

## AUGUST 6, 2002

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, August 6, 2002, at 9:10 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  
Robin Liberty, Deputy Clerk,  
representing R. B. Shore, Clerk of Circuit Court

Invocation by Rev. Frank McGrath, CITI Ministries

### AGENDA

Agenda of August 6, 2002, agenda update memorandum, and Clerk's Consent Calendar.

[BC20020806DOC001](#)

### CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mr. Harris, 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 the deletion of **26th Street West at 53rd Avenue West – Roadway Project** (separate action) and **M & J Road (Clay Gulley to S.R. 70)** (bid protest registered). Items APPROVED:

[BC20020806DOC002](#)

### CLERK'S CONSENT CALENDAR

#### BONDS

##### Accept:

Sheriff's Public Employees and Deputy Sheriff's Blanket Bonds (8 additions, 16 deletions).

[BC20020806DOC003](#)

#### Chelsea

##### Release:

Agreement with Channel Holdings Group guaranteeing completion of required improvements and temporary construction easement for private improvements (\$12,180).

##### Accept:

1. Agreement with Channel Holdings Group guaranteeing completion of required sidewalks and bikeways and temporary construction easement for private improvements (\$6,839.20).
2. Performance Bond: \$6,839.20 (Amendment 1 to Letter of Credit 9918, SunTrust Bank), **extending** expiration date (to 7/23/03) and **decreasing** the Letter of Credit amount from \$12,180 to \$6,839.20.

[BC20020806DOC004](#)

#### Edgewater Village, Subphase B, Unit 3

##### Release:

Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$18,803.98).

##### Accept:

Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$18,803.98). This agreement is for a **one-year extension** secured by a previously accepted surety bond (121708, 6/23/98).

[BC20020806DOC005](#)

#### Fairways at Imperial Lakewoods

##### Release:

Agreement with Imperial Partners, Ltd., guaranteeing completion of required improvements (\$8,320).

##### Accept:

Agreement with Imperial Partners, Ltd., guaranteeing completion of required improvements (\$8,320). This agreement is for a **one-year extension** secured by a previously accepted surety bond (16442, 10/23/01).

[BC20020806DOC006](#)

#### Foster's Creek, Unit II

##### Accept:

Defect Security: \$28,844.60 (Amendment to Letter of Credit 01-21, Century Bank), **extending** expiration date (to 6/5/04).

[BC20020806DOC007](#)

#### Foster's Creek, Unit III

##### Accept:

Performance Bond: \$322,153.38 (Amendment to Letter of Credit 01-91, Century Bank), **extending** expiration date (to 12/12/02).

[BC20020806DOC008](#)

**Golden Verna Estates****Accept:**

Defect Security: \$308,340 (Rider to Surety Bond 526306S, Developers Surety and Indemnity Company/Indemnity Company of California). This Rider is to amend bond number **from** 526306-SD **to** 526306S. [BC20020806DOC009](#)

**Kingsfield, Phase I****Release:**

Agreement with Centex Homes guaranteeing completion of required sidewalks and bikeways (\$38,854).

**Accept:**

Agreement with Centex Homes guaranteeing completion of required sidewalks and bikeways (\$38,854). This agreement will be for a **one-year extension** secured by a previously accepted surety bond (5944015, 10/6/98). [BC20020806DOC010](#)

**Lakeridge Falls, Phase I-B****Release:**

1. Agreement with Centex Homes guaranteeing completion of required improvements (\$239,678.40).
2. Performance Bond: \$239,678.40 (Surety Bond 6154701, Safeco Insurance Company of America).

**Accept:**

1. Agreement with Centex Homes warranting required improvements (\$18,436.80).
2. Defect Security: \$18,436.80 (Surety Bond 6154705, Safeco Insurance Company of America).
3. Agreement with Centex Homes guaranteeing completion of required improvements (\$37,664.01).
4. Performance Bond: \$37,664.01 (Surety Bond 6161789, Safeco Insurance Company of America).
5. Agreement with Centex Homes for final wearing course of asphalt on roadways. [BC20020806DOC011](#)

**Lakewood Ranch Country Club Village, Subphase P aka Quail Creek****Release:**

Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$9,045.53).

**Accept:**

Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$9,045.53). This agreement will be for a **one-year extension** secured by a previously accepted surety bond (929225814, 11/27/01). [BC20020806DOC012](#)

**Riverwalk Ridge (Cypress Banks Phase II) Subphase I, Units 1 & 2****Release:**

Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$35,547.20).

**Accept:**

Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$35,547.20). This agreement will be for **one-year extension** secured by a previously accepted surety bond (929170950, 12/19/00). [BC20020806DOC013](#)

**River Woods, Phase IV, Boardwalk and Gazebo****Release:**

Agreement with Lennar Homes, Inc., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$40,454.61).

**Accept:**

Agreement with Lennar Homes, Inc., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$40,454.61). This agreement will be for a **one-year extension** secured by a previously accepted security bond (929186829, 6/26/01). [BC20020806DOC014](#)

**Rosedale Highlands, Phase B****Release:**

1. Agreement with Newton Developments, Inc., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$24,646.23).
2. Performance Bond: \$24,646.23 (Letter of Credit 941632, Bank of America fka NationsBank).

