

**TAB 1**

Palmetto City Commission  
July 16, 2009 5:30 p.m.

Elected Officials Present:

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

Elected Officials Absent:

Alan Zirkelbach, Commissioner

Staff Present:

James R. Freeman, City Clerk  
Chief Garry Lowe  
Allen Tusing, Public Works Director  
Karen Simpson, Deputy Clerk-Finance  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 5:30 pm, followed by a moment of silence and the Pledge of Allegiance.

Commission reviewed and amended the budget meeting calendars. Staff will confirm if Mr. Zirkelbach is available for a meeting July 29 at 5:30; if not, the meeting will be scheduled for 6:00 pm.

Commission began the budget review with Mr. Freeman highlighting the major changes to each cost center, as follows:

Mayor and Commission

0015113116: Video Commission meetings for \$15,000 deleted

0015113424: Obtain a cost estimate of a city-wide election

001511411: Mr. Williams wishes to receive a cell phone. Confirm if Mr. Zirkelbach wishes to receive a cell phone. Commissioners Cornwell, Lancaster and Varnadore declined cell phones.

0015115413: Increase the FLC registration fee to \$4,500  
Increase the miscellaneous training to \$750

Mr. Freeman discussed the contingency dollars that have been included in the budget and suggested that Commission could set policy to restrict the expenditure of any contingency funds.

Mr. Freeman was asked to look at the cost of providing insurance for elected officials. Discussion ensued on the need to provide a benefits package for the mayor's position. Mr. Freeman stated that \$8,400 per person would be a solid budgetary amount, but the range could fall between \$7,500 and \$8,500. Commission requested Mr. Freeman have the results of the insurance RFP available by the first week in August.

City Clerk

Corrected the entry of Agenda/Minutes Software for \$20,000 from the Police Department to the IT Department cost center. Mr. Freeman updated the entry to reduce the amount to \$8,000.

Moved the Utility Rate Study for sewer/reclaimed water for \$20,000 to the Water & Sewer account.

The following items were placed on a suspense log for further consideration:

1. Establishment of contingency fund policies
2. Research the SunCom city-wide phone service
3. Develop an RFP for banking services, considering the expense to employees who do not have bank accounts and still a receive a pay check
4. Cost of health and life insurance for elected officials

The meeting adjourned at 7:00 pm.

Minutes approved:

James R. Freeman  
City Clerk

Palmetto City Commission  
July 20, 2009 4:30 p.m.

Elected Officials Present:

Shirley Bryant, Mayor  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
Tambra Varnadore, Commissioner  
Brian Williams, Vice Mayor (entered at 4:50 pm)  
Alan Zirkelbach, Commissioner

Staff Present:

Mark P. Barnebey, City Attorney  
James R. Freeman, City Clerk  
Chief Garry Lowe  
Tom McCollum, Interim Planner  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:30 pm. Commissioner Lancaster gave an invocation, followed by the Pledge of Allegiance.

1. COMPREHENSIVE PLAN AMENDMENT UPDATE

Mr. McCollum referred to the memorandum that was prepared to incorporate Commission comments at the joint meeting with the P&Z Board. Commission discussed the information contained in the agenda being more detailed than what has previously been provided, and which revealed items that were deleted that have not been reviewed by Commission.

Commission requested that the final draft be formatted in color so each amendment can be easily identified by the amending party or by State mandate.

Commission requested that Mr. McCollum and Attorney Barnebey complete the following items:

- **Farm Worker Housing:** The entire section was deleted by the consultant that prepared the initial draft. Mr. McCollum agreed that the section should be included and will research and recommend appropriate language regulating farm worker housing and/or migrant camp uses within the City limits. Attorney Barnebey suggested that the City can focus on the housing issue with definitions and regulations. Land use parameters for motels and hotels will also be researched.
- **Hurricane Shelter:** Determine if the Comp Plan should contain a definition as there are no shelters within the City limits, or is it more appropriate to include the information in the Hurricane Preparedness Plan. Revise the document to correctly reflect that Lincoln and Buffalo Creek schools are shelters; delete Blackburn and Tillman. Attorney Barnebey suggested deleting specific references in the definition and in Policy 8.4.3.
- **Future Land Use Designation Summary matrix:** Mr. McCollum acknowledged that the matrix has been revised based on Commission's comments, but the revised information was not included in the material. GCOM Maximum density/intensity should be corrected to read 1.00 FAR. COMC and GCOM should be corrected to reflect the permitted residential use above commercial use. Chart should be verified to match Policy 1.8.6. Verify that PD is permitted in the commercial core so it is not penalized by a lower FAR. Mr. McCollum suggested developing a broader geographic area for the commercial core to stabilize a central core area.

- Policy 1.4.1: Change amend to “adopt”.
- Objective 3.6: Determine why five percent was changed to fifteen percent.
- Group Homes: Attorney Barnebey will research the State preemptions for small group homes; the definition may need to be broken into different categories.
- Objective 8.4: Determine why all the information on historic preservation was deleted.
- Maps:
  - Future Land Use: Regatta Pointe leased property should be corrected to GCOM rather than PU. Amend the Future Land Use map to reflect the assumed City boundary line into the Manatee River.
  - Community Redevelopment Area: Amend the Legend to read Original CRA District and CRA District Expansion, with the appropriate dates listed for each category. Verify the accuracy of the map and amend, if necessary.
- Develop a list of acronyms.
- Objective 13.2: Add a reference to where the Coastal Management Element is located within the document (Policy 8.5).
- Policy 12.3.4: Inquire if an electronic copy of the Comp Plan will be acceptable to the School Board. Attorney Barnebey discussed the Public School Facility Planning element with the School Board that will also govern some of the policies located within the document.
- Policy 12.2.1: Amended to include “strive to” cooperate....Use “strive to” where possible within the document.
- Policy 12.3.1: Amended to include “and which” in the appropriate place in the sentence.
- Policy 12.2.8: Attorney will research the expiration date of the Accord.
- Policy 3.6.6: Research the [9J-5.010(3)(c)5] language to determine if the policy can be written in a more concise manner.
- Mobile Home Parks: Determine the correct number of mobile home parks in the City. Research the permitted redevelopment density of mobile home parks should an existing park be destroyed. Provide a provision allowing redevelopment of mobile home parks depending on location. Research the proper designation for mobile home parks for the Future Land Use map.

