

**TAB 1**

Palmetto City Commission  
July 28, 2008 4:00 p.m.

Elected Officials Present:

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

Staff and Others Present:

James R. Freeman, City Clerk  
Michele Hall, Attorney  
Chris Lukowiak, Public Works Director  
Tanya Lukowiak, CRA Executive Director  
Deputy Chief Mike Mayer  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 4:04 p.m., followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

1. AGENDA APPROVAL

**MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to approve the July 28, 2008, 4:00 p.m. agenda.**

2. DISCUSSION: PALMETTO ELEMENTARY SCHOOL

Mr. Lukowiak announced the joint meeting with the School board is scheduled August 12, 2008, 6:30 pm at Palmetto Elementary. Mr. Lukowiak updated Commission on discussions that have occurred with representatives from the School Board and Boys & Girls Club regarding the proposed new elementary school site on 10<sup>th</sup> Street.

Mr. Lukowiak based his update on information provided on a Participation Requirements for Construction spreadsheet, which attached hereto and made a part of these minutes. School Board representative Mike Pendley contributed to the discussion when appropriate. Mr. Lukowiak opined the City should not have to expend any funds toward the project, provided the project progresses as outlined in the spreadsheet.

Commission held a lengthy discussion and requested that staff complete the following actions:

- Language to be included in any Development Agreement that limits the time impact fee credits are available.
- Obtain an appraisal for land that is utilized for ball park purposes.
- Obtain specifics on the contributions area governmental agencies have contributed to new schools within their jurisdictions.
- Obtain the reasons the Boys & Girls Club have never inquired about purchasing their existing site from the City.
- Look at property south of 23<sup>rd</sup> Street. (Mr. Pendley explained that the population center does not support that site.)
- Obtain written commitment from the School Board that a lab school will be built on the present Palmetto Elementary School site and the timeframe in which the school will be built. (Mr. Pendley explained the process of getting a new school, based on the BEBER Report.)

In addition to the requested additional information, several Commissioners voiced concerns that the present plans for the proposed school route traffic through the neighborhood on 12<sup>th</sup> Street rather than utilizing 10<sup>th</sup> Street for entrances and exits.

Mayor Bustle discussed the City's participation in this project being a facilitator. He stated that before the School Board can proceed, they must have some indication from Commission that the City is willing to proceed with the project. He agreed with Mr. Lukowiak that the project will be a net sum gain for all entities. Mr. Williams and Ms. Varnadore voice support for the project, but also opined there is potential for a financial responsibility to the City. Ms. Cornwell and Mrs. Lancaster stated the new school should be built as quickly as possible, with as much support as possible.

Commission declined to make any decision concerning the project until after the joint meeting with the School Board.

In preparation for the joint meeting with the School Board, Attorney Hall briefly reviewed an issue as to what rights the City has concerning two pieces of property on 15<sup>th</sup> Ave. Dr. W, which is currently a grassy area between the ball fields. Title work has revealed that the City was granted only an easement on the property in 1924 via some type of deed document; a tax deed conveyed the property to the current owner in 1956; the City adopted a resolution in 1990 vacating 15<sup>th</sup> Ave. Dr. W.; Property Appraiser assumed the City had fee simple title; current owner has never paid taxes on the property. The School Board would like both pieces of property. Mayor Bustle stated he reached out to the property owner about his willingness to resolve the issue so the project could proceed; the property owner declined. The City or the School has three options for resolution: 1) eminent domain; 2) pursue a voluntary sale; or 3) quiet title action.

Ms. Cornwell departed the meeting at 5:20 pm.

## 2. DISCUSSION: WASTE MANAGEMENT NEGOTIATIONS

As a result of Commission's direction to staff to negotiate the fuel adjustment petition from Waste Management, Frank Brunner, government liaison for Waste Management, narrated a PowerPoint presentation offering the following proposed amendments to the Franchise Agreement for Commission's consideration:

1. Annual price adjustment effective October 1
2. Increase the franchise fee from 12% to 15% (\$90,000 in additional revenue at 15% level)
3. Three year contract extension upon mutual consent (City does not have to exercise at this time)
4. Language to provide an index based automatic annual fuel adjustment as consistent with other local municipalities

Commission discussed the impacts of the proposed amendments vs. delaying any amendment until contract maturity. Commission requested that staff provide information on the impact the proposed adjustments will have on commercial accounts. Mr. Lukowiak explained that the increased franchise fee would assist in meeting the requirements of the new Fund Balance Policy.

