

MAY 2, 2000

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, May 2, 2000, at 9:03 a.m.

Present were Commissioners:

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

Also present were:

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

Invocation by Reverend Sterling Forrester.

CONSENT AGENDA

Motion was made by Mr. Bruce, seconded by Mrs. Stein, and carried 6 to 0, to approve the Consent Agenda dated May 2, 2000, following deletion of: (1) Ordinance 00-26, Manatee County Electrical Code (continued to May 16, 2000); (2) Street Numbering Waiver Request/Sarasota Aviation Park of Commerce (separate action); (3) 9th Street East-Relocation (separate action). (NOTE: Consent Agenda public hearings opened and considered later in the meeting.) Items APPROVED:

CLERK OF CIRCUIT COURT

BONDS

Release:

Gates Creek, Phase I

1. Agreement with Centex Homes warranting required improvements (\$65,210.34)
2. Defect Security: \$65,210.34 (Surety Bond 5900938-1, Safeco Insurance Company of America)

Oakley Subdivision

1. Agreement with J. David Cassilly, Inc. warranting required improvements (\$115,925.03)
2. Defect Security: \$115,925.03 (Letter of Credit T519426, Bank of America (fka Barnett Bank, N.A.))

MINUTES FOR APPROVAL

January 18, 2000

AUTHORIZE CHAIRMAN TO SIGN

Partial Release of Special Improvement Assessment Lien:

Project 3009/5147

ACCEPT

Lockbox Contract - InTuition Systems, Inc.

Renew lockbox contract with InTuition Systems, Inc. for a 3-year term (9/1/00-8/31/03). Fees to be adjusted effective 9/1/00 (per attached schedule). RECORD S47-1432

COUNTY ADMINISTRATOR

PROCLAMATIONS

1. Adopt Proclamation designating May 14-20, 2000, as **Emergency Medical Services Week.** RECORD S47-1433
2. Adopt Proclamation designating May 2000 as **National Clean Air Month.** RECORD S47-1434
3. Adopt Proclamation designating April 30-May 7, 2000, as **Soil and Water Stewardship Week.** RECORD S47-1435
4. Adopt Proclamation designating May 13, 2000, as **National Association of Letter Carriers/United States Postal Service Food Drive Day.** RECORD S47-1436
5. Adopt Proclamation designating May 7-13, 2000, as **Drinking Water Week.** RECORD S47-1437
6. Adopt Proclamation designating May 2000 as **National Bike Month** and May 19, 2000, as **Bike to Work Day.** RECORD S47-1438

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(Continued)

**LAWSUIT: MANESS V. BOARD OF COUNTY COMMISSIONERS**

Reject settlement offer from Attorney Stanley Marable in Larry W. Maness v. Board of County Commissioners of Manatee County, CA 99-2739-CIV-T-23F. RECORD S47-1439

**FLOOD INSURANCE**

Authorize payment of flood insurance premiums to Bankers Insurance Group, \$44,338.

**ENTERPRISE ZONE DEVELOPMENT AGENCY**

R-00-102 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RESCINDING RESOLUTIONS R-00-21 AND R-00-40, AND PROVIDING FOR APPOINTMENTS OF SEATS 1, 2, 3, 5, 6, 11, 12, AND 13 OF THE ENTERPRISE ZONE DEVELOPMENT AGENCY, CORRECTING TERMS OF APPOINTMENTS RECORD S47-1440 (appointing Gwendolyn Y. Brown, Mary Lancaster, Diana Lambert, Joseph Formella; re-appointing Margie Woodson, Lawrence Major, Mary Kelly, James A. Hall and correcting terms of appointments).

**ALZHEIMER'S DISEASE INITIATIVE**

Execute Amendment 1 to the Fiscal Year 1999-00 Funding Agreement for Respite Services with Neighborly Senior Services of Manatee, Inc. changing contract total to \$59,432. RECORD S47-1441

**SHIP HOUSING CONSTRUCTION ASSISTANCE**

Approve SHIP funding assistance exceeding \$25,000 in accordance with Resolution R-96-227 for new construction project under the Local Housing Assistance Plan for SHIP eligible applicant, Patrice Crawford, \$36,322. RECORD S47-1442

**LOCAL HOUSING ASSISTANCE PLAN**

R-00-101 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING RESOLUTION R-97-78, AS AMENDED BY RESOLUTION R-97-125, RESOLUTION R-99-69 AND RESOLUTION R-97-152 TO PROVIDE FOR REVISIONS TO THE LOCAL HOUSING ASSISTANCE PLAN (1997-2000). RECORD S47-1443

