

DECEMBER 10, 2002

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, December 10, 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
Ron Getman
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 Mr. Bruce.

AGENDA

Agenda of December 10, 2002, and agenda update memorandum.

[BC20021210DOC001](#)

CONSENT AGENDA

Motion was made by Mr. Bruce, seconded by Mrs. von Hahmann, and carried 7 to 0, to approve the Consent Agenda incorporating the language as stated in the recommended motions in the agenda memorandum (as may have been amended in the supplemental agenda) with deletion of **301 Park of Commerce North** (continued to January 7, 2003). Items APPROVED:

[BC20021210DOC002](#)

CLERK'S CONSENT CALENDAR

[BC20021210DOC003](#)

BONDS

Accept:

Sheriff's Public Employees and Deputy Sheriff's Blanket Bonds (21 additions, 10 deletions).

[BC20021210DOC004](#)

Edgewater Village, Subphase A, Unit 3

Release:

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$50,528.40).

Accept:

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$50,528.40). This agreement will be for a **one-year extension** guaranteed by a previously accepted surety bond (8020089, 7/10/96).

[BC20021210DOC005](#)

Edgewater Village, Subphase A, Unit 5

Release:

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$16,393).

Accept:

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$16,393). This agreement will be for a **one-year extension** guaranteed by a previously accepted surety bond (123418, 10/20/98).

[BC20021210DOC006](#)

Edgewater Village, Subphase B, Unit 2

Release:

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$40,550.64).

Accept:

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$40,550.64). This agreement will be for a **one-year extension** guaranteed by a previously accepted surety bond (08020091, 8/22/96).

[BC20021210DOC007](#)

Edgewater Village, Subphase B, Unit 3

Release:

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$21,874.32).

Accept:

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$21,874.32). This agreement will be for a **one-year extension** guaranteed by a previously accepted surety bond (121710, 6/23/98).

[BC20021210DOC008](#)

Lakewood Ranch Country Club Village, Subphase D, Unit 3A

Release:

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$4,151.23).

Accept:

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$4,151.23). This agreement will be for a **one-year extension** guaranteed by a previously accepted surety bond (118425, 7/28/98).

[BC20021210DOC009](#)

Mote Ranch, Phase X-A

Release:

1. Agreement with Lennar Land Partners guaranteeing completion of required sidewalks and bikeways (\$20,904).
2. Performance Bond: \$20,904 (Surety Bond 929111545, Continental Insurance Company). [BC20021210DOC010](#)

Ranch Lake Plaza

Release:

Agreement with Ranch Lake Plaza, Inc., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$82,990).

Accept:

1. Agreement with Ranch Lake Plaza, Inc., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$21,481.68)
2. Performance Bond: \$21,481.68 (Amendment 2 to Letter of Credit S00-47, Republic Bank), **extending** expiration date to May 21, 2004, and **reducing** the amount from \$82,990 to \$21,481.68. [BC20021210DOC011](#)

River Wilderness, Phase 3, Subphase D-1 & I

Release:

Agreement with River Wilderness Assoc., L.T.D., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$374,594.52).

Accept:

1. Agreement with River Wilderness Assoc., L.T.D., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$127,764.14).
2. Performance Bond: \$127,764.14 (Amendment to Letter of Credit 2001-022, Peninsula Bank), **extending** expiration date to March 10, 2004, and **reducing** the amount from \$374,594.52 to \$127,764.14.
3. Agreement with River Wilderness Assoc., L.T.D., warranting required improvements (\$27,340.11).
4. Defect Security: \$27,340.11 (Letter of Credit 2002-021, Peninsula Bank). [BC20021210DOC012](#)

Summerfield Village Neighborhood Center

Release:

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$18,499.65).

Accept:

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$18,499.65). This agreement will be for a **one-year extension** guaranteed by a previously accepted surety bond (147493, 1/18/00). [BC20021210DOC013](#)

Waterlefe Golf & River Club, Unit 8

Release:

1. Agreement with Bay Colony – Gateway, Inc., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$87,074.14).
2. Performance Bond: \$87,074.14 (Surety Bond 45025029, Greenwich Insurance Company).

