

Palmetto City Council  
February 2, 2004 7:00 PM

Elected Officials Present:

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

Elected Officials Absent:

Mary Lancaster, Council Member

Staff and others present:

Attorney Alan Prather  
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.

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

Mayor Bustle read a proclamation proclaiming February 5 through February 7, 2004, as Shriner's Hospital for Children's Benefit Days. Accepting the proclamation were Shriners Dick Nielsen and Don Chase.

1. APPROVAL OF AGENDA

MOTION: Mr. Williams moved to approve the February 2, 2004, 7:00 pm agenda, with the removal of item #5. Ms. Cornwell seconded, for discussion.

Mr. Williams discussed the need for Council to consider if the Building Official should be able to issue citations under the Code Enforcement Board ordinance. Mr. Free informed Council Building Code enforcement citations may be issued through Code Enforcement Officers. Citations may also be issued by the Building Official but the ordinance requires City Council to appoint the position as a Code Enforcement Officer, which has not been done. Mr. Williams asked for Council to have the opportunity to discuss the matter prior to taking any action.

Motion on the floor passed 3-0.

2. PUBLIC HEARING - ORDINANCE NO. 04-791

Ordinance 04-791 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 (AN0304-Irrevocable Trust for Shawn Loveless U/A/D 5/23-1995 by Roy and Teresa Thornton as trustees, PID #2984900056, approx. 24 acres)

Mayor Bustle opened the public hearing.

John McDonald, Mary Foster, Suzanne Baden, Dave Roman, Lewis Thomas, Steve Dirkson, Al Morrison, Frank Spino all spoke in opposition to the proposed annexation, citing density issues, creation of an illegal enclave, and the forced annexation of Amber Wynd, even though the agreement between the developer of Amber Wynd and Mangrove Point was never recorded and the homeowners were not made aware of the agreement. During the public comments, Mr. Williams stated the Joint Planning Commission had approved the annexation, making the recommendation the density be changed to RES-3 and that Palmetto move forward to change its Comprehensive Plan to be the same as the county. Attorney Prather also cautioned Council that the only item for consideration is the annexation of the property; no application for a Comprehensive Plan amendment or application for rezoning has been received by the city. Attorney Prather opined the annexation being considered will not create an illegal enclave.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 3-0 to adopt Ordinance No. 04-791.

### 3. WASTE MANAGEMENT

As the issued was discussed at the 4:00 pm meeting, Council moved forward with its decision.

MOTION: Ms. Bryant moved to approve the city entering into a Franchise Agreement with Waste Management pending approval of the Solid Waste Ordinance and Solid Waste Rate Resolution. Mr. Williams seconded for discussion.

Mr. Williams requested that the solid waste rates be contained in the ordinance rather than a resolution; an ordinance requires a public hearing, thus public comment.

Ms. Bryant amended her motion to approve the city entering into a Franchise Agreement with Waste Management pending approval of the Solid Waste Ordinance. Mr. Williams seconded the amendment to the motion, and motion carried 3-0.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 3-0 to authorize the Mayor to move forward with advertising of the ordinance regarding the Franchise Agreement with Waste Management and approval of the solid waste ordinance and schedule the public hearing for February 16, 2004.

### 4. RESOLUTION NO. 04-08

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, SUPPORTING A CHANGE TO THE WAIVER CRITERIA OF THE STRATEGIC INTERMODAL SYSTEM (SIS) THAT WILL PERMIT SARASOTA BRADENTON INTERNATIONAL AIRPORT (SBIA) TO BE DESIGNATED AS AN EMERGING AIRPORT

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 3-0 to adopt Resolution No. 04-08.

### 5. PENSION BOARD OF TRUSTEES APPOINTMENT

Ms. Bryant advised her liaison position should be corrected to show she also serves with the Palmetto Historical Society. Mayor Bustle's position with Florida League of Cities was corrected to show him as the Contact Representative.

Ms. Cornwell discussed Mr. Grace possibly selling his home and inquired if Council should consider appointing an alternate to his liaison position. Mr. Williams volunteered to work with Public Works if it becomes necessary. Council took no other action.

