

Palmetto City Council  
April 26, 2004 4:00 PM

Elected Officials Present:

Larry Bustle, Mayor  
Tamara Cornwell, Vice Mayor  
Shirley Bryant, Council Member  
Brian Williams, Council Member

Elected Officials Absent:

Mary Lancaster, Council Member

Staff and others present:

Michele S. Hall, Attorney  
J. E. Free, Jr., City Clerk  
Chief Garry Lowe  
Chris Lukowiak, Public Works Director  
Jessica McCann, Planner  
Diane Ponder, Administrative Assistant

Mayor Bustle called the meeting to order at 4:00 p.m., followed by an invocation and the Pledge of Allegiance to the United States Flag.

Mayor Bustle recognized city council candidates Margaret Bailey, Eric Ball, Ted Schmidt and Charles Smith.

1. APPROVAL OF WORKSHOP AGENDA

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 3-0 to approve the April 26, 2004, 4:00 pm agenda.

2. MANATEE FRUIT COMPANY

Mayor Bustle discussed the fact the agenda topic covers a wide range of topics; the ACCORD, annexations, future land use, density, zoning, Manatee County's questioning of annexations into the city. Mayor Bustle referred to correspondence received from County Commission Chair Jane von Hahmann, suggesting the annexation of Palmetto II creates an enclave, and commented on the density and building heights of the project and commented on the Manatee Fruit Company's project regarding density and building height. He also advised Council he has met with Commissioner Amy Stein regarding Snead Island. Commissioner Stein requested he attend an association meeting. He advised Council he declined the request.

Mayor Bustle further informed Council Manatee County has reviewed the City's UDZ Map, approved by both Council and the Joint Planning Committee, but County staff has been asked to resubmit the map without Snead Island as part of the UDZ. Mayor Bustle asked Council to consider removing Snead Island from the UDZ map and placing it in the Joint Planning Overlay, therefore requiring review by the Joint Planning Committee regarding density, intensity and height.

Ms. Cornwell inquired if the City did remove Snead Island from the UDZ if the County would then be creating an enclave and how many more buildable parcels remained on the island. Mayor Bustle responded there is considerable property remaining that can be developed. Ms. Cornwell indicated she didn't want to fight a battle, but the City followed the rules and questioned what good the ACCORD was doing for the City when the County questioned everything approved by the City. Mayor Bustle agreed that Ms. Cornwell's points are valid and staff is concerned about them. Ms. Cornwell further inquired height differential requirements between the City and the County; Manatee County's is 35 feet, the City's is 120 feet. Ms. McCann explained the height restriction was in planned development; other zoning categories are different, the County may go as high as they wish, depending on the zoning.

Mr. Williams read the following excerpt from minutes of JPC meeting: "Mr. Brunner inquired as to the reason for the ACCORD. He indicated that the reason for the JPC and establishing UDZs was to eliminate cumbersome bureaucracy." Mr. Williams stated he was not in favor of the UDZ map change, as the City has the right to do what has been done.

Mayor Bustle discussed the fact the City is being told the issue of the UDZ has to do with efficient provision of utilities and services; the City felt it could provide the services to Snead Island, the Siemens parcel and the balance of the properties on the UDZ map. During his meeting with Commissioner Stein, he discussed the services the City provides the residents of Snead Island. Mayor Bustle stated Commissioner Stein asked two questions: 1) the possibility of an extraterritorial fee for sewer service. (Several Council members informed Mayor Bustle the City had asked the County about that type of fee and the County responded they would do the same for water.) and 2) an initiative to have the County responsible for 10th Street from 8th Avenue to Emerson Point. Mayor Bustle stated he felt the two suggestions were being offered as a quid pro quo to the City for not standing on principle on the Snead Island issue. Mayor Bustle opined he didn't think the County would request any further changes once the UDZ map is approved; the only change would be when the City requested a change.

Mayor Bustle advised Council Attorney Hall has met with the County's attorney regarding Palmetto II. Attorney Hall discussed the fact the City has not yet taken a position on an enclave not being created by the annexation. She discussed the legal issues involving the road accessing the property, and reported the County's transportation department has been requested to confirm who maintains the road.

