

**OCTOBER 15, 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 15, 2002, at 9:07 a.m.

Present were Commissioners:

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

Also present were:

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

Invocation by Rev. Herb McMillian, First Church of the Nazarene.

**AGENDA**

Agenda of October 15, 2002, and agenda update memorandum.

[BC20021015DOC001](#)

**CONSENT AGENDA**

Motion was made Mr. Harris, seconded by Ms. Brown, and carried 6 to 0, to approve the Consent Agenda incorporating the language as stated in the recommended motions in the agenda memorandum, as may have been amended in the supplemental agenda, with the deletion of **Florida Power and Light – Cortez-Johnson Transmission Line** and **Greyhawk Landing, Phase 2 – Final Plat.**  
Items APPROVED:

[BC20021015DOC002](#)

[BC20021015DOC003](#)

[BC20021015DOC004](#)

**CLERK'S CONSENT CALENDAR**

**BONDS**

**Accept:**

Sheriff's Public Employees and Deputy Sheriffs' Blanket Bonds (12 additions, 12 deletions).

[BC20021015DOC005](#)

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

**Release:**

1. Agreement with Imperial Partners, Ltd., guaranteeing completion of required improvements (\$8,320).
2. Performance Bond: \$8,320 (Surety Bond 16442, Nova Casualty Company).

[BC20021015DOC006](#)

**Foxbrook, Phase II**

**Release:**

1. Agreement with Cherokee Creek, Inc., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$76,632).
2. Agreement with Cherokee Creek, Inc. dba Foxbrook Communities guaranteeing completion of required improvements and temporary construction easement for private improvements (\$161,092).

**Accept:**

1. Agreement with Cherokee Creek, Inc. dba Foxbrook Communities guaranteeing completion of required improvements and temporary construction easement for private improvements (\$76,632). This Agreement will be for a **one-year extension** guaranteed by a previously accepted surety bond (400SF4706, 9/18/01).
2. Agreement with Cherokee Creek, Inc. dba Foxbrook Communities guaranteeing completion of required improvements and temporary construction easement for private improvements (\$161,092). This agreement will be for a **one-year extension** guaranteed by a previously accepted surety bond (400SD8466, 9/18/01).

[BC20021015DOC007](#)

**Lakeridge Falls, 1-A**

**Release:**

Agreement with Centex Homes guaranteeing completion of required improvements (\$117,766.74).

**Accept:**

Agreement with Centex Homes guaranteeing completion of required improvements (\$117,766.74). This agreement will be for a **one-year extension** guaranteed by a previously accepted surety bond (6097133, 9/18/01).

[BC20021015DOC008](#)

**Old Grove at Greenfield Plantation, Phase II**

**Release:**

Agreement with River Road Plantation Partnership guaranteeing completion of required sidewalks and bikeways (\$4,808.50).

**Accept:**

1. Agreement with River Road Plantation Partnership guaranteeing completion of required sidewalks and bikeways (\$4,808.50).
2. Performance Bond: \$4,808.50 (Amendment 3 to Letter of Credit 941053, Bank of America), **extending** expiration date to October 27, 2003.

[BC20021015DOC009](#)

**Sabal Harbour, Phase I-B**

**Release:**

1. Agreement with Pulte Homes guaranteeing completion of required improvements and temporary construction easement for private improvements (\$74,139.40).
2. Performance Bond: \$74,139.40 (Surety Bond 6123136, Safeco Insurance Company of America). [BC20021015DOC010](#)

**Sabal Harbour, Phase II-B**

**Release:**

1. Agreement with Pulte Home Corporation guaranteeing completion of required improvements and temporary construction easement for private improvements (\$41,615).
2. Performance Bond; \$41,615 (Letter of Credit ATL/P601060, SunTrust Bank). [BC20021015DOC011](#)

**Tara, Phase I, Unit 6**

**Release:**

Agreement with Tara-Manatee, Inc., guaranteeing completion of required sidewalks and bikeways (\$4,617.60).

**Accept:**

1. Agreement with Tara-Manatee, Inc., guaranteeing completion of required sidewalks and bikeways (\$4,617.60). This agreement will be for a **one-year extension** guaranteed by a previously accepted letter of credit (06-98-0163, 9/1/98).
2. Performance Bond: \$4,617.60 (Amendment to Letter of Credit 06-98-0163, First National Bank of Florida), **extending** expiration date to November 6, 2003. [BC20021015DOC012](#)

**Tara, Phase I, Unit 7**

**Release:**

Agreement with Tara-Manatee, Inc., guaranteeing completion of required sidewalks and bikeways (\$2,987.40).

**Accept:**

1. Agreement with Tara-Manatee, Inc., guaranteeing completion of required sidewalks and bikeways (\$2,987.40). This agreement will be for a **one-year extension** guaranteed by a previously accepted letter of credit (06-98-0161, 9/1/98).
2. Performance Bond: \$2,987.40 (Amendment to Letter of Credit 06-98-0161, First National Bank of Florida), **extending** expiration date to November 6, 2003. [BC20021015DOC013](#)

**Tara, Phase II, Subphase B**

**Release:**

Agreement with Tara-Manatee, Inc., guaranteeing completion of required sidewalks and bikeways (\$1,092).

