

DECEMBER 3, 2002

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, December 3, 2002, at 9:07 a.m.

Present were Commissioners:

Amy Stein, Chairman
Jonathan Bruce, First Vice-Chairman
Patricia M. Glass, Second Vice-Chairman (entered during meeting)
Jane W. von Hahmann, Third Vice-Chairman
Gwendolyn Y. Brown
Ron Getman
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. Mario Cimbaro, Christian Missionary Alliance.

AGENDA

Agenda of December 3, 2002, and agenda update memorandum.

[BC20021203DOC001](#)

CONSENT AGENDA

Motion was made by Mr. Bruce, seconded by Mrs. von Hahmann, 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: **(1)** Manasota Association for Retarded Citizens Funding Agreement (deferred); **(2)** University Parkway Intersection Improvements (separate action); and **(3)** Tourist Information Center (separate action). Items APPROVED:

[BC20021203DOC002](#)

CLERK'S CONSENT CALENDAR

[BC20021203DOC003](#)

BONDS

Honore Avenue, Sta. 84+50 to 104+03

Accept:

1. Agreement with University Place Joint Venture guaranteeing performance of a wetland mitigation system (\$12,650).
2. Performance Bond: \$12,650 (Surety Bond 3SM04905000, American Motorists Insurance Company).

[BC20021203DOC004](#)

Wallenstatter Ranch

Accept:

Landspreading Permit 02MC13 for Appalachian Material Service, Inc.: \$50,000 (Letter of Credit 1473, Branch Banking & Trust Co.).

[BC20021203DOC005](#)

REFUNDS

Randy Collandra – Application Withdrawal \$ 933.38
PETZ Development, Inc. – Impact Fee \$ 20,908.00
Vantage Real Property Holding Corporation – Impact Fee \$ 15,738.00

[BC20021203DOC006](#)

WARRANT LIST

Approved: November 19, 2002 through December 2, 2002
Authorized: December 3, 2002 through December 9, 2002

[BC20021203DOC007](#)

MINUTES

October 22, 2002, and October 29, 2002.

[BC20021203DOC008](#)

AUTHORIZE FEE WAIVERS (PUBLIC WORKS)

Waive Fee (\$30) for Patricia A. Ellington due to bank error.
Waive Fee (\$30) for Lapsley C. Ewing III due to bank error.

[BC20021203DOC009](#)

AUTHORIZE CHAIRMAN TO SIGN

Partial Release of Special Improvement Assessment Liens:

Projects 3009 (3); 3010; 3101; 3106; 3122; 3126 (2); 3128; 4217; 5069; 5074; 5144; 5147 (4); 5151; 5261; 5270; 5277.

[BC20021203DOC010](#)

Satisfactions of Judgments:

Robert Scott Greaves – Case 2002-CT-584
Moses Hickson aka M. Hicks – Case 1998-2627F (2)
Moses Hickson – Case 1998-2627F (2)
Mary Jennings – Cases 2002-CJ-989 and 2002-CJ-1035
John Jones – Case 1996-937M
Brenton Smith – Case 2001-CF-001696F

[BC20021203DOC011](#)

COUNTY ADMINISTRATOR

PROCLAMATIONS

1. A Proclamation designating December 3, 2002, as James Scott Day was accepted by **James Scott**, Employee of the Year for 2002.

[BC20021203DOC012](#)

2. A Proclamation designating December 4, 2002, as Manatee County Chapter 230, National Association of Retired Federal Employees Day. [BC20021203DOC013](#)
3. A Proclamation designating December 5, 2002, as Congressman Dan Miller Day. [BC20021203DOC014](#)

TRANSPORTATION EQUITY ACT

R-02-322 A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS SUPPORTING SARASOTA-MANATEE METROPOLITAN PLANNING ORGANIZATION'S RECOMMENDATIONS FOR REAUTHORIZATION OF THE TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY (TEA-21). [BC20021203DOC015](#)

RIVERVIEW POINTE

Accept a Warranty Deed from John J. Nevins, as Bishop of the Diocese of Venice; Closing Statement; Title Policy from Chicago Title Insurance Company; and Affidavits from the closing on the Diocese of Venice property acquisition. [BC20021203DOC016](#)

LAWSUITS

1. **Tallevast Road** - Approval of Stipulated Final Judgment with **Loretta S. Hammond** and **Kevin L. Lemery** to settle all pending claims against Manatee County for the sum of \$33,600, less the previous deposit amount of \$7,900; payment of statutory attorneys' fees pursuant to *Florida Statute 73.092* of \$9,009; and expert witness fees and costs of \$4,300 to appraiser Charles Haynes, Jr., \$750 to arborist EPIC, Inc., and \$3,392.54 to engineer David A. May & Associates; to the law firm of Paul A. Blucher, Esquire, in the eminent domain case of Manatee County v. Howard Martin Hutches, et al., Case 2001-CA-5868, Parcels 114, 714. [BC20021203DOC017](#)
2. **Harold Glenn Goff v. Manatee County, et al.** – Deny Plaintiff Harold Glenn Goff's Proposal for Settlement in the amount of \$30,000, and approve settlement in the amount of \$10,001, Case 2000-CA-3717. [BC20021203DOC018](#)

