

**OCTOBER 1, 2002**

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, October 1, 2002, at 9:05 a.m.

Present were Commissioners:

Amy Stein, Chairman  
Jonathan Bruce, First Vice-Chairman  
Patricia M. Glass, Second Vice-Chairman  
Jane W. von Hahmann, Third Vice-Chairman  
Gwendolyn Y. Brown (entered during meeting)  
Joe McClash (entered during meeting)

Absent was Commissioner:

George L. Harris (family illness)

Also present were:

David Rothfuss, Assistant County Administrator  
Tedd Williams, Jr., County Attorney  
Susan G. Romine, Board Records Supervisor,  
representing R. B. Shore, Clerk of Circuit Court

Invocation by Rev. Gary A. Batey, Roser Memorial Community Church.

All witnesses and staff giving testimony were duly sworn.

**AGENDA**

Agenda of October 1, 2002, and agenda update memorandum.

[BC20021001DOC001](#)

(Enter Ms. Brown and Mr. McClash)

**CONSENT AGENDA**

Motion was made by Mrs. Glass, seconded by Mr. Bruce, and carried 6 to 0, to approve the Consent Agenda incorporating the language as stated in the recommended motions in the agenda memoranda, as may have been amended in the supplemental agenda, with the deletion of **Children's Services Advisory Board** (deferred). Items APPROVED:

[BC20021001DOC002](#)

**CLERK'S CONSENT CALENDAR**

[BC20021001DOC003](#)

**BONDS**

**Woodlands Park on Palma Sola Bay**

Accept:

Defect Security: \$10,000 (Surety Bond 5 45-82-15, Great American Insurance Company).  
This bond is in correlation with approved Right-Of-Way Use Permit 260-02-186.

[BC20021001DOC004](#)

**REFUNDS**

Covered Bridge Development Corp. – Impact Fee \$ 93,420.00  
Panther Ridge Communities, Ltd. – Impact Fee \$ 49,353.00

[BC20021001DOC005](#)

**WARRANT LIST**

Approved: September 24, 2002 through September 30, 2002  
Authorized: October 1, 2002 through October 14, 2002

[BC20021001DOC006](#)

**ACCEPT**

**Cedar Hammock Fire Rescue** – Resolution 2002-08 and Budget for FY 2002-03.  
**Southern Manatee Fire & Rescue District** – Resolution 2002-06 and Budget for FY 2002-03.  
**West Manatee Fire & Rescue** – Meeting schedule for FY 2002-03.

[BC20021001DOC007](#)

**AUTHORIZE FEE WAIVERS (PUBLIC WORKS)**

Waive Fee (\$30) for Madeline M. Duffany due to bank error.  
Waive Fee (\$25) for Patsy H. Hill due to stolen checks.  
Waive Fee (\$30) for Rosalia Holmlund due to bank error.  
Waive Fee (\$30) for Glen R. Mazzuco due to bank error.  
Waive Fee (\$25) for Charles Roodhouse due to bank error.  
Waive Fee (\$30) for Danielle D. Tessier due to stolen checks.

[BC20021001DOC008](#)

**AUTHORIZE CHAIRMAN TO SIGN**

**Partial Releases of Special Assessment Liens:**

Projects 3009; 3106; 3129 (2); 4216 (4); 5144; 5261; 5277 (2).

[BC20021001DOC009](#)

**Satisfactions of Judgments:**

Gregory Hornagold – Case 1996-2958F (2)

[BC20021001DOC010](#)

**COUNTY ADMINISTRATOR**

**PROCLAMATIONS**

1. A Proclamation designating the month of October 2002, as Adopt A Shelter Animal Month was accepted by **Kris Weiskopf** and staff from Manatee County Animal Services.

[BC20021001DOC011](#)

2. A Proclamation designating the month of October 2002, as Domestic Violence Awareness Month was accepted by a representative from **HOPE Family Services**. [BC20021001DOC012](#)
3. A Proclamation designating the week of October 13-19, 2002, as The First University of South Florida Sarasota/Manatee Week was accepted by **Dr. Peter French** and **Lynette Edwards**. [BC20021001DOC013](#)
4. Proclamations designating the day of October 5, 2002, as National Estuaries Day for Charlotte Harbor, Tampa Bay and Sarasota Bay was accepted by **Charlie Hunsicker**, Ecosystems Administrator. [BC20021001DOC014](#)
5. A Proclamation designating the month of October 2002, as Greenways & Trails Month was accepted by **Charlie Hunsicker**, Ecosystems Administrator. Mrs. von Hahmann announced Mr. Hunsicker was recently awarded the "Florida Shore & Beach Preservation Association 2002 Environmental Award." [BC20021001DOC015](#)
6. A Proclamation designating the week of October 6-12, 2002, as National 4-H Week was accepted by **4-H Club** representatives. [BC20021001DOC016](#)
7. A Proclamation designating the week of October 6-12, 2002, as Fire Prevention Week and the day of October 12, 2002, as Fallen Firefighter's Memorial Day was accepted by the **Manatee County Fire Chiefs Association and Firefighters**. [BC20021001DOC017](#)

