

TAB 1

Palmetto City Commission
April 21, 2008 4:00 p.m.

Elected Officials Present:

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

Staff and Others Present:

James R. Freeman, City Clerk
Chris Lukowiak, Public Works Director
Chief Garry Lowe
Tanya Lukowiak, CRA Executive Director
Bob Schmitt, Interim City Planner
Michele Hall, City Attorney
Deanna Roberts, Administrative Assistant

Mayor Bustle called the meeting to order at 4:01 pm. A moment of silence was observed for our military men and women serving around the world, followed by the Pledge of Allegiance. The Mayor recognized Mr. and Mrs. Martin Lawson, frequent observers at the Commission meetings, who will be celebrating their 58th wedding anniversary tomorrow, April 22, 2008.

1. AGENDA APPROVAL

MOTION: Commissioner Lancaster moved and Commissioner Williams seconded a motion to approve the April 21, 2008, 4:00 p.m. agenda.

Discussion: Commissioner Cornwell asked to amend the motion by adding the videotaping of the 7:00 p.m. meeting to the 4:00 p.m. agenda. Commissioner Varnadore seconded the amendment. The amendment passed unanimously.

MOTION: The motion as amended passed unanimously.

2. DISCUSSION: PROPOSED ORDINANCE TO AMEND THE BENEFITS OF THE GENERAL EMPLOYEES' PENSION PLAN (J. Freeman)

Attorney Scott Christiansen, counsel to the General Employees' Pension Plan Board of Trustees, will discuss a proposed ordinance to offer an optional form of benefit known as a Partial Lump Sum Option (PLOP). This option is intended to be an alternative to the Deferred Retirement Option Plan (DROP) currently offered to general employees.

Mr. Freeman said the proposed ordinance will come to Commission for formal adoption at a future meeting. The ordinance changes the definition of credited service and adds an additional benefit known as the partial lump sum option (PLOP). The Pension Board attorney advised adding this option based on what he had seen in other cities. Mr. Freeman explained that a retiree can elect to receive a portion, 10-25%, of his retirement in a partial lump sum with the balance paid in a monthly annuity benefit. Section 22-106, Reemployment after Retirement, is being deleted and incorporated into a new section, 22-109. The actuarial assumption is being changed from 8 to 8½ % return. **The actuary has determined there will be no actuarial impact to the pension fund.** A letter from the actuary, Gabriel Roeder Smith & Company, confirming this is in the agenda for Commission's review. The Pension Board has forwarded this to the Commission for feedback and Scott Christiansen, counsel to the General Employees' Pension Board, is at the meeting to answer any questions.

Mr. Christiansen explained the difference between the deferred retirement option plan (DROP) and the PLOP plan. Members can only elect one option, not both. The PLOP option is taken when the retiree is actually ready to retire, unlike the DROP plan. Under the DROP, if there are salary increases they do nothing to increase your benefit as you are already retired, and any enhanced benefits will not be received. Under the PLOP, you continue to work as an active employee until you're ready to retire and then select what percentage of the benefit 10-25% you would like to receive. If you don't take a partial lump sum, your monthly benefits will be higher. Mr. Christiansen said this is considered the more flexible plan.

Commissioner Ball, who is also chair of the Police Officers Pension Board, asked Mr. Christiansen, who is also the counsel to the Police Board, to address the question of the Pension Board's own appointments. Mr. Christiansen handed out a copy of Florida Statutes Chapter 185 which deals with the administration of police pension plans and it specifically provides that the Board is made up of five trustees: two elected by the police officers, two are appointed by the City Commission and the fifth trustee is elected by a majority of the other four. The state statute says the name of the fifth member is submitted to the governing body, in this case City Commission, and upon receipt of the fifth persons name, that body **shall**, as a ministerial duty, appoint such person to the Board as its fifth member. A ministerial duty is defined as an act which one performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority without regard to, or the exercise of its own judgment, upon the propriety of the act being done....nothing is left to discretion. Mr. Christiansen said the local ordinance of the police plan has the same language as Chapter 185, which it has to have for the plan to receive state funding. This is an appointment, not an approval.

In answer to Attorney Hall's question about tabling the appointment indefinitely, Mr. Christiansen said the fifth member is not a trustee until he's appointed. But, the City would be violating the provision of state law and its own ordinance, and the Board could file a lawsuit to force the City to do what it is required to do under the law. Mr. Christiansen said the only exception would be in a case where there might be a legal reason why that person couldn't serve.

Mr. Freeman said the proposed ordinance would be on the May 5, 2008, agenda for first reading and advertising approval.

3. PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT

(J. Freeman) Jim Freeman and CPA Associates will present and discuss the City's 2007 Comprehensive Annual Financial Report.

Mr. Freeman presented the 2007 Comprehensive Annual Financial Report (CAFR) covering Major Initiatives, Financial Highlights, Governmental Funds, Proprietary Activities, Fiduciary Funds, Management Letter Comments and Conclusion. The report is attached to, and made a part of these minutes.

Mr. Freeman reported that revenues increased approximately \$1.49 million in governmental funds. The millage rate last year was 5.1645. The increase was attributed to property taxes which were up \$ 1.1 million in 2007. A large portion of that was related to new construction and an increase in values. He expects that in the coming year property values will go down and new construction will decrease.

Revenues in the proprietary funds were up. These funds are user-based fees for water/sewer, storm water, reclaimed and solid waste. All the funds were positive in terms of operating income. The storm water fund is still receiving a subsidy from the General Fund. He projects that in the next four to five years that fund will be self-supporting.

In 2007, 11% was added to the pension funds. This was a change in net assets up from 7% in 2006.

He concluded that based on the current economic climate, the City will have to control operating costs in all funds, find ways to stretch out the CIP dollars for the upcoming year and develop financial policies (fund balance, debt, investment, budget) in the coming year. A proposed contract for a consultant to assist in these policies is slated for discussion later in the meeting.

Mr. Freeman introduced Tommie Barrie, CPA Associates, who reported the results of the audit. She first congratulated the Finance Department for receiving the Certificate of Achievement for excellence in financial reporting. She remarked that this is a coveted honor.

Ms. Barrie informed Commission that this year the auditors issued an unqualified opinion which is the highest form of assurance that can be rendered with regard to the financial information contained in the CAFR. There were no issues found in internal control. The City is in compliance with all the rules of the Auditor General for the year ending 2007. She thanked the City for the opportunity to serve and Finance for their cooperation.

Commissioner Cornwell and Commissioner Williams asked for budget projections for the coming year as soon as possible.

4. DISCUSSION: PALMS OF TERRA CEIA STORMWATER CHARGES AND SEAWALL

(J Freeman/C. Lukowiak) Discussion of the Palms of Terra Ceia storm water charges and repair of the seawall.

Mr. Lukowiak handed out a quote from Custom Dock and Davit to repair the seawall. The agenda packet already contained a quote from Duncan, but this quote arrived later and is significantly lower than Duncan. He explained that the City's portion of the repair would be an amount not-to-exceed \$10,000. The CDD at Terra Ceia is willing to pay one-third of the cost not-to-exceed \$8,000 and Whiting Preston has agreed to pay one-third. The CDD is willing to pay one-third of the cost of the seawall repair in exchange for storm water mitigation credit. They also want the City to accept the responsibility for maintenance of the eight ponds there. Currently the City is not maintaining the ponds.

In answer to Commissioner Cornwell's question, Mr. Lukowiak said the ponds are not storing any of the City's runoff. Commissioner Williams asked why we are even discussing this if that is the case. Mr. Lukowiak said it is possible that some of the reclaimed water sprayed on the golf courses there may end up in the ponds. And, it is the CDD's contention that it pays about \$38,000 per year in storm water fees and receives nothing in return. The CDD wants the City to take over the system or give mitigation credits. Mr. Lukowiak said this discussion has been going on for about five years.

Commissioner Williams asked for an engineering report and an idea of what the City's role there will be in the future. Mr. Lukowiak said the City should ultimately probably take it over as it is part of our storm water system, but he will do a walkthrough first and identify all deficiencies that exist there.

Commissioner Williams asked Attorney Hall if the City does not put any storm water into the ponds there, and they handle their own run off, could the City elect to do away with the storm water fees for that CDD area. She replied there is no provision for 100 percent mitigation, and it can only be given against the operations and maintenance component; however, their fees could be reduced significantly.

There was consensus by Commission to have Mr. Lukowiak continue negotiations with the CDD and bring back alternate options. Mr. Lukowiak will put the seawall repair out for bid.

Commissioner Varnadore asked for a map of all the ponds there.

Commissioner Williams asked for a chronological history of the discussions.

Mr. Lukowiak said he will bring back a list of deficiencies with the cost for the City to assume maintenance there, or the amount to give back in a credit.

Commissioner Cornwell asked that the CDD be advised in writing of how the Commission is proceeding.

5. DISCUSSION: FINANCIAL SERVICES AGREEMENT (J. Freeman)

Proposed contract to retain the services of an independent Consultant/Financial Advisor to assist with long term capital planning, debt analysis and investments. ***Staff requests that this item be moved forward to the 7:00 agenda for action.***

Mr. Freeman is asking for Commission to approve up to \$6,000 to retain the consultant. He has gotten referrals for the company from several other municipalities.

Commissioner Varnadore asked to change the proposed contract to add "with Commission approval" to page 1, Section 2, addressing renewal of the agreement, and at the top of page five regarding amendments to the agreement to add "with Commission approval."

There was consensus by Commission to move this forward to the 7:00 p.m. meeting for a vote.

6. DISCUSSION: WASTEWATER TREATMENT PLANT PERMIT RENEWAL (C. Lukowiak)

Jim McLellan of Jones Edmunds will provide a cost analysis regarding the wastewater treatment plant's needed improvements and permit renewal requirements.

Jim McLellan of Jones Edmunds (JEA) presented a PowerPoint entitled "Palmetto WWTP Rerate and Repermitting Update", the project that JEA is working on for the City. The PowerPoint is attached to, and made a part of these minutes. He advised Commission that the objective is to add life to the system; an additional ten to fifteen years. There is no reserve capacity. The goal is to add capacity, because dumping water into the bay will be subject to ever-increasing restrictions. The permit had to be repermited this year. JEA went ahead and repermited the plant as is while they are evaluating the other components. So, the City is not committed to anything at this point that it does not wish to do.

Mr. McLellan continued his discussion of the plant and needed upgrades. Commissioner Varnadore suggested this item should be brought back to another workshop due to the time constraints of this meeting and the importance of the topic. She stated that it is too important to rush. Mr. McClellan said he will come back to the next Workshop scheduled for Monday, April 28, 2008, at 5:00 p.m.

7. Videotaping of Commission Meetings (Commissioner Cornwell)

Commissioner Cornwell's concern over the videotaping was whether it would fall under political advertising. If it were used for that purpose, waivers must be obtained from every person appearing in the video. Also regarding children in the audience, if they had protection, as in a child custody case, and unintentionally appeared in the video, it could be a liability for the City.

Attorney Hall said the video is being taken by a private citizen. Commissioner Cornwell said that citizen is a mayoral candidate. Her concern is the fact that it may be used for political gain. It was stated in an email to her that this would be used for a web site for a mayoral candidate.

Commissioner Cornwell asked to direct the City Attorney to look into the videotaping as it pertains to a campaign. Commissioner Varnadore commented that the particular candidate is an employee of the City; does that bring any further liability to the City? Attorney Hall said it must always be clear in which capacity he is acting; either candidate or public works director. And he must be aware of the ethical requirements of each of those. Commissioner Varnadore said she plans to amend the 7:00 p.m. agenda to include a discussion on City policy regarding an employee running for office and legal research requests by Commissioners.

Commissioner Cornwell wanted a disclaimer made at the 7:00 p.m. meeting that it was being taped in order to protect the City.

There was consensus of the Commission to have the attorney research the legality of using the videotape of the Commission meeting for political advertisement.

The meeting was adjourned at 6:32 p.m.

Minutes approved:

James R. Freeman, City Clerk



Proposal
April 15, 2008

Westra Construction Corporation
1263 12th Avenue East
P. O. Box 1149
Palmetto, FL 34221

Attn: Mr. Jerry Hester

Re: Terra Ceia Golf & Country Club Bulkhead

For the sum of \$24,000.00 (twenty-four thousand dollars), we shall furnish labor and materials to perform the following:

- a) mobilize all required equipment to site
- b) extract and haul off site the existing deteriorated wooden bulkhead
- c) supply and install approximately thirty-nine 8"X12'± 2.5 c.c.a. marine pilings
- d) construct 150 linear feet of 6' height pressure treated wooden bulkhead (the elevation of the bulkhead shall be approximately 5'± above grade and 1'± below grade)
- e) supply and install approximately twenty 5/16" stainless steel cable tiebacks
- f) supply and install approximately ten 8"X4' 2.5 c.c.a. piling deadmen
- g) supply and install 150 linear feet of Terratex-type heavy duty filtercloth (the filtercloth is a 100% non-degradable soil retention device which will help to eliminate the erosion of soil)
- h) backfill and finish grade behind the bulkhead with the required amount of clean fill dirt (sod by others)

Note: Permits (if required) by others.

