

TAB 1

Palmetto City Commission
March 23, 2009 4:30 p.m.

Elected Officials Present:

Shirley Bryant, Mayor
Brian Williams, Vice Mayor
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner
Alan Zirkelbach, Commissioner

Staff Present:

Mark Barnebey, City Attorney
James R. Freeman, City Clerk
Garry Lowe, Chief of Police
Cheryl Miller, Senior Accounting Analyst
Karen Simpson, Deputy Clerk-Finance
Allen Tusing, Public Works Director
Frank Woodard, Deputy Director of Project Management & Engineering
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:30 pm. A moment of silence was observed, followed by the Pledge of Allegiance.

Attorney Barnebey stated that he has notified counsel for the Regatta Pointe Sublease topic that the item would be heard at 5:00 pm. Mayor Bryant suggested hearing the item later in the meeting to allow for counsel's participation if he attended the meeting. Commission concurred.

1. DISCUSSION: CAPITALIZATION POLICY

Mr. Freeman stated that as part of last year's audit, the auditor recommended the City should consider amending the policy to increase the historical threshold of \$500 for capital assets. This year's audit included the same recommendation as a follow-up comment. Mr. Freeman stated the proposed policy increases the \$500 threshold to \$2,000 for equipment and vehicles. Other categories, such as land, buildings, building improvements, infrastructure and other intangible assets, etc. are increased to \$20,000; these assets are capitalized and then depreciated over a typical seven to twenty year period.

Mr. Freeman discussed the new scanning equipment that will be purchased (budgeted item) for the physical inventory of City Hall, CRA and the Police Department this year, and the Public Works department next year. Ms. Miller discussed the equipment that had been chosen and the physical tags that will be placed on equipment. Mrs. Simpson confirmed the inventory schedule is a three year rotation.

Mrs. Simpson stated that the \$2,000 threshold was arrived at based on GFOA standards of a minimum of \$5,000 for items with a useful life greater than two years, and the review of like-sized municipalities throughout the state. The proposed threshold is a medium figure in the minimum ranges reviewed.

Commission made no changes to the proposed policy. The Capitalization Policy will be provided to City Commission for adoption at a future meeting.

Mayor Bryant recessed the meeting at 4:50 pm.

Mayor Bryant reconvened the meeting at 5:00 pm.

2. REGATTA POINTE SUBLEASE

Attorney Barnebey discussed the history of the amendment of the sublease between the City and VanDerNoord Partners for the Regatta Pointe Marina. The amendment mainly addresses the following areas:

- Clarifies the legal description to include the breakwaters, which provides consistency with the City's Amended and Restated and Modified Submerged Land Lease with the state
- Clarifies the sub-lessee's responsibility for the annual submerged land lease payment
- Allows the 2nd and 3rd floors of the facility to be used as a banquet hall; a first floor restaurant has been opened

Commissioner Varnadore requested a quick overview of the Amended and Restated and Modified Submerged Land Lease, as it pertains to the schedules included in the original lease and the change in the legal description by the addition of the breakwaters, the only change from the original lease. Commissioner Zirkelbach stated he will recuse himself because his father-in-law owns the marina, even though he takes no financial benefit from the facility, and he then gave a history of the original submerged land lease and its renewal. He stated the amendment of the legal description to reflect the addition of the breakwaters is the only change from the original lease. He explained that the optional parcel listed on Schedule 3 attached to the original lease is the City parking lot (originally slated for condominiums in the master plan).

Commissioner Varnadore called attention to the Amendment to Agreement of Sublease dated April 7, 2006 and the fact that staff had confirmed the last whereas clause reflecting Commission approval of the banquet hall use on October 17, 2005 should actually be the date of November 7, 2005. She requested that the Second Amendment to the Agreement of Sublease state the corrected date, as well as the book and page recording information of the amendment dated April 7, 2006.

