

Palmetto City Commission
June 5, 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
Deputy Chief Mike Mayer
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 7:01 pm.

The Boy Scouts of America presented the colors and led the audience in the Pledge of Allegiance, followed by an invocation.

Margi Nanney, Manatee County District Chairwoman, Boy Scouts of America, presented Mayor Bustle with a plaque, in appreciation of the City's involvement in the recent Boy Scouts Annual Show held in Sutton Park.

Persons planning to speak to Commission were sworn-in.

PUBLIC COMMENT:

Kevin Hennessey, representing Mr. and Mrs. Jarvis, owners of Olympia Theater, informed Commission of his clients' attempt to negotiate with City staff regarding their plans for the theater. He reported staff had indicated they would not participate in negotiations wherein the Jarvis' retained any ownership interest in the theater. He requested Commission verify that the City's only intent is to negotiate a sale of the theater.

Herbert Sullivan, 11th Street Drive, stated the neighborhood appreciated the efforts and aid the Palmetto Police Department has provided the area since the recent incidents. He asked the police officers' presence be continued, as people think the officers will be leaving the area. Deputy Chief Mayer confirmed the Police Department will continue to be very visible in the neighborhood.

In response to Mr. Hennessey's inquiry, Commission agreed that the only interest the City has in the Olympia Theater is ownership of the structure so that it can be used as a public building.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the June 5, 2006 7:00 PM agenda.

2. CONSENT AGENDA (11:17)

- A) Minutes of May 15, 2006 Commission meetings
- B) April Attorney Billing

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 5-0 to approve the June 5, 2006 Consent Agenda.

3. PUBLIC HEARING – ORDINANCE NO. 06-884 (13:15)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA AMENDING CHAPTER 2, ARTICLE IV, SECTIONS 2-82, 2-85 AND 2-90, PROVIDING FOR REIMBURSEMENT OF REASONABLE COSTS OF INVESTIGATING AND PROSECUTING CODE ENFORCEMENT ACTIONS; PROVIDING FOR ACTUAL NOTICE AS GOOD NOTICE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing. After no public comment, Mayor Bustle closed the public hearing.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 06-884.

4. PUBLIC HEARING – SPECIAL FENCE PERMIT FOR 1202 20th AVE. W. (14.10)

Application to construct a 6' fence in the setback of the home along 12th Street West, continuing north along 20th Avenue West to the front of the home.

Mayor Bustle opened the public hearing. After no public comment, Mayor Bustle closed the public hearing.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Special Fence Permit 0601 for Alifonso and Imelda Casique at 1202 20th Ave. W.

5. DISCUSSION REGARDING STAFF'S UPDATE ON THE SCOTT PROPERTY (23:07)

April 3, 2006 Commission granted a 60-day extension to the property owner to bring the property to code. Mr. Lukowiak informed Commission that Building Official Roger Titus reported he is satisfied with improvements for the health, safety and welfare of the public. Code Enforcement Director Bill Strollo concurred with Mr. Titus, stating there are some issues he is pursuing with the property owners, but the building is no longer at a level requiring demolition.

6. K-9 UNIT ACCEPTANCE (25:38)

Deputy Director Mayer informed Commission the Police Department has been offered a trained K-9 unit from Duval County Sheriff's Office. The Belgian Malinois is 4-years old, is fully trained in apprehension and drug work, and has an expected 4 years of service life remaining. The dog's owner is relinquishing the animal because of personal reasons, and has offered the K-9 to the Police Department at no charge. Deputy Director Mayer confirmed there has been no unfavorable report against the dog during his tenure with Duval County.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to accept the K-9 unit from the Duval County Sheriff's Office.

7. ACCEPTANCE OF THE WAL-MART GIFT (31:48)

A) Action to formally accept the \$5,000 Wal-Mart contributed to the Police Department at the store's grand opening ceremony.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to gratefully accept the \$5,000 Wal-Mart gift to the Palmetto Police Department.

B) RESOLUTION NO. 06-19 (33:16)

Resolution No. 06-19 amends the budget to accept the \$5,000 Wal-Mart gift and establish a \$3,200 budget line item to fund the purchase of K-9 vehicle equipment and \$1,800 for the purchase of four ballistic vests.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 05-51, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2005-2006, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 06-19

8. APPROVAL OF WAL-MART AGREEMENTS (35:08)

The City has requested Wal-Mart supply a defect bond because they built Hasko Road and a bond for the punch list items that were not completed when the 90-day temporary certificate of occupancy was issued. The bond for Hasko Road has been received, but not the bond from Case Construction covering the punch list.

Attorney Hall informed Commission she has reviewed the Surety Bond for Defects of Required Improvements and Agreement in Conjunction with Surety Bond as Maintenance Security, and they are in good form. The engineer has reviewed and accepted the Utility Easement. The executed Surety Bond for Performance of Required Private Improvements and the Required Improvements Agreement has not yet been received, but will be in exactly the same form as contained in the agenda packet. Attorney Hall advised they could move to accept the defect bond and its agreement and the utility easement. Commission could also move to accept the performance bond and its agreement upon her review and approval. Attorney Hall further stated the City is in receipt of the performance bond, but it is in Case Construction's form and she wishes it to be executed in the City's form.

