

TAB 1

**PALMETTO CITY COMMISSION  
WORKSHOP MEETING  
MAY 10, 2010 6:42 PM**

Elected Officials Present:


Tamara Cornwell, Vice Mayor and Commissioner-at-Large 2  
Alan Zirkelbach, Commissioner-at-Large 1  
Mary Lancaster, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2 (entered at 6:45 pm)  
Brian Williams, Commissioner, Ward 3


Elected Officials Absent:

Shirley Groover Bryant, Mayor

Staff Present:

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Tom McCollum, Interim City Planner  
Diane Ponder, Deputy Clerk-Administration

 Vice Mayor Cornwell called the meeting to order at 6:42 pm, followed by a Moment of Silence and the Pledge of Allegiance.

 Vice Mayor asked that the agenda items be reversed to discuss item #2 first to accommodate the P&Z Board members present. There was no objection to the change.

 **1. DISCUSSION: P&Z BOARD MEMBERSHIP REQUIREMENTS**

For background purposes, at the April 5, 2010 Commission workshop meeting, Commission took under consideration a proposed ordinance that would establish the P&Z Board serving as the "Tree Board" for the City. During that discussion, the composition of the board was also discussed, with several of the Commissioners agreeing that P&Z Board members should be residents of the City. It was also consensus of the Commission that as of an effective date the Board would become a five member board. Subsequently, the P&Z Board was presented the proposed ordinance, after which they requested a joint meeting with the Commission to discuss the topic.

P&Z Board members Mike Burton, Charlie Ugarte, Barbara Jennings and Christopher Moquin each spoke to Commission regarding the proposed ordinance. With the exception of Mr. Moquin, general comments were that property owners should be allowed to serve on the board. Comment was also made on the process by which the board received the proposed ordinance.

Commissioners discussed their understanding that the P&Z Board was aware of the Tree Board ordinance. A general discussion was held on the membership criteria, with the Commissioners explaining why they did or did not support the requirement that members must be residents of the City, and why a five member P&Z Board would be sufficient. Attorney Barnebey recommended that the City should not have alternate members for the P&Z Board. Commission also acknowledged that staff is working to develop educational opportunities for all the City's volunteer boards.

Attorney Barnebey explained that the proposed ordinance was developed when the City received notice about the possibility of becoming a Tree City; staff felt the P&Z Board was the logical choice to serve as the Tree Board. He further stated that while the Code does not require it, the proposed ordinance was sent to the P&Z Board for their comments. Commission discussed the protocol they follow when receiving any newly developed ordinance for review.

A compromise was suggested, whereby the majority of the P&Z Board must be residents of the City, with the balance of membership required to be property owners.

Commission complimented the P&Z Board members for their service to the City and thanked them for participating in the discussion



2) DISCUSSION: 2030 COMP PLAN

Commissioner Zirkelbach requested that the Commission go back to Table 1-1 to discuss the COMC, GCOM, HCI and UP categories.

Commissioner Zirkelbach referred to the information from surrounding communities, suggesting that the City should also include maximum height requirements. A general discussion of the categories was held.

Attorney Barnebey made the following recommendation regarding the table:

- A height provision should be added to Policy 1.9.2. He explained that once a specific height is reached the project would automatically become PD, therefore requiring Commission approval. He further suggested that the height cap should be placed in the zoning regulations. Discussion occurred on a height maximum of 45 feet or the currently established 75 foot maximum. No definitive height maximum was established.
- UP category should not be reduced from what currently exists.
- Strengthen policies relating to compatibility and historic structure preservation; address density in the land development codes.

City Commission approved the following amendments to Table 1-1:

- HCI: reduce the 5.00 FAR to 1.00 FAR with a 50 foot height maximum
- GCOM: increase the 1.00 FAR to 4.00 FAR
- Health Care is to be added as a use in the COMC, GCOM and UP categories

Discussion ensued on a zoning change now on certain areas for the future. Attorney Barnebey cited mobile home parks that have been changed in this amendment so they can be redeveloped into something other than the current use, with comparable density as they have now, in the event they are destroyed. He suggested Commission should look at areas that may be more appropriate for redevelopment. Attorney Barnebey referred to the Harris Act and cautioned that the City must take care when changing uses that may adversely impact an existing use.

Discussion ensued on why DCA may have comments regarding the proposed amendment, with Mr. McCollum explaining the difficulty some surrounding municipalities are experiencing. Attorney Barnebey commented on the time line the City is under to get the proposed amendment adopted before the possibility of Amendment 4 being passed.

Commission reserved the May 17, 2010 workshop meeting to complete the discussion regarding the FAR in the COMC and for further review of the proposed Comp Plan amendment.

