

Palmetto City Commission  
April 6, 2009 7:00 p.m.

Elected Officials Present:

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

Staff Present:

Mark P. Barnebey, City Attorney  
James R. Freeman, City Clerk  
Mike Mayer, Deputy Chief of Police  
Tom McCollum, Interim City Planner  
Allen Tusing, Public Works Director  
Frank Woodard, Deputy Director of Project Management & Engineering  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 pm.

Invocation by Rev. Joel Tillis, Suncoast Baptist Church, followed by the Pledge of Allegiance.

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

PROCLAMATION: April Declared Water Conservation Month; accepted by Terri Behling,  
Southwest Florida Water Management District

PUBLIC COMMENT:

Charles Smith, SCLC Manatee/Sarasota, referenced the letter dated March 21, 2009 from NAACP. He discussed his personal views concerning the subject matter, and stated he supports what City Commission has done regarding the CRA.

1. CITY COMMISSION AGENDA APPROVAL

**MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 5-0 to approve the April 6, 2009 7:00 p.m. agenda.**

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: March 23, 2009
- B) March Check Register
- C) Special Function Permit: Historic Park's Halloween Social  
Arthritis Foundation's Arthritis Walk
- D) Noise Exception Permit: Value Pawn & Jewelry Car Audio Show

The Special Function Permit for the Arthritis Foundation and the Noise Exception Permit for Value Pawn & Jewelry were pulled from the Consent Agenda. The CRA Board minutes were also pulled from the Consent Agenda and moved to the CRA Board meeting agenda.

Lee Lewis, Arthritis Foundation, confirmed the Green Bridge would be closed only for the duration of the walk; the event was planned for the hours of 6 pm through 9 pm. Deputy Chief Mayer

opined two officers for a period of two hours would be sufficient police coverage for the event. Staff was instructed to note the road closure would be 6:45 pm to 8:15 pm.

**MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve item 2C of the Consent Agenda.**

Rick Denman, Value Pawn and Jewelry, stated the car audio show is an event planned to help benefit our troops, and described the proceeds that will be donated to that cause. Deputy Chief Mayer stated the event will be monitored only if the Noise Exception Permit is not approved. Commissioner Cornwell stated she will not support the event if there is going to be excessive noise from the audio systems. Mr. Denman stated the event will be noisy, that is why they have requested the permit. Deputy Chief Mayer stated security for the event would be required.

**MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 4-1 to approve item 2D of the Consent Agenda.**

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the March 23, 2009 Commission minutes and the March Check Register.**

### 3. LINCOLN PARK UPDATE

Cheri Coryea, Director of Manatee County Neighborhood Services Department and Suzie Dobbs, Community Development Division Manager narrated a presentation of the recent Lincoln Park upgrades. Commission requested that the lighting in the parking area be looked at because of the large tree canopy. Commission also mentioned that the lighting in the parking lot of Blackstone Park does not appear to be working properly.

### 4. PUBLIC HEARING-ORDINANCE NO. 09-988

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 22, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-81, DEFINITIONS; AMENDING SECTION 22-85, CONTRIBUTIONS; AMENDING SECTION 22-86, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 22-87, PRE-RETIREMENT DEATH; AMENDING SECTION 22-88, DISABILITY; AMENDING SECTION 22-90, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 22-94, MAXIMUM PENSION; AMENDING SECTION 22-95, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 22-96, MISCELLANEOUS PROVISIONS; AMENDING SECTION 22-97, REPEAL OR TERMINATION OF SYSTEM; AMENDING SECTION 22-98, EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY; AMENDING SECTION 22-100, FORFEITURE OF PENSION; AMENDING SECTION 22-102, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS, ELIMINATION OF MANDATORY DISTRIBUTIONS; DELETING SECTION 22-104, SEPARATION FROM EMPLOYMENT FOR MILITARY SERVICE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 09-988.**

5. APPROVAL: 2009 CAPITAL IMPROVEMENT PLAN

Mr. Tusing recapped the amendments to the 2009 Capital Improvement Plan approved at the 4:30 workshop meeting, as follows:

Historic Park	reduced from \$25,000 to \$10,000
Lift Stations	reduced from \$100,000 to \$80,000
23rd St Realignment	reduced from \$990,000 to \$800,000
Telemetry Meters	moved \$45,000 from City to Other (funded from Water revenue)

He announced the 2009 Capital Improvement budget totaled \$747,733.

