

**Palmetto City Council
February 18, 2002 6:00 PM**

Elected Officials Present:

**Larry Bustle, Mayor
Mary Lancaster, Vice Mayor
Shirley Bryant, Council Member
Tamara Cornwell, Council Member
Charlie Grace, Council Member
Brian Williams, Council Member**

Staff and others present:

**Alan Prather, City Attorney
Richard Groff, Attorney
Greg Hootman, Attorney
Karen A. Conlon, City Clerk
Chief Garry Lowe, Palmetto Police Department
Mike Hickey, Public Works Director
Margaret Tusing, Planning & Zoning Administrator
Diane Ponder, Administrative Assistant**

Mayor Bustle called the meeting to order at 6:00 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:

Mayor Larry Bustle; Vice Mayor Mary Lancaster; Council Members Shirley Bryant, Tamara Cornwell, Charlie Grace, and Brian Williams; City of Palmetto Attorneys Alan Prather, Richard Groff and Greg Hootman.

The attorneys are seeking advice regarding litigation, including expenses and/or settlement regarding Waiters v. City of Palmetto, Florida, Case No. 8:01-CV-2430-T-26-TBM. The meeting continued in private.

Mayor Bustle reconvened the meeting at 7:08 p.m.

1. APPROVAL OF AGENDA

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously approving the meeting's agenda.

2. COMMUNITY CENTER PRESENTATION

Mr. Charles Williams briefed Council on the proposed project for Blackstone Park, advising Council Manatee County has approved the concept of most of the project. The proposed project includes a skateboard park, expanded soccer fields, a full-scale community center, tennis courts, shuffleboard courts and swimming pool. Mr. Williams discussed plans envisioned for the expansion of Blackstone Park.

3. 2ND READING & PUBLIC HEARING ORDINANCE NO. 02-720

Ordinance No. 02-720 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, VACATING A PORTION OF RIVERSIDE DRIVE WEST RIGHT-OF-WAY AS MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE AND AS GRAPHICALLY DEPICTED ON EXHIBIT 'A' OF THIS ORDINANCE; RETAINING A 15-FOOT WIDE PUBLIC UTILITY EASEMENT AS MORE PARTICULARLY DESCRIBED IN SECTION 2 OF THIS ORDINANCE AND AS GRAPHICALLY DEPICTED ON EXHIBIT 'B'; AND PROVIDING FOR AN EFFECTIVE DATE. (V01-01-John M. Della Costa)

Mrs. Tusing advised Council an address is not available as the piece of property being vacated is a right-of-way. The property under discussion is adjacent to vacant land at 300 13th Ave. W.

Mayor Bustle opened the public hearing.

John M. Della Costa discussed the advantages to the city in vacating the property, informing Council the 1894 original plat indicates the right-of-way was deeded by plat. A copy of Mr. Della Costa's presentation is attached hereto and made a part of these minutes.

As there was no further public comment, Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4 to 1 to approve Ordinance No. 02-720. Mr. Grace voted no.

4. APPEAL OF NOTICE OF VIOLATION – JAMIE DIAZ – 707 3RD St. Dr. W. and 203 7th Ave. W.

Mrs. Conlon discussed Mr. Diaz' appeal of the city's notice of violation. Mrs. Conlon informed Council CRA Attorney Chulock is available to attend the appeal.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to place the appeal of notice of violation of Jamie Diaz, 707 3rd St. W. and 203 7th Ave. W. on the March 4, 2002 agenda.

5. APPROVAL TO RETAIN CARRY OVER VACATION HOURS FOR CHIEF GARRY LOWE

Attorney Prather requested time to review Chief Lowe's request.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to place the topic on the March 4, 2002 agenda.

6. PRESENTATION OF BIDS FOR CARPET FOR CITY HALL

Mrs. Conlon reviewed the three bids received for carpet installation at city hall.

MOTION: Ms. Bryant moved, Mr. Grace seconded and motion carried unanimously to award the bid to Flooring Services not to exceed \$5,500.

7. CHARTER REVIEW COMMITTEE APPOINTMENTS

The topic was delayed until the February 25, 2002 meeting.

8. CONSENT AGENDA

- A) January Check Register
- B) January Attorney Billing- Dye, Deitrich, Prather, Petruff & St. Paul

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

9. DEPARTMENT HEAD REPORT

Chief Lowe, Palmetto Police Department

The audit of the Police Department in the evidence and high visibility areas is continuing.

The Police Department will be attending a meeting at Oakridge Community Center on February 26, 2002, speaking on issues involving the department.

The department is teaming with Mr. Hickey and the work crews regarding suspicious activity.

Sgt. Craig Himes has been placed in the interim position of Enforcement Bureau Commander in charge of road patrols until the reorganization of the department.

