

NOVEMBER 24, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, November 24, 1998, at 9:07 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  
Lari Ann Harris  
Amy Stein (entered during meeting)

Also present were:

Ernie Padgett, County Administrator  
Teddy N. Williams, Jr., County Attorney  
Susan G. Romine, Board Records Supervisor,  
representing R. B. Shore, Clerk of Circuit Court

Invocation by Rev. Thurl Mann, First Church of the Nazarene

CONSENT AGENDA

Upon motion by Mr. Bruce and second by Mr. McClash, the Consent Agenda dated November 24, 1998, was approved 6 to 0, incorporating the language as stated in the recommended motions in the agenda memoranda, and amended as follows: (1) correct the Bureau of Justice Block Grant amount to \$403,912; (2) delete sale of Christmas trees at the John Marble Complex by YMCA; and (3) sale of Christmas trees at the John Marble Complex by USA Steel Fence Company (both separate action).  
Items APPROVED:

CLERK'S CONSENT CALENDAR

BONDS

Accept:

Mote Ranch, Phase V

Performance Bond: \$17,288.70 (Amendment 2 to Letter of Credit S961021, SunTrust Bank), for Lennar Mote Ranch, Ltd. extending the expiration date to December 31, 1999.

Chaparral (aka Mote Ranch, Phase VI)

Performance Bond: \$32,253.65 (Amendment 2 to Letter of Credit S970667, SunTrust Bank), for Lennar Mote Ranch, Ltd. amending language in the last paragraph of original document (10/1/97).

Arbor Lakes "B"

Defect Security: \$90,883.20 (Amendment 2 to Bond 516326, NationsBank (fka Barnett Bank, N.A.), for Lennar Mote Ranch, Ltd. extending expiration date to September 5, 1999.

Release:

Quail Run, Phase II and III

1. Agreement with Vantage Real Property Holding Corporation guaranteeing completion of required sidewalks and bikeways (\$7,666.69).
2. Performance Bond: \$7,666.69 (Letter of Credit 2012324-10004, Sarasota Bank)

The Trails, Phase III and IV

1. Agreement with Frank Homes Development, Inc. warranting required improvements (Tuttle Avenue, \$6,894.95).
2. Defect Security: \$6,894.95 (Letter of Credit 32 and all amendments thereto, Seminole Bank)
3. Agreement with Frank Homes Development, Inc. warranting required improvements (sidewalks, \$13,520.61).
4. Defect Security: \$13,520.61 (Letter of Credit 33 and all amendments thereto, Seminole Bank)
5. Agreement with Frank Homes Development, Inc. warranting required improvements for Phase IV (\$39,280.40).
6. Defect Security: \$39,280.40 (Letter of Credit 34 and all amendments thereto, Seminole Bank)

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**REFUNDS**

Michael McDurfee - Impact Fees \$663.44

**WARRANT LIST**

Approve: November 17, 1998 through November 23, 1998

Authorize: November 24, 1998 through November 30, 1998

**AUTHORIZE CHAIRMAN TO SIGN****Manatee Beach Groin Improvements**Execute agreement with M&J Construction Company of Pinellas, Inc., \$173,078; date Performance and Payment Bonds, and accept insurance certificate (approved 11/3/98). RECORD S46-1437**Law Enforcement Block Grant**Execute U.S. Department of Justice grant award documents for equipment and drug court support (approved 7/28/98). RECORD S46-1438**Satisfactions of Judgments**Andrew Lavers, Case 98-1996F  
Jason Moran, Cases 97-3313M and 97-3491M  
Martin Woodall, Case 96-1601F**ACCEPT****Southwest Florida Water Management District**Five-Year Capital Improvement Plan and Fiscal Year 1997-1998  
Fiscal Report**COUNTY ADMINISTRATOR****CHILDREN'S SERVICES DEDICATED MILLAGE**

Execute agreements for FY 1998-1999 nonprofit agency funding with the following:

Child Protection Center, Inc. (Personal Safety for Preschoolers and Parents) \$47,000 S46-1439Easter Seal Society of Southwest Florida, Inc. (Respite Care Services) \$30,000 S46-1440Family Resources, Inc. (Family Resolutions) \$34,625 S46-1441Hope Family Services, Inc. (Child Abuse Treatment) \$151,000 S46-1442Manatee County Rural Health, Inc. (Young Children and Family Connection) \$107,475 S46-1443RECORD**NONPROFIT AGENCY FUNDING**

Execute agreements for FY 1998-99 funded with general revenue and handicap parking funds with the following:

Community Coalition on Homelessness Corporation (10/1/98-3/31/99) (Coalition Activities) \$6,000 S46-1444Deaf Service Center of Manatee/Sarasota, Inc. (Interpreter) \$32,093; \$58,350 S46-1445

(Training/Advocacy) \$26,257

Manatee Association for Retarded Citizens, Inc. \$44,068 S46-1446

(Adult Day Training) \$30,978;

(Adult After School) \$13,090

Manatee Glens Corporation (Aging Services) \$7,660 S46-1447Suncoast Center of Independent Living, Inc. (Equipment Loan and Repair) \$22,660 S46-1448Manatee Children's Services, Inc. (Emergency Shelter) \$48,390 S46-1449RECORD**SHIP LOCAL HOUSING ASSISTANCE PLAN**

Execute Construction Loan Agreements for reconstruction of homes in accordance with R-96-227 (providing for income eligible recipients of the County Affordable Housing program to solicit bids and select a licensed contractor to construct a home) with the following owners:

Emma Lou Poole, \$40,000 (plus \$3,000 for demolition) S46-1450Otis and Verta Jackson, \$55,900 (plus \$3,000 for demolition) S46-1451Sally Mae Dudley and Ezell Taylor, \$41,700 (plus \$3,000 for demolition) S46-1452John D. Brooks, \$26,400 (plus demolition of \$3,000) S46-1453Santos Martinez, \$44,900 S46-1454Deloris Freemon aka Delores Freemon, \$24,000 (plus \$3,000 for demolition) S46-1455RECORD**LAW ENFORCEMENT BLOCK GRANT**Execute agreement with the Manatee County Sheriff for funding of \$448,791 from the Bureau of Justice for the law enforcement, park security and crime prevention elements of the grant (\$403,912 Bureau of Justice; \$44,879 local match). RECORD S46-1456

**MEDICAL EXAMINER BUDGET**

Execute a letter to Sarasota County approving the District Twelve Medical Examiner FY 1998-1999 budget of \$917,000 with the County being responsible for \$381,903 (41.647 percent). RECORD S46-1457

**RURAL HEALTH SERVICES**

Execute FY 1998-1999 funding agreement with Rural Health Services, Inc., for the operation of the **Michael C. Bach, M.D. Treatment Center** for HIV/AIDS treatment, not to exceed \$307,147. RECORD S46-1458

**TRANSIT PLANNING ACTIVITIES**

Execute agreement with Sarasota/Manatee Metropolitan Planning Organization for conducting technical studies and collecting operational data for FY 1998-1999, \$15,000. RECORD S46-1459

**WEST COAST INLAND NAVIGATION DISTRICT**

Execute letter and Project Extension Form requesting extension of project CIP-24, University of Florida Regional Waterway Management System of the County for one year (11/13/99). RECORD S46-1460

**BUDGET AMENDMENT**

**COMMUNITY SERVICES**                      B-99-012  
Transfer of Funds: Unanticipated Revenue Appropriations (supporting description and detail attached) RECORD S46-1461

**800 MHZ RADIO MAINTENANCE**

**R-98-288** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING R-97-058 BY PROVIDING A NEW FEE SCHEDULE (EXHIBIT C); PROVIDING FOR AN EFFECTIVE DATE. RECORD S46-1462

**BUFFALO CREEK GOLF COURSE**

Implement "Early Bird Specials" from November 25, 1998, to December 24, 1998.

**COUNTY NURSERY**

Authorize the **Botanical Park Foundation** to clear the southeast quadrant, and trim and clear the reclinata area of the property.

**DONATIONS**

Accept chain link fencing valued at \$3,500 and two mid-sized soccer goals valued at \$3,400 from the Braden River Soccer Club for the Braden River Park.

**JOHN MARBLE COMPLEX**

Authorize the South County Youth and Recreation Center to hold garage sales on the property on Saturdays in December, January, February and March.

(Note: This item reconsidered later in meeting.)

**FINAL PLATS**

**Widner Subdivision**

Plat

**River Pointe, Unit 2**

1. Plat
2. Agreement with Centex Homes guaranteeing completion of required improvements for Phase 2A (\$1,255,710.30).
3. Performance Bond, \$1,255,710.30 (Surety Bond 5936580, Safeco Insurance Company of America)
4. Agreement with Centex Homes guaranteeing completion of required sidewalks and bikeways for Phase 2A (\$13,195).
5. Performance Bond, \$13,195 (Surety Bond 5936581, Safeco Insurance Company of America)
6. Agreement with Centex Homes guaranteeing completion of required improvements for Phase 2B (\$402,612.60).
7. Performance Bond, \$402,612.60 (Surety Bond 5936582, Safeco Insurance Company of America)
8. Agreement with Centex Homes guaranteeing completion of required sidewalks and bikeways for Phase 2B (\$15,925).
9. Performance Bond, \$15,925 (Surety Bond 5936583, Safeco Insurance Company of America)
10. Agreement for installation of private improvements in subdivisions, subsequent to final subdivision plat approval with Centex Homes. RECORD S46-1463
11. Fifth Amendment to Declaration of Covenants, Conditions and Restrictions for River Pointe of Manatee.
12. Declaration of Responsibility by River Pointe of Manatee Homeowners Association, Inc.

