

Palmetto City Commission
June 19, 2006 7:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor
Mary Lancaster, Vice Mayor
Eric Ball, Commissioner
Tamara Cornwell, Commissioner
Brian Williams, Commissioner

Elected Officials Absent:

Tambra Varnadore, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk
Chris Lukowiak, Public Works Director
Chief Garry Lowe
Michele Hall, City Attorney
Ric Hartman, Planning Supervisor/Zoning Administrator
Deanna Roberts, Administrative Assistant

Mayor Bustle called the meeting to order at 7:00 p.m. He opened the meeting with an invocation followed by the Pledge of Allegiance.

Mayor Bustle presented a Certificate of Recognition to Code Enforcement Officer Jeff Hale for Meritorious Service. Mr. Hale rescued a toddler from the train track before the train passed.

All persons wishing to speak before City Commission at the meeting were sworn in.

1. AGENDA APPROVAL

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and the motion carried unanimously to approve the June 19, 2006, 7:00 PM agenda.

2. CONSENT AGENDA

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried unanimously to approve the June 19, 2006, Consent Agenda.

3. PUBLIC HEARING: SANCTUARY COVE GENERAL DEVELOPMENT REVISION (R. Hartman)

Mayor Bustle opened the Public Hearing. Bill Galvano, Esq., representing Sanctuary Development Partners, LLC, urged the Commission to approve the minor revisions, as there are no substantial changes. Without further public comment the Public Hearing was closed.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and the motion passed unanimously to approve the minor revisions to Sanctuary Cove General Development Plan #0503, pursuant to the General Development Plan dated May 18, 2006.

4. PUBLIC HEARING: ORDINANCE NO. 06-885 (C. Lukowiak)

Ordinance No. 06-885 amends the 2005-2006 Capital Improvement Plan by deleting the 35th Avenue West infrastructure and paving project from the Plan and reallocating the budget of certain other projects, pursuant to Resolution No. 06-21.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF THE CITY'S CAPITAL IMPROVEMENTS PLAN FOR FISCAL YEAR 2005/2006; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle opened the Public Hearing. There being no public comment, the Public Hearing was closed.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and the motion passed unanimously to approve Ordinance No. 06-885.

5. RESOLUTION NO. 06-21 (J. Freeman)

Resolution No. 06-21 reallocates the approved 2005-2006 CIP budget line items.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO 05-51, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2005-2006, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Mr. Williams seconded and the motion passed unanimously to adopt Resolution No. 06-21.

6. PUBLIC HEARING: SPECIAL FENCE PERMIT FOR 120 7TH ST W (R. Hartman)

Applicant seeks a special fence permit that will allow the construction of a maximum six-foot high fence in the front setback from the face of the existing structure to the right-of-way and along the front property line of 120 7th Street West.

Mayor Bustle opened the Public Hearing. There being no public comment, the Public Hearing was closed.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and the motion passed unanimously to approve Special Fence Permit 0602 for Nickolaos Sfirakis, 120 7th Street West.

7. ACQUISITION OF THE OLYMPIA THEATER (M. Hall)

On May 15, 2006, City Commission directed staff to attempt to negotiate a friendly purchase of the Olympia Theater, which has been unsuccessful. Resolution 06-16 establishes the necessity for eminent domain proceedings and Resolution No. 06-77 authorizes use of "quick taking" condemnation proceedings for the public use and public purpose relating to Olympia Theater.

The Mayor offered an opportunity for Mr. and Mrs. Jarvis and/or their attorney to make a two minute presentation on the agenda item. Then, anyone else wishing to address City Commission was invited to speak, if they offered new information and had been duly sworn.

Ricinda Perry, Esq., Lewis, Longman & Walker, representing the Jarvis', said, as she sees it, the City has presented two options, one is the quick-take of the Olympia Theater and the second is to allow the Jarvis' to remain the owners of their real property known as the Olympia Theater. She proposed a third option which she sent to the city attorney on June 16, 2006. She proposed that the city enter into a legally binding agreement with the Jarvis' to promptly open the theater and create a forum to serve as a cultural, entertainment and educational center. She said eminent domain should be an absolute last resort and if the city pursues it they will use every legal tool to defend against it.

Robert Atkins addressed Commission and said he is in possession of a contract for the potential purchase of the Olympia Theater from the Jarvis trust. He is reluctant to execute the purchase based upon the City's pending litigation. He is prepared, in a joint venture with partners in Chicago, to bring the Phoenix Project to Palmetto and open a live professional theater at the Olympia Theater. He is willing to purchase from the Jarvis', or if it is taken by the City, to enter into a joint venture with the City.

Richard Pelton, 1600 13th Avenue West, addressed Commission to speak on behalf of the Jarvis'. He said he taught at Manatee School of the Arts for one year. He sees the vision that the Jarvis' have. He has

offered to help the Jarvis'. A lot of kids come to the Saturday night Backstage theater events. It is a great venue for the kids. He hopes the City will do something with the Jarvis' and he will support it 100 percent.

Mayor Bustle read a statement which is attached as a permanent record to these minutes. His conclusion in the statement was that it best serves the public in the City of Palmetto for the city to own and manage the Olympia Theater. He recommended that the City send an offer to purchase the property for \$600,000.00.

Commissioner Ball said he agreed with the Mayor's statement. He commented that the taking of the Olympia Theater is for a public purpose. The City would have initiated the action irrespective of the final decision of the Manatee Players. He is excited about the potential uses for the center: arts and culture, high school plays, graduations, etc. He thinks the City should move forward.

Attorney Hall stated that over the last ten years the City has provided grants to help the Jarvis' and this action is a last resort. The city identified the public need over ten years ago and has been very patient with the Jarvis'. Their history is reason for not entering into an agreement with them.

Commissioner Williams invited speakers at tonight's meeting to stay involved regardless of the outcome.

RESOLUTION NO. 06-16

A RESOLUTION OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF ACQUIRING AND CONSTRUCTING A CITY BUILDING/MUNICIPAL AUDITORIUM IN THE CITY OF PALMETTO, FLORIDA.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion passed unanimously to adopt Resolution No. 06-16.

RESOLUTION NO. 06-17

A RESOLUTION AUTHORIZING USE OF "QUICK TAKING" CONDEMNATION PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF ACQUIRING AND CONSTRUCTING A CITY BUILDING/MUNICIPAL AUDITORIUM IN THE CITY OF PALMETTO, FLORIDA; PROVIDING AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion passed unanimously to adopt Resolution No. 06-17.

MOTION: Commissioner Ball moved, Mrs. Lancaster seconded and the motion passed unanimously to authorize the Mayor to send an offer to purchase the Olympia Theater from the owners in an amount Not-To-Exceed \$600,000.

8. CRA REAL ESTATE TRANSACTIONS (T. Lukowiak)

CRA seeks approval to proceed with a variety of real estate transactions.

MOTION: Ms. Cornwell moved, Mr. Ball seconded and motion passed unanimously to approve the CRA Real Estate Actions as presented and attached to and made a part of the minutes of this meeting.

