

**AUGUST 20, 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 20, 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 (entered during meeting)  
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 Rev. Don Carter, Trinity Assembly of God Church.

**AGENDA**

Agenda of August 20, 2002, agenda update memorandum, and Clerk's Consent Calendar.

[BC20020820DOC001](#)

**ADULT ENTERTAINMENT**

Tedd Williams, County Attorney, noted that a public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 8/10/02) had been advertised for this date on Ordinance 02-56; however, he did not recommend holding said public hearing for a moratorium on approvals for adult entertainment licenses or permits. He recommended cancellation of the public hearings (including companion Ordinance 02-57) due to concerns based on recent court decisions regarding these types of businesses.

Motion was made by Mr. McClash, seconded by Ms. Brown, to not go forward with the public hearings regarding the moratorium on this issue and to allow the County Attorney's Office to use its discretion in engaging the specialist needed to pursue any additional legal work that may be needed. Following discussion, the motion carried 6 to 0.

[BC20020820DOC002](#)

**CONSENT AGENDA**

Motion was made by Mr. Harris, seconded by Ms. Brown, 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.

Mr. Harris amended the motion to remove the **Agreement with Hardee Correctional Institute for Inmate Labor** for separate action, and Ms. Brown agreed. The motion carried 6 to 0. Items APPROVED:

**CLERK'S CONSENT CALENDAR**

**BONDS**

**Lakewood Ranch Country Club Village, Subphase C, Unit 5**

**Release:**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$23,790).
2. Performance Bond: \$23,790 (Surety Bond 121707, Frontier Insurance Company).

[BC20020820DOC003](#)

**Lakewood Ranch Country Club Village, Subphase D, Units 3B & 4 aka Gleneagles**

**Release:**

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$12,132.32).

**Accept:**

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$12,132.32). This agreement will be for a **one-year extension** secured by a previously accepted surety bond (147530, 12/14/99).

[BC20020820DOC004](#)

**Lakewood Ranch Country Club Village, Subphase H aka Weston**

**Release:**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$10,608.98).
2. Performance Bond: \$10,608.98 (Surety Bond 137467, Frontier Insurance Company).

[BC20020820DOC005](#)

**Lakewood Ranch Country Club Village, Subphase I aka Whitemarsh**

**Release:**

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$29,959.02).

**Accept:**

Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$29,959.02). This agreement will be for a **one-year extension** secured by a previously accepted surety bond (147491, 12/14/99). [BC20020820DOC006](#)

**Lakewood Ranch Country Club Village, Subphase L, Units 1 & 2 aka Sandhills; Subphase M, Units 1 & 2 aka Twin Hills; Subphase N, Units 1 & 2 aka Portmarnock; Subphase O, Units 1 & 2 aka Ashland**

**Release:**

Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$109,587.40).

**Accept:**

Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$109,587.40). This agreement will be for a **one-year extension** secured by a previously accepted surety bond (929225815, 11/27/01). [BC20020820DOC007](#)

**Laurel Oak Park**

**Release:**

1. Agreement with Neal Communities of Southwest Florida, Inc., guaranteeing completion of required sidewalks and bikeways (\$21,446.10).
2. Performance Bond: \$21,446.10 (Letter of Credit 9902 and Amendment, SunTrust Bank, Gulf Coast). [BC20020820DOC008](#)

**Palms of Holiday Heights**

**Accept:**

Defect Security: \$7,000 (Amendment 2 to Letter of Credit 52963, Brasota Mortgage Company, Inc.) **extending** expiration date (to 12/31/02). [BC20020820DOC009](#)

**River Pointe, Phase 2-C**

**Release:**

1. Agreement with Centex Homes guaranteeing completion of required sidewalks and bikeways (\$19,012.50).
2. Performance Bond: \$19,012.50 (Surety Bond 5947603, Safeco Insurance Company of America). [BC20020820DOC010](#)

**Sabal Harbour, Phase 1-A**

**Release:**

1. Agreement with Pulte Home Corporation warranting required improvements (\$48,897.72).
2. Defect Security: \$48,897.72 (Letter of Credit ATL/P600694 and Amendments 1 and 2, SunTrust Bank). [BC20020820DOC011](#)

**Sabal Harbour, Phase 1-B**

**Release:**

1. Agreement with Pulte Home Corporation warranting required improvements (\$12,059.13).
2. Defect Security: \$12,059.13 (Letter of Credit ATL/P600693 and Amendments 1 and 2, SunTrust Bank). [BC20020820DOC012](#)

**Summerfield Village, Subphase B**

**Release:**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$7,520.50).
2. Performance Bond: \$7,520.50 (Surety Bond 123307, Frontier Insurance Company). [BC20020820DOC013](#)

**Treymore at the Villages of Palm Aire, Unit 3**

**Release:**

1. Agreement with Taylor Woodrow Communities guaranteeing completion of required improvements and temporary construction easement for private improvements (\$152,481.20).
2. Performance Bond: \$152,481.20 (Surety Bond 20-85-10, American Home Assurance Company). [BC20020820DOC014](#)

**Waterlefe Golf and River Club, Unit 7**

**Release:**

1. Agreement with Bay Colony – Gateway, Inc., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$3,296).
2. Performance Bond: \$3,296 (Surety Bond K06590780, Westchester Fire Insurance Company).
3. Agreement with Bay Colony – Gateway Inc., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$482,342).
4. Performance Bond: \$482,342 (Surety Bond K06590895 and Rider, Westchester Fire Insurance Company).

