

SEPTEMBER 8, 1982

The Board of County Commissioners, Manatee County, Florida, and the Planning Commission met in JOINT SESSION in the Courthouse, Bradenton, Florida, Wednesday, September 8, 1982 at 9:16 a.m.

Present were Commissioners:

Vernon E. Vickers, Chairman
Edward W. Chance, Vice-Chairman
Claude E. McGavic
Westwood H. Fletcher, Jr.
Patricia M. Glass

Present were Planning Commission members:

George Hooper, Chairman
Ned Jaworowski
Robert H. Hoffman
James C. Garrison
T. (Dolly) Youny
Hollis B. Hayman

Absent was

Constine D. Gilliard

Also present were:

Keith Roberts, Assistant County Attorney
Robert F. Fernandez, County Administrator
Richard H. Ashley, Chief Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Representing the various news media were Greg Spears, The Bradenton Herald; Jud Magrin, Sarasota Herald-Tribune; Haven Simmons, Channel 40 News, and others who entered during the meeting.

The meeting was called to order by Chairman Vickers.

CITY OF BRADENTON - WARD LAKE PERMIT EXTENSION

Keith Roberts, Assistant County Attorney, reported that the matters Scheduled for this meeting are (1) a public hearing on request by the City of Bradenton for a zoning change that involves a small parcel of land that is a part of the Ward Lake project, and (2) three public hearings on request by the City of Bradenton for a special permit.

The City feels that it must receive all possible County permits at this hearing in order to successfully proceed with the issuance of bonds for the expansion of the Ward Lake Reservoir and to obtain favorable ratings and interest rates.

Staff has contacted Joann Palazo of Mudge, Rose, Guthrie, New York, County's bond counsel, and Worth Blackwell of Hough and Associates, Financial Consultants to the Manatee County Utilities Department, and both expressed the opinion that there is no requirement that an applicant, such as the City, have all necessary permits at the time it seeks to issue its bonds and notes, and that the lack of a permit need not effect its rating so long as it reasonably appears that those approvals will be forthcoming and that the conditions and criteria can be met.

Pete Claflin, Smith and Gillespie Engineers, Jacksonville, Florida, Consulting Engineers for the City, and Bill Lische, City Attorney, made comments as to the need for the permits.

Mr Roberts stated that staff is recommending that a special permit and an earthmoving site plan be approved subject to conditions and stipulations and that action on the operating permit be deferred.

Mayor Evers, City of Bradenton, commented that the operating permit is needed to receive a loan for the project.

SEPTMBER 8, 1982

Cont'd

Public hearing was opened by the Board of County Commissioners and the Planning Commission for the purpose of considering:

Z-82-55 CITY OF BRADENTON - REZONE TO A-1/WP/ST - APPROVED *Zoning*

Request: Change zoning to A-1/WP/ST on 39 acres located on the west side of Braden River Road, 1/2 mile south of S.R. 70. (Notice published in The Bradenton Herald 8/20/82)
Planning Department recommended APPROVAL.

The Planning Director stated that this was inadvertently published as Z-82-80, but the correct number is Z-82-55.

Chairman Vickers declared the meeting recessed for the Board of County Commissioners.

Chairman Hooper declared the public hearing closed for the Planning Commission.

Planning Commission

Upon motion by Mr Jaworowski, seconded by Mr Hoffman, the Planning Commission unanimously approved Z-82-55 and findings in the staff report.

The Board of County Commissioners reconvened.

The public hearing was closed for the Board of County Commissioners.

Upon motion by Mr Fletcher, seconded by Mrs Glass, the Board unanimously approved Z-82-55 and findings in the staff report.

RECORD ORDINANCE

Public hearing was declared opened for the purpose of considering

SP-82-80 CITY OF BRADENTON APPLICATION FOR THE EXPANSION OF
WARD LAKE RESERVOIR -
SPECIAL PERMIT; EARTHMOVING SITE PLAN - APPROVED
OPERATING PERMIT - DEFERRED

Request: Approval of a special permit to allow major earthmoving in the A-1/WP/ST and PDR/WP/ST districts; Approval of the earthmoving site plan; Approval of the operating permit. (Notice published in The Bradenton Herald 8/20/82)

Planning Department recommended APPROVAL of the special permit and the earthmoving site plan subject to the following conditions and DEFERRAL of an operating permit until such time as the stipulations set forth as conditions of approval of the earthmoving site plan have been met.