## 2. ZONING CODE REVISION

The zoning ordinance contains a definition for indoor recreation facilities, but the land use tables do not chart such a use. Mr. McCollum discussed his reasons for adding the use as a conditional use in the GCOM category and as a permitted use in the CHI category.

Mr. McCollum described the process an applicant would undergo for this type of use, which would take approximately 90 days. Leslie Gladfelter, attorney with Grimes Goebel and representing the owner of a vacant building on the northwest corner of 17th St. and 8th Ave., discussed the types of uses that are currently permitted in the CG zoning category without Commission approval.

She opined that the current process for a conditional use approval is too timely and expensive, and stated her client will probably not pursue the topic.

Commission discussed the need to develop community standards for neighborhoods that could be affected by indoor recreation uses and to also place greater emphasis on the uses permitted at gateways into the City. Attorney Barnebey suggested that an administrative permit for a particular use can also be considered by Commission.

Commission authorized staff to pursue an ordinance that will maintain the character of the City the Commission has discussed in the past, while streamlining the approval process for conditional and permitted uses.

Meeting adjourned at 6:09 pm.

Minutes approved:

James R. Freeman  
City Clerk

Palmetto City Commission  
July 20, 2009 7:00 PM

Elected Officials Present:

Shirley Bryant, Mayor  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
Tambra Varnadore, Commissioner  
Brian Williams, Vice Mayor (entered at 4:50 pm)  
Alan Zirkelbach, Commissioner

Staff Present:

Mark P. Barnebey, City Attorney  
James R. Freeman, City Clerk  
Chief Garry Lowe  
Tom McCollum, Interim Planner  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 p.m. Commissioner Lancaster gave an invocation, followed by the Pledge of Allegiance.

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

Chief Lowe acknowledged members of the Manatee Patchworkers Quilt Guild, who have donated lap quilts for police cruisers for use by children in crisis. Chief Lowe also acknowledged Lorna White, the City's Victims Advocate, for facilitating the donation.

Public Comment (non-agenda items): None

1. CITY COMMISSION AGENDA APPROVAL

The Consideration of Severance Agreement and General Release-CRA Director was added to the agenda as item 7A. Because item #3, Approval: Agreement with School Board of Manatee County is not time sensitive, and item #7: 1st Read & Advertising Approval-Ordinance No. 09-997 did not contain the ordinance, both items were deleted from the agenda and scheduled to be heard July 27, 2009.

**MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 5-0 to approve the July 20, 2009 7:00 p.m. agenda, with the deletion of items #3 and #7 and addition of item #7A.**

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: June 15, 2009
- B) June, 2009 Check Register

Staff was asked to confirm if the minutes of the June 8, 2009 joint meeting with the P&Z Board had been presented to Commission for approval.

Item C was removed from the Consent Agenda for discussion.

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve items A & B of the July 20, 2009 Consent Agenda.**

- C) Special Function Permit: Southeastern Guide Dogs Walkathon  
Ivko Wedding Ceremony  
Manatee Glens' Walk for Life

Commission discussed each Special Function Permit. Staff was instructed to determine why there is a difference in how security is provided for events.

**MOTION:** Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the Special Function Permits, as presented.

### 3. AWARD OF AUDIT SERVICES CONTRACT

Request to award a three year contract for professional audit services to CPA Associates.

**MOTION:** Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to award an audit contract to CPA Associates for a three year term, with an option for three additional one-year renewals.

### 4. APPROVAL: IT SERVICES

Staff seeks approval of additional IT Consulting Services for the remainder of the fiscal year, and approval of Resolution 09-29 to fund the expenditure. Mr. Freeman confirmed the expenditure will not result in any impact to the budget; it will be funded through reallocation of salary expenses from an IT position that will not be filled.

**MOTION:** Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Hide-Away BI/IT Consulting Services work orders for a term ending September 30, 2009, in a total amount not to exceed \$13,500.

### RESOLUTION NO. 09-29

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 Lancaster seconded and motion carried 5-0 to adopt Resolution No. 09-29

### 5. 1st READ & ADVERTISING APPROVAL-ORDINANCE NO. 09-996

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PERTAINING TO THE SALE, SERVING AND ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES BY PERSONS UNDER THE AGE OF TWENTY-ONE; REGULATING ACCESS BY PERSONS UNDER THE AGE OF TWENTY-ONE TO ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE SERVED FOR CONSUMPTION ON PREMISES; PROHIBITING THE USE OF FALSE IDENTIFICATION TO OBTAIN ENTRY TO ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE SOLD FOR CONSUMPTION ON PREMISES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 5-0 to approve Ordinance No. 09-996 for advertising and schedule a public hearing August 3, 2009.



Mayor Bryant recessed the City Commission meeting at 7:40 p.m. to open the July 20, 2009 CRA Board meeting.

Mayor Bryant reconvened the July 20, 2009 City Commission meeting at 9:45 pm.

#### 6. SEVERANCE AGREEMENT AND GENERAL RELEASE

The following comments from the CRA Board meeting immediately preceding this topic are incorporated into and made a part of these minutes:

Attorney Barnebey introduced Attorney Churiti, the attorney appointed by the CRA Board to conduct the Compliance Audit of the CRA. Attorney Churiti discussed the approaches the City could take after a partial compliance audit revealed areas of concern with Florida law. She stated the City has taken remedial action by the City Commission assuming the role of the CRA Board and increasing direct oversight of the CRA, appointing a CRA Advisory Board, and hiring special counsel to perform the compliance audit. She reviewed the action of the City to place the Executive Director, Tanya Lukowiak, on administrative leave with pay and begin negotiation of separation of employment. She opined it is in the best interest of the City and Mrs. Lukowiak to terminate her employment as of July 20, 2009. She reported that Mrs. Lukowiak has executed the Severance Agreement and General Release, which releases the City of any liability. Payment will be made in the amount of \$147,480, the amount of Mrs. Lukowiak's existing employment contract through December 31, 2010. Attorney Churiti recommended that the CRA Board enter into the settlement agreement and then determine the continuation of the audit at the next CRA Board meeting. Attorney Barnebey confirmed the payment amount does not include the amount Mrs. Lukowiak has paid into the pension system.