**LAND DEVELOPMENT CODE INTERPRETATION**

Concur with the interpretation of the Planning Director that the 3,000-square-foot building maximum in the PRS zoning district does not apply to residential structures, which are permitted in the district.

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(Continued)

**9TH STREET EAST - LANDSCAPING**

**R-98-282** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, AUTHORIZING EXECUTION OF A HIGHWAY LANDSCAPE INSTALLATION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION AND MAINTENANCE OF LANDSCAPE FEATURES LOCATED AT THE INTERSECTIONS OF 9TH STREET EAST AND STATE ROAD 64 (7TH AVENUE EAST) EASTBOUND, STATE ROAD 64 (MANATEE AVENUE) WESTBOUND, AND U.S. 301 WITHIN MANATEE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE. **RECORD** S46-1464  
S46-1465

**BOGGY CREEK MITIGATION PARK**

Execute Addendum III to conceptual approval agreement with Florida Communities Trust for extension of the Preservation 2000 Grant (10/31/98 - 4/30/99). **RECORD** S46-1466

**EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE**

**R-98-291** A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT FOR COMPETITIVE AWARDS FROM THE EMERGENCY MANAGEMENT, PREPAREDNESS, AND ASSISTANCE COMPETITIVE GRANT PROGRAMS

(Transportable Emergency Operations Center: 4/15/99-4/15/00, \$147,210.53: State, \$100,951.57; local, \$1,421 cash/in-kind \$44,837.96). **RECORD** S46-1467  
S46-1468

**FLORIDA STATE FAIR**

Execute letter agreement with Nielsen Expos for design and construction of the 1999 County Florida State Fair Exhibit, including transportation, installation, and dismantling, \$5,000. **RECORD** S46-1469

**FEE WAIVER**

Waive Temporary Use Permit TU-98-217 fee for the annual Christmas parade sponsored by the Myakka City Community Center on December 5, 1998, \$167.

(End Consent Agenda)

**AWARDS****Florida Local Government Financing Commission**

Jim Seuffert, Financial Management Department Director, reported that the Florida Association of Counties presented the County with a rebate check for \$6,250.14, which represents lower expenses/costs for the County's commercial paper loan.

**Government Finance Officers Association - Financial Reporting**

Certificate of Achievement for Excellence in Financial Reporting was presented to **R. B. Shore, Clerk of Circuit Court** for Fiscal Year ending September 30, 1997.

Accepting the plaque were Mr. Shore and employees of the Finance Department Accounting Division.

**Government Finance Officers Association - Distinguished Budget**

The Distinguished Budget Presentation award was presented to the Jim Seuffert, Financial Management Department Director, and staff for Fiscal Year 1997-98.

**Government Finance Officers Association - Port Financial Reporting**

David McDonald, Port Director, presented a Certificate of Achievement plaque to Mr. Shore and the Finance Department staff for excellence in financial reporting.

Mr. Shore reported that County financial statements have been completed and a clean audit has been received from the independent auditors.

**National Register of Historic Places**

A certificate honoring the listing of the **Manatee County Courthouse** in the National Register of Historic Places was presented to Mr. Shore, Karl Youngs, and Cathy Slusser of the Historical Resources Division.

**PROCLAMATIONS**

Upon motion by Mr. McClash and second by Mrs. Harris, a Proclamation was adopted 6 to 0, designating December 1, 1998, as **World Aids Day**.

**Michael Fraschetta**, Manatee Glens, accepted the Proclamation.

**RECORD** S46-1470

(Enter Mrs. Stein; depart Ms. Brown)

**JOHN MARBLE RECREATION COMPLEX**

**YMCA License Agreement**

Dan Hopkins, Parks and Recreation Director, reported that the YMCA performs recreational programs and day-to-day maintenance at the Marble Recreation Complex, with payment to the County of \$10,000 annually. The County pays for utilities and capital maintenance. He requested that staff negotiate with the YMCA regarding charges and operations for the next two years if the license agreement is to be renewed.

