

Palmetto City Commission
January 26, 2009 7:00 p.m.

Elected Officials Present:

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

Elected Officials Absent:

Alan Zirkelbach, Commissioner

Staff Present:

James R. Freeman, City Clerk
Garry Lowe, Chief of Police
Allen Tusing, Interim Public Works Director
Mark Barnebey, Interim City Attorney
Deanna Roberts, Administrative Assistant

Mayor Bryant called the meeting to order at 7:02 pm. Mayor Bryant gave the invocation, followed by the Pledge of Allegiance.

All persons intending to address Commission were sworn in.

PUBLIC COMMENT:

Tim Lewis, 1611 21st Street West, Palmetto, Florida, owner of A-1 Lawn Service, Inc., Danny Hall, 1211 6th Street West, Palmetto, Florida, Manager of A-1 Lawn Service, Inc., and Marvin Stracener, 2314 17th Street West, Palmetto, Florida, National Health Insurance Agency, Blue Cross/Blue Shield, addressed Commission. They expressed interest in the City's Local Preference initiative. As business owners in the City, they want the opportunity to be notified and bid on jobs when they come up and to gain a better understanding of the City's bidding and notification process. Mayor Bryant commented that the City is establishing a policy that will help local vendors learn how to get on the vendor list. City Clerk Jim Freeman commented that he will be attending an Economic Development Council workshop on Feb. 20, 2009, on the issue, and messages have gone out on the utility bills directing businesses to our purchasing page on the web site. Mr. Freeman said he will be in touch with them to get more information to them. Commissioner Williams asked to have a bulletin board for posting bids. Commissioner Cornwell asked if CRA Director Tanya Lukowiak and Central Economic Development Center Director Allison Hewitt would be attending the workshop, as she would like to see a class offered to new businesses on the City's procedures on an ongoing basis.

1. AGENDA APPROVAL

MOTION: Commissioner Williams moved, Commissioner Varnadore seconded and motion passed unanimously to approve the January 26, 2009, 7:00 p.m. agenda with the addition of a presentation by Lt. Rex Hannaford of the Palmetto Police Department as item 1A and the deletion of agenda items 10 and 11.

1A. PRESENTATION BY LT. REX HANNAFORD

Lt. Hannaford thanked the City for the opportunity to go to Washington D.C. along with Officers McNeil, Cavazos and Carnegie to represent the City at the inaugural parade. They worked a security detail along the parade route with other local law enforcement agencies. He presented

Mayor Bryant with a commemorative badge and coin set, which they received as part of the security team, as a token of their appreciation.

2. CONSENT AGENDA

- A) Minutes: January 5, 2009 and January 13, 2009 CRA Joint Meeting
- B) December Check Register
- C) Special Function Permits: Vintage Wheels Car Show
 Palmetto Troop Support Concert
- D) Noise Exception Permit: Palmetto Troop Support Concert

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion passed unanimously to remove items C and D from the Consent Agenda.

MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion passed unanimously to approve items A and B with the change to the motion on item 14 on the January 5, 2009, minutes to show Commissioner Varnadore making the motion and Commissioner Cornwell as seconding, and to show that Attorney Mark Barnebey is now Interim City Attorney and no longer Special Counsel.

Discussion ensued on Item C. The applicant for the Palmetto Troop Support event, Lance Biddle, took questions from the Commission regarding their concerns about the event. He said the event has grown and he expects 300-400 motorcycles to participate in a Poker Run. Chief Lowe directed him to contact Sgt. Greer regarding traffic concerns. Since the Poker Run will extend out into the County, Chief Lowe directed him to contact the Sheriff's Office. In answer to Commissioner Cornwell's question regarding insurance, Mr. Biddle said Risk Manager Ron Koper had waived the insurance requirement since it is on private property. He said he has adequate parking for all the motorcycles in private parking lots. He will have the motorcycles leave in groups of 10-20 in 20 minute intervals if he cannot get escorts. The motorcycle event is only on Sunday and there will be no alcohol on Sunday.

Mr. Barnebey said as it is on private property, it doesn't need a Special Function Permit (SFP), but the need for additional police assistance raises questions. He will discuss the event, and it may have to come back on the February 2, 2009, agenda. Mr. Biddle had requested the closure of 7th Avenue between the railroad tracks and 9th Street. He has secured ten off-duty security guards for the day. In answer to Commissioner Williams' concern about restroom facilities, Mr. Biddle said surrounding businesses have made their restrooms available for the event.