All construction to be as per plans attached.

This proposal is contingent upon Custom Dock & Davit, Inc. gaining sufficient access to the job site for the aforementioned work.

This proposal does not include the following:

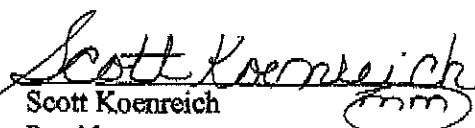
- 1) the replacement of sod or landscape components
- 2) the repair of subterranean utility lines or sprinkler systems

For your protection, we meet all State and local licensing requirements. We also are insured against liability, property damage and all workers' injury claims by both the State of Florida and the Federal Government. See attachment for additional policy information.

All workmanship and materials will be guaranteed to equal or exceed industry standards. Upon completion, all excess materials and debris will be removed and the site will be left in a clean condition. It is our sincere intention to perform this work in a manner that causes the least inconvenience to you and your guests.

A partial payment of 20% of the contract price is to be paid upon the signing and submitting of this proposal. Payment in full is to be received *upon completion of construction*. We will honor this proposal for a period of thirty days, and it will become a binding contract with your signature.

This work will commence within 14 to 30 working days after our receipt of a signed contract unless a different date has been discussed.


Scott Koenreich
President
Custom Dock & Davit, Inc.
License #A1087

Authorized Agent or
Property Owner
Date of Execution _____

SK/mm



Comprehensive Annual Financial Report (CAFR) 2007

Commission Workshop Meeting
April 21, 2008



Major Initiatives

For the Year:

- Annexation of 22.6 acres during 2007
- Twenty-three homes at Habitat for Humanity's Village of the Palms are now occupied. Seven more under construction.
- Ward 1 infrastructure repairs including installation of new streets, sidewalks, sewer lines and stormwater are complete at a cost of \$4 million.
- Jackson Park stormwater pond was built to relieve flooding in Ward 1
- Purchase and installation of ten in-car police video cameras
- Construction and installation of intersection improvements at US41/301 and 7th street is complete.
- Extension of recreational trail out to Snead Island was complete with the help of grant monies and matching funds from Manatee County.
- CRA awarded \$129 K in storefront grants
- On-line utility payment module was launched providing residents with the ability to pay utilities via the Internet.
- The City received the Certificate of Achievement for excellence in financial reporting for fiscal year ending September 30, 2006 and the Police Department was re-accredited in 2007.



Major Initiatives

For the Future:

- The City and School board are partnering to bring a new Elementary School to Palmetto.
- A new City web-site is scheduled to be launched this summer.
- Land Development Code will be updated and revised this year.
- CRA will provide \$150k in matching funds for intersection improvements at Riverside West and US Business 41.
- CRA will fund 7th street extension for US 301 to Haben Boulevard.
- Design Guidelines and Comprehensive Plan changes are expected to be adopted later this year.
- Drainage improvements in the area of 13th Street West and 28th Ave are anticipated this year.
- The City will continue the expansion of utilities along US 301 in order to accommodate annexed properties.



Financial Highlights

Government-Wide

- The assets of the City exceeded liabilities by \$45,142,734 (net assets); of which \$4,998,805 (unrestricted net assets) may be used to meet the City's ongoing obligations to citizens and creditors
- Total net assets increased by \$1,626,016, or (3.7%) in comparison to prior year
- Total revenues increased \$1,790,800, or (9.5%) in comparison to prior year
- Total expenses increased \$2,168,972, or (12.9%) in comparison to prior year



Governmental Funds

- Includes General Fund, Road and Bridge, Trailer Park Trust
- Revenues increased 14% over prior year or \$1.49M
- Expenditures increased 21% over prior year or \$2.2M
 - \$700K deficiency of revenue under expenditures (before other financing)
- Governmental funds combined reported ending fund balance of \$7.8M, a decrease of \$250k in comparison with prior year; approximately 58% of this total amount (unreserved fund balance) is available for spending at the City's discretion
- At the end of current fiscal year, unreserved fund balance for the General Fund was \$4.6M, or 39% of General fund expenditures or 42% of General Fund Revenues



Proprietary Activities

Includes Water/Sewer, StormWater, Reclaimed, Solid Waste

- Operating revenues increased \$415k in 2007 or 6%
- Operating expenses increased by approx. \$54k in 2007 or 1%
- Operating income for 2007 was \$992k vs. \$631k in 2006
 - Solid Waste, Water/Sewer, Reuse and Stormwater reported positive operating income
 - All enterprise funds also reported positive change in net assets after interest income/expense, transfers and capital contributions
- Overall change in net assets remains positive in 2007; increasing \$1.4M in 2006 compared to \$304k in 2006
- Total net assets are approx. \$14.9M



Fiduciary Funds

- Includes Police and General Employees Pension Fund
- Total number of retirees in General Pension remained constant for 2007 at 40 retirees
- Total number of retirees in Police Pension remained constant for 2007 at 23 retirees
- Total ending net assets for 2007 approx. \$15.7M, an increase of \$1.6M (11%) versus 2006
 - Police increased \$750K (10.8%) to \$7.6M
 - General Employees increased \$848k (11.7%) to \$8.0M
- Change in net assets for 2007 was 11% versus 7% in 2006



Management Letter Comments

Status of Prior Year Issues:

- Reconciliation of supporting schedules for trial balance not performed timely
 - COMPLETE--Staff was training and policies were enforced to ensure reconciliations were performed timely
- Accounts Payable Cut-Off
 - COMPLETE-- Staff received additional training regarding cut-off procedures and there were no issues during year end 2007

Current Year Issues:

- Financial Policies
- Capital Assets
 - Capitalization Policy
 - Review of Capital Asset System (useful lives)
 - Physical Inventory
- Utility Billing System Credits
- Accounts Receivable Write-Off Policy



Conclusion

- Governmental funds reported a slight decrease in fund balance of \$250k, but balances are still in line with industry benchmarks
- All proprietary funds reported positive operating income and positive change in net assets
- Fiduciary Funds are healthy and experienced 11% growth in net assets during 2007.
- Property tax reform combined with a slow down in development will make upcoming budget year difficult
- For the future:
 - Focus on controlling operating costs (All funds)
 - Find ways to stretch out CIP dollars for upcoming year
 - Staff developing various financial policies (fund balance, debt, investment, budget) in coming year



Thank you for allowing Custom Dock & Davit, Inc. the opportunity to offer you a bid for your waterfront property project.

We are a family owned and operated full service marine construction company operating on the west coast of Florida since 1980. With twenty-eight years of quality service and workmanship, we have developed an outstanding reputation for our professionalism. In addition, we abide by all State and Federal laws providing all required insurance coverage for our staff and customers.

Custom Dock & Davit, Inc. provides State Workers' Compensation, Federal United States Longshoreman and Harbor Workers' Insurance (USL&H), and Federal Jones Act coverage. Maritime work requires additional coverage when performing work at, on or near the water and in navigable waterways. State of Florida workers' compensation insurance does not provide ANY coverage in these areas. These coverages are not only required by law but they protect YOU, the homeowner, from potential responsibility if a worker is injured on your property.

To complete maritime coverage, the Federal government requires Jones Act Insurance for the crew of a vessel in a navigable waterway. Typically, the need for this coverage is when work is being performed on a barge in navigable water.

Protect yourself! Ask to see a "Certificate of Insurance" with USL&H and Jones Act coverage before you allow ANY work on your waterfront property. Without this coverage, you may be held personally responsible. Having a building permit does not guarantee proper insurance coverage.

This information is very important for you to know and understand. A proof of insurance certificate is available upon request. Should you have any questions or concerns, please call our office and we would be happy to discuss them with you.



Licensed Professional Marine Contractors
P.O. Box 21149 • Sarasota, Florida 34276 • (941) 923-1522

(10) "Local law plan" means a defined benefit pension plan for police officers or for police officers and firefighters, where included, as described in s. 185.35, established by municipal ordinance or special act of the Legislature, which enactment sets forth all plan provisions. Local law plan provisions may vary from the provisions of this chapter, provided that required minimum benefits and minimum standards are met. Any such variance shall provide a greater benefit for police officers. Actuarial valuations of local law plans shall be conducted by an enrolled actuary as provided in s. 185.221(2)(b).

(11) "Police officer" means any person who is elected, appointed, or employed full time by any municipality, who is certified or required to be certified as a law enforcement officer in compliance with s. 943.1395, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, but does not include part-time law enforcement officers or auxiliary law enforcement officers as the same are defined in s. 943.10(6) and (8), respectively. For the purposes of this chapter only, "police officer" also shall include a public safety officer who is responsible for performing both police and fire services. Any plan may provide that the police chief shall have an option to participate, or not, in that plan.

(12) "Police Officers' Retirement Trust Fund" means a trust fund, by whatever name known, as provided under s. 185.03 for the purpose of assisting municipalities in establishing and maintaining a retirement plan for police officers.

(13) "Retiree" or "retired police officer" means a police officer who has entered retirement status. For the purposes of a plan that includes a Deferred Retirement Option Plan (DROP), a police officer who enters the DROP shall be considered a retiree for all purposes of the plan. However, a police officer who enters the DROP and who is otherwise eligible to participate shall not thereby be precluded from participating, or continuing to participate, in a supplemental plan in existence on, or created after, the effective date of this act.

(14) "Retirement" means a police officer's separation from city employment as a police officer with immediate eligibility for receipt of benefits under the plan. For purposes of a plan that includes a Deferred Retirement Option Plan (DROP), "retirement" means the date a police officer enters the DROP.

(15) "Supplemental plan" means a plan to which deposits of the premium tax moneys as provided in s. 185.08 are made to provide extra benefits to police officers, or police officers and firefighters where included, under this chapter. Such a plan is an element of a local law plan and exists in conjunction with a defined benefit plan that meets the minimum benefits and minimum standards of this chapter.

(16) "Supplemental plan municipality" means any local law municipality in which there existed a supplemental plan as of December 1, 2000.

History.—s. 11, ch. 28230, 1953; s. 1, ch. 29825, 1955; s. 1, ch. 59-320; s. 1, ch. 61-85; s. 7, ch. 79-380; s. 2, ch. 79-388; s. 2, ch. 86-42; s. 43, ch. 91-45; s. 40, ch. 93-193; s. 939, ch. 95-147; s. 14, ch. 95-154; s. 42, ch. 99-1; s. 28, ch. 2000-151; s. 3, ch. 2000-159; s. 2, ch. 2002-66.

185.03 Municipal police officers' retirement trust funds; creation; applicability of provisions; participation by public safety officers.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) There shall be established a special fund exclusively for the purpose of this chapter, which in the case of chapter plans shall be known as the "Municipal Police Officers' Retirement Trust Fund," in each municipality of this state, heretofore or hereafter created, which now has or which may hereafter have a regularly organized police department, and which now owns and uses or which may hereafter own and use equipment and apparatus of a value exceeding \$500 in serviceable condition for the prevention of crime and for the preservation of life and property.

(2) The provisions of this chapter shall apply only to municipalities organized and established pursuant to the laws of the state, and said provisions shall not apply to the unincorporated areas of any county or counties nor shall the provisions hereof apply to any governmental entity whose police officers are eligible to participate in the Florida Retirement System.

(3) No municipality shall establish more than one retirement plan for public safety officers which is supported in whole or in part by the distribution of premium tax funds as provided by this chapter or chapter 175, nor shall any municipality establish a retirement plan for public safety officers which receives premium tax funds from both this chapter and chapter 175.

History.—s. 1, ch. 28230, 1953; s. 2, ch. 29825, 1955; s. 2, ch. 61-119; s. 1, ch. 65-152; s. 7, ch. 79-380; s. 2, ch. 79-388; s. 3, ch. 86-42; s. 43, ch. 99-1.

185.04 Actuarial deficits not state obligations.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, actuarial deficits, if any, arising under this chapter are not the obligation of the state.

History.—s. 15, ch. 28230, 1953; s. 44, ch. 99-1.

185.05 Board of trustees; members; terms of office; meetings; legal entity; costs; attorney's fees.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) In each municipality described in s. 185.03 there is hereby created a board of trustees of the municipal police officers' retirement trust fund, which shall be solely responsible for administering the trust fund, Effective October 1, 1986, and thereafter:

(a) The membership of the board of trustees for chapter plans shall consist of five members, two of whom, unless otherwise prohibited by law, shall be legal residents of the municipality, who shall be appointed by the legislative body of the municipality, and two of whom shall be police officers as defined in s. 185.02 who shall be elected by a majority of the active police officers who are members of such plan.

