

**TAB 1**

Palmetto City Commission  
Litigation Assessment Meeting  
March 3, 2008  
6:00 P.M.

Elected Officials Present:

Larry Bustle, Mayor  
Tambra Varnadore, Vice Mayor  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
Brian Williams, Commissioner

Elected Official Absent:

Eric Ball, Commissioner

Others Present:

Michele Hall, City Attorney  
Bob Shermer, Attorney  
Court Reporter

Mayor Bustle called to order a litigation assessment meeting at 6:00 p.m. He announced City Attorney Michele Hall is in need of advice regarding the pending litigation in the City of Palmetto vs. Samuel and Bonnie Scott d/b/a Sabo Futures cases. The subject matter will be confined to the pending litigation and possible litigation expenses in accordance with Section 286.011(8), *Florida Statutes*. The estimated time of the meeting is approximately sixty minutes.

The Mayor announced all those present as listed above.

The meeting continued in private session at 6:05 p.m.

Meeting adjourned approximately 6:45 p.m.

Minutes approved:

James R. Freeman  
City Clerk

Palmetto City Commission  
Litigation Assessment Meeting  
March 24, 2008  
4:30 P.M.

Elected Officials Present:

Larry Bustle, Mayor  
Tambra Varnadore, Vice Mayor  
Eric Ball, Commissioner  
Tamara Cornwell, Commissioner  
Brian Williams, Commissioner

Elected Official Absent:

Mary Lancaster, Commissioner

Others Present:

Michele Hall, City Attorney  
Court Reporter

Mayor Bustle called to order a litigation assessment meeting at 4:40 p.m. He announced City Attorney Michele Hall is in need of advice regarding the litigation expense and settlement strategy in response to the Heagarty, Inc. litigation, Case #2007-CA-006732 and the Thornton litigation case. The subject matter will be confined to settlement negotiations and/or strategies relating to the litigation in accordance with Section 286.011(8), *Florida Statutes*. The estimated time of the meeting is approximately sixty minutes.

The Mayor announced all those present as listed above.

Public Works Director Chris Lukowiak briefly informed Commission of the current proposal for the land configuration for a new elementary school. Mr. Lukowiak departed the meeting.

The meeting continued in private session at 4:45 p.m.

Meeting adjourned approximately 5:45 p.m.

Minutes approved:

James R. Freeman  
City Clerk

Palmetto City Commission  
March 17, 2008 4:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor  
Eric Ball, Commissioner  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
Tambra Varnadore, Vice Mayor  
Brian Williams, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk  
Chief Garry Lowe  
Chris Lukowiak, Public Works Director  
Tanya Lukowiak, CRA Executive Director  
Michele Hall, City Attorney  
Bob Schmitt, Planning Supervisor/Zoning Administrator  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 4:00 p.m., followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

Chief Garry Lowe and Victim's Advocate Lorna White recognized a group of ladies from the Palm Bay Mobile Home Park who have personally sewn and donated dolls to the Giving Dolls Project, a program for children in crisis.

ORDER OF BUSINESS:

1. AGENDA APPROVAL

Mrs. Lancaster questioned if item #3 could lead to litigation, stating she would not approve the agenda if openly discussing the item before litigation could be held against the commission at a future date. Attorney Hall stated the item could go to litigation, but she planned on discussing only an explanation of the law.

**MOTION: Mrs. Lancaster moved to approve the March 17, 2008 4:00 agenda with the omission of item #3. Motion died for lack of a second.**

**MOTION: Mr. Ball moved to approve the March 17, 2008 4:00 agenda, limiting the discussion on item #3 to a report from the attorney as to general legal issues that may apply. Ms. Varnadore seconded the motion.**

Discussion: Mr. Williams discussed Commission's responsibility to try to resolve all issues before a potential litigation is filed, and inquired if there is a reason this item should go to litigation. Attorney Hall discussed the instances when a shade meeting would be permitted. In this instance, the property owner has retained counsel, but litigation has not yet been filed. Staff has researched the facts and Commission must now decide whether to enter into settlement with the potential claimant or stand on the facts and legal principals presented in an open meeting. She stated she is prepared to discuss the legal theories and the facts gathered by staff, without getting into legal theories that may be applicable at a future date. She suggested that if Commission wanted to discuss the issue in detail she is available for an individual conversation. Attorney Hall further stated the Commissioner that is a potential plaintiff is aware of the law and her right to participate in the discussion, as well as her voting conflict. Attorney Hall also

confirmed that the involved Commissioner can attend a shade meeting and receive public documents that are not exempt from public disclosure.