**RYE WILDERNESS PARK**

Authorization to participate in the **Business Trespass Enforcement Program** for FY 2003; and Execution of Affidavit of Authorization with Sheriff's office. [BC20021001DOC018](#)

**LAWSUIT**

Approval of a settlement with **Oneco Land Company, Inc.**, of \$325,000, less the previous deposit of \$163,500, for the taking of parcel 112ABC and the remainder property in settlement of all pending claims against Manatee County and subject to apportionment proceedings pursuant to *Florida Statute 73.101*. Payment by Manatee County of statutory attorney's fees pursuant to *Florida Statute 73.092* of \$54,450 to the law firm of McCaig & Duet, P.A. and reserving jurisdiction to determine expert fees and costs pursuant to *Florida Statute 73.091*, in the **30th Avenue West** eminent domain case of Manatee County v. Oneco Land Company, et al., Case 2001-CA-3725. [BC20021001DOC019](#)

**FLORIDA PORTS FINANCING COMMISSION**

**R-02-263** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE ADDITION OF A PROJECT AND THE MODIFICATION OF AN EXISTING PROJECT WHICH MAY BE FUNDED ALL OR IN PART FROM A PLAN OF FINANCING RELATING TO THE ISSUANCE BY THE FLORIDA PORTS FINANCING COMMISSION OF ITS REVENUE BONDS (**STATE TRANSPORTATION TRUST FUND – INTERMODAL PROGRAM**), SERIES 1999, WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1996, AS AMENDED. [BC20021001DOC020](#)

**MYAKKA CITY HISTORICAL SOCIETY**

Execution of Amendment 3 to Lease Agreement with Myakka City Historical Society, Inc., to extend completion time of building and commence operation and conduct of the program to June 30, 2004. [BC20021001DOC021](#)

**NON-PROFIT AGENCY FUNDING**

Execution of FY 2002-03 Non-Profit Agency Funding Agreements with the following agencies:

1. Community Coalition on Homelessness, Inc., **Transitional Development Program**, \$48,956;
2. Deaf Service Center of Manatee/Sarasota, Inc., **Interpreter Services**, \$36,992; **Training and Advocacy Services**, \$30,265;
3. Easter Seals Southwest Florida, Inc., **Adult Day Training**, \$33,686;
4. HOPE Family Services, Inc., **Emergency Safe Shelter**, \$48,192;
5. Manasota Association for Retarded Citizens, Inc., **Adult After School/Extended Care Program**, \$11,254; **Employment Services Program**, \$20,502;
6. Mana-Sota Lighthouse for the Blind, Inc., **Independent Living Adult Program**, \$20,789;
7. Manatee County Rural Health Services, Inc., **HIV/Aids, Outreach, Education, and Prevention**, \$17,305; **HIV/Aids Client Assistance**, \$19,004;
8. Manatee County Rural Health Services, Inc., **HIV/Aids Treatment**, \$307,147;
9. Manatee Glens Corporation, **Aging Services**, \$8,585;
10. Manatee Glens Corporation, **Mental Health Transport Services**, \$3,360;
11. Manatee Opportunity Council, Inc., **First Call For Help**, \$11,882;
12. Mary House Ministry, Inc., **Mary House**, \$8,742;
13. Meals On Wheels Plus of Manatee, Inc., **Adult Day Care**, \$46,350;
14. Myakka City Community Center, Inc., **Super Seniors and Special People**, \$17,032;
15. Neighborly Senior Services, Inc., **Telephone Reassurance**, \$5,000;
16. Suncoast Center For Independent Living, Inc., **Equipment Loan and Repair**, \$25,381; **Portable Modular Ramp Loan**, \$11,536;
17. Volunteer Services of Manatee County, Inc., **Volunteer Referral Services**, \$11,536; and
18. Women's Resource Center of Manatee, Inc., **Smart Women Program**, \$31,148. [BC20021001DOC022](#)

**MANATEE COALITION FOR AFFORDABLE HOUSING**

Execution of FY 2002-03 Agreement with Manatee Coalition for Affordable Housing, **State Housing Initiative Partnership Program** (SHIP), \$1,184,558.10. [BC20021001DOC023](#)

**MANATEE EDUCATIONAL TELEVISION CONSORTIUM (METV)**

Execution of FY 2002-03 Funding Agreement with Manatee Educational Television Consortium, **Programming**, \$127,075. [BC20021001DOC024](#)

