

**Palmetto City Council
June 4 2001 7: 00 PM**

Elected Officials Present:

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

Elected Officials Absent:

Pat Whitesel, Mayor

Staff and others present:

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

Vice-Mayor Bryant called the meeting to order at 7:00 p.m.

Vice-Mayor Bryant introduced candidate Larry Bustle and announced he would give the invocation. Vice-Mayor Bryant also thanked Mr. Bustle and the Veterans Commission for the recent Memorial Day program.

Carol Lewis of Manatee Schools Foundation presented the program "Mentors for Manatee County."

1. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 01-708

Ordinance No. 01-708 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA APPROVING A GENERAL DEVELOPMENT PLAN FOR THE MARINA AT RIVIERA DUNES, PARCEL 11A; ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Marina at Riviera Dunes)

Correction was noted as follows:

"WHEREAS, the City Council reviewed the General Development Plan and elevations at a public hearing on June 18, 2001; and"

MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to approve Ordinance No. 01-708 for advertising and schedule a public hearing June 18, 2001.

2. PALMETTO TEXACO CONDITIONAL USE PERMIT

MOTION: Mrs. Keefer moved, Mr. Williams seconded and motion carried unanimously to approve the Conditional Use Permit to Palmetto Texaco, increasing the square footage of a commercial pole sign from 40 sq. ft. to 75 sq. ft.

3. OVER \$500 EXPENSE REPORT

A) City Clerk's Office

Ms. Bryant informed Council the city clerk did not receive all the call bids on this project. She asked Council to table this item until June 11, 2001 and allow a vote by Council.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 4 to 1 to table 3A under the city clerk until June 11, 2001. Mrs. Lancaster voted no.

No new bids will be accepted for consideration.

4. CONSENT AGENDA

- A) Minutes: May 14, 2001 Joint Council & County Commissioners
May 21, 2001 Workshop
May 21, 2001 Council Meeting**
- B) Dye, Deitrich, Prather, Petruff & St. Paul May billing**

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

It was requested staff prepare an update to items mentioned during individual comments by Council Members. Also requested was an updated pending projects list.

5. QUOTATIONS FOR SOD INSTALLATION – SUTTON PARK

Discussion was held on the following bids received for installation of 73,500 square feet of sod at Sutton Park:

Anderson & Son Nursery, Inc.	\$16,537.50
SMR Turf & Trees	\$19,477.50
Logue Sod Service	\$21,682.00

Only one of the bids contained required documentation as stated in the advertisement. Attorney Prather expressed concern about the wording of the advertisement. He advised Council to reject all the bids and go back out for bid with a revised advertisement.

MOTION: Mrs. Lancaster moved, Mrs. Keefer seconded and motion carried unanimously to reject all bids and directed the city clerk's office to go back out for bids. Mr. Williams declared a conflict and abstained from voting.

The revised advertisement is to be approved by Attorney Prather before publication.

Vice-Mayor Bryant informed Council Mrs. Lancaster had received a call from a resident of Ward 2 concerning 7th Street and 15th Avenue. She requested Chief Bright research the possibility of a four-way stop sign at the site.

6. DEPARTMENT HEAD REPORT

City Clerk's Office

Mrs. Forrester informed Council Mrs. Conlon is attending the city clerk's convention.

Public Works Department

Mr. Hickey informed Council of a customer that is occupying two spaces in a strip center and is paying \$10 for curbside pickup at each site. The customer is also requesting a refund for past payments. In addition to curbside pickup this site also utilizes a dumpster. Discussion ensued on how the situation could be handled in the future. Mr. Hickey recommended charging the tenants \$10 for curbside pickup. If the landlord wishes to retain the dumpster he would be responsible for that monthly fee. Staff was instructed to contact the landlord and tenants for their recommendation and bring this topic back to Council at the June 18, 2001 meeting. Cynthia Fobbs, the citizen making the request, addressed Council concerning the topic.

City Attorney

Attorney Prather commented on the Manatee School for the Arts and Time Warner Franchise Agreement issues coming before Council at the June 11, 2001 meeting, inquiring if he should be in attendance.

Staff was asked to contact Manatee School Board regarding Manatee School for the Arts two-year contract extension vs. a 15-year extension for a charter school in Bradenton. Staff was also asked to review the Time Warner Franchise Agreement and make their recommendations to Council. Both responses are to be to Council before the June 11, 2001 meeting.

MOTION: Mrs. Keefer moved, Mr. Williams seconded and motion carried unanimously to instruct the city attorney to be present at the June 11, 2001 Council Meeting.

7. INDIVIDUAL COMMENTS

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Ms. Cornwell

Requested the Fire Department be notified of the location of newly installed speed bumps.

Requested a report on the backflow preventer installation program.

Requested a report on census data showing the breakdown in age groups of the city's population.

Inquired if the business recycling availability has been posted on the utility bills. Also discussed the possibility of utilizing the media to announce the program.

