

OCTOBER 3, 2000

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, October 3, 2000, at 9:07 a.m.

Present were Commissioners:

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

Absent was Commissioner:

Joe McClash (vacation)

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 Rev. Ron Gaudio, First Baptist Church of Gillette

CONSENT AGENDA

Motion was made by Mr. Harris, seconded by Mrs. Stein and carried 5 to 0, to approve the Consent Agenda dated October 3, 2000, following deletion of: (1) West Coast Inland Navigational District Recipient Agreements (deferred); (2) Metropolitan Statistical Areas (deferred); (3) Emerson Point Agreement with School Board (separate action). Items APPROVED:

CLERK'S CONSENT CALENDAR

BONDS

Accept:

Tara, Phase I, Unit 6

1. Agreement with Tara-Manatee, Inc. guaranteeing completion of required sidewalks and bikeways (\$4,617.60).
2. Amended Performance Bond: \$4,617.60 (Amended Letter of Credit 06-98-0163, First National Bank of Naples) extending expiration to November 6, 2001.

Tara, Phase I, Unit 7

1. Agreement with Tara-Manatee, Inc. guaranteeing completion of required sidewalks and bikeways (\$2,987.40).
2. Amended Performance Bond: \$2,987.40 (Amended Letter of Credit 06-98-0161, First National Bank of Naples) extending expiration to November 6, 2001.

Tara, Phase II, Subphase B

1. Agreement with Tara-Manatee, Inc. guaranteeing completion of required sidewalks and bikeways (\$1,092).
2. Amended Performance Bond: \$1,092 (Amended Letter of Credit 06-98-0162, First National Bank of Naples) extending expiration to November 6, 2001.

Lakewood Ranch Corporate Park, Manatee Edition

1. Agreement with Lakewood Ranch Corporate Park, Inc. warranting required improvements (\$4,734).
2. Defect Security: \$4,734 (Surety Bond 929160683, Continental Insurance Company).

Release:

Tara, Phase I, Unit 6

Agreement with Tara-Manatee, Inc. guaranteeing completion of required sidewalks and bikeways (\$4,617.60).

Tara, Phase I, Unit 7

Agreement with Tara-Manatee, Inc. guaranteeing completion of required sidewalks and bikeways (\$2,987.40).

Tara, Phase II, Subphase B

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

Lakewood Ranch Corporate Park, Manatee Edition

1. Agreement with Lakewood Ranch Corporate Park, Inc. guaranteeing required improvements (\$74,973.60).
2. Performance Bond: \$74,973.60 (Surety Bond 135935, Frontier Insurance Company).

REFUNDS

Neal Communities of SW FL, Inc. - App Withdrawal \$3,850.19
Deitrich Construction, Inc. - Impact Fee 3,053.30

WARRANT LIST

Approve: September 26, 2000 through October 2, 2000
Authorize: October 3, 2000 through October 16, 2000

AUTHORIZE CHAIRMAN TO SIGN**Satisfactions of Judgments**

Timothy Gladin - Case 00-201F
Timothy Munford - Cases 96-5426M, 97-2727M, 97-1855F

APPROVE, RATIFY, AND CONFIRM**Parks and Recreation Special Interest Classes Instructor's Agreement**

Barry Brinson - Gymnastics RECORD S47-2082

ACCEPT

Cedar Hammock Fire Control District FY 2000-01 Reporting Requirement
Town of Longboat Key - Millage Rate and Budget Adoption Ordinances for FY 2000-01

COUNTY ADMINISTRATOR**PROCLAMATIONS**

1. Adopt Proclamation designating the month of October as **Domestic Violence Awareness Month** in Manatee County. RECORD S47-2083
2. Adopt Proclamation designating October 28, 2000, as **Homeless Service Day and Veterans Stand Down 2000** in Manatee County. RECORD S47-2084

FIREWORKS PERMIT - CROSLY MUSIC SERIES

Execution of Approval/Permit for fireworks display (10/15/00) at Sarasota Bay off Crosley Mansion. RECORD S47-2085

MANATEE RIVER FAIR ASSOCIATION

Execution of License Agreement with the Manatee River Fair Association for three exhibit spaces (Ayers 204-206-208) at the 2001 Manatee County Fair, \$817.50. RECORD S47-2086

MANATEE COUNTY EXTENSION SERVICE

Execution of Amendment of Contract with the Florida Department of Agriculture and Consumer Services (DACS) (12/7/99) to replace all of Sections 12A, 12B, and 12C with new Section 12. RECORD S47-2087

LAWSUIT: NATIONAL COALITION, ETC., ET AL.

