

Palmetto City Commission
August 20, 2007 7:00 p.m.

Elected Officials Present:

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

Elected Officials Absent:

Eric Ball, Vice Mayor

Staff and Others Present:

James R. Freeman, City Clerk
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Frank Woodard, Deputy Director-Project Management & Engineering
Tanya Lukowiak, CRA Executive Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:05 pm, followed by a moment of silence for overseas military personnel and the Pledge of Allegiance to the United States Flag.

Mayor Bustle read a proclamation declaring September the National Alcohol and Drug Addiction Recovery Month in the city. Accepting the proclamation were Nancy McCarty, Director of Community Development at Manatee Glens, and Nestor Levesque, Clinical Manager of the Substance Abuse Program at Manatee Glens.

Persons planning to address Commission were sworn in.

There was no public comment.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to approve the August 20, 2007 7:00 pm agenda.

2. CONSENT AGENDA

- A. Minutes: July 31, 2007, August 6th and 7th, 2007
- B) Dye, Deitrich Billing through June 30, 2007
- C) SPF & Noise Ordinance Permit Exception: Benefit Jazz Concert

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the August 20, 2007 Consent Agenda.

3. PUBLIC HEARING

The following ordinances were read by title:

ORDINANCE NO. 07-921

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 (AN0701 – Brett C. and Brenda J. Johnson, PID#2575500759, 3.54± acres).

ORDINANCE NO. 07-922

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 IL (Industrial Light) - COUNTY TO HCOMIND (Heavy Commercial/Industrial) - CITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0701 – Brett C. and Brenda J. Johnson, PID#2575500759, 3.54± acres).

ORDINANCE NO. 07-923

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM LM – LIGHT MANUFACTURING (COUNTY) TO CHI – HEAVY COMMERCIAL AND LIGHT INDUSTRIAL (CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0701 – BRETT C. AND BRENDA J. JOHNSON, PID#2575500759, 3.54± ACRES).

Mayor Bustle simultaneously re-opened the public hearings continued from June 4, 2007 for Ordinance No. 07-921, Ordinance No. 07-922 and Ordinance No. 07-923.

City Planner Bob Schmitt informed Commission that these three ordinances plus the next six ordinances represented by two different property owners were represented by the same attorney. Attorney Hall advised that one presentation may be made for all three properties, the presentation can be referenced for each property, but the public hearings for each property must be held on an individual basis.

Attorney Hans Peter Haahr, representing Brett C. and Brenda J. Johnson, presented an overview of the annexations, informing Commission each had been administratively and legally approved, each new zoning application would be consistent with the City's Comp Plan and there is no change in what can be developed on the land. He discussed his understanding that utilities will be extended to the properties regardless of annexation, but stated all three property owners are willing to share in a proportionate cost of the utility improvements. The Johnson property will be improved by a 29,500 square foot structure that will house Mr. Johnson's business and provide space for lease to other businesses. The Memphis Road Industrial Park and 21st Street Business Park will be improved by the construction of ten buildings totaling 93,700 square feet that will offer space for sale or lease. Other benefits of the three projects Mr. Haahr discussed were the increase tax base and ad valorem tax revenue and the interconnectivity between 17th Street and 21st Street.

After no additional public comment, Mayor Bustle closed the public hearings for Ordinance No. 07-921, Ordinance No. 07-922 and Ordinance No. 07-923.

Mr. Schmitt reviewed the aerial maps of all three properties.

Mr. Lukowiak informed Commission the Development Agreement was not provided because it is tied to the Capital Improvement Plan (CIP) that has not yet been approved. He reported the total project will cost \$600,000; \$210,000 will be contributed by the three applicants. Attorney Hall confirmed the City is under a legal obligation to extend utilities to the properties within a reasonable time if the annexations are approved. Attorney Haahr stated his belief statute allows a five-year timeframe for construction of the utilities. He further stated his clients have reviewed the development agreements, which have been finalized and distributed – there cannot be any changes to the agreements in their current form – and the property owners are willing to take the risk of the capital improvements not being built. He stated he and his clients are aware the CIP has not yet been approved, but he understands there is a mutual agreement between the City and the property owners that should the CIP funding be in place the property will contribute the amount stated in the development agreement.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 07-921.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 07-922.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 07-923.