Ms. Bryant voiced her opinion the Snead Island issue is a contradiction to what was read from the ACCORD. Attorney Hall discussed the fact the City is obligated under the ACCORD but the County is not yet, because the City's UDZ map has not been approved by the County Commission. She agreed with Mayor Bustle that if the County is willing to approve the map for a two year period it may be better to finalize the issue. A question remains as to when the two year period begins. Mayor Bustle's opinion was that the City would achieve 99 percent of its objective by allowing Snead Island to be placed in the Joint Planning Overlay and the balance of the properties be in the UDZ.

Mayor Bustle recommended that the Manatee Fruit and Palmetto II properties be taken back to the JPC to demonstrate Palmetto's willingness to abide by the ACCORD. Council did not voice an objection.

City Planner Jessica McCann utilized a power point presentation to review the City's development process. She explained in detail the annexation process; a Comprehensive Plan amendment that requires a Planned Developed Future Land Use Code (PD FLUC) when environmentally sensitive lands or where unified, mixed and multi-use projects are proposed; and the rezoning process to a PD category. Ms. McCann went into detail concerning how the City arrives at compatibility and a maximum density for a planned development. Summarizing her presentation, Ms. McCann discussed the application of the PD FLUC density methodology, and any subsequent modification of density by City Council, as the only way the City can legally achieve density that mirrors the applicable County density. Ms. McCann further stated that the City's density methodology averages the existing and future land uses around the subject property to ensure compatibility.

Mayor Bustle again recommended Council allow Snead Island to be part of the Joint Planning Overlay. Mr. Williams stated that when the time comes to review the UDZ we can review, but the UDZ should stand as drawn by the City, proposed to and approved by the JPC. Ms. Cornwell stated she is hesitant to agree because everything the City has done has generated a letter from Commissioner von Hahmann. Mayor Bustle stated that taking the two properties to the JPC would be a momentary delay. Attorney Hall advised that if there is mutual agreement the City will benefit because the issue will be settled, otherwise there may be a 30 day delay. Ms. Cornwell stated language should be developed regarding when the 30 day time frame begins. Ms. Cornwell inquired if AmberWynd was included and Mayor Bustle stated it was a separate issue; Emerson Point is not included. Mr. Williams suggested reviewing the UDZ map because of recent annexations, and submit a new map for County approval. Mayor Bustle agreed with Council that the City does not have to take the two properties back to JPC, but by doing so, and anticipating approval, the weight of the JPC approval would benefit the projects when they go before the County Commission.

Attorney Caleb Grimes, representing Manatee Fruit, stated he would like to make suggestions because Manatee Fruit also has the right to follow procedures, which they have done. Manatee Fruit Company has been annexed into the City; the property followed the rules established by the ACCORD and went to the JPC; JPC's concern was that density be watched to be consistent with what was in the County's density, RES3 and RES 6; and height be in accordance with the County's rules.

Attorney Grimes opined that all reviewing bodies are in agreement that is what is being done. He stated it is very clear that the only way the City can follow the ACCORD and do what the JPC recommended is through the planned development category. He read portions of the ACCORD and the JPC's provisions on density for lands outside the UDZ, prior to development approval. Attorney Grimes referred to the City's Comprehensive Plan's requirements dealing with land in high hazard areas. Attorney Grimes stated he agrees 100 percent with Ms. McCann that the City is doing exactly what it has to do to agree with the ACCORD. He suggested that going back to the JPC is contrary to the rules and procedures Manatee Fruit has to follow because they have already complied. He suggested the proper thing to do is to say "As long as this ACCORD is in effect, we intend to follow it; we said we're going to follow it; we've signed our name to it. The JPC recommended that we analyze this in accordance with density in compliance with the County's and in accordance with the height. We, the City, intend to, our procedures are set up and our Comp Plan designation is set up to assure that we honor the request of the JPC in compliance with the ACCORD."

