

FEBRUARY 24, 1994

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, February 24, 1994, at 9:04 a.m.

Present were Commissioners:

Stan Stephens, Chairman
 Joe McClash, First Vice-Chairman
 Kent G. Chetlain, Second Vice-Chairman
 John R. Gause, Third Vice-Chairman
 Patricia M. Glass
 Lari Ann Harris
 Maxine M. Hooper

Also present were:

Mark Barnebey, Senior Assistant County Attorney
 Susan G. French, Deputy Clerk,
 representing R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Rev. Douglas Aldrink, Bradenton Christian Reformed Church.

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

PROCLAMATIONS

Upon motion by Mr. Gause and second by Mrs. Hooper, a Proclamation designating the week of February 21-25, 1994, as "Hazardous Weather Awareness Week" in Manatee County, Florida, was unanimously adopted.

RECORD S43-1314

Present to accept the Proclamation were E. Michael Latessa, Public Safety Director, and Karen Windon, Emergency Management Division.

AGENDA DELETION

Carol Clarke, Director, Planning, Permitting and Inspections, noted the following item to be deleted from the agenda:

Hearing Officer - Appointment of Hearing Officer, and execution of the agreement with the top ranked candidate for Hearing Officer.

LAWSUIT: HY KOM V. MANATEE COUNTY

H. Hamilton Rice, Jr., County Attorney, gave a brief report regarding the Emerson Point property on Snead Island. On February 23, 1994, U.S. Senior District Judge Morton, dismissed the case against Manatee County with prejudice because Hy Kom was not able to proceed with the case.

CONSENT AGENDA

Upon motion by Mr. McClash and second by Mr. Gause, the Consent Agenda for February 24, 1994, was unanimously adopted with deletion of: (1) Approval of Ordinance 93-49, Gateway North DRI 21 and approval of PDMU-91-01(Z)(G)(R¹); (2) Revised Administrative Services Agreement for Self Insured Medical and Dental Plan with Acordia Benefits and Anthem Health Systems; (3) Authorization to Classify Non-Usable Inventory as surplus; (4) FY 1994 Emergency Management Assistance Agreement, adoption of Resolution R-94-74 accepting a grant from DCA (all separate actions).
 Items APPROVED:

ZONING

Public hearing (continued from 1/27/94) was held to consider

Z-93-04 COUNTY INITIATED/JOHN B. PRITCHARD - GC (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM PD-C AND RSF-6 TO GC ON 1.24 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF 17TH STREET COURT EAST AND 53RD AVENUE EAST; PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended ADOPTION.

RECORD S43-1315

Public hearing (Notice in the Bradenton Herald 1/25/94) was held to consider

Z-93-15 COUNTY INITIATED/PINARDI - PR-S (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,... PROVIDING FOR THE REZONING OF CERTAIN LAND FROM RSF-6 TO PR-S ON .07 ACRE LOCATED ON THE NORTHWEST CORNER OF 53RD AVENUE EAST AND 20TH STREET COURT EAST; PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended ADOPTION.

RECORD S43-1316

Public hearing (Notice in the Bradenton Herald 2/3/94) was held to consider

PDC-93-13(Z)(P)/93-S-26 DAVID DEITRICH, ET AL - PDC (CONT'D TO 3/24/94)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,... PROVIDING FOR THE REZONING OF CERTAIN LAND FROM GC AND PDC TO PDC AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 106,894 SQUARE FOOT SHOPPING CENTER INCLUDING SPECIAL APPROVAL FOR INCREASED SQUARE FOOTAGE; AND APPROVAL OF A PRELIMINARY SUBDIVISION PLAT TO ALLOW 4 LOTS ON 16.28 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF 53RD AVENUE WEST AND 34TH STREET WEST; PROVIDING AN EFFECTIVE DATE.

PLANNING, PERMITTING AND INSPECTIONS - FEE SCHEDULE

Adoption of

R-94-80 A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING RESOLUTION R-93-276, ESTABLISHING FEES FOR LAND DEVELOPMENT AND CONSTRUCTION PERMIT FEES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

RECORD S43-1317

BAY COLONY/PALMETTO POINT STORMWATER PIPING

Execution of Change Order 1 to Work Assignment 1 for the up sizing of Insitu pipe from 24 inches to 30 inches at 4919/4923 8th Avenue West for the rehabilitation services of stormwater piping at Bay Colony/Palmetto Point with Insituform Southeast, Inc., not to exceed \$4,760; total not to exceed \$91,856.60.