**Accept:**

1. Agreement with Newton Developments, Inc., guaranteeing completion of required sidewalks and bikeways and temporary construction easement for private improvements (\$12,063.36).
2. Performance Bond: \$12,063.36 (Newton Development Inc., company check 2030 issued on Bank of America). [BC20020806DOC015](#)

**Sabal Harbour, Phase VIII****Release:**

1. Agreement with Pulte Homes guaranteeing completion of required sidewalks and bikeways (\$42,016).
2. Performance Bond: \$42,016 (Surety Bond 61142414, Safeco Insurance Company of America). [BC20020806DOC016](#)

**WARRANT LIST**

Approved: July 30, 2002 through August 5, 2002  
 Authorized: August 6, 2002 through August 19, 2002

[BC20020806DOC017](#)**ACCEPT**

**Heritage Harbour South Community Development District** – Minutes of the Board of Supervisors meeting held May 21, 2002

[BC20020806DOC018](#)**Parks and Recreation Special Interest Class Instructor's Agreements:**

Debra Haber – Specialized Crafts Classes

[BC20020806DOC019](#)

James Alan Mathys – Puppy Kindergarten & Dog Obedience, Beginner & Advanced

[BC20020806DOC020](#)

Jenny Oldham – Pre-School: Three, Four, Open the Door

[BC20020806DOC021](#)

David Springer – Self Defense/Karate/Kick-robics

[BC20020806DOC022](#)

**Southwest Florida Water Management District** – Tentative Budget for FY 2002-03

[BC20020806DOC023](#)**AUTHORIZE CHAIRMAN TO SIGN****Partial Releases of Special Improvement Assessment Liens:**

Projects 3009; 3100; 3102 (2); 3128 (6); 5080; 5147; 5148; 5261 (7)

[BC20020806DOC024](#)**Satisfactions of Judgments:**

Alfredo Garcia – Cases 95-2876F, 95-2879F, 97-4051T, and 98-773F

Cherita Null – Cases 94-2717JD, 94-3147JD, and 95-116JD

[BC20020806DOC025](#)**COUNTY ADMINISTRATOR****PROCLAMATIONS**

A Proclamation designating August 24, 2002, as Celebrating Families Day, urging support of the 8th Annual Children's Summit at the Manatee Convention Center on August 24, 2002, was accepted by **Carol Hunt**, Project Child Care.

[BC20020806DOC026](#)**TAMPA BAY ESTUARY PROGRAM**

Execution of funding agreement with Tampa Bay Estuary Program for federal fiscal year 2001, \$32,217.

[BC20020806DOC027](#)**LAWSUITS**

- 75th Street West** - Approve Stipulated Final Judgment for the settlement with **Larry M. Wade and Lynn A. Secrest-Wade** for a payment of the aggregate sum of \$1,345, including attorney's fees, costs and expenses, for the taking of Parcel 19, in eminent domain case Manatee County v. Dozier B. Hilliard, et al., Case 1998-CA-1534.
- 30th Avenue West** - Approve settlement with defendants **Mary Jo Coleman and Mr. Cheesecake, Inc.**, for payment of the aggregate sum of \$38,833.16, for expert costs incurred by the defendants, for Parcel 127, in eminent domain case Manatee County v. Flora Samantha Wright, et al., Case 2001-CA-3363.

[BC20020806DOC028](#)[BC20020806DOC029](#)**VALUE ADJUSTMENT BOARD – SPECIAL MASTER**

Execution of the 2002 Value Adjustment Board Special Master contract with Taylor, Lawless & Singer, P.A., for the services of Michael A. Connolly, upon receipt of originals from the School Board, and authorization for the County Attorney to approve up to an additional \$4,000 in compensation.

[BC20020806DOC030](#)**CHILDREN'S SERVICES FUNDING**

Execution of Amendment One to the FY 2001-02 agreement with Boys and Girls Clubs of Manatee County, Inc., amending the service description and unit of service description in the **Wheels Program** to provide transportation for children participating in the **Harilee Middle School Summer Program**.

[BC20020806DOC031](#)**INDIGENT PRESCRIPTION SERVICES**

Execution of Amendment One to FY 2001-02 agreement with Manatee County Rural Health Services, Inc., for County eligible indigents and **Community Care for the Elderly Prescription Benefits Program**; increase of \$188,550, adjusted total \$617,584.

[BC20020806DOC032](#)**PERSONNEL STAFFING LEVEL**

**R-02-213** RESOLUTION ESTABLISHING AUTHORIZED STAFFING LEVEL CHANGE FOR COURT ADMINISTRATION

(**Court Administration** increase from 16 to 17).

[BC20020806DOC033](#)**TAMPA BAY ESTUARY PROGRAM**

Acceptance of \$10,000 from the Tampa Bay Estuary Program for field support on the **Benthic Monitoring Program**.

[BC20020806DOC034](#)**BUDGET AMENDMENT****Various Departments****B-02-035**

Transfer of Funds; Unanticipated Revenue Appropriations

Supporting Description and Detail Attached

[BC20020806DOC035](#)**ELLENTON GILLETTE ROAD - WATER MAIN**

Execution of Final Change Order 2 to IFB 00-7967DC with Center Line Construction Corp., for a 16-inch water main; decrease of \$962.85, adjusted total \$413,297.15.

