

FEBRUARY 15, 1994

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, February 15, 1994, at 9:05 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 (entered during meeting)
 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 Reverend James Metts, Jr., Island Baptist Church.

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

PROCLAMATIONS

Vocational Education Week

(Enter Mrs. Harris during presentation)

Upon motion by Mr. McClash and second by Mr. Gause, a Proclamation was unanimously adopted designating February 14-18, 1994, as "Vocational Education Week" in Manatee County. RECORD S43-1251

Present to accept the Proclamation was Napoleon Mills, Director of Manatee Area Vocational and Technical Center.

Children's Day

Upon motion by Mrs. Hooper and second by Mr. McClash, a Proclamation was unanimously adopted designating March 1, 1994, as "Children's Day" in Manatee County. RECORD S43-1252

Accepting the Proclamation was Carol Hunt, Director of Project Child Care.

Cortez Fishing Festival Day

Upon motion by Mr. Chetlain and second by Mrs. Glass, a Proclamation was unanimously adopted designating February 19, 1994, as "Cortez Fishing Festival Day" in Manatee County. RECORD S43-1253

Present to accept the Proclamation was Karen Bell, Cortez Village.

(Depart Mr. McClash)

Gulf Coast Senior Games Week

Upon motion by Mrs. Glass and second by Mrs. Harris, a Proclamation was adopted 6 to 0, designating February 21-27, 1994, as "Gulf Coast Senior Games Week" in Manatee County. RECORD S43-1254

Accepting the Proclamation were Whitey McQuillin and Bill Ward.

AGENDA DELETIONS

1. William Estabrook, County Administrator, advised that the Sheriff requested the Juvenile Academy Funding Agreement be deleted from the agenda.
2. H. Hamilton Rice, Jr., County Attorney, announced the pending litigation assessment meeting regarding Hy Kom Development Company vs. Manatee County, Case 91-782-CIV-T-17A, was canceled.

CONSENT AGENDA

Upon motion by Mrs. Glass and second by Mrs. Hooper, the Consent Agenda dated February 15, 1994, was approved 6 to 0 with deletion of the funding agreement with Keep Manatee Beautiful, Inc. (separate action).
Items APPROVED:

CLERK'S CONSENT CALENDAR

BILLS FOR PAYMENT

Hogg, Allen, et al - General Matters 12/2-31/93	\$ 127.95
Briley, Wild & Assoc. - Inv 40440 & 40462, Lychee Acres	5,208.50
Briley, Wild & Assoc. - Inv 40441, Reclaimed Wtr/Bay Dr;	
Inv 40442, Reclaimed Wtr/Fla Blvd	4,032.60
Coastal Planning/Engineering - Inv 2368, Bch Renourishment	12,146.47
Keith Kerr Construction - Pymt 1, Palmetto Point Drainage	26,359.52
Shirley Land Development - Req 3, Rye/Waterline Rd Paving	98,006.96
Zoller, Najjar & Shroyer - Detention Fac Wetland Monitoring	612.50

REFUNDS

Beeline Development - Transportation Impact Fee	16,064.23
Linda Fontaine - Administrative Determination Fee	15.00
J. R. Corporation - Administrative Determination Fee	246.64
John Lowe - Building Permit Fee	105.00
Manatee Association Retarded Citizens - Special Permit	2,025.75
Von R. Moore - Waterline Extension Fee/Sewer Permit	400.00
Richard Stripling - Facility Investment Fee	2,286.00
Sun Key Village, Ltd. - Transportation Impact Fee	9,006.00
Estate of Joseph Bentley - Ambulance Overpayment	327.53
Don Bird - Ambulance Overpayment	343.86
Mary Dickens - Ambulance Overpayment	310.14
Estate of Marion Dunlap - Ambulance Overpayment	189.90
Dorothy Dunlap - Ambulance Overpayment	205.60
Carl Hover - Ambulance Overpayment	361.27
Donald Kimmick - Ambulance Overpayment	677.00
Estate of Gladys Lewis - Ambulance Overpayment	374.54
Florence Ouram - Ambulance Overpayment	468.15
Joseph Richard - Ambulance Overpayment	179.49
Kerry Thoeni - Ambulance Overpayment	240.00
Ruth White - Ambulance Overpayment	129.23

WARRANT LIST

Approve: February 8, 1994 through February 14, 1994
 Authorize: February 15, 1994 through February 23, 1994

MINUTES FOR APPROVAL

December 7, 1993 - Regular Meeting
 December 14, 1993 - Special Meeting

AUTHORIZE CHAIRMAN TO SIGN

Authorization for Payment of Taxable Costs

Ralph J. Mattice, Esquire - State vs Michelle Munivez
 Case No. 93-478F (\$375.15)

Computer Hardware/Software - State and Local Government Commencement Certificate to NCR Credit Corp. (pursuant to Master Lease approved 12/16/93) signifying acceptance/installation of equipment.

