

Palmetto City Commission  
May 1, 2006 7:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor  
Mary Lancaster, Vice Mayor  
Eric Ball, Commissioner  
Tamara Cornwell, Commissioner  
Tambra Varnadore, Commissioner  
Brian Williams, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk  
Chris Lukowiak, Public Works Director  
Chief Garry Lowe  
Tanya Lukowiak, CRA Executive Director  
Michele Hall, City Attorney  
Ric Hartman, Planning Supervisor/Zoning Administrator  
Frank Woodard, Deputy Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:03 pm. He read a Proclamation declaring May 4, 2006 as National Day of Prayer, followed by the Pledge of Allegiance.

Mayor Bustle read a Proclamation declaring May 6, 2006 as the Easter Seals Walk With Me Day. Accepting the Proclamation was Easter Seals' Vice President of Community Relations, Cheryl A. Kopmann.

Swearing in of persons speaking to Commission was completed.

**PUBLIC COMMENT:**

Project Manager for Wolverine Construction requested Commission's approval to permit the pouring of concrete at the Bel Mare site beginning at 3:00 am two to three times per week for the next eight months. The request is being made due to the congestion on Haben Boulevard and US Hwy 41. Code Enforcement Officer Bill Strollo reported he has received no complaints from this site. It was consensus of Commission to approve the request on a trial basis for a 30 day period.

**MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to grant a waiver to Ordinance No. 05-845 for Wolverine Construction at the Bel Mare site for 30 days, conditioned upon complaints not received in the 30 day period.**

Dave Hecker spoke to the Commission about the trees being removed in the City. He stated he is considering organizing a citizen's group to create dialogue with City officials to save trees. Mr. Lukowiak responded a certified tree service surveyed potentially dangerous and diseased trees in the City and the trees Mr. Hacker was referring to were deemed to be severely diseased.

John Merrigan, project manager for H & H Construction, the company constructing the Palms, requested Commission's approval to permit the company to begin work at 6:30 am every eighth day to pour concrete. Code Enforcement Officer Bill Strollo reported he has received complaints about this site. Attorney Hall recommended Commission express an opinion as to the reasonableness of the request, but leave the enforcement of the noise ordinance to Code

Enforcement. Mr. Strollo confirmed he will resolve the issue should additional complaints be received.

Jay Burnell, Arthritis Foundation, confirmed the organization is seeking approval of a Special Function Permit on the Consent Agenda.

Beverly Robinson and Mary Kimbrough spoke to Commission regarding the noise emanating from Club Nitros and several locations in their area. Chief Lowe took the information and will address the issue.

#### 1. AGENDA APPROVAL

**MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 5-0 to approve the May 1, 2006 7:00 PM agenda, with item #6 removed.**

#### 2. CONSENT AGENDA

- A) Minutes of April 10 and 17, 2006 Commission meetings
- B) Attorney billing through March 31, 2006
- C) Special Function Permit: Arthritis Walk

**MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the May 1, 2006 Consent Agenda.**

#### 3. PUBLIC HEARING – ORDINANCE NO. 06-883

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING SECTION 6-2 OF THE CITY OF PALMETTO'S CODE OF ORDINANCES, ADOPTING OF COUNTY ANIMAL CONTROL ORDINANCE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle reopened public hearing continued from April 17, 2006. After no public comment the public hearing was closed.

**MOTION: Ms. Varnadore moved and Mr. Ball seconded to adopt Ordinance No. 06-883.**

Discussion: Mr. Freeman reported a conversion had taken place with the Division Chief of Manatee County Animal Services, during which he stated it was his understanding municipalities had to adopt Manatee County's Ordinance 06-18 as written to continue its enforcement within their boundaries. Attorney Hall reported the City will have to make a formal request for legal services from Manatee County to determine if Manatee County Animal Services will enforce the ordinance if the section pertaining to barking dogs is struck by the City.

**Motion on the floor carried 3-2. Ms. Cornwell and Mr. Williams voted no.**

#### 4. PUBLIC HEARING-CONDITIONAL USE PERMIT

Kash N Karry is converting to a Sweetbay store and wishes to change the store's name by replacing existing non-confirming signage of 373 square feet with new non-confirming signage of 312 square feet.

Mayor Bustle opened the public hearing. Gregory Davis of Thomas Sign Company commented on the new signage, confirming schematics had been submitted to the building official with the application.

**MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to approve and grant a Conditional Use Permit to Kash n Karry for signage not to exceed 312 square feet.**

#### 5. PALMETTO CEMETERY IMPROVEMENTS

Mr. Lukowiak requested authorization to reallocate CIP budgeted funds to repair the fencing and pave the internal streets of the Palmetto Cemetery. He reported a new, lower quote of \$24,642 has been received for paving the streets. Commission discussed the topic, during which several Commissioners objected to paving the streets as the asphalt will diminish the historic appearance of the cemetery.

**MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 5-0 to authorize purchase orders to Arrow Fence Systems, Inc. in an amount not to exceed \$19,987 and USA Fence in an amount not to exceed \$4,458 pursuant to submitted quotes.**

#### 6. DEPARTMENT HEADS' COMMENTS

##### Mr. Freeman

Commission portraits will be taken prior to the May 15, 2006 workshop meeting, for display in City Hall.

##### Mr. Lukowiak

The recent auction netted the City \$57,313.

The traffic study for Jackson Park does not warrant speed bumps. The Police Department will continue to monitor the area.

Informed Commission the open building inspector position has been filled at a Grade 112, Step 4, \$39,947, with Commission's approval. The issue in filling the position is that the current inspector is at Grade 112, Step 3. Mr. Lukowiak requested permission to raise the current employee's salary to Grade 112, Step 5, an increase of approximately \$2,300, and allow for the anniversary increase due in December.

**MOTION: Ms. Varnadore moved and Mr. Ball seconded to hire the new building inspector at Grade 112, Step 4 and increase the existing building inspector to Grade 112, Step 5.**

Discussion: Mr. Freeman confirmed the existing building inspector will increase to a Step 6 on his anniversary date.

**Motion on the floor carried 3-2. Mrs. Lancaster and Ms. Cornwell voted no.**

##### Attorney Hall

Reported the recently enacted legislation concerning school concurrency requires that an interlocal agreement be enacted by 2007. Manatee County and the School Board are participating in a pilot program due June 2006, wherein Manatee County has assumed the lead in drafting the agreement with the participation with a group of planners. She stated that in her opinion the drafted agreement does not benefit Palmetto. She stated Palmetto will have to soon decide to participate in the County agreement or enter into a sole agreement with the School Board. She stated she and Mr. Hartman have identified language they wish to be incorporated into the County agreement and will speak with counsel for both entities about the suggested changes. If counsel for Manatee County and the School Board are not receptive to the proposed

changes, she stated she will probably recommend the City enter into its' own agreement with the School Board.

#### 7. MAYOR'S REPORT

Two bills regarding regional transportation authority are before the legislature. Both bills are not acceptable to the MPO, as they take a parallel path to MPO goals; they involve a non-elected group to develop long-range plans that can be different from MPO plans.

Council of Governments is Tuesday at 2:00 pm.

National Day of Prayer is Thursday at the Historic Park beginning at 10:00 am. Rev. Sterling Forrester will be the presiding minister.

Commission concurred with using eminent domain if necessary on the remaining parcels in Jackson Park.

Wal Mart opens May 17, 2006, with the grand opening scheduled at 8:30. A preview is scheduled for May 16, 2006 at 8:00.

Commented on his disappointment regarding Manatee Players choosing to remain in Bradenton, stating he wishes the organization success.

#### 8. COMMISSIONERS' COMMENTS

##### Mr. Ball

Commented on the Great Palmetto Clean Up event.

Reported on the quarterly Police Officers' Pension Board of Trustees meeting. The pending ordinance Commission sent back to the Board will be returning to Commission in the near future.

##### Ms. Varnadore

Informed Commission she will be absent from the June 19, 2006 Commission meetings.

##### Ms. Cornwell

Informed staff that when Commission is requested to consider salary issues, she needs to receive documentation as to the funding source.

Thanked Public Works for quickly eradicating the recent graffiti.

Inquired about the inconsistent speed limits on 8th Avenue and 17th Street. Mr. Lukowiak stated that because those streets are State roads FDOT sets the speed limits. Discussion ensued about the possibility of requesting the speed limits be lowered given the law that allows drivers to exceed the limits by five miles before a citation is issued.

##### Mrs. Lancaster

Reported a tree on 11th Street Drive has been reported to Public Works because of its vicinity to power lines and a continued disruption in service.

Commented on the traffic study for Jackson Park and the fact speed bumps have already been installed in one area of the neighborhood. Mr. Lukowiak stated he will contact the resident in Jackson Park that has reported the speeding.

Mr. Williams

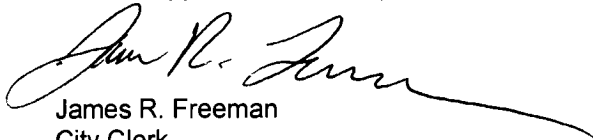
Inquired about the information he has been requesting Public Works furnish relating to lighted crosswalks. Mr. Lukowiak stated he is trying to schedule a presentation for May 15, 2006.

Referring to Wal Mart issues inquired about last week, Mr. Hartman reported the fencing has been completed. Mr. Hartman reported an as built inspection of the entire site will be completed in the next two weeks. Mr. Williams also requested information on the volume of water the retention pond will hold and the grade on the walls. Mr. Hartman stated the stormwater group has confirmed the retention pond meets all regulations. Mr. Lukowiak will speak with the engineering firm, Kimley Horn.

Commented on his regrets Manatee Players did not come to Palmetto, and wished them success.

Meeting adjourned at 8:40 pm.

Minutes approved: May 15, 2006

  
James R. Freeman  
City Clerk