

AUGUST 25, 1994

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, August 25, 1994, at 9:03 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, Assistant County Attorney
Susan G. Romine, Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Reverend Paul Scheele, First Congregational Christian Church of Bradenton

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

PROCLAMATION

Betsy Benac Day

Upon motion by Mrs. Harris and second by Mr. McClash, a Proclamation was unanimously adopted designating September 1, 1994, "Betsy Benac Day" in Manatee County.

Ms. Benac, Planning Permitting and Inspections Assistant Director, was recognized for her services and contributions to the County as she leaves to pursue opportunities in the private sector. RECORD S44-90

PENDING LITIGATION

Mark Barnebey, Assistant County Attorney, announced that Tedd Williams and Bill Henry, Assistant County Attorneys, would be present at a pending litigation assessment meeting to be opened today at 11:45 a.m. in the case of Lewis vs. Simmons, et al., and Lewis vs. Dukes, et al.

CONSENT AGENDA

Carol Clarke, Planning, Permitting and Inspections Director, advised of Consent Agenda changes: 1) ~~Delete~~ Detention Facility Letter Agreement and Change Order 4 with Lescher and Mahoney/DLR Group, Inc., to develop a graphic signage package; 2) ~~Delete~~ contract with Post, Buckley, Schuh & Jernigan, Inc., for SR 70 right-of-way acquisition services; 3) Continue Z-94-09/Herman G. Burnett Trust to 9/6/94 at 1:30 p.m.

Items deleted from the Consent Agenda for discussion were: 1) Access and Drainage Permit Applications; 2) Alternative Fuel Vehicle Grant; 3) Traffic Engineer Position.

Upon motion by Mr. McClash and second by Mrs. Harris the Consent Agenda dated August 25, 1994, was unanimously approved incorporating the language as stated in the recommended motions in the staff reports, as amended by Ms. Clarke. Items APPROVED:

MANATEE MOTORSPORTS PARK: HOLD HARMLESS/INDEMNIFICATION AGREEMENT

Execute agreement with William Manfull pursuant to Final Order issued for SP-94-01/FSP-94-01 as a Condition to final site plan approval for Manatee Motorsports Park. RECORD S44-91

ZONING

Public hearing (Notice in The Bradenton Herald 8/8/94) was held to consider

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(Cont'd)

PDPI-94-02(Z)(F) MEDITRUST - PDPI (APPROVED)

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE 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 RDD-6 AND RMF-9 TO PDPI; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A FINAL SITE PLAN TO ALLOW A SKILLED NURSING FACILITY ON 13.7 ACRES AT THE NORTHEAST INTERSECTION OF 9TH STREET AND 57TH AVENUE EAST, GRANTING SPECIAL APPROVAL FOR A PROJECT EXCEEDING 30,000 SQUARE FEET IN A RESIDENTIAL FUTURE LAND USE CATEGORY.

Planning Commission recommended APPROVAL with Stipulations:

1. A separate review shall be conducted at the time of building permit application for the sign.
2. The Special Permit site plan (SP-82-67) on file with Manatee County shall serve as the site plan for the portion of the property as amended by this approval which contains the existing improvements; and

Modification (and Findings for Modification)

1. Section 704.53.2 of the Land Development Code regarding the minimum distance from the roadway for nursing homes for the existing building. RECORD S44-92

Public hearing (Notice in The Bradenton Herald 8/8/94) was held to consider

PDR-80-02(P)(R²) TARA, PHASE II - AMEND P/PLAN (APPROVED)

Request: Modification to the Preliminary Site Plan for Phase II to affect the timing of subphase submittals only on 437.5 acres located at the southwest quadrant of the intersection of SR 70 and I-75.

If approved, staff recommended amended Stipulations 1 and 4. S44-93
RECORD S44-94

Public hearing (Notice in The Bradenton Herald 7/26/94) was held to consider

PDMH-94-01(Z)(G) COUNTY INITIATED/SKYWAY VILLAGE ESTATES - PDMH AND G/DEV PLAN (APPROVED)

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM RSMH-6 TO PDMH; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A 181-LOT MANUFACTURED HOME PARK AT A DENSITY OF 6.46 LOTS/ACRE ON 28.8 ACRES AT THE NORTHWEST QUADRANT OF U.S. 41 AND EXPERIMENTAL FARM ROAD, GRANTING SPECIAL APPROVAL TO A PROJECT WHICH EXCEEDS 6 DU/ACRE IN THE RES-6 AND ROR FUTURE LAND USE CATEGORIES.