Mr. Grace entered the meeting at 8:00 pm.

Brian Williams nominated Shirley Bryant to serve as the Council's appointment to the Police Officers' Pension Plan Board of Trustees.

MOTION: Mr. Williams moved. Ms. Bryant seconded and motion carried 4-0 to ratify the following appointments as read:

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| Larry Bustle   | Economic Development Council<br>Metropolitan Planning Organization<br>Manasota League of Cities<br>Tampa Bay Regional Planning Council<br>Florida League of Cities - Contact Representative |
| Brian Williams   | Manatee Water Alliance  |
| Kevin Kinney<br>Shirley Bryant                                       | Police Officers' Pension Plan Board of Trustees<br>Police Officers' Pension Plan Board of Trustees  |
| Shirley Bryant   | Community/Emergency Management/Floating<br>Palmetto Historical Commission   |
| Tamara Cornwell<br>Charlie Grace<br>Mary Lancaster<br>Brian Williams | Police Department<br>Public Works<br>Community Redevelopment Agency<br>City Hall  |

#### 6. DEPARTMENT HEAD'S COMMENTS

Chief Lowe

No report

J. E. Free, Jr., City Clerk

CRA budget contained funds for purchase of the code enforcement vehicle. If approved by the CRA Board at its monthly meeting, the budget will be amended for the purchase of the building department vehicle.

The Motor Grader was added to the Master Lease Schedule 2.

A kick-off meeting for the sales tax issue is scheduled for February 5, 2004, at 5:00 pm at the Manatee River Garden Club.

Chris Lukowiak, Public Works Director

At a meeting with the Palmetto Historic Commission, the Board inquired how the rents for use of Heritage Park are used. Ms. Bryant stated the city had established that funds held in the city's General Funds were to be used for maintenance. Mr. Lukowiak indicated the Historic Commission implied they wanted to know about the rental income before committing to spending \$10,000. Mr. Free was instructed to determine what has been spent on the Park vs. what has been collected in rents. Mr. Lukowiak will take the information back to the Historic Commission. Discussion ensued on the city placing \$10,000 in its next budget year for reimbursement of \$10,000 for the roof repair to the commission.

#### 7. MAYOR'S COMMENTS

A memorial service will be held at the Memory Tree Walk on February 3, 2004, at 10:00 am honoring Mr. Adams, Mr. Gilliard and Mr. Ormond.

Copies of Mayor Bustle's letter to the editor concerning the sales tax issue were too distributed to Council for review.

Attorney Hall will prepare a synopsis of the code enforcement issue and email it to key people at Tropic Isles so the issue will not be a topic at Saturday's Town Hall Meeting. The meeting was confirmed to be a town hall meeting.

The president of DeSoto Historical Society has approached the city about waiving the expenses associated with the Children's Parade for fear the other municipalities will follow suit. Mayor Bustle proposed allowing Chief Lowe to solve the issue. Staff was instructed to obtain a full listing of events in the city and their associated costs.

#### 8. COUNCIL MEMBER'S COMMENTS

Mr. Grace

No comments.

Mr. Williams

Concurred with Mayor Bustle's letter to the editor.

Mr. Lukowiak will provide a report of the police department contamination once he has completed his research.

Commented on the letter from FDOT regarding the school crossing at 17th Street and US 41 not warranting a guard. This site will be part of the 8th Avenue Study that will be present at a subsequent meeting.

Allen Tusing has been given information about a machinery auction in Wiamama.

Ms. Bryant

Thanked the police department for its service during the fair. Commented on the city's booth being very nice.

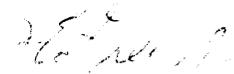
Ms. Cornwell

Reservations for Florida League of Cities conference in August can be made in May.

The application for the Kids Fishing Tournament special function permit has been received. She suggested this could be considered as one of Waste Management's free pick-ups.

Meeting adjourned at 8:45 pm.

Minutes approved: February 16, 2004



J. E. Free, Jr.  
City Clerk