commerce Government Committee, 1990-1993
American Institute of Architects, 1990 Clearwater Section President
Barron's "Who's Who in Interior Design", 1990
American Institute of Architects Design Awards, 1986, 1997
Rotary International Traveling Fellowship, 1984 - 1985



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info@jarch.com

Notes on presentation of October 6, 2003 given by Mark A. Jonnatti, AIA, architect for the proposed development at Terra Ceia Bay Golf and Tennis Club Track 2, or known as 1600 Pennsylvania Avenue

PLANNED UNIT DEVELOPMENT HISTORY

The Planned Unit Development Planning concept was developed to provide flexibility in zoning regulations so that these developments conserve environmental resources and economic investment. The process allows for flexibility in design and creative site planning and provides for flexibility in density together with the possibility of mixed uses. Planned Unit Developments do not correspond to any existing zoning classifications regarding lot size, bulk, density, lot coverage or open space regulations in any other zoning district.

PALMETTO CODE DEFINITION

(Palmetto Code Section 3.2)

Planned development: Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans which include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings, as they are intended to be located, constructed, used, and related to each other, uses and improvements on the land as related to the buildings. A planned development includes a program for the provisions, operations, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated, or maintained at general public expense.

(Palmetto Code Section 26-4.1)

Planned development means a subdivision primarily residential in character, and that is developed based upon a unified development approach rather than on a lot by lot basis, and constitutes a permitted use under the PD classification of the most current zoning code of the city.

PLANNED UNIT DEVELOPMENT FACTS

Fact: Terra Ceia Bay Golf and Tennis Club is an approved 138.32 acre PUD in accordance with the City of Palmetto" Code of Ordinances and CONTAINS TRACK 2.

Fact: City of Palmetto Code provides for PUD densities up to 16 units per acre (Section 9.5). The Proposed PUD density is 6.11 units per acre, LESS THAN HALF OF THE CODE MANDATED POTENTIAL DENSITY.

Fact: 476 units are presently constructed in the PUD. OVER 300 ADDITIONAL UNITS CAN BE CONSTRUCTED IN THIS PUD.

Fact: Palmetto Code (Section 8.5) provides for building heights up to 12 STORIES OR 130 FEET HIGH.

Fact: The nearest single family residence is presently over 700 FEET AWAY FROM TRACT 2

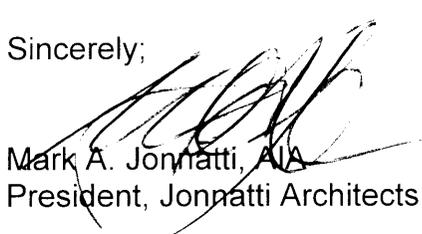
DEVELOPMENT HISTORY AND EVALUATION

The original developer had planned for 93 units on this site. Around the time 10 Downing Street was developed in 1984, the developer circulated marketing literature for the proposed 93 unit, a 6 story, 16 unit wide project that was massive in bulk.

Palmetto has changed significantly since 1984. There have been major improvements to area highways, bridges and arterial roadways and access. The City of Palmetto's City services have improved dramatically. Water, drainage, sewer and Fire services are in place and capable of servicing this phase of development.

A 93 unit development on Track 2 of the Terra Ceia Bay Golf and Tennis Club will complete the development in this corner of the PUD along Terra Ceia Bay Lane. The developer is proposing a 3 building development complying with the City of Palmetto's development regulations. The project provides significant open space, greenspace and roadway improvements that will be advantageous to the community and will be in harmony with existing development.

Sincerely;


Mark A. Jonnatti, AIA
President, Jonnatti Architects, Inc.

