

JANUARY 9, 1996

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, January 9, 1996, at 9:01 a.m.

Present were Commissioners:

Stan Stephens, Chairman  
Patricia M. Glass, First Vice-Chairman  
Joe McClash, Second Vice-Chairman  
John Gause, Third Vice-Chairman  
Lari Ann Harris  
Maxine M. Hooper  
Gwendolyn Y. Brown

Also present were:

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

Invocation by Rev. Ted Francis, Emmanuel Baptist Church of Parrish.

The meeting was called to order by R. B. Shore, Clerk of Circuit Court.

All witnesses/staff giving testimony were duly sworn.

ELECTION OF OFFICERS

BOARD OF COUNTY COMMISSIONERS

R. B. Shore, Clerk of Circuit Court, opened the floor for nominations for Chairman of the Board of County Commissioners:

Chairman - Stan Stephens

Nominations: Stan Stephens by Mrs. Hooper

Motion was made by Mrs. Harris and seconded by Mr. McClash to close the nominations and cast a unanimous ballot for Mr. Stephens. Motion carried unanimously.

(Mr. Stephens presiding)

First Vice-Chairman - Patricia M. Glass

Nominations: Patricia M. Glass by Mrs. Harris

Motion was made by Mr. McClash and seconded by Mrs. Hooper to cast a unanimous ballot for Mrs. Glass. Motion carried unanimously.

Second Vice-Chairman - Gwendolyn Y. Brown

Nominations: Gwendolyn Y. Brown by Mrs. Harris

Motion was made by Mrs. Glass and seconded by Mrs. Hooper to cast a unanimous ballot for Ms. Brown. Motion carried unanimously.

Third Vice-Chairman - Lari Ann Harris

Nominations: Lari Ann Harris by Ms. Brown

Motion was made by Mr. McClash and seconded by Mrs. Hooper to cast a unanimous ballot for Mrs. Harris. Motion carried unanimously.

PORT AUTHORITY

Chairman - Lari Ann Harris

Nominations: Lari Ann Harris by Mrs. Glass

Motion was made by Mr. McClash and seconded by Mrs. Hooper to cast a unanimous ballot for Mrs. Harris. Motion carried unanimously.

First Vice-Chairman - Patricia M. Glass

Nominations: Patricia M. Glass by Mrs. Harris

Motion was made by Mr. McClash and seconded by Mrs. Harris to cast a unanimous ballot for Mrs. Glass. Motion carried unanimously.

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Second Vice-Chairman - Joe McClash

Nominations: Joe McClash by Mrs. Glass

Motion was made by Mrs. Harris and seconded by Ms. Brown to cast a unanimous ballot for Mr. McClash. Motion carried unanimously.

Third Vice-Chairman - Maxine M. Hooper

Nominations: Maxine M. Hooper by Mrs. Harris

Motion was made by Mrs. Glass and seconded by Ms. Brown to cast a unanimous ballot for Mrs. Harris. Motion carried unanimously.

CIVIC CENTER AUTHORITYChairman - Gwendolyn Y. Brown

Nominations: Gwendolyn Y. Brown by Mrs. Harris

Motion was made by Mrs. Harris and seconded by Mr. McClash to cast a unanimous ballot for Ms. Brown. Motion carried unanimously.

First Vice-Chairman - John R. Gause

Nominations: John R. Gause by Ms. Brown

Mrs. Harris moved to cast a unanimous ballot for Mr. Gause. Motion was seconded by Mrs. Hooper and carried unanimously.

Second Vice-Chairman - Maxine M. Hooper

Nominations: Maxine M. Hooper by Ms. Brown

Mr. McClash moved to cast a unanimous ballot for Ms. Brown. Motion was seconded by Mrs. Harris and carried unanimously.

Third Vice-Chairman - Joe McClash

Nominations: Joe McClash by Mrs. Hooper

Mrs. Glass moved to cast a unanimous ballot for Mr. McClash. Motion was seconded by Mrs. Harris and carried unanimously.

TOURIST DEVELOPMENT COUNCIL

Mrs. Glass moved that the representative to the Tourist Development Council from the Board of County Commissioners, as designated by the Chairman, be the Chairman of the Tourist Development Council. Motion was seconded by Ms. Brown.