Motion was made by Mr. Bruce, seconded by Mrs. Stein, and carried 6 to 0, to negotiate with the YMCA for the next two years.

**Roof Replacement**

Sam Love, Facilities Management Director, reported the roof replacement is scheduled to begin January 1999; interior wall repairs to begin February 1999, with the mechanical and kitchen improvements to follow.

**CITIZENS' COMMENTS**

**Hubbel Road Widening**

David Daigle stated that when Hubbel Road improvements are completed, his residence will be 21 feet from the road. He also advised that six palm trees in an access easement were destroyed without his permission.

**Disposition:** Referred to the County Administrator.

Discussion: Revisiting policy regarding notification to property owners when construction is proposed along property lines; giving citizens time to relocate trees; creating a letter to citizens, etc.

(Enter Ms. Brown)

**JOHN MARBLE RECREATION COMPLEX - CHRISTMAS TREE SALES**

Mr. Hopkins advised that Gravely of Bradenton and the South County Youth Center (SCYC), both nonprofit agencies, have requested to sell Christmas trees at the Marble Recreation Complex. The tree sales were allowed in previous years.

Ronald Routh, representing Gravely of Bradenton, stated concern with space limitations with two vendors selling trees at the same site.

Discussion: Gravely will donate proceeds to YMCA; what programs will be funded with SCYC proceeds; whether site can accommodate two tree vendors; requiring vendors to donate proceeds to YMCA or the Complex.

**Motion**

Motion was made Mr. Bruce and seconded by Mrs. Stein, authorizing Gravely of Bradenton to sell Christmas trees on the Marble Complex property November 25 through December 15, 1998, and donate proceeds to the YMCA. Motion carried 6 to 1, with Ms. Brown voting nay.

**Motion**

Motion was made by Mrs. Stein and seconded by Mr. McClash, authorizing USA Steel Fence Company to sell Christmas trees at the Marble Complex November 23 through December 20, 1998, and donate the sale profits to the South County Youth and Recreation Center for benefit of the Marble Complex.

Discussion: SCYC leases building from County; SCYC does not provide programs at facility; limiting vendors; prohibiting SCYC proceeds to be used for lease payments; what SCYC does with funds; problem with Board controlling what nonprofit agencies do with funds; address concerns with next year's contracts; reconsidering SCYC garage sales at Complex.

Motion carried 4 to 3, with Ms. Brown, Mr. Stephens and Mr. Bruce voting nay.

**RECONSIDERATION OF CONSENT AGENDA**

Motion was made by Mr. McClash, seconded by Mr. Bruce, and carried unanimously, to reconsider the Consent Agenda approved earlier.

Upon motion by Mr. McClash and second by Mr. Bruce, the Consent Agenda dated November 24, 1998, was unanimously approved with deletion of the following items:

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(1) sale of Christmas trees at the John Marble Complex by South County Youth Center; (2) sale of Christmas trees at the John Marble Complex by Gravelly of Bradenton (both approved earlier); and (3) authorization for South County Youth Center to hold garage sales at John Marble Complex (all separate action).

**JOHN MARBLE RECREATION COMPLEX - GARAGE SALES**

After discussion that funds raised from activities at the Marble Complex be dedicated to the Complex; and the possible overlapping of tree sale dates, motion was made by Mr. McClash and seconded by Mrs. Stein, to continue the request by South County Youth Center to hold garage sales at the Complex for staff to address issues raised today. Motion carried unanimously.

**U.S. COAST GUARD AUXILIARY FLOTILLA 81**

Mr. Hopkins requested conceptual approval to allow the U.S. Coast Guard Auxiliary Flotilla 81 to place a building at G. T. Bray Park adjacent to the Red Cross facility on the southeast side.

Mr. McClash moved approval of the request. Motion was seconded by Mrs. Harris.

Discussion: Approval by City of Bradenton and the School Board.

Motion carried unanimously.

**PLANNING COMMISSION APPOINTMENTS**

Carol Clarke, Planning Director, advised that two positions are open on the Planning Commission. She stated that E. H. "Woody" Williams and Mary Sheppard are seeking reappointment.

**Nominations:**

Mary Sheppard	- by	Mrs. Stein
Woodie Williams	- by	Mrs. Stein
Charles White	- by	Mr. Stephens
Eugene Menaker	- by	Mr. Bruce
English DesChamps	- by	Ms. Brown
Douglas Eggar	- by	Mr. Stephens

Mr. McClash moved the nominations be closed. Motion was seconded by Mrs. Harris and carried unanimously.

