

Palmetto City Council
April 27, 2004 6:00 PM

Elected Officials present:

Larry Bustle, Mayor
Tamara Cornwell, Vice Mayor
Shirley Bryant, Council Member
Brian Williams, Council Member

Elected Officials absent:

Mary Lancaster, Council Member

Staff and others present:

Attorney Michele Hall
J. E. Free, Jr., City Clerk
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Jessica McCann, Planner
Diane Ponder, Administrative Assistant

Mayor Bustle called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle commended the Charter Review Committee's work regarding the proposed Charter changes. He read a statement concerning the issue, briefly touching on the following topics:

- His belief the Committee had completed the task assigned by the Council
- The majority rule issue
- Filling a vacant Council seat
- The cost of changing to a city manager form of government estimated at \$177,000
- Any referendum should allow, as a minimum, the approval of the Charter Review Committee recommendations, including provisions for transfer to a city manager form of government over a period of time; suggested two separate referendums
- Concern about the voters having to deal with a complicated referendum
- Changing directions at the beginning of the City's major capital improvement program
- His support of city manager form of government if that is the only choice given the voters, based on his opinion the current Charter's minority rule provision is unfair

He recommended the City attorney be instructed to draft two proposed Charter referendums, both to be put on the ballot at the same time as follows:

1. Place the Charter Review Committee recommendations on the ballot as implied in the implementing resolution and as presented by the Committee.
2. Allow transition to the city manager form of government over an agreed upon time period.

He discussed the outcome of a vote on the two referendums. The most beneficial outcome would be if the voters passed both; if the recommendations were passed but

the city manager failed, in some respects it would be better than a status quo (no department head problems); if the recommendations were voted down and the city manager passed, the next Mayor would deal with the minority rule provision until a city manager is in place; if both referendums are voted down it would not be good for the City.

Replying to the Mayor's statement, Ms. Bryant contended that Council is accepting and open minded to the changes brought forth by the Charter Review Committee and that she personally has never opposed changing to majority rule. She stated she felt it is in the City's best interest to go to a city manager; it is important to get the Charter changes on a ballot, to give the voters an option; it is important to transition to a city manager form of government, as it will be cost effective. She further stated she felt the Charter Review Committee had accomplished what Council asked them to do.

Mr. Williams also replied to the Mayor's statement. He stated Council recognizes the Committee did an excellent job; the resolution stated the Charter Review Committee was to make recommendations, which is what they did. Mr. Williams discussed the fact that Council does not have to wholly accept what a committee recommends; he felt there was more in the Charter that needed to be reviewed, or possible recommendations made. He applauded the Committee focusing on one major problem - the majority vote, stating Council needs the majority vote. He stated it is wrong to assume Council has to stand by decisions or recommendations made by a committee. He inquired about the basis of the \$177,000 figure for a city manager.

Mayor Bustle stated he is worried the City does not have time before August to put together what Council has been asking for. He suggested there is a problem in the City with the way things are - minority rule provision administration and the reasons for keeping it. He discussed how he developed the figure for a city manager; \$80,000 for a city manager plus \$30,000 to \$35,000 for his wrap around and \$40,000 for an assistant city manager. Ms. Bryant stated that with the staffing in place an assistant may not necessarily be the case. Mayor Bustle reminded Council the Range Rider also informed Council the clerk's position would remain in place. Ms. Bryant discussed seeing instances where errors by a previous Mayor cost the City over \$100,000 on one issue. She stated she didn't suggest doing away with the Mayor's position; the community wants an elected Mayor, as evidenced by the Charter Review Committee. Mr. Williams agreed.

Ms. Cornwell stated the entire Council cares greatly about the City. She commented on the removal of the police chief by the previous Mayor that cost the City over \$100,000 plus attorney fees. Looking at the staff now, which was achieved with the minority vote in place, she declared she has never worked with a finer staff. She stated in her experience minority rule has worked; looking back, the City has greatly improved. Ms. Bryant commended the two people voting as they did, recognizing their strength of conviction to vote as they did. She stated that in retrospect, and having seen the difference the staff change has made, she regretted that she did not vote with them. Mayor Bustle agreed that the vote was a good vote and the outcome was good, but he would have been happier had it been achieved with a majority vote.

Ms. Cornwell suggested looking at the recommendations of the changes; add the solution for filling a Council vacancy. Council discussed prior meetings with the Committee and the fact Council has accepted all but one of the recommendations.

