

TAB 1

Palmetto City Commission
August 18, 2008 4:00 PM

Elected Officials Present:

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

Elected Officials Absent:

Tamara Cornwell, Commissioner

Staff and Others Present:

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

Mayor Bustle called the meeting to order at 4:10 pm, followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

1. AGENDA APPROVAL

MOTION: Mr. Ball moved to amend the 4:00 agenda to add Resolution No. 08-28, declaring a state of emergency due to the eminent threat of Tropic Storm Fay and the School Board discussion from the 7:00 agenda.

Attorney Hall informed Commission the 7:00 agenda had been revised to reflect that the School Board discussion will in fact be the adoption of Resolution No. 08-27.

Mr. Lukowiak requested that the two first readings and advertising approvals of ordinances scheduled on the 7:00 agenda also be added to the 4:00 agenda. Attorney Hall advised the applicant for Ordinance No. 08-976 should be made aware he risks challenge by moving the item forward and any action taken at the 4:00 meeting should be reaffirmed at the next 7:00 meeting. Mr. Charles Ugarte, agent for the applicant for Ordinance No. 08-976, acknowledged the possible risk of challenge.

Mr. Ball amended his motion to include the two first readings. Motion died for lack of a second.

MOTION: Mr. Williams moved to approve an agenda for the 4:00 meeting to include an emergency Resolution No. 08-28 and cancel the 7:00 agenda and the remainder of the 4:00 agenda. Ms. Varnadore seconded.

Discussion: Mr. Ball opined that rescheduling the meeting should be made a part of the motion.

Ms. Varnadore amended the motion on the floor to include a reschedule date for the meeting. Mr. Williams seconded.

Mayor Bustle confirmed City Hall would be closed tomorrow but the Budget Meeting scheduled for Tuesday, August 19, 2008 had not been cancelled. Commission concurred that the August 19, 2008 meeting would be cancelled.

Mayor Bustle requested that the motion on the floor be amended to include the two first readings. Ms. Varnadore opined the ice cream ordinance could wait, as it needed a workshop prior to first reading, but she concurred with the addition of a first reading for Ordinance No. 08-976. Mr. Williams agreed.

Motion on the floor carried 3-1. Mr. Ball voted no.

2. RESOLUTION NO. 08-28

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, DECLARING THAT THE THREAT OF A STATE OF EMERGENCY IS EMINENT AND THAT EMERGENCY MANAGEMENT PRACTICES AND APPLICABLE PROVISIONS OF THE CITY OF PALMETTO EMERGENCY PREPAREDNESS PLAN SHALL BE INSTITUTED; PROVIDING AN EFFECTIVE DATE.

MOTION: Ms. Varnadore moved, Mr. Williams seconded and motion carried 4-1 to adopt Resolution No. 08-28.

3. 1st READING & ADVERTISING APPROVAL: ORDINANCE NO. 08-976

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A GENERAL DEVELOPMENT PLAN FOR THE PROPERTIES DESCRIBED HEREIN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 08-01, PERLE FINE LLC, PID # 3125400006, approx. .74 acres).

MOTION: Ms. Varnadore moved, Mr. Williams seconded and motion carried 4-1 to approve Ordinance No. 08-976 for advertising and schedule a public hearing September 2, 2008.

Commission rescheduled the Commission workshop and regular meetings for Monday, August 25, 2008. The 4:00 agenda was not altered. The 7:00 agenda will be amended to delete tab 7; no additions will be added.

Commission ratified Mayor's Bustle action to close City Hall on Tuesday, August 19, 2008, because of the weather, as well as closing City Hall and the other departments at 4:00 this date.

A brief discussion ensued on the misinformation being displayed by the news channels, the shelters that will be available for Palmetto residents and the planned City coverage for the duration of the weather event. Commission opined that a shelter should be located in Palmetto for the residents of the City.

Meeting adjourned at 4: 25 pm.

Minutes approved:

James R. Freeman
City Clerk

Palmetto City Commission
September 22, 2008 4:00 p.m.

Elected Officials Present:

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

Elected Officials Absent:

Mary Lancaster, Commissioner

Staff and Others Present:

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

Mayor Bustle called the meeting to order at 4:00 pm. A moment of silence was observed for our military men and women serving in harm's way overseas, followed by the Pledge of Allegiance.

