

DECEMBER 12, 2000

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, December 12, 2000, at 9:04 a.m.

Present were Commissioners:

Joe McClash, Chairman
 Amy Stein, First Vice-Chairman
 Patricia M. Glass, Second Vice-Chairman
 Jane W. von Hahmann, Third Vice-Chairman
 Gwendolyn Y. Brown (entered during meeting)
 Jonathan Bruce
 George L. Harris

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 Reverend Father William E. Gerhart.

All witnesses and staff giving testimony were duly sworn.

CONSENT AGENDA

Motion was made by Mr. Harris, seconded by Mr. Bruce, and carried 6 to 0, to approve the Consent Agenda dated December 12, 2000, with deletion of: **(1)** Single and Multifamily Housing Revenue Bonds; **(2)** WCIND Project Applications; **(3)** Eminent Domain; and, **(4)** 44th Avenue East Improvements (all separate actions). Items APPROVED:

CLERK'S CONSENT CALENDAR**BONDS****Accept:****Blue Septic Tank Service, Inc.**

Amendment 2 to Irrevocable Standby Letter of Credit 973547 (Bank of America) amending the expiration date to December 23, 2001.

REFUNDS

Panther Ridge Communities, Ltd. - Impact Fee \$39,655

WARRANT LIST

Approve: November 28, 2000 through December 11, 2000
 Authorize: December 12, 2000 through December 18, 2000

MINUTES

August 22, 2000

AUTHORIZE CHAIRMAN TO SIGN

Test Well Construction - Contract with Diversified Drilling Corporation, \$582,021; accept Performance/Payment Bond and Insurance Certificate (approved 11/28/00).

RECORD S47-2440

Partial Releases of Special Improvement Assessment Liens

Projects: 3004(2); 3009(4); 3104(3); 3010; 3011; 3100; 3102; 3121(2); 5056; 5069; 5147(6); 5256; 5264(2); 5268.

ADOPT

R-00-300 RESOLUTION AUTHORIZING THE SIGNATURES OF R. B. SHORE, CLERK OF CIRCUIT COURT; JOE MCCLASH, CHAIRMAN, OR AMY E. STEIN, VICE-CHAIRMAN, BOARD OF COUNTY COMMISSIONERS, ON CHECKS WITHDRAWING FUNDS FROM BANK OF AMERICA ACCOUNT 000096442417.

RECORD S47-2441

ACCEPT

Lakewood Ranch Community Development Districts 1, 2, and 3 - Minutes of the Board of Supervisors, August 3, September 7, and October 5, 2000, meetings.

COUNTY ADMINISTRATOR**EMERSON POINT PARK - PORTAVANT MOUND**

R-00-289 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF STATE, BUREAU OF HISTORICAL RESOURCES UNDER THE ACQUISITION AND DEVELOPMENT CATEGORY FOR THE EMERSON POINT PARK PORTAVANT MOUND COMPLEX.

(\$80,000; \$40,000 State, \$40,000 Local; authorize Chairman to execute all related documents.)

RECORD S47-2442

GRANT-IN-AID AGREEMENTS

1. **Article V Trust Fund** - Execution of Grant-In-Aid Agreement with the Office of the State Courts Administrator and the Twelfth Judicial Circuit for costs incurred in operating the **state courts system**, \$57,054; letters transmitting detailed spending plan for grant funds and requesting release of grant funds. RECORD S47-2443
2. **Court Reporting Services** - Execution of Grant-In-Aid Agreement with the Office of the State Courts Administrator to support delivery of court reporting services in the Twelfth Judicial Circuit, \$52,507; letter requesting release of grant funds. RECORD S47-2444

STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM

Execution of contract with Precision Construction Enterprises, Inc. for renovations of the home of **Marion Vega** at 1304 29th Street East, Palmetto, \$32,954.63. RECORD S47-2445

CONSTRUCTION LOAN AGREEMENT

Execution of Amendment Number Two to construction loan agreement with Jeanester Bryant extending construction period (for six months) to complete home reconstruction project at 1809 Tallevast Road, Tallevast. RECORD S47-2446

NEIGHBORLY SENIOR SERVICES

Execution of Addendum One to lease agreement (12/14/99) with Neighborly Senior Services, Inc., 2703 19th Street Court East, extending the lease to December 31, 2001. RECORD S47-2447

BUDGET AMENDMENT

Various Departments

B-01-011

Transfer of Funds; Unanticipated Revenue Appropriations

Supporting Description and Detail Attached

RECORD S47-2448

26TH STREET WEST AT 53RD AVENUE WEST

Execution of Work Assignment 99-11 with Wade-Trim, Inc. for engineering services for conceptual design for reconstruction of intersection, \$34,548. RECORD S47-2449