Meeting adjourned 9:15 pm

Minutes approved:

James R. Freeman  
City Clerk

**DRAFT**  
**CITY COMMISSION WORKSHOP**  
**June 14, 2010**  
**5:55 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor (departed at 6:30 pm)  
Tamara Cornwell, Vice Mayor, Commissioner-at-Large 2  
Mary Lancaster, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Elected Officials Absent:

Alan Zirkelbach, Commissioner-at-Large 1

Staff Present:

Scott Rudacille, Chief Assistant City Attorney  
Jim Freeman, City Clerk  
Garry Lowe, Chief of Police  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 5:55 pm.

Roberts Rules of Order were suspended.

1. PERSONNEL POLICY

City Commission began the review of the revised Personnel Policy. Each section was discussed, with amendments to the policy, as follows:

ADMINISTRATION:

First paragraph was amended to provide for advice from the Human Resources Director and/or the City Attorney, as needed, when deciding a question.

1. Changes to the policy shall be made through the City Clerk.
2. Department heads, with approval of the Mayor, may put into effect appropriate rules and procedures for their respective departments.

DEFINITIONS

Definitions will be alphabetized

Demotion

Add language to clarify that changes in job duties and titles will not be considered a demotion.

ARTICLE 2

Section 2.01

Full-time employee: Add language to clarify that an employee scheduled to work 32 hours is not eligible for benefits should they work in excess of scheduled hours.

Temporary employee: Deleted "selected" and inserted "hired".

Section 2.02

A. Add that an interim department head may also notify Human Resources of a vacancy. Add language that if a vacancy is scheduled to filled, the job announcement shall also be posted using City electronic media.

Section 2.03

C. Delete "or his/her designee".

D. Add language that there is a possibility of being rescreened.

Meeting adjourned at 7:00 pm.

Minutes approved:

James R. Freeman  
City Clerk

**DRAFT  
CITY OF PALMETTO  
SPECIAL CITY COMMISSION MEETING  
June 14, 2010  
5:30 – 7:00 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor  
Tamara Cornwell, Vice Mayor, Commissioner-at-Large 2  
Mary Lancaster, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Elected Officials Absent

Alan Zirkelbach, Commissioner-at-Large 1

Staff Present

James R. Freeman, City Clerk  
Garry Lowe, Chief of Police  
Scott Rudacille, Assistant City Attorney  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 5:30 pm. In honor of Flag Day, Mayor Bryant read a quote by Woodrow Wilson, followed by a Moment of Silence and the Pledge of Allegiance.

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

Mayor Bryant announced the Business Advisory Group will meet Thursday at 5:30 pm. Thursday is also the Palmetto Night at Marauders Game. Commission was asked to inform staff of any of the Florida League of Cities' committees on which they would like to sit.

Public Comment (non-agenda items): None

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant requested that an appointment to the Citizens Task Force be added as item 2A, as the person originally appointed to the committee would not be able to serve.

**MOTION: Commissioner Williams moved, Commissioner Varnadore seconded and motion carried 4-0 to approve the June 14, 2010 agenda, as amended.**

2. FLORIDA CLEAN ENERGY GRANT APPLICATION AUTHORIZATION

Mr. Freeman stated the grant application would contain the same projects that were recently submitted on the Energy Efficiency Block Grant, plus two additional projects. Glen Clover, Oaks Square Consultants, Inc., described the additional electric vehicle and charging stations included in the application. Application deadline is June 18, 2010, with the grant awarded by June 25, 2010. Grant agreement will be in place by July. Indirect costs to the City would be ten to twenty percent of the total grant award.

Mr. Clover discussed the indirect costs the City would incur, such as internal support of the grant, which can count toward the match. Hard costs would be a portion of projects that already have allocated funds. Have to expend funds within two years.

**MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 4-0 to authorize application for a Florida Clean Energy Grant and approval of expenditure of \$2,100 to Oaks Square Consultants, LLC for preparation and submittal of the grant application.**

2A. CITIZENS TASK FORCE APPOINTMENT

**MOTION:** Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 4-0 to approve the appointment of Charles Smith to the CDBG Citizens Task Force.

Meeting adjourned at 5:55 to open the City Commission Workshop.

Minutes approved:

James R. Freeman  
City Clerk

**DRAFT**  
**CITY COMMISSION WORKSHOP**  
**June 21, 2010**

Elected Officials Present

Shirley Groover Bryant, Mayor  
Tamara Cornwell, Vice Mayor, Commissioner-at-Large 2  
Alan Zirkelbach, Commissioner-at-Large 1  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Elected Officials Absent

Mary Lancaster, Commissioner, Ward 1

Staff Present:

Jim Freeman, City Clerk  
Garry Lowe, Chief of Police  
Scott Rudacille, Chief Assistant City Attorney  
Allen Tusing, Director of Public Works  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:32 pm, followed by a Moment of Silence and the Pledge of Allegiance.

