

TAB 1

Palmetto City Commission
August 17, 2009 4:30 p.m.

Elected Officials Present:

Shirley Bryant, Mayor
Tamara Cornwell, Commissioner
Tambra Varnadore, Commissioner
Brian Williams, Vice Mayor
Alan Zirkelbach, Commissioner (departed the meeting at 5:00 p.m.)

Elected Officials Absent:

Mary Lancaster, Commissioner

Staff Present:

Mark P. Barnebey, City Attorney
James R. Freeman, City Clerk
Capt. Rex Hannaford
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:30 pm. A moment of silence was observed, followed by the Pledge of Allegiance.

PROCLAMATION: Tribute to Heroes
Accepting: Michael D. Williamson, Battalion Chief, North River Fire
Capt. Rex Hannaford, Palmetto Police

1. ABANDONED REAL PROPERTY

Mr. Freeman confirmed the proposed language was conceptual to determine if Commission has an interest in pursuing an ordinance that will assist staff in addressing the maintenance of the abandoned or foreclosed properties located within the City.

Code Enforcement Director Bill Strollo stated the intent of the ordinance is to obtain a contact for the properties through a registration process. A registration fee was discussed, but no consensus was arrived at concerning the issue. Mr. Strollo confirmed that there is no appeal process for the fee at this time. Attorney Barnebey confirmed negotiation of the fee would be a decision for the Commission.

Attorney Barnebey stated he has not made a detailed review of the proposed language. He will define public nuisance in the document, as well as ensure appropriate language is in place concerning the survival of City liens.

The ordinance will be prepared for the September 14, 2009 workshop and will be moved forward to the 7:00 agenda for first reading.

2. SPECIAL FUNCTION PERMITS

There are still several questions to be resolved concerning the special function permit approval process:

- The number of attendees that require the permit; the occupancy of the City buildings.
- The form's review by the Palmetto Historical Commission board
- Administrative approval for emergency special function permits; approval at a City Commission meeting; sign off of abutting neighbors
- Time frame requirement for permit approval

John Gerlach addressed Commission on excessive noise in residential areas. He opined that the ordinance should be reviewed as to disturbance. He opined that special permits (noise exception permits) should be allowed only on public or City property, not in subdivisions.

It was suggested that surveys of the populace relating to the topic should be considered.

Mayor Bryant informed Commission that a statement from the City alerting the public that the City will no longer waive fees for special function permits has been prepared in anticipation of moving it forward with the ordinance. Commission concurred that the statement shall be attached to the special function permit application, and become effective immediately.

The topic will be brought back to Commission as soon as possible.

Meeting adjourned at 6:10 pm.

Minutes approved:

James R. Freeman
City Clerk

Palmetto City Commission
August 17, 2009 7:00 p.m.

Elected Officials Present:

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

Elected Officials Absent:

Mary Lancaster, Commissioner
Alan Zirkelbach, Commissioner

Staff Present:

Mark P. Barnebey, City Attorney
James R. Freeman, City Clerk
Capt. Rex Hannaford
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

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

PROCLAMATION: Women's Equity Day
Accepting: Vicky Waters, President, Manatee County Commission on the Status of Women, Dr. Mona Jain and Dorothy Middleton, Members, Manatee County Commission on the Status of Women

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

Public Comment (non-agenda items): Chuck Hague, North River Little League commented on the lack of communication between the City and the organization in reference to the new ball fields. He also commented on the condition of the storage facility proposed for the organization's use. Mr. Tusing stated he had received correspondence stating the league did not need the storage space. Attorney Barnebey explained the delay in the project, and confirmed closing on the properties is scheduled for August 21, 2009. Mr. Tusing will work with the league concerning storage space.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant requested that the agenda be amended to reconvene the CRA and CRA Advisory Boards joint meeting continued from August 11, 2009 as item 1A and convene the CRA Board August 17, 2009 meeting as item 2A, delete the topic for item #6 and replace it with the First Baptist Church Special Function Permit.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 3-0 to approve the August 17, 2009 7:00 PM agenda as amended by Mayor Bryant.