RECORD S43-1255

ACCEPT

Audit - Manatee County School Board Audit Report, Fiscal Year ending June 30, 1993, from State Office of the Auditor General.

COUNTY ADMINISTRATOR

MATERIALS & SERVICES

1. **Sale of Used Batteries** - Award Bid 412276NK to Safe-Start, Inc., for purchase of used lead acid batteries collected at the landfill at \$1.00 each; subsequent execution of contract and acceptance of insurance certificate. (Note: Contract executed) **RECORD S43-1256**
2. **Safety Handrailing** - Award Bid 416555KK to Ecrail of Florida, Inc., lowest responsive, responsible bidder meeting specifications, for new handrailing at the water treatment plant, base bid of \$15,000 plus Option A, \$18,395.
3. **Used Surplus Tires** - Award Bid 311306NK to Beck's Tire Service, Inc., d/b/a Florida Tire Terminal for \$.27 each for tires under 20 inches and \$1.00 each for tires over 20 inches; subsequent execution of contract and acceptance of insurance certificate. (Note: Contract executed) **RECORD S43-1257**

FEBRUARY 15, 1994

(Cont'd)

4. **Wastewater Treatment Chemicals** - Award Bid 418486NK on an as needed basis for estimated annual amounts based on past usage to the following lowest, responsive, responsible multiple bidders: Allied Lime d/b/a Chemlime, \$106,530; Bower Ammonia & Chemical, \$20,400; C&S Chemicals, Inc., \$345,136; Clearwater Chemical Corp., \$2,200; Industrial Chemical & Supply Co., \$36,765; PB&S Chemical Corp., \$22,200; Pencoco, Inc., \$23,437.75; Technical Products Corp., \$151,354; Van Waters & Rogers, Inc., \$13,963.01.

COMPUTER REPAIR SERVICE

Issue Change Order 2 to Purchase Order 100020 with DOS Computer Center for a two-month extension to March 31, 1994, \$14,560 (adjusted total \$43,680).

57TH AVENUE ENGINEERING CONSULTING SERVICES

Execute Work Assignment 1 with Lombardo & Skipper, Inc., for conceptual design services for 57th Avenue transportation project, \$37,668.88.

RECORD S43-1258

TARA ELEMENTARY SCHOOL SEWER

Execute Change Order 1 to Sanitary Sewer Participation Agreement with the School Board due to increased distance, \$6,368.30, total not to exceed \$22,284.90.

RECORD S43-1259

TOURIST DEVELOPMENT TAX

1. Expenditure of resort tax contingency funds in the amount of \$2,000 for promotion of the JUCO community college basketball tournament to be held at the Convention & Civic Center, March 2-5, 1994.
2. Execute agreements to be funded from resort tax contingency with the Hernando DeSoto Historical Society, Inc. (Florida Heritage Festival), \$18,800 and the Manatee County Cultural Alliance, \$5,000 (approved 9/14/93); Gulf Coast Senior Games, \$2,000 (approved 11/2/93); and the Florida Community College State Basketball Tournament Committee, Inc., \$2,000 (approved 2/15/94).

RECORD S43-1260-

S43-1263

FINAL PLAT - WARD SUBDIVISION

Approve, accept, execute and/or record documents relating to Ward Subdivision as outlined in memo dated February 4, 1994, from Carol Clarke, Planning, Permitting and Inspections Director, as follows:

1. Final Plat
2. Agreement with Joseph F. and Ethel M. Ward to defer completion of required sidewalks.

RECORD S43-1264

TRAVEL

Authorize travel for all Commissioners, County Attorney, and County Administrator to Tallahassee, when necessary, during the 1994 legislative session to review and discuss proposed and pending legislative concerns.

DEEDS AND EASEMENTS

1. 9th Street East (53rd Ave. E. to U.S. 301 Blvd.) - Execute Contract for Sale and Purchase for Warranty Deed and Temporary Construction Easement with Leroy and Willie M. Butler, \$10,500; accept/record Warranty Deed; accept Temporary Construction Easement; record Ownership Affidavit; and record Partial Release from United Mortgage Corporation.
2. 32nd Avenue Drive East (Ellenton) - Utility Easement and Ownership Affidavit from John P. and Linda A. Fleming for waterline construction; record Joinders (2) from Liberty National Bank and Q. T. and Associates, Inc.
3. University Park of Commerce - Drainage Easement and Ownership Affidavit from Airport Woods Commerce Center for rerouting drainage located on Lots III-4, III-5, III-6, and III-7.
4. Bayshore Gardens Parkway - Execute and record a Drainage, Retention and Utility Easement with Vizcaya of Bradenton Condominium Association, Inc., for construction, operation and maintenance of a drainage retention area for road improvements from 34th Street West to 26th Street West.
5. South County Transmission Main - Warranty Deed and Ownership Affidavit (correcting legal description in document accepted 11/2/93) from Gail Green Kobernick for right-of-way required to install transmission main from Lake Manatee Dam to SR 64; from SR 64 to SR 70; and, from SR 70 to University Parkway.
6. Twelve Oaks Condominium Development - Utility Easement, Ownership Affidavit, and Temporary Construction Easement from Twelve Oaks Condominium Development Corporation for access to read water meters at 1422 55th Avenue West; record Joinder from NationsBank of Florida, N.A.