Mrs. Glass recommended that Mr. McClash be designated as Chairman of the Tourist Development Council.

Motion carried unanimously.

COMMISSION ASSIGNMENTS

Mr. Stephens requested that commissioners advise him if they are interested in serving on other committees. He stated that nominations/assignments will be made within the next 10 days.

Mrs. Glass requested she continue representing the Board regarding water issues and Mr. McClash requested he continue with the Metropolitan Planning Organization and West Coast Inland Navigation District.

AWARDS/PRESENTATIONSGavel Plaque Awards

Mr. Shore presented gavel plaque awards to the following commissioners in recognition of their services as chairmen on various boards: Gwendolyn Brown, Civic Center Authority; John Gause, Environmental Action Committee; Lari Ann Harris, Port Authority; Stan Stephens, Board of County Commissioners; and Maxine Hooper, Tourist Development Council.

Tourist Development Council - Art Schofield

Larry White, Convention and Visitors Bureau Director, presented a plaque to Art Schofield in appreciation of his many years of service on the Tourist Development Council.

Employee of the Month

The Employee of the Month award was presented to **Susan Hunt**, Public Safety Department.

Sheriff's Department - Accreditation Certificate

Ted LeMay, Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), presented an Accreditation Certificate to the Manatee County Sheriff's Office. He noted that since accreditation in 1990, the Sheriff's office has met or exceeded requirements for compliance with all applicable standards of accreditation.

Mr. Stephens presented the certificate to **Sheriff Charles Wells** and commended him. Sheriff Wells expressed his appreciation for the support from the Board of County Commissioners.

Mr. LeMay presented Certificates of Appreciation from CALEA to **Sheriff Wells** and to **Gene Leonard**, Personnel Director, for their contributions to the accreditation program.

Florida Transit Association Safety Award

Carl Gaites, Transit Manager, reported that Manatee County Area Transit (MCAT) has received second place for the Florida Transit Association (FTA) Safety Award. He noted this is the seventh consecutive year that MCAT has placed first, second or third based on safety records.

Transit Driver of the Year

Mr. Gaites announced that FTA named **Ed Gudemann**, MCAT driver, MCAT's Driver of the Year. He was nominated for statewide driver of the year for which he finished second runner-up.

Transit Marketing Promotions

Mr. Gaites stated FTA also awarded MCAT Honorable Mention for marketing promotion via radio, specifically for the student ridership promotion.

CITIZENS' COMMENTS

Paul Bowen of the Florida Gulf Coast Railroad Museum spoke in support of transporting orimulsion materials by rail as opposed to by truck. He stated they are trying to reduce the number of trucks which will travel through the Parrish area (to the Florida Power & Light plant).

Bill Hile added his comments in support of the transportation of orimulsion materials by rail.

Kathy Holt, President of Manatee Greenways Foundation, requested that the matter of greenways, a linking of trails through surrounding counties, be placed on the January 25, 1996, agenda.

Disposition: Referred to County Administrator.

CONSENT AGENDA

Motion was made by Ms. Brown, seconded by Mrs. Harris and carried unanimously, to approve the Consent Agenda after deletion of: (1) Non-Profit Agency 1996 Funding Agreements with Manatee County Girls Club; (2) 1996 Youth Substance Abuse Funding Agreement with Manatee County Girls Club; (3) Impact Fee Credit Authorization Walgreens/Olympia Development Group (separate action); and (4) Bid award to Woodruff & Sons for safety/utility improvements to Memphis Road (separate action). Items APPROVED included:

CLERK'S CONSENT CALENDAR

BONDS

Accept

Sheriff's Public Deputies Blanket Bond (13 Additions; 15 Deletions)

RECORD S44-2389

BILLS FOR PAYMENT

HRS Manatee County Public Health Unit - Hepatitis Vaccine Program (Landfill and Wastewater)

\$803.00

WARRANT LIST

Approve: December 21, 1995, through January 8, 1996

Authorize: January 9, 1996, through January 24, 1996

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**APPROVE, RATIFY AND CONFIRM**

Parks &amp; Recreation Department Instructor's Classes Agreements:

Lorrie L. Gilliam - Stained Glass Art

**RECORD** S44-2390**AUTHORIZE CHAIRMAN TO SIGN****Satisfaction of Judgments -**

David Shearon, Case 95-3452M (\$50)