HERITAGE HARBOUR DRI 24

Determination to take no further action to acquire right-of-way for frontage road on the south side of S.R. 64 required to be constructed as part of the Heritage Harbour DRI Development Order (fka Heritage Sound); and authorize the Transportation Department to send a letter to the Musgraves withdrawing the pre-negotiations letter. [BC20021203DOC019](#)

HOME CONSTRUCTION LOANS

1. Execution of Letter of Reservation of affordable housing assistance to Cesar Monsivais, 205 44th Street East, Palmetto, \$28,379. [BC20021203DOC020](#)
2. Execution of Construction Loan Agreement with Mildred L. Freeman, \$76,000. [BC20021203DOC021](#)

INDIGENT PRESCRIPTION PROGRAM

Execution of Funding Agreement (10/1/02-9/30/03) with Manatee County Rural Health Services, Inc., **Prescription Benefits Program**, \$446,780. [BC20021203DOC022](#)

LEGAL AID OF MANASOTA

Execution of Funding Agreement (1/1/03-12/31/03) with Legal Aid of Manasota, Inc., **Pro Bono Legal Services to the Indigent**, \$48,433. [BC20021203DOC023](#)

LOCAL LAW ENFORCEMENT BLOCK GRANT

Execution of Funding Agreement with the Manatee County Sheriff's Office, \$203,302 (\$182,972 Bureau of Justice; \$20,330 local match) for **Law Enforcement Support** for the Special Teams Equipment Program, Grant 2002-LB-BX-0912 (8/20/02-8/19/04). [BC20021203DOC024](#)

SUNCOAST WORKFORCE BOARD

1. Execution of Second Amendment to the Workforce Investment Act Interlocal Agreement with Sarasota County (upon receipt of executed amendment). [BC20021203DOC025](#)
2. Approval of Suncoast Workforce Board membership as indicated in the agenda memorandum (Attachment A). [BC20021203DOC026](#)

YOUTH SUBSTANCE ABUSE PREVENTION

Execution of an Interlocal Agreement with the University of South Florida to provide a **Youth Substance Abuse Prevention Evaluation Project Phase II** (10/1/02-3/31/03), \$9,000. [BC20021203DOC027](#)

TOURISM – INTERNATIONAL REPRESENTATION

1. Execution of Agreement with the Holiday and Sun Agency (Berlin, Germany) for a tourism representative office for **Germany** and **Europe**.
2. Execution of Agreement with Siren (London, England) for a tourism representative office for the **United Kingdom**. [BC20021203DOC028](#)

CONVENTION AND VISITORS BUREAU

Approval of expenditure of \$2,500 to sponsor a seminar titled "The Power of Packaging" for the Manatee County tourism industry on December 9-10, 2002 (previously approved 10/15/02). [BC20021203DOC029](#)

AGRICULTURE CENTER OFFICE BUILDING

Execution of Certificate of Substantial Completion to DeLesline Construction, Inc., for the construction of the Agriculture and Natural Resources/University of Florida Cooperative Extension Service Office. [BC20021203DOC030](#)

63RD AVENUE EAST BRIDGE

Execution of Change Order 2 to Work Assignment 5 with Wade-Trim, Inc., for **consulting services** for the bridge number 134042 over Pearce Canal; increase of \$4,366, adjusted total \$101,432.50. [BC20021203DOC031](#)

MATERIALS AND SERVICES

1. **40-Ton Articulated Dump Truck** – Purchase, via IFB 02-2813JS, one truck (\$380,431) with an optional five-year Powertrain Warranty (\$5,967) plus a tailgate option (\$7,320) from Ringhaver Equipment Company, \$393,718. [BC20021203DOC032](#)

2. **Buses** – Purchase, via Florida Transit Association’s Pooled Bus Procurement RFP 97-06-02, six buses from Gillig Corporation, \$1,568,664. [BC20021203DOC033](#)
3. **Lotus Notes Client Licensing** – Authorize Limited Competition purchase from Cobra Technologies, \$60,418. [BC20021203DOC034](#)
4. **Wheeled Telescopic Boom Excavator** – Purchase one via State Contract 70-760-001 from Gradall Company through Great Southern Equipment, Inc., \$184,651.50. [BC20021203DOC035](#)