Accept:

1. Agreement with Bay Colony – Gateway, Inc., warranting required improvements (\$1,000.50).
2. Defect Security: \$1,000.50 (Surety Bond 45025027, Greenwich Insurance Company). [BC20021210DOC014](#)

Waterlefe Golf & River Club, Unit 9

Release:

1. Agreement with Bay Colony – Gateway, Inc., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$722,033.09).
2. Performance Bond: \$722,033.09 (Surety Bond 45025038, Greenwich Insurance Company). [BC20021210DOC015](#)

REFUNDS

Panther Ridge Communities, Ltd. – Impact Fee	\$ 42,221.00
	BC20021210DOC016

WARRANT LIST

Approved: December 3, 2002 through December 9, 2002	
Authorized: December 10, 2002 through December 16, 2002	BC20021210DOC017

MINUTES

November 5, 2002	BC20021210DOC018
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ACCEPT

Corrective Document:

Easter Seals of Southwest Florida, Inc., FY 2002-03 Funding Agreement (Project Rainbow) – Correcting Attachment B, Payments, page B1, and Exhibit I, Request for Payment, page B2 (approved 11/5/02). [BC20021210DOC019](#)

Manatee County Mosquito Control District - Bonds and Oaths of Office for newly elected Commissioners, Ralph C. Garrison and Timothy E. Matthews. [BC20021210DOC020](#)

AUTHORIZE FEE WAIVERS (PUBLIC WORKS)

Waive Fee (\$25) for <u>Mary S. Powell</u> due to bank error.	
Waive Fee (\$25) for <u>Patricia V. Sarson</u> due stolen checks.	BC20021210DOC021

AUTHORIZE CHAIRMAN TO SIGN

Logue Road Bridge Replacement – Contract with Pittsfield Construction, Inc., \$330,041; date Performance/Payment Bonds; and accept dated Power of Attorney/Insurance Certificate (approved 11/19/02). [BC20021210DOC022](#)

Partial Release of Special Improvement Assessment Liens:

Projects 3009 (2); 3100 (2); 3104. [BC20021210DOC023](#)

Satisfactions of Judgments:

Jill Tellechea – Case 1997-4487T (2) [BC20021210DOC024](#)

Tara Lift Station Upgrade – Contract with TLC Diversified, Inc., \$123,282; date Performance/Payment Bonds, Power of Attorney; and accept Insurance Certificates (approved 11/19/02). [BC20021210DOC025](#)

COUNTY ADMINISTRATOR

MANATEE COUNTY HOMELESS MEMORIAL DAY

A Proclamation designating December 21, 2002, as Manatee County Homeless Memorial Day was accepted by **William Gasparovic**, Community Coalition on Homelessness. [BC20021210DOC026](#)

EMERSON POINT

R-02-332 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION UNDER THE LAND AND WATER CONSERVATION FUND PROGRAM FOR EMERSON POINT

(Agreement with Florida Department of Environmental Protection, \$144,000; State, \$72,000; County, \$72,000). [BC20021210DOC027](#)

LAWSUITS

63rd Avenue East/West

1. Approval of a settlement with **Wayne Persails, Victoria Persails, and Robert Sauer**, as to experts' fees, for a payment by the County of \$22,750, as related to the taking of Parcel 110 in the **63rd Avenue East and West** eminent domain case Manatee County v. Lee Halstead, et al., Case 2001-CA-1001. [BC20021210DOC028](#)
2. Approval of a settlement with **Rowe Meade and Audrey Meade**, and business owner **Ellen Meade School**, for the taking of Parcel 135, for a payment by the County of \$248,257.50, inclusive of the value of the land and all other damages of any nature, including attorney's fees, but excluding experts' fees, in the **63rd Avenue East and West** eminent domain case Manatee County v. The T. Ralph Taylor, Jr., Family Limited Partnership, et al., Case 2001-CA-1044. [BC20021210DOC029](#)

AMERICANS WITH DISABILITIES ACT

Execution of agreement with Manasota Association for Retarded Citizens providing for **Transit ADA Assessments** (12/1/02-11/30/03), \$5,000. [BC20021210DOC030](#)

BUDGET AMENDMENT

B-03-011

Various Departments

Transfer of Funds; Unanticipated Revenue Appropriations
Supporting Description and Detail attached [BC20021210DOC031](#)

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 disposition of such property.
2. **R-02-327** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CLASSIFYING CERTAIN TANGIBLE PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING THE DONATION THEREOF PURSUANT TO *SECTION 274.05, FLORIDA STATUTES* (Computer equipment to **New Life Ministries of SW Florida, Inc.**). [BC20021210DOC032](#)

