

**Palmetto City Council
December 3, 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
Interim Chief Garry Lowe, Palmetto Police Department
Mike Hickey, Public Works Department
Diane Ponder, Administrative Assistant**

Mayor Whitesel called the meeting to order at 7:05 p.m.

Interim Chief Lowe gave the invocation followed by the pledge of allegiance to the United States Flag.

On behalf of Farm City Week, Vice Mayor Bryant presented the Mayor, Council Members and newly elected officials with the association's commemorative mugs.

Council Member Lancaster commended Officer Diaz on his actions during a recent arrest.

1. COMPENSATION – INTERIM CHIEF GARRY LOWE

Mayor Whitesel stated Captain Lowe should be compensated \$828 for the additional responsibility of the Interim Chief position. Mayor Whitesel also stated former chiefs Riding and Bright had worked on an interim basis without compensation. Mayor Whitesel stated she would recommend the payment based on her opinion Interim Chief Lowe did not have the support staff the former chiefs had under their command, but Council would have to confirm the recommendation.

MOTION: Mrs. Keefer moved and Mrs. Lancaster seconded to give the chief the \$828 and continue the pay adjustment until the mayor-elect makes a decision.

After determining Mrs. Lancaster's family relationship to Interim Chief Lowe, she declared a conflict and withdrew her second.

Mr. Williams seconded the motion and motion carried 4 to 1. Mrs. Lancaster abstained from voting.

Discussion ensued on the completion of the investigation. Mr. Prather stated he thought, but was not positive, the investigation would be complete and the suspension ended when the mayor takes action and signs the investigation report.

2. US FILTER CONTRACT RENEWAL

Mayor Whitesel referred to the attorney's correspondence regarding the city's ability to renew the US Filter contract for one year, a copy of which is attached hereto and made a part of these minutes. Mr. Williams discussed the fact the city and US Filter had both waived the 180-day notification requirement referred to in Mr. Prather's correspondence. Mayor Whitesel commented on the anonymous letter containing copies of minutes of council meeting she and Council Members had received.

MOTION: Mr. Williams moved and Mrs. Keefer seconded to renew the Amendment One until January 31, 2003.

Ms. Cornwell referred to Mr. Prather's correspondence, questioning the correctness of the date of termination of Amendment One Mr. Williams referred to in his motion.

Mr. Williams amended his motion as follows:

MOTION: Mr. Williams moved and Mrs. Keefer seconded to renew the Amendment One from February 1, 2002 until January 31, 2003.

Mr. Prather discussed the one renewal period provided in Amendment One, stating his opinion the city must go to bid for a new contract at its conclusion.

Ms. Cornwell referred to the anonymous letter, reading excerpts from the minutes relating to the original approval of Amendment One. Mr. Prather discussed the steps the city had taken in approving Amendment One. He further stated the contract was valid; therefore, the terms allowing for a one-year renewal are valid. Ms. Cornwell stated her belief it is very clear in the ordinance the city should go to bid.

The motion carried 4 to 1. Ms. Cornwell voted no.

Mr. Williams discussed the need to establish a policy whereby control is placed on the records housed in the safe. Mr. Prather described a log for employees removing documents from the safe. Discussion also ensued on controlling access to Council's mailboxes.

3. EXPENDITURES OVER \$500

A) City Clerk's Office: Supervisor of Elections for \$1,302.16; Creative Creations for \$675; CPA Associates for \$10,950

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously approving the City Clerk's expenditures not to exceed \$12,927.16.

B) Public Works Department: Waste Quip Industrial Refuse for \$10,105; Jones Edmunds & Associates for \$1,901.75; Florida League of Cities for \$1,200; Jones, Edmunds & Associates for \$10,127.85

Mr. Hickey explained the \$10,105 expenditure to Waste Quip Industrial Refuse was for the purchase of containers, but he was not sure if the item had been bid.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried unanimously to approve the Public Works Department expenditure not to exceed \$23,334.60, contingent upon Waste Quip Industrial Refuse being bid as required under the purchasing policy.

C) CRA

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried unanimously to approve the CRA's expenditures not to exceed \$1,504.00.

D) Police Department: Innovative Surveillance Technology for \$9,658; Purchase order for \$8,000

MOTION: Ms. Cornwell moved, Mrs. Keefer seconded and motion carried unanimously to approve the expenditure of the police department not to exceed \$9,658.