1. PERSONNEL POLICY

Review continued from June 14, 2010, with amendments to the Personnel Policy as follows:

Section 2.03

F. Add language that documentation will be placed in a personnel file than an employee who elects to resign vs. being terminated is not eligible for rehire for ten years. (The attorney will research proper due process.)

Section 2.05.02

Discussion ensued on when a new probation period begins. Language will be added to allow for the credit of hours worked in a temporary position toward a probationary period.

Section 2.06

Amend the last paragraph to add "approved" current evaluation system.

Section 2.07

Amend to add that "reasonable effort" will be made to transfer an employee.

Section 2.09

Delete the hiring official appointment language that was taken from the statutes.

Relative: Add "Or may inure to the benefit of a relative as defined." and add the same language to conflict provisions later in the document; establish a procedure for disclosure of relatives.

In the paragraph discussing marriage between two employees, add "If no decision is made by the parties involved, the department head, or in the case of a department head then the mayor, will make that decision based on a combination of seniority, performance and the nature of the job.



Section 2.10

Add language that employees must announce their intent to run for an outside elected office to the mayor. Look also at Section 4.04 to ensure that an outside elected office would be considered outside employment and would require approval from the mayor.

Section 4.01

Take out references to elected officials, as they are governed by a separate Code of Ethics. Legal will review and redraft language as necessary.

E. Define family

Section 4.04

Include notice provision for announcement of declared intent to run for office and acquire mayoral approval prior to running for office. Add language that reasonable approval may not be withheld. If the mayor is running for an elected seat and there is a conflict, then approval must be granted by the vice mayor. Commission will hear appeals to approval that is denied by the mayor and/or vice mayor.

Section 4.05

Add language of what an employee's redress is when verbally attacked outside their work environment.

The continued review will begin on page 22.

Meeting adjourned at 6:00 pm.

Minutes approved:

James R. Freeman  
City Clerk

**DRAFT**  
**PALMETTO CITY COMMISSION**  
**JUNE 21, 2010 - 7:00 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor  
Tamara Cornwell, Vice Mayor, Commissioner-at-Large 2  
Alan Zirkelbach, Commissioner-at-Large 1  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

Elected Officials Absent:

Mary Lancaster, Commissioner, Ward 1

Staff Present:

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Garry Lowe, Chief of Police  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 pm, followed by a Moment of Silence and the Pledge of Allegiance.

Mayor Bryant itemized specific items in the CRA Audit, stating a final report will be made available to Commission. She also discussed the negotiation and execution of the 2004 CRA office lease that was again reviewed and approved by the CRA Advisory Board in March, 2009. Mayor Bryant also informed Commission that a vendor the City contracted with in 2007 has recently arrested and charged with one count of conspiracy of unlawful compensation or reward for official behavior; the city is not currently doing business with the vendor. Lastly, Mayor Bryant reported that all background checks have been completed and all employees successfully passed the checks.

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

Public Comment (non-agenda items): None

1. CITY COMMISSION AGENDA APPROVAL

Item #12 was removed from the agenda.

**MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 4-0 to approve the June 21, 2010 7:00 PM Agenda, as amended.**

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: June 7, 2010
- B) Legal billings - Kirk Pinkerton
- C) Plans for the new Splash Park at Lincoln Park

Item 2B was removed for discussion.

**MOTION: Commissioner Cornwell moved and Commissioner Zirkelbach seconded to approve item 2A.**

Mayor Bryant corrected the minutes to reflect that the request to close Riverside Dr. for safety reasons was only for the July 4<sup>th</sup> festivities.

**Commissioners Cornwell and Zirkelbach amended their motion to include the correction to the June 7, 2010 7:00 minutes. Motion carried 4-0.**

Item 2B: Legal Billing: Attorney Barnebey removed the billing for the Jarvis foreclosure property issues, as his firm is still verifying the correctness the billing.

**MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 4-0 to approve item 2B, as amended.**

2C: Splash Park for Lincoln Park

David Bishop and Charlie Ugarte, Ugarte & Associates, and Susie Dobbs, Manatee County Neighborhood Services Department, updated Commission on the Splash Park at Lincoln Park.

Mr. Bishop reported that they are at the schematic design portion of the plan. He reviewed the plan and the parking in the future phase. He reported the DRC reviewed the plans and discussed stipulations, to which Manatee County has agreed. The plan includes a 3,500 square foot splash pad, and as required by Code, water fountains will be included. Trees currently on site will not be removed. Hours of operation will be six days per week, four hours per day, and is comparable to the rest of the parks in the county. It is the intent to provide shaded seating locations. Ms. Dobbs stated that as budget permits, additional amenities will be provided.

