

Palm Aire Cell Tower  
kl.kronzer

to:

doug.means

11/05/2010 01:29 PM

Cc:

ed.hunzeker, donna.hayes, joe

Show Details

RECEIVED  
NOV 09 2010  
Board of County Commissioners  
Manatee County

History: This message has been replied to and forwarded.

Gentlemen and Others concerned,  
November 5, 2010

This letter represents the growing animosity of Manatee citizens over your department's mishandling of the Palm Aire community's battle against the Vertex application to put up a 150 foot cell tower.

You have all been playing this game of pointing to each other as responsible. You have deemed the application incomplete and then turned around and deemed it complete, then incomplete, now complete again. You did this while knowing that there are many incomplete issues with the application. The due process of law has not been followed by you and your department. We have heard all types of reasons why you are vacillating and ignoring the facts :

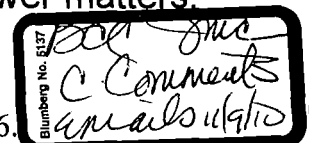
- 1) threats by Vertex to sue if it does not go their way,
- 2) a weak position of needing more staff,
- 3) inexperience with the new code,
- 4) inefficient and ineffective communication among county staff

members

- 5) department interference.

Why shouldn't this course of events be deemed corruption and fraud?

Many of us asked for an audit and investigation of the process only to have "the fox in the hen house" (three foxes!). Thanks to the Freedom of Information Act, we have noted many issues created by the legal and planning departments. These include the disappearance of documents including homeowners association letters and other correspondence to the planning department, the County legal department's recommendation to the National Resources department not to release their findings to the public, the legal department's initiative to weaken the code, the lack of communication in order to keep the public in the dark, the planning department receiving direction from Vertex's legal department, and going against your own expert engineer on cell tower matters.



The list goes on and on and paints a very felonious situation if not a complete disregard of law, ethics, and accountability. How long have you been managing this way?

One would think that the planning and legal departments would be more disciplined and focused in the handling of the Palm Aire case due to the similarity of it to the River Club case. That was also a case of protecting the residents against Vertex putting a tower in their community. Instead, you are flip-flopping, working against the law, and challenging the wishes of the county board and the wishes of the citizens in the county. You are showing a pathetic disregard and contempt for the residents of Manatee County

We, the people of Manatee County, deserve and expect better government. That is why we are preparing to file complaints with the Florida Attorney General, Florida State Attorney's Office and the Florida Commission on Ethics. We have engaged legal counsel to prepare and file the appropriate complaints and supporting documentation with each of these agencies so that a thorough investigation can be conducted of County employees and the motivations behind the inexplicable manner in which the Palm Aire cell tower application was processed and the absurd conclusions made by the Planning Department.

In addition we have open to us the investigative arm of area TV stations. This way your actions will be made known to many other Manatee citizens.

Lance Kronzer  
Palm Aire Community Board

Palm Aire Vertex tower  
Gary L Smith

to:  
doug.means  
11/05/2010 01:55 PM

RECEIVED

NOV 09 2010

*dlw*

Cc:  
carol.whitmore, donna.hayes, ed.hunzeker, gwen.brown, joe.mcclash, john.chappie, larry.bustle,  
ron.getman, ed.hunzeker, dan.schlandt, doug.means, sharon.tarman  
Show Details

Board of County Commissioners  
Manatee County

History: This message has been replied to.  
Dear Mr. Means,

It appears there is yet another example of deceptive and suspicious practices in connection with the Vertex tower application. Apparently, Mr. Osborne has written some residents advising them that the review meeting of December 15 is scheduled for 3pm, instead of the correct time of 9am.

The longer this goes on the more apparent that the Commissioners and the County Planner ARE in cahoots with Vertex and/or others to hide information, ignore legislation, and flout voter will in the affected community and elsewhere.

We certainly will remember this when elections roll around again.

Gary L. Smith  
Palm Aire

*5PM*  
*zone*  
*PR - E2*

Palm Aire Cell Tower  
Mary Jo Steltmann

RECEIVED

NOV 05 2010

*am*

to:

ed.hunzeker, doug.means, john.osborne, william.clague  
 Board of County Commissioners  
 Manatee County, Florida  
 11/05/2010 08:10 AM

Cc:

gwen.brown, larry.bustle, john.chappie, rom.getman, Donna.hayes, joe.mcclash, carol.whitmore  
 Show Details

History: This message has been replied to.

