

**PALMETTO CITY COMMISSION  
AND  
CRA BOARD MEETING  
JULY 19, 2010 - 7:00 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor  
Tamara Cornwell, Vice Mayor, Commissioner-at-Large 2  
Alan Zirkelbach, Commissioner-at-Large 1  
Mary Lancaster, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Staff Present

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Allen Tusing, Public Works Director  
Rick Wells, Chief of Police  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 pm, followed by a Moment of Silence and the Pledge of Allegiance.

Mayor Bryant acknowledged the presence of current Chief of Police, Garry Lowe, and commended his 29 years of dedicated and loyal service to the City of Palmetto.

The Honorable Gilbert Smith, Jr., Circuit Court Judge, conducted the swearing in ceremony of Lt. Rick Wells as the new City of Palmetto Chief of Police.

Swearing-in of all persons intending to address City Commission or the CRA Board.

Presentation: Government Finance Officers Association Distinguished Budget Presentation Award  
Karen Simpson accepted on behalf of the Finance Department. Also accepting were Cheryl Miller and Matt Misco.

Mayor Bryant acknowledged the presence of County Commissioners Carol Whitmore and John Chappie.

Public Comment: Joe Kennedy, 1529 43<sup>rd</sup> Ave. Dr. W., spoke about the alcohol survey, where over 70% favored abolishing the law. He requested that the Commission vote on the item again when all Commissioners are present.

1. CITY COMMISSION AGENDA APPROVAL

Mrs. Lancaster commented on the Commission's unwritten rule to delay consideration of an item of interest to a Commissioner that is absent until a date when all Commissioners are present. Commissioner Lancaster asked that the agenda be revised for reconsideration. Attorney Barnebey opined it would be better to make a motion to ask that the item be brought back at the next meeting, July 26, 2010.

**MOTION: Commissioner Lancaster moved to make the motion as stated by Attorney Barnebey and Commissioner Zirkelbach seconded the motion.**

Discussion: Commissioner Williams commented on the fact the ordinance had been on the agenda as a first reading and it should not have been open for discussion; Attorney Barnebey agreed the agenda could be opened for first reading if Commission wanted to amend the agenda that way.

Commissioner Cornwell made a point of order (Parliamentary Procedure) regarding the previous vote and asked for a written opinion on the motion from Florida League of Cities, a whether or not the item was voted down because it was a tie vote.

Debate ensued. Attorney Barnebey opined that because of the absence of rules other than Roberts Rules, Commissioner Cornwell's opinion regarding the previous ordinance is correct; the prior ordinance failed because of the lack of a majority vote; status quo remains. He reiterated that the better way to handle the item would be to place the topic on the next meeting.

**Commissioner Lancaster amended the motion on the floor to bring the alcohol ordinance back on July 26, 2010 as new ordinance number #2010-13, or an appropriate number. Commissioner Zirkelbach amended his second.**

Discussion: Commissioner Cornwell stated her objection will stand. She also opined the ordinance cannot be brought back as originally presented; if it can, she would like to see that opinion in writing. Commissioner Lancaster referred to past history where items were delayed and states she was only asking for the same courtesy that has been extended to other Commissioners.

**Motion on the floor carried 3-2. Commissioners Cornwell and Varnadore voted no.**

Mr. Freeman deleted item #10 from the Agenda.

**MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to approve the July 19, 2010 7:00 PM Agenda with the deletion of item #10.**

## 2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: May 10, June 14 and 21, and July 12, 2010
- B) June Check Register
- C) Special Function Permit: Palmetto B&B for August 14 and November 27 and 28, 2010

Mayor Bryant corrected the June 21, 2010 minutes to reflect that a vendor has recently **been** arrested.

Commissioner Cornwell removed item C for discussion.

**MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the Consent Agenda for July 19, 2010 with corrections to the minutes and item 2B, June Check Register.**

Item #C: Weddings at Riverside B&B.

