

**Palmetto City Council**  
**February 19, 2001 7:00 PM**

**Elected Officials Present:**

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

**Staff and other present:**

**Chief 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.**

**Mayor Whitesel gave the invocation followed by the pledge of allegiance to the flag to the United States.**

**Mayor Whitesel presented Robert Hunt, Jr. a plaque recognizing his 13 years of service on the Planning and Zoning Board.**

**Mayor Whitesel read proclamations proclaiming the month of February as Black History Month and February 17 - February 24, 2001 as National FFA Week.**

**Council Member Donna Keefer introduced Charlie Grace, candidate for the Seat #1 At-Large position on City Council. Mr. Grace briefly discussed his community involvement and qualifications.**

**Mayor Whitesel recognized mayoral candidate Larry Bustle.**

**1. MAYOR'S ANNUAL APPOINTMENTS**

**Mayor Whitesel announced the following Department Head appointments were for a one-year period:**

<b>City Clerk</b>	<b>Karen A. Conlon</b>
<b>Director of Public Works</b>	<b>Mike Hickey</b>
<b>Chief of Police</b>	<b>Kenneth Bright</b>

**Council Members unanimously voted yes after each individual appointment.**

City Attorney

Dye, Deitrich, Prather, Petruff and St. Paul.

Ms. Cornwell, Ms. Bryant and Mrs. Keefer voted yes to the appointment. Mrs. Lancaster and Mr. Williams voted no. The firm of Dye, Deitrich, Prather, Petruff and St. Paul was not re-appointed as the City Attorney.

Ms. Bryant stated it was customary in the past to ask the attorney to serve until such time the city has a new attorney. It was consensus of Council the attorney would continue to serve through the meeting.

Council unanimously voted to re-appoint Buddy Keen, Lynn B. Tooms and Robert Smith to the Planning and Zoning Board for a three-year term.

Council unanimously voted to re-appoint George White and Bonnie Reese to the Code Enforcement Board for a three-year term.

Council unanimously voted to re-appoint Robert Miller, Sr. and Miriam Olmstead to the Board of Adjustment for a three-year term.

Council unanimously voted to appoint the following individuals to the newly created Historic Preservation Board:

Ward 1	William McMillian	Four-year Term
Ward 2	Mary McEntee	Two-year Term
Ward 3	Gary R. Schmeichel	Four-year Term
At Large	Mary McConnell Harrison	Two-year Term
At Large	Patty Persson	Two-year Term
Alternate No. 1 At Large	Fran Chulick	Four-year Term
Alternate No. 2 At Large	Jan Coleman	Two-year Term

## 2. PRELIMINARY PLAT "ISLAND AT RIVIERA DUNES"

**MOTION:** Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to approve the Preliminary Plat of the Island at Riviera Dunes.

## 3. CONDITIONAL USE PERMIT – ALBERTSON'S, INC.

Mrs. Tusing explained there were two sign permits, one for Albertson's and one for Discount Auto. Staff discussed the proposed sign ordinance that will be forthcoming for Council's review. Staff is recommending a maximum of 125 square feet to comply with the proposed code. Applicant has agreed to the reduction in square footage from 147 square feet to 125 square feet.

**MOTION:** Ms. Bryant moved, Mrs. Keefer seconded and motion carried unanimously to approve a Conditional Use Permit to Albertson's, Inc. to increase the square footage of a commercial pole sign from 40 square feet to 125 square feet.

**4. CONDITIONAL USE PERMIT – DISCOUNT AUTO (ALBERTSON'S, INC.)**

Mrs. Tusing advised staff was recommending a maximum of 88 square feet to comply with the proposed code. Applicant has agreed to the reduction in square footage from 146 square feet to 88 square feet.

**MOTION:** Ms. Bryant moved, Mrs. Keefer seconded and motion carried unanimously to approve a Conditional Use Permit to Discount Auto to increase the square footage of a commercial pole sign from 40 square feet to 88 square feet.

**5. REQUEST TO PURCHASE CITY OWNED PROPERTY – KASEY GEARTZ**

Mr. Geartz is requesting to purchase the south 255.52 feet of parcel #6596.000/1. Mr. Geartz is building a home and this "L" shaped piece would make his piece of property a rectangle. The piece of property is a portion of the old landfill access and was used for the weigh station. Mrs. Tusing said this piece of property is not buildable, except to Mr. Geartz should it become a part of the property he is purchasing. Mr. Geartz stated the City of Palmetto owned 40% of the property and Manatee County owned 60%. It was consensus of Council the market value of the property, the actual owner of the property and whether it would have to go out to bid should be determined before moving forward. Mayor Whitesel stated she would bring this matter to the attention of the county at a joint meeting scheduled February 22, 2001.