**SHIP HOUSING INITIATIVE PARTNERSHIP PROGRAM**

R-00-89 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE ADOPTION OF A **LOCAL HOUSING ASSISTANCE PLAN (2000-03)**; ESTABLISHING THE ESTIMATED COST PER UNIT AND MAXIMUM COST PER UNIT FOR ELIGIBLE HOUSING PARTICIPATION; AND APPROVING TEN PERCENT OF SHIP ALLOCATION FOR ADMINISTRATIVE EXPENSES, CONSISTENT WITH MANATEE COUNTY ORDINANCE 93-22, THE STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM. RECORD S47-1444

**SUMMER FOOD SERVICE GRANT**

- R-00-106 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A GRANT FROM THE FLORIDA DEPARTMENT OF EDUCATION FOR THE 2000 SUMMER FOOD SERVICE PROGRAM FOR CHILDREN (authorize Community Services Director to sign **Manatee County School Board Space Use Application Forms**); RECORD S47-1445
- Execute Florida Department of Education, Food and Nutrition Management, Summer Food Service Program for Children, Application for Participation and Agreement, \$251,063. RECORD S47-1446

**WEST COAST INLAND NAVIGATION DISTRICT**

R-00-93 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING WEST COAST INLAND NAVIGATION DISTRICT PROJECTS AND AUTHORIZING THE CHAIRMAN TO EXECUTE APPLICATIONS FOR: RECORD S47-1447

**Manatee County Navigation Improvement Projects, \$344,961** RECORD S47-1448

**University of Florida Sea Grant Survey, \$38,328** RECORD S47-1449

**Environmental Management Department Navigation Improvement, \$10,000** RECORD S47-1450

**Manatee County Planning Department Miller's Heritage Trail, \$14,000** RECORD S47-1451

**Holmes Beach Police Department Marine Patrol, \$30,786** RECORD S47-1452

**US Coast Guard Auxiliary Flotilla 85 Education & Training Water Safety & Environment, \$2,000** RECORD S47-1453

**SRQ Civil Air Patrol, Civil Air Patrol, \$3,300** RECORD S47-1454

**Gulfcoast Wonder & Imagination Zone, \$2,625** RECORD S47-1455

(authorize execution of all documents appropriate to submission of FY 2000-01 grants and transmittal letter).

**30TH AVENUE WEST**

Execute Change Order 1 to Work Assignment 1 with Richard W. Bass Associates, Inc. for the east segment, increase of \$2,379 and adjusted contract amount \$39,379. RECORD S47-1456

**TAMPA BRAKE & SUPPLY CO., INC. - NAME CHANGE**

Approve, ratify and confirm change of vendor's name for auto parts from Tampa Brake & Supply Co., Inc. to **FleetPride, Inc.**; all terms and conditions remain unchanged. RECORD S47-1457

**1912 CORTEZ SCHOOLHOUSE**

Execute Manatee County Sheriff's Office application to participate in the **Business Trespass Enforcement Program**. RECORD S47-1458

**HERITAGE SOUND/DEVELOPMENT OF REGIONAL IMPACT**

Execute Change Order 2 to Work Assignment 5 with King Engineering Associates, Inc. for transportation consulting services for Heritage Sound Development, increase of \$3,968 and adjusted contract amount of \$41,412. RECORD S47-1459

**DRI PROFESSIONAL SERVICES**

Execute Contracts for Professional Services for Development of Regional Impact and Large Project Review on an as required basis for a period of one year with two, one-year extension options:

- King Engineering & Associates, Inc. RECORD S47-1460
- Post, Buckley, Schuh & Jernigan, Inc. RECORD S47-1461
- URS Greiner Woodward Clyde, Inc. RECORD S47-1462
- Wade-Trim, Inc. RECORD S47-1463

**SURPLUS PROPERTY**

Classify excess property as surplus property per *Florida Statute 274.05* to enable appropriate and authorized disposition of said property in accordance with Purchasing Code 99-37, Section 1.106. RECORD S47-1464

**FLEET MANAGEMENT FACILITY**

Execute Change Order 2 to IFB 98-6544DC with Cumming Construction for facility renovations, increase of \$975 and additional 6 days; revised contract amount \$100,792 and revised completion date of November 26, 1999. RECORD S47-1465

**INSURANCE - THIRD PARTY ADMINISTRATION SERVICES**

Execute Amendment 4 with Corporate Benefit Services of America, Inc. dba Robey-Barber Insurance Services Corporation to incorporate the use of HEALTHware and InfoMiner software, estimated annual cost of \$40,000. RECORD S47-1466

**LIBRARY MATERIALS**

Execute Addendum 5 with Ingram Library Services, Inc. to provide library material during renewal period (5/14/00-5/13/01), not to exceed \$90,000. RECORD S47-1467

**MANATEE GOVERNMENT ACCESS BROADCAST SYSTEM**

Enter into negotiations with top-ranked firm The Whitlock Group for providing a broadcast system.