Imagine



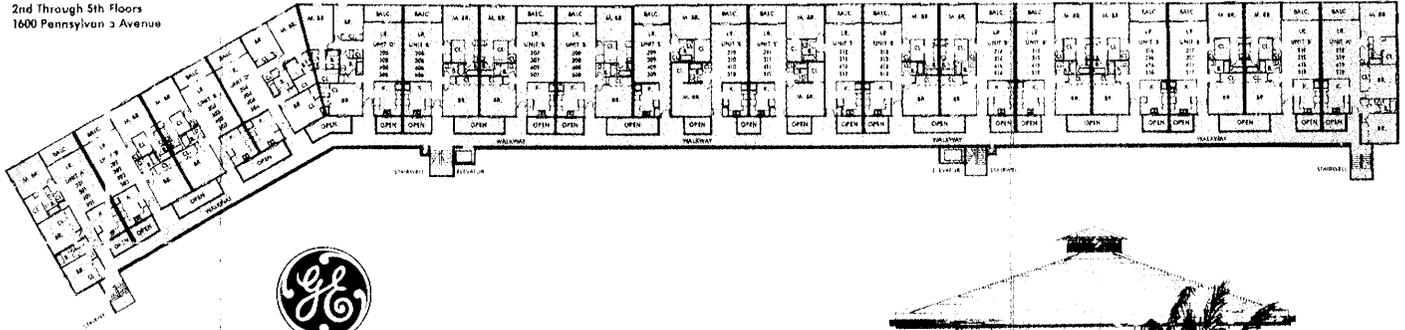
Imagine a place where you can count on breathtaking sunsets on the gulf, balmy breezes and glorious sunshine every day. If you can imagine yourself enjoying endless summer, year-round recreation and a spacious waterfront condominium, we'll show you how to turn your dreams into a reality.

Quality of Design

The beauty of Palms of Terra Ceia Bay begins with the quality of construction. Every effort has been made to employ the finest materials and skilled craftsmen, to bring you solid construction and close attention to detail.

A recreation room will be available for residents' use on the first floor of each building. Private balconies in each unit have indoor/outdoor carpeting.

2nd Through 5th Floors
1600 Pennsylvania Avenue

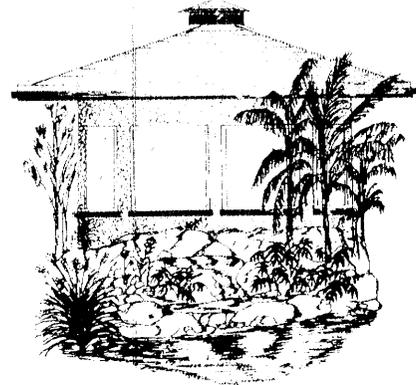


The European style eat-in kitchens have been designed with ample cabinetry trimmed in solid teakwood. This fully equipped kitchen proudly features GE appliances:

- Frost-Free Refrigerator with Ice Maker
- Pot Scrubber Dishwasher
- Garbage Disposal
- Range with Self Cleaning Oven and Microwave
- Washer and Dryer



The Palms has been awarded the Watt-Wise Energy Saver seal from Florida Power and Light. This means actual dollar savings for you, month after month, year after year.



You'll always feel secure at the Palms. Security personnel will man the guardhouse twenty-four hours a day, to monitor incoming traffic, and if you wish, we'll even keep your current medical history on file.

Solid, safe, quiet and secure, with a total attention to detail, these goals have been met by the builders of Palms of Terra Ceia Bay.

Please send me more information.

