

Palmetto City Council
Minutes
December 1, 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 Alan Prather
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.

Rabbi Barbara Aiello, Temple Beth El, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

1. APPROVAL OF AGENDA

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded, and motion carried 5-0 to approve the December 1, 2003 agenda.

2. CONSENT AGENDA

A) Minutes: November 17, 2003 City Council Workshop Minutes
November 17, 2003 City Council Minutes

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

3. HISTORIC PRESERVATION BOARD APPOINTMENTS AND RESTRUCTURE

Mayor Bustle discussed the difficulty the Historic Preservation Board is experiencing holding regular meetings because of members' absences. He asked Council to appoint Eileen Hoffner and Trudie Bailey to the Historic Preservation Board as board members not alternates for one year. The resolution administering the structure of the board requires appointments by ward. While the ordinance is silent on the process for removing members, Attorney Prather advised the City can notify board members by letter advising action to declare vacancies will be taken at particular meeting dates.

Discussion ensued on the appointments and the structure of the board. Mayor Bustle suggested the resolution creating the board should be rewritten to eliminate the requirement of Ward appointments, making the membership city-wide, with skills. He was cautioned that care needs to be taken that a balance of professionals and laymen should comprise the membership of the board.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 5-0 to appoint Eileen Hoffner as an at-large member and Trudie Bailey as on alternate of the Historic Preservation Board.

4. MANATEE SCHOOL OF THE ARTS CONDUIT FINANCING

Manatee School of the Arts is requesting the City to serve as a conduit for a tax-exempt financing of up to \$2.5 million and set a public hearing for a TEFRA (Tax Equity & Responsibility Act of 1981). Mr. Dave Crainor, board members for the school, was present. Attorney Prather spoke of this issue being the same type of financing the City previously approved, stating the City has no full faith credit obligation. He also stated all expenses incurred by the City relating to this issue have to be kept separate as the school's responsibility.

MOTION: Mr. Williams moved, Mr. Grace seconded and motion carried 5-0 to serve as a conduit for Manatee School of the Arts tax-exempt financing and set a public hearing for December 15, 2003, at 7:00 p.m.

5. 1st READING AND ADVERTISING APPROVAL - ORDINANCE NO. 03-788

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)

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to approve Ordinance No. 03-788 for advertising and schedule a public hearing January 5, 2004.

6. 1ST READING AND ADVERTISING APPROVAL - ORDINANCE NO. 03-789

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)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve Ordinance No. 03-789 for advertising and schedule a public hearing January 5, 2004.

7. 1ST READING AND ADVERTISING APPROVAL - ORDINANCE NO. 03-790

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, VACATING A PORTION OF 4TH STREET 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 (V0303 – Manatee River Community Bank, 430 8th Ave. W.)

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 03-790 for advertising and schedule a public hearing January 5, 2004.

8. POLICE VEHICLE MAINTENANCE CONTRACT EXTENSION

Staff advised Council there is no contract between the City and Professional Automotive Services, Inc. All services have been performed via purchase orders. Attorney Prather stated there is a contract as approved by City Council, even though there is not a written document.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the extension of Professional Automotive Services, Inc. same maintenance contract under the same scope of services and price for a one-year term pending the formation of the signed contract

9. MARCH 9, 2004 ELECTION SERVICES AGREEMENT

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve the March 9, 2004 Election Services Agreement.

10. RESOLUTION NO. 03-32

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.

Topic: Insituform Technologies, Inc. contract - City project #338, I&I Lift Station Trunk Sewer

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve Resolution No. 03-32.

11. RESOLUTION NO. 03-33

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.

Topic: Woodruff & Sons, Inc. change order #5 for Southeast Project #92-115

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve Resolution No. 03-33.

12. RESOLUTION NO. 03-34

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.

Topic: CSX Transportation - City portion of automatic signal protection

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 4-1 to approve Resolution No. 03-34. Mr. Williams voted no.

13. RESOLUTION NO. 03-35

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.

Topic: JEA update to the Wastewater Facility Plan. Mr. Lukowiak informed Council the total price of the update may be less than anticipated as he feels he can negotiate the contract down \$700.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve Resolution No. 03-35.

14. RESOLUTION NO. 03-36

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.

Topic: FYE 2003 City liability for pension plan contributions

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve Resolution No. 03-36.

15. DEPARTMENT HEAD COMMENTS

Chief Lowe had no comment.

Mary Jean Forrester, Deputy City Clerk

Advised Council Range Rider Phil Deaton is available December 8, 2003, at 4:00 to discuss a city-manager form of government with Council. Staff was asked to determine other dates Mr. Deaton is available.

Mayor Bustle advised Council Mr. Free was attending a sales tax meeting in lieu of the Council meeting.

Chris Lukowiak, Public Works Director

Rather than purchasing additional cones necessary for the Martin Luther King Day Parade, Public Works was asked to contact Bradenton and Manatee County to borrow cones for the event.

Discussed the Haben Boulevard flooding and requested Council sanction the item being added to the Capital Improvement projects list. Council concurred.

The City has been notified of violations regarding failure to quarterly mail the consumer confidence report with the utility bills and failure to perform THMs, a water quality test. The violations resulted in fines totaling \$5,300. Mayor Bustle intervened and met with Dr. Bannick, who believes the fines may be waived. The oversights have been corrected by the Public Works Department.