**Accept:**

1. Agreement with Bay Colony-Gateway, Inc., warranting required improvements (\$10,213.95).
2. Defect Security: \$10,213.95 (Surety Bond K06590779 and Rider, Westchester Fire Insurance Company). [BC20020820DOC015](#)

**REFUNDS**

D. L. Porter Construction Inc. – Performance Bond for Hernando Avenue Overlay  
at The Atriums \$8,870.01 [BC20020820DOC016](#)

**WARRANT LIST**

Approved: August 6, 2002 through August 19, 2002  
 Authorized: August 20, 2002 through August 26, 2002

[BC20020820DOC017](#)**MINUTES**

July 23, 2002

[BC20020820DOC018](#)**ACCEPT**

**Housing Finance Authority of Manatee County, Florida** - Resolution Adopting 2002-2003 Budget

[BC20020820DOC019](#)**Parks and Recreation Special Interest Class Instructors' Agreements:**

Barry Brinson – Gymnastics

[BC20020820DOC020](#)

Maria E. Dubosq – Yoga

[BC20020820DOC021](#)

Rebecca Moeller – Sunset Aerobics

[BC20020820DOC022](#)

Larissa Schuefftan – Little Mozarts; Teens; Adults and a Keyboard Summer Camp

[BC20020820DOC023](#)

**West Manatee Fire & Rescue** – Budget for FY 2002-2003

[BC20020820DOC024](#)**AUTHORIZE CHAIRMAN TO SIGN****Corrective Documents:**

1. **PDR-01-13(Z)(G) McClure Properties, Inc./Stonebriar** – Correcting Stipulations 1.H, 3.A, and 4.C to reflect changes made by staff, which should have been included in the final document (adopted 7/30/02). [BC20020820DOC025](#)
2. **PDPI-02-06(Z)(P) Florida Power & Light Parrish Facility** – Correcting Stipulation 15 to read "Manatee Unit 3 shall be limited to combined cycle natural gas operation but may be operated in simple cycle natural gas mode up to the limited number of hours per year specified in Table 3.4-1 attached to this ordinance." **and** attaching Table 3.4-1 to the zoning ordinance (adopted 7/30/02). [BC20020820DOC026](#)

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

Projects: 3009 (3); 3100; 3102; 3106; 3128; 5120; 5147 (2)

[BC20020820DOC027](#)**Satisfactions of Judgments:**

Robert Earl Baker – Case 2001-CT-2142

Phillip Benson – Case 2002-MM-1682

Robert King – Case 1994-1403M

Robert W. King – Case 2002-MM-1150

Robert W. King II – Cases 1989-1536F, 1989-6388T, 1990-360T,  
1990-230T, 1990-2727T, and 1990-1991T

Ray Nevels – Case 1999-2419M (2)

Jay Patton Sr. - Case 2002-CJ-1013

Preston Leon Young – Case 1994-1786-F

[BC20020820DOC028](#)

**Seminole Gulf Railway** – Execution of License Agreement for underground pipe with Seminole Gulf Railway, LLP (approved 5/22/01). [BC20020820DOC029](#)

**COUNTY ADMINISTRATOR****UTILITY SYSTEM - RESIDENTIAL SERVICE DEPOSITS**

Set a public hearing on September 3, 2002, to consider Resolution R-02-221, modifying the Utility System residential service deposit procedures, in a form substantially similar to the attached. [BC20020820DOC030](#)

**63RD AVENUE EAST/WEST**

Approval of a settlement with **William and Catherine Rahill** for the taking of parcels 104/702, \$76,030, inclusive of the land taken, severance damages, cost to cure, and attorney's fees, but exclusive of experts' fees, in the eminent domain matter of Manatee County v. Lee Halstead, et al., Case 2001-CA-1001. [BC20020820DOC031](#)

**36TH AVENUE WEST – SUNNY SHORES/SAGEMORE ESTATES**

Approval of Mediated Settlement Agreement with **Allan J. and Kathleen Souders** in the matter of Manatee County v. Allan J. Souders, et al., Case 2001-CA-2907. [BC20020820DOC032](#)