Interim Chief Lowe discussed the \$8,000 purchase order to be used by Professional Automotive for vehicle maintenance and repairs. City Clerk Conlon stated her reasons for not approving the purchase order. Discussed in conjunction with the purchase order was the fact the RFP has not been written for the vehicle maintenance. Mrs. Conlon stated the information she received for the RFP was so restrictive that only one company would be able to bid and it was her opinion an RFP would have to be rewritten.

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously not to approve the \$8,000 purchase order for processing vehicle repairs.

4. CONSENT AGENDA

- A) Minutes: November 5, 2001 and November 19, 2001 Council Meetings
- B) Special Function Permit for Christmas in the Park

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

5. DEPARTMENT HEAD REPORT

There was no report from the Police Department

Karen Conlon, City Clerk

Read into the record a letter from Jim Allen requesting permission to operate a concession stand at the Green Bridge on December 7, 2001 during the boat parade. Staff stated a Special Function Permit, with the required insurance, would be necessary.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried unanimously to approve the vendor request once permitting is complete and authorize the Mayor to sign it.

Mayor Whitesel received a call inquiring about leasing the Green Bridge Bait Shop. Attorney Prather cautioned a notice would be necessary to allow for bidding on the concession.

A Special Function Permit for Feed the Hungry was discussed. The applicant is requesting the city co-sponsor the event or waive the insurance requirement, which Attorney Prather advised is not permitted based on the language in the ordinance.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to approve the Special Function Permit, pending all requirements are met.

Mike Hickey, Public Works Department

Mr. Hickey discussed the repair of six sidewalk areas totaling \$11,315, stating this was a county bid. The topic will be presented December 10, 2001.

7. INDIVIDUAL COMMENTS

Ms. Cornwell

Reminded Council of the Celebration of Lights being held this weekend.

Mrs. Keefer

Speeding is again occurring on 8th Avenue.

Thanked Mr. Hickey for work at Tropic Isles and the sidewalks.

Mrs. Lancaster

Mr. Hickey explained 17th St. was closed to traffic while the reuse lines were placed under the railroad tracks.

Discussed exempt employees filling out timecards. Mrs. Conlon stated she is further researching the item, because the auditor has requested the timecard for tracking accruals of sick and vacation time. Mrs. Lancaster also discussed the appointed department head's work schedule, stating personnel answering the phone should provide a better explanation of why the department head is away from the office.

Commented on not having lights at the north end of 8th Avenue, asking for the city's commitment to negotiate for lights. Mrs. Conlon is in the process of scheduling a meeting with a FDOT representative and will discuss this issue. Interim Chief Lowe was instructed to supply the city clerk with a report of accidents in this area.

Mr. Williams

Suggested a meeting be scheduled with CPV to discuss the reclaimed water.

Discussed a letter from Peter Mitchell regarding Rattlesnake Key being removed from the DEP's "A" list, asking the city to support the parcel being reinstated on the "A" list for purchase.

MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to instruct staff to send a letter supporting Mr. Mitchell's request.

Ms. Bryant

The city clerk is to coordinate a committee to plan the city's booth for the Manatee County Fair.

Discussed the prior approval whereby the code enforcement officer is to adjust her work schedule to allow for working one Saturday a month. The city clerk will make the necessary arrangements. The city clerk informed the Council the Code Enforcement Board would become more active, as part of their responsibility will be the enforcement of the proposed sign ordinance. Council requested a report of code enforcement citations issue by the police department.

Mayor Whitesel

The Economic Development Council Board of Directors has been notified Mayor-elect Bustle will be attending the next meeting.

Read into the record a letter from Jan Coleman responding to a complaint issued by Alice Kaddatz. Mrs. Kaddatz' complaint was also read. Copies of the letters are attached hereto and made a part of these minutes.

8. CITIZENS COMMENTS

Jan Coleman directed a statement to Ms. Bryant concerning her statement “waiting another week will not make a difference” and the fact Ms. Bryant would not consider additional time for her attorney to consider an issue brought forward at the last meeting. Ms. Coleman asked Ms. Bryant if her actions were her idea of being a good steward of taxpayer money. Ms. Bryant replied in the affirmative, stating, she has considered many issues and acted in the best interest of the city. No other Council Members responded when Mrs. Coleman if there were any other remarks.

Meeting adjourned at 8:45 p.m.

Minutes approved: December 17, 2001



Karen A. Conlon
City Clerk

DYE, DEITRICH, PRATHER, PETRUFF & ST. PAUL P. L.

