

TAB 1

DRAFT
CITY COMMISSION WORKSHOP MEETING
JULY 25, 2011
4:30 PM

Elected Officials 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 (entered at 4:35 p.m.)

Elected Officials Absent

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

Staff Present:

Karen Simpson, Deputy Clerk-Finance
Scott Rudacille, Chief Assistant City Attorney
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:30 p.m.

1. CONTINUATION OF FY 2011-2012 BUDGET DISCUSSIONS

Ms. Simpson discussed a General Fund update. Using a projected rollback millage rate of 5.1185, the budget still remains at a projected deficit of \$151,759. She recapped other budget reduction actions that have been implemented since fiscal year 2009.

A general discussion was held on setting the tentative millage rate. It was the opinion of staff that if the proposed rollback rate of 5.1185 is not used it will be necessary to look at a further reduction in force and a reduction in services.

Ms. Simpson discussed the reserve account balances based on the current Fund Balance Policy. She stated that in August GASB 54 will be implemented, which will totally a change how reserves will be reported. A revision to the Fund Balance Policy will be presented to Commission for approval.

Commission discussed user fees that fund the maintenance of the City's infrastructure, which led to a discussion on the Enterprise Funds. Also discussed was the need to quickly review non-user fees, such as the Building Department fees, and fees that will support public technological services.

Several of the Commissioners expressed their willingness to support a tentative millage rate of 5.1185, but stressed that staff should continue to find ways to reduce the budget so that a lower millage rate can be adopted, if possible.

Meeting adjourned at 5:30 p.m.

Minutes approved:

James R. Freeman
City Clerk

**DRAFT
CITY OF PALMETTO
CITY COMMISSION MEETING
July 25, 2011
7:00 PM**

Elected Officials 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

Elected Officials Absent

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

Staff Present

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

Mayor Bryant called the meeting to order at 7:00 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

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

Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant requested that item #4 be removed from the agenda.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 3-0 to approve the July 25, 2011 7:00 p.m. Agenda with the removal of Item #4.

2. CONSENT AGENDA APPROVAL

A) CITY CLERK'S OFFICE

1. Kirk – Pinkerton Litigation Billings
2. Bryant Miller Olive Legal Billings
3. Budget Resolution 2011-21

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion carried 3-0 to approve the July 25, 2011 Consent Agenda.

3. ADVERTISED PUBLIC HEARING FOR CONDITIONAL USE PERMIT 2011-01

Treasures of Palmetto Conditional Use Permit (2011-10), to allow a sweepstake gaming recreational/amusement service at 812 8th Avenue West.

Attorney Barnebey announced that the applicant had withdrawn the application. There was no public comment.

4. AGREEMENT BETWEEN THE SCHOOL BOARD AND THE CITY OF PALMETTO TO STORE PERSONAL PROPERTY IN SCHOOL BOARD OWNED BUILDINGS

The agreement entered into in June 2009 expired June 2011.

The item was removed from the agenda.

5. APPROVAL: JOB DESCRIPTION FOR PART-TIME STUDENT INTERN AT CRA

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 3-0 to approve the job description for a student intern at the CRA.

6. APPROVAL: PROPOSED AGGREGATE MILLAGE RATE

Mrs. Simpson stated staff is proposing a rollback millage rate of 5.1185. The completed DR420 must be submitted to Manatee County by August 4, 2011.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 3-0 to approve a proposed tentative aggregate millage rate at the rollback rate of \$5.1185 and schedule a 1st public hearing on September 12, 2011 and a 2nd public hearing on September 26, 2011 for FY 2011-2012 budget.

7. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

No report.

8. ASR WELL UPDATE

No report

9. DEPARTMENT HEADS' COMMENTS

There were no reports.

10. MAYOR'S REPORT

Reported she is setting up preliminary plans to begin work on the sign ordinance.

Commented on the "raging success" of the July 4th event.

Reported that once the demolition is completed at the old Palmetto Elementary site, the fence will be removed.

11. COMMISSIONERS' COMMENTS

Mrs. Lancaster

No report.

Ms. Cornwell

No report.

Ms. Varnadore

Mrs. Simpson estimated that the second version of the budget will not be available until the end of the next week. The budget meetings scheduled for August 1st and August 2nd were cancelled. Mrs. Simpson confirmed staff will continue work on reducing the budget in order to set the tentative millage rate as low as possible.

Mayor Bryant recognized Commissioner Carol Whitmore and reported they had met regarding a request from the director of Holy Cross regarding a bus stop on the facility's side of the highway. Data is also being gathered from nearby Leisure Lake residents regarding their use of the bus line.

Meeting adjourned at 7:15 p.m.

Minutes approved:

James R. Freeman
City Clerk

**DRAFT
CITY COMMISSION BUDGET WORKSHOP
JULY 19, 2011
5:30 PM**

Elected Officials Present

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

Staff Present

Jim Freeman, City Clerk
Karen Simpson, Finance Director
Allen Tusing, Public Works Director
Chief Wells
Jeff Burton, CRA Director
Deanna Roberts, Administrative Assistant



Mayor Bryant called the July 19, 2011 meeting to order at 5:30 p.m.

1. FISCAL YEAR 2011-2012 BUDGET

Mr. Freeman provided a handout with a list of City vehicles listing the age and mileage, and a list of vacant positions and how long they have been vacant. This information was being provided based on Mr. William's request. Mrs. Simpson commented that some of the vacant positions listed are actually new positions.

Mr. Williams asked about the five police vehicles. Chief Wells said he has requested five new vehicles for the Citizens' Patrol. They will be purchased by the CRA.

Mr. Freeman reminded Commission that he is expecting the new insurance numbers on Thursday, and the tentative millage will have to be set; a decision is needed by the end of the month.




Mr. Freeman said he had been before the CRA Advisory Board and received approval for his sub-plan for Code Enforcement for an amount slightly less than \$40,000. He believes that there is a potential for \$200-300,000 in the sub-plans (justification for funding from CRA for participation in the CRA Plan).


Mrs. Varnadore asked when the final figures will be available. Mr. Tusing commented that he has to justify positions that go over and above regular city services, and it is sometimes difficult. Mayor Bryant said she will meet with Jim Freeman, Jeff Burton and Allen Tusing, then give Commission what they propose to take before the CRAAB. This should give a good estimate.


Mr. Tusing informed Commission that he is in the range of \$170,000 - \$190,000 that he thinks he can justify. He said building and the enterprise funds cannot be funded by the CRA. He is in the process of revising some job descriptions to require some certifications. Deputy positions are being retitled and will not be administrative positions. Mayor Bryant commended Public Works for maintaining its level of service, even though it has gone from 67 positions to 51 since FY 2008-2009; a 24% reduction.


Commissioner Cornwell suggested hiring officers from other areas, or our own department, to work overtime and eliminate the need for the new vehicles. Overtime would be cheaper than new vehicles, in her opinion. Mayor Bryant asked to discuss this with her at another meeting.