Rolando Nunez, Case 90-2939F/90-3012F (\$200)

Lynell Petitmot, Case 95-2142F (\$255)

**Partial Release of Special Improvement Assessment Liens - Projects 3006-2505; 3009-5147 (2); 3010-5148 (2); 3102-2502 (3); 3103-2502A; 3106-5144 (3); 4101-3905; 5031; 5041 (2); 5056; 5064; 5074; 5130; 5144 (3); 5147 (2)****9th Street East Road/Utility Improvements - Contract with APAC-Florida, Inc., \$2,236,509.01 (Bid 535474DC); dating of performance/payment bond, power of attorney and insurance certificate (approved 12/5/95)****RECORD** S44-2391**ACCEPT****Lakewood Ranch - Copies of Minutes of the Board of Supervisors of Lakewood Ranch Community Development District 1 meeting held 11/2/95.****Sarasota Manatee Airport Authority - Schedule of meetings for 1996.****Water and Sewer Refunding and Improvement Bonds, Series 1984,****\$72,872,181.75 - Letter of Opinion (10/18/95) from Greenberg Traurig regarding Escrow Reinvestment Agreement.****Manatee County Gun and Archery Club - Master Closing Binder containing documents from closing of transaction (2/14/95) involving Manatee County, Sheriff, BB/Manatee Associates, Manatee County Gun and Archery Club, Inc., and Nu-Gulf Industries, Inc.****Plaza South/New York Carpet World - Pedestrian Sidewalk Easement and Utility Easement from Kancov Investment Limited Partnership as required by final site plan and Affidavit of Ownership and Encumbrances from Michael Roth (accepted 10/18/94) for rerecording to correct recording sequence error.****ACCEPT/AUTHORIZE****Accept:** Affidavit of Loss from Paul Ben Lower; Lost Sole Obligor Bond (Seaboard Surety Company)**Authorize:** State Street Bank and Trust Company, N.A. to reissue Manatee County Water and Sewer Revenue Refunding Improvement Bonds Series 1978 (dated 4/1/78) 6.4% due 10/1/08 Coupon 45 due 4/1/95 (LOST) detached from Certificates 9973-77 @ \$160.00 each, Totaling \$800.00.**COUNTY ADMINISTRATOR****PROCLAMATION****Manatee County Transit 20th Anniversary Year**

Adoption of Proclamation designating 1996 as the 20th Anniversary Year of Manatee County Transit.

**RECORD** S44-2392**CDBG NEIGHBORHOOD REVITALIZATION GRANT APPLICATION**

Ratification and confirmation of 1996 Community Development Block Grant Neighborhood Revitalization Application (approved 12/5/95) and signature of Chairman on all required forms and HUD Form 2880 (\$750,000; to convert the Bradenton Middle School to a public park and community center).

**CHILDREN'S SERVICES ADVISORY BOARD**

Appointment of Judge Scott M. Brownell to Children's Services Advisory Board.

**ANTI-DRUG ABUSE PROGRAM**

Authorization for Chairman to sign letter to Department of Community Affairs (DCA) requesting approval of DCA Subgrant 96-CJ-3S-08-51-01-071 (Comprehensive Drug Abuse Prevention Program) budget revision transferring \$29,488 from salaries and benefits, \$638 from operating expenses (travel) and \$15 from Employee Assistance Program, \$30,041 total to Contractual Services; and adoption of

**R-96-15 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A GRANT UNDER THE ANTI-DRUG ABUSE ACT PROGRAM; AND RESCINDING R-95-134****RECORD** S44-2393**CHILDREN'S SERVICES FUNDING AGREEMENT**Execution of agreement with Rubonia Community Center, Inc., for Fiscal Year 1996 funding for Peer Empowerment Program, \$18,000.**RECORD** S44-2394

**WEST COAST INLAND NAVIGATION DISTRICT PROJECT**

- Execution of Fiscal Year 1996 agreements (see 10/26/95) with recipients of West Coast Inland Navigation District Project:
- Mt. Vernon Condominium Association, Rock Removal and Maintenance Dredging (M61), \$40,000 S44-2395
  - City of Anna Maria, Inlet Pass Maintenance and Navigation Improvement (M63), \$31,000 S44-2396
  - Braden River Fire & Rescue District, Braden River Marine 6 (M64), \$4,800 S44-2397
  - City of Palmetto, Navigational Restoration (M65), \$45,000 **RECORD** S44-2398

**ORDINANCE 96-18: SELF-INSURANCE**

Authorization to publish notice of public hearing (1/30/96) to consider an amendment to Self-Insurance Ordinance 92-23.