G.T. BRAY PARK

Execution of Change Order 1 to Work Assignment 11P with Wade-Trim, Inc., for architectural/engineering services for design and construction for **renovation of the existing athletic center and expansion of the fitness center**; increase of \$1,663, adjusted total \$27,688. [BC20021203DOC036](#)

BUDGET AMENDMENT

Various Departments **B-03-010**

Transfer of Funds; Unanticipated Revenue Appropriations
Supporting Description and Detail attached [BC20021203DOC037](#)

WHITE GOODS AND SCRAP METAL

Award IFB 02-6549FL to Trademark Metals Recycling, LLC for collection and purchase of White Goods and Scrap Metal, \$11,520 revenue; and execute an Agreement with Trademark Metals Recycling, LLC (11/9/02-11/8/03). [BC20021203DOC038](#)

FEE WAIVER

Authorize the placement of two 20-yard roll-offs at the appointed sites on December 7, 2002, for the Palmetto Memorial Park Area Neighborhood Cleanup Event; and waive appropriate service and tipping fees at the landfill. [BC20021203DOC039](#)

BUFFALO CREEK GOLF COURSE ENTERPRISE FUND

R-02-315 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, AMENDING THE REPAYMENT TERMS FOR A LOAN OF MONEYS TO THE GOLF COURSE ENTERPRISE FUND AND AMENDING RESOLUTION R-92-216. [BC20021203DOC040](#)

JUDICIAL CENTER

Execution of Addendum 1 to Agreement with Hellmuth, Obata & Kassabaum, Inc., for professional services for a **Judicial Center Evaluation Study**; increase of \$25,000, adjusted total \$373,820. [BC20021203DOC041](#)

LENA ROAD LANDFILL

Execution of (No Cost) Change Order 2 to IFB 02-1667BS with Hewitt Contracting Company, Inc., for the Lena Road Landfill Access Road and Scale House; and an additional 45 days for a revised completion date of December 6, 2002. [BC20021203DOC042](#)

HOLMES BEACH

Execution of Work Assignment 26 with Insituform Technologies, Inc., for **sanitary sewer mains rehabilitation services** in the Holmes Beach area of Anna Maria Island, \$325,539. [BC20021203DOC043](#)

SCT USER GROUP CONFERENCE

R-02-321 A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE COLLECTION AND DISBURSING OF COUNTY FUNDS TO PROVIDE MEALS AT A COUNTY SPONSORED USER GROUP CONFERENCE EVENT PURSUANT TO ORDINANCE 97-28 AND TO COLLECT A CONFERENCE CHARGE TO COVER COSTS FOR THE EVENT. [BC20021203DOC044](#)

UTILITY SERVICE FEE WAIVERS

1. Russell C. Meade, Account 60611-60436, \$30.
2. Virginia Cobb (Hollister), Account 20292-20296, \$30. [BC20021203DOC045](#)

PUBLIC DEFENDER

Execution of an Interlocal Agreement with Public Defender of the Twelfth Judicial Circuit for the provision of computer services and for the reimbursement of expenses related thereto. [BC20021203DOC046](#)

BENNETT PARK MANAGEMENT PLAN

Approval of the Management Plan for Bennett Park, which is under review by Florida Communities Trust for completeness; and authorize Parks and Recreation staff to complete any administrative changes to said Plan, if required. [BC20021203DOC047](#)

LEE MIDDLE SCHOOL

Authorize the School to accept donations during their performances at the first annual “A Night Before Christmas” event on December 14, 2002, at G.T. Bray Park. [BC20021203DOC048](#)

GOLF COURSE FEE SCHEDULE AND POLICY

R-02-264 A RESOLUTION RESCINDING RESOLUTION R-01-197 AND ESTABLISHING GOLF COURSE FEES FOR SUMMER, FALL, WINTER, AND SPRING SEASONS (Manatee County and Buffalo Creek Golf Courses, FY 2002-03). [BC20021203DOC049](#)

PALMA SOLA BOTANICAL PARK FOUNDATION

Authorize Chairman to sign a letter to the foundation giving permission to extend and complete irrigation lines throughout the 10-acre Botanical Park parcel. [BC20021203DOC050](#)

FINAL PLATS

Covered Bridge Estates, Phases 6A and 6B

1. Final Plat;
2. Mortgagee’s Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Diamond-Bar Partnership, Ltd.;
3. Agreement with Covered Bridge East, Inc., guaranteeing completion of required improvements (\$580,004.29);
4. Performance Bond: \$580,004.29 (Letter of Credit 1220, First National Bank of Florida d/b/a West Coast Guaranty Bank);

