

Palmetto City Commission  
June 2, 2008 4:00 PM

Elected Officials Present:

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

Staff and Others Present:

James R. Freeman, City Clerk  
Chief Garry Lowe (entered at 4:15 pm)  
Chris Lukowiak, Public Works Director  
Tanya Lukowiak, CRA Executive Director  
Bob Schmitt, Planning Supervisor/Zoning Administrator  
Karen Simpson, Deputy Clerk-Finance  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 4:00 p.m., followed by a moment of silence for military personnel serving in Afghanistan and Iraq and the Pledge of Allegiance.

1. AGENDA APPROVAL

Mayor Bustle requested that item #5, Discussion-Lukowiak Annexation, be moved ahead of item #4, Discussion-Sanctuary Cove, as the Commission and any of the public who wish to attend would be taken to Sanctuary Cove to see how the discussion items relate to the site.

Mr. Williams stated his preference to not amend the order of the agenda to accommodate the public who may be entering the meeting for the two items at the time as stated on the agenda.

**MOTION: Mr. Williams moved and Mr. Ball seconded to approve the June 2, 2008 4:00 pm agenda.**

Discussion: Mrs. Lancaster confirmed the vote would be on the agenda as printed.

**Motion on the floor carried 4-1. Mrs. Lancaster voted no.**

2. DISCUSSION: FINANCIAL CONSULTANTS

Mr. Freeman stated the proposed Fund Balance and Debt Policy had been amended pursuant to Commission's comments at the May 5, 2008 workshop meeting. Mr. Freeman introduced Julie Santamaria, a financial consultant with RBC Capital Markets, the firm assisting the City in developing the two financial policies.

Ms. Santamaria narrated a presentation that included data on the City's Direct Debt Capacity, Direct Debt Comparison to surrounding municipalities, and Self Supported Debt Capacity. She confirmed the information in the presentation was based on FY 2007 data.

Outstanding Enterprise Fund debt (Self Supporting Debt secured by user rates and fees) is currently \$13.6 million. Outstanding General Fund debt (Net Direct Debt) is currently \$3.9 million. The current total outstanding debt amounts to \$17,528,729. According to the proposed policy, future Net Direct Debt capacity is \$20,694,062 and future Self Supported Debt capacity is \$56,875,696. Ms. Santamaria stated that while the City has the capability of future debt, all operational obligations must be taken into account when considering any future debt.

Also discussed were the benchmarks for the Fund Balance Policy. Mr. Freeman confirmed the Trail Park Trust Fund was not included in the equation. Based on revenues and expenses, the General Fund and the Road and Bridge Fund are the only funds with a surplus balance. Mr. Freeman stated the FY2009 budget will contain proposals to begin the process of bringing all the funds up to the policy's benchmarks.

Commission reviewed the Fund Balance Policy, as represented by Resolution No. 08-18. Mr. Freeman explained that rather than set a fixed reserve amount, a range of three to six month's of reserve is being proposed. Discussion ensued on the level of reserves that should be maintained and how the reserve would be replenished.

Commission began the review on the Debt Policy, but delayed action until a copy with track changes was made available to Commission. Commission moved Resolution No. 08-18 forward to the 7:00 meeting for action. Resolution No. 08-19 was continued to the next workshop.

### 3. BABCOCK/EWING CODE ENFORCMENT LIEN APPEAL

Mr. Strollo recommended that Commission forgive the Code Enforcement lien placed on the property owned by Mr. Babcock and Mr. Ewing. He informed Commission he has explained to both property owners that they will be considered repeat offenders if future violations on the property occur and a fine will begin accruing as of the date of the Notice of Violation. Commission agreed the fine should be forgiven and moved the item forward to the 7:00 agenda for action.

### 4. DISCUSSION: LUKOWIAK ANNEXATION (Moved forward because of the time certain start for item #4)

Discussion on the Lukowiak annexation began with the utilities. City Planner Bob Schmitt stated that statutorily utilities are not an issue; they do not have to be readily available for this application. Mr. Schmitt recalled the conversation with Mr. Lukowiak a year ago when he first approached the City concerning annexation, and the fact it was assumed the closest utility hook-up would be at Sanctuary Cove, which at that point in time was not a CDD. He acknowledged that Mr. Williams may be correct in his statement that a CDD may not sell water outside the CDD boundaries. Mr. Schmitt further stated this annexation application is the easiest application he has processed during his tenure with the City, both as a consultant and employee.

Ms. Varnadore commented on the annexations that have taken place on Canal Road. She stated the City is not obligated to provide utilities to those properties, and commented on the fact it was her understanding from staff that utilities would have to be available within five years, yet she has found no documentation that in a voluntary annexation there is a time limit on providing utilities to the annexed property. She opined that past utility issues has clouded this annexation regarding utilities.

