

TAB 1

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
- B) Acceptance: Sanctuary Development Temporary Construction Easement
- C) Special Function Permit:
 - HIPPY Family Field Trip/Picnic
 - Cinco de Mayo
 - Arthritis Walk
 - Florida Historical Society
 - Ackerman Family Reunion
 - 8th Annual Fishing Tournament
 - Manasota Mopar 2nd Annual Car & Truck Show
 - Boy Scout Show
- D) Noise Ordinance Exception: Paul Sanford Promotions

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; **Commission concurred to move forward with some of the phases of the Mobility Study**. 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 – Sunnydale 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 Sunnysdale 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, Sunnysdale 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.

Commenting on Mr. Finkelstein's statement at the beginning of the meeting relating to the Commission's responsibility to determine if Mr. Lukowiak is qualified to run for the mayor's office, Attorney Hall stated that while she has not researched the topic in depth, her research does not support Mr. Finkelstein's statement. Attorney Hall requested the Mr. Finkelstein explain the authority supporting the statement. Mr. Finkelstein stated, "Let me correct my statement. I have

heard that this Commission has alleged that it makes that determination. I agree with you. I don't think it has that right." Mr. Finkelstein opined the Commission should be cautious in researching "how to stop people running for office".

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: **Corrected May 5, 2008. Approved May 19, 2008.**

James R. Freeman, City Clerk

Palmetto City Commission
April 28, 2008 5:00 PM

Elected Officials Present:

Larry Bustle, Mayor
Eric Ball, Commissioner
Tamara Cornwell, Commissioner (entered at 5:15 p.m.)
Mary Lancaster, Commissioner
Tambra Varnadore, Vice Mayor
Brian Williams, Commissioner

Staff and Others Present:

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

Mayor Bustle called the meeting to order at 5:05 p.m., followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 4-0 to approve the April 28, 2008 5:00 pm agenda.

2. DISCUSSION WASTEWATER TREATMENT PLANT PERMIT RENEWAL

Mr. Lukowiak explained the topic is a result of the wastewater treatment plant permit renewal application submitted to the Department of Environmental Protection (DEP). Public Works has received DEP's first comments to the application. Mr. Lukowiak introduced Jim McLellan, Jones Edmunds & Associates, who will discuss the cost analysis of issues regarding the plant.

Mr. McLellan continued the discussion from the April 21, 2008 workshop meeting on the results of their study to evaluate the wastewater treatment plant. The objective of the study was to: 1) assess the ability to re-rate the plant, 2) determine what would be needed to increase the current capacity of 2.4 million gallons per day (mgd) to 3.4 mgd, and 3) complete renewal of the permit. He stated another objective was to be able to provide DEP information with the current renewal application, so any expansion capability could be included in the new five year permit.

The study determined the plant's current two Bardenpho and one oxidation ditch treatment trains (which operate independently of each other) have no reserve capacity; therefore, the plant cannot be re-rated without upgrades. Currently the wastewater is treated, stored in tanks, placed in the reject pond (a key component of the reuse system) or, as a last resort, discharged into Terra Ceia Bay. Mr. McLellan informed Commission the plant currently handles a flow of 1.4 mgd; as the plant reaches the 2.4 mgd threshold, it will struggle to maintain compliance with nitrogen concentration levels.

Mr. McLellan stated that in order to increase capacity, the City will need to expand the reuse system capacity and/or find an alternative disposal to Terra Ceia Bay, such as the ASR well or a deep injection well. Commission discussed the ASR well as a solution to discharge and the DEP's established quality criteria, which must be met before disposal. Mr. McLellan stated the quality standards will not be able to be met without upgrades to the plant. The deep injection well has lower established criteria to meet but, the water is non-retrievable. Ms. Cornwell voiced concern about the loss of the reuse water commodity and potential environmental impacts.

