

OCTOBER 18, 1994

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, October 18, 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, entered during meeting
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 William Kemp, Westminster Presbyterian Church.

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

PROCLAMATION

Upon motion by Mrs. Hooper and second by Mrs. Harris, a Proclamation designating October 24, 1994, as "United Nations Day" in Manatee County, was adopted 6 to 0. RECORD S44-411

(Enter Mrs. Glass)

AFLAC AND COLONIAL LIFE AND ACCIDENT INSURANCE - PAYROLL DEDUCTIONS

Joyce B. Case, AFLAC agent, addressed concerns of county employees who were informed that the cancer policy payroll deduction program was discontinued. She submitted a petition requesting reinstatement of AFLAC and Colonial Life Insurance automatic payroll deductions.

Disposition: Referred to William Estabrook, County Administrator.

AGENDA DELETIONS

Mr. Estabrook noted that the item for Environmental Action Commission building improvements will be deferred to a later date.

CONSENT AGENDA

Upon motion by Mrs. Glass and second by Mrs. Harris, the Consent Agenda for October 18, 1994, was unanimously approved, with the deletion of 1) negotiations with Fawley Bryant Architects, Inc., related to office space needs/renovation of Courthouse Annex and the First Union Bank Building; and 2) award bid to Stately Contractors Inc., relating to Parrish Water Main Extensions (separate actions). Items APPROVED:

CLERK'S CONSENT CALENDAR

BONDS

Release:

Gulf Coast Factory Shops/PDMU-90-01

1. Agreement with Gulf Coast Factory Shops Limited Partnership, warranting required improvements (\$31,605.58).
2. Defect Security: \$31,605.58 (Certified Check 120, Gulf Coast Factory Shops Ltd. Partnership, drawn on Maryland National Bank).

BILLS FOR PAYMENT

Woodruff & Sons - Bayshore Gdns Pkwy Improvmnts, Req 4	\$214,320.30
Woodruff & Sons - Memphis Rd/17 St E Improvmnts, Req 2	74,976.00
Worth Contracting - Civic Center Eaves Painting, Final	44,400.00
T. W. Althof Co. - Housing Rehab Prgm (Caler/Final)	6,518.75
Richard W. Bass Assoc - SR 70 Widening Proj Appraisal Svs	5,000.00
Centerline Group, Inc - SR 70 Widening Proj Appraisal Svs	18,300.00
Sewell, Valentich, et al - SR 70 Widening Proj Appraisal Svs	1,500.00
Sky Construction Properties - Terra Ceia Wtr Main Imprvmnts	236,860.16

REFUNDS

Neal Communities - Impact Fee Overpayment	482.18
Paul Wilkinson - Administrative Permit Overpayment	1,032.00

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(Cont'd)

WARRANT LIST

Approve: October 11, 1994 through October 17, 1994

Authorize: October 18, 1994 through October 26, 1994

MINUTES FOR APPROVAL

August 25, 1994 - Regular

AUTHORIZE CHAIRMAN TO SIGN

Satisfaction of Judgment - R. G. (juvenile), Case 94-1164J (\$50)

APPROVE, RATIFY & CONFIRMP & R Special Interest Classes Instructor's Agreements

Connie S. Hughes - Miscellaneous Music, Art and Craft Programs

RECORD S44-412ACCEPTManatee County Mosquito Control - Resolution setting meetings for
FY 1994-1995.West Side Fire Control District - General Operating Budget and schedule
of meetings for FY 1995COUNTY ADMINISTRATORCABLE FRANCHISE AGREEMENTSAcceptance of bond rider from U. S. Cable and authorization for
Chairman to sign bond rider; decreasing bond amount to \$5,000 and
amending Obligee and Principal.ANNA MARIA ISLAND DUNE RESTORATION PROJECTExecution of the application for the Florida Department of
Environmental Protection (DEP) Coastal Construction Control Line
Permit and the Information Form to Assess and Reduce Impacts to
Marine Turtles, for the Anna Maria Island dune restoration project,
estimated project amount, \$441,000 (\$330,830 - State; \$110,170 -
Local Match).RECORD S44-413PUBLIC DEFENDER LEASEExecution of Addendum V of the Lease Agreement with First Union
National Bank of Florida, for a one-year extension (to 11/30/95),
for the Public Defender in the amount of \$223,182.RECORD S44-414LIFT STATION REFURBISHMENTAward IFB 428214DC for the rehabilitation of three lift stations
(19D, 14A, and 21A) to the lowest responsive, responsible bidder,
Keith Kerr Construction, Inc., \$53,850.LAW ENFORCEMENT SERVICE AGREEMENT - ANNA MARIAExecution of the annual agreement among Manatee County, the
Sheriff's Office, and the City of Anna Maria providing for law
enforcement services to Anna Maria, \$299,999.RECORD S44-415BUDGET AMENDMENTS