After a show of hands, Mr. Williams and Ms. Sheppard were reappointed. (Depart Mrs. Harris)

**ORDINANCE 98-46 - ADULT ENTERTAINMENT**

(Court Reporter, Elsa Rohow, present)

Public hearing (Notices in the Bradenton Herald 10/26 and 11/16/98) was held to consider

**ORDINANCE 98-46** AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY ADULT ENTERTAINMENT CODE (CHAPTER 2-2.5 CODE OF LAWS) INCLUDING AMENDING CERTAIN STANDARDS AND REGULATIONS RELATED TO ADULT ENTERTAINMENT FACILITIES (ADDING CERTAIN SUBSECTIONS PRESCRIBING CERTAIN PHYSICAL REQUIREMENTS FOR ALL ADULT DANCING ESTABLISHMENTS); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

(amending Ordinance 84-11 by adding subsections (g) through (o); effective January 1, 2000).

James Minix, Assistant County Attorney, outlined the Ordinance, which addresses room size, locked doors, lighting, divider/partition height, prohibition of private, blocked and obscured rooms. The amendments will be located in the adult entertainment code under **Adult Dancing Establishments**.

(Enter Mrs. Harris)

**Luke Lirot**, representing Temptations II, submitted a report titled *Handbook of Human Sexuality*. He stated concerns as to minimum room size and existing facilities; what mechanism will be used to measure lighting; and, the unbridled access to the facility by the Sheriff, which could be unconstitutional.

He recommended that pre-existing businesses be considered as **nonconforming** uses and that the Ordinance be tabled until his concerns are addressed.

Discussion: Excerpts from pamphlet; intent that businesses comply by 1/1/00; Sheriff may access for inspections at any time during business hours; language in Ordinance similar to that of City of Jacksonville and Polk County, which held up under appeal; monitoring of lighting; loopholes to be addressed when discovered; banning nudity in County.

Motion was made by Mrs. Harris, seconded by Ms. Brown, and carried unanimously, to adopt Ordinance 98-46. RECORD S46-1471

**Recess/Reconvene.** All members present.

#### **LAW ENFORCEMENT BLOCK GRANT**

Public hearing (Notice in the Bradenton Herald 11/10/98) was held to consider the application of \$620,196 of federal funds and \$68,911 in matching Manatee County funds for the implementation of Manatee County Bureau of Justice Assistance, **U.S. Department of Justice** Local Law Enforcement Block Grant for Law Enforcement and Manatee County Drug Court support over a two-year period beginning October 1, 1998, and ending September 30, 2000.

Jim Engelhardt, Community Services Department, advised that funding would be divided between the Sheriff to procure equipment and technology related to law enforcement (\$344,552) and the drug court for outpatient therapy and court costs (\$344,554). The Public Safety Coordinating Council recommended approval.

Mr. Stephens moved approval. Motion was seconded by Mr. Bruce and carried unanimously.

#### **HURRICANE MITCH RELIEF EFFORTS**

A request from Del Monte was relayed that County trucks be allowed to transport containers of donated supplies from Albertsons stores to Port Manatee for shipment to Central America by Del Monte.

Motion was made by Mr. McClash, seconded by Ms. Brown, and carried unanimously, to approve the request and also request use of the Sheriff's trucks.

(Note: Action later in meeting.)

#### **RECYCLING - MULTIFAMILY STUDY**

Len Bramble, Public Works Director, stated the results of a feasibility study for a multifamily recycling program has been completed and will be included in negotiations with franchise haulers.

**Erin Cochran**, HDR Engineering, Inc., outlined program model and goals. She concluded that if recycling is implemented, multifamily complexes would receive full garbage services, landfill space would be saved, and State mandates for garbage reduction would be closer to being met.

Discussion: Curbside pickup for Colony Cove Mobile Home Park; being flexible to meet peoples needs; negotiate flexibility when hauler franchises are considered; compactor services; obtaining space for recycling bins; flexibility in billing multifamily units, etc.

#### **VANPOOL PROGRAM**

Fred Loveland, Community Services Director, stated the County is leasing an eight-passenger van from the Department of Transportation (DOT) for \$1 per month for a vanpool program. Currently, five employees commute from the Hillsborough County area.

**Mark Shbeib**, Metropolitan Planning Organization, a participant, reported on the environmental and economical benefits of the program, i.e., pollution, traffic congestion, and parking.

Mr. Bruce moved that staff request an additional van from DOT. Motion was seconded by Mrs. Stein and carried unanimously.

