

**FEBRUARY 19, 2002**

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, February 19, 2002, at 9:07 a.m.

Present were Commissioners:

Amy Stein, Chairman  
Jonathan Bruce, First Vice-Chairman  
Patricia M. Glass, Second Vice-Chairman  
Jane W. von Hahmann, Third Vice-Chairman  
Gwendolyn Y. Brown (entered during meeting)  
George L. Harris (entered during meeting)  
Joe McClash

Also present were:

Ernie Padgett, County Administrator  
Tedd Williams, Jr., County Attorney  
Susan G. Romine, Board Records Supervisor,  
representing R. B. Shore, Clerk of Circuit Court

Invocation by Rev. Jerry Hunter, Christ Community Church.

All witnesses and staff giving testimony were duly sworn.

**AGENDA**

Agenda of February 19, 2002, and agenda update memorandum.

[BC20020219DOC001](#)

(Enter Ms. Brown)

**CONSENT AGENDA**

Motion was made by Mrs. von Hahmann, seconded by Mr. McClash, 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) with the exception of: **(1)** Work Assignment 13 with Post, Buckley, Schuh & Jernigan, Inc. (separate action); and **(2)** Highway & Drainage Standards 2002 (separate action) **[inadvertently announced as Item 47]**. Items APPROVED:

**CLERK'S CONSENT CALENDAR**

[BC20020219DOC002](#)

**BONDS**

**Accept:**

Sheriff's Public Employees and Deputy Sheriff's Blanket Bonds (20 additions, 15 deletions).

[BC20020219DOC003](#)

**Gulfcoast Corporate Park**

**Release:**

1. Agreement with Miller Enterprises, Inc., guaranteeing completion of required sidewalks and bikeways (\$12,797.13).
2. Performance Bond: \$12,797.13 (Letter of Credit 66 and Amendment, American Bank).

[BC20020219DOC004](#)

**Hammock Place II**

**Release:**

1. Agreement with S.W. Florida Developers, Inc., guaranteeing completion of required sidewalks and bikeways (\$17,927).
2. Performance Bond: \$17,927 (Letter of Credit 995220-2, First National Bank of Manatee).

[BC20020219DOC005](#)

**Kingsfield, Phase 5**

**Release:**

1. Agreement with Centex Homes guaranteeing completion of required improvements (\$844,609.22).
2. Performance Bond: \$844,609.22 (Surety Bond 6092493, Safeco Insurance Company of America).

**Accept:**

1. Agreement with Centex Homes warranting required improvements (\$51,696.19).
2. Defect Security: \$51,696.19 (Surety Bond 6092493-1, Safeco Insurance Company of America).

[BC20020219DOC006](#)

**Old Grove at Greenfield Plantation, Phase II**

**Release:**

1. Agreement with River Road Plantation Partnership warranting required improvements (\$40,651.90).
2. Defect Security: \$40,651.90 (Letter of Credit 941157 and Amendment 1, Bank of America).

[BC20020219DOC007](#)

**REFUNDS**

FDEP Bureau of Beaches – Interest on Escrow Account

\$5,089.93

[BC20020219DOC008](#)

**WARRANT LIST**

Approved: February 5, 2002 through February 18, 2002  
 Authorized: February 19, 2002 through February 25, 2002

[BC20020219DOC009](#)

**ACCEPT**

**Medical Priority Dispatch System** – Agreement with Medical Priority Consultants, Inc.; \$17,410.  
[BC20020219DOC010](#)

**Parks and Recreation Special Interest Class Instructor’s Agreement**

Georgie Mygrant – Gentle Aerobics

[BC20020219DOC011](#)

**Peace River/Manasota Regional Water Supply Authority** – Audited Financial Statements for fiscal year ended September 30, 2001.

[BC20020219DOC012](#)

**West Coast Inland Navigation District** – Public Facilities Report; Audited Financial Statements and Annual Local Government Financial Report for fiscal year ended September 30, 2001.

[BC20020219DOC013](#)

**AUTHORIZE FEE WAIVERS (PUBLIC WORKS)**

Waive Fee (\$25.00) for Robert M. Greatwood due to mutilated check.

