

PALMETTO CITY COUNCIL
WORKSHOP MINUTES
JULY 28, 2003

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:

Jim Free, City Clerk
Chief Garry Lowe
Mike Hickey, Public Works Director
Allen Tusing, Public Works Superintendent
Diane Ponder, Administrative Assistant

Mayor Bustle called the meeting to order at 4:00 p.m.

Reverend Sterling Forrester, Southside Baptist Church, 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 July 28, 2003 agenda.

2. PRESENTATION REGARDING EDENFIELD PROPERTY

Scott Russell, Environmental Safety Consultants, Inc., representing West Coast Tomato, informed Council the firm is interested in acquiring the Edenfield Property. He discussed the detected contamination on the property, stating the City has completed the first step in the assessment process.

Mr. Russell distributed a location map of the property, a proposal from Mayor Bustle dated February 2003 and a counter proposal, all of which are attached hereto and made a part of these minutes. West Coast Tomato is proposing to pay one-half of the expense to complete the site assessment, estimated up to \$27,000, and one-half of the remediation expense, estimated at upwards of \$100,000 in exchange for the property being transferred to West Coast Tomato. Mr. Russell further stated the EPA could issue a Consent Order and the transfer of the property can offset any adverse situations for the City.

Mayor Bustle stated he didn't see any advantages in the proposal for the City, as the City is not interested in giving away the property. He also stated the City had not caused the contamination and wasn't positive it was the City's responsibility to clean up the property. Mr. Russell stated the identified property owner is responsible for clean-up. Mr. Williams questioned if the City would have to declare the property as surplus and then go out to bid.

Dan McClure, West Coast Tomato, stated he doesn't want the City to give his firm the property. Mr. McClure discussed Mayor Bustle's proposal to split the property, leaving the City with 75' north of 4th Street, dissecting the property east and west. Mr. McClure stated his firm would contribute one-half of the expense to determine the cost of cleaning the property. Mayor Bustle discussed the stormwater drainage he was proposing if a land swap occurred between the City and West Coast Tomato. Mr. McClure stated he would be receptive to doing something along Mayor Bustle's suggestion as long as it was not near or in excess of \$100,000.

It was consensus of Council, with Mr. McClure's concurrence, that the attorney's opinion regarding the disposition of the property under discussion is needed before any proposals can be entertained.

3. COUNCIL MEETING DATES

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 5-0 to cancel the September 1, 2003 Council meeting due to the Labor Day holiday and reschedule the Council meetings for September 8, and September 22, 2003.

During discussion on the Council meeting dates, it was determined the Council can not hold a public hearing September 8, 2003 because of a conflict with the Manatee County School Board's budget hearing.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 5-0 to reconsider the previous motion.

MOTION: Mr. Williams moved, Mr. Grace seconded and motion carried 5-0 to schedule a workshop September 8, 2003, a budget meeting September 15, 2003, a workshop September 22, 2003 and a budget meeting September 29, 2003.

4. PROPOSED AGGREGATE MILLAGE RATE

Mayor Bustle informed Council that as instructed, the proposed General Fund budget for FY03-04 is essentially balanced but items vital to continue the same level of service have not been included. Mayor Bustle proposed the tentative proposed aggregate millage rate at 5.6645, providing the City an option, if deemed necessary, to fund restorations to the budget.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 5-0 to authorize the Mayor to sign the DR420 establishing the tentative proposed aggregate millage rate at \$5.6645 per \$1,000.

5. FISCAL YEAR 2003-2004 BUDGET INTRODUCTION

As an introduction, Jim Free briefly reviewed various spreadsheets pertaining to the proposed FY03-04 budget, copies of which are attached hereto and made a part of these minutes. As a result of the discussion, Mr. Free was instructed to confirm the suggested level of operating reserves the City should maintain, confirm the necessary balance of medical insurance premiums, determine if CRA can fund capital expenditures and obtain a list of services the CRA can fund, and determine if funds from the Building Department can be made available to the General Fund. Mr. Free was also instructed to

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include the 4% pay increase in the list of reductions, as a way to decrease expenses, as well as look at a hiring freeze.

Mayor Bustle encouraged Council to speak with Mr. Free about the budget to garner base line knowledge of the document before beginning the budget workshops. Staff will email Council Members a proposed budget workshop meeting schedule for approval. Mr. Free requested the first meeting be scheduled August 11, 2003 to allow him time to meet individually with Council and make any further adjustments to the proposed budget figures.

Mayor Bustle inquired if Council Members had any comments regarding his proposed letter to County Commissioner Chairman Bruce. Council advised Mayor Bustle they felt stronger language pertaining to the county pursuing the sales tax issue would be appropriate. Council's suggestions will be incorporated into his response letter.

