

JUNE 6, 2000

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, June 6, 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
Amy Stein

Absent was: George Harris (illness)

Also present were:

Ernie Padgett, County Administrator
Tedd Williams, Jr., 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.

CONSENT AGENDA

Upon motion by Mr. McClash and second by Mr. Bruce, the Consent Agenda dated June 6, 2000, was approved 5 to 0, incorporating the language as stated in the recommended motions in the agenda memoranda with changes as follows: (1) Eminent Domain: Lockwood Ridge Road (separate action); (2) Outside Counsel: Ajax Paving Industries (separate action); and (3) 28th Street Court East - Heidi Boothe (deleted). Items APPROVED:

CLERK'S CONSENT CALENDAR

BONDS

Accept:

Time Warner Communications

Franchise Bond - Replacement Franchise Bond, \$46,000 (8S10064830200010, Travelers Casualty and Surety Company of America) replaces existing bonds (100648302-93-090 and 100648302-96-168) that covered Paragon Communications d/b/a Paragon Cable d/b/a Time Warner and Cablevision Industries of Florida, Inc., d/b/a Time Warner.

Tara, Phase III

1. Agreement with Tara-Manatee, Inc., guaranteeing completion of required improvements for tree removal (\$78,013).
2. Performance Bond: \$78,013 (Letter of Credit 3023059, Bank of America with Amendment 1 amending language in Paragraphs 2 and 3).

River Club South, Phase IV

1. Agreement with Manatee Joint Venture, guaranteeing completion of required sidewalks and bikeways (\$13,180.44).
2. Performance Bond: \$13,180.44 (Letter of Credit S00-20, Republic Bank).
3. Defect Security: \$125,598 (Amended Letter of Credit S98-09, Republic Bank).

Greenfield Plantation, Phase I

Amendment 2 to Letter of Credit T521928, Bank of America, reducing the amount from \$77,242.42 to \$12,155 and extending expiration date to February 10, 2003.

Lakewood Ranch Country Club Village, Subphase D, Unit 3-A (aka Gleneagles)

Agreement with SMR Communities Joint Venture, guaranteeing required improvements for final lift of asphalt (\$10,326.23).

Mill Creek, Phase V-B

1. Agreement with Manatee Joint Venture, guaranteeing completion of required sidewalks and bikeways (\$36,649.60).
2. Performance Bond: \$36,649.60 (Letter of Credit S00-21, Republic Bank).

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Release:**River Club South, Phase IV**

1. Agreement with Manatee Joint Venture, guaranteeing completion of required sidewalks and bikeways (\$80,301).
2. Performance Bond: \$80,301 (Letter of Credit S97-37, Republic Bank).

Lakewood Ranch Country Club Village Subphase D, Unit 3-A (aka Gleneagles)

Agreement with SMR Communities Joint Venture, guaranteeing required improvements (\$10,326.23).

Mill Creek, Phase V-B

1. Agreement with Manatee Joint Venture, guaranteeing completion of required sidewalks and bikeways (\$73,586.50).
2. Performance Bond: \$73,586.50 (Letter of Credit S-99-15, Republic Bank).

REFUNDS

Piccadilly Cafeteria - Sewer Rebate \$6,471.25
Stanley Riggs - Pre-application fees \$52.00

WARRANT LIST

Approve: May 23, 2000 through June 5, 2000
Authorize: June 6, 2000 through June 19, 2000

MINUTES

February 15, 2000

AUTHORIZE CHAIRMAN TO SIGN**Satisfaction of Judgment:**

Charles Riggs, Case 00-274JD

Partial Releases of Special Improvement Assessment Liens:

Projects: 3004/2507; 3007/2508; 3009/5147(4); 3100/2509/5152;
3101/5151; 5043; 5062; 5080; 5147; 5151; 5193

ACCEPT

Lakewood Ranch Community Development Districts - Approved minutes of the Board of Supervisors of the Lakewood Ranch Community Development District 1 meeting held on April 6, 2000; and Districts 2 and 3 held on April 2, 2000.

Tampa Bay Estuary Program Audit Report - for period ending September 30, 1999.

APPROVE, RATIFY AND CONFIRM**Parks and Recreation Special Interest Classes Instructors' Agreements**

Jennifer Haughey - Ballet, Jazz, Tap and Modern Dance S47-1567
Melanie Dan - Kid Kick Karate and Karate S47-1568
Nancy Cothron - Volleyball S47-1569
Rebecca Moeller - Low/High Impact Exercise Class S47-1570
Georgie Mygrant - Low Impact Exercise Class RECORD S47-1571

AUTHORIZE FEE WAIVER (PUBLIC WORKS)

Waive fee (\$30) for James B. Stephens due to stolen mail.

COUNTY ADMINISTRATOR**PROCLAMATIONS**

1. Adopt Proclamation designating June 17, 2000, as **Let's Celebrate Father's Day.** RECORD S47-1572
2. Adopt Proclamation designating the week of June 3-10, 2000, as **National Homeownership Week.** RECORD S47-1573

GOVERNOR'S MENTORING INITIATIVE

R-00-119 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, COMMENDING THE GOVERNOR'S MENTORING INITIATIVE FOR GENERATING NEW RESOURCES AND FURTHER CULTIVATING THOSE EXISTING RESOURCES IN COMMUNITIES THROUGHOUT FLORIDA TO ASSIST IN PROVIDING ADDITIONAL OPPORTUNITIES FOR ALL STUDENTS TO EXCEL IN EDUCATIONAL ACHIEVEMENT. RECORD S47-1574

CLAIM SETTLEMENTS

1. Authorize settlement of the claim of William Richardson for \$25,000, resulting from an accident involving a county vehicle.
2. Authorize settlement of the claim of Robbin Tamer for \$12,000, resulting from an accident involving a county vehicle.

