

Palmetto City Council
January 8, 2001 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 other present:

Alan Prather, Attorney
Chief Ken Bright, Palmetto Police Department
Mary Jean Forrester, Acting City Clerk
Margaret Tusing, Planning & Zoning Director
Mike Hickey, Public Works Director
Diane Ponder, Administrative Assistant

Mayor Whitesel called the meeting to order at 7:00 p.m.

Chief Bright gave the invocation followed by the pledge of allegiance to the United States Flag.

Ms. Bryant asked indulgence of Council to allow the 2000 Manatee County Fair Queens to be presented later in the meeting as they were also at a Manatee County School Board meeting.

Mayor Whitesel asked permission to add an emergency item to the agenda. Mrs. Tusing introduced a request originated by Stacey Lindberg of Wagner Realty concerning a structure built in 1940 that encroaches into the right-of-way on 20th Avenue. There has been past sales where this issue has not been a problem but the current lender and title company want the issue resolved and are willing to accept a Quit Claim Deed from the City. Ms. Tusing stated she had discussed briefly with Mr. Prather what the requirements would be to make this correction. Ordinarily the City would release its hold on a right-of-way through a vacation process, which may take up to two months. Mrs. Tusing explained the urgency of this item is that the buyers of the property were scheduled to close on the property December 27, 2000.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to allow the topic to be placed before Council.

Mr. Prather stated that generally you do not remove the public's rights or interest in a right-of-way through a Quit Claim Deed or deed of that nature, when the property has been the subject of a dedication through a plat, as it appears is the case with this property. He stated all he had before him was a legal description and he had only received it five minutes before the meeting started. He further stated, from his memory, it would involve the City going through a street vacation process to remove the public's interest in the property, as the City does not have title to the property.

Mr. Prather stated that if a Quit Claim Deed was signed, you would be transferring whatever rights, titles and interest to the underlying fee the City may have, but that may not eliminate the public's right in access across the parcel. Mr. Prather advised that to accomplish the matter the correct way and address any issues that may arise in the future, it should be handled as a partial vacation of the right-of-way to the extent that is necessary to clear the encroachment and title problem.

A copy of a survey of the property was distributed to Council, after which a discussion was held concerning property setbacks and location of the structure. Public Works advised Ms. Lindberg there are no utilities under the house, which was originally built crookedly on the lot in 1940. Ms. Lindberg stated the house has been sold several times over the years, and a variance was issued and accepted by the previous lenders. The current lending institution is requesting a deed from the City be issued. Ms. Lindberg further explained the timing issue the buyer of the property is facing.

Mr. Prather suggested that if the City Council takes action to execute the Quit Claim Deed it may not have any real legal effect on clearing the problem. The correct way to do it is through the street dedication. If the title company will accept the Quit Claim Deed and the purchase moves forward, the buyer does this at their own risk. Mr. Prather further stated that what the buyer needs to do at some point is come back to the City and go through the street vacation process to do it correctly. Mr. Prather is saying to the buyer the Quit Claim Deed may not have any true legal effect as far as eliminating the public's right in the underlying right-of-way.

Ms. Lindberg advised Council the lender and title company drafted the Quit Claim Deed they were reviewing and they would accept the document. Ms. Lindberg stated she would advise the buyer of Mr. Prather's opinion.

Mr. Prather stated the problem was one of the documents given to Council was a Warranty Deed, which he could not recommend Council authorize. Both the Warranty Deed and Quit Claim Deed are to a bank. Ms. Lindberg explained Sterling Bank is the current owner of the property. It was Mr. Prather's opinion the bank should have come to the City at the correct time to clear this problem in the correct way. Mr. Prather stated that if a Quit Claim Deed is approved it may or

may not have any legal effect on what the buyer of the property needs. In order to properly clear the title and to avoid the encroachment, the buyer would need to enter the vacation process. Mr. Prather advised that if Council takes action to execute the Quit Claim Deed, a provision from the minutes showing the buyer has been warned several times should be attached and sent to the bank.

Mrs. Tusing advised the vacation involved a \$500 fee payable by the property owner, and she didn't know how the City could compel the buyer to come in and vacate the right-of-way. A discussion was held concerning the \$500 fee and the right way to handle the issue. Mr. Prather once again stated the property owner needs to know the Quit Claim Deed may not have any legal effect.

MOTION: Ms. Bryant moved and Mrs. Keefer seconded to authorize the signing of the Quit Claim Deed and admonish all concerned parties of the problem that could ensue if they do not come back and follow through with the vacation process, further charging Ms. Lindberg with the responsibility of telling the buyer the potential cost involved in the vacation process, making sure that all the caveats are provided to them.