Mr. Freeman said there is a \$750,000 shortfall in the General Fund that the City must make up, either through additional revenues or reduction in expenses to balance the Fund. With previously discussed CRA funding, that leaves about \$500,000. He advised Commission they will have to take a hard look at the rollback rate this year. He is still hopeful that the health insurance will be less.

 Chief Wells directed the Commission to the vehicle list. The non-CRA vehicles are: 644, 642, 645, 643 and 612. There are issues with mileage and with service; they don't stand up well for police purposes. The new purchases will be police packages so they respond appropriately in emergency situations. They need rear-wheel drive which will mean either a Dodge Charger or a Chevy Caprice.


 Commissioner Williams asked if the CRA can contribute to the financial software. Mayor Bryant stated it could work, but the City doesn't yet know what system or what cost it's looking at. He asked the Chief if he had to have six vehicles. Mayor Bryant asked to discuss this further at a later time.


 Commissioner Varnadore asked about the status of the COBAN system, stating the City made a huge investment, and the program has been wrought with problems. Chief Wells reported that the USB ports are breaking down. Repairs cannot be made in the state of Florida; the systems have to be sent to Texas for a long period of time, and at a cost. He wants to get away from that type of system and phase in laptops. The COBANs are still being used, but they are being phased out. Mrs. Varnadore asked for a report on how much the City has spent on the system, including the IT work. Mr. Williams asked for the total cost to replace a COBAN system on one vehicle. Chief Wells will email that information to the Commissioners.


 Mr. Freeman said he will provide DR420s at the next meeting with a couple of examples to compare. At the August 1 meeting, they will need to vote on the tentative millage.

 Commissioner Cornwell asked if there is a formula for funding through CRA funds. Mr. Burton said the Police Department and Code Enforcement will be easy to measure. If there is a reduction in crime in the CRA, and a reduction in slum and blight, the funds are justified. Funds can be used for enhanced patrol. He offered to meet with each Commissioner to go over the law he is using to justify the CRA funds.

Commissioner Cornwell asked if there was a plan to provide skills for people; a way to prevent crime and offer an alternative. Mr. Burton said, as an example, the CRA Plan encourages a permanent MTI in the CRA District and promotes training for medical related jobs.

 Commissioner Varnadore questioned Code Enforcement liens shown on page 19 of the budget. She thought the City should have collected more money than shown. Ms. Miller and Mrs. Simpson explained the accounting process and said they will submit a report.

 Mrs. Varnadore questioned the amount transferred into the Trailer Park Fund. Mrs. Simpson said she has done a history, and the amount fluctuates yearly based on investments – the reason for the difference in the amounts shown for 2010 and 2011.

 Commissioner Cornwell questioned the account Funding from Equity for Ward I, Phase 2. After discussion, Mrs. Simpson suggested she refer to pages 89-90 of the budget, which contain a report on the project showing a summary of revenues and expenses. This might help with any confusion.

Budget Workshop
July 19, 2011
Page 3 of 3

Mrs. Lancaster asked how to determine in the budget how much CRA gave the departments. Mrs. Simpson said it is designated as CPIP/CRA funded.

2. ADJOURNMENT

The meeting adjourned at 7:00 p.m.

Minutes approved:

James R. Freeman
City Clerk


**DRAFT
CITY OF PALMETTO
CITY COMMISSION MEETING
July 18, 2011
7:00 PM**


Elected Officials Present


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


Staff Present:

Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Chief Rick Wells
Lorraine Lyn, City Planner
Mark Barnebey, City Attorney
Deanna Roberts, Administrative Assistant

 Mayor Bryant called the meeting to order at 7:00 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

 All persons intending to address City Commission were duly sworn.

 Public Comment: James Hanlon informed Commission that he attended the CRA meeting to ask that 13th Avenue West be added to the CRA revitalization projects list. No action has been taken. There are still problems with mosquitoes, speeding drivers, road encroaching onto properties, etc. He asked for this to be made an agenda item at a future meeting so that he could present his case to the Commission. He has pictures that would help his case. Mayor Bryant asked Mr. Hanlon to provide that information so that it could be discussed in the Department Heads meeting, as that is where the agenda is determined.

 Presentation: Attorney Rachel Layton of Kirk Pinkerton, and immediate past president of the Florida Planning and Zoning Association (FPZA), presented the City with the FPZA Outstanding Public Development Award for the Palmetto Elementary School Complex. Other entities involved in the project, including the School Board, Manatee County, the Boys and Girls Club and Just for Girls Club, also received the award on behalf of their efforts towards this project.

 1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Cornwell moved, Commission Lancaster seconded, and motion carried unanimously to approve the July 18, 2011 7:00 PM Agenda.

 2. CONSENT AGENDA APPROVAL

A) CITY CLERK'S OFFICE

1. Minutes: June 20, 2011

B) POLICE DEPARTMENT

1. Authorization to submit a change in scope and purpose totaling \$27,500 for the 2010 JAG Allocation Grant. The change in scope will replace aging COBAN computer and video systems with "rugged tough book" laptops and docking stations, as well as beginning the installation of in-car, stand-alone video recording systems.
2. Authorization for the Mayor to apply, execute documents, and accept a 2011 JAG Allocation Grant in the amount of \$21,925 to provide licensing and implementation server seats for the proposed change in scope and purpose to the 2010 JAG Allocation Grant.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded, and motion carried unanimously to approve the July 18, 2011 Consent Agenda.

 **3. FLORIDA LEAGUE OF CITIES VOTING DELEGATE (J. Freeman)**

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded, and motion carried unanimously to nominate Commissioner Cornwell as the Voting Delegate to the 85th Annual Florida League of Cities Conference.

Mayor Bryant announced that she would not be attending the conference.

 **4. 1ST READ: ORDINANCE NO. 2011-15**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE CODE OF ORDINANCES TO REVISE THE NOTICE REQUIREMENTS FOR CITY COMMISSION AND PLANNING AND ZONING BOARD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR REAFFIRMATION AND RATIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Lancaster moved and Commissioner Cornwell seconded a motion to schedule a public hearing August 1, 2011.


Attorney Barnebey commented that due to noticing requirements, the date should be changed to August 15. Commissioner Lancaster amended her motion, Commissioner Cornwell amended her second. In answer to Mrs. Cornwell's question regarding noticing requirements, Mr. Barnebey said that it is set by the Florida Legislature.

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded, and motion carried unanimously to schedule a public hearing August 15, 2011.

 **5. 1ST READ: ORDINANCE NO. 2011-16**

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 22-83, BOARD OF TRUSTEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded, and motion carried unanimously to schedule a public hearing for Ordinance 2011-16 August 15, 2011.


