

Town of Pomona Park – Special Town Council Meeting Minutes

Thursday, June 29, 2020 (5:30pm)

VIA TELECONFERENCE. Call 1-888-204-5987 Access Code is 3674654#

Present: Mayor Joseph Svingala, Councilman Dr. Robert Warren, Councilwoman CarrieAnn Evans, Councilwoman Lynda Linkswiler, Councilman Victor Szatkowski, Councilman Jim Griffin, Councilwoman Pat Mead was late, Attorney Craig Sherar, Town Clerk Donna Fontana.

Absent: none

Meeting came to order at 5:30 p.m.

The Mayor asked all council members if they were comfortable with all the notice provisions set forth and these uniform rules of procedures we have established for this virtual meeting? The Mayor took a roll call and it was unanimous that all council approved except Councilwoman Mead who was not present.

Mayor explained that he is not going to use the phone because it causes too much feedback and Donna will be doing most of this anyway. Donna can we start with number 1? Clerk explained that the minutes from 6/18 were included for everyone to be able to review what was discussed at the last meeting. You can approve those at the next Council meeting. Councilwoman Evans asked to correct Brian to Bryan.

Resolution 2020-3 A Resolution of the Town of Pomona Park, Florida, authorizing the Mayor to execute an agreement with Florida DOT for the State Highway Maintenance on Highway 17 from POMONA PARK CITY LIMIT (MP. 11.32) TO POMONA PARK CITY LIMIT (MP. 13.557)

Clerk explained that this is the whole stretch of highway 17 that is within the Town limits. Right now they have a contractor that mows part of that and we were supposed to only be mowing from Feagle to Worcester. The Mayor and I discussed it with DOT because the maintenance staff mows it several times anyway, what would they give us if we were to mow the entire thing. DOT came back with a new contract for us. We had Bruce (Maintenance Supervisor) review the amount of work that it would take his staff. He said that they would be able to complete that in 1 day. This would give us an additional \$16,486.04 per year for a total of \$25,911.04 per year. We currently have a contract that is in place for Feagle to Worcester which is only \$9,425 per year. This will replace that contract. Councilwoman Linkswiler asked, is this something that we have done in the past, we are just extending the area? Clerk said, yes ma'am. Mayor reiterated the current contract and what the new area is. Councilwoman Evans made a Motion to adopt Resolution 2020-3, seconded by Councilman Warren. Councilwoman Evans said, with this extra income we can hire another maintenance guy to assist with this. Mayor said, well there's a few possibilities on the table right now. Coming from the Maintenance Supervisor, Donna and I were thrilled over the whole thing. We know we can make money on it. Bruce has some things he wants put in the budget. I'm not going to drop them now, I'm going to let him talk to you one on one or as a council and him but yeah you are absolutely right CarrieAnn that's one of the possibilities. Clerk said, we can run numbers on it. Attorney Sherar said, Donna you need to make sure that our insurance carrier knows that we have picked up that. I don't know how our

policy gets written but if its something they consider then we need to let them know that we've picked that up. Clerk will check. Mayor said, since I've been on the Council since 2009, besides what we're contracted to do the maintenance dept. has always gone to both of our North and South signs. Not to the extent that we're going to contract for, but we always went and did a couple of swipes on both sides of the road just to make the Town look good. Mayor asked for any questions from anybody not on the Council. None. Mayor took a roll call vote and it was unanimously approved.

Clerk read aloud Form 8B Memorandum for Voting Conflict for County, Municipal and other Local public officers. Councilwoman Evans has signed form 8B in order for her to abstain from voting on Ordinance 2020-5. One was signed for 6/18/20 and one for tonight 6/29/20. I did email it out to you all as required by the instructions.

Second reading of Ordinance 2020-5, An Ordinance of the Town of Pomona Park Florida authorizing the Mayor to sign a deed and any other documents necessary transferring ownership of town owned property.

