

MAY 21, 2002

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, Tuesday, May 21, 2002, at 9:05 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
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. Don Carter, Trinity Assembly of God Church.

AGENDA

Agenda of May 21, 2002, and agenda update memorandum.

[BC20020521DOC001](#)

CONSENT AGENDA

Motion was made by Mrs. Glass, seconded by Mrs. von Hahmann, and carried 6 to 0, to approve the Consent Agenda, incorporating the language as stated in the recommended motions in the agenda memoranda, as amended in the Supplemental Agenda, with the following changes: **Urban Infill and Redevelopment Area Plan (Resolution R-02-123)**, deferred to May 28, 2002. [BC20020521DOC002](#)
Items APPROVED:

CLERK'S CONSENT CALENDAR

[BC20020521DOC003](#)

WARRANT LIST

Approved: May 7, 2002 through May 20, 2002
Authorized: May 21, 2002 through May 27, 2002

[BC20020521DOC004](#)

MINUTES

April 23, 2002

[BC20020521DOC005](#)

ACCEPT

Greyhawk Landing Community Development District – Proposed budget for FY 2002-03.

[BC20020521DOC006](#)

Meteorological Advisory Consultant Services – Agreement with Leonard Stevens.

[BC20020521DOC007](#)

Tara Community Development District 1– Proposed budget for FY 2002-03. [BC20020521DOC008](#)

Commercial Paper Loan, Draw A-6-1 – Sheriff Leases – Closing documents (Resolution R-02-89, 4/2/02).

[BC20020521DOC009](#)

AUTHORIZE FEE WAIVERS (PUBLIC WORKS)

Waive Fee (\$30) for Pamela Davis due to bank error. [BC20020521DOC010](#)
Waive Fee (\$30) for Cheryl L. Fults due to stolen checkbook. [BC20020521DOC011](#)
Waive fee (\$30) for Jean M. Miller due to bank error. [BC20020521DOC012](#)
Waive Fee (\$25) for Pamela Milliken due to bank error. [BC20020521DOC013](#)
Waive Fee (\$30) for Macel J. Vande Steeg due to bank error. [BC20020521DOC014](#)

AUTHORIZE CHAIRMAN TO SIGN

Child Support Enforcement – Amendment to agreement with Manatee County Clerk of Circuit Court to add in Attachment 1, Section III (7), one 50 percent FTE Hearing Officer.

[BC20020521DOC015](#)

Partial Release of Special Improvement Assessment Liens:

Projects 3009 (5); 3010; 3100 (3); 3102; 3106 (2); 3126; 5144 (2); 5147 (3); 5197; 5270. [BC20020521DOC016](#)

Satisfactions of Judgments:

Ron Bell – Case 2001-CF-1727A
Ronnie Bell – Case 2001-1117JD and Case 2001-CJ-1510B
Richard Boison – Case 1998-3557T
Michael Gambuzza – Case 1995-2888JP
Robert C. Hill – Case 1997-5111JD
Maria Sarmiento – Case 1999-48F
Ricky E. White – Case 1994-919F [BC20020521DOC017](#)

**COUNTY ADMINISTRATOR
PROCLAMATIONS**

1. A Proclamation designating May 19-25, 2002, as Emergency Medical Services Week was accepted by **EMS representatives**. [BC20020521DOC018](#)
2. A Proclamation designating May 2002 as Foster Parent Appreciation Month was accepted by **Shareet Pennino**, Partnership for Safe Children. [BC20020521DOC019](#)
3. A Proclamation designating May 27, 2002, as Memorial Day was accepted by **Dale Keen**, Veterans Services Division. [BC20020521DOC020](#)
4. Approve/Ratify/Confirm a Proclamation designating May 12-18, 2002, as Police Week. [BC20020521DOC021](#)
5. A Proclamation designating June 1, 2002, as Rita Dralus Day, honoring Rita for her 21 years of service to Manatee County. [BC20020521DOC022](#)

FLORIDA YARDS AND NEIGHBORHOODS PROGRAM

Accept \$21,000 from Southwest Florida Water Management District (SWFWMD) for reimbursement of expenses, printing, supplies, and postage related to the Florida Yards and Neighborhoods Program. [BC20020521DOC023](#)

