

DECEMBER 17, 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 17, 2002, at 9:05 a.m.

Present were Commissioners:

Jonathan Bruce, First Vice-Chairman
Patricia M. Glass, Second Vice-Chairman
Jane W. von Hahmann, Third Vice-Chairman
Gwendolyn Y. Brown (entered during the meeting)
Ron Getman
Joe McClash (entered during the meeting)

Absent was Commissioner:

Amy Stein, Chairman (illness)

Also present were:

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

Invocation by Mrs. von Hahmann.

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of December 17, 2002, and agenda update memorandum.

[BC20021217DOC001](#)

(Enter Ms. Brown)

ANNEXATION STATUTE CHAPTER 171

James Minix, Assistant County Attorney, advised that local municipalities responded to the County's proposed changes to *Chapter 171, Florida Statutes*, as requested by the Board (9/17/02). The agenda package includes comments submitted on the proposed changes, in addition to the recommended changes to the annexation statute.

Jim Kaiser, representing the Federation of Manatee County Community Associations, recommended strengthening the Accord by differentiating between municipality and voluntary annexations.

(Enter Mr. McClash during comments)

Discussion: One change proposes County Commission approval of voluntary annexations, and to require County concurrency; next major step in the Accord is the Joint Planning Committee (JPC) and establishing its responsibilities; schedule work session on annexation issue; need to work with parties affected by the changes; did the JPC discuss these changes; Florida Association of Counties (FAC) needs to address annexation; annexation was the main topic at a recent FAC legislative meeting; etc.

Motion was made by Mr. McClash and seconded by Mrs. von Hahmann to transmit recommended statutory changes for annexation to the Florida Legislature as outlined in the attached proposed changes to Chapter 171. Following discussion, the motion carried 5 to 1, with Mrs. Glass voting nay.

[BC20021217DOC002](#)

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mrs. von Hahmann, and carried 6 to 0, to approve the Consent Agenda incorporating the language as stated in the recommended motions in the agenda memoranda, as may have been amended in the supplemental agenda, adding R-02-335, authorizing the Chairman to sign the **MPO Interlocal Agreement**, and deleting CE2001120401 – Amerada Hess Corporation and Employee Health Benefits Plan (separate actions). Items APPROVED:

CLERK'S CONSENT CALENDAR

[BC20021217DOC003](#)

BONDS

Foster's Creek, Unit III

Release:

1. Agreement with Trebor Development Corporation guaranteeing completion of required improvements (\$322,153.38).
2. Performance Bond: \$322,153.38 (Amendment and Letter of Credit 01-91, Century Bank).

Accept:

1. Agreement with Trebor Development Corporation warranting required improvements (\$21,814.20).
2. Defect Security: \$21,814.20 (Letter of Credit 02-10-01, Century Bank). [BC20021217DOC004](#)

Lakewood Ranch Country Club Village, Subphase Q aka Orchid Island

Release:

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$580,841.63).
2. Performance Bond: \$580,841.63 (Surety Bond 929232721, Continental Insurance Company).

Accept:

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$17,566.25).
2. Performance Bond: \$17,566.25 (Surety Bond 929268947, Continental Insurance Company).
3. Agreement with SMR Communities Joint Venture for final wearing course of asphalt on roadways. [BC20021217DOC005](#)

Mote Ranch, Phase IV-B

Release:

1. Agreement with Lennar Land Partners guaranteeing completion of required sidewalks and bikeways (\$12,629.50).
2. Performance Bond: \$12,629.50 (Surety Bond 929111546, Continental Insurance Company). [BC20021217DOC006](#)

Mote Ranch, Phase IV-C

Release:

1. Agreement with Lennar Land Partners guaranteeing completion of required sidewalks and bikeways (\$20,120.10).
2. Performance Bond: \$20,120.10 (Surety Bond 929111544, Continental Insurance Company). [BC20021217DOC007](#)

Mote Ranch, Phase X-B

Release:

1. Agreement with Lennar Land Partners guaranteeing completion of required sidewalks and bikeways (\$19,597.50)
2. Performance Bond: \$19,597.50 (Surety Bond 929111543, Continental Insurance Company). [BC20021217DOC008](#)

Palms of Holiday Heights

Release:

1. Agreement with William L. Manfull/Brasota Mortgage Company, Inc., warranting required improvements (\$7,000).
2. Defect Security: \$7,000 (Amendments 1 and 2 and Letter of Credit 52963, Brasota Mortgage Company, Inc.). [BC20021217DOC009](#)

Preserve at Panther Ridge, Phase II-A

Release:

Agreement with Panther Ridge Communities, Ltd., guaranteeing completion of required sidewalks and bikeways (\$10,774.71).

Accept:

Agreement with Panther Ridge Communities, Ltd., guaranteeing completion of required sidewalks and bikeways (\$10,774.71). This agreement will be for a **one-year extension** guaranteed by a previously accepted letter of credit (MBL SB 34348, 6/18/02).

[BC20021217DOC010](#)

REFUNDS

Heartland Sarasota Bradenton, LTD Partnership – Impact Fee	\$ 103,078.88
Manatee Joint Venture – Impact Fee	\$ 17,669.00
Ranch Lake Plaza, Inc. – Impact Fee	\$ 81,456.04

WARRANT LIST

Approved: December 10, 2002 through December 16, 2002

Authorized: December 17, 2002 through January 6, 2003

[BC20021217DOC011](#)

[BC20021217DOC012](#)

ACCEPT

Corrective Document:

Manatee Opportunity Council, Inc.-Project Child Care FY 2002-03 Funding Agreement (Home Instruction Program for Preschool Youngsters) – Correcting Attachment A, Service Description, Page A1 (approved 11/5/02). [BC20021217DOC013](#)

Peace River/Manasota Regional Water Supply Authority – Board of Directors 2003 Meeting Schedule. [BC20021217DOC014](#)

Urban Forestry Consulting Services – Agreement with Norman C. Easey, \$25,000. [BC20021217DOC015](#)

AUTHORIZE FEE WAIVERS (PUBLIC WORKS)

Waive Fee (\$25) for Clifford Cain due to bank error.

Waive Fee (\$25) for Dorothy S. Parrimon due to bank error.

Waive Fee (\$25) for Scott A. Sanclemente due to bank error. [BC20021217DOC016](#)

AUTHORIZE CHAIRMAN TO SIGN

Industrial Development Revenue Refunding Bonds – CFI Manufacturing, Inc., Series 1998B – Notice of Partial Redemption; Bond RB-1, aggregate principal amount \$100,000.

Satisfactions of Judgment:

Carlos Gomez-Aquirre – Cases 2001-CF-275-A and 2001-CF-3295-A

Savina Latuga – Case 2002-CF-79

Alvhord Lee – Case 2002-CF-1209

Abel Marquez-Medina – Case 2002-CF-1822-B

Marty Thomas Pennell – Case 2002-CF-1551-A

Melissa Snyder – Case 2002-CF-2196

Guadalupe Velazco – Case 2002-CF-616

Lloyd D. Worth – Case 1998-2409T [BC20021217DOC018](#)

COUNTY ADMINISTRATOR

BENNETT PARK

County Administrator to execute Addendum 1 to the Conceptual Approval Agreement with Florida Communities Trust to extend the ending date to May 30, 2003. [BC20021217DOC019](#)

LAWSUIT: HARMON IRVIN V. MANATEE COUNTY

Authorization for payment of attorney's fees, inclusive of taxable costs, in Judge of Compensation Claims Cases 93-010635SRA and 97-017471SRA, Harmon Irvin v. Manatee County, \$18,449.65. [BC20021217DOC020](#)

METROPOLITAN PLANNING ORGANIZATION

R-02-335 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING COMMISSION CHAIRMAN TO ENTER INTO INTERLOCAL AGREEMENT WITH THE SARASOTA/MANATEE METROPOLITAN PLANNING ORGANIZATION FOR THE PROVISION OF ADMINISTRATIVE SERVICES; DIRECTING CLERK TO TAKE CERTAIN ACTIONS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

(and execution of the Interlocal Agreement).

