

TAB 1

Palmetto City Commission
May 19, 2008 4:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor
Tambra Varnadore, Vice Mayor
Eric Ball, Commissioner (arrived at 4:55 p.m.)
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Brian Williams, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk
Chris Lukowiak, Public Works Director
Captain Mike Mayer
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 4:00 pm. A moment of silence was observed for our military men and women serving overseas, followed by the Pledge of Allegiance.

1. AGENDA APPROVAL

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion passed 4-0 to approve the May 19, 2008, 4:00 p.m. agenda.

2. UPDATE: SCOTT FORECLOSURE (J. Freeman)

Attorney Bob Schermer will update Commission on the Scott property foreclosure.

Mr. Freeman introduced Attorney Bob Schermer who gave an update on the foreclosure on three properties known as the Scott properties located at: 810 Parkway Drive, 811 7th Street West and 818 Parkway Drive. A status report prepared by Mr. Schermer is included in the agenda packet.

Mr. Schermer advised Commission that he has filed an action against the three properties and reminded Commission that in a shade meeting it was decided to extend a settlement offer to the Scotts. Their attorney indicated they are trying to raise the funds to pay. He has prepared a motion for Summary Judgment. In the meantime, the offer is still out there.

Mr. Schermer received a call from the Clerk of Court's office to let him know that two of the properties are up for tax deed sale. The City could pay the taxes and add it to the amount of the lien, but he advises against doing so because all the City's liens are protected. Any new owner will be responsible for the lien. The tax deed sale should take place in about thirty days.

The hearing date for the Summary Judgment should occur within thirty-sixty days from today. The foreclosure sale would be approximately thirty days after that.

Mr. Schermer confirmed to Commissioner Williams that the City is still accruing interest on the liens.

In conclusion, he advised Commission to do nothing in regard to the tax deed sale; just let it happen.

3. UPDATE: MANATEE COUNTY AREA TRANSIT FACILITY (B. Schmitt)

MCAT representatives will update Commission on the revised plan for the bus transit facility. Additional retention was needed, resulting in the reduction of parking spaces from eleven to five.

Mr. Schmitt reminded Commission that this plan had been previously presented to Commission on January 22, 2008. The plan has since been modified due to the need for additional storm water. The proposed bus facility is located at 1802 8th Avenue West. This was presented as a park and ride facility. The modification reduces the actual number of parking spaces from eleven to five. Mr. Schmitt asked MCAT to come to City Commission and explain why the change was needed.

Ralf Heseler, MCAT, informed Commission that when FDOT gave MCAT the grant money to purchase the property for the transit center, the hope was always to have a park and ride facility on the property, or near the property. During the permitting and approval phase, FDOT came back and said the requirements for the drainage had changed, and therefore the pond site would have to be larger. The only way to correct that was to remove some of the parking spaces, or move the building further to the east which would be too close to the adjoining neighborhood. He is already looking for other properties to add other park and ride opportunities in this area.

Mark Buler, Jetson and Group Engineering, clarified that the reduction is actually eleven parking spaces to six. SWFWMD issued a permit for the plan as presented originally; however, FDOT's criteria is more restrictive. To answer Mr. Williams's question, he said the swale is an existing swale and cannot be used for storm water management. This site is only 7/10 of an acre and FDOT's criteria increased the requirements of the site by 200 percent.

Again, Mr. Heseler stated he is looking for nearby or adjacent properties and reiterated that the original plan did not call for a park and ride, only for a transit center.

Commissioner Cornwell inquired about shared storm water management with surrounding areas. Mr. Lukowiak said he will check with the County to see if there is an oversized pond that would hold the storm water from this site.

Mr. Buler said he has been in contact with the County, and he will be meeting with FDOT tomorrow to address the hardship the requirements place on the site. He noted that 50 percent of the area is impervious and that is the problem.