[BC20020806DOC036](#)**SURPLUS PROPERTY**

- 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 authorize to thereafter dispose of such property (various departments);
- R-02-159** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (various equipment to **Reflections of Manatee, Inc.**);

3. **R-02-160** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (Air Compressor to **Manatee County Port Authority**);
4. **R-02-162** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (Street Sweeper Broom to **Manatee County 4-H Love a Llama**);
5. **R-02-167** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (various chairs to **Florida Highway Patrol**);
6. **R-02-168** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (Street Sweeper Broom to **Blue Heart School and Sanctuary**);
7. **R-02-169** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (three Medication Carts to **Manatee Glens Hospital Crisis Unit**);
8. **R-02-170** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (various equipment to **Florida Highway Patrol**);
9. **R-02-201** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (miscellaneous office furniture to **City of Bradenton Beach**); [BC20020806DOC037](#)
10. Authorization to classify **excess vehicles** as surplus property per *Florida Statute 274.05* to enable appropriate and authorized disposition in accordance with Purchasing Code 99-37, Section 1.106; and authorization to thereafter dispose of such property; [BC20020806DOC038](#)
11. Authorization to classify **excess vehicles** as surplus property per *Florida Statute 274.05* to enable appropriate and authorized disposition in accordance with Purchasing Code 99-37, Section 1.106; and authorization to thereafter dispose of such property; and
12. **R-02-200** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (1989 Gradall Excavator, Asset 27567 to **Manatee County Sheriff**). [BC20020806DOC039](#)

**NETWORK HARDWARE UPGRADE**

Authorization to purchase via State Contract from Presidio Corporation (for various departments), \$107,240.60. [BC20020806DOC040](#)

**HOUSEHOLD HAZARDOUS WASTE**

Execution of agreement with Safety-Kleen (Bartow), Inc., for **collection and disposal**, \$230,000. [BC20020806DOC041](#)

**PAYMENT IN LIEU OF TAXES**

**R-02-212** A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE IMPOSITION AND PAYMENT OF CERTAIN PAYMENTS IN LIEU OF TAXES UPON CERTAIN PROPERTY UTILIZED BY THE COUNTY'S UTILITY SYSTEM; PROVIDING FOR THE AMOUNT, SOURCE AND PRIORITY OF SUCH PAYMENT; AUTHORIZING THE PROPER OFFICERS OF THE COUNTY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE IMPOSITION AND COLLECTION OF SUCH PAYMENTS IN LIEU OF TAXES; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE. [BC20020806DOC042](#)

**PROFESSIONAL AUCTIONEERING SERVICES**

Execution of Addendum One to Professional Auctioneering Services Agreement with Tampa Machinery Auction, Inc., extending the agreement to December 6, 2003. [BC20020806DOC043](#)

**RIVERVIEW BOULEVARD BRIDGE**

Execution of Change Order 2 to Work Assignment 99-12 with Wade-Trim, Inc., for engineering services for design and construction services for Riverview Boulevard Bridge 134019 over McLewis Bayou; increase of \$3,249.50, adjusted total \$53,270.50. [BC20020806DOC044](#)

**SOUTHEAST REGIONAL WASTEWATER TREATMENT PLANT**

Execution of Final Change Order 6 to IFB 99-2691DC with Westra Construction Corporation; decrease of \$19,157.20 and addition of 70 contract days, adjusted total \$18,552,676.11 and a revised completion date of August 9, 2002. [BC20020806DOC045](#)

**TIME PAYMENT AGREEMENTS**

Execution of Time Payment Agreements for Facility Investment Fees (FIFs), water connection, and line extension fees with: Sheldon Kelly and Linda G. Clements, Joseph A. and Karen L. Uhlman, Southwest Florida Council, Inc., and William Keith and Katherine L. Marsh. [BC20020806DOC046](#)

**UTILITY REFUND**

Refund \$898.70, minus any current billings, to Day Spring Conference Center, Account 78030-81826, for service address 8411 25th Street East, Parrish, due to incorrect billing. [BC20020806DOC047](#)

**PARKS AND RECREATION LICENSE AGREEMENTS**

1. **Manatee Area Youth Soccer Organization**  
**R-02-196** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING A LICENSE AGREEMENT WITH THE **MANATEE AREA YOUTH SOCCER ORGANIZATION** (execution of a license agreement substantially in accordance with Exhibit A, upon receipt of signed originals from the licensee). [BC20020806DOC048](#)

2. **Miss Manatee Softball, Inc.**

**R-02-195** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING A LICENSE AGREEMENT WITH **MISS MANATEE SOFTBALL, INC.**

(execution of a license agreement substantially in accordance with Exhibit A, upon receipt of signed originals from the licensee). [BC20020806DOC049](#)

**NATIONAL RECREATION AND PARKS ASSOCIATION**

Parks and Recreation Director to sign the Benefits Logo Agreement (\$50 annual fee) with the National Recreation and Parks Association allowing the Parks and Recreation Department to use and duplicate or imprint the logo/slogan "*Discover the Benefits of Parks and Recreation*" on any printed promotional materials such as banners, bumper stickers, T-shirts, coffee mugs, decals, program guides, newsletters, posters, etc. [BC20020806DOC050](#)

**PALMA SOLA BOTANICAL PARK**

Execution of Amendment to Agreement (2/29/00) with Florida Department of Environmental Protection and the Palma Sola Botanical Park Foundation, Inc., extending the completion date to May 1, 2003. [BC20020806DOC051](#)

**YOUTH FOOTBALL**

Authorization for the **School Board of Manatee County** and **Peace River Conference Youth Football Organizations** to charge gate admission to their athletic/sporting events at County parks, on an annual basis. [BC20020806DOC052](#)