 Discussion: Mr. Barnebey clarified for Commissioner Cornwell that members shall be appointed for a term of two years, and the terms can be renewed. The terms can go beyond the Mayor's term, but not more than two years. Mr. Williams referred to line 21... unless he sooner vacates the office or is sooner

replaced by the Palmetto city commissioner at whose pleasure he shall serve... He commented that section needs to be deleted as was done in line 6, based on the new Charter. Mr. Barnebey clarified that the Vice Mayor can make appointments as the designee of the Mayor, and that this ordinance applies only to the Pension Board.

 6. 1ST READ: ORDINANCE NO. 2011-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 2011-09 TO APPROVE AN AMENDED GENERAL DEVELOPMENT PLAN FOR TEN SINGLE-FAMILY DETACHED DWELLING UNITS GENERALLY LOCATED AT 4009 11th STREET COURT WEST, PALMETTO, AND LOCATED IN THE PD-H (PLANNED DEVELOPMENT – HOUSING) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Applicant: BMR Funding LLC, approximately 1.66 acres)

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded, and motion carried unanimously to schedule a public hearing August 15, 2011 for Ordinance 2011-17.


 Discussion: Commissioner Williams asked if amenities are put off, what guarantee do we have they will be added later? Mr. Zirkelbach suggested that if a second home is built, the City should require a bond so that all the amenities get built. Mr. Tusing said that could be a consideration of the approval. Mr. Barnebey interjected that this is first reading, and this item will come back to Commission again. Mr. Tusing asked that any specific questions be sent to Ms. Lyn prior to the public hearing. Mr. Barnebey advised that this is coming back to Commission tonight because this plan is not consistent with the stipulations previously approved. It is a better plan, but it is not consistent. Mr. Barnebey said the General Development Plan will expire in one year.

7. JUNE CHECK REGISTER

The June check register was provided to City Commission for informational purposes.

 8. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Mayor Bryant informed the Commission that at the present time there is no alternate site for the ball fields. She was unable to negotiate a price with the owner of the alternate site. This morning she met with the School Board, the County and Mr. Preston. The School Board will help find an alternate site. The City will most likely extend the current agreement to try to extend 10th Avenue, but at the same time the School Board will help seek out other sites.

 Mr. Williams asked about attorneys' fees. Mr. Barnebey said the City has been looking at ways to configure 10th and also the ball fields; there have been no significant fees expended on that. He commented there will be only minor fees to review the extension agreement which has already been done. The School Board has authorized the City to do the revisions to the contract, separating out 10th from the ball fields; potentially two separate agreements running on parallel tracks. At some point there may be some additional legal description expenses and appraisals. There should not be any additional fees from Mr. Preston's attorney, based on prior agreements.

Mayor Bryant informed Commission that all parties are assisting in finding an alternate site. The School Board volunteered Mr. Pendley to help with the search. The County will help as well, especially with grants.

Mayor Bryant said she had invited Mr. Goforth, the Little League's vice president, to the meeting this morning, but he was unable to attend.

Commissioner Cornwell inquired about alternate sites for the Little League. Mr. Tusing and Mayor Bryant said that options have been extended to the Little League for use of other sites, but they have not accepted.

Mayor Bryant advised Commission that the School Board has offered the Little League an indefinite lease on a vacant school building on 10th Avenue at the old Palmetto Elementary School site for storage of equipment. It has not yet been signed, but it has been presented to them.

9. ASR WELL UPDATE

Mr. Tusing said he has been reviewing the permit application design for the ASR submitted by the engineers. When all questions have been answered, he will submit to FDEP for the permits. Mayor Bryant has signed the extension of the agreement with SWFWMD. The funding has been locked in, and the City can move forward.

10. DEPARTMENT HEADS' COMMENTS

Allen Tusing

He apologized to Mr. Hanlon if he had missed a date certain for a solution to his problem. He told Commissioner Lancaster that he has looked at the property several times, and the proper way to solve the problem would be to remove all the trees, pipe the ditch, put a storm water system in and curb and pave the roads. Mayor Bryant asked if paving the road would create an assessment to the property owners. Mr. Tusing said yes.

Mrs. Cornwell said the property owners complain that the grading of the road causes water to run into their yards. She asked if the road could be graded another way so the water ran in another direction while we look for a permanent fix. Mr. Tusing said grading and sloping of the road to reroute the water would require all the trees to be removed.

Mr. Zirkelbach said he had walked the area with two engineers. There are nine trees. Water can't make it over the ditch because the root system of the trees has created an elevation of the bank. Selective trees could be removed to create a flume, or, all trees could be removed in order to regrade the bank. Removal of the trees would change the character of the roadway.

Again, the Mayor commented that this needs to be discussed in a Department Heads meeting to come up with a cost to present to Commission.

Mr. Tusing said the trees belong to the City. Mayor Bryant commented that the removal of the trees would be very expensive. Mr. Tusing said he will bring a report back to the Commission with some options.

Jim Freeman

Federal grants are available for solar panels on public buildings. Companies are getting money to do installations on public buildings. This would be a zero cost, or low cost, lease to the City for five years, and then the panels would be donated to the City. In return, the companies get energy credits. A company in Cape Coral has approached the City to do the work. The system would save on electric bills. The Police Department, City Hall, Public Works and the Wastewater Treatment Plant have been identified as possible locations for the systems. A contract would be involved. The attorney would have to review it, and the time frame would be by the end of the year.

Commissioner Varnadore asked Mr. Freeman to check with other municipalities that have participated to see how this has worked for them.

Commissioner Cornwell asked if it would have to go out to bid. Mr. Freeman said there is no cost to the City, and the company approached the City. He doesn't think it would have to go to bid.

Commissioners asked for more information.

Chief Wells

No comments.

Mark Barnebey

No comments.



11. MAYOR'S REPORT

Emergency operations meetings will be scheduled in Commission Chambers. The City will do a press release to advertise it, and the public and all businesses and mobile home park residents will be invited to attend. The topic will be hurricane preparedness and reentry following a hurricane. She asked all to please encourage attendance when plans are finalized. The Mayor's office is in touch with Laurie Feagans and Don Hermey at the County to plan the workshop.

NOAA Extreme Weather 2011 Information Sheets and Hurricane Guides are available at the entrance to Commission Chambers.

Veolia has invited Commissioners to a dinner at the Florida League of Cities Conference on Friday, August 12. Please RSVP.

Attended the Florida Highwaymen Exhibit on Saturday, July 16. She purchased a print which she showed to Commission. That evening she attended the VFW's A Patriot's s Night to Remember.



12. COMMISSIONERS' COMMENTS

Commissioner Varnadore

No comments.

Mr. Zirkelbach

No comments.

Commissioner Williams

No comments.

Commissioner Cornwell

Attended the Historic Board meeting. They are a wonderful group; working diligently to replace the flooring. The Mayor is working with them.

Commissioner Lancaster

No comments.

13. PUBLIC COMMENTS FOR CITY COMMISSION

None.

14. ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Minutes approved:

James R. Freeman, City Clerk


**DRAFT
CITY COMMISSION WORKSHOP MEETING
JULY 18, 2011
4:30 PM**

Elected Officials Present


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

Staff Present

Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Chief Wells
Lorraine Lyn, City Planner
Mark Barnebey, City Attorney
Deanna Roberts, Administrative Assistant

 Mayor Bryant called the July 18 meeting to order at 4:30 p.m.

1. INFORMATIONAL PRESENTATION: MTI ADULT EDUCATION FACILITY (L. Lynn)

 City Planner Lorraine Lyn advised Commission that this is the School Board's proposal to use the old Palmetto Elementary School site for adult educational use. The School Board proposes to use the northern portion of the site and use the existing portables. The only change to the site would be three parking spaces, including one handicapped space, and one sign placed at the southwest corner of 9th Avenue West and 9th Street West. This application was received at the end of May. Staff prepared two responses to the School Board: a determination of consistency with the Comp Plan and the public zoning. And, the use is still educational use. Staff used the interlocal agreement with the School Board to determine that since there were no changes being made, this is essentially an informational item only today.


Mrs. Lancaster asked about the portables. Mr. Barnebey commented that the interlocal agreement with the School Board treats the use of portables differently from City Codes. The School Board is essentially exempt from permits for their use.

Ms. Lyn introduced Mr. Pendley from the School District to answer questions.

Mrs. Varnadore asked what the site will look like when the demolition of the old school is complete. Mr. Pendley said the slabs will be removed, the site will be regraded, the safety fence may be removed and the site will be seeded. There is no plan for a permanent facility at this time. There is a possibility of another elementary school down the road. While the portables are "temporary" they will be there for quite awhile. The portion used by MTI will remain fenced. He asked what the City would like to see at the site. Mrs. Varnadore and Mr. Zirkelbach commented they would like to see the rest opened up and made into a park-like setting for aesthetic purposes.

Mayor Bryant asked if 8th Avenue Court could be made into a two-way street. She asked based on citizen comments. She said the School Board is having that portion surveyed. The parks are being upgraded, and the City is asking for footage to add angled parking as part of the upgrade. The School Board seems to be amenable to that. She commented that the School Board has agreed to let the City have an

indefinite lease on the property being used for storage. The Little League, in a separate agreement with the School Board, is being allowed a lease on the building across 10th Avenue.

 Mr. Pendley introduced Dr. Mary Cantrell, Director of MTI, and Linda Agresta, Assistant Director, to give an overview of the programs that will be offered at the educational facility. Dr. Cantrell said the patient care technician program, a 600-hour program, is the precursor for many of the other health occupations. The first 90 hours of the patient care tech program could go towards practical nursing, and then the student could continue on at the east campus. MTI offers a broad range of health care occupations that are of critical need in our community.

The business component prepares students for Microsoft Office Suite. The lab will offer distance learning for any programs online. ESOL and GED prep classes are available. Ms. Agresta said that ESOL programs are offered at Palmetto High, the new Palmetto Elementary, as well as Mt. Carmel, and now at the old Palmetto Elementary School site.

Dr. Cantrell said the programs qualify for federal financial aid. Mrs. Lancaster asked for a fee schedule, and Dr. Cantrell said she will drop that off at City Hall.

Mrs. Cornwell suggested a link to this facility on the Palmetto web site.

Mr. Williams asked what will happen if this program is successful and a need also arises for a new elementary school. Mr. Pendley said there are long-range plans for a permanent location for this facility north of the river.

2. PRESENTATION OF GFOA 2011 DISTINGUISHED BUDGET PRESENTATION AWARD

City Clerk Jim Freeman presented the FY 2011 GFOA Distinguished Budget Presentation Award to the Finance Department. The award was accepted by Finance Director Karen Simpson.

Mr. Freeman recognized Senior Accountant Cheryl Miller who completed training through Management Concepts for grants management. The training addressed administering, supporting and seeking out grants.

3. FY 2011-2012 BUDGET

Mr. Freeman reviewed the Assumptions for the 2012 Budget:

- ✓ Ad valorem revenues are down 9% this year and 40% over the last three years, impacting the General Fund
- ✓ Enterprise funds are in good shape overall
- ✓ Revenues are budgeted at 95% of what the City expects to collect
- ✓ TIF monies from the City to the CRA and the County to the CRA are down this year
- ✓ Reimbursement from the CRA to the City to support programs in the General Fund, particularly Police Department in this version, will help reduce the deficit in the General Fund – Public Works and Code Enforcement will discuss justification and reimbursement at a later date
- ✓ Utility fees remain unchanged; revenues decreased due to a decline in usage probably due to foreclosures
- ✓ Subsidy to Stormwater from Road and Bridge and Water and Sewer remains at \$250,000 to help storm water reserves
- ✓ Building Department is in a deficit and will use reserves to balance the budget
- ✓ There will not be a COLA or step increases for the third year in a row
- ✓ The City is awaiting health insurance numbers, which Mr. Freeman should have by Thursday. The City had a good claims ratio to premium last year
- ✓ There are five positions being eliminated this year – the reduction in force includes four filled positions and one vacant position
- ✓ There are currently 145 funded positions and 21 vacant positions funded in the budget
- ✓ The Property Casualty and Worker's Comp premiums remain flat

- ✓ Pension costs increased: PD had a 1.58% increase in payroll over last year and General Employees increased .15%
- ✓ Allocation methodology remains consistent with prior years
- ✓ Five new police vehicles and ten portable radios are included in the current budget
- ✓ Road and Bridge budgeted \$200,000 for the lease of a new street sweeper
- ✓ Three patrol vehicles associated with new programs funded from CRA
- ✓ Referring to the pie chart on page 6 – property taxes are 34% of General Fund Budget revenues
- ✓ 61% of the General Fund Budget expenses are personnel costs, 33% operating expenses, 4% capital expenditures and 2% debt service
- ✓ Presented a chart showing a ten-year history of ad valorem taxes; since FY 2008 millage has remained constant, but values have been declining
- ✓ A budget summary is shown on page 9 showing a budget shortfall for this year of \$700,000+
- ✓ Page 4 presents options to close the budget gap:

The tentative millage can go down, but it can never go up. If the Commission approves a millage rate of 5.1185, the rollback rate, it would allow the City to collect the same amount of taxes as the previous year. This could generate up to \$300,000 additional in revenues.

Up to \$300,000 in additional revenue from the CRA could be justified. Combined with the rollback rate, this would be approximately \$600,000, which would almost close the gap.

Furlough days for employees could save \$18,000 per day.

Mr. Freeman said the tentative millage rate is due to the Property Appraiser by August 4.

Commissioner Williams asked how long each of the twenty-one positions on page 2, #12, have been vacant; what is the age and mileage on the vehicles referred to on page 2, #18; and, what is the current reserves balance (referred to page 3, #20). Mr. Freeman will supply the information to him.

Commissioner Varnadore asked about using the trailer park fund. The interest has been funneling back into the General Fund Reserves for the past ten years, a total of \$893,000. Could \$350,000 be used to help balance the budget? She stated this could just be another option.