Mr. Tusing confirmed that there have been no complaints on the previous weddings that have been held at Riverside Bed and Breakfast. He also stated he anticipates no problems with the events for which applications have been submitted.

**MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve item 2C.**

3. CITIZENS TASK FORCE RECOMMENDATION (J. Freeman)

The Citizens Task Force comprised of two City residents and one City staff member will make a recommendation regarding application for a Ward 1 Phase 2 Community Development Block Grant (CDBG). Mr. Burton, representing the Citizens Task Force informed Commission the committee recommended approval of the grant application.

**MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to accept the recommendation from the Citizens Task Force regarding the Ward 1 Phase 2 CDBG grant application.**

4. 2ND PUBLIC HEARING FOR THE CDBG GRANT

Mr. Freeman stated the Commission will accept public comment regarding the City's application for a CDBG grant up to \$750,000. If awarded, the grant will assist the City in funding the Ward I Phase II infrastructure improvement project. The grant application deadline is July 22, 2010. It is possible the City may receive a decision regarding the application within 45 days.

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

5. PUBLIC HEARING: ORDINANCE NO. 2010-09

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, CREATING A FAIR HOUSING ORDINANCE TO BE CODIFIED IN THE PALMETTO CODE OF ORDINANCES AS THE "FAIR HOUSING CODE"; PROVIDING FOR A DECLARATION OF POLICY TO PROHIBIT DISCRIMINATION IN HOUSING ON THE BASIS OF RACE, COLOR, ANCESTRY, NATIONAL ORIGIN, RELIGION, SEX, MARITAL STATUS, FAMILIAL STATUS, HANDICAP OR AGE; PROVIDING DEFINITIONS; DESIGNATING AS UNLAWFUL CERTAIN DISCRIMINATORY PRACTICES IN THE SALE OR RENTAL OF HOUSING, AS WELL AS IN ADVERTISING IN CONNECTION THEREWITH, IN THE FINANCING OF HOUSING, AND IN BROKERAGE SERVICES RELATED TO EXCEPTIONS; PROVIDING FOR AN ADMINISTRATOR TO BE DESIGNATED AND PRESCRIBING THE GENERAL POWERS AND DUTIES OF SUCH ADMINISTRATOR, PRESCRIBING ACTION UPON A DETERMINATION OF PROBABLE CAUSE, AND AUTHORIZING THE PROMULGATION OF FORMS AND REGULATIONS; MAKING PROVISIONS FOR THE FILING OF COMPLAINTS AND RESPONSES THERETO, AND THE PROCESSING THEREOF BY THE ADMINISTRATOR; PROVIDING FOR ADDITIONAL REMEDIES; PROVIDING FOR PROHIBITING UNTRUTHFUL COMPLAINTS OR FALSE TESTIMONY; PROVIDING FOR PENALTIES FOR VIOLATION OF SUCH CODE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Ordinance No. 2010-09.**

Mayor Bryant requested that Chief Wells present Officer Oyler a check from the recent fund raiser that was held for his family. Mayor Bryant acknowledged the contributors by name.

