

Palmetto City Commission
December 3, 2007 4:00 p.m.

Elected Officials Present:

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

Staff and Others Present:

James R. Freeman, City Clerk
Chris Lukowiak, Public Works Director
Lt. Craig Himes
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, followed by the Pledge of Allegiance.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved and Mr. Williams seconded to approve the December 3, 2007 4:00 pm agenda.

Discussion: Mr. Williams requested that time permitting, Commission hold a discussion on the City's financial situation and the outstanding issues on the Manatee School for the Arts bond financing. Mr. Freeman confirmed he will be presenting a financial analysis during the workshop on December 17, 2007. The school will seek Commission's formal approval of the City's support of the bond issue on the December 17, 2007 7:00 agenda.

Motion on the floor carried 4-0.

2. CITY ATTORNEY CONTRACT RENEWAL

Mayor Bustle's point paper recommended the reappointment of Michele Hall as City Attorney for a period of two years, ending January 5, 2010. Mr. Williams opined the topic should be moved forward to the 7:00 agenda. Mrs. Lancaster stated her belief the new mayor should have the power to appoint the department heads. Mayor Bustle explained the reappointment is not intended to detract from the new mayor's power to appoint, and the charter provides the new mayor the power to suspend or remove appointed officers, subject to a majority vote of the commission. Ms. Cornwell stated she agreed with Mrs. Lancaster and would not support the appointment for two years. Ms. Varnadore also agreed with Mrs. Lancaster and Ms. Cornwell, citing the appointment process historically observed, and recommended the appointment should be through January, 2009. Mayor Bustle reminded Commission Ms. Hall's current appointment expires December 31, 2007. Commission debated the topic and then gave consensus to move the topic forward to the 7:00 meeting, at which time the reappointment will be requested for a period ending January 5, 2009.

3. DEPARTMENT HEAD APPOINTMENT EXTENSION

Ms. Varnadore stated she felt the same way about the proposed appointment extension for the department heads, even though she feels the department heads are doing a wonderful job. Mayor Bustle read a motion passed May 2, 2005, extending the department heads' term through the completion of the second regular meeting after the mayor's election in November, 2008. Ms.

Varnadore suggested the appointments should all be at the same, January 5, 2009. It was consensus of Commission that the department head appointment extension would be to January 5, 2009.

Commission moved the topic to the 7:00 meeting.

4. SCHOOL BOARD INTERLOCAL AGREEMENT

Attorney Hall informed Commission that following their last review and comments, there still remains three outstanding issues with the School Board. Ms. Hall reviewed the three outstanding issues, as follows:

Page 35: Section viii was amended to add the word infrastructure.

Page 36: Section B was amended with the verbiage added to allow the City the right to prescribe what use is allowed in which district. Attorney Hall explained the School Board objected, mostly because of procedural issues; 1) Rezoning in the county takes much longer, 2) A Comp Plan amendment is time consuming and involves a referendum. She stated staff is willing to agree to schools in all Comp Plan categories, but on zoning the School Board must come to the City for a conditional use permit.

She stated there has not been any communication with the City of Bradenton or Manatee County, and she is not hopeful one agreement among the local governments, Manatee County and the School Board will happen. She suggested that if the Agreement is between Palmetto and the School Board or Palmetto and Bradenton and the School Board, some of the School Board's hesitancy may not be so great, because the process is more reasonable. Mr. Williams suggested there should be a meeting between Bradenton, School Board and the City or if Bradenton doesn't want to participate, the City should seek an independent agreement with the School Board. Attorney Hall informed Commission the School Board has expressed the desire for one Agreement, as does the statute.

Mark Barnaby, Special Counsel for the School Board, stated the Comp Plan amendments are supposed to be adopted by April 2008. He also stated he is not aware of any issue from Bradenton concerning the draft Agreement. Referring to the Agreement, Mr. Barnaby discussed the concerns of the School Board, specifically citing consistency with the Comp Plan and the purchase of property. He commented on the School Board's requirement to come to the City for all school approval, as stipulated by statute, and the Board's preference to have some type of procedure in place rather than a conditional use permit, and requested the City's consideration of the issue.