Mrs. Varnadore asked that maps be included in all SFP packets.

Commissioner Cornwell expressed concern due to the fact that the Poker Run is not mentioned on the SFP. Mr. Barnebey said the Commission could act on what it has before them this evening, and he will get with Chief Lowe and Allen Tusing to discuss the other. It should come back February 2, 2009, but even after that date there is a method to approve it if everything can be worked out. Mr. Biddle remarked that he is considering having this event quarterly.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion passed unanimously to approve the Palmetto Troop Support Special Function Permit with final approval of the attorney, the Mayor and the police prior to the February 2, 2009, meeting.

MOTION: Commissioner Williams moved, Commissioner Varnadore seconded and motion passed unanimously to approve the Palmetto Troop Support Noise Exception Permit.

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion passed unanimously to approve the Special Function Permit for the Vintage Wheels Car Show.

3. APPROVAL: RESOLUTION 09-04 (Mayor Bryant)

Proclamation requested by the Tampa Bay Regional Planning Council.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ENCOURAGING GOVERNOR CRIST AND THE FLORIDA LEGISLATURE TO RETAIN EGMONT KEY STATE PARK WITHIN THE STATE'S PARK SYSTEM.

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion passed unanimously to approve Resolution 09-04

4. APPROVAL: MOVIE IN THE PARK SPONSORSHIP (J. Freeman)

A) Approval of Bright House Networks' 2009 sponsorship of Movie in the Park.

MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion passed unanimously to approve the 2009 sponsorship of Movie in the Park by Bright House Networks in an amount not-to-exceed \$3,000.

B) Approval of Resolution No. 09-05 to correctly reflect the Movie in the Park sponsorship expense and revenue in the CRA budget.

RESOLUTION NO. 09-05 (J. Freeman)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 08-32, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2008-2009, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Lancaster moved, Commissioner Varnadore seconded and motion passed unanimously to approve Resolution 09-05.

5. APPROVAL: RESOLUTION 09-06 (Mayor Bryant)

Resolution to support Florida League of Cities "Building Citizenship in the Community: Back to Basics" to increase civic awareness and participation.

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, RECOGNIZING THE "BUILDING CITIZENSHIP IN THE COMMUNITY: BACK TO BASICS" INITIATIVE OF THE FLORIDA LEAGUE OF CITIES, INC., AND PLEDGING SUPPORT FOR THIS STATEWIDE EFFORT.

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion passed unanimously to approve Resolution 09-06.

6. RESOLUTION NO. 09-07 (A. Tusing)

Resolution No. 09-07 authorizes the Mayor to execute a Florida Department of Transportation Maintenance Agreement for certain median islands, interchange areas and rights-of-way.

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING EXECUTION OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE AGREEMENT #BDM25, FM424087-1-78-01; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion passed unanimously to adopt Resolution No. 09-07.

Discussion: Mr. Tusing said he has identified funds for at least one of the trail vehicles which will be required by FDOT should the City accept the grant for street sweeping, along with the grant for

mowing. Mr. Freeman said there are fund balance reserves in the budget that could be used for the purchase of a second vehicle.

7. RESOLUTION NO. 09-08 (J. Freeman)

Budget amendment to recognize additional revenue from the Florida Department of Transportation Maintenance Agreement.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 08-32, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2008-2009; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion passed unanimously to adopt Resolution No. 09-08.

Mr. Freeman said he will bring a budget resolution forward at the next meeting identifying exactly where the funds will be coming from for the FDOT required vehicles.

8. INTERAGENCY AGREEMENT FOR INFORMATION SHARING ON SELECT JUVENILES (Chief Lowe)

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion passed unanimously to approve the Interagency Agreement for Information Sharing on Select Juveniles with the stipulation that both Chief Lowe and Mayor Bryant sign the agreement.

9. AWARD OF BID AND CONTRACT APPROVAL – 4TH OF JULY CELEBRATION

Staff recommends awarding the bid for the 4th of July fireworks display to Pyrotecnico of Florida and seek approval and authorization to enter into the contract. The City pays the entire contract price and then the City of Bradenton and Manatee County each reimburse the City one-third of the cost of the display.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion passed unanimously to award the 4th of July fireworks display bid to Pyrotecnico of Florida and approve and authorize the Mayor to execute the Pyrotecnico of Florida contract, in an amount not-to-exceed \$30,000.00 contingent upon approval of funding by Manatee County.

