

APRIL 25, 1996

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, April 25, 1996, at 9:03 a.m.

Present were Commissioners:

Stan Stephens, Chairman
Patricia M. Glass, First Vice-Chairman
Gwendolyn Y. Brown, Second Vice-Chairman
John R. Gause
Maxine M. Hooper
Joe McClash

Absent was Commissioner: Lari Ann Harris, Third Vice-Chairman (ill)

Also present were:

Jeffrey N. Steinsnyder, Assistant County Attorney
Susan G. Romine, Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Invocation by Rev. Paul A. Ruff, Hope Lutheran Church.

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

PROCLAMATIONS

Bike Month and Try Transit Week

Upon motion by Mr. McClash and second by Mrs. Glass, a Proclamation designating May 1996 as Bike Month and May 12 through 18, 1996, as Try Transit Week was adopted 6 to 0.

RECORD S45-1

Susan Hancock, Transit, Sarita Kruysman, Planning, Permitting, and Inspections, and George Mendez, Metropolitan Planning Organization, were present to accept the Proclamation.

A Day of Sharing

Upon motion by Mrs. Hooper and second by Mr. Gause, a Proclamation designating May 11, 1996, as A Day of Sharing was adopted 6 to 0.

RECORD S45-2

Steve Thompson, representing Builders Exchange, and Bill Mayfield, United Way, were present to accept the Proclamation.

Annette Buckley Day

Upon motion by Mr. McClash and second by Mrs. Glass, a Proclamation designating April 26, 1996, as Annette Buckley Day was adopted 6 to 0.

RECORD S45-3

Ken Burton, Jr., Tax Collector, presented the Proclamation to Mrs. Buckley in honor of her retirement.

Craig Starner Day

Upon motion by Mr. Gause and second by Mr. McClash, a Proclamation designating May 11, 1996, as Craig Starner Day was adopted 6 to 0.

RECORD S45-4

A moment of silence was observed for Mr. Starner, a county employee in the Financial Management Department, who recently passed away.

AGENDA DELETION

Carol Clarke, Planning, Permitting and Inspections Director, noted that PDC-96-01(Z)(P) Amsouth Bank/Pick Kwik Food Stores, Inc., has withdrawn their application (letter dated 4/11/96).

PENDING LITIGATION MEETINGS

H. Hamilton Rice, Jr., County Attorney, announced the following Pending Litigation meetings to be held today beginning at 11:00 a.m.:

1. Red Cedar Corporation vs Manatee County, et al, CA-95-2927;
2. Siemionko vs City of Bradenton, et al, CA-95-1203; and
3. The American Recycling Company, Inc., and ARC of Manatee, Ltd., vs Manatee County, CA-96-001411.

CONSENT AGENDA

Upon motion by Mrs. Glass and second by Mrs. Hooper, the Consent Agenda was approved 6 to 0, incorporating the language as stated in the recommended motions in the staff reports and agenda memorandum with deletion of the Myakka Historical Society Lease Amendment (supplement to the consent agenda). Items APPROVED:

ZONING

Public hearing (Notice in the Bradenton Herald 4/12/96) was held to consider

Z-96-02 DOROTHY H. GILLESPIE - PR-8

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-1 TO PR-8; PROVIDING AN EFFECTIVE DATE; ON 0.9 ACRE LOCATED ON THE SOUTH SIDE OF 53RD AVENUE EAST, 950 FEET WEST OF 33RD STREET EAST.

Planning Commission recommended ADOPTION.

RECORD S45-5

Samuel Reasoner, representing Reasoner Inc., addressed issues regarding wetlands, septic tank or sewer system, setbacks, oak trees, etc.

Public hearing (Notice in the Bradenton Herald 4/12/96) was held to consider

Z-96-01 BLASER'S NURSERY, INC. - RSF-4.5

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO RSF-4.5; PROVIDING AN EFFECTIVE DATE; ON 21.75 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF TALLEVAST ROAD AND PROSPECT ROAD.

Planning Commission recommended ADOPTION.