Mr. Lukowiak confirmed the final certificate of occupancy will not be issued until the punch list items are complete. If the temporary certificate of occupancy expires, the City may execute the bond or extend the time limit. He anticipates completion of the punch list in the very near future.

Discussing the traffic flow at the entrance/exit into Wal-Mart, Mr. Lukowiak reported he has requested the engineer visit the site to provide a solution to better identify/mark traffic movement in and out of the site.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and accept the Wal-Mart Surety Bond for Performance of Required Private Improvements, upon attorney's written approval; Surety Bond for Defects of Required Improvements; Utility Easement, and authorize the Mayor to execute the Required Improvements Agreement and Agreement in Conjunction with Surety Bond as Maintenance Security.

9. WASTE WATER TREATMENT PLANT SECURITY (43:20)

Mr. Lukowiak informed Commission Sgt. Tyler recently performed a security survey of the Waste Water Treatment Plant. Visual observation and DEP's regulations regarding visitors to this type of facility resulted in identified fencing and doors that need to be replaced to enhance the plant's security. The cost to correct the deficiencies will not exceed \$7,700 and will be funded by the CIP city-wide security budget line.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to approve the Waste Water Treatment Plant security improvements, and authorize the issuance of a PO in an amount not to exceed \$7,700.

10. SUMMER INTERN PROGRAM (44:43)

Staff proposes a summer intern job program for young people 16 – 18 years old, recommending a wage of \$8 per hour. The program is for six weeks starting June 19, 2006 and will employ seven interns: 2 in PPD; 4 in PWD and 1 in City Hall. Funds are available in each department to cover the internship wage expenses. Mr. Freeman stated the program last year paid \$6 per hour.

Ms. Cornwell voiced objection to the wage, opining a wage closer to minimum wage would encourage students to pursue a higher education.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 4-1 to approve the summer intern job program as presented, in an amount not to exceed \$13,440. Ms. Cornwell voted no.

11. RESOLUTION NO. 06-18 (54:34)

Resolution No. 06-18 establishes a budget to fund overtime for police officers' aggressive pursuit of crime in a residential neighborhood located in the CRA District. CRA proposes funding the additional overtime. Deputy Chief Mayer discussed the proposed overtime hours, 8 pm to 4 am, and confirmed the program will be flexible enough to allow the officers to move to other parts of the City, if necessary. CRA Executive Director Tanya Lukowiak informed Commission she could only fund the overtime in the CRA District, but would look at the topic again if other funds become necessary.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 05-51, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2005-2006, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to adopt Resolution No. 06-18.

12. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 06-885 (1:00:01)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF THE CITY'S CAPITAL IMPROVEMENTS PLAN FOR FISCAL YEAR 2005/2006; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to approve Ordinance No. 06-885 for advertising and schedule a public hearing June 19, 2006.

13. DEPARTMENT HEADS' COMMENTS

Deputy Chief Mayer

Updated Commission on the PPD's activities in Ward 1 since May 22, 2006 that resulted in 324 contracts of which 155 were field interviews, 8 arrests, one K-9 apprehension, 40 tickets; assisted Public Works in clearing the vacant lots between the 200 and 300 blocks of 11th Street Drive. Public Works cleaned the ditch running under the footbridge. Reported Wal-Mart donated 75 to 100 gallons of excess paint that will be used to quickly eradicate graffiti. Discussed the recent cook-out in the neighborhood, and Wal-Mart's donation of food to feed 250 people.

National Night Out is August 1, 2006. Another cook-out is being planned and donations will be sought from businesses to feed 500 attendees.

Mr. Freeman

Both the Police Officers' Pension Plan Board of Trustees and General Employees' Pension Plan Board of Trustees have approved proposed ordinances changing benefits and recommended they be forwarded to Commission for consideration. The proposed ordinances will be presented at a future workshop meeting.

A more comprehensive solution for accepting credit cards and electronic payments has been presented by Bank of America and will be on the June 19, 2006 workshop agenda.

Staff was not satisfied with the recent Commission portraits and has requested they be retaken before the June 19, 2006 workshop meeting.

Mr. Lukowiak

Commission approved the expenditure of \$2,800 to reinstall the brick walkway at the Historic Park.

Referring to the contract with Perkling Construction pertaining to the ADA compliance litigation and the City's agreement to make City buildings ADA compliant, Mr. Lukowiak requested permission to begin the City Hall project at a cost of \$28,000. Commission approved the expenditure and requested they be provided a list of items to be completed.

Commission approved the expenditure of \$3,200 to remove two diseased trees at 4th Street and 15th Avenue.

FDOT has inquired if the City is willing to remove the bike lane between 7th Avenue and 8th Avenue at the 10th Street juncture in order to install the median at 7th Avenue, once it is designed. Commission approved the removal.

Palmetto Youth Center has approached the City about waiving permit fees for the expansion of an existing bathroom facility. It was Commission's opinion that the organization should solicit donations from the community rather than seek the waiver of permit fees.

Manatee County has done away with pagers for key emergency management personnel during weather events. Nextel will provide governments priority and will also allow for numeric paging and simultaneous group conversations. The City may join the program at a cost of \$300 per month for ten phones. Mr. Lukowiak will bring the item forward at a future meeting for Commission's consideration.

Mr. Hartman

The Council of Governments meeting is scheduled for Tuesday evening beginning at 6:30 pm. School concurrency is the sole topic of the meeting.

Attorney Hall

No report.

14. MAYOR'S REPORT

No report.

15. COMMISSIONERS' COMMENTS

Mr. Lukowiak informed Commission he is still attempting to resolve the issue involving the fence behind the Wine Warehouse. The City vacated the alleyway at 9th Street Drive West, at which time the owner of the coin laundry extended his fence the permitted 15 feet; Mr. Lukowiak opined

the fence is legal. All that remains is a 10' FPL easement. North River Fire District and PPD has voiced concern regarding the fence's location. Mr. Lukowiak requested Commission refer all calls to him.

Requested the parking space lines at the Marina on Riverside Drive be repainted.

Suggested the delivery of copies of the City News In Brief to the mobile home parks for distribution to their residents.

Suggested Commission may want to consider if people under the age of 21 should be allowed in bars as Manatee County and the City of Bradenton want to increase the age to 21 from 18.

Commenting on the 11th Street Drive incident, stated he has committed himself to listen more closely to what people are saying about their neighborhoods. He stated Commission has received comments more than once, and if the City had moved quicker, the shooting may or may not have occurred. The City has moved quickly and has made a great difference in the area. The cook out was very successful. Mr. Ball apologized for his part in letting down the community affected by the violence.

Ms. Varnadore

Referring to Mr. Ball's comments, stated it was her understanding the City was looking into the comments received concerning the 11th Street Drive area. Deputy Chief Mayer confirmed PPD was responding to the comments, and the additional funds for overtime will allow closer scrutiny of the area.

Commented on the legal services was not been added back to the Suspense Log. Mr. Freeman will correct the log.

Regarding the summer social events planned by the Palmetto Historical Commission, suggested the City consider a way to integrate their July 1st pirate themed activity with the City's July 4th celebration.

Palmetto Historical Commission requests the City's aid in finding a resource to reproduce Carnegie Library's tin ceiling blocks that have been damaged from roof leaks. Mr. Williams suggested the Commission speak with CBI.

Requested Commission consider placing an ordinance governing vacation rental properties on the suspense log with a low priority. Commission concurred.

The proposed dock ordinance will be brought to Commission in the near future. The ordinance has been revised to govern new construction by home owner's associations, when less than 50% of a dock is refurbished, and recognizing the setback of single family zoning districts. Restrictions will be limited to the headland lots and the lots abutting those lots.

A list of new businesses opening in the City will be provided to Commission on a monthly basis.

Will be absent from the June 19, 2006 Commission meeting.

Ms. Cornwell

Requested hard copies of staff communications until her email is repaired.

Inquired if the CRA district can be changed. Mrs. Lukowiak informed Commission the most recent legislation would jeopardize the 95% TIF, as it exists. She explained the new rules governing CRA districts. If the CRA boundaries are changed the CRA district is no longer grandfathered, but a second CRA district may be created. Ms. Cornwell referred to the waterfront

area and the north side of 17th Street, and the fact some of the area is not in the district. Ms. Cornwell suggested the City should look at any CRA district change while the window of opportunity is available. Mrs. Lukowiak will send the criteria and the City map showing the district to Commission for their review.

Mrs. Lancaster

The use of BB guns in the City is prohibited.

Stated she is receiving a lot of calls praising City staff and commended them for a job well done.

Mr. Williams

The City is looking at options to get the light's design at Hwy 301 and Haben Blvd. certified. Mr. Williams suggested the City should pay to have the light certified rather than loosing the funds the City put into the project.

Supports the new Nextel program discussed earlier in the meeting.

Reported he has received three comments on the speeding on 5th Street in the 1800 block.

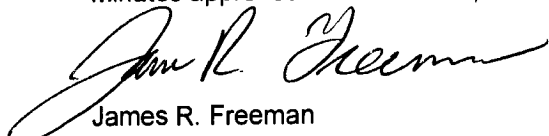
MOTION: Mr. Williams moved to put stop signs at the corner of 5th Street and 18th Avenue on the east/west pattern.

Commission discussed the issue. Motion died for the lack of a second.

The lighted crosswalk presentation may be scheduled for August 7, 2006.

Meeting adjourned at 9:00 pm.

Minutes approved: June 19, 2006


James R. Freeman
City Clerk