

APRIL 16, 1996

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, April 16, 1996, at 9:02 a.m.

Present were Commissioners:

Stan Stephens, Chairman
Patricia M. Glass, First Vice-Chairman (entered during meeting)
Gwendolyn Y. Brown, Second Vice-Chairman
Lari Ann Harris, Third Vice-Chairman
John R. Gause
Maxine M. Hooper
Joe McClash

Also present were:

Ernie Padgett, County Administrator
H. Hamilton Rice, Jr., County Attorney
Judy LaMee, Director of Communications and Development,
representing R. B. Shore, Clerk of Circuit Court

Invocation by Reverend Mike Faust, First Christian Church of Bradenton

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

AWARDS

Certificates of Retirement and plaques were presented to:

Agnes Dole, Emergency Medical Services Division of the Public Safety Department, for 22 years of service; and

Nicholas Korsak, Jr., Purchasing Division of the Financial Management Department, for 12 years of service.

PROCLAMATIONS

Crime Victims' Rights Week

Upon motion by Mr. Gause and second by Mrs. Harris, a Proclamation was adopted 6 to 0, designating April 21-27, 1996, Crime Victims' Rights Week.

Kelly Price, Victims' Rights Council, accepted the Proclamation and advised that a candlelight vigil will be held April 25, 1996, on the Courthouse steps.

RECORD S44-2777

(Enter Mrs. Glass)

Emergency Medical Services Week

Upon motion by Mr. Gause and second by Mr. McClash, a Proclamation was unanimously adopted designating May 19-25, 1996, EMS Week.

Accepting the Proclamation were representatives of the EMS and paramedic teams.

RECORD S44-2778

National Infant Immunization Week

Upon motion by Mr. Gause and second by Mrs. Glass, a Proclamation was unanimously adopted designating April 21-27, 1996, National Infant Immunization Week.

Mary Ann Shannon and Mandy Clark, on behalf of Dr. Gladys Branich, Health Department Director, accepted the Proclamation.

RECORD S44-2779

Remonia J. Lewis

Motion was made by Mrs. Harris, seconded by Mrs. Brown and carried unanimously, to adopt a Proclamation recognizing Remonia J. Lewis for her service to the Manatee County Neighborhood Crime Watch/Triad, Chapter 12.

Ms. Lewis accepted the Proclamation.

RECORD S44-2780

APRIL 16, 1996

(Cont'd)

National Library Week

Upon motion by Mrs. Harris and second by Mrs. Glass, a Proclamation was unanimously adopted designating April 14-20, 1996, National Library Week.

Present to accept the Proclamation were Mary Ann Barnebey, representing Friends of the Central Library; and John Pettigrew and Margaret Moore, of the Library Board, who presented a print to the Board. RECORD S44-2781

Older Americans' Month

Upon motion by Ms. Brown and second by Mr. McClash, a Proclamation was unanimously adopted designating May 1996 as Older Americans' Month.

Accepting the Proclamation were Bob Turgeon, Manatee Council on Aging, and participants in the adult day care center program. RECORD S44-2782

Public Safety Telecommunications Week

Upon motion by Ms. Brown and second by Mr. McClash, a Proclamation was unanimously adopted designating April 14-20, 1996, as Public Safety Telecommunications Week.

Accepting the Proclamation were Public Safety dispatchers. RECORD S44-2783

Teen Pregnancy Prevention Awareness Week

Upon motion by Mrs. Hooper and second by Mrs. Glass, a Proclamation was unanimously adopted designating April 23-May 1, 1996, Teen Pregnancy Prevention Awareness Week.

Barbara Talburtt, Healthy Start Coalition, accepted the Proclamation. RECORD S44-2784

Tourism Week

Motion was made by Mrs. Hooper, seconded by Mrs. Harris and carried unanimously, to designate May 5-11, 1996, Tourism Week.

Larry White, Convention and Civic Center Director, accepted the Proclamation. RECORD S44-2785

CONSENT AGENDA

Upon motion by Mr. McClash and second by Ms. Brown, the Consent Agenda dated April 16, 1996, was unanimously approved with 1) deletion of Board payment policy to be adopted by Civic Center (Item 49); 2) amended motion for Amendment 1 with Acordia Benefits and Anthem Health Systems. Items APPROVED:

CLERK OF CIRCUIT COURTWARRANT LIST

Approve: April 2, 1996 through April 15, 1996
 Authorize: April 16, 1996 through April 24, 1996

MINUTES FOR APPROVAL

March 12, 1996 - Special Meeting

AUTHORIZE CHAIRMAN TO SIGN

1. **Storm Sewer System** - Execute interlocal agreement with City of Bradenton Beach for NPDES permit for municipal separate storm sewer systems, Part 2/Stormwater Management (approved 3/19/96). RECORD S44-2786
2. **Partial Release of Judgment for Court Costs**
 Eric Donahue, Case 89-3205F (\$225)
3. **Satisfaction of Judgment**
 Eric Donahue, Cases 88-3243TL and 88-2741T/88-5037T (\$20)
4. **Partial Releases of Special Improvement Assessment Liens**
 Projects 5147(1); 5155(1)

APPROVE, RATIFY & CONFIRMP & R Special Interest Classes Instructor's Agreement

Barry Brinson - Gymnastics

RECORD S44-2787

ACCEPT (FOR THE RECORD)

Orimulsion/FPL Litigation - Agenda Memoranda and supporting documentation for litigation assessment meetings (12/9/94, 2/14/95, 4/27/95, 6/13/95, and 8/8/95).

