

Palmetto City Commission
October 2, 2006 7:00 p.m.

Elected Officials Present:

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

Staff and Others Present:

James R. Freeman, City Clerk
Chris Lukowiak, Public Works Director
Deputy Chief, Mike Mayer
Michele Hall, City Attorney
Tanya Lukowiak, CRA Executive Director
Bob Schmitt, Interim City Planner
Donny Burkhardt, IT Director
Deanna Roberts, Administrative Assistant

Mayor Bustle called the meeting to order at 7:02 p.m. and opened the meeting with an invocation followed by the Pledge of Allegiance.

The Mayor presented a *Lights on After School Day* proclamation to Rosie Wiley, Events Coordinator, of Lights on After School. He also presented an award from the Government Finance Officers' Association to the City of Palmetto for Excellence in Financial Reporting and a Financial Reporting Achievement award to Karen Simpson, Deputy Clerk – Finance.

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

PUBLIC COMMENT:

Byron M. Smith, Jr., 1809 5th Street West, Palmetto, Florida, asked if City Commission will take public comment during the October 16, 2006, Workshop to discuss the new changes at the cemetery. City Commission said they will accept public comment. Mr. Smith requests a review of the new fence at the cemetery. He thinks it's too close to the road and blocks drivers' view.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion passed unanimously to approve the October 2, 2006, 7:00 PM agenda.

2. CONSENT AGENDA

- A) Minutes of September 12 and 18, 2006 Commission meeting
- B) Attorney Billing thru August 31, 2006
- C) Special Function Permits: Veteran's Day Service
Memorial Service for Military Personnel

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and, after discussion, motion passed unanimously to approve the October 2, 2006, Consent Agenda.

Discussion: Commissioner Williams said he did not recall discussing co-sponsoring the events. He would like this to go on the Suspense Log for discussion, so that a list of the events that the City Commission is willing to co-sponsor is created. Mrs. Lancaster asked for clarification on what the City is obligated to provide when it co-sponsors an event. Mr. Lukowiak said that the City provides manpower at no cost and waives fees. Mr. Ball said he also would like to see a list.

3. PUBLIC HEARING – ORDINANCE NO. 06-890 (Planning)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE PORTIONS OF THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM CG (Commercial General) AND GO (General Office) TO CC (Core Commercial); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Owner: Jim Wade PID# 2783100106 and 2782100008).

Mayor Bustle opened the public hearing on the proposed ordinance. Bob Schmitt, Interim City Planner, told Commission that he received a letter from Steve Kirk, the consultant for the applicant, Jim Wade, asking that the public hearing be continued to a later date. The letter is attached to these minutes as a part of the permanent record. The continuance was based on the denial of the application by the Planning and Zoning Board and the wish to have more time to work with staff.

In answer to Mrs. Cornwell's question, Mr. Schmitt said they will take it back to the Planning and Zoning Board and hope to come back to Commission with a positive recommendation from the Board.

Public Comment:

Tom Nader of 512 7th Avenue West, Palmetto, Florida, said that he is opposed to the change in zoning because it directly impacts the other side of the street and it is a major change. He would like the property to stay the way it is.

Anthony Seney of 502 7th Avenue West, Palmetto, Florida, commented that the application expands commercial uses of the property. It will lower surrounding property values. He would like to see core residential and not a lot of rental property. If the City makes a change in zoning, do something that assures attractive development and protects the current setbacks and elevation limits. It is important to remember that Planning and Zoning did not approve the request because of the allowed uses, the setbacks and the elevation limits.

MOTION: Mrs. Cornwell moved, Mrs. Lancaster seconded and the motion passed unanimously to continue the public hearing to October 16, 2006.

Mayor Bustle opened the public hearing for the following four ordinances to run concurrently. Each was read individually. Attorney Caleb Grimes, representing the applicant on the ordinances, explained that all four ordinances deal with the expansion of Sanctuary Cove. The Boma property and the Sanctuary East property are the properties in question. In the first step they must be annexed into the City of Palmetto. The second step is to obtain a land use designation, and the third step is to get approval for a site plan for the properties. Tonight's ordinances deal with the first two steps. The applicant is asking for a Planned Development designation. In answer to Mrs. Varnadore's question, Mr. Grimes said that part of the BOMA property that is carved out will remain under the ownership of BOMA and will not be annexed into the City. That portion is wetlands and will have a conservation easement put over it. There being no further public comment, Mayor Bustle closed the public hearing for the four ordinances.

