

JUNE 18, 2002

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, June 18, 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
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 Reverend William E. Gerhart, St. Philip's Anglican Church

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of June 18, 2002 and agenda update memorandum.

[BC20020618DOC001](#)

CONSENT AGENDA

Motion was made by Mr. Bruce, seconded by Mrs. von Hahmann, and carried 7 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 deletion of **CDBG/HOME Consolidated Plan** (separation action). Items APPROVED:

CLERK'S CONSENT CALENDAR

[BC20020618DOC002](#)

BONDS

Accept:

Sheriff's Public Employees and Deputy Sheriff's Blanket Bonds (13 additions, 13 deletions).

[BC20020618DOC003](#)

Arlin Taylor Ranch

Accept:

Landspreading Permit 01MC03 for Appalachian Material Service, Inc.: \$50,000 (Letter of Credit 500, Branch Banking & Trust Co.).

[BC20020618DOC004](#)

Bend of Terra Ceia II

Release:

Agreement with Trevor Investments, Inc. guaranteeing completion of required improvements and temporary construction easement for private improvements (\$54,178).

Accept:

1. Agreement with Trevor Investments, Inc. guaranteeing completion of required improvements and temporary construction easement for private improvements (\$54,178).
2. Performance Bond: \$54,178 (Amendment to Letter of Credit BET04, Brasota Mortgage Company, Inc., **extending** expiration date to 7/14/03).

[BC20020618DOC005](#)

Blue Septic Tank Service, Inc.

Accept:

Amendments 3 and 4 to Irrevocable Standby Letter of Credit 973547, Bank of America, **extending** expiration date to December 23, 2002, **and** that the Principal has been issued Landspreading Permit 02MC14.

[BC20020618DOC006](#)

Chapparal, Phase II aka Mote Ranch, Phase VII

Release:

1. Agreement with Lennar Homes, Inc., warranting required improvements (\$8,292.79).
2. Defect Security: \$8,292.79 (Surety Bond 929097635, Continental Insurance Company).

[BC20020618DOC007](#)

DC Turner Ranch

Accept:

Landspreading Permit 01MC02 for Delta Pioneer, Inc.: \$50,000 (Surety Bond 1038628, XL Specialty Insurance Company).

[BC20020618DOC008](#)

Fairways at Imperial Lakewoods, Phases 1A-2, 1B, and 2B

Release:

Agreement with Imperial Partners, Ltd., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$12,638.10).

Accept:

Agreement with Imperial Partners, Ltd., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$12,638.10). This agreement will be for a **one-year extension** secured by a previously accepted surety bond (16923, 10/23/01).

[BC20020618DOC009](#)

Golden Verna Estates

Accept:

1. Agreement with G&T Land Development LLC warranting required improvements (\$308,340).
2. Defect Security: \$308,340 (Surety Bond 526306-SD, Developers Surety and Indemnity Company/Indemnity Company of California). This bond is in correlation with approved right-of-way use permit 02-052. [BC20020618DOC010](#)

Lakewood Ranch Country Club Village, Subphase D, Unit 5 aka Oakmont

Release:

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$7,003.75).
2. Performance Bond: \$7,003.75 (Surety Bond 143569, Frontier Insurance Company). [BC20020618DOC011](#)

Lakewood Country Club Village, Subphase G aka Westchester

Release:

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$31,096.91).
2. Performance Bond: \$31,096.91 (Surety Bond 137466, Frontier Insurance Company).
3. Agreement with SMR Communities Joint Venture for final wearing course of asphalt on roadways. [BC20020618DOC012](#)

Lena Road Business Park

Release:

1. Agreement with Prenez En Gre, Inc., guaranteeing completion of required improvements (\$83,850).
2. Performance Bond: \$83,850 (Surety Bond 02741220609338, Auto-Owners Insurance Company).

Accept:

1. Agreement with Prenez En Gre, Inc., warranting required improvements (\$17,875.33).
2. Defect Security: \$17,875.33 (Surety Bond 00741220254814, Auto-Owners Insurance Company). [BC20020618DOC013](#)

Maggard Ranch

Accept:

Landspreading Permit 02MC15 for Appalachian Material Service, Inc.: \$50,000 (Letter of Credit 497, Branch Banking & Trust Co.). [BC20020618DOC014](#)

MJ Ranch

Accept:

Landspreading Permit 01MC08 for Appalachian Material Service, Inc.: \$50,000 (Letter of Credit 501, Branch Banking & Trust Co.). [BC20020618DOC015](#)

Planter's Manor at Greenfield Plantation, Phase III-A

Release:

Agreement with River Road Plantation Partnership guaranteeing completion of required sidewalks and bikeways (\$32,448).

Accept:

1. Agreement with River Road Plantation Partnership guaranteeing completion of required sidewalks and bikeways (\$32,448).
2. Performance Bond: \$32,448 (Amendment 2, Letter of Credit 941740, Bank of America **extending** expiration date to 7/31/03). [BC20020618DOC016](#)

Preserve at Panther Ridge, Phase II-A

Accept:

1. Defect Security: \$38,340.63 (Amendment 3, Letter of Credit MBL-SB-33773, Regions Bank **extending** expiration date to 10/15/03).
2. Performance Bond: \$10,774.71 (Amendment 2, Letter of Credit MBL-SB-34348, Regions Bank **extending** expiration date to 12/1/03). [BC20020618DOC017](#)

Preserve at Panther Ridge, Phase III

Accept:

1. Defect Security: \$41,340.39 (Amendment 2, Letter of Credit MBL-SB-34311, Regions Bank **extending** expiration date to 10/26/03).
2. Performance Bond: \$30,940 (Amendment 3, Letter of Credit MBL-SB-33751, Regions Bank **extending** expiration date to 8/14/03). [BC20020618DOC018](#)

Preserve at Panther Ridge, Phase IV

Accept:

Performance Bond: \$34,320 (Amendment 2, Letter of Credit MBL-SB-34462, Regions Bank **extending** expiration date to 10/20/03). [BC20020618DOC019](#)

Riverdale Commercial

Release:

1. Agreement with Nordic of Florida Development Corporation guaranteeing completion of required improvements (\$20,204.60).
2. Performance Bond: \$20,204.60 (Letter of Credit 2000-04, Community Bank).

Accept:

1. Agreement with Nordic of Florida Development Corporation guaranteeing completion of required improvements and temporary construction easement for private improvements (\$78,582.10).
2. Performance Bond: \$78,582.10 (Letter of Credit 2000-01[R], Community Bank). [BC20020618DOC020](#)

River Woods, Phase IV

Release:

1. Agreement with Lennar Homes, Inc., guaranteeing completion of required improvements (\$603,468.78).
2. Performance Bond: \$603,468.78 (Surety Bond 929186828, American Casualty Company of Reading, Pennsylvania).

