

Palmetto City Council  
April 5, 2004 7:00 PM

Elected Officials present:

Larry Bustle, Mayor  
Tamara Cornwell, Vice Mayor  
Mary Lancaster, Council Member  
Brian Williams, Council Member

Elected Officials absent:

Shirley Bryant, Council Member

Staff and others present:

Attorney Michele Hall  
J. E. Free, Jr., 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., followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle introduced qualified candidate Eric T. Ball.

1. APPROVAL OF AGENDA

Mr. Lukowiak reported the street resurfacing and sidewalk replacement projects discussed at the 4:00 Council Workshop meeting were informational items only and did not need to be added to the agenda. Mayor Bustle requested the BOCCAGE Subdivision Final Plat be added to the agenda as item 2C.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-0 to approve the April 5, 2004, 7:00 agenda with the addition of item 2C, BOCCAGE Final Plat.

2. CONSENT AGENDA

- A) Minutes: February 23, 2004 Council Meeting  
March 15, 2004 Work Shop and Council Meeting
- B) Dye, Deitrich, Prather, Petruff & St. Paul billing through February 29, 2004  
Professional Services - \$24,193.12; Litigation Services - \$8,149.54
- C) BOCCAGE Final Plat

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-0 to approve the Consent Agenda with the removal of item 2C for discussion.

Attorney Hall advised Council approval of the BOCCAGE Subdivision Final Plat was being sought, subject to required improvements that remain to be completed. Of the improvements made, the City has been provided a defect/maintenance bond. For the remaining approximate \$70,000 improvements requiring completion, the developer has secured a performance bond of 110% of the value of the improvements.

Attorney Hall reviewed items she felt should be provided the City that won't affect the plat: 1) easement to provide the City access to improvements the City will maintain, excluding stormwater ponds. 2) easement providing access for emergency and law enforcement. 3) agreement referred

to in the maintenance bond, 4) certifications from City engineer ZNS as to the completeness of the as-builts.

Ms. McCann confirmed there have been no changes since approval of the preliminary plat. Mrs. Tusing confirmed access to the gated community will be provided to emergency and law enforcement departments.

Mr. Williams moved, and Mrs. Lancaster seconded a motion regarding the items Attorney Hall discussed. Mr. Williams withdrew his motion and Mrs. Lancaster withdrew her second. Attorney Hall provided the recommended wording of the motion.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 3-0 to approve a performance bond in an amount of 110% of the cost of improvements to be constructed within one year of final plat recordation; authorize the Mayor to approve the final plat for recordation upon receipt of confirmation by the attorney that the City has received written certification by the City engineer that the amount of the proposed performance bond is appropriate; the completed improvements are consistent with the previously approved drawings and that the City has received executed easements pertaining to emergency vehicle access and City access to maintain public improvements; and authorize the Mayor to execute an agreement concerning the developer's maintenance of constructed improvements, as referenced in the maintenance bond.

### 3. PUBLIC HEARING - ORDINANCE NO. 04-798

Ordinance No. 04-798 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN 0401 - Palmetto II, LP, PID #1015725059, 1015710059, apprx. 211 acres)

Mayor Bustle read into the record a letter from Manatee County Board of County Commissioners Chairman Jane von Hahmann, a copy of which is attached hereto and made a part of these minutes.

Attorney Hall informed Council she has been speaking with the Manatee County attorney concerning the issue. If the Board of County Commissioners approves the UDZ map at its meeting April 6, 2004, the approval will affect the discussions. Mr. Williams stated the County representative on the Joint Planning Commission has approved the City's UDZ map. Attorney Hall advised the City's UDZ map has not been formally accepted by Manatee County. She further stated the enclave issue is the subject still needing discussion and research. Attorney Hall informed Council she and Jessica McCann would be meeting with the applicant's attorney, Manatee County attorney Jim Minix, and the County's planning staff.

Mayor Bustle opened the public hearing.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 3-0 to continue the public hearing to April 26, 2004.

Mayor Bustle introduced qualified candidate Charles Smith.

4. MEMORANDUM OF UNDERSTANDING/WORKING AGREEMENT WITH CHILD PROTECTION INVESTIGATIONS DIVISION OF THE MANATEE COUNTY SHERIFF'S OFFICE

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-0 to approve and authorize the Mayor and Chief of Police to execute the Memorandum of Understanding/Working Agreement between the Palmetto Police Department and the Child Protection Investigations Division of the Manatee County Sheriff's Office.

Chief Lowe discussed the Adult Protective Investigations Program of the Department of Children and Families, advising Council the agreement is done on an annual basis. It was determined the Adult Protective Investigations Program of the Department of Children and Families had not been reviewed by Council and would be placed on the April 26, 2004 City Council agenda.

5. EASTSIDE MASTER LIFT STATION ANALYSIS

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-0 to approve and authorize the Mayor to execute a contract with Zoller, Najjar & Shroyer, L. C. for the Eastside Master Lift Station Analysis, ZNS Job #00-32520, in an amount not to exceed \$25,000.