Mrs. Lancaster asked for clarification on the parking spaces. Mr. Heseler said there are six spaces: four regular parking, one handicapped and one employee space.

Mr. Heseler said he will apply for a grant for park and ride money from FDOT in the coming fiscal year. He is hoping to get priority because of the last minute change of requirements on this property.

4. DISCUSSION: LINCOLN PARK UPGRADES (B. Schmitt)

Staff will review Manatee County's proposed improvements to Lincoln Park.

Mr. Schmitt introduced Tom Yarger, Manatee County Property Management Department. Regarding the proposed improvements to Lincoln Park, he said they do not require site plan approval, but he asked Mr. Yarger to give Commission a presentation to describe the improvements.

CDBG grant money has become available. A list of the planned amenities is included in the agenda packet. There is a deadline of June 25, 2008, to spend the grant money, and although the County may not meet the deadline, it plans to continue with the amenities as money becomes available. In future years, the size of the restrooms will be increased. Mr. Schmitt remarked that although none of the current amenities requires approval, the City would like to see the parking lot plans to make sure the circulation is acceptable for police vehicles. Mr. Yarger agreed. He reported that he has a SWFWMD permit that allows for all the current improvements, as well as for the restrooms in the future.

Mr. Yarger said the plans also call for resodding of the soccer fields sometime after June 1, 2008.

Commissioner Williams asked about plans for a splash pool. Mr. Yarger said it has been discussed, but it doesn't look like there will be enough money until 2010 for a splash pool to be considered.

At this time there is \$193,000 available, and the planned amenities total \$220,000. He said some amenities may have to be cut, but he expects additional money to become available next year. The plans are to continue to enhance Lincoln Park.

Commissioner Williams said there is only one restroom, and he feels the restroom should be a priority. Mr. Yarger agreed, but he said the time constraints for use of the money and the time it would take for permitting preclude that. When asked about a modular restroom, Mr. Yarger said the intent is to expand the existing restroom facility because all the utilities are there.

5. DISCUSSION: EMPLOYEE BACKGROUND CHECKS (M. Hall/J. Freeman)

Discussion to update Commission on the status of the employee background check topic.

Attorney Hall provided a memorandum to Commission regarding criminal background checks on City employees. The memo is included in the agenda packet. Two things not included in the agenda that she wished to point out to Commission were Florida Statutes 112.011 and 166.0442. Based on those statutes, it is her opinion that the City would be on solid ground if it performed checks for certain positions that put the public at risk; citywide may be a different story.

Mrs. Hall introduced Wendy Smith, an attorney with a national firm specializing in labor and employment law. Ms. Smith resides in Palmetto. Attorney Hall informed Ms. Smith that the City is considering adopting an ordinance to require criminal background screens on employees, whether or not they consented on their initial applications, as a condition of continuing employment with the City. Ms. Smith said she saw no problem with that.

Ms. Smith said the City has a compelling interest to protect the public. With the workplace the way it is today, we must give up perceived invasiveness due to violence in the workplace and the Lunsford Law. The City must limit its potential liability. Assuming a conviction were found on an employee's screening, criteria could be established to determine if it has a rational relationship to the employee's position; how long ago did the conviction occur and how serious was the offense. This could be used to determine if there is any future liability to the City in continuing employment. Mayor Bustle was concerned about making value judgments. Ms. Smith said it is possible to come up with some criteria that is not subjective. In reply to Mrs. Lancaster's comments about long term employees, Ms. Smith said what happens to a long term employee who is convicted of something while they're still employed. If that employee were grandfathered in and gets in serious trouble, how do you deal with that circumstance? Would the City be liable for negligent retention? She said employees do have post-termination rights and the impact would have to be considered before proceeding with the background check on existing employees.

A lengthy discussion ensued. Ms. Smith's focus was on potential liability and negligent retention. She opined that doing nothing is not the right thing, and the City should begin with safety sensitive positions. She reiterated that it is about limiting liability, because the world is different now.

