

DECEMBER 8, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, December 8, 1998, at 9:03 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
 Gwendolyn Y. Brown, First Vice-Chairman (entered during meeting)
 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. Father William E. Gerhart, St. Phillip's Anglican Church.

(Enter Mrs. Stein)

PROCLAMATION

Upon motion by Mr. McClash and second by Mrs. Stein, a Proclamation was adopted 6 to 0, designating December 8, 1998, as **Richard M. Aalberg Day**, honoring him as outstanding agriculturist of the year. RECORD S46-1513

CONVENTION AND VISITOR'S BUREAU

Larry White, Convention and Visitor's Bureau Director, introduced **Don McIntyre** and **Greg Evans** of Destination Marketing, Ltd., international representatives of the Convention and Visitor's Bureau from London.

CONSENT AGENDA

Upon motion by Mr. Bruce and second by Mrs. Harris, the Consent Agenda dated December 8, 1998, was approved 6 to 0, after the following deletions: (1) **Duette Park Wildlife Program, Falconry Hunt**; (2) **Risk Management Plans and Process Safety Management Plans**; and (3) **Water Distribution Improvements Master Plan** (all separate actions). Items APPROVED:

CLERK'S CONSENT CALENDARBONDSAccept:

Sheriff's Public Employees and Deputy Sheriffs Blanket Bonds
 (7 additions; 8 deletions) RECORD S46-1514

Sugar Ridge Subdivision

1. Agreement with Bradenton Resort Properties, Inc., guaranteeing completion of required sidewalks and bikeways (\$4,290).
2. Performance Bond: \$4,290 (Amendment 1 to Letter of Credit 003286, previously SM-003286, NationsBank, N.A., reducing bond amount from \$19,219.20).

Release:Sugar Ridge Subdivision

Agreement with Bradenton Resort Properties, Inc., guaranteeing completion of required sidewalks and bikeways (\$19,219.20).

Tara, Phase I, Unit 7

1. Agreement with Tara Manatee, Inc., warranting required improvements (\$17,479.25).
2. Defect Security: \$17,479.25 (Letter of Credit 04-95-0093 with amendments (2), First National Bank of Naples).

River Point Subdivision, Phase I

1. Agreement with Centex Real Estate Corporation warranting required improvements (\$102,349.05).
2. Defect Security: \$102,349.05 (Surety Bond 5894929, Safeco Insurance Company of America).

WARRANT LIST

Approve: December 1, 1998 through December 7, 1998
 Authorize: December 8, 1998 through December 14, 1998

AUTHORIZE CHAIRMAN TO SIGN

Satisfactions of Judgment:

Joseph Rogers, Case 91-1849F
 James St. Fleur, Case 97-2274T
 George and Julie Glennon, Case 98-1334JD

Emergency Generator Shelters

Execute contract with Chartier Development Co., Inc., IFB 98-4081DC, \$163,788.24; date Performance/Payment bond, and accept insurance certificate (approved 11/3/98). RECORD S46-1515

APPROVE, RATIFY AND CONFIRM

Parks & Recreation Special Interest Class Agreements:

Georgie Mygrant - Gentle Step Aerobics RECORD S46-1516

ACCEPT

Cedar Hammock Fire Control District

Revised 1998-99 Fiscal Year meeting schedule.

COUNTY ADMINISTRATOR

YULE FEST 1998

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.

(Note: Resolution number corrected at a later date.) RECORD S46-1517

COMMUNITY CARE FOR THE ELDERLY

Execute Amendment 2 to rate agreement for Community Care for the Elderly (CCE) CCE99-3 with West Central Florida Area Agency On Aging, Inc., transferring \$48,266 CCE funding into the FY 1998-99 Medicaid Waiver Spending Authority, reducing the CCE agreement to \$763,138. RECORD S46-1518

MEDICAID WAIVER

Execute Amendment 2 to Fiscal Year 1998-99 Medicaid Waiver Agreement with West Central Florida Area Agency on Aging, Inc., to provide medicaid home and community services, for an increased spending authority of \$109,248.53, and a total agreement amount of \$521,705.53. RECORD S46-1519

NONPROFIT AGENCY FUNDING

Execute Fiscal Year 1998-99 Nonprofit Agency General Revenue Funding Agreement with Keep Manatee Beautiful, Inc., for the Adopt-A-Programs, \$18,025. RECORD S46-1520

DRUG COURT

Execute an agreement with First Step of Sarasota, Inc., to purchase therapist and related services in support of the Manatee County Drug Court program, an element of Bureau of Justice Assistance Local Law Enforcement Block Grant #98-LB-VX-4246, \$138,000 (10/1/98-9/30/99). RECORD S46-1521

MEALS ON WHEELS PLUS OF MANATEE, INC.