Attorney Alan Prather

Requested a litigation assessment meeting of approximately one hour regarding Jerome Waiters, case number 8:01-CV-2430-T-26-TBM for March 11, 2002 at 4:00 p.m.

10. MAYOR'S REPORT

Commented on the tour and the need to schedule a workshop on the Minimum Standards Ordinance.

Commented on the recent retreat where he, the Council and facilitator met.

Stated he signed a letter of intent to the FDOT regarding the designation of Hwy 41 as a Scenic Highway.

11. INDIVIDUAL COMMENTS

Mr. Grace

Thanked Manatee County Nursery School for use of the bus during the city tour.

Mrs. Lancaster

Commented on the need for the city to review the situation on 10th Street from 2nd Ave to 8th Ave. Mr. Hickey stated a letter to FDOT is being composed containing the concerns of the city. Mr. Williams commented on the lack of a crossing guard for the children walking to Lincoln Middle School. The Mayor requested the letter to FDOT be prepared for his signature. Mrs. Conlon advised Council Amy Perez will be in the city very soon to review the 8th Avenue situation and she will take her along 10th Street.

Inquired on the status of the Oakridge project. Mrs. Conlon advised Council the bids are in, are being reviewed and will be brought to them for review in March.

Mr. Williams

Requested John Marble of the EOC is notified he is now the city's liaison.

Ms. Bryant

Commented on Florida League of Cities' legislative update containing issues on the CRA and presumption of disability, asking Council Members to contact their legislators. The response to the Mayor's letter concerning the CRA topic will be distributed to Council Members.

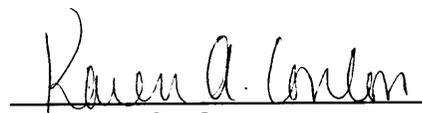
Inquired on the status of open-ended contracts. Mrs. Conlon has contacted Manatee County concerning the maintenance of city vehicles. Ms. Bryant also discussed the engineering contract. Mrs. Conlon explained how the engineering needs of the city are now being handled.

12. CITIZEN COMMENTS

Mr. Kinz, resident at Palm Bay Mobile Home Park, suggested the city should look at cleaning city ditches. Mr. Hickey reported on the ditches needing cleaning brought forth by Mr. Kinz.

Meeting adjourned at 8:20 p.m.

Minutes approved: March 4, 2002



Karen A. Conlon
City Clerk

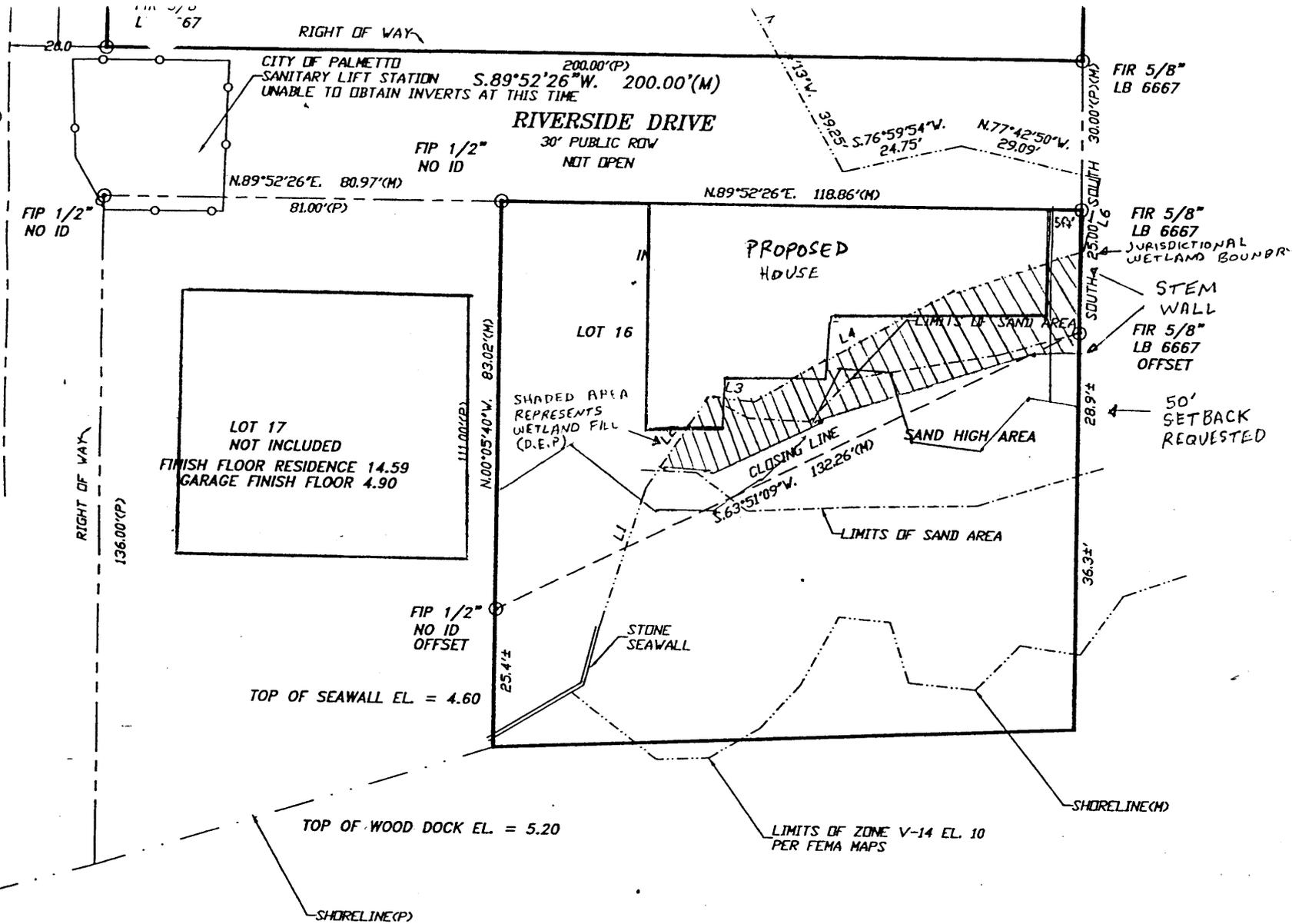
APPLICANT'S OUTLINE - John and Dana Della Costa

