

JUNE 27, 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 27, 2000, at 9:05 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
 George L. Harris
 Joe McClash
 Amy Stein

Also present were:

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

Invocation by Reverend Don Carter, Trinity Assembly of God Church.

All witnesses and staff giving testimony were duly sworn.

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried 6 to 0, to approve the Consent Agenda dated June 27, 2000, following the deletion of Code Enforcement Lien Reduction for Stephen White (separate action). Items APPROVED:

CLERK'S CONSENT CALENDAR

BONDS

Accept:

Mill Creek, Phase IV

1. Agreement with Pursley, Incorporated, guaranteeing completion of required sidewalks and bikeways (\$1,250).
2. Performance Bond: \$1,250 (Cashier's Check 10328714, SouthTrust Bank, N.A.).

Chaparral (a/k/a Mote Ranch, Phase VI)

Amended Performance Bond: \$31,763 (Amendment 05 to Letter of Credit S960415, SunTrust Bank) extending expiration date to May 28, 2001.

Old Grove at Greenfield Plantation, Phase II

Amended Performance Bond: \$40,651.90 (Amendment 01 to Letter of Credit 941157, Bank of America) extending expiration date to February 2, 2002.

River Club South, Phase V-A

Amended Performance Bond: \$89,883.30 (Amendment 02 to Letter of Credit 941266, Bank of America) extending expiration date to January 1, 2001.

Release:

Mill Creek, Phase IV

1. Agreement with Pursley, Incorporated, guaranteeing completion of required sidewalks and bikeways (\$3,541.20).
2. Performance Bond: \$3,541.20 (Letter of Credit S97-31, Republic Bank).

Briarwood, Phase VI

1. Agreement with Diamond Homes of Southwest FL, Inc., guaranteeing completion of required sidewalks and bikeways (\$16,380).
2. Performance Bond: \$16,380 (Surety Bond 3SE90534100, American Manufacturers Mutual Insurance Company).

The Trails, Phase III & IV

1. Agreement with Frank Homes Development, Inc., guaranteeing completion of required sidewalks and bikeways (\$3,900).
2. Performance Bond: \$3,900 (Certificate of Deposit 012111630822052, First Union National Bank).

Braden Crossings, 1-B

1. Agreement with Pulte Home Corporation, guaranteeing completion of required sidewalks and bikeways (\$14,864.85).
2. Performance Bond: \$14,864.85 (Letter of Credit P600296, Sun Trust Bank).

Heather Glen, Phase II

1. Agreement with North Manatee Development, Inc., guaranteeing completion of required sidewalks and bikeways (\$18,304).
2. Performance Bond: \$18,304 (Letter of Credit 990311, First National Bank & Trust).

WARRANT LIST

Approve: June 20, 2000 through June 26, 2000
 Authorize: June 27, 2000 through July 24, 2000

MINUTES

February 29, 2000

AUTHORIZE CHAIRMAN TO SIGN

Parks and Recreation Special Interest Classes Instructor's Agreement

Gabriel Ferrer - Tennis	S47-1676
Karen Fain - Tai Chi	S47-1677
Eric Hill - Mu Tau Pankration	S47-1678
David Springer - Self Defense/Karate/Kick-Robics	RECORD S47-1679

Partial Release of Special Improvement Assessment Liens

Projects: 3007; 3011; 3100(3); 3104

Satisfaction of Judgment

Misael Palma - Case 00-1824M

Authorization for Payment of Taxable Costs

Reinhart & Moreland - State vs. Ivan Sullivan, Case 97-3396F

ACCEPT

Lakewood Ranch Community Development Districts 1, 2 and 3 - Proposed budgets for Fiscal Year 2000-01.

West Manatee Fire and Rescue - District Map and enabling legislation which completed the merger of the Anna Maria and West Side Fire Control Districts into the West Manatee Fire and Rescue District, effective May 30, 2000.