10. RESOLUTION NO. 09-09 (Mark Barnebey)

A RESOLUTION OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA; DECLARING THE CITY COMMISSION TO BE THE COMMUNITY REDEVELOPMENT AGENCY; DIRECTING CITY STAFF TO DRAFT ORDINANCES AS APPROPRIATE TO EFFECT THE DESIRED CHANGE, AND TO CREATE AN ADVISORY BOARD TO BE KNOWN AS THE PALMETTO COMMUNITY REDEVELOPMENT ADVISORY BOARD; REPEALING ALL PRIOR RESOLUTIONS WHICH ARE IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 3-1 to approve Resolution 09-09. Commissioner Lancaster cast the dissenting vote.

11. JACKSON PARK INTERLOCAL AGREEMENT (A. Tusing)

The Interlocal Agreement will be distributed prior to the meeting on Monday.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried unanimously to authorize the Mayor to execute the Jackson Park Interlocal Agreement between the City of Palmetto and Manatee County.

Discussion: Mr. Tusing said the County is ready to pay \$371,000 to the City for County participation in the project. Commissioner Cornwell asked if all costs are in this agreement, or if there are ancillary costs. Mr. Freeman said there is one outstanding parcel, discussed in the last Shade Meeting, so the amount to settle that is outstanding, as well as attorney's fees. Mr. Tusing said the County had been concerned because they understood the project was going to be done in-house. If outside work was to be done, it was to be bid, but some of the work was piggybacked instead of going out to bid. They had a concern about the dollar amounts for some pipe that was installed; however, the County is ready now to pay \$371,000 towards the project. That will be their total contribution. Mayor Bryant was adamant that this will not happen again. She will be reviewing all bid packages.

12. REQUESTED OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION AGREEMENT (MUTUAL AID AGREEMENT) (Chief Lowe)

MOTION: Commissioner Williams moved, Commissioner Lancaster seconded and motion carried unanimously to authorize the Mayor and the Chief of Police to execute the Mutual Aid Agreement between the subscribing law enforcement agencies.

13. DEPARTMENT HEADS' COMMENTS

Allen Tusing

No comments.

Jim Freeman

Asked for the Commission's input on a meeting date for the quarterly budget review meeting. The meeting was set for February 16, 2009 at 5:00 p.m.

Regarding the McKinney property, 505 11th Street Drive, the adjoining church is no longer interested in purchasing the property for a parking lot, so the only option for the City now is to foreclose on the lien. The house has been condemned, but Code Enforcement believes someone may be living there. Mr. Barnebey opined that the mortgage holder may decide to foreclose which would take precedence over the City's lien. Mrs. Lancaster commented that the property degrades the whole neighborhood. She would like the City to move as quickly as possible on this issue. Mr. Barnebey said the City had tried very hard to negotiate a win-win solution for the City, the church and the property owner, but unfortunately they were unable to reach a deal. Mr. Williams asked to find a solution for the City to forgive its liens and the mortgage holder to forgive the mortgage and just give the property to the church. He expressed concern that the City is not maintaining the property. It is not being mowed. He said clean it, mow it and add it to the lien. Mrs. Cornwell said the mortgage is the problem, and she would like to reach an agreement between the bank and the City. Mr. Freeman was authorized to make contact with the bank.

On February 2, 2009, he will bring a budget resolution forward to move some funds from the unfilled funded IT position to cover contract costs for police department issues. Mayor Bryant commented that the COBAN issue needs immediate attention. The City invested \$200,000, and the system has not been made functional.

HHH Automotive has offered to sell its one-acre property contiguous to the Public Works yard to the City. Mr. Freeman asked if Commission had any interest. The Mayor suggested that Commissioners drive by and take a look at the property. At this time, there is no dollar amount on the property.

Mayor Bryant interjected that she will be sending out an email regarding the City boards. The guidelines for membership are sporadic, and she wishes to have them all reviewed. She asked Commissioners to email their thoughts and ideas to her after their review.

Mark Barnebey

No comments.

Chief Lowe

Crimestoppers of Orange County has offered a van to the City. He requested authorization to accept the van.

MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion passed unanimously to allow Chief Lowe to take possession of the Crimestoppers van that has been offered to the City.