RECORD S43-1265

STREET VACATIONS

1. **Midway Estates Subdivision** - Adoption of **R-94-53-V** RESOLUTION DECLARING PUBLIC HEARING ON MARCH 15, 1994, ON APPLICATION BY **AIRPORT COMMERCE CENTER, INC.**, TO VACATE A PORTION OF MIDWAY ESTATES SUBDIVISION (PLAT BOOK 8, PAGE 28). **RECORD S43-1266**
2. **A. L. Davis Subdivision** - Adoption of **R-94-08-V** RESOLUTION DECLARING PUBLIC HEARING ON MARCH 15, 1994, ON APPLICATION BY **FRANK M. PERRY AND BARBARA PERRY** TO VACATE A PORTION OF A. L. DAVIS SUBDIVISION (PLAT BOOK 4, PAGE 123). **RECORD S43-1267**

GEOLOGICAL SURVEY - WATER RESOURCES INVESTIGATIONS

Execute joint funding agreement with **U.S. Department of the Interior Geological Survey** for water resources investigations (10/1/93-9/30/94) regarding streamflow and rainfall for the Manatee River at Myakka Head for Lake Manatee water use permit (\$8,020 U.S.G.S.; \$8,020 County). **RECORD S43-1268**

GRANT - LOCAL GOVERNMENT COOPERATIVE ASSISTANCE

Adoption of **R-94-60** A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO ENTER INTO A LOCAL GOVERNMENT COOPERATIVE ASSISTANCE PROGRAM MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION **RECORD S43-1269**
(authorizing execution of Memoranda of Agreement for a 50 percent matching program):

- | | | |
|-----|---|---------------------------|
| 1. | 9th Street East (U.S. 301 to SR 64 west bound), \$3,531,000 | S43-1270 |
| 2. | 34th Street West (53rd Avenue to Bayshore Gardens Parkway), \$3,232,940 | 1271 |
| 3. | Duette Road (SR 64 north to existing pavement), \$1,421,136 | 1272 |
| 4. | 44th Avenue East (U.S. 41 to 15th Street East), \$5,711,953 | 1273 |
| 5. | Buckeye Road (U.S. 301 to Carter Road), \$786,182 | 1274 |
| 6. | 53rd Avenue West (34th Street to 75th Street), \$3,492,302 | 1275 |
| 7. | 63rd Avenue East/West (4 lane U.S. 41 to 39th Street East), \$3,185,460 | 1276 |
| 8. | 30th Avenue West (intersection improvement at 14th Street), \$1,500,000 | 1277 |
| 9. | Upper Manatee River Road (north/south connector from University Parkway to SR 64), \$13,300,000 | 1278 |
| 10. | 5th Street West (3 lane from 53rd Avenue to Cortez Road), \$1,628,808 | 1279 |
| 11. | Purchase right-of-way for SR 70 widening (U.S. 301 to I-75), \$8,000,000 | 1280 |
| 12. | Lockwood Ridge Road widening (SR 70 to University Parkway), \$4,020,436 | 1281 |
| 13. | Realign 127th Street West with 124th Street for signal light, \$1,182,000 | <u>RECORD</u> 1282 |

TRAFFIC SIGNALIZATION

1. Execute Traffic Signal Maintenance and Operation Order 79 with **Florida Department of Transportation** for the intersection of **9th Street East and 53rd Avenue (SR 70)**. **RECORD S43-1283**
2. Execute Traffic Signal Maintenance Agreement with **Nu-Gulf Industries, Inc.**, for two flashing beacons on **SR 64** near the entrance to **Wingate Creek Mine**. **RECORD S43-1284**

WASHINGTON PARK SEWER ASSESSMENT ROLL

Adoption of **R-94-47** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLLS FOR SANITARY SEWER ASSESSMENT PROJECT 301-5152, WASHINGTON PARK (splitting DP number 25034.0000/0 owned by **Isaac Johnson, Matheria Eady, Roberta Roots, and Regina Addison**). **RECORD S43-1285**

FEE WAIVER - CIRCUS HOLIDAY

Placement of one 20-yard roll-off at the Manatee County Fairgrounds February 16-18, 1994, and waiver of appropriate landfill service and tipping fees for the Circus Holiday Event -(Manatee County Volunteer Services, Inc.).

BUDGET AMENDMENTS

PPI BUILDING INSPECTIONS (B-94-067)

Item Transfers: Reappropriates funds for the purchase of vehicles for building inspection previously approved in FY 1993.