9. RESOLUTION NO. 06-22 (Ric Hartman)

Resolution No. 06-22 approves and authorizes staff to provide the Department of Community Affairs the major issues to be addressed during the EAR process, and provide the Scope of Services the City Commission previously approved for the preparation of the EAR.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, APPROVING MAJOR ISSUES AND SCOPE OF WORK FOR THE EVALUATION AND APPRAISAL REPORT ON THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and the motion passed unanimously to adopt Resolution No. 06-22.

10. RESOLUTION NO. 06-20 (J. Freeman)

The City's impact fee ordinance allows water and sewer impact fees to be used for the expansion of the reclaimed water system. Resolution No. 06-20 authorizes the Mayor to execute a Note Modification Agreement with Bank of America to re-amortize the 2004 loan.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING A NOTE MODIFICATION AGREEMENT WITH BANK OF AMERICA; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Mr. Williams seconded and motion passed unanimously to adopt Resolution No. 06-20, in an amount Not-To-Exceed \$1, 603, 548.00.

Commission authorized a pay down on the 2004 Bank of America loan using impact fees. Mr. Freeman advised Commission that the amount of the pay down in the back up package was incorrect and the correct amount of the pay down is \$1, 603,548.00, based on updating the interest rate calculation.

11. GLOBAL MODULAR CONCEPTS CONTRACT APPROVAL (C. Lukowiak)

On June 5, 2006, Global Modular Concepts, Inc. presented information on autoclaved aerated concrete, a new material to be used in the construction of the Public Works break room.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion passed unanimously to approve and authorize the Mayor to execute the contract with Global Modular Concepts, LLC in an amount not to exceed \$20,716 and authorize a PO in an amount not to exceed \$17,000 for materials and equipment to complete the Public Works break room.

12. AWARD OF BID (C. Lukowiak)

An invitation to bid was published April 17, 2006 for the replacement of planters and benches on the Green Bridge Fishing Pier.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion passed unanimously to award the Green Bridge Fishing Pier planters and benches bid to Petersen Manufacturing Company, Inc. in an amount not to exceed \$28,236.

Mr. Williams asked if the brick used in the planters was from reclaimed bricks from 8th Avenue. He wants to make sure that bricks are retained/used and not disposed of. The Historical Park might be able to use them.

13. DEBRIS MANAGEMENT CONTRACT APPROVALS (C. Lukowiak)

On October 3, 2005, City Commission approved, and the City entered into, an Interlocal Agreement Relating to Intergovernmental Cooperation for Effective Post-Disaster Debris Management and Debris Site Monitoring. As a general condition of the interlocal agreement, the City was to enter into parallel contracts with the multiple contractors Manatee County had contracted with pertaining to debris management. These contracts represent the completion of the general condition of the interlocal agreement and provide two additional debris management contractors.

MOTION: Mr. Williams moved, Mr. Ball seconded and motion passed unanimously to approve and authorize the Mayor to execute the Utility Engineering/Architectural Services Agreement with Post, Buckley, Schuh & Jernigan, Inc and the Debris Management Services Agreements with Ashbritt, Inc., Phillips & Jordan, Incorporated, Crowder/Gulf Joint Venture and DRC, Inc.

Discussion: Mr. John Barnott, Manatee County, addressed Commission and said it was a pleasure to work with Mayor Bustle, Chris Lukowiak and staff and Michele Hall on the interlocal agreement. Their cooperation was outstanding. The county has come up with a Debris Monitor position. This is an OPS position, part time as needed. The position is being advertised with police and fire departments among others. FEMA has reviewed and it is now being copied around the country. It gets local people involved in the process. The pay is reimbursed by FEMA and it keeps the dollars at home and local people

employed. Commissioner Cornwell said the City of Palmetto is usually one of the first to complete debris removal. How will this agreement impact Palmetto? Mr. Barnott said it just gives Palmetto more flexibility. The County will only assist if asked to do so and can initiate action with any one of the contractors. In major catastrophes cities have enough to do and these contractors can be called in. A task force will determine where to focus the contractors. No one will be ignored and with all the contractors in place the county feels it has everything covered. Mr. Williams mentioned the City's contract with Grubbs and Waste Management. Mr. Barnott said there will not be a conflict. If Mr. Lukowiak wants to call in Grubbs he can do so. Ms. Cornwell said since Palmetto is surrounded by water, people have to be able to get to a medical facility if needed. Mr. Barnott said the transportation department can use the contractors to clear the major roads to get people out.

14. 1ST READING & ADVERTISING APPROVAL - ORDINANCE NO. 06-891

The General Employees' Pension Plan Board of Trustees, on the advice of the Board's counsel, recommends adoption of the proposed ordinance to incorporate recent amendments to the Internal Revenue Code which apply to tax qualified pension plans.

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 22, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-81, DEFINITIONS, BY AMENDING THE DEFINITION OF "CREDITED SERVICE"; AMENDING SECTION 22-90, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 22-95, DISTRIBUTION OF BENEFITS; AMENDING SECTION 22-102, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 22-108, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion passed unanimously to approve Ordinance No. 06-891 for advertising and schedule a Public Hearing July 24, 2006.

15. 1ST READING & ADVERTISING APPROVAL - ORDINANCE NO. 06-892

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING A MEANS OF INCREASING LOCAL ATTAINABLE HOUSING FOR MEDIAN-INCOME HOUSEHOLDS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR DEFINITIONS; PROVIDING FOR A VOLUNTARY PERIOD; PROVIDING FOR REQUIREMENTS; PROVIDING FOR DEVELOPER INCENTIVES; PROVIDING FOR PAYMENTS IN LIEU; PROVIDING FOR EXEMPTIONS, REDUCTIONS, AND WAIVERS; PROVIDING FOR ADMINISTRATION; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion passed unanimously to approve Ordinance No 06-892 for advertising and schedule a Public Hearing for July 24, 2006.

16. 1ST READING & ADVERTISING APPROVAL - ORDINANCE NO. 06-886

(Item carried forward from the 4:00 agenda)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT AMENDING CHAPTER 7, ARTICLE IV OF THE CITY OF PALMETTO CODE OF ORDINANCES TO PROVIDE FOR THE IMPOSITION OF IMPACT FEES; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR RULES OF CONSTRUCTION; PROVIDING THAT DEVELOPMENT IS PRESUMED TO HAVE THE MAXIMUM IMPACT PERMITTED; PROVIDING FOR NOTICE AND PUBLIC HEARING FOR ESTABLISHING OR INCREASING IMPACT FEES; PROVIDING FOR THE IMPOSITION, CALCULATION AND COLLECTION OF IMPACT FEES; PROVIDING FOR IMPACT FEE ACCOUNTS; PROVIDING FOR USE OF IMPACT FEE PROCEEDS; PROVIDING FOR REFUNDS; PROVIDING FOR AUDITS; PROVIDING FOR PROTESTS AND APPEALS; PROVIDING A STATUTE OF LIMITATION; PROVIDING FOR VARIANCES AND EXCEPTIONS; PROVIDING AMENDMENT PROCEDURES; PROVIDING FOR CREDITS; PROVIDING FOR CONFLICTS;

PROVIDING FOR SEVERABILITY; PROVIDING INTENT AND PURPOSE FOR IMPOSITION OF GENERAL GOVERNMENT, POLICE, PARKS AND RECREATION, AND ROAD IMPACT FEES; PROVIDING FOR ASSESSMENT OF NEW PROJECTS; PROVIDING A FEE SCHEDULE; PROVIDING FOR REPEAL OR ORDINANCES AND CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion passed unanimously to approve Ordinance No. 06-886, as revised by the city attorney, for advertising and schedule a Public Hearing July 24, 2006.