**US CABLE FRANCHISE**

**RESOLUTION R-02-229** A RESOLUTION FINDING THAT THE PROPOSED MERGER BETWEEN AT&T BROADBAND A WHOLLY OWNED SUBSIDIARY OF AT&T CORPORATION AND COMCAST CORPORATION DOES NOT CONSTITUTE A SALE OR TRANSFER UNDER FEDERAL LAW OR THE TERMS OF THE US CABLE OF COASTAL-TEXAS, L.P. CABLE TELEVISION FRANCHISE; DENYING APPROVAL OF THE FCC FORM 394 APPLICATION FOR TRANSFER OF THE US CABLE OF COASTAL-TEXAS, L.P. CABLE TELEVISION FRANCHISE TO AT&T COMCAST CORPORATION; PROVIDING INSTRUCTIONS TO THE CLERK; AND PROVIDING FOR AN EFFECTIVE DATE. [BC20020820DOC033](#)

**WORKERS COMPENSATION CLAIM**

Risk Management to expend up to \$28,000 to settle all Workers Compensation claims of **Frank Martin**. [BC20020820DOC034](#)

**CONVENTION AND VISITORS BUREAU**

Approval of expenditure of \$970 to complete funding for trade show "A Taste of Baltimore," to be held in Baltimore, Maryland. [BC20020820DOC035](#)

**CIVIL TRAFFIC INFRACTION HEARING OFFICER**

Execution of Grant-in-Aid Funding Agreement with the Office of the State Courts Administrator, and the Twelfth Judicial Circuit for reimbursement of Civil Traffic Infraction Hearing Officer; \$19,726 (State, \$9,863; County, \$9,863). [BC20020820DOC036](#)

**PERSONNEL**

Transfer from the State of Florida to Manatee County Board of County Commissioners (Court Administration) accrued vacation and sick leave for Julianna Ross. [BC20020820DOC037](#)

**DRUG COURT COORDINATOR**

Execution of a letter to Sarasota County Administrator terminating the Interlocal Agreement (3/17/98) with Sarasota County relative to the funding of a joint drug court coordinator, effective September 30, 2002. [BC20020820DOC038](#)

**TRANSIT MARKETING PLAN**

Accept Transit Marketing Plan Update for Fiscal Year 2002-03. [BC20020820DOC039](#)

**FEDERAL TRANSIT ADMINISTRATION GRANT**

**R-02-220** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE ELECTRONIC EXECUTION OF THAT CERTAIN AGREEMENT WITH THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION

(Capital Grant; Federal Transit Administration, \$3,085,000, no local share). [BC20020820DOC040](#)

**HOME RECONSTRUCTION LOAN**

Execution of: **(1)** Agreement to Terminate the Construction Loan Agreement; and **(2)** a new Construction Loan Agreement with Claudine Macon in accordance with Resolution R-96-227; \$69,000. [BC20020820DOC041](#)

**HOME REHABILITATION LOANS**

Execution of Rehabilitation Loan Agreements, pursuant to Resolution R-96-227, with:

1. Vivian Allred, 812 15th Avenue Drive East, Palmetto, \$33,114.84; and [BC20020820DOC042](#)
2. Ozell Murrell, 3116 12th Avenue East, Bradenton, \$26,254.80. [BC20020820DOC043](#)

**AGRICULTURAL CENTER OFFICE BUILDING**

Execution of Change Order 2 to IFB 02-1006DC, Office Building/Green Construction, with DeLesline Construction, Inc.; increase of \$3,844.80 and an additional 10 contract days, adjusted total \$1,164,197.29 and a revised completion date. [BC20020820DOC044](#)

**BUDGET AMENDMENT**

**Various Departments** **B-02-036**

Transfer of Funds; Unanticipated Revenue Appropriations

Supporting Description and Detail attached [BC20020820DOC045](#)

**FEE WAIVER**

Authorization for the placement of two 20-yard roll-offs at the designated sites on September 28, 2002, for the **Do Ray Villas Area Neighborhood** cleanup event; and appropriate service and tipping fees at the landfill to be waived. [BC20020820DOC046](#)

**DRUG TESTING REAGENTS**

Issue Change Order 2 to P2000321 for Syva Company, for reagents for drug testing on an as-required basis for the Court Administrator (Drug Court) through September 30, 2002; increase of \$15,000, adjusted total \$63,000. [BC20020820DOC047](#)

**MATERIALS AND SERVICES**

1. **Library Materials and Services** – Authorization to enter into negotiations with the four top-ranked, short-listed vendors chosen by the Selection Committee to provide library materials and services: Baker & Taylor, Inc.; EBSCO Publishing; Follett Media Distribution; and Ingram Library Services, Inc. [BC20020820DOC048](#)
2. **Transportation – Engineering Consulting Services** – Authorization to enter into negotiations with the five top-ranked, short-listed firms chosen by the Selection Committee to provide transportation-engineering consulting services: Wade-Trim, Inc.; Tampa Bay Engineering Group, Inc.; URS Corporation; HDR Engineering, Inc.; and Keith and Schnars, P.A. [BC20020820DOC049](#)

