

MARCH 3, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:02 a.m.

Present were Commissioners:

Carol Whitmore, Chairman
John R. Chappie, First Vice-Chairman
Lawrence E. Bustle, Jr., Second Vice-Chairman
Michael Gallen, Third Vice-Chairman
Robin DiSabatino
Donna Hayes
Joe McClash

Also present were:

Sarah Schenk, Deputy County Attorney
Susan G. Romine, Board Records Senior Manager,
representing R. B. Shore, Clerk of Circuit Court

Invocation by Pastor Joey Mimbs, Bethel Baptist Church

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of March 3, 2011, and agenda update memorandum.

[BC20110303DOC001](#)

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mrs. Hayes, and carried 7 to 0, to approve the Consent Agenda incorporating the language as stated in the recommended motions in the agenda memoranda. Items APPROVED:

CLERK'S CONSENT CALENDAR

[BC20110303DO002](#)

BONDS

Greenbrook Boulevard East, Phase II

Release Agreement Warranting Required Improvements - Final Lift of Asphalt and Defect Security (Surety Bond 5030700 and associated rider[s]), \$2,512.29.

Greenbrook East County Park

[BC20110303DOC003](#)

Release Agreement Warranting Required Improvements - Final Lift of Asphalt and Defect Security (Surety Bond 5030702 and associated rider[s]), \$653.21.

Greenbrook Village, Subphase GG, Unit 1 (aka Greenbrook Terrace)

[BC20110303DOC004](#)

Release Agreement Warranting Required Improvements - Final lift of asphalt and Defect Security (Surety Bond 5030701 and associated rider[s]), \$1,838.02.

Release Agreement for Final Wearing Course of Asphalt on Roadways. [BC20110303DOC005](#)

Lakewood Ranch Business Park, Phase II

Release Agreement Warranting Required Improvements - Final lift of asphalt and Defect Security (Surety Bond 5030261 and associated rider[s]), \$4,059.66.

Sterling Lake (aka Mahogany Lakes)

[BC20110303DOC006](#)

Release Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements - Securing the Cabana and Pool Facility and Performance Bond (Surety Bond 5023830 and associated rider[s]), \$454,737.50.

[BC20110303DOC007](#)

University Parkway & Tuttle Avenue

Accept Agreement with Wal-Mart Stores East LP, Guaranteeing Completion of Required Improvements - Securing the Additional Turn Lane Requirement and Performance Bond (Surety Bond 105516925 TR 8024), \$421,359.89. **Change Rider** dated

February 14, 2011, issued through Travelers Casualty and Surety Company of America changing the project name from Centre at University Parkway. [BC20110303DOC008](#)

REFUNDS

Neal Communities of SW FL, Inc. – Refund Fees (Building Permits) \$826.39

[BC20110303DOC009](#)

Utility Customer 78215-133796 – Overpayment \$2,745.60

WARRANT LIST

[BC20110303DOC010](#)

February 22, 2011, through March 2, 2011 [BC20110303DOC011](#)

ACCEPT

Contract Documents (Pursuant to Manatee County Code, Chapter 2-26):

1. **Architectural Services** – Addendum 2 to Agreements for Architectural Services for the Property Management Department with: Schenkel & Shultz, Inc., BMK Architects, Inc., Fawley Bryant Architects, Inc., O’Brien Architects, Inc., and Jerry Zoller, AIA, P.A.

[BC20110303DOC012](#)

2. **Holiday Heights – Water Phase 2** – Change Order 1 (Final) to Agreement with Cimarron Construction, Inc.; decrease of \$200,179.80, adjusted total \$499,801.20; and an additional 71 calendar days for a revised completion date of October 25, 2010.

[BC20110303DOC013](#)

3. **Juvenile Process Center Building Modification** – Contract with DeLesline Construction, Inc., \$298,600; Performance/Payment Bonds; and Insurance Certificates.

[BC20110303DOC014](#)

4. **Manatee County Public Beach, Holmes Beach** – Contract with Coastal Marine Construction, Inc., for removal of underwater structural pilings and debris, \$649,720; Performance/Payment Bonds; and Insurance Certificate.

[BC20110303DOC015](#)

5. **Oneco Terrace, Sunniland and Kirk Haven Waterline Replacement – Phase 2** – Change Order 1 to Agreement with Harris McBurney Company; an additional 74 calendar days for a revised completion date of March 11, 2011.