17. DEPARTMENT HEADS' COMMENTS

Chief Lowe

Regarding a K-9 dog that had been offered to the City, the K-9 dog handler has decided to keep the dog. The police department is now looking for another dog.

Jim Freeman

Florida League of Cities (FLC) requested a voting member for the FLC Conference. Without objection, Mayor Bustle will be the designated voting member, and Mr. Freeman will send in the paperwork.

Tanya Lukowiak

Gave Commission an update on the planned activities for the Independence Day celebration July 1. A Beer Garden is planned to help offset the costs of the event. There will be pony rides, a car show and bands. Mayor Bustle commented that the new owner of the Riverside Plaza has offered the first level for the Beer Garden and the upper level for a reception for City board members to have refreshments and view the fireworks. Gold Coast Distributors will provide the beer, volunteers will ID patrons and the city will share in the proceeds. The police department will provide security for the event.

Ms. Cornwell commented that she is adamantly opposed to serving alcoholic beverages as this is a family event. And, she is not happy about July 4th being celebrated on July 1. She would like for it not to happen again. July 4th should be celebrated on July 4th.

Mr. Williams said the City should have a policy that July 4th is celebrated on July 4th. Ms. Lukowiak said she will put in the application now for next year to have fireworks on July 4th.

Chris Lukowiak

Handed out the updated Hurricane Preparedness Plan. He will get a copy of the Debris Management contract to Commission once that is signed. He requested to begin negotiations with eight engineering firms instead of the seven on the RFP that he originally requested. He proposes to complete negotiations over the break and bring contracts back to Commission on July 24. Commission approved. The contract with ZNS expired in April, but he's working on a letter of agreement for an extension. JEA has an open end contract.

Ric Hartman

No comment.

Michele Hall

Reminded Mayor and Commission that the DR1 Financial Disclosure form is due July 3, 2006. Informed Commission that she will be out of town June 28 – July 12. She will be available by email, or Edward Conrad can be contacted in her absence.

18. MAYOR'S REPORT

Informed Commission that he will be leaving Thursday to go to Orlando for a combined Florida League of Cities Legislative Wrap Up meeting and a Leadership Florida convention. The MPO TRIP Priority Committee which consists of the Mayor, Commissioner McClash and Commissioner Fred Tower went to North Port with Mike Howe and met with the Charlotte County MPO to hash out priorities. (Commissioner Nora Patterson, also a member, was unable to attend.) The leading priority, and the only one which will

get funded in District 1, is the one for Manatee County: the Ft. Hamer/ US 301 section of road. The project will cost about \$13 million.

Mayor Bustle asked for input about the shirts for the Florida League of Cities Annual Conference. The consensus was to look into camp shirts.

Instead of cell phones for the Commission, he recommends VHF radios which the City already has. Cell phone range is severely limited and in a catastrophe the radios are the best way for the Mayor and Commission to stay in touch. The fire department has them available and they are always charged and ready to go.

19. COMMISSIONERS' COMMENTS

Mr. Williams

He questioned the changes to the pension plans on Item 14 on tonight's agenda. Mr. Freeman explained that those are IRS driven changes. Proposed changes to the plan will be coming to Commission on July 24 at the Workshop and that is not scheduled to be continued to the 7:00 p.m. meeting. Mr. Christiansen has been asked to be present at the Workshop to answer any questions the Commission might have.

Commended the Police Department for catching the purse snatcher.

Mrs. Lancaster

Thanked the Mayor for the very nice tree-planting ceremony for Seymore Sailes at the Memorial Walk. She asked Chris Lukowiak about the trees on 12th. He said he is getting quotes to take them down. She said the trees are in the wires and the when the wind blows it knocks people's power out. He will ask FPL to look into it too.

Ms. Cornwell

A peeping tom who has been operating in a ten block area for a number of years is active again. He actually tried to enter a home. Asked that detectives be put on the case. Chief Lowe reported that detectives are working on the case.

She asked why the Commission was first hearing about the date change for the July 4th celebration and the Beer Garden at tonight's meeting. She would have liked a phone call. It was underhanded and should have been brought to a vote after full Commission knowledge.

Mr. Ball

Asked Mr. Lukowiak for an update on the fence at 9th Street Drive West by the Wine Warehouse. Mr. Lukowiak said he is working the problem. Chief Lowe has said he wants it removed and he's waiting for Chief Johnson's comments. The City may have to approach it as a nuisance to get it removed.

Mayor Bustle said one employee has been terminated and Jim Keranen has resigned. He will be in touch with Commission about possibly combining the two positions. Mr. Freeman said his thought is to keep the current accounting position and have Jim's position as that of Senior Financial Analyst, less managerial and more technical. The Mayor asked for approval to advertise. In answer to a question from Mrs. Lancaster, Mr. Freeman said the job description would change but the money would be similar. The City needs to advertise for a position that isn't currently defined in Cody.

Mr. Williams asked when Commission might get a rough draft of the budget to review since Finance is understaffed. Mr. Freeman said his plan is to get that to Commission one week prior to the next meeting which will be on July 24.

20. PUBLIC COMMENTS

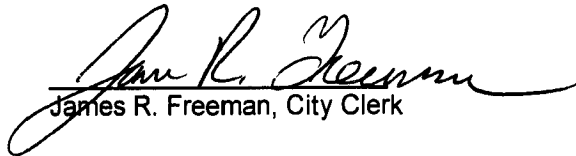
Robert Atkins addressed Commission again. He requested a meeting with staff and Commission to discuss the possibility that he might become the new owner of the Olympia Theater. He has a contract and wants to present his plans for having the facility open within fourteen months.

Mayor Bustle reminded Mr. Atkins that Commission had made a decision at tonight's meeting to condemn and take the building.

Attorney Hall told Mr. Atkins that if he buys the building he would be the owner of record, and he would be in a position to accept or reject the proposed offer to be made to the Jarvis'.

There being no further public comment, the meeting was adjourned at 8:50 p.m.

Minutes Approved: July 24, 2006


James R. Freeman, City Clerk

UPDATE REGARDING THE OLYMPIA THEATER

June 19, 2006

Tonight's agenda includes action items for the City Commission regarding the taking of the Olympia Theater by eminent domain.

For many reasons, staff recommends that the City reject the Jarvis' proposal, and similar offers involving partnership and agreements.

- Notwithstanding personal illness and financial issues, the Jarvis' and their legal counsel have regularly advised staff that there was no binding obligation to complete the theater in any specified timeframe. Note that in the nearly eleven years since acquiring the facility for \$1, the Jarvis' have bought, renovated and sold many properties for profit, while leaving the theater as a low priority.
- The Jarvis' have mortgaged the property, yet there is no documentation of having pulled permits for any similar investment of the mortgage proceeds into the property.
- It appears that there is a big discrepancy when we compare what they say they have paid vs. what was permitted. (e.g.: \$75,000 permit valuation for demolition and exterior work with a reported cost of \$400,000 for the same work) – *see attached*.
- The Jarvis' have refused to comply with the requirement to provide permanent or properly permitted temporary restrooms.
- Although the Jarvis' charge local youth for admission to crowded events held in the Backstage area, they furnish no security (there is no legal obligation to do so unless a special function permit is required).
- Property taxes are unpaid for the last two years, and have been unpaid on several occasions in the past, even going to tax certificate sales. – *see attached*
- For delinquent utility bills, the City has been forced to take the Jarvis' to court to receive partial payment.