Attorney Grimes, on behalf of Manatee Fruit, indicated the rules had been followed and requested that they not be changed in midstream that could result in "a bigger can of worms". He volunteered to assist in any response to the County.

Mayor Bustle stated he would respond to Commissioner von Hahmann's two letters rather than take the properties back to the JPC.

Mayor Bustle stated that if the City takes issue with the County removing Snead Island from the UDZ, the City essentially will end up abdicating from the ACCORD. He further stated there may be a major issue the City will have to fight for, but the Snead Island issue is not, in his opinion, worth the battle. Mr. Williams voiced his opinion the City should not have to change. Ms. Bryant stated she agrees to the change of the map, but would like to have JPC minutes included in his response to the County. Mayor Bustle asked for a consensus regarding the map; Ms. Cornwell and Ms. Bryant agreed, but Mr. Williams did not.

### 3. ARTERIAL ANALYSIS FOR 8TH AVENUE

Mike Tako, FDOT, discussed the arterial analysis for 8th Avenue that was conducted by GMB Engineers and Planners. Gabriel Dante, GMB, stated the analysis was conducted during the month of May 2003 and encompassed 5th Street to 17th Street on 8th Avenue. The analysis looked at the following concerns: 1) lack of left turn lanes in the identified area; 2) difficulty entering or crossing 8th Avenue from unsignalized side streets; 3) unprotected pedestrian crossings; and 4) operational problems at signalized intersections.

Mr. Dante discussed the data that was collected during the analysis - traffic flow, crash data, traffic volumes, conditions such as pedestrian crossing, school crossings, and signal warrant analysis of four unsignalized locations. The study also focused on a northbound left turn arrow on 7th Street.

Based on FDOT standards the analysis determined the following:

- The unsignalized locations do not warrant signalization at this time.
- A northbound left turn arrow on 7th Street is not warranted at this time.
- The intersection at 10th Street is experiencing capacity problems.

Mr. Dante discussed alternatives to improve traffic along 8th Avenue, concluding with the following recommendations:

- Install a 5-section signal head on the northbound approach to 7th Street
- Install pedestrian and signage at 11th Street, 11th Street Drive and 12th Street
- Lengthen the northbound left turn lane at 10th Street West
- Lengthen the eastbound left turn lane and install an eastbound right turn lane at 10th Street
- Optimize the signal phasing and timings at 10th Street

Council recognized the value of the information, but given the fact the study was not conducted at a peak residential time of year, felt the analysis did not fully represent the problems the City faces on 8th Avenue, especially from 10th Street to 17th Street. Council also discussed the fact that the 7th Street intersection should have a northbound left turn

lane to facilitate traffic flow and safety for Palmetto Elementary School. Mr. Gabriel stated the City may appeal FDOT to evaluate and allow a trade of the signalization at 5th Street and 7th Street. Mr. Tako stated he would ask for review of the timing of the study and the signalization issue.

#### 4. AUDIO-VISUAL UPDATE FOR COUNCIL CHAMBER

Martin Febres, of Encore Broadcast Solutions, Inc. advised Council his firm could place an audio-video upgrade in Council chamber consisting of

- Automatic audio matrix mixer - PC controllable to eliminate feedback
- New microphones for the dais and speakers
- Wireless microphone system; hand held and lapel
- Upgrade of a multi-media podium
- Video upgrade to nine LCD monitors and two plasma screens

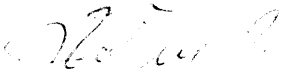
Mr. Febres confirmed the entire system will be transferable to a new location. He also confirmed the system could be PC compatible.

Mr. Febres also discussed the possibility of recording the meetings to a DVD, but informed Council the cost of the system is not included in the quote.

At this time, the list price of the upgrade equipment is \$30,000, excluding installation and training. An attempt is being made to piggy-back each section of the upgrade onto existing governmental contracts. If it becomes necessary to issue an RFP, Mr. Febres cautioned that the bid should require specific brands and should be "turn key".

Meeting adjourned at 6:45 pm.

Minutes approved: May 17, 2004



J. E. Free, Jr.  
City Clerk