Planning Commission recommended APPROVAL with Modification (and Findings).

1. Section 603.8.4.3.2, Buffers, of the Land Development Code to allow a reduction in the required 75-foot perimeter buffer to 15 feet adjacent to the northern property line and 10 feet adjacent to the western property line, and to allow a street to run through most of the length of the required 50-foot buffer adjacent to U.S. 19 and Experimental Farm Road, and to allow a reduction in the landscaping within the buffers. RECORD S44-95

Public hearing (Notice in The Bradenton Herald 8/8/94) was held to consider

PDC-94-02(Z)(P) DR. CLAY WILSON - PDC/HA/CH AND P/PLAN (APPROVED)

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM GC/HA/CH TO PDC/HA/CH; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A VETERINARY HOSPITAL ON .27 ACRE AT THE SOUTHWEST INTERSECTION OF 124TH STREET COURT WEST AND CORTEZ ROAD, GRANTING SPECIAL APPROVAL FOR A NON-RESIDENTIAL PROJECT EXCEEDING 0.25 FAR IN THE ROR FUTURE LAND USE CATEGORY.

Planning Commission recommended APPROVAL with 16 Stipulations; and RECORD S44-96

Modifications (and Findings)

1. Section 603.11.4.3 regarding setbacks in the PDC district;
2. Section 704.75 regarding the complete enclosure of buildings used for a veterinary hospital; and
3. Section 722.1.4.2 regarding sidewalks on public streets. RECORD S44-97

Public hearing (Notice in The Bradenton Herald 8/8/94) was held to consider

PDO-94-02 (Z) (P) DON HARVEY MEDICAL OFFICES - PDO AND P/PLAN (APPR)
ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM PDC AND A-1 TO PDO; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN TO ALLOW MEDICAL OFFICE BUILDINGS AND A DRIVE-THRU BANK/OFFICE ON 3.4 ACRES AT THE NORTHEAST CORNER OF SHADE AVENUE AND UNIVERSITY PARKWAY, GRANTING SPECIAL APPROVAL FOR A PROJECT EXCEEDING 3,000 SQUARE FEET IN THE OL FUTURE LAND USE CATEGORY.

Planning Commission recommended APPROVAL with 9 Stipulations; and RECORD S44-98

Modification (and Findings)

1. Section 711.4.3 of the Land Development Code, which allows a maximum of two driveways for this site. RECORD S44-99

Public hearing (Notice in The Bradenton Herald 8/8/94) was held to consider

Z-94-09 HERMAN G. BURNETT TRUST - LM (CONT TO 9/6/94 AT 9:00 A.M.)
(ELIZABETH BURNETT CURRIER, TRUSTEE)

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO LM; PROVIDING AN EFFECTIVE DATE; ON 20.70 ACRES LOCATED 2,700 FEET NORTH OF 53RD AVENUE EAST AND 2,510 FEET WEST OF U.S. 301, EAST OF THE END OF 47TH TERRACE EAST.

Planning Commission recommended APPROVAL.

Public hearing (Notice in The Bradenton Herald 8/8/94) was held to consider

Z-94-02 DSA MARINE SALES AND SERVICE, INC. - GC (APPROVED)

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM RSF-4.5 TO GC; PROVIDING AN EFFECTIVE DATE; ON .19 ACRE LOCATED ON THE SOUTH SIDE OF 69TH AVENUE WEST, 440 FEET EAST OF U.S. 41.

Planning Commission recommended APPROVAL. RECORD S44-100

Public hearing (Notice in The Bradenton Herald 8/8/94 was held to consider

PDW-91-02 (Z) (P) HANS AND MARIA WEISSGERBER/DSA MARINA -
PDW AND P/PLAN (CONTINUED TO 9/22/94 AT 9:00 A.M.)

Ordinance of the County of Manatee, Florida...; PROVIDING FOR THE rezoning OF certain land from RSF-3/WR/CH/AI and RSF-3/WR/AI to PDW/WR/CH/AI and PDW/WR/AI; providing for an effective date; and approval of a Preliminary Site Plan for a Large Project allowing for the dry storage of 199 boats, an 851-square-foot dockmaster building and a 4,300-square-foot retail boat sales and service area with outdoor display, including Special Approval for a project located in the CH district on 6 acres adjacent to the west side of U.S. 41 immediately south of Bowlees Creek.

VESTED RIGHTS DETERMINATION

Public hearing (Notice in The Bradenton Herald 8/8/94) was held to consider

VRD-90-04 - RIVER LANDINGS CENTRE (CONTINUED TO 10/27/94
AT 9:00 A.M.)