Execute Fiscal Year 1998-99 Agreement with Meals on Wheels Plus of Manatee, Inc., to provide transportation services in an estimated amount of \$108,796. RECORD S46-1522

POWEL CROSLY MUSEUM

Expend \$1,500 for fees and travel expenses to bring David Crocker to Bradenton from Cincinnati, Ohio, to direct museum display of Crosley radios at the Powel Crosley Museum (2/6/99-2/10/99).

ECONOMIC DEVELOPMENT COUNCIL

Execute Fiscal Year 1998-99 Funding Agreement with the Economic Development Council of the Manatee Chamber of Commerce, Inc., \$115,000, plus \$14,580 carried over from FY 1997-98. RECORD S46-1523

MATERIALS AND SERVICES

Cardiac Monitors - Sole source purchase from Physio-Control Corporation of thirteen each Physio-Control Lifepak 12 diagnostic cardiac monitors and defibrillators/pacemakers for Public Safety/Emergency Medical Services at a unit price of \$7,995; plus 12-lead ECG monitoring options at \$7,250 each; and miscellaneous accessories for each unit at \$4,417 each; less trade-ins totaling \$49,972, for a total not to exceed \$205,634.

DECEMBER 8, 1998

(Continued)

SURPLUS PROPERTY

1. Classify excess property as surplus property per Florida Statute 274.05 to enable appropriate and authorized disposition of said property in accordance with Procurement Code 84.02, Section 8.108; authorization to thereafter dispose of such property; and adoption of
2. **R-98-297** A RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, FLORIDA STATUTES
(conveying storage bins, slide out, with ACC, Asset 27739; utility trailer, 1989, Asset 27862; and mower, high wheel, Yazoo, Asset 26043, to the Sheriff).

RECORD S46-1524
S46-1525**POMELLO PARK**

Set a first public hearing on January 19, 1999, at 9:00 a.m., or as soon thereafter as possible, for a road assessment project on 209th Street East, 213th Street East, 62nd Avenue East and 63rd Avenue East in Pomello Park.

PARTICIPATION PROJECTS

1. **Ellenton Sewer Assessment**
R-98-294 A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SEWER ASSESSMENT PROJECT 5235, ELLENTON, PHASE I-A
(combining parcels owned by Estate of Mary Cloud). RECORD S46-1526
2. **Orange Ridge Sewer Assessment**
R-98-295 A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLLS FOR SANITARY SEWER ASSESSMENT PROJECT 301-2508, ORANGE RIDGE
(combine parcels owned by Kevan Investments, Inc.). RECORD S46-1527

UNIVERSITY PARKWAY

Execute a Participation Agreement with SHR Group, Inc., for oversizing a potable water main for the University Parkway waterline extension, \$103,043.75. RECORD S46-1528

9TH STREET EAST IMPROVEMENTS

1. **1214 9th Street East** - Payment of a supplementary replacement housing expense to **Mary Alice Wilson**, \$12,978, resulting from acquisition of her living quarters located on property acquired for road improvements to 9th Street East.
2. **1002 9th Street East** - Warranty Deed from **Leila Whitfield Parramore**; Affidavit of Ownership and Encumbrances; and authorize direct payment to **Suddath Relocation Systems** in accordance with moving cost transaction package, \$314.

SINGLE FAMILY MORTGAGE REVENUE BONDS

R-98-298 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE ISSUANCE OF HOUSING FINANCE AUTHORITY OF MANATEE COUNTY, FLORIDA, SINGLE FAMILY MORTGAGE REVENUE BONDS, MULTIPLE SERIES, WITHIN THE MEANING OF SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, IN AN AMOUNT NOT TO EXCEED \$35,000,000. RECORD S46-1529

ORDINANCE 98-51: PUBLIC NUDITY

Authorize publication of notice of public hearing on Ordinance 98-51 as a land use item.