[BC20021217DOC021](#)

57TH AVENUE (U.S. 41 – 15TH STREET EAST)

1. **R-02-336** 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

(**Property Owners:** Denesuk; Sandelman [Red Lobster]; ABG Enterprises, Inc.; Cornerstone/Fountain Lake, Ltd; Aspen-Arbor Terrace (3); Daily; Pipkin; Living Stones Fellowship; Chlebina; Frye; Copeland; Palm Lakes Estates Condominium Association (2); Ruperto; Thomas; Flores/DeFlores; Truing/Lam; McCart (2); Rendon; Hernandez; Harris; Volunteers of American Community Housing & Dev. Corp. of Tampa Bay Area; Altimiller; Garcia/Reyes; Funding Management Corp.; Bradenton THCI Holding Co.; Villalobos; Bloomer; King; Little; Poor; Morgan Anderson Corp.; Schmitz; Bruss; Eldon; Switzer; Webb; Lawn Masters of Manasota; Portalatin; Schwemler/Weiss; Continental Baking Co.; and Davis).

2. **R-02-337** 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. [BC20021217DOC022](#)

CHILDREN'S SERVICES

1. Approval of the Children's Services Annual Plan/Report; and
2. Authorization to announce the availability of approximately \$4,900,000 of Children's Services dedicated millage to be awarded for FY 2003-04. [BC20021217DOC023](#)

COMMUNITY CARE FOR THE ELDERLY

Execution of Master Agreement and Attachment 1 (Lobbying Certification) with West Central Florida Area Agency on Aging, Inc., for the **Community Care for the Elderly, Home Care for the Elderly, Alzheimer's Disease Initiative**, and **Medicaid Waiver** Grant Programs (1/1/03-12/31/03). [BC20021217DOC024](#)

ORDINANCE 02-64 - HUMAN SERVICES

Schedule a public hearing for Ordinance **02-64**, providing and confirming Board authority to expend funds for Manatee County-sponsored human service programs and to provide for applications, related agreements and program resolutions. [BC20021217DOC025](#)

PROGRAM OUTCOME MEASUREMENT PROJECT

Execution of an agreement with the University of South Florida to provide **data research and reporting** (10/1/02-2/28/03), \$25,000. [BC20021217DOC026](#)

SHIP HOUSING FUNDING ASSISTANCE

Approval of SHIP (State Housing Initiative Program) funding assistance exceeding \$25,000 in accordance with Resolution R-96-227 for new construction under the Local Housing Assistance Plan for SHIP-eligible applicants Brian and Vanessa Eason, \$27,500, at 1221 11th Avenue West, Palmetto. [BC20021217DOC027](#)

NEIGHBORLY SENIOR SERVICES

Execution of Addendum Three to Lease Agreement with Neighborly Senior Services, Inc., extending the lease for 2703 19th Street Court East to December 31, 2003. [BC20021217DOC028](#)

MATERIALS AND SERVICES

1. **800 MHz Batteries** – Purchase 800 MHz radio batteries from M/A Com, Inc., on an as-required basis via Florida State Contract 725-001-01-1, \$55,000. [BC20021217DOC029](#)
2. **Lake Manatee Toe Drain** – Enter into negotiations with Centex Rooney Construction Company, Inc., for providing **Construction Management at Risk Services** for construction of the renovations of the earthen dam at Lake Manatee. [BC20021217DOC030](#)
3. **Sanitary Tanker Pumping Service** – Award IFB 02-6706RS to the lowest responsive, responsible bidder, C.N.I., \$208,425. [BC20021217DOC031](#)

800 MHz RADIOS AND ACCESSORIES

Approve, ratify, and confirm the consignment of 800 MHz radio and accessories purchase from Bakers Communications, Inc., to M/A-COM, Inc., \$120,000. [BC20021217DOC032](#)

AERIAL MAPPING

Execution of Work Assignment 1 with Woolpert LLP for professional services for **aerial mapping for Countywide digital orthophotos**, \$246,962.50. [BC20021217DOC033](#)

BUDGET AMENDMENT

B-03-012

Various Departments

Transfer of Funds; Unanticipated Revenue Appropriations
Support Description and Detail attached

[BC20021217DOC034](#)

WELLNESS PROGRAM

Execution of Interlocal Agreement with the Manatee County Health Department, a branch of the Florida Department of Health, to provide **primary care health delivery and wellness program services** (wellness bus), \$301,363. [BC20021217DOC035](#)

MANATEE HEALTH MANAGEMENT NETWORK

Execution of Addendum 1 to the Network Administrator Manatee Health Management Network Agreement with McNulty-Barber Marketing, Inc., to **extend** the agreement to December 31, 2004; and incorporating various revisions to the agreement, \$50,000. [BC20021217DOC036](#)

RIVERVIEW BOULEVARD BRIDGE

Execution of Change Order 3 to Work Assignment 99-12 with Wade-Trim, Inc., for **design and construction services** for Bridge 134019 over McLewis Bayou Project; increase of \$2,312, adjusted total \$55,582.50. [BC20021217DOC037](#)

UTILITIES REFUNDS

1. Refund \$1,253.39, minus any current billings, to Waterlefe Community Development, Account 107145-110964, service address 11116 Winding Stream Way. [BC20021217DOC038](#)

2. Refund \$747.92 to Michael D. Murphy, service address 5711 17th Street East. [BC20021217DOC039](#)

PERSONNEL

R-02-150 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CREATING A NEW §3-2-1 OF THE MANATEE COUNTY CODE OF RESOLUTIONS; PROVIDING FOR **ORGANIZATIONAL AUTHORITY FOR COUNTY DEPARTMENTS AND OPERATIONS**; ESTABLISHING NEW **FAMILY MEDICAL LEAVE CALCULATION METHOD**; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATES. [BC20021217DOC040](#)

FINAL PLAT - STEWART SUBDIVISION

1. Final Plat;
2. Mortgagee's Joinder in Declaration Only from American Bank;
3. Agreement with Philip S. Stewart to defer completion of required sidewalks; and
4. Notice to Buyers. [BC20021217DOC041](#)

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Approval of U.S. Department of Housing and Urban Development IDIS (Integrated Disbursement and Information System) Access Request Forms for designated individuals for Community Development Block Grant (CDBG) and HOME funds. [BC20021217DOC042](#)

