

Palmetto City Commission  
July 28, 2008 7:00 PM

Elected Officials Present:

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

Staff and Others Present:

James R. Freeman, City Clerk  
Michele Hall, Attorney  
Chris Lukowiak, Public Works Director  
Tanya Lukowiak, CRA Executive Director  
Deputy Chief Mike Mayer  
Bob Schmitt, Planning Supervisor/Zoning Administrator  
Diane Ponder, Deputy Clerk-Administration  
Frank Woodward, Deputy Director Property Management & Engineering

Mayor Bustle called the meeting to order at 7:02 p.m., followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

Persons planning to address Commission were sworn in.

Public Comment: Bruce Varnadore asked for an update on the Kimbrough noise issue. Mr. Freeman referred to an email that had been sent to Commission concerning the topic, explaining the steps the Code Enforcement and Police Department have taken. He stated Mr. Strollo has been instructed to continue to work the case, and if violations are found, the case will again be brought to the Code Enforcement Board.

1. AGENDA APPROVAL

**MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the July 28, 2008 7:00 agenda.**

Mr. Schmitt informed Commission the applicant to item #3, the public hearing for a conditional use permit at 713 17<sup>th</sup> St. W. to allow a farm labor camp at the site would ask for a continuation of the topic. Andrew Allison, Allison Engineering, informed Commission that the applicant will also have to request a variance for a building set back and he did not want to move forward until the variance application has been to the P&Z Board. Attorney Hall advised that the item should be withdrawn from the agenda as the variance is a separate application; the P&Z Board's consideration for the conditional use will stand. Commission agreed to the withdrawal of item #3 and reopened the public comments to receive comments from members of the audience that had intended to speak to the issue.

**MOTION: Ms. Varnadore moved, Mr. Williams seconded and motion carried 5-0 to withdraw item #2 from the agenda and reopen the public comment portion of the agenda.**

Public Comment: Raymond Varnadore, Jim Powell, Charles Smith, Bruce Varnadore, Mark Goodson and Gladys Sailes Houston all spoke in opposition of the conditional use permit application for a farm labor camp at 713 17<sup>th</sup> St. W. Mike Council, an employee of C&D Vegetable Company (the applicant) stated the proposal for the property would be an

improvement of the current conditions, as the plans included a caretaker who would be housed on the property. Shirley Groover Bryant reiterated her comments made at the P&Z Board meeting: 1) where will the buses be parked, 2) are there any current code enforcement issues on the property? and 3) is the Health Department involved with labor or migrant parks.

## 2. CONSENT AGENDA

- A) Minutes: July 15 and 16, 2008
- B) Special Function Permit: Youth Health Clinic

Item B was withdrawn from the Consent Agenda.

**MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 5-0 to approve item A of the July 28, 2008 Consent Agenda.**

Staff confirmed the insurance for item B is pending. Geneva Presha confirmed the policy will be provided by the Health Department.

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve item B, pending receipt of the insurance policy.**

## 4. APPROVAL: PROPOSED AGGREGATE MILLAGE RATE

Mr. Freeman discussed the new documents that were required pursuant to new legislation. He also reviewed the proposed September 8 as the date for the City's public hearing to adopt the tentative millage rate and budget. Mr. Freeman also reminded Commission that a once a proposed tentative millage rate is adopted, it can be lowered but not raised.

**MOTION: Ms. Varnadore moved and Mrs. Lancaster seconded to approve a proposed aggregate millage rate of 4.9162, as a safety net, and schedule a public hearing September 8, 2008 to adopt a tentative millage rate and tentative FY 2008-2009 budget.**

Discussion: Mr. Freeman explained how the proposed millage rate was calculated this year as opposed to previous years because of the passage of Amendment 1. He also stated that the 4.9162 is within the roll back rate, it will require a majority vote of the Commission to adopt and will not be considered nor have to be noticed as a tax increase.

**Motion on the floor carried 4-1. Ms. Cornwell voted no.**

## 5. RESOLUTION NO. 08-22

Budget amendment to transfer the value of eight in-car videos from CRA Revenue and Expense to General Fund Revenue and General Fund IT Expense.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 07-39, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2007-2008, AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Resolution No. 08-22.**

6. APPROVAL: AMER I CAN PROGRAM (Chief Lowe) (TAB 6)  
Approval of donation from the City of Palmetto Forfeiture Fund to the "Amer I Can" Program, a program intended to educate middle school students regarding gang related activities.

**MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to authorize a \$10,000 donation to the "Amer I Can" project.**

7. DEPARTMENT HEADS' COMMENTS

Attorney Hall  
No comments.