4. PUBLIC HEARING

The following ordinances were read by title:

ORDINANCE NO. 07-924

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 (AN0702 – Memphis Road Industrial Park, LLC, PID#2575100109, 4.74± acre).

ORDINANCE NO. 07-925

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 IL (Industrial Light) - COUNTY TO HCOMIND (Heavy Commercial/Industrial) - CITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0702 – Memphis Road Industrial Park, LLC, PID#2575100109, 4.74± acre).

ORDINANCE NO. 07-926

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM LM – LIGHT MANUFACTURING (COUNTY) TO CHI – HEAVY COMMERCIAL AND LIGHT INDUSTRIAL (CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0702 – Memphis Road Industrial Road, LLC, PID#2575100109, 4.74± acre).

Mayor Bustle simultaneously re-opened the public hearings continued from June 4, 2007 for Ordinance No. 07-924, Ordinance No. 07-925 and Ordinance No. 07-926.

Attorney Haahr readdressed and reasserted his comments made during the public hearing for the Johnson property.

After no further public comment, Mayor Bustle closed the public hearings for Ordinance No. 07-924, Ordinance No. 07-925 and Ordinance No. 07-926.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 07-924.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Ordinance No. 07-925.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Ordinance No. 07-926.

5. PUBLIC HEARING

The following ordinances were read by title:

ORDINANCE NO. 07-934

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (AN0704, 21st Street Business Park, LLC, 1305 21st Street East, PID#2575100159, 6.019 ± acres).

ORDINANCE NO. 07-935

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 IL – Industrial Light (County) TO HCOMIND – Heavy Commercial/Industrial (City); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0704 – 21st Street Business Park, LLC, 1305 21st Street East, PID #2575100159, 6.019 ± acres).

ORDINANCE NO. 07-936

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM LM – LIGHT MANUFACTURING (COUNTY) TO CHI – HEAVY COMMERCIAL AND LIGHT INDUSTRIAL (CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0704) – 21ST Street Business Park, LLC, 1305 21st Street East, PID #2575100159, 6.019 ± acres.

Mayor Bustle opened the public hearings for Ordinance No. 07-934, Ordinance No. 07-935 and Ordinance No. 07-936.

Attorney Haahr readdressed and reasserted his comments made during the public hearing for the Johnson property.

After no further public comment, Mayor Bustle closed the public hearings for Ordinance No. 07-934, Ordinance No. 07-935 and Ordinance No. 07-936.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 07-934.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 07-935.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 07-936.

6. PUBLIC HEARING: ORDINANCE NO. 07-940

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING CHAPTER 7, ARTICLE 1 OF THE CITY CODE OF ORDINANCES BY ADDING SECTION 7-2, PERTAINING TO BUILDING PERMITS; AMENDING SECTIONS 7-218 AND 7-224 OF THE CITY CODE OF ORDINANCES CONCERNING TREE REMOVAL; AMENDING IN ITS ENTIRETY SECTION 7-225 OF THE CITY CODE OF ORDINANCES, PERTAINING TO ENFORCEMENT; AMENDING CHAPTER 7, ARTICLE X OF THE CITY CODE OF ORDINANCES BY ADDING SECTION 7-226, PERTAINING TO REPLACEMENT OF TREES AND CASH PAYMENT IN LIEU THEREOF; AMENDING CHAPTER 7, ARTICLE X OF THE CITY CODE OF ORDINANCES BY ADDING SECTION 7-227, PERTAINING TO ENFORCEMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing. Attorney Hall requested that Commission continue the public hearing to allow staff time to address an issue that has been brought to their attention. If any revision is substantial, the ordinance will be brought back for a first reading and advertising approval.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to continue the public hearing for Ordinance No. 07-940 to September 24, 2007.