Approve Mediation Settlement Agreement of National Coalition, Etc. et al. v. Manatee County, Case 1999-CA-2728, \$40,000 plus additional terms. RECORD S47-2088

NONPROFIT AGENCY FUNDING

1. Execution of FY 2000-01 nonprofit agency general revenue funding agreements (10/1/00-9/30/01) with the following agencies:
 - Anna Maria Island Community Center, Inc. (Time for Learning Creatively Program), \$38,071; RECORD S47-2089
 - Boys and Girls Clubs of Manatee County, Inc. (Funtastic Program), \$6,460; RECORD S47-2090
 - Manatee County Girls Club, Inc., d/b/a Just for Girls (R.E.A.D.Y.), \$48,453; RECORD S47-2091
 - Keep Manatee Beautiful, Inc. (Storm Drain Stenciling), \$7,000; RECORD S47-2092
 - Manatee Educational Television Consortium (Programming), \$116,390; RECORD S47-2093
 - Manatee Children's Services, Inc. (Emergency Shelter Crisis Intervention), \$51,088; RECORD S47-2094
 - Myakka City Community Center, Inc. (Ten Club Program), \$12,633; RECORD S47-2095
 - Manatee Glens Corporation (Baker Act Services-Youth), \$55,121; RECORD S47-2096
 - Manatee Opportunity Council, Inc. (Simplified Intake System for Subsidized Child Care), \$40,186; RECORD S47-2097
 - P.A.C.E. Center for Girls, Inc. (Student Support Project), \$15,142; RECORD S47-2098
 - Palmetto Youth Center, Inc. (After School/Summer Program), \$47,588; RECORD S47-2099

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- Tallevast Community Center, Inc. (After School/Summer Program),
\$28,328; RECORD S47-2100
- Town of Longboat Key/Bayfront Park Recreation Center, Inc.
(Mother's Morning Out), \$3,529; and, RECORD S47-2101
- United Community Center, Inc. (After School/Summer Program),
\$82,718. RECORD S47-2102
2. Execution of FY 2000-01 nonprofit agency general revenue and
handicap parking fines fund agreements (10/1/00-9/30/01) with the
following agencies:
- Community Coalition on Homelessness Corp. (Transitional
Development), \$46,146; RECORD S47-2103
- HOPE Family Services, Inc. (Safe Shelter), \$45,425; RECORD S47-2104
- Myakka City Community Center, Inc. (Super Seniors and Special
People), \$11,200; RECORD S47-2105
- Suncoast Center for Independent Living, Inc. (Equipment Loan &
Repair), \$23,924; (Portable Modular Ramps), \$10,874; and,
RECORD S47-2106
- Volunteer Services of Manatee County, Inc. (Volunteer Referral),
\$11,536. RECORD S47-2107

YOUTH SUBSTANCE ABUSE PREVENTION

- Execution of FY 2000-01 nonprofit agency youth substance abuse
prevention agreements with the following agencies:
- Boys and Girls Clubs of Manatee County, Inc. (Smart Moves),
\$37,038; RECORD S47-2108
- Manatee County Girls Club, Inc., d/b/a Just for Girls (R.E.A.P.),
\$56,973; RECORD S47-2109
- Myakka City Community Center, Inc. (Youth Substance Abuse
Prevention Program), \$20,600; RECORD S47-2110
- Myakka City Community Center, Inc. (Work Ethics Drug Prevention),
\$12,391; RECORD S47-2111
- Palmetto Youth Center, Inc. (Intervention/Positive Futures),
\$41,474; and, RECORD S47-2112
- United Community Center, Inc. (Building Alternatives to Drugs),
\$28,325. RECORD S47-2113

STATE HOUSING INITIATIVE PARTNERSHIP

Approve funding assistance exceeding \$25,000 in accordance with
Resolution R-96-227 for new construction projects under the
Homeownership Construction Strategy of the FY 2000-03 Local
Housing Assistance Plan: Crystal Cox, \$44,315 (508 64th Avenue
West, Bradenton, FL 34203).

UNIVERSITY OF SOUTH FLORIDA

Execution of an agreement with the University of South Florida to
provide data research and reporting for the Program Outcome
Measurement Project (10/1/00-2/28/01), \$36,000. RECORD S47-2114

CONVENTION AND VISITORS BUREAU

Approve additional funds for the **Sales and Marketing Program** for
FY 2000-01, \$10,900.

