

Palmetto City Commission
December 17, 2007 7:00 p.m.

Elected Officials Present:

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

Staff and Others Present:

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

Mayor Bustle called the meeting to order at 7:05 pm. A moment of silence was observed for overseas military away from their families during this holiday season, followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle recognized the following Employees of the Year:

City Hall:	Jessica Becerril and Karen Simpson
Police Department:	Vickie Lashbrook, Jeffrey Lewis and Luis Martinez
Public Works:	Maria Aguirre, Mat Bloome, Linda Butler, Peggy Martin and Scott Martin

Swearing-in of all persons speaking to Commission.

Public Comment:

Mary Jo Kimbrough spoke to Commission concerning the noise from Club Nitros. Chief Lowe discussed the efforts his department has taken to monitor the area. The topic will be forwarded to Code Enforcement for further action.

Chris Oliver, Sr. and Sheryl Flint both spoke to Commission concerning the mold issue at Palmetto Elementary. Mayor Bustle updated the audience on a recent meeting with School Board representatives regarding the school. School Board Member Bob Gause spoke of the actions the School Board is undertaking to rid the school of mold until a suitable site can be obtained for a new school.

1. AGENDA APPROVAL

Mayor Bustle asked for approval of the agenda, with the addition of items six and seven from the 4:00 agenda. Ms. Varnadore requested that the 2008 co-sponsored events also be added to the agenda for discussion.

MOTION: Ms. Cornwell moved and Ms. Varnadore seconded to approve the December 17, 2007 7:00 PM agenda, with the additions of item six and

seven from the 4:00 agenda, the CEDC issue carried forward from 4:00 and the 2008 co-sponsored events.

Mr. Ball informed Commission he had to depart the meeting after item #3.

Ms. Varnadore clarified her request, stating she wished to discuss only co-sponsored events #1 – 14, as contained on the last agenda.

Mrs. Lancaster stated she would like to add the appointment of the department heads to the agenda. Ms. Cornwell and Ms. Varnadore stated they would disagree.

Motion on the floor carried 3-2. Mrs. Lancaster and Mr. Williams voted no.

MOTION: Mrs. Lancaster moved and Mr. Williams seconded to add the department head appointment to the agenda.

Ms. Cornwell opined that in order to bring a topic up that has been voted down, there must be a super majority; therefore the co-sponsored event would not have been added. Attorney Hall opined that right now the motion is only to add an item to the agenda. Ms. Cornwell reiterated her belief that a super majority is necessary to bring an item off the floor, i.e., this motion under discussion, as well as the previous motion regarding the events.

Motion on the floor carried 3-2. Ms. Cornwell and Ms. Varnadore voted no.

2. CONSENT AGENDA

- A) Minutes: December 3, 2007
- B) November 2007 Check Register
- C) Noise Ordinance Permit Exception/Special Function Permit:
 - Winterfest (Palmetto Assembly of God)
 - Crop Walk (Church World Service)

Ms. Cornwell withdrew the Crop Walk from the Consent Agenda.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the December 17, 2007 Consent Agenda, as amended.

Ms. Cornwell questioned an extra signature page in the Crop Walk Special Function Permit. Staff confirmed the page was erroneously included.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the Crop Walk Special Function Permit.

Pastor Mark Cotignola, Palmetto Assembly of God, invited Commission to the Winterfest event.

3. PUBLIC HEARING: MANATEE SCHOOL OF THE ARTS BOND ISSUE

RESOLUTION NO. 07-48

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA AUTHORIZING THE ISSUANCE OF THE CITY'S INDUSTRIAL DEVELOPMENT REVENUE AND REVENUE REFUNDING BONDS (MANATEE SCHOOL FOR THE ARTS PROJECT), IN TWO SERIES (THE "BONDS") IN THE AGGREGATE PRINCIPAL AMOUNTS DESCRIBED HEREIN FOR THE PURPOSE OF PROVIDING FUNDS TO MAKE A LOAN TO RENAISSANCE ARTS AND EDUCATION, INC. D/B/A MANATEE SCHOOL FOR THE ARTS (THE "BORROWER") TO PROVIDE FUNDS FROM THE BONDS TO REFINANCE THREE SERIES

OF BONDS PREVIOUSLY ISSUED TO FINANCE THE REFUNDING PROJECT AS DESCRIBED HEREIN; FINANCE THE NEW PROJECT AS DEFINED HEREIN; AND PAY THE COSTS OF ISSUING BOTH THE SERIES OF BONDS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT, A BOND PURCHASE AGREEMENT, A MORTGAGE, ASSIGNMENT OF RENTS AND SECURITY AGREEMENT, AN ENVIRONMENTAL INDEMNITY AGREEMENT AND AN ASSIGNMENT OF LOAN AGREEMENT, MORTGAGE, PROMISSORY NOTE AND OTHER COLLATERAL; AWARDED THE SALE OF THE BONDS BY A NEGOTIATED SALE TO WACHOVIA BANK, NATIONAL ASSOCIATION; AUTHORIZING OFFICIALS OF THE CITY TO TAKE CERTAIN ACTION IN CONNECTION WITH THE ISSUANCE OF THE BONDS; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND PROVIDING AN EFFECTIVE DATE.

