

NOVEMBER 12, 2002

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, November 12, 2002, at 9:10 a.m.

Present were Commissioners:

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

Also present were:

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

Invocation by Mrs. Stein.

AGENDA

Agenda of November 12, 2002.

[BC20021112DOC001](#)

CYPRESS BANKS/DRI 17

Public hearings (continued from 10/22/02) were opened to consider

Z-86-30(R10) SCHROEDER-MANATEE RANCH, INC./CYPRESS BANKS

Request: Revised General Development Plan and Zoning Ordinance to:

1. Add 106.0 acres to this DRI from the University Lakes DRI which is directly south of Cypress Banks;
2. Rezone 326.1 acres (known as the Taylor Ranch) located along the east side of Lakewood Ranch Boulevard, south of this project from **A/WP-E/ST** to **PDMU/WP-E/ST** and add to the General Development Plan;
3. Relocate an east/west connector roadway approximately 1.5 miles to the south in the internal roadway network, and convert acreage from the previous roadway location to open space and recreation;
4. Increase residential acreage by 153.9 acres with no additional entitlements for residential development;
5. Increase open space by 174.8 acres;
6. Increase recreational acreage by 112.4 acres;
7. Decrease right-of-way and easement acreage by 9.0 acres;
8. Change identified owners and developers of the project;
9. Amend the legal description to reflect the above changes; and
10. Amend the Zoning Ordinance definitions, conditions, and terminology to reflect the above changes;

on 2,597 acres located on the south side of State Road 70, two miles east of Interstate 75, more specifically, between the River Club DRI and Lorraine Road, and north of the University Lakes DRI.

Planning Commission made NO RECOMMENDATION.

[BC20021112DOC002](#)

and

**ORDINANCE 02-34/DRI 17 SCHROEDER-MANATEE RANCH, INC./
CYPRESS BANKS NOPC**

Request: Amended Development Order for the Cypress Banks Development of Regional Impact making the following changes, and a determination of whether the following changes constitute a Substantial Deviation to the Cypress Banks Development of Regional Impact Development Order pursuant to *Section 380.06(19), Florida Statutes*:

1. Add 106.0 acres to this DRI from the University Lakes DRI, which is directly south of Cypress Banks;
2. Add 326.1 acres to this DRI (known as Taylor Ranch) which is along the east side of Lakewood Ranch Boulevard, south of this project;
3. Modify the internal roadway network to relocate an east/west connector roadway approximately 1.5 miles to the south, and convert acreage from the previous roadway location to open space and recreation;
4. Increase residential acreage by 153.9 acres with no additional entitlements for residential development;
5. Increase open space by 174.8 acres;
6. Increase recreational acreage by 112.4 acres;
7. Decrease right-of-way and easement acreage by 9.0 acres;
8. Change authorized agent for the project;
9. Change identified owners and developers of the project;
10. Amend the Development Order definitions, conditions, and terminology to reflect the above changes;

- 11. Amend the legal description to reflect the above referenced changes; and
 - 12. Amend Map H to reflect the above referenced changes; on 2,597 acres located on the south side of State Road 70, two miles east of Interstate 75, more specifically, between the River Club DRI and Lorraine Road, and north of the University Lakes DRI.
- Planning Commission made NO RECOMMENDATION. [BC20021112DOC003](#)

Mr. Padgett announced that the applicant and staff have requested that the public hearings, which are scheduled for 1:30 p.m., be continued to allow time for additional negotiations.

A motion was made by Mrs. Glass, seconded by Mr. Bruce, and carried 7 to 0, to open the public hearings on **Z-86-30(R10)** and **Ordinance 02-34/DRI 17** (scheduled on Agenda at 1:30 p.m. time certain).

The public hearings were continued to 1:30 p.m.

CONSENT AGENDA

Mr. Bruce moved 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). The motion was seconded by Ms. Brown and carried 7 to 0.

CLERK'S CONSENT CALENDAR

[BC20021112DOC004](#)

BONDS

Sabal Harbour, Phase IV

Release:

- 1. Agreement with Pulte Homes Corporation guaranteeing completion of required improvements (\$416,675.68).
- 2. Performance Bond: \$416,675.68 (Surety Bond 6123069, Safeco Insurance Company of America).
- 3. Agreement with Pulte Home Corporation guaranteeing completion of required improvements and temporary construction easement for private improvements (\$198,876.52).
- 4. Performance Bond: \$198,876.52 (Surety Bond 6123068, Safeco Insurance Company of America).

