

JUNE 7, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:03 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 (entered during meeting)
Joe McClash

Also present were:

Ed Hunzeker, County Administrator
Tedd Williams, Jr., County Attorney
Susan G. Romine, Board Records Director,
representing R. B. Shore, Clerk of Circuit Court

Invocation by Carole Kay Monaco, Christian Coalition

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of June 7, 2011, supplemental agenda, and agenda update memorandum.

[BC20110607DOC001](#)

PRESIDENT'S VOLUNTEER SERVICE AWARD

Debbie DeLeon, Neighborhood Services Department, presented **Victoria "Tori" Bell** and **Anyelle Johanna DeLeon**, Americorps VISTA (Volunteers in Service to America), the President's Volunteer Service Award for their year of service.

[BC20110607DOC002](#)

(Enter Mrs. Hayes)

COMMUTER SERVICES WRAP UP

Mrs. Hayes presented the Commuter Services Award to Community Services Director, Brenda Rogers. Ms. Rogers recognized the "Green Team" and representatives from the City of Bradenton, the Clerk of Circuit Court's Office, the Chamber of Commerce, and downtown businesses which participated.

Jan Parham and **Christine Diaz**, Florida Department of Transportation, thanked all for participating and spoke of a video from Commuter Services Day. Ms. Diaz presented an award for the highest percentage of participation to R.B. "Chips" Shore, Clerk of the Circuit Court, and presented an award to Ralf Heseler, Public Works Department, for helping with the program.

Ms. Parham recognized Bradenton City Councilwoman **Marianne Barnebey**, as the ambassador of the program and thanked her for participating.

Ms. Rogers presented awards to the top five people with the most participation for commuter services. Fifth place went to Bruce Robertson, Public Works Department; fourth place to Cheryl Comstock, Supervisor of Elections Office; third place to Cassandra Alston, MCAT; second place to John Osborne, Building and Development Services, and first place to Ryan Beggy, Public Works Department. Attorney Mark Barnebey donated cash prizes to the first and second place winners.

(Note: Proclamation adopted next)

[BC20110607DOC003](#)

PROCLAMATIONS

Motion was made by Mr. Bustle, seconded by Mrs. DiSabatino, and carried 7 to 0, to adopt:

1. A Proclamation declaring the Clerk of Circuit Court and the Public Works Department as winners of the Sustainability Awareness Award for Commuter Services. [BC20110607DOC003](#)
2. A Proclamation designating June 22, 2011, as Manatee Players Day accepted by **Susan Romine, Rick Kerby, Mark Barnebey, Denny Miller, Dr. Anthony Pizzo, and Nina Richardson**, President of Manatee Players. [BC20110607DOC004](#)
3. A Proclamation designating the week of June 20-24, 2011, as Florida Women in Government Week accepted by **Lynn Pierce**, Greater Manatee Chapter, FWG, Inc. [BC20110607DOC005](#)

CONSENT AGENDA

Motion was made by Mrs. DiSabatino, 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 (as may have been amended in the supplemental agenda). Items APPROVED:

CLERK'S CONSENT CALENDAR

[BC20110607DOC006](#)

REFUNDS

Harbourvest LLC/Heritage Harbour - Impact Fees \$258,718.00

WARRANT LIST

[BC20110607DOC007](#)

June 2, 2011 through June 6, 2011

[BC20110607DOC008](#)

ACCEPT

1. **Copperstone Community Development District** - Resolution 2011-02 approving the Proposed Budget for FY 2011-12. [BC20110607DOC009](#)
2. **Lakewood Ranch Inter-District Authority** - Proposed Operating Budget for FY 2012. [BC20110607DOC010](#)
3. **Woodland Hammock Community Development District** - Proposed Operations Budget for FY 2012. [BC20110607DOC011](#)

Administrative Contract Adjustments (Pursuant to Resolution R-07-189):

Southwest Water Reclamation Facility - Adjustment One to Contract (P0101630) with Beach Construction, Inc.; decrease of \$244,531.18, adjusted total \$2,886,168.82.