**OLDER AMERICANS ACT**

Execution of Rate Agreement OAA 2002-13 with West Central Florida Area Agency on Aging, Inc., (10/1/02-12/31/02), \$30,000 Title III E Grant; and authorization for Director of Community Services Department to sign administrative documents. [BC20021001DOC025](#)

**WEST COAST INLAND NAVIGATION DISTRICT**

Execution of Amendments to Agreements extending projects for one-year (9/30/03):

1. City of Anna Maria, Lake La Vista Management, M103A;
2. Paradise Bay Restoration Association, Paradise Bay Restoration, M103F;
3. University of Florida, Institute of Food and Agricultural Services, Waterway Management System Part II, M113A;
4. Anna Maria Power Squadron, Digital Classroom Enhancement, M118;
5. United States Coast Guard Auxiliary Flotilla 81, Boating Safety and Education, M119;
6. United States Coast Guard Auxiliary Flotilla 85, Education and Training in Water Safety and Environment, M120;
7. West Manatee Fire & Rescue District, Marine Dock 7, M121;
8. SRQ Composite Squadron Civil Air Patrol, Air Patrol, M122;
9. Manatee County Sheriff's Office, Marine Law Enforcement, M123; and
10. Gulf Coast Wonder & Imagination Zone, Inc., Water Day Camp, M125. [BC20021001DOC026](#)

**BUDGET AMENDMENT****Various Departments B-02-040**

Transfer of Funds; Unanticipated Revenue Appropriations

Support Description and Detail attached

[BC20021001DOC027](#)

**MATERIAL AND SERVICES**

1. **63rd Avenue East Sewer Main Repair** - Approve, ratify, and confirm emergency purchase for immediate permanent replacement for a sewer line with Killebrew, Inc., \$165,722. [BC20021001DOC028](#)
2. **Electronic Patient Information System/Emergency Medical Services** – Enter into negotiations with HealthWare Solutions. [BC20021001DOC029](#)
3. **Laboratory Information Management System/Utility Operations** – Enter into negotiations with PerkinElmer Labworks. [BC20021001DOC030](#)
4. **Wildwood Springs Reclaimed Water Main** – Award IFB 02-5242BS to Stately Contractors, Inc., \$193,796.75; and subsequent execution of contract, dating of performance/payment bonds and acceptance of Insurance Certificate. [BC20021001DOC031](#)

**SURPLUS PROPERTY**

1. Classify excess property as surplus property per *Florida Statue 274.05* to enable appropriate and authorized disposition of said property in accordance with Purchasing Code 99-37, Section 1.106; and authorize disposition of such property.
2. **R-02-266** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CLASSIFYING CERTAIN TANGIBLE PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING THE DONATION THEREOF PURSUANT TO SECTION 274.05, FLORIDA STATUTES (Toro Lawn Tractor to **Manatee County Sheriff**). [BC20021001DOC032](#)

**PROFESSIONAL ENGINEERING INSPECTION SERVICES**

Execution of Work Assignment 8 with Zoller, Najjar & Shroyer, Inc., for engineering services for **building inspections**, \$100,000; and **engineering consultation** by the Building Department, \$30,000; on an as-required basis (10/3/02-10/2/03). [BC20021001DOC033](#)

**LENA AND ERIE ROAD LANDFILLS**

Execution of Change Order 2 to Work Assignment 5 with Post, Buckley, Schuh & Jernigan, Inc., for **professional services related to environmental monitoring and reporting** (10/1/02-9/30/03); increase of \$210,803, adjusted total \$437,784. [BC20021001DOC034](#)

**LIBRARY MATERIALS**

Execution of negotiated agreements with Baker & Taylor, Inc., EBSCO Publishing, and Ingram Library Services, Inc.; annual total \$500,000. [BC20021001DOC035](#)

**SANITARY MANHOLE REHABILITATION**

Execution of Addendum 2 to Agreement with Rowland, Inc., for **manhole rehabilitation** for a one-year extension (9/5/02-9/4/03), on an as-required basis. [BC20021001DOC036](#)

**SANITARY SEWER LINE REHABILITATION**

Execution of Addenda 2 to extend the agreement for one-year (9/5/02-9/4/03) on an as-required basis with:

1. Azurix North America Underground Infrastructure, Inc., and [BC20021001DOC037](#)
2. Insituform Technologies, Inc. [BC20021001DOC038](#)

**SANITARY SEWER LINE/MANHOLE REHABILITATION**

Execution of Addendum 2 to the Agreement with J.T.V., Incorporated for **sanitary sewer line and manhole rehabilitation services** for a one-year extension (9/5/02-9/4/03) on an as-required basis. [BC20021001DOC039](#)