With respect to any chapter plan or local law plan that, on January 1, 1997, allowed retired police officers to vote in such elections, retirees may continue to vote in such elections. The fifth member shall be chosen by a majority of the previous four members, and such person's name shall be submitted to the legislative body of the municipality. Upon receipt of the fifth person's name, the legislative body of the municipality shall, as a ministerial duty, appoint such person to the board of trustees as its fifth member. The fifth member shall have the same rights as each of the other four members appointed or elected as herein provided, shall serve as trustee for a period of 2 years, and may succeed himself or herself in office. Each resident member shall serve as trustee for a period of 2 years, unless sooner replaced by the legislative body at whose pleasure the member shall serve, and may succeed himself or herself as a trustee. Each police officer member shall serve as trustee for a period of 2 years, unless he or she sooner leaves the employment of the municipality as a police officer, whereupon the legislative body of the municipality shall choose a successor in the same manner as an original appointment. Each police officer may succeed himself or herself in office.

(b) The membership of boards of trustees for local law plans shall be as follows:

1. If a municipality has a pension plan for police officers only, the provisions of paragraph (a) shall apply.

2. If a municipality has a pension plan for police officers and firefighters, the provisions of paragraph (a) shall apply, except that one member of the board shall be a police officer as defined in s. 185.02 and one member shall be a firefighter as defined in s. 175.032, respectively; elected by a majority of the active firefighters and police officers who are members of the plan.

3. Any board of trustees operating a local law plan on July 1, 1999, which is combined with a plan for general employees shall hold an election of the police officers, or police officers and firefighters if included, to determine whether a plan is to be established for police officers only, or for police officers and firefighters where included. Based on the election results, a new board shall be established as provided in subparagraph 1. or subparagraph 2., as appropriate. The municipality shall enact an ordinance to implement the new board by October 1, 1999. The newly established board shall take whatever action is necessary to determine the amount of assets which is attributable to police officers, or police officers and firefighters where included. Such assets shall include all employer, employee, and state contributions made by or on behalf of police officers, or police officers and firefighters where included, and any investment income derived from such contributions. All such moneys shall be transferred into the newly established retirement plan, as directed by the board.

With respect to any board of trustees operating a local law plan on June 30, 1986, nothing in this paragraph shall permit the reduction of the membership percentage of police officers or police officers and firefighters.

(c) Whenever the active police officer membership of a closed chapter plan or closed local law plan as provided in s. 185.38 falls below 10, an active police officer member seat may be held by either a retired police officer or an active police officer member of the plan who is elected by the active and retired members of the plan. If there are no active or retired police officers remaining in the plan or capable of serving, the remaining board members may elect an individual to serve in the active police officer member seat. Upon receipt of such person's name, the legislative body of the municipality shall, as a ministerial duty, appoint such person to the board of trustees. This paragraph applies only to those plans that are closed to new members under s. 185.38(2), and does not apply to any other municipality having a chapter or local law plan.

(d) If the chapter plan or local law plan with an active membership of 10 or more is closed to new members, the member seats may be held by either a retiree, as defined in s. 185.02, or an active police officer of the plan who has been elected by the active police officers. A closed plan means a plan that is closed to new members but continues to operate, pursuant to s. 185.38(2), for participants who elect to remain in the existing plan. This paragraph applies only to those plans that are closed to new members pursuant to s. 185.38(2) and does not apply to any other municipality that has a chapter plan or a local law plan.

(2) The trustees shall by majority vote elect from its members a chair and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings, or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by Florida law.

(3) The board of trustees shall meet at least quarterly each year.

(4) Each board of trustees shall be a legal entity that shall have, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

(5) In any judicial proceeding or administrative proceeding under chapter 120 brought under or pursuant to the provisions of this chapter, the prevailing party shall be entitled to recover the costs thereof, together with reasonable attorney's fees.

(6) The board of trustees may, upon written request by the retiree of the plan, or by a dependent, when authorized by the retiree or the retiree's beneficiary, authorize the plan administrator to withhold from the monthly retirement payment those funds that are necessary to pay for the benefits being received through the governmental entity from which the employee retired, to pay the certified bargaining agent of the governmental entity, and to make any payments for child support or alimony.

(7) The provisions of this section may not be altered by a participating municipality operating a chapter or local law plan under this chapter.

History.—s. 2, ch. 28230, 1953; s. 2, ch. 59-320; s. 2, ch. 61-119; s. 4, ch. 86-42; s. 41, ch. 93-193; s. 940, ch. 95-147; s. 45, ch. 99-1; s. 6, ch. 2002-68; s. 8, ch. 2004-21.

185.06 Ger trustees.—For municipality, or

(1) The board
(a) Invest a trust fund in an insurance company in whole or in part; participants in the fund shall be entered; and pay thereon.

(b) Invest a trust fund in:

1. Time or state bank insurance savings and loan Association Insurance the Federal Deposit Insurance Corporation are insured by the Federal Insurance Fund.

2. Obligations guaranteed as States.

3. Bonds issued

4. Bonds, insurance issued or under the laws of the United States; Columbia, provided

a. The corporation the recognized National Market and, in the case of the three highest vice; and

b. The board 5 percent of its stock of any on-gate investment percent of the or the aggregate subparagraph assets.

This paragraph participants. He has a duly enacted compliance with desire to vary trustees of such investment proceeds a municipal ordinance where a specific adopted prior to percent equity be required to comment provisions other provision section may be legal authority the requirement

Police officer means an actively employed full-time person, employed by the city, including his initial probationary employment period, who is certified as a police officer as a condition of employment in accordance with the provisions of F.S. § 943.1395, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, traffic, or highway laws of the state.

Retiree means a member who has entered retirement status.

Retirement means a member's separation from city employment with eligibility for immediate receipt of benefits under the system or entry into the deferred retirement option plan.

Salary means the total compensation for services rendered to the city as a police officer reportable on the member's W-2 form, including overtime, bonuses and any payment of accrued vacation or sick time, and plus all tax deferred, tax sheltered, or tax exempt items of income derived from elective employee payroll deductions or salary reductions. Compensation in excess of the limitations set forth in section 401(a)(17) of the code shall be disregarded. The limitation on compensation for an "eligible employee" shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July 1, 1993. "Eligible employee" is an individual who was a member before the first plan year beginning after December 31, 1995.

Spouse means the lawful wife or husband of a member or retiree at the time benefits become payable.

System means the City of Palmetto Police Officers' Retirement Plan as contained herein and all amendments thereto.

(b) *Masculine gender.* The masculine gender, where used herein, unless the context specifically requires otherwise, shall include both the feminine and masculine genders.

Sec. 22-172. Membership.

(a) *Conditions of eligibility.* All police officers shall become members of this system as a condition of employment.

(b) *Opt out option.* Notwithstanding (a) above, any future police chief may, within the first three (3) months of his employment as police chief, notify the board and the city, in writing, of his election to not be a member of the system. In the event of any such election, accumulated contributions made to the system shall be refunded and he shall be barred from future membership in the system.

(b c) *Designation of beneficiary.* Each police officer shall complete a form prescribed by the board designating a beneficiary or beneficiaries.

Sec. 22-173. Board of trustees.

(a) The sole and exclusive administration of and responsibility for the proper operation of the system and for making effective the provisions of this ordinance is hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The

board shall consist of five (5) trustees, two (2) of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the Palmetto City Commission, and two (2) of whom shall be members of the system, who shall be elected by a majority of the police officers who are members of the system. The fifth trustee shall be chosen by a majority of the previous four (4) trustees as provided for herein, and such person's name shall be submitted to the Palmetto City Commission. In the event the Mayor, a member of City Commission or the Police Chief is appointed to the Board, his duties as Trustee shall be deemed ex-officio duties to his duties as Mayor, Commissioner or Police Chief. Upon receipt of the fifth person's name, the Palmetto City Commission shall, as a ministerial duty, appoint such person to the board as its fifth trustee. The fifth trustee shall have the same rights as each of the other four (4) trustees appointed or elected as herein provided and shall serve a two (2) year term unless he sooner vacates the office. Each resident trustee shall serve as trustee for a period of two (2) years, unless he sooner vacates the office or is sooner replaced by the Palmetto City Commission at whose pleasure he shall serve. Each member trustee shall serve as trustee for a period of two (2) years, unless he sooner leaves the employment of the city as a police officer or otherwise vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the departing trustee. Each trustee may succeed himself in office. DROP participants can be elected as but not vote for elected trustees. The board shall establish and administer the nominating and election procedures for each election. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

(b) The trustees shall, by a majority vote, elect a chairman and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings, or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.

(c) Each trustee shall be entitled to one (1) vote on the board. Three (3) affirmative votes shall be necessary for any decision by the trustees at any meeting of the board. A trustee shall abstain from voting as the result of a conflict of interest and shall comply with the provisions of F.S. § 112.3143.

(d) The board shall engage such actuarial, accounting, legal, and other services as shall be required to transact the business of the system. The compensation of all persons engaged by the board and all other expenses of the board necessary for the operation of the system shall be paid from the fund at such rates and in such amounts as the board shall agree. In the event the board chooses to use the city's legal counsel, actuary or other professional, technical or other advisors, it shall do so only under terms and conditions acceptable to the board.

(e) The duties and responsibilities of the board shall include, but not necessarily be limited to, the following:

- (1) To construe the provisions of the system and determine all questions arising thereunder.
- (2) To determine all questions relating to eligibility and membership.

MINISTER

Practice. An officer of justice, charged with the execution of the law, and hence termed a "ministerial officer;" such as a sheriff, bailiff, coroner, sheriff's officer. Britt. c. 21.

An agent; one who acts not by any inherent authority, but under another.

Public law. One of the highest functionaries in the organization of civil government, standing next to the sovereign or executive head, acting as his immediate auxiliary, and being generally charged with the administration of one of the great bureaux or departments of the executive branch of government. Otherwise called a "cabinet minister," "secretary of state," or "secretary of a department."

Public minister. A general term comprehending all the higher classes of diplomatic representatives,—as ambassadors, envoys, residents,—but not including the commercial representatives, such as consuls.

MINISTERIAL. That which is done under the authority of a superior; opposed to *judicial*; that which involves obedience to instructions, but demands no special discretion, judgment, or skill. State Tax Commission of Utah v. Katsis, 90 Utah 406, 62 P.2d 120, 123, 107 A.L.R. 1477; Blalock v. Johnston, 180 S.C. 40, 185 S.E. 51, 54, 105 A.L.R. 1115; First Nat. Bank v. Filer, 107 Fla. 526, 145 So. 204, 207, 87 A.L.R. 267.

MINISTERIAL ACT. One which a person performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to or the exercise of his own judgment upon the propriety of the act being done. State Tax Commission of Utah v. Katsis, 90 Utah 406, 62 P.2d 120, 123, 107 A.L.R. 1477.

MINISTERIAL ACT OF MUNICIPAL CORPORATION. See Corporate Act of Municipal Corporation.

MINISTERIAL DUTY. One regarding which nothing is left to discretion—a simple and definite duty, imposed by law, and arising under conditions admitted or proved to exist. City of Tacoma v. Peterson, 165 Wash. 461, 5 P.2d 1022, 1024. Mott v. Hull, 51 Okl. 602, 152 P. 92, L.R.A.1916B, 1184. It arises when an individual has such a legal interest in its performance that neglect of performance becomes a wrong to such individual. Morton v. Comptroller General, 4 S.C. 473.

MINISTERIAL OFFICE. See Office.

MINISTERIAL OFFICER. One whose duties are purely ministerial, as distinguished from executive, legislative, or judicial functions, requiring obedience to the mandates of superiors and not involving the exercise of judgment or discretion. U. S. to Use of Kinney v. Bell, C.C.Pa., 127 F. 1002; State v. Loechner, 65 Neb. 814, 91 N.W. 874, 59 L.R.A. 915; Reid v. Hood, 2 Nott & McC., S.C., 169, 10 Am.Dec. 582.

MINISTERIAL POWER. See Power.

MINISTERIAL TRUST. See Trust.

MINISTERS PLENIPOTENTIARY. *Ministers plenipotentiary* possess full powers, and are of much greater distinction than simple ministers. These are without any particular attribution of rank and character, but by custom are now placed immediately below the ambassador, or on a level with the envoy extraordinary; Vattel, liv. 4, c. 5, § 74; 1 Kent 48; Merlin, *Répert.*

MINISTRANT. The party cross-examining a witness was so called, under the old system of the ecclesiastical courts.

MINISTRI REGIS. Lat. In old English law, ministers of the king, applied to the judges of the realm, and to all those who hold ministerial offices in the government. 2 Inst. 208.

MINISTRY. The term as used in England is wider than Cabinet and includes all the holders of public office who come in and go out "with the Prime Minister. In this respect it may be contrasted with the Permanent Civil Service, whose tenure is independent of public changes. The first English Ministry as now understood was formed after the general election of 1696. Macaulay, Hist. Engl., ch. 24.

