

**PALMETTO CITY COMMISSION**  
**JULY 26, 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:**

**James R. Freeman, City Clerk**  
**Allen Tusing, Public Works Director**  
**Chief Rick Wells**  
**Mark Barnebey, City Attorney**  
**Deanna Roberts, Administrative Assistant**

Mayor Bryant called the meeting to order at 7:00 p.m. followed by a moment of silence and the pledge to the flag.

All persons intending to address City Commission were duly sworn.

Public Comment: None

**1. CITY COMMISSION AGENDA APPROVAL**

**Motion: Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and motion carried unanimously to approve the July 26, 2010 7:00 p.m. agenda with the deletion of agenda item #5 and replacing it with the confirmation of the PACE grant application.**

**2. APPROVAL: PROPOSED AGGREGATE MILLAGE RATE (J. Freeman)**

**MOTION: Mr. Zirkelbach moved, Mrs. Lancaster seconded, and motion carried unanimously to approve a proposed aggregate millage rate of 4.9162 and to schedule a public hearing to adopt a tentative millage rate and tentative FY 2010-2011 budget with public hearings scheduled for September 13 and 27, 2010.**

Following discussion, Commissioners agreed to a proposed aggregate millage rate of 4.9162. All expressed the intent to keep the millage rate at 4.6662, but they agreed with the Mayor and Mr. Freeman that it was prudent to take this action to provide a safety net. The rate can go down later, but it could not go up. Staff will try to keep the millage as is and still balance the budget. There are still challenges in the General Fund. Mr. Freeman commented that even with a quarter mill increase, the City will not collect more taxes as property values are down.

September 13, 2010 is the proposed tentative budget hearing date and September 27, 2010 the public hearing for the final adoption of the budget. These dates must be submitted to the Property Appraiser's Office along with the proposed millage rate.

On August 2, 2010, Mike Towns, the City's insurance agent, will appear before Commission to discuss ways to save money on the health plan. He has already negotiated the renewal rate down from 29% to 20%.

Mr. Freeman commented again that even with a quarter mill increase, the City will not be collecting any more revenue than last year due to declining property taxes. Some residents would still see a reduction in their property taxes.

**3. 1<sup>st</sup> READ & ADVERTISING APPROVAL: ORDINANCE 2010-06 (J. Freeman)**

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA AMENDING THE COMPOSITION OF AND CLARIFYING AND ADDING DUTIES TO THE PLANNING & ZONING BOARD; DELETING PROVISIONS RELATED TO A "PLANNING COMMISSION"; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded, and motion carried unanimously to approve Ordinance No. 2010-06 for advertising and schedule a public hearing August 16, 2010.**

**4. 1<sup>st</sup> READ & ADVERTISING APPROVAL: ORDINANCE NO. 2010-13 (M. Barnebey)**

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR AMENDMENT OF THE TIMES ALLOWED FOR THE SELLING OF ALCOHOLIC BEVERAGES WITHIN THE CITY LIMITS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded, and motion carried 3-2 to approve Ordinance No. 2010-13 for advertising and schedule a public hearing August 16, 2010. Commissioners Cornwell and Varnadore voted nay.**

Discussion: Commissioner Cornwell remarked that the Commission needed to discuss concerns that had been brought up at the workshop before scheduling this for a public hearing.

Commissioner Williams suggested a timeframe in which staff will bring further recommended changes to the ordinance. Commissioner Varnadore interjected that it would be prudent to do that prior to adopting this ordinance. Her concern was that this ordinance includes all businesses for Sunday sales. The Commission would have to come back at a later time and perhaps prohibit some.

Mr. Barnebey said he will get with the new planner, Lorraine Lyn, and come back with a timeframe for reviewing the alcohol ordinance. He thinks it could be done prior to the end of September. The Mayor then asked Mr. Barnebey to bring back information provided by Mr. McCollum, the former planner, to the meeting next Monday before estimating a timeframe.

Mr. Barnebey said the direction he thought he got from Commission was to drop requirements on restrictions on sales except for the hours between 2:30 a.m. and 6:00 a.m. Mr. Zirkelbach said it would be like every other day of the week.

Mr. Barnebey clarified for Mrs. Varnadore that any establishment can sell alcohol on Sunday under this ordinance except for the excluded hours.

**5. PACE GRANT APPLICATION: (Mayor Bryant)**

Mayor Bryant reported the City of Palmetto joined in an application with the Town of Lantana to get grant funding through an Environmental Protection Agency grant. Fourteen local governments are participating. The grant awards will be posted on October 15, 2010. There is no cost to the city. The grant funding would help businesses move towards becoming green businesses. Mr. Barnebey commented that the letter the Mayor sent supported the application, but participation was contingent upon entering into an Interlocal Agreement, as the City has not yet seen the terms of the grant.

**MOTION: Commissioner Zirkelbach moved, Commissioner Varnadore seconded, and motion carried unanimously to confirm the letter of support for the grant application submitted by Mayor Bryant to join in the PACE Grant application to the Environmental Protection Agency.**

6. COMMISSION PARTICIPATION BY TELEPHONE (M. Barnebey)

City Commission must determine if Commissioners will be allowed to attend City Commission meetings and/or City Commission workshop meetings by telephone because of an acceptable absence.

Mr. Barnebey told the Commission that it had an existing policy of participation by phone for Commission: Policy No.09-04 It states that the request must be in writing and taken up at the subject meeting. The Commissioners can vote by phone, but it will not count for a quorum.

Following discussion, it was agreed the request should be made in writing. Commissioners can send an email to Jim Freeman, Mark Barnebey or the Mayor, and they can even email other Commissioners as long as they do not reply.

Mr. Barnebey said it is up to the Commission as to what constitutes "extraordinary circumstances." Commissioner Varnadore opined that as long as the privilege is not abused, she saw no need to set criteria. Mr. Williams concurred, and said each should be taken on a case-by-case basis. Commissioner Cornwell said that Commissioners can ask for items of interest to be tabled to another meeting. She was nervous about the potential for abuse.

The consensus was to take each request on a case-by-case basis.

Mr. Zirkelbach reminded Commission that he will be on vacation August 2, but he saw nothing he needed to vote on and he was not requesting to call in.

No changes will be made in the policy at this time. No action was taken.

7. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)

Mr. Tusing said this project has become a complex project with land swaps and dealing with multiple entities. Bidders had asked for more time to prepare bids, and Mr. Tusing has offered an additional two weeks. It shouldn't be a problem as the job cannot start until the land transactions are complete.

Mayor Bryant interjected that the City would have to be in control of the property in order to accept any the grants.

Mr. Zirkelbach asked if the fields could be constructed partially; just build two to start. Mr. Tusing said it would be dangerous to have kids playing on those fields while the road is being built.

Mr. Tusing said the fields will not be done by February. The land swaps have slowed down the process.

Commissioner Varnadore said the City can't move forward. The City has no money without grants and doesn't own all the land. The process has taken a great deal of time.

Mayor Bryant commented there were public hearings required by the various entities on the land trades, rezones had to done, and everything had to go to DCA. The road had to be moved.

Mr. Barnebey commented the numbers have increased, the amount of land increased which changed some of the conditions, but he thinks the City is close to contract level, and a lot should happen in the next month. He has talked to the County about doing two fields if we can. The project may have to be phased due to funding. We are looking for grants. The County and the School Board have agreed to try to do what they can to assist. Right now they don't have the funds either.

Mayor Bryant said she is still working on a grant through the Rays. The County had to fill out the grant application as they will be doing operations and maintenance. She has since gotten the grant back to review and finish.

Mr. Barnebey said the land acquisitions should be complete by late December or early January at the earliest.

Mr. Williams said the County currently is only committed to operations and maintenance of the fields.

**MOTION: Commissioner Williams moved, Commissioner Varnadore seconded, and motion carried unanimously to prepare a letter for transmittal to the County Commission and County Administrator, requesting they address dollars to be spent in Palmetto for Little League fields in their current budget.**

Mr. Barnebey suggested, and Mr. Zirkelbach agreed, that an amount should be included in the letter. Mrs. Cornwell suggested including a range of funds that might be required. Mr. Williams said the City has land that has been donated and some funds to contribute. Mrs. Cornwell suggested that the letter be presented by the Mayor at a County Commission meeting.

Regarding the two-week extension for bids that Mr. Tusing discussed earlier, Mr. Williams commented that the extension must be approved by Commission.

**MOTION: Commissioner Williams moved, Commissioner Lancaster seconded, and motion carried unanimously to extend the sealed bid submittals by two weeks.**

#### 8. DEPARTMENT HEADS' COMMENTS

Allen Tusing- No comments

Jim Freeman – No comments

Chief Wells - Police Department is going through recertification for accreditation. The inspectors will be here for three days. Everything is going well; he doesn't foresee any problems

Mark Barnebey –No comments

#### 9. MAYOR'S REPORT

Mayor Bryant encouraged Commissioners to look at the Florida League of Cities legislative agenda that her office will be sending to them. It contains some important items that will affect municipalities.

#### 10. COMMISSIONERS' COMMENTS

Commissioner Lancaster - Thanked Chief Wells for increased patrols.

Commissioner Cornwell- Congratulated Commissioner Varnadore on the impending birth of her granddaughter.

Commissioner Zirkelbach – No comments.

Commissioner Varnadore - Asked Mr. Barnebey the status of the modular buildings at the First Baptist Church. Mr. Tusing said the buildings had been approved by the DRC and permitting. Mr. Zirkelbach interjected that it has been in a SWFWMD permit since making application to the DRC. SWFWMD has not cleared the permit yet.

Commissioner Williams – Commented that the Building Department should not have had the authority to permit the buildings to sit there temporarily. Mr. Barnebey said they anticipated they would get the

permitting. Temporary use could be tightened up in the Codes. Mr. Williams asked if the City could require them to paint the buildings to make them look nicer for the neighborhood. Mr. Zirkelbach commented that the SWFWMD permit application triggered other things which created the delay, but he thinks they will have the permit within thirty days. The church had anticipated using the buildings this summer. He will ask the church to put the stairs back on the buildings and paint the buildings. Mrs. Varnadore said the buildings have created an eyesore.

11. PUBLIC COMMENTS FOR CITY COMMISSION

None

12. ADJOURNMENT

The meeting was adjourned at 8:34 p.m.

Minutes approved: September 13, 2010

*James R. Freeman*

James R. Freeman, City Clerk