Ms. Varnadore questioned if the permit renewal is contingent upon the proposed upgrades. Mr. Lukowiak stated there are specific items that will have to be done before the permit will be issued; some are to begin a plan for ten years into the future. She questioned what is necessary at this time to renew the permit for another five years. Mr. Williams and Ms. Cornwell questioned what upgrades are necessary to eliminate discharge into the bay. Mr. McLellan confirmed none of the items contained in the report relating to the expansion of the plant are necessary to renew the permit for an additional five years.

Mr. Ball questioned how many more homes will have to come on line to meet the 2.4 mgd. Mr. Lukowiak stated approximately 500,000 gallons remain in the current capacity before the City must have a plan in place, approved by DEP as per Florida Statute, to expand the plant. He estimated the 500,000 gallons per day (taking the flow to 1.9 mgd) will be met once the Preston and Sanctuary Cove projects are built out. He also estimated this renewal at the current rate will be sufficient for the next five years; however, the next renewal process will require the FDE approved plan regarding the expansion of the plant be in place.

Mr. Williams suggested that the plan to expand the plant lacks any reference to the I&I and manhole issues. Mr. Lukowiak informed Commission there is a matching grant of \$500,000 that is available through the Governor's office; he is researching the grant to determine if the City's past improvements can be considered as a match. Mr. Lukowiak also confirmed the SWFWMD ASR grant is strictly for the construction of the well, no other assistance in meeting water quality issues is available at this time.

Discussion ensued on the deep injection well and ASR well. In summary, it will be less expensive to use the deep injection well because the water does not have to be treated as much as if it were discharged into the bay or the ASR well. Mr. McLellan confirmed arsenic is an issue when retrieving water from the ASR well and, more than likely, the City will have to deal with a Consent Order mandating that an approved plan addressing the arsenic will have to be in place.

Mrs. Lancaster stated she wished to see what the City must do to renew the permit for the next five years and the associated costs of the improvements.

In summary, JEA is recommending that improvements to the wastewater treatment plant are completed in two phases:

- Phase I (Items necessary for the next three to five years)
 - Upgrade influent pump station to handle peak hour flow
 - New Grit Removal System
 - Deep Injection Well
 - Expansion of the Reuse System

Mr. Lukowiak confirmed that Phase I improvements will not give the plant any additional capacity. He also stated that regardless of growth, the improvements will only allow the plant to operate in a more efficient manner to meet established water quality criteria. He also stated that once the plant meets the capacity limitation threshold as established by statute (80% of the currently rated 2.4 mgd) the plant will have to be expanded. Mr. Freeman estimated that when the current number of utility accounts increase by 1,500, the plant will meet the 80% threshold. Mr. Lukowiak opined that the projects listed in Phase I, less the deep well injection, should be sufficient for the five-year permit renewal and capacity limits of the plant.

Ms. Cornwell stated she is not interested in pursuing a deep well injection, based on monetary value, environmental issues and loss of access to reuse water. Mrs. Lancaster agreed, stating a

contingency plan for the plant should be built into the budget each year. Ms. Varnadore suggested CIP projects may have to be adjusted to accomplish improvements that are needed at the plant.

Ray D'Aiuto, Veolia Water, discussed the issues the plant currently faces, such as the outstanding 1.4 mgd flow currently being treated with a significant percentage of development empty; difficulty in meeting current nitrate criteria; inability to process metals associated with industrial annexations; the need to continue to allocate I&I programs; and the need to build a contingent budget, which can be funded by impact fees.

Mayor Bustle inquired if the presentation could be put into a Wastewater Treatment Plant Phased Plan. Mr. Lukowiak stated he is already in discussion with Veolia Water concerning a schedule over ten years and financing that may be available. Commission also instructed Mr. Lukowiak to look to other options available such as storage tanks, lined ponds, etc. and their associated costs vs. a deep injection well.

Chief Lowe introduced Scott Tyler, recently promoted to the rank of Lieutenant.