(End Consent Agenda)

DUETTE PARK WILDLIFE PROGRAM

Motion was made by Mr. Stephens and seconded by Mr. McClash, to authorize the Parks and Recreation Department to conduct a Falconry Hunt at Duette Park (1/8-10/99). Motion carried 5 to 1, with Mrs. Harris voting nay.

INDUSTRIAL REVENUE BONDS - AVON CABINET CORPORATION

Public hearing (Notice in the Bradenton Herald 11/13/98) was held to consider the proposed issuance in one or more series by the County of up to \$3,500,000 of its Industrial Development Revenue Bonds (Avon Cabinet Corporation Project).

Teddy N. Williams, Jr., County Attorney, submitted

R-98-292 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, DECLARING MANATEE COUNTY'S OFFICIAL INTENT TO SEEK REIMBURSEMENT ON BEHALF OF AVON CABINET CORPORATION (THE "BORROWER") FOR CERTAIN CAPITAL EXPENDITURES TO BE MADE BY THE BORROWER WITH RESPECT TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN MANUFACTURING FACILITIES TO

BE OPERATED BY THE BORROWER FROM THE PROCEEDS OF THE COUNTY'S NOT TO EXCEED \$3,500,000 INDUSTRIAL DEVELOPMENT REVENUE BONDS (AVON CABINET CORPORATION PROJECT); APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A GOOD FAITH DEPOSIT AGREEMENT; APPROVING THE ISSUANCE OF THE BONDS WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "BONDS"); AND PROVIDING FOR AN EFFECTIVE DATE.

He stated proceeds of the bond issue will be used to finance costs of a new 108,000-square-foot manufacturing facility for European-style kitchen and bathroom cabinetry by Avon Cabinet Corporation at 301 Park of Commerce. A favorable review was returned by the Economic Development Council, the Clerk, and the County's Development Review Committee.

Charlie Sands, Financial Advisor to Avon Cabinet Corporation, stated the bonds will be guaranteed by a letter of credit issued by NationsBank.

Rick Bero, President of Avon Cabinet Corporation, stated that Avon will create new jobs and will expand the County's tax base.

Discussion: Commitment letter signed; letter of credit will be issued at bond closing next year; received support letter from Clerk of Circuit Court, etc.

Ms. Stein submitted a letter (12/4/98) from Avon Cabinet Corporation stating their intentions to hire local firms.

(Enter Ms. Brown)

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried 7 to 0, to adopt **Resolution R-98-292** authorizing issuance of not exceeding \$3.5 million in Manatee County industrial revenue bonds and the **Good Faith Deposit Agreement** with Avon Cabinet Corporation.

RECORD S46-1530
S46-1531

UNIFORM METHOD FOR COLLECTION OF NON-AD VALOREM ASSESSMENTS

Public hearing (Notice in the Bradenton Herald 11/16, 23, 30, 12/7/98) was held to consider

R-98-259 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING THE INTENT OF THE BOARD TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS FOR ROAD PAVING, SANITARY SEWER, STORMWATER, STREET LIGHTING, CANAL DREDGING, DRAINAGE IMPROVEMENT AND LANDSCAPE BEAUTIFICATION PROJECTS AUTHORIZED PURSUANT TO CHAPTER 197, FLORIDA STATUTES; STATING THE NEED FOR THE LEVY OF NON-AD VALOREM ASSESSMENTS, INCLUDING A LEGAL DESCRIPTION OF THE BOUNDARIES OF THE REAL PROPERTY SUBJECT TO THE LEVY, AND PROVIDING AN EFFECTIVE DATE.

Road Assessment Projects: 9th Avenue Drive East (Palmetto); 118th, 119th and 120th Avenue East (Parrish); 16th Street East (Tallevast); Waterbury Grapefruit Tract; 45th Avenue Drive East; Pomello Park - Sections 20 and 21; Pomello Park - Sections 22, 26, 27, 34 and 35; 28th Street Court East; 35th Avenue Drive West (Alabama Avenue); 35th Avenue West; John Wesley Park; Memphis Road; 44th Avenue East; Pomello Park (Project 5898); Shell Beach.

