

APRIL 2, 2002

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, April 2, 2002, at 9:04 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
George L. Harris

Absent was Commissioner:

Joe McClash (vacation)

Also present were:

Ernie Padgett, County Administrator
Tedd Williams, Jr., County Attorney
Marianne Lopata, Deputy Clerk,
representing R. B. Shore, Clerk of Circuit Court

Invocation by Rev. William E. Gerhart, St. Philip's Anglican Church.

AGENDA

Agenda of April 2, 2002, and agenda update memorandum.

[BC20020402DOC001](#)

CONSENT AGENDA

Motion was made by Mr. Harris, seconded by Mr. Bruce, 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 deletion of: (1) **Resolution R-02-62, County Logo** (deferred); (2) **Comcast/AT&T Cable Television Merger** (deleted); and (3) **SHIP Program/Funding Disbursement for Narcisco Popoca** (deferred). Items APPROVED:

[BC20020402DOC002](#)

[BC20020402DOC003](#)

[BC20020402DOC004](#)

[BC20020402DOC005](#)

CLERK'S CONSENT CALENDAR

BONDS

Arrowhead

Release:

1. Agreement with Mike Carter II, Inc., warranting required improvements (\$14,567.49).
2. Defect Security: \$14,567.49 (Letter of Credit 109391 and Amendments 1, 2, & 3, Huntington National Bank).

[BC20020402DOC006](#)

Country Creek, Phase I

Release:

Performance Bond: \$10,920 (Letter of Credit 2001-04, Florida Community Bank).

Accept:

Performance Bond: \$10,920 (Letter of Credit 2001-04, Florida Community Bank).

[BC20020402DOC007](#)

Country Creek, Phase II

Release:

Performance Bond: \$42,751.80 (Letter of Credit 1998-23 and Amendment, Florida Community Bank).

Accept:

Performance Bond: \$42,751.80 (Letter of Credit 1998-23, Florida Community Bank).

[BC20020402DOC008](#)

Glenn Lakes, Phase II

Release:

1. Agreement with Centex Homes guaranteeing completion of required sidewalks and bikeways (\$12,066.60).
2. Performance Bond: \$12,066.60 (Surety Bond 5900943, Safeco Insurance Company).

[BC20020402DOC009](#)

Greenbrook Village, Subphase K, Unit 4 aka Greenbrook Haven & Unit 5 aka Greenbrook Gardens

Release:

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$1,756,052.35).
2. Performance Bond: \$1,756,052.35 (Surety Bond 929198348, Continental Insurance Company).

Accept:

1. Agreement with SMR Communities Joint Venture warranting required improvements (\$117,508.75).
2. Defect Security: \$117,508.75 (Surety Bond 929232723, Continental Insurance Company).
3. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$32,970.30).

4. Performance Bond: \$32,970.30 (Surety Bond 929232724, Continental Insurance Company).
5. Agreement with SMR Communities Joint Venture for final wearing course of asphalt on roadways. [BC20020402DOC010](#)

Hammock Place II

Accept:

Defect Security: \$32,907.35 (Amendment to Letter of Credit 995220-1, 1st National Bank & Trust in Manatee), **extending** expiration date to 10/25/02. [BC20020402DOC011](#)

Hawk's Harbor

Release:

1. Agreement with Bowlees Creek Development, Inc., guaranteeing completion of required sidewalks and bikeways and temporary construction easement for private improvements (\$77,140).
2. Performance Bond: \$77,140 (Letter of Credit 941861 and Amendment 1, Bank of America).
3. Agreement with Bowlees Creek Development, Inc., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$63,417.20).
4. Performance Bond: \$63,417.20 (Letter of Credit 941862 and Amendments 1 and 2, Bank of America).

Accept:

1. Agreement with Bowlees Creek Development, Inc., guaranteeing completion of required sidewalk and bikeways and temporary construction easement for private improvements (\$63,417.20).
2. Performance Bond: \$63,417.20 (Letter of Credit 1021, SunCoast National Bank).
3. Agreement with Bowlees Creek Development, Inc., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$77,140).
4. Performance Bond: \$77,140 (Letter of Credit 1020, SunCoast National Bank). [BC20020402DOC012](#)

Kingsfield, Phase II

Release:

1. Agreement with Centex Homes guaranteeing completion of required sidewalks and bikeways (\$31,906.88).
2. Performance Bond: \$31,906.88 (Surety Bond 5977304, Safeco Insurance Company). [BC20020402DOC013](#)

Lakewood Ranch Country Club Village, Subphase R aka Vilamoura

Release:

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$321,825.08).
2. Performance Bond: \$321,825.08 (Surety Bond 929207374, Continental Insurance Company).