3. DISCUSSION: CONGESTION MANAGEMENT SYSTEM FUNDING

Mr. Lukowiak reviewed the projects that have been funded by the Metropolitan Planning Organization's Congestion Management System grants. The discussion included cost analysis, year of funding, and visual renderings of the proposed projects. Jerry Hester, Westra Construction, took part in the projects review and discussions. The projects are as follows:

1. 10th Street & 10th Avenue - \$800,000 funded in FY 11-12
FDOT reviewed, amended and approved the construction plans. FDOT provided a higher cost for the project and allowed some of the Canal Road funding to be used for this project. FDOT will not pay for engineering and right-of-way acquisition. The City has sufficient right-of-way and this project will require minimal engineering, if any, because the plans developed FDOT should be sufficient for engineering.
2. 10th Street & 14th Avenue - \$400,000 funded in FY 09-10
The School Board has indicated it will front the cost of the project and the City can reimburse when the grant funds are received. FDOT will review this project, and hopefully the Haben Blvd. Roundabout, on May 8, 2008. It is hoped any plan they develop will be sufficient for engineering purposes.
3. Canal Road & US 301 - \$600,000 funded in FY 11-12
FDOT put on hold until Sanctuary Cove is further developed; some of the funds were spread among other projects.
4. Haben Blvd. Roundabout - \$367,000 funded in FY 09-10
Discussion resulted in an amendment to the plan to provide for two lanes coming into and two lanes exiting the roundabout (four-lane roundabout). CRA will pay for the engineering scope for the project. The City will have to build and then be reimbursed for the project. Additional information will be gathered on additional grant funding because of the increase in constructions costs. The only approval Commission has granted on this project to date is the engineering scope.

5. Mobility Study - \$607,982 funded in FY 09-10
Joint project with Manatee County and the City of Bradenton.
6. Riverside Dr. & 8th Avenue - TRIP funding of \$150,000 FY 06-07 and extended
The CRA Board will review a plan tying all the Riverside Dr. projects together at its May meeting. The item will be brought to Commission when the plan is solidified.

Referring back to earlier discussion on the \$500,000 matching grant available from the Governor's office for I&I repairs, Mr. Lukowiak requested Commission's authorization to seek further information on the grant's stipulations and what the City may offer as the match. Commission concurred, and authorized Mr. Lukowiak to pursue the topic.

FDOT has requested information on new projects the City would like to submit for CMS grant funding. Information on potential projects will be brought to Commission on May 5, 2008.

Mrs. Lukowiak informed Commission the City is experiencing problems with vagrants using the vacant structures on the north part of the property assembled for the School Board. An initial quote of \$18,000 has been obtained. She requested permission to speak with the School Board about paying the cost of demolition, either now or when the City is paid for the property. She will bring the topic back to Commission when comments are received from the School Board.

Meeting adjourned at 7:40 pm.

Minutes approved:

James R. Freeman
City Clerk

Palmetto City Commission
May 5, 2008 4:00 PM

Elected Officials Present:

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

Elected Official Absent:

Eric Ball, Commissioner

Staff and Others Present:

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

Mayor Bustle called the meeting to order at 5:05 p.m., followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 4-0 to approve the May 5, 2008 4:00 pm agenda.

2. DISCUSSION: PALMETTO PALMS FORECLOSURE

Mr. Freeman informed Commission the property under discussion is a vacant parcel titled to the Palmetto Palms Homeowners' Association, which is no longer a formal entity. In July 2006 the Code Enforcement Board placed a \$250 per day lien on the property. The current amount of the lien is in excess of \$170,000.

Attorney Bob Schermer was retained to assist the City in foreclosing on the lien, and has filed for a final default judgment, which should be completed within the next month. The next step in the process is to auction the property on the courthouse steps, and staff is seeking direction on how to proceed by either

1. No one bids on the property and the City obtains the property by way of foreclosing on the lien.
2. If someone bids more than the outstanding lien amount, the bidder would receive the property and the City would receive the money associated with satisfying the lien. If the City still wanted the property, we would have to outbid the person trying to acquire the property. The City would have to pay any amounts greater than the outstanding lien amount to retain the property.
3. Someone could bid less than the outstanding lien amount and the City could decide to accept a lesser amount and the bidder would receive the property.