Accept:

1. Agreement with Lennar Homes, Inc., warranting required improvements (\$34,618.21).
2. Defect Security: \$34,618.21 (Surety Bond 929246880, The Continental Insurance Company). [BC20020618DOC021](#)

Wallenstatter Ranch

Accept:

Landspreading Permit 01MC13 for Appalachian Material Service, Inc.: \$50,000 (Letter of Credit 473, CenturySouth Bank). [BC20020618DOC022](#)

REFUNDS

Florida Housing Finance Corporation – Unspent funds (Tropical Storm Gabrielle)	\$ 6,624.73	BC20020618DOC023
Future Builders – Overcharge	\$ 1,651.79	BC20020618DOC024
Joseph Gaynor/Manatee River Joint Venture – Land Development Agreement	\$ 7,875.00	BC20020618DOC025
Milestone Homes, Inc. – Impact Fee	\$ 1,935.46	BC20020618DOC026

WARRANT LIST

Approved: June 4, 2002 through June 17, 2002
 Authorized: June 18, 2002 through July 22, 2002 [BC20020618DOC027](#)

MINUTES

May 7, 2002, May 21, 2002, and May 23, 2002 [BC20020618DOC028](#)

AUTHORIZE FEE WAIVERS (PUBLIC WORKS)

Waive Fee (\$25) for <u>Elizabeth M. Bray</u> due to bank error.	BC20020618DOC029
Waive Fee (\$25) for <u>Gordon V. Harvey</u> due to bank error.	BC20020618DOC030
Waive Fee (\$30) for <u>Nancy Winchell</u> due to bank error.	BC20020618DOC031

AUTHORIZE CHAIRMAN TO SIGN

Child Support Enforcement:

1. Agreement with Manatee County Clerk of Circuit Court for reimbursement of **Child Support Hearing Officer** expenses (\$128,809: County, \$43,795; Clerk of Circuit Court, \$85,014). [BC20020618DOC032](#)
2. Agreement with Manatee County Clerk of Circuit Court for reimbursement of **Sheriff Service of Process** fees for Title IV-D Child Support Enforcement Cases, \$32,000. [BC20020618DOC033](#)

Department of Revenue – Application for Revenue Sharing State FY 2002-03. [BC20020618DOC034](#)

Partial Release of Special Improvement Assessment Liens:

Projects 3009; 3010; 3102 (2); 3104; 5147; 5150 (2); 5155 [BC20020618DOC035](#)

Satisfactions of Judgment:

Rhonda Carter - Case 2002-CJ-3	BC20020618DOC036
Richard Callahan – Case 1998-2454F	BC20020618DOC037
Heather L. Ferencz – Case 2001-1447F	BC20020618DOC038
Donald Fournier – Case 1999-797-T	BC20020618DOC039
Elaine Marks – Case 2001-CJ-2689	BC20020618DOC040
Michael Ohlinger – Case 2001-1421F	BC20020618DOC041
Anita Spikes – Case 2001-CJ-70	BC20020618DOC042

COUNTY ADMINISTRATOR

PROCLAMATION

A Proclamation designating the month of June 2002, as National Homeownership Month was accepted by **Karen Jackson-Sims**, U.S. Department of Housing and Urban Development, and **Denise Thomas** and **Fred Loveland**, Community Services Department. [BC20020618DOC043](#)

BEACH MAINTENANCE AND PROTECTION

R-02-157 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REQUESTING MEMBERS OF BOTH HOUSES OF CONGRESS TO COMMIT TO CREATING A DEDICATED FUNDING SOURCE FOR BEACH MAINTENANCE AND PROTECTION EFFORTS. [BC20020618DOC044](#)

BLOSSOM GROVE

Execution of agreement with Blossom Grove regarding design, repair, and construction of a bridge, utility easements, and exchange of real property, subject to review and approval by the County Attorney and County Administrator or their designees. [BC20020618DOC045](#)

CONSERVATION LANDS MANAGEMENT - FEE SCHEDULE AND POLICY

R-02-99 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RESCINDING RESOLUTION R-00-28, AND ESTABLISHING POLICIES AND FEE SCHEDULES FOR **DUETTE PARK, RYE WILDERNESS PARK, EMERSON POINT PARK, AND RIVERVIEW POINT PARK.** [BC20020618DOC046](#)

EMERSON POINT

Execution of Amendment 1 to Agreement with State of Florida Department of Environmental Protection (FRDAP Project F01058, executed 8/15/00), amending completion date to August 31, 2003. [BC20020618DOC047](#)

FEDERAL LEGISLATIVE SERVICES

Execution of Amendment to Letter Agreement (12/18/01) with Twenty-First Century Group, Inc., to include Piney Point Phosphate facility; increase of \$30,000, adjusted total \$150,000.

[BC20020618DOC048](#)

FIREWORKS PERMIT - DESOTO SPEEDWAY

Execution of Approval/Permit for a private fireworks display on June 29, 2002, at DeSoto Speedway, 21000A State Road 64 East.

[BC20020618DOC049](#)

ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE

Authorization to advertise for a public hearing for Ordinance 02-47, redefining the policy and procedures for the Committee.

[BC20020618DOC050](#)

CRESCENT MOON ENTERPRISES, INC. – DISPUTE RESOLUTION

Authorization for the County Attorney, or designee to sign a Letter of Engagement with Richard E. Davis, Esquire, to serve as Special Master in Dispute Resolution Case DR-02-01 (rezone request PDPI/PDI-01-03[Z]).

[BC20020618DOC051](#)

LAWSUITS

1. **Tallevast Road** – Approval of Stipulated Final Judgment with **Charles and Andrea Dixon** for all claims related to the acquisition of Parcels 133 and 733, \$18,200, exclusive of expert witness fees, and payment of statutory attorney's fees, \$1,023, pursuant to *Florida Statute 73.092*, in the eminent domain case of Manatee County v. Elias G. Gadah, et al., Case 2002-CA-464. [BC20020618DOC052](#)
2. **University Parkway and Lockwood Ridge Road** – Approval of Stipulated Final Judgment and Order Awarding Attorneys' Fees and Expert's Fees and Costs with **Publix Super Markets, Inc.**, a tenant on Parcels 5, 701, and 900, aggregate sum \$5,281.98 (\$2,500 attorneys' fees, \$2,781.98 tenant's engineer's fees), in the case of Manatee County v. University Parkway Associates, Ltd., et al., Case 2001-CA-3929. [BC20020618DOC053](#)
3. **Workers Compensation** – Authorization for Risk Management to settle with **Ben Love** for \$50,000, inclusive of all attorney's fees and full release. [BC20020618DOC054](#)
4. **Ponce v. Charles B. Wells, Sheriff of Manatee County** – Approval of Settlement Agreement for full and final settlement with Eliseo Ponce, Case 2001-CA-988, \$75,000. [BC20020618DOC055](#)

WEST CENTRAL FLORIDA AREA AGENCY ON AGING, INC.

Execution of Amendment 2 to Agreements (6/19/01) with:

1. West Central Florida Area Agency On Aging, Inc., for **Alzheimer's Disease Initiative** amending verbiage, which does not change the goals and objectives of the program. [BC20020618DOC056](#)
2. West Central Florida Area Agency on Aging, Inc., for **Community Care for the Elderly**, decreasing funding to \$1,062,497 (\$922,858 State; \$103,084 County; \$36,555 Client co-payments), amending verbiage, which does not change the goals and objectives of the program. [BC20020618DOC057](#)
3. West Central Florida Area Agency on Aging, Inc., for **Home Care for the Elderly (HCE)** decreasing the funding to \$92,049 (\$5,014 HCE Case Management; \$87,035 HCE Basic and Special Subsidy Services), amending verbiage, which does not change the goals and objectives of the funded program. [BC20020618DOC058](#)

CHILDREN'S SERVICES AGREEMENT

Execution of Amendment 1 to Agreement (11/13/01) with First Step of Sarasota, Inc., for the **SED After-School Elite Club**, to amend Attachment A, Program Description, Section A, Paragraph 1. [BC20020618DOC059](#)

CHILDREN'S SUMMIT

Authorization for Manatee County Government to sponsor jointly the FY 2002 Children's Summit at the Manatee County Civic Center on August 24, 2002, in conjunction with Manatee Community Council for Children, Manatee County Health Department, and Manatee Opportunity Council (Project Child Care). [BC20020618DOC060](#)

CHOOSE LIFE LICENSE PLATE

Execution of Annual Choose Life Specialty License Plate Report, as required by the Department of Highway Safety and Motor Vehicles, Fiscal Year ending 9/30/01. [BC20020618DOC061](#)

OAK HAVEN SUBDIVISION

Execution of Land Use Restriction and Deed Restrictions Agreement with Richard T. Conard, for affordable housing designation for the single-family subdivision. [BC20020618DOC062](#)