[BC20020219DOC014](#)

**AUTHORIZE CHAIRMAN TO SIGN**

**Partial Releases of Special Improvement Assessment Liens:**

[BC20020219DOC015](#)

Projects 3009 (2); 3106; and 5147 (2).

**Satisfactions of Judgments:**

Rhonda Dues – Case 2001-CJ-1924

Ronald Grantham – Case 97-4708M

Lonny J. Moore – Case 99-4161M (2)

[BC20020219DOC016](#)

**COUNTY ADMINISTRATOR**

**PROCLAMATIONS**

1. A Proclamation designating February 17-23, 2002, as Hazardous Weather Awareness Week was accepted by **Karen Windon** and **Stephen Simpson**, Public Safety Department.

[BC20020219DOC017](#)

2. A Proclamation designating February 24 – March 2, 2002, as Tampa Bay Emergency Planning and Community Right-To-Know Awareness Week.

[BC20020219DOC018](#)

**LAWSUITS**

**63rd Avenue East/West**

1. Approval of a settlement with **John and Barbara Brust** for a payment by the County of \$4,430, inclusive of the value of the land taken and all other damages including attorney’s fees and costs, for the taking of Parcel 168 in the eminent domain matter of Manatee County v. R.A.K. Enterprises, et al., Case 2001-CA-1098.

[BC20020219DOC019](#)

2. Approval of a settlement with **Community Church of God** for a payment by the County of \$6,338, inclusive of the value of the land taken and all other damages including attorney’s fees and costs, for the taking of Parcel 809 in the eminent domain matter of Manatee County v. Virginia W. Lamb, et al., Case 2001-CA-1142.

[BC20020219DOC019](#)

3. Approval of a settlement with **Gloria Diaz** and **Norma B. Troy** for a payment by the County of \$16,085, inclusive of compensation for the land taken, severance damages, costs to cure, attorney’s fees and experts’ fees, for the taking of Parcel 148 in eminent domain matter of Manatee County v. The T. Ralph Taylor, Jr. Family Limited Partnership, et al., Case 2001-CA-1044.

[BC20020219DOC020](#)

**Adam R. Trimble**

Approval of the Mediation Agreement for full and final settlement in the matter of Adam R. Trimble v. Manatee County, Case 2000-CA-00436.

[BC20020219DOC021](#)

**Eliseo Ponce**

Approval of a Settlement Offer in the case of Eliseo Ponce v. Manatee County, Case 2001-CA-988; \$40,001.

[BC20020219DOC022](#)

**EMPLOYEE HEALTH BENEFITS – COLLATERAL SOURCE LIENS**

1. Accept \$3,138.33 in full settlement of the Employee Health Benefits lien for Judy Cantwell.

[BC20020219DOC023](#)

2. Accept offer from John Pugh to settle the Employee Health Benefits lien; \$23,000.

[BC20020219DOC024](#)

**CHILDREN’S SERVICES FUNDING**

Execution of Amendment 1 to the FY 2001-02 Children’s Services Agreement with the Exchange Club Family Partnership Center of Manatee County, Inc., for the **Parenting Education Coalition Program**, to amend the hours of service from the third Wednesday of each month to one monthly meeting of an hour and a half in duration.

[BC20020219DOC025](#)

**COMMUNITY DEVELOPMENT BLOCK GRANT**

Approval of the Community Development Block Grant (CDBG), Manatee County Citizens’ Participation Plan, to begin the Consolidated Plan Process for calendar year 2003.

[BC20020219DOC026](#)

**CONSTRUCTION LOAN AGREEMENTS**

Execution of Construction Loan Agreements in accordance with Resolution R-96-227 for the Home Reconstruction Projects for:

1. Willie and John Henry Ford, 1504 72nd Street Court East, Rubonia; \$65,000;

[BC20020219DOC027](#)

2. Fabian and Sonitra Gibson, 313 12th Street West, Palmetto; \$70,000; and

[BC20020219DOC028](#)

3. Addie Thomas, 520 30th Street East, Palmetto; \$67,000.

[BC20020219DOC029](#)

**REHABILITATION LOAN AGREEMENTS**

Execution of Rehabilitation Loan Agreements in accordance with Resolution R-96-227 for Home Rehabilitation Projects for:

1. Vivian Jones, 220 11th Street West, Palmetto; \$32,242.32 (Tropical Storm Gabrielle Grant); and [BC20020219DOC030](#)
2. Millie P. Ross, 1407 71st Street East, Palmetto; \$33,436.92. [BC20020219DOC031](#)

**STATE HOUSING INITIATIVE PARTNERSHIP**

Approval of disbursement of funding assistance exceeding \$25,000 in accordance with Manatee County's alternative procurement procedures for new construction projects under the Construction Strategy of the Local Housing Assistance Plan for Davoelene Rivers, 2612 8th Avenue East, Palmetto; \$46,545. [BC20020219DOC032](#)

**TRANSPORTATION COORDINATION AGREEMENTS**

1. Execution of an Agreement with Meals on Wheels Plus of Manatee, Inc., to provide transportation services, FY 2001-02 (paid by Meals on Wheels); \$83,000. [BC20020219DOC033](#)
2. Execution of an Agreement with Neighborhood Senior Services of Manatee to provide transportation services, FY 2001-02 (paid by Neighborhood Senior Services); \$32,000. [BC20020219DOC034](#)

**TRIP DONATIONS**

Execution of a Letter of Commitment certifying the County's intent to provide trips as a contribution towards agency's local match requirements: Meals on Wheels Plus of Manatee, Inc., \$10,045; and Neighborhood Senior Services of Manatee, \$3,611; total \$13,656 (1/1/02-12/31/02). [BC20020219DOC035](#)

**30TH AVENUE WEST**

Execution of Work Assignment 99-26 with Wade-Trim, Inc. for **construction inspection services** for improvement project; \$115,978. [BC20020219DOC036](#)

**ANNA MARIA ISLAND BEACH RENOURISHMENT PROJECT**

Execution of Change Order 2 to Work Assignment 1 with Coastal Planning & Engineering, Inc., for **engineering services** for design, permitting, construction and environmental monitoring services; increase of \$706,642.89 and adjusted total \$2,127,013.89. [BC20020219DOC037](#)

**BUDGET AMENDMENT**

**Various Departments**

**B-02-019**

Transfer of Funds; Unanticipated Revenue Appropriations  
Supporting Description and Detail Attached

[BC20020219DOC038](#)

**DUETTE PARK**

Issue Change Order 1 to (IFB 01-4065CD) Purchase Order P1002683 with Applied Aquatic Management, Inc., for the annual herbicide treatment of overgrowth of Cogan Grass throughout Duette Park; \$100,000. [BC20020219DOC039](#)

**HYDRAULIC EXCAVATOR**

Issue Change Order 1 to Purchase Order P1002525 with Ringhaver Equipment Co.; increase of \$12,432.82, adjusted total \$171,281.82. [BC20020219DOC040](#)

**NURSELINE TELEPHONE SERVICES**

Execution of Addendum 5 with United HealthCare Corporation for medical self-care 24-hour toll free "800" phone service as part of the County's Freedom of Choice Health Insurance program, extending the agreement for one year (5/1/02-4/30/03). [BC20020219DOC041](#)

**ODOR AND CORROSION CONTROL SERVICES**

Execution of Addendum 2 to Agreement with U.S. Filter/Davis Process to provide additional services; \$50,000, revised total \$1,350,000. [BC20020219DOC042](#)

**WARNER'S BAYOU BRIDGES**

Execution of Change Order 3 to IFB 99-1510DC with Quinn Construction, Inc., for Warner's West and East Bayou Bridges; increase of \$46,211.83, adjusted total \$1,080,098.08, addition of nine contract days and a revised completion date (11/5/00). [BC20020219DOC043](#)

**MATERIALS & SERVICES**

1. **G.T. Bray Park** - Sole Source purchase of roofing repairs to the following buildings: The Aquatics Center, Tennis and Racquet Center, Activity Center and the Administration Building from McEnany Roofing, Inc.; \$51,975. [BC20020219DOC044](#)
2. **Submersible Sewage Pumps** - Award IFB 01-4681AA to Custom Pump & Controls, Inc.; \$126,005. [BC20020219DOC045](#)