I believe, with staff, that it would be unwise for the City to enter into a partnership or agreement with property owners who have relied upon loopholes to avoid taking the right course of action. The City Commission and staff have dedicated a great deal of time and consideration to this matter, recognizing that it is important to balance public benefit with private rights to the greatest degree possible.

We are required to evaluate the total potential cost of the purchase, renovation and maintenance of the property. We have.

We are required to evaluate the long term public benefit of the property. We have.

We are required to evaluate alternative sites for a municipal multi-purpose auditorium. We have.

All of these factors indicate that, after a decade of waiting for the Jarvis' to obtain a CO for the property, it best serves the public in the City of Palmetto for the City to own and manage the Olympia Theater. This will preserve a historic building in the downtown, and provide a facility that benefits all members of our community. We will have a wide variety of uses that include activities for seniors, youth, young adults and families; arts and culture; comedy and fitness; music, academics and private events –Events such as those currently held in the Backstage can continue. But all in a safe, well-managed, properly maintained and permitted environment.

I am, with the input of staff, recommending that we send an offer to purchase the property for \$600,000. This far exceeds the appraised value of \$480,000, and, I believe, minimizes the financial risk to the City. It more than compensates the Jarvis' for their expenses, and, probably even provides them with a profit.

CRA REAL ESTATE ACTIONS
Summer 2006

CBI PROPERTY 924 5th Street West

Action: Purchase with lease back option until redevelopment, then consider redevelopment actions, to include City ownership (parking garage, City Center)

Appraised Value: \$ 695,000

Purchase Price: \$ 764,500 (110%)

Expected Return: Dependent on use – City ownership or RFP sale

Parcel Size: .9183 acres

Justification:

- 1985 Adopted CRA Plan calls for the relocation of industrial uses from downtown
- CBI is relocating and property will be sold – best sold to the City rather than new industrial use
- Purchase price negotiated down from \$840,000, now that Manatee Player's timeframe is not pressing for vacation of the site.

Timeline: Purchase contract calls for closing date of 30 July 2006.

ALUMINUM STORE 814 – 818 10th Avenue West

Action: Purchase for school or other redevelopment

Appraised Value: \$ 565,000.00

Purchase Price: \$ 621,500 (110%)

Expected Return: \$ 372,900 if school stays downtown

Parcel Size: .8494 Acres

Justification:

- To keep Palmetto Elementary School in downtown, the City agreed to assist in the assembly and purchase of needed real estate. The School Board's appraisal of the Manatee Fruit Company property (alternative site) is such that the City can anticipate less than 100% financial participation for the acquisition of property (this land assembly is more expensive than it would be to buy MFC property). As such, staff's best guess is a 60-40 split in purchase price, with a request that the school also transfer ownership of the NW corner of 7th Street and 10th Avenue to the City.
- If school does not stay downtown, property can be disposed of by RFP, recovering market value and imposing development restrictions.

Timeline: Purchase by end of July 2006.

TAYLOR DUPLEXES 305 7th Avenue West (next to CRA Office)

Action: Demolition

Cost of Demolition: Not to exceed \$18,000

(Cost may be eliminated as a company has called offering to move bldgs at no cost to CRA)

Justification: Eliminate maintenance responsibility and safety hazards of vacant units

Timeline: June 2006

TAYLOR DUPLEXES 305 7th Avenue West (next to CRA Office)

Action: Re-sale for redevelopment per proposal

CRA Purchase Price: \$ 360,000

Expected Return: \$ 300,000 - \$360,000

Parcel Size: .407 acres

Justification:

- 1985 Adopted CRA Plan calls for the improvement of the residential units in the waterfront area
- Waterfront Plan Strategy recommends utilizing this property (first willing seller) as a demonstration project and catalyst for enhancement of the area
- First set of proposals were rejected as inappropriate. Second advertisement for proposals was more specific, calling for a residential development with garages that would serve as a demonstration of building techniques that can be replicated for attainable housing and would increase in value as the neighborhood improved. Attached is excerpt of only proposal, approved by the CRA Board.

HILDEBRANT PROPERTY 930 5th Street West (Birkhotlz Appraisal Office)

Action: Purchase, then consider redevelopment actions, to include City ownership (parking garage, City Center)

Appraised Value: \$ 302,000

Purchase Price: \$ 302,000

Expected Return: Dependent on use – City ownership or RFP sale

Parcel Size: .0821 acres

Justification:

- City intends to acquire Olympia Theater and CBI (neighboring properties). This property can be given to the City to serve a public purpose (parking, courtyard for auditorium...) or can enlarge the CBI parcel if not retained for public use.
- Willing seller approached the CRA - best sold to the City rather than new unknown use

Timeline: Flexible.

Ford Property 835 9th Avenue West

Action: Purchase for school or other redevelopment

Appraised Value: \$ 255,000

Purchase Price: \$ 280,500 (110%)

