

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND CRA BOARD MEETING
October 5, 2015
7:00 PM**

Elected Officials:

Shirley Groover Bryant, Mayor
Brian Williams, Vice Mayor, Commissioner, Ward 3
Tamara Cornwell, Commissioner-at-Large 2
Jonathan Davis, Commissioner-at-Large 1
Harold Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2

Staff Present:

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Scott Tyler, Chief of Police
Amber Foley, Assistant City Clerk

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

All persons intending to address City Commission were duly sworn.

PROCLAMATION: Commissioner Varnadore presented the Red Ribbon Week proclamation to Manatee County Youth Commission Students Darryl Williams and Rob Lyons. Red Ribbon Week is October 27, 2015.

PROCLAMATION: Commissioner Davis presented the White Cane Day proclamation to Herman Hempel, President of the Manatee County Lions Sight Foundation. White Cane Day is October 14, 2015.

PROCLAMATION: Mayor Bryant presented the Domestic Violence Awareness Month proclamation to Heather Doyle and Lisa Chittaro, Assistant State Attorneys Twelfth Judicial Circuit, and Laurel Lynch, Hope Family Services.

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Davis moved, Commissioner Cornwell seconded the motion to approve the October 5, 2015 Agenda.

Commissioner Cornwell explained that she has not heard back from her appointment to the Charter Review Committee which is on the agenda tonight. The Charter Review Committee Appointments, item number 4 was removed from the agenda until the next meeting.

Commissioner Davis and Commissioner Cornwell agreed to the modification of the motion to remove item number 4. The motion carried 5-0.

2. PUBLIC COMMENT

None.

3. CONSENT AGENDA APPROVAL

A. Clerk's Office

1. Resolution 2015-29 FY2015 Budget Cleanup

2. Resolution 2015-30 Establishing Budget from BP Settlement
3. BI-IT Contract Renewal

Motion: **Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the October 5, 2015 Consent Agenda with the removal of items 3A2 and 3A3 for discussion.**

3.A.2. Resolution 2015-30 Establishing Budget from BP Settlement Discussion:

Commissioner Williams expressed concerns with having the funds placed into the CIP seeing as the CIP has not been approved at this time. He opined it would be better to have the funds placed into the General Fund Reserves and, when needed, the funds can be withdrawn at that time. Staff is comfortable with having the funds placed in the CIP with the understanding that the money will not be spent until the CIP is adopted.

Motion: **Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to adopt Resolution 2015-30.**

3.A.3. BI-IT Contract Renewal Discussion:

Mr. Freeman explained that the budget for BI-IT services is allocated to the various departments because IT is a support service to the City. Commissioner Cornwell asked if the due date for the contract could be modified for later in the month of October instead of the first of the month as stated; this will ensure it is signed on time because Commission will have had time to meet.

Motion: **Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the contract renewal with BI-IT.**

Commissioner Cornwell stated that she has heard back from her appointment to the Charter Review Committee and requested the item be added back to the agenda for approval.

Motion: **Commissioner Williams moved, Commissioner Varnadore seconded, and the motion carried 5-0 to add item 4, Charter Review Committee Appointments, back to tonight's agenda.**

4. APPOINTMENTS TO CHARTER REVIEW COMMITTEE

Commission and Mayor have asked for the following people be appointed to the Charter Review Committee:

Mayor Bryant appoints Vicki Moore and Rob Wilson
Vice Mayor Williams appoints Alan Zirkelbach
Commissioner Cornwell appoints Wade Thompson
Commissioner Davis appoints Phil Guercio
Commissioner Smith appoints Eva Daniels
Commissioner Varnadore appoints Ann Marshall

Motion: **Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to appoint the above listed members to the Charter Review Committee.**

Staff will contact the members appointed and schedule a first meeting that works for everyone.

5. 1st READ ORDINANCE 2015-07 MISCELLANEOUS OFFENSES

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 20, CITY OF PALMETTO CODE OF ORDINANCES; PROVIDING FOR THE REGULATION OF MISCELLANEOUS OFFENSES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion: **Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to schedule Ordinance 2015-07 for a public hearing on October 19, 2015 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers and direct staff to advertise for same.**

6. FPL SOLAR AGREEMENT

Attorney Barnebey explained that the agreement and easement provides for an annual payment to the City of \$2,500.00 and has a term of thirty (30) years. It is legally acceptable in the current form presented tonight, but there are limits on FPL's liability under the agreement and the business terms should be carefully considered. This agreement places limitations on the City for structures which may interfere with the solar panels and provides for significant penalties on the City if the agreement is terminated early. Additionally, the agreement provides for:

- A lease and easement on the property
- FPL the right to access the City's electrical and high speed internet systems
- That FPL's mortgage with Deutsche Bank could constitute a lien, claim, or encumbrance upon the facility, but not the property.
- No payment and performance bond
- Indemnification for FPL to be capped at \$2,000,000.00
- FPL to freely assign and mortgage its interest under the agreement without the City's consent

There remain a few terms to be finalized and some formatting issues in the FPL proposal to be addressed, if the Commission wishes to proceed with this proposal. FPL is asking for a conceptual approval.