**REFUND**

Refund \$600, minus any current billings, to Hospice of Southwest Florida due to decrease in fire line at service address 4151 37th Street East, Palmetto. [BC20020219DOC046](#)

**COOPER CREEK DRI 14**

Authorization to set public hearings for the April 11, 2002, Planning Commission and April 23, 2002, Board of County Commissioners meetings to consider the proposed amendment to the Cooper Creek Development of Regional Impact (DRI 14). [BC20020219DOC047](#)

**FINAL PLATS**

**Barley Replat**

1. Final Plat;
2. Agreement to Defer Completion of Required Sidewalks with Beverley A. Smith; and
3. Notice to Buyer. [BC20020219DOC048](#)

**Bishop Harbor Grove Estates North**

1. Final Plat;
2. Mortgagee's Joinder In and Ratification Of a Subdivision Plat and All Dedications and Reservations Thereon from First National Bank of Manatee;
3. Joinder In and Ratification Of a Subdivision Plat and All Dedications and Reservations Thereon from First National Bank of Manatee - UCC-1;
4. Joinder In and Ratification Of a Subdivision Plat and All Dedications and Reservations Thereon from American Bank - UCC-1;
5. Conservation Easement from Bishop Harbor Grove Estates North, Inc.; and
6. Notice to Buyer. [BC20020219DOC049](#)

**Bishop Harbor Grove Estates South**

1. Final Plat;
2. Mortgagee's Joinder In and Ratification Of a Subdivision Plat and All Dedications and Reservations Thereon from First National Bank of Manatee;
3. Joinder In and Ratification Of a Subdivision Plat and All Dedications and Reservations Thereon from First National Bank of Manatee - UCC-1;
4. Joinder In and Ratification Of a Subdivision Plat and All Dedications and Reservations Thereon from American Bank - UCC-1; and
5. Notice to Buyer. [BC20020219DOC050](#)

**Greenbrook Village, Subphase L aka Greenbrook Bend**

1. Final Plat;
2. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$317,956.60).
3. Performance Bond: \$317,956.60 (Surety Bond 929225849, Continental Insurance Company);
4. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$18,720);
5. Performance Bond: \$18,720 (Surety Bond 929225851, Continental Insurance Company);
6. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements and temporary construction easement for private improvements (\$178,612.12);
7. Performance Bond: \$178,612.12 (Surety Bond 929225850, Continental Insurance Company);
8. Joinder In and Ratification Of Subdivision Plat and All Dedications and Reservations Thereon from Lakewood Ranch Community Development District 4;
9. Supplemental Declaration; and
10. Maintenance Agreement for Right-of-Way Islands with Lakewood Ranch Community Development District 4. [BC20020219DOC0051](#)

**Turlington Acres**

1. Final Plat;
2. Mortgagee's Joinder In and Ratification Of a Subdivision Plat and All Dedications and Reservations Thereon from Bank of America NA, fka Nationsbank NA; and
4. Notice to Buyer. [BC20020219DOC052](#)

**COMMUNITY PLANNING TECHNICAL ASSISTANCE GRANT**

Execution of agreement with State of Florida Department of Community Affairs (DCA) authorizing the Planning Department to accept a Community Planning Technical Assistance (CPTA) Grant for the Urban Infill and Redevelopment Area (UIRA) to develop Housing Inventory and Strategy for the UIRA; \$10,000. [BC20020219DOC053](#)

**URBAN INFILL AND REDEVELOPMENT GRANT**

Execution of Modification 1 (DCA Contract Number 01-UI-07-08-51-01-016 [6/5/01]) to extend the deliverable date (for the **Palmetto/North Manatee County Enterprise Zone Redevelopment Plan**) from March 31, 2002 to May 31, 2002. [BC20020219DOC054](#)

**PARTICIPATION PROJECTS**

1. **R-02-44** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR ROAD ASSESSMENT PROJECT 5147, **SAMOSSET** (combine parcels owned by John R. Howell). [BC20020219DOC055](#)
2. **R-02-45** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SEWER ASSESSMENT PROJECT 5147, **SAMOSSET** (combine parcels owned by John R. Howell). [BC20020219DOC056](#)