Mr. Williams asked for discussion. Mr. Williams inquired of the City's recourse if the buyer didn't follow through with the vacation. Mr. Prather advised he did not know the answer, that under the Quit Claim Deed process any right, title and interest is given up. Mr. Williams stated he didn't feel comfortable with the buyer not following through with the vacation process. Mr. Prather stated he would normally have the same concern except from the discussion, the house has been pre-existing in the location for many years without any impact on the City, right-of-way, utilities or anything of that nature.

Mrs. Lancaster stated she had a concern about signing a Quit Claim Deed knowing we may have a problem later on. She stated a lot of things are said and not followed through, and she didn't feel comfortable. Mr. Prather stated both the Title Company and the realtor are under affirmative obligation to transmit to the buyer this information.

Mrs. Keefer informed Ms. Lindberg the legal description was incorrect as listed on Exhibit A and should read "20th Avenue West".

Vote on the motion was taken. Motion passed 4 to 1. Mrs. Lancaster voted no.

Sue Revel, a director of the Manatee River Fair Association introduced the 2000 Manatee County Fair Queens. Each young lady participated in extending an invitation to Council Members to the 2001 Manatee County Fair. Ms. Revel also welcomed Ms. Cornwell as the City of Palmetto's representative.

1. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 01-701

Ordinance No. 01-701 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE ESTABLISHMENT OF REGULATIONS CONTROLLING ANIMALS WITHIN THE CITY OF PALMETTO AND ADOPTING BY REFERENCE AND INCORPORATING HEREIN MANATEE COUNTY ANIMAL SERVICES ORDINANCE NO. 00-01, SECTIONS 1 THROUGH 15 AND SECTION 17 THEREOF TO BE CODIFIED AS CHAPTER 6, ARTICLE I, SECTION 6-1 THROUGH SECTION 6-16 OF THE CITY CODE OF THE CITY OF PALMETTO; PROVIDING FOR ADOPTION OF SECTION 6-17, KILLING OR SLAUGHTERING OF ANIMALS PROHIBITED, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; PROVIDING FOR ADOPTION OF SECTION 6-18, ENFORCEMENT AND PENALTIES, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; PROVIDING FOR REPEAL OF EXISTING CHAPTER 6, ARTICLE I AND ARTICLE II, CODE OF ORDINANCES AND OTHER ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to approve Ordinance No. 01-701 for advertising and schedule a public hearing January 22, 2001.

2. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO 01-702

Ordinance No. 01-702 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDNG ORDINANCE NO. 624, THE 2010 CITY OF PALMETTO COMPREHENSIVE PLAN BY REVISING THE DEFINITION SECTION BY ADDING A DEFINITION FOR DE MINIMIS AND REVISING THE MOBILE HOME PARK CATEGORY DEFINITION; BY REVISING THE FUTURE LAND USE ELEMENT BY ESTABLISHING FLOOR AREA RATIOS; BY ADDING A FORMULA TO DETERMINE THE DENSITY FOR THE PLANNED DEVELOPMENT CATEGORY; BY PROHIBITING SCHOOL SITING IN THE CONSERVATION CATEGORY; BY ENCOURAGING SCHOOL LOCATION ADJACENT TO OTHER PUBLIC FACILITIES; BY REVISING THE TRANSPORATION ELEMENT BY REQUIRING COORDINATION WITH MANATEE COUNTY AREA TRANSIT (MCAT); BY REVIEWING THE MPO AND FDOT 5-YEAR PROGRAMS; BY REVISING THE FUTURE TRAFFIC CIRCULATION MAP AS NECESSARY; BY INCORPORATING TABLES 2-1, 2-2, AND 2-3 IN THE ADOPTED PORTION OF THE COMPREHENSIVE PLAN; BY REVISING THE COASTAL MANAGEMENT ELEMENT BY RESTRICTING DEVELOPMENT IN THE COASTAL HIGH HAZARD AREA (CHHA) AND BY

CREATING A FORMULA TO CALCULATE DENSITY IN THE CHHA; BY REVISING THE CONSERVATION ELEMENT BY REQUIRING WETLAND DELINEATIONS AT THE EARLIEST POSSIBLE DEVELOPMENT STAGE; BY REVISING THE CAPITAL IMPROVEMENTS ELEMENT BY REVISING THE CONCURRENCY MANAGEMENT SYSTEM TO BE CONSISTENT WITH STATE REGULATIONS; BY REVISING THE DATE FOR COMPLETION OF CERTAIN PROJECTS BY ADDING ONE (1) YEAR TO THE COMPLETION DATE; BY REVISING THE ADOPTION DATE FOR THE LAND DEVELOPMENT CODE TO APRIL 2002; BY INCORPORATING PLAN AMENDMENT NO. PA0008; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0008/REMEDIAL ACTION)

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to approve Ordinance No. 01-702 for advertising and schedule a public hearing January 22, 2001.