Mayor Bryant mentioned that the legislature is looking to cap the ability of municipalities to increase millages in the future. If that occurs, this may be the only opportunity the City has to raise the millage.

Commissioner Williams asked Mr. Freeman to explore taxing separately for the Police Department.

In answer to Mrs. Lancaster's question about the use of CRA funds, Mr. Barnebey said there are specific statutes that govern what CRA funds can be used for. A provision says the general government operating expenses, unrelated to the carrying out of the CRA Plan, cannot use tax increment revenues. Funds cannot be used for certain capital improvements and certain public facilities unless the City gets permission. For example, for a new police facility, the permission would have to come from other governments paying into the tax increment revenues.

4. ADJOURNMENT

The meeting adjourned at 5:40 p.m.

Minutes approved:

James R. Freeman
City Clerk

DRAFT
CITY OF PALMETTO
CITY COMMISSION MEETING
JUNE 20, 2011
7:00 PM

Elected Officials Present

Shirley Groover Bryant, Mayor
Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1
Tamara Cornwell, Commissioner-at-Large 2
Mary Lancaster, Commissioner, Ward 1
Brian Williams, Commissioner, Ward 3

Elected Officials Absent

Tambra Varnadore, Commissioner, Ward 2

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

Mayor Bryant called the meeting to order at 7:00 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

PRESENTATION: Public Works Director Allen Tusing presented the Earl B. Phelps Award to the Wastewater Treatment Plant Project Manager Ray D'Auito. The City was named as runner-up out of 2,300 advanced wastewater treatment facilities in the State. Mayor Bryant commended Mr. D'Auito's contributions to the City, which will be stated in a letter to Veolia Water.

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

Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

Mr. Barnebey requested that the extension for the Grubbs contract for debris removal be added to the agenda. The extension will be for a period of time until the RFP process is completed. Commission added the item as 3A. The extension contract will be subject to attorney review.

On item #7 on the Consent Agenda, Mayor Bryant requested that Attorney Barnebey clarify what senior commissioner means in the absence of the mayor and vice mayor. Attorney Barnebey stated senior commissioner would generally be interpreted as being an individual's consecutive years of service in the role.

Mr. Tusing asked that the pedestrian sidewalk, driveways, handicap ramp improvement and miscellaneous work bid be added as item 3B.

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 4-0 to approve the June 20, 2011 7:00 PM Agenda with the addition of 3A, Grubbs contract and 3B pedestrian improvements.

2. CONSENT AGENDA APPROVAL

A) CITY CLERK'S OFFICE

1. Minutes: June 6, 2011
2. Special Function Permits:
 - Palmetto B&B Wedding September 3, 2011
 - Palmetto B&B Wedding September 10, 2011
 - Palmetto B&B Wedding October 1, 2011
 - Palmetto B&B Wedding October 9, 2011
 - Palmetto B&B Wedding November 12, 2011
 - Palmetto B&B Wedding November 19, 2011
 - Palmetto B&B Wedding November 26, 2011
 - Palmetto B&B Wedding December 3, 2011
 - Palmetto Historical Park Highwaymen Artists Meet and Greet and Art Sale
3. Resolution No. 2011-18
Finance is recommending mid-year budget adjustments for certain accounts and is recommending closure of the Riverside resurfacing grant project.
4. Resolution No. 2011-19
The resolution will correct a scrivener's error in Ordinance No. 2011-02.
5. Kirk Pinkerton litigation billing
Invoice Nos. 111308, 111520, 110568, 111518, 1110565, 111514, 1110560, 110563
6. RFP Recommendation-Health Insurance Agent
Approval of the RFP Committee's recommendation to select Alltrust Insurance as the City's Health Insurance Agent for fiscal years 2011-2013 and authorization for the Mayor to execute applicable documents, subject to attorney review.
7. Resolution No. 2011-20
Resolution No. 2011-20 will adopt Rules & Procedures to govern City Commission meetings.

B) POLICE DEPARTMENT

1. U.S. Department of Justice Bullet Proof Vest Partnership Program Grant
Application for a \$6,000, 50% matching grant, for the purchase of 15 bullet proof vests for a total City expenditure not to exceed \$3,000

C) PUBLIC WORKS DEPARTMENT

1. Gator Grading & Paving, LLC contract
Authorization for the Mayor to execute the contract for the Haben Boulevard Roundabout Project in an amount not to exceed \$381,409.30.

Items 3, 4, 6, 7 and B and C were removed for discussion.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 4-0 to approve items A1, 2 and 5 of the Consent Agenda.

3. Resolution No. 2011-18
Mr. Freeman explained the resolution will adjust revenues and expenditures of account as part of a mid-year review. Mrs. Simpson explained the entries to close the Riverside Dr. Grant, as well as explaining the other adjustments to accounts where there should be no additional activity. Another "clean-up" budget resolution will be brought forward in September.

#4 Resolution No. 2011-19

Mr. Freeman explained that pursuant to Attorney Barnebey's recommendation at the last meeting, the resolution will correct an existing scrivener's error in Ordinance No. 2011-02 to correctly identify 5th Street vs. how it is identified in the ordinance as 50th Street. Attorney Barnebey confirmed the resolution's language will have no impact on the River House restaurant.

#6 Health Insurance RFP award

Mr. Freeman confirmed the RFP committee chose Alltrust Insurance, based on specific criteria used to rank the seven responses. Based on initial rankings, the top three companies interviewed with the committee, from which the top choice was made. Mr. Freeman confirmed that local agents were contacted to give them the opportunity to bid. Attorney Barnebey stated that the award of contract will be subject to negotiation. Mr. Freeman introduced Joe Park, founder of Alltrust, and Steve Hall, a local resident who will be the broker in charge of the day-to-day operation of the account.

#7 Resolution 2011-20.

Commissioner Lancaster suggested that if a senior commissioner is determined by consecutive years it should be stated as such in the Rules & Procedures. Attorney Barnebey agreed.

Commissioner Cornwell stated her preference to vote separately on items removed from the Consent Agenda. If a voted occurred on multiple items and she had disfavor with only one, she would have to vote no on all of them.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 4-0 to approve Consent Agenda items 1A, 3, 4 and 6.

#7 Discussion ensued on why the Rules & Procedures were brought forward for Commission consideration. Mayor Bryant explained they were drafted mainly for issues regarding public hearings, especially public hearings on land use items.

MOTION: Commissioner Williams moved and Commissioner Cornwell seconded to table item #7 indefinitely.

Discussion: Attorney Barnebey strongly recommended that Commission adopt parts of the Rules & Procedures from the due process standpoint. Commissioner Williams asked that those items be pulled out of the document and brought back to a workshop.

Commissioner Williams withdrew his motion and Commissioner Cornwell withdrew her second.