Mayor Bustle referred to a letter from the State of Florida Office of the Adjutant General seeking support of the National Guard Armory by the City offsetting or paying some of its local costs. Mayor Bustle suggested possibly eliminating the Armory's utility bills. Mr. Free stated a covenant in the City's SRF Loan prohibits the action but the City could fund the utility bills out of the Water & Sewer Fund. Council stated the topic had come before them in the past and it was determined the City was not permitted to donate its services.

Mayor Bustle advised Council he had received a proposal to host a fishing tournament at Riverside Park, which would involve the sale of alcoholic beverages. Mayor Bustle inquired if Council had an interest in changing the Code, as it currently prohibits the consumption of alcoholic beverages at City facilities. The majority of Council voiced an opinion they did not want the Code relaxed to allow for the sale of alcoholic beverages on City property.

Mayor Bustle discussed the rendering of the proposed City Center, compliments of Zirkelbach Construction who located the project on City-owned property on 14th Avenue West. Council discussed the center being a project that will not be undertaken in the near future, emphasizing the need to proceed in researching possible funding sources and available location sites. Council discussed the 14th Avenue site and the fact there was implication the soccer fields were a temporary use; the property had been designated as an expansion for the cemetery. Mayor Bustle advised Council he had included funds in the FY03-04 budget for beginning the appraisal process. Staff will research City records to determine if the 14th Avenue property is intended to be used as an extension of the cemetery.

6. PUBLIC COMMENT

Robin Stivers and Nancy Neal voiced their opinions that the proposed City Center should not be located on 14th Avenue West.

Alan Zirkelbach commented on his involvement in the ACCORD. He stated the current Building Department fees are the highest in the county, acknowledging the P&Z fees are low. He stated a developer's due diligence stage is not the time to assess fees, as the developer does not know what the City will permit. He suggested impact fees that will pay for growth and a committee can be formed to evaluate the topic.

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Mr. Zirkelbach also discussed the conceptual plan for the proposed City Center stating the only thing his firm tried to accomplish was to keep the feel of Palmetto's architecture; he didn't care where the center is located. He also informed Council that during the process his firm had performed a title search and found nothing tying the cemetery to the 14th Avenue property.

Mr. Williams commented on the letter Council received on the Macort litigation advising Council had not received a copy of the suit. Mayor Bustle informed Council the contents of the suit cited inaccessibility to Riverside Park by individuals with disabilities. Staff will provide Council a copy of the original summons.

Mr. Williams inquired about the status of the Palms of Terra Ceia stormwater. Mayor Bustle advised Mr. Prather is working on the issue and will update Council at the next Council meeting.

Meeting adjourned at 6:20 p.m.