MANATEE AGRICULTURAL REUSE SYSTEM (MARS) - LOBBYING SERVICES

Authorize County Attorney to:

1. Execute a Release Agreement terminating contract with The Dutko Group; and RECORD S47-1575
2. Execute a letter contract with Morgan Meguire L.L.C., \$9,000 per month, plus expenses (through November 15, 2000). RECORD S47-1576

MEALS ON WHEELS PLUS, INC.

Execute FY 1999-00 non-profit agency funding agreement (4/1/00-6/30/00) with Meals on Wheels Plus, Inc., not to exceed \$12,608 to provide **Adult Day Care** for the Community Care for the Elderly Program. RECORD S47-1577

TRANSIT TRANSFER STATION (CORTEZ PLAZA VICINITY)

R-00-127 A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE EXECUTION OF THAT CERTAIN JOINT PARTICIPATION AGREEMENT (JPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION RECORD S47-1578
 (Execute three-year JPA with the Florida Department of Transportation, \$255,000, (10/01/00-9/30/03) to develop an **intermodal transfer facility** in the vicinity of Cortez Plaza.) RECORD S47-1579

FLORIDA KIDCARE OUTREACH CONTINUATION PLAN

Authorize Community Services Director to sign the Florida Department of Health 2000-2001 **Florida Regional Kidcare Outreach Project Continuation Plan.** RECORD S47-1580

HOME RENOVATIONS

Execute contracts for home renovations with contractors in accordance with Resolution R-96-227:

1. Kendar Homes, Corp., for **Latrese Wright**, 914 25th Street East, Palmetto, \$28,449.85. RECORD S47-1581
2. Precision Construction Enterprises, Inc., for **Ethel Hart**, 126 21st Street West, Palmetto, \$30,591. RECORD S47-1582
3. Precision Construction Enterprises, Inc., Amendment 1 for **Carol Jean Thompson**, 27702 Crosby Road, Myakka City, for an increase of \$2,140.02. RECORD S47-1583

LOCAL HOUSING ASSISTANCE PLAN

Approve funding assistance exceeding \$25,000 in accordance with Resolution R-96-227 (Alternative Procurement Procedures) for new construction projects under the Acquisition Demolition Construction Strategy of the Local Housing Assistance Plan for applicant **Diana Cruz**, \$34,534.

POLLUTANT STORAGE TANKS

Execute Amendment 1 to Contract GC544 with the Department of Environmental Protection, for the Pollutant Storage Tank Contract to modify the Scope of Services. RECORD S47-1584

ANNA MARIA ISLAND BEACH RENOURISHMENT PROJECT

Execute Addendum Number 1 with Marlowe & Company, for professional governmental affairs consulting services for beach renourishment project (6/01/00-5/31/01), increase of \$36,000, total not to exceed \$72,000. RECORD S47-1585

ARTIFICIAL REEFS - MATERIAL PLACEMENT

Authorize issuance of Change Order 1 to Purchase Order P0001649 with Coastal Reef Builders, Inc., increase of \$20,314 for adjusted total, \$45,290.

AUDITING SERVICES

Execute Letter of Engagement with Shinn & Company, P.A. and Valiente Hernandez, P.A., for auditing services for Fiscal Year ending September 30, 2000, \$223,000; Fiscal Year ending September 30, 2001, \$223,000; and, Fiscal Year ending September 30, 2002, \$230,000. RECORD S47-1586

BEACH RENOURISHMENT

Execute Addendum 3 to extend Agreement for engineering consulting services for beach renourishment with Coastal Planning & Engineering, Inc. (6/10/00-6/09/01). RECORD S47-1587

BELT FILTER PRESSES

Execute Final Change Order 2 to IFB 97-3809DC with Beach Construction Co., Inc., decrease of \$50,000 and adjusted contract amount of \$2,003,020. RECORD S47-1588

BUDGET AMENDMENTS

Various Departments (B-00-025)
 Transfer of Funds; Unanticipated Revenue Appropriations
 Supporting description and detail attached RECORD S47-1589
Various Departments (B-00-026)
 Transfer of Funds; Unanticipated Revenue Appropriations
 Supporting description and detail attached RECORD S47-1590

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(Continued)

MATERIALS AND SERVICES

1. **Commuter Vans (2)** - Purchase via State Contract from R. D. Ward, Inc., \$52,450.
2. **Diesel-Powered By-Pass Pump** - Award IFB 99-4002MP, eight-inch trailer-mounted pump to the lowest responsive, responsible bidder, Acme Dynamics, Inc., for \$29,952.
3. **Toro Groundmaster Mowers (2)** - Purchase via State Contract from Wesco Turf, Inc., \$30,722.30.
4. **Waste Tire Removal** - Award IFB 00-6255MP to the lowest responsive, responsible bidder, Modern Recycling Inc. of Florida, at \$63 per ton, on an as-required basis, estimated annual cost \$56,700.

FORCE MAIN

Execute Change Order 2 to Work Assignment M-5, with McKim & Creed, Inc., for engineering services to rehabilitate and/or replace force main 15D, an increase of \$23,900, for a total of \$185,930. RECORD 847-1591

INDIGENT CARE PROGRAM

Authorize negotiations with the top-ranked firm, Christopher, Smith, Leonard, Bristow, Stanell & Wells, P.A., to provide audit services with Manatee Hospitals and Health Services.

