

Palmetto City Commission  
December 1, 2008 4:00 p.m.

Elected Officials Present:

Shirley Bryant, Mayor  
Tambra Varnadore, Vice Mayor  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
Brian Williams, Commissioner

Elected Officials Absent:

Alan Zirkelbach, Commissioner

Staff Present:

James R. Freeman, City Clerk  
Mark Barnebey, Special Counsel  
Michele Hall, City Attorney  
Chief Garry Lowe  
Allen Tusing, Interim Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:00 pm. Commissioner Lancaster gave the invocation, followed by the Pledge of Allegiance.

1. AGENDA APPROVAL

**MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 4-0 to approve the December 1, 2008 4:00 pm agenda.**

2. DISCUSSION: WORKSHOP MEETING SCHEDULE

Commissioner Cornwell requested that Commission consider adjusting the workshop meeting schedule, citing Commissioners work schedules and the fact that the 4:00 start time was not convenient for the business people in the City that wish to attend the meetings.

Discussion ensued on several options, as follows:

- Start time of 4:30 or 5:00, ending at 6:00
- Hold the workshop on Thursday prior to the Monday Commission meeting, with a later start time
- Start time of 5:00, provided a draft of the next 7:00 agenda is ready so Commissioners can research the topics prior to the meeting
- Dedicate each Monday, alternating weeks for the workshop and Commission meeting

The Commissioners present favored adjusting the workshop meeting time to 4:30 to 6:00 pm. The item was placed on the next 7:00 agenda for Commission action.

3. DISCUSSION: CRA BOARD

Mayor Bryant began the discussion by stating Commissioner Zirkelbach had to be absent from the meeting, but has stated he would like to discuss the item. If the item is moved forward, she would like Commissioner Zirkelbach to have the opportunity to voice his opinion on the topic.

Mayor Bryant stated the discussion is not to be construed as criticism of the CRA Board or any actions that have been taken; periodic review of the composition of the board, its accountability and the dynamics of the City is necessary. She also stated that constituents commented on the Board during her campaign.

Commissioner Varnadore acknowledged that she wanted to hear Commissioner Zirkelbach's comments, but without his input, she preferred that the CRA Board not be disbanded, rather that it be an advisory board. This would allow Commission to have more knowledge, control and accountability on what is happening in the CRA district. Commissioner Varnadore opined the CRA Board and director have done a very good job.

Commissioner Lancaster also stated the CRA Board and director have done a good job and have been very diligent. She commented on the reason a Commission liaison is appointed is to attend the CRA Board meetings and bring information back to Commission. She stated she did not want the responsibility of being the CRA Board and questioned what the Commission would do differently from what is currently being done by the CRA Board. She also inquired if the Commission would develop the CRA budget or review and amend it as is currently done with other City departments.

Commissioner Cornwell stated that at this point there is no liaison. She stated her issue is the CRA budget, and the fact that the CRA Board had two months to hold the required annual joint meeting with City Commission concerning their budget, but failed to do so. She commented on Commission policies that City boards may not be following, referring specifically to the extension of department head terms beyond a mayor's term, which Commission has voted down during the term of the two preceding mayors. Commissioner Cornwell also commented on the Commission's budgetary responsibility to ensure that funds expended by any group are being done in the best interest of the City. Commissioner Cornwell questioned the point in having a CRA Board if they could not meet with Commission once a year, as required.

Mayor Bryant commented on her research regarding audits performed by the Auditor General for the State of Florida. The audit reports revealed that funds not spent as stated in guidelines establishing the CRA would have to be reimbursed to the CRA by the City. Mayor Bryant opined the current budget is very limited and would have difficulty making such a payment if an unforeseen problem should arise. She also commented on the fact the CRA budget is increasing, which leads to more responsibility for the elected officials.

Commissioner Williams opined the CRA has done an excellent job, giving the City a tax base over \$225 million in Riviera Dunes alone. He referred to comments made by a previous council member who disapproved of the CRA being a board that was not controlled by the council. Commissioner Williams opined there should be only one entity controlling the money of the City. He stated he would prefer the CRA Board be an advisory board, with City Commission making the final decision on expenditures. He commented on his disapproval of a storefront grant that was awarded to a church; taxpayer funds should not be awarded to a tax exempt entity. He commented that some of the TIF should be used for slum and blight, not development.

Mayor Bryant stated that while sitting in the audience of Commission meetings she observed there appeared to be a lack of communication between the Commission and CRA, acknowledging that Commission did ask for a joint meeting with the CRA Board on several occasions. She also opined that the increasing CRA budget will become a growing issue for the Commission.

Mayor Bryant suggested that Attorney Barnebey research the addition of CRA expenditures on the Commission's Consent Agenda that were not previously included in the approved CRA budget. This action would ensure that CRA Board decisions are made subject to City

Commission approval. Attorney Barnebey confirmed for his research that the addition to the Consent Agenda would be for a specific line item, as opposed to the budget as a whole. Commission concurred.

