

**Palmetto City Council  
June 18, 2001 7: 00 PM**

**Elected Officials Present:**

**Pat Whitesel, Mayor  
Tamara Cornwell, Council Member  
Mary Lancaster, Council Member  
Brian Williams, Council Member**

**Elected Officials Absent:**

**Shirley Bryant, Vice-Mayor  
Donna Keefer, Council Member**

**Staff and others present:**

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

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

**Larry Bustle gave the invocation followed by the pledge of allegiance to the United States Flag.**

**1. 1<sup>ST</sup> READING & APPROVE FOR ADVERTISING ORDINANCE NO. 01-709  
Ordinance No. 01-709 was read by title.**

**AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 22, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; ADDING SECTION 22-108, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.**

**Mayor Whitesel opened the public hearing, no public comment, the public hearing was closed.**

**MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried unanimously to approve Ordinance No. 01-709 for advertising and schedule a public hearing July 2, 2001.**

**2. 2<sup>ND</sup> READING & PUBLIC HEARING 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)**

Mayor Whitesel opened the public hearing. Mike Carter presented the architectural rendering of the marina to Council. There was no public comment, public hearing was closed.

**MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried unanimously to adopt Ordinance No. 01-708.**

**3. CITY OWNED PROPERTY (ERIE ROAD LANDFILL)**

Mrs. Tusing discussed the property and the inquiry by Mr. Geartz to purchase the property. She read into the record a letter from Birkholz Appraisal Service, a copy of which is attached hereto and made a part of these minutes.

**MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried unanimously to declare the south 255.52 feet of parcel DP #659600001 as surplus, declare the property for sale and authorize the advertisement of an Invitation to Bid on the surplus property.**

**4. CITY COUNCIL POLICY – EXPENDITURES OVER \$500**

**MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried unanimously to approve the Policy for Purchases Over \$500.**

**5. CONSENT AGENDA**

- A) Minutes - June 4, 2001 Council Meeting**
- B) May Check Register**
- C) Special Function Permit – 4<sup>th</sup> of July Celebration**

Mrs. Lancaster requested the removal of item C for discussion.

**MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried unanimously to approve the Consent Agenda, items A and B.**

**Item C, Special Function Permit for the 4<sup>th</sup> of July Celebration, and the 4<sup>th</sup> of July Festival were discussed as joint topics. Mrs. Conlon explained funds had been donated from businesses and fees had been collected from vendors for the Festival. She further stated that to allow for receipt of the funds and subsequent expenditures relating to the Festival, Council must approve a line item. The clerk read into the record a letter mailed from an employee of the city soliciting donations, a copy of which is attached hereto and made a part of these minutes. A copy of the flyer announcing the Festival was read by Mayor Whitesel and is attached hereto and made a part of these minutes. Attorney Prather discussed legalities surrounding donations to a municipality as well as the liability an employee faces representing the city acting without the proper authority. Discussion also encompassed the closing of the boat ramp from 12:00 a.m. July 3, 2001 through the fireworks display. It was consensus of Council that only the Mayor's office was authorized to generate correspondence representing the city. Staff was also instructed to research the boat ramp agreement with Manatee County to determine if the closure was permissible.**

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried unanimously to approve the Special Function Permit for the 4<sup>th</sup> of July Celebration.**

**MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried unanimously to ratify, confirm and approve the 4<sup>th</sup> of July Festival as a city function and establish a line item for the budget not to exceed donations and permit fees.**

**During the budget process the city should decide and document the festivals the city wishes to ratify.**

## **6. DEPARTMENT HEAD REPORT**

### **Chief Bright, Palmetto Police Department**

**Sgt. Jones will apply for apply for the Local Law Enforcement Grant in the amount of \$24,226 with a 10% match by the city. Staff will research to determine what line item funds will be used for the matching portion.**

**July 18, 2001 the COPS unit will do a course at the Palmetto Library on preventing thefts. A rape safe course was held at the Palmetto Boys Club. A bicycle rodeo will be held July 19, 2001 at Sutton Park for 7 – 12 year old children.**

### **Karen Conlon, City Clerk**

**Requested for she and Tanya Lukowiak to meet with the CRA Board Chairman to discuss ideas for combining the CRA Executive Director and city Grants Coordinator positions. It was consensus of Council to grant Mrs. Conlon's request. Mrs. Conlon will prepare the proposal in written form to Council and the CRA Board to avoid any possible violation of the Sunshine Law.**

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Mr. Hickey, Public Works Department

Distributed the proposed MS-4 Ordinance which will be discussed at the June 25, 2001 Council Meeting.