Attorney Barnebey gave a history of the 2005 approval of the temporary six-month use of the facility as a banquet hall. Attorney Barnebey opined that because the first amendment authorized the use of the facility as a banquet hall, that use should also be addressed in the proposed second amendment. Commissioner Zirkelbach opined that nothing in the original lease precludes any other use, other than the stipulated restaurant. Attorney Barnebey did not disagree with Commissioner Zirkelbach's statement, as the restaurant is the primary use at the facility, and while the restaurant was not in operation, the banquet hall use had to be addressed in some fashion. Commissioner Zirkelbach stated he didn't want a requirement that the use of the second and third floor of the facility would be limited to only that of a banquet hall. Attorney Barnebey confirmed that the use as a banquet hall is not mandatory.

Commissioner Williams referred to Schedule A (restaurant) and Schedule E (uplands) and the fact parking can become an issue and could become a conflict with other existing businesses in the area if adequate parking is not established at some point in time. Commissioner Williams proposed language that would allow Mr. VanDerNoord a year from date of execution of the amendment to establish the parking he will need; the City has to help establish parking in the area. Commissioner Varnadore suggested the City should look at creating a parking policy that should be consulted before issuing licenses or CO's. Mayor Bryant stated she has met with the VanDerNoords and they are diligently working to obtain additional parking in the area and the City is assisting when possible. Commissioner Zirkelbach stated he would adamantly oppose required parking in the downtown core. He stated that at the CRA Board meeting he would present a parking plan that adds approximately 130 spaces, utilizing street parking and the CBI property parking.

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Mr. Williams spoke of the City's collection of \$1,000 per year as rent for the marina. He commented on the renewal of the lease and the fact the City never negotiated an increase in rent. He acknowledged the City receives \$99,000 in ad valorem taxes from the facility. Commissioner Zirkelbach opined that he supports any business that consistently improves City property. Commissioner Williams suggested that the City should consider a rent increase at the next renewal.

Commission briefly discussed the 200 seat requirement for the restaurant, as stipulated in the original lease. Attorney Barnebey stated he will clarify if the banquet hall can count toward the minimum seating requirement and, if so, place appropriate language in the amendment.

The amendment will be placed on a Commission meeting agenda for approval in the near future.

Meeting adjourned at 5:40 pm.

Minutes approved:

James R. Freeman
City Clerk

Palmetto City Commission
March 23, 2009 7:00 p.m.

Elected Officials Present:

Shirley Bryant, Mayor
Brian Williams, Vice Mayor
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner
Alan Zirkelbach, Commissioner

Staff Present:

James R. Freeman, City Clerk
Garry Lowe, Chief of Police
Scott Rudacille, Kirk Pinkerton
Karen Simpson, Deputy Clerk-Finance
Allen Tusing, Public Works Director
Frank Woodard, Deputy Director of Project Management & Engineering
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 pm.

Mayor Bryant gave an invocation, followed by the Pledge of Allegiance.

Swearing-in of all persons intending to address City Commission or the CRA Board.

PUBLIC COMMENT (non-agenda items): None

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the March 23, 2009 7:00 p.m. agenda.

2. CITY COMMISSION CONSENT AGENDA

Mayor Bryant pulled item C for discussion and Commissioner Varnadore pulled the March 10, 2009 minutes for discussion.

A) Minutes: March 9 and 10, 2009

Commissioner Varnadore requested that the March 10, 2009 minutes be corrected to include her comments regarding the fact that the \$2 million available for capital improvement projects would have to last for several years, as per the discussion during the Capital Improvement Plan workshop meeting.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 5-0 to approve the March 9, 2009 minutes and the March 10, 2009 minutes as amended.

B) Legal Fees: Kirk Pinkerton Litigation Billings
Fisher & Phillips LLP

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the legal fees as presented.

C) Noise Exception Permit: Relay for Life

Mr. Freeman reviewed the Noise Exception Permit for the American Cancer Society's Relay for Life 18 hour event April 24 and 25, 2009 which is held on the track at Palmetto High School. He explained correspondence has been received concerning the noise. Based on the complaint received, residents voicing concern have been notified of the pending event. Elise Aubourg, American Cancer Society, has offered accommodations to one resident for the night of the event. Ms. Aubourg stated the event has taken place at Palmetto High for the last ten years. This year there are plans to stop the bands at 10:00 pm and after 11 pm the noise will be reduced for the balance of the night. She confirmed that the PA system will be lowered further if complaints are received. Mr. Tusing, the closest neighbor to the event, stated he is not disturbed during the night. Chief Lowe stated the Police Department has never had to respond to the location.