9TH STREET EAST

Execution of Change Order 11 to Work Assignment 2 with Kimley-Horn
& Associates, Inc. for engineering services (U.S. 301 to S.R. 64),
increase of \$104,190, adjusted total, \$899,384.88. RECORD S47-2115

14TH STREET WEST/30TH AVENUE WEST

Execution of Change Order 1 to Work Assignment 2 with Post,
Buckley, Schuh & Jernigan, Inc. for engineering services for a
temporary signal at the intersection, increase of \$2,250, adjusted
total, \$27,161. RECORD S47-2116

30TH AVENUE WEST

Execution of (Final) Change Order 1 to IFB 99-4433DC with S & R
Construction, Inc., increase of \$2,473.24, 41 additional days,
adjusted contract, \$252,131.32 and revised completion date of
June 12, 2000. RECORD S47-2117

75TH STREET WEST

Execution of Change Order 3 to IFB 98-5152DC with Woodruff & Sons,
Inc., increase of \$18,416.11, 109 additional days, adjusted
contract, \$5,595,499.36 and revised completion date of
October 26, 2000. RECORD S47-2118

SOUTHWEST WASTEWATER TREATMENT PLANT

Execution of Change Order 1 to IFB 99-4559DC with Beach
Construction, Inc. for **aeration system retrofit**, increase of
\$287,617.67, adjusted contract of \$2,627,317.67. RECORD S47-2119

AERIAL MAPPING

Execution of Work Assignment 9 with I. F. Rooks & Associates, Inc. for professional services for aerial mapping of west County, Area A (320 Sections), \$349,927. RECORD 547-2120

BUDGET AMENDMENT**Various Departments** (B-00-037)

Transfer of Funds; Unanticipated Revenue Appropriations
Supporting description and detail attached RECORD 547-2121

MATERIALS AND SERVICES

1. **Spencer Parrish Road Box Culvert** - Award IFM 00-6733DC to lowest responsive, responsible bidder meeting specifications, Lovin Construction, Inc., \$76,279; and authorize subsequent execution of contract and accept Insurance Certificate.
2. **Buses** - Authorize purchase of two buses via State contract from Atlantic Bus Sales for use in the Paratransit Program, \$137,850.
3. **Lift Station Rehabilitation** - Award Bid 00-6699MP to the lowest responsive, responsible bidder meeting specifications, TLC Diversified, Inc., \$263,460; and authorize subsequent execution of contract, acceptance of Insurance Certificate and date performance/payment bond.
4. **Temporary Employment Services** - Award IFB 00-7400KK for temporary employment services on an as-required basis to the lowest responsive, responsible multiple bidders meeting specifications, beginning October 17, 2000:
A-List Staffing; Adecco Employment Service; Ad-Vance Personnel Services, Inc.; Express Personnel Services; Initial Staffing Services; Kelly Services; Aide Services Inc. d/b/a Manpower Temporary Services; Professional Staffing, Inc. d/b/a Able Body Temporary Services; Staffing Professionals, Inc.; Tandem Staffing; Vocational Perspective, Inc.

CLEANING SERVICES

Issue Change Orders to extend janitorial services at various County locations for Facilities Management (10/1/00-11/30/00):

1. American Building Services, Change Order 10, \$7,464, adjusted total \$37,015.50; and
2. Buckeye Cleaning Services, Change Order 8, \$3,970, adjusted total \$27,790.

PUBLIC WORKS - TELEPHONE SYSTEM

Issue Change Order 1 to Southeastern Telecom, Inc., \$2,915, for five additional phones and related equipment for NEC upgrade, adjusted total \$34,949.

SODIUM HYPOCHLORITE

Issue Change Order 1 to P000-2071 for sodium hypochlorite used at the Waste Water Treatment Plants with Odessey Manufacturing Co., increase of \$55,792.30, adjusted total \$79,842.30.

EMPLOYEE HEALTH BENEFITS

Approve Medical and Dental Plan rates in accordance with FY 2000-01 Budget. RECORD 547-2122

PERSONNEL STAFFING LEVELS

R-00-248 RESOLUTION ESTABLISHING AUTHORIZED STAFFING LEVEL CHANGES BY JOB CLASSIFICATION FOR THE PUBLIC SAFETY AND FINANCIAL MANAGEMENT DEPARTMENTS UNDER THE JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS

(Public Safety decrease from 204 to 202; Financial Management increase from 42 to 44). RECORD 547-2123

911 - ENHANCED SERVICE

Execution of a Statement of Tariff Application for continuation of service for enhanced universal number service E-911 with Verizon Florida, Inc., estimated annual cost \$242,292. RECORD 547-2124

SURPLUS PROPERTY

1. 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; and authorize disposal of such property. RECORD 547-2125
2. **R-00-231** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, FLORIDA STATUTES (equipment to Manatee County Housing Authority). RECORD 547-2126
3. Classify excess vehicles 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; and authorize disposal of such property. RECORD 547-2127