**Accept:**

1. Agreement with Tara-Manatee, Inc., guaranteeing completion of required sidewalks and bikeways (\$1,092). This agreement will be for a **one-year extension** guaranteed by a previously accepted letter of credit (06-98-0162, 9/15/98).
2. Performance Bond: \$1,092 (Amendment to Letter of Credit 06-98-0162, First National Bank of Florida), **extending** expiration date to November 6, 2003. [BC20021015DOC014](#)

**REFUNDS**

Cove Partnership #4, Ltd. – Impact Fee	\$ 278,594.24
J. David Cassilly, Inc. – Impact Fee	\$ 20,547.00
Piccadilly Cafeteria – Semi Annual Sewer Rebate	\$ 7,619.16

[BC20021015DOC015](#)

**WARRANT LIST**

Approved: October 1, 2002 through October 14, 2002  
Authorized: October 15, 2002 through October 21, 2002

[BC20021015DOC016](#)

**MINUTES**

August 20, 2002, August 27, 2002, September 3, 2002, and September 5, 2002

[BC20021015DOC017](#)

**ACCEPT**

**Byrne Formula Grant Program** - Certificates of Acceptance: **(1)** Weapons of Mass Destruction First Responder 1, \$15,577 (10/1/02-9/30/03); and **(2)** Manatee County Sheriff’s Office Inmate Vocational Programs 3, \$215,027 (10/1/02-9/30/03). [BC20021015DOC018](#)

**Emergency Management Preparedness & Assistance Trust Fund** – Agreement with Department of Community Affairs, Division of Emergency Management to retrofit **Kinnan Elementary School Building 3** with window/door protection systems on exterior windows/doors, \$85,617. [BC20021015DOC019](#)

**Southwest Florida Water Management District** – FY2002-03 Annual Service Budget

[BC20021015DOC020](#)

**AUTHORIZE CHAIRMAN TO SIGN**

**G.T. Bray Fitness Center Addition** – Contract with Tri-Tech Construction & Design, Inc., \$151,632.50; date performance/payment bonds, power of attorney, and accept Insurance Certificates (approved 9/3/02). [BC20021015DOC021](#)

**Manatee Avenue West/State Road 64** – Interlocal Agreement with City of Bradenton for installation, operation, and maintenance of **traffic signals** at certain intersections on Manatee Avenue West/State Road 64, \$100,000. [BC20021015DOC022](#)

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

Projects 3103; 3122; 3129 (3); 3130 (2); 4216 (2); 4217 (2); 5279 (2) [BC20021015DOC023](#)

**Satisfactions of Judgments:**

Todd Effertz – Case 2001-434M  
Vicki Effertz – Case 2000-5027M  
James Judson – Case 1995-CF-2267  
Julio Leyva – Case 1998-CF-1502

[BC20021015DOC024](#)

**COUNTY ADMINISTRATOR  
PROCLAMATIONS**

1. A Proclamation designating October 15, 2002, as Aimee Rachel Seward Seheult Day was accepted by **Ms. Seheult**. [BC20021015DOC025](#)
2. A Proclamation designating October 2002 as Crime Prevention Month was accepted by employees of the **Manatee County Sheriff's Office**. [BC20021015DOC026](#)
3. A Proclamation designating October 15, 2002, as Braden River Little League All-Star Day was accepted by **Marshall Norton**. [BC20021015DOC027](#)
4. A Proclamation designating November 2002 as National Epilepsy Awareness Month. [BC20021015DOC028](#)
5. A Proclamation designating September 15 through October 15, 2002, as Hispanic Heritage Month was accepted by members of the **Hispanic Community**, with a brochure of the Miss Latina USA Prevention Program distributed to Board members. [BC20021015DOC029](#)
6. A Proclamation designating October 27 through November 3, 2002, as Pornography Awareness Week and the Start of the National "White Ribbon Campaign." [BC20021015DOC030](#)
7. A Proclamation designating October 23 through October 31, 2002, as Red Ribbon Week was accepted by members of the **United Community Centers**. [BC20021015DOC031](#)

**ANNUAL TRAVEL**

1. **County Administrator** – Authorization to travel out of the County to conduct business for and on behalf of Manatee County for FY 2002-03. [BC20021015DOC032](#)
2. **R-02-276** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING TRAVEL FOR THE BOARD OF COUNTY COMMISSIONERS FOR FISCAL YEAR 2002-2003. [BC20021015DOC033](#)
3. **County Attorney** – Authorization to engage in travel associated with the conduct of County business during FY2002-2003. [BC20021015DOC034](#)

**COUNTY ATTORNEY'S OFFICE**

County Attorney to advertise a public hearing to amend and replace Ordinance 94-08, which established the County Attorney's Office. [BC20021015DOC035](#)