Accept:

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$11,511.50).
2. Performance Bond: \$11,511.50 (Surety Bond 929237512, Continental Insurance Company).
3. Agreement with SMR Communities Joint Venture for final wearing course of asphalt on roadways. [BC20020402DOC014](#)

Lenox Gardens

Release:

1. Agreement with Pacific Equity Associates guaranteeing completion of required improvements and temporary construction easement for private improvements (\$36,540).
2. Performance Bond: \$36,540 (Letter of Credit 9919, SunTrust Bank, Gulf Coast). [BC20020402DOC015](#)

Millbrook at Greenfield Plantation, Phase III-A & III-C

Release:

1. Agreement with B. W. General Contractors, Inc., guaranteeing completion of required sidewalks and bikeways (\$49,390.25).
2. Performance Bond: \$49,390.25 (Letter of Credit 99-02, First South Bank).

Accept:

1. Agreement with B. W. General Contractors, Inc., guaranteeing completion of required sidewalks and bikeways (\$1,081.60).
2. Performance Bond: \$1,081.60 (Cashier's Check 224520, Northern Trust Bank of Florida N.A.) [BC20020402DOC016](#)

Peridia Office Park

Accept:

1. Agreement with SR 70 Developers, LLC, guaranteeing completion of required improvements and temporary construction easement for private construction (\$180,991.60).
2. Performance Bond: \$180,991.60 (Letter of Credit 2001-24, Florida Community Bank). [BC20020402DOC017](#)

The Preserve at Panther Ridge

Release:

1. Agreement with Panther Ridge Communities, Ltd., warranting required improvements (\$77,151.60).
2. Defect Security: \$77,151.60 (Letter of Credit MBL SB 34349 and Amendment 1, Regions Bank). [BC20020402DOC018](#)

The Preserve at Panther Ridge, Phase IV

Release:

1. Agreement with Panther Ridge Communities, Ltd., guaranteeing completion of required improvements (\$780,348.84).
2. Performance Bond: \$780,348.84 (Letter of Credit MBL SB 34463 and Amendment 1, Regions Bank).

Accept:

1. Agreement with Panther Ridge Communities, Ltd., warranting required improvements (\$166,033.37).
2. Defect Security: \$166,033.37 (Letter of Credit MBL SB 34768, Regions Bank).

[BC20020402DOC019](#)

Riverwalk Village, Subphase E

Release:

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$14,787.50).
2. Performance Bond: \$14,787.50 (Surety Bond 151025, Frontier Insurance Company).
3. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$40,285.05).

Accept:

1. Agreement with SMR Communities Joint Venture warranting required improvements (\$1,365).
2. Defect Security: \$1,365 (Surety Bond 929237514, Continental Insurance Company).
3. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$40,285.05). This agreement is for a **one-year extension** secured by a previously accepted surety bond (137353, 4/20/99).

[BC20020402DOC020](#)

Riverwalk Village, Subphase F, Unit 2 aka Riverwalk Meadow

Release:

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$12,480).
2. Performance Bond: \$12,480 (Surety Bond 929181098, Continental Insurance Company).

Accept:

1. Agreement with SMR Communities Joint Venture warranting required improvements (\$960).
2. Defect Security: \$960 (Surety Bond 929237513, Continental Insurance Company).

[BC20020402DOC021](#)

Summerfield Village Cypress Banks, Subphase G

Release:

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$13,312).
2. Performance Bond: \$13,312 (Surety Bond 929148803, Continental Insurance Company).

Accept:

1. Agreement with SMR Communities Joint Venture warranting required improvements (\$1,024).
2. Defect Security: \$1,024 (Surety Bond 929237515, Continental Insurance Company).

[BC20020402DOC022](#)

REFUNDS

McVay-Wood & Associates, Inc. – Application Fee

\$ 2,100.00

[BC20020402DOC023](#)

WARRANT LIST

Approved: March 26, 2002 through April 1, 2002

Authorized: April 2, 2002 through April 15, 2002

[BC20020402DOC024](#)

MINUTES

February 26, 2002

[BC20020402DOC025](#)

ACCEPT

Lakewood Ranch Community Development District 2 - Minutes of the Board of Supervisors meeting held January 10, 2002.

[BC20020402DOC026](#)

North River Fire District – Audited 2000-2001 Financial Report; 2000-2001 Budget and Actual Report; and Board of Fire Commissioners 2002 meeting schedule.