**DONATION**

**R-02-39** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA ACCEPTING THE DONATION OF TEN **AUTOMATIC EXTERNAL DEFIBRILLATORS** VALUED AT \$17,500 FROM THE MANATEE COUNTY EMERGENCY MEDICAL SERVICES AUXILIARY AND STIPULATING THE USE OF SAID DEFIBRILLATORS. [BC20020219DOC057](#)

**EMERGENCY SHELTER FACILITIES**

Execution of modified Intergovernmental Agreement with the School Board of Manatee County addressing the project management of shelter retrofit projects (shutters), increasing the number of buildings to be retrofitted from three to thirteen (11/6/01 and 2/5/02): **Bashaw Elementary School, Braden River Elementary School (3), Oneco Elementary School (2), Braden River Middle School (2), L. Johnson Middle School, Lee Middle School (3), and Manatee High School.** [BC20020219DOC058](#)

**E 911 - AUTOMATIC LOCATION INFORMATION**

**R-02-50** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING AN AGREEMENT WITH VERIZON FLORIDA, INCORPORATED FOR THE PROVISION OF E 911 DATA SERVICES; MAKING RELATED FINDINGS; AND PROVIDING AN EFFECTIVE DATE. [BC20020219DOC059](#)

**DEEDS AND EASEMENTS**

1. **33rd Street East** - Warranty Deed and Conservation Easement from Royal Palm Cove Partners, LTD. Co., Sabal Palm Harbor Partners, LTD. Co., and S&R, LTD., for right-of-way; Affidavit of Ownership and Encumbrances; Partial Release from U.S. Bank Trust National Association, as Trustee; Partial Release from Bank of America, N.A.; Joinder from U.S. Bank Trust National Association, as Trustee; Joinder from Bank of America, N.A. [BC20020219DOC060](#)
2. **Bowlees Creek (Oneco Drain)** - Drainage Easement and Conservation Easement from Modern Construction, U.S.A., Inc.; Affidavit of Ownership and Encumbrances; Joinder from Coast Bank of Florida. [BC20020219DOC061](#)
3. **Lakewood Ranch Town Center aka Market Square** - Conservation Easement from Win IV, Ltd.; Affidavit of Ownership and Encumbrances; Joinder from AmSouth Bank. [BC20020219DOC062](#)
4. **Heritage Harbour** - Warranty Deed from Harbourvest, L.L.C.; Affidavit of Ownership and Encumbrances. [BC20020219DOC063](#)

**EMINENT DOMAIN PRE-SUIT OFFERS**

**R-02-27** A RESOLUTION OF MANATEE COUNTY, FLORIDA DELEGATING THE AUTHORITY TO MAKE PRE-SUIT OFFERS IN EMINENT DOMAIN CASES FOR THE **RECLAIMED WATER TRANSMISSION MAIN PROJECTS**, PARCELS IDENTIFIED AS EXHIBIT "A", TO THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS, FOR THE AMOUNT UP TO THE APPROVED APPRAISED VALUE OF THE PROPERTY SOUGHT TO BE ACQUIRED (three parcels for the Manatee Agriculture Reuse System [MARS]). [BC20020219DOC064](#)

**TALLEVAST ROAD**

Execution of a Contract for Sale and Purchase for a Warranty Deed from the School Board of Manatee County; \$27,600. [BC20020219DOC065](#)

**TRAFFIC SIGNALS**

Execution of Traffic Signal Maintenance and Operation Order 111 with the Florida Department of Transportation for modifications to the existing traffic signals at the intersection of S.R. 684 (Cortez Road) and 119th Street West. [BC20020219DOC066](#)

**STREET VACATIONS**

**Oakley Subdivision**

**R-02-18V** A RESOLUTION DECLARING A PUBLIC HEARING ON MARCH 26, 2002, AT 9:00 A.M., OR AS SOON THEREAFTER AS SAME MAY BE HEARD, ON APPLICATION BY MEDALLION HOMES GULF COAST, INC., TO VACATE A PLATTED DRAINAGE EASEMENT ON LOTS 48 AND 49. [BC20020219DOC067](#)