MOTION: Commissioner Zirkelbach moved and Mrs. Lancaster seconded to approve the March 23, 2009 Consent Agenda.

Commissioner Varnadore requested an amendment to limit the noise from 10:00 pm to 9:00 am, based on comments she has received and it being in a residential area. Discussion ensued on the am hours, with Commissioner Varnadore offering a compromise of 8:00 am.

Commissioner Zirkelbach amended his motion to limit the noise from 10:00 pm to 8:00 am. Commissioner Lancaster amended her second.

Mr. Freeman inquired if the Commission was going to be stricter than the current ordinance. Commissioner Varnadore agreed to the 7:00 am hour.

Motion on the floor carried 5-0.

Mayor Bryant introduced Attorney Scott Rudacille, attending the meeting for Attorney Barnebey.

Mayor Bryant recessed the City Commission meeting at 7:15 pm to open the CRA Board meeting. CRA minutes are prepared as a separate document.

Mayor Bryant reconvened the City Commission meeting at 8:15 pm.

3. PUBLIC HEARING: ORDINANCE NO. 08-978

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-14 (RESIDENTIAL 14 UNITS PER ACRE) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-08-05 Charles Palmer and Jonathan Shute, PID # 2778600003, approx. 0.3+/-acres).

Mayor Bryant reopened the public hearing continued from February 2, 2009.

Walt Smith, representative for the applicant, asked that the public hearing for this and the following topic be continued to May 4, 2009 to allow for the neighborhood meeting that has been scheduled. He was requested to provide a list of neighbors that have been invited and a sign-in sheet of the attendees.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 08-978 to May 4, 2009.

4. PUBLIC HEARING: ORDINANCE NO. 08-979

AN ORDINANCE 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 RM-6 (RESIDENTIAL MULTI-FAMILY) TO PDH (PLANNED DEVELOPMENT HOUSING); APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR A SINGLE FAMILY RESIDENTIAL PROJECT DEPICTING SIX (6) UNITS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-GDP-08-05 Charles Palmer and Jonathan Shute, PID # 2778600003, approx. 0.3+/- acres).

Mayor Bryant reopened the public hearing continued from February 2, 2009.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to continue the public hearing for Ordinance No. 08-979 to May 4, 2009.

Mayor Bryant excused herself from the meeting at 8:20 pm.

5. PUBLIC HEARING: ORDINANCE NO. 09-986

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR MANATEE SCHOOL FOR THE ARTS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 08-07 Renaissance Arts and Education, Inc., 700 Haben Blvd., PID# 2608610459, approx. 8.314+ acres).

Vice Mayor Williams opened the public hearing.

Mr. McCollum explained the Manatee School for the Arts conceptual/general development plan for expansion of the existing facility. The expansion will be completed in four phases, as follows:

- Phase 1: Additional administrative building of 9,400 square feet
- Phase 2: Physical education building of 20,000 square feet 2-story building
- Phase 2A: Physical education covered pavilion of 6,500 square feet
- Phase 3: Demolition of existing classroom building of 9,600 square feet and addition of a 3-story classroom building of 20,400 square feet
- Phase 4: Demolition of existing building and add a new theater of 12,000 square feet and construct 36 parking spaces

Mr. McCollum informed Commission the P&Z Board approved the project with the stipulations as stated in the ordinance:

1. At construction plan approval stage, the project shall be required to comply with all height and setback requirements of the City Code of Ordinances. This stipulation was made because the theater, which is the final phase of the project, has not yet been designed and staff wanted to ensure the school is put on notice that the design must comply with all City setback requirements.
2. Open Space requirements are attained with standards of the City Code of Ordinances.
3. Reduction of Storm water retention is approved by SWFWMD (by permit) because the current retention is being reduced with the construction of the additional parking.

