

OCTOBER 5, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION at the Manatee Civic Center, 1 Haben Boulevard, Palmetto, Florida, Tuesday, October 5, 1999, at 9:07 a.m.

Present were Commissioners:

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

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 Father William E. Gerhart, St. Philip's Anglican Church.

SAFETY AWARD

A plaque was presented to **Bill Kuederle**, Public Works Department, for safety consciousness and initiative, coaching coworkers on safe work practices, and contributions as the safety officer of the Water Treatment Plant.

(Enter Mr. McClash and Ms. Brown)

PROCLAMATIONS

Adopt-A-Shelter Animal Month

Upon motion by Mr. Bruce and second by Ms. Brown, a Proclamation was unanimously adopted designating October 1999 as *Adopt-A-Shelter Animal Month*.

RECORD 547-506

Breast Cancer Awareness Day

Motion was made by Mrs. Stein, seconded by Mr. Bruce, and carried unanimously, to adopt a Proclamation designating October 5, 1999, as *Breast Cancer Awareness Day*.

RECORD 547-507

Accepting the award was Jackie Knobblock, American Cancer Society.

Crime Prevention Month

Upon motion by Mrs. Glass and second by Ms. Brown, a Proclamation was unanimously adopted designating October 1999 as *Crime Prevention Month*.

RECORD 47-508

Accepting the Proclamation were representatives of the Sheriff's Crime Prevention Unit.

EMPLOYEE OF THE MONTH

A plaque was presented to **Terry Farnham**, Financial Management Department Mail Distribution Manager, as October 1999 *Employee of the Month* in recognition of 18 years of outstanding service to the County and his rapport with his employees.

911 EMERGENCY RESPONSE

Karen Windon, Public Safety Director, responded to a *Bradenton Herald* editorial No room for error (10/5/99), which stated the County had only a 68 percent response time to 911 calls, the desired 10-second window, during a State random check last year.

She clarified the erroneous information noting the State made 68 calls to the 911 center and that 100 percent were answered within the 10-second timeframe as required.

The Chairman directed Ms. Windon to advise the newspaper in writing.

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(Continued)

CONSENT AGENDA

Upon motion by Mr. McClash and second by Mrs. Stein, the Consent Agenda dated October 5, 1999, was unanimously approved incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda, with deletion of (1) Award IFB for reclaimed pumpback stations; and (2) Resolution R-99-239 (both separate action). Items APPROVED:

Public hearing (Notice in the *Bradenton Herald* 8/5/99 was opened to consider

PDMU-98-08(Z)(G) [advertised as (P)] RIVER VALLEY LAND TRUST AND LEESBURG TRUST/HERITAGE SOUND (CONT'D TO 11/16/99 AT 9:00 A.M.)

ZONING 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 A AND A-1 TO PDMU; RETAINING THE CH OVERLAY DISTRICT; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW:

- a. 5,000 residential units (single- and multifamily);
- b. 797,000 square feet of retail commercial;
- c. 170,000 square feet of office;
- d. 300 hotel rooms;
- e. 600 bed group care facilities;
- f. 162-slip marina and 300-slip boat livery;
- g. 45-hole golf course;
- h. Accessory residential support and public community uses on 8.2 acres; and
- i. 34.2 acres of park.

and

ORDINANCE 99-43/HERITAGE SOUND DRI 24 (CONT'D TO 11/16/99 AT 9:00 A.M.)

ORDINANCE ESTABLISHING A NEW DEVELOPMENT OF REGIONAL IMPACT, DRI 24 FOR HERITAGE SOUND.

Request: New Development of Regional Impact to allow:

- a. 5,000 residential units (single- and multifamily units);
- b. 797,000 square feet of retail commercial space;
- c. 170,000 square feet of office uses;
- d. 300 hotel rooms;
- e. 600 beds-group care facilities;
- f. 162-slip marina on the Manatee River and a 300 slip boat livery;
- g. 45-hole golf course;
- h. Accessory residential support and public community uses, such as libraries, schools, churches, etc., on 10.3 acres; and
- i. Two parks, totaling 34.2 acres.

This DRI is proposed in 2 phases; 2000 to 2009. Present zoning: A, A-1 and CH. Heritage Sound is located at the northeast intersection of I-75 and State Road 64, extending northward to the Manatee River and eastward approximately 1-1/2 miles from the interstate. A small portion of the project is located west of I-75, on 2,495.8 acres at the southeast intersection of I-75 and Kay Road.

Recommendation was made to ensure that the advertised public notices are written so people are able to understand the process and what is being planned for the DRI project; and that hearings be held in the evening.

STREET VACATIONSHazelhurst Subdivision

Public hearing (Notice in the *Bradenton Herald* 9/7 and 9/14/99) was held to consider

1. R-99-124-V RESOLUTION VACATING A PORTION OF HAZELHURST SUBDIVISION BY APPLICATION OF RALPH C. SMITH, DONALD MCPHERSON, GRACIANO SANCHEZ, JR., AND EMILIA RODRIGUEZ, ANTHONY L. AND LAVESIA D. HARRELL, AND FEDON TASI; S47-509
2. Accept Utility Easements from Donald and April McPherson, Graciano Sanchez, Jr., and Emilia Rodriguez, Anthony L. and Lavesia D. Harrell, and Fedon and Evangelia Tasi; for continued maintenance of right-of-way for Marion Street.

RECORD S47-510-
S47-513

Elwood Park Subdivision

R-99-154-V RESOLUTION DECLARING A PUBLIC HEARING ON NOVEMBER 2, 1999, AT 9:00 A.M., OR AS SOON THEREAFTER AS SAME MAY BE HEARD TO CONSIDER APPLICATION BY DAISY S. FALLOWFIELD TO VACATE A PORTION OF THE PLAT OF ELWOOD PARK (171 FEET OF LOT 88). RECORD S47-514

FAIRGROUNDS - AGRICULTURE CENTER

Name the dairy building as the I. H. Stewart Building.