5. Agreement with Covered Bridge East, Inc., guaranteeing completion of required sidewalks and bikeways (\$19,951.88);
6. Performance Bond: \$19,951.88 (Letter of Credit 1222, First National Bank of Florida d/b/a West Coast Guaranty Bank);
7. Agreement with Covered Bridge East, Inc., guaranteeing required improvements and temporary construction easement for private improvements (\$22,402.50);
8. Performance Bond: \$22,402.50 (Letter of Credit 1221, First National Bank of Florida d/b/a West Coast Guaranty Bank);
9. Maintenance Agreement with Covered Bridge Estates Community Association, Inc., for Right-of-Way Island; and
10. Supplemental Declaration Number 4 to the Covenants, Conditions and Restrictions for Covered Bridge Estates. [BC20021203DOC051](#)

Whitney Meadows

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from First National Bank of Florida d/b/a West Coast Guaranty Bank;
3. Agreement with BM2, LLC guaranteeing completion of required improvements (\$1,492,410.08);
4. Performance Bond: \$1,492,410.08 (Letter of Credit 1233, First National Bank of Florida);
5. Agreement with BM2, LLC guaranteeing completion of required improvements and temporary construction easement for private improvements (\$448,387.24);
6. Performance Bond: \$448,387.24 (Letter of Credit 1234, First National Bank of Florida);
7. Conservation Easement from BM2, LLC; and
8. Declaration of Restrictions for Whitney Meadows Community Association, Inc.

Woodward Acres

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from The Huntington Mortgage Company;
3. Agreement to Defer Completion of Required Sidewalks with Chris and Tamara M. Woodward; and
4. Notice to Buyer. [BC20021203DOC053](#)

STREET NUMBERING WAIVERS

1. **Country Meadows Subdivision**
Approval of request by the developer of Country Meadows Subdivision, PDR-01-08/FSP-02-82, for a waiver of the street numbering requirement to allow only the main entrance road to be named as a means of identifying the subdivision. [BC20021203DOC054](#)
2. **Twin Rivers Subdivision**
Approval of request by the developer of Twin Rivers Subdivision, PDR-99-02/FSP-01-59, for a waiver of the street numbering requirement to allow only the main entrance road to be named as a means of identifying the subdivision. [BC20021203DOC055](#)

DEEDS AND EASEMENTS

57th Avenue East/West

1. Warranty Deed from Ernest and LaRayne Stank; Affidavit of Ownership and Encumbrances. [BC20021203DOC056](#)
2. Warranty Deed from Ruth Carlene Sauls; Affidavit of Ownership and Encumbrances. [BC20021203DOC057](#)

Cooper Creek Tourist Center

Conservation Easements and Affidavits of Ownerships from RB-3 Associates; Randall Benderson 1993-1 Trust; Dick Road-Blend-All Hotel Development, Inc.; Walden Avenue-Blend-All Hotel Development, Inc.; and WR-I Associates, Ltd., to protect the wetlands on the parcel located on Tourist Center Drive, north of University Parkway, west of I-75 off Cooper Creek Boulevard; Joinder from Delta-Sonic Carwash Systems, Inc. [BC20021203DOC058](#)

Manatee Agricultural Reuse Supply (MARS) Project

Warranty Deed from Diane T. Thayer, f/k/a Diane Simmons-Smith and Woodrow E. Thayer, for right-of-way as part of the North to Southeast Reclaimed Water Transmission Main Segment (Parcel 115); Affidavit of Ownership and Encumbrances; Partial Release from Regions Bank. [BC20021203DOC059](#)

Tortuga Inn

Amendment of Utility Easement from Catalina of Anna Maria, L.C., for right-of-way.

57TH AVENUE EAST/WEST

Execution of Contracts for Sale and Purchase for Warranty Deeds and Temporary Construction Easements from:

1. Patricia L. Thomas, \$8,700. [BC20021203DOC061](#)
2. Beryl McGahey, \$1,100. [BC20021203DOC062](#)
3. Patricia Frye, \$5,200. [BC20021203DOC063](#)
4. Maria S. Ruperto, \$700. [BC20021203DOC064](#)

MARS PROJECT

R-02-323 A RESOLUTION OF MANATEE COUNTY, FLORIDA, DELEGATING THE AUTHORITY TO MAKE PRE-SUIT OFFERS IN EMINENT DOMAIN CASES FOR THE SOUTHEAST TO SOUTHWEST RECLAIMED WATER TRANSMISSION MAIN PROJECT, PARCELS IDENTIFIED AS EXHIBIT "A" ATTACHED, TO THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS, FOR THE AMOUNT UP TO THE APPROVED APPRAISED VALUE OF THE PROPERTY SOUGHT TO BE ACQUIRED
(Property Owners: Briarwood; MHC Stagecoach; City of Bradenton; Brookwood Apartments). [BC20021203DOC065](#)