Commissioner Williams asked if the labor firm could help the City. Attorney Hall replied, definitely. Ms. Smith said her firm, Fisher and Phillips, represents employers in the public sector and this is the only type of law they practice. Commissioner Williams remarked that he is in favor of moving forward with the background checks.

Commissioner Cornwell reviewed some of the employment applications the City has used over the years. She asked what the City would do if the employee committed a crime after the background check. Ms. Smith said she has several clients that require the employees to self-identify if they are convicted of a crime, because if there is media attention the entity needs to know about it in advance. Some employers require rechecks every five to seven years.

Commissioner Varnadore commented that she supports screening the 50 percent of employees who have not yet been screened. Background checks are needed to protect the public. She supports an ordinance and spending the money to proceed with the background checks.

Commissioner Williams stated that spending the money for the background checks may be more cost effective than the cost of settling a liability claim. He inquired about drug tests for all employees. Ms. Smith said that public sector employees choose to do that to get a reduction on Workers Comp insurance. She does not recommend random testing but pre-employment, post accident and reasonable suspicion testing. The Florida Drug Free Workplace Law requires a minimum of sixty days advance notice to implement a drug testing program that is at all contrary to the current policy.

There was a consensus to schedule a workshop in the near future. Commissioner Cornwell asked for a two hour workshop on the topic. It can then be carried to the 7:00 p.m. meeting following that workshop for action. It will be scheduled on one of the next two workshops. Mayor Bustle asked staff to prepare a report.

The meeting was adjourned at 6:03 p.m.

Minutes approved:

James R. Freeman, City Clerk

Palmetto City Commission
May 19, 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 7:01 p.m. Pastor Sirmest Webster, Bible Baptist Church of Palmetto, offered the invocation, followed by the Pledge of Allegiance.

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

Mayor Bustle presented a proclamation to Public Works Director Chris Lukowiak proclaiming May 18 - 24, 2008, as National Public Works Week in the City of Palmetto.

PUBLIC COMMENT

Dave Scalesi, new owner of The Hall located at 1330 US Highway 301, informed Commission that he has planned and advertised for a special event to be held at The Hall on May 25, 2008, from 2:00 – 6:00 p.m. He only became aware on May 16, 2008, that he needed a permit from the City for the event. City Planner Bob Schmitt told Commission this came to his attention with the liquor license and asked Mr. Scalesi if he had a noise exception permit. He did not. He will have amplified speakers outside for the music and will be providing port-o-lets. Mr. Scalesi informed Commission that this is a live bull riding event. Mr. Lukowiak said if Commission approves his request, he will have Mr. Scalesi come in and fill out the required application. In answer to Mr. William's question, Mr. Scalesi said he will have four off-duty Palmetto police officers on duty at the event. Mr. Lukowiak asked Mr. Scalesi to hold the city harmless on the written application which he said he would do.

MOTION: Commissioner Ball moved, Commissioner Varnadore seconded and motion passed 4-1 to approve the use of loud speakers and port-o-lets for the May 25, 2008 event at The Hall. Commissioner Cornwell cast the dissenting vote.

Commissioner Williams and Commissioner Lancaster asked that Commission be provided a copy of the completed application.

Bill Belle, 1810 5th Street West, asked the status of the McDonald's sign which he spoke in favor of. Mr. Schmitt informed him that an application for a Conditional Use Permit was submitted following the workshop. It will be going to the June 9th Planning and Zoning Board meeting and then to City Commission. Mr. Belle then asked the status of the stop sign removals. Mr. Lukowiak said all emails from the public are being sent to the consultant and the city will not remove any more signs until there are more public meetings.

Paul Ewing and Corey Babcock appeared before Commission to ask forgiveness of a Code Enforcement fine which resulted in a lien on personal property. The property cited is located at 2701 Business 41 in

Palmetto. They have since received a Report of Compliance from Code Enforcement. The lien is holding up refinancing Mr. Babcock is trying to obtain.