Sewer Assessment Projects: 29th Street East; 98th Avenue East (Beck Estates); 69th Avenue West (Bay Drive); Sunkist Acres; 22nd Street West; 21st Street West; Lychee Acres; 33rd Street West.

Road and Sewer Assessment Projects: 29th Street West; Leffingwell Drive; Tropical Shores; Mar-Lee Acres; 84th Street Northwest.

Canal Dredging: San Remo; Wares Creek; Bowlees Creek; Bryn Mawr (Bayshore Gardens - Section 4); Bay Colony also known as Palmetto Skyway Replat Subdivision; Sunny Shores Subdivision; Alford Vowells Riverview Subdivision; Riverdale Revised Subdivision; McLewis Bayou; Bra-Win Palms (a/k/a Jeff's Cowpen Creek); Manatee Subdivision; Manatee Riverfront Mobile Home Park; Raintree Inlets.

DECEMBER 8, 1998

(Continued)

Street Lighting/Landscaping/Irrigation/Lake Maintenance: Manatee Villas (Sunshine Ridge); Gateway East; Golf Pointe at Palm-Aire Country Club; Whitfield/Ballentine Manor Area; Pine Meadow Subdivision; Cortez Gardens.

Landscaping: Whitfield Avenue (Palm Aire Area).

Security: Whitfield Avenue (Palm Aire Area).

Stormwater: All unincorporated areas in Manatee County, Florida.

Drainage: Manatee Valley Drainage.

PREVIOUSLY LEVIED ASSESSMENTS BEING AMORTIZED OVER A NUMBER OF YEARS OR COLLECTED FOR MORE THAN ONE YEAR

Road Assessment Projects: 15th, 16th, 17th and 18th Streets West; Winter Gardens; 21st Street West; 54th Avenue Drive West; Caloosa Drive; 59th Avenue Drive West; Samoset; Oneco; Palmetto Country Club Estates; 45th Street East; 24th Avenue East (Palmetto); 47th Street West; 7th Avenue N.W., 8th Avenue N.W. and 58th Street N.W. - G. N. Breeze Subdivision; 58th Street Northwest - Citrus Acres Subdivision; 2nd Avenue West, 4th Avenue West and 36th Street West - Fogarty Subdivision; Fort Hamer Road/Old Tampa Road; 39th Street East; El Way (Winter Gardens Subdivision); Rexrode Road and River Road.

Sewer Assessment Projects: Palmetto Point; Bay Colony Section of Palmetto Point; Tallevast Industrial Park; 60th Avenue West; 51st Avenue East; Woodlawn Lakes Subdivision.

Road and Sewer Assessment Projects: Marlita Subdivision; Riverdale Subdivision; Linger Lodge (5151); Linger Lodge (301-5151); Washington Park.

Canal Dredging: Palma Sola and San Remo Shores; Highland Shores Subdivision.

Drainage: Meadow Lakes East.

Street Lighting: Cape Vista Subdivision; Gulf & Bay Estates Subdivision; Rubonia, a resubdivision of Plat of East Terra Ceia; Pic-Town; Holiday Heights; Tropical Harbor.

(Note: See document for exact project locations.)

Motion was made by Mr. Bruce, seconded by Mrs. Stein and carried 7 to 0, to adopt R-98-259.

RECORD S46-1532

ORDINANCE 98-19, LAND DEVELOPMENT CODE AMENDMENTS

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

ORDINANCE 98-19 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):