LAWSUITS - DEBARTOLO CAPITAL PARTNERSHIP AND ABC LIQUORS, INC.

Settle experts' fees and other costs with DeBartolo Capital Partnership/DeSoto Square Mall, \$47,406.25, and ABC Liquors, Inc., \$47,704.98, incurred in the eminent domain matter Manatee County versus ABC Liquors, Inc., et al., 1997-CA-4602.

WORKERS' COMPENSATION CLAIM

Settle attorney's fees and costs for Yona Valdez, Sheriff's office employee, \$11,668.20.

ORDINANCE 99-57 - CONSTRUCTION TRADES BOARD

Set a public hearing on October 19, 1999, to amend Section 4.B. of the Construction Trades Board Ordinance 96-20 amending qualifications for Seat 2/HVAC Contractor.

CHILDREN'S SERVICES FUNDING

Execute Fiscal Year 1999-00 Children's Services dedicated millage funding agreements with the following nonprofit agencies:

<u>Anna Maria Island Community Center, Inc. (Family Foundation Resource)</u> , \$50,000;	S47-515
<u>Anna Maria Island Community Center, Inc. (R.E.A.C.H.)</u> , \$27,500;	S47-516
<u>Boys and Girls Clubs of Manatee County, Inc. (Open)</u> , \$121,220;	S47-517
<u>Boys and Girls Clubs of Manatee County, Inc. (Targeted Outreach)</u> , \$44,000;	S47-518
<u>Boys and Girls Clubs of Manatee County, Inc. (Wheels)</u> , \$42,000;	S47-519
<u>Boys and Girls Clubs of Manatee County, Inc. (Whiz Kids)</u> , \$22,410;	S47-520
<u>Child Protection Center, Inc. (Alliance for Safe Kids)</u> , \$107,876;	S47-521
<u>Child Protection Center, Inc. (Personal Safety)</u> , \$47,000;	S47-522
<u>Children's Home Society of Florida, Inc. (Teen Parenting)</u> , \$31,548;	S47-523
<u>Easter Seals/MARC Southwest Florida, Inc. (After School Care)</u> , \$13,118;	S47-524
<u>Easter Seals/MARC Southwest Florida, Inc. (Early Intervention)</u> , \$20,000;	S47-525
<u>Easter Seals/MARC Southwest Florida, Inc. (Psychological)</u> , \$3,500;	S47-526
<u>Easter Seals/MARC Southwest Florida, Inc. (Respite Care)</u> , \$30,000;	S47-527
<u>Easter Seals/MARC Southwest Florida, Inc. (Therapy)</u> , \$22,000;	S47-528
<u>Gulf Coast Marine Institute, Inc. (Aftercare)</u> , \$19,207;	S47-529
<u>Hope Family Services, Inc. (Child Abuse Treatment/Prevention)</u> , \$151,000;	S47-530
<u>Manatee County Girls Club, Inc. d/b/a Just for Girls (After School Service)</u> , \$63,384;	S47-531
<u>Just for Girls (Before School)</u> , \$57,231;	S47-532
<u>Just for Girls (G.A.P.S.)</u> , \$129,464;	S47-533
<u>Just for Girls (Scholarships)</u> , \$59,400;	S47-534
<u>Manatee Children's Services, Inc. (B.R.I.C.)</u> , \$62,232;	S47-535
<u>Manatee Children's Services, Inc. (K.I.D.S. Personal Safety)</u> , \$58,317;	S47-536
<u>Manatee Children's Services, Inc. (S.C.A.N.)</u> , \$49,740;	S47-537
<u>Manatee County Nursery School, Inc. (Scholarship/Extended Care)</u> , \$40,000;	S47-538
<u>Manatee County Nursery School, Inc. (Wrap Around)</u> , \$20,000;	S47-539
<u>Manatee County Rural Health Services, Inc. (PWA Speakers Bureau)</u> , \$6,000;	S47-540
<u>Manatee County Rural Health Services, Inc. (Young Children and Family Connection)</u> , \$107,475;	S47-541
<u>Manatee Opportunity Council, Inc. (Community Caboodle)</u> , \$75,960;	S47-542
<u>Manatee Opportunity Council, Inc. (Project Child Care Family Empowerment)</u> , \$220,679;	S47-543

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Manatee Opportunity Council, Inc. (Healthy Families), \$15,000;
 S47-544
Myakka City Community Center, Inc. (Morning/After School Care/Camp
 Myakka), \$82,500;
 S47-545
Myakka City Community Center, Inc. (Project Smart), \$23,595;
 S47-546
Myakka City Community Center, Inc. (Youth Empowerment), \$24,000;
 S47-547
P.A.C.E. Center for Girls, Inc. (Teen Pregnancy Prevention),
 \$92,724;
 S47-548
Palmetto Youth Center, Inc. (Tiny Tots Before/After School),
 \$97,350;
 S47-549
Rubonia Community Center, Inc. (After School Expansion), \$25,000;
 S47-550
Rubonia Community Center, Inc. (Hispanic Outreach), \$26,000;
 S47-551
Rubonia Community Center, Inc. (Peer Empowerment), \$27,370;
 S47-552
Tallevast Community Center, Inc. (Self Esteem and Guidance/Teen
 Pregnancy Prevention), \$35,750;
 S47-553
Thirteenth Avenue Community Recreation Center, Inc. (Project Dream
 Team), \$19,734;
 S47-554
Volunteer Services of Manatee County, Inc. (Community
 Cornerstone), \$25,000;
 S47-555
Volunteer Services of Manatee County, Inc. (Manateens), \$18,000.
 RECORD S47-556