6. PUBLIC HEARING: ORDINANCE NO. 2010-10

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING SUBMISSION OF AN AMENDMENT OF THE CITY CHARTER TO THE VOTERS AT THE NOVEMBER, 2010 GENERAL ELECTION FOR AN AMENDED AND RESTATED CITY CHARTER; PROVIDING FOR THE CREATION AND POWERS OF THE CITY; PROVIDING FOR SECTIONS RELATING TO HEADINGS, DEFINITIONS, THE FORM OF GOVERNMENT, BOUNDARIES, WARDS, LEGISLATIVE POWERS, COMMISSIONERS, COMMISSIONER QUALIFICATIONS AND OFFICE HOLDING, PROVIDING FOR A VICE MAYOR, COMMISSION MEETINGS, REQUIREMENTS FOR A QUORUM AND NEED FOR A MAJORITY VOTE, COMMISSIONER VACANCIES AND REPLACEMENT, PRESIDING OFFICER, ORDINANCES, AND VETOES; PROVIDING FOR THE EXECUTIVE BRANCH, THE MAYOR, APPOINTED OFFICERS, MAYOR QUALIFICATIONS, AND VACANCY AND REPLACEMENT OF THE MAYOR; PROVIDING FOR ELECTIONS, TERMS OF OFFICE AND THE OATH OF OFFICE, RECALL OF ELECTED OFFICIALS, AMENDMENT AND REFERENDUM OF THE CHARTER, EFFECT ON EXISTING RIGHTS AND ORDINANCES, INTERPRETATIONS OF THE CHARTER, CHARTER REVIEW, AND THE EFFECTIVE DATE OF THIS CHARTER; PROVIDING FOR APPROVAL OF A BALLOT QUESTION; PROVIDING FOR APPROVAL OF BALLOT QUESTION TITLE; PROVIDING FOR PUBLICATION; PROVIDING FOR COORDINATION WITH SUPERVISOR OF ELECTIONS; PROVIDING FOR ELECTION DATE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Ordinance No. 2010-10.**

Barnebey discussed the procedure for public notification of the ordinance and the fact it will be placed on the November 2, 2010 General Election ballot.

7. BANKING SERVICES RFP RECOMMENDATION

Karen Simpson reported the Banking Services Committee had reviewed seven proposals and heard presentations from three. It is the recommendation of the Committee to award the RFP to BB&T.

**MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 4-0 to approve the award of the Banking Services RFP to BB&T and authorize staff to begin contract negotiation. Commissioner Cornwell was absent for the vote.**

8. RESOLUTION NO. 2010-19

Resolution No. 2010-19 will establish the budget for the addition of the left turn lane at 10<sup>th</sup> St. W. and 10<sup>th</sup> Ave. W.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Lancaster moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Resolution No. 2010-19.**

9. RESOLUTION NO. 2010-20

Resolution No. 2010-20 will establish the budget for the TRIP Grant funding the project at 8<sup>th</sup> Ave. and Riverside Dr.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 2010-20.**

10. APPROVAL: BEHAVIORAL HEALTH MANAGEMENT SERVICES

Deleted from the agenda.

11. 1<sup>ST</sup> READ & ADVERTISING APPROVAL: ORDINANCE NO. 2010-11

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; AMENDING THE LIST OF APPOINTED OFFICERS AND THEIR DUTIES; AMENDING PROVISIONS RELATED TO MEMBERSHIP IN THE CITY'S GENERAL EMPLOYEE'S RETIREMENT PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve Ordinance No. 2010-11 for advertising and schedule a public hearing August 2, 2010.**

12. DISCUSSION OF PROPOSED MILLAGE AND TENTATIVE BUDGET

Mr. Freeman discussed the information received from the Property Appraiser's offer relating to expected ad valorem tax revenue. The gross taxable value of property for FY2010-2011 is \$763,466,066 vs. \$929,295,191 last year. The projected ad valorem revenue is expected to be approximately \$3,384,361 at the current 4.6662 mills. He displayed computations of expected revenue at the current 4.6662 millage, and what it would be if Commission increased the millage to 4.7662, 4.9162 and at the roll-back rate of 5.3916 mills.

The proposed budget that has been distributed was developed using the current millage rate of 4.6662 mills. Most Enterprise Funds are positive but the General Fund and Building Department show a deficit that staff is still working to reduce. The medical insurance premium estimate is 29% higher. Staff is working with the agent regarding the amount and ways to reduce it. Mr. Freeman acknowledged that staff will consider and research every available opportunity to further reduce the budget.

Commission discussed the tentative millage rate and came to agreement that they will set the rate at 4.6662 mills. Mr. Freeman stated the DR 420 establishing the proposed millage rate and the dates of the public hearings will be placed on the July 26, 2010 agenda.