Mayor Bryant recessed the meeting at 7:20 pm.

Vice Mayor Williams reconvened the City Commission meeting at 8:45 p.m.

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: July 16, 20, 21, 27 and August 3, and 4, 2009
- B) July Check Register
- C) Special Legal Billing: Kirk-Pinkerton
Bryant Miller Olive (\$3,286.50)

MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 3-0 to approve the August 17, 2009 Consent Agenda.

3. PUBLIC HEARING-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.

Vice Mayor Williams opened the public hearing.

Commissioner Varnadore stated she wished the actuary to be in attendance to discuss the actuarial and budget impact of the proposed ordinance before taking action.

MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 3-0 to continue the public hearing for Ordinance No. 09-998 to September 14, 2009, at 7:00 p.m. in these chambers or as soon thereafter as the item may be heard.

4. CPA ASSOCIATES ENGAGEMENT LETTER FOR AUDIT SERVICES

On July 20, 2009 Commission selected CPA Associates to perform the independent audit of the City's financial records for the fiscal years 2009, 2010 and 2011. Staff seeks approval and authorization to execute the CPA Associates Engagement Letter to perform audit services for fiscal year 2009.

Attorney Barnebey stated he is negotiating language regarding external auditors work papers in the engagement letter with CPA Associates. Mr. Barnebey is recommending language that will guarantee the firm complies with public records laws and indemnity language guaranteeing the payment of City attorney fees in any litigation should the law not be fulfilled by the firm and minor "clean-up" items.

MOTION: Commissioner Cornwell moved, Vice Mayor Williams seconded and motion carried 3-0 to approve and authorize the Mayor to execute the engagement letter with CPA Associates to perform audit services for fiscal year 2009 in an amount not to exceed \$54,500, subject to final approval by the Mayor and Attorney.

5. RESOLUTION NO. 09-32

Budget resolution to fund the Severance Agreement and General Release approved July 20, 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 Varnadore moved, Commissioner Cornwell seconded and motion carried 3-0 to adopt Resolution No. 09-32.

6. FIRST BAPTIST CHURCH SPECIAL FUNCTION PERMIT

MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 3-0 to approve the Special Function Permit application for the Labor Day church service and picnic that is to occur on September 6, 2009, beginning at 10:00 a.m.

7. DEPARTMENT HEADS' COMMENTS

Capt. Hannaford
None

Mr. Freeman
Budget Workshop is scheduled August 18, 2009 at 5:30 p.m.

The Hidden Lakes cell tower is scheduled for the September 14, 2009 workshop meeting.

Attorney Barnebey
The timeline for adoption of the indoor recreation facility uses amendment to the Zoning Code, which was discussed at a previous meeting, will be scheduled for review and action as follows:

September 14, 2009	First public hearing
September 21, 2009	P&Z public hearing
September 28, 2009	Second public hearing

Mr. Tusing
Reviewed the history of the 23rd Street realignment project, which has received \$800,000 in stimulus grant funds. Mr. Tusing displayed the most recent drawing, which will house four ball fields and has a future place for a pool facility. Mr. Preston will retain ownership of the property around the ball fields and the pool site. The drawings depict a four lane road, but only the two outside lanes will be constructed at this time, with a large median that will be landscaped with trees. The estimate for the realignment of the street is \$1.6 million. Because of the federal funds involved, the State is assisting in the project, and has taken control of the bidding process and some of the documents to ensure we are in full compliance with the grant criteria. Mr. Tusing confirmed the stimulus funds and the proceeds from the sale of the property to the three entities involved in the Palmetto Elementary school relocation amount to \$1.835 million, a balance of \$235,000 for ball fields. The project can be funded by CIP funds or use the proceeds of the sale and then seek FRDAP grants for the construction of the fields after ownership of the land is transferred to the City. It is estimated that each field will cost \$250,000 to construct. Mr. Tusing confirmed that the ownership of the ball field property will be co-owned by both the City and Manatee County; this collaborative effort will allow the City to apply for the FRDAP grant as the County is already participating in a FRDAP grant. The expected plan for the former 23rd Street location was briefly discussed. Mr. Tusing stated that when the new 23rd Street is opened, the

plan is to vacate the entire road segment. The topic will be brought back to the September 14, 2009 meeting for formal action.

