

Palmetto City Council  
April 26, 2004 7:00 PM

Elected Officials present:

Larry Bustle, Mayor  
Tamara Cornwell, Vice Mayor  
Shirley Bryant, Council Member  
Brian Williams, Council Member

Elected Officials absent:

Mary Lancaster, 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 an invocation and the Pledge of Allegiance to the United States Flag.

PUBLIC COMMENT:

Ann Marshall, president of Palmetto Woman's Club, reported that she has been advised Waste Management considers the Woman's Club a business and will not pick up its yard waste. She discussed the fact that many businesses in Palmetto do their own yard maintenance and suggested the businesses were not aware of the fact the waste would not be removed. Mr. Lukowiak will research the topic and contact Ms. Marshall.

Dominique Leclezio commented on the growth in the City, and referring to the agriculture in the City's seal, inquired how the image is being protected. Mayor Bustle discussed the City's Capital Improvement Plan; the Historic Preservation Board's establishment of guidelines for developers and the Land Development Codes. Ms. Bryant commented on the City's Comprehensive Plan and the many boards that allow the public to serve their community. Mr. Leclezio was also informed the CRA has the responsibility for a large portion of downtown and is currently working with a contractor selected to perform a study for the waterfront.

PROCLAMATION

Mayor Bustle read a Proclamation honoring Palmetto High School graduates Cody John, Barry Manter and Josh Mitchell for their appointment to West Point.

1. APPROVAL OF AGENDA

Mayor Bustle requested the agenda be amended to bring item #3, Public Hearing for Ordinance No. 04-798 as item #2 and to delete item #7, Resolution No. 04-22.

MOTION: Ms. Bryant moved. Mr. Williams seconded and motion carried 3-0 to approve the April 26, 2004, 7:00 agenda with changes as suggested by Mayor Bustle.

2. PUBLIC HEARING - ORDINANCE NO. 04-798

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 04-01 - Palmetto II, LP, PID #1015725059, 1015710059 apprx. 211 acres)

Mayor Bustle reopened the public hearing continued from April 5, 2004.

Ms. McCann requested the public hearing be continued until a Utility Agreement can be finalized. Attorney Hall advised the City is also waiting for a decision from Manatee County.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 3-0 to continue the public hearing for Ordinance No. 04-798 to May 3, 2004, at 7:00 pm.

3. CONSENT AGENDA

- A) Minutes: April 5, 2004 Work Shop and Council Meeting
- B) March Check Register
- C) Dye, Deitrich, Prather, Petruff & St. Paul, P.L. billing through March 31, 2004  
Professional Services - \$18,576.89; Litigation Services - \$3,504.00
- D) Special Function Permit - Graduation Celebration - Terri Hannaford

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 3-0 to approve the Consent Agenda.

4. PUBLIC HEARING - ORDINANCE NO. 04-800

Ordinance No. 04-800 was read by title.

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. Bryant moved, Ms. Cornwell seconded to adopt Ordinance No. 04-800.

Mr. Williams requested that Section 3 Revision Language be amended as follows:

Within a reasonable period of time after receipt of a completed application and any responses for additional information from the applicant, the DRC shall prepare an appropriate staff report. If the application is to be reviewed by the City Council, the DRC

staff report and recommendation shall be forwarded to the planning and zoning board, and subsequently transmitted to the City Council as an attachment to the recommendation of the planning and zoning board. If the application does not require City Council review, the DRC staff report shall be transmitted to the City Council within a reasonable period of time for informational purposes and shall include a brief description of any administrative action taken by the DRC.

Mayor Bustle opened the public hearing. With no public comment, Mayor Bustle closed the public hearing.

Motion on the floor carried 3-0.

5. PUBLIC HEARING - ORDINANCE NO. 04-801

Ordinance No. 04-801 was read by title.

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.

Mayor Bustle opened the public hearing. With no public comment, Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 3-0. to adopt Ordinance No. 04-801.

