

OCTOBER 27, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, October 27, 1998, at 9:05 a.m.

Present were Commissioners:

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

Absent was Lari Ann Harris (illness)

Also present were:

Mark Barnebey, Chief Assistant County Attorney  
 Susan G. Romine, Board Records Supervisor,  
 representing R. B. Shore, Clerk of Circuit Court

Invocation by Commissioner Bruce.

All witnesses and staff were duly sworn.

#### VIDEO TELECONFERENCING

Mrs. Glass announced that Mrs. Harris is doing well following surgery and is expected to return November 3, 1998. She recommended teleconferencing arrangements be made so Mrs. Harris can participate in meetings if she becomes too ill during treatments to attend.

Mark Barnebey, Chief Assistant County Attorney, recommended that video teleconferencing be implemented, rather than telephonic, so that Mrs. Harris can be seen at all times.

Mr. McClash made a motion to arrange for video teleconferencing for Mrs. Harris to participate in future meetings, if necessary. Motion was seconded by Ms. Brown and carried 6 to 0.

#### CONSENT AGENDA

Upon motion by Mr. Bruce and second by Mrs. Stein, the Consent Agenda dated October 22, 1998, was approved 6 to 0, incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda, with the deletion of Hearing Officer Compensation (separate action). Items APPROVED:

#### ZONING

Public Hearing (Notice in the Bradenton Herald 9/4/98) was opened to consider

##### R98-182 - NU-GULF DRI/WINGATE CREEK MINE DRI 4

(CONTINUED TO 11/17/98 AT 9:00 A.M.)

Request: Determination of whether (1) the proposed addition of a third haul route for the truck transport of phosphate rock, and (2) authorization of the use of any qualified material transporter constitute a substantial deviation (pursuant to Section 380.06, Florida Statutes), of the DRI Development Order for the Wingate Creek Mine, on 3,015.23 acres located on the north side of State Road 64 six miles west of the Hardee County line.

Public Hearing (Notice in the Bradenton Herald 10/16/98) was opened to consider

##### PDC-97-05(P)(R) - U STORE IT/7-ELEVEN

(CONTINUED TO 11/17/98 AT 9:00 A.M.)

Request: Approval of a revised Preliminary Site Plan to allow four gas pumps under a 3,934-square-foot canopy to be added to an approved 2,940-square-foot convenience store. The convenience store has not yet been constructed, located on 1.15 acres at the southwest corner of Tallevast Road and Lockwood Ridge Road.

Arthur Jaros, spoke in opposition and questioned the number of times this item has been reviewed and/or reconsidered.

Discussion: Request not a rezone; applicant allowed to reapply; trend and timing changes; stipulations are a condition of a request, they do not stay with the land; whether a work session should be held to review the Comprehensive Plan and/or the Land Development Code (LDC); exceptions, etc.

Public Hearing (Notice in the Bradenton Herald 10/16/98) was held to consider

**PDR-98-01(Z) (G) - CONSTANTINOS TASIOUNIS/MARYWOOD SUBDIVISION**

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **RSF-4.5** TO **PDR**; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ESTABLISH NEW SETBACKS FOR FIVE EXISTING SINGLE FAMILY RESIDENTIAL LOTS (1-5) IN THE MARYWOOD SUBDIVISION; ON 1.1 ACRES LOCATED AT 7506, 7510, 7514, 7518 AND 7522 23RD AVENUE DRIVE WEST.

