

JULY 27, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, July 27, 1999, at 9:00 a.m.

Present were Commissioners:

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

Absent were Commissioners:

Patricia M. Glass (vacation)
Lari Ann Harris (family illness)

Also present were:

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

Invocation by Commissioner Bruce.

All witnesses and staff giving testimony were duly sworn.

CITIZENS' COMMENTS

Traffic Control

William Wheeler suggested: (1) parking lanes in the middle of streets could calm traffic; and (2) amending the Land Development Code to eliminate the requirement for interneighborhood ties.

Bridge Weight Limits

Herb Monat requested assistance to resolve a problem with getting concrete trucks to his construction site on Bryn Mawr Island (Bayshore Gardens) due to weight limits for the bridge.

Disposition: Referred to County Administrator.

CONSENT AGENDA

Upon motion by Mr. McClash and second by Mrs. Stein, the consent agenda dated July 27, 1999, was approved 5 to 0, incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda with the following changes: (1) correct the date on recommended motion to December 9, 1999, for Sarasota-Bradenton Airport DRI; (2) defer Resolution R-99-130 Palmetto Youth Center as eligible sponsor for the Community Contribution Tax Incentive Program; and (3) separate action for Braden Woods v. Manatee County response to verified petition. Items APPROVED:

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

Public hearing (Notice in the Bradenton Herald 7/9/99) was held to consider

R-99-89 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 (AMENDING R-88-236):

1. Amend Conditions III.A.(16) and (17) within the Development Order to permit the use of the Duette Road to Mulberry Haul Route before certain improvements to state roads along the haul route are completed;
2. Amend Condition III.A.(24) and Exhibit E, Section 20, to require that trucking subcontractors comply with the same requirements as other trucking contractors; and
3. Determine whether such amendments constitute a Substantial Deviation pursuant to Section 380.06, Florida Statutes, for the Wingate Creek Mine Development of Regional Impact;

on 3,105.23 acres located north of S.R. 64 at 38651 S.R. 64 East, 9 miles east of Rutland Road (C.R. 675) and 6 miles west of the Manatee and Hardee County lines.
 Planning Commission recommended APPROVAL.

Robert Pederson, Planning Department, advised of the approval (2/23/99) and agreement with Nu-Gulf, and the Department of Community Affairs, for Nu-Gulf to use Duette Road as a temporary haul route.

He submitted revised pages 5 and 6 of Resolution 99-89 and outlined the corrected language to correspond with completed improvements to date.

RECORD S47-93
 S47-94

ZONING

Public hearing (Notice in the Bradenton Herald 7/16/99) was held to consider

Z-99-03 BARNEY J. MADDEN - PR-M (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE 90-01 (THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **RSF-6** TO **PR-M**; PROVIDING AN EFFECTIVE DATE; ON .36 ACRE LOCATED AT THE NORTHWEST CORNER OF S.R. 70 AND 46TH STREET COURT EAST.

Planning Commission recommended APPROVAL. RECORD S47-95

Public hearing (Notice in the Bradenton Herald 7/16/99) was held to consider

Z-97-05(R) MONTY O. JONES - RSF-2 (APPROVED)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A-1/WP-E** TO **RSF-2/WP-E**; PROVIDING AN EFFECTIVE DATE; ON .5 ACRE LOCATED 168 FEET SOUTH OF TALLEVAST ROAD, 675 FEET EAST OF TUTTLE AVENUE.

Planning Commission recommended APPROVAL. RECORD S47-96

UNIVERSITY COMMONS DRI 19

Public hearings (continued from 7/6/99) were held to consider

Z-89-46(C)(R2) UNIVERSITY COMMONS (DRI 19) (CONTINUED TO AUGUST 3, 1999, AT 9:00 A.M.)

A REVISED ZONING ORDINANCE FOR UNIVERSITY COMMONS TO (1) EXTEND THE PROJECT BUILDOUT DATE BY AN ADDITIONAL THREE YEARS AND 364 DAYS (SIX YEARS AND 364 DAYS CUMULATIVELY); AND (2) APPROVE MODIFICATIONS TO RECONCILE THE PROPOSED AMENDMENT AND PREVIOUS AMENDMENTS INTO ONE DOCUMENT, WHICH SHALL SERVE AS THE ZONING ORDINANCE FOR UNIVERSITY COMMONS, LOCATED ON 268 ACRES AT THE NORTHEAST AND NORTHWEST INTERSECTIONS OF UNIVERSITY PARKWAY AND TUTTLE AVENUE.

and

ORDINANCE 99-38 UNIVERSITY COMMONS - DRI 19 (CONTINUED TO AUGUST 3, 1999, AT 9:00 A.M.)