Discussion ensued on the advantage/disadvantage of the City retaining the property and how it could be used in the future. Commission requested that staff provide the following information prior to a decision on how to direct staff concerning the auction of the property:

- Confirmation of all monies that may be due, i.e. other liens, real estates, etc.
- Access to the park because of its land-locked status
- How the property could be utilized and any of those associated expenses
- Any existing easements or drainage issues
- Amount of the parcel that is available for use

Mr. Williams voiced his belief the property should be sold.

3. DRAFT FUND POLICY AND DEBT POLICY

As previously committed to Commission, Mr. Freeman presented the first draft of the Debt Fund Policy and the Fund Balance Policy for discussion. He stated the policies had been drafted from personal knowledge, other municipal policies, and assistance from the recently hired financial advisor, RBC Dain.

Mr. Freeman explained the Fund Balance Policy is intended to establish reserves for catastrophic or unexpected events. He further explained that if the City meets the suggested benchmarks the reserve would grow. Staff will develop a plan to replenish the applicable fund if the City should fall short of one of the benchmarks.

Commission discussed the draft Fund Balance Policy with Mr. Freeman and Mrs. Simpson, Deputy Director-Finance, and made the following comments for amending the policy:

1. Use of the Trailer Park Trust Fund should be removed from the calculation of fund balance reserves.
2. The reserve should be equal to six months of the current fiscal year expense budget.
3. Utilization of any excess reserve funds should come to City Commission for approval. (Staff explained this would occur in the form of a budget amendment resolution.)
4. Contact Bank of America to see if interest only payments on outstanding liabilities could occur in the event of a catastrophic event.
5. Review the Trailer Park Trust Fund resolution. Use interest from the fund to help build the reserve.

Commission discussed the draft Debt Policy, and made the following comments for amending the policy:

1. Contract for capital projects will not be entered into until financing is secured.
2. Debt obligations, other than capital leases, shall have a maximum maturity of up to thirty years.

In addition, Commission discussed the various teams named in the draft policy; the make-up of the teams and their respective roles in the Debt Policy management. Commission discussed whether or not a commissioner should be a member of the team. Attorney Hall advised it would be appropriate for the commission liaison to City Hall to keep in touch with the team, just as any other liaison would keep in touch with their assigned department, but if a commissioner were named as a team member, that commissioner would have to make full disclosure of his/her knowledge related to any item that comes before the Commission for action. Mayor Bustle opined that the Financing Team should be independent and bring its recommendations to Commission. Mrs. Simpson stated that the Financing Team is the team that will be active; the Bond Team and Underwriting Team will be active only in the event the City issues a bond.

Ms. Cornwell suggested that when discussing the City's debt capacity, it would be helpful if the City's statistical information can be compared to the proposed benchmarks.

Mr. Freeman stated he will take Commission's comments and amend the policies. He stated he will also present information comparing where the City is relative to the benchmark, together with plans on how the City will achieve the stated benchmarks. The policies will be brought back to Commission at another workshop in the very near future, but will be presented in ordinance form.

4. DISCUSSION: CORVUS IMPACT FEE REFUND

Mr. Freeman informed Commission that Corvus International, the developer of Bel Mare at Riviera Dunes, has requested that the impact fees for the third tower be refunded because it will not be constructed at this time. Mr. Freeman stated total payment for the building permit and impact fees was received in 2006. Because the building permit has expired, that fee of approximately \$260,000 will not be refunded, which the developer has acknowledged and agreed to. The developer feels projected impact from the third tower will not be seen by the City, thus the request for the refund.

Mr. Freeman stated that based on research staff has performed, the developer probably has a legal right to receive the \$117,203 impact fee refund. Staff has identified the Impact Fee account as a source for \$40,000 of the refund, and various CIP projects are being considered for the \$77,000 balance. Attorney Hall confirmed the City must maintain the integrity of the impact fee account; therefore water impact fees will have to be paid from water impact fees paid by another project.

