

APRIL 19, 1994

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, April 19, 1994, at 9:02 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 Reverend Dr. William Roen, Trinity Lutheran Church of Bradenton.

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

PROCLAMATIONS

Barbara Sheen Todd, President, National Association of Counties, read/presented a Proclamation for National County Government Week.

Upon motion by Mrs. Glass and second by Mr. McClash, a Proclamation was unanimously adopted designating April 16-23, 1994, as "National County Government Week" in Manatee County. RECORDS43-1541

EMPLOYEE SUGGESTION AWARD

A Certificate of Merit, representing a Class "B" (\$100) award, was presented to David Engle, TV/Seal Technician IV, Public Works, for submitting an award-winning suggestion that will result in an annual cost savings of \$500 to \$1,500.

EMPOWERMENT CARD/MISSION STATEMENT/LOGO

William J. Estabrook, County Administrator, presented the Empowerment Card/Mission Statement as created by County employees. He also advised of buttons identifying the new County logo, "To serve with excellence."

UNITED WAY - 1993-1994 CAMPAIGN

Micki Ryan, campaign coordinator for the 1993-1994 United Way campaign, announced that the County raised \$45,596, 22.4 percent over the previous campaign. She introduced United Way representatives, Tommy Anderson, Campaign Chairman; Jerry Koontz, Executive Director; and Louise Paige, the new Campaign Director.

Jerome Gostkowski and Betsy Benac presented checks totalling more than \$4,000, raised through a "pie in the face" contest.

Mr. Koontz presented Micki Ryan with the United Way Bronze Award and the United Way Chairman's Award. He also recognized "loaned executives" Jim Englehardt, Bill Wood, and Karen Windon.

Ribbons were presented to department and site coordinators for service to the 1993-1994 United Way campaign.

MANATEE COMMUNITY COLLEGE - INSTITUTE OF BUSINESS, INDUSTRY AND GOVERNMENT

Colleen Kough, Institute of Business, Industry and Government, Manatee Community College, presented a plaque to Mrs. Glass in appreciation of her support and service on the advisory committee to the Institute of Government at Manatee Community College. She thanked other Commission members, staff, and Constitutional Officers who serve on the committee.

APRIL 19, 1994

(Cont'd)

PROCLAMATIONS (Cont'd)Crime Victims' Rights Week

Upon motion by Mr. Gause and second by Mr. McClash, a Proclamation was unanimously adopted designating April 24-30, 1994, as "Manatee County Crime Victims' Rights Week." RECORD S43-1542

Susan Brown, Victim Rights Council, accepted the Proclamation.

Volunteer Week

Upon motion by Mrs. Harris and second by Mr. Gause, a Proclamation was unanimously adopted designating April 18-22, 1994, as "Volunteer Week" in Manatee County. RECORD S43-1543

June Vanderpool, County volunteer, accepted the Proclamation.

Tourism Week

Upon motion by Mr. McClash and second by Mrs. Glass, a Proclamation was unanimously adopted designating May 1-7, 1994, as "Tourism Week" in Manatee County. RECORD S43-1544

Larry White, Convention & Visitors' Bureau, accepted the Proclamation.

Tampa Bay Sanctuaries Day

Upon motion by Mrs. Glass and second by Mr. Chetlain, a Proclamation was unanimously adopted designating April 28, 1994, as "National Audubon Society's Tampa Bay Sanctuaries Day" in Manatee County. RECORD S43-1545

WATER RESOURCES WORK GROUP

Charles Hunsicker, Public Works, reported on the efforts of the County's water resources work group. Efforts have been focused on implementing cost effective drinking water resources, as well as the development of beneficial reuse of wastewater and stormwater.

Mr. Hunsicker advised that a Southern Water Use Caution Area (SWUCA) working group developed recommendations for addressing encroaching salt water intrusion.

Mark Farrell, Southwest Florida Water Management District (SWFWMD), reviewed "slides" with regard to the SWUCA Rulemaking Schedule, Conservation, etc. He also referred to a list of projects considered for the new water sources initiative, pointing out the four Manatee County projects.

Discussion: Wellfield credits/permits; reductions in use of wellfields through conservation/alternative supplies; reclaimed water credits; review rules being considered; scoring mechanism for new water sources initiative projects; future direction of SWFWMD; possibility of losing permits on existing wellfields; use of Duette wellfield; has SWFWMD considered redirecting fresh water to this area; environmental studies; create a series of dams to better control the release of water; SWFWMD is encouraging the basin boards to assess necessary taxes for the new water sources initiative projects; etc.