DETERMINATION OF WHETHER THE FOLLOWING PROPOSED MODIFICATIONS TO THE UNIVERSITY COMMONS DRI DEVELOPMENT ORDER CONSTITUTE A SUBSTANTIAL DEVIATION, PURSUANT TO SECTION 380.06, FLORIDA STATUTES: (1) EXTEND THE PROJECT BUILDOUT DATE BY AN ADDITIONAL THREE YEARS AND 364 DAYS (SIX YEARS AND 364 DAYS CUMULATIVELY); AND (2) APPROVE MODIFICATIONS TO RECONCILE THE PROPOSED AMENDMENT AND PREVIOUS AMENDMENTS INTO ONE DOCUMENT, WHICH SHALL SERVE AS THE DEVELOPMENT ORDER FOR UNIVERSITY COMMONS, LOCATED ON 268 ACRES AT THE NORTHEAST AND NORTHWEST INTERSECTIONS OF UNIVERSITY PARKWAY AND TUTTLE AVENUE.

COOPER CREEK CENTER - DRI 14

Public hearings (Notices in the Bradenton Herald 7/9/99) were opened to consider

PDMU-96-01(Z)(G)(R) COOPER CREEK CENTER (DRI 14) (CONTINUED TO AUGUST 24, 1999, AT 9:00 A.M.)

MODIFICATIONS TO THE GENERAL DEVELOPMENT PLAN TO INCLUDE:

1. Eliminate 200,000 square feet of industrial development (795,998 square-foot reduction cumulatively);
2. Re-establish 140,000 square feet of office development (387,180 square-foot reduction cumulatively);
3. Increase commercial development by 389,000 square feet (365,924 square-foot increase cumulatively);

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(Continued)

4. Decrease residential development by 400 units (184 units cumulatively), reduce the right-of-way acreage;
 5. Approve modifications to Map H, "Exhibit B", to implement the density and intensity changes;
 6. Eliminate phasing;
 7. Reduce the project's p.m. peak hour trips from 4,061 to 2,831;
 8. Approve modifications to reconcile the proposed amendments and PDMU-96-01(Z)(G) into one document, which shall serve as the Zoning Ordinance for Cooper Creek Center;
- on 604.68 acres located northwest of the University Parkway and I-75 intersection;

and

ORDINANCE 99-40 COOPER CREEK CENTER (DRI 14) (CONTINUED TO AUGUST 24, 1999, AT 9:00 A.M.)

DETERMINATION OF WHETHER THE PROPOSED MODIFICATIONS TO THE COOPER CREEK CENTER DRI DEVELOPMENT ORDER CONSTITUTES A SUBSTANTIAL DEVIATION PURSUANT TO SECTION 380.06, FLORIDA STATUTES:

1. Modify the density and intensity of the project as follows:
 - a. Eliminate the remaining 200,000 square feet of industrial development (795,998 square-foot reduction cumulatively);
 - b. Re-establish 140,000 square feet of office development (387,180 square-foot reduction cumulatively);
 - c. Increase commercial development by 389,000 square feet (365,924 square-foot increase cumulatively);
 - d. Decrease residential development by 400 units (184 units cumulatively);
 - e. Reduce the number of hotel rooms by 150;
 - f. Reduce the right-of-way acreage;
 2. Approve modifications to Map H, "Exhibit B," to implement the density and intensity changes;
 3. Eliminate phasing within this project;
 4. Amend the Land Use Trade-Off provision to allow specified increases and decreases;
 5. Reduce the project's p.m. peak hour trips from 4,061 to 2,831; and
 6. Approve modifications to reconcile the proposed amendments and Ordinance 97-23 into one document, which shall serve as the new Development Order for Cooper Creek Center.
- on 604.68 acres located northwest of the University Parkway and I-75 intersection.

COUNTY ADMINISTRATOR

SARASOTA-BRADENTON AIRPORT - DRI 24

Schedule public hearings for a special Planning Commission meeting on October 7, 1999, and a special Board of County Commissioners meeting December 9, 1999, to consider the determination of substantial deviation for the Sarasota-Bradenton Airport Development of Regional Impact, DRI 24.