6. ADULT PROTECTIVE INVESTIGATIONS PROGRAM OF THE DEPARTMENT OF CHILDREN AND FAMILIES

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 3-0 to approve and authorize the Mayor and Chief of Police to execute the Adult Protective Investigations Program of the Department of Children and Families.

7. RESOLUTION NO. 04-23

Leo Mills & Associates for Jackson Park survey; Berryman and Henigar for a Stormwater Rate Study

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.

MOTION: Ms. Cornwell moved, Mr. Bryant seconded and motion carried 3-0 to adopt Resolution No. 04-23.

8. RESOLUTION NO. 04-24

Sidewalks and Street resurfacing projects

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.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 3-0 to adopt Resolution No. 04-24.

9. RESOLUTION NO. 04-25

JEA for Police Department soil contamination; JEA for Police Department indoor air quality testing; HRN Employee Evaluation Software purchase

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.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 3-0 to adopt Resolution No. 04-25.

10. RESOLUTION NO. 04-26

Estate of Hazel Smith bequest

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.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 3-0 to adopt Resolution No. 04-26.

11. RESOLUTION NO. 04-27

Eastside master lift station

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.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 3-0 to adopt Resolution No. 04-27.

12. AWARD OF BID - PUBLIC WORKS ROOFING SERVICES

Mr. Lukowiak advised Council the contract had not been reviewed by counsel and requested Council consider approving the item contingent upon legal review.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 3-0 to award the Public Works roofing services bid to Manson Roofing, Inc. and authorize the Mayor to execute the contract in an amount not to exceed \$16,449, pending legal review and approval.

13. FORMALIZATION OF CITY SPONSORED EVENTS

Referring to the compiled information, Ms. Bryant reported the Manatee River Fair Association paid for police road work, noting the report did not contain an amount for the service. Ms. Bryant stated she did not agree with the report, nor could she support events that are sponsored by individual businesses as the sole beneficiary of the proceeds of the event.

Discussion ensued on the fact the Public Works Department provides services to every event occurring in the City, but has never charged a fee for the service. Mayor Bustle stated that is one of the reasons he is requesting Council formally adopt a list of City sponsored events. Attorney Hall cautioned that the City has a duty not to allocate resources in an arbitrary manner; criteria needs to be established as to reasons why an event would be chosen as a City sponsored event.

The item was tabled to a future date.

14. APPOINTMENT OF CANVASSING BOARD

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 3-0 to appoint Mayor Bustle, Deputy City Clerk Mary Jean Forrester and Supervisor of Elections Robert Sweat as the City's Canvassing Board for the May 18, 2004, At-Large 1 City Council election.

15. 1st READING & ADVERTISING APPROVAL - ORDINANCE NO. 04-802  
AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, MAKING CERTAIN 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 (AN0404 – Diocese of Venice, PID # 24219.0000/8 approximately 8.28 acres).

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 3-0 to approve Ordinance No. 04-802 for advertising and schedule a public hearing for May 17, 2004.

16. 1st READING & ADVERTISING APPROVAL - ODINANCE NO. 04-803  
AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT) FROM RES-9 (COUNTY) TO PLANNED DEVELOPMENT (CITY); PROVIDING FOR APPLICABILITY;

PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Diocese of Venice PA0403, PID # 24219.0000/8, approximately 8.28 acres).

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 3-0 to approve Ordinance No. 04-803 for advertising and schedule a public hearing for May 17, 2004.

17. 1st READING & ADVERTISING APPROVAL - ORDINANCE NO. 04-804

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED IN EXHIBIT "A" OF THIS ORDINANCE FROM A-1 (AGRICULTURE 1 DU/AC - COUNTY) TO PD-MU (PLANNED DEVELOPMENT-MULTI USE - CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0406 Diocese of Venice, PID # 24219.0000/8, approximately 8.28 acres).