\$2,800
RECORD S43-1286

FEBRUARY 15, 1994

(Cont'd)

PUBLIC WORKS/TRANSPORTATION

(B-94-068/1&2)

*B-94-068/2
rescinded
4/5/94*

Increase Revenue/Expenditure: Provides funding for the Duette Road project in the Rural Thoroughfare Paving Fund from temporary financing from the Local Option Four Cents Gas Tax Fund.

\$1,105,517 S43-1287

Item Transfers:

\$1,268,690 S43-1288

RECORDPUBLIC WORKS/UTILITIES

(B-94-069)

Item Transfers: Reappropriates funds within the 1988 Bond Construction Trust Fund from reserves to provide additional funding for the Lychee Acres sewer assessment project.

\$106,666

RECORD S43-1289CENTRAL SERVICES

(B-94-070)

Item Transfers: Creates a separate cost center to permit a more accurate accounting of the \$12.50 speeding ticket surcharge to support the 800 mhz radio base system.

\$150,000

RECORD S43-1290PUBLIC WORKS/UTILITIES

(B-94-071/1&2)

Item Transfers: Appropriates funds from reserves of prior year funds in the MCPUD Capital Improvements Fund pursuant to the approved Capital Improvement Plan.

\$12,485,937 S43-1291

Increase Revenue/Expenditure:

\$64,079 S43-1292

RECORDGENERAL FUND

(B-94-072/1&2)

Item Transfers: Reappropriates Local Infrastructure Sales Surtax funding to provide full funding for the Manatee County Detention Facility project.

\$6,219,759 S43-1293

Increase Revenue/Expenditure:

\$2,379,224 S43-1294

RECORDPUBLIC WORKS/UTILITIES

(B-94-073)

Item Transfers: Reduces Palmetto Point Sewer Assessment Project and closes the Samoset and Oneco Sewer Assessment Projects to reserves.

\$1,047,646

RECORD S43-1295★ PARKS IMPACT FEES

(B-94-074/1&2)

*★ B-94-074/1
RESCINDED
4/5/94 by
B-94-110*

Item Transfers: Adjusts Reserves for Capital Projects in the Parks Impact Fee funds to reflect actual available amounts, and appropriates monies to parks projects and Capital Improvements Projects in accordance with FY 1994 Capital Improvements Plan.

\$1,481,672 S43-1296

Increase Revenue/Expenditure:

\$802,777 S43-1297

RECORDPUBLIC WORKS/UTILITIES

(B-94-075)

Item Transfers: Provides funds to projects approved by the Board in the adopted CIE/CIP Program from reserves.

\$4,174,733

RECORD S43-1298PUBLIC WORKS/TRANSPORTATION

(B-94-076)

Item Transfers: Rescinds and replaces Budget Amendment B-94-031/2 due to changes in accounting detail as requested by the Finance Department.

\$223,000

RECORD S43-1299HUMAN RESOURCES

(B-94-077)

Increase Revenue/Expenditure: Rescinds and replaces Budget Amendment B-94-043/3 due to changes in accounting detail as requested by the Finance Department.

\$10,545,710

RECORD S43-1300INFORMATION SERVICES

(B-94-078)

Item Transfers: Rescinds and replaces Budget Amendment B-94-051 due to scrivener's error.

\$48,000

RECORD S43-1301PUBLIC WORKS/TRANSPORTATION

(B-94-079)

Item Transfers: Changes accounting detail for the transfer of rural thoroughfare paving monies within the transportation fund and rescinds Budget Amendment B-94-054/1.

\$2,337,828

RECORD S43-1302

(B-94-080)

Rescinds and replaces Budget Amendment B-94-057

\$11,015

RECORD S43-1303

PUBLIC WORKS/UTILITIES

(B-94-081)

Item Transfers: Closes Woodlawn Lakes Sewer Assessment Project from reserves; and establishes funding for the Sunkist Acres Sewer Assessment Project from reserves.

\$539,772

RECORD S43-1304

COMMUNITY AFFAIRS

(B-94-082)

Item Transfers: Carries forward funds from FY 1993 for September payment to Bankers for Affordable Housing programs.

\$1,667

RECORD S43-1305

CONSTITUTIONAL OFFICERS BUDGET DEADLINES

Adoption of

R-94-065 RESOLUTION ESTABLISHING BUDGET SUBMISSION DATE FOR CERTAIN CONSTITUTIONAL OFFICERS

(establishing May 1, 1994, for 1995 budget requests from Clerk of Circuit Court, Sheriff, and Supervisor of Elections). RECORD S43-1306

TAX NOTICE ALTERNATE FORMAT

Adoption of

R-94-064 A RESOLUTION AUTHORIZING THE USE OF ITEMIZED TAX NOTICES (alternate form of tax notice which provides the most detailed property tax information allowed by law).