LAWSUITS

1. **Howard Martin Hutches, et al.** - Approve Agreed Order Awarding Attorney's Fees for the sum of \$1,375 with defendant **Seminole Gulf Railway, Inc.**, as the owner of a leasehold interest with property owner **CSX Transportation, Inc.**, for Parcel 750 in Tallevast Road eminent domain Case 2001-CA-5868. [BC20020521DOC024](#)
2. **University Parkway Associates, Ltd., et al.** - Approve settlement offer for the sum of \$45,000 (pursuant to Rule 1.442, Florida Rules of Civil Procedure) by Manatee County pursuant to *Florida Statute (F.S.) 73.015(5)(c)*, to **Rally Stores, Inc.**, for business damages and authorization for the County Attorney, or his designee, to execute Proposed Settlement Offer in eminent domain Case 2001-CA-3929 (Parcel 6) for the intersection of Lockwood Ridge Road and University Parkway. [BC20020521DOC025](#)
3. **U-Store-It, Inc., et al.** - Approve Stipulated Final Judgment with defendant **Palm Place Apartments**, authorizing a payment of \$15,000 (less \$5,900 previously deposited in the Registry of the Court), exclusive of costs and other expenses; an award of \$3,003 in attorney's fees pursuant to *F.S. 73.092(1)(a)*; an award of \$3,322.50 to Landon, Moree and Associates, the defendant's engineer; and an award of \$225 to Brewer, Sham and Webb, Inc., in Lockwood Ridge Road eminent domain Case 1999-CA-2301 (Parcel 37). [BC20020521DOC026](#)
4. **Rosemary Stanton v. Manatee County** - Approve Mediation Agreement for full and final settlement for the sum of \$34,500 for injuries and damages sustained in an automobile accident in Case 2000-CA-2223. [BC20020521DOC027](#)

PARATRANSIT UNCOLLECTIBLE ACCOUNTS

R-02-129 RESOLUTION DESIGNATING CERTAIN DELINQUENT ACCOUNTS RECEIVABLE INCURRED BY A PARTICULAR RECIPIENT OF MANATEE COUNTY PARATRANSIT FOR THE PERIOD OF JANUARY 1998 AS COLLECTIBLE IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES

(accounts receivable incurred by Meals on Wheels Plus, totaling \$2,389.05). [BC20020521DOC028](#)

WEST COAST INLAND NAVIGATION DISTRICT

R-02-110 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING WEST COAST INLAND NAVIGATION DISTRICT (WCIND) PROJECTS AND AUTHORIZING THE CHAIRMAN TO EXECUTE APPLICATIONS FOR:

Manatee County - Countywide Navigation Improvements, \$349,839;

Environmental Management Department - Hazardous/Obsolete Marker Removal, \$25,000;

Environmental Management Department - Boater's Guide, Phase I: Manatee River and Terra Ceia Bay, \$6,802;

City of Anna Maria - Lake La Vista Inlet Maintenance, \$23,667;

Manatee Sail & Power Squadron - Classroom Enhancement, \$980;

Anna Maria Power Squadron - Boating Safety and Education, \$2,000;

United States Coast Guard Auxiliary Flotilla 85 - Boating Safety and Education, \$3,000;

SRQ Composite Squadron - Civil Air Patrol, \$7,000;

Town of Longboat Key Fire Department - Marine Fire and Rescue Boat, \$30,000;

Town of Longboat Key Police Department - Marine Enforcement/Fire Rescue Response Enhancement, \$18,000;

Manatee County Sheriff's Office - Marine Patrol Upgrade, Law Enforcement Patrol Boats, \$40,000;

City of Bradenton Beach Police Department - Marine Law Enforcement, \$30,000;

Gulfcoast Wonder and Imagination Zone - Water Workshop for Manatee County 6th Grade, \$10,100;

(Approval of projects for FY 2002-03, execution of project applications, and letter to WCIND). [BC20020521DOC029](#)