COUNTY ADMINISTRATOR

BAR ASSOCIATION LEGAL AID SOCIETY

1. Adopt
R-96-37 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FUNDING PROCEDURES FOR THE BAR ASSOCIATION LEGAL AID SOCIETY (BALAS) TO UTILIZE FUNDS PURSUANT TO MANATEE COUNTY ORDINANCE 92-55;
2. Authorize execution of funding agreement with **BALAS**, \$40,000 for January 1 through December 31, 1996. RECORD S44-2788
S44-2789

DRUG CONTROL GRANT

Authorize execution of a letter to the Department of Community Affairs requesting approval of Community Affairs Subgrant 96-CJ-3S-08-51-01-071 (Comprehensive Drug Abuse Prevention Program) program objectives revision. RECORD S44-2790

WEST COAST INLAND NAVIGATION DISTRICT

1. Adopt
R-96-81 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING A WEST COAST INLAND NAVIGATION DISTRICT (WCIND) PROJECT AND AUTHORIZING THE CHAIRMAN TO EXECUTE APPLICATION FOR THE TOWN OF LONGBOAT KEY GREER ISLAND DREDGING PROJECT PHASE I, WITH FUNDING PROVIDED BY THE MANATEE COUNTY CAPITAL IMPROVEMENT PROJECT FUND. RECORD S44-2791
S44-2792
2. Authorize Chairman to sign a letter to WCIND requesting assignment of Manatee County CIP sub-funds in the amount of \$45,000.

CONVENTION AND VISITORS BUREAU

1. Expend \$1,435 to host familiarization trips during May 1996 for 1) German travel agents (\$480); 2) Brazilian media editors (\$555); and 3) Florida Division of Tourism travel agents (\$400);
2. Pay flat fee of \$30 per night per room, if needed, to participating hotels/motels/condos as incentive for housing FAM/media participants;
3. Expend \$900 to promote National Tourism Week, May 5-11, 1996.

FLORIDA AGRICULTURAL MUSEUM

Chairman to execute a letter of support to the Florida Agricultural Museum for placement of the museum on property located in south Hillsborough County, north of Sun City Center on U.S. 301.

CROSLY ESTATE

1. Authorize Sarasota Ballet of Florida to use the Crosley Estate as a backdrop for a photography session, subject to receipt of insurance certificate naming the Board of County Commissioners as an additionally insured party; and authorize Chairman to execute a letter to the Sarasota Ballet accordingly; RECORD S44-2793
2. Execute letter to Sarasota Bay National Estuary Program asking for establishment of a model Florida yard on Crosley Estate grounds.

PUBLIC SAFETY COORDINATING COUNCIL

Appoint James W. Thompson, II, representing the Florida Parole Commission, as ex officio member; and authorize Chairman to sign a letter of appointment to Mr. Thompson.

FLOOD INSURANCE RENEWAL

Authorize premiums (Bankers Insurance Company) for continuation of flood insurance program for specified County properties, \$37,861. RECORD S44-2794

TRAVEL - COUNTY ATTORNEY

1. Orlando, Florida, on May 2-4, 1996, to attend the annual Local Government Law Seminar; and
2. Orlando, Florida, on May 17-18, 1996, to attend City, County, and Local Government Law Section meeting.

WORKERS' COMPENSATION SETTLEMENT

Settlement to Sharon L. Baldwin, 262-68-7879, for past indemnity and medical care, out of pocket expenses, attorney's fees, penalties and interest, not to exceed \$17,000.

PARKS AND RECREATION

1. Grace Bible Church to hold a free concert for general entertainment at Bray Park on May 24, 1996, from 9:00 a.m. to dusk; (insurance certificate);
2. Co-sponsor the 1996 Just for Girls Operation Olympiad at Bray Park, July 8-11, 1996; (insurance certificate);
3. Co-sponsor the annual Safe Kids Day at Bray Park on May 11, 1996, subject to receipt of Certificate of Insurance naming the County as an additional insured;

APRIL 16, 1996

(Cont'd)

4. Manatee High School Future Farmers of America to hold a barbecue fund raiser at the 51st Street pavilion/Bray Park on April 20, 1996, at no charge;
5. Sale of T-shirts to summer camp participants with the surplus being sold to the general public at \$10 each.
6. Waive deposit fee for Seabreeze Elementary School golf tournament fund raiser on May 4, 1996, at the Manatee County Golf Course.

COASTAL ZONE MANAGEMENT ACT

Execute letter to the Florida Department of Community Affairs requesting participation in federal consistency review of the Coastal Zone Management Act.