(Mr. Chetlain and Mrs. Hooper absent during portions of the discussion)

CITIZENS' COMMENTSCourthouse Snack Bar - Division of Blind Services

Marice Sardo submitted a letter expressing concern with a petition to expel the Division of Blind Services from the Courthouse snack bar (Petition accepted under Clerk's Consent Calendar).

Disposition: Mrs. Sardo was advised that the petition was referred to the County Administrator to work with the Clerk of Circuit Court and to provide a report to the Board.

Sewer Sludge Spreading

Gloria Rains, representing ManaSota-88, commented that the spreading of sewer sludge over land poses a danger to public health. She requested that importation of sewer sludge into the County be banned.

Phosphate Mining/Orimulsion/Recycling

Cathryn Fernald commented on the problems of phosphate mining, orimulsion, and recycling. She requested the Board reconsider ideas regarding recycling to provide curbside sorting and rethink what should be done with composting.

AGENDA CHANGES

Mr. Estabrook noted the following changes to the agenda:

- = Employee Suggestion Award - Certificate of Merit to B. Gale Adams - Deferred.
- = 67th Avenue East - Emergency Cleanup - Letter to Wellcraft Marine, Inc., requesting reimbursement for County expenses - Deferred.
- = Thousand Oaks Village I & II - Private Roads - Petition requesting the County accept maintenance responsibility - Deferred.

(Depart Mrs. Glass)

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 6 to 0, to approve the Consent Agenda of April 19, 1994, after deletion of the EMS Grant/Fire Department Agreements for Fiscal Year 1994 (separate action). Items APPROVED:

CLERK'S CONSENT CALENDARBONDSRelease:Sara Palms

1. Agreement with Glenbrooke Investment Corp. guaranteeing completion of required improvements, \$20,832.50.
2. Performance Bond: \$20,832.50 (Surety Bond A001170, Alpine Assurance Ltd., surety).
3. Agreement with Glenbrooke Investment Corp. guaranteeing completion of required improvements, \$61,968.40.
4. Performance Bond: \$61,968.40 (Surety Bond A001167, Alpine Assurance Ltd., surety).
5. Agreement with Glenbrooke Investment Corp. warranting required improvements, \$39,148.21.
6. Defect Security: \$39,148.21 (Surety Bond A001168, Alpine Assurance Ltd., surety).

Tara, Phase I, Unit 1

1. Agreement with Tara-Manatee, Inc. and Coast Communities Corp. guaranteeing completion of required improvements, \$58,519.50.
2. Performance Bond: \$58,519.50 (Letter of Credit 426, Barnett Bank, Naples).
3. Agreement with Tara-Manatee, Inc. and Coast Communities Corp. warranting required improvements, \$64,097.30.
4. Defect Security: \$64,097.30 (Letter of Credit 427, Barnett Bank, Naples).

Tara, Phase I, Unit 2

1. Agreement with Tara-Manatee, Inc., guaranteeing completion of required improvements, \$52,390.00.
2. Performance Bond: \$52,390.00 (Letter of Credit 440, Barnett Bank, Naples).
3. Agreement with Tara-Manatee, Inc., warranting required improvements, \$33,271.50.
4. Defect Security: \$33,271.50 (Letter of Credit 441, Barnett Bank, Naples).

Rosewood at the Gardens, Section 2

1. Agreement with FPA Corporation guaranteeing completion of required improvements, \$1,380.00.
2. Performance Bond: \$1,380.00 (Bond/Power of Attorney 1192131, Amwest Surety Insurance Company, surety).

River Wilderness II-B

1. Agreement with River Wilderness of Bradenton, Inc., warranting required improvements, \$56,057.23.
2. Defect Security: \$56,057.23 (Surety Bond 79-0120-12124-91-5, United States Fidelity and Guaranty Company, surety).

River Club North, Phase II

1. Agreement with Manatee Joint Venture guaranteeing completion of required improvements, \$14,520.00.
2. Performance Bond: \$14,520.00 (Letter of Credit 401012, Barnett Bank of Tampa).
3. Agreement with Manatee Joint Venture guaranteeing completion of required improvements, \$29,040.00.
4. Performance Bond: \$29,040.00 (Letter of Credit 400987, Barnett Bank of Tampa).
5. Agreement with Manatee Joint Venture warranting required improvements, \$76,230.37.
6. Defect Security: \$76,230.37 (Letter of Credit 400982, Barnett Bank of Tampa).