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 3-0 to approve Ordinance No. 04-804 for advertising and schedule a public hearing for May 17, 2004.

18. 1st READING & ADVERTISING APPROVAL - ORDINANCE NO. 04-805

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT) FROM IL (LIGHT INDUSTRIAL - COUNTY) TO HCOMIND (HEAVY COMMERCIAL/INDUSTRIAL-CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Forristall Enterprises PA0404, PID # 2575700006, approximately 9.99 acres).

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 3-0 to approve Ordinance No. 04-805 for advertising and schedule a public hearing for May 17, 2004.

19. DEPARTMENT HEAD'S COMMENTS

Chief Lowe

The mock accreditation went very well; most of the department's directives are in place. The final accreditation is July 14 - 16, 2004.

Chief Lowe will be attending the African American Leadership Summit in Washington, DC April 27 & 28, 2004. Congress Woman Katherine Harris selected Chief Lowe.

Information on motorized scooters has been distributed to Council.

J. E. Free, Jr., City Clerk

The utility bills will contain a notice regarding the fencing requirements for pools.

The January 26, 2004 minutes will be corrected to show the total units at Riviera Dunes to be 752, to coincide with the Development Order, rather than 750. Council had no objection to the correction.

The Animal Rescue Coalition is currently offering free services to spay and neuter cats and dogs. The mobile unit is currently operating at Riverside West. There has been conversation with the organization to include the City as an additional insured on their policy, as well as possibly relocating the mobile unit to the Civic Center or the parking lot at 10th Street and 5th Avenue. At the very least, the organization will obtain a Special Function Permit for the use of City property.

Chris Lukowiak, Public Works Director

Mr. Lukowiak advised Council the current contract with Veolia, formerly U. S. Filter, requires that a six month notice be provided if the City wishes to renegotiate the contract expiring January 2005, and sought permission to begin negotiation of the contract's renewal.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 3-0 to approve Public Works Director Chris Lukowiak to negotiate a contract with Veolia for the operation of the wastewater treatment plant.

The Public Works Department is receiving information regarding the escalation of the cost of pipe as well as the difficulty purchasing pipe. Mr. Lukowiak advised Council of the problem because of the possible change in the estimated cost of the City's capital projects. The department is working with Westra Construction regarding stockpiling pipe inventory. Council also suggested working with the City of Bradenton and Manatee County, via the ACCORD, regarding the joint purchase of pipe inventories.

Verbal confirmation has been received that the indoor air quality testing at the Police Department shows no contaminants.

Mr. Lukowiak stated that part of the agenda item that was removed discussed the overages for the operation of the wastewater treatment plant. Don Patterson, Veolia Water, stated the overages are brought to Council once a year and are normally repair and maintenance, chemicals, testing and lab services. He advised this topic is one of the items that will be looked at in the new contract. Mr. Free stated Council could approve the expenditure and the budget resolution would be brought to Council May 3, 2004.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 3-0 to authorize payment of the operation overages of the wastewater treatment plant not to exceed \$80,794.09, for the contract ending January 31, 2005.

Attorney Michele Hall

Referred to the incident where a well was drilled through a sewer pipe in a City utility easement on property owned by Lee Siglock. Attorney George Harrison, representing Mr. Siglock and the previous property owner Mr. Thornton, has advised counsel that neither property owner accepts liability for the erroneous location of the well. Attorney Hall inquired if the City wishes to resort to litigation to collect the \$15,000 expenditure to

repair the pipe. Council concurred that the City has to pursue collection of the expenditure or a precedent will be set regarding the damage of City property. Attorney Dick Groff will represent the City in any litigation, mediation or arbitration. The Public Works Department will provide Attorney Hall all the costs relating to the well and associated sewage contamination cleanups created because of its erroneous location

#### 20. MAYOR'S REPORT

Reminded Council of the Council's Charter Review meeting scheduled Tuesday, April 27, 2004 at 6:00 pm to discuss the Charter.

