

Palmetto City Commission  
October 1, 2007 4:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor  
Eric Ball, Vice Mayor  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
Tambra Varnadore, Commissioner  
Brian Williams, Commissioner (entered at 4:55 pm)

Staff and Others Present:

James R. Freeman, City Clerk  
Chris Lukowiak, Public Works Director  
Chief Garry Lowe  
Tanya Lukowiak, CRA Executive Director  
Bob Schmitt, Interim City Planner  
Michele Hall, City Attorney  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 4:05 pm. A moment of silence was observed for our military men and women serving all over the world, followed by the Pledge of Allegiance.

1. AGENDA APPROVAL

**MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to approve the October 1, 2007 4:00 pm agenda.**

2. PRESENTATION: GOODWILL

Reverend Donald Roberts, President and CEO of Goodwill Manasota, reviewed the history of Goodwill and its impact in the communities of Manatee, Sarasota, Hardee and DeSoto counties.

2. PRESENTATION: RIVERHOUSE EVENT

Stephanie Heffner, representative of Just for Girls, reviewed the organization's annual fundraiser planned for October 13, 2007 at the RiverHouse at Regatta Pointe Marina. Proceeds for the event will benefit 900 girls participating in the programs offered before and after school and during the summer.

3. CODE ENFORCEMENT FORECLOSURE LEGAL REPRESENTATION

Attorney Hall proposed to retain the legal services of Greene and Schermer as counsel for the purpose of foreclosure of Code Enforcement liens. She suggested staff would select as many as three cases as a test to judge the success of the filings. Mr. Freeman confirmed the FY 2007-2008 budget contains a \$25,000 allocation for special litigation. Staff was instructed to ensure all expenses attached to submitted invoices are tracked. Commission concurred with moving the item forward to the 7:00 agenda for action.

4. UPDATE: SCHOOL CONCURRENCY INTERLOCAL DRAFT AGREEMENT

Mr. Schmitt informed Commission that he, Attorney Hall and Mr. Lukowiak had reviewed the draft interlocal agreement contained in the agenda and identified items that may be of concern to the City. He stated the issues had been brought to the attention of the other participants in the agreement. Concern was voiced because the City has not brought forward the items earlier, given the time constraints involved in approving the agreement.

Attorney Hall cited sections 9.1, 9.2 and 9.3, relating to school site selection, planning of education facilities and site improvement, as areas she would like to see changed. She explained that, in her opinion, the drafted language in the agreement "impedes more on home

rule authority than necessary"; the City can retain home rule authority to determine what land use is appropriate and still meet statutory requirements.

Attorney Hall suggested it could be appropriate, with Commission's approval, to develop alternative language for sections 9.1, 9.2 and 9.3, and have it reviewed by the School Board. She also would provide the language to Tim Polk, Planner for the City of Bradenton. She stated that if the School Board is amenable to entering into a separate agreement with Palmetto, it is an option Commission could consider. She indicated School Board representatives have agreed to consider the issue, so long as it is not an entire separate agreement.

Ms. Cornwell inquired if the City would bear the cost of meeting minimum criteria for sites the City may identify. Attorney Hall suggested that if the alternative language allows the City to participate in the school site selection, she did not believe the City would bear any additional cost, based on research into separate agreements from different jurisdictions.

Jeff Steinsnyder, School Board representative, explained that in section 9.1 it is the superintendent's desire to be able to negotiate with property owners without driving up the price of land. He also stated that regardless what the draft stated, the City has the ability to comment before the School Board can contract on a piece of land. Referring to section 9.2, he explained that many jurisdictions throughout the state do not require schools boards to go through the land use or building department process because the issues are infrastructure related. During the drafting of the agreement under discussion, the cities were quiet and negotiation took place mainly with county personnel.


Mr. Steinsnyder stated the School Board has a concern with having multiple agreements. He further stated that the county attorney's office representative has indicated the county is moving forward with the draft agreement in its current text, due to the deadlines that must be met or jurisdictions lose the ability to make comprehensive plan amendment, and possible financial penalties that could be opposed. He also commented on the hometown democracy issue possibly going to referendum and how the county could be affected in dealing with that issue if the April deadline is not met.

Attorney Hall informed Commission she has reviewed the document, attended a meeting with her edited copy, and most of the "may" and "shall" language was explained by school board representatives to her satisfaction. She opined that the City should concentrate on the three sections she has noted; the county probably would not agree with any proposed changes to "may" and "shall" at this date. Mr. Steinsnyder confirmed the school board must have an agreement with each jurisdiction. He also opined that section 9 is the area where the school board gave the most.

Attorney Hall asked Commission for direction on whether staff should focus on the three areas she has noted. She stated she can draft and forward alternate language to Tim Polk, Mr. Steinsnyder and Mr. Barneby. Commission requested that the newest version of the agreement, alternate language, applicable state statutes and the prior interlocal agreement be provided before the agenda. Mr. Lukowiak stated he would prefer entering into one agreement rather than having a separate agreement.

Meeting adjourned at 5:10 pm.

Minutes approved: October 15, 2007

  
James R. Freeman  
City Clerk