**EMPLOYEE BENEFIT PLAN**

Approve updated Manatee County Government Employee Health Benefit Plan Document for medical and dental coverage. RECORD S47-1468

**GATOR ASPHALT PAVING, INC. - NAME CHANGE**

Approve, ratify, and confirm the change of contractor's name for road building materials on an as needed basis from Gator Asphalt Paving, Inc. to **APAC-Florida, Inc.**; all terms and conditions remain unchanged. RECORD S47-1469

**MANATEE AGRICULTURAL REUSE SUPPLY**

Execute Change Order 2 to Work Assignment Z13 for engineering services for the Southeast to Southwest Area Reclaimed Water Transmission Main, Phase 3, with Zoller, Najjar, Shroyer, Inc., increase of \$59,665.50, not to exceed \$502,151.50. RECORD S47-1470

**TORO REELMASTER MOWERS**

Authorize sole source purchase of two Toro Reelmaster mowers from Wesco Turf, Inc., \$49,600.

**MULTIFAMILY HOUSING REVENUE BONDS**

**R-00-103** RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE EXTENSION OF THE MATURITY DATE ON THE HOUSING FINANCE AUTHORITY OF MANATEE COUNTY, FLORIDA'S MULTIFAMILY MORTGAGE REVENUE REFUNDING BONDS, 1989 SERIES A (**HAMPTON COURT PROJECT**) WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND PROVIDING FOR AN EFFECTIVE DATE. RECORD S47-1471

and

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(Continued)

**R-00-104** RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE EXTENSION OF THE MATURITY DATE ON THE HOUSING FINANCE AUTHORITY OF MANATEE COUNTY, FLORIDA'S WEEKLY ADJUSTABLE/FIXED RATE MULTIFAMILY HOUSING REVENUE REFUNDING BONDS, 1990 SERIES A (**HARBOUR POINTE PROJECT**) WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND PROVIDING FOR AN EFFECTIVE DATE.

RECORD S47-1472

**DUETTE PARK HARVEST DATES**

Approve hunting dates for harvesting of wild game in Duette Park as required by Resolution R-92-133 for 2000 and 2001 hunting season.

RECORD S47-1473

**PALMA SOLA BOTANICAL PARK - MAY FESTIVAL**

Authorize Palma Sola Botanical Park Foundation to hold the Annual May Fest on May 13, 2000, from 10:00 a.m. to 3:00 p.m. on the Manatee County Nursery property.

RECORD S47-1474

**ROAD AND SEWER ASSESSMENT PROJECTS**

1. Authorize second public hearing on June 20, 2000, at 9:00 a.m., or as soon thereafter as possible, for road and sewer assessment project in Mar-Lee Acres and sewer assessment project in Lychee Acres.
2. Authorize second public hearing on June 6, 2000, at 9:00 a.m., or as soon thereafter as possible, for road assessment projects on 35th Avenue West, 8th Street Court West, 30th Avenue West (Shell Beach) and Memphis Road.

**STATE ROAD 43 (U.S. 301) - COLONY COVE**

Execute Subordinations of County Utility Interests (6) to the Florida Department of Transportation covering parcels 104.19, 106.8, 107.5, 700.2, 701.2, and 801.9 on State Road 43 (U.S. 301, in the Colony Cove area).

RECORD S47-1475

**30TH AVENUE WEST**

1. Execute Contract for Sale and Purchase for a Warranty Deed and a Permanent Slope Easement from Georgia M. Pope for right-of-way required for improvements (26th Street West to 5th Street West), \$11,000.
2. Rescind action (3/28/00) to execute Contract for Sale and Purchase for a Warranty Deed from Ruby M. Warner for right-of-way, Parcel 114, \$66,500.
3. Execute Contract for Sale and Purchase for a Warranty Deed from Dorothy Steffens for right-of-way, Parcel 114, \$66,500; Warranty Deed and Affidavit of Ownership and Encumbrances.

RECORD S47-1477

**15TH STREET EAST**

Accept Warranty Deed from Schmitt Family Partnership for dedication of right-of-way on 15th Street East located south of Whitfield Avenue East; Affidavit of Ownership and Encumbrances; accept Partial Release from Fulton Bank.