4. A traffic impact statement and/or analysis is performed and traffic conditions are maintained in accordance with the City of Palmetto's Comprehensive Plan and Code of Ordinances.
5. Development is subject to construction plan approval.

Commissioner Cornwell inquired if the school had to be reinforced under school regulations or City Code. Commissioner Zirkelbach stated that charter schools are exempt from reinforcement requirements. Dr. Bill Jones, Manatee School for the Arts, stated the charter school regulations are very specific, and the school is allowed to choose either the state requirements or the local building code and the school has always used the local building code. Jon Moore, architect for the project, stated the interaction with City staff on this project has been "marvelous".

Commissioner Varnadore commended staff on the presentation. She inquired what the policy is determining what projects are brought to a workshop. Mr. Tusing stated he does not know of such a policy; staff has used its discretion based on the project and any potential issues. Mr. McCollum concurred. Commissioner Varnadore opined that any general development plan should come to a workshop. Commissioner Cornwell agreed with Commissioner Varnadore's statement.

Mr. Moore confirmed that the multi-story buildings will be ADA compliant, will meet all exiting requirements and fire codes. Dr. Jones assured Commission the life safety code (student safety) is the same in both the school regulations and the local building codes.

Vice Mayor Williams closed the public hearing.

MOTION: Commission Varnadore moved and Commissioner Cornwell seconded to adopt Ordinance No. 09-986 with the five stipulations as stated.

Discussion: Commissioner Williams inquired if Commission will receive the plan again once the design has been completed. Dr. Jones stated that once the final plan is known (because of the projected phases) the plan will be presented to Commission. He also stated that he has been conversing with Van Brown about the entrance to the school as it may relate to the planned roundabout on Haben Blvd. Attorney Rudacille inquired of staff if the plan could come back to Commission at the next approval stage. Mr. McCollum stated the construction plans will go directly to the Building Department and reviewing agencies. Mr. Tusing stated that unless there is a drastic change in the plan, Commission will not be involved in the construction plan approval.

Motion on the floor carried 5-0.

6. PUBLIC HEARING: ORDINANCE NO. 09-987

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, VACATING A PORTION OF 2ND AVENUE WEST RIGHT-OF-WAY SOUTH OF 12TH STREET WEST AS MORE PARTICULARLY DESCRIBED IN SECTION 2 OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Williams opened the public hearing. After no public comment, Vice Mayor Williams closed the public hearing.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 09-987.

Vice Mayor Williams recessed the meeting for five minutes.

Mayor Bryant entered the meeting at 8:45 pm.

7. APPROVAL: RICOH AMERICAS CORPORATION LEASE

Approval of a 36-month lease with Ricoh Americas Corporation to replace the copier at City Hall.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 5-0 to approve and authorize the Mayor to execute a lease agreement with Ricoh Americas Corporation in a total amount not to exceed \$11,482.56.

8. CRA ADVISORY BOARD APPOINTMENTS

Mayor Bryant stated her planned appointee to the CRA Advisory Board from Ward 1 notified her this afternoon and withdrew her name. She requested Commission approve the appointment of Nicholas Costidas, a resident of Ward 3. Mr. Costides was present and informed the Commission he had prior commitments for the next four Tuesdays.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve Mayor Bryant's appointment of Nicholas Costides to the CRA Advisory Board for a one year term.

Commissioner Lancaster requested that appointee's names be placed on the agenda in the future.

9. RESOLUTION NO. 09-15

Budget amendment resolution to recognize the grant income from the Department of Emergency Management for the installation of new garage doors in the fleet building. Mr. Tusing informed Commission additional framing must be done to the building to support the doors, which will cost \$17,000. The CIP contains funds for the Public Works upgrades, which will fund the project. Commissioner Zirkelbach stated an architect, structural engineer and contract had confirmed the building will support the proposed doors.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 08-32, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2008-2009, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 09-15.

10. RESOLUTION NO. 09-16

Budget amendment resolution to allocate budget for general liability, auto & property insurance premiums for the 3rd and 4th quarter, based on Florida League of Cities revised adjustments.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 08-32, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2008-2009, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Resolution No. 09-16.