WELL CONSTRUCTION PERMITTING

Execution of Third Amendment to Well Construction Permitting Agreement (5/16/95) with Southwest Florida Water Management District extending the contract to May 31, 2005; amending Paragraph 16 of the agreement to remove the reference to Rule 40D-1.607, F.A.C.; adding a new paragraph 1.a; and ratifying/approving/confirming the terms, covenants, and conditions set forth in the original agreement (amended 5/20/97 and 5/18/99). [BC20020521DOC030](#)

63RD AVENUE EAST/WEST

Execution of Change Order 2 to Work Assignment 99-15 with Wade-Trim, Inc., for **land acquisition services** from U.S. 41 to 15th Street East; increase of \$15,000, adjusted total \$271,808. [BC20020521DOC031](#)

ARCHITECTURAL/ENGINEERING SERVICES

Execution of Addendum 1 to extend the agreement (5/15/01) with McKim & Creed, Inc., for Engineer of Record services for one year (to 5/14/03). [BC20020521DOC032](#)

BLOOD-BORNE PATHOGEN EXPOSURE CONTROL PROGRAM

Execution of Addendum 1 to extend the agreement (7/24/01) with Industrial Medical Management, Inc., for one year (to 7/23/03) on an as-required basis. [BC20020521DOC033](#)

BUDGET AMENDMENT**Various Departments****B-02-029**

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

[BC20020521DOC034](#)**CORAL SHORES**

Execution of Change Order 1 to Work Assignment 11 with Greeley and Hansen LLC, for engineering services for **Coral Shores Force Main**; increase of \$14,286 and adjusted total \$84,179. [BC20020521DOC035](#)

ELLENTON-GILLETTE ROAD

Execution of Change Order 1 to Work Assignment 3 with Kimley-Horn & Associates, Inc., for **engineering services for the installation of a 16-inch water main** along the east side of Ellenton-Gillette Road, from Erie Road to Moccasin Wallow Road; increase of \$9,991 and adjusted total \$81,092.50. [BC20020521DOC036](#)

SURPLUS PROPERTY

1. 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;
2. **R-02-111** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (excess equipment to **Manatee Sheriff's Office**);
3. **R-02-112** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (excess equipment to **First Baptist Church of Palmetto**);
4. **R-02-113** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (excess equipment to **Florida Highway Patrol**);
5. **R-02-122** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (excess equipment to **Board of County Commission, St. Johns County, Florida**). [BC20020521DOC037](#)
6. Classify excess vehicles as surplus per *Florida Statute 274.05* to enable appropriate and authorized disposition of said property in accordance with Purchasing Code 99-37, Section 1.106; and authorization to thereafter dispose of such property;
7. **R-02-126** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (excess vehicles to **Manatee County Port Authority**);
8. **R-02-127** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (excess vehicle to **Manatee County Sheriff**). [BC20020521DOC038](#)

HOUSEHOLD HAZARDOUS WASTE COLLECTION AND DISPOSAL

Execution of Addendum 7 to agreement (5/6/97) with Safety Kleen (Bartow), Inc., to extend the agreement for three months (to 8/5/02); increase of \$33,200, adjusted total \$771,394. [BC20020521DOC039](#)

NATURAL RESOURCE LANDS

Execution of Change Order 1 to agreement (2/27/01) with URS Corporation for **Identification of Natural Resource Lands, Phase II** for refinement of site selection data as requested by the Environmental Lands Management and Acquisition Advisory Committee (ELMAC), and to provide information on the type of lands available for public acquisition and management; increase of \$12,536.32, adjusted total \$37,529.72. [BC20020521DOC040](#)

LAND INFORMATION SYSTEM

Execution of Addendum 1 to agreement (11/7/00) with Environmental Systems Research Institute, Inc., for **migration services** to revise the completion date to December 31, 2002. [BC20020521DOC041](#)

LIBRARY MATERIALS

Execution of Addendum 10 to agreement (5/14/96) with Brodart Company for **books, videos, audios, CD Roms etc.**; increase of \$40,000 and extending the agreement to August 31, 2002. [BC20020521DOC042](#)

