

**Palmetto City Council  
July 16, 2001 7: 00 PM**

**Elected Officials Present:**

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

**Staff and others present:**

**Alan Prather, City Attorney  
Karen A. Conlon, City Clerk  
Capt. Kenny Bright, Palmetto Police Department  
Mike Hickey Public Works Department  
Mary Jean Forrester, Deputy City Clerk  
Tonya Lukowiak, Grant Writer  
Diane Ponder, Administrative Assistant**

**Charlie Grace 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. 01-710**

**Ordinance No. 01-710 was read by title.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, RELATIING TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4); PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INTENT; PROVIDING FOR DEFINNITIONS; PROVIDING FOR NPDES PERMITS; PROHIBITING AND LIMITING CERTAIN DISCHARGES, SPILLS AND DUMPING TO THE SYSTEM; PROVIDING FOR INSPECTIONS AND MONITORING; PROVIDING FOR ADMINISTRATIVE ORDERS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**MOTION: Mrs. Keefer moved, Mr. Williams seconded and motion carried unanimously to approve Ordinance No. 01-710 for advertising and schedule a public hearing for August 6, 2001.**

**2. 2<sup>ND</sup> READING & PUBLIC HEARING ORDINANCE NO. 01-712**

**Ordinance No. 01-712 was read by title.**

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE PURCHASING CODE; PROVIDING FOR FINDINGS OF FACT; AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE III, FINANCE, DIVISION 2, PURCHASING SECTION 2-57 (c) , OF THE CITY CODE RELATING TO COMPETITIVE SEALED BIDDING; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

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

**MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to adopt Ordinance No. 01-712.**

**3. BACKFLOW PREVENTER INSTALLATION PLAN**

**Mr. Hickey discussed the Cross-Connection Control Program and proposed actions to increase installation, maintenance and inspections of the devices.**

**4. AWARD OF BID FOR CITY HALL CARPET CLEANING**

**MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to accept the Stanley Steamer bid of \$518.76, allowing funding for the non-budgeted item.**

**5. HISTORICAL PARK**

**Ms. Bryant updated Council on the Historical Park. Manatee County is allowing the installation of a security system at the park. Because there have been issues with air-conditioning and termites, the Historical Commission is requesting a maintenance program be established for the location. Ms. Bryant reported, via second-hand information, Advanced Air Conditioning will honor a contract that has expired and repair a leaking air-conditioning unit. She further reported Moulter Pest Control will treat for subterranean termites at a cost of \$1.00. Mayor Whitesel will send a letter of thanks to both companies on behalf of the Mayor and Council.**

**6. SELECTION OF ENGINEERING FIRM – CDBG PROJECT**

Tanya Lukowiak, Grants Coordinator, reported all criteria had been correctly met in the bid procedure for the US 41/301 widening project. The selection committee is recommending Council award the bid to Wade Trim for professional services, based solely on qualifications.

**MOTION:** Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to award Wade Trim as the engineering firm for the CDBG US 41/301 widening project.

**7. CONSENT AGENDA**

- A) Minutes of June 25, 2001 Administrative Meeting, June 25, 2001 CRA Workshop, July 2, 2001 City Council Meeting and July 9, 2001 Administrative Meeting
- B) June Check Register
- C) June Billing - Dye, Deitrich, Prather, Petruff & St. Paul
- D) Special Function Permit – Kidspot Petting Zoo

The June 25, 2001 minutes were corrected to reflect that Ms. Bryant made the motion on item #4. The July 2, 2001 minutes were corrected to reflect that Mr. Williams made the motion on item #1.

Ms. Cornwell commented on an item moving forward where there is no vote. Discussion ensued on “silent consent” by Council Members. Mr. Prather advised Council Roberts Rules of Order had been accepted to apply to the city’s procedures when it does not conflict with Florida law. In order to have action taken, Council must had a quorum and must have a motion and second or have a unanimous consensus of Council. He further explained certain types of items of business that would require a motion and second vs. a consensus of Council.

Mrs. Keefer requested the Special Function Permit be removed for discussion.

**MOTION:** Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried unanimously to accept Mr. Prather’s recommendation to clearly annunciate Council action by a motion and second followed by a vote unless it is direction to staff by unanimous consensus.

**MOTION:** Ms. Cornwell moved, Mrs. Keefer seconded and motion carried unanimously to approve the Consent Agenda as amended, excluding item D, the Special Function Permit.

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**Jane Springrose, business manager of the Kidspot agreed to notify surrounding businesses of the planned kid's petting zoo.**

**MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried unanimously to approve the Special Functions Permit to Kidspot on the condition the business neighbors are notified.**

## **8. MAYOR'S REPORT**

**Each department head has been asked to do a self-evaluation. A copy will be provided to Council Members so they can provide their comments. Mayor Whitesel will provide a copy of her comments to Council.**

**Distributed a recap of the Merchant Power symposium held July 10, 2001 at the Civic Center.**

**Reported on the recent tour of the blighted areas of the city. It was suggested by Council that arrangements be made for an additional tour where they would be able to participate.**

**The transportation committee recap will be put on a future agenda.**

## **9 INDIVIDUAL COMMENTS**

### **Ms. Cornwell**

**Thanked Mrs. Keefer for attending the recent League of Cities utility and telecommunication committee meeting in her place.**

**Commented on the fact clean-up funds for the Edenfield Property have been budgeted. Discussion was held on the necessity of cleaning the property if nothing is done with the property. Staff was requested to research the minutes to resolve the issue.**

**Requested an update on the Creel property.**

**Ms. Lukowiak reported on the Recreational Trails program Awards and the fact the city would receive \$37,500 in grant funds.**

**Requested an update on the Erie Landfill property, as it relates to the suggestion the land possibly being used as a park.**

**Commented on the US Filter contract. This will be discussed as part of the reuse ordinance on July 23, 2001 prior to the first budget workshop.**

**Requested an update before the next regular council meeting on the status of the city's in-kind services.**

**Mrs. Keefer**

Read the letter of apology received from United Methodist Church concerning the charge for parking during the July 4<sup>th</sup> festivities. Mr. Williams commented on the fact the interlocal agreement for use of the parking lot has not yet been provided by CRA.