Informed Commission Manatee County is requesting the use of one quad in the four quad fiber optic ring to connect traffic control devices from the City of Bradenton through Palmetto to 17th Street. Mr. Freeman reported that the School Board had purchased one of the quads. Staff was asked to bring back a plan for how the final quad could be used by the City.

Vice Mayor Williams stated the Mayor has asked for an update on the County's bus shelter park and ride project.

8. MAYOR'S REPORT

None

9. COMMISSIONERS' COMMENTS

Ms. Cornwell

School begins Monday. Capt. Hannaford confirmed PD will be available for traffic control and that the SROs are in place.

17th Street project is complete. The next phase will be west to 8th Avenue; bid has been issued.

Ms. Varnadore

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion carried 3-1 to reconsider the July 27, workshop minutes.

Commissioner Varnadore requested that the minutes be corrected to reflect that Chief Lowe requested that the probationary period listed in Section 2.05.01 and Section 2.06 of the Personnel Policy be twelve months.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 3-0 to correct the July 27, 2009 workshop minutes to reflect that Chief Lowe recommended that the probationary period for police officers listed in Section 2.05.01 and for sworn officers listed in Section 2.06 of the Personnel Policy remain at twelve months.

Requested that the PD staff be updated with the correct information that CRA is funding the trespasser initiative business signs, rather than the Commission being tardy in not approving the budget for the program.

Inquired if anyone attended the sign ordinance. It was reported there were 12 attendees.

Mr. Williams

Requested a breakdown on the July 4th celebration for this and last year's event.

Inquired when the Bait Shop RFP will be ready. Mr. Tusing stated it is very close to being issued.

10. PUBLIC COMMENTS FOR CITY COMMISSION

None

Meeting adjourned at 10:00 p.m.

Minutes approved:

James R. Freeman, City Clerk

Palmetto City Commission
August 18, 2009 5:30 PM

Elected Officials Present:

Shirley Bryant, Mayor
Tamara Cornwell, Commissioner (entered at 5:40 p.m.)
Tambra Varnadore, Commissioner
Brian Williams, Vice Mayor
Alan Zirkelbach, Commissioner

Elected Officials Absent:

Mary Lancaster, Commissioner

Staff Present:

James R. Freeman, City Clerk
Capt. Rex Hannaford
Cheryl Miller, Sr. Finance Analyst
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 discussed the RFP issued for medical, dental and life insurance, which garnered ten responses. The Insurance Committee reviewed all the submittals and then interviewed four finalists, which were rated on nine different attributes. Mr. Freeman distributed documentation supporting the Insurance Committee's decision to recommend that Blue Cross Blue Shield (BCBS) be awarded the bid to provide medical insurance services to the City. He informed Commission that all three BCBS plans represent a total cost that is less than the current provider's renewal quote.

Mr. Freeman explained the alternatives that can be chosen for the medical insurance, as they compare to the current coverage. He stated all three BCBS plans are within FY10 budget dollars and are assumed at a City subsidy rate of 55% for dependent health care. Alternatives available are:

- Offer a low cost plan #3359 at a total cost of \$924,871; or
- Offer a middle cost plan # 3769 at a total cost of \$958,472; or
- Offer a premium cost plan #3559 at a total cost of \$1,004,724
- City fund the employee portion of the middle cost plan #3769 and allow the employee to buy up to the premium cost plan #3559

Mr. Freeman further explained that because BCBS is a fully insured plan, the City will face a run-out period for claims with the current insurance carrier, which has been estimated at approximately \$238,000. He stated that the run-out expenses will have to be funded from reserves.

Commission discussed other alternatives such as a flat monthly amount for each employee to use to purchase insurance from a cafeteria style plan and health savings plans.

A final decision on the health insurance will be made at the next budget workshop meeting so that open enrollment can occur before the renewal date of October 1, 2009.

Police Department

All cars were removed from the budget. One car was placed on the suspense list of items to be considered at the conclusion of the budget review.