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve the 2009 Capital Improvement Plan in the aggregate amount of City expenditures of \$747,733.**

6. PALMETTO ELEMENTARY SCHOOL UPDATE

Attorney Barnebey briefed Commission on a recent meeting between the entities working toward the relocation of Palmetto Elementary to the proposed 10th Street location and the relocation of the Little League ball fields near Blackstone Park, reporting that generally speaking, everyone is in fair concurrence with how the project will proceed. Two issues may remain to be resolved:

1. The School Board does not have the funds for a pure cash transfer for the accumulated properties around the existing Palmetto Elementary school. They would like to keep the proposal as was originally discussed.
2. There is also a question regarding whether the northern property would have to become part of Blackstone Park or will the City retain the property. He stated that, based on some discussions and without any final decision from the County Commission, he feels the County would like the City to keep the ball fields and then work out how the fields will be maintained.

He stated the School Board would like to close on the property June 1, 2009.

Mayor Bryant stated she has spoken with several County Commissioners and has reminded them that they currently maintain the ball fields and the move will just place them in closer proximity.

Staff was instructed to provide a copy of the adopted Resolution related to the new Palmetto Elementary School.

The topic will be discussed at the Council of Governments meeting April 15, 2009 at the Bradenton Downtown Library at 4:00 pm.

7. RESOLUTION NO. 09-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, TO ESTABLISH A POLICY PERTAINING TO THE CAPITALIZATION OF THE CITY'S PHYSICAL ASSETS FOR PURPOSES OF REPORTING, TRACKING AND ENSURING THE SAFETY OF THE CITY'S ASSETS; REPEALING RESOLUTIONS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 09-19.**

8. RESOLUTION NO. 09-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR RATIFICATION AND CONFIRMATION OF THE CHARTER REVIEW COMMITTEE FOR THE CITY OF PALMETTO; PROVIDING FOR PURPOSE; PROVIDING FOR THE ESTABLISHMENT OF PROCEDURES AND DIRECTION; PROVIDING FOR SCHEDULE OF COMPLETION; PROVIDING FOR FINAL SUBMITTAL OF PROPOSED REVISED CHARTER; REPEALING RESOLUTIONS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 09-20.

9. AUTHORIZATION TO APPLY FOR GRANT FUNDING

Application for the Edward Byrne Memorial Justice Assistance Grant (JAG) of \$116,255 to purchase electronic report and form writing/submission software totaling \$100,003 and tasers totaling \$16,252.

**MOTION:** Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to authorize the submission of the application for an Edward Byrne Memorial Justice Assistance Grant of \$116,255.

10. AUTHORIZATION TO APPLY FOR GRANT FUNDING

Application for a COPS grant to fund the salaries and benefits of four additional police officers for three years, with a City commitment to fund the positions for the fourth year. Deputy Chief Mayer withdrew the request for authorization to apply for the grant.

11. INTERAGENCY AGREEMENT FOR INFORMATION-SHARING ON SELECT JUVENILES

**MOTION:** Commissioner Lancaster moved, Commission Zirkelbach seconded and motion carried 4-1 to approve and authorize the Mayor and Chief Lowe to execute the Interagency Agreement for Information-Sharing on Select Juveniles. Commissioner Williams voted no.