FINAL PLATS**Herrera Subdivision**

1. Final Plat

Vandergrind Subdivision

1. Final Plat
2. Agreement with Arthur H. and Agnes W. Vandergrind to defer completion of required sidewalks. RECORD S44-2795

AIRPORT DRAIN SILTATION BASIN

Execute assistance amendment with the U.S. Environmental Protection Agency approving an extension on the budget and project period to March 1, 1997. RECORD S44-2796

PARTICIPATION PROJECTS

Adopt

R-96-52 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CONFIRMING ANNUAL SPECIAL ASSESSMENT PAYMENTS DUE WITH THE PAYMENT OF 1996 AD VALOREM TAXES FOR ALL SPECIAL ASSESSMENT LIENS IMPOSED FROM JANUARY 1, 1986, TO DECEMBER 31, 1989

(sewer/road assessments and EPA projects). RECORD S44-2797

R-96-51 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE CERTIFICATION OF NON-AD VALOREM ASSESSMENTS PURSUANT TO THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS FOR ANNUAL SPECIAL ASSESSMENT PAYMENTS DUE WITH THE PAYMENT OF 1996 AD VALOREM TAXES

(sewer, road, drainage improvement, canal dredging, and street lighting assessments). RECORD S44-2798

Ellenton Sewer Project 5235, Phase I-A

R-96-86 A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR ELLENTON (COMBINING PARCELS FOR WILLIAM E. AND COLLEEN MANNING).

RECORD S44-2799

Samoset Sewer Project 5147

R-96-84 A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SAMOSET (CLARIFY LEGAL DESCRIPTION FOR MARIAN L. STEPHENS REGARDING 9TH STREET EAST RIGHT-OF-WAY).

RECORD S44-2800

West Memphis Sewer Project 2507

R-96-85 A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR WEST MEMPHIS (COMBINING PARCELS FOR WILLIAM JR. AND HELEN BAKER).

RECORD S44-2801

DUETTE PARK ENVIRONMENTAL FIELD SURVEYS

Adopt

R-96-83 AUTHORIZATION FOR THE CHAIRMAN TO EXECUTE LETTER AGREEMENT WITH THE UNIVERSITY OF SOUTH FLORIDA FOR CONDUCT OF ENVIRONMENTAL FIELD SURVEYS AT DUETTE PARK. RECORD S44-2802

FEE WAIVER

Place one 20-yard roll-off at the corner of 1st Avenue and 68th Street Northwest on April 20, 1996, for the Palma Sola Village Homeowners' Association neighborhood cleanup project; waive service and tipping fees at landfill. S44-2803

DEEDS AND EASEMENTS

15th Street East - Warranty Deed from USA Enterprises of Manatee, Inc., for right-of-way required by the final site plan for Davidson Auto Sales; Affidavit of Ownership Encumbrances.

75TH STREET WEST ROAD IMPROVEMENTS

1. Execute Contracts to Purchase Warranty Deed (2) from Country Village of Bradenton Condominium Association, Inc., for right-of-way, \$192 and \$3,208 (Parcels 72, 72.1 and 72.1A). RECORD S44-2804+
2. Accept/record Ownership Affidavits (2) and Warranty Deeds (2) from Country Village of Bradenton Condominium Association, Inc.

TRAFFIC SIGNAL MAINTENANCE

Execute Traffic Signal Maintenance and Operation Order 91 with Florida Department of Transportation for S.R. 70 at 1) 45th Street East; 2) Forestry Service Entrance; 3) Natalie Way. RECORD S44-2806

STREET VACATIONS

Adopt

1. **R-96-16V** RESOLUTION DECLARING PUBLIC HEARING ON MAY 14, 1996, AT 2:00 P.M., OR AS SOON THEREAFTER AS POSSIBLE, ON APPLICATION BY ROBERT D. GODWIN, ET AL, TO VACATE A PORTION OF THE PLAT OF POMELLO PARK SUBDIVISION, LAVERNA SUBDIVISION; HAMBURG SUBDIVISION; A.L. DAVIS SUBDIVISION; VERNA AVENUE; PART 35, 20-21,28-29. RECORD S44-2807
2. **R-96-18V** RESOLUTION DECLARING A PUBLIC HEARING ON MAY 14, 1996, AT 2:00 P.M., OR AS SOON THEREAFTER AS POSSIBLE, ON APPLICATION BY NORDIC OF FLORIDA DEVELOPMENT, INC., TO VACATE A PORTION OF THE PLAT OF RIVERDALE REVISED SUBDIVISION. RECORD S44-2808

BRIDGE REHABILITATION

Execute Change Order 1/Final to contract (IFB529294DC) with CEM Enterprises, dba Sunshine Painting, for a net decrease of \$3,056.75 and adjusted contract amount of \$192,975.25. RECORD S44-2809

COMPUTER SOFTWARE SYSTEM

Execute agreement with TreSun Corporation for upgrading the existing permitting computer software system, not to exceed \$40,000. RECORD S44-2810

EMPLOYEE HEALTH BENEFITS

Execute Amendment 1 to modify Addendum I, Items 1, 5 and 10 (services to be performed 1/1/95-1/1/97 with certain provisions for one year only) to the Administrative Services Agreement with Acordia Benefits of Florida and Anthem Benefit Services, Inc., (fka Anthem Health Systems, Inc., effective January 1, 1995, to January 1, 1997, subject to receipt of executed amendment.
(Note: Not executed due to errors; to be brought back.)