MATERIALS AND SERVICES

1. **Liquid Chromatograph/Mass Spectrometer for Water Treatment Plant** – Award IFB 02-2614AA to Thermo Finnigan, LLC, \$151,100. [BC20020521DOC043](#)
2. **Permitting System Upgrade** – Authorize sole source purchase of Encompass 4.0 Upgrade from Sungard Pentamation, Inc., \$54,190; and authorize the purchase of a new server via State Contract from Gateway Computer Associates, \$81,838.08. [BC20020521DOC044](#)
3. **Tractor/Mower – Rough Terrain** – Award IFB 02-2683JS to Menzi USA Sales, Inc., \$63,456. [BC20020521DOC045](#)

MICROSOFT ENTERPRISE AGREEMENT

Issue Change Order 1 to PO P2001847 with Software House International; increase of \$180,753 and adjusted total \$570,243.40. [BC20020521DOC046](#)

WASTE TIRE REMOVAL SERVICE

Issue Change Order 3 to Purchase Order P0001998 with Modern Recycling, Inc.; increase of \$8,965, adjusted total \$149,265. [BC20020521DOC047](#)

LOCKWOOD RIDGE ROAD

Execution of Change Order 6 to Work Assignment 18 with Wade-Trim, Inc., for **engineering services** for road improvements from University Parkway to Tallevast Road; increase of \$20,062, adjusted total \$483,413.65. [BC20020521DOC048](#)

MOBILE HEALTH CENTER (FIRST CARE EXPRESS)

Execution of Addendum 2 to the **Primary Care Health Delivery and Wellness Program Services** agreement (1/14/97) with Manatee Memorial Hospital extending the agreement commencing May 1, 2002, and terminating June 30, 2002. [BC20020521DOC049](#)

ODOR AND CORROSION CONTROL SERVICES

Execution of Addendum 3 to agreement (5/5/99) with U.S. Filter/Davis Process to extend the agreement for one year (5/15/02-5/14/03), estimated amount of \$1,500,000. [BC20020521DOC050](#)

RECYCLING AND DEMANUFACTURING OF COMPUTERS AND ELECTRONIC EQUIPMENT

Execution of Agreement with F&F Environmental dba Quicksilver Recycling Services, on an as-required basis (for one year, with two, one-year extension periods). [BC20020521DOC051](#)

UTILITIES REFUNDS/FEE WAIVERS

1. Authorization to waive service fee assessed to Christopher F. Byal for returned bank item in the amount of \$64.99. [BC20020521DOC052](#)
2. Authorization to waive service fee assessed to Robert M. Sherman for returned bank item in the amount of \$356.80. [BC20020521DOC053](#)
3. Refund \$855.79, minus any current billings, to Irving Babner due to customer overpaying in error. [BC20020521DOC054](#)
4. Refund \$603.09 to Foundation Capital Growth due to change of ownership. [BC20020521DOC055](#)
5. Refund \$476.19 to Mary A. Sutter due to customer paying in error. [BC20020521DOC056](#)

MANATEE AGRICULTURAL REUSE SUPPLY

Execute Change Order 3 to Work Assignment Z13 for engineering services for the **Southeast to Southwest Area Reclaimed Water Transmission Main, Phase 3**, with Zoller, Najjar, Shroyer, L.C.; increase of \$231,449.50, adjusted total \$733,601. [BC20020521DOC057](#)

SUMMER FOOD SERVICE PROGRAM

Award IFB 02-3292DL to GA Food Service, Inc., \$152,000; and subsequent execution of contract, with simultaneous dating of performance and payment bonds and acceptance of insurance certificate (contract received). [BC20020521DOC058](#)

TIMBER SALES AND HARVESTING CONSULTING SERVICES

Enter into negotiations with Kissimmee Valley Forester for providing timber sales and harvesting consulting services, as required, for properties owned by Manatee County. [BC20020521DOC059](#)

TIME PAYMENT AGREEMENT

Execution of Release of Time Payment Agreement Lien on satisfied agreement with Thomas Templin and Becci Rinehard Templin. [BC20020521DOC060](#)