[BC20110303DOC016](#)

6. **Palmetto Transit Park and Ride Station** – Contract with Manasota Commercial Construction Company, Inc., for site improvements and parking lot construction, \$214,361 and 120 construction days; Performance/Payment Bonds; and Insurance Certificate.

[BC20110303DOC017](#)

7. **Storm Pipe Replacement Rebid – 65th Avenue West** – Contract with Canio Construction LLC, \$460,144; Performance/Payment Bonds; and Insurance Certificate.

[BC20110303DOC018](#)

West Coast Inland Navigation District – Public Facilities Report.

[BC20110303DOC019](#)

North River Fire District – 2009-10 Financial Audit; September 2010 Financial Report; meeting dates; and 2011 Budget and Resolution.

[BC20110303DOC020](#)

North River Fire District – Updated Special District Public Facility Report and meeting dates.

[BC20110303DOC021](#)

Mosquito Control District – Annual Post-Audit Report and Financial Statements for FY ending September 30, 2010, and District Map.

[BC20110303DOC022](#)

AUTHORIZE CHAIRMAN TO SIGN

Partial Releases of Special Improvement Assessment Liens:
Projects 3121 and 5256.

[BC20110303DOC023](#)

COUNTY ADMINISTRATOR

STATE PRESCRIPTION DRUG DATABASE

R-11-070 RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, SUPPORTING THE CONTINUANCE OF THE PRESCRIPTION DRUG MONITORING PROGRAM IMPLEMENTED IN *SECTION 893.055, FLORIDA STATUTES*, AND PROVIDING FOR AN EFFECTIVE DATE.

[BC20110303DOC024](#)

HUD GRANT

Execution of the U.S. Department of Housing and Urban Development Congressional Directed Spending Grant Agreement for the United Community Center (13th Avenue Dream Center), \$250,000.

[BC20110303DOC025](#)

(End Consent Agenda)

ZONING

Public hearing (Notices published) was held to consider

PDC-10-17(P) CENTER POINTE COMMONS/DARDEN RESTAURANT

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR A 5,545-SQUARE-FOOT EXPANSION (EATING ESTABLISHMENT) OF AN EXISTING SHOPPING CENTER; ON THE WEST SIDE OF 14TH STREET WEST, NORTH OF ROOMS TO GO AND SOUTHEAST OF LOWE'S AT 4230 14TH STREET WEST, BRADENTON; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (PROJECT AREA 0.80± ACRES, SHOPPING CENTER 28.36± ACRES).

Betsy Benac, representing the property owner, noted all stipulations have been complied. This approval contains an additional stipulation regarding the replacement of dead landscaping.

Brad Hawkins stated this is the final out parcel component from the original site plan. Outback is the only steakhouse in Bradenton, and Longhorn will fill a gap in this market area.

Discussion: Economic incentive funds should not be used for a restaurant; Tax Increment Financing would reestablish the benchmark for property values; Community Redevelopment Agency funds are not going away; negotiation and discussions continue regarding funding; etc.

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. DiSabatino moved to APPROVE Preliminary Site Plan PDC-10-17(P) with Stipulations 1 through 5, GRANT Special Approval for a project: (1) exceeding 0.25 FAR in ROR Future Land Use Category and (2) exceeding 150,000 square feet gross building area in ROR; ADOPT the Findings for Specific Approval and GRANT Specific Approval for alternatives to Land Development Code Sections 710.1.6 and 603.11.4.2, as recommended by the Planning Commission. The motion was seconded by Mr. Gallen and carried 7 to 0. [BC20110303DOC026](#)

