

SEPTEMBER 12, 1980PUBLIC HEARING

Cont'd

The Board of County Commissioners, Manatee County, Florida, reconvened in joint public meeting with the Manatee County Planning Commission in the Central Library Building, Bradenton, Florida, Friday, September 12, 1980 at 9:07 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Lamar S. Parrish, Vice-Chairman (entered during the meeting)
Claude E. McGavic
L. H. Fortson, Jr.
Louis E. Driggers

Also present were:

E. N. Fay, Jr., County Attorney
Peter Ramsden, Finance Director, representing R. B. Shore,
Clerk of Circuit Court

Planning Commission Members

Ann Bott
Robert H. Hoffman
Fay Firkins
James C. Garrison
Seymore Sailes

Gordon Bartle and George Hooper were absent.

Representing the various news media were Mark Todd, Sarasota Herald-Tribune, and Libby Allison, The Bradenton Herald.

Court Reporter: Diane T. Tomin, Kahn & Kahn Court Reporters, 1105 6th Avenue W., Bradenton, Fl 33505.

The meeting was called to order by Chairman Glass.

BRADEN RIVER FIRE DEPARTMENT - COUNTY EXHIBIT NO. 13

James Schultz, Acting Fire Marshall, Braden River Fire Department, testified to the immediate need for accommodations for fire, rescue and ambulance service and submitted recommendations of the Department that the developer provide a building to house fire equipment and personnel, one ambulance and crews, and police personnel sufficient to serve the area.

There being no objections, MOTION was made by Mr Driggers and seconded by Mr McGavic to admit "Recommendations for Accommodations for Fire, Rescue and Ambulance Service to the Area to be Known as TARA" as County Exhibit No. 13 (Listed with other County Exhibits).

MOTION carried unanimously.

COUNTY EXHIBITS

Charles Hunsicker, County Planning Department, outlined his qualifications in Environmental Sciences, principally in the areas of educational background and employment experience.
(Enter Commissioner Parrish)

WARD LAKE

Mr Hunsicker offered as evidence a third illustration: "Potential Effect of Proposed Retention Lakes on Surficial Recharge to Ward Lake Under the Influence of High Potentiometric Pressure" to assist in clarifying the concept of ground water recharge to Ward Lake.

COUNTY EXHIBIT NO. 10

There being no objections to "Exhibit No. 10, Without Merit" being considered as illustrative, and not necessarily representative, of a condition, Mr McGavic MOVED to rescind action of 8/27/80 rejecting it as evidence "without weight" and admit said documents into evidence at this time as County Exhibit No. 10. MOTION was

seconded by Mrs Bott. Voting "Aye" were Commissioners Glass, McGavic, Fortson and Planning Commissioners Bott, Firkins, Hoffman, Garrison and Sailes. Commissioners Driggers and Parrish voted "Nay". MOTION carried. (Listed with other County Exhibits 8/27/80).

COUNTY EXHIBIT NO. 14

After discussion of a third illustration, "Potential Effect of Proposed Retention Lakes on Surficial Recharge to Ward Lake Under the Influence of High Potentiometric Pressure", MOTION was made by Mr McGavic to accept this drawing as County Exhibit No. 14. MOTION was seconded by Mrs Bott. Voting "Aye" were Commissioners Glass, McGavic, Parrish, Fortson, and Planning Commissioners Bott, Firkins, Hoffman, Garrison and Sailes. Commissioner Driggers voted "Nay". MOTION carried (Listed with other County Exhibits).

PUBLIC FACILITIES

Bruce Hossfield, County Planner, outlined his qualifications, educational background and employment experience.

He referred to a review of area public facilities and to a map depicting development in the I-75/SR 70 area during his testimony on the potential impact of such development on public facilities and services.

General conclusion: If developments that come into this area provide their equitable share of sites and construction costs for the needed facilities, provision of adequate services can be continued.