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**SEABREEZE MOBILE ESTATES WASTEWATER SERVICES**

Dave Brangaccio, Public Works Department, requested execution of an interlocal agreement with the City of Bradenton for payment to the County for wastewater services to Seabreeze Mobile Estates from April 1990 through June 30, 1998, for \$73,886.63.

He stated the County stopped billing the City when Seabreeze converted to the City's potable water supply although Seabreeze continued to use wastewater services. On July 1, 1998, the County began billing the City monthly at the master meter rate for mobile homes with the volume deemed to be 85 percent of the potable water furnished by the City.

Mr. McClash moved approval of the request. Motion was seconded by Mrs. Stein and carried unanimously. RECORD S46-1472

**ORDINANCE 98-50 - LAND DEVELOPMENT CODE**

Public hearing (Notice in the Bradenton Herald 11/16/98) was held to consider

**ORDINANCE 98-50** 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): (1) AMENDING CERTAIN LOT SIZE REQUIREMENTS; (2) AMENDING CERTAIN REQUIREMENTS FOR BULK AND DIMENSIONAL STANDARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ms. Clarke stated this is the first public hearing dealing with lots that had been created in the A District with wetlands exceeding the maximum allowed by Code. Currently a PDR is required to address this issue. She stated this amendment clarifies and provides cross reference in Chapter 6, Figure 6-2, the chart that indicates minimum lot size, and directs the public to Chapter 7, Section 702.4.3, *Waterfront Lots and Inclusion of Wetlands*, which identifies what can be part of that minimum lot requirement. She addressed the language, which is to be added to the last sentence of Section 702.4.3.

Ms. Clarke advised the purpose of the amendment is to assure there is a buildable lot on the overall parcel and that Comprehensive Plan density requirements are met.

She recommended future amendments to the Comprehensive Plan regarding the definition of "density" for lot splits; and to the Land Development Code regarding subdivisions, to reduce the number of lot splits without review. She also recommended the date requirement in Section 702.4.3 (6/10/97) be changed, as some lots were created when the public was not aware of the change.

Motion was made by Mr. Bruce, seconded by Mrs. Stein, and carried unanimously, to hold the second public hearing for Ordinance 98-50 on December 15, 1998, at 9:00 a.m. or as soon thereafter as may be heard.

**Recess/Reconvene.** All members present except Ms. Brown and Mr. Stephens.

**NU-GULF INDUSTRIES, INC. (WINGATE CREEK MINE DRI 4)**

Public hearing (continued from 11/17/98) was held to consider

Request: Determination of (1) Whether 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, constitutes a substantial deviation (pursuant to Section 380.06, Florida Statutes), to the Wingate Creek Mine DRI Development Order; on 3,015.23 acres located on the north side of S.R. 64 six miles west of the Hardee County line.

and

**R-98-182** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR AMENDMENT BY A NOTICE OF PROPOSED CHANGE FILED BY NU-GULF INDUSTRIES, INC., FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended approval with stipulations.

RECORD S46-1473



Robert Pederson, Planning Department, submitted: (1) temporary haul route map; (2) letter from Florida Department of Transportation (FDOT) (11/24/98) recommending right turns upon exit from Royster (Mulberry) Plant; (3) letter from Polk County (11/24/98) with e-mail from Tampa Bay Regional Planning Council (TBRPC; 11/24/98) requesting signalization and monitoring of the Mulberry Plant entrance (Condition 16 (j) 1-3); (4) Memorandum from Hillsborough County Planning and Growth Management (11/23/98) addressing a proposed temporary haul route; (5) letter from CSX Transportation (11/19/98) encouraging rail transport; and (6) revised copy of R-98-182 with changes highlighted. (Enter Mr. Stephens and Ms. Brown)

Mr. Pederson outlined the request and the positive and negative aspects, traffic information, and mitigating factors for the proposed new haul route from the mine entrance at S.R. 64:

- Turn east on S.R. 64 to Duette Road (4.2 miles), then
- Turn north on Duette Road to S.R. 62 (10 miles), then
- Turn west on S.R. 62 to S.R. 37 (.96 mile), then
- Turn north on S.R. 37 to S.R. 60 (23.5 miles, exiting Manatee County after 5.5 miles), then
- Turn east on S.R. 60 to the Mulberry Corporation Plant in Polk County (1.9 miles).

(As an option, the applicant proposed to construct 4 miles of mine access road across land east of current mine operations, known as the Texaco tract, to access Duette Road. This option would shorten the route by 7.5 miles and reduce impact to Duette Road residents to the south.)

- Trucks will return to the mine using the same route.

