

TAB 1

Palmetto City Commission  
November 3, 2008 4:00 p.m.

Elected Officials Present:

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

Elected Officials Absent:

Eric Ball, Commissioner

Staff Present:

James R. Freeman, City Clerk  
Michele Hall, City Attorney  
Chris Lukowiak, Public Works Director  
Chief Garry Lowe  
Tanya Lukowiak, CRA Executive Director  
Bob Schmitt, City Planner  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 4:05 pm. A moment of silence was observed for our military men and women, followed by the Pledge of Allegiance.

1. AGENDA APPROVAL

**MOTION: Mr. Williams moved and Mrs. Lancaster seconded to approve the November 3, 2008 4:00 pm agenda.**

Mr. Freeman confirmed that the Regatta Pointe Sublease Amendment #2 is on the 7:00 pm agenda for discussion only. He also informed Commission that counsel for Mr. Van Der Noord will attend the 7:00 meeting.

Chief Lowe requested that a Memorandum of Understanding outlining the mission of the Presidential Inauguration Task Force and defining the Palmetto Police Department's participation while at the inauguration be added to the agenda. Commission directed that the item be placed on the 7:00 agenda.

**Motion on the floor carried 4-0.**

2. DISCUSSION: BACKGROUND CHECKS

Commission reviewed the proposed Background Check Policy and made the following changes.

1. PURPOSE AND INTENT

Amended to apply the policy to the City of Palmetto Police Department.

3. DIRECTION

Amended to allow review of background checks by the appropriate Department Head. Procedures of what will happen in the event a negative background check is received must also be included in the policy.

#### 4. METHOD OF OPERATION

Language will be added to allow for an employee who is unable to report within the stated two day self reporting timeline.

Discussion ensued on employees self reporting an arrest vs. conviction of a crime. Mr. Freeman confirmed the Personnel Policy contains requirement for self reporting drug and/or alcohol arrests. Language will be added to cross reference the existing self reporting edict in the Personnel Policy. Staff was directed to look at standard procedures of other municipalities concerning self reporting beyond drugs and/or alcohol.

Commission discussed including candidates and elected officials, due to their prior discussion that elected officials should be held to the same standards as employees. Commission did not amend the policy to include candidates or elected officials.

#### 5. GUIDELINES

Sections A and B will be amended to include language concerning the suspension of an employee without pay pending a pre-termination hearing, pursuant to the Personnel Policy. The same language will be added to the final disclosure at the end of the policy.

Discussion ensued on the identification of positions that involve close contact with private property, children, or individual members of the public. Mayor Bustle suggested listing all positions, including appropriate language as a "catch all".

In addition to the listed amendments, Commission directed that the policy 1) contain a definition of Level 1 and Level 2 testing and 2) that language be added where Level 2 testing may be necessary. Staff was asked to determine what level of background testing we currently perform and to supply a list of individuals who are bonded and whether or not those individuals underwent background testing when bonded.

Meeting adjourned at 5:05 pm.

Minutes approved:

James R. Freeman  
City Clerk

Palmetto City Commission  
November 3, 2008 7:00 p.m.

Elected Officials Present:

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

Staff Present:

James R. Freeman, City Clerk  
Michele Hall, City Attorney  
Chris Lukowiak, Public Works Director  
Chief Garry Lowe  
Tanya Lukowiak, CRA Executive Director  
Bob Schmitt, City Planner  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:00 pm. A moment of silence was observed for our military men and women, followed by the Pledge of Allegiance.

PROCLAMATION      Manatee Chamber of Commerce Beautification Award to Regatta Pointe  
Attorney Ed Vogler accepted for Harry and Barbara VanDerNoord

PROCLAMATION:      Farm City Week November 14-23, 2008  
Accepting: Ann Marshall and Julia Durrance

Swearing-in of all persons speaking to Commission.

PUBLIC COMMENT

Karen Shultes, representing the City of Palmetto Business Alliance, requested that Commission support a local preference ordinance.

John Wilson spoke to Commission concerning Code Enforcement liens that were filed on property on which he holds a mortgage. He reported that because of a foreclosure action on the property, he was prohibited access to the property to correct code violations. He requested a hearing before Commission to hear the issue. Mr. Freeman confirmed that the code does allow review of the topic by Commission; Commission is the only body that can adjust or forgive a recorded lien. Code Enforcement Director Bill Strollo will document the case for Commission's review at the November 17, 2008 Commission meeting.

