

**Palmetto City Council  
March 18, 2002 7:00 PM**

**Elected Officials Present:**

**Larry Bustle, Mayor  
Mary Lancaster, Vice Mayor  
Shirley Bryant, Council Member  
Tamara Cornwell, Council Member  
Charlie Grace, Council Member  
Brian Williams, Council Member**

**Staff and others present:**

**Alan Prather, City Attorney  
Karen A. Conlon, City Clerk  
Chief Garry Lowe, Palmetto Police Department  
Mike Hickey, Public Works Director  
Margaret Tusing, Planning & Zoning Administrator  
Diane Ponder, Administrative Assistant**

**Mayor Bustle called the meeting to order at 7:00 p.m. Vice Mayor Lancaster gave the invocation followed by the pledge of allegiance to the United States flag.**

**Ms. Bryant reviewed the Read Across Manatee Day program sponsored by the Manatee County School District scheduled for March 21, 2002, inviting Council Members and public to participate in the program.**

**1. APPROVAL OF MARCH 18, 2002**

**Ms. Conlon requested removal of item #3 from the agenda, as a funding agreement with SWFWMD had not been executed and the contract could not be awarded until the instrument was signed. Council agreed to allow the presentation, deferring action until April 1, 2002.**

**MOTION: Mr. Williams moved, Mr. Grace seconded and motion carried unanimously to approve the agenda as amended, deferring item #3 until April 1, 2002.**

**2. APPEAL OF NOTICE OF VIOLATION – JAMIE DIAZ**

**Mayor Bustle stated the public hearing was continued from March 18, 2002. The city, via certified mail, served property owner Jamie Diaz a Notice of Violation of the City's Code of Ordinances, stating the property legally described as 707 3<sup>rd</sup> St. Dr. W. and 203 7<sup>th</sup> Ave. W. had been declared an abandoned construction site.**

**Attorney Prather swore in City Clerk Karen Conlon, Building Official Roger Titus and Attorney William S. Galvano, representing Mr. Diaz.**

**Mr. Titus discussed the decision to issue the Notice of Violation. Mr. Galvano stated his client was not disputing the need to keep the property in good repair, but was seeking direction from Council concerning the CRA's condemnation of the property and the formal notice that is still outstanding. Mr. Galvano referred**

to a letter to Mr. Diaz dated March 13, 2000, a copy of which is attached hereto and made a part of these minutes. Discussion ensued on the legalities involved in a condemnation and eminent domain proceedings. Mr. Titus discussed the expired building permit and the immediate need to remove debris from the property. He suggested the City can remove debris and clean the property, placing a lien on the property for payment. Mr. Galvano suggested this would address the immediate problem, thereby allowing them to go back to the CRA for a resolution of the condemnation.

Discussion ensued on the clean up of the property, the condition of the building material on the property and steps the City would take in advertising for removal of the material.

**MOTION:** Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried unanimously to move forward to clean up the property, place liens on the property for the advertisement and clean up of the property, thereby denying the appeal.

Mayor Bustle stated the City would enter an order with findings of facts and conclusions of law as prepared by the city attorney.

Council requested a letter be sent to the CRA asking for the current status on the property. The response is to be supplied to Council in writing. As liaison to CRA, Mr. Grace will discuss the CRA's future intent regarding the property at the Wednesday board meeting and bring information back to Council at the March 25, 200, council meeting.

Mr. Prather discussed CRA's authority in exercising eminent domain proceedings, stating formal action by the City Council is required to exercise this power. Mr. Prather discussed Council's ability to withdraw its previous approval of the condemnation proceedings, if CRA is not moving forward in the proceedings. The clerk will supply the date of City Council's approval of the condemnation proceeding.

Mayor Bustle closed the public hearing.

### **3. DISCUSSION – CARR DRAIN**

Jeff Siewert, JEA Associates, reviewed the bids received for Carr Drain, discussing the two options available to the City. The base bid constructs a cast-in-place structure and the alternate bid constructs a pre-cast structure. The cost difference between the two options is approximately \$6,000. The engineering company recommended the pre-cast structure based on aesthetics, less maintenance and an almost frictionless flow of water. Action of awarding the bid was delayed until April 1, 2002.

### **4. DISCUSSION & AWARD OF BID – OAKRIDGE**

Jeff Siewert, JEA Associates, reviewed the bids received for the Oakridge project, again discussing two alternatives available to the City. The base bid matches existing conditions in the neighborhood. The alternate bid provides a continuous

parking strip, curbing restricting vehicles from passing the parking spaces and sidewalks. Discussion ensued on the possibly of moving the sidewalk to the front of the parking space vs. the normal location.

K&R's base bid was \$726,422.20. Mr. Siewert discussed approaching the contractor about the alternate bid's unit prices to negotiate the price to within JEA's estimated range. Council also discussed contacting the property owner to ascertain their level of participation in the project.

McCloud's bid was \$646,464.93 but did not include all the required proposal documents in the bid package. Discussion ensued on the difference in the two bid prices.

