

**Palmetto City Council  
May 3, 2004 7:00 p.m.**

Elected Officials Present:

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

Staff and Others Present:

Attorney Michele Hall  
Chief Garry Lowe  
Chris Lukowiak, Public Works Director  
Jessica McCann, Planner  
Deanna Roberts, Administrative Assistant

Mayor Bustle called the meeting to order at 7:13 p.m.

Mayor Bustle gave the invocation followed by the Pledge of Allegiance to the flag of the United States of America.

1. APPROVAL OF AGENDA

Mayor Bustle called for a modification to the agenda. He proposed moving item #9, Zoller, Najjar Contract Extension, to item #2A. Ms. Bryant moved and Mrs. Lancaster seconded the motion to approve the May 3, 2004, 7:00 p.m. agenda with that modification. The motion carried unanimously.

2. PUBLIC HEARING - ORDINANCE NO. 04-798

Public hearing is continued from April 26, 2004. Reopen public hearing.

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 opened the public hearing. Jessica McCann said that the applicant had faxed Mayor Bustle asking for a continuation as the utility ordinance and road maintenance still need to be addressed. Attorney Michele Hall said the attorney for the applicant informed her the applicant had retained special counsel with expertise in the area of local government matters including annexation and comp plan amendments, etc. and needs time to discuss issues linked to the annexation with her. The hearing was continued to May 17, 2004. Mayor Bustle closed the public hearing.

2A. ZOLLER, NAJJAR & SHROYER, L.C. CONTRACT AMENDMENT AND EXTENSION  
(Chris Lukowiak)

Mr. Lukowiak said that ZNS is involved with several CIP projects right now and he was looking for approval to exercise a renewal option contained in the contract for a one year extension.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and the motion passed unanimously to approve and authorize the Mayor to execute the amended and extended contract with Zoller, Najjar & Shroyer, L.C.

Mr. Lukowiak then asked Council to authorize the Public Works Director to enter into price negotiations with CDG as a sub-contactor to serve as project manager for the city's approved CIP list. Mrs. Lancaster so moved, seconded by Ms. Bryant and the motion carried unanimously.

3. SUB-METER INSTALLATION IN COLONIAL MOBILE MANOR AND PALM BAY MOBILE HOME PARK (Orrin Laferte, Fewtek, Inc.)

**Action Request:** *Motion to authorize and confirm, pursuant to Sec. 29-40, City Code, sub-metering ("resale") of utility services by Colonial Mobile Manor and Palm Bay Mobile Home Park, upon the condition that the resale is in compliance with Section 723.045, Florida Statutes, as it relates to fees and charges; installation of meters is performed by a licensed plumber with proper City permits; and residents will not be charged for installation of sub-meters unless such charge is expressly authorized in the respective mobile home park's prospectus.*

The Mayor asked Mr. Orrin Laferte of Fewtek, Inc. to refresh Council's memory about what he did for Lone Oak Mobile Home Park. He said he installed meters specific to the city's requirements. Mrs. Lancaster said he was supposed to have been sending billing copies so that the city could compare what the residents paid before and after installation. This was to make sure they were not being charged more than the city would have charged. He said copies have been provided subsequent to a recent request from the city.

Ms. Bryant moved and Ms. Cornwell seconded to authorize and confirm per the action request for the purpose of discussion. Ms. Cornwell advised members of the audience that now was the appropriate time to discuss the sub-metering.

Mr. George Drouin of Palm Bay expressed concerns regarding responsibility for the water lines, the placement of the meters, the quality of the meters, the minimum base charge and late charges. He asked for clarification.

Mr. Laferte said the base charge is \$34.20, the highest he's seen anywhere. In his opinion, it is regressive and penalizes seasonal people as well as the poor and elderly. Mr. Lukowiak said the city pays a certain amount for its water and has to spread the cost around. The Mayor suggested the city might look at a different method of billing. He asked Mr. Laferte if he would be willing to meet with the Palm Bay and Colonial Mobile Manor residents and answer their questions. Mr. Lukowiak offered to meet with the residents also.