RECORD S43-1318

HEALTH AND REHABILITATIVE SERVICES CONTRACT REVISION

Chairman to sign a letter to Dr. Richard Hunter, Department of Health and Rehabilitative Services (HRS), exercising County's option to increase fiscal year 1994 contribution to the Manatee County Public Health Unit in the amount of \$10,500 for installation of equipment necessary to provide a negative pressurization TB Lab in the Public Health Unit, for a total County contribution to the Public Health Unit of \$2,821,343.

RECORD S43-1319

MANASOTA INDUSTRY COUNCIL TWO-YEAR ADMINISTRATIVE PLAN

Approve Manasota Industry Council's Two Year Plan and amendment to the Joint Powers Agreement to reflect legislative changes.

RECORD S43-1320

FEE WAIVER - ANIMAL CONTROL

S43-1320A

Waive fees in the amount of \$448 for Joyce Smith for animals which were impounded by Animal Control for rabies observation at the direction of the County Health Department.

BUDGET AMENDMENTS

PPI/MISCELLANEOUS GRANTS (B-94-083)

Increase Revenue/Expenditure: Appropriates the Bicycle Pedestrian Program grant funding in the Planning, Permitting and Inspections Department. \$11,000

RECORD S43-1321

CENTRAL SERVICES/FLEET SERVICES (B-94-084)

Item Transfer: Reallocates reserves in the Fleet Services Fund to provide for purchase of an Above Ground Bus/Truck Lift to replace a lift which has become inoperable and is not cost effective to repair. \$25,000

RECORD S43-1322

CLERK OF CIRCUIT COURT

BILLS FOR PAYMENT

Central Florida Contractors - Sidewalk Construction		
	at various locations; Req 2	\$ 49,219.50
Glace & Radcliffe - Wauchula Rd Bridge Final Design Svcs		840.00
Larson Engineering - 44th Ave East Road Improvements		4,672.41
Larson Engineering - 9th St E; SR 64 to US 301 Rd Imprvmts		11,413.45

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Richard Fawley Architects - County ADA Transition Review	2,770.00
Zoller, Najjar & Shroyer - Detention Facil Wetland Monitoring	375.00
Sky Construction - FM 25A & SR 683 Water Line Relocation	11,933.78
Sky Construction - Pearce Drainage Canal Imprvmnts; Req 6	3,482.63
Woodruff & Sons - 60th Ave W & Pittsburgh Drain to Sara Bay Country Club Reclaimed Wtr; Req 2	85,296.95
Woodruff & Sons - 34th St W/60th Ave W to Florida Blvd Reclaimed Water; Req 2	32,247.80
Scotty's Tractor Service - 43rd St W/Northern Loop Reclaimed Water; Req 4	166,151.84
Black & Veatch - System Revenue Requirements/Rate Study	9,813.72
Black & Veatch - FY 92/93 Annual Engineering Report	4,827.64
Black & Veatch - Wastewater Reuse Rates Analysis	2,545.24
APAC-Florida - Singletary/Betts Road Paving; Req 2	57,158.50
Camp Dresser & McKee - Manatee River Salinity Evaluation	9,526.86

REFUNDS

Arthur Hilgers - Ambulance Overpayment	378.21
Patrick Wilson - Ambulance Overpayment	192.55
Jeanne Constantin - Ambulance Overpayment	365.62
Dorothy Posey - Ambulance Overpayment	292.55
Charlotte Mullinnix - Ambulance Overpayment	446.73
Scott Seleska - Ambulance Overpayment	168.00
James Morrison - Ambulance Overpayment	164.52
Margaret Deal - Ambulance Overpayment	206.27
Whitehall Development Corp - Water Connection Fee	135.00
Ilexhurst Partnership - Water Connection Fee	135.00
Suhail A. Khoury M.D., P.A. - Wtr & Sewer FIF; Reevaluate Meter Size	2,243.00

WARRANT LIST

Approve: February 15, 1994 through February 23, 1994

Authorize: February 24, 1994 through February 28, 1994

MINUTES FOR APPROVAL

December 16, 1993 - Regular; December 30, 1993 - Special

ACCEPT/AUTHORIZE CHAIRMAN TO SIGNState of Florida Annual Local Government Financial Report, Fiscal Year ending September 30, 1993 **RECORDS 43-1323****ACCEPT**

Southern Manatee Fire & Rescue District Financial Statement for Fiscal Year ending September 30, 1993

North River Fire District Financial Statement for Fiscal Year ending September 30, 1993

Town of Longboat Key **Resolution 94-06** concerning distribution of Tourist Development Taxes; and **Resolution 94-07** concerning Trolley System.

