

FEBRUARY 23, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, February 23, 1999, at 9:01 a.m.

Present were Commissioners:

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

Also present were:

Jeffery Steinsnyder, Assistant County Attorney
Susan G. Romine, Board Records Supervisor,
representing R. B. Shore, Clerk of Circuit Court

Invocation by Rev. Don Windmiller, Bethel Baptist Church.

EMERSON POINT

It was announced that there will be a public hearing regarding Emerson Point Project (five-year update and park management plan) in the Palmetto High School, March 8, 1999, at 6:00 p.m.

CONSENT AGENDA

Mrs. Glass moved to approve the Consent Agenda, incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda. Motion was seconded by Mrs. Harris and carried 6 to 0, after deletion of R-99-13-V (separate action).

Items APPROVED:

ZONING

Public hearing (Notice in the Bradenton Herald 2/12/99) was held to consider

Z-98-22 ESTATE OF BOBBY L. MILTON, ET AL/DAVID FINKELSTEIN

ZONING 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 **A-1** TO **PR-M**, ON 1.2 ACRES LOCATED ON THE NORTH SIDE OF S.R. 70, 400 FEET EAST OF 45TH STREET EAST, AT 4603 53RD AVENUE EAST; PROVIDING AN EFFECTIVE DATE; AND GRANTING SPECIAL APPROVAL FOR A SITE LOCATED ADJACENT TO A PERENNIAL STREAM.

Planning Commission recommended APPROVAL

RECORD S46-1791

Public hearing (Notice in the Bradenton Herald 2/12/99 as Parkwood Lane) was held to consider

Z-98-20 PARKWOOD LAKES LAND TRUST NUMBER 2

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **PR-M** TO **GC** ON 1.58 ACRES, AT THE SOUTHWEST CORNER OF US 301 NORTH AND OLD TAMPA ROAD; PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL.

RECORD S46-1792

Public hearing (Notice in the Bradenton Herald 2/12/99) was held to consider

PDPI-98-02 (P) MANATEE COUNTY SOUTHEAST WASTEWATER TREATMENT PLANT EXPANSION

APPROVAL OF A PRELIMINARY SITE PLAN FOR EXPANSION OF THE EXISTING WASTEWATER TREATMENT PLANT IN FOUR PHASES IN THE PDPI ZONING DISTRICT, ON 470 ACRES, LOCATED AT 3331 LENA ROAD.

Planning Commission recommended APPROVAL with one stipulation.

RECORD S46-1793

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(Continued)

ORDINANCE 99-06 - NO PARKING

Public hearing (Notice in the Bradenton Herald 2/12/99) was held to consider

ORDINANCE 99-06 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 98-11; REGULATING THE STOPPING, STANDING OR PARKING OF MOTOR VEHICLES ON 7TH AVENUE WEST, 9TH AVENUE WEST, 9TH STREET EAST/PENNSYLVANIA AVENUE; 11TH AVENUE WEST; 15TH AVENUE WEST; 27TH AVENUE WEST; 34TH STREET WEST; 35TH STREET WEST; 36TH STREET WEST; 37TH STREET WEST; 37TH STREET COURT WEST; 38TH STREET WEST; 69TH STREET EAST/ERIE ROAD; 71ST AVENUE DRIVE EAST; 71ST STREET WEST; 84TH STREET COURT EAST; 85TH STREET COURT EAST AND GLENBROOKE LANE; ALL BEING COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. RECORD S46-1794

COUNTY ADMINISTRATOR**ANNA MARIA ISLAND COMMUNITY CENTER, INC.**

R-99-51 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE DONATION OF BUILDING FIXTURES TO THE ANNA MARIA ISLAND COMMUNITY CENTER, INC., IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 125.38, FLORIDA STATUTES. RECORD S46-1795

NATIONAL COALITION FOR AFFORDABLE HOUSING, INC.

Develop an agreement with the National Coalition for Affordable Housing, Inc., for infrastructure/site development at **North Orange Estates**, to be executed March 16, 1999, \$285,000.