**PERSONNEL POLICY, RULES AND PROCEDURES**

Replacement page 51 regarding Resolution R-95-282 (adopted 11/7/95) relating to probationary period to correct a scrivener's error (annual vacation leave). **RECORD** S44-2399

**PERSONNEL: JAMES KUNKLE**

Transfer 134.30 hours of accrued sick leave from accrual account for James Kunkle from the Clerk of Circuit Court.

**FINAL PLATS**

**Glenn Lakes, Phase II**

1. Final Plat.
2. Required improvements agreement with Centex Real Estate Corporation, \$679,223.62.
3. Performance Bond: \$679,223.62 (Letter of Credit 00319563, First National Bank of Chicago).
4. Agreement with Centex Real Estate Corporation in conjunction with letter of credit as security guaranteeing completion of required sidewalks and bikeways, \$12,066.60.
5. Performance Bond: \$12,066.60 (Letter of Credit 00319562, First National Bank of Chicago).
6. Agreement with Centex Real Estate Corporation in conjunction with a letter of credit as security guaranteeing performance of a wetland mitigation system, \$7,995.
7. Performance Bond: \$7,995 (Letter of Credit 00319586, First National Bank of Chicago).
8. Grant of off-site temporary easements from Robert Berne, The Gustave M. Berne Foundation, Inc., Robert W. Newman and Richard J. Shea Trs., and Norman and Janice N. Rosenthal Trs.
9. Agreement with Centex Real Estate Corporation for installation of private improvements in subdivisions, subsequent to final subdivision plat approval. **RECORD** S44-2400
10. Second Supplement to Declaration of Covenants, Restrictions and Easements.

**Sugar Ridge Subdivision**

1. Final Plat.
2. Agreement with Bradenton Resort Properties, Inc., warranting required improvements, \$59,607.58.
3. Defect Security: \$59,607.58 (Letter of Credit SM-03287-095, NationsBank of Florida, N.A.)
4. Agreement with Bradenton Resort Properties, Inc., guaranteeing completion of required sidewalks and bikeways, \$19,219.20.
5. Performance Bond: \$19,219.20 (Letter of Credit SM-03286-095, NationsBank of Florida, N.A.)
6. Agreement with Bradenton Resort Properties, Inc., guaranteeing performance of a wetland mitigation system, \$1,585.50.
7. Performance Bond: \$1,585.50 (Cashier's Check 1882332, NationsBank of Florida, N.A.)
8. Conservation Easement from Bradenton Resort Properties, Inc., to Manatee County and Southwest Florida Water Management District.
9. Declaration of Covenants, Conditions, Easements, and Restrictions.

**Belle Chase Subdivision**

1. Final Plat.
2. Mortgagee's Joinder in Declaration only from Liberty National Bank.
3. Mortgagee's Joinder in Declaration Only from Brasota Mortgage Company, Inc.

(Note: Discussion later in meeting)

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**IMPACT FEE CREDIT**

Credit Authorization CA-95-12(T) for Flex Bon Paints/Samuel V. Johnson; and Final Authorization of Transportation Credit for right-of-way dedication, \$8,974.50 (14th Street West at 59th Avenue Plaza West). **RECORD** S44-2401

**FEE WAIVER**

Placement of two 20-yard roll-offs located at the Civic Center for the Gene Witt Elementary School PTA Circus Hollywood (2/5/96); and waiver of appropriate service and tipping fees at landfill.

**FOUR CORNERS MINE ANNUAL REPORT**

IMC-Agrico's Four Corners Mine Annual Report of operations for the period July 1, 1994, through June 30, 1995.

**TIME PAYMENT AGREEMENTS**

Execution of time payment agreements for facility investment fees, connection and line extension charges with Carl E. and Darlene Weinzierl; Randy B. and Rosemary D. Hopkins; Susan K. Duncan; Jackie and Cindy Corley; Jennifer Jayne Jordan; and Efrain C. Calderon and Susannah G. Hall. **RECORD** S44-2402-  
S44-2407

**WATER RESOURCE EDUCATION PROGRAM**

Contribute \$6,000 to Manatee County School Board to support a cooperatively funded water resource education program (in conjunction with the Southwest Florida Water Management District) for elementary and middle schools.