It was consensus of Commission to direct staff to further negotiate options with Waste Management, using the four steps as guidelines, retaining the same level of service currently provided the citizens of the City.

Meeting adjourned at 6:15 pm.

Minutes approved:

James R. Freeman  
City Clerk

Palmetto City Commission  
July 28, 2008 7:00 PM

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  
Michele Hall, Attorney  
Chris Lukowiak, Public Works Director  
Tanya Lukowiak, CRA Executive Director  
Deputy Chief Mike Mayer  
Bob Schmitt, Planning Supervisor/Zoning Administrator  
Diane Ponder, Deputy Clerk-Administration  
Frank Woodward, Deputy Director Property Management & Engineering

Mayor Bustle called the meeting to order at 7:02 p.m., followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

Persons planning to address Commission were sworn in.

Public Comment: Bruce Varnadore asked for an update on the Kimbrough noise issue. Mr. Freeman referred to an email that had been sent to Commission concerning the topic, explaining the steps the Code Enforcement and Police Department have taken. He stated Mr. Strollo has been instructed to continue to work the case, and if violations are found, the case will again be brought to the Code Enforcement Board.

1. AGENDA APPROVAL

**MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the July 28, 2008 7:00 agenda.**

Mr. Schmitt informed Commission the applicant to item #3, the public hearing for a conditional use permit at 713 17<sup>th</sup> St. W. to allow a farm labor camp at the site would ask for a continuation of the topic. Andrew Allison, Allison Engineering, informed Commission that the applicant will also have to request a variance for a building set back and he did not want to move forward until the variance application has been to the P&Z Board. Attorney Hall advised that the item should be withdrawn from the agenda as the variance is a separate application; the P&Z Board's consideration for the conditional use will stand. Commission agreed to the withdrawal of item #3 and reopened the public comments to receive comments from members of the audience that had intended to speak to the issue.

**MOTION: Ms. Varnadore moved, Mr. Williams seconded and motion carried 5-0 to withdraw item #2 from the agenda and reopen the public comment portion of the agenda.**

Public Comment: Raymond Varnadore, Jim Powell, Charles Smith, Bruce Varnadore, Mark Goodson and Gladys Sailes Houston all spoke in opposition of the conditional use permit application for a farm labor camp at 713 17<sup>th</sup> St. W. Mike Council, an employee of C&D Vegetable Company (the applicant) stated the proposal for the property would be an

improvement of the current conditions, as the plans included a caretaker who would be housed on the property. Shirley Groover Bryant reiterated her comments made at the P&Z Board meeting: 1) where will the buses be parked, 2) are there any current code enforcement issues on the property? and 3) is the Health Department involved with labor or migrant parks.

## 2. CONSENT AGENDA

- A) Minutes: July 15 and 16, 2008
- B) Special Function Permit: Youth Health Clinic

Item B was withdrawn from the Consent Agenda.

**MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 5-0 to approve item A of the July 28, 2008 Consent Agenda.**

Staff confirmed the insurance for item B is pending. Geneva Presha confirmed the policy will be provided by the Health Department.

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve item B, pending receipt of the insurance policy.**

## 4. APPROVAL: PROPOSED AGGREGATE MILLAGE RATE

Mr. Freeman discussed the new documents that were required pursuant to new legislation. He also reviewed the proposed September 8 as the date for the City's public hearing to adopt the tentative millage rate and budget. Mr. Freeman also reminded Commission that a once a proposed tentative millage rate is adopted, it can be lowered but not raised.