MEDICAL ACCOUNT BANK FEES

Authorization for payment of fees for stop payment and safekeeping charges for the **Employee Health Medical/Dental Claims Account** at Bank of America and to pay all other bank charges directly to Medical/Dental Claims Account for July-December 2002. [BC20021210DOC033](#)

UTILITY SERVICE FEE WAIVER

Margarite J. Rueve, Account 31128-30968, \$25. [BC20021210DOC034](#)

TIME PAYMENT AGREEMENT

Execution of and authorization to record Time Payment Agreement for facility investment fees, water connection fees, and line extension charges with Geneva Thomas. [BC20021210DOC035](#)

UTILITIES REFUNDS

1. Refund \$327.88 to SouthTrust Bank due to payment made in error; and
2. Refund \$3,472.82, minus any current billings, to Bay Lake Estates Association Incorporated, Account 108508-117121, service address 8706 44th Avenue Drive West; Account 108507-117121, service address 5003 86th Street Court West; and Account 117121-108509, service address 8603 54th Avenue West; due to reclaimed water rates not in compliance with reclaimed water contract. [BC20021210DOC036](#)

FINAL PLAT

Spanish Point

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and all Dedications and Reservations Thereon from Bank of America, N.A.;
3. Agreement with Spanish Point Partners, LLP, warranting required improvements (\$16,056.40);
4. Defect Security: \$16,056.40 (Letter of Credit 3045869, Bank of America, N.A.);

5. Agreement with Spanish Point Partners, LLP, guaranteeing completion of required improvements and temporary construction easement for private improvements (\$166,448);
6. Performance Bond: \$166,448 (Letter of Credit 3045870, Amendment 1, Bank of America, N.A.);
7. Agreement for the Installation and Maintenance of Publicly Owned Facilities Underlying Privately Owned Lands with Spanish Point Partners, LLP, and Spanish Point Homeowners' Association, Inc.; and
8. Declaration of Restrictions for Spanish Point. [BC20021210DOC037](#)

NEIGHBORHOOD ENHANCEMENT GRANT

Execution of a Neighborhood Enhancement Grant Agreement with Fairfax Homeowners Association, \$1,300. [BC20021210DOC038](#)

DEEDS AND EASEMENTS

1. **57th Avenue, Parcel 100B** – Warranty Deed from Major J. Denesuk; and Affidavit of Ownership and Encumbrances. [BC20021210DOC039](#)
2. **Tallevast Road Project** – Temporary Construction Easement from U.S. Filter Wastewater Group, Inc., required for road improvement. [BC20021210DOC040](#)

MARS PROJECT

R-02-329 A RESOLUTION OF MANATEE COUNTY, FLORIDA, DELEGATING THE AUTHORITY TO MAKE PRE-SUIT OFFERS IN EMINENT DOMAIN CASES FOR THE SOUTHEAST TO SOUTHWEST RECLAIMED WATER TRANSMISSION MAIN PROJECT, PARCELS IDENTIFIED AS EXHIBIT "A" ATTACHED, TO THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS, FOR THE AMOUNT UP TO THE APPROVED APPRAISED VALUE OF THE PROPERTY SOUGHT TO BE ACQUIRED (Property Owners: Gold Tree Communities; School Board; First Bradenton Bank; Locust Valley). [BC20021210DOC041](#)

EMPLOYEE HEALTH BENEFITS

Authorization to retain Troutman Sanders LLP on behalf of the Employee Health Benefits (EHB) Division, to review and ensure the EHB plan complies with all federal laws, \$1,200-1,500 plus costs. [BC20021210DOC042](#)

COMMUNITY DEVELOPMENT BLOCK GRANT

Execution of the Community Development Block Grant funding agreement with the Department of Housing and Urban Development, \$1,730,000; and the HOME Investment Partnerships Agreement with the Department of Housing and Urban Development, \$587,000.

(End Consent Agenda)

[BC20021210DOC043](#)

2002 MASTER GARDENERS GRADUATION

Brenda Rogers, Agriculture and Natural Resources Director, and Jane Morse, Program Agent, presented certificates and recognized the efforts of the 18 graduates of the Manatee County Master Gardener Program. [BC20021210DOC044](#)

CITIZEN'S COMMENTS

Claire Brown discussed the Sunshine Law. She questioned the inconsistency in the time slot for citizen's comments. [BC20021210DOC045](#)

ADMINISTRATIVE APPEAL

Public hearing (No Notice provided) was opened to consider **AA-02-02 RANCH LAKE PLAZA SHOPPING CENTER** Administrative Appeal of decision interpreting definition of "local tenant" in Settlement Agreement.