COURT REPORTING SERVICES AGREEMENT

Execute Grant-in-Aid Agreement with the Office of the State Courts Administrator, for Court Reporting Services to the Twelfth Judicial Circuit, Manatee County (expires 7/30/99), \$48,012 RECORD S46-1796

PUBLIC SAFETY COORDINATING COUNCIL

Accept recommendation from the Public Safety Coordinating Council to appoint the Honorable Marc B. Gilner to the Public Safety Coordinating Council; execute letter of appointment to Judge Gilner.

PLANNING COMMISSION

Approve payment of \$112 for seven renewal subscriptions to the "Planning Commissioner's Journal" for Planning Commission members.

BOGGY CREEK MITIGATION PARK

Execute letter to Florida Communities Trust requesting **withdrawal** of Boggy Creek Mitigation Park application (FCT Project 96-003-P7A) from consideration.

STREET VACATION - ORANGE RIDGE SUBDIVISION

R-99-05-V RESOLUTION DECLARING PUBLIC HEARING ON APPLICATION BY CARL AND MERCEDES V. LOEFFLER TO VACATE A PORTION OF 21ST AVENUE EAST, A NONCONSTRUCTED PLATTED RIGHT-OF-WAY IN ORANGE RIDGE SUBDIVISION TO BE HELD APRIL 27, 1999, AT 9:00 A.M. RECORD S46-1797

30TH AVENUE WEST

Execute Change Order 1 to Work Assignment 4 with Parsons, Brinckerhoff, Quade & Douglas, Inc., for design and construction services (26th Street West to 24th Street West) for an increase of \$3,913.60, total amount not to exceed \$28,045.22. RECORD S46-1798

BUDGET AMENDMENT**Various Departments (B-99-018)**

Transfer of funds; Unanticipated Revenues
(supporting description and detail attached) RECORD S46-1799

ENGINEERING SERVICES

Execute Addendum Two to Agreement for Professional Services for Engineer of Record and Rate Consultant with Black & Veatch, 3/11/99-3/10/00. RECORD S46-1800

CLERK OF CIRCUIT COURT**BONDS**

Accept:

Summerfield Village, Subphase D, Unit 2

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$851.57.
2. Defect Security: \$851.57 (Surety Bond 130193, Frontier Insurance Company).

Summerfield Village, Subphase C, Unit 10

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$720.44.
2. Defect Security: \$720.44 (Surety Bond 130190, Frontier Insurance Company).

Summerfield Village, Subphase C, Unit 11

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$534.29.
2. Defect Security: \$534.29 (Surety Bond 130191, Frontier Insurance Company).

Summerfield Village, Subphase C, Unit 9

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$918.53.
2. Defect Security: \$918.53 (Surety Bond 130189, Frontier Insurance Company).

Summerfield Village, Subphase D, Unit 1

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$981.95.
2. Defect Security: \$981.95 (Surety Bond 130192, Frontier Insurance Company).

Chaparral (aka Mote Ranch, Phase VI)

Defect Security: \$75,114.30 (Amendment 3 to Letter of Credit 521057, NationsBank-formerly M521057), for Lennar Mote Ranch, Ltd., extending expiration date to March 10, 2000.

Mote Ranch, Honore Avenue

Defect Security: \$113,157.62 (Amendment 3 to Letter of Credit 521056, NationsBank-formerly M521056), for Lennar Mote Ranch, Ltd., extending expiration date to March 10, 2000.

Edgewater Village, Subphase B, Unit 2

Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$9,591.40. (Surety Bond 109943, Frontier Insurance Company, accepted 9/30/97.)

Palmetto Retirement Village

1. Agreement with The Palms of Manasota guaranteeing completion of required improvements (\$13,800.80).
2. Performance Bond: \$13,800.80 (Letter of Credit 55, Regions Bank)

Release:

QUAIL RUN, PHASE II AND III

1. Agreement with Vantage Real Property Holding Corporation guaranteeing maintenance of a stormwater management system, \$30,000.
2. Performance Bond: \$30,000 (Letter of Credit 2012324-10003 Sarasota Bank).

