

Palmetto City Commission
July 27, 2009 7:00 p.m.

Elected Officials Present:

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

Staff Present:

Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Mark Barnebey, City Attorney
Tom McCollum, City Planner
Chief Garry Lowe
Deanna Roberts, Administrative Assistant

Mayor Bryant called the meeting to order at 7:01 p.m., followed by a moment of silence and the Pledge of Allegiance.

A proclamation was presented to Tameka Moore, Human Services Analyst for Manatee County Government, proclaiming August 8, 2009, as Children's Summit Day.

All persons wishing to address City Commission were sworn in.

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried unanimously to approve the July 27, 2009, agenda with the addition of item 2B: Reduction in expenses to balance the 2010 budget.

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes June 8, 2009 Joint P&Z; July 13 and 16, 2009
- B) Reduction in expenses to balance the 2010 budget.

MOTION: Commissioner Lancaster moved and Commissioner Cornwell seconded a motion to approve the July 27, 2009, Consent Agenda.

Commissioner Varnadore asked for discussion on the item added to the Consent Agenda. She remarked that she would not be in favor of the options presented to balance the budget, as the incentives would be costly and the positions affected would have to be refilled.

Mayor Bryant clarified that these options are to be implemented; not brought back to Commission.

Mr. Tusing stated that the second option, a reduction in force, must proceed in order to balance the budget. In answer to Mrs. Lancaster's concern, he said this option will be a substantial savings to the City. He cannot estimate the savings on the first option until he knows how many will accept the offer to leave the DROP program early.

Commissioner Lancaster withdrew her motion, and Commissioner Cornwell withdrew her second.

Mayor Bryant clarified that staff's recommendation should read Alternative 1, which would include both options for reduction in expenses.

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and the motion carried unanimously to approve the minutes as stated on the agenda.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 4-1 to approve the two budget reduction options as described in the early out for DROP and the reduction in force, and allow staff to compile additional information and take action as appropriate. Commissioner Varnadore cast the dissenting vote.

3. APPROVAL: AGREEMENT WITH SCHOOL BOARD OF MANATEE COUNTY

As part of the Palmetto Elementary school relocation, the School Board will purchase the properties assembled by the CRA, including a building on 10th Ave. W. that the City has been using for storage of City property. This Agreement with the School Board permits the continued storage of City property at the location for two years.

This item was moved to the next meeting on August 3, 2009. The attorney conducting an independent review will be asked to be present at the meeting to answer questions.

4. 1st READING AND ADVERTISING APPROVAL – ORDINANCE NO. 09-997

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PERTAINING TO THE AMENDMENT OF THE PROVISIONS RELATING TO THE REQUIREMENTS FOR AND ISSUANCE OF SPECIAL FUNCTION PERMITS; UPDATING CODE LANGUAGE FOR INTERNAL CONSISTENCY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Lancaster moved, and Commissioner Williams seconded a motion to approve Ordinance No. 09-997 for advertising and schedule a public hearing on August 17, 2009.

Discussion: Mrs. Varnadore commented that she did not realize the item was ready for advertising and thought there would be another workshop. She expressed concern that the Mayor and City Clerk could approve a permit without bringing it to Commission if the applicant missed the deadline. She saw the potential for abuse. The deletion of Section 19-176 was discussed. She raised a question about the amount of people that would trigger the need for a permit, and asked about the criteria for waiving or reducing general liability insurance for an event.

Mrs. Lancaster withdrew her motion and Mr. Williams withdrew his second.

Discussion continued. Mr. Williams pointed out a typo in Section 19-172: Property application should be changed to proper application. He opined that the number triggering the need for a permit should be higher. He asked that revivals be included in Section 19-173 as a use requiring a special function permit. Regarding Section 19-174, Mr. Williams remarked that the section should say a sponsor must attend a meeting to answer questions.

Mrs. Varnadore's expressed concern about indemnification in Section 19-179. Does the person signing have the authority to sign on behalf of an organization? Mr. Barnebey said it could be eliminated as it is of little of no benefit. Mr. Koper can make recommendations on insurance requirements.

Discussing Section 19-178, Mr. Williams said special attention should be paid to drinking only in designated areas for certain events, e.g. July 4.

Commissioners Varnadore and Cornwell believed that the Palmetto Historical Commission should have input.

Mayor Bryant said a letter will be drafted to attach to permit applications stating that due to budgetary constraints, the City will not be waiving fees.

This item will be returned to a future workshop. A copy of the ordinance will be provided to the Palmetto Historical Commission.

5. POLICE PROPERTY ENVIRONMENTAL MONITORING

Jones Edmunds & Associates Work Assignment #9 to perform the Florida Department of Environmental Protection's mandated semi-annual monitoring report of the Police Department property.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded, and motion carried unanimously to authorize the Mayor to execute Jones Edmunds & Associates Work Assignment #9, COP Job #04-400, in an amount not to exceed \$12,000.

6. RESOLUTION NO. 09-30

Budget transfer from Regular Salary to Consultant/Contract Services to fund the City Planner services being provided by ZNS Engineering.

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 Zirkelbach seconded, and motion carried unanimously to adopt Resolution No. 09-30.

7. DISCUSSION: ALCOHOL SALES LIMITATIONS

Commission will discuss possible revision language to Chapter 4-Alcoholic Beverages concerning distance limitations of where alcoholic beverages can be sold or dispensed within the city limits.

Mr. Freeman said the sample language taken from other jurisdictions would provide for an exception to the current City ordinance. The proposed language would allow restaurants whose food sales exceed 51 percent to sell beer and wine, even though they may be within 300' of a school. Mr. Zirkelbach said that if a change is being considered, now might be the time to address Sunday sales of alcohol. Mr. Barnebey stated the change would apply to the distance from churches as well.