RECORD S45-6

COMPREHENSIVE PLAN AMENDMENT

Public hearing (Notice in the Bradenton Herald 4/12/96) was held to consider

ORDINANCE 96-09 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP (SHEET 18) FROM P/SP (1) TO R/O/R; FOR CERTAIN LAND LOCATED ON THE EAST SIDE OF U.S. 41, 350 FEET NORTH OF THE MANATEE-SARASOTA COUNTY BORDER, CONSISTING OF 6.4 ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (PA-96-04 - County Initiated; Property Owners - Schott, et al)

Planning Commission recommended ADOPTION.

RECORD S45-7

LAND DEVELOPMENT CODE AMENDMENT

Public hearing (Notice in the Bradenton Herald 4/19/96) was held to consider

ORDINANCE 96-19 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED); AMENDING CERTAIN ACCESSORY USE STANDARDS REGARDING NON-RESIDENTIAL OUTDOOR STORAGE; AND AMENDING CERTAIN PROVISIONS REGARDING MINI-WAREHOUSES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended ADOPTION.

RECORD S45-8

IMPACT FEE CREDIT AUTHORIZATIONS

1. **CA-96-03(T)** - Impact fee credits for Manatee Joint Venture/River Club South; and Final Authorization for road construction costs credit on the South Roadway expansion, \$650,000. RECORD S45-9
2. **CA-96-04(T)** - Impact fee credits for R.L. Koontz Construction, Inc./Forest Pines; and Final Authorization for road improvement costs credit for installing right hand turn lane at Tallevast Road and Prospect Road, \$32,732.50. RECORD S45-10
S45-11
3. **CA-96-02(T)** - Impact fee credits for USA Enterprises, Inc./Dave Davidson Auto Sales. RECORD S45-12
S45-13

ECONOMIC DEVELOPMENT TRANSPORTATION GRANT

R-96-94 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF COMMERCE, DIVISION OF ECONOMIC DEVELOPMENT FOR TRANSPORTATION IMPROVEMENTS UNDER THE ECONOMIC DEVELOPMENT TRANSPORTATION FUND PROGRAM

(Authorizing execution of Agreement with State of Florida Department of Commerce, Division of Economic Development, \$115,200 [State, \$80,000/County, \$35,200] for improvements on Whitfield Avenue, old U.S. 301 (15th Street East) and U.S. 301 due to the proposed expansion of Eaton Corporation of Florida, Aerospace Controls Division). RECORD S45-14

CAPITAL IMPROVEMENT PROGRAM

Authorize public participation program for FY 1997-2001 CIP. S45-15

TRAVEL REIMBURSEMENT

R-96-90 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE PROVISION FOR TRAVEL EXPENSE REIMBURSEMENT ON A COST FOR COST BASIS IN ACCORDANCE WITH MANATEE COUNTY TRAVEL PROCEDURE FOR STAN GOLDENBERG, METEOROLOGIST FROM THE NATIONAL HURRICANE RESEARCH LABORATORY, ACCEPTING THE POSITION AS KEYNOTE SPEAKER DURING MANATEE COUNTY'S PUBLIC AWARENESS HURRICANE EXPO EVENT ON MAY 11, 1996 (\$400). RECORD S45-16

EMPLOYEE HEALTH BENEFITS

Rescind action of April 16, 1996, regarding Amendment 1 to modify Addendum 1 to the Administrative Service Agreement with Acordia Benefits of Florida and Anthem Health Systems; and authorize execution of Amendment 1 which modifies Section 5.1.4 Case Management as well as Addendum 1 (Items 5, 9, and 10) of the Administrative Service Agreement with Acordia Benefits of Florida and Anthem Health Systems (involving fees for services by Acordia) effective January 1, 1995, to January 1, 1997. RECORD S45-17

HOUSING REHABILITATION PHASE V (RUBONIA)

Cancel Purchase Order pertaining to IFB 527844DC awarded to T.W. Althof, \$67,900 for rehabilitation of three homes.

ERIE ROAD RECLAIMED WATER IMPROVEMENTS

Award IFB 96-5668-DC to Hall Contracting Corp. for \$347,904.38; and authorize execution of contract, date performance/payment bond, and accept insurance certificate. RECORD S45-18

TRAVEL

County Administrator to Safety Harbor, Florida, to attend the 1996 Legislative Session Review on May 28, 1996.

