

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
February 22, 2016  
7:00 PM**

Elected Officials Present:

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

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.

Chief Tyler recognized Dispatch Supervisor Maria Sanchez as Civilian of the Year.

1. CITY COMMISSION AGENDA APPROVAL

**Motion: Commissioner Davis moved, Commission Smith seconded, and the motion carried 5-0 to approve the February 22, 2016 Agenda.**

2. PUBLIC COMMENT

Mary Lancaster, resident of the City, recently met with the Mayor about some issues and was complimentary on how it was handled. She is proud of the things the Mayor and Commission are doing for the City.

3. CONSENT AGENDA APPROVAL

A. Clerk's Office

1. Minutes: January 25, 2016 and February 1, 2016
2. Special Function Permits
  - a. DeSoto Children's Parade March 25, 2016
  - b. DeSoto Seafood Festival April 1-3, 2016
  - c. First Baptist Church Movie in the Park March 11, 2016
  - d. Food Truck Fundraiser March 4, 2016
  - e. Easter Sunrise Worship Service March 27, 2016
3. Resolution 2015-03 FY16 BB&T Lease Documents
4. Resolution 2015-04 FY16 Bullet Proof Vest Grant Allocation
5. Resolution 2015-05 Living Seawall Project

Commissioner Williams removed item 3.A.5. Resolution 2015-05 for discussion.

**Motion:** Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the February 22, 2016 Consent Agenda with the removal of item 3.A.5.

3.A.5. Resolution 2015-05 Living Seawall Project Discussion:

No discussion, this item was removed to allow for the vote to be taken separate from the Consent Agenda.

**Motion:** Commissioner Davis moved, Commissioner Cornwell seconded, and the motion carried 4-1 to adopt Resolution 2015-05 Living Seawall Project. Commissioner Williams voted no.

4. LIVING SEAWALL CONTRACT

Mr. Freeman reminded Commission that on November 16, 2015 Commission authorized staff to negotiate a contract with sole source vendor Reef Innovations, Inc. for the construction of approximately 970 feet of living seawall/shoreline at 825 Riverside Park West. The attached contract has been negotiated with the vendor for \$311,526 with the installation to begin March 1, 2016; completed within 90 days. Payments will be made based on percentage completion as determined by the project engineer. Mr. Freeman said that the City expects to seek reimbursement from Southwest Florida Water Management District (SWFWMD) for up to 50% of the eligible costs on this project. The project is being funded by the CRA and monies have been transferred to the City and a budget resolution (just approved) will establish the budget for this project. Bob Gause is the project manager and John Foley is the project engineer on this project.

Attorney Barnebey made one correction to Section 4, second sentence shall read "After the initial payment, there shall be retainage of 10% of the amount due which shall be withheld until the contract work is completed and accepted by the Owner."

**Motion:** Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 4-1 to authorize the Mayor to execute the contract with sole source vendor Reef Innovations, Inc in the amount of \$311,526 and approve a 10% contingency of \$31,152 and include the change as mention by the City Attorney. Commissioner Williams voted no.

5. LIEN REDUCTION REQUEST 2002 10 STREET WEST

Code Enforcement Officer Joe Fenton presented Commission with a timeline of the lien:

- July 7, 2009-utility bill unpaid
- October 8, 2009-first lien recorded for overgrown; City had the property mowed
- January 21, 2015-new owner FAREIC F, LLC obtained ownership of property
- January 27, 2016-email to City asking for reduction in fines. The new owner is requesting to pay \$568.26 plus 30% of the original lien for a total pay off of \$1,580.13
- January 29, 2016-utility liens are \$4,191.44
- January 29, 2016-code enforcement liens are \$1,855.24 which includes finance charges and mowing
- Total due is \$6,046.68

Staff recommended the collection of the entire amount of \$6,046.68.

**Motion:** Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to collect the lien amount of \$6,046.68.

6. LAMB PARK TENNIS COURT AND BASKETBALL COURT MAINTENANCE DISCUSSION

Mr. Freeman displayed pictures to Commission of the utilization of the tennis and basketball courts from November until present.

Discussion ensued regarding the resurfacing of both courts and fencing. Staff does not have in the budget for resurfacing and new fencing for the courts. The DeSoto Society will be removing the current fencing for

the event and putting it back up once the Seafood Festival is over. Pat Bustle, Chair for the Seafood Festival, stated that if the City purchases new fencing, they will put that back instead of old fencing that is there. Discussion continued regarding moving the basketball courts in the future, removing the tennis courts all together, and keeping them.

**Motion:** Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to follow what the Seafood Festival is going to do by taking down the fencing surrounding the basketball courts and then putting it back up.

**Motion:** Commissioner Varnadore moved, Commissioner Williams seconded the motion to have the fencing around the tennis courts taken down and replaced with new fencing if the old fencing cannot be put back up after the Seafood Festival.