**LAWSUITS**

1. **63rd Avenue** - Approval of a settlement offer to Win-Gray, Inc., dba Hawaiian Village Mobile Home Park to settle all pending claims against Manatee County, including statutory attorney's fees and expert witness fees and costs, and subject to apportionment proceedings, if applicable, pursuant to *Florida Statute 73.101*, for \$40,000, less the deposit of \$10,000, payment of statutory attorney's fees to the law firm Brigham, Moore, of \$9,702, attorney's costs of \$247.65, and expert witness fees of \$2,731.25, in the eminent domain case of Manatee County v. Harold S. Sutton, dba Plantation Village Mobile Home Community, et al., Case 2001-CA-973 (Parcels 157A and B, 814, 815 and 709). [BC20021015DOC036](#)
2. **63rd Avenue** – Approval of a settlement with Bud Boschert Stables, Inc., for experts' fees and other costs, for \$39,990, as to the taking of Parcel 185A and B in the eminent domain case of Manatee County v. Virginia W. Lamb, et al., Case 2001-CA-1142. [BC20021015DOC037](#)
3. **Tallevast Road** – Approval of a settlement offer to Gadah Enterprises, Inc., and Samira and Elias Gadah to settle all pending claims against Manatee County, exclusive of expert witness fees and costs, and subject to apportionment proceedings, if applicable, pursuant to *Florida Statute 73.101*, for \$72,500 less the previous deposit of \$13,160, and payment of statutory attorney's fees to the law firm Brigham, Moore of \$13,297.68 in the eminent domain case of Manatee County v. Elias G. Gadah, Parcels 124, 125, et al., Case 2002-CA-464 (Parcels 124 and 125). [BC20021015DOC038](#)

**ADULT PROTECTIVE SERVICES**

Execution of an Interagency Memorandum of Agreement with the Department of Children and Families, and the West Central Florida Area Agency on Aging, Inc., to set procedures for **client referrals** to the Community Services Department, Human Services Division, Aging Services Section. [BC20021015DOC039](#)

**ASSISTED LIVING MEDICAID WAIVER PROGRAM**

Execution of FY 2002-03 Assisted Living Medicaid Waiver Case Management Referral Agreement with the West Central Florida Area Agency on Aging, Inc., to provide **case management services**. [BC20021015DOC040](#)

**NON-PROFIT AGENCY FUNDING**

1. Execution of FY 2002 non-profit agency funding agreement with Neighborly Senior Services of Manatee, Inc., for the time period October 1, 2002 through December 31, 2002, for the Older Americans Act **Facility Based Respite Program**, \$18,827. [BC20021015DOC041](#)
2. Execution of FY 2002-03 non-profit agency funding agreements with the following agencies:
  - a. Mote Marine Laboratory, Inc., **Marine Mammal Stranding**, \$22,396;
  - b. Our Daily Bread of Bradenton Inc., **Feeding the Poor and Hungry**, \$6,300;
  - c. Keep Manatee Beautiful, Inc., **Adopt-A-Programs**, \$20,189;
  - d. Keep Manatee Beautiful, Inc., **Storm Drain Stenciling**, \$7,426; and
  - e. We Care Manatee, Inc., **Specialty Physician Service** (\$51,600) and **Pharmaceuticals**, (\$20,000), \$71,600. [BC20021015DOC042](#)

**HOME CONSTRUCTION LOANS**

1. Execution of construction loan agreement with Tracey C. Baskin, in accordance with Resolution R-96-227, \$25,000. [BC20021015DOC043](#)
2. Execution of construction loan agreement for home reconstruction project with Laura Bell Blue, in accordance with Resolution R-96-227, \$74,000. [BC20021015DOC044](#)

**DRUG COURT**

Execution of a funding agreement with Manatee Glens Corporation for **therapist services** in the Manatee Drug Court, an element of Bureau of Justice Assistance Local Law Enforcement Block Grant 2000-LB-BX-0912 (10/1/02–9/30/03), \$120,275. [BC20021015DOC045](#)

**MEDICAL EXAMINER**

1. **Autopsy Facility** - Execution of a letter to Dr. Pearson Clack, District 12 Medical Examiner, approving the FY 2002-03 budget for the facility in Manatee County, \$159,150. [BC20021015DOC046](#)
2. **Budget** - Execution of a letter to Sarasota County approving the District 12 Medical Examiner FY 2002-03 budget (\$1,327,400 total; Manatee County, \$564,145 [42.5 percent]). [BC20021015DOC047](#)

**DONATION**

**R-02-275** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE ACCEPTANCE OF A DONATION FROM THE UNITED WAY OF MANATEE COUNTY, INC., TO THE HUMAN SERVICES DIVISION OF MANATEE COUNTY GOVERNMENT (\$12,637.35 for the **Program Outcome Measurement Project**; and execution of a letter of appreciation to United Way). [BC20021015DOC048](#)

**PALM ISLES APARTMENTS**

Execution of a Land Use Restriction and Deed Restriction Agreement with North Property Partnership, Ltd., for **affordable housing designation** for the 220-unit apartment complex. [BC20021015DOC049](#)

**HOUSING CONSTRUCTION ASSISTANCE**

Approval of SHIP (State Housing Initiative Program) funding assistance exceeding \$25,000 in accordance with the alternative procurement procedures for new construction projects under the Acquisition/Demolition/Construction strategy of the local housing assistance plan for SHIP eligible applicant, Deborah Oellrich, \$27,594. [BC20021015DOC050](#)