1. AGENDA APPROVAL

MOTION: Commissioner Varnadore moved, Commissioner Ball seconded and motion passed 4-0 to approve the September 22, 2008, 4:00 p.m. agenda.

2. DISCUSSION: SANCTUARY COVE WELLS (C. Lukowiak)

Discussion of new wells constructed on the Sanctuary Cove site.

On a tour of the Sanctuary Cove property in June, irrigations wells were identified. Commission had asked staff to look into the legality of the permitting of the wells and how that affects the City's ordinance regarding wells and the use of reclaimed water. The agenda packet contains a copy of the SWFWMD permit.

Attorney Hall informed Commission that Public Works has applied to receive notice of any future applications. In her opinion, the state statute is preemptive and the City would have no legal basis to object. However, her conclusion is that even though the City has lines running to Sanctuary Cove, there may be times when reuse is not available, and she recommends that the permit should state the wells should be used only on a standby basis.

Mr. Lukowiak stated that at this time reclaim is not available to Sanctuary Cove on a daily basis at the needed pressure. The wells are being used for recreation/aesthetics and irrigation. Commissioner Cornwell has asked that Mr. Lukowiak get an agreement in writing from the developer that they will use reuse when available to help the City's reuse system.

Mrs. Hall said the developer is agreeable to using reclaimed, but it is important to get the permit modification so that enforcement becomes SWFWMD's responsibility. However, whether they agree to the permit modification or an interlocal agreement, it will have to be voluntary.

In response to Mrs. Varnadore's question of fairness as to a resident's ability to put in a well, even when reclaim is not available to them, Mrs. Hall said they can in fact install a well. They do have to go through Manatee County to get the permit for well installation. (Mr. Lukowiak remarked that the permit would probably be for the electrical.) Mrs. Hall reiterated that recent case law and the state statute preempt the City's ordinance. Commissioner Varnadore commented the City may want to look into requiring a permit.

Mrs. Hall's opinion was that the City cannot enforce the City's well ordinance at this time; that is, requiring resident's to use reclaim water. The statute does supersede Palmetto's home rule authority. She serves on a Florida League of Cities committee that will lobby for a change to the statute that will give municipalities local authority over the use of reclaimed water and wells.

Commissioner Cornwell expects Manatee County to monitor the wells since they are permitting them. The City of Palmetto should not be responsible for monitoring, and she wants that reflected in the minutes. She asked staff to prepare something for an agenda stating the expectation is that the County will take samples, do the monitoring and be responsible for inspection and notification. And since our ordinance requires a reuse fee if the line is available, Sanctuary Cove will still be responsible for that reuse fee. Mr. Lukowiak agreed. Mrs. Cornwell recalled that SWFWMD had said there would be no more wells when we were in a drought crisis, and the City's ordinance was in response to that.

Commissioner Williams would like a letter to SWFWMD informing them of our ordinance and the need to be notified of any applications for wells. Tests have shown that our reuse water is quality water, and he reaffirmed that the wells should be used only for backup.

Mrs. Hall said that all stipulations should go into a master interlocal agreement between the City and the CDD, into the CDD operational agreement and in the homeowners' documents.

Commissioner Williams opined that the City should be able to put reuse into the lake at Sanctuary Cove; that will actually improve the water in the lake, and they can pull from their lake for irrigation. The lake would be tremendous benefit to the City for storage capacity without having to dump into the bay.

Mr. Williams asked why CRA paid JEA for a study of a well at Rivera Dunes. Why wasn't that done for Sanctuary Cove as well? Mrs. Lukowiak said the study was actually for a valve that measures the pressure in the reclaim lines and disables the well. It would ensure that when there is reclaim in the system, the City could shut down all the wells. The balance of the study looks at how the City could store reclaim in the wells or other facilities to help balance out the availability of reclaimed water.

Commissioner Cornwell read from a brochure from Chastain-Skillman: Overuse of groundwater within the eight-county area that comprises the Southern Water Use Caution Area has resulted in depleted aquifer levels and adverse environmental impacts. In a September 3, 2008, letter from SWFWMD, we were advised there will be a meeting on October 9, 2008, at the Tampa office to discuss Minimum Flows and Levels, and the SWFWMD Sarasota office will be there. The City should send someone to that meeting to explain our situation, as we were following their guidelines. Commissioner Williams remarked that SWFWMD had mandated our reuse. Mrs. Cornwell said the City has been very proactive.