On the sanitary fee at 610/614 10<sup>th</sup> Street, Mr. Hickey recommended the discontinuation of service at 610 10<sup>th</sup> Street and charge the customer \$10 per month. He further recommends no refund of the fee collected for the past 24 months for 614 10<sup>th</sup> Street. The landlord advised he has opted not to pay for a dumpster at the site. Mrs. Fobbs discussed the dumpster and arrangements with the landlord and the \$10 charge she has been asking to be corrected for over a year, stating she still wants reimbursement. Mr. Hickey and Mr. Prather will discuss the situation and report back to Council.

Alan Prather, City Attorney

Stated his concern for the protection of employees when acting on their own, as the employee becomes personally liable and would not be subject to defense by the city. All festivals should be authorized by the city in the future.

7. INDIVIDUAL COMMENTS

Ms. Cornwell

Requested an update on the bonds for Preservation 2000.

Commented on the letter from Patricia Wilson. Mrs. Tusing stated it appears a boat is parked in the right-of-way on 13<sup>th</sup> Avenue and landscaping on private property appears to be overgrown. Mrs. Tusing will contact the owner of the boat. The topic will be discussed at the Department Head Meeting and Public Works will participate in the written response to Ms. Wilson.

Mrs. Lukowiak reported the county recommended applying for a FRDAP funding for a pool. Discussion ensued on FRDAP funds we are currently using - Taylor Park and Hidden Lakes. Mrs. Lukowiak was asked to contact the county concerning this issue. Ms. Cornwell stated the YMCA was interested in the pool. Mrs. Lukowiak will also contact YMCA. The CDBG topic will be on the June 25, 2001 agenda.

Inquired about the harassment program. The city is researching the topic now. Discussed other program training employees should receive.

Presentation on the Hwy 41 designation as a scenic highway will take place July 30, 2001.

Discussed budget workshops. Council will consult their calendars so the dates can be set at the June 25, 2001 meeting.

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Requested Mr. Hickey present an update on the Consent Order at the June 25, 2001 meeting.

**Mrs. Lancaster**

Discussed the Ward 1 Town Hall Meeting.

Discussed the procedure for opening the mail for CRA and city hall. Mr. Prather discussed the mail topic as well as the location of CRA documents.

Mrs. Lancaster read a memo concerning the Jerome Waiters investigation, which is attached hereto and made a part of these minutes. Mr. Prather discussed the investigations that are currently taking place, stating it was his legal advice it is not in the best interest of the city to have a third investigation. This topic will be revisited when all Council Members are in attendance. Mrs. Lancaster commented on the fact this is a situation Council should have known about a long time ago.

**Mr. Williams**

Commented on the motion to dismiss on the Creel property.

Asked the city clerk to determine if a permit is required to replace an existing air-conditioning unit.

Discussed the CRA requisition for a \$1,500 contribution to River Walk.

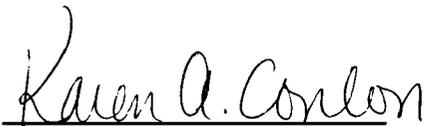
**MOTION:** Mr. Williams moved, Mrs. Lancaster seconded and motion carried unanimously to approve the CRA seed money to River Walk.

**8. PUBLIC COMMENT**

Cynthia Fobbs commented on the entertainment for the 4<sup>th</sup> of July Festival, hoping all applicants wishing to participate would be considered. Mrs. Fobbs also commented on the public receiving copies of what Council has available. She asked Council to reconsider the issue as copies are still available to candidates free of charge.

Meeting adjourned at 9:30 p.m.

Minutes approved: July 2, 2001



**Karen A. Conlon**  
City Clerk

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

## Memo

June 18, 2001

To: City Council

From: Mayor Whitesel

Re: Investigation

Per your request, Diane Ponder has been working with me to get information on the investigation of the Jerome Waiters matter. You asked me to identify agencies that could do an external investigation and how much that would cost.

Mrs. Ponder has provided the following information to me that I now pass onto you for your consideration. She contacted the Florida League of Cities who recommended three agencies – State Attorney, Association of Police Chiefs and the Florida Commission on Human Relations.

The State Attorney referred us to the Florida Department of Law Enforcement. Since this matter involves the Police Department, it may be better not to involve the law enforcement agencies. This would leave out the FDLE and the Association of Police Chiefs.

The Florida Commission on Human Relations is the best option. The investigation would be confidential, involving only the people named in the EEOC investigation. Upon completion, he will report to the Mayor and the City Council his findings. The Commission would charge us normal travel expenses only – travel, hotel and meals. In addition to interviewing the parties involved, he would review personnel files and other pertinent documentation. I believe the estimated cost would be \$1000.00-\$1200.00.

If you would like the City to have the Florida Commission on Human Relations do the investigation, I will need to write them a letter and give an outline on what we want to be reviewed. I will need your input, so if you want to proceed, please give me some direction on this issue.

Given the time and effort that has been expended on this issue since last year, I would like to see this move forward soon in order to show the community that we are being responsive to their inquires.

Thank you.