

SEPTEMBER 1, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:05 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 Director,  
representing R. B. Shore, Clerk of Circuit Court

Invocation by Chaplain Paul Scheele, Water's Edge Community.

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of September 1, 2011, and agenda update memorandum.

[BC20110901DOC001](#)

ZONING

PDPI-11-06(Z)(G) – NORTH COUNTY TRANSPORTATION MAINTENANCE FACILITY

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 A REZONE OF APPROXIMATELY 45.07± ACRES LOCATED BETWEEN ERIE ROAD AND 69TH STREET EAST, APPROXIMATELY 1,163 FEET EAST OF MARTHA ROAD ON ERIE ROAD, AND APPROXIMATELY 2,043 FEET EAST OF MARTHA ROAD ON 69TH STREET EAST, IN PARRISH, FROM **A-1/NCO** TO THE **PDPI/NCO** ZONING DISTRICT; APPROVE A GENERAL DEVELOPMENT PLAN FOR A COUNTY MAINTENANCE FACILITY; 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 with Stipulations.

John Osborne, Building and Development Services Department, advised that **PDPI-11-06(Z)(G)** has been **withdrawn**.

Discussion: Notify the Board members when the County is the applicant in a land-use request; review policies/procedures of County-initiated applications with the Land Development Code (LDC) re-write; the Board approved the Future Land Use Classification amendment (Ordinance 10-43) for this property; concerns with 69th Street; Florida Department of Transportation site is adjacent to this property; Mr. Bustle's comments regarding this request were misquoted in the newspaper; the plan did not include access from 69th Street; etc.

[BC20110901DOC002](#)

LAND DEVELOPMENT CODE RE-WRITE

Mr. Osborne stated the report on the LDC re-write has been **deferred** to a future agenda.

The Chairman requested periodic reports be provided to the Board.

[BC20110901DOC003](#)

**CONSENT AGENDA**

Motion was made by Mrs. DiSabatino, seconded by Mr. Bustle, 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**

[BC20110901DOC004](#)

**REFUNDS**

Utility Customer 196275-137668 – Refund/Fee Waiver	\$686.49
Neal Communities of Southwest Florida, Inc. – Permit Refund	\$995.37

**WARRANT LIST**

August 23, 2011, through August 31, 2011 [BC20110901DOC005](#)

**MINUTES**

August 2, 2011, Council of Governments [BC20110901DOC007](#)

**ACCEPT**

1. **Housing Finance Authority** – Resolution R-11-02 (8/9/11) adopting the FY 2010-11 Amended Budget; and Resolution R-11-03 (8/9/11) adopting the FY 2011-12 Budget. [BC20110901DOC008](#)
2. **Tradition Community Development District** – FY 2012 public meeting schedule. [BC20110901DOC009](#)
3. **Lakewood Ranch Inter-District Authority** – FY 2012 public meeting schedule. [BC20110901DOC010](#)
4. **Eagle Pointe Community Development District** – Annual Financial Report for FY ended September 30, 2010. [BC20110901DOC011](#)
5. **Waterlefe Community Development District** – Annual Financial Report for FY ended September 30, 2010. [BC20110901DOC012](#)
6. **Tax Collector** – 2010 Tax Roll Recapitulation Reports for the Board of County Commissioners, Cedar Hammock Fire District, East Manatee Fire District, and Southern Manatee Fire District. [BC20110901DOC013](#)

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

1. **Lincoln Park Splash Pad and Restroom Pavilion** – Change Order One to Agreement with DeLesline Construction, Inc.; an additional 37 calendar days for a revised completion date of July 29, 2011. [BC20110901DOC014](#)
2. **Samoset Area Sidewalks/Drainage** – Contract with Kuxhausen Construction, Inc., for Central County Infrastructure Improvement Project, \$319,346.64; Labor and Material Payment Bond; Performance Bond; and Certificate of Liability Insurance. [BC20110901DOC015](#)
3. **Body Removal and Transportation Services** – Addendum 4 to Agreement with Brasota Mortuary Transfer, Inc. extending the agreement one year (10/1/11-9/30/12). [BC20110901DOC016](#)
4. **Anna Maria Water Line Improvements/Rehabilitation Project, Phase 21 (28th Street North); Phase 22 (Avenue B and Bayview); and Phase 23 (27th Street North and Avenue C)** – Contract with Harris-McBurney Company, \$275,288; Performance and Payment Bond; and Certificate of Liability Insurance. [BC20110901DOC017](#)

**COUNTY ADMINISTRATOR**

**FINAL PLAT – CENTRAL PARK, SUBPHASE E-1b**

1. Final Plat;
2. Lot Drainage and Grading Plans;
3. Mortgagee's Joinder In and Ratification Of the Subdivision Plat and All Dedications and Reservations Thereon for Central Park, Subphase E-1b, from FC LLC;
4. Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Central Park Lifestyles LLC – Final Lift of Asphalt; **and** Performance Bond (Surety Bond 5039463, Bond Safeguard Insurance Company), \$20,691.80;
5. Agreement for Final Wearing Course of Asphalt on Roadways with Central Park Lifestyles LLC;