CLERK OF CIRCUIT COURT - CONSENT CALENDAR

BONDS

Accept:

Summerfield Village Subphase A, Unit 1, Tract 302

Summerfield Village Subphase B, Unit 1, Tracts 320 & 321

1. Agreement with SMR Communities Joint Venture Warranting Required Improvements, \$665.84.
2. Defect Security: \$665.84 (Bond 8019463, Fidelity and Deposit Company of Maryland, surety).

Summerfield Village Subphase A

Summerfield Village Subphase A, Unit 1, Tract 301

Summerfield Village Subphase A, Unit 1, Tract 303

Summerfield Village Subphase A, Unit 2, Tracts 304 & 305

1. Agreement with SMR Communities Joint Venture Warranting Required Improvements, \$3,877.30.
2. Defect Security: \$3,877.30 (Bond 8019462, Fidelity and Deposit Company of Maryland, surety).

REFUNDS

Harllee, Porgess, et al - Ambulance Overpayment \$ 660.00
 Piccadilly Cafeteria - Sewer Rebate/Air Condition Evaporatn 2,919.43

WARRANT LIST

Approve: April 16, 1996, through April 24, 1996

Authorize: April 25, 1996, through May 13, 1996

AUTHORIZE CHAIRMAN TO SIGN

Partial Release of Special Improvement Assessment Liens:

Projects 5147 (4); 3001-2504; 3102-2502 (2); 3009-5147 (3); 3100-2509-5152 (2); 3010-5148; 5148; 3004-2507; 5152; 3106-5144 (2); 5124

Satisfactions of Judgments:

Natalie Rawling, 96-713M (\$50)
 Elizabeth Reed, 93-239JD/93-420J (\$313.92)
 Elizabeth Reed, 94-2114JD (\$696.60)
 Elizabeth Reed, 92-2169JD (\$94.62)
 Nancy Cahill, 95-2532JD (\$100)
 Dalwin Albert, 95-858M (\$50)

Phillip Cutchineal, 95-3769M (\$50)
 Ralph Jones, 95-2542T (\$50)
 George Gibeau, 95-935F (\$158.85)
 Duane Dwinells, 92-425T, Sarasota & Manatee Counties (\$150)
 Edward Mills, 92-5784M, Sarasota & Manatee Counties (\$20)
 Brian McCurdy, 95-2511T, Sarasota & Manatee Counties (\$50)
 Edward Dolom, 95-2656T, Sarasota & Manatee Counties (\$50)

Recorded in Error

Merita Jackson, 95-34JP	Denia Padeni, 91-2967JP
Rosalinda Salinas, 95-1482JP	James McCormick, 92-461JP
Kathleen Burke, 94-2097JP	Herbert Randolph, 90-2157JP
Dwayne Fobbs, 94-1791JD	Joel Parks, 91-1979JP
Laurie Olsen-Daggett, 91-926JP	Clayton Tanks, 94-1937JP
Robin McMillan, 91-754JP	

APPROVE, RATIFY & CONFIRM**Parks & Recreation Instructor's Classes Agreement:**

Lorrie Gilliam - Stained Glass Art RECORD S45-19

ACCEPT

Lakewood Ranch Community Development District 2 - Minutes of the Board of Supervisors Meeting dated March 7, 1996

Meditrust (Manatee Springs) First Mortgage Revenue Refunding Bonds

Series 1995 - Bound Volume dated December 21, 1995, \$3,475,000

Port Manatee Stockade Facility - Copy of executed Agreement between the Sheriff and the Department of Juvenile Justice for a Reception and

Assignment Center at the Facility (authorized 3/19/96) RECORD S45-20

Manatee County Detention Facility/Final Releases of Liens -

Centex Rooney/National Development Direct Purchases:

Danka Industries (PO101535)
 Danka Industries (PO102906)
 Unisys Corporation (PO103238)

ADOPT

Proclamation designating the week of May 15th, 1996, as "Manatee County Police Week" RECORD S45-21

(End Consent Agenda)

INDUSTRIAL DEVELOPMENT REVENUE BONDS - SUPERIOR ELECTRONICS GROUP, INC.