Discussion ensued on DRI, of which Bel Mare is a part. Mr. Lukowiak confirmed that the City did not improve any infrastructure on Haben Blvd. to accommodate the Bel Mare project. Mr. Schmitt assured Commission that if the DRI exchange matrix is changed, or if a new structure is proposed, both instances would require a new general development plan and Commission approval.

Ms. Varnadore questioned if the City was setting precedent with this refund; how many potential impact fee refunds are there. Attorney Hall discussed the fact there is currently no law dealing with this type of refund; conversations have been held with the legal staff of Florida League of Cities. Mr. Lukowiak confirmed that on the scale of the Bel Mare project, there are no existing permits and impact fees that have been paid.

Staff will bring the topic back once the funding for the remaining \$77,000 is identified.

5. DISCUSSION: COMMISSION AND CITY ATTORNEY LINES OF COMMUNICATION

Mayor Bustle maintains the Charter extends the executive power [of the mayor] to the day-to-day operations of the City, which includes direct supervision of the City Attorney. Several Commissioners maintain they have lost the ability to make an individual request to the City Attorney.

Discussion between the Commission and the Mayor ensued on a commissioner's right to individually direct the actions of the City Attorney. During the debate Attorney Hall offered her opinions. Final resolution from the discussion is that commissioners may individually contact and request the City Attorney to perform tasks.

Meeting adjourned at 6:10 pm.

James R. Freeman
City Clerk

Palmetto City Commission
May 5, 2008 7:00 PM

Elected Officials Present:

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

Elected Official Absent:

Eric Ball, Commissioner

Staff and Others Present:

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

Mayor Bustle called the meeting to order at 7:05 p.m., followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

PROCLAMATION: National Safe Boating Week May 17, 2008 through May 23, 2008
Accepting: Debbie Healey, Public Affairs Officers, Flotilla 85, USCG
Auxiliary, Palmetto

Persons planning to address Commission were sworn in.

PUBLIC COMMENT:

Heidi M. Tidd spoke in opposition of the stop sign removal on 20th Avenue. Bill Belle opined the City is not doing enough to advise the citizenry of the public meetings associated with the Mobility Study the City is participating in with Bradenton and Manatee County.

ORDER OF BUSINESS:

1. AGENDA APPROVAL

Per Mrs. Lukowiak's request and the time sensitive issue of the grant application, Mayor Bustle requested that Resolution No. 08-15 be added to grant permission to apply for a Forestry Grant.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the May 5, 2008 7:00 agenda as amended with the inclusion of Resolution No.08-15.

2. CONSENT AGENDA

- A) Minutes: April 21, 2008
- B) April 2008 Check Register

Ms. Varnadore removed the April 21, 2008 4:00 and 7:00 minutes from the Consent Agenda.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve Item B of the May 5, 2008 Consent Agenda.

Ms. Cornwell asked for clarification of the April 21, 2008 4:00 minutes pertaining to the Palms of Terra Ceia Stormwater Charges and Seawall, specifically: 1) They (the CDD) also want the City to accept the responsibility for maintenance of the eight ponds there; and 2) The CDD wants the city to take over the system or give mitigation credits.

Ms. Varnadore asked if the eight ponds make up the CDD's entire stormwater system. Mr. Lukowiak explained that either the eight ponds or one ditch (Jones Creek) make up the development's stormwater system. Mr. Lukowiak also explained that the City will continue to charge the entire stormwater fee while review of the various options continues.

Mr. Freeman clarified for Ms. Varnadore that all materials distributed during a commission meeting will be attached to the minutes unless they have been included in the agenda packet.

Under the April 21, 2008 7:00 pm minutes, Ms. Varnadore requested that item 2E Public Meeting Regarding Stop Sign Removal minutes be amended as follows:

Addition to the sentence "Commissioner Varnadore commented that the mobility study was never an approved agenda item; ***Commission concurred to move forward with some of the phases of the Mobility Study.***

Remove the sentence "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."