Planning Commission recommended approval with five stipulations; RECORD S46-1287

ADOPT the Findings for Specific Approval;  
GRANT Specific Approval of an alternative to Section 603.7.4.2 of the Land Development Code, Landscaped Open Space and Pervious Area Requirements. RECORD S46-1288

Public Hearing (Notice in the Bradenton Herald 10/16/98) was held to consider

**PDMU-92-01(Z) (G) (R5) - SCHROEDER-MANATEE, INC. (A/K/A UNIVERSITY LAKES OF MANATEE, INC. DRI 22)**

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING A GENERAL DEVELOPMENT PLAN TO ALLOW A LAND USE EXCHANGE THAT INCREASES THE NUMBER OF SINGLE FAMILY UNITS AND OFFICE SPACE AND DECREASES THE NUMBER OF VILLAS, MULTI-FAMILY UNITS AND INDUSTRIAL SPACE, AMEND THE LOT SIZES AND SETBACKS, AND ADDS A NEW SINGLE FAMILY, SEMI-DETACHED USE TO THE LOT SIZE AND SETBACK CHART; AND PROVIDING AN EFFECTIVE DATE; ON 2,422 ACRES LOCATED NORTHEAST OF THE UNIVERSITY PARKWAY AND I-75 INTERCHANGE.

Planning Commission recommended approval. RECORD S46-1289

**STREET VACATION - ORANGE LEE SUBDIVISION**

Public Hearing (Notice in the Bradenton Herald 9/28/98 and 10/5/98) was held to consider

**R-98-189-V** RESOLUTION VACATING THE PLAT OF ORANGE LEE SUBDIVISION, LESS CERTAIN RIGHT-OF-WAY FOR 15TH STREET EAST, BY APPLICATION OF RAYMOND F. SKINNER, LTD., AND MADER ELECTRIC, INC. RECORD S46-1290

**COUNTY ADMINISTRATOR**

**FINAL PLATS**

**Marlow Subdivision**

1. Final Plat
2. Declaration of Restrictions for Marlow
3. Agreement to Defer Completion of Required Sidewalks for Private Subdivisions with Dorset Capital Group. RECORD S46-1291
4. Temporary Emergency Access Easement from Island Investment Properties, LTD.; Kurram Corporation; Korthon Corporation, joined by Kabara Corporation NV.

**Old Groves at Greenfield Plantation**

1. Final Plat
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon with Nationsbank, N.A., successor in interest to Barnett Bank, N.A.
3. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon with Linda Hallas as Trustee of the Manatee Shareholders Trust.
4. Mortgagee's Joinder in and Ratification of Off-site Temporary Drainage and Cul-de-sac Easements for the Benefit of Old Grove at Greenfield Plantation, Phase II, with Linda Hallas as Trustee of the Manatee Shareholders Trust.
5. Mortgagee's Joinder in and Ratification of Off-Site Temporary Drainage and Cul-de-sac Easements for the Benefit of Old Grove at Greenfield Plantation, Phase II with Barnett Bank, N.A.
6. Supplemental Master Declaration of Covenants, Conditions and Restrictions.

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(Continued)

7. Agreement with River Road Plantation Partnership guaranteeing completion of required sidewalks and bikeways, \$26,195.
8. Performance Bond: \$26,195 (Letter of Credit 941053, Nationsbank, N.A.).
9. Agreement with River Road Plantation Partnership guaranteeing completion of required improvements, \$223,739.23.
10. Performance Bond: \$223,739.23 (Letter of Credit 941054, Nationsbank, N.A.).
11. Off-Site Drainage Easement from River Road Plantation Partnership.
12. Off-Site Cul-de-sac Easement from River Road Plantation Partnership.

**FIREWORKS DISPLAY PERMIT**

Execute Approval/Permit for fireworks display to be held on October 31, 1998, at DeSoto Speedway. RECORD S46-1292

**CUSTOMER INFORMATION SYSTEM/PUBLIC WORKS UTILITIES BILLING SYSTEM**

Execute agreement with Teldata, Inc., for a Customer Information System, Utilities Billing System, not to exceed \$1,663,701. RECORD S46-1293

**BUDGET AMENDMENTS****VARIOUS DEPARTMENTS**

(B-99-008)

Transfer of Funds; Unanticipated Revenue Appropriations (supporting description and detail attached) RECORD S46-1294

**LIBRARY SERVICES TECHNOLOGY GRANT**

R-98-266 RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A LIBRARY SERVICES AND TECHNOLOGY ACT GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES. RECORD S46-1295

(Total \$32,476; State funds \$15,000; local match \$17,476; for satellite teleconferencing capabilities at the Central Library.)