(End Consent Agenda)

ZONING

Public hearing (continued from 1/27/94) was held to consider

GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT NO. 21 (FKA ORD 92-30) ORDINANCE 93-49 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL* (ADA*) FILED BY MAGNOLIA MANAGEMENT CORPORATION FOR GATEWAY NORTH DEVELOPMENT OF REGIONAL IMPACT (DRI NO. 21), ALSO KNOWN AS THE TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC) DRI NO. 218; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

and

PDMU-91-01(Z)(G)(R¹) AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A, A-1 AND PDC TO PD-MU; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A MAXIMUM OF 3,426 RESIDENCES, 445,200 SQUARE FEET OF COMMERCIAL SPACE, 397,500 SQUARE FEET OF OFFICE/SERVICE CENTER, 960,500 SQUARE FEET OF OFFICE SPACE, A 24.3 ACRE PARK, A 15.9 ACRE SCHOOL SITE AND A 5.3 ACRE RECREATION CENTER ON 1,065 ACRES LOCATED IN THE NORTHWEST QUADRANT OF I-75 AND MOCCASIN WALLOW ROAD; PROVIDING AN EFFECTIVE DATE.

Doug Means, Environmental Action Commission, addressed concerns regarding the amended language to the Wildlife Management Plan, whereby the developer would be responsible for the initial management plan.

Mr. Chetlain moved adoption of Ordinance 93-49. Motion was seconded by Mr. McClash and carried unanimously. RECORD S43-1324

Mr. Chetlain moved adoption of Ordinance PDMU-91-01(Z)(G)(R¹). Motion was seconded by Mrs. Hooper and carried unanimously. RECORD S43-1325

Public hearing (Notice in the Bradenton Herald 2/3/94) was held to consider

PDR-93-03(Z)(P)/93-S-04 JAMES AND FRANCES SHIDNER - PDR (DENIED)
 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,... PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO PDR; APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW SINGLE FAMILY HOMES AT A DENSITY OF .28 DU/ACRE; AND APPROVAL OF A PRELIMINARY SUBDIVISION PLAT FOR 5 LOTS ON 18.2 ACRES LOCATED ON THE EAST SIDE OF ZIPPERER ROAD, 720 FEET NORTH OF STATE ROAD 64; PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended DENIAL.

If approved, staff recommended Stipulations:

1. Single family homes shall be a maximum of 35 feet in height.
2. Minimum setbacks shall be as follows:
 - front: 50 feet
 - side: 10 feet
 - rear: 25 feet
 for consistency with the surrounding area.
3. Prior to Final Site Plan approval, the Engineer of Record shall provide documentation to prove that concurrency has been met relative to fire flow.
4. Agriculture uses, as defined in the Land Development Code, shall be allowed within this Planned Development. This shall include farm animals.

Staff recommended modifications to: 1) Section 603.7.4.2 regarding common open space; and, 2) Section 603.7.4.5 regarding a greenbelt.

Darenda Marvin, Planning, Permitting, and Inspections, stated that in 1992 there was a request to rezone this property from A to A-1, which was denied. Concerns included incompatibility of 18, one-acre lots and the size of those lots with surrounding properties. The applicant wanted to create a fewer number of lots, therefore, a planned development is being presented in order to depict the number of lots and what is proposed.

Ms. Marvin referenced a map and pointed to an area zoned A, which requires a minimum of five acres for each parcel, however, many of the parcels have significantly less acreage. She referred to the red dots indicating 21 parcels, representing less than 5 acres. Staff feels the request is compatible and has recommended approval.

Discussion: Modifications; if the area should be reconsidered for a Plan amendment.

Leo Mills Jr., representing applicant, advised that he and the applicant have attempted to address prior concerns such as: fire hydrants, paving of Zipperer Road, and drinking water.

He reported that a central water system will be connected in order to provide potable water to these units, the use of the septic tank has been approved, and only two houses are anticipated to be constructed.