YOUTH SUBSTANCE ABUSE PREVENTION

Execute Fiscal Year 1999-00 nonprofit agency Children's Services
 dedicated millage agreements with the following agencies:
Boys and Girls Clubs of Manatee County, Inc. (Smart Moves),
 \$35,959;
 S47-557
Manatee County Girls Club, Inc., d/b/a Just for Girls, Inc.
 (R.E.A.P.), \$55,314;
 S47-558
Myakka City Community Center, Inc. (Youth Substance Abuse
 Prevention), \$20,000;
 S47-559
Myakka City Community Center, Inc. (Work Ethics Drug Prevention),
 \$12,030;
 S47-560
Palmetto Youth Center, Inc. (Intervention/Positive Futures),
 \$40,266;
 S47-561
Rubonia Community Center, Inc. (Building Alternatives to Drugs),
 \$12,500;
 S47-562
Tallevast Community Center, Inc. (Youth Substance Abuse
 Prevention), \$12,500;
 S47-563
Thirteenth Avenue Community Center, Inc. (Building Alternatives to
 Drugs), \$15,000.
 RECORD S47-564

COMMUNITY CARE ELDERLY

- Execute Amendment 1 to the rate agreement (CCE2000-3) with the
West Central Florida Area Agency on Aging, Inc. (WCFAAA),
 restoring Fiscal Year 1998-99 Medicaid waiver transfer of
 \$48,266, adding first quarter tobacco settlement fund of \$58,248,
 for a total increase of \$106,514, to increase the State rate of
 personal care and respite, to establish the goal for co-payment
 to be collected by the Manatee County aging services clients and
 including provision to insure Y2K compliance. RECORD S47-565
- Execute Medicaid Waiver Referral Agreement with WCFAAA and Just
 Like Home, Inc., to coordinate Medicaid waiver assisted living
 services (9/1/99-6/30/00). RECORD S47-566
- Execute Medicaid Waiver Referral Agreement with WCFAAA and Health
 Watch, Inc., to coordinate Medicaid waiver home and community
 based services (8/15/99-6/30/00). RECORD S47-567

NONPROFIT AGENCY FUNDING

Execute Fiscal Year 1999-00 nonprofit agency general revenue
 funding agreements with the following agencies:
Anna Maria Island Community Center, Inc. (Time for Learning
 Creatively), \$36,962;
 S47-568
Boys and Girls Clubs of Manatee County, Inc. (Funtastic), \$6,272;
 S47-569
Manatee County Girls Clubs, Inc., d/b/a Just for Girls (Operation
 R.E.A.D.Y.), \$47,042;
 S47-570
Manatee Children's Services, Inc. (Emergency Shelter Crisis
 Intervention), \$49,600;
 S47-571

Myakka City Community Center, Inc. (Teen Club), \$12,265; S47-572
 Manatee Opportunity Council, Inc. (Simplified Intake System for
 Subsidized Child Care), \$39,016; S47-573
 P.A.C.E. Center for Girls (Alternative Education), \$14,701; S47-574
 Palmetto Youth Center, Inc. (After School/Summer), \$46,202; S47-575
 Rubonia Community Center, Inc. (After School/Summer), \$34,105; S47-576
 Tallevast Community Center, Inc. (After School/Summer), \$27,503; S47-577
 Thirteenth Avenue Community Recreation Center, Inc. (After
 School/Summer), \$46,203; S47-578
 Town of Longboat Key/Bayfront Park Recreation Center, Inc.
 (Mother's Morning Out), \$3,426 RECORD S47-579

AFFORDABLE HOUSING REHABILITATION

Execute agreement with J. P. Construction for renovations to the
 home of **Donald and Anna Childers**, 3516 36th Street West,
 Bradenton, \$28,354.98. RECORD S47-580

STATE HOUSING INITIATIVE PARTNERSHIP

Funding assistance in the aggregate amount of \$36,000 for **Nancy
 Ragland** as gap funding, \$2,500 down payment/closing costs and
 \$33,500 toward construction of a single-family residence on Lot
 70 (referenced as Lot 10), Lamp Post Place, Phase I, Palmetto.

BUDGET AMENDMENTS**VARIOUS DEPARTMENTS**

(B-99-034)

Transfer of Funds; Unanticipated Revenue Appropriations
 (Supporting Description and Detail Attached) RECORD S47-581

TAX ROLL EXTENSION

Letter to **Ken Burton**, Tax Collector, confirming Board approval to
 order that the tax roll be extended prior to completion of the
 Value Adjustment Board hearings. RECORD S47-582

63RD AVENUE

Change Order 2 to Work Assignment 5 with **Post, Buckley, Schuh &
 Jernigan, Inc.**, for engineering services, U.S. 41 to 15th Street
 East, for an increase of \$72,032 and total not to exceed
 \$703,095. RECORD S47-583

MATERIALS AND SERVICES

- Reinforced Concrete Pipe** - Award IFB 99-3455DC on an as-required
 basis per Release Order to the lowest responsive, responsible
 multiple bidders meeting specifications, **CSR Hydro Conduit**
 (Groups A, C, AA, BB, and CC) and **Southern Culvert** (Groups B, D,
 and DD), for a total estimated annual amount of \$400,000.
- Road Building Materials and Services** - Award IFB 99-2391DC on an
 as-required basis per Release Order to the lowest responsive,
 responsible multiple bidders meeting specifications for a total
 annual estimated amount of \$3,456,000:

Ajax Paving Industries, Inc.	Oneco Concrete & Asphalt
APAC-Florida, Inc.	Orlando Paving Company
Caloosa Shell Corp.	Pavement Technology
Gator Asphalt Paving, Inc.	SMR Aggregates, Inc.
Florida Crushed Stone	Woodruff & Sons, Inc.
Florida Highway Products, Inc.	
- Safety Supplies** - Award IFB 99-3283KK on an as-required basis to
 the lowest responsive, responsible bidder meeting specifications
 for groups I and II to **Safety Products, Inc.**, for an estimated
 annual cost of \$100,000.

