

MAY 2, 1989

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Bradenton Financial Center, 1401 Manatee Avenue West, Bradenton, Florida, Tuesday, May 2, 1989, at 9:10 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Edward W. Chance, Vice-Chairman
Kathy A. Snell, Chairman Pro Tem
Kent G. Chetlain
Maxine M. Hooper

Also present were:

August V. Ellis, County Administrator
H. Hamilton Rice, Jr., County Attorney
Richard H. Ashley, Chief Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Reverend Cornell Haan, Bethel Baptist Church

The meeting was called to order by Chairman Glass.

All witnesses/staff giving testimony were duly sworn.

EMPLOYEE OF THE MONTH

Carol A. Konkell, Office Assistant III for the County Attorney's Office, was presented a Certificate of Recognition as the May 1989 Employee of the Month.

PROCLAMATIONS

Older American's Month

Upon motion by Mr. Chetlain, and seconded by Mr. Chance, a Proclamation was unanimously adopted designating May 1989 as "Older American's Month" in Manatee County.

Kate Downs and representatives from the Manatee Council on Aging, along with participants of the Adult Care Center, were present to accept the Proclamation. John Heffernan, age 102, was also present.

RECORD S38-1213

Working for America's Mental Health

Upon motion by Ms. Snell, and seconded by Mr. Chetlain, a Proclamation was unanimously adopted designating May 1989 as "Working for America's Mental Health" month in Manatee County.

Hugh McElhiney and Jim Thegpin, representing the Mental Health Association, were present to accept the Proclamation.

RECORD S38-1214

Cooperative Extension Week

Upon motion by Mrs. Hooper and seconded by Ms. Snell, a Proclamation was unanimously adopted designating May 8-12, 1989 as "Cooperative Extension Week" in Manatee County.

Richard Aalberg, Mrs. Ed Ayers, Hugh Taylor and Raymond Lee, representing the Manatee County Extension Service, were present to accept the Proclamation.

RECORD S38-1215

AGENDA DELETIONS

A. V. Ellis, County Administrator, requested Agenda deletions:

1. R-89-97 authorizing negotiations for acquisition of the C. T. Adams property.
2. Execution of Tenant Estoppel Certificate with Bradenton Financial Center.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mr. Chetlain and seconded by Ms. Snell, the County Administrator's Consent Agenda dated May 2, 1989, was unanimously approved with deletion of 1) Contract negotiations with Ardaman & Associates to test soils and materials; 2) Request for Proposals for Group Health, Dental Plan and Group Life with Siver Insurance Management Consultants (separate actions). Items approved:

DEEDS & EASEMENTS

1. Peridia Unit Four Subdivision - Drainage Easement, Affidavits of Ownership/Encumbrances (3) from Southern Lakes Joint Venture by Haydon-Rubin, Ltd.; Joinders from Amerifirst Bank, for easement relocation.
2. 47th Terrace and 19th Street Court East/Manasota Industrial Park - Drainage Easement, Affidavit of Ownership and Encumbrances from Aldon Industries, Inc.
3. 27th Avenue Boulevard and 21st Street West, Palmetto - Drainage Easement, Affidavit of Ownership and Encumbrances from Ernest James and Bernice H. Hadley (Paving Project 5075).
4. 27th Avenue Boulevard and 21st Street West, Palmetto - Drainage Easement, Affidavit of Ownership and Encumbrances from Dale R. and Eileen M. Hoffner (Paving Project 5075).

PUBLIC WORKS - TRANSIT

Adoption of

R-89-94 RESOLUTION APPROVING A JOINT PARTICIPATION AGREEMENT WPI #1815536 BETWEEN THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE FLORIDA DEPARTMENT OF TRANSPORTATION CONCERNING U.M.T.A. SECTION 9 GRANT APPLICATION FOR FY 88/89 AND AUTHORIZING THE CHAIRMAN OR VICE-CHAIRMAN TO EXECUTE SAID AGREEMENT (\$19,000, County; \$19,000 FDOT; \$152,000 UMTA for retrofitting coaches with wheelchair lifts; bus stop signs; bus shelters; telecommunication equipment)

RECORD S38-1216

CENTRAL SERVICES

S38-1217

1. Adult Day Care Services, Community Care for the Elderly - Sole source procurement, on a unit price basis, from Manatee Council on Aging, July 1, 1989 to June 30, 1990.
2. Work Management System/Parks and Recreation - Sole source purchase of a turnkey installation from GTE Intech, Dallas, TX, not to exceed \$52,038.

(End Consent Agenda)

SOILS AND MATERIALS TESTING

Jim Engelhardt, Central Services Director, requested approval for contract negotiations with top-ranked firm Ardaman & Associates, Inc., to test soil/materials used for construction by the Public Works Dept.