[BC20020402DOC027](#)

Parrish Fire Control District – Audited 2000-2001 Financial Report; 2001-2002 Combined Statement of Revenues and Expenditures as amended 2/26/02; and State of Florida Annual Local Government Financial Report Fiscal Year 2000-2001.

[BC20020402DOC028](#)

ACCEPT/AUTHORIZE

Accept: Letter of Indemnity from State Street Bank and Trust Company; Lost Securities Bond (Travelers Casualty and Surety Company of America)

Authorize: State Street Bank and Trust Company to reissue

1. Manatee County of Florida Water and Sewer Revenue Refunding and Improvement Bonds Series 1978A, dated 4/1/78, 6.25 percent due 10/1/08, CUSIP 561875CJ2, Coupon 45 at \$156.25 due 10/1/01, detached from Certificate 3597, 3598 and 3599 at \$5,000 each, total loss \$468.75
2. Manatee County of Florida Water and Sewer Revenue Refunding and Improvement Bonds Series 1978A, dated 4/1/78, 6.10 percent due 10/1/02, CUSIP 561875CC7, Coupon 45 at \$152.50 due 10/1/01, detached from Certificate 2160 at \$5,000, total loss \$152.50

[BC20020402DOC029](#)

AUTHORIZE FEE WAIVERS (PUBLIC WORKS)

Waive Fee (\$30.00) for Cynthia C. Ewers due to bank error.

Waive Fee (\$25.00) for James J. Posadny due to fraudulent activity on checking account.

[BC20020402DOC030](#)

**COUNTY ADMINISTRATOR
PROCLAMATIONS**

1. A Proclamation designating April 2002 as Fair Housing Month was accepted by **Denise Thomas** and **Yvonne Bundrage**. [BC20020402DOC031](#)
2. A Proclamation designating April 1-7, 2002, as National Public Health Week was accepted by **Dr. Gladys Branic**. A video regarding the County Health Department was presented. [BC20020402DOC032](#)

FLORIDA HERITAGE FESTIVAL/PARADE

1. Execution of a Letter Agreement with Hernando DeSoto Historical Society, Inc., to allow hook-up of a concession trailer from April 20, 2002, through April 27, 2002, on the north side of the Manatee County Courthouse. [BC20020402DOC033](#)
2. Execution of the "Grand Parade Entry Application" to participate in the Florida Heritage Parade on April 27, 2002, for:
 - a. Manatee County Area Transit, with a trolley; and [BC20020402DOC034](#)
 - b. Manatee County Animal Services. [BC20020402DOC035](#)

LAWSUITS

1. **30th Avenue** - Mediated Settlement Agreement and Stipulated Final Judgment and Revised Order of Taking with **Genessa Brown**, \$86,800, less the previous deposit of \$53,880, for the land and improvements taken, denoted Parcel 155, in exchange for the property owner conveying the remainder property by Final Judgment; and payment by the County of \$10,500 for statutory attorney's fees to the Law Offices of Paul A. Blucher, P.A., and appraisal costs of \$3,000 in the eminent domain case of Manatee County v. Samuel D. Bergstresser, et al., Case 2001-CA-2638. [BC20020402DOC036](#)
2. **Tallevast Road** - Stipulated Order of Taking and Final Judgment, \$20,000, with property owner **Church of God at North Sarasota**, for the land and improvements taken, denoted Parcels 135 and 735A & B, and damages, if any, to the remainder, and \$4,670 for statutory attorney's fees to the law firm of Bella Patel, and expert witness fees of \$8,112, in the eminent domain case of Manatee County v. Elias G. Gadah, et al., Case 2002-CA-464. [BC20020402DOC037](#)
3. **63rd Avenue East/West**
 - a. Settlement with **Donald M. and Jo Anne Huston** for the taking of Parcel 178/810, \$50,035.40, inclusive of the value of the land taken, improvements taken, severance damages and costs to cure, along with attorney's fees and experts' fees, in the eminent domain matter of Manatee County v. RAK Enterprises, L.P., et al., Case 2001-CA-1044. [BC20020402DOC038](#)
 - b. Settlement with **JoAnn A. Powell**, \$56,361, inclusive of compensation for the land taken, improvements taken, and costs to cure, and also inclusive of attorney's fees but not expert's fees, along with the installation by the County of one 12-foot wide driveway connection and one 24-foot wide concrete driveway connection, and the installation of one or more "yard drains" at the back of the newly-installed sidewalk, all as related to the taking of Parcel 132 in the eminent domain matter of Manatee County v. The T. Ralph Taylor Jr. Family Limited Partnership, LLP, et al., Case 2001-CA-1044. [BC20020402DOC039](#)
4. **University Parkway and Lockwood Ridge Road**
 - a. Settlement offer, \$5,500, pursuant to *Florida Statute* 73.015(5)(c), to **Walgreen Company** for business damages; and authorization for County Attorney or his designee to execute offer in the eminent domain case of Manatee County v. University Parkway Associates, Ltd., et al., Case 2001-CA-3929, Parcels 5, 701, and 900. [BC20020402DOC040](#)
 - b. Settlement offer, \$75,000, pursuant to *Florida Statute* 73.015(5)(c), to **Wal-Mart Stores, Inc.**, for business damages; and authorization for County Attorney or his designee to execute offer in the case of Manatee County v. University Parkway Associates, Ltd., et al., Case 2001-CA-3929, Parcels 8 and 704. [BC20020402DOC041](#)