Accept:

- 1. Agreement with Pulte Home Corporation warranting required improvements (\$32,051.98).
- 2. Defect Security: \$32,051.98 (Surety Bond 6187163, Safeco Insurance Company of America).

[BC20021112DOC005](#)

WARRANT LIST

Approved: October 29, 2002 through November 11, 2002

Authorized: November 12, 2002 through November 18, 2002

[BC20021112DOC006](#)

MINUTES

September 24, 2002, October 1, 2002, and October 15, 2002.

[BC20021112DOC007](#)

AUTHORIZE FEE WAIVERS (PUBLIC WORKS)

Waive Fee (\$25) for Mall Chaney due to fraudulent activity on bank account.

[BC20021112DOC008](#)

AUTHORIZE CHAIRMAN TO SIGN

Colony Cove Lift Station 3 Rehabilitation – Contract with Water Equipment Services, Inc., \$97,850; accept Insurance Certificate (approved 11/5/02).

[BC20021112DOC009](#)

Satisfactions of Judgments:

James Dewayne Potter – Case 1995-681F

Robert Smitherman – Case 2001-CT-813

[BC20021112DOC010](#)

COUNTY ADMINISTRATOR

PROCLAMATIONS

- 1. A Proclamation designating the week of November 17-24, 2002, as Farm City Week was accepted by **Ralph Garrison**, who commented on upcoming activities. Brochures were distributed, and Brenda Rogers and Betty Glassburn presented coffee mugs to each Commissioner. [BC20021112DOC011](#)
- 2. A Proclamation designating the week of November 17-23, 2002, as Homelessness and Hunger Awareness Week was accepted by **William Gasparovic** and Dale Keen. [BC20021112DOC012](#)
- 3. A Proclamation designating the month of November 2002, as Waste Watch Month was accepted by **representatives of Waste Management**. [BC20021112DOC013](#)

LAWSUITS

- 1. **63rd Avenue** - Approval of a settlement for \$54,156.07, inclusive of the value of the land and improvements taken, severance damages, costs to cure, attorney's fees and a portion of experts' fees, with Richard Meiers for parcel 111/705, in eminent domain case Manatee County v. Lee Halstead, et al., Case 2001-CA-1001. [BC20021112DOC014](#)
- 2. **Tallevast Road** – Approval of a settlement for \$4,000, for all expert witness fees and costs for parcel 133/733, in eminent domain case Manatee County v. Elias G. Gadah, Parcel 133/733, et al., Case 2002-CA-464. [BC20021112DOC015](#)

3. **Tallevast Road** - Approval of a mediated settlement offer to George G. Anderson, Donald W. Jobe, and Ruth G. McKenzie to settle all pending claims, exclusive of expert witness fees and costs, for \$37,000 less the deposit of \$13,260, and payment of statutory attorney's fee pursuant to *Florida Statute 73.092* for \$7,854 to the law firm Paul A. Blucher, Esquire, in eminent domain case Manatee County v. Elias G. Gadah, Parcel 126, et al., Case 2002-CA-464. [BC20021112DOC016](#)
4. **Ezdine Joseph v. Manatee County and Edna Rodriguez v. Manatee County** – Deny Plaintiff's demand for judgment for \$100,000 (each case) and approve proposal for settlement in each individually for \$40,000 (Cases 2002-CA-2509 and 2002-CA-3267, respectively). [BC20021112DOC017](#)

CHILDREN'S SERVICES FUNDING

Execution of FY 2002-03 dedicated millage funding agreements with the following non-profit agencies:

1. Art League of Manatee County, **New Impressions Scholarship**, \$1,000;
2. Clerk of the Circuit Court, **Citizens Review Program**, \$126,351;
3. Manatee County Nursery School, Inc., **I Can Succeed**, \$41,150;
4. Manatee County Nursery School, Inc., **Wrap Around Program**, \$15,000;
5. Manatee Opportunity Council, Inc., **Project Child Care – Simplified Intake System for Subsidized Child Care**, \$953,265;
6. Manatee Opportunity Council, Inc., **Project Child Care – Community Caboodle**, \$51,435;
7. P.A.C.E. Center for Girls, Inc., **Teen Pregnancy Prevention Project**, \$119,798;
8. The Salvation Army, **Family Shelter Program**, \$26,884; and
9. Sarasota-Manatee Association for Riding Therapy, Inc., **Therapeutic Horseback Riding**, \$10,000. [BC20021112DOC018](#)