**PUMP AND VARIABLE FREQUENCY DRIVES**

Execution of Change Order 3 to Work Assignment 6 (4/7/98) with Parsons Engineering Science, Inc., for **engineering services** for construction of new pumps and variable frequency drives for three lift stations (39A, Tidevue 4, N1B); increase of \$22,936, adjusted total \$153,018. [BC20020820DOC050](#)

**PALMETTO LIBRARY**

Execution of Change Order 1 to Work Assignment 15P with Wade-Trim, Inc., for architectural/engineering services for a **feasibility study/schematic design** for the Palmetto Library Renovation and Expansion, for up to 9,500 square feet of building improvements; increase of \$1,313, adjusted total \$33,212.50. [BC20020820DOC051](#)

**SCRAP MATERIALS**

**Collection/Purchase of Scrap Metal Materials** - Award IFB 02-2583DC to Harris Recycling Group, LLC, for various sites at 81.4 percent of the market price; and simultaneously execute the Agreement. [BC20020820DOC052](#)

**SALES TAX COLLECTION**

**R-02-216** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REQUESTING THE STATE OF FLORIDA DEPARTMENT OF REVENUE TO DISCLOSE CERTAIN INFORMATION RELATING TO THE FLORIDA TAX ON SALES PURSUANT TO *SECTION 213.053(9), FLORIDA STATUTES*; AND PROVIDING CERTAIN ASSURANCES TO THE DEPARTMENT OF REVENUE REGARDING CONFIDENTIALITY (for Zip Codes 34211, 34212, 34222, 34228, 34243, 34201, and 34205). [BC20020820DOC053](#)

**UTILITY SERVICE FEE WAIVERS**

1. Michael Epstein, Account 12612-12679, \$25 [BC20020820DOC054](#)
2. Margaret Kindler, Account 35292-34731, \$30 [BC20020820DOC055](#)
3. David Ross, Account 73221-73252, \$25 [BC20020820DOC056](#)

**UTILITY REFUND**

1. Refund \$180.50 to Arox Underground Inc., service address Palmetto Retirement Village, 8th Street East, due to customer overpayment. [BC20020820DOC057](#)
2. Refund \$431.37 to David Behan, service address 712 50th Avenue Plaza West, due to customer paying in error. [BC20020820DOC058](#)
3. Refund \$117.50, minus any current billings, to Eduardo A. Escuza, service address 3216 92nd Avenue East, Parrish, due to customer making incorrect payment amount. [BC20020820DOC059](#)
4. Refund \$4,195.60 to Port-O-Let due to adjustments for overcharges. [BC20020820DOC060](#)

**BAD DEBT WRITE-OFF**

- Planning Department to write off an uncollectible check for \$444.18. [BC20020820DOC061](#)

**FINAL PLATS**

**Greenbrook Village, Subphase T Unit 4 aka Greenbrook Gardens & Unit 5 aka Greenbrook Trails**

1. Final Plat;
2. Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Lakewood Ranch Community Development District 4;
3. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$361,717.20);
4. Performance Bond: \$361,717.20 (Surety Bond 929256152, Continental Insurance Company);
5. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$21,724.30);
6. Performance Bond: \$21,724.30 (Surety Bond 929256154, Continental Insurance Company);
7. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements and temporary construction easement for private improvements (\$16,335.18);
8. Performance Bond: \$16,335.18 (Surety Bond 929256153, Continental Insurance Company);
9. Maintenance Agreement for Right-of-Way Island with Lakewood Ranch Community Development District 4; and
10. Supplemental Declaration to the Declaration of Covenants for Greenbrook Village. [BC20020820DOC062](#)

**Lakewood Ranch Town Center Phase II, Subphase F aka Office Park 3**

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 Easements (2) from Schroeder-Manatee Ranch, Inc.; and
4. Supplemental Declaration to the Declaration of Covenants, Conditions and Restrictions of Lakewood Ranch Town Center. [BC20020820DOC063](#)

**Lakewood Ranch Country Club Village, Subphase U aka Palmer's Creek & Subphase X aka Keswick**

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Northern Trust Bank of Florida, N.A.;
3. Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Lakewood Ranch Community Development District 5;
4. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$2,073,201.33);
5. Performance Bond: \$2,073,201.33 (Surety Bond 929256085, Continental Insurance Company);
6. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements and temporary construction easement for private improvements (\$420,081.56);
7. Performance Bond: \$420,081.56 (Surety Bond 929256086, Continental Insurance Company);
8. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$29,432);
9. Performance Bond: \$29,432 (Surety Bond 929256087, Continental Insurance Company);
10. Supplemental Declaration to the Declaration of Covenants for Country Club/Edgewater Village; and
11. Interlocal Agreement with Lakewood Ranch Community Development District 5. [BC20020820DOC064](#)

**Smither's Subdivision**

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of a Subdivision Plat and All Dedications and Reservations Thereon from The Provident Bank;
3. Agreement to Defer Completion of Required Sidewalks with Ronald K. Jones and Robert L. Smithers; and
4. Notice to Buyer. [BC20020820DOC065](#)