ORDER OF BUSINESS:

1. AGENDA APPROVAL

**MOTION:**      **Mrs. Lancaster moved, Ms. Varnadore seconded and motion carried 5-0 to approve the November 3, 2008 7:00 agenda, with the addition of the Memorandum of Understanding for the Police Department.**

2. CONSENT AGENDA

A) Minutes: October 20, 2008

**MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the November 3, 2008 Consent Agenda.**

3. DISCUSSION: REGATTA POINTE SUBLEASE

Mr. Freeman informed Commission Amendment #2 to the sublease between the City and VanDerNoord Partners will 1) correct the legal description to coincide with the submerged land lease with the State of Florida (Regatta Pointe), 2) clarify that VanDerNoord Partners shall comply with regulations governing the submerged land lease in the same manner that the City is required to comply, and 3) permit the continued use of the second floor and add the use of the third floor of the restaurant facility as a banquet hall. In addition, Amendment #2 will reflect the correct entities involved in the lease.

Mr. Ball inquired if the construction on the ground floor, which was originally used as restroom, shower and laundry facilities for boaters, required any action. Attorney Hall stated she is not aware of anything being done at the facility affecting the submerged land lease; staff related to her that the current renovations require only a building permit.

Discussion ensued on the submerged land lease's requirement that a restaurant facility be on site. Attorney Ed Vogler, on behalf of the owners, explained that major reconstruction of the facility is underway under existing building permits. The ground floor is now being built as a restaurant. The amenities described by Mr. Ball have been preserved and will be enhanced; a floating, permanent supplemental facility is on site and is fully operational.

Mr. Vogel explained the lease with the state does not increase by the intensity of use, opining there is not a restriction on having a banquet hall, the State of Florida would see a restaurant the same as a banquet hall. Attorney Hall confirmed she had discussed the banquet hall issue with DEP and they did not voice a concern so long as the restaurant remained as well.

When questioned about the budget impact of the topic, Attorney Hall confirmed she and Mr. Freeman had expended time on the topic, but rather than it being at the request of the applicant, staff reviewed the topic to ensure the sublease is consistent with the submerged land lease, which is in the best interest of both parties. Mr. Vogler suggested that Commission should consider the City initiated amendment, which resulted in significant expense to the VanDerNoords in responding to the amendment. He further opined the proposed Amendment #2 is the final step in finalizing the City initiated amendment of the submerged land lease, and is normal City business.

Mr. Williams requested a copy of the sublease, referencing his memory that a restaurant is a requirement. He discussed the City approving the banquet hall on the second floor, but initially the third floor was not a consideration.

Mayor Bustle requested that Commission stay within the scope of the Amendment #2 under consideration. Mayor Bustle recessed the meeting for ten minutes.

Mr. Vogler discussed the existing restroom facilities at the site. He confirmed that every amenity that existed will remain, but in an improved state.

Mr. Vogler confirmed that a report of activity for the banquet hall would be provided Commission. He also opined that City Commission approval of the banquet hall use is not necessary. Attorney Hall stated she does not share Mr. Vogler's opinion, but she did confirm with DEP in Tampa that

they did not have an issue with the use. She also confirmed that the first amendment contains language that should the DEP determine a use is not permitted, the sub lessee will have to terminate the use.

The item will be brought back to Commission November 17, at which time page one of the submerged land lease and its Exhibit A, the sublease and both amendments will be provided to Commission.

4. APPROVAL: COVERALL CLEANING CONCEPTS CONTRACT

Approval of a 12-month contract for the City Hall and Public Works janitorial services.

**MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Coverall Cleaning Concepts contract for City Hall and Public Works janitorial services in a total amount not to exceed \$14, 522.00.**

5. APPROVAL: 2009 COMMISSION MEETING SCHEDULE AND 2009 HOLIDAY SCHEDULE

**MOTION: Ms. Varnadore moved and Ms. Cornwell seconded to approve the 2009 Commission Meeting Schedule and the 2009 Holiday Schedule.**

**MOTION: Mr. Ball moved to table the item for two weeks to allow approval by the new mayor and commission. Motion died for lack of a second**

**Motion on the floor carried 5-0**

6. DISCUSSION: TRAINING REIMBURSEMENT POLICY

As directed by Commission, staff proposes the attached Training Reimbursement Policy for additional training, certification, instruction or education that is not required for a job, but is still considered job-related.

**MOTION: Mr. Ball moved and Mrs. Lancaster seconded to adopt the Training Reimbursement Policy as City Commission Policy #09-01.**

Discussion: Mr. Freeman confirmed training dollars have been budgeted, subject to supervisor approval. He also confirmed that once certification is received, it is not automatic that an employee will receive a step or grade increase, but the certification could be used during the review process.