**UTILITIES FEE WAIVER/OVERPAYMENT**

1. Waive service fee assessed to Lynn E. Bankuty (\$25) for returned bank item.
2. Waive service fee assessed to Jacqueline A. Johnson (\$25) for returned bank item.
3. Waive service fee assessed to Daniel Elyachar (\$40) for returned bank item.
4. Waive service fee assessed for Ruth C. Cruzado (\$25) for returned bank item.
5. Refund \$463.34 to Judith K. Kesler due to customer paying credit balances billings in error. [BC20021001DOC040](#)

**STREET LIGHTING DISTRICTS - UNCOLLECTED DEBT**

Authorize removal of uncollected debt on **Gulf & Bay** (\$443.19) and **Cape Vista** (\$1,007.52) street lighting districts. [BC20021001DOC041](#)

**BAD DEBT WRITE-OFF**

Authorize Information Services to write-off accounts receivable in the amount of \$1,011.75.  
[BC20021001DOC042](#)

**FINAL PLATS****Sanctuary Phase IV, Subphase C**

1. Final Plat;
2. Mortgagee's Joinder from American Bank; and
3. Notice to Buyers.

[BC20021001DOC043](#)

**INCENTIVE GRANT PROGRAM AGREEMENT AMENDMENT**

**R-02-267** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, AUTHORIZING EXECUTION OF A COUNTY INCENTIVE GRANT PROGRAM AGREEMENT AMENDMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION PROVIDING FOR FINANCIAL ASSISTANCE FOR THE **LOCKWOOD RIDGE ROAD FROM UNIVERSITY PARKWAY TO COUNTRY OAKS BOULEVARD** PROJECT AND CHANGING ONLY THE CONSTRUCTION COMPLETION DATE (extend completion date to January 30, 2004).

[BC20021001DOC044](#)

**PARTICIPATION PROJECTS****Manatee Subdivision**

**R-02-252** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR CANAL DREDGING ASSESSMENT PROJECT 6038701 **MANALEE SUBDIVISION** (combining parcels owned by **Richard C. and Evelyn Smith Terry**).

[BC20021001DOC045](#)

**Pomello Park II Subdivision**

**R-02-251** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR ROAD ASSESSMENT PROJECT 6033661 **POMELLO PARK, PHASE II** (splitting a parcel owned by **Jeremias and Damaris Q. Luna**).

[BC20021001DOC046](#)

and

**R-02-265** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR ROAD ASSESSMENT PROJECT 6033661 **POMELLO PARK, PHASE II** (splitting a parcel owned by **Donald E. and Kyle J. Sudbury**).

[BC20021001DOC047](#)

**TARA BOULEVARD EXTENSION**

Authorize staff to notify the developer of River Place that the Board wishes to develop an agreement with the developer to prepare a conceptual design and cost estimate, which will be followed by final design and construction of Tara Boulevard from Linger Lodge Road to Honore Avenue, after approval of the conceptual design by the Board.

[BC20021001DOC048](#)

**LAW ENFORCEMENT SERVICES**

Execution of Interlocal Agreement with City of Holmes Beach for the provision of law enforcement service at **Kingfish Boat Ramp** and **Manatee Public Beach** (10/1/02-9/30/03), \$10,000.

[BC20021001DOC049](#)

**57TH AVENUE EAST/WEST**

Execution of Contracts for Sale and Purchase for a Warranty Deed and Temporary Construction Easements:

1. Ruth Carlene Sauls (Parcel 110A), \$800.
2. James J. Schultz and Elizabeth M. Estes (Parcels 117), \$1,200.
3. James J. Schultz and Elizabeth M. Estes (Parcels 717), \$300.
4. Jerry L. McCart (Parcel 144), \$17,100.
5. Jerry L. McCart (Parcel 146), \$10,222.
6. Thomas H. Ringland (Parcel 149), \$1,600.
7. Ernest and Larayne Stank (Parcel 159), \$1,100.
8. Darla D. Nelson (Parcel 729), \$200.
9. Helen R. Taylor (Parcel 731A and 731B), \$500.

[BC20021001DOC050](#)

[BC20021001DOC051](#)

[BC20021001DOC052](#)

[BC20021001DOC053](#)

[BC20021001DOC054](#)

[BC20021001DOC055](#)

[BC20021001DOC056](#)

[BC20021001DOC057](#)

**DEEDS AND EASEMENTS**

1. **Quonset Road** - Temporary Construction Easement from Joyce A. and George B. Clark for drainage improvements (Lots 53 and 54 Marineland Subdivision).
2. **Waterlefe Golf and River Club Unit 10** - Drainage Easement from Bay Colony-Gateway, Inc., for access, construction and maintenance of drainage pipe located on Winding Stream Way, Lot 13, Tract 418.
3. **Wellcraft/Genmar Industrial Development Bonds** – Quit Claim Deed to Genmar Industries, Inc., upon confirmation that the property excludes any subsequently conveyed right-of-way.

