

**Palmetto City Council**  
**August 19, 2002 7:00 PM**

**Elected Officials Present:**

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

**Staff and others present:**

**Karen A. Conlon, City Clerk**  
**Garry Lowe, Chief of Police**  
**Mike Hickey, Public Works Director**  
**Diane Ponder, Administrative Assistant**

**Mayor Bustle called the meeting to order at 7:00 p.m.**

**Vice Mayor Lancaster gave the invocation, followed by the Pledge of Allegiance to the Flag of the United States.**

**1. APPROVAL OF AGENDA**

**MOTION: Mr. Williams moved, Mr. Bryant seconded and motion carried 5-0 to approve the August 19, 2002 agenda.**

**2. PUBLIC HEARING - ORDINANCE NO. 02-753**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM RS-1 (SINGLE FAMILY RESIDENTIAL, MINIMUM 15,000 SQ.FT. LOT) TO RS-2 (SINGLE FAMILY RESIDENTIAL, MINIMUM 10,000 SQ.FT. LOT); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0215/PEN DEVELOPMENT, LLC; approximately 19.66 acres)**

**Mayor Bustle opened the public hearing.**

**Margaret Tusing gave a brief synopsis of the proposed project. Ms. Tusing informed Council staff recommended approval of the project, but the Planning & Zoning Board recommended denial, by a 4 to 1 vote, based on compatibility with the surrounding area and drainage issues. Ms. Tusing introduced engineer Robert Lombardo, developers Pete Pierce and Ken Cerar and attorney Hugh McGuire.**

**Robert Lombardo, president of Lombardo, Skipper, & Foley, reviewed the proposed project. Mr. Lombardo discussed the project's compatibility with the surrounding areas, citing lot sizes in Flagstone Acres, Lampost Place and Bahia Vista, as well as the recently approved subdivision to the west of the proposed project. He reviewed the Southwest**

**Palmetto City Council  
August 19, 2002**

**Florida Water Management District stormwater criteria any new development is required to meet. He informed Council the developers were willing to establish deed restrictions requiring a two-car garage, minimum 1800 sq. ft. home, construction of the missing portion of the recreational trail on the south side of the property at 50 or 60-feet, and an access easement to the recreational trail.**

**Citizens James Callahan, Alva Pennington, Alan Stewart, Roger Herback, Tom Miller, Sharon Tarman, Lynn Grabow, Chad Huly, Jeremy Nichols, and Brenda Charsky all spoke in opposition to the project. Reasons cited were drainage, lot sizes, compatibility, street lighting, traffic and devaluation of property values on the north side of 17th Street.**

**Ms. Bryant stated drainage could not be a factor in Council's decision in the rezoning of the property. She stated her concern was, given smaller lots, there seems to be more on-street parking, thereby hampering emergency vehicles accessing homes in the rear of the subdivisions. Her concern was a safety issue.**

**Mayor Bustle closed the public hearing.**

**Robert Lombardo again discussed the criteria, as established by Southwest Florida Water Management District, the development would have to meet to be permitted. He also discussed how the project would be reviewed according to "as built" plans and the fact it would be monitored every two years by the water district to ensure the stormwater would be discharged according to the plans.**

**Pete Pierce, Pen Development, discussed the trend toward smaller lots. If the size of the lots must be increased the square footage of the homes would decrease to 980 to 1300 sq ft.**

**Mayor Bustle reopened the public hearing.**

**Citizens Tom Miller, James Callahan, Sharon Tarmon and Roger Herback again voiced their opposition citing monitoring of water onto other properties, elevation of homes in the project, and the slope of the pond walls.**

**Public Works Superintendent Allen Tusing, a 29-year employee of the city, discussed the drainage issues in the area. Mr. Tusing stated all systems are designed to handle 25-year storms. He concurred with Mr. Lombardo the water runs to the north, but there could be pockets that drained in another direction. Mr. Tusing spoke of the planned project to alleviate drainage into Lake Rowlett.**

**Citizen Chad Huly spoke about compatibility if 980 to 1300 square foot homes are built rather than 1800 square feet.**

**Mayor Bustle closed the public hearing.**

**The Council Members and Mayor declared they had looked at the property prior to the meeting.**

**Planning & Zoning Board Member Charlie Ugarte stated the two issues considered to deny the rezoning request were drainage and compatibility. He stated the board felt the density would be too high.**

Palmetto City Council  
August 19, 2002

**MOTION:** Mr. Grace moved, Ms. Bryant seconded and motion carried 4 to 1 to not adopt Ordinance No. 02-753. Ms. Cornwell voted no.

