

PALMETTO CITY COMMISSION
AUGUST 16, 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
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Karen Simpson, Deputy Clerk-Finance
Diane Ponder, Deputy Clerk-Administration

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

Proclamation: Women's Equity Day, August 21, 2010

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

Public Comment (non-agenda items): None

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 5-0 to approve the August 16, 2010 7:00 PM Agenda.

2. CITY COMMISSION CONSENT AGENDA

Mayor Bryant requested that a Noise Exception Permit be added as Item F.

- A) Minutes: July 26, August 2 and 9, 2010
- B) July Check Register
- C) Kirk Pinkerton Special Litigation Billing
- D) Special Function Permit: Follow the Flag
Boy Scout 100 Year Anniversary-Palmetto Historic Comm.
Halloween Social-Palmetto Historic Commission
- E) Family Resources Interagency Agreement
- F) Noise Exception: 5th Quarter - Church on the Rock

Mayor Bryant removed the July 26, 2010 Commission minutes. The July check register and all the Special Function Permits were removed for discussion.

Items 2A and C

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the August 2 and 9, 2010 minutes and the Kirk Pinkerton Special Litigation Billing.

Item 2B

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 4-0 to approve the July Check Register. Commissioner Varnadore was absent for the vote.

Item 2D

Dick Pack, Palmetto Historical Commission, stated the commission is the sponsor of the Follow the Flag event, rather than Bob Holmes who signed the application; therefore, the commission will supply the necessary insurance. Mr. Pack reviewed the plans for the event.

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the Follow the Flag event.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the Boy Scout 100 Year Anniversary event.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the Halloween Social

Item E

Chief Wells stated the Family Resources Interagency Agreement will renew a partnership with the organization that has been in place for several years. Attorney Barnebey stated he has no legal objection to the agreement.

MOTION: Commissioner Zirkelbach moved, Commissioner Varnadore seconded and motion carried 5-0 to approve the Family Resources Interagency Agreement.

Item F

Pastor Tad Matthews and Youth Pastor Shelly Riker described the 5th Quarter as a youth outreach event that will be held after three of the Palmetto High School home football games, concluding at midnight.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve the Noise Exception Permit for Church on the Rock.

3. 2ND PUBLIC HEARING FOR THE CDBG ECONOMIC DEVELOPMENT GRANT

Public hearing continued from August 2, 2010. Commission will accept public comment regarding the City's application for a CDBG Economic Development Grant up to \$750,000. If awarded, the grant will assist the City in funding the 10th Avenue extension from 17th Street to 23rd Street.

Mayor Bryant reopened the public hearing continued from August 2, 2010. There was no public comment.

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to continue the meeting to the August 30, 2010 Special Commission meeting, at 7:00 p.m. in these chambers.

4. PUBLIC HEARING: ORDINANCE NO. 2010-06

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PLAMETTO, FLORIDA, AMENDING THE COMPOSITION OR CLARIFYING AND ADDING DUTIES TO THE PLANNING & ZONING BOARD; DELETING PROVISIONS RELATED TO A "PLANNING COMMISSION"; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Attorney Barnebey informed Commission that since the last meeting, the ordinance has been amended to eliminate the two vacant seats expiring in January 2011 that were filled by non-city residents. This amendment is suggested to eliminate the possibility of the board not having a quorum at future meetings.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to adopt Ordinance No. 2010-06.

5. PUBLIC HEARING: ORDINANCE NO. 2010-11

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; AMENDING THE LIST OF APPOINTED OFFICERS AND THEIR DUTIES; AMENDING PROVISIONS RELATED TO MEMBERSHIP IN THE CITY'S GENERAL EMPLOYEES' RETIREMENT PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant reopened the public hearing continued from August 2, 2010. After no public comment, Mayor Bryant closed the public hearing.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 2010-11.

6. PUBLIC HEARING: ORDINANCE NO. 2010-13

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR AMENDMENT OF THE TIMES ALLOWED FOR THE SELLING OF ALCOHOLIC BEVERAGES WITHIN THE CITY LIMITS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing and announced that comment is limited to two minutes.