3. 1ST READING & APPROVE FOR ADVERTISING ORDINANCE NO. 01-703

Ordinance No. 01-703 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR REQUIREMENTS TO ESTABLISH TEMPORARY SANITARY FACILITIES AND TEMPORARY CONSTRUCTION DEBRIS CONTAINMENT FACILITIES AT CONSTRUCTION SITES; PROVIDING FOR FINDINGS OF FACT; PROVIDING REQUIREMENTS FOR TEMPORARY SANITARY FACILITIES; PROVIDING REQUIREMENTS FOR TEMPORARY CONSTRUCTION DEBRIS CONTAINMENT FACILITIES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to approve Ordinance No. 01-703 for advertising and schedule a public hearing January 22, 2001.

4. DISCUSSION OF ORDINANCE NO. 01-704 – REUSE CUSTOMER FEES

Mr. Prather explained he had attempted to address charges given to him by the City Council. The Master Utility Ordinance will be amended to reflect the addition of reuse charges. A workshop was scheduled for February 12, 2001 to review the ordinance.

5. ESTABLISHMENT OF SETBACK – NATION GUARD ARMORY, 1107 14TH AVENUE, WEST

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to approve the side yard setback of 10-feet for the National Guard Armory located at 1107 14th Avenue, West.

6. 2001 HOLIDAY SCHEDULE

The following dates were submitted for approval as City of Palmetto 2001 holidays:

January 1	New Year's Day
January 15	Martin Luther King, Jr. Day
April 13	Good Friday
May 28	Memorial Day
July 4	Independence Day
September 3	Labor Day
November 12	Veteran's Day
November 22	Thanksgiving Day
November 23	Thanksgiving Friday
December 24	Christmas Holiday
December 25	Christmas Holiday

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to approve the 2001 Holiday Schedule.

Mrs. Keefer suggested the City look into developing an Employee Relations Committee.

7. CONSENT AGENDA

- A) Minutes: December 11 and 22, 2000 City Council Meetings
- B) Check Register – December 2000
- C) Dye, Deitrich, Prather, Petruff & St. Paul Billing through 11/28/00
- D) Special Function Permit – Vintage Wheels Car Show

Ms. Bryant corrected the December 18, 2000 minutes under the Mayor's Report to change the referenced Historical Commission to Historical Review Board.

MOTION: Ms. Bryant moved, Mrs. Keefer seconded and motion carried unanimously to approve the Consent Agenda with the correction to the December 18, 2000 minutes.

8. AGENDA JANUARY 22, 2001

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to approve the January 22, 2001 agenda with additions.

9. DEPARTMENT HEAD REPORT

Chief Bright - Palmetto Police Department

Distributed the Annual Report from his department.

Referenced his memo to Council addressing his administrative assistant's pay. An audit is being done and will be reported to Council at its conclusion.

Distributed the citation report.

Requested that he be allowed to delay the letter to FDOT regarding the speed limit on 8th Avenue to enable his department to first address the problem by enforcement.

Will bring to Council a solution for equipment that can be purchased with revenue from citations.

Ms. Bryant asked Chief Bright to share facts of a letter she had received and stated she felt copies should go into the officers' personnel files. Chief Bright related to Council the facts surrounding the actions of Officers Lathinghouse and Greer in aiding an elderly resident of the City.

Recognized actions of Officer Kelley in solving a traffic incident involving an automobile that had left the scene.

Mayor Whitesel recognized Capt. Lowe for his initiating a letter welcoming a gentleman to the City.

Mike Hickey, Public Works Department

Distributed a view of Hidden Lakes.

10. MAYOR'S REPORT

The \$750,000 CDBG-ED non-matching grant to Riviera Dunes has been approved. Funds will be used for construction of the infrastructure at the project.

Mayor Whitesel announced she had appointed Attorney C. J. Czaia to fill the vacancy on the CRA Board.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried unanimously to approve the appointment of C.J. Czaia to the CRA Board.

Mr. Williams requested the Mayor to send letters advising Desiree Garcia and Alice Kaddatz the position had been filled.