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FLEET MAINTENANCE MANAGEMENT SYSTEM

Execution of Addendum 1 with CCG Systems, Inc. (contract 5/4/99) for additional customization to Fleet Maintenance Management System, \$2,100, revised total \$77,300. RECORD S47-2128

FRAME RELAY NETWORK - EMERGENCY MEDICAL SYSTEMS

Issue Change Order, \$5,282.61, to emergency purchase order PE00002 with Verizon, Florida, Inc. for additional materials/labor for frame relay network for all EMS stations, adjusted total \$141,654.24.

PROFESSIONAL ENGINEERING INSPECTION SERVICES

Execution of a contract for inspection services on an as-required basis for one year, with two, one-year extension options with Zoller, Najjar & Shroyer, L.C. RECORD S47-2129

SUPPLEMENTAL SURVEYING

Execution of Addendum 3 to Agreement for Professional Services for Supplemental Surveying with Zoller, Najjar & Shroyer, L.C. to effect a name change from a Florida Corporation to a Florida Limited Liability Company. RECORD S47-2130

TAX ROLL EXTENSION

Execution of a letter to Ken Burton, Tax Collector confirming Board approval to order that the tax roll be extended prior to completion of the Value Adjustment Board Hearings.

TRANSPORTATION OFFICE BUILDING

Execution of Change Order 1 to IFB 99-4849DC with Pat Cook Construction, Inc., \$3,839 increase, and adjusted contract of \$2,239,752. RECORD S47-2131

UTILITY ENGINEERING

Execution of Addendum 2 to Agreement for Architectural/Engineering Services for utility engineering with Zoller, Najjar & Shroyer, L.C. to effect a name change from a Florida Corporation to a Florida Limited Liability Company. RECORD S47-2132

PERSONNEL - LONGEVITY AWARD PROGRAM

R-00-246 A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AN AMENDMENT TO RESOLUTION R-00-165, AFFECTING THE LONGEVITY AWARD PROGRAM, SECTION II.A.

RECORD S47-2133**UNIVERSITY PARKWAY**

Execution of Amendment 3 to Interlocal Agreement for University Parkway with Sarasota County in order to provide for addition, relocation, and map error correction of certain permanent right turn in/right turn out intersections between Tuttle Avenue and Lockwood Ridge Road, Whitfield Avenue and Park Boulevard, and Park Boulevard and Honore Avenue. RECORD S47-2134

LAKEWOOD RANCH DISTRICT PARK

R-00-245 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (\$150,000 State; \$150,000 Local for the continued development of Lakewood Ranch District Park; Chairman to execute all related documents). RECORD S47-2135

PARTICIPATION PROJECT**Sewer Assessment Project 2504 - Sunny Shores**

R-00-234 A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SANITARY SEWER ASSESSMENT PROJECT 2504, **SUNNY SHORES** (parcels owned by Caroline S. Wunz). RECORD S47-2136

ANIMAL STERILIZATION

Execution of an Amendment to Agreement with the Humane Society of Manatee County, Inc. extending joint animal sterilization program for one year (9/30/00-9/30/01). RECORD S47-2137

BAD DEBT WRITE-OFF

Authorize Public Works to write off bad debts for FY 1999-00, \$128,298.67 (\$89,815.23 water/sewer and \$38,483.44 solid waste).

REFUNDS

1. Refund \$1,686.40 minus any outstanding billing amounts to 4523 30th Street West, Bradenton, Florida, LLC, account 100603-21323, due to billing error.
2. Refund \$674.22 to Sherwood Homes, account 77973-101595, due to overpayment.

LAW ENFORCEMENT TRUST FUND

Authorize Sheriff to expend \$77,700 from the Law Enforcement Trust Fund (\$51,000 Child Lures Prevention Program; \$25,000 Protracted and Complex Investigations; \$1,700 S.W.A.T. Weapons Holsters).

DEEDS AND EASEMENTS

1. **Bonnie Brae Subdivision** - Right-of-Way Easement from The Salvation Army, Inc.; Affidavit of Ownership and Encumbrances. RECORD S47-2138
2. **Manatee Avenue at 43rd Street West/Miller Elementary School** - Utility Easement from School Board of Manatee County (previously recorded) for a water main. RECORD S47-2139

HIGHLANDS AT PANTHER RIDGE

Accept maintenance of the paved roads within Highlands at Panther Ridge into the County maintenance system (agreement warranting required improvements and defect security accepted 1/4/00).