Expected Return: \$ 168,300 if school stays downtown

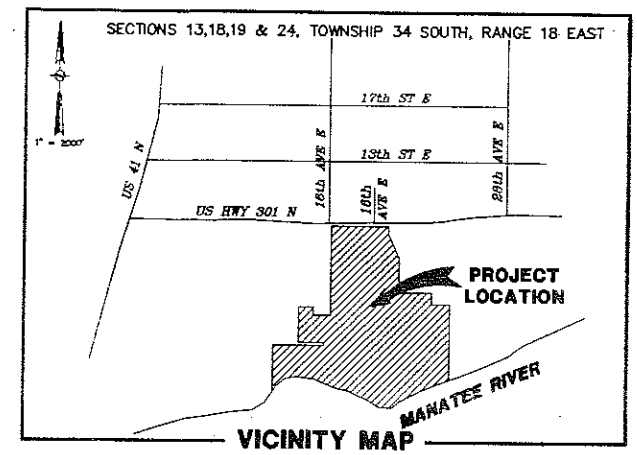
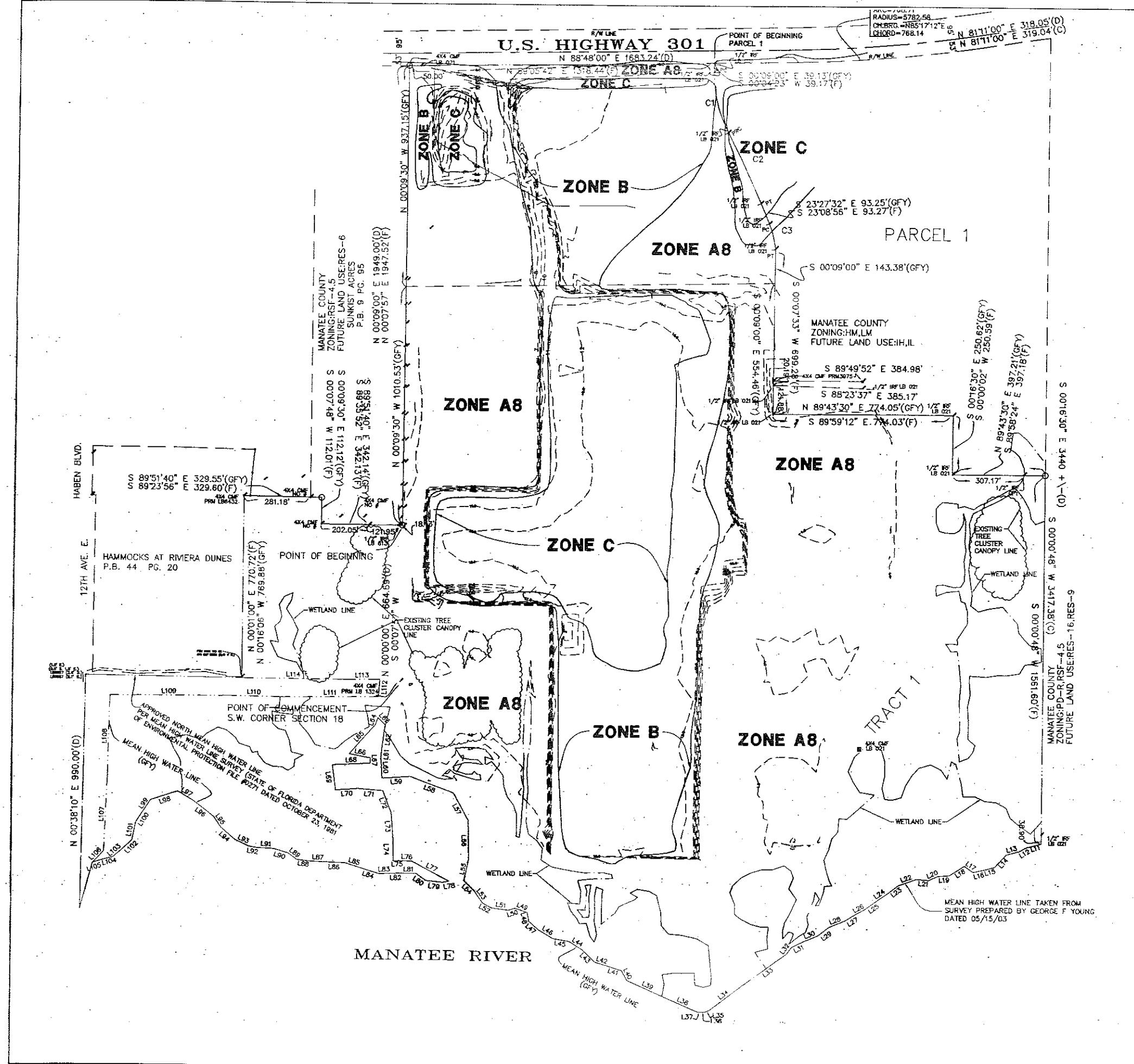
Parcel Size: .3361 Acres

Justification:

- To keep Palmetto Elementary School in downtown, the City agreed to assist in the assembly and purchase of needed real estate. The School Board's appraisal of the Manatee Fruit Company property (alternative site) is such that the City can anticipate less than 100% financial participation for the acquisition of property (this land assembly is more expensive than it would be to buy MFC property). As such, staff's best guess is a 60-40 split in purchase price, with a request that the school also transfer ownership of the NW corner of 7th Street and 10th Avenue to the City.
- If school does not stay downtown, property can be disposed of by RFP, recovering market value and imposing development restrictions.

Timeline: Purchase by end of August.

NEW GDP



LEGAL DESCRIPTION (FROM TITLE COMMITMENT)

THE ABOVE LYING IN SECTION 13 AND 24, TOWNSHIP 34 SOUTH, RANGE 18 EAST AND SECTIONS 18 AND 19, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS FOLLOWING DESCRIBED LANDS:

CONTAINING 2,013,506 SQUARE FEET OR 46,224 ACRES.

SAYD PROPERTY ALSO DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE NORTH 07°07'00" WEST 664.66 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 07°07'00" WEST 1949.00 FEET TO R/W OF U.S. HIGHWAY 301; THENCE NORTH 88°43'30" EAST ALONG SAID R/W 1853.24 FEET TO THE P.C. OF A CURVE; THENCE ALONG SAID R/W, BEING THE ARC OF SAID CURVE, 768.71 FEET; THENCE NORTH 81°11'00" EAST ALONG SAID R/W 318.05 FEET TO THE EAST LINE OF ATMWOOD GROVES AS ESTABLISHED BY KARL SQUIRES, A FLORIDA REGISTERED LAND SURVEYOR, NOW DECEASED, IN FEBRUARY 1956; THENCE SOUTH 01°43'48" EAST 3440 FEET, MORE OR LESS TO THE WEST LINE OF U.S. LOT 4, SECTION 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST; THENCE NORTH 03°41'00" EAST 990 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID U.S. LOT 4; THENCE SOUTH 89°21'48" EAST 665.46 FEET; THENCE NORTH 02°02'00" EAST 770.03 FEET; THENCE SOUTH 89°21'48" EAST 318.05 FEET; THENCE SOUTH 07°07'00" EAST 112.12 FEET; THENCE SOUTH 89°21'48" EAST 342.4 FEET TO THE POINT OF BEGINNING.

THE ABOVE LYING IN SECTION 13 AND 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST AND SECTIONS 18 AND 19, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS FOLLOWING DESCRIBED LANDS:

CONTAINING 2,013,506 SQUARE FEET OR 46,224 ACRES.

MANATEE COUNTY ZONING: HM, LM FUTURE LAND USE: IH, IL

MANATEE COUNTY ZONING: RSF-5 FUTURE LAND USE: RES-6

MANATEE COUNTY ZONING: PD-R, RSF-5 FUTURE LAND USE: E3, W1

CITY OF PALMETTO SIGNATURE BLOCK			
DRC MEMBER	OK	SIGNATURE	DATE
DIRECTOR OF PUBLIC WORKS			
SUPERINTENDENT OF PUBLIC WORKS			
CITY PLANNER			
FIRE MARSHALL			
CITY ENGINEER			
DRC COORDINATOR			

DATE: 05-20-24
 DAW BARNETT, P.E.
 PROFESSIONAL ENGINEER
 NO. 35468

PR. NO. 1: E04-084.07 DATE: MAY 18, 2026 REV: DWG

FLORIDA ENGINEERING AND ENVIRONMENTAL SERVICES, INC. CERTIFICATE OF AUTHORIZATION: ES 3804 4519 George Road Suite 130 Tallahassee, Florida 32304 Tel: (913) 860-9108 Fax: (913) 860-9055

SANCTUARY COVE
CITY OF PALMETTO

GENERAL DEVELOPMENT PLAN

1 of 3

DEVELOPMENT INFORMATION

OWNER:
SANCTUARY DEVELOPMENT PARTNERS, LLC
ATTN: LINDA SVENSON
1301 10th AVENUE E., SUITE E
PALMETTO, FLORIDA 34221
PH: (941) 722-2690 FAX: (941) 729-9471

