

FEBRUARY 5, 2002

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, February 5, 2002, at 9:05 a.m.

Present were Commissioners:

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

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. Gary Johnson, Westside Christian Church.

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of February 5, 2002, and agenda update memorandum.

[BC20020205DOC001](#)

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mr. Harris, and carried 7 to 0, to approve the Consent Agenda, incorporating the language as stated in the recommended motions in the agenda memoranda and as may have been amended in the supplemental agenda, with deferral of **Licensing of Space on County Water Towers and Facilities for Telecommunications Antennas**. Items APPROVED:

[BC20020205DOC002](#)

CLERK'S CONSENT CALENDAR

[BC20020205DOC003](#)

BONDS

Kingsfield, Phase IV

Release:

1. Agreement with Centex Homes guaranteeing completion of required improvements and temporary construction easement for private improvements (\$61,130.50).
2. Performance Bond: \$61,130.50 (Surety Bond 6068552, Safeco Insurance Company of America).

[BC20020205DOC004](#)

Gulf Coast Corporate Park, Phase 2

Release:

1. Agreement with Miller Enterprises of Manatee, Inc., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$152,819.49).
2. Performance Bond: \$152,819.49 (Letter of Credit 1596843-0102, American Bank).

[BC20020205DOC005](#)

North Orange Estates

Release (to the Planning Department):

Performance Bond: \$74,762.50 (Letter of Credit 00-23244-01, Brasota Mortgage Company, Inc.).

[BC20020205DOC006](#)

Sabal Harbour, Phase II-A

Release:

1. Agreement with Pulte Home Corporation guaranteeing completion of required sidewalks and bikeways (\$9,617.66).
2. Performance Bond: \$9,617.66 (Letter of Credit ATL-P600809 and Amendment 1, SunTrust Bank).

[BC20020205DOC007](#)

Sabal Harbour, Phase III

Release:

1. Agreement with Pulte Home Corporation guaranteeing completion of required sidewalks and bikeways (\$48,031.69).
2. Performance Bond: \$48,031.69 (Letter of Credit P600615 and Amendments 1, 2, 4, and 5 SunTrust Bank).

[BC20020205DOC008](#)

Sabal Harbour, Phase V

Release:

1. Agreement with Pulte Home Corporation guaranteeing completion of required sidewalks and bikeways (\$42,199.56).
2. Performance Bond: \$42,199.56 (Letter of Credit ATL-P600806 and Amendment 1, SunTrust Bank).

[BC20020205DOC009](#)

Sabal Harbour, Phase VII

Release:

1. Agreement with Pulte Home Corporation guaranteeing completion of required sidewalks and bikeways (\$9,620).
2. Performance Bond: \$9,620 (Letter of Credit ATL-P601221, SunTrust Bank).

[BC20020205DOC010](#)

Summerfield Village, Cypress Banks, Subphase G

Release:

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$18,427.50).
2. Performance Bond: \$18,427.50 (Surety Bond 929148804, Continental Insurance Company).

[BC20020205DOC011](#)

REFUNDS

Pinnacle Development – Application Fee \$ 1,668.08

[BC20020205DOC012](#)

WARRANT LIST

Approved: January 29, 2002 through February 4, 2002
 Authorized: February 5, 2002 through February 18, 2002

[BC20020205DOC013](#)

MINUTES

January 8, 2002

[BC20020205DOC014](#)

ACCEPT

Lakewood Ranch Community Development Districts 1, 2, and 3 – Minutes of the Board of Supervisors meetings held December 6, 2001.

[BC20020205DOC015](#)

University Place Community Development District – Minutes of Board of Supervisors meeting held October 4, 2001.

[BC20020205DOC016](#)

AUTHORIZE FEE WAIVERS (PUBLIC WORKS)

- Waive Fee (\$30) for Sandi M. Castle due to stolen checkbook.
- Waive Fee (\$25) for Linda Darsie due to bank error.
- Waive Fee (\$25) for Phyllis Littler due to stolen checkbook.
- Waive Fee (\$30) for Roland C. Woody due to bank error.

[BC20020205DOC017](#)

AUTHORIZE CHAIRMAN TO SIGN

Agriculture Center – Office Building/Green Construction – Contract with DeLesline Construction, Inc., \$1,147,000; date the Performance/Payment Bonds, Power of Attorney, and accept Insurance Certificate (approved 1/22/02).

[BC20020205DOC018](#)

Emergency Management Preparedness and Assistance Grant – Accept modification of Agreement 02CP-04-08-51-01-041 with State of Florida Department of Community Affairs for an increase of \$47,033 (local match \$47,033; new total \$197,040) approved by Resolution R-00-222 (9/5/00).

