

Palmetto City Council
March 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:

Karen A. Conlon, City Clerk
Chief Bright, Palmetto Police Department
Van Brown, Engineering Supervisor
Mary Jean Forrester, Deputy City Clerk
Karen Simpson, Finance 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 flag to the United States.

Council Member Williams read a proclamation declaring March 20, 2001 as Children's Day, which was accepted by Karen Hattaway on behalf of Project Child Care.

Mayor Whitesel introduced candidates Larry Bustle and Charlie Grace.

1. AWARD OF BID – DEMOLITION 221 11TH STREET, WEST

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to award the bid for demolition at 221 11th Street, West to George Young's Construction not to exceed \$2,400.

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2. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 01-705

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, BY REVISING ARTICLE VI, SUPPLEMENTAL REGULATIONS, SECTION 6.16 MOBILE HOME PARKS REQUIREMENTS, BY REVISING THE AGE REQUIREMENTS FOR PLACEMENT OF MOBILE HOMES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (ZCA0101)

Because of the absence of appropriate personnel, Ordinance No. 01-705 was tabled until April 2, 2001.

3. RESOLUTION NO. 01-03

Resolution No. 01-03 was read by title.

A JOINT RESOLUTION OF THE UNDERSIGNED GOVERNMENTS OF SOUTHWEST FLORIDA, SUPPORTING THE PREPARATION OF AN AREA-WIDE ENVIRONMENTAL IMPACT STATEMENT BY THE U.S. ARMY CORPS OF ENGINEERS FOR THE CENTRAL FLORIDA PHOSPHATE INDUSTRY.

MOTION: Ms. Cornwell moved, Mrs. Keefer seconded and motion carried unanimously to adopt Resolution No. 01-03.

4. RESOLUTION NO. 01-05

Resolution No. 01-05 was read by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA REVISING THE GENERAL DEVELOPMENT PLAN FOR THAT PORTION OF PARCEL 19 ENCOMPASSING THE PUBLIC MARINA AND RESIDENTIAL DOCKS BY CHANGING THE NUMBER OF SLIPS AT THE PUBLIC MARINA FROM 200 TO 220 AND THE RESIDENTIAL DOCKS FROM 200 TO 180 AS SHOWN ON EXHIBIT "A"; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. (MARINA AT RIVIERA DUNES)

Because of the absence of appropriate personnel, Resolution No. 01-05 was tabled until March 26, 2001.

5. RESOLUTION NO. 01-06

Resolution No. 01-06 was read by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA DESIGNATING DEPOSITORIES OF CITY FUNDS AND AUTHORIZING CERTAIN FINANCIAL TRANSACTIONS.

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to adopt Resolution No. 01-06.

6. SPECIAL FENCE PERMIT – CYNTHIA GRIDER, 1801 5TH STREET, WEST

MOTION: Ms. Cornwell moved, Mrs. Keefer seconded and motion carried unanimously to approve the Special Fence Permit to allow a six-foot fence within the front yard setback.

The minutes shall reflect that Ms. Bryant was absent during the vote.

7. EXTENSION OF THE PALMETTO ESTUARY PRESERVE

Because of the absence of appropriate personnel, this topic will be rescheduled for March 26, 2001.

8. SMITH & GILLESPIE ENGINEERS

Mayor Whitesel advised Jeff Siewert is out of the country. This topic will be rescheduled for March 26, 2001.

9. CONSENT AGENDA

- A) Approval of Minutes: Administrative Meeting February 26, 2001
City Council Meeting March 5, 2001
- B) Dye, Deitrich, Prather, Petruff & St. Paul February Billing
- C) Special Function Permit: St. Pete Bike Club Spring Classic

Ms. Bryant commented on the possibility of an error in the last paragraph of the February 26, 2001 minutes, questioning if she had opened the topic of discussion or Mr. Williams, as contained in the minutes. Mr. Williams asked for confirmation of the January 26, 2001 billing date in the attorney's monthly billing.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried unanimously to approve the Consent Agenda with exceptionalities noted to be checked out.

10. DEPARTMENT HEAD REPORTS

Chief Bright

Reviewed the Police Department Expenditures Over \$500 Report.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve the Police Department Expenditures Over \$500 to Rossiter's Harley Davidson, Inc. for \$4,317.44, Communications International, Inc. for \$4,619.00 and Complete Canine for \$2,000.00, not to exceed \$10,936.44.

11. INDIVIDUAL REPORTS

Ms. Cornwell

Discussed the possibility that items not contained in the agenda packet be provided for audience viewing by overhead projector. Mrs. Conlon informed Council the agenda and portions of its supporting documentation has been placed on the city's web site and is available to the public through the Internet. A trial of the overhead projection will be held at the next Administrative Meeting.

