

Palmetto City Council
February 4, 2002 7:00 PM

Elected Officials Present:

Larry Bustle, Mayor
Mary Lancaster, Vice Mayor
Shirley Bryant, Council Member
Tamara Cornwell, Council Member
Charlie Grace, Council Member
Brian Williams, Council Member

Staff and others present:

Alan Prather, City Attorney
Richard Groff, Attorney
Karen A. Conlon, City Clerk
Chief Garry Lowe, Palmetto Police Department
Mike Hickey, Public Works Director
Diane Ponder, Administrative Assistant

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

City Clerk Karen Conlon gave the invocation followed by the pledge of allegiance to the United States flag.

1. DISCUSSION – INTERIM CAPTAIN BRIGHT

Chief Lowe accepted the resignation of Interim Captain Kenny Bright from the Palmetto Police Department effective April 21, 2002. Mr. Bright will use accrued benefits to take vacation until the date of resignation. Attorney Groff reviewed the Separation Agreement and Release, a copy of which is attached hereto and made a part of these minutes.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried unanimously accepting the resignation and release executed by Captain Bright as stated by Mr. Groff.

2. FINANCE DIRECTOR INTRODUCTION & SALARY DISCUSSION

Mrs. Conlon introduced Finance Director James A. Keranen. Mrs. Conlon requested that Mr. Keranen's salary be adjusted to \$41,400 (step 6, grade 17 of the pay plan) based on his qualifications and experience, vs. the \$36,000 at which he was hired.

MOTION: Mr. Grace moved, Ms. Bryant seconded and motion carried unanimously accepting James A. Keranen at the salary level of \$41,400.

3. CITY HALL FURNITURE PRESENTATION

Customer Service Supervisor Whitney Ewing presented a plan to purchase modular furniture components for city hall. The presentation covered expenses for the first year of a three-year plan. Council instructed Mrs. Conlon to also obtain bids on new carpet for the area.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to proceed with the purchase of furniture as presented not to exceed \$22,695.18.

4. RESOLUTION NO. 02-01

A RESOLUTION AMENDING RESOLUTION NO. 01-18, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2001-2002, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Mr. Grace seconded and motion carried unanimously to adopt Resolution No. 02-01.

5. TAX INCREMENT TO CRA

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to approve the tax increment payment to CRA in the amount of \$197,723.

6. 1st READING & APPROVE FOR ADVERTISING ORDINANCE NO. 02-720

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, VACATING A PORTION OF RIVERSIDE DRIVE WEST RIGHT-OF-WAY AS MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE AND AS GRAPHICALLY DEPICTED ON EXHIBIT "A" OF THIS ORDINANCE; RETAINING A 15-FOOT WIDE PUBLIC UTILITY EASEMENT AS MORE PARTICULARLY DESCRIBED IN SECTION 2 OF THIS ORDINANCE AND AS GRAPHICALLY DEPICTED ON EXHIBIT "B"; AND PROVIDING FOR AN EFFECTIVE DATE. (V0102-John M. Della Costa)

Discussion ensued on selling the property vs. vacating the property. Mr. Prather discussed the different ways the city may have obtained title to the property and how Florida law dictates the disposal of the property. Mrs. Tusing stated the city could request the petitioner to search the records.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4 to 1 to approve Ordinance No. 02-720 for advertising and schedule a public hearing for February 18, 2002. Mr. Grace voted no.

MOTION: Mr. Williams moved, Mr. Grace seconded and motion carried 4 to 1 to request the property owner do a title search on the property.

7. CITY BOARD/COMMITTEE APPOINTMENTS

Mayor Bustle announced the following appointments:

Liaison Appointments

Brian Williams	Community/Emergency Management/Fire District/Floating
Mary Lancaster	Palmetto Police Department
Tamara Cornwell	City Hall
Charlie Grace	Community Redevelopment Agency
Shirley Bryant	Public Works Department

Mrs. Lancaster voiced concern in the liaison position to the Police Department based on her family relationship with Chief Lowe.

MOTION: Ms. Bryant moved, Mr. Grace seconded and motion carried 4 to 1 to approve the liaison appointments, taking into consideration Mrs. Lancaster's comments. Ms. Cornwell voted no.

Planning & Zoning Board (Terms expire 2005)

H. A. Durrance, Rachel Keener, Emilio Morales

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to approve the Planning & Zoning Board appointments.