[BC20110607DOC012](#)

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

1. **Professional Services for Transportation Planning and Project Review** -
 - a. Addendum Three to Agreement with Atkins North America, Inc., extending the Agreement one year (6/9/11-6/8/12) with no fee increases, in accordance with the provisions of the Agreement. [BC20110607DOC013](#)
 - b. Addendum Two to Agreement with Renaissance Planning Group, Inc., extending the Agreement one year (6/9/11-6/8/12) with no fee increases, in accordance with the provisions of the Agreement. [BC20110607DOC014](#)
 - c. Addendum Two to Agreement with URS Corporation Southern extending the Agreement one year (6/9/11-6/8/12) with no fee increases, in accordance with the provisions of the Agreement. [BC20110607DOC015](#)

COUNTY ADMINISTRATOR

FINAL PLAT

Country Club East at Lakewood Ranch, Subphase QQ, Unit 1, aka Belleisle

1. Final Plat;
2. Lot Drainage and Grading Plans;
3. Mortgagee Consent To Subdivision Plat and All Dedications and Reservations Thereon from Northern Trust N.A., fka Northern Trust Bank of Florida, N.A.;
4. Mortgagee Consent To Subdivision Plat and All Dedications and Reservations Thereon from Schroeder Manatee Ranch, Inc.;
5. Consent to Subdivision Plat and All Dedications and Reservations Thereon from Lakewood Ranch Stewardship District;

6. Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Stirling Equity Group LLC - Final Lift of Asphalt, **and** Performance Bond (Surety Bond 5037074), \$84,475.29;
7. Agreement for Final Wearing Course of Asphalt on Roadways with Stirling Equity Group LLC;
8. Conservation Easement from Country Club East Investors LLC; and
9. Supplemental Declaration by Country Club East Investors LLC. [BC20110607DOC016](#)

Forest Creek Phase II-B, Second Revised Portion

1. Final Plat;
2. Lot Drainage and Grading Plans;
3. Agreement Warranting Required Improvements with Neal Communities of Southwest Florida LLC - Water and Wastewater Utilities, **and** Defect Security (Cashiers Check 4734794673), \$900; and
4. Supplemental Amendment to Declaration of Covenants, Conditions, and Restrictions for Forest Creek. [BC20110607DOC017](#)

ALZHEIMER'S DISEASE INITIATIVE

1. **R-11-138** A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, TO EXECUTE THE GRANT AGREEMENT FOR THE **ALZHEIMER'S DISEASE INITIATIVE PROGRAM**;
2. Execution of the Program and Service Contract (ADI-11/12-MAN) with West Central Florida Area Agency on Aging, Inc., for the Alzheimer's Disease Initiative grant program, \$133,434 (\$130,434 State, \$3,000 client co-payments; 7/1/11-9/30/12); and
3. **Budget Amendment**
Community Services **B-11-058** [BC20110607DOC018](#)

COMMUNITY CARE FOR THE ELDERLY

1. **R-11-139** A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, TO EXECUTE THE GRANT AGREEMENT FOR THE **COMMUNITY CARE FOR THE ELDERLY PROGRAM**;
2. Execution of the Program and Service Contract (CCE-11/12-MAN) with West Central Florida Area Agency on Aging, Inc., for the Community Care for the Elderly grant program, \$935,044 (\$815,440 State, \$90,604 County, \$29,000 client co-payments; 7/1/11-9/30/12); and
3. **Budget Amendment**
Community Services **B-11-057** [BC20110607DOC019](#)

HOME CARE FOR THE ELDERLY

1. **R-11-140** A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, TO EXECUTE THE GRANT AGREEMENT FOR THE **HOME CARE FOR THE ELDERLY PROGRAM**;
2. Execution of the Program and Service Contract (HCE-11/12-MAN) with West Central Florida Area Agency on Aging, Inc., for the Home Care for the Elderly grant program, \$62,025 (\$59,925 State funds [\$55,383 HCE Subsidies, \$4,542 Case Management], \$2,100 other resources; 7/1/11-9/30/12); and
3. **Budget Amendment**
Community Services **B-11-059** [BC20110607DOC020](#)