"Ecclesiastical functions," or "duties." Rector, etc., of St. George's Church in City of New York v. Morgan, 88 Misc. 702, 152 N.Y.S. 497, 498.

MINOR. An infant or person who is under the age of legal competence. One under twenty-one. A term derived from the civil law, which described a person under a certain age as *less than* so many years. *Minor viginti quinque annis*, one less than twenty-five years of age. Inst. 1, 14, 2; Audsley v. Hale, 303 Mo. 451, 261 S.W. 117, 123.

Also, less; of less consideration; lower; a person of inferior condition. Fleta, 2, 47, 13, 15; Calvin.

MINOR ÆTAS. Lat. Minority or infancy. Cro. Car. 516. Literally, lesser age.

MINOR ANTE TEMPUS AGERE NON POTEST IN CASU PROPRIETATIS NEC ETIAM CONVENIRE; DIFFERETUR USQUE ÆTATEM; SED NON CADIT BREVE. 2 Inst. 291. A minor before majority cannot act in a case of property, nor even agree; it should be deferred until majority; but the writ does not fail.

MINOR FACT. In the law of evidence, a relative, collateral, or subordinate fact; a circumstance. Wills, Circ.Ev. 27; Burrill, Circ.Ev. p. 121, note, 582.

MINOR JURARE NON POTEST. A minor cannot make oath. Co.Litt. 172b. An infant cannot be sworn on a jury. Litt. 289.

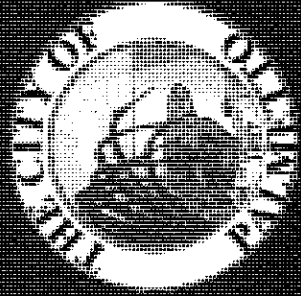
MINOR MINOREM CUSTODIRE NON DEBET, ALIOS ENIM PRÆSUMITUR MALE REGERE QUI SEIPSUM REGERE NESCI. A minor ought not to be guardian to a minor, for he who

Palmetto WWTP

Rerate & Repermitting Update

City Council Workshop

April 21, 2008



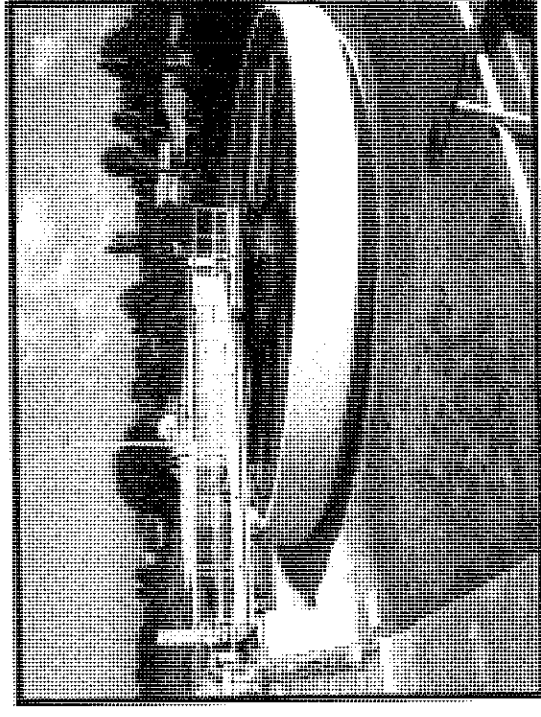
JONES
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ENGINEERS | ARCHITECTS | SCIENTISTS

Objectives

INTEGRITY | KNOWLEDGE | SERVICE®

- Evaluate WWTP to assess ability to re-rate
- Determine what would be needed to increase capacity by 1.0 MGD
- Complete repermitting of WWTP with FDEP

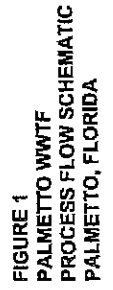


Re-Rate Study

INTEGRITY | KNOWLEDGE | SERVICE®

- Existing WWTP Capacity = 2.4 MGD
- Want to see what is needed to get that to 3.4 MGD
 - Does the WWTP have reserve capacity >2.4 MGD?
 - If yes, how much?

INTEGRITY | KNOWLEDGE | SERVICE®



Rerate Finds

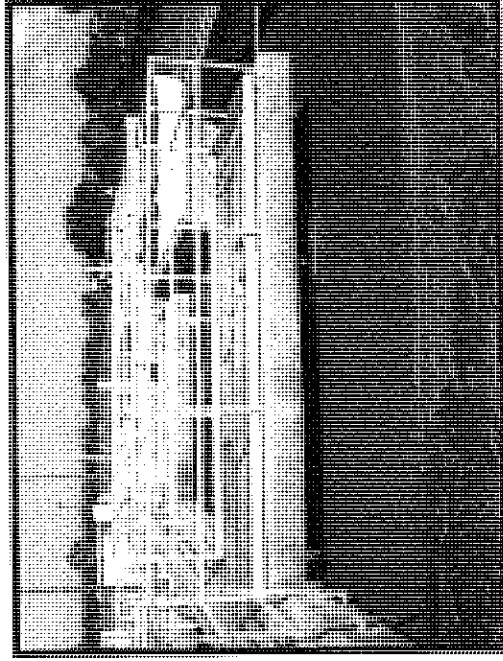
INTEGRITY | KNOWLEDGE | SERVICE®

- Ex. WWTP has no reserve capacity
 - Cannot re-rate plant without upgrades
- Main Limitations
 - Influent Lift Station
 - Grit Removal
 - Biological Process
 - Settling Tanks (Clarifiers)

WWTP Facts

INTEGRITY | KNOWLEDGE | SERVICE®

- 2.4 MGD Current Capacity (FDEP Permit)
 - Bardenpho Trains (2) = 1.4 MGD
 - Oxidation Ditch = 1.0 MGD



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Issues

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- Plant has 3 treatment trains that operators must run as 3 separate units
- Capability of Oxidation Ditch to remove nitrogen is less than that of other 2 trains
- As flows increase towards WWTP capacity, ability to meet Nitrogen limit will become harder to do consistently

Effluent Disposal

INTEGRITY | KNOWLEDGE | SERVICE®

- 2 Permitted Disposal Methods
 - Discharge to Terra Ceia Bay
 - FDEP Permit = 1.4 MGD
 - Reuse System
 - FDEP Permit = 2.625 MGD
- **LIMITATION: FDEP WILL NOT ALLOW CITY TO DISCHARGE >1.4 MGD TO BAY**

Implications?

INTEGRITY | KNOWLEDGE | SERVICE

- To increase WWTP Capacity, City will need to:
 1. Expand Reuse System Capacity and/or
 2. Find an Alternative Disposal to Bay

Recommendations

INTEGRITY | KNOWLEDGE | SERVICE®

- Improvements Completed in 2 Phases
 - Phase 1: Short Term Remedies
 - Things needed to address existing limitations
 - Phase 2: Plant Expansion
 - Things needed to achieve capacity of 3.4 MGD

Phase 1 Improvements

INTEGRITY | KNOWLEDGE | SERVICE

- Upgrade Influent Pump Station
- Install New Grit Removal System Yard Piping Improvements
- Pursue Installation of a Deep Injection Well for Wet Weather Effluent Disposal
- Continue to Expand Reuse System

Why a Deep Injection Well

INTEGRITY | KNOWLEDGE | SERVICE®

- Eliminate Stringent Permit Requirements of the Terra Ceia Bay discharge
 - No more toxicity testing
 - No more copper/nickel concerns
 - Nitrogen limits would be easier to meet
- Any WWTP Expansion could be designed for less nitrogen removal

Phase 1 Preliminary Cost Opinion

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Influent Pump Station	\$735,000
Grit Removal System	\$440,000
Deep Injection Well	\$3,000,000
Permitting, Installation, & Pump Station	
Yard Piping Improvements	\$835,000
Electrical/Instrumentation	\$835,000
Subtotal	\$5,845,000
Contingency	\$1,155,000
Total	\$7,000,000

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Phase 2 Improvements

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- Treatment Train Improvements
 - New Splitter Box
 - New Fine Bubble Diffused Air System/Blowers for Bardenpho trains
 - New Ox Ditch Aerator and Controls
 - Internal Recycle Pump Station for Bardenpho Trains
- Secondary Clarifier Improvements
 - New Split Box
 - Remove 40' Diameter Clarifiers and Old Trickling Filters
 - Install 2 New 80' Diameter Clarifiers
- Filter Improvements
- Expand Disinfection System
- Aerobic Digester Improvements
- Yard Piping changes
- Electrical/Instrumentation

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Phase 2

Preliminary Cost Opinion

INTEGRITY | KNOWLEDGE | SERVICE ©

Treatment Train Improvements	\$1,065,000
Secondary Clarifiers	\$2,525,000
Filter Improvements	\$650,000
Disinfection System Expansion	\$470,000
Aerobic Digester Improvements	\$290,000
Yard Piping Improvements	\$1,000,000
Electrical/Instrumentation	\$1,000,000
Subtotal	\$7,000,000
Contingency	\$1,400,000
Total	\$8,400,000

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Repermitting

INTEGRITY | KNOWLEDGE | SERVICE

- Permit Application was filed within required timeframe
- Request for Additional Information received from FDEP
- Drafting Response to RAI

Palmetto City Commission
April 21, 2008 – 7:00 p.m.

Elected Officials Present:

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

Staff and Others Present:

James R. Freeman, City Clerk
Chris Lukowiak, Public Works Director
Chief Garry Lowe
Tanya Lukowiak, CRA Executive Director
Michele Hall, City Attorney
Bob Schmitt, Planning Supervisor/Zoning Administrator
Deanna Roberts, Administrative Assistant

Mayor Bustle called the meeting to order at 7:02 p.m. A moment of silence was observed to honor our military men and women serving around the world. The Reverend Stephen Hoffman of the First United Methodist Church of Palmetto offered the invocation, followed by the Pledge of Allegiance.

Mayor Bustle presented a proclamation to Chief Garry Lowe proclaiming May 15, 2008, as National Peace Officers Memorial Day, and the week of May 11-17, 2008, as Police Week in the City of Palmetto.

May 1, 2008, was designated as the National Day of Prayer in the City of Palmetto, by proclamation of Mayor Bustle.

All persons wishing to address Commission during the meeting were sworn in.

Public Works Director Chris Lukowiak recognized Veolia Water for 5,962 days with zero loss time due to accidents. Ray Daiuto and Rob Nicholas accepted the plaque presented by Mr. Lukowiak on behalf of Veolia.

PUBLIC COMMENT

Joseph E. Willis read into the record a letter he had sent to the North River News, the Mayor and City Commissioners questioning the legal qualification of Mr. Lukowiak to run for the office of mayor. The letter is attached to, and made a part of these minutes.

David Finkelstein, an election law attorney representing Chris Lukowiak, addressed Commission. He cited Florida Supreme Court cases which state that "...under every accepted rule of interpretation doubt or ambiguity must be resolved in favor of eligibility." The City has jurisdiction to determine if he can become a candidate, but he warned that the circuit court and the appellate court will be reviewing what the City does here.

Commissioner Carol Whitmore addressed the City Commission and thanked them all for attending the joint meeting with Manatee County. More was accomplished in those three hours than had been accomplished in the past few years.

1. AGENDA APPROVAL

MOTION: Commissioner Williams moved and Commissioner Ball seconded a motion to approve the April 21, 2008, 7:00 p.m. agenda with the change to move agenda item #8 to item #2E and defer items #13 and #14 to another meeting.

Discussion: Commissioner Varnadore requested some additions to the agenda and Commissioner Williams said he also would like to add an agenda item. At Attorney Hall's suggestion, Commissioner Williams withdrew his motion, Commissioner Ball withdrew his second and Commissioner Varnadore made a new motion incorporating all changes to the agenda.

MOTION: Commissioner Varnadore moved to amend the agenda, Commissioner Cornwell seconded and motion passed unanimously to approve the April 21, 2008, 7:00 p.m. agenda with the change to move agenda item #8 to item #2E and defer items #13 and #14 to another meeting; to add discussion on the Commission policy established at the last meeting on information placed in water bills, to add requests for legal research, and to add discussion on the policy for completing meetings.

2. CONSENT AGENDA

- | | |
|--|----------|
| A) Minutes: April 7, 2008 | (TAB 1) |
| B) Acceptance: Sanctuary Development Temporary Construction Easement | (TAB 2) |
| C) Special Function Permit: HIPPI Family Field Trip/Picnic | (TAB 3) |
| Cinco de Mayo | (TAB 4) |
| Arthritis Walk | (TAB 5) |
| Florida Historical Society | (TAB 6) |
| Ackerman Family Reunion | (TAB 7) |
| 8 th Annual Fishing Tournament | (TAB 8) |
| Manasota Mopar 2 nd Annual Car & Truck Show | (TAB 9) |
| Boy Scout Show | (TAB 10) |
| D) Noise Ordinance Exception: Paul Sanford Promotions | (TAB 11) |

Commissioner Varnadore asked to withdraw Item B and Commissioner Cornwell asked to withdraw Items C and D.

