

Palmetto City Council
May 15, 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:

Jim Dye, City Attorney
Captain Garry Lowe, Palmetto Police Department
David Meng, City Clerk
Don Patterson, Interim Public Works Director/PSG
Margaret Tusing, City Planner/Zoning Administrator
Mary Jean Forrester, Deputy City Clerk
Diane Ponder, Administrative Assistant

Dr. Peter Whittier, First United Methodist Church of Palmetto, gave the invocation followed by the pledge to the United States flag.

Mayor Whitesel read a proclamation declaring the 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 month of May as Civility Month.

Mr. Williams requested item number nine on the agenda be moved to number one to accommodate the citizen requesting the permit.

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1. SPECIAL FENCE PERMIT, 2111 27TH Ave. Blvd. W., 4 Ft. Fence Around Swimming Pool

A discussion was held regarding the type of fencing to be used. Mr. Williams expressed his concern that a child could climb the proposed chain link fence and asked the property owner to compare fencing styles before erecting the enclosure.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried to 4 to 1 to approve the special fence permit at 2117 27th Blvd. W. Mr. Williams voted no.

2. SMALL CITIES & COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) PRESENTATION

Cheri R. Coryea, Manager of the Human Services Division of Manatee County presented to Council the Small Cities & Community Development Block Grant Program (CDBG). Ms. Coryea stated Manatee County is attempting to meet the deadline of May 31, 2000 for the Neighborhood Revitalization Project in the most current CDBG program. The top project selected by the county to pursue includes areas in the City of Palmetto, which Ms. Coryea discussed with Council. The grant is for \$750,000, with the county planning to add funds to make the total grant approximately \$1,000,000. The grant application requires no expenditure of funds by the City. She apprised Council that in order to move forward with the project, an interlocal agreement dealing specifically with the grant application would have to be executed by the City of Palmetto. Attorney Dye advised Council he had reviewed the interlocal agreement and saw no problems for the City.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to authorize Mayor Whitesel to execute the interlocal agreement as it relates to the CDBG Grant.

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**3. SYSTEM G-3 STORMWATER CONVEYANCE IMPROVEMENT PROJECT
(K279) SWFWMD AGREEMENT NO. 00C0N000117**

Mayor Whitesel stated this is a grant the City of Palmetto was able to obtain for the System G-3 Stormwater Conveyance. A discussion was held regarding the design and plans by Smith & Gillespie, and the fact the City's engineers must meet with SWFWMD regularly during the planning process. Mr. Williams stated the date of the meetings should be noted. Mr. Williams asked about the manager of the project. Mayor Whitesel stated she did not have the expertise and would meet with the engineers and Public Works to appoint a manager.

MOTION: Ms. Bryant moved, Mrs. Keefer seconded and motion carried unanimously to go to public bid for the System G-3 Stormwater Conveyance Improvement Project.

**4. SALE OF SURPLUS PROPERTY – LOT 4, BLOCK A, BRUNJES
SUBDIVISION**

A discussion was held as to if and how the adjacent property owners were notified of the sale of the property. Attorney Dye stated the City's code only relates to personal property. Staff was instructed that in the future all notices of this nature should be mailed certified mail, return receipt requested.

MOTION: Ms. Bryant moved, Mrs. Keefer seconded and motion carried unanimously to accept the \$10,500 bid on surplus property Lot 4, Block A, Brunjes Subdivision.

**5. AUDIT ENGAGEMENT LETTER-PURVIS, GRAY & COMPANY, YEARS
ENDED SEPTEMBER 2000, 2001 AND 2002**

A discussion was held concerning the automatic three-year extension of Purvis, Gray & Company's contract and whether or not the item should go out for bid. Council asked for the portion of the contract addressing the three-year extension and a breakdown of the annual payments the City has paid for the past three years.

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6. LITIGATION AND ASSESSMENT MEETING UPDATE

Attorney Dye updated Council on the revised mediation agreement discussed at the Litigation and Assessment meeting held May 11, 2000. He advised Council of the reasons for amending the settlement agreement. The amended agreement states the settlement amount to the Scott interests is \$25,000 and in exchange the case is dismissed without the need of seeing the result of the rezoning application and vacation of Parkway Drive. Attorney Dye advised Council any existing liens on the property would remain in effect until the property is sold. City attorneys recommend approval of the amended settlement agreement.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve the first amendment to the mediation settlement agreement.

7. RESOLUTION NO. 00-06 A RESOLUTION AUTHORIZING EXECUTION OF A UTILITY AGREEMENT FOR PURPOSES TO CONSTRUCT OR RECONSTRUCT A TRANSPORTATION FACILITY WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, AND PROVIDING AN EFFECTIVE DATE

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve Resolution 00-06.

