Elected Officials Present:
Pati 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:
Attorney Alan Prather
Karen A. Conlon, City Clerk
Capt. Kenny Bright, Palmetto Police Department
Mike Hickey Public Works Department
Allen Tusing, Public Works Department
Karen Simpson, Finance Director
Diane Ponder, Administrative Assistant

Mayor Whitesel called the meeting to order at 4:05 p.m. and announced that a Section 286.011 (8), Florida Statutes litigation assessment meeting will be held. The estimated time of the meeting is one hour and the following will be in attendance:

Pat Whitesel, Mayor
Shirley Bryant, Vice Mayor
Tamara Cornwell, Council Member
Donna Keefer, Council Member
Mary Lancaster, Council Member
Brian Williams, Council Member
Alan Prather, Attorney
Greg Hootman, Attorney
Court Reporter

The City Attorneys are seeking advice regarding litigation including expenses and/or settlement regarding Top 3%, Inc. and Louis Eurice v. City of Palmetto, et al., Case No. CA9705141. The meeting continued in private.

Mayor Whitesel reconvened the meeting at 5:00 p.m.

TIME WARNER COMMUNICATIONS FRANCHISE RENEWAL

Attorney Greg Porges representing Time Warner briefly presented the proposed ordinance, which will supercede, replace, and modify the existing ordinance in its entirety. It is a franchise agreement and ordinance in one instrument, thereby eliminating the need to negotiate the franchise. The primary change from the previously discussed draft is the addition of the definition of the new Communications Services Tax Simplification Law, reflected in the language contained in Section 8-12. Attorney Porges also discussed the modification of the language adopting the ordinance, whereby the dates were changed.
Mr. Williams voiced disfavor about the 15-year term, and the fact the city does not enter into a long-term contract with any other vendors. Mr. Prather discussed the difference between a franchise agreement with a public service provider and a contract with a vendor.

Mr. Prather stated his belief the ordinance and franchise as proposed was a beneficial approach; he found nothing negative in the document. Mr. Porges stated the proposed ordinance does not obligate the city to pay money or receive services from Time Warner, it grants the use of the city’s public right-of-way to deliver services to city residents. Mr. Porges discussed the city’s rights if Time Warner failed to meet the requirements contained in the ordinance.

The proposed ordinance will be placed on a future agenda for first reading and schedule a public hearing date.

Mayor Whitesel read a press release containing her response to the recent article in the Bradenton Herald addressing the EEOC findings, a copy of which is attached hereto as Attachment A and made a part of these minutes. Attorney Dick Groff discussed the conciliation process and the anticipated approximate expense of $1,000 the city will incur, also stating the expense is usually shared by the involved parties. Mr. Prather advised Council that like any other mediation, the city’s involvement in the conciliation would need Council’s approval. Mr. Groff advised Council the city has ten days to respond to the EEOC their decision whether or not to participate, and if the city does participate it is not an irrevocable decision, the city can withdraw at any time.

MOTION: Ms. Bryant moved, Mrs. Keefer seconded and motion carried unanimously to move forward and mediate.

CITY FACILITY RENTAL FEES

A committee consisting of Shirley Bryant, Mike Hickey, or his representative Allen Tusing, and a volunteer member of the Historical Commission will review the rental fees the city charges for use of its facilities. The committee’s recommendations will be brought back to Council.

Mayor Whitesel will confirm a date for the tour of the city. A workshop of the city’s minimum standards was scheduled for September 24, 2001 at 4:00 p.m.

The FRDAP Grant for Taylor has been received.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to accept the FRDAP Grant for Taylor Park.

Mr. Hickey advised he is still working on the incident at Public Works.

Mr. Prather departed the meeting at 5:45 p.m.
DEPARTMENT HEAD REPORTS
Chief Kenny Bright
Revenue received from citations through June 30, 2001 amounts to $97,284. Chief Bright stated the revenue goes into the General Fund. The Finance Department will confirm the amount of revenue received by the city.

Sgt. Lee Jones will present the Local Law Enforcement Block Grant at the September 17, 2001 meeting.

Only one of the two motorcycle units is active at this point in time. One of the motorcycle officers is currently doing training.

Mrs. Conlon
The bank proposals were placed on the September 10, 2001 agenda.

Advised Council the purchase of a software package is imminent and will be approximately $140,000. This topic will be placed on the September 10, 2001 agenda, at which time all the supporting documentation should be available for Council’s review. Mrs. Conlon did caution that because of the status of the computer system, this may become an emergency purchase.

Mr. Hickey
First Baptist Church has requested that the No Parking Anytime signs be placed on the west side of the street, based on the fact the church owns both sides of the street and there are no residences. Mr. Williams advised Council the church had not been notified of this issue, therefore they could not voice a preference for the signage.

INDIVIDUAL COMMENTS
Mrs. Keefer
Mrs. Keefer discussed the memo from Sgt. Jones relating to reimbursement of education expenses. Mrs. Conlon read the portions of the Personnel Policy concerning this topic. Discussion was held on criteria some of the Council Members would expect to be applicable for reimbursement. Mrs. Conlon has started research on this topic and asked for time to complete her investigation. Mayor Whitesel read the memo into the record, a copy of which is attached hereto as Attachment B and made a part of these minutes.

Mrs. Lancaster
Mrs. Lancaster expressed her opinion that Mayor Whitesel needs to spend more time in the various departments of the city so she can be aware of what’s happening. Mrs. Lancaster specifically discussed an incident involving a resident’s home where the city never got back with the resident after a complaint.

Mr. Williams
Mr. Williams briefed Council about the reuse meeting with Terra Ceia Golf & Tennis Club. The club will be redoing the boulevard and has requested reuse lines be put in during the construction. They have stated they will absorb the cost of the material if the
city furnishes the manpower, which should take approximately three days. Public Works advised Terra Ceia it would be two to three years before reuse was available in the area.