MATERIALS AND SERVICES

1. **Aquifer Storage/Recovery (Phase 2, Potable Water)** - Award IFB 00-5431MP to Wharton-Smith, Inc., \$3,076,000; authorize subsequent execution of contract and simultaneous dating of performance/payment bond and acceptance of insurance certificate.
2. **Custodial and Paper Products** - Award IFB 00-8207AA to the lowest responsive, responsible bidder meeting specifications, Coastal Chemical & Paper Supply, Inc., \$150,000.
3. **Lawn Care at Wastewater Treatment Plants and Lift Stations** - Award IFB 00-7729MP to the lowest responsive, responsible multiple bidders; total not to exceed \$78,754: **Site I:** Richard's Service, \$35,880; **Site II:** L. E. Azer, \$21,320; **Site III:** L. E. Azer, \$21,554.
4. **Mainframe Computer Maintenance** - Sole source purchase from Digital Controls Corporation, \$107,565.84.
5. **Palm Aire Landscaping** - Award IFB 00-8409MP to the lowest responsive, responsible bidder meeting specifications, Tru-Green Land Care LLC, \$65,880.
6. **Radio Batteries** - Award IFB 00-7327AA to the lowest responsive, responsible bidder meeting specifications, Mobex Communications, \$55,000.
7. **Raw Water Pump/Station 1** - Award IFB 00-5317MP to the lowest responsive, responsible bidder meeting specifications, C.E.M. Enterprises, Inc. dba Sunshine Painting, \$325,000; authorize subsequent execution of contract and simultaneous dating of performance/payment bond and acceptance of insurance certificate.
8. **Red Ball Field Clay** - Award IFB 01-1309DC to the sole responsive, responsible bidder meeting specifications, Radar Enterprises, \$36,000.

FIRST UNION BUILDING RENOVATIONS

Execution of Change Order 2 to IFB 00-4784DC with Tri-Tech Construction and Design, Inc., \$11,964 increase, adjusted contract amount \$308,739. RECORD S47-2450

LAKE MANATEE DAM - TOE DRAIN REHABILITATION

Execution of Work Assignment M-14 with McKim & Creed, Inc. for engineering services, not to exceed \$117,000. RECORD S47-2451

LAKEWOOD RANCH DISTRICT PARK

Execution of Change Order 1 to Work Assignment 6 (PO W9000311) with Wade-Trim, Inc., for additional engineering services for design development of Final Site Plan, \$22,172 increase, total not to exceed \$37,882. RECORD S47-2452

LENA ROAD AND ERIE ROAD LANDFILLS

1. Execution of Change Order 1 to Work Assignment 27 with HDR Engineering, Inc., for solid waste engineering services for **environmental compliance monitoring and reporting**, \$22,857 increase, adjusted total not to exceed \$121,963 (12/6/00-3/5/01). RECORD S47-2453
2. Execution of Change Order 1 to Work Assignment 31 with HDR Engineering, Inc., for solid waste engineering services for **landfill gas compliance monitoring and reporting**, \$37,293 increase, adjusted total not to exceed \$186,465 (12/6/00-3/5/01). RECORD S47-2454

RIVERVIEW BOULEVARD BRIDGE - MCLEWIS BAYOU

Execution of Work Assignment 99-12 with Wade-Trim, Inc. for engineering services for design and construction, \$47,294. RECORD S47-2455

TARA PHASE III

Execution of Work Assignment 1 with URS Corporation Southern (formerly URS Greiner Woodward Clyde, Inc.) for professional services for Development of Regional Impact for transportation impact assessment, \$26,536. RECORD S47-2456

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(Continued)

UNEMPLOYMENT INSURANCE

Execution of agreement for unemployment insurance cost control services with DeGroot Management Services, Inc., \$4,000. RECORD S47-2457

UTILITY ENGINEERING SERVICES

Execution of Addendum 2 to extend agreements, on an as-required basis, for one year (1/19/01 to 1/18/02) with Greeley and Hansen, McKim & Creed, Inc., Post, Buckley, Schuh & Jernigan, Inc., and Zoller, Najjar & Shroyer, L.C. RECORD S47-2458

S47-2459

S47-2460

S47-2461

WARE'S CREEK

Execution of Work Assignment 15 with Foresight Surveyors, Inc. for professional surveying services for the Stormwater Conveyance Improvements Project, \$398,756. RECORD S47-2462

WATER DISTRIBUTION IMPROVEMENTS MASTER PLAN

Execution of Change Order 1 to Work Assignment 10 with Parsons Engineering Science, Inc. for consulting services, \$45,617 increase, adjusted total \$195,625. RECORD S47-2463

G. T. BRAY PARK

1. Accept donation of materials and labor from Manatee West Little League to renovate the G. T. Bray Baseball Park, \$13,325.
2. Authorize Manatee Home Educated Activities Teams to charge gate admission to its athletic/sporting events.