Attorney Hall asked that the audio tape be researched and the minutes be amended, if applicable, to reflect the fact under item 19 Legal Research Requests she discussed the fact that her initial research did not indicate that it was City Commission's jurisdiction to determine if Mr. Lukowiak could become a candidate and asked that Attorney Finkelstein provide the authority that supported his statement. It was her recollection that Attorney Finkelstein recanted that statement.

MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 4-0 to approve the April 21, 2008 4:00 pm minutes.

Staff will submit the amended April 21, 2008 7:00 minutes to City Commission for review and approval at the May 19, 2008 meeting.

3. AMENDMENT TO PROPERTY DECLARED SURPLUS

Staff requested approval of the revised listing of surplus property that will be auctioned on May 17, 2008. After reviewing the revised list, Commission removed the 137 red bricks from the property list. Chief Lowe confirmed his department had looked at the found property he placed in the auction to determine if it had been reported as lost or stolen.

MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 4-0 to approve the revised surplus property list, with the deletion of the 137 red bricks, and amend Exhibit A of Resolution No. 08-11 approved March 17, 2008.

4. DISCUSSION: MCDONALD'S SIGNAGE AND GENERAL DISCUSSION OF SIGNS

Mr. Schmitt informed Commission McDonald's is proposing to demolish the existing structure and replace it with a new prototype store. This will be discussion only of a potential conditional use to allow the existing McDonald's signage to remain as a legal nonconformity. The existing sign is 80-feet tall and Code has a height limitation of 30-feet.

Mr. Schmitt introduced McDonald's representative Kim Binkley-Seyer. Ms. Binkley-Seyer discussed the fact McDonald's is located in the City's Enterprise Zone and the possible economic impact the location could experience if the existing sign is removed. She supplied statistical data concerning McDonald's employment practices and their contribution to local communities. She also discussed the fact that she has not encountered any instance when the demolition of an existing building for the construction of a new restaurant has triggered the loss of signage. She suggested the City should research different municipalities' Enterprise Zones and how they work with Code issue regarding signage.

Mr. Williams was the only commissioner who spoke in favor of keeping the existing signage. Mayor Bustle commented on the current economic situation and the fact a decision would be easier to reach in a strong economy. Mayor Bustle also took the opportunity to comment on other businesses in Palmetto that have voiced concern about the inability to erect signage and the impact that lack of signage is having on their business.

5. RATIFICATION OF POLICE OFFICERS' PENSION BOARD TRUSTEE APPOINTMENT

Mrs. Lancaster read into the record a statement concerning her understanding of her ministerial duty to ratify the 5th Trustee to the Police Pension Board; however, she also stated her opposition to appointing anyone to any board of the City that has been accused of, with evidence provided to substantiate, discrimination. She spoke of the lack of right to exercise her personal judgment or discretion, stating she would reluctantly take the action she is duty bound to perform.

MOTION: Ms. Varnadore moved and Mr. Williams seconded to ratify the appointment of Kenny Bright as the 5th Trustee of the Police Officers' Pension Plan Board of Trustees.

Discussion: Attorney Hall confirmed our ordinance mirrors Florida Statute 185.05, which requires the ratification of the appointment of the 5th Trustee as a ministerial duty. She researched the definition of ministerial duty in the legal data base for case law for ministerial duty, which confirmed there is no discretion, it has to be done.

Motion on the floor carried 3-1. Mrs. Lancaster voted no.

6. 1st READ & ADVERTISING APPROVAL – ORDINANCE NO. 08-968

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO AMENDING CHAPTER 22, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-81, DEFINITIONS; AMENDING SECTION 22-89, VESTING; AMENDING SECTION 22-90, OPTIONAL FORMS OF BENEFITS; DELETING SECTION 22-106, REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to approve Ordinance No. 08-968 for advertising and schedule a public hearing May 19, 2008.

7. RESOLUTION NO. 08-15

Staff requested approval to apply for a matching Urban and Community Forestry Grant in the amount of \$3,000. The match will be \$2,000 that has been budgeted and \$1,000 in in-kind services.

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA TO ENTER INTO AN URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved and Mrs. Lancaster seconded to adopt Resolution No. 08-15.