Mr. Bruce moved to continue this public hearing to December 17, 2002, at 9:00 a.m. or as soon thereafter as may be heard. The motion was seconded by Mrs. von Hahmann and carried 7 to 0. [BC20021210DOC046](#)

NON-AD VALOREM ASSESSMENTS

Public hearing (Notices in the *Bradenton Herald* 10/18/02, 10/25/02, 11/1/02, and 11/8/02) was held to consider

R-02-250 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.

Mrs. von Hahmann moved to adopt **R-02-250**. The motion was seconded by Mr. Bruce and carried 7 to 0. [BC20021210DOC047](#)

STREET VACATIONS

Public hearing (Notices in the *Bradenton Herald* 11/11/02 and 11/18/02) was held to consider **R-02-299-V** A RESOLUTION ON APPLICATION BY MIKE LOVELL, INC., VACATING LOTS 1, 2, AND 3, **301 PARK OF COMMERCE NORTH**.

Troy Lovell requested clarification on why the **301 Park of Commerce North** item was removed from the Consent Agenda and continued to January 7, 2003.

(Depart Mrs. Glass)

Discussion: County will accept an easement on January 7, 2003; the two transactions are related; both items to be heard on same date; County Attorney to review; etc.

Mr. Bruce moved to continue the public hearing for **R-02-229-V** to January 7, 2003, at 9:00 a.m., or as soon thereafter as may be heard. Motion was seconded by Mrs. von Hahmann and carried 6 to 0.

[BC20021210DOC048](#)

Public hearing (continued from 12/3/02) was held to consider

R-02-260-V A RESOLUTION ON APPLICATION BY SCOTT SELESKA AND DEBRA BRAMMER VACATING A PORTION OF THE PLATTED RIGHT-OF-WAY LYING ADJACENT TO LOT 161, **TAILFEATHER WAY AT TARA.**

Mrs. von Hahmann moved to continue the public hearing for **R-02-260-V** to January 7, 2003, at 9:00 a.m., or as soon thereafter as may be heard. Motion was seconded by Mr. Bruce and carried 6 to 0.

[BC20021210DOC049](#)

2003 STATE LEGISLATIVE PROGRAM

Jim Seuffert, Financial Management Director, discussed the 2003 State Legislative Program and submitted alternate language to establish University Parkway as an alternative to S.R. 70 as follows:

Establish University Parkway from S.R. 70 to I-75 as Alternate S.R. 70 and explore funding options to complete the extension of University Parkway from the eastern terminus to S.R. 70. This extension will provide intermodal access and reduce congestion at S.R. 70 and I-75.

He stated that local projects have been removed. He indicated that the State has serious financial problems and costs will be shifted to counties and revenue sources will be taken from counties.

(Enter Mrs. Glass during presentation)

Discussion: Increased penalties have been established for repeated prostitution offenses; Article V funding and legal compliance; public relations effort expected by Florida Association of Counties; include Mr. Steinsnyder's alternative language regarding *Florida Statute 373.414*; wetland issue; etc.

Motion was made by Mr. McClash (1) to incorporate the alternate language discussed today and adopt the 2003 State Legislative Program, and (2) direct the County Administrator to inform the Sarasota County Administrator, Jim Ley, and the Sarasota County Commissioners of the program and request their incorporation of the same into their program. The motion was seconded by Mr. Bruce and carried 7 to 0.

Discussion: At the conclusion of session circulate the 2003 State Legislative Program document with a column indicating action taken and the supporting legislator; contract with Betty Steffens to lobby specific issues; request Representative Bill Galvano to provide feedback regarding speed memo concept; etc.

[BC20021210DOC050](#)

WINGATE ROAD

Larry Mau, Transportation Director, reviewed the request to call the Letter of Credit/Performance Bond of William Manfull, doing business as **P.D.W.B., Incorporated**, for failure to complete the construction of Wingate Road within the time period specified in the Required Improvements Agreement, Amendment 1, dated August 6, 2002. He reviewed the history of the project and the extension of the road completion date to November 13, 2002. He advised that a Southwest Florida Water Management District (SWFWMD) permit has been acquired, work began yesterday, and the bond expires December 31, 2002.