**MOTION: Ms. Varnadore moved and Mrs. Lancaster seconded to approve a proposed aggregate millage rate of 4.9162, as a safety net, and schedule a public hearing September 8, 2008 to adopt a tentative millage rate and tentative FY 2008-2009 budget.**

Discussion: Mr. Freeman explained how the proposed millage rate was calculated this year as opposed to previous years because of the passage of Amendment 1. He also stated that the 4.9162 is within the roll back rate, it will require a majority vote of the Commission to adopt and will not be considered nor have to be noticed as a tax increase.

**Motion on the floor carried 4-1. Ms. Cornwell voted no.**

## 5. RESOLUTION NO. 08-22

Budget amendment to transfer the value of eight in-car videos from CRA Revenue and Expense to General Fund Revenue and General Fund IT Expense.

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: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Resolution No. 08-22.**

6. APPROVAL: AMER I CAN PROGRAM (Chief Lowe) (TAB 6)  
Approval of donation from the City of Palmetto Forfeiture Fund to the "Amer I Can" Program, a program intended to educate middle school students regarding gang related activities.

**MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to authorize a \$10,000 donation to the "Amer I Can" project.**

#### 7. DEPARTMENT HEADS' COMMENTS

Attorney Hall  
No comments.

Deputy Chief Mayer  
Information has been received that patrons less than 21 are being admitted into the Hall. He requested City Commission authorize research to determine if the City can enforce the county ordinance within the City limits. Deputy Chief Mayer confirmed there have been incidents involving underage patrons at the property. Attorney Hall stated it is her understanding that the City's cannot enforce a county ordinance within the City's limits unless the Sheriff's Office requests assistance. She further stated that because the City does not have an ordinance to the contrary, the Sheriff can enforce a county ordinance within the City's limits. She suggested the best resolution is to do an ordinance to opt-in to the county ordinance; in order to opt-out of a county ordinance the City must have a like ordinance.

Deputy Chief Mayer also requested that an ice cream truck ordinance be researched. Attorney Hall stated that an opt-in ordinance could also be adopted. Both ordinances will be brought back to City Commission.

Mr. Freeman  
Candidates have been notified that a budget and agendas are available on the web site or to notify us for a hard copy.

The 4<sup>th</sup> of July summary will be discussed at the July 29 budget meeting.

Requested that Commission allow an extra day for agenda delivery. Commission concurred.

The Sickle Cell Anemia Foundation has requested that their approved event date be moved from August 8 to September 13, 2008. Commission concurred.

Reported he is reviewing the cell phone audit and it should be available in the near future.

The new stormwater residential rates have been applied. There has been difficulty applying the new commercial rates because the rates are now applied to impervious surface rather than acreage. The required noticing is now being implemented via the two cycles of the utility billing.

Mr. Lukowiak  
Informed Commission a resident at Riviera Dunes has submitted an application for stormwater mitigation credit; application is not complete and the fee has not been paid. The homeowner contends Riviera Dunes handles 100% of its stormwater runoff; therefore, he believes credits are due the homeowners. Staff will work to resolve the issue.

Stated he would like to meet individually with the commissioners to get their priority of the CIP projects.

Mr. Schmitt

Thanked the citizens who participated in the sign ordinance meeting. Additional sign workshop meetings will be scheduled and held in a manner that will not involve any Boards of the City.

Community workshop scheduled for 7:00 pm, August 19 at the Palmetto Library to discuss the Mobility Study.

8. MAYOR'S REPORT

MPO approved the City's Congestion Management System sidewalk project request, and was ranked second for funding of \$26,000, with CRA contributing \$13,000. Painting the Green Bridge was also discussed; the Jersey barriers may be painted green.

9. COMMISSIONERS' COMMENTS

Mr. Ball

Mrs. Lukowiak confirmed there will be an August 13, 2008 CRA Board meeting. Complimented CRA on the Movie in the Park program.

Announced the EZDA will hold a board meeting August 4.

Ms. Cornwell

School begins August 18. The Police Department will provide traffic control the first day.

Confirmed the remaining budget workshop meetings.

Mr. Williams

Referred to the North River Fire District stating the fireworks display from the end of the fishing pier will have to be changed. Staff is preparing options for the display.

Ms. Varnadore

Mr. Freeman stated he is closed to getting the final health insurance figures; they will be available before the end of the budget process.

