

JANUARY 11, 1994

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Tuesday, January 11, 1994, at 9:00 a.m.

Present were Commissioners:

Stan Stephens, Chairman
 Joe McClash, First Vice-Chairman
 Kent G. Chetlain, Second Vice-Chairman
 John R. Gause, Third Vice-Chairman
 Patricia M. Glass
 Lari Ann Harris
 Maxine M. Hooper

Also present were:

William J. Estabrook, County Administrator
 H. Hamilton Rice, Jr., County Attorney
 Judy LaMee, Director of Communications and Development,
 representing R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Dr. Lewis H. George, Central Christian Church.

The meeting was called to order by Chairman Harris.

All witnesses/staff giving testimony were duly sworn.

EMPLOYEE OF THE MONTH

A certificate was presented to Joseph Westerman, Public Safety Department/Marine Rescue, in recognition of being selected Employee of the Month.

AGENDA CHANGES

William J. Estabrook, County Administrator, announced changes to the agenda as follows:

- Reword - Senior Outings - Add wording "subject to final review by County Attorney's Office."
- Delete - Space Utilization Committee.
- Add - Martin Luther King Parade - Add to Consent Agenda.

CITIZENS' COMMENTS**Sewer Lines/Flannery Subdivision**

Bearl Allin, 4434 York Drive West, complained regarding sewer lines crossing private property in Flannery Subdivision in the vicinity of Hops Restaurant and the Olive Garden Restaurant.

Disposition: The Chairman advised that a meeting is scheduled with staff to address the issue on January 19, 1994.

34th Street West at Bayshore Gardens Parkway

Ted Nowosad, 3319 Bayshore Gardens Parkway, requested an opportunity to view widening plans for 34th Street West and Bayshore Gardens Parkway to determine proximity of his residence to the roadway. He also expressed concern regarding drainage from the ditch along the roadway.

Disposition: Referred to County Administrator.

CONSENT AGENDA

Motion was made by Mrs. Glass, seconded by Mrs. Hooper and carried unanimously, to approve the Consent Agenda dated January 11, 1994, after deletion of (1) Bid Award to Stately Contractors, Inc., for 9th Avenue Northwest-Road and Utility Improvements; (2) Bid Award to Manson Roofing, Inc., for Public Health Unit Building Roof Replacement; and (3) authorization to make payment to Peace River/Manasota Water Supply Authority for the 1994 annual membership contribution (all separate actions). Items APPROVED:

CLERK'S CONSENT CALENDAR**BONDS****Accept:**

Sheriff's Public Deputies Blanket Bond (13 additions; 7 deletions)

RECORD S43-1119

BILLS FOR PAYMENT

Centex-Rooney/National Development - Detention Facility:	
Construction Manager's Compensation Package	\$ 106,195.00
Long-lead procurement of Site Work/Detention Equipment	131,077.00
Construction of Facility in accordance w/Guaranteed Maximum Price	1,387,812.00
Carlton, Fields, et al - Smith v MC et al (thru 11/30/93)	3,656.23
Camp Dresser & McKee - WA 2, Manatee Dam Downstream Release Study	12,729.71
Sky Construction - Force Main 25A/SR 683 Water Line Relocation	39,456.98
Stevenson Architects - WA 2, Greenhouse at Fairgrounds	2,392.33
Jerry Zoller - WA 23, Architect/Eng Svcs re Daughtrey Pk	1,011.15
Lombardo & Skipper - WA 4, 34th St W Conceptual Design (53rd Ave W to Bayshore Gardens Pkwy)	2,447.50
" " " - WA 2, 75th St W Improvements (Cortez Rd to Manatee Ave W)	11,362.75
Seminole Gulf Railway - University Pkwy Railroad Crossing Improvements	111,772.97
Mayo Contracting & Consulting - Pay Req 3, Taylor Rd Bridge Replacement	43,470.00
Palma Sola Harbour Condominium, Inc - Reimbursement for Dredging of San Remo/Palma Sola Harbor	4,973.79
Coastal Planning & Eng - Post Construction Services for Beach Renourishment Project	37,887.11
Becker & Poliakoff - Svcs rendered in preparation of Vizcaya Utility Easement	405.00
Richard Fawley Architects - Coquina Beach Restroom Facil	5,850.00

REFUNDS

Bertha Foster - Ambulance Overpayment	183.84
Karl Knierman - Ambulance Overpayment	343.86
Henry Sennett - Ambulance Overpayment	365.62
Germaine Lamagna - Ambulance Overpayment	457.57
Arline Herrel - Ambulance Overpayment	361.27
Ralph Foster - Ambulance Overpayment	183.84
Bertil Hammer - Ambulance Overpayment	349.53
Ruth Plambeck - Ambulance Overpayment	188.20
Genevieve Buss - Ambulance Overpayment	369.97
Bessie Smith - Ambulance Overpayment	212.86