Discussion: Concession made regarding a shell road; road may not be completed until March due to conflict with a Verizon line; Mr. Manfull has been unresponsive; letter of credit could be extended and a new right-of-way use bond requested; timeframe if County must go through design/permit process; \$107,000 to complete the road; any amount over \$65,000 should be Mr. Manfull's responsibility; etc.

Peter Mackey, representing Mr. Manfull, advised that upon completion of the survey L. A. Enterprises could finish the road within two to three weeks assuming the resolution of the Verizon line issue. He indicated that Brasota Mortgage Company would extend the Letter of Credit ninety days and increase the amount to \$107,000.

Discussion: Increase letter of credit amount due to the administrative costs involved; County Attorney to review the contract; amount of Letter of Credit; etc.

[BC20021210DOC051](#)

(**Note:** Continued to later in the meeting.)

COMMUNITY DEVELOPMENT BLOCK GRANT

Michael Wood, Planning Department, advised that language has been included regarding the Citizens Participation Plan, and all HUD concerns have been addressed.

Motion was made by Mr. McClash, seconded by Mrs. Glass, and carried 7 to 0, to adopt Resolution **R-02-330** RESOLUTION TO ADOPT THE COMMUNITY DEVELOPMENT 2002-2006 CONSOLIDATION PLAN AND THE 2002 ONE YEAR ACTION PLAN.

Discussion: Send letters to thank cities and congressional delegation for their cooperation; etc.

[BC20021210DOC052](#)

COMMISSIONERS' COMMENTS

Martin Luther King Day Parade

Ms. Brown requested that refuse bins be placed along the parade route for citizens' use. The City of Bradenton will be contacted for the City parade route.

7th Avenue/Haben Boulevard

Ms. Brown stated that the road in the area of the Civic Center needs improvements and requested that this be placed on a future agenda.

Discussion: Civic Center expansion plans on hold; developer would have extended 7th Avenue into Haben Boulevard and the parking lot; traffic signal at 7th Avenue; dangerous turn at the end of Haben Boulevard; design and lighting standards; conceptual plans have been prepared; etc.

(Note: Commissioners' Comments continued later in the meeting)

WINGATE ROAD (Continued from earlier in the meeting.)

Larry Mau, Transportation Department, stated that Brasota Mortgage Company has agreed to increase the Letter of Credit to \$127,000. The County Attorney reviewed the agreements, which indicate Mr. Manfull is responsible for the full cost of the road regardless of the Letter of Credit amount.

Mr. McClash moved acceptance of the new \$127,000 Letter of Credit with a 90-day extension from December 31, 2002, to be issued to Manatee County no later than December 13, 2002. Ms. Brown seconded the motion.

Mr. Bruce requested the motion include completion of the project date as 90 days from November 13, 2002. Mr. McClash and Ms. Brown agreed, and the motion carried 7 to 0.

COMMISSIONERS' COMMENTS (Continued)

Village Green Landscaping

Mrs. Glass requested a status report on the installation of the irrigation meter, which needs to be installed for the landscaping project.

(Depart Ms. Brown)

U. S. 301 Landscaping

Mrs. Stein requested contact with the Florida Department of Transportation (DOT) as soon as possible to determine if funds from the project are available to buy crape myrtles, or other appropriate plants, for the medians on U.S. 301.

Discussion: Utilization of material grown at the jail; reports of future roadway projects should be considered for growing the plants; utilize inmate labor; report with pictures of suitable plants for medians; drought and water tolerant plants; etc.

Kash n' Karry & Rosedale Traffic Signal

Mr. Bruce reported that DOT has approved a traffic signal at the Rosedale/Kash n' Karry intersection of State Road 70.

(Enter Ms. Brown)

75th Street West – Retention Pond

Mrs. von Hahmann stated the sludge in the pond near the Baptist Church is receding but there is floating trash that needs to be cleaned out of the pond.

[BC20021210DOC053](#)

HOLIDAY BUS TOURS

Senior Santas Tour of Lights

Cherie Coryea, Community Services Department, reported that two-hour bus tours for seniors will take place on December 19, 20, and 21, 2002, to view holiday decorations in the County.

Ted Nowosad expressed his appreciation to the Board for approving the tours. [BC20021210DOC054](#)

Recess/Reconvene. All members present except Mrs. Glass.