NON-PROFIT AGENCY FUNDING

Execution of FY 2002-03 non-profit agency General Revenue Agreement with P.A.C.E. Center for Girls, Inc., **Student Support Project**, \$15,914. [BC20021112DOC019](#)

EDWARD BYRNE STATE AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM

1. Execution of Funding Agreement with the Manatee County Sheriff's Office, \$286,703 (\$215,027 Florida Department of Law Enforcement [FDLE]; \$71,676 local match) for the **Inmate Vocational Programs III**, Grant 03-CJ-5A-08-51-01-218 (10/1/02-9/30/03).
2. Execution of Funding Agreement with the Manatee County Sheriff's Office, \$20,769 (\$15,577 FDLE; \$5,192 local match) for **Weapons of Mass Destruction First Responder Program**, Grant 03-CJ-5A-08-51-01-219 (10/1/02-9/30/03).
3. Execution of Funding Agreement with the Mayor's Drug Free Communities, Inc., \$34,048 (\$25,536 FDLE; \$8,512 local match) for **Manatee Weed and Seed Program III**, Grant 03-CJ-5A-08-51-01-220 (10/1/02-9/30/03). [BC20021112DOC020](#)

HOME CONSTRUCTION/ACQUISITION

Execution of letters of reservation of affordable housing assistance:

1. Patricia Fuentes, 703 16th Street West, Palmetto, \$29,855. [BC20021112DOC021](#)
2. Takisha Parrish, 810 25th Street East, Palmetto; \$30,000. [BC20021112DOC022](#)

ALZHEIMER'S DISEASE INITIATIVE

Execution of Addendum 3 to Agreement (7/3/01) with Approved Home Health, Inc., for Alzheimer's Disease Initiative **Respite Care Services**; increase of \$16,065, adjusted total \$118,354. [BC20021112DOC023](#)

800 MHZ RADIO SYSTEM

Sole source purchase of **CSD Model 500 System Manager** from M/A COM Private Radio Systems, \$90,000. [BC20021112DOC024](#)

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 authorize disposition of such property.
2. **R-02-292** 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* (Power Pack to **Reflections of Manatee, Inc.**).
3. **R-02-293** 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* (Aluminum Bus Wheels to **Manatee Citizens For Off Leash Area, Inc.**).
4. **R-02-294** 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* (Printers to **Florida Highway Patrol**).
5. **R-02-307** 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* (Automatic External Defibrillator to **Manatee County Sheriff**). [BC20021112DOC025](#)

NORTHWEST LOOP AREA UTILITY MAIN IMPROVEMENTS

Execution of Work Assignment EOR-14 with McKim & Creed for **construction administration and resident inspection**, \$172,840. [BC20021112DOC026](#)

UTILITY SERVICE FEE WAIVERS

1. Anita Isenberg, Account 117475-106732, \$25
2. Michael Traynor, Account 11058-11115, \$25
3. Elwood H. Williams, Account 9928-9990, \$25 [BC20021112DOC027](#)
4. Estate of Donald Price Palmer, Account 102188-46986, \$25
5. Cassandra A. King, Account 26494-55138, \$25 [BC20021112DOC028](#)

TIME PAYMENT AGREEMENT

Execution of, and authorization to record Time Payment Agreement for water and sewer facility investment fees, connection fees, and line extension charges with Luis O. and Marta Valdez Kieffer. [BC20021112DOC029](#)

TRAILER ESTATES

Execution of Work Assignment WW-10 with Post, Buckley, Schuh & Jernigan, Inc., for engineering services for **Phase II Trailer Estates Water and Sewer Improvements**, \$148,370. [BC20021112DOC030](#)

UTILITIES REFUND

Refund \$3,465 to ADT Security Services due to customer paying Manatee County Utilities in error. [BC20021112DOC031](#)

STATE AID TO LIBRARIES

Adoption of the FY 2002-03 Manatee County Public Library System Plan of Service to be included in the second part of the grant application to the Florida Department of State, Division of Library and Information Services (10/1/02-9/30/03). [BC20021112DOC032](#)

MANATEE GIRLS SOFTBALL

Authorization for placement of a storage trailer by Manatee Girls Softball at **Palma Sola Park** for concession and storage purposes. [BC20021112DOC033](#)

ADMINISTRATIVE APPEAL AA-02-02

Set a public hearing on December 10, 2002, to consider **Blockbuster-Ranch Lake Plaza** Administrative Appeal AA-02-02, by the Braden Woods Homeowners Association. [BC20021112DOC034](#)