IMPACT FEE CREDITS

1. Execution of Credit Authorization CA-02-09(T) **and** Final Authorization of Transportation Credit for Wen Y. Chung for eligible right-of-way dedication on Tallevast Road, \$21,781. [BC20021217DOC043](#)
2. Execution of Credit Authorization CA-02-10(T) **and** Final Authorization of Transportation Credit for Wilmington Land Company for right-of-way for 9th Avenue Northwest at 83rd Street Northwest, \$19,786. [BC20021217DOC044](#)

COUNTY INCENTIVE GRANT PROGRAM

R-02-334 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, AUTHORIZING EXECUTION OF A COUNTY INCENTIVE GRANT PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, PROVIDING FOR FINANCIAL ASSISTANCE FOR **53RD AVENUE AND 75TH STREET WEST AND CORTEZ ROAD AND 43RD STREET WEST PROJECT**. [BC20021217DOC045](#)

DEEDS AND EASEMENTS

1. **9th Avenue Northwest** – Warranty Deed from Wilmington Land Company for right-of-way; Affidavit of Ownership and Encumbrances. [BC20021217DOC046](#)
2. **57th Avenue East**
 - a. Warranty Deed from Alma I. Williams for right-of-way; Affidavit of Ownership and Encumbrances (Parcel 187). [BC20021217DOC047](#)
 - b. Temporary Construction Easement from Arlene E. Bartlett (Parcel 726). [BC20021217DOC048](#)
 - c. Temporary Construction Easement from Helen R. Taylor (Parcels 731A, 731B). [BC20021217DOC049](#)
 - d. Warranty Deed and Temporary Construction Easement from Murrell S. and E. Belle Wiles; Affidavit of Ownership and Encumbrances (Parcels 113, 713). [BC20021217DOC050](#)
3. **75th Street West and Cortez Road** – Right-of-Way Easement from KB Investment Holdings, Ltd., previously recorded; Affidavit of Ownership and Encumbrances, previously recorded; Joinder from Bay Cities Bank, previously recorded. [BC20021217DOC051](#)
4. **Spanish Point Subdivision** – Utility Easement from Spanish Point Partners, LLP located on the Imperial Lakewoods Golf Course Fourth Fairway; Affidavit of Ownership and Encumbrances. [BC20021217DOC052](#)

BRADEN RIVER WATERSHED STUDY

Execution of the Cooperative Funding Agreement with the Southwest Florida Water Management District (SWFWMD), Sarasota County, and the City of Bradenton; and designation of the County Project Manager as the agent dealing with matters outlined in Exhibit "A," \$278,300 (County's share to be funded at \$121,000 in FY02-03 and \$157,300 in FY03-04).

U.S. 41 – SUBORDINATION AGREEMENT

R-02-333 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, AUTHORIZING EXECUTION OF A SUBORDINATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, PROVIDING FOR SUBORDINATION OF EASEMENT INTERESTS IN CERTAIN REAL PROPERTY LOCATED ALONG A PORTION OF U.S. 41 FOR FUTURE ROAD IMPROVEMENTS; AND PROVIDING FOR SUBORDINATION OF COUNTY UTILITY INTERESTS. [BC20021217DOC054](#)

STREET VACATION

R-02-03-V RESOLUTION DECLARING A PUBLIC HEARING ON JANUARY 28, 2003, AT 9:00 A.M. OR AS SOON THEREAFTER AS MAY BE HEARD, ON APPLICATION BY CAMLIN HOME CORPORATION AND ANDREW D. AND KELLY PAGE MINOR, TO VACATE PLATTED DRAINAGE AND UTILITY EASEMENT UPON LOTS 784 TO 786 AND LOTS 796 TO 798 OF RIVERDALE REVISED SUBDIVISION. [BC20021217DOC055](#)

WINGATE ROAD

Execution of Amendment 2 to Required Improvements Agreement with PDWB, Inc., for a **90-day extension**; and acceptance of Amendment to Letter of Credit WIN-01 from Brasota Mortgage Company, Inc., \$127,000. [BC20021217DOC056](#)

DORI SLOSBERG DRIVER EDUCATION SAFETY ACT

Authorization to set a public hearing to consider adoption of proposed Ordinance **03-24**, "Dori Slosberg Driver Education Safety Act." [BC20021217DOC057](#)

(End Consent Agenda)

CITIZENS' COMMENTS

Property Assessments

Claire Brown remarked that she has requested records from the Property Appraiser's Office regarding an agricultural classification on parcels of property, and explanation of how the assessment was derived. She submitted a property record card from property on Lockwood Ridge Road, which she stated is not being used agriculturally; however, it receives an agricultural exemption.

Senior Santas Tour of Lights

Ted Nowosad advised that the Tour of Lights has been a great success, and invited the Commissioners to take one of the bus tours. [BC20021217DOC058](#)

BICYCLE AND PEDESTRIAN ADVISORY BOARD

Nominations were received to appoint four persons to the Bicycle and Pedestrian Advisory Board for two-year terms:

Nominations:

- Larry P. Frey - by Mr. McClash
- Jay Stephen Litschauer - by Mr. McClash
- Tom Richardson - by Mr. McClash
- Sherry Van Zeyl - by Mr. McClash
- Ronald Stasica - by Mrs. von Hahmann

By majority votes, **Larry P. Frey, Jay Stephen Litschauer, Tom Richardson, and Sherry Van Zeyl** were appointed. [BC20021217DOC059](#)

CONSENT AGENDA – PUBLIC HEARINGS

ZONING

Public hearing (Notices in the *Bradenton Herald* 12/6/02 and the *Sarasota Herald-Tribune* 12/7/02) was opened to consider

PDC-02-35(Z)(P) LEFMARK BVT BRADENTON/LOWE'S

(CONTINUED TO JANUARY 28, 2003, AT 9:00 A.M.)

A 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 **GC** AND **RSF-6** TO **PDC**; AND A PRELIMINARY SITE PLAN TO ALLOW REDEVELOPMENT OF THE EXISTING K-MART SHOPPING CENTER, ONE OUTPARCEL FOR COMMUNITY SERVING MOTOR VEHICLE REPAIR, AND ADDITION OF A 135,744 SQUARE-FOOT HOME IMPROVEMENT STORE (TOTAL OF 292,493 SQUARE FEET); AND PROVIDING AN EFFECTIVE DATE; ON 26.99 ACRES LOCATED AT THE NORTHWEST CORNER OF U.S. 41 AND CORTEZ ROAD. [BC20021217DOC060](#)

Public hearing (Notices in the *Bradenton Herald* 12/6/02 and the *Sarasota Herald-Tribune* 12/7/02) was held to consider

Z-02-10 PAPPAGALLO REZONE (APPROVED)

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **RSF-4.5** TO **PR-S**; AND PROVIDING AN EFFECTIVE DATE; ON .26 ACRE LOCATED ON THE EAST SIDE OF 26TH STREET WEST AT 4107 26TH STREET WEST.

Planning Commission recommended ADOPTION. [BC20021217DOC061](#)

Public hearing (Notices in the *Bradenton Herald* 12/6/02 and the *Sarasota Herald-Tribune* 12/7/02) was held to consider

Z-02-12 HUGHES REZONE (APPROVED)

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **RDD-6** TO **PR-M**; AND PROVIDING AN EFFECTIVE DATE; ON .70 ACRE LOCATED ON THE EAST SIDE OF 26TH STREET WEST AT 5415 26TH STREET WEST.

