

**Palmetto City Council
February 8, 2001 4: 00 PM**

Elected Officials Present:

**Shirley Groover Bryant, Vice-Mayor
Tamara Cornwell, Council Member
Donna Keefer, Council Member
Mary Lancaster, Council Member**

Elected Officials Absent:

**Pat Whitesel, Mayor
Brian Williams, Council Member**

Staff and others present:

**Chief Bright, Palmetto Police Department
Mary Jean Forrester, Acting City Clerk
Margaret Tusing, Planning & Zoning Director
Mike Hickey, Public Works Director
Van Brown, Engineering Department
Diane Ponder, Administrative Assistant
Linda Svenson, Riviera Dunes
Caleb Grimes, Riviera Dunes
Richard Clarke, Zoller, Najjar & Shroyer
Brandt Henningsen, Southwest Florida Water Management District**

Vice-Mayor Bryant called the meeting to order at 4:00 p.m. and stated the meeting was a presentation of information only on the property north of the Estuary Park, and no action would be taken on the issue before Council.

Mr. Hickey opened the meeting with an orientation of the property under discussion. Option A follows the original plan in the DRI, whereby Riviera Dunes donates land to the City for a park and commercially develops a portion. Option B expands the Estuary Park. The third option allows for a road, either through the park, or placed hugging the north and east sides of the property.

The two issues facing Council is commercial development vs. an extension to the park and road vs. no road. If there is no road SWFWMD is very interested in going forward with the park. If a road cuts through the park it becomes less desirable to SWFWMD.

Questions Brandt Henningson of SWFWMD has conveyed to city staff are, what FDOT would require if a light is left at the end of 7th Street and would FDOT allow driveway permits off the proposed road alignment. If driveways are allowed off the road it makes the parcel more valuable for SWFWMD's appraisal purposes.

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Mrs. Keefer asked what the difference was as its narrowest point between the pavement on Hwy 301 to the proposed road. Mr. Brown described how the proposed road had been developed. The road is approximately 50 feet from pavement to pavement.

Mr. Henningson of the SWIM Program of SWFWMD addressed Council giving a brief history of how this project began. Mr. Henningson discussed Riviera Dunes wish to receive \$500,000 for the property, regardless of its appraised value which conceivably could be \$1.5 million. The project was presented to Fritz Musselman, Director of Land Acquisition for SWFWMD, who agreed to allow his staff to pursue the purchase of the property. Mr. Henningson discussed the restoration and storm water prospects of the property, which would resemble very closely what has been done in the southern part. In the meantime the road issue and the donation of land to the city was raised and the fact SWFWMD may have the chance to only buy 2.5 acres at an appraised value of \$200,000 per acre, which diminishes the attractiveness of the project. Mr. Henningson stated he had originally explained the project as being a parcel of land containing 10 to 12 acres and discussed the per acre cost of the project. He further stated how the road and driveways would affect the appraised value of the land.

Discussion was held on the donation of land to the city from Riviera Dunes and information from Ms. Petruff, via her letter to Mike Hickey dated February 5, 2001 that the city may not be able to waive requirements designated in the city's Land Development Code. Ms. Petruff voiced other concerns concerning the extension of the park in the same correspondence to Mr. Hickey.

Mrs. Tusing stated originally Parcels 16 and 17 are all of the property, totaling 9.64 acres. The zoning development order states a dedication of 4.5 acres of parkland must occur to meet the DRI. Acreage is to be determined by all wetlands, suitable upland properties and realignment of 7th Street, which will equate to the 4.5 acres. Mrs. Tusing discussed Ordinance 665 and Ordinance 663, the local zoning ordinance, which further refined the dedication; all wetland acreage, appropriate uplands to serve the wetlands, an area for a sump pump at 7th Street, and an appropriate road alignment for 7th Street, if the city pursued the realignment. Mrs. Tusing stated there is approximately 2.5 acres of land left. Ms. Tusing stated staff is looking for direction on whether Council wants to see the realignment of 7th Street. She further stated it is staff's position the realignment is necessary for the development east of Hwy 301. Mr. Hickey stated if the acreage to the city is out of the picture, Mike McHagen of SWFWMD indicated SWFWMD would entertain the deal as long as the city committed the land would be used as part of the SWIM development.

Richard Clarke of Zoller, Najjar & Shroyer, the city's engineering firm, said discussion had been held with FDOT regarding options at 7th Street and Haben Blvd. Scenario #9 will be allowed by FDOT, but this option does not allow westbound traffic from Hwy 301 onto 7th Street. Scenario #6 was discussed but Mr.

Clarke felt FDOT would not be receptive because of the failing service to the state road. Mr. Clarke recommended, from the pure traffic standpoint, the city rerouting traffic via the 7th Street alignment through the Estuary Park. Ms. Cornwell discussed the fly-over alternative. Ms. Svensen stated FCT money would provide for traffic issues. Mr. Henningson stated this type of road would be very expensive to permit.

Ms. Svensen stated Riviera Dunes had worked to figure out how to compromise with all involved parties to still receive the minimum amount Riviera Dunes is seeking for the land and give the city an area to build the road. The proposed road is 1.67 acres vs. 2.2 acres in uplands. She further stated she felt some of city staff felt this proposal may be equivalent to what was discussed in the dedication, because most of the other acreage is wetlands. And, if Riviera Dunes were going to sell the land commercially they would not be in favor of the location of the proposed road, as it would devalue the property. Ms. Svensen stated the city must determine if it can accept the proposed road location as the acreage dedication.