[BC20020205DOC019](#)

Lena Road Landfill Access Road and Scale House – Contract with Hewitt Contracting Company, Inc., \$2,070,321.90; date the Performance/Payment Bonds, Power of Attorney and accept Insurance Certificate (approved 1/22/02).

[BC20020205DOC020](#)

MARS-Spencer-Parrish Pipeline Segment – Contract with Stately Contractors, Inc., \$1,982,186; date Performance/Payment Bonds, Power of Attorney, and accept Insurance Certificate, letters of intent from subcontractors, and construction progress schedule (approved 12/18/01).

[BC20020205DOC021](#)

Satisfactions of Judgments:

Robert E. Gilson, Jr. – Case 00-CJ-0579
 Adela Lopez – Case 2001-CJ-1964

[BC20020205DOC022](#)

COUNTY ADMINISTRATOR

PROCLAMATIONS

1. A Proclamation designating February 7-9, 2002, as Shrine Hospital Days was accepted by representatives of the Sarasota and Manatee Shriners.
2. A Proclamation designating February 16-17, 2002, as Cortez Village Days was accepted by **Janet Hoffman**, Waterfronts Florida Manager.

[BC20020205DOC023](#)

[BC20020205DOC024](#)

BEACH RESTORATION GRANT

Execution of Amendment 4 to Contract C-6338 with the Florida Department of Environmental Protection to extend terms and conditions of the Beach Erosion Control/Anna Maria Island Beach Restoration Project to May 30, 2002, and roll forward unencumbered funds; \$260,930.06.

[BC20020205DOC025](#)

BENNETT PARK

R-02-28 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, FLORIDA COMMUNITIES TRUST FOR THE ACQUISITION OF THE BENNETT PARK PROPERTY UNDER THE **FLORIDA FOREVER PROGRAM** (total \$3,894,750: FCT, \$2,336,850; Local, \$1,557,900; and authorize the County Administrator to execute all related documents).

[BC20020205DOC026](#)

SUMMER MEETING SCHEDULE

Schedule **no** Board of County Commissioners' meetings from June 24, 2002 through July 19, 2002, unless required due to an emergency.

[BC20020205DOC027](#)

EMERSON POINT

Accept a grant from Southwest Florida Water Management District (SWFWMD) for \$100,000 to contract with Enviroglades, Inc., for the **removal of exotics** at Emerson Point Park, \$72,210.05; and for the competitive procurement of services, \$27,789.95 to provide and install native upland plants.

[BC20020205DOC028](#)

PINEY POINT PHOSPHATE FACILITY

Authorize the Chairman to sign a letter to Florida Department of Environmental Protection Secretary David B. Struhs requesting a meeting with staff and a notice of agency action in addressing the environmental conditions at the fertilizer manufacturing site following the bankruptcy of Piney Point Phosphates, Inc. [BC20020205DOC029](#)

RIVERVIEW POINTE

R-02-37 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE CANCELLATION OF DELINQUENT TAXES UPON CERTAIN LANDS USED FOR RECREATION AND OTHER PUBLIC USES ON PROPERTY CONVEYED BY JOHN J. NEVINS AS BISHOP OF THE DIOCESE OF VENICE. [BC20020205DOC030](#)

WORKERS' COMPENSATION

Authorize the County Attorney to retain Brown-Clark and Timothy Newhall, Esquire to represent Manatee County in workers' compensation litigation. [BC20020205DOC031](#)

SHIP MORTGAGE

Authorize the County Attorney to initiate foreclosure and probate action against the Estate of Susie Mae Dixon and her heirs; and authorize the County Attorney to bid up to \$60,000 at the Clerk's foreclosure sale. [BC20020205DOC032](#)

SOUTHWEST REGIONAL WASTEWATER TREATMENT PLANT

Execution of Change Order 5 to IFB 99-4559DC with Beach Construction, Inc., for **aeration system retrofit**; decrease of \$103,778, adjusted total \$2,422,645 and a revised completion date of February 11, 2002. [BC20020205DOC033](#)

BOOKMOBILE

Issue Change Order 2 to Purchase Order P1001534 to Farber Specialty Vehicles for a bookmobile; increase of \$1,033.35, adjusted amount \$155,463.35. [BC20020205DOC034](#)

BUDGET AMENDMENT**Various Departments****B-02-018**

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

[BC20020205DOC035](#)**CAPITAL IMPROVEMENT PROGRAM**

R-02-29 A RESOLUTION TO ADOPT A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM AND A POLICY REGARDING THE ADMINISTRATION OF THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (2002-2006). [BC20020205DOC036](#)