Attorney Barnebey confirmed that the Code requires that Commission approve the use of the property because of the PU zoning; any substantial changes will have to come back to Commission. Commission acknowledged their satisfaction with the design, but commented on the lack of construction drawings that sets forth exactly what is intended and the deviation from the normal approval process. Attorney Barnebey further stated that Commission can approve the project with stipulations, or can refer the public to the County Commission.

Mr. Ugarte stated that the physical portion of the project is as provided in the drawing. Construction drawings will progress through the normal approval process. All comments made by DRC will be incorporated into the plan.

**MOTION: Commissioner Zirkelbach moved, Commission Williams seconded and motion carried 4-0 to approve the use of the Lincoln Splash Park and plans for the Splash Park presented with the following conditions:**

- 1. The splash pad shall be a minimum of 3,500 square feet**
- 2. There shall be a minimum of two drinking fountains provided**
- 3. There shall be covered seating with at least two benches at least four feet in length provided**
- 4. There shall be at least four benches at least four feet in length provided**
- 5. Construction shall be in substantial compliance with the plans provided at this June 21, 2010 meeting and the applicant shall comply with the comments of the DRC with the exception of the improvements to the parking area which has already been completed**

Ms. Dobbs confirmed that she will keep Commission apprised of the plans as they progress and any changes to the plans that are proposed.

3. CITIZENS TASK FORCE RECOMMENDATION

The Citizens Task Force comprised of two City residents, Eric Gilbert and Charles Smith, and one City staff member, Jeff Burton, met with Lauren Clark, Clark Communities, to review the application for a Ward 1 Phase 2 Community Development Block Grant (CDBG). Jeff Burton stated the committee recommended moving forward with the CDBG grant.

**MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 4-0 to accept the recommendation from the Citizens Task Force regarding the Ward 1 Phase 2 CDBG grant application.**

4. CDBG 2009 FAIR HOUSING WORKSHOP

Lauren Clark of CCI read a Fair Housing workshop statement for the realtors and property owners. The workshop provided education regarding the Fair Housing Act and citizen's rights pertaining to the Fair Housing Act.

**MOTION: Commissioner Zirkelbach moved, Commission Williams seconded and motion carried 4-0 to accept the Fair Housing statement as read.**

5. 2ND PUBLIC HEARING FOR THE CDBG GRANT

Commission will accept public comment regarding the City's application for a CDBG grant up to \$750,000. If awarded, the grant will assist the City in funding the Ward I Phase II infrastructure improvement project.

Mayor Bryant opened the public hearing. After no public comment, Mayor Bryant closed the public hearing.

6. RESOLUTION NO. 2010-16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO AUTHORIZING MAYOR SHIRLEY GROOVER BRYANT TO APPLY TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR APPROVAL OF THE CITY OF PALMETTO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)-NEIGHBORHOOD REVITALIZATION CATEGORY FFY 2009/2010 APPLICATION, ADOPTING THE PALMETTO COMPREHENSIVE PLAN AS THE CITY'S COMMUNITY DEVELOPMENT PLAN, AND PROVIDING AN EFFECTIVE DATE.

**MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 4-0 to adopt Resolution No. 2010-16.**

7. 1<sup>ST</sup> READ AND ADVERTISING APPROVAL: ORDINANCE NO. 2010-09

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, CREATING A FAIR HOUSING ORDINANCE TO BE CODIFIED IN THE PALMETTO CODE OF ORDINANCES AS THE "FAIR HOUSING CODE"; PROVIDING FOR A DECLARATION OF POLICY TO PROHIBIT DISCRIMINATION IN HOUSING ON THE BASIS OF RACE, COLOR, ANCESTRY, NATIONAL ORIGIN, RELIGION, SEX, MARITAL STATUS, FAMILIAL STATUS, HANDICAP OR AGE; PROVIDING DEFINITIONS; DESIGNATING AS UNLAWFUL CERTAIN DISCRIMINATORY PRACTICES IN THE SALE OR RENTAL OF HOUSING, AS WELL AS IN ADVERTISING IN CONNECTION THEREWITH, IN THE FINANCING OF HOUSING, AND IN BROKERAGE SERVICES RELATED TO EXCEPTIONS; PROVIDING FOR AN ADMINISTRATOR TO BE DESIGNATED AND PRESCRIBING THE GENERAL POWERS AND DUTIES OF SUCH ADMINISTRATOR, PRESCRIBING ACTION UPON A DETERMINATION OF PROBABLE CAUSE, AND AUTHORIZING THE PROMULGATION OF FORMS AND REGULATIONS; MAKING PROVISIONS FOR THE FILING OF COMPLAINTS AND RESPONSES THERETO, AND THE PROCESSING THEREOF BY THE ADMINISTRATOR; PROVIDING FOR ADDITIONAL REMEDIES;