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

Attorney Hall amended the black-lined version of page #3 of the resolution discussed at the 4:00 workshop meeting, to add a comma after the word facilities.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 07-48 in accordance with Federal, State and local law.

Mr. Ball departed the meeting at 7:45 pm.

4. APPROVAL: WASTEWATER TREATMENT PLANT - JEA WORK ASSIGNMENT #5

Authorization of JEA Work Assignment #5 for special engineering services to develop post aeration system modifications and perform THM data evaluation to assist the WWTP in achieving FDEP compliance.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve and authorize the Mayor to execute JEA Work Assignment #5 in an amount not to exceed \$7,500, COP Job #07-564.

5. MANATEE COUNTY 2008 LEGISLATIVE PLATFORM (Carried forward from 4:00)

County Commissioner Carol Whitmore stated she had requested that the municipalities be advised of the legislative platform the county had adopted so they would be aware of the platform before its submission. She also reminded Commission of the Council of Governments meeting on Wednesday, December 19, 2007 beginning at 4:00 pm.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 4-0 to support the Manatee County 2008 Legislative Platform as outlined in the material presented.

6. RESOLUTION NO. 07-49

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA (THE "CITY") FINDING THAT THE EXPENDITURE OF MONEY IN OPPOSITION OF THE PROPOSED CONSTITUTIONAL AMENDMENT SERVES A PUBLIC PURPOSE; PROVIDING THAT THE DISSEMINATION OF INFORMATION CONCERNING THE IMPACTS OF THIS AMENDMENT ON THE CITIZENS OF THE COUNTY AND THE CITY IS ESSENTIAL TO THE HEALTH, SAFETY, PROTECTION AND WELFARE OF THE CITY AND ITS CITIZENS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Resolution No. 07-49.

7. 1st READING & ADVERTISING APPROVAL-ORDINANCE NO. 07-954

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, VACATING THE EASTERLY PORTION OF 6TH STREET WEST BETWEEN BLOCKS N & Q, OF THE PLAT OF EAST PALMETTO, AS MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS; PROVIDING FOR RECORDATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (V0701 – North River Family Health Center)

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve Ordinance No. 07-954 for advertising and schedule a public hearing January 21, 2008.

8. 1st READING & ADVERTISING APPROVAL ORDINANCE NO. 07-955

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING CHAPTER 28, ARTICLE III OF THE CITY CODE OF ORDINANCES PERTAINING TO STOPPING, STANDING AND PARKING; PROVIDING THAT PARKING MAY BE RESTRICTED TO PERMIT HOLDERS; PROVIDING THAT THE OWNER OF A VEHICLE SHALL BE PRESUMED TO BE THE VIOLATOR; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve Ordinance No. 07-955 for advertising and schedule a public hearing January 7, 2008.

9. NEW CITY WEBSITE

IT Manager Geoff Campbell spoke of the need to redesign the City's website, due to its outdated appearance, difficulty to navigate and lack of presence on the worldwide web. After reviewing several vendors' prices and sample websites, he informed Commission he considered CivicPlus the vendor of choice. He demonstrated their recent development of Jacksonville Beach's website; the municipality had nothing but positive comments about the company. He stated the City will retain all three domains owned – City, Police and CRA – but they will be combined. He stated the conversion will offer more opportunities for the City, as well as the residents. Each department will be able to update their page, vs. all updates having to be done by IT.

MOTION: Ms. Varnadore moved and Mrs. Lancaster seconded to authorize the Mayor to execute a contract with CivicPlus not to exceed \$8,200 plus the monthly recurring cost, subject to the City Attorney's approval of the form of the contract.

Discussion: Ms. Cornwell stressed staff should be aware of any hidden fees the City may incur when developing the site. Mr. Campbell acknowledged Ms. Cornwell's suggestion.

Motion on the floor carried 4-0.

10. CRA PARTNERSHIP WITH CEDC

MOTION: Mrs. Lancaster moved and Ms. Varnadore seconded to ratify the CRA Board's approval of the CRA partnership with CEDC.