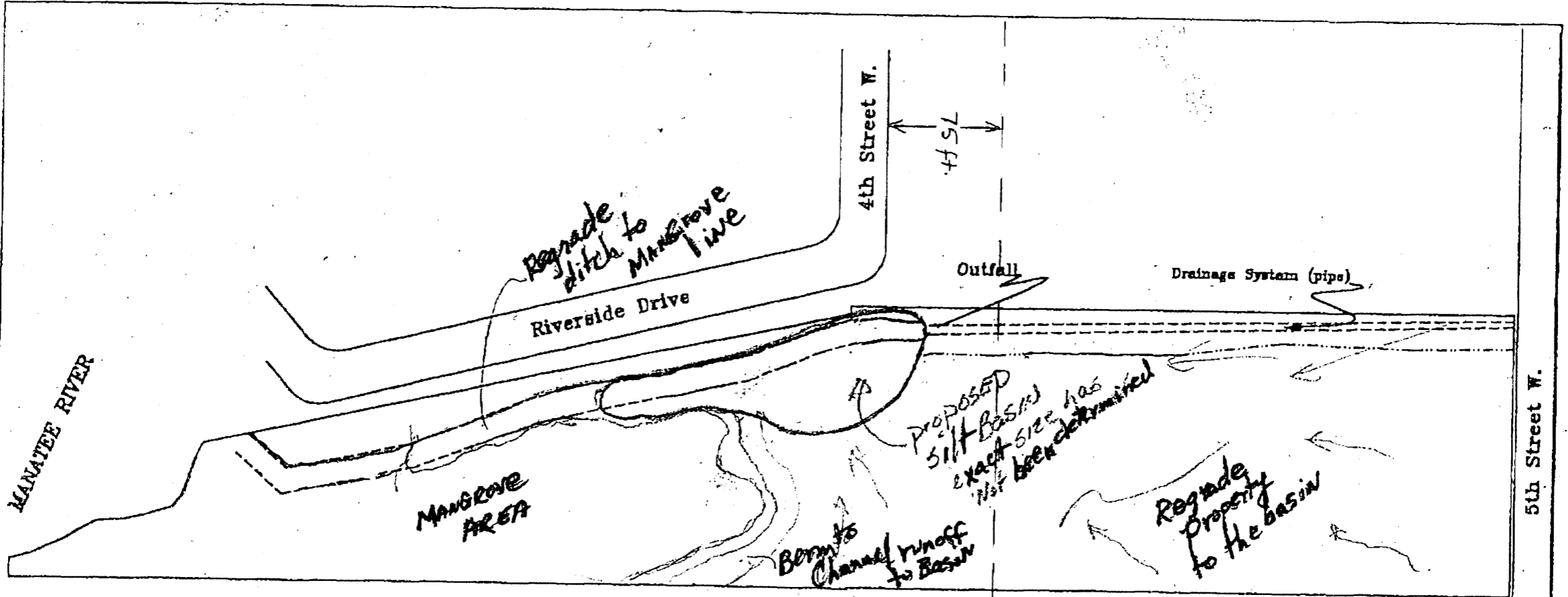
Minutes approved: August 18, 2003



J. E. Free, Jr., City Clerk

Edenfield Property
Proposed Project Agreement
with
West Coast Tomato, Inc.
February 17, 2003

1. Per the attached map, the COP would propose to create a new property line running east and west across the parcels owned by West Coast Tomato and the COP. The line would be approximately 75 ft. north of the ROW of 4th St. W.
2. A swap would be done, subject to the quid pro quo provisions listed below, wherein West Coast Tomato would own the new parcel north of the new east west line and COP would own all the property south of the new east-west line.
3. West Coast Tomato would assume any and all liability for any environmental issues, clean up, permitting, etc. with the new property.
4. A new silt basin would be created at West Coast Tomato's expense as shown on the map.
5. A new berm to channel run off to the silt basin would be created by West Coast Tomato at their expense.
6. A regraded ditch from the out flow of the new silt basin to the Manatee River would be created at West Coast Tomato's expense.
7. All trash and debris would be cleaned out of the mangrove area by West Coast Tomato at their expense.
8. The existing, covered drainage system (pipe) from 5th St. W. to its entry to the new silt basin would be refurbished by West Coast Tomato at their expense.
9. The newly created parcel to be owned by West Coast Tomato would be graded as required to flow to the new silt basin.



1. design & build silt basin
2. Create berm along southern upland to divert runoff to basin
3. Grade upland to drain to basin
4. Regrade ditch to mangrove line
5. Remove exotic species from Mangrove ^{area} (Brazilian Pepper & Australian Pine)
6. Clean debris & brush from Mangrove area

PROJECT: City of Palmetto/Edenfield Property	
TITLE:	
FIGURE:	
DATE:	BY:



ENVIRONMENTAL SAFETY CONSULTANTS, INC.

May 29, 2003

Mayor Larry Bustle
CITY OF PALMETTO
Post Office Box 1209
Palmetto, Florida 34220-1209

Re: Edenfield Property

Dear Mayor Bustle:

As you know, West Coast Tomato is interested in acquiring the above-referenced parcel to expand its facility in Palmetto. Environmental Safety Consultants, Inc. (ESC) has discussed the current status of the parcel with Mr. Andrew Barron of the Florida Department of Environmental Protection (FDEP) in Tampa. According to Mr. Barron, the Site Assessment must be finished after the FDEP approves a Contamination Assessment Plan (CAP). Pursuant to Mr. Barron's June 26, 2001 letter to Mr. Mike Hickey, Palmetto's Public Works Director, three areas must be included in the Site Assessment. Two of these involve soil contamination at SB-1 and SB-11. The third area concerns groundwater contamination at TW-4A. At all three areas, the FDEP is requiring analysis of semi-volatile organics via EPA Method 8270 and the eight RCRA metals.

ESC has estimated the base cost for the CAP and Site Assessment at \$17,000.00. This would include laboratory analysis of soil samples from four borings at each of the two areas of contaminated soil. Samples would be collected from depths of one foot and five feet in each of the eight borings. At TW-4A, a State-licensed Well Driller would install a permanent, shallow monitoring well at an approximate depth of fifteen feet. In addition to total RCRA metals in the groundwater, ESC would analyze the dissolved metals. If the horizontal and vertical extent of contamination is not defined by the preceding Scope of Work, additional borings, samples, and analyses would be required. The anticipated additional fee could range from \$5,000.00 to \$10,000.00. It is not possible at this time to estimate the remediation costs, since the Site Assessment has not been completed.

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West Coast Tomato is willing to share half of the costs in assessing and remediating the property. On West Coast Tomato's behalf, ESC is requesting the City's consideration in funding the other half. Please discuss this with the City Council at your earliest convenience. Thank you for your consideration and assistance.

Sincerely,

ENVIRONMENTAL SAFETY CONSULTANTS, INC.



Scott A. Russell, MS, REPA
Principal Scientist & President

SAR:fk

cc: Mr. Dan McClure
Mr. Michael S. Hickey, P.E.

Project No. 0459-0005

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