

Palmetto City Council
March 26, 2001 4: 00 PM

Elected Officials Present:

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

Elected Officials Absent:

Donna Keefer, Council Member

Staff and others present:

Karen A. Conlon, City Clerk
Chief Bright, Palmetto Police Department
Mike Hickey, Public Works Department
Mary Jean Forrester, Deputy City Clerk
Tonya Lukowiak, Grant Writer
Karen Simpson, Finance Director
Annette Cook, Code Enforcement Officer
Sharon Jones, Human Resources Director
Diane Ponder, Administrative Assistant

Mayor Whitesel called the meeting to order at 4:00 p.m.

Vice-Mayor Bryant recognized Ryan Varnadore, a junior at Palmetto High School, for his accomplishment in winning a silver medal at the USA Weightlifting Junior Men's National Championship.

Attorney Prather updated Council on the conflict assessment meeting held with representatives of Manatee County pertaining to the Forristall annexation issue. Both parties are proceeding with a resolution of the conflict, all parties have agreed they are acting in good faith, and have determined to await the response of Mrs. Forristall as to her negotiations with the property owners until April 10, 2001.

It was consensus of Council to allow item number five to be discussed out of order.

CRA REJECTION OF DEMOLITION CONTRACT

Mrs. Lancaster asked for clarification of who controlled the contract of the building demolition, the city or the CRA. Mrs. Lancaster read from a letter from an attorney as follows, "Any decision not to award a contract to MSD pertaining to the project is mandated from the City of Palmetto, and not the CRA." Mrs. Lancaster then read from a letter originated from CRA Director Hartman to the Mayor and City Council dated February 22, 2001, stating that "the Palmetto Community

**Palmetto City Council
March 26, 2001**

Redevelopment Agency, at its meeting of February 21, 2001, approved the demolition bid submitted by Manatee Site Development in the amount of \$12,500. Before the demolition can occur, the City of Palmetto will have to enter into an agreement for the public parking at this location.”

Ms. Bryant stated her concern of bringing this issue up in a public meeting, not knowing the direction this issue could possibly take. Attorney Prather advised Council he has not been apprised of any legal action that is pending or is about to be taken against the city. Mr. Prather discussed his opinion the issue would not fall under the exception of the open meeting law. Ms. Bryant stated it was not her point to have a closed session, it was not knowing the direction it would potentially take and the prudence on the city’s part to bring out all the issues and discuss them. Mr. Prather agreed her opinion was a certain and safe way of evaluating the situation, and he could not disagree. He also stated he agreed with Mrs. Lancaster, in so far as the material he reviewed was very inconsistent; the facts seem to be very confusing. Ms. Bryant stated she would not discuss the topic in a public meeting.

Mrs. Lancaster stated she was not aware of any action or any proposed action to be taken against the city. As the CRA liaison and a Council Member, Mrs. Lancaster called on her right to know if a mistake had been made. Mrs. Lancaster discussed conversations she had with the Code Enforcement Officer and the information contained in Mr. Chulock’s letter.

Ms. Cornwell suggested requesting Karen Hartman to come to Council to explain what had transpired at the CRA meeting.

Mr. Williams discussed the problems that occurred that have not been addressed by either the City or the CRA.

Mrs. Lancaster spoke of a meeting that had implied by the CRA with Mr. Presha. The meeting did not occur, but Mr. Presha was not notified by the CRA.

Mrs. Ponder informed Council she had been requested by the Mayor, as a courtesy, to contact Ms. Hartman to advise her this topic would be under discussion. Ms. Hartman replied that her attorney had told her not to attend the meeting.

Mr. Prather discussed the CRA’s ability to legally enter into a contract under the city’s ordinance. He also stated that given the material he was provided with to review, he did not know where Mr. Chulock draws the conclusion the contract was a city contract.

Council discussed the fact that this type of situation should not happen again. The City Clerk was charged with the responsibility of ensuring that each city department, including the CRA, fully understands how the city’s purchasing ordinance works and their incumbent responsibility of adhering to the purchasing policy.

Mayor Whitesel stated her concurrence with Ms. Cornwell that the Ms. Hartman and the CRA attorney should be at the Council's next meeting to discuss this topic.