1. Prior to approval of the Operating Permit, a contingency plan shall be prepared by the City of Bradenton. The plan shall describe the necessary actions which must be taken in the event that during construction the water becomes unpotable or untreatable. A study shall be made which will identify conditions which could lead to such a hazard, describe mitigative measures to obtain supplemental supply, provide for treatment and/or distribution capability during the emergency, and make recommendations for measures which will reduce the risks associated with identified potential hazards.
2. Any measures which involve participation by the County to provide a supplemental supply in the event of an emergency must be incorporated in an agreement between the City and appropriate County departments prior to approval of the Operating Permit.
3. Prior to approval of the Operating Permit, the applicant shall be required to prepare a report with data, that is adequate in the judgement of the Pollution control Department, which will demonstrate that applicable Federal, State and local water quality standards will not be violated. An estimate must be made of the concentration of all pollutants in the lake during the various phases of the

- project and initially the following information should be identified: (a) evaluate the pollution potential of the dredged material; (b) perform tests necessary to obtain data for sediment characteristics and the design of containment areas; (c) establish effluent limits taking into consideration results of pollution potential evaluation and mixing characteristics in the reservoir; (d) identify any chemical constituents which are not likely to be removed with simple retention of suspended solids; (e) confirm that proposed containment area design and operational features are adequate to produce the design effluent conditions.
4. All natural vegetation, jurisdictional wetland areas, and limits of construction shall be clearly identified prior to approval of the Operating Permit and encroachment into these areas shall be avoided.
 5. Stakes, trees or barricades with ribbon shall be used to identify all limits of construction prior to commencement of earthmoving activity and these limits shall not be violated during construction.
 6. Dike construction of Spoil Area #2 shall be modified as shown in Exhibit "A" attached.
 7. Prior to approval of the Operating Permit, the location of haul routes, perimeter ditches and settling areas shall be identified by the applicant and approved by the County. Particular attention shall be given to Department of Environmental Regulations (DER) with respect to jurisdictional area. The location, design and construction of these features shall provide maximum protection to existing trees and vegetation.
 8. Clearing of all trees and wetland vegetation shall be restricted only to approved borrow areas, spoil areas and haul routes. No vegetation is to be disturbed beyond the limits of construction.
 9. Prior to approval of the Operating Permit, a best possible technology determination shall be made by the Board of County Commissioners under the County's ST (Special Treatment Overlay District) on the basis of appropriate information submitted by the City. Additional stipulations or amendments to the contract may be made or required to assure that the activities are conducted in accordance with best possible technology.
 10. Prior to approval of the Operating Permit, the City shall provide the County with information sufficient to show that earthmoving activities will be conducted in such a manner as to ensure, that upon reclamation, the lands within the project area do not exceed the radiation level limits specified by the Land Development Code (i.e. the total mean soil Radium 226 concentration shall not exceed five point zero (5.0) picocuries per gram measured from six (6) foot core sample taken at a one (1) per acre from disturbed lands, not reclaimed lakes.
 11. Outdoor area lighting shall be oriented in such a manner that it will not shine directly onto surrounding properties. Equipment shall be operated and their lights shall be shielded in such a manner that surrounding residents are not impacted by full twenty-four (24) hour operation.
 12. Noise levels generated by the project shall not exceed the standards established by Ordinance 81-3. Construction activity sound levels shall not exceed a limit of 60dBA between the hours of 7:00 A.M. and 10:00 P.M., or 55dBA between the hours of 10:00 P.M. and 7:00 A.M., when measured at the boundaries of the project.
 13. Septic tanks used in conjunction with construction activity and all sanitary facilities shall be set back five hundred (500) feet from the proposed New Ordinary High Water Mark of the Ward Lake Reservoir, two hundred (200) feet from the Ordinary High Water Mark of all surface water bodies that directly or indirectly discharge into the reservoir. Temporary, portable sanitary facilities may be conveniently located and used within the construction area only after obtaining written approval from the Manatee County Health Department.