ARTIFICIAL REEF CONSTRUCTION

Award IFB 11-1467OV, **Anna Maria Island, Coquina Beach, Artificial Reef Construction** to Luhr Bros., Inc., for the **Base Bid, construction of 4.87 acres**, \$3,262,600; **and** authorization for the County Administrator or his designee to subsequently execute contract documents (executed 6/7/11), with simultaneous dating of performance/payment bonds and acceptance of insurance certificates. [BC20110607DOC021](#)

BUDGET AMENDMENT

Various Departments **B-11-056**
Supporting Description and Detail Attached [BC20110607DOC022](#)

U.S. 301 (ERIE ROAD TO C.R. 675)

Authorization for the County Administrator or his designee to execute Change Order 2 to

Purchase Order P0901351 with Woodruff and Sons, Inc.; adding 76 calendar days for a revised completion date of July 7, 2011. [BC20110607DOC023](#)

UTILITY ARCHITECTURAL/ENGINEERING SERVICES

Authorization for the County Administrator or his designee to execute Addendum 4 to Agreements with CH2M Hill, Inc., Carollo Engineers, P.C., Malcolm Pirnie, Inc., and URS Corporation Southern, extending the agreements for one year (to 6/18/12).

ECONOMIC DEVELOPMENT INCENTIVE GRANT

[BC20110607DOC024](#)

R-11-141 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RECOMMENDING THAT “**PROJECT BUTTERFLY**” BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO §288.106, *FLORIDA STATUTES*, AND PROVIDING LOCAL FINANCIAL SUPPORT FOR PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY (QTI) TAX REFUND PROGRAM FOR FISCAL YEAR 2012-2013 THROUGH 2015-2016 AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110607DOC025](#)

MANATEE COUNTY LIBRARY LONG RANGE PLAN

R-11-118 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF THE MANATEE COUNTY LIBRARY LONG RANGE PLAN 2012-2017 TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES. [BC20110607DOC026](#)

DEEDS AND EASEMENTS

1. **5814 18th Street East, Palmetto/Furniture Warehouse** - Drainage and Utility Easements, and Affidavit of Ownership and Encumbrances from MAMSLM GROUP LLC; and Joinder from Gateway Bank of Southwest Florida. [BC20110607DOC027](#)
2. **Cortez Windmill Village** - Temporary Construction Easement from CWMV, Ltd., to remove an existing meter vault. [BC20110607DOC028](#)
3. **Creekwood Park** - Execution of an Easement to Florida Power & Light Company for the installation and maintenance of an electrical power line to facilities in Creekwood Park. [BC20110607DOC029](#)
4. **Stancil Property/8605 Erie Road Parrish** - Warranty Deed and Affidavit of Ownership and Encumbrances from Earl, Jr., and Catherine A. Stancil; and Partial Release from Suncoast Schools Federal Credit Union. [BC20110607DOC030](#)
5. **Tara Community Development District** (Lift Stations, Tara 7 and Tara 8) - Utility Easement and Affidavit of Ownership and Encumbrances from Tara Community Development District I. [BC20110607DOC031](#)

OFFICE SPACE FOR CONGRESSMAN BUCHANAN

R-11-126 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, FINDING THAT CERTAIN OFFICE SPACE IN THE MANATEE COUNTY JUDICIAL CENTER IS NOT NEEDED FOR COUNTY PURPOSES AND AUTHORIZING ITS LEASE TO CONGRESSMAN VERN BUCHANAN FOR USE AS A DISTRICT OFFICE, WHICH USE WILL PROMOTE THE COMMUNITY INTEREST AND WELFARE. [BC20110607DOC032](#)

WARES CREEK STORMWATER IMPROVEMENT PROJECT

1. Execution of a Contract for Sale and Purchase for a Warranty Deed and Access and Maintenance Easement from Benjamin and Lisa Shives, \$113,650 inclusive of attorney fees and costs, Parcel E128; and authorization for Finance to issue three checks to: (1) Benjamin and Lisa Shives, \$2,275; (2) Wells Fargo Bank, N.A., \$104,350; and (3) Trust Account of Blucher Law Group LLC, \$7,025. [BC20110607DOC033](#)
2. Warranty Deed, Affidavit of Ownership and Encumbrances, and Affidavit of Non-Homestead Status from George C. Perreault LT 2 LLC; Access Easement to George C. Perreault LT 2 LLC; Partial Releases of Memorandums of Lease from Suncoast Workforce Board, Inc., and Early Learning Coalition of Manatee County, Inc.; and Partial Release of Mortgage from Bank of America, N.A., Parcel W281. [BC20110607DOC034](#)