MOTION: Commissioner Varnadore moved and Commissioner Ball seconded a motion to approve the April 7, 2008 minutes.

Discussion: Attorney Hall confirmed that the April 7, 2008, minutes reflected an approval of "offer" of settlement in the Thornton and Hegarty litigation cases; tonight's agenda would authorize the Mayor to execute the agreement. Commissioner Williams asked that the minutes be amended to include the fact that the meeting closed prematurely due to the joint meeting with the county at 7:00 p.m. and that Department Heads, Mayors, Commissioners and Public Comments were not included.

MOTION: Commissioner Varnadore amended the motion on the floor, Commissioner Ball seconded and the amended motion passed unanimously to approve the April 7, 2008, minutes with changes made by Commissioner Williams.

Commissioner Varnadore requested, and Commission agreed, to withdraw Item B from this agenda and bring it back to a future meeting.

Discussion: Commissioner Cornwell asked that Public Works make sure restrooms were open and available at all functions requesting permits and that it be clearly marked on the permits in the future.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion passed unanimously to approve Item C, Special Function Permits, and Item D, Noise Ordinance Exception, on the Consent Agenda, with Commissioner Cornwell's provision that the restrooms remain open for the events.

Mr. Lukowiak introduced Mr. Robert Hicks, a volunteer with the Boy Scouts of America. He requested that Commission waive fees for the 8th Annual Fishing Tournament on the Green Bridge and the Scout Show in Sutton and Lamb Park and to provide tents and port-o-lets for both events. Commissioner

Varnadore said the previously approved motion included the assistance which was requested in the Special Function Permit.

Mr. Hicks presented a plaque to the City in appreciation of its support of scouting. He also thanked the Parks Department for all its help.

2E. PUBLIC MEETING REGARDING STOP SIGN REMOVAL (C. Lukowiak)

Public meeting to gather public comment regarding the proposed stop sign removal program.

The following persons addressed Commission to voice opposition to proposed stop sign removals on 4th Street and various other locations: Lisa Pratt Clements, Pete Blews (he presented a copy of research he had done on traffic calming which is attached to and made a part of these minutes), Cynthia Ritchie (she referenced a letter she had sent to Commission, and Mrs. Cornwell provided a copy to be included with the minutes), Nadine Fisher, David Dean, Karen Sutton, Kevin Parker, Raymond Varnadore, Amy Griswold, Robert Hahn, David Potter, Lisa Potter, Rick Walsh, Neal Martin, Ellen Wile, Allen Tusing (signed up to speak but passed as his speaking points had been previously covered), Robert Rotondo, Steve Bolles, Julia Durrance, William Bell (requesting again stop signs on 5th Street and additional on 4th), Chris Marriner (14th Avenue and 7th Street West, speeders; removing stop sign on 14th Avenue will make matters worse), Randy Howrigan and Tammy Cohenour.

Mr. Lukowiak said once the public notice went out, he began receiving emails which he has forwarded to Nick Lepp, the consultant with Renaissance Planning Group. Mr. Lepp has already made some minor modifications. He said most of the intersections discussed this evening have been put back into the plan. All comments heard this evening will be taken into consideration. Mr. Lukowiak invited residents to email suggestions to him.

Mayor Bustle informed the audience that before any plan is passed, it will come to Commission again. There will be public hearings and another opportunity for the community to be heard.

Nick Lepp joined the meeting and presented a PowerPoint entitled "City of Palmetto Traffic Circulation Plan" showing some of the changes which had already been made based on public input. The PowerPoint is attached to, and made a part of these minutes.

Mr. Lepp said the idea behind the plan was to alleviate traffic on 10th Street to avoid the cost of widening it. This was a short term fix to keep 10th under concurrency and to utilize the capacity available today. The stop signs were encouraging people to go up to 10th Street. The idea was to keep neighborhood traffic in the neighborhoods and off 10th Street.

Mr. Lukowiak said he proposes four community workshops before this item comes back to Commission.

Mrs. Durrance asked how much money was spent on the study. Mayor Bustle said the money came from the Metropolitan Planning Organization, and not out of the City budget. This was a grant to look at congestion management and mobility throughout Palmetto, Bradenton and Manatee County.

Mr. Lukowiak pointed out that this had been approved by City Commission. Commissioner Varnadore commented that the mobility study was never an approved agenda item. Commissioner Williams said the stop sign issue had been added into the mobility study, but this was the first real discussion before Commission, other than the original presentation. Mayor Bustle said a number of discussions had taken place and Commission had approved spending the money in advance, because the City was going to be reimbursed by the MPO. Mr. Lukowiak said the study was brought to Commission as a "draft" to go over in a workshop. At that time, Commission voted to go ahead and remove the stop signs and have since asked repeatedly why the stop signs haven't been taken down.

Austin Lane, 1707 4th Street West, addressed Commission. He has to back out into 4th Street along with about twenty-six other residents on the street. It's a traffic hazard.

Mayor Bustle informed the audience that this issue would be coming back to Commission in the future to see if the plan should be revised.

3. PUBLIC HEARING – ORDINANCE NO. 08-963 (J. Freeman)

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.

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

MOTION: Commissioner Ball moved, Commissioner Lancaster seconded and motion passed unanimously to adopt Ordinance No. 08-963.

Discussion: Mr. Williams asked for clarification. Mr. Freeman said this ordinance makes the City's ordinance consistent with state statutes which allows up to thirty years to foreclose on a lien. Attorney Hall said it is wise to allow as much time as possible to foreclose on a lien.

4. PUBLIC HEARING – ORDINANCE NO. 08-964 (J. Freeman)

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.

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

MOTION: Commissioner Lancaster moved, Commissioner Ball seconded and motion passed unanimously to adopt Ordinance No. 08-964.

5. PUBLIC HEARING - ORDINANCE NO. 08-965 (B. Schmitt)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (AN-08-01 – Sunnysdale Properties, LLC. PID #'s 2436200006, 2435900002, 2436500009, approximately 0.89 acres).

Attorney Hall suggested opening the public hearings for all three ordinances, 08-965, 08-966 and 08-967 at the same time for public comment, and then voting on each separately. Mrs. Hall explained that the first ordinance was to annex the property into the City, the second to assign it a future land use designation under the City's Comp Plan, and the third to assign city zoning. Mayor Bustle announced the public hearing open for all three proposed ordinances.

Discussion: Attorney for the applicant, Stephen Thompson, said that all stipulations of the Planning and Zoning Board had been met, and that the property will connect to city utilities within six months. Attorney Hall commented that there is no such thing as a "conditional" annexation. The only conditions that would apply for a voluntary annexation are that the property is contiguous, compact and does not create an enclave. In reply to Commissioner Varnadore's question about costs to run utilities, Mr. Lukowiak said there should be none, but the applicant has agreed to pay for any associated costs.

Commissioner Williams requested that the staff reports in the future include the DRC staff report/minutes attached to the Planning and Zoning Board recommendation. His request was based on section 11-11 of the City Ordinances referencing any application that will be reviewed by City Commission.

After comment Mayor Bustle closed the public hearing and called for a motion.

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion passed unanimously to adopt Ordinance No. 08-965.

6. PUBLIC HEARING - ORDINANCE NO. 08-966 (B. Schmitt)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM RES-9 – RESIDENTIAL 9 UNITS PER ACRE (COUNTY), TO – RES-10, RESIDENTIAL 10 UNITS PER ACRE (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-08-01 Sunnydale Properties, LLC., PID#'s, 2436200006, 2435900002, 2436500009 approximately 0.89 acres).

MOTION: Commissioner Lancaster moved, Commissioner Ball seconded and motion passed unanimously to adopt Ordinance No. 08-966.

7. PUBLIC HEARING - ORDINANCE NO. 08-967 (B. Schmitt)

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 GC (General Commercial) (County) TO RM-6, Residential Multi-Family -10 units per acre (City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-08-01, Sunnydale Properties, LLC., PID #'s 2436200006, 2435900002, 2436500009, approximately 0.89 acres).

MOTION: Commissioner Lancaster moved, Commissioner Ball seconded and motion passed unanimously to adopt Ordinance No. 08-967.

8. PUBLIC MEETING REGARDING STOP SIGN REMOVAL (C. Lukowiak)

Moved to Item 2E.

9. APPROVAL: REGATTA POINTE MARINA SUBLEASE AMENDMENT (J. Freeman)

Second amendment to the Regatta Pointe Sublease to clarify sublease's legal description of submerged lands and the calculation and payment of compensation of the annual rental fee to the state, to ensure consistency with the Amended and Restated and Modified Submerged Land Lease between the City and the Department of Environmental Protection.

Attorney Hall informed Commission that there was some question as to how many amendments had actually been made to the sublease. Also, regarding the two parties on tonight's agenda item and action request, neither of those is the party listed on the first amendment. She is researching the chain of title. Commissioner Williams asked for an aerial map of the property. There was consensus by Commission to reschedule this item to a future workshop.

10. RESOLUTION NO. 08-13 (J. Freeman)

Budget amendment to move funds within the CIP to increase the budget associated with the return activation sludge (RAS) pumping station.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 07-39, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2007-2008, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion passed unanimously to adopt Resolution No. 08-13

Discussion: Commissioner Varnadore asked which contractor would be doing the work and if this should go out to bid. Mr. Lukowiak said Veolia is the contractor and it does not need to go out to bid. Mr. Daiuto, in answer to Commissioner Williams's question, said that, in fact, Veolia will sub out the work.

11. RESOLUTION NO. 08-14 (J. Freeman)

Budget amendment to reduce the estimated revenue collected from criminal fines and amend the corresponding Police Department expense budget.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 07-39, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2007-2008, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Ball moved, Commissioner Lancaster seconded and motion passed unanimously to adopt Resolution No. 08-14.

12. APPOINTMENT APPROVAL (Mayor Bustle)

Appointment of Emilio Morales to fill an alternate position on the Planning and Zoning Board.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion passed unanimously to approve the appointment of Emilio Morales as an alternate member of the Planning and Zoning Board for a term ending January, 2009.

13. CONTRACT APPROVAL: TWENTY FIRST CENTURY COMMUNICATIONS, INC. (C. Lukowiak)

Subscription to a stand-alone Reverse 911 Call System for communication with City residents of potential emergency events.

Pulled from the agenda.

14. CONTRACT APPROVAL: WESTRA CONSTRUCTION (C. Lukowiak)

Construction and engineering approval for the US 301 Future Utility Expansion, Canal Road-Leg 2 and US 301 Utility-Leg 4.

Pulled from the agenda.

15. INSTALLATION OF HANDICAPPED PARKING SPACES (C. Lukowiak)

Proposed project to install handicapped parking spots; one at the library and three downtown locations.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion passed unanimously to approve the installation of handicapped parking spaces, in an amount not to exceed \$6,400, project #04-4385.

16. APPROVAL: THORNTON SETTLEMENT-CASE #2004-CA-5145 (M. Hall)

Settlement Agreement in the City of Palmetto v. Roy Thornton, et al, litigation.

MOTION: Commissioner Ball moved, Commissioner Lancaster seconded and motion passed unanimously to approve and authorize the Mayor to execute the Roy Thornton Agreement, Case #2004-CA-5145.

17. CONTRACT APPROVAL: RBC DAIN RAUSCHER, INC. (J. Freeman)

(Carried forward from 4:00) Contract to retain the services of an independent Consultant/Financial Advisor to assist with long term capital planning, debt analysis and investments.

MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion passed unanimously to approve and authorize the Mayor to execute the Financial Advisory Services Agreement with RBC Dain Rauscher, Inc., in an amount not to exceed \$6,000 with the change suggested by Commissioner Varnadore to add "with Commission approval" to page 1, Section 2, addressing agreement renewal and at the top of page five regarding amendments to the agreement to add "with Commission approval."

18. COMMISSION POLICIES (Commissioner Varnadore)

Commissioner Varnadore said at the last meeting Commission had established a policy about information going out in the water bills. An article in the paper implied Commission, in doing this, had overreacted to the stop sign removal issue, which she noted had generated a huge response from the community. She was not prepared to address concerns when she began receiving calls as she had no prior notice of the information going out in the water bills.

Commissioner Varnadore researched other policies and referenced Administrative Policy 05-05 which addresses information distribution. She read to Commission: "The City Commission of the City of Palmetto hereby adopts a policy that the following information be distributed to the Commission in a timely manner, prior to the public so Commissioners may be able to address potential questions." This policy enacted in 2005 would have applied to the stop sign removal issue.