Attorney Barnebey confirmed that the issue of who runs a meeting in the absence of the mayor and vice mayor is not essential to adopting the resolution, but it would be beneficial. Mayor Bryant suggested that Commission consider the document to "protect the City in situations of ambiguity, and making sure there is consistency in those presentations" [for public hearings].

The tie vote issue was discussed. Attorney Barnebey stated he attempted to document for a commission and the public what a tie vote would mean, especially in the event of tie vote on a land use item. He opined it is not clear today what would happen, but under the Rules & Procedures the issue would have died.

Attorney Barnebey recommended that the records portion of the document "absolutely needs to be adopted by this Board". He also recommended adopting the quasi judicial procedures.

The Rules & Procedures will be brought back to a future workshop.

#B POLICE DEPARTMENT

1. U.S. Department of Justice Bullet Proof Vest Partnership Program Grant
Mayor Bryant asked that Commission also authorize her to accept the grant, subject to attorney review.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 4-0 to approve the US Department of Justice Bullet Proof Vest Partnership Program in the amount of \$6,000, 50/50 matching grant, for the purchase of 15 bullet-proof vests, for a total City expenditure not to exceed \$3,000, and authorize the Mayor to accept, subject to City Attorney review.

#C PUBLIC WORKS

1. Gator Grading & Paving, LLC contract
Mr. Tusing confirmed Commission previously approved Gator Grading for the Haben Boulevard roundabout project; the motion lacked the verbiage to authorize the Mayor to execute the contract.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 4-0 to authorize the Mayor to execute the contract for the Haben Boulevard roundabout project in amount not to exceed \$381,040.30, subject to City Attorney approval.

3. FLORIDA ENERGY EFFICIENT CONSERVATION BLOCK GRANT (EECBG) LIGHTING RETROFIT SERVICES CONTRACT (

Mr. Freeman explained that as part of the \$250,000 EECBG Grant award, an RFQ was issued for a lighting system retrofit project for City Hall, Public Works, Police Department and Water Treatment Plant buildings. Of the four quotes obtained, Synergy Lighting, Inc. was the lowest. Staff is seeking authorization to enter into the contract. This project is one of four tasks in the grant, and has a line item amount of \$29,200.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 4-0 to authorize the Mayor to execute a contract with Synergy Lighting, Inc. for the EECBG Lighting System Retrofit project in an amount not to exceed \$20,000, contingent upon City Attorney approval of the contract.

3A GRUBBS CONSTRUCTION CONTRACT EXTENSION

Mr. Freeman explained that the contract is for debris removal in the event of disaster. A contract was executed in 2005 and subsequently renewed. An earlier approval request was removed from a previous agenda because of the new FEMA rule requiring a bid. This contract extension will continue until the RFP process is completed and a new contract is in place. Mr. Freeman also stated there is a possibility FEMA will not reimburse the City should an event occur during the Grubbs contract because it was not bid.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 4-0 to authorize approval of a six month extension for the contract with Grubbs with the ability of the City to terminate that agreement after a 30 day notice, and authorize the Mayor to execute the contract.

3B PEDESTRIAN IMPROVEMENTS BID AWARD

Mr. Tusing explained a bid was issued for pedestrian improvement for sidewalk repairs. Eight bids were received, with the #3 bidder being deemed non-compliant. Kukhausen Construction was the second lowest bidder.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 4-0 to award the bid to Kukhausen Construction in an amount not to exceed \$74,459.50 and authorize the Mayor to execute the agreement, pending attorney review.

Mr. Tusing confirmed the City has never made residents repair sidewalks. He opined the City's ordinance needs more strength to enforce resident responsibility for repairs.

4. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

None

5. ASR WELL UPDATE

Mr. Tusing reported the engineer is working on the design. He anticipates one more week of testing. He is also working on the two ponds at Terra Ceia for additional wet weather storage.

6. DEPARTMENT HEADS' COMMENTS

Mr. Tusing

Stated the \$9,000 savings Mr. Freeman had [item #3] will not fund lighted crosswalks, as they cost \$30,000 per intersection.

Mr. Freeman

Reviewed the budget meeting calendar for July and August. He briefly commented on some issues, stating the Enterprise Funds are sound, but the General Fund will be a challenge.

The Police union is being scheduled. Commissioner Cornwell requested that protocol of what is required for approval.

Chief Wells

No report.

Attorney Barnebey

He will bring back the trespass ordinance that was discussed at the workshop meeting.

7. MAYOR'S REPORT

Commissioners Cornwell, Williams and Zirkelbach indicated they would be attending the Florida League of Cities conference. She stated she has not yet made her decision about attending. A voting delegate will have to be nominated.

She will submit the Mayor and City Commission budget. She stated that if Commissioners are not using their Netbooks they can be utilized in different areas.

Reported a Building Official will be hired as a full time employee.

8. COMMISSIONERS' COMMENTS

Mrs. Lancaster

No report

Ms. Cornwell

Referring to the mobile home park questions, she asked for a report when issues have been resolved, such as the dog issue. Mayor Bryant stated that is a county Animal Control issue. As to Tropic Isles and the debris issue, Mr. Tusing reported the park created the debris pile that is one property the park leases from Manatee Fruit. Mayor Bryant discussed starting the community meetings earlier in the year after the summer months. Ms. Cornwell suggested that when they again begin the meetings, reports on left over pending items should be made to the parks.

Commented on the volume of shopping carts that can be seen in the neighborhoods. The City is reaching out to store owners regarding the problem. The item will be added to the suspense log.

Stated 17th Street is remarkable.

Mr. Williams

Inquired when the Villa la Por Marina will be on the next agenda.

Mr. Tusing reported the Building Official job description has not been amended from when approved by the City Commission. A take home vehicle will not be provided to the position.

Mr. Zirkelbach

Commented on the beautiful lake the county has created on 17th Street. He suggested staff should solicit the county to add trees around the lake, as they would further improve its appearance as a gateway into the City. Mayor Bryant stated the gateways are a top priority issue for the department head meetings, specifically mentioning signage that is targeted for improvement. She again asked Commissioners to refer any potential businesses looking to relocate to the CRA.

Reported that he had included Wi-Fi accessibility in his Strategic Plan submission of items Commission should consider. Discussion ensued on plans to include the Wi-Fi accessibility in park improvements. Mr. Tusing also informed Commission that the City can use the cell tower at the old Palmetto Elementary site, but in the event the School Board decides to reuse the property, the City will be responsible for removing the tower.

Mr. Williams

Mr. Tusing mentioned that the dead palm trees at Estuary Park have been removed.

The billboard at Estuary Park is a City billboard leased to CVS, which expires in 2014. Mr. Tusing reported the sign had been in place since the 1970's. Attorney Barnebey stated the electronics were added this year, but he does not know if permits were obtained. Commissioner Williams asked for documentation authorizing the change to the sign.

Ms. Cornwell

Requested that staff contact FLOC regarding Wi-Fi issue.

Meeting adjourned at 9:10 p.m.