Name _____

Address _____

City _____ State _____ Zip _____

Telephone _____

Outside Florida 1-800-237-2266

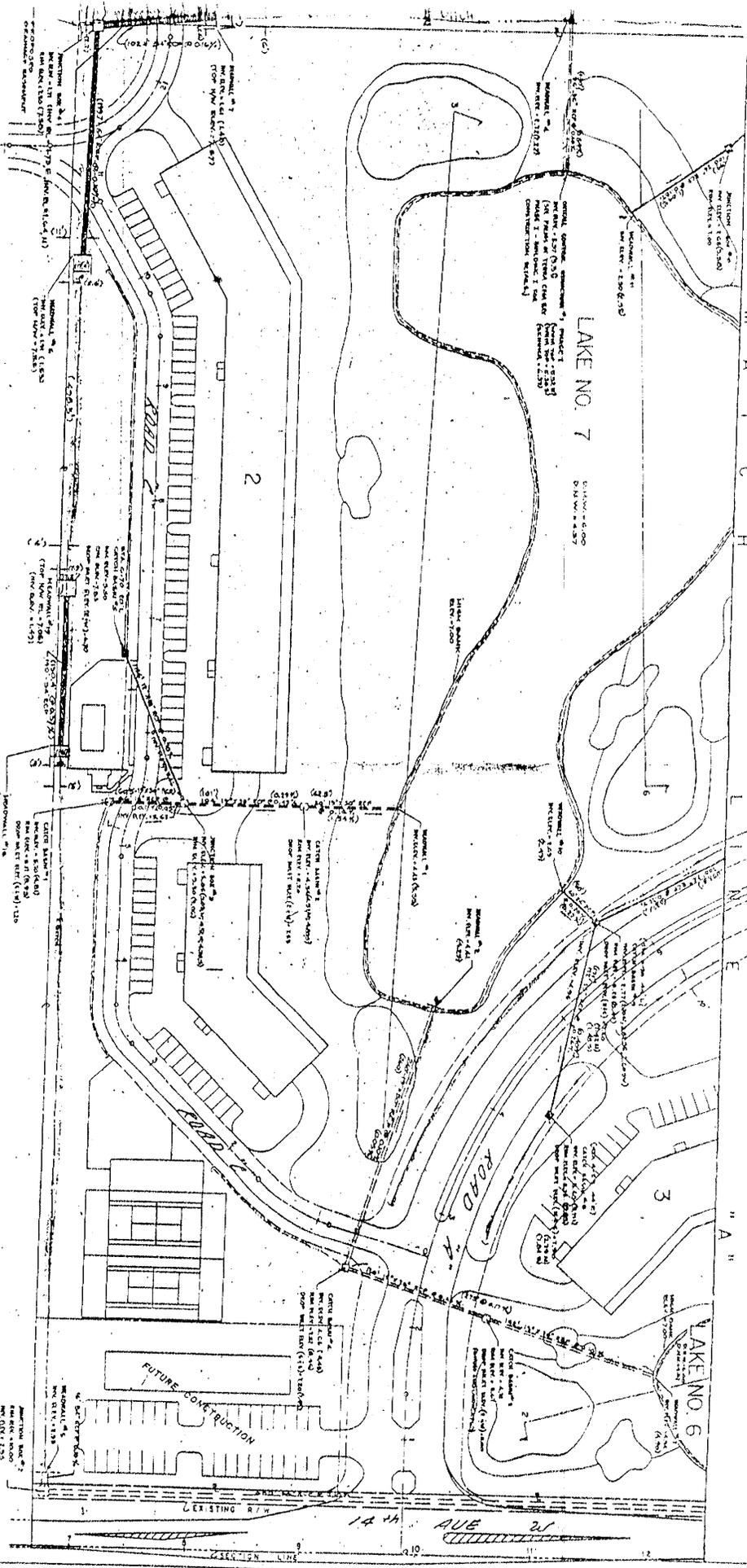
A WATERFRONT COUNTRY CLUB COMMUNITY

DALMS OF TERRA CEIA BAY

P.O. BOX 2000 • PALMETTO, FLORIDA 33561 • (813) 729-6831

ONLY USE FOR CURB-AREA PAVED

SHEET NO. PD9



- NOTES:
1. ALL ELEVATIONS ARE BASED ON N.E.V. 1929 DATUM.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S SPECIFICATIONS.
 3. THE ENGINEER HAS REVIEWED THE SUBMITTALS AND HAS APPROVED THE SAME FOR THE PURPOSES OF THIS PLAN.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY ENGINEERING DEPARTMENT.
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 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY ENGINEERING DEPARTMENT.