Discussion: Mr. Williams questioned whether the trees listed are the best choice for placement at the wastewater treatment plant, as they will not inhibit the noise or odor. Mr. Lukowiak stated trees had to be named in the application, but at time of acceptance a plan will be provided Commission concerning the plant material. Attorney Hall commented on language in the resolution authorizing the Mayor to enter into the agreement. Staff informed Commission that if the grant is awarded, the acceptance of the grant funding must be approved by City Commission.

Motion on the floor carried 4-0.

7. DEPARTMENT HEADS' COMMENTS

Mr. Schmitt

Palmetto High School has erected the electric message board sign that was approved under conditional use permit. Mr. Schmitt will report on the sign in six months.

Reported he and Mr. Lukowiak have met with the new owner of the Italian Restaurant located in Riverside Plaza. The name of the restaurant will be changed to Saints & Sinners. The owner has expressed the limited signage is one of the reasons for business failures at the location. Mr. Schmitt suspects this topic will be workshop item in the future.

Informed Commission there will be no May meeting of the P&Z Board.

Mr. Lukowiak

Recalled the meeting when Commission approved the MCAT bus transfer station, which included an eleven car park and ride lot. The plans have been redesigned and only contain five spaces, two of which are handicapped spaces. Mr. Lukowiak has informed Mr. Hessler, MCAT

representative, that the new plan will not be approved until they resubmit a new plan. The topic will be on the May 19, 2008 workshop agenda. Mr. Lukowiak stated staff strongly recommends that the plan with five spaces not be approved.

Mr. Freeman

Reported Verizon Wireless is interested in citing a monopole wireless tower at the eastern edge of Hidden Lake Park. Before the topic comes to Commission the company must perform due diligence. Mr. Freeman stated that if Commission has no interest in entertaining the topic he will advise the company before due diligence is begun. Ms. Cornwell stated she would like to hear the pros and cons of locating the tower in the City. Mr. Williams suggested the same stipulations Commission stated when the last company inquired would apply to this location, and stated that at this point she would say no. Ms. Varnadore stated she is inclined to say no at this time. Mr. Freeman will relate the information to Verizon and see if they are interested in attending a workshop.

Informed Commission that the City was unable to retain bankruptcy counsel from the firm of Grimes Goebel. Instead, Gilbert Smith, with Hamrick, Perrey, Quinlan, & Smith has been retained. Ms. Varnadore informed Commission this is the firm she works for and she may need to exclude herself from voting on issues coming to Commission because of her personal benefit.

Informed Commission the authorization letter for Manatee Mosquito Control to continue its aerial fly over of the City has been executed.

The Florida League of Cities conference is August 14 – August 16th at the Waterside Marriott in Tampa. Mr. Freeman suggested that with the close proximity it would not be necessary to stay on site Wednesday night.

Very early property tax values received from the Property Appraiser's office indicate that the City will see an increase of approximately 8%. He also stated FLOC has advised by email that a glitch bill regarding the calculation of roll-back rates has been introduced. He suggested some additional workshops may be necessary before the July break. If the meetings occur they will be scheduled at 5:30 pm.

Chief Lowe

Commended his staff on their performance in the apprehension of the three bank robbery suspects, which occurred with incident.

Attorney Hall

Reported there is still no decision in the Escambia County v. Strand issue.

8. MAYOR'S REPORT

Public Works will be holding a CPR class on Tuesday and a first-aid class on Thursday, 8 a.m. to 12 p.m., both days.

The next community meeting for the Mobility Study is scheduled for May 8, 2008 at 5:30 p.m. at the Central Library in Bradenton.

9. COMMISSIONERS' COMMENTS

Ms. Cornwell

Inquired about the status for recommendations for employee screening. Attorney Hall reported the information gathering is complete; no record of any jurisdiction instituting across-the-board for all employees was found. Sharon Jones found that some jurisdictions screened employees critical to public safety. Attorney Hall also stated she and the Mayor have had conversation with

different counsel concerning the violation of employees' rights if the employee hadn't consented on their application for background checks. Ms. Cornwell requested the item be placed on a workshop for an update. Mr. Williams suggested the Jessica Lunsford Act should also be considered, as the City is a vendor of the School Board. Mrs. Lancaster stated it is not the employees fault if the City didn't do it when they were hired, and she is not for it now.

