

**TAB 1**

Palmetto City Commission  
February 23, 2009 5:00 P.M.

Elected Officials Present:

Shirley Bryant, Mayor  
Brian Williams, Vice Mayor  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
Tambra Varnadore, Commissioner

Elected Officials Absent:

Alan Zirkelbach, Commissioner

Staff Present:

James R. Freeman, City Clerk  
Tanya Lukowiak, CRA Director  
Garry Lowe, Chief of Police  
Tom McCollum, Interim City Planner  
Allen Tusing, Interim Public Works Director (entered at 5:30 pm)  
Frank Woodard, Deputy Director of Project Management & Engineering  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 5:00 pm. Commissioner Williams gave the invocation, followed by the Pledge of Allegiance.

1. PRESENTATION: PROPOSED CAPITAL IMPROVEMENT PLAN

Frank Woodard narrated the initial presentation of the proposed 2009 Capital Improvement Plan. Commission will set a meeting date to begin the in-depth discussion of the plan.

2. DISCUSSION: 201 12th STREET WEST

The property owner is in the final stages of the SHIP application process for the construction of a new home, and issues with the citing of the home have arisen because of necessary setbacks which are affected by Carr Drain splitting the property; currently an existing fence is located on City property. Mr. Woodard reviewed a survey depicting a portion of land at 201 12th St. W. that had been dedicated to reserve a 20' right-of-way, stating Mr. Tusing is recommending the City vacate the dedicated land.

Attorney Barnebey confirmed a vacation of the property would be appropriate, as well as the waiver of the fee once the homeowner applies for the vacation. He also suggested approval of a variance would also be appropriate. Mr. McCollum stated that with the vacation a variance would not be necessary.

Mr. Tusing confirmed the dedication occurred on a 1912 plat, and if Commission approves the vacation there is one additional piece of property that should also be included. He also confirmed that the vacation of the property would not affect any City utilities and that no reservation of property is necessary.

Mrs. Lancaster spoke of the property owner having to pay taxes on Carr Drain. Attorney Barnebey stated it may be possible to alleviate some property tax responsibility by the execution of an easement to the City for the drainage ditch.

Mayor Bryant stated that while it appears Commission is willing to assist the homeowner, the topic will be brought back for formal action.

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Mr. Freeman was instructed to identify dates when a two hour meeting to discuss the CIP can be held.

Mr. Woodard was asked to send a copy of the presentation to the Commission.

Mayor Bryant thanked county commissioners John Chappie and Carol Whitmore for attending the meeting.

Meeting adjourned at 5:55 pm.

Minutes approved:

James R. Freeman

Palmetto City Commission  
February 23, 2009 7:00 p.m.

Elected Officials Present:

Shirley Bryant, Mayor  
Brian Williams, Vice Mayor  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
Tambra Varnadore, Commissioner

Elected Officials Absent:

Alan Zirkelbach, Commissioner

Staff Present:

Mark Barnebey, Interim City Attorney  
James R. Freeman, City Clerk  
Garry Lowe, Chief of Police  
Tanya Lukowiak, CRA Executive Director  
Tom McCollum, Interim Planner  
Geoff Seger, Parks & Recreation Director  
Allen Tusing, Interim Public Works Director  
Frank Woodard, Deputy Director of Project Management & Engineering  
Diane Ponder, Deputy Clerk-Administration

Invocation by Pastor G. I. Bradley, Providence Missionary Baptist Church, followed by the Pledge of Allegiance.

Swearing-in of all persons intending to address City Commission.

PUBLIC COMMENT (non-agenda items): None

ORDER OF BUSINESS:

1. AGENDA APPROVAL

**MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 4-0 to approve the February 23, 2009 7:00 p.m. agenda.**

2. CONSENT AGENDA

A) Minutes: January 26, and February 2 and 16, 2009

B) January Check Register

C) Special Function Permits:

1. Annual Great Palmetto Clean Up/Multi Cultural Festival
2. St. Pete Bicycle Club Annual Spring Classic
3. Shedonne Washington Baby Shower (Park Rental)
4. Palmetto Historical Commission:
  - Heritage Day
  - Gospel & Games
  - Family Fun Day
  - Jazz in the Afternoon
  - Summer Social/Book Fair
  - Summer Social
  - Yard Sale

**MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 4-0 to approve items 2A and 2B of the Consent Agenda.**

Commission discussed the Special Function Permits. Staff was instructed to flex time rather than pay overtime where possible for item C1 and advertise the correct location of the dumpsters. It was noted that the Heritage Day application did not contain the insurance form. Staff confirmed that parking has been addressed for the Historical Commission's Family Fun Day, which occurs the same day as the Children's Parade.

**MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 4-0 to approve item 2C of the Consent Agenda.**

**3. VFW POST #2488 SPECIAL FUNCTION PERMIT - WAIVER OF FEES**

Applicant requesting waiver of a portion of fees associated with its District Picnic event. Mr. Seger explained the reason for the additional charge for the requested dumpster.

**MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 4-0 to approve the VFW Post #2488 Special Function Permit for April 18, 2009 and approve the waiver of fees for one 5-yard roll behind dumpster amounting to \$33.25.**

**4. MANATEE SARASOTA FISH & GAME SPECIAL FUNCTION PERMIT – WAIVER OF FEES**

Applicant requesting waiver of in-kind service fees for the Kids Fishing Tournament. Mr. Tusing confirmed \$555 for non-salaried employees will be flexed, so there will be no expenses other than the in-kind of \$1,051.

**MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 4-0 to approve the Manatee Sarasota Fish & Game Association Special Function Permit of May 9, 2009 and approve the waiver of in-kind service fees amounting to \$1,051.**

**5. PUBLIC HEARING: ORDINANCE 09-985**

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE CODE OF ORDINANCES TO DECLARE AND ESTABLISH THE CITY COMMISSION AS THE COMMUNITY REDEVELOPMENT AGENCY; AMENDING THE CODE OF ORDINANCES TO CREATE AN ADVISORY BOARD TO BE KNOWN AS THE PALMETTO COMMUNITY REDEVELOPMENT ADVISORY BOARD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Attorney Barnebey informed Commission that the language in Section 11.81 of the proposed ordinance concerning the membership of the advisory board parallels the membership requirements for the current CRA Board.

The following individuals spoke in opposition or opined that the Commission should move cautiously in the adoption of Ordinance No. 09-985:

Representative Darryl Rouson D-55, Ed Jennings, Virginia A. Dorris, Shambrea Sailes, Jane Hunter, Rodney K. Jones, Walter "Mickey" Presha, Edward Bailey, Joy Gonzalez, and Chris Lukowiak

Mayor Bryant closed the public hearing.

Mayor Bryant addressed some of the public comments as follows:

- Other CRA's in the state are being audited; any amount identified must be reimbursed to the CRA by the municipality, which could result in a millage increase for all the citizens
- An advisory board will still function as the CRA Board has in the past; Commission acting as the CRA Board will place more responsibility and accountability to all the citizens on the Commission
- Funds can not be deferred from where they can be spent
- A compliance audit will be performed
- The First Baptist Church will not accept the funds if not appropriate
- Commission actions have been in the best interest of the entire community

Commissioner Lancaster discussed the reasons she does not support the adoption of proposed Ordinance No. 09-985. Commissioners Cornwell, Varnadore and Williams defended their support of the adoption of the proposed ordinance. The public was thanked for attending the meeting.

**MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 3-1 to adopt Ordinance No. 09-985. Commissioner Lancaster voted no.**

6. SPECIAL FENCE PERMIT #09-01 AT 1204 8TH ST. W.

Application to replace an existing wooden fence with a six feet high privacy tongue and groove white vinyl fence. Mr. McCollum assured Commission the fence met all site requirements and setbacks.

**MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 4-0 to approve Special Fence Permit 09-01 for 1204 8th St. W.**

7. PUBLIC ASSISTANCE SUBGRANT AGREEMENT

Division of Emergency Management subgrant agreement to reimburse City personnel and general expenses estimated at \$18,376.45 associated with Tropical Storm Fay. Mr. Freeman will confirm that all salaried personnel overtime was also submitted for reimbursement.

**MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 4-0 to approve and authorize the Mayor to execute the Public Assistance Subgrant Agreement for Tropical Storm Fay, FEMA-1785-DR.**

8. APPOINTMENT APPROVAL

Reappointment of Sia Mollanazar, whose term ended January 2009, to the CRA Advisory Board.

**MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 4-0 to approve the appointment of Sia Mollanazar to the CRA Advisory Board for a term ending January 2013.**

Attorney Barnebey recommended that the sitting CRA Board members that wished to serve on the CRA Advisory Board should be reappointed at the next Commission meeting. Language regarding residency requirements will be made consistent in the ordinances governing all City boards and committees.

9. RESOLUTION NO. 09-12

Budget amendment to recognize the grant award and subsequent purchase of ballistic vests.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 08-32, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2008-2009, AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 4-0 to adopt Resolution No. 09-12.**

10. RESOLUTION NO. 09-13

Budget amendment of identified budget items to compensate for the revenue reductions discussed January 5, 2009.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 08-32, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2008-2009, AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 4-0 to adopt Resolution No. 09-13.**

11. DISCUSSION & APPROVAL: COMMISSION POLICY 09-04

As a follow up to a previous discussion, Commission was presented proposed Commission Policy 09-04 regarding telephonic participation by Commission Members absent from Commission meetings. Attorney Barnebey called attention to the fact that under AGO2003-41 an absence of "extraordinary circumstance" is not defined; the Commission would have to establish the definition or look at each absence on a case-by-case basis. The policy is created to allow Commissioners that have a prolonged illness or an extended out-of-town trip to participate in a meeting by telephone. He also stated that telephonic participation did not count in establishing a quorum.

Discussion ensued on the topic. Attorney Barnebey was directed to revise the policy to reflect that Commission may take action to allow telephonic participation by an absent Commissioner if it deems the absence to be of an extraordinary circumstance.

**Mayor Bryant announced she needed to leave the meeting for a brief period and relinquished the gavel to Vice Mayor Williams.**

12. 1st READ & ADVERTISING APPROVAL ORDINANCE NO. 09-986

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR MANATEE SCHOOL FOR THE ARTS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 08-07 Renaissance Arts and Education, Inc., 700 Haben Blvd., PID# 2608610459, approx. 8.314± acres).

**MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 4-0 to approve Ordinance No. 09-986 for advertising and schedule a public hearing March 23, 2009.**

### 13. DEPARTMENT HEADS' COMMENTS

Mr. McCollum

No report.

Mr. Tusing

Distributed the project by Ward report from 2004 forward. Mr. Tusing stated he is attempting to gather the same information for a longer period of time. He was asked to break out projects that are partially or wholly paid by CRA funds and to color code the expended by percentile amounts. Attorney Barnebey agreed that the expenditures should be identified for a longer period of time, based on conversations that have occurred over the last several months. Mr. Freeman will determine what records are available, back to 1996/1997 if possible, and depending on the amount of time it takes to gather one year of the older data.

**Mayor Bryant resumed leadership of the meeting.**

Mayor Bryant requested that any project that benefits the City (such as the ASR Well) be shown as a city wide project rather than as a Ward project.

Mr. Freeman

The Personnel Committee, including Commissioner Cornwell, has met to look at the current HR Policy.

A new voluntary benefit is available to the employees for prepaid legal services, which will be paid by the employees after taxes. Discussion ensued on how benefits are decided upon, with the suggestion that at least two people review any potential product that is made available to the employees.

Staff is working to complete the installation of jacks at the dais for Commission's laptops.

The quarterly budget review meeting was set for April 27, 2009, 5-7 pm. The CIP review meeting was set for March 10, 2009, 5-7 pm.

Chief Lowe

Shared correspondence from the Washington, DC Chief of Police, commending the Palmetto officers that participated in the inauguration ceremony.

Commissioner Cornwell and Chief Lowe commended Officer Doug Marston for his participation in the apprehension of a home invasion and murder suspect.

Attorney Barnebey

Suggested that when the Charter update is looked at, the relationship between the Commission and Mayor should be reviewed.

### 14. MAYOR'S REPORT

In response to Commissioner Lancaster's comments regarding the Mayor's communication with Commissioners, the communication is temporarily being limited, in spite of the fact the Charter allows for the communication and the practice has been in place for over five years. The matter will be referred to the Charter Committee. In preparation of moving this and several matters forward, the Charter Committee topic will be placed on the next agenda. Mayor Bryant suggested drawing on the experience of the past committee members. Staff will determine if the past committee members are willing to serve.