**SPECIAL OLYMPICS GOLF TEAM**

Authorization for the Parks and Recreation Department to waive greens, cart, and driving range fees at Manatee County and Buffalo Creek Golf Courses for the Special Olympics Golf Team, on alternating weeks, from May 1 through October 1, 2002, after 4:00 p.m., on an annual basis, outside peak season. [BC20020806DOC053](#)

**FINAL PLATS****Regency Oaks Preserve**

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Provident Bank;
3. Agreement with Regency Oaks Preserve, Inc., guaranteeing completion of required improvements (\$288,860.26);
4. Performance Bond: \$288,860.26 (Letter of Credit S009315 and Amendment 001, Provident Bank);
5. Agreement with Regency Oaks Preserve, Inc., guaranteeing completion of required sidewalks and bikeways (\$40,885);
6. Performance Bond: \$40,885 (Letter of Credit S009314 and Amendment 001, Provident Bank);
7. Conservation Easement from Regency Oaks Preserve, Inc.; and
8. Declaration of Covenants, Conditions and Restrictions for Regency Oaks Preserve. [BC20020806DOC054](#)

**Charleston Pointe, Phase A at University Place**

1. Final Plat;
2. Agreement with University Place Joint Venture and University Place Community Development District guaranteeing completion of required improvements (\$530,850.13);
3. Performance Bond: \$530,850.13 (Surety Bond 3SM04501600, American Motorists Insurance Company);
4. Agreement with University Place Joint Venture and University Place Community Development District guaranteeing completion of required sidewalks and bikeways (\$13,884);
5. Performance Bond: \$13,884 (Surety Bond 3SM04502200, American Motorists Insurance Company);
6. Agreement with University Place Joint Venture and University Place Community Development District guaranteeing completion of required improvements and temporary construction easement for private improvements (\$1,266,809.98);
7. Performance Bond: \$1,266,809.09 (Surety Bond 3SM04501900, American Motorists Insurance Company);
8. Agreement with University Place Joint Venture guaranteeing performance of a Wetland Buffer Enhancement Plan (\$10,637.50);
9. Performance Bond: \$10,637.50 (Surety Bond 3SM04502600, American Motorists Insurance Company);
10. Maintenance Agreement for Right-of-Way Island with RB-3 Associates, David H. Baldauf, Trustee, under a Trust Agreement dated September 22, 1993, known as the Randall Benderson 1993-1 Trust, and WR-I Associates, Ltd.;
11. Agreement with University Place Community Development District for the Installation and Maintenance of Publicly Owned Facilities underlying CDD Owned Lands; and
12. Declaration of Covenants, Conditions and Restrictions for University Place. [BC20020806DOC055](#)

**Charleston Pointe, Phase A-1 at University Place**

1. Final Plat;
2. Agreement with University Place Joint Venture and University Place Community Development District guaranteeing completion of required improvements (\$76,667.50);
3. Performance Bond: \$76,667.50 (Surety Bond 3SM04501800, American Motorists Insurance Company);
4. Agreement with University Place Joint Venture and University Place Community Development District guaranteeing completion of required improvements and temporary construction easement for private improvements (\$84,624.39);

5. Performance Bond: \$84,624.39 (Surety Bond 3SM04502100, American Motorists Insurance Company);
6. Agreement with University Place Joint Venture and University Place Community Development District guaranteeing completion of required sidewalks and bikeways (\$9,048); and
7. Performance Bond: \$9,048 (Surety Bond 3SM04502400, American Motorists Insurance Company). [BC20020806DOC056](#)

**Hampton Terrace at University Place**

1. Final Plat;
2. Agreement with University Place Joint Venture and University Place Community Development District guaranteeing completion of required improvements (\$533,256.62);
3. Performance Bond: \$533,256.62 (Surety Bond 3SM04501700, American Motorists Insurance Company);
4. Agreement with University Place Joint Venture and University Place Community Development District guaranteeing completion of required sidewalks and bikeways (\$35,672);
5. Performance Bond: \$35,672 (Surety Bond 3SM04502300, American Motorists Insurance Company).
6. Agreement with University Place Joint Venture and University Place Community Development District guaranteeing completion of required improvements and temporary construction easement for private improvements (\$116,189.77);
7. Performance Bond: \$116,189.77 (Surety Bond 3SM04502000, American Motorists Insurance Company);
8. Agreement with University Place Joint Venture guaranteeing performance of a Wetland Buffer Enhancement Plan (\$10,637.50); and
9. Performance Bond: \$10,637.50 (Surety Bond 3SM04502500, American Motorists Insurance Company). [BC20020806DOC057](#)

**LAKWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT 5**

Approval and execution of the Interlocal Agreement with Lakewood Ranch Community Development District 5 (established by Resolution R-00-233, 10/24/00). [BC20020806DOC058](#)

**PARTICIPATION PROJECTS**

Set a second public hearing on September 3, 2002, at 9:00 a.m. or as soon thereafter as possible, for Road Assessment Projects: 6033661, **Pomello Park, Phase II**; 6033662, **Pomello Park, Phase III**; 5101460, **35th Street East**; and Road and Sewer Assessment Projects 6038860 and 6038880, **84th Street Northwest**. [BC20020806DOC059](#)

**EMERGENCY MANAGEMENT**

Execution of a Memorandum of Understanding with Volunteer Services of Manatee County, Inc., establishing a working relationship in the operation of a **Volunteer Reception Center** during recovery from a disaster. [BC20020806DOC060](#)