ECONOMIC DEVELOPMENT COUNCIL

Execution of FY 2001-02 Funding Agreement with the Economic Development Council of the Chamber of Commerce, Inc., providing up to \$134,000 for economic development activities (funds include \$20,000 for the **Tampa Bay Partnership**); also providing a rollover of \$31,900 from FY 2000-01 to complete projects in process. [BC20020205DOC037](#)

ELLENTON-GILLETTE ROAD

Execution of (No Cost) Change Order 1 to IFB 00-7967DC with Centerline Construction Corporation for a **16-inch water main**; addition of 90 days and a revised completion date of December 24, 2001. [BC20020205DOC038](#)

EMERGENCY MEDICAL SERVICES

Execution of a Sole Source Agreement with Sweet Computer Services, Inc., for Emergency Medical Services **billing software upgrade**, \$31,253. [BC20020205DOC039](#)

SURPLUS PROPERTY

1. Authorization to classify excess property as surplus per *Florida Statute* 274.05 to enable appropriate and authorized disposition of said property in accordance with Procurement Code 99-37, Section 1.106; and authorize disposition of such property. [BC20020205DOC040](#)
2. Authorization to classify excess property as surplus per *Florida Statute* 274.05 to enable appropriate and authorized disposition of said property in accordance with Procurement Code 99-37, Section 1.106; and authorize disposition of such property.
3. **R-02-02** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (furniture to **Wildlife Rescue Service of Florida, Inc.**).
4. **R-02-06** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (six Interglobe computers to **St. John Missionary Baptist Church**).
5. **R-02-14** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (two Hewlett-Packard printers to **Florida Highway Patrol**).
6. **R-02-20** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (computer equipment to **Education Consultants Consortium, Inc.**). [BC20020205DOC041](#)

TIME PAYMENT AGREEMENTS – RELEASE OF LIENS

Execution of Release of Time Payment Agreement Liens on satisfied agreements with Grover L. Rowell III and Charles G. Campbell. [BC20020205DOC042](#)

LOCKWOOD RIDGE ROAD

Execution of Change Order 8 to Work Assignment 1 with Post, Buckley, Schuh & Jernigan, Inc., for **engineering services** for improvements from Tallevast Road to 57th Avenue East; increase of \$21,724, adjusted total \$1,019,570. [BC20020205DOC043](#)

MARKET RESEARCH PROGRAM

Execution of Addendum 3 to Services Agreement with Mid-Florida Marketing & Research, Inc., to extend the agreement for a 14-month period; estimated cost \$18,000, revised total \$93,750. [BC20020205DOC044](#)

BASIN MASTER PLAN – BOWLEES CREEK

Execution of Addendum 5 to Contract with Camp Dresser & McKee, Inc., for engineering services for preparation of a **Stormwater Management Master Plan** (Part II Services); extension of 180 calendar days without an increase in cost, for a revised completion date of June 29, 2002. [BC20020205DOC045](#)

SOUTHEAST REGIONAL WASTEWATER TREATMENT PLANT EXPANSION

1. Execution of Change Order 1 to Work Assignment M-7 with McKim & Creed, Inc., for **engineering services** for design, permitting, construction, and final certification services for the construction; increase of \$169,778, adjusted total \$1,354,588. [BC20020205DOC046](#)
2. Execution of Change Order 4 to IFB 99-2691DC with Westra Construction Corporation for an increase of \$7,965 and adjusted total \$18,477,825.53; additional 60 days and a revised completion date of March 1, 2002. [BC20020205DOC047](#)

UTILITY ENGINEERING/ARCHITECTURAL SERVICES

Execution of Contracts with Post, Buckley, Schuh & Jernigan, Inc., Greeley & Hansen LLC, URS Corporation, Zoller, Najjar & Shroyer, Inc., and Ash Engineering, Inc., on an as-required basis for one year, with four, one-year extension options. [BC20020205DOC048](#)

UTILITY REFUND

Refund \$7,320.44 to Oakleaf Management (eight accounts), due to overpayment. [BC20020205DOC049](#)

G.T. BRAY PARK – AFTER SCHOOL PROGRAM

1. Execution of the Florida Department of Children and Families licensing applications for the Parks and Recreation Department's Youth After School Program for FY 2001-02; and
2. Authorize the Parks and Recreation Department Director, or Designee, to execute the Florida Department of Children and Families' Affidavits. [BC20020205DOC050](#)

UNIVERSITY PARKWAY

Execution of Amendment 4 to Interlocal Agreement with Sarasota County in order to provide for the addition and relocation of certain permanent right turn in/right turn out intersections between Tuttle Avenue and Shade Avenue. [BC20020205DOC051](#)