MATERIALS AND SERVICES

1. **Fuel Cooperative** - Award bid 965255NK to the lowest responsive, responsible bidder meeting specifications, Coastal Refining & Marketing, for purchase of gasoline and diesel fuel on an as required unit price basis, \$1,829,855.
2. **Grease and Sludge Removal** - Award bid 965256AA on an as required unit price basis to the lowest responsive, responsible bidder meeting specifications, Blue Septic Tank Service, Inc., annual cost of \$51,500.
3. **Dozers/Landfill** - Enter negotiations with the sole responsive firm, Ringhaver Equipment Co., in accordance with RFP96-5234DR.
4. **Riding Mowers** - Award IFB96-5540-DC to the lowest responsive, responsible bidder meeting specifications, Gravelly of Bradenton, for purchase of two mowers, cost not to exceed \$25,988.
5. **Thermoplastic Material** - Award IFB96-4694-DC on an as required unit price basis to the lowest responsive, responsible bidder meeting specifications, Stimsonite Corporation, \$50,000.
6. **Water Treatment Plant Rehabilitation, Phase I** - Award IFB96-4721-DC to the lowest responsive, responsible bidder, Tri-Tech Construction & Design Co., Inc., for building renovations, \$230,015; and subsequently execute contract and simultaneously date performance and payment bond; accept insurance certificate.
7. **Water Treatment Plant "A" Basin Rehabilitation** - Award IFB96-4720-DC to the lowest responsive, responsible bidder, Tri-Tech Construction & Design Co., Inc., \$391,846.10 (Alternate 2); and subsequently execute contract and simultaneously date performance and payment bond; accept insurance certificate.

SOILS AND MATERIALS TESTING

Execute Work Assignment 36 with Professional Service Industries, Inc., for geotechnical services at the north wastewater treatment plant (effluent dike improvement), \$48,791.15. RECORD S44-2811

RECYCLING

Execute Addendum 6 to agreement with Waste Management of Manatee and Sarasota County for the waste haulers/pilot recyclable program, \$644.78, final amount not to exceed \$1,482,993.20. RECORD S44-2812

ENGINEERING CONSULTING SERVICES

Execute Work Assignment 41 with Black & Veatch for the mechanical integrity testing operating and permit renewal of the Southwest Regional Waste Water Treatment Plant Injection Well System, not to exceed \$35,990. RECORD S44-2813

APRIL 16, 1996

(Cont'd)

BUDGET AMENDMENTS

Adopt Budget Amendment Resolutions:

COMMUNITY AFFAIRS

(B-96-078/1&2)

Item Transfers: Creates a budget for an Enterprise Zone Development Agency in accordance with Ordinance 95-50. Funding from the City of Palmetto and cable Franchise Fees. \$7,500S44-2814

Increase Revenue/Expenditure: \$15,000S44-2815

RECORDIncrease Revenue/Expenditure (B-96-079)

Appropriates monies received from repayment of loans and mortgages by clients who received assistance through the SHIP program.

\$2,454

RECORDSS44-2816**COMMUNITY SERVICES**

(B-96-080)

Increase Revenue/Expenditure: Appropriates additional earnings for anticipated expenditures in FY96 for Community Care Elderly.

\$6,364

RECORDSS44-2817**FINANCIAL MANAGEMENT**

(B-96-081/1&2)

Decrease Revenue/Expenditure: Decreases revenues and expenditures to close grant award for the Emergency Management Preparedness Competitive Grant and transfers monies to Reserves.

\$9,614S44-2818

Item Transfers:

\$2,825S44-2819

RECORD

(B-96-082/1&2)

Decrease Revenue/Expenditure: Decreases revenues and expenditures to close grant award for the HRS Child Support Hearing Officers program and transfers monies to Reserves.

\$9,632S44-2820

Item Transfers:

\$3,275S44-2821

RECORD**PUBLIC WORKS/PROJECT MANAGEMENT**

(B-96-083)

Item Transfers: Increases appropriations for the annual intersections project.

\$25,000

RECORDSS44-2822

(B-96-084)

Item Transfers: Increases appropriations for the Upper Manatee River Road/Lakewood Ranch Boulevard project which covers the final stipulated amount for this land acquisition and related legal expense.

\$100,000

RECORDSS44-2823

(B-96-085)

Increase Revenue/Expenditure: Appropriates contributed capital for funding traffic signals at Tallevast Road and Tuttle Avenue as noted in project status reports dated January 31, 1996.

\$76,920

RECORDSS44-2824

(End Consent Agenda)

CITIZENS' COMMENTS

Golf Cards - Frank Mayer submitted a petition regarding non-resident property owners not being able to receive discount golf cards without a Florida driver's license and address.

Road Improvements/51st and 75th Street West - Frank Appleby stated that 51st and 75th Streets should be improved prior to widening 59th Street.

Bay West Apartments - The Chairman referred to letter from Gary Peterson regarding problems affecting Palma Sola Village residents by tenants of Bay West Apartments, i.e., debris, vandalism, noise, etc.

