

Palmetto City Commission
March 7, 2005 4:00 PM

Elected Officials present:

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

Staff and others present:

Michele Hall, Attorney
J. E. Free, Jr., City Clerk
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Jessica McCann, City Planner
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 4:05 p.m.

A moment of silence was observed for overseas military personnel, followed by the Pledge of Allegiance to the United States Flag.

1. APPROVAL OF WORKSHOP AGENDA

Mayor Bustle announced the Manatee Fruit Company presentation has been deleted from the agenda.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve the March 7, 2005 4:00 p.m. agenda as modified.

2. GRIEVANCE PROCEDURE

Mr. Free referred to a survey conducted by the Human Resources Department included in the agenda packet. Approximately 30 cities responded to the survey; only two respondents utilize a full citizen personnel board.

Mayor Bustle opined there is an adequate reason to try a different approach to solving an employee's grievance of a major offense and he is willing to endorse the board as proposed; a board member chosen by the employee, a board member chosen by the Mayor, and the two persons chosen select the third board member.

Attorney Richard Groff discussed his opinion that a city manager having the final determination in a termination setting not being constitutional. Commission discussed how an appeal would be settled with a city manager form government. The Commission discussed merging the proposed board and a citizen's board. Mayor Bustle debated how a citizen's board could overturn the decision of a department head, thereby undermining the strides the City has made in building the authority and respect of the department head. Discussion ensued on the strengths and weaknesses of the two different types of boards.

Ms. Cornwell suggested a compromise: Keep the five-member Personnel Board, but have a board hearing an appeal be comprised of three of the Personnel Board members, one person selected by the employee and one person selected by the city. The three members of the Personnel Board would be randomly selected for each hearing.

Commission further discussed if city residency would be a requirement to be appointed to the Personnel Board, and concurred that a city resident or city business owner could be appointed.

In summary, Commission agreed that Section 6.03.01 Selection Procedure will be amended as follows:

The Board shall consist of five members. Three members shall be selected in an alphabetical rotating order from the Personnel Board, one member shall be selected by the appealing employee and one member shall be selected by the Mayor or his designee. The Personnel Board members shall be required to be a city resident or business owner in the City. The two selected members must be a city employee, city resident or city business owner. Excluded from the selection process shall be Attorneys, Department Heads, the Human Resources Director and Deputy City Clerks.

Mr. Free stated the amended Personnel Policy would be brought to the Commission for action at its March 21, 2004 meeting.

3. MANATEE COUNTY RADIO CONTROLLERS, INC.

Manatee County Radio Controller Representative Billy Dillworth updated the Commission on the improvements that have been made to the leased landfill property as follows:

- Runway and common grounds leveled, seeded and fertilized
- Impound/spectator/concession building completed
- Modular 24'x24' building acquired and positioned
- Septic permit partially approved, awaiting Manatee County approval
- \$54,878.30 expended in capital improvements

Mr. Dillworth informed the Commission the club is seeking authorization to amend the existing License Agreement, to extend the lease agreement to 25 years, which will allow the club to generate sponsorships and help ensure the solvency of the club. He also requested authorization to create an addendum to the lease agreement to permit non-flying activity on the property, such as a proposed paint-ball park to be located in the wooded area on the west side of the property.

Commission discussed the proposal. Mr. Dillworth described the supervision and safety procedures that would be instituted to protect the safety of the participants. Ms. Cornwell voiced concern about the proposed activity, stating she was not in favor of the proposed paint-ball park and requested that staff determine why the same activity had been discontinued at two other sites in the Palmetto area.

Mr. Dillworth was instructed the amended lease agreement must provide the City the ability to approve any proposed uses. Mr. Free suggested documents should also contain provisions requiring the club to maintain its not-for-profit status. Attorney Hall informed the Commission an amendment would also contain language protecting the City in the event an activity became illegal or adequate insurance was not maintained. Language will also be added allowing for Commission's approval of sub-lessees.

Attorney Hall will draft the necessary documents for the Commission's review and approval.

4. PROPOSED NUISANCE ORDINANCE

Attorney Hall informed the Commission items one through five were standard items seen in many other municipal ordinances; items six through fourteen are issues brought forward by staff. Section 16-38 addresses noise; it can be processed through normal code enforcement or if the City wishes to immediately address an issue, it should be contained in this ordinance.

The Commission discussed the noise issue the City is experiencing at El Sombrero and how the proposed ordinance could alleviate the problem. Chief Lowe voiced the need to create an ordinance addressing noise, stated he and Attorney Hall are working to draft a noise ordinance. Mr. Williams stated he would still like to see noise added into the ordinance under discussion. Attorney Hall advised that under the proposed ordinance the noise issue at El Sombrero's could be addressed with a 20-day notice, whereas under code enforcement it would take longer, but the fines would rise if the violation is repeated.

Attorney Hall advised the Commission some issues that are not currently addressed in the Code of Ordinances are contained in the proposed ordinance. One instance cited was a developer clearing land in anticipation of construction; the City is unable to establish that the existing tree ordinance was followed because of the inability to identify and count trees that have been razed, as well as consequences to drainage and stormwater runoff. Ms. Hall also referred to tampering of a public facility (a pipe through a sewer line) and trees overhanging public property.

Ms. Varnadore voiced concern about the ordinance not containing a minimum dollar amount the homeowner would be responsible for if the City corrects a problem. Mr. Free suggested an estimated cost amount be added to the notice to the homeowner.

Commission discussed the 20-day time limit to correct a problem. Attorney Hall informed the Commission the Mayor may declare an issue an immediate threat to public health, safety and welfare, it can be addressed in a shorter amount of time and the City may abate the situation, but the circumstances must be supported in fact and must be done in a written document. She further cautioned the Commission that citizens are afforded the most due process in this type of instance. Attorney Hall will add language allowing faster action than 20 days for egregious issues. She will also add language providing for an extension of time, as deemed appropriate.

Mr. Lukowiak stated the appeal process should be on the correction amount not the issue. Attorney Hall explained the Code Enforcement Board could be called on the 21st day. Discussion on a mailed notice and who accepts the notice ensued. Some Commissioners expressed their preference that only the homeowner should be able to accept a notice mailed by certified mail.

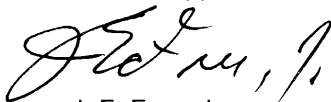
5. PROPOSED RIGHT-OF-WAY ORDINANCE

Mr. Lukowiak advised the Commission their suggestions have been incorporated into the proposed ordinance. The Commission had no further amendments.

Referring to the Manatee Radio Controllers, Mr. Free informed the Commission it appears the organization intends to sublease property to for-profit organizations, voicing his concern City property would be used to make a profit. He voiced his opinion the City should put a profit sharing provision in the lease. Commission discussed Mr. Free's comments, stating the organization should be made aware of the conversation.

Meeting adjourned at 6:00 pm.

Minutes approved: April 4, 2005



J. E. Free, Jr.
City Clerk