PARTICIPATION PROJECT

R-02-23 A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR ROAD ASSESSMENT PROJECT 5147, **SAMOSET** (combining parcels owned by Thomas McRee and Cindy McRee). [BC20020205DOC052](#)

HERITAGE HARBOUR

Execution of a Public Shelter Mitigation Agreement with Harbourvest, L.L.C. for public shelter mitigation (window and door protection); \$220,800. [BC20020205DOC053](#)

HAZARD MITIGATION GRANT PROGRAM

Accept Modification 1 to Agreement 02PR-37-08-51-01-005 (9/4/01) with Florida Department of Community Affairs to replace Braden River Middle School/Building 4 with **Bashaw Elementary School/Building 2** and ten additional school buildings, for a total of 13 buildings; and increasing the budget by \$646,157, total of \$1,187,406; and authorize the Chairman or Vice-Chairman to execute all related documents. [BC20020205DOC054](#)

DEEDS AND EASEMENTS

1. **63rd Avenue East Bridge** – Warranty Deed from John W. and Brenda J. Roland for right-of-way for the bridge replacement over Pearce Canal (Parcel 102); Affidavit of Ownership and Encumbrances; Partial Release from Florida First Bank. [BC20020205DOC055](#)
2. **Elbert Court Subdivision** – Warranty Deed from Value Properties, Inc., for dedication of 29th Avenue West (between 7th Street West and 4th Street West); Affidavit of Ownership and Encumbrances; Partial Release from John W. and Joann Walls. [BC20020205DOC056](#)
3. **Lockwood Ridge Road** – Accept a Temporary Construction Easement from Jennice G. Harrison as a result of a settlement agreement for right-of-way for road improvements from Tallevast Road north, to align with 45th Street East/Murray Lane. [BC20020205DOC057](#)

FEE WAIVER

Authorize waiver of tipping fees at the landfill for solid waste disposal from the annual **Terra Ceia Rubonia Mardi Gras Festival and Parade** on February 9 and 10, 2002. [BC20020205DOC058](#)

MEALS AT COUNTY RELATED FUNCTIONS

R-02-38 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXPENDITURE OF COUNTY FUNDS BY ALL DEPARTMENTS UNDER THE BOARD OF COUNTY COMMISSIONERS TO PROVIDE MEALS AT COUNTY RELATED FUNCTIONS PURSUANT TO ORDINANCE 97-28, FOR PURPOSES OF SERVICE TO THE COUNTY. [BC20020205DOC059](#)

LAWSUITS – HOWARD MARTIN HUTCHES, ET AL.

Approve Stipulated Order of Taking and Final Judgment, \$26,710, with property owners Howard M. Hutches, B. Margaret Hutches, and Nancy Ann Bowers, as Co-Trustees of the James V. Hutches Family Trust, for land and improvements taken, denoted Parcels 100 and 101, and damages, if any, to the remainder, and \$7,065 for statutory attorneys' fees to the law firm of McCaig and Duet, and expert witness fees of \$6,275 in the eminent domain case of Manatee County v. Howard Martin Hutches, et al., Case 2001-CA-5868. [BC20020205DOC060](#)

(End Consent Agenda)

EMPLOYEE SUGGESTION AWARD

A Certificate of Appreciation was presented to **Karen Jackson**, Public Safety Department, for her suggestion to place a bright, fluorescent EMS sticker on the sides of vehicles that are in an accident, to avoid an EMS unit returning to the same motor vehicle crash more than once. [BC20020205DOC061](#)

EMPLOYEE OF THE MONTH

Kathleen M. Thompson, Planning Department, was presented a plaque as February 2002 Employee of the Month. [BC20020205DOC062](#)

INTERGOVERNMENTAL COORDINATION

City of Bradenton Mayor, Wayne Poston, presented a *Summary of Observations and Recommendations for Effective Intergovernmental Coordination* for the Cities and County government to work to resolve growth issues as an alternative approach to the Charter proposal drafted by Mr. McClash and discussed at the January 24, 2002, Council of Governments work session. Mayor Poston reviewed: **(1)** Public Policy Objective; **(2)** Recommended Action Steps; and **(3)** Rationale.

Discussion: Process to develop an interlocal agreement; better coordination/understanding of growth impact on cities is needed; global approach to comprehensive planning; define the mechanisms to move forward; concept of a joint Planning Commission to address annexed properties, or all growth issues; interlocal agreement to address all annexations and eliminate piece-meal approach; develop agreement with input and agreement by all local governments of its contents; set a 60-day timeframe to hold discussions; preference for a concrete proposal; examine the local government Comprehensive Plan; address growth issues openly; etc.