Meetings have been held with the School Board and Manatee County representatives and other interested parties concerning the Palmetto Elementary School. Work continues and the loss of the site for the pool is being addressed. She reported she will keep Commission updated.

Reported staff continues to work on the 7th Street signalization issue with MPO and FDOT.

The Economic Stimulus package was distributed, with an email ranking the projects.

Public Works is going to clean its building. Chief Lowe was instructed to speak with Mr. Tusing so the police building can be included.

#### 15. COMMISSIONERS' COMMENTS

##### Mrs. Lancaster

Reiterated her concern regarding the Mayor lobbying Commissioners. She quoted from minutes dated November 3, 2003 where she expressed her concern regarding the topic.

Mayor Bryant reported a price is being obtained for the compliance audit.

Stated that the participation in tonight's meeting reflected that people know how Ward 1 has been treated; bad information was not received. She opined that the very least Commission could have done was to have held one meeting in a setting where everything could have been provided to the citizens. She opined Ward 1 is the majority of the slum and blight in the City and it cannot be missed when entering the City. Mayor Bryant reiterated that she is the Mayor of the entire City and she has never neglected a problem of which she was aware.

##### Ms. Cornwell

Opined it is important to establish a meeting in the near future to establish the criteria of how the CRA will operate, as well as a meeting to look at how funds have been expended in the past. She also stated citizens in Ward 1 should be polled to find out the most successful project the City had undertaken and inquire how CRA funds should be spent. She suggested taking the speakers cards from the meeting to develop a list for invitations to a meeting in an arena where conversation can occur.

Mayor Bryant reported she is working with the business community to address problems with the economy and the support of local vendors. She is also meeting with local realtors to draft some stabilization policies for recommendation to the CRA Advisory Board.

Inquired if schedules have been established for visits to the mobile home parks, churches and Palmetto Youth Center.

Information is available on the Green City Grant, which staff should research.

Requested that appointees be present at the meeting where the appointment will be considered by Commission.

Regarding Movie in the Park, a description of Bajo la Misma Luna was read. Commissioner Cornwell requested that if this movie is not appropriate for viewing the park, she would like staff to recommend another Spanish movie.

Would like to see a physical wellness plan established for the employees. Mr. Freeman reported that HR has already established a program with Electra, which enables employees to use the facility at a corporate rate. Manatee County is also being contacted to determine if City employees can participate in the county wellness program.

Mr. Williams

Stated he would like to see the compliance audit happen as soon as possible.

Inquired how Palmetto Police plans to get tasers into the department. Captain Mayer reported there may be an agency on the east coast who might be willing to donate tasers to the agency. Staff is also looking into grant funding for the purchase of tasers.

Mr. Freeman reported the background check fingerprinting has begun and meetings with the department heads will be held as the reports come back to the City.

Requested a Tuesday meeting with Mr. Tusing concerning the CIP.

Requested that Attorney Barnebey supply a list of do's and don'ts for the Commission as it assumes the role of the CRA Board.

Requested that the outside lighting at City Hall be addressed.

Referring to Mrs. Ponder's position, Mr. Williams suggested that Mr. Freeman and Commission should evaluate the need of making the part-time position in Customer Service full time.

Mrs. Varnadore

Stated that since her tenure on Commission, she has not seen evidence of some of the statements made during the public meeting, and the Commission has not acted inappropriately or done what was not in the best interest for the City. Referring to the projects report, she opined funds have been equitably distributed. She also stated that the extra level of accountability regarding CRA funds is an improvement.

Mayor Bryant inquired if action should be taken on the 12th Street topic that was discussed at the 5:00 meeting. Mr. Freeman stated he understood staff would bring forward the appropriate documents to begin the vacation process on March 9, 2009.

Mrs. Lancaster reported that she has spoken with the Police Department concerning Martin Luther King, 12th St. and 12th Street Drive; it is a haven for drug dealers and gang activity.

Mr. Freeman inquired of the expectations of how the CRA Advisory Board and CRA Board meetings will occur. Mayor Bryant stated the ordinance has established the criteria. On March 9 the appointments will be made to the CRA Advisory Board and the first CRA Board agenda will be March 23, 2009.

Meeting adjourned at 10:00 pm.

Minutes approved:

James R. Freeman  
City Clerk