

Tab 1

**APPROVAL OF THE AUGUST 11, 2008
P&Z MEETING MINUTES**

CITY OF PALMETTO
PLANNING AND ZONING BOARD
516 8TH Avenue West
Palmetto, Florida 34221

MEETING MINUTES
AUGUST 11, 2008 – 6:15 P.M.

BOARD MEMBERS PRESENT

Barbara Jennings, Chair
Michael Burton, Vice Chair
Jon Moore
Charlie Ugarte

Robert Smith
Ed Bennett
Devin Harms

ALTERNATE BOARD MEMBERS ABSENT

Emilio Morales

SCHOOL BOARD APPOINTEE ABSENT

Mike Pendley

STAFF AND OTHERS PRESENT

Bob Schmitt	Michelle Hall
Ken Hawkins	David Bishop
Linda Butler	Lauralee Westine

The regular meeting of the Palmetto Planning and Zoning Board was called to order by Chair Jennings, in the Palmetto City Hall Commission Chambers, 516 8th Ave. W., Palmetto, Florida at 6:15 p.m. pursuant to notice being sent to the public and the Board members in accordance with Palmetto's City Code.

Bob Schmitt, Ken Hawkins, Michelle Hall, Lauralee Westine, Charlie Ugarte, and David Bishop are sworn in.

ORDER OF BUSINESS

1. Approval of Minutes for the July 14, 2008 meeting.

MOTION: Mr. Ugarte moved and Mr. Burton seconded the motion to approve the July 14, 2008 meeting minutes.

Ms. Hall asked for clarification of the following statement on page 2 of 5, condition number 2, "Elevation will be brought to this board" and also

stated the word "Variance" should be changed to LDC modification. Mr. Schmitt stated the applicant have not completed the elevations at this time but will bring them back before the board for representation only, just as a courtesy, not for approval. Changes were accepted into the motion and the second. **MOTION CARRIED UNANIMOUSLY.**

2. Palmetto Riverside Bed & Breakfast GDP-08-01

Mr. Ugarte recused himself, with a conflict of interest, as an architect working on the project.

Chair Jennings opened the public hearing.

Mr. Schmitt provided a staff report to Board members and the public and reiterated what was stated at the July 14, 2008 meeting. The property was formerly a Bed and Breakfast, and at one time had guest cottages on the property.

This is a two phased project. There are currently five (5) bedrooms in the structure. The applicant proposes the construction of an architecturally compatible, additional wing to the home on the west side, with four (4) additional rooms, the reinstallation of a pool, and the addition of a pool deck. The second story of the new wing will house the owner's family. The second phase of the property includes the conversion of the 2nd floor owner's quarters to three (3) additional guest rooms, once the owner completes the construction of his new single-family home on the lot just north of the site, which he also recently purchased.

A LDC modification includes the allowance of on-street parking. As PDMU property, there is no restriction on the number of guest rooms that are allowable.

The applicant's representatives (David Bishop and Charlie Ugarte, Ugarte and Associates) presented the General Development Plan to the Board and answered questions.

Chair Jennings questioned the use of the dock and the dock access on the property. Mr. Ugarte stated the dock was done when it was owned by the Browns as a single family resident and will remain as part of the Bed & Breakfast, the use at this time is not clear.

Mr. Burton stated the applicant should be advised that if the dock was constructed and authorized for proprietary use by DEP for residential use for a single family resident it is not authorized for commercial use. Mr. Burton stated he is not sure if it is a City of Palmetto land use issue but it is a State proprietary use of submerged land issue.

Ms. Hall asked for clarification of staff recommendation on page 5, number 1, "A parking and sidewalk easement shall be provided for the area located on the private property adjacent to 11th Avenue West where the parking and sidewalk is located". Are we going to give the applicant exclusive easement for parking? Mr. Schmitt stated the easement has to be for pedestrian and parking, anyone can park in the spaces, it is not restricted.

Chair Jennings closed the public hearing.

MOTION: Mr. Burton moved to approve the Palmetto Riverside Bed & Breakfast GDP-08-01 with staff recommended conditions. Mr. Smith seconded. **MOTION CARRIED UNANIMOUSLY.**

3. T-Mobile South, LLC. CU-08-04

Mr. Bennett recused himself as a member of the Terra Ceia CDD.

Chair Jennings opened the public hearing.

Mr. Schmitt provided a staff report to Board Members and the public. T-Mobile is cellular (cell) communication provider in need of an antenna in northwest Palmetto. The area currently has limited cell service. The request is for three (3) cell antennas to be located on the top of the Estuaries II condominium building located at 2625 Terra Ceia Bay Boulevard.