**Motion on the floor carried 3-1. Mrs. Lancaster voted no. Ms. Cornwell abstained from the vote.**

## 2. DISCUSSION: BACKGROUND CHECKS FOR EXISTING EMPLOYEES

Attorney Hall informed Commission that in response to their inquiry about requiring current employees to undergo a criminal background check as a condition of continuing employment with the City, she stated it is within Commission's authority to adopt an ordinance that requires that certain or all employees to be subjected to background screening as a condition of continuing employment. Mr. Freeman confirmed the City has always performed drug screening and physicals on new employees and began performing the background screening in October 2006.

Commission held a detailed discussion on the following topics relating to the background checks:

1. Positions to be subject to criminal background checks
2. Results of the checks
3. Authority to rule on prior convictions
4. Random drug testing
5. Determination of future screening timeline after hire date
6. Identification of records that will be exempt from public disclosure

Attorney Hall cautioned that if Commission determines it is in the City's best interest to perform the background screening for existing employees, rules and procedures must be developed that clearly articulate the above factors prior to implementation of the program.

Ms. Cornwell suggested that in anticipation of the program being implemented, all employment applications should be amended to clearly state to a potential employee that he/she will be subject to drug/background screening. She also stated it is very important to communicate to existing employees the process.

Staff was instructed to prepare the necessary rules and procedures, changes to the Personnel Policy and a draft ordinance for Commission's review prior to May 1, 2008.

## 3. DISCUSSION: BRUNNER STORMWATER DITCH

Attorney Hall stated that as requested by Commission, all correspondence regarding the stormwater ditch located at 1732 17<sup>th</sup> St. W. has been provided in the agenda packet. Attorney Hall summarized the facts to date:

The property owners acquired the property in 2004.

The 10' wide ditch running down the western side of the property accepts water from a subdivision across the street via a pipe under 17<sup>th</sup> Street.

1. Aerial photographs show the ditch has been in existence since at least the 1970's
2. Flagstone Acres was platted in 1986
3. The City has mowed the sides the ditch for at least 20 years; Manatee County sprays the ditch to keep vegetation down.
4. Research needs to be completed, but SWFWMD maps dating back to 1970 indicate the property may originally have been wetlands; when Lake Rowlett was filled some of the dredge material was placed on the property under discussion so it would be buildable.

5. SWFWMD reported it considered the ditch as having historical flow or natural flow; may also be termed a natural watercourse (if in existence more than 50 years it is regarded a natural watercourse by SWFWMD); FDEP would be the agency to permit the filling of this type of watercourse.

Attorney Hall explained the general theories of law that will apply if suit is filed by the property owner; prescriptive easement and inverse condemnation; torts; trespass. She stated there is no mandatory mediation process for this issue, but that could be an option.

She also advised Commission that she has listed this issue as a potential litigation that could exceed \$50,000 in her response to the auditor's inquiry (in connection with the completion of the audit of the City's financial records). Mr. Williams commented on the fact the property owner was requesting approximately \$21,000 for an easement of record vs. the actual cost of a potential litigation.

Attorney Hall stated she had researched back to 1980 to see if any other property owner has raised this issue, and found none. She informed Commission that if suit is filed the City could claim a prescriptive easement, but the City must prove that easement to prevail.

Discussion ensued on the possibility of the City winning and how the property would be affected. Mr. Lukowiak explained that an easement is not held against setbacks, which are set off the property line; the property owner is requested to not build on an easement.

Attorney Hall stated she has been unable to locate a City approved drainage plan for Flagstone Acres that diverted the water under 17<sup>th</sup> Street into the ditch under discussion. Mr. Lukowiak stated this issue may also involve Manatee County if the ditch is identified as a filtration system for Lake Rowlett, which is maintained by Manatee County.

Attorney Hall confirmed she does not have a recommendation from a legal perspective. She discussed the possibility of other similarly situated property owners that may come forward seeking compensation for the use of their land. Mr. Lukowiak commented the miles of ditches crossing private properties that are used in the City's drainage system and the potential financial impact the City could face from those property owners if the City agrees to Mr. Brunner's request.

