

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
September 13, 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  
Rick Wells, Chief of Police  
Karen Simpson, Deputy Clerk-Finance  
Frank Woodard, Public Works Deputy Director  
Diane Ponder, Deputy Clerk-Finance

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

Proclamation: 16<sup>th</sup> Annual Children's Summit, September 15, 2010  
Accepting: Stephanie Heffner, Manatee County

Constitution Week, Sept. 17-23, 2010  
227<sup>th</sup> Anniversary of the Treaty of Paris, September, 2010  
Accepting: Sydney Shaurette, Regent, Manatee Chapter NSDAR  
Harold Crapo, Jr., President Saramana Chapter, Sons of American Revolution  
Peggy Veeder, Regent, Osceola Chapter, NSDAR  
September 25, 2010 luncheon at Bradenton Yacht Club

Sickle Cell Anemia Month September, 2010  
Accepting: Faye Butler, CEO, GTP Sickle Cell Foundation

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

Item #7 was removed from the agenda and moved to CRA Agenda as Item 3A.

Item 2E was added to the Consent Agenda for ratification of action items added to the agenda of the September 30, 2010 special Commission meeting.

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve the September 13, 2010 7:00 p.m. Agenda as amended.**

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: July 26, 2010 Workshop and Commission  
August 3, 2010 Workshop  
August 16, 2010 Workshop and Commission  
August 17, 23 and 24, 2010 Workshop  
August 30, 2010 Workshop and Commission  
September 7, 2010
- B) August Check Register
- C) Special Function Permit: First Fridays on Fifth  
dabWEAR's Fashion Show
- D): Noise Exception Permit: First Fridays on Fifth  
dabWEAR's Fashion Show
- E) September 30, 2010 Ratification of Action Items

Commissioner Cornwell removed items 2C, 2D and 2E for discussion.

**MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve items 2A and 2B of the September 13, 2010 Consent Agenda.**

Items 2C and 2D: Special Function Permits  
First Fridays on Fifth

The December event for First Fridays on Fifth conflicts with the Christmas in the Park event hosted by the Palmetto Historic Commission. Jane Hunter, applicant for First Fridays on Fifth, described the plans that have been discussed with the Historic Commission for a joint Christmas event. The Historic Commission has no objection to a joint event, so long as it is "very family friendly". Staff reiterated the fact that consumption of alcohol is not allow on public streets or in any City park. Ms. Hunter stated that alcohol is only served at the Backstage Bar, but she will speak with the vendor to make sure that consumption is contained in the designated private property area and that signs prohibiting consumption in public areas are conspicuously posted.

Discussion ensued on street closures. Cis Polson, president of the Historic Commission, confirmed that Christmas in the Park is contained solely within the Historic Park. Because there will be pedestrian traffic between the two events, Commission suggested that 10<sup>th</sup> Ave. be closed in front of the library between 5<sup>th</sup> and 6<sup>th</sup> Street. The apartment buildings located on 10<sup>th</sup> Ave. will be notified of the event. Adequate signage will be posted to alert the public of street closures.

dabWEAR's Fashion Show

Jamie Wilson, owner of dabWEAR, confirmed that only the three parking spaces in front of his business will be roped off for seating, and that the runway will be on sidewalk in front of dabWEAR. Mr. Tusing noted on the application that for safety reasons 10<sup>th</sup> Ave. should be closed during the event. Mr. Wilson confirmed that the businesses on the street are aware of the event; one will participate and the others will be closed. Adequate signage must be in place to alert the public to the street closures.

Item 2E September 30, 2010 Ratification of Action Items

Action items added to the September 30, 2010 special meeting agenda were discussed. Staff confirmed that the items were Special Function Permits for the Veterans Day Parade and the Walk for Life event, and the Accreditation/Grants Coordinator job description.

**MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve items 2C, 2D and 2E.**

### 3. PUBLIC HEARING – TENTATIVE MILLAGE RATE AND TENTATIVE FISCAL YEAR 2011 BUDGET

Mayor Bryant opened the public hearing to discuss the tentative millage rate and tentative FY 2011 budget.

- The Fiscal Year 2011 operating millage is 4.6662 mills, which is less than the rolled back rate of 5.3916 mills by 8.82%.
- Overall ad valorem revenues have declined as a result of decreases in property values throughout the City.
- The proposed tentative budget for the General Fund is \$9,500,523 and the City-wide budget including CRA is \$26,450,785.

Mayor Bryant invited public comment. After none, Mayor Bryant closed the public hearing.

#### A) RESOLUTION NO. 2010-25

Resolution No. 2010-25 was read in its entirety.

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR THE CITY OF PALMETTO FOR FISCAL YEAR 2011; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Resolution No. 2010-25.**

#### B) RESOLUTION NO. 2010-26

Resolution No. 2010-26 was read in its entirety.

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2011; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Commissioner Zirkelbach moved and Commissioner Williams seconded to adopt Resolution No. 2010-26.**

Discussion ensued on the one-time employee compensation from reserves. Mr. Freeman stated that the topic would be coming back to Commission, but it will have no effect on the tentative budget being approved.

**Motion on the floor carried 5-0.**

### 4. PUBLIC HEARING: CONDITIONAL USE PERMIT CU2010-04

City Planner Lorraine Lyn reviewed the Verizon Wireless application for a conditional use permit to locate a 154 foot cell tower and accessory equipment on a parcel of property in Hidden Lake Park, stating the project is consistent with the City's zoning, land use and Comp Plan, and has been recommended for approval by the Planning and Zoning Board.