Discussion ensued on the following topics:

- Recall provision for a sitting Mayor; Council concurred the Charter needs to contain appropriate language allowing for a recall
- Four-year terms and how the change will be implemented; 3 year terms for the elections this year; 4 year terms for the election next year; at-large will then be alternating every 2 years.
- Filling a vacancy of a Council seat

Charter Review Chairman Ron Witt interjected that the Charter Review Committee did not want to specifically draft language at this point in the exercise; they wanted to present their recommendations to the Council. They felt they would get the topic back once Council had made a decision and then work with the City's attorney to draft the language and implement the mechanics of items such as the staggered terms. He acknowledged the Committee knew additional work is necessary to complete their task.

Mr. Witt informed Council the Committee felt the City is not ready for a city manager right now, but did not make an evaluation of when the time would be appropriate to move in that direction, thus the recommendation for a more frequent review of the Charter.

Ms. Cornwell discussed the many issues the City faces where a city manager would be beneficial. Mr. Witt commented that to draft something to evolve into a city manager would be very difficult. He again stated the Committee didn't feel the city manager was right at this time so they focused instead on how to resolve the existing problems; the balanced Mayor/Commission form of government would resolve the bulk of the problems. When questioned by Mr. Williams, Mr. Witt stated the Committee did not consider evolving into a city manager form of government. He explained that when the Committee came together there were two camps; one for city manager, one for a strong Mayor. The Committee, by consensus, felt the balanced Mayor/Commission form of government was the best solution.

Charter Review Committee member Frank Brunner stated that the Committee determined a drastic change in governance was not necessary; the recommendation regarding the frequency of a Charter review will empower the Council in determining when a transition to a city manager should occur, through the budgeting process and strategic planning, the role of a Mayor, etc. Mr. Williams commented on the referendum containing a provision that allows for the City to transition to a city manager over a set period of time; he didn't want to debate the city manager issue again in three years. Mr. Brunner replied the Committee wanted to make it easier, but not necessarily easily, to change the type of governance; transition to city manager is a great step and should be debated. Mr. Witt added that any referendum to the citizens should be very straightforward and simple; too many contingencies will be very confusing. Mr. Williams stated he is not ignoring the Committee's recommendations; he wants to work a way around the city manager being part of the City's government without hostile debate. Mr. Witt stated the Committee has made its recommendations; it is now up to Council to make the decision as to what is to be put on the referendum. Mayor Bustle stated that is why he suggested two referendums; if the public votes no on the city manager, the City doesn't want them to also vote no on the Committee's recommendations.

Mr. Williams discussed it being better that Council come to a consensus as to what it wants on the referendum and sell that referendum rather than splitting support for different issues. Mayor Bustle stated he wanted to offer two referendums the

government recommends that should be passed. Mr. Williams stated that showed indecisiveness on Council's part; if Council agrees to the balanced Mayor form of government, that's what should be promoted; if Council can sell the city manager form of government, that's what should be promoted.

Mr. Brunner suggested taking the existing recommendations and put those on the referendum. A separate question on the referendum could ask, "Should the City Council pursue the city manager form of government at the conclusion of the next Mayor's term?" If the vote passes, it gives a mandate to the Council to start the transition to the city manager form of government.

Ms. Bryant stated she didn't think the city manager form of government will pass in the City and she didn't want the rest of the changes to be defeated because of the one issue. She further stated her favor of everything brought forward by the Charter Review Committee.

Eric Ball opined his belief the City is close to having a full time Mayor, which he favors, or an administrator. He suggested leaving the city manager off the referendum and after the election reconvene the Charter Review Committee to specifically address the city manager issue. Ms. Bryant agreed the city manager issue should be left off the ballot because she didn't believe the residents of the City are ready, as reflected by the make-up of the Charter Review Committee. Ms. Bryant further stated she believes a city manager is in the best interest of the City.

Mr. Witt stated a city manager is very efficient, but not necessarily effective and if the City is looking strictly for efficiency, he suggested disbanding the Charter and become part of the County. He stressed he is not advocating that idea, he wants to keep the City a city, and, "sometimes things have to be done that are not quite as efficient in order to preserve things we are trying to achieve." He stated he felt the Committee believes the community wants the accountability of an elected Mayor and Council. Discussing personnel issues, Ms. Bryant responded the City has to safeguard against elected officials not having the appropriate background making major errors that costs the City.

Ms. Cornwell commented on attorney fees increasing because of regulations the City must now deal with. She stated that eventually with a change to a city manager, the change will lessen the purchase of professional services regarding mandated regulations.

Council discussed the issue of a vacant seat. Mr. Williams questioned that with the removal of the Mayor's vote, was discussion held on the Mayor's veto power. Mayor Bustle stated he assumed the veto would stay in place because of the balance of the super majority to overturn the veto.