EMERSON POINT GRANT

Approve, ratify, and confirm a grant application to the Florida Department of Environmental Protection for a Section 319(h) Federal pollution control grant for Emerson Point Conservation Park, \$291,398 (Federal, \$142,870; Tampa Bay Estuary Program, \$35,000; County, \$84,000; In-kind, \$29,528). **RECORD** S47-97

PERSONNEL STAFFING LEVELS

1. **R-99-156** RESOLUTION ESTABLISHING AUTHORIZED STAFFING LEVEL CHANGES BY JOB CLASSIFICATION FOR THE **PLANNING DEPARTMENT** UNDER THE JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS.
(Increase **Waterfronts Florida Program** from 0 to 1; Department total from 56 to 57). **RECORD** S47-98
2. **R-99-151** RESOLUTION ESTABLISHING AUTHORIZED STAFFING LEVEL CHANGES BY JOB CLASSIFICATION FOR THE **COURT ADMINISTRATION** UNDER THE JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS.
(Decrease from 15 to 13). **RECORD** S47-99

CORTEZ SCHOOLHOUSE AND NATURE PRESERVE

1. Approve the Management Plan for the **Cortez Schoolhouse And Nature Preserve** (Cortez Preserve) and authorize the County Administrator to approve revisions in accordance with comments by the Florida Communities Trust; and **RECORD** S47-100

2. Execute Addendum 1 to Conceptual Approval Agreement (12/1/98) with the Florida Communities Trust (extending agreement to 1/27/00) to acquire the Cortez Preserve under the **P-2000 Program**.
RECORD S47-101

MEDICAID WAIVER AGREEMENTS

1. Execute Amendment 4 with the West Central Florida Area Agency on Aging, Inc., extending FY 1998-99 Memorandum of Agreement by 45 days (8/15/99) for Home and Community Based Services increasing spending by \$59,936, and increase for assisted living facility, \$35,015 (amendment cites increase of \$35,489). RECORD S47-102
2. Execute agreements for Home and Community Based Services and assisted living services, July 1 through August 15, 1999:
 - . National Foundation on Gerontology S47-103
 - . Golden Pond Assisted Living Facility S47-104
 - . Medzone, Inc., for consumable medical supplies S47-105
 - . Neighborly Senior Services of Manatee, Inc., for homemaker, personal care, and adult day care S47-106
 - . Meals on Wheels Plus, Inc., for home delivered meals S47-107

RECORD

CHILDREN'S SERVICES EVALUATION PROJECTS

Accept the final reports from the University of South Florida for:

1. Evaluation Project - Phase Three (Part Two) - Before and After School Programs.
2. Study of Early Childhood Services. RECORD S47-108

S47-109

TRANSIT

1. Adopt the annual update to the Five-Year Transit Development Plan 1999-2003. RECORD S47-110
2. Schedule public hearing on August 17, 1999, to consider the establishment of goals for the Disadvantaged Business Enterprise Program as required by the Federal Transit Administration.

DONATIONS

Accept \$1,904 in accordance with Ordinance 86-5 and Resolution R-93-77 in memory of Harold Rouse, to be deposited into the Veterans Community account to benefit honorably discharged U.S. Veterans or their widows/widowers.

TAX CERTIFICATES

Execute Notice to Proceed with Application for Tax Deeds from the 1997 County-held tax certificates for 13 parcels. RECORD S47-111

BUDGET AMENDMENT RESOLUTION

VARIOUS DEPARTMENTS (B-99-027)

Transfer of Funds; Unanticipated Revenue Appropriations (supporting description and details attached) RECORD S47-112

FEE WAIVERS

1. Waive service fees assessed by Public Works Department for returned checks of Harvey R. Bowermaster (\$25) and Harry Mickey (\$30).
2. Place two, 20-yard roll-offs at appointed sites for the Lincoln Terrace Community Group cleanup on July 31, 1999; waive landfill service and tipping fees.
3. Place five, 20-yard roll-offs at appointed sites for the New Pierce Community Group cleanup on July 31, and August 1, 1999; waive landfill service and tipping fees.
4. Approve, ratify, and confirm waiver of landfill tipping fees for the River Harbor Area Beach cleanup of algae bloom material July 14-26, 1999.