WARRANT LIST

Approve: January 4, 1994, through January 10, 1994
 Authorize: January 11, 1994, through January 17, 1994

MINUTES FOR APPROVAL

September 23, 28, October 5, 12, 19, 28, November 2, 1993 (Regular)
 September 23, 27, 1993 (Special)
 October 12, 1993 (Risk Assessment)

AUTHORIZE CHAIRMAN TO SIGN

Partial Release of Special Improvement Assessment Liens: Projects 2502
 (4); 5147 (3); 301-5147 (3); 405-5235 (2); 5190; 301-2504; 301-2505;
 301-2511; 410-8601 (2)

ACCEPT

Revised page 00500-2A to correct scrivener's error in contract with Sky Construction Properties, Inc., for **Force Main 25-A Relocation and S.R. 683 Water Line Extension** (executed 11/18/93) to reflect accurate retainage language.

ENTER INTO RECORD

Letter from Kathleen and LeRoy McDonald in opposition to LDA-93-02, **E.V.V. Realty/Timber Creek**, proposed rezone to RMF 13 (PDR).

COUNTY ADMINISTRATOR

GROUNDWATER REMEDIATION - 66TH STREET FUEL SITE

Execution of **Work Assignment 1** for supplementary groundwater sampling and analysis, not to exceed \$4,118; and, **Work Assignment 2** for limited scope groundwater remediation, not to exceed \$9,200, at the 66th Street fuel location with Florida Groundwater Services, Inc., total not to exceed \$13,318.

RECORD S43-1120
 S43-1121

PUBLIC HEALTH UNIT BUILDING - ROOF REPLACEMENT

Execution of Change Order 1 to Work Assignment 6 with Jerry N. Zoller for Public Health Unit roof replacement work, not to exceed \$11,767.

RECORD S43-1122

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(Cont'd)

SEWER AND STORMWATER REHABILITATION SERVICES

Date performance and payment bonds and accept insurance certificate for annual sewer and stormwater rehabilitation services with Insituform Southeast, Inc., in accordance with RFP 924020.

WATER, WASTEWATER AND RECLAIMED WATER INFRASTRUCTURE

Execution of Addendum 1 for consulting engineering services on as required basis for additional one-year period, 12/29/93-12/28/94, with Briley Wild & Associates, Inc., Larson Engineering, Inc., and Zoller, Najjar & Shroyer, Inc.

RECORD S43-1123-

S43-1125

WATER, WASTEWATER, RECLAIMED WATER AND STORMWATER UTILITIES

Execution of Addendum 1, Scope of Work Certification, to agreement for Engineer of Record and Rate Consultant, Black & Veatch, for various engineering services to include major water, wastewater, reclaimed water, and stormwater utilities Work Assignments as separately authorized.

RECORD S43-1126

DEEDS & EASEMENTS: RETHA WILLIAMS PROPERTY/ANNA E. GAYLE RESOURCE CENTER

Quit Claim Deed to Retha Williams property from the U. S. Marshal for the Weed and Seed Initiative, record same, and provide for payment of recording and survey fees; authorization for Chairman to sign letter to U. S. Marshal advising of said action.

HISTORICAL COMMISSION

Appointment of Norma Carter, Virginia Smith, Russ Olsen, and Doris Wright to the Manatee County Historical Commission for four-year terms ending January 1, 1998.

CHILDREN'S SERVICES FUNDING

Execution of Contract Amendment with Manatee County Girls Club d/b/a Just For Girls, Inc., for Fiscal Year 1994 Non-Profit Agency Funding Agreement.

RECORD S43-1127

SENIOR OUTINGS

Parks and Recreation Department to offer one day outings for senior citizens to the Strawberry Festival, Plant City, Florida; Silver Springs, Ocala, Florida; and Bok Tower Gardens/Chalet Suzanne, Lake Wales, Florida, subject to final review by the County Attorney's Office.

EMERGENCY MANAGEMENT TRUST FUND APPLICATION PROCESS

Chairman to sign certification to State of Florida verifying existence of Manatee County's full-time emergency management program as part of the preapplication process for the Emergency Management, Preparedness and Assistance Trust Fund allocation.

MARTIN LUTHER KING PARADE

Emergency Medical Services to participate in the Martin Luther King Parade scheduled for January 15, 1994, in Palmetto, Florida.

FLORIDA GAS TRANSMISSION

Execution of easement/encroachment agreements (2) with Florida Gas Transmission, which will allow a planned water main to cross the gas company's pipe lines.