**SRO Park of Commerce**

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of a Subdivision Plat and All Dedications and Reservations Thereon from Norman R. Hamm;
3. Mortgagee's Joinder in and Ratification of a Subdivision Plat and All Dedications and Reservations Thereon from The Provident Bank;
4. Mortgagee's Joinder in and Ratification of a Subdivision Plat and All Dedications and Reservations Thereon from Zions First National Bank;
5. Mortgagee's Joinder in and Ratification of a Subdivision Plat and All Dedications and Reservations Thereon from U.S. Small Business Administration;

6. Mortgagee's Joinder in and Ratification of a Subdivision Plat and All Dedications and Reservations Thereon from Northern Trust Bank of Florida N.A.;
7. Mortgagee's Joinder in and Ratification of a Subdivision Plat and All Dedications and Reservations Thereon from Bank of America, N.A.;
8. Conservation Easement from Sharp Properties, Inc.; Plano Partnership, Ltd. and PS Buildings, Ltd.; Lux-Art Silks International, Inc.; Menard & Holt; and South Point Properties of Sarasota, Inc.; and
9. First Amendment to Declaration of Protective Covenants, Conditions and Restrictions for SRQ Park of Industry and Commerce. [BC20020820DOC066](#)

**Water Oak, Unit Two**

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from First National Bank of Florida dba West Coast Guaranty Bank;
3. Agreement with Manatee Ventures, Inc., warranting required improvements (\$36,988.66);
4. Defect Security: \$36,988.66 (Letter of Credit 1194, West Coast Guaranty Bank);
5. Agreement with Manatee Ventures, Inc., guaranteeing completion of required sidewalks and bikeways (\$57,097.04);
6. Performance Bond: \$57,097.04 (Letter of Credit 1192, West Coast Guaranty Bank);
7. Conservation Easement from Manatee Ventures, Inc.;
8. Amendment Annexing Lands to the Declaration of Maintenance and Land Use Provisions of Water Oak; and
9. Articles of Incorporation for Water Oak Homeowner's Association of Manatee, Inc. [BC20020820DOC067](#)

**IMPACT FEE CREDITS**

1. Execution of Impact Fee Agreement FA-02-01 with Sam's East, Inc., establishing impact fees from the Independent Impact Analysis for Sam's Club, \$229,952.02. [BC20020820DOC068](#)
2. Execution of Credit Authorization CA-02-04(T), Watermark Communities, Inc., and Final Authorization of Transportation Credit for eligible right-of-way dedication on Upper Manatee River Road, \$100,000. [BC20020820DOC069](#)

**PARTICIPATION PROJECT**

**R-02-217** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SEWER ASSESSMENT PROJECT 5152, **WASHINGTON PARK** (combining parcels owned by David and Carla Thomas). [BC20020820DOC070](#)

**DEEDS AND EASEMENTS**

1. **14th Street West** – Right-of-Way Easement and Utility Easement from Becker Properties, Inc. (Orlando Boulevard to 53rd Avenue West); Affidavit of Ownership and Encumbrances. [BC20020820DOC071](#)
2. **64th Avenue East** – Right-of-Way Easement (west of C.R. 675 and 229th Street East, Pomello Park) from Charles H. and Marla L. Reynolds; Affidavit of Ownership and Encumbrances; Joinder from SunTrust Bank. [BC20020820DOC072](#)
3. **Buttonwood Sewer Rehabilitation/Right-of-Way Acquisition** – Temporary Construction Easements from Ruby Lee Martinez (2); Nora Ortiz (2); Maria Zarabia; Paul Forrester; James J. Palawaski (2); Dennis and Peggy J. Flavin; Hector L. and Maria S. Lopez; Jesus M. Salazar and Rosa V. Casanova nka Rosa C. Salazar; Mamie Millican Francis; Helen P. Barry, as Trustee of the Helen P. Barry Living Trust Agreement dated February 1, 1990; Larry T. and Tina M. Parks; and John C. Greer (2). [BC20020820DOC073](#)
4. **Parkland Drive** – Utility Easement from Benz Research and Development Corporation for extension of water line; Affidavit of Ownership and Encumbrances; Joinder from SunTrust Bank. [BC20020820DOC074](#)

**ORDINANCE 02-52 – NO PARKING**

Set a public hearing on September 3, 2002, to consider Ordinance 02-52, amending Ordinance 02-40 rescinding parking restrictions on **Willow Street**; rescinding parking restrictions on **17th Street East/Memphis Road**, Palmetto; and regulating parking on **7th Avenue East**, Palmetto; **17th Street East**; **21st Street East**; **21st Street West**; **25th Street East**, Palmetto; **57th Avenue East**; **Rye Road**, Parrish/Bradenton; and **Willow Street**. [BC20020820DOC075](#)