Mr. Freeman stated the commercial stormwater rates and in the process of being implemented; some commercial customers will see a considerable increases.

Referred to the email concerning the police officers hourly wages. Mr. Freeman explained the process of determining an hourly rate for a standard 80 week. In the case of the Police Department, a standard pay period is 86 hours, pursuant to the Personnel Policy adopted April 2005. It was determined that police officers' hourly rate was never adjusted to the 86 hour rate; the adjustment to properly reflect the 86 hour pay period was recently made. Deputy Chief Mayer acknowledged it is difficult to explain the situation, but it was necessary to correct the issue. He stated that the new hourly rate will not impact the officers' annual salary; the majority of the officers understand; he will meet personally with officers that still have questions. Attorney Hall opined the adjustment is within the bounds of the law.

Mrs. Lancaster

Recognized the Davis' attendance and their involvement in the community.

Commented on previous conversation concerning teen dances; attendance on a teen night limits patrons to under 21 years of age; no alcohol is served.

Referring to the Kimbrough noise issue, opined there is an issue that needs to be resolved.

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Referring to the police officers topic, opined someone should be accountable for "something that has gone on that long".

Meeting adjourned at 8:30 pm.

Minutes approved:

James R. Freeman  
City Clerk



Palmetto City Commission  
July 29, 2008 5:00 PM

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  
Tanya Lukowiak, CRA Executive Director  
Deputy Chief Mike Mayer  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 5:01 p.m., followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

1. DISCUSSION: FY 2008-2009 Budget

**MOTION: Mrs. Lancaster moved, Ms. Varnadore seconded and motion carried 5-0 to approve the July 29, 2008 5:00 pm agenda.**

The following actions were taken for the FY 2008-2009 budget:

Parks and Recreation

0015726401 Machinery & Equipment

Office Furniture of \$6,000 deleted  
Christmas Lights and a mower was moved to CRA

0015724051 Travel and Per Diem

Reduced to \$2,300 (verify if conferences needed annually)

Mr. Lukowiak confirmed that Fairs & Festivals was moved to CRA.

The cost of safety training and in-house training will be verified.

The following items were added to the pending list for further explanation, based on projections and last year's use:

0015724415 Miscellaneous Equipment

Miscellaneous Equipment	\$ 2,000
Port-o-let rental for	\$ 3,000

Repair and Maintenance

Misc Repairs-Facilities	\$22,000
Misc Repairs All Parks	\$22,000
Vehicle/Small Equipment Repair	\$11,000

0015725215 Fuel Oil & Lubricants

Vehicles	\$22,500
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0015725223 Operating Expenses

Printer Cartridges (Newsletter) \$ 4,800

Building Department

Mr. Lukowiak informed Commission the part-time person in the Public Works Department administrative area will not be returning to work. He suggested that Public Works continue to fund the position, but transfer the position to City Hall. Public Works will use the Building Department personnel when necessary.

Discussion ensued on the HR Coordinator and Code Enforcement Officer position that was consolidated into the Code Enforcement Officer/Special Projects position. The new position will spend 75% of the day in code enforcement and the remaining 25% working with HR and on special projects. Mr. Freeman explained the position was not posted because he viewed it as reorganization; if posted, he would not have been able to eliminate the HR Coordinator position. The new job description will be forwarded to Commission.

The following items were added to the pending list for further explanation, based on projects and last year's use:

0015245223 Operating Expense

Janitorial/Printer Cartridges \$ 500  
State Fee/Required Reports \$ 4,500

0015245242 Small Tools/Equipment

Tools & Testing \$ 1,500

0015245401 Non-Capitalized Equipment

Plan Files/Shelves \$ 1,000

0015245413 Technical & Training

Training Seminars \$ 3,500

0015244051 Travel and per diem

Certification Training \$ 6,000

0015245402 Office Furniture/Equipment

Equipment as needed \$ 1,000

0015245412 Publications

Code Publications \$ 2,000

Mr. Ball requested an explanation of how the Administrative Services transfer figure of \$92,000 is calculated.

Mr. Williams commented on the expense level of the department when no revenue is being collected; if going to retain the personnel, the department should be reviewed again. Mr. Lukowiak stated that using the projections as a guide, he will revisit the expenses.