Asked that the new regulation on speed bumps be performed and brought to Commission.

Asked for a report on the items that were approved with stipulations, i.e. attorney fees, insurance, etc. Mr. Freeman will compile a complete list of items.

Mr. Williams

Commented on the City's ability to place bags over stop signs in the event of an evacuation. Mr. Lukowiak will pass the information along to the consultant. Chief Lowe reported that 87 citations were issued last year to individuals running stop signs. He confirmed officers are stationed on 20th Avenue watching the stop signs.

Referring to Mr. Belle's comments, Mr. Williams opined it would be nice to have a location where the public can pick up informational material.

Referring to the late hour of the grant application, he inquired if it is time to either hire a full/part time grant writer or assign the task to someone else, given Mrs. Lukowiak's work load and responsibilities. Mr. Lukowiak stated that while he did not wish to speak for another department head, staff is looking at ways to hold employee numbers to current levels.

Inquired the status of the 8th Avenue car lot that was recently annexed. Mr. Schmitt reported he has been working to improve the 8th Avenue car lot. The owner has stated the restriction of four cars is hurting his business. Mr. Schmitt stated he will have conversation with the owner about the restrictions again and involve Code Enforcement if necessary.

Reported a citizen discussed the boat sales wanting to locate at Thornton Mazda, implying staff decided this was something that wasn't needed in the community. Mr. Schmitt informed Commission Section 6.20 of the Land Development Code allowed boat sales in the CC district under certain conditions, all of which was discussed with the interested party. He also informed the party he would take a conditional use permit and site plan and process it within three weeks for presentation to Commission. The party never returned.

Mr. Williams stated Commission may want to spend Wednesday night at the FLOC Conference.

Mr. Varnadore

Commended the Police Department on their involvement in robbery apprehension.

Asked for an update on the Regatta Pointe sub-lease. Attorney Hall stated she is waiting on Mr. Vogler, Mr. Van der Noord's attorney.

Commission concurred that going forward Attorney Hall will provide itemized monthly statements.

Mr. Lukowiak reported he has received final comments from the county regarding the Jackson Park Interlocal agreement. He stated it will probably be in the next agenda.

Mr. Lukowiak reported representatives from all the organizations will be meeting. The School Board has been negotiating with Just for Girls and the Boys Club; assisting them with leases that will be presented to the City; identified easement and traffic issues; and developed a more formal plan. Community input meetings have not yet been scheduled. Mr. Lukowiak also stated the

Little League is being addressed by Mr. Preston; a 12 acre site will be provided that has been accepted by FDEP as having met the requirements for a ball field. Mr. Williams stated he would prefer the fields be located close to Blackstone Park. The items that were not included on the list are items that are moveable and transferable. A CAD drawing of the design has been created; which has been approved by the Little League. Five fields will be built. Ms. Varnadore asked that the item be placed on a workshop so updated information can be presented to Commission

Mrs. Lancaster

Reported the Palmetto Elementary Multicultural Fair was a big success. The school will be a summer school site, serving breakfast and lunch. Mr. Lukowiak will send the schedule to Commission.

Mr. Williams asked that a thank you letter be sent to Mrs. Alvarez for the Cinco de Mayo festival held at her restaurant.

10. PUBLIC COMMENTS

Margaret Tusing inquired how the relocation of Palmetto Elementary and the move of the ball field will be funded; voiced some concern about traffic; inquired why the School Board does not want locate the school at its present location. Mayor Bustle commented on the amount of conversation that has been held on this topic and suggested Mrs. Tusing consult the minutes are meet with staff.

Meeting adjourned at 9:30 p.m.

Minutes approved:

James R. Freeman
City Clerk