Code Enforcement Board (Terms expire 2005)

Alice Kaddatz, Charlie Leonard, Constine Gillyard, Lyle Fair

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to approve the Code Enforcement Board appointments.

Board of Adjustment (Terms expire 2005)

Mayor Bustle proposed establishing a policy whereby a citizen can serve on only one standing board or standing committee of the city at a time. An ad hoc committee such as the Charter Review Committee would not apply.

Mr. Grace withdrew the name of Barbara Turner from the Personnel Board, stating she would rather serve on the Board of Adjustment.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried unanimously to allow citizens to be appointed to no more than one standing board/committee; however, they can be appointed to temporary committees.

Mrs. Tusing discussed the appeal process of the Board of Adjustment through the courts. She stated her opinion it may be awkward with a member of the board married to a Council Member. Mr. Prather discussed the anti-nepotism statute, stating Mrs. Turner may finish her term expiring in 2003 but is not eligible for reappointment as long as Mr. Grace holds office.

Mayor Bustle appointed Joe Willis to the Board of Adjustment.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4 to 1 to approve the Board of Adjustment appointment. Mrs. Lancaster voted no.

**Personnel Board
Bonnie Parker and Martin Lawson**

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to approve the Personnel Board appointments.

**Community Redevelopment Agency
Alan Zirkelbach**

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried unanimously to approve the Community Redevelopment Agency appointment.

**Police Officers' Pension Board of Trustees
Lowell Oakley and Gerald White**

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to approve the Police Officers' Pension Board of Trustees appointments.

The Charter Review Committee appointments was placed on the February 18, 2002 agenda.

8. CITY PARK FEES

The topic was placed on the February 18, 2002 agenda.

9. RETREAT FACILITATOR CONTRACT

MOTION: Ms. Bryant moved, Mr. Grace seconded and motion carried unanimously to approve the contract with Mike Fenney not to exceed \$2,000.

10. CONSENT AGENDA

- A) Minutes: January 28, 2002 City Council Meeting
- B) Special Function Permit: Southeastern Guide Dogs Paws for Independence Walkathon

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to approve the Consent Agenda.

11. DEPARTMENT HEAD REPORT

Chief Lowe, Palmetto Police Department

Reported letters of discipline had gone out to all officers involved in the investigation.

Mrs. Conlon, City Clerk

Information on the retreat will be distributed.

The tour to review minimum standards is set for February 11, 2002. Mrs. Conlon asked that Council Members notify her of areas they wished to tour so a map can be developed that will also incorporate issues from various boards of the city.

Mike Hickey, Public Works Department

Updated Council on projects completed by the Public Works Department for the previous week.

Alan Prather

Litigation assessment meeting regarding Jerome Waiters was scheduled for February 18, 2002 beginning at 6 pm.

12. INDIVIDUAL REPORTS

Mrs. Lancaster

Asked that a proclamation recognizing Black History Month be prepared for display at the historical library.

Requested Public Works look at the hedges along 8th Avenue.

Ms. Bryant

The Historical Commission is requesting the flagpole being placed in the park be lighted.

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Ms. Cornwell

Thanked everyone for attending the mobile home park meetings, requesting Council be copied with the questions and answers once prepared.

Requested a map of the city.

Discussed the homeowner being barraged with baseballs. Public Works will research the topic to determine what can be reasonably done to alleviate the problem.

Suggested looking at ways to fund Council expenses such as refreshments at meetings Council Members are attending.

Stated she has been approached by other schools concerning the trees awarded by a grant for public use.

Discussed the CRA letter regarding notice the counties taking over the cities' portion of funds.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried unanimously authorizing the mayor to draft a letter following the skeletal and proceed forward.

Mr. Grace

Discussed the Palmetto Mobile Home Park visit. Mr. Grace discussed the soot problem and requested city staff contact the appropriate agency to determine the air quality surrounding the park.

Mr. Williams

Suggested the need to pay attention to the waterways surrounding Palm Bay. Mr. Kienz, resident at Palm Bay Mobile Home Park, reported the issue has been addressed.

Inquired about advertising in the Palmetto Historical Commission new recipe book. Mrs. Conlon will review the budget for the advertising line item.

Inquired Chief Lowe's plans for filling the captain's position. Chief Lowe will discuss the topic at the next meeting.

Mr. Hickey reported there is no DRC meeting this month.