**TRANSPORTATION DISADVANTAGED**

Execution of a Trip and Equipment Grant Agreement with the Florida Commission for the Transportation Disadvantaged for October 1, 2002 through September 30, 2003, \$432,067 (State, \$386,633; voluntary contributions, \$2,227; local farebox revenue, \$43,207); and execution of all related documents. [BC20021015DOC051](#)

**WEST COAST INLAND NAVIGATION DISTRICT**

Execution of FY 2002-03 West Coast Inland Navigation District (WCIND) Funding Agreements with recipients of WCIND project funding:

- City of Anna Maria – **Lake LaVista Inlet Maintenance**, M129, \$23,667;
- Manatee Sail and Power Squadron – **Classroom Enhancement**, M130, \$980;
- Anna Maria Island Power Squadron – **Boating Safety and Education**, M131, \$2,000;
- United States Coast Guard Auxiliary Flotilla 85 – **Boating Safety and Education**, M132, \$3,000;
- SRQ Civil Air Patrol Composite Squadron – **Civil Air Patrol**, M133, \$7,000;
- Town of Longboat Key – **Fire and Rescue Boat**, M134, \$30,000;
- Town of Longboat Key – **Police Department Marine Enforcement/Fire Rescue Response Enhancement**, M135, \$18,000;
- Manatee County Sheriff's Office – **Marine Patrol Upgrade**, M136, \$40,000; and
- Gulf Coast Wonder & Imagination Zone – **Water Work Shop**, M138, \$10,100. [BC20021015DOC052](#)

**CONVENTION AND VISITORS BUREAU**

Approval of expenditure of \$2,000 to sponsor a seminar titled "The Power of Packaging" for the Manatee County tourism industry, to be held on November 19-20, 2002. [BC20021015DOC053](#)

**30TH AVENUE WEST**

Execution of Change Order 1 to IFB 02-1004BS with Stately Contractors, Inc., for **road and utility relocation**; increase of \$31,253.24, adjusted total \$2,968,111.68; and, an additional 12 calendar days for a revised completion date of October 11, 2002. [BC20021015DOC054](#)

**63RD AVENUE EAST AND WEST**

Execution of Change Order 2 to IFB 01-3023DC with Woodruff and Sons, Inc., for **road improvements**; increase of \$75,563.50, adjusted total \$7,936,118.50; and, an additional 130 contract days for a revised completion date of December 21, 2002. [BC20021015DOC055](#)

**MATERIALS AND SERVICES**

1. **Audio Books** – Sole source purchase of unabridged and abridged adult and juvenile audio books from Recorded Books, Inc., \$80,000. [BC20021015DOC056](#)
2. **Books/Videos** – Purchase via State Contract 715-001-01-1 from The Gale Group, \$130,000. [BC20021015DOC057](#)
3. **Bus Repair Parts** – Sole source purchase of Gillig bus repair parts from Gillig Corporation, \$75,000. [BC20021015DOC058](#)
4. **Southeast Regional Water Treatment Plant Overflow Structures** – Award IFB 01-3300BS to Apollo Construction and Engineering Services, Inc., \$283,847; and subsequent execution of contract with simultaneous dating of performance/payment bonds and acceptance of Insurance Certificate. [BC20021015DOC059](#)

**BUDGET AMENDMENT**

**Various Departments** **B-02-041**  
Transfer of Funds; Unanticipated Revenue Appropriations  
Supporting Description and Detail attached [BC20021015DOC060](#)

**SURPLUS PROPERTY**

1. Classify excess property as surplus property per *Florida Statute 274.05* to enable appropriate and authorized disposition of said property in accordance with Purchasing Code 99-37, Section 1.106; and authorization to thereafter dispose of such property.
2. **R-02-271** 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* (Office furniture and equipment to **Light to the World Ministries, Inc.**). [BC20021015DOC061](#)



**OCTOBER 15, 2002**

(Continued)

3. Classify excess vehicles as surplus property per *Florida Statute 274.05* to enable appropriate disposition of said property in accordance with Purchasing Code 99-37, Section 1.106; and authorization to thereafter dispose of such property. [BC20021015DOC062](#)

**GOLF COURSE FOOD CONCESSIONS**

Execution of Addendum 2 with Orange Blossom Catering, Inc., to extend the current license agreement for food concession services located at the Manatee and Buffalo Creek golf courses, (1/1/03 to 12/31/04). [BC20021015DOC063](#)

**LENA ROAD LANDFILL ACCESS ROAD AND SCALE HOUSE**

Execution of a no-cost Change Order 1 to IFB 02-1667BS with Hewitt Contracting Company, Inc., for an additional 41 calendar days for a revised completion date of October 22, 2002. [BC20021015DOC064](#)

**LOCKWOOD RIDGE ROAD**

Execution of (Final) Change Order 4 to IFB 00-5575DC with Frederick Derr and Company for **road and utility improvements** (Tallevast Road to 57th Avenue East); decrease of \$543,494.41, adjusted total \$8,420,867.96; and, an additional 32 days for a revised completion date of July 2, 2002. [BC20021015DOC065](#)