DUETTE VOLUNTEER FIRE DEPARTMENT

Execution of Interlocal Funding Agreement with Duette Volunteer Fire and Rescue Department, Inc., for FY 2002-2003, \$16,900. [BC20021203DOC066](#)

MANASOTA BASIN BOARD COOPERATIVE FUNDING

R-02-326 A RESOLUTION OF THE BOARD OF COMMISSIONERS, MANATEE COUNTY, FLORIDA, SUBMITTING APPLICATIONS FOR THE MANASOTA BASIN BOARD COOPERATIVE FUNDING PROGRAM FOR FISCAL YEAR 2003-2004 TO THE **SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

(authorize the Chairman to sign the transmittal letter). [BC20021203DOC067](#)

(End Consent Agenda)

AWARDS AND PRESENTATIONS

Employee of the Year 2002

Deidra Ruth, Employee Recognition Committee, recognized the finalists for Employee of the Year, **Roy Ezell, Steve Simpson, Sandy Tudor, and Kathleen Thompson.**

Larry Mau, Transportation Director, and Sia Mollanzar, Stormwater Operations, used a video and photographs to honor **James E. Scott**, Chief Equipment Operator, as Employee of the Year. Speaking in recognition of Mr. Scott was John Fox, Stormwater Operations Superintendent. [BC20021203DOC068](#)

Sun Coast Section APA Award of Excellence

John Osborne, Planning Department, reported Manatee County received an award for "Paddle Manatee: A Guide to Area Canoe and Kayak Trails." He recognized the Citizen Trail Committee, the National Park Service, and staff for their assistance. Charlie Hunsicker, Ecosystems Administrator, displayed a paddle marker that will be posted along area waterways. [BC20021203DOC069](#)

Florida Planning and Zoning Association

Mr. Osborne announced the County was awarded the Outstanding Innovation Award for "Paddle Manatee: A Guide to Area Canoe and Kayak Trails" and Certificates of Merit/Outstanding Public Report for "The Palmetto/North Manatee County Enterprise Zone Development Agency Community Redevelopment Plan" and "The Bayshore Area Neighborhood Plan." [BC20021203DOC070](#)

STORMREADY CERTIFICATION

Laurie Feagans, Emergency Management Chief, introduced **Daniel Noah**, West Central Florida StormReady Advisory Board. Mr. Noah displayed slides while he explained the purpose of the program and presented staff with StormReady signs. [BC20021203DOC071](#)

(Depart Mrs. Glass)

CITIZENS' COMMENTS

[BC20021203DOC072](#)

Little League Baseball - 24th Street Ballpark

Norma Lloyd reported Little League Baseball would no longer play at the 24th Street Park due to the poor lighting and safety concerns. She explained that Challenger Baseball is looking for a home park.

Discussion: Staff should find Challenger Baseball a slot on one of the fields; staff to look at lighting the fields and report back; tried to partner with the City of Bradenton to obtain a grant, should try again; fields need to be maintained; etc.

(Enter Mrs. Glass)

Property Assessments

Claire Brown remarked that she has requested records from the Property Appraiser's Office regarding an agricultural classification on parcels of property, and explanation of how the assessment was derived.

Discussion: Refer to the Property Appraiser; comments of Ms. Brown are becoming repetitive; the Mixon property had trees condemned and burned due to cankers and has never shifted into any other land use; etc.

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

Manatee County Sheriff's Office

Mrs. Stein requested a Deputy Sheriff attend the meetings until Citizen's Comments are completed.

(Enter Mr. McClash)

Senior Santas Tour of Lights

Ted Nowosad requested the Board donate four to six buses to escort senior citizens around the County to view the holiday lights.

Ernie Padgett, County Administrator, reported that staff is working on this.

TOURIST INFORMATION CENTER

Larry White, Civic Center Director, explained the original purpose for the Tourist Information Center (TIC) is being accomplished more efficiently at a kiosk at Prime Outlets in Ellenton. The County owns the building and the land is owned by the Florida Department of Transportation (FDOT). He reported the County could sublease the facility for any non-retail governmental purpose. He quoted numerous reasons for the decline of the center's use including loss of FDOT signage and the way visitors acquire travel information.

Discussion: Reason for decline of TIC; location for a kiosk at Lakewood Ranch; Tourist Development Council would like to redirect funds towards marketing; letter from the Volunteer Services of Manatee County, Inc., to use the facility; contacting the Sheriff's Office for use as a substation; repairs are needed; report in January 2003 as to future uses for the building; etc.