**MOTION: Ms. Varnadore moved, in the best interest of the City of Palmetto, to authorize approval of the Severance Agreement and General Release and to authorize execution of the document on behalf of the City of Palmetto. Mr. Williams seconded the motion and it carried 5-0.**

Mayor Bryant informed Commission that Nat Moraldes from Rico's Pizza has requested a beer and wine license, but the issue is his 300' proximity to the school, and there may be several other businesses that may be pertinent to this issue. She asked Commission to consider ordinances from other municipalities in the county, to see if a resolution to Rico's Pizza request could be found. Mr. Tusing commented on the age and intent of the existing alcohol ordinance to eliminate outside alcohol consumption. He stated he suggested that to allow beer and wine sales at a restaurant could be an exception to the ordinance. Mayor Bryant also commented that restaurants whose revenue is derived from 51% of the sale of food may take care of other issues that might be in conflict with the existing ordinance. Commission requested that a recommended change to the alcohol ordinance be brought back to a workshop for review and discussion.

**MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded to extend the meeting for 15 minutes.**

#### 7. DEPARTMENT HEADS' COMMENTS

##### Chief Lowe

Informed Commission that Deputy Chief Mayer has tendered his resignation effective August 4, 2009.

Received a grant of \$30,000 that will be used to purchase one police vehicle.

Mr. Tusing

Reviewed a demolition project the Fair Board plans on their property. Inspection of the footers of the existing 12' wall along 13th Avenue owned by the fairgrounds has revealed that a new 10' wall will have to be constructed. Rather than leave an unsafe structure standing, and in order to maintain the buffer of noise from the surrounding area, Mr. Tusing inquired if Commission would consider waiving the variance process to allow the issuance of a permit and subsequent replacement of the wall. Commission concurred and suggested that outside lighting on the wall would be beneficial.

Riviera Walk East has purchased the property in front of the Manatee School for the Arts. The School has pulled permits for their new construction project. During the construction phase, and possibly a future permanent solution, student drop off will be off Haben Blvd. south of the old entrance, and student parking will be located on the south lot of the purchased property. A walk bridge will be constructed across the ditch.

8. MAYOR'S REPORT

None

9. COMMISSIONERS' COMMENTS

None

10. PUBLIC COMMENTS

None

Meeting adjourned at 10:10 p.m.

Minutes approved:

James R. Freeman  
City Clerk

Palmetto City Commission  
July 21, 2009 5:30 PM

Elected Officials Present:

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

Staff Present:

James R. Freeman, City Clerk  
Chief Garry Lowe  
Karen Simpson, Deputy Clerk-Finance  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 5:48 p.m.

IT Department

After a discussion of the department, staff was instructed to look at the cost of reducing capital purchases, by researching at the use of the notebook computer and to look at reducing training expenses and office supplies.

The cost of privatizing the department was placed on the suspense log.

Discussion ensued on the City's website. Also discussed was the possibility of adding a business directory/blog, either on the City's website or a separate website, to be sponsored by the CRA.

City Attorney

No change was made to the proposed budget.

Finance Department

0015153201 Audit Services: Add \$4,000 as a result of the recently awarded RFP.

Pursuant to discussion concerning the department's staff level, staff was asked to gather staffing level information for like-size cities.

Commission decided to review the budget on an exception basis. Mr. Freeman requested that Commission delay discussion of personnel until later in the process. Chief Lowe discussed his desire to keep the Deputy Chief's position in the budget, but not fund it this year; he will internally restructure his department's duties, even possibly eliminating a lieutenant's position. He also commented on the police officer vacant position he prefers to keep in the budget, but not fund.

Pursuant to discussion concerning the City paying for tuition reimbursement for required continuing education classes to continue certifications, staff was asked to determine if other municipalities pay for this type of class.

Staff was instructed to look in every department for possible reductions in the following items:

- Uniforms, shirts and shoes, especially for administrative staff
- Training costs and per diem (CEU classes for continuation of certifications), including tuition reimbursement
- Office supplies

HR Department

Mr. Freeman confirmed that his employee in the DROP stated it would not be feasible for her to enter the DROP. Mr. Tusing stated his employees have asked what incentive the City will offer for them to enter the DROP by.

Staff was instructed to look at Consulting Services and Printing and Binding, again throughout the budget.

Code Enforcement

Add demolition costs of \$6,000 to Code Enforcement. Reduce Lot Clearing in the Parks Department by \$6,000.

Look at reducing the Training expenses. Staff was instructed that local training will always be selected over long distance training.

**MOTION: Commissioner Varnadore moved and Commissioner Lancaster seconded to adjourn the meeting. Motion failed 3-2, with Commissioners Cornwell, Williams and Zirkelbach voting no.**

Police Department

0015211101 Executive Salaries: If Deputy Chief's position was not funded, that would amount to \$109,830. He stated he would like to look at this position and a Lieutenant's position before making a decision.

0015211202: Chief Lowe stated that he wished to hold retired Officer McNeil's position in the budget, but eliminate the funding of approximately \$57,000, including benefits (\$37,000 position).

Discussion ensued on removing the four vehicles, which removed \$28,000. If one vehicle is purchased outright; \$28,000 will have to be added back to the budget. This topic will be brought back for further consideration.

0015211401: Mayor Bryant suggested drafting a document to be attached to Special Function Permits advising that the City will no longer provide police services for special events. Commission reduced the Overtime line item by \$30,000.

0015216401: Prisoner Partitions was reduced by \$2,000.

Funding for the vacant Crossing Guard positions will be investigated.