LAWN CARE SERVICES

- Accept name change from **Horticultural Industries, Inc.** to **Ground
 Control Landscaping, Inc.**, for treatment plants and lift stations
 at the same terms and conditions of IFB 98-5475MP; and
- Issue Change Order 1 to PO 9000600 to **Ground Control Landscaping,
 Inc.**, for an increase of \$23,750.15 and an adjusted PO not to
 exceed \$48,949.85.

PALM AIRE LANDSCAPING MAINTENANCE

Issue Change Order 2 to PO P8001084 with **Ground Control
 Landscaping, Inc.**, for an increase of \$4,550 and an adjusted PO
 not to exceed \$85,550.

CHEROKEE CREEK - STREET NUMBERING WAIVER

Waive street numbering requirement within Cherokee Creek
 Subdivision by request of developers.

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(Continued)

CORAL SHORES - SEWER LINE

Execute Work Assignment 11 with Insituform Technologies, Inc., for sewer line rehabilitation along Kingston Road not to exceed \$28,490. RECORD S47-584

CHLORINE CONTACT CHAMBER

Execute Change Order 1 (Final) to IFB 98-6958DC with Westra Construction Corporation for the Southeast Regional Water Treatment Plant for a decrease of \$43,029 and the addition of 21 days for an adjusted contract of \$850,471 and revised completion date of April 28, 1999. RECORD S47-585

LENA ROAD LANDFILL - GAS COLLECTION SYSTEM

Execute Work Assignment 31 with HDR Engineering, Inc., for compliance monitoring and reporting, not to exceed \$149,172. RECORD S47-586

FINAL PLAT - LAKEWOOD RANCH TOWN CENTER, PHASE I, SUBPHASE C (AKA OFFICE PARK 2)

1. Plat
2. Mortgagee's Joinder from SunTrust Bank Southwest Florida
3. Joinder from Lakewood Ranch Community Development District 3
4. Supplemental Declaration
5. Conservation Easement from Schroeder-Manatee Ranch, Inc. RECORD S47-587
6. Conservation Easement from MCLR Partners Ltd. RECORD S47-588
7. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$46,922.07)
8. Performance Bond: \$46,922.07 (Official Check 4700662434, SunTrust Bank)
9. Agreement with SMR Communities Joint Venture for installation of private improvements RECORD S47-589
10. Agreement with SMR Communities Joint Venture for maintenance of right-of-way islands RECORD S47-590

CORTEZ WATERFRONTS FLORIDA COMMUNITY GRANT

Execute letters of support to the Department of Community Affairs/Florida Coastal Management Program for grant applications approved by the Cortez Waterfronts Florida Committee: (1) Public Access Initiative (dock reconstruction); and (2) Working Waterfronts Initiative (consultant services to develop design standards for new construction in the historic village).

BRA-WIN PALMS CANAL DREDGING

Set a first public hearing on November 9, 1999, at 9:00 a.m., or as soon thereafter as possible to establish a Municipal Service Benefit Unit (MSBU).

SPAY/NEUTERING PROGRAM

Execute amendment to agreement with the Humane Society of Manatee County, Inc., extending the program one year (9/30/00). RECORD S47-591

REFUNDS

Refund \$911.58 to Daniel Nettuno for overpayment of utility services.

SOLID WASTE RATE SCHEDULE

Set a public hearing on October 19, 1999, at 9:00 a.m., or as soon thereafter as same may be heard, to amend the solid waste rate resolution to reflect a change in the Consumer Price Index.

PERSONNEL

Transfer sick and annual leave from accrual accounts for **Jeffery J. Reed** from the Sarasota County Board of County Commissioners payroll to the Manatee County Board of County Commissioners.

DEEDS AND EASEMENTS

30th Avenue West - Warranty Deed from Fred Katz, Michael C. Powers, and Fred E. Henry for right-of-way improvements from 26th Street to 5th Street West; Affidavit of Ownership and Encumbrances. RECORD S47-592

PALMA SOLA CAUSEWAY BRIDGE

Execute a Sovereign Submerged Lands Easement Agreement from the Board of Trustees of the Internal Improvement Trust Fund to Manatee County for the relocation of a force main under the bridge. RECORD S47-593

CLERK OF CIRCUIT COURT

CONSENT CALENDAR

BONDS

Accept:

Tara, Phase I, Unit 6

- 1. Agreement with Tara-Manatee, Inc., guaranteeing completion of required sidewalks and bikeways (\$4,617.60).
- 2. Amendment to Letter of Credit 06-98-0163, First National Bank of Naples (accepted 9/1/98), extending expiration date to November 6, 2000, and increasing bond amount to \$4,617.60.

Tara, Phase I, Unit 7

- 1. Agreement with Tara-Manatee, Inc., guaranteeing completion of required sidewalks and bikeways (\$2,987.40).
- 2. Amendment to Letter of Credit 06-98-0161, First National Bank of Naples (accepted 9/1/98), extending expiration date to November 6, 2000, and reducing bond amount to \$2,987.40.

Tara, Subphase B

- 1. Agreement with Tara-Manatee, Inc., guaranteeing completion of required sidewalks and bikeways (\$1,092).
- 2. Amendment to Letter of Credit 06-98-0162, First National Bank of Naples (accepted 9/15/98), extending expiration date to November 6, 2000 (\$1,092).