Request: Approval of a Vested Rights Determination from certain provisions of the Manatee County Comprehensive Plan as applied to the development of the River Landings Centre commercial development located on the south side of 53rd Avenue East (SR 70) east of the Braden River and containing 22.8 acres.

PEBBLE SPRINGS CONDOMINIUM

Initiate rezone from GC to PDR for Pebble Springs Condominium on 11.04 acres located at the southwest intersection of Manatee Avenue West and 59th Street West.

IMPACT FEE CREDIT AUTHORIZATION

1. Approve Credit Authorization CA-94-08(T) against impact fees to Neal Communities, Inc./Hawthorn Park Subdivision for dedication of right-of-way at 9th Avenue Northwest. RECORD S44-101
2. Approve Credit Authorization CA-94-07(T) against impact fees to Robert Berne, Trustee/Centex Homes for dedication of right-of-way on 43rd Street West and 51st Street West. RECORD S44-102

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MOCCASIN WALLOW RECLAIMED WATER MAIN

Award bid to the lowest responsive, responsible bidder, Keith Kerr Construction, Inc., \$415,104.41; and authorize execution of contract and simultaneous dating of performance and payment bonds and acceptance of insurance certificate. RECORDS44-103

SCHOOL BOARD - BLEACHERS

Parks and Recreation to loan eight sets of bleachers to the School Board of Manatee County for use by Manatee High School at home football games this season.

BUDGET AMENDMENTS

Adoption of Budget Amendment Resolutions

COMMUNITY SERVICES (B-94-202)

Increase Revenue/Expenditure: Appropriates increased revenues from contracted fares for Transit services and rescinds B-94-173 which was inadvertently processed twice. \$50,000
RECORDS44-104

(B-94-203)

Item Transfers: Increases funding for the Public Health Unit Director salary per approval by the Board 8/9/94. \$4,500
RECORDS44-105

COMMUNITY AFFAIRS (B-94-204)

Increase Revenue/Expenditure: Establishes the non-capital portion of the budget for the Community Development Block Grant targeted for the Parrish Water Line project. \$147,760
RECORDS44-106

CIVIC CENTER (B-94-205/1&2)

Item Transfers: Establishes the Civic Center renovation project and provides the funding to accomplish the project with advanced funding from the General Fund. \$95,000
Increase Revenue/Expenditure: \$95,000S44-107
RECORDS44-108

PARKS & RECREATION (B-94-206)

Item Transfers: Appropriates unspent funds (savings) from FY 1993 into various cost centers within the fund for the purpose of funding priority items including safety related improvements and office automation. \$88,950
RECORDS44-109

(B-94-207)

Item Transfers: Appropriates monies from the Parks & Recreation Reserves (offset by hunting program fees) into the Duette Park Cost Center to renovate the existing (Rawls) house for a ranger check station rather than constructing a new facility. \$31,161
RECORDS44-110

SHERIFF (B-94-208)

Item Transfers: Provides monies from the Law Enforcement Impact Fee Fund to reimburse the Sheriff for the previously approved helicopter and related equipment as approved in Resolution R-94-230. \$312,000
RECORDS44-111

COURT ADMINISTRATION (B-94-209/1&2)

Item Transfer: Appropriates State funding from the Department of Health and Rehabilitative Services and local matching monies for the HRS Child Support Hearing Officer grant program. \$16,864
Increase Revenue/Expenditure: \$49,600S44-112
RECORDS44-113

PUBLIC WORKS/ADMINISTRATION (B-94-210)

Item Transfers: Appropriates additional funds for the increase in property insurance for FY 1994 from Utilities Retained Earnings. \$523,810
RECORDS44-114

PUBLIC WORKS/UTILITIES (B-94-211/1&2)

Item Transfers: Appropriates monies from Sewer Facility Investment fee Construction Fund Retained Earnings and from SWFWMD as approved by the Board on March 1, 1994, for the Whitfield reclaimed waterline extension. \$520,348
Increase Revenue/Expenditure: \$341,909S44-115
RECORDS44-116

PUBLIC WORKS/STORMWATER (B-94-212/1&2)

Item Transfers: Provides funding for the Long Lot Subdivision stormwater improvements and dredging construction projects.

\$133,650
 \$133,650 S44-117
RECORD S44-118

Increase Revenue/Expenditure:

PUBLIC WORKS/STORMWATER (B-94-213/1&2)

Item Transfers: Appropriates grants from SWFWMD and EPA and provides the local match for the Airport Drain Siltation Basin Project.