Adoption of Budget Amendment Resolution

SHERIFF

(B-94-291)

Item Transfers: Transfers monies out of general fund reserves into
the Sheriff's budget to cover increased nonemployee insurance
expenditures. Monies are available in Reserves out of the \$200,000
set aside for anticipated higher insurance premiums. \$40,000RECORD S44-416CYPRESS BANKS - PUBLIC SAFETY IMPACT FEE AGREEMENTApproval of, and execution of Cypress Banks (SMR-1 Development
Corporation) Public Safety Pro Rata Share Impact Fee Agreement for
Emergency Medical Services, \$28,362; and Police Protection,
\$28,789.RECORD S44-417FINAL PLATSFlowing WellApproval/acceptance/execution of final subdivision plat and
associated documents:

1. Final Plat
2. Mortgagee's Joinder in Declaration only from First Federal of
Florida.
3. Mortgagee's Joinder in Declaration only from Arthur W.
Moreman.
4. Agreement with Christine L. Moreman to Defer Completion of
Required Sidewalks. RECORD S44-418
5. Conservation Easement from Christine L. Moreman.

Glenn Lakes, Phase 1-A

Approval/acceptance/execution of final subdivision plat and associated documents for Glenn Lakes:

1. Final Plat
2. Agreement with Centex Real Estate Corporation, Guaranteeing Completion of Required Improvements, \$1,288,124.50.
3. Performance Bond: \$1,288,124.50 (Letter of Credit 00336427), First National Bank of Chicago.
4. Agreement with Centex Real Estate Corporation, Required Sidewalk and Bikeway, \$30,342.
5. Performance Bond: \$30,342. (Letter of Credit 00336428), First National Bank of Chicago.
6. Grant of Off-Site Easements from Robert Berne; The Gustave M. Berne Foundation, Inc.; Robert W. Newman, Tr.; Richard J. Shea, Tr.; William Henry Newman Irrevocable Trust; Norman Rosenthal, Tr.; and Janice N. Rosenthal, Tr.; Elizabeth Rosenthal Munch Irrevocable Trust; Martha Rosenthal Irrevocable Trust.
7. Declaration of Covenants, Restrictions and Easements for Glenn Lakes.

MEDICAL DIRECTOR'S LICENSE

Pay Drug Enforcement Administration License Renewal, \$210 for Manatee County EMS Medical Director, David C. Nonell.

TIME PAYMENT AGREEMENTS

Execution and authorization to record Time Payment Agreements for FIF's Connection and Line Extension Charges with Richard G. and Maggielena Butterfield; Larry E. and Denise A. Rowe; R. E. and Kathy Hammons; and William O. Phillips and Sally McAllister (fka Sally Phillips).

RECORD S44-419-

MANATEE RIVER STREAM GAGING - UNITED STATES GEOLOGICAL SURVEY

S44-422

Execution of Joint Funding Agreement with the United States Geological Survey (USGS) for 1995 Water Resources Investigations, \$16,600 (County \$8,640; USGS \$8,020); for a river gaging station on the Manatee River near the Myakka head.