Sarapalms Subdivision

1. Agreement with Glenbrooke Investment Corporation guaranteeing completion of sidewalks, \$20,832.50.
2. Performance Bond: \$20,832.50 (Surety Bond A001170 Alpine Assurance, Ltd.)

WARRANT LIST

Approve: February 16, 1999, through February 22, 1999
 Authorize: February 23, 1999, through March 15, 1999

ACCEPT

Southern Manatee Fire and Rescue District - Current map of district with station locations; Annual Notice of Any Changes (Public Facilities) and Proposed 5-Year Construction and Renovation Plan.

Cedar Hammock Fire Control District - Audited Financial Statements with Compliance Report-Fiscal Year ending September 30, 1998.

APPROVE, RATIFY AND CONFIRM

Automated Fingerprint Identification System - Certificate of Acceptance of Subgrant Award 99-CJ-9M-08-51-01-178 from State of Florida, Department of Community Affairs, \$530,591 (authorized by Resolution R-98-152, 6/16/98) for the period 10/1/98-9/30/99.

(End Consent Agenda)

(Court Reporter, Julie Haley, present)

STREET VACATION - BAYSHORE ESTATES PROFESSIONAL CENTER

Public hearing (Notice in the Bradenton Herald 1/15/99 and 1/22/99) was held to consider

R-99-13-V A RESOLUTION ON APPLICATION BY HARRIS SILVERMAN AND MICHELINE SILVERMAN VACATING A FIVE-FOOT NONVEHICULAR INGRESS/EGRESS EASEMENT FROM THE SUBDIVISION PLAT OF THE BAYSHORE ESTATES PROFESSIONAL CENTER.

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(Continued)

Jim Staples, Transportation Department, stated the property has been sold. He submitted a new application by Flagship Forming Corporation and letters of opposition from Larry Chulock, representing Regions Bank, and Robert F. Greene, representing Mariana J. Hill, owner of Bayshore Crossings Shopping Center. The property is located at the corner of 60th Avenue West and 26th Street West and is accessed on the west side of the lot.

Discussion: Traffic congestion on 26th Street West; school hours; County policy regarding access onto 26th Court West; connection to 26th Street Court; whether street vacation and Site Plan can be approved at the same time; cannot have stipulations in vacation resolutions, etc.

Jeffrey Steinsnyder, Assistant County Attorney, advised this item is an existing office subdivision; therefore, the building will be approved administratively.

Jerome Gostkowski, Planning Department, stated he originally requested access be right-in/right-out, with a hard median on 26th Street. After further review he recommended a left-turn storage lane on 26th Street.
(Enter Ms. Brown; depart Mrs. Glass)

Discussion: Barnard Road; traffic backup from Bayshore Elementary; congestion on private drive in nearby subdivision; additional driveways into subdivision; design review already completed; peak traffic times for bank and school differ, etc.

Hamilton Rice, representing applicant, stated this is a vacation of a nonvehicular easement, not a traffic matter.
(Enter Mrs. Glass)

Mr. Steinsnyder stated that transportation impacts can only be considered as to their effect on this easement.

Mike Carter, representing the applicant, used an aerial photograph and a site plan to highlight the proposed access and immediate vicinity. The proposed access would move the striping on 26th Street West south 110 feet, creating a greater left-turn storage lane for 60th Avenue, better access for the parcel on the east of the street, and access to this parcel.
(Depart Mr. McClash)

Discussion: Barnard Road not impacted; traffic conditions, etc.
(Enter Mr. McClash)

Larry Chulock and **Bob Hendrickson**, representing Regions Bank, both stated they opposed the construction of a median, not the vacation.

Discussion: Raised median, etc.

Motion was made by Ms. Brown, seconded by Mrs. Glass to adopt Resolution **R-99-13-V** vacating a five-foot nonvehicular ingress/egress easement from the subdivision plat of Bayshore Estates Professional Center off 26th Street West and 60th Avenue West. Motion carried unanimously.

