

Palmetto City Commission  
March 21, 2005 4:00 PM

Elected Officials present:

Larry Bustle, Mayor  
Brian Williams, Vice Mayor (entered at 4:08 pm)  
Eric Ball, Commissioner  
Tamara Cornwell, Commissioner (entered at 4:12 pm)  
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 4:03 p.m.

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

1. AGENDA APPROVAL

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 3-0 to approve the March 21, 2005 4:00 pm agenda.

2. BLUE STAR SALUTE FOR ARMED FORCES DAY, MAY 21, 2005

Mr. Len Sirotzki presented Commission an overview of events planned for the Blue Star Salute for Armed Forces Day to be held May 21, 2005. Mr. Sirotzki will submit a Special Function Permit application for Commission's review and approval at a subsequent meeting.

3. AUTHORITY FOR NEGOTIATING FORFEITURE CASES

Attorney Groff informed the Commission that when the City seizes property when making an arrest, it is necessary to negotiate the forfeiture case in a timeframe that is not always conducive to the Commission's meeting schedule. He recommended that the Commission appoint and authorize a City official to negotiate forfeiture cases so resolution could be obtained in an expeditious manner. Commission determined the Mayor, or in his absence the Vice Mayor, will be the City official authorized to negotiate forfeiture cases.

4. AUTHORIZATION TO APPLY FOR A JUSTICE ASSISTANCE GRANT

Chief Lowe requested authorization to apply for a Justice Assistance Grant in an amount not to exceed \$15,263 for the purchase of replacement radio equipment. There is no match required; however, it is recommended. The current operating budget includes \$2,500 for radio equipment, which could serve as matching funds. The topic was forwarded to the 7:00 agenda for action.

5. HAZEL SMITH BEQUEST – PALMETTO CEMETERY PROJECT UPDATE

Parks and Recreation Director Geoff Seger presented an update on the project at Palmetto Cemetery funded by a \$25,000 bequest from Hazel Smith. The project began in September 2004 when staff assessed the grave sites. A master plan for the cleaning and renovation of markers was then developed; the City is currently cleaning markers and researching historic preservation standards to repair cracks in slabs covering sites. To date \$8,786 has been expended. Mr. Seger informed the Commission the bequest is being used solely for restoration; funds may not

be expended on the wall under construction. Staff requested the Commission consider marking the corner of each block in the cemetery for easier identification; Mr. Seger stated he could include identification markers in the project. Commission also discussed ways a full identification survey could be performed at the cemetery.

#### 6. PERSONNEL POLICY MANUAL

Mr. Free informed Commission the draft before them for consideration was in its final form. Mayor Bustle reviewed the composition of the Personnel Board amendment made since the last meeting, which Commission accepted. Commission discussed the city attorney representing the department head in the event of a hearing, and the need to contract independent counsel for the Personnel Board if necessary. Attorney Hall advised an RFQ can be issued for independent counsel and the City can select several, put them on an hourly rate retainer, and contact them when their representation is needed. The policy will be amended to reflect the independent counsel provision. An ordinance to adopt the manual as part of the City's Personnel Ordinance will be prepared for first reading April 4, 2005.

#### 7. PROPOSED NUISANCE ORDINANCE

Attorney Hall commented on her understanding the Commission seemed eager to have abatement procedures that could take place quickly. Research has determined the City may abate only sanitary nuisances without taking proper hearing procedures. Attorney Hall also discussed including the following to the listed nuisances in the draft ordinance under review:

Any action or condition which is manifestly injurious to the morals or manners of the public, as described in Section 823.01, Florida Statutes.

The inclusion would typically be aimed at drugs, property where drugs are sold and property where alcohol is sold to minors. It would not be a sanitary nuisance, therefore hearing procedures would apply.

Discussion ensued on open storage. In addition to several areas of the ordinance under review, Attorney Hall informed the Commission Section 6.6 of the Zoning Code provides that open storage must be screened. Mayor Bustle also discussed the Minimum Maintenance Ordinance providing the means to address open storage violations.

Ms. Cornwell questioned how construction companies' outside storage and how a homeowner could avoid be cited if while under construction a carport was utilized to store items when permits were obtained in both instances. Attorney Hall advised the ordinance could be more definitive by placing a time limit on outside open storage or by requiring a permit. Mr. Free suggested staff be allowed to solve the open storage issue by reviewing existing codes so the proposed nuisance ordinance can proceed.

Attorney Hall will more clearly define the non-sanitary abatement procedures.

Attorney Hall advised the Commission that with the adoption of the noise ordinance, noise may also be deemed a nuisance. Violations of either ordinance could result in a citation.

#### 8. PROPOSED NOISE ORDINANCE

Attorney Hall advised the current standard "clearly audible within 50 feet" has been declared by the county court to be vague. The proposed ordinance amends the standard to read "a reasonable person with ordinary sensibilities". Attorney Hall discussed the difference between noise and noise disturbance as it relates to the bass level of music, stating the definition of noise disturbance includes "vibration" and noise disturbance is a prohibited act.

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Commission discussed how the ordinance could be used to address existing situations with reasonable notice. Example: When a notice to abate a particular noise issue is given and the warning is ignored the City may cite the violator. Discussion also suggested the Occupational License Code should be updated to allow the revocation of a license to a repeat violator.

The topic was forwarded to the 7:00 agenda for action.

#### 9. HISTORICAL PARK SOLE-SOURCE CONTRACTOR ACCEPTANCE

Mr. Lukowiak informed Commission staff and the Palmetto Historical Commission has attempted to locate and obtain quotes from contractors qualified in historical restoration. Of the contractors contacted, only one is qualified. Staff is requesting the Commission accept a sole-source contract with Perkling Construction Company to effect repairs to the buildings in the Historical Park in accordance with standards established by the Department of the Interior.

Mr. Lukowiak proposed a three-year contract to extend over the period encompassing scheduled repairs contained in the Capital Improvement Plan. The topic was forwarded to the 7:00 agenda for action.

Mr. Williams requested time to comment on other business. He advised solid waste has not been collected in the southeast area. Mr. Lukowiak explained the employee shortage Waste Management is experiencing, stating he had been assured the situation would be rectified, but collection make take longer until new employees are properly trained.

Mr. Williams also reported a situation at the intersection of 5<sup>th</sup> and 14<sup>th</sup>, where a pipe was extending into the street off the curb. Public Works will place barricades in a readily available area so police officers can barricade potential safety hazards.

Meeting adjourned at 5:35 pm.

Minutes approved: April 18, 2005



J. E. Free, Jr.  
City Clerk