Mrs. Keefer asked if the proposed road location was approved, how Riviera Dunes would address the loss of 11,000 square feet of retail space. Ms. Svensen replied that in SWIM's appraisal process more reduction in square footage has already been requested, which Riviera Dunes has agreed to do.

In addressing the light issue at 7th Street brought up by Ms. Petruff, Ms. Svensen stated Riviera Dunes is only responsible for its proportionate share of expenses, or a total of 5.5% of the cost.

Ms. Cornwell asked about the impact of the road on the park and if drainage could go under it. Mr. Brown discussed the filtration system and the fact Gary Hammick of FDOT had looked at the proposed road plan, indicating he was happy with the plan.

Mr. Henningson explained how he had presented the project to Mr. Musselman and the fact he believed the project SWFWMD was considering was 10 to 12 acres. He further stated if the city would accept a donation of the 1.6 acres for the road that would leave the balance of the property for appraisal and future acquisition by SWFWMD. He cautioned Council that removing the land for the road could adversely affect the appraisal.

Ms. Cornwell stated the bottom line is, it appears the city needs the road. While she is always concerned about the environment, human life must also be considered. She asked Mr. Henningson if the city accepts the road and it hugs the existing highway as closely as possible, making sure to protect the wetlands from runoff, agreed to give the 4.5 acre parcel for the use of parkland, if SWFWMD would be willing to work with the city. Mr. Henningson replied he did not make the decision about land acquisition, but from a restoration position, if the core was left intact there is still room to do a project.

Mrs. Keefer asked about parking and restrooms on the northern end of the parcel. Mr. Henningson replied he was under the impression the dedicated parking and restrooms on the southern parcel would serve the entire project. Ms. Petruff advised Council this topic should be addressed. Mr. Hickey stated there would be one entrance to the entire park and one parking area and restroom facility. Ms. Bryant referred to the awarded P2000 Grant that requires these public facilities. Ms. Tusing referred to the FCT Grant and the original management plan, stating the management plan needed to be amended.

Mayor Whitesel entered the meeting at 5:05 p.m, thanked everyone for coming and announced she needed to leave for another meeting.

Ms. Cornwell asked Mr. Henningson to speak with Mr. Musselman about putting in the proposed road on the easterly part of the property with underground drainage, keep the public facilities in the southern part of the land, allow the western side to be established for a park, with the city's agreement to release the property for the park.

Mr. Henningson stated the alignment of the road is an issue that has to be settled before this project can moved forward. Mr. Grimes suggested approving an alignment of the road that creates the highest value so SWFWMD can show an appropriate value, and in buying it there be an agreement with the city to move the road to the easterly side of the project. Mr. Grimes said he suggests this to make it appear what is really true, that SWFWMD is getting much more valuable land than what is being paid for. Mr. Henningson stated he could not speak for the real estate appraiser.

Ms. Bryant asked Mrs. Tusing if the city could accept the 1.67 acres, because of the difference in the value between the wetlands and buffering uplands, stating the information from the attorney doesn't indicate the city can do this. Mrs. Tusing responded the issue that needs to be resolved is whether or not to install a road, stating it sounded to her that of Council Members present today, Council was in favor of the realignment of 7th Street. After the decision is made about the road all other issues can be negotiated, i.e. amount of property to be dedicated and how it is presented for SWIM to purchase.

Mrs. Keefer stated the road would be needed in the future for the safety of the citizens of Palmetto. Mrs. Lancaster stated she relied on the engineer's opinion stating the proposed road was the best option for the city. Ms. Cornwell stated that in considering the required dedication, it is the attorney's opinion it must be 4.5 acres. Mrs. Tusing stated that is not exactly true, citing the Development Order that adopted the DRI states the obligation of Riviera Dunes is 4.5 acres. Local Ordinance 663 refined the Development Order and no longer stipulated an acreage figure with the dedication, now saying the dedication will be wetlands, appropriate uplands buffers, room by a sump pump, and a decision regarding the 7th Street

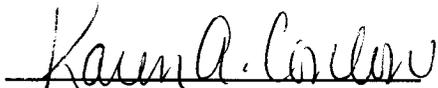
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alignment. Mrs. Tusing was instructed to meet with Attorney Petruff regarding the issues Council was advised to consider during the Riviera Dunes proposal. Ms. Bryant stated Council should have any other information that is factored in when this topic is an agenda item that will require action. Ms. Cornwell advised Mrs. Tusing the grant writer should also be attendance at this meeting – the grant writer will looking for funds for the second phase of the project and needs to be aware of the background information so she can be putting things in place for monies now.

Mr. Hickey suggested all involved staff meet to put together a proposal for Council's review. Mrs. Tusing stated staff is looking for a vote on the road. Ms. Cornwell stated she is not looking for just a road, she is looking for a road that will not interfere with the wetlands as much as possible. Mrs. Keefer concurred with Ms. Cornwell stating she would also have to have the placement of the road. Mr. Grimes indicated an appropriate motion would be one that would locate the road sensitive to the wetlands and the protection of the wetlands. Ms. Cornwell concurred with Mr. Grimes. When all pertinent information has been gathered the topic will be placed on an agenda.

There being no further business, meeting adjourned at 5:45 p.m.

Minutes approved: March 5, 2001


**Karen A. Conlon
City Clerk**

Audio tapes of the meeting are on file in the city clerk's office.