LOCAL LAW ENFORCEMENT BLOCK GRANT

1. Approval of Fiscal Year 2002 Local Law Enforcement Block Grant funds, \$406,604 (Federal \$365,944; Local Match \$40,660) over a two-year period, as recommended by the Public Safety Coordinating Council on June 4, 2002;
2. **R-02-154** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A LOCAL LAW ENFORCEMENT BLOCK GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE; DESIGNATING THE PUBLIC SAFETY COORDINATING COUNCIL AS GRANT ADVISORY BOARD; AUTHORIZING THE CHAIRMAN, OR HIS DESIGNEE TO EXECUTE ALL APPROPRIATE DOCUMENTS RELATIVE TO GRANT SUBMISSION AND ACCEPTANCE; AUTHORIZING THE DIRECTOR OF THE COMMUNITY SERVICES DEPARTMENT TO EXECUTE ALL APPROPRIATE DOCUMENTS REQUIRED IN CONNECTION WITH GRANT ADMINISTRATIVE FUNCTIONS, AND AUTHORIZING THE SETTING OF A PUBLIC HEARING, AS REQUIRED; and
3. Authorization to set a public hearing prior to the obligation of grant funds. [BC20020618DOC063](#)

COMMUNITY CARE FOR THE ELDERLY

Execution of FY 2002-03 Non-Profit Agency Funding Agreement with:

1. Meals on Wheels Plus of Manatee, Inc., for **Home Delivered Meals**, \$109,035. [BC20020618DOC064](#)
2. Meals on Wheels Plus of Manatee, Inc., for **Adult Daycare**, \$26,917. [BC20020618DOC065](#)
3. Neighborly Senior Services of Manatee, Inc., for **Alzheimer's Disease Initiative Facility-Based Respite Services**, \$55,099. [BC20020618DOC066](#)

REHABILITATION LOAN AGREEMENT

Execution of Amendment 2 to Agreement with C. Dianne Hessler; increase of \$3,442, total \$34,165.40, and increase the completion date by 45 days. [BC20020618DOC067](#)

CONVENTION AND VISITORS BUREAU

Approval of expenditures for two additional travel trade shows to the FY 2001-02 schedule:
(1) Student Youth Travel Association (San Jose, California), September 2002, \$2,025; and
(2) National Tour Association (Los Angeles, California), November 2002, \$3,200. [BC20020618DOC068](#)

BUDGET AMENDMENT

Various Departments

B-02-032

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

[BC20020618DOC069](#)

AQUIFER STORAGE AND RECOVERY

Execution of Change Order 2 to IFB 00-5431MP for Phase 2/Potable Water with Wharton Smith, Inc.; decrease of \$148,847.09, adjusted total \$2,927,752.91. [BC20020618DOC070](#)

BASHAW ELEMENTARY SCHOOL SIDEWALK

Execution of Change Order 2 to Work Assignment 99-19 with Wade-Trim, Inc. for **engineering services** for sidewalk design along the east side of Morgan Johnson Road, from Bud Drive to 18th Avenue East; increase of \$5,671, adjusted total \$51,533. [BC20020618DOC071](#)

CHEMICALS

Rescind award to Agronomic Resources, Inc., estimated \$6,210 for Trimec Southern (Chemical); and **re-award** to United Horticulture Supply, estimated \$6,300 (\$31.50 per gallon) to provide Triplet Sensitive (chemical), an acceptable substitute for Trimec Southern. [BC20020618DOC072](#)

ENVIRONMENTAL SERVICES

Execution of Work Assignment 29PE with Professional Service Industries, Inc., for **environmental services** for source removal services at the Parrish Fuel Site, \$63,291. [BC20020618DOC073](#)

SOUTHWEST REGIONAL WASTEWATER TREATMENT PLANT

Execution of Change Order 3 to IFB 99-4600DC with Westra Construction Corporation for **effluent storage pond modifications**; increase of \$182,971.04, adjusted total \$4,077,644.84. [BC20020618DOC074](#)

FACILITIES ARCHITECTURAL/ENGINEERING SERVICES

Execution of agreements for Facilities Architectural/Engineering Services on an as-required basis for a one-year period with four extension options, each a one-year period with: SMRT, Inc.; Fawley Bryant Architects, Inc.; Harper Partners, Inc.; and Jerry N. Zoller, AIA, P.A. [BC20020618DOC075](#)

GEOTECHNICAL ENGINEERING/SOILS AND MATERIALS TESTING

Execution of agreements on an as-required basis for a one-year period, with four extension options, each for a one-year period with: Ardaman & Associates, Inc.; Driggers Engineering Services, Inc.; and Professional Service Industries, Inc. [BC20020618DOC076](#)

MATERIALS AND SERVICES

1. **Lake Brendan Dredging** - Award IFB 02-3425BS to Energy Resources, Inc., \$434,130; subsequent execution of contract with simultaneous dating of performance/payment bonds and acceptance of insurance certificate. [BC20020618DOC077](#)
2. **Master Lift Station Improvements 39A** - Award IFB 02-2269BS to Encore Construction Company, total \$749,979.99; subsequent execution of contract with simultaneous dating of performance/payment bonds and acceptance of insurance certificate (contract received). [BC20020618DOC078](#)
3. **NEC PBX/Property Appraiser** – Authorization to purchase a NEC 2400 IPX telephone system from Southeastern Telecom, Inc., \$65,677. [BC20020618DOC079](#)
4. **Northwest Loop Area Utility Main** - Award IFB 02-2893DC to DeJonge Excavating Contractors, Inc., \$2,240,158.35; subsequent execution of contract with simultaneous dating of performance/payment bonds and acceptance of insurance certificate. [BC20020618DOC080](#)
5. **Paging System Services** - Authorization to purchase via State Contract from Liberty Communications, \$60,000. [BC20020618DOC081](#)
6. **Oracle Licenses and Support** - Authorization for sole source purchase from Oracle Corporation, \$58,504.27. [BC20020618DOC082](#)
7. **Splash Park Project – East Bradenton** - Award IFB 02-2310BS to the lowest responsive, responsible bidder meeting specifications, Galaxy Chemical Corp., \$115,950; subsequent execution of contract with simultaneous dating of performance/payment bonds and acceptance of insurance certificate (contract received). [BC20020618DOC083](#)
8. **Tallevast Road – Lockwood Ridge Road to U.S. 301** - Award IFB 02-3102BS to Frederick Derr & Company, Inc., \$4,929,657.34; subsequent execution of contract with simultaneous dating of performance/payment bonds and acceptance of insurance certificate (contract received). [BC20020618DOC084](#)

9. **Trailer Estates - Waterline Improvements** - Award IFB 02-3154DC to Underground Solutions, Inc., \$371,150; subsequent execution of contract with simultaneous dating of performance/payment bonds and acceptance of insurance certificate. [BC20020618DOC085](#)

MCLEWIS BAYOU DREDGING PROJECT

Execution of (Final) Change Order 3 to IFB 00-5574DC with Aztec Development Company; decrease of \$14,500, adjusted total \$394,873.42 and an additional 331 days for an adjusted completion date of May 8, 2002. [BC20020618DOC086](#)

MOBILE HEALTH CENTER SERVICES

1. Authorization for the County Administrator to execute an Agreement with Emergency Associates for Medicine (a subsidiary of Team Health) for **medical services on the First Care Express Bus**, \$336,000 for the first year, substantially in accordance with terms; and
2. Authorization for the County Administrator to execute any instrument required to **purchase the bus** from Manatee Memorial Hospital, either via amendment to the existing agreement, purchase order, or separate agreement (both subject to review and approval by the County Attorney prior to execution). [BC20020618DOC087](#)

NORTHWEST STORAGE TANK/PUMPING STATION/BOTANICAL AND RECREATION PARKS

Execution of Change Order 1 to Work Assignment WW-6 with Post, Buckley, Schuh & Jernigan, Inc., for **engineering services**; increase of \$19,281, adjusted total \$323,250. [BC20020618DOC088](#)

PERSONNEL STAFFING LEVEL

R-02-161 RESOLUTION ESTABLISHING AUTHORIZED STAFFING LEVEL CHANGES FOR THE COMMUNITY SERVICES AND FINANCIAL MANAGEMENT DEPARTMENTS (Community Services Department decrease from 166 to 165; Financial Management Department increase from 129 to 130). [BC20020618DOC089](#)