**UTILITY SERVICE FEE WAIVERS**

1. PDG Electric Company, Account 77443-77551, \$40 [BC20021015DOC066](#)
2. Mario Martino, Account 34662-34095, \$25 [BC20021015DOC067](#)
3. Wendy S. Roth, Account 50990-102700, \$25 [BC20021015DOC068](#)
4. Estate of Louis Joseph Baribault, Account 68091-68045, \$25 [BC20021015DOC069](#)

**CONVENTION AND VISITORS BUREAU**

Execution of Addendum 2 to the **telephone answering and information services** agreement with Phase V of Southwest Florida, Inc., to extend the agreement for one year (to 12/15/03), estimated annual cost of \$24,000. [BC20021015DOC070](#)

**UTILITIES REFUND**

Refund \$7,269, minus any current billings, to Gregory P. Kinney, Account 52488-104461, due to meter mis-sized. [BC20021015DOC071](#)

**LIBRARY DONATIONS**

Acceptance of donations given to the Library Division during FY 2001-02 for the quarter covering July-September 2002 in accordance with Resolution R-86-278 and procedures established by the County Administrator's Office, \$4,585. [BC20021015DOC072](#)

**LAKWOOD RANCH PARK**

Conceptual approval for East Manatee Bulldogs Football Organization to design and construct a **press box/field house** building, \$12,000; and, direction to proceed with the development of an agreement for construction, maintenance, and use. [BC20021015DOC073](#)

**IMPACT FEE CREDIT**

Execution of Credit Authorization CA-00-11(T) **and** Final Authorization of Transportation Credit for Ranch Lake Plaza, Inc., for eligible road construction cost for S.R. 70 additional westbound through lane for **Heartland/Ranch Lake Plaza**, \$113,454.95. [BC20021015DOC074](#)

**FINAL PLAT**

**Greenbrook Village Adventure Park**

1. Final Plat;
2. Mortgagee's Joinder in Declaration Only from Lakewood Ranch Community Development District 4;
3. Agreement with SMR Communities Joint Venture warranting required improvements (\$5,981.85);
4. Defect Security: \$5,981.85 (Surety Bond 929265752, Continental Insurance Company); and
5. Supplemental Declaration. [BC20021015DOC075](#)

**NEIGHBORHOOD ENHANCEMENT GRANTS**

Execution of Grant Agreements with Peridia Property Owners Association, Inc., \$995; Sarabay Lake Homeowners Association, \$175; and Tropical Harbor Homeowners Association, \$690. [BC20021015DOC076](#)

**UTILITY WORK AGREEMENTS - S.R. 683 (U.S. 301)**

1. **R-02-272** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, AUTHORIZING EXECUTION OF A UTILITIES AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE ADJUSTMENT, CHANGE OR RELOCATION OF CERTAIN UTILITIES LOCATED ALONG **S.R. 683 FROM THE SARASOTA COUNTY LINE TO U.S. 41** (execution of Utility Work Agreement). [BC20021015DOC077](#)
2. **R-02-273** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, AUTHORIZING EXECUTION OF A UTILITIES AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE ADJUSTMENT, CHANGE OR RELOCATION OF CERTAIN UTILITIES LOCATED ALONG **S.R. 683 FROM NORTH OF 57TH STREET TO MANATEE COUNTY LINE** (execution of Utility Work Agreement). [BC20021015DOC078](#)

**30TH AVENUE WEST AT 14TH STREET WEST**

Execution of Facilities Relocation Agreement with Florida Power and Light Corporation for improvements to the intersection. [BC20021015DOC079](#)

**PARTICIPATION PROJECT - WASHINGTON PARK**

**R-02-274** A RESOLUTION PROVIDING FOR CORRECTION OF THE SPECIAL ASSESSMENT ROLL FOR SEWER ASSESSMENT PROJECT 5152 AS IMPOSED PURSUANT TO RESOLUTION R-89-21 RECORDED IN O.R. BOOK 1251, PAGES 2541-2705 (splitting a parcel owned by Doris Washington). [BC20021015DOC080](#)

**LANDFILL TIPPING FEES**

Waive landfill tipping fees for disposal of dredged material from the **Lake Brendan Dredging Project** for use as daily cover at the Lena Road solid waste facility. [BC20021015DOC081](#)

**NON-AD VALOREM ASSESSMENTS**

Set a first public hearing on **December 10, 2002**, at 9:00 a.m., or as soon thereafter as possible, to consider Resolution R-02-250 declaring its intent to place road paving, sanitary sewer, stormwater, street lighting, canal dredging, drainage improvement, and landscape beautification projects on the tax bills as non-ad valorem assessments commencing in 2003.

[BC20021015DOC082](#)

**EMERGENCY MANAGEMENT, PREPAREDNESS, AND ASSISTANCE GRANT**

**R-02-249** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ACCEPTING A BASE GRANT AWARD FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT FOR THE EMERGENCY MANAGEMENT, PREPAREDNESS, AND ASSISTANCE TRUST FUND

(\$105,806 [less \$2,610 for County share of **statewide satellite** costs, no County match required; 10/1/02 through 9/30/03], and authorizing execution of the Subgrant Agreement).