**ORDINANCE 02-53 – SPEED LIMITS**

Set a public hearing on September 3, 2002, to consider Ordinance 02-53 to rescind established speed limit on **27th Street East/Circus Street**; and prohibit travel of vehicles at speeds in excess of established limit on **12th Street West**; **27th Street East/Circus Street**; **67th Avenue Drive West**; **Clemson Street**; **Lakewood Ranch Boulevard**; **Lockwood Ridge Road**; and on streets in **Forest Pines Subdivision**. [BC20020820DOC076](#)

**ORDINANCE 02-54 – NO THROUGH TRUCKS**

Set a public hearing on September 3, 2002, to consider Ordinance 02-54 regulating certain through traffic on **27th Street West**, and on **51st Avenue East**. [BC20020820DOC077](#)

**ORDINANCE 02-55 – REGULATED TURN PROHIBITION**

Set a public hearing on September 3, 2002, to consider Ordinance 02-55 regulating turning of motor vehicles on **43rd Street West**; **Creekwood Boulevard**; and **Tuttle Avenue**.

(End Consent Agenda) [BC20020820DOC078](#)

**CITIZENS' COMMENTS**

**Whitfield Avenue**

**Shirley Lane** noted that she submitted a petition to request an increase of the speed limit to 40 miles per hour on Whitfield Avenue, from University Parkway to Lockwood Ridge Road. Ms. Lane was advised that the petition had been forwarded to the Transportation Department.

**Whitfield Overlay**

**William Lowe** stated that Code Enforcement officers cited him for prohibited landscaping on his property in the Whitfield Overlay District. Mr. Lowe requested revising the Land Development Code, which prohibits fences and hedges in the District.

Discussion: Hold this Code Enforcement case in abeyance until the Board can review; overlay district created to revitalize neighborhoods and establish standards; create exceptions for landscaping; over 80 similar violations in the District; find way to maintain integrity of the Overlay District but make some changes in its provisions; make distinction between fencing and landscaping; etc.

**First Amendment/Eminent Domain-Lockwood Ridge Road**

**Claire Brown** read and distributed copies of the First Amendment to the Constitution of the United States of America and claimed the right of free speech before the Board under the First Amendment regarding her land taken for improvements to Lockwood Ridge Road.

**Recess/Reconvene.** All members present except Mrs. Glass, Mr. Harris, and Mr. McClash.

Discussion: Not proper to have comments over 25 times on the concluded eminent domain case; etc. (Enter Mr. McClash, Mrs. Glass, and Mr. Harris during discussion)

Ms. Brown claimed denial of her rights under the First Amendment by the Board and the County Attorney. She stated her intent is to petition the Board for a redress of her grievances regarding eminent domain Case 1991-CA-1981.

**Ellenton Commons/U.S. 301**

**Chuck Graham**, owner of Old Main Street Café in Ellenton Commons, spoke regarding restricted access into Ellenton Commons from U.S. 301. He requested a break in the median and a second exit from the Commons.

Discussion: Florida Department of Transportation (FDOT) reevaluating the access issue; U-turns on U.S. 301 not practical; unsignalized median cuts are dangerous; tankers delivering to pool store will not be able to access; get feedback from truckers who access the plaza; talk to nearby church regarding possibility of cross-access easements; find a compromise; etc.

Mrs. Stein stated a letter was received from **SYSCO** regarding access to the plaza by their trucks.

**Frank Bosch**, who spoke during public comment on the 29th Street East, Ellenton, sewer assessment project, noted the difficulty in accessing businesses along U.S. 301 in Ellenton, especially the Ellenton Commons. [BC20020820DOC079](#)

**SEWER ASSESSMENT PROJECT – 29TH STREET EAST, ELLENTON**

Public hearing (Notice in the *Bradenton Herald* 7/31/02) was held to consider

**R-02-177** A RESOLUTION CONFIRMING ADOPTION OF A SPECIAL SEWER ASSESSMENT ROLL AND ESTABLISHING SPECIAL ASSESSMENT LIENS FOR SEWER ASSESSMENT PROJECT 6039080 ON 29TH STREET EAST IN ELLENTON.

Janet McAfee, Project Management Director, stated that this assessment creates liens, which could result in foreclosure if not paid. She noted that there is one property owner who is financially unable to pay the assessment and is against the project. Ms. McAfee noted that homeowners were required to connect by May 25, 2002, to avoid imposition of the Facilities Investment Fee (FIF) and this property owner did not do so; as a result, another \$1,378 is now due.

Ernie Padgett, County Administrator, stated that staff has visited the property owner in question. Fred Loveland, Community Services Director, stated that it appears the property owner qualifies for assistance, but she has not been willing to fill out the forms.

**Frank Bosch**, property owner on 29th Street East, questioned the cost of the entire project. He noted that a church on U.S. 301 will be connecting to the sewer and should pay an assessment to defray the costs.

Ms. McAfee advised that the total cost of the project was \$141,508.63, of which \$68,000 is the assessment to the property owners. The County is contributing \$73,508.63. She noted that the church would pay the appropriate FIFs, thereby covering hook-up costs.