Attorney Hall agreed with Ms. Varnadore's statement that the city is not obligated to provide utilities to voluntary annexations and, and acknowledged there has been confusion regarding this issue. She stated utilities have been discussed in other voluntary annexation public hearings, but because of the confusion again reviewed the "purpose and intent" of providing utilities to voluntary annexations. She opined that utilities are something that may be considered during the public benefit analysis of a voluntary annexation. She also opined that over time "consideration for utilities" had become "must be provided within five years", commenting that the attorney for the Canal Road annexations first referred to the five year period.

Commission and staff discussed how other services such as police, garbage and road upkeep would be provided the property.

Referring to the contiguity of the property to City limits and a map included with the Sanctuary Cove agenda material a question arose as to the property's boundary and whether or not it abutted the Sanctuary Cove property or if there was a break between properties. Caleb Grimes, representative for Sanctuary Cove, stated the map under discussion contained a surveyor's outline of the Sanctuary Cove boundary; off-site properties were drawn in, not to scale, and were for informational purposes only. He further stated that to the best of his knowledge, and without a property search, the properties are contiguous. Mr. Schmitt displayed a sealed survey of the Lukowiak property which corroborated that the property is contiguous to City boundaries.

There was no further discussion on the topic.

#### 5. DISCUSSION: SANCTUARY COVE

Tom McCollum, Planner for ZNS and planner for this project, reviewed a very brief history of the project, stating the current item before Commission is to establish zoning for the Rogers and BOMA tracts that were recently annexed into the City and made a part of the Sanctuary Cove project, and to amend the General Development Plan of the entire project to include the Rogers and BOMA tracts. Mr. McCollum turned the topic over to Caleb Grimes, attorney for Sanctuary Cove.

Mr. Grimes narrated an in-depth history of the project as follows:

- June 2004: The main parcel containing 215 acres was annexed.
- October 2004: A Comp Plan designation of PD was established; DCA established a maximum density of 1,189 residential units.
- September 2005: A zoning designation of PD and a General Development Plan (GDP) was approved (containing finger canals on an interior lake system).
- June 6, 2006: A workshop was held to amend the original GDP for the original Sanctuary Cove site to delete the finger canals and have one large lake (as a result of Southwest Florida Water Management's (SWFWMD) direction). The future annexation of the Rogers and BOMA tracts and their inclusion in the Sanctuary Cove project was introduced to Commission.
- June 19, 2006: Commission approved a minor modification to the GDP for the original Sanctuary Cove – the design that is in place for the original site (elimination of the finger canals).
- October 2006: The Rogers and BOMA parcels annexation and a PD Comp Plan designation was approved.
- June 2007: Construction plans were approved for the original Sanctuary Cove site

Mr. Grimes informed Commission that the items that will be before them for action at the 7:00 meeting are the placement of a zoning designation on the Rogers and BOMA parcels and then an amended GDP of the entire Sanctuary Cove project to include the Rogers and BOMA parcels.

Mr. Grimes explained the Planning and Zoning Board made some recommendations to amend the proposed ordinance presented to them (ordinance approving the GDP). He distributed a red-lined version of the ordinance reviewed by P&Z that incorporates their comments. He commented on the clerical corrections that had been made in the ordinance and then explained the changes to the stipulations, concentrating the discussion to the setback issue as the only substantive change.

Mr. Grimes stated there was confusion on what is a front and side yard and the applicable setback, and P&Z made a recommendation to approve the setbacks as displayed on Exhibit B, the original GDP. Mr. Grimes confirmed the GDP approved setbacks have never changed. Attorney Hall explained the Code says a corner lot on a right-of-way shall be treated as having

two front yards for setback purposes, but that is not what was depicted on the original approved GDP. She further stated that a prior planner added it to the staff report in the last review; P&Z Board members then granted approval for the lots in question to be treated as one side and one front yard. Mr. Grimes confirmed all prior approvals were silent to the setbacks on the prior GDP and construction drawings approval. Mr. Vining also confirmed that none of the corner lots have access to a right-of-way. Mr. Grimes again stressed that the set backs listed on the GDP have not changed since its original approval.

Commission discussed which version of the ordinance should be advertised. Attorney Hall opined Commission can approve either version if they wish to discuss the red-lined version with her or the planner. Mr. Grimes concurred with Attorney Hall, stating only the title of the ordinance is advertised (which will not change).

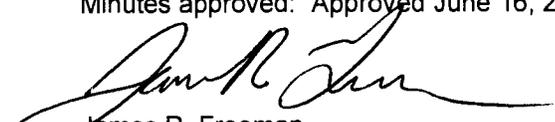
Mr. Vining confirmed the project has two emergency accesses; one on 15<sup>th</sup> Street and one into Plantation Bay.

Mayor Bustle announced that the Commission and any of the public that wished to attend would continue the workshop at Sanctuary Cove.

The meeting continued at the Sanctuary Cove. A tour of the site was provided and general discussion was held as questions arose.

Meeting adjourned at 6:45 pm.

Minutes approved: Approved June 16, 2008, with corrections



James R. Freeman  
City Clerk