[BC20021015DOC083](#)

**CODE ENFORCEMENT**

Dismissal of liens recorded subsequent to Lis Pendens on Code Enforcement Case CE8080147J, Tamantha Jean Tovar fka Tamantha Jean Wren, et al., while property was under foreclosure; and authorization for Public Safety Director to sign release of liens.

[BC20021015DOC084](#)

**DEEDS AND EASEMENTS**

1. **60th Avenue East Extension** – Quit Claim Deed from Alva Pennington, Trustee for right-of-way. [BC20021015DOC085](#)
2. **Brandiff Road (63rd Avenue East)** – Drainage Easement from Kim Morgan for ongoing maintenance of drainage ditches; Affidavit of Ownership and Encumbrances; Joinder from Southtrust Mortgage Corporation. [BC20021015DOC086](#)
3. **Brandiff Road (63rd Avenue East)** – Drainage Easement from Mary Dunning Harvey for ongoing maintenance of ditches; Affidavit of Ownership and Encumbrances. [BC20021015DOC087](#)
4. **Crystal Lake Subdivision** – Warranty Deed from Kathleen Judge, as Personal Representative of the Estate of Timothy J. Judge, Daniel G. Judge, III, and RO-RO, Inc., for ingress, egress, maintenance and utility right-of-way, and drainage right-of-way for Big Pittsburg Drain; Affidavit of Ownership and Encumbrances. [BC20021015DOC088](#)
5. **Duette Road** – Deed to Florida Farm Development Co., Ltd., reconveying title to property (conveyed to the County by Turner and Albritton in 1957 and 1965). [BC20021015DOC089](#)
6. **Johnson Middle School Sidewalk** – Temporary Construction Easement from Paula A. Harris for construction of a sidewalk on 26th Avenue East. [BC20021015DOC090](#)
7. **Tara, Phase III-L Condominium** – Warranty Deed from Tara-Manatee, Inc., for right-of-way on Linger Lodge Road; Affidavit of Ownership and Encumbrances; Partial Release of Easement from Tara Community Development District 1; Partial Release of Mortgage from Amsouth Bank. [BC20021015DOC091](#)

**JOHNSON MIDDLE SCHOOL SIDEWALK**

Execution of Contract for Sale and Purchase for a Warranty Deed from Jordan M. Manning for right-of-way on 26th Avenue East (Parcel 1), \$1,200. [BC20021015DOC092](#)

**LINGER LODGE ROAD FORCE MAIN**

Execution of Contract for Sale and Purchase for a Utility Easement from Eugene Cabak for a sanitary sewer force main on Linger Lodge Road, \$20,000. [BC20021015DOC093](#)

**NORTH REGIONAL WASTE WATER TREATMENT FACILITY**

Execution of Supplemental Agreement (2/10/87) with CSX Transportation, Inc., for a one-time payment of \$1,900 regarding a **water line crossing of railroad right-of-way** in lieu of any further periodic license fees. [BC20021015DOC094](#)

**MANATEE RIVER STREAM GAGING**

Execution of a Joint Funding Agreement with the U.S. Geological Survey (USGS) for data collection at five stations (10/1/02-9/30/03), \$46,400. [BC20021015DOC095](#)

**MANATEE AGRICULTURAL REUSE SUPPLY**

1. **R-02-286** A RESOLUTION OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, INSTALLING, IMPROVING AND MAINTAINING THE PUBLIC RECLAIMED WATER TRANSMISSION MAIN PIPELINE SYSTEM IN MANATEE COUNTY, FLORIDA (Parcels 103, 106, 107, 108, 109, and 114).
2. **R-02-287** A RESOLUTION AUTHORIZING USE OF "QUICK-TAKING" CONDEMNATION PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, INSTALLING, IMPROVING AND MAINTAINING THE PUBLIC RECLAIMED WATER TRANSMISSION MAIN PIPELINE SYSTEM IN MANATEE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

(End Consent Agenda)

[BC20021015DOC096](#)

**CHILDREN'S SERVICES ADVISORY BOARD**

This item was deferred.

[BC20021015DOC097](#)

(Enter Mrs. Stein; Mr. Bruce presiding)

**HOUSING FINANCE AUTHORITY**

Motion was made by Mr. McClash, seconded by Mrs. Glass, and carried 7 to 0, to appoint **Richard M. Pierro** to the Housing Finance Authority, and to adopt

**R-02-277** RESOLUTION APPOINTING A MEMBER OF THE HOUSING FINANCE AUTHORITY OF MANATEE COUNTY, FLORIDA. [BC20021015DOC098](#)

**STREET VACATIONS**

**Pomello Park**

Public hearing (Notices in the *Bradenton Herald* 9/20/02 and 9/24/02) was held to consider

**R-02-209-V** RESOLUTION ON APPLICATION BY MARTIN V. AND ELDA M. PEREZ VACATING TRACTS 10 AND 11, INCLUDING THE PLATTED RIGHT-OF-WAY LYING BETWEEN SAID TRACTS, POMELO PARK.

Motion was made by Mr. Harris, seconded by Mrs. Stein, and carried 7 to 0, to adopt Resolution **R-02-209-V**. [BC20021015DOC099](#)

**Indian Meadow Subdivision, Lot 1**

Public hearing (continued from 10/01/02) 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.