River Club North, Phase III (Lots 86-112)

1. Agreement with Manatee Joint Venture guaranteeing completion of required improvements, \$10,824.00.
2. Performance Bond: \$10,824.00 (Letter of Credit 400985, Barnett Bank of Tampa).
3. Agreement with Manatee Joint Venture warranting required improvements, \$29,793.29.
4. Defect Security: \$29,793.29 (Letter of Credit 401232, Barnett Bank of Tampa).

River Club North, Phases IV & V (Lots 113-147)

1. Agreement with Manatee Joint Venture guaranteeing completion of required improvements, \$28,556.00.
2. Performance Bond: \$28,556.00 (Letter of Credit A-1166, Barnett Bank, Bradenton).
3. Agreement with Manatee Joint Venture warranting required improvements, \$60,107.33.
4. Defect Security: \$60,107.33 (Letter of Credit 040-LC-401750, Barnett Bank of Tampa).

RESCIND REFUND

Dorothy Jehle - Ambulance Overpayment (appr 4/12/94) \$ 167.11

BILLS FOR PAYMENT

Zoller Najjar & Shroyer - Coquina Beach Facilities
Improvements/Site Plan Survey (Inv 31903) 2,190.00

Briley Wild & Assoc - 42-Inch Water Transmission Main,
SR 64-SR 70 (Inv 40595) 6,731.13

Shirley Land Development - Rye Road/Waterline Road Paving
(Req 5/Inv 10423) 201,263.20

Manson Roofing - Public Hlth Unit/Roof Replacement (Req 2) 22,994.64

Coastal Planning & Engineering - Beach Renourishment Proj,
Post-Construction Services (Inv 2409) 53,201.88

Black & Veatch - Annual Engineering Report, FY92-93
(Inv 023852010176988) 205.17

Jerry Zoller - Detention Facility, Cooler/Freezer (Inv 559) 1,482.50

Glace & Radcliffe - Wauchula Road Bridge (Inv 13687) 9,220.00

REFUNDS

Rick L. Dring - Renovation Permit/Overcharge 449.00

WARRANT LIST

Approve: April 12, 1994, through April 18, 1994

Authorize: April 19, 1994, through April 27, 1994

AUTHORIZE CHAIRMAN TO SIGN

Partial Release of Special Improvement Assessment Liens:

Projects 2502 (2); 5150; 301-5152; 410-8601

APPROVE, RATIFY & CONFIRM

Transit Advertising Renewal Application with Health & Rehabilitative Services (12 months - 3/94 through 2/95) RECORDS43-1546

ACCEPT

One-Cent Sales Tax - City of Palmetto Resolution 94-07 encouraging voters to approve the increase in sales tax at a referendum, 4/26/94.

Courthouse Snack Bar - Petition requesting the Board award the contract to a food service vendor.

Farmer's Home Administration Housing Preservation Grant - Related documents (approved 3/29/94; executed 4/15/94) as follows:

1. Request for Environmental Information
2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions
3. Certification Regarding Drug-Free Workplace Requirements
4. Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

75TH STREET WEST - ROAD IMPROVEMENT PROJECT

Change Order 2 to Work Assignment 2 with Lombardo & Skipper, Inc., for utility relocation and waterline design/construction services, \$113,172.84; Work Assignment 2 not to exceed \$878,172.59.

RECORDS43-1547

SHERIFF'S OFFICE - PROPERTY LEASE

Lease agreement with the Sheriff of Manatee County and another party (Memorandum from the County Attorney states this lease is exempt from disclosure, Chapter 119, until further research).

RECORDS43-1548

MATERIALS & SERVICES

1. **Mechanical Cooling Equipment (Courthouse)/Repair and Corrective Maintenance** - Issue Change Order 1 to Purchase Order 99756 to Southeastern Chiller Services, Inc., for an increase of \$1,081.66; total not to exceed \$47,176.66.
2. **Trucks** - Purchase from Gator Ford Truck Sales, Inc.:
 - a. One heavy duty truck with 14-foot flatbed, not to exceed \$35,412 (replacement for Asset 13256 for Public Works/Highway Maintenance Division); and
 - b. Four 12/14 yard dump trucks, \$52,157 each, not to exceed amount of \$208,628 (replacements for Public Work's - Assets 16441, 17310-Highway Maintenance Division; 22636-Stormwater Drainage; and 16440-Highway Rehabilitation).
3. **One-ton 4x4 Trucks (2)** - Purchase, via State Contract 070-001-94-1, from Don Reid Ford, \$21,307 each for a total not to exceed \$42,614 (replacements for Assets 22296 and 22131 for Public Works/Stormwater Drainage Division).