\$50,500
 \$137,500 S44-119
RECORD S44-120

Increase Revenue/Expenditure:

PUBLIC WORKS/UTILITIES (B-94-214)

Item Transfers: Provides additional funding to the Major Transmission Main Phase I Water Treatment Plant to SR 64 project from Retained Earnings.

\$824,000
RECORD S44-121

(B-94-215)

Item Transfers: Appropriates additional construction funds for the Manatee Avenue Bridge waterline construction based on revised construction estimates received from FDOT after completion of final design. Funds are available from the reserve for capital projects in the Water Facility Investment Funds.

\$137,000
RECORD S44-122

(B-94-216/1&2)

Item Transfers: Appropriates monies from Sewer Facility Investment Fee Construction Fund Retained Earnings and from SWFWMD as approved by the Board for the Moccasin Wallow reclaimed waterline extension.

\$577,520
 \$189,471 S44-123
RECORD S44-124

Increase Revenue/Expenditure:

PORT MANATEE WATERLINE UPGRADE

Execute agreement with the Manatee County Port Authority for upgrading and upsizing a six-inch waterline at the Port to increase the flow rate of potable water required by the cruise ship (County \$54,000; Port \$80,000).

RECORD S44-125

PARRISH WATER FACILITY - GRANT WORK PLAN

Modify the Community Development Block Grant Neighborhood Revitalization Grant agreement Work Plan for the Parrish water facility project to accurately reflect the project schedule, and transmit to the Florida Department of Community Affairs.

RECORD S44-126

TRAVEL

1. Any County Commissioner to Orlando, FL, on August 26, 1994, for the Florida Association of Counties Long-range Planning Committee meeting; and
2. Any County Commissioner to Haines City, FL, on October 6-9, 1994, for the Florida Association of Counties Long-range Planning Committee retreat.

CLERK'S CONSENT CALENDAR

RESCIND PAYMENT

Glace & Radcliffe - US 301 Blvd Imprvmnts/30 Ave West (appr 7/19/94)	\$ 41,275.74
Glace & Radcliffe - Canal Road Imprvmnts (appr 7/19/94)	13,967.00
Woodruff & Sons - Bayshore Gardens Parkway Imprvmnts (appr 8/9/94)	56,862.25

BILLS FOR PAYMENT

Woodruff & Sons - Bayshore Gardens Parkway Imprvmnts (34 St W to 26 St W)	110,285.29
Hogg, Allen, et al - Gen Matters; Svs (6/2 thru 6/30/94)	4,005.01
APAC-Florida Inc. - Singletary/Betts Rd paving	130,398.16
Doss Smith & Associates - Historical Site Appraisal/Myakka	350.00
Zoller, Najjar & Shroyer - Reclaimed Water Main, Magellan to Bay Drive (6/1/94 thru 6/28/94)	4,018.57
Zoller, Najjar & Shroyer - Water Main, SR 70/Univ Prkway	4,501.16
Schofield Plumbing, Inc - Plumbing Repairs, Voucher 211675	149.00
Black & Veatch - System Revenue Requirements Costs/Svs & Rate Study	1,571.78
Black & Veatch - W/A 9, Cntywide Sludge Mgmt Plan (6/3/94)	24,651.44