LEGEND

PHASE II CONSTRUCTION	PROPOSED	PROPOSED	PROPOSED
PHASE I CONSTRUCTION	PROPOSED	PROPOSED	PROPOSED
EXISTING	PROPOSED	PROPOSED	PROPOSED

AS-BUILT NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S SPECIFICATIONS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY ENGINEERING DEPARTMENT.

CIVIL ENGINEERING CONSULTANTS, INC.
 ENGINEERING AND SURVEYING
 14th AVE, SUITE 200
 PALMS OF TERRA CEIA BAY
 PHASE II
 AS-BUILT DRAINAGE PLAN
 FOR
 PALMS OF TERRA CEIA BAY
 APR 23 1990

Team Inc.

October 6, 2003

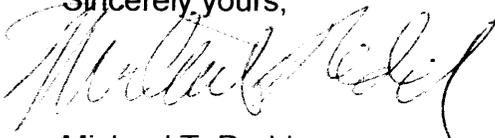
Honorable Mayor Larry Bustle
City Council Members
City of Palmetto
516 – 8th Avenue West
Palmetto, FL 34221

Re: Palms at Terra Ceia Planned Unit Development; Tract 2

Dear Mayor Bustle and Council Members:

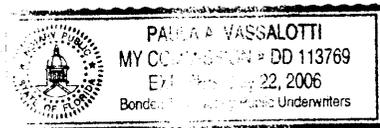
I want to provide a brief summary of my position on the current status and number of units allocated to Tract 2. Prior to Fru-Con's submittal of amendments to the Terra Ceia PUD beginning in 1991, Tract 2 was allocated 93 units and was within the PUD zoning district. During these amendments, Fru-Con represented to our planning firm, Team Plan, Inc., that they either owned or had an ownership interest in Tract 2. Therefore, we included Tract 2 in these amendments, purportedly reducing the number of Tract 2 units from 93 to 50. After reviewing this matter further, I have determined that any changes to Tract 2 proposed by Fru-Con were improper due to lack of unified ownership and/or control. The City's Planned Development District – General Regulations in effect at the time of the amendments required unified ownership for such changes to individually owned tracts. Therefore, it is my professional opinion as a planner that Tract 2 is currently allocated 93 residential units and is within the Terra Ceia PUD district.

Sincerely yours,



Michael T. Redd

attachment



construction of a five story condominium complex, originally referred to as 1600 Pennsylvania Avenue.

7. That, to the best of Affiant's knowledge and belief, Fru-Con did not, during the time of the planning and development process for the Project, outlined above, have or acquire any ownership interest in Tract 2.

8. That Affiant was aware of and involved in certain amendments to the Project, during the time period outlined above, requested by Fru-Con and submitted to the City of Palmetto to reduce the allowable number of residential units within the Project from those originally approved by the City of Palmetto in the early 1980's, which approval allowed approximately 1896 residential units. Specifically, these amendments include City of Palmetto, Florida Resolutions 92-31 and 96-25, which included as exhibits, revisions to the master development plan for the Project.

9. That Affiant affirms that said exhibit to the master development plan for the Project attached to Resolution 92-31 erroneously purported to reduce the number of residential units on Tract 2 from 93 to 50, as Fru-Con had no ownership interest in Tract 2 at the time, nor the joinder or approval of the then owner of Tract 2.

10. That Affiant affirms that said exhibit to the master development plan for the Project attached to Resolution 96-25 erroneously purported to delete Tract 2 from the Planned Unit Development zoning district, as Fru-Con had no ownership interest in Tract 2 at the time, nor the joinder or approval of the then owner of Tract

2. Additionally, said exhibit purportedly continued to erroneously assign 50 units to Tract 2.

11. That, to the best of Affiant's knowledge and belief, it was Fru-Con's intent to purchase Tract 2 at the time of the amendments to the Master Development Plans and, therefore, Fru-Con intended to amend the number of units on Tract 2 to accommodate 50 golf villas, despite the fact that Fru-Con had no ownership interest in Tract 2 at the time of either amendment and never acquired an ownership interest in Tract 2.