6. Conservation Easement from Central Park Lifestyles LLC;
7. Temporary Turnaround Easement from Central Park Lifestyles LLC;
8. Affidavit of Ownership and Encumbrances from Central Park Lifestyles LLC;
9. Joinder from FC LLC; and
10. Supplemental Amendment to Declaration of Covenants, Conditions, and Restrictions for Central Park to add Subphase E-1b. [BC20110901DOC018](#)

(End Consent Agenda)

**ZONING**

Public hearing (continued from 8/4/11) was opened to consider

**PDR-11-03(Z)(P) - SHUNN-SHION CHUNG/SPRINGFIELD SUBDIVISION**

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 A REZONE OF ±11.91 ACRES ON THE NORTH SIDE OF 25TH STREET EAST (LYNTNOR ROAD), APPROXIMATELY 2,380 FEET EAST OF 80TH AVENUE EAST (ROYAL PALM WAY), PARRISH FROM THE **A/NCO** TO THE **PDR/NCO** ZONING DISTRICT, RETAINING THE NORTH CENTRAL OVERLAY DISTRICT; AND APPROVAL OF A PRELIMINARY SITE PLAN FOR 26 SINGLE-FAMILY DETACHED RESIDENCES; 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 with Stipulations.

Motion was made by Mr. Chappie, seconded by Mrs. Hayes, and carried 7 to 0, to CONTINUE the public hearing for **PDR-11-03(Z)(P)** to October 6, 2011, at 9:00 a.m. or as soon thereafter as same may be heard, at the Manatee County Administrative Center, first floor Chambers.

[BC20110901DOC019](#)

Public hearing (Notices published) was held to consider

**PDC-11-04(Z)(P) - LAWRENCE AND SALLY REAGAN/PLAZA EAST**

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 A REZONE OF APPROXIMATELY 2.9 ACRES ON THE SOUTH SIDE OF S.R.64 EAST, APPROXIMATELY 2,052 FEET WEST OF LAKEWOOD RANCH BOULEVARD AT 10208 S.R. 64 EAST, BRADENTON, FROM **A-1** TO THE **PDC** ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR 21,800 SQUARE FEET FOR A COMMERCIAL CENTER TO INCLUDE A MOTOR VEHICLE REPAIR ESTABLISHMENT AND RESTAURANT; 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 with Stipulations.

A **corrected** motion was submitted with the agenda update memorandum.

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. Hayes moved to ADOPT Manatee County Zoning Ordinance **PDC-11-04(Z)(P)**; APPROVE the Preliminary Site Plan with Stipulations A.1-A.4 and B.1-B.4; ADOPT the Findings for Specific Approval; and GRANT Specific Approval for alternatives to LDC Sections 714.8.7 and 715.3.1.d, as recommended by the Planning Commission. The motion was seconded by Mr. Chappie and carried 7 to 0.

[BC20110901DOC020](#)

LAND DEVELOPMENT CODE

Public hearing (continued from 8/4/11) was opened to consider

ORDINANCE 11-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; REGARDING LAND DEVELOPMENT; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED); REGARDING CHAPTER 2, DEFINITIONS OF **REDEVELOPMENT AND VETERINARY CLINIC**; AMENDING SECTION 704.66 REGARDING **LOT DIMENSIONS OF SERVICE STATIONS AND OTHER GAS PUMP LOCATIONS**; AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL.

Motion was made by Mr. Chappie, seconded by Mrs. DiSabatino, and carried 7 to 0, to CONTINUE the public hearing for **Ordinance 11-29** to October 6, 2011, at 9:00 a.m. or as soon thereafter as same may be heard, at the Manatee County Administrative Center, first floor Chambers. [BC20110901DOC021](#)

SUMMER WOODS

Public hearing (continued from 8/4/11) was held to consider

LDA-09-04(R) AMENDED LOCAL DEVELOPMENT AGREEMENT FOR SUMMER WOODS DEVELOPMENT

REQUEST: APPROVAL OF A LOCAL DEVELOPMENT AGREEMENT PROVIDING FOR THE ISSUANCE OF A FIVE (5) YEAR CERTIFICATE OF LEVEL OF SERVICE COMPLIANCE; PROVIDING FOR DEDICATION OF RIGHT-OF-WAY; PROVIDING FOR DESIGN, PERMITTING AND CONSTRUCTION OF PROJECT ENTRANCE IMPROVEMENTS INCLUDING TURN LANES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. THE LOCAL DEVELOPMENT AGREEMENT APPLIES TO SUMMER WOODS APPROVED AS PDR-09-14(Z)(P) (268.14± ACRES). THE PROPOSED USE OF THE PROPERTIES IS RESIDENTIAL DEVELOPMENT. PURSUANT TO EXISTING ZONING, SUMMER WOODS IS APPROVED FOR 562 RESIDENTIAL UNITS, EACH WITH A MAXIMUM HEIGHT OF 35 FEET.

The Planning Commission recommended APPROVAL.

