

Palmetto City Council
June 29, 2000 4: 00 PM

Elected Officials Present:

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

Elected Officials Absent:

Pat Whitesel, Mayor

Staff and others present:

Chief Ken Bright, Palmetto Police Department
David Meng, City Clerk
Don Patterson, Interim Public Works Director/PSG
Margaret Tusing, City Planner/Zoning Administrator
Sharon Jones, Human Resources Director
Diane Ponder, Administrative Assistant

Mr. Williams requested that agenda item number five be moved to item number one. Vice Mayor Cornwell stated Mr. Malfitano would be addressing Council first due to the fact the City was paying him for his presence at the meeting. After his presentation the agenda would be amended.

Mike Malfitano, lead negotiator in the collective bargaining with the Palmetto Police Benevolent Association, updated Council on the current negotiations between the association and the City. To date two sessions have been held, with several items under discussion agreed upon. Mr. Malfitano discussed with Council topics that had been brought up for negotiation. As negotiations progress Mr. Malfitano will hold a meeting with Council in the shade.

Vice Mayor Cornwell advised Council and the public of the passing of City employee Mary Ann Boyas. As is the custom, a tree will be planted in Sutton Park and dedicated to the memory of Ms. Boyas. Vice Mayor Cornwell also advised Council of the passing of Mayor Whitesel's father-in-law. A book will be dedicated to Carnegie Library in his memory.

1. DEMOLITION OF STRUCTURE – 221 11TH ST. W., PALMETTO (ROSA LEE HADLEY)

Mr. Williams recommended removing this item, eliminating the process of demolition, allowing the homeowner to renovate the home. Mr. Williams further stated this was a voluntary demolition but the homeowner was now in the process of securing funding to address the necessary repairs. Carlton Hadley, Sr. addressed Council, requesting the demolition order on this structure be withdrawn. Annette Cook, Code Enforcement Officer concurred with Mr. Hadley's request. It was consensus of Council to allow Mr. Hadley the opportunity to renovate the structure located at 221 11th St. W., Palmetto.

2 PUBLIC HEARING – ORDINANCE NO. 679

Ordinance No. 679 was read by title.

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 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.

Vice Mayor Cornwell opened the public hearing. There was no public comment; public hearing was closed.

MOTION: Ms. Bryant moved, Mrs. Keefer seconded and motion carried unanimously to adopt Ordinance No. 679.

3. PUBLIC HEARING – ORDINANCE NO. 680

Ordinance No. 680 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA AMENDING ORDINANCE NO. 661 TO CORRECT A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION FOR THE VOLUNTARY ANNEXATION OF HORIZON INDUSTRIAL PARK; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Cornwell opened the public hearing. There was no public comment; public hearing was closed.

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to adopt Ordinance No. 680.

4. TRAFFIC LIGHT – OPTIONS 7 AND 9

Mr. Williams discussed his meeting with the Florida Department of Transportation on the options available to the City concerning the traffic light at US 41 and 7th Street and further meetings with Mr. Stan Stephens. Mr. Williams stated he would like to see the City choose option #7, but given the State's stance on the issue, recommended the City choose option #9, as a way to possibly get a full stop light at this location in the future. Ms. Bryant stated she had had conversations concerning this topic with Mr. Stephens and concurred with Mr. Williams recommendation.

Mr. Williams discussed the funding for this project, stating it was his belief the State would not be contributing a large portion of the necessary funds except for the widening of the turbo lanes. He suggested the developers and the county be contacted regarding the funding for this issue.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to approve option #9 of the scenarios available to the City regarding the traffic light at the juncture of US 41 and 7th Street, Palmetto.

Mr. Meng was instructed to write Mr. Dave Twiddy, FDOT of the City's choice, copying Mr. Stan Stephens and Mr. Michael Guy of the Metropolitan Planning Organization.

5. MAY BUDGET REPORT

Mr. Meng explained the change in table one to a cash basis rather than a fund basis format. Mrs. Lancaster asked about the correctness of the CRA balance in table two. Mr. Meng discussed the memo he had addressed to Council concerning second encumbrances that were

made for each item in the CRA Store Front program. Mr. Meng stated these encumbrances have been carrying forward to the next year for several years. Ms. Bryant asked whether this was an item that should be discussed as a material nature with the auditors. Mr. Meng stated he didn't think the item was of a material nature but would discuss the topic with the auditors, further stating this area of the system would be closely monitored. The May budget report was accepted as presented.

Mr. Williams advised Council documentation had been received on Mayor Whitesel's reimbursement to the City of \$811.09 to the Travel and Per Diem account and \$300 to the CRA Fund 690.

6. HEALTH INSURANCE

Human Resources Director Sharon Jones addressed Council on the topic of the City's health insurance, asking Council's direction on how she should proceed in securing insurance for City employees. Ms. Joan Greenwood of Boyd Insurance Agency, the City's agent of record, addressed Council about the current plan. Mr. Bob Goodman, Health Benefits Manager for Manatee County addressed Council about the possibility of the City "piggy backing" onto the county's plan. A discussion was held concerning the differences between the two plans and whether it would be prudent to change insurance carriers prior to the anniversary date of the policy.

MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to make the City's insurance a sole source plan with Manatee County effective January 1, 2001, and during the budget planning process begin funding the reserves on October 1, 2000.

7. SPECIAL FUNCTION PERMIT

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to approve a special function permit to David Bozell allowing a remote concession selling Pepsi Cola products at the 4th of July fireworks display.

MOTION: Mrs. Keefer moved, Mrs. Lancaster seconded and motion carried unanimously to approve a special function permit to Mark Colmorgen allowing the closure of 15th Avenue West between 5th Street and 6th Street from noon until the fireworks display.