**Also Appearing - Mr. and Mrs. William Wait, property seller
Mr. Michael Burton, Environmental Affairs Consultants**

**VACATION REQUEST FOR RIGHT-OF-WAY (RIVERSIDE DRIVE)
LOCATED AT 300 13TH AVENUE WEST**

I. REQUEST FOR VACATION W/ RETENTION OF UTILITY EASEMENT

- A. Currently, the right-of-way above separates the property as described in the survey. (See Survey Exhibit)
- B. At this time, the right-of-way is unusable to the city and therefore carries no value in its current state. The right-of-way is blocked on the west by a lift station and wetlands on the east.
- C. This vacation will benefit the City of Palmetto in the following ways:
 - (1) In its current state the wetlands located on and around the right-of-way are overrun with nuisance species of pepper trees. The new owners will restore and revitalize this area.
 - (2) Value and revenue is generated upon a vacation since the lot setbacks are removed allowing a single family home to be built on lot 16, increasing the tax base.
 - (3) The surrounding property owners favor the improvements to the neighborhood since the current roadside landscaping along the property and 13th Avenue have been neglected and are in disrepair. Revitalizing the wetlands and roadside conditions will benefit this waterfront community. (See Photos)
 - (4) The original plat dated 1894 indicates that this right-of-way was deeded by plat, therefore the City incurred no cost in its allocation, and will not lose money in its vacation. (See Plat Exhibit)
 - (5) The City of Palmetto Planning Department, Building Department, Public Works and all private companies (such as phone and cable) have recommended approval of this vacation. New surveys have been provided by the new owners, at their expense, indicating that the City retains a utility easement, and does not vacate the lift station. (Surveys Attached Hereto)
 - (6) The City will no longer maintain this area, an additional saving.



LINE TABLE

L1	N.17°38'21"E.	29.93'
L2	N.34°14'30"E.	22.54'
L3	S.85°34'11"E.	9.44'
L4	N.60°00'43"E.	46.10'
L5	N.71°49'03"E.	28.47'
L6	N.11°56'45"E.	14.94'

MANATEE RIVER

EXHIBIT 'A'
ORDINANCE NO. 02-720

FLORIDA COAST SURVEYING, INC.