Asked that Public Works review city streets for pavement patches that are sinking.

Advised Public Works of repairs needed at Carnegie Library. Staff is to determine how the library employee advises city of needed repairs.

Inquired if the Police Department has cemented plans for summer basketball with the city's youth.

Asked that correspondence be sent to the mayor of Bradenton Beach confirming the city's attempt to reach him by phone regarding the building official position.

Advised Council Brandt Henningson had contacted her stating no future P2000 monies were available for the purchase of property.

Mrs. Keefer

Inquired if the Police Department is planning to implement the ice cream and bicycle program.

Discussed individuals with private use city vehicles and the \$3 per day they pay for the vehicle. Asked the clerk's office to determine if the \$3 is still appropriate.

Commented on the citizen complaint letter dated May 11, 2001 that was not copied to Council in a timely manner. Asked that staff be reminded to copy and distribute information addressed to Mayor and Council upon receipt. Mr. Hickey and Mrs. Tusing are to determine if there should be access to the water on 13th Avenue

Recommended the city's shoe policy be placed on the June 11, 2001 agenda for review and approval by Council. Mr. Williams stated the policy needed to be amended to reflect \$60 for shoes to meet the ANSI for sanitation workers.

Inquired about the problems occurring at Tropic Isles. Mr. Hickey discussed the pressure testing and leaks.

Inquired about the status of the Lease Purchase Agreements.

Mrs. Lancaster

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Inquired if the Police Department is enforcing the noise ordinance.

Discussed Mrs. Conlon's job description and the fact the city is paying overtime to her Administrative Assistant to also be in attendance at the meetings.

Mr. Williams

A communication team at Public Works has been created comprised of general employees. A program has also been created to recognize an employee of the month, team of the quarter, employee of the year and team of the year and possible awards. Research of the Statutes will be completed regarding this topic.

Discussed the status of the CRA Interlocal Agreement and the refusal of CRA to execute based CRA Attorney Chulock's recommendation, as he is drafting an amended Interlocal Agreement. The dates of the proposed meeting were discussed. Mr. Williams stated his concern of the board's leadership, suggesting a new chairman may resolve some of the existing issues.

Mr. Williams moved to appoint Alan Langford as chairman of the CRA. Attorney Prather discussed the city's ordinance covering the chairmanship, stating his wish to review this topic. Mr. Williams withdrew his motion.

MOTION: Ms. Cornwell moved, Mrs. Keefer seconded and motion carried 4 to 1 to discuss the issue concerning the CRA on June 11, 2001 at a time certain of 5:00 p.m. Mrs. Lancaster voted no.

Mr. Hickey was asked to follow up on the 12th Street vacation and report back to Council at the June 11, 2001 meeting.

The Thom Brown issue is a motion filed on behalf of the city for summary judgement.

Discussed the letter to Mr. Padgett regarding the recent meeting. Mr. Williams inquired who is responsible for writing Council's letters. Mr. Williams stated the Council's secretary should prepare all letters written on behalf of a Council Member.

Discussed approval of the mixing zone and testing that will be done.

Requested Amendment 1 to the USFilter be placed on the June 11, 2001 agenda for discussion prior to the June 18, 2001 meeting.

The entrance sign to the city will be discussed at a later date.

MPO will be notified Mr. Williams will serve as an alternate at the June meeting.

Stated the personnel policy addressing the path for complaints as have been received by the Police Department. Discussed the investigation that will be done by

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the city attorney and his belief Council would support the mayor should she call for an investigation by an agency outside Manatee County. Staff was instructed to contact agencies supplied by Florida League of Cities to determine the cost of an external investigation.

Vice-Mayor Bryant

John Marble of the EOC will update Council at the June 11, 2001 meeting.

Asked Mrs. Ponder who is requesting information concerning a city manager form of government. Mrs. Ponder replied the mayor had asked the information be obtained from the Florida League of Cities.

Requested the noise ordinance be translated into Spanish.

Asked Public Works to have the B3 plans reviewed by the consulting engineer. Mr. Hickey stated staff is reviewing the plans.

Advised Chief Bright the Police Department should also focus on 17th Street and other residential areas of the city. Mrs. Lancaster spoke about the congestion when school buses are running.

8. CITIZEN COMMENTS

Jan Coleman voiced her opinion the city should have accepted grant funds for the purchase of a boat.

Meeting adjourned at 9:40 p.m.

Minutes approved: June 18, 2001



Karen Conlon, City Clerk

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

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Williams, Brian T.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City of Palmetto City Council
MAILING ADDRESS P.O. Box 1209	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Palmetto, FL 34221	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED June 4, 2001	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

You must abstain from voting and disclose the conflict in the situations described above and in the manner described for elected officers. In order to participate in these matters, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Brian T. Williams, hereby disclose that on June 4, 192001:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, SON _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

June 11, 2001

Date Filed

Brian T. Williams
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.