Public hearing (Notice in the Bradenton Herald 4/7/96) was held (TEFRA hearing) regarding \$7,800,000 Industrial Development Revenue Bonds for Superior Electronics Group, Inc.

R-96-80 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, DECLARING MANATEE COUNTY'S OFFICIAL INTENT TO SEEK REIMBURSEMENT ON BEHALF OF SUPERIOR ELECTRONICS GROUP, INC. (THE "BORROWER") FOR CERTAIN CAPITAL EXPENDITURES TO BE MADE BY THE BORROWER WITH RESPECT TO THE EXPANSION, CONSTRUCTION, RENOVATION AND EQUIPPING OF CERTAIN MANUFACTURING FACILITIES OPERATED BY THE BORROWER FROM THE PROCEEDS OF THE COUNTY'S NOT TO EXCEED \$7,800,000 INDUSTRIAL DEVELOPMENT REVENUE BONDS (SUPERIOR ELECTRONICS GROUP, INC., PROJECT); APPROVING THE ISSUANCE OF SUCH BONDS WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A GOOD FAITH DEPOSIT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (Good Faith Deposit Agreement with Superior Electronics Group, Inc., \$30,000).

H. Hamilton Rice, Jr., County Attorney, addressed issues and submitted a letter (4/18/96) from the Economic Development Council recommending approval of the application and a memorandum (4/15/96) from Clara Campbell, Growth Management Manager, including a copy of the Final Site Plan with conditions and stipulated requirements.

Cliff Walters, attorney representing the applicant, and **Ben Price**, President of Superior Electronics Group, Inc., addressed the Board and requested approval.

Motion was made by Mr. McClash, seconded by Ms. Brown and carried 6 to 0, to adopt R-96-80 authorizing the issuance of not exceeding \$7,800,000 Manatee County Industrial Development Revenue Bonds, and the Good Faith Deposit Agreement. RECORD S45-22

S45-23

ZONING

Public hearing (Notice in the Bradenton Herald 4/12/96) was held to consider

PDR-95-12(Z)(P) OVERSEAS PARTNERSHIP MAWI, LTD
PLANTATION BAY PHASE III - PDR AND P/SITE PLAN (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO PDR RETAINING THE CH OVERLAY DISTRICT; PROVIDING AN EFFECTIVE DATE; AND A PRELIMINARY SITE PLAN TO ALLOW 21 SINGLE-FAMILY RESIDENCES AT A DENSITY OF 1.89 DU/ACRE; GRANTING SPECIAL APPROVAL FOR A PROJECT LOCATED IN THE COASTAL HIGH HAZARD AREA; ON 11.12 ACRES ON THE WEST SIDE OF HIGHLAND SHORES DRIVE, 1,100 FEET SOUTH OF U.S. 301, ELLENTON.

Planning Commission recommended APPROVAL with Stipulations:

1. Pursuant to Section 603.7.4.5 of the Land Development Code, the rear yard setback for lots 9 through 13 shall be measured from the closest edge of the greenbelt to the proposed home.
2. All off-site infrastructure designed to serve this site shall be constructed prior to final site plat approval.
3. Prior to the burning of trees and/or branches, a burn permit must be obtained from the Environmental Management Department.
4. An interneighborhood tie to the east shall be provided with the final site plan and final plat. The developer may choose, in lieu of this tie, to connect Phase I of Plantation Bay to Willow Lane.
5. A Wetland Impact Review shall be submitted to the EMD for review concurrently with the Final Site Plan. A Mitigation Ratio for altered wetlands shall be determined by the EMD at time of Final Site Plan approval.
6. Thirty-foot wetland buffers shall be provided for all post-development jurisdictional wetlands and be shown on the Final Site Plan;

and Granting Special Approval for a project located in the Coastal High Hazard Area.

Norm Luppino, Planning, Permitting and Inspections, reviewed the staff report, referred to a site plan, and reviewed surrounding zoning. He addressed wetland mitigation to the north, access, interneighborhood tie, etc. He submitted a letter (4/25/96) from the North River Fire District supporting the second means of access for emergency purposes.