Road and Bridge

The following items were added to the pending list for further explanation, based on projects and last year's use:

30754117401 Overtime

Call Outs/Storms/Repairs \$ 4,750

3075414950 Locate Costs

Verizon \$ 5,000

3075415302 Materials-Road Repairs

Mr. Lukowiak explained how this account has been utilized when unexpected problems have arisen. The entire cost center amounting to \$120,000 was added to the pending list.

Discussion ensued on the Sign Tech position. No adjustment was made to the budget. Employees earning certifications will fall under the new policy being developed that will require a set time period the employee will work after the certification.

3075416401 Machinery & Equipment

New Upgrades \$10,000

Discussion ensued on the bank service charges. Mr. Freeman explained the charges are allocated to the different funds, based on the balances maintained. Putting the banking services out to bid was briefly mentioned.

Solid Waste

Mr. Lukowiak informed Commission the presented budget does not reflect any amendments that have been discussed with Waste Management. Mr. Freeman projected the fund would be at a breakeven level at the end of the year. Mr. Williams requested the number of foreclosures; Mr. Freeman explained the ways the City would be made aware of foreclosures. Mrs. Lancaster requested a total amount of outstanding utility liens that have filed this year. Discussion also ensued on the implementation of the commercial stormwater rates and the additional expense if a solid waste rate increase is granted at this time.

The following items were added to the pending list for further explanation, based on projects and last year's use:

4035344634 Repair and Maintenance

Repair and Maintain Vehicles \$ 3,500

4035345215 Fuel, Oil & Lubricants

Fuel Usage \$ 5,000

Water Department

The following items were added to the pending list for further explanation, based on projects and last year's use:

4325334634 Repair & Maintenance-Vehicles

The entire cost center amounting to \$15,000 was added to the pending list.

4325334636 Repair & Maintenance-Utilities

The entire cost center amounting to \$40,000 was added to the pending list.

4325334751 Printing and Binding  
Shut Off Notices/Bulletins \$ 2,000

4325336301 Improvements not Buildings  
New Lines per Block \$ 2,500  
Replace Existing Water Lines \$ 2,500

4325336302 Improvements not Buildings  
Backflow Preventors \$40,000

Sewer Department  
No adjustments were made.

Customer Service

4325364051 Travel & Per Diem  
The cost center was reduced to \$500

The following item was added to the pending list for further explanation, based on projects and last year's use:

4325364751 Printing and Binding  
Printing and Binding \$ 7,000

WWTP

The following item was added to the pending list for further explanation, based on projects and last year's use:

4325375223 Operating Expense  
Quarterly Monitoring Wells \$35,000

Stormwater

4405384634 Repair and Maintenance  
Delete \$1,500 from the cost center

The following item was added to the pending list for further explanation, based on projects and last year's use:

4405384751 Printing & Binding  
Flyers/Notifications \$ 400

Commission discussed the effects the delay in implementing the new commercial rates would have on the budget, as well as the issue of mitigation credits.

The next budget meeting will be to discuss the CRA budget, which will be updated to reflect the expenses that have been moved to the budget.

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Deputy Chief Mayer informed Commission that K-9 Talon will be retired due to medical issues and stated he will request that he be transferred to his handler for a \$1 purchase price. The Police Department will not purchase a replacement K-9 because the Sheriff's Office provides that service to local municipalities.

Meeting adjourned at 7:03 pm.

Minutes approved:

James R. Freeman  
City clerk

Palmetto City Commission  
August 4, 2008 4:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor  
Tambra Varnadore, Vice Mayor  
Eric Ball, Commissioner  
Tamara Cornwell, Commissioner (entered at 4:10)  
Mary Lancaster, Commissioner  
Brian Williams, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk  
Michele Hall, Attorney  
Chris Lukowiak, Public Works Director  
Tanya Lukowiak, CRA Executive Director  
Deputy Chief Mike Mayer  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 4:05 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. Williams seconded and motion carried 5-0 to approve the August 4, 2008, 4:00 p.m. agenda.**

2. REPRESENTATIVE BILL GALVANO – LEGISLATIVE UPDATE

Representative Galvano updated Commission on the most recent legislative session. He discussed the reduction in the state budget; local projects that will receive funding and what can be expected in the upcoming session. Mayor Bustle and Commissioners commented on projects and topics they feel the legislature should be cognizant of in the upcoming session.