**6. EXPENSES OVER \$500 – COTTAGE HOUSE**

**MOTION:** Ms. Bryant moved, Ms. Cornwell seconded and motion carried unanimously to approve the termite treatment and award the bid to Jones & Sons not to exceed \$600.00 plus the renewal fee of \$78.00 per year.

**7. HERITAGE CHAPEL – REVIEW OF CONSTRUCTION EXPENSES**

**MOTION:** Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to defer the discussion of Heritage Chapel for one month.

**8. CONSENT AGENDA**

- A) Minutes:       Litigation Assessment Meeting January 29, 2001  
                          City Council Administrative January 29, 2001  
                          City council February 5, 2001
- B) Special Function Permits
  - 1) Southeastern Guide Dogs, Inc. "15<sup>th</sup> Annual Walk-s-Thon"
  - 2) Cystic Fibrosis Foundation "Great Strides"

Mr. Williams corrected the City Council Administrative January 29, 2001 minutes, page 16, second paragraph, to correct the amount of \$35,000 to \$350,000.

**MOTION:** Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to approve the Consent Agenda.

**9. DEPARTMENT HEAD REPORTS**

**Chief Bright**

Distributed the bids received on the structure for storing equipment. Chief Bright recommended the bid received from Geartz Construction in the amount of \$18,872.37 for a concrete floor and concrete walled building. There is \$6,000 available from a grant and the balance can be taken from the citation fund.

**MOTION:** Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to approve the expenditure of \$18,872.37 for a storage building for the Police Department.

Ms. Cornwell requested Chief Bright meet with the Finance Director to move \$12,872.37 to cover this expense.

Distributed Expenditures Over \$500 for uniforms and equipment totaling \$4,619.32. Ms. Cornwell cautioned this is a union issue and should always be included as a benefit in contract negotiations.

**MOTION:** Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to approve the expenditure for \$4,691.32.

**Mr. Hickey**

Distributed Expenditures Over \$500 for a bucket truck that has been budgeted and the purchase of a computer, explaining these were for preview before next Monday's meeting. Council elected to address the topics, as the next meeting is an administrative meeting.

**MOTION:** Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to approve the purchase of a bucket truck not to exceed \$83,800.

**MOTION:** Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to approve the expenditure not to exceed \$1,439.48 for the computer.

Mr. Hickey researched the file on the estimate of \$26,000 for the traffic calming seal on 8<sup>th</sup> Avenue in the vicinity of Christmas Dreams and the Oriental Village. An estimate can be obtained for 8<sup>th</sup> Avenue and 10<sup>th</sup> Street but it will be substantially more due to the traffic control and four rather than two walkways. Discussion was held on the locations where the seal and crosswalks could be done. Mr. Hickey estimated it would cost approximately \$20,000 doing only crosswalks. Mrs. Lancaster commented on the need for traffic control between 10<sup>th</sup> Street and 17<sup>th</sup> Street. Mrs. Lancaster, as liaison, will approach CRA about contributing more funds for the seal. Mr. Williams and Mr. Hickey will develop a plan and bring it back to Council next Monday. Mr. Williams and Mr. Hickey will also contact the City of Largo concerning recently installed brick pavers on its streets.

Mrs. Lancaster commented on the installation of speed bumps in various parts of town. Mr. Hickey stated there is a design allowing for paving bricks in the pavement that FDOT would consider approving. Litigation regarding speed bumps was discussed. Mrs. Ponder was instructed to confirm the outcome of this litigation.

City Attorney, Jim Dye

Ms. Cornwell asked Mr. Dye about the correspondence concerning the Impact Fee Ordinance. She asked if the city was being misled in that if the city had an ordinance in place it would not be something the city could do. Mr. Dye discussed how an impact fee is developed and the study necessary to quantify the fee. Ms. Cornwell inquired what rights the city would have if it disagreed with enforcing an impact fee on the city's citizens. Mr. Dye stated that if Manatee County performed an Impact Fee Ordinance study that encompassed the City of Palmetto, it should take into account the impacts that new construction should have on Palmetto services plus the county services. That study may be detailed enough for the City of Palmetto to use as a foundation for its own Impact Fee Ordinance, which may enable the city to opt out of the county's impact fee schedule.

Ms. Bryant commented that some action needed to be taken to ask the attorneys to continue with the projects they are currently working on and ask them to remain engaged to the city until permanent attorneys can be found. Mr. Williams stated he didn't think the attorney would advise the city it has that option, because the appointment has been rescinded. Mr. Dye asked for a clearer affirmation.

**MOTION:** Ms. Bryant moved, Mrs. Keefer seconded and motion carried 3 to 2 that the city's current attorney continue to represent the city on those matters they are engaged in until such time the city has a permanent attorney on board by appointment.