The balance of the budget will be reviewed when Chief Lowe is in attendance.

Building Department

No changes were made.

Road & Bridge

Reported he has not purchased the attenuators necessary for the FDOT Street Sweeping Agreement. He proposed reducing revenue from the agreement by \$2,200 per quarter; FDOT will sweep and the City will address when necessary. It was consensus to allow the reduction in revenue, contingent upon legal review of the City's liability if sweeping is done without the required equipment.

Solid Waste

No changes were made.

Cross Connect

Ms. Miller discussed this being a new department; therefore costs have been estimated. Commissioner Varnadore reserved the right to revisit this department.

Water Department

Commissioner Varnadore reserved the right to revisit this department.

Sewer

No changes were made.

Customer Service

No changes were made.

WWTP

Requested a report of what the contract services are and the benefits of the way it is run now vs. when the City ran the plant. Also inquired what comprises the increase in chemical costs.

Stormwater

No changes were made.

Requested confirmation on the percentage listed.

Reuse

Requested an update on what areas of the City are still not covered and plans to continue the expansion.

CRA

Confirm the employment status of Jim Free and the criteria used to provide insurance to a part-time employee.

Adjust the salary for the executive director position.

Determine if Publix has requested the tax abatement credit.

The \$60,000 study by CPH was prompted by the beautification program for 8th Avenue. Mr. Tusing will contact the engineer that performed the original drainage study regarding any shortfall in the original study and report back to Commission. The \$1,219,000 line item was discussed. Commissioner Zirkelbach will provide the matrix the CRA Board worked from during his tenure on the board.

Grants

Ms. Miller discussed the new reporting format for grant tracking and reporting. All grant expenditures and matching expenditures will be placed in this new cost center rather than be housed in the individual department budgets.

Mr. Freeman informed Commission Steve Palmquist is available to attend a meeting to discuss the actuarial and budget impact of the proposed ordinance amending the Police Officers' pension Plan, but it will cost approximately \$2,500. Commission concurred that if the adoption of the ordinance is not time sensitive, it should be postponed until a meeting October when Mr. Palmquist or Attorney Christiansen is available to attend by conference call.

Mr. Tusing reported that Manatee County has received calls from the Little League regarding the information received at the Commission meeting regarding 23rd Street and the baseball fields. He also reported the league has viewed the CRA owned building that will be available to them for storage. The agreement will be corrected to reflect the correct league name before execution.

Meeting adjourned at 8:00 p.m.

Minutes approved:

James R. Freeman
City Clerk

Palmetto City Commission
August 24, 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 5:30 p.m.

1. 2009-2010 FISCAL YEAR BUDGET

Mr. Freeman reviewed the options available for the health insurance coverage. After a discussion of the three options and the coverage that will be provided to the employees, a majority of the Commission concurred to offer base plan 3769 with an option to allow employees to buy up to plan 3559. The base plan will be paid at 100% for employees, with the City subsidizing 55% of dependent care.

HR Director Sharon Jones confirmed that Jim Free is a part-time, salaried non-benefit employee of the CRA, approved by the CRA Board and Commission in last year's budget. Mr. Free pays 100% of his insurance coverage. Ms. Jones confirmed that at this time insurance is not offered to part-time employees. Discussion ensued on offering the insurance to part-time employees now that the City's insurance will be a fully insurance policy, and there should be no impact in the additional coverage. Commission directed that Mr. Free's continued insurance coverage should be clarified and a policy implemented on whether or not to offer insurance to part-time employees. Mr. Freeman stated he can address the issue in the Personnel Policy that will be brought to Commission at a subsequent meeting.

Mayor Bryant informed Commission that an RFP for a Grants Writer has been issued. The City is entitled to apply for a \$750,000 CDBG Grant. If awarded, the funds will be used in the Ward 1 Phase II project. Jeff Burton, Interim CRA Administrator, discussed the two sources of entitlement, as well as the SHIP funding that has been curtailed. Commission instructed that the City's eligibility for the CDBG Grant and the SHIP funding should be obtained in writing.

Police Department

Staff will determine if the PD phone system is included in the consolidation of the system city-wide.