RECORD s46-1801

ZONING

Public hearing (Notice in the Bradenton Herald 2/12/99) was held to consider

PDC-98-11(Z)(G) NORTH RIVER INTERCHANGE PARK

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND (4.37 ACRES) FROM **PDMU** TO **PDC**; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 86,600 SQUARE FEET OF COMMERCIAL USE ON 11.90 ACRES AT THE NORTHWEST CORNER OF U.S. 301 NORTH AND 60TH AVENUE EAST; AND GRANTING SPECIAL APPROVAL FOR A PROJECT LOCATED IN THE ENTRANCEWAY.

Planning Commission recommended APPROVAL with 15 stipulations; Staff recommended adding Stipulation 16.

RECORD s46-1802

Erika Barrett, Planning Department, used a site plan and zoning map to highlight the surrounding area and the request for a rezone of the northern parcel, and approval of a General Development Plan for all parcels not developed. The site is east of I-75, south of the entrance to Prime Factory Shops (f/k/a Gulf Coast Factory Shops). The conceptual site plan and preliminary plat (approved June 1989) for the southern portion of the site has expired.

Ms. Barrett stated that access from 60th Avenue East will be limited to a right-in/right-out on Lot 6, south of the Acme Boot Shop drive. All of the parcels that front 20th Street Court East will be required to have an access onto 20th Street, thereby permitting left turns out of the project. She recommended a stipulation requiring extension of the easement for 20th Street Court East to the west end of the subdivision to provide a cross access easement to the east, or to provide an easement for the adjacent western property.

She advised that design stipulations consistent with entranceway requirements have been recommended and all building heights will be thirty-five feet, except the proposed motel on Lot 5, which may have a maximum height of 57 feet.

Tom McCollum, representing the applicant, stated this request has less density and intensity than what had been approved.

Ed Vogler, representing the applicant, requested deletion of Stipulation 14, which requires extending the easement for 29th Street Court East to the west. He advised that maintenance of 20th Court East is shared among the six lots that access it. Three of the parcels belong to third parties who have not consented to additional stipulations on the right of way they maintain. The proposed stipulation, does not require the adjacent property owner to participate in maintenance and/or repair costs of 20th Court East.

Using a site plan, Mr. Vogler delineated a retention pond that extends along the western edge of Lot 5, from the northern boundary to just south of the northern boundary of Lot 4. He pointed out that this pond was designed to serve all of the lots for the general development plan. Stipulation 14 would require changing the permitted drainage system or use most of Lot 4 to extend 20th Court East around the retention area.

He presented a copy of the recorded plat (Plat Book 26 Page 94) highlighted to show public rights-of-way available to the adjacent property, and a copy of the Warranty Deed for the adjacent western property (Amnon Gershoni, grantee), noting the recent acquisition date.

Amnon Gershoni, property owner to the west, spoke in favor of the project and submitted a letter requesting a bridge over the stormwater retention area (approximately 30 yards) at the end of 20th Court East. He stated he would obtain permits, pay all costs associated with the bridge, and participate in the maintenance of the right of way.

Discussion: Cross access easement would provide unified traffic circulation between subdivision and the adjacent parcel; access to property by previous owner; tampering with the existing stormwater retention/drainage system; drainage of existing stormwater; include adjoining landowner in redesign; easement through potential parking area; University Square and Tower Square examples of private roads with easements; private agreements as part of original development versus after-the-fact agreements; whether 20th Court East can be dedicated as public right-of-way, etc.

Mr. Steinsnyder recommended that the parties privately negotiate an arrangement and suggested amending Stipulation 14 to:

"The easement for 20th Street Court East ~~shall~~ may be extended to the west end of the subdivision..."

Discussion: Extending sidewalks from U.S. 301 to Gulf Coast Factory Boulevard; applicant doesn't own all the parcels; sidewalks may be sacrificed when 60th Avenue is widened.

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(Continued)

Mr. Vogler stated the sidewalk will be constructed before issuance of the next Certificate of Occupancy for the project; negotiations have begun with Mr. Gershoni; and University Square and Tower Square projects have private access agreements/cross access agreements that were part of the master plans.