Briarwood, Phase III

Amended Letter of Credit 003633, Bank of America (amending Letter of Credit SM-03633-096 NationsBank accepted 6/3/97) extending expiration date to July 3, 2000 (\$26,691).

Release:

Tara, Phase I, Unit 6

Agreement with Tara-Manatee, Inc., guaranteeing completion of required sidewalks and bikeways (\$3,978).

Tara, Phase I, Unit 7

Agreement with Tara-Manatee, Inc., guaranteeing completion of required sidewalks and bikeways (\$4,563).

Tara, Subphase B

Agreement with Tara-Manatee, Inc., guaranteeing completion of required sidewalks and bikeways (\$1,092).

Hawthorn Park, Phase III

- 1. Agreement with Neal Communities, Inc., warranting required improvements (\$12,640.20).
- 2. Defect Security: \$12,640.20 (Letter of Credit 9617 and all amendments, SunTrust Bank)

Lakewood Ranch Country Club Village Subphase D, Unit 2 (Gleneagles)

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (accepted 1/7/97).

REFUNDS

Tara-Manatee, Inc. - DRI 11 Overpayment	\$2,689.34
Zoller, Najjar & Shroyer, Inc. - DRI 23 Overpayment	3,544.74
Raj Mathur Construction - Plumbing Overcharge	1,364.75
Donald Mattingly/Manatee Partners - Application Fee	1,148.72

WARRANT LIST

Approve: September 21, 1999 through October 4, 1999

Authorize: October 5, 1999 through October 18, 1999

AUTHORIZE CHAIRMAN TO SIGN

Southeast Regional Wastewater Treatment Plant

Contract with Westra Construction Corp., IFB 99-2691DC, \$17,445,500, for plant expansion; accept performance/payment bonds and insurance certificate (approved 9/7/99).

RECORD 547-594

Satisfaction of Judgment

Cheryl Elaine Hendry, Case 98-3082F

Partial Release of Special Improvement Assessment Liens:

Projects 3004/2507; 3005/5235; 3009/5147(2); 3100/2509; 3106/5144; 5073; 5144; 5147

AUTHORIZE

Waive Return Item Fees:

Alice L. and Bobby D. Jewett (3 accounts), \$75

Daniel Sobien, \$30

ACCEPT

County Audit

Letter of Understanding with Ernst & Young LLP in connection with additional procedures for audit and general purpose financial statements (9/30/99), \$5,000.

RECORD 547-595

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(Continued)

Cedar Hammock Fire Control District

Copies of Resolution 99-04 and the 1999-2000 Fiscal Year Budget

Southern Manatee Fire & Rescue District

Copies of Resolution 99-07 and the 1999-2000 Fiscal Year Budget

West Side-Anna Maria Fire Rescue District

Annual public meeting schedule

Manatee County Mosquito Control District

Copy of Resolutions adopting Fiscal Year 1999-2000 millage and budget; and annual certified budget for arthropod control

Housing Finance Authority

Copy of Resolution adopting the 1999-2000 Budget

West Coast Inland Navigation District

Copies of Fiscal Year 99-00 Budget Summary; Fiscal Year 99-00 Public Meeting Schedule; Resolutions 99-7 and 99-8 adopting Fiscal Year 99-00 millage rate; and guide map of the West Coast Inland Navigation District

Lakewood Ranch Community Development Districts

Minutes for District 1 (7/1/ and 8/5/99); District 2 (7/1 and 8/5/99); and District 3 (8/5/99)

(End Consent Agenda)

SARASOTA/MANATEE MPO CITIZENS ADVISORY COMMITTEE

Robert Herrington, Sarasota/Manatee Metropolitan Planning Organization, recommended appointment of one person to the Citizens Advisory Committee to replace Joseph Harrison, who has resigned.

Mrs. Glass moved to appoint **Kimber Bereiter**. Motion was seconded by Mrs. Stein and carried unanimously.

PLANNING COMMISSION

Ms. Clarke advised that the Planning Commission term of Steve Belack expires on October 14, 1999, and requested appointment of one person. She advised that Mr. Belack is seeking reappointment.

Nominations: Steve Belack by Mrs. Harris

Mr. McClash moved to close the nominations. Motion was seconded by Mrs. Glass and carried unanimously.

Motion was made by Mrs. Glass, seconded by Mrs. Harris, and carried unanimously to reappoint **Mr. Belack**.

HISTORICAL PRESERVATION BOARD

Ms. Clarke requested appointment of three members to the Historical Preservation Board with Christopher Carmen, Ellen Bell, and Allen Garner seeking reappointment. She outlined meeting attendance.

Nominations: Bill Burger by Mr. McClash
George Reagan, Jr. by Ms. Brown
Allen Garner by Mr. Bruce
Ellen Bell by Mrs. Stein

Mr. McClash moved that the nominations be closed. Motion was seconded by Ms. Brown and carried unanimously.

After a show of hands, **Mr. Burger, Mrs. Bell, and Mr. Garner** were appointed.

CODE ENFORCEMENT SPECIAL MASTER

Karen Windon, Public Safety Director, requested appointment of a Code Enforcement Special Master (term to expire 10/00) to replace Irwin Keller who has resigned.

Nominations: Richard Dunn, Jr. by Mrs. Glass
Donald Courtney by Mr. Bruce

After a show of hands, **Mr. Courtney** was appointed.