MOTION was made by Mr Fortson and seconded by Mr Hoffman to accept into evidence as County Exhibits:

- No. 15 - I-75 Area Development Map
 - No. 16 - I-75 Area Public Facilities Review
- (Listed with other County Exhibits)

MOTION carried unanimously.

HIGHWAY

Jerome Gostkowski, County Highway Department, Chief of Subdivision and Development, detailed recommendations of the County Highway Department regarding improvement of Braden River Road and Linger Lodge Road (that this work be tied to the third and final phase as a required improvement for the recording):

1. Widen approximately 2.4 miles of existing 20-foot wide pavement to 24 feet wide, along with a leveling course and cap.
2. Construction of a 24-foot wide rural section 0.8 mile in length from the end of existing pavement to the beginning of I-75 overpass
3. Grade shoulders to typical rural section where said roadway is contiguous to the development

In that the developer has proposed to privately maintain the drainage system, Highway Department recommended:

- 1) The proposed maintenance program, including methods of implementation, be made a stipulation to approval;
- 2) The City of Bradenton be accorded an opportunity to review and comment on drainage design for the project;
- 3) State and local requirements be applicable at time of construction.

PARKS AND RECREATION

John Marble, Director, Parks and Recreation Department, in a letter dated August 25, 1980, recommended that developers adjoining TARA be encouraged to lengthen and join to the TARA bike and pathways.

SEPTEMBER 12, 1980

Cont'd

PLANNING DEPARTMENT RECOMMENDATIONS

The Planning Department finds the development in conformance with existing land development regulations and the current Comprehensive Plan, and, if approved Regional Planning Council with certain modifications and conditions; recommends that certain specific conditions and constraints (outlined in the TARA D.R.I., Composit County Exhibit No. 1) be tied to the project as a whole and to each specific phase of the development and should be written into the Development Order.

"Construction activities" was defined as clearing and grubbing for road construction or site improvements. Where cleanup or grubbing are not necessary, construction and construction activities shall include any grading, borrowing or filling of land for development purposes. However, activities associated with site serving, soil testing, and construction of the stormwater management system shall not be deemed to constitute construction or construction activities.

Mr Swan outlined changes to the previously submitted Staff recommendations regarding SE-80-23, and offered "Modifications to TARA Report" as County Exhibit No. 17.

MOTION was made by Mr McGavic to accept Modifications to TARA Report as County Exhibit No. 17. MOTION was seconded by Mr Firkins and carried unanimously. (Listed with other County exhibits)

This concluded the Planning Department presentation.

COUNTY HEALTH DEPARTMENT, POLLUTION CONTROL - COUNTY EXHIBIT NO. 18

O.E. Randle, County Pollution Control Director, submitted a written report from the Manatee County Health Department and testified to the potentially adverse effect the conceptual TARA development could have on the Ward Lake watershed; that to approve the concept of the Tara development would necessitate (1) development of supplemental well fields, (2) abandonment of Ward Lake as a reservoir for potable water supply.

He urged denial of the TARA development at this time as not being in the best interest of the County. As there are thousands of acres of undeveloped land in Manatee County that do not lie within the watershed, he basically recommended that no development be allowed in the watershed prior to development of the other land.

MOTION was made by Mr McGavic and seconded by Mr Hoffman to enter the Report from the Manatee County Health Department into the record as County Exhibit No. 18. MOTION carried unanimously. There were no objections. (Listed with other County Exhibits).

Jim Rhinehart, Manatee County Utilities Engineering Supervisor, testified that the capacity of the Southwest Regional Treatment Plant at this time is 11,000,000 gallons, that upon completion of the flow equalization process the capacity will be increased to 14,000,000 gallons per day.

He stated that the on-going 201 (Wastewater Treatment) Study will provide answers about the regionalization of a central sewer system in the Creekwood area.

CITY OF BRADENTON PRESENTATION: RESOLUTION; EXHIBITS

William Lisch, Attorney, City of Bradenton, submitted a certified copy of City of Bradenton Resolution No. 80-51 adopted by the City Council opposing the development of TARA.