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Black & Veatch - W/A 9, Cntywide Sludge Mgmt Plan (7/1/94)	17,062.20
Black & Veatch - W/A 13, NW Wtr Storage Tank Design (6/3/94)	1,306.09
Black & Veatch - W/A 13, NW Wtr Storage Tank Design (7/1/94)	861.03
Black & Veatch - W/A 15, Palmetto Wtr Sys Acquis Analysis	5,898.90
Lombardo & Skipper - Dune Restoration & Beach Access Overwalk Proj/Anna Maria Island	3,422.00
Lombardo & Skipper - Inv 1995, 75 St W Rd Improvements	15,502.90
Scotty's Tractor Svs - Req 10, Reclaimed Wtr Mains, 43 St W	52,512.00
Coastal Planning & Engineering - Post Construction Svs, Beach Renourishment Project	32,497.60
Walrus Construction - P/Wrks Office Bldg/26 Ave E	18,037.50
Sutter Roofing - Req 6, Public Safety Complex Roof Replace	33,758.40
Jerry Zoller - W/A 5, Daughtrey Park Design	8,532.60
Jerry Zoller - W/A 4, Braden River/SR 70 Park Design	5,760.96
Larson Engineering - Reclaimed Wtr Main, Moccasin Wallow Rd	1,258.50
Larson Engineering - N County Effluent Disposal Study	1,258.03
CCI Environmental Services - Consulting Svs, Buffalo Creek Golf Course	796.85
Redko Contracting - Housing Rehab (Nemeth)	2,850.00
Detention Facility:	
Centex Rooney/Nat'l Development	
Danka Industries - Copier system	6,414.00
Lescher & Mahoney	
Reimbursable expenses (ending 12/31/93)	92.60
Reimbursable expenses (ending 3/31/94)	148.00
Reimbursable expenses (ending 5/31/94)	51.50
Food Service Study (C/O 1 - Final)	6,000.00
Value Engineering Svs (C/O 2 - Final)	3,570.00
Professional Svs - March 1994	
Basic Fee	21,700.00
Site Representative Svs	5,000.00
Expansion Pods N & P	3,575.00
Professional Svs - April 1994	
Basic Fee	21,700.00
Site Representative Svs	5,000.00
Expansion Pods N & P	3,575.00
Professional Svs - May 1994	
Basic Fee	21,700.00
Site Representative Svs	5,000.00
Expansion Pods N & P	3,575.00
Professional Svs - June 1994	
Basic Fee	21,700.00
Site Representative Svs	5,000.00
Expansion Pods N & P	3,575.00
Zoller, Najjar & Shroyer - PO 99195, Wetland Monitoring	375.00
CCI Environmental Services - PO 100255, Wetland Maint	80.00

REFUNDS

M. Pete McNabb, Inc - Impact Fees	240.30
D. N. Wills Construction, Inc - Building Permit Overpayment	125.00
Charles Moran - Impact Fees	1,403.46

WARRANT LIST

Approve: August 9, 1994 through August 24, 1994
 Authorize: August 25, 1994 through September 5, 1994

MINUTES FOR APPROVAL

June 28, July 12, 19, 1994 - Regular Meetings
 July 12, 1994 - Risk Assessment
 July 19, August 2 (2), 4, 1994 - Special Meetings

AUTHORIZE CHAIRMAN TO SIGN

Corrective Document: Partial Release of Special Improvement Assessment

Liens: Project 301-5152; 5152

Partial Release of Special Improvement Assessment Liens: Proj 3905 (61)

Authorization For Payment Of Taxable Costs: Mathew E. McMillan, Esq - State vs. Jon Brian Quinn, CA 93-4708T, \$151.

Corrective Documents (scrivener's error/legal descriptions):

PDPI-94-03 County Initiated/Manatee County Rural Health (appr 6/23/94)

PDR-94-05(Z)(G)(R) Janice N. Rosenthal (appr 6/23/94) **RECORD S44-127**

Satisfaction of Judgment - David Merrick, Case 91-2814F (\$200). S44-128

APPROVE, RATIFY & CONFIRM

P & R Instructor's Classes Agreements:

Phyllis J. Nagle - Line Dancing

RECORD S44-129

FmHA Housing Preservation Grant 1994 (execution authorized 7/19/94):

1. Request for Obligation of Funds;
2. Grant Agreement (\$60,000) with Farmers Home Administration.

RECORD S44-130
S44-131

ACCEPT

Amerecycle Recycling Project:

1. Letters in opposition of the project (47)
2. Letter from William E. Kemmler addressing concern relating to facilities (Amerecycle and Nutricycle)

Housing Finance Authority - Resolution adopting 1994-1995 Budget,
\$123,505 (adopted 8/9/94)

Cedar Hammock Fire Control District: Proposed Budget FY ending
September 30, 1995 and **Schedule** for 1994-1995 Regular Meetings.

Lakewood Ranch Community Development District I - Minutes of meetings of
the Board of Supervisors meetings held June 16 and July 7, 1994.

(End Consent Agenda)

ZONING

Public hearing (Notice in The Bradenton Herald 7/15/94) was held to consider

PDR-89-05(Z)(G)(R²) UNIVERSITY PARK COUNTRY CLUB (APPROVED)
(FKA A. B. SIMMS ISLAND INVESTMENT PROPERTIES, INC.)

Request: Amendment to Ordinance PDR-89-05(Z)(G)(R) to amend Condition Q.(6) which addresses the requirement for the developer to construct a portion of Honore Avenue, and Condition Q.(10) which establishes design criteria; on 1,058.5 acres located on the north side of University Parkway 2,000 feet east of Whitfield Avenue and extending northward to the Braden River.