SUPPLEMENTAL SURVEYING/MAPPING

Execution of Addendum 1 to extend Agreements for Professional Services for supplemental surveying and mapping for a period of one year (7/24/02-7/23/03) with: Florida Design Consultants, Inc.; Foresight Surveyors, Inc.; Lombardo, Skipper & Foley, Inc.; George F. Young, Inc.; and Zoller, Najjar & Shroyer, Inc. [BC20020618DOC090](#)

TIMBER SALES/HARVESTING CONSULTING SERVICES

Execution of Agreement with Kissimmee Valley Forester on an as-required basis. [BC20020618DOC091](#)

TIME PAYMENT AGREEMENTS

Execution of Time Payment Agreements with William B. and Amy J. Riddle, and Jose Antonio and Beatriz Centeno. [BC20020618DOC092](#)

TRAILER ESTATES - WATER AND SEWER LINE REHABILITATION

Execution of Change Order 1 to Work Assignment WW-12 with Post, Buckley, Schuh & Jernigan, Inc., for **engineering services** for design and construction of the water/sewer line pilot project; increase of \$15,209, adjusted total \$105,832. [BC20020618DOC093](#)

1912 CORTEZ SCHOOLHOUSE - TRESPASS ENFORCEMENT

Execution of Manatee County Sheriff's Office Trespass Enforcement Program documents for the 1912 Cortez Schoolhouse. [BC20020618DOC094](#)

UNIVERSITY PARKWAY AT COUNTRY PARK WAY/CONSERVATORY DRIVE

Execution of Work Assignment 99-31 with Wade-Trim, Inc., for **engineering services** for final design and construction of intersection improvements, \$63,007. [BC20020618DOC095](#)

UTILITIES REFUNDS

1. Refund \$1,837.13 to MCPWD Highway Elwood Park 2, due to billing error. [BC20020618DOC096](#)
2. Refund \$210.57, minus any billings, to Oden Hardy Construction Company, due to a misreading. [BC20020618DOC097](#)
3. Refund \$1,673.81, minus any billings, to Zirkelbach Construction, due to a misreading. [BC20020618DOC098](#)

FINAL PLATS

Country Creek Phase III

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Florida Community Bank;
3. Agreement with Country Creek Properties, Inc., warranting required improvements (\$75,059.79);
4. Defect Security: \$75,059.79 (Letter of Credit 2002-05, Florida Community Bank);
5. Agreement with Country Creek Properties, Inc., guaranteeing completion of required sidewalks and bikeways (\$64,361.70);
6. Performance Bond: \$64,361.70 (Letter of Credit 2002-06, Florida Community Bank);
7. Agreement with Country Creek Properties, Inc., guaranteeing completion of required improvements and Temporary Construction Easement for Private Improvements (\$300,403.64);
8. Performance Bond: \$300,403.64 (Letter of Credit 2002-19, Florida Community Bank);
9. Conservation Easement from Country Creek Properties, Inc.; and
10. Supplemental Declaration to the Declaration of Covenants, Conditions, Easements, and Restrictions of Country Creek Phase I. [BC20020618DOC099](#)

Elaine's Subdivision

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Huntington National Bank;
3. Agreement with Elaine L. Romano to defer completion of required sidewalks; and
4. Notice to Buyers. [BC20020618DOC100](#)

Lakeridge Falls Phase 1B

1. Final Plat;
2. Agreement with Centex Homes guaranteeing completion of required improvements (\$239,678.40);
3. Performance Bond: \$239,678.40 (Surety Bond 6154701, Safeco Insurance Company of America);
4. Agreement with Centex Homes guaranteeing completion of required sidewalks and bikeways and Temporary Construction Easement for Private Improvements (\$99,889.40);
5. Performance Bond: \$99,889.40 (Surety Bond 6154703, Safeco Insurance Company of America);
6. Agreement with Centex Homes guaranteeing completion of required improvements and Temporary Construction Easement for Private Improvements (\$761,460.87);
7. Performance Bond: \$761,460.87 (Surety Bond 6154704, Safeco Insurance Company of America);
8. Agreement with Centex Homes guaranteeing completion of required improvements (landscaping) and Temporary Construction Easement for Private Improvements (\$495,327);
9. Performance Bond: \$495,327 (Surety Bond 6154702, Safeco Insurance Company of America);
10. Agreement with Centex Homes and Lakeridge Falls Community Association, Inc., for the installation and maintenance of publicly owned facilities underlying privately owned lands; and
11. Supplemental Declaration of Covenants, Conditions, and Restrictions for Lakeridge Falls.

[BC20020618DOC101](#)

Lakewood Ranch Town Center Phase II, Subphase G, aka Office Park 4

1. Final Plat;
2. Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Lakewood Ranch Community Development District 3;
3. Conservation Easement from Schroeder-Manatee Ranch, Inc.; and
4. Supplemental Declaration by SMR Communities Joint Venture.

[BC20020618DOC102](#)

Stoneybrook at Heritage Harbour, Subphase A, Unit 1

1. Final Plat;
2. Agreement with Harbourvest, LLC, guaranteeing completion of required improvements and Temporary Construction Easement for Private Improvements (\$191,612.96);
3. Performance Bond: \$191,612.96 (Letter of Credit FGAC-01224, Fidelity Guaranty and Acceptance Corp.);
4. Agreement with Harbourvest, LLC, guaranteeing completion of required improvements and Temporary Construction Easement for Private Improvements (\$4,875,887.13);
5. Performance Bond: \$4,875,887.13 (Letter of Credit FGAC-01229, Fidelity Guaranty and Acceptance Corp.);
6. Agreement with Harbourvest, LLC, guaranteeing completion of required improvements and Temporary Construction Easement for Private Improvements (\$125,907.20);
7. Performance Bond: \$125,907.20 (Letter of Credit FGAC-01225, Fidelity Guaranty and Acceptance Corp.);
8. Agreement with Harbourvest, LLC, guaranteeing completion of required improvements and Temporary Construction Easement for Private Improvements (\$1,302,132.80);
9. Performance Bond: \$1,302,132.80 (Letter of Credit FGAC-01226, Fidelity Guaranty and Acceptance Corp.);
10. Agreement with Harbourvest, LLC, guaranteeing completion of required improvements and Temporary Construction Easement for Private Improvements (\$7,746,714.05);
11. Performance Bond: \$7,746,714.05 (Letter of Credit FGAC-01230, Fidelity Guaranty and Acceptance Corp.);
12. Agreement with Harbourvest, LLC, guaranteeing completion of required improvements and Temporary Construction Easement for Private Improvements (\$2,337,287.74);
13. Performance Bond: \$2,337,287.74 (Letter of Credit FGAC-01227, Fidelity Guaranty and Acceptance Corp.);
14. Agreement with Harbourvest, LLC, guaranteeing completion of required improvements (\$2,448,901.13);
15. Performance Bond: \$2,448,901.13 (Letter of Credit FGAC-01228, Fidelity Guaranty and Acceptance Corp.);
16. Maintenance Agreement with Heritage Harbour Master Association, Inc., for Right-of-Way Island;
17. Agreement with Harbourvest, LLC, and Heritage Harbour Master Association, Inc., for the installation and maintenance of publicly owned facilities underlying privately owned lands;
18. Master Declaration of Covenants, Conditions, and Restrictions for Heritage Harbour;
19. Declaration of Covenants, Conditions, and Restrictions for Stoneybrook at Heritage Harbour;
20. List of Holdings of Heritage Harbour Master Association;
21. List of Holdings of Stoneybrook at Heritage Harbour Community Association, Inc.;
22. Fiscal and Budgetary Information;
23. Maintenance Program; and
24. Notice to Buyers.