Karen Conlon will attend the Water Alliance meeting scheduled February 6, 2002.

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Mayor Poston will be speaking at the county commission meeting regarding the charter.

The school board impact fee workshop is scheduled for February 6, 2002 at 5 pm.

Mayor Bustle

Policy on unlawful discrimination and harassment is being developed with input from the department heads and attorney. A court-tested model is being sought to adapt for the city's purposes.

Encouraged everyone to attend the commission tomorrow morning.

Discussed the conflict of meeting times with the P&Z Board. This topic will be brought back for discussion at the February 25, 2002 meeting.

Residents of Tropic Isles Mobile Home Park are purchasing the park and have approached the city for its support in eliminating the recurring problem at the wastewater treatment plant. Mayor Bustle has requested Don Patterson to prepare a proposal concerning the cost to eliminate the problem. The proposal will be brought back to Council for review and discussion.

The city has been served with a summons on the Forristall annexation lawsuit.

Proposes to send a letter to Dave Twiddy stating the city supports the 4-leg light at the east end of 7th Street at Hwy 301/41.

Kiwanis Club of Bradenton has offered to participate in a project in Palmetto on Better Manatee Day. Mayor Bustle requested Mr. Hickey to provide him a project, advising March 16, 2002 as the date of the event.

There was no public comment.

Meeting adjourned at 9:45 pm

Minutes approved: March 4, 2002



**Karen A. Conlon
City Clerk**

SEPARATION AGREEMENT AND RELEASE

THIS AGREEMENT, made as of this February 4, 2002, by and between the CITY OF PALMETTO, FLORIDA, (herein the "City") and KENNETH L. BRIGHT (herein the "Employee").

Based on the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as provided herein.

1. WHEREAS, the Employee has resigned his employment, the City hereby accepts said resignation. Employee shall not hold himself out to the public as an employee or agent of the City after the effective date of the resignation.

2. Employee acknowledges that the City is not obligated to accept his resignation according to the terms thereof. The Employee further acknowledges that such acceptance represents adequate and sufficient consideration for Employee's execution of the General Release and Waiver as set forth below.

3. Employee hereby agrees to and does irrevocably and unconditionally release and discharge the City, its predecessors, successors, assigns, agents, directors, officers, employees, representatives, attorneys, divisions, subsidiaries, affiliates (and agents, directors, officers, employees, representatives and attorneys of such divisions, subsidiaries or affiliates), and all persons acting by, through, under or in concern with any of them (collectively "Released Parties"), from any and all charges, complaints, claims, liabilities, obligations, promises, agreements, controversies, damages, actions, causes of action, suits, rights, demands, costs, losses, debts and expenses (including attorney's fees and costs actually incurred), of any nature whatsoever, known or unknown ("Claim") which Employee now has, owns, or holds against each of or any of the Released Parties with the exception of any rights Employee has under this Agreement, and any rights or claims arising out of or in connection with violations of the Age Discrimination in Employment Act, which arise after the execution of this Agreement.

4. Further, in consideration of the additional benefits described in this Agreement, Employee agrees not to file any claims with any federal, state or local court concerning his employment, including but not limited to any claim under any federal, state or local law claims, whether founded in statute, executive order, ordinance or common law, including claims under tort or contract.

5. Employee understands that employee has been given a period of twenty-one (21) days to review and consider this Agreement before signing it. Employee further understands that Employee may use as much or as little of this twenty-one (21) day period as Employee wishes prior to signing. Employee may revoke this Agreement within seven (7) days of signing. If this Agreement has not been revoked within such seven (7) day period, it becomes irrevocable on the eighth (8) day.

6. Employee and City agree that the terms of this Agreement, including the fact of its existence, are confidential and shall not be disclosed to any third party other than the Employee's attorney or accountant or as compelled by operation of law. If any questions are posed to Employee regarding this Agreement or the circumstances surrounding resignation of employment, Employee will respond "No comment."

7. This Agreement shall be governed and construed according to the laws of Florida.

IN WITNESS WHEREOF, the parties have signed or caused this Agreement to be signed on the year and day first written above.


Kenneth L. Bright, Employee
Dated: Feb 4th, 2002

ATTEST: Karen A. Conlon, City Clerk

By: Karen A. Conlon

CITY OF PALMETTO, FLORIDA

By: Larry E. Bustle
Larry Bustle, Mayor
Dated: February 4, 2002