8. FIRST READING AND APPROVE FOR ADVERTISING-ORDINANCE NO. 675

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, ANNEXING CERTAIN TERRITORIES TO THE CITY OF PALMETTO, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE. (AN0002-Norman W. Bond – NW corner of 26th St. W. and Bus. 41/U.S. 19; approximately 4.87 acres)

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to approve Ordinance 675 for advertising and schedule the public hearing for June 5, 2000.

9. FIRST READING AND APPROVE FOR ADVERTISING-ORDINANCE NO. 676

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING THE PALMETTO COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM RES-9 (RESIDENTIAL/9 UNITS PER ACRE/COUNTY TO PD (PLANNED DEVELOPMENT/CITY) BY INCORPORATING PLAN AMENDMENT NO. PA0002 ATTACHED HERETO AS EXHIBIT 'B'; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (PA0002/Norman W. Bond; approximately 4.87 acres)

MOTION: Ms. Bryant moved, Mr. Williams seconded to approve Ordinance No. 676 for advertising and schedule a public hearing for June 5, 2000. Mrs. Keefer, Mrs. Lancaster and Ms. Cornwell voted no. Motion failed 3 to 2.

Attorney Dye advised Council that the public hearing served the purpose of having the applicant's input as well as being a forum where all Council's questions could be addressed. He further advised Council it would be in the best interest of all parties involved to allow Ordinance No. 676 to go to public hearing before a final decision is made.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried unanimously to reconsider Ordinance No. 676.

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried unanimously to approve Ordinance No. 676 for advertising and schedule a public hearing for June 5, 2000.

10. FIRST READING AND APPROVE FOR ADVERTISING-ORDINANCE NO. 677

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY TO CHANGE THE ZONING FROM NCM (NEIGHBORHOOD COMMERCIAL-MEDIUM/COUNTY) TO PLANNED DEVELOPMENT/MULTI-USE (PD-MU/CITY) AND TO APPROVE THE CONCEPTUAL DEVELOPMENT PLAN, WITH CONDITIONS, AS REQUIRED BY SECTION 8.4 OF THE ZONING CODE FOR THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND AS GRAPHICALLY PORTRAYED ON THE PLAN ATTACHED HERETO AS EXHIBIT "B"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Z0003/Norman W. Bond)

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to approve Ordinance No. 677 for advertising and schedule a public hearing for June 5, 2000.

11. FIRST READING AND APPROVE FOR ADVERTISING-ORDINANCE NO. 678

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM RM-6 TO CC (COMMERCIAL CORE); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Z0004/CITY OF PALMETTO/Sam Scott)

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried unanimously to approve Ordinance No. 678 for advertising and schedule a public hearing for June 5, 2000.

COUNCIL COMMENTS

Mrs. Lancaster

At this time, Mrs. Lancaster asked for her item addressing the CRA Board be moved forward on the agenda. Mrs. Lancaster stated her belief the City Council approved all ordinances effecting City business and should also make a decision on the ordinance allowing expansion of the CRA Board vs. allowing the CRA Board to offer a compromise on the issue. She stated her belief that minority representation was a necessity for many of the citizens of Palmetto. Council agreed that minority

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Mrs. Lancaster (continued)

representation is needed on the Board. A discussion pursued concerning the development of a roster of interested citizens wishing to work on all boards be developed. Council asked that a list of board vacancies be placed on future agendas. Council also stated that all board meetings are public meetings and citizens can attend any meeting they choose, and can also volunteer to work with the boards. It was also stated that expanding the CRA Board before the appointed terms had ended would set a precedent, which may not be in the best interests of the City.

The following citizens addressed Council with their opinions on this issue:

Cynthia Fobbs, Robert Jones, Ruby Fobbs, William L. McMillian,
Constine Gilliard, Seymour Sailes, Charles Jackson and
Ellen Leonard

Mrs. Lancaster asked the ordinance authorizing expansion of the CRA Board be placed on the June 5, 2000 agenda.

12. FIRST READING AND APPROVE FOR ADVERTISING-ORDINANCE NO. 679

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING AND RESTATING CHAPTER 22, PERSONNEL, ARTICLE V, POLICE OFFICERS' RETIREMENT PLAN, SECTIONS 22-171 THROUGH SECTION 22-186, INCLUSIVE, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO BY RESTATING THE CITY OF PALMETTO POLICE OFFICERS' RETIREMENT PLAN; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER

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12. FIRST READING AND APPROVE FOR ADVERTISEMENT ORDINANCE NO. 679 (continued)

CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried unanimously to table Ordinance No. 679.