LAW ENFORCEMENT BLOCK GRANT

Execution of Certificate of Participation with the Florida Department of Law Enforcement for Manatee County to serve as the coordinating unit of government in the **Edward Byrne State and Local Law Enforcement Assistance Block Grant** for FY 2002-03 (\$341,520: State, \$256,140; County, \$85,380). [BC20020402DOC042](#)

ADOLESCENT RECOVERY CENTER

Execution of Funding Agreement with Manatee Glens Corporation for agency purchase of six VHF two-way radios for use by staff at the Adolescent Recovery Center during assigned duties, \$2,365. [BC20020402DOC043](#)

GERMAN REPRESENTATIVE VISIT

Approval of expenditure of \$1,500 for German Representative **Yvon Rocca** to visit the Bradenton area April 5-12, 2002, and meet with industry leaders and hoteliers. [BC20020402DOC044](#)

MANHOLE REHABILITATION

Execution of Work Assignment 3 with J.T.V., Incorporated for rehabilitation services at **51st Street West** and **8th Avenue Drive West**, \$238,973. [BC20020402DOC045](#)

MATERIALS AND SERVICES

1. **Articulated Motor Grader** – Award IFB 02-2231JS to Ringhaver Equipment Company, \$172,170. [BC20020402DOC046](#)
2. **Microsoft Enterprise Agreement** – Purchase via State Contract from Software House International, \$389,490.40. [BC20020402DOC047](#)

BEVERAGE AND SNACK FOOD MACHINE CONCESSIONS

Execution of Addendum 1 to License Agreement with Bradenton Vending Service to provide beverage and snack machine concessions at **G.T. Bray Park Complex, East Bradenton Pool, Pride Park, and Park Maintenance Building**, extending the license to May 3, 2003.

[BC20020402DOC048](#)

BUDGET AMENDMENT

Various Departments **B-02-024**

Unanticipated Revenue Appropriations

Supporting Description and Detail Attached

[BC20020402DOC049](#)

COMMERCIAL PAPER LOAN – SHERIFF LEASES

R-02-89 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE BORROWING OF NOT TO EXCEED \$3,800,000 FROM THE POOLED COMMERCIAL PAPER LOAN PROGRAM OF THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION PURSUANT TO THE TERMS OF THE LOAN AGREEMENT BETWEEN THE COMMISSION AND THE COUNTY IN ORDER TO FINANCE A PORTION OF THE COSTS AND EXPENSES RELATED TO THE ACQUISITION OF CERTAIN VEHICLES AND CAPITAL EQUIPMENT AND THE ACQUISITION OF CERTAIN LAND AT RIVERVIEW POINTE, INCLUDING THE REIMBURSEMENT OF CERTAIN COSTS INCURRED BY THE COUNTY IN CONNECTION THEREWITH, IF ANY; AUTHORIZING THE EXECUTION OF A LOAN NOTE OR NOTES TO EVIDENCE SUCH BORROWING AND AGREEING TO SECURE SUCH BORROWING WITH A COVENANT TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM REVENUES AS PROVIDED IN THE LOAN AGREEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO EFFECT SUCH BORROWING; AND PROVIDING AN EFFECTIVE DATE

(for acquisition of Sheriff and County vehicles, equipment, and land).

[BC20020402DOC050](#)

COMPUTER AIDED DISPATCH

Execution of Amendment 2 to the agreement with Verizon Florida, Inc., for a Computer Aided Dispatch and Records Management System with an Enhanced Telephony Switch, reducing the amount due by \$172,000 for a revised maximum compensation of \$2,471,807 (accepting the system effective 3/31/02; and authorizing final payment to Verizon).