Discussion: Interneighborhood tie; frangible barrier; emergency access; pedestrian walkway; secondary means of access; right-of-way available for a future tie.

Tom McCollum, representing the applicant, stated they do not want any type of interneighborhood tie; however, a pedestrian access into Highland Shores would be acceptable.

Carol Francisco, President of the Highland Shores Civic Association, addressed concerns as to the interneighborhood tie, roads, traffic, boat ramp traffic, crime rate, etc. She submitted a petition requesting the interneighborhood tie be denied.

Joan Francisco, Vice-President of Highland Shores Civic Association, read a letter (4/24/96) from Gilbert and Nila Cameron addressing runoff, flooding, traffic, etc.

Virgil Mills, Minnie Lorraine, Sam Trasferini, and Charles Reeder, Highland Shores, requested the interneighborhood tie be denied.

Following discussion, Stipulation 4 was amended by inserting the word "pedestrian" prior to "interneighborhood tie."

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 adopt Manatee County Zoning Ordinance PDR-95-12(Z)(P); approve the Preliminary Site Plan with Stipulations 1 through 6, with 4 as amended; and grant Special Approval for a project located in the Coastal High Hazard Area, as recommended by the Planning Commission. Motion was seconded by Ms. Brown and carried 6 to 0.

RECORD S45-24

APRIL 25, 1996

(Cont'd)

COMPREHENSIVE PLAN EVALUATION AND APPRAISAL REPORT (EAR)

Public hearing (continued from 4/9/96) was opened to consider adoption of the Comprehensive Plan Evaluation and Appraisal Report (EAR).

Ms. Clarke recommended the hearing be continued to May 14, 1996.

James Schrader, representing the Cortez Peninsula Board of Association, submitted a letter (4/24/96) and addressed issues regarding the EAR.

Bill Markel, representing San Remo Shores, addressed issues regarding recycling, Cortez peninsula zoning, appearance, etc.

Motion was made by Mr. Gause, seconded by Ms. Brown and carried 6 to 0, to continue the Comprehensive Plan EAR hearing to May 14, 1996.

HEADWATERS AT DUETTE

Charles Hunsicker, Public Works/Ecosystems Manager, recommended continuing with the Florida Communities Trust (FCT) Duette Headwaters acquisition, subject to the outstanding mineral interest, and direction to staff to amend the FCT management plan for the property accordingly.

Discussion ensued regarding actual value of the property and the interests therein.

Mr. McClash moved to continue with acquisition of watershed lands described in the FCT Conceptual Approval Agreement approved by the Board on June 6, 1995, and to state the Board has no objection to a fee simple title with a reservation of outstanding mineral rights of which the holder of one-half mineral interest will continue to have such interest, and the County of Manatee will have the right to the other one-half mineral interest rights. Motion was seconded by Mrs. Hooper.

Motion was amended to include direction to staff to amend the FCT Management Plan on the property accordingly. The seconder agreed.

Mr. Hunsicker referred to an aerial of the site and addressed a concern regarding the land exchange relating to the phosphate mineral value.

Upon discussion, motion carried 5 to 1, with Mr. Gause voting nay.

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

A letter (4/19/96) from Caleb Grimes, attorney representing Palma Sola Bay Associates, was submitted requesting that PDR-95-11(P), Palma Sola Bay Club, be reconsidered. The request was denied on April 16, 1996.

There was no action taken to reconsider the issue.

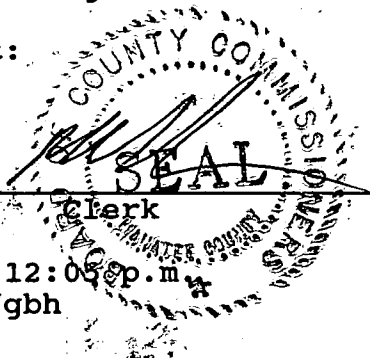
Recess/Reconvene. The Chairman was present for the purpose of adjourning the meeting.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Adj: 12:00 p.m.
/gbh

Jean Stephen
Chairman 5-23-96