RECLAIMED PUMPBACK STATIONS

After question as to whether alternative or more cost-effective methods were considered prior to bid solicitation, i.e., the pond being wet or dry, Mr. McClash moved to award IFB 99-3131DC, North Regional Wastewater Treatment Plant reclaimed water pumpback station and storage pond, to the lowest responsive, responsible bidder meeting specifications, DeJonge Excavating Contractors, Inc., \$2,296,266.50; and authorize subsequent execution of the contract, dating of performance/payment bonds, and acceptance of the insurance certificate. Motion was seconded by Mrs. Glass and carried unanimously.

ANIMAL TRAPS

Karen Windon, Public Safety Director, responded to questions as to why wildlife and animal species, other than cats and dogs, are not included in the animal trap policy. She noted that wildlife does not fall under the Animal Control Ordinance; however advised that Animal Control will remove wildlife if caught in traps for protection of the public.

Following discussion, motion was made by Mr. Bruce, seconded by Mrs. Stein, and carried unanimously, to adopt

R-99-239 A RESOLUTION OF THE BOARD OF MANATEE COUNTY, FLORIDA, ESTABLISHING SUPPLEMENTARY RULES AND PROCEDURES FOR USE BY THE GENERAL PUBLIC OF ANIMAL TRAPS; PROVIDING FOR A DEPOSIT; PROVIDING FOR A WILDLIFE REMOVAL FEE; PROVIDING AN EFFECTIVE DATE.

RECORD S47-596

ZONING

Public hearing (Notice in the *Bradenton Herald* 9/24/99) was held to consider

PDR-97-10(G)(R2) GUSTAVE BERNE FOUNDATION, INC./BERNE NORTH

Request: Revised General Development Plan to allow a change in the number of stories for the multifamily buildings in Phase V, elimination of any access point to 53rd Avenue West for Phase VI, and changes to the applicable stipulations. Phase V and Phase VI are located on the eastern and western boundaries of the Glenn Lakes Subdivision. Phase V (eastern parcel) is located at the northeast corner of 53rd and 43rd Street West on 21.24 acres. Phase VI (western parcel) is located at the northwest corner of 53rd Avenue West and 54th Street West on 23.79 acres.

If approved, staff recommended 21 stipulations. RECORD S47-597

Misty Servia, Planning Department, outlined the site plan noting that 2-story rather than 1-, 2-, and 3-story buildings are now proposed for Phase V and will be separated from 43rd Street by a recreational area, maintenance building, and parking rather than 1-, 2-, and 3-stories. She submitted a letter from **Teresa Kenyan** stating concerns of access and the 3-story buildings.

She advised the revised plan resulted from a land use settlement agreement in the case of Gustave Berne Foundations, et al. versus Manatee County, Case CA-98-2236.

Ms. Servia referred to Phase VI revisions including a reduction of single-family lots, thereby eliminating the requirement for a second means of access.

Tom McCollum, Zoller, Najjar, and Shroyer, displayed a revised site plan with 65 lots and a colored rendering of the building locations and buffering.

He recommended that **Stipulation 12** be amended by the addition of a sentence:

"This access shall be gated for nighttime security with the details to be worked out with Emergency Services and the Planning Department prior to Final Site Plan."

Discussion: Ingress/egress; enhanced landscaping on 42nd Street; limiting outdoor activity lighting; visual impact of buildings on adjacent uses; buffering of buildings.

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(Continued)

James Warrick, West Glenn resident, referred to a site plan recommending the tree buffer be moved closer to 42nd Street to increase building setbacks from 78 to 90 feet; and adding turn lane on 53rd Avenue at 43rd Street.

David Bright, Glenn Lakes Association President, requested that the recreational area be buffered for noise.

Joseph Mathis, Glenn Lakes, stated concerns of increased traffic with only one ingress/egress to Phase VI and recommended that access be off 53rd Avenue, not 54th Street, for safety purposes.

Discussion: Developer contribution for 53rd Avenue improvements and turn lane; requiring two accesses for Phase VI, etc.

Ms. Servia responded to concerns and a possible alternative use of the 54th Street access as an interneighborhood tie when 53rd Avenue improvements are completed. She recommended access off 53rd Avenue be right-in, right-out only.

She recommended Stipulation:

22. All multifamily buildings shall be set back 90 feet from the eastern property line for Phase V.

Ed Vogler, attorney for the applicant, requested that Stipulation 22 state **only those buildings north of the existing right-of-way on the east boundary**, not "all" buildings. He recommended access off 54th Street.

Discussion: Access alternatives; whether a wall will be constructed along 53rd Avenue; disclosure regarding golf course odor/activities.

Ms. Clarke clarified language for Stipulations:

12. Adding a sentence at the end, "This access may be gated for nighttime security if approved by the appropriate emergency service agencies and the Planning Department."
21. The recreational area proposed for Phase V, adjacent to 43rd Street West, shall not contain any outdoor **pole** lighting.
22. The two northernmost buildings on the eastern boundary of Phase V shall have a minimum setback of 90 feet from the eastern property line.

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, Ms. Brown moved to approve General Development Plan **PDR-97-10(G)(R2)** with Stipulations 1-11, 12 (clarified by staff), 13-20, 21 (clarified by staff), and 22 (clarified by staff). Motion was seconded by Mrs. Harris and carried 7 to 0.

RECORD S47-598

FAIRWAYS AT IMPERIAL LAKES

Public hearing (Notice in the *Bradenton Herald* 9/24/99) was opened to consider

AA-99-03 FAIRWAYS AT IMPERIAL LAKES (PRD-98-10)

Request filed by Imperial Partners, Ltd. for an appeal of an administrative decision requiring a five-foot sidewalk along the east side of Buffalo Road for the Fairways at Imperial Lakes project, located along the east side of Buffalo Road, between Moccasin Wallow Road and Parc Imperial to the north and Imperial Lakes Estates to the south.

Robert Pederson, Planning Department, outlined the history of the project referring to the site plan requirement to construct a sidewalk on Buffalo Road pursuant to the Land Development Code, Section 722.1.4.2. The Planning Department Development Review Committee comments requested the sidewalk be constructed.

(Depart Mr. McClash)

He recommended upholding the decision of the Planning Director to require the five-foot sidewalk on the east side of Buffalo Road.

Caleb Grimes, representing Imperial Partners, Ltd., stated there is a major drainage facility along Buffalo Road, which would make construction of the sidewalk in that area almost impossible and cost prohibitive. He noted that staff recommended the sidewalk be located on the adjacent golf course within an easement, which is not acceptable due to liability.

(Enter Mr. McClash)

He outlined the chronological events regarding the original request and design stating that sidewalks along the east side of Buffalo Road were not discussed during the review process or the public hearing for the preliminary site plan (PSP). He concluded that sidewalks are not necessary, and since Buffalo Road is scheduled for future improvements, sidewalks should be deferred until that time.

Discussion: Whether County could pipe the ditch; pedestrian safety; nearest sidewalk; Buffalo Road improvements possible in 20-year plan or would be developer driven; applicant contribution to future sidewalks.

Augie Cueto, Imperial Lakewoods Golf Club, stated concerns regarding pedestrian safety if the sidewalk is required along Hole 2.

Mr. Pederson referred to the LDC, Section 508.3.4.5(b) which requires that sidewalks be shown on the final site plan. He stated the sidewalk could be constructed within the public right-of-way.

Mr. Grimes concluded that the County should be estopped because sidewalks on Buffalo Road were not discussed at the public hearing for the PSP; and the applicant based financing, performance, and property contracts on reliance of that PSP approval. He referred to setbacks and recommended deferring sidewalks until necessary so the applicant can proceed with the first phase plat.

Discussion: Deferring two weeks; alternative remedies to address the sidewalks; barriers for protection; environmental impact; more attention to sidewalks at PSP public hearings; liability issues.

Mrs. Stein moved to continue AA-99-03 to October 19, 1999, at 9:00 a.m., or as soon thereafter as same may be heard. Motion was seconded by Mr. Bruce and carried unanimously.

UNIVERSITY PARKWAY AND WHITFIELD AVENUE

Harry Mendenhall, Transportation Department, outlined the Intersection Study Report for University Parkway and Whitfield Avenue/69th Street East. He referred to vehicle crash records, traffic volumes, speeding, truck traffic, and left-turn volumes. He concluded the existing left-turn bay is 145 feet long and it needs to be 750 feet long to accommodate the volume of vehicles.

Mr. Mendenhall recommended a work assignment for a consultant to review the intersection, to determine alternatives of either a larger turn lane or a dual turn lane eastbound, and report back to the Board.

Discussion: Joint project with Sarasota County; advising the community the County is moving forward; permissive turn dangers; Turnberry Apartments contribution to improvements; impact on Whitfield Avenue when Lockwood Ridge extension is completed; etc.

Albert Briggs, The Links Homeowners Association, **Herbert Quinn** and **Andy Anderson**, Palm Aire Community Action Committee, addressed traffic and speeding problems. Recommendation was made that there be an additional access to University Parkway off Park Boulevard.

The Chairman recommended that staff come back with a work assignment for an overflow consultant to review information with Sarasota County and bring back comments.

Recess/Reconvene. All members present except Ms. Brown and Mrs. Stein.

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(Continued)

(Court Reporter, Leihla Grady, present)

IMC AGRICO - FOUR CORNERS MINE

Karen Collins-Fleming, Environmental Management Director, referred to an Addendum to the Four Corners Mine Monitoring Program Report by Environmental Science and Engineering, Inc. (fka QST Environmental), discussed (7/27/99) as to adverse impacts of watershed mining, i.e., dissolved oxygen in the surface water bodies.

She presented slides outlining comments with the conclusion that negative impacts documented in the report (7/27/99) could be avoided or mitigated by IMC-Agrico through changes in the mining operation. She submitted stipulations to be incorporated in the revised Operating Permit should approval be given to mine the 170 acres:

1. On or before January 15, 2000, IMCA shall apply for the appropriate permits to either utilize an existing production well or construct a new well to provide augmentation directly into the headwater system of the Manatee River. If IMCA has not obtained these permits by March 31, 2000, then IMCA shall justify that the inability to obtain these permits was beyond their control and provide a schedule for obtaining these permits. The augmentation location and amount shall be as determined by Manatee County. Upon issuance of all appropriate permits and a well construction permit, if one is required, IMCA shall have thirty days to begin their augmentation plan. If augmentation is provided at the headwaters to replace function and flow, the amount of water presently being delivered from existing wellfield may need to be reduced accordingly.
2. IMCA shall establish an operation and maintenance protocol for the recharge perimeter ditches which will require an inspection of these ditches on each shift (3 times a day) and submission of monthly reports of said inspection to the County. The protocol shall outline actions which IMCA will implement should the inspections indicate inadequate levels of water in these ditches.
3. IMCA shall continue dissolved oxygen monitoring at select monitoring stations mutually agreed upon between IMCA and the County.

(Enter Ms. Brown)

Discussion: Whether information is available to support adverse impacts from mining or reclamation.

(Enter Mrs. Stein)

Lee Thurner, Vice President of IMC-Agrico, stated that all of the issues disagreed upon in the ESE report (7/27/99) were resolved except that of dissolved oxygen levels in surface waters and the effect on microbenthics. He concluded that the data by Biological Research Associates (BRA) and the County does not support conclusions by ESE.

Mr. Thurner requested approval of staff's recommendation to mine the 170 acres and that a public hearing be held as soon as possible to amend the master mining plan and operating permit for continued mining.

Patricia Petruff, attorney representing IMC-Agrico, submitted resumes of G. Greg Williams, IMC-Agrico; and Douglas Durbin, Ph.D., BRA; Lee Thurner, IMC-Agrico; a diskette, and slide presentation of information discussed.

G. Greg Williams, IMC-Agrico environmental team leader, reported on the monitoring program as to total nitrogen and phosphorus, dissolved oxygen, pH, and total suspended solids for Payne Creek and Horse Creek.

Douglas Durbin, BRA, and **Ann Shortell**, ESE, advised that meetings with County staff to discuss reports resulted in the same conclusions.

Ben Gullett, Duette (property owner across from mining area), requested that IMC be required to post a bond to cover liability should the mining operation affect public well water.

Belva Gullett, Duette, stated that well water of area residents has a chemical/kerosene odor and a change in taste and is being tested by Department of Environmental Protection (DEP). She stated that the Southwest Florida Water Management District is testing wells this week for water quality and trusts that IMC will resolve any problems. She noted that IMC has replaced some area wells.

Mr. Thurner stated that IMC has agreed to have all the wells on property across from the mining area tested and advised they would work to resolve problems caused by IMC. He noted there is little information that mining or reclamation has caused adverse effects on ground water or on off-site wells noting some information was addressed in a DEP report (Palm Study) in the early 80s.

Discussion: Need for information of ground water/radon monitoring.

Ann Shortell, Environmental Science & Engineering, Inc., responded to questions as to data locations referred to in the BRA comments (10/99).

Mark Barnebey, Chief Assistant County Attorney, outlined the history of the property exchange with IMC for land inside watershed for land outside and a settlement agreement requiring a five-year monitoring program prior to mining the 170 acres.

Discussion: Conceptual approval; mining effective only if the operating permit is revised through public hearing; monitoring findings incomplete; incorporating Stipulations 1-3 in operating permit process.

Note: Continued later in meeting.

Recess/Reconvene. All members present.

CITY OF BRADENTON ANNEXATION

Ms. Clarke advised that the City of Bradenton plans to annex property (Ordinance A-99-04) at 5810 Manatee Avenue West (vacated by First Union Bank) and stated concerns the proposed voluntary annexation is neither compact nor contiguous pursuant to Chapter 164, Florida Statutes.

Discussion: Monitoring land use issues; working with City cooperatively to address transportation concerns, etc.

Ms. Clarke was requested to write Jerry West, City of Bradenton, asking that the County be informed of any development on the parcel.

BUILDING PERMIT REPORT

George Devenport, Building Official, presented a status report of permitting activity and processing time regarding building permits for August 1 through September 17, 1999. He noted the current time frame is 13 working days for single-family residences, with a current 4 days additional due to overload.

Discussion: Striving for permit turnaround of 10 days; preparing a flow chart for single-family processing; tracking Certificates of Occupancy and utility hookups.

IMC AGRICO - FOUR CORNERS MINE (CONT'D)

Motion was made by Mrs. Glass to accept the ESE (Environmental Science & Engineering, Inc. f/k/a QST Environmental) report (June 1999 and Addendum September 1999), including the determination that the documented adverse effects can be mitigated (Addendum page 2/last two paragraphs); and authorize to set a public hearing to amend the Four Corners Mine Operating Permit consistent with the three conditions as recommended by staff; which, if the permit is amended, would allow for mining of the 170-acre tract. Motion was seconded by Ms. Brown and carried 6 to 1, with Mrs. Stein voting nay. RECORD S47-599

ANIMAL CONTROL

James Minix, Assistant County Attorney, stated that procedures are necessary to compel payment of animal service citations and that the unpaid citations are properly enforced. He outlined Resolution

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(Continued)

R-99-241 A RESOLUTION OF THE BOARD OF MANATEE COUNTY, FLORIDA, ESTABLISHING SUPPLEMENTARY RULES AND PROCEDURES FOR THE ENFORCEMENT AND COLLECTION OF FINES; PROVIDING FOR PENALTIES FOR UNPAID CIVIL FINES, INCLUDING A PERIOD OF INCARCERATION; PROVIDING AN EFFECTIVE DATE
(authorizing collection of current unpaid fines beginning 1/1/97).

Discussion: Cases unpaid (21); unpaid fines approximately \$1,500.

Mrs. Glass moved to adopt **R-99-241**. Motion was seconded by Mrs. Stein and carried unanimously. RECORD S47-600

SUNKIST ACRES SEWER PROJECT

Janet McAfee, Project Management Director, advised that repeated efforts to have the Sunkist Acres sewer project, IFB 96-5629DC (\$364,093), completed by Nomad Construction Co., Inc., have failed. She stated the contractor has been notified of the intent to declare the contract in default and requested authorization to initiate and pursue default proceedings under the terms of the performance bond and contract.

Mr. Bruce moved approval of the request. Motion was seconded by Ms. Brown and carried unanimously.

COMMISSIONERS' COMMENTS

Fences in Velocity Zones - Mr. McClash requested that staff investigate whether citizens could install breakaway fences, i.e., shadowbox fence, in velocity zones without an engineer's approval and testing.

Millenium Trail - Mr. McClash referred to a brochure outlining a millenium trail program for local communities. He suggested a trail in the Perico Island area along a canal.

Airboat Noise - Mr. McClash requested that staff look to alternatives to have the Noise Ordinance (99-03) enforced since neither the Marine Patrol nor the Sheriff are enforcing the ordinance.

Disposition: Referred to the County Attorney

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

Clerk

Stan Stephen
Chairman 1/4/00

Adj: 3:46 p.m.

/jr.