FINAL PLATS**Sabal Harbour, Phase II-B**

1. Final Plat;
2. Agreement with Pulte Home Corporation guaranteeing completion of required improvements (\$192,707.78);
3. Performance Bond: \$192,707.78 (Letter of Credit ATL/P601062, SunTrust Bank);
4. Agreement with Pulte Home Corporation guaranteeing completion of required sidewalks and bikeways (\$24,128);
5. Performance Bond: \$24,128 (Letter of Credit ATL/P601061, SunTrust Bank);
6. Agreement with Pulte Home Corporation guaranteeing completion of required improvements and temporary construction easement for private improvements (\$41,615);
7. Performance Bond: \$41,615 (Letter of Credit ATL/P601060, SunTrust Bank);
8. First Amendment to Declaration of Covenants, Conditions, and Restrictions of Sabal Harbour;
9. Supplement 5 to Declaration of Covenants, Conditions, and Restrictions of Sabal Harbour.

Sabal Harbour, Phase VI

1. Final Plat;
2. Agreement with Pulte Home Corporation guaranteeing completion of required improvements (\$598,179.40);
3. Performance Bond: \$598,179.40 (Letter of Credit ATL/P601081, SunTrust Bank);
4. Agreement with Pulte Home Corporation guaranteeing completion of required sidewalks and bikeways (\$49,920);
5. Performance Bond: \$49,920 (Letter of Credit ATL/P601083, SunTrust Bank);
6. Agreement with Pulte Home Corporation required improvements and temporary construction easement for private improvements (\$78,146.10);
7. Performance Bond: \$78,146.10 (Letter of Credit ATL/P601082, SunTrust Bank);
Temporary Turnaround Easement with Pulte Home Corporation; RECORD S47-2464
8. First Amendment to Declaration of Covenants, Conditions, and Restrictions of Sabal Harbour;
9. Supplement 5 to Declaration of Covenants, Conditions, and Restrictions of Sabal Harbour;
10. Supplement Number 6 to Declaration of Covenants, Conditions, and Restrictions of Sabal Harbour.

River Club South, Subphase V-B3

1. Final Plat;
2. Mortgagee's Joinder in Declaration only from Bank of America, N.A.;
3. Agreement with I.D.L. Corporation guaranteeing completion of required improvements (\$52,536.62);
4. Performance Bond: \$52,536.62 (Letter of Credit 3027855, Bank of America);
5. Agreement with I.D.L. Corporation guaranteeing completion of required sidewalks and bikeways (\$25,465.57);
6. Performance Bond: \$25,465.57 (Letter of Credit 3024067, Bank of America);
7. Agreement with I.D.L. Corporation guaranteeing completion of required improvements and temporary construction easement for private improvements (\$13,956.25);
8. Performance Bond: \$13,956.25 (Letter of Credit 3024068, Bank of America);
9. Conservation Easement from I.D.L. Corporation; RECORD S47-2465
10. Declaration of Protective Covenants, Conditions, Easements and Restrictions of River Club South Subphase V-B.

PARTICIPATION PROJECTS - 39TH STREET EAST

R-00-281 A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR ROAD ASSESSMENT PROJECT 5199, **39TH STREET EAST**.
(Combine parcels of **Steve and Jennifer Gainey**.) RECORD S47-2466

REFUNDS

1. Authorize \$652 refund, minus any outstanding billings, to Dr. L. R. Channell (account 76061-76100) due to an overpayment.
2. Authorize \$559.20 refund to U.S. Home Corporation (account 52720-52588) due to sale of property.
3. Authorize \$403.04 refund, minus any outstanding billings, to Michael Kelly (account 77027-77109) due to overpayment.

NATALIE WAY

R-00-279 A RESOLUTION OF MANATEE COUNTY, FLORIDA, EXPRESSING A DESIRE TO ACQUIRE CERTAIN REAL PROPERTY FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (declaring a public purpose for the extension of **Natalie Way** and a second means of access to **Braden River Park**). RECORD S47-2467

DEEDS AND EASEMENTS

Prospect Road (Kinnan Elementary) - Pedestrian Sidewalk Easement from Thomas W. Harrison, Trustee of the Elder Trust, for a sidewalk; Affidavit of Ownership and Encumbrances. RECORD S47-2468

CITRUS CANKER TREE REPLACEMENT

R-00-301 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR CITRUS TREE REPLACEMENT FUNDS THROUGH THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF PLANT INDUSTRY, CITRUS CANKER PROJECT. RECORD S47-2469

(End Consent Agenda)

RETIREMENT AWARD

James McIntosh, Transit Operator, was presented a plaque honoring his 18 years of County service by Carl Gaites and Fred Loveland, Community Services Department.

(Enter Ms. Brown)

MULTIFAMILY HOUSING REVENUE BONDS

Mark Barnebey, representing Creative Homes, requested support of Resolution R-00-286 for the Palm Isle Apartments project.