RECORD S43-1307

(End Consent)

CITIZENS' COMMENTS

One Cent Sales Surtax Referendum - William R. Wheeler requested the Board go on record that it will not use the mail-in ballot option (Section 101.6102§) for the one-cent sales surtax referendum, in order for him to retain his right to challenge the election.

Traffic Control - George Kendall expressed concerns with the "jags" on 21st Avenue West and requested the irregular corners be marked.

Disposition: Referred to staff and the City of Bradenton.

Code Enforcement/Roadside Stands - Patricia Reed operator of a vegetable stand on SR 70 (one block east of U.S. 301) advised of difficulties in complying with requirements of the Land Development Code as it relates to portable agricultural stands.

Disposition: Planning staff to meet with Ms. Reed to discuss violations and report to the Board at the end of the meeting.

SR 70 Improvements - Gene Doran relayed concern regarding the Florida Department of Transportation (FDOT) proposed median design for access onto SR 70.

Disposition: Referred to meeting at 11:30 a.m. today with FDOT in the Administrative Center 5th Floor Conference Room.

DERELICT VESSELS

The County Administrator deferred consideration to establish derelict vessel policy and expend \$2,500 from the Florida Boating Improvement Program to remove a derelict vessel in Bimini Bay, at request of the Florida Marine Patrol. (Note: See Commissioners' Comments)

PEACE RIVER OPTION

E. D. "Sonny" Vergara, Peace River Manasota Regional Water Supply Authority Executive Director, outlined a plan to seek commitments from Manatee, Sarasota, DeSoto, and Charlotte Counties for funding an expanded water treatment plant, aquifer storage/recovery (ASR) facility and a regional pipeline from the Peace River. The proposed cost would be \$45,140,000. The Authority will request \$21,000,000 from the Southwest Florida Water Management District (SWFWMD).

Mr. Vergara presented the Peace River Option addressing various aspects of the program.

Discussion: Timeframe for Manatee County hookup to system; how plan benefits County; deepwell injection; ground water radioactivity; ASR; proposed cost to purchase Peace River water; whether other counties committed to plan; Peace River water quality/quantity; protecting Charlotte Harbor; sale of water to Sarasota; water reuse; need for additional regional water supplies; deepening reservoirs.

(Note: Comments later in meeting)

Recess/Reconvene. All members present.

FEBRUARY 15, 1994

(Cont'd)

STATE ROAD 70 ACCESS MANAGEMENT SYSTEM

Harry Mendenhall, Public Works, presented a proposed design for access, medians and signalization for SR 70 from 15th Street East to Tara Boulevard.

He pointed out a proposed extension of 22nd Street Court East south to 55th Avenue East for SR 70 access; and signalization options and road extensions in the areas north and south of West Winds Mobile Home Park at 51st Street East and at Natalie Way.

Michael Takeo, Florida Department of Transportation, was present to answer questions and recommended the Board endorse the proposed plan unless specific changes should be considered.

Discussion: Providing safe access for mobile home park residents; access for proposed library and park; citizen/business concerns; restricted intersections; Braden River Bridge approach; need for flexibility in design; meeting with citizens to address concerns; County and FDOT compromising needs.

Disposition: Mr. Takeo to meet with staff and citizens today to address concerns of the proposed plan; staff to report back to the Board for recommendation to FDOT.

The Chairman submitted a letter (dated 2/15/94) from James Dye, attorney representing Add-A-Room Self Storage.

Recess/Reconvene. All present except Mrs. Harris and Mrs. Glass.

KEEP MANATEE BEAUTIFUL FUNDING

Fred Loveland, Community Services Director, recommended execution of agreement with Keep Manatee Beautiful, Inc., for FY 1994 non-profit agency funding for volunteer groups, Adopt-A-Highway, Adopt-A-Shore, and Coastal Cleanup programs in the amount of \$15,000.

(Enter Mrs. Harris)

Discussion: Amount of funding going to national organization opposed to the "bottle" Bill.

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 6 to 0, authorizing execution of the agreement. RECORD S43-1308

BRIDGE WEIGHT LIMIT ENFORCEMENT

Mr. Mendenhall reported on the feasibility and costs to establish a bridge weight limit enforcement program on County jurisdiction roadways.

He stated that he received conflicting information from the Florida Highway Patrol, FDOT, and Bureau of Weights and Measures as to which agency is responsible for compliance/enforcement and recommended legal review by the County Attorney for a possible Ordinance.

(Enter Mrs. Glass)

Discussion: Overweight trucks on County roads; providing portable scales for enforcement by Sheriff.

Disposition: Staff to report back after meeting with Sheriff and obtaining legal counsel from the County Attorney.

CATALINA SUBDIVISION AQUATIC WEED MAINTENANCE

Charles Hunsicker, Public Works Assistant Director, submitted four options regarding weed growth in stormwater ponds within the Catalina Subdivision, which was platted prior to stormwater management systems being required by the Land Development Code.