**DEEDS AND EASEMENTS**

1. 41st Street East, Bra-Win Palms - Temporary construction easement from Jerry M. and Sandra D. Smith for reconstruction of a drainage pipe.
2. Honore Avenue (east of I-75, north of University Parkway) - Warranty deed from Island Investment Properties, Ltd., and Kabara Corporation N.V.; Affidavits of Ownership and Encumbrances (2).
3. Manatee Avenue West (Pedestrian Sidewalk) - Pedestrian sidewalk easement from Automotive Realty Associates, Inc., for right-of-way required between 59th Street West and 75th Street West; Affidavit of Ownership and Encumbrances; Joinders from Carl and Florence Carlton, Trs.; Bernard S. Copeland; Ivan H. and Martha C. Halbreich; Rubin and Julia Hanan; Marlene Liberman; Marband; Northern Trust Bank of Florida N.A., Tr.; and Lillian E. Richman.

**CANAL ROAD IMPROVEMENTS**

1. Execution of Contract for Sale and Purchase for a warranty deed from Vernell Irons for Canal Road, \$3,263. **RECORD** S44-2408
2. Execution of Contract for Sale and Purchase for a warranty deed from Timothy J. Powell for Canal Road, \$3,000; and acceptance of Warranty Deed from Timothy J. Powell and Affidavit of Ownership and Encumbrances. **RECORD** S44-2409
3. Execution of Contract for Sale and Purchase for a warranty deed from Betty Joyce O'Neal for Canal Road, \$6,255; and acceptance of Warranty Deed from Betty Joyce O'Neal and Affidavit of Ownership and Encumbrances. **RECORD** S44-2410
4. Execution of Contract for Sale and Purchase for a warranty deed from Lillie Mae Tolson for Canal Road, \$2,500; and acceptance of Warranty Deed from Lillie Mae Tolson and Affidavit of Ownership and Encumbrances. **RECORD** S44-2411

**STATE ROAD 70 IMPROVEMENTS**

Execution of Contract for Sale and Purchase for a warranty deed from Joseph H. and Debra A. McElhiney for right-of-way required for road improvement. **RECORD** S44-2412

**TAYLOR ROAD**

**R-95-231** A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MANATEE COUNTY, FLORIDA, FORMALLY REQUESTING THE GRANT OF AN EASEMENT FROM THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, FOR PURPOSES OF UPGRADING AND WIDENING TAYLOR ROAD WITHIN MANATEE COUNTY. **RECORD** S44-2413

**TRAFFIC SIGNAL MAINTENANCE AND OPERATION**

Execution of Traffic signal Maintenance and Operation Order 89 with Florida Department of Transportation for new signal on State Road 684 (Cortez Road) at Cape Vista Drive/Wal-Mart entrance. **RECORD** S44-2414

**WAUCHULA ROAD BRIDGE REPLACEMENT**

Execution of Contract for Sale and Purchase for a warranty deed from FASS Benevolent Foundation, Inc., for right-of-way for the Wauchula Road bridge replacement, north of State Road 70, \$15,700; Warranty Deed from FASS Benevolent Foundation, Inc.; Affidavit of Ownership and Encumbrances. RECORD S44-2415

**MATERIALS AND SERVICES**

800 MHZ Radios, Accessories and Replacement Parts - Sole source purchase from Ericsson Inc. for Information Services/Radio Shop on as required basis, estimated \$150,000/year for radios/accessories and \$50,000/year for parts.

**BRADEN RIVER PARK - BALL FIELD FENCING**

Issue change order to Purchase Order 102868 with USA Steel Fence Company, \$2,811, total not to exceed \$83,236.

**ENGINEER OF RECORD AND RATE CONSULTANT**

Execution of Addendum 3 to agreement with Black & Veatch for engineering/architectural consulting services as Engineer of Record and Rate Consultant on an as required basis for final one-year period (1/12/96-1/11/97), as authorized by agreement. RECORD S44-2416

**LAW ENFORCEMENT TRUST FUND**

Expend \$500 from the Law Enforcement Trust Fund to be awarded to The People of Color Aids Coalition of Manatee Inc., in conjunction with the Million Man March Ambassadors Council.