SUSAN HANCOCK, MANATEE COUNTY AREA TRANSIT – BUS SHELTER

Ms. Cornwell advised Council this topic had been brought up at the MPO meeting, with the public requesting additional schedules and available restroom facilities near the bus stops. Ms. Hancock discussed with Council the bus routes through Palmetto. Ms. Hancock discussed the bus shelters and benches in Palmetto. She discussed the city's ability to contract with Metro Bench to provide additional benches. Ms. Hancock advised Council a Bus Shelter Agreement between the City of Palmetto and Manatee County has been ongoing since 1984. She asked that within the next six months Council determines if the city wants to implement its own bus shelter project or renew the Interlocal Agreement with Manatee County.

JANET MCAFEE – 17TH STREET WIDENING PROJECT

Ms. McAfee and John Foley reviewed the 17th Street-widening project with Council.

INTERIM BUILDING OFFICIAL SERVICES

Mayor Whitesel explained the city cannot issue building permits without a building official's review and Manatee County had offered the services of its building official until such time the city fills the open position.

Mr. Prather stated there are two concerns of which Council should be aware:

- 1) The letter does not contain discussion of liability of the county or its agents.
- 2) The letter doesn't make any reference to the city's traditional defense of sovereign immunity.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously, to approve the Interlocal Agreement provided Mr. Hickey has no problem with the agreement.

DISCUSSION – EDDIE CLARK/GRIT

Mrs. Lancaster advised Council of a situation involving employee Eddie Clark as related to a workman's compensation claim that has been denied. Discussion was held concerning the injury. Mr. Hickey, Risk Manager Ron Koper, and the Mayor will meet to discuss options provided by Florida League of Cities. Council is to be apprised in writing of the outcome of this meeting.

SMITH & GILLESPIE (Michael Lemesh, CCO Jones, Edmunds & Associates and Jeff Siewert

Mr. Siewert referred to a memo dated March 9 wherein he was asked to update Council on the Master Lift Station Force Main #5 DeLesline Settlement. Mr. Siewert asked for an extension until April 9, 2001, which Council granted.

Mr. Siewert discussed the Lake Rowlett planting design and the failure of the design and plantings in the current location. Mr. Siewert stated the plan would be redesigned and moved to the Davidson Creek area if approved by SWFWMD. Smith & Gillespie will look to its sub-contractor CCI to honor the replacement of planting materials. Mr. Siewert stated his belief this project should be able to be settled outside the taxpayers. An update of this project is to be provided at the April 9, 2001 Council meeting.

Mr. Siewert discussed the G3 project, where into construction the plan was changed from swales to curb & gutter at an additional cost to the city of \$28,000. Mr. Siewert explained the swale plan was included in the initial design but when construction began it was unacceptable to city residents. He further stated the project went through a review and scope phase with staff. Mr. Siewert advised Council the redesign issue is a contingency item and is the engineer's responsibility. He also stated the price had been renegotiated down to \$23,000 because of compaction issues.

Referring to a memo from the City Clerk, Mr. Siewert expressed his regrets of not being able to attend the March 19, 2001.

The Oakridge project has been estimated as follows:

Preconstruction expenses	\$115,100
Probable construction expense	<u>774,600</u>
Total Project Expense	\$889,700

Mr. Siewert stated funding for the project will be provided by a grant from the Water Advisory Board of \$308,000, a grant from SWFWMD of \$275,000 and \$397,000 from the SRF Loan. The biddable documents for Oakridge will be ready by October. Mr. Siewert stated the Oakridge and Carr Drain projects would be combined because the success of one is contingent upon the construction of the other. The City Clerk will advise Council of the status of the SRF Loan at the April 9, 2001 Council Meeting. Finance Director Karen Simpson addressed Council concerning the Oakridge project and availability of funds.

Carr Drain has been estimated at \$155,000 for construction and non-construction costs at \$45,000. The project will be constructed using the City of Palmetto staff and equipment and supported by Manatee County staff and money. Smith & Gillespie is providing services for permitting and design. Currently the city has been billed \$2,800 toward design. It is anticipated the expense will be in the range of \$30,000. Mr. Prather interjected that the city should bear in mind the project for Oakridge and Carr Drain is involved in an ongoing litigation.

**Palmetto City Council
March 26, 2001**

Mr. Siewert updated Council on the issue of the proposed settlement for GTE (10th & 10th project). Smith & Gillespie staff has met with appropriate parties trying to resolve the issue.