MOTION: Ms. Bryant moved, Mrs. Keefer seconded and motion carried unanimously to approve a special function permit to Brian Williams allowing the closure of Riverside Drive from Riverside Park East, 7th Avenue West and Riverside Drive, and 3rd St. Drive West and 4th St from 3:00 p.m. until 11:00 p.m.

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Vice Mayor advised Council of the date and time of the services for Mary Ann Boyas. A discussion was held to close the City from 10:30 a.m. to 1:30 p.m. Mr. Williams suggested that in light of the following day being a holiday, the City should close for the entire day, taking appropriate steps to advise the public of the closing.

MOTION: Mr. Williams moved, Mrs. Keefer seconded and motion carried unanimously to close the City of Palmetto on Monday, July 3, 2000.

8. INDIVIDUAL COMMENTS

Ms. Bryant

Ms. Bryant advised Council Mr. Vandernoord of the Regatta Pointe Marina had donated two very large reclinata palm trees to the City. She asked that Council recognize Mr. Vandernoord's donation with a certificate of appreciation. She also asked that a certificate of appreciation be presented to Mr. Amerson for moving the palm tree.

Ms. Bryant stated that Mr. and Mrs. Belmont had donated a large Staghorn Fern placed in the Historical Park and asked that a certificate of appreciation be presented to Mr. and Mrs. Whittel.

Ms. Bryant asked Chief Bright if he had looked at Lampost Subdivision. Mr. Bright stated there would be two options available to the City. Chief Bright suggested speaking with the residents first before placing signage.

Ms. Bryant asked Mr. Patterson about the status of the 17th Street paving. Mr. Patterson stated he was working with the contractor and hoped to have the project finished before summer's end. He will advise Council of the final dates for the paving.

Mrs. Keefer

Mrs. Keefer stated a decision needed to be made regarding the use of cellular phones. Vice-Mayor Cornwell asked that department heads make suggestions as to how this issue be resolved. Chief Bright and Mr. Patterson stated they were impressed with Nextel. Staff was asked to review the different plans. Mr. Williams asked that the attorney be asked whether or not members of Council could buy into the same plan the City may choose to use.

Mrs. Lancaster

Mrs. Lancaster asked Mr. Meng if lunch hours were restricted at city hall. He replied the customer service area staggered lunch hours but other personnel did not have set times for their lunches. Mrs. Lancaster suggested that all personnel be asked to stagger their lunch times so someone would be available to the public in case of phone calls.

Mr. Williams

Mr. Williams stated he wanted to expand on the monies available to CRA. Mr. Williams commented the City has started paying engineering costs on the B3 Program and questioned how the City would pay for this portion of the grant that has been awarded for this project.

Mr. Williams reiterated Council's position, as he understood it, that no work would be started until the required funding was in place. Mr. Meng explained that grants are typically paid after a project is completed. Ms. Bryant asked if an estimate had been received on the program, and if not, if one could be obtained. Mr. Patterson stated he had attended the Basin Board meeting and the B3 Program was on the budget that was approved. Mr. Patterson further stated he had received a letter from FDEP indicating the City had received a grant for the E3 Program. Mr. Patterson said he was researching to determine if FDEP should have indicated the grant was for the B3 Program. Mr. Williams stated the funds should be in place or work stopped on the B3 Program.

Mr. Williams stated the request to attend the Leadership Conference should be postponed until a balance in the travel fund could be determined. Mrs. Keefer stated she would like to review the agenda before granting permission for the expenditure. Mr. Meng was asked to determine the balance, taking into effect the costs associated with the League of Cities Conference, including parking fees, making sure they are covered.

Mr. Williams asked how the grant writer for the \$500,000 grant would be paid if the grant did not contain a funding. He also stated he thought an opinion from the attorney was needed as to how the City would pay the \$16,000 fee being there was no contract in place between the grant writer and the City and the City had not gone out for bid. A discussion was held on this topic.

Vice Mayor Cornwell

Ms. Cornwell stated there was certain items needed in the Historical Park that would facilitate organizations holding meetings at the Park. Ms. Bryant suggested Ms. Cornwell compile the list of needed items to see if some of the items were in surplus at the City.

9. MAYOR'S REPORT

Ms. Cornwell stated a voting delegate to the League of Cities Conference needed to be delegated.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to appoint Mrs. Lancaster as the City's voting delegate.

Mr. Patterson reported the quote from PDG was to install a flashing light at the north end of the Green Bridge to slow traffic coming into the City. Mr. Williams stated he felt we needed to ask CRA to bear one-half of the cost of the project since the location is in the CRA area. Mr. Williams will bring this topic back at the July 13, 2000 meeting.

10. CITIZENS COMMENTS

Cynthia Fobbs addressed Council regarding the Hadley property. Ms. Fobbs also stated the citizens of Palmetto were due an apology concerning the agenda for this meeting, as the

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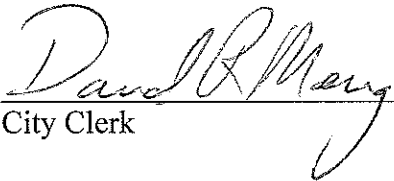
agenda did not indicate a shade meeting was scheduled with Mr. Malfitano. Vice Mayor Cornwell apologized for the error in the incorrectly posted agenda, stating future shade meetings would be indicated as such on an agenda.

Carlton Hadley, Sr. thanked Council for their reconsideration on the structure slated for demolition.

William McMillian discussed the question of rights with Council, thanking Chief Bright for his handling of a very difficult situation.

Meeting adjourned at 6:30 p.m.

Approved: July 17, 2000



City Clerk

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