It was noted that a list of 13 area residents in favor was submitted at the Planning Commission meeting (2/2/94).

Richard Chamness, resident on Zipperer Road, stated he was opposed to the request, and addressed concerns about spot zoning. He submitted a copy of a letter (dated 11/20/91) from William E. Riley, a resident who was in opposition to the rezoning.

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Motion was made by Mr. Chetlain, seconded by Mrs. Hooper and carried unanimously, to allow two additional minutes for Mr. Chamness to speak.

Mr. Chamness referred to the map addressing the wetlands and also the area in which he is concerned about being rezoned.

Raymond Warner stated he was opposed to the project and concerned that the current lifestyle may change.

Sandra Better opposed the request and stated she raises cattle on her property. She addressed concern that allowing more people to move in the area will change the lifestyle.

Mr. Mills, in rebuttal, stated the applicant's intention was not to change the lifestyle, instead the applicant was considering property in which he could expand and maintain the values presently there. He favors the area, the lifestyle, and noted his family raises cattle. The applicant has worked with staff to incorporate the agricultural use into the PDR zoning.

Robert Shidner, applicant's son, stated he has lived next to his father's residence for the last four years. Intentions are to add two homes for other members of the family, however, they have no intention to change the current lifestyle.

Discussion: How many existing homes are on the site; acreage; difference between A-1 and PDR zoning; setting a precedent; varying lot sizes surrounding this property.

(Mr. Gause absent for portion of discussion)

(Depart Mrs. Harris)

The public portion of the hearing was reopened in order to submit a letter received from Ms. Marvin, signed by William E. Riley and Connie D. Riley, 1900 Zipperer Road, ^{not} objecting to the rezone.

Discussion: Concerns about animals and lifestyle; differences between urban regulations and subdivisions; uses of the land would remain the same; under PDR category, would the applicant be required to pave the road; three dwelling units per acre allowed in the Comprehensive Plan.

(Enter Mrs. Harris)

(Mr. McClash and Mrs. Glass absent for portion of discussion)

A request was made that staff review the red dot areas on the map that have not been developed.

The public hearing was continued until later in the meeting.

(Depart Mrs. Hooper and Mr. Chetlain)

Public hearing (Notice in the Bradenton Herald 2/3/94) was held to consider

PDC-93-01(Z)(P) JUNG S. LUCK - PDC (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, ... PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO PDC; APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN TO ALLOW A CONVENIENCE STORE AND GAS PUMPS; AND GRANTING SPECIAL APPROVAL FOR A PROJECT LOCATED WITHIN A DESIGNATED ENTRANCEWAY ON 1.90 ACRES LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF KAY ROAD AND STATE ROAD 64; PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL with stipulations:

1. Landscaping plant materials shall be 75 percent native species and shall be reviewed for consistency with the Land Development Code Sections 715 and 737 at time of Final Site Plan approval.
2. Rear yard landscaping shall be as required in section 715.5.2, Required Screening Buffer, except that, if option B. of section 715.5.2.1 is used, hedges must be 6 feet high at maturity.

3. The sign shall undergo a separate sign review and permit process and shall meet all of the LDC requirements for signs in the Entranceway.
 4. Trees shall be clustered as needed away from the proposed sign so that the sign is not blocked from view by future growth.
- and Modifications:
1. Section 702.6.7 to reduce rear yard when adjacent to agricultural operations;
 2. Section 737.5.2 to allow right-turn in and out on an arterial road in the Entranceway.

Betsy Benac, Planning, Permitting, and Inspections, reported the request is to allow for a RaceTrac service station and convenience store.

(Enter Mrs. Hooper and Mr. Chetlain)

Janet Stewart, Planning, Permitting and Inspections, noted this is an appropriate location for commercial zoning as it is a logical extension of the I-75 commercial node on the north side of S.R. 64.

Discussion: How many gas stations located in that area; Comprehensive Plan allows for Interstate-serving commercial nodes; etc.

Jerome Gostkowski, Planning, Permitting and Inspections, addressed the traffic concerns on Kay Road and the level of service of the traffic entering and exiting Kay Road on S.R. 64. He reported that Florida Department of Transportation (FDOT) is working on an access control program for this area.

Mark Barnebey, Assistant County Attorney, advised it is not appropriate to restrict the access on S.R. 64 for this site.