(Depart Ms. Brown during discussion)

Motion was made by Mrs. Glass, seconded by Mrs. von Hahmann, and carried 6 to 0, to permanently close the TIC on December 31, 2002. [BC20021203DOC073](#)

ORDINANCE 02-63 – COUNTY ATTORNEY'S OFFICE

Public hearing (Notice in the *Bradenton Herald* 11/20/02) was held to consider

ORDINANCE 02-63

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING AND SUPPLEMENTING MANATEE COUNTY ORDINANCE 94-08, THE COUNTY ATTORNEY'S ORDINANCE; PROVIDING FOR THE PREREQUISITES FOR EMPLOYMENT, METHOD OF REMOVAL, AND POWERS AND DUTIES OF THE COUNTY ATTORNEY; PROVIDING FOR EMPLOYEES IN THE COUNTY ATTORNEY'S OFFICE, INCLUDING ASSISTANT, DEPUTY, AND ASSOCIATE COUNTY ATTORNEY POSITIONS AND OTHER POSITIONS AS DETERMINED NECESSARY BY THE COUNTY ATTORNEY; PROVIDING FOR FUNDING; SPECIFYING CERTAIN LITIGATION RESPONSIBILITIES OF THE COUNTY ATTORNEY'S OFFICE; PROVIDING CLARIFICATION AND RATIFICATION OF THE COUNTY ATTORNEY'S SUPERVISION OF RISK MANAGEMENT FUNCTIONS; CLASSIFYING COUNTY ATTORNEY'S OFFICE EMPLOYEES AS AT-WILL EMPLOYEES; PROVIDING FOR THIS ORDINANCE TO PREVAIL OVER ANY CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATES.

Motion was made by Mr. McClash, seconded by Mrs. von Hahmann, and carried 6 to 0, to adopt Ordinance **02-63**. [BC20021203DOC074](#)

ORDINANCE 02-30 – COUNTY ATTORNEY SETTLEMENT AUTHORITY

Public hearing (Notice in the *Bradenton Herald* 11/21/02) was held to consider

ORDINANCE 02-30

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, DELEGATING AUTHORITY TO THE COUNTY ATTORNEY OR HIS DESIGNEE TO SETTLE CERTAIN TYPES OF CLAIMS, FOR AND AGAINST MANATEE COUNTY, AND SETTING MONETARY LIMITS ON SUCH AUTHORITY AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Mr. Bruce, seconded by Mrs. von Hahmann, and carried 6 to 0, to adopt Ordinance **02-30**. [BC20021203DOC075](#)

UNIFORM METHOD FOR COLLECTING NON-AD VALOREM ASSESSMENTS

Public hearing (proof of publication not provided) was held to consider

R-02-250

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING THE INTENT OF THE BOARD TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS FOR ROAD PAVING, SANITARY SEWER, STORMWATER, STREET LIGHTING, CANAL DREDGING, DRAINAGE IMPROVEMENT, AND LANDSCAPE BEAUTIFICATION PROJECTS AUTHORIZED PURSUANT TO *CHAPTER 197, FLORIDA STATUTES*; STATING THE NEED FOR THE LEVY OF NON-AD VALOREM ASSESSMENTS, INCLUDING A LEGAL DESCRIPTION OF THE BOUNDARIES OF THE REAL PROPERTY SUBJECT TO THE LEVY, AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Mrs. von Hahmann, seconded by Mr. Bruce, and carried 6 to 0, to adopt Resolution **R-02-250**. [BC20021203DOC076](#)

(Note: Item reconsidered later in the meeting.)

STREET VACATION – TAILFEATHER WAY AT TARA

Public hearing (Notice in the *Bradenton Herald* 10/28/02 and 11/04/02) was opened to consider

R-02-260-V

RESOLUTION ON APPLICATION BY SCOTT SELESKA AND DEBRA BRAMMER, TO VACATE RIGHT-OF-WAY LYING CONTIGUOUS TO A PORTION OF LOT 161, TAILFEATHER WAY AT TARA.

Motion was made by Mrs. von Hahmann, seconded by Mr. Bruce, and carried 6 to 0, to continue Resolution **R-02-260-V** to December 10, 2002, at 9:00 a.m., or as soon thereafter as may be heard. [BC20021203DOC077](#)

COMMUNITY REDEVELOPMENT AREA - SOUTH COUNTY

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 11/22/02 and continued from 11/19/02) was held to consider

R-02-313 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 SOUTH COUNTY MEET THE CRITERIA DESCRIBED IN *SECTION 163.340(8), FLORIDA STATUTES*, AS AMENDED; FINDING THAT THE AREA IN UNINCORPORATED MANATEE COUNTY KNOWN AS SOUTH COUNTY 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 SOUTH COUNTY; FINDING OF NEED FOR A COMMUNITY REDEVELOPMENT AGENCY IN MANATEE COUNTY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Osborne submitted a revised Blight Study (dated 11/02).