Mr. Lukowiak commented that the City is on the verge of reversing all the progress it has made; more wells mean less water is being used from reclaimed, more is being dumped into the bay causing more costs to the City and taxpayers for permits, etc.

Mr. Williams would like to see reuse lines metered so we know how much is out there, get more help from SWFWMD and DEP and encourage Sanctuary Cove to use our reclaimed water.

Mrs. Cornwell recapped what Commission wanted: a letter to Manatee County and other agencies regarding regulation, etc., and to make sure someone attends the October 9, meeting and brings forward the City's concerns. Mr. Williams wanted staff to make it clear that the City's reuse water is good.

3. DISCUSSION & APPROVAL: TOMATO/FOUNDERS DAY FESTIVAL

Discussion of specific plans and budget for the 2008 Tomato/Founders Day Festival. With Commission approval, this item will be moved forward to the 7:00 agenda for action.

CRA Executive Director Tanya Lukowiak informed Commission that the festival would be funded by the CRA.

Ralph Garrison, Chairman of Farm City Week, urged the City of Palmetto to consider hosting the Tomato/Founders Day Festival. Farm City Week brings awareness of our agricultural roots in the City of Palmetto and Manatee County. He is eager to have the festival conclude the weeklong activities of Farm City Week.

Commissioner Williams asked how the City can get more tomato packing plants to help the City sponsor the event. Mr. Garrison said Farm City Week can go to them and ask for their support.

Mrs. Lukowiak directed the Commission's attention to the spreadsheet in the packet for the projected costs, potential offsets and planned events at the festival.

Commissioner Cornwell expressed concern over the tomato fight and asked that goggles be used and appropriate liability waivers secured. She also asked Mr. Seger to make sure that schools were invited to participate; to make carnival rides "tickets only," no cash rides; and, to provide benches for parents while their children are on the rides.

Commissioner Varnadore commented that her preference would be for an "old-fashioned" festival in keeping with the celebration of agriculture in our community. She would prefer not to have the carnival rides. Mr. Seger said he is trying to get a low-cost train ride for the kids.

With no objection, the item was carried forward to the 7:00 p.m. meeting.

4. DISCUSSION: FARMWORKER HOUSING (C. Lukowiak)

Discussion of land use regulations pertaining to farm worker housing located within the City for any future revisions to the Land Development Code.

An application by C&D Fruit and Vegetable Company to expand farm worker housing located on 17th Street in Palmetto raised questions about land use. This workshop was planned as a result.

Attorney Hall provided a copy of the Florida Statutes imposing a duty on the Department of Health. These regulations are aimed at protecting the well being of residents of migrant housing and farm labor camps. Those regulations are in contrast to land use regulations, or Conditional Use Permits (CUP's), and she told Commission that for purposes of this workshop they should look at this as a land use matter, or what impact "use" has on surrounding areas.

Statute 381.00896 Nondiscrimination, declares that ... it is the policy of this state that each county and municipality must permit and encourage the development and use of a sufficient number and sufficient types of farmworker housing facilities to meet local needs. Commissioner Williams commented that Commission will need to know the numbers and types and a definition of local needs in order to make a fair assessment.

Bob Schmitt discussed a list provided in the agenda packet: Health Department Licensed Farm Worker Housing Facilities Located within Palmetto's City Limits. None of those facilities listed have a CUP. Mr. Schmitt defined migrant labor camps as those located on the farm; residential farm housing is located within the urban area. They are occupied by farm workers and spouses who may work elsewhere. Mrs. Varnadore stated that some of those facilities listed are simply rental properties available to anyone, but Mr. Schmitt said they are licensed by the state as farm worker housing. The list was provided by Tom Larkin at the Health Department.

Mr. Schmitt said the housing on the list is inspected by the Department of Labor and the Health Department for federal housing laws. Tonight he is trying to draw the distinction between how the state

licenses these facilities versus our land use regulations. Commissioner Williams said Commission must have the licensing rules. Mr. Lukowiak commented that the rules have nothing to do with our land development codes. Attorney Hall said the Commission only needs sufficient information to determine if there are adverse impacts associated with this type of use.

Mr. Schmitt asked Commission for direction on how to handle those facilities that do not have a CUP.