WARES CREEK FLOOD CONTROL AND DREDGING PROJECT

1. Authorization to reduce the County Landfill tipping fee rate from \$61 per ton to \$24 per ton, for a maximum of 5,655 tons, for the unsuitable spoils material to be generated from the Wares Creek Flood Control and Dredging Project. The rate reduction would yield a reduction in revenue to the County Landfill of up to, but not to exceed, \$209,235;

and

2. Authorization to waive the County Landfill tipping fees in the approximate amount of \$1,380,000 by permitting the contractor to haul the suitable spoil material emanating from the project to the County Landfill for use as daily cover material, which will offset purchase and use of other daily cover purchased annually by landfill operations.

TRAFFIC MANAGEMENT CENTER

[BC20110607DOC035](#)

Execution of a Traffic Management Center (TMC) Operation and Maintenance Interlocal Agreement with the City of Bradenton for the joint participation of the operation and maintenance of the TMC.

[BC20110607DOC036](#)

TIME PAYMENT AGREEMENT

Execution of Time Payment Agreement for facility investment fees, connection, and line extension charges with Gregory Kellogg.

[BC20110607DOC037](#)

(End Consent Agenda)

CITIZENS' COMMENTS

The Bearded Clam

Wesley Rose, officer of The Bearded Clam (PDMU-98-03(P)[R]), adopted 6/2/11), expressed that amplified music is vital for the survival of the restaurant. A sound engineering consultant was hired to devise a computer model for decibel meters and a policy to monitor the music. Meetings have been conducted with the Whitfield Homeowners' Association, and another is planned. He requested decibel level monitoring and reconsideration for the outdoor music.

Discussion: Need a way to keep business; all musicians need microphones; stipulations attached to this property; sound level issue, not amplification; self monitoring system; etc.

Sarah Schenk, Deputy County Attorney, noted this is a quasi-judicial matter, and no testimony can be accepted unless there is an advertised public hearing. Zoning Ordinance amendments will apply to the use of the outdoor facility.

Discussion: Results of meeting with Homeowners' Association; could reconsider if residents agree; resolve issues; letter from noise consultant, not a plan; move forward if prevailing side motions for reconsideration; standard practices; etc.

Dan Young, Whitfield Homeowners' Association Board member, stated he was not aware of any discussions or meetings held by the Bearded Clam. The sound is difficult to monitor, and music could be heard last Saturday with loud voices of patrons until 9:30 p.m. There is no buffer, and noise enforcement could be a problem that may involve lawsuits.

Tedd Williams, Jr., County Attorney, opined that the business owners did not like the previous hearing results and wanted to invoke jurisdiction for reconsideration. It is necessary to bring facts forward for that limited purpose, which is appropriate from a rules standpoint.

Ms. Schenk responded to a question of whether Commissioners can now communicate with the business owners. The business is represented by legal counsel, and it would be better to communicate with them through the County's legal representatives.

[BC20110607DOC038](#)

LEGISLATIVE WRAP UP

Representative Jim Boyd gave a perspective of the latest legislative session. A summary handout was provided by Information Outreach Coordinator, Nick Azzara. Rep. Boyd spoke of the successful legislation for Port Manatee, electronic filing for court documents, pill mill regulation, the Fertilizer Bill, red light cameras, on-line hotel tax, and defeating pretrial release. He spoke of jobs and the economy, challenges, decisions, and meetings to be held at New College on August 30, 2011, to gather District input.

Discussion: Port Encouragement Zone; Governor support; money retained for beach

renourishment; specific Port needs; To Inform Families First (TIFF) Amendment, School Board and Homeless Coalition; liability of schools donating leftover food to food banks; sovereign immunity; TBARTA; funding; transportation; sprawl and growth management; environmental issues; Tax Increment Financing (TIF) near Port; Comprehensive Plan amendments; etc.