1. ADDING, AMENDING AND DELETING CERTAIN DEFINITIONS;
 2. AMENDING CERTAIN STANDARDS RELATING TO THE CODE ENFORCEMENT BOARD;
 3. AMENDING CERTAIN TEMPORARY USE PERMIT REQUIREMENTS;
 4. AMENDING CERTAIN REQUIREMENTS REGARDING REQUIRED ACCESS TO LOTS;
 5. AMENDING CERTAIN OFF-STREET PARKING STANDARDS;
 6. AMENDING CERTAIN DRIVEWAY STANDARDS;
 7. AMENDING CERTAIN ACCESS AND DRAINAGE REQUIREMENTS;
 8. AMENDING CERTAIN STORMWATER MANAGEMENT STANDARDS;
 9. AMENDING CERTAIN FLOODPLAIN MANAGEMENT STANDARDS;
 10. AMENDING CERTAIN WETLAND PROTECTION STANDARDS;
 11. AMENDING CERTAIN HABITAT AND SPECIES PROTECTION STANDARDS;
 12. AMENDING CERTAIN REQUIRED IMPROVEMENTS STANDARDS;
 13. ADDING NEW LANGUAGE REGARDING BONDING PRIVATE IMPROVEMENTS;
 14. AMENDING CERTAIN ADVERSE IMPACT STANDARDS;
 15. AMENDING CERTAIN AIRPORT LOCATION CRITERIA;
 16. AMENDING CERTAIN TRANSIT FACILITY STANDARDS;
 17. AMENDING CERTAIN PRIVATE STREET REQUIREMENTS;
 18. AMENDING THE LIMITED ACCESS ON UNIVERSITY PARKWAY REQUIREMENTS;
 19. AMENDING CERTAIN SUBDIVISION REQUIREMENTS;
 20. AMENDING CERTAIN NON-CONFORMITY STANDARDS;
 21. AMENDING CERTAIN LANDSCAPING REQUIREMENTS;
 22. AMENDING CERTAIN ENFORCEMENT REQUIREMENTS;
- AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Depart Mr. Stephens)

Laurie Suess, Planning Department, reviewed items under "Issues for Discussion" in the Cycle 2 1998 LDC Text Amendments package regarding Bonding of Private Improvements. She reviewed time frames for bonds, Section 722.3.2.3, which would require improvements secured by performance security be completed within one year of the date of recording the final plat except for sidewalks and bikeways, which are to be completed within three years from date of recording.

(Enter Mr. Stephens)

Discussion: Internal sidewalks versus external sidewalks; Section 722.3.1.1, regarding phased projects; Section 722.3.1.1 requires an agreement acceptable to the County be executed prior to allowing posting of performance security for installation of improvements, etc.

(Depart Mr. McClash)

Paul Sayers, Parrish resident, submitted his written comments, and stated that the changes to the Land Development Code (LDC) do not protect the people and are unwarranted.

Discussion: Planning Commission addressed amendments; risk if developer defaults and expenses exceed bond amount; if defect in improvements, County has potential liability; risk less with private development; amount of bond would be 200 percent; cannot sell lots until 100 percent complete; 200 percent would cover existing design as submitted; agreement with developer at each phase of development, etc.

Carol Clarke, Planning Director, addressed the 25-Year Floodplain and noted the LDC states that the language is only effective upon mapping of the 25-year floodplain. She recommended adopting the maps for engineering and design purposes and bringing back the 25-year floodplain habitable structure issue for further amendments.

(Depart Mrs. Harris)

Sia Mollanazar, Transportation Department, referring to maps before the Board, stated that the base map for the 25-year floodplain is a Southwest Florida Water Management District aerial map.

(Enter Mrs. Harris and Mr. McClash)

Discussion: Leave sections on permitting of dwellings in 25-year floodplain in LDC; maps never adopted so provision in LDC never used; return in three months with new language regarding 25-year floodplain; cost implications of process; preserve floodplain to prevent property damage or to ensure no human activity in an area; return to original language prohibiting structures in 25-year floodplain unless arises to level of taking; impact on property rights issue if maps adopted; etc.

(Depart Ms. Brown)

Bill Close, Close Homes, expressed concern that once maps are adopted, the administrative permit process will begin and homeowners in the 25-year floodplain will be required to prove, through an engineer (\$3,000-\$5,000), that construction will not affect other properties.

(Enter Ms. Brown)

Discussion: Interneighborhood Ties amendments **withdrawn**.

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

Ms. Suess addressed the Nonconforming Lots amendment and stated that a letter was received from **James Dye**, attorney, objecting to the LDC amendments to Section 1107.3.1, regarding use of nonconforming lots for affordable housing.

(Enter Mrs. Harris)

Alan Prather, representing Christine Bazemore, Inc., stated his client was developing an affordable housing project in the Verna Bethany area. He stated the amendment will stop the project. He expressed concern that affordable housing should be in other areas than just one centralized location like the urban core area. Mr. Prather requested the Code not be amended and the Board consider the action taken on 702.6.6 in the first cycle of amendments.