Kevin Mineer, URS Corporation, used a slide presentation to review the blight study. (Enter Ms. Brown during the presentation)

Thomas Hennessy, Southern Manatee Fire Rescue Chief, stated that any loss of funding for the Fire District would impact fire protection services. He reported they have purchased land at 61st Avenue East and 15th Street East with plans in the spring to build a new facility and eventually apply for special exemption status for a special district.

Remonia Lewis, local resident, commented the name of the Community Redevelopment Area (CRA) should remain as "Pride Park" because of the history behind the name. **David English**, Manatee Landlord Association, agreed the area should be called "Pride Park."

Maureen Sikora, Assistant County Attorney, stated notices for the public hearings have been with the name South County. She noted the name may be changed once the CRA is established and the tax increment financing ordinance is in place.

Mr. McClash reported that he would abstain from voting due to the fact he owns property that constitutes more than one percent of the total number of parcels (but less than one percent of the total number of acres) located within the CRA boundaries.

Motion was made by Mr. Bruce, seconded by Mrs. von Hahmann, and carried 6 to 0, with Mr. McClash abstaining, to adopt **R-02-313**, and accept the blight study. [BC20021203DOC078](#)

COMMUNITY REDEVELOPMENT AGENCY

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 11/22/02 and continued from 11/19/02) was held to consider

R-02-317 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; RELATING TO COMMUNITY REDEVELOPMENT; DECLARING THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY TO BE THE COMMUNITY REDEVELOPMENT AGENCY OF THE COMMUNITY REDEVELOPMENT AREA FOR **SOUTH COUNTY**; AND PROVIDING AN EFFECTIVE DATE.

Mr. McClash reported he would be abstaining from voting on advice by the County Attorney's office due the fact he owns property that constitutes more than one percent of the total number of parcels (but less than one percent of the total number of acres) located within the CRA boundaries.

Motion was made by Mr. Bruce, seconded by Mrs. von Hahmann, and carried 6 to 0, with Mr. McClash abstaining, to adopt **R-02-317**. [BC20021203DOC079](#)

2003 STATE LEGISLATIVE PROGRAM - DRAFT

Amy Merrill, Intergovernmental Affairs, stated the Draft Legislative Program would be updated for the December 10, 2002, meeting.

Discussion: The S.R. 70 corridor should have funding out to Lorraine Road; extension of University Parkway for two miles; should have a discussion with Sarasota County and the Sarasota-Manatee Metropolitan Planning Organization (MPO); University Parkway becoming the alternate S.R. 70; adding stringent laws in reference to prostitution; economic development of S.R. 70 to four lanes, with emphasis on emergency evacuation route from the west coast to east coast, in order to obtain emergency management funds; strengthening the penalties for prostitution; etc.

Motion

Motion was made Mr. McClash and seconded by Mrs. von Hahmann to contact the Tampa Bay Regional Planning Council to obtain a cost to revisit the evacuation plan model and bring it back to the Board.

Discussion: A study that investigates the disbursement of traffic; federal funding; 14th Street as an economic development area; etc.

Motion - Amended

Mr. McClash amended his motion to include designating University Parkway as the alternate S.R. 70. Mrs. von Hahmann agreed, and the motion carried 7 to 0.

Mr. Padgett noted on the appropriations portion of the program the Board should consider dropping the local requests for the Crosley, 66th Street, and the special needs generator.

Discussion: Emergency Management grant for obtaining the special needs generator; special needs shelter (Manatee Technical Institute Building); delegations hearings; etc. [BC20021203DOC080](#)

RIDGEWOOD OAKS - RECYCLING

Jim Seuffert, Financial Management Director, reviewed the agenda memorandum regarding a request by Ridgewood Oaks (11/19/02) to "opt out" of the recycling program due to road damage from the Waste Management trucks. Staff has presented an alternative for a centralized container.

Discussion: Waste Management two years into an eight-year contract; opting out but continue to have a recycling program; centralized location decreases garbage trucks traveling on the roads which are not up to County standards; setting precedent to allow other developments to choose this option; fee if they decided to do their own recycling; press charges against the County for damage to the roads; etc.

Motion was made by Mr. McClash and seconded by Mr. Bruce to support the recommendation of staff for a centralized recycling location.

Discussion: Waste Management could use smaller units similar to those the City of Bradenton uses; the rhino bin would make the area near the garbage compactor congested; etc.

Jefferson Asbury, Ridgewood Oaks Homeowners' Association, reported originally the roads became damaged due to regular garbage pick-up and now the same problem is occurring with the recycling trucks. He submitted a letter addressed to Waste Management and a contract with J and S Lawn Service. He requested that they be allowed to opt out as originally requested.

Discussion: Need to meet with the County Administrator and the County Attorney for a settlement; need a full recycling program per Resolution R-00-195 for an exemption; Golf Lakes Mobile Home Park; revising the Resolution; revising the contract with J and S; few developments with private roads left in the County; recycling material; etc.