4. PUBLIC HEARING – ORDINANCE NO. 06-894 (Planning)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (BOMA LLC, PID # 10164.0015/9, approximately 8.44 acres).

MOTION: Mrs. Lancaster moved, Mrs. Cornwell seconded and motion passed unanimously to adopt Ordinance No. 06-894.

5. PUBLIC HEARING – ORDINANCE NO. 06-895 (Planning)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM RES-9 (Residential - County) to PD (Planned Development – City) PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (BOMA LLC, PID # 10164.0015/9, approximately 8.44 acres).

MOTION: Mrs. Lancaster moved, Mrs. Cornwell seconded and motion passed unanimously to adopt Ordinance No. 06-895.

6. PUBLIC HEARING – ORDINANCE NO. 06-896 (Planning)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Sanctuary Development Partners East LLC, PID # 26078.0015/9, approximately 1.15 acres).

MOTION: Mrs. Lancaster moved, Mrs. Cornwell seconded and motion passed unanimously to adopt Ordinance No. 06-896.

7. PUBLIC HEARING – ORDINANCE NO. 06-897 (Planning)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM RES-6 (Residential - County) to PD (Planned Development – City) PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Sanctuary Development Partners East LLC, PID # 26078.0015/9, approximately 1.15 acres).

MOTION: Mrs. Lancaster moved, Mrs. Cornwell seconded and motion passed unanimously to adopt Ordinance No. 06-897.

8. PUBLIC HEARING – ORDINANCE NO. 06-900 (J. Freeman)

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 22-86, BENEFIT AMOUNTS AND ELIGIBILITY TO PROVIDE FOR COST OF LIVING INCREASES; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

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

MOTION: Mr. Williams moved and Mrs. Lancaster seconded the motion to adopt Ordinance No. 06-900. Discussion ensued.

Discussion: Mr. Williams said he would like to see if staff would like to table this until they have a chance to review the discussion that took place in the afternoon Workshop to see if this is something they feel they either want to cut down or stay with. Mr. Freeman said if Commission is looking for a way to subsidize the Stormwater fund, this could certainly be an option.

Mr. Williams commented that he had fully supported this ordinance for the employees, but it might be held for review until staff comes up with a plan to support Stormwater. This could be part of that. Mayor Bustle said this has already been approved in the budget and this sends the wrong message to employees; that being that this is how you want to pay for Stormwater. Mr. Williams' comments that all citizens need to

pay for Stormwater would mean it would have to be paid by ad valorem taxes and he, the Mayor, feels that Stormwater needs to pay for Stormwater. The Mayor commented that the city has a stormwater problem and there are validated projects to minimize the flooding which will cost a lot of money. The Stormwater Enterprise Fund is in trouble. In the past few years, Stormwater has been paid out of the general fund. Commission would have known that or it would not have approved the loans to pay for the Capital Improvement Projects.

Mrs. Varnadore said she was not aware of the magnitude of the problem and, had she been totally aware, it would have affected some of the decisions she made on the budget. Regardless, she is not willing to sacrifice the employees to solve the problem that came up at the 4:00 p.m. meeting. She informed staff that she is not willing to vote for the stormwater rates proposed at the Workshop and she wants staff to find another way to fund it. She will not hit the citizens with that large of an impact.

Mrs. Lancaster said that not passing this ordinance is not a way to meet the City's needs. She would rather see the city not hire somebody than to take away from the employees. Each fund must pay for itself, but she does not want to hit citizens with the proposed fees for Stormwater. Too many other fees have been raised recently. We must find another way to pay. Recommendations should have come from staff during the budget meetings.

Mrs. Cornwell said passing a COLA for one year instead of carrying it out each year would impact the budget in a much smaller way. The COLA should be negotiated annually in a bargaining session. Mayor Bustle reminded her that the ordinance had been rewritten to include an annual review. The COLA will not happen automatically. Mrs. Cornwell said it will be more difficult to take it back when the expectation is there that it is going to be given. The ordinance states that the COLA will be there **unless** Commission votes it out of the budget.

MOTION: Mr. Ball moved to amend the motion to strike section e-1 from the ordinance which provides for the automatic 2% COLA and leave in tact the ad hoc 2% COLA. Mrs. Cornwell seconded the motion.