Disposition: Referred to County Administrator

ZONING

Public hearing (continued from 3/28/96) was held to consider

PDR-95-11(P) PALMA SOLA BAY ASSOCIATES (PALMA SOLA BAY CLUB)

Request: Preliminary Site Plan to allow 212 multi-family units at a density of 10.1 du/acre on 21 acres located at the terminus of 40th Avenue West (1250 feet west of 75th Street West) and bounded on the west by Palma Sola Boulevard.

Planning Commission recommended APPROVAL with five stipulations;

RECORDSS44-2825

and

Grant Specific Approval of an alternative to Section 603.7.4.5; and Grant Special Approval for a project exceeding 9 du/acres in the RES-16 FLUC.

Speaking in opposition to the request were:

Janet Gallagher	Bill Markel	Bob Swanson
Anthony Bartirome	Selma Zislis	Bela Kerper

Items addressed: Palma Sola Park traffic impact; pedestrian safety; water supply; school overcrowding; density/intensity; wall effect; evacuation; flooding; 40th Avenue West traffic impact; vested rights; environmental impact; not consistent with single-family residences.

Joyce Ellis, Palma Sola Sanctuary Homeowners' Association, submitted 172 letters in opposition and presented slides of the surrounding areas.

James Schrader, Cortez Peninsula Board of Associations, spoke to insurance problems, storms and trips generated on Palma Sola Boulevard. He submitted a FEMA flood map depicting the site.

Dale Harrell, San Remo Shores Association, spoke to traffic, safety and compatibility concerns.

Darenda Marvin, Planning, Permitting and Inspections, outlined the recommendation for approval, which was based on development along 75th Street West and the Comprehensive Plan as it relates to density in a RES-16 Future Land Use Category, and the welfare of the community. She addressed area evacuation, flood zones and density.

Ms. Marvin recommended an additional stipulation:

6. The buildings shall be constructed substantially similar to the architectural renderings submitted into the record by the applicant.

She submitted 33 letters in opposition; and petitions with 93 signatures in favor of the request.

Discussion: Determining how this area is currently transitioning; schools; velocity zone.

Caleb Grimes, attorney for the applicant, referred to aerials and noted surrounding land uses from 14 to 11.82 du/acre, noting this site had previous approval of 12.4 du/acre. He also referred to multi-unit buildings in the County located adjacent to single-family units and duplexes. He addressed the project as to compatibility, compliance, and submitted a copy of a County map depicting distances between existing multi-family units near the site. He also noted the project is in an A-13 flood zone.

David Haley, engineer for applicant, addressed traffic calculations, access, open space, evacuation and schools.

Mr. Grimes concluded the infrastructure is in place, the plan has been downsized, all criteria has been met, and the applicant concurs with stipulations. He requested approval.

Discussion: Vested Rights Determination; whether transition is gradual; future traffic analysis; inadequate access plan; existing multi-family units not developed when Comprehensive Plan was adopted (1989); Board determination as to density/transition; neighborhood has mixed uses.

Recess/Reconvene. All members present.

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 adopt Findings for Denial 1) the proposed density is not in conformance with surrounding development provided for in Policy 2.2.1.14.4(d) of the Comprehensive Plan; 2) the proposed project is not in compliance with Policy 2.9.2.1 of the Comprehensive Plan which requires a gradual transition of residential character between projects located at the

APRIL 16, 1996

(Cont'd)

fringe of established neighborhoods; 3) Policy 2.2.1.6 of the Comprehensive Plan allows development to be restricted to less than the maximum density allowed under the Future Land Use Category; 4) accesses to Palma Sola Boulevard and 40th Avenue would have an adverse impact on the existing traffic patterns; 5) the proposed project is not consistent with the welfare of the community as required by Policy 2.6.4.4 of the Comprehensive Plan, and to DENY Preliminary Site Plan PDR-95-11(P). Motion was seconded by Mrs. Glass and carried 4 to 3, with Mrs. Harris, Ms. Brown and Mr. Gause voting nay.

POMELLO PARK SUBDIVISIONAssessment Project

Larry Mau, Transportation Director, presented a video of dirt roads in Pomello Park Subdivision, most specifically in Sections 21 and 27, Township 35 South, Range 16 East, depicting erosion and wetlands.

He recommended a special road assessment project be initiated for certain rights-of-way and outlined project procedures and approximate costs for shell roads. He noted that property owners are working with the Southwest Florida Water Management District (SWFWMD) to obtain permits to establish roads over wetlands.

Doug Manson, attorney for Christine Basemore, Inc., and Tom Brown, Jr. (land owners), stated that the County stopped issuing building permits due to owners not being able to obtain SWFWMD permits.

He recommended the County accept SWFWMD standards for dirt roads and not initiate an assessment project (pursuant to R-96-44 which established shell road standards) unless the assessment would be limited to \$2,000 per lot with County maintenance. He noted that dirt roads exist to all parcels based upon access by a two-wheel-drive vehicle, which appeared acceptable by the County when right-of-way use permits were issued.

Discussion: Meeting current road standards; maintenance responsibility; Pomello Park platted in the 1920s; problems with dirt roads; emergency access; definition of stabilized base/road; SWFWMD has road standards; people waiting to build; costs for shell roads unknown; accepting SWFWMD standards for rural/dirt roads; revising R-96-44; deferring.