71ST STREET WEST/VILLAGE GREEN - RECLAIMED WATER MAIN

Execution of Change Orders 1 and 2 to contract (Bid 310734DC) with Woodruff & Sons, Inc., for a net increase of \$63,380.10 and 30 additional days to contract completion and a net decrease of \$143.34, respectively; adjusted contract amount of \$1,373,261.41 and a revised completion date of April 9, 1994.

RECORD S43-1549

S43-1550

RYE AND WATERLINE ROADS - ROAD IMPROVEMENT

Execution of Change Order 1 to contract (Bid 311244DC) with Shirley Land Development, Inc., for a net decrease of \$55,446.10 and an adjusted contract amount of \$1,121,877.90.

RECORD S43-1551

SAMOSET MULTI-PURPOSE CENTER

Execution of Addendum I (2) to Lease Agreements with Manatee County Rural Health Services, Inc., and Manatee County Council on Aging, Inc., providing for a method of payment of utilities.

RECORD S43-1552

S43-1553

SUNNY SHORES - CANAL DREDGING

Change Order 1 to contract with Kurtz Marine and Equipment, Inc., for an extension of 11 days for a revised completion date of March 25, 1994.

RECORD S43-1554

TAYLOR ROAD BRIDGE - REPLACEMENT

Change Order 2/Final to contact with Mayo Contracting, Inc., for an extension of 90 calendar days for a revised completion date of February 17, 1994.

RECORD S43-1555

STEVENS' SUBDIVISION - FINAL PLAT

Approve, execute, accept, and/or record the Final Plat for Steven's Subdivision with the following documents:

1. Final Plat.
2. Mortgagee's Joinder In and Ratification of a Subdivision Plat and all Dedications and Reservations Thereon from Barnett Bank of Manatee County, NA.
3. Mortgagee's Joinder In and Ratification of a Subdivision Plat and all Dedications and Reservations Thereon from BancFlorida, F.S.B.
4. Right-of-Way Easement from John H. and Leigh P. Stevens.
5. Affidavit of Ownership and Encumbrances with John H. and Leigh P. Stevens.
6. Joinder from Barnett Bank of Manatee County, NA.
7. Joinder from BancFlorida, F.S.B.
8. Agreement to Defer Completion of Required Sidewalks (For Minor Subdivision) with John H. and Leigh P. Stevens.

RECORD S43-1556

44TH AVENUE EAST - ROAD IMPROVEMENT

Contract for Sale and Purchase for a Warranty Deed from Christopher J. Meissner for right-of-way required in the road widening from U.S. 41 to 15th Street East, \$52,800.

RECORD S43-1557

CANAL ROAD - ROAD IMPROVEMENT

Contract for Sale and Purchase for a Warranty Deed from Grimes Groves, Inc., for right-of-way required for road widening from Memphis Road to 33rd Street East, \$17,813. RECORD S43-1558

HAZARD MITIGATION GRANT - FY 1994 APPLICATION

Adoption of

R-94-120 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF HAZARD MITIGATION GRANT APPLICATIONS TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA), DIVISION OF PUBLIC ASSISTANCE, FOR FUNDING PROJECTS THAT REDUCE VULNERABILITY AND EXPOSURE OF THE PUBLIC BY PROTECTING LIVES AND PROPERTY FROM LOSSES BY NATURAL DISASTERS

(for various projects in the amount of \$7.7 million: DCA - \$2.2 million; Manatee County - \$5.5 million);

and Chairman to sign a letter transmitting the application. RECORD S43-1559

LITTER AND MARINE DEBRIS PREVENTION GRANT

Adoption of

R-94-94 A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO ACCEPT AND ENTER INTO A GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A LITTER AND MARINE DEBRIS PREVENTION GRANT (Funds available through September 30, 1994, in an amount not to exceed \$9,582.00); RECORD S43-1560

and the Chairman to execute all grant documents (Litter and Marine Debris Prevention Grant Agreement with the Florida Department of Environmental Protection, \$9,582). RECORD S43-1561

