

TAB 1

**DRAFT
CITY COMMISSION WORKSHOP MEETING
JUNE 6, 2011
4:30 PM**

Commission Members Present

Shirley Groover Bryant, Mayor
Tamara Cornwell, Commissioner-at-Large 2
Mary Lancaster, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3

Commission Members Absent

Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1

Staff and Others Present

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:30 p.m. She announced Commissioner Zirkelbach is out of town and will be absent from the workshop and 7:00 p.m. Commission meeting.

She requested that the items of the agenda be reversed. Commission concurred.

1. LINEAR PARK TRAIL

Mr. Williams stated his opinion that while it is advantageous to plan for the future, CRA dollars should not be put in the Linear Park trail at this time.

Mr. Burton discussed how the trail is projected to traverse the City from Government Cut on Snead Island to Haben Blvd. on the east; and north from 17th Street to the Green Bridge. He stated that the plan is in an early conceptual stage and that data the Y gathered in the recent study is being incorporated. The plan is developed directly from the Y study. Part of the due diligence for the trail will include identifying City-owned and private properties necessary to construct the trail.

Commissioner Cornwell requested that the lighting along the trail be consistently the same, and as economic and green as possible. She also suggested that some type of biking competition facility should be incorporated into the trail.

Commission commented on different areas of the City that Mr. Burton should also consider incorporating into the trail, which he will research. Mr. Burton confirmed that the fairgrounds property will be deleted from the trail's proposed path.

2. PERSONNEL POLICY

Attorney Barnebey asked for direction as to additional protection in Article V, because Florida is an "at will" state; should terms of dismissal be at will or for cause? Commission voiced their opinions on the issue. Secondly, Attorney Barnebey discussed the appeal procedure, which he opined is more protection than required by Florida law. He opined that the procedures which allow for an appeal to be brought as high as the Mayor are appropriate, while use of the Personnel Board can create issues. Attorney Barnebey was asked to prepare a memo to Commission explaining the differences because of possible legal issues.

Discussion ensued whether or not the use of sick and vacation time should it be extended beyond immediate family members. It was suggested that "personal" days could be designated from sick or vacation accrued time for an employee's use. Mr. Freeman confirmed his opinion that sick days were meant to be used only when an employee is sick. Mr. Tusing stated he will face a greater problem if personal time is awarded out of sick or vacation time.

Mr. Freeman also stated that the Policy is silent regarding accrual of sick and vacation time while an employee is on Florida Medical Leave Act (FMLA). Research shows that accruals do not occur and Mr. Freeman suggested that statement should be added to the Policy.

Attorney Barnebey read the criteria for annual leave from the current version of the Policy (Article 8 Section 8.01 (G)). He also read the Policy's criteria for sick leave – care for the illness of any immediate family member. He questioned the statement "...may not be authorized prior to the time it is credited".

Attorney Barnebey discussed the employee disclosure requirement regarding the acceptance of gifts. He recommended that a monetary value be added to Article 4, Section 4.01(E). Commission directed that the monetary value in that section and in all other sections stating the monetary value be amended to \$25.

Mayor Bryant stated that beginning with the June 20, 2011 workshop meeting, the Personnel Policy will be placed on the agenda to be reviewed in portions until completed.

Meeting adjourned at 5:30 p.m.

Minutes approved:

James R. Freeman
City Clerk

**DRAFT
CITY COMMISSION MEETING
JUNE 6, 2011
7:00 PM**

Elected Officials Present

Tamara Cornwell, Commissioner-at-Large 2
Mary Lancaster, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3

Elected Officials Absent

Shirley Groover Bryant, Mayor
Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1

Staff Present

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Karen Simpson, Deputy Clerk-Finance
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Diane Ponder, Deputy Clerk-Administration

Commissioner Williams called the meeting to order, followed by a Moment of Silence and the Pledge of Allegiance.

PROCLAMATION: Hurricane Awareness Month
Accepted by Public Works Director Allen Tusing

Swearing-in of all persons intending to address City Commission.

Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

Attorney Barnebey requested that the agenda be amended with the addition of item 4A, Interim Building Official Contract.

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion carried 4-0 to approve the June 6, 2011 7:00 p.m. agenda, as amended.

2. CONSENT AGENDA APPROVAL

A) CITY CLERK'S OFFICE

1. Minutes: May 16, 2011
2. Nomination of Florida League of Cities Conference Voting Delegate
3. Approval and authorization for the Mayor to execute a letter of agreement with Florida League of Cities for services to provide actuarial calculations required by Governmental Accounting Standards Board Statement No. 45 (GASB 45) in an amount not to exceed \$3,750.
4. Special Function Permit: First Fridays

Items two and three were removed for discussion.

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 4-0 to approve the June 6, 2011 Consent Agenda, with the removal of items two and three.

Item #2 The Mayor has stated she will wait until the FLOC conference agenda is distributed before deciding whether or not she will attend. Several Commissioners expressed the same intent. The item was tabled until the next agenda.

Item #3 Approval and authorization for the Mayor to execute a letter of agreement with Florida League of Cities for services to provide actuarial calculations required by Governmental Accounting Standards Board Statement No. 45 (GASB 45) in an amount not to exceed \$3,750. Health insurance partial subsidy is a post employment benefit.