[BC20110607DOC039](#)

STREET VACATION – 9TH STREET WEST, BRADENTON

Public hearing (Notice published) was held to consider

R-11-130-V A RESOLUTION ON APPLICATION BY CAY 3411 LLC, AND GAN 3411 LLC VACATING CERTAIN UNIMPROVED RIGHTS-OF-WAY ON 9TH STREET WEST, BRADENTON.

Based on discussion of a retention pond, Joaquin Servia, Property Management, stated an easement will be conveyed to the County for the stormwater discharge.

Discussion: Previous legal determination not to go forward; Comprehensive Plan amendment; fees to be paid; etc.

Mr. Williams stated all concerns have been resolved.

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, to ADOPT Resolution **R-11-130-V**; and to accept a Drainage Easement and Affidavit of Ownership and Encumbrances from CAY 3411 LLC, and GAN 3411 LLC.

[BC20110607DOC040](#)

UTILITIES CUSTOMER INFORMATION SYSTEM

Dan Gray, Utilities Director, described the new customer information system and how business is conducted both internally and externally. The process has taken two years to develop with the Information Technology Department, and the Banner System will be shifted to the new customer suite system by the end of June. He discussed changes to E-billing (email and online billing), the voice recognition system, and many other technical changes.

Michael McLaughlin, Information Technology Director, spoke of the teamwork and success of developing this program, which is complex, and will interface with banking, communications, billing, and work orders. Inefficiencies have been eliminated, and the framework has been provided for a system that will operate for many years.

Discussion: Efficiencies; database; new services online; will add future phases; work orders sent through workbooks; future enhancements; pinpoint locations; routing; flexibility; etc.

Ed Hunzeker, County Administrator, requested everyone involved be brought back for recognition when the system is demonstrated to the Board.

[BC20110607DOC041](#)

COMMISSIONERS' COMMENTS

Kiddie Academy at Lakewood Ranch

Mrs. Hayes commented on the success of a Kiwanis program where participants read to the children at the Kiddie Academy.

[BC20110607DOC042](#)

Special Olympics

Mrs. Hayes attended a Special Olympic event at Jessie P. Miller Elementary School and gave accolades to the teachers, children, and skill-building program.

[BC20110607DOC042](#)

Red Light Cameras

Mrs. Hayes questioned the status of placing a camera at S.R. 70 and Tara Boulevard.

Mr. Hunzeker explained work is ongoing with the vendor, and an agreement is needed with the Sheriff's Office. The County Attorney's Office is working out details.

Discussion: Florida Department of Transportation (FDOT) issue; email between County Attorney and Sheriff's attorney; draft agreement provided; more fact investigation by Sheriff; anxious to install; moving forward; etc. [BC20110607DOC042](#)

Gated Communities

Mrs. Hayes commented that a couple was stopped for walking in a gated community. Driving and walking is prohibited in communities with private streets if you do not live in the community. [BC20110607DOC042](#)

Meeting with School Principals

Mr. Chappie noted he is in the process of meeting with school principals in his district for the second time to determine community needs. [BC20110607DOC042](#)

Holiday Heights

Mrs. DiSabatino submitted notes from the Holiday Heights Homeowner's Association meeting where discussion was held on safety and traffic concerns. [BC20110607DOC042](#)

Sarasota Manatee International Airport Advisory Commission

Mrs. DiSabatino submitted the agenda and notes from the Airport Advisory Commission (AAC), on which she holds a seat. [BC20110607DOC042](#)

(Depart Ms. Whitmore, Mr. Chappie presiding)

County Building Space

Mr. McClash spoke of the need to resolve the issue of more space for the Sheriff to consolidate evidence into one area.

Mr. Hunzeker noted he had forwarded a copy of the email from the Sheriff to the Board. The County is in the process of remodeling the second floor of the building next to the Administrative Center, which will house Employee Health Benefits (EHB), and then the Sheriff could expand his facilities into the area where EHB is currently housed. There are limited resources, and a budget amendment may be needed for funding to complete the work.