14. MAYOR'S REPORT

Reported that she and staff had met with Manatee County, the School Board and other interested parties regarding the Palmetto Elementary School relocation. She is working to retain room for a pool on the site. The goal of all is to have a healthier environment for the students as quickly as possible while causing as little inconvenience to the Little League as possible.

Also, meetings have been held with the County regarding the light at 7th Street. She will keep the Commission informed as soon as there are solid solutions.

Regarding the Palm Lake Estates Homeowner's Association that appeared before Commission with problems they were having paying for amenities, she has put them together with Cheri Coryea, Manatee County Neighborhood Services, and Ms. Coryea thinks she will be able to help them. She has some resources for them.

Informed Commission that she attended the MPO today. The MPO has asked that the City submit road projects that might qualify for funding under the economic stimulus plan by Thursday.

Mayor Bryant passed out photos of damage caused by employees at Public Works smoking in the building and crushing cigarettes into the carpet. She had received complaints prior to November 4, 2008. There also has been smoking in the Public Works vehicles. She also passed out the Florida Clean Air Act. She will make it clear that there is no smoking in the building, or in the vehicles any longer. Mr. Barnebey said that employees could be disciplined for violation of state law and that each violation would be looked at on a case-by-case basis under the personnel policy.

Waste Management has advised the City that effective January 23, 2009, they have eliminated local district managers and will have site team supervisors. They made the change prior to notifying the City which is part of the agreement. The new contact person for the City is Melissa Doyle. Mayor Bryant asked if the Commission wanted to send a letter to Waste Management. There was a consensus by Commission to send a letter advising Waste Management they were in breach of their contract.

The Mayor would like to have the grants writer seek grant funds for tasers for the police department. There was a consensus by Commission to have her proceed.

15. COMMISSIONERS' COMMENTS

Commissioner Varnadore

Asked for smaller agendas at the 5:00 p.m. workshops. She opined that is it difficult to do the business of the City in one-hour workshops. She is willing to try 5:00 p.m. a little longer, but she thinks the City may have to go back to the 4:00 p.m. workshops.

Mrs. Varnadore asked for more preparation on the Special Function Permits. Perhaps Mr. Barnebey and Mr. Koper could get together to discuss the permits. In the future, if an applicant is asking to waive fees, she will want to know if it is a fund raiser, and the applicant should attend the meeting. Commissioner Williams remarked it should be a requirement. Commissioner Cornwell commented that Commission needs two information sheets; one on waiver of fees and the other regarding the insurance. If the insurance is waived and the City is not liable, she wants a piece of paper telling Commission that. Staff will bring forth ideas for the new criteria requested.

Informed Commission that as liaison to the CRA Board, she attended a meeting on January 20, 2009. At that meeting, the Board appointed Sia Mollanazar as Chair and Charles Smith as Vice Chair of the Board. The Board asked the CRA Director to go to the landlord of the building the CRA rents and try to renegotiate the rent. There has been an RFP out for the vacant lot at 305 7th Street West. No one has replied, but the Board decided to leave it on the web site. If anyone expresses interest, another RFP can be done. There was discussion about purchasing property for a park in Ward I, but the Board will wait until the transition to City Commission is complete. Reported that there are two openings on the Board. The next Board meeting is scheduled for February 17, 2009.

Commissioner Williams

As liaison, he had a staff meeting with the Public Works Department. In response to questions, he confirmed to them that department heads appointments will be made the first of March. There are no new projects at this point. CIP was discussed; trying to get that done.

Asked Allen Tusing when the new garage doors would be hung. Mr. Tusing said there was a question if the existing building structure would support the new doors. Other grants may have to be utilized to make the whole building meet wind-load requirements. This is on hold for the time being.

Commissioner Williams asked when the CIP will come to Commission. Mr. Tusing said it will most likely be the February 23, 2009 meeting.

Commissioner Cornwell

This year's fair was very successful; it had the old-time feeling of a family event. The buildings at the fairgrounds will be coming down soon. There will be a tent used for the fair until the buildings are replaced. Mayor Bryant expressed her wish that the new buildings could be constructed to be used for evacuation centers in the future.

Inquired if meetings were being held regarding the personnel policy. Mayor Bryant commented that Commissioner Cornwell is the liaison to help move that forward. Mr. Freeman will contact her.

Asked the Mayor to make local business groups aware of the EDC workshop and training that might be available through that.

Commissioner Lancaster

Regarding the property in Ward I being discussed by the CRA for a park, she said the drug activity in that area has been addressed and is no longer a problem.