SEPTEMBER 8, 1982

Cont'd

14. Due to the proximity of Spoil Area 1B to the Westwinds Mobile Home Park, the highly organic lake bottom material shall not be dredged into this spoil area due to potential odor problems.
15. Prior to approval of the Operating Permit, a determination by FEMA shall be made whether or not the Flood Insurance Risk Maps and Flood Insurance Study should be amended as a consequence of the Ward Lake expansion. Copies of the determination shall be forwarded to the County. Additionally, methods to mitigate any adverse effects resulting from the alteration of the floodway and 100 year floodplain shall be submitted to County staff for approval.
16. Prior to approval of the Operating Permit a detailed construction sequence and phasing plan shall be submitted.
17. Prior to approval of the Operating Permit, these water bodies and wetland areas must be identified on a map or aerial photograph at a scale of one (1) inch equals two hundred (200) feet with overlaps of two hundred (200) feet, depicting the name, location and limits of above mentioned water bodies and wetland areas.
18. Prior to approval of the Operating Permit, information itemizing each component of the spoil area water balance upon which the 11.0 mgd discharge rate was based shall be submitted. Include all assumptions and the basis for those assumptions.
19. Prior to approval of the Operating Permit, specific drainage ways to be used during each phase of the project must be identified. Engineering computations shall be submitted which verify that the ditches have the capacity to route the projected process flow and design storm flow.
20. The applicant shall provide information that identifies which tributaries of the Braden River will be receiving discharges from the perimeter ditches. The retention time provided by the perimeter ditches and their efficiency in removing suspended solids is also required.
21. Prior to approval of the Operating Permit, the City shall demonstrate that during the period of construction, no significant degradation of water quality will occur at any point within the Lake and in no case will the activity cause ambient water quality standards to be exceeded except within a restricted zone of discharge approved by the County.
22. All construction activities shall meet the requirements of Article I, Manatee County Air Pollution Rules.
23. Prior to approval of the Operating Permit, the following information shall be submitted: (a) a description of the procedure followed in designing the dikes, including the results of stability analysis and computation of design factors, (b) specific procedures for water impoundment such as minimum freeboard and maximum draw down rates that will ensure safety of the structure, (c) documentation that the dike construction method follows accepted engineering practice, (d) a commitment from the design engineer to provide certification that the dam has been constructed to engineering generally accepted for structures of this class, (e) specification of the interval of inspections, (f) agreement that the inspection program shall include vegetation and soil conditions on slopes of dam as a part of the routine inspection and (g) agreement that the inspection shall be conducted by a trained and qualified individual.
24. Prior to approval of the Operating Permit, plans for a pre-construction water quality monitoring program shall be submitted to the Pollution Control Department for approval one (1) week after receipt of the Special Permit approval. Implementation of this program shall begin one (1) month after receipt of Special Permit approval.
25. The construction phase water quality monitoring program shall be approved by the Pollution Control Department prior to approval of the Operating Permit.
26. Monitoring stations shall be established at the outfall for each of the spoil areas in the retention and sedimentation areas and in the excavation pits in which the water will return after settling.

27. The monitoring program shall occur during all excavation activities and continue after connection to the raw water system for as long as any construction activities are occurring on site.
28. A permanent station is to be established below the dam to monitor water quality in compliance with the appropriate State standards. Said station shall be established prior to construction activities in accordance with Pollution Control Department criteria.
29. The ambient water quality in the reservoir following construction of the improvements shall not be lowered below pre-construction ambient conditions as a result of the proposed activity.
30. All construction activities shall meet the requirements of Article I, Manatee County Air Pollution Rules.
31. The portion of Natalie Way which is currently paved shall be widened to twenty-four (24) feet and resurfaced. Natalie Way Extended shall be constructed to County standards in the configuration shown in Exhibit "A", to a point south of the existing pump station. The design shall be for a thirty (30) mile per hour speed limit and 312 foot radii are recommended. Spoil Areas 1A and 1B shall be modified as shown in Exhibit "A" attached.
32. Braden River Road shall be resurfaced and leveled appropriately if deemed necessary by the County Engineer, after an on-site inspection and meeting with the Engineer for the City of Bradenton.
33. Prior to approval of the Operating Permit, the applicant shall provide certification by the Engineer that the field culverts crossing the DER jurisdictional areas will withstand the weight of all anticipated hauling.
34. A program for revegetation of all disturbed areas shall be prepared prior to approval of the Operating Permit in conjunction with the Florida Division of Forestry and the Soil and Water Conservation Service. Such program shall identify specific time schedules for plantings, specific species mix, density and location of tree and shrub plantings, and shall meet all other requirements of Section 205A.11 of the Land Development Code.
35. Proposed littoral zones shall be modified so that at least fifteen (15%) percent of the total surface area of the disturbed portion of the reservoir will have a finished depth not to exceed four (4) feet. If created along the shoreline, the littoral zone shall be clustered over areas not exceeding fifty (50%) percent of the shoreline perimeter to ensure adequate access for maintenance and other land use purposes.