Motion was made by Mrs. Glass, seconded by Mrs. Stein and carried 6 to 0, with Mr. Bruce abstaining, to adopt

R-00-286 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE ISSUANCE BY THE HOUSING FINANCE AUTHORITY OF MANATEE COUNTY, FLORIDA, OF ITS MULTIFAMILY HOUSING REVENUE BONDS (**PALM ISLE APARTMENTS PROJECT**) WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND PROVIDING CONCEPTUAL APPROVAL WITHIN THE MEANING OF MANATEE COUNTY ORDINANCE 79-6; AND PROVIDING FOR AN EFFECTIVE DATE. RECORD S47-2470

Motion was made by Mrs. Glass, seconded by Mr. Harris, and carried 4 to 3, with Mr. McClash, Mr. Bruce and Mrs. Stein voting nay, to adopt

R-00-287 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE ISSUANCE BY THE HOUSING FINANCE AUTHORITY OF MANATEE COUNTY, FLORIDA, OF ITS MULTIFAMILY HOUSING REVENUE BONDS (**LaMIRADA GARDENS PROJECT**) WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND PROVIDING CONCEPTUAL APPROVAL WITHIN THE MEANING OF MANATEE COUNTY ORDINANCE 79-6; AND PROVIDING FOR AN EFFECTIVE DATE.

(NOTE: Motion to reconsider action later in the meeting).

Motion was made by Mr. Bruce, seconded by Mrs. Stein and carried unanimously to adopt

R-00-288 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE ISSUANCE OF HOUSING FINANCE AUTHORITY OF MANATEE COUNTY, FLORIDA, SINGLE-FAMILY MORTGAGE REVENUE BONDS, MULTIPLE SERIES, WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, IN AN AMOUNT NOT TO EXCEED \$25,000,000.00; AND PROVIDING FOR AN EFFECTIVE DATE. RECORD S47-2471

CHILDREN'S SERVICES

Public hearing (Notice in the *Bradenton Herald* 12/3/00) was held to consider funding for the **Manatee Family YMCA Middle School Program** at Lee Middle School for a sum not to exceed \$10,000 for the time period beginning October 1, 2000, and ending September 30, 2001.

Cheri Coryea, Community Services Department, requested execution of Amendment One to the FY 2000-01 Funding Agreement with Manatee Family YMCA, \$10,000 increase, to serve children in a before-school program at the Lee Middle School (10/1/00-9/30/01).

Motion was made by Mrs. Glass, seconded by Ms. Brown, and carried unanimously, to approve the request. RECORD S47-2472

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(Continued)

STREET NAMES

Public hearing (Notice in the *Bradenton Herald* and *Sarasota Herald-Tribune* 12/2/00) was held to consider

R-00-259 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, COMMEMORATIVELY NAMING A STREET WITHIN THE BOUNDARIES OF THE SCHROEDER-MANATEE RANCH, SPECIFICALLY THE PROPOSED LAKEWOOD RANCH COUNTRY CLUB DEVELOPMENT (requested street name **Arnold Palmer Green**).

Mrs. Stein moved to adopt **R-00-259**. The motion was seconded by Mrs. Glass and carried 7 to 0.
RECORD S47-2473

NON-AD VALOREM ASSESSMENTS

Public hearing (Notices in the *Bradenton Herald* November 10, 17, 24 and December 1, 2000) was held to consider

R-00-260 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING THE INTENT OF THE BOARD TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS FOR ROAD PAVING, SANITARY SEWER, STORMWATER, STREET LIGHTING, CANAL DREDGING, DRAINAGE IMPROVEMENT AND LANDSCAPE BEAUTIFICATION PROJECTS AUTHORIZED PURSUANT TO CHAPTER 197, *FLORIDA STATUTES*; STATING THE NEED FOR THE LEVY OF NON-AD VALOREM ASSESSMENTS, INCLUDING A LEGAL DESCRIPTION OF THE BOUNDARIES OF THE REAL PROPERTY SUBJECT TO THE LEVY, AND PROVIDING AN EFFECTIVE DATE.

Victor Coveduck, Bay Colony Homeowners Association, addressed the maintenance dredging project and submitted several documents.

Discussion: Mrs. Stein to represent the Board at a meeting with DEP; provide list of pending projects; contractor discrepancy; etc.

Mr. Bruce moved to adopt Resolution **R-00-260**. The motion was seconded by Mrs. Stein and carried 7 to 0.
RECORD S47-2474

WEST COAST INLAND NAVIGATION DISTRICT

Mrs. Stein moved to authorize execution of a letter transmitting the West Coast Inland Navigation District Project Applications under Project M103, funding as indicated:

City of Anna Maria - Lake LaVista Inlet Maintenance, M103(A), \$15,000; RECORD S47-2475

Manatee County Project Management Department - McLewis Bayou, M103(B), \$25,000;

RECORD S47-2476

Manatee County Project Management Department - Bay Colony Maintenance Dredging, M103(C), \$35,000;

RECORD S47-2477

Manatee County Project Management Department - Bra-Win Palms Dredging, M103(D), \$122,000

RECORD S47-2478

River Place Condominium Association - Navigational Restoration, M103(E), \$64,576.