Ernie Padgett, Manatee County Administrator, has agreed to pay \$50,000 for a culvert at 12th Street and Carr Drain from a grant obtained by the county. The county will also pay for all the pipes. The City of Palmetto will apply for the permits. While on this topic, Ms. Bryant suggested City staff address items from the North River Action Team the City could respond to and send the information to the team. Mayor Whitesel will review information at the next Department Head Meeting and send the letter.

11. INDIVIDUAL COMMENTS

Ms. Bryant

Read Bob Hunt's letter of resignation from the Planning & Zoning Committee effective immediately, which the Council accepted with regret. Ms. Bryant asked that a letter of appreciation be sent to Mr. Hunt for his thirteen years of service.

The February 22, 2001 meeting with the County Commission was discussed. All Council Members indicated they would be attending the meeting.

Mayor Whitesel asked who would be able to attend breakfast with Senator Miller on January 17, 2001. Council Members who have not responded will check their calendars.

The Martin Luther King, Jr. Parade was discussed. Three bags of candy for each Council Member will be purchased for the children.

Mrs. Keefer

Advised she would be unable to attend the mobile home park visits scheduled for January 9 and January 11. Asked that her apologies be extended.

Inquired if the sewage at the flea market had been looked into. Mr. Hickey will address the issue.

Vehicle parking on 17th Street between 10th Avenue and 11th Avenue. There is nothing the City can do about the parking.

Lighting at the City tennis courts is not on. Mr. Hickey will look into the matter and report back to Council.

Mrs. Lancaster

Asked Mrs. Tusing about the Infield Planning Grant. Mrs. Tusing advised they had come to the City to apply for it. They did receive \$25,000, which is to be used for planning purposes. County staff people who staff EDZ indicated a housing program would be implemented. Input was provided about areas north of 10th Street between 2nd Avenue and 8th Avenue. Another discussion was about improvements along 10th Street to make the corridor more attractive.

Discussed the letter from Stanley Roberts concerning the CRA and his conversation with Mr. Williams. Mrs. Lancaster stated she was at the meeting where the CRA attorney and the full board were in attendance. The money set aside for this particular project was set in the last year's budget. After much discussion, it was agreed this money could be awarded, and the family started the project. Mrs. Lancaster questioned why the letter was sent to the people, taking the money away that was approved from last year and nothing was said about the money from this year for the parking lot. Mrs. Lancaster asked Mr. Williams for an explanation.

Mr. Williams explained why the memo was sent as related to any budgetary dollars the CRA spends. He discussed the \$75,000 that was encumbered by the CRA for the residential program; \$68,400 was encumbered for four homes. This person's application was not completed when they encumbered the funds. \$8,285 was rolled into this year's money and Council has to approve it before the money can be spent.

Mrs. Lancaster questioned why a certified letter had been sent to the family telling them the money was not available, when the CRA Board and its attorney had unanimously approved it.

Mrs. Lancaster expressed her opinion of Mr. Williams' sabotaging CRA efforts in one particular area. Mr. Williams defended his actions regarding monies spent by CRA.

Ms. Cornwell suggested Ms. Hartman needed to submit a budget amendment to approve the funds being released to the family.

Cynthia Fobbs, CRA Board Member, addressed Council concerning the funding in question, stating the \$8,000 plus was kept, as it was already approved, and was sitting in a budget awaiting allocation for Mr. Salters. Mr. Williams asked Ms. Fobbs if she had stated the application was not complete and therefore could not be approved. Ms. Fobbs agreed but also stated the CRA minutes state the CRA will allow for him to get the application in for approval and the funding would be in the budget for him. Mr. Williams stated the minutes do not say that. Ms. Fobbs stated the lawyer said the budget had already been set aside for the funding. Ms. Fobbs referred to the memo from Mr. Roberts.

Mrs. Lancaster read into the minutes the following:

“This is a Residential Application 1999/2000 for Annie Sanders. Discussion ensued regarding funding for this delayed application. Per Hartman, the \$8, 200 that remained in the 1999/2000 budget for residential funding was placed in fund balance and has not been appropriated, but those funds can be used to fund this application should the board so choose”.

Ms. Fobbs also asked Mrs. Simpson to clarify the difference in the 2000/2001 budget, where \$130,000 had been approved but CRA ended up with \$128,000.

Finance Director Karen Simpson explained \$75,685 was left over from last year, including five encumbrances to four specific individuals and the \$8285 that was encumbered directly back to the CRA into the Residential Revitalization. A discussion was held how funds were encumbered at the end of the year.