TREE PROTECTION

Carol Clarke, Planning Director, reported on: (1) Immediate Tree Protection Plan; (2) Comprehensive Tree Protection Plan; and (3) future revisions to the ordinance. She noted the consultant will work with staff to review organizational issues and develop a job description for a qualified staff person.

Norm Easey, consultant, submitted his resume. In January 2003 he will provide an immediate set of standards to implement that will work with the existing Land Development Code (LDC) and help tree protection. The next step will be a collaborative process with many participants to develop a comprehensive tree protection ordinance specifically for Manatee County. Working with staff to identify issues and appropriate changes to the LDC and practices to implement the plans will follow.

(Enter Mrs. Glass during presentation)

Discussion: Critique adopted ordinances as a baseline; less complicated process; mitigation standards; procedure problem; trees planted in medians; the existing code does not address many issues that most other communities address; health, safety and welfare issues, not just protection of a resource; tree protection procedures; examples of needed standards; arborist future review of plans; develop expertise; tree trust fund; etc.

[BC20021210DOC055](#)

Recess/Reconvene. All members present.

(Carol Cason, Court Reporter, was present.)

CYPRESS BANKS/DRI 17

Public hearings (continued from 11/12/02) were held to consider

Z-86-30(G)(R10) SCHROEDER-MANATEE RANCH, INC./CYPRESS BANKS

Request: Revised General Development Plan and Zoning Ordinance to:

1. Add 106.0 acres to this DRI from the University Lakes DRI, which is directly south of Cypress Banks;
2. Rezone 326.1 acres (known as the Taylor Ranch) located along the east side of Lakewood Ranch Boulevard, south of this project from **A/WP-E/ST** to **PDMU/WP-E/ST** and add to the General Development Plan;
3. Relocate an east/west connector roadway approximately 1.5 miles to the south in the internal roadway network, and convert acreage from the previous roadway location to open space and recreation;
4. Increase residential acreage by 153.9 acres with no additional entitlements for residential development;
5. Increase open space by 174.8 acres;
6. Increase recreational acreage by 112.4 acres;
7. Decrease right-of-way and easement acreage by 9.0 acres;
8. Change identified owners and developers of the project;
9. Amend the legal description to reflect the above changes; and
10. Amend the Zoning Ordinance definitions, conditions, and terminology to reflect the above changes;

on 2,597 acres located on the south side of State Road 70, two miles east of Interstate 75, more specifically, between the River Club DRI and Lorraine Road, and north of the University Lakes DRI.

Planning Commission made no recommendation.

and

ORDINANCE 02-34/DRI 17 SCHROEDER-MANATEE RANCH, INC./CYPRESS BANKS NOPC

Request: Amended Development Order for the Cypress Banks Development of Regional Impact making the following changes and a determination of whether the following changes constitute a Substantial Deviation to the Cypress Banks Development of Regional Impact Development Order pursuant to Section 380.06(19) *Florida Statutes*:

1. Add 106.0 acres to this DRI from the University Lakes DRI, which is directly south of Cypress Banks;
2. Add 326.1 acres to this DRI (known as Taylor Ranch), which is along the east side of Lakewood Ranch Boulevard, south of this project;
3. Modify the internal roadway network to relocate an east/west connector roadway approximately 1.5 miles to the south, and convert acreage from the previous roadway location to open space and recreation;
4. Increase residential acreage by 153.9 acres with no additional entitlements for residential development;
5. Increase open space by 174.8 acres;
6. Increase recreational acreage by 112.4 acres;
7. Decrease right-of-way and easement acreage by 9.0 acres;
8. Change authorized agent for the project;
9. Change identified owners and developers of the project;
10. Amend the Development Order definitions, conditions, and terminology to reflect the above changes;
11. Amend the legal description to reflect the above referenced changes; and
12. Amend Map H to reflect the above referenced changes;

on 2,597 acres located on the south side of State Road 70, two miles east of Interstate 75, more specifically, between the River Club DRI and Lorraine Road, and north of the University Lakes DRI.

Planning Commission made no recommendation.

Caleb Grimes, representing the applicant, stated that Schroeder-Manatee Ranch is trying to find a solution to the connector road between Lorraine Road and Lakewood Ranch Boulevard that will be positive for the entire community. He proposed inclusion of the connector road requirement (Items 3. and 7.) in the Zoning Ordinance Z-86-30(G)(R10) and removal of the requirement from the Development Order Ordinance 02-34, stating the requirement would become a local issue.