RECORD S47-2479

Victor Coveduck, Bay Colony Homeowners Association, was pleased that the Bay Colony application was being submitted.

The motion was seconded by Mr. Bruce and carried 7 to 0.

UPPER MANATEE RIVER ROAD

No action was taken on the following Resolutions, due to consideration of the future widening of State Road 64:

R-00-277 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, INTERSECTION OF **UPPER MANATEE RIVER ROAD aka LAKEWOOD RANCH BOULEVARD AND STATE ROAD 64** (PROJECT 319-6018560).

and

R-00-278 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; INTERSECTION OF **UPPER MANATEE RIVER ROAD aka LAKEWOOD RANCH BOULEVARD AND STATE ROAD 64** (PROJECT 319-6018560).

44TH AVENUE EAST

Motion was made by Ms. Brown, seconded by Mr. Harris, and carried 7 to 0, to execute Work Assignment 99-09 with Wade-Trim, Inc., for engineering services for conceptual design for 44th Avenue East (15th Street East to 18th Street East), \$30,108.
RECORD S47-2480

BRADENTON HOUSING AUTHORITY

David Rothfuss, Assistant County Administrator, stated the Bradenton Housing Authority has expressed interest in purchasing certain County-owned property to be used in public rental housing in conjunction with the Hope VI Program to revitalize the Rogers, Singletary, and Washington neighborhoods.

Mrs. Glass moved to authorize staff to proceed to develop the necessary documents and negotiate prices for the sale of the properties. The motion was seconded by Mrs. Stein and carried 7 to 0.

CHILDREN'S SERVICES

Cheri Coryea, Community Services Department, submitted a packet regarding the FY 2000-01 Children's Services Dedicated Millage Funding review process conducted by the Children's Services Advisory Board (CSAB). She reported on three requests: **(1)** CARENET (Promise Team); **(2)** Clerk of the Circuit Court (Citizen's Review); and **(3)** Manatee Children's Services, Inc. (Young Men as Fathers).

Tedd Williams, County Attorney, defined faith-based as an organization with origins in and support or control of religious organizations. Public funds cannot be used to support proselytizing or evangelism, but can be used to support other social welfare programs that are faith-based or sponsored by religious organizations.

Fred Loveland, Community Services Director, addressed some of the issues facing the CSAB.

Karl Youngs and **Valerie Fisher**, Clerk's Office, presented an overview of the Citizen's Review Program, which reviews out-of-home care.

Diane Thompson, CARENET, clarified that their ministry includes a crisis pregnancy center and an abstinence program.

Shawn Foster, Young Men as Fathers Program, submitted a revised budget and reviewed the core curriculum of intervention and prevention, as well as the program statistics.

Mrs. Glass moved to approve funding for the three programs subject to the necessary documentation being finalized by the agencies, with legal review. The motion was seconded by Mr. Harris.

Regarding Mr. Bruce's participation on the Manatee Children's Service Board of Directors, Mr. Williams stated that there is no conflict of interest; however, he advised Mr. Bruce to abstain from voting on the Young Men as Fathers Program.

Mrs. Glass **withdrew** the motion.

Mrs. Stein moved to approve the additional funding required for the Clerk of Circuit Court, **Citizen's Review Program**, from Children's Services Dedicated Millage Program subject to finalizing necessary documentation with the agency. The motion was seconded by Mr. Bruce and carried 7 to 0.

Mrs. Stein moved to approve the CARENET, **Promise Team** request for funding from the Children's Services Dedicated Millage Program subject to finalizing necessary documentation with the agency. The motion was seconded by Mr. Bruce and carried 7 to 0.

Mrs. Stein moved to approve the Manatee Services Inc., **Young Men as Fathers Program** funding from the Children's Services Dedicated Millage Program on the basis of the new amount presented this date subject to finalizing the necessary documentation with the agency. The motion was seconded by Mrs. von Hahmann and carried 6 to 0, with Mr. Bruce abstaining due to his participation on the Board of Directors.

TRAFFIC COUNTERS

Harry Mendenhall, Transportation Department, reported on the nine proposed permanent traffic counter locations and the installation costs on: **S.R. 789; 53rd Avenue West; Ellenton-Gillette Road; Lockwood Ridge Road; Lakewood Ranch Boulevard; 9th Street East; Old Tampa Road; Haben Boulevard; and Verna Bethany Road.** RECORD S47-2481

Discussion: Include Bradenton Beach via Cortez Road or Manatee Avenue; number of loops; make arrangements for counters; information will help maintain funding from various sources; etc.