**DEEDS AND EASEMENTS**

1. **14th Street West/U.S. 41** – Warranty Deed from Boyz n’ Burgers, LLC, for additional right-of-way at Bayshore Gardens Shopping Center (Sonic America’s Drive-In); Affidavit of Ownership and Encumbrances; Partial Release of Mortgage from Bank of America, N.A. [BC20020806DOC061](#)
2. **64th Avenue East/Pomello Park – West of C.R. 675 and 229th Street East**  
Right-of-Way Easements and Affidavits of Ownership and Encumbrances from:
  - a. Cecil B. and Lela M. Peel; Joinder from First National Bank of Florida, dba West Coast Guaranty Bank. [BC20020806DOC062](#)
  - b. Two Easements from Michael A. and Kelly Rae Schue; two Affidavits of Ownership and Encumbrances; Joinder from Regions Bank. [BC20020806DOC063](#)
  - c. Carey A. and Barbara M. Watson; [BC20020806DOC064](#)
  - d. Albert Andrew Williams; Joinder from Suncoast Schools Federal Credit Union. [BC20020806DOC065](#)
  - e. Mark W. and Mary Jane Wolfe; [BC20020806DOC066](#)
  - f. William and Elizabeth Wolfe; and [BC20020806DOC067](#)
  - g. Ernest E. and Cynthia L. Yeomans; Subordination Agreement from First South Bank. [BC20020806DOC068](#)
3. **Buckeye Road** – Conservation Easement from Gulfstream Natural Gas System, LLC, for wetland protection on property located east of U.S. 41; Affidavit of Ownership and Encumbrances. [BC20020806DOC069](#)
4. **Buttonwood Sewer Rehabilitation/Right-of-Way Acquisition** – Temporary Construction Easements from: James J. Palawski, Larry A. and Carletta Dash, Eustacio and Audella Gonzalez, Felipe Velazquez and Maria L. Pelaez De Velazquez, Jose M. and Magdalena Yanez, Daniel C. Nava, Jesus Gonzalez, Jose Ricardo Velazquez Arreola, L.H. and M.S. Glasgow d/b/a USA Land, and Heber J. Perez. [BC20020806DOC070](#)
5. **55th Avenue Drive East/16th Street East** – Temporary Roadway, Access, and Utility Easement from La Mirada Gardens, Ltd.; Utility Easement from La Mirada Gardens, Ltd.; Affidavits of Ownership and Encumbrances (3); Mortgagee’s Joinder from Regency Investment Associates, Inc. [BC20020806DOC071](#)
6. **Tallevast Road** – Warranty Deed from Patrick & Susan Kennedy, LLP, for right-of-way west of 9th Street East; Affidavit of Ownership and Encumbrances; Partial Release of Mortgage from American Bank. [BC20020806DOC072](#)
7. **Trailer Estates** – Temporary Construction Easement from Joyce Ann Evans for the waterline and sewer project on Pennsylvania, Michigan, and Wisconsin Avenues. [BC20020806DOC073](#)

**MANATEE AVENUE AND 75TH STREET WEST**

Execution of Contract for Sale and Purchase for a Warranty Deed from John F. Brand for property at the southwest corner of Manatee Avenue and 75th Street West for future right-of-way requirements, \$83,000. [BC20020806DOC074](#)

**C.R. 675**

Execution of Easement Agreement with Board of Trustees of the Internal Improvement Trust Fund of the State of Florida conveying certain surplus real property along C.R. 675 (Bradenvue Subdivision) to Manatee County for future road expansion. [BC20020806DOC075](#)

**POMELLO PARK – ROADWAYS**

Acceptance of the roadways in Pomello Park, Section 21, as depicted on the sketch attached to the agenda memorandum. [BC20020806DOC076](#)

**FLORIDA SCENIC HIGHWAY**

Execution of the multi-jurisdictional application to the Florida Department of Transportation to have **U.S. 41/U.S. 41 Business/Tamiami Trail** designated as a Florida Scenic Highway through Manatee County. [BC20020806DOC077](#)

**WINGATE ROAD**

1. Amendment 1 to Required Improvements Agreement with P.D.W.B., Inc., extending the completion date to November 13, 2002 (\$65,670).
2. Amendment to Letter of Credit WIN-01 with Brasota Mortgage, Inc., extending the expiration date to December 31, 2002.
3. Check in the amount of \$5,000 from William L. Manfull, President of PDWB, Inc., developer, for maintenance of the required improvements for two years (fulfilling a requirement of the original Required Improvements Agreement, 2/20/01). [BC20020806DOC078](#)

**SOLID WASTE RATES**

Set a public hearing on September 3, 2002, to consider an increase in the Solid Waste rates. [BC20020806DOC079](#)

**LANDFILL TIPPING FEES**

1. **Florida Institute for Saltwater Heritage** - Approve, ratify, and confirm waiver of tipping fees at the landfill for solid waste disposal from a cleanup of the waterway surrounding Miller's Dock in Cortez Village on July 19, 2002. [BC20020806DOC080](#)
2. **Galati Marina** – Waiver of tipping fees at the Solid Waste Management Facility for soil from maintenance dredging material generated by Galati Marina (approximately 10/1/02 through 11/30/02). [BC20020806DOC081](#)

**ELECTRONIC PRODUCTS COLLECTION AND RECYCLING PROGRAM**

Submission of a Scope of Work (grant proposal) to the Florida Department of Environmental Protection. [BC20020806DOC082](#)

(End Consent Agenda)

**AWARDS****County Commissioners Voluntary Certification Program**

Ernie Padgett, County Administrator, presented certifications to Commissioners **Jane von Hahmann** and **George Harris** for completion of the Program. [BC20020806DOC083](#)

**Employee of the Month**

**Kathy Horne**, Customer Service Supervisor, was presented a plaque as Employee of the Month for August 2002 by Dan Schlandt, Financial Management Administrator. [BC20020806DOC084](#)

**Retirement Award**

**Olen Purvis**, Utilities Maintenance Technician Trainee, Utility Operations Department, was presented with a retirement award honoring his 26 years of service by Dan Gray, Utility Operations Director. [BC20020806DOC085](#)

**SOUTHEAST COUNTY**

**Remonia Lewis** and **Nancy Darr**, representing the Southeast Residents Association, spoke in opposition to plans for lighting in Pride Park. They requested that the funds be used to fund the Boys and Girls Club at Harllee Middle School.

