

PALMETTO CITY COMMISSION
WORKSHOP AGENDA
December 7, 2009 – 4:30 PM

Elected Officials Present

Shirley Groover Bryant, Mayor
Brian Williams, Vice Mayor, Commissioner, Ward 3
Alan Zirkelbach, Commissioner-at-Large 1 (entered at 5:05 pm)
Tamara Cornwell, Commissioner-at-Large 2
Mary Lancaster, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2

Staff Present:

Mark Barnebey, City Attorney
James R. Freeman, City Clerk
Garry Lowe, Chief of Police
Tom McCollum, Interim City Planner
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:32 pm. A moment of silence was observed, followed by the Pledge of Allegiance.

Chief Lowe introduced new K9 Unit Rellik.



1. DEVELOPMENT REVIEW FEES

Mr. McCollum reviewed information on the City's development fees. He has also provided the P&Z Board the same information, which will be reviewed at the next meeting. He requested that Commission review the information distributed comparing City fees to surrounding governmental agencies. He stated the City has many categories where the City does not have fees, as compared to Manatee County.

Mr. McCollum also discussed actions that will be brought to Commission, such as the sign ordinance. He also briefly discussed a proposed Land Use Code that will be brought to Commission at a later date.

The topic will be brought back to Commission after the P&Z Board review, with any recommendations from the Board.

Mr. McCollum will review Manatee County fees to insure the current fees have been provided Commission, and provide the information to Mr. Freeman and Mr. Tusing.

Fence Permits requiring Commission approval is being increased because of the staff time to prepare the permit for Commission review. Mr. McCollum stated that if the Building Department can issue the permit, the \$500 is not applicable. Mr. Williams opined the \$500 fence permit fee is too high; Ms. Varnadore concurred.

Mr. McCollum requested Commission consider a fee for an appeal. Attorney Barnebey discussed the appeals process and the staff time involved. He stated it is possible that man-hour expenses will exceed the cost of the appeal, but the due process should not be discouraged with a high fee. Commission could consider a fee that will discourage frivolous appeals.

Mr. McCollum discussed his reason for not assessing a fee for a CDD. He suggested that an actual cost for the development of a CDD can be assessed; the item is legal cost intensive, not staff time intensive. Attorney Barnebey stated he would recommend a fee.

Mr. Tusing requested that Mr. McCollum look at the tree removal fee. The proposed fee is for development, not existing trees. Mr. Tusing suggested the \$50 fee is not sufficient.



2. PROPOSED SETTLEMENT AUTHORITY ORDINANCE

Review of a proposed ordinance establishing the Mayor's settlement authority for certain claims made against the City. The proposed language will clarify the procedure for the settlement of administrative approval of settlement of claims not referred to the City's insurer.

Mr. Freeman stated Florida League of Cities (FLOC) is the City's insurer, and defends most claims. Guidelines and procedures are contained in the insurance policy allowing FLOC to settle claims. The proposed ordinance is intended for items that would not be referred to FLOC.

Attorney Barnebey reviewed the settlement criteria set forth in the ordinance. He suggested that language be added requiring notice to the Commission of settlements. He suggested it is also possible and appropriate to establish criteria in the ordinance to set an annual maximum amount that can be administratively approved.

Commissioner Varnadore stated her desire to incorporate language into the ordinance requiring Commission notification of claims. Mayor Bryant concurred that Commission should be notified of all pending claims. Commissioner Varnadore also opined any action against the City should also be provided Commission. Mr. Freeman suggested that the quarterly budget review could also contain settlement information.

The ordinance will be brought back to the December 21, 2009 workshop and be moved forward to the 7:00 agenda with Commission's approval.

Mr. Tusing discussed the 10th St. & 14th Ave. and 10th St. & 8th Ave. intersection improvements bids which were opened last Wednesday. He stated the estimated cost of the project was \$1.3 million; bids ranged from \$632,000 to \$739,000. He requested permission from Commission to allow the award of bid be added to the 7:00 pm agenda. Attorney Barnebey concurred that the Commission could approve the contract, contingent upon attorney review. Mayor Bryant stated that if Commission does not agree to allow the addition to the agenda, she would like to call for a special meeting of the Commission.

Ward 1 Phase II 90% engineering plans are on track.

FDOT has bid the Haben Blvd. resurfacing project. The City must agree to maintain the street after the resurfacing.

Mr. Freeman displayed the appearance of the new minutes software posted on the City's website.



3. ADJOURNMENT

Meeting adjourned at 5:45 pm.

Minutes approved: **December 21, 2009**

James R. Freeman

James R. Freeman
City Clerk