Commission authorized the dog food advertising sticker to be placed on the police vehicles so the City can receive free dog food for the K-9 units.

An updated version of the budget will be available for the next workshop meeting.

The July 29, 2009 Budget Workshop was cancelled. Mr. Freeman stated documents for the proposed millage rate will be placed on the August 3, 2009 meeting agenda. Staff is hopeful the results of the medical insurance RFP will also be available for the August 3, 2009 meeting.

Meeting adjourned at 8:20 p.m.

Minutes approved:

Palmetto City Commission  
July 27, 2009 4:30 p.m.

Elected Officials Present:

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

Staff Present:

Jim Freeman, City Clerk  
Allen Tusing, Public Works Director  
Mark Barnebey, City Attorney  
Tom McCollum, City Planner  
Chief Garry Lowe  
Deanna Roberts, Administrative Assistant

Mayor Bryant called the meeting to order at 4:30 p.m. followed by a moment of silence and the Pledge of Allegiance.

1. REPRESENTATIVE BILL GALVANO – LEGISLATIVE UPDATE

Representative Galvano was unable to attend the meeting and will give the legislative update at a future meeting.

2. DRAFT PERSONNEL POLICY

Mr. Freeman informed Commission the Personnel Policy Committee has submitted its suggested revisions to the policy in redline format. He is looking for Commission's input to take back to the Committee. Discussion ensued and Commission offered the following comments:

- Include a reference to job descriptions throughout, in case there is a change in a job description that Commission should be made aware of, and when referring to a department head, say department head *or designee*, wherever applicable.
- Add a separate section on elected officials, as the rest of the document refers to elected officials regarding ethics and state statutes.
- Page 6, Section E: Strike "Background investigation and," then insert "reference checks will be conducted on the top job candidates (s)" at the beginning of Section D.
- Page 6, Section F: Change the minimum period to be eligible for rehire from one to ten years.
- Page 6, Section 2.04, Hiring: Change the next to the last sentence to read: In addition, all employees are required to meet applicant conditions successfully; add "and the Mayor" so that the NOTE: sentence will read: The Department Head shall consult with the Human Resources Director *and the Mayor* if he/she plans to offer the applicant more than the entry level pay for the position; and, insert a reference to Section 7.01 at the end of the sentence that reads "Any offer other than the minimum starting step must be within the pay plan guidelines. "
- Page 7, Section 2.05.01 Initial Probationary Period: Change the police officers probationary period from six months to one year.
- Page 7, Section 2.06 Promotion: Change the initial probationary period for sworn officers from six months to twelve months.

Commission Workshop Minutes

July 27, 2009

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- Page 8, first sentence: Show that an extended probationary period shall be in writing.
- Mr. Barnebey will research the state definition of relative as it pertains to voting conflicts and nepotism. Mrs. Varnadore suggested that the section on nepotism be included in the separate section created for elected officials. Mr. Barnebey said he will research the state statute on the apparent contradiction regarding *appointing official* as compared with department heads and elected officials which was her concern.
- Page 8, Section 2.08: On the last line of this section, change supervisor to department head **and** HR Director.
- Page 9, Section 2.10, Dual Employment: Mr. Barnebey will research Commission's concern about minimum parameters for dual employment. The last line of this section will be changed from "Approval may be withdrawn if the employee's performance deteriorates to "Approval **shall** be withdrawn..."
- Mr. Barnebey will research domestic partner for the definition of relative.
- Page 9, Section 2.09: Nepotism: Mr. Williams asked for a review of the language in the sentence at the beginning of paragraph three, which states, "No employee shall serve in a position in the City of Palmetto which is under the authority of a relative as defined in this section."
- Mr. Zirkelbach asked for a reference in the beginning of the policy that all days are in calendar days.
- A definition section will be added in the beginning of the document.
- Page 11, Section C, Personnel Records: Add 'training.'
- Page 12, Section J, Personnel Records: Strike the words "if applicable."
- Page 11, Section B., Personnel Records: Strike the words "if applicable."
- Page 13, Section B, Employee Conduct: Change government to City of Palmetto and citizens to potential employees.
- Page 13, Section C, Employee Conduct: Delete the word substantial before conflict.
- Page 14, Section E, Employee Conduct: Mr. Barnebey will review this section and give a recommendation to Commission regarding the acceptance of gifts by employees.
- Change the gender reference to the Mayor.

The meeting was adjourned at 6:00 p.m.

Minutes Approved:

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James R. Freeman, City Clerk

Palmetto City Commission  
July 27, 2009 7:00 p.m.

Elected Officials Present:

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

Staff Present:

Jim Freeman, City Clerk  
Allen Tusing, Public Works Director  
Mark Barnebey, City Attorney  
Tom McCollum, City Planner  
Chief Garry Lowe  
Deanna Roberts, Administrative Assistant

Mayor Bryant called the meeting to order at 7:01 p.m., followed by a moment of silence and the Pledge of Allegiance.

A proclamation was presented to Tameka Moore, Human Services Analyst for Manatee County Government, proclaiming August 8, 2009, as Children's Summit Day.

All persons wishing to address City Commission were sworn in.

1. CITY COMMISSION AGENDA APPROVAL

**MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried unanimously to approve the July 27, 2009, agenda with the addition of item 2B: Reduction in expenses to balance the 2010 budget.**

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes June 8, 2009 Joint P&Z; July 13 and 16, 2009
- B) Reduction in expenses to balance the 2010 budget.

**MOTION: Commissioner Lancaster moved and Commissioner Cornwell seconded a motion to approve the July 27, 2009, Consent Agenda.**

Commissioner Varnadore asked for discussion on the item added to the Consent Agenda. She remarked that she would not be in favor of the options presented to balance the budget, as the incentives would be costly and the positions affected would have to be refilled.

Mayor Bryant clarified that these options are to be implemented; not brought back to Commission.

Mr. Tusing stated that the second option, a reduction in force, must proceed in order to balance the budget. In answer to Mrs. Lancaster's concern, he said this option will be a substantial savings to the City. He cannot estimate the savings on the first option until he knows how many will accept the offer to leave the DROP program early.