DONATION

Parks and Recreation Department to accept donations from Myakka City Community Center, Inc., of a flagpole, wooden eagle sculpture, and plaque to be placed at the entrance circle of the Myakka Community Center, as a memorial to fallen Americans, value of \$3,000. [BC20020521DOC061](#)

PARKS AND RECREATION LIGHTING PROJECTS

Parks and Recreation Department to complete three unfunded lighting projects in FY 2001-02 with general fund reserve for contingency and impact fees: **(1)** G.T. Bray soccer field lighting (\$100,000); **(2)** G.T. Bray baseball field lighting (\$61,000); and **(3)** Lincoln Park basketball court lighting (\$21,000). [BC20020521DOC062](#)

FINAL PLATS**C.R. Cole Subdivision**

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Wayne and Beth Fox;
3. Agreement to Defer Completion of Required Sidewalks with Charter Service and Supply Company, as Trustee; and
4. Notice to Buyers for C.R. Cole Subdivision. [BC20020521DOC063](#)

River Woods, Phase III-Revised

1. Final Plat. [BC20020521DOC064](#)

MILLER DOCK RECONSTRUCTION

R-02-059 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING A LICENSE AGREEMENT WITH FLORIDA INSTITUTE OF SALTWATER HERITAGE

(authorizing execution of License Agreement with The Florida Institute of Saltwater Heritage [F.I.S.H.] to carry out the renovation plan for the **Miller Dock** [locally known as the Miller Net Camp] located at the end of the right-of-way of 123rd Street West in the Village of Cortez using the WCIND grant to do the dock reconstruction). [BC20020521DOC065](#)

HIGHWAY AND DRAINAGE STANDARDS 2002

Approval of Amendment 1 to Manatee County Transportation Department Highway and Drainage Standards 2002 for Land Development/Road Construction (approved on 2/19/02). [BC20020521DOC066](#)

DEEDS AND EASEMENTS

1. **Lockwood Ridge Road** – Temporary Construction Easement from George A. Bishopric for right-of-way from Tallevast Road north to Murray Lane (Parcel 18). [BC20020521DOC067](#)
2. **Phillips Road** – Utility Easement from Wiley Paul and Ruth C. Phillips for the a waterline on Phillips Road, a private roadway, to service three residential properties; Affidavit of Ownership and Encumbrances; Joinders (3) from Chase Manhattan Mortgage Corporation; Brian S. and Della W. Eby; and Eric A. and Deborah L. Gregory. [BC20020521DOC068](#)
3. **32nd Avenue Drive East, Ellenton Commercial Subdivision** – Conservation Easement from B&J Citrus Groves, Inc., for the wetlands on property located north of U.S. 301; Affidavit of Ownership and Encumbrances; Joinder from American Bank. [BC20020521DOC069](#)
4. **University Place** – Quit Claim Deed from Dick Road-Blend-All Hotel Development, Inc., Walden Avenue-Blend-All Hotel Development, Inc., WR-I Associates, LTD., and Wilmington Land Company for dedication of a park on Cooper Creek Boulevard at Honore Avenue, south of University Parkway; Affidavits of Ownership and Encumbrances (4). [BC20020521DOC070](#)

MANATEE COUNTY SAFETY COUNCIL

Authorization to replace signage for the Manatee County Safety Council building (910 19th Avenue West, Bradenton) by the Traffic Management Division (four). [BC20020521DOC071](#)

S.R. 70 - TRAFFIC SIGNAL MAINTENANCE

Execution of Traffic Signal Maintenance and Operation Order 112 with the Florida Department of Transportation for the installation of traffic control signals on S.R. 70 at the intersection of Rosedale Boulevard-Ranch Lake Boulevard/87th Street East. [BC20020521DOC072](#)

COUNTY ATTORNEY

Authorization for the County Attorney to serve on the Continuing Legal Education Committee and the Civil Procedures Rules Committee of the Florida Bar. [BC20020521DOC073](#)

(End Consent Agenda)

(Enter Ms. Brown during presentation of Proclamations)

RETIREMENT AWARD

After a video tribute, Mrs. Stein presented **Rita Dralus**, Citizens Action Center Supervisor, with a retirement award in honor of her 21 years of service to Manatee County. [BC20020521DOC074](#)

CITIZENS' COMMENTS

Lockwood Ridge Road – Eminent Domain

Claire Brown spoke regarding eminent domain case 1999-CA-1981 and reported she is still owed money for her property on Lockwood Ridge Road.