PROVIDING FOR PROHIBITING UNTRUTHFUL COMPLAINTS OR FALSE TESTIMONY; PROVIDING FOR PENALTIES FOR VIOLATION OF SUCH CODE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 4-0 to approve Ordinance No. 2010-09 for advertising and schedule a public hearing July 19, 2010.**

**8. CODE ENFORCEMENT FINE REDUCTION – 1525 17<sup>TH</sup> ST. W.**

On May 17, 2010 Commission deferred action on this Code Enforcement fine reduction request for a settlement offer of 50% of the outstanding \$7,200 lien. Elizabeth Wolfe, on behalf of purchaser, offered a settlement to be paid within 48 hours of \$2,000 or the 50% settlement within 30 days.

Code Enforcement Director Bill Strollo reviewed the case. He confirmed that violations occurred during the time before the foreclosure was finalized. He confirmed that the City's expenses as of May 10, 2010 amount to \$692.93, plus two hours in legal expenses and the Code Enforcement Board's counsel. A 50% settlement would amount to approximately \$3,531.

**MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 3-1 to accept the offer of 50% of the current code enforcement fine for the property located at 1527 17<sup>th</sup> St. W., PID # 2800310359. Commissioner Cornwell voted no.**

Attorney Barnebey stated an ordinance requiring the registration of foreclosure properties will be ready by the next meeting.

**9. PUBLIC HEARING: EMERGENCY ORDINANCE NO. 2010-08**

AN EMERGENCY ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, DECLARING A MORATORIUM AS TO THE FILING AND/OR RECEIVING OF ANY PETITION OR ANY APPLICATION FOR THE ESTABLISHMENT OF PAIN MANAGEMENT CLINICS AS DEFINED HEREIN; PROVIDING THAT SUSPENSION OF ANY SUCH ZONING, PERMITTING AND LICENSING PROVIDING THAT SAID MORATORIUM SHALL BE IN EFFECT FOR A PERIOD OF ONE (1) YEAR OR SHALL TERMINATE ON THE EFFECTIVE DATE OF THE CITY'S ADOPTION OF LAND USE AND DEVELOPMENT REGULATIONS TO REGULATE PAIN MANAGEMENT CLINICS; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSE; PROVIDING FOR A DEFINITION OF PAIN MANAGEMENT CLINIC; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Attorney Barnebey stated this is an emergency ordinance declaring a moratorium on pain management clinics. The ordinance was advertised but there was no first reading. Per Statute, approval will require four votes of the sitting Commissioners. He further informed the Commission that the Manatee County ordinance may not necessarily apply in the city. A Grand Jury investigation that was filed indicates the clinics are a major problem in the state. Manatee County is ranked in the top five counties with distribution of this type of medicines. The State has also regulated this matter, which will take effect in October. The effectiveness of the ordinances and statutes will be reviewed the beginning of the year.

Mayor Bryant closed the public hearing.

**MOTION:** Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 4-0 to declare that pain management clinics in our area are an emergency that apparently exist so that we have to take action.

**MOTION:** Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 4-0 to adopt Ordinance No. 2010-08, given that an emergency exists.

10. PRESENTATION: DOWNTOWN MOBILITY STUDY FINAL REPORT

Whit Blanton, Renaissance Planning Group, presented the Executive Summary of the Bradenton/Palmetto Downtown Mobility Study, which will be included on the Metropolitan Planning Organization on June 28, 2010. The study area was bounded by 23 Street on the north side of the city to Canal Road on the east side, west to Wares Creek/23 St. and south to Tropicana in Bradenton. FDOT can't endorse the study due to recommended changes for State Road 64 and Manatee Ave. Bradenton is continuing to work with FDOT to move process forward

One item of interest discovered in the data gathered found no increase in traffic growth on major State roadways since 2000.

Mr. Blanton discussed Palmetto signature projects:

- Bike and pedestrian shared path on the Green Bridge
- 7<sup>th</sup> Street - extend and remove the signal at Haben Blvd.
- 8<sup>th</sup> Avenue - long-term project to convert to two-lane with center turn lane
- 10<sup>th</sup> Avenue - parallel two-lane connection for Business 41

A copy of the Executive Summary of the Downtown Mobile Study Final Report is attached hereto and made a part of these minutes.

**MOTION:** Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 4-0 to accept the Downtown Mobility Study as presented by Renaissance Planning Group.

11. AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR SCHOOL FACILITY PLANNING

This Agreement includes revisions primarily intended to ensure unnecessary school construction does not occur for phantom students and to address recent Legislative changes.

Attorney Barnebey commented on the changes to two general areas of the adopted Interlocal agreement. A copy of an ILA Amendments Overview prepared by the School District of Manatee County is attached hereto and made a part of these minutes.

**MOTION:** Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 4-0 to approve and authorize the Mayor to execute the Amended and Restated Interlocal Agreement for School Facility Planning.

12. APPROVAL: ECo CONSULTANTS INCORPORATED CONTRACT

Deleted from the agenda.

13 APPROVAL: FDOT AGREEMENT

Mr. Tusing reported this is a joint project with the Florida Department of Transportation (FDOT) and Manatee County for the City to provide a conduit system for the installation and maintenance of fiber optics for an Advanced Traffic Management System. City traffic signals on 8<sup>th</sup> Ave. from 5<sup>th</sup> to 17<sup>th</sup> Street

will be connected to Bradenton and Manatee County signals, and will be monitored at the new Manatee County facility. The conduit will be provided to FDOT at no cost. The City will be responsible for maintenance of its signals and will receive appropriations from the State, if available.

**MOTIONS** Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 3-1 to approve and authorize the Mayor to execute the Agreement Between The City of Palmetto And Florida Department of Transportation, FPID #426635-1-52-01, COP Job #04-418. Commissioner Williams voted no.

14. FLORIDA LEAGUE OF CITIES

Nomination of a Voting Delegate for the Annual Business Session during the Florida League of Cities Annual Conference.

**MOTION:** Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 4-0 to nominate the Mayor as the Voting Delegate.

15. APPOINTMENT TO METROPOLITAN PLANNING ORGANIZATION (MPO) (Mayor Bryant)

**MOTION:** Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 3-1 to approve the appointment of Mickey Hopkins to the MPO Citizens Advisory Committee for a term ending July 1, 2013. Commissioner Zirkelbach voted no.

16. RESOLUTION NO. 2010-17

Budget resolution to purchase a master meter from water impact fees, for installation at Holy Cross. Mr. Tusing request to amend the amount from \$10,000 to \$16,000. He stated the meter is a necessity because of the expansion of the new facility at Holy Cross; the meter provides additional capacity for the north portion of the City.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Commission Cornwell moved, Commissioner Zirkelbach seconded and motion carried 4-0 to adopt Resolution No. 2010-17, with the amended amount of \$16,000.

17. RESOLUTION NO. 2010-18

Budget resolution to correctly allocate expense and revenue from the Submerged Land Lease with Regatta Pointe Marina from \$65,000 to \$68,300.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

Commission Zirkelbach announced his voting conflict.

**MOTION:** Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 3-0 to adopt Resolution No. 2010-18. Commissioner Zirkelbach abstained from the vote.

18. 1<sup>ST</sup> READ AND ADVERTISING APPROVAL: ORDINANCE NO. 2010-07

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

**MOTION: Commissioner Zirkelbach moved, and Commission Williams seconded to approve Ordinance No. 2010-07 for advertising and schedule a public hearing for July 19, 2010.**

Discussion: Staff estimated it would cost approximately \$200 to advertise the ordinance. Attorney Barnebey confirmed that this would be the time to amend the ordinance.

**Commissioners Zirkelbach and Williams voted aye. Commissioners Cornwell and Varnadore voted no. Motion failed because of a tie vote.**

19 1<sup>ST</sup> READ AND ADVERTISING APPROVAL: ORDINANCE NO. 2010-10

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING SUBMISSION OF AN AMENDMENT OF THE CITY CHARTER TO THE VOTERS AT THE NOVEMBER, 2010 GENERAL ELECTION FOR AN AMENDED AND RESTATED CITY CHARTER; PROVIDING FOR THE CREATION AND POWERS OF THE CITY; PROVIDING FOR SECTIONS RELATING TO HEADINGS, DEFINITIONS, THE FORM OF GOVERNMENT, BOUNDARIES, WARDS, LEGISLATIVE POWERS, COMMISSIONERS, COMMISSIONER QUALIFICATIONS AND OFFICE HOLDING, PROVIDING FOR A VICE MAYOR, COMMISSION MEETINGS, REQUIREMENTS FOR A QUORUM AND NEED FOR A MAJORITY VOTE, COMMISSIONER VACANCIES AND REPLACEMENT, PRESIDING OFFICER, ORDINANCES, AND VETOES; PROVIDING FOR THE EXECUTIVE BRANCH, THE MAYOR, APPOINTED OFFICERS, MAYOR QUALIFICATIONS, AND VACANCY AND REPLACEMENT OF THE MAYOR; PROVIDING FOR ELECTIONS, TERMS OF OFFICE AND THE OATH OF OFFICE, RECALL OF ELECTED OFFICIALS, AMENDMENT AND REFERENDUM OF THE CHARTER, EFFECT ON EXISTING RIGHTS AND ORDINANCES, INTERPRETATIONS OF THE CHARTER, CHARTER REVIEW, AND THE EFFECTIVE DATE OF THIS CHARTER; PROVIDING FOR APPROVAL OF A BALLOT QUESTION; PROVIDING FOR APPROVAL OF BALLOT QUESTION TITLE; PROVIDING FOR PUBLICATION; PROVIDING FOR COORDINATION WITH SUPERVISOR OF ELECTIONS; PROVIDING FOR ELECTION DATE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Williams moved and Commissioner Cornwell seconded, for discussion, to approve by roll call vote Ordinance No. 2010-10 for advertising and schedule a public hearing July 19, 2010.**