[BC20021001DOC058](#)

[BC20021001DOC059](#)

[BC20021001DOC060](#)

**SOUTHEAST RECLAIMED WATER TRANSMISSION MAIN**

Authorize Clerk of Court's Finance Department to cut a check made payable to Regions Bank for processing a Partial Release of Mortgage as part of the North to Southeast Reclaimed Water Transmission Main Segment of the Manatee Agricultural Supply (MARS) project (Parcel 115, property owners Woodrow and Diane Thayer), \$100.

[BC20021001DOC061](#)

**TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT**

Execute and transmit a revised Exhibit A to the Traffic Maintenance and Compensation Agreement approved on September 17, 2002, to the Florida Department of Transportation for County maintained traffic signals on the State Highway System.

[BC20021001DOC062](#)

**STREET VACATION - ROYAL PALM GARDENS**

**R-02-197-V** A RESOLUTION DECLARING A PUBLIC HEARING ON NOVEMBER 5, 2002, AT 9:00 A.M., OR AS SOON THEREAFTER AS POSSIBLE, ON APPLICATION BY CLIFFORD AND KIMBERLY WALKER AND DAVID AND JUDITH RAINS TO VACATE CERTAIN PLATTED RIGHT-OF-WAY FROM 45TH AVENUE EAST IN ROYAL PALM GARDENS.

[BC20021001DOC063](#)

(End Consent Agenda)

**PROPERTY ASSESSMENTS**

David Rothfuss, Assistant County Administrator, reviewed the agenda memorandum regarding property assessments, based on a map presented by Claire Brown on September 17, 2002, of her neighboring parcels and the current per-acre assessments.

Discussion: The McClure property has been rezoned to PDR but still carries an agricultural classification; is it involved in agricultural production; what is the value assessed to the 19-acre parcel; once a property is rezoned it is allowed to maintain the agricultural classification; etc.

**Claire Brown**, property owner, submitted Chapter 193 *Florida Statutes* and explained when a property is rezoned it should automatically lose its agricultural exempt status. [BC20021001DOC064](#)

**EMPLOYEE OF THE MONTH**

**Stephen Simpson**, Emergency Management Planner, was presented the Employee of the Month Award by Karen Windon, Public Safety Director, and Laurie Feagans, Emergency Management Chief. [BC20021001DOC065](#)

**CITIZENS' COMMENTS**

**Basin Master Plans**

**Gary Reckner** requested that the County enter into a cooperative funding agreement with Southwest Florida Water Management District (SWFWMD) to perform basin master plan studies on Gamble Creek, Wade Canal, Buffalo Canal, and Frog Creek.

**Carport**

**George Cochran**, 6304 26th Street West, reported that he cannot install an open carport because he only has control of about two inches of the property needed due to deed restrictions.

Mr. Cochran was advised that deed restrictions are a private matter which can be corrected through release of the deed restrictions or through court proceedings; also that the carport may be a code violation. The Chairman asked that staff look at 26th Street as to future turning lanes, wider intersections, bike lanes, possibly vacating some of the right-of-way, etc. [BC20021001DOC066](#)

**HESS STATION – S.R. 70**

James Minix, Assistant County Attorney, addressed the Code Enforcement case regarding the revised Preliminary Site Plan [PDC-87-01(P)(R3)] for the Hess Station lighting on S.R. 70.

**Motion**

Motion was made by Mr. McClash that the term "existing" as conditioned in the settlement agreement excluded the white lighting, which came after the fact, but was to provide for what was in place as definition of "existing." Mr. Bruce seconded the motion.

Tedd Williams, County Attorney, stated the question came to his office in the context of Code Enforcement proceeding, which is pending. He stated that the Board could direct staff to support the Board's interpretation of the agreement and the revised Preliminary Site Plan in the Code Enforcement Board proceeding.

**Motion - Amended**

Mr. McClash amended the motion to include directing staff to support the Board's interpretation of the agreement and revised Preliminary Site Plan in the Code Enforcement proceeding. Mr. Bruce agreed.

Mr. Minix stated that staff would take the position that there is a code violation and assert additional testimony before the Code Enforcement Board.

Rita Mooney, Code Enforcement Chief, stated it is scheduled to go before the Code Enforcement Board in November 2002.

The motion carried 6 to 0.