Tom Larkin has agreed, that in the future, he will advise the City when a licensed facility will be opening in the City of Palmetto. Commissioner Cornwell asked what happens when the state licenses a facility in an area not compatible with our zoning and land use codes. Does that supersede home rule? Mr. Schmitt said that he was informed by Mr. Larkin that he did not believe any action the City takes could prohibit the state from issuing the license. Attorney Hall interjected that the state laws protect the health, safety and welfare of these workers, but the City has the right to regulate the land use as long as the regulation does not regulate the housing out of existence.

Commissioner Williams asked if we could require the applications forty-five days in advance. Mrs. Hall answered that we could say that due to the nature of the application we need additional review time.

Regarding the sites on the list, Attorney Hall recommended that Commission direct staff to talk to adjoining property owners and ask what adverse condition they might be experiencing. Staff can present the data to Commission for their decision on any regulation. The City could impose conditions on new facilities and may amortize conditions into farmworker housing already in existence over a period of seven years, not unlike what was done with the dock ordinance.

Mr. Schmitt said that though farmworker housing is permitted in the RM6 zoning district it requires a Conditional Use Permit (CUP), and none of the facilities listed on the table have a CUP.

Commissioner Williams again addressed the issue of "a sufficient number" called for in the statute and questioned how the City can determine that number. What percentage must be farmworker housing? Mr. Lukowiak asked who determines the number; is it the municipality or the industry? Mr. Williams and Mr. Lukowiak again asked what the statute means by local. Is it only Palmetto, or surrounding areas as well?

Attorney Hall said the land use criteria needs research and staff will get back to Commission. If staff identifies areas that have real adverse affects that need to be regulated, it can be done. There just has to be a rational relationship between the circumstance and the need for regulation.

Mayor Bustle closed the meeting with the understanding that this would come back to Commission to get more answers to the questions raised.

The meeting was adjourned at 6:05 p.m.

Minutes approved:

James R. Freeman, City Clerk

Palmetto City Commission
September 22, 2008 – 7:00 p.m.

Elected Officials Present:

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

Elected Officials Absent:

Mary Lancaster, Commissioner (Mrs. Lancaster joined the meeting via conference call to vote on agenda item No. 3 regarding the budget resolutions.)

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 Bud Long, First Baptist Church of Palmetto, offered the invocation which was followed by the Pledge of Allegiance.

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

PUBLIC COMMENT

Betty Rhodes, 1007 26th Street East, Palmetto, Florida, spoke in opposition to a proposed labor camp in the city limits of Palmetto.

Joseph Ricciardi, 4357 85th Avenue, Parrish, Florida, addressed Commission regarding injuries to his family members in a recent car accident.

1. AGENDA APPROVAL

MOTION: Commissioner Cornwell moved to approve the September 22, 2008, 7:00 p.m. agenda with the addition of item 2C, a Special Function Permit for Palmetto High School Homecoming and a discussion by Mr. Freeman regarding the Bradenton Herald under agenda item 3. Commissioner Ball seconded the motion.

Commissioner Varnadore moved to amend the motion to add item 13, a discussion of Resolution 08-27 regarding Palmetto Elementary School. The amendment passed 4-0.

The motion on the floor to approve the agenda as amended passed 4-0.

2. CONSENT AGENDA

- A) Minutes: August 28, September 2, September 3, September 8, 2008
- B) Special Function Permits: Garmon/Greifenstein Wedding
- C) Palmetto High School Homecoming

Commissioner Cornwell asked to withdraw the Special Function Permits, and Commissioner Varnadore asked to withdraw the September 8, 2008 minutes from the Consent Agenda.

Commissioner Varnadore would like language added to the minutes of the September 8, 2008, 7:00 p.m. meeting, page 4 of 7, item 8, stating that she requested that item be tabled because the original contract was not included in the agenda packet, and she did not receive it in time to allow for her review.

Commissioner Williams asked to have the same minutes changed on page 4 of 7 under a budget discussion to reflect that he supports the transfer of only a portion of the Building Department reserve funds, not the full amount of \$400,000.

Commissioner Ball pointed out that he was shown absent at the 7:00 p.m. meeting on September 8, 2008; he was in fact present, and would like the minutes to reflect that.

MOTION: Commissioner Varnadore moved, Commissioner Ball seconded and the motion passed 4-0 to approve the minutes on the September 22, 2008, Consent Agenda as amended.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion passed 4-0 to approve the Garmon/Greifenstein Wedding Special Function Permit pending verification of the insurance requirements for the rental at the Historical Park by Mr. Lukowiak.