Ms. Bryant read into the minutes the following statement. "After several meetings with the contractor we have obtained their verbal acceptance to settle these matters for \$69,000 and \$30,000 respectively. In our opinion the total amount of \$99,000, which is 40% less than the original claim is reasonable. We therefore recommend acceptance of this value by the City of Palmetto. We also recommend that the city pursue reimbursement from GTE and will be glad to assist the city in this effort." Ms. Bryant stated her reason for bringing this forward is so everyone is aware of all the issues. Mr. Hickey recommended this matter be covered during this report and Council has been copied with the letter. A meeting has been held with a representative of VERIZON, formerly GTE, and the information will be taken back to their management.

A strategy statement will be given to Council on the mixing zone.

Mr. Siewert commented on the pictures of flooding near the Palmetto Mobile Home Park. The areas are in system D2, which drains to the west along Manatee County Fair Grounds. To date no work has been done in this area as part of the Stormwater Master Plan.

It was suggested the Master Plan should be revisited and possibly reprioritize future projects.

MAYOR'S REPORT

Thanked everyone involved in the recent clean-up event.

Discussed the joint meeting with the Manatee County Board of Commissioners on May 14, 2001. Mr. Williams commented on the discussion with Commissioner Stein regarding the 7th Street Extension and the fact this item is to be discussed with the county before making a decision on this topic.

May 3, 2001 is National Prayer Day. An event is scheduled at the Palmetto Historical Park.

Three homes in Palmetto will be built with SHIP funds.

Palmetto has been recognized in SCENE MAGAZINE, the STATE OF TAMPA BAY and the MADDOX REPORT.

The attorney's opinion on open-ended contracts will be available for Council's review by the April 2, 2001 meeting.

DEPARTMENT HEAD'S REPORT

**Palmetto City Council
March 26, 2001**

Chief Bright

Distributed the citation report.

Distributed the Expenditure Over \$500 report for the April 2, 2001 Council Meeting.

Karen Conlon, City Clerk

Employees of the city can take advantage of free computer training classes. Excess monies in the Workforce Development Fund have been offered to municipalities, of which the city has been able to reserve what will be necessary to offer the classes to interested employees. These classes will be held at night on the employees' time.

Discussed the Roberts Rule of Order classes as taught by Jane Pratt.

INDIVIDUAL COMMENTS

Ms. Cornwell

Discussed business recycling. This topic will be discussed at the Department Head Meeting.

It was consensus of Council to cancel the May 28, 2001 Council Meeting due to the Memorial Day holiday.

Equipment will ordered to ensure smokers do not litter the area around the entrance to City Hall.

Thanked Mr. Hickey for his report on the silt boxes and Terra Ceia Golf & Tennis Club meeting.

The issue of the drive-in banking by city employees at American Bank is being handled by the City Clerk and will be brought back to Council.

Updated Council on the MPO meeting.

Mrs. Lancaster

Asked that Council be informed of the meetings regarding Mr. Clark.

Asked that the lights on 12th Street be checked again, as there are still dark areas in neighborhoods.

Commented on the information Ms. Hartman gave the Bradenton Herald.

Mr. Williams

Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to remove the Palmetto Estuary Park topic and approve the April 2, 2001 agenda.

**Palmetto City Council
March 26, 2001**

Inquired if the March 28, 2001 staff meeting had been advertised as a public meeting. The mayor replied it had not, as it was an administrative staff meeting. Mr. Williams suggested posting the opinion from Florida League of Cities pertaining to more than one elected official being at unadvertised meetings.

Ms. Bryant

Asked Mrs. Lancaster if all the questions and concerns of the North River Action Team had been addressed. Mrs. Lancaster replied in the affirmative and further stated the group would rather be called the Neighborhood Crime Watch.

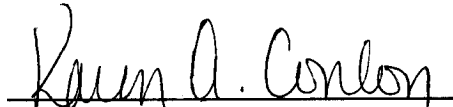
Complimented Mrs. Lancaster and all the city-staff that was involved in the recent clean-up event.

CITIZEN COMMENTS

Cynthia Fobbs commented on the CRA rejection of contract issue.

Meeting adjourned at 7:30 p.m.

Minutes approved: April 16, 2001


Karen A. Conlon
City Clerk

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