Councilman Griffin moved for a second reading of Ordinance 2020-5 and Councilwoman Mead seconded it. Mayor asked for questions from the Council. Councilwoman Evans said, do we have everything that we needed to have accomplished from the last meeting? Attorney said, the big issue at the last meeting was whether or not there's any encumbrances on the property. Cathy sent over some paperwork from the bank. You may or may not be aware that her property actually has 2 different parcel numbers. Pursuant to the stuff that was sent to us, the mortgage on the bank is only on the parcel that has the building. The actual store does not deal with this part of the parcel but pursuant to paragraph 10 of the contract, even though we are getting Quit Claim Deeds, they still have to deliver it to us free and clear of encumbrances. I spoke with Cathy's attorney today, I actually sent him an email. He responded that Warren Wilhite is doing the title work and is going to verify that there are no liens and encumbrances. Therefore, what we should do is until we get that title report, I mean if you want to go ahead and sign the deed if this passes we can do that but that the delivery of the deed won't actually be done until that lien and encumbrance title report comes back from Warren. If its clean, we would deliver Warren our deed, she deliver her deeds, Krupski's deliver their deeds. Warren will record them and distribute them. I doubt that anything is going to come up but if something comes up or there's a lien or encumbrance out of that title report we'll deal with that before we exchange deeds. Councilwoman Linkswiler asked, who is doing the title work for the Krupski's property. Clerk said, Warren Wilhite. Attorney said, that's a good point Lynda, we keep talking about Cathy but there is that little strip that goes down there that Kelly owns, and I will send an email to Isaac because I don't want to assume that everybody included that but I will bring that out to him that the Krupski portions of the property also have to be researched. Cathy Sheffield said, Warren Wilhite is doing title work on the Krupski part that is coming to the Town. He actually hit a hiccup today so that's not 100% done. He's also will do title work for Hills Hardware for those parcels that are coming to the Town. It just did not get done. I do have with me tonight, he's got all the deeds prepared. I can leave them with you for anybody to review. They are ready to be signed but the title work should be forthcoming I hope in the next couple of days. Attorney said, as soon as we get that title work done we should be ok. You said that Cathy and I understand that. I'll still send something to Isaac just to make sure. I don't want anything to drop through a crack. Cathy said, that's fine. Councilman Warren said, on the other hand we've already got a

lot of work for a couple of years and I think we should make sure that the title work and everything is present and accounted for. The next Council meeting isn't that far away that we couldn't hold the document and sign it then. Attorney said, well the way the contract is written, there's a condition of the contract in paragraph 10 that says its got to be free and clear of all encumbrances, so at this point, what you guys are doing is you are approving the contract and you're approving the exchange so you need to vote on it tonight and basically it will become self-executing at that point. If there is a lien or encumbrance on any of the properties it has to be cleared up as a condition pursuant to the contract. I know you're concerned Dr. Warren about making sure everything is done right but believe me, I'd be the first one to sit there and say push this thing off but I don't think that you really need to because the contract, the terms of the contract have to be met. Councilman Warren said, I'm still a little uncomfortable with that. Attorney said, its up to you guys to make a Motion to defer action until the next meeting and it would still be the second reading or you could go ahead and vote on it tonight and the contract would control that. I understand what you're saying Doc. That's the procedural way to do it if you want to do it you'd make a Motion. Councilwoman Linkswiler said, well if there's liens or encumbrances it can't be signed so that takes care of it. Mayor said, that's true. Councilman Warren asked what anyone else thinks. Mayor said, Doc I understand but hold on a second. Can I please get a Motion here to accept this? Attorney said, Doc if you want discussion you would have to make a Motion to defer action until the next meeting. Councilman Warren made a Motion to Defer Action until the next meeting. There was no second and the Motion died. Mayor asked for a Motion to accept Ordinance 2020-5. Councilman Griffin made a Motion to accept Ordinance 2020-5. Attorney said, we had a Motion, a second and discussion. At this time you call the question on the Motion. The Chairman calls the question on the... Mayor said, that's what I was doing and then Doc had a question and then he had a Motion that didn't pass, so if there's no more questions on the original Motion to accept Ordinance 2020-5, I will call the vote now. Mayor did a roll call vote with 5 yays and seat 1 nay, the Ordinance is passed.