PROFESSIONAL SURVEYOR'S, & MAPPER'S

CERTIFICATE NO. LB-0006938

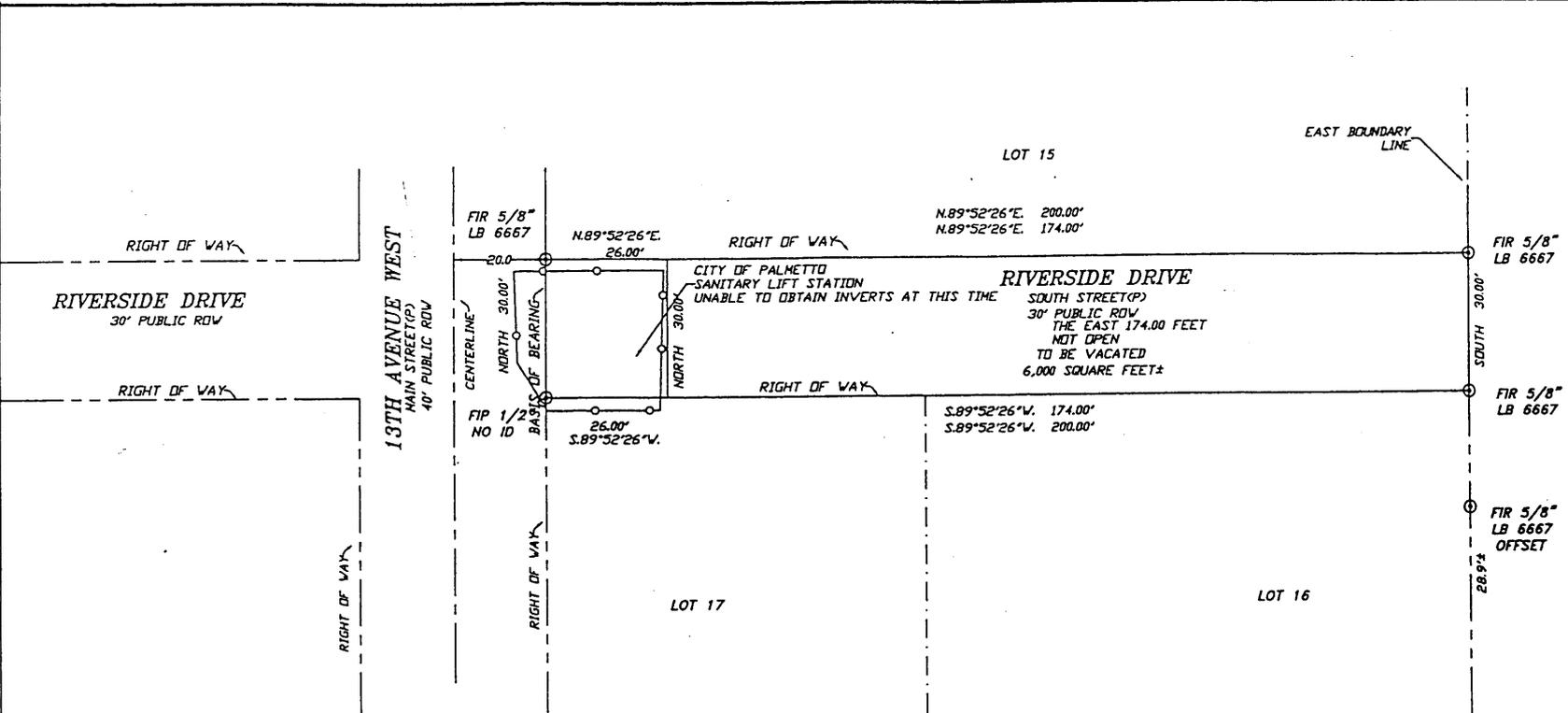
2411 22ND AVENUE WEST
BRADENTON, FLORIDA 34205
941-744-9295 FAX 941-748-6751
TOLL FREE 1-877-531-7193



SCALE 1" = 30'

NOTE: SUBJECT PROPERTY IS ON CENTRAL WATER

FLOOD ZONE:
COMMUNITY PANEL NOT REQUESTED
DATED:
FLOOD ZONE: "B", "C", "D", & "X" ARE NOT
IN DESIGNATED FLOOD HAZARD ZONE AREA.
SUBJECT TO VERIFICATION



SKETCH OF DESCRIPTION
LEGAL DESCRIPTION :

THE EAST 174.00 FEET OF THE FOLLOWING DESCRIBED PORTION OF THAT PART OF RIVERSIDE DRIVE TO VACATED, DESCRIBED AS FOLLOWS, THAT PART OF RIVERSIDE DRIVE (SOUTH STREET PLAT) BOUNDED BY LOT 15 ON THE THE NORTH SIDE AND LOTS 16 AND 17 ON THE SOUTH SIDE, 13TH AVENUE WEST (MAIN STREET PLAT) ON THE WEST SIDE AND THE EAST EAST BY THE BOUNDARY LINE OF PATTENS RESERVE, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 114, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

CERTIFIED TO :

CERTIFICATION :

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BY: SCOTT CRIDER, PSM #5671

SURVEY DATE: 10-29-01

NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID

PLEASE REFER TO REVERSE SIDE FOR GENERAL NOTES & ABBREVIATIONS.

NOTE:

IN COMPLIANCE WITH FLORIDA STATUTES 61G17-6.0031 (5) (E) (IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.

REVISIONS

PROJECT NO:

01_M16724A