The following individuals spoke in support of adopting the proposed ordinance:

Jeff Gravely, Bruce Body, Harry Blenker, Joe Kennedy, Michele Tankersley, and Jeff Stephenson.

The following individuals spoke in opposition of adopting the proposed ordinance:

Pastor Tadd Mathews and Rev. Joel Tillis

Mayor Bryant closed the public hearing.

MOTION: Commissioner Lancaster moved and Commissioner Zirkelbach seconded to adopt Ordinance No. 2010-13.

Discussion: Commissioner Varnadore discussed the reasons she would not support the proposed ordinance, citing the results of the non-scientific poll, the affect it may have on the City's image and public safety. She displayed a map depicting the locations where alcohol is sold in the city and an alcohol related incidents report compiled by the Police Department.

Commissioner Lancaster discussed the reasons she would support the adoption of the proposed ordinance.

Commissioner Cornwell discussed the reasons she would not support the proposed ordinance, opining the City has not taken enough precautions to protect the safety and welfare of the citizens.

Motion on the floor carried 3-2. Commissioners Cornwell and Varnadore voted no.

Attorney Barnebey stated the adoption of the ordinance now prohibits the sale of alcohol any day of the week between the hours of 2:30 and 6:00 am.

Commissioner Cornwell read a proclamation declaring August 26, 2010 as Women's Equity Day.

Mayor Bryant turned the gavel over to Vice Mayor Cornwell.

7. PUBLIC HEARING: ORDINANCE NO. 2010-14

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; 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, Mayor Bryant closed the public hearing.

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

8. ECo CONSULTANTS INCORPORATED CONTRACT APPROVAL

Mr. Tusing informed Commission two quotes were received, with ECo being the lowest. He requested approval of a contract to provide continuing mitigation maintenance and monitoring services for five locations.

MOTION: Commissioner Zirkelbach moved, Commissioner Varnadore seconded and motion carried 5-0 to approve and authorize the Mayor or Vice Mayor to execute the Eco Consultants Incorporated agreement in an amount not to exceed \$11,950, for a term ending August 16, 2011.

9. DECLARATION OF SURPLUS PROPERTY

Chief Wells informed Commission that the training officer from Hillsborough has evaluated K-9 Kannon and has found that he is not aggressive enough to serve in active duty. Chief Wells requested that Kannon be declared as surplus property so that he can be adopted into a new family. The department is finalizing the process of adoption.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to declare K9 Kannon, Fixed Asset #S100016, as surplus property.

10. EZDA APPOINTMENT

Appointment of Chief Wells to the EZDA Board.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the appointment of Chief Rick Wells to the EZDA Board.

11. APPROVAL: AGREEMENT PROFESSIONAL ENGINEERING CONSULTING SERVICES FOR GENERAL ENGINEERING PROJECTS AGREEMENT

Mr. Tusing explained that these contracts are for the firms selected from the Request for Proposal for Engineering Services responses. Lombardo, Foley & Kolarik is the firm selected as City Engineer and Wade Trim was one of three consulting firms selected.

Commission concurred that all renewal contracts will require City Commission approval.

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Professional Engineering Consulting Services for General Engineering Projects Agreements with Lombardo, Foley & Kolarik, Inc. for a term of one year, with any renewal coming back to City Commission for approval.

Mayor Bryant assumed control of the gavel.

Mr. Tusing explained that Wade Trim is very knowledgeable about the City, having written its first Comprehensive Plan and performing services over the years.

MOTION: Commission Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Professional Engineering Consulting Services for General Engineering Projects Agreements with Wade Trim, Inc. for a term of one year, with any renewal coming back to City Commission for approval.

12. APPROVAL: BANKING SERVICES CONTRACTS

Contracts to implement banking services with BB&T.

MOTION: Commissioner Varnadore moved and Commissioner Zirkelbach seconded to approve and authorize the Mayor to execute the contracts for banking services with BBT to include the Treasury Management, Remote Deposit, Merchant Services, and Armored Car services, subject to the City Attorney's final review.