Requested Mr. Hickey to provide Council with a report on the Terra Ceia Golf and Tennis Club.

Inquired about the swimming pool issue. Mayor Whitesel stated she had met with Manatee County Administrator, Ernie Padgett and various other personnel from Manatee County. Mr. Padgett will look into the issue, report back to Mayor Whitesel, and then take it to the County Commission for its review. Blackstone Park was the area considered for location of the pool.

Asked that it be clarified with Mr. Hickey concerning curbside pickup of cans to be recycled by businesses before it is placed on the water bill.

Mrs. Keefer

Inquired if a citation issued because no helmet was issued to a child. Chief Bright will research the item. Mrs. Keefer also inquired about rulings governing scooters. Chief Bright stated there were no laws addressing scooters.

Inquired if Mr. Williams had read the letter from Mr. McClash on the 7th Street extension. Mayor Whitesel stated Commissioner Stein would address Council on the topic.

Commented on the Clean-Up Day scheduled Saturday, March 24. The North River News will be notified of the event.

Mrs. Lancaster

Commented on the GRIT/Clark issue. Mr. Dye stated the letter from Mr. Prather summarized the attorney's efforts.

Informed Ms. Bryant she had provided Mr. Tusing with the list of people she had requested. Ms. Bryant related Mr. Tusing had already addressed the situation.

Mr. Williams

Stated Council had made a motion and approved it that all Department Heads were to be paid the same salary. Discussion was held regarding the annual salary of the City Clerk and reasons for the position being paid a lessor amount than the other department head positions. Staff was asked to research the minutes to determine if a motion had passed, whereby the City Clerk would be paid a lessor amount.

Commented on the request of the City Clerk to attend the annual City Clerk's Conference. Mayor Whitesel stated she had approved the travel expenditure.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to approve the overnight stay for the City Clerk's Conference.

Commented on the CRA retaining control of the billboard. Mr. Williams stated he felt a letter should be prepared and sent to the CRA that their request meets with Council's approval. Mrs. Lancaster stated CRA had voted unanimously to retain the billboard. Mrs. Lancaster stated she had also inquired of the CRA if there was an interest on its part to contribute \$30,000 for a building at Public Works; CRA declined. Ms. Cornwell suggested the letter contain Council's recommendation that criteria governing the billboard should be developed. Mr. Dye inquired if he should continue preparing the agreement between the City and Dartmouth Homes or should it prepared by the CRA attorney. Mr. Dye was instructed to move forward with the preparation of the agreement. Ms. Cornwell suggested the letter should also contain information regarding the agreement.

Commented on the meeting scheduled with county staff, where the county staff announced they would not be able to attend if he and the Mayor were both in attendance and would be discussing issues together. Mr. Williams stated he agreed with them to that effect but further stated how more than one public official can be in attendance at the same meeting so long as there was no interaction between the officials. He stated he had apprised Commissioner Stein of the event and hoped Attorney Williams would respond. He discussed information contained in the manuals each Council Member had in their possession. He stated he hoped in the future, appropriate personnel was notified of all meetings so they could be properly noticed thereby allowing Council's attendance without question. Ms. Cornwell

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issued a statement of support of Mr. Williams and stated this matter needed to be cleared up.

Mr. Williams reminded Council he had been appointed as the liaison to discuss the 7th Street realignment and the stop light with the county.

Mrs. Higgins has been instructed to notice Mr. Williams of all meetings regarding the Public Works Department and should do likewise to liaisons of the other city departments.

Suggested that all the city board members have an opportunity to learn Roberts Rule of Order. The City Clerk was instructed to make the arrangements with Mrs. Pratt and the city boards. Mrs. Lancaster commented that the city boards also have attorneys and those attorneys should advise the boards when they are doing something wrong.

Ms. Bryant

Asked Mr. Brown to relate to Mr. Hickey, for a report back to Council, that she is requesting the cost of Carr Drain, including the engineering costs, and determine if Manatee County has provided some of the engineering plans and engineering costs.

Asked the City Clerk to determine total costs spent with Smith & Gillespie since 1997. Mayor Whitesel asked if the report should be broken out on the amount spent on engineering and the amount spent on construction. Ms. Bryant asked this be ready for the March 26, 2001 meeting if that provided enough time.

Stated that several times she and Mr. Prather had discussed open-ended contracts. Ms. Bryant stated her belief there are currently three such contracts. She asked that Mr. Prather's opinion be copied again to Council.

Advised Mrs. Conlon that all contracts must be reviewed and signed by the attorney before it comes to the Council for review.

In the past when Department Heads are appointed, they are appointed for one year. When a term had been for less than a year, the appointment was extended and that had not been done for Mrs. Conlon.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried unanimously to extend Mrs. Conlon's term through 2002.