LAND EXCHANGE - CARGOR PARTNERS II, LTD.

Conceptual approval for exchange of real property with Cargor Partners II, Ltd., to relocate a County-owned drainage easement and pipes, located within the University Square Subdivision.

STREET VACATIONS

Pomello Park (Pomello Ranches)

R-99-100V RESOLUTION DECLARING A PUBLIC HEARING ON AUGUST 24, 1999, AT 9:00 A.M. OR AS SOON THEREAFTER AS POSSIBLE, BY APPLICATION OF MANATEE RANCHES, INC., AND THE FLORIDA-GEORGIA DISTRICT OF THE LUTHERAN CHURCH-MISSOURI SYNOD, INC., TO VACATE CERTAIN NON-CONSTRUCTED RIGHTS-OF-WAY FROM THE PLAT OF POMELLO PARK SUBDIVISION. RECORD S47-113

Tamiami Farms Plat

R-99-140V RESOLUTION DECLARING A PUBLIC HEARING ON AUGUST 24, 1999, AT 9:00 A.M. OR AS SOON THEREAFTER AS POSSIBLE, BY APPLICATION OF ANGELES MORTGAGE INVESTMENT TRUST, TO VACATE A PORTION OF THE PLAT OF TAMIAMI FARMS SUBDIVISION. RECORD S47-114

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(Continued)

LITTER CONTROL AND PREVENTION GRANT

R-99-179 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A LITTER CONTROL AND PREVENTION GRANT.

(funds to continue FY 1999-00 programs by **Keep Manatee Beautiful**; and authorizing the Chairman, or Vice-Chairman, to execute documents regarding this application). RECORD S47-115

OMEGA FIRE SPRINKLER RECALL PROGRAM

S47-116

Execute Waiver and Release of Claims Form to Central Sprinkler Company for the reimbursement of Omega fire sprinkler heads at the Detention Facility, which have been the subject of a class action lawsuit and subsequent product recall. RECORD S47-117

FINAL PLAT - BEND OF TERRA CEIA

1. Plat.
2. Mortgagee's Joinder with Brasota Mortgage Company, Inc.
3. Mortgagee's Joinder with CTX Mortgage Company.
4. Mortgagee's Joinder with First Town Mortgage Corporation.
5. Agreement with Trevor Investments, Inc., to defer completion of required sidewalks. RECORD S47-118
6. Agreement with Manuel J. and Melissa G. Lopez, to defer completion of required sidewalks. RECORD S47-119
7. Agreement with Marco A. and Rosa A. Guel, to defer completion of required sidewalks. RECORD S47-120

CLERK OF CIRCUIT COURT**BONDS****Accept:**

Sheriff's Public Employees and Deputy Sheriff's Blanket Bonds (14 additions; 7 deletions). RECORD S47-121

Braden Crossings, Phase I-A

Defect Security: \$36,189.07 (Amendment 1 to Letter of Credit P600260 from SunTrust Bank, extending expiration to 1/14/00).

Mote Ranch, Phase V

Defect Security: \$37,594.34 (Amendment 1 to Letter of Credit S980679 from SunTrust Bank, extending expiration to 10/30/00).

Chaparral II (aka Mote Ranch, Phase VII)

Defect Security: \$25,621.59 (Amendment 1 to Letter of Credit S980677 from SunTrust Bank, extending expiration to 10/30/00).

Sabal Harbour, Phase I-A

Performance Bond: \$7,229.44 (Amendment 2 to Letter of Credit P600536 from SunTrust Bank, extending expiration to 10/4/01).

Summerfield Village, Subphase C, Unit 12

1. Agreement with SMR Communities Joint Venture, warranting required improvements, \$13,389.42.
2. Defect Security: \$13,389.42 (Surety Bond 135930, Frontier Insurance Company).
3. Agreement with SMR Communities Joint Venture, guaranteeing completion of required improvements, \$8,145.15.
4. Performance Bond: \$8,145.15 (Surety Bond 135931, Frontier Insurance Company).
5. Agreement with SMR Communities Joint Venture, for final wearing course of asphalt on roadways.

Mote Ranch, Phase IV-A

1. Agreement with Lennar Homes, Inc., warranting required improvements, \$20,430.41.
2. Defect Security: \$20,430.41 (Surety Bond 929097634, Continental Insurance Company).