7. RESOLUTION NO. 07-33

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; ESTABLISHING AND PROVIDING A SCHEDULE OF FEES PERTAINING TO TREE REMOVAL AND REPLACEMENT ; SUPERSEDING RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to continue Resolution No. 07-33 to September 24, 2007.

8. INTERLOCAL AGREEMENT RELATING TO OPERATION AND MAINTENANCE OF THE PALMETTO HISTORICAL PARK

Mr. Lukowiak informed Commission a meeting had been held with all parties involved in the Interlocal Agreement relating to the Historical Park, to discuss the outstanding alcohol on the grounds issue and the insurance issue.

Col. Pack stated the Palmetto Historical Commission (PHC), Ag Museum and Manatee County Clerk's Office accept the document as written, not including Exhibit E. He reviewed his proposal to Exhibit E as follows:

Under Paragraph 2, remove Independent Contractor, making it a stand-alone item. The PHC insurance carrier has stated it is impossible to acquire this type of insurance. Col. Pack assured Commission that if the PHC brings in an independent contractor they will be responsible for the

insuring the independent contractor. Mr. Lukowiak stated staff has no objection to the removal of independent contractors from Exhibit E, provided the issue is spoken to in another part of the agreement.

Delete Paragraph 4 referring to Worker's Compensation Insurance coverage on employees engaged in the operation of the Historical Park. Attorney Hall concurred.

Paragraph 3 referring to the Ag Museum, there is a conflict with Paragraph 1. The Ag Museum's lease with the City requires that the Ag Museum acquire its own insurance; currently the City purchases the insurance and Ag Museum reimburses the City the cost. The document needs to be amended to make the insurance requirement consistent with the lease. Ron Koper stated the City insures the building, but he is only aware of the City paying the premium. Attorney Hall stated the lease requires public liability insurance. Col. Pack suggested that because the Ag Museum must abide by the existing lease, the museum should be removed from Exhibit E. Diane Ingram, Ag Museum representative, informed Commission the museum has a policy for liability insurance, they are billed quarterly by the City to pay their share of the Ag Museum building's property insurance. Mr. Koper confirmed the commercial liability insurance includes the property insurance but not the contents. Mr. Williams opined the Ag Museum lease should become part of the Interlocal Agreement as Exhibit F.

Attorney Hall suggested it would be beneficial for all parties involved to meet to document each party's responsibility so there will be consistency among documents. She opined it would be appropriate for Commission to approve the document, subject to the meeting and agreement among all parties on Exhibit E.

Col. Pack stated all the buildings in the Park are covered by the City. Currently the Ag Museum pays the insurance for its building. He suggested that if the City released the Ag Museum from that responsibility, the PHC, Ag Museum or vendors would be responsible for the liability insurance for the entire Park. Attorney Hall stated she could create language that will properly reflect the museum's insurance responsibility. Commission did not object to the amendment to the lease.

Col. Pack stated the Emergency Preparedness Plan for the Park was approved by Ron Koper. Mr. Lukowiak confirmed the Plan has been incorporated into the City's Emergency Preparedness Plan.

Attorney Hall will research to determine if the quarterly Coordination Meeting is subject to the Sunshine Law.

Discussion ensued on the lack of an escape clause except by default and the attorney's fees clause. Attorney Hall confirmed the continuation of the agreement is subject to each entity's funding. No amendments to these two sections of the agreement were made.

MOTION: Mr. Williams moved, Ms. Varnadore seconded and motion carried 4-0 to approve and authorize the Mayor to execute the Interlocal Agreement Relating to Operation and Maintenance of the Palmetto Historical Park, contingent upon the meeting with respective staff to resolve the noted issues.

Ms. Varnadore advised Commission that she had additional information regarding the previous issue, but that knowledge did not influence her vote.