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, advised that this is not a regional issue and the Board is protected with the inclusion of the connector road in the Zoning Ordinance.

Discussion: Development Order is for regional issues; whether issue should remain in DRI; road will be required to be built; language to specify an ungated two-lane connector road with bike lanes, at a precise location yet to be determined, to be constructed within two years; etc.

Mr. Steinsnyder suggested a revision to the first sentence of the original DRI **Condition C.(8)** of Ordinance 02-34:

- C.(8)** The Cypress Banks DRI shall include an ungated internal east-west roadway connecting Lakewood Ranch Boulevard and Lorraine Road.

Mr. Grimes requested deletion of the word ungated. Following discussion, it was agreed the word ungated should read **unrestricted**.

Mr. Steinsnyder reviewed language for **Condition C.(9)** of the Zoning Ordinance Z-86-30(G)(R10):
C.(9) The Cypress Banks DRI shall include an internal east-west roadway connecting Lakewood Ranch Boulevard and Lorraine Road. This connector roadway shall not be Summerfield Parkway. The connector roadway shall be the connector roadway shown on the Phasing Plan/Revised Master Development Plan (revised March 1999) entered into the record with Ordinance 99-25. Map H shall show access points off Lakewood Ranch Boulevard and Lorraine Road to accommodate this connection.

Mrs. Stein advised that public comment was closed, but referenced 53 letters submitted by residents. She submitted a petition opposing the location of a connector road at Summerfield Parkway.

Recess/Reconvene. All members present.

Mr. Steinsnyder read the revisions to **Condition C.(9)** of the Zoning Ordinance Z-86-30(G)(R10):
C.(9) The Cypress Banks DRI shall include an unrestricted internal east-west roadway connecting Lakewood Ranch Boulevard and Lorraine Road. This connector roadway shall not be Summerfield Parkway. The connector roadway shall be the connector roadway shown on the Phasing Plan/Revised Master Development Plan (revised March 1999) entered into the record with Ordinance 99-25. Map H shall show access points off Lakewood Ranch Boulevard and Lorraine Road to accommodate this connection. Construction of this roadway shall commence within two years of the approval of this amendment and proceed diligently to completion. As with all road construction, the specific design shall be reviewed and approved by the Manatee County Planning and Transportation Departments. The design shall be a two-lane local road and shall include sidewalks on both sides of the roadway from Lakewood Ranch Boulevard to Lorraine Road. Traffic calming shall be encouraged.

Following discussion, agreement was reached regarding: (1) include **with bike lanes** after the words "two-lane local road" in the sixth sentence; (2) last sentence shall read: **Traffic calming shall be included with the design**; (3) fifth sentence shall read: Construction of this roadway shall commence within two years of the approval of this amendment and shall be completed within 18 months of commencement; and (4) fourth sentence shall read: Construction of the roadway shall commence within two years of the effective date of this amendment.

Motion – Z-86-30(G)(R10)

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mr. Bruce moved to adopt Manatee County Zoning Ordinance **Z-86-30(G)(R10)**; with the amendments to Condition C.(9) as read into record; and approve the Revised General Development Plan, as recommended by staff. The motion was seconded by Mrs. von Hahmann and carried 7 to 0. [BC20021210DOC056](#)

Motion – Ordinance 02-34

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan, Manatee County Land Development Code, Section 380-06, Florida Statutes, and Rule 9J-2.025, Florida Administrative Code, Mr. Bruce moved to adopt Items 1, 2, 4, 5, 6, 8, 9, 10, 11, and 12 of the NOPC modifying the Cypress Banks DRI as approved herein and finding that it does not constitute a substantial deviation; denying the request for Items 3 and 7; and adopting Manatee County Ordinance **02-34** with changes to Condition C.(8) as read into the record, replacing Ordinance 00-06 in its entirety, as recommended by staff. The motion was seconded by Mrs. von Hahmann.

Mr. Steinsnyder advised that the timing issues and design specifics are in the Zoning Ordinance. He clarified that Condition C.(8) of Ordinance 02-34 will read:

C.(8) The Cypress Banks DRI shall include an unrestricted internal east-west roadway connecting Lakewood Ranch Boulevard and Lorraine Road. [BC20021210DOC057](#)

Following discussion, the motion carried 7 to 0.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 2:30 p.m.
/njh

Minutes Approved: January 7, 2003