Mr. Barnebey said there are three existing businesses that would be in violation if the ordinance is not changed, and they would have to be addressed on a case-by-case basis. Mayor Bryant

suggested incorporating language that would address package sales at convenience stores as well.

Commissioner Williams opined that the current ordinance is antiquated, and it is time the entire ordinance is reviewed. He asked that a modified ordinance be brought back to the next workshop. Mr. Zirkelbach would like any changes made to make the City compatible with the greater community, so as not to be at a disadvantage.

Mr. Zirkelbach suggested a 90-day grace period for businesses not in compliance while the Commission works to get the ordinance revised as quickly as possible.

Mr. Barnebey said there are a variety of ways to address the changes, but it would be based on the policy the Commission wishes to adopt, and whatever ordinance is passed, that is the ordinance the City will have to enforce.

Mr. Zirkelbach remarked that he is in favor of the language that has been drafted, and Commissioners Lancaster and Varnadore expressed a desire to keep the distance requirement from schools and churches. Commissioner Williams said he not in favor of reducing the distance requirement, but he would consider each business on a case-by-case basis. Commissioner Varnadore asked for community input.

It was decided that a workshop will be held on August 5, 2009, at 6:00 p.m. and advertised to accept community input.

8. DEPARTMENT HEADS' COMMENTS

Mark Barnebey
No comment.

Tom McCollum
Based on the joint meeting of the City Commission and the Planning and Zoning Board, he will send a memo summarizing a meeting he had with legal staff to discuss Commission comments, and as a result, he will be proposing new policies for farm worker housing and mobile homes.

Allen Tusing
No comment.

Jim Freeman
He has provided the Commission with the contract for the purchase by the School Board of CRA properties with comments from independent legal review. The Commission had approved subject to the review.

He asked and received clarification that Commission would like independent counsel present at the August 3 meeting for the review of the agreement between the City and the School Board.

The new budget will be available on August 5th with the tentative millage calculations.

Reviewed upcoming meetings: There will be a regular meeting August 3, a budget meeting August 4 at 5:30 p.m., a workshop meeting on the 5th and a CRA Advisory Board Joint Meeting on the 11th to discuss Storefront Grant applications.

Regarding the Hidden Lake Cell Tower, the community will be properly noticed that the terms of the lease will be discussed at a workshop meeting on August 17. Mr. Barnebey said the Conditional Use Permit must be approved first, and then he recommends the lease follow, both on the same agenda.

The Mayor asked the Commission if they really wanted independent counsel present for the School Board storage agreement at the next meeting. There was a consensus that they would accept written comments from the attorney, and if they still wanted the attorney present, Mr. Barnebey will arrange it.

Chief Lowe

Officer McNeil will not be replaced this year at a saving of \$56,915.00 to the City. He will do away with one lieutenant position saving \$96,030.00, and he announced the appointment of Lt. Rex Hannaford as the new captain. Savings to the City total \$169,945.00.

9. MAYOR'S REPORT

Announced she will attend the Children's Summit on August 8, and that she attended the memorial service for long-time city employee Roy Reed.

Following the MPO meeting this morning, she and Allen Tusing and Van Brown met with FDOT staff and representatives of the county planning and transportation departments to discuss the 7th Street light. All parties are working towards a consensus on the direction to take and she will keep Commission informed.

10. COMMISSIONERS' COMMENTS

Commissioner Lancaster

Reminded staff that she wants all information sent to her in a hard copy.

Asked Mr. Tusing to have staff look at the road on the other side of CVS; it's in bad condition.

Asked what percentage of the engineering is complete in Ward I. Mr. Tusing said approximately 30%.

Inquired of the Mayor the status of the store off 17th Street. The Mayor said there were more violations, and the plans the owners had are on hold as they are in conflict with zoning. The owners do want to annex into the City if they are able to rebuild there. Mrs. Lancaster said she hopes they build something there that will serve the community well, and she expressed fear that due to the numerous drug violations, something bad may happen there.

Commissioner Cornwell

Palmetto High School and Lincoln Middle School will be affected by the construction on 17th. She asked the Chief to meet with the schools to work out a traffic plan for the first few weeks of school.

Mr. Tusing informed her that the county and the contractor are working with the schools.

Commissioner Zirkelbach

No comment.

Commissioner Williams

Asked Mr. Tusing for a breakdown of the July 4 2008 and 2009 events. In answer to his question regarding help from the City of Bradenton regarding the traffic backups at the lights on the south side of the bridge, Chief Lowe said it has not been a problem in the past, and the two cities have a good working relationship. Captain Hannaford said the sheriff's office provided two community service vehicles to help during the last accident. The City of Bradenton also had a unit out to help. Chief Lowe commented that FHP also helped.

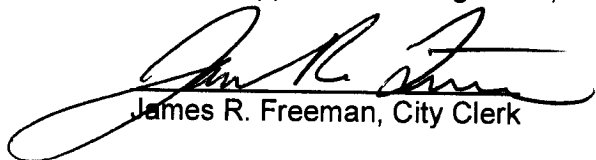
Commissioner Varnadore

Asked Mr. Freeman what was on the next workshop. He said it will be the Comprehensive Plan Amendment update, zoning code revisions for indoor amusement, the budget and the Alcohol Ordinance which was added tonight. For additional workshops, the Special Function Permits and the Personnel Policy will be coming forward.

Mrs. Lancaster asked Mr. Freeman about the McKinney property. He said he has met with Mr. Barnebey and Mr. Strollo to discuss options. The building has been condemned and secured. The City may foreclose on the property, and demolition is another option. Mayor Bryant interjected that the ordinance regarding foreclosed properties will be coming forward.

The meeting was adjourned at 9:12 p.m.

Minutes approved: August 17, 2009


James R. Freeman, City Clerk