Chaparral, Phase II (aka Mote Ranch, Phase VII)

1. Agreement with Lennar Homes, Inc., warranting required improvements, \$8,292.79.
2. Defect Security: \$8,292.79 (Surety Bond 929097635, Continental Insurance Company).

The Preserve at Panther Ridge

1. Agreement with Panther Ridge Communities, Ltd., warranting required improvements, \$77,151.60.
2. Defect Security: \$77,151.60 (Letter of Credit 2406, Regions Bank).

Hawthorn Park, Phase III

1. Agreement with Neal Communities, Inc., guaranteeing completion of required sidewalks and bikeways, \$6,435.00.
2. Performance Bond: \$6,435.00 (Amended Letter of Credit 9618 from SunTrust Bank, extending expiration to 9/30/00).

Release:

Summerfield Village, Subphase C, Unit 12

1. Agreement with SMR Communities Joint Venture, guaranteeing completion of required sidewalks and bikeways, \$272,221.49.
2. Performance Bond: \$272,221.49 (Surety Bond 127664, Frontier Insurance Company).

Mote Ranch, Phase IV-A

1. Agreement with Lennar Mote Ranch, Ltd., guaranteeing completion of required improvements, \$281,499.99.
2. Performance Bond: \$281,499.99 (Letter of Credit S980353, SunTrust Bank).

Chaparral, Phase II (aka Mote Ranch, Phase VII)

1. Agreement with Lennar Mote Ranch, Ltd., guaranteeing completion of required improvements, \$110,406.27.
2. Performance Bond: \$110,406.27 (Letter of Credit S970376, SunTrust Bank).

The Preserve at Panther Ridge

1. Agreement with Panther Ridge Communities, Ltd., guaranteeing completion of required improvements, \$1,681,505.01.
2. Performance Bond: \$1,681,505.01 (Letter of Credit 53, Regions Bank).

Hawthorn Park, Phase III

Agreement with Neal Communities, Inc., guaranteeing completion of required sidewalks and bikeways, \$6,435.00.

Summerfield Village, Subphase D, Unit 1

Agreement with SMR Communities Joint Venture, guaranteeing completion of required sidewalks and bikeways, \$33,291.18.

Groveland Subdivision

1. Agreement with Manatee Ventures, Inc., warranting required improvements, \$11,713.
2. Defect Security: \$11,713 (Irrevocable Letter of Credit 1095, West Coast Bank).

Edgewater Village, Subphase A, Unit 4-A

1. Agreement with SMR Communities Joint Venture, guaranteeing completion of required sidewalks and bikeways, \$4,221.36.
2. Performance Bond: \$4,221.36 (Surety Bond 08064611, Fidelity and Deposit of Maryland).

Summerfield Village, Subphase C, Units 4, 8 & Parkway

1. Agreement with SMR Communities Joint Venture, warranting required improvements, \$32,236.32.
2. Defect Security: \$32,236.32 (Surety Bond 08019694, Fidelity and Deposit of Maryland).

BILLS FOR PAYMENT

Municipal Code Corporation - Supplement 42	\$1,513.09
City of Palmetto - Fireworks contribution	\$5,000.00

REFUNDS

Department of HRS (unspent EMS Grant Funds)	\$664.40
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MINUTES

May 6, May 11, May 18, and May 25, 1999

WARRANT LIST

Approve: July 6, 1999 through July 26, 1999
 Authorize: July 27, 1999 through August 2, 1999

AUTHORIZE CHAIRMAN TO SIGN

Satisfactions of Judgment

Patricia Cleckley, Case 96-1902JD
 William Anderson, Cases 91-1163T and 90-688T(2)
 Jose D. Perez, Jr., Case 98-5778M
 William Hill, Case 98-1001JD
 Joseph Aliotta and Peggy Jelemensky, Case 98-1486J

Emerson Point Conservation Trail (Project T9705) - Amendment 1 to Agreement dated September 4, 1997, with Department of Environmental Protection extending completion date to August 31, 2000. RECORD S47-122

Duette Park (Project LW369) - Amendment to Agreement with Department of Environmental Protection extending completion date to January 31, 2000 (authorized by R94-58 adopted 6/7/94). RECORD S47-123

Partial Release of Special Improvement Assessment Liens:

Projects 3002/2504; 3005/5235(2); 3009/5147(5); 3102/2502(4); 3104/8601; 3106/5144; 5080; 5144; 5147(5); 5197; 5254.