Commissioner Lancaster withdrew her motion, and Commissioner Cornwell withdrew her second.

Mayor Bryant clarified that staff's recommendation should read Alternative 1, which would include both options for reduction in expenses.

**MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and the motion carried unanimously to approve the minutes as stated on the agenda.**

**MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 4-1 to approve the two budget reduction options as described in the early out for DROP and the reduction in force, and allow staff to compile additional information and take action as appropriate. Commissioner Varnadore cast the dissenting vote.**

### 3. APPROVAL: AGREEMENT WITH SCHOOL BOARD OF MANATEE COUNTY

As part of the Palmetto Elementary school relocation, the School Board will purchase the properties assembled by the CRA, including a building on 10th Ave. W. that the City has been using for storage of City property. This Agreement with the School Board permits the continued storage of City property at the location for two years.

This item was moved to the next meeting on August 3, 2009. The attorney conducting an independent review will be asked to be present at the meeting to answer questions.

### 4. 1<sup>st</sup> READING AND ADVERTISING APPROVAL – ORDINANCE NO. 09-997

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PERTAINING TO THE AMENDMENT OF THE PROVISIONS RELATING TO THE REQUIREMENTS FOR AND ISSUANCE OF SPECIAL FUNCTION PERMITS; UPDATING CODE LANGUAGE FOR INTERNAL CONSISTENCY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Lancaster moved, and Commissioner Williams seconded a motion to approve Ordinance No. 09-997 for advertising and schedule a public hearing on August 17, 2009.**

Discussion: Mrs. Varnadore commented that she did not realize the item was ready for advertising and thought there would be another workshop. She expressed concern that the Mayor and City Clerk could approve a permit without bringing it to Commission if the applicant missed the deadline. She saw the potential for abuse. The deletion of Section 19-176 was discussed. She raised a question about the amount of people that would trigger the need for a permit, and asked about the criteria for waiving or reducing general liability insurance for an event.

Mrs. Lancaster withdrew her motion and Mr. Williams withdrew his second.

Discussion continued. Mr. Williams pointed out a typo in Section 19-172: Property application should be changed to proper application. He opined that the number triggering the need for a permit should be higher. He asked that revivals be included in Section 19-173 as a use requiring a special function permit. Regarding Section 19-174, Mr. Williams remarked that the section should say a sponsor must attend a meeting to answer questions.



Mrs. Varnadore's expressed concern about indemnification in Section 19-179. Does the person signing have the authority to sign on behalf of an organization? Mr. Barnebey said it could be eliminated as it is of little or no benefit. Mr. Koper can make recommendations on insurance requirements.

Discussing Section 19-178, Mr. Williams said special attention should be paid to drinking only in designated areas for certain events, e.g. July 4.

Commissioners Varnadore and Cornwell believed that the Palmetto Historical Commission should have input.

Mayor Bryant said a letter will be drafted to attach to permit applications stating that due to budgetary constraints, the City will not be waiving fees.

This item will be returned to a future workshop. A copy of the ordinance will be provided to the Palmetto Historical Commission.

#### 5. POLICE PROPERTY ENVIRONMENTAL MONITORING

Jones Edmunds & Associates Work Assignment #9 to perform the Florida Department of Environmental Protection's mandated semi-annual monitoring report of the Police Department property.

**MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded, and motion carried unanimously to authorize the Mayor to execute Jones Edmunds & Associates Work Assignment #9, COP Job #04-400, in an amount not to exceed \$12,000.**

#### 6. RESOLUTION NO. 09-30

Budget transfer from Regular Salary to Consultant/Contract Services to fund the City Planner services being provided by ZNS Engineering.

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 Zirkelbach seconded, and motion carried unanimously to adopt Resolution No. 09-30.**

#### 7. DISCUSSION: ALCOHOL SALES LIMITATIONS

Commission will discuss possible revision language to Chapter 4-Alcoholic Beverages concerning distance limitations of where alcoholic beverages can be sold or dispensed within the city limits.

Mr. Freeman said the sample language taken from other jurisdictions would provide for an exception to the current City ordinance. The proposed language would allow restaurants whose food sales exceed 51 percent to sell beer and wine, even though they may be within 300' of a school. Mr. Zirkelbach said that if a change is being considered, now might be the time to address Sunday sales of alcohol. Mr. Barnebey stated the change would apply to the distance from churches as well.

Mr. Barnebey said there are three existing businesses that would be in violation if the ordinance is not changed, and they would have to be addressed on a case-by-case basis. Mayor Bryant

suggested incorporating language that would address package sales at convenience stores as well.

Commissioner Williams opined that the current ordinance is antiquated, and it is time the entire ordinance is reviewed. He asked that a modified ordinance be brought back to the next workshop. Mr. Zirkelbach would like any changes made to make the City compatible with the greater community, so as not to be at a disadvantage.

Mr. Zirkelbach suggested a 90-day grace period for businesses not in compliance while the Commission works to get the ordinance revised as quickly as possible.

Mr. Barnebey said there are a variety of ways to address the changes, but it would be based on the policy the Commission wishes to adopt, and whatever ordinance is passed, that is the ordinance the City will have to enforce.

Mr. Zirkelbach remarked that he is in favor of the language that has been drafted, and Commissioners Lancaster and Varnadore expressed a desire to keep the distance requirement from schools and churches. Commissioner Williams said he not in favor of reducing the distance requirement, but he would consider each business on a case-by-case basis. Commissioner Varnadore asked for community input.

It was decided that a workshop will be held on August 5, 2009, at 6:00 p.m. and advertised to accept community input.

#### 8. DEPARTMENT HEADS' COMMENTS

Mark Barnebey

No comment.

Tom McCollum

Based on the joint meeting of the City Commission and the Planning and Zoning Board, he will send a memo summarizing a meeting he had with legal staff to discuss Commission comments, and as a result, he will be proposing new policies for farm worker housing and mobile homes.