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Also Admitted In:

¹California

²Colorado

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⁴South Carolina

Of Counsel:

Robert L. Scott†

December 3, 2001

The Honorable Pat Whitesel, Mayor
City of Palmetto
P. O. Box 1209
Palmetto, FL 34220-1209

Re: City of Palmetto; Interpretation Of Provision
Of Agreement For Operation Maintenance And
Management Services With U.S. Filter Operating
Services

Dear Mayor Whitesel:

By your memorandum dated November 27, 2001, you have requested information regarding the ability to renew the existing Agreement with U.S. Filter Operating Services. Specifically, you requested information regarding whether or not the City must "go to bid" on renewing this Agreement.

I have reviewed the document entitled "Amendment One To The Agreement For Operation Maintenance And Management Services" dated the 26th day of February, 2001, between the City and U.S. Filter. In Paragraph 1.4 of the executed Agreement, it provides that the term of Amendment One shall be for one (1) year terminating on January 31, 2002. The paragraph then provides as follows: "The AMENDMENT may be renewed provided that the City provides notification of its intent to renew no less than one hundred and eighty (180) days prior to expiration." Therefore, based on the terms of the executed Agreement between the parties,

The Honorable Pat Whitesel, Mayor
December 3, 2001
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if the City has given notification of its intent to renew as required, may be renewed for one more year as of February 1, 2002. Since the specific terms of the Agreement allow for one-year renewal, it would appear that the provisions of Section 2-57 of the City Code relating to competitive sealed bidding would not be applicable. However, at the conclusion of the term of renewal beginning February 1, 2002, it would be my opinion that any further action would require bidding by the City since the Agreement allowed for only one renewal term.

If you have any questions or additional information is necessary, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alan Hardy Prather", with a long horizontal flourish extending to the right.

Alan Hardy Prather

bp

cc: City Council
Karen A. Conlon, City Clerk

JAN COLEMAN
448 RIVERSIDE DRIVE
PALMETTO, FLORIDA 34221
NOVEMBER 28, 2001

Pat Whitesel, Mayor
Brian Williams, City Council
Mike Hickey, Public Works

RE: Response to a complaint to Pat Whitesel, Brian Williams, and Mike Hickey

Dear Ms. Whitesel, Mr. Williams, and Mr Hickey:

I am responding to an undated complaint against my husband, Robert Coleman, signed by Alice S. Kaddatz and addressed to the above referenced persons. A copy of the complaint is attached for the record.

I find Ms. Kaddatz' comments to be totally unfounded and an absolute invasion of privacy. I am wondering whose eyes and ears have been used in order for Alice Kaddatz to make such outlandish statements. How does Alice Kaddatz know my husband and I have spoken with City employee, Van Brown? Someone with knowledge of the city's business had to tell her.

We live in America where citizens enjoy freedom to speak with whomever we desire. It is none of Alice Kaddatz' business with whom I speak or with whom my husband speaks. We do not have to answer to Ms Kaddatz or anyone when we feel the need to speak with a city employee. After all, we do pay considerable taxes and we feel that the city employees and the city council are our employees as well as employees of all citizens of Palmetto. It is our right to speak with any city employee when the need arises.

Therefore, I feel very strongly that Alice Kaddatz is absolutely out of line in her comments in her complaint concerning misuse of city funds when my husband spoke with city employee, Van Brown.

I direct that my response be read into the record at a city council meeting.

Sincerely,

Jan Coleman


Cc: Richard Burroughs, Attorney

Pat Whitesel
Brian Williams
Mike Hickey

I would like to submit this written complaint in regards to the amount of time (City Employee time) being wasted by Robert Coleman.

Robert Coleman is not a property owner in Palmetto and therefore has no foundation or reason to complain about anything.

If every citizen talked to just one city employee a day, nothing would ever get done.

Robert Coleman seems to speak to Mr. Van Brown regularly, is there something those of us that live down here need to know? Or does Mr. Brown have that much spare time?

Mr. Coleman has on several occasions threaten the City with lawsuits regarding misuse of City funds.

believe we all need to be a
bit more careful and our
employees need to use their
time as efficiently as possible.

Thank You,

Alvin S Kadlaty

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Lancaster, Mary Lee</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>City Council</i>
MAILING ADDRESS <i>711 13 St. W. Manatee</i>	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 <i>Palmetto</i>	NAME OF POLITICAL SUBDIVISION: <i>City of Palmetto</i>
DATE ON WHICH VOTE OCCURRED <i>Dec 3, 2001</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input 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, Mary Lee Lancaster, hereby disclose that on Dec 3, 2001

(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, GARRY Lowe _____;
- 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:

Dec 10, 2001
Date Filed

Mary Lee Lancaster
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.