Records Destruction Request - Bureau of Archives and Records Management Form listing records:
 Form 460, Internal Audit (Medical Claim Payment Reports)

COUNTY ADMINISTRATOR

EMINENT DOMAIN - 53TH AVENUE WEST

Approve settlement and payment with landowner, Centre Court on 53rd Ltd., \$32,588, inclusive of compensation for the land taken, landowner's appraisers fee and attorneys fee in the eminent domain matter of Manatee County v. Bollettieri, Inc., et al., Case 2000-CA-622.

ALZHEIMER'S DISEASE INITIATIVE

1. Execute funding agreement for the Facility-Based Alzheimer's Respite Program with Neighborly Senior Services of Manatee, Inc., \$60,219 (7/1/00-6/30/01). RECORD S47-1680
2. Execute Amendment 3 to agreement for Alzheimer's Disease Initiative Grant with West Central Florida Area Agency on Aging, Inc., extending contract period (to 9/30/00), revising Attachment 2, and extending due date for Service Cost Report. RECORD S47-1681

MEALS ON WHEELS PLUS, INC.

1. Execute funding agreement with Meals on Wheels Plus, Inc., for Home Delivered Meals for the Elderly, \$114,535, (7/1/00-6/30/01).
2. Execute funding agreement with Meals on Wheels Plus, Inc., for Adult Day Care for the Elderly, \$38,227, (7/1/00-6/30/01). RECORD S47-1682

HOME CARE FOR THE ELDERLY

Execute Amendment 1 to West Central Florida Area Agency on Aging, Inc., for Home Care for the Elderly, extending contract period (to 9/30/00), revising Attachment 2 and extending due date for Service Cost Report. RECORD S47-1684

CONSUMER DIRECTED CARE RESEARCH

Execute Memorandum of Agreement with Department of Elder Affairs, for participation in the Consumer Directed Care Research Pilot Project. RECORD S47-1685

COMMUNITY CARE FOR THE ELDERLY

Execute Master Agreement with West Central Florida Area Agency on Aging, Inc., for the Community Care for the Elderly, Home Care for the Elderly and Alzheimer's Disease Initiative Grant Programs (1/1/00-12/31/00). RECORD S47-1686

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(Continued)

CONSTRUCTION LOAN AGREEMENTS

Execute Contract Amendments extending the construction period to completion for home reconstruction projects with:

<u>Yvonne Anderson</u>	<u>Herman Rutledge</u>
<u>Arthur and Ezella Smith</u>	<u>Jeanester Bryant</u>
<u>Carrie Mae Johnson</u>	<u>Mary Lee Bell</u>
<u>J.T. and Amy Hodges</u>	<u>Delbra Arline</u>
<u>Maria Ruperto</u>	

RECORD S47-1687
- S47-1695

PROGRAM OUTCOME MEASUREMENT PROJECT

Execute agreement with Human Services Planning Association of Sarasota County, Inc., for the Program Outcome Measurement Project, (5/1/00-9/30/00), \$17,775.

RECORD S47-1696

LEFFIS KEY HABITAT RESTORATION

Execute Amendment 2 to Contract SP430 with Florida Department of Environmental Protection extending the contract 12 months (to 6/26/01), and revising Special Audit Requirements. RECORD S47-1697

BUDGET AMENDMENT

Various Departments (B-00-028)

Transfer of Funds; Unanticipated Revenue Appropriations Supporting Description and Detail Attached.

RECORD S47-1698

AQUIFER STORAGE RECOVERY

Execute Addendum 4 with Montgomery Watson Americas, Inc. (Phase I, Reclaimed Water Project) extending contract time to 1/29/02 and allowing for CPI adjustment to consultant fee rates with no increase in total not to exceed, \$440,000.