6. POLICE DEPARTMENT INDOOR AIR QUALITY ASSESSMENT

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 3-0 to authorize JEA to proceed with the Palmetto Police Department Indoor Air Quality Assessment for an amount not to exceed \$3,800.

7. WESTRA CONSTRUCTION CONTRACT RECLAIMED WATER INSTALLATION

MOTION: Ms. Cornwell moved and Mrs. Lancaster seconded for discussion to approve and authorize the Mayor to execute a "piggy back" agreement with Westra Construction Corporation for CIP project Reclaimed Water Line Installation, in an amount not to exceed \$600,000.

Mrs. Lancaster referred to the installation locations on Exhibit E. Mr. Lukowiak reported Public Works will wait for the outcome of the grant application for Ward 1 before determining the locations in the ward for reclaimed water installation. Mrs. Lancaster commented she does not object to the established installation plan, she does not want to see Ward 1 left out because of a lack of funds.

Motion carried 3-0.

8. RESOLUTION NO. 04-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, DECLARING CERTAIN PROPERTY OWNED BY THE CITY OF PALMETTO TO BE SURPLUS AND AUTHORIZING ITS SALE OR DISPOSAL.

Mr. Lukowiak stated subsequent to the preparation of the agenda item an additional party has expressed interest in the topic and has submitted a quote. He asked the item be pulled so he can consider the figures. Mr. Free requested the resolution be approved, as it only approves the list of surplus equipment and authorizes its disposal.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-0 to adopt Resolution 04-20, to declare certain property owned by the City of Palmetto to be surplus and authorize its sale or disposal.

MOTION: Mr. Williams moved. Ms. Cornwell seconded and motion carried 3-0 to set the date of the auction as Saturday, May 8, 2004, authorize the City Clerk to solicit proposals, authorize the Mayor, Public Works Director and City Clerk to determine the proposal that is in the best interests of the City and authorize the Mayor to execute an agreement.

The procurement procedures set forth in the City's code will be followed, in as much as this is an item that will cost less than \$10,000 and does not require a bid.

#### 9. AWARD OF BID - STORMWATER RATE STUDY

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 3-0 to award the Stormwater Rate Study bid to Berryman and Henigar and authorize the Mayor to execute a contract in an amount not to exceed \$19,000.

#### 10. CONTRACT NEGOTIATION - ADA COMPLIANCE

Mr. Lukowiak reported this is another CIP project previously approved by Council. Mr. Lukowiak requested that in addition to negotiating the contract, the Council authorize the Mayor to execute the contract. Mr. Lukowiak stated he will apprise Council of details of the contract at the next Council meeting.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-0 to authorize staff to negotiate and the Mayor execute a piggy back contract with Fawley-Bryant Architects, Inc. to bring the City into compliance with Florida Building Codes and Federal 1991 Americans with Disabilities Act.

#### 11. APPOINTMENT OF CODE ENFORCEMENT OFFICER

Mr. Free reported the Florida Building Code authorizes the City's building official to issue citations for violations of the building code. The City's ordinances require Council appoint, in writing, all City code enforcement officers.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded to appoint Building Official Roger Titus as a City Code Enforcement Officer exclusively for building code issues.

Mr. Williams requested that the City utilize its Code Enforcement Board before issuing citations that involve the court system. Mayor Bustle reported he has requested Attorney Hall to prepare an orientation briefing to the Code Enforcement Board. Correspondence to members of the board has been prepared asking they attend the orientation meeting so the board can become actively involved in enforcing the ordinances of the City. Mrs. Lancaster discussed how the Code Enforcement Board has functioned in the past. Attorney Hall commented on the prior notice issue: regardless of whether a citation is issued, or an item is being taken to the Code Enforcement Board, the code enforcement officer has to provide reasonable notice, up to 30 days.

The motion carried 3-0.

12. 1ST READING & ADVERTISING APPROVAL ORDINANCE NO. 04-800  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT, AMENDING APPENDIX B, SECTION 11.9 OF THE CODE OF ORDINANCES BY PROVIDING THAT THE BUILDING OFFICIAL OR HIS REPRESENTATIVE SHALL SERVE ON THE DEVELOPMENT REVIEW COMMITTEE; AMENDING APPENDIX B, SECTION 11.11 OF THE CODE OF ORDINANCES BY PROVIDING THAT DEVELOPMENT REVIEW COMMITTEE STAFF REPORTS WILL BE TRANSMITTED TO

THE CITY COUNCIL; REPEALING PRIOR INCONSISTENT ORDINANCES AND PROVISIONS;  
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-0 to  
approve Ordinance No. 04-800 for advertising and schedule a public hearing for  
April 26, 2004.