Asked that Mr. Hickey respond to the flooding situation near Palmetto Mobile Home Park, as documented by the picture presented at the last meeting.

Mr. Williams stated that on this same issue, since Council had approved a motion in February 2000 to pay the Department Heads the same salary, since Council sets the

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term, Council should also set the salary, recommending the City Clerk should receive the same salary as the other Department Heads.

MOTION: Mr. Williams moved, Ms. Bryant seconded to approve a salary adjustment equal to the other two Department Heads.

Mrs. Keefer asked why the salary wasn't brought up when Mrs. Conlon was hired. Mr. Williams asked if any salary adjustments would be made in the future. Mayor Whitesel stated Council was told of the starting salary and there had been no discussions of any increases. Ms. Cornwell discussed if there should be a base salary with a raise in the base as people remain with the city. Mr. Williams discussed the positions being a year-to-year contract and his opinion all three positions should be the same. Mrs. Keefer reminded Council of discussions pertaining to employees not being hired higher than mid-range of the position. Mr. Williams referred to the ordinance that exempted Department Heads.

The motion was voted and carried 4 to 1. Mrs. Keefer voted no.

Provided a list of pending litigation to Mrs. Conlon. Requested that the city's attorney's fees be determined on the DeLesline settlement.

12. INDIVIDUAL COMMENTS

Amy Stein, Manatee County Commissioner for District 1 and Vice Chairman of the Board of County Commissioners addressed Council on behalf of the County Commission and was allowed to extend the two-minute time limit. She thanked the Council for their consideration in working with the County Commission and deferring action on this topic. Commissioner Stein discussed amended Scenario #5, taking 7th Street down to the existing Haben Blvd. light, creating a full intersection. The other component would continue 7th Street to the other end of Haben Blvd. with a signal. She stated their recommendation was based solely on the basis of the concepts of traffic flow and safety. She stated the Commission would like to work with the Council to help make something along these lines move forward and aid the city in obtaining third party funding. She read into the record the second paragraph of a letter from Board of County Commissioners Chairman Joe McClash. A copy of the letter is attached hereto and made a part of these minutes. Discussion was held between Commissioner Stein and the Council concerning this topic. A joint meeting between the Palmetto City Council and the Manatee County Board of County Commissioners was set for May 14, 2001.

Commissioner Stein stated the city could use the Manatee Government Access website to help in advertising the city's website.

Commission Stein stated she would follow-up on the issue involving the Sunshine Law and will ask for an opinion in writing.

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Mike Taylor addressed Council regarding the city building a skatepark. Mr. Taylor spoke with Risk Manager Ron Koper about the liability issue. He advised Council he would donate ramps valued at \$40,000 to \$50,000 and had commitments from individuals to donate signs required by state regulations, electrical work, labor and concrete specialists.

MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to extend the two-minute time limit.

He estimated \$100,000 could be raised toward the construction of the park.

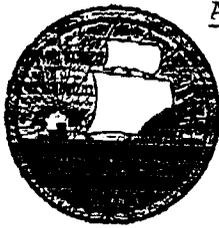
Meeting adjourned at 9:00 p.m.

Minutes approved: April 2, 2001



**Karen A. Conlon
City Clerk**

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



MANATEE COUNTY
BOARD OF COUNTY COMMISSIONERS

March 19, 2001

The Honorable Pat Whitesel
Mayor, City of Palmetto
P. O. Box 1209
Palmetto, Florida 34221-1209

Re: **7th Street West, Palmetto**

Dear Mayor Whitesel:

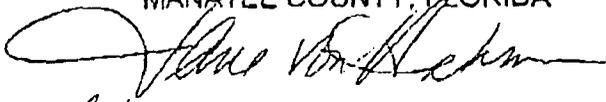
During its meeting of March 13, 2001, the Board of County Commissioners discussed several of the proposed scenarios for the alignment of the subject roadway. Following its deliberations, the Commission adopted a motion favoring scenario 5, modified as follows:

- 7th Street West to also proceed across U.S. 41, with no traffic signal, and extend to Haben Boulevard, construction of which will be undertaken by the party then responsible when such construction is warranted.

The Board of County Commissioners recognizes the selection of the alignment for 7th Street West is fully within the jurisdiction and authority of the Palmetto City Council. Accordingly, the Commission wishes to express its collective appreciation to the City Council for the Council's willingness to allow the Commission to review this matter and to submit this alignment recommendation for the Council's consideration. The Commission also recognizes there may be factors relating to the alignment of 7th Street West of which it may not be aware. The Commission's recommendation in this matter was arrived at solely upon the basis of traffic flow and safety.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA



Joe McClash
Chairman

JPM/sbm

cc: Board of County Commissioners
Ernie Padgett, County Administrator
Larry Mau, Director, Transportation Department