Mr. Seuffert stated when Waste Management negotiated the contract they had a certain expectation of exclusivity and the funds generated by the monthly charges are part of the equation used to determine the cost of the service.

Mr. McClash **withdrew** his motion. Mrs. Stein stated the item would be deferred until December 17, 2002, at 10:00 a.m. [BC20021203DOC081](#)

UNIFORM WETLAND MITIGATION ASSESSMENT

Doug Means, Environmental Management Department, explained Chapter 373.414 (18) *Florida Statutes* required that a uniform mitigation assessment, a method for quantifying mitigation, be developed by the Department of Environmental Protection (DEP) and the Water Management Districts collectively. Once adopted it would preempt local government from quantifying mitigation. The rule-making process is under way for Rule 62-345 *Florida Administrative Code* (fulfills subsection 18), which determines the amount of mitigation to offset adverse impacts of an activity to the value of functions provide by wetlands and other surface waters to fish, wildlife, and listed species, and to award and deduct mitigation bank credits.

Discussion: Does this take into account avoidance as the primary goal; public hearings for the rule-making process; applied methodology and fieldwork; change in the Statute to leave control locally; adding to the 2003 State Legislative Program; etc. [BC20021203DOC082](#)

COMMUNITY DEVELOPMENT BLOCK GRANT

Michael Wood, Planning Department, stated on August 6, 2002, the Community Development Block Grant (CDBG) Consolidated Plan was adopted by the Board and was then sent to the Department of Housing and Urban Development (HUD) for review. The Plan was approved; however, deficiencies were cited, which must be corrected within 60 days (December 16, 2002). A revised plan will be brought back for adoption on December 10, 2002. He introduced new staff members **Rick Ratcliffe** and **Renee Harper**.

Discussion: The County Attorney has not reviewed a resolution; the resolution preceded the plan; will submit a revised plan for review; etc. [BC20021203DOC083](#)

UNIVERSITY PARKWAY AND U.S. 301 INTERSECTION

Mr. McClash commented the scope of services for the University Parkway/U.S. 301 intersection improvements should include value engineering in order to keep the cost of the project down.

Motion was made by Mr. McClash, seconded by Mrs. von Hahmann, and carried 7 to 0, to execute Work Assignment T2 with Wade-Trim, Inc., for **engineering services** for design, survey, project management, and construction services at U.S. 301 intersection improvements project, \$574,577, including the remark made by Mr. McClash. [BC20021203DOC084](#)

UNIFORM METHOD FOR COLLECTING NON-AD VALOREM ASSESSMENTS

Motion - Reconsider

Motion was made Mr. Bruce, seconded Mrs. Glass, and carried 7 to 0, to reconsider the item.

Motion - Rescind

Motion was made by Mrs. von Hahmann, seconded by Mr. Bruce, and carried 7 to 0, to rescind the Board's previous action.

Mr. Padgett reported the public hearing was advertised for December 10, 2002.

[BC20021203DOC076](#)

COMMISSIONERS' COMMENTS

[BC20021203DOC085](#)

Marine Mammals Protection Act

Tedd Williams, County Attorney, noted the proposed Marine Mammal Protection Act would impose restrictions on issuance of residential boat dock permits. He stated he would report to the Board on December 10, 2002, once he has obtained more information.

(Depart Mrs. von Hahmann)

Fair Housing Ordinance

Ms. Brown stated in order to acquire CDBG grant funds the County may need to adopt a Fair Housing Ordinance and that staff is currently working on one.

Affordable Housing

Ms. Brown explained drainage problems exist with newly built affordable housing projects and the problems need to be addressed.

Migrant Housing

Mrs. Glass solicited the Board's support in seeking more housing for migrant workers and their families.

Paddle Manatee: A Guide to Area Canoe and Kayak Trails

Mr. McClash questioned why the Crosley Estate is marked "no access" in the Guide.

Water Taxies

Mr. McClash questioned if there are grant funds to conduct a feasibility study for water taxies, which could relieve congestion to Anna Maria Island and Longboat Key. Mr. Getman commented that a public boat ramp is not available from the Sarasota County line to Cortez Road.

Transportation Funding

Mr. McClash reported the County did not receive any additional funding for the upcoming year for transportation projects.

Discussion: Lost \$3 million; who is on the Transportation Committee in Tallahassee; could we get the money back if the priorities are changed and Upper Manatee River Bridge is moved down on the list; priorities such as S.R. 64; doing more with less in order to cope with growth; etc.

New Commissioner Workshop

Mr. Getman stated he would like to attend the new commissioner workshop in Orange County on January 24, 2003.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 12:40 p.m.
/tb/ml/qa

Minutes Approved: January 7, 2003