The policy was discussed, with Commission making the following comments:

Ms. Cornwell requested that language be included that permits training only within an established mile radius or drive time; either take advantage of a class close by or do not take the class at all. There was not consensus among the Commission to add the language at this point in time.

Ms. Cornwell opined that the three bulleted items must be inclusive.

Ms. Varnadore suggested that the suggested two year continued employment requirement after a training class may be too long. Mr. Williams requested a matrix proposing the cost of training be tied to the number of years an employee must continue employment with the City.

Ms. Varnadore suggested that documented continuing education requirements for a certification should be exempted from reimbursement.

**MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to table the item until the first meeting in December.**

#### 7. MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding executed by the United States Attorney for the District of Columbia, the Metropolitan Police Department of Washington, D.C. and the Palmetto Police Department, outlining the mission of the Presidential Inauguration Task Force in the Washington, D.C. area from January 15 – 21, 2009.

**MOTION: Ms. Varnadore moved, Mr. Williams seconded and motion carried 5-0 to authorize Chief Lowe to execute the Memorandum of Understanding.**

#### 8. DEPARTMENT HEADS' COMMENTS

##### Mr. Schmitt

The first sign ordinance public meetings are scheduled November 12 and 13, 2008.

##### Mr. Lukowiak

Announced that he has distributed his letter of resignation, effective November 17, 2008. Mr. Lukowiak thanked the Mayor and Commission.

##### Mr. Freeman

Reminded everyone to vote on Tuesday and announced the Canvassing Board will meet at 5:00 pm at the Supervisor of Elections office.

Florida League of Cities has encouraged cities to develop a written policy for public participation at public meetings. The item will be placed on the November 17, 2008 workshop agenda.

The Investment Committee will hold its first meeting on Thursday.

In response to Mrs. Lancaster's inquiry, Mr. Freeman stated that individuals wishing to have an item placed on an agenda should contact the clerk's office as the first point of contact. The topic would then be discussed at the department head meeting and scheduled accordingly.

Told Mr. Lukowiak he had enjoyed working with him.

##### Chief Lowe

Told Mr. Lukowiak he had enjoyed working with him.

##### Attorney Hall

Told Mr. Lukowiak he had enjoyed working with him.

#### 9. MAYOR'S REPORT

No report.

#### 10. COMMISSIONERS' COMMENTS

##### Mrs. Lancaster

In response to Mrs. Lancaster's inquiry, Mrs. Lukowiak informed Commission the notice to proceed has been issued for the engineering of the Ward 1 Phase II project.

Mrs. Lancaster spoke about the parking problems on 11<sup>th</sup> St. Dr. Mrs. Lukowiak also stated the issues will be resolved by the engineering phase of the project.

Thanked Mr. Lukowiak for his attention to her ward, stating it has been a long time since her constituents have received the attention they have enjoyed under his leadership.

Ms. Varnadore  
No comment.

Mr. Williams  
Inquired about the lack of audio on the boards other than Commission. Mr. Freeman stated that eventually all the public boards' audio and minutes will be on the website. At least six months will be available to the public; the balance will be archived and available upon request.

Mr. Freeman stated three computers have been identified for Commission. Mrs. Lancaster suggested that the computers should be held until all five lap top computers have been identified. Mr. Freeman stated it could be two weeks before they are ready for distribution.

Mr. Lukowiak stated a professional has been sought to repair the Thomas Taylor headstone.

Stated he appreciated Mr. Lukowiak working with the Commission.

Ms. Cornwell  
Mrs. Lukowiak explained how the films are chosen for Movie in the Park. Ms. Cornwell stated she has had a request that Christian movies and movies in Spanish be shown. Mrs. Lukowiak stated that normally adult movies are not shown, but with requests a movie such as Grease would be reviewed. Ms. Cornwell stated she has received a request for the movie Fireproof. Mrs. Lukowiak stated that Spanish movies have not been considered because the children attend schools in English. Mrs. Lukowiak stated Commission could decide if Christian movies are to be shown at Movie in the Park.

Inquired if local papers have been contacted about a process for publishing City bids. Mr. Freeman stated a memo had been prepared concerning the Florida Statutes requirements concerning publishing in a newspaper of general circulation. Mr. Freeman stated that an educational campaign for the bid process will be posted on the City's website. He stated local papers could be contacted about possibly running an article on the topic.

Stated it has been a pleasure working with all the department heads.

Mr. Ball  
Commented on his working relationship with Mr. Lukowiak. Stated it has been a privilege to serve with all the Commissioners and thanked everyone.

Meeting adjourned at 9:15 pm.

Minutes approved:

James R. Freeman  
City Clerk