

**Palmetto City Council**  
**December 4, 2000 7: 00 PM**

**Elected Officials Present:**

**Pat Whitesel, Mayor**  
**Tamara Cornwell, Vice Mayor**  
**Shirley Groover Bryant, Council Member**  
**Donna Keefer, Council Member**  
**Mary Lancaster, Council Member**  
**Brian Williams, Council Member**

**Staff and other present:**

**Alan Prather, Attorney**  
**Chief Ken Bright, Palmetto Police Department**  
**Mary Jean Forrester, Acting City Clerk**  
**Margaret Tusing, Planning & Zoning Director**  
**Mike Hickey, Public Works Director**  
**Diane Ponder, Administrative Assistant**

**Mayor Whitesel called the meeting to order at 7:00 p.m.**

**Chief Bright gave the invocation followed by the pledge of allegiance to the United States Flag.**

**Mayor Whitesel advised Council she had asked Seymour Sailes to attend the meeting to discuss the Martin Luther King Day Parade. Chief Bright discussed the letter he had sent Mr. Sailes reminding him the proper permits should be obtained, as the parade route necessitated the closure of state roads.**

**MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to amend the agenda to add Mr. Sailes speaking on the Martin Luther King Parade route.**

**Mr. Sailes discussed with Council how the parade had been handled in previous years, and his understanding it was not necessary for him to obtain permits, as the Mayor or Council had always waived the city permit and contacted FDOT for approval of the road closures. It was consensus of Council that the parade organizers submit the necessary paperwork for approval by the city and FDOT. Mr. Williams stated he would take the permit to FDOT next week for approval.**

**William McMillan addressed Council, asking that the focus of the parade remain on Dr. Martin Luther King.**

Mayor Whitesel introduced Larry Adams who will speak to Council concerning the Manatee County Animal Control Department.

**MOTION:** Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to amend the agenda to add Ordinance 701 for discussion.

Mr. Williams asked Mr. Prather about the major differences between the two alternatives of Ordinance 701. Mr. Prather discussed the two drafts, explaining he felt it advisable to eliminate all previous ordinances from the city's code that also reference the county's old ordinance, bringing them all current through alternative number two. Draft number two takes the county's existing animal services ordinance, adopts it as a city ordinance, renumbers it for our code and adds the provision for prohibiting the slaughtering of animals. It also adds a declaration that it will not be a conflict with the county's code, but will allow city enforcement of the ordinance. Draft number one will not necessarily allow enforcement by the county because it is not a county ordinance. In Mr. Prather's opinion, draft number two allows enforcement by both entities.

Mr. Adams explained what services the county provides under its ordinance. He stated there is nothing in the county ordinance prohibiting the humane slaughtering of animals; they would only become involved if cruelty were involved.

A discussion of the proposed ordinance was held. Mr. Prather asked for direction concerning the dressing of animals in the city limits. Mr. Williams suggested the wording in Section 6-17 Killing of Animals should be changed to read "wild game or farm animals taken outside of the City." It was consensus of Council to allow for the dressing of animals within city limits.

Mr. Williams asked whether we would have to have an agreement with the county to allow its department to enforce the city's ordinance. Mr. Prather felt an interlocal agreement with the county, whereby their animal control officers would be made code enforcement officers of the City of Palmetto, allowing them to enforce our ordinance.

Mrs. Keefer and Ms. Bryant discussed the problem of loose dogs in the city, and the fact the City of Palmetto did not want to write this into the city's ordinance. Mr. Adams discussed how the county ordinance addresses loose dogs.

Mr. Adams left material concerning the animal services provided by the county for Council's review.

Mr. Prather will revise the wording of draft ordinance number two to reflect that field dressing will not be permitted within the city, but consequent dressing of the animal is allowable, and bring it back for Council's review.