11. RESOLUTION NO. 09-17

Budget amendment to establish revenue budget for the sale of 17th Street right-of-way at the entrance of the Public Works compound.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 08-32, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2008-2009, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Williams moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Resolution No. 09-17.

12. RESOLUTION NO. 09-18

Budget amendment to establish budget for the 10th Street and 10th Avenue and the 10th Street and 14th Avenue projects.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 08-32, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2008-2009, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Resolution No. 09-18.

13. 1st READ & ADVERTISING APPROVAL-ORDINANCE NO. 09-988 (J. Freeman) (TAB 13)
AN ORDINANCE 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 22-85, CONTRIBUTIONS; AMENDING SECTION 22-86, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 22-87, PRE-RETIREMENT DEATH; AMENDING SECTION 22-88, DISABILITY; AMENDING SECTION 22-90, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 22-94, MAXIMUM PENSION; AMENDING SECTION 22-95, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 22-96, MISCELLANEOUS PROVISIONS; AMENDING SECTION 22-97, REPEAL OR TERMINATION OF SYSTEM; AMENDING SECTION 22-98, EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY; AMENDING SECTION 22-100, FORFEITURE OF PENSION; AMENDING SECTION 22-102, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS, ELIMINATION OF MANDATORY DISTRIBUTIONS; DELETING SECTION 22-104, SEPARATION FROM EMPLOYMENT FOR MILITARY SERVICE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 5-0 to approve Ordinance No. 09-988 for advertising and schedule a public hearing April 6, 2009.

14. DEPARTMENT HEADS' COMMENTS

Attorney Rudacille

Inquired if Commission wished the CRA ordinance to be amended to give direction that the Executive Director will assist with the preparation of the CRA budget. It was consensus of Commission to hold the ordinance until all the documents that may need amendment can be done at one time.

Chief Lowe

Informed Commission he had sworn Officer Wilson into the reserve unit.

The Chief's Advisory Board has met for the first time. Mayor Bryant stated that she has reached out to Riviera Dunes, Terra Ceia and Tropic Isles to see if a representative could be named to sit on the board. She stated it was a very helpful meeting.

Mr. Freeman

The CIP will be placed on the April 6, 2009 agenda. Commission directed that it be brought to the April 6th workshop.

April 27, 2009 is the quarterly review meeting, beginning at 5:00 pm. Mr. Freeman stated he would like to present the CAFR at that date. Commission concurred.

Asked that Commissioners who did not receive the CPA Associates letter regarding the CAFR contact him.

Stated that the proposed General Employees' Pension Plan ordinance is to adopt changes made by the IRS and Florida Statutes; therefore, he did not intend to ask the Board's counsel to attend the meeting.

Mr. Tusing

Mr. Seger has been receiving calls about renting the bait shop since the announcement by Shell that it would be closing. Staff is inquiring if the facility could be put out to bid for a lease again. Commission authorized the bid.

Mayor Bryant inquired if Manatee County has any initiative for underground tanks. Mrs. Lukowiak stated the Fast Fetch will be reopened. She also stated the local CRA's are looking at a unified brown fields initiative to name all the underground tanks as a brown field, which will help qualify for grants to help mediate the issue. She stated she has placed a call to Wes Foust at the Shell station.

Reported the theoguard treatment at the WWTP has been very successful. After three weeks in the program, the #5 pump station showed a 92% reduction in sulfide gases and a reduction of 42% at the headworks.

Requested permission to establish zones for reclaim water usage so all areas of the City can be provided the service, and put the announcement on the utility bills, which he will draft and send to Commission prior to distribution. Commission authorized the message.

Reported the exhibit halls at the fair grounds will be demolished. The manager of the fair has contacted him about 13th Street, a short shell street that dead ends into the fair grounds. A house owned by the fair will be utilized for the fair administrative offices. The manager has requested that the street be paved. Generally an assessment program for the paving would be presented to Commission. The City's share to complete the project of approximately \$11,000 would be 1/3 of the cost or \$3,345.95, but the City has to foot the entire bill up front, with the fair responsible for payment at the end of a time as Commission granted, up to ten years. The fair manager has also inquired if the street can be extended into the fair grounds. Using City crews to prepare the road base from 13th Street to the midway round would cost approximately \$2,982 plus the manpower. The fair would then pave the entire street. Mr. Tusing stated the house is located on public land; zoning is not applicable to the site.