Based upon 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, Mrs. DiSabatino moved to APPROVE **LDA-09-04(R)** for Summer Woods Subdivision, as recommended by the Planning Commission. The motion was seconded by Mrs. Hayes and carried 7 to 0. [BC20110901DOC022](#)

Public hearing (Notices published) was held to consider

ORDINANCE 11-13

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, RELATING TO THE **SUMMER WOODS COMMUNITY DEVELOPMENT DISTRICT**; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; CREATING SECTION 2-8-53 OF THE MANATEE COUNTY CODE OF ORDINANCES, ENTITLED "SUMMER WOODS COMMUNITY DEVELOPMENT DISTRICT," TO ESTABLISH THE SUMMER WOODS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES, DESCRIBE THE BOUNDARIES OF THE DISTRICT, NAME THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT, AND CONSENT TO THE EXERCISE OF CERTAIN SPECIAL POWERS BY THE DISTRICT BOARD OF SUPERVISORS PURSUANT TO *SUBSECTION 190.012(2), FLORIDA STATUTES*; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Mr. Chappie, seconded by Mrs. Hayes, and carried 7 to 0, to ADOPT Ordinance 11-13 to establish Summer Woods Community Development District.

[BC20110901DOC023](#)

**COMMISSIONERS' COMMENTS**

**Business Expo**

Mrs. DiSabatino advised there will be a Business Expo on September 17, 2011, at the Bayshore Gardens Recreation Center.

[BC20110901DOC024](#)

**Manatee Glens**

Ms. Whitmore stated there is a County-owned building on the Manatee Glens property that houses the AIDS Clinic and Meals on Wheels. Manatee Glens needs additional "child" beds and, in order to secure a loan for the project, they must own the property. She asked the Board if they would be interested in relinquishing this property (building) to Manatee Glens.

Following a brief discussion, there was a consensus that the Board be briefed on this item at a future meeting.

[BC20110901DOC024](#)

**Homeowners' Associations - Amenities and Infrastructure**

Mr. Chappie commented on an email from **William Wheeler**, and questioned who will be responsible for amenities and infrastructure in subdivisions if homeowners' associations are no longer able to maintain them, especially if they do not meet County standards. He recommended the Board discuss this issue in a future meeting.

Discussion: If a homeowners' association dissolves, the responsibility falls on the County; look into this in order to divert issues with future land development approvals; the Board cannot get involved in internal disputes within homeowners' associations; maintenance of retention ponds; does the County get involved before or after a homeowners' association is dissolved; Mrs. DiSabatino will ask to attend the next homeowners' association meeting for Mr. Wheeler's subdivision; communities could come together and help each other; contact the Federation of Manatee County Community Associations to determine how many homeowners' associations are having problems; could establish an MSTU (Municipal Services Taxing Unit) or MSBU (Municipal Services Benefit Unit); the County cannot maintain private property; if the County were to take over homeowners' association's responsibilities, the expenses would still be passed on to the residents; try to avert depreciation of existing neighborhoods; communities could pool their resources to reduce their costs; need clarification on the policy of taking over roads that are narrower than the County's standards; sidewalks; this is a Public Works issue; etc.

There was a consensus that this item be brought back in a work session.

Mr. Osborne stated that one of the LDC changes that will be proposed is to make it clear that, in the future, private infrastructure will have to meet County standards.

[BC20110901DOC024](#)

**Criminal Nuisance Abatement Board**

Mr. Chappie requested an update on the Criminal Nuisance Abatement Board.

Maureen Sikora, Deputy County Attorney, advised that rules and regulations are being developed for the Criminal Nuisance Abatement Board hearings. Those rules and regulations will be scheduled for approval by the Board of County Commissioners in the near future. Amendments to the LDC regarding adult businesses, and changes to the adult use ordinance, will tie into cases regarding adult business violations.

[BC20110901DOC024](#)

**Children's Summit**

Mr. Gallen commented on the success of the Children's Summit. He and Ms. Whitmore thanked the staff for their efforts.

[BC20110901DOC024](#)

**Whole Child Program**

Ms. Whitmore commented on health insurance available for children through the Whole Child Program. [BC20110901DOC024](#)

**District 5 Advisory Committee Meeting**

Mrs. Hayes noted Elliott Falcione, Convention and Visitor's Bureau Director, attended her Advisory Committee meeting to discuss the Tourist Development Tax, the Civic Center, and Crosley Estate. Ms. Sikora was also in attendance to discuss red light running.

Ms. Sikora advised that staff's recommendation on the red light running issue will soon be scheduled for Board discussion. The Legislature has pre-empted the County's ordinance, which will need to be repealed. Staff is currently looking at the financial implications. [BC20110901DOC024](#)

**North County Gateway Overlay**

Ms. Whitmore commented on previous discussions of changing the name of the North County Gateway to **Florida International Gateway**. The website domain was to be reserved.

Mr. Osborne stated the most recent draft of the LDC re-write included the name change for the Overlay District. He stated that staff will verify that the domain name has been reserved. [BC20110901DOC024](#)

**Elks Lodge Event**

Mr. Chappie stated that the Elks Lodge on 75th Street West will have a three-day function (over the Labor Day weekend) to support the Harry Anna Trust Fund for handicapped children. [BC20110901DOC024](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 10:01 a.m.  
/dev

Minutes Approved: October 6, 2011