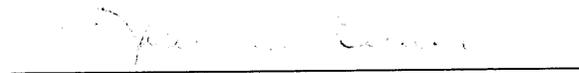
12. That, to the best of Affiant's knowledge and belief, Fru-Con was on notice at the time Resolutions 92-31 and 96-25 were adopted that, in order to amend the Master Development Plan to include Tracts not currently owned by Fru-Con, Fru-Con would have to receive approval from the then owner of such Tracts prior to the proper adoption of such an amendment to the Master Development Plan.

13. That, to the best of Affiant's knowledge and belief, that Tract 2 has always and should continue to be allocated 93 residential units within the Project and should be allocated 93 residential units on any Master Development Plans or Planned Unit Development plans for the Project on record with the City of Palmetto, Florida.

FURTHER AFFIANT SAYETH NOT.


Michael T. Redd

Sworn to and subscribed before me this 20th day of July, 2003, by
Michael T. Redd who is personally known to me or who has provided
Florida Driver License as identification.


Notary Public, State of Florida

My Commission Expires:



Karel VanGelder
MY COMMISSION # DD142100 EXPIRES
August 23, 2006
BONDED THRU TROY FAIN INSURANCE, INC.

MICHAEL T. REDD, ASLA - PRESIDENT

SPECIALIZED EXPERTISE:

Thirty years of Private Practice in Planning and Landscape Architecture / Golf Course Community Master Planning / Park and Recreational Design / Resort Design / Real Estate Development / City and New Town Planning.

PROFESSIONAL REGISTRATION:

Registered Landscape Architect, State of Florida (#343), State of Texas (#1176), C.L.A.R.B (#1317)

EDUCATION:

Bachelor of Landscape Architecture, University of Georgia with Honors; Post Graduate Work, Graduate School of Design, Harvard University, University of Virginia.

PROFESSIONAL MEMBERSHIPS:

American Society of Landscape Architects, American Planning Association, Urban Land Institute, International Federation of Landscape Architecture (Federation Internationale des Architectes Paysagistes), Development Infrastructure Service Council (DISC) of the Urban Land Institute.

PROFESSIONAL EXPERIENCE:

Mr. Redd has thirty years of widely diversified experience within his area of expertise. This encompasses in-depth experience in all facets of land use planning and site design, including physical, economic, social and political implications. His comprehensive background in the community development process, land use analysis, and environmental impact planning has enabled him to assist clients in the smooth processing of permits through governmental agencies at all levels. His thoroughness of research and adeptness at public presentations have been important contributions to the success of his clients' projects.

MICHAEL T. REDD, ASLA - PRESIDENT
continued

**PROFESSIONAL
EXPERIENCE CONTINUED:**

Beginning his career with a nationally recognized planning firm, he was involved in resort projects in Venezuela, Yugoslavia, Puerto Rico, as well as being design captain for the Organization of American States (OAS) World Headquarters project in Washington D.C. As director of operations for an international Real Estate development company, he participated in the planning, design, and development of several billion-dollar resorts in Europe, Asia and South America.

Active within his profession, from being a pioneer force in the registration of landscape architects in the late 1960's to the publishing of many articles in professional journals, he is often called upon as a lecturer and guest speaker at the Universities of Virginia, Georgia, and Florida as well as a variety of professional groups. As a writer, his articles have been published in the prestigious *Urban Land* magazine and other national periodicals. He has served in various capacities in numerous professional planning and design organizations as well as in the role of consultant for governmental agencies on a local, state, and national level.

His Master Planned Communities have been featured in national publications including *Golf Digest*, *Professional Builder*, *Money*, *Urban Land* and major newspapers. In 1987, he was honored by the Landscape Architecture Foundation in Washington D.C.