CITY OF BRADENTON - ANNEXATION

James Minix, Assistant County Attorney, advised that the petition by Nordic of Florida Development, Inc. for annexation of 159 acres in the **Riverdale** and **Riverdale Revised Subdivisions** was passed by the Bradenton City Council (11/29/00). Mr. Minix outlined the area on a map and reviewed legal arguments supporting a challenge.

Discussion: Interpretation of statute; legal basis for the annexation; many concerns cannot be presented in court; definition of contiguous; \$400,000 loss of impact fees; applicant is seeking to obtain more land abutting City property; City versus County services; intergovernmental coordination; invite City to discuss issue; etc.

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Kathleen Thompson, Planning Department, submitted a copy of a letter (11/7/00) addressing County concerns, which was hand-delivered to the City Council and Mayor Wayne Poston. No response was received.

Discussion: Rapid response team; financial gain to the developer; notices not received timely; statute shows no requirement for the City to send a notice on application; review of Florida Governmental Conflict Resolution Act, Chapter 164, *Florida Statutes*; etc.

Based on the statutory deadline and the government conflict resolution process that will be undertaken, Mrs. Stein moved to direct the County Attorney's Office to file suit challenging the City of Bradenton Annexation A-00-05. The motion was seconded by Mrs. von Hahmann and carried 6 to 1, with Mrs. Glass voting nay.

COMMISSIONERS' COMMENTS

Growth Issue

Mrs. Stein requested that docks and emergency shelters be included on the growth work session agenda scheduled in January 2001.

Bradenton Housing Authority

Ms. Brown suggested the property across from Rogers Garden Park Apartments be included in the sites for purchase of surplus property.

Transportation Deficiency

Mrs. von Hahmann advised that it was reported at the Metropolitan Planning Organization meeting that in spite of the scheduled transportation and road improvements through 2000-2025, the current nine per cent deficiency will increase to 31 percent in County road systems due to the pace of growth.

Upper Manatee River Road Bridge

Mr. McClash suggested that the Upper Manatee River Road Bridge construction be phased. He noted there is \$11,000,000 total funding for the design and right-of-way, with construction funds to follow after the fifth year. There is a possibility to phase the project by using the existing funds (available in 2002 and 2004) to construct the bridge, then work on the road construction. He requested that staff work with the Florida Department of Transportation and bring back an option.

Discussion: Project is still in study phase; consider four- or six-lane bridge capacity; current roads will not be adequate; etc.

Impact Fees

Due to the growth issue, Mr. McClash questioned if impact fees could be adjusted to extract facility investment fees when additional water must be provided for building expansion in a municipality.

Recess/Reconvene. All members present except Ms. Brown.

(Carol Cason, Court Reporter, was present.)

Public hearings (continued from 11/28/00) were opened to consider

Z-00-07 - IMC PHOSPHATES COMPANY/FOUR CORNERS MINE

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A** AND **A/WP-M** TO **EX** RETAINING THE WP-M OVERLAY DISTRICT AND PROVIDING AN EFFECTIVE DATE; LOCATED ON 2,508 ACRES NORTH AND EAST OF DUETTE ROAD AND NORTHEAST OF THE INTERSECTION OF DUETTE ROAD WITH WALKER ROAD, ALONG BOTH SIDES OF WALKER ROAD AND EXTENDING EASTWARD TO THE HARDEE COUNTY LINE, TOGETHER WITH THE LAND UNDERLYING WALKER ROAD, IF VACATED. THE PROPERTY IS COMPRISED OF TWO NON-CONTIGUOUS PARCELS LOCATED WITHIN SECTION 36, TOWNSHIP 33 SOUTH, RANGE 22 EAST, AND SECTIONS 1, 2, 11, 12, 13, AND 14, TOWNSHIP 34 SOUTH, RANGE 22 EAST; Planning Commission recommended APPROVAL.

and

ORDINANCE 00-49 - IMC PHOSPHATES COMPANY/FOUR CORNERS MINE (DRI 5)

Approval of a Substantial Deviation to the Four Corners Mine Development of Regional Impact to:

1. Amend **Section 7-Legal Description** for the addition of 2,808 acres known as the **Southeast Tract** to this DRI;
2. Allow the mining of phosphate ore on the 2,808-acre addition to the mine;
3. Amend **Sections 4-Development Components, 5-Definitions, and 6-Development Conditions** to reflect the 2,808-acre addition, to establish new or modified conditions of approval for mining within the Southeast Tract, and to ensure the Development Order will be internally consistent with all changes proposed by the applicant;
4. Delete **Conditions F.5 & K(5)1-MA-08** pertaining to a rookery;