RECORD S47-1478

**HAGLE PARK WATERLINE EXTENSION**

Accept a five-foot Utility Easement from Dirk Zaagman, Jr. and Diana L. Nice required to connect to new waterline system on Hagle Park Road; Affidavit of Ownership and Encumbrance; Joinder from Crossland Mortgage Corporation.

RECORD S47-1479

**LOCKWOOD RIDGE ROAD**

Execute Contract for Sale and Purchase for a Warranty Deed and Drainage/Access Easement from the City of Bradenton for 6.62 acres for Floodplain Compensation, \$90,454.

RECORD S47-1480

**MADER ELECTRIC, INC.**

Authorize TEFRA Hearing for May 16, 2000, in connection with changes in the Mader Electric, Inc. Industrial Development Revenue Bond Project.

(End Consent Agenda)

**EMERGENCY MEDICAL SERVICES WEEK**

Mr. Harris read the Proclamation designating May 14-20, 2000, as **Emergency Medical Services (EMS) Week**. Mark Edenfield, Chief of Emergency Medical Services, Jim Hamrick, and Dennis Schnack accepted the Proclamation.

NATIONAL CLEAN AIR MONTH

Mrs. Stein read the Proclamation designating May 2000 as **National Clean Air Month**. Karen Collins-Fleming, Environmental Management Director, accepted the Proclamation and recognized the efforts of Marion Forthoffer and Lucile Mattern who helped develop the handouts.

SOIL AND WATER STEWARDSHIP WEEK

Mrs. Glass read the Proclamation designating April 30 through May 7, 2000, as **Soil and Water Stewardship Week**, which was accepted on behalf of the Manatee River Soil and Water Conservation District.

(Enter Ms. Brown)

DRINKING WATER WEEK

Mrs. Glass read the Proclamation designating May 7-13, 2000, as **Drinking Water Week**. John Zimmerman, Public Works Department, accepted the Proclamation.

NATIONAL BIKE MONTH/BIKE TO WORK DAY

Mr. Bruce read the Proclamation designating May 2000 as **National Bike Month** and May 19, 2000, as **Bike to Work Day**. Dave Holt accepted the Proclamation and noted several planned events.

EMPLOYEE OF THE MONTH

Dan Hopkins, Parks and Recreation Director, announced that **James Cummings**, groundskeeper, was the Employee of the Month for May.

ANIMAL SERVICES ADVISORY BOARD

Karen Windon, Public Safety Director, requested the appointment of one person to fill the vacancy on the **Animal Services Advisory Board**.

Nominations were received as follows:

Laurie Crawford	-	by Ms. Brown
Sally Ann Hackle	-	by Mr. Bruce

**Laurie Crawford** was appointed by majority vote.

HEALTH CARE ADVISORY COMMITTEE

Cheri Coryea, Community Services Department, requested appointment of four people to serve on the **Health Care Advisory Committee** (terms to expire 4/02).

Motion was made by Mr. McClash, seconded by Mrs. Glass and carried unanimously, to reappoint the three incumbents: **Linda Cinque, Edwin Marsh, and Bonnie Plott**.

Nominations were received for the fourth appointment:

Mark Danforth	-	by Mr. Bruce
Maxine Seaburn	-	by Mrs. Stein
Dana Foerster	-	by Mr. Stephens
Dr. Saul Bralow	-	by Mr. Harris

Motion was made by Mr. McClash, seconded by Mr. Bruce and carried unanimously, to close the nominations.

**Dana Foerster** was appointed by majority vote.

2000 VALUE ADJUSTMENT BOARD

Tedd Williams, Jr., County Attorney, requested the appointment of three Commissioners to the **2000 Value Adjustment Board**. Due to amendment of the *Florida Statutes*, the Chairman can appoint a member on a temporary basis in the absence of a regular member.

Upon motion by Mr. McClash and second by Mr. Bruce, the following volunteers, **Amy Stein, Joe McClash and George Harris**, were confirmed and appointed to serve on the **2000 Value Adjustment Board**. The motion carried unanimously.

Mr. McClash volunteered to serve as Chairman and Ms. Brown volunteered to serve as alternate.

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CITIZENS' COMMENTSVillage Green/Wall

Ron Koper, representing Village Green Homeowners Association, discussed the widening of 75th Street and requested construction of a wall for safety, noise abatement, and aesthetic value. He advised this same request was presented to the City of Bradenton, which indicated support. He reported the results of a recent survey of homeowner participation in funding the project.