Planning Commission recommended ADOPTION. [BC20021217DOC062](#)

Public hearing (Notices in the *Bradenton Herald* 12/6/02 and the *Sarasota Herald-Tribune* 12/7/02) was held to consider

PDR-00-17(P)(R) RIVER PARK (aka MOTE RANCH PHASE 8) (fka SILVERTON)
(APPROVED)

Request: Approval of a revision to Stipulation 14 regarding construction of Honore Avenue for this approved 49-lot subdivision for single-family detached homes. Mote Ranch is on 33.96 acres located on Honore Avenue, north of Old Farm Road. [BC20021217DOC063](#)

LAND DEVELOPMENT CODE

Public hearing (Notices in the *Bradenton Herald* 12/6/02 and the *Sarasota Herald-Tribune* 12/7/02) was held to consider

ORDINANCE 02-46 (WITHDRAWN BY STAFF)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED); REGARDING **SMALL BOAT MANUFACTURING**; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. [BC20021217DOC064](#)

LOCAL DEVELOPMENT AGREEMENT

Public hearing (Notices in the *Bradenton Herald* 12/6/02 and the *Sarasota Herald-Tribune* 12/7/02) was held to consider

LDA-01-02(R) CYPRESS BANKS LDA (APPROVED)

Request: An amendment to Local Development Agreement LDA-01-02 to: **(1)** revise the legal description; **(2)** revise and update the list of persons with a legal or equitable interest in the subject property; **(3)** amend the expiration date of the agreement to August 1, 2008; **(4)** amend Section 10.0 of the Agreement to provide for an extended Certificate of Level of Service for the Cypress Banks Development of Regional Impact; and **(5)** provide for the advancement of development phases within the Cypress Banks Development Order. Cypress Banks is on 2,597 acres located on the south side of State Road 70, approximately two miles east of Interstate 75; more specifically, Cypress Banks is located between the River Club DRI and Lorraine Road, and north of the University Lakes DRI.

Planning Commission recommended APPROVAL.

Carol Clarke, Planning Director, advised that the expiration date is in five years, not August 2008.

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, advised that the original LDA (approved 10/23/01) requires the developer to provide sites for stormwater drainage facilities and rights-of-way associated with construction of improvements to S.R. 70. [BC20021217DOC065](#)

Motion was made by Mr. McClash to approve the Presentations upon Request Agenda incorporating the language in the recommended motions in the agenda memoranda (as may have been amended in the supplemental agenda). The motion was seconded by Mrs. von Hahmann and carried 6 to 0.

(End Public Hearings – Consent Agenda)

MULTI-FAMILY RECYCLING – RIDGEWOOD OAKS

Jim Seuffert, Financial Management Director, stated that a meeting was held with representatives from Ridgewood Oaks to resolve their issues and maintain the multi-family recycling program. He advised that the item would be deferred until February 2003, when their new Board takes office.

Discussion: Ridgewood Oaks will be asking Waste Management not to go on their private roads, and will have alternate pick-up service until staff can meet with the new Board; would have to make recycling program voluntary in order to accommodate the residents; etc.

The item was continued to later in the meeting. [BC20021217DOC066](#)

ZONING

Public hearing (Notices in the *Bradenton Herald* 12/6/02 and the *Sarasota Herald-Tribune* 12/7/02) was held to consider

PDGC-02-19(P) BRADENTON COUNTRY CLUB

Request: A Preliminary Site Plan to allow a 20,215 square-foot expansion of the Bradenton County Club, including: an 1,800 square-foot fitness/storage center, a 3,132 square-foot pro shop, a 7,885 square-foot cart barn, a 1,076 square-foot outdoor seating area, a reconfigured and additional parking area, a reconfigured drive and drop-off including several porte cocheres (2,322 square feet), and a 4,000 square-foot covered walkway, all to be added to the Bradenton Country Club facilities; on 125.1 acres located at 4646 9th Avenue West.

Planning Commission recommended APPROVAL with 6 Stipulations;
GRANTING Special Approval for a project that exceeds 30,000 square feet in the RES-6 Future Land Use Category;
ADOPTING the Findings for Specific Approval;
GRANTING Specific Approval for an alternative to Section 722.1.4.2 and 722.1.4.3 of the Land Development Code for the sidewalks along 45th Street West, 13th Avenue West, and 17th Avenue West; and
DENYING Specific Approval for an alternative to Section 722.1.4.1 of the Land Development Code for the sidewalk along the south side of 9th Avenue West.

Betsy Lieberman submitted a letter opposing the recommendation of staff for construction of a sidewalk along the south side of 9th Street West.

The public hearing was continued until later in the meeting. [BC20021217DOC067](#)

MULTI-FAMILY RECYCLING – RIDGEWOOD OAKS

(Continued from earlier in the meeting)

Jefferson Asbury, Ridgewood Oaks resident, stated that residents want a smaller collection truck to be used in order to prevent damage to their private streets. Mr. Asbury stated that a contract has been signed for recycling pick-up.

Motion was made by Mr. McClash to allow this mobile home park to collect their own recyclables as long as it is consistent with the recyclables that Manatee County would collect, and to enforce the policy the County has to waive the fees as long as that procedure is established. The motion was seconded by Mrs. Glass.

Discussion: Whether this will set a precedent; ensure that recyclables are taken to recycling center; work out mechanics for monitoring the program; staff review needed; this policy violates County ordinance; amend ordinance if necessary; Ridgewood Oaks would not meet the exemption requirements; etc.

Tedd Williams, County Attorney, advised that Waste Management's offer to put a bin where the trucks would not have to drive on the private streets was not acceptable to the residents.

Mr. McClash **withdrew** his motion.

Motion was made by Mrs. Glass to bring the resolution back to adjust this matter. Mrs. Glass agreed to include a provision to allow certain exemptions so that the resolution provides for the Board or Director to make those decisions. Following discussion, the motion was seconded by Mrs. von Hahmann and carried 6 to 0.

PDGC-02-19(P) BRADENTON COUNTRY CLUB

(Continued from earlier in the meeting)

Misty Servia, Planning Department, noted the location of the Bradenton Country Club on the Future Land Use and Residential Distribution Map, and used a slide presentation to review the request. Ms. Servia advised that staff and the applicant disagree on the requirement for sidewalks, specifically on the south side of 9th Avenue West, and used an aerial photograph to point out the streets that lack sidewalks. She stated that staff supported deferral of installation of sidewalks in four locations, and noted those locations. Ms. Servia displayed photographs of 9th Avenue West and noted that only four trees would be impacted by the construction of a sidewalk there.

Discussion: Whether sidewalk can be made to meander; if sidewalk cannot be placed in right-of-way, applicant being asked to provide a pedestrian easement; trees should not be removed to accommodate a sidewalk; concern of large pine trees in front of homes along south side of 9th where sidewalk is being required; if adequate right-of-way does not exist, sidewalk will not be required; etc.

Ms. Servia used the aerial photograph to outline the differences in the sidewalk stipulation recommended by the Planning Commission and the stipulation recommended by staff, noting that the Planning Commission recommended a sidewalk only on the north side of 9th Avenue.

Jim Farr, representing the applicant, requested approval of the Planning Commission's stipulation regarding sidewalks. Mr. Farr reviewed the proposal to infill sidewalks on the north side of 9th Avenue between 43rd and 51st Streets West, and to install painted crosswalks and raised sidewalks across the circle. He displayed a series of photographs of the south side of 9th Avenue, noting trees, a slope, and six country club driveways, some used commercially, that create a safety concern for children.