Palma Sola Greenway

Arlene Flisik commented about a potential greenway across Palma Sola Bay. [BC20020521DOC075](#)

NUISANCE ABATEMENT BOARD

Motion was made by Mr. McClash, seconded by Mr. Harris, and carried 7 to 0, to reappoint **Ronnie L. Perkins** to the Nuisance Abatement Board (3 year term). [BC20020521DOC076](#)

STREET VACATION – PARKLAND CENTER

Public hearing (Notice in the *Bradenton Herald* 4/24/02 and 4/29/02) was held to consider **R-02-76-V** RESOLUTION ON APPLICATION BY BENZ RESEARCH AND DEVELOPMENT CORPORATION, VACATING A 20-FOOT-WIDE PLATTED DRAINAGE EASEMENT ON LOTS 14 AND 15.

Motion was made by Ms. Brown, seconded by Mr. Harris, and carried 7 to 0, to adopt Resolution R-02-76-V. [BC20020521DOC077](#)

Recess/Reconvene. All members present except Mrs. Glass.

UNIVERSAL HIRING PROGRAM

Dave Rothfuss, Assistant County Administrator, discussed the Community Oriented Policing Services (COPS) grant, which would provide funding for twelve road deputies for a period of three years. Thereafter, the salaries would be paid by Manatee County.

Motion was made by Mrs. von Hahmann, seconded by Mr. Harris, and carried 6 to 0, to execute the Universal Hiring Program 2002 application (Federal funds, \$900,000; Local match, \$596,616). [BC20020521DOC078](#)

PALM AIRE MUNICIPAL SERVICES TAXING UNIT

Mr. Padgett requested that the public hearing (authorized 4/23/02) on June 4, 2002, for the Palm Aire Municipal Services Taxing Unit (MSTU) be deferred to allow staff to meet to discuss concerns of the residents regarding expansion of the MSTU.

Motion was made by Ms. Brown, seconded by Mr. Bruce, and carried 6 to 0, to cancel the public hearing scheduled for June 4, 2002. [BC20020521DOC079](#)

(Enter Mrs. Glass)

CODE ENFORCEMENT LIENS

Rita Mooney, Code Enforcement Chief, explained that liens totaling \$17,807.50 have been imposed under Code Enforcement cases CE6030176J, CE6060456B, and CE8020659J, on property owned by Guy James Braun. She explained that the property is no longer in violation, and Mr. Braun has requested that the liens be released with a compromised settlement offer of \$2,000.

Mark Barnebey, attorney for Mr. Braun, discussed the personal misfortunes of Mr. Braun, and requested consideration of the offer to reduce the code enforcement fines.

Rev. Paul Ciucci, Associate Pastor of Jubilee Church on the Rock, spoke on behalf of Mr. Braun and described efforts during the past year to make changes to his personal situation.

Mr. Braun was available for questions.

Motion

Motion was made by Ms. Brown and seconded by Mr. Harris to accept the offer of \$2,000.

Discussion: Reluctance to reduce fines; empathy; house is primary residence; neighbors affected by violations; time payments vs. lump sum; etc.

(Gavel to Mr. Bruce, presiding)

Motion - Amended

Mrs. Stein moved to amend the motion to accept payments of \$50 per month until \$5,000 is paid as resolution of the code enforcement liens. Mr. McClash seconded the motion.

Discussion: Interest assessed on lien; time limit for repayment if fine is reduced; lien on property remains until fine is paid in full; effects of bankruptcy versus foreclosure; etc.

Mr. Braun stated that a loan from a family member would be the source of the \$2,000 offer.

Motion – Substitute

Mr. McClash made a substitute motion to leave the lien existing at \$17,807.50, until \$2,000 is paid prior to December 31, 2002, which the County will accept as full payment of all that is owed.