Public hearing (continued from 2/3/11) was held to consider

PDR-03-30(P)(R) GAMBLE CREEK ESTATES

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING AN AMENDED ZONING ORDINANCE AND PRELIMINARY SITE PLAN, REVISING STIPULATIONS REGARDING THOROUGHFARE RIGHT-OF-WAY DEDICATIONS, IMPACT FEE CREDITS, BUFFERS, LANDSCAPING, NATURAL RESOURCES, BUILDING SETBACKS, NUMBER OF LOTS, LOT SIZES, LOT DIMENSIONS, BUILDING HEIGHT, BUILDING COLOR, PUBLIC WATER AND SEWER UTILITIES, IRRIGATION WATER, STORMWATER MANAGEMENT, ACCESS, PARKS, RECREATION FACILITIES, FIRE HYDRANTS, CONTAMINATION BY HAZARDOUS MATERIALS, LAND CLEARING, REMOVAL OF OLD HOUSES EXISTING PRIOR TO PLATTING, LIGHTING, TREE PROTECTION, NATIVE VEGETATION, AND EDUCATIONAL FACILITY IMPACT FEES, APPLYING TO APPROXIMATELY 164 ACRES IN GAMBLE CREEK ESTATES LOCATED NORTH OF GOLF COURSE ROAD AND WEST OF SPENCER PARRISH ROAD IN THE PDR ZONING DISTRICT; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL.

Miles Gentry, Building and Development Services Department, explained this is an update for an ordinance approved two years ago. There is a new developer; however, the project has been platted and is ready for construction.

Mark Barnebey, attorney representing the applicant, stated 15 of the 30 original stipulations have been changed since the 2004 approval. He requested a change in the underlined **Stipulation 1.a** deleting "...to a maximum of 100 feet in width along both roadways..." as well as removal of "..." at the end of the last sentence or completion of the sentence.

Following discussion, Mr. Barnebey stated Stipulation 6 is complete and the subdivision has been platted. Regarding Stipulation 7, the original stipulation included a lot width diagram including the setbacks. He recognized confusion with respect to the staff report strikethrough and stated the setback is not being deleted, just moved to a different Stipulation.

John Osborne, Building and Development Services Department, indicated more detail will be provided in staff reports with regard to strikethroughs to indicate if the information is in the Land Development Code (LDC) or if it is a completed item.

Discussion: Staff reports must include more detail and clarification; height issues along Golf Course Road, as well as pool cages clarified; stipulations are being removed, which included concerns from the Parrish community regarding height; etc.

Bob Schmitt, Building and Development Services Department, stated all stipulations are explained in a bullet format in the staff report. Many of the stricken stipulations are in the LDC in the North Central Overlay District, which was not adopted when the original plan was approved.

Mr. Gentry reviewed the bulleted stipulations. Bulleted Stipulation 7, with the chart, is less confusing than the setbacks expressed in Stipulation 7 of the Zoning Ordinance.

Joel Christian, Natural Resources Department, stated Stipulation 3 combines Stipulations 4 and 5 prohibiting overhead or underground power lines within any proposed landscape buffer or tree preservation area.

Bill Bors, Natural Resources Department, addressed original Stipulations 27, 28, and 29. Upland tree preservation areas, forested areas, and tree preservation areas contiguous to wetlands have been satisfied and protected on the site.

Discussion: Continue public hearing; Geographic Information System (GIS) should include all details; formula for Stipulation 8 is confusing; issues need to be resolved and in writing to avoid legal battles; a pool cage is exempt from the building height (Stipulation 8); North Central Overlay is in LDC Section 604.10.3.3, and contains a formula building height; etc.

Carlos Beruff, developer, noted this project was bought from a bank with only two homes constructed, and he has had discussions with those homeowners. The market will determine what is built, and the homeowners will determine street lighting (Stipulation 23).

Discussion: Homeowner will determine trees on the lot; Golf Course Road is a collector road; a collector road is a thoroughfare; include Stipulation 8; this is a planned community; etc.

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, finding the amended Zoning Ordinance to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mr. Bustle moved to ADOPT Manatee County Zoning Ordinance **PDR-03-30(P)(R)**; amending and restating Ordinance PDR-03-30(Z)(P), particularly the Stipulations for the approval of the Preliminary Site Plan; as recommended by the Planning Commission. The motion was seconded by Mrs. Hayes.

Motion – Amendment

Motion was made by Mr. McClash to amend the motion to remove the strikethrough on Stipulation 8, and leave the original language (22-foot height limit along the lots fronting Golf Course Road). The motion was seconded by Mrs. DiSabatino. Following discussion, the motion carried 6 to 1, with Mr. Bustle voting nay.

Motion – Amendment Failed

Mrs. DiSabatino moved to amend the original motion not to delete Stipulations 6 and 7. The motion was seconded by Mr. McClash.

Following discussion that Stipulation 6 had been completed, Mrs. DiSabatino and Mr. McClash agreed to include only Stipulation 7 in the motion.