LIBRARY MATERIALS

Execute Addendum 4 to Agreement with Bell & Howell Information and Learning Company, for renewal period (5/14/00-5/13/01), \$40,000; and effect a corporate name change from: UMI, Inc. to Bell & Howell Information and Learning Company. RECORD 847-1592

PUMPS AND VARIABLE FREQUENCY DRIVES

Execute Change Order 1 to Work Assignment 6 with Parsons Engineering Science, Inc., for construction of new pumps and variable frequency drives for three lift stations (39A, Tidevue4, N1B), increase of \$42,768, total of \$104,114. RECORD 847-1593

SUMMER FOOD PROGRAM

Award IFB 00-6831MP, to the lowest responsive bidder, G. A. Food Service, Inc., \$186,443.84; and simultaneously execute contract and date performance/payment bond and acceptance of insurance certificate. RECORD 847-1594

PUBLIC SAFETY COMPLEX - VAV CONTROL BOXES

Approve, ratify and confirm Change Order 1 to Purchase Order PO001255 to Advanced Automation Systems, Inc., for an additional \$3,875 for inclusion of HVAC system air flow safety switches Hensley Public Safety Complex.

LGB CRAWLER TRACTOR DOZERS

Authorize return of two dozers, Asset Numbers 36092 and 36173, to Ringhaver Equipment Company in accordance with terms and conditions of IFB 97-1746SV, Total Cost Agreement, for a total amount of \$270,000.

LAW ENFORCEMENT TRUST FUND

Authorize the Sheriff's Office to expend \$131,640 from the Law Enforcement Trust Fund for photo image system, computer upgrades, crime prevention table top display, SWAT less lethal ammunition, speed monitoring awareness radar, 2 Belgian Malinois K-9s.

BOTANICAL GARDEN

R-00-137 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING A LEASE OF CERTAIN COUNTY PROPERTY WITH THE PALMA SOLA BOTANICAL PARK FOUNDATION (Authorizing use of County-owned property at 1603 99th Street Northwest for development of a botanical garden; **rescinding** Resolution R-96-231). RECORD 847-1595

FINAL PLATS**DeBaylo Subdivision**

1. Final Plat.
2. Notice to Buyer.
3. Agreement to defer completion of required sidewalks with George J. DeBaylo, Jr. RECORD 847-1596

Spring Forest Office Park

1. Final Plat.
2. Mortgagee's Joinder in Declaration Only from First National Bank and Trust.
3. Mortgagee's Joinder and Consent, First National Bank and Trust.
4. Agreement with Spring Forest Office Park, Inc., guaranteeing completion of required sidewalks and bikeways (\$4,615).
5. Performance Bond: \$4,615 (Surety Bond 00741220254802, Auto-Owners Insurance Company).

6. Agreement with Spring Forest Office Park, Inc., guaranteeing completion of required improvements and temporary construction easement (\$42,668.57).
7. Performance Bond: \$42,668.57 (Surety Bond 00741220254800, Auto-Owners Insurance Company).
8. Conservation Easement from Spring Forest Office Park, Inc.

RECORD S47-1597

9. Declaration of Covenants, Conditions, Restrictions and Easements for Spring Forest Office Park.

Stanhope Gate

1. Final Plat.
2. Notice to Buyers.
3. List of Holdings.
4. Maintenance Program.
5. Fiscal and Budgetary Information.
6. Agreement with Pacific Equity Associates, guaranteeing completion of required improvements and temporary construction easement for private improvements (\$9,419.20).
7. Performance Bond: \$9,419.20 (Letter of Credit 9938, SunTrust Bank).
8. Declaration of Restrictions for Stanhope Gate.

44TH AVENUE EAST - ROAD ASSESSMENT

SUNNY SHORES - CANAL DREDGING ASSESSMENT

Set second public hearings on August 1, 2000, at 9:00 a.m. for Road Assessment Project 6000960 on **44th Avenue East** and Canal Dredging Assessment Project 6022900 in **Sunny Shores.**

MOTE RANCH

Execute Participation Agreement with Lennar Mote Ranch, Ltd., to oversize potable water mains to serve Phases I and II of the Mote Ranch Subdivision Development, not to exceed \$65,513.75.

RECORD S47-1598

SAMOSET - ROAD ASSESSMENT

R-00-117 A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR ROAD ASSESSMENT PROJECT 5147, **SAMOSET**

(combine parcels owned by **Madeline Shinkle** and **Madeline Benson**; add parcel owned by **E. Lawson** and **Glenda Rudd**). RECORD S47-1599

REFUNDS

1. Refund \$2,286 to AMI Holdings, Inc., facility investment fee.
2. Refund \$5,798.17 to Fultz Construction Co., Inc., facility investment fee.
3. Refund \$880.44 to Delta Southern Incorporated, deposit applying to final bill.