He recommended Option 2, which provides for a one-time cleanup of the lakes by the County at a cost of \$5,500 from the Stormwater Maintenance Budget. Maintenance of the lake, thereafter, would be the responsibility of the residents.

Discussion: Whether State funding is available; setting a precedence as to weed control in other subdivisions; hydrilla causes problems in the flood control system.

Mrs. Glass moved to authorize a one-time chemical control application for aquatic weeds within the Catalina Subdivision lake system with property owners responsible for all future aquatic weed control, contingent upon formation of a homeowners' association; and authorize staff to prepare and distribute information to each registered owner of property within the subdivision explaining this action and future aquatic weed control maintenance responsibilities. Motion was seconded by Mr. Gause. Voting "Aye" were Mr. Gause, Mr. Chetlain, Mrs. Glass, Mr. McClash, and Mr. Stephens. Voting "Nay" were Mrs. Harris and Mrs. Hooper. Motion carried.

CROSS CONNECTION AND BACKFLOW PREVENTION CODE

Vicky Zimarino, Public Works, outlined recommended changes to the Cross Connection and Backflow Prevention Code (R-87-125) relating to reclaimed water hookups to residential irrigation systems and implementation of retro-fit on commercial high hazard facilities for enhanced protection of the potable water supply.

She presented an overview of backflow devices/costs and a proposed plan for testing, maintenance, record keeping, standards control and training personnel/educating customers regarding use of reclaimed water. She noted the program could establish a revenue source for local plumbers for installation and inspection of the devices.

Discussion: Regulation overkill; contamination unlikely; cost burden to public.

MCLEWIS BAYOU DREDGING

Mr. Hunsicker reported that the McLewis Bayou dredging project has been initiated by petition, that an evaluation has been made by staff to determine public benefit, and a survey has been conducted to calculate amount of material to be dredged for navigable access to the Manatee River.

He recommended that Public Works be authorized to pursue environmental permitting for this project, as there is an overriding public benefit.

Mr. Hunsicker stated the project will commence near St. Stephens School and continue north to Riverview Boulevard and into the Manatee River. He requested authorization to meet with residents to determine the best navigational alignment from Riverview Boulevard to the river.

Mr. Chetlain moved authorization to proceed with engineering and permitting requirements for the maintenance dredging of McLewis Bayou. Motion was seconded by Mr. Gause and carried unanimously.

NORTHWEST WATER STORAGE FACILITY

Janet McAfee, Public Works, referred to sites for consideration to locate a 1,000,000 gallon ground storage tank and booster pump station in the northwest area: 1) 9th Avenue Northwest and 103rd Street; 2) County nursery (17th Avenue Northwest and 99th Street).

She submitted a conceptual idea for a structure with a height less than 14 feet, which would be more appealing for the area.

Discussion: Review by Botanical Park Association; savings to County; funds for Botanical Park program.

Motion was made by Mr. McClash, and seconded by Mr. Chetlain, authorizing staff to bring back a conceptual plan for the water storage tank at the Botanical Park/nursery site at 17th Avenue Northwest and 99th Street; and to have plans reviewed by the Botanical Park Association and bring back to March 1994 meeting.

Richard Wilford, Public Works Director, recommended to proceed with facility design/construction on the site and bring back for approval.

Following discussion, motion carried unanimously.

FEBRUARY 15, 1994

(Cont'd)

RURAL THOROUGHFARE PAVING PROGRAM

Ms. McAfee reported on the rural thoroughfare paving program and requested that Taylor Grade Road, Sugar Bowl Road, and Chin Road be added to the program based upon number of parcels benefitting, traffic counts, and maintenance costs.

She advised that funds are available for two of the three being added since bids and paving costs are less than anticipated.

Mrs. Glass moved authorization to add three roads to the rural thoroughfare paving program as outlined. Motion was seconded by Mrs. Hooper and carried unanimously.

Mr. Wilford stated that Public Works would be doing some grading and compacting on Sugar Bowl Road in order to keep paving costs down.

ENVIRONMENTAL MONITORING SERVICES

Rob Cuthbert, Purchasing Director, pursuant to Board instructions February 8, 1994, reported that Environmental Science & Engineering, Inc., (top-ranked firm for environmental services/Four Corners Mine, 2/8/94) is the firm which filed a complaint regarding the County's Request for Proposal solicitation, award, and withdrawal on two projects.

He referred to correspondence from ESE (6/21/93 & 2/8/94) and a response from the County Administrator (7/7/93).

