

**Palmetto City Council
May 1, 2000 7: 00 PM**

Elected Officials Present:

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

Staff and others present:

**Patricia Petruff, City Attorney
Ken Bright, Chief of Police
David Meng, City Clerk
Don Patterson, Interim Public Works Director/PSG
Mary Jean Forrester, Deputy City Clerk
Diane Ponder, Administrative Assistant**

Chief Bright gave the invocation followed by the pledge to the United States flag.

Chief Bright awarded a certificate of promotion to Corporal Kris Ahler and Mayor Whitesel swore in K-9 Officer Brix.

City Clerk Dave Meng awarded the employees from City Hall an Honorable Mention from the Tampa Area Safety Council for having worked 44,755 hours with zero lost time accidents.

Mayor Whitesel read a proclamation declaring May 1, 2000 Jay Perez Day in the City of Palmetto.

Mayor Whitesel read a proclamation declaring April 30, 2000 through May 7, 2000 as Soil and Water Stewardship Week.

Mayor Whitesel read a proclamation declaring the week beginning May 1, 2000 as "Elks National Youth Week".

Mayor Whitesel read a proclamation declaring May 3, 2000 as United States Postal Service Food Drive Day.

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Mayor Whitesel read a proclamation declaring May 21 – 27, 2000 as National Public Works Week.

1. NON-PROFIT ORGANIZATIONS

Cindy Jarvis of Olympia Children’s Theatre, Inc. and Buddy Keen of the Rotary Club addressed the Council concerning the 4th of July Celebration. Ms. Jarvis described the events she envisioned for the celebration, but still expressed concerns about planning the event on such short notice. Mr. Keen expressed the Rotary Club would participate in the celebration but had reservations about committing to the planning stage as he had not had time to poll his membership. Council restated the City would be responsible for contributing Public Works personnel and Palmetto Police Officers. Council also stated the City would take responsibility for the fireworks display. Ms. Jarvis asked for additional time in contacting other non-profit organizations about their participation in the planning stages. She will bring Council her final answer on chairing the celebration at the May 11, 2000 meeting.

2. DISCUSSION OF DEP CONSENT ORDER-PATRICIA PETRUFF, ATTORNEY, SMITH & GILESPIE ENGINEERS

Ms. Petruff discussed the DEP Consent Order and how it provided the City with options to choose from in order to come into compliance, explaining all the options have costs and time frames associated with them. She further explained the City had the option to perform “in kind services” in lieu of paying fines.

Jeff Siewert of Smith & Gillespie Engineers explained the options as follows, discussing the pros and cons of each item:

Mixing Zone – An area no larger than 200 square feet outside the discharge point in Terra Ceia Bay

Nursery Area – Provides for habitat for various elements of flora, fauna and animals within the mixing zone

ASR – Below ground storage tank to place and recover effluent for re-use

Percolation Pond – Area where effluent is placed and percolated into the ground; an option for discharge

Pretreatment program – Resolve the nickel and copper problem

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**2. DISCUSSION OF DEP CONSENT ORDER-PATRICIA PETRUFF,
ATTORNEY, SMITH & GILESPIE ENGINEERS (continued)**

Discharge into Davidson Creek – Option to discharge into an area not determined to be an outstanding Florida water, thereby not having the stringent criteria for discharge vs. discharge into Terra Ceia Bay

Ms. Petruff and Mr. Siewert recommended that Council pursue more than one option to come into compliance. Mr. Siewert further stated the disposal of effluent is the main issue facing the City.

Mr. Siewert prioritized the recommended options available to the City as follows:

1. The mixing zone study is in place with DEP but the study of the Nursery Zone must be completed during the month of May. Ms. Petruff cautioned Council DEP may not look at the Mixing Zone in a favorable light.
2. Discharge into Davidson Creek
3. Establish a parallel program to construct an ASR in a stated time frame; grant funding may be available to the City for this type of project

Council discussed the time frames and costs associated with the recommended options available to the City. Council's commitment to get out of the bay was discussed, along with the potential problems associated with each option.

MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried 4 to 1 to authorize City Attorney to move forward with the mixing zone and Davidson Creek, with a 5-8 year period for establishing an ASR. Ms. Cornwell voted no.

Ms. Petruff advised Council a fine amounting to \$51,900, could be prevented by performing \$60,000 of in-kind services. City has 60 days to submit its in-kind service proposal and 365 days to complete same. A workshop to discuss this topic was set for May 8, 2000 at 4:00 p.m.

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3. FIRST READING AND APPROVE FOR ADVERTISING ORDINANCE NO. 674.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 11, SECTION 11-42 OF THE PALMETTO CITY CODE TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD OF COMMISSIONERS OF THE COMMUNITY REDEVELOPMENT AGENCY FROM FIVE MEMBERS TO SEVEN MEMBERS AND TO PROVIDE FOR A FOUR YEAR TERM OF OFFICE; RATIFYING AND CONFIRMING THE REMAINING PROVISIONS OF THE SECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Mrs. Keefer seconded and motion carried unanimously to allow the CRA Board to discuss Ordinance 674 at its May 9, 2000 meeting and offer their suggestion to resolve the issue at the next scheduled meeting.

MOTON: Mr. Williams moved, Ms. Cornwell seconded and motion carried unanimously to table Ordinance No. 674.

4. RESOLUTION NO. 00-07 - A RESOLUTION OF THE CITY OF PALMETTO ESTABLISHING FEES FOR THE USE OF CITY PROPERTY AND FACILITIES AS AUTHORIZED IN SECTION 19-177 OF THE CODE OF ORDINANCES, AND ESTABLISHING AN EFFECTIVE DATE.

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to table Resolution No. 00-07.

5. RESOLUTION NO. 00-08 - A RESOLUTION OF THE CITY COUNCIL OF PALMETTO, FLORIDA, EXPRESSING THE INTENT OF THE CITY TO ADDRESS INCLUSION OF THE PALMETTO BUSINESS PARK, LP, PROPERTY WITHIN THE COMMUNITY REDEVELOPMENT AGENCY UPON ANNEXATION.

MOTION: Ms. Bryant moved, Mrs. Keefer seconded and motion carried unanimously to table Resolution No. 00-08.

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6. AWARD OF BID-DEMOLITION OF STRUCTURE LOCATED AT 512 11TH STREET WEST, PALMETTO, FL.

MOTION: Ms. Bryant moved, Mrs. Keefer seconded and motion carried unanimously to award the bid for demolition of the structure located at 512 11th St. W., Palmetto, FL to George Youngs Contracting, Inc. in the amount of \$2,100, recognizing the fact this is a voluntary demolition at request of the owner and the amount of demolition be placed as a lien on the property.

7. CONSENT AGENDA: Minutes April 13 and April 17, 2000; Dye, Deitrich, Prather, Petruff & St. Paul April 2000 Statement; April 2000 Check Register

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

8. MAYOR'S REPORT

Mayor Whitesel reported the first Town Hall Meeting will be held at the Palmetto Youth Center in Ward 1, May 9, 2000, at 7:00 p.m. Representatives from City Hall, Palmetto Police Department and Public Works will be available to answer citizen's questions.

9. COUNCIL COMMENTS

Mrs. Keefer

Mrs. Keefer asked department heads about updated organizational charts.

Mrs. Keefer asked about the status of the health insurance. Mr. Meng advised Bob Goodman would be attending the May 11, 2000 meeting with information.

Mrs. Keefer asked Don Patterson about the projects at Lamb Park. Mr. Patterson advised Council it would take approximately \$12,000 to complete the lighting, bringing it to code.

Mrs. Keefer asked about the Volunteer Dinner. Mayor Whitesel responded a memo had been sent asking for an acceptable date. Ms. Bryant advised Council she had spoken with the Palmetto High School FFVA sponsor and the club would do set-up and clean up for a \$100 donation to their organization.

