

Palmetto City Commission  
August 29, 2005 4:00 PM

Elected Officials present:

Larry Bustle, Mayor  
Brian Williams, Vice Mayor (entered at 4:10 pm)  
Eric Ball, Commissioner  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
Tambra Varnadore, Commissioner

Staff and others present:

Michele Hall, Attorney  
Lt. Craig Himes  
Chris Lukowiak, Public Works Director  
James R. Freeman, City Clerk  
Frank Woodard, Deputy Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 4:05 PM.

A moment of silence for overseas military personnel was observed, followed by the Pledge of Allegiance to the United States Flag. Mayor Bustle acknowledged the need to remember our neighbors being impacted by Hurricane Katrina.

1. APPROVAL OF WORKSHOP AGENDA

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 4-0 to approve the August 15, 2005 4:00 workshop agenda.

2. FPL PRESENTATION

Don Sayre, Major Accounts Manager for FPL, updated Commission on proposed rate changes. There will be no increase in base rates but FPL will petition the Public Service Commission to recover the fuel charge over a two year period. FPL will also petition to adjust the fuel clause for 2006. Analysis on the City accounts for 2006 projects an increase of \$50,000, but the increase in franchise fees will realize approximately \$100,000, resulting in a net \$50,000 impact to the City.

3. DISCUSSION – PROPOSED FILL ORDINANCE

Attorney Hall advised Commission the proposed ordinance was in final format and pertains to both residential and commercial projects. Discussion centered on two areas of the ordinance:  
1) Requirement that stormwater management systems shall be designed to function for 20 years.  
and 2) The building official may require the stormwater design and construction be certified.

Mr. Lukowiak stated the City faces its largest problems with single-family residences being built on filled lots that create flooding on adjacent neighbors; commercial developments are required to submit construction plans that adequately address stormwater. Another concern voiced was a single-family construction so large that the majority of the property becomes an impervious surface allowing stormwater runoff.

Commission discussed the possible separation of residential and development projects and the creation of criteria for each category; stem wall construction vs. infill; exclusion of reconstructed single-family homes; criteria for infill and redevelopment; building department being charged with the responsibility of assuring completed projects' stormwater systems perform as designed.

Ms. Varnadore opined the proposed ordinance is too burdensome for a single-family home, and many of the enforcement items did not apply to a single-family home. Mr. Williams suggested the

attorney and staff meet individually with Commission members concerning what they expected the ordinance to accomplish. Mr. Ball expressed his satisfaction with the proposed ordinance as written and called for a vote on whether to further modify the document. A majority of the Commission accepted the proposed ordinance as written, advancing it to the next level in the adoption process; however, staff was instructed to continue researching items discussed to determine if further change is needed.

#### 4. DISCUSSION – PROPOSED DERELICT BOAT ORDINANCE

Discussion ensued on the proposed ordinance. Lt. Himes informed Commission the Fish and Wildlife Conservation Commission is the State agency empowered to remove abandoned boats; they will attempt to locate the vessel's owner, post the required notice to remove; contract with a salvage company to remove the vessel if not claimed; the contractor disposes of the boat. Staff was instructed to contact Fish and Wildlife concerning an existing abandoned boat in City waters to determine the effectiveness of the agency's response to a complaint.

Several Commissioners questioned the need to adopt a derelict boat ordinance if Fish and Wildlife is available to enforce existing laws. Commission requested staff survey surrounding municipalities to determine why they felt the need to adopt such an ordinance and how much it was costing to enforce their ordinances. The topic will be brought to Commission at a subsequent workshop meeting.

#### 5. DISCUSSION – DEBRIS MANAGEMENT

Mr. Lukowiak informed Commission Manatee County Utilities Customer Service Department wishes to enter into an interlocal agreement with the City relating to post-disaster debris management and debris site monitoring. As part of the interlocal agreement, Manatee County has requested the City enter into contracts with the same parties under contract with the County. These companies are Post, Buckley, Schuh & Jernigan, Inc. (PBSJ); Ashbritt, Inc.; and Phillips & Jordan, Inc. Existing debris management contracts with Grubbs Emergency Service and Waste Management are non-exclusive and will remain effective.

John Barnott, Manatee County, discussed Exhibit A of the interlocal agreement with Commission. He confirmed the County is establishing remote debris sites around the county which will accept mixed and hazardous debris; the County will prevent storm debris being placed in the landfill. Exhibit A of the interlocal agreement will be amended to reflect the City will not be responsible for delivering only clean vegetative storm debris to the disposal site. Mr. Barnott also confirmed the timeline for the City to pay its share of the costs for debris management will be negotiable.

The topic will be brought to Commission at a subsequent workshop meeting for approval.

#### 6. DISCUSSION – EMERGENCY MANAGEMENT

Mr. Lukowiak informed Commission this is a discussion topic for two resolutions; one resolution authorizes overtime pay for salaried employees and one authorizes implementation of the City's emergency preparedness plan.

Discussion ensued on overtime payment for salaried personnel. Mr. Lukowiak informed Commission that overtime pay for salaried employees, excluding him, was submitted to FEMA and was reimbursed at 75%. The City had not paid the overtime wages so the reimbursement funds were paid directly to the employees. If the overtime pay for salaried employees is approved, the City will pay the employees and the reimbursement funds will be receipted to the City. Attorney Hall discussed the fact Manatee County safety employees have advised her FEMA favors the establishment of a salary overtime policy by resolution. She further stated Attorney Groff felt the City's FEMA overtime reimbursement may have been penalized because no overtime policy was in effect. He also confirmed that pursuant to regulations, the City is not allowed to limit the overtime reimbursement of salaried employees.

Commission discussed the possible budget impact; even though FEMA may reimburse the expense, the City should develop a budget line item for the expense; if the budget established is not used it may be carried forward. Mr. Lukowiak informed Commission he could furnish what was submitted to FEMA last year, which will provide an estimate of what could be expected in overtime expense during an emergency.


Mayor Bustle explained Commission will approve the resolution and empower him to insert the named storm and sign the resolution once the Governor declares a state of emergency. Attorney Hall suggested a resolution can be drafted authorizing the Mayor to execute the resolution under discussion when necessary – a meeting of the Commission will not be required. Attorney Hall explained the resolution declaring a state of emergency contains language establishing overtime pay for salaried employees; therefore, the resolution addressing solely that topic is not necessary.

Mr. Freeman discussed ways Commission can fund overtime expenses for salaried employees. It was suggested that when an emergency occurs Commission will determine then how to pay for the event.

Commission concurred both resolutions will be adopted; the state of emergency when it is necessary and the overtime resolution at a subsequent meeting. Attorney Hall will draft another resolution empowering the Mayor or Vice Mayor to execute the state of emergency resolution when necessary.

Meeting adjourned at 6:05 PM.

Minutes approved: September 19, 2005



James R. Freeman  
City Clerk