Mayor Bryant informed Commission there is potential to have a K-9 unit donated to the department, and asked that staff confirm it can be accepted. Discussion of the operating costs for the K-9 unit was discussed. The bumper sticker program that would have provided food for the dog has expired, but staff is returning to the sponsor to see if the program is still offered. If the cost of food has to be absorbed by the City, \$1,000 will be taken out of the employee testing line item. The school to allow a K-9 officer to be able to train an additional K-9 unit officer is going to cost \$500.

Staff confirmed the vehicles have been removed from the budget; line item 6401 shows a \$16,000 balance.

Discussion ensued on the following topics, with Commission requesting a report back on each topic:

- Why City mechanics do not perform the normal day-to-day maintenance of the police vehicle fleet, i.e. oil, lube and filters
 - Tire replacement, rotation and balancing
- Vehicle replacement plan
 - Research to determine what type of vehicles other municipalities are purchasing
- Fees for take home vehicles
 - 20 officers were surveyed regarding a \$30 per month fee; 17 agreed to the fee
 - Determine if there is a legality why police officers can not be charged a fee
- The continuance of the benefit program of police officer take home vehicles – to be discussed at a later meeting, no change will be made in the budget
 - Report on the number of times officers are called back to duty, with the type of emergency or activity, dates, officer names
 - How many officers live in the City
 - The individual mileage driven by the take home vehicles

Discussion returned to the purchase vs. leasing of vehicles. Mrs. Simpson opined it is not cost effective to lease less than three vehicles, which will amount to approximately \$21,000 per year vs. \$28,000 to purchase one vehicle. It was final consensus of Commission to add the lease of three police vehicles back to the budget.

Discussion ensued on the recent promotion of the Captain/Deputy Chief and the salary increase. Chief Lowe assured the Commission that the title Captain is the same as Deputy Chief, and there is no difference in salary between the titles. He also confirmed that the salary increase was \$4,639, and he is at Grade 118, Step 4 at \$71,491. The correct amount will be input into the budget.

Mr. Freeman informed Commission that the pension actuary gives the City two numbers for the required contribution, a percentage of payroll and a dollar amount. In prior years, the contribution has been made by the dollar amount. The actuary has confirmed that the City can fund the pension by either method, so long as it is a consistent practice, over a long period of time. Should the Commission elect to fund via the percentage rate of payroll, the City would see a cost savings of approximately \$224,000, of which \$172,000 is in the General Fund. Staff will discuss the topic with the actuary and advise Commission which method will be used to fund the required contribution amount. Mr. Freeman was also asked to inform the actuary to be prepared to discuss the different options the City can pursue in cutting pension costs, such as freezing the current plan and going to a 401K plan.

Mr. Freeman confirmed he is anticipating receipt of the CRA budget.

The next budget meeting is Monday, August 31, at which time Version 4 will be available. The only outstanding issue is the shortfall in the Building Department; all other departments will in a positive position by the meeting time. Insurance for the mayor's position will be added to the budget. Mr. Freeman assured Commission that a balanced budget will be presented, the reserve policy will be met and staff will manage to the adopted budget.

Meeting adjourned at 8:15 p.m.

Minutes approved:

James R. Freeman, City Clerk

City Commission
Community Redevelopment Agency Advisory Board
Budget Workshop
August 31, 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

CRA Advisory Board Members Present:

Jeff Burton, Interim CRA Administrator
Nick Costides
Betty Ann Price
Charles Smith

CRA Advisory Board Members Absent

Sia Mollanazar

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 5:30 p.m.

The agenda was amended to consider the proposed CRA Budget as the first item.

1. CRA FISCAL YEAR 2009-2010

Mr. Burton began the review of the proposed CRA Fiscal Year 2009-2010 budget by explaining that the law mandates that all CRA revenue funds must be budgeted every year or return it the originating source, but the funds do not have to be spent. He also stated that all line item expenditures are allowed under Florida Statutes.

