

Palmetto City Commission  
August 17, 2009 7:00 p.m.

Elected Officials Present:

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

Elected Officials Absent:

Mary Lancaster, Commissioner  
Alan Zirkelbach, Commissioner

Staff Present:

Mark P. Barnebey, City Attorney  
James R. Freeman, City Clerk  
Capt. Rex Hannaford  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

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

PROCLAMATION: Women's Equity Day  
Accepting: Vicky Waters, President, Manatee County Commission on the Status of Women, Dr. Mona Jain and Dorothy Middleton, Members, Manatee County Commission on the Status of Women

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

Public Comment (non-agenda items): Chuck Hague, North River Little League commented on the lack of communication between the City and the organization in reference to the new ball fields. He also commented on the condition of the storage facility proposed for the organization's use. Mr. Tusing stated he had received correspondence stating the league did not need the storage space. Attorney Barnebey explained the delay in the project, and confirmed closing on the properties is scheduled for August 21, 2009. Mr. Tusing will work with the league concerning storage space.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant requested that the agenda be amended to reconvene the CRA and CRA Advisory Boards joint meeting continued from August 11, 2009 as item 1A and convene the CRA Board August 17, 2009 meeting as item 2A, delete the topic for item #6 and replace it with the First Baptist Church Special Function Permit.

**MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 3-0 to approve the August 17, 2009 7:00 PM agenda as amended by Mayor Bryant.**

Mayor Bryant recessed the meeting at 7:20 pm.

Vice Mayor Williams reconvened the City Commission meeting at 8:45 p.m.

**2. CITY COMMISSION CONSENT AGENDA**

- A) Minutes: July 16, 20, 21, 27 and August 3, and 4, 2009
- B) July Check Register
- C) Special Legal Billing: Kirk-Pinkerton  
Bryant Miller Olive (\$3,286.50)

**MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 3-0 to approve the August 17, 2009 Consent Agenda.**

**3. PUBLIC HEARING-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.

Vice Mayor Williams opened the public hearing.

Commissioner Varnadore stated she wished the actuary to be in attendance to discuss the actuarial and budget impact of the proposed ordinance before taking action.

**MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 3-0 to continue the public hearing for Ordinance No. 09-998 to September 14, 2009, at 7:00 p.m. in these chambers or as soon thereafter as the item may be heard.**

**4. CPA ASSOCIATES ENGAGEMENT LETTER FOR AUDIT SERVICES**

On July 20, 2009 Commission selected CPA Associates to perform the independent audit of the City's financial records for the fiscal years 2009, 2010 and 2011. Staff seeks approval and authorization to execute the CPA Associates Engagement Letter to perform audit services for fiscal year 2009.

Attorney Barnebey stated he is negotiating language regarding external auditors work papers in the engagement letter with CPA Associates. Mr. Barnebey is recommending language that will guarantee the firm complies with public records laws and indemnity language guaranteeing the payment of City attorney fees in any litigation should the law not be fulfilled by the firm and minor "clean-up" items.

**MOTION: Commissioner Cornwell moved, Vice Mayor Williams seconded and motion carried 3-0 to approve and authorize the Mayor to execute the engagement letter with CPA Associates to perform audit services for fiscal year 2009 in an amount not to exceed \$54,500, subject to final approval by the Mayor and Attorney.**

5. RESOLUTION NO. 09-32

Budget resolution to fund the Severance Agreement and General Release approved July 20, 2009.

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 Varnadore moved, Commissioner Cornwell seconded and motion carried 3-0 to adopt Resolution No. 09-32.**

6. FIRST BAPTIST CHURCH SPECIAL FUNCTION PERMIT

**MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 3-0 to approve the Special Function Permit application for the Labor Day church service and picnic that is to occur on September 6, 2009, beginning at 10:00 a.m.**

7. DEPARTMENT HEADS' COMMENTS

Capt. Hannaford  
None

Mr. Freeman  
Budget Workshop is scheduled August 18, 2009 at 5:30 p.m.

The Hidden Lakes cell tower is scheduled for the September 14, 2009 workshop meeting.

Attorney Barnebey  
The timeline for adoption of the indoor recreation facility uses amendment to the Zoning Code, which was discussed at a previous meeting, will be scheduled for review and action as follows:

September 14, 2009	First public hearing
September 21, 2009	P&Z public hearing
September 28, 2009	Second public hearing

Mr. Tusing  
Reviewed the history of the 23rd Street realignment project, which has received \$800,000 in stimulus grant funds. Mr. Tusing displayed the most recent drawing, which will house four ball fields and has a future place for a pool facility. Mr. Preston will retain ownership of the property around the ball fields and the pool site. The drawings depict a four lane road, but only the two outside lanes will be constructed at this time, with a large median that will be landscaped with trees. The estimate for the realignment of the street is \$1.6 million. Because of the federal funds involved, the State is assisting in the project, and has taken control of the bidding process and some of the documents to ensure we are in full compliance with the grant criteria. Mr. Tusing confirmed the stimulus funds and the proceeds from the sale of the property to the three entities involved in the Palmetto Elementary school relocation amount to \$1.835 million, a balance of \$235,000 for ball fields. The project can be funded by CIP funds or use the proceeds of the sale and then seek FRDAP grants for the construction of the fields after ownership of the land is transferred to the City. It is estimated that each field will cost \$250,000 to construct. Mr. Tusing confirmed that the ownership of the ball field property will be co-owned by both the City and Manatee County; this collaborative effort will allow the City to apply for the FRDAP grant as the County is already participating in a FRDAP grant. The expected plan for the former 23rd Street location was briefly discussed. Mr. Tusing stated that when the new 23rd Street is opened, the

plan is to vacate the entire road segment. The topic will be brought back to the September 14, 2009 meeting for formal action.

Informed Commission Manatee County is requesting the use of one quad in the four quad fiber optic ring to connect traffic control devices from the City of Bradenton through Palmetto to 17th Street. Mr. Freeman reported that the School Board had purchased one of the quads. Staff was asked to bring back a plan for how the final quad could be used by the City.

Vice Mayor Williams stated the Mayor has asked for an update on the County's bus shelter park and ride project.

#### 8. MAYOR'S REPORT

None

#### 9. COMMISSIONERS' COMMENTS

##### Ms. Cornwell

School begins Monday. Capt. Hannaford confirmed PD will be available for traffic control and that the SROs are in place.

17th Street project is complete. The next phase will be west to 8th Avenue; bid has been issued.

##### Ms. Varnadore

**MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion carried 3-1 to reconsider the July 27, workshop minutes.**

Commissioner Varnadore requested that the minutes be corrected to reflect that Chief Lowe requested that the probationary period listed in Section 2.05.01 and Section 2.06 of the Personnel Policy be twelve months.

**MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 3-0 to correct the July 27, 2009 workshop minutes to reflect that Chief Lowe recommended that the probationary period for police officers listed in Section 2.05.01 and for sworn officers listed in Section 2.06 of the Personnel Policy remain at twelve months.**

Requested that the PD staff be updated with the correct information that CRA is funding the trespasser initiative business signs, rather than the Commission being tardy in not approving the budget for the program.

Inquired if anyone attended the sign ordinance. It was reported there were 12 attendees.

##### Mr. Williams

Requested a breakdown on the July 4th celebration for this and last year's event.

Inquired when the Bait Shop RFP will be ready. Mr. Tusing stated it is very close to being issued.

#### 10. PUBLIC COMMENTS FOR CITY COMMISSION

None

Meeting adjourned at 10:00 p.m.

Minutes approved: September 14, 2009

  
James R. Freeman, City Clerk