Deputy Chief Mayer  
Information has been received that patrons less than 21 are being admitted into the Hall. He requested City Commission authorize research to determine if the City can enforce the county ordinance within the City limits. Deputy Chief Mayer confirmed there have been incidents involving underage patrons at the property. Attorney Hall stated it is her understanding that the City's cannot enforce a county ordinance within the City's limits unless the Sheriff's Office requests assistance. She further stated that because the City does not have an ordinance to the contrary, the Sheriff can enforce a county ordinance within the City's limits. She suggested the best resolution is to do an ordinance to opt-in to the county ordinance; in order to opt-out of a county ordinance the City must have a like ordinance.

Deputy Chief Mayer also requested that an ice cream truck ordinance be researched. Attorney Hall stated that an opt-in ordinance could also be adopted. Both ordinances will be brought back to City Commission.

Mr. Freeman  
Candidates have been notified that a budget and agendas are available on the web site or to notify us for a hard copy.

The 4<sup>th</sup> of July summary will be discussed at the July 29 budget meeting.

Requested that Commission allow an extra day for agenda delivery. Commission concurred.

The Sickle Cell Anemia Foundation has requested that their approved event date be moved from August 8 to September 13, 2008. Commission concurred.

Reported he is reviewing the cell phone audit and it should be available in the near future.

The new stormwater residential rates have been applied. There has been difficulty applying the new commercial rates because the rates are now applied to impervious surface rather than acreage. The required noticing is now being implemented via the two cycles of the utility billing.

Mr. Lukowiak  
Informed Commission a resident at Riviera Dunes has submitted an application for stormwater mitigation credit; application is not complete and the fee has not been paid. The homeowner contends Riviera Dunes handles 100% of its stormwater runoff; therefore, he believes credits are due the homeowners. Staff will work to resolve the issue.

Stated he would like to meet individually with the commissioners to get their priority of the CIP projects.

Mr. Schmitt

Thanked the citizens who participated in the sign ordinance meeting. Additional sign workshop meetings will be scheduled and held in a manner that will not involve any Boards of the City.

Community workshop scheduled for 7:00 pm, August 19 at the Palmetto Library to discuss the Mobility Study.

8. MAYOR'S REPORT

MPO approved the City's Congestion Management System sidewalk project request, and was ranked second for funding of \$26,000, with CRA contributing \$13,000. Painting the Green Bridge was also discussed; the Jersey barriers may be painted green.

9. COMMISSIONERS' COMMENTS

Mr. Ball

Mrs. Lukowiak confirmed there will be an August 13, 2008 CRA Board meeting. Complimented CRA on the Movie in the Park program.

Announced the EZDA will hold a board meeting August 4.

Ms. Cornwell

School begins August 18. The Police Department will provide traffic control the first day.

Confirmed the remaining budget workshop meetings.

Mr. Williams

Referred to the North River Fire District stating the fireworks display from the end of the fishing pier will have to be changed. Staff is preparing options for the display.

Ms. Varnadore

Mr. Freeman stated he is closed to getting the final health insurance figures; they will be available before the end of the budget process.

Mr. Freeman stated the commercial stormwater rates and in the process of being implemented; some commercial customers will see a considerable increases.

Referred to the email concerning the police officers hourly wages. Mr. Freeman explained the process of determining an hourly rate for a standard 80 week. In the case of the Police Department, a standard pay period is 86 hours, pursuant to the Personnel Policy adopted April 2005. It was determined that police officers' hourly rate was never adjusted to the 86 hour rate; the adjustment to properly reflect the 86 hour pay period was recently made. Deputy Chief Mayer acknowledged it is difficult to explain the situation, but it was necessary to correct the issue. He stated that the new hourly rate will not impact the officers' annual salary; the majority of the officers understand; he will meet personally with officers that still have questions. Attorney Hall opined the adjustment is within the bounds of the law.

Mrs. Lancaster

Recognized the Davis' attendance and their involvement in the community.

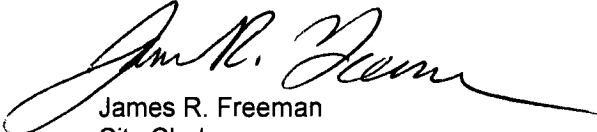
Commented on previous conversation concerning teen dances; attendance on a teen night limits patrons to under 21 years of age; no alcohol is served.

Referring to the Kimbrough noise issue, opined there is an issue that needs to be resolved.

Referring to the police officers topic, opined someone should be accountable for "something that has gone on that long".

Meeting adjourned at 8:30 pm.

Minutes approved: August 25, 2008



James R. Freeman  
City Clerk