Minutes approved:

James R. Freeman
City Clerk

**CITY COMMISSION WORKSHOP MEETING
JUNE 20, 2011
4:30 PM**

Elected Officials Present


Shirley Groover Bryant, Mayor
Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1
Tamara Cornwell, Commissioner-at-Large 2
Mary Lancaster, Commissioner, Ward 1
Brian Williams, Commissioner, Ward 3 (entered at 4:55 p.m.)


Elected Officials Absent

Tambra Varnadore, Commissioner, Ward 2

Staff Present

Mark Barnebey, City Attorney
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 Williams would be late entering the meeting and Commissioner Varnadore would be absent.

 1. DISCUSSION: 2011 LEGISLATIVE UPDATES

Attorney Barnebey briefly explained the impact the 2011 legislative updates will have on local government. A copy of his summary is attached hereto and made a part of these minutes.

The majority of the discussion was spent on growth management reform. Concurrency for parks and recreation, schools, and transportation is now optional for local government. The City had been exempt from transportation concurrency because it is classified as a dense urban land area. The current Comprehensive Plan does not contain any transportation concurrency. Attorney Barnebey suggested Commission may wish to continue some of the programs by placing some level of review criteria for projects. If new concurrency requirements are adopted by Commission there are requirements that must be met. The concurrency requirements of all current interlocal agreements will remain in place until amended by the participating parties.

Discussion ensued on the review process for planned development projects, which allows Commission the opportunity to consider transportation impacts. Attorney Barnebey suggested that if Commission wishes to have the ability to require transportation improvements other than safety during a project's review, language should be developed to require the review. He confirmed that impact fees can also fund transportation improvements, aside from safety improvements. It was consensus of Commission that Attorney Barnebey should develop language requiring Commission review of projects when certain size thresholds are met, i.e. number of units or total square footage of commercial buildings.

Attorney Barnebey reviewed personnel legislative changes such as severance packages, merit pay, and bonuses. He will ensure that the Personnel Policy that is beginning its final review is amended to incorporate all the legislative changes. He was also asked to determine if an employee Deferred Retirement Option Plan (DROP) account is considered a merit payment and if it is taxable.

Attorney Barnebey will prepare the necessary documents to extend the City's moratorium on pain clinics until the new legislation becomes effective in July 2012.

Attorney Barnebey will explain the differences between the City's ordinances on "weapons" vs. the legislation on firearms.

Mayor Bryant reminded Commissioners that the financial disclosure form is due July 1, 2011.

Attorney Barnebey discussed a request from Chief Wells to consider an ordinance prohibiting individuals that have violated City ordinances for public areas access to City parks. Commission discussed examples of what violations would be applicable. Commission asked that the ordinance be drafted for consideration at a workshop.

Commissioner Lancaster requested that a discussion be held at a workshop regarding open storage. It was suggested that the Code Enforcement personnel, City Planner and Building Official be present at the meeting. Also requested was a Code Enforcement report on accomplishments, including cases that were resolved from only verbal contact.

Mayor Bryant asked that Commissioners alert the appropriate departments any time they see a violation of ordinances, including graffiti.

Meeting adjourned at 5:45 p.m.

Minutes approved:

James R. Freeman

James R. Freeman
City Clerk

2011 Legislative Update

Growth Management Reform (HB 7207)
2011 Legislative Session and Governor adopted wholesale changes to growth management.
Makes concurrency for parks and recreation, schools, and transportation facilities optional for local governments.
Cities and counties will have the discretion to continue to include these programs.
If maintaining, must meet minimum state requirements for transportation and concurrency.
Interlocal agreements remain.
Urban services boundaries are no longer encouraged.
Capital Improvements Element changes:
Must adopt LOS Standards for Potable Water, Wastewater, Drainage, and Solid Waste.
CIP covers a five year period, no longer required to process as comprehensive plan amendment.
Deletes the requirement that comprehensive plans be financially feasible.
The Comprehensive Plan can be amended any time without restriction. No longer limited to twice per year plan amendment cycle. (Can they maintain this policy though?)
Prohibits local governments from having referenda for local comprehensive plan amendments.
Repeals Rule 9J-5 and Rule 11.023.
Incorporates certain provisions into the bill.
Applies and revises the expedited comprehensive plan amendment process statewide.
Local government required to review plan every seven (7) years.
Allows additional planning periods for specific parts of the comprehensive plan.
Encourages planning innovation technical assistance.
Revises the small scale amendment process.

<p>Small Area Review Process: 10 acres or less Review does not require transmittal hearing One public hearing Affected parties may file a petition with DOAH - State may not intervene</p>
<p>State Coordinated Review Process: Required for amendments In an Area of Critical State Concern Propose a Rural Land Stewardship Area Update a Comprehensive Plan for evaluation and appraisal report New municipalities</p>
<p>Process includes: Transmittal to reviewing agencies after a transmittal public hearing (include reference to state coordinated review process). Reviewing agency shall comment to state land planning agency and to local government. State land planning agency shall issue a ORC report (broader review than under normal "expedited" process). Local government will hold a second public hearing and adopt, adopt with changes, or deny the amendment. Amendments will be sent to state land planning agency. State land planning agency makes a determination of completeness, then determination of compliance with Chapter 163. If found in compliance by state land planning agency, state land planning agency will issue a notice of intent on its website and it is then effective.</p>
<p>Expands and revises the optional sector plan process.</p>
<p>Sector Plans Optional Areas of at least 15,000 acres Plan shall: Emphasize urban form Protect regional resources and provide for public facilities</p>
<p>Regional Planning Council has a scoping meeting and makes recommendations on issues requested by the local government. Sector plans include: Long term master plan Two or more detailed plans</p>

<p>This process is generally as follows: Local planning agency prepares and recommends a comprehensive plan or amendment to the local governing body. After the transmittal public hearing, local governing body then transmits the proposed comprehensive plan or plan amendment to the various state, regional, and local agencies for review.</p>
<p>The reviewing agencies review the proposed plan amendment upon request of the local government, a regional planning council or an affected person. The reviewing agencies may provide comments. Each state and regional agency is largely limited to reviewing how the plan amendment impacts on important state or regional resources of the facility respectively.</p>
<p>After review of written comments, including those of the state land planning agency, and after a second public hearing, the local government may adopt the amendment, adopt the amendment with changes or not adopt the amendment.</p>
<p>After adoption by the local government, the state land planning agency reviews and determines whether the plan amendment is in compliance with Chapter 163. The state land planning agency notifies the local government that the amendment is either in compliance or not in compliance with Chapter 163.</p>
<p>If found in compliance, any affected person may file a petition with the agency within 30 days after the publication of the Notice to challenge its determination. If an appeal, Division of Administrative Hearings is forwarded the matter.</p>
<p>Specifies that population projections should be a floor for requisite development except for areas of critical state concern.</p>
<p>Reduces the requirements of the evaluation and appraisal process.</p>
<p>Revises the rural land stewardship program.</p>
<p>Restricts the state's ability to interpret joint planning agreements.</p>
<p>Clarifies and broadens the window for permit extensions.</p>
<p>Adds a new 2-year permit extension, but caps the maximum extension at 4 years.</p>
<p>Creates a 4-year development of regional impact permit extension.</p>
<p>Removes industrial areas, hotels/motels, and theaters from the list of developments of regional impact.</p>
<p>Creates an exemption from the DRI process for mining projects and allows those mines to enter into agreements with the Department of Transportation.</p>
<p>Clarifies requirements for adopting criteria to address compatibility of lands relating to military installations.</p>