Allen Tusing

No comment.

Jim Freeman

He has provided the Commission with the contract for the purchase by the School Board of CRA properties with comments from independent legal review. The Commission had approved subject to the review.

He asked and received clarification that Commission would like independent counsel present at the August 3 meeting for the review of the agreement between the City and the School Board.

The new budget will be available on August 5<sup>th</sup> with the tentative millage calculations.

Reviewed upcoming meetings: There will be a regular meeting August 3, a budget meeting August 4 at 5:30 p.m., a workshop meeting on the 5<sup>th</sup> and a CRA Advisory Board Joint Meeting on the 11<sup>th</sup> to discuss Storefront Grant applications.

Regarding the Hidden Lake Cell Tower, the community will be properly noticed that the terms of the lease will be discussed at a workshop meeting on August 17. Mr. Barnebey said the Conditional Use Permit must be approved first, and then he recommends the lease follow, both on the same agenda.

The Mayor asked the Commission if they really wanted independent counsel present for the School Board storage agreement at the next meeting. There was a consensus that they would accept written comments from the attorney, and if they still wanted the attorney present, Mr. Barnebey will arrange it.

Chief Lowe

Officer McNeil will not be replaced this year at a saving of \$56,915.00 to the City. He will do away with one lieutenant position saving \$96,030.00, and he announced the appointment of Lt. Rex Hannaford as the new captain. Savings to the City total \$169,945.00.

9. MAYOR'S REPORT

Announced she will attend the Children's Summit on August 8, and that she attended the memorial service for long-time city employee Roy Reed.

Following the MPO meeting this morning, she and Allen Tusing and Van Brown met with FDOT staff and representatives of the county planning and transportation departments to discuss the 7<sup>th</sup> Street light. All parties are working towards a consensus on the direction to take and she will keep Commission informed.

10. COMMISSIONERS' COMMENTS

Commissioner Lancaster

Reminded staff that she wants all information sent to her in a hard copy.

Asked Mr. Tusing to have staff look at the road on the other side of CVS; it's in bad condition.

Asked what percentage of the engineering is complete in Ward I. Mr. Tusing said approximately 30%.

Inquired of the Mayor the status of the store off 17<sup>th</sup> Street. The Mayor said there were more violations, and the plans the owners had are on hold as they are in conflict with zoning. The owners do want to annex into the City if they are able to rebuild there. Mrs. Lancaster said she hopes they build something there that will serve the community well, and she expressed fear that due to the numerous drug violations, something bad may happen there.

Commissioner Cornwell

Palmetto High School and Lincoln Middle School will be affected by the construction on 17<sup>th</sup>. She asked the Chief to meet with the schools to work out a traffic plan for the first few weeks of school.

Mr. Tusing informed her that the county and the contractor are working with the schools.

Commissioner Zirkelbach

No comment.

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Commissioner Williams

Asked Mr. Tusing for a breakdown of the July 4 2008 and 2009 events. In answer to his question regarding help from the City of Bradenton regarding the traffic backups at the lights on the south side of the bridge, Chief Lowe said it has not been a problem in the past, and the two cities have a good working relationship. Captain Hannaford said the sheriff's office provided two community service vehicles to help during the last accident. The City of Bradenton also had a unit out to help. Chief Lowe commented that FHP also helped.

Commissioner Varnadore

Asked Mr. Freeman what was on the next workshop. He said it will be the Comprehensive Plan Amendment update, zoning code revisions for indoor amusement, the budget and the Alcohol Ordinance which was added tonight. For additional workshops, the Special Function Permits and the Personnel Policy will be coming forward.

Mrs. Lancaster asked Mr. Freeman about the McKinney property. He said he has met with Mr. Barnebey and Mr. Stollo to discuss options. The building has been condemned and secured. The City may foreclose on the property, and demolition is another option. Mayor Bryant interjected that the ordinance regarding foreclosed properties will be coming forward.

The meeting was adjourned at 9:12 p.m.

Minutes approved:

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James R. Freeman, City Clerk

Palmetto City Commission  
August 3, 2009 4:30 PM

Elected Officials Present:

Shirley Bryant, Mayor  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
Tambra Varnadore, Commissioner  
Brian Williams, Vice Mayor  
Alan Zirkelbach, Commissioner (entered at 4:55 p.m.)

Staff Present:

Mark P. Barnebey, City Attorney  
James R. Freeman, City Clerk  
Chief Garry Lowe  
Tom McCollum, Interim City Planner  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:37 p.m. A moment of silence was observed, followed by the Pledge of Allegiance.

1. COMPREHENSIVE PLAN AMENDMENT UPDATE

Mr. McCollum reviewed the amendments to the proposed Comprehensive Plan amendment as discussed at the June 20, 2009 Commission review. Commission discussed each amendment with Mr. McCollum and Attorney Barnebey and requested the following additional changes:

New Policy: Objective 3.9

Reported he can find no distinction between farm worker housing and migrant camps. Appropriate reference language will be included in definitions for all types of farm worker housing.

Policy 3.9.1

Attorney Barnebey stated that the issue of governing this type of housing when a motel/hotel is purchased for such housing is in the land development regulations and existing ordinances. He will look at definitions for regulating this type of housing. Mr. McCollum suggested the regulation of the issue may be a code enforcement issue, as set forth in Policy 3.9.3. At the suggestion of developing an Interlocal Agreement with Manatee County Health Department, Mr. McCollum suggested that a simple conversation may be sufficient to ensure the City is advised of pending permits; if not, then a more formal resolution may be necessary.

Policy 3.9.2

Commission added "based on prior notification from the appropriate permitting agency."

FLU Map

Mr. McCollum presented how the City can develop a central commercial core designation for the entire downtown area, explaining this will allow a wider variety of uses. He was instructed to prepare a memorandum discussing the pros and cons of such a move. Commission also discussed the need to address all the zoning issues throughout the City. Mr. McCollum stated the proposed Comp Plan amendment is a plan, it is not a zoning plan and it gives applicants the right to apply for development and/or variances.