STREET VACATION: NOTTING HILL SUBDIVISION - HONORE AVENUE

R-00-243-V RESOLUTION DECLARING PUBLIC HEARING ON OCTOBER 24, 2000, AT 9:00 A.M. BY APPLICATION OF NORTHERN CAPITAL GROUP; ISLAND INVESTMENT PROPERTIES, LTD.; KIRTMOOR CORPORATION; AND PARK COMMUNITY ASSOCIATION, INC. TO VACATE CERTAIN NONCONSTRUCTED RIGHTS-OF-WAY OF HONORE AVENUE FROM THE PLAT OF NOTTING HILL SUBDIVISION; AND; RESCINDING RESOLUTION R-00-18-V.

RECORD S47-2140

LAWSUIT - LOCKWOOD RIDGE ROAD

Approve Partial Stipulated Final Judgment with **Charles D. Brown** (Manatee County v. St. Barbara Greek Orthodox Church, Case 1999-CA-1981), for Parcels 16 and 16-SE, \$12,000, plus \$8,077.13 costs.

CITY OF BRADENTON - GOVERNMENT ACCESS TV

Execution of an Interlocal Agreement with the City of Bradenton to provide for the broadcasting of City Council Meetings through the Manatee Government Access (MGA) television station (expiring 9/30/01).

RECORD S47-2141

NORTH ORANGE ESTATES

R-00-253 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, INCREASING THE MAXIMUM SALES PRICE FOR AN AFFORDABLE HOUSING UNIT FOR NORTH ORANGE ESTATES RESIDENTIAL DEVELOPMENT, PALMETTO, FLORIDA.

RECORD S47-2142

(End Consent Agenda)

PROCLAMATIONS

Domestic Violence Month

Mr. Harris presented the Proclamation designating the month of October as **Domestic Violence Month** to Laurel Lynch of Hope Family Services.

Homeless Service Day and Veterans Stand Down 2000

Mr. Bruce presented the Proclamation designating October 28, 2000, as **Homeless Service Day and Veterans Stand Down** to GiGi Kelley, Community Coalition on Homelessness.

(Enter Mrs. Glass)

EMPLOYEE OF THE MONTH

Carol Clarke, Planning Director, and Michael Wood, Planning Department, presented the October Employee of the Month Award to **Shannon Ansbro**.

CHILDREN'S SERVICES ADVISORY BOARD

Karen Stewart, Community Services, requested appointment of seven persons to serve on the **Children's Services Advisory Board**.

Mrs. Glass moved to reappoint **Sandra Mullon** as the representative from the Department of Children and Families and **Ruth Lawler** as the representative of United Way. The motion was seconded by Mr. Harris and carried 6 to 0.

Mr. Harris moved to appoint **Shirlee Mullinix-Van De Loo** as the Licensed Mental Health Professional. The motion was seconded by Ms. Brown and carried 6 to 0.

Nominations for Child Advocates:

- Shawn Foster - by Mr. Bruce
- Barbara Chadsey - by Mrs. Stein
- Patricia Petruff - by Ms. Brown
- Juanine Lowery - by Mr. Stephens
- Edwin Mulock - by Mrs. Glass

Barbara Chadsey, Patricia Petruff, Juanine Lowery, and Edwin Mulock were appointed by majority vote.

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HEALTH COUNCIL OF WEST CENTRAL FLORIDA

Cheri Coryea, Community Services, requested appointment of two members to the **Health Council of West Central Florida**.

Mrs. Glass moved to appoint **Saul P. Bralow, M.D.** to serve as the Health Care Consumer Over the Age of Sixty. The motion was seconded by Ms. Brown and carried 6 to 0.

Nomination for a Non-Governmental Health Care Provider:
Joni L. Cox - by Mr. Bruce

Joni Cox was appointed by majority vote.

CODE ENFORCEMENT SPECIAL MASTER

Karen Windon, Public Safety Director, requested appointment of two **Code Enforcement Special Masters**.

Mr. Bruce moved to reappoint **Donald L. Courtney** and **J. Thomas O'Brien**. The motion was seconded by Mrs. Stein and carried 6 to 0.

CITIZENS' COMMENTS

Claire Brown, Lockwood Ridge Road resident, discussed eminent domain case (1999-CA-1981) and submitted a copy of a letter (9/26/00) addressed to Michael Rosen, Assistant County Attorney.

Fred Yohannan, President of Mighty Warriors Ministry, submitted a packet of information regarding this organization which speaks to youth about the dangers of drugs, alcohol, and gangs. He requested use of a County facility for an upcoming rally.