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(Continued)

ACCEPT

Industrial Development Revenue Refunding and Improvement Bonds, Series 1998A, \$5,500,000 and Series 1998 B (Taxable), \$2,000,000 - CFI Manufacturing, Inc. - Closing Documents (R-98-207 adopted 7/28/98, R-98-225 adopted 9/1/98, and R-98-242 adopted 9/22/98).

Industrial Development Revenue Bonds, Series 1999, \$3,000,000 - Avon Cabinet Corporation - Closing Documents (R-98-292 adopted 12/8/98 and R-99-260 adopted 3/16/99).

Records Destruction Request - Bureau of Archives and Records Management Form listing records:
Form 461, Clerk of Circuit Court (Court Services)

City of Palmetto, Ordinances 644, 647 and 650

Acceptance of Ordinances 644, 647 and 650 which annex certain property into the city limits of the City.

Office of the Public Defender, Twelfth Judicial Circuit

Operational Audit Report No. 13505 for Fiscal Period 4/1/98 through 3/31/99.

APPROVE, RATIFY AND CONFIRM

Parks and Recreation Special Interest Classes Instructor's Agreement

David Springer - Self Defense/Karate/Kick-robics S47-124

James Alan Mathys - Puppy Kindergarten and Dog Obedience S47-125

Vicki Knauss - Beginning Guitar S47-126

Dimas Reyes - Drawing/Painting RECORD S47-127

(End Consent Agenda)

ZONING

Public hearing (Notice in the Bradenton Herald 7/16/99) was held to consider

PDW-99-01(P) TRAILER ESTATES MARINA - P/PLAN

Request: Preliminary Site Plan for a boat livery consisting of 20 wet slips, 150 dry slips, a repair and maintenance facility, display office, and sales office on 6.97 acres located at 7010 Tamiami Trail (U.S. 41).

Planning Commission recommended APPROVAL with 26 Stipulations;

RECORD S47-128

GRANTING Special Approval for a project located within the Coastal High Hazard Area, Coastal Evacuation Area, and the Coastal Storm Vulnerability Area.

Lisa Kranz, Planning Department, outlined the project elements and presented slides depicting views to and from the site including U.S. 41, North Isles Subdivision, Holiday Inn and marina, and the Citgo Gas Station. She also referred to dry storage facilities in the County.

(Depart Ms. Brown)

Robert Pederson, Planning Department, outlined previous requests to develop this site, which were never approved; and referred to the Site Plan and renderings (facility elevation from U.S. 41 and view from North Isles Subdivision).

(Enter Ms. Brown)

He advised that the applicant has complied with Planning Commission recommendations regarding Stipulation 1 (design) and that the docks will be used for loading and unloading boats and will not be rented.

Discussion: Channel markers and signs; ingress and egress onto U.S. 41; safety of vehicles pulling trailers across U.S. 41; length of turn lanes; speed limits; requiring right turn only from site; facility does not have a boat ramp; discouraging U-turns on U.S. 41; possible exit through Holiday Inn lot; plan to replace Australian pines and exotics with native species for screening.

Jerome Gostkowski, Planning Department, responded to transportation concerns and advised a traffic study has been done.

Mike Carter, contractor representing the applicant, stated support of "No Left Turn" signs for vehicles pulling trailers. He concurred with the stipulations and recommended approval.

Mr. Pederson recommended Stipulation

27. This project shall include signs indicating "No Left Turn to U.S. 41 When Towing Trailers" and the details of the placement to be determined by staff at Final Site Plan.

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, Mr. Bruce moved to approve Preliminary Site Plan **PDW-99-01(P)**, with Stipulations 1 through 27; and GRANT Special Approval for a project located within the Coastal High Hazard Area, Coastal Evacuation Area, and the Coastal Storm Vulnerability Area. Motion was seconded by Ms. Brown and carried 5 to 0. RECORD s47-129

Public hearing (Notice in the Bradenton Herald 7/16/99) was held to consider

PDC-99-03(Z)(P) TREY DESEMBERG/LAKE MANATEE FISH CAMP - PDC

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A/WP-M/ST** TO **PDC/WP-M/ST**; PROVIDING AN EFFECTIVE DATE; **AND A PRELIMINARY SITE PLAN** TO CONVERT AN EXISTING RECREATIONAL USE TO RETAIL SALES AND RETAINING ALL THE EXISTING RECREATIONAL USES ON THE .86-ACRE SITE LOCATED AT THE NORTHWEST INTERSECTION OF S.R. 64 AND C.R. 675 (23745 C.R. 675).