In addition to Manatee County's efforts to relate hurricane preparedness information to the mobile home parks, Ron Koper will also reach out to the residents on behalf of the City. Chief Lowe will have presentations ready for the mobile home park visits concerning home security when the residents go north for the summer months.

Mayor Bustle has contacted Bradenton regarding the problem the City is having with its Christmas lights. Ms. Lynn Meyer will begin repairs on December 2, 2003. Bradenton's aid will save the City \$150 to \$200 per pole (19 poles in total).

16. MAYOR'S REPORT

Informed Council he is going to ask CRA to pay an estimate of \$9,000 to repair the bathrooms at Riverside Park. Mrs. Lancaster cautioned there is still slum and blight in the CRA district and care should be taken that not all of the CRA's funds are spent on Riverside Drive.

Encouraged Council Members to attend the County Commissioner's meeting, where hopefully the sales tax issued will be approved to be put on the ballot.

17. COUNCIL MEMBERS' COMMENTS

Mr. Grace had no comment.

Mr. Williams

Fire Chief Johnson has confirmed the department's ladder trucks only go ten stories high. With Riviera' Dunes plans to build a 12-story building, safety issues should be included in the plans. Ms. McCann stated the fire department is part of the DRC review and signs off on plans.

Stated he would be more comfortable with the building department personnel addressing how mobile home residents should leave their homes; Chief Lowe plans on addressing only security issues.

Ms. Cornwell

The next Council of Governments meeting regarding impact fees is scheduled for December 3, 2003, 1:30 p.m. at the Civic Center.

Thanked Public Works for the no parking signs on the hurricane evacuation routes.

Ron Witt called concerning the Charter Review Committee. She opined Council should reconsider and speak with the Committee regarding the issue of moving to a city manager form of government before moving forward; there may be a problem with elected or non-elected mayor. Mr. Grace stated that while he is still in favor of a city manager, he agreed there were issues that need to be more fully discussed. Ms. Bryant stated she is in favor of a city manager but has concerns that if the referendum is not accepted none of the changes will be implemented. She commented on the articles she had read not correctly reporting the entire situation. She agreed further discussion is needed. Mr. Williams stated he thought a discussion should be held with the committee but, he didn't mean that would change his opinion on the city manager form of government. Mrs. Lancaster also agreed Council should meet with the committee; Council didn't reject what they had proposed.

Council discussed the fact the referendum would not give a choice; if the city manager form is rejected the Charter Review Committee's recommendations will also be rejected. Mayor Bustle discussed a phased-in form of city manager government. Attorney Prather stated he is preparing a single proposed ordinance to be a charter for the city addressing the Council's approved Charter Review Committee recommendations and the inclusion of a city manager as the only choice of operation for the city; there is not a procedure for choices. Attorney Prather stated he can draft an ordinance that would provide for a city manager form of government to be subsequently implemented by city ordinance not requiring referendum by the public; a provision in the charter would provide the implementation by a separate standing ordinance. He voiced concern about being able to complete this type of language in the referendum by the deadline in early January. Attorney Prather also stated the ordinance he is preparing now still calls for an elected mayor who will chair the meetings, sign ordinances, act as the ceremonial head of the city but he is not including veto power. Attorney Prather stated the city can also place a non-binding public question on the ballot or it can be mailed to the residents.

It was consensus of Council to schedule a meeting with the Charter Review Committee. Attorney Prather was not given direction to deviate from his present assignment.

It is important that the sales tax issue be discussed when visiting the mobile home parks.

Ms. Bryant

Requested an update on the Carnegie Library roof so as liaison to the Historic Commission, she can make a report at the December 6, 2003 meeting.

The Fair Manager has called regarding Waste Management's commercial rates for trash pickup during the fair. Mr. Lukowiak stated the rates are based on the cubic yard and will be the price in Palmetto. He also stated Waste Management does pro bona work and believes the fair falls in that category. Mr. Williams requested Mr. Lukowiak get a sampling of rates from cities currently doing business with Waste Management.

Commenting on the Code Enforcement report regarding the grocery carts retrieved throughout the city, staff stated the vendor pays the gentlemen for the return of the carts but they do use a city vehicle.

Mrs. Lancaster

Responding to Mrs. Lancaster's inquiry about Jackson Park, Mr. Lukowiak reported there is a problem with the models. He will be meeting with JEA representative Jim McLelland on December 15, 2003. They are working with Frank Woodard on the 17th Street project and hope to model with that project. He acknowledged the 17th Street project is not scheduled for the immediate future but stated he would rather accomplish a final solution to the problem rather than a quick fix. He will bring information back to Council at a subsequent meeting.

J. E. Free, Jr.

Mr. Free reported not a lot was accomplished at the sales tax meeting; the project manager was absent and there was no representation from the beach communities. The next meeting is scheduled for December 29, 2003, 6:30 p.m. at the Ag Museum.

Mayor Bustle announced FDOT will be scheduled for the December 15, 2003 workshop meeting to report on the US 41 study.

Meeting adjourned at 9:05 p.m.

Minutes approved: December 15, 2003



J. E. Free, Jr.
City Clerk