DECEMBER 8, 1998

(Continued)

Discussion: Not changing policy with amendments; making allowances for affordable housing under certain circumstances; existing lots not meeting zoning requirements and adjacent to other lots; combine lots to meet zoning requirements to extent not prohibited by rights-of-way; bring back issue of nonconforming lots and affordable housing in rural area for determination of appropriate policy direction, etc.

Mr. Close stated he is involved in the Christine Bazemore project; has five homes built; and an appeals process should be available.

The public hearing was continued to later in the meeting.

DEBT RESTRUCTURE

Jim Seuffert, Financial Management Director, requested authorization to seek proposals for investment banking services for consolidation of the short-term commercial paper debt issued for several projects, and a restructure of the outstanding debt on the Administrative Center. He noted staff is working with R. B. Shore, Clerk of Circuit Court, and Todd Holder, financial advisor from First Union Capital Markets.

Mr. Seuffert stated the Administrative Center bonds have a call date of 2000, but since the market is good now, a forward refunding where a commitment is made now to refinance the bonds in 2000 would be done.

Motion was made by Mr. Stephens, seconded by Mrs. Harris and carried 7 to 0, to authorize staff to seek proposals for investment banking services.

PINE LEVEL AND ONA PHOSPHATE MINES - ECOSYSTEM MANAGEMENT

Robert Pederson, Planning Department, explained the team permitting process authorized by the legislature. He stated part of the process of team permitting is a nonbinding agreement in which all agencies and parties agree to participate. He submitted a copy of a memorandum (9/16/98) from Ernie Padgett, County Administrator, regarding phosphate mining information update.

Discussion: More extensive review of permit application; Exhibit C to Agreement, Flow Chart, sets out schedule of how permitting process will work; public hearings continue; etc.

Motion was made by Mr. Stephens, seconded by Mrs. Harris and carried 7 to 0, to authorize execution of the team permitting agreement with IMC-Agrico, Florida Department of Environmental Protection, Florida Department of Community Affairs, Florida Game and Freshwater Fish Commission, Central Florida Regional Planning Council, Tampa Bay Regional Planning Council, Southwest Florida Water Management District, Florida Department of Transportation, DeSoto County, Hardee County, and U.S. Army Corps of Engineers, for the ecosystem management of the Pine Level/Ona Phosphate Mining Facilities.

RECORD S46-1533

MEDFLY QUARANTINE LANDFILL COSTS

Motion was made by Mr. McClash, seconded by Mr. Bruce and carried 7 to 0, to authorize staff to undertake negotiations with representatives of the United States Department of Agriculture for reimbursement of landfill costs incurred during the medfly quarantine.

75TH STREET WEST IMPROVEMENTS

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried 7 to 0, to execute Contract for Sale and Purchase for a Fee Simple Deed and a Temporary Construction Easement with Palma Sola Shores Condominium Association, Inc., \$211,297.87, for parcel 23 in conjunction with the 75th Street West improvements.

RECORD S46-1534

1999 LEGISLATIVE PROGRAM

Mr. Seuffert stated there was an issue added to the Legislative Program following the discussion (12/1/98) regarding a Florida Highway Patrol (FHP) budget request. The FHP is proposing to phase in more staffing over the next five years.

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 7 to 0, to adopt the 1999 Legislative Program.

RECORD S46-1535

REVISION 7, ARTICLE V COSTS

Mr. Stephens advised that he received a fax from the Florida Association of Counties (FAC) and the Implementation Committee requested he serve on that committee. He also advised there is a balance of \$1,368.90 left in the fund and the FAC is requesting permission from every county to use these funds for implementation of Revision 7 (Article V, Florida Constitution costs). He requested the County Attorney draft language to disburse these funds.

(Note: Additional action later in meeting.)

ORDINANCE 98-19: LAND DEVELOPMENT CODE AMENDMENT

(Continued from earlier in the meeting.)