**Palmetto City Council  
February 19, 2001**

**Mr. Williams stated that would be inappropriate because the action taken by Council earlier would be rescinded, stating discussion should come from Mrs. Lancaster or himself. Ms. Bryant reminded Mr. Williams the original motion was to not appoint the city attorney. Mr. Williams stated by allowing them to continue that would be an interim appointment and that would defeat Council's vote.**

**Mr. Williams and Mrs. Lancaster voted no.**

**Mr. Dye stated he would research Tuesday morning to determine if his firm could continue to work with the city and advise the Mayor.**

#### **10. INDIVIDUAL COMMENTS**

##### **Ms. Cornwell**

**Commented on difficulty of a group requesting a Special Function Permit for the Kids' Fishing Tournament on the Green Bridge. Instructions on the proper handling of the Special Function Permit will be conveyed to city personnel.**

**Businesses wishing to recycle cans can contact public Works for the necessary containers.**

**A conflict will prevent Ms. Cornwell from attending the entire MPO meeting. Staff was asked to contact the organization to advise them.**

**Manatee County School Board should be contacted concerning irrigation at Lincoln Middle School, referring to the Mayor's letter to Tom Gucciardo. Ms. Cornwell stated the billing process for excess water should be addressed by Council. Mr. Williams discussed the fact Council has never heard of the wetlands at Lincoln Middle School and Council has never approved the discharge of no-fee water. Mr. Hickey stated this letter was a draft of in-kind services to be approved at DEP. History of the in-kind proposals was discussed.**

##### **Mrs. Keefer**

**Commented on the Amendment to the US Filter contract. Mr. Williams stated it was coming back to Council for review. Mr. Patterson, Mr. Hickey and Mr. Williams have created the Amendment for the Mayor's signature. Mayor stated she felt it necessary for Council to review the document.**

**MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously authorizing the Mayor to sign the Amendment to US Filter.**

**Congratulated Mr. Burkhardt on the data processing information.**

**Reminded Council of Mr. McClash's meeting Thursday afternoon.**

**Palmetto City Council  
February 19, 2001**

**Will speak with Mrs. Jones about the synopsis of the administrative assistant's job descriptions.**

**Thanked Chief Bright for ticketing speeders in the city.**

**Mrs. Lancaster**

**Advised Council she would like to attend the Legislative conference and asked staff to make reservations for the meeting.**

**Appears ordinances are not being enforced referring to littering on the Dixon Property on 10<sup>th</sup> Street. Chief Bright stated you could not arrest a person on private property for littering. He also stated a program is being developed with Code Enforcement to take pictures of problem areas and then approach the owners of the property.**

**Inquired why the Police Department was allowed to keep citation revenue in its budget and Code Enforcement was not. Mr. Williams stated the funds from liens and demolitions were supposed to go back to the line items. Mrs. Forrester stated that is not being done. Research will be done to determine where demolition fees are being placed.**

**Ms. Cornwell suggested the city should do something special for the boys who saved the recent drowning victim. Mayor Whitesel stated a very special recognition would be developed.**

**Mr. Williams**

**Inquired when the road stripes on 10<sup>th</sup> Avenue would be done. Mr. Hickey will get a date of the project.**

**Congratulated Mrs. Tusing on the \$50,000 non-matching Taylor Park Grant awarded to the city.**

**A lot of the legislative issues at the staff meetings regard tax credit program. Mr. Williams asked that Council look at these before they are brought up at Legislative Day. Mayor Whitesel stated the issues would not be discussed.**

**A presentation will be made to Council concerning the purchase of Terra Ceia.**

**A lot of phone calls have been received on the church parking area. Mr. Roberts reports CRA has not voted on this issue.**

**Discussed the request by Collier County to participate in a resolution regarding the Communication Service Tax Simplification Act. It was Ms. Cornwell's recommendation to wait until information has been received from Florida League of Cities on this topic.**

**Palmetto City Council  
February 19, 2001**

**Jeff Siewert, Smith & Gillespie, Jones Edmunds & Associates, discussed the estimate of conducting a Water, Sewer, Utility Funding Study, as associated with developing a revenue stream of re-use water. Preliminary estimates addressed only the sewer rate study of \$19,978.97. Discussion was held on how to lower the estimate. Staff will do the Public Meetings, lowering the estimate by \$6,916.01 to \$13,062.96.**

**MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried unanimously to approve Jones, Edmunds Associates, Inc. to move forward on the sewer rate study.**

**Ms. Bryant**

**Discussed the River Walk and the fact the city doesn't have funds for its portion. Mayor Whitesel stated the city probably have to do some in-kind contributions for the city's portion.**

**Inquired on the status of the Celebration Center repairs. The first time the project went out to bid, none were received. The project went back out to bid and has now received two bids. The Palmetto Historic Commission is anxious to see this project completed.**

**Meeting adjourned at 9:30 p.m.**

**Minutes approved: March 5, 2001**

  
**Karen A. Conlon  
City Clerk**

**Audio tapes of the minutes are on file in the city clerk's office.**