

Palmetto City Commission
January 9, 2006 4:00 p.m.

Elected Officials Present:

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

Staff and Others Present:

Michele Hall, City Attorney
Chief Garry Lowe
Chris Lukowiak, Public Works Director
James R. Freeman, City Clerk
Tanya Lukowiak, CRA Executive Director
Ric Hartman, Planning Supervisor/Zoning Administrator
Frank Woodard, Deputy Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 4:02 p.m. A moment of silence was observed for overseas military personnel, followed by the Pledge of Allegiance to the United States Flag.

1. APPROVAL OF AGENDA

MOTION: Mrs. Lancaster moved, Ms. Varnadore seconded and motion carried 5-0 to approve the January 9, 2006 4:00 p.m. agenda.

2. CHRISTMAS IN THE PARK PRESENTATION

Parks and Recreation Director Geoff Seger presented a slide show of the Christmas Park in the Park event held December 17, 2005. He acknowledged Mike Brownell and Ken McCoy, Toys for Tots, for the organization's generosity in providing gifts for approximately 350 children that visited with Santa at the Celebration Center in Lamb Park. Mayor Bustle also recognized City employees who participated in the event.

3. DISCUSSION: IN HOUSE ATTORNEY

Mr. Freeman reviewed with Commission the information compiled regarding legal services, which consisted of

- General overview and discussion of salaries, expenses and space requirements for an in-house attorney and administrative assistant
- Fiscal Year 2005 City legal expenses
- Projected FY06 City legal expenses
- Advantages and disadvantages to an in-house attorney

Other topics of discussion were:

- The knowledge of the issues the current attorney possesses; the City is undergoing great change and it may not be beneficial to change legal representation at this time
- The proper procedure for filling an in-house attorney position

- Setting a monthly fee for legal services of \$20,000; litigation, employee, development pass through and other specialty issues would remain under contract

Attorney Hall discussed the proposed monthly cap of \$20,000, stating that an experienced planner has lessened expenses associated with planning and zoning issues. She further stated she will no longer attend Code Enforcement Board meetings unless an issue is controversial. Both of these items will reduce the monthly legal fees.

Mayor Bustle spoke in favor of the monthly cap of \$20,000, citing the advantage of having experienced counsel in Ms. Hall's firm that she can access when necessary. Commissioner Ball stated his preference of hiring Ms. Hall as an in-house attorney or the proposed cap. Commissioner Varnadore stated she favored an in-house attorney if it were Ms. Hall, citing the estimated \$100,000 savings in legal expenses. Staff expressed the desire to retain Ms. Hall as the city attorney.

To recap the discussion, Mayor Bustle stated that at the January 23, 2006 Commission meeting he will nominate Michele Hall for appointment as the City's attorney. The appointment will be through September 30, 2006 at a set price of \$20,000 per month, plus what has been spent the first three months of this fiscal year, with a provision the issue will be reviewed in six months.

4. DISCUSSION: PROPOSED STORM WATER ORDINANCE

Mr. Freeman stated the storm water ordinance was adopted in 1999 and the City has not altered the rates since their inception. Mr. Freeman discussed the Storm Water Fund's deficit of \$605,369 for FY 2005 and the components of the projected deficit of \$711,812 for FY2006. A major portion of the fund's FY 2005 \$255,000 revenue is comprised of user fees, split equally between residential and commercial customers. Current customer analysis reflects 3,147 residential customers, 83% of which account for 72% of residential revenue and 465 commercial customers of whom 21% pay more than \$20 per month and account for 78% of commercial revenue. Commission requested staff verify the number of utility customers.

Discussion ensued on the proposed commercial rates that are forecast to increase by 600% and will generate \$886,393 if the ordinance is adopted as proposed. Mr. Freeman stated mitigation for the larger commercial customer has not been considered in the projected numbers, nor has any possible adjustments for mobile homes, which are treated as commercial customers. He discussed inequities in the mobile home fees projected to increase between \$8 and \$12 per unit vs. a typical residence that will pay approximately \$4 under the proposed residential rate.

Mr. Freeman stated staff developed option 2 to address the mobile home issue is to increase the fee equal to the proposed residential category 2. Category 2 was chosen because current information shows the average mobile home is approximately 1,000 square feet in size. This option, together with a 600% commercial increase and a 10% commercial mitigation factor projects approximately \$840,000 in revenue. Staff is currently working to more accurately identify the average size of mobile homes located in the City.

Mr. Freeman briefly reviewed the customer list broken down by category. He stated the customers in categories 4, 5 and 6 would probably be customers eligible for a mitigation credit. Mr. Freeman explained that for option 2 he took the mobile homes identified in category 6 and sorted them into category 2. If Commission approves the reclassification of mobile homes into category 2, only one customer will remain in category 6. Mr. Freeman also noted that customers listed twice in a category could be because the customer has more than one master meter.

Mr. Freeman stated that option 2 would not fully cover the deficit in the storm water fund, but with the fee increase, revenue would increase to a point where the fund could become solvent. Option 2 will also cover debt service allocations made in FY2004 and FY2005 to the CIP.

Mayor Bustle inquired if it would be more acceptable to Commission if the proposed fees were implemented over a two year period. Ms. Varnadore requested more information on how the credit mitigations may affect projections; if some commercial accounts are not eligible for a mitigation credit a small number of businesses would fund the bulk of the storm water fund. Attorney Hall suggested it may be possible for existing commercial accounts built before storm water requirements were in effect to apply for a variance due to the hardship, impracticability or impossibility to construct a retention pond. Mr. Lukowiak confirmed there may be commercial customers that do not have the ability to construct retention but may be able to connect to the City's storm water system. Under the proposed ordinance these accounts will have a timeframe in which they may appeal an adjustment.

The proposed ordinance will be brought back for further discussion January 23, 2006.

Commission concurred with a workshop meeting January 30, 2006 at 5:00 p.m. Mrs. Lancaster reminded Commission she informed them at the December 19, 2005 meeting she would be out of town January 15, 2005 through February 2, 2006. She stated her opinion meetings should not be postponed or rescheduled because of one Commissioner's absence.

Mrs. Lukowiak requested Commission decide if additional bracelets should be ordered for the Martin Luther King Day Parade. An additional 5,000 will be ordered at \$1,500 plus shipping, which the City will fund.

Meeting adjourned at 6:06 p.m.

Minutes approved: **Minutes corrected January 23, 2006 to read "To recap the discussion, Mayor Bustle stated that at the January 23, 2006 Commission meeting he will nominate the law firm of Dye, Deitrich, Prather, Petruff & St. Paul as the City Attorney".**



James R. Freeman
City Clerk