Ms. Clarke addressed the LDC text amendments as follows:

1. Transportation Amendments - Changes were made regarding the limited access on University Parkway and how defined;
2. Required Improvements - Language was added regarding the criteria for connection to sanitary sewer that consideration of areas of flooding be added; amended and removed language regarding the lowest quality of water in terms of irrigation; and pedestrian-way widths was discussed;
3. Subdivision/Survey Amendments to bring into compliance with changes to state statute;
4. Environmental Amendments to bring into compliance with issues raised during Comprehensive Plan process. No issues raised in public hearings, correspondence, or workshops;
5. Offstreet Parking - No major changes since previous presentation;
6. Miscellaneous Amendments dealing with Code Enforcement Board, dust control, Licensing Board and housekeeping measures.

Discussion: Increase sidewalks to five feet; 1,500-foot-radius for transit stop; include provision to extend sidewalks at time of development of subdivision; limited access on limited thoroughfares, Section 741, etc.

Recess/Reconvene. All members present.

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried 7 to 0, to hold the second hearing on the LDC Amendments on December 15, 1998, at 9:00 a.m., or as soon thereafter as same may be heard.

GARDEN LAKES STREET LIGHT MAINTENANCE

Harry Mendenhall, Transportation Department, stated that Ma-Con, Inc., property manager for Garden Lakes, requested the County reconsider assuming responsibility for four street lights on 37th Street East, south of State Road 70 (previously rejected 7/29/97).

Discussion: Lights installed by developer; 37th Street East entranceway no longer part of development; neighborhood maintaining lights outside of Garden Lakes and on public street, etc.

David Essinfeld, President of Garden Lakes Community Association, stated the lights are located one-half mile from Garden Lakes.

Motion was made by Mr. McClash, and seconded by Mr. Bruce, to approve the request that the maintenance and operation responsibility for the four street lights be transferred to the County.

Discussion: Lights to be installed on S.R. 70 and maintained by County; cost; safety; fairness; original developer required to pave 37th Street from S.R. 70 to 39th Street East, etc.

Motion carried 6 to 1, with Mr. Stephens voting nay.

ZONING

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

PDC-98-01(P) DAVID K. DEITRICH, TRUSTEE, ET AL/MARKET PLACE WEST

Request: Preliminary Site Plan to allow a 107,894-square-foot commercial/retail shopping center, on 16.28 acres located at the Southwest corner of 53rd Avenue West and 34th Street West.

Planning Commission recommended APPROVAL with 7 stipulations.

RECORD S46-1536

DECEMBER 8, 1998

(Continued)

John Osborne, Planning Department, submitted a new Stipulation 8.

RECORD S46-1537

He also submitted letters from **Benderson Development Company, Inc.**, agreeing to pay for any changes or improvements to 34th Street West; **School Board of Manatee County**; and letters in opposition to left turn on 34th Street West from **Louis K. Siegel, Alan and Ann Trueman**, and **Diana Macrae**, President of West Glenn Homeowners Association.

Mr. Osborne stated staff and the applicant met (11/30/98) with residents of Morton Village and presented three options for a revised access from 34th Street, all sharing a northbound turn-in from 34th Street. He referenced a site plan, Lee Middle School site plan, and a zoning map of the area. Staff met with the School Board and discussed concerns regarding northbound left turn not being allowed which would cause a burden at 53rd Avenue and 36th Street West.

He stated that staff supported the northbound left turn and merge lane for Morton Village from 34th Street West if applicant provides (1) a raised median and curbing from the Morton Village median opening north through the proposed left turn into the project, (2) rear access through the School Board property and (3) right turn lane from Morton Village to southbound 34th Street West.

Robert Pederson, Planning Department, displayed maps pointing out the location of the middle school, Market Place West and the Morton Village sites.

Ed Vogler, attorney representing the applicant, stated there is a recorded access agreement with the School Board; a signalized intersection at 53rd Avenue and 36th Street is a requirement of the project; the left turn lane represents better traffic engineering; subject to School Board consent, the applicant will provide access off of the western boundary to the intersection at 36th Street; will install a security gate at Morton Village; will provide a right turn at Morton Village entrance, etc. He submitted an amended Stipulation 3e.

RECORD S46-1538

Len Najjar, Zoller, Najjar and Shroyer, referred to a map and outlined the project site. He stated they have preserved a refuge lane, provided fifty percent more storage (six stacking spaces) for traffic turning left into the shopping center and will not affect the intersection or existing left turn lanes at 53rd Avenue and 34th Street West. He stated a curbed median is provided to prevent people that are traveling northbound from cutting into the refuge lane.