Mr. Steinsnyder recommended Stipulation 9 read:

"The applicant shall install a five-foot sidewalk along the west side of 60th Avenue East, from Gulf Coast Factory Shops Boulevard to U.S. 301, where sufficient right of way exists, or is within the project boundaries, prior to the next certificate of occupancy."

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 adopt Manatee County Zoning Ordinance **PDC-98-11 (Z)(G)** and approve the Preliminary Site Plan with Stipulations 1 through 16, with the changes to Stipulation 9 as stated by the attorney, and Stipulation 14, exchanging the word "shall" for "may"; and 16 as added by staff, GRANTING Special Approval for a project located in the entranceway. Motion was seconded by Mrs. Stein and carried unanimously. RECORD S46-1803

Recess/Reconvene. All members present.

Public hearing (Notice in the Bradenton Herald 2/12/99) was held to consider

PDC-87-01 (P) (R2) HEARTLAND SARASOTA-BRADENTON LTD. PARTNERSHIP

Request: Amend stipulations of approval for Preliminary Site Plan PDC87-01 (P) (R). Proposed revisions include Stipulations 1 and 3, which address the buffer along the southern property line; 25 and 26 which address use and intensity for out parcels 1 and 2; 27 which addresses the location of any future grocery store on site; and the addition of Stipulation 28, which incorporates the approved Design Guidelines and other conditions of the May 5, 1998 Settlement Agreement, on 28.34 acres located on the south side of S.R. 70, ½ mile east of I-75. RECORD S46-1804

Norm Luppino, Planning Department, entered a letter submitted by the Braden Woods Homeowners Association and a handout delineating proposed changes. Using a site plan, he outlined the development and the proposal to increase the building area for Parcels 1 and 2, by 230 square feet and decrease the canopy area for both parcels by the same amount.

(Depart Ms. Brown)

He stated the Preliminary Site Plan for the shopping center was approved in 1996. Outparcels 1 and 2 were approved for 6,500 square feet of building area (for both parcels), and 7,000 square feet of canopy area. The Final Site Plan for Parcel 2 (Hess Oil) was approved in 1998. This amendment allows a maximum building area on Parcels 1 and 2 of 3,700 square feet per parcel (6,730 combined square footage). Changes to reflect the May 5, 1998, settlement agreement entered into by the parties have also been included.

Discussion: Location of buffer; canopy size versus building size, etc.

Stephen Thompson, representing Hess Oil, advised that Hess agrees to be bound by the terms of the Settlement Agreement and is negotiating with all parties.

Caleb Grimes, representing Heartland, submitted changes to the stipulations. RECORD S46-1805

Speaking in favor of the proposal were **Wilhelmina McFee** and **Jean LePordevin** with concerns of: changes to "final" site plans; notification to adjacent property owners when nearby construction is imminent; enforcement of settlement agreement and/or penalties for non-compliance; and hydrocarbons in retention areas.

(Depart Mr. McClash; enter Ms. Brown)

Mark Barnebey, Chief Assistant County Attorney, advised that the Land Development Code provides parameters regarding changes to site plans, and guidelines regarding public hearing requirements.

Chris Mowbray, Planning Department, outlined the stormwater retention plan for the site. Modifications to the system will include 80 linear feet of six-inch underdrain and an aluminum skimmer to eliminate floating debris.

Discussion: Private agreement between property owner and homeowners association; percentage of site's run-off into Braden Woods Lake; diverting and/or moving stormwater system, etc.

Mr. Thompson pointed out that the gas station and number of pumps was authorized in the original development order, and Hess does not agree to a reduction in the number of pumps. He advised that Hess and Heartland are working with the Homeowners Association to redirect drainage. He stated that when the shopping center is completed, they will take the drainage from Hess' development, if there is sufficient capacity. Approvals have already been received from Southwest Florida Water Management District.

Mr. Grimes requested the following change to proposed stipulation 26:
After "however" add "subject to planning department review and approval."

Discussion: Hydrocarbons in ground; time frame for moving existing drainage system; County intervention; continuing negotiations, etc.

