

Palmetto City Commission
November 17, 2008 7:00 p.m.

Elected Officials Present:

Shirley Groover Bryant, Mayor
Tambra Varnadore, Vice Mayor
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Brian Williams, Commissioner
Alan Zirkelbach, Commissioner

Staff Present:

James R. Freeman, City Clerk
Michele Hall, City Attorney
Chief Garry Lowe
Diane Ponder, Deputy Clerk-Administration

Vice Mayor Tambra Varnadore called the meeting to order. County Commissioner Joe McClash and County Commissioner-Elect John Chappie were recognized.

Chuck Groover, Senior Pastor of Victory Baptist Church, Mount Juliet, Tennessee, gave the invocation, followed by the Pledge of Allegiance.

Vice Mayor Varnadore read the Certificate of City Canvassers report for the City of Palmetto election held on November 4, 2008 into the record.

Chief Judge Lee E. Haworth administered the Oath of Office to Mayor Shirley Groover Bryant, Commissioner Tamara Cornwell and Commissioner Alan Zirkelbach.

Vice Mayor Varnadore relinquished the gavel to Mayor Shirley Groover Bryant.

Mayor Bryant gave her inaugural address, commenting on items that require immediate attention. During Mayor Bryant's address she commented on the agenda item to name an interim Public Works Director. Deanna Roberts was appointed Information Officer for the City in addition to her responsibilities as assistant to the Mayor and City Commission. Mayor Bryant stated her intent to name Mark Barnaby of the firm Kirk Pinkerton as Special Counsel to the Mayor and Commission for the near term and as Interim City Attorney effective after the resignation of City Attorney Michele Hall on December 15, 2008. Department Heads have been asked to review and comply with the Personnel Policy, which will be confirmed by the City Clerk and Human Resources Director, and review internal practices and procedures with all City employees. Mayor Bryant announced her intention to appoint, at Mrs. Lancaster's request, Charles Smith to fill the CRA Board position vacated by Commissioner Zirkelbach.

Commissioner Zirkelbach and Commissioner Cornwell both made brief statements concerning their service to the citizens of the City.

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

PUBLIC COMMENT:

Vic Spatafora addressed Commission regarding the lack of funds of the Palm Lakes Homeowner's Association to maintain the community's common areas and pond. Mr. Spatafora requested that Commission consider accepting a common property deed and the maintenance of the common areas. Mr. Spatafora also stated this action would allow the re-charter of the tract to

a non-deed restricted community. Mayor Bryant stated she would like to discuss the topic with him at a future date.

ORDER OF BUSINESS:

1. AGENDA APPROVAL

MOTION: Commissioner Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the November 17, 2008 7:00 agenda with the addition of the Special Counsel and CRA Board appointments.

2. CONSENT AGENDA

- A) Minutes: November 3, 2008
- B) October Check Register
- C) Special Function Permit: MLK Parade
Noise Exception Permit: James E. St. John (S&S Kustom Innovations)

Item C was removed from the Consent Agenda for discussion.

MOTION: Commissioner Cornwell moved and motion carried 5-0 to approve the November 17, 2008 Consent Agenda, as amended.

Commissioner Cornwell confirmed with Chief Lowe that because the MLK Parade will take place during the time when the fair is happening additional attention will be given to traffic.

Commissioner Lancaster questioned what the event for S&S Kustom Innovations would entail. Mr. Freeman stated the event is from 10:00 am to 6:00 pm and would have amplified music. Mrs. Lancaster requested that the applicant notify adjoining businesses of the event.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to approve Item C as discussed.

3. RATIFICATION OF APPOINTMENT OF INTERIM PUBLIC WORKS DIRECTOR

Mayor Bryant stated Allenn Tusing has agreed to serve as Interim Public Works Director.

MOTION: Commissioner Cornwell moved and Commissioner Williams seconded to approve the Mayor's appointment of Interim Public Works Director Allen Tusing.

Discussion: Commissioner Varnadore inquired the term of the appointment. Mayor Bryant explained there has been discussion of filling the position with a professional engineer, which the City has done in the past without satisfactory results. The appointment will give Commission the opportunity to look at the topic and make a decision or advertise for the position. The term of the appointment will be until January 5, 2009 or until such time someone is placed in the position.

Commissioner Lancaster stated that while her opinion had nothing to do with Mr. Tusing personally, she would vote against the appointment. Commissioner Lancaster read a statement outlining her reasons for her opposition to Mr. Tusing's appointment. Mayor Bryant explained she had made a careful study before asking Mr. Tusing to take the position, and stated the reasons supporting her decision. Commissioner Williams voiced his support of Mr. Tusing.

Mr. Tusing stated that during his previous tenure as Public Works Director he always tried to be equitable with the funds that were available. He discussed his reasons for voluntarily stepping

down as Public Works Director vs. Mrs. Lancaster's reference of his move to Superintendent following a reprimand because of the loss of a grant.