**ENGINEERING CONSULTING SERVICES/DRI AND LARGE PROJECT REVIEW**

Execution of Addendum 2 to extend agreements with Parsons Engineering Science, Inc.; Tampa Bay Engineering, Inc., and Wade-Trim, Inc., for additional one-year period (2/1/96-1/31/97) to provide engineering consulting services on as required basis for Development of Regional Impact and Large Project review. S44-2417  
RECORD S44-2418

**STREET VACATION - RIVERVIEW PARK SUBDIVISION**

**R-96-11-V** A RESOLUTION DECLARING A PUBLIC HEARING ON JANUARY 30, 1996, ON APPLICATION BY JAMES STEPHEN AND RUTH LYERLY TO VACATE A 10-FOOT DRAINAGE AND UTILITY EASEMENT ON LOT 1, RIVERVIEW PARK SUBDIVISION (PLAT BOOK 25, PAGES 182 AND 183). RECORD S44-2420

(End Consent Agenda)

**IMPACT FEE CREDIT**

Motion was made by Mrs. Glass, and seconded by Ms. Brown, to approve Credit Authorization CA-95-13(T) for Walgreens/Olympia Development Group, Inc., and Final Authorization of Transportation Credit for right-of-way dedication, \$47,313. Motion carried 6 to 1, with Mrs. Harris voting nay. RECORD S44-2421

**FINAL PLAT - BELLE CHASE**

Discussion was held regarding the Belle Chase Subdivision Final Plat approved earlier in meeting (Consent Agenda). Question was raised as to correspondence from the Manatee County School Board requesting deferral until after the developer addresses school needs.

Carol Clarke, Planning, Permitting and Inspections, stated provisions in the Code which apply to this are not mandatory but are guidelines.

**Disposition:** Referred to staff to establish indepth discussion with the School Board regarding such matters for future projects.

**Recess/Reconvene.** All members present.

**TOURIST DEVELOPMENT COUNCIL**

Nominations for appointment of one person to the Tourist Development Council for term of four years (1/1/00) were received:

Nomination: **Edward G. Chiles** - by Mrs. Harris

Motion was made by Mr. Gause, seconded by Mrs. Harris and carried unanimously, to cast a unanimous ballot for Mr. Chiles.

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HISTORICAL COMMISSION

Fred Loveland, Community Services Department Director, requested appointment of four members to the Manatee County Historical Commission (term 1/1/96-1/1/00), as recommended by the Historical Commission:

Betty Collins      Pam Gibson      Chris Hayo      Bob Pitt

Motion was made by Mrs. Hooper, seconded by Mrs. Glass and carried unanimously, to approve the appointments as requested.

CHILDREN'S SERVICES DEDICATED MILLAGE

Cheri Coryea, Children's Services Coordinator, requested execution of an agreement with the University of South Florida, for \$25,000, allowing for evaluation of the 1994-95 funding cycle Infant and Therapeutic Day Care Services funded through the Children's Services dedicated millage.

She stated the agreement provides for evaluation of: Manatee County Nursery School (Safety Net and Waiting List); Downtown Center for Children (Nursery); Manatee Opportunity Council (Project Child Care Subsidized and Family Empowerment); Easter Seal Society (Early Intervention); Manatee County Parks and Recreation (Special Needs Camp); Children's Haven and Adult Center (Selby Day School); Manasota Lighthouse for the Blind (Parents and Kids).

Discussion followed during which it was recommended the scope of services include a report indicating the progress made and changes that have occurred as a result of the dedicated millage funding.

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

RECORD S44-2422

HIV/AIDS TASK FORCE

Linda Snyder, Community Services Department, submitted for consideration the composition of a HIV/AIDS Task Force (outlined in agenda memorandum 1/9/96) to make recommendations to the Board regarding a treatment model and funding sources to meet the medical needs of persons with HIV/AIDS. She also submitted a list of representatives who will be invited to provide input at each meeting of the Task Force.

Discussion: Individuals providing input only may not regularly attend meetings; include designees from each hospital, School Board, AIDS Council, et al; establish direction/goals of the committee; obtain input from Sarasota Aids Clinic; necessity of including entire Health Care Advisory Committee; etc.