**Linda Webb** requested lighting at the end of her street (Saturn Avenue) and at the Full Service Center located at Harllee Middle School.

Discussion: Activities at Pride Park in winter months; park is closed at dusk; no team sports at this time; park has baseball and soccer fields and basketball courts; provide lighting and recreational equipment to maximize use; control lighting by use of timers; safety issues at Pride Park; etc.

Carol Clarke, Planning Director, stated that staff is preparing conceptual plans for alternative uses of Pride Park.

(Note: Additional discussion under Community Development Block Grant) [BC20020806DOC086](#)

**CITIZENS' COMMENTS**

**William Wheeler** suggested that a committee be set up to create a standard homeowner association covenant for subdivisions.

Mr. Wheeler expressed concern that the street names 63rd Avenue East and Honore Avenue are being used interchangeably (roads are proposed to connect at the intersection of 63rd Avenue East and 39th Street East).

Mr. Wheeler noted that tax increases are a burden on citizens living on fixed incomes.  
(Depart Mrs. Glass)

Discussion: The millage rate has not gone up as suggested; Honore Avenue will eventually intersect Lockwood Ridge Road and connect at 63rd Avenue East; remove Saunders Road (nka 63rd Avenue East) signs; request has been made to tie Natalie Way into Honore Avenue; etc. [BC20020806DOC086](#)  
(Enter Mrs. Glass during discussion)

**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. She submitted a copy of *Florida Statute* Chapter 73, stating she was not given a jury trial per the Statute.

Mrs. Stein referenced a memorandum of August 2, 2002, from the County Attorney regarding this case and the repetitive Citizen's Comments by Ms. Brown. The memo states that the case is now closed and the Board may rule a speaker out of order who repeats comments.

Discussion: Read and review memo and attachments before next Board meeting; have deputies in audience to remove speaker if ruled out of order again; etc.

Tedd Williams, County Attorney, corrected the record by stating that Ms. Brown sent a letter to Judge Janette Dunnigan in which Ms. Brown waived her right to a jury trial. Additionally, he noted that she rejected the settlement offer from the County and an order was subsequently entered for a lower amount, which was paid. Mr. Williams stated there are no further issues between Ms. Brown and the Board pertaining to the eminent domain case. [BC20020806DOC086](#)

**PDC-00-11(G)(R) – UNIVERSITY PARK CENTER**

**Edward Vogler**, representing the applicant, requested reconsideration of action taken July 30, 2002, denying a request to amend Stipulation 14 of **PDC-00-11(G)(R) – University Park Center**. Mr. Vogler stated the presentation lacked technical information and was incomplete. He noted that the request would allow a 10,000-square-foot Eckerd's store and a 5,000-square-foot Republic Bank to be developed prior to the time that substantial transportation improvements might be required for a shopping center.

Discussion: Another application involving the same site is coming forward; review the entire site at one time; e-mail from **Brad Hahn** opposing reconsideration; cumulative traffic impacts at the intersection; etc.

Motion was made by Mrs. Glass and seconded by Mr. Harris to approve the request for reconsideration based upon new information, if it is so warranted. Following discussion regarding transportation improvements and amendments to development plans, the motion for reconsideration of PDR-00-11(G)(R) **failed** 3 to 4, with Mr. McClash, Mr. Bruce, Mrs. von Hahmann, and Mrs. Stein voting nay.

The County Administrator was directed to bring back criteria of timetables for transportation improvements. [BC20020806DOC087](#)

**PUBLIC HEARINGS – CONSENT AGENDA**

Motion was made by Mr. Bruce, seconded by Mrs. von Hahmann, and carried 7 to 0, to approve the Public Hearings Consent Agenda incorporating the language as stated in the recommended motions in the agenda memoranda (as may have been amended in the supplemental agenda).

**LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM** (APPROVED)

Public hearing (Notice in the *Bradenton Herald* 7/22/02) was held to consider  
THE APPLICATION OF \$365,944 OF FEDERAL FUNDS, AND \$40,660 IN MATCHING MANATEE COUNTY FUNDS FOR THE IMPLEMENTATION OF MANATEE COUNTY BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE LOCAL LAW ENFORCEMENT BLOCK GRANT FOR **LAW ENFORCEMENT**, AND **MANATEE COUNTY DRUG COURT** SUPPORT, OVER A TWO-YEAR PERIOD BEGINNING OCTOBER 1, 2002, AND ENDING SEPTEMBER 30, 2004. [BC20020806DOC088](#)

**COMPREHENSIVE PLAN AMENDMENTS**

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 7/29/02) was held to consider