**Wilhelmina McFee**, Braden Woods Homeowners' Association, submitted a rendering of the Hess Station and pointed out the canopy was painted green. [BC20021001DOC067](#)

**Recess/Reconvene.** All members present except Mr. Harris.

(Court Reporter, Carol Cason, present)

**PHOSPHATE MINING MORATORIUM**

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 9/20/02) was held to consider

**ORDINANCE 02-59**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, IMPOSING A MORATORIUM RELATING TO PHOSPHATE MINING APPLICATIONS, PETITIONS AND REQUESTS; PROVIDING FINDINGS; PROVIDING FOR APPLICABILITY; PROVIDING FOR EXCEPTIONS; PROVIDING FOR DURATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommend DENIAL.

Karen Collins-Fleming, Environmental Management Director, stated that staff has been working on revising Mining Ordinance **81-22** based on the Land Development Code (LDC), Comprehensive Plan, technology changes, and the desire to protect natural resources. She stated industry representatives have pointed out two issues: (1) radiation standards (Ordinance 81-22); and (2) reclamation standards (as listed in the draft ordinance). She reviewed the agenda memorandum.

Maureen Sikora, Assistant County Attorney, stated staff is reviewing the LDC and Comprehensive Plan to ensure regulatory compatibility and conformity, which is the reason for the 18-month moratorium. She reported the U.S. Supreme Court issued an opinion in *Tahoe-Sierra Preservation Council, Inc., et al., v. Tahoe Regional Planning Agency, et al.*, 00-1167, which challenged moratoria (totaling 32 months) in the Lake Tahoe Basin Area. The U.S. Supreme Court recognized moratoria are used among land-use planners to preserve the status quo while formulating a more permanent development strategy and, more significantly, the Court stated that the consensus in the planning community appears that moratoria are interim development control tools of successful development.

Tedd Williams, County Attorney, clarified that as the ordinance is drafted eighteen months is the maximum time of the moratorium, and the word "extend" is not properly used in Section 4. He clarified that in order to surpass the timeframe an amendment would have to be made to the ordinance, which would require another public hearing.

Discussion: Need a shorter timeframe; timing consistent with Comprehensive Plan amendments schedule; if it does not take eighteen months staff can recommend that the terms of the ordinance be repealed; rationale for not accepting applications versus giving approvals; mining in the 25-year floodplain; etc.

(Depart Ms. Brown during discussion)

Mr. McClash recommended the following language change:

Section 4. This ordinance shall expire eighteen (18) months after its effective date, unless this ordinance is amended to extend or reduce the time of the moratorium.

Robert Brown, Environmental Management, confirmed there are pending IMC Phosphates Company applications being processed that will affect the Jameson, Northeast, and Altman Tracts.

Discussion: Need radiation expert; for the next public hearing prepare comparison of existing ordinance with revised ordinance; property rights; etc.

**Patricia Petruff**, representing IMC Phosphates Company, submitted a letter and requested the Board not adopt the moratorium.

(Enter Ms. Brown)

Mrs. Stein read telephone messages from **Ernest Marshall**, representing the Federation of Manatee County Community Association, **Helen Jo Williams**, and **Rev. Don and Jane Thompson**, stating their support for the moratorium.

**Jim Leonard**, **Bob Moody**, and **Pat Carlton**, property owners adjacent to the IMC mine, spoke against the moratorium due to possible loss of income for residents, impact to phosphate mining industry, and the affect on their land.

Discussion: The meaning of the word "moratoria"; substitute language; guidelines versus the FDEP reclamation standards; cannot be incompatible with State guidelines; etc.

**Glenn Compton**, representing ManaSota-88, noted he is in favor of the moratorium and that a strong mining ordinance is needed in the County. He explained there is technology available that would return land to a pre-mined condition and the County's reclamation standards should not match FDEP standards.

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

**Robert Kinsey**, IMC Phosphates Company, stated opposition to the moratorium and explained within the past ten years no moratorium of any kind on development has occurred. **Ted Smith**, IMC Phosphates Company, was available for questions.

Discussion: Mining status for approved sites; prospecting potential mining sites; setback waivers; substantial deviation; DRI process; language pertaining to acquiring contiguous lands; list of properties with which IMC Phosphates are in negotiation; what is the purpose for a moratorium against applications if applications are allowed to go forward; moratorium could be on accepting applications but not approving them; parcels to be picked up being included with the pending applications; etc.

Mrs. Stein announced the second public hearing will be October 22, 2002, at 1:30 p.m.

[BC20021001DOC068](#)

(Enter Ms. Brown; depart Mrs. Glass)

**VIETNAMESE POT-BELLIED PIGS**

Joaquin Servia, Planning Department, gave a history regarding miniature pot-bellied pigs in residential areas as outlined in the staff report.

Discussion: Pigs are allowed in A and A-1 zoning; one acre is suitable for these animals; etc.

Motion was made by Mr. Bruce, seconded by Ms. Brown, and carried 5 to 0, to accept the report and take no action at this time.