STREET VACATIONSBay Lake Estates, Phase I

Public hearing (Notices in The Bradenton Herald 1/19/94 and 1/26/94) was held to consider application by Chris and Julie Waters and adoption of

R-94-11-V RESOLUTION VACATING CERTAIN STREETS, ROADS OR OTHER APPROPRIATE PROPERTY PURSUANT TO SECTION 177.101 ET SEQ., FLORIDA STATUTES

(Lot 40, Block A, Bay Lakes Estates, Phase I, as recorded in Plat Book 20, Pages 67 thru 71)

Jim Staples, Public Works, recommended approval to vacate a portion of a drainage and utility easement to clear a "cloud on title" regarding a spa and screen enclosure, which was inadvertently constructed in the easement.

Manuel Crews, property owner, stated he purchased the property contingent upon vacation of the easement.

Mr. Chetlain moved to adopt R-94-11-V to vacate a portion of a 5-foot and a 15-foot drainage and utility easement on Lot 40, Block A, Bay Lakes Estates, Phase I.

RECORDS43-1309

Crescent Lakes Subdivision

Public hearing (Notices in The Bradenton Herald 1/19 and 1/26/94) was held to consider application by Richard E. McKelvain, et al., and adoption of

R-94-13-V RESOLUTION VACATING CERTAIN STREETS, ROADS OR OTHER APPROPRIATE PROPERTY PURSUANT TO SECTION 177.101 ET SEQ., FLORIDA STATUTES

(30-foot drainage easement lying at the rear of Lots 12, 13 and 14, Block A, Crescent Lakes Subdivision, as recorded in Plat Book 22, Pages 167 thru 169)

Mr. Staples stated the applicants requested vacation of the easement as Phase II has been redesigned for the drainage system.

Mrs. Glass moved to adopt R-94-13-V. Motion was seconded by Mr. McClash and carried unanimously.

RECORDS43-1310

Riverdale Revised Subdivision

Public hearing (Notices in The Bradenton Herald 1/19 and 1/26/94) was held to consider application by Nordic of Florida Development, Inc., et al., and adoption of

R-94-33-V RESOLUTION VACATING CERTAIN STREETS, ROADS OR OTHER APPROPRIATE PROPERTY PURSUANT TO SECTION 177.101 ET SEQ., FLORIDA STATUTES

(portion of the plat of Riverdale Revised Subdivision, as recorded in Plat Book 10, Page 40)

Mr. Staples stated the purpose of this application is to vacate certain undeveloped canals for stormwater retention for proposed development; and the request to vacate the east 10 feet of right-of-way on Bow Drive adjacent to Lots 667-759 (60-foot road) will result in uniform road standards.

Steve Thompson, attorney for applicant stated that certain canals have been constructed while others cannot be constructed due to current environmental regulations.

Mrs. Hooper moved to adopt R-94-33-V to vacate a portion of the plat of Riverdale Revised Subdivision. Motion was seconded by Mrs. Harris and carried unanimously. RECORD S43-1311

SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT

The County Administrator announced that Resolution R-94-71 authorizing the Chairman to execute the CDBG Economic Development application for transmittal to the Department of Community Affairs, had been withdrawn.

Discussion: Whether Port Authority may apply for grant funds.

ORDINANCE 94-10: NO RIGHT TURN ON RED

Public hearing (Notice in The Bradenton Herald 1/28/94) was held to consider

ORDINANCE 94-10 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 92-51, REGULATING THE TURNING OF MOTOR VEHICLES AT CERTAIN INTERSECTIONS OF COUNTY MAINTAINED ROADWAYS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Mr. Mendenhall stated that Ordinance 92-51, Section 2, would be amended to prohibit all vehicles from making a right turn on the red traffic signal indication when pedestrians are present as follows:

From northbound 43rd Street West, onto eastbound 9th Avenue West

and prohibiting right turn on a red traffic signal at all times as follows:

From eastbound 53rd Avenue West onto southbound 34th Street West;

From eastbound 44th Avenue East onto southbound 301 Boulevard;

From westbound 44th Avenue East onto northbound 301 Boulevard.

Discussion: Need for Ordinance when State turns intersections over to County; allowing right turns at all times unless pedestrians are present; traffic jams on 53rd Avenue/34th Street West at peak hour if right turns are prohibited; traffic study prior to turn restriction; monitor 53rd Avenue intersection and bring back report in 120 days; Morton Village and tennis academy access to 34th Street.

Motion was made by Mrs. Harris, and seconded by Mrs. Glass, to adopt Ordinance 94-10. Voting "Aye" were Mr. Gause, Mr. Chetlain, Mrs. Glass, Mrs. Harris, Mrs. Hooper, and Mr. Stephens. Voting "Nay" was Mr. McClash. Motion carried. RECORD S43-1312

SOUTH COUNTY LIBRARY SITE

Diane Frenz, Information Services Director, reported on negotiations for inclusion of Manatee Community College (MCC) as a possible site for the South County Library as well as Lancaster Capital (Bayshore Crossings out parcel) and Bayshore Realty (60th Avenue West/26th Street).

FEBRUARY 15, 1994

(Cont'd)

She outlined the site plan for the MCC campus and cost estimates of land with site improvements for the three sites.