Discussion ensued between staff and Commission on funding for the new fencing, if necessary, for the tennis courts. Staff indicated they will find the money, if that is the direction Commission would like to go, for the replacement of all or part of the fencing surrounding the tennis courts.

**Commissioner Varnadore modified the motion on the floor to put the old fencing back up if it is safe to do so, Commissioner Williams agreed to the modification to the motion on the floor. The modified motion passed 5-0.**

2002 10<sup>th</sup> Street West Lien Reduction Discussion:

Frauck Beaugendre and Walter Cenal, property owners, came and addressed Commission asking for them to reconsider the request to reduce the lien. They explained that they have had the property for about a year and have maintained it and felt they should not be responsible for the full amount of the lien.

No motion was made to reconsider.

7. PUBLIC HEARING CU PERMIT 2015-02

This item was inadvertently advertised in the newspaper for a Public Hearing on February 22, 2016 by the City Commission. **The actual Public Hearing is March 7, 2016 as stated at the February 1, 2016 Commission meeting.**

Mayor Bryant opened the public hearing.

Commissioner Davis announced that property owner, Jim Anderson, reached out to him and he directed Jim to speak to the Mayor.

**Motion:** Commissioner Davis moved, Commissioner Cornwell seconded, and the motion carried 5-0 to continue the Public Hearing to March 7, 2016 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.

8. PUBLIC HEARING ORDINANCE 2016-01 POLICE OFFICERS' PENSION PLAN

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 22, PERSONNEL, ARTICLE V POLICE OFFICERS' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-171, DEFINITIONS; AMENDING SECTION 22-172 MEMBERSHIP; AMENDING SECTION 22-174, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 22-176 BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 22-178, DISABILITY; AMENDING SECTION 22-180, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 22-185, MAXIMUM PENSION; AMENDING SECTION 22-195, PRIOR POLICE SERVICE; AMENDING SECTION 22-198, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 22-200, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 185 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing. Mayor Bryant closed the public hearing after hearing no public comment.

Discussion ensued regarding the definition for *Actuarial Equivalent* in the Ordinance and the 7.5%. Staff explained that the 7.5% actuarial is set by the Pension Board. It was determined that if the Board wanted to change that then the Ordinance would have to be changed every time. It was asked that Pension Attorney Scott Christiansen be at the next meeting to explain the changes in the Ordinance.

**Motion:**            **Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 continue the Public Hearing Ordinance 2016-01 to March 7, 2016 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.**

9. 1<sup>ST</sup> READ ORDINANCE 2015-02 ELECTIONS

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING AND REPLACING ARTICLE 12 IN ITS ENTIRETY, REGARDING ELECTIONS, INCLUDING AMENDING PROVISIONS RELATED TO GENERAL AND SPECIAL ELECTIONS; AMENDING REQUIREMENTS RELATING TO FILING FEES, THE TIME OF FILING THE OATH AND FEES, EARLY VOTING AND THE PROCEDURE FOR CANVASSING VOTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICTS; AND PROVIDING AN EFFECTIVE DATE

**Motion:**            **Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to schedule Ordinance 2015-02 for a public hearing on March 7, 2016 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers and direct staff to advertise for same.**

10. 1<sup>ST</sup> READ ORDINANCE 2015-03 CODE ENFORCEMENT

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING SECTIONS 2-81 AND 2-83 OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion:**            **Commissioner Davis moved, Commissioner Williams seconded and the motion carried 5-0 to schedule Ordinance 2015-03 for a public hearing on March 7, 2016 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers and direct staff to advertise for same.**

It was asked that the 4/5 vote (super majority) as mentioned in Section 2-81 be changed to say a majority vote.

11. JANUARY CHECK REGISTER

12. TRAFFIC UPDATE

13. DEPARTMENT HEADS' COMMENTS

14. MAYOR'S REPORT

Mayor Bryant attended the Agriculture Museum event on Saturday evening which was a great success. She informed Commission that Vice-Mayor Harold Smith will be competing in the Mayor's Challenge tomorrow at 10:30 a.m. at Andersen Race Park.

15. COMMISSIONERS' COMMENTS

Commissioner Varnadore—informed Commission that baseball season, spring training, is starting so be prepared for heavier traffic.

Commissioner Williams—attended the Manasota League of Cities and asked for discussion at a workshop on legislative action requests. This will be placed on the March 7<sup>th</sup> workshop meeting.

He attended the Historical Park Yard Sale event on Saturday; it had a great turnout.

Mr. Williams attended the Palmetto Historical Conference recently, and would like the City to look at drafting an ordinance on historical preservation. There may be additional funding from the Federal Government.

Commissioner Davis—asked Mr. Tusing to look at the light cycle on US41 and 17<sup>th</sup> Street and 25<sup>th</sup> Street; traffic appears to be getting held up at those two lights (heading north).

Mayor Bryant adjourned the meeting at 8:58 p.m.

Minutes approved: March 7, 2016

*James R. Freeman*

James R. Freeman  
City Clerk