**Remonia Lewis** thanked the Board.

[BC20021001DOC069](#)

**UNIVERSITY PARKWAY/U.S. 301 – IMPROVEMENT PROJECT**

Mrs. Stein noted that \$1.5 million has been set aside in the 2002-03 Capital Improvement Program for contribution by Manatee County toward University Parkway and U.S. 301 intersection improvements.

Discussion: Sarasota/Manatee Metropolitan Planning Organization (MPO) does not need to be involved because of the local funds; an interlocal agreement; the project ready to go by January 2003; etc.

**Michael Guy**, MPO Director, reported the Transportation Outreach Program funding has been granted to the Sarasota Bradenton Airport Authority. The Florida Department of Transportation (FDOT) indicated the funds could be used for construction.

Motion was made by Mr. McClash, seconded by Mr. Bruce, and carried 5 to 0, to accept the report and direct the County Attorney to work on an Interlocal Agreement with the Airport Authority, City of Sarasota, and Sarasota County.

[BC20021001DOC070](#)

(Enter Mrs. Glass)

**APPOINTMENTS**

**Code Enforcement Board**

Motion was made by Mr. Bruce, seconded by Mrs. von Hahmann, and carried 6 to 0, to reappoint **Remonia Lewis** and **Joseph Formella** to the Code Enforcement Board (three-year terms).

**Code Enforcement - Special Master**

Motion was made by Mr. Bruce, seconded by Mrs. von Hahmann, and carried 6 to 0, to reappoint **J. Thomas O'Brien** and **Donald Courtney** as Special Masters (three-year terms).

**Nuisance Abatement Board**

Nominations:

- David Grover – by Mr. Bruce
- Mickey Young-Burke – by Ms. Brown
- Phillip Wells – by Ms. Brown

There being no further nominations, **David Grover**, **Mickey Young-Burke**, and **Phillip Wells** were appointed to the Nuisance Abatement Board (three-year terms).

[BC20021001DOC071](#)

**STREET VACATIONS**

**Indian Meadow Subdivision**

Public hearing (continued from 8/27/02) was opened to consider

**R-02-121-V** RESOLUTION ON APPLICATION BY ANITA ASSHA AND PAOLA ASSHA VACATING THE PLAT OF LOT 1, INDIAN MEADOW SUBDIVISION, EXCLUDING THE VACATION OF THE PLATTED EASEMENTS (CONSERVATION, UTILITY, AND DRAINAGE) AS DEDICATED BY THE PLAT OF SAID SUBDIVISION.

[BC20021001DOC072](#)

**Waterbury Grape Fruit Tracts Subdivision**

Public hearing (continued from 8/27/02) was opened to consider

**R-02-98-V** RESOLUTION ON APPLICATION BY MANATEE RIVER COMMUNITIES DEVELOPMENT CORP., VACATING CERTAIN TRACTS SITUATED WITHIN THE WATERBURY GRAPE FRUIT TRACTS SUBDIVISION.

[BC20021001DOC073](#)

Motion was made by Mr. Bruce, seconded by Mrs. von Hahmann, and carried 6 to 0, to continue **R-02-121-V** and **R-02-098-V** to October 15, 2002, at 9:00 a.m.

**SARASOTA/MANATEE METROPOLITAN PLANNING ORGANIZATION – CITIZEN ADVISORY COMMITTEE**

Motion was made by Mr. Bruce, seconded Mr. McClash, and carried 6 to 0, to appoint **Berniece Scott** to the Citizen Advisory Committee.

[BC20021001DOC074](#)

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

Janet McAfee, Project Management Director, introduced the conceptual design for the 26th Street West and 53rd Avenue West intersection.

Jeff Trim, Wade-Trim, Inc., County consultants, stated the improvements would include adding right turn lanes, lengthening left turn lanes, sidewalks, streetlights and signalization. While displaying an aerial map, Mr. Trim noted the Comprehensive Plan indicated that the road is four-laned and divided with 120-foot reserved right-of-way. The total of \$2,100,000 includes \$150,000 in engineering costs, \$1,070,000 in construction costs, and \$740,000 in right-of-way costs. He stated a review would be made regarding business damages. Bike lanes were not included due to the limited right-of-way.

Discussion: Level of service evaluated and accident information; how are priorities rated; substantial damages; touring intersections on priority list; less expensive to do it now; updating the Capital Improvement Program; etc.

(Depart Mrs. Glass during discussion)

Jerome Gostkowski, Planning Department, explained the link of 26th Street West from Cortez Road to 57th Avenue West has failed in the concurrency system and, at the intersection itself, the north, south and east legs are below adopted levels of service for turning movements.