3. REGULATION OF INTERSECTIONS BY RED LIGHT CAMERAS

Captain requested permission to study the feasibility of installing cameras at certain intersections of the City to better enforce Florida Statutes, Chapter 316. Deputy Chief Mayer estimated it would take approximately 30 days to complete the study using Police and Public Works Department personnel, at not cost to the City. Discussion ensued on the topic. Mayor Bustle determined three of the five Commissioners voiced no objection to the feasibility study and instructed staff to proceed.

Meeting adjourned at 5:00 pm.

Minutes approved:

James R. Freeman  
City Clerk

Palmetto City Commission  
August 4, 2008 7:00 PM

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  
Michele Hall, Attorney  
Chris Lukowiak, Public Works Director  
Tanya Lukowiak, CRA Executive Director  
Deputy Chief Mike Mayer  
Bob Schmitt, Planning Supervisor/Zoning Administrator  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:01 pm, followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

Mayor Bustle presented a Proclamation recognizing the 14<sup>th</sup> Annual Children's Summit on August 9, 2008. Personnel from Manatee County Community Services accepted the Proclamation.

All persons planning to address Commission were sworn in.

There was no public comment.

1. AGENDA APPROVAL

**MOTION:** Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the August 4, 2008 7:00 agenda.

2. CONSENT AGENDA

A) Minutes: July 21 and 22, 2008

**MOTION:** Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the August 4, 2008 Consent Agenda.

3. APPROVAL: SCHOOL RESOURCE OFFICER CONTRACT (Deputy Chief Mayer)

**MOTION:** Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve the School Board of Manatee County contract to provide two School Resource Officers in an amount not to exceed \$57,000; and an amount not to exceed \$5,000 for the 2009 Summer School session, if needed.

4. APPROVAL: JOB DESCRIPTIONS AND APPOINTMENT OF CODE ENFORCEMENT OFFICER

**MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 5-0 to approve the job descriptions for the Code Enforcement/Special Projects Coordinator and the Customer Service/Receptionist, and to appoint Whitney Ewing as Code Enforcement Officer.**

5. RESOLUTION NO. 08-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; AUTHORIZING CITY POLICE AND CODE ENFORCEMENT OFFICERS TO ENFORCE MANATEE COUNTY ORDINANCE NO. 06-42, REGULATING THE PRESENCE OF PERSONS UNDER THE AGE OF 21 IN BARS AND NIGHT CLUBS; SUPERSEDING RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Mr. Williams moved and Ms. Cornwell seconded to adopt Resolution No. 08-24.**

Discussion: A lengthy discussion ensued on the adoption of the county ordinance vs. amending the City's alcohol ordinance to prohibit patrons under 21 entering bars and night clubs. Attorney Hall explained the resolution adopting the county ordinance was meant to only consent to allow City police officer and code enforcement officers to enforce the county ordinance; the resolution will not invalidate any City alcohol ordinance. She and Deputy Chief Mayer agreed that if the City chooses to opt-out of the county ordinance, MSO can't enforce the county ordinance within the City's jurisdiction. Attorney Hall discussed the fact that the county ordinance allows for enforcement of City ordinances where certain sections of the county ordinance are not applicable; if City ordinances are in place, they will prevail. She also acknowledged that if a City ordinance does not conflict with the county ordinance MSO can enforce the City ordinance, if they choose to do so. Ms. Varnadore stated the topic needed more discussion; there are certain areas of the county ordinance she will not support.

Discussion ensued on the difficulty of enforcing two ordinances because of the differences between the definitions in each ordinance. Concern was also voiced concerning the fact the county ordinance would not be codified in the City ordinances. Ms. Cornwell agreed that the topic should come back to a workshop. **Ms. Cornwell withdrew her second to the motion on the floor. Mr. Ball seconded the motion on the floor.** Mr. Williams specifically referenced the difference in the two ordinances concerning the percentage of food sales defining an establishment. **Mr. Williams withdrew his motion to adopt Resolution No. 08-24.** Attorney Hall opined that if the City does not wish to opt in to the county ordinance a City ordinance should be created. Mr. Ball agreed with the other Commissioners that stated the City should have its own ordinance.