SERVICE FEE WAIVERS

Authorize waiver of service fees assessed to various utility customers for returned bank items:

Champ Sports	\$40.00	Arthur Harris	\$30.00
Goodyear Service	\$30.00	Robert Ryan	\$30.00
Patricia Shahinian	\$30.00	Brian Young	\$30.00
Waste Management	\$40.00	John Young	\$25.00
Weiswaste, Inc.	\$30.00		

DEEDS AND EASEMENTS

1. **30th Avenue West** (26th Street to 5th Street West) - Warranty Deed from Georgia M. Pope for right-of-way; Affidavit of Ownership and Encumbrances; and Permanent Slope Easement; Partial Release and Joinder from Bruce J. Love. RECORD S47-1600
2. **Day Spring Conference Center** (25th Street East at Wellon Ranch Road, FSP-98-08) - Utility Easement and Affidavit of Ownership and Encumbrances from Diocese of Southwest Florida, Inc., for water meter access. RECORD S47-1601
3. **Lockwood Ridge Road** - Warranty Deed, Drainage/Access Easement, and Affidavit of Ownership and Encumbrances from City of Bradenton for floodplain compensation site. RECORD S47-1602
4. **Rowlett Elementary School** - Drainage Easement and Affidavit of Ownership and Encumbrances from School Board of Manatee County for access, construction and maintenance of drainage ditch. RECORD S47-1603

30TH AVENUE WEST

Execute Contract for Sale and Purchase for a Warranty Deed from Thomas Bell, Jr. and Ella L. Bell for right-of-way (26th Street West to 5th Street West), \$85,008; Warranty Deed from Thomas Bell, Jr. and Ella L. Bell; Affidavit of Ownership and Encumbrances. RECORD S47-1604

44TH AVENUE EAST

Execute Contract for Sale and Purchase for a Warranty Deed from Carl E. and Betty Johnson for right-of-way for road-widening project from U.S. 41 to 15th Street East, \$59,000; Warranty Deed from Carl E. and Betty Johnson; Affidavit of Ownership and Encumbrances. RECORD S47-1605

LOCKWOOD RIDGE ROAD

Execute Contract for Sale and Purchase for a Warranty Deed from Wendell H. Cooper for right-of-way required for improvements from University Parkway to Tallevast Road, \$84,522; Warranty Deed from Wendell H. Cooper; Affidavit of Ownership and Encumbrances. RECORD S47-1606

ORDINANCE 00-39 - NO PARKING

Set public hearing (6/20/00) to consider **Ordinance 00-39** regulating stopping, standing or parking on **75th Street West** and **Mangrove Point Road** (deleting a portion of **18th Street East**).

STATE ROAD 70 - HIGHWAY LANDSCAPING

R-00-120 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A HIGHWAY LANDSCAPING INSTALLATION AND MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR STATE ROAD 70, SECTION 13160, BETWEEN MILEPOST 4.188 AND 4.325 (replacement landscape buffer on the south side of S.R. 70 near the Fairway Gardens Condominiums at Tara; and authorize the Transportation Department to pay to add this area to the annual bid for roadway landscaping maintenance services). RECORD S47-1607

STREET VACATIONS**Lakeside Trailer Town Subdivision**

R-00-11-V RESOLUTION DECLARING A PUBLIC HEARING ON JUNE 27, 2000, AT 9:00 A.M., OR AS SOON THEREAFTER AS SAME MAY BE HEARD, TO CONSIDER APPLICATION BY VILLA DEL SOL ASSOCIATES, L.P. TO VACATE A PORTION OF THE PLAT OF LAKESIDE TRAILER TOWN SUBDIVISION PLUS A PORTION OF 16TH STREET COURT EAST. RECORD S47-1608

Phillips and Allen Resubdivision

R-00-49-V RESOLUTION DECLARING A PUBLIC HEARING ON JUNE 27, 2000, AT 9:00 A.M., OR AS SOON THEREAFTER AS SAME MAY BE HEARD, TO CONSIDER APPLICATION BY CHEROKEE CREEK LIMITED, INC., JOINED BY BUFFALO-GREENBRIAR ASSOCIATES, LLC, AND WR-1 ASSOCIATES, LTD. TO VACATE A PORTION OF THE PLAT OF PHILLIPS AND ALLEN'S RESUBDIVISION (60TH AVENUE EAST). RECORD S47-1609

SHERIFF - FARM AND LIVESTOCK OPERATIONS

R-00-143 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SHERIFF OF MANATEE COUNTY TO ENTER INTO EXCHANGE AGREEMENTS FOR SUPPLIES AND COMMODITIES AND SHORT-TERM LICENSE AND LEASE AGREEMENTS TO FACILITATE FARMING AND LIVESTOCK OPERATIONS THAT SUPPLY FOOD AND FOODSTUFFS TO THE MANATEE COUNTY STOCKADE, MANATEE COUNTY DETENTION CENTER, AND THE HENSLEY PUBLIC SAFETY COMPLEX IN MANATEE COUNTY, FLORIDA.

(End Consent Agenda)

RECORD S47-1610

POLICE MEMORIAL - TIME CAPSULE

Motion was made by Mrs. Glass, seconded by Mr. McClash and carried 5 to 0, to allow the Manatee County Sheriff's Office to bury a time capsule for ten years, marked by a monument, near the Police Memorial in front of the Courthouse.

PROCLAMATIONS**Let's Celebrate Fathers Day**

Mr. Bruce presented a Proclamation designating June 17, 2000, as **Let's Celebrate Fathers Day** to Brenda Rogers, Agriculture and Natural Resources Director.

National Home Ownership Week

Karen Jackson-Sims, Housing and Urban Development, accepted a Proclamation designating June 3-10, 2000, as **National Home Ownership Week**.

