

Palmetto City Council
February 2, 2004 4:00 PM

Elected Officials Present:

Larry Bustle, Mayor
Tamara Cornwell, Vice Mayor
Shirley Bryant, Council Member
Charlie Grace, Council Member
Mary Lancaster, Council Member
Brian Williams, 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 4:00 p.m.

Diane Ponder gave the invocation followed by the Pledge of Allegiance to the United States Flag.

1. APPROVAL OF WORKSHOP AGENDA

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded to approve the February 2, 2004, 4:00 pm agenda, excluding item #4 Regatta Point Boat Ramp Valet Parking Services.

Discussion ensued on the proposed service, the RFP CRA has issued for a Master Plan for the waterfront and the parking garage CRA is considering on the city's parking lot on Riverside Drive.

Mr. Williams called for the question. Motion carried 4-1 to remove item #4 from the agenda.
Mr. Grace voted no.

2. DISCUSSION - SOLICITATION ORDINANCE

Attorney Hall reviewed changes to the proposed ordinance based on Council's comments at the previous review. Detective Millard, a citizen of Palmetto and member of the Bradenton Police Department, also discussed the proposed ordinance.

Detective Millard suggested including the following amendments:

- The definition of 'solicit or solicitation' shall include "the delivery of services or goods solicited under the ordinance; the permit allowing the original solicitation shall still be valid."
- A short-term permit.
- If an occupational license has been obtained from the city, a free permit should be given for door-to-door sales. If no occupational license has been obtained, a permit should not be issued for door-to-door sales.
- If a solicitor has an occupational license outside the jurisdiction of the city limits, the city should charge a fee.
- Suggested a free permit for student solicitors or require the school to obtain a permit
- Suggested charging solicitors with a 1st degree misdemeanor for soliciting door-to-door without a permit or to make the charge applicable after a first warning for soliciting door-to-door without a permit.

- Suggested anyone soliciting money should have a permit.

In addition to Detective Millard's suggestions, the following amendments will be made to the proposed ordinance.

Section 19-122 Permits will be obtained from the Occupational License Department as opposed to the Police Department. Attorney Hall distributed a draft permit, which contains a provision for approval by the Police Department. She recommended the Police Department not do background checks. She also discussed the disclaimer statement contained in the draft permit.

Section 19-123(a) Attorney Hall discussed cases upholding the freedom and speech, thus the inclusion of exemptions in the proposed ordinance. Ms. Hall distributed proposed language that could be inserted into the ordinance prohibiting certain activities with or without a permit, which includes the prohibition of soliciting occupants of a vehicle.

Section 19-123(c)&(d) Deleted.

Section 19-124 The hours of solicitation shall be between 9:00 am and 7:00 pm.

A provision will be added regarding a school permit and regulations for students.
A provision requiring that people affiliated with a religious organization produce acceptable confirmation of affiliation.

It was the unanimous opinion of Council that the city does not want young school age children soliciting door-to-door for any reason.

Council also authorized Attorney Hall to meet with Detective Millard to discuss their respective comments. Attorney Hall will prepare a draft ordinance incorporating the changes for review at a subsequent meeting.

3. DISCUSSION - WASTE MANAGEMENT

Public Works Director Chris Lukowiak narrated a power point presentation on a ten-year franchise agreement for solid waste collection by Waste Management.

- The agreement will allow the City to leave its residential rate at \$10 for a minimum 24 months
- Commercial rates will be increased by \$1.49 per cubic yard of non-compacted trash, after which the rates will be frozen for a minimum 12 months
- Six of the 12 city employees in the division will be relieved of duty but have first right of hire with Waste Management, provided they meet establish criteria. WMI has further waived the probationary period as they pertain to benefits.
- The agreement will contain a provision for an annual CIP adjustment to the city of 2.5% beginning after the initial residential 24 month and commercial 12 month period.
- The vacation leave policy will be eliminated from the revised Sanitation Ordinance.
- WMI will provide automated residential service within six months of execution of the agreement.
- The City will collect a 12% franchise fee for both residential and commercial service.

Mr. Lukowiak reviewed the advantages the City may expect if the franchise agreement is approved: elimination of the department's \$116,000 projected FY04 deficit; franchise agreement revenue estimated at \$147,840; elimination of capital projects estimated at \$1,445,920. reduction

in workers' compensation claims. In addition, the city will continue to control all aspects of the Solid Waste Division other than the actual collection. The current supervisor of the division will remain as a city employee, responsible for the day-to-day operations and acting as a liaison to Waste Management. Mr. Lukowiak stated the city would also retain the boom truck operator position. The six remaining employees of the division will be placed in other open positions.

Waste Management representative Rose Quin-Barre informed Council the company has agreed to provide four annual special pick-ups at the discretion of the City. She also stated that in addition to the expanded recycling program, each customer is provided one free annual clean up per year.

Mr. Grace departed the meeting at 6:15 p.m.

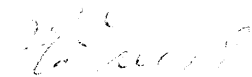
Council discussed the proposal, with Mr. Lukowiak and Ms. Quin-Barre providing specific information to Council comments. Council will take action on the item at the February 2, 2004 City Council meeting at 7:00 pm.

Attorney Hall addressed Council about Regatta Pointe Marina. The lease to the marina was modified in 1997 to allow the increase in the leased area to include breakwaters, floating sanitary facilities and additional boat slips. When the State performs lease modifications they include updated standard clauses to their lease template. The result was the city's modified lease was updated without those clauses being included in changes to the sublease. Attorney Hall and counsel for the sub-lessee met with DEP and agreement has been reached that the modified lease needs to be reformed to include only the three changes noted above. The bureau overseeing the sovereign submerged land leases is requiring the city work backward; the city will modify the current lease to bring it into consistency with the sub-lease. It was Attorney Hall's opinion the issue can be resolved. The renewal term is the largest issue to be resolved.

When questioned about the live aboard boats, Attorney Hall stated her opinion it is an issue between the city and sub-lessee, the state is flexible. Mr. Williams stated the city tried to establish a live aboard program and Regatta Pointe should be the same as Riviera Dunes.

Meeting adjourned at 6:45 pm.

Minutes approved: February 16, 2004



J. E. Free, Jr.
City Clerk