MOTION: Commissioner Cornwell moved, Commissioner Ball seconded and motion passed 4-0 to approve the Palmetto High School Homecoming Special Function Permit.

Commissioner Lancaster joined the meeting via a conference call for item 3.

3. PUBLIC HEARING – FINAL MILLAGE RATE AND FINAL FISCAL YEAR 2009 BUDGET

Mayor Bustle opened the public hearing on Resolutions 08-31 and 08-32.

- o Discuss percentage increase/decrease in proposed tentative millage over rolled-back rate
- o Discuss specific purposes for which ad valorem revenues are being increased/decreased
- o Discuss proposed tentative budget
- o Public Comment

Mr. Freeman informed Commission that as part of the budget process the City is required to publish the Summary Budget. Although the correct ad was submitted to the paper, there was a typo in the ad. A letter was provided by the Bradenton Herald acknowledging its error, and this is sufficient to meet TRIM requirements.

Each year, the first week in October, the City receives the DR422, the Final Certificate of Taxable Values from the Property Appraiser's office. Property Appraiser Greg Pennington has advised Mr. Freeman that this year the variance based on the Value Adjustment Board will most likely exceed the plus or minus 1 percent of the taxable value allowed by Florida Statute. The City has the option to administratively adjust that millage to remain revenue neutral within three days of receiving the DR422. No further budget hearings or noticing are needed to do so, but he will advise Commission when he receives the DR 422.

The Mayor called for public comment; there being none, he closed the public hearing.

A) RESOLUTION NO. 08-31 (Read in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF PALMETTO FOR FISCAL YEAR 2009; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Williams moved, Commissioner Ball seconded and motion passed 5-0 to adopt Resolution No. 08-31.

B) RESOLUTION NO. 08-32 (Read in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2009; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Varnadore moved, Commissioner Ball seconded and motion passed 4-1 to adopt Resolution No. 08-32. Commissioner Cornwell voted nay.

Discussion: Commissioner Varnadore asked Mr. Lukowiak if he had information on monitoring wells. He said that will be brought back as a workshop.

Commissioner Williams commented that it is not responsible budgeting to use money from a reserve account to pay for a department that is not supporting itself. He was referring to the Building Department. He added that by Florida Statute 163 the Commission has yet to have the required meeting with the CRA. He requested a review of the budget the first of January and an opportunity to reevaluate following the meeting with the CRA. Mr. Freeman reminded Commissioner Williams that during the budget discussions staff had agreed to provide a quarterly review in addition to the monthly financials Commission currently receives. It was agreed that the quarterly review would be in January, and CRA Executive Director Tanya Lukowiak reported that her board wants the joint meeting before November. The date will be determined at the next Commission meeting.

The conference call with Commissioner Lancaster was terminated.

4. PUBLIC HEARING: ORDINANCE NO. 08-975 (Chief Lowe)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, ADOPTING BY REFERENCE MANATEE COUNTY ORDINANCE 07-74 CONCERNING THE REGULATION OF VENDING FROM ICE CREAM TRUCKS ON PUBLIC RIGHTS OF WAY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing. There being no public comment, he closed the public hearing.

MOTION: Commissioner Cornwell moved, Commissioner Ball seconded and the motion passed 4-0 to adopt Ordinance No. 08-975.

5. PUBLIC HEARING: ORDINANCE NO. 08-977 (J. Freeman)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA PERTAINING TO ABATEMENT OF NUISANCES AND NOTICE PROCEDURES; PROVIDING FOR REVISION OF SUCH PROCEDURES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing. Ms. Betty Rhodes asked for clarification of "nuisance." There being no further comment, the public hearing was closed.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion passed 4-0 to adopt Ordinance No. 08-977.

6. APPROVAL: BUSINESS TAX LICENSE (J. Freeman)

Approval of the issuance of a Business Tax License to Value Pawn & Jewelry.

MOTION: Commissioner Ball moved, Commissioner Varnadore seconded and motion passed 3-1 to approve the Business Tax License for Value Pawn & Jewelry. Commissioner Williams voted nay.

Mr. Freeman informed Commission that the license had already been issued contingent upon Commission approval. All licenses in this category require Commission approval, and it was only at the end of the process that staff became aware of it. The business has actually already opened. Commissioner Cornwell recommended a workshop to establish procedures so that this does not happen again.