Discussed the job description for the Risk Manager/Safety Manager and the fact he is being paid \$3,106 over the maximum pay range. Mrs. Keefer requested a review of the job description be reviewed by the Human Resource Officer. A copy of the description will be provided to Council for discussion at the budget workshop. Ms. Cornwell suggested discussing all the job descriptions where pay may exceed the maximum level at one time rather than bringing them up individually.

Mr. Williams requested an update on the memo concerning the safety shoe policy. Mr. Hickey stated he replied to the memo. Mrs. Conlon stated research is still being completed and will be ready for Council's review by July 23, 2001.

Requested Chief Bright compile information comparing projected revenues vs. actual revenues received from citations. Mrs. Conlon will update the information and provide the information to Council.

Discussed past year's donations the Police Department received that are used to fund the department's Christmas party, questioning if the donations were in violation of policy. Mrs. Keefer reminded the Chief to make sure donations are properly accepted and stated she would like to see a city-wide party.

Mr. Hickey stated the reuse water is available all the time provided the reclaimed water is available.

Terra Ceia is asking for additional reuse water. Council has been provided with the necessary steps to accommodate the request. A total cost is being developed and will be brought back to Council for review before making a decision.

**Mrs. Lancaster**

The speed bumps will be back in the next two weeks.

**Mr. Williams**

Informed Council the city would be discharging into Terra Ceia Bay.

CRA has short listed the applicants for executive director to Mrs. Lukowiak and Mr. Hodge.

The topic of the swimming pool and garbage at Palms of Terra Ceia will be placed on the July 30, 2001 agenda.

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**Mr. Hickey will have an answer on the Dale Maxwell drain problem before the next department head meeting.**

**Information has been received by the city clerk from Jones Edmunds Associates concerning their billings.**

**A complaint has been received by a pedestrian using the Green Bridge concerning cyclists not dismounting from the bicycle as stated on existing signage. Mr. Williams proposed contacting River Walk concerning a bike lane on the bridge. Mayor Whitesel stated River Walk has started this project, with engineering by furnished that will include Palmetto at no cost to the city.**

**Discussed a periodic vote of confidence from the Council for the department heads vs. a written form of review. Further discussion was held concerning termination of a department head at a time other than the annual appointment. Mr. Prather stated it appears that during the appointment period there is a contract right that has been vested in the individual. Therefore, termination during the contract period, based only on a vote of Council without just cause may not be appropriate. He stated without review of the documents he would rather defer the conversation. It was consensus of Council not to support a vote of confidence at this time.**

**Ms. Bryant**

**Attended FLOC Municipal Finance & Taxation committee meeting, discussing the telecommunications tax.**

**The city will have to adopt an ordinance to post a Manatee Zone in areas of the Manatee River. This issue has been requested by residents along the finger canals. Staff was requested to further research this topic.**

**Requested information on the firm or attorney being considered for appointment is provided to Council.**

**Ms. Bryant submitted her name for the charter review committee.**

**Mayor Whitesel**

**Attended FLOC Environmental Quality committee meeting in Orlando and discussed copper/nickel. Mr. Hickey has been given information and will contact a municipality dealing with problems the city is facing.**

**Thanked the department heads for working with the neighborhood committees. Council requested that they receive any complaints received during these meetings.**

**10. DEPARTMENT HEAD REPORT**

**Chief Bright**

Reported the Police Department is off-line. Research is being done for a new carrier. It was suggested the department heads get together and present a plan for the entire city.

The bi-annual Uniform Crime Report has been transmitted to the appropriate agency.

The Explorers Academy began today. The Bradenton Police Department has joined in the program.

Corp. Tom Smith has been chosen for the second motorcycle unit.

The COPS Unit is helping Code Enforcement and has tagged 30 vehicles and three garbage violations.

Corp. Tyler taught the bike safety course and had 52 participants.

Corp. Tyler will start an ID theft program at the Palmetto Library. Mrs. Keefer suggested continuing this program at the local mobile home parks this winter.

Officers are doing community programs at Oakridge, will continue throughout the summer.

This past week the Police Department had four stolen vehicles, of which three were recovered.

**Karen Conlon, City Clerk**

The budget workbooks will be ready by noon on Friday.

**Alan Prather, City Attorney**

Relating to the Brown vs. City of Palmetto lawsuit, the court has denied Mr. Brown's motion for summary judgment relating to counts one and two of the complaint and granted the city's motion for summary judgment relating to count 2. The only pending item is dealing with the code enforcement action.

Stated the city's code books need to be updated.

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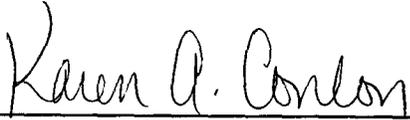
**11. CITIZEN COMMENTS**

**Gabriel Eckerd, a four-year employee of the Police Department addressed Council concerning the pay at the department.**

**William McMillan spoke on citizens' participation and the hope there would greater encouragement for citizens to come and voice their opinions about issues.**

**Meeting adjourned at 9:45 p.m.**

**Minutes approved: August 6, 2001**



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**Karen A. Conlon**  
**City Clerk**