RECORD S47-1699

MATERIALS AND SERVICES

1. **9th Street East** - Award IFB 00-5514DC to the lowest responsive, responsible bidder meeting specifications, Ridin Pipeline Services, Inc., \$21,800; and authorize subsequent execution of contract and acceptance of insurance certificate.
2. **Canal Road Water Mains** - Award IFB 99-4298DC to the lowest responsive, responsible bidder meeting specifications, Heuer Utility Contractors, Inc., \$878,783.50; and authorize subsequent execution of contract, acceptance of insurance certificate and date performance/payment bond.
3. **Southwest Regional Wastewater Treatment Plant** - Award IFB 99-4600DC to the lowest responsive, responsible bidder meeting specifications, Westra Construction Corporation, for storage pond improvement at the Southwest Regional Wastewater Treatment Plant, \$3,849,274; and authorize subsequent execution of contract, acceptance of insurance certificate and date performance/payment bond.
4. **McLewis Bayou Dredging Project** - Award IFB 00-5574DC to lowest responsive, responsible bidder meeting specifications Aztec Development, Inc., \$378,408.80; and authorize subsequent execution of contract, acceptance of insurance certificate and date performance/payment bonds.
5. **Water/Wastewater Treatment Chemicals** - Extend Bid 97-1310MP on an as-required basis for estimated amounts, based on past usage, for three months (through 8/19/00) at the same terms and conditions:

<u>Allied Universal Corp.</u>	<u>C&S Chemicals Inc.</u>
<u>Dravo Lime Co.</u>	<u>Eaglebrook, Inc.</u>
<u>Harcros Chemicals & Supply Co.</u>	<u>Kemiron, Inc.</u>
<u>Industrial Chemical & Supply Co.</u>	<u>LaRoche Industries, Inc.</u>
<u>Leachem Industries, Inc.</u>	<u>Norit Americas, Inc.</u>
<u>Polydyne, Inc.</u>	<u>Shannon Chemical Corp.</u>
<u>Technical Products Corp.</u>	<u>Van Waters & Rogers, Inc.</u>

COMMUNITY CARE FOR THE ELDERLY

1. **Emergency Alert Response Services**
Execute Addendum 5 to the Agreement with SecurityLink-Ameritech, Inc., extending one year (7/1/99-6/30/00), for an increase of \$31,449, adjusted total not to exceed \$64,890. RECORD S47-1700
2. **Homemaker Services**
Execute Addendum 6 to the Agreement with Approved Homemakers & Companions, Inc., increasing the homemakers service unit cost from \$10.04 to \$11.04 retroactive to (4/1/00-6/30/00), for an increase of \$38,000, adjusted amount not to exceed \$260,003; and extending one year (7/1/00-6/30/01) at a homemakers service unit cost of \$12, not to exceed \$251,402, adjusted total not to exceed \$511,405. RECORD S47-1701

3. **Respite Care Services**
Execute Addendum 1 to Agreement with Gentiva Health Services for respite service, effecting a name change from Olsten Health Services; and extending one year (7/1/00-6/30/01), increasing the service unit cost from \$13.27 to \$13.93, not to exceed \$85,779, adjusted total not to exceed \$167,777. RECORD S47-1702

4. **Personal Care Services**
Execute Addendum 1 to Agreement with Gentiva Health Services for personal services, effecting a name change from Olsten Health Services; and extending one year (7/1/00-6/30/01), increasing the service unit cost from \$14.13 to 14.84, amount not to exceed \$78,000, adjusted total not to exceed \$244,932. RECORD S47-1703

LOCKWOOD RIDGE ROAD

Execute Change Order 3 to Work Assignment 6 with R & W Enterprises, Inc., for updated appraisals for parcels being prepared for eminent domain proceedings, increase of \$1,000; adjusted contract amount \$107,940. RECORD S47-1704

MANATEE HEALTH MANAGEMENT NETWORK

Execute agreement with McNulty-Barber Marketing, Inc., to administer Preferred Provider Organization (PPO), estimated annual amount \$50,000. RECORD S47-1705

GROUNDWATER MONITORING PLAN

Execute Change Order 1 to Work Assignment 19P with Professional Service Industries, Inc., for professional services at the fueling facility at 4501 66th Street West, increase of \$24,074, adjusted total not to exceed \$33,135.84. RECORD S47-1706

WOOD/YARD WASTE PROCESSING

Execute Addendum 7 with Resource Recovery Industries, Inc., extending agreement (7/1/00-9/30/00) on an as-required basis, not to exceed \$217,248. RECORD S47-1707