Bob Smith, Land Acquisition, requested that the application for vacation be withdrawn, based on a memorandum from the County Attorney's Office (copy submitted). Mr. Smith advised that the property owners must file for a re-subdivision.

Discussion: Policy needed regarding splitting of lots; vacation process is available to owners and properties of subdivisions that were created before May 1984; new plat vacates all the issues in an underlying historical plat; all vacation applications are reviewed by Planning Department; etc.

(Mrs. Glass absent for a portion of discussion)

[BC20021015DOC100](#)

**CITIZENS' COMMENTS**

**Conservatory Property**

**Herbert Quinn** requested fast-tracking consideration of the purchase of this property on University Parkway abutting Palm-Aire for a park (fka The Conservatory), noting that a developer is ready to submit a preliminary site plan, with a high-density rezone request.

(Depart Mrs. Stein)

Discussion: County Administrator has directed staff to review the matter and a report is due within 30 days; if there is a pending application, this becomes a quasi-judicial matter; etc.

**Perico Island Video**

**Whiting Preston** expressed concern regarding inaccuracies in a video on Perico Island and Perico Bayou (shown later in the meeting), and questioned why the video, created by a group opposed to the development of Perico Island, was being shown before the Board.

Discussion followed.

(Enter Mrs. Stein during discussion; Mr. Bruce presiding)

**Property Assessments**

**Claire Brown**, Lockwood Ridge Road resident, showed a map of properties in her area with varying per-acre tax assessments and reiterated a complaint that surrounding properties have lower tax assessments, while other properties that have been rezoned still carry agricultural classifications.

Discussion: Report to be presented later in meeting; why is the Board hearing the Property Appraiser's business; the Board requested a report; etc.

Ernie Padgett, County Administrator, advised that he met with the Property Appraiser and his staff.

Discussion: Case law appears to override language in statute regarding agricultural tax exemptions; courts are able to interpret the statute and apply it; good faith use of land is allowed to be considered; rebuttable presumptions on a rezoning; etc.

**Palma Sola Causeway**

**Dale Schmitz**, representing the Palma Sola Causeway Alliance, displayed a poster of a manatee, and submitted a statement regarding over-development in the County and the ban on alcohol consumption on Palma Sola Causeway.

**Pot - Bellied Pigs**

**Norma McMillen** read a statement and submitted letters in support of a provision in County ordinances to allow purebred, pot-bellied pigs as pets. [BC20021015DOC101](#)

(Depart Ms. Brown)

**PERICO ISLAND/PERICO BAYOU**

**Jan Martel**, a documentary filmmaker, introduced a video presentation entitled "One Heart One Mind," which views Perico Island and Perico Bayou and the threats posed to it by development.

(Enter Ms. Brown during video)

**Recess/Reconvene.** All members present except Mrs. Stein.

Discussion followed.

[BC20021015DOC102](#)

(Enter Mrs. Stein; Depart Mrs. Glass; Mr. Bruce presiding)

**BAY COLONY DREDGING ASSESSMENT**

Janet McAfee, Project Management Director, submitted a dredging assessment report in response to the request (6/18/02) to re-survey the canals and report on siltation and what is necessary to re-dredge the canals. Ms. McAfee reviewed the report and the accompanying proposals for more stringent contract specifications. She advised that the Florida Department of Environmental Protection (FDEP) granted an exemption to dredge to minus six below mean low water.

Discussion: Three outfalls are still uncontrolled, and would cost \$15,000 apiece; include additional costs for stormwater controls now; significant amount of sediment appears to be coming from the bay; whether property owners could remove and reinstall docks in order to cut closer to seawalls; costs are based on existing conditions; whether projects could be bid two ways, with and without the new requirements; whether cost for additional equipment on job would be split between County and neighborhood; funding source; additional costs would be included in bid price; changes would require the contractor stay in a section until work is certified; mouths of canals were not dredged and were not included in original dredge project; West Coast Inland Navigational District funds were accepted for original dredge project and were for mouths of canals; etc.

(Enter Mrs. Glass during discussion)

Motion was made by Ms. Brown to accept the estimated completion dates as indicated on page 5 of the report. The motion was seconded by Mr. Harris.

Following discussion, Ms. Brown and Mr. Harris agreed that the purpose of the motion was to give conceptual approval to the report and to direct staff to come back with specific details. The motion carried 7 to 0. [BC20021015DOC103](#)

**CODE ENFORCEMENT LIEN**

Mrs. Stein moved to approve the compromise offer of \$200 to settle code enforcement liens in Case CE2002010539 and authorize the Public Safety Director to sign a release of liens. The motion was seconded by Ms. Brown and carried 7 to 0.

**John Koeck**, respondent, submitted a packet of materials and thanked the Board. [BC20021015DOC104](#)

(Depart Ms. Brown)

**STREET VACATION**

**Waterbury Grape Fruit Tracts Subdivision**

Public hearing (continued from 10/1/02) 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.