Gentlemen,

November 5, 2010

This letter represents the growing animosity of Manatee citizens over your department's mishandling of the Palm Aire community's battle against the Vertex application to put up a 150 foot cell tower.

You have all been playing this game of pointing to each other as responsible. You have deemed the application incomplete and then turned around and deemed it complete, then incomplete, now complete again. You did this while knowing that there are many incomplete issues with the application. **You are not above the law.** The due process of law has not been followed by you and your department. We have heard all types of reasons why you are vacillating and ignoring the code from 1) threats by Vertex to sue if it does not go their way, 2) a weak position to need more staff, 3) inexperience with the new code, 4) poor hand-off (left hand not knowing what the right hand is doing), and even 5) legal department interference. Watching this course of events leads our group to smell corruption and fraud.

Many of us asked for an audit and investigation of the process only to have "the fox in the hen house" (three foxes!). Thanks to the Freedom of Information Act, we have noted many issues created by the legal and planning departments. These include the disappearance of documents including homeowners association letters and other correspondence to the planning department, the County legal department's recommendation to the National Resources department not to release their findings to the public, the legal department's initiative to weaken the code, the lack of communication in order to keep the public in the dark, the planning department receiving direction from Vertex's legal department, and going against your own expert engineer on cell tower

matters. The list goes on and on and paints a very felonious situation if not a complete disregard of law, ethics, and accountability. How long have you been managing this way?

One would think that the planning and legal departments would be more disciplined and focused in the handling of the Palm Aire case due to the similarity of it to the River Club case. That was also a case of protecting the residents against Vertex putting a tower in their community. Instead, you are flip-flopping, working against the law, and challenging the wishes of the county board and the wishes of the citizens in the county. We are grateful for your paper trail and admissions of wrong doing to various groups. You are showing a pathetic disregard and contempt for the residents of Manatee County

We, the people of Manatee County, deserve and expect better government. That is why we are preparing to file complaints with the Florida Attorney General, Florida State Attorney's Office and the Florida Commission on Ethics. We have engaged legal counsel to prepare and file the appropriate complaints and supporting documentation with each of these agencies so that a thorough investigation can be conducted of County employees and the motivations behind the inexplicable manner in which the Palm Aire cell tower application was processed and the absurd conclusions made by the Planning Department.

Harry Steltmann

Palm Ai

RECEIVED

NOV 09 2010

Board of County Commissioners  
Manatee County

Fw: Recommendation

Deborah Chapman

to:

carol.whitmore, donna.hayes, gwen.brown, joe.mcclash, john.chappie, larry.bustle, ron.getman

11/05/2010 01:52 PM

Show Details

History: This message has been replied to and forwarded.

FYI

**From:** Deborah Chapman**Sent:** Thursday, November 04, 2010 8:36 AM**To:** ed.hunzeker@mymanatee.org**Cc:** Stop.Tower@gmail.com**Subject:** Fw: Recommendation**Mr. Hunzeker,**

Below is an email exchange regarding the Palm Aire cell tower application status. As I'm sure you recall, residents were upset recently when Planning deemed the application complete without properly following LDC provisions. After an internal review, Mr. Osborne concluded that the Planner (Ms. Tarman) was overworked and made a mistake in calling the application complete, assuring us it was in fact incomplete. Now, without explanation, the application has been deemed complete again and Tarman has informed the community that she plans to recommend approval. Repeated attempts by many residents to receive a rationale for this reversal have been ignored, or evasively answered. Requests for public records are also being diverted.

My message to you is that I believe the entire Planning Department review process is in need of an audit given the issues seem to be quite systemic. My recent communications with Commissioner Whitmore have addressed this as well. The multitude of mistakes, reversals and contradictory information point to a process in need of repair. These issues also imply a serious cultural problem; one that is disrespectful and even hostile towards the citizenry, where secrecy is the status quo.

Whether this is isolated to the Planning Department, or permeates the entire county, I don't know. But I believe it is under your purview to address and respectfully request that you investigate the situation, rather than letting the Planning Department investigate itself again. The residents of Manatee County deserve a government that is responsive, open and most importantly respectful of citizen's rights.

Thank you,

Deborah Chapman

*Palm Aire Homeowners Against the Tower***From:** Deborah Chapman**Sent:** Wednesday, November 03, 2010 4:58 PM**To:** doug.means@mymanatee.org**Cc:** Bobbi Roy ; john.osborne@mymanatee.org ; Sharon Tarman ; Stop.Tower@gmail.com ; william.clague@mymanatee.org ; penny.roberts@mymanatee.org**Subject:** Re: Recommendation

"Pursuant to State statute" does not answer the question of why the application was incomplete 3 weeks ago and now it is deemed complete.