Mayor Bustle announced a five minute recess. The meeting was reconvened at 8:45 p.m.

McCloud representative Phil Eastwood addressed Council, admitting his administrative error, stating he had provided the company's bid and bond. He asked Council to look at the omission as an administrative oversight, stating he had brought the papers to the clerk. Mrs. Conlon admitted he had met with her but she refused to accept the paperwork as the time for submitting the bid had expired. She stated she told Mr. Eastwood he would have to address Council concerning the issue. Mr. Prather asked for time to consult the City's code as well as the Invitation to Bid. It was consensus of Council to grant Mr. Prather time to review the documents and continue with the agenda.

**5. 2<sup>ND</sup> READING & PUBLIC HEARING – ORDINANCE NO. 02-731**  
Ordinance No. 02-731 was read by title.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, 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 CHI (COMMERCIAL, HEAVY/INDUSTRIAL) TO P (PUBLIC); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Z0206/City of Palmetto/Lincoln Memorial Park; 1 acre)**

Mayor Bustle opened the public hearing. There was no public comment, public hearing was closed.

**MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to adopt Ordinance No. 02-731.**

**6. 2<sup>ND</sup> READING & PUBLIC HEARING – ORDINANCE NO. 02-732**

Ordinance No. 02-732 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, 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 A-1 (SUBURBAN AGRICULTURE/COUNTY) TO P (PUBLIC/CITY); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0207/City of Palmetto/Palmetto High School Expansion; 9.92 acres)

Mayor Bustle opened the public hearing. There was no public comment, public hearing was closed.

**MOTION:** Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to adopt Ordinance No. 02-732.

**7. 2<sup>ND</sup> READING & PUBLIC HEARING – ORDINANCE NO. 02-733**

Ordinance No. 02-733 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, 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 PD-MU (PLANNED DEVELOPMENT-MIXED USE/COUNTY) TO CG (COMMERCIAL, GENERAL/CITY); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0208/City of Palmetto/Winn Dixie Marketplace Out Parcels; 4.48 acres)

Mayor Bustle opened the public hearing. There was no public comment, public hearing was closed.

**MOTION:** Mrs. Lancaster moved, Mr. Williams seconded and motion carried unanimously to adopt Ordinance No. 02-733.

**8. TRANSMITTAL PUBLIC HEARING & ADOPTION OF RESOLUTION NO. 02-02**

Resolution No 02-02 was read by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS THE PROPOSED 2002 CYCLE 1 PLAN AMENDMENTS TO THE 2010 COMPREHENSIVE PLAN FOR THE CITY OF PALMETTO.

Mayor Bustle opened the public hearing. Mr. Prather announced this is the first of two statutorily required public hearings. The second public hearing will be held once the City has received comments from the Department of Community Affairs on the plan amendments to the 2010 Comprehensive Plan. There was no further public comment. The public hearing was closed.

**MOTION:** Ms. Bryant moved, Ms. Cornwell seconded and motion carried unanimously to adopt Resolution No. 02-02.

**9. DISASTER RELIEF FUNDING AGREEMENT**

Mrs. Conlon explained this agreement had been signed as an emergency authorization in order for the City to be reimbursed the expenses associated with Tropical Storm Gabrielle. The document was discussed with the city attorney prior to execution.

**MOTION:** Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to approve the Florida Department of Community Affairs Disaster Relief Funding Agreement, Contract No. 02-RM-\*2-08-51-02-049.

**10. CONSENT AGENDA**

- A) **Minutes:** March 4, and 11, 2002 Council Meetings
- B) **Attorney Billing:** Dye, Dietrich, Prather January Billing (\$11,778.30)  
Dye, Dietrich, Prather Jan. Litigation Billing (\$1,904.00)
- C) **Special Function Permit:** Spring Classic 2002

**MOTION:** Ms. Bryant moved, Ms. Cornwell seconded and motion carried unanimously to approve the Consent Agenda.

**11. DEPARTMENT HEAD REPORT**

**Chief Lowe, Palmetto Police Department**

The State's Attorney is investigating the Sgt. Greer issue.

Corp. Scott Tyler assigned to the Community Traffic Safety Team.

**Karen Conlon, City Clerk**

Informed Council Dr. Paulson would act as facilitator for the Charter Review Committee at a cost of \$325.00. Mrs. Conlon recommended a facilitator for the initial meeting of the committee.

**Mike Hickey, Public Works Director**

Reuse is installed across 14<sup>th</sup> Avenue on 7<sup>th</sup> Street.

Thanked the Kiwanis Club for the plantings at the Estuary Park.

Preliminary evaluation of the streets has been completed, subject to quality control by other staff members in the Public Works Department.

Mayor Bustle diverted the agenda back to the Oakridge agenda topic. Mr. Prather asked to defer any action to the April 1, 2002 meeting so he would have time to thoroughly review the Invitation to Bid. Mr. Siewert will send a request to the contractors asking them to confirm their pricing will remain the same for 30 days.

**MOTION:** Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to table the B2 (Carr Drain) and B3 (Oakridge) projects until April 1, 2002.