Motion was made by Ms. Brown, and seconded by Mrs. Glass, to adopt Resolution **R-02-177**. The motion carried 7 to 0. [BC20020820DOC080](#)

**INMATE LABOR AGREEMENT**

Charlie Hunsicker, Ecosystems Administrator, stated that the agreement with Hardee Correctional Institution to provide inmate labor for land management activities at Duette Park represents almost \$12,000 a year in savings to taxpayers.

Motion was made by Mrs. Glass, seconded by Mr. Harris, and carried 7 to 0, to approve the Agreement with Hardee Correctional Institution to provide inmate labor at County properties. [BC20020820DOC081](#)

**COMMISSIONERS' COMMENTS**

**57th Avenue East/10th Street East**

Mr. Harris noted that he received telephone calls regarding rough pavement resulting from the 57th Avenue East road improvement project, and requested temporary repairs.

**Palma Sola Scenic Highway Advocacy Group**

Mrs. von Hahmann requested a letter of support from the Board on behalf of the Palma Sola Scenic Highway Advocacy Group to be forwarded to the state to obtain designation as a scenic highway.

Without objection, a letter of support from the Board will be executed.

**Sarasota-Bradenton International Airport**

Mrs. von Hahmann questioned a letter from the Airport Authority, which addresses solutions to the deteriorating situation at the intersection of University Parkway and U.S. 301, and the availability of funds for intersection improvements obtained by the Airport Authority through a grant.

Discussion: Intersection has been discussed extensively by the MPO (Metropolitan Planning Organization); less expensive alternatives to an overpass are being reviewed; time requirement tied to releasing funds from airport; County Administrator to follow up with Airport Authority; no funds in Transportation Improvement Plan for the intersection; Manatee and Sarasota Counties each contributing \$1.5 million outside the MPO process; etc.

**Clean Beaches Council/Blue Wave Campaign**

Mrs. von Hahmann requested that staff review the program to determine whether participation would be beneficial to the County.

Discussion: Program publicizes beaches that earn "clean beach" status; review program initiated by Tampa Bay Estuary Program designating Pinellas County beaches before making a decision; etc.

**Manatee Sheriff's Office**

Mr. Bruce requested that a representative of the Manatee County Sheriff's Office be present at Board meetings for the foreseeable future through Citizens' Comments to help keep order during comments.

**Willow Shores**

Mrs. Stein noted receipt of a letter requesting emergency repairs be made by the County to the road in this area, which is on the Manatee/Hillsborough County line. She advised that this is a private road titled to a now-defunct developer, and the road will escheat to the County by default in two years. Mrs. Stein requested that the homeowners on the road receive an answer regarding the request and that the County Administrator and County Attorney's Office advise what the County can and cannot do under the circumstances.

Discussion: Answer has always been that the County could not repair private roads; homeowners do not have title to the road, and cannot bring it up to standards to dedicate to the County; make emergency repairs and put lien on the property, then assess homeowners at a later date; road must be accessible to emergency vehicles; etc.

**Building Code**

Mr. McClash advised that the new Building Code provides exemptions for additions, alterations or repairs done by the property owner and repairs by a non-owner if the cost does not exceed \$5,000 for the non-owner. He noted a concern with window contractors and windows being put up illegally due to the new installation requirements. Mr. McClash requested that the Building Official look at possible exemptions to the Code.

Discussion: Bring back to review for exemptions, including standards for pool cages; etc.

**Impact Fees/Affordable Housing**

Mr. McClash noted the need to announce that the State Housing Initiative Partnership Program (SHIP) allows subsidization of impact fees for new homes. He suggested a presentation that would show eligibility and the procedures for applying to offset impact fees on affordable housing.

Discussion: Pricing people out of starter homes; need impetus for buying "fix-up" homes; what is County's philosophy in terms of affordable housing; do an agenda item and work session, and notify local home builders who may wish to participate; bring back report in two weeks; bring back migrant housing and other issues at a separate work session; study underway on updating impact fees; etc.

**Boat Ramps**

Mr. McClash noted the need for additional boat ramps and encouraged the purchase of waterfront property before prices go up. He suggested the use of West Coast Inland Navigation District (WCIND) funds for dedication of a boat ramp and noted approximately \$700,000 in the Capital Improvements Program (CIP) that could be used for dredging projects.

Discussion: County Administrator's recommendation for the half-cent sales tax proposal included funding for parks and boat ramps; locating and bringing back possible site for a boat ramp; possibility of boat ramp on site to be developed near the Port; look at dedicating land for public boat ramps through waterfront developments that may be coming forward; maintenance of boat ramps; etc.



**Cuba**

Mr. McClash advised he had been invited to speak at a national summit on Cuba in Washington, D.C., sponsored by Americans for Humanitarian Trade with Cuba (AHTC). He stated the group requested that he speak on the impacts to Florida of opening trade with Cuba.