He referred to road safety on Duette Road, i.e., widening, increasing curve widths, rumble strips, intersection improvements, and turning radii; signalization and signage; bridge widening, guardrails, and clearing line-of-sight; maintenance, reconstruction, and inspections; prohibiting trucks during school bus hours.

**Carol Masio**, attorney representing the applicant, referred to jobs associated with this operation and submitted a letter from FDOT (7/14/98) listing recommended and required improvements for the proposed route. She agreed with the request by FDOT for right turns upon exiting the Mulberry Plant; and agreed with the 1,250-foot radius curve improvement on Duette Road (1.9 miles), with an approval for a **temporary** haul route through Hillsborough County.

**Bob Lombardo**, engineer for the applicant, stated the need for rights-of-way on Duette Road and S.R. 64 to address turn radii, turn lanes, road widening, and the associated costs.

**Hugh McGuire**, attorney representing the applicant, stated an emergency exists to move phosphate rock on a temporary haul route (S.R. 64 west to I-75; north to Big Ben connector road to U.S. 301; south to C.R. 672; east to S.R. 39; north to C.R. 640; east to S.R. 37; north to S.R. 60; east to Mulberry Plant entrance) during improvements to Duette Road.

Mr. McGuire, referring to rail transportation, stated that CSX notified Nu-Gulf (10/14/98) there may be a problem in providing rail cars. He noted that if rail transport is used, the materials would be brought out from Port Tampa rather than Port Manatee. He requested use of the temporary route until July 31, 1999, or until Duette Road improvements are completed, with an effective date of 12/15/98, and requested this be a stipulation.

**Tom Baroody**, Nu-Gulf, described the construction plan for Duette Road.

Discussion: Existing approval to haul from Piney Point; bonding road improvements; availability of rail transportation; traffic analysis referred to in CFRPC letter (10/26/98); letter from TBRPC (7/21/98) stating road and bridge impacts; letter from DCA (7/14/98) in objection; trucks can only exit mine every four minutes; traffic overlapping; benefits if rail transport is used; cannot require rail transport.

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Jeffrey Steinsnyder, Assistant County Attorney, stated he was notified today by DCA there is no problem with the request, and that TBRPC has indicated the same.

**Robert Stewart**, Senior Vice President of Mulberry Corporation, addressed rail transport.

Discussion: Increase of truck traffic on S.R. 64/school zones; using Duette Road during construction; temporary route only needs approval for I-75 north of I-275; safety concerns regarding S.R. 64; Nu-Gulf funds the Sheriff for monitoring truck traffic.

(Depart Mrs. Harris)

**Thomas Reese**, representing ManaSota-88, stated that rail transportation is safer, more efficient and less polluting.

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

**Adam Hollingsworth**, representing CSX, referred to correspondence sent to the Mulberry Corporation regarding advantages of rail transport and referred to his letter (11/19/98). He submitted a map depicting a proposed rail spur and addressed construction costs and rates of rail versus truck.

Mr. Pederson stated that staff concurred with the request for the temporary haul route until July 31, 1999.

Mr. Steinsnyder recommended Condition 26:

Nu-Gulf shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor activities of Nu-Gulf trucks in Manatee County to determine compliance with the terms and conditions of this amended development order and to enforce highway safety regulations.

He stated this Condition is in addition to one that exists which is limited to S.R. 64. The applicant had no objection.

Discussion: Using Duette Road to alleviate S.R. 64 safety concerns; installing safety measures on Duette Road immediately; whether applicant would consider rail transport; limiting use of Duette Road to daylight hours.

Ms. Masio agreed to right turns exiting the Mulberry Plant if the requirement for signalization and monitoring is eliminated. A letter from Commercial Carrier Corporation (11/23/98) disputing facts in correspondence from CSX was submitted.

Discussion: Time expectations for reconstructing Duette Road; whether FDOT requirements would be necessary prior to use of Duette Road.

**Recess/Reconvene.** All members present.

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 consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Section 380.06, Florida Statutes, and Rule 9J-2.025(3), Florida Administrative Code, motion was made by Mr. Stephens, to adopt the findings that the Notice of Proposed Change modifying the Wingate Creek DRI, as approved by the Board, does not constitute a substantial deviation, and adopt Manatee County Resolution R-98-182, amending R-88-236, with the following changes to Section 4, Development Conditions:

**A. (1) (e)** - Until July 31, 1999, or completion of the improvements identified in paragraph 16 below, whichever occurs first, during anytime that Duette Road is unavailable due to construction required by this development order, up to 175 truck trips per day are permitted from the Wingate Creek Mine... (the rest of that paragraph would follow).

