

Palmetto City Commission
August 4, 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

Mayor Bustle called the meeting to order at 7:01 pm, followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

Mayor Bustle presented a Proclamation recognizing the 14th Annual Children's Summit on August 9, 2008. Personnel from Manatee County Community Services accepted the Proclamation.

All persons planning to address Commission were sworn in.

There was no public comment.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the August 4, 2008 7:00 agenda.

2. CONSENT AGENDA

A) Minutes: July 21 and 22, 2008

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the August 4, 2008 Consent Agenda.

3. APPROVAL: SCHOOL RESOURCE OFFICER CONTRACT (Deputy Chief Mayer)

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve the School Board of Manatee County contract to provide two School Resource Officers in an amount not to exceed \$57,000; and an amount not to exceed \$5,000 for the 2009 Summer School session, if needed.

4. APPROVAL: JOB DESCRIPTIONS AND APPOINTMENT OF CODE ENFORCEMENT OFFICER

MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 5-0 to approve the job descriptions for the Code Enforcement/Special Projects Coordinator and the Customer Service/Receptionist, and to appoint Whitney Ewing as Code Enforcement Officer.

5. RESOLUTION NO. 08-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; AUTHORIZING CITY POLICE AND CODE ENFORCEMENT OFFICERS TO ENFORCE MANATEE COUNTY ORDINANCE NO. 06-42, REGULATING THE PRESENCE OF PERSONS UNDER THE AGE OF 21 IN BARS AND NIGHT CLUBS; SUPERSEDING RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Williams moved and Ms. Cornwell seconded to adopt Resolution No. 08-24.

Discussion: A lengthy discussion ensued on the adoption of the county ordinance vs. amending the City's alcohol ordinance to prohibit patrons under 21 entering bars and night clubs. Attorney Hall explained the resolution adopting the county ordinance was meant to only consent to allow City police officer and code enforcement officers to enforce the county ordinance; the resolution will not invalidate any City alcohol ordinance. She and Deputy Chief Mayer agreed that if the City chooses to opt-out of the county ordinance, MSO can't enforce the county ordinance within the City's jurisdiction. Attorney Hall discussed the fact that the county ordinance allows for enforcement of City ordinances where certain sections of the county ordinance are not applicable; if City ordinances are in place, they will prevail. She also acknowledged that if a City ordinance does not conflict with the county ordinance MSO can enforce the City ordinance, if they choose to do so. Ms. Varnadore stated the topic needed more discussion; there are certain areas of the county ordinance she will not support.

Discussion ensued on the difficulty of enforcing two ordinances because of the differences between the definitions in each ordinance. Concern was also voiced concerning the fact the county ordinance would not be codified in the City ordinances. Ms. Cornwell agreed that the topic should come back to a workshop. **Ms. Cornwell withdrew her second to the motion on the floor. Mr. Ball seconded the motion on the floor.** Mr. Williams specifically referenced the difference in the two ordinances concerning the percentage of food sales defining an establishment. **Mr. Williams withdrew his motion to adopt Resolution No. 08-24.** Attorney Hall opined that if the City does not wish to opt in to the county ordinance a City ordinance should be created. Mr. Ball agreed with the other Commissioners that stated the City should have its own ordinance.

Attorney Hall will prepare a City ordinance prohibiting persons under the age of 21 entering bars and nightclubs. Attorney Hall stated she will also put all references to alcohol in one place in the Code of Ordinances. The ordinance will be brought back to a workshop session.

6. RESOLUTION NO. 08-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; AUTHORIZING THE INVESTMENT OF SURPLUS PUBLIC FUNDS IN THE FLORIDA SURPLUS ASSET FUND TRUST; AUTHORIZING THE CITY TO PURCHASE SHARES IN THE TRUST AND TO REDEEM SUCH SHARES; AUTHORIZING THE MAYOR TO EXECUTE AN INSTRUMENT OF ADOPTION OF THAT CERTAIN INDENTURE OF TRUST FOR THE FLORIDA SURPLUS ASSET FUND TRUST;

SUPERSEDING RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Freeman explained the City's surplus funds have been in the operating account since their withdrawal from the SBA investment pool. The Florida Surplus Asset Fund Trust operates similarly to the SBA and offers staff an option for investment purposes. He stated staff is also working with the investment advisor to diversify the investment of surplus funds and still considering different institutions and investment vehicles. Mrs. Simpson explained the Trust is a relatively new fund, but it had met the requirements necessary to be sanctioned by the State of Florida. Several of the Commissioners voiced concern about the security of the funds placed in this particular investment vehicle. Mrs. Simpson stated approximately \$4million has been identified for investment. Commission requested to see the entire investment plan for the City's surplus funds before approving any particular investment tool. Commission applauded staff on their efforts to bring forth an investment plan.