Discussion: Worthwhile to attend in relation to economic development and County's interests in Port Manatee; also follow up with Congress on pending financial requests while in the Capitol; movement in Washington at this time to urge Congress to change its policy toward Cuba; concern that Administration's current policy is continuing trade embargo; carry concern to Washington of human rights abuses in Cuba; bring back as an agenda item; etc.

**Homeless/Bradenton Library**

Ms. Brown stated that she received a telephone call regarding homeless individuals congregating in the Central Library. She noted that this makes an uncomfortable situation for patrons of the library and that a place needs to be found for the homeless.

**U.S. 41/73rd Street East**

Ms. Brown reiterated a request made a year ago for a traffic light near SYSCO. She stated that staff advised her they were waiting on a state permit. Ms. Brown requested the project be finished.

**51st Street East**

Mrs. Glass stated that she received a call from Carol Montague regarding a section of the street that was left unpaved, and noted that a promise was made to the residents to pave the entire street. She requested that this be revisited and that homeowner concerns be addressed.

Discussion: Community need for Girl Scout camp at the end of the road; traffic to camp defines the public purpose of the road; look at sharing a common responsibility for finishing the road; thoroughfare portion of road was paved but not the non-thoroughfare portion, per adopted policy; property owners advised to initiate an assessment petition to pave unfinished portion; fairness issue of how cost is assessed, which is by linear foot, not by traffic generated; do entire road at one time, not piecemeal; this is not part of the rural thoroughfare program; etc.

**44th Avenue East**

Mrs. Glass asked what the timeframe is for completing the extension of 44th Avenue East.

Mr. Bruce noted that the Comprehensive Plan shows 44th Avenue East (Cortez Road) extending to Lakewood Ranch Road, which is not feasible from 45th Street to I-75, and suggested revisiting the Plan to focus on the corridor out to 45th Street.

Discussion: Bring back for a report; place on a future agenda; etc.

**County Administrator**

Mrs. Stein noted that it might be timely to look at the contract with the County Administrator, outside the context of the budget. She noted the incentive to an Administrator approaching the peak of his career to maximize the financial benefit of his remaining work years. She requested input on whether to pursue research on contract packages.

Discussion: Matter best discussed with the individual first; concern of creating incentive to drop out for someone who is doing a good job; leave as is unless approached by County Administrator to change something; look at revenue-neutral ways to enhance benefits package; etc.

**Impact Fees**

Upon question by Ms. Brown, it was clarified that impact fees on a new home total \$11,000.

**Cortez Road/43rd Street Intersection**

Mr. Harris noted that 51st Street West, the connector between Cortez Road and 53rd Avenue West, is completed, and requested a report on why it is still blocked.

(Depart Ms. Brown)

**Tour – County Roads**

Mrs. Glass recommended that the Board take a tour of County roads, including the roads just discussed.

Discussion: Look at both sides of Manatee River at Fort Hamer; incorporate recommendations from tour of County roads taken by Blue Ribbon Transportation Task Force; take media along; etc.

**Upper Manatee River**

Mr. McClash stated the need to give a scenic designation to the Upper Manatee River in order to preserve the environment from development.

Discussion: Take a boat tour; Waterlefe golf course still right along river with no buffer; add scenic protection under the Comprehensive Plan; have tour of transportation and planned developments; etc.

**Travel Authorization**

Mr. Padgett requested that the Board issue a blanket authorization for travel by Commissioners. He noted that travel is budgeted, and a blanket authorization would expedite matters.

Discussion: Bring back as a resolution; etc.

[BC20020820DOC082](#)

**Recess/Reconvene.** All members present except Ms. Brown and Mrs. Stein; Mr. Bruce presiding.

**WIRELESS FACILITIES MASTER PLANNING**

R. B. "Chips" Shore, Clerk of the Circuit Court, stated that wireless facilities in the County may provide a way to fund construction of a new Judicial Center through ad valorem taxes. Mr. Shore estimated that up to \$1 million could be raised annually, which could be used to bond \$10 million.

**Ted Kreines**, president of Kreines & Kreines, Inc., a consulting firm, noted that cell towers should be called personal wireless facilities, and used a series of photographs and visual aids to identify different facilities and to show a variety of locations where facilities can be placed. Mr. Kreines noted that over \$2 million in equipment is located within the County, and stated that there are three ways to generate revenue from these facilities: **(1)** through permitting fees, which could be increased; **(2)** through lease space on public land for the location of wireless facilities; and **(3)** through assessment/taxation of wireless facilities located within the County.

(Enter Ms. Brown during presentation)

Mr. Kreines used photographs to point out that each facility on a cell tower is a separate entity requiring a permit from the FCC (Federal Communications Commission), and each one would be permitted and taxed accordingly by the County. He concluded the presentation by stating that a Wireless Master Plan could be created under which permits would be approved and granted, including for equipment modifications.

Following discussion, a motion was made by Ms. Brown to begin working on this. The motion was seconded by Mr. Harris and carried 6 to 0.

[BC20020820DOC083](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 3:15 p.m.  
/tb/klc

Minutes Approved: October 15, 2002