Motion: **Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the concept of entering into the Solar Energy Lease and Easement Agreement between the City of Palmetto and Florida Power and Light Company (FPL) in substantial conformance with the attached agreement.**

7. LIEN FORGIVENESS REQUEST, 905 18TH AVENUE WEST

Mr. Freeman informed Commission that on October 25, 2011 this property came before the Code Enforcement Board and was found in violation of the City Code. The violations included excess trash and debris, an abandoned camper on the side of the house, overgrowth and a fence in need of repair. At the hearing, the owner was given 7 days to cure the violations or the property would incur a fine of \$250.00 per day until it was brought into compliance. These violations have never been addressed and the property continues to be in violation as of October 1st. As a result, a fine of \$250.00 has accrued over the last 5 years with a current payoff amount of \$356,750.00. In addition, there are unpaid utilities totaling \$262.58; however, no lien has been filed.

Mr. Freeman stated that Barbara Mollanazar, a realtor for the property, contacted the City indicating that they have a contract to sell the property on October 25, 2015; it is a short sale. The owners/realtor are requesting that the City forgive the entire amount of the lien. In addition to the lien amounts listed above, the City incurred hard costs associated on this case which totals \$408.20. Mr. Freeman noted that the property is valued at \$69,594 on the County Property Appraiser's website.

Barbara Mollanazar, representing the owner, stated that Mr. Rodriguez passed away and Mrs. Rodriguez has been having a very hard time emotionally and mentally, thus that is why the property has not been cleaned up. She stated that the current buyers of the property are buying it as is and are aware of the need for clean-up. Once the sale goes through, they will be cleaning it up within the week.

Discussion ensued on a reasonable amount to recoup for City staff time and the outstanding utility amount. The Commissioners agreed upon an amount of \$1,000.00 as reasonable amount to be paid for the lien. Mrs. Mollanazar asked for a letter stating such for her records.

Motion: **Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the forgiveness of the lien for the property located at 905 18th Avenue West, Palmetto, Florida 34221 upon the payment of \$1,000.00 which must occur within 30 days from today or this action is null and void. The amount of \$1,000.00 includes the outstanding utility bill as part of the payment.**

8. SEPTEMBER CHECK REGISTER (Informational Only)

Mayor Bryant recessed the City Commission meeting at 7:55 p.m. to open the October 5, 2015 CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 8:22 p.m.

9. TRAFFIC UPDATE

Mayor Bryant clarified that the intersection improvement to 17th Street and 14th Avenue is not being funded by City tax payer dollars, instead, it is being funded by State tax dollars through the Florida Department of Transportation.

10. DEPARTMENT HEADS' COMMENTS

Mr. Tusing—is requesting a motion to approve the extension of the current Waste Management contract to November 1st. The new contract will come to Commission for approval at the next meeting and will be effective November 1st.

Motion: **Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 4-1 to extend the current contract for solid waste services with Waste Management to October 31, 2015 11:59 p.m. Commissioner Williams voted no.**

Mr. Freeman—the adoption of the CIP should be on the next agenda.

Chief Tyler—commented on the Taste of Manatee over the weekend stating that it went over well; no incidents.

11. MAYOR'S REPORT

Mayor Bryant wished Commissioner Cornwell a happy birthday.

She discussed the recent visit and tour held for the Representatives from Barcelona, Spain. She thanked Commissioners Davis and Williams for being in attendance. They had wonderful comments about the City and their tour.

Mayor Bryant attended the Taste of Manatee on both Saturday and Sunday at Sutton Park. She complimented the Rotary for putting on a wonderful event with a great turnout and great food. Mayor discussed the idea of having another gateway sign located as people come in from the North of town. She explained that it is unfortunate that events are not able to advertise in that direction. She would like Commission and staff to think of ideas of ways that events can advertise on that side of town.

Commissioner Williams said that one problem he noticed with the Taste of Manatee was that on the corner of 6th Street and 10th Avenue there were not enough cones placed there to prevent traffic. He noticed drivers getting out to move the cones so they could continue traveling. Mayor Bryant asked Ms. Foley to note that for next years' event to ensure more cones are given to the applicants for placement at the intersections.

12. COMMISSIONERS' COMMENTS

Commissioner Williams—appreciated visiting with the Representatives from Barcelona, Spain. He commented on a few of their business ideas in Europe.

Commissioner Davis—thanked Vice Mayor Williams for covering for him during a recent committee meeting.

Mayor Bryant adjourned the meeting at 8:40 p.m.

Minutes approved: November 2, 2015

James R. Freeman

James R. Freeman
City Clerk