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9. COUNCIL COMMENTS (continued)

Mrs. Keefer (continued)

Mrs. Keefer asked about the library lease and Ms. Petruff advised it has not been received from the county.

Mrs. Keefer asked how the process would work if a Mayor decided not to reappoint a department head the Council wished to reappoint. Ms. Petruff advised Council the Mayor has the right to not reappoint a department head. Mayor Whitesel advised Council the evaluation sheets for the City's department heads have been prepared and are ready for Council's review.

Mr. Williams

Mr. Williams reported the CRA Board had asked that Deborah Gestner advise CRA and City Council the amount of TIF monies that will be coming back to the City. He also reported the CRA would be holding monthly meeting on the second Tuesday of each month.

Mr. Williams asked staff to develop line items in the budget process for anything over \$5,000, breaking down the figure as to what is included.

Mr. Williams discussed the fact the utility ordinance on the last meeting's agenda did not contain the same information discussed by the committee developing the fees or by Council. He did not feel the City should have to absorb the cost of another revision whereby Ms. Petruff replied the information was taken from a report prepared by City employees. Mrs. Ponder was instructed to research minutes to determine the information City employees had provided the attorney prior to preparation of the resolution and forward same to the attorney.

Mr. Williams asked that Council be advised when key personnel tendered their resignations.

Mr. Williams asked about the settlement with Mr. Scott. Ms. Petruff reported of new developments, reading a letter addressed to Council from Mr. Dye. A Litigation Assessment Meeting was set for May 11, 2000 at 4:00 p.m.

Mr. Williams reported he had copies of the proposed stop light plan at the east end of 7th St. and US 301. Copies of the plan will be distributed to Council for their review.

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9. COUNCIL COMMENTS (continued)

Mr. Williams (continued)

Mr. Williams reopened the issue of the P2000 Grant for the purpose of purchasing 11 acres abutting the estuary. He reported he had researched the tax records and found the property was actually 9.6 acres with an appraised value of \$192,000 not \$500,000. Mayor Whitesel stated an appraisal would have to be made to determine the actual value of the property. The DRI states 4.5 acres must be donated; Ms. Petruff advised Council those 4.5 acres did not have to be part of the parcel being considered for purchase. Mr. Williams stated he did not think it prudent to purchase property just because there was state funding available.

Mrs. Keefer stated Council had voted to move forward with the grant, knowing if the grant was not approved the City would not have to purchase the land.

Mayor Whitesel reported she had been contacted by SWIM and SWFWMD about the purchase of this property, advising her the additional property would be a good property for the City.

MOTION: Mr. Williams made a motion, Ms. Bryant seconded to reconsider applying for the P2000 Grant. Mrs. Keefer, Mrs. Lancaster and Ms. Cornwell voted no. Motion failed.

Mayor Whitesel advised Council, as per their instructions, she had been trying to contact Deborah Gestner about writing this grant. Ms. Gestner has not returned any of her calls so she and her assistant have been writing the grant. She asked for authorization to contact Smith & Gillespie if help in completing the grant was needed. Ms. Bryant asked whether the City would be reimbursed for the expense in writing the grant.

Mr. Williams asked whether Riviera Dunes had responded to the stop sign on Haben Boulevard. Mr. Williams asked that a letter be sent asking a representative come to a meeting to advise Council of their suggestion for the stop sign.

Ms. Cornwell

Ms. Cornwell thanked the Palmetto Police Department for patrolling the entryways into the City.

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10. CITIZEN COMMENT

Mr. Darrel Woody and Mr. Lorenzo Carnes updated Council on events taking place at Lincoln Park. They asked particular questions concerning the operation of the park and were advised of the interlocal agreement with Manatee County. They were instructed to contact the Manatee County Parks and Recreation Department for clarification and instruction.

The meeting ended at 10:40 p.m.

Approved: May 15, 2000



City Clerk

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