

DECEMBER 19, 1996

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, December 19, 1996, at 9:40 a.m.

Present were Commissioners:

Stan Stephens, Chairman
Patricia M. Glass, First Vice-Chairman
Gwendolyn Y. Brown, Second Vice-Chairman
Lari Ann Harris, Third Vice-Chairman
Amy Stein
Jonathan Bruce
Joe McClash

Also present were:

Ernie Padgett, County Administrator
H. Hamilton Rice, Jr., County Attorney
Susan G. Romine, Board Records Supervisor,
representing R. B. Shore, Clerk of Circuit Court

Invocation by Commissioner Stan Stephens.

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

AGENDA DELETIONS

Carol Clarke, Planning, Permitting and Inspections Director, advised the following items were deleted from the agenda: 1) Oak Creek Subdivision Administrative Appeal AA-96-01 (withdrawn); and, 2) Resolution R-96-286 and Ordinance 96-33 for landspreading permit fees was deleted since both Resolution and Ordinance will have to be readvertised.

Recess/Reconvene. All members present.

CONSENT AGENDA

Upon motion by Mr. Bruce and second by Mrs. Glass, the Consent Agenda dated December 19, 1996, was approved unanimously, with deletion of (1) credit authorization with Vantage Real Property Holding Company (deferred to January 1997); (2) Reclaimed water agreement with Blossom Groves; (3) Non-profit agency funding agreements FY 96-97 (both separate action). Items APPROVED/CONTINUED:

ZONING

Public hearing (continued from 11/26/96) was opened to consider Z-96-19 GLEN AND LYNNDEL SCAGGS - A-1 (CONTINUED TO 1/28/97) 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 A-1; PROVIDING AN EFFECTIVE DATE.

Public hearing (Notice in the Bradenton Herald 12/6/96) was opened to consider

Z-96-24 MARGARET PARENT, TRUSTEE - RSF-4.5 (APPROVED)
ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM PDR to RSF-4.5; PROVIDING AN EFFECTIVE DATE; LOCATED ON 15.8 ACRES NORTH OF 51ST AVENUE EAST AND 100 FEET EAST OF 20TH STREET COURT EAST.

Planning Commission recommended APPROVAL.

RECORD S45-1326

Virginia Koczynski commented on the traffic impacts and requested the traffic problem be observed more carefully.

Following discussion, staff was directed to bring back a report regarding traffic-related issues on 51st Avenue East.

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(Cont'd)

Public hearing (Notice in the Bradenton Herald 12/6/96) was held to consider

Z-96-25 RICHARD AND ROXANNE K. TOBIN - PR-8 (APPROVED)

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM RSF-4.5 to PR-8; PROVIDING AN EFFECTIVE DATE; LOCATED ON .23 ACRE EAST OF 26TH STREET WEST 350 FEET SOUTH OF THE INTERSECTION OF 57TH AVENUE AND 26TH STREET WEST.

Planning Commission recommended APPROVAL.

RECORD S45-1327

STREET VACATION - EAST OAKS, FAIRLAWN, KINGSLEY HEIGHTS SUBDIVISIONS

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

R-96-162-V RESOLUTION ON APPLICATION BY WAL-MART STORES, INC., VACATING CERTAIN PORTIONS OF EAST OAKS, FAIRLAWN AND KINGSLEY HEIGHTS SUBDIVISIONS.

RECORD S45-1328

EMERSON POINT - MULTI USE TRAIL GRANT

R-96-293 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, UNDER THE NATIONAL RECREATIONAL TRAIL PROGRAM FOR THE DEVELOPMENT OF A MULTI-USE TRAIL AT EMERSON POINT PARK

(State \$50,000; local match \$50,000; and authorizing the Chairman to execute all related documents).

RECORD S45-1329

THE GREENS AT EL CONQUISTADOR - STREET NUMBER WAIVER

S45-1330

Approve street numbering waiver request for The Greens at El Conquistador.

FINAL PLATS

Lakewood Ranch Country Club Village Subphase C, Unit 2

1. Final Plat.
2. Mortgagee's Joinder from Northern Trust Bank of Florida, N.A.
3. Joinder from Lakewood Ranch Community Development District 2.
4. Agreement with SMR Communities Joint Venture, guaranteeing completion of required improvements, \$242,765.25.
5. Subdivider's Completion Surety Bond: \$242,765.25 (Bond 08064800, Fidelity and Deposit Company of Maryland).
6. Interlocal Agreement with Lakewood Ranch Community Development District 2.
7. Conservation Easement from Schroeder-Manatee Ranch, Inc.
8. Supplemental Declaration by SMR Communities Joint Venture.
9. Agreement with SMR Communities Joint Venture for Installation of Private Improvements in Subdivisions, subsequent to final subdivision plat approval.