Mrs. Lancaster stated she had a bad problem with the way things were being transacted, a bad, bad feeling. Mrs. Lancaster further stated she had seen it from day one and have seen it to this day - 8th Avenue has got to stop being the dividing line for services that is rendered into this City.

A discussion was held to determine what needed to be done in-house to transfer funds to the appropriate line item account to enable the monies being released to finish the project.

MOTION: Mrs. Keefer moved, Ms. Cornwell seconded and motion carried unanimously to move \$6,000 back to the CRA so they can disburse it into the Residential Revitalization Program.

Mr. Williams stated the only thing that had to be done was to approve the \$6,000 expenditure from the line item. Housekeeping had to be done, as it was incorrectly done to begin with by the CRA, Mr. Chulock and the entire board.

Mr. Williams

\$26,000 for the traffic calming down at the Green Bridge was discussed at the Department Head Meeting. The problem is, this concentrates on one end of town. Mayor Whitesel stated using the \$26,000 at crosswalks was seed money – once spent we can apply for the FDOT grant. A discussion was held as to where the stamp should be utilized and the timing of the project.

MOTION: Mrs. Keefer moved, Mrs. Lancaster seconded and motion carried unanimously to take \$26,000 and use \$26,000 to do our logo on 8th Avenue and recommend at this point we do the first one at 10th Street.

Requested a letter be sent to the MPO informing them that Ms. Cornwell will be filling the position.

Requested a letter be sent to Mrs. Kaddatz concerning the issue of her property.

There are apartments behind Alvarez Restaurant where wash water is being drained into the road.

Mrs. Keefer stated the restaurant on 9th Avenue was washing out its kitchen into the alley.

Legislator Day in Manatee schools will be January 29, 2001 at 1 p.m. at Bayshore High School. If planning on attending, respond by January 22, 2001.

Commented on the fact Council was not notified about the recent theft of a City vehicle.

Meeting was held with Mr. Hickey, Mr. Tusing, Mr. Brown and Mr. Patterson regarding re-use. Five priority areas were established – 1) City streets across from Tropic Isles, 2) Between 7th St. and Rinkers, 3) 17th Street to 2nd, catching Jackson Park and adjacent areas. Ms. Cornwell stated that project needed to be immediate. Mr. Williams discussed the approval by DEP of the in-kind services and permits from CSX before this project can begin. Ms. Cornwell reiterated the importance of this project as related to the SEP. Discussion was held on the SRF funds available for construction. \$212,829.14 is cash in re-use but \$240,000 is encumbered. There is \$200,000 in sales tax monies, so there is enough to get started. The last area discussed was the connection to the trunk line on 4th Street. Incorporation of resurfacing was discussed. Ms. Cornwell requested staff prepare a report for roadways that have underground pipes and are ready for resurfacing

Ms. Cornwell

Asked if the TOP Grant would be lobbied in Tallahassee. Mayor Whitesel Council informed the TOP Grant was a dead issue. Ms. Cornwell requested Ms. Hartman be notified.

Commented on the Nextel response.

Asked if everyone received information on area code relief.

There are problems with the Chapel on the weekends, electricity and contact names in the case of emergency. Discussion was held on the need for public facilities signage and issuance of keys to restrooms. Ms. Bryant related that a list of problems at Heritage is being developed for the City to review.

Asked for information on recycling bins for businesses and where binds should be located at Lincoln Middle School. Ms. Cornwell asked Mr. Hickey to review and respond to Mrs. Peck.

Requested a schedule of installation on the back-flow prevention devices.

12. CITIZEN COMMENTS

Delores Stancil, 336 9th Street, West addressed Council, inquiring about availability of re-use in her area.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried unanimously to extend the two-minute time limit.

Mrs. Stancil also addressed the Habitat for Humanities homes that were recently built and how the project was originally presented. Mrs. Tusing addressed the zoning of the area and the City's responsibility in the zoning issue. Mrs. Stancil spoke of a sinkhole in her street the City had fixed in 1984 but the curbs have never been repaired. Mrs. Stancil also spoke about lights that didn't work. Mayor Whitesel will contact FPL.

Ms. Bryant reminded Council about the meeting at Terra Ceia Golf & Country.

Mr. Williams spoke about the City's payroll and our hiring process. Mr. Koper was hired January 1999 and received two increases within the probationary period. It is time to review the personnel policy to stop increases without Council's approval. The Human Resource Director is starting an audit and it will be brought back to Council.

Meeting adjourned at 9:45 p.m.

Minutes approved: February 5, 2001



Mary Jean Forrester
Acting City Clerk

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