IMPACT FEE CREDIT

Execution of Final Authorization of Transportation Credit (Phase 3), Dick Road-Blend-All Hotel Dev., Inc.; Walden Avenue Blend-All Hotel Dev., Inc., and WR-I Associates, Ltd./Benderson Development Company, Inc., for eligible road construction cost for **Honore Avenue**, per Credit Authorization CA-01-02(T), \$781,977.06. [BC20021112DOC035](#)

FINAL PLAT

Greyhawk Landing, Phase 3

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Upper Manatee River Farms;
3. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Bettye Sue Reagan;
4. Agreement with Sam Rodgers Properties, Inc., guaranteeing required improvements (\$10,055,333.60);
5. Performance Bond: \$10,055,333.60 (Surety Bond 531387S, Developers Surety and Indemnity Company);
6. Agreement in conjunction with Surety Bond as security with Sam Rodgers Properties, Inc., guaranteeing completion of required sidewalks and bikeways (\$275,288);
7. Performance Bond: \$275,288 (Surety Bond 027412 20618549, Auto Owners Insurance Company);
8. Agreement with Sam Rodgers Properties, Inc., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$502,619.40);
9. Performance Bond: \$502,619.40 (Surety Bond 531388S, Developers Surety and Indemnity Company);
10. Agreement in conjunction with Surety Bond with Sam Rodgers Properties, Inc., guaranteeing performance of a wetland mitigation system (\$110,541.45);
11. Performance Bond: \$110,541.45 (Surety Bond 531389S, Developers Surety and Indemnity Company);
12. Agreement with Sam Rodgers Properties, Inc., and Greyhawk Landing Property Owners Association, Inc., for the Installation and Maintenance of Publicly Owned Facilities Underlying Privately Owned Lands; and
13. Second Supplement to the Declaration of Covenants and Restrictions for Greyhawk Landing. [BC20021112DOC036](#)

GLENBROOKE SUBDIVISION

Execution of Maintenance Agreement for Right-of-Way Island with Glenbrooke Homeowners Association to relocate a subdivision identification sign in the County right-of-way at Lockwood Ridge Road and Glenbrooke Drive. [BC20021112DOC037](#)

PALMETTO POINT SEWER ASSESSMENT ROLL

R-02-301 A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SEWER ASSESSMENT PROJECT 2502 **PALMETTO POINT** (to combine parcels owned by **Thomas S. and Ann Garvey**). [BC20021112DOC038](#)

AQUIFER STORAGE AND RECOVERY

Execution of Third Amendment to Agreement with Southwest Florida Water Management District for reclaimed water aquifer storage and recovery system investigation at the **Southwest Regional Waste Water Treatment Facility**, extending the expiration date to October 1, 2003. [BC20021112DOC039](#)

DEEDS AND EASEMENTS

1. **30th Avenue West** – Warranty Deed from Electronic Protection Systems, Inc., for road improvements from 26th Street West to 5th Street West; Affidavit of Ownership and Encumbrances; Partial Release from Robert L. and Beverly M. Dressel. [BC20021112DOC040](#)
2. **57th Avenue East** – Temporary Construction Easement from Darla D. Nelson for right-of-way to conform existing driveway to new road construction. [BC20021112DOC041](#)

57TH AVENUE EAST

Execution of Contract for Sale and Purchase of a Warranty Deed from Major J. Denesuk for right-of-way, \$200,000. [BC20021112DOC042](#)

LANDFILL TIPPING FEES

Waive tipping fees at the Solid Waste Management Facility for soil from maintenance dredging material generated by **Cortez Cove Marina**. [BC20021112DOC043](#)

(End Consent Agenda)

LAWSUIT – JAMES E. FOSTER V. MANATEE COUNTY

Inasmuch as William Henry, Chief Assistant County Attorney, was out of town for a family emergency, motion was made by Mr. Bruce, seconded by Mrs. von Hahmann, and carried 7 to 0, to continue the report to November 19, 2002, at 2 p.m. [BC20021112DOC044](#)

TRUCK TRAFFIC – 3RD STREET EAST

Barbara Sadlowski displayed a photograph and discussed tractor-trailer traffic on 3rd Street East between 25th and 26th Avenues East. She noted the destination of the majority of the trailers was a car dealer's lot (Buchanan Jenkins Hyundai).

Motion was made by Mr. McClash and seconded by Mr. Bruce to schedule a public hearing to designate this area as "No Through Trucks." The motion carried 7 to 0.