**1. 1<sup>ST</sup> READING & APPROVE FOR ADVERTISING ORDINANCE NO. 698**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA ANNEXING CERTAIN TERRITORIES TO THE CITY OF PALMETTO, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE. (AN 0007-Matthew J. Schott and Lester G. Schott; approximately 1.02 acres)**

**MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to approve Ordinance No. 698 for advertising and schedule a public hearing for December 18, 2000.**

**2. 1<sup>ST</sup> READING & APPROVE FOR ADVERTISING ORDINANCE NO. 699**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING THE PALMETTO COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM RES-9 (RESIDENTIAL 9DU/AC/COUNTY) TO GC (GENERAL COMMERCIAL/CITY) BY INCORPORATING THE LAND LEGALLY DESCRIBED IN SECTION ONE AND IN PLAN AMENDMENT NO. PA0007 ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA 0007/City of Palmetto/Matthew J. Schott and Lester G. Schott; approximately 1.02 acres)**

**MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to approve Ordinance No. 699 for advertising and schedule a public hearing for December 18, 2000.**

**3. 1<sup>ST</sup> READING & APPROVE FOR ADVERTISING ORDINANCE NO. 700**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM CG (COUNTY) TO CG (COMMERCIAL, GENERAL/CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Z0011/City of Palmetto/Matthew J. Schott and Lester G. Schott)**

**MOTION: Mrs. Keefer moved, Mr. Williams seconded and motion carried unanimously to approve Ordinance No. 700 for advertising and schedule a public hearing for December 18, 2000.**

**4. RESOLUTION NO. 00-29**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA APPROVING A GENERAL DEVELOPMENT PLAN FOR PARCEL 10A, RIVIERA DUNES PHASE III, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Roy Larson addressed Council concerning environmental and engineering issues related to the proposed development. A discussion was held concerning the traffic flow as it related to the project.

**MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried 3 to 2 to adopt Resolution No. 00-29. Ms. Cornwell and Mrs. Lancaster voted no.**

As requested by Council at the November 27, 2000 Administrative Meeting, Steven Minnis, Governmental Affairs Coordinator for Southwest Florida Water Management District came before Council to answer questions concerning the cooperative funding program as it relates to the joint ASR well with the City of Bradenton.

Mrs. Keefer stated her question wasn't so much the funding, as it was the ability of the city to maintain ownership of water it may supply to a joint ASR well. This topic was discussed after Ms. Cornwell's departure at the last meeting and Ms. Cornwell has stated numerous times the city should maintain ownership of its water.

Mr. Minnis stated the perspective of SWFWMD was the submittal of an application by the City of Palmetto for cooperative funding for its ASR well and a second application for a joint ASR for an opportunity that may be forthcoming. He further stated the city could withdraw its application. He discussed the two power companies locating at Port Manatee that will require large amounts of water and the fact they are not permitted at this time to take water from the Florida aquifer, thus their two options of potable or reuse water from Manatee County. Mr. Minnis stated if SWFWMD has not received an application by December 6, 2000, no opportunity to explore the possibility of an ASR well will exist. He further stated the issue of water ownership would be contractual.

Mr. Williams discussed how the city would receive revenue if participating in an ASR with the City of Bradenton based on how much was contributed by each city vs. how much was consumed by the power companies. A concern facing the city may be the need to pump water out of the well to ensure city residents receive adequate reuse water during the dry season; how will the mechanism to account for

the withdrawal work. Another concern is the quality of water being pumped into the well in the case of a well failure; how will the city dispose of its water.

Mayor Whitesel informed Council she had attended a meeting with the City of Bradenton and Coastal Power several months ago. She stated Coastal had expressed a desire to purchase our excess water and she has asked Don Patterson to submit a report concerning the amount of excess water the city may have available.

Mrs. Lancaster stated she has no objection to the exploration but has the same concerns and would like to know in detail the answers to issues related to the ownership of the city's water.

Ms. Cornwell stated if looking at it from the taxpayer's area, the water is basically theirs, as they bought and paid for it. If it became cost effective the city could make money without prohibiting the citizens from using the reuse water, then she would be in favor of the project. Lincoln Middle School will be creating the wetland water park and has two underground water storage tanks where water can be stored and disbursed. Ms. Cornwell stated if it was going to cost money or prohibit citizens from using reuse water she would be against it.

Mrs. Keefer questioned if a penalty would be applicable if the city could not meet the amount of water it had agreed to supply to the joint well. Mr. Minnis stated that would be an issue to negotiate in the contract.

Mr. Williams stated he was not aware of the mayor's involvement initially when asked to be liaison and maybe she should continue as the liaison. It was decided Mr. Williams would continue to act as liaison for this project.

## **5. CONSENT AGENDA**

- a) Minutes: November 13, 2000 Administrative Meeting  
November 20, 2000 City Council Meeting

Mr. Williams corrected the November 13, 2000 Administrative Meeting minutes to reflect the Wedding Chapel should read "Heritage Chapel".

**MOTION:** Ms. Cornwell moved, Mrs. Keefer seconded and motion carried unanimously to approve the Consent Agenda.

## **6. DEPARTMENT HEAD REPORT**

### **Palmetto Police Department – Chief Ken Bright**

Sgt. Lee Jones reviewed the 2000 L.L.E.B. Grant Expenditure Proposal, the 2000 Local Block Grant. The total expenditure of \$25,678 includes the city's match of \$2,568. The funds will be used to purchase an equipment shed, badges, a second motorcycle and laptop computers.

**MOTION:** Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve the 2000 Local Block Grant expenditures not to exceed \$25,678.

Chief Bright referred to a memo he had written to Council requesting a step raise to adjust his administrative assistant's pay. A discussion was held concerning the city-wide job description of administrative assistants, pay scale for the position, length of service and inequity in current salaries. Ms. Bryant stated the possible need to have different levels for the position. It was consensus of Council to refer this to Human Resource Director Sharon Jones for research and her recommendation. Ms. Cornwell suggested all department heads look at this for the future. Mr. Williams reminded Council he was working on a matrix addressing city employee salaries and would make a presentation the first of the year.

Chief Bright commented on the K-9 Unit.

Chief Bright informed Council of a death of an officer's father today and the news one of his sergeant's mother is terminally ill.

**Public Works Department – Mike Hickey**

Mike Hickey presented the Public Works Department Expenditure Over \$500 Report to purchase flasher flares at \$2,421.00 and two Dell Computers at \$7,790.

**MOTION:** Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to approve the Public Works Department Expenditure Over \$500 Report not to exceed \$10,211.

Ms. Cornwell was absent for the vote.

The C.O. for the Heritage Chapel was issued Friday, November 30, 2000.

There was a potential pollution report in the ditch at Riverside Dr. DEP has taken a sample.

Mr. Hickey has been discussing grants with the new Finance Director.

Mr. Hickey related he had spoken with SWFWMD today and the grant agreement for Oakridge will coming to the city this week. It will go before the BASIN Board on December 13, 2000.

**7. MAYOR'S REPORT**

A joint meeting with the county administrator regarding the North River Action Team is being scheduled. Discussion was held concerning items on the NRAT list that have been addressed. It was suggested the NRAT give the city a list of specific items that need to be addressed, together with location addresses. It was further

suggested the city provide the NRAT a list of individuals the team can contact for items that are outside city limits. The city will contact the NRAT to discuss completed items and give direction on who it should contact for remaining problem areas before arranging the joint meeting with the county.

Mayor Whitesel referred to a memo from Karen Hartman regarding the 7<sup>th</sup> Street Extension. Karen Hartman is to be notified this item will be put on the agenda of the December 11, 2000 meeting and she should plan to attend.

## 8. INDIVIDUAL COMMENTS

### Ms. Bryant

The meeting with Tropic Isles Mobile Home Park has been scheduled December 9, 2000 at 8:00 a.m.

Jay Taylor is developing a budget for Curtis Johnson.

Family Celebration of Lights will be held December 7 – 9, 2000 from 5:30 to 10 p.m.

