

PALMETTO CITY COMMISSION
MAY 3, 2010 - 7:00 PM

Elected Officials Present:

Shirley Groover Bryant, Mayor
Tamara Cornwell, Vice Mayor, Commissioner-at-Large 2
Alan Zirkelbach, Commissioner-at-Large 1
Mary Lancaster, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3

Staff Present:

Jeff Burton, Interim CRA Administrator
Jim Freeman, City Clerk
Jerilyn Hattendorf, Attorney
Garry Lowe, Chief of Police
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 pm, followed by a Moment of Silence and the Pledge of Allegiance.

PROCLAMATION: Read by Vice Mayor Tamara Cornwell declaring May 2 – May 8, 2010 as National FFA Week. Accepting was Julie Tillett, FFA Advisor and six Palmetto High School FFA members.

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 Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the May 3, 2010 7:00 PM Agenda.

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: April 5, 2010
- B) Special Legal: Kirk Pinkerton
- C) Special Legal: Hankin, Persson, Davis, McClenathen & Darnell
- D1) Special Legal: Bryant, Miller, Olive
- D2) Renewal of Physio Control Technical Service Support Agreement
- E) Annual renewal of Cintas Standard Uniform Rental Service Agreement
- F) Special Function Permit: 4th Annual Mopar Madness Car & Truck Show
- G) Noise Exception Permit: 4th Annual Mopar Madness Car & Truck Show

Staff requested that item D1 be removed from the Consent Agenda, and stated it would be brought back at the next meeting. Commission requested that item C be removed from the Consent Agenda for discussion.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve items A, B D2 and E of the May 3, 2010 Consent Agenda.

Item C: The legal billing from Hankin, Persson, etc. pertains to the land swap for the 23rd St. relocation. Mayor Bryant stated that she did not want to delay payment of the legal bill, but she would like discussion

on Resolution No. 08-27 at the next meeting. An invoice was submitted to the School Board for the expenses incurred in the other land swaps, which resulted in an analysis of the costs from the School Board. The topic was placed on the May 17, 2010 agenda, with Mayor Bryant stated she would like concurrence from Commission to have fees refunded by School Board. It was suggested that notice of the topic's discussion should be made to the other entities so they can participate if they wish.

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

Items F&G: Special Function Permit and Noise Exception Permit for the 4th Annual Mopar Madness Car & Truck Show: Staff confirmed that the music would not begin until approximately 8:30 am. Commission requested that the application be amended to show the times for the noise exception rather than the times of the event.

MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 5-0 to approve items F and G, with the understanding the noise exception begins at 8:30 am.

3. SECTION 319 GRANT APPLICATION AUTHORIZATION

Authorization for Clark Communities, Inc. to write and apply for a Section 319 Grant for stormwater projects. There will be no expense associated with the development and application of this grant. Staff stated they are working to identify projects for which the City can qualify, and will update Commission at the next meeting if the City will move forward with the application.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to authorize Clark Communities, Inc. to write and apply for a Section 319 Grant, conditional upon staff finding projects that can qualify with the grant criteria.

4. DISCUSSION OF LIEN LEVIED AT 2701 BUSINESS 41

Representatives for ExxonMobil Oil Corporation will appeal a waiver or reduction of a lien levied against the property as a result of a code enforcement action against the former property owners Paul Ewing and Corey F. Babcock.

Code Enforcement Director Bill Strollo gave a brief history of the case against the respondents prior to ExxonMobil being awarded a final judgment in the amount of \$310,792 on March 28, 2008, with a Stay of Execution granted for fifteen months. Exxon Mobil brought the property into compliance on November 18, 2009 and took possession of the property on January 13, 2010, with a lien filed against the property in the amount of \$44,000. Mr. Strollo stated the lien includes total administrative costs of \$2,642.09.

Karen Williams of Shutts & Bowen, LLP and representing ExxonMobil, stated that ExxonMobil brought the property into compliance even before taking possession in January of 2010. She discussed the funds expended by ExxonMobil to finish the project the prior property owners had started. She requested leniency for the lien or requested that the lien remain with Ewing and Babcock, rather than remaining with the property. She further stated that her firm will be happy to assist the City in obtaining judgment against Ewing and Babcock personally. Attorney Hattendorf stated that she is not aware of how the City can collect a judgment other than as a lien.

Upon Mr. Strollo's recommendation to reduce the lien amount, Mayor Bryant recommended to reduce the lien amount by half.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to settle the lien for \$10,000.

5. RESOLUTION NO. 2010-14

Budget resolution to increase revenue for the intersection improvement project at 10th St. and 14th Ave. FDOT project.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Resolution No. 2010-14.

6. RESOLUTION NO. 2010-15

Budget resolution to decrease revenue and amend the contract amount for the resurfacing project at 10th St. from 14th Ave. to 8th Ave.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 2010-15.

7. AWARD OF BID FOR US 41 & RIVERSIDE DRIVE PROJECTS

Award of bid for the Riverside Dr. at 8th Ave. Project and the Riverside Improvements Project.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 4-1 to approve and authorize the Mayor to executed the contract for the US 41 (8th Ave. W) and Riverside Drive Project, COP Job #06-535 and the Riverside Drive Improvement Project, COP Job #09-608, with Superior Asphalt, Inc. in an amount not to exceed \$134,944.30. Commissioner Williams voted no.