(Mrs. von Hahmann absent for a portion of discussion)

Motion - City of Bradenton

Following discussion, motion was made by Mr. Bruce to meet with the City Council of Bradenton and the Mayor within 60 days to talk about three specific issues: **(1)** Joint Comprehensive Planning; **(2)** Interlocal agreement on annexed properties, which would include a discussion about impact fees; and **(3)** a Joint Planning Commission. The motion was seconded by Ms. Brown.

Discussion: Accelerated growth occurring north of the Manatee River; include Palmetto in discussions; dialogue with the other municipalities; etc.

Mr. Bruce stated that initially the County Commission should meet with the City of Bradenton to determine if these issues should be pursued, and then schedule meetings with the other municipalities. There were no objections; however, a suggestion was made to hold one meeting with all of the elected officials to discuss Charter Government based on the January 24 work session.

The motion carried 7 to 0.

Motion - City of Palmetto

Mr. McMclash moved the same motion as previously made by Mr. Bruce, but for the City of Palmetto. Motion was seconded by Mr. Bruce and carried 7 to 0. [BC20020205DOC063](#)

(Depart Ms. Brown)

CITIZENS' COMMENTS

Charter Government

Speaking in favor of Charter Government were: **Joan Dunn**, **Anastasia Cerwin**, and **William Wheeler**. **Rich Bohnenberger**, Holmes Beach City Commissioner, questioned the uncertainty of a Countywide Charter and spoke in support of Mayor Poston's proposal. [BC20020205DOC064](#)

Growth Management

Dale Schmitz stated the County is experiencing a severe drought and a water shortage. He attributed the shortage of water to growth and recommended the growth issue be addressed. [BC20020205DOC065](#)

(Depart Mr. McClash)

Home Occupation

Alan Prather stated his client, Mr. Powers, lives adjacent to an individual who is operating a pesticide business from his home (4995 10th Lane East). The County determined that it is a proper home occupation under the Land Development Code (LDC); however, due to the nature of the business, Mr. Prather requested (2/4/02 letter) consideration of a LDC text amendment to prohibit such activity within a residentially zoned area.

The Chairman recommended Mr. Prather meet with the County Administrator. [BC20020205DOC066](#)

(Enter Ms. Brown)

Meals on Wheels

Rev. James Golden presented a DVD player to Ms. Brown, who won it as part of a Meals on Wheels fundraiser. [BC20020205DOC067](#)

Recess/Reconvene. All members present except Mrs. Glass and Mr. Harris.

ZONING

Public hearing (continued from 1/29/02) was held to consider

PDR-01-24(Z)(P) PENN-MAR, INC./WOODLANDS PARK ON PALMA SOLA BAY

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 **RSF-2** AND **RSF-2/CH** TO **PDR** AND **PDR/CH**; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 32-LOT SUBDIVISION FOR SINGLE-FAMILY DETACHED HOMES AT A DENSITY OF 1.17 DWELLING UNITS PER ACRE; AND PROVIDING AN EFFECTIVE DATE; ON 30.21 ACRES LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF 9TH AVENUE NORTHWEST AND 83RD STREET NORTHWEST.

Planning Commission recommended APPROVAL with 20 Stipulations; and GRANTING Special Approval for: **(1)** a project which is partially within the 25-year floodplain, Coastal High Hazard Area (CH), Coastal Evacuation Area (CEA), and Coastal Storm Vulnerability Area (CSVA) Overlay Districts; and **(2)** for a project transferring density from onsite wetlands to upland portions of the site.

Erika Barrett, Planning Department, reviewed: **(1)** the future land use/residential map; **(2)** an aerial map; **(3)** a future land use map; **(4)** a zoning map; **(5)** a site plan; and **(6)** a slide presentation.

Discussion: Access; wetlands; 50-foot wetland buffer/conservation easement and buffer enhancement; open space; 85th Street Northwest, a shelled right-of-way adjacent to Laurel Oak Park; etc.

(Depart Ms. Brown)

Ms. Barrett reviewed the stipulations, stating the applicant has agreed to construct a continuous sidewalk on the south side of 9th Avenue Northwest from 75th Street West to 83rd Street Northwest. She stated the buffers adjacent to the single-family homes to the east would be increased to 20 feet, and read revised Stipulation 20:

20. The landscaped perimeter along the east side of the project, adjacent to Lots 3, 4, 5, and 6 shall be increased to 20 feet in width. The landscaped perimeter buffer along the west side of the project shall be increased to 20 feet in width (the perimeter along 83rd Street West), and it will include two rows of hedges or shrubs in off-set rows, with plants set 48 inches in height on center in each row.