Bob Smith, Land Acquisition, reviewed a memorandum from the County Attorney's Office regarding this application. He reviewed the application and a map of the tract showing the parcels to be divided, noting that plans provided by the developer indicate the property would be divided into three parcels. He pointed out that all three parcels have frontage on and access to Verna Bethany Road.

Discussion: Board sent request back in order to hear the planning implications in respect to zoning; why was this not done at the same time the subdivision plat came forward; vacation is needed to further divide that parcel; let vacation come back when planned development is approved; etc.

Joaquin Servia, Planning Department, advised that there are some restrictions with regard to access to the property, and speculated that the vacation will be part of a rural subdivision plat that will come before the Board. Using the map, Mr. Servia indicated the property where building permits were issued for a manufactured home and shed, taking up a tier of lots totaling 40 acres, and advised that access was not a problem there.

Discussion: When plat is vacated, whether lot 53 could be dedicated as right-of-way into lots 45, 46, and 47; commitment of developer's attorney to dock and cattle-grazing restrictions cannot be stipulated in a straight rezoned; attach attorney's letter to the vacation as a condition; etc.

Tedd Williams, County Attorney, advised that his office would have to look at whether a stipulation could be attached to a street vacation.

**Diane Hall**, attorney for the developer, stated that a requirement to submit a development plan with the vacation request would impose an additional level of planning and unnecessary costs. She advised that an owner cannot determine how to plat a property unless he knows whether the existing plat will be vacated. Ms. Hall stated that she was authorized to represent that the developer would impose those restrictions and limitations outlined in the attorney's letter, particularly the setback limitations with respect to the septic tanks.

Mr. Williams requested a week to review the matter and bring back a report. He stated that he could also meet with the developer's attorneys to look for other solutions to the issue.

Motion was made by Mr. McClash to continue Resolution **R-02-98-V** until October 22, 2002, at 9:00 a.m., or as soon thereafter as may be heard. The motion was seconded by Mr. Harris and carried 6 to 0. [BC20021015DOC105](#)



**REZONING AND AGRICULTURAL CLASSIFICATION**

Mr. Williams advised that the subject was well covered during Citizens' Comments and stated that, although *Florida Statute 193.461(4)(a)3* appears to require a reassessment of property once it is rezoned, owing to the interpretation of that language by the Florida Supreme Court, the property can continue to be assessed for agricultural purposes by the Property Appraiser if the property is being put to a good faith use for agricultural purposes. Regarding the specific case addressed by Claire Brown, Mr. Williams stated that she needs to take it up with the Property Appraiser and not the Board.

[BC20021015DOC106](#)

**TROPICANA PRODUCTS VS. MANATEE COUNTY PROPERTY APPRAISER, ET AL.**

Mr. Williams requested consideration of participation in a decision whether to appeal a judgment in favor of Tropicana Products, Inc. (assessment of tangible personal property), and if an appeal is taken, coordinating with the Property Appraiser on the role of Manatee County in the appellate proceedings in the matter of Tropicana Products, Inc. v. Manatee County Property Appraiser, et al. Mr. Williams advised that the Property Appraiser was not certain whether he would appeal, but filed a motion for a rehearing, which delays the time that a Notice of Appeal must be filed.

(Enter Ms. Brown during presentation)

Mr. Williams stated that the Property Appraiser could file a notice of appeal and the Board of County Commissioners and/or other entities with an interest could conduct the appeal and handle the legal representation. He reviewed the options available to the Property Appraiser and the County.

Motion was made by Mrs. Stein and seconded by Mr. Harris that the Board authorize the County Attorney's office to work with counsel for the Property Appraiser and to solicit an agreement from the Property Appraiser that, if he decides not to appeal before the time goes by, he will give the County an opportunity to get involved and file the notice of appeal so that the County can conduct the case from there.

Discussion: Whether the School Board will intervene as a party or whether the County Commission acts on behalf of the taxpayers on both of the issues; whether County Administrator could be a part of negotiations; judgment amount would be paid by the County; a second tax year is also disputed; if a compromise can be obtained, it will establish a baseline for subsequent years; etc.

The motion carried 7 to 0.

[BC20021015DOC107](#)

**COMMISSIONERS' COMMENTS**

**Excess Property – Sheriff Vehicles**

Mr. Harris asked whether there is a mechanism to transfer surplus Sheriff's vehicles to local Crime Watch organizations.

**Perico Harbor Marina**

Mrs. Stein noted that a report on the Perico Harbor Marina expansion is scheduled October 22, 2002.

**Crescent Moon Enterprises, Inc. – Dispute Resolution**

Mr. McClash advised that mediation was unsuccessful and that the developer does not want to lose the State's new pre-emption language regarding landfills (rezone request PDPI/PDI-01-03[Z]).

**Florida Association of Counties**

Mrs. von Hahmann reported that she attended the recent Florida Association of Counties (FAC) legislative policy meetings, including the growth management, natural resources and agriculture meeting. Mrs. von Hahmann advised that FAC will be getting more information on the growth bill and the methods of challenge, e.g., de novo versus certiorari, and that the Association will be looking at ways to address those issues in the bill.

Discussion followed regarding landfill permits and growth management legislation. [BC20021015DOC108](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 12:22 p.m.  
/tb/klc

Minutes Approved: November 12, 2002