**Riverwalk Village**

**R-02-32V** A RESOLUTION DECLARING A PUBLIC HEARING ON MARCH 26, 2002, AT 9:00 A.M., OR AS SOON THEREAFTER AS SAME MAY BE HEARD, ON APPLICATION BY ERIC C. AND GAIL P. VIEIRA, TO VACATE A PLATTED RIGHT-OF-WAY KNOWN AS GARLAND WAY. [BC20020219DOC068](#)

**FEE WAIVER**

Authorization for placement of one 20-yard roll-off at the Casa Loma Clubhouse on March 9, 2002, and waiver of appropriate service and tipping fees. [BC20020219DOC069](#)

**DESOTO COUNTY - LANDSPREADING**

Approval of letter of support for the Desoto County Ordinance relating to wastewater sludge hauling and landspreading. [BC20020219DOC070](#)

**75TH STREET WEST/MANATEE AVENUE**

Authorization for Transportation Department to modify the existing medians on **75th Street West**, north of Manatee Avenue West, to provide additional left turn storage length for southbound to eastbound left turns at the intersection. [BC20020219DOC071](#)

(End Consent Agenda)

**STUDENT RECYCLING AWARDS**

Edie Hendricks, Utilities Customer Service, stated the recycling public education contest was instituted to encourage elementary school students to submit artwork that contained messages to encourage recycling. She noted over 100 entries were received, and presented 29 students with their awards. [BC20020219DOC072](#)

(Enter Mr. Harris)

**DEFIBRILLATORS**

Captain Joe Kanzler, Emergency Medical Services (EMS), **Maryland Engel**, American Heart Association, and **Mark Skukowski**, President of the EMS Auxiliary, donated ten automatic external defibrillators to Manatee County (one each to the Courthouse, Civic Center and G.T. Bray Aquatic Center; five to the public beaches; and two to the Administration Center).

Discussion: The defibrillators are easy to use and require no training; will the ones going to the beaches be placed at lifeguard stations; etc.

(Note: Approved on the Consent Agenda).

**INTERLOCAL ACCORD**

Mr. McClash presented "The Accord" with **Mayor Wayne Poston**, City of Bradenton, and **Mayor Larry Bustle**, City of Palmetto. Mr. McClash noted that the document was written by attorney Cliff Walters and provides for cooperation and coordination between the County and Cities in order to manage growth issues (supplanting the proposed Charter).

Discussion: Invite all municipalities to the meeting with the City of Bradenton on February 28, 2002; timing of the document in conjunction with the adoption of the one-cent sales tax, half-cent sales tax for the schools, and Environmental Lands Management and Acquisition Committee (ELMAC) referendum for the acquisition of environmentally sensitive lands; etc.

Mayor Carol Whitmore, City of Holmes Beach, stated she looks forward to continued cooperation. [BC20020219DOC073](#)

**CITIZENS' COMMENTS**

**Transit**

**Kay Cobb**, representing the Villages of Ridgewood, requested that Bus Route 1 be extended for one half mile to allow senior citizens access to the Ridgewood Shopping Center. She submitted petitions and asked the Board to consider adding this to the Capital Improvement Plan. [BC20020219DOC074](#)

**Gamble Creek and Wade Canal**

**Gary Reckner**, Parrish Civic Association, requested the Board consider a cooperative agreement with Southwest Florida Water Management District (SWFWMD) and the Manasota Basin Board for a basin master plan. [BC20020219DOC075](#)

Mrs. Stein requested the item be placed on a future agenda.

**LIBRARY BOARD**

John Van Berkel, Library Manager, reported that the Library Board has two vacancies as of January 2002, for four-year terms.

**At-Large-Seat**

- Nominations: Betsy Glasure - by Mr. Harris
- Geneva Wilford - by Mrs. Glass
- Ann Peabody - by Mr. Bruce
- Mona Steck - by Mrs. Stein

Following discussion, **Mona Steck** was appointed.