Sue Murphy, representing the applicant, stated this is the only quadrant of that intersection that is not zoned commercial. She reported that the Future Land Use Map was amended in September 1993 to ROR.

She stated the main concern is the access on S.R. 64, which is critical to the safe operation of trucks throughout the site. The applicant is willing to provide cross access to the property to the west of the site, which will be in accord with the entrance way requirements.

(Mr. Chetlain absent for portion of presentation)

Based upon the staff report, evidence presented and comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mrs. Hooper moved to adopt Manatee County Zoning Ordinance No. PDC-93-01(Z)(P), grant Special Approval for a project located within a designated Entranceway, approve the Preliminary Site Plan with Stipulations No. 1-4, adopt the findings for modification and approve (1) a modification to the Land Development Code, Section 702.6.7 to allow a reduction of the required yard when adjacent to agricultural operations, and (2) a modification of the Land Development Code, Section 737.5.2 to allow access as right-turn in and out on an arterial road in the Entranceway as recommended by staff. Motion was seconded by Mr. McClash and carried unanimously.

RECORD S43-1326

(Depart Mr. McClash)

STREET VACATION: AIRBORNE EXPRESS/UNIVERSITY PARK OF COMMERCE

Public hearing (Notice in the Bradenton Herald 1/28/94 and 2/4/94) was held to consider adoption of Resolution R-94-26-V on application by Airport Woods Commerce Center:

R-94-26-V RESOLUTION VACATING A 10 FOOT UTILITY EASEMENT AND A 20 FOOT DRAINAGE EASEMENT ON LOTS III-4, III-5, AND III-6, UNIVERSITY PARK OF COMMERCE, SECTION THREE (PLAT BOOK 24, PAGES 121 THROUGH 125).

Jim Staples, Land Acquisition, stated all objections from the reviewing agencies have been resolved and staff recommends adoption.

Motion was made by Mrs. Glass, seconded by Mrs. Harris and carried 6 to 0, to adopt Resolution R-94-26-V.

RECORD S43-1327

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LAKWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT

Public hearing (Notice in the Bradenton Herald 1/6/94, 1/13/94, 1/20/94 & 1/24/94) was held to consider

ORDINANCE 94-07 AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ESTABLISHING THE LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT 1 PURSUANT TO CHAPTER 190, FLORIDA STATUTES; SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR THE ADMINISTRATION, OPERATION AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ACKNOWLEDGEMENT AND AGREEMENT BY THE PETITIONER; AND PROVIDING AN EFFECTIVE DATE.

Ms. Clarke reported the proposed Community Development District (CDD) is located on 815 acres, between SR 70 and University Parkway. It is located mainly on the Cypress Banks DRI with a portion on the University Lakes DRI. The applicant is Schroeder-Manatee, Inc. (SMR).

Mike Pendley, Planning, Permitting and Inspections, reviewed CDD's purpose, financing and creation. CDD's are independent units of local special purpose government, and have a limited purpose. It does not have police powers or zoning authority, however, has specific ability to construct, operate and maintain stormwater facilities, street lighting, roads, sewer systems, etc.

(Enter Mr. McClash during presentation)

Mr. Pendley reviewed the common ways in which CDD's fund construction and operational activities, the factors based on whether the CDD will be approved or denied, and the positive benefits and negative aspects of the CDD.

He referred to a slide showing the proposed district. If it is approved, the petitioner has requested three optional powers: 1) ability to operate, construct and maintain Parks and Recreational facilities; 2) fire prevention facilities; and 3) security facilities.

Rex Jensen, representing SMR Communities, reviewed the business approach of CDD's, what are the districts, and what kind of improvements will be made with the district.

He referred to several slides depicting Schroeder-Manatee Ranch and noted the area is referred to as the Lakewood Ranch Development Plan. He referred to the districts on the map: Summerfield (homes \$85,000 to \$180,000); Edgewater (homes \$125,000 to \$250,000); Lakewood Country Club; Marketplace; Greenbrook and Riverwalk.

(Depart Mr. Gause)

Rhea Law, district counsel, reviewed points that relate specifically to the application.

(Mr. McClash absent for portion of presentation; Enter Mr. Gause)

She reviewed the six criteria of the positive benefits and negative aspects of the CDD; the CDD formation process, the operations, the financing and the recent changes in the CDD Statute (Chapter 190); and explained CDD's in general and their relationship to the County.