Discussion: Ms. Cornwell opined she sees no unique services the CEDC is offering in exchange for the \$65,000 cost of partnership, nor are there any guarantees being offered that small

business failure rate will change. Mrs. Lukowiak confirmed there are no guarantees; the \$65,000 fee is for only one year, the next year's participation will be looked at during the budget process. Ms. Hewitt discussed the resources that will be available to assist small businesses and reviewed the reporting CEDC will make to the CRA concerning its activities in Palmetto.

Motion on the floor carried 3-1. Ms. Cornwell voted no.

11. CO-SPONSORED EVENTS

Ms. Varnadore inquired how not approving the co-sponsored events would affect the upcoming fair and the Christmas in the Park event. Mayor Bustle stated that in his opinion any City resources that are spent on any event would require that the organization come to City Commission for approval. Commission discussed the fair, in particular, with Mr. Lukowiak informing Commission of what Public Works does for the event. Mayor Bustle stated that if the City contributes any service, including in-kind services, the City is co-sponsoring the event. He further opined it is a city's obligation to co-sponsor some events held in its community. Ms. Varnadore inquired if the fair is exempt from a special function or special exemption permit, and if not, has anyone notified the Fair Board, what action needs to be taken by the Commission to ensure the event occurs without problems, and is the City going to perform in-kind services or will the Fair Board be billed for City services.

Ms. Varnadore inquired if she could make a motion for the #1 - #14 items on last week's agenda to be approved as the 2008 Co-Sponsored Events. Attorney Hall confirmed the same motion failed at the last Commission meeting, so the same motion cannot be made under Robert's Rules, but a motion to rescind can be made and must be approved by a majority of Commission.

MOTION: Ms. Varnadore moved to rescind the decision of the 2008 Co-Sponsored Events. Motion failed for lack of a second.

Ms. Varnadore inquired if the fair would be sent a bill and the organization will be notified they must come to Commission for a Noise Exception Permit.

MOTION: Ms. Varnadore moved to rescind the decision of the 2008 Co-Sponsored Events. Mrs. Lancaster seconded for discussion.

Discussion: Mrs. Lancaster inquired if the events that are coming up in December or January have received notice that they must come to Commission. Staff confirmed the Martin Luther King Parade has already been approved; Christmas in the Park has not come before Commission. Ms. Cornwell commented on Robert's Rule not being properly followed. Attorney Hall read that after a motion to rescind, debate as to the merits of a topic can occur. Ms. Cornwell stated personal feelings about an event is not the way to consider the topic, an equitable format must be taken for the entire slate of events. She stated she will not support the issue until all events are logically considered. Ms. Varnadore explained the criteria she used to identify items #1 - #14. Mrs. Lancaster stated a person has to be given reasonable time to know of Commission's decision. Attorney Hall instructed Commission that if the motion passes, the topic will be as if it were being newly presented for Commission's consideration. Mr. Williams suggested that if the motion is rescinded the events that have been budgeted and are slated within 60 days, could apply and Commission could accept them as having been approved. Mayor Bustle called for a vote.

Motion on the floor carried 3-1. Mr. Williams voted no.

Mayor Bustle confirmed that the City has no co-sponsored events.

MOTION: Ms. Varnadore moved and Mrs. Lancaster seconded that the FY2008 Co-Sponsored Events be identified as the Manatee County Fair, Christmas in the Park and the Martin Luther King Parade.

Discussion: Ms. Varnadore explained that her motion was for the three because the next event is normally held in March, which will give staff time to notify the organization of the need to apply for the Special Function Permit.

Motion on the floor carried 4-0.

12. DEPARTMENT HEAD APPOINTMENTS

MOTION: Mrs. Lancaster moved and Mr. Williams seconded to rescind the motion of the department head appointments made at the last meeting.

Discussion: Mrs. Lancaster stated that after considering the improvements that have been made in the city, the work that is being done and the way her constituents have been responded to, she has reconsidered her vote. She stated, "If my vote would send a message to the new mayor of her confidence in the department heads, she wanted to be a part of that action." Mr. Williams opined that if a new mayor is given time to work with and evaluate the incumbent department heads, but also have the time to seek other people, the City would have the continuity it has at this time. Mayor Bustle called for a vote.

Mrs. Lancaster and Mr. Williams voted aye. Ms. Cornwell and Ms. Varnadore voted no. Motion failed.

13. DEPARTMENT HEADS' COMMENTS

Mr. Schmitt

Extended holiday greetings.

The Palmetto Town Center will be presented to the P&Z Board January 14, 2008.

Manatee County will be striping the parking lot in front of the fair grounds.

Mr. Lukowiak

Extended holiday greetings.