**SARASOTA-MANATEE METROPOLITAN PLANNING ORGANIZATION**

Execute letter to Chairman Stan Stephens of the Sarasota-Manatee Metropolitan Planning Organization (MPO) requesting an amendment to the MPO's Long Range Transportation Plan to increase the number of lanes on State Road 70, from four to six, between I-75 and Lakewood Ranch Boulevard.

**CLERK'S CONSENT CALENDAR****BONDS****Accept:****P. S. Beach Associates, Inc.**

1. Cancellation notice (dated 4/27/98) of Letter of Credit S512484, \$25,000 (First Union National Bank) effective June 4, 1998.
2. Amendment 7 (dated 5/13/98) to Letter of Credit S512484 (First Union National Bank) rescinding cancellation notification (4/27/98) and extending expiration to June 4, 1999, with the automatic renewal still in effect.

**WARRANT LIST**

Approve: October 20, 1998 through October 26, 1998

Authorize: October 27, 1998 through November 2, 1998

**AUTHORIZE CHAIRMAN TO SIGN****Southeast Regional Water Treatment Plant**

Agreement with Westra Construction Corp. to construct a chlorine contact chamber for treatment of wastewater, \$893,500; accept performance and payment bonds, and insurance certificate (approved 10/6/98). RECORD S46-1297

**Partial Releases of Special Assessment Liens:**

Projects 3011/2506; 5147; 3009/5147

**APPROVE, RATIFY AND CONFIRM****Parks & Recreation Special Interest Class Agreements**

Laura L. Hoogerwerf - Introduction to Massage RECORD S46-1298

**ACCEPT****Sheriff**

Florida Contraband Forfeiture Semiannual Report (9/30/98) to the Department of Law Enforcement.

**Terra Ceia Bay Overlook Trail**

Federal grant documents (PD&E Report and various forms) forwarded to the Department of Environmental Protection for the Recreational Trails Funding Program for Emerson Point (agreement approved 8/18/98).

**Cedar Hammock Fire Control District**

Final Budget for FY 1998/1999 with carryovers (9/30/98).

**Myakka City Fire Control District**

Audited Financial Statements for FY 1997 (9/30/97).

**Southern Manatee Fire & Rescue District**

Final Budget for FY 1998/1999 with carryovers (9/30/98).

**Lakewood Ranch Community Development District**Minutes of Meetings held on August 6, 1998, for District 1, District 2, and District 3.

(End Consent Agenda)

**ZONING**

Public Hearing (Notice in the Bradenton Herald 10/16/98) was held to consider

**PDR-98-12 (Z) (G)-ARRASMITH/FIFTY-EIGHT, INC.**

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO PDR, PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 8 LOTS, RANGING IN SIZE FROM 2.89 TO 6.72 UPLAND ACRES, AT A GROSS DENSITY OF 0.17 DWELLING UNITS PER ACRE; EACH LOT CONTAINS A MINIMUM OF FIVE ACRES WHEN INCLUDING WETLAND AREA; LOCATED ON 55.11 ACRES ON THE SOUTH SIDE OF COUNTY ROAD 675 (RUTLAND ROAD) AND WEST SIDE OF NORTH RYE ROAD, THREE MILES EAST OF PARRISH.

Planning Commission recommended approval with four stipulations.

RECORD S46-1299

Norm Luppino, Planning Department, used a zoning map to outline this request for a rezone of seven nonconforming, noncontiguous lots in a transitional area zoned A and A-1. He stated the applicant could not obtain a Zoning Disclosure Affidavit for Lot 11 and it was removed from the request. He stated that the density will change to 0.18 dwelling units per acre, which is significantly lower than the A or A-1 zoning classifications. This request is also consistent with development and trends in the area.

Discussion: Building permit for Lot 25 was issued in error; precedent set if rezone granted for noncontiguous lots; limit distance between lots; placing stipulations on building permits already issued; illegal lots; alternatives to rezone; lots were created by the owner after the Land Development Code (LDC) was amended (Section 702.4.3, 80 percent upland requirement), etc.