In regards to CDD financing, there are several ways to finance bonds, and SMR has proposed to utilize special assessments.

(Depart Mrs. Harris)

Mr. Jensen noted that Schroeder-Manatee wishes to use a CDD because it is a long-term project.

(Enter Mrs. Harris; Depart Mr. McClash)

He referred to CDD financing versus bank financing.

(Mrs. Glass absent for portion of presentation)

(Enter Mr. McClash)

Mary Sheppard questioned the effect CDD's would have on existing development orders for DRI's. She also questioned the source of potable water.

The public hearing was continued until later in the meeting.

LAWSUIT: D.F. JOHNSON AND EDWIN GRILLS V. MANATEE COUNTY

Mr. Barnebey announced the pending litigation meeting will be continued to a private session at 1:15 p.m. in the Board of County Commissioner's Conference Room on the 9th floor. Both he and Mr. Rice will be present in regard to D.F. Johnson and Edwin Grills v. Manatee County, Case No. CA-80-104.

Recess/Reconvene. All members present except Mrs. Glass.

SELF INSURED MEDICAL AND DENTAL PLAN

Bob Goodman, Health Benefits Manager, advised there were revisions to the Administrative Services Agreement that were necessary to the original contract with Acordia Benefits of Florida, Inc. and Anthem Health Systems, Inc., approved on December 16, 1993.

Mr. Rice advised the appropriate action is to approve the contract as revised, and authorize the Chairman and Clerk to execute the agreement on behalf of Manatee County.

Motion was made by Mr. McClash, seconded by Mr. Chetlain and carried 6 to 0, to approve and authorize the Chairman to execute the revised Administrative Services Agreement with Acordia Benefits of Florida, Inc., and Anthem Health Systems, Inc. RECORD S43-1328

(Enter Mrs. Glass)

LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT

(Continued from earlier in the meeting)

Mac Barr spoke in opposition to CDD's.

Discussion: Each SMR district would have its own Board of Supervisors; terms of assessments or costs to the homeowners; capital expenses; facility investments and impact fees; request is only for District One; meeting the affordable housing requirements of LDC; any franchise fees that would be levied, such as cable fees.

Mr. Barnebey advised the last page of the Ordinance was changed to provide for Roger Postlethwaite to execute the document on behalf of SMR Communities; and also on page 9, Section 9 of the Interlocal Agreement was amended to clarify the bond indebtedness. Additionally, a **Certificate of Partnership Authority** was incorporated in order for the President of the Partnership to be authorized to sign on behalf of SMR Communities.

Mr. McClash moved to adopt Ordinance 94-07, adopting the findings of fact contained therein, with the changes recommended by counsel at this public hearing. Motion was seconded by Mrs. Hooper and carried unanimously. RECORD S43-1329

PDR-93-03(Z)(P)/93-S-04 - JAMES AND FRANCES SHIDNER

(Continued from earlier in the meeting)

Ms. Marvin referred to the red and blue dots on the map. The red dots indicate parcels that are less than five acres. The blue dots indicate lots that are less than five acres currently without homes. There are five vacant parcels that exceed five acres.

Ms. Clarke suggested an additional sentence at the end of Stipulation 4:

4. Agriculture uses, ...include farm animals. Development standards of general applicability shall be applied as in the "A" zoning district.

Based upon the staff report, evidence presented and comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mrs. Hooper moved to adopt Manatee County Zoning Ordinance No. PDR-93-03(Z)(P)/93-S-04 and

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approve the Preliminary Site Plan/Preliminary Subdivision Plat to allow 5 single family lots with Stipulations 1-3; 4 with an addition read by Ms. Clarke; adoption of the Findings for Modifications, and approval of the Modifications to the LDC, Sections 603.7.4.2 and 603.7.4.5., as recommended by staff.

Motion died for lack of second.

Based upon the staff report, evidence presented and comments made at the public hearing, the action of the Planning Commission, and finding the request to be inconsistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mr. McClash moved to deny Manatee County Zoning Ordinance No. PDR-93-03(Z)(P)/93-S-04. Motion was seconded by Mr. Chetlain. Following discussion, voting "Aye" were Mr. McClash, Mr. Gause, Mr. Chetlain and Mrs. Harris. Voting "Nay" were Mrs. Glass, Mrs. Hooper and Mr. Stephens. Motion carried.