9. RESOLUTION NO. 07-27

Resolution to record the equipment purchased through the capital lease.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 06-33, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2006-2007, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Resolution No. 07-27.

10. RESOLUTION NO. 07-32

Resolution recommending defeat of the Florida Hometown Democracy initiative and proposed amendment to the Florida Constitution. Mr. Schmitt commented that if this proposed initiative is passed, the annexations previously approved by City Commission would have to go to referendum; the initiative takes away local government's ability to approve development within its jurisdiction.

A RESOLUTION OF THE CITY OF PALMETTO OPPOSING AN AMENDMENT TO THE FLORIDA CONSTITUTION THAT WOULD FORCE VOTERS TO DECIDE ALL CHANGES TO A CITY OR COUNTY'S COMPREHENSIVE PLAN.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Resolution No. 07-32.

11. RESOLUTION NO. 07-34

Resolution amending the budget to record proper allocation of the Bank of America 2004 and 2005 loan expenses.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 06-33, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2006-2007, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Resolution No. 07-34.

12. MANATEE RIVER FAIR ASSOCIATION, INC.

License Agreement for the annual rental of the City's fair booth.

MOTION: Ms. Varnadore moved and Ms. Cornwell seconded for discussion to approve and authorize the Mayor to execute the Manatee River Fair Association License Agreement for Exhibitors and Concessionaires in an amount not to exceed \$615.

Ms. Cornwell commented on the \$615, since the agreement indicates the security passes and tickets will not be provided as a courtesy to the City. If additional funds are necessary, staff will bring the item back to Commission.

Motion on the floor carried 4-0.

13. APPOINTMENT APPROVAL

Approval of a member appointment and alternate member appointment to the CRA Board.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve Mayor Bustle's appointment of Sia Mollanazar as a CRA Board member for a term ending January 2009 and Shaun Frazier as an alternate member for a term ending January 2012.

14. WINN DIXIE EASEMENT AGREEMENT

Identification of potential easement to allow a re-route of the current utility configuration to accommodate additional users, and reduce the overall project cost. Mr. Lukowiak explained the county pointed out that if the utilities are located on Canal Road they will have to be relocated when Canal Road is expanded. The cost of the project is approximately \$70,000, which the Westra contract can fund. Commission discussed alternate routes that may be available. City Engineer Richard Clarke, ZNS, informed Commission the purpose of the re-route is not to serve the Winn Dixie parcel, but to provide access from 12th Street to the parcel to serve Sanctuary Cove.

MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 4-0 to approve and authorize the Mayor to execute the Temporary Utility Easement Agreement with Bergeron WD Palmetto, LLC.

15. VERIZON AGREEMENT AMENDMENT #1

Attorney Hall discussed the issues contained in the agreement: 1) Hard rock base preventing the installation at the required depth; 2) Accountability for breaks with accurate locates; 3) Compensation for City expenses associated with repairing breaks. Laura Logue, Project Manager, reported that to date compensation would be sought for expenses in excess of \$5,000. Mr. Lukowiak informed Commission he was seeking approval of the amendment before forwarding it to Verizon.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 4-0 to approve and authorize the Mayor to execute the Amendment #1 to Rights-of-Way System Construction Authorization and Agreement with Verizon Florida, LLC.

16. DEPARTMENT HEADS' COMMENTS

Bob Schmitt

Riverside Plaza sign will be on the September 10, 2007 agenda. Nothing in the current application has changed.

Mr. Lukowiak

No report

Jim Freeman

Budget meeting Tuesday at 5:00 pm to review CIP and CRA.

Chief Lowe

No report

Attorney Hall

Referring to the comments from Mr. Bustle regarding the impact fee waiver for the Pentecostal Church, the county attorney has confirmed there is not a true waiver; any subsidy has to be returned to the fund by the public agency. Mr. Lukowiak informed Commission he has determined the agent for Palmetto Christian School may have made an error in the calculation of

the impact fees assessed the school. He is confirming the calculation and projects the impact fees may be reduced to approximately \$20,000. Mr. Lukowiak described the process used to approve impact fees calculated by individuals other than City personnel. Attorney Hall advised Commission that if they foresee a circumstance for impact fee waivers, they should establish a policy and guidelines for such waiver.