Commissioner Williams opined that they just want to review documents so they know what will be coming forward. The attorney should also see these and review for legality and conformity with City policies. The attorney asked for a copy of the City policies.

Commissioner Varnadore asked if the policies were going to be enforced. Attorney Hall suggested adopting the policies by resolution so that they have the force of law. She said a public records request, a safety issue such as a contaminant, etc, would trump the two weeks notice requested. In all other instances, it would be reasonable to inform the Commission ahead of time. Commissioner Varnadore said the two weeks notice she asked for by motion at the last meeting pertained to notices in the water bills only.

19. LEGAL RESEARCH REQUESTS (Commissioner Varnadore)

Commissioner Varnadore said it was her understanding that if she had a request for legal research, she had to bring it before Commission in a public meeting. Due to the current political issues within the City with the upcoming election, she requests that the attorney research possible changes to the personnel policy; specifically, Article 4, Section 4.01 Code of Ethics, and Section 4.04 Political Activity. She feels it is necessary to protect the public, the City and employees who choose to run for public office. She made copies of the personnel policy available to Commission.

Commissioner Cornwell brought up the issue of the Commission's rights and process to request legal research by the City Attorney. Discussion ensued. Commissioner Varnadore said she would have preferred not to bring her request up at a public meeting. It was agreed that a Workshop would be scheduled to establish parameters for the legislative body to contact the attorney.

Commissioner Varnadore again stated that the City has nothing in the personnel policy that addresses employees who run for public office. That is the reason for the research request.

Regarding discussion about Mr. Lukowiak's qualifying to run for Mayor, Attorney Hall said she is comfortable reviewing the personnel policy, statutes and the Charter, but she is not comfortable addressing ethical violations as those go to the state, or determining if Mr. Lukowiak can qualify to run for Mayor. Those issues are part of broader state and constitutional laws.

Commissioner Cornwell said she is asking the attorney to research the items that have come up tonight in protection of the City and everyone who is running for office. If something inappropriate was done, and the City had to hold another election, it could be very costly to the city. She would like the attorney to research the Charter and what the state allows the City to do or not to do. There was consensus to have the attorney proceed. For the record, Commissioner Varnadore said that researching Mr. Lukowiak's eligibility in particular was not part of her original request.

Attorney Hall said she will provide memoranda of law as it relates to the items discussed; she just will not apply it to any factual situation.

Commissioner Williams asked the attorney to cover privileged communication between Commissioners and the attorney. Commission agreed to let her research that as well.

20. Completion of Meetings (Commissioner Williams)

Commissioner Williams said in the past if the Commission ran out of time, it continued the meeting to the next morning or set a future date and time, but the meeting was always completed. In the future, how will this be handled? Attorney Hall said she will research Robert Rules and provide the applicable rule. Also, she will provide a one page synopsis of Roberts Rules which should prove helpful in the future.

21. DEPARTMENT HEADS' COMMENTS

Chris Lukowiak

No comment.

Jim Freeman

Two workshops will be added: April 28 and May 7, 5:00-7:00 p.m. Topics to be covered include the JEA discussion (Jim McClellan to continue discussion of the wastewater treatment plant needed improvements), CMS project updates and Palmetto Elementary School update.

Gave the Commission a preview of the new proposed home page for the City's web site.

Advised Commissioners they will be receiving a memo on the status of the health insurance reserves. The City has experienced a high volume of claims. As of April, the medical insurance reserve is about \$120,000 in the red. In the coming year, the City will have to budget more for insurance or possibly change benefits.

Michele Hall

No comment.

Chief Lowe

No comment.

22. MAYOR'S REPORT

Mayor Bustle had nothing to report.

23. COMMISSIONERS' COMMENTS

Commissioner Ball

Attended his first CRA Board meeting and he was very impressed.

Commissioner Cornwell

Asked for an update on the Council of Governments meeting. The Mayor said the agenda covered TBARTA and there was nothing new on that.

Commissioner Williams

Asked about the budget Workshops. Mr. Freeman said they may start early in June, prior to the usual break in July. He asked Mr. Freeman to provide a calendar of those meetings at the next Workshop. Reiterated that he wants the DRC minutes attached to all Planning and Zoning staff reports in the future, per City ordinance.

Commissioner Varnadore

Inquired about the status of the potholes by the elementary school. Mr. Lukowiak said he will make sure Mr. Kinn takes care of that.

Announced that the Florida Historical Society will hold its annual meeting at the Palmetto Historical Park on May 21-24, 2008, with a reception on May 22. Commission will be receiving invitations to the reception. It is quite an honor for the Park to host this event.

Commissioner Lancaster

Congratulated and thanked staff for a job well done at the Multicultural Festival.

The meeting was adjourned at 10:56 p.m.

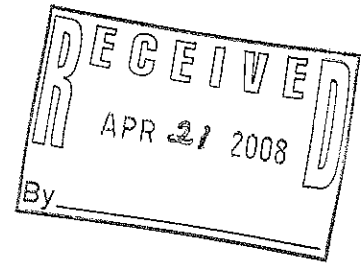
Minutes approved:

James R. Freeman, City Clerk

JOSEPH E. WILLIS
2215 21st Street West
Palmetto, Florida 34221

April 21, 2008

North River News
604 6th Street West
Palmetto, FL 34221



Dear Editor:

This letter is in reply to the front page article in the April 17-23, 2008, issue of your newspaper, "Planning Board Okays Lukowiak Annexation Bid." I believe there are at least three legal errors in the article. Addressing them in the order they appeared in the article, they are:

One error is the accuracy of the sentence, "Candidates for mayor are required to be residents of the city for six months prior to the election" (underline added). Actually, the six month period is for the six months prior to the last day of qualifying for election to the office. This is reflected in Section 18 of the Palmetto City Charter. This is significant because it moves the required six month period substantially earlier than the day of the election.

The second error is the statement that, "...the Lukowiak's have a homesteaded home on Seventh Street West, in Palmetto...." The fact is that public records of the City of Palmetto reflect that the utilities for that address are being billed to a gentleman with a different name. The practice of the City of Palmetto is that before someone can be billed for utilities at an address, that person has to show the City a lease, or the equivalent thereof, to the property. Section 196.061 of the Florida Statutes says that rental of a homestead constitutes abandonment of the homestead status.

The same public records of the City of Palmetto also show that for much of 2007, the utilities were billed to the Seventh Street West, Palmetto, address to yet another person, altogether.

There is another public document where the Lukowiak's stated in March, 2007, that they did not live at the Seventh Street West, Palmetto, address at that time. The accumulation of these events indicates there is no present homestead status at the Seventh Street West, Palmetto, address.

The third error is the statement that, "If the annexation of the home site at 605 15th Avenue Drive, East ... is approved by the city commissioners in the near future, Lukowiak will also meet mayoral requirements at that address." This is incorrect since a mayoral candidate must live in the City of Palmetto for at least six months prior to the last day of qualifying for election to the office, so even if Mr. Lukowiak's proposed annexation went into effect today, it is already too late to meet that six month requirement.

Joseph E. Willis

cc: Larry Bustle, Mayor ✓
All City Commissioners
Robert Sweat, Supervisor of Elections

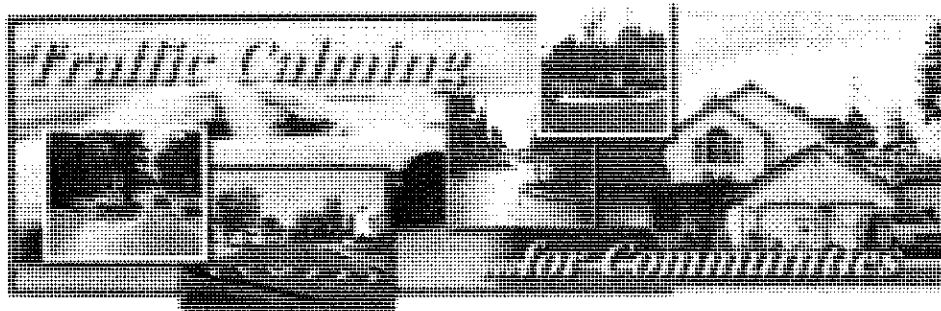
Safety Impacts of Traffic Calming Measures (U.S. Experience)

Measure	No. Sites	Avg. Annual Collisions Before	Avg. Annual Collisions After	Change	Sig. Level
12' Humps	50	2.6	2.3	-13%	.40
14' Humps	5	4.4	2.6	-40%	.18
22' Tables	8	6.7	3.7	-45%	<.01
Circles <small>no Seattle</small>	17	5.9	4.2	-28%	.04
All Circles	130	2.2	0.6	-71%	<.01

Overall	163	2.5	1.2	-51%	<.01
<i>exclude Seattle</i>	80	3.8	2.7	-25%	<.01

Safety Impacts of Traffic Calming After Adjusting for Traffic Diversion

Level	No. Sites	% Change	Sig.
Accidents	55	-27%	<.01
Accident Rate	55	-4%	0.65



A **Traffic Calming CD-ROM**, that includes the seminar materials and the instructor's notes, is available to facilitate the viewing of the PowerPoint presentation. The CD is available from the [ITE Bookstore](http://ite.org).



U.S. Department of Transportation
Federal Highway Administration



1099 14th Street, NW,
Suite 300 West
Washington, DC
20005-3538 USA
Phone: 202-289-0222
Fax: 202-289-7722
Send comments to:
website@ite.org

Traffic Calming Seminar Instructional Material

ITE and FHWA developed a 1-day seminar for transportation professionals on Traffic Calming. These seminar materials are intended for use by LTAP centers and other professionals interested in educating others on the subject. This section of the traffic calming Web site allows you to view the slide show on your Web browser or download the full PowerPoint presentation along with instructor's notes for individual use.

SESSIONS	HTML	PowerPoint <small>To download PPT file, right click on link and click "Save As" option.</small>
Introduction	35 slides	10,756 KB
Toolbox of Traffic Calming Measures	63 slides	15,522 KB
Engineering and Aesthetics	21 slides	9,689 KB
Impacts	30 slides	3,906 KB
Legal Authority and Liability	21 slides	3,456 KB
Emergency Response and Other Agency Concerns	16 slides	4,977 KB
Procedures and Warrants	21 slides	2,699 KB
Main Road	27 slides	18,516 KB

Instructor's notes can only be seen in the downloaded version. To view the instructor's notes once you have opened the file in PowerPoint, click on "View" on the main toolbar and select "Notes Page".

If choosing the download option, please note that the seminar files are quite large. Downloading them may take a significant amount of time, please be patient.



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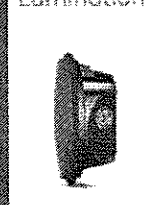
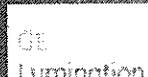
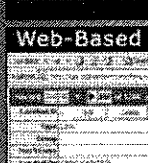
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Web-Based



Draft ITS Program Goals and Focus Areas Posted – Comments Sought

2008 Parking and Trip Data Collection Project Student Chapter Grants

New Collaboration with Easter Seals PROJECT ACTION

National Work Zone Awareness Week 2008: April 7-11

Call for Technical Advisory Committee Members

National Surface Transportation Policy and Revenue Study Commission's technical issue papers

U.S. Department of Transportation Seeks Business Models for Vehicle-Infrastructure Communications Network

U.S. Department of Transportation Seeks Technology Solutions to Improve Safety and Reduce Traffic Congestion

The Manual on Uniform Traffic Control Devices (MUTCD) notice of proposed amendments (NPA) was published in the Federal Register on January 2, 2008. The comment period will close on July 31, 2008. To view the amendments, visit the MUTCD web site at <http://mutcd.fhwa.dot.gov>.

ITE Seeks Candidate for Transportation Planning Senior Director

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President
Eng-Wong, Taub & Associates, P.A.
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Eugene M. Wilson, P.E., PTOE, HITE
Transportation Engineering Safety Consultant
Wilson & Associates
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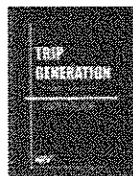
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- Effective Public Involvement Web Seminar, Wed. Apr. 30

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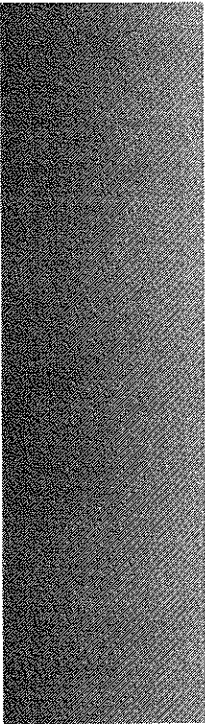
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To make it easier for transportation professionals to participate in local recruitment events and activities, the ITE Transportation Education Council, in cooperation with the Southwest Region University Transportation Center (SWUTC), has developed a "Recruitment Toolbox" that assimilates the best ideas from around the country.