Discussion ensued on Commissioners being advised not to attend various board meetings, yet there is a need for Commission to be made aware of items that will be considered by the boards before action is taken. Attorney Barnebey confirmed that Commissioners may individually speak with board members on matters they do share with the board; there are exceptions, a quasi judicial board being one where the board members may not speak with anyone outside the hearings.

Commissioner Varnadore spoke of getting the agendas she had requested, but minutes are more problematic; minutes are not posted until after approval. Mr. Freeman confirmed that the agendas are being posted on the website in a more timely manner. Staff will work with the clerks of the various boards to provide Commission with draft minutes.

Commissioner Cornwell commented on the need to appoint a CRA liaison, which Mayor Bryant confirmed she will do in the near future. Commissioner Cornwell commented on the Mayor's duty to renew all the department head contracts in January. She requested that Attorney Barnebey research the renewals, as they are a Commission policy and no advisory board has the capability of over-riding the elected board; specifically an extension beyond the Mayor's recommendation.

Mrs. Lancaster commented on the fact that she has always been told the CRA is a different entity and the CRA Director is not a department head. Commissioner Cornwell opined the CRA Director is appointed by the Mayor. Commissioner Varnadore stated the CRA Director is the only employee in the City with a contract, which was extended to her by the CRA Board. Mayor Bryant directed the topic to Attorney Barnebey for his opinion, which will be provided to Commission at the next meeting.

Commissioner Cornwell reiterated the fact that the Commission has all the responsibility over the budget, yet none of the authority over the CRA budget. She opined that Commission needs to review the CRA budget in detail, with CRA Board members in attendance; if the members are not in attendance they should not be on the board.

Commissioner Williams referred to Florida Statute 163.356(3)(c), which states the governing body shall designate a chair and vice chair of the CRA Board annually. He pointed out the fact the City Commission is not making that designation, stating there are many areas that need to be refined. He again opined that an advisory CRA Board may be the best way to resolve some of the issues, and that the City Commission must take a more active role in the CRA budget.

Mr. Freeman confirmed the quarterly budget review will occur later in January. Mayor Bryant concurred with Commissioners that a joint meeting with the CRA Board should occur, and that it could be held the same time as the quarterly budget review.

Mayor Bryant also stated she has met with different board members and suggested that perhaps Attorney Barnebey could hold an orientation with the new board appointees before their term begins.

The CRA Board topic will be placed on the December 15, 2008 regular Commission agenda.

#### 4. DISCUSSION: BACKGROUND CHECKS

Mr. Freeman informed Commission that currently level two background screenings are performed on all new hires through the VECHS Program, administered through Florida Department of Law Enforcement at a cost of \$53.25 per person. Level one screening is performed through the state

at a cost of \$24 per person. The difference between the two screenings is level 2 is state and federal and level 1 is state only. Mr. Freeman stated that given the small difference in cost, level two screening has been included across the board in the policy. Mr. Freeman highlighted the balance of the amendments to the policy.

Attorney Barnebey stated there are some things he would like to discuss with Mr. Freeman, citing consistent terminology throughout the document. Attorney Hall explained that the document intentionally does not address what action will be taken upon an arrest; action taken after consultation with the City Attorney may, as an example, include the transfer of an employee to a different position, rather than suspension, demotion or termination.

Commissioner Williams inquired how an incident will be handled should one arise with a long-term employee, suggesting the employee's employment history should be considered in any action. Commission Varnadore agreed that Commissioner Williams' suggestions had merit and may need further legal review. She opined that if a screening revealed an employee's crime fell under any of the crimes on Exhibit A, that employee would be terminated. She requested clear direction on that type of occurrence. Attorney Barnebey acknowledged that he had just received the document, but stated his belief the Commission has some flexibility on what action would be taken.

Commissioner Cornwell discussed the possibility of using the Personnel Board as a body to review different resolutions to incidents that may occur. Discussion ensued on the difference between the Personnel Board and the Personnel Committee, and which body will review the proposed Background Check Policy before its adoption.

Attorney Hall informed Commission that Attorney Wendy Smith has opined that she has met her obligation under the agreed upon flat rate fee; all future legal consultations will be at an hourly rate.

As a result of the discussion, Commission requested a roster of the Personnel Committee and an update on the revision to the Personnel Policy on which they have been working.

Mayor Bryant confirmed Attorney Barnebey will review the document, research the items cited by Commission and respond. After Attorney Barnebey's response, the proposed policy will be forwarded to the Personnel Committee, after which it will be placed on a future workshop agenda.

Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 4-0 to adjourn the meeting at 5:30 pm.

Minutes approved: December 15, 2008



James R. Freeman  
City Clerk