

PALMETTO CITY COMMISSION  
JUNE 2, 2008 - 7:00 PM

*PLEDGE OF PUBLIC CONDUCT*  
*We may disagree, but we will be respectful to one another.*  
*We will direct all comments to issues.*  
*We will avoid personal attacks.*

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516 8th Avenue, West  
Palmetto, Florida

(941) 723-4570  
[www.palmettofl.org](http://www.palmettofl.org)

**Larry Bustle, Mayor**

**Commission Members**

**Tambra Varnadore, Vice Mayor, Commissioner, Ward 2**  
**Eric Ball, Commissioner-at-Large 1**  
**Tamara Cornwell, Commissioner-at-Large 2**  
**Mary Lancaster, Commissioner, Ward 1**  
**Brian Williams, Commissioner, Ward 3**

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*Anyone wishing to speak before the Commission must sign in and be sworn-in prior to the meeting, stating name, address and topic to be addressed. All comments will be limited to two minutes.*

Invocation and Pledge of Allegiance to the United States Flag.

Swearing-in of all persons speaking to Commission.

PROCLAMATION:

PUBLIC COMMENT (non-agenda items): Comments will be limited to two minutes.

ORDER OF BUSINESS:

**1. AGENDA APPROVAL**

**Action Request: Motion to approve the June 2, 2008 7:00 agenda.**

**2. CONSENT AGENDA**

A) Minutes: May 19, 2008 (TAB 1)  
B) Special Function Permit: Sickle Cell Anemia Event (TAB 2)  
Praise & Deliverance Ministries International (Youth Picnic)

**Action Request: Motion to approve the June 2, 2008 Consent Agenda.**

**3. PUBLIC HEARING: ORDINANCE 08-969 (B. Schmitt)** (TAB 3)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (AN-08-04 – Christopher & Tanya Lukowiak. PID # 2607800109, approximately 0.44 acres).

**Open public hearing. Close public hearing after public comment.**

**Action Request: Motion to adopt Ordinance No. 08-969.**

4. PUBLIC HEARING: ORDINANCE NO. 08-970 (B. Schmitt) (TAB 4)  
AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM RES-6 – RESIDENTIAL 6 UNITS PER ACRE (COUNTY), TO – RES-6, RESIDENTIAL 6 UNITS PER ACRE (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-08-04 Christopher & Tanya Lukowiak., PID # 2607800109, approximately 0.44 acres).

**Open public hearing. Close public hearing after public comment.**

**Action Request: Motion to adopt Ordinance No. 08-970.**

5. PUBLIC HEARING: ORDINANCE NO. 08-971 (B. Schmitt) (TAB 5)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM RSF-4.5 (Residential Single Family-4.5 units per acre) (County) TO RS-2, Residential Single Family-4.36 units per acre (City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-08-04, Christopher & Tanya Lukowiak., PID # 2607800109, approximately 0.44 acres).

**Open public hearing. Close public hearing after public comment.**

**Action Request: Motion to adopt Ordinance No. 08-971.**

6. DEMOLITION OF 9<sup>TH</sup> AVENUE WEST PROPERTIES (T. Lukowiak) (TAB 6)  
Approval of Commission's information action on April 28, 2008, to demolish the vacant buildings assembled for a potential elementary school. Manatee County School Board has agreed to reimburse the City the demolition expense and the CRA Board has approved the demolition.

**Action Request: Motion to ratify City Commission informal action of April 28, 2008, approving the demolition of properties located at 835, 835A, 821, 821.5 and 823 9<sup>th</sup> Avenue, West, in an amount of \$18,850.**

7. RESOLUTION NO. 08-17 (J. Freeman) (TAB 7)  
Budget amendment to fund tax abatement payments to Albertson's for tax years 2005 and 2006.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 07-39, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2007-2008, AND PROVIDING FOR AN EFFECTIVE DATE.

**Action Request: Motion to adopt Resolution No. 08-17.**

8. APPROVAL: APPOINTMENT OF COUNSEL FOR SPECIAL PROJECT AND EMPLOYMENT LAW ADVICE (M. Hall) (TAB 8)

Formalization of appointment of Wendy Smith of Fisher & Phillips LLC as special counsel regarding legal issues related to background testing of current and prospective employees, vendors and licensees. Commission discussed and concurred with this appointment at the May 19, 2008 meeting.

**Action Request: Motion to approve the appointment of Wendy Smith of Fisher & Phillips for Special Project and Employment Law Advice, with terms as set forth in the letter of engagement dated May 27, 2008.**

9. APPROVAL: FDOT HIGHWAY LIGHTING, MAINTENANCE AND COMPENSATION AGREEMENT (C. Lukowiak) (TAB 9)

Annual renewal contract for maintaining agencies of street lights on state roads.

**Action Request: Motion to approve and authorize the Mayor to execute the FDOT Highway Lighting, Maintenance and Compensation Agreement, AM860.**

10. APPROVAL: FINANCIAL POLICIES (J. Freeman – Carried forward from the 4:00 meeting)

A) RESOLUTION NO. 08-18 (FUND BALANCE POLICY)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, TO ESTABLISH A POLICY PERTAINING TO THE RESERVING OF FUND BALANCE FOR PURPOSES OF ENSURING THE FINANCIAL STABILITY OF THE CITY.