Attorney Hall will prepare a City ordinance prohibiting persons under the age of 21 entering bars and nightclubs. Attorney Hall stated she will also put all references to alcohol in one place in the Code of Ordinances. The ordinance will be brought back to a workshop session.

6. RESOLUTION NO. 08-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; AUTHORIZING THE INVESTMENT OF SURPLUS PUBLIC FUNDS IN THE FLORIDA SURPLUS ASSET FUND TRUST; AUTHORIZING THE CITY TO PURCHASE SHARES IN THE TRUST AND TO REDEEM SUCH SHARES; AUTHORIZING THE MAYOR TO EXECUTE AN INSTRUMENT OF ADOPTION OF THAT CERTAIN INDENTURE OF TRUST FOR THE FLORIDA SURPLUS ASSET FUND TRUST;



**SUPERSEDING RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Freeman explained the City's surplus funds have been in the operating account since their withdrawal from the SBA investment pool. The Florida Surplus Asset Fund Trust operates similarly to the SBA and offers staff an option for investment purposes. He stated staff is also working with the investment advisor to diversify the investment of surplus funds and still considering different institutions and investment vehicles. Mrs. Simpson explained the Trust is a relatively new fund, but it had met the requirements necessary to be sanctioned by the State of Florida. Several of the Commissioners voiced concern about the security of the funds placed in this particular investment vehicle. Mrs. Simpson stated approximately \$4million has been identified for investment. Commission requested to see the entire investment plan for the City's surplus funds before approving any particular investment tool. Commission applauded staff on their efforts to bring forth an investment plan.

**7. DISCUSSION: REGULATION OF ICE CREAM VENDOR TRUCKS**

Deputy Chief Mayer requested that Commission consider opting into the Manatee County ordinance regulating ice cream trucks and vendors, which also provides for inspection of ice cream trucks and background investigation of all the operators. He further stated the ordinance gives all municipalities the power to enforce the ordinance, but he would prefer that the City opt in to the ordinance. Attorney Hall stated the ordinance applies only to the unincorporated areas of Manatee County; if the City does nothing, it will not be enforceable in the City. Deputy Chief Mayer stated the Sheriff's office has agreed to perform all the inspections and background investigations. Commission concurred with the creation of the appropriate ordinance to opt in to the county ordinance.

Commission discussed the ice cream push carts. Currently, the only restriction is that the operators of the cart obtain an occupational license. Deputy Chief Mayer recommended the City address this topic separate from the ice cream trucks. Attorney Hall stated she will speak with the county attorney to see if the county will consider adopting an ordinance governing ice cream push carts. If the county is not receptive, Commission directed Attorney Hall to create the appropriate ordinance, which must require background investigation.

**8. DEPARTMENT HEADS' COMMENTS**

**Mr. Lukowiak**

Reported he will attend the budget workshop meeting; he will have to leave at 6:00 pm and will then be on vacation the remainder of the week.

**Mr. Freeman**

August 5 is a joint meeting with the CRA to discuss its proposed budget. He stated he will then incorporate the changes from that meeting and the last meeting into the budget and present basically a final budget at the August 19 budget meeting. He discussed the final week in August and the first week in September as alternative dates should an additional budget workshop be necessary. The health insurance estimates will be presented to Commission no later than August 19<sup>th</sup>. Reminded Commission the adoption of the tentative budget is scheduled September 8 and the final budget adoption is scheduled for September 22.

The memo regarding the cell phone audit will be distributed August 5.

**Deputy Chief Mayer**

No report

Attorney Hall  
No report

9. MAYOR'S REPORT  
No report

10. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Requested that Code Enforcement address the loose chickens on 10<sup>th</sup> Street.