After discussion, the Mayor called for a vote on the amended motion. The amended motion failed by a vote of 3-2 with Commissioners Ball and Cornwell voting in favor and Commissioners Varnadore, Williams and Lancaster voting against.

Discussion: Mayor Bustle asked for a legal opinion. Attorney Hall said this is the one and only public hearing and the question becomes would this be substantially different from what was advertised?

Mr. Williams wanted to make clear that he doesn't want to take anything away from the employees but wants to give staff time to review where they want to take money from. Staff may not want to take all the \$177,000 this amendment would save, but they may want to take part of it. Again, Commission knew there was a problem but did not understand the severity. Staff could have been discussing this with Commission. He would prefer to delay the action if possible. Mrs. Varnadore repeated that she did not want to dangle a carrot out there for general employees and sacrifice them, and when the Stormwater fee vote comes up she will not vote for it and that will make staff have to come up with a way to pay for it. Mayor Bustle said the program will have to be severely cut, or more general funds will have to pay for Stormwater, and/or taxes will have to be raised, or, the City will have to bite the bullet and let Stormwater pay for itself. Mr. Freeman interjected that the city only received the Stormwater results last week. Staff has been working towards a solution wherein Stormwater would pay for itself and that assumption was in the budget. It would mean significant increases. If Commission doesn't want to work under that assumption, staff will go back and look at the O & M in Stormwater, or continue to subsidize as the City has in the past.

Mrs. Cornwell said if this [the automatic COLA] is taken out of the amendment then staff will have to make sure there's money in the budget for it next year. Mrs. Lancaster said she would rather take the new-hires out of the budget. Mr. Williams asked if there would have been a different budget presented to Commission had staff known there would be such a tremendous increase. Commission is asking that the budget be designed a little bit differently; use some of the money to fund this [Stormwater]. What about stormwater impact fees? Mrs. Hall said Commission can adopt stormwater fees. They can't be used to

catch up but can pay future debt service. Mr. Lukowiak said that every month the deficit goes up by \$100,000.

Mr. Ball said he would like a list from staff of items that they are willing to cut from the budget for Commission to review and make the final decision on.

Mrs. Lancaster asked staff to go back and review the budget and see how to eliminate this problem, but she does not want to take away from the employees. Mrs. Varnadore concurred.

MOTION: Mr. Williams moved, Mrs. Cornwell seconded and motion passed 3-2 to table the ordinance indefinitely. Mrs. Lancaster and Mrs. Varnadore cast the dissenting votes.

9. PUBLIC HEARING – ORDINANCE NO. 06-901 (J. Freeman)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING AND RESTATING CHAPTER 22, PERSONNEL, ARTICLE V, POLICE OFFICERS' RETIREMENT PLAN, SECTIONS 22-171 THROUGH SECTION 22-210, INCLUSIVE, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR POLICE SERVICE; PROVIDING FOR REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR PURCHASE OF CREDITED SERVICE FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR BI-ANNUAL REVIEW OF STATUS OF RETIREES AND BENEFICIARIES; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

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

Action Request: Mr. Ball moved, and Mr. Williams seconded to adopt Ordinance No. 06-901. After discussion, the motion passed 3-2. The dissenting votes were cast by Mrs. Varnadore and Mrs. Lancaster.

Discussion: Mrs. Varnadore said if Commission is tabling General Employees, this one should be tabled too. Mr. Williams and Mr. Freeman reminded her that this is fully funded by the state. She thinks this shows that the police are more important than General Employees. She was misled by a discrepancy in the Point Paper which showed a cost to the City of \$27,000 and asked that in the future Commission be provided with accurate Point Papers.

10. REDUNDANT INTERNET CONNECTION (J. Freeman)

Staff proposes a new internet connection to be provided by Bright House Networks, LLC.

Mr. Freeman said this is one of the suggestions made by PCM, the company hired to audit the City's internet connections. This is a secondary or land-line based internet connection. Currently, the City has a wireless connection only. This is part of the Disaster Recovery and Continuity plan. During heavy rains or wind, the wireless connection can be unstable. This year it will be paid for by excess funds left over in the IT budget. It will have to be budgeted in the next two years.

Attorney Hall suggested a modification to paragraph 12 in the contract. She will insert... "To the extent allowed by applicable law," before the first sentence.

Mrs. Cornwell was concerned that if Bright House connects to the City's optic ring, it might charge for co-location. Why isn't Bright House paying us to link to our ring? She wants to make sure there is language in the contract that prevents them from co-location. She doesn't want to pay them to link to our ring and then have them turn around and charge someone else. Mr. Burkhardt said they can't co-locate because it truncates at City Hall.