Commission discussed the need to address the farm worker housing issue before undertaking the revision of the sign ordinance. The also spoke of the need for some strategy for some visionary exercises for the City.

2. FISCAL YEAR 2009-2010 BUDGET

Mr. Freeman began the review of the memorandum Mrs. Simpson prepared responding to questions raised by Commission during recent budget meetings. The following topics were discussed:

1. EDC membership
2. PD pre-employment testing
3. PD Special Investigation Account
4. Citywide budget for travel/per diem and training
5. Citywide budget for Office Supplies

Discussion of the remaining topics will be concluded at the next budget workshop meeting.

No individual department budgets were reviewed by Commission during this meeting.

Meeting adjourned at 6:00 p.m.

Minutes approved:

James R. Freeman  
City Clerk

Palmetto City Commission  
August 3, 2009 7:00 PM

Elected Officials Present:

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

Staff Present:

Mark P. Barnebey, City Attorney  
James R. Freeman, City Clerk  
Chief Garry Lowe  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 p.m. A moment of silence was observed, followed by the Pledge of Allegiance.

PRESENTATION: Certificate of Appreciation to Chelsea Pillsbury  
Volunteer Summer Intern

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

Public Comment (non-agenda items): Comments will be limited to two minutes.

1. CITY COMMISSION AGENDA APPROVAL

**MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the August 3, 2009 7:00 PM Agenda.**

2. CITY COMMISSION CONSENT AGENDA

Special Function Permit: First Baptist Church of Palmetto

**MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the August 3, 2009 Consent Agenda.**

3. PUBLIC HEARING-ORDINANCE NO. 09-996

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PERTAINING TO THE SALE, SERVING AND ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES BY PERSONS UNDER THE AGE OF TWENTY-ONE; REGULATING ACCESS BY PERSONS UNDER THE AGE OF TWENTY-ONE TO ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE SERVED FOR CONSUMPTION ON PREMISES; PROHIBITING THE USE OF FALSE IDENTIFICATION TO OBTAIN ENTRY TO ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE SOLD FOR CONSUMPTION ON PREMISES; 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, the public meeting was closed.

**MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 09-996.**

Chief Lowe was directed to bring the model referenced in the ordinance to Commission for review and approval. Staff was also requested to determine which liquor license this ordinance would govern.

**4. APPROVAL: PROPOSED AGGREGATE MILLAGE RATE**

Mr. Freeman discussed the options available to the Commission regarding the setting of a proposed aggregate millage rate. He disclosed that the budget under consideration is based on the current 4.6662 millage rate. Discussion ensued on the historical practice of setting a higher millage rate, with the intent to hold the rate at the current level. Commissioners discussed their intentions regarding the proposed millage rate.

**MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 3-2 to approve a proposed aggregate millage rate increase of .25, or 4.9162, and schedule a public hearing September 14, 2009 to adopt a tentative millage rate and tentative FY 2009-2010 budget. Commissioners Williams and Zirkelbach voted no.**

**5. APPROVAL: AGREEMENT WITH SCHOOL BOARD OF MANATEE COUNTY**

As part of the Palmetto Elementary school relocation, the School Board will purchase the properties assembled by the CRA, including a building on 10<sup>th</sup> Ave W. that the City has been using for storage of City property. This Agreement with the School Board permits the continued storage of City property at the location for two years. Attorney Barnebey confirmed that independent counsel Michael Hankin has reviewed and approved the agreement.

**MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Agreement between the City and School Board.**

**6. APPROVAL: Technology Improvement Grant**

Grant will be utilized to purchase new mobile dispatch software and 24 Stinger devices for the Palmetto Police Department.

**MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to accept the Mobile Technology Improvement Grant in the amount of \$116,255 and authorize the Mayor to execute agreement # 2009-sb-b9-1813.**

**7. RESOLUTION NO. 09-31**

Resolution to record the Mobile Technology Improvement Grant.

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 Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to approve Resolution 09-31.**



**8. APPROVAL: Title VI and ADA Policies**

Review and approval of policies related to Title VI of the Civil Rights Act of 1964 and Americans with Disabilities Act (ADA) programs. Attorney Barnebey recommended that the policies should be amended to make them applicable only to projects contracted with the Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration.

The Complaint Procedures in Policy 0907 and 0908 will be amended to reflect that the City's response to a complaint will be submitted to the complainant in writing.

**MOTION: Commissioner Williams moved, Commissioner Lancaster seconded and motion carried 5-0 to approve Policies 09-06, 09-07 and 09-08, making them only applicable only to FDOT, Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration and/or the Federal Motor Carrier Safety Administration and the resolution of any complaint will be provided in writing.**

**9. 1st READ & ADVERTISING APPROVAL-ORDINANCE NO. 09-998**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 22, PERSONNEL, ARTICLE V, POLICE OFFICERS' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-171, DEFINITIONS; AMENDING SECTION 22-174, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 22-175, CONTRIBUTIONS; AMENDING SECTION 22-176, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 22-178, DISABILITY BENEFITS; AMENDING SECTION 22-180, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 22-185, MAXIMUM PENSION; AMENDING SECTION 22-186, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 22-187, MISCELLANEOUS PROVISIONS; AMENDING SECTION 22-188, REPEAL OR TERMINATION OF SYSTEM; AMENDING SECTION 22-189, EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; AMENDING SECTION 22-191, FORFEITURE OF PENSION; AMENDING SECTION 22-194, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS, ELIMINATION OF MANDATORY DISTRIBUTIONS; AMENDING SECTION 22-195, PRIOR POLICE SERVICE; AMENDING SECTION 22-198, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

**MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to approve Ordinance No. 09-998 for advertising and schedule a public hearing August 17, 2009.**

Mayor Bryant recessed the City Commission meeting to open the August 3, 2009 CRA Board meeting at 8:05 pm.

Mayor Bryant reconvened the August 3, 2009 City Commission meeting at 8:55 pm.