Mr. Burton reviewed the budget by each line item, explaining the items that were included in the budget at his arrival, and the new items he is proposing. He requested approval of the change in the Administrative Assistant title to Executive Administrative Assistant and the approximate \$3,000 salary increase, citing the change in daily responsibility as the reason for the proposal. Commission concurred. During discussion, it was also determined that the funds for the 8th and 9th Streets at 4th Avenue project previously approved by the CRA Board will be reinstated into the budget once it is determined what will be new construction and what will be considered repair.

Commission did not make any changes to the proposed budget as presented, other than the two previously stated, but did suggest the following research:

- Clarify and confirm the actual rental fee for the proposed neighborhood police storefront station
- Construction of a new park in the area of the construction project in Ward 1
- Unified beautification plan for the CRA District and citywide
- Sweat equity grants for homeowners in the CRA District
- Implementation of a residential grant program
- Additional demolition funds to the budget

As a point of information, the following items were briefly discussed:

- Creation of correspondence to Manatee County to indicate the CRA's interest in possibly participating in a hotel project at the Civic Center
- City expenses paid by the CRA totaling \$1,573,794
- Funding from the CRA loan for the Ward 1 project (\$750,000)
- Transfer of unspent funds that will be transferred to fund balance for use next year (Funding from Fund Equity)

- Development of a plan of use for the revenue derived from the sale of CRA property to the School Board

Mr. Burton stated that all of the items contained in the budget will be reviewed by the CRA Advisory Board, after which the projects will be presented to the CRA Board for approvals.

Mr. Freeman stated the budget, after approved by the CRA Advisory Board, will be presented to the CRA Board for approval at the September 14, 2009 meeting, with final approval occurring in the total City budget on September 28, 2009.

The CRA Advisory Board members departed the meeting at 7:10 pm.

Mayor Bryant recessed the meeting for five minutes.

Mr. Freeman stated Version 4 of the proposed budget is balanced and is based on maintaining the current millage rate of 4.6662 mills. The General Fund is approximately \$10.4 million. With the exception of the Building Department, which will be subsidized by \$147,000 of its reserve, all enterprise funds are balanced. City wide there is a projected \$439,966 surplus, which will be added to the appropriate reserve funds.

Commission made a final review of the City budget, and commented or made revisions, as follows:

- Staff will look into purchasing computer notebooks vs. the listed computers and advise Commission of the decision regarding the funding
- The police vehicles will each be funded at \$28,000 rather than the listed \$30,000
- Determine if City mechanics can perform the routine maintenance on police vehicles
- Cover sheets updated by the Finance Department will be reviewed and "per Commission" will be removed where appropriate
- Review the Parks Department assumptions page for validity; Mr. Tusing confirmed the chemicals contained in the Parks and CRA budgets will not exceed \$12,000 and will make any necessary adjustments before September 14, 2009
- Building Department Office Supplies reduced by \$1,000
- Water Operational Cost-Office Supplies \$1,750 (new entry); staff will inform Commission of the reason for the addition

Mr. Freeman confirmed insurance has been added for the mayor's position.

Mr. Freeman announced the September 1, 2009 meeting for the alcohol ordinance begins at 5:00 p.m. Commission established a time certain end for the meeting of 6:45 p.m.

The tentative millage and budget is scheduled for September 14, 2009, with the final millage and budget scheduled for September 28, 2009.

A notice on the Hidden Lake Cell Tower will be mailed to residents surrounding the park.

Announced she asked the School Board for a press release updating the baseball fields for inclusion in the News in Brief.

Meeting adjourned at 8:05 p.m.

Minutes approved:

Palmetto City Commission
September 1, 2009 5:00 p.m.

Elected Officials Present:

Shirley Bryant, Mayor
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner
Brian Williams, Vice Mayor
Alan Zirkelbach, Commissioner (departed the meeting at 5:00 p.m.)

Staff Present:

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

Mayor Bryant called the meeting to order at 5:00 pm. A moment of silence was observed, followed by the Pledge of Allegiance.

1. DISCUSSION: ALCOHOL ORDINANCE

Public Comment on the topic was accepted before Commission began discussion of the topic.

