

**PALMETTO CITY COMMISSION
JUNE 7, 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:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Garry Lowe, Chief of Police
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:02 pm, followed by a Moment of Silence and the Pledge of Allegiance.

PROCLAMATION: Commissioner Zirkelbach read a Proclamation declaring the month of June as Hurricane Preparedness Month.

Mayor Bryant announced there will be a hurricane preparedness presentation by Manatee County and City Risk Manager Ron Koper on June 10th at 7:00 pm in Commission Chambers. A Ward 1 community meeting will be held on June 10, 2010 at 5:30 at Lincoln Middle School.

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

Public Comment (non-agenda items): Jane Hunter, 708 Riverside Dr., asked that Commission consider closing the block of Riverside Dr. between 7th and 8th Ave. during the 4th of July festivities for public safety reasons. Chief Lowe and Mr. Tusing will look at the topic and report the decision to Commission.

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Zirkelbach moved, Commissioner Varnadore seconded and motion carried 4-1 to approve the June 7, 2010 7:00 pm agenda with the addition of item 3A item for alcohol and removal of item #4 to be continued on next agenda. Commissioner Cornwell voted no.

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: May 17, 2010
- B) Special Legal: Greene Hamrick Perrey Quinlan & Schermer
- C) Special Function Permit: First Fridays on Fifth (July, August & September)
- D) Noise Exception Permit: First Fridays on Fifth (July, August & September)
- E) Edward Byrne Memorial Justice Assistance Grant Application Approval
- F) May Check Register
- G) FDOT Lighting Maintenance and Compensation Agreement

Mr. Williams removed item G for discussion.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 4-0 to approve the June 7, 2010 consent agenda. Commissioner Varnadore was absent for the vote.

Item G: The additional copy of the FDOT compensation was provided to show the increase in FY 2010-2011 compensation.

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve item G of the consent agenda.

3. CDBG 2009 FAIR HOUSING WORKSHOP

Mr. Freeman informed Commission staff has finalized the RFP documents for Ward 1 Phase II, which will be advertised by the end of the week. As part of the application, Clark Communities, Inc. (CCI) will conduct a Fair Housing workshop for the local public and elected officials and a Citizens Task Force must be appointed. The Citizens Task Force will meet prior to the 2nd public hearing and make a recommendation to Commission regarding the application.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve Citizen Task Force members Mary Mann, Eric Gilbert and Interim CRA Administrator Jeff Burton.

Attorney Barnebey cautioned that the members are subject to the Sunshine Law; therefore, they may not communicate amongst themselves.

Lauren Clark, CCI, read a statement regarding citizen's rights pertaining to the Fair Housing Act, which is attached hereto and made a part of these minutes. The statement is meant for non-discrimination purposes. A roster of elected officials present was completed.

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the statement as read.

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to set the second CDBG public hearing for June 21, 2010 at 7:00 pm or as soon thereafter as the item may be heard.

Bud Clark described items that must still be accomplished by Commission prior to the submittal of the application.

As an update on the 31h grant for the stormwater drain program, CCI recommended, with DEP concurrence, that the City should delay its application until the next grant cycle in May, 2011, to ensure that proper documentation is submitted.

3A Alcohol Ordinance (moved forward from 4:30 workshop meeting)

Commissioner Zirkelbach stated that given the results of the poll, direction should be given to the attorney to draft an ordinance for option 1. Commissioner Williams inquired if Commission would like to consider the possibility of starting the sales after 12:00 or 1:00 pm. He added that the City would be the only place in the county that would be different. Commissioner Zirkelbach disagreed, stating the City's businesses should be allowed to compete with the rest of the county; enforcement would be difficult.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 3-2 to direct the City Attorney to prepare the first reading Ordinance 2010-07 for revision of the alcohol ordinance to allow sales on Sundays. Commissioners Cornwell and Varnadore voted no.

4. CODE ENFORCEMENT FINE REDUCTION – 1525 17TH ST. W.

Item removed from agenda for consideration at the June 21, 2010 Commission meeting.

5. CODE ENFORCEMENT FINE REDUCTION – 4009 11TH St. Ct. W.

Mr. Freeman stated BMR Funding has taken possession of the property, brought it into compliance, and is requesting a reduction in the outstanding Code Enforcement lien. The outstanding balance of the lien as of May 31, 2010 was \$22,419.06. BMR Funding is offering a settlement agreement of \$18,000. Mr. Freeman stated the Code Enforcement director supports the offer; all costs incurred by the City will be paid in full.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 4-1 to accept the \$18,000 settlement offer for the Code Enforcement fine at 4009 11th St. Ct. W., subject to being paid within 30 days of this hearing. Commissioner Cornwell voted no.