**Unincorporated Seat**

Motion was made by Mrs. Glass, seconded by Mrs. von Hahmann, and carried 7 to 0, to appoint **Ann Peabody** to the Unincorporated Seat. [BC20020219DOC076](#)

**CODE ENFORCEMENT BOARD**

Motion was made by Mr. Bruce, seconded by Mrs. von Hahmann, and carried 7 to 0, to appoint **Michael C. Mears** to the Code Enforcement Board. [BC20020219DOC077](#)

(Depart Mrs. Stein; Mr. Bruce presiding)

**ORDINANCE 02-26 – AIRCRAFTS ON LAKE MANATEE**

Public hearing (Notice in the *Bradenton Herald* 2/6/02) was held to consider

**ORDINANCE 02-26** AN ORDINANCE OF MANATEE COUNTY, FLORIDA, PROHIBITING THE OPERATION OF AIRCRAFT ON LAKE MANATEE; PROVIDING FOR ENFORCEMENT AND PENALTIES AND PROVIDING AN EFFECTIVE DATE.

Dan Gray, Utility Operations Director, stated that staff has tried to limit seaplane activity on Lake Manatee because of the horsepower limits, the risk to the public water supply, and potential use of airplanes by terrorists targeting the water supply facilities at the Lake Manatee Dam.

(Enter Mrs. Stein, presiding; Depart Ms. Brown)

Discussion: Opposition because an aircraft is no more dangerous than a boat or a automobile; should have compromise provisions; did staff look at prohibition prior to the September 11, 2001, terrorist attacks; false sense of security; can the Ordinance be strengthened; etc.

William Henry, Chief Assistant County Attorney, reported Chapter 125, *Florida Statutes*, gives the Board the power to regulate operation and conduct of all aircraft operating over and within Manatee County.

(Enter Ms. Brown)

Discussion: Who will enforce the ordinance; how many landings have occurred recently on the lake; are there any other public lakes in Florida where seaplanes are allowed to land; have the pilots been contacted regarding their activities; could pilots alert someone prior to landing; etc.

**Michael Volk** requested continuing the public hearing to allow discussions with seaplane users.

(Mrs. von Hahmann and Mrs. Glass absent for portion of comments)

Speaking in opposition were: **Chuck Inderwiesen, Tom Clarke, Jaime Giangrande, John Huth, Rod Rawson, David Robson, Gene Sommerfeld, and Christian Huth.**

Discussion: Private pilot has to have license specifically for flying seaplanes; did staff document concerns prior to September 11, 2001; has staff received any alerts regarding threats to the water supply; is Lake Manatee the only lake in the County to land a seaplane; is there any way to detect someone causing mischief after hours; \$250 fine; continue the item for fine tuning; need a provision for notification; etc.

Motion was made by Mrs. Glass, seconded by Mr. Harris, and carried 7 to 0, to continue Ordinance **02-26** to a date uncertain. [BC20020219DOC078](#)

(Depart Mrs. von Hahmann)

**HOUSE BILL 221**

Motion was made by Mr. McClash, seconded by Mrs. Glass, and carried 6 to 0, to adopt:

**R-02-43** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, SUPPORTING PASSAGE OF HOUSE BILL 221

(clarifying statutory language to specify that county-operated emergency vehicles are authorized to display red flashing lights). [BC20020219DOC079](#)

(Mrs. Stein passed the gavel to Mr. Bruce; Mr. Bruce presiding)

**WORKER'S COMPENSATION**

Motion was made by Mrs. Stein, seconded by Mr. Harris and carried 6 to 0, to authorize Risk Management to settle the Worker's Compensation of Charles Major for \$130,000. [BC20020219DOC080](#)

(Mrs. Stein presiding; Enter Mrs. von Hahmann)

**CLEAN AIR RESOLUTIONS**

Karen Collins-Fleming, Environmental Management Director, reviewed the agenda memorandum.

Motion was made by Mr. McClash, seconded by Mr. Harris, and carried 7 to 0, to adopt:

1. **R-02-48** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, OPPOSING THE BUSH ADMINISTRATION'S PROPOSAL TO WEAKEN THE CLEAN AIR ACT'S NEW SOURCE REVIEW PROVISIONS AS THEY APPLY TO AGING POWER PLANTS.

3. **R-02-49** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, SUPPORTING SENATE BILL 556, THE "CLEAN POWER ACT OF 2001."

[BC20020219DOC081](#)

**LENA ROAD LANDFILL**

Mr. McClash requested more information on the item because of the cost involved.