Attorney Barnebey reviewed the points that were amended from the last meeting:

- Commission concurred that "appointed official" is to be changed to "appointed officer".
- The Mayor shall appoint someone else to serve within 60 days of an appointment that is not confirmed by Commission; the person not confirmed may not be reappointed without approval of the Commission. Discussion ensued on the vote necessary to confirm an appointment, with Commission deciding that a super majority of members eligible to vote shall be necessary if less than five members are present, i.e. if four members present, approval must be by three votes.
- No term of an appointed officer shall extend beyond the date of the first organizational meeting
- Attorney Barnebey will send a red-lined version to Commission.



**Commissioners Williams amended the motion to reflect the changes discussed and Commissioner Cornwell seconded the amendment. Commissioner Williams voted aye; Commission Varnadore voted aye; Commissioner Zirkelbach voted aye; and Commissioner Cornwell voted aye.**

20. RFP RECOMMENDATION FOR ENGINEERING SERVICES

Mr. Tusing reported the City received 30 responses to the Request for Qualifications. The committee narrowed the responses to ten and held interviews, resulting in the proposal as listed in the motion.

**MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion carried 4-0 Q to accept the recommendation from the RFQ Selection Committee of Lombardo, Foley, Kolarik as City Engineer, Wade Trim, PBS & J, Jones Edmunds as additional engineers and authorize staff to begin contract negotiations with each firm for continuing engineering services.**

Mayor Bryant recessed the City Commission meeting to open the June 21, 2010 Special CRA Board meeting at 9:42 pm.

Mayor Bryant reconvened the City Commission meeting at 9:55 pm..

21. JOB DESCRIPTION APPROVAL

Approval of the CRA Director job description as amended by CRA

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 4-0 to approve the CRA Administrator job description and authorize advertisement of the position as recommended by the CRA.**

22. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)

No report; working with the grant writer to facilitate the grant application.

23. DEPARTMENT HEADS' COMMENTS

Attorney Barnebey

No report

Mr. Tusing

Discussed the situation with 4<sup>th</sup> of July falling on Sunday and the vendors that have sold beer at past festivals. Commission took no action to allow the sale of alcohol on Sunday.

**Commission Williams moved to adjourn. Motion died for lack of a second.**

**Commissioner Varnadore moved, Commissioner Cornwell seconded and motion carried 4-0 to extend the meeting to 10:15 pm.**

Mr. Freeman

The Florida Clean Air Grant was submitted. Ward 1 Phase II has been out to bid; hope to get 23<sup>rd</sup> St. Phase 2 out this week. Proposed budget meeting schedule will be prepared in the next week. The budget should be available the first week in July.

Chief Lowe

Reported his department is saturating zone 2 with law enforcement and has the situation under control. Discussion ensued on ways to resolve communication issues. Reported detectives consistently work cases and the department has the highest closure rate in the county.

24. MAYOR'S REPORT

Thanked Veolia for bringing in more water.

Will be making a report on the Marauders Game.

**Commissioner Varnadore moved, Commissioner Cornwell seconded and motion carried 4-0 to extend the meeting five additional minutes.**

25. COMMISSIONERS' COMMENTS

Ms. Cornwell

Note that Mrs. Lancaster is not present.

Mr. Zirkelbach

Explained his vote on the MPO appointment.

Commented regarding the vote on the alcohol ordinance.

Ms. Varnadore

Responded to Mr. Zirkelbach's comments regarding the vote on the alcohol ordinance.

Mr. Tusing still reviewing applications for the City Planner position.

Commented on the pattern developing for late agendas.