[BC20020618DOC103](#)

IMPACT FEE CREDIT

Execution of Final Authorization of Transportation Credit, Phase I, Harbourvest, LLC, for additional eligible right-of-way dedication at the northeast quadrant of I-75 and S.R. 64 (Heritage Harbour), per Credit Authorization CA-00-12(T) approved March 12, 2002, \$114,570.

[BC20020618DOC104](#)

TAMPA BAY REGIONAL PLANNING COUNCIL

R-02-152 RESOLUTION OF MANATEE COUNTY, FLORIDA, IN SUPPORT OF THE TAMPA BAY REGIONAL PLANNING COUNCIL APPLYING FOR AND ACCEPTING DESIGNATION AS AN ECONOMIC DEVELOPMENT DISTRICT. [BC20020618DOC105](#)

URBAN INFILL AND REDEVELOPMENT AREA PLAN

R-02-123 RESOLUTION TO SUPPORT THE URBAN INFILL AND REDEVELOPMENT AREA PLAN (**Palmetto/North Manatee County Enterprise Zone**: guiding document for development and community planning in the area). [BC20020618DOC106](#)

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

1. **R-02-146** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO WEST COAST-SOUTHERN MEDICAL SERVICE, INC., FOR THE PROVISION OF ADVANCED LIFE SUPPORT SERVICE; SETTING FORTH CERTAIN LIMITATIONS; REQUIRING COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS; ESTABLISHING ADDITIONAL CONDITIONS; AND PROVIDING FOR THE DURATION OF THE CERTIFICATE.
2. Execution of a new Emergency Medical Services Certificate of Public Convenience and Necessity to reflect adoption of R-02-146. [BC20020618DOC107](#)

DEEDS AND EASEMENTS

1. **63rd Avenue East/West** – Quit Claim Deeds (2) from Bud Boschert Stables, Inc., for road improvements, from U.S. 41 to 15th Street East. [BC20020618DOC108](#)
2. **Gamble Plantation** – Right-of-Way Easement from John J. Nevins, Bishop of the Diocese of Venice, for roadway, utilities, and drainage, at the northeast corner of Ellenton Gillette Road and Memphis Road; Affidavit of Ownership and Encumbrances. [BC20020618DOC109](#)
3. **S.R. 64** (Heritage Harbour) – Deed to State of Florida Department of Transportation (FDOT) for transfer of right-of-way for future widening and improvement east of I-75. [BC20020618DOC110](#)
4. **Tallevast Road** – Warranty Deed and Temporary Construction Easement from Ned R. and Jeanne M. Lindsey, Parcel 110; Affidavit of Ownership and Encumbrances; Partial Release from Washington Mutual. [BC20020618DOC111](#)

C.R. 675 – SURPLUS PROPERTY

R-02-153 A RESOLUTION OF MANATEE COUNTY, FLORIDA, DETERMINING PUBLIC PURPOSE AND EXPRESSING A DESIRE TO ACQUIRE CERTAIN SURPLUS REAL PROPERTY FROM TIITF (TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND)/STATE OF FLORIDA (declaring the County's intent to acquire surplus real property along C.R. 675 and owned by the Florida Department of Environmental Protection/Bureau of Trustees of the Internal Improvement Trust Fund for future road expansion). [BC20020618DOC112](#)

MANATEE AGRICULTURE REUSE SYSTEM

R-02-147 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**: Giddens; Rutland Ranch). [BC20020618DOC113](#)

STREET VACATIONS

1. **Elwood Park**
R-02-140-V A RESOLUTION DECLARING A PUBLIC HEARING ON JULY 23, 2002, AT 9:00 A.M., OR AS SOON THEREAFTER AS SAME MAY BE HEARD, ON APPLICATION BY JAMES E. AND JUDITH LEE PIERCE TO VACATE A PORTION OF LOT 13, BLOCK 2, ELWOOD PARK. [BC20020618DOC114](#)
2. **Indian Meadow Subdivision**
R-02-120-V A RESOLUTION DECLARING A PUBLIC HEARING ON JULY 23, 2002, AT 9:00 A.M., OR AS SOON THEREAFTER AS SAME MAY BE HEARD, ON APPLICATION BY PAOLA AND ANITA ASSHA TO VACATE A PORTION OF LOT 1, INDIAN MEADOW SUBDIVISION. [BC20020618DOC115](#)

(End Consent Agenda)

AWARDS/PRESENTATIONS

Citizens' Academy Graduation

Ernie Padgett, County Administrator, stated 24 graduates completed the 2002 Citizens' Academy. Twelve of the graduates were presented certificates for completing the eleven-week program to educate residents about County government and services.

A certificate and a statue of a manatee were presented to Charlie Hunsicker, Ecosystems Manager, for being selected as the best presenter in the Citizens' Academy Program. [BC20020618DOC116](#)

Retirement Awards

Cindy Turner, Parks and Recreation Director, presented a Retirement Award to **Lavon Krieg**, Recreation Maintenance Worker, honoring his 14 years of service. [BC20020618DOC117](#)

Harry Mendenhall, Transportation Department, presented a Retirement Award to **Dottie Poindexter**, Management Support Manager, honoring her 23 years of service. [BC20020618DOC118](#)

CITIZENS' COMMENTS

Phosphate Mining

Ernest "Sandy" Marshall, Federation of Manatee County Community Associations, spoke in support of a moratorium on phosphate mining until a new mining ordinance is adopted; he endorsed a Spring 2003 **Sales Tax Referendum**; and addressed the **Bay Colony Dredging**, stating that a 1993 assessment resolution should be revisited. [BC20020618DOC119](#)

Bay Colony Dredging

Victor Coveduck, resident of Bay Colony, requested that Project Management staff complete the unfinished, longstanding dredging project.

(NOTE: Further action later in the meeting.) [BC20020618DOC120](#)

Quail Run Subdivision – Speed Tables

Speaking in favor and against the speed tables in Quail Run Subdivision were: **Gary McCoy**; **Charles Serra**; **Patricia Nowicki**; **Susan Arndt**, who submitted a lot/road map along with a neighborhood survey; **Joseph Potenzone**; **Charlotte Seehawer**; **Werner Valentin**; and **Constance Hobson**.

Disposition: County Administrator to meet with the homeowners' association and the residents.

(NOTE: Citizens' Comments continued later in the meeting.) [BC20020618DOC121](#)

FLORIDA POWER AND LIGHT

Florida Power and Light (FPL) representatives **Mel Klein**, **Paul Plotkin**, and **Randall LaBauve** gave a presentation on the environmental progress of FPL and plans for the oil-burning Units 1 and 2 at the Parrish plant.

Mr. Plotkin stated the environmental track record for Units 1 and 2 has improved; the plant meets all environmental regulatory permit conditions; emissions are monitored, certified, and submitted to federal, state, and local agencies. He addressed the installation of low nitrogen oxide (NOx) burn technology, producing a 28 percent reduction rate of NOx emissions; water use conservation and reuse initiatives to reduce nitrogen levels in Tampa Bay; research/development into combustion technology; examining short- and long-term emission control options (reburn; air staging; fuel additives); and plans to build an advanced natural gas, combined-cycle generating unit at the existing Parrish site to meet the growing demand for electricity.

Mr. LaBauve stated FPL is evaluating cost technologies along with multi-pollutant legislation, as well as monitoring the direction of the State Legislature. Cost data information is projected to be available within the next few months and will be shared with the Board for use in lobbying for environmental implementation.

Clarence Troxell, representing Manatee Citizens Against Pollution, distributed a June 13, 2002, supplement to a previous report dated April 24, 2002. He stated the Parrish plant is producing more tons of NOx than any other plant in Florida, and a comparison between the years 2000 and 2001 indicate a 27 percent increase in the volume of NOx emissions.