Planning Commission recommended APPROVAL of an amended Condition Q.(6)b. and a revised Condition Q.(10) and Condition Q.(6)b. with Modifications. RECORD S44-132

Norm Luppino, Planning, Permitting and Inspections, stated this request is to modify Condition Q.(10) design criteria and Condition Q.(6) to address the second means of access for University Park Country Club. He stated the applicant is requesting reduction in lot widths, setbacks and street widths; and to modify design criteria required in the LDC.

Mr. Luppino pointed out an existing means of access (Park Boulevard to University Parkway), an emergency access (Country Club Way) and a proposed access (Timberlake Drive extension), noting the final plat for this project requires a second means of access in the northern section to either a paved County street if right-of-way is available, or to the nearest property boundary if not. A second means of access for the north section could be Honore Avenue to Old Farm Road (in Mote Ranch) or proposed Honore Avenue south to University Parkway.

He advised that Lennar Mote Ranch Ltd. recently dedicated additional right-of-way around a triangle parcel of Mote Ranch (purchased by applicant) so Honore Avenue could be constructed off site to Old Farm Road. The applicant requests he not be responsible to construct Honore Avenue off site.

He concluded that staff does not support the Planning Commission recommendation and submitted staff's alternative Q.(6). RECORD S44-133

Discussion: Public safety; buffer/building setbacks; second means of access requirements, etc.

Mr. Luppino submitted a letter from Lennar Homes regarding right-of-way dedicated to the County for construction of Honore Avenue and the possible change in policy as to second means of access.

Pat Neal, representing University Park Country Club, outlined existing and proposed accesses to the project. He stated that paving Honore Avenue off site to Old Farm Road would require permits to build a bridge over Class I waters/Rattlesnake Slough, which were denied to another developer. He submitted a letter from Neal Companies regarding impact fee credits for Honore Avenue and a photograph depicting unit setbacks.

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Mr. Barnebey recommended additional language for Conditions Q.(6) Subsection b. and new Subsection e:

- b. At the end of paragraph after the word triangle add (if the roadway referenced in Subsection c. below has been constructed and accepted by the County, such temporary stabilized access shall not be required).
- e. Any bonds posted shall be consistent with the performance bond standards set forth in Section 910.2 of the Land Development Code.

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, Mr. McClash moved to amend Manatee County Zoning Ordinance PDR-89-05(Z)(G)(R) to modify Conditions Q.(10) and Q.(6) as amended and recommended by staff during this public hearing and adopt the Findings for Modifications and approve the Modifications to Sections 603.7.4.9, 603.7.4.7, 702.6.10 and 907.9.2.4 of the Land Development Code as recommended by staff. Motion was seconded by Mr. Gause and carried unanimously. RECORD S44-134

VESTED RIGHTS DETERMINATION - PALMA SOLA BAY CLUB

Public hearing (continued from 5/26/94) was opened to consider

VRD-89-08 - PALMA SOLA BAY CLUB (CONTINUED - NO DATE CERTAIN)

Approval of Vested Rights Determination from certain provisions of the Manatee County Comprehensive Plan, as authorized by Section 4.b.1.(d), as applied to the development of Palma Sola Bay Club on 10 acres located on Palma Sola Road, 1,300 feet south of Palma Sola Creek Bridge or .5 mile north of Cortez Road West.

Ms. Clarke noted this request is being continued to no date certain in order for the applicant to determine whether project approval could be achieved without a vested rights determination.

Motion was made by Mr. Gause, seconded by Mr. Chetlain and carried unanimously to continue VRD-89-08 to a date uncertain.

