

PALMETTO CITY COMMISSION
JANUARY 25, 2010 – 4:30 PM

Elected Officials Present:

Shirley Groover Bryant, Mayor (Not voting)
Tamara Cornwell, Vice Mayor
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner
Brian Williams, Commissioner (entered at 4:37 pm)
Alan Zirkelbach, Commissioner

Staff Present:

Mark Barnebey, City Attorney
Jeff Burton, Interim CRA Administrator
Garry Lowe, Chief of Police
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:32 pm. A moment of silence was observed, followed by the Pledge of Allegiance.

Commission concurred with the Mayor's request to hear item #2 as the first agenda item.

2. PROPOSED CHARTER AMENDMENT ORDINANCE

Chair Ron Witt and Vice Chair Frank Brunner led a review of the proposed Charter amendment ordinance. Mr. Witt stated there were a number of items the Charter Review Committee dealt with, specifically: definitions; the Mayor not being a member of Commission; residency and qualification; employees running for election; when a Vice Mayor would become Mayor. Committee member Bob Rotondo was also present.

The following items were discussed:

Commissioner Qualifications: The residency requirements were established in days vs. months to make the requirement as precise as possible. An individual running for office or serving as a Commissioner or Mayor can only have one permanent residence; if a homestead is declared elsewhere, a person would no longer be considered a legal resident of Palmetto.

Mayor Powers and Duties. The two year term limit was proposed to prevent a departing Mayor the ability to make an appointment beyond the then-current Mayor's term. Attorney Barnebey stated this clause will require ordinance changes, because some board terms are currently longer than two years.

Appointed Officers: Commission concurred to not amend the term expiration date of December 31st following a General Election.

Vacancy of Mayor: In the event a Vice Mayor shall be become Mayor, the proposed language gives a Vice Mayor a ten day period to decline the position. If the Mayor's position is chosen, the position will be filled until the end of the term, and the Commission seat will be vacated. If the Vice Mayor declines the Mayor's position and the term has more than 180 days before expiration, a special election must be held. As the Charter is written now, the Vice Mayor has no option to decline the Mayor's position.

Attorney Barnebey explained what would happen if the Mayor's seat were vacated, as follows:

- The Vice Mayor has ten days to accept or decline the Mayor's seat. If declined, another Vice Mayor could be elected to take the position.
- If a sitting Commissioner accepts the Mayor's position, then the Commission seat can be filled by an appointment from the public for the remainder of the then-current term.

- If none of the sitting Commissioners fill Mayor's position and less than 180 days remain in the current Mayor's term, there is the option to select a resident as Mayor.

Discussion ensued on whether or not a Vice Mayor accepting the Mayor's position temporarily until a special election can be held would retain the right to vote; whether or not a Commissioner could become an acting Mayor until an election could be held; whether or not a Commissioner acting as Mayor for an extended period of time until a special election can be held could have Commissioner powers temporarily revoked.

Mr. Brunner suggested that the Charter Committee may have meant that the 180-day term should apply to the Commission seat, as the Vice Mayor would be elected by the Mayor.

Mr. Brunner opined that under the current Charter, it is automatic that the Vice Mayor would become Mayor and the Commission would be filling a Commissioner's seat.

Attorney Barnebey will research if the voting powers of a Commissioner can temporarily be suspended and how long an acting Mayor position can be held.

Mr. Witt opined that the present language has to change, as there is no option as to how the Mayor's seat will be filled in the event of a permanent vacancy.

Mr. Barnebey clarified when a special election would be necessary to fill a vacant Commission seat.

Amendment Referendum: The language was parroted from Florida Statutes.

Attorney Barnebey stated it is his belief that the Charter can only be changed by referendum as provided by general law. The Charter Review Committee members confirmed it was not the committee's intent to say the Commission could amend the Charter by ordinance. Attorney Barnebey will bring back further defining language.

Interpretation: Attorney Barnebey explained that new ordinances will have to comply with new Charter; existing ordinances will remain in force and effect.

The language referring the Charter back to the Charter Review Committee every five years was not amended.

Commission Meetings; Quorum; Majority Vote: Discussion ensued on how Commission could call a meeting. Attorney Barnebey agreed that a Commissioner could call General Counsel asking for a special meeting, who would then call other Commissioners to obtain a majority vote to hold the meeting. (Practical application: General Counsel would contact the Mayor or Vice Mayor and suggest that a special meeting should be called.) He suggested that this application would be served by having a second Vice Mayor position; Mayor Bryant opined a second Vice Mayor would be helpful.

Appointed Officials: Discussion ensued on the super majority vote required for appointed officials' terms that exceed one year. Also discussed was the Commissioner's right to request and receive information from Appointed Officials. No amendment to the proposed language was made.

Attorney Barnebey confirmed that department heads are city employees.

The topic will be brought back to Commission at the next workshop.

1. RFP FOR THE GREEN BRIDGE BAIT SHOP

Discussion of staff's recommendation to award the RFP for the Green Bridge Bait Shop.

Mr. Tusing stated that the one response to the RFP is proposing that a dock be installed on the water. Staff stated that the CRA's study of the area suggested additional amenities, including the installation of two docks on the waterfront.

Mr. Tusing requested Commission's opinion on installing a dock. Discussion ensued on necessary permits, with Mr. Tusing being instructed to determine if a submerged land lease with the State is necessary, or if not necessary, what type of permit would be necessary.

Potential tenants Race and Jamie Foster stated their proposal is contingent upon the installation of a dock. He stated that if they install the dock, they would expect the City to apply for the permits. He confirmed the dock will be removed if the lease is terminated. He also confirmed he will be responsible for utilities.

Discussion ensued on offering a short term lease for six months at the \$100 per month that was received from the previous tenant. During this time City can pursue the requirements for the City to install the dock. Attorney Barnebey stated the lease can be modified for the short term lease. Commission agreed to the terms of the six month lease. The topic will be brought back to the next workshop.

Meeting adjourned at 6:10 pm.

Minutes approved:

James R. Freeman

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City Clerk