Clerk said Craig and I had a discussion today about the zoning letter for Hills and that the zoning letter should not be approved until after the deeds are signed and the title work is received. Attorney said, right because until the deeds are signed and recorded, the property doesn't meet zoning. Cathy said, Craig let me plead my case. My building is going to be delivered here tomorrow. It is going to sit on the ground until we can pull permits. I can't pull permits without the zoning letter. It is obvious to me and to the Council that if I don't get clear title then we're just going to have to back up 10 steps and redo. Which we don't want to, we will if we have to but I foresee no problems that we will not get clear deeds. We will not start this process obviously until we get these deeds recorded. I've got the deeds with me tonight which I have no problem leaving here at the Town Hall for review, questions, whatever. At least let me have that zoning letter because its going to take up to 2 weeks at the Town permit office for them to even approve and once they approve, I'm hopeful that all this will be resoled and if it is not, then I realize we need to wait till these deeds are signed but once those deeds are signed and you've got title this should all fall in place I hope within a week at the most. Attorney said, Cathy let me ask you this. Do you have the plans done for the building or are you still waiting on the plans. Cathy said, you've got the plans Craig, those were emailed over a couple of weeks ago, so the plans are in the possession of the Town of Pomona Park, the building plan and the site plan are in your possession now. Clerk said, they were emailed out to the Council as well. Attorney said, I don't know if I got a copy of those. The full building plans? Clerk said, yes sir. Attorney said,

did I get them? Clerk said yes. Cathy said, it's a 60'x100' building that will pretty much run parallel to our existing barn. We've got to leave our existing barn up while we construct because we have no room to put product out from under the barn. If it takes 2 weeks to permit it at the Board of County Commissioners office. We're looking at middle July and then we call in a concrete crew that will build a retaining wall or the footers and the footings and that's going to take about another 2 weeks. No I'm sorry about another week, so the construction of the building is still a good 3 weeks out assuming that you will give me a zoning letter in the morning if not tonight, but I feel sure that this title stuff should be done. I talked to Warren today. He needed to discuss a couple of things with the Krupski's that he came across and I think once they figure out whatever that's about, he should be able to give us what you need and you're welcome to talk to him. I know he's been in communication with you Craig, I'm not sure. Attorney said, the zoning letter is really your (Clerk) call because you're the land official, the zoning official for the Town. Clerk said, I'm going to pass this one on to the Council to say I'd like to have a vote for them to tell me to do it. If they want me to do it I will do it but I'm not going to do it on my own. Mayor said, alright Council, you've been listening to what's going on so hopefully this will be the last vote. Attorney said, I would like to say this because if you all are inclined to do it, I would say that it needs to be conditional and when Donna sends the zoning letter over to the County it needs a notation on it that before the County finalizes it, it's a conditional zoning letter and they need to call her to see whether or not the conditions have been met. If you think its going to be 2 weeks on getting the permit, that should be the 2 weeks we need to get this done. By then the condition would be met and she could go forward. If in 2 weeks the condition hasn't been met the permit would be held up until the condition is met. That would be, I don't like doing a conditional but at least it would be a way to keep things moving and ensure that if something goes wrong we have a way to hold things up until things get corrected and gets cleaned up. Mayor said, Craig listen, let's do this because this is getting confusing to the layperson. You verbally state what the Motion should be, I will ask at that point if anybody will own it. Clerk said and it has to include you reviewing it, you will need to review it tomorrow. I'll send it to you immediately after this meeting to make sure you have it. Attorney said, ok I'm going to do this slow Donna. It's a Motion for Resolution of the issuance of a conditional zoning letter on the Hill project and put in there whatever your reference number is. The City Clerk is directed to issue a conditional zoning letter for whatever the proper name is on the property. The condition of the issuance of the final building permit is that all deeds for the land swap contained in Ordinance 2020-5 must be exchanged and recorded. The Clerk shall contact Putnam County Building Dept and instruct them not to issue the final permit without written authorization from the Town Clerk that all conditions of Ordinance 2020-5 have been met. Councilwoman Linkswiler said I would claim that Motion. It was seconded by Councilman Griffin. Mayor asked for anymore discussion then took a roll call vote. It was approved with 5 yays and 1 nay (Seat 1). Mayor said, thank you Council. Cathy said, I would like to thank you. I know what a ordeal this has been but I can't begin to tell you how much we appreciate your efforts. We really do and you'll be proud of the building you see get erected, believe me. It'll will be first class and I would invite all of you to come see it once we get construction completed. I would like to invite all of you to come see it once we get construction completed. Mayor said, and there will be a Hills, once it's done, Hills will be supplying the Council with a roast beef dinner. Mayor said, I'm only kidding. Thank you Council. It's been a lot of hard work but we finally made it after what Craig, 3 ½ years? Craig said, yes.

Councilwoman Evans made a Motion to adjourn.

Meeting adjourned at 6:04 pm.



Two handwritten signatures in blue ink. The top signature is 'Joseph Sampaio' and the bottom signature is 'L. Fontana'.