RECORD S43-1128

S43-1129

BUDGET AMENDMENT RESOLUTIONS

Adoption of Budget Amendment Resolutions amending the 1993-94 budget to provide for the receipt and appropriation of actual and unanticipated revenues and item to item transfers:

HUMAN RESOURCES

B-94-043/1	Decrease Revenues/Expenditures	\$127,818	S43-1130
B-94-043/2	Item Transfers	\$91,237	S43-1131
B-94-043/3	Increase Revenues/Expenditures	\$10,545,710	S43-1132

Establishes Employee Health Benefits in the Self-Insurance fund.

RECORD

(End Consent)

9TH AVENUE NORTHWEST - ROAD AND UTILITY IMPROVEMENTS

Rob Cuthbert, Purchasing Director, stated the road and utility improvements project for 9th Avenue Northwest includes improvements to other avenues in the area such as 6th, 7th, and 8th.

Motion was made by Mr. McClash, seconded by Mr. Gause and carried unanimously, to authorize award of Bid 311964DC to the lowest responsive, responsible bidder, Stately Contractors, Inc., in the amount of \$216,366.95; and authorize subsequent execution of contract and simultaneous dating of performance/payment bond and acceptance of insurance certificate.

PUBLIC HEALTH UNIT BUILDING - ROOF REPLACEMENT

H. Hamilton Rice, County Attorney, stated the matter has been litigated and, as a result, the County is expecting to recover a substantial portion of the costs to replace the Public Health Unit Building roof.

Motion was made by Mr. McClash, seconded by Mr. Gause and carried unanimously, to authorize award of Bid 316164NK to Manson Roofing, Inc., for a total project cost of \$137,539, and authorize subsequent execution of contract and simultaneous dating of performance/payment bond and acceptance of insurance certificate.

PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY

John Zimmerman, Water Division Manager, Public Works Department, requested (memorandum 12/30/93) authorization to make payment to the Peace River/Manasota Water Supply Authority for the 1994 annual membership contribution in the amount of \$38,530.73.

Emilio D. "Sonny" Vergara, Peace River/Manasota Water Supply Authority, responded to questions. He offered to give a full presentation regarding the Peace River/Manasota Regional Water Supply Authority.

Discussion: Usage of the Quattelbaum property and whether there is a lease agreement with Peace River; breakout of utilities showing portion that may be assigned to Peace River; benefits of membership to Manatee County; availability of water to Manatee County in event of an emergency; etc.

Mr. Stephens requested Mr. Vergara schedule a date for a presentation.

Mr. McClash moved for approval. Motion was seconded by Mrs. Harris and carried unanimously.

PAVEMENT MANAGEMENT SYSTEM

Motion was made by Mr. Chetlain, seconded by Mr. McClash and carried unanimously, to authorize execution of an agreement for professional services for a pavement management system with Infrastructure Management Services, not to exceed \$171,891.

RECORD S43-1133

ANNA E. GAYLE RESOURCE CENTER - DRUG-FREE COMMUNITIES

Karen Jackson-Sims, Department of Community Affairs/Intergovernmental Relations Director, recommended adoption of

R-94-37 A RESOLUTION AUTHORIZING EXECUTION OF A LEASE OF THE ANNA E. GAYLE EDUCATION RESOURCE CENTER BETWEEN MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE MAYOR'S DRUG FREE COMMUNITIES COMMITTEE, INC.

(for operation/maintenance of a counseling and after-school tutoring program and prevention center through the Weed and Seed Program)

Discussion: Whether Sheriff will reimburse County for utilities from Weed and Seed funds; County has been short listed for full funding from Weed and Seed funds; five-year reverter clause in lease; etc.

Leigh Moore, Mayor's Drug Free Communities Committee, Inc., stated the \$30,000 raised locally will cover most of the costs of renovations.

Motion was made by Mr. Gause, seconded by Mr. McClash and carried unanimously, to adopt the Resolution with the understanding that the Sheriff will reimburse Manatee County the cost of the utilities from Weed and Seed funds.

RECORD S43-1134
S43-1135

MARINE SPECIALTY LICENSE - INSTALL MECHANICAL BOAT LIFTS

George Devenport, Building Official, requested consideration of an additional specialty license category for the installation of mechanical boat lifts. He stated Manatee County currently requires a person to obtain a "Marine Specialty" license to install or contract to install boat lifts. An applicant must submit proof of five years' experience in this trade, as well as other requirements, to take an examination.

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He reported that Don Kyser has requested a specialty license to install mechanical boat lifts. Mr. Kyser indicated he does not have past experience in the "Marine Specialty" license category.

Mr. Devenport stated it is staff's recommendation that the Marine Specialty license be retained and the inclusion of boat lifts in that category be continued. He noted there are several environmental concerns that should be regulated, e.g., mangrove protection, encroachment in floodways, etc.