MOTION was made by Mr McGavic and seconded by Mr Firkins to enter the Resolution into record (County Exhibit No. 19). MOTION carried unanimously (Listed with other County Exhibits).

Jerry West, Planning and Development Director, City of Bradenton, after outlining his qualifications, testified to the concern of the City of Bradenton regarding the quality and quantity of water flowing to Ward Lake from the TARA development.

He requested the County Planning Commission and the County Commissioners not to allow an increase in development density in Ward Lake watershed until such time as a reservoir protection ordinance is adopted and the petitioner can comply with Class I water for borne and non-borne discharge into Ward Lake. He encouraged denial of this project to prohibit an irreversible trend that will permanently pollute Ward Lake.

RECESS/RECONVENED

The Chairman declared the meeting recessed until 1:15 p.m.

The meeting reconvened at 1:18 p.m. with all members present except Mr Bartle, Mr Garrison and Mr Hooper. Commissioners Parrish and Driggers entered during the meeting.

CONTRACTORS ASSOCIATION

Jessie Carr, representing Contractors Association of Sarasota, Manatee, Hardee and DeSoto Counties, Inc., being unable to attend the remainder of the hearing, was allowed to appear out of order. He read a statement recommending approval of the TARA development.

CITY OF BRADENTON PRESENTATION (CONT'D); EXHIBITS

Gordon Grimes, Director of Engineering, City of Bradenton, after stating his qualifications, testified to being familiar with the proposed TARA development and its possible impacts on the Ward Lake watershed. (through participation in preparation of the Smith and Gillespie Engineering report). He further testified to the concerns of the City about protection of the water quality and quantity and the fact that the State of the Art design of the proposed development will not meet the requirements of Chapter 17 (Laws of Florida).

(Enter Commissioner Parrish)

To illustrate his "reverse slope" theory of adverse effects on Ward Lake, Mr Grimes used Mr Hunsicker's drawing showing the potential effect of proposed retention lakes on surficial recharge to Ward Lake under the influence of high potentiometric pressure (County Exhibit No. 14) and submitted a modification of Exhibit No. 14 as Exhibit 20 for identification.

MOTION was made by Mr Firkins and seconded by Mr McGavic to enter the modification of Exhibit No. 14 into evidence as County Exhibit No. 20. MOTION carried unanimously (Listed with other County Exhibits).

Mr Grimes submitted a document entitled "Engineer's Report on the Review and Evaluation of the Proposed TARA Development, Smith & Gillespie File #7109-56, Bradenton, Florida, August, 1980"

There being no objections, MOTION was made by Mr Fortson, seconded by Mr Firkins to accept the Engineer Report into evidence as County Exhibit No. 21. MOTION carried unanimously.

(Enter Mr Driggers)

COUNTY EXHIBITS (CONT'D)

Listed below are County Exhibits admitted during the meeting on September 12, 1980:

13. Document - Recommendations for Accomodations for Fire, Rescue, & Ambulance Service to the Area to be Known as TARA (2 pages)
14. Drawing - Modified Conceptual Drawing "Potential Effect of Proposed Retention Lakes on Surficial Recharge to Ward Lake Under the Influence of High Potentiometric Pressure
15. Map - I-75 Area Development (colored insets)

SEPTEMBER 12, 1980

Cont'd

16. Document - I-75 Area Public Facilities Review (2 pages)
17. Document - Modifications to TARA Report (2 pages)
18. Document - Report by Manatee County Health Department
(with handwritten insertions)
19. Resolution - Certified copy of City of Bradenton Resolution
No. 80-51 opposing TARA development
20. Drawing - Modified Conceptual Drawing (Exh. #14) to illustrate
"reverse slope" theory
21. Document - Engineer's Report on the Review and Evaluation
of the Proposed TARA Development. S&G File No. 7109-56
Bradenton, Fla. August 1980 (blue binder)

Mr Grimes outlined two stipulations the City of Bradenton would like to have imposed in the Development Order:

- 1) All stormwater run-off be collected and treated to meet Chapter 17-3 standards;
- 2) Some type impact fee whereby the degradation of Ward Lake could be mitigated (through mechanical means) by the developments occurring within in Ward Lake.