[BC20020402DOC051](#)

ENHANCED 911 SYSTEM

Authorization for the sole source purchase of **hardware and software maintenance** for Public Safety's CML Enhanced 911 System from Verizon Florida, Inc., \$31,843 (4/1/02-3/31/03), and execution of the Maintenance Agreement.

[BC20020402DOC052](#)

SURPLUS PROPERTY

1. Authorization to classify excess property as surplus property per *Florida Statute* 274.05 to enable appropriate and authorized disposition in accordance with Purchasing Code 99-37, Section 1.106; and authorization to thereafter dispose of such property (various departments);
2. **R-02-78** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (Computer Equipment and Fax Machine to **Florida Highway Patrol**);
3. **R-02-83** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (Computer Equipment to **Light to the World Ministries, Inc.**); and
4. **R-02-88** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (Computer Equipment to **Education Consultants Consortium, Inc.**).

[BC20020402DOC053](#)

SURPLUS PROPERTY – VEHICLES

1. Authorization to classify excess vehicles as surplus property per *Florida Statute* 274.05 to enable appropriate and authorized disposition in accordance with Purchasing Code 99-37, Section 1.106; and authorization to thereafter dispose of such property (various departments); and
2. **R-02-82** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (Caterpillar 930 Wheel Loader, John Deere Loader Backhoe, and 1990 Dodge Ramcharger to **Manatee County Sheriff**).

[BC20020402DOC054](#)

DETENTION FACILITY FIRE PUMP

Execution of Change Order 1 to IFB 99-2090MP with Tri Tech Construction for the Detention Facility Fire Pump (Water Booster Pumping Station) for **modification of the pump station and yard piping design**, increase of 243 calendar days to September 16, 2002.

[BC20020402DOC055](#)

SANITARY SEWER LINE REHABILITATION

Execution of Work Assignment 19 with Insituform Technologies, Inc., for sanitary sewer line rehabilitation services (**Gateway East**), \$123,064.

[BC20020402DOC056](#)

DEVELOPMENT OF REGIONAL IMPACT AND LARGE PROJECT REVIEW

1. Execution of Addendum 3 to Agreements for Professional Services for Development of Regional Impact and Large Project Review with King Engineering & Associates, Inc., Post, Buckley, Schuh & Jernigan, Inc., and Wade-Trim, Inc., to **add** the **Sarasota-Manatee Metropolitan Planning Organization (MPO)**, a separate political entity, as a party to the Agreements for the purpose of **cooperative contracting**, pursuant to the policies of the Board of County Commissioners adopted (2/6/01) by Resolution R-01-36 and the legal parameters detailed in Ordinance 99-37.
2. Execution of Addendum 4 to Agreement for Professional Services for Development of Regional Impact and Large Project Review with URS Corporation to **add** the **Sarasota-Manatee Metropolitan Planning Organization (MPO)**, a separate political entity, as a party to the

[BC20020402DOC057](#)

Agreement for the purpose of **cooperative contracting**, pursuant to the policies of the Board of County Commissioners adopted (2/6/01) by Resolution R-01-36 and the legal parameters detailed in Ordinance 99-37. [BC20020402DOC058](#)

TALKING BOOK SERVICES

Execution of Addendum 3 with Keystone Systems, Inc., to renew talking book services for one additional year (to 5/31/03), \$9,552, revised total \$71,747. [BC20020402DOC059](#)

TIME PAYMENT AGREEMENTS

Execution of Release of Time Payment Agreement Liens on satisfied agreements with Paula S. Aguirre, Servando A. Garcia, and Victor Garcia, Richard Joseph and Cathy Habora, and Estate of Minerva Lillie. [BC20020402DOC060](#)

UTILITIES REFUNDS

Refund \$210.16 to M. Adelle Puetz, due to payment in error. [BC20020402DOC061](#)

FINAL PLAT

Braden River Oaks

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of Subdivision Plan and all Dedications and Reservations Thereon from 1st National Bank & Trust;
3. Conservation Easement from Fifty-Eight, Inc.;
4. Agreement with Fifty-Eight, Inc., to Defer Completion of Required Sidewalks for a minor subdivision; and
5. Notice to Buyers. [BC20020402DOC062](#)

S.R. 684 (CORTEZ ROAD)