Discussion: Plans not definite at this time; curb line will determine the distance from residents; provide cost estimates prior to curb set; determination of linear feet involved; 3-lane or 4-lane highway; County will work with City to resolve the issue; etc.

Carl Callahan, City of Bradenton, stated the City would participate.

Briarwood Subdivision

William Wheeler, representing Briarwood Homeowners Association, stated residents in the southern portion of the subdivision are separated from an industrial park by a barbed-wire fence and a few trees. There is no protection from noise or view from the 50 homes to be constructed. He requested that the County aid in obtaining buffering, as the developer, Diamond Homes, is reluctant to respond to the issue. He advised that Diamond Homes is constructing an inadequate sized (15x20-foot) swimming pool for 108 homes and questioned whether the pool meets the specifications of the American Disabilities Act.

SOLID WASTE, YARD WASTE AND RECYCLING COLLECTION

Ernie Padgett, County Administrator, submitted Resolutions:

**R-00-110** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, DESIGNATING AND CREATING ONE (1) SERVICE AREA FOR RESIDENTIAL AND COMMERCIAL COLLECTION OF SOLID WASTE, RECYCLABLE MATERIALS AND YARD TRASH IN ALL UNINCORPORATED PORTIONS OF THE COUNTY; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

and

**R-00-111** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, GRANTING A FRANCHISE TO **WASTE MANAGEMENT INC. OF FLORIDA** FOR RESIDENTIAL AND COMMERCIAL COLLECTION OF SOLID WASTE, RECYCLABLE MATERIALS AND YARD TRASH IN ALL UNINCORPORATED PORTIONS OF THE COUNTY FOR A PERIOD OF EIGHT (8) YEARS, COMMENCING OCTOBER 1, 2000, AND TERMINATING SEPTEMBER 30, 2008, WITH THE OPTION TO RENEW FOR ONE (1) ADDITIONAL TERM NOT TO EXCEED SEVEN (7) YEARS; APPROVING THE FRANCHISE AGREEMENT FOR UNINCORPORATED MANATEE COUNTY; AUTHORIZING EXECUTION OF THE FRANCHISE AGREEMENT; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Padgett referred to charts: (1) Estimate of Savings/Current vs. Negotiated Waste Management Rates and (2) Estimate of Savings/Other Proposals vs. Negotiated Waste Management Rates. Mr. Padgett discussed the current residential and commercial rates, negotiated rates, and savings per year.

Discussion: Service and number of trips; two pick-ups per week for solid waste; one pick-up per week for yard trash (which must be bundled) and recyclables; construction and demolition debris will not be deposited at the landfill; charge for pick-up of white goods; tires will be picked up, but must be separated from solid waste.

David Brangaccio, Public Works Department, advised that the cost to dispose of white goods (refrigerators, freezers, and air conditioners) is higher due to the removal of freon. He noted that the collector will furnish residents one unlimited collection per year at no cost.

Carol Rendon, Public Works Department, clarified the pick-up schedule and stated there is unlimited service with the exception of white goods; i.e., a chair, sofa, etc. would be picked up on scheduled collection days, as well as properly bundled items.

Discussion: Provision for commercial establishments to take advantage of the recycling rates of multifamily or residential; change statute; option needed to target commercial; magnitude of volume from commercial establishments; report from staff regarding options for a non-exclusive franchise award and rates for commercial recyclables; cardboard pick-up will be available at drop-off sites; consideration of early pick-up times; determination of extraordinary collection service; etc.

Maureen Sikora, Assistant County Attorney, stated Florida Statute restricts the ability to grant an exclusive franchise for commercial recycling. Commercial establishments may contract with any company.

Rose Quin-Bare, Waste Management Inc., defined extraordinary collection service as waste covering the entire length of the front of a property, which would fill one-fourth of the truck.

William Wheeler voiced concern that the charge for collecting white goods will encourage citizens to dump white goods in ditches.

Mrs. Stein moved to adopt Resolutions R-00-110 designating one service area for residential and commercial collection of solid waste, recyclable materials, and yard trash within Manatee County; and Resolution R-00-111 granting a franchise to Waste Management Inc. of Florida, for residential and commercial collection of solid waste, recyclable materials, and yard trash within unincorporated Manatee County, effective October 1, 2000, and authorize the Chairman to execute a franchise agreement for unincorporated Manatee County with Waste Management Inc. of Florida, for the purpose of providing solid waste, yard waste, and recycling collection services as needed, subject to receipt of the performance bond. The motion was seconded by Mr. McClash and carried unanimously.