Attorney Hall confirmed that when property owners come to the City with a development request, if applicable, the property owner is requested to provide an easement for drainage, utilities, etc.

Mr. Frank Brunner discussed the history of the property provided him at the time of his purchase of the property; all documents verified the ditch (canal) is his property, which, in his opinion, equates to a typical residential lot. He reports he maintains the ditch, not the City. He discussed his original request was to reduce the stormwater fees, pursuant to the report from the consultant furnishing the City's stormwater analysis. He reviewed his attempts to resolve the matter, and placed into the records material documenting his discussions with the City, which are attached hereto and made a part of these minutes. He stated he is open to resolving this issue with the City in a reasonable manner that is fair and equitable contribution for the use of his property. He confirmed he is still willing to grant an easement in exchange for the hookup to City sewer. Attorney Hall confirmed the property owner will still pay taxes and liability insurance on the property if an easement is granted. Mr. Brunner acknowledged that fact, but opined that with a formal easement of record, the City would assist in the maintenance of the property with City equipment.

4. DISCUSSION: ERIE ROAD LANDFILL

Mayor Bustle confirmed the joint meeting with Manatee County Commission is scheduled for April 7, 2007 at 7:00 at the Civic Center.

5. DISCUSSION: GRANT APPLICATION

Mrs. Lukowiak, Grants Coordinator, requested authorization to apply for an Office of Greenways and Trails Grant of \$15,000 to pave the linkage between Hydrant Park and the recreational trail and purchase picnic facilities and fitness stations for installation at the trailhead and along the trail. This is a matching grant; staff proposes in-kind services as the City's contribution. Staff also requests that the project be added to the City's CIP. Commission approved moving the item forward to the 7:00 agenda for action.

6. DISCUSSION: CITY OWNED PARKING LOT

Mrs. Lukowiak, CRA Executive Director, informed Commission the deed restriction limiting the property's use to a parking facility must be addressed if the City wishes to pursue development on the City's parking lot property.

If the City wishes to develop the property with a hotel or mixed use structure, Mr. Van der Noord, the property conveyor to the City, is amenable to lift the restriction provided he retains his ability to protect his economic interest in providing adequate parking for commercial endeavors in the area. He stated he would be happy to facilitate the City's development of the property, provided at least the same amount of parking is provided.

Attorney Hall confirmed the signature of any third party beneficiary of the restriction is not necessary to the deed restriction; their interest is limited only to parking. Mrs. Lukowiak acknowledged that boat trailer parking is an issue.

Attorney Hall suggested that the safest way to address the restriction is to obtain a release or to place in the public records an agreement stating the restriction has not been violated. Mayor Bustle suggested that Mr. Van der Noord could potentially veto any project. Mrs. Lukowiak opined that if the City wants to develop the property Mr. Van der Noord's participation and cooperation is necessary unless the structure is strictly a parking garage.

Meeting adjourned at 6:10 pm.

Minutes approved:

James R. Freeman  
City Clerk

Palmetto City Commission  
March 17, 2008 7:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor  
Eric Ball, Commissioner  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
Tambra Varnadore, Vice Mayor  
Brian Williams, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk  
Chief Garry Lowe  
Chris Lukowiak, Public Works Director  
Tanya Lukowiak, CRA Executive Director  
Michele Hall, City Attorney  
Bob Schmitt, Planning Supervisor/Zoning Administrator  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:07 p.m., followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

Mayor Bustle recognized the attendance of mayoral candidates Shirley Groover Bryant and Chris Lukowiak and County Commissioner Carol Whitmore.

Swearing-in of all persons speaking to Commission.

PUBLIC COMMENT: County Commissioner Carol Whitmore informed Commission her presence at the City's commission meetings was solely to act as the City's representative commissioner, not to police the meetings.

ORDER OF BUSINESS:

1. AGENDA APPROVAL

**MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve the March 17, 2008 7:00 p.m. agenda.**

2. CONSENT AGENDA

- A) Minutes: March 3, 2008
- B) February Check Register
- C) Royal Palm Car Wash right-of-way dedication
- D) Noise Exception & Temporary Use Permit:
  - Alberto Medina
  - Gulbertha Hernandez

Ms. Cornwell removed item D for discussion.

**MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the March 17, 2008 Consent Agenda, tabs 1-3.**

Alberto Medina and Gulbertha Hernandez, applicants for the Noise Exception & Temporary Use Permit confirmed the applications were two different parties. Mrs. Lancaster confirmed with the



applicants that if complaints about the noise were made to the Police Department, the music's volume would be reduced.

**MOTION:** Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the two Noise Exception and Temporary Use Permits, with the stipulation that if complaints are made, they will agree to turn the music down.

3. PUBLIC HEARING-ORDINANCE NO. 08-961

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A ZONING ATLAS AMEDMENT FOR MANATEE RIVER COMMUNITY BANK FROM RM-6 - MULTI-FAMILY RESIDENTIAL TO CG – BUSINESS AND LIGHT COMMERCIAL; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-07-08 Manatee River Community Bank, PID # 2780900003, approx. 0.42 acres).

Mayor Bustle opened the public hearing.

Jim Boyd, real estate broker stated he is representing the Manatee River Community Bank in a contract with Jim Wade, owner of the (old Palmetto Federal) Goldome building. Mr. Wade has requested a rezone on the property so it may be used as overflow parking for potential tenants in the Goldome building. He informed Commission P&Z had recommended approval. One adjacent property owner had opposed the rezone, but according to the January 2008 P&Z minutes, the property owner did not object to a parking lot on the site. Mr. Boyd opined the additional parking will aid Mr. Wade in attracting technical/professional tenants to the now vacant building.

Mayor Bustle closed the public hearing.

**MOTION:** Ms. Varnadore moved and Ms. Cornwell seconded, for discussion, to adopt Ordinance No. 08-961.

Discussion: Mr. Schmitt confirmed a straight rezone cannot attach conditions; therefore, a stipulation the site can only be used as a parking lot cannot be made. He further stated Mr. Boyd was willing to enter into agreement with Mr. Seney, the opposing property owner, that the site would not be used for anything but a parking lot for ten years, but Mr. Seney refused the agreement. He informed Commission this is the only parcel west of 7<sup>th</sup> Avenue between 4<sup>th</sup> and 7<sup>th</sup> Streets that has not been zoned a commercial or general office category. Mr. Schmitt further stated that with the development requirements that must be met, the site can only support a structure of approximately 4,200 square feet, and opined that the lack of visibility from 8<sup>th</sup> Avenue is not conducive to development.

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

4. PUBLIC HEARING-ORDINANCE NO. 08-962

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM CC – COMMERCIAL CORE TO PDMU – PLANNED DEVELOPMENT MULTI USE; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR A MULTI USE PROJECT DEPICTING 80 MULTI FAMILY UNITS, 21,840 SQUARE FEET OF COMMERCIAL/OFFICE, AND A PARKING GARAGE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND

PROVIDING FOR AN EFFECTIVE DATE (Z-07-07/GDP-07-07), William L. Manfull & Heather Lee Cosgrove, PID #2747600050, approximately 1.93 acres).

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

**MOTION: Mr. Williams moved and Mr. Ball seconded to adopt Ordinance No. 08-962.**

Discussion: Ms. Varnadore questioned if this is the only time the plan would come before Commission and the effect the market may have on the full development of the project. Mr. Schmitt confirmed that unless the proposed general development plan expires, this meeting is the only time Commission will see the proposed project. He further stated that until the EAR based amendments to the Comprehensive Plan is completed, which will allow mixed uses and increased density, etc. applicable to the entire downtown design guideline area, only Phase I & II (of the projected six phases) can be accomplished; the remaining phases will proceed after the completion of the EAR based amendment. He confirmed the applicant is aware of the construction limitation.

Mayor Bustle reopened the public hearing.

Ms. Varnadore expressed concern about the project's location in the heart of the downtown historic district and her difficulty approving a zoning change for the entire project with the uncertainty of the economic outlook. Mr. William L. Manfull stated he expects it will take two years to build out Phase I & II. He spoke of his experience in real estate development, his personal contribution to the project to date and his intent to see the project through to completion. Mr. Manfull briefly commented on working with the City on the public/private parking garage issue and his agreement to contribute to the infrastructure improvements. Mr. Lukowiak confirmed a development agreement will be executed regarding Mr. Manfull's contribution to the infrastructure improvements.