PUBLICATIONS:

He has served on the Editorial Board for the Urban Land Institute's book, *Residential Streets*, and has had by-lined published articles for *Urban Land* and *Landscape Architect* magazines. He was on the Editorial Task Force publishing the U.L.I. book, *Residential Streets*, and is currently writing a reference book on Land Planning.

COMPARISON CHART

of units/Parcel/Density ratio to parcel size
Approved by Resolution 96-25 Master Plan

Tract #	EXISTING BUILDINGS Sub Division	# Stories	Building Width	Land Size	# Units	Comparable Density Ratio	Parking Ratio
P - 10	Estuary I	3	8 Units Across	1.26 acres	24	19/acres	1.9
P -10	Estuary II	8	6 Units Across	1.62 acres	48	30/acres	1.5
* I	Ten Downing Street	6	8 Units Across	2.32 acres	38	16/acres	1.5
III	The Terra Ceia Club	8	12 Units Across	3.19 acres	94	29/acres	1.5
APPROVED BY RESOLUTION 96-25 BUT NOT BUILT							
P-10	Estuary III	6		1.4 acres	34	24/acres	1.5
M-12	Estuary IV	8		96 units 3 acres	48	30/acres	1.5
M-12	Estuary V	8		96 units 3 acres	48		1.5
II	Proposed 1600 Pennsylvania Ave.	8		3.42 acres	31/ bldg.	27/acre	1.7*

*Note: PUD Zoning Parking Ratio is 1.5 per unit

CITY OF PALMETTO PROJECTS
FY 04

Utility Infrastructure Projects	PROJECTED START DATE	PHASE I COST	PHASE II COST	PHASE III COST	TOTAL PROJECT COST
UI 1 24" Sewer Rebuild	Jan-04	700,000	600,000	-	1,300,000
UI 2 7th Street West *	Jan-04	500,000	-	-	500,000
UI 3 ASR Development	Jan-04	400,000	1,400,000	700,000	2,500,000
UI 4 Lift Station #4	Jan-04	366,800	-	-	366,800
UI 5 Install reuse/Terra Ceia	Jan-04	786,700	786,700	786,700	2,360,100
UI 6 5th Street West *	Apr-04	520,000	-	-	520,000
UI 7 6th Street West *	Aug-04	390,000	-	-	390,000
UI 8 Regional Network - Reuse	Aug-04	100,000	200,000	200,000	500,000
Subtotal		3,763,500	2,986,700	1,686,700	8,436,900

* 7th, 5th & 6th Streets West include replace sewer and water lines, install reuse lines and repave streets.

Drainage/Stormwater Projects

PROJECT NAME	PROJECTED START DATE	PHASE I COST	PHASE II COST	PHASE III COST	TOTAL PROJECT COST
DS 1 Jackson Park Drainage	Jan-04	50,000	-	-	50,000
DS 2 PPD Pond	Jan-04	150,000	-	-	150,000
DS 3 System E-3 (Cemetery)	Jan-04	300,000	377,000	-	677,000
DS 4 System D-4 (Palmetto MHC)	Jan-04	200,000	400,000	-	600,000
DS 5 System D-5 (15th Street West)	July-04	150,000	250,000	-	400,000
DS 6 System G-1 (Overflow)	Aug-04	100,000	-	-	100,000
DS 7 26th Avenue & 10th Street West	Sep-04	128,000	-	-	128,000
Subtotal		1,078,000	1,027,000	-	2,105,000
Total Projects		4,841,500	4,013,700	1,686,700	10,541,900

CITY OF PALMETTO PROJECTS

Utility Infrastructure Project Descriptions

- UI-1 Lining or replacement of 24" sewer on 26th Ave from 9th St. to 13th St. and along 10th St. from 20th Ave to 26th Ave.
- UI-2 7th St. from 14th Ave. to 2300 block-replace sewer, water, install reuse lines and reconstruct roadway
- UI-3 Design, permit and install ASR for reclaim water system
- UI-4 Rehabilitation of lift station & rerouting of the force main to 17th St. to alleviate manhole overflows at 20th Ave.
- UI-5 Distribution system within the Terra Ceia Golf & Tennis Club Development to connect individual associations to the reclaim water system
- UI-6 5th St. from 14th Ave. to 20th Ave.-replace sewer, water, install reuse lines and reconstruct roadway
- UI-7 6th St. from 14th Ave. to 20th Ave.-replace sewer, water, install reuse lines and reconstruct roadway
- UI-8 Create connection to the City of Bradenton and Manatee County reuse network