6. 4TH OF JULY FESTIVAL

Mr. Tusing stated the proposed documentation is necessary to secure surrounding properties and parking facilities for use during the 4th of July Festival. Commission will be provided information regarding layout of event locations; which will not change from last year.

MOTION: Commissioner Williams moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Hold Harmless and Indemnification Agreement with Superior Bancorp, Hold Harmless and Indemnification Agreement with Manatee River Fair Association and Manatee County, and Lease Agreement with Circle K. Stores, Inc. pertaining to the July 4th city-sponsored event, subject to attorney review.

The Lease Agreement will be amended to include the same indemnity language as the Hold Harmless Agreements.

7. JOB DESCRIPTION APPROVAL

Mr. Freeman stated the proposed CRA Administrator's position will be a grade 122S, which is comparable to all other department heads, and the individual hired to fill the position will be considered a City employee. The salary range will be advertised, with the salary set when the position is filled.

Discussion ensued on whether or not the CRA Board should be deciding the matter. Attorney Barnebey stated because the position is intended to be a City employee, it was appropriate for the City Commission to approve the job title and pay scale. Mayor Bryant stated that it is important that the position receive full time supervisor.

Discussion ensued on the Administrator position's supervision responsibility compared to other individuals in the same grade. Mayor Bryant spoke of the position's job responsibilities and the need to have the position be an integral part of all department head meetings and City departmental operations. Attorney Barnebey agreed the position could become an appointed official position after amending ordinances. City Commission agreed that the position should be an appointed official of the City.

Attorney Barnebey stated the proposed job description would place the position directly under the day-to-day supervision of the Mayor; oversight will be from the CRA Board. The job description will be amended to reflect the Mayor's supervision and be signed by the Mayor. Amendment was also made to the language regarding the necessity of obtaining of a State of Florida driver's license. Attorney Barnebey confirmed that if the City Commission proceeds with filling the position as a City employee, their action would comply with State Statutes.

Attorney Barnebey explained how the CRA Board implements the requirements of the Statute.

Staff requested that the job description for Bradenton and Sarasota be obtained. They also requested that additional research from the Statutes be completed regarding oversight by the CRA Board, as well as a definition for day-to-day supervision of a City employee.

Attorney Barnebey suggested the topic be brought back to a Special CRA Board meeting on June 21, 2010.

A brief conversation was held regarding the City Commission relinquishing the CRA Board responsibilities.

Mayor Bryant recessed the City Commission meeting at 8:25 pm to open the June 7, 2010 CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 9:24 pm.

8. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

The RFP Committee reviewed the seven applications, which will be narrowed to three. Attorney Barnebey will individually brief Commissioners on the status of the land swaps.

9. DEPARTMENT HEADS' COMMENTS

Mr. Tusing

Reported the Engineering Services RFP responses have been shortlisted to ten. Interviews will be held next week. It is anticipated three engineering firms will be selected.

The RFP for Ward 1 Phase II will go out this week.

The 17th St. railroad crossing should be open to local traffic this Friday.

The SAR for the Edenfield Property has been submitted to FDEP. Mr. Tusing briefly discussed three options, which will be brought back to City Commission for direction.

Will determine if the movie screen is part of the cost factor.

Modifications to the control of City properties have been put in place, and replacement equipment has been ordered.

Mr. Freeman

The Estuary grant was approved for full reimbursed at \$200,000.

Will schedule a meeting for review of the Personnel Policy and a CRA meeting to discuss the job description.

Chief Lowe
No report.

Attorney Barnebey
A special CRA Board meeting will be scheduled for June 21, 2010.

Will be bringing forward an emergency pill mill moratorium ordinance at the June 21, 2010 meeting.

10. MAYOR'S REPORT

Ward 1 community meeting is scheduled for June 10th at 5:30 at Lincoln Middle School.

June 17th is Palmetto Day at the Marauders game.

Thanked Mrs. Lancaster for the name for the Citizens Task Force.

11. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Thanked Commissioner Cornwell for arranging the meeting at Lincoln Middle School.

Commented on her discussions in Commission meetings regarding the need for police visibility in her neighborhood, stating she needs to be able to tell the people what is being done about the situation. Chief Lowe discussed the steps the Police Department has taken, but cautioned that if people want the cases solved, they are going to have to speak with law enforcement. Discussion ensued on community policing and how the community can plan events to get the people involved, which will deter crime. Matt Bloom, Manatee County Crime Stoppers, stated his organization would work with the Police Department with problematic areas in the City.

No other Commissioners had comments.

Mr. Tusing

Reported that after completing another pilot program that was not as successful, the City will move forward with the Theo Guard program at the wastewater treatment plant.

Meeting Adjourned at 9:56 pm.

Minutes approved: June 21, 2010 with correction to the request for the closure of Riverside Dr.

James R. Freeman

James R. Freeman
City Clerk