5. Delete Condition K-10 pertaining to mining conditions for the 170-acre Addition;
6. Amend the Development Order to reflect changes in agency names, the name of the developer, and to denote stipulations that have been complied with or requirements that have been completed; and
7. Amend Map H to reflect the above changes;
on 2,808 acres located north and east of Duette Road and northeast of the intersection of Duette Road with Walker Road; along both sides of Walker Road and extending eastward to the Hardee County line. The existing Four Corners Mine is located north of S.R. 62 and along both sides of S.R. 37, extending north into Hillsborough County;
Planning Commission recommended APPROVAL.

and

R-00-271 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, GRANTING APPROVAL TO IMC PHOSPHATES COMPANY FOR AN OPERATING PERMIT AND MASTER MINE PLAN FOR THE FOUR CORNERS MINE SOUTHEAST TRACT ADDITION TO INCLUDE SPECIFIC CONDITIONS, RESTRICTIONS AND LIMITATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Robert Pederson, Planning Department, stated that the three items were continued in order to review wetland policies of the Comprehensive Plan, opportunities for additional mitigation, and an executed conservation easement (tendered by IMC, Exhibit L to the Development Order). Referring to Exhibit H of the Development Order, he stated that IMC has offered additional mitigation of 70 acres of wetlands; therefore, the wetland mitigation ratio changes from 1.41 to 1.62 overall. He stated that Stipulation E.(6) and Exhibits B, E, H, and J of the Development Order have been revised. He submitted various documents regarding the requests.

Karen Collins, Environmental Management Director, referred to her memorandum (12/7/00) to the Planning Director and stated that the wetland mitigation plan of IMC, coupled with the preservation area in the conservation easement, provides flexibility to lower the mitigation ratios in consideration of other compensation being proposed. She advised that off-site mitigation cannot realistically be considered to "offset" wetland impacts in a separate hydrologic basin.

(Enter Ms. Brown)

Discussion: Value of wetlands on site; other types of compensation proposed; review of Exhibit H; mitigation ratio; wetlands on-site versus off-site; hydrological study; species habitat; mitigate for impacts; donor site for species; mining life of 14 ears; clay settling areas; undisturbed wetland buffer is 30 feet and the berm can be located in the buffer; phosphate mines are exempt from LDC Section 719 buffer requirements; effective date of operating permit; etc.

Charles Hunsicker, County Administrator's Office, stated that the wetland mitigation in the headwaters of Lake Manatee is valuable for habitat mitigation. He addressed the primary goals for hydrology in the Land Management Plan for Duette Park adopted by the Board (9/25/95).

Rob Brown, Environmental Management Department, referred to R-00-271 and reviewed the evaluation of the six criteria of the master mine plan and operating permit (a five-year permit). He reviewed Exhibit C, the environmental monitoring plan.

Discussion: Include definition of "shift"; review and define clean-up responsibility; timeframes and contact information for notification of Director must be included; emergency response plan to be provided; etc.

Patricia Petruff, representing the applicant, noted that an in-depth response to the ManaSota-88 letter (11/28/00) was provided. She submitted "International Strategic Minerals Inventory Summary Report-Phosphate" as mentioned in the Application for Development Approval.

Bob Kinsey, Director of Operations Support for IMC, read and submitted several documents. Referring to a map, he pointed out the wetlands and mineable areas of the site and stated wetland avoidance would preclude a reasonable use of the property.

Gary Uebelhoer, Environmental Consulting and Technology, Inc., addressed wetland permitting issues. He noted that no federal or state laws absolutely prohibit the disturbance of wetlands.

Dee Allen, IMC Manager of Permitting and Reclamation, utilized a powerpoint presentation and addressed the mining and reclamation sequence plan. She reviewed the pre-/post-acreage summary.

Dr. Doug Durbin, Biological Research Associates, stated the best approach to reclamation on this site is a habitat mosaic (upland and wetland combination). He referred to a graph illustrating the overall acreage of each native habitat to be put back on the site. The alternate flow-way is created in the first year of mining, thereby preventing the loss of hydrologic or habitat functions of that continuous flow-way. He stated no species will be lost due to the refuge areas on site.

Dr. John Garlanger, water resource engineer, addressed off-site mitigation and described the decrease in base flow.

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(Continued)

Ms. Petruff submitted: **(1)** letter (12/8/00) from **IMC Phosphates Company**; **(2)** *U.S. Code*: Title 30, Section 21a; and **(3)** *Florida Statutes*, Section 378.202. She stated that mining is a temporary land use and property can be reclaimed (both uplands and wetlands), reestablishing the form and function of the landscape.

Bill Byle, representing Charlotte County, referred to a map of the counties which are part of a natural system of several river basins. The proposed mine is in the Horse Creek basin, which provides 15 percent of the Peace River flow. He submitted copies of statutory language requiring local, state and federal permitting agencies to review the cumulative impacts of the project, and resolutions from counties requesting an area-wide phosphate Environmental Impact Statement (EIS).