Discussion: Design of facility expansion does not address traffic concerns on 9th Avenue; what is being done to improve crossing from circle parking lot to the country club; raised crosswalk would be installed at that location; traffic-calming devices needed; improve access to parking in the circle; include Transportation Department in design process; etc.

Frank Herold, representing the applicant, stated that the original design included a median in 9th Avenue in front of the circle, but it was removed after a meeting with the Transportation Department.

Carole Clarke, Planning Director, read proposed **Stipulation 7**:

The applicant shall install traffic-calming provisions along 9th Avenue West. These provisions may include adding a median to 9th Avenue West, using the existing right-of-way to create a safer configuration than the existing curves of the parking circle, and other approaches as may be required. A traffic-calming plan shall be provided with the Final Site Plan and shall be approved by the Transportation Department and Planning Department with the Final Site Plan.

After discussion, the last sentence of **Stipulation 7** was changed to:

A traffic-calming plan shall be provided with the Final Site Plan, and shall be approved by the Planning Director with the Final Site Plan after review by the Transportation Department.

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 APPROVE Preliminary Site Plan PDGC-02-19 with Stipulations 1 (as recommended by the Planning Commission), 2 through 6, and 7 (as read by staff); GRANT Special Approval for a project that exceeds 30,000 square feet in the RES-6 Future Land Use Category; ADOPT the Findings for Specific Approval; and GRANT Specific Approval for an alternative to Sections 722.1.4.2, 722.1.4.3, and 722.1.4.1 of the Land Development Code for sidewalks along 45th Street West, 13th Avenue West, 17th Avenue West, and the south side of 9th Avenue West, as recommended by the Planning Commission. The motion was seconded by Mr. Getman and carried 6 to 0.

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

ROBINSON PRESERVE

Marilyn Stasica and **Jerry Messick** thanked the Commission for acquiring this property.

This item was continued to later in the meeting.

[BC20021217DOC068](#)

(Court Reporter, Carol Cason, present)

RANCH LAKE PLAZA SHOPPING CENTER

Public hearing (Notices in the *Bradenton Herald* 12/6/02 and the *Sarasota Herald-Tribune* 12/7/02) was held to consider

AA-02-02 RANCH LAKE PLAZA

Administrative Appeal of Decision interpreting the definition of local tenant in the Settlement Agreement for Ranch Lake Plaza (PDC-87-01/FSP-02-16). Lot 4 of Ranch Lake Plaza is located on the east side of I-75, between the Braden River Fire Department and the Hess Station, on the south side of S.R. 70.

Joaquin Servia, Planning Department, stated that this is an appeal of the Planning Director's decision regarding the interpretation of local tenant as contained in a Settlement Agreement between the County, the Braden Woods Homeowners Association, and Heartland Sarasota/Bradenton Limited Partnership (5/5/98).

James Minix, Assistant County Attorney, stated the only definition found was in a Dictionary of Shopping Center Terms distributed by the International Council of Shopping Centers, and that their definition of local tenant conformed to a reasonable and common sense interpretation: a retail tenant who operates one or more stores exclusively in a local market.

Discussion: Interpret local tenant to mean local to that site; why was word local used; intent of Agreement was for a uniform signage standard in the shopping center; etc.

Carol Clarke, Planning Director, stated there was discussion regarding design standards during negotiation sessions with the homeowner association and Heartland, and that if someone had a recognizable logo, the intent was not to preclude them from using it.

Caleb Grimes, attorney, advised that he represented Heartland during Settlement Agreement negotiations. Mr. Grimes stated that types of signage were discussed and that Heartland's position was that national, regional tenants, notably Blockbuster, would be allowed to have their logos on the buildings as long as light did not shine into homes. He noted that the word local was used to denote those tenants without regionally and nationally identifiable signs.

Discussion: Design guidelines do not include how to design the signs; anchor tenant and local tenant not defined in Agreement; design guidelines discuss signs, sign types, and parcel signs; etc.

Wilhelmina McFee, representing Braden Woods Homeowners Association, submitted an affidavit and stated she did not recall the word logo in any of the discussions. Ms. McFee displayed photographs depicting area shopping centers to illustrate what was intended regarding the uniform sign appearance. She noted that the words local tenant were taken to mean a business located as a tenant in the local area, as compared to a buyer of an outparcel.

Discussion: Whether Blockbuster is the tenant or a franchise owned by an individual; local franchise owner serving a local market would be a local tenant; County Attorney opinion rendered with assumption that Blockbuster had offices outside the County; etc.

Bill Sulzbacher, president of Agora Developments LLC, stated that this Blockbuster is a local franchisee; however, it was their understanding that the definition of local tenant applied to those companies that were doing business in Sarasota and Manatee Counties, and that companies doing business throughout the nation or on a regional basis were national or regional tenants. He noted the importance to a shopping center of being able to display national and regional logos. He asked that consideration be given to the distinction that a local tenant is one that is local to the communities and not doing business either national or regional in scope.

In response to question whether the tenants would have their logos on the shopping center entranceway signs, Mr. Sulzbacher advised that there is only one sign available to the shopping center, which would go to Blockbuster.

Motion

Motion was made by Mr. McClash that local tenant as it applies should be a person that rents the location. The motion was seconded by Mr. Bruce.

Discussion: Concern that franchises would not lease due to defined as local tenants, preventing their use of national signs; whether to tie local tenant to who signs the lease or to corporate franchise; etc.

Mr. Sulzbacher advised that, if they do not have the availability for pylon signage for the tenants, the only place to put their national or regional logos is on the storefronts. He stated that it was their understanding that allowing logos on storefronts applied to franchises. He stated that Blockbuster will not allow franchises in shopping centers where the corporate logo is not allowed on the storefront, and advised that Blockbuster requires the pylon signage as well.

Discussion: Photographs depict H&R Block in another center with uniform signage; rules were established years ago with the intent of uniform signage; intent of Settlement Agreement discussions regarding signage; whether uniformity in signage means uniformity in size and having a standard appearance for the entire shopping center, including logos; design guidelines allow tenant signs with a variety of materials and with the corporate identification and colors; guidelines do not specify local tenant signs; guidelines could also apply to the anchor tenant; etc.

Mr. Steinsnyder noted that the design guidelines require all signs to be consistent with the architecture of the project, and that all signs identifying local tenants are to be of uniform size, typeset, color and placement. He advised that this would supersede the corporate logo and color, specifically if the business is found to be a local tenant. Mr. Steinsnyder stated that the Settlement Agreement, as drafted, makes three classifications of businesses: anchors, tenants, and local tenants.

Ms. McFee submitted an artist's rendering depicting a shopping center with a Kash n' Karry Store as an anchor tenant and uniform tenant signs, and stated that the Agora representatives presented these to the Homeowners Association as a representation of what the shopping center would look like.

Discussion: Buyer of the shopping center is bound by the Settlement Agreement; if design presented was not incorporated by reference in the Settlement Agreement, the Settlement Agreement stands on its own; if owner provided rendering subsequent to the Settlement Agreement, the assumption would be that this represented their interpretation of the Agreement; limitations on amount of signage that can be placed by the road; in future, include a design in a visual presentation to clarify issues; etc.