Mr. Bob Savage of Colonial Mobile Manor expressed concerns about the location of the meters in the old section of the park. They are too far away from the homes, as much as 15-30'. He thinks the meters should be closer to the homes because the residents would be responsible for the 15-30' of lines. Mr. Laferte said there's no other way to do it because of the age of the plumbing.

The Mayor asked Mr. Laferte to meet with the residents in the next two weeks and come back to Council on May 17<sup>th</sup>. He asked him to coordinate the meeting with Public Works.

Ms. Cornwell moved, Ms. Bryant seconded and the motion was approved unanimously to table the discussion and bring back to Council on May 17<sup>th</sup>.

Brian Williams arrived for the meeting at 7:45 p.m.

4. AGRICULTURAL MUSEUM'S UTILITY AND ELECTRIC PAYMENT RENEGOTIATION  
(Earle Lucas)

MOTION: Mr. Williams moved, Ms. Bryant seconded and the motion was approved unanimously to approve the city's support of the Manatee County Agricultural Museum, Inc. by paying the electric and water bills through September, 2004, not to exceed \$3,500.

5. RESOLUTION NO. 04-22 (Jim Free)

Equitas Sewer Services for video and cleaning services; Burton & Associates for a Water, Sewer & Reuse Rate Study; Insituform Technologies for Palmetto Mobile Home Park project; JEA for WWTP FDEP compliance; Veolia Water for WWTP operations overages

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. Bryant moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Resolution No. 04-22.

6. RESOLUTION NO. 04-28 (Jim Free)

Fawley-Bryant Architects, Inc. to bring city facilities into ADA compliance

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 4-0 to adopt Resolution No. 04-28.

7. RESOLUTION NO. 04-29 (Mayor Bustle)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN EXTENSION OF TIME FOR COMPLETION OF THE CHARTER REVIEW; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornell moved, Mr. Williams seconded and motion carried 4-0 to adopt Resolution No. 04-29 with an effective date of December 31, 2004

8. RESOLUTION NO. 04-30 (Jim Free)

Westra Construction Corporation to reconstruct 7<sup>th</sup> Street.

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, Mrs. Lancaster seconded and motion carried 4-0 to adopt Resolution No. 04-30.

#### 9. DEPARTMENT HEADS' COMMENTS

##### Mr. Free

Mr. Free reported that he attended the Florida Government Finance Officers Association meeting in Tampa. He will be on vacation and will return on May 18<sup>th</sup>.

##### Mr. Lukowiak

He has a meeting set up for May 6, with the park residents of Colonial Mobile Manor and Palm Bay Mobile Home Park to answer their questions about the sub-meter installation. He will get with Geoff Seger to discuss options for a plaque at the cemetery to honor Hazel Smith. He will bring suggestions to the workshop on May 17.

##### Chief Lowe

Thanked Mayor and Council for the opportunity to attend the African-American Leadership Conference in Washington, D.C. on April 27-28. It was enlightening and he got the chance to meet several dignitaries. Ms. Bryant congratulated him for being chosen by Congresswoman Katherine Harris to attend.

##### Attorney Hall

Asked Mayor if she should draft an ordinance creating a standing Charter Review Committee. Mayor Bustle directed her to do so, but said it is not a high priority at this point; just add to the list of things to do.

Regarding the ballot issue, Mayor Bustle directed the city attorneys to bring a proposed referendum to Council and to be aware of the timeline that the City is on to make the August ballot.

Discussion ensued on how to word the question on the ballot. Mayor Bustle favors keeping it simple and sees that as the best chance to ensure success. He suggested that the City send mailings out to educate the voters on what is being proposed and why they should vote for it.