Commission confirmed the August 4th budget workshop starting at 5:30 pm. Commission rescheduled the August 5th workshop to discuss the alcohol ordinance to September 1, 2009 at 6:30 pm. A list of scheduled public meetings will be forwarded to the Commissioners.

**10. DEPARTMENT HEADS' COMMENTS**

Mr. Tusing  
None

Mr. Freeman  
None

Chief Lowe  
Reminded Commission of National Night Out to be held August 5, at the Boys and Girls Club.

Distributed information on the red light camera Lakeland has implemented.

11. MAYOR'S REPORT  
Commented on the Bugs, Bugs, Bugs event held at the Historic Park.

Reported new Hurricane Guides and weather information has been placed in the rear of the chamber.

The Children's Summit is Saturday, August 8 from 9 a.m. to 2 p.m.

Commented on the article on police pension funds that is in the *Quality Cities* magazine.

## 12. COMMISSIONERS' COMMENTS

Ms. Varnadore  
Discussed her opinion that the lack of the flow of information has become an issue in trying to prepare for meetings, suggesting that the Mayor and Department heads can seek a solution to the problem. Attorney Barnebey opined that because the Mayor is "not a member of the legislative body" she can speak with individual Commissioners, even on topics that will be voted on. He further stated that the bulk of Attorney General Cases are supportive on this issue, yet there is case law that is not. He suggested that if communication is going to occur between the Mayor and Commissioners, that the individuals be very cautious regarding the topics under discussion. Mayor Bryant requested an opinion from the Commission for approval for "guarded communication between the Mayor and Commissioners" with the understanding that communication is for fact finding only and voting intentions will not be solicited or discussed. Attorney Barnebey opined that a motion for the approval is not necessary. Commission concurred that guarded communication with the Mayor, based on Sunshine laws and ethical standards, will be appropriate.

Mr. Williams  
Advised Mr. Tusing that the Parks Department should attend to the appearance of Hidden Lake Park.

Commented on two Sheriff's patrol cars speeding through the City. Chief Lowe stated his department would be aware of incidents if dispatch is scanning. He will speak with the Sheriff's Office concerning the incident.

Mr. Zirkelbach  
Reported he had received communication concerning a sulfurous odor at Palm Lakes. It was determined the odor was the result of incorrect plumbing.

Ms. Cornwell  
Requested that the Police Department address the traffic situation that will arise on 17th Street during the opening week of school.

Mrs. Lancaster  
Inquired how staff is addressing the issue of new phones not working properly. Mr. Freeman stated he is working with Verizon to resolve the issue.

Mr. Freeman informed Commission the Verizon Cell Tower issue will be on the August 17 workshop, which he then intends to move forward to the 7:00 agenda for action. Verizon is notifying the neighborhood adjacent to the proposed cell tower location. Commission discussed how the City will benefit from any co-locators on the tower.

Mrs. Lancaster reported she is receiving calls from residents about the vacant house at 505 11th St. Dr.

13. PUBLIC COMMENTS FOR CITY COMMISSION

None

Meeting adjourned at 9:40 p.m.

Minutes approved:

James R. Freeman  
City Clerk

Palmetto City Commission  
August 4, 2009 5:30 PM

Elected Officials Present:

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

Staff Present:

James R. Freeman, City Clerk  
Chief Garry Lowe (entered the meeting at 7:15 p.m.)  
Karen Simpson, Deputy Clerk-Finance  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 5:30 p.m. A moment of silence was observed, followed by the Pledge of Allegiance.

1. 2009-2010 FISCAL YEAR BUDGET

Mr. Freeman concluded the review of the memorandum Mrs. Simpson prepared responding to questions raised by Commission during recent budget meetings. The following topics were discussed:

1. Citywide budget for office supplies
2. Allocation calculations
3. Amounts associated with cost saving efforts

Commission discussed the budget to purchase the police vehicles. A compromise to delete the purchase of a vehicle this year was suggested, with the understanding that two vehicles will be purchased next year. Mrs. Simpson was instructed to research the grant documentation to determine if unused grant funds can be used to fund the purchase of a vehicle. Mayor Bryant requested that Commission defer discussion on the PD budget until Chief Lowe can be present.

Staff reviewed the potential savings from the eliminated positions. The net savings, without accounting for potential unemployment expense is \$203,000 in the Building Department and \$266,000 in the General Fund.; Budget Version 2 reflects the eliminated positions in the Police Department. The Building Department still reflects a deficit of \$198,000 and the General Fund is still reflects a deficit of \$138,000; the Parks position funded by CRA will have to be reassigned, or the CRA will have to fund another expense.

Commissioner Williams inquired if the positions not being funded in the General Fund will be eliminated from the Budget. Mr. Tusing stated his department's eliminated positions can be removed from the budget. Commission agreed that the positions should be eliminated from the budget.

Commissioners stated they wish to have a conversation with Chief Lowe concerning positions eliminated from his budget.

Public Works

Commission requested the following information:

Reason for the fuel, oil and lubricants increase  
A report on fuel consumption for the last seven years  
Possibility of sharing the cost of the Safety Training cost of \$700  
Assessment of the technical training and office supplies in Version 3

Discussion ensued on how a department head can make less than the staff he supervises.  
Mayor Bryant suggested that a conversation with counsel regarding the topic should occur.

Engineering

Mr. Tusing is still reviewing the department's personnel needs.

Planning

Mayor Bryant requested that Commission postpone the review. Commission concurred.  
Commission requested that Mr. Tusing bring back an explanation of the document scanning line item.

Fleet

Requested information on why PD is outsourced when the City has three mechanics.  
Repair & Maintenance may be lowered given the fact new garage doors are being installed.

Parks

Expenses associated with City Festivals will be housed in the CRA.

Commission directed that overtime in every department should be flexed when possible.

Commission requested that Version 3 be available before they depart for the Florida League of Cities conference.

Mr. Freeman stated he anticipates having information on health insurance at the August 17, 2009 meeting.

Mayor Bryant informed Commission Nat from Rico's will be contacting them.

Meeting adjourned at 7:40 p.m.

Minutes approved:

James R. Freeman  
City Clerk