FLORIDA COASTAL MANAGEMENT PROGRAM

R-00-155 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS UNDER THE FLORIDA COASTAL MANAGEMENT PROGRAM FOR THE DEVELOPMENT OF THE **MANATEE COUNTY**

BLUEWAYS PROGRAM

(\$50,000: State \$25,000; Local Match \$25,000). RECORD S47-1708

FINAL PLAT

S47-1709

Lakewood Ranch, Country Club Village, Subphase J, a/k/a Canterbury

1. Final Plat.
2. Joinder in and Ratification of Subdivision Plat from Lakewood Ranch Community Development District 2.
3. Agreement with SMR Communities Joint Venture, guaranteeing completion of required improvements (\$1,369,051.78).
4. Performance Bond: \$1,369,051.78 (Surety Bond 154914, Frontier Insurance Company).
5. Agreement with SMR Communities Joint Venture, guaranteeing completion of required improvements and temporary easement for private improvements (\$129,045.03).
6. Performance Bond: \$129,045.03 (Surety Bond 154915, Frontier Insurance Company).
7. Agreement with SMR Communities Joint Venture, guaranteeing completion of required sidewalks and bikeways (\$26,195).
8. Performance Bond: \$26,195 (Surety Bond 154916, Frontier Insurance Company).
9. Agreement with SMR Communities Joint Venture, for final wearing course on asphalt on roadways.
10. Conservation Easement from Schroeder-Manatee Ranch Inc. and Lakewood Ranch Community Development District 2. RECORD S47-1710
11. Interlocal Agreement with Lakewood Ranch Community Development District 2. RECORD S47-1711
12. Supplemental Declaration by SMR Communities Joint Venture.

EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE

Accept Modification 1 to extend the termination date of the grant contract with Florida Department of Community Affairs (to 9/30/00) and authorize execution of all related documents (for the **Transportable Emergency Operations Center**). RECORD S47-1712

REFUND

Refund \$648.21 to West Marine, account 98044-100964, due to overpayment and deposit application.

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(Continued)

U.S. 41 AND 7TH STREET PALMETTO

Transmit letter to the Florida Department of Transportation requesting a new **traffic signal** at the intersection of S.R. 55, U.S. 41, U.S. 19 and 7th Street East (Palmetto) near the Manatee Civic Center (authorized 6/6/00).

TRAFFIC SIGNAL MAINTENANCE AND OPERATION

Execute Order 106 with the Florida Department of Transportation, to continue operation and maintenance of replacement traffic signals to be installed at the Intersection of **S.R. 43 (U.S. 301)** at (1) Ohio Transformer/Harlee Packing plant entrance; (2) Ellenton-Gillette/Leffingwell Roads, and (3) 51st Avenue East/19th Street East (Palmetto). RECORD S47-1713

PDR-99-19(Z) (P) PALMETTO RETIREMENT VILLAGE

Public hearing (Notice in the *Bradenton Herald* May 26, 2000) was opened to consider

PDR-99-19(Z) (P) PALMETTO RETIREMENT VILLAGE

(CONTINUED TO 7/25/00 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-1** TO **PDR**; PROVIDING FOR AN EFFECTIVE DATE; **AND PRELIMINARY SITE PLAN** TO ALLOW 8 MULTIFAMILY RESIDENTIAL UNITS (2 BUILDINGS) AND 2 EXISTING SINGLE-FAMILY RESIDENCES ON 1.59 ACRES, LOCATED ON THE NORTH SIDE OF EXPERIMENTAL FARM ROAD (49TH STREET EAST), (BETWEEN U.S. 41 AND U.S. 19) AT 317 49TH STREET EAST.