A city wide Christmas luncheon will be held at Public Works on Friday, beginning at noon. Wal Mart is providing the food and drinks.

The County Commission will consider the Jackson Park project of \$300,000 on its CIP tomorrow.

Questioned how Public Works should handle the port-o-lets listed on the Crop Walk Special Function Permit. Staff stated the City is not responsible; the use of the port-o-lets triggered the need for the permit.

Informed Commission the MOU Traffic Mobility Study with Bradenton, feasibility study for reclaimed Water and a possible response team are forthcoming from his department.

Requested that Commission give him comments on the paint scheme that has been chosen for City Hall.

Informed Commission he is delaying the reclaim water project on Canal Road.

Mr. Freeman

Updated Commission on the SBA situation. The City has withdrawn \$1.8 million and temporarily placed the funds in the operating account; \$300,000 has been frozen in the account.

Informed Commission that the two trustee seats they appoint to each pension plan will expire in January. The General Employees' Board of Trustees will have a vacancy, as Mayor Bustle is resigning; Ray Dielman has expressed an interest in serving an additional term. The Police Officers' Board of Trustees' appointments are Eric Ball, who has expressed an interest in serving an additional term, and Gerald White, who will serve but has had difficulty attending the quarterly meetings and is not opposed to being replaced. Mr. Freeman requested that Commission supply him with names of any individuals interested in the positions.

Extended holiday greetings.

Chief Lowe

Reported Tom Smith and Talon were recertified.

Extended holiday greetings.

Attorney Hall

Requested permission to give examples of a "distilled version" of Roberts Rules that have been widely accepted for small assemblies.

There is no decision on Summary Judgment in the Thornton case.

Reported counsel in the Hegarty case has stopped communicating, as has Mr. Hegarty. The law suit stands and the City will answer discovery and file responsive pleadings. Ms. Hall updated Commission on what staff is researching to bring the matter to conclusion.

14. MAYOR'S REPORT

Reported on the ceremony dedicating the Alice Myers Room at the Palmetto Branch Library.

Updated Commission on the meeting held with Dr. Dearing concerning the School Board's efforts to address the issues at Palmetto Elementary. Reported there is another meeting scheduled for Tuesday, December 18, 2007, which also include Mr. Whiting.

There will be a meeting Thursday with MCAT concerning a new station in Palmetto.

Informed Commission he has received notification that DCA approved the City's EAR. He complimented staff on their efforts.

Council of Governments meeting is Wednesday at 4:00, which will be solely to discuss the school interlocal agreement. He reported Dr. Dearing said there is no issue with Bradenton, Palmetto and the School Board on the requested changes. Attorney Hall stated she will forward the agreed upon agreement once she receives the document. Mr. Lukowiak stated that there were compromises made by staff after it was determined all plans for schools will have to be brought to Commission for approval.

Commented on his letter to Amy Stein regarding Manatee Radio Controllers, stating he expects the paintball operation will have to remove any structures erected on the site. He opined the City should stand firm against the county trying to force the City to take over the landfill permit.

Commented on a developer wanting to invest in a major project in the City in today's market. Reported he has spoken with Mr. Zirkelbach and it appears the development team is proceeding

to the next phase in the hotel project. Cautioned Commission that the project will have to be looked at very closely so it is a credit to Palmetto and its citizens.

15. COMMISSIONERS' COMMENTS

Ms. Varnadore

Extended holiday greetings.

Mr. Williams

Extended holiday greetings.

Mrs. Lancaster

Reported to Public Works the sidewalk on 13th Street still has a hole in it surrounded by cones.

Expressed concern about the mold issue at Palmetto Elementary.

Extended holiday greetings.

Ms. Cornwell

Reported she has received positive comments concerning the new Christmas lights.

Commented on the positive letters she has reviewed regarding the Police Department.

Requested that extra bike patrols be out during the time the children are out of school for the Christmas holidays.

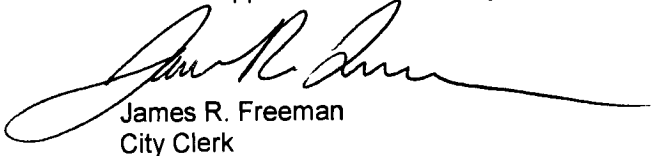
Commenting on the Celebration Center's rental experience, she requested that staff look at the interior of the building to ensure it is kept in good repair.

Expressed hesitation in suspending Roberts Rules, because it has worked for many years. She stated they provide procedures that prevent the voting group from having to review failed topics over and over. She urged caution in considering other procedures.

Extended holiday greetings.

Meeting adjourned at 9:45 pm.

Minutes approved: January 7, 2008



James R. Freeman
City Clerk