Ms. Bryant stated the City was hopeful of trying to facilitate a meeting with the residents of the surrounding neighborhoods. She encouraged the residents to bring problems they may encounter to the City so staff could help them work through their issues.

**3. SPECIAL FENCE PERMIT - MCGOWAN SPF0202**

**MOTION:** Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve the Special Fence Permit to James McGowan, 909 10th St. W.

**4. SPECIAL FENCE PERMIT - CORREA SPF 0203**

**MOTION:** Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve the Special Fence Permit to Michael Correa, 804 11th Ave. W.

**5. 1st READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-721**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING THE PALMETTO COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM RES-6 (RESIDENTIAL 6 DU/AC/COUNTY) TO PU (PUBLIC USE/CITY) BY INCORPORATING THE LAND LEGALLY DESCRIBED IN SECTION ONE AND IN PLAN AMENDMENT NO. PA0201 ATTACHED HERETO AS EXHIBIT "B"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0201/City of Palmetto, Blackstone Park and Expansion; 31.86 acres)

**MOTION:** Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 02-721 for advertising and schedule a public hearing September 16, 2002.

**6. 1st READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-723**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING THE PALMETTO COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM IH (HEAVY INDUSTRIAL/COUNTY) TO HCI (HEAVY COMMERCIAL/INDUSTRIAL-CITY) BY INCORPORATING THE LAND LEGALLY DESCRIBED IN SECTION ONE AND IN PLAN AMENDMENT NO. PA0202 ATTACHED HERETO AS EXHIBIT "B"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0202/City of Palmetto/Horizon Industrial Park; 11.78 acres)

**MOTION:** Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Ordinance No. 02-723 for advertising and schedule a public hearing September 16, 2002.

**7. 1st READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-725**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING THE PALMETTO COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM IH (HEAVY INDUSTRIAL/COUNTY) TO HCI (HEAVY COMMERCIAL/INDUSTRIAL-CITY) BY INCORPORATING THE LAND LEGALLY DESCRIBED IN SECTION ONE AND IN PLAN AMENDMENT NO. PA0203

Palmetto City Council  
August 19, 2002

ATTACHED HERETO AS EXHIBIT "B"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0203/City of Palmetto/Conrad and Gary Yelvington, 3.35 acres)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve Ordinance No. 02-725 for advertising and schedule a public hearing September 16, 2002.

**8. 1st READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-727**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING THE PALMETTO COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM IH (HEAVY INDUSTRIAL/COUNTY) TO HCI (HEAVY COMMERCIAL/INDUSTRIAL-CITY) BY INCORPORATING THE LAND LEGALLY DESCRIBED IN SECTION ONE AND IN PLAN AMENDMENT NO. PA0204 ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0204/City of Palmetto/Canal Road Industrial Park; 14.78 acres)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve Ordinance No. 02-727 for advertising and schedule a public hearing September 16, 2002.

**9. 1st READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-729**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING THE PALMETTO COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM PD (PLANNED DEVELOPMENT) TO PU (PUBLIC USE) BY INCORPORATING THE LAND LEGALLY DESCRIBED IN SECTION ONE AND IN PLAN AMENDMENT NO. PA0205 ATTACHED HERETO AS EXHIBIT "B"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0205/City of Palmetto/Estuary Park; 11.75 acres)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve Ordinance No. 02-729 for advertising and schedule a public hearing September 16, 2002.

**10. 1st READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-758**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA APPROVING A GENERAL DEVELOPMENT PLAN FOR THE VILLAS AT OAK BEND ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Z0216 THE VILLAS AT OAK BEND/Kendar-Marsac Development Company; 8.27 acres)

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve Ordinance No. 02-758 for advertising and schedule a public hearing September 16, 2002.

**11. RESOLUTION NO. 02-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT.**

**MOTION:** Mrs. Lancaster moved, Ms. Bryant seconded and motion carried 5-0 to adopt Resolution No. 02-17 and authorize the Mayor to sign the FDOT Traffic Signal Maintenance and Compensation Agreement.