Mayor Bustle closed the public hearing.

Architect Laura Gee reviewed the changes that have been made to the exterior of the building pursuant to the Planning & Zoning Board's comments. Staff informed Commission that in response to the Fire Department's review an additional stairway will be added to the construction documents; the safety of pedestrian traffic will be documented in the construction drawings; the final design will ensure setbacks and width of the sidewalks will be consistent with design guidelines; and all ADA requirements have been considered in the plan.

Mr. Schmitt stated that because only Phases I and II are being approved at this time, (16 units on 1.93 acres) the project does not qualify for a density bonus. He also discussed the fact that with the adoption of the EAR, density in the area will increase to 45 units per acre. Attorney Hall recommended that because Commission is issuing development approval for the entire project, a stipulation should be added to the ordinance stating that building permits for Phases III through VI, as shown on the Conceptual/General Development Plan, should not be issued until the City's Comprehensive Plan is amended to permit the density and intensity for those phases. Attorney Hall further confirmed the approval of the Conceptual/General Development Plan could be approved for only Phases I and II, but the cover page of the Conceptual/General Development Plan will have to be amended to reflect the correct site data for Phase I and II. Attorney Hall stated the most efficient way to approve the project is to add a stipulation to the ordinance stating Phase III through Phase VI cannot be developed until the City's Comp Plan is amended to permit the density and intensity for those phases.

Ms. Varnadore stated she was not comfortable approving the entire project because the zoning on the entire parcel will be changed. Mr. Schmitt informed Commission that any future deviation from the approved plan and zoning would require the public hearing process and Commission approval.

**Mr. Williams and Mr. Ball amended the motion on the floor to include the stipulation to the ordinance as recommended by Ms. Hall. Motion carried 4-1. Ms. Varnadore voted no.**

5. RESOLUTION NO. 08-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO SUPPORTING THE FLORIDA FOREVER PROGRAM AND THE CREATION AND FUNDING OF A SUCCESSOR PROGRAM TO FLORIDA FOREVER; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 08-10.**

6. RESOLUTION NO. 08-11

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, DECLARING CERTAIN PROPERTY OWNED BY THE CITY OF PALMETTO TO BE SURPLUS AND AUTHORIZING ITS SALE OR DISPOSAL.

**MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Resolution No. 08-11.**

Staff was instructed to have the auctioneer determine if the police vehicles will have any value at auction.

7. APPROVAL: AGREEMENT FOR PROFESSIONAL AUCTIONEERING SERVICES

Agreement to authorize Holzman Auctioneers to conduct the City's auction of surplus property.

**MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Agreement for Professional Auctioneering Services with Holzman Auctioneers.**

8. APPOINTMENT: MANATEE COUNTY ACTION AGENCY

**MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve the appointment of Tanya Lukowiak as the City's representative to the Manatee County Action Agency.**

9. APPROVAL: GRANT APPLICATION

Authorization to apply for an Office of Greenways and Trails Grant to pave the linkage between Hydrant Park and the recreational trail and purchase picnic facilities and fitness stations for installation at the trailhead and along the trail. This is a matching grant; staff proposes in-kind services as the City's contribution. Staff also requests that the project be added to the City's CIP.

**MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to authorize the Grants Coordinator to apply for the Office of Greenways and Trails Grant in an amount up to \$15,000, authorize the addition of the project to the City's CIP, and approve only in-kind services as the City's match.**

10. 1<sup>st</sup> READING & ADVERTISING APPROVAL-ORDINANCE NO. 08-963

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 2, SECTION 2-88 OF THE CITY CODE OF ORDINANCES PERTAINING TO LIENS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to approve Ordinance No. 08-963 for advertising and schedule a public hearing April 21, 2008.

11. 1<sup>st</sup> READING & ADVERTISING APPROVAL-ORDINANCE NO. 08-964

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES BY REMOVING SECTIONS 8-1 THROUGH 8-25 FROM CHAPTER 8 AND RE-CODIFYING SAID PROVISIONS IN APPENDIX A, ENTITLED "FRANCHISES"; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 08-964 for advertising and schedule a public hearing April 21, 2008.

12 DEPARTMENT HEADS' COMMENTS

Chief Lowe

No report.