Discussion: Space needed for Employee Health Benefits (EHB); time concerns; other county buildings could be used temporarily; etc. [BC20110607DOC042](#)

Prior Commission Action

Mr. McClash expressed support of previous Boards' actions regarding growth and making correct decisions for the benefit of the County. [BC20110607DOC042](#)

TAX INCREMENT FINANCING

Mr. McClash requested follow up for Tax Increment Financing (TIF) in the Port area. He suggested dialogue with Governor Rick Scott for legislation to request the State return County taxes and all property taxes inside a TIF area.

Motion was made by Mr. McClash for Manatee County to make this (asking the State to return County taxes and all property taxes inside a TIF) a legislative platform item for next year.

Mr. Williams requested legal review before going forward.

Discussion: Will affect School District's future revenue but not current ones; etc.

Mr. McClash **rephrased** the motion to ask the County Attorney's Office to review and provide information about the TIF changes that would be necessary to return all the property taxes to the County. The motion was seconded by Mrs. DiSabatino. Following discussion, the motion carried 6 to 0. [BC20110607DOC043](#)

Recess/Reconvene. All members present.

PORT MANATEE ENCOURAGEMENT ZONE

Public hearings (continued from June 2, 2011) were held to consider

PDEZ-08-19(Z)(G)(R3) PORT MANATEE ENCOURAGEMENT ZONE, AREA A

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 29.3 ACRES IN THE GENERAL AREA OF SOUTH DOCK STREET, U.S. 41 AND HARLEE ROAD, AT 12257 U.S. 41 NORTH, 12291 U.S. 41 NORTH, AND 12205 U.S. 41 NORTH, FROM **HM** TO THE **PDEZ** ZONING DISTRICT; APPROVING A REVISED GENERAL DEVELOPMENT PLAN TO INCLUDE THESE 29.3± ACRES AND ADD ADDITIONAL USES TO THE ENTIRE SITE FOR A MIXTURE OF INDUSTRIAL, INDUSTRIAL SUPPORT, AND PORT RELATED USES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (29.3± ACRE REZONE; 325.5± TOTAL ACRES FOR GENERAL DEVELOPMENT PLAN - AREA A).

Planning Commission recommended APPROVAL.

and

PDEZ-08-21(Z)(G)(R2) PORT MANATEE ENCOURAGEMENT ZONE, AREA C

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 120.5 ACRES GENERALLY LOCATED SOUTH OF PORT MANATEE ON THE WEST SIDE OF U.S. 41, NORTH OF BISHOP HARBOR ROAD/MOCCASIN WALLOW ROAD FROM **PDR** AND **LM** TO THE **PDEZ** ZONING DISTRICT AND APPROXIMATELY 35.2 ACRES GENERALLY LOCATED SOUTH OF I-275 ON THE WEST SIDE OF U.S. 41, FROM **PDMU** TO THE **PDEZ** ZONING DISTRICT, FOR A TOTAL ACREAGE OF 155.7± ACRES; APPROVING A REVISED GENERAL DEVELOPMENT PLAN TO INCLUDE THESE 155.7± ACRES AND ADD ADDITIONAL USES TO THE ENTIRE SITE FOR A MIXTURE OF INDUSTRIAL, INDUSTRIAL SUPPORT, AND PORT RELATED USES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (155.7± ACRE REZONE; 254.7± TOTAL ACRES FOR GENERAL DEVELOPMENT PLAN - AREA C).

Planning Commission recommended APPROVAL.

and

PDEZ-08-22(Z)(G)(R2) PORT MANATEE ENCOURAGEMENT ZONE, AREA D

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 57 ACRES GENERALLY LOCATED SOUTH OF BUCKEYE ROAD ON THE EAST SIDE OF U.S. 41, NORTH OF 113TH STREET EAST, FROM **LM** TO THE **PDEZ** ZONING DISTRICT; APPROVING A REVISED GENERAL DEVELOPMENT PLAN TO INCLUDE THESE 57± ACRES AND ADD ADDITIONAL USES TO THE ENTIRE SITE FOR A MIXTURE OF INDUSTRIAL, INDUSTRIAL SUPPORT, AND PORT RELATED USES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (57± ACRE REZONE; 190± TOTAL ACRES FOR GENERAL DEVELOPMENT PLAN - AREA D).