Joan Perry submitted an editorial (12/12/00) from the *Sarasota Herald-Tribune* and requested consideration of a regional EIS.

Helen Jo Williams, Sierra Club, supported denial of any applications to allow phosphate mining until completion of a regional EIS.

Dan Lobeck, representing ManaSota-88, requested a regional EIS prior to approval of this land use. He expressed concerns of: the unspecified location of the conservation easement; IMC response to ManaSota-88; protection of mitigation areas; clay settling ponds; buffer area; protection of natural environment; flow and volume of water; and time of reclamation.

(Depart Mrs. Glass)

Arlene Sweeting stated that permits are being sought to mine over 60,000 acres of land in the Horse Creek and Peace River watersheds. She requested denial of this request until a regional EIS can be completed.

Glenn Compton submitted a letter (8/24/00) from the **U.S. Environmental Protection Agency** (EPA) and a letter (12/10/00) from **ManaSota-88**. Referring to the EPA response to the U.S. Army Corps of Engineers regarding Fort Lonesome and Four Corners Mines, he noted the EPA recommended a minimum 50-foot buffer around a wetland. He objected to a rehydration ditch within the proposed 30-foot buffer.

Mary Sheppard submitted a letter (8/24/00) from the **U.S. Environmental Protection Agency** (EPA) and a letter (8/28/00) from the **U.S. Department of the Interior, Fish and Wildlife Service** and read a section of "Hydrology and Water Quality of Unmined and Reclaimed Basins in Phosphate-Mining Areas, West-Central Florida," regarding surficial aquifer and overburden-capped sand-tailings. She requested a regional EIS.

Motion

Mrs. von Hahmann moved to request that staff bring back a resolution to request a Regional Environmental Impact Study of phosphate mining in the areas outlined by the Charlotte County representative. The motion was seconded by Mrs. Stein.

Discussion: Different Regional Planning Councils; criteria for an EIS; in 1989-91 this area was designated as the Southern Water Use Caution Area; 1978 EIS projection horizon to 2000; did EIS continue to Charlotte County; finish presentation before voting on motion; etc.

Mr. Uebelhoer referred to his (12/8/00) letter and explained why the 1978 Central Florida Phosphate Industry Final Environmental Impact Statement did not need to be updated, supplemented, or replicated.

Ms. Allen submitted a letter (11/28/00) from **EPA** responding to the ManaSota-88 request for an EIS. She noted that the U.S. Army Corps of Engineers indicated this property does not qualify for an EIS as it does not involve construction of a new facility. Referring to a map, she pointed out the proposed conservation easement areas and noted that legal descriptions will be provided.

Dr. Garlanger referred to a map and discussed pre-mining and post-reclamation, and the function of clay ponds and sand tailings.

Mr. Durbin (submitting a map), Mr. Uebelhoer, and Ms. Petruff addressed concerns regarding: habitat network in reclaimed systems; studies conclude that phosphate mining does not create unacceptable impacts; and, range of uses in the Agriculture land-use category includes mining and mining activities. Ms. Petruff submitted dictionary definitions of reasonable and practicable.

Motion - Amended

Mrs. von Hahmann and Mrs. Stein agreed to include in the motion a request that the U.S. Army Corps of Engineers respond to a resolution requesting a regional EIS. The motion carried 6 to 0.

Ms. Petruff requested a continuance for a full Board.

Discussion: Time required for EIS; EIS issue should be resolved prior to vote; staff to contact the U.S. Army Corps of Engineers regarding EIS prior to the next meeting; etc.

Motion was made by Mr. Bruce to have the County Administrator contact the U.S. Army Corps of Engineers to determine if they would perform an EIS. The motion was seconded by Mrs. Stein and carried 6 to 0.

Mr. Harris moved to continue the public hearing on **Z-00-07** IMC Phosphates Co./Four Corners Mine; Zoning **Ordinance 00-49** IMC Phosphates Co./4 Corners Mine Substantial Deviation Southeast Tract; and Resolution **R-00-271** IMC Phosphates Co./4 Corners Mine Southeast Tract Addition Master Mine Plan and Operating Permit to December 19, 2000, at 2:00 p.m., or as soon thereafter as same may be heard. The motion was seconded by Mr. Bruce and carried 6 to 0.

SINGLE AND MULTIFAMILY HOUSING REVENUE BONDS

Mrs. von Hahmann moved to reconsider previous action taken regarding Resolution **R-00-287 (LaMirada Gardens Project)** at the December 19, 2000, meeting. The motion was seconded by Mr. Bruce and carried 5 to 1, with Mr. Harris voting nay.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

[Handwritten signature]

[Handwritten signature]

Clerk

Chairman

Adj: 5:30 p.m.
/njh

Minutes Approved: 3/13/01