The motion carried 4 to 2, with Mrs. Glass and Ms. Brown voting nay.

[BC20021217DOC069](#)

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

CONGRESSWOMAN KATHERINE HARRIS

Motion was made by Mrs. Glass for approval of the allocation of 712 square feet in the Manatee County Administrative Center for the establishment of a Manatee County office for Congresswoman Katherine Harris, and authorization for staff to develop an agreement with Congresswoman Harris' Office accordingly. The motion was seconded by Ms. Brown.

David Rothfuss, Assistant County Administrator, advised that space was identified in the Administrator's suite, and noted the benefits this access will provide to the County.

Miguel Romano, legislative assistant to Congresswoman Harris, and **Hartley Etheridge**, District Director for Congresswoman Harris, thanked the Board for making the office space available.

The motion carried 6 to 0.

[BC20021217DOC070](#)

AMERADA HESS CORPORATION

Maureen Sikora, Assistant County Attorney, advised that in Case CE20021120401 the Code Enforcement Board (CEB) found that the Hess Gas Station at 8604 S.R. 70 was in compliance with Sections 508 and 1202 of the Land Development Code (LDC). She noted the options are seeking review of the decision by the CEB, appealing the decision to the Circuit Court, or taking no further action. Ms. Sikora recommended that no further action be taken.

Wilhelmina McFee, Braden Woods Homeowners Association, submitted an affidavit regarding the lighting on the canopy at the Hess Station, and information from the Florida Department of Transportation regarding sodium lights. She requested that the Board send the matter back to the CEB for another hearing, and that the County take the position that this is a breach of contract of the Settlement Agreement (5/5/98).

This item was continued to later in the meeting.

[BC20021217DOC071](#)

ZONING

Public hearing (Notices in the *Bradenton Herald* 12/6/02 and the *Sarasota Herald-Tribune* 12/7/02) was held to consider

PDR-02-11(Z)(P) WEST AND BRYANT/MEADOW WALK

Request: Zoning Ordinance of the County of Manatee, Florida...; providing for the rezoning of certain land from **A** to **PDR**; and a Preliminary Site Plan for 153 lots for single-family detached units and 69 lots for single-family attached units; and providing an effective date; on 82.99 acres located on the south side of U.S. 301 North, directly east of Veranda Springs Manufactured Home Park.

Planning Commission recommended APPROVAL with 31 Stipulations;

GRANTING Special Approval for: **(1)** a project in the RES-3 Future Land Use Category which exceeds 2 dwelling units per acre; and **(2)** a project transferring density from onsite wetlands to upland portions of the site;

ADOPTING the Findings for Specific Approval; and

GRANTING Specific Approval for alternatives to Section 715.3.2.2 of the Land Development Code to allow required landscaping to be located within the right-of-way and Section 907.9.4.2 to allow a dead end street exceeding 800 feet in length.

Erika Barrett, Planning Department, noted the location of the site on the Future Land Use and Residential Distribution Map, and used a zoning map, a future land use map, and a slide presentation to review the request. Ms. Barrett noted that the request differs from the staff report in that the applicant now proposes 200 single-family units, eliminating the 69 single-family attached units, and increasing those lot widths from 25 to 45 feet. Ms. Barrett reviewed the site plan and submitted changes to **Stipulations 1, 2, 3, and 6**.

Bill Merrill, attorney for the property owners and the developer, reviewed his site plan and used an aerial photograph to note nearby commercial and multi-family developments along U.S. 301.

David McNabb, development consultant, detailed the changes made to the site plan as a result of discussions with the Parrish Civic Association and residents of Veranda Springs Mobile Home Park. Mr. McNabb used an enlarged detail of the entranceway on U.S. 301 to note placement of a lake to accept stormwater runoff as the road is expanded to four lanes.

Mr. Merrill used a bar graph entitled "Subdivision Density Comparison" to compare the density of the request to several single-family and multi-family developments in the area. He also displayed a bar graph entitled "Subdivisions with Lot Widths of 55 feet or Less, Attached Single-Family/Multi-Family." He noted details of the site plan and submitted: **(1)** a revised **Stipulation 29**, regarding the multi-use trail; **(2)** a letter from Florida Power and Light (FP&L) allowing encroachment of the trail into the FP&L easement, and **(3)** a Right-of-Way Consent Agreement to be executed by the County with FP&L. Mr. Merrill used a second aerial photograph to show that the request provides transitioning with the surrounding area, with commercial and multi-family developments highlighted.

Discussion: Concern of 45-foot lot width; Building Department no longer allows air-conditioning units in side yard easements; applicant agrees to sign denoting interneighborhood tie; stipulate that small lots will be internal; 60-foot-wide lots were eliminated in reducing density; whether there are classifications of buffers; etc.

Mr. Merrill displayed a photograph of the berm along Veranda Springs Mobile Home Park, and noted that a fence and landscaping will be placed along this berm at the request of the residents of the mobile home park. Mr. Merrill submitted and read a proposed **Stipulation** regarding the stormwater system along U.S. 301:

The developer shall provide an easement to Manatee County to accept stormwater for the U.S. 301 right-of-way to accommodate roadway expansion along the right of access to modify the stormwater system to create additional treatment and attenuation capacity at the expense of the County.

Ms. Barrett read proposed **Stipulations 32 and 33**:

- 32.** Prior to Final Plat approval, the applicant shall post a sign at the interneighborhood tie to inform prospective purchasers and residents of the future interneighborhood tie. The size, placement, and materials for this sign shall be determined with the Final Site Plan.
- 33.** All 45-foot-wide lots shall be located internal to the project.

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, read proposed **Stipulation 34**:

- 34.** The developer shall provide an easement to Manatee County/FDOT as appropriate to accept stormwater for the U.S. 301 right-of-way to accommodate roadway expansion along with the right of access to modify the stormwater system to create additional treatment and attenuation capacity. The modification of the stormwater system shall be at the expense of the County and shall not include the cost of the pond site itself.

Discussion: Townhouses were deleted at the request of the Parrish Civic Association; have Transportation Department look at four-laning this area of U.S. 301 to Chin Road; etc.

Mr. Steinsnyder advised that the revisions to Stipulation 29 by the applicant are acceptable, but the Right-of-Way Consent Agreement may need to be negotiated as one paragraph states that the easement cannot be used for recreational purposes. Mr. Steinsnyder also noted that the last line of the stipulation appears to have a conflict regarding construction materials for the trail, and suggested that the description of materials be deleted.

Based upon the staff report, the 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. Glass moved to ADOPT Manatee County Zoning Ordinance **PDR-02-11 (Z) (P)**; APPROVE the Preliminary Site Plan with Stipulations 1 through 34; GRANT Special Approval for: **(1)** a project in the RES-3 Future Land Use Category which exceeds two dwelling units per acre; and **(2)** a project transferring density from onsite wetlands to upland portions of the site; ADOPT the Findings for Specific Approval; and GRANT Specific Approval for alternatives to Section 715.3.2.2 of the Land Development Code to allow required landscaping to be located within the right-of-way and Section 907.9.4.2 to allow a dead-end street exceeding 800 feet in length, as recommended by the Planning Commission. The motion was seconded by Ms. Brown.