Tedd Williams, County Attorney, recommended that action be deferred until \$2,000 is paid by Mr. Braun. Following discussion, all the motions were **withdrawn**. [BC20020521DOC080](#)

(Mrs. Stein presiding)

(Carol Cason, court reporter, was present)

IMC PHOSPHATE COMPANY/FOUR CORNERS MINE – OPERATING PERMIT/MASTER MINING PLAN

Public hearing (continued from 5/7/02) was held to consider

R-02-96 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING IMC PHOSPHATE COMPANY'S EXISTING OPERATING PERMIT AND MASTER MINING PLAN FOR THE FOUR CORNERS MINE, NORTHEAST TRACT TO AUTHORIZE RELOCATION OF AN ACCESS CORRIDOR AND MINING OF APPROXIMATELY SIXTY ACRES NOT PREVIOUSLY APPROVED FOR EXCAVATION ALL IN SECTIONS 14 AND 23, TOWNSHIP 33 S, RANGE 21 E, INCLUDING SPECIFIC CONDITIONS, RESTRICTIONS AND LIMITATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Rob Brown, Environmental Management Department, discussed proposed amendments to the operating permit. He utilized an aerial photograph, exhibits from the 1977 Development of Regional Impact (DRI) application by W.R. Grace, former operator of the mine (20.3b, 35.2b, and 35.8b), and aerials taken in 1975 and 1994, to review the site and proposed amendment to permit mining on an additional 60 acres. He explained that the area proposed for mining, designated "non-mineable" in the original operating permit and described as "oak scrub association" with "existing trees to remain", is currently described as "improved pasture."

Discussion: Who removed the trees; mitigation plan; reclamation of site; not economically feasible to mine area at time of original permit; etc.

Patricia Petruff, attorney for IMC Phosphate Company, noted that mining operations used to be authorized by special permit, retaining the underlying agriculture zoning classification. She had no knowledge of circumstances that led to the removal of the trees.

Dee Allen, IMC Phosphate Company, displayed slides and discussed the request. She noted the consequences should the request not be approved.

(Ms. Brown absent for a portion of the presentation)

Discussion: Mining would be permitted under current regulations; additional mining would exceed acreage approved under the DRI; etc.

Ms. Petruff requested language be added to the Resolution under item 1, Section 1. A. "Except as approved herein, all mining operations shall be conducted..."

Mrs. Stein submitted a letter received from Manasota 88 requesting a moratorium on amendments to existing phosphate mining permits.

Discussion: Setbacks; activities allowed under agriculture classification; etc.

Ms. Brown moved to adopt Resolution R-02-96, amending IMC Phosphates' Master Mine Plan and Operating Permit for the Four Corners Mine Northeast Tract, including the recommended language as approved by staff and County Attorney. The motion was seconded by Mr. Bruce. Following discussion, the motion carried 6 to 1, with Mrs. Stein voting nay. [BC20020521DOC081](#)

COMMISSIONERS' COMMENTS

Homeless

Mr. Harris distributed an e-mail from **Jonfrank Murray** regarding homeless congregating in the Bayshore Gardens Shopping Center area. He asked that staff review the concerns. [BC20020521DOC082](#)

Public Library

Mrs. Glass mentioned that she received complaints regarding the lack of resource materials in the public library system, and inquired as to the philosophy of the library system concerning research versus leisure activities.

Code Enforcement

Due to the amount of complaints received, Mrs. Glass requested that Code Enforcement staffing levels be reviewed, and cooperation be established with the Sheriff's Office to address the concerns.

Franklin Road, Ellenton

Ms. Brown explained that this road is in front of Blackburn Elementary School and is partially paved. She inquired whether the road is private or public, and whether sidewalks could be installed.

23rd Street and 7th Avenue, Palmetto

Ms. Brown noted that a boarded-up house is surrounded by construction of affordable housing, and requested staff review for a possible code violation on this property. [BC20020521DOC083](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 11:50 a.m.
/tb/rll/ml

Minutes Approved: June 18, 2002