Opined that since police officers have been designated as code enforcement officers, they should note violations and report them to Mr. Strollo. Mr. Freeman stated Mr. Lukowiak is willing to offer the service of building inspectors to also note code violations.

Reported that she had seen a report where a municipality is requiring their police officers to exit their vehicles 15 minutes of each hour to conserve gas, which also allowed them to visit businesses and neighborhoods. She commented on the decline in crime in the neighborhood that saw City officers on foot patrol.

Mr. Ball

Reported on the recent EZDA Board meeting after a long lapse. New goals for the organization will be developed at the next meeting. He also reported the Board will look at incorporating a portion of Sanctuary Cove into the zone.

Ms. Varnadore

Referring to the content of the quarterly Palms of Terra Ceia CDD News, she inquired about the status of the conflict resolution. Attorney Hall stated the parties did not terminate the conflict meetings, but they did not set another meeting date. She also informed Commission there is nothing that lawfully prohibits the Commission from discussing the status of the conflict resolution. Commission discussed the contents of the newsletter. Attorney Hall opined that the City could respond to the newsletter and should then proceed under statutory procedures for conflict resolution. Attorney Hall will draft a rebuttal for direct mailing to the CDD members.

Matt Bloom informed Commission there has not yet been a final resolution on how Sanctuary Cove received a permit for the irrigation well. She suggested Attorney Hall should be instructed to determine how the permit was obtained and whether or not the City ordinance needs amendment regarding irrigation wells. Commission concurred.

Referring back to the Manatee County ordinance regarding under age patrons in bars and nightclubs, inquired if the Police Department had obtain the policies of those establishments regarding age identification. Lt. Hannaford responded from the audience that he knew the businesses had a process but he was not aware of receiving any written policy.

Ms. Cornwell

The Children's Summit is August 9, 2008 at the Civic Center.

Commented on the renovation of the Scott building, applauding the Building Department for maintaining that the building could be saved.

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Mr. Williams

Reported a stormwater drain that is plugged at Riverside Dr. and 7<sup>th</sup> Ave. Mr. Bloom informed Commission the drain will be deleted because of mangroves covering it and the close proximity of another drain.

Mr. Bloom will gather work orders pertaining to Palms of Terra Ceia.

Meeting adjourned at 8:50 pm.

Minutes approved:

James R. Freeman  
City Clerk

Palmetto City Commission  
August 5, 2008 5:00 PM

Elected Officials Present:

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

Staff and Others Present:

James R. Freeman, City Clerk  
Chris Lukowiak, Public Works Director  
Tanya Lukowiak, CRA Executive Director  
Deputy Chief Mike Mayer  
Diane Ponder, Deputy Clerk-Administration  
Karen Simpson, Finance Director

Mayor Bustle called the meeting to order at 5:01 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. Williams seconded and motion carried 4-0 to approve the August 5, 2008 5:00 pm agenda.**

2. DISCUSSION: FY 2008-2009 BUDGET

Mayor Bustle announced the meeting was noticed as a joint meeting with the CRA Board to discuss the CRA proposed budget.

Commission reviewed the proposed CRA budget with CRA Executive Director Tanya Lukowiak. Mrs. Lukowiak explained the line items Commission questioned. There was no adjustment made to the FY 2008-2009 proposed CRA Budget.

Mr. Freeman distributed the punch list of items from the Public Works Department's budget that were adjusted by Mr. Lukowiak. He informed Commission that the items would be loaded into the budget as presented unless he received different instructions from the Commission. He also stated the final proposed FY 2008-2009 budget will be ready for discussion at the August 19, 2008 budget meeting.

Mr. Freeman informed Commission that it appears there will be two issues Commission will have to address concerning the health insurance. He will recommend that a co-pay of \$500 be implemented for major surgery, and 2) a co-pay of \$250 be implemented for outpatient surgery. Employees currently do not have a co-pay for either service. He also stated that because the City's premium for dependent care will increase; employees' percentage of responsibility for dependent coverage will not change but they will realize an increase in their premium. Mr. Freeman anticipates discussing the medical insurance at the August 19, 2008 budget meeting.

Meeting adjourned at 6:30 pm.

Minutes approved:

James R. Freeman  
City Clerk