RECORD S44-423

DEEDS AND EASEMENTS

1. **59 Street West** - Temporary Construction Easement from Bruce V. Simes and Judy Simes to move a water meter and repair a leak.
2. **33rd Street East/Gator Stamping FSP** - Warranty Deed from Thirty-Third Street Development of Manatee County Corporation, for right-of-way required by the Final Site Plan; Affidavit of Ownership and Encumbrances; and Partial Release from American Bank of Bradenton.
3. **Manatee VOA Living Center FSP** - Utility Easements (2) from Manatee VOA Living Center as a requirement of the final site plan, located on 63rd Avenue West, east of U.S. 41; Affidavit of Ownership and Encumbrances; and Joinder from the U.S. Department of Housing and Urban Development.
4. **Oneco Park Subdivision** - Drainage and Utility Easement from Dan S. Blalock, Trustee, for ingress, egress, construction and maintenance of surface and/or underground drainage along with the underground and overhead utilities in Oneco Park Subdivision, west of new 301 Boulevard; and Affidavit of Ownership and Encumbrances.
5. **Plaza South FSP** - Pedestrian Sidewalk Easement and Utility Easement from Kancov Investment Limited Partnership as required by the Final Site Plan of Plaza South located on U.S. 41, north of 53rd Avenue West; and Affidavit of Ownership and Encumbrances.
6. **River Point of Manatee Subdivision** - Drainage and Utility Easement from Centex Real Estate Corporation for maintenance of a drainage pipe or ditch and maintenance and operation of public utility facilities required by the Final Site Plan for the development of River Point of Manatee Subdivision located on 43rd Street Boulevard Northeast; and Affidavit of Ownership and Encumbrances.

LINCOLN TERRACE - LAND EXCHANGE

Adoption of

R-94-234 A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO ENTER INTO AN EXCHANGE OF REAL PROPERTY WITH WILLIAM M. ARMSTEAD, JR., AND BESSIE M. ARMSTEAD FOR RELOCATION OF AN EASEMENT INTEREST ON 15TH STREET EAST.

RECORD S44-424

(Authorizing execution of Deed for exchange of real property (Lincoln Terrace); acceptance of Right-of-Way Easement for relocation from William M. Armstead, Jr., and Bessie M. Armstead; and Affidavit of Ownership and Encumbrances).

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(Cont'd)

STREET VACATION: LONGBAY BOULEVARD

Adoption of

R-94-287-V A RESOLUTION DECLARING PUBLIC HEARING ON NOVEMBER 15, 1994, ON APPLICATION BY THE COUNTY OF MANATEE FOR THE VACATION OF A PORTION OF THE RIGHT-OF-WAY OF LONGBAY BOULEVARD. RECORD S44-425

TRANSPORTATION SERVICE AGREEMENT

Rescind September 27, 1994, action executing State of Florida, Department of Labor and Employment Security, Division of Vocational Rehabilitation Agreement; and authorize execution of agreement with State of Florida Department of Labor and Employment Security, Division of Vocational Rehabilitation for payment to County for Transportation Services, not to exceed \$79,700. RECORD S44-426

(End Consent Agenda) **This Agmt. includes the definition of Adult.*

Recess/Reconvene. All members present.

CROSLY ESTATE: CULTURAL FACILITIES GRANT

Karen Jackson-Sims, Community Affairs/Intergovernmental Relations Director, recommended execution of the grant funding agreement with the Florida Department of State, Division of Cultural Affairs, in the amount of \$216,840 for the Phase I Restoration of the Crosley Estate (Project name - Seagate: The Powell Crosley Mansion).

Discussion: Specific funds to enhance Crosley Estate would be available from the State and private sources; County would not be expending any additional tax dollars on the facility.

Ms. Sims submitted five options to consider for the property.

Discussion: Private, in-kind sources (road gang and private sector); roof repair; options three and four; etc.

Motion was made by Mrs. Harris, seconded by Mr. McClash and carried unanimously, to approve the recommendation. RECORD S44-427

OFFICE SPACE NEEDS - COURTHOUSE ANNEX AND FIRST UNION BANK BUILDING

Recommendation was made to enter into negotiations (RFP 429179RC) with Fawley Bryant Architects, Inc., to develop plans, specifications and construction drawings related to the renovation of the Manatee County Courthouse Annex and the First Union Bank Building.

Rob Cuthbert, Purchasing Director, advised that a Work Assignment would be issued, with the first assignment to be renovation of the Annex.

Motion was made by Mr. McClash, seconded by Mr. Gause and carried unanimously, to approve authorization to enter into negotiations with Fawley Bryant Architects, Inc., as recommended.