Commissioner Zirkelbach supported Mr. Tusing's nomination as Interim Public Works Director.

Commissioner Williams questioned the salary for the interim position. Mr. Freeman stated that the salary range would be in the low \$80,000 range at a step 0.

MOTION: Commissioner Williams amended the motion on the floor to include a salary of \$75,000. Commissioner Cornwell seconded for discussion.

Discussion ensued on the reasons for setting the salary at the proposed level. Following discussion, Commissioner Cornwell withdrew her second and Commissioner Williams withdrew his motion.

The original motion on the floor carried 4-1. Mrs. Lancaster voted no.

4. CODE ENFORCEMENT APPEAL TO CITY COMMISSION (J. Freeman)

Petitioner John A. Wilson, owner of property against which a Code Enforcement lien was recorded prior to his taking title by foreclosure, appealed to the City Commission to consider reducing the outstanding lien amount. Mr. Wilson cited the laws preventing his intervention until after the foreclosure.

Code Enforcement Director Bill Strollo acknowledged that since Mr. Wilson has taken possession of the property that it has significantly improved. Mr. Strollo recommended the reduction in the lien amount to \$1,300, stating the amount is the actual cost incurred by the City while trying to bring the property into compliance. He further stated the process has been amended to allow the City to take action after properly serving a Notice of Nuisance.

MOTION: Commissioner Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to reduce the Code Enforcement lien against property located at 1809 9th St. W., PID #28857.0005/0, to a minimum of \$1,300.

5. SPECIAL COUNSEL APPOINTMENT

Mayor Bryant requested that Commission approve the appointment of Mark Barnaby as Special Counsel to the Mayor and Commission and as Interim City Attorney after December 15, 2008. Mr. Barnaby has agreed to a fee that is less than the current legal fee. Mayor Bryant stated that during this transitional process, Commission will be able to assess an in-house attorney vs. posting an RFQ for legal services.

MOTION: Commissioner Cornwell moved and Commissioner Williams seconded to approve the Mayor's appointment of Interim Attorney Mark Barnaby.

Discussion: Mr. Freeman confirmed the City Attorney budget will fund the appointment. Mr. Barnaby assured Commission his firm's fees will be less than currently charged fees. Commissioner Cornwell reiterated her stance on the bidding process. Mayor Bryant concurred with the importance of the bid process, again stating this transition will give Commission time to study the situation and agree on the most economically feasible resolution.

Motion on the floor carried 4-1. Commissioner Lancaster voted no.

6. CRA BOARD APPOINTMENT

Commissioner Cornwell commented on discussions during her recent campaign concerning the CRA and CRA Board. She stated she would like to discuss Commission taking over the CRA Board as an entity because of the CRA budget and accountability.

Commissioner Lancaster stated that the amendment of the agenda was for a CRA Board appointment; the topic should be discussed at a workshop. Commissioner Varnadore and Commissioner Zirkelbach both concurred. Staff was instructed to place the item on the December 1, 2008 workshop agenda.

MOTION: Commissioner Williams moved, Commissioner Varnadore seconded and motion carried 5-0 to approve the appointment of Charles Smith to the CRA Board, to fill Mr. Zirkelbach's position.

7. DEPARTMENT HEADS' COMMENTS

Mr. Freeman

Offered congratulations to Mayor Bryant, Commissioners Cornwell and Zirkelbach, and requested he be contacted concerning anything his office could assist them with during the transition.

Chief Lowe

Also offered his congratulations to the newly elected officials.

8. MAYOR'S REPORT

No additional report.

9. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Welcomed Mayor Bryant. Reported she and Mayor Bryant had met, discussed some of the topics on the agenda and Mayor Bryant was aware of how she felt and her reasons for her opinion.

Ms. Varnadore

Stated there are a lot of challenges facing the City, and that she looks forward to working with all the Commissioners to solve those challenges.

Mr. Williams

Stated that he does not always agree with Mrs. Lancaster but when they depart the meeting they remain friends. He opined that if Commission does decide to become the CRA Board it would be a good thing for the City, but will take some deep discussion.

Ms. Cornwell

Welcomed Mayor Bryant and Commissioner Zirkelbach. She also thanked outgoing Mayor Bustle and Commissioner Ball, who were recognized at a reception following the 4:00 workshop.

Commented on the death of K9 Talon and his service to the community

Mr. Zirkelbach

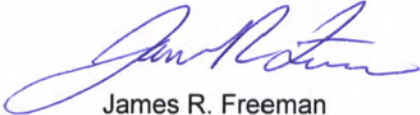
No report.

10. PUBLIC COMMENTS

None

Meeting adjourned at 8:15 pm.

Minutes approved: December 1, 2008

A handwritten signature in blue ink, appearing to read "James R. Freeman", is written over the typed name and title.

James R. Freeman
City Clerk