Charter Review Committee member Clyde Boltz stated Council must make a decision regarding what can be accomplished, and place only one item on the referendum. He suggested language may be added to the Charter giving Council the authority to fill the vacancy. Ms. Cornwell questioned the term of an appointment, with discussion resulting in concurrence the appointment would last until the next scheduled election.

Mr. Williams stated he does not think a city manager will pass at this time.

Ted Schmidt stated his observation of the City as an organization going through drastic changes. He opined the City should educate the public on the choices, bring them together to create a common vision; with participation, fear of change dissipates with education. He stated Council should start working on the change to a city manager now through outreach efforts in the community.

Ms. Cornwell commented on a non-charter recommendation concerning scheduling the workshop and Council meetings after 5:00 pm. The meetings are scheduled for 7:00, with very low participation, and the workshops at 4:00 to allow for staff involvement. Ms. Cornwell spoke of the difficulty of sitting through hours of meetings with no break. Mr. Witt stated it was a factor that arose during the discussion regarding participation; after 5:00 will allow people to attend meetings after work hours. Ms. Bryant stated that if the meetings are going to be held back-to-back she was going to propose the workshop be held at 3:00 to allow a break between the meetings.

Charter Review Committee member Ellen Leonard addressed Council about the project, explaining how the members educated themselves on the various forms of government. Committee members prepared model forms of government and focused on what they felt would work for the City. The final model chosen by the Committee is what they felt would work for the City without totaling revamping the government; the name was created after the model was developed by the Committee.

Ms. Leonard stated that the Committee's recommendations will capitalize on leadership which has been lacking in the past - leadership will not be provided by a city manager. She stated the leadership she is looking for will coordinate opposing views of Council, constituents, and a lot of different special interests, and will be able to make decisions for the City. She stated the non-charter recommendation that the Mayor's position becomes more full-time, because of the demands of the city, is a move toward the concept of a city manager.

Mr. Williams inquired of Mrs. Leonard if additional comments from the public were taken during the Committee's discussions. Mrs. Leonard responded the meetings were open to the public, but there was little public participation. Mr. Williams stated he wanted to be removed from the meetings and let the Committee make its decision. He further stated he wished more meetings between Council and the Committee could have been held so both bodies could openly discuss the issues.

Ms. Cornwell inquired about televising the Council meetings; expense is a concern, televising meetings is not a top priority. Mr. Witt stated things arose during the meeting that were not part of the Charter; lack of participation being an item that was discussed. Televising the meetings is one means to address the lack of public participation. Mr. Brunner discussed the positive impact televising the School Board's meeting has made in participation and the level of professionalism and respect among the board members during the meeting. Ms. Bryant suggested asking the public about televising the meetings and if they are willing to bear the expense.

Charles Smith advised Council his opinion the "old guard" does not want a city manager. He further stated his input has been that doubling the Mayor's salary and increasing the Council's salary will be cheaper than a city manager. Mr. Smith proposed the Mayor's salary could be the same as the County Commissioner positions.

Eric Ball commented on the first thing he remembered was Mayor Bustle's comment on raising the Mayor's salary. He suggested that the public should be educated on the hours involved in the Mayor and Council positions and a corresponding, appropriate salary.

Charter Review Committee member Clyde Boltz stated that if Council wants to move to a city manager concept, Council should begin with the budgeting process by increasing the Mayor and Council position salaries. He cautioned a salary shouldn't be doubled overnight.

Ms. Cornwell questioned when the Charter would become active if the changes are approved. That issue will be addressed during the drafting phase. Mr. Williams commented on the Council meetings being in an ordinance, not the Charter; board appointments should be approved by a simple majority of Council. Non-charter recommendations will be addressed by ordinances.

Council concurred that the Charter Review Committee is to reconvene, take the five recommendations and incorporate them into a referendum. The attorney shall draft a document and take it to the Committee for its perusal. Mr. Witt requested to reconvene the Committee with the City attorney for a dialogue. Another meeting with Council will then be called once a time schedule has been developed.

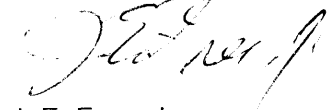
Attorney Groff advised Council an official action must be taken to reconvene the Committee, as the resolution expired in February 2004. A resolution extending the time will be ready for approval at the May 3, 2004, Council meeting.

Attorney Groff confirmed the City Attorney's task; drafting of the document using the five recommendations, review with the Charter Review Committee and subsequent development of the referendum before the August election.

Council thanked the Charter Review Committee members.

Meeting adjourned at 8:15 pm.

Minutes approved: June 7, 2004



J. E. Free, Jr.
City Clerk