RECORD S45-1331

RECORD S45-1332

River Wilderness Country Club Phase III, Subphase 8, Unit 1

1. Final Plat.
2. Mortgagee's Joinder from First Union National Bank of Florida.
3. Mortgagee's Joinder from NationsBank, N.A. (South).
4. Joinder from River Wilderness Associates Limited.
5. Joinder from Vernon Construction, Inc.
6. Agreement with River Wilderness Associates Limited to Defer Completion of Required Sidewalks for Private Subdivision.
7. Agreement with River Wilderness Associates Limited, warranting required improvements, \$40,114.53.
8. Defect Security: \$40,114.53 (Surety Bond 1323822, Amwest Surety Insurance Company).
9. Declaration of Covenants, Conditions and Restrictions for the Hammocks at River Wilderness by River Wilderness Associates, Ltd.

RECORD S45-1333

Oak Hill

1. Final Plat.
2. Agreement with Melva G. McCall and Romanus L. Dakin to Defer Completion of Required Sidewalks.

RECORD S45-1334

BRADEN RIVER PARK AMENDMENT

Execution of First Amendment to the agreement (11/15/94) with Southwest Florida Water Management District for restoration at Braden River Park Conservation Area to increase District grant funding by \$20,000, revised grant of \$90,600 (\$70,000 District, \$20,600 estimated County in-kind services) and extend completion date to December 31, 2000.

RECORD S45-1335

BUILDING CODES

R-96-292 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, EXPRESSING THE SUPPORT OF THE COUNTY OF MANATEE FOR THE ADOPTION OF THE STANDARD BUILDING CODE AS THE CONSENSUS MODEL BUILDING CODE FOR THE STATE OF FLORIDA.

RECORD S45-1336

MATERIALS AND SERVICES

Cardiac Monitors - Authorize sole source purchase from Physio-Control of five Lifepak 11 diagnostic cardiac monitors and five defibrillators/pacemakers for Emergency Medical Services at a unit price of \$9,695 and \$3,995, respectively, plus five carrying cases at \$179 each, for a total of \$69,345.

BOWLEES CREEK DREDGING

Execution of Change Order 1 to IFB531514DC, for Bowlees Creek dredging with Spring Lake Services, for addition of 45 calendar days, for revised completion date of February 2, 1997. RECORD S45-1337

DUI EDUCATION AND SUPERVISION

Execution of a Memorandum of Agreement with Manatee Community College for driving while under the influence (DUI) Education and Supervision Program. RECORD S45-1338

DONATION - POLICE ATHLETIC LEAGUE

Transportation Department to donate excess fill material, staff time and equipment to assist Police Athletic League in improvement of Bradenton Middle School site for a bicycle motorcross track.

FLORIDA HOUSING FINANCE AGENCY HOME PROGRAM

R-96-296 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE FLORIDA HOUSING FINANCE AGENCY FOR A HOME PROGRAM GRANT

(and authorizing the Chairman to execute all appropriate documents).

NOTE: Application to be submitted at a later date. RECORD S45-1339

CLERK'S CONSENT CALENDAR**REFUNDS**

David Cerquozzi - Impact Fee credit	\$ 1,149.89
Stephen Marshall - Temporary Construct Deposit (Mote Ranch)	600.00
Woodruff & Sons - Temporary Construct Deposit (Mote Ranch)	600.00

WARRANT LIST

Approve: December 9, 1996 through December 19, 1996

Authorize: December 19, 1996 through January 6, 1997

MINUTES FOR APPROVAL

January 12, 1993 - Risk Assessment

September 10, 1996 - Regular

September 11, 1996 - Special

September 26, 1996 - Regular

AUTHORIZE CHAIRMAN TO SIGN

Partial Release of Special Improvement Assessment Liens:

Projects 3005-5235 (2); 3010-5148; 3102-2502 (3); 4101-3905

Corrective Documents (scrivener's errors):

Ordinance 96-06 - Comprehensive Plan Amendment to the Future Land Use

Map (Sheet 19) from IL to IH (adopted 5/23/96) RECORD S45-1340

Z-96-11 Dan S. Blalock, et al - Rezone from LM to HM (adopted 8/22/96)

RECORD S45-1341

ACCEPT

Public Official's Bond (Accepted pursuant to R-96-254):

Property Appraiser - Charles E. Hackney, Ohio Casualty Insurance Company, \$10,000.