Allows a certain plan amendment to be readopted by a local government without being resubmitted to the state land planning agency.
Clarifies when a local government can reject a proposed change to a development of regional impact.
State planning agency in HB 7207 is DCA. SB 2156 created the Department of Economic Opportunity (effective July 1, 2011).
DCA will transition to DEO with reorganization to be completed by October 1, 2011.
DEO, instead of DCA, is now designated as the state land planning agency to administer Florida's local government comprehensive planning, DRI and other growth management plans.
DOT to submit a report on recommended changes to or alternatives for calculating the proportionate-share contributions for transportation mitigation to the Senate President and House Speaker no later than December 15, 2011.
Governmental Reorganization - Economic Development (SB 2156)
Comprehensive legislation streamlining, repealing, and redefining various agency duties and functions.
New state agency, the Florida Department of Economic Opportunity.
DEO is responsible for the consolidation of state government, reducing regulations and avoiding duplicative oversight.
Transition period for the transfer of agencies to be completed by October 1, 2011.
State Financial Information (SB 2096)
An act relating to state financial information; amending s. 11.45, F.S.; requiring that the Auditor General annually provide to the Legislature and the Department of Financial Services a list of specified entities that have failed to comply with certain financial transparency requirements.
Amending s. 215.985, F.S., relating to the Transparency Florida Act;
Revising the definition of the term "governmental entity."
Adding additional governmental entities to those for which the Legislative Auditing Committee recommends a format for collecting and displaying financial information.
Revising the schedule for adding information to the state's official website.
Revising provisions exempting certain municipalities and special districts from the Transparency Florida Act.

Requiring each water management district to submit monthly detailed financial statements to its governing board and post such statement on its website.
Requiring the Chief Financial Officer to provide public access to a state contract management system; providing the information that must be available on the system; requiring agency procurement staff to update data in the system.
Regulation of Firearms and Ammunition (CS/CS/CS/HB 45)
Imposes a financial penalty on governments, elected officials or staff that adopt policies or take enforcement action that violates the existing state law preemption of firearm and ammunition regulation. (Personally liable.)
Vacation Rentals (CS/CS/CS/HB 883)
Preempts local governments from treating vacation rentals differently than other residential properties based solely on their classification, use or occupancy.
Local governments with ordinances regulation vacation rentals existing prior to June 1, 2011 are grandfathered.
Pain Management Clinics (CS/CS/HB 7095)
Provides medical standards and operational restrictions for pain-management clinics.
Requires more stringent regulations for permitting community pharmacies to be conformed under the new standard by July 2012.
Pain-management clinic can be declared a public nuisance if the clinic has been the site of multiple criminal incidences within six months.
Criminal penalties to be imposed on doctors that overprescribe narcotics and violate medical standards of care.
Bans dispensing of Schedule II and III controlled substances by a physician, makes such dispensing a third degree felony and grounds for licensure discipline.
Dispensing physicians must return existing inventories of these controlled substances to wholesale distributors within 1- days of enactment of the bill or to law enforcement to be destroyed.
Wholesale distributors are required to buy back at the practitioner's purchase price.
Provides standards for obtaining and maintaining a pharmacy permit, including onsite inspections, financial disclosures, and exclusions based on criminal or permitting discipline history.
Bill directs Dept. of Health to declare a public health emergency on the third day after enactment of the law.

Mobile Home Park Lot Tenancies (CS/SB 650)
Requires local government to cite the appropriate violator for ordinance violations within mobile home parks.
Prohibits local governments from bringing liens, penalties, fines, or other administrative or civil proceedings against a party if the violation is not the party's responsibility.
Pension Reform (CS/CS/SB 1128) not yet signed by Governor (6.15.2011)
Local plans' actuarial reports are required to include the present value of all benefits using a standard rate of return, to promote comparisons between plans.
DMS is required to post on their website a five-year history of each plan's funded ratio, and local plans are required to link to this DMS website.
Actuarial or cash surpluses in a local plan may not be used outside the plan.
Local plans may not reduce contributions required to fund normal cost.
For all local plans, accrued sick or annual leave may not be included in calculations of retirement benefits; overtime may be included, but is capped at 300 hours.
With approval of the members, firefighter and police plans are allowed to increase member contributions without increasing member benefits.
The bill changes the date in 1939 by which local law plans are deemed to be in compliance with Chapters 175 and 185.
The bill creates a Task Force on Public Employee Disability Presumptions to study and make recommendations on statutory disability presumptions.
The Department of Management Services is required to create a plan for providing standardized ratings for the financial strength of all local government defined benefit plans in Florida, and provide recommendations to the Legislature in January 2012.
Public Officers/Severance Pay (CS/CS/CS/SB 88) not yet signed by Governor (6.15.2011)
Restricts severance pay for any public officer, agent, employee or contractor.
Allows up to 20 weeks of severance pay under limited circumstances.
Employment contracts entered into before July 1, 2011, that have severance pay provisions are grandfathered, but contract renewal or renegotiation after that date, requires compliance with the restriction.
Permits severance pay if it represents settlement of an employment dispute, but the severance is limited to six weeks.

Establishes standards for bonus programs offered by governmental entities.
Prohibits confidentiality clauses in agreements for extra compensation entered into after July 1, 2011.
Bert Harris Private Property Rights Act (CS/CS/CS/HB 239) not yet signed by Governor (6.15.2011)
Revises the Bert Harris Private Property Rights Act, originally enacted in 1995.
Includes language for temporary burden.
Narrows timeframe to negotiate settlement.
Allows settlement to be achieved through a change in zoning, density, ordinance or monetary settlement.
Clarifies “enacting ordinance” and “applying an ordinance”.
Clearly states that sovereign immunity does not apply to Bert Harris Act claims.
Local Government Accountability (CS/SB 224) not yet signed by Governor (6.15.2011)
Changes the schedule for submitting a local governmental entity’s annual audit report and annual financial report from 12 months to 9 months, changes provisions relating to the preparation of municipal budgets and requires the budgets to be posted on the website of the municipality.
Gun Bill (CS/CS/SB 234) not yet signed by Governor (6.15.2011)
Licensed concealed weapons permit holders cannot be charged with a crime if their concealed firearm is briefly and openly displayed to another person, unless intentionally in an angry or threatening manner.
Allows permit holders to carry or store firearms in their vehicle for lawful purposes.