## **12. MAYOR'S REPORT**

Charles Williams will brief the County Commission Tuesday at 9:00 a.m. on the Blackstone community project. Ernie Padgett informed Mayor Bustle and Mrs. Conlon the county has not budgeted funds for this project. The county will be looking at what funds Mr. Williams and his associates can bring to the project. Ms. Cornwell commented on Ms. Stein's support of the swimming pool in exchange for the City's support during the library issue. Council also commented on the residents of Terra Ceia Golf & Tennis Club expressing interest in the project.

The Outdoor Conservancy is sponsoring an Oktoberfest at the arena on September 26, 27 and 28<sup>th</sup>, but would prefer holding the event on the 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup> of September, but City ordinances prohibit the sale of alcohol on Sunday. Staff will research this topic to determine if alcohol can be sold at the arena on Sunday, as the Fair Board controls the rental of the facility.

Discussion ensued on the pedestrian crossing that was emailed to each Council Member. Mayor Bustle stated the crossing has been a success in Indian Rocks Beach and may be something that could be considered at the Albertson's location. Ms. Cornwell suggested a traffic study needs to be done, with FDOT providing options the City can consider for pedestrian safety.

The next meeting for the ACCORD is Wednesday at Kendrick Auditorium beginning at 9:00 a.m.

## **13. INDIVIDUAL COMMENTS**

### **Mrs. Lancaster**

Asked about the signs on 5<sup>th</sup> Avenue where children play.

Inquired if the 4<sup>th</sup> Avenue paving will be completed in April.

Reported a call had been made to the Police Department about loud noise but no officer responded.

Inquired if a water bill was posted the same day it was paid. Staff responded in the affirmative.

### **Ms. Bryant**

Cars are parking in prohibited areas at the Pavilion in Sutton Park.

### **Ms. Cornwell**

Asked that the Manatee County Water Contract and the Erie Road Landfill issue as it relates to the School Board's plans for the property be placed on the suspense log.

Asked that she be notified as construction is completed at the Estuary Park.

Bill Hawthorne, CPA Associates, will discuss the budget with Council at the March 25, 2002 meeting.

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**Discussed the need to hold Town Hall meetings.**

**Sanitation has improved the loose refuse during pickup days.**

**Commented on Westra not bidding on City projects**

**The PSG contract needs to be looked at for putting it out to bid.**

**Mr. Grace**

**Inquired how long before reuse will be completed.**

**Mr. Williams**

**Asked for a report on the meeting with Amy Perez.**

**Asked for a traffic count at the northwest corner of Albertson's; 11<sup>th</sup> Street and 9<sup>th</sup> Avenue and 12<sup>th</sup> Street and 9<sup>th</sup> Avenue.**

**Asked for an update on the stamped crosswalk that was approved by Council.**

**Meeting adjourned at 10:35 p.m.**

**Minutes approved: April 1, 2002**



**Karen A Conlon  
City Clerk**

COMMUNITY REDEVELOPMENT AGENCY  
700 - 8<sup>th</sup> AVENUE WEST  
PALMETTO, FLORIDA 34221

March 13, 2000

Mr. Jaime Diaz  
301 15<sup>th</sup> Street West  
Palmetto, FL 34221

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Re: Property located at:  
707 3<sup>rd</sup> Drive West, Palmetto, Florida, Parcel ID# 31099.0000/5

Dear Mr. Diaz:

This letter is notice to you provided in accordance with Chapter 73 of the Florida Statutes that the Community Redevelopment Agency of the City of Palmetto ("CRA") has elected to condemn the above referenced property and, in the event it is unable to negotiate a purchase with you, to pursue eminent domain proceedings. The CRA has determined that all of the above referenced property is necessary for a residential improvement project which the CRA is undertaking. The CRA has obtained an appraisal report on the property referenced above and a copy of such appraisal will be made available to you within fifteen (15) days after receipt from you by the CRA of a request therefor. At this time, construction plans are not available for the proposed improvements to provide to you.

You are also advised that ss.73.091 and 73.092, Florida Statutes (1999) provide certain statutory rights to you in the event the CRA and you are not able to successfully negotiate a purchase of the subject property and condemnation proceedings are thereafter undertaken and pursued. These sections allow you to recover certain costs and attorneys' fees in connection with the condemnation as more particularly provided therein. Likewise, Section 73.015(4), Fla. Stat. allows you to recover certain costs and attorneys' fees in pre-suit negotiations.

Enclosed herewith you will find the CRA's offer to purchase the referenced property. You have thirty (30) days from the date you receive this letter and the offer within which to accept the same. If you do not accept this offer and you and the CRA are unable to agree upon the terms of a purchase, the CRA may then institute an eminent domain action to acquire the same.

Thank you. Your prompt attention will be appreciated.

Very truly yours,

COMMUNITY REDEVELOPMENT AGENCY  
OF PALMETTO

By:   
STANLEY ROBERTS, Chairman

cc: William Galvano (with enclosures)  
G. Joseph Harrison (with enclosures)