ORDINANCE 94-11: COURT FILING FEES

Public hearing (Notice in the Bradenton Herald 2/1/94) was held to consider

ORDINANCE 94-11 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 94-05 PROVIDING FOR THE FUNDING OF MEDIATION AND ARBITRATION SERVICES; PROVIDING FOR THE LEVY OF CERTAIN SERVICE CHARGES ON ANY CIRCUIT CIVIL COURT PROCEEDINGS; PROVIDING FOR THE LEVY OF SERVICE CHARGES ON ANY COUNTY CIVIL COURT PROCEEDINGS; PROVIDING FOR THE LEVY OF A SERVICES CHARGE ON ANY PETITION FOR A MODIFICATION OF A FINAL JUDGMENT OF DISSOLUTION; PROVIDING FOR THE ESTABLISHMENT OF THE COURT'S MEDIATION-ARBITRATION ACCOUNT FUND; PROVIDING FOR THE ESTABLISHMENT OF THE COUNTY'S MEDIATION-ARBITRATION ACCOUNT FUND; PROVIDING FOR THE COURT'S FAMILY MEDIATION ACCOUNT FUND; PROVIDING FOR THE CLERK OF THE COURT TO FORWARD A PORTION OF THE SERVICE CHARGES TO THE OFFICE OF THE STATE COURT ADMINISTRATOR; PROVIDING FOR THE COLLECTION OF THE SERVICE CHARGES AND OTHER DETAILS RELATED THERETO; PROVIDING AN EFFECTIVE DATE FOR THE LEVY OF THE SERVICE CHARGES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

Jim Seuffert, Office of Financial Management Director, advised that on January 4, 1994, Ordinance 94-05 was adopted, which added \$5 to filing fees in Circuit Civil and County Civil Court and created a new fee for modifications of dissolution of marriage. Subsequently, the County Attorney's office advised corrections were required in the text of the Ordinance.

Mr. Seuffert clarified that the use of the proceeds will be used for mediation and arbitration services. The services currently provided through the Court Administrator will be funded by these fees, which will allow funds for the Court Administrator/Clerk of Circuit Court to be freed for a new position for assisting Pro Se litigants (individuals who files lawsuits on their own). The intent of the Chief Judge was to free some funds in order to assist the Pro Se litigants through the process.

Discussion: Fee comparisons with Sarasota County; etc.

R. B. Shore, Clerk of Circuit Court, stated he has no objection to this Ordinance. He stated there are no changes in funds, merely a change on the financial statement.

John Harllee III, attorney, stated he is in opposition to the Ordinance. He addressed concern that an individual, regardless of financial needs, could be provided these services. He submitted information: Current Filing Fees by the County and a brochure entitled Fee Schedule (effective October 1, 1992).

Ty Berdeaux, Deputy Court Administrator, stated the issue is not whether the litigants can afford to hire an attorney, but whether they wish to involve an attorney.

Mr. Rice addressed some concerns: the new position for Pro Se litigants; and, the expenditure of monies being exchanged. He recommended the matter be continued to allow the Chief Judge to speak.

Hugh McGuire, attorney, opposed the Ordinance for reasons similar to those expressed by Mr. Harllee.

Motion was made by Mr. Chetlain, seconded by Mr. Gause and carried unanimously, to continue this matter to March 1, 1994, 9:00 a.m. or as soon thereafter the same may be heard, in order to allow Chief Judge Dakan to address concerns.

FLORIDA POWER AND LIGHT COMPANY PROJECT - REVENUE BONDS

A TEFRA public hearing (Notice in The Bradenton Herald 2/10/94) was held with respect to the proposed plan of financing which contemplates the issuance by Manatee County, Florida (the Issuer) of i) not exceeding \$16,510,000 in aggregate principal amount of pollution control revenue refunding bonds for Florida Power and Light Company Project; and, ii) not exceeding \$1,000,000 aggregate principal amount of industrial development revenue refunding bonds.

Dennis Scholl, Steel, Hector and Davis, advised that this is a refunding of two separate issues that were issued in September 1, 1977. The expected annual interest savings in connection with the refunding based upon current rates is approximately \$400,000 per year and the company will anticipate issuing the bonds as two separate series.

Mr. Rice advised that at the March 1, 1994, meeting, a resolution will confirm the conduct of this TEFRA hearing, and a time will be set for public hearing upon bond specification and detail.