Recommended the Special Function Permit for the Farmer's Market be denied, based on the investigation outlined in Geoff Seger's memo.

South Florida Museum is in a fund drive for the Planetarium and the director has requested permission to come before Council regarding a donation from the City. Council did not grant permission for the presentation.

The Wholesale Water Agreement will be reviewed by Mr. Lukowiak and Attorney Hall. The topic will be brought to Council at a future date.

Mayor Bustle will compose a reply to Commissioner von Hahmann's correspondence discussing density and height issues. Commissioner Stein will be advised of Council's decision on the UDZ.

Council will be notified of the Habitat for Humanity groundbreaking ceremony.

Referring to Palmetto Elementary School, Mayor Bustle informed Council that he said, " If Manatee County is thinking about buying the Goldome building next door, then it only makes sense, since the Goldome building doesn't have enough parking, that the County consider the City Hall complex as a piece of real estate that should be included in this deal." Mayor Bustle discussed the School Board having a \$10.5 million budget for a new school, but the board is facing a \$2.5 million repair expenditure in the near term; a new school costs \$13 million, thus the beginnings of the discussions involving the City and the Fair Board. A meeting has been held between the County, School District, Fair Board and City, with all parties agreeing that for the project to succeed, all parties have to win, including the students, parents and teachers at Palmetto Elementary School.

Ms. Bryant informed Council that the vote the Fair Board agreed on was that it was amenable to moving if it worked for everyone else. She further commented on the fact the newspaper articles always stated "there were conversations, absent the County", stating County Commission Chairman Jane von Hahmann also sits as a representative of Manatee County on the Fair Board.

Ms. Cornwell stated it was her understanding the choice of a new school on the current site is not a choice. The choices are refurbish and remodel the current school or build a new school on another location. Mayor Bustle agreed with Ms. Cornwell, but informed Council there were parents and staff that initially do not agree: they want a new school on the site.



The topic has been scheduled for presentation to the Board of County Commissioners. He encouraged Council to attend any future meetings.

Ms. Bryant discussed the Manatee River Fair Association's ownership of most of the property at the fair's location that was donated to Manatee County.

Council discussed the feasibility of relocating the City facilities to the school's site as well as the economic impact the City faces if the fair leaves the City.

## 21. COUNCIL MEMBERS' COMMENTS

### Ms. Cornwell

Has spoken with Commissioner Stein about the pool at Blackstone Park. She stated this election year may be a good time to seek commitment about a definite time line for the pool.

Advised the Council there will be no summer school. The City needs to consider looking at ways we can work with other cities and the County regarding development of activities for the students. Mr. Lukowiak informed Council a survey is being developed inquiring how the citizens use the City parks and what activities they prefer.

### Ms. Bryant

Stated she will be at the Charter Review meeting.

### Mr. Williams

Commented on the roof still leaking at City Hall.

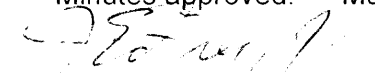
Commented on the employees' opinion of an inadequate break area at Public Works. Mr. Lukowiak stated the area is in the CIP that was approved and will be addressed during next year's budget.

Stated his opinion Waste Management should be notified everything should be picked up and the City then discuss the individual problems with Waste Management. Mr. Lukowiak spoke to how the City is attempting to educate the residents on pickup procedures. He stated Waste Management is working very closely with the City to resolve problems; the program has been in place one month and time is needed to address changes that have been in place forty years. Mr. Lukowiak stated the City must take care with the contents of the franchise agreement; residents must be educated to the change. Mr. Williams requested the City reexamine the yard debris issue to allow for Monday pickup.

Reiterated a map should always be included with issues coming to Council; also requested a hard copy of power point presentations.

Meeting adjourned at 9:30 pm.

Minutes approved: May 17, 2004

  
J. E. Free, Jr., City Clerk