Drainage/Stormwater Projects

- DS-1 Project to alleviate flooding problems at Jackson Park in cooperation with Manatee County
- DS-2 Outfall modification to eliminate water from the PD pond running through the Lake Rowlett basin
- DS-3 Project designed to alleviate flooding on 14th Ave. from 5th St. to 7th St.
- DS-4 D4 project - connects the fairgrounds' pond to the Palmetto Mobile Home Park pond to alleviate flooding on 10th Avenue
- DS-5 D5 system - connects the drainage system along 10th Ave. from 12th St. to 15th St. to the D4 project
- DS-6 Creates an inter-connect from 6th St. to 9th St. on 16th Ave. to alleviate flooding at 9th St. and 16th Ave.
- DS-7 Rehabilitate of existing stormwater system to alleviate flooding at 26th Ave. & 10th St.

CITY OF PALMETTO PROJECTS
First Year Funding FY 04

Utility Infrastructure Projects	Funding For Phase I				
	Jan-04	Apr-04	July-04	Aug-04	Sep-04
UI 1 24" Sewer Rebuild	700,000	-	-	-	-
UI 2 7th Street West	500,000	-	-	-	-
UI 3 ASR Development	400,000	-	-	-	-
UI 4 Lift Station #4	366,800	-	-	-	-
UI 5 Install reuse/Terra Ceia	786,700	-	-	-	-
UI 6 5th Street West	-	520,000	-	-	-
UI 7 6th Street West	-	-	-	390,000	-
UI 8 Regional Network - Reuse	-	-	-	100,000	-
Drainage/Stormwater Projects					
DS 1 Jackson Park Drainage	50,000	-	-	-	-
DS 2 PPD Pond	150,000	-	-	-	-
DS 3 System E-3 (Cemetery)	300,000	-	-	-	-
DS 4 System D-4 (Palmetto MHC)	200,000	-	-	-	-
DS 5 System D-5 (15th Street West)	-	-	150,000	-	-
DS 6 System G-1 (Overflow)	-	-	-	100,000	-
DS 7 26th Avenue & 10th Street West	-	-	-	-	128,000
TOTAL	3,453,500	520,000	150,000	590,000	128,000

Funding Requirements	Total					
Water from Fund Balance	235,000	95,000	70,000	-	70,000	-
Sewer requires debt	1,579,800	1,271,800	154,000	-	154,000	-
Reuse from SRF*	1,496,700	1,256,700	70,000	-	170,000	-
Streets from Fund Balance	322,000	130,000	96,000	-	96,000	-
Stormwater requires debt	1,208,000	700,000	130,000	150,000	100,000	128,000
Total by Source	4,841,500	3,453,500	520,000	150,000	590,000	128,000

Water	235,000
Reuse *	1,496,700
Streets	322,000
	<u>2,053,700</u>

Financing Requirement for Projects 2,787,800

20 Year Fixed Rate Loan at 5% 222,112

* Existing Wastwater Facility Loan estimated annual debt servise \$ 140,934 revenues are anticipated to increase to offset loan debt service payment.

		ase II	Funding For Phase III	
Utility Infrastrucug-05			Jan-06	Aug-06
UI 1	24" Sewer Rebuild	-	-	-
UI 2	7th Street West	-	-	-
UI 3	ASR Development	-	700,000	-
UI 4	Lift Station #4	-	-	-
UI 5	Install reuse/Terra Ceia	-	786,700	-
UI 6	5th Street West	-	-	-
UI 7	6th Street West	-	-	-
UI 8	Regional Network - Reuse	30,000	-	200,000