12. RESOLUTION NO. 09-21

Resolution No. 09-21 amends Commission Policy #09-02, the Rules of Procedure for Agenda and Public Appearances Before Commission, to correctly state the Commission meeting time.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING CITY COMMISSION POLICY #09-02 ESTABLISHING RULES OF PROCEDURES FOR CITIZEN PARTICIPATION AT CITY COMMISSION PUBLIC AND WORKSHOP MEETINGS; REPEALING RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Following discussion concerning the beginning and ending time of the workshop meeting, Commission amended the Policy to state that the workshops will begin at 4:30 pm and end at 6:00 pm unless extended by motion. Attorney Barnebey opined it is appropriate for the Commission or the Mayor to approve if public comment will be accepted during the workshop. He also stated that the Mayor serving as a non-member yet presiding officer of the Commission is "not inconsistent with the way business is done."

**MOTION:** Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 4-1 to adopt Resolution No. 09-21. Commissioner Lancaster voted no.

13. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 09-989

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM GENERAL OFFICE (GO) TO COMMERCIAL GENERAL (CG); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-09-01 Jack Beal and Rebecca Beal (Palmetto Animal Clinic, 712 3<sup>rd</sup> Avenue West, Palmetto, Florida) PID #2796400006, approximately 0.32+/- acres).

**MOTION:** Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve Ordinance No. 09-989 for advertising and schedule a public hearing April 20, 2009.

14. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 09-990

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE CODE OF ORDINANCES REVISING THE REQUIREMENTS FOR PROCURING GOODS AND SERVICES; REVISING WHEN INFORMAL COMPETATIVE QUOTES MAY BE UTILIZED AND WHEN SEALED BIDS OR PROPOSALS ARE NECESSARY; ADDING PROVISIONS OF CONSIDERATION OF LOCAL VENDORS IN THE PROCUREMENT PROCESS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve Ordinance No. 09-990 for advertising and schedule a public hearing April 20, 2009.

Mayor Bryant recessed the City Commission meeting at 8:30 pm to open the April 6, 2009 CRA Board meeting. The City Commission meeting was reconvened at 9:45 pm.

15. DEPARTMENT HEADS' COMMENTS

Mr. McCollum

No report.

Mr. Freeman

Staff will be meeting with Sprint/Nextel to review City cell phone coverage. The Cell Phone Policy will be brought forward in the near future.

A meeting of the Personnel Committee to continue the review of the Personnel Policy was held today.

Reported the Coban project is in its final stages of implementation.

Reported background checks are approximately three-quarters finished.

Read into the record the Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers that was submitted by Commissioners Cornwell and Varnadore for the March 9, 2009 meeting (Charter Review Committee appointments) and Commission Zirkelbach for the March 23, 2009 meeting (Regatta Pointe Sublease).

Announced the following meeting dates: Budget review April 27, 2009; Joint CRA Board/CRA Advisory Board April 14, 2009; Council of Governments April 15, 2009, 4 pm, Bradenton Downtown Library.

Reported the Planning Department of Manatee County Government has called inquiring if the City has any plans regarding waiver or suspension of City impact fees. Mayor Bryant stated the county is deferring its impact fees for one to three years.

Deputy Chief Mayer

The second Citizen's Academy is scheduled April 21, 2009. There are six openings for residents of the City.

Attorney Barnebey

Reported he will be out of town after 1 pm Tuesday through Sunday of this week.

Reported the memo requested by Commissioner Lancaster will be delivered by Wednesday.

Mr. Tusing

Reported the Commission would like the Grants Coordinator to pursue any available for Historic Park improvements and Public Works improvements for security and lighting. Mrs. Lukowiak stated Homeland Security grants are not plentiful. She also stated the City is not eligible for submitting lighting for the Energy Efficiency Conservation Grant, but the County has an entitlement and they have been requested to consider the lighting and parking at the MCAT station. Commissioner Varnadore also stated grants should be researched that would repair the elevator at Carnegie Library.