DEEDS & EASEMENTS

1. **Long Lot Canal** - Drainage Easement from Estate of Edythe Mae Garten, c/o Clyde Wilson, attorney, as heir and representative for the Garten Estate to allow access to clean and dredge south of 9th Avenue NW; Temporary Construction Easement and Affidavit of Ownership and Encumbrances.
2. **Marlita Subdivision** - Quit Claim Deed to Linda L. Westfall to terminate easements at 40th Avenue and 76th Street West.
3. **Memphis Road Realignment** - Warranty Deed from William A. and Rose Catherine Vickers for the realignment at 28th Avenue East, Palmetto; Temporary Construction Easement and Affidavit of Ownership and Encumbrances.
4. **43rd Street West/Sidewalk** - Temporary Construction Easement from Westlake, Inc., for the construction of a sidewalk.
5. **S.R. 62** - Perpetual Right-Of-Way Easement for Aboveground Electric Transmission and/or Electric Distribution Lines to Seminole Electric Cooperative, Inc., to cover an existing powerline on county property along S.R. 62, west of Carlton Road.
6. **S.R. 70/Road Improvement** - Warranty Deed from Lark Investment, N.V., for additional right-of-way, east of 45th Street East; and Affidavit of Ownership and Encumbrances.
7. **U.S. 301 Boulevard/Road Improvement** - Special Warranty Deed from State Farm Mutual Automobile Insurance Company for right-of-way required from 1st Street West to 30th Avenue West; Temporary Construction Easement and Affidavit of Ownership and Encumbrances.

UTILITIES - PAYMENT AGREEMENTS

Payment Agreements in lieu of litigation with Louis F. Eurice, \$1,423.85; and L & L Investment Properties, Inc., and Louis F. Eurice, \$5,236.03 (for delinquent utilities accounts). RECORD S43-1562
S43-1563

S.R. 64 - UTILITY RELOCATION

Adoption of

R-94-117 A RESOLUTION AUTHORIZING EXECUTION OF A UTILITIES AGREEMENT FOR THE ADJUSTMENT, CHANGE, OR RELOCATION OF CERTAIN UTILITIES WITHIN THE RIGHT-OF-WAY LIMITS HEREAFTER DESCRIBED, AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT

(authorizing and directing the performance of the required utility work on Manatee Avenue/S.R. 64 from 9th Street West to 9th Street East, \$75,000). RECORD S43-1564
S43-1565

TIME PAYMENT AGREEMENTS

Time Payment Agreements for water/sewer facility investment fees, connection fees, and line extension charges with Kenneth and Renee McBride; Shirley A. Cain; Elizabeth A. Farah; Jeanette H. Mosher; Ned R. and Jeanne M. Lindsey; Gabrielle Paula Stevens; James and Rowena Triana; and Raymond Lepriol, Jr. RECORD S43-1566
S43-1573

STREET VACATIONS

1. Norton's Subdivision - Adoption of
R-94-118-V RESOLUTION DECLARING A PUBLIC HEARING ON MAY 17, 1994, 2:00 P.M., ON APPLICATION BY SCHOOL BOARD OF MANATEE COUNTY TO VACATE A NON-CONSTRUCTED RIGHT-OF-WAY IN C.B. NORTON'S SUBDIVISION (PLAT BOOK 2, PAGE 9). RECORDS43-1574
2. Waterbury Grapefruit/Armitage Tracts - Adoption of
R-94-05-V RESOLUTION DECLARING A PUBLIC HEARING ON MAY 17, 1994, 2:00 P.M., ON APPLICATION BY HERBERT RUTLAND, JR., BETTY RUTLAND BUSSEY, AND BARNETT BANK OF TAMPA, REPRESENTATIVES OF THE ESTATE OF HERBERT RUTLAND, SR., DECEASED, AND ROBERT AND BONNIE MAYNARD AND TAYLOR & FULTON, INC., TO VACATE A PORTION OF THE PLATS OF WATERBURY GRAPEFRUIT TRACTS AND THE ARMITAGE TRACT (PLAT BOOK 1, PAGE 316; PLAT BOOK 2, PAGE 37).
RECORDS43-1575

BUDGET AMENDMENTS

Adoption of Budget Amendment Resolutions:

- PUBLIC WORKS/CAPITAL PROJECTS (B-94-117/1&2)
 Item Transfers: Reappropriates monies to close completed Public Works capital projects. \$30,122
Increase Revenue/Expenditure: \$782
RECORDS43-1576
 (B-94-118) S43-1577
- Item Transfers: Reappropriates monies from closed Public Works capital projects to Reserve for Capital Projects. \$142,589
RECORDS43-1578
- COMMUNITY SERVICES/ELDERLY GRANTS (B-94-119/1,2&3)
Decrease Revenue/Expenditure: Closes various elderly grants programs and transfers balances of local matching funds to Reserve for Grant Match. \$39,913 S43-1579
 Item Transfers: \$1,551 S43-1580
Increase Revenue/Expenditure: \$1,551 S43-1581
RECORD
- CLERK OF CIRCUIT COURT (B-94-120)
 Item Transfers: Reappropriates monies for items funded and/or encumbered in the FY 1993 budget of the Clerk of the Circuit Court for items which will not be purchased or delivered until FY 1994. \$235,850
RECORDS43-1582

(End Consent)

Recess/Reconvene. All members present.