13. AWARD OF GRANT ACCEPTANCE (J. Freeman)

The City has been notified of the award of an energy efficiency grant.

**MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to accept a State Energy Program Grant in the amount of \$249,837 and authorize the Mayor to execute any agreements as required as part of the grant.**

Mayor Bryant recessed the City Commission meeting at 8:25 pm to open the July 19, 2010 CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 9:00 pm.

14. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)

Mayor Bryant stated an email regarding the issues will be sent and should be included in the agenda packet. Attorney Barnebey informed Commission the County Commission will be considering turning over the maintenance of 8<sup>th</sup> Ave. next week, which is the first step in annexing the property.

15. DEPARTMENT HEADS' COMMENTS

Attorney Barnebey

He is working on rules and procedures for quasi-judicial meetings.

Mr. Freeman

Announced he has received Mr. Zirkelbach's Form 8B for Voting Conflict for the June 21, 2010 budget adjustment for Regatta Pointe Marina.

Discussed the proposed budget meeting schedule. Commissioners Lancaster and Zirkelbach stated they would be unable to attend the August 3 workshop meeting. Commissioners will inform Mr. Freeman of any dates they are not available. The July 26, 2010 agenda will contain a topic to allow Commissioners to attend the budget workshops by telephone if they are absent for an acceptable reason.

Due to the number of questions from proposers, the Ward 1 Phase 2 RFP was extended one more week.

A budget amendment resolution regarding expenses in Planning Department will be placed on the next agenda. Expenses above the retainer for the interim planner will exceed budget for the year and salary expense for the recently hired planner must be allocated.

Chief Wells

Thanked Commission for his appointment, stating he foresees an easy transition.

16. MAYOR'S REPORT

None

17. COMMISSIONERS' COMMENTS

Mr. Williams

Hopes that in future when the City has a situation we like had with planning, staff will try to plan ahead.

Mr. Tusing informed Commission he asked P&Z not to meet on the sign ordinance until the new planner has had a chance to review the document.

Welcomed Chief Wells.

Ms. Varnadore

Also welcomed Chief Wells; looking forward to seeing information on community policing and gang prevention.

Mr. Zirkelbach

Updated Commission on the Manasota League of Cities.

Distributed a brochure on the Youth Advisory Board that has developed by the City of Sarasota. He stated representatives of the board are willing to come and make a presentation.

Welcomed Chief Wells.

Mayor Bryant informed Commission the City has been invited to partner with other municipalities applying for an environmental conservation grant. Initially there will be no cost. The document will be given to Attorney Barnebey for review.

Ms. Cornwell  
Welcome Chief Wells.

Inquired when 17<sup>th</sup> St. will be repaved, stating school will open on August 23, 2010. Mr. Tusing discussed the work that has been completed, stating he does not foresee the street being blocked at the school entrance.

Commented on the turn light at 10<sup>th</sup> St. and 14<sup>th</sup>; traffic moves very well through the intersection.

Commented on the new Boys Club facility.

Opined the alcohol ordinance cannot come back to Commission with just a new number. Robert Rules prohibits an item from coming back over and over again. Commissioners that have strong opinions about an issue should notify the Mayor so she can appropriately develop the agenda.

Mrs. Lancaster  
Welcomed Chief Wells.

Had advised PD about bicycles speeding through walkers on the bridge. She asked to be informed when the item is posted.

Looking forward to the workshop on ethics.

Have been approached by citizens from the Lincoln Alumni to support an overpass crossing. Mayor Bryant stated it is on one of the future years for the MPO, and she was hoping to gain support for it because the tunnel is dangerous for youth. Mayor Bryant stated everyone should see "Through The Tunnel".

Meeting adjourned at 9:30 pm.

Minutes approved:

*James R. Freeman*

James R. Freeman  
City Clerk