Discussion followed. Mr. Stephens summarized the recommendations as to composition of the task force: Two members from Health Care Advisory Committee; one member from the Children's Services Advisory Board; Director of Public Health Unit, or designee; representative from the District VI Health and Human Services Board; a person with HIV/AIDS, as appointed; representatives from Messrs. McKay, Ogles and Flanagan's offices; County staff person appointed by Director of Community Services; one representative each from Manatee County School Board, Interagency Council, and AIDS Council; Dr. Bach; Mickey Presha, Director of Rural Health Services; one representative each from Blake and Manatee Memorial Hospitals, as appointed by the Chief Executive Officer; and representative from the County Administrator's office.

Mrs. Glass moved to approve that composition. Motion was seconded by Mrs. Harris.

H. Hamilton Rice, County Attorney, recommended he be directed to provide an attorney from his office at the Task Force meetings.

Mrs. Glass included that directive in her motion. Mrs. Harris stated no objection. Motion carried unanimously.

(Depart Mrs. Glass)



WOOD/YARD WASTE PROCESSING

Motion was made by Mrs. Hooper, and seconded by Mr. McClash, to authorize execution of Addendum Two for processing of wood/yard wastes with Kenetech Resource Recovery, Inc., to (1) reduce the basic processing rate to \$16 per ton (from \$24.60 per ton); (2) extend the term of agreement (4/2/91) for processing wood/yard waste to April 1, 1998; and (3) rescind the agreement for the sale of mulch to be replaced by Addendum Two. Motion carried 6 to 0.

RECORD S44-2423

(Enter Mrs. Glass)

MEMPHIS ROAD - SAFETY AND UTILITY IMPROVEMENTS

Len Bramble, Public Works Director, requested authorization to award IFB 537454DC for safety and utility improvements to Memphis Road (Alternate 3) to Woodruff & Sons, Inc., \$412,826.40; and subsequent execution of contract and simultaneous dating of performance/payment bond and acceptance of insurance certificate.

Discussion was held regarding allowing bidders the option to bid five types of road base alternates; whether all base materials are equivalent, etc. Staff was directed to review the methodology used in bidding and provide clarification.

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

DUETTE PARK - LAND MANAGEMENT PLAN

Charles Hunsicker, Ecosystems Management, requested acceptance of the January 1996 Duette Park Land Use Plan, superseding a conceptual management plan approved for the property, and direction to staff to bring back amendments to the 1987 agreement with the Florida Department of Agriculture and Consumer Services, Division of Forestry, to incorporate the approved land use plan.

**Rick Meyers**, Environmental Lands Management and Advisory Committee (ELMAC); **Merrie Lynn Parker**, Manatee-Sarasota Fish and Game Association; **Mary Sheppard**; **Barbara Olsen**, **Barbara Goodman**, ELMAC; **Freda Pirada**, Sierra Club; and **Mary Blackburn**, who commented favorably on Duette Park and recommended acceptance of the plan.

Motion was made by Mrs. Harris, seconded by Mr. Gause and carried unanimously, to accept the Duette Park Land Use Plan.

RECORD S44-2424

DUETTE PARK - NATIONAL WETLANDS RESERVE PROGRAM

Mr. Hunsicker requested the Chairman sign a letter to Jack Creighton, National Resource Conservation Service, requesting continuance in the National Wetlands Reserve Program for restoration of degraded wetlands located at Duette Park.

(Depart Ms. Brown)

**Mr. Creighton** stated they anticipate having the work accomplished before the rainy season.

Mr. McClash moved approval. Motion was seconded by Mrs. Hooper and carried 6 to 0.

(Enter Ms. Brown)

U.S. 301 RECONSTRUCTION - UTILITY AGREEMENTS

Janet McAfee, Public Works Department, requested adoption of resolutions and execution of accompanying agreements with the Florida Department of Transportation (FDOT) for U.S. 301 reconstruction.

She noted the agreements require the County (1) to advance to FDOT funds for modifications that will be done during construction, (2) to move a large portion of County utilities in the FDOT right-of-way, and (3) to move County utilities located in privately-owned easements for which FDOT will reimburse the County.

Motion was made by Mrs. Harris, seconded by Mr. Gause and carried unanimously, to adopt

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**R-96-