Michele Hall said Dick Groff told her he has researched language that should go on the ballot. He asked her if the City had planned a town hall meeting and newspaper ads etc. to educate the public prior to going to the polls. The Mayor said they intend to do that among other things to get the word out.

Ms. Hall suggested attaching a synopsis of the proposed changes to the Charter to the ballot.

Mr. Williams said Council needs to see the draft Charter as soon as possible so they can then decide on the ballot language.

To clarify, Ms. Hall said she will have Mr. Groff proceed with the draft Charter, assume one question on the ballot, and meet with Charter Review Committee to review. Mayor Bustle said yes and bring all to Council on May 17, and ask Charter Review Committee to attend that workshop.

#### 10. MAYOR'S REPORT

Advised Council of the upcoming Community Day of Prayer, in conjunction with the National Day of Prayer, on May 6, at 10:00 a.m. at Heritage Park.

Also, advised Council of the Chamber of Commerce Riverwalk Forums on May 6, for media and May 13, for investors. Tanya Lukowiak and Bill Theroux are doing a combined PowerPoint briefing on the Palmetto and Bradenton business environment. Bus tours will showcase the Riverwalk area.

Mayor Bustle proposed starting the workshops at 3:00 p.m. After discussion it was decided to continue meeting at 4:00 p.m., but with a time certain ending at 6:00 p.m. Anything that needs to be carried over will be carried over. Mr. Williams and Mrs. Lancaster said they prefer not to vote on something that is carried over unless it is an emergency; they wanted more time to think about items to be voted on and

time to gather more information. Mrs. Lancaster asked that the agenda not be so full so that there is more time to discuss each item.

Mayor Bustle asked if he should proceed with discussions with Carl Wilson who wants to anchor a retired naval vessel as a fixed naval ship museum in the Tampa Bay area, preferably in the Manatee River. Council said it wouldn't hurt to talk to him. The Mayor will set up a meeting.

Mayor Bustle reported that he attended a Mayoral meeting which was attended by Commissioner von Hahmann. He brought to her attention that an article in the paper about parks included improvements to be made at Blackstone Park, but a pool was not mentioned. Commissioner von Hahmann said it's on track, but couldn't give him a projected date.

Regarding the Accord, he told Commissioner von Hahmann that individuals were making public statements that Palmetto was not adhering to the Accord. She is signing letters on this subject and he wanted to know if the comments were coming from one or all of the Commissioners. She made note of his comments. All the mayors agreed to a Council of Governments meeting to discuss the Accord and come up with an interpretation of the Accord.

#### 11. COUNCIL MEMBER'S COMMENTS

##### Mr. Williams

He apologized for being late. Advised there is a Joint Planning Committee meeting May 4, and said if anyone had comments for him to take to the meeting to let him know.

##### Ms. Bryant

The Manatee River Fair Association board members attended the Florida Federation of Fairs in Tampa. They were awarded the designation of a Blue Ribbon fair. Fair manager, Daniel West, was elected to the board for the Florida Federation of Fairs.

Ms. Bryant announced that she will file paperwork to run for District 1, County Commission. She will coordinate the dates with the city so as not to cause the city any undue expense.

##### Ms. Cornwell

She thanked the Mayor for mentioning the pool at Blackstone Park and for defending Palmetto's participation in the Accord.

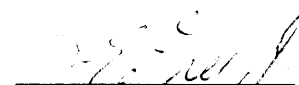
Ms. Bryant mentioned that the discussion of the land acquisition for Palmetto Elementary and relocation of the fair would be on the County Commission agenda May 4, and wanted to know if someone was going. Ms. Cornwell reported that she planned to attend.

##### Mrs. Lancaster

She toured Mr. McClure's new facility at West Coast Tomato and recommended that the rest of Council go. Deanna Roberts will call and set up a tour.

The meeting was adjourned at 8:38 p.m.

Minutes Approved: June 7, 2004

  
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J.E. Free, Jr., City Clerk