SURPLUS PROPERTY - PIPE

Recommendation was made by the Central Services Department for authorization to classify unusable pipe inventory as surplus property.

(Depart Mr. Stephens; Mr. McClash presiding)

Rob Cuthbert, Purchasing Director, explained he met with Public Works to discuss the volume of the pipe which was determined as excess, and the recoloring of the pipe.

Discussion: Pipes flushed; weathering; color of the pipe is not the standard color acceptable according to the requirements.

Disposition: Direction was given to staff to bring the matter back on the next Public Works agenda.

(Enter Mr. Stephens)

EMERGENCY MANAGEMENT ASSISTANCE AGREEMENT - FY 1994

E. Michael Latessa, Public Safety Director, recommended adoption of

R-94-74 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ACCEPTING A GRANT AWARD FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT FOR EMERGENCY MANAGEMENT ASSISTANCE.

(10/1/93-9/30/94; State \$47,654, County \$47,654; and authorizing the Chairman to execute all related grant documents).

(Mr. Stephens presiding)

Mr. Latessa reported that the funds have been made available to the County for approximately 30 years.

Mr. Seuffert advised that the funds are included in the general fund and do not have to be earmarked specifically in the budget.

Motion was made by Mr. McClash and seconded by Mrs. Glass, to adopt Resolution R-94-74, and authorize the Chairman to execute all related grant documents (agreement presented and executed). Motion carried unanimously.

RECORD S43-1330
S43-1331

FEBRUARY 24, 1994

(Cont'd)

MYAKKA RIVER WILD AND SCENIC DESIGNATION

Ms. Clarke recommended authorizing execution of a letter to the Legislative Delegation requesting deletion of Manatee County from Senate Bill 1340, Myakka River Wild and Scenic Rivers Legislation. She reported that staff is concerned with the language in the bill, and recommended that the Board not be a part of the formal process, but continue to work with other communities with regard to the River.

Mr. Gause submitted photographs viewing north and east from the bridge on S.R. 64 over the Myakka River.

Motion was made by Mr. McClash and seconded by Mr. Gause, to authorize execution of a letter to the Legislative Delegation, as recommended. Voting "Aye" were Mrs. Hooper, Mr. McClash, Mr. Gause and Mr. Stephens. Voting "Nay" were Mrs. Glass, Mrs. Harris and Mr. Chetlain. Motion carried.

MANATEE RIVER FAIR ASSOCIATION, INC. - PROPERTY ACQUISITION

David Rothfuss, Assistant County Administrator, recommended adoption of

R-94-86 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, SETTING FORTH THE TERMS AND CONDITIONS PURSUANT TO WHICH THE BOARD OF COUNTY COMMISSIONERS AGREES TO CONTRIBUTE CERTAIN FUNDS TO THE COST OF ACQUISITION OF CERTAIN REAL PROPERTY ABUTTING THE MANATEE COUNTY FAIRGROUNDS.

Mr. Rothfuss stated the Fair Association entered into an Option Agreement with James M. Wallace, the owner of the subject four lots, which abut the Fairgrounds. The Fair Association has agreed to contribute \$10,000 towards the purchase and requested the Board contribute the remaining \$25,000 of the purchase of the real property, as well as some associated closing costs.

Discussion: Funding source for \$25,000; specific parcel; etc.

Mr. Gause and Mrs. Hooper declared a conflict of interest, since they are associated with the Fair Board.

Discussion: County will own property; closing of the ditch; etc.

Hugh McGuire, representing the Fair Association, submitted a drawing and referred to what the County already owns.

(Mrs. Harris absent for portion of discussion)

Motion was made by Mrs. Glass and seconded by Mr. McClash, to adopt Resolution R-94-86. Motion carried 5 to 0, with Mrs. Hooper and Mr. Gause declaring a conflict of interest.

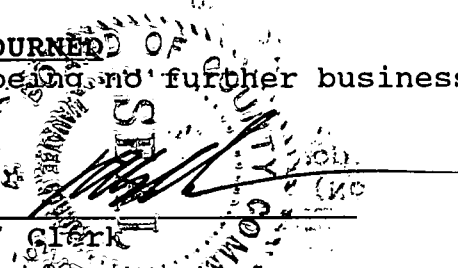
RECORD S43-1332

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk


Chairman 4/12/94

Adj: 3:23 p.m. 2/24/94