Did Vertex answer the deficiencies in the 9/15/10 Comments Report and was a new report submitted indicating that the LDC provisions have all been met? If so, we'd like a copy of their answers and the

new Comments Report.

Did the Planning Department determine an error was made in the 9/15/10 Comments Report and all the provisions should have been deemed met at this time? If so, we'd like an explanation of this determination.

Did Vertex's refusal to answer the RF engineer's questions, citing (erroneously) Florida Statutes prohibiting the request of such data, lead the County to reverse its position? If so, we'd like to see the CAO opinion on this issue.

While the point of contact for records requests may be Penny, she isn't able to answer the basic question residents are asking: Why was the application deemed complete? "Pursuant to State statute" is not an answer that brings clarity to this situation. The citizens deserve a little more respect than this seemingly evasive response.

Deborah Chapman  
*Palm Aire Homeowners Against the Tower*

From: [doug.means@mymanatee.org](mailto:doug.means@mymanatee.org)

**Sent:** Wednesday, November 03, 2010 3:56 PM

**To:** [Deborah Chapman](mailto:Deborah.Chapman@chapmanpa.com)

**Cc:** [Bobbi Roy](mailto:Bobbi.Roy@mymanatee.org) ; [john.osborne@mymanatee.org](mailto:john.osborne@mymanatee.org) ; [Sharon Tarman](mailto:Sharon.Tarman@mymanatee.org) ; [Stop.Tower@gmail.com](mailto:Stop.Tower@gmail.com) ; [william.clague@mymanatee.org](mailto:william.clague@mymanatee.org) ; [penny.roberts@mymanatee.org](mailto:penny.roberts@mymanatee.org)

**Subject:** Re: Recommendation

The application was deemed complete pursuant to State statute. Again please be advised, the staff report is not yet complete. However, It will likely be available at least a couple of weeks prior to the hearing on 12/15/2010. A recommendation from our department will be included in that report. I believe your previous public records requests have provided you with all available information to date. As previously recommended, the point of contact for records requests for this project is Penny Roberts. She can provide you with any additional information as it becomes available.

We will include this correspondence in the project record file.

Thank you.

Doug Means  
 Development Services Division Manager  
 Manatee County Planning Department  
 (941) 748-4501 Ext. 6207  
 Fax: (941) 741-3189

From: "Deborah Chapman" <[deborah@chapmanpa.com](mailto:deborah@chapmanpa.com)>

To: <[doug.means@mymanatee.org](mailto:doug.means@mymanatee.org)>

Cc: <[Stop.Tower@gmail.com](mailto:Stop.Tower@gmail.com)>, <[john.osborne@mymanatee.org](mailto:john.osborne@mymanatee.org)>, <[william.clague@mymanatee.org](mailto:william.clague@mymanatee.org)>, "Bobbi Roy" <[bobbi.roy@mymanatee.org](mailto:bobbi.roy@mymanatee.org)>, "Sharon Tarman" <[sharon.tarman@mymanatee.org](mailto:sharon.tarman@mymanatee.org)>

Date: 11/03/2010 02:37 PM

Subject: Re: Recommendation

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**Thank you Doug for copying me on this email. The difference between deeming the application complete and *approving* it can be confusing for residents, especially given Ms. Tarman informed the community last Thursday that she plans to recommend *approval* of the application.**

**People within Palm Aire received my note to you Monday morning regarding our concerns over Tarman's decision. This email was immediately followed by a copy of the completeness letter (forwarded by Penny) without any explanation. I wrote both you and Mr. Osborne asking if you could please explain this change in status and neither of you have responded.**

**You have to understand that the community is first perplexed by Tarman's approval decision, only to be further confused by the completeness flip flop, especially when just 3 weeks ago we went through an exercise of clarification that resulted in Mr. Osborne assuring us that the application was in fact incomplete.**

**So, again, I would encourage one of you to send me some type of explanation for the completeness reversal so I can forward this on to the residents and help bring some clarity to the situation. If your response is that we can read all about it in the staff report, may I ask when this will be available for public review?**

**Thank you,**

**Deborah Chapman  
*Palm Aire Homeowners Against the Tower***

----- Forwarded message -----

From: <doug.means@mymanatee.org>

Date: Wed, Nov 3, 2010 at 1:44 PM

Subject: Re: Fw: Recommendation

To: Patrick Daugherty <pjdaugherty@comcast.net>

Cc: john.osborne@mymanatee.org, Deborah Chapman <stop.tower@gmail.com>,

william.clague@mymanatee.org, bobbi.roy@mymanatee.org, sharon.tarman@mymanatee.org

Mr. Daugherty,

For the record, there has been no "approval" for the referenced cell tower in Palm Aire - nor has there been an official recommendation from the County Planning Department. The staff report is still being written.