Attorney Hall confirmed that City staff and School Board staff had agreed that schools would be allowed in all Comp Plan amendments; zoning of the sites were City staff's concern. She read verbatim from a portion of the statute, explaining the language, and later statute presumption language, would take away a lot of "home rule authority" in dealing with "compatibility" of school sites. She stated her objections and recommendations to Commission deal with home rule authority; the inability for the City to decide the benefits to health, safety and welfare. She explained the School Board's need to have some guidance or assurance from the City that a school will be allowed on a particular site before purchasing the property.

Mr. Williams discussed several questions he had concerning the Agreement with Mr. Barnaby, who explained the meaning of the language questioned. No change was made to the Agreement.

Mayor Bustle stated he would like to have conversation with the mayor of Bradenton before the December 19, 2007 Council of Governments meeting. He also informed Commission that they

should attend the meeting, because he does not have the power to vote on the Agreement, if necessary. Commission also agreed that staff should attempt to meet with the City of Bradenton and the School Board prior to the next Commission meeting.

Attorney Hall discussed the issue not resolved dealing with the City's determination of consistency. She explained her reasons for including the language. Finally, Attorney Hall stated the presumption language was unresolved, but staff would work for resolution prior to the December 17, 2007 Commission meeting.

5. RENEWAL: EMPLOYEE HEALTH INSURANCE BENEFITS

Mr. Freeman reviewed the proposed changes to benefits made since the last review with Commission:

- The term of this renewal has been changed to nine months so future renewals can be tracked with the budgeting process
- Inpatient/outpatient services co-pays were reduced back to the current zero level
- Co-pays increased to \$25 per visit
- Drug benefits increased to \$10 Generic/\$35 Preferred/\$50 Non-preferred
- Emergency Room co-pay increased to \$200 (waived if admitted to the hospital) 100% paid by City after co-pay
- Out of pocket maximum increased to \$2,000 individual/\$4,000 family
- Out of network coinsurance decreased to 50%; out-of-pocket maximum increased to \$5,000 individual/\$10,000 family

Commission discussed the proposed changes and their financial impact on the employees and the City. Mike Towns, Atlas Financial, explained that the out of network co-pay increase would have no bearing on the employees, as there has never been an out of network claim. The increase in the out of pocket maximum will probably be a non-issue for the employees because of the low co-pay amount and the number of times an individual would have to use the plan to meet the out of pocket maximum.

Mr. Freeman discussed how the reserve account is affected by claims and how it is used to pay the fixed and variable costs for employees and partially for dependent coverage. He also informed Commission that, as instructed, he has identified the Trailer Park Trust Fund interest as a potential source for any additional funding into the reserve account. Ms. Varnadore voiced concern about using the Trailer Park Trust Fund as a source of funding for the insurance reserve account.

Commission suggested the medical insurance should be tracked by department, rather than just being budgeted in the reserve account. It was also suggested that staff should closely monitor the reserve account so shortfall funding does not occur again.

Commission moved the item to the 7:00 meeting.

6. VACATION OF RIGHT-OF-WAY TO FAMILY HEALTH CENTER

City Planner Bob Schmitt informed Commission Family Health Center is requesting the vacation of a portion of the right-of-way for 6th St. W. between 3rd and 4th Avenues. The vacation is being requested to remove Family Health Center's liability from a cul-de-sac the City constructed, which partially encroaches onto Family Health Center's property. In exchange for the vacation, Family Health Center is willing transfer ownership by a fee simple deed for the improvement that encroaches onto their property.

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Surveyor Leo Mills, Jr. confirmed that his company's sketches would be updated to reflect the property being transferred by deed. He also confirmed that if Family Health Center develops the property they will have to negotiate with FPL to use its dedicated easement.

Commission authorized the topic's inclusion on the December 17, 2007 agenda.

Meeting adjourned at 5:55 pm.

Minutes approved: December 17, 2007

A handwritten signature in black ink, appearing to read "James R. Freeman", with a long, sweeping underline that extends to the right.

James R. Freeman
City Clerk