ORDINANCE 94-20: COMPREHENSIVE PLAN - CAPITAL IMPROVEMENT ELEMENT

Public hearing (Notice in The Bradenton Herald 8/17/94) was held to consider

ORDINANCE 94-20 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE MANATEE COUNTY COMPREHENSIVE PLAN, ORDINANCE 89-01, AS AMENDED; PROVIDING FOR AN AMENDMENT DELETING FISCAL YEAR 1994 AND APPLICABLE DATA, AND ADDING FISCAL YEAR 1999 AND APPLICABLE DATA TO TABLES 12-1, 12-2, 12-3 AND 12-4 OF THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR AN AMENDMENT TO TABLE 12-1, SCHEDULE OF CAPITAL IMPROVEMENT PROJECTS FY 1994-1998, INVOLVING REVISIONS TO SCOPE, FORMAT, TIME FRAME, COSTS, FUNDING SOURCES, AND CONTENT TO TRANSPORTATION PROJECTS, DRAINAGE PROJECTS, PARKS PROJECTS, SANITARY SEWER PROJECTS, SOLID WASTE PROJECTS, POTABLE WATER PROJECTS, AND MASS TRANSIT PROJECTS; PROVIDING FOR COUNTERPART AMENDMENTS TO TABLE 12-2, GENERAL GOVERNMENT FUNDING OF CAPITAL IMPROVEMENTS FY 1994-1998; TABLE 12-3, ENTERPRISE OPERATIONS FUNDING OF CAPITAL IMPROVEMENTS FY 1994-1998; TABLE 12-4, SUMMARY OF REVENUES AND EXPENDITURES FOR CAPITAL PROJECTS FY 1994-1998; PROVIDING FOR THE AMENDMENT OF RELATED INFORMATION NECESSARY TO IMPLEMENT THE CHANGES TO THE CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
(PA-94-09 - Manatee County)

Planning Commission recommended ADOPTION and for staff to review possibility of setting 9th Street East improvements in 1996.

Leon Kotecki, Planning, Permitting and Inspections, stated the Capital Improvements Element is the portion of the Comprehensive Plan regarding level of service requirements and associated costs, which is reviewed annually and updated as part of the local government planning process.

He outlined amendments to the Capital Improvements Element (CIE) and reference tables, which indicate current projects, those not requiring a plan amendment, and the interspersing of new projects within the entire CIE. Items addressed: Capital Improvements Program Fiscal Years; Wastewater; Potable Water; Parks; Drainage; Major Roads; Transit; and Solid Waste.

RECORD S44-135

Discussion: Road projects; parks in Palmetto; impact fees for parks.

Alan Prather, attorney representing Tropicana Products, recommended that funds be reappropriated in the CIE to widen 9th Street East (U.S. 301 north to S.R. 64) due to Tropicana's growth and traffic impacts in the area and that construction be set for FY 1996.

Discussion: Funding availability; rearranging project priorities; SR 70 project revenue status/timing; meeting concurrency requirements; Public Works to bring back information on 9th Street East improvements; etc.

Based upon the evidence presented and comments made at the public hearing, the action of the Planning Commission and upon the technical support documents, Mr. McClash moved to transmit Manatee County Ordinance 94-20 (PA-94-09) to the Florida Department of Community Affairs and authorize the Chairman to sign the letter of transmittal. Motion was seconded by Mr. Chetlain and carried unanimously.

REFUND - BARBARA CENTER, ET AL (PDR-94-08(Z)(G))

Ms. Clarke stated that Barbara Center, et al., for Christ Housing & Ministries, Inc., requested a refund for zoning application fees of \$1,775 and an advertising fee of \$25 regarding PDR-94-08(Z)(G), which was denied (6/23/94). Staff recommended denial since the project was processed to completion.

Reverend Warren Wasson, requested the refund as the organization will continue to seek a suitable location for affordable housing.

Mrs. Glass moved to approve a refund of \$1,775. Motion was seconded by Mrs. Harris and carried unanimously.

HOUSING FINANCE AUTHORITY - AFFORDABLE HOUSING BOND ISSUE

Karen Jackson Sims, Community Affairs/Intergovernmental Relations Director, requested conceptual approval of Manatee County Housing Finance Authority issuance and sale of \$25 Million, Manatee County, Florida, Single-Family Mortgage Revenue Bonds, 1994 Series, and the single-family mortgage loan program funded by the bond proceeds.

She requested additional language be included at the end of the motion "as outlined in the letter from E. N. 'Bill' Fay, Jr., Attorney for the Authority."

Mr. Chetlain moved approval of the request, as amended by staff. Motion was seconded by Mrs. Harris and carried unanimously.

HEALTH COUNCIL OF WEST CENTRAL FLORIDA

Ms. Sims recommended appointment of two members to the Health Council of West Central Florida for two-year terms. She advised that Edwin Marsh requested reappointment as the health care consumer over the age of 60.

Nomination: Edwin Marsh by Mrs. Harris

Mr. McClash moved that nominations be closed and a unanimous ballot be cast for Edwin Marsh. Motion was seconded by Mrs. Harris and carried unanimously.

Mrs. Glass moved to cast a unanimous ballot for Janet Ross as the non-governmental health care provider. Motion was seconded by Mrs. Hooper and carried unanimously.

MYAKKA COMMUNITY CENTER/SCHOOLHOUSE PROJECT - LAND PURCHASE

Ms. Sims requested final authorization to complete negotiations and prepare a contract to purchase 8.5 acres on SR 70/Myakka from the McLeod Estate for relocation of the Myakka Community Center and Schoolhouse, for subsequent approval by the Board.