STREET VACATION - LAKESIDE TRAILER TOWN

Public hearing (Notice in the *Bradenton Herald* 6/9/00) was held to consider

R-00-12-V A RESOLUTION ON APPLICATION BY VILLA DEL SOL ASSOCIATES, L.P. VACATING ALL STREETS LOCATED WITHIN THE PLAT OF THE LAKESIDE TRAILER TOWN SUBDIVISION PLUS A PORTION OF 16TH STREET COURT EAST. RECORD S47-1714

STREET VACATION - 60TH AVENUE EAST

Public hearing (Notice in the *Bradenton Herald* 6/9/00) was opened to consider

(APPLICATION **WITHDRAWN** BY PROPERTY OWNER)

R-00-49-V A RESOLUTION ON APPLICATION BY CHEROKEE CREEK LIMITED, INC., JOINED BY BUFFALO-GREENBRIER ASSOCIATES, LLC, AND WR-1 ASSOCIATES, LTD. VACATING A PORTION OF 60TH AVENUE EAST RIGHT-OF-WAY WITHIN THE PLAT OF PHILLIPS AND ALLEN RE-SUBDIVISION OF W.H. VANDERPE'S SUBDIVISION.

EMERSON POINT

Execute Amendment 3 to Agreement Contract SP359 with the Florida Department of Environmental Protection to increase funding increment by \$49,800, total amount \$287,789, for ongoing restoration at Emerson Point under the Ecosystem Management and Restoration Trust Fund Program upon receipt of Amendment 3.

(End Consent Agenda) RECORD S47-1715

(Enter Ms. Brown)

AWARDS**Landscaping/Beautification Award**

Mike Kenton, Transportation Department, narrated a video depicting the Bayshore Gardens Parkway Landscaping Restoration Project, which earned First Place in the Transportation Landscape Award Division.

Larry Mau, Transportation Director, presented the Florida Native Plant Society Award to **George Harris** recognizing the efforts of his late wife, Commissioner Lari Ann Harris in this restoration project.

Retirement Award

Larry White, Convention and Visitors Bureau Director, presented a retirement award to **Emily Eagle**, Tourist Information Center Manager, honoring her 15 years of service.

CODE ENFORCEMENT LIEN - STEPHEN T. WHITE

Rita Mooney, Code Enforcement Chief, advised that 26 liens (\$18,450 in Case CE5030449J) were imposed on the property at 2404 Lehigh Avenue, Bradenton, owned by Stephen T. White, due to recurring junk vehicle violations. The property is no longer in violation.

Stephen T. White offered \$500 to compromise the liens.

Mr. McClash moved to accept the offer. The motion was seconded by Mr. Bruce and carried 7 to 0.

ZONING

Public hearing (notice in the *Sarasota Herald-Tribune* 6/16/00) was held to consider

Z-00-01 NORTHERN TRUST BANK/DEWEY A. DYE, JR., CO-TRUSTEE

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, . . . , PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO LM AND PROVIDING AN EFFECTIVE DATE; ON 118.53 ACRES LOCATED WEST OF U.S. 301, 1,125 FEET SOUTH OF 38TH AVENUE EAST, 1,300 FEET NORTH OF 51ST AVENUE EAST, AND JUST EAST OF THE TERMINUS OF 47TH TERRACE EAST AT 2101 47TH TERRACE EAST.

Planning Commission recommended approval.

Lisa Barrett, Planning Department, submitted letters from residents of Hammock Place voicing concerns of light and noise pollution, environmental impacts, flooding, buffers, height and setback.

Referring to zoning and future land use maps, Ms. Barrett reviewed the request, locational information and surrounding zoning. Using a slide presentation depicting the surrounding land uses and the proximity of the subdivision to the proposed site, she reviewed the positive and negative aspects. She advised that the performance standards addressing adverse impacts in Section 723 of the Land Development Code (LDC) will ensure that any industrial land use will contain all impacts such as noise, vibrations, odors, etc. on site.

James Dye, attorney representing the applicant, stated the rezone request is consistent with the Comprehensive Plan future land use category. He noted that the area surrounding the site has been changing from agriculture to industrial uses. He advised that manufacturing property adjacent to residential property requires an increased setback of 75 feet and a landscape buffer of 20 feet. Section 723 of the LDC safeguards the required mitigation techniques for impacts created by industrial land use.

Discussion: Board cannot require planned development; no ability to stipulate a straight rezone; no proposed use for the site; logical extension of surrounding industrial park; violation of ordinances will create a code enforcement matter; consideration of walls for noise buffers; traffic issues; amend LDC; neighborhood registry; etc.