**Action Request: Motion to adopt Resolution No. 08-18.**

B) RESOLUTION NO. 08-19 (DEBT POLICY)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, TO ESTABLISH A POLICY PERTAINING TO THE ISSUANCE OF DEBT FOR PURPOSES OF ENSURING THE FINANCIAL STABILITY OF THE CITY.

**Action Request: Motion to adopt Resolution No. 08-19.**

11. BABCOCK/EWING APPEAL OF CODE ENFORCEMENT FINE

(Carried forward from 4:00 meeting)

**Action Request: Commission decision on the status of the outstanding Code Enforcement lien.**

12. 1<sup>st</sup> READ & ADVERTISING APPROVAL - ORDINANCE NO. 08-972

(Carried forward from 4:00 meeting.)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO DESIGNATE THE ZONING OF THE PROPERTIES DESCRIBED IN EXHIBIT "A" AS PDMU (PLANNED DEVELOPMENT-MULTI-USE); AMENDING THE ZONING MAP OF THE CITY OF PALMETTO PERTAINING TO THE PROPERTIES DESCRIBED HEREIN; APPROVING AN AMENDED GENERAL DEVELOPMENT PLAN FOR THE PROPERTIES DESCRIBED HEREIN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 05-08 Sanctuary Residential Partners, LLC/Sanctuary Development Partners East, L.L.C./Sanctuary Development Partners, L.L.C./Manatee Island Partners, LLC, PID # 1015725159, # 1015725259, # 1015725209, # 2607800159, # 1016400359, and # 1016400409, approx. 227.52 acres).

**Action Request: Motion to approve Ordinance No. 08-972 for advertising and schedule a public hearing June 16, 2008.**

13. 1<sup>st</sup> READ & ADVERTISING APPROVAL - ORDINANCE NO. 08-973

(Carried forward from 4:00 meeting)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO DESIGNATE THE ZONING OF THE PROPERTIES DESCRIBED IN EXHIBIT "A" AS PDMU (PLANNED DEVELOPMENT-MULTI USE); AMENDING THE ZONING MAP OF THE CITY OF PALMETTO PERTAINING TO THE PROPERTIES DESCRIBED HEREIN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0803, Sanctuary Development Partners, L.L.C. PID # 2607800159, approx. 1.15 acres).

**Action Request: Motion to approve Ordinance No. 08-973 for advertising and schedule a public hearing June 16, 2008.**

14. 1<sup>st</sup> READ & ADVERTISING APPROVAL - ORDINANCE NO. 08-974

(Carried forward from 4:00 meeting)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO DESIGNATE THE ZONING OF THE PROPERTIES DESCRIBED IN EXHIBIT "A" AS PDMU (PLANNED DEVELOPMENT-MULTI USE); AMENDING THE ZONING MAP OF THE CITY OF PALMETTO PERTAINING TO THE PROPERTIES DESCRIBED HEREIN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0802, Sanctuary Development Partners East, L.L.C. and Sanctuary Residential Partners, LLC, PID # 1016400359 and # 1016400409 respectively, approx. 8.44 acres).

**Action Request: Motion to approve Ordinance No. 08-974 for advertising and schedule a public hearing June 16, 2008.**

15. DISCUSSION: CDD CONFLICT RESOLUTION (M. Hall)

(TAB 10)

Commissioner Williams has requested Commission discuss who will attend the Palms of Terra Ceia Conflict Resolution meeting.

RESOLUTION NO. 08-20

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA PERTAINING TO CONFLICT RESOLUTION PROCEEDINGS WITH THE PALMS OF TERRA CEIA COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INTENT; DESIGNATING REPRESENTATIVES TO PARTICIPATE IN AN INITIAL CONFLICT ASSESSMENT MEETING; PROVIDING FOR AUTHORIZATION; SUPERSEDING RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Action Request: Motion to adopt Resolution No. 08-20.**

16. DISCUSSION: BUDGET MEETING SCHEDULE (J. Freeman)

(TAB 11)

17. DEPARTMENT HEADS' COMMENTS

18. MAYOR'S REPORT

19. COMMISSIONERS' COMMENTS

20. PUBLIC COMMENTS

Anyone wishing to speak before the City Commission must complete the Speakers Card and be sworn in prior to the meeting, stating name, address, and topic to be addressed. All comments will be limited to two minutes.

21. ADJOURNMENT

If any person desires to appeal any decision of the City Commission or of any other Board of the City, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

The City of Palmetto does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services. Handicapped individuals may receive special accommodation in services on one working day's notice (F.S. 286.011[6]). Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act should contact the City Clerk at 941-723-4570, fax 941-723-4576 or e-mail [jfreeman@palmettofl.org](mailto:jfreeman@palmettofl.org) or [dponder@palmettofl.org](mailto:dponder@palmettofl.org).

POSTED:        MAY 28, 2008