Discussion ensued. Commission asked for a Point Paper and direction from Code Enforcement. It will come back to Commission on June 2, 2008, at the 7:00 p.m. meeting for action.

1. AGENDA APPROVAL

MOTION: Commissioner Williams moved and Commissioner Cornwell seconded a motion to approve the May 19, 2008, 7:00 p.m. agenda with the removal of items 13 through 18.

Discussion: Mayor Bustle said staff had asked to have items 16-18 pulled from the agenda per the applicant's request. Commissioner Williams said his reason for pulling items 13-15 was to take the annexation request by Chris and Tanya Lukowiak to a workshop first to discuss the mutual benefits of the annexation. Attorney Hall said there was no legal reason for it not to go to a workshop.

The applicant, Chris Lukowiak, 605 15th Avenue Drive East, asked to address Commission. He told Commission that in his four plus years as Public Works Director he did not recall annexations going to workshops first. He said he has a list of some thirty single family annexations that have gone through the process without having to go to workshop, or without having to have a utility plan. He pointed out that his request has been approved by the Planning and Zoning Board.

Attorney Hall reminded Commission that the only two requirements for an annexation are that the property is contiguous and does not create an enclave.

After discussion, it was decided to add the annexation request to the June 2, 2008, workshop and move it forward to the 7:00 p.m. meeting for the Public Hearing.

Commissioner Williams asked for a copy of the list that Mr. Lukowiak referred to and withdrew his original motion.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion passed unanimously to remove items 16-18 from the agenda, leave items 13-15 on the agenda for first reading, but schedule items 13-15 for a workshop on June 2, 2008 and then move forward to the 7:00 p.m. meeting on June 2, 2008.

2. CONSENT AGENDA

- A) Minutes: April 21, 2008 (Corrected), April 28, and May 5, 2008
- B) Noise Ordinance Permit Exception: Bradenton Yacht Club

MOTION: Commissioner Lancaster moved, Commissioner Varnadore seconded and motion passed unanimously to approve the May 19, 2008, Consent Agenda.

Discussion: Following approval of the motion, Commissioner Ball asked for a correction to the May 5, 2008 minutes. He was shown absent but also shown as seconding the motion for agenda approval. He stated that he was absent from that meeting.

3. PUBLIC HEARING – ORDINANCE NO. 08-968 (J. Freeman)

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.

Mayor Bustle opened the Public Hearing. There being no public comment he closed the Public Hearing.

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion passed unanimously to adopt Ordinance No. 08-968.

4. 2008 ELECTION SERVICES AGREEMENT (J. Freeman)

Election Services Agreement with Supervisor of Elections Robert (Bob) Sweat to conduct the November, 2008 city election.

MOTION: Commissioner Ball moved, Commissioner Cornwell seconded and motion passed unanimously to approve and authorize the City Clerk to execute the 2008 Election Services Agreement with Robert Sweat Supervisor of Elections.

5. APPOINTMENT OF CANVASSING BOARD (J. Freeman)

Pursuant to the Code of Ordinances Section 12-10, the Commission must appoint a Canvassing Board prior to any election.

MOTION: Commissioner Ball moved and Commission Varnadore seconded a motion to appoint the Canvassing Board for the 2008 City Election, consisting of the Mayor, City Clerk and Supervisor of Elections.

Discussion: Commissioner Cornwell wished to change the motion to have the Vice Mayor on the Canvassing Board in years when there is a Mayoral election and begin that cycle with this election. Attorney Hall said the ordinance gives Commission the discretion to appoint either the Mayor or the Vice Mayor.

MOTION: Commissioner Cornwell moved and Commission Williams seconded a motion to amend the motion on the floor and replace the Mayor with the Vice Mayor on the Canvassing Board for the 2008 City Election.

Discussion ensued. Mayor Bustle called for a vote on the amended motion.