17. MAYOR'S REPORT

Senator Nelson will hold a Town Hall Meeting at the Bradenton Auditorium Tuesday at 3:30 pm.

Reported he will be in Tampa Tuesday at a Tampa Bay Partnership Transportation Forum. Another forum will be held August 24th at the Tampa Bay Area Regional Transportation Authority; August 20 a Regional Transit Authority roundtable will be held at TBRPC.

18. COMMISSIONERS' COMMENTS

Ms. Cornwell

Commission determined the Tuesday budget meeting would have a time certain end of 7:00 pm.

School started today. She reported police officers were present at the start and requested to speak with Chief Lowe after the meeting.

Referring to the FDOT light at 7th Street, Mr. Lukowiak reported he is still working the issue.

Commented on the FLOC conference. Stated she would like to have seen the League focus more on certain topics and offer some of the presentations more than once.

Mrs. Lancaster

Mr. Lukowiak explained the highlighting on the 2008 CIP.

Inquired who is the EOC representative for the City. Stated she is still concerned with dead end streets, stating the City should have a plan for evacuation from those streets onto US Hwy 41.

Mr. Williams

Mr. Lukowiak stated there is nothing new to report on the county's sign, but a meeting is scheduled with the County Administrator. Mr. Williams requested a memo on the results of meeting if anything significant is resolved.

Commented on the size of the agenda and suggested there is a need to put Commission laptop computers in the budget. Mr. Freeman stated the agenda is available on the web and staff is working on wireless connectivity.

Referring to the 7th Street light, inquired what the probability of a suit is if FDOT is not going to allow its use. Mr. Lukowiak stated he is not prepared to say the issue is over. Mayor Bustle stated FDOT is following what was agreed in the warrant. At issue is the left turn numbers, if the 7th Street extension is constructed the left turn is a moot point.

Because of what happened at the 4:00 meeting, he stated that ten years ago Commission had approval of the next meeting agenda and proposed Commission goes back to that type of approval. Mayor Bustle stated the mayor has the operational responsibility of the City and should have the opportunity to place items on an agenda.

MOTION: Mr. Williams moved that an item called Proposed Agenda be added to future 4:00 and 7:00 agendas. Ms. Varnadore seconded by discussion.

Discussion: Ms. Varnadore stated the only point she saw from Mr. Williams' proposal is to allow Commission the time to research potential items rather than receiving the item three days before the scheduled meeting. Mayor Bustle stated that as a rule some Commissioners come to a meeting without having read the book, even when delivered on Wednesday. Mr. Williams commented low priority items being placed on agendas. Mr. Williams suggested documents should be given to Commission in advance of placing them on an agenda.

Mr. Williams withdrew his motion.

Ms. Varnadore

Inquired why the dock ordinance was not on the agenda when the August 6, 2007 minutes stated they would be on the August 20, 2007. Mr. Freeman reported it was pulled to allow for finalization. Mr. Freeman reported on the items on the suspense log ranked as a high priority.

Requested additional information on section 10-107 (2)(e) concerning boathouses.

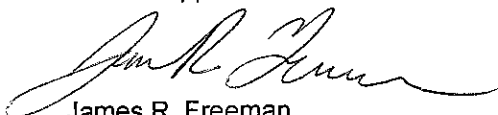
Commented on the \$1,000,000 CRA funds tied up for the School Board and inquired if any new information has been received. Mayor Bustle stated there is an issue with the property which prevents the School Board from giving any information at this time.

Requested information on the Thornton litigation.

Mr. Williams inquired if the stop sign can be removed at Walgreens and 7th Avenue.

Meeting adjourned at 10:00 pm.

Minutes approved:



James R. Freeman
City Clerk