ENGINEER / APPLICANT:
FLORIDA ENGINEERING AND ENVIRONMENTAL SERVICES, INC.
ATTN: DAVID W. BARTELL, P.E.
4519 GEORGE ROAD, SUITE 130
TAMPA, FLORIDA 33634
PH: (813) 850-9106 FAX: (813) 880-9055

BOUNDARY, TOPOGRAPHIC & TREE SURVEY PROVIDED BY:
GLOBAL SURVEYING
ATTN: MR. TONY PURSLEY
5004 STATE ROAD 64
BRADENTON, FLORIDA 34204
PH: (941) 748-1512 FAX (941) 747-2450 FAX

INFRASTRUCTURE IMPACTS

POTABLE WATER			
LOS(GAL)	PERSONS/UNIT	UNITS	DEMAND(GAL)
105	2.2	941	217,371

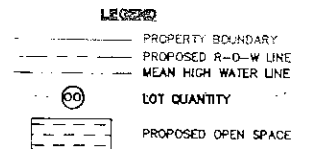
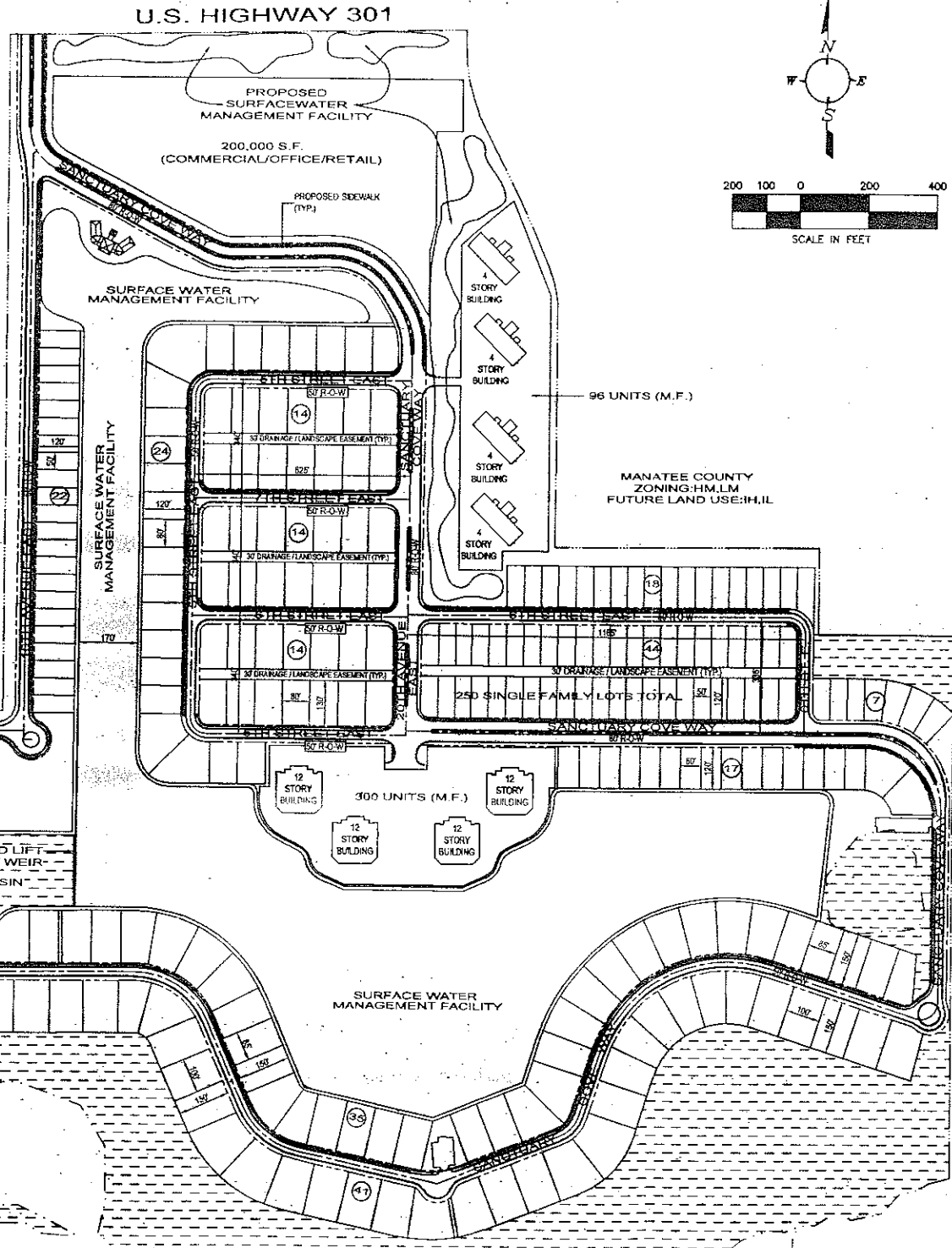
WASTEWATER			
LOS(GAL)	PERSONS/UNIT	UNITS	DEMAND(GAL)
100	2.2	941	207,020

RECREATION			
LOS(ACRES)	PERSONS/UNIT	UNITS	DEMAND(ACRES)
4/1000 PEOPLE	2.2	941	8.281

SOLID WASTE			
LOS(POUNDS)	PERSONS/UNIT	UNITS	DEMAND(POUNDS)
7.1 LBS/DAY	2.2	941	14,698

DEVELOPMENT SCHEDULE

PHASE	START CONSTRUCTION	CONSTRUCTION DURATION
SINGLE FAMILY	8/25/06	7 YEARS
4-STORY MULTI FAMILY	CONCURRENT WITH ABOVE	7 YEARS
12-STORY TOWERS WEST	CONCURRENT WITH ABOVE	7 YEARS
12-STORY TOWERS SOUTH	CONCURRENT WITH ABOVE	7 YEARS
COMMERCIAL	CONCURRENT WITH ABOVE	7 YEARS