Mrs. Varnadore asked how many other departments may have excess funds that could be taken back. She will vote no or table to another time until other questions are answered.

MOTION: **Mr. Ball moved and Mrs. Cornwell seconded the motion to approve and authorize the Advanced Broadband Services Agreement with Bright House Networks, LLC, in an amount not to exceed \$20,160. Discussion ensued.**

Discussion: Mrs. Lancaster asked if this really has to be done this year. The storms are about gone by now. She also wants to take back any money that anybody has left over. Put it aside until next year. Mrs. Cornwell interjected that this is for the safety of our citizens to be able to have communications between City Hall, Public Works and the Police Department during a bad storm. Mr. Williams said if he had to choose between this and the employees, he would choose the employees.

MOTION: **Mrs. Lancaster moved to table Mr. Ball's motion. The motion was seconded by Mrs. Varnadore and the motion passed 4-1. Mrs. Cornwell cast the dissenting vote.**

Mrs. Hall said the original motion will still be on the floor when the matter comes back to Commission.

11. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 06-902 (J. Freeman) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; AMENDING AND RESTATING ORDINANCE NO. 06-886 PERTAINING TO IMPACT FEES; AMENDING CHAPTER 7, ARTICLE IV OF THE CITY OF PALMETTO CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF IMPACT FEES; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR RULES OF CONSTRUCTION; PROVIDING THAT DEVELOPMENT IS PRESUMED TO HAVE THE MAXIMUM IMPACT PERMITTED; PROVIDING FOR NOTICE AND PUBLIC HEARING FOR ESTABLISHING OR INCREASING IMPACT FEES; PROVIDING FOR THE IMPOSITION, CALCULATION AND COLLECTION OF IMPACT FEES; PROVIDING FOR IMPACT FEE ACCOUNTS; PROVIDING FOR USE OF IMPACT FEE PROCEEDS; PROVIDING FOR REFUNDS; PROVIDING FOR AUDITS; PROVIDING FOR PROTESTS AND APPEALS; PROVIDING A STATUTE OF LIMITATION; PROVIDING FOR VARIANCES AND EXCEPTIONS; PROVIDING AMENDMENT PROCEDURES; PROVIDING FOR CREDITS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING INTENT AND PURPOSE FOR IMPOSITION OF GENERAL GOVERNMENT, POLICE, PARKS AND RECREATION, AND ROAD IMPACT FEES; PROVIDING FOR ASSESSMENT OF NEW PROJECTS; PROVIDING A FEE SCHEDULE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: **Mr. Ball moved, Mrs. Lancaster seconded and motion passed unanimously to approve Ordinance No. 06-902 for advertising and schedule a public hearing October 16, 2006.**

12. DEPARTMENT HEADS' COMMENTS

Mrs. Lukowiak

She asked the Mayor to comment on the Olympia Theater. He advised Commission that the plaintiff had asked for depositions from each of the Commissioners. The depositions will begin sometime after the 20th

of October. Deanna Roberts will contact each of the Commissioners to get four or five alternate dates that they are available.

Advised Commission that she will be at a Planning and Zoning Workshop on October 3, 2006. It will be a continuation of the public hearing to establish the Overlay Zoning District. Due to the huge community outcry, staff is recommending changing the word overlay, and that concept, to design guidelines and she feels everyone will be comfortable with the change. It will take into account all the feedback received. The public hearing may have to be continued again because the Planning and Zoning Board invited the CRA Board to attend for a Workshop. The design guidelines will make sure that everyone improves properties in a way that is consistent with downtown.

Mr. Lukowiak

Introduced the new City Planner, Sharon Caton, to the Commission.

Took exception with Commission's statement that they did not know about the Stormwater fund. He pointed out that it had been brought to Commission in January and March and that page 23 of the CAFR specifically addressed the problems the City is having with Stormwater. Mr. Freeman concurred that it had been brought to Commission's attention. Staff had worked on the budget under the assumption that user fees would be implemented. He is under the impression now that Commission is not comfortable doing that and that staff needs to go back and look for other ways to fund Stormwater.

Presented the holiday schedule. The meetings in January will be on the 8th and 22nd.