Rob Cuthbert, Purchasing Manager, stated the item would be brought back on February 26, 2002.

[BC20020219DOC082](#)

**HIGHWAY AND DRAINAGE STANDARDS 2002**

Larry Mau, Transportation Director, presented the Highway and Drainage Standards 2002.

Discussion: Why do sidewalks need wire mesh; what is the cost associated with this; size of wire; piping; need information on projected life increase of the sidewalks with the wire mesh; etc.

Motion was made by Mr. McClash, seconded by Ms. Brown, and carried 7 to 0, to approve the revised Manatee County Transportation Department "Highway and Drainage Standards 2002" for Land Development/Road Construction with the deletion of Section 300 – Sidewalks (deferred to a later date). [BC20020219DOC083](#)

**PINE ISLAND**

Mr. Padgett stated he had a tour of Pine Island and encouraged the Board to tour the Island.

[BC20020219DOC084](#)

**COMMUNITY CARE FOR THE ELDERLY**

Mr. Padgett reported that Community Care for the Elderly funding has been cut, and he sent a letter to Governor Jeb Bush addressing the lack of funding. He confirmed that the County has increased its funding to the program as the cutbacks have occurred. [BC20020219DOC085](#)

**BLUE RIBBON TRANSPORTATION TASK FORCE**

Mr. Padgett reported that members of the Blue Ribbon Transportation Task Force toured major roadway projects in the County to assist in their planning. [BC20020219DOC086](#)

**COMMISSIONERS' COMMENTS**

**Tampa Bay Regional Planning Council**

Mrs. von Hahmann reported that the Tampa Bay Regional Planning Council (TBRPC) has plans to amend the Interlocal Agreement (9/8/75), and she has submitted the change to the County Attorney for review. [BC20020219DOC087](#)

**TRAVEL**

Mrs. von Hahmann requested authority to travel to Orlando to attend a Hurricane Conference in April 2002.

Motion was made by Mr. Harris, seconded by Mr. Bruce, and carried 7 to 0, to approve the request for authority to travel. [BC20020219DOC088](#)

**COMMISSIONERS' COMMENTS**

**Audible Crosswalks**

Mr. Harris requested staff to investigate the cost and feasibility associated with installing audible crosswalks at intersections being upgraded.

**Legislative Days**

Mr. Harris stated he would not be able to travel to Tallahassee for personal reasons.

**Sales Tax Reform**

Mrs. von Hahmann encouraged the Commissioners be briefed on the issues involved in the sales tax reform issues before the Legislature. Discussion followed.

**Oak Run Homeowners Association**

Mr. Bruce stated the residents have been impacted by the Lockwood Ridge Road improvements and are interested in landscape buffers. He asked that Project Management bring back a report.

Mr. McClash suggested utilizing landscaping materials from the jail farm.

**Intergovernmental Relations – The Accord**

Mrs. Stein asked the County Attorney to review the document before the February 28, 2002, joint meeting with the municipalities.

Mr. McClash thanked the Board for its support and stated he would like to continue representing the Board while working with the municipalities.

**Piney Point Phosphate Facility**

Mrs. Stein addressed the environmental issues at the Piney Point Phosphate Facility and summarized three short-term solutions: (1) the north sewer treatment plant taking up to 100,000 gallons per day of treated effluent, which would be trucked to a lift station; (2) railing 400,000 – 500,000 gallons per day to CF Industries and the IMC Four Corners Mine; and (3) build up the dike/stack another 5 feet. She acknowledged the only permanent solution suggested is having FP&L pump the wastewater into Lake Parrish and utilize it for the power plant.

**Charlotte Harbor Estuaries Program**

Mrs. Glass announced that Lisa Beaver was elected as the new Director and that the visioning process will move forward.

**Aircrafts on Lake Manatee**

Ms. Brown stated the Ordinance is a good measure to protect the County's water supply.

**27th Street East**

Ms. Brown noted the road has been improved, but there are no sidewalks or shoulders from 13th Avenue East to Mixon Farms. [BC20020219DOC089](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 12:02 p.m.  
/tb/qa

Minutes Approved: March 26, 2002