Natalino Smeralda, owner of Ricco's Pizza, spoke of his attempt to obtain a license to sell beer and wine in his restaurant, and questions why one restaurant that does not meet the criteria of the ordinance can obtain a license. He spoke of his inability to grow his business without the sale of beer and wine in his dining room.

Mayor Bryant acknowledged that there are areas of contradiction to the ordinance, which has prompted the City Commission's review of the ordinance.

The following individuals spoke in favor of the Commission reviewing the ordinance regarding alcohol free zones and removing the prohibition of retail sale of alcohol on Sundays:

- Fred Forbes
- David Scalisi, The Hall
- Daniel Fulghum, Sweetbay Supermarket
- Tim Henning, Publix District Manager
- David Johnson

Bill Arnold spoke of his business that has been closed on Sunday for 21 years, and did not support alcohol sales on Sunday.

John Geeslin spoke of the different steps the City should take regarding the issue, including putting the topic to referendum.

Mayor Bryant read an email from Jonathan Leal, Wine Warehouse, supporting sales of alcohol on Sunday.

Mr. Freeman reviewed the main components of the existing ordinance: 1) Hours of sale, 2) Sales locations; 3) Consumption; and 4) Under 21, which was recently revised changing the definition of a restaurant and the percentage of food sales for Sunday sales.

Mayor Bryant commented on the conflicting property located within the 300' school measurement criteria that was issued an alcohol license in error.

Commissioner Lancaster supported the sale of alcohol on Sunday, opining there is consumption, but the City does not derive the revenue from the sale that occurs outside the City's boundaries. She stated she is not in favor of amending the distance requirements for alcohol licenses as they relate to schools and churches.

Attorney commented on the unusual distinction of the points of measurement for schools and churches. He opined that if the measurement was to the main entrance of a school, as required for a church, the issues would be resolved.

Commissioner Zirkelbach supported the sale of alcohol on Sunday, offering a compromise for the restaurant and retail operators to begin the sales after 12:00 p.m. Mr. Zirkelbach stated that when the ordinance was adopted there were no fences at schools as there are now. He stated he liked the 300 feet rule but there should be a better definition; school accessibility point should be considered vs. "school grounds". Suggested that zoning should remedy the permitted location of sales rather than the descriptions currently listed in the ordinance. Consumption definitions should be reviewed for the maintenance facility. Verbiage in the Under 21 section should be considered to prohibit someone under 21 serving alcohol.

Commissioner Williams supported the sale of alcohol on Sunday. He cited Sections 4.1 and 4.2 of the ordinance as areas that need to be addressed. He stated that he would not want to remove a business' license where the City made the error in issuing the license.

Commissioner Varnadore agreed that Section 4.2 must be addressed and consistency on the measurement for churches and schools developed. She commented on the fact the City has one of the lowest measurements in the area, and some jurisdictions have distance limitations on alcohol sales near residential areas and between establishments selling alcohol. She stated she would not support lowering the 300 foot requirement and is happy with the balance of the ordinance as written. She commented that she has not yet heard from the residential community.

Commissioner Cornwell stated she supports keeping the prohibition of alcohol sales on Sunday, citing family values. She commented that fences do not keep individuals that imbibe in alcohol from entering school campuses. She also stated she has not heard from the residents and churches of the community.

Mayor Bryant recapped the discussion by confirming with Commission that no one is amenable to reducing the 300 foot distance requirement, but that consistency in how the measurement is made is necessary.

Mr. McCollum confirmed that zoning can control where sales of alcohol can be a permitted use.

Discussion ensued on issues the City could face should licenses that have been issued in error be rescinded. Attorney Barnebey opined that generally an error by staff is not grounds for vested rights or equitable estoppels against the City; however, there is the potential for claim and it is a very fact driven situation, in which the courts have not been consistent.

Mr. Freeman asked that staff attempt to resolve the inconsistency in the 300 foot limitation and gather input on the Sunday Sales and location and zoning issue. Attorney Barnebey confirmed the issue can probably be ready for review by September 14, 2009.

Mayor Bryant thanked Publix for addressing the grocery cart issue.

Meeting adjourned at 6:00 p.m.

Minutes approved:

James R. Freeman, City Clerk