RECORD S47-1481  
S47-1482  
S47-1483

Recess/Reconvene. All members present.

#### ESPLANADE ON THE BAY

Tedd Williams, County Attorney, requested and was granted an opportunity to review the water line repair issue based on additional facts submitted this date from the Esplanade Homeowners' Association.

#### CONSENT AGENDA - PUBLIC HEARINGS

ORDINANCE 00-26 - ELECTRICAL CODE (CONTINUED TO 5/16/00 AT 9:00 A.M.)

Public hearing (Notice in the Bradenton Herald 4/14/00) was opened to consider

ORDINANCE 00-26 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING SECTION 2-6-3 OF THE MANATEE COUNTY CODE OF ORDINANCES RELATING TO ELECTRICAL CODE; ADOPTING THE 1999 EDITION OF THE NATIONAL ELECTRICAL CODE AND LOCAL AMENDMENTS TO SAID CODE; PROVIDING STANDARDS FOR ELECTRICAL CONSTRUCTION IN FLOODPLAIN; PROVIDING FOR ADMINISTRATION OF THE NATIONAL ELECTRICAL CODE; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 00-29 - LAND DEVELOPMENT CODE

Public hearing (Notice in the Bradenton Herald 4/21/00) was held to consider

ORDINANCE 00-29 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED); AMEND CHAPTER 2, DEFINITIONS, AND FIGURE 6-1 OF THE LAND USE CHART, TO ELIMINATE PRINTING ESTABLISHMENTS FROM THE DEFINITION OF LIGHT MANUFACTURING, CREATE NEW DEFINITIONS FOR PRINTING ESTABLISHMENTS, AND ADD THESE NEW DEFINITIONS OF PRINTING ESTABLISHMENTS TO THE USE CHART.

Carol Clarke, Planning Director, advised that this is the first of two public hearings. The second hearing is scheduled for May 23, 2000, at 9:00 a.m., or as soon thereafter as may be heard.

Ms. Brown moved to approve the Public Hearing Consent Items. The motion was seconded by Mr. Harris and carried unanimously.

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(Continued)

ZONING

Public hearings (continued from 4/18/00) were held to consider

LDA-99-01 TWIN RIVER/GAMBLE CREEK L.C.

Approval of a Local Development Agreement to secure development rights and mitigate the drainage (Gamble Creek cleaning), transportation (reconstruction of Golf Course Road Bridge and transportation improvements), infrastructure (sewer connection and upsizing) impacts for a mixed-use development of 550 residential lots, a daycare, and a church, on on 1,224 acres located on the south side of Golf Course Road, east of the Gamble Creek, west of Rye Road, and north of the Manatee River. Present zoning is **A** and **A/CH**.

Planning Commission recommended APPROVAL.

and

PDR-99-02 (Z) (G) (ADVERTISED AS PDR-99-12 (Z) (G) GAMBLE CREEK, L.C./ TWIN RIVER - PDR AND PLAN

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 **A** AND **A/CH** TO **PDR** AND **PDR/CH**; PROVIDING AN EFFECTIVE DATE; APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 550 RESIDENTIAL UNITS, RESIDENTIAL SUPPORT USES (DAY CARE AND CHURCH), AND A PROJECT SALES OFFICE; AND GRANTING SPECIAL APPROVAL FOR A PROJECT WHICH IS LOCATED AT LEAST PARTIALLY WITHIN THE 25-YEAR FLOODPLAIN, COASTAL HIGH HAZARD AREA, COASTAL EVACUATION AREA, AND COASTAL STORM VULNERABILITY AREA.

Planning Commission recommended APPROVAL with Stipulations;

RECORD S47-1484

GRANT Special Approval for (1) a project which is at least partially within the 25-year floodplain, Coastal High Hazard Area, (CH), Coastal Evacuation Area (CEA), and Coastal Storm Vulnerability Area (CSVA) Overlay Districts; and (2) adjacent to a perennial stream;

ADOPT the Findings GRANTING Specific Approval; and

GRANT Specific Approval for alternatives to Section 907.9.4.2 of the Land Development Code.

Aristotle Shinas, Planning Department, submitted the following: (1) proposed updated Stipulations; (2) new Stipulations D.4., F.2., and B.8 revised; (3) revised Section 11.0 of the Local Development Agreement; and (4) letter (5/1/00) from Jack and Kim Liddell. RECORD S47-1485

Referring to a zoning map, Mr. Shinas reviewed the location and the surrounding zoning. He noted that neighbors were concerned with flooding and blockage along Gamble Creek. Referring to a site plan, Mr. Shinas reviewed the project boundary and pointed out areas in the 100-year flood zone, 25-year flood zone and floodway. He noted that the applicant revised the proposal reducing the number of lots from 797 to 550, clustering units, and shifting same out of the flood plain.

Using a slide presentation, he reviewed the proposed Local Development Agreement (LDA-99-01), which is companion to the application for the project, and reviewed the positive and negative aspects of the project as outlined in the staff report. The applicant is requesting a development duration of ten years.

Mr. Shinas recommended approval of PDR-99-02(Z)(G) with denial of Specific Approval for alternatives to Section 907.9.4.2. and inclusion of revised Stipulations:

**A.12** All perimeter residential lots shall be reconfigured to be minimum one-acre lot size adjacent to A zoning.

**B.8** All cul-de-sacs shall not exceed 800 feet in length except for roads M, Q, and T as shown on the plan. Roads M and T shall include a divided section with a 10-foot-wide stabilized median and with turnarounds at approximately 800-foot intervals. Road B, from the project entrance to Road T, and Roads M and T, shall be constructed so as to be above the 100-year flood elevation.

Discussion: 800-foot cul-de-sacs; 100-year flood event would create an isolated area; wetland impact; public safety.



**Caleb Grimes**, representing Gamble Creek L. C., referred to the zoning map and reviewed the surrounding development. Using an aerial map, he noted the project is designed to develop cleared areas and preserve trees and wetlands. Referring to a General Development Plan, he noted the project will have a product mix of home sites from 20,000 square feet to estate-size lots which will be set back at least 800 feet from Gamble Creek and the Manatee River. He advised the developer plans to work with the County to clear Gamble Creek, extend the sewer line to Parrish, and improve the bridge or roadway approaches over Gamble Creek. The Local Development Agreement will allow the developer to obtain a Certificate of Level of Service for six years from issuance with the Preliminary Site Plan or a maximum of seven years.

Mr. Grimes requested **Stipulation A.12** be deleted to retain a uniform clustering and to address drainage concerns. Regarding **Stipulation B.8**, cul-de-sac length, the developer agreed to construct a divided roadway the entire length with a stabilized median, therefore providing two means of access and turnarounds every 800 feet. He advised that the roadways will be constructed above the 100-year flood plain.

Discussion: Review **Stipulations D.4 and F.2**; low density of project; bridge construction participation; wetlands and wooded areas; hurricane shelter stipulation; timing of roadway and bridge improvements; safety issues; Rye Bridge also a flood issue; impact to wetlands; etc.

**Larry D'Urso**, developer, stated that the southern pod of the project will contain 8 to 10 lots ranging in size from 5 to 12 acres.

Laurie Feagans, Public Safety Department, stated without the bridge improvement, evacuation and EMS response time is a concern.

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

Carol Clarke, Planning Director, stated alternative means of access from this project were reviewed, as well as the schedule for Rye Bridge. Inasmuch as the developer agreed to elevate the cul-de-sacs in question and the initial entryway (Road B) above the 100-year flood plain, she withdrew staff objection to deletion of **Stipulation A.12**.

Robert Pederson, Planning Department, read the Finding for Specific Approval for alternatives to **Section 907.9.4.2**:

The cul-de-sacs will exceed 800 feet in length, will include a divided section for the entire length of the roadway, except for a 200-foot section of Road Q in addition to turnarounds at approximately 800-foot intervals. These design features, coupled with the relatively small number of lots served by these cul-de-sacs, serve the public purpose and intent of Section 907.9.4.2 of the Land Development Code.

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 Land Development Code, Mr. Bruce moved to approve **Local Development Agreement LDA-99-01** as modified at this meeting and recommended by the Planning Commission. Motion was seconded by Mrs. Stein and carried unanimously.

RECORD S47-1486

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 adopt Manatee County Zoning **Ordinance PDR-99-02 (Z) (G)**; approve the General Development Plan with Stipulations A.1-A.11, A.13-A.16, B.1-B.9, B.8 (as revised in handout), C.1-C.3, D.1-D.8, D.4 (as revised in handout), E.1-E.9; F.1-F.6, F.2 (as revised in handout); Grant Special Approval for (1) a project which is at least partially within the 25-year flood plain; Coastal High Hazard Area (CH), Coastal Evacuation Area (CEA), and Coastal Storm Vulnerability Area (CSVA) Overlay Districts; and (2) adjacent to a perennial stream; adopt the Findings granting Specific Approval; and Grant Specific Approval for alternatives to Section 907.9.4.2. Motion was seconded by Mrs. Stein and carried unanimously.

RECORD S47-1487

MAY 2, 2000

(Continued)

PDR-99-21(Z) (P) WATEROAK

Mr. Bruce moved to hold the public hearing for **PDR-99-21(Z) (P) WaterOak** on May 23, 2000, at 5:00 p.m. time certain. The motion was seconded by Mrs. Stein and carried unanimously.

REGULATING WATER VESSEL SPEEDS

William Henry, Assistant County Attorney, advised that Ordinance 99-03 does not prohibit water skiing in Warner's Bayou and other similar areas in County waters. Section 5.E. of Ordinance 99-03 allows only slow speed in Areas of Regulated Water Activity as defined in Section A.(2) All county waters within 300 feet (100 yards) from any marina, dock, pier, mooring, seawall, or similar structure, or mangrove fringe. When writing this definition, Mr. Henry was referring to canals and restricted areas of traffic. He stated the slow speed ban in Sections A.(2) and 5.E. is far too restrictive, since boating is a major recreational activity within the County.

Mr. Henry recommended amending Ordinance 99-03 by deleting A.(2) from Section 5.E. He noted that Section 6 provides for applications requesting permission for signage to have idle or slow speed zones either by State offices, or through the County Administrator.

Discussion: Correct scrivener errors in 6.A. and 6.B.; concerns regarding Braden and Manatee Rivers; Ordinance 99-67 addresses airboats only; jet skis on retention ponds; guidelines; all procedures need review; risk to life, limb or personal property; enforcement needs clarification; Marine Patrol should be involved; develop criteria for signage requests; safety issue; exemption process; signage requests to be presented to the Board on a case-by-case basis.

Mrs. Glass moved to allow the County Attorney to set a public hearing to amend Ordinance 99-03. The motion was seconded by Mr. Harris and carried unanimously.

SRQ AVIATION PARKE OF COMMERCE - STREET NUMBERING WAIVER

Vickie Fenton, Planning Department, stated that the property borders Sarasota County, which requires Manatee County to match the Sarasota County grid (Ordinance 85-28). She noted that utilization of numbers would cause confusion for emergency personnel.

Mr. Harris moved to approve the request by developers of SRQ Aviation Parke of Commerce to waive the street numbering requirement within the development. Motion was seconded by Ms. Brown and carried unanimously.

9TH STREET EAST

Mr. McClash expressed concern over payment of excessive right-of-way costs, i.e., of supplementary replacement housing adjustment expense for a lessee to buy a house in another state. He requested a letter be sent to Congressman Dan Miller expressing concerns of the high cost of acquiring right-of-way with the Federal process.

Mr. McClash moved authorization of a supplementary replacement housing adjustment expense to provide a decent, safe and sanitary dwelling for **Sylvestre Alonso** and his family at a cost of \$10,836. Motion was seconded by Ms. Brown and carried unanimously. RECORD S47-1488

COMMISSIONERS' COMMENTSCanal Road and 17th Street East

Ms. Brown repeated a previous request for a traffic signal at Canal Road and 17th Street.

Perico Island Development

Mr. McClash advised he would be attending the City of Bradenton meeting on the Perico Island (Arvida) Development to voice concern of the building height issue and relay the position of the Board. He submitted a computer rendering of comparable building heights and requested that staff attend to address safety and traffic issues.

Peridia Boulevard

Mr. Bruce requested staff to provide an explanation of the unrepaired sidewalk (near the Presbyterian Church) due to water line installation.

Kinnan Elementary - Park Site

Mr. Bruce requested continuance of the pursuit of the property adjacent to the school (at the corner of Tallevast Road and Prospect).

43rd Street West/51st Avenue West Extension

Mr. Stephens relayed a request from Don Schmit for consideration of landscaping in the public right-of-way area.

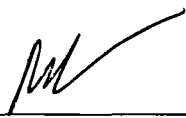
Glenn Lakes and Highland Lakes

Mr. Stephens requested a report from staff to determine whether drought conditions or dewatering on the 53rd Avenue West widening project are affecting the lakes in these subdivisions.

MEETING ADJOURNED

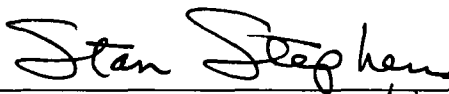
There being no further business, the meeting was adjourned.

Attest:



Clerk

APPROVED:



Chairman 8/1/00

Adj: 2:22 p.m.  
/njh