The public hearing was continued until later in the meeting.
(Depart Mrs. Stein)

NU-GULF INDUSTRIES HAUL ROUTE

Robert Pederson, Planning Department, advised that negotiations have been ongoing with the Florida Department of Transportation (FDOT) to allow Nu-Gulf Industries to use the Duette Road haul route prior to completion of required improvements (R-98-182, 11/24/98). The County Attorney and the Planning Director are drafting an agreement which will require applicant to file a Notice of Proposed Change for the Wingate Creek Mine Development of Regional Impact within 15 days.

(Enter Mrs. Stein)

Ms. Brown moved to authorize the Chairman to execute an agreement, as approved by the Planning Director and County Attorney to allow Nu-Gulf Industries to use the Duette Road haul route. Mrs. Harris seconded the motion, which carried 6 to 1, with Mrs. Stein voting nay. RECORD 546-1806
546-1807

Discussion: Number of daily trips; whether all trips will use proposed route; proposed route is one-half the distance; FDOT approval of the new haul route; school bus hours, etc.

COMMISSION CHAMBERS' RENOVATION

Fred Loveland, Community Services Director, outlined the proposed renovation to Commission Chambers, beginning in May or June 1999, at a cost of \$233,000.

Discussion: Whether cosmetic changes, (e.g., new carpet, woodgrain paneling, etc.) will affect presentation quality; chambers not designed for television; televised image/aesthetics affect communication; reupholster chairs; monitor placement behind the dais; meetings to be held at the Civic Center during renovations, etc.

Motion was made by Mr. McClash and seconded by Mrs. Glass to approve the concept for the renovations with Board review of the final changes and budget. Motion carried unanimously.

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(Continued)

ZONINGPDC-87-01 (P) (R2) HEARTLAND/BRADEN WOODS PLAZA
(Continued from earlier)

Mr. Barnebey recommended Stipulations:

26. Gross building area for Parcel 1 shall be a maximum of 3,700 square feet. However, up to 6,000 square feet may be transferred from the shopping center site (not from an outparcel site) to Parcel 1, which parcel may be expanded along the S.R. 70 frontage to accommodate such transfer, which transfer may be approved administratively, unless the Planning Director believes that there are off-site impacts not previously addressed by prior Board approvals.
28. All development on the site shall comply with all conditions of the May 5, 1998, Settlement Agreement, which shall be binding on all lands in the Project, and the owners, their successors, or assigns. Prior to Final Site Plan approval for the shopping center or the second outparcel, a revised Preliminary Site Plan, in accordance with the revised site plan, Exhibit A of the Settlement Agreement dated May 5, 1998, shall be submitted. Changes not consistent with the revised site plan, Exhibit A of the Settlement Agreement, shall be reviewed in accordance with Section 603.6 of the Land Development Code.

Based upon the staff report, evidence presented, comments made at the Public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mr. Bruce moved to APPROVE Revised Preliminary Site Plan No. PDC-87-01 (P) (R-2) with Stipulations 1 and 3 as recommended by staff, 25 as read by Mr. Grimes, 26 as read by Mr. Barnebey, 27 as read by staff and 28 as read by Mr. Barnebey, and retaining all the other conditions. Motion was seconded by Mrs. Stein and carried unanimously. RECORD S46-1808

Recess/Reconvene. All members present except Ms. Brown.

CYCLE I 1999 COMPREHENSIVE PLAN AMENDMENTS

Janet Hoffman, Planning Department, reported on the County Initiated Cycle I 1999 Comprehensive Plan Amendments for Intergovernmental Coordination Element (ICE); Transportation maps and Table 5-1 amendments and/or updates and/or corrections; Text amendments to the Recreation/Open Space Future Land Use Category; and Rye Wilderness map amendment from CON to R/OS.

She stated that privately initiated amendment requests include: Two text amendment requests and map amendments to change the Coastal Evacuation Overlay (CEA) to allow increases in residential density; Schroeder-Manatee Ranch map amendment to increase industrial and commercial future land use categories to reallocate other land uses; Conley RV Sales request to allow 65 acres of Retail/Office-Residential at the southwest quadrant of Erie Road and Buffalo Road.

Discussion: Whether MJ Road in Myakka City can be reclassified to thoroughfare, etc.