Execution of Utility Work Agreement with Florida Department of Transportation (FDOT) for correction of County utility conflicts with FDOT work plans for S.R. 684 from the east end of Cortez Bridge to east of 119th Street West. [BC20020402DOC063](#)

DEEDS AND EASEMENTS

1. 36th Street East Waterline Extension

- a. Utility Easement from Johnny and Karen Campbell; Affidavit of Ownership and Encumbrances; and Joinder from Southern Pacific Funding Corporation by Its Attorney In Fact Ocwen Federal Bank, FSB. [BC20020402DOC064](#)
- b. Utility Easement from Albert F. and Janice R. Ringo; Affidavit of Ownership and Encumbrances; and Joinder from Household Financial Services, Inc. [BC20020402DOC065](#)

2. Hagle Park Waterline Extension – Five-foot Utility Easement from Dustin O. and Mylai F. Tison to connect to the new waterline system; Affidavit of Ownership and Encumbrances; and Joinder from Irwin Mortgage Corporation. [BC20020402DOC066](#)

3. Lakewood Ranch Town Center/Advanced Management Office Building – Conservation Easement from The Jared Company, LLC, to protect the wetlands located on Lot 20, north of University Parkway and west of Lakewood Ranch Boulevard; Affidavit of Ownership and Encumbrances; and Joinder from Premier Community Bank. [BC20020402DOC067](#)

4. Riverwalk Village, Lot 67 – Right-of-Way Easement from Eric C. and Gail P. Vieira; and Affidavit of Ownership and Encumbrances. [BC20020402DOC068](#)

5. C.R. 675/Rutland Road, Parrish – Conservation Easement from Michael D. and Teresa P. Daugherty to protect wetlands on the property east of U.S. 301; Affidavit of Ownership and Encumbrances; and Joinder from Manatee River Community Bank. [BC20020402DOC069](#)

6. 6447 Parkland Drive/Parkland Center Subdivision – Drainage Easement from Benz Research and Development Corporation for access and maintenance of a drainage pipe west of U.S. 301, south of 63rd Avenue East; Affidavit of ownership and Encumbrances; and Joinder from Suntrust Bank. [BC20020402DOC070](#)

60TH AVENUE EAST

Incorporate 60th Avenue East, within the **Waterbury Grapefruit Tract** (between 225th and 217th Street East), into the County road system; and acceptance of \$4,000 from neighboring property owners as their contribution toward upgrading the road to County standards. [BC20020402DOC071](#)

63RD AVENUE EAST – BRIDGE REPLACEMENT

Execution of Contract for Sale and Purchase for a Warranty Deed from Franz Czeisler for right-of-way required for bridge replacement over the **Pearce Canal**, Parcels 103A and 103B, \$62,900. [BC20020402DOC072](#)

MANATEE AGRICULTURE REUSE (MARS)

R-02-84 A RESOLUTION OF MANATEE COUNTY, FLORIDA, DELEGATING THE AUTHORITY TO MAKE PRE-SUIT OFFERS IN EMINENT DOMAIN CASES FOR THE NORTH TO SOUTHEAST RECLAIMED WATER TRANSMISSION MAIN PROJECT, 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
(Property Owners - Blalock; Gambino; Can; Healy; Lush). [BC20020402DOC073](#)

STREET VACATION – POMELLO RANCHES

R-02-79-V A RESOLUTION DECLARING A PUBLIC HEARING ON MAY 7, 2002, AT 9:00 A.M. OR AS SOON THEREAFTER AS SAME MAY BE HEARD, ON APPLICATION BY MANATEE RANCHES, INC., ET AL., TO VACATE CERTAIN PLATTED RIGHTS-OF-WAY IN POMELLO RANCHES. [BC20020402DOC074](#)

LANDFILL TIPPING FEES

1. **City of Anna Maria/Annual Spring Cleanup** – Approve, ratify, and confirm waiver of tipping fees for four roll-offs and two packer trucks, placed under the direction of the City of Anna Maria at the Anna Maria Pier on March 23, 2002, or in the event of rain, will be placed on April 6, 2002. [BC20020402DOC075](#)
2. **Florida Institute for Saltwater Heritage** – Waiver of tipping fees for solid waste disposal from a cleanup of the FISH Preserve in Cortez Village, April 13-14, 2002. [BC20020402DOC076](#)
3. **Lake Apollo Park Homeowners Association Cleanup** – Approve, ratify, and confirm waiver of tipping fees and placement of two 20-yard roll-offs at 3104 9th Avenue Drive East, Palmetto, on March 29-30, 2002. [BC20020402DOC077](#)