EMPLOYEE OF THE MONTH

Larry Mau, Transportation Director, presented a plaque to **John Gaskins, Sr.**, Traffic Signal Technician, as the June 2000 Employee of the Month. (Enter Ms. Brown)

CITIZENS' COMMENTSPerico Island (Arvida) Development

Speaking against the recently approved development (in the City of Bradenton) were: **Dan Lobeck**, attorney representing Manasota 88; **Mayor Gail Cole**, Bradenton Beach; **Ken Crayton**; **Jay Hill**; **Wilhelmina McFee**; **Mayor Carol Whitmore**, Mayor of Holmes Beach; and **Nick Baden**.

University Parkway

David Johnson spoke in favor of increased and improved street signage along University Parkway.

Golfe Pointe Drive

Herbert Quinn thanked the Commission for the pedestrian light at the intersection of Whitfield Avenue and Golfe Pointe Drive (action later in the meeting).

San Remo Shores

Robert Barry spoke against the proposed dredging project for San Remo Shores (action later in the meeting).

PERICO ISLAND (ARVIDA) DEVELOPMENT

Tedd Williams, County Attorney, advised that County and City of Bradenton staff have met to discuss the City approval (5/10/00) of the Perico Island (Arvida) development.

Carol Clarke, Planning Director, stated that the site plan was amended to eliminate the commercial portion of the development.

Norm Luppino, Planning Department, stated the project has been redesigned. The ten-story buildings have been relocated and three-story buildings have been added on the perimeter of the project. Some of the building types have changed and the boulevard (in the access area) has been extended northward to the emergency access intersection.

The required zoning was not in place when the project was approved but Ms. Clarke stated that the Planning Director of the City advised that based on rules of the City, PDP was the only zoning for that project.

Discussion: Which Comprehensive Plan prevails; review City Comprehensive Plan amendment by Department of Community Affairs (DCA) and whether the process was flawed; review by DCA of the Plan Amendment after adoption by the City; DCA's intent to find the amendment in compliance; action being taken against the City and DCA; plan amendment process through DCA; County staff would have recommended lower building heights; concerns brought up at time of annexation of Perico Island by City of Bradenton; affect on evacuation and clearance times on Manatee Avenue; annexation not challenged; etc.

The County Attorney addressed: (1) intervention; and (2) filing a verified complaint. He indicated there was little chance of success in taking action against the project. A challenge could be mounted against the procedural irregularities that occurred in approval of the project; however, existing evidence supports the development.

Discussion: The three island cities are part of the intervention; City and County densities approximately the same; building heights not prohibited by the Comprehensive Plan; dialogue among City and County governments and litigation may work against it; etc.

Motion was made by Mr. McClash, and seconded by Mrs. Stein, to go forward with the verified complaint.

Discussion: Intervention forces mediation; governmental dispute statute does not apply to Chapter 120 proceedings (intervention); Chapter 120 provides for voluntary mediation.

The motion typed (3-3) with Mr. McClash, Mrs. Stein and Mr. Bruce voting aye, and Mr. Stephens, Mrs. Glass and Ms. Brown voting nay.

Recess/Reconvene. All members present, except Mr. Harris.

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(Continued)

(Gavel to Ms. Brown, presiding)

Motion was made by Mr. Stephens to intervene in the pending Chapter 120 hearing (Comprehensive Plan administrative challenge) along with the cities of Holmes Beach, Bradenton Beach and Anna Maria. The motion was seconded by Mrs. Stein and carried 6 to 0.

(Mr. Stephens presiding)

CONSENT AGENDA - PUBLIC HEARINGS

Public hearing (Notice in the *Bradenton Herald* 5/10/00) was held to consider

ROAD ASSESSMENT PROJECT - 8TH STREET COURT WEST AND 30TH AVENUE WEST (SHELL BEACH)

8th Street Court West from 29th Avenue West, south 830 feet and 30th Avenue West from 10th Street West, west 640 feet to 31st Avenue West.

and

R-00-55 A RESOLUTION CONFIRMING ADOPTION OF A SPECIAL ROAD ASSESSMENT ROLL AND ESTABLISHING SPECIAL ASSESSMENT LIENS FOR ROAD ASSESSMENT PROJECT 6033360 ON **8TH STREET COURT WEST AND 30TH AVENUE WEST (SHELL BEACH)**. RECORD S47-1611

Public hearing (Notice in the *Bradenton Herald* 5/10/00) was held to consider

ROAD ASSESSMENT PROJECT - 35TH AVENUE WEST

35th Avenue West from 32nd Street West, west 650 feet to deadend.

and

R-00-53 A RESOLUTION CONFIRMING ADOPTION OF A SPECIAL ROAD ASSESSMENT ROLL AND ESTABLISHING SPECIAL ASSESSMENT LIENS FOR ROAD ASSESSMENT PROJECT 6034260 ON **35TH AVENUE WEST**. RECORD S47-1612

Public hearing (Notice in the *Bradenton Herald* 5/10/00) was opened to consider

ROAD ASSESSMENT PROJECT - MEMPHIS ROAD

Memphis Road from Seaboard Airline Railroad, south 200 feet to edge of pavement at the intersection of Memphis Road (aka 17th Street East) and 28th Avenue East (aka Oakhurst Road) from Seaboard Airline Railroad, east 860 feet to edge of pavement.

and

R-00-57 A RESOLUTION CONFIRMING ADOPTION OF A SPECIAL ROAD ASSESSMENT ROLL AND ESTABLISHING SPECIAL ASSESSMENT LIENS FOR ROAD ASSESSMENT PROJECT 6010062 ON **MEMPHIS ROAD**. RECORD S47-1613

Mr. Stephens stated **Bill Vickers** questioned whether other property owners on Memphis Road are participating in the assessment project.