Ms. Frenz stated that Friends of the South County Library were concerned with the MCC site as to parking, location, and loss of identity.

Discussion: MCC library would remain separate; location of parking lot on MCC site; cost of effluent water installation; access to 60th Avenue/26th Street site; amount of land/parking in each site; possibility of undesirable businesses in Bayshore Crossings Center; better access to Bayshore Crossings site; traffic problems at 60th Avenue/26th Street intersection; 60th Avenue site larger for future expansion; grant funds for libraries; obtaining additional information regarding 60th Avenue site.

Motion was made by Mrs. Harris, and seconded by Mrs. Glass, to authorize staff to bring back a formal proposal and agreement from Bayshore Crossings/Lancaster Capital and to thank MCC staff for time spent on this, but their proposed location was found to be inappropriate.

Discussion: Bringing back offer from Bayshore Realty/60th Avenue site.

Voting "Aye" were Mr. Chetlain, Mrs. Glass, Mrs. Harris, and Mrs. Hooper. Voting "Nay" were Mr. Gause, Mr. McClash, and Mr. Stephens. Motion carried.

LAWSUIT - MANATEE COUNTY VS BRUCE CERNIGA

Mr. Rice requested authority to file an appeal in an unemployment matter, if necessary, regarding Manatee County vs Bruce P. Cerniga, Docket No. 93-15022U.

Mrs. Glass so moved. Motion was seconded by Mr. Gause and carried unanimously.

CODE ENFORCEMENT - ROADSIDE STANDS (Cont'd)

Ms. Clarke updated the Board on a meeting with Patricia Reed regarding her vegetable/fruit stand on a SR 70 site owned by E. S. Reasoner.

She outlined the Land Development Code as it relates to portable stands; the Special Master's findings of continued administrative permit violations and fines for Ms. Reed; and the subsequent permit revocation by Planning, Permitting and Inspections.

Ms. Clarke noted Ms. Reed can appeal to the Special Master to reduce fines (\$2,750) and/or appeal the permit revocation to the Board. Another alternative is to pay all fees and reapply for a new administrative permit to be monitored every three months.

Discussion: Whether operation is grandfathered/vested; postponing discussions until further research by attorney/possible appeal; cost to appeal, \$1,300.

COMMISSIONERS' COMMENTS

Fee Waiver - Variance

Mr. Gause requested waiver of a \$2,000 fee or extension of time to apply for a variance by Raymond and Irene Leonhard, 4915 Palmetto Point Drive, regarding a pool enclosure encroaching into a side-yard setback (based on Code Enforcement order by Special Master).

Disposition: Staff to report back.

County Job Opportunities

Mr. Gause relayed a complaint as to why some County job opportunities were posted for employees only.

The County Administrator stated that certain jobs are posted in-house prior to distribution to the public.

Tropical Shores Sewer

Mr. Chetlain noted the City of Bradenton is changing its position in regard to a Tropical Shores sewer agreement in that they are requesting the County adopt a monitoring fee district for the Evers Watershed.

Disposition: Public Works to report back.

Palmetto Youth Center

Mr. Chetlain requested clarification regarding a City of Palmetto Committee asking the County to take over the Palmetto Youth Center and change the name to Martin Luther King Complex.

Disposition: County will respond if City of Palmetto and Committee bring a specific proposal forward.

Traffic Signalization - Factory Outlet Stores/Ellenton

Mrs. Glass relayed a request from Colony Cove residents for a traffic signal, signage and road striping at the entrance to the Factory Outlet Stores and the shopping center at U.S. 301/60th Avenue East in Ellenton.

Disposition: Refer to staff.

Florida Sheriff's Youth Ranch

Mr. Stephens relayed thanks given to the Board at the Sheriff's Youth Ranch open house (2/12/94) for its contribution of land.

Hospice Groundbreaking

Mr. Stephens advised that he and Mrs. Glass attended the Hospice open house and groundbreaking and were thanked for staff's cooperation in going the "extra mile" for the project. Mrs. Glass advised that Mr. Stephens was congratulated for his fundraising activities on behalf of Hospice.

County Nursery Plants

Request was relayed from Dr. Morrison, that plants from the County Nursery be made available so he could plant and maintain some medians.

Disposition: Refer to County Administrator.

Peace River Option (Cont'd)

Concerns were expressed that by tying into the pipeline/Peace River Option, the County may be giving up control of its water source to SWFWMD. Also noted was the County is competing with the Peace River Authority for SWFWMD funds.

Discussion: Making sure the Board is advised of any commitments regarding the Peace River; withdrawing from Water Authority; proceeding with plans to expand the County's water resources.

Derelict Vessel

Mr. Stephens requested a report regarding funding for removal of the derelict vessel in Bimini Bay.

Disposition: Refer to County Administrator.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman 2/15/94

Adj: 4:11 p.m.
/jr