Jerome Gostkowski, Planning Department, stated traffic analysis is not required at this level. He discussed the surrounding roadways and the level of service operation. He noted there is concern for peak hour traffic problems, however, this can be resolved at concurrency approval.

Warren Cutter, President of Hammock Place Homeowners Association, noted the LDC creates minimum not optimum standards. He voiced concerns regarding problems resulting from the neighboring Bealls Warehouse and the Royal Palm Cinema.

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, Mr. McClash moved to adopt Manatee County Zoning Ordinance Z-00-01. The motion was seconded by Mrs. Stein and carried 6 to 1, with Mr. Bruce voting nay.

RECORD S47-1716

LAND DEVELOPMENT CODE AMENDMENT - BUFFERS

Mrs. Stein moved that staff prepare an amendment to the Land Development Code for consideration regarding buffers between light manufacturing and residential along the adjoining property lines to include walls as one of the components, in addition to the landscape buffers, with the proviso that a developer could present evidence and request elimination of the wall if there was a good cause for same. The motion was seconded by Mr. Bruce and carried 7 to 0.

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(Continued)

Recess/Reconvene. All members present.

Public hearing (Notice in the *Bradenton Herald* 6/16/00) was held to consider

PDC-98-01(R) - BENDERSON DEVELOPMENT/WINN DIXIE MARKETPLACE WEST

Request: Modify Stipulation 8 for this project, which limited the height of pole-mounted lights to 20 feet on 16.28 acres located at the southwest corner of 53rd Avenue West and 34th Street West at 3500 53rd Avenue West.

Robert Pederson, Planning Department, advised that this project was approved December 15, 1998, with the following **Stipulation 8**:

Lights for the facility shall be designed in accordance with Section 709 of the LDC. In addition, pole mounted lights shall be limited to 20 feet in height and directed to the interior of the development. A photometric plan shall be submitted to the Planning Department along with the Final Site Plan for approval.

Mr. Pederson indicated that staff was notified by neighbors that the light poles installed were over 20 feet and have been verified to be 42 feet in height. He stated the applicant has requested modification of Stipulation 8. Referring to the site plan and utilizing a slide presentation, he displayed several views of the 42-foot lights and light poles (with and without shields), lights mounted on the rear of the building with shields, and lights as viewed from the second floor of Morton Village and the South Winds development on the north side of 53rd Avenue.

He advised the developer is requesting that the installed poles remain on site and be shielded. He submitted a letter (6/26/00) from **Belton S. Wall**, Architect, verifying that light meter readings have been taken and indicate the unshielded lights comply with requirements of Section 709.2.3 of the LDC for lighting trespass on adjoining property.

Ed Vogler, attorney for the applicant, requested clarification or amendment to Stipulation 8. He explained that the Ordinance adopted December 15, 1998, did not contain Stipulation 8 (in error). An amended Ordinance containing Stipulation 8 was adopted January 29, 1999, but not delivered to the engineer for the applicant. He noted that the Final Site Plan was submitted and approved in accordance with the December 15th Ordinance and, therefore, provided for the higher light poles which were, in fact, constructed.

Mr. Vogler stated, as a result of discussions with staff and neighbors, some of the wall-mounted lights (which are not in question) have been shielded. He advised that one pole light closest to Morton Village has been removed and others in that proximity have been shielded. Referring to the site plan, he reviewed the areas where Mr. Wall had conducted his reading, and indicated the lighting meets the LDC requirements. He advised that the lighting is necessary for the safety of customers.

Jeffrey Steinsnyder, Assistant County Attorney, stated review of the tape (12/8/98) revealed that the planner distributed the new Stipulation 8. The approved motion (12/8/98) included the amended Stipulation 8. Due to a motion to amend a transportation issue, the hearing was continued to December 15, 1998. At the meeting (12/15/98) the Ordinance was adopted, the lighting issue was never mentioned, and therefore, became part of the underlying approved motion. Since the original document was generated without Stipulation 8, a corrective document was generated and dated January 26, 1999.

