

**Palmetto City Council
May 7, 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 others present:

**Karen A. Conlon, City Clerk
Chief Bright, Palmetto Police Department
Mike Hickey, Director Public Works
Mary Jean Forrester, Deputy City Clerk
Margaret Tusing, Planning & Zoning Director
Karen Simpson, Finance Director
Diane Ponder, Administrative Assistant**

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

A proclamations to Palmetto Elks Lodge #2449 setting aside the week of May 6 as Youth Week and a proclamation to the Korean War Veterans Association, Manasota Chapter 199 declaring June 2001, 2002 and 2003 as Remember the Korean War Month was read by Mayor Whitesel.

Captain Garry Lowe recognized Walter Thompson who, with the aid of his staff, donated the stucco finish on the Police Department storage building.

1. TIME WARNER

Attorney Greg Porges, legal counsel for Time Warner, discussed with Council the Cable TV Franchise with the city that is expiring in October. Mr. Porges stated he was seeking direction from Council to determine if there is an interest in a pursuing the modern method to renew a franchise agreement, that being a single, non-exclusive ordinance and franchise agreement. Discussion ensued on the most expedient manner to update the city's ordinance, to allow for collection of the entire franchise fee available to the city and renew the franchise agreement. This topic was scheduled for a workshop June 11, 2001.

2. MANATEE SCHOOL OF THE ARTS

Attorney Mark Raymond, bond counsel for Bank of America, addressed Council concerning the Manatee School of the Arts request of the city to issue approximately \$2.1 million of industrial revenue bonds on behalf of the School. Mr. Raymond discussed the benefits of the transaction to the School and the protections to the City

of Palmetto. He stated he was seeking Council's authorization to allow city staff and the city attorney to work with representatives of the school and the bank to assimilate a presentation for Council regarding the transaction. It was consensus of Council to authorize staff to gather the information needed for the presentation.

3. FAMILY CELEBRATION OF LIGHTS

Carol Hunt, Executive Director of Project Child Care, and Alice Myers and Mary McEntee of the Palmetto Historical Society addressed Council concerning the Family Celebration of Lights event held at Heritage Park last December. They expressed their delight in the success of the event, stating that with the continued support of the City of Palmetto and the Palmetto Historical Society the event would become part of our community for many years to come. Ms. Hunt discussed the appearance of author Robin Karr-Morse at Neel Auditorium and invited Council Members to attend the meeting.

4. PALMETTO PUBLIC LIBRARY

Judge Gallen informed Council the 25-year lease approved by Council last year would not be sufficient to receive matching funds of \$500,000. He stated the funds would be used for a planned 50% expansion of the library, but it would be necessary for the county to hold property to the land to secure the matching funds. He requested Council approve a quit claim deed containing a clause stating ownership would revert back to the city if the facility ceased to be used as a public library.

MOTION: Mrs. Keefer moved, Ms. Bryant seconded to do the quit claim deed to Manatee County with a clause stating ownership would revert back to the City of Palmetto if the facility ceased to be used as a public library.

Discussion ensued concerning the possibility of the county not receiving the grant funds and ownership of the property. Judge Gallen stated that reapplication for the grant would be made until such time the funds were awarded.

Ms. Bryant withdrew her second to the motion on the floor. Mrs. Keefer withdrew her motion.

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to execute the quit claim deed with a clause saying the public library title would revert back to the City of Palmetto in the event the property is not used as a public library or the county does not get funding within five years to do the improvements.

5. REVIEW OF ANNUAL AUDIT

Mr. Bill Hawthorne, CPA Associates, introduced Greg Mully, the audit manager of the project. Mr. Hawthorne discussed the management letter issued after the end of the audit in February, specifically discussing the concerns of management, accounting or internal control procedures. Mr. Hawthorne made general comments concerning the city's financial statement.

Mr. Hawthorne also stated the firm had been asked to complete a six-month review. He stated he could not give a comprehensive analysis on that task. He commented on several funds from the reports compiled by the city's finance department. Some revenues are not accrued in a timely manner, such as gas tax revenues. Also discussed was encumbrances carried over amounting to \$800,000 that may be incorrect. Each encumbrance will be reviewed and corrected before beginning work on next year's budget. He also suggested restructuring the budget status sheets to become a more useable tool. Control of construction project expenditures was discussed.