Drainage/Stormw

DS 1	Jackson Park Drainage	-	-	-
DS 2	PPD Pond	-	-	-
DS 3	System E-3 (Cemetery)	-	-	-
DS 4	System D-4 (Palmetto MHC)	-	-	-
DS 5	System D-5 (15th Street West)	-	-	-
DS 6	System G-1 (Overflow)	-	-	-
DS 7	26th Avenue & 10th Street We	-	-	-

TOTAL		30,000	1,486,700	200,000
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Funding Req

Water from Fund Balance	-	-	-
Sewer requires debt	-	-	-
Reuse from SRF*	30,000	1,486,700	200,000
Streets from Fund Balance	-	-	-
Stormwater requires debt	-	-	-

Total by	30,000	1,486,700	200,000
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Water
 Reuse * n amount of loan.
 Streets

Financing Requirement for Projects

20 Year Fixed Rate Loan at 5%

* Existing Wastewater Facility I
 revenues are anticipated to

CITY OF PALMETTO PROJECTS
Funding All Projects

Utility Infrastructure Projects	Jan-04	Funding For Phase I				Funding For Phase II		Funding For Phase III	
		Apr-04	July-04	Aug-04	Sep-04	Jan-05	Aug-05	Jan-06	Aug-06
UI 1 24" Sewer Rebuild	700,000	-	-	-	-	600,000	-	-	-
UI 2 7th Street West	500,000	-	-	-	-	-	-	-	-
UI 3 ASR Development	400,000	-	-	-	-	-	-	-	-
UI 4 Lift Station #4	366,800	-	-	-	-	1,400,000	-	700,000	-
UI 5 Install reuse/Terra Ceia	786,700	-	-	-	-	-	-	-	-
UI 6 5th Street West	-	520,000	-	-	-	786,700	-	786,700	-
UI 7 6th Street West	-	-	-	390,000	-	-	-	-	-
UI 8 Regional Network - Reuse	-	-	-	100,000	-	-	200,000	-	200,000
Drainage/Stormwater Projects									
DS 1 Jackson Park Drainage	50,000	-	-	-	-	-	-	-	-
DS 2 PPD Pond	150,000	-	-	-	-	-	-	-	-
DS 3 System E-3 (Cemetery)	300,000	-	-	-	-	-	-	-	-
DS 4 System D-4 (Palmetto MHC)	200,000	-	-	-	-	377,000	-	-	-
DS 5 System D-5 (15th Street West)	-	-	150,000	-	-	400,000	-	-	-
DS 6 System G-1 (Overflow)	-	-	-	100,000	-	250,000	-	-	-
DS 7 26th Avenue & 10th Street West	-	-	-	-	128,000	-	-	-	-
TOTAL	3,453,500	520,000	150,000	590,000	128,000	3,813,700	200,000	1,486,700	200,000
Funding Requirements									
	Total								
Water from Fund Balance	235,000	95,000	70,000	-	70,000	-	-	-	-
Sewer requires debt	2,179,800	1,271,800	154,000	-	154,000	-	600,000	-	-
Reuse from SRF*	5,570,100	1,256,700	70,000	-	170,000	-	2,186,700	200,000	1,486,700
Streets from Fund Balance	322,000	130,000	96,000	-	96,000	-	-	-	-
Stormwater requires debt	2,235,000	700,000	130,000	150,000	100,000	128,000	1,027,000	-	-
Total by Source	10,541,900	3,453,500	520,000	150,000	590,000	128,000	3,813,700	200,000	1,486,700
Water	235,000								
Reuse *	3,650,000								
Streets	322,000								
	<u>4,207,000</u>								
Financing Requirement for Projects	<u>6,334,900</u>								
20 Year Fixed Rate Loan at 5%	<u>504,720</u>								

* Existing Wastwater Facility Loan estimated annual debt service projected to be 301,204
revenues are anticipated to increase to offset loan debt service payment.