However, the "application" has been determined to be "complete" by the Planning Department as delineated in State statute and, the proposed project has been scheduled for consideration at the December 15, 2010 Hearing Officer meeting. The Hearing Officer approves or denies the application based on the facts and information received during the public hearing process. This correspondence as well as any others, will be entered into the record project file.

Thank you,

Doug Means  
Development Services Division Manager  
Manatee County Planning Department  
(941) 748-4501 Ext. 6207  
Fax: (941) 741-3189



From: "Patrick Daugherty" <[pjdaugherty@comcast.net](mailto:pjdaugherty@comcast.net)>  
To: <[doug.means@mymanatee.org](mailto:doug.means@mymanatee.org)>  
Cc: "Deborah Chapman" <[stop.tower@gmail.com](mailto:stop.tower@gmail.com)>, <[john.osborne@mymanatee.org](mailto:john.osborne@mymanatee.org)>  
Date: 11/02/2010 11:04 PM  
Subject: Fw: Recommendation

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Dear Mr. Means,

I am writing today to ask you to please review and reverse a recent decision by your office to approve the Vertex application for the construction of a cell tower in Palm Aire. By all accounts, the Vertex application was incomplete, yet your office still approved it. I do not understand the rationale behind this, nor why your staff chose to ignore the new codes handed down by the Commissioners, a recommendation for disapproval from your own consultant, and your office's own application process.

I am a resident and HOA director of Misty Oaks, a neighborhood of sixty-six homes in Palm Aire that is directly affected by the cell tower. In recent days, I have been contacted by very many of our residents looking for an answer as to why your office failed to follow its own guidelines. Unfortunately, most of their concerns were actually laments about your staff, ranging from laziness and incompetence to speculation that your office caved from fear of a lawsuit from Vertex. As I told them, I certainly hope that their laments are unfounded and that there must be a reasonable explanation as to why the Vertex application was approved. Could you please e-mail me with an explanation as to why your office approved Vertex's application so that I can relay it to our homeowners and put to rest any qualms they have with regard to your office or the application process?

Thank you for your help in this matter.

Sincerely,

Patrick Daugherty  
8101 Misty Oaks Blvd.

Sarasota, FL 34243

[pjdaugherty@comcast.net](mailto:pjdaugherty@comcast.net)

RECEIVED

NOV 09 2010

aw

Board of County Commissioners  
Manatee County



**Re: Palm Aire Vertex tower**

**Doug Means** to: Gary L Smith

11/05/2010 05:21 PM

carol.whitmore, dan.schlandt, donna.hayes, ed.hunzeker,  
Cc: gwen.brown, joe.mcclash, john.chappie, larry.bustle, ron.getman,  
sharon.tarman, Penny Roberts, Sharon Tarman, William Clague

Dear Mr. Smith,

The regularly scheduled time for Hearing Officer meetings is 3:00 PM. However, in anticipation of what is likely to be a lengthy meeting (public comment portion), our department recently slated the hearing time to the morning so there would be ample time for public comment. The meeting will still be officially noticed within the appropriate time period, reflecting the time of 9:00 AM on December 15, 2010.

Thank you,

Doug Means  
Development Services Division Manager  
Manatee County Planning Department  
(941) 748-4501 Ext. 6207  
Fax: (941) 741-3189

From: "Gary L Smith" <gary.smith28@comcast.net>

Subject:

To: <doug.means@mymanatee.org>

Content-Type: text/html  
Cc: <carol.whitmore@mymanatee.org>, <donna.hayes@mymanatee.org>, <ed.hunzeker@mymanatee.org>, <gwen.brown@mymanatee.org>, <joe.mcclash@mymanatee.org>, <john.chappie@mymanatee.org>, <larry.bustle@mymanatee.org>, <ron.getman@mymanatee.org>, <ed.hunzeker@mymanatee.org>, <dan.schlandt@mymanatee.org>, <doug.means@mymanatee.org>, <sharon.tarman@mymanatee.org>

Date: 11/05/2010 01:55 PM

Sender:

Subject: Su Palm Aire Vertex tower

Body:

Text:

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We certainly will remember this when elections roll around again.

Gary L. Smith  
Palm Aire