7. APPROVAL: PPD VEHICLE MAINTENANCE AWARD OF BID

Approval of a one-year contract with Lex's Automotive and 4-Wheel Drive Repair, Inc. for the maintenance of the Police Department fleet.

MOTION: Commissioner Ball moved and Commissioner Varnadore seconded a motion to approve and authorize the Mayor to execute a contract with Lex's Automotive and 4-Wheel Drive Repair, Inc. for one year ending September 30, 2009 in an amount not to exceed \$65,000.

Discussion: Commissioner Cornwell said the packet did not really indicate if they were comparing apples to apples. All the bid documents were not included, and she would like to see them. Commissioner Williams said Commission should have been provided a copy of the ad. He has received complaints from businesses that wanted to bid on the vehicle maintenance and were not aware it had gone out for bid; letters should have been sent.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion passed 4-0 to table the award of bid to the October 6, 2008 meeting.

Discussion: Bill Lee, Professional Automotive, 4706 US 41 North, Palmetto, Florida, thanked Commission for the opportunity to serve the City of Palmetto for the past thirteen years. He has contacted Lex Automotive and offered to help with the transition.

8. APPROVAL: EXTENSION OF VEOLIA WATER CONTRACT

Approval of a two-year extension of Veolia Water's contract for the operation of the wastewater treatment plant.

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion passed 4-0 to authorize the Mayor to execute a letter of notification to Veolia Water to extend the current contract for an additional two years, to expire December 31, 2010.

9. RESOLUTION NO. 08-33

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 4-0 to adopt Resolution No. 08-33

10. RESOLUTION NO. 08-34

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 Ball seconded and motion passed 4-0 to adopt Resolution No. 08-34.

11. APPROVAL: SCHOOL CAPACITY PROGRAM (B. Schmitt)

Approval of the annual School Capacity Program as required by the Interlocal Agreement with the School Board.

MOTION: Commissioner Cornwell moved, Commissioner Ball seconded and motion passed 4-0 to approve the annual School Capacity Program.

12. APPROVAL: TOMATO/FOUNDERS DAY FESTIVAL (Carried forward from 4:00)

Approval of the Tomato/Founders Day Festival Special Function Permit.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion passed 4-0 to approve the Tomato/Founders Day Festival Special Function Permit with stipulations that included: goggles are to be used in the tomato fight; liability waivers must be secured; invite the schools to participate; and, tickets only, no cash rides for vendors.

13. DISCUSSION: Resolution 08-27 Palmetto Elementary School

Commissioner Varnadore asked for the discussion to be added to the agenda. Commissioners reviewed the amended resolution. Commissioner Varnadore asked Attorney Hall to review the tape of the workshop meeting. Commissioners Varnadore, Williams and Cornwell said Commission had passed the resolution "as amended" at the workshop, and some of the amendments were not included in the current version.

The following changes discussed at this meeting were a consensus among Commissioners:

- The Resolution will be contingent upon the county operating and maintaining the baseball fields at the same level they currently do, and that must be included in item 5, Section 2, page 3 of 7.
- Change item 10, Section 2, page 4 of 7, to read: The City of Palmetto MAY approve the Community Redevelopment Agency's (CRA) swap ... This was a new concern raised by Commissioner Williams at tonight's meeting. The City may prefer the money for the land to be used to pay off debt service. He was not sure what need the City would have for the FFA building.
- Insert a Not-to-Exceed amount of \$1,528,000 in item 8, Section 2, page 4 of 7, for the construction of the baseball complex by the City.
- Written verification from the County on item 17, Section 2, page 6 of 7, the last two bullets, regarding O & M of the ball fields and right-of-way improvements to 10th Avenue and 14th Avenue and restate it in item 5, Section 2.
- Change "agree" to "may" in item 14, Section 2, regarding accepting land from the School District for the eventual extension of 10th Avenue West.
- Item 16, Section 2, page 5 of 7, line 4, change to "City shall look to Manatee County to secure funding for additional improvements...(funding limited only to that portion not covered by CMS grant funding which has already been awarded)."

14. DEPARTMENT HEADS' COMMENTS

Tanya Lukowiak

Informed Commission that the Strand Decision had been overturned.

Chris Lukowiak

DEP approved the permit renewal with the stipulation that the City install a grit removal system by January 2010.