Mr. Williams

Congratulations to Ms. Varnadore for her unopposed candidacy; he and Mrs. Lancaster drew opponents

Inquired about the lack of information coming forward on lighted crosswalk. Mr. Woodard reported he steps being taken to gather the requested information.

Commented regarding the vote on the alcohol ordinance.

Meeting adjourned at 10:29 pm.

Minutes approved:

James R. Freeman  
City Clerk


**DRAFT  
SPECIAL CITY COMMISSION  
July 12, 2010 – 5:30 p.m.**

Commission Members:

Shirley Groover Bryant, Mayor  
Tamara Cornwell, Vice Mayor, Commissioner-at-Large 2  
Alan Zirkelbach, Commissioner-at-Large 1 (entered 5:35 pm)  
Mary Lancaster, Commissioner, Ward 1  
Tambra Varnadore, Ward 2  
Brian Williams, Commissioner, Ward 3

Staff and Others Present:

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Rex Hannaford, Deputy Chief of Police  
Allen Tusing, Public Works Director  
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.

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

PUBLIC COMMENT (non-agenda items): None.

 1. CITY COMMISSION AGENDA APPROVAL

**MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 4-0 to approve the July 12, 2010 5:30 p.m. Agenda. Commissioner Zirkelbach was absent for the vote.**

 Mayor Bryant announced that the City has been awarded the Energy Efficiency sub-grant for \$249,931. A second \$500,000 grant application has been submitted, and if awarded, duplicate items will be removed. The grant proceeds will assist the City in saving approximately \$50,000 in energy costs on an annual basis.

 2. 1ST PUBLIC HEARING FOR THE CDBG GRANTS

Commission will accept public comment regarding the City's application for a CDBG Grant up to \$750,000. If awarded, the grant will assist the City in funding the Ward I Phase II infrastructure improvement project. Commission will also accept public comment relating to the City's application for a CDBG Economic Development Grant up to \$750,000 for the 10<sup>th</sup> Avenue extension from 17th Street to 23rd Street. This public hearing will serve both grants; a second public hearing will be held individually for each grant.

Mayor Bryant opened the public hearing. After no public comment, Mayor Bryant closed the public hearing.

 3. APPOINTMENT OF LIEUTENANT RICHARD WELLS AS CHIEF OF POLICE

Mayor Bryant read a statement from Chief Lowe regarding his retirement effective September 3, 2010, a copy of which is attached hereto and made a part of these minutes. She also read into the record her statement regarding her selection of Mr. Wells, which is attached hereto and made a part of these minutes.

Mayor Bryant requested that Commission approve the appointment of Richard Wells at an annual salary equivalent to Chief Lowe's current salary of \$87,568, with a term to run concurrent with her term of office and that of the other department heads.

Mayor Bryant opened the discussion to public comment. The following individuals spoke on the issue:

Joseph Clawson spoke of the type of experience he would like to see a candidate possess.

Pastor Charles Williams, King of King Baptist Church, related his recent conversation with Chief Lowe regarding his decision to retire. They had also discussed his retirement approximately eight months ago.

Webster Hayes, president of the local Southern Christian Leadership and vice president at a state level, applauded Mayor Groover Bryant's choice on a personal level and on behalf of the organization in which he is involved.

Chris Lukowiak expressed concern regarding the nomination process.

Charles Smith applauded the appointment of Mr. Wells. He spoke of past appointments, and the fact a search had never been conducted.

Jean Moreland commended on the past promotions from within the police department, and opined that more than one candidate is necessary.

Dorothy Middleton, Chair of the *Tempo News* Editorial Board, stated the *Tempo News* sanctioned the endorsement of Mr. Wells.

Cynthia Fobbs commented on the crime in the City and asked that Commission put a priority on addressing crime.

Coach Shannon, a Manatee County Distinguished Citizen, supported the appointment of Rick Wells.

Manatee County Deputy Bruce Mead, spoke highly of Mr. Wells on a personal level, opining he will do "very well as the Chief".

Frank Gargett spoke highly of Mr. Wells on a personal level.

Jerry Parrish, who does Gang Prevention in Manatee County, supported the Mayor's decision.

Commissioner Cornwell voiced concern regarding the proposed salary, due to the fact Mr. Wells has no years of service with the City, and it is higher than the salaries of the other department heads. She also voiced concern with the proposed term, opining it should be for one year, and then be reviewed in July, 2011. Commission held a general discussion regarding the issues brought forward by Commissioner Cornwell. In addition, they each voiced their personal opinion on the appointment.

**MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the appointment of Lieutenant Richard Wells as Chief of Police for the City of Palmetto for a term running concurrent with Mayor Bryant.**

Meeting adjourned at 6:55 pm.

Minutes approved:

James R. Freeman  
City Clerk