CARLTON ROAD - RELOCATION

Harry Mendenhall, Public Works, relayed a request from Ira Carlton to relocate approximately one-half mile of Carlton Road. This portion of the roadway is approximately one mile north of the portion of Carlton Road which was relocated in association with the IMC Fertilizer mine (Four Corners mine).

The estimated cost to relocate the roadway is \$65,000, excluding right-of-way. Mr. Carlton has indicated that all right-of-way could be dedicated. However, there are other property owners that would also be required to dedicate right-of-way.

Mr. Mendenhall referred to a map identifying the existing roadway and the proposed relocation site, a distance of 50 to 60 feet.

The roadway was constructed by Manatee County prior to 1940 and has been maintained by the County since that time.

Discussion: Expense of relocation and right-of-way should be absorbed by property owners; maintenance expenses would be same; the distance between existing roadway and proposed relocation site; Carlton family has been paying property taxes on roadway for 60 years; Mr. Carlton does not want to spend \$65,000 (for the relocation); Mr. Carlton has lost the use of the land between roadway and his property line; County claimed the roadway and right-of-way by right of maintenance in 1979; etc.

Mr. McClash moved to deny the request to relocate a portion of Carlton Road. Motion was seconded by Mr. Chetlain. Voting "Aye" were Mr. Chetlain, Mr. Stephens, Mrs. Harris, Mrs. Glass, and Mr. McClash. Voting "Nay" were Mr. Gause and Mrs. Hooper. Motion carried.

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(Cont'd)

FILL MATERIAL - DISPOSAL

Mr. Mendenhall recommended adoption of

R-94-131 A RESOLUTION OF MANATEE COUNTY, FLORIDA, RESCINDING RESOLUTION R-90-120 AND ESTABLISHING REVISED PROCEDURES FOR THE DISPOSAL OF EXCESS FILL MATERIAL HAVING NO COMMERCIAL VALUE.

He advised that this would allow for the storage of fill material at a storage yard. As the material accumulates it would be transported to the landfill for cover material. It is agreed that in exchange for the material, there will be no tipping fees.

Mr. McClash moved to adopt R-94-131, rescinding R-90-120. Motion was seconded by Mr. Chetlain. Voting "Aye" were Mr. Chetlain, Mr. Stephens, Mrs. Harris, Mrs. Hooper, Mrs. Glass, and Mr. McClash. Voting "Nay" was Mr. Gause. Motion carried. RECORD S43-1583

(Depart Mr. Chetlain)

LEGISLATION - TELEPHONE COMPANIES/LOCAL CABLE MARKETS

Bob Schoenleber, Community Affairs and Intergovernmental Relations, stated that bills are currently in Congress which would allow telephone companies to enter into the local cable television business and compete with local cable operators. The House bill would allow telephone companies into the local cable business without a local franchise agreement. The Senate bill has room to require a franchise agreement.

(Enter Mr. Chetlain)

Discussion: Could an ordinance be created to allow the County to charge telephone companies for cable services; oppose House bill as currently written; the bill should require local franchise agreements if telephone companies are allowed into local cable markets; benefits of local cable franchise agreements; possibility of charging telephone companies for use of the rights-of-way for overall services; etc.

Mr. McClash moved to allow the Chairman to send a letter opposing the House bill as presently drafted. Motion was seconded by Mr. Chetlain.

It was suggested that the letter contain suggested language to be included in the bill, as discussed.

Motion carried unanimously.

1994 VALUE ADJUSTMENT BOARD - APPOINTMENTS

Motion was made by Mr. McClash, seconded by Mr. Gause and carried unanimously, to appoint Mrs. Harris, Mrs. Hooper, and Mr. Chetlain to the 1994 Value Adjustment Board, with Mr. Chetlain serving as Chairman; and to appoint Mrs. Glass, Mr. Gause, and Mr. Stephens as alternates.

VOTER PRECINCTS - CORRECTION

Bob Sweat, Supervisor of Elections, recommended adoption of

R-94-134 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CORRECTING TWO VOTER PRECINCTS.

Motion was made by Mr. Chetlain, seconded by Mrs. Glass and carried unanimously, to adopt Resolution R-94-134. RECORD S43-1584

PRE-HOSPITAL EMERGENCY MEDICAL SERVICES - FIRE DEPARTMENT AGREEMENTS

Following questions/comments regarding the 1993-94 Pre-hospital Emergency Medical Services (EMS) agreements to reimburse proportionate shares of the County EMS Fund Grant Program to the 12 local area fire departments, Mr. Chetlain moved to approve Resolution R-93-252. Motion was seconded by Mrs. Harris and carried unanimously.