PARRISH WATER MAIN EXTENSIONS

Recommendation was made to award IFB 434094DC, Parrish Water Main Extensions, to the lowest responsive, responsible bidder, Stately Contractors Inc. for \$1,035,223.50; and subsequent execution of contract and simultaneously date performance/payment bond and acceptance of insurance certificate.

Janet McAfee, Public Services Department, explained the original estimate was approximately 1.3 million dollars.

Discussion: Utility funds for other projects; budget amount compared to the contract amount.

Motion was made my Mr. McClash, seconded by Mr. Gause and carried unanimously, to approve the recommendation.

ESCROW RESTRUCTURING MATTER

H. Hamilton Rice, County Attorney, requested approval that the Board waive any attorney/client privilege it may have with its bond counsel, Mudge, Rose, Guthrie, Alexander and Ferdon, in connection with the escrow restructuring transaction in December 1992 and March 1993, substituting securities in view of Manatee County's Escrow Account.

Motion was made by Mrs. Glass, seconded by Mrs. Harris and carried unanimously, to approve the request.

DEPARTMENT OF COMMUNITY AFFAIRS/MANATEE COUNTY FLOODPLAIN PROGRAM

Mr. Estabrook reported he received a letter from the State of Florida Department of Community Affairs (DCA) regarding Manatee County's floodplain management program. Based upon a Community Assistance Visit, DCA commended the County for the progress and commitment it has demonstrated to sound floodplain management since the last visit on September 1, 1988.

COMMISSIONER'S COMMENTS

Bayshore Gardens Parkway

Mrs. Harris relayed concerns of Bayshore Elementary School faculty and parents over traffic at the intersection of Bayshore Gardens Parkway and 26th Street West, as well as the westbound traffic on the Parkway due to construction, which poses a danger for children crossing the streets.

Direction was given to the County Administrator to instruct staff to post a flagman in order to provide safe passage during school hours.

Employee Pay Increases

Mrs. Harris addressed concern regarding employee pay increases, as depicted in a printout she received.

Disposition: Referred to Mr. Estabrook to bring back.

Sarasota Manatee Airport Authority Finances

Mrs. Harris addressed concern as to the Sarasota Manatee Airport Authority turning over its investments to the Sarasota County Clerk of Circuit Court. She questioned whether R. B. Shore, Manatee County Clerk of Circuit Court, had been approached to handle the investments. She questioned what the impact would be on Manatee County if the Airport went bankrupt.

Disposition: Referred to County Attorney to report back.

Solid Waste Rate Schedule Public Hearings

Mrs. Glass advised that she received complaints that the Solid Waste Rate Schedule public hearing was not advertised.

Discussion was held as to the time allowed for proper notice.

Palmetto Pointe - Low Income Housing

Mr. Gause relayed a complaint from Rita Drabrandt, Palmetto Pointe resident, stating she is concerned that low-income housing is being constructed on Palmetto Pointe. She is also concerned that her taxes are increasing and her property value is decreasing. Additionally, due to the construction taking place, a drainage ditch has been blocked.

Disposition: Referred to Mr. Estabrook to report back.

Bus Bench Advertising

Mr. Gause relayed a complaint from an individual about the County allowing private companies to place advertisements on Lions Club benches.

Disposition: Referred to Mr. Estabrook.

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

SOLID WASTE RATE SCHEDULES

Public hearing (Notice in The Bradenton Herald 10/4/94) was held to consider

R-94-284 A RESOLUTION OF MANATEE COUNTY, FLORIDA, ESTABLISHING NEW RATES, FEES AND CHARGES FOR MANDATORY SOLID WASTE COLLECTION AND DISPOSAL SERVICES BASED, IN PART, ON CHANGES IN THE CONSUMER PRICE INDEX; PROVIDING FOR ROLL-OFF BILLING; PROVIDING FOR THE HANDLING OF DELINQUENT ACCOUNTS; PROVIDING FOR SECURITY DEPOSITS AND SPECIAL CHARGES; ALLOWING FOR CHANGES IN SERVICE REQUESTS; PROVIDING FOR CHARGE ACCOUNTS; PROVIDING FOR MISCELLANEOUS RELATED MATTERS; RESCINDING ALL PRIOR SOLID WASTE RATE RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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Ms. McAfee stated the purpose of the public hearing was to consider amendments to the Solid Waste Rate Resolution. She reviewed the changes being considered and the proposed increased rates. Those changes are: 1) Consumer Price Index (CPI) adjustment for the fees paid to the haulers; 2) tipping fee increase; and 3) collection rate adjustment. (Enter Mr. Chetlain during presentation; Enter Mr. McClash)