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to authorize Public Works to provide labor and crushed rock base for the extension of 13th Street to the midway section of the fair grounds, and the fair will complete the paving.

Mr. McCollum

Stated he will be bringing the revised Comp Plan for review at the April 6, 2009 workshop meeting. There are a few policies he will bring forward for review. He will ask how Commission wishes to adopt the remainder of the Comp Plan. He briefly reviewed changes to the Comp Plan. Commission requested that a strike through version be provided as early as possible before the workshop meeting.

15. MAYOR'S REPORT

Reported there has been another Palmetto Elementary meeting.

Attended the Crusader Building open house.

Reminded department heads that the City is fast tracking issues to assist businesses and residents.

The Police Department will be painted by the Public Works staff.

Attended the Riverside Business Center open house.

The EDC Advisory Board meeting was this week. Cherie Corea made an excellent presentation on county stimulus initiatives, one of which regards the underground tanks.

Palmetto High School agriculture teacher Julie Tillet has been named teacher of the month.

Met with Ann Marie Harper, county nuisance abatement, regarding areas surrounding Palmetto and ways both agencies can work together.

Mrs. Lukowiak has been requested to make a list of vacant properties and the areas in which they are located.

Charter Review Committee has been appointed. The resolution must be brought forward as soon as possible so they can meet and move forward.

Regarding the liaison positions and how those positions work, she stated she would have appreciated Mrs. Lancaster, PD liaison, to have been present at the first Advisory Board meeting. Mrs. Lancaster stated she was not informed of the meeting.

Regarding a copy of the potential law suit that was forwarded to Commission, she inquired if Commission wanted to receive these notices. She stated she would like to have a policy for Commission established. Commissioner Varnadore called attention to the existing policy. Mr. Barnebey will update a list of outstanding litigation.

Inquired when the interagency information sharing will be complete. Chief Lowe stated he expected it this week.

Susie Dobbs of the county's SHIP program has commended Tom McCollum and Mark Barnebey in assisting Mrs. Clemons with her SHIP funding. Mrs. Lancaster also recognized Mr. Tusing.

16. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Requested the resumes of appointees prior to their appointments.

Stated she hopes CRA funds are not diverted from slum and blight.

Referring to the Charter review, inquired if there has to be a referendum. Mayor Bryant stated the Charter allows amendment by resolution, but she would recommend that the topic be reviewed, as she believes the Charter should not be changed "merely by resolution".

Ms. Cornwell

Reviewed the Commission meeting schedule for July 20 and 27 and the last meeting date in June on the 15th.

Mr. Zirkelbach

Received information that Waste Management is not currently in line with their contract and may be in default. He requested that staff look at the contract and put them on notice if they are in default. He referred to the termination of Dave Smith without notification to the City. Attorney Rudacille was instructed to look into the issue.

The cell telephone policy will be brought back to Commission April 6, 2009 at the 7:00 pm meeting for discussion purposes, provided a light agenda.

Attended the County Commission meeting March 19 where a presentation titled Rejuvenate Our Ailing Economy by the Economic Stimulus Working Group was discussed. Staff was instructed to distribute the presentation to Commission.

Mr. Williams

Inquired the status of the background checks. Mr. Freeman reported approximately 40 had been completed and we have received some responses, which are being reviewed.