Janet McAfee, Project Management Director, stated there are only four parcels that front the unpaved portion of the roadway. The assessment is for asphalt only.

Upon motion by Ms. Brown, second by Mr. Bruce, Resolutions **R-00-55**, **R-00-53**, and **R-00-57** were adopted.

ZONING

Public hearing (continued from 5/23/00) was held to consider

PDR-99-21(Z) (P) RALEIGH EDWARD TRUST/WATER OAK

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, (ORDINANCE NO. 90-01 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **RDD-4.5/WP-E/ST** TO **PDR/WP-E/ST**; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 163 SINGLE-FAMILY DETACHED LOTS, AND GRANTING SPECIAL APPROVAL FOR A PROJECT LOCATED IN THE WATERSHED PROTECTION OVERLAY DISTRICT; ON 60.2 ACRES AT THE NORTHWEST CORNER OF LINGER LODGE ROAD AND BRADEN ROAD (AKA 65TH AVENUE EAST)

Planning Commission recommended APPROVAL with 14 Stipulations;

Staff recommended additional Stipulations;

RECORD S47-1614

GRANT Special Approval for a project located in the Watershed Protection Overlay District;

ADOPT the Findings for Specific Approval; and

GRANT Specific Approval for an alternative to Section 907.9.1.3 of the Land Development Code.

Robert Pederson, Planning Department, submitted a letter from **Kenneth and Carolyn Theobald** opposing the project and a letter from the developer, **David McNabb**, responding to concerns of the City of Bradenton. Mr. Pederson provided a graph depicting the yearly water levels at the Evers Reservoir. County and City staff met (6/5/00) and concluded that this development, because of design and location, would not have an adverse impact on the Reservoir for the City of Bradenton.

Bill Merrill, representing the applicant, displayed a revised site plan depicting increased buffer along Lincoln Road. He also displayed a bar graph comparing the average lot size with Marineland and other area developments. He stated the second access to Water Oak has been replaced with a double boulevard onto Linger Lodge Road. Regarding proposed fencing, he offered **Stipulation (Stipulation 18)**:

A 6-foot high opaque fence shall be constructed along the southern 400 feet of Lincoln Road where Lincoln Road abuts the Water Oak subdivision, as part of Phase I construction.

In response to concern regarding the density adjacent to Marineland, Mr. Merrill referred to the Plan View and offered another **Stipulation (Stipulation 17)**:

The Preliminary Site Plan shall be amended to reflect the changes shown on the Plan View with proposed increased buffer along Lincoln Road.

Referring to a graph showing comparative densities of other subdivisions, with Water Oak being less, Mr. Merrill offered **Stipulation 16**:

Any gaps in the existing native plant communities along the southern 400 feet of Lincoln Road, where Lincoln Road abuts the Water Oak subdivision, will be planted with one Oak tree 10- to 12-feet high x five-foot spread, 2½-inch circumference staggered every 30 feet with 10-gallon Myrtles staggered every 5 feet, with one 3-gallon Myrtle between each pair of 5-gallon Myrtles. In the alternative, if feasible, larger onsite Myrtles will be moved and planted in the gaps in lieu of the above.

Mr. Merrill addressed drainage concerns, water retention, quality of water run-off and elimination of existing pollutant source.

Dan Lobeck, attorney representing several Marineland residents, pointed out incompatibilities and requested density be reduced adjacent to Marineland. He questioned whether the developer would replace vegetation after removing exotics in the buffer area. Other concerns are water retention and water flow from Lincoln Road. He stated that the residents may withdraw opposition if some lots are eliminated and the project is set back further from Lincoln Road.

Discussion: Increased retention on the site mitigating stormwater problem; whether berm would act as a dam; interference with natural flow of water into the Reservoir; Stipulation from May 23, 2000, regarding drainage; etc.

Speaking in opposition to the project were: **Anna Fraker** (submitted a letter from a Realtor); **Michael Johnson** (submitted a list of people he represented); and **James Holmes**, who displayed aerial photos depicting flooding problems in the Marineland neighborhood. Mr. Holmes also submitted photographs of heavy construction machinery operating in River's Edge Subdivision (adjacent to the river) and stated that the flooding is exacerbated by the construction.

Peter Dailey, representing several Marineland residents, stated that 47 lots in the proposed project are in the floodplain and noted that development will require substantial fill. Lot density and flooding are serious concerns to the Marineland homeowners.

Recess/Reconvene. All members present, except Mr. Harris.

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(Continued)

Mr. Pederson handed out **Stipulations 16, 17, 18 and 19**, three of which were submitted by Mr. Merrill. Another Stipulation previously referenced and agreed to by the developer was **Stipulation 15**:

All construction traffic shall access the site from Linger Lodge only. RECORD S47-1615

Jerome Gostkowski, Planning Department, discussed the Stipulations dealing with water flow: **Stipulation 19**, which allows for flow-through of water; and **Stipulation 12**, calling for staged construction to retain drainage on site. He stated flooding from flood events will remain the same; additionally, improvements to roadside drainage will not be a solution to flooding.

Discussion: Placement of elevated structures in a floodplain; engineering analysis of water elevation during times of flooding; need for a "no-rise" certificate.