Mr. Freeman

Referring to his letter regarding utility bills at Lincoln Park and the Boys & Girls Club concession stand, he informed Commission Manatee County will assume responsibility for the electric bill for the water meter to the medians but not the concession stand. The county maintains the concession stand is not their responsibility pursuant to the City's lease with the Boys Club, but they are open to further discussion.

Referring to the air quality study results, funding for the City Hall air system upgrade is being researched and will be brought to Commission in the near future.

The Waste Management annual 2.5% CPI increase will reflect in the utility bills beginning in April.

Mr. Lukowiak

Informed Commission Waste Management has requested the use of the City's movie screen and Sutton Park on April 19, 2008 to host a training video and movie for its employees. Mr. Lukowiak estimated fees associated with the use would be approximately \$221. Dave Smith, Waste Management, stated the training video is required for Waste Management staff, but any public who wished to view the movie would be welcome. Mr. Lukowiak confirmed the date is the same as the Palmetto Clean-up date, but the park would be available to Waste Management at the time of their event.

**MOTION:** Ms. Varnadore moved, Mr. Ball seconded and motion carried 4-1 to allow Waste Management to have the Park on April 19, 2008, subject to staff's approval of the necessary paperwork. Ms. Cornwell abstained from the vote because of her voting conflict of interest.

Referred to the letter to the Code Enforcement Board regarding Pelican Bay/Terra Mana. Mr. Lukowiak informed the Commission the property owner does not have the resources to correct the three most pressing safety issues. He proposed the City correcting the three violations and placing a lien on the property for City expenses. The property owner has agreed to the suggestion and has agreed to hold the City harmless. Commission discussed the proposal and directed that the property owner be notified that the lien must be satisfied before any development approval will be granted. Attorney Hall clarified that the City will address only three of the seven violations, and the \$250 per day fine will continue to accrue until the property owners goes back before the Code Enforcement Board.

Attorney Hall

Requested two concurrent shade meetings to discuss the settlement and negotiation strategy regarding litigation expenditures in the Thornton and Heagarty cases. The meeting was set for March 24, 2008 at 4:30 pm.

13. MAYOR'S REPORT

The next Council of Governments meeting is March 19, 2008 at 4:00 in the Longboat Key Room at the Civic Center. Agenda topics include TBRTA, Blackstone Park, and Groover's Market. Mrs. Lancaster commented on the lack of loitering at the market since the new owner's possession.

The agenda topics for the joint meeting with the county commission April 7, 2008 include Erie Road, the 7<sup>th</sup> Street extension and Lincoln Park.

Legislative Action Day in Tallahassee is Tuesday, March 25, 2008.

14. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Informed Commission she will be gone for a week. Mr. Williams and Ms. Cornwell volunteered to take any of her calls.

Ms. Varnadore

Confirmed with staff that additional information will be forthcoming regarding the Erie Road landfill issue. Ms. Varnadore commented on the usefulness of the timeline that had been developed and requested that it be expanded to include 1982 through 2005. She also requested that information be distributed to Commission as it is received.

Mr. Williams

Mr. Lukowiak confirmed that the dirt that was being stored on a lot on 7<sup>th</sup> Street is being moved. Part of it is going to Church on the Rock for an Easter presentation and part of it is being used, at the request of SWFWMD, to raise the elevation of a vacant lot.

Ms. Cornwell

Staff confirmed the soccer field on the park rental report is for the fields located on 14<sup>th</sup> Avenue.

Mr. Lukowiak reported on the ditch issue. Mr. Stollo has met with the park manager to inform him the owner may expect to receive another letter. Mr. Stollo also instructed that the fence be put back up, there would be no garbage before 7 a.m. and the containers must be covered. Mr. Lukowiak will obtain information on an aeration system for the ditch.

Mr. Lukowiak stated the retention wall at Terra Ceia will be brought back to a workshop.

Suggested a successful way of accomplishing employee training is to combine the training with a summer city wide activity.

Mr. Ball

Confirmed the two community meetings scheduled for the week; King of Kings and Riviera Dunes.

Mr. Lukowiak assured Commission that any funds expended on the ditch will be billed back to Mr. Tannenbaum and One Stop.

The DeSoto Children's Parade is Friday.

Meeting adjourned at 8:50 p.m.

Minutes approved:

James R. Freeman  
City Clerk