MOTION: Motion carried 4-1. Commissioner Lancaster voted no.

Commissioner Williams called for a roll call vote on the amended motion: Commissioner Ball – Nay, Commissioner Cornwell – Aye, Commissioner Williams – Aye, Commissioner Varnadore – Nay, and Commissioner Lancaster – Nay.

The amended motion failed 3-2.

Mayor Bustle called for a vote on the original motion on the floor.

Motion passed 3-2. Commissioners Williams and Cornwell voted no.

6. RESOLUTION NO. 08-16 (J. Freeman)

Budget resolution amendment to fund the Financial Advisor's contract approved by City Commission April 21, 2008.

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 Varnadore seconded and motion passed unanimously to adopt Resolution No. 08-16.

Discussion: Commissioner Varnadore wanted to clarify that this was not to exceed \$6,000 without coming back to Commission for approval. Mr. Freeman confirmed that was the case.

7. CDBG URBAN COUNTY PROGRAM (T. Lukowiak)

Discussion to determine if the City should accept Manatee County's offer to join in the CDBG Urban County Program for fiscal years 2009-2010.

MOTION: Commissioner Williams moved, Commissioner Lancaster seconded and motion passed unanimously to decline Manatee County's offer to join with them in the CDBG Urban County application.

8. APPOINTMENT: ENTERPRISE ZONE DEVELOPMENT AGENCY (T. Lukowiak)

Appointment of Code Enforcement Director Bill Strollo to serve as an additional City representative to the Enterprise Zone Development Agency.

MOTION: Commissioner Ball moved, Commissioner Varnadore seconded and motion passed unanimously to appoint Code Enforcement Director Bill Strollo as a City representative to the Enterprise Zone Development Agency.

9. CORVUS INTERNATIONAL IMPACT FEE REFUND (J. Freeman)

Update to the May 5, 2008 discussion to advise Commission of the available funding for the impact fee refund to Corvus International.

MOTION: Commissioner Ball moved, Commissioner Cornwell seconded and motion passed unanimously to approve and authorize staff to refund the impact fees to Corvus International in an amount not to exceed \$117,203.

10 DISCUSSION: VERIZON CELL TOWER (J. Freeman)

Staff will update Commission on the proposed location of a monopole cell tower at Hidden Lake Park.

Mike Knuckles, Site Acquisition Manager for CAA Wireless, informed Commission that Verizon needs antennas near the fairgrounds. One of the properties he's looking at is Hidden Lakes Park. The plan is to place a camouflage cell phone tower on the site. He feels the flagpole tower is the most attractive. He is seeking Commission approval to proceed with due diligence on the property to see if it can even be utilized. This is just the first step.

Commissioner Williams asked to see a proposed contract. Mr. Knuckles said that he has provided a copy of the lease agreement to the City. City Clerk Jim Freeman informed Commission that City Attorney Michele Hall is currently reviewing the agreement.

Mr. Lukowiak asked Commission if Hidden Lakes would be an option they would consider. If so, is 150' height an option. These are some questions that need answering before Verizon begins due diligence. Does Commission want public meetings? Staff is looking for direction.

Commissioner Varnadore said she would like to see community meetings for residents surrounding the site. The base is not easily visible in the photos provided, and she asked for more photos in the future to see what the base will look like.

In answer to Commissioner Williams's comments about relocating the proposed site on the Hidden Lakes property, C.J. Mayer, Verizon Real Estate Manager, said they are completely flexible, but tonight they are just looking for a conceptual okay; details can be tweaked later.

Commission asked for a copy of the original contract as presented to review.

There was an agreement by four of the Commissioners to proceed with the proposed site at Hidden Lakes Park and a tower of 150'. Commissioner Cornwell was opposed.

Without objection, Item 12 was moved up on the agenda for discussion.