Mayor Bryant opened the public hearing.

Laura Belflower, representing Verizon Wireless, concurred with Ms. Lyn's presentation. She stated the site plan and building permit approval will begin next, with an anticipated completion date for the middle of next year. She also stated that any additional carriers will lease space within the property through negotiation with the City.

Mayor Bryant closed the public hearing after public comment.

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 4-1 to approve Conditional Use Permit CU2010-04 for property located at 1712 12<sup>th</sup> St. W. Commissioner Cornwell voted no.**

5. CODE ENFORCEMENT LIEN REDUCTION

HSBC Bank is requesting a reduction in a lien in the total amount of \$16,657.24, of which \$15,657 is a Code Enforcement lien and \$922.66 is a utility lien. The lien is on property located at 814 6<sup>th</sup> Ave. W. that was the subject of a mortgage foreclosure. Mills Management Co., representing the bank, has requested to settle the total lien for \$2,500.

Cindy Mills, Mills Management Co. stated the property is under contract sale. The property has been brought to Code.

Code Enforcement Director Bill Strollo discussed the process the Code Enforcement Board follows before imposing a lien. He confirmed the City had to abate the property before the property was taken over by the bank and confirmed numerous properties have been mediated by a bank before actually taking possession of the property.

Commissioner Cornwell stated she would recuse herself from the vote, and will complete Form 8B.

Commission discussed the request, agreeing that the \$2,500 settlement offer was excessive given the amount of the utility bill alone.

**MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 4-0 to agree to reduce the lien to \$8,400 if paid in 30 days. Commissioner Cornwell abstained from the vote.**

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

On June 21, 2010 Commission approved appointing Lombardo, Foley & Kolarik as City Engineer and also appointed Wade Trim PBS&J and Jones Edmunds as additional engineers and authorized staff to begin contract negotiations. The Lombardo, Foley & Kolarik and the Wade Trim agreements were approved August 16, 2010.

Staff was instructed to change the contracts to reflect that renewals shall require Commission approval and to include the same language in all future contracts brought before Commission.

**MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Agreement for Professional Engineering Consulting Services for General Engineering Projects with PBS&J for a term of one year, with subsequent renewals requiring City Commission approval.**

**MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Agreement for Professional Engineering Consulting Services for General Engineering Projects with Jones Edmunds for a term of one year, with subsequent renewals requiring City Commission approval.**

7. APPROVAL: KIMLEY HORN CONTRACT

Moved to the September 13, 2010 CRA agenda.

8. CAPITAL PURCHASE OF A NEW GENERATOR FOR CITY HALL

Carried forward from the workshop Agenda. Staff is seeking authorization to complete tasks 2 and 3 of the generator study to proceed with the purchase of a new generator. A subsequent change to the CIP will be made, based on funding discussed at the workshop.

**MOTION:** Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to authorize ATP Engineering South to complete tasks 2 and 3 of the generator study which includes design specifications and construction management, and instruct staff to proceed with purchase and installation of a 125kw natural gas generator for City Hall in accordance with existing purchasing policies, not to exceed \$98,850.

9. RESOLUTION NO. 2010-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ADOPTING CITY COMMISSION ADMINISTRATIVE POLICY #2010-01, CITIZEN PARTICIPATION PLAN AND GRIEVANCE PROCEDURE FOR CDBG PROGRAMS, RELATING TO THE CITY'S PARTICIPATION IN THE FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 2010-24.

Mayor Bryant recessed the City Commission meeting to open the September 13, 2010 CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 9:15 p.m.

10. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

None

11. DEPARTMENT HEADS' COMMENTS

Attorney Barnebey commented on the items on which he is working.

12. MAYOR'S REPORT

Thanked everyone who helped with the Follow the Flag program on Saturday. She stated that she would like to get a Commission group photo with the Flag that is on display at Carnegie Library, suggesting that they could meet at the location before a meeting.

Mrs. Lancaster volunteered to give the opening speech at the Children's Summit.

Commented on the decision that had been made individually by the Commission to plant a tree in memory of Mr. Freeman's brother. The event will be planned on a weekend or after hours.

13. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Stated she was sorry she missed the Follow the Flag event, but the Sickle Cell Walk-a-Thon event had already been planned for that day. She reported that no one returned her call regarding picking up the Sickle Cell Walk-a-Thon flyer in Spanish. Mayor Bryant stated the flyers were translated; she did not know what happened regarding the phone call.

Agreed that it is a good idea about planting the tree for Mr. Freeman, but she was unaware of the plan. She stated she would like to be informed of any decision just as all the other Commissioners are informed.

Ms. Varnadore

Thanked the staff for all the hard work on the budget, which held the millage rate at its present level.,

She also commented on the Follow the Flag event.

Mr. Williams

Also thanked staff for their work on the budget. He encouraged everyone to read the articles Mr. Freeman forwarded, stating planning for next year needs to begin now.

Meeting adjourned 9:25 p.m.

Minutes approved: September 27, 2010 **Correction to item #5 to reflect that Commissioner Cornwell abstained from the vote.**

*James R. Freeman*

James R. Freeman  
City Clerk