Lakewood Ranch Community Development District 1 - Minutes of the Board of Supervisors meeting held September 11, 1996, and the minutes of the landowners meeting held November 5, 1996.

Lakewood Ranch Community Development District 2 - Minutes of the Board of Supervisors meetings held October 3, 1996, and October 16, 1996.

Lakewood Ranch Community Development District 3 - Minutes of the Board of Supervisors meetings held September 11, 1996, October 3, 1996, and October 16, 1996, and the minutes of the landowners meeting held October 3, 1996.

Quit Claim Deed (dated 12/17/96) from Manatee County School Board for use of Bradenton Middle School by vendors of Red

Barn Flea Market for an 18-month period.

(End Consent Agenda)

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(Cont'd)

ZONING

Public hearing (Notice in the Bradenton Herald 12/6/96) was held to consider

Z-96-23 RICHARD KNOWLES - A-1 (DENIED)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO A-1 ON 8 ACRES LOCATED EAST OF RYE BRIDGE ROAD 1½ MILES NORTH OF UPPER MANATEE RIVER ROAD; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended DENIAL.

Karin Murphy, Planning Department, referred to an area zoning map and a county zoning map displaying zoning trends for the county, as well as the subject property in the area. This project is located in the UF-3 category, as shown on the Future Land Use Map. The request appears inconsistent with the development patterns and availability of adequate infrastructure of the Comprehensive Plan, therefore, staff has recommended denial based upon the timing and trends.

John Lawrence, representing the applicant, stated that A-1 zoning already exist in the area.

William Wheeler stated the owners should have a right to use their property in a reasonable matter.

David Walker addressed the issue of timing. He stated the property is ready to be developed.

Ms. Murphy reviewed the density and road frontage issues.

Based upon the staff report, evidence presented, comments made at the public hearing, and notwithstanding 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, Ms. Stein moved to approve Manatee County Zoning Ordinance Z-96-23, contrary to the recommendation of the Planning Commission. Motion was seconded by Mr. Bruce. Motion failed 2 to 5, with Mr. McClash, Mr. Stephens, Mrs. Glass, Mrs. Harris and Ms. Brown voting nay.

Based upon the staff report, evidence presented, comments made at the public hearing, and action of the Planning Commission, and finding the request to be inconsistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mr. McClash moved to deny Manatee County Zoning Ordinance Z-96-23, as recommended by the Planning Commission. Motion was seconded by Mrs. Glass and carried 5 to 2, with Ms. Stein and Mr. Bruce voting nay.

CREMATION SYSTEMS INTERNATIONAL

Karen Collins, Environmental Management Department Director, recommended execution of Memorandum of Understanding with Department of Environmental Protection (DEP), to enable the county to receive \$18,000, from Cremation Systems International, Inc., aka Cremation Systems, Inc., in settlement of air quality violations.

Motion was made by Mrs. Harris, seconded by Ms. Stein and carried unanimously, to approve the Memorandum of Understanding with Department of Environmental Protection as recommended.

RECORD S45-1342

BOARD OF ZONING APPEALS

Ms. Clarke recommended appointment of two members to the Board of Zoning Appeals, to serve until October 14, 2000.

Nominations:

K.C. Corigliano - by Mr. Bruce
Thomas Giles - by Mr. Bruce
Michael Bryant - by Mrs. Harris

By show of hands, the majority voted for K. C. Corigliano and Michael Bryant.

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried unanimously, to cast a unanimous ballot for K.C. Corigliano and Michael Bryant for the Board of Zoning Appeals.

HISTORIC PRESERVATION BOARD

Ms. Clarke recommended appointment of two members to the Historic Preservation Board to serve until October 14, 2000.

Nominations:

Warren Johnson - by Mr. McClash
Virginia Smith - by Mr. McClash

Motion was made by Mrs. Harris, seconded by Mr. Bruce and carried unanimously, to cast a unanimous ballot for Warren Johnson and Virginia Smith.