Referring to the Charter Review Committee, inquired if the committee could meet prior to the five year anniversary review date. Mr. Freeman read from the Charter, stating the resolution will allow the establishment of the committee earlier than five years. Mr. Williams inquired if Commission could adopt an emergency resolution that would allow communication between the Mayor and Commission. Attorney Rudacille stated he and Attorney Barnebey have not seen anything in the Charter that prohibits City Commission from adopting a resolution to amend the Charter. Mayor Bryant opined that this must be done as soon as possible so as not to jeopardize everything that was done when Commission was able to communicate with the Mayor. Commissioner Williams stated it could be months before the Charter Review Committee may make a recommendation. Attorney Rudacille stated his firm's opinion is "What was done is lawful, even under the Charter as written." The only reason they have recommended to suspend communication is out of an abundance of caution. Discussion ensued on bringing forth a resolution to authorize the communication and the ex-officio portion of the Charter. Commissioner Varnadore stated her personal preference to receive a recommendation from the committee, even though she agreed that the lack of communication creates problems. It was suggested that the topic should be the first subject for the committee with a recommendation back to Commission at the time of review. Mayor Bryant commented on the fact that she can not communicate with Commission on the projects to which she has assigned liaisons, i.e. 7th Street and Palmetto Elementary.

Reported that the Police Department's new foot patrol was in his neighborhood.

Ms. Varnadore

Attended the Heritage Day Festival. Reported members are asking about irrigation issues. Mr. Williams stated he spoke with Col. Pack, who has been working on the issue with Mr. Seger. She reported Col. Pack is requesting that Mr. Tusing attend the meetings. The next meeting is Thursday; Mr. Williams will get the time.

Meeting adjourned at 10:00 pm.

Minutes approved:

James R. Freeman

Community Redevelopment Board
March 23, 2009 7:15 p.m.

CRA Board Members Present:

Shirley Bryant (Presiding Officer, Non-Member)
Tamara Cornwell
Mary Lancaster
Tambra Varnadore
Brian Williams
Alan Zirkelbach

Staff Present:

James R. Freeman, City Clerk
Garry Lowe, Chief of Police
Tanya Lukowiak, CRA Executive Director
Scott Rudacille, Kirk Pinkerton
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting of the Community Redevelopment Board (CRA) to order at 7:15 pm.

1. CRA BOARD AGENDA APPROVAL

MOTION: Commissioner Cornwell moved and Commissioner Zirkelbach seconded to approve the March 23, 2009 CRA Board agenda.

Discussion: Discussion ensued on items to remove from the agenda. Because of either a request to delay a topic or because items were tabled by the CRA Advisory Board to a later date, items B, D and F were removed from the agenda.

In response to Commissioner Lancaster's inquiry, Attorney Rudacille confirmed that the CRA Advisory Board is under the sunshine, and it is proper for Mayor Bryant to speak with the chair of the Advisory Board concerning topics proposed for the CRA Board agenda. He also stated the CRA Board is free to speak with members of the CRA Advisory Board; members of a board may not speak with each other concerning any topics brought to them for consideration. He also confirmed that it is common for the presiding officer of a board to be a non-member of the board. Mrs. Lancaster requested that Attorney Rudacille provide her a written ruling on the topic.

MOTION: Commissioner Williams moved, Commissioner Varnadore seconded and motion carried 5-0 to amend the agenda to delete items B, D and F.

2. APPROVAL: CRA BOARD RULES OF PROCEDURE

Attorney Rudacille explained the Rules of Procedure replace the old by-laws of the CRA. Mayor Bryant suggested that they could be used as initial guidelines for the meeting; they could be more thoroughly reviewed at a later workshop.

Commissioner Williams commented on the specific date and time of the CRA Board meetings stated in section 4.1.1. It was consensus of the Board to delete the sentence "All regular meetings shall ordinarily commence at 7:00 p.m. in the City Commission Chambers on the first Monday of each month." from section 4.1.1.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 4-1 to adopt the CRA Board Rules of Procedure, striking the sentence "All regular meetings shall ordinarily commence at 7:00 p.m. in the City Commission Chambers on the first Monday of each month." from section 4.1.1.

3. CRA BOARD CONSENT AGENDA

A. Minutes: January 13 and 20, 2009

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion carried 5-0 to approve the January 13 and 20, 2009.