Harold Bridges, of Smith & Gillespie, recommended for the City of Bradenton that the wording in stipulations 1, 2, 3, 4, 7, 9, 10 & 15 be changed from "approval of operating permit" to commencement of earthmoving activity.

During discussion of the recommendation and the language chosen by County Staff, the County Attorney advised that the recommendation, if followed, would subvert the entire process as structured by the earthmoving section of the Land Development Code.

RECESS/RECONVENE

Planning Commission

After a brief recess the Planning Commission reconvened with all members present except Constine Gilliard.

Following further discussion, public hearing for the Planning Commission was closed.

Planning Commission

Motion was made by Mrs Young to approve SP-82-80 with the stipulations as set forth by staff, with the understanding that the Planning Commission does not intend to make any recommendation as to when the stipulations be complied with (more specifically, "prior to an operating permit or prior to earthmoving activity"). Motion was seconded by Mr Jaworowski and carried unanimously.

PLANNING COMMISSION ADJOURNED (11:36 a.m.)

SEPTEMBER 8, 1982

Cont'd

Board of County Commissioners

The Board of County Commissioners reconvened at 11:40 a.m. with all members present.

The City of Bradenton asked that, in stipulation 35, the "fifteen percent of the total surface area of the disturbed portion of the reservoir" be changed to twelve percent; in stipulation 31, eliminate "widen to twenty-four (24) feet" and add maintained during construction; after the word "resurfaced" add after construction; and prior to the next sentence add subject to the County obtaining the necessary right-of-way, which is for the S-curve that will go through Florida Palm Aire property.

(Exit Mr Vickers; Mr Chance, Vice-Chairman, presiding)

Rick Plough, Planning Department, stated that the Highway Department has no objection to changing stipulation 31 to the request by the City, with the understanding that the County would not be responsible for maintaining the road until such time as it is brought up to twenty-four feet, County standards, in association with the MOTE or future expansion of the Florida Palm Aire property.

Lloyd C. Hagaman, Vice-President of Florida Palm Aire, assured his cooperation with the City and County, but if the S-curve in the Palm Aire property is going to be straightened out, he would like it brought up to County standards.

(Enter Mr Vickers)

Jerry West stated that the City has no problem with constructing new roads to County standards but should not have the responsibility to reconstruct existing roads up to standards.

Comments on change in stipulation 35 were made by

- =Diana Frazier, Planning Staff: Code requires 15 percent
- =City of Bradenton: litoral zone is just above 12 percent within the project area
- =O. E. Randle, Pollution Control Director: supports 15 percent surface area but change would not create any risk or damage or ruin the ecology of that body of water
- =Mr Frazier: Staff has no problem with changing stipulation to read twelve percent.

Mr Roberts suggested that he prepare a letter to rating agencies, underwriters, the State of Florida, et al, outlining the nature of the approval process in which the City is engaged at this time, pointing out that approval of the special permit fundamentally authorizes excavation of a resevoir and that the process contemplated by the earthmoving section of the County code is a two-step process involving the approval of an earthmoving site plan which authorizes reservoir excavation to be done in a generally-identified way.

He pointed out that issuance of the operating permit is based upon compliance with technical requirements which are set forth in the earthmoving site plan approval, the special permit approval and in the Ordinance.

Avery Gould commented on the ordinance.

RECESS/RECONVENE

The Chairman declared the meeting recessed to Thursday, September 9, 1982 at 1:30 p.m.

=====