Discussion: Request FPL bring back Selective Catalytic Reduction (SCR) technology; break down the costs involved for Units 1 and 2; number of FPL rate payers in Florida and total kilowatt hours sold; environmental surcharge to assist in cleaning up old power plants; time involved to convert the Parrish Site to natural gas; FPL is not converting solely to natural gas, but using it as a fuel alternative; increase in emissions versus the increase in power generation; Tampa Bay area pollution; request County Attorney to examine whether the County Commission can legally support the requirement of emission-control technology; FPL plant is not grandfathered under the 1974 Clean Air Act; ozone levels and non-attainment areas; how air quality is measured; etc.

Following discussion, Mrs. Stein submitted copies of (1) Air Quality Regulatory Compliance and Reburn Technology; and (2) Chapter 216B.1692, *Minnesota Statutes 2001*, Emissions Reduction Rider. She suggested a work session with FPL in August to discuss cost data information and benefits. [BC20020618DOC122](#)

Recess/Reconvene. All members present.

BAY COLONY DREDGING PROJECT

Janet McAfee, Project Management Director, distributed a booklet on the Bay Colony Dredging Assessment Project outlining the County's dredging policies; chronology of events on the Bay Colony Dredging Project; dredging methodology/contract specifications; unresolved items of how to handle undredged areas: **(1)** at basins of canals; **(2)** along seawalls; **(3)** at mouths of canals; and recommendations.

(Depart Mrs. Glass)

Ms. McAfee highlighted policy changes since the adoption of the dredging policy (Resolution R-83-3) and assessment by establishment of Municipal Service Benefit Units. She reviewed the project's history, with Bay Colony property owners pursuing the dredging project with County participation (1992). She referenced permit exemptions from Department of Environmental Regulation (DER); Department of Natural Resources (DNR); and a copy of a permit from the Army Corps of Engineers, obtained by the Bay Colony Property Owners Association.

Ms. McAfee addressed: the project bidding; the typical cross-section of a 3:1 slope; canal mouths to be dredged; participation by the County, \$194,497, West Coast Inland Navigational District (WCIND), \$80,000, and property owners, \$158,820; and, assessments of \$963.13 per parcel.
(Enter Mrs. Glass during presentation)

Southport Dredging, Inc. was awarded the project (12/94) and construction began October 1995. In January 1996, the contractor demobilized from the site, citing that the job was complete in accordance with contract specifications.

Discussion: WCIND provided funds to dredge the mouths of the canals, but funds were spent on other areas; some properties beyond the project area were assessed; County completing the dredging project; cost to finish the job; policy at the time the project was approved; whether another permit is required; area beyond the docks is considered by Department of Environmental Protection (DEP) not to be permitted; staff has obtained a permit exemption to allow further dredging to proceed if funding becomes available; estimated \$200,000 to complete the project; box cuts now used to create a slope; original permit did not allow for the areas in dispute; etc.

Ms. McAfee advised that staff is prepared to dredge the basins and mouths of the canals subject to funding; however, she stated the more problematic areas are those along the seawalls. Should the Board direct staff to try to recreate the canals, she stated the first step would be to re-survey the entire length of the canals to determine what exists and what is involved.

Discussion: Project scope could indicate the mouths based on the 2001 survey, the basin based on the 2001 survey, and the pocket shown in the 1997 survey; the pockets may no longer exist; need to develop bid specifications/documents for the bidding process; this project is the result of the design/permitting obtained by Bay Colony residents; the policy change has shifted the burden on the County to do project design; to what standard will the basins be dredged; etc.

Ms. McAfee advised that the current DEP permit exemption allows a basin maximum dredge depth of five feet below mean low water. She stated the previous dredging, if it still exists, will result in a deeper template and be higher at the basins.

Discussion: Board wants the project done as it was originally approved; request staff return with survey data along with a more accurate completion cost; how close to seawall dredging can be achieved with the box cut; re-dredging would be at County expense; mouths of the canals were in the original project; etc.

Motion

Following discussion, a motion was made by Ms. Brown to authorize staff to move forward with conceptual design of getting evaluations done to complete the dredging at an expense that will be borne by the County, which includes: the mouths of the canals looking at the 2001 survey; the basins looking at the 2001 survey; and the pocket material, if it still exists, that was not removed, based on the 1997 as-built survey. The motion was seconded by Mr. Harris.

Discussion: Areas where cross-sections were taken to determine conditions; cross-section illustrations (Pages 39-52); staff has a permit exemption in hand to dredge to -5.71 feet below mean low water; initial permit allowed 6 feet, but DEP policy has changed; template with 3:1 slope and as-built survey from contractor based on 1997 survey (Page 54); dredging beyond the template to create the 3:1 slope; 1996 County survey indicates the pocket is more than half gone; 1997 survey indicates further change; 1,526 cubic yards involved; yardage cost unknown until it is put out to bid; survey is necessary to bid the project; public purpose must be established; etc.

Ms. McAfee stated the information could be brought back to the Board within four months, allowing that time to acquire surveys and to estimate the quantities to be dredged.

Motion – Additional Language

For clarification purposes, the motion was restated with language added by Board consensus authorizing staff to do surveys for the quantities to be dredged.

Dennis Castner, Bay Colony resident, suggested the 1996 survey be compared to a current survey document and requested that the property owners be included in dialogue before this issue comes back to the Board.

Victor Coveduck, Bay Colony resident, reiterated statements made earlier. **William Wheeler** urged the Board to determine the one-foot difference in dredge depth. **Frank Seiz** recommended the Board consider handling the dredging of waterfront communities as a separate item on the tax bill.

The motion (with the additional language) carried 7 to 0.

[BC20020618DOC123](#)

Recess/Reconvene. All members present except Ms. Brown and Mr. Harris.

COUNTY ATTORNEY

Tedd Williams, County Attorney, introduced **Rodney C. Wade**, new Assistant County Attorney. [BC20020618DOC124](#)

SALES TAX REFERENDUM

Ernie Padgett, County Administrator, stated that at the last meeting (6/4/02), the issue of the sales tax was discussed, specifically as to the timing and the County's commitment to moving forward with a sales tax referendum by May 2003. He reported that a Sales Tax Committee was established, and the group, along with three mayors, met to discuss the three alternatives for holding the referendum (September Primary Election; November General Election; or a Special Election in the Spring of 2003), and some of the areas for which the revenues would be used.

(Enter Ms. Brown)

Mr. Padgett stated the group unanimously favored a Spring 2003 referendum in order to allow more time to work out details and explain the program to voters. He stated the three mayors favor the May 2003 referendum.

(Enter Mr. Harris)

Mr. Padgett stated the Sales Tax Committee consists of the following individuals:

Marilyn Stasica	Tim Vining	Gerald Koontz
Bob Egolf	Cliff Waters	Stan Sabuk
Mat Farhat	Byron Schinn	Carol Felts
Joyce Calese	Don O'Leary	Neil Spirtas
Arlene Sweeting	Patrick Carnegie	All of the Mayors

Discussion: Formulate a message and relay it to the public; use of mail ballots; more defined proposal; grass-roots approach; printed information for distribution; what projects are to be funded; mayors are developing project lists; timing of sales tax in view of lands envisioned for acquisition; Environmental Lands and Acquisition Committee (ELMAC) recommendations; initial vision was for environmental land purchase; list of environmental lands; cannot set aside an appropriate millage within the existing millage rate to do significant acquisition of environmentally sensitive lands; specifically identify properties to be purchased in the next year; etc.

Mr. Padgett outlined plans to integrate some type of millage increase into the proposed budget that would be reserved for buying environmental sensitive lands, if voters reject the sales tax. The millage could extend over a specified period. There were no objections. [BC20020618DOC125](#)

Recess/Reconvene. All members present.

OUTERLIMITS NIGHTCLUB

Robert Ewing, resident of Southernaire Mobile Home Park, stated that the mobile home park continues to be inundated with the sound vibrations of the OuterLimits Nightclub. He stated that a six-foot fence was erected along the parking lot, but the noise is still unbearable. In lieu of further litigation, he requested the Sheriff's Office be authorized to issue citations to all amplified music offenders on the OuterLimits property.

Discussion: The club is open until 2:00 a.m.; conduct a sting to enforce the Noise Ordinance; advise the management that the Noise Ordinance extends to the parking lot; etc.

James Minix, Assistant County Attorney, stated the Consent Injunction (8/25/98) requires OuterLimits to have ten security personnel on the premises during certain hours; however, the club has never complied. Enforcement of the injunction has been via affidavits from the Sheriff's Office; however, for a period of time, no affidavits were received. Now the Sheriff has been citing the OuterLimits under State statute.

(Depart Mrs. Stein; Mr. Bruce presiding)

Following discussion, motion was made by Mr. McClash, seconded by Mrs. Glass, and carried 6 to 0, to do whatever is necessary to enforce the injunction. [BC20020618DOC126](#)

(Enter Mrs. Stein, presiding)

CITIZENS' COMMENTS (Continued)

Pot-Bellied Pig

Paul Brosam requested an amendment to the Land Development Code to allow for miniature pot-bellied pigs in residential areas (based on a Code Enforcement violation). He submitted a pot-bellied pig food bag and stated tax is being charged on the food because the pot-bellied pig has become identified as a domesticated, household pet.

Maureen Sikora, Assistant County Attorney, reviewed the action taken by the Code Enforcement Board on June 12, 2002.

Disposition: Staff to work with Animal Services Advisory Board to bring recommendations forward. [BC20020618DOC127](#)

Lockwood Ridge Road

William Wheeler stated that since Lockwood Ridge Road has been opened to S.R. 70, the street names at the intersection are confusing (Murray Lane, 45th Street East). He requested the name of the road be changed. Mr. Wheeler also questioned why Lockwood Ridge Road narrows to two lanes at Country Oaks Boulevard and then returns to four lanes.

Mr. Wheeler noted that funds for a new Judicial Center are needed, but that is not on the list of projects for the proposed sales tax referendum. [BC20020618DOC128](#)

Utility Bill

Ted Nowosad complained about an increase in his water bill.

[BC20020618DOC129](#)

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.

[BC20020618DOC130](#)

CODE ENFORCEMENT FINE – GUY JAMES BRAUN

Jamie Ebling, representing Guy James Braun, submitted a check in the amount of \$2,000 on behalf of Mr. Braun to settle Code Enforcement fines (as discussed by the Board 5/21/02) in Cases CE6030176J, CE6060456B, and CE8020659J.

Motion was made by Mr. Bruce to accept the \$2,000 as settlement. Motion was seconded by Mr. Harris and carried 5 to 2, with Mrs. Stein and Mr. McClash voting nay.

[BC20020618DOC131](#)

Recess/Reconvene. All members present.

ANIMAL SERVICES ADVISORY BOARD

Motion was made by Mr. Bruce, seconded by Mr. Harris, and carried 7 to 0, to appoint **Paul Best** and **Vicki J. Shannon** to the Animal Services Advisory Board.

[BC20020618DOC132](#)

SARASOTA/MANATEE MPO CITIZEN ADVISORY COMMITTEE

Motion was made by Mr. Bruce, seconded by Mrs. von Hahmann, and carried 7 to 0, to appoint **Janet Doherty** to the Citizen Advisory Committee of the Sarasota/Manatee Metropolitan Planning Organization.

[BC20020618DOC133](#)

ORDINANCE 02-29 – SIGN REGULATIONS

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 6/7/02) was held to consider

ORDINANCE 02-29 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED): AMENDING CERTAIN REQUIREMENTS WITHIN THE SIGN REGULATIONS REGARDING SUBDIVISION SIGNS WITHIN RIGHTS OF WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Planning Commission recommended ADOPTION.

Laurie Suess, Planning Department, submitted a letter (6/7/02) from **Derek Taaca**, and Manatee County Land Development Code Section 724.6.2.9.2. showing the highlighted language as a result of Mr. Taaca's request. Upon question by **William Wheeler**, Ms. Suess explained the effects of the Ordinance on Briarwood Subdivision.

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan, and consistent with the general purpose and standards of Section 503 of the Manatee County Land Development Code, motion was made by Mr. Harris to ADOPT Manatee County Ordinance **02-29**, amending the Manatee County Land Development Code (Ordinance 90-01, as amended), as recommended by staff. The motion was seconded by Mr. Bruce and carried 7 to 0.

[BC20020618DOC134](#)

ORDINANCE 02-22 – AFFORDABLE HOUSING

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 6/7/02) was held to consider

ORDINANCE 02-22 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA...: AMENDING CERTAIN DEFINITIONS RELATED TO AFFORDABLE HOUSING, AND AMENDING CERTAIN REGULATIONS REGARDING AFFORDABLE HOUSING INCLUDING INCENTIVES AND EXPEDITED PERMITTING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Planning Commission recommended ADOPTION.

Based on discussions from the last meeting (6/4/02) regarding density bonuses, Ms. Suess stated only two affordable housing projects have received density bonuses (LaMirada and Palm Isles). She pointed out the change to Section 1302.3 to replace the words "a density bonus would be earned" to a density bonus may be earned.

Carol Clarke, Planning Director, stated information on the density bonus would be made available to the public as it applies to the RES-6 and RES-9 land use categories.

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan, and consistent with the general purpose and standards of Section 503 of the Manatee County Land Development Code, motion was made by Mrs. von Hahmann to ADOPT Manatee County Ordinance **02-22**, amending the Manatee County Land Development Code (Ordinance 90-01, as amended). The motion was seconded by Mr. Harris and carried 7 to 0. [BC20020618DOC135](#)

ADMINISTRATIVE APPEAL – UNIVERSITY PLACE JOINT VENTURE, PHASE C (AA-02-01)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota-Herald Tribune* 6/7/02) was held to consider

**AA-02-01 UNIVERSITY PLACE, PHASES C, D, E, AND F
PDMU-96-01(R2)/FSP-00-90(R)**

An Appeal filed by Dick Road-Blend-All Hotel Development, Inc.; Walden Avenue-Blend-All Hotel Development, Inc.; WR-1 Associates, Ltd.; and Wilmington Land Company of an Administrative Decision approving the Final Site Plan for University Lakes Phases C, D, E, and F without approving the guard house and guard gates within the right-of-way of Community Development District Roads within Phase C of the University Place Subdivision, as requested by the applicants (PDMU-96-01R2).

Regarding the issue of whether or not the installation of guard gates is permissible in roads within Community Development Districts (CDDs), Carol Clarke, Planning Director, stated the County Attorney has done additional review, as outlined in his memo dated June 12, 2002. Ms. Clarke reported that the applicant concurred with the conditions set forth in the legal opinion; therefore, no action is required in this matter.

Tedd Williams, County Attorney, advised the conditions are such that they would have an acceptable public access protocol adopted as an administrative rule pursuant to *Florida Statute* Chapter 120. [BC20020618DOC136](#)

BOARD OF COUNTY COMMISSIONERS – SUMMER RECESS

Motion was made by Mr. McClash, seconded by Mrs. von Hahmann, and carried 7 to 0, to adopt

RESOLUTION R-02-158 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AND THE MANATEE COUNTY CIVIC CENTER AUTHORITY, PROVIDING FOR LIMITED AND TEMPORARY DELEGATION OF AUTHORITY DURING THIS SUMMER RECESS.

(Delegating authority to the County Administrator, County Attorney, and the Clerk of the Circuit Court). [BC20020618DOC137](#)

DONATION - VETERANS COUNCIL OF MANATEE COUNTY

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

R-02-139 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE ACCEPTANCE OF A DONATION FROM THE VETERANS COUNCIL OF MANATEE COUNTY TO THE VETERANS SERVICES DIVISION OF MANATEE COUNTY GOVERNMENT FOR THE PURPOSE OF SUPPORTING THE TRANSPORTATION NEEDS OF DISADVANTAGED VETERANS AND DEPENDENTS.

(\$1,000, pursuant to the provisions of Resolution R-93-077). [BC20020618DOC138](#)

CLEAN AIR ADVOCACY

Karen Collins-Fleming, Environmental Management Department, requested authorization for the Chairman to sign a letter to Governor Jeb Bush, advocating more stringent standards for Florida's power plants and other measures to protect or improve Florida's air quality.

Motion was made by Ms. Brown, seconded by Mrs. von Hahmann, and carried 7 to 0, to authorize the Chairman to execute the letter to Governor Bush. [BC20020618DOC139](#)

43RD STREET WEST/CORTEZ ROAD INTERSECTION

Janet McAfee, Project Management Director, presented the Conceptual Design Report for the 43rd Street West/Cortez Road intersection.

While displaying a location map, an aerial map, and a graphic, **John Foley**, Lombardo, Skipper & Foley, Inc., presented the results of the conceptual design analysis and highlighted existing intersection conditions. Presently, at this intersection Cortez Road functions at a Level of Service D and 43rd Street West functions at a Level of Service F.

(This item resumes following the next presentation.) [BC20020618DOC140](#)

FLORIDA SECRETARY OF STATE

The County Administrator introduced Secretary of State **Katherine Harris**. [BC20020618DOC141](#)

43RD STREET WEST/CORTEZ ROAD INTERSECTION (Continued)

Mr. Foley stated the existing right-of-way would not be sufficient to construct a right-turn lane onto westbound Cortez Road to meet standards of the Florida Department of Transportation (FDOT). He stated the design plan was developed to be consistent with future work on 43rd Street and incorporates requirements for a four-lane divided roadway section median with sidewalks and bike lanes. Mr. Foley showed a breakdown of the estimated costs, and noted the improvements consist of acquiring an area in the southwest corner of the intersection to construct a larger turning radius and install sidewalks and a new traffic signal.

(Depart Mrs. Stein; Mr. Bruce presiding)

Discussion: Estimated right-of-way costs are excessive; negotiate with Wildewood Springs to utilize a portion of the existing stormwater pond; examine right-of-way alternatives with Wildewood Springs; eliminate the four-foot bike lanes on the southwest corner to reduce the amount of required right-of-way; design adequate sidewalks instead; construct the retention wall on the southeast side; eliminate right-of-way take; right-of-way along Quick Pick is a temporary construction easement and business damage to relocate the entrance; etc.

(Enter Mrs. Stein; Mr. Bruce presiding)

Mr. McClash moved approval (of the conceptual design), incorporating suggestions as far as reducing the right-of-way and by utilization of the retention wall, as well as the option of elimination of the bike lane, when the options come forward. The motion was seconded by Mrs. von Hahmann and carried 7 to 0.

HIGHWAY BEAUTIFICATION PROGRAM

Harry Mendenhall, Transportation Department, submitted Resolution

R-02-156 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A **HIGHWAY BEAUTIFICATION PROGRAM GRANT**; EXECUTION OF A HIGHWAY BEAUTIFICATION GRANT LANDSCAPE CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; AND EXECUTION OF RELATED PERMIT DOCUMENTS

(Authorizing subsequent execution of the Highway Beautification Grant Program Application and related documents to the Florida Department of Transportation for the project to landscape S.R. 45/U.S. 41/Tamiami Trail between the Sarasota/Manatee County Line and Tallevast Road/Gaines Avenue).

Mr. Mendenhall requested approval of preliminary design plans for the proposed landscaping and beautification project, adoption of the Resolution, and authorization for the Transportation Department to expend Tree Trust Funds for the required local grant match, if the grant is awarded.

Mr. Mendenhall stated this location is one of the gateways into Manatee County and was previously approved as part of the Urban Forestry Master Plan. Lombardo, Skipper & Foley, Inc., and Swan-Moody & Associates, Inc., have been retained to prepare preliminary site plans for the project, which proposes to restore and landscape seven raised medians in this section.

Mr. Mendenhall submitted a letter (6/6/02) from **SunRay/Babcock's Appliances**, opposing any medians, particularly in front of the businesses adjacent to the project. Negative comments were expressed by telephone from **Mr. Sherr**, property owner along U.S. 41.

Kimber Bereiter, Swan-Moody & Associates, Inc., displayed digital images of a typical landscaped median, which will be landscaped with native and drought-tolerant materials. She submitted a letter (6/6/02) in support of the project from **Keep Manatee Beautiful** in addition to a landscape development plan showing a typical FDOT restricted and unrestricted landscape median.

Discussion: Existing plant material in medians to the south in Sarasota County; grant application requires a technical maintenance plan; Manatee County will be responsible to upkeep/irrigate the materials; concern as to the method of irrigation; there are no reclaimed water lines nearby; Environmental Management Department will not permit wells for this site; a well for each median would be required; potable water may have to be used; etc.

Following discussion, a motion was made by Mr. McClash and seconded by Mr. Harris to approve the request, and adopt Resolution **R-02-156**, subject to the irrigation issue to come back.

Discussion: A well on the Crosley Estate property could be considered; additional well capacity unknown; staff to investigate all alternatives; maintenance of U.S. 41 North, Palmetto landscaped medians; etc.

Mike Kenton, the County Forester, stated the Sarasota-Bradenton Airport uses potable water for irrigation because well permits were denied.

The motion carried 7 to 0.

[BC20020618DOC142](#)

(Mrs. Stein presiding)

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Michael Wood, Planning Department, stated emphasis for the Community Development Block Grant (CDBG) Program, based on the designation of the County as an entitlement community, will be in areas identified by staff such as basic infrastructure, blighted neighborhoods, community centers, and road paving.

Motion was made by Mr. McClash, seconded by Mrs. von Hahmann, and carried 7 to 0, to set the 30-day public comment period on the Draft Consolidated Plan for July 5, 2002, through August 5, 2002. [BC20020618DOC143](#)

COMMISSIONERS' COMMENTS

23rd Street East, Palmetto - Intersection

Ms. Brown requested that DOT examine this intersection and reset the traffic signals.

Orange Park Subdivision – Sewer

Ms. Brown questioned the status of her request for a postcard poll to residents in the Orange Park Subdivision regarding sewer installation.

29th Street East, Palmetto - Sidewalks

Ms. Brown requested a status report on the sidewalk project along Tillman Elementary School.

Wares Creek

Mrs. Glass announced that a meeting on the Wares Creek project is scheduled June 24, 2002, at 6:00 p.m. at Bradenton City Hall.

River Club Homeowners' Association

Mr. Bruce asked that staff advise the River Club Homeowners' Association regarding signage in accordance with action taken today regarding Ordinance 02-29. [BC20020618DOC144](#)

Prime Outlet Shopping Center

Mrs. von Hahmann stated she was advised at the last Tampa Bay Regional Planning Council (TBRPC) meeting that the Prime Outlet Shopping Center (aka Gulf Coast Factory Shops DRI 23) will not submit further annual reports regarding the DRI project. She referred to correspondence indicating that the Center does not appear to be proceeding in a manner consistent with its Development Order. [BC20020618DOC145](#)

42nd Street Advertisements

Mrs. von Hahmann stated a constituent notified her that advertisements are being delivered in the neighborhood with rocks in the bags to keep them from blowing away. She questioned if there is an ordinance to address this issue. [BC20020618DOC146](#)

No Wake Zones - Longboat Pass

Ms. von Hahmann stated she received a letter (6/11/02) from Tom Mayers, Longboat Key resident, asking the Board to consider posting a no-wake zone in the Longboat Pass area. [BC20020618DOC147](#)

Greer Island Sign

Mrs. von Hahmann stated she received correspondence from Joan Dunn (6/3/02) requesting one aesthetic park sign on Greer Island (aka Beer Can Island). [BC20020618DOC148](#)

Automatic External Defibrillators

Mr. Harris asked for a report on the progress being made to research grants for placing Automatic External Defibrillators (AEDs) in public buildings. [BC20020618DOC149](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 4:00 p.m.
/ml/nh/dev/rll

Minutes Approved: July 23, 2002