CREEKWOOD

Ms. Clarke reported that the Creekwood development order required dedication of a 25 acre park for a public park in the northwest corner of the project. The county has concerns with the access, number of usable acres and the location of a proposed stormwater pond on the site. Creekwood would like to proceed with construction of Phase II, Subphase A and B with the understanding that a park site acceptable to the county must be dedicated prior to further approvals for residential development.

Ms. Clarke referred to the letter from Caleb Grimes, representing Creekwood, acknowledging the obligation.

Following discussion, Ms. Clarke recommended concurrence to allow construction of the subphases. The Board concurred, however, requested concerns be addressed regarding the overall park question.

TARA MANATEE, INC. - SETTLEMENT AGREEMENT

Jeffrey Steinsnyder, Assistant County Attorney, reported the Board adopted Ordinance 96-31, a revised Development Order for the Tara Development of Regional Impact, on August 22, 1996. The Department of Community Affairs appealed the order based on the transportation conditions, mainly observing a land use trade-off mechanism, which was not intended by the developer or staff.

Mr. Steinsnyder referred to his memorandum of December 16, 1996, with a copy of the settlement agreement with Tara-Manatee, Inc., Manatee County and the Department of Community Affairs, stating that County is agreeing to hold a public hearing to determine the appropriateness of the development order amendment (Ordinance 97-25).

He noted one change to the settlement agreement on page 3, paragraph 2, to delete the shall in the sentence "The parties hereby stipulate that the shall". He recommended execution of the settlement agreement among Tara Manatee, Inc., the Department of Community Affairs, and Manatee County regarding FLAWAC appeal (Case APP-96-017).

Motion was made by Mr. McClash, seconded by Mr. Bruce and carried unanimously, to execute the agreement as recommended. RECORD S45-1343

PINEY POINT PHOSPHATES, INC.

Mr. Steinsnyder gave a status report regarding Piney Point Phosphates, Inc. v. Department of Environmental Protection (DEP). On November 5, 1996, the Board adopted Resolution R-96-275 authorizing its attorneys to intervene to become a party in this case.

Mr. Steinsnyder recommended approving the recommendation of special counsel, David S. Dee, outlined in his December 2, 1996, letter to the County Attorney, and direct staff to review and comment on Piney Point Phosphates' NPDES permit during the comment period. RECORD S45-1344

Motion was made by Mrs. Harris, seconded by Ms. Brown and carried unanimously, to approve the recommendation of special counsel.

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RECLAIMED WATER AGREEMENT - BLOSSOM GROVES

Mr. Steinsnyder raised concerns with the Fourth Amendment to the Reclaimed Water Interim Agreement (for Blossom Groves) with Patrice Pochez, Trustee, as it had not been properly witnessed.
(Depart Mrs. Harris)

He recommended execution of the amendment, with direction for staff to have the document properly executed (witnessed) by Blossom Groves (Mr. Pochez).

Motion was made by Mr. McClash, seconded by Ms. Brown and carried 6 to 0, to authorize execution of the fourth amendment to the agreement with Blossom Groves for the delivery and use of reclaimed water to extend the effective period to December 29, 1999, at no cost to the County; and direction for staff to have the document properly executed (witnessed) by Blossom Groves (Mr. Pochez). RECORD

S45-1345

NON-PROFIT AGENCY FUNDING AGREEMENTS

Fred Loveland, Community Services Director, summarized the functions of the county funding for the Aids Council of Manatee. He recommended execution of FY 1996-97 funding agreements with:

Aids Council of Manatee Inc. (Outreach and Education)	\$15,450	S45-1346
Deaf Service Center of Manatee/Sarasota, Inc.		
(Interpreter)	24,153	
(Training and Advocacy)	19,776	S45-1347
Mote Marine Laboratory (Marine Mammal Stranding)	18,849	S45-1348
(Enter Mrs. Harris)	<u>RECORD</u>	

Motion was made by Mr. Bruce, seconded by Mr. McClash and carried unanimously, to approve execution of agreements as recommended.

U.S. 41 AND TALLEVAST ROAD

Mrs. Harris addressed concern regarding traffic at the intersection of Tallevast Road and U.S. 41, and reported the intersection is not wide enough for commercial vehicles that are servicing the industrial parks, travelling east on Tallevast Road.

Disposition: County Administrator to bring back costs and timing for widening the intersection for the January 7, 1997 meeting.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest

[Signature]
Clerk

Adj: 10:55 A.M.
/dmo

APPROVED:

[Signature]
Chairman 2/4/97