

Palmetto City Commission
July 20, 2009 7:00 PM

Elected Officials Present:

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

Staff Present:

Mark P. Barnebey, City Attorney
James R. Freeman, City Clerk
Chief Garry Lowe
Tom McCollum, Interim Planner
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 p.m. Commissioner Lancaster gave an invocation, followed by the Pledge of Allegiance.

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

Chief Lowe acknowledged members of the Manatee Patchworkers Quilt Guild, who have donated lap quilts for police cruisers for use by children in crisis. Chief Lowe also acknowledged Lorna White, the City's Victims Advocate, for facilitating the donation.

Public Comment (non-agenda items): None

1. CITY COMMISSION AGENDA APPROVAL

The Consideration of Severance Agreement and General Release-CRA Director was added to the agenda as item 7A. Because item #3, Approval: Agreement with School Board of Manatee County is not time sensitive, and item #7: 1st Read & Advertising Approval-Ordinance No. 09-997 did not contain the ordinance, both items were deleted from the agenda and scheduled to be heard July 27, 2009.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 5-0 to approve the July 20, 2009 7:00 p.m. agenda, with the deletion of items #3 and #7 and addition of item #7A.

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: June 15, 2009
- B) June, 2009 Check Register

Staff was asked to confirm if the minutes of the June 8, 2009 joint meeting with the P&Z Board had been presented to Commission for approval.

Item C was removed from the Consent Agenda for discussion.

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve items A & B of the July 20, 2009 Consent Agenda.

- C) Special Function Permit: Southeastern Guide Dogs Walkathon
Ivko Wedding Ceremony
Manatee Glens' Walk for Life

Commission discussed each Special Function Permit. Staff was instructed to determine why there is a difference in how security is provided for events.

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the Special Function Permits, as presented.

3. AWARD OF AUDIT SERVICES CONTRACT

Request to award a three year contract for professional audit services to CPA Associates.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to award an audit contract to CPA Associates for a three year term, with an option for three additional one-year renewals.

4. APPROVAL: IT SERVICES

Staff seeks approval of additional IT Consulting Services for the remainder of the fiscal year, and approval of Resolution 09-29 to fund the expenditure. Mr. Freeman confirmed the expenditure will not result in any impact to the budget; it will be funded through reallocation of salary expenses from an IT position that will not be filled.

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Hide-Away BI/IT Consulting Services work orders for a term ending September 30, 2009, in a total amount not to exceed \$13,500.

RESOLUTION NO. 09-29

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 carried 5-0 to adopt Resolution No. 09-29

5. 1st READ & ADVERTISING APPROVAL-ORDINANCE NO. 09-996

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PERTAINING TO THE SALE, SERVING AND ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES BY PERSONS UNDER THE AGE OF TWENTY-ONE; REGULATING ACCESS BY PERSONS UNDER THE AGE OF TWENTY-ONE TO ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE SERVED FOR CONSUMPTION ON PREMISES; PROHIBITING THE USE OF FALSE IDENTIFICATION TO OBTAIN ENTRY TO ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE SOLD FOR CONSUMPTION ON PREMISES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 5-0 to approve Ordinance No. 09-996 for advertising and schedule a public hearing August 3, 2009.

Mayor Bryant recessed the City Commission meeting at 7:40 p.m. to open the July 20, 2009 CRA Board meeting.

Mayor Bryant reconvened the July 20, 2009 City Commission meeting at 9:45 pm.

6. SEVERANCE AGREEMENT AND GENERAL RELEASE

The following comments from the CRA Board meeting immediately preceding this topic are incorporated into and made a part of these minutes:

Attorney Barnebey introduced Attorney Churiti, the attorney appointed by the CRA Board to conduct the Compliance Audit of the CRA. Attorney Churiti discussed the approaches the City could take after a partial compliance audit revealed areas of concern with Florida law. She stated the City has taken remedial action by the City Commission assuming the role of the CRA Board and increasing direct oversight of the CRA, appointing a CRA Advisory Board, and hiring special counsel to perform the compliance audit. She reviewed the action of the City to place the Executive Director, Tanya Lukowiak, on administrative leave with pay and begin negotiation of separation of employment. She opined it is in the best interest of the City and Mrs. Lukowiak to terminate her employment as of July 20, 2009. She reported that Mrs. Lukowiak has executed the Severance Agreement and General Release, which releases the City of any liability. Payment will be made in the amount of \$147,480, the amount of Mrs. Lukowiak's existing employment contract through December 31, 2010. Attorney Churiti recommended that the CRA Board enter into the settlement agreement and then determine the continuation of the audit at the next CRA Board meeting. Attorney Barnebey confirmed the payment amount does not include the amount Mrs. Lukowiak has paid into the pension system.

MOTION: Ms. Varnadore moved, in the best interest of the City of Palmetto, to authorize approval of the Severance Agreement and General Release and to authorize execution of the document on behalf of the City of Palmetto. Mr. Williams seconded the motion and it carried 5-0.

Mayor Bryant informed Commission that Nat Morales from Rico's Pizza has requested a beer and wine license, but the issue is his 300' proximity to the school, and there may be several other businesses that may be pertinent to this issue. She asked Commission to consider ordinances from other municipalities in the county, to see if a resolution to Rico's Pizza request could be found. Mr. Tusing commented on the age and intent of the existing alcohol ordinance to eliminate outside alcohol consumption. He stated he suggested that to allow beer and wine sales at a restaurant could be an exception to the ordinance. Mayor Bryant also commented that restaurants whose revenue is derived from 51% of the sale of food may take care of other issues that might be in conflict with the existing ordinance. Commission requested that a recommended change to the alcohol ordinance be brought back to a workshop for review and discussion.

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded to extend the meeting for 15 minutes.

7. DEPARTMENT HEADS' COMMENTS

Chief Lowe

Informed Commission that Deputy Chief Mayer has tendered his resignation effective August 4, 2009.

Received a grant of \$30,000 that will be used to purchase one police vehicle.

Mr. Tusing

Reviewed a demolition project the Fair Board plans on their property. Inspection of the footers of the existing 12' wall along 13th Avenue owned by the fairgrounds has revealed that a new 10' wall will have to be constructed. Rather than leave an unsafe structure standing, and in order to maintain the buffer of noise from the surrounding area, Mr. Tusing inquired if Commission would consider waiving the variance process to allow the issuance of a permit and subsequent replacement of the wall. Commission concurred and suggested that outside lighting on the wall would be beneficial.

Riviera Walk East has purchased the property in front of the Manatee School for the Arts. The School has pulled permits for their new construction project. During the construction phase, and possibly a future permanent solution, student drop off will be off Haben Blvd. south of the old entrance, and student parking will be located on the south lot of the purchased property. A walk entrance will be constructed across the ditch.

8. MAYOR'S REPORT

None

9. COMMISSIONERS' COMMENTS


None

10. PUBLIC COMMENTS

None

Meeting adjourned at 10:10 p.m.

Minutes approved: August 17, 2009


James R. Freeman
City Clerk