

Palmetto City Commission
August 3, 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
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 p.m. A moment of silence was observed, followed by the Pledge of Allegiance.

PRESENTATION: Certificate of Appreciation to Chelsea Pillsbury
Volunteer Summer Intern

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

Public Comment (non-agenda items): Comments will be limited to two minutes.

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the August 3, 2009 7:00 PM Agenda.

2. CITY COMMISSION CONSENT AGENDA

Special Function Permit: First Baptist Church of Palmetto

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the August 3, 2009 Consent Agenda.

3. PUBLIC HEARING-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.

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

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 09-996.

Chief Lowe was directed to bring the model referenced in the ordinance to Commission for review and approval. Staff was also requested to determine which liquor license this ordinance would govern.

4. APPROVAL: PROPOSED AGGREGATE MILLAGE RATE

Mr. Freeman discussed the options available to the Commission regarding the setting of a proposed aggregate millage rate. He disclosed that the budget under consideration is based on the current 4.6662 millage rate. Discussion ensued on the historical practice of setting a higher millage rate, with the intent to hold the rate at the current level. Commissioners discussed their intentions regarding the proposed millage rate.

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 3-2 to approve a proposed aggregate millage rate increase of .25, or 4.9162, and schedule a public hearing September 14, 2009 to adopt a tentative millage rate and tentative FY 2009-2010 budget. Commissioners Williams and Zirkelbach voted no.

5. 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. Attorney Barnebey confirmed that independent counsel Michael Hankin has reviewed and approved the agreement.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Agreement between the City and School Board.

6. APPROVAL: Technology Improvement Grant

Grant will be utilized to purchase new mobile dispatch software and 24 Stinger devices for the Palmetto Police Department.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to accept the Mobile Technology Improvement Grant in the amount of \$116,255 and authorize the Mayor to execute agreement # 2009-sb-b9-1813.

7. RESOLUTION NO. 09-31

Resolution to record the Mobile Technology Improvement Grant.

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 Williams seconded and motion carried 5-0 to approve Resolution 09-31.

8. APPROVAL: Title VI and ADA Policies

Review and approval of policies related to Title VI of the Civil Rights Act of 1964 and Americans with Disabilities Act (ADA) programs. Attorney Barnebey recommended that the policies should be amended to make them applicable only to projects contracted with the Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration.

The Complaint Procedures in Policy 0907 and 0908 will be amended to reflect that the City's response to a complaint will be submitted to the complainant in writing.

MOTION: Commissioner Williams moved, Commissioner Lancaster seconded and motion carried 5-0 to approve Policies 09-06, 09-07 and 09-08, making them only applicable only to FDOT, Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration and/or the Federal Motor Carrier Safety Administration and the resolution of any compliant will be provided in writing.

9. 1st READ & ADVERTISING APPROVAL-ORDINANCE NO. 09-998

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 22, PERSONNEL, ARTICLE V, POLICE OFFICERS' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-171, DEFINITIONS; AMENDING SECTION 22-174, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 22-175, CONTRIBUTIONS; AMENDING SECTION 22-176, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 22-178, DISABILITY BENEFITS; AMENDING SECTION 22-180, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 22-185, MAXIMUM PENSION; AMENDING SECTION 22-186, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 22-187, MISCELLANEOUS PROVISIONS; AMENDING SECTION 22-188, REPEAL OR TERMINATION OF SYSTEM; AMENDING SECTION 22-189, EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; AMENDING SECTION 22-191, FORFEITURE OF PENSION; AMENDING SECTION 22-194, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS, ELIMINATION OF MANDATORY DISTRIBUTIONS; AMENDING SECTION 22-195, PRIOR POLICE SERVICE; AMENDING SECTION 22-198, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to approve Ordinance No. 09-998 for advertising and schedule a public hearing August 17, 2009.

Mayor Bryant recessed the City Commission meeting to open the August 3, 2009 CRA Board meeting at 8:05 pm.

Mayor Bryant reconvened the August 3, 2009 City Commission meeting at 8:55 pm.

Commission confirmed the August 4th budget workshop starting at 5:30 pm. Commission rescheduled the August 5th workshop to discuss the alcohol ordinance to September 1, 2009 at 6:30 pm. A list of scheduled public meetings will be forwarded to the Commissioners.

10. DEPARTMENT HEADS' COMMENTS

Mr. Tusing
None

Mr. Freeman
None

Chief Lowe
Reminded Commission of National Night Out to be held August 5, at the Boys and Girls Club.

Distributed information on the red light camera Lakeland has implemented.

11. MAYOR'S REPORT

Commented on the Bugs, Bugs, Bugs event held at the Historic Park.

Reported new Hurricane Guides and weather information has been placed in the rear of the chamber.

The Children's Summit is Saturday, August 8 from 9 a.m. to 2 p.m.

Commented on the article on police pension funds that is in the *Quality Cities* magazine.

12. COMMISSIONERS' COMMENTS

Ms. Varnadore

Discussed her opinion that the lack of the flow of information has become an issue in trying to prepare for meetings, suggesting that the Mayor and Department heads can seek a solution to the problem. Attorney Barnebey opined that because the Mayor is "not a member of the legislative body" she can speak with individual Commissioners, even on topics that will be voted on. He further stated that the bulk of Attorney General Cases are supportive on this issue, yet there is case law that is not. He suggested that if communication is going to occur between the Mayor and Commissioners, that the individuals be very cautious regarding the topics under discussion. Mayor Bryant requested an opinion from the Commission for approval for "guarded communication between the Mayor and Commissioners" with the understanding that communication is for fact finding only and voting intentions will not be solicited or discussed. Attorney Barnebey opined that a motion for the approval is not necessary. Commission concurred that guarded communication with the Mayor, based on Sunshine laws and ethical standards, will be appropriate.

Mr. Williams

Advised Mr. Tusing that the Parks Department should attend to the appearance of Hidden Lake Park.

Commented on two Sheriff's patrol cars speeding through the City. Chief Lowe stated his department would be aware of incidents if dispatch is scanning. He will speak with the Sheriff's Office concerning the incident.

Mr. Zirkelbach

Reported he had received communication concerning a sulfurous odor at Palm Lakes. It was determined the odor was the result of incorrect plumbing.

Ms. Cornwell

Requested that the Police Department address the traffic situation that will arise on 17th Street during the opening week of school.

Mrs. Lancaster

Inquired how staff is addressing the issue of new phones not working properly. Mr. Freeman stated he is working with Verizon to resolve the issue.

Mr. Freeman informed Commission the Verizon Cell Tower issue will be on the August 17 workshop, which he then intends to move forward to the 7:00 agenda for action. Verizon is notifying the neighborhood adjacent to the proposed cell tower location. Commission discussed how the City will benefit from any co-locators on the tower.

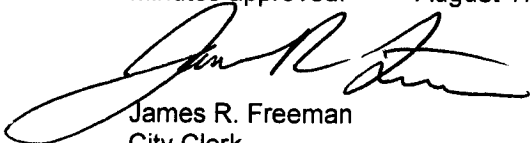
Mrs. Lancaster reported she is receiving calls from residents about the vacant house at 505 11th St. Dr.

13. PUBLIC COMMENTS FOR CITY COMMISSION

None

Meeting adjourned at 9:40 p.m.

Minutes approved: August 17, 2009



James R. Freeman
City Clerk