Discussion: Retrofitting failed intersections; could wait until the out parcel (by Brookwood Apartments) is sold and then request improvements; impact fees and developer contributions; area of influence for large developments; if someone does buy the out parcel will they have to use the schematics that are before the Board; alternatives as far as impacts to businesses (i.e., Super Discount Beverages); etc.

Motion was made by Mr. McClash, seconded by Mrs. von Hahmann, and carried 5 to 0, to approve the conceptual design report. [BC20021001DOC075](#)

**COMMISSIONERS' COMMENTS**

**Orange Park Subdivision**

Ms. Brown requested information on the status of the postcard polling regarding sewer assessment for Orange Park. [BC20021001DOC076](#)

(Enter Mrs. Glass)

**Peace River/Manasota Regional Water Supply Authority**

Mrs. Glass requested input regarding information that Sarasota County is terminating its contract for facility expansion with the Authority, and would continue to rely on its contract with Manatee County for drinking water. She requested a determination in order to relay the information at the October 2, 2002, Peace River Authority meeting.

Mr. Rothfuss noted that Sarasota County would like to ask the Authority for an inventory of all of the needs and demands for water throughout the boundaries of the Authority.

Discussion: Letter to the Sarasota County Administrator; timing of the facility expansion; funding alternatives; etc.

Mrs. Stein requested that Mrs. Glass relay that discussion is needed with the Sarasota County Board of County Commissioners at length before any action is taken. Mr. McClash recommended the Board review the Sarasota County Master Water Plan. [BC20021001DOC077](#)

**9th Avenue Northwest**

Mr. McClash expressed concern with 9th Avenue Northwest being closed from October 7-12, 2002, for sanitary sewer line installation and road reconstruction. He questioned why the developer could not accomplish this in a 24-hour timeframe and why the Transportation Department would issue a permit to close such an important road during hurricane season. [BC20021001DOC078](#)

**State Road 64**

Mr. McClash expressed safety concerns with the possibility of two road construction projects in front of Haile Middle School. He questioned if the Transportation Improvement Program funds could be advanced in order to coordinate the project with U.S. Homes and FDOT for one project.

Mrs. Stein stated this item should be placed on a future agenda in two to three weeks for discussion with FDOT, Manatee County School Board, Transportation Department, and U.S. Homes.

Discussion: Need a policy that any time a development is constructing roads, if the County has improvements, that they all be done at the same time; did not have the money until now; reimbursement after the project is completed; etc. [BC20021001DOC076](#)

**Creekwood Boulevard and State Road 70**

Mr. Bruce reported that in 2001, 43 accidents occurred at the intersection of Creekwood Boulevard and State Road 70. He noted FDOT will be completing a study on the intersection and asked staff to bring this information to the Board once it is received. [BC20021001DOC076](#)

**Speed Limits**

Mr. Bruce stated that petitions have been received for speed limit increases: Whitfield Avenue from Lockwood Ridge to University Parkway (from 30 mph to 40 mph) and Lockwood Ridge Road (from 40 mph to 45 mph). [BC20021001DOC076](#)



**66th Street and Cortez Road**

Mrs. von Hahmann stated she received a letter regarding timing of the signal at this intersection and the fact that it takes so long to change. She requested staff investigate. [BC20021001DOC079](#)

**43rd Street Northwest and 3rd Avenue Northwest**

Mrs. von Hahmann relayed a request for this intersection to be repaired and resurfaced. She requested staff report. [BC20021001DOC076](#)

**Manatee and Coquina Beaches**

Mrs. von Hahmann requested an update on plans for Manatee Public Beach facilities and new facilities at north Coquina Beach. [BC20021001DOC076](#)

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

Mrs. Stein reported that since the August 20, 2002, meeting, several meetings have been held with area residents, FDOT, Planning Department, and Transportation Department. She noted that FDOT would not allow more open access in this area due to safety concerns. She confirmed the Pastor of Emmanuel Baptist Church will be holding a special meeting with church members and the shopping center owners to discuss the option of pursuing a cross access easement. She noted FDOT is pursuing a traffic count at the intersection of Wellon Ranch Road and U.S. 301, which may warrant a traffic signal. [BC20021001DOC076](#)

**Judicial Center Working Group**

Mr. McClash confirmed the working group will meet on Thursday, October 3, 2002, and a work session is scheduled for October 8, 2002, in order to present the Board with the information regarding options.

Discussion: Cost figures will be provided; possibly a year away from construction; etc.

[BC20021001DOC076](#)

**TRAVEL**

Mrs. von Hahmann requested authority to travel to legislative meetings on water policy drafting plan in Orlando on October 10, 2002.

Motion was made by Mr. McClash, seconded by Mrs. Stein, and carried 6 to 0, to approve the travel.

[BC20021001DOC076](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 3:35 p.m.  
/tb/pt/qa

Minutes Approved: November 12, 2002