**ORDINANCE 02-02** (CONTINUED TO A DATE UNCERTAIN)  
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED (THE 2020 MANATEE COUNTY COMPREHENSIVE PLAN); PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FROM **IL** (46.8 ACRES); **IH** (37.7 ACRES); **IH/CEA** AND **IH/CEA/CSVA** (65.1 ACRES) TO **RES-9** (84.5 ACRES); **RES-3/CEA** AND **RES-3/CEA/CSVA** (65.1 ACRES), FOR A TOTAL ACREAGE OF 149.6 ACRES LOCATED IN THE 2001 BLOCK OF U.S. 301, PALMETTO, BETWEEN CANAL ROAD AND 24TH AVENUE EAST, BEGINNING 600 FEET SOUTH OF U.S. 301 AND CONTINUING SOUTH TO THE MANATEE RIVER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.  
(**PA-02-02** – Property Owner: **Palmetto Business Park**) [BC20020806DOC089](#)



Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 7/29/02) was held to consider

**ORDINANCE 02-03** (CONTINUED TO A DATE UNCERTAIN)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; AMENDING THE FUTURE LAND USE ELEMENT TO ALLOW FOR FUTURE LAND USE AMENDMENTS TO CHANGE HEAVY INDUSTRIAL (**IH**) FUTURE LAND USE CATEGORIES TO RESIDENTIAL FUTURE LAND USE CATEGORIES IN THE COASTAL EVACUATION AREA (**CEA**) WHEN CRITERIA ARE MET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(**PA-02-03** - Text Amendment: **Palmetto Business Park**)

[BC20020806DOC90](#)

(End Consent Agenda)

**ORDINANCE 02-26 - SEAPLANES ON LAKE MANATEE**

Public hearing (Notice in the *Bradenton Herald* 7/25/02) was held to consider

**ORDINANCE 02-26** AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RESTRICTING THE OPERATION OF AIRCRAFT ON LAKE MANATEE; PROVIDING FOR AN IMPLEMENTING RESOLUTION; PROVIDING AN EFFECTIVE DATE.

David Rothfuss, Assistant County Administrator, requested adoption of implementing Resolution

**R-02-178** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING RULES AND OPERATING PROCEDURES FOR AIRCRAFT LANDING OR TAKING OFF ON LAKE MANATEE, PURSUANT TO ORDINANCE 02-26; PROVIDING FOR AN EFFECTIVE DATE.

(Depart Mrs. Glass and Ms. Brown)

**Michael Volk**, representing the seaplane pilots group, stated that the Ordinance was a reasonable solution regarding safety issues relating to the water treatment plant and Lake Manatee Dam.

Motion was made by Mr. McClash, seconded by Mr. Harris, and carried 5 to 0, to adopt Ordinance **02-26** and Resolution **R-02-178**.

[BC20020806DOC091](#)

**PUBLIC SAFETY COMPLEX**

Motion was made by Mr. Bruce, seconded by Mr. McClash, and carried 5 to 0, to authorize staff to negotiate with the owners of property immediately north of the Public Safety Complex Parking Garage (512 10th Street West) in order to "square off" the footprint of the proposed Judicial Center.

[BC20020806DOC092](#)

**Recess/Reconvene.** All members present.

**COUNTY ATTORNEY**

Tedd Williams, County Attorney, presented and reviewed the Eighteenth Annual Report of the County Attorney's Office.

Discussion: Training Sheriff's deputies regarding enforcement of County ordinances; training on personnel issues; etc.

[BC20020806DOC093](#)

**COMMUNITY DEVELOPMENT BLOCK GRANT**

Michael Wood, Planning Department, requested adoption of Resolution

**R-02-214** RESOLUTION TO ADOPT THE COMMUNITY DEVELOPMENT 2002-2006 CONSOLIDATED PLAN AND THE 2002 ONE YEAR ACTION PLAN (\$1,730,000 for Community Development Block Grant [CDBG] Program, \$587,000 for the HOME Program; submission to the **Department of Housing and Urban Development** and authorization for the Chairman to sign all appropriate documents.)

Mr. Wood acknowledged **Steve Kelly**, consultant with the Florida Planning Group, who assisted in formulation of the Plan. Mr. Wood noted a change since the previous discussion (6/18/02): the project entitled "Sidewalks and Piping Ditches" is now "Public Infrastructure Improvements in Income Eligible Areas," which will allow greater flexibility in use of that funding. He also noted that the project includes street lighting, which was discussed previously.

Discussion: Staff will coordinate improvements to Pride Park with Daughtrey Elementary School and Harllee Middle School; discussion with Manatee Glens staff regarding prioritization of alcohol- and drug-addicted homeless; housing summit work session; include this in Imagine Manatee Visioning process; staff will include churches north of Manatee River in the notification system; drainage problem in Sylvan Oaks as part of 17th Street East improvements; utilize funds to address needs that have not changed over the years, such as joblessness and single-parent families; Pride Park CRA (Community Redevelopment Area); involvement on the parts of the Sheriff's Department, Public Safety, and Code Enforcement staff; get businesses involved; economic development component; first year as an entitlement community with two million dollars going to 19 projects; etc.

(Gavel to Mr. Bruce, presiding)

Motion was made by Mrs. Stein and seconded by Ms. Brown to adopt Resolution **R-02-214**.

Carol Clarke, Planning Director, requested wording in the motion to allow editorial changes to the application, which are not programmatic changes. Mrs. Stein and Ms. Brown agreed.

**Mary Ruiz**, Manatee Glens, addressed the housing needs of the mentally ill and addicted people.

The motion carried 7 to 0.