- SITE NOTES**
- LANDSCAPING & IRRIGATION SHALL BE IN ACCORDANCE WITH THE CITY OF PALMETTO REQUIREMENTS.
 - FINAL DUMPSTER LOCATION SHALL BE APPROVED BY THE CITY OF PALMETTO FOR MULTI-FAMILY AND COMMERCIAL PARCELS.
 - SIDEWALKS SHALL BE CONSTRUCTED ON THE NORTH OR WEST SIDE OF ALL ROADS WITHIN THE PROPOSED RIGHT OF WAYS.
 - PROJECT SHALL MEET ALL FIRE PROTECTION REQUIREMENTS OF THE NORTH RIVER FIRE DISTRICT.
 - EACH OF THE MULTI FAMILY RESIDENTIAL BUILDINGS SHALL HAVE AN AUTOMATIC FIRE SPRINKLER SYSTEM AND A STANDPIPE SYSTEM. EACH OF THE AFOREMENTIONED SYSTEMS MUST COMPLY WITH THE RESPECTIVE NFPA CODES.
 - APPROPRIATE FIRE FLOW SHALL BE PROVIDED TO MEET CONCURRENCE REQUIREMENTS (1500 GPM MIN.)
 - THE GATED ENTRANCE/EXIT ARRANGEMENT SHALL BE IN COMPLIANCE WITH THE FIRE PREVENTION CODE (accessibility into the development for emergency services providers) PLANS INDICATING SPECIFIC DETAILS OF THE AFOREMENTIONED ENTRANCE/EXIT ARRANGEMENT SHALL BE SUBMITTED TO THE NRFD FOR REVIEW & APPROVAL.
 - FIRE HYDRANTS AND BACKFLOW PREVENTION DEVICES FOR THE FIRE PROTECTION SYSTEMS SHALL BE SHOWN ON THE FINAL SITE PLAN.
- UTILITY INFORMATION:**
- EXISTING UTILITIES ARE LOCATED IN THE EXISTING RIGHT-OF-WAY.
 - THE PROPOSED PROJECT SHALL CONNECT TO ALL UTILITIES IN THE R/W ADJACENT TO THE PROJECT OR IN AN APPROVED EASEMENT ON THE PROJECT. THESE UTILITIES ARE WATER, SEWER, GAS, TELEPHONE AND CABLE TV. ALL UTILITIES SHALL BE UNDERGROUND.
 - STORMWATER WILL BE COLLECTED IN THE STREETS WITH INLETS AND DISCHARGED DIRECTLY INTO CANAL/SURFACE WATER MANAGEMENT AREA.
 - WATER AND SANITARY SEWER SYSTEMS WILL BE INSTALLED WITHIN THE PROPOSED ROAD RIGHT-OF-WAYS AND DEDICATED TO THE CITY OF PALMETTO.
 - ALL SITE LIGHTING SHALL BE IN CONFORMANCE WITH THE CITY OF PALMETTO REQUIREMENTS.

PROPOSED SITE INFORMATION

BUILDING DATA
MULTI FAMILY - 11 BUILDINGS - 691 UNITS TOTAL
BLDG. HEIGHT (7 BLDGS.) - 180 FT., 12 STORIES MAX. MULTI-FAMILY
EACH BLDG. - 1ST FLR PARKING, 2ND FLR APARTMENTS, 3RD-12TH UNITS
BUILDING HEIGHT (4 BLDGS.) - 50 FEET, 4 STORY MULTI-FAMILY
DENSITY - 941 UNITS/215.51 AC. = 4.37 UNITS/AC.

AREA CALCULATIONS (TOTAL SITE):

BUILDING AREA:	37.48 AC.	17.38%
PERVIOUS AREA:	41.48 AC.	19.24%
OPEN SPACE:**	96.35 AC.	44.70%
PERVIOUS AREA:*	44.79 AC.	20.78%
SURFACE WATER MANAGEMENT AREA:	35.45 AC.	16.45%
TOTALS:	215.51 AC.	100.00%

* - PERVIOUS AREA FOR COMMERCIAL & MULTI-FAMILY PARCELS DETERMINED USING PARCEL AREA - MAX. BLDG. AREA x 15%
** - 25% OPEN SPACE IS REQUIRED

PARKING CALCULATIONS (MULTI-FAMILY):
TOTAL REQUIRED: 1,382 SPACES (2 PER UNIT)
TOTAL PROVIDED: 1,382 SPACES (AT GRADE AND BELOW BUILDING PARKING AREAS)

COMMERCIAL
DEVELOPMENT WITHIN THE COMMERCIAL TRACT SHALL BE DETERMINED AT A LATER DATE. EACH SITE SHALL BE DESIGNED TO MEET CITY OF PALMETTO REQUIREMENTS. TOTAL DEVELOPMENT WITHIN THIS AREA SHALL BE LIMITED TO COMMERCIAL USES WITH A MAXIMUM TOTAL SQUARE FOOTAGE OF: 200,000 sq ft FAR=200,000sf/15,700sq=0.292

EXISTING SITE INFORMATION

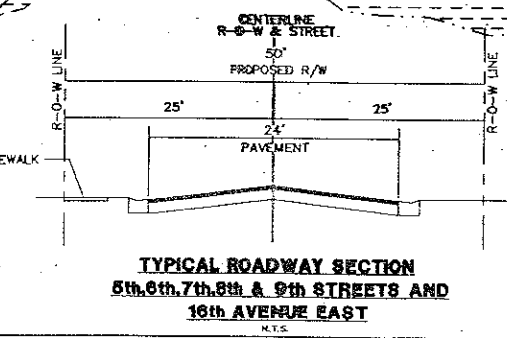
SITE DATA: (SECTIONS 13,16,19 & 24, T.34 SOUTH, R.18 EAST)

TOTAL AREA: 215.51 ACRES MOL
ZONING JURISDICTION: CITY OF PALMETTO
EXISTING LAND USE: VACANT
EXISTING ZONING: HM/CH
PROPOSED LAND USE: SINGLE FAMILY, MULTI-FAMILY, COMMERCIAL
PROPOSED ZONING: PD-MU "PLANNED DEVELOPMENT-MIXED USE"
ADJACENT ZONING: NORTH-US 301 EAST-HM/LM
SOUTH-MANATEE RIVER WEST-PDMU
ADJACENT LAND USE: NORTH-ROAD EAST-LIGHT INDUSTRIAL
SOUTH-MANATEE RIVER WEST-RESIDENTIAL
FLOOD ZONE: B,C & A2(ELB) #120153 DIVERS B (DATED 3/15/84)

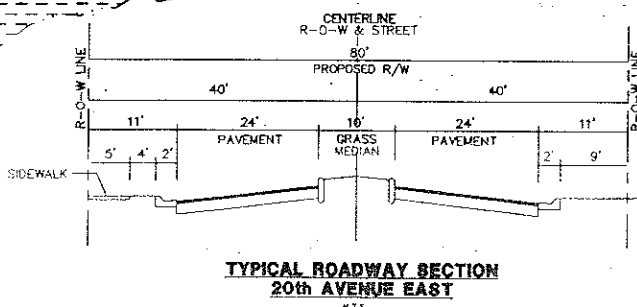
DEDICATION

ALL OPEN SPACE OF WHICH THE PARK LAND IS A PART OF, WILL BE DEDICATED TO THE SANCTUARY COVE COMMUNITY.

- VARIANCES REQUESTED**
- REQUIRED LANDSCAPE BUFFER - WE REQUEST THAT THE LANDSCAPE BUFFER WIDTHS BE REDUCED TO A MINIMUM OF 25' ALONG ALL AREAS OF DEVELOPMENT.
 - REQUIRED BUILDING TO BUILDING SETBACK - WE REQUEST THAT THE BUILDING TO BUILDING SETBACK BE REDUCED TO A MINIMUM OF 25' FOR MULTI FAMILY RESIDENTIAL.
 - REQUIRED SINGLE FAMILY FRONT/SIDE/REAR SETBACK - WE REQUEST THAT THE REQUIRED SETBACKS FOR "FRONT", "SIDE" AND "REAR" BE REDUCED TO A MINIMUM OF 20'/7.5'/15' FOR THE SINGLE FAMILY RESIDENTIAL COMPONENT OF THIS PROJECT.
 - MAXIMUM BUILDING HEIGHT - WE REQUEST THAT THE MAXIMUM BUILDING HEIGHT BE INCREASED TO 150' (12 STORIES).
 - REQUIRED BUILDING TO RIGHT OF WAY SETBACK - WE REQUEST THAT THE REQUIRED BUILDING TO RIGHT OF WAY SETBACK BE REDUCED TO 20' FOR THE 4-STORY (50') HEIGHT BUILDINGS.
 - MAXIMUM CUL-DE-SAC LENGTH - WE REQUEST THAT THE MAXIMUM CUL-DE-SAC LENGTH BE INCREASED TO 830'.