Disposition: Referred to Ernie Padgett, County Administrator.

EMERSON POINT CLASSROOM

Charles Hunsicker, County Administrator's Office, requested execution of an agreement to allow the County and the School Board to use a classroom facility to be constructed at Emerson Point Park next calendar year.

Motion was made by Mr. Harris to approve the agreement in substantial conformance with a sample agreement (in the agenda package). Motion was seconded by Mrs. Glass and carried 6 to 0. RECORD S47-2143

COMPREHENSIVE PLAN AMENDMENTS

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 9/28/00) was held to consider

ORDINANCE 00-12 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP (SHEET 23) FROM IL TO RES-6 FOR CERTAIN LAND LOCATED ON THE EAST SIDE OF 27TH STREET EAST, .25 MILE NORTH OF 38TH AVENUE EAST; CONSISTING OF 29.1 ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
(PA-00-09; Property Owners: **Anderson/Langston**)

Carol Clarke, Planning Director, stated that RES-6 is more compatible with the surrounding area.

Sharon Bolton, adjacent property owner, voiced concerns regarding flooding and property values.

Based upon the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission, and finding the request to be consistent with the provisions of Chapter 163, *Florida Statutes*, and the Manatee County Comprehensive Plan, Mr. Bruce moved to adopt **Manatee County Ordinance 00-12** (Plan Amendment PA-00-09). The motion was seconded by Mrs. Stein and carried 6 to 0.

RECORD S47-2144

Public hearing (Notices in the Bradenton Herald and Sarasota Herald-Tribune 9/28/00) was held to consider

ORDINANCE 00-10 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP (MAP 4) FROM IL TO P/SP(1) FOR CERTAIN LAND LOCATED AT 11386 BUD RHODEN ROAD, CONSISTING OF 126.25 ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
(PA-00-07; Property Owner: **Crescent Moon Enterprises, Inc.**)

Ms. Clarke referred to a Future Land Use Map (FLUM) and noted that the original application has been amended to reduce the eastern boundary by 1,350 feet, the south and west by 200 feet, and the north by 170 feet. With those revisions, the objections of the Department of Community Affairs (DCA) and Department of Environmental Protection (DEP) have been withdrawn. She submitted and reviewed three policy options for P/SP(1) and the major land uses within the category.

Discussion: Range of P/SP(1) uses raises concerns; difference between Comprehensive Plan and the Land Development review regarding types of uses; pursue Option 3 approving a Plan amendment to P/SP(1) combined with planned development process in the next cycle; etc.

Jeffrey Steinsnyder, Assistant County Attorney, advised that this request must be reviewed under the current Comprehensive Plan. If Option 3 is preferred, that amendment could be adopted as a text amendment in Cycle 1 of 2001.

Discussion: Continue until Comprehensive Plan is amended; decision is difficult without site plan; property will require rezone; etc.

Motion - Failed

Mrs. Stein moved to direct staff to proceed with preparing amendments to the Comprehensive Plan in line with Option 3 of the handout, which also contemplates Planned Development review. The motion was seconded by Mr. Bruce. Motion **failed** 2 to 4, with Mr. Stephens, Mrs. Glass, Mr. Harris and Ms. Brown voting nay.

Leon Kotecki, Planning Department, referred to an aerial map, and stated that the applicant reduced the area, as noted above, to 126 acres. The existing wetlands have been excluded, the surface water connections to Bishop Harbor have been reduced, and significant upland buffers surrounding the parcel have been provided. He submitted an environmental assessment provided by Biological Research Associates and noted that the implied request is for a landfill for construction and demolition debris.

Recess/Reconvene. All commissioners present except Mr. McClash.

Mark Barnebey, attorney representing the applicant, referred to an aerial map, reviewed the site, and discussed the surrounding boundaries and land uses. He referred to a photograph depicting transmission/power lines on the site. He discussed changes in this area: expansion of the County stockade; Port Manatee expansion; proposed natural gas pipeline; expansion of existing industries; and new industrial development. He stated the change in circumstances justifies the amendment and that issues such as compatibility and buffering will be addressed at the time of site plan approval.

Dana West, Biological Research Associates, stated the environmental assessment (submitted above) showed that the site has no native habitats within the amended boundaries and little evidence of wildlife.

Mark Ogles, Vice-President of Crescent Moon, stated the uses considered for the site are: (1) filling it in for the Port; (2) recycling operation; or (3) natural gas power plant. He addressed the need for a recycling operation, as the County landfill is filling (5-7 years of capacity) with demolition and construction debris. The site is considered a good transitory use next to high-level power lines and radioactive waste sites. He advised that there is no intention of using the site as a landfill or any use of a polluting form of energy.