Judy Leetzow, applicant, stated that 65 five-acre sites were created and three lots did not meet the requirements of Section 702.4.3.

Chris Brown referred to a copy of the building permit for Lot 25, and spoke in opposition citing concern for wetlands, spot zoning and circumvention of the LDC and Comprehensive Plan. Also speaking in opposition were Jim Taylor and LeeAnn Fox, with similar concerns.

Discussion: Waiver of upland requirements on three noncompliance lots; specific request designed to correct illegal lots located throughout the County; not a trend for future sites, etc.

**Recess/Reconvene.** All members present, except Mrs. Harris.

Carol Clarke, Planning Director, suggested two solutions: (1) waive the upland acreage requirement on the three lots not in compliance; (2) amend the LDC to waive the minimum lot size, with the amendment applying to similar situations.

Discussion: There was a lack of consistency applied to requirements; five-acre lots were created to provide 200-foot road frontages; contracts pending; grandfathering existing lots; Lot 25 should be allowed a Certificate of Occupancy; continue this request, etc.

**Motion - Carried**

Motion was made by Mr. Stephens and seconded by Mrs. Stein to continue this request to December 15, 1998, at 9:00 a.m., or as soon thereafter as may be heard. Motion carried 6 to 0.

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(Continued)

Discussion: Concern for property owners who complied or could not build because they could not comply; sufficient lot size; wetland protection.

**Motion - Carried**

Mr. Stephens moved to approve the Certificate of Occupancy for Lot 25, if construction is in compliance and completed on the residence prior to the LDC amendment being adopted. Motion was seconded by Mr. McClash, and carried 6 to 0.

**HEARING OFFICER COMPENSATION**

Robert Pederson, Planning Department, requested approval of an increase in the hourly rate for Hearing Officers to \$75 per hour for hearings and hearing preparation.

Discussion: Potential for abuse of \$75 per hour fee for preparation; checks and balances should be implemented; the Board has input on the selection of the Hearing Officer; level of proficiency; contracts, etc.

Motion was made by Mr. McClash and seconded by Mrs. Glass to approve the request. Motion carried 6 to 0.

**YULE FEST '98**

Dave Rothfuss, Assistant County Administrator, submitted

**R-98-281** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXPENDITURE OF COUNTY FUNDS IN SUPPORT OF YULE FEST '98, PURSUANT TO MANATEE COUNTY ORDINANCE 97-28.

He advised that light displays are available for purchase and the annual cost to refurbish the displays ranges from \$50-\$100.

Discussion: Budget for Yule Fest; whether County stores/restores the display; contribution versus purchase, etc.

Motion was made by Mr. McClash and seconded by Ms. Brown to adopt Resolution R98-281, and make a contribution to Yule Fest '98 in an amount not to exceed \$2,000. Motion carried 6 to 0. RECORD s46-1300

**ONE-CENT SALES SURTAX**

Mrs. Glass stated that at a Popcorn and Politics forum she received questions regarding accounting for the proposed one-cent sales tax extension and on earnings projections. She suggests that a report be published semiannually detailing expenditures of the tax and earnings.

Motion was made by Mr. McClash and seconded by Ms. Brown to develop a semiannual report and establish a citizens advisory task force for accountability, for the duration of the one-cent sales tax. Motion carried 6 to 0.

**COMMISSIONERS' COMMENTS****Appreciation from Mrs. Harris**

Ms. Brown advised that Mrs. Harris called to thank Mr. Bruce for his words of encouragement during the invocation and to thank everyone for approving the teleconferencing (earlier in the meeting).

**State Road 70 and U.S. 301 - Shopping Center**

Mr. Bruce requested a briefing on the number of movie theaters being planned and future traffic impacts to the area around the proposed shopping center.

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

SEAL  
MANATEE COUNTY  
FLORIDA

Chairman 1/19/99

Adj: 11:10 a.m./pat