AUGUST 25, 1994

(Cont'd)

Discussion: Site is across SR 70 from elementary school; bring back full plan and associated costs; shared school facilities; safety; majority of community favor McLeod site.

Motion was made by Mrs. Hooper and seconded by Mr. Gause to approve the request. Voting "Aye" were Mr. Gause, Mr. Chetlain, Mrs. Glass, Mrs. Harris and Mrs. Hooper. Voting "Nay" were Mr. McClash and Mr. Stephens. Motion carried.

(Depart Mrs. Glass)

ACCESS AND DRAINAGE PERMITS

After brief discussion regarding information included in agenda package, i.e., building permit data and check list, motion was made by Mr. Gause, seconded by Mr. Chetlain and carried 6 to 0, to accept affidavits for nonmaintained right-of-way use of access in accordance with the Land Development Code, Section 712.2.3, Ordinance 90-01 (affidavits reflect incorrect Section and Ordinance) for Flozell Murrell, Eldredge Carnes, Gabriel Libraty, Elige Green, Angela C. Rendon, Donald Sudbury, Edna Romine, Steven Kanter, Michael and Jennifer Winterbottom and Dale E. Anderson.

(Enter Mrs. Glass)

GRANT - ALTERNATIVE FUEL VEHICLE

Walter Piff, Fleet Services Manager, stated there is an opportunity to apply for grant funds from the Department of Community Affairs (\$20,183.73 State; \$20,183.73 local match) for a pilot program to convert ten vehicles to liquid propane gas. He recommended adoption of

R-94-237 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A PROPOSAL TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS UNDER THE LOCAL GOVERNMENT ALTERNATIVE FUEL VEHICLE INITIATIVE.

Discussion: May be mandated; request premature; whether local match is budgeted; comparing fuel costs; recent reports do not favor alternative fuels; submitting application for available funds.

Motion was made by Mrs. Harris to adopt R-94-237, with the understanding that a fuller report will come back from Mr. Estabrook, and this Board will have an opportunity to review before accepting the grant money. Motion was seconded by Mrs. Glass.

Discussion: Bring back next year; if mandated, vehicles will be manufactured with new fuel systems.

Voting "Aye" were Mrs. Glass and Mrs. Harris. Voting "Nay" were Mr. Gause, Mr. McClash and Mr. Chetlain, Mrs. Hooper and Mr. Stephens. Motion failed.

TRAFFIC ENGINEER POSITION

Harry Mendenhall, Public Works Engineering Deputy Director, responded to questions regarding qualifications, job description and salary for Ahmed Aburahmah who is being considered for the position of Traffic Engineer.

Motion was made by Mr. Gause, seconded by Mr. Chetlain and carried unanimously to approve the hiring of Ahmed Aburahmah at a salary of \$39,998.40 per year.

COMMUNITY DEVELOPMENT BLOCK GRANT

Ms. Sims requested execution of a letter to the Committee on Community Affairs of the Florida State Senate transmitting a Florida Small Cities Community Development Block Grant (CDBG) Program Survey to determine whether CDBG funds should be distributed in a different manner.

She stated staff rated and ranked rotation system, entitlement, lottery, selection committee and competitive methods for distribution of CDBG funds. Staff prefers the entitlement jurisdiction for the County.

Mrs. Harris moved authorization for the Chairman to sign a letter of transmittal to the Committee on Community Affairs of the Florida State Senate regarding distribution of CDBG funds. Motion was seconded by Mrs. Hooper and carried unanimously.

SNEAD ISLAND ESTATES DEVELOPMENT

Mrs. Glass requested action regarding reports from Snead Island residents that the developer of Snead Island Estates is disturbing mangroves and wetlands and discharging water from a man-made lake into Terra Ceia Bay.

Ms. Clarke advised that Environmental Action Commission staff visited the site and issued a stop work order for one area (Tarpon Road).

Disposition: Staff to report back to the Board or EAC.

Discussion: Duplication of staff/agency enforcement; which department is responsible for environmental protection/regulation.

AIRPORT BUSINESS PARK - NORWOOD DOORS INC.

Mrs. Harris relayed a citizen complaint that a heavy industry business is operating in the Airport Business Park (7436 Pennsylvania Avenue), causing dust and particulates from a paint booth.


Disposition: Staff to report back.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman 10/18/94

Adj: 11:25 p.m.