After cross examination by Mr Dye, Mr Grimes concluded his testimony.

Mark Russo, Environmental Specialist with Smith & Gillespie, Consultant Engineers, City of Bradenton, testified to his participation in the preparation of the engineering report by Smith & Gillespie (Exhibit No. 21) and that the baseline data provided in the D.R.I. for surface and groundwater quality is unacceptable in that it is generated during an insufficient amount of monitoring time and that it does not include baseline levels for pesticides.

In regard to the retention/detention lake system design, he testified to an apparent conflict in providing sufficient water quantity and quality. On behalf of the consulting engineers of the City of Bradenton, he recommended denial of TARA.

RECESS/RECONVENE

After a brief recess, the meeting reconvened with all members present except Mr Bartle, Mr Garrison and Mr Hoffman.

Mr Russo testified that this appears to be the case because the Report was written prior to testimony by the geohydrologist in public hearing (8/27/80) regarding the retention/ detention lakes allowing additional recharge of the aquifer; that this particular testimony changed the opinion of the engineers as to the effectiveness of the retention/detention system.

Presentation of the City of Bradenton was concluded.

PUBLIC COMMENTS (FLISIK)

The County Attorney advised that prior to testifying, any individual who speaks will be placed under oath, thereby becoming subject to cross examination.

Individuals testifying in opposition to the TARA development were:

Arlene Flisik, 4106 24th Avenue W., Bradenton, Land Use Chairman, Manasota 88, a group of non-technical persons concerned about environmental health, who support the position of the Manatee County Pollution Control Director and the City of Bradenton as opposing the TARA development as it is currently presented, and expressed concern about the high density development in the watershed.

Maxwell Wilkinson, Braden River Road, stated that he had no specific comments in regard to TARA but made comments on drainage from the northwest area of TARA and the City of Bradenton dredging in the vicinity of Ward Lake.

Ray Schenk, 4105 Chinaberry Road, Bradenton, spoke in support of the position of the City of Bradenton. He requested denial of the development.

Public comment was concluded.

REBUTTAL (APPLICANT)

Harry Oleson, Hydrogeologist recalled by Mr Dye, testified that, based on existing information (U.S. Geological Survey Report of Investigation No. 18, Ground Water Resources, Manatee County, Florida, dated 1958), it is his expert opinion that the confining unit over the upper artesian aquifer is located below Braden River, and assumed to be below the bottom of Ward Lake; that the drainage in the proposed retention/detention lakes system on TARA would not be likely to pierce the impermeable layer and, so long as this layer is not breached, the water will flow in to Ward Lake resulting in a net increase of recharge.

Robert Lombardo, Civil Engineer, was recalled and testified regarding techniques proposed to be used in treating surface water on TARA; that the use of the retention/detention ponds and grass swales methods is not new, but has been documented in the 208 Plan (The Areawide Water Quality Management Plan, prepared under the auspices of the Tampa Bay Regional Planning Council). It was also brought out in cross examination that the 208 Plan has a specific plan for maintenance; that in the D.R.I. the responsibility for maintenance of the drainage system has been addressed, but the actual maintenance has not.

Clayton Robertson, was recalled to respond to concern expressed (by Arlene Flisik) about endangered species on the TARA site. He testified that there are no "federally-listed endangered" species observed on the site. However, there are some "state-listed threatened" plant species on the site.

He also testified to the uniqueness, as well as the previously demonstrated effectiveness, of the proposed wastewater treatment plan as to breakdown of degradation of various contaminants.

(Depart Mr Sailes)

MEETING RECESSED

Upon departure of Mr Sailes, members in attendance did not constitute a quorum, and the Chairman declared the public hearing continued to Tuesday, September 16, 1980, at 1:30 p.m.

= = = = =