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Lynndel Scaggs, representing residents of O'Neil and Buckeye Roads, discussed water contamination, property values, and truck traffic.

Glen Scaggs, O'Neil Road resident, voiced environmental concerns. He stated contaminated groundwater would drain into Bishop Harbor and, therefore, impact the Terra Ceia Aquatic Preserve.

Speaking in opposition to the amendment were: **Arlene Flisik**, Manatee County Audubon Society; **Karen Ciemniecki**, who submitted a *Bradenton Herald* article listing Crescent Moon as a Planning Commission item; **Arlene Sweeting**, Manatee-Sarasota Sierra Club; and **Joan Perry**.

Items addressed: air pollution, water quality, no plans to review, and Mr. Stephens' prior ownership in Crescent Moon Enterprises, Inc.; etc.

Daniel Lobeck, representing ManaSota-88, spoke in opposition and requested continuation until November (following the election) for consideration by a full Board. He objected to Mr. Stephens' participation in the hearing. Considering the intensity of uses which may be considered for the land, he stated the buffers are inadequate for P/SP(1). He advised that the Comprehensive Plan description of P/SP(1) land is for facilities that have an adverse aesthetic or health, safety and welfare impact on people and, therefore, questioned how this amendment could be an improvement.

Mr. Steinsnyder referred to *Florida Statute* 163.3184(7) and noted that there does not appear to be language to allow a continuance.

Discussion: Environmental and engineering studies, data and analysis will be provided at the time of PS/P(1) amendment; what property owners agree to do amongst themselves is not an issue for the government; etc.

Mr. Barnebey noted that in a Comprehensive Plan amendment the property uses cannot be restricted, nor can a site plan be submitted. Permitting, air quality, and stormwater concerns can be addressed at the time of rezone and site plan approval. Mr. Barnebey stated Mr. Ogles has agreed to pay to tie in the property owners along O'Neil Road to the County water system.

Discussion: Discharge not allowed from the site; southern buffer; residents in area are on well water; limit land use; FLUM designates 10-15 parcels as P/SP(1); proposed policy options; additional requests pending; existing allowed uses; providing water cannot be considered in the Comprehensive Plan amendment approval; etc.

Motion - Failed

Based upon the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission, the response to the DCA Objections, Recommendations, and Comments Report, and finding the request to be inconsistent with the provisions of Chapter 163, *Florida Statutes*, Chapter 9J-5, Florida Administrative Code, and the Manatee County Comprehensive Plan, Mrs. Stein moved to deny Manatee County Ordinance 00-10 (Plan Amendment PA-00-07). The motion was seconded by Mr. Bruce. Following discussion, the motion **failed** to carry 2 to 3, with Mrs. Glass, Ms. Brown and Mr. Harris voting nay, and Mr. Stephens abstaining.

Motion

Based upon the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission, the response to the FDCA Objections, Recommendations, and Comments Report, and finding the request to be consistent with the provisions of Chapter 163, *Florida Statutes*, Chapter 9J-5, Florida Administrative Code, and the Manatee County Comprehensive Plan, Mrs. Glass moved to adopt **Manatee County Ordinance 00-10** (Plan Amendment PA-00-07). The motion was seconded by Ms. Brown.

Discussion: Hold item for full Board; leave motion on the table; outside the 60-day window; request withdrawn; etc.

The motion carried 3 to 2, with Mrs. Stein and Mr. Bruce voting nay and Mr. Stephens abstaining.

RECORD S47-2145

UPPER MANATEE RIVER ROAD

Harry Mendenhall, Assistant Director of Transportation, stated the Sarasota/Manatee Metropolitan Planning Organization (MPO) and the Florida Department of Transportation (FDOT) have undertaken the Preliminary Design and Environmental Study (PD&E) regarding the extension of Upper Manatee River Road across the Manatee River to connect to Fort Hamer Road.

Ron Gregory, URS Corporation, gave a slide presentation on the Upper Manatee River PD&E Study which included: (1) Public and Agency Involvement; (2) Project Location and Description; (3) Scoping Purpose and Expectations; (4) Establish Purpose and Need; and (5) Schedule.

Recess/Reconvene. All members present except Mr. McClash and Ms. Brown.

EMINENT DOMAIN - 75TH STREET WEST

Michael Rosen, Assistant County Attorney, requested approval for payment of a partial settlement regarding expert witness fees with American Legion Kirby Stewart Post in the case of Manatee County v. Dozier B. Hilliard, et al., Case 1998-CA-1534, for the sum of \$9,950.