13. 1ST READING & ADVERTISING APPROVAL ORDINANCE NO. 04-801

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, ADOPTING BY REFERENCE  
MANATEE COUNTY ORDINANCE 04-27 CONCERNING THE MANUFACTURE, SALE,  
POSSESSION OR USE OF FIREWORKS THROUGHOUT MANATEE COUNTY; PROVIDING  
FOR FINDINGS OF FACT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT;  
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-0 to  
approve Ordinance No. 04-801 for advertising and schedule a public hearing for  
April 26, 2004.

14. RESOLUTION NO. 04-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA,  
APPROVING AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION  
(FDOT) FOR LOCAL AGENCY PROGRAM (LAP) CERTIFICATION; AND PROVIDING AN  
EFFECTIVE DATE.

The LAP certification is a process to authorize the City to do design work for certain projects that  
will then be funded by the FDOT. Resolution No. 04-21 authorizes the Mayor to sign the  
certification.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 3-0 to adopt  
Resolution No. 04-21.

15. DEPARTMENT HEADS' COMMENTS

Mr. Lukowiak

The contamination test performed at the police department site indicates a high petroleum  
presence. Mr. Lukowiak requested \$350 for additional testing, as he believes there is an error,  
which is not an uncommon occurrence. Council voiced no objection to the additional expenditure.

Mr. Free

Four individuals have opened campaign accounts for the vacant Council at-large seat. Two  
persons have qualified; Charles Smith and Eric Ball.

There is a dedicated line for contractors to call in for building inspections. When such a call  
comes into the main switchboard, the call will be taken by the permit clerk.

There have been no changes in the polling locations.

Chief Lowe

April 14 through April 16, 2004 is the dates for the mock accreditation.

An arrest has been made in the robbery of the Shell station on April 2, 2004.

16. MAYOR'S REPORT

The Volunteer's Appreciation Dinner was a very nice event.

The Tourist Development Council for Manatee County is seeking an elected official to fill a position. Interested parties may complete an application. The Board of County Commissioners will make the selection. Mr. Williams requested he be supplied with the application.

FDOT has advised the questions involving the City's application for the four-way stop light at 7th Street and US 41 have been answered. Approval to proceed with the project should be forthcoming. Mayor Bustle stated that with the LAP certification the City will be able to go directly to the design; ZNS will act as the project manager/engineer.

A charette chaired by MPO Chairman McClash was held to obtain public input on water taxis. Mayor Bustle stated he agreed with Bill Theroux, Bradenton Downtown Development Agency, that there are four metro terminals; Regatta Pointe, Riviera Dunes, Twin Dolphin and the Riverwalk Promenade. MPO is proceeding with the feasibility study for the project that will encompass the area from St. Petersburg to Venice.

Complimented CRA on the recently developed public relations materials.

#### 17. COUNCIL MEMBERS' COMMENTS

##### Mr. Williams

Discussed Tallahassee's 8' medians being used at intersections for traffic calming. Mayor Bustle inquired if speed bumps could be used on 20th Avenue rather than stop signs. Public Works will research the topic and bring a recommendation back to Council.

Mrs. Ponder will contact Council for available dates for the Charter meeting.

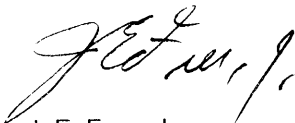
##### Mrs. Lancaster

The Wheel & Deal car lot is still in DRC review. Mrs. Lancaster stated the trailer is still on blocks and questioned the City's liability. Mr. Free stated he will determine if the City can remove the trailer.

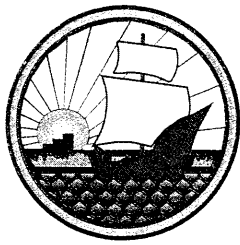
Complimented the Mayor and Deanna Roberts on the Volunteer's Appreciation Dinner.

Meeting adjourned at 8:20 pm.

Minutes approved: April 26, 2004



J. E. Free, Jr.  
City Clerk



✓ C-PTZ-OTM  
3/30/04

MANATEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

ATTACHMENT TO CITY COUNCIL MINUTES 4/5/04

m

March 23, 2004

Mayor Larry Bustle  
City of Palmetto  
516 - 8<sup>th</sup> Avenue West  
Palmetto FL 34221

RE: Palmetto II, LP/Palmetto Business Park  
AN-04-01 Annexation

Dear Mayor Bustle:

Thank you for the opportunity to review the annexation request.

Manatee County has reviewed the proposal and has a concern regarding the creation of enclaves. As you know, Florida Statutes 171.044 (5) prohibits the creation of enclaves through voluntary annexations.

We would recommend our attorney's work together to review this issue prior to the second reading on April 5<sup>th</sup>.

Additionally, we believe that until both Palmetto and the County formally approve the boundaries of the Urban Development Zone (UDZ), Joint Planning Committee (JPC) review is required.

The County will be providing a more detailed review of the Comprehensive Plan and Zoning amendments prior to the April 15<sup>th</sup> transmittal date.

Once again, thank you for the opportunity to review the proposal and for your attention in this matter.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

JANE W. von HAHMANN  
Chairman

KLT:kit

cc: Palmetto Intergovernmental File