Ms. Bryant departed the meeting at 10:00 pm.

**12. 1st READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-754**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA ANNEXING CERTAIN TERRITORIES TO THE CITY OF PALMETTO, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE. (AN 0205 – Alan and Carmen J. Zirkelbach, 1802 21<sup>st</sup> Street West)**

**MOTION:** Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to approve Ordinance No. 02-754 for advertising and schedule a public hearing September 16, 2002.

**13. 1st READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-755**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING THE PALMETTO COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM RES-3 (RESIDENTIAL/3 UNITS PER ACRE/COUNTY) TO RES-4 (RESIDENTIAL/4 UNITS PER ACRE/CITY) BY INCORPORATING PLAN AMENDMENT NO. PA0210 ATTACHED HERETO AS EXHIBIT “A”; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0210 Alan and Carmen Zirkelbach; approximately 2.5 acres)**

**MOTION:** Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to approve Ordinance No. 02-755 for advertising and schedule a public hearing September 16, 2002.

**14. 1st READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-756**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM A-1 (MINIMUM 1-ACRE LOT/COUNTY) TO ER (ESTATE RESIDENTIAL, MINIMUM 1-ACRE LOT/CITY); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Z0217/Alan and Carmen Zirkelbach; 2.5 acres)**

**MOTION:** Mr. Williams moved, Ms. Cornwell seconded and motion carried 5-0 to approve Ordinance No. 02-756 for advertising and schedule a public hearing September 16, 2002.

**15. CONSENT AGENDA**

- A) Minutes - August 5, and August 12, 2002 Council meetings
- b) July check register

**MOTION:** Mr. Williams moved, Ms. Cornwell seconded and motion carried 3-0 to approve the Consent Agenda. Ms. Cornwell was absent during the vote.

**16. DEPARTMENT HEADS' COMMENTS**

**Chief Garry Lowe, Palmetto Police Department**

Sgt. Diaz tendered his resignation.

Burglaries were subsiding; 4 vehicles burglarized during the past two weeks.

**Mike Hickey, Director of Public Works**

The Oakridge groundbreaking was held earlier in the day.

**17. MAYOR'S COMMENTS**

Requested the Council ratify his appointment of Elmer Hilker to the Imagine Manatee Project, a part of the ACCORD.

**MOTION:** Mrs. Lancaster moved, Mr. Williams seconded and motion carried 4-0 to approve the nomination of Elmer Hilker as Palmetto's representative to the Imagine Manatee Project.

**18. COUNCIL MEMBERS' COMMENTS**

**Mr. Williams**

Suspense Log item 02-48 states the Estuary Park Management Plan would be provided to Council August 12, 2002 and it has not yet been provided. Staff will copy the plan to Council.

Requested Philip Hoffman is affirmed as his appointment to the Code Enforcement Board.

**MOTION:** Mr. Williams moved, Mrs. Lancaster seconded and motion carried 4-0 to confirm the appointment of Philip Hoffman to the Code Enforcement Board.

Stated his opinion the City needs to develop an ordinance on adult entertainment.

Stated his opinion the City should join the Stormwater Association and the Code Enforcement Association.

**Ms. Cornwell**

People are again collecting funds in the middle of the streets. Stated an ordinance should be created and adopted prohibiting this solicitation.

Discussed the Kids Saving our Neighborhoods seminar she attended at the FLOC convention.

Suggested Council Members should be appointed to attend the various City board meetings.

**Palmetto City Council  
August 19, 2002**

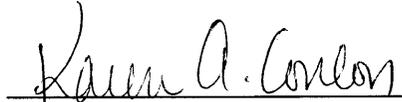
**Suggested audiences should be held to a certain decorum level during Council meetings.  
Also discussed the need for individuals to sign-in if they wished to speak.**

**Mr. Grace**

**Inquired of Mr. Hickey who is responsible for maintaining the ditch at the fairgrounds.  
Mr. Hickey replied to ditch belongs to the County, but Public Works is planning a project  
at the site for next fiscal year.**

**Meeting adjourned at 10:25 pm.**

**Minutes approved: August 26, 2002**

A handwritten signature in cursive script that reads "Karen A. Conlon". The signature is written in black ink and is positioned above a horizontal line.

**Karen A. Conlon  
City Clerk**