Sia Mollanazar, Transportation Department engineer, explained that a floodway cannot be obstructed; however, water can be allowed onto surrounding area, which is the floodplain. These areas are designated by the Federal Emergency Management Agency (FEMA). Changes within the floodplain area can be made through cut-and-fill as long as a balance is maintained.

Mr. Stephens submitted a memorandum from **City Councilman Gene Gallo** to Mayor Wayne Poston and the City Council stating no objection to the project.

On rebuttal, Mr. Merrill addressed the concerns of buffer size, density, and buffer vegetation. He referred to photographs depicting the buffer area and plant density. Regarding the fence, he offered additional language to **Stipulation 18**:

Such fence shall be a minimum of 10 feet off the existing western property boundary line.

Mr. Merrill showed photographs of the homes on Lincoln Road abutting the project and pointed out that the lots are smaller (on average) than the lots in the proposed subdivision. The developer offered to eliminate the berm.

Ralph Rhodes, engineer for the project, stated that the berm was added for aesthetic reasons and the accompanying elevation could be eliminated to make an elevation no higher than the existing road, removing any impediment to waters that might flow across the roadway. He stated that lowering the elevation would improve the drainage along Lincoln Road during high water levels.

Discussion: Current zoning allows up to 90 duplexes on the site; preference for quality development; compatible developments; etc.

Mr. Lobeck addressed visual impacts by eliminating the berm.

Discussion: Elimination of berm; mitigation of visual impact through additional landscaping and a fence; need for additional language to cover landscaping along entire Lincoln Road frontage; need for language regarding removal of berm; additional language to address water flow.

The public hearing was continued to later in the meeting.

LOCKWOOD RIDGE ROAD

Settlement Agreement - Manatee Fruit Company

Ernie Padgett, County Administrator, submitted a settlement agreement with Manatee Fruit Company for the extension of Lockwood Ridge Road. The amount of the settlement is \$1,162,078, which includes \$60,000 in attorneys' fees and \$42,000 in expert witness fees.

Upon motion by Mrs. Glass and second by Mr. Bruce, the settlement as outlined in the memorandum was approved 6 to 0. RECORD S47-1616

Eminent Domain - Manatee Fruit Company

Maureen Sikora, Assistant County Attorney, stated that the Resolutions regarding eminent domain are necessary as the deed conveying the property to Manatee Fruit Company contained an outstanding reservation of one-half of the oil and gas rights, which were held by a previous owner. Additionally, there are easements to Florida Power and Light Company, Florida Gas Transmission and another access easement.

Upon motion by Mr. McClash and second by Mrs. Stein, the following Resolutions were adopted 6 to 0:

R-00-123 A RESOLUTION OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, WIDENING OR IMPROVING A PUBLIC STREET, ROAD OR HIGHWAY AS PART OF THE PUBLIC ROAD SYSTEM IN MANATEE COUNTY, FLORIDA RECORD S47-1617
 (Lockwood Ridge Road - Property Owner: Manatee Fruit Company)

and

R-00-124 A RESOLUTION AUTHORIZING USE OF "QUICK TAKING" CONDEMNATION PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, WIDENING, OR IMPROVING A PUBLIC STREET, ROAD, OR HIGHWAY AS PART OF THE PUBLIC ROAD SYSTEM IN MANATEE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE. RECORD S47-1618

Recess/Reconvene. All members present, except Mr. Harris.

SAN REMO SHORES - CANAL DREDGING ASSESSMENT PROJECT

Janet McAfee, Project Management Director, stated that prior to the second information meeting (5/1/00), and at the time the item was prepared for the agenda, 63 percent of the residents were in favor of the San Remo Shores Subdivision canal dredging assessment project. As of June 5, 2000, after a number of property owners became active in opposition, support dropped to 47.62 percent. Ms. McAfee submitted a copy of the June 5, 2000, post card poll results.

Discussion: Ten new property owners who have not responded; if all were in favor of the dredging, support would be about 52 percent; defer the item while the new property owners are contacted; when dredging was initiated; concern of miscommunication regarding project and the benefit ratio; hearing should be held later in the year; evidence of shoaling and need for work anyway; stormwater drains at the ends of the basin needing work.

Motion was made by Mr. Clash and seconded by Mr. Bruce, to hold a public hearing on the project on November 14, 2000, at 9:00 a.m. Motion carried 6 to 0.

PDR-99-21(Z)(P) - RALEIGH EDWARD TRUST/WATER OAK

(Continued from earlier in the meeting.)

Mr. Pederson read **Stipulations 15 through 18** (discussed earlier) and an additional **Stipulation 19**:

Provisions shall be made in the drainage design to discharge water from the easterly right-of-way of Lincoln Road along the frontage of the project and to allow the "flow-through" of surface water from the Braden River if it crossed Lincoln Road along the frontage of the project. Additionally, the design shall be revised to eliminate the berm on Lincoln Road and to ensure that the elevation of the strip of land, from and including the top of the west bank of the western lake to the Lincoln Road right-of-way, does not exceed the elevation of the centerline of Lincoln Road.

Mr. Gostkowski clarified **Stipulation 19**, stating it means that moving from the water's edge of the west lake and going toward Lincoln Road, at no point will the ground be above the elevation of the centerline of Lincoln Road, allowing water to drain onto the property.