LAWSUIT - NORDIC OF FLORIDA DEVELOPMENT, INC., ET AL

Mitchell Palmer, Assistant County Attorney, reported on settlement of case CA 97-343, Nordic of Florida Development, Inc., et al, vs. Manatee County, et al., and outlined the Stipulation of the Parties and Addendum to Stipulation of the Parties signed February 11, 1999, whereby certain deeds, easements, temporary easements, etc., will be simultaneously executed by both parties. He advised that each party will bear their own legal fees and costs; i.e., \$8,015.10 incurred by the County, to date.

Mrs. Stein moved to approve the Settlement Agreement as generally outlined in the agenda package. Mrs. Harris seconded the motion.

Discussion: Property east of 48th Street; pending city annexation; paving and relocation of road; right-of-way reservation requires exact road placement, etc.

Motion carried unanimously.

LAWSUITS - OUTERLIMITS

Tedd Williams, County Attorney, reported on a meeting with Code Enforcement and advised that an administrative/policy determination is required for Code Enforcement to increase their staff to work evenings for violations of the noise ordinance. He stated that too much time has elapsed for Code Enforcement to act on noise problems that occurred Labor Day 1998. He recommended that before proceeding with Code Enforcement, an amended noise ordinance be adopted.

James Minix, Assistant County Attorney, advised that Judge Adams ruled that this matter should be handled as a criminal contempt. The Judge set March 17, 1999, as the filing deadline for an amended Order to Show Cause in the civil action. Mr. Minix recommended the County proceed with the civil action and reported on a Federal Circuit Court opinion that provided for a civil remedy, as long as there is provision for the Defendant to purge himself of the contempt.

Mr. Minix advised that enforcing the civil injunction through a criminal contempt proceeding requires a higher standard of proof, and he recommended that the County Attorney be allowed discretion in how to proceed.

Motion

Mr. McClash moved to allow the County Attorney's office discretion to proceed appropriately in this matter. Motion was seconded by Mrs. Stein.

On February 16, 1999, a motion was made by Mrs. Harris and seconded by Mr. Bruce for the County Attorney to proceed with criminal contempt. The motion was tabled.

Substitute Motion

Mr. McClash substituted his motion for the tabled motion. Motion carried unanimously.

Discussion: Judge's ruling affects future civil injunctions; significance of this issue, etc.

COMMISSIONERS' COMMENTS

Signalization - State Road 70

Mr. Bruce advised that poles are available and an agreement exists with FDOT for signals at the intersection of SR 70 and 51st Street East and he requested a report regarding the installation of temporary signalization for the protection of ballpark traffic.

He reported that the signal at Lakewood Ranch Boulevard and State Road 70 is fully functional, and thanked FDOT for its cooperation.

Noise Ordinance - Code Enforcement

Mrs. Stein requested budget review and a report regarding Code Enforcement and recommended the addition of a full or part-time Code Enforcement Officer to work evenings to handle noise complaints.

Airport

Mrs. Glass expressed concern over recent newspaper articles/cartoons that are misleading as to the actions of the Board on February 16, 1999, regarding the Sarasota-Bradenton International Airport presentation on the 270-degree turn.

Mr. Stephens requested the County Attorney's office prepare letters to the editorial staff of the Bradenton Herald and the Herald Tribune defining the County's position.

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(Continued)

Discussion: The degree of turn is defined in the Development Order; the Board moved to support the implementation of 270 degree turn; media/public misunderstood the "language" used for the motion, etc.

Appreciation

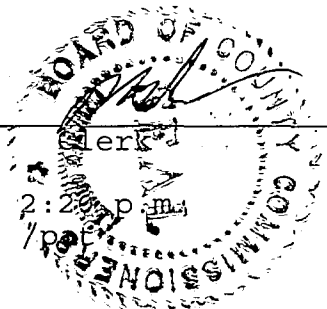
Mrs. Harris thanked everyone for their cooperation during her recent illness and she advised she will return the electronic equipment at the end of March.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



 Clerk

Adj: 2:20 p.m.



 Chairman 5/18/99