Asked the Commission to be very cautious about allowing street parking and parking in the right-of-way.

Attended a staff meeting with the police department this morning. Lt. Hannaford is in the process of completing a training book and coming up with a new work schedule. Some task forces are being disbanded and others organized, so the community does not get used to the same patrols and curb activities accordingly. Two calls for drive-by shootings were received over the weekend. There were no violations reported at the fair.

The meeting was adjourned at 10:03 p.m.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried unanimously to reconvene the meeting for public comment.

16. PUBLIC COMMENTS

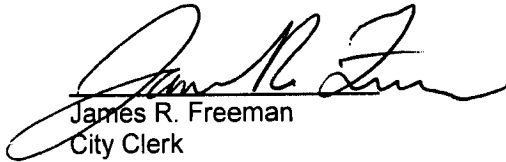
Walter Zahn, 1502 Lantana Court, Palmetto, President of the Lantana Homeowners' Association, spoke of behalf David Carrie, 2509 Lantana Lane, who was unable to attend the meeting. He addressed what he called abusive use of recycled water by one of the residents. The angle of the

neighbor's sprinkler and the constant use of the water is damaging Mr. Carrie's home. Code Enforcement advised him there are no current laws to address this issue. He is asking City Commission to amend the Code so that this issue could be addressed. Mayor Bryant asked Mr. Tusing to look into the matter and report back. Mr. Zahn said that Mr. Carrie has contacted an attorney. He submitted a letter to the Commission from Mr. Carrie. The letter is attached to the minutes and will remain a part of the permanent record.

17. ADJOURNMENT

The meeting adjourned at 10:07 p.m.

Minutes approved: February 23, 2009


James R. Freeman
City Clerk

Submitted by

JAN 19, 2009

Mr DAVID Carrie
2509 LANTANA LA
PALMETTO, FL 34221

TN# 941-722-3392

Reclaimed Water

I'd like to bring to the commissions attention what I feel is an area that was overlooked when the code relevant to the use of reclaimed water was drafted. Current codes place no restriction on the amount and frequency of use of reclaimed water and furthermore places no restriction on what can be done with this water. Unfortunately this allows for malicious use of reclaimed water with the seeming approval of the city of Palmetto. As an example the current code allows someone to direct the reclaimed water into neighbor's yards or against a neighbor's house or into the neighbor's windows without restriction. Additionally they can do this seven days per week (and in fact more than once per day if they so chose) and not be in violation of any city ordinance. Currently the city of Palmetto has codes that control the use of regular irrigation water and storm runoff but in what appears to be a glaring omission there is no corresponding bylaw for the use of reclaimed water.

Unfortunately we are experiencing this situation in our homeowners association. Over the past two years we have been attempting to deal with one resident who waters seven days per week (and more than once on some days). Additionally they have also setup their sprinklers in such a way that the reclaimed water is sprayed directly against the neighboring homes and into the neighboring property. This has been causing damage not only to the homes (mold and paint damage) but additionally to the street in the area where the water runs off towards the drains as the ground is constantly saturated and cannot absorb any more water so the water builds up in the street and this is destroying the asphalt. During this two year period we have repeatedly attempted to reason with the homeowner who is doing the daily watering. Unfortunately there answer has been that such action is allowed by city code and they will continue their current activities. In an attempt to resolve this issue outside of civil litigation we asked Bill Stollo (Director of Code Enforcement) for clarification and he confirms that there are no ordinances limiting the use of reclaimed water. Bill Stollo also spoke to the party doing the daily watering but any attempt to get the problem resolved has been meet with a clear 'NO' as they were not violating any ordinances. The same party was also asked to turn their sprinklers away from the neighboring homes and responded "if we did that it would be hitting our home and that isn't acceptable to us".

This left no option but to pursue this issue via civil litigation which is currently ongoing (and proving to be very expensive). We feel that the city (as it is the provider of the water) should have in place some reasonable limits on the frequency of use and

amount of reclaimed water that can be used (as is the case in the current one day per week watering limit for regular irrigation water) and most importantly (as with storm runoff) that the use of reclaimed water be restricted to someone's own property so it cannot be used in malicious acts such as we are currently experiencing. If we did not have the resources to take this to civil court there would be no option other than to just accept the inevitable damage that is occurring as this behavior is not restricted by city ordinance.

Thank You.