13. DISCUSS APRIL BUDGET MEETING

The April budget information will be discussed at the June 1, 2000 meeting.

14. CONSENT AGENDA

Mr. Williams asked that the following items be removed from the Consent Agenda:

Approve cancellation of existing health and dental insurance through third party insurers and establish a self-insurance health and dental plan for City employees

Approve City's piggyback onto the Manatee Health network plan run by Manatee County, utilizing the County's third party administrator, CBSA-Robey Barber

The Consent Agenda retained the following items:

Approve Minutes of the following meetings: April 27, 2000, May 1, 2000 and May 8, 2000

Declare surplus and approve for advertisement property parcels #25959.0000/8, #26479/0000.6, #28058.0006/3 and #28085.0000/9

MOTION: Ms. Cornwell moved, Mrs. Keefer seconded and motion carried unanimously to approve the Consent Agenda with the exception of the two items that were removed.

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14. CONSENT AGENDA (continued)

Mr. Williams expressed concern over the health insurance items that were removed from the Consent Agenda. He questioned the costs associated with the old plan vs. the proposed plan, the fact the current carrier had not been notified of our intentions, and the fact the current carrier had not been given the chance to respond to the proposed plan. The plan to piggyback with the county was discussed.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 3 to 2 to direct staff to go to our current carrier to discuss the new, proposed plan to see if there are any deficiencies. Mrs. Keefer and Ms. Cornwell voted no.

Mr. Williams asked if the City had to go out to bid because the proposed plan stated the City would piggyback only on the county's provider. Attorney Dye advised Council if the rates we are receiving are different from the county's rates or if the Council feels uncomfortable declaring the insurance a sole source purchase, the City should go out to bid.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried unanimously to reconsider the insurance.

MOTION: Mr. Williams moved to table the insurance discussion until staff is able to provide information addressing Council's concerns.

15. RIVIERA DUNES

Riviera Dunes will be moved to the June 1, 2000 agenda.

16. MAYOR'S REPORT

The date of the Volunteer's Banquet will be June 9, 2000 at the Bradenton Yacht Club. Social time will begin at 6:30 PM and dinner will be served at 7:00 PM.

The retreat has been cancelled due to the diversity of everyone's schedules. It will be planned for a later date.

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17. COUNCIL COMMENTS

Ms. Bryant

Ms. Bryant stated she had received a complaint about refuse flying out of garbage trucks after pickup; perhaps the trucks are moving too fast through the stops.

Ms. Bryant asked Mr. Meng and Mr. Patterson to set a meeting with Ann Marshall of the Palmetto Historical Commission to set the criteria for accepting funds for rental of the Historical Park.

Mrs. Bryant stated the Ordinance for the fees for the parks and recreation needs to be completed.

Ms. Bryant referred to the voucher file for Mayor Whitesel, relating to travel reimbursement from home to city hall and from city hall to club meetings. Mayor Whitesel stated she understood now the proper way to charge travel and she would revisit the topic to make necessary corrections. Ms. Bryant also brought to attention a \$300 reimbursement for a fundraiser for Sheriff Wells and her belief the municipality should not have paid the expense. Mayor Whitesel explained the expense was a CRA expense for Ms. Hartman and the expense had been approved by the CRA Board and would be reimbursed to the City. Ms. Bryant asked the Mayor to clear up the issue.

Mr. Williams

Mr. Williams reported an employee had injured his hand this morning. Mr. Patterson advised Council the injury was not as bad as anticipated and he should be back to light duty next week.

Mr. Williams asked that on budget line items in the amount of \$1,000 or more the amounts be itemized. It was consensus of Council to approve a line item budget this year.

Mr. Williams stated at a prior meeting he felt Council had agreed the MARS PROGRAM was an item not for discussion. Mayor Whitesel explained a meeting that had occurred wherein the county may help with the cost of an ASR. When a plan is developed the county will present all information to Council. Ms. Cornwell concurred with Mr. Williams relating to the MARS PROGRAM and the reuse water program.

Ms. Cornwell

Ms. Cornwell reported the success of the Green Bridge Fishing Festival.

Ms. Cornwell asked Mr. Patterson the status of the development of the in-kind service list relating to the DEP Consent Order.

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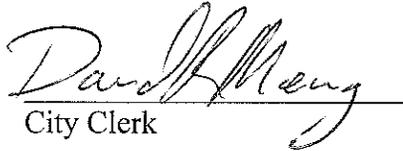
17. COUNCIL COMMENTS (continued)

Mrs. Lancaster (continued)

Mrs. Lancaster reported the ManaTEEN Club had been out in force doing the asset mapping for the Front Porch grant.

Meeting adjourned at 10:40 PM.

Minutes Approved: June 5, 2000


City Clerk

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