(NOTE: No Resolution; see further action later in the meeting.)

COMMISSIONERS' COMMENTSBayshore Gardens Parkway - Landscaping

Brief discussion was held with regard to landscaping in the medians of Bayshore Gardens Parkway between U.S. 41 and Dartmouth, and between Dartmouth and 26th Street West; removal of undesirable vegetation (U.S. 41 to Dartmouth); no existing landscaping between Dartmouth and U.S. 41/14th Street West.

Reasoner Property - Land Acquisition

Mr. Chetlain advised that he was contacted by Rae Reasoner with regard to the County purchasing property that she and her husband, Bud Reasoner, are putting up for auction. The property is a 26-acre, two-part tract located at Sullivan's Bridge, where S.R. 64 and S.R. 675 merge, and is on both sides of the County's reservoir.

Disposition: Referred to the County Administrator.

Manatee Avenue West/Downtown - Resurfacing

Mr. Chetlain advised that the Florida Department of Transportation (FDOT) will begin resurfacing Manatee Avenue West in downtown Bradenton the evening of April 19, 1994.

Northgate Mall/Gulf Coast Factory Outlet Mall

Mrs. Glass relayed concerns regarding access to and from Northgate Mall and the Gulf Coast Factory Outlet Mall in Ellenton. She suggested the Planning Department review the long-range plan for the area and the traffic movement in the area. She requested a meeting be authorized with FDOT, the State Representative, the owner of the shopping center, and representatives of Publix and Barnett Bank, to remedy the concerns.

Discussion: State is planning to four-lane U.S. 301 from the I-75 to Moccasin Wallow Road; planned for 1997; need for immediate relief.

Disposition: The Chairman requested Mr. McClash reconfirm, through the Metropolitan Planning Organization, the timing for the four laning.

Ridgewood Mobile Home Park - Sidewalk

Mr. Chetlain relayed a request from a resident of Ridgewood Mobile Home Park that a sidewalk be constructed from the park to the back of the shopping center (Northgate, at U.S. 301/60th Avenue, Ellenton).

S.R. 70 - Right-of-Way Acquisition/Construction

Mr. McClash advised that he has been working with FDOT to attempt to recover money for right-of-way acquisition for S.R. 70. He referred to a letter of April 18, 1994, from David May, FDOT, regarding a joint agreement to allow the County to be refunded the \$8-10 million. He stated he would pursue the matter and report back to the Board.

Animal Control - Audit

Following question from Mrs. Harris with regard to whether the Board can expect a report on the follow up audit of Animal Control regarding vaccinations/registration, Mr. Estabrook advised it is scheduled.

AIDS Presentation

Mr. McClash recommended Mr. Estabrook work with Dr. Bach to make available to the Government Access Channel a recent slide presentation regarding AIDS.

Personnel - John Zimmerman

Mrs. Hooper commended John Zimmerman, Public Works, for the presentation he made (4/18/94) to the Manatee County Farm Bureau Board.

Legislative Delegation

Mr. Stephens reported on a presentation (4/19/94) by the legislative delegation, which advised of impacts on Manatee County. Issues discussed: taxes were not raised; mandates to the County. He requested the County track those mandates and that a message be sent to the delegation that there be no mandates without funding.

Recycling

Mrs. Glass commented on the need for an explanation of the difference between separation of recycling materials and recycling, and what happens to recycling materials once they are disposed of.

Following discussion with regard to materials hauled from the landfill, the Chairman requested a report be provided at a future meeting.

TRAVEL

Upon motion by Mr. McClash and second by Mrs. Glass, authority to travel was unanimously approved for Mr. Stephens to attend a MacDill Reuse Task Force meeting, May 24-26, 1994, (travel to Peterson Air Force Base, Colorado and Nellis Air Force Base, Nevada).

APRIL 19, 1994

(Cont'd)

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

PRE-HOSPITAL EMERGENCY MEDICAL SERVICES - FIRE DEPARTMENT AGREEMENTS (Cont'd)

The County Administrator advised that Resolution R-93-252 was previously adopted (9/23/93) and the correct motion with regard to the Pre-hospital EMS/Fire Department agreements should have been to authorize the Chairman to execute the agreements.