Reported on the meeting at the Palmetto Mobile Home Park. Staff will draft a letter back to the park acknowledging the items discussed. Commissioner Cornwell suggested opening the lines of communication with the organizations where visits are held via their newsletter or the website. Mr. Freeman stated that additional copies of the City News in Brief will be delivered to areas of the City that have a master meter so all the residents will have access to the publication. Commissioner Williams also requested that in the future Commission be provided with historical information from each park prior to scheduling a visit.

Suggested that an elected official should attend the Peace River Manasota Regional Supply meetings as a voting member. Mrs. Roberts was asked to contact the organization to deem if a representative from the City can be designated a voting member. She was also asked to create a calendar of all the outside organization meetings. Mr. Tusing will gather the information for submission at a later meeting.

16. MAYOR'S REPORT

Manatee County has inquired if the City has any plans regarding the impact fees.

Reminded Commission of the Council of Governments meeting where a presentation on Palmetto Elementary will occur.

Mrs. Lukowiak is preparing a list of vacant commercial properties. As time allows she will also include the zoning and any potential available funding. Discussion has occurred with the property owner to the north of City Hall regarding access from 7th Avenue.

Discussion ensued on deferring impact fees. Discussion ensued on how impact fees were historically addressed, with Commissioner Zirkelbach opining the fees are a double tax from a developer's standpoint. He discussed the County's conceptual idea of deferring the fees. Attorney Barnebey was asked to look into bonding impact fees over a 30 year period. He did opine that selling a bond secured by impact fees would be difficult in this economy. Attorney Barnebey stated he believes the School Board has asked the County Commission to waive their impact fees for one year.

#### 17. COMMISSIONERS' COMMENTS

##### Mrs. Lancaster

Inquired if the vacation of the portion of 2nd Avenue has been completed. Attorney Barnebey stated the construction of the home will be legal. He reported there remains a question regarding a gap in the legal description, because of the way the plat and survey was performed.

Attorney Barnebey, the Mayor and Commission confirmed that any Commissioner may contact the attorney. Commission must approve the attorney performing research requested by an individual Commissioner. Mayor Bryant suggested that Commissioners can also contact Mr. Freeman or Deanna Roberts for any follow up information.

##### Ms. Cornwell

Students are out of school for Spring Break.

From the Personnel Committee meeting, there will be issues for the Commission to consider.

Inquired about the candy for the Children's Parade. Discussion ensued on the candy, stating Commission has requested not to have sticky candy.

Thanked the Police force for all they have done.

**MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 4-1 to extend the meeting ten minutes. Commissioner Zirkelbach voted no.**

##### Mr. Williams

Regarding the annual testing that has to be performed on the plume at 10th and 10th, requested that staff contact DEP to ask permission to perform the testing every second or third year.

Suggested the staff should contact other cell phone companies. Mr. Tusing stated staff will look at all available options.

Suggested that Attorney Barnebey should give a quick class on voting conflicts.

Deputy Chief Mayer stated he has no further information on 911 other than the \$250,000 that is available to enhance dispatch.

##### Commissioner Varnadore

Referring to Mrs. Lancaster's comment during CRA, she asked the past administration to broaden the community meetings to include a meeting in each ward that is advertised in the paper; she

does not feel Commission is "touching base across the board." She opined the meetings should be held in the evenings.

Suggested Commission should review the *Quality Cities* magazine as there are excellent articles and she would like to see the City utilize some of the programs and models that are discussed once pending issues have been taken care of.

Ordinance that has been passed by some cities regarding foreclosed property has been forwarded to Mr. Freeman and Code Enforcement.

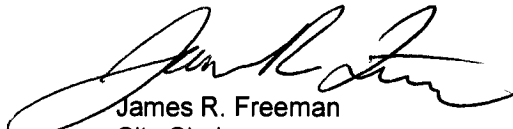
Mayor Bryant has been contacting Code Enforcement about graffiti.

18. PUBLIC COMMENTS FOR CITY COMMISSION

None

Meeting adjourned at 10:15 pm.

Minutes approved: April 20, 2009



James R. Freeman  
City Clerk