C. CEDC paid invoice

Informational item only, as City Commission previously approved payment of the invoice. Mrs. Lukowiak stated the CRA Advisory Board has requested to monitor the CEDC service for 60 days, rather than on a quarterly basis, and the item will be presented again to the CRA Advisory Board at the April 14, 2009 meeting. Mayor Bryant informed the Board that the agency has requested office, computer and desk space at the CRA office, and to make appointments through the Mayor's office. The topic of office space was delegated to the CRA Advisory Board for a recommendation.

E. Ward 1 Park status review

Informational item only. Mrs. Lukowiak stated the item was delayed until the March 25, 2009 CRA Advisory Board meeting that was continued from March 17, 2009. She identified the property as the unbuildable lot located across from the lift station where the City opened the street.

G. Payment and budget amendment for survey invoice from Leo Mills and Associates for flagging the wetland buffer at Palmetto Palms. Mr. Tusing stated the survey and flagging was necessary to identify the wetlands to assist in determining the proper use of the property.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to follow the recommendation of the Advisory Board and approve the budget amendment of \$1,200 for engineering and expenditure of \$1,600 for the flagged boundary lines in the wetland survey.

H. Payment and budget amendment for additional payment for engineering services for US 41 and 7th Street.

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve item H.

I. Organizational and structure presentation by Mark Barnebey (Information only)

Referring to the recently adopted ordinance, section 11.84 Powers & Duties, Commissioner Lancaster inquired who prepares the budget. Attorney Rudacille opined the CRA Advisory Board, working with the Executive Director, would prepare the budget. Commissioner Lancaster suggested that the ordinance should be amended to state that the Executive Director will work with the Advisory Board in the preparation of the budget.

J. Mangrove trimming

MOTION: Commissioner Zirkelbach moved to approve the mangrove trimming under tab 11. Commissioner Cornwell seconded.

Discussion: Mrs. Lukowiak confirmed the mangroves are in the CRA and the trimming would be done by a licensed arborist. Mr. Tusing stated the City is not licensed; he would have to research the topic further. He recommended approving the item in order not to miss the trimming schedule.

Motion on the floor carried 5-0.

The CRA Board did not consider the following three items, as they were continued to the CRA Advisory Board meeting on March 25, 2009.

Storefront Grant application #09-04
Storefront Grant application criteria review 09-10
Advisory Board meeting schedule

The CRA Board requested that items coming to them for approval have a point paper with information to clearly state the nature of the item, the recommendation from the CRA Advisory Board, and the vote on the item. The Board also requested that future agendas differentiate action and information topics. It was also suggested that the Consent Agenda should be approved as a whole, after items for discussion were pulled by a board member.

4. CRA DIRECTOR'S COMMENTS

Informed the Board she has contacted the State for a legal opinion in writing on the CRA using TIF funds to pay for different staff positions in the City. The State confirmed the legal opinion can be provided at a cost. Mrs. Lukowiak stated she feels the compliance audit will answer the question. The Board concurred that she should take no further action on the topic.

5. CRA BOARD COMMENTS

Mr. Williams

Inquired if there will be a workshop for the CRA Board. A joint meeting between the CRA Board and CRA Advisory Board was scheduled for April 14, 2009 at 7:00 pm. Subjects for discussion will be the Rules and Procedures, and the topics that were deferred by the CRA Board.

Mr. Zirkelbach

Suggested putting public comments at the beginning of the agenda.

Suggested moving the CRA agenda to the last of the Commission's agenda.

Presented Mrs. Lukowiak a print of proposed parking ideas in the downtown corridor and requested that she get estimates on engineering the project and its cost. Mr. Williams suggested giving the plan to traffic engineering before obtaining quotes.

Mr. Williams

Stated that guidelines need to be established.

6. MAYOR'S COMMENTS

Announced an appointment to the CRA Advisory Board will be made during the Commission meeting.

The compliance audit will be coming forward in the near future.

Requested that Mrs. Lukowiak look at the possibility of using some of the housing funds, to work with local realtors and assist purchasers by providing closing costs for the purchase of vacant and foreclosed homes, in order to stabilize the community.

7. PUBLIC COMMENTS FOR CRA BOARD

None.

Meeting adjourned at 8:14 pm.

Minutes approved:

James R. Freeman
Secretary