Building Permits

Discussion was held regarding the issuance of building permits in Pomello Park based on SWFWMD road standards with the understanding that property owners are aware the roads are non-maintained by the County.

Mr. Manson requested that building permits be released immediately, as it could take up to 90 days for SWFWMD to issue permits.

Motion

Motion was made by Mr. McClash and seconded by Mr. Gause to allow for rural road standard roads which meet SWFWMD standards for road construction, and once such roads are in place, that property owners be allowed to obtain building permits consistent with the Land Development Code with the understanding the road is non-County maintained; and that this standard would apply across the board (Countywide).

Mrs. Hooper declared a conflict of interest; however, she was advised by the County Attorney that the issue was Countywide and she could vote.

Speaking in favor of dirt roads/issuance of building permits were:

Forrest Manchester	Roger Scarlett	Charles Armstrong
Thomas Samuels	Helen Birakis	Rodney Fields

Discussion: Clarify road impact fee use; building permits to be issued on case-by-case basis if SWFWMD has no concerns.

Motion carried unanimously.

Recess/Reconvene. All members present except Mrs. Glass, Mrs. Harris and Mrs. Hooper.

ZONING (Cont'd)

Public hearing (continued from March 28, 1996) was held to consider

PDR-96-02(Z)(G) D.B. ASSOCIATES - PDR AND GENERAL DEVELOPMENT PLAN
AN 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 A TO PDR ON 200 ACRES LOCATED SOUTHEAST OF THE
INTERSECTION OF THE NORTH/SOUTH EXTENSION AND THE EAST/WEST
EXTENSION OF ERIE ROAD; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN
FOR 240 SINGLE-FAMILY HOMES AT A DENSITY OF 1.2 DU/ACRE; PROVIDING
AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL with nine stipulations.

RECORDS44-2826

Ms. Marvin outlined surrounding land uses, the site design, and the recommended stipulations.

(Enter Mrs. Hooper)

She noted the Board previously denied development of this property due to compatibility with surrounding agriculture uses, density and flooding. The new plan reduces density and increases the percentage of open space.

(Enter Mrs. Glass)

She submitted: a letter and photographs from Audrey Keisacker, in opposition; letters from Gulf Coast Builders Exchange and Home Builders Association of Manatee County regarding exactions/impact fees for schools; (and letters of opposition forwarded from the public hearing 3/28/96).

Discussion: School exactions; stormwater retention/outfall; need for drainage study/improvements, etc.

(Enter Mrs. Harris during discussion)

Caleb Grimes, attorney representing applicant, stated the project design is for clustered low-density urban residential units defined in Section 2.2.1.1.11/UF-3 of the Comprehensive Plan. He outlined existing infrastructure and noted the site is not in a floodplain, and does not flood.

Tom McCollum, Zoller, Najjar and Shroyer, Inc., addressed the project as to open space, development trends/timing, compatibility and consistency.

Dan Zoller, engineer, summarized the Preliminary Stormwater Runoff Evaluation study prepared by Zoller, Najjar and Shroyer, Inc., and outlined the drainage plan to reduce runoff from the site 50 percent which will decrease flooding downstream.

Mr. Grimes concurred with stipulations as recommended by the Planning Commission except for interneighborhood ties (Stipulation 3).

(Depart Mr. McClash)

Discussion: Increased catastrophic storms in County; accumulative effect; site relationship to village of Parrish.

Mike Pendley, representing the School Board, spoke to impact on schools with new developments and requested the County require the developer to mitigate these impacts with exactions. He referred to Comprehensive Plan policies and objectives which support this type of exaction (in School Board letter dated 3/27/96).

Discussion: School impact fees; discuss alternatives with School Board.

Mr. Barnebey stated that school needs as infrastructure could be considered, but recommended against exactions as proposed today.

APRIL 16, 1996

(Cont'd)

Debbie Massey, submitted petitions with 110 signatures in opposition and photographs of flooding. She referred to ongoing agricultural uses.

Kevin Kavanaugh, owner of adjacent Caroldane Kennels, submitted an aerial of the kennels and referred to noise from barking dogs.

Speaking in opposition were: **Tonya Byerley**, **Paul Tindall**, **Phil Massey** and **Robert Topp** who addressed wildlife; retaining site as natural park; flood study not done; traffic; density; wetland environment/ecosystem.

Patricia Petruff, attorney representing Valrie Massey and Mr. and Mrs. Ken Anderson, stated the project is not consistent with the Comprehensive Plan due to inadequate drainage facilities for the known flooding problem. She referred to compatibility, transitioning, school infrastructure, traffic study, logical expansion, wildlife management, review of stormwater management plan by SWFWMD, etc.

If approved, Ms. Petruff recommended a 50-foot landscaped buffer adjacent her client's properties; additional language in the homeowner's documents advising of surrounding agriculture uses; and staff perform a basin study of Buffalo Creek and bring back a solution for flooding relief.

Audrey Keisacker, Buffalo Creek Neighbors, addressed the developer's drainage plan and recommended denial.

Stanley Heberts, Parrish Civic Association, recommended denial based on flooding and timing.

Jerome Gostkowski, Planning, Permitting and Inspections, stated a 25-year storm event is 8 inches in 24 hours and the developer plans to reduce the discharge rate by 50 percent. He stated the basin study is ongoing.