Mrs. Glass moved to approve payment of the partial settlement. The motion was seconded by Mrs. Stein and carried 5 to 0.

LONG RANGE TRANSPORTATION PLAN

Mr. Mendenhall advised that Mr. McClash, acting as Chairman of the Sarasota-Manatee Metropolitan Planning Organization, sent a letter to elected officials of both counties (including the School Board) requesting input or concerns regarding the 2025 Long Range Transportation Plan update.

He referred to the concerns of staff:

- Diversion of personal trips to transit and other alternative modes of travel.
- Public resistance to continuation of local and collector streets between local areas.
- Funding/revenues are not increasing as rapidly as costs, particularly for rights-of-way.
- Accommodating additional traffic at the I-75 and State Road 70 interchange, if State Road 70 is widened to four-plus lanes across the State as part of the Florida Interstate Highway System.
- The current and future number of east-west travel lanes is inadequate to handle traffic demands across the urban area.

He stated Manatee Avenue and Cortez Road are predicted to be overburdened at some point in the future. He advised that the Board and the City of Bradenton will have to address widening these facilities at high costs, as well as community disruption, or declare same constrained facilities.

Concerns of the Commissioners:

- State Road 64 and I-75; missing piece between 43rd Street East and the Interstate needs expanded to six lanes.
- Seek State assistance for Manatee Avenue and Cortez Road as they are State roads.
- Potential bridge crossing to the East (which may be six lanes) that dead-ends into U.S. 301 (not in the long range plan to be expanded from Erie Road up through Parrish); a north/south connector would compliment the bridge crossing.

Discussion: Revenue shortfall, \$1 billion; right-of-way for Manatee Avenue would be \$75 million minimum; widening Cortez would decrease parking spaces at \$10-15,000 per parking space; FDOT funds for construction are \$11 million annually; County gas tax \$4-5 million; one-cent gas tax generates \$850,000 annually; transit analysis and needs survey; I-75 and State Road 70 cloverleaf; Blue Ribbon Transportation Committee; etc.

OCTOBER 3, 2000

(Continued)

LAKWOOD RANCH HIGH SCHOOL

Ernie Padgett, County Administrator, reported that Schroeder-Manatee Ranch has agreed to design and construct the proposed east/west road to urban standards to relieve traffic congestion.

BLUE RIBBON TRANSPORTATION COMMITTEE

Mr. Padgett reported that seven former members of the MPO Transportation Advisory Committee have agreed to serve on the Blue Ribbon Committee. He requested recommendations for participants from the Commissioners and stated the Committee will consist of 15 people.

FUTURE EXPANSION OF PARKS

Mr. Padgett requested approval to begin negotiating with owners of acreage available for expansion of parks. The sites are: 19 acres near Kinnan Elementary School; 47 acres near 66th Street behind the utility plant.

COUNTY ATTORNEY STAFF

Tedd Williams, County Attorney, requested authorization to hire an additional legal secretary due to the promotion of a staff member.

Mrs. Glass moved approval of an additional legal secretary. The motion was seconded by Mrs. Stein and carried 5 to 0.

COMMISSIONERS' COMMENTS**Lakewood Ranch Boulevard - Traffic Officer**

Mr. Bruce requested the status of placing a traffic officer at Lakewood Ranch Boulevard during school hours. Mr. Padgett advised that due to the dangerous road layout, the Sheriff's Office has concerns regarding placing a deputy at the site. The Sheriff and the School Board are meeting to review the situation.

Pomello Park

Mr. Bruce advised that there is a problem on weekends with four-wheeling in Pomello Park in the area of 73rd Avenue East. He stated he will follow up with Code Enforcement to resolve this disturbance.

Traffic Enforcement Officers

Mr. Harris requested a report on the status of the Sheriff's Office budget request for two additional officers.

Recycling Resolution

Mr. Stephens stated he has received inquiries from condominium associations and recreational vehicle (RV) parks regarding the recent recycling resolution. Concerns have been raised regarding the flexibility of the language regarding RV parks versus condominiums and mobile home parks.

Crescent Moon Enterprises, Inc.

Mr. Stephens advised that he sold his interest in Crescent Moon. He stated he abstained voting on Ordinance 00-10 by choice and not by legal requirement.

Tedd Williams, County Attorney, read the language of *Florida Statute 286.012: Voting requirement at meetings of governmental bodies.*

He noted that there appeared to be a possible conflict of interest under one of the three statutes; however, the judgement call was close enough to advise Mr. Stephens to either vote or abstain.

MEETING ADJOURNED


There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman 1/23/01

Adj: 2:33 p.m.
/njh