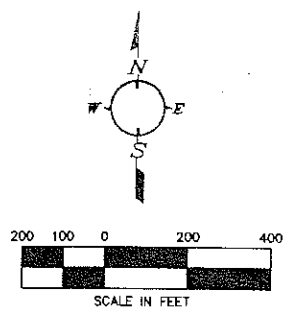
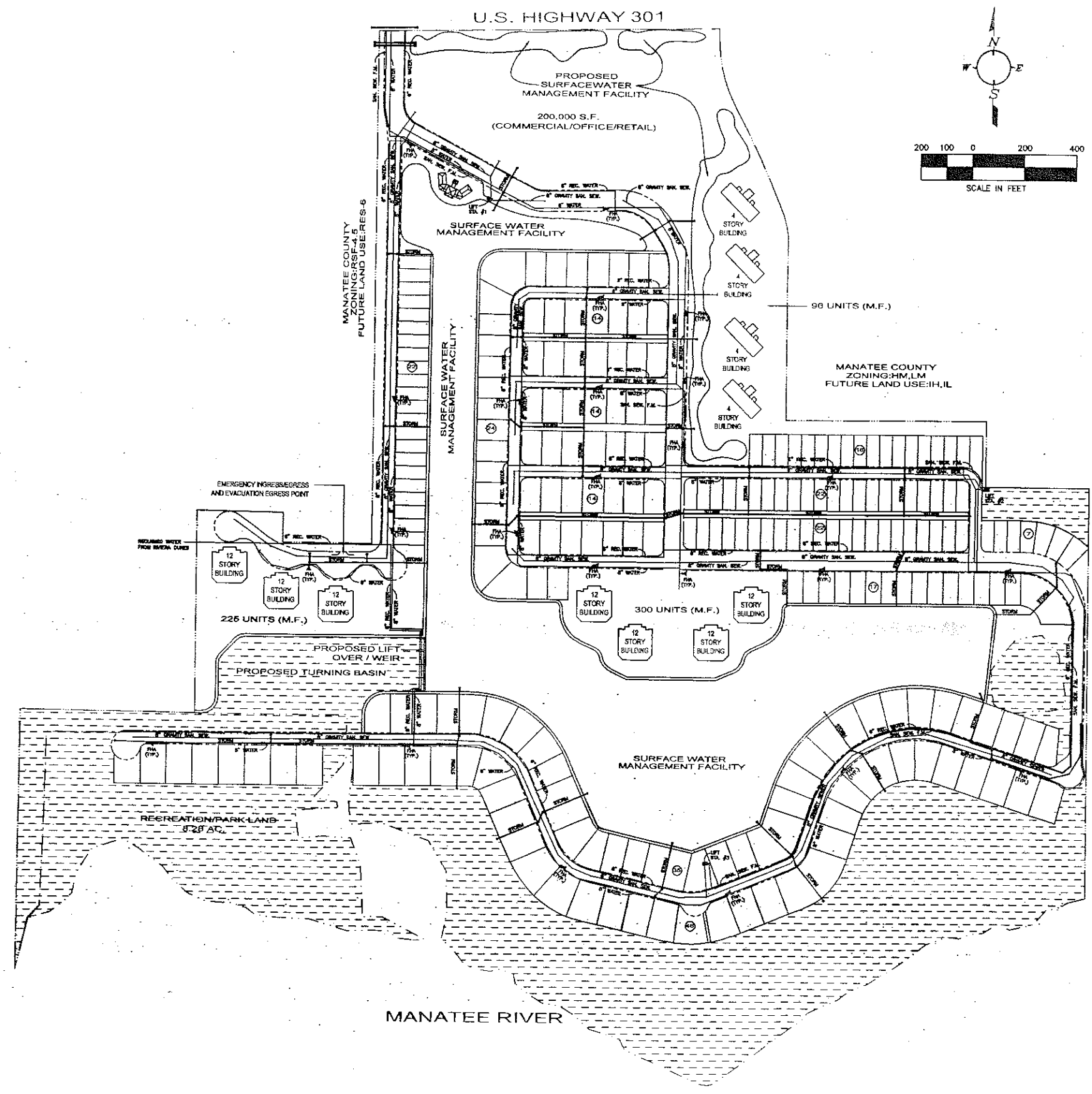
NOTE:
PEDESTRIAN NATURE WALK PATH LOCATION WITHIN "OPEN SPACE" TO BE DETERMINED UPON SWFWMD/ADCOE ERP APPROVALS.



CITY OF PALMETTO SIGNATURE BLOCK

DRC MEMBER	OK	SIGNATURE	DATE
DIRECTOR OF PUBLIC WORKS			
SUPERINTENDENT OF PUBLIC WORKS			
CITY PLANNER			
FIRE MARSHALL			
CITY ENGINEER			
DRC COORDINATOR			

DAVID W. BARTELL, P.E.
PROFESSIONAL ENGINEER
NO135466



- LEGEND**
- PROPERTY BOUNDARY
 - PROPOSED P-O-W LINE
 - MEAN HIGH WATER LINE
 - LOT QUANTITY
 - PROPOSED RECREATION/OPEN SPACE
 - REC. WATER --- PROPOSED RECLAIMED WATER LINE
 - WATER --- PROPOSED WATER LINE
 - GRAVITY SAN. SEWER --- PROPOSED GRAVITY SANITARY SEWER LINE
 - SAN. SEW. FM --- PROPOSED SANITARY SEWER FORCE MAIN
 - STORM --- PROPOSED DRAINAGE PIPE

- UTILITY NOTES:**
1. GRAVITY SANITARY SEWER LINES SHALL BE 8" MINIMUM.
 2. RECLAIMED WATER LINE LOOP SHALL BE 4" MINIMUM.
 3. POTABLE WATER LINE LOOP SHALL BE 8" MINIMUM.
 4. THE MINIMUM FIRE FLOW PROVIDED WILL BE 1500 GPM.

REV. NO.	DATE	DESCRIPTION
1	04-07-07	DATE: MAR. 31, 2005
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FLORIDA ENGINEERING AND ENVIRONMENTAL SERVICES, INC.
 CERTIFICATE OF AUTHORIZATION: EB 5807
 4519 George Road, Suite 130
 Tampa, Florida 33634
 Tel: (813) 889-9100 Fax: (813) 889-9055



**SANCTUARY COVE
CITY OF PALMETTO**

**GENERAL DEVELOPMENT
PLAN
(MASTER UTILITY)**

CITY OF PALMETTO SIGNATURE BLOCK			
DRC MEMBER	OK	SIGNATURE	DATE
DIRECTOR OF PUBLIC WORKS			
SUPERINTENDENT OF PUBLIC WORKS			
CITY PLANNER			
FIRE MARSHALL			
CITY ENGINEER			
DRC COORDINATOR			

(Signature)
 DAVID W. GARTNER, P.E.
 PROFESSIONAL ENGINEER
 NO. 55466