6. CITY POLICY ON VACATING RIGHT-OF-WAY

Planning and Zoning Director Margaret Tusing discussed the city's policy relating to the vacation of right-of-way or limiting access to waterfront property. She advised Council it was staff's recommendation not to vacate the right-of-way inquired about by Mr. Glasgow until such time mapping of the city's road rights-of-way ending at the waterfront is completed and recommendations have been made to any purpose of the property.

7. CRA REQUESTED BUDGET AMENDMENT FOR ATTORNEY FEES

Mrs. Keefer asked that the Interlocal Agreement between the city and CRA for an interim director be discussed.

Mayor Whitesel recessed the meeting for ten minutes, to reconvene at 9:00 p.m.

The meeting was reconvened at 9:00 p.m.

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried 3 to 2 to include the Interlocal Agreement as item 8A on the agenda. Mrs. Lancaster and Ms. Cornwell voted no.

Discussion was held concerning the payment of CRA attorney fees.

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to approve the transfer of \$3,305 from the Storefront Program and \$4,745 from Contract Services to Attorney Fees.

8. CRA APPROVAL OF PAYMENT FOR SERVE PROJECT

MOTION: Ms. Cornwell moved, Mr. Williams seconded to approve the payment to SERVE not to exceed \$2,736.36.

Mr. Williams stated the total amount payable on the SERVE project was \$2,856.26, which also included an invoice of \$120 from the City of Palmetto for a dumpster rental

MOTION: Mr. Cornwell amended her original motion to approve the payment to SERVE not to exceed \$2,856.26. Mr. Williams seconded the amended motion and the vote was unanimous.

8A. INTERLOCAL AGREEMENT BETWEEN THE CITY OF PALMETTO AND THE CRA

Mrs. Keefer stated her belief this is a topic that Council needs to quickly resolve, as funds could be saved on administrative costs and be added back to the revitalization projects. Discussion was held on the draft of the Interlocal Agreement, which would place a city employee as an interim director of the CRA and house CRA at city hall. Revisions as suggested by Mr. Williams and Mr. Prather were noted and will be incorporated into the agreement before sending to the CRA for review.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 3 to 2 to approve the Interlocal Agreement between the City of Palmetto and CRA with changes to be made as suggested by Attorney Prather and Mr. Williams. Mrs. Lancaster and Ms. Cornwell voted no.

9. RESOLUTION NO. 01-07

Resolution No. 01-07 was read by title.

A RESOLUTION AMENDING RESOLUTION NO. 00-22, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2000-2001, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Keefer moved, Mrs. Lancaster seconded and motion carried unanimously to adopt Resolution No. 01-07. Ms. Bryant was absent during the vote.

10. RESOLUTION NO. 01-08

Resolution No. 01-08 was read by title.

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA AMENDING RESOLUTION NO. 00-16 TO CORRECT A SCRIVENER'S ERROR BY INCLUDING THAT PORTION OF 11TH STREET WEST DESCRIBED IN EXHIBIT "A" AS PART OF THE VACATED RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE. (V0001-Albertson's, Inc.)

MOTION: Mrs. Keefer moved, Mr. Williams seconded and motion carried unanimously to adopt Resolution No. 01-08.

11. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 01-707

Ordinance No. 01-707 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA AMENDING ORDINANCE NO. 684, BY REVISING THE DEVELOPMENT SCHEDULE FOR CERTAIN PARCELS IN PHASE II AND PHASE III; BY CLARIFYING THE SPECIFIC USES ASSOCIATED WITH EACH PARCEL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Riviera Dunes)

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 4 to 1 to approve Ordinance No. 01-707 for advertising and schedule a second reading and public hearing May 21, 2001.