Disposition: Mr. Padgett to contact owner of car dealership. [BC20021112DOC045](#)

CITIZENS' COMMENTS

Bay Colony Dredging

Victor Coveduck, Bay Colony resident, distributed a letter and displayed items from a staff report (10/15/02) concerning the Bay Colony Dredging Assessment. He discussed the areas to be dredged and a spoil site location for the dredge material. [BC20021112DOC046](#)

Paradise Bay Estates

Beverly Ryerson, resident of Paradise Bay Estates, presented a diagram and discussed prolonged parking of motor homes on her street.

Discussion: Code Enforcement; access for emergency vehicles; private versus public streets; designated parking for motor homes; monitoring by Emergency Management; etc. [BC20021112DOC047](#)

Property Assessments

Claire Brown presented the property record card for Mixon Fruit Farms and discussed its agricultural classification. She commented that there is no agricultural activity on the property. [BC20021112DOC048](#)

COMMUNITY REDEVELOPMENT AREA - 14TH STREET WEST

Public hearing (continued from 11/5/02) was held to consider Resolution

R-02-285 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; FINDING THAT THE CONDITIONS IN AN AREA OF UNINCORPORATED MANATEE COUNTY KNOWN AS 14TH STREET WEST MEET THE CRITERIA DESCRIBED IN *SECTION 163.340(8), FLORIDA STATUTES*, AS AMENDED; FINDING THAT THE AREA IN UNINCORPORATED MANATEE COUNTY KNOWN AS 14TH STREET WEST CONSTITUTES A BLIGHTED AREA; FINDING OF NECESSITY FOR THE REHABILITATION, CONSERVATION, OR REDEVELOPMENT, OR A COMBINATION THEREOF, OF THE AREA IN UNINCORPORATED MANATEE COUNTY KNOWN AS 14TH STREET WEST; FINDING OF NEED FOR A COMMUNITY REDEVELOPMENT AGENCY IN MANATEE COUNTY; AND PROVIDING AN EFFECTIVE DATE.

Leon Kotecki, Planning Department, described the requirements to establish a Community Redevelopment Area (CRA).

Recess/Reconvene. All members present except Mr. Harris and Mr. Bruce.

Matt McLachlan, County consultant, displayed a map of the proposed CRA, and utilized a slide presentation to discuss the Blight Study Report.

(Enter Mr. Bruce during presentation)

(Mrs. Glass absent during portion of presentation)

Discussion: Coordination with City of Bradenton and law enforcement; identify types of businesses for CRA; joint grant applications; dual funding sources; enhance building facades; planned development improvements; roadway improvements planned by Florida Department of Transportation; development and improvements at the intersection of U.S. 41 and Cortez Road; etc.

(Ms. Brown absent for portion of discussion)

Motion was made by Ms. Brown to accept the Blight Study for the 14th Street West CRA Study Area and to adopt Resolution **R-02-285**. The motion was seconded by Mr. Bruce and carried 6 to 0.

[BC20021112DOC049](#)

COMMISSIONERS' COMMENTS

Judicial Center

Mrs. Glass inquired on the progress of discussions regarding funding for the proposed Judicial Center. She requested that the Board be kept informed so direction could be given to the Working Group. Mr. McClash reported on the findings of the Working Group regarding optional building sites and funding sources for a Judicial Center and other Court-related offices.

Discussion: Offsite location for Judicial Center; Immigration and Naturalization Services at the Public Safety Complex; artist rendition of various options; budget; Walcaid site; parking; construction and relocation costs; input from all departments; etc.

Greater Bradenton

Ms. Brown requested discussion of this concept mentioned by Mrs. Glass during the recent County Commission re-election campaign.

Nuisance Abatement

Ms. Brown relayed information from a constituent who reported a noisy neighbor to law enforcement. The noise ceased prior to the arrival of the deputy, but resumed thereafter. Ms. Brown felt this type of harassment is not acceptable.

U.S. 41 and 7th Street West, Palmetto

Ms. Brown commented on the improvements proposed by the Florida Department of Transportation to this intersection, and requested a report from staff based on its benefit to the Civic Center.

[BC20021112DOC050](#)

Recess/Reconvene. All members absent except Mr. McClash.

CYPRESS BANKS/DRI 17

(Public hearings continued from earlier in the meeting.)

Mr. McClash announced that the public hearings for **Z-86-30(R10)** and **Ordinance 02-34/DRI 17** are continued to December 10, 2002, at 1:30 p.m., or as soon thereafter as same may be heard.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 1:38 p.m.
/tb/ml

Minutes Approved: January 7, 2003