Mr. Williams informed Council the reuse project will be moving to 17th Street, where it will take six to eight weeks to complete the project. The permit for the railroad will take approximately 45 days to secure. Mr. Hickey will confirm the application for the permit has been submitted.

Mr. Williams asked Chief Bright for an explanation of his department’s chain of command. Chief Bright explained how the chain of command worked, with Capt. Lowe and Lt. Hannaford both reporting directly to him, and their responsibility for the two bureaus of the department. Chief Bright also explained the individual reporting to the administrative assistant.

Mr. Williams commented on the dress code for employees being the responsibility of each department head.

Ms. Bryant
Ms. Bryant read into the record a letter from the 13th Avenue neighborhood, and distributed photographs, copies of which are attached hereto as Attachment C and made a part of these minutes. The substance of the letter dealt with Palmetto High School student parking on the avenue. Mayor Whitesel stated this topic will be discussed in the department head meeting and then suggested the department heads meeting with the principal of Palmetto High School the morning of their meeting.

PUBLIC COMMENT
Palmetto Police Department employees Scott Tyler, Debra Haupt, Rex Hannaford and Gabriel Eckerd spoke to Council concerning the pay plan. Scott Tyler also spoke of college reimbursement and Rex Hannaford discussed the chain of command.

Meeting adjourned at 7:00 p.m.

Minutes approved: September 17, 2001

Karen A. Conlon, City Clerk
FOR IMMEDIATE RELEASE

In responding to Bradenton Herald's August 25 article on the Equal Employment Opportunity Commission's findings, Mayor Pat Whitesel stated, “The EEOC has determined that there is probable cause in the Jerome Waiters case and recommends conciliation as the next step in the process.

“The findings of the EEOC are not conclusive proof that the incidents occurred, however, even without that conclusion, I am most interested in reaching a satisfactory conclusion to all concerned.

“As Mayor, I do not nor does the City of Palmetto condone any type of discrimination of any kind and if there has been any discrimination, it will be dealt with appropriately and immediately.

“I believe that conciliation is the best way to resolve this issue at this time and I will encourage the City to accept the invitation of the EEOC to conciliate. We hope that Mr. Waiters will join the City in conciliation and resolve his concern so we may get on with the business of serving the people of the City of Palmetto.”

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TO: Mayor Pat Whitesel
FROM: Sgt. Lee Jones
DATE: 081701
SUBJ: College Reimbursement

It has recently come to my attention that two city employees, Donnie Burkhardt and Gracie Johnson, have been getting reimbursed for college classes that they have taken. I started with the police department in July of 1996 and at that time had completed fifty-five college credits. Each time I asked if the city had a reimbursement program, I was told they did not. From that time to this I have completed sixty-five additional credits at St. Petersburg Jr. College and the University of South Florida and received a Bachelor’s Degree in Criminology in December of 2000. I respectfully request to be reimbursed for tuition, books, parking fees and interest for the money I have spent on courses taken since July of 1996. The council has made reference many times to the fact that police department employees are viewed the same as all city employees and that they should receive the same benefits, no more no less.

Thank you for your attention to this matter.

Lee Jones

Cc: Chief Bright
    Captain Lowe

ATTACHMENT B
13th Avenue Neighborhood from 17th Street to 13th Street.

Contact person: Diana Apparate-Bellaston

Our neighborhood has a problem. Every day school is in session an average of 40 cars park on both sides of the road in a 3 block area. These are Palmetto High students. School officials and Palmetto Police are sure there is ample parking on campus for a $100 annual fee.

Please find our petition agreeing to a need for signs to stop this; as well as documentation of the daily problems we face. No pictures can tell of the noise, reckless driving, foul language and disruption 80 people can inflict on a small area at 6:45 AM!

Our request is simple; 12th Avenue sports signs on both sides of their road. Tell signed persons want these signs on our road, as soon as possible, please. Thanks.
RESIDENTS OF 13TH AVE. WHO WANT STUDENTS STOPPED FROM PARKING ON OUR STREET

Name  phone address  signature

Diana LeMaster  7217454  1606 13th Ave  W.  Diana LeMaster

Brian LeMaster  721-7454  1606 13th Ave  W.  Brian LeMaster

Hernando Hernandez  1608 13th Ave  W.  Hernando Hernandez

Our Selles  1510 13th Ave  W.  Palmetto  JI.

723-3640

Pamela NoTruck 1506 13th Ave  W.  Pamela NoTruck

729-1219

Victoria Lindsay  1502 13th Ave  W.  West  Victoria Lindsay

Judy E.

Roy Clark  1504 13th Ave  W.  Palmetto  Judy Clark

Arthur Hall  210 13th  St.  Palmetto

Arthur R. Shive

1212 13th  St.  W.  Palmetto

Alberta Moore  1302 13th  St.  W.
Residents of 13TH ave. who want signs placed on our street to stop STUDENTS only from parking on our street.............................

NAME ADD. PH # SIGN

Marsha Littor 1600 13th Ave NW (941) 732-0937

Melpa Boorom 1610 13th Ave NW

Monica A. Stuhr 1313 15th St. West 941-729-4795

Jas. More 1404 13th Ave NW 722-3538

Michael D. Jurgensen 1408 13th Ave NW 729-1355

This list represents EVERY Resident from 12th Street to 13th Street - the area students are parking in.

______________________________________________________
malbo + driver

driveway

driveway
2 HR PARKING
SCHOOL DAYS
8:30 - 3:30 AM - PM

Signs posted on 12th Avenue
Hi cars - Maximum capacity 15