7. DISCUSSION: REGULATION OF ICE CREAM VENDOR TRUCKS

Deputy Chief Mayer requested that Commission consider opting into the Manatee County ordinance regulating ice cream trucks and vendors, which also provides for inspection of ice cream trucks and background investigation of all the operators. He further stated the ordinance gives all municipalities the power to enforce the ordinance, but he would prefer that the City opt in to the ordinance. Attorney Hall stated the ordinance applies only to the unincorporated areas of Manatee County; if the City does nothing, it will not be enforceable in the City. Deputy Chief Mayer stated the Sheriff's office has agreed to perform all the inspections and background investigations. Commission concurred with the creation of the appropriate ordinance to opt in to the county ordinance.

Commission discussed the ice cream push carts. Currently, the only restriction is that the operators of the cart obtain an occupational license. Deputy Chief Mayer recommended the City address this topic separate from the ice cream trucks. Attorney Hall stated she will speak with the county attorney to see if the county will consider adopting an ordinance governing ice cream push carts. If the county is not receptive, Commission directed Attorney Hall to create the appropriate ordinance, which must require background investigation.

8. DEPARTMENT HEADS' COMMENTS

Mr. Lukowiak

Reported he will attend the budget workshop meeting; he will have to leave at 6:00 pm and will then be on vacation the remainder of the week.

Mr. Freeman

August 5 is a joint meeting with the CRA to discuss its proposed budget. He stated he will then incorporate the changes from that meeting and the last meeting into the budget and present basically a final budget at the August 19 budget meeting. He discussed the final week in August and the first week in September as alternative dates should an additional budget workshop be necessary. The health insurance estimates will be presented to Commission no later than August 19th. Reminded Commission the adoption of the tentative budget is scheduled September 8 and the final budget adoption is scheduled for September 22.

The memo regarding the cell phone audit will be distributed August 5.

Deputy Chief Mayer

No report

Attorney Hall
No report

9. MAYOR'S REPORT

No report

10. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Requested that Code Enforcement address the loose chickens on 10th Street.

Opined that since police officers have been designated as code enforcement officers, they should note violations and report them to Mr. Stollo. Mr. Freeman stated Mr. Lukowiak is willing to offer the service of building inspectors to also note code violations.

Reported that she had seen a report where a municipality is requiring their police officers to exit their vehicles 15 minutes of each hour to conserve gas, which also allowed them to visit businesses and neighborhoods. She commented on the decline in crime in the neighborhood that saw City officers on foot patrol.

Mr. Ball

Reported on the recent EZDA Board meeting after a long lapse. New goals for the organization will be developed at the next meeting. He also reported the Board will look at incorporating a portion of Sanctuary Cove into the zone.

Ms. Varnadore

Referring to the content of the quarterly Palms of Terra Ceia CDD News, she inquired about the status of the conflict resolution. Attorney Hall stated the parties did not terminate the conflict meetings, but they did not set another meeting date. Attorney Hall also informed Commission there is nothing that lawfully prohibits the Commission from discussing the status of the conflict resolution. Commission discussed the contents of the newsletter. Attorney Hall opined that the City could respond to the newsletter and should then proceed under statutory procedures for conflict resolution. Attorney Hall will draft a rebuttal for direct mailing to the CDD members.

Matt Bloom informed Commission there has not yet been a final resolution on how Sanctuary Cove received a permit for the irrigation well. She suggested Attorney Hall should be instructed to determine how the permit was obtained and whether or not the City ordinance needs amendment regarding irrigation wells. Commission concurred.

Referring back to the Manatee County ordinance regarding under age patrons in bars and nightclubs, inquired if the Police Department had obtain the policies of those establishments regarding age identification. Lt. Hannaford responded from the audience that he knew the businesses had a process but he was not aware of receiving any written policy.

Ms. Cornwell

The Children's Summit is August 9, 2008 at the Civic Center.

Commented on the renovation of the Scott building, applauding the Building Department for maintaining that the building could be saved.

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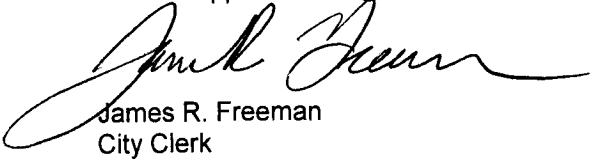
Mr. Williams

Reported a stormwater drain that is plugged at Riverside Dr. and 7th Ave. Mr. Bloom informed Commission the drain will be deleted because of mangroves covering it and the close proximity of another drain.

Mr. Bloom will gather work orders pertaining to Palms of Terra Ceia.

Meeting adjourned at 8:50 pm.

Minutes approved: August 25, 2008



James R. Freeman
City Clerk