**Public Rights-of-Way Access
Advisory Committee Special
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Accessible Public Rights-of-Way
Planning and Designing for
Alterations**

- High resolution PDF
- Low resolution PDF

Institute of Transportation Engineers

1099 14th Street, NW, Suite 300 West | Washington, DC 20005-3438 USA
Telephone: +1 202-289-0222 | Fax: +1 202-289-7722
ite_staff@ite.org

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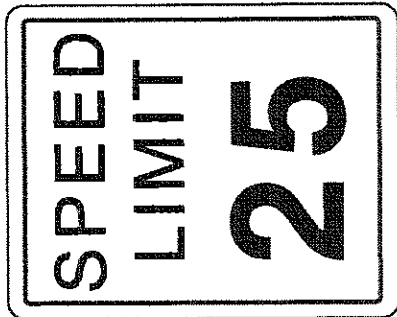
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City of Phoenix

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**WILL A LOWER
SPEED LIMIT
HELP REDUCE
SPEEDING?**

A common myth ...

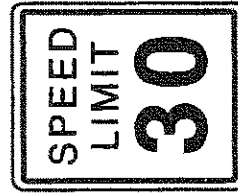
...Installing a lower speed limit will cause drivers to slow down and reduce accidents.

Facts indicate otherwise. Research conducted throughout the country over several decades has shown that drivers are influenced by the type of street and the current traffic conditions, and not the posted speed limit.

When a speed limit sign is not posted, Arizona's Basic Speed Law (ARS 28-701) still applies. It requires that a person drive at a speed that is reasonable and prudent under existing conditions. In every event, speed must be so controlled as to avoid colliding with any object, person, or vehicle on the highway. It is the duty of ALL persons to exercise reasonable care for the protection of others.

Under Arizona law, the maximum speed limit...

...in Phoenix is 55 miles per hour (mph). Other maximum speed limits established by law include the 25 mph limit on local streets in residential areas and business districts, and the 15 mph limit in alleys. Even though these speeds are not always posted, all motorists are required to know the basic speed laws.



Speed limits between 25 and 55 mph may be established on the basis of traffic engineering studies. These studies include roadway conditions, accident records and the prevailing speed of prudent drivers.

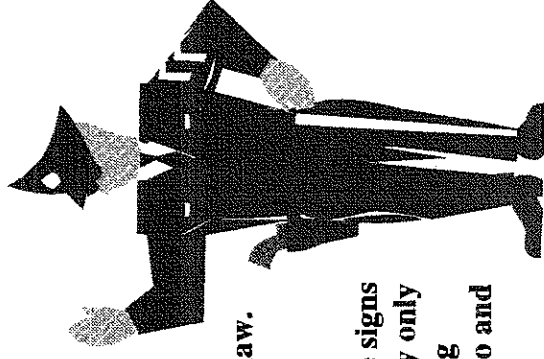
If an unreasonably low speed is posted, most drivers will ignore the signs, while a few may try to stay within the posted speed limit. This causes real safety concerns because of the difference between faster and slower drivers.

Setting unrealistically low speed limits...

... has two adverse effects.

- They make violators out of reasonable and otherwise law-abiding citizens.
- Most importantly, police enforcement is diminished, which plays a vital role in controlling the speed limit.

Unrealistic speed limits create a difficult situation for the police and the community and citations are not upheld in court. Often the police will not return to the site to reinforce the law.



Speed limits approaching yellow school crosswalks are 15 mph when the portable signs are placed on the street. These zones may only be established based on traffic engineering studies and used only for children going to and from school, when school is in session (ARS 28-797).

Remember, unreasonably low speed limits

- DO NOT CHANGE MOST DRIVERS' SPEEDS
- CANNOT BE UPHELD IN COURT
- CAN REDUCE POLICE ENFORCEMENT

Cynthia Ritchie

2009 6th Street West, Palmetto, FL 34221 • (941) 705-9120

April 21th, 2008

Honorable Commissioner Cornwell;

Thank you. I appreciate this opportunity.

The pressure you must feel is understandable. People love to complain about traffic. That and the weather. Always have — always will.

However, after traveling many other metropolitan areas, I question the seriousness Palmetto's east-west traffic problem. Every city has traffic issues. It's unavoidable. The severity of the solution is not proportional to the size of our problem. Especially when there are other options.

These days, almost all of us are in a overloaded and in a hurry. Most of us seem to want to go fast. We don't like to be inconvenienced. So we avoid things that slow us down like speed bumps and stop signs.

In a slower days with less traffic, the proposed solution was in place in some areas. There were enough problems to warrant change, so now we have stop signs. There is no reason for removing them and expecting a different result.

As the Renaissance study states, stop signs slow traffic. They also keep drivers focused on the immediate areas in front of them. And that awareness translates into greater safety.

Even now people roll through the signs but at least they slow down. I can see one of the affected intersections and I've never seen any enforcement. We simply don't have the resources for such patrols. The prevailing mentality is that it's not illegal if you don't get caught so people try it. A perfect example of this is Manatee County's critical problem of drivers running red lights.

Our society deals with congestion and the need for speed with highways, bypasses, overpasses and interstates. The current proposal is essentially creating similar throughways in residential neighborhoods. The consequences are likely to be horrible.

Sacrificing safety for convenience is not a responsible answer to a minor problem. There are other ways. A few are:

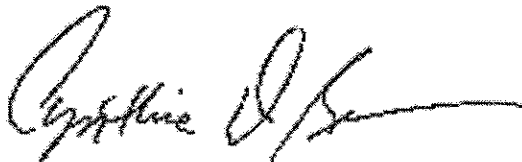
- Immediately expediting the installation of turn lanes at nearby major intersections.
- Widening 10th Street and implementing measures similar to way other metropolitan areas do when it is necessary to have a school on a busy road or the school creates one.
- As soon as the school moves, remove the obstacles and reroute traffic down 10th Avenue. This former main street is plenty wide and runs through far more appropriate mixed-use areas. The parks are under-used during peak drive times and the school becomes a non-issue.
- Partial implementation on wider roads such as 7th and 14th, Encourage use of these but only remove select stop signs. By no means should any stop sign near a school be removed.

There must be others. The relocation of the school was not a factor at the time of the study and it presents opportunities in addition to the eventual permanent remedies to this growth issue.

As the Commission acts on this situation, it must avoid trial implementations. The full impact will take some time before word of these shortcuts spreads to outlying areas, but any removal will be gradual and ultimately create drag strips.

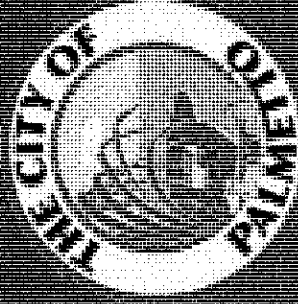
Do not approve this proposal. Please abide by your commitment to public good and your constituents expectation for safety.

Respectfully,

A handwritten signature in black ink, appearing to read 'Cynthia Ritchie', with a long horizontal flourish extending to the right.

Cynthia (Cindy) Ritchie

City of Palmetto Traffic Circulation Plan



April 21st, 2008

Purpose and Intent

- Facilitate East / West Travel to alleviate pressure on 10th Street
- Create consistency of stop locations in the neighborhood for safety
- Establish specific routes for public safety to improved response time

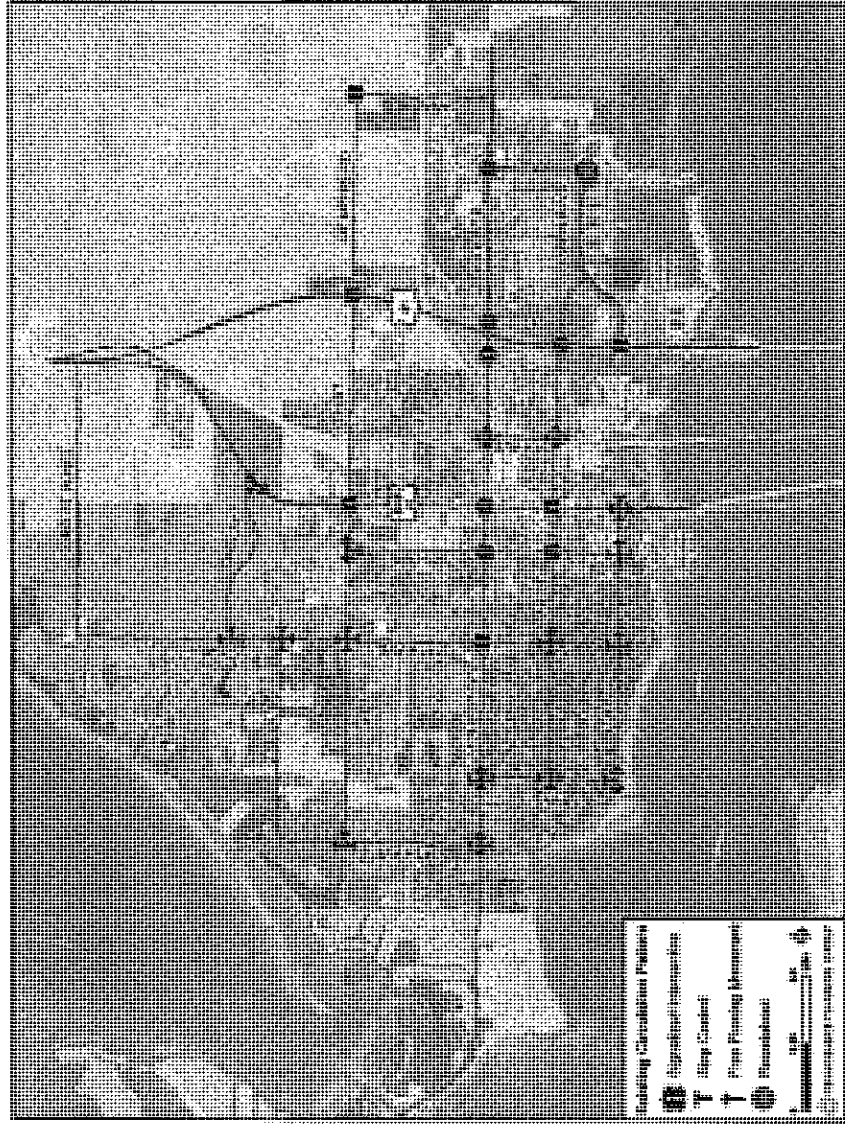
Key Considerations

- Low volume / residential roads
- Didn't want to create high speed cut through roads
- Under utilized roads for capacity
- Peak hour commuting patterns

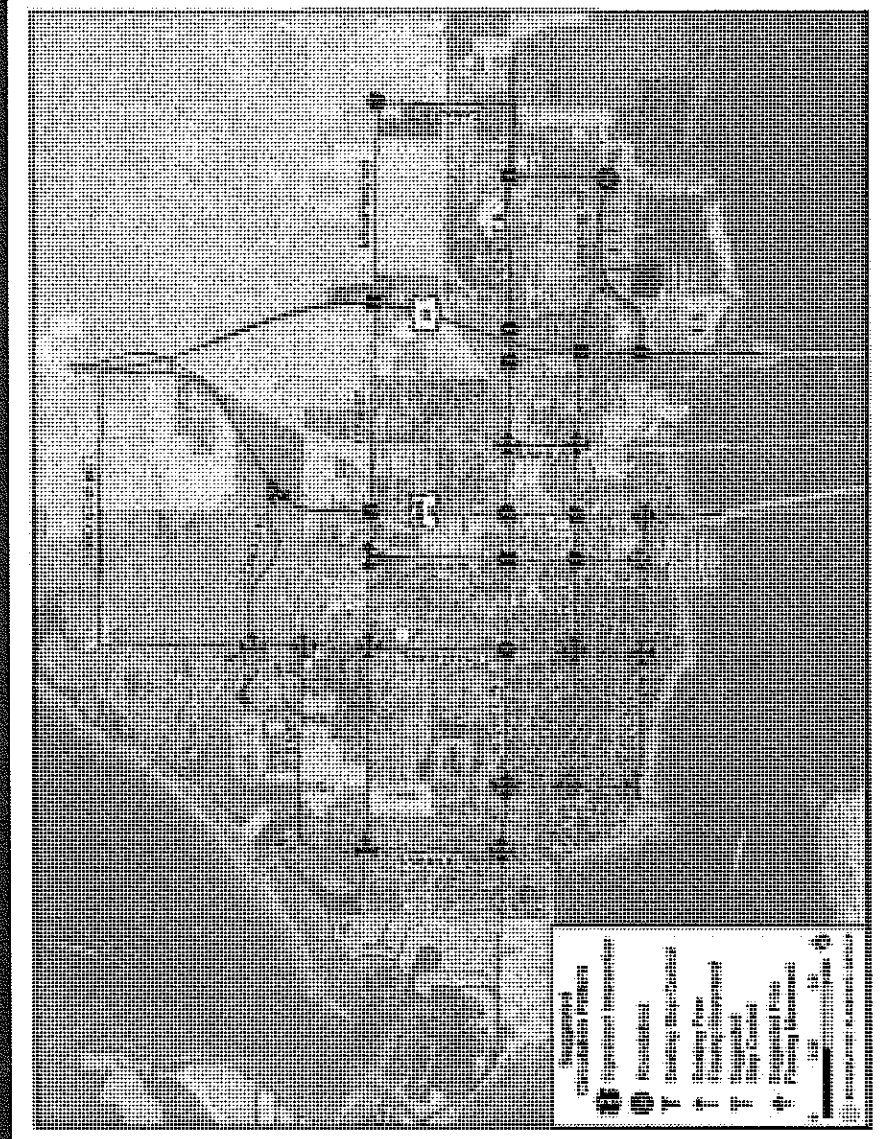
Traffic Circulation

Existing Traffic Circulation Stop Controlled / Signalized Intersections

- Stop signs are used to assign right-of-way at an intersection
- Research done for the Manual for Uniform Traffic Control Devices (MUTCD) has found that stop signs are not an effective speed control strategy.