Ms. McAfee referred to Exhibit 1, Solid Waste Disposal Rate Comparison, which included Charlotte, Collier, Highlands, Hillsborough and Pasco Counties. The information indicated a summary of the basic monthly charges, and basic residential collection services.

Ms. McAfee referred to Exhibit 2, the general service categories for Solid Waste Collection Service.

Discussion: Residential can services; additional bins; yard waste pickup; commercial bin; charging residents for a service they do not need; subcategories in a rate structure; service category focuses on the type of general solid waste collection services provided; requiring separate collection; separate line on the billing; separate trash and landscape pick-up service; City of Bradenton; providing separate yard waste collection.

Gerald Rogers, resident of Cambridge Village, addressed concern regarding the charges, and the residents taking garbage to a dumpster rather than having it picked up by the landscape contractor.

Harry Potter, representing Wildewood Springs Condominium Association, requested that the condominium be excluded from any new fees or requirements because the Association has a contract with Manatee County for bulk residential trash removal and a contract with a landscape maintenance contractor for tree removal.

Roy Raymer, Avista of Palm Aire Condominium Association, questioned additional costs, as did Philip Yelin, representing Wild Oak Bay Association. Mr. Yelin supported a three-bin recycling system.

Leila Zweibel, Vizcaya Condominium Association, questioned if their condominiums are considered a commercial or residential account.

Dan Smithwick, resident of Deer Run, addressed concerns relating to the costs for yard waste pickup.

Discussion: Maintain rates as is and allow one pickup for trash and one pickup for garbage; suggested increased hauling costs rather than decreasing to one pickup per week; categories; regular household trash versus yard wastes.

Dan Gray, Public Service, advised the best option is garbage collection twice a week and a yard waste collection one a week.

Discussion: Other options; mulching and composting; approve a rate ordinance with the CPI adjustment only.

Ms. McAfee summarized some of the concerns that were addressed, and suggested options. She recommended delaying the discussion and bringing this item back on October 27, 1994, in order to have November 1st as the implementation date.

Motion was made by Mrs. Glass and seconded by Mr. Chetlain, to continue this public hearing to Thursday, October 27, 1994, at 9:00 a.m., or as soon thereafter the same may be heard. Motion carried unanimously.

WASTEHAULERS FRANCHISE AGREEMENTS

The Wastehauler Franchise Agreements/Amendments with Cedar Hammock Refuse Disposal Corporation, dba Waste Management of Manatee County, and Industrial Waste Service, Inc., were continued to October 27, 1994.

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(Cont'd)

STREET VACATION: EL CONQUISTADOR PARKWAY

Public hearing (continued from 9/6/94) was held to consider

R-94-52-V A RESOLUTION ON APPLICATION BY MANATEE FRUIT COMPANY, A FLORIDA CORPORATION, ET AL, TO VACATE A PORTION OF THE RIGHT-OF-WAY OF EL CONQUISTADOR PARKWAY.

Jim Staples, Land Acquisition, stated that staff has recommended this public hearing be continued to a date uncertain so that the County Attorney may review the documents conveying the new right-of-way.

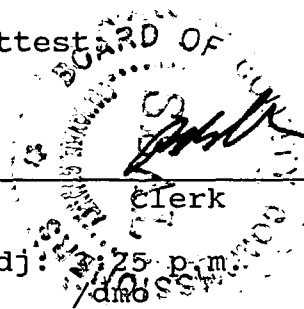
Motion was made by Mrs. Harris, to continue the public hearing on Resolution R-94-52V to a date uncertain and to be readvertised. Motion was seconded by Mrs. Hooper and carried unanimously.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest

APPROVED:



 Clerk

 Adj: 3:25 p.m.

 /dro



 Chairman 12-6-94