Discussion: Concern regarding traffic generated from shopping center and school traffic at new intersection; deceleration lanes to decrease congestion, etc.

Speaking in opposition to the left turn from 34th Street were the following residents of Morton Village: **Dan Harkin; Jerry Jenny; Charlie Hein; Pasquale Prata; Bruno Brigandi; Madeline Libby; Eleanor Curry; Ron Bamberger; Stan Doan; Herb Stern**, President of Morton Village, who submitted a petition of 210 residents of Morton Village in opposition to left turn; **Evelyn Hendrycy**, who submitted a newspaper article (12/2/98) opposing the left turn; and **Robert Lucas**, who referenced a written statement.

Discussion: Redesigning the potential left turn; traffic analysis calls for right turn lanes at entrances; Certificate of Level of Service not issued; 53rd Street scheduled for multi-laning; not a capacity problem; left turn lane safer; multi-access points best, etc.

Recess/Reconvene. All members present.

Mr. Vogler gave examples of other projects in the County with unprotected left turns. He stated that amended Stipulation 3.e. provides all the conditions to accommodate Morton Village residents.

Mr. Najjar stated the developer would agree to moving the left turn and the left-turn storage, and the entrance to Market Place further south, still preventing people from making left turns out of the center entrance of the shopping center to go northbound. Nothing would change with regard to 34th Street, the refuge lane or the double left turn lanes at 53rd Street.

Motion

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, as conditioned herein, Mrs. Harris moved to approve **Preliminary Site Plan PDC-98-01(P)** with stipulations 1 through 7, as recommended by the Planning Commission, most specifically the amended Stipulation 3.d. with no modifications to 34th Street and the addition of Stipulation 8, as recommended by staff. Motion was seconded by Ms. Brown.

Motion - Amended

Motion was made by Mrs. Stein to amend the motion to add a stipulation that the northern entrance on 34th Street be shifted to the south with a left turn lane into Market Place West property and sufficient dual left turn lane storage from that point forward to 53rd Avenue as a redesign, and that the southern entrance at Market Place West on 34th Street be right turn-in and right turn-out only with no change at the intersection of 34th Street and Morton Village. Motion was seconded by Mr. Stephens.

Recess/Reconvene. All members present.

Discussion: Continue hearing; need graphic of change; leave motion and amendment on floor and draft motion to read at next meeting, etc.

Motion - Continue

Motion was made by Mr. Stephens, seconded by Mr. McClash and carried 7 to 0 to continue the hearing to December 15, 1998, at 1:30 p.m., or as soon thereafter as same may be heard.

WATER, WASTE WATER AND RECLAIMED WATER

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 7 to 0, to approve execution of:

1. Work Assignment 11 with Parsons Engineering Science, Inc., for consulting services to prepare **Risk Management Plans and Process Safety Management Plans** documentation for the three county wastewater treatment plants, not to exceed \$99,937. RECORD S46-1539
2. Work Assignment 10 with Parsons Engineering Science, Inc. for consulting services to prepare a comprehensive **Water Distribution Improvements Master Plan** update, not to exceed \$150,008. RECORD S46-1540

REVISION 7, ARTICLE V COSTS

(Continued from earlier in the meeting.)

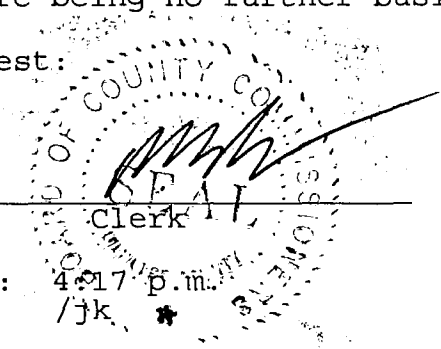
Motion was made by Mr. Stephens, seconded by Mr. Bruce and carried 7 to 0, to authorize the County Attorney to draft language to allow the Florida Association of Counties to use the funds accumulated by Manatee County for the Revision 7, Article V, Florida Constitution, costs.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Jean Stephens
Chairman 2/16/99

Adj: 4:17 p.m.
/jk