Motion was made by Mr. Chetlain, seconded by Mrs. Harris and carried 5 to 0, to authorize the Chairman to execute the 1993-94 Pre-hospital Emergency Medical Services Grant Agreements to reimburse proportionate shares of the County EMS Fund Grant Program to the 12 local area fire departments, as follows:

| | |
|--------------------------------------|--|
| <u>Anna Maria Fire Department</u> | <u>North River Fire Department</u> |
| <u>Braden River Fire Department</u> | <u>Parrish Fire Department</u> |
| <u>Bradenton Fire Department</u> | <u>Southern Manatee Fire-Rescue District</u> |
| <u>Cedar Hammock Fire Department</u> | <u>Trailer Estates Fire Department</u> |
| <u>Longboat Key Fire Department</u> | <u>Westside Fire Department</u> |
| <u>Myakka City Fire Department</u> | <u>Whitfield Fire Department</u> |

RECORDS S43-1585-
S43-1596

51ST AVENUE EAST - SEWER ASSESSMENT PROJECT

Public hearing (Notice in The Bradenton Herald 3/16/94) was held to consider

51st Avenue East - Sanitary Sewer Assessment Project

From the existing manhole, west approximately 300 feet.

And

R-94-95 RESOLUTION APPROVING SPECIAL SANITARY SEWER ASSESSMENT PROJECT NO. TBA, 51ST AVENUE EAST

(and agreement with the Property Appraiser and Tax Collector to implement the levy and collection of the assessments).

Janet McAfee, Public Works, explained the purpose of this public hearing and the basis on which the Board may approve this project.

She advised that this project was requested in December 1993. Staff held a meeting with the residents in February 1994, and many of the residents were no longer interested. Inasmuch as three owners (5 ERUs) were interested in the project, this project will serve those parcels.
(Enter Mrs. Hooper)

Discussion: Project costs are estimated at this time; residents pay \$2,000 per ERU; the piping will be sized to allow continuation should there be future interest; etc.

(Enter Mrs. Glass during discussion)

Mr. McClash moved to adopt R-94-95 approving construction of a special sanitary sewer assessment project on 51st Avenue East. Motion was seconded by Mr. Chetlain and carried unanimously. RECORD S43-1597
S43-1598

60TH AVENUE WEST - SEWER ASSESSMENT PROJECT

Public hearing (Notice in The Bradenton Herald 4/1/94) was held to consider

60th Avenue West - Sanitary Sewer Assessment Project

From 12th Street West, west approximately 500 feet to U.S. 41.

And

R-94-116 RESOLUTION APPROVING SPECIAL SANITARY SEWER ASSESSMENT PROJECT NO. TBA, 60TH AVENUE WEST

(and agreement with the Property Appraiser and Tax Collector to implement the levy and collection of the assessments).

Ms. McAfee reviewed the purpose of this public hearing and the basis by which this project may be approved.

She advised that this project came forward previously (3/29/94) in the form of a change order with Woodruff & Sons, Inc., as a sewer line extension. The residents requested the project come through as an assessment rather than a sewer line extension. She requested that if this project is approved, the change order also be approved.

Anthony Lee, representing Duane and Margaret Lee, stated they are currently connected to sewer; however, their property is included in this project.

Ms. McAfee recommended Mr. Lee's property be excluded from this project if the property is connected to sewer.

The public hearing was continued until later in the meeting.

STREET VACATION - FOGARTY'S SUBDIVISION

Public hearing (Notice in The Bradenton Herald 3/16/94) was held to consider

R-94-23-V RESOLUTION ON APPLICATION BY HELEN M. NIESIOBEDZKI TO VACATE A PORTION OF THE PLAT OF B. FOGARTY'S SUBDIVISION (3RD AVENUE WEST) (PLAT BOOK 1, PAGE 75).

Jim Staples, Land Acquisition, reviewed the request.

Mr. Chetlain moved to adopt R-94-23-V. Motion was seconded by Mrs. Glass and carried unanimously. RECORD S43-1599

Recess/Reconvene. All members present.

60TH AVENUE WEST - SEWER ASSESSMENT PROJECT (Cont'd)

Ms. McAfee advised that staff was unable to completely verify the status of Mr. Lee's account on the utilities system. She recommended the public hearing be continued to May 17, 1994.

Mrs. Glass moved to continue the matter to May 17, 1994, at 9:00 a.m. or as soon thereafter as same may be heard. Motion was seconded by Mrs. Harris and carried unanimously.

OFFICE SPACE - COURTHOUSE ANNEX

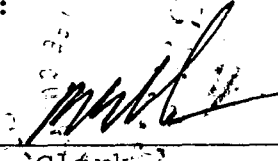
Following comments with regard to concerns over the time frame for the Courthouse annex project and whether to proceed with a RFP or consider design build, etc., the County Administrator advised that staff is working on the project and recommendations will be brought to the Board.

MEETING ADJOURNED


There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman 5/17/94

Adj: 2:35p.m.
/dev