(Depart Mrs. Glass)

Don Kyser spoke in opposition to the 5-years' experience requirement stating it was unwarranted for installation of boat lifts; he requested creation of a specialty license for boat lifts only.

(Enter Mrs. Glass)

Discussion: License requirements for other trades; possibility of local monopoly in this business; protecting citizens from dishonest/transient practices; waiving requirements may set precedent; joint-venture status; etc.

Motion - Withdrawn

Mr. Chetlain moved to grant a waiver of the 5-year experience requirement to Mr. Kyser provided he passes the County's examination. Motion was seconded by Mr. Gause.

The County Attorney stated there does not appear to be a provision for waivers in the law. If the Board chooses to change its requirements, he requested continuance for one week in order to determine whether notice to the class affected is required under the Special Act.

Motion and second were withdrawn.

Motion - To Continue

Motion was made by Mr. Chetlain, and seconded by Mrs. Hooper, to continue the matter for one week for the attorney's further recommendation. Voting "Aye" were Mr. Chetlain, Mrs. Hooper, Mrs. Glass, and Mr. Gause. Voting "Nay" were Mrs. Harris, Mr. McClash, and Mr. Stephens. Motion carried.

TRAVEL AUTHORIZATION

Motion was made by Mrs. Harris, seconded by Mr. McClash and carried unanimously, to authorize the County Attorney to travel to Orlando, Florida, January 27-28, 1994, to attend "Novel Administrative and Judicial Directives for Local Land Use Planning" Seminar.

COMMISSIONERS' COMMENTS

Animal Control

Mr. Gause relayed a complaint from Betty Rogers regarding lack of information/action provided by the Animal Control dispatcher regarding a vicious dog complaint.

Contractors' Licenses

Mr. Gause relayed a complaint regarding \$100 penalty imposed for late renewal of contractors' licenses, when the cost of renewal is only \$30. **Disposition:** Referred to the County Administrator.

Derelict Vessel Grant Funds

Mr. Chetlain relayed a complaint/request that Manatee County apply for State funds to remove abandoned vessels.

Disposition: Referred to County Administrator.

Port Manatee - Cruiseline

Mrs. Glass requested a status report regarding the Port Manatee cruiseline.

Disposition: Port Chairman to place on Port Authority agenda.

Sewer Sludge - Land Spreading

Mr. McClash requested a report regarding the possibility of monitoring of land spreading sewer sludge for obnoxious odor, possible contamination of watershed, etc.

Cablevision Rates

Mr. McClash requested that the Chairman write a letter suggesting a uniform policy/opposing additional charge per outlet.

Disposition: Referred to County Attorney to review Cable Ordinance.

Joyland Country and Western Establishment

Mrs. Harris submitted a petition from residents of Wilhelm Mobile Home Park to owners of Joyland complaining of persistent loud noise. She questioned if the County has restrictions regarding conversion of commercial facilities to establishments with loud music/alcohol.

Disposition: Referred to the County Administrator.

County Commission Staff Assignments

Mrs. Harris questioned reassignment of staff as a result of a change in Board Chairmanship.

Disposition: Referred to the County Administrator.

County Commission Representation at Significant Events

Mrs. Harris expressed concern regarding lack of Board representation at Weed and Seed event in Manatee County, which was attended by the Attorney General.

Administrative Center - No Smoking

Mrs. Harris questioned whether the Administrative Center building has designated smoking areas.

Disposition: Referred to County Attorney and County Administrator.

EAC Director/Department

Mrs. Hooper recommended that a review/evaluation be performed of the Environmental Action Commission (EAC) Department instead of the EAC Director.

Myakka River

Mr. Stephens commented regarding the Myakka Scenic River Bill, which will be going through Committee.

Island Trolley

Mr. Stephens relayed questions regarding the status of Island Trolley; brief discussion followed.

34th Street West/53rd Avenue (Morton Village Access)

Mrs. Harris reported that residents of Morton Village have requested a traffic study be conducted prior to and after installation of "No Right Turn on Red" sign at 34th Street West and 53rd Avenue West to determine impact of the sign, if any.

Disposition: Policy decision made previously regarding sign to be researched.

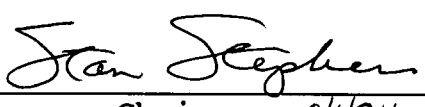
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

 A circular seal for the Manatee County Commission. The outer ring contains the text "MANATEE COUNTY COMMISSION" at the top and "1845" at the bottom. The center features a signature and the name "OLIVER L. ...".

 A handwritten signature in cursive that reads "Stan Stephens".
Chairman 3/1/94

Adj: