

**PALMETTO CITY COMMISSION
WORKSHOP AGENDA
January 4, 2010 – 4:30 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor
Brian Williams, Vice Mayor, Commissioner, Ward 3
Alan Zirkelbach, Commissioner-at-Large 1
Tamara Cornwell, Commissioner-at-Large 2
Mary Lancaster, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2

Staff Present:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Garry Lowe, Chief of Police
Tom McCollum, Interim City Planner
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:30 pm.

1. HOUSING UPDATE 2010

Pursuant to requirements of Article III, Attainable Housing, Mr. McCollum provided an update on the current total residential units and expected residential units that will be constructed in the City in the next five years. A copy of his analysis is attached hereto and made a part of these minutes. Based on the information gathered for his analysis, Mr. McCollum recommended that the City should remain in a voluntary period for attainable housing units.

Mr. McCollum recommended that the Commission should instruct the City Planner to review the information again in 2012, as current Census data will be available and conditions may be different than today.

Mr. McCollum also opined that the Planner and City Attorney should review the language of the ordinance. He suggested the current language places the Planner in charge of determining the voluntary/mandatory periods. He opined the Planner should make recommendations to Commission regarding the topic. He also opined the complex provisions in the ordinance make it very difficult to properly administer the ordinance.

Discussion ensued on if the City is in a voluntary or mandatory period. McCollum confirmed he is not sure if the City is technically in a voluntary period; housing coming in has all been classified as attainable units. Under requirements of the city code there should be a finding if in a voluntary period.

Commissioner Varnadore stated her understanding that the City is still in a mandatory period. Her concern in going to a voluntary period is due to the limited vacant land in the city; developers will be under no obligation to comply with furnishing attainable housing units. She opined that if the City goes to a voluntary period, the ordinance becomes a moot point.

Commissioner Varnadore requested to know if any certificates have been issued or if the program was ever implemented. Mr. McCollum stated the only project he has located is Sanctuary Cove, which is responsible for 116 attainable units, which can be offsite. 7th Ave. Cottages indicated in their approval that all six units will be attainable housing. Holy Cross Manor II units are attainable, albeit they are rental units.

Attorney Barnebey read the provision of the ordinance dictating when a period shall be mandatory. He stated that it appears the ordinance intends that after January 1, 2010, if the number of attainable units meet or exceed 15%, it shall be a voluntary period. He further opined the type of period does not appear to be tied to Commission approval; once the established threshold number is met the period is determined by the ordinance. He opined the City is probably in a voluntary period as of January 1, 2010.

Mr. McCollum was instructed to confirm when the approval period expires for the 7th Ave. Cottages project, and to determine if the Sanctuary Cove development order specifies the number of units they must construct.

Discussion ensued on the number of homes for sale in the City that fall within the established price range. Mr. McCollum opined that approximately 50% of homes for sale in the 34221 zip code are under the \$201,000 limit. Commissioner Williams opined that HUD homes should not be included in the analysis, as they are not homes for sale.

Commissioner Zirkelbach voiced his opinion that the ordinance only applies to new houses; no data has been gathered of the entire city to determine how many homes fall under the threshold. He opined the situation is a "market driven problem, not governmental" and suggested only one segment of the development community was affected. He further discussed the "flipping" of the attainable units and inquired what will happen once out of a developer's control.

Mayor Bryant stated that more data is needed before a decision can be made.

Attorney Barnebey suggested that it is appropriate for Commission to look at if the ordinance is needed. He reiterated that regarding the language of the ordinance as currently written, if at January 1, 2010 the number of attainable housing units is below 15%, the City probably is in a mandatory period. If that is not occurring and there are more than 15% attainable units, then the City is in a voluntary period. Commission does not make the determination of which period is applicable, Commission approves the median household income threshold, which was not updated in the last year.

Attorney Barnebey confirmed Sanctuary Cove will be required to comply with ordinance based on the project's 2008 approval. He was asked to determine the legal ramifications to Sanctuary Cove should the ordinance be abolished.

The topic will be brought back to the January 25, 2010 workshop.

2. REGATTA POINTE SUBLEASE SECOND AMENDMENT

Attorney Barnebey informed Commission the second amendment to the Regatta Pointe Sublease will accomplish the following:

1. Clarifies and confirms the legal description to ensure consistency between the sublease agreement and the Submerged Land Lease between the City and DEP;
2. Clarifies responsibilities pertaining to the calculation and payment of compensation for the Submerged Land Lease, to ensure payment during the renewal term is in the same manner that the City is required to comply under the lease;
3. Permits the 2nd and 3rd floors of the restaurant to be used as a banquet hall;
4. Clarifies the notice requirements.

Attorney Barnebey stated all other terms of the existing lease remain the same.

Discussing the parking issue, Attorney Barnebey opined that because the City has issued permits for the site's current facilities, it must be assumed Code parking requirements were met. Commissioner Zirkelbach referred to the proposed downtown parking plan that has been submitted, wherein the City can develop approximately 80 additional parking spaces simply by re-striping existing spaces.

Mr. Freeman explained that the advantage to amending the legal description of the Agreement to include the breakwaters is to ensure the actual square footage is equal to what the sublessee currently pays, which already is calculated on the breakwaters. Mr. Tusing opined that with the breakwaters being included, the sublessee will be responsible for any necessary repairs.

Attorney Barnebey confirmed that there can be a revision #2 Legal Description to require that Schedule 1 be attached and incorporated into the amendment.

3. DISCUSSION: DRC AUTHORITY

An Attorney General Opinion suggests that a Development Review Committee (DRC) can become a sunshine body when they have been delegated certain things. City Code delegates authority to the DRC to make final decisions.

Attorney Barnebey suggested that if the DRC is a sunshine body, then the members of the committee cannot talk to one another regarding the projects that will come before them. He recommended decentralization of the DRC as a body, but still allow input from the department representatives on decisions. When the DRC meets, Commission can be provided with reports and considerations from the various departments regarding projects being reviewed.

An ordinance will be brought back pertaining to the DRC and Sections 7 and 26.

Attorney Barnebey referred to a letter from Mr. Katsamakakis regarding the Conditional Use Permit for 314 8th Ave. W. The letter refers to original approval restrictions regarding repair on site and test driving on City streets. Attorney Barnebey and Mr. McCollum will review the topic and bring it back with recommendations.

Meeting adjourned at 5:55 pm

Minutes approved:

James R. Freeman

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City Clerk