Planning Commission recommended APPROVAL.

Kathleen Thompson, Building and Development Services Department, stated all property owners were assured some specific uses would be added. The additional uses were listed as: construction service establishment; building materials establishment; motor vehicle sales, rental, and leasing; schools of special education; retail; bank; business services; and professional office. She suggested adding those uses into all the General Development Plan amendments.

Discussion: More uses than on agenda memorandum; other requested uses would come to the Board for approval; description of business services; all property owners in agreement with uses; incentives for Port related businesses; approvals are administrative; fast tracking; policy guidelines; etc.

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. McClash moved to ADOPT Manatee County Zoning Ordinance **PDEZ-08-19(Z)(G)(R3)**; APPROVE the revised General Development Plan with Stipulations A.1-2 and B.1-3, with the added, approved uses as read into the record and listed in Exhibit "B"; GRANT Special Approval for a project partially within the Entranceway, for projects exceeding a floor area ratio (FAR) of 0.35 and for the potential of up to 30,000 square feet in retail sales for parcels that meet commercial locational criteria; ADOPT the Findings for Specific Approval; and GRANT Specific Approval for a project that was previously GRANTED Specific Approval for an alternative to Section 702.5.2.3 of the Land Development Code, as recommended by the Planning Commission. The motion was seconded by Mrs. DiSabatino and carried 7 to 0.

[BC20110607DOC044](#)

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. McClash moved to ADOPT Manatee County Zoning Ordinance **PDEZ-08-21(Z)(G)(R2)**; APPROVE the revised General Development Plan with Stipulations A.1-2, B.1-3, and C.1, with the added, approved uses as read into the record and listed in Exhibit "B"; GRANT Special Approval for a project partially within the Entranceway, for projects exceeding a floor area ratio (FAR) of 0.35 and for the potential of up to 30,000 square feet in retail sales for parcels that meet commercial locational criteria, as recommended by the Planning Commission. The motion was seconded by Mrs. DiSabatino and carried 7 to 0.

[BC20110607DOC045](#)

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. McClash moved to ADOPT Manatee County Zoning Ordinance **PDEZ-08-22(Z)(G)(R2)**; APPROVE the revised General Development Plan with Stipulations A.1-14 and B.1-8, C.1-5, and D.1-7, with the added, approved uses as read into the record and listed in Exhibit "B"; GRANT Special Approval for a project partially within the Entranceway, for projects exceeding a floor area ratio (FAR) of 0.35, as recommended by the Planning Commission. The motion was seconded by Mrs. DiSabatino and carried 7 to 0.

[BC20110607DOC046](#)

LAND DEVELOPMENT CODE AMENDMENT

Public hearing (continued from June 2, 2011) was held to consider

ORDINANCE 11-05 – SIGN ORDINANCE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING SECTION 201, LAND DEVELOPMENT CODE, TO REPEAL ALL SIGN-RELATED DEFINITIONS; REPEALING IN ITS ENTIRETY SECTION 724, SIGNS, LAND DEVELOPMENT CODE; CREATING A NEW SECTION IN THE LAND DEVELOPMENT CODE FOR SIGN-RELATED DEFINITIONS IN SECTION 201, DEFINITIONS, TO CREATE NEW SIGN DEFINITIONS; AMENDING SECTION 304 REGARDING AUTHORITY OF HEARING OFFICERS TO GRANT ADJUSTMENTS TO SIGN REGULATIONS;