Ms. Simpson confirmed the study is required by GASB45, which the City implemented in 2009. Of the two quotes received, FLOC was the lowest and is at the same amount as when performed two years ago.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 4-0 to approve item #3 on the Consent Agenda.

3. CONSIDERATION OF FORECLOSURE ACTION ON 706 13th ST. W. (RUTLEDGE)

Attorney Barnebey state he was requesting authorization to file foreclosure against 706 13th St. W; best way to move this item forward so the property can be maintained; tax liens will take superiority over the City's liens. Attorney Barnebey was instructed to determine if it will be advantageous for the City to purchase the existing certificates because of the total balances due of \$1,427.48.

MOTION: Commissioner Lancaster moved, Commissioner Lancaster seconded and motion carried 4-0 to authorize the City Attorney to file suit [on property at 706 13th St. W.] and also authorize him to work with the City Clerk and purchase the tax certificates, if it can be done in a cost effective manner, up to \$2,000.

4. 1st READING: ORDINANCE NO. 2011-13

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, TO CORRECT A SCRIVENER'S ERROR IN ORDINANCE 2011-02 AMENDING THE LOCATIONS WHERE THE SALE OF ALCOHOLIC BEVERAGES IS PROHIBITED WITHIN THE CITY LIMITS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Barnebey informed the Commission that the scrivener's error has been in the ordinance since at least 1996, and the last ordinance was adopted with the error. (A location in the ordinance is listed as Fifty Street rather than Fifth Street.) He confirmed that a resolution can correct the scrivener's error, and the next time the ordinance is updated the correction can be made. Staff was directed to add the resolution to the June 20, 2011 agenda.

4A INTERIM BUILDING OFFICIAL CONTRACT

Mr. Tusing informed the Commission the contract will enable him to hire a contract employee to fill the vacancy of the retiring Building Official until he completes his evaluation of how the Building Department will move forward. Interviews are being held for the position at this time.

Attorney Barnebey stated staff is requesting authorization to negotiate the position up to \$5,400; \$5,000 as compensation and \$400 per month for the payment of O&E insurance the contracted employee must provide per statute. A City cell phone and a vehicle for use during business hours will be provided.

Discussion ensued on the recommended compensation amount vs. the current building official's salary. Mr. Tusing stated that once the decision regarding the operation of the department is made and if a full time employee is hired to fill the position, that candidate will be offered a salary of \$60,000 per year.

The automatic renewal language in the contract will be deleted, the compensation amount will be amended, if necessary, up to \$5,400 per month, and Commission also suggested that reference to "employee" and "employment" should be amended to "contract".

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 4-0 to approve the Interim Building Official contract in a form substantially consistent with the attached, allowing for total compensation including possible payment of insurance, in the total amount not to exceed \$5400 per month.

Commissioner Williams recessed the City Commission meeting to open the CRA Board meeting at 8:00 p.m.

Mr. Williams reconvened the City Commission meeting at 9:40 p.m.

5. CRA MAP UPDATE

The Commission approved by consensus the CRA map approved by consensus by the CRA Board

6. CRA PLAN: POLICE DEPARTMENT COMMUNITY POLICING INNOVATION SUB PLAN

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 4-0 to approve the Community Policing Innovation Plan as recommended by the CRA Board June 6, 2011.

7. MAY CHECK REGISTER (Informational purposes only)

8. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATES

On behalf of the Mayor, Attorney Barnebey informed Commission that the contract has been extended for two months. Options will be brought to Commission.

9. ASR WELL UPDATE

No report.

10. DEPARTMENT HEADS' COMMENTS

Mr. Tusing

No report.

Mr. Freeman

Department Heads will be submitting their budgets by Friday. It is anticipated the City budget will be distributed Commission week of July 4, 2011.

An RFP was issued for a new health insurance agent. The Insurance Committee's recommendation will be presented at the next meeting. The new agent will secure quotes which may be available by the end of July.

The ad valorem property tax values are down 9.5% from last year.

Chief Wells

Thanked Commission for their comments.

Attorney Barnebey

Reported he had received a final judgment on the Weems quiet title action case for property on 10th.

Reported that the new Palmetto Elementary Complex is the winner of this year's Florida Planning and Zoning Association Public Development award.

11. MAYOR'S REPORT

Commented on the Water Alliance meeting; Carlos Beruff is the representative for the area.

Eddie Money will be in concert during the 4th of July event.

Commented on the FLOC conference earlier in the meeting.

12. COMMISSIONERS' COMMENTS

Ms. Varnadore

Mr. Freeman confirmed he has requested information on the historical data survey mentioned in the DataGram.

Ms. Cornwell

The Police Department has made plans for the last day of school.

Reported Lincoln Middle or Palmetto High is the site for feeding the hungry breakfast and lunch, and will be open all summer.

Mr. Williams

Commented on the interesting article on policing in May's issue of Governing.

Meeting adjourned at 9:50 p.m.

Minutes approved:

James R. Freeman
City Clerk