CRA Interim Administrator Jeff Burton was sworn.

8. REVIEW: RIVERSIDE PARK PLAN

The National Park Services Save America's Treasures Grant previously approved requires that a conceptual plan be included in the application. Mr. Burton reviewed a new conceptual idea for Riverside Park. The first phase of the project is to solidify the seawall, which will be the focus of any grant award. Commission reviewed the proposed plan, discussing the major elements of the design. Mr. Burton was asked to take Commission's comments and bring an updated conceptual plan back for additional discussion. Mayor Bryant confirmed that the Palmetto Historic Commission will assist in developing historical markers, but no fee will be involved. Mr. Burton stated a five-year plan for the park is being developed. Eventually a written plan will be developed taking data from the JEA Study and the conceptual idea, which will be provided for approval.

Mayor Bryant recessed the City Commission meeting at 8:29 pm to open the May 3, 2010 CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 9:20 pm.

9. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)
Updated Commission on the prebid meeting that was held on Friday.

10. DEPARTMENT HEADS' COMMENTS

Mr. Tusing

Informed Commission the grant portion of the Estuary Park was finished last Friday. He commended all the City workers involved in the project. The City can now go back to Southwest Florida Water Management District to have new jurisdictional boundaries drawn, which may afford more grant opportunities.

The 10th St. & 14th Ave. and 10th St. & 10th Ave. paving is completed and Traffic signal poles will be installed in the near future. Additional curbs on east side of 14th Ave. were added.

The notice to proceed for the Riverside project will be issued after the contract is signed.

Mayor Bryant commented on the project status report that was provided Commission. She also commented on the very positive emails she has received on the Haben Blvd. project. Staff reported the Haben Blvd. roundabout is proceeding to the next level of design.

Mr. Freeman

An additional Comp Plan meeting was scheduled for May 11 with a certain time end of 9:00 pm.

Chief Lowe

Commended his department on the recent burglary arrests.

May 13, 2010 is the Police Memorial at Manatee County Courthouse beginning at 10:00 am.

Commented on what the recent visit with Mrs. Ware meant to her.

Reported he has addressed the concern from Commissioners Cornwell and Lancaster. Signalization is being sought at the CSX crossing.

Reported Commissioner Varnadore will be graduating from the Citizens Academy. Commissioner Varnadore commented on the benefit of the course and commended the Police Department staff presenting the material.

11. MAYOR'S REPORT

Thursday, May 6 is the National Day of Prayer at the Palmetto Historic Park.

Mr. Tusing and Chief Lowe have worked with the School Board to assist in submitting the Safe Route to School grant.

Mr. Tusing called attention to the fact the Cintas Uniform Agreement is for a term of 12 months, not the 60 month term contained in the agreement.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the agreement for a 12 month period of time.

12. COMMISSIONERS' COMMENTS

Mr. Williams

Staff is working to set up a workshop meeting on lighted crosswalks.

Commented on the risk management issues, which the City Attorney is also addressing.

Commented on the possibility of the CRA buying up tax certificates for property in CRA District; attorney is researching whether CRA has authority.

Ms. Varnadore

Mr. Tusing reported Mr. McCollum has had a meeting with the church regarding the temporary building, and has issued a deadline of June 2, 2010. Requested that staff look at the stairs that have been placed on site.

Mr. Tusing is following up on the FPL pole discussed by Mr. Belle at a prior meeting.

Inquired about the status of the bait shop. The topic will be discussed by the department heads.

Mr. Zirkelbach

Thanked Mr. Tusing for keeping trees alive on front of property.

Mr. Tusing is addressing the issue with the issue with Seger; a discussion on a possible refund will still be held with the woman.

Mayor Bryant discussed the Business Advisory meeting and the comments regarding all the projects taking place in the City.

Ms. Cornwell

Reported she has a conflict with the Palmetto Historic Commission meeting on May 15, 2010. Commissioner Varnadore will attend in her place.

Mrs. Lancaster

Inquired about the signal at US 301 and 7th St. Mayor Bryant stated FDOT will not activate the light until the street runs through. Staff will be having another meeting with county personnel in the near future.

Stated she is pleased to see projects in the City and inquired when the RFP will be issued on Phase II, Ward 1. Staff discussed the CDBG grant that is due July 12, 2010 for a portion of the project; the final bid documents have been forwarded to purchasing.

Asked that the nepotism law be reviewed with Commission. Mayor Bryant reported a seminar is being planned on various topics that all City boards will be invited to attend.

Mr. Tusing reported on the 17th St. county project. Because CSX will not allow any safety improvements at the railroad crosswalk while work is being done in the right-of-way, the School Board is setting up a bus schedule to move children around the railroad crossing. If the City wants signalization the City will have to pay for the installation and maintenance. Staff is looking at the possibility of installing stop signs.

Mr. Williams inquired if the implementation of a city-wide 25 mile per hour speed limit study can be considered.

Meeting adjourned at 10:00 pm.

Minutes approved:

James R. Freeman

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City Clerk