CREATING A NEW SECTION 724 IN THE LAND DEVELOPMENT CODE CONSISTING OF NEW SIGN REGULATIONS; PROVIDING FOR A PURPOSE AND INTENT; PROVIDING FOR PERMITTING PROCESSES FOR SIGNS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF THE SIGN REGULATIONS; PROVIDING FOR EXCEPTIONS FROM REQUIREMENTS FOR STANDARDS FOR SIGN PERMITS; PROVIDING FOR REVOCATION OF SIGN PERMITS; SETTING FORTH AN APPEAL PROCESS REGARDING SIGN PERMITS; AMENDING SECTION 502.7.4, POSTED NOTICE, REGARDING SIGN REGULATIONS; AMENDING SECTION 603.4 PLANNED DEVELOPMENT DISTRICTS WITH SPECIFIC REFERENCE TO SIGNS; AMENDING SECTION 737, ENTRANCEWAYS REGARDING SIGN REGULATIONS; AMENDING SECTION 603.3 REGARDING PLANNED DEVELOPMENT AND 603.14, PDW-PLANNED DEVELOPMENT-WATERFRONT WITH REFERENCE TO SIGN REGULATIONS; AMENDING 604.10 NORTH CENTRAL OVERLAY DISTRICT WITH REFERENCE TO SIGN REGULATIONS; AMENDING SECTION 713, VISIBILITY TRIANGLES; AMENDING SECTION 911, VACATION OF STREETS AND TRANSFER OF PLATS; AMENDING SECTION 709.3.6 LIGHTING FOR SIGNS; AMENDING OTHER SECTIONS OF LAND DEVELOPMENT CODE FOR INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY IN GENERAL; PROVIDING FOR SEVERABILITY WHERE LESS SPEECH RESULTS; PROVIDING FOR SEVERABILITY OF PROVISIONS PERTAINING TO PROHIBITED SIGNS; PROVIDING FOR SEVERABILITY OF PROHIBITION ON BILLBOARDS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

The Planning Commission recommended ADOPTION.

Robert Schmitt, Building and Development Services Department, reported that the Ordinance is complete and fair to businesses.

Discussion: Reviewing all signs in the County; banners; temporary permits for 120 days; flag signs exempt from time restrictions; wind waivers are considered temporary signs; definitions of flags and banners; add email and cell phone to contact information; sign pollution; incentivize small shopping centers to consolidate signs; cost reductions; abandoned signs; administrative procedures; "motion" signs are now LED signs; vehicle signs; election laws and political signs; Code Enforcement for signs; "Yellow Man" and "Tube Dudes" display signs; etc.

Sarah Schenk, Deputy County Attorney, commented on the "Yellow Man" display by stating that as a First Amendment message, it is not normally regulated. It would be regulated with the temporary sign regulations if it was advertising a business.

Robert Eschenfelder, Deputy County Attorney, suggested people holding signs is a public safety issue more than a sign issue and is regulated by State Statute and Ordinances regarding solicitation and panhandling. He recommended that regulations for people holding signs should not be placed in the Sign Ordinance.

Discussion: Fundraising signs for government and churches; policy decisions; restricted temporary signs; exemptions; banners with text are considered wind waivers; definitions; public information for U.S. Flag Code; etc.

Mr. Eschenfelder suggested a subsection could be added where flags are regulated in the Land Development Code (LDC), to say something such as, "the County Administrator shall ensure that all information on current State and/or Federal regulations on the proper display and treatment of flags, shall be posted on the Manatee County website and in any other relevant, available sources to the public."

Ms. Schenk noted the language read by Mr. Eschenfelder could be added to the Administrative Procedures section of the LDC.

Mr. Schmitt added that removing references to the three month or less time frame for the

temporary signs would cause them to be governed under the restricted, temporary sign time frame of 120 days. The definition for temporary signs would then read, "Temporary signs shall mean any sign erected on site for a specific purpose, intended to be displayed, at the end of which the temporary sign is expected to be removed, along with the pole, mast, frame, or other structure to which it is attached, if it is a free-standing sign."

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, Mr. Gallen moved to ADOPT Manatee County Ordinance 11-05, as recommended by the Planning Commission, with the removal of (l) on Page 9 Exhibit C, the deletion of "three months or less" for temporary signs, and adding flag protocol in Administrative Procedures. The motion was seconded by Mr. McClash.

Ms. Schenk clarified the motion is to adopt Ordinance 11-05 with the following modifications: delete subparagraph (l) on Page 9 in Section 724.12; revise the definition of Temporary Sign to delete the three-month time frame reference; and to add email, cell phone number contact information, and flag protocol information in the Administrative Procedures.

The motion carried 7 to 0.

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MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 2:31 p.m.
/vj/mr

Minutes Approved: July 26, 2011