Planning Commission recommended APPROVAL with 7 Stipulations.

If approved, staff recommended 9 Stipulations. RECORD s47-130

John Osborne, Planning Department, outlined locational information, surrounding zoning, and the site plan. He advised the existing recreational uses will remain, with no additional buildings proposed.

Mr. Osborne noted concerns of incompatibility to residents and the environment. He outlined additional Stipulations 8 and 9, which address the concerns.

Tim Knowles, attorney representing the applicant, requested approval.

Trey Desenberg, applicant, stated there is a demand for beer and additional items at the store.

David Dean, adjacent property owner, favored the request with Stipulations 1 through 9.

Linda Becker, store manager, requested the morning hours of operation be changed from 6:00 a.m. to 5:30 a.m. to accommodate fishermen.

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, Ms. Brown moved to adopt Manatee County Zoning Ordinance **PDC-99-03(Z)(P)**; and approve the Preliminary Site Plan with Stipulations 1 through 6, 7 (as requested by applicant's representative), 8 and 9 (recommended by staff). Motion was seconded by Mr. McClash and carried 5 to 0. RECORD s47-131

(Depart Mr. McClash)

CHILDREN'S SERVICES - UNITED WAY NEEDS ASSESSMENT

Public hearing (Notice in the Bradenton Herald 7/12/99) was held to consider gap funding for the **United Way of Manatee County's Needs Assessment**, not to exceed \$2,916 for the period beginning July 27, 1999, and ending September 30, 1999 (pursuant to Section 9 of Ordinance 91-42 as amended).

Cheri Coryea, Community Services Department, stated the Children's Services Advisory Board recommended approval of the funding.

Motion was made by Ms. Brown, seconded by Mrs. Stein and carried 4 to 0, to approve \$2,916 for United Way of Manatee County.

(Enter Mr. McClash)

HUMAN SERVICES NEEDS ASSESSMENT

Jerry Koontz, United Way of Manatee County Executive Director, referred to the Manatee County Needs Assessment executive summary and final report by the University of South Florida. He stated the assessment will help guide funding decisions by the major contributors to human care programs for a minimum of five years.

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(Continued)

Mr. Koontz requested approval and acceptance of the report.

Ms. Brown moved approval and acceptance of the Final Report from the United Way of Manatee County, Inc., for the University of South Florida's Manatee County Human Services Needs Assessment. Motion was seconded by Mr. Bruce and carried 5 to 0.

RECORD S47-132
S47-133

VALUE ADJUSTMENT BOARD

The Chairman advised that Mrs. Glass was unable to serve as Chairman of the Value Adjustment Board (appointed 6/15/99) and appointed Mrs. Stein to serve in that capacity. Mrs. Glass and Mr. Bruce will serve as representatives with Mr. McClash as the alternate unless Mrs. Glass is unable to serve.

LAWSUITS - BRADEN WOODS HOMEOWNERS' ASSOCIATION

Mark Barnebey, Chief Assistant County Attorney, advised that a verified complaint was filed by the Braden Woods Homeowners' Association regarding Board action (5/25/99) for PDC-87-01(P)(R-2 [R-3]), Heartland Sarasota/Bradenton Limited Partnership and Hess Oil Corporation. Braden Woods seeks to overturn the Board's decision to delay construction of a block wall until build-out of the main shopping area, and not require Hess to replace white canopy lights with amber lights.

Motion - Withdrawn

A motion by Mr. Bruce and second by Mrs. Stein, to reconsider action (5/25/99), was **withdrawn**.

Discussion: Bringing issue back for discussion and recommendations.

Motion - Reconsider

Mr. Bruce moved to bring the matter back for further discussion with respect to options. Motion was seconded by Mrs. Stein.

Discussion: Whether County would be at risk for changing its decision; avoiding litigation.

Motion failed 2 to 3, with Ms. Brown, Mr. Stephens and Mr. McClash voting nay.