Trucks would return along the same described haul routes, except for routes (c) and (d) above, in which case, from the Mulberry Phosphate Plant, turn right upon exiting and proceed easterly on S.R. 60 to Bonnie Mine Road, then turn right and proceed southerly on Bonnie Mine Road to C.R. 640. At the intersection of Bonnie Mine Road and C.R. 640, turn right again and proceed westerly to S.R. 37. At the intersection of C.R. 640 and S.R. 37, turn left and proceed south on S.R. 37... (the rest of paragraph stays).

**A. (1)15** - Add the following sentence to end of paragraph - Nu-Gulf shall provide advance written notice of the use of the temporary haul route described in (1)(e) above, to the Manatee County Planning Director and Mining Coordinator as well as Hillsborough and Polk Counties.

16 (a), (b), (h), (i) and (j) stay under paragraph 16 with renumbering of (h), (i) and (j). Delete (j) 2 and 3 completely; 16 (c) is combined with 17 (b); 16 (d), (e), (f) and (g) become paragraphs of 17 (a), (c), (d), and (e) renumbered accordingly. The intent is to move those County improvements into paragraph 17, which allows them to commence the new haul route before the required improvements are done.

**A. (1)19** - Change "repairing and" to repairing any damage caused during the time this portion of the haul route is used.

Add **A. (1)26** as recommended by the County Attorney

Motion was seconded by Mrs. Harris and carried 5 to 2, with Mrs. Stein and Mr. Bruce voting nay. RECORD S46-1474

Ms. Clarke stated the applicant will provide a monthly report on the improvements.

With no objection, staff was instructed to look at possible routes to get truck traffic off S.R. 64.

#### HURRICANE MITCH RELIEF EFFORTS (Continued)

David Rothfuss, Assistant County Administrator, stated that DelMonte requested proof of insurance and execution of a Motor Carrier's Equipment Interchange Contract with Network Shipping, Ltd., for County trucks to transport their trailers from Albertsons to the Port.

Motion was made by Mrs. Harris and seconded by Ms. Brown, to approve the request. Motion carried unanimously. RECORD S46-1475

#### COMMISSIONERS' COMMENTS

**Legislation** - Mrs. Glass and Mr. Stephens reported on legislative matters including funding discussed at the Florida Association of Counties (FAC) conference in Tallahassee.

**Wares Creek** - Mrs. Glass asked that a funding source be established for continuation of the Wares Creek project; and requested a meeting be set with the Manasota Basin Board and Southwest Florida Water Management District, to obtain joint/match funding.

Ms. Brown suggested that the County rent equipment to the City of Bradenton for maintenance of Wares Creek.

**Sales Tax Initiative** - Mrs. Glass requested the tax issue be placed on an agenda to discuss alternatives to fund long-range projects.

**Lakewood Ranch High School Sidewalks** - Mr. Bruce requested notifying the School Board of the need for a pedestrian access/sidewalk plan for the safety of students, and to eliminate trespassing on property in Braden Pines Subdivision.

Discussion: Acquiring right-of-way for access to school from the subdivision; meeting with School Board staff; involving citizens.

**EMS Personnel Legislation** - Mr. Padgett reported that the FAC now supports legislation that would include EMS personnel in the high-risk retirement program.

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(Continued)

**Metropolitan Planning Organization** - Mr. McClash reported on the draft MPO Transportation Improvement Plan.

**Traffic Signalization** - Mr. McClash requested traffic signals throughout the County be monitored to determine synchronization problems.

**Community Development Grant Funds** - Mr. McClash suggested to seek funds for improvements at various community centers.

**Canal Road/29th Street East** - Ms. Brown questioned why there is a traffic signal at this dead-end road location.

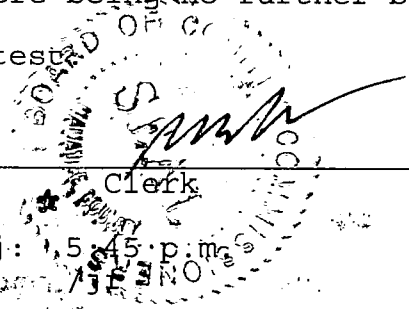
**U.S. 301 Signalization** - Mr. Bruce advised that FDOT is looking at traffic flow and accident counts at 63rd Avenue East and Whitfield Avenue affected by permissive turn lights.

**9th Street East** - Mrs. Harris requested the widening improvements between 53rd and 57th Avenues East, be expedited in the CIP.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest



Clerk

APPROVED:



Chairman 1/19/99

Adj: 5:45 p.m.