Mr. Grimes responded to concerns concluding the UF-3 designation is for future growth and this project meets the criteria for that plan.

A motion by Mr. Gause to approve the request, died for lack of second.

Recess/Reconvene. All members present except Mr. McClash.

Based upon the staff report, evidence presented, 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, Mrs. Harris moved to DENY Manatee County Zoning Ordinance PDR-96-02(Z)(G) finding: 1) the request is inconsistent with Policy 2.1.2.1 and that the proposed residential development is not compatible with existing residential development; 2) the residential development is not compatible with existing agricultural development as required by Policy 2.5.2.5 of the Comprehensive Plan; 3) UF-3 provides for long-term development over the 20-year life of the Plan based on trends in the area. Planned development districts must be responsive to the development of the area and shall be designed to provide for gradual changes in intensity and density. In this instance the proposed plan provides for a significant six-fold increase in density and intensity from adjoining properties; 4) trends and timing of the development are inappropriate at this time based on the agricultural uses and zoning surrounding this property on virtually all four sides and this proposal would be the first in the area east of Erie Road, which would allow densities in excess of 0.2 du/per acre; 5) concerns regarding severe flooding in this area have not been adequately litigated by the request; 6) deficiencies in schools and infrastructure related to schools have not been addressed by the applicant and therefore are inconsistent with the Comprehensive Plan and the Land Development Code. Motion was seconded by Ms. Brown.

Mrs. Hooper declared a conflict of interest.

Motion carried 4 to 1, with Mr. Gause voting nay and Mrs. Hooper abstaining.

STREET VACATION - U.S. 41/SARASOTA-BRADENTON AIRPORT

Public hearing (Notice in the Bradenton Herald 3/20/96) was held to consider

R-96-28V A RESOLUTION VACATING A DEEDED NON-CONSTRUCTED RIGHT-OF-WAY LYING EAST OF U.S. 41 AND WEST OF SARASOTA-BRADENTON AIRPORT BY APPLICATION OF FLY SRQ, INC., and PALISS, INC., IN SECTION 36-35-17.

Jim Staples, Land Acquisition, stated the request is to vacate a 40-foot right-of-way to construct a building. In exchange, applicants have granted a 15-foot utility easement for a proposed sewer line.

Mrs. Harris moved to adopt R-96-28V. Motion was seconded by Mrs. Hooper and carried 6 to 0. RECORD S44-2827

STREET VACATION - NEW PEARCE AND NEW PEARCE VEGETABLE FARMS SUBDIVISION

Public hearing (Notice in the Bradenton Herald 3/20 and 3/27/96) was held to consider

R-96-03V - A RESOLUTION VACATING A PLATTED NON-CONSTRUCTED RIGHT-OF-WAY IN NEW PEARCE AND PEARCE VEGETABLE FARMS SUBDIVISION BY APPLICATION OF ROY A. III AND MELISSA A JOSLIN; AND COLA LEE AND NORMA JEAN WILSON.

Mr. Staples stated the request is to vacate a 50-foot right-of-way between Blocks E and F to allow Mr. and Mrs. Joslin to meet setbacks to construct a house and garage. In exchange, applicants have granted a 20-foot drainage and utility easement.

Mrs. Glass moved to adopt R-96-03V. Motion was seconded by Mrs. Harris and carried 6 to 0. RECORD S44-2828

TOURIST DEVELOPMENT COUNCIL

Larry White, Convention and Visitors Bureau Director, noted changes to Tourist Development Council policy regarding rotation of the third elected official seat between the island municipalities and City of Palmetto (Item 1); and member attendance policy (Item 2). He recommended adoption of

R-96-47 A RESOLUTION PROVIDING FOR THE DUTIES, RESPONSIBILITIES AND OPERATION OF THE MANATEE COUNTY TOURIST DEVELOPMENT COUNCIL ESTABLISHED PURSUANT TO FLORIDA STATUTE 125.0104; AND RESCINDING AND REPLACING RESOLUTION R-87-16.

Ms. Brown moved to adopt R-96-47. Motion was seconded by Mr. Gause and carried 5 to 1, with Mrs. Glass voting nay. RECORDS44-2829

ARCHITECTURAL/ENGINEERING CONSULTING SERVICES

Jim Seuffert, Financial Management Director, stated the Board (12/5/95) requested staff review the process to select overflow architecture and/or engineering services to allow the assignment of smaller projects to local firms as needed. Larger projects (over \$120,000) will require formal proposals and selection prior to negotiation of cost. He noted local preference will be considered in both cases.

Motion was made by Mrs. Glass, seconded by Mrs. Harris and carried 6 to 0, to cease the negotiation process to enter into contracts with top ranked firms for overflow architectural/engineering services (approved 11/14/95): Jerry Zoller; ADP Group; Woodroffe Corporation Architects; Fawley Bryant Architects, Inc.; SMRT/Huntington Dreher.

CROSLY ESTATE - CULTURAL FACILITIES GRANT

Mr. Seuffert stated that applications are being accepted by the Department of Community Affairs for FY 1997-1998 funding (\$222,000, State; \$444,000, local), which would be used for Crosley Estate restoration, Phase 2, i.e., climate control, electrical, plumbing, utilities, painting, etc.