Mrs. Glass and Ms. Brown agreed that the motion includes modifications to Stipulations 1, 2, 3, 6, 29, and the additional Stipulations, and the motion carried 6 to 0.

[BC20021217DOC072](#)

CE2001120401 – AMERADA HESS CORPORATION

(Continued from earlier in the meeting)

Discussion: Differences between low- and high-pressure sodium lighting; fascia lighting is the point of contention; etc.

Ms. Sikora stated that the CEB was persuaded by the language in the Settlement Agreement, which should have addressed all lighting issues. Inasmuch as there was testimony that the lights had been on at some point during the Certificate of Occupancy and inspection dates, the CEB agreed that resident concerns could have been addressed in the Settlement Agreement.

Discussion: Lights had been turned off due to complaints from the residents; residents did not expect lights to be turned on at a later time; CEB has been trained to look at the language in the LDC and to determine whether there is a violation; language in Settlement Agreement could have been read either way; staff reviewing LDC with respect to light pollution; etc.

Ms. Sikora noted that the new evidence presented by Ms. McFee relates to canopy lighting rather than fascia lighting, which was the issue before the CEB.

Discussion: The Board defined existing lighting as not to include fascia lighting (10/1/02); whether a procedural error occurred; CEB should have upheld the Board's definition; send back to CEB with the Board's concerns as additional information; CEB members had a draft minutes regarding the definition of existing lighting; not within the authority of the CEB to interpret the Agreement; etc.

Motion was made by Mr. McClash to take the case back to the Code Enforcement Board for review based on the discussion today. The motion was seconded by Mr. Getman.

Discussion: Technicality is that the CEB interpreted an agreement that the Board already interpreted; only question before the CEB should have been whether the fascia lighting should be on; other parties to the Agreement may have had other interpretations; whether to appeal if CEB review is not favorable; LDC makes a violation of any approval or condition imposed by the Board a code violation (Section 1202); etc.

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, advised that the County enforces its rezoning stipulations through Code Enforcement. As this is a Settlement Agreement, the County could also have filed for a declaratory judgment or for injunctive relief.

Ms. Sikora stated that an Attorney General Opinion dealing with reconsideration, which is afforded to Special Masters but not to Code Enforcement Boards, ruled that the appeal time did not run until a decision was made on the reconsideration. She recommended filing a Notice of Appeal, which could be stayed pending the outcome of the CEB review.

Mr. McClash amended the motion to include the filing of a Notice of Appeal. Mr. Getman agreed, and the motion carried 5 to 1, with Ms. Brown voting nay.

Mr. McClash moved to have the County Administrator meet with representatives of Hess to have a dialogue about shutting the lights off. The motion was seconded by Mrs. von Hahmann and carried 6 to 0.

COMMUNITY REDEVELOPMENT AGENCY

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 12/7/02) was held to consider

ORDINANCE 02-66

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; APPROVING AND ADOPTING A **COMMUNITY REDEVELOPMENT PLAN FOR 14TH STREET WEST COMMUNITY REDEVELOPMENT AREA**; MAKING FINDINGS IN CONNECTION WITH SAID PLAN AND DEVELOPMENT FOR RESIDENTIAL USES AND NONRESIDENTIAL USES; AUTHORIZING THE COMMUNITY REDEVELOPMENT AGENCY TO CARRY OUT SAID PLAN; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Leon Kotecki, Planning Department, submitted the Community Redevelopment Plan and reviewed the procedures that are required in establishing and operating a Community Redevelopment Area (CRA). Mr. Kotecki advised that no comments have been received from the taxing authorities. He noted receipt of a letter requesting that the residents of the County not be expected to pay for improvements in the area, and advised that the tax incremental funding system being set up will insure that improvements in the CRA will be paid for by the citizens in the CRA, in addition to any grant funds or other programs that the CRA board may set up.

(Depart Mrs. Glass)

Matt McLachlan, Wade-Trim, Inc., displayed a Project Phasing Schedule Chart and reviewed some of the projects in the Capital Plan. Mr. McLachlan advised that the CRA Plan sets the stage for further studies, including a market study; doing architectural design guidelines; and corridor study design plans that will be coordinated with the City of Bradenton.

Maureen Sikora, Assistant County Attorney, advised that the Plan can be amended, but the procedure that was originally established for adoption of the Plan must be followed.

Michael Wood, Planning Department, advised that the Plan references citizen participation, and a Citizen Advisory Committee is referenced within the context of the Plan.

Mr. McLachlan displayed and reviewed an Anticipated Tax Increment Revenues Chart, which indicated the amounts of revenue that should be generated in each of the three phases.

(Depart Mr. McClash; enter Mrs. Glass)

Motion was made by Mrs. von Hahmann to adopt Ordinance **02-66**, the 14th Street West Community Redevelopment Area Plan, with the date of December 17, 2002, inserted in Section 1. The motion was seconded by Ms. Brown and carried 5 to 0. [BC20021217DOC073](#)

Recess/Reconvene. All members present except Mrs. Stein, Mr. McClash and Mrs. Glass.

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 12/7/02) was held to consider

ORDINANCE 02-67

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; ESTABLISHING A **REDEVELOPMENT TRUST FUND FOR 14TH STREET WEST COMMUNITY REDEVELOPMENT AREA**; PROVIDING FOR USE OF THE FUNDS IN THE REDEVELOPMENT TRUST FUND FOR COMMUNITY REDEVELOPMENT WITHIN THE COMMUNITY REDEVELOPMENT AREA; DETERMINING THE TAX INCREMENT TO BE DEPOSITED IN THE REDEVELOPMENT TRUST FUND; PROVIDING FOR ANNUAL APPROPRIATION OF THE TAX INCREMENT BY EACH TAXING AUTHORITY IN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR ADMINISTRATION OF THE REDEVELOPMENT TRUST FUND; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Kotecki referred to a schedule in the Plan identifying the funds that will be available over the years for the planned phases.

Motion was made by Mrs. von Hahmann to adopt Ordinance **02-67** establishing a Redevelopment Trust Fund for the 14th Street West Community Redevelopment Area. The motion was seconded by Ms. Brown and carried 4 to 0. [BC20021217DOC074](#)

(Enter Mrs. Glass)

HIGHWAY BEAUTIFICATION GRANT – U.S. 41 SOUTH

Harry Mendenhall, Transportation Department, listed a number of obstacles encountered since the Board authorized submission of a preliminary grant application and preliminary plans for the proposed highway beautification grant for U.S. 41 South, from Tallevast Road to the Manatee-Sarasota County Line. Those obstacles include conflicts with new policies of the Florida Department of Transportation (FDOT) that prohibit planting trees in the median due to the narrowness of the allowable space, and complaints from business owners regarding access being cut off. Mr. Mendenhall requested direction from the Board as to whether to proceed, or to drop or defer the project.

Discussion: Loss of funding and changes to the plans make it impossible to continue; defer plan and resubmit through the Metropolitan Planning Organization's Gulf Waters-Tamiami Scenic Highway Program; redesign plan to include some trees and resubmit through the Tree Fund; etc.

The Chair announced that this item will be deferred for revision.

Bill Grant, business owner on U.S. 41, spoke in opposition to the plan to reinstall the medians, and stated that a report is needed on traffic accidents before and after the medians were removed.