Ms. Bryant discussed an article in the paper regarding the chapel which referred to some flack that was received by some Council members when it was initiated because the Council members felt left out. Ms. Bryant clarified for the record the reason the opposition for starting the project because that she did not want tax dollars spent on a chapel. She wanted to wait until all the funds were in place to start the chapel, as the city can not afford tax dollars into a chapel when people ride down our streets and the issues we have with our water. She stated she would clarify it with the paper as well. She discussed her family's donation to the chapel in memory of their parents. Mayor Whitesel stated the chapel had not cost the taxpayers any tax dollars because of donations that had been received and funds that had been raised.

### Mrs. Keefer

Mrs. Keefer asked that the Council meeting schedule be posted on the bulletin board.

### Mrs. Lancaster

Mrs. Lancaster commented on the touching and beautiful Renewal of Vows ceremony held Sunday at the Heritage Chapel. Mayor Whitesel stated the city had expended no funds on the event.

Mr. Hickey was informed of a needed repair on 12<sup>th</sup> Street Drive.

### Mr. Williams

CRA has requested a current demolition list. The next CDBG the city applies for should be spent on housing within the CRA area.

**Requested the department head meeting minutes be distributed to each Council Member as well as being placed in the notebook.**

**Mr. Williams stated a neighbor had called the DEP about the potential pollution so he in turn advised Attorney Petruff of the potential problem.**

**Inquired if the city is ready for the new insurance plan. Enrollment will be completed this week.**

**Mr. Williams discussed the summons the city had received on the property recently annexed into the city. Mr. Williams stated he did not want the city's attorneys to represent this case, he felt the city should ask the county to provide us with an attorney, as we are taxpayers in the county. Mr. Prather didn't think that would happen. Mr. Prather stated he would prefer not to comment at this time on the petition, that we could have a litigation meeting if Council desired. Mr. Prather further stated he found it appropriate to advise the property owner the city is looking for the individual to participate, since it is their property that has voluntarily been annexed. Mr. Prather advised Council a motion has been received for the county to abate this proceeding, but statutory law mandates the city meet with the county prior to the litigation to discuss the issues involved. Mr. Prather related that county staff has been instructed to closely review all annexation petitions. Mr. Williams suggested that individuals asking to be annexed into the city give a statement of their request for the records.**

**Mrs. Keefer departed the meeting at 10:00 p.m.**

**The CRA TIFT shortfall of \$8,415 was discussed. Mr. Williams stated the funds are encumbered from last year and CRA needs to amend their budget.**

**Mr. Williams expressed his belief Ms. Cornwell would like to continue to be liaison to the Police Department. Mayor Whitesel asked Council to express which department they would like to be liaison to and she would take the request under advisement.**

**Mr. Williams suggested putting a freeze on city hiring to prevent employees quitting and then returning to the city.**

**Mr. Hickey was requested to get back with Mr. Williams before the end of the month concerning reuse.**

**Ms. Cornwell**

**Staff was requested to contact Kevin at Florida League of Cities, requesting that minutes of a meeting to be held Tuesday, December 5, 2000 be sent to Ms. Cornwell so she can read about dereg and update Council. Staff was also asked to inquire if telecommunication companies operating in the city with no office space are required to pay permitting fees.**

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Ms. Cornwell asked Mr. Prather if Mr. Dye had received the updated fee schedule on telecommunications. Mr. Prather stated Florida League of Cities had sent a model ordinance covering the period of time from January 1, 2001 to October 1, 2001. No fee document has been received. Mr. Prather expects to have the ordinance ready the first part of January. Ms. Cornwell stated the Florida League of Cities had warned ordinances covering telecommunications had to be adopted by the end of December. Mr. Prather stated the ordinance would only apply to the providers coming into the city and does not effect the ones already in place. Staff was asked to clarify with Florida League of Cities if a time limit exists to adopt updated ordinances.

Mayor asked Council to submit items to be legislated by Manasota League to her by December 7, 2000.

**10. CITIZEN COMMENT**

Mr. Dave Hartshorn commented on the Renewal of Vows ceremony held at the Heritage Chapel and how important the event was for the image of the city. He also praised the Palmetto Police Department.

Meeting adjourned at 10:15 p.m.

Minutes approved: December 18, 2000

  
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Acting City Clerk

Audit tapes of the meeting are available in the city clerk's office.