PEACE RIVER MANASOTA REGIONAL WATER SUPPLY AUTHORITY

Execution of letter in support of Authority's active involvement in Peace River MFL (Minimum Flows and Levels) Rule Making, the Cumulative Impact Study on the Peace River Basin; and the Planning for Alternative Water Supply Projects. [BC20020402DOC078](#)

(End Consent Agenda)

EMPLOYEE OF THE MONTH

Larry Mau, Transportation Director, presented the April 2002 Employee of the Month Award to **Dottie Poindexter**, Management Support Manager. [BC20020402DOC079](#)

ISLAND TROLLEYS

Fred Loveland, Community Services Director, reported on the use of the Island trolleys, with as many as 2,000 trips in one day. However, he stated that all five trolleys were not running (this date) due to glitches in the electronic control units. He advised that Cummings Engine is working on the problem, and Arkansas Bus is loaning the County two trolleys.

Discussion: Use of trolleys throughout the County and in the City of Palmetto; conduct a survey to determine use by residents versus visitors; ridership in terms of leisure rides versus accommodating the work-force; conduct traffic counts to determine if there is a reduction in vehicles on the roadways; use by children to get to the Island Community Center; possibility of replacing retiring buses with trolleys on some urban routes; trolleys cost less than conventional buses; etc. [BC20020402DOC080](#)

CODE ENFORCEMENT – SETTLEMENT OFFERS

George J. Decker

Karen Windon, Public Safety Director, advised that Timothy Byram has offered \$3,000 to compromise Code Enforcement liens on property he purchased from George J. Decker (cases CE2001050177, CE2001010427, and CE2000100529). She stated the liens total \$21,157.50.

Discussion: How was a closing accomplished without the liens being satisfied; if funds were put in escrow because of the liens; if the liens are reduced who will get the escrow money back; original fines were \$42,315, which were reduced by 50 percent by the Special Master; Mr. Byram was willing to correct the problems on the property; the County has incurred approximately \$3,500 in costs for staff's time on these cases; \$3,000 is too low; etc.

(Mrs. Glass absent during a portion of the discussion)

Timothy Byram, current property owner, advised that \$21,000 was placed in escrow to cover the liens and that, if the County settles these liens, the seller (Mr. Decker) receives the difference.

Motion was made by Mr. Bruce, seconded by Ms. Brown, and carried 6 to 0, to approve the Special Master's recommendation of the reduction to \$21,157.50 (rejecting the \$3,000 settlement offer). [BC20020402DOC081](#)

Walter David and Bette J. Page

Ms. Windon advised the Board of an offer of \$300 to compromise Code Enforcement liens in case number CE2001060523, Walter David and Bette J. Page. She stated the liens in this case total \$3,150, as reduced by 50 percent by the Special Master. Ms. Windon advised that there was some confusion on the part of the property owners once the property was in compliance.

Mr. Bruce moved to accept the offer of \$300. Motion was seconded by Mr. Harris and carried 6 to 0. [BC20020402DOC082](#)

TRAIL PARK MOTEL – PUBLIC NUISANCE

James Minix, Assistant County Attorney, requested direction regarding a public nuisance at the Trail Park Motel located at 3503 14th Street West. He outlined options, including litigation, continuing with Code Enforcement, or declaring the property a public nuisance. He advised that filing of a public nuisance will not necessarily eliminate the problems on this property.

Discussion: Expenses to law enforcement involved with this property; Code Enforcement involved; this is an absentee landlord; numerous calls to Emergency Medical Services from this property; this is a public safety issue; collection of tourist taxes on properties leased for less than six months; explore a public nuisance suit; sales taxes should be collected on short-term leases; etc.

Mr. Minix advised that there is a statute that would allow a civil action to obtain an injunction to enjoin the property owner. However, there is the problem of enforcing that injunction. He stated the Sheriff and the State Attorney can take other actions available to them under criminal statutes.

Motion – Take Owners to Court

Motion was made by Ms. Brown and seconded by Mrs. Glass that Mr. Minix pursue taking the owners to court and force them to clean the property. Following a brief discussion the motion carried 6 to 0.

Motion – Letter to Sheriff/State Attorney

Motion was made by Mr. Bruce, seconded by Mr. Harris, and carried 6 to 0, to authorize the Chairman to send a letter to the Sheriff's Department and the State's Attorney advising them of the Board's action with respect to this matter, and also asking that they pursue criminal prosecution.