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

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(Continued)

and the Manatee County Land Development Code, as conditioned herein, Mr. Bruce moved to adopt Manatee County Zoning Ordinance **PDR-99-21(Z)(P)**; and approve the Preliminary Site Plan with Stipulations 1 through 19; grant Special Approval for a project located in the Watershed Protection Overlay district; adopt the Findings for Specific Approval; and grant Specific Approval for an alternative to Section 907.9.1.3 of the Land Development Code. Motion was seconded by Ms. Stein and carried 6 to 0. RECORD S47-1619

STATE ROAD 64 - 39TH STREET EAST TO I-75

Harry Mendenhall, Transportation Department, stated the future improvement and widening of State Road 64 (Manatee Avenue East) between the end of the six-lane cross section at approximately 39th Street East and I-75 by the Florida Department of Transportation (FDOT) was brought forward at the request of the Riverdale Action Group.

Discussion: Portion of the roadway is in the long-range plan of the Metropolitan Planning Organization (MPO) as a four-lane section; long-range plan was amended to six lanes east of I-75 as a result of increased development; signage and delineators have been installed and FDOT is investigating some of the other concerns, which are more appropriate as long-range measures; Corridor Study; update the MPO priority projects.

It was requested that staff bring this item back for prioritization after the long-range plan is amended.

Billy Dilworth, President of Riverdale Action Group, requested that State Road 64 be six-laned and that the remaining concerns (list submitted and not previously addressed) be given attention.

WHITFIELD AVENUE NEAR GOLF POINTE DRIVE

Mr. Mendenhall relayed a request from the Golf Pointe at Palm Aire Country Club Association, Inc., for installation of a pedestrian/golf cart crossing signal on Whitfield Avenue near Golf Pointe Drive in the Palm Aire Country Club area. This request was made after a fatal accident at this location.

Discussion: Golf cart operators disregarding traffic signals; including Stipulations in future golf course developments for crossing signals; cost is for two pedestrian pedestal poles on each side of the roadway that blink yellow and go to red when activated for Whitfield Avenue; a pedestrian head would go from "Don't Walk" to "Walk"; added liability; advance warning signs placed for this reason.

Motion was made by Mr. Bruce to approve installation of a pedestrian/golf cart crossing signal at Whitfield Avenue approximately 100 to 200 feet south of Golf Pointe Drive. Motion was seconded by Mrs. Stein and carried 6 to 0.

OUTSIDE COUNSEL: AJAX PAVING INDUSTRIES

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried 6 to 0, to retain the firm of **Carlton Fields, Attorneys at Law**, to represent Manatee County in the issue of claims dispute with Ajax Paving Industries, Inc. (9th Street East improvements), subject to terms specified in letter (5/24/00) from Bob Pass to Tedd Williams.

COMMISSIONERS' COMMENTS

Island Trolley

Mrs. Glass was pleased to read about the continuation of the opportunity to provide a model project for a trolley to the island.

Discussion: Issue of operational costs; full grant (no time limit) is available for three buses; no cost to people using the buses.

Lincoln Park

Ms. Brown discussed residents' concerns regarding the development of Lincoln Park and noted that discussions are ongoing with the Parks and Recreation Department.

Canal Road and 17th Street

Ms. Brown stated the four-way stop sign is working but a street light signal is needed.

Affordable Housing

Ms. Brown raised concern over the varied appearance of the houses built through the affordable housing funds.

Transportation

Ms. Brown voiced concern regarding movement of the traffic in downtown Bradenton, north of the Manatee River, and out to the beaches.

Discussion: Obtaining right of way is one of the biggest issues in improving and widening existing roadways; City of Bradenton asked that a section of Manatee Avenue be redesigned to be more user-friendly (near Manatee Memorial Hospital to Wares Creek); how to move traffic downtown; dialogue is needed with the cities of Bradenton and Palmetto for solutions; alternative routes are needed east of town in the area of I-75; new parking spaces marked in the streets downtown and the effects on maneuvering on these streets.

Lakewood Ranch High School

Mr. Bruce addressed the concern of the traffic pattern at the High School. Traffic backs up on Lakewood Ranch Boulevard and people are driving on the sidewalks to avoid the backup and continue north. He stated there is the opportunity for a road on the north side of the park, which should be pursued.

Growth Workshop

Mr. Bruce stated the information presented at the work session (5/30/00) should be made available to interested citizens.

Discussion: More interaction with constituents, neighboring municipalities and jurisdictions.

Civic Center

Mr. McClash voiced his concern of the poor quality of the audio when broadcasting from the Civic Center.

Florida Legislative Update

Mr. Stephens stated that a meeting of the Florida Association of Counties (Hillsborough, Pinellas, Charlotte, Sarasota and Manatee) will be held June 8, 2000, to review the Legislative session.

U.S. 41 and 7th Street in Palmetto

Mr. Stephens announced that FDOT has agreed to install a traffic light at this intersection by the Civic Center. He stated FDOT requested a letter from the Board requesting installation of the light. He requested that the Authority write similar letters to FDOT as needed.

Legislative Session

Mr. Stephens requested Board approval to send a thank-you letter to the Legislative Delegation for the monies they saved Manatee County, such as obtaining funding for a recent Port Manatee project.

Discussion: Loss of money for regional projects, including Emerson Point, Meals on Wheels, South Florida Museum; letter to the Governor regarding the lost funding; funding was obtained for widening U.S. 301 from 60th Avenue (near the Prime Outlet) up to Erie Road.

LANDSCAPING/BEAUTIFICATION AWARD

This item was deferred due to the absence of Mr. Harris.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.



Attest:

[Handwritten signature]

Clerk

APPROVED:

[Handwritten signature: Jan Stephen]

Chairman 9/19/00

Adj: 4:03 p.m.
/klc