Discussion: Services performed; selection procedure.

Motion was made by Mrs. Hooper to authorize contract negotiations with Ardaman & Associates, Inc., for professional services to test soils and materials. Motion was seconded by Mr. Chetlain and carried unanimously.

CONSULTANT SERVICES

Mr. Englehardt responded to questions regarding County policy for reviewing contracts of consultants hired to perform special services.

Discussion: Length of time consultants are used; go out for bids more often; annual review, etc.

Motion was made by Ms. Snell that the County Administrator report back concerning procedures to analyze the usefulness of County consultants on a periodic basis. Motion was seconded by Mr. Chance and carried unanimously.

GROUP INSURANCE (HEALTH, DENTAL, LIFE)

The County Administrator requested execution of the Request for Proposal with Siver Insurance Management Consultants, for remarketing employee health care services as follows:

MAY 2, 1989

(Cont'd)

Group Health Benefits	\$30,000
Dental Plan	5,500
Life Insurance	3,500

Discussion: Term of proposals; guidelines for bidding new insurance package, etc.

Dick Johnston, Central Services Risk Manager, stated that due to the complexity in State/Federal guidelines a task-oriented consultant is necessary.

Ms. Snell moved to execute the proposals for Group Health Benefits, Dental Plan and Group Life with Siver Insurance Management Consultants for an estimated cost of \$39,000. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD S38-1218
S38-1219
S38-1220

TOURIST DEVELOPMENT COUNCIL

Terri Kiel, Convention & Visitors Bureau Director, stated that the Tourist Development Council recommended the unanticipated resort tax revenues for FY 1987/88 (\$67,000) be distributed as follows:

Beach Maintenance Trust Fund	\$22,334
McKechnie Field	27,000
Advertising (Beach Education Campaign)	17,666

Discussion: Civic Center need for funds; planned Civic Center work session (5/9/89).

Motion was made by Mr. Chetlain to defer the Tourist Development Council recommendation for FY 1987/88 appropriations until May 16, 1989. Motion was seconded by Ms. Snell and carried unanimously.

WILLOW SHORES SUBDIVISION - ROADS

Jerome Gostkowski, Public Works, stated the residents of Willow Shores Subdivision (located in Manatee/Hillsborough County, Parrish) have requested that approximately two miles of **private** roads (private access easements) within Manatee County be maintained by the County. Staff submitted options available:

- | | |
|--|-----------|
| 1. Emergency access cost, no drainage | \$ 88,000 |
| 2. School bus accessibility, minimum drainage (20 foot shell road) | 385,000 |
| 3. Paved road, with drainage (County rural standards) | 605,000 |
| 4. Do nothing | |

Staff recommended an assessment project be initiated should the Board act on this request.

Discussion: Unaccessible condition of roads; number of tracts; roads never upgraded by original developer; accepting private roads; impact fees; building without acceptable roads; emergency access; forming an association, etc.

Lisa Coombs, representing Willow Shores, stated the residents opposed an assessment for paving the roads and pointed out the need for drainage. She advised that a homeowners association was being formed.

Mr. Gostkowski advised that the roads have a separate legal description and are not part of the property owners properties.

Disposition: Staff to determine ownership of the road and bring back options.

Recess/Reconvene. All members present except Mrs. Hooper.

STREET VACATION - PERIDIA UNIT FOUR SUBDIVISION

Public Hearing (Notice in The Bradenton Herald 4/16/89) was held to consider application 89-V-10 Southern Lakes Venture and adoption of

MAY 2, 1989

(Cont'd)

R-89-50-V RESOLUTION VACATING CERTAIN STREETS, ROADS OR OTHER APPROPRIATE PROPERTY (DRAINAGE EASEMENT ON SOUTH 10 FEET OF **LOT 181** AND NORTH 10 FEET OF **LOT 182**) IN PERIDIA UNIT FOUR SUBDIVISION (PLAT BOOK 24, PAGES 100 THROUGH 112)

Tom Fenton, Public Works, stated this vacation was necessary due to a drafting error locating the easement on the wrong side of the lot.

Mr. Chance moved to adopt Resolution R-89-50-V. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD S38-1221

ZONING: Z-89-13 - GEORGE PERREAULT - C

Jim Farr, representing George Perreault, requested reconsideration of Z-89-13 (denied 4/27/89) based upon new information.

Ms. Snell moved to reconsider Z-89-13 at the next planning meeting. Motion was seconded by Mrs. Glass. Voting "Aye" were Ms. Snell and Mrs. Glass. Voting "Nay" were Mr. Chetlain and Mr. Chance. **No action.**

Mr. Farr requested the full Board be present for the vote.

Note: Continued later in meeting.

BARRICADES - 5TH STREET AND 52ND AVENUE PLAZA, WEST

Tom Rockhill, Floridana Park, submitted photos depicting the location of barricades placed at the corner of 5th Street and 52nd Avenue Plaza West, by the County. He made a request that they be removed because there is no traffic on 52nd Avenue Plaza and they are an eye sore.

Discussion: Heavy traffic on 5th Street; safety of residents; barricade size; liability; landscaping around barricades, etc.

(Enter Mrs. Hooper)

Z-89-13 - GEORGE PERREAULT - C (Cont'd)

Mr. Farr requested Z-89-13 be reconsidered May 11, 1989, for presentation of new information.

Motion was made by Mrs. Hooper and seconded by Ms. Snell to reconsider Z-89-13.

Discussion: Allowing time for readvertisement.

Voting "Aye" were Ms. Snell, Mrs. Hooper and Mrs. Glass. Voting "Nay" were Mr. Chetlain and Mr. Chance. Motion carried.

PERSONNEL MANNING LEVEL

Motion was made by Ms. Snell, seconded by Mrs. Hooper and carried unanimously to adopt

PARKS & RECREATION

R-89-96

Add: Groundskeeper II (24th Street Park)

Increase in Manning Level: From 184 to 185

RECORD S38-1222

ADMINISTRATIVE COMPLEX - SNACK BAR/VENDING FACILITY

David Rothfuss, Assistant County Administrator, advised that Resolution R-89-90 authorizes the State Division of Blind Services to provide snack bar and vending facilities in the Administrative Complex (Chapter 413.053, provides that associated bids or proposals are not required).

Discussion: Cost-share percentages; intent of resolution; need for additional information, etc.

Ms. Snell moved to adopt:

MAY 2, 1989

(Cont'd)

R-89-90 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING THAT THE DIVISION OF BLIND SERVICES OF THE STATE OF FLORIDA, DEPARTMENT OF EDUCATION, IS AUTHORIZED TO INSTALL AND OPERATE A VENDING FACILITY/SNACK BAR WITHIN THE MANATEE COUNTY ADMINISTRATIVE CENTER

and that staff bring back a proposal from the Division of Blind Services regarding the upgrading of this facility. Motion was seconded by Mrs. Glass and carried unanimously.

RECORD S38-1223

LEGISLATION

The County Administrator (Memo 4/26/89) requested authorization to prepare appropriate letters to the Legislative Delegation regarding two matters in the 1989 Legislative Session:

Senate Bill 1289 - Requiring at least one member from Manatee County to serve on the **Southwest Florida Water Management District Governing Board**. (filed by Senator Woodson-Howard)

Discussion: Representation by population/water customers; hand delivering letter to all Senators; lobbying; notifying newspaper editors; attending hearings, etc.

Mr. Chance moved to authorize the County Administrator to prepare the proper documents to support Senate Bill 1289. Motion was seconded by Mrs. Hooper and carried unanimously.

House Bill 955/Senate Bill 1141 - Adding one **County Judge** for Manatee County.

Motion was made by Mr. Chetlain, seconded by Mrs. Hooper and carried unanimously to prepare the proper documents to support House Bill 955/Senate Bill 1141.

LAWSUITS - EDWARDS V. MANATEE COUNTY

The County Attorney requested adoption of the findings of fact in the Alvin Edwards **Special Permit Application SP87-81** for a 2COP license for the Italian Kitchen Restaurant in Ellenton (denied 2/18/89).

The Court has ruled the County must furnish a written statement of findings of fact, within thirty days, which constitute the basis for the denial.

Ms. Snell moved to adopt the findings of fact prepared by the County Attorney's office and the Planning Department substantiating the basis for denial of Special Permit Application SP87-81. Motion was seconded by Mr. Chance and carried unanimously.

LAWSUITS - MANATEE COUNTY GUN & ARCHERY CLUB, INC. V. MANATEE COUNTY

The County Attorney stated that pursuant to a Court entered "Order Appointing Mediator" a Board member or the County Administrator must be appointed to represent the County at a Mediation Conference with the Manatee County Gun & Archery Club, Inc. on May 23, 1989 at 1:30 p.m. Greg Fagan, Parks and Recreation Department, will also attend. The purpose of the Conference is to mediate the pending condemnation lawsuit/settlement for the Gun Club leasehold of the Lena Road site.

Mrs. Hooper moved to appoint the County Administrator to attend the Mediation Conference on behalf of the County. Motion was seconded by Mrs. Glass and carried unanimously.

CLERK'S CONSENT CALENDAR

Upon motion by Mrs. Hooper and seconded by Mrs. Glass, the Clerk's Consent Calendar for May 2, 1989, was unanimously approved:

BILLS FOR PAYMENT

Coastal Planning, Inc.- Req 2, Beach Renourishment \$ 11,158.85

MAY 2, 1989

(Cont'd)

Carter Goble Associates, Inc. - Inv 8, Jail Consult	10,054.90
Inv 9, Jail Consult	2,119.58
Johnson-Lancaster, Inc. - Safety Complex/Coffee Urn	3,834.00
H. J. Ross Assoc. - Admin Complex Archit Srvs 2/28/89	8,937.91
Specialty Maintenance & Constr., Inc. - Req 3, SE Pump Stn	87,750.00
Westra Construction Corp. - Req 1, Washington Pk Coll Sys	104,043.41
Woodruff & Sons, Inc. - SW Subreg WWTF Inj/Valve Operators	22,684.38

REFUNDS

Mildred Arnett - Golf Play Book No. 6909 (15 plays)	127.20
Banner Home Corp. - Building Permit Overcharge	340.34
Park Place Professional Center - Electrical Permit (City)	40.00
Optimart, Inc. - Electrical Srv Interrupt Permit	40.00
Susan C. Cantine - Animal Cage	20.00
Robert Haeger - Animal Cage	20.00
Jean & Richard Glidden - Animal Cage	20.00

WARRANT LIST

Approve: April 18, 1989 to April 24, 1989

Authorize: April 25, 1989 to May 1, 1989

MINUTES FOR APPROVAL

February 28, & March 14, 1989

AUTHORIZE CHAIRMAN TO SIGN

Satisfaction of Judgment with Dung Huynh Phan, Case No. 89-33JD

APPROVE, RATIFY & CONFIRM

P&R Special Interest Classes Instructor's Agreement:

Joseph K. Drutowski - Tennis Instruction

Kathy Modica-Gross - Happy Hour Aerobics

RECORD S38-1224
S38-1225

ACCEPT

Whitehall Development, Inc. (Z-81-65(R2))

1. Original Verified Complaint received by Clerk of Court
2. Original Verified Complaint received by County Attorney
3. Original Response to Verified Complaint (Manatee County to Whitehall Development, Inc.)

Resumes - Lombardo & Skipper, Inc. Consulting Engineers, Surveyors & Planners staff members:

Robert J. Lombardo

Michael E. Rissman, Jr.

Jan L. Skipper

Thomas E. Durrance

John R. Foley

Diane Chadwick

Michael G. Blackrick

WORKER'S COMPENSATION SETTLEMENT - RUFUS FIELDS

Tedd Williams, Chief Assistant County Attorney, recommended (as outlined in Memo 5/1/89) the Board accept an \$8,000 offer from Rufus Fields in settlement of a Worker's Compensation claim resulting from an injury to his left hand and fingers while employed by the County.

The County appealed a previous award by Worker's Compensation to Mr. Fields of \$13,000 in impairment benefits, which was awarded in addition to his wage loss benefits.

Ms. Snell moved acceptance of the settlement offer made by Rufus Fields through his Attorney as outlined by staff. Motion was seconded by Mrs. Hooper and carried unanimously.

COMMISSIONER'S COMMENTS:

Fire District Impact Fees

The County Administrator was requested to investigate distribution of impact fees collected for fire district areas i.e. Duett, Myakka.

Myakka City

Discussion of citizens request for a traffic light and/or speed limit enforcement in Myakka City.

Correspondence:

1. Manatee River Fair Association requesting Board representation.
Disposition: Chairman to write letter naming Mrs. Hooper.
2. Federation of Manatee County Community Associations supporting a one-cent surcharge to Utilities customers for watershed property purchases.
3. Federation of Manatee County Community Associations opposing retroactive payment to Baptist Hospitals for indigent care.

MAY 2, 1989

(Cont'd)

4. State Senator Marlene Woodson-Howard regarding Federal funds for beach renourishment. **Disposition:** Chairman to prepare letter to the Senator stating our needs and strategies.

Tourism

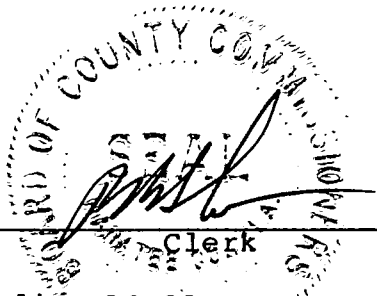
Possibility of appointing a coordinator for handling requests of private businesses using County beaches for movie promotions and advertising; pointing out advantages to County/Islands.

MEETING ADJOURNED

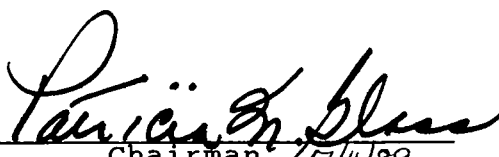
There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Adj: 12:01 p.m.
/jx



Chairman 7/11/89