Deputy Chief Mayer

The Police Department is planning another neighborhood cookout at the Palmetto Youth Center on October 31, 2006. This is a safe alternative to Halloween for the neighborhood children. CRA will be showing a movie and Commission is invited to attend.

He recapped a couple of recent cases for Commission. In the future, he will prepare a "significant event" report for each meeting.

Attorney Hall

Asked Commission to feel free to contact her with any deposition questions.

13. MAYOR'S REPORT

Advised Commission that he will be out of town October 10 through Oct. 13, 2006.

Encouraged Commissioners Ball and Varnadore to schedule as soon as possible the Institute for Elected Municipal Officials. It is a very useful course.

Regarding the Stormwater discussion and the budget, he would not have changed anything. He still would not use ad valorem taxes to pay for Stormwater. He thinks Commission needs to find an acceptable solution using user fees.

14. COMMISSIONERS' COMMENTS

Commissioner Cornwell

Inquired as to the status of the \$500 grant to buy white paint. Tanya will check on it and apply if the deadline has not passed. Congratulated Jim Freeman on his recent wedding.

Agrees with Mr. Ball that the Stormwater presentation was a surprise. The timing was not good coming on the heels of a new budget, and she was confused over the two plans thinking the original was still an option. A timeline of when this needed to occur would have been helpful. Commission needs more communication from staff regarding the budget. Staff deals with it every day and Commission only gets a snapshot when they come to the meetings.

Commissioner Varnadore

Congratulated Jim Freeman. Asked what was wrong with the phones at the Police Department. Deputy Chief Mayer informed her a relay switch burned out but has been repaired.

Stated that she resented Mr. Lukowiak's comments that he will prove through public records that Commission knew about Stormwater.

Commissioner Lancaster

Congratulated Mr. Freeman. Regarding the Stormwater issue, she knew there was a problem but never that it was immediate. She wants to see Stormwater pay for itself, but not at the speed recommended. Staff did a good job with the budget, but had Commission known the seriousness of the Stormwater problem they would have sent them back to see what could have been cut out of this year's budget.

Commissioner Ball

Expected to see Stormwater fully funded in the budget under the original program presented to Commission. He wasn't sure, based on the presentation, who the big offenders of Stormwater runoff are and what kind of fees they are going to have to pay.

Remarked that he is happy with the response cards to the Police Department. They received high ratings from public contacts.

Informed Commission that he would be attending FPPTA training next week.

Commissioner Williams

Regarding board members and possible conflicts, he said Attorney Hall had emailed a proposed change to the Code of Ordinances to the Mayor. She agreed that the language needed to be tightened up under the section "Establishment and Composition of the Planning and Zoning Board." Mrs. Hall will reword the section and bring it back to Commission before the January appointments.

Mr. Williams commented that the Police Department is able to seize automobiles. Can they seize homes where there are known problems? Deputy Chief Mayer said the laws regarding seizure of real property are stringent and the burden of proof is difficult. The only seizures he's aware of in Manatee County have been done by the Sheriff's Office with the assistance of the federal government.

Mrs. Lancaster proposes that the Code Enforcement Officer and the Building Department work together to do something about a particular house that has a history of problems.

Mayor Bustle said the Nuisance Abatement Board is actually the Code Enforcement Board. Mrs. Hall recommended that the Code Enforcement Director get together with Captain Mayer or Chief Lowe. They can look for other ways to address the problem.

Mr. Williams stated that the City needs to move forward with impact fees on Stormwater, and the City needs to push the county for help with Stormwater.

Mayor Bustle asked to add to his comments and said that the Stormwater study had only been received a few days prior to the meeting, and the \$1.2 million impact to the budget was not known prior to the study that Mr. Burton brought to his attention. He expressed concern over where to cut general fund dollars to pay for something that should be paid for out of user fees.

The Mayor alerted Commission to a problem with Groover's Market. In the past, the City has had an interlocal agreement with the Sheriff's office and recent case law says that such an agreement is not binding; it can be set aside on appeal. The Sheriff will not renew the agreement between their office and the Palmetto Police Department. In answer to Mrs. Cornwell's question, he said the same thing would apply to Snead Island.

To work at Groover's Market, Palmetto police officers would have to be deputized, and the Sheriff's office will not pay the cost of deputizing. The Sheriff's office did tell him that they will step up their patrol at Groover's Market in the next six weeks to see if that will solve the problem.

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The meeting was adjourned at 10:02 p.m.

Minutes approved: October 16, 2006


James R. Freeman, City Clerk