[BC20020806DOC094](#)

(Mrs. Stein presiding)

**30TH AVENUE WEST**

Motion was made by Mr. McClash and seconded by Mr. Harris to approve the Stipulated Final Judgment for a settlement with property owner **Electronic Protection Systems, Inc.**, for the purchase of the entire property for \$420,000, less the sum of the previous deposit of \$56,200, for the taking of parcels 125/725 in the eminent domain case of Manatee County v. Oneco Land Company, Inc., et al., Case 2001-CA-3725 (improvements to 30th Avenue West), to include settlement of all claims including land and improvements taken, damages, if any, to the remainder, and business damages. The motion carried 7 to 0.

[BC20020806DOC095](#)

(Depart Mrs. Glass)

**26TH STREET AT 53RD AVENUE WEST**

Janet McAfee, Project Management Director, requested execution of Change Order 1 to Work Assignment 99-11 with Wade Trim, Inc., for Conceptual Design of 26th Street West at 53rd Avenue West; increase of \$17,878, adjusted total \$52,426.

Discussion: Transportation Department should present a conceptual design; cost will be expensive; not enough growth and expansion to justify improvements; outparcel available on one corner; etc.

Ms. McAfee stated the Change Order allows for evaluation of the business damages and alternative to decrease right-of-way impacts.

Without objection, the item was continued to be placed on a future agenda.

[BC20020806DOC096](#)

**ADULT ENTERTAINMENT**

Tedd Williams, County Attorney, stated that, based on discussions at the last meeting (7/30/02) regarding a moratorium on licensing, permitting, and land use approvals for sexually-oriented and adult businesses in unincorporated Manatee County, a six-month moratorium would involve two ordinances. One ordinance for the land use approval process, and the other ordinance for issues that could be the subject of a moratorium.

Discussion: Distance requirements from residences, churches, and schools; the permitting process could be reviewed with final site plans; pending applications; lingerie shops and modeling establishments; precedent for prohibition of sexually-oriented businesses in Manatee County; etc.

Motion was made by Mr. Bruce to direct the County Attorney and staff to advertise and set for public hearing ordinances imposing a six-month moratorium on the issuance of licenses, permits, and land use approvals for sexually-oriented and adult entertainment businesses in unincorporated Manatee County. The motion was seconded by Mr. Harris.

Discussion: Option for time extension; applications will be accepted but not processed until after the ordinance is adopted; effective date of ordinance; etc.

Ms. Clarke advised that an application for an adult bookstore was recently received. An application for a drinking and adult entertainment establishment has been modified to a drinking establishment.

Discussion: Drinking establishment requires a public hearing; adult entertainment application is handled administratively; issuance of adult entertainment license is through the Tax Collector; public is on notice that moratorium is being considered; etc.

The motion carried 6 to 0.

Motion was made by Mr. Harris and seconded by Mr. Bruce to direct the County Attorney's Office to undertake legal research, and if legally enforceable, to prepare an ordinance that would prohibit sexually-oriented, physical contact business enterprises in Manatee County. Following discussion, the motion carried 6 to 0.

[BC20020806DOC097](#)

**GULF COAST RESEARCH AND EDUCATION CENTER**

Mr. Padgett stated that he spoke with Dan Nolan, School Board Superintendent, and Mark Barnebey, School Board Attorney, who advised that the Gulf Coast Research and Education Center of the University of Florida must offer the property (on S.R. 70 and Caruso Road) to the County (based on the decision to move the Center to Hillsborough County). Mr. Padgett advised that this site should be considered for a school and a park. He requested, and received, permission to continue discussions with the School Board and to bring back a report.

[BC20020806DOC098](#)

**COMMISSIONERS' COMMENTS**

**Beautification of Businesses**

Ms. Brown requested a mechanism to help interested business owners beautify their businesses.

**21st Street East/5th Avenue East, Palmetto**

Ms. Brown stated she received a request from the residents on this dirt road, next to the Mt. Olive Church, for the County to take over the road.

**17th Street, Palmetto**

Ms. Brown asked when this road would be paved.

**Storm Drains - Manatee Avenue West**

Mr. McClash stated the storm drains on Manatee Avenue West at 57th Street West clog during storms, which flood the street. He noted the same problem on 75th Street West along Palma Sola Park, and stated the drains have not been maintained.

**The Accord**

Mrs. Stein noted a request from the **Federation of Manatee County Community Associations** and an e-mail from **Jay Graf** noting concerns with The Accord (approved 3/26/02). She and Mr. Padgett will schedule a meeting with the parties to discuss those concerns.

(Depart Mr. McClash)

**Salvation Army**

Mr. Bruce stated that he received a request to conduct the public hearing concerning the pending application of the Salvation Army (proposed rehabilitation center in Tallevast) in the evening. There were no objections.

**Lingerie Modeling Business**

Mr. Harris reported that signs advertising a lingerie modeling business near Music Music (4524 14th Street West) are gone and "For Rent" signs are posted.

**Lockwood Ridge Road**

Mr. Harris stated that William Wheeler questioned whether a tree on Lockwood Ridge Road north of University Parkway (at County Oaks Boulevard) could be removed.

**14th Street West - Community Redevelopment Area**

Ms. Brown was advised that the Community Redevelopment Area for 14th Street West will be on a future agenda. [BC20020806DOC099](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 12:45 p.m.  
/tb/rll/dev/klc

Minutes Approved: September 17, 2002