Discussion: Would Stipulation 7 or the chart, which is part of the site plan, prevail; the chart is more specific; setback provisions; etc.

Mr. Barnebey requested using the chart as Stipulation 7.

Following discussion, the motion **failed** 3 to 4, with Mr. Bustle, Mr. Chappie, Mrs. Hayes, and Ms. Whitmore voting nay.

Following discussion, the motion, as amended, carried 5 to 2, with Mrs. DiSabatino and Mr. Gallen voting nay. [BC20110303DOC027](#)

LAND USE/PLANNING PROCESS

Motion was made by Mr. McClash to request staff to come back with the process used when final plats are approved and how that information gets into GIS with the specifics of the stipulations and other details of individual lots. There being no second, the motion **died**.

Discussion: Can staff respond regarding the time and labor required; etc. [BC20110303DOC028](#)
(Note: Item discussed later in the meeting.)

COMMISSIONERS' COMMENTS

Contracts

Mrs. DiSabatino discussed contractors that provide a low bid to get a job and then the County is burdened with change orders. This is not fair or equitable for other contractors, who included all expenses, and did not get the contract. [BC20110303DOC029](#)

Home Sales

Mrs. DiSabatino stated the median home sales prices from February 2010 to February 2011 were only down .08 percent in the For Sale List Price of \$239,000; however, the Under Contract Price is down 14.7 percent or \$160,000 v. \$188,000. Sold Sales Price is \$152,000 v. \$189,000 one year ago. There is six-month inventory v. nine months. Properties under contract are 479 units v. 361. Inventory in Lakewood Ranch is low in certain price ranges. [BC20110303DOC030](#)

Whitfield Association

Mrs. DiSabatino stated the Whitfield Tour of Homes was a success with 1,480 visitors and noted a thank you from the Whitfield Association for the proclamation. [BC20110303DOC031](#)

Boat Slips at Marinas

Mrs. DiSabatino noted the marina at Bayshore Gardens has 127 boat slips, and Trailer Estates has 120 boat slips with many available for rent. [BC20110303DOC032](#)

How Will We Grow

Ms. Whitmore attended the *How Will We Grow* meeting in Parrish. The Sandwich Shoppe owner complained about the lack of sewer and requested help to expand parking. [BC20110303DOC029](#)

IMG Academy

Ms. Whitmore toured the IMG training facilities. Gatorade is building a facility, and another company involved with research regarding head injuries to athletes will be on site in the future. She discussed the advanced training programs (golf, baseball, tennis, etc.) and technology available and suggested a future presentation by IMG for all elected officials. [BC20110303DOC029](#)

Perico Property

Ms. Whitmore noted Charlie Hunsicker, Natural Resources Director, advised that there cannot be farming on the Perico property; however, farm stands are permissible. He will distribute information. [BC20110303DOC029](#)

Student Job Shadowing

Mr. Gallen discussed a student job shadowing program with Palmetto High School. He requested County input.

Discussion: Prior intern-type program held at the County; work with staff to determine how many people we need each year for entry level positions, which could provide a career for students unable to attend college; encourage this type of program; etc. [BC20110303DOC029](#)

Change Orders

Mr. Gallen noted he has received comments from the public and contractors regarding County contracts and the amount of change orders, which raise concerns. [BC20110303DOC029](#)

Community Park

Mr. Gallen discussed utilizing 88 acres of land near Tillman Elementary School and Apollo Lake (aka Washington Park Borrow Pit) for a community park. He requested a meeting or work session to share photographs and brainstorm on how the County could utilize this area.

Discussion: County Administrator to schedule an agenda item or work session; conceptual plan from years ago with a system of trails is available to provide a history; etc. [BC20110303DOC029](#)

LAND USE/PLANNING PROCESS (Continued)

Mr. McClash discussed the planning process and the technology to include the importance of updated plat information. Developer comments and information (setbacks, detailed and unique notes) are usually in an electronic format and should be transferred and incorporated to the GIS system and accessible by the permit technicians and other staff.

Sarah Schenk, Deputy County Attorney, stated she would pass the information along to John Barnott, Building and Development Services Director, and Mr. Osborne. [BC20110303DOC028](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 11:29 a.m.
/njh

Minutes Approved: March 29, 2011