Mr. Pederson submitted copies of the original documents, including Stipulation 8 and minutes of the November 17, 1998 meeting.

Discussion: Building height is 35 feet; lights at the school and tennis academy at least 40 feet; corrected document; tape includes Mr. Vogler agreeing to stipulations; corrective document sent to Avid Engineering (agent of record, 2/1/99); Ordinance is written approval and corrective document would replace same; etc.

Mr. Vogler submitted a copy of the Final Site Plan approval letter (6/21/99). He noted that the plans were reviewed for consistency with the stipulations, however, not the amended Stipulation 8 as it was never received.

Joan Munro, Pat Jacobsmeyer, Herb Stern, Charles McLeod, Dan Harkin and Robert Lucas, residents of Morton Village, spoke in opposition regarding confusion relative to Stipulation 8, the impact of the blinding lights affecting their quality of life, real estate values, and the pedestrian/motorist safety factor. They requested validation of amended Stipulation 8 limiting pole lights to 20 feet, shielding of all lights including the building lights, improvement to the appearance of the rear of building, and masking of roof equipment.

Mr. Vogler stated that the pole lights are the normal and customary lights installed throughout the County. Design specifications deal with the safety of on-site and off-site pedestrian and vehicular use. He suggested that a dialogue and compromise between the parties be considered, which may involve a continuance. He stated if the project moves forward as presently approved with the 20-foot unshielded pole and unshielded wall pack lights a worse situation will be created. He requested maintaining the current poles rather than retrofitting the same to 20 feet.

Discussion: Ten days required for collaboration of residents and developer; bring matter back at next meeting; three pole lights are shielded; developer should mitigate the impact of the lighting to residents; lower building mounted lights; temporary certificate of occupancy process; public notice required for all residents within 500 feet of the site; notice was sent to 17 parties; new actions on the part of the developer to provide resolution; etc.

Mr. Vogler stated all necessary lights on the Morton Village side could be shielded, but not 360 degrees. He advised that the measures discussed at the most recent community meeting were implemented and are now found insufficient. He noted that additional measures would have to be discussed, implemented, and measured.

Mr. Vogler **withdrew** the application.

Discussion: Applicant will have to reapply to bring item back; existing stipulations remain; certificate of occupancy will require conformance to stipulation; concern of proper public notice.

TRANSPORTATION BLUE RIBBON COMMITTEE

Mr. Stephens requested consideration of the institution of a Blue Ribbon Committee to review and prioritize transportation issues. He noted the Bradenton Herald has offered to help in this effort. He suggested that the County Administrator explore the composition of the community and staff and the methodology of appointments.

Following discussion, Mrs. Glass moved that the County Administrator bring back the composition and layout for a Blue Ribbon Committee. The motion was seconded by Ms. Brown and carried 7 to 0.

COMMISSIONERS' COMMENTS

Hess Gas Station (S.R. 70)

Mr. Bruce advised that numerous complaints have been received regarding trucks parking on the side of the road creating a safety issue as far as ingress/egress at the Hess station on S.R. 70.

Metropolitan Planning Organization (MPO)

Mr. McClash reported that the MPO will conduct a meeting (7/10/99⁰⁰) to review all projects in the pipeline and implement a ten-year transportation improvement plan. He noted there are 20 years of unfunded projects on the books. He advised that the policy of adequate Level of Service (LOS) for roadways needs to be addressed (how County determines LOS versus developer). Specific problem areas need to be identified and weekend/peak tourist season traffic should be included in traffic surveys.

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(Continued)

Hurricane Shelters

Mrs. Glass stated that citizens need to be educated to make plans in the event of a hurricane. She noted that a survey must be conducted regarding year-round residents' plans or preparations in case of storms (planning on going to a shelter). Studies (such as a questionnaire for disaster registry plan) are necessary to provide the information needed to plan for shelters and prevent gridlock.

17th Street and Canal Road


Ms. Brown stated that four stop signs have been installed; however, citizens are still requesting a traffic signal.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk


Chairman 11/7/00