12. DISCUSSION: WASTE MANAGEMENT FUEL INCREASE (J. Freeman)

Discussion of Waste Management's petition for amendment to their franchise agreement to account for rising fuel costs via a rate increase to the City.

David Smith with Waste Management appeared before Commission to request a rate increase due to rising fuel costs. Mr. Freeman informed Commission that the current contract calls for a 2 ½ % annual CPI increase tied to the service portion of the fee. Mr. Smith told Commission that with current fuel costs, the annual increase still creates a shortfall. Mr. Freeman called attention to the chart provided in the agenda which showed Waste Management's formula for the increase. The proposed amendment would result in an increase of .43 per month for residential units.

Mr. Smith said the current contract gives Waste Management the right to petition for an increase in the event of unusual circumstances. He considers the current fuel prices an unusual circumstance. Commissioner Varnadore pointed out that Waste Management is still making a profit. In answer to Attorney Hall's question, Mr. Freeman said that there are six years left on the current contract. Mrs. Hall asked what would happen if fuel prices went down after the increase were granted. Mr. Lukowiak interjected that if a fuel escalator were put into the contract, the fluctuations in fuel prices would be reflected.

Commissioner Williams was in favor of looking at the contract and negotiating terms with Waste Management. Commissioner Varnadore said the City has a ten year contract negotiated in 2004 in good faith. She is in favor of keeping the current contract, although she is willing to consider the request.

Attorney Hall informed Commission that they do have a good faith obligation to consider the petition.

There was a consensus to have Mr. Lukowiak negotiate with Waste Management and bring back some options to Commission for consideration.

11. DISCUSSION: PALMETTO PALMS FORECLOSURE (J. Freeman)

Staff seeks direction on how to proceed with the Palmetto Palms Foreclosure issue.

Discussion regarding the property that is the subject of a Code Enforcement lien found that the property is landlocked, a large percentage is wetlands and a ditch running through the property is used by the City for storm water mitigation. City Planner Bob Schmitt informed Commission that uses for the property are extremely limited.

Attorney Hall believes the foreclosure sale should take place within the next thirty days. Staff is looking for direction on how to proceed in the bidding process. Mr. Freeman told Commission the bid amount now stands at approximately \$190,000. Staff informed Commission that it is in the City's best interest to obtain the property.

Commissioner Williams asked if the City has been maintaining the property since declaring it a sanitary nuisance. Mr. Lukowiak replied that the Parks Department and inmates on occasion have mowed the property. He will provide Commissioner Williams with a record of maintenance. Commissioner Williams's concern was that the City is not properly maintaining a property it has declared a sanitary nuisance. Attorney Hall remarked that if the City owned the property it could maintain it at a much greater level than it could as the abatement of a nuisance. Mr. Lukowiak informed Commission that he had just been told the City cleaned the property last week. He said once the City owns the property it would perform routine maintenance. Commissioner Williams discussed the possibility of donating the land to the Palmetto Youth Center. Attorney Hall said once the City gains the title, it can give the property to whomever it wishes and retain title to the easement.

Commissioner Lancaster opined that she would like to see a playground on the property for kids that can't afford to go to the Youth Center.

There was a consensus by Commission to choose staff recommended Alternative 1 which would be to obtain the property on the courthouse steps at the foreclosure sale if no one else bids on it. The City

wishes to obtain the property. A third party will not be able to purchase the property unless that bid exceeds the amount of the City's credit bid as it exists on the day of sale.

13. 1st READ & ADVERTISING APPROVAL: ORDINANCE 08-969 (B. Schmitt)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY INTO 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-08-04 – Christopher & Tanya Lukowiak. PID # 2607800109, approximately 0.44 acres).

MOTION: Commissioner Lancaster moved, Commissioner Varnadore seconded and motion passed unanimously to approve Ordinance No. 08-969 for advertising and schedule a public hearing June 2, 2008.

14. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 08-970 (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-6 – RESIDENTIAL 6 UNITS PER ACRE (COUNTY), TO – RES-6, RESIDENTIAL 6 UNITS PER ACRE (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-08-04 Christopher & Tanya Lukowiak., PID # 2607800109, approximately 0.44 acres).

MOTION: Commissioner Lancaster moved, Commissioner Varnadore seconded and motion passed unanimously to approve Ordinance No. 08-970 for advertising and schedule a public hearing June 2, 2008.

15. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 08-971 (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 RSF-4.5 (Residential Single Family-4.5 units per acre) (County) TO RS-2, Residential Single Family-4.36 units per acre (City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-08-04, Christopher & Tanya Lukowiak., PID # 2607800109, approximately 0.44 acres).

MOTION: Commissioner Lancaster moved, Commissioner Ball seconded and motion passed unanimously to approve Ordinance No. 08-971 for advertising and schedule a public hearing June 2, 2008.

19. DEPARTMENT HEADS' COMMENTS

Bob Schmitt
No comment.

Tanya Lukowiak

Seeking approval from Commission to issue a purchase order for repairs on the storm water pipes in the vicinity of 7th Street and 5th Avenue in the West Coast Tomato parking lot. The pipes are aging and the streets are caving in. Mrs. Lukowiak said the pipes are old corrugated steel pipes. Mr. Bloome said the pipes would be replaced with plastic pipes. The cost is \$185,000. Mrs. Lukowiak said the funds will come from the Community line in her budget and uses TIF funds.

There was consensus by Commission to proceed with the project.

Chris Lukowiak

Reported that he has received the final bill for the Jackson Park construction. The bill was for \$567,000, including \$82,000 for the county sewer line that was moved. The cost will be divided at about \$300,000 for the City and \$300,000 for the County. In answer to Commissioner Varnadore's question, he said the City will be responsible for Operations and Management, and there will be an interlocal agreement coming to Commission for approval.

Attended a Manatee Area Reuse System (MARS) meeting today. Palmetto's share for the study is \$20,000. The two-phase study is: 1) Route 70 from Lorraine Rd. to the City of Bradenton, and 2) the pipe under the river from Bradenton to near Rivera Dunes. The City of Bradenton has made application with SWFWMD for construction funding. SWFWMD will ask for a twenty year agreement in order to get the funding. At some point, the City of Bradenton Commission will want a joint meeting to discuss the agreement. In reply to Commissioner Williams's concern about the completion of the Palmetto Area Reuse (PARS), Mr. Lukowiak said that the ASR well, the transmission lines the City lays in the City and MARS, which gives the City the ability to take the City of Bradenton's excess, are all components in the reuse plan.

Jim Freeman

No comment.

Chief Lowe

No comment.

Michele Hall

City Commission had directed her to research the use of video on political web sites and attorney client privilege in the context of a government lawyer. She asked if the Commission would like her to provide a memo on each of those topics. Mr. Williams said he is satisfied with the answer she previously gave regarding attorney client privilege. Following discussion, there was no clear consensus by the Commission on Attorney Hall's question, although; final discussion by Commissioners Lancaster and Williams was that use of the videotaping by someone for use on a web site placed the burden of liability on that person e.g. showing children in the audience on the videotape; the City cannot direct the use of someone else's videotape. It is out of the City's control.

20. MAYOR'S REPORT

Reported that he attended the Tampa Bay Area Regional Transportation Authority (TBARTA) meeting this morning. The TBARTA Board met with the County Commission and all elected officials. The meeting was not well attended. The meeting was informational so that people would know what TBARTA is doing. Some of the members were in Tallahassee lobbying to protect the \$2 million the legislature had allocated to TBARTA, there being a fear that it would be vetoed by the Governor. A rental car surcharge towards TBARTA funding failed in committee.

Reminded Commission that the dedication of the Judicial Center is this Thursday at 3:00 p.m. A City of Palmetto logo and all city logos will be placed on the face of the Center.