[BC20021217DOC075](#)

COMMUNITY REDEVELOPMENT AGENCY

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 12/7/02) was held to consider

ORDINANCE 02-68

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; APPROVING AND ADOPTING A **COMMUNITY REDEVELOPMENT PLAN FOR SOUTH COUNTY COMMUNITY REDEVELOPMENT AREA**; MAKING FINDINGS IN CONNECTION WITH SAID PLAN; AUTHORIZING THE COMMUNITY REDEVELOPMENT AGENCY TO CARRY OUT SAID PLAN; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

John Osborne, Planning Department, submitted and reviewed a final version of the Plan, and noted that the timelines for this Plan mirror the timelines in the 14th Street West CRA Plan.

Kevin Mineer, URS Corporation, reviewed details of the proposed Plan, including the creation of a staff and a citizen advisory committee. He noted annual estimated revenues, with the first year's revenues to be used to hire staff and establish a presence in the community. Mr. Mineer pointed out that this is a 40-year plan, with the first five years presented at this time.

Ms. Sikora noted that the Ordinance has been revised to read December 2002 in Section 1.

Motion was made by Mrs. von Hahmann to adopt Ordinance **02-68**, the South County Community Redevelopment Area Plan, incorporating the date of December 2002 in Section 1. The motion was seconded by Ms. Brown and carried 5 to 0. [BC20021217DOC076](#)

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 12/7/02) was held to consider

ORDINANCE 02-69

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; ESTABLISHING A **REDEVELOPMENT TRUST FUND FOR SOUTH COUNTY COMMUNITY REDEVELOPMENT AREA**; PROVIDING FOR USE OF THE FUNDS IN THE REDEVELOPMENT TRUST FUND FOR COMMUNITY REDEVELOPMENT WITHIN THE COMMUNITY REDEVELOPMENT AREA; DETERMINING THE TAX INCREMENT TO BE DEPOSITED IN THE REDEVELOPMENT TRUST FUND; PROVIDING FOR ANNUAL APPROPRIATION OF THE TAX INCREMENT BY EACH TAXING AUTHORITY IN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR ADMINISTRATION OF THE REDEVELOPMENT TRUST FUND; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Ms. Brown, seconded by Mrs. Glass, and carried 5 to 0, to adopt Ordinance **02-69**, establishing a redevelopment trust fund for the South County CRA.

Mr. Osborne advised that it would be after the first year before there were enough funds to hire a CRA Director, since money is collected at the end of the year.

Discussion: Discuss forward funding to obtain salary funds now; whether funds from Community Development Block Grant (CDBG) for Pride Park could be worked into this; South County CRA Plan specifies the development of an advisory committee, but 14th Street West CRA does not; etc.

Mr. Kotecki advised that the intent is to use a part-time Planning staff member to get things started until someone is hired full-time, if needed.

Discussion: CDBG funds may be a funding source for some neighborhood activities; need to coordinate efforts between City of Bradenton Police Department and Manatee Sheriff's Office; etc.

Michael Wood, Planning Department, stated that work is ongoing with the Community Services Department in determining how to structure the citizens advisory committees and how to integrate the City into the 14th Street West CRA and establish communication with the City's CRA.

Discussion: System for background checks for applicants to advisory boards; have Administrator look at funding mechanism for background checks; bring back for discussion; etc. [BC20021217DOC077](#)

JOINT PLANNING – INTERLOCAL AGREEMENT

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, advised that a version of an Interlocal Agreement for Joint Planning sent to the cities earlier in the year has been redrafted by the cities. The draft from the cities appears to be a restatement of the Accord, without guidance to the Joint Planning Committee (JPC). He requested direction as to how to proceed with the Interlocal Agreement.

(Enter Mr. McClash during presentation)

Discussion: Bring groups together to determine what is wanted from the JPC; Board needs time to review; another work session needed among the elected officials to look at where the differences are; JPC agreed that issues should be brought up to the elected officials; some attorneys do not view JPC as an authorized committee; intent of elected officials was to have a document that would mirror the Accord; set up meeting of JPC in January to work out differences; etc. [BC20021217DOC078](#)

EMPLOYEE HEALTH BENEFITS PLAN

Jim Seuffert, Financial Management Director, noted that this contract with the third-party administrator for the employee health benefits program has been streamlined and will result in an estimated annual reduction of \$150,000 in the base contract cost.

Motion was made by Mrs. Glass, seconded by Mrs. von Hahmann, and carried 6 to 0, to authorize the Chairman to execute subsequently a revised agreement with Corporate Benefit Services of America, Inc., for the purpose of providing third party administrative services for the County's employee health benefits plan, for an estimated annual base cost of \$750,000, with provisions for additional work assignments at additional cost. [BC20021217DOC079](#)

CITY OF BRADENTON –COMPREHENSIVE PLAN AMENDMENTS

Michael Wood, Planning Department, advised that the Planning Commission for the City of Bradenton was considering text amendments to their Comprehensive Plan, including: an administrative change to density tables and intensity; the transfer of density from environmental lands; and adding a policy to encourage redevelopment within their community development target areas.

Mr. Wood advised that the City's Planning Commission tabled the amendments with their concern on the wetland transfer issue. He recommended to them that discussions be held with the County's Environmental Management Department staff to seek additional advice. He advised that any text amendments approved by the City will come to the County for review and comment, and a report will be provided to this Board at that time. [BC20021217DOC080](#)

ROBINSON PRESERVE ACQUISITION

(Continued from earlier in the meeting)

Charles Hunsicker, Ecosystems Administrator, displayed location maps, aerial photographs, and development and routing plans for The Estuary Golf Club while discussing acquisition of this property and certain development rights over the golf and country club abutting the Manatee River, Sarasota Bay and Perico Bayou. He noted that plans include a dedicated access road connecting 99th Street and the golf course to Manatee Avenue.

(Mrs. Glass absent for a portion of presentation)

Mr. Hunsicker reviewed conceptual plans for the portion of the Robinson property that will become the Preserve, and discussed the sources for funding that will be used to acquire the property.

Discussion: Acquisition represents continuing commitment to preservation of environmentally sensitive lands; access road would be gated; owner has agreed to allow public evacuation through access as needed; provision for this would be placed in the development order; etc.

Carol Clarke, Planning Director, noted that there will be language in the contract to provide County support for the road and to assist with the permitting.

Mr. Steinsnyder noted that the draft contract contains a provision for 99th Street Northwest to provide emergency evacuation access to the general public.

Ernie Padgett, County Administrator, noted that there are minor outstanding issues to be resolved.

Motion was made by Mrs. von Hahmann for conceptual approval for a contract for the fee simple purchase of approximately 483 acres, aka the Robinson Preserve, and certain development rights over 200 acres of land to be developed as the Estuaries Golf and Country Club, all located between 99th Street West, Manatee River to the north, Perico Bayou to the west, and Palma Sola Bay to the south, for the amount of \$16,420,000, including a charitable donation from the owner in the amount of \$6,420,000, for a County cash purchase in the amount of \$10,000,000, and direction to staff to return a complete agreement for execution at the special Board meeting December 31, 2002. The motion was seconded by Mr. McClash and carried 6 to 0.

BRADENTON VILLAGE SUBDIVISION

Ms. Brown advised that during a recent heavy rain, the streets in the subdivision were not holding any water.

[BC20021217DOC081](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 5:02 p.m.
/tb/klc

Minutes Approved: February 4, 2003