Discussion: Karen Simpson and BB&T representative Eileen Gunther discussed the payroll card that will be made available to employees that do not have a checking account. Ms. Gunther confirmed that an employee who is a non-account holder with BB&T would normally be charged \$3.75 to cash a city check, but the charge could be become part of the City's account overall analysis. Mrs. Simpson stated the City could absorb the cost of cashing payroll checks, as the compensating balance requirement for that service would be approximately \$22 per month. Ms. Gunther also confirmed that BB&T will be offering no cost checking accounts to the employees and performing training on BB&T accounts.

Attorney Barnebey stated he has approved all contracts except the Merchant's Agreement, and it will be reviewed before execution.

The motion on the floor carried 4-1. Commissioner Lancaster voted no.

13. CRA INTERIM ADMINISTRATOR'S CONTRACT EXTENSION

Mayor Bryant stated the contract's extension is being requested until there is resolution regarding the department head's salaries. As long as Mr. Burton is under contract, there will be benefits paid. The new contract establishes a 40-hour work week at \$6,167 per month.

Mayor Bryant stated the CRA Director's position was advertised and interviews held. After the department head salary issue is resolved, she would like to appoint Mr. Burton for the position.

MOTION: Commissioner Zirkelbach moved, Commissioner Varnadore seconded and motion carried 5-0 to approve and authorize the Mayor to execute the contract for Jeff Burton to serve as Interim CRA Administrator for a term to end November 16, 2010.

Mayor Bryant recessed the City Commission meeting to open the Special CRA Board Meeting.

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

14. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Mayor Bryant reported there will be a meeting on Wednesday. A report will be submitted at the next Commission meeting.

15. DEPARTMENT HEADS' COMMENTS

Chief Wells

Reported increased patrols. An arrest was made at fairgrounds. Reported on the events that are being planned in the Hispanic community in Oakridge; 25 other partners are interested in working with the department at the location. Mayor Bryant reported on the event that was sponsored by Bayside Community Church, resulting in a huge turnout. Mrs. Lancaster reported on the improved atmosphere in the area.

Attorney Barnebey

Referred to the Comp Plan comments. He discussed the possible budget impact some of the items may generate because of the inability to perform in-house during the stipulated time frame. The 10-Year Water Supply Plan can be done in-house. The Mobility Study is due June of 2011. He will have more specific information in the coming weeks on the items that are due and can be done in-house and possible budget impacts on the ones that will require outside vendors.

16. MAYOR'S REPORT

A meeting with the Latin chamber is scheduled tomorrow, regarding the establishment of a Latin chamber in this area. She and Mr. Burton will also speak with the representatives about assisting the City in creating City application to the Spanish language.

Reported we have not received finalization on the second Energy Efficiency Grant.

17. COMMISSIONERS' COMMENTS

Ms. Cornwell

Requested that the August 30, 2010 budget meeting begin at 5:30 p.m. and the Commission meeting at 7:00 p.m.

Requested that the Police Department contact the schools to offer traffic control assistance for the first day of school. Requested that Mr. Tusing also inquire if 17th Street will be complete around Lincoln Middle School.

Reported that she has looked at a scanner that is a wand and requested staff determine if that could work for scanning the historical minutes.

Mr. Zirkelbach

First Baptist has received its permit and progress should start next week. Because of the SWFWMD intervention and the delay of the permit, the applicant should request an extension of the time limit for the buildings.

Ms. Varnadore

Thanked staff that assisted in gathering the information provided for the alcohol ordinance. Mayor Bryant stated some of concerns will be implemented in the Land Development Code.

Mr. Williams

Commented that businesses support Palmetto through many ways other than just as business owners., and his decision was not based just on if the owners live in the community.

Updates on 23rd Street will be presented August 30, 2010.

Mayor Bryant distributed a recap budget sheet integrating this year's tax information.

Mr. Tusing confirmed that the curb is completed past the school, and all drives and turn lanes are fully paved at LMS.

Mr. Tusing confirmed that Riverside Dr. will be open for the September 11 Follow the Flag event.

Meeting adjourned at 9:50 p.m.

Minutes approved: September 13, 2010

James R. Freeman

James R. Freeman
City Clerk