Discussion: Proposed National Estuary Program landscape program; expenditures for restoration; purchasing window treatments used for ASID showhouse; grant match; prior use of impact fees.

APRIL 16, 1996

(Cont'd)

Motion was made by Mrs. Glass, seconded by Mrs. Harris and carried 6 to 0, to adopt

R-96-75 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF CULTURAL AFFAIRS UNDER THE CULTURAL FACILITIES PROGRAM FOR PHASE II RESTORATION OF THE CROSLY ESTATE (authorizing execution of all appropriate documents for submission of application). RECORDS44-2830

GOLF IDENTIFICATION CARD POLICY

Danny Hopkins, Parks and Recreation Director, recommended criteria for a primary residence golf identification card, which requires a Florida driver's license with a Manatee County address, remain in effect.

Discussion: Adding property tax receipt as criteria; golf course space limited/use increasing; priority to full-time residents, etc.

Motion was made by Mrs. Harris and seconded by Ms. Brown, to approve the recommendation. Voting in favor were Ms. Brown, Mrs. Harris and Mrs. Hooper. Voting nay were Mr. Gause, Mrs. Glass and Mr. Stephens (tie vote, existing policy will remain in effect).

59TH STREET WEST IMPROVEMENTS

Janet McAfee, Public Works, referred to the conceptual design plan for 59th Street, West improvements (Cortez Road to Manatee Avenue), which include a four-lane road, sidewalks and bicycle lanes. She advised that public meetings were held and recommended additional meetings be scheduled to address outstanding issues prior to approval of the plan.

OUT-OF-DOOR ACADEMY - SARASOTA COUNTY

Len Bramble, Public Works Director, reported on negotiations and fees to provide temporary water/wastewater services to the Out-of-Door Academy (Option 1) and to other areas within Sarasota County (Option 2)

Discussion: Rates; negotiations with Sarasota County; staff proceeding with Out-of-Door Academy agreement.

CODE ENFORCEMENT LIEN - ELMER SHAW

Paul Bangel, Assistant County Attorney deferred settlement of Code Enforcement Lien CEB-86-136/Elmer Shaw, 711 Morgan Johnson Road, Bradenton, for additional information as to the lien duration. (Additional comments later in the meeting.)

CODE ENFORCEMENT LIEN SETTLEMENT

Mr. Bangel recommended accepting an offer from Barnett Bank for \$250 to release a code enforcement lien on property at 5335 18th Street Boulevard East, Bradenton, Case CE5020375T, James M. and Ella Faye Meadows. Barnett Bank neglected to name the County as a defendant in a foreclosure and would have to reforeclose if the lien is not settled.

Mrs. Harris moved to approve the recommendation. Motion was seconded by Ms. Brown and carried 6 to 0.

LAWSUITS: CAPIZZO VS MANATEE COUNTY

Tedd Williams, Assistant County Attorney, recommended appointment of a mediator to attend a conference in Tampa on May 8, 1996, in Case CA-94-2290, Frank Capizzo and Jeannette Capizzo vs Manatee County.

Mrs. Glass volunteered to attend the conference as mediator.

LAWSUITS: BARRET HOME CORPORATION

Mr. Williams recommended appointment of one Commissioner to attend mediation in Tampa on May 24, 1996, at 9:30 a.m. regarding S.R. 70 right-of-way/eminent domain proceedings, Barret Home Corporation (Peridia), Case CA95-2009, Anita M. Glasgow, et al.

Mr. Gause volunteered to attend; Mr. McClash to be alternate.

COMMISSIONERS' COMMENTS

S.R. 70/24th Street East - Mr. Gause relayed a complaint that traffic is not able to access S.R. 70 from 24th Street East.

Disposition: Referred to County Administrator

Reclaimed Water/Bayshore Gardens - Mrs. Harris requested that residents of Unit 3 be advised of costs for reclaimed water and that a policy be established regarding costs/rates.

Disposition: Referred to County Administrator

Code Enforcement Lien - Mrs. Hooper referred to Code Enforcement Lien CEB-86-136/Elmer Shaw, 5335 18th Street Boulevard East, Bradenton, acknowledging time limit has elapsed for collection of the lien.

South County Library - Mrs. Harris announced the grand opening of the South County Library on April 21, 1996, at 2:00 p.m.

Crime Stoppers - Mr. Stephens relayed a request to place Crime Stoppers logo bumper stickers on transit buses and to have complimentary ad space inside and outside the buses.

Disposition: Referred to staff to assist with request and public service announcements.

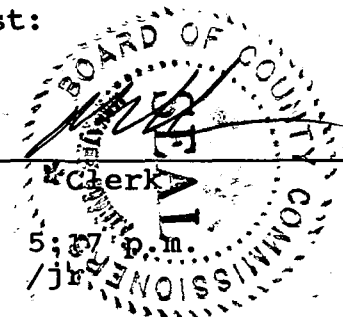
Historic Cortez School/Community Center - Mr. Stephens referred a request by Mary Fulford Green for a County financial commitment to the County Administrator.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



 Clerk



 Chairman 5-23-96

Adj: 5:27 p.m.

/jfr