12. EXPENDITURES OVER \$500

City Clerk's Office

MOTION: Ms. Cornwell moved, Mrs. Keefer seconded to approve both expenditures over \$500, the 1400' split rail fence not to exceed 12,545.11 and the 8000 computer not to exceed \$3,076.37.

Mr. Williams called for discussion on the location of the split rail fence. Discussion also addressed the Statement of Purpose and Objectives on the Estuary Park, and the retaining wall that was called for that has not been completed.

Ms. Cornwell amended her motion to separate the two items.

Vote was called for on the motion to purchase the split rail fence not to exceed \$12,545.11 and passed 4 to 1. Mr. Williams voted no.

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Vote was called for on the 8000 computer not to exceed \$3,076.27 and passed unanimously.

Public Works Department

MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to approve the expenditure for the handrail for the Chapel not to exceed \$576.00.

MOTION: Mr. Williams moved, Ms. Cornwell seconded to approve the remainder of the Public Works - the striping of Haben Blvd. not to exceed \$21,074.36 and the trash receptacles not to exceed \$2,812.50 and motion carried unanimously.

Mr. Hickey stated the tank gauge was being deferred.

13. CONSENT AGENDA

- A) Minutes of April 9 and April 16, 2001 Council Meetings**
- B) April Billing – Dye, Deitrich, Prather, Petruff & St. Paul, P.L.**

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

14. DEPARTMENT HEAD REPORTS

Chief Bright – Palmetto Police Department

Chief Bright stated the April 16, 2001 minutes should show him being absent from the meeting.

Karen Conlon – City Clerk

Security locks have been installed on the city hall interior doors.

Council has been given a violation and compliance status report from Code Enforcement.

Council concurred on extending the fireworks contract awarded last year for an additional year.

15. INDIVIDUAL COMMENTS

Ms. Cornwell

Commented on the Manatee County Water Contract.

Commented on city ordinances impacting county owned property within the city boundaries and the need to enforce items such as noise violations and the possible

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purchase of a decimeter. Also discussed was the prohibition of alcohol at the facilities on Sundays, especially at the fairground arenas, because of its proximity to a church.

Requested an updated Projects List.

Reminded Council of the Green Bridge Fishing Tournament on Saturday.

Discussed reuse at Lincoln Middle School, stating grants are available for the school if water is available.

Stated she would have felt more comfortable with more than one city attorney applicant.

Mrs. Keefer

Commented on the Cinco de Mayo event and the Council Members not knowing a proclamation would be read.

Thanked Public Works for patching potholes.

Welcomed Chief Bright back from vacation.

Commented on Council approving the change in the dock space at Riviera Dunes. She advised Council Riviera Dunes has increased the cost of a dock purchased two years ago by \$50,000. Mr. Williams inquired if Council could rescind action taken on the dock issue. Mr. Prather will research and report his findings.

Mrs. Lancaster

Requested that Mr. Hickey obtain an estimate for temporary speed bumps at Oakridge.

Requested the railroad crossing on 10th Street be repaired. Asphalt will be placed in the area.

Commented on changes being made by Mrs. Conlon and inquired of the attorney if the Purchasing Director could be changed to Purchasing Agent without Council approval. Also commented on the Building Department being placed under the City Clerk rather than Public Works. Mrs. Lancaster stated she wanted to be sure changes were being done correctly.

Mr. Williams

Commented on the memo from Mr. Patterson and the savings the city had realized in the recent reuse installation project.

Policies dealing with exempt employees will be discussed at the Department Head meeting.

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Requested Mr. Hickey review the recent striping project on Haben Boulevard.

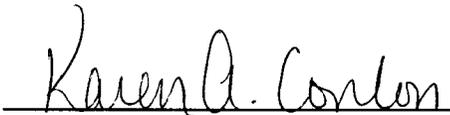
Commented on the drive-by shooting in his neighborhood.

Ms. Bryant

Inquired about remaining credit cards issued to the city. Mrs. Conlon stated the only card remaining has a \$2,500 credit limit. Research is still being done on the reimbursement policy.

Meeting adjourned at 10:45 p.m.

Minutes approved: May 21, 2001



**Karen A. Conlon
City Clerk**

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