Informed Commission that last week he and staff met with Michael Walwork, an expert on roundabouts. He better understands what a one lane roundabout is and how it functions. He thinks it will be sufficient for the 7th Street extension location, and it will be coming to Commission for review.

Mayor Bustle asked Chris Lukowiak to brief Commission on a meeting with the School Board, the City and the Boys and Girls Club which took place on May 14th. The agenda and a proposed site plan are attached to and made a part of these minutes. Mr. Lukowiak commented that the focus of the meeting was on the details of the purchase of the property. It was determined that the Boys and Girls Club will need 1.6 acres. Mike Pendley at the School Board should have an appraisal on the property to the City in a couple of weeks.

Commissioner Cornwell expressed concern over neighborhood traffic relative to buses and pickup and drop off of students by parents. Mr. Lukowiak said he has shared her traffic concerns with the School Board, and he will stress them again.

Commissioner Williams requested a Workshop on Palmetto Elementary School and more discussion of the number of fields. Mayor Bustle suggested the School Board should be invited to give the Commission a Workshop. Mr. Lukowiak invited Commission to give him input to take to the meetings with the School Board.

21. COMMISSIONERS' COMMENTS

Commissioner Lancaster

Agreed that a joint meeting with the School Board is needed.

Commissioner Varnadore

Commented that it is difficult to begin a discussion on so important an issue as Palmetto Elementary School at 10:30 p.m. She requested a short written report on everything covered by Mr. Lukowiak tonight. Suggested that every time there is a meeting with the School Board that staff add to a Workshop for an update on the meeting. Tonight's presentation would have been better done at a Workshop.

Reminded Commission about the reception at the Palmetto Historical Park on May 22, 2008, from 6:00 – 8:00 p.m. The Palmetto Historical Commission is hosting the Florida State Historical Society. All elected officials are invited to attend.

Commissioner Williams

Recommended that Palmetto Police Department promote being listed as a friend on My Space pages. This has proved to be a deterrent to online predators. Sergeant Tyler says he will keep it in mind, but he has other projects in mind right now. He will get information on it. Notwithstanding Attorney Hall's legal concerns, Commissioner Williams asked for feedback on it.

Expressed concern over some of the buildings on the CRA properties assembled for the School Board. Vagrants have been reported. Tanya Lukowiak said it has been approved for demolition and Mike Pendley has agreed to reimburse the City when the School Board purchases the property.

Discussed Commission input on the agendas.

Motion: Commissioner Williams moved to have staff prepare a draft agenda and include it as the last item on each 7:00 p.m. agenda for the next Workshop and 7:00 p.m. meeting.

Motion failed for lack of a second.

In the future, he requests that staff bring all paperwork related to an issue before Commission: a complete package.

Commissioner Williams recommends a joint meeting between the City Commission and the Palms of Terra Ceia CDD Board regarding their certified letter about their storm water concerns before it goes to mediation. Mr. Lukowiak explained that the meeting requested by the CDD on June 10, 2008, is part of the mediation, and if no agreement is reached, that gives them the ability through Florida Statutes to file a lawsuit.

MOTION: Commissioner Williams moved, Commissioner Varnadore seconded and motion passed unanimously to have Commission meet jointly with the CDD on Tuesday, June 10, 2008, at 7:00 p.m. in Commission Chambers.

Mr. Lukowiak said in his opinion the CDD essentially wants the retaining wall repaired, continue being billed a storm water rate and have the City assume responsibility for maintenance of their storm water system.

Commissioner Cornwell

Asked the location of the Memorial Day service. Mayor Bustle said it will be at Veterans Monument Park on Monday, May 26, 2008, beginning at 9:00 a.m.

Commissioner Ball

Asked the Council of Governments meeting schedule. The Mayor's office will get an answer to Commission.

The meeting was adjourned at 11:20 p.m.

Minutes approved:

James R. Freeman, City Clerk