The Heagarty property has been sold. The new owner is willing to work with the City to keep an access easement there.

The Wheeler complaint regarding the tree has been resolved. She sent a thank you letter to Public Works.

He has been receiving complaints about the market on 17th Street and 2nd Avenue. The county has backed off from initial enforcement efforts there. He will send a letter to Ann Marie Harper at County Code Enforcement and ask them to step up efforts there. He will copy Ed Hunzeker, the owner of the property and Col. Hageman.

Jim Freeman

Utility customers are being noticed regarding the rate increase effective October 1. Per the Master Utility Ordinance, water is increasing 3 percent, sewer is scheduled to go up 6 percent and reuse 3 percent, but garbage will remain the same. Regarding storm water rates, staff is asking for time to review, approximately one month, before implementing the proposed increase on October 1.

Commissioner Varnadore asked for a workshop on October 20 to discuss credit mitigations.

MOTION: Commissioner Ball moved, Commissioner Williams seconded and motion passed 4-0 to delay the implementation of the scheduled storm water rate increase.

Advised he will have a memo to Commission by the end of the week regarding cell phones.

Mr. Freeman briefed Commission on the September 22 Pension Board meeting. With the current market climate, the City plan is down about 10 percent. Our actuarial assumption is 7.5 percent. The actuary said the City will see an impact in the amount of contributions next year to cover the shortfall as a result.

Chief Lowe

No comment.

Michele Hall

Gave Commission a memo briefing them on the Florida League of Cities Energy and Environmental Quality Committee that she attended. It focused on the well issue and lobbying the League to protect Home Rule. Asked Commission to let her know if they have input for her to take back to the October meeting.

The letter that Commission had directed her to send to the Terra Ceia CDD regarding the conflict assessment procedure did not go out; she explained why in an email to Commission.

The Hall is advertising itself as the biggest hip hop club in southwest Florida with occupancy of 2,000. The advertised event is on Sunday, and she's not sure if they are aware they can't sell alcohol. They do not have a promoter's license. Bill Strollo, Code Enforcement Director, plans to issue a Notice of Violation and bring them for hearing to the Code Enforcement Board. Chief Lowe said North River Fire Department has been contacted regarding the capacity.

15. MAYOR'S REPORT

None

16. COMMISSIONERS' COMMENTS

Commissioner Varnadore

Regarding the County's under 21 alcohol ordinance, she would like this to come to the next meeting for discussion and given high priority. The City might want to adopt its own ordinance to protect the youth of our community.

Inquired as to the status of the sign ordinance. Mr. Lukowiak said more public meetings are needed and he will schedule them. She commented the sign ordinance has been on the suspense log for two to three years and it needs to move along.

Commissioner Williams

Asked Mr. Freeman to explain the SRF Audit. Mr. Freeman said it is required by the state, and CPA Associates performed it for the City. It is standard procedure to close out that loan. CPA issued an unqualified report.

Expressed concern about the parking at the new bar on 8th Avenue. Asked if a certain number of spaces weren't required for each business. Mrs. Lukowiak said that in the downtown area, if businesses were not allowed to share parking and use surrounding public parking, the building would be obsolete.

Commissioner Cornwell asked if shared parking is limited to businesses that require parking at different times of the day. Mrs. Lukowiak will check and get back to her.

Commissioner Williams raised the issue of impact fee credits in Resolution 08-27. The minutes of the workshop say to delete the impact fee credits to Manatee Fruit Company, but Commission recalled they only meant to delete the dollar amount of \$1, 864, 375. Attorney Hall will confirm that when she listens to the tape. Commissioner Varnadore commented that the minutes could be amended after Mrs. Hall's review of the tape.

The meeting extended past the agreed upon time of 10:00 p.m.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion passed 4-0 to extend the meeting to 10:15 p.m.

Commissioner Cornwell

Asked if there was any word on Albertson's. Mr. Lukowiak said the new owner is just doing cosmetic work at this time but will be coming to the Building Department in the future.

She asked that background checks be put on the next workshop agenda in order to establish a City policy and that it be given high priority. Mrs. Hall will check the availability of the attorney contracted by the City to help with this policy.

Commissioner Ball

Informed Mr. Freeman that he is still not getting emails from the City. Mr. Freeman said the IT Department is still working on the problem.

The meeting was adjourned at 10:20 p.m.

Minutes approved:

James R. Freeman, City Clerk