Motion - Status Quo

Motion was made by Mr. Bruce and seconded by Ms. Brown that the action of the Board regarding decisions made (5/25/99) remain status quo for final approval of **PDC-87-01(P)(R-2 [R-3])**. Motion carried 4 to 1, with Mrs. Stein voting nay.

MEETINGS - QUORUM

Mr. Barnebey clarified action which could be taken in the absence of a quorum during a public hearing, i.e., take measures to obtain a quorum; adjourn or recess; or continue the hearing to a time and date certain.

COMMISSIONERS' COMMENTS

75th Street West Speed Limit

Mr. McClash questioned why the speed limit is 25 mph and flagman signs are posted on weekends when there is no construction.

Disposition: Referred to County Administrator.

Red Barn Flea Market

Ms. Brown stated she attended the Red Barn Flea Market celebration commemorating one year of operation since being destroyed by fire.

Recess/Reconvene. All members present except Mrs. Harris, Mrs. Glass, and Ms. Brown.

IMC-AGRICO FOUR CORNERS MINE

Karen Collins-Fleming, Environmental Management Department (EMD) Director, stated that IMC-Agrico Four Corners Mine was given approval (1/12/93, 92-64) to mine an additional 170 acres in the Lake Manatee Watershed. The approval was contingent upon IMC proving that previous mining and reclamation within the watershed had no adverse effects on water quality including adjacent segments of the Manatee River and its contiguous floodplain areas. (R-92-273 and Ordinance 95-41). She submitted a chronology of the 170-acre addition, and resumes of EMD staff and QST Environmental consultants.

(Enter Ms. Brown)

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(Continued)

Rob Brown, Environmental Management Department, presented slides outlining operations and location of the mine.

Patricia Petruff, attorney representing IMC-Agrico, submitted a letter recommending the initial presentation be heard today, however, any action be deferred to a full Board on September 21, 1999.

Dr. Ann Shortelle, QST Environmental, presented slides outlining the monitoring report of the Jameson Tract (4,900 acres) concluding adverse effects, i.e., reduced water levels and stream discharge, lower surface water quality, etc. She noted there is not sufficient data to evaluate reclamation activities.

(Mr. McClash absent for a portion of presentation)

Ms. Petruff questioned conclusions of QST regarding data showing there is a potential of adverse effect of dissolved oxygen.

Dr. Shirley Denton of Biological Research Associates, Inc., representing IMC, challenged the statistical analysis and assumptions that were utilized to determine conclusions of adverse effects. She presented slides analyzing the QST model noting that some estimates were biased and are not unique estimators of the parameters; the physical world has been ignored in favor of data fitting.

Discussion: Whether IMC information has been reviewed by staff; information too technical for the Board to decipher; staff, QST and IMC reviewing/summarizing information prior to presentation; need for decision so mining of the 170 acres can commence; differences in professional opinions; hearing general concerns; QST is independent consultant; review of contract and work assignment with QST.

Mr. Barnebey referred to Ordinance 95-41, Section K(10) noting the intent was to determine if mining activities would have an adverse effect on either the surface or ground water quality.

Lee Thurner, President of IMC mining operations, took issue that the executive summary addressed water quantity, which was not part of the monitoring criteria.

He stated concern with the QST final report, which indicated some adverse impacts from mining, when the draft report (5/99) indicated no discernable impacts on water quality or the macroinvertebrate community. He outlined partial reclamation of mined areas.

Flint Gullett, property owner adjacent to the mine, stated he would like to resolve issues with IMC before addressing the Board.

Tom Reese, representing ManaSota 88, stated that mining has adverse effects on water quality and quantity in the watershed.

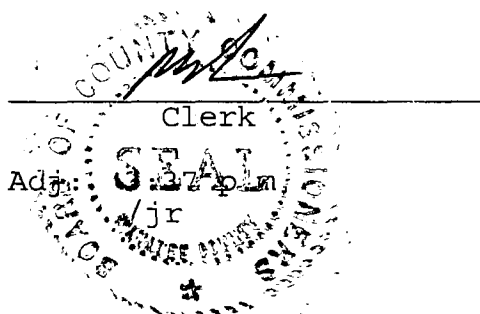
Discussion: Need for additional reclamation information as to ground hydration, i.e., radiation or other materials; length of time needed to determine successful reclamation; seeking information regarding other mines with completed reclamation.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Stan Stephens
Chairman 9/23/99