(Gavel to Mr. Bruce, presiding)

Motion – Tourist and Sales Taxes

Mrs. Stein moved that the County Attorney contact the Florida Department of Revenue to look into the question of whether or not tourist taxes have been paid in connection with this property, whether this property is complying with the tourist tax law. The motion was seconded by Mr. Harris.

Upon question, the motion was amended to include the sales tax, and carried 6 to 0.

[BC20020402DOC083](#)

(Mrs. Stein presiding)

SCHOOL IMPACT FEES

Ernie Padgett, County Administrator, reported on a meeting with School Board representatives relative to the school impact fee ordinance. He stated they are working on the timetable for a public hearing before the Board of County Commissioners. If two public hearings are not required, a hearing may be held on May 7, 2002.

Mr. Williams advised that there is case law that supports that impact fees do not require two public hearings; however, there is language in Chapter 163, *Florida Statutes*, which may require two hearings (one before the Planning Commission and one before the Board of County Commissioners).

Discussion: Schedule special meetings for the Board and the Planning Commission; etc.

[BC20020402DOC084](#)

COMMISSIONERS' COMMENTS

23rd Street/U.S. 41, Palmetto

Ms. Brown commented on the need for turn lanes at the intersection of 23rd Street and U.S. 41, Palmetto. She requested that 23rd Street be moved up on the priority list for right-of-way improvements.

Disposition: Include this roadway, as well as improvements to 17th Street, in the discussions of the CIP (Capital Improvements Plan).

[BC20020402DOC085](#)

Commission Districts

Ms. Brown questioned whether letters will be sent to people whose commission districts were changed during the redistricting process. She stated the Supervisor of Elections office will be sending out cards prior to the primary election; however, those cards will not inform the people of who their commissioner is.

Discussion: Send letters to those people who were affected by the changes; etc.

[BC20020402DOC085](#)

(Depart Ms. Brown)

Growth Management/Senate Bill 1906

Mrs. Glass reported on a discussion she had with Secretary Steve Seibert, Community Affairs Department, regarding the Growth Management Bill. She requested he, or his general counsel, be invited to speak to the Board to go over items of concern.

Inasmuch as the County Attorney will be reviewing each section of SB 1906 on April 16, 2002, Mrs. Stein recommended Secretary Seibert be invited to make a presentation at that meeting.

Motion was made by Mrs. Glass, seconded by Mr. Bruce, and carried 5 to 0, to authorize the Chairman to send a letter to Secretary Seibert.

[BC20020402DOC086](#)

Upper Manatee River Road/Fort Hamer Bridge

Mrs. Stein advised that the State has submitted to the Federal Highway Authority an addendum to the original PD&E study for this project. The State has determined that a four-lane bridge (not six-laned, as proposed) would serve the community. Inasmuch as this will be going back through the review process, there were no objections to her request to place the bridge issue on an agenda for an October 2002 Board meeting.

(Enter Ms. Brown)

Discussion: Sales tax referendum; the bridge issue is being continued from month to month; etc.
[BC20020402DOC085](#)

Adult Entertainment

Mr. Bruce relayed a concern regarding plans for the former Steak & Ale building to be converted to an adult entertainment establishment. He requested information from the Planning Department concerning any possible inquiries with respect to this issue.
[BC20020402DOC085](#)

Cortez Village – Drainage

Mrs. von Hahmann advised that residents of Cortez Village have requested the County conduct a ground survey to determine the cause of drainage problems in the area. She requested that staff determine if that ground survey is possible.
[BC20020402DOC085](#)

Adult Entertainment

Mr. Harris expressed concerns with adult entertainment businesses opening throughout the County that are “skirting” the adult entertainment and nudity laws. He stated there have been problems concerning existing laws, enforcement of those laws, and subsequent convictions. He suggested staff study the success of Polk County in eliminating such establishments.

Discussion: Manatee County’s adult entertainment ordinance was modeled after the Polk County ordinance; need to study the mechanism Polk County has utilized in order to improve Manatee County’s system; an incompatible activity can degrade property values in a neighborhood; new trouble spots in the County; there is a Deputy State Attorney in Polk County assigned to prosecuting these types of cases full-time; etc.

There were no objections to the County Attorney reviewing the Polk County ordinance to determine if there is a tool available in that ordinance that is not in Manatee County’s ordinance; and inviting the Polk County Sheriff to make a presentation to the Board regarding staffing levels they have provided to address law enforcement in this area.
[BC20020402DOC085](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 11:05 a.m.
/tb/qa/njh/dev

Minutes Approved: April 23, 2002