Ms. Lauralee Westine, the applicant's representative, presented the conditional use permit to the Board and answered questions. Ms. Westine stated the antennas shall be located 9.5 feet above the existing height of the roof. The antennas and equipment shall be located behind a screen wall which shall blend with the existing building. The site will not be required to be lit and will have no commercial signage and is consistent with the Comprehensive Plan. The lease was overwhelmingly approved by the residents of the Estuaries II condominium.

Mr. Harms questioned if T-Mobile is a GSM carrier and will the new site have all the capability? Ms. Westine responded yes, T-Mobile is a GSM carrier and will have all the new capability.

Ms. Hall questioned Ms. Westine on insurance, referring to page 9, under Sec.17.16 Condition of permit issuance; does the insurance protect the city in any way? Ms. Westine stated other than on properties that are owned by cities or counties; she has never been required to provide insurance or certificates, where they are not the landlord. Ms. Westine stated if required by the City, she would look into adding the city's name.

Mr. Bennett was sworn in.

Mr. Bennett stated the condominium building is post tension cable construction and questioned Ms. Westine regarding coverage of the cables if damaged. Ms. Westine responded yes they are covered. The building engineer provided the layout and all cables were identified.

Chair Jennings closed the public hearing.

MOTION: Mr. Ugarte moved to approve the T-Mobile South CU-08-04 with all staff recommendations. Mr. Harms seconded. **MOTION CARRIED UNANIMOUSLY.**

4. Old Business:

- Mr. Schmitt stated staff will be scheduling a meeting with the appropriate parties regarding CAD drawing.
- Code Enforcement made a visit to Steve Covey's Trailer Sales regarding parking of trailers on right-of-way. If problem continue Code Enforcement will take action.
- Mr. Moore questioned the status of the sandpile off US 41/& 7th St E, near the Civic Center. Mr. Schmitt stated he would follow-up and report back.
- Chair Jennings questioned if there are any specific plans or time frame for the extension of 7th Street. Mr. Schmitt stated staff is communicating with Manatee County to get this project completed. Ms. Hall stated over the last 3 years there has been a lot of cooperation taken place between the Civic Center, MPO,

FDOT, Manatee County Commissioners and others. Trying to coordinate with all the participating parties are problematic.

- Mr. Harms stated in light of the recent case that happened at Pride Park in Manatee County we should invite Mrs. Lukowiak to come back at an appropriate time to give the Board an update on funding or grant money available to improve the safety aspect of the rest rooms at the Green Bridge.
- Mr. Moore also requested inviting Mrs. Lukowiak back to give the Board an update of the Riverside Drive Study.
- Ms. Hall offered to provide the Board Members with guidelines regarding the difference between performing as a Board of Adjustment Member and Planning & Zoning Member.

5. New Business:

None

6. Adjournment: 7:05 pm

MOTION: the Board unanimously moved to adjourn the meeting. Next Planning and Zoning Board meeting will be held on August 11, 2008.

Barbara Jennings, Chairman

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>UGARTE CARLOS D.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>PLANNING AND ZONING</i>
MAILING ADDRESS <i>4349 Avenue W.</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Palmetto</i>	NAME OF POLITICAL SUBDIVISION: <i>City of Palmetto</i>
DATE ON WHICH VOTE OCCURRED <i>8/1/18</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE
COUNTY <i>MANATEE</i>	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, CARLOS D. UGARTZ, hereby disclose that on AUGUST 11, 2008:

(a) A measure came or will come before my agency which (check one)

inured to my special private gain or loss;

inured to the special gain or loss of my business associate, _____;

inured to the special gain or loss of my relative, _____;

inured to the special gain or loss of Wim Lippens, by whom I am retained; or

inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

8/11/8
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>RENNETT K S C.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>PLANNING & ZONING BO. CITY OF PALMETTO.</i>
MAILING ADDRESS <i>2625 TERRACE BAY BLVD # 701</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>PALMETTO MANATEE</i>	NAME OF POLITICAL SUBDIVISION: <i>CITY OF PALMETTO.</i>
DATE ON WHICH VOTE OCCURRED <i>08. 11. 2008.</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, EDWIN C. BENNETT, hereby disclose that on August 11., 2008:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I AM A RESIDENT OF 2625 TERRA CEIA BOY BAY KNOWN AS ESTUARIES II. THE INSTALLATION OF CELL ANTENNAS BY T. MOBILE ON THE ROOF OF THE BUILDING AND THE LEASE FEE BEING PAID MATERIALLY BENEFITS ALL OWNERS INCLUDING MYSELF

August 11, 2008
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.