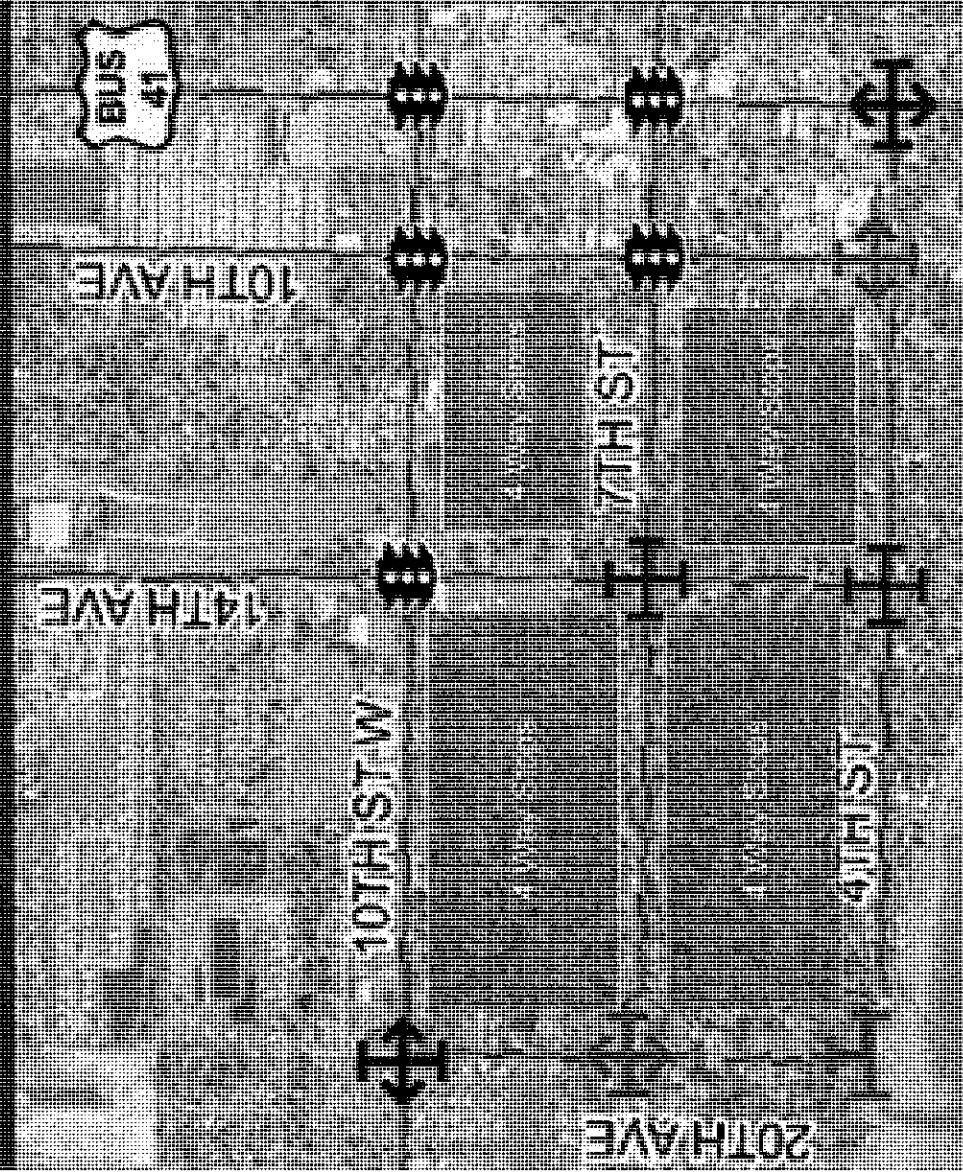
Recommended Traffic Circulation Stop Controlled / Signalized Intersections



- Removing the four way stop signs will improve traffic circulation and safety
- Two way stop control intersection have a lower accident rate than a four way.
- Adding more traffic will reduce the travel speed.

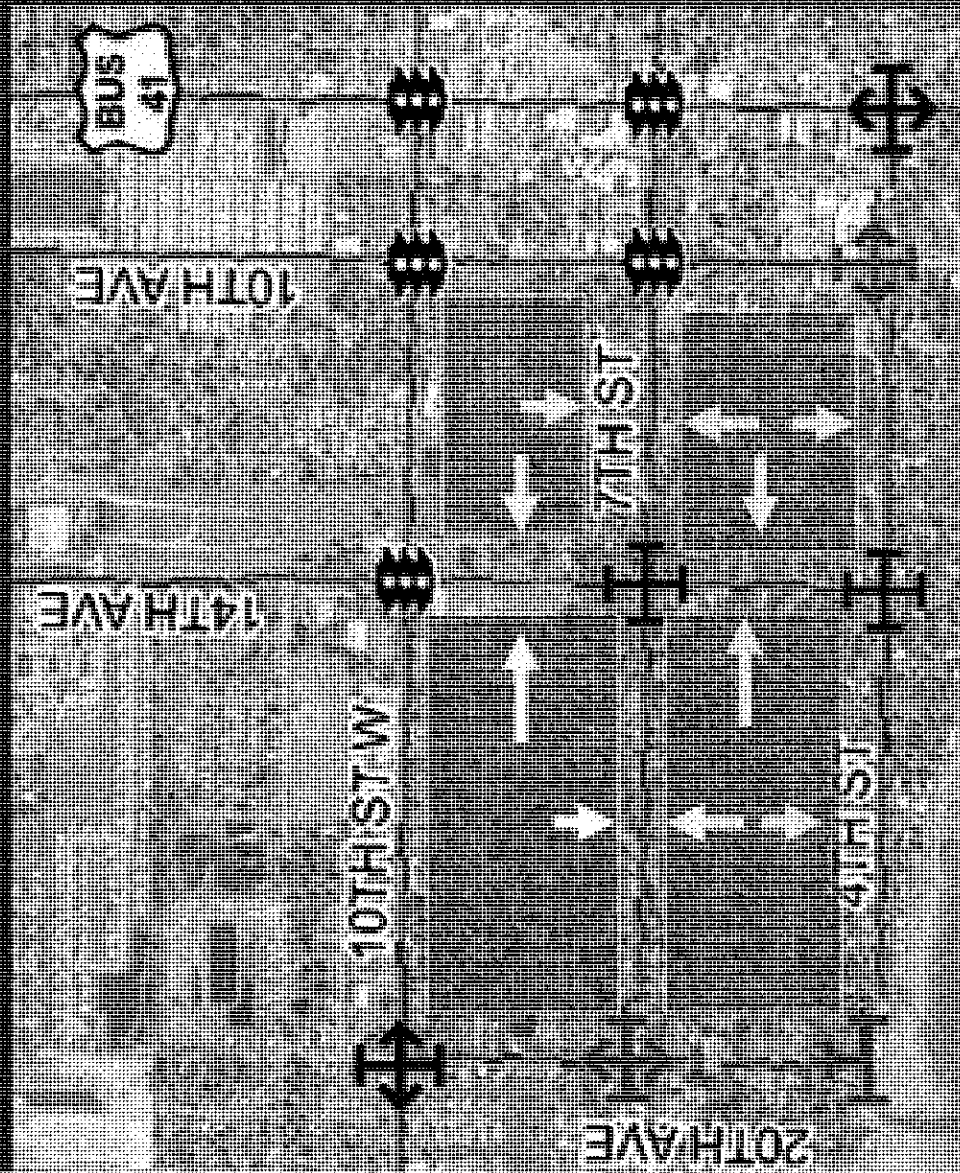
Recommended Traffic Circulation Stop Controlled / Signalized Intersections

- Extremely effective grid street pattern, but inconsistent circulation
- Add 4 way stops in between
 - 20th Ave
 - 14th Ave
 - 10th Ave
 - 10th Street
 - 7th Street
 - 4th Street



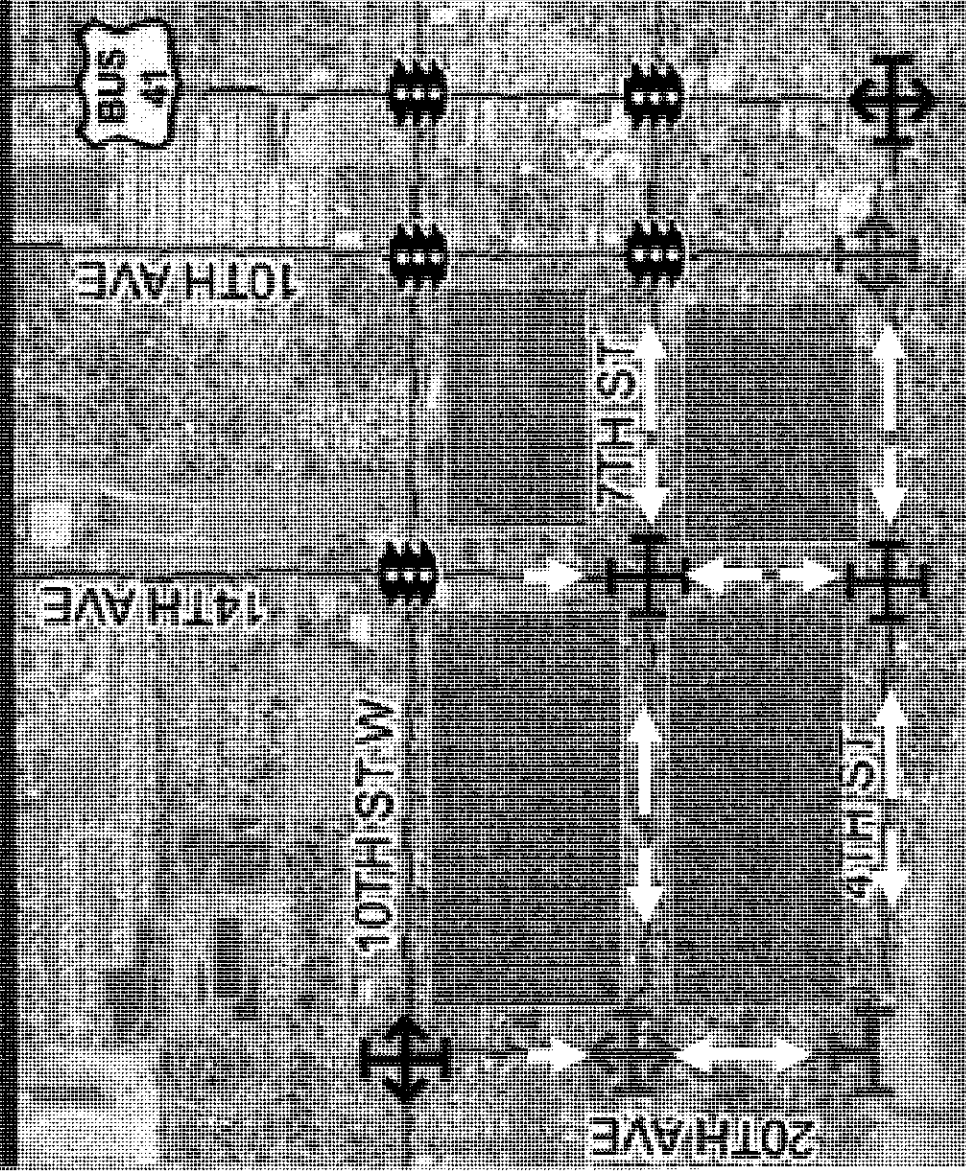
Recommended Traffic Circulation Stop Controlled / Signalized Intersections

- Stops will facilitate traffic flow to
 - 14th Ave
 - 7th Street
 - 4th Street



Recommended Traffic Circulation Stop Controlled / Signalized Intersections

- More traffic and slower speeds
- Speed is dictated by the drivers perception of safety
- Because of the low volume (1-2 vehicles every 5 minutes) travel speeds are higher
- More traffic will lower drivers perception of safety



Questions?