Discussion: Stipulating 100 percent opacity within 24 months; staff to bring back Land Development Code amendment regarding landscape buffers as well as tree removal and native tree protection; etc.

Ms. Barrett stated that the Certificate of Level of Service Compliance for solid waste, transit, traffic, and parks has been approved.

(Enter Ms. Brown during discussion; Mrs. Glass absent for portion of discussion)

Discussion: Project does not have the 25-year floodplain because it is a tidal influenced area; 75th Street/Manatee Avenue intersection operating at Level of Service F; cars stack in the turn storage lane going southbound (to eastbound) into the through lanes; project is within the next two years of the CIP; accelerate the improvements; participation by developer; improvements are impact fee creditable; status report to come from Project Management; etc.

Pat Neal, contract purchaser of the property, presented photographs of Hawthorn Park and Laurel Oak Park, which he developed, voted best new-home communities. He stated he met with the neighbors regarding buffering, but has not reached agreement with those to the west. He stated that a landscape buffer of oak trees and a myrtle hedge is proposed along the east side of 83rd Street Northwest. He requested the preservation of native trees be incorporated into Stipulation 20. He showed photographs of the property boundary of Elysian Fields (north of the project) and a swale.

Ed Vogler, attorney for the applicant, stated landscape buffering exceeds Code requirements, and stipulation wording regarding 100 percent opacity within 24 months is acceptable. He stated there is some standing water in the Bayview Grove Subdivision and some sheet flow drainage that runs onto the site that will have to be collected and treated.

Tom McCollum, representing the applicant, displayed a diagram showing the boulevard entry features, landscaping, and traffic pattern along 9th Avenue Northwest. He also showed a graphic depicting the 20-foot landscape buffer and 15-foot rear yard setback.

Recess/Reconvene. All members present.

Jane Taylor addressed: flooding if the site is elevated; adequate buffering along 83rd Street Northwest; project density; and that Lots 31 and 32 will access 83rd Street just south of her property.

Virginia White, representing residents on 83rd Street Northwest, stated concern of the elevation of roads in the project to prevent flooding, and increased project impacts. She showed a video depicting the perimeter of Laurel Oak Park (developed by Mr. Neal) that is shared with 85th Street Northwest, noting the negative visual impacts, poor engineering, lack of maintenance, and concern that the developer will repeat this. She requested: **(1)** installation of an eight-foot wall with a double row vegetative buffer along 83rd Street Northwest; **(2)** maintenance of the buffer and swale be written into Woodland property deeds; **(3)** the developer widen 83rd Street to accommodate Lots 31 and 32; **(4)** a sidewalk and curb with underlying drainage pipe for stormwater flow be constructed along 83rd Street Northwest; and **(5)** construction work hours be restricted.

(Depart Mr. Bruce)

Robert Ellis questioned how the developer could propose 15-foot rear yard setbacks on 83rd Street Northwest, when his property across the street has 20-foot rear yard setbacks. He also pointed out that a sunken catch basin on 9th Avenue Northwest needs repair.

Ms. Barrett read the stipulation to elevate the roads in the project above the 100-year floodplain, but noted that the Planning Commission did not include it in the recommended stipulations after learning that 9th Avenue Northwest is not elevated.

Discussion: Public Safety stipulated all roadways in the project; delineation of the 100-year floodplain; construction mechanisms to meet 100-year flood elevations; etc.

Carol Clarke, Planning Director, recommended upholding the action of the Planning Commission not to require the roads in the development be elevated to the 100-year floodplain.

Ms. Barrett recommended the following language be added to the last sentence of **Stipulation 20**:
"...to achieve 80 percent opacity to a height of six feet within two years from the date of the first Certificate of Occupancy. Existing canopy trees, meeting this criteria, may remain and may count towards satisfying this condition."

Mr. McClash stated a six-foot height is not sufficient for adequate screening and recommended the stipulation be changed to 15 feet and to work out the landscaping to achieve this. There were no objections.

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, advised that construction activity is exempt from the terms of the Noise Ordinance between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

Jerome Gostkowski, Planning Department, addressed the CIP project for widening 75th Street West from Manatee Avenue to 17th Avenue Northwest. He stated an extension of the southbound to eastbound left turn lane at 75th Street and Manatee Avenue would require the closing of a left turn access into a shopping center driveway.

Discussion: Staff to move forward with southbound to eastbound left turn lane; stipulate extension of the turn lane; drainage; etc.

Mr. Gostkowski showed a cross-section map and stated the applicant will be required to construct a perimeter swale along 83rd Street Northwest in County right-of-way to capture and direct stormwater into the system for discharge into Palma Sola Bay. Stormwater underneath the driveways of Lots 31 and 32 will flow to the wetland to the south.

Mr. Vogler presented the following additional **Stipulations**:

- 21.** The Applicant shall preserve as much of the existing native, natural vegetation as is possible within the buffer along 83rd Street Northwest. As a supplement to such native, natural vegetation, and as set forth on the final landscaping plans to be approved by Manatee County, the applicant shall install a double, staggered row of four-foot-high hedge material upon installation, planted on 48-inch centers, together with 16-foot-high oak trees with 4-inch DBH, upon installation.
- 22.** The Homeowners Association documents shall require that the landscaping installed by the applicant within the buffer along 83rd Street Northwest shall be maintained, and replaced, if necessary.
- 23.** The Homeowners Association documents shall require that any swale constructed as part of the stormwater drainage system for the development shall be continuously maintained in accordance with required permits, and otherwise be kept free of trash and debris. The Homeowners Association documents shall be recorded in the Public Records of Manatee County, Florida, prior to the conveyance of any lot in the development to a purchaser, and shall be covenants which run with the land.

Mr. Steinsnyder recommended the words "Homeowners Association documents" in **Stipulations 22** and **23** be replaced with "Covenants and Restrictions for the project."

Ms. Clarke recommended **Stipulation 20** read as follows:

The landscape buffer along the east side of the project adjacent to Lots 3, 4, 5, and 6 shall be increased to 20 feet in width.

Ms. Clarke read **Stipulation 21**, adding further language as follows:

The landscaped perimeter buffer along the west side of the project shall be increased to 20 feet in width. The Applicant shall preserve as much of the existing native, natural vegetation as is possible within the buffer along 83rd Street Northwest. As a supplement to such native, natural vegetation, and as set forth on the final landscaping plans to be approved by Manatee County, the applicant shall install a double, staggered row of four-foot-high hedge material upon installation, planted on 48-inch centers, together with 16-foot-high oak trees with 4-inch DBH, upon installation. Within two years, the landscape buffer shall be 100 percent opaque at an average of 15 feet high.

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mrs. von Hahmann moved to ADOPT Manatee County Zoning Ordinance **PDR-01-24(Z)(P)**; APPROVE the Preliminary Site Plan with Stipulations 1 through 23; and GRANT Special Approval for: **(1)** a project which is partially within the 25-year floodplain, Coastal High Hazard Area, Coastal Evacuation Area, and Coastal Storm Vulnerability Area Overlay Districts; and **(2)** for a project transferring density from onsite wetlands to upland portions of the site, as recommended by the Planning Commission. The motion was seconded by Mr. Harris and carried 7 to 0. [BC20020205DOC068](#)

Recess/Reconvene. All members present except Mr. Harris, Mrs. von Hahmann, and Mrs. Stein. Mr. Bruce presiding.

BLOSSOM GROVE

David Rothfuss, Assistant County Administrator, stated on January 15, 2002, the Board authorized staff to proceed with the exchange of two parcels of property with Blossom Grove. This exchange involved an 11.67 acre parcel (Parcel A) on the north side of Buffalo Canal, thought to be owned by Blossom Grove, which is actually owned by Manatee County, and a 3 acre parcel (Parcel B) located south of Buffalo Canal, thought to be owned by Manatee County, which is actually owned by Blossom Grove. An aerial map of the parcels was shown.

(Enter Mrs. Stein; presiding)

Mr. Rothfuss stated during the negotiations with Blossom Grove several other issues (bridge replacement across Buffalo Canal, MARS transmission line), outlined in the agenda memorandum, were identified and need to be resolved through an agreement.

(Enter Mr. Harris)

Motion was made by Mr. Bruce, seconded by Mrs. Glass, and carried 6 to 0, for conceptual approval for staff and the County Attorney's office to negotiate an agreement with Blossom Grove to address additional issues as set forth in the agenda memorandum; and authorization to publish a notice of the terms and conditions of the exchange of Parcels A and B in accordance with Chapter 125.37, *Florida Statutes*. [BC20020205DOC069](#)

AD VALOREM TAX EXEMPTION FOR HISTORIC STRUCTURES

Motion was made by Mr. McClash, seconded by Mrs. Glass, and carried 6 to 0, to direct staff to prepare an ad valorem tax exemption ordinance for historic properties. [BC20020205DOC070](#)

COMMUNITY REDEVELOPMENT

14th Street West

Michael Wood, Planning Department, stated in October 2001, the Board directed staff to gather public input on instituting a Community Redevelopment Area (CRA) along 14th Street West. Based upon the support of the business owners, he requested authorization to proceed on the development of a CRA along 14th Street West (City of Bradenton limits to Cortez Road).

Motion was made by Ms. Brown and seconded by Mr. Bruce to authorize staff to proceed as requested.

(Enter Mrs. von Hahmann)

Following discussion, the motion carried 7 to 0. [BC20020205DOC071](#)

Pride Park

Mr. Wood stated on December 4, 2001, Lou Eurice requested instituting a CRA in the Pride Park area (West 30 Manatee Sheriff's Office-Zone). It was pointed out by the Sheriff's office that this area and the area along 14th Street West are the two highest crime areas in Manatee County.

Motion was made by Mr. Harris and seconded by Mr. Bruce to proceed on the development of a CRA in the Pride Park area (approximately U.S. 41 to 15th Street East and 53rd Avenue West to 63rd Avenue West).

Discussion: Work with Waste Management on consistent and timely trash collection; extend the CRA boundary to Harllee Middle School; school administration in favor of CRA concept; include both sides of 15th Street East; CDBG financing will be coming available; the area qualifies for funding; etc.

The motion carried 7 to 0. [BC20020205DOC072](#)

LAWSUIT – FOSTER V. MANATEE COUNTY

Motion was made by Mr. Bruce, seconded by Mr. Harris, and carried 7 to 0, to authorize the County Attorney to defend 12th Circuit Case 2002-CA-209, Foster v. Manatee County (ownership of seawalled spit of land at Shaw's Point by James E. Foster) and to file a counter-claim. [BC20020205DOC073](#)

COMMISSIONERS' COMMENTS

Anniversary

Mr. Harris thanked everyone for their help during his two years on the Board. [BC20020205DOC074](#)

School Board Impact Fees

Mrs. von Hahmann distributed material she received at the School Board workshop last night regarding the study conducted on education impact fees. The School Board is holding a meeting tomorrow (2/6/02) at Manatee High School to obtain public input. [BC20020205DOC075](#)

Braden Woods Shopping Center - Hess Gas Station

Mr. Bruce questioned why the outdoor lights on the Hess facility on S.R. 70 are on. He stated this matter was dealt with in an agreement with the County. He stated there is another Hess facility on S.R. 64 near the Wind Song Subdivision with the same lighting situation. He requested a report.

Stormwater Basin Study (Wade/Gamble/Buffalo Canal Area)

Mrs. Stein requested the basin study be accelerated and brought forward.

Outstanding Outdoorsman Award

Mrs. Stein congratulated Charlie Hunsicker, Ecosystems Administrator, for receiving the award.

Construction Activity/Hours of Operation

Mrs. Stein questioned if a Land Development Code amendment should be considered to restrict construction during certain days and hours.

(Depart Ms. Brown)

Discussion: Construction beyond designated hours; indoor work versus outdoor work; County construction work; handling special circumstances on a case-by-case basis; current policy allows construction seven days a week, between the hours of 7:00 a.m. and 9:00 p.m.; examine the practices of other counties and bring back a report.

Employment Applications

Mr. McClash suggested that employment applications and the job list be made available at the front desk in the Lobby. He also suggested staff look at providing on-line applications. [BC20020205DOC076](#)

SENIOR CITIZENS ADVISORY BOARD

Mr. McClash commented that the elderly in the community are lacking services, or have to be placed on a waiting list to receive services. He suggested that a Senior Citizens Advisory Board be established to look at senior health care issues. He stated the purpose would be similar to the Children's Service Advisory Board and could include examining potential grant opportunities, etc.

(Enter Ms. Brown)

Motion was made by Mrs. Glass, seconded by Mr. McClash, and carried 7 to 0, to take the necessary steps in the formation and composition of a Senior Citizens Advisory Board. [BC20020205DOC077](#)

COMMISSIONERS' COMMENTS (Continued)

Personnel – Retirement Policy

Mrs. Glass relayed a request from several employees for an explanation of the six-year retirement policy and why sick time payments and insurance rebates do not apply.

Ernie Padgett, County Administrator, explained that the six-year policy pertains to Florida State Retirement, noting the State Legislature recently changed the policy of being fully vested from ten years to six years. He and Jim Seuffert, Financial Management Director, also explained the County retirement policy as it relates to sick time and insurance.

Roadside Parking

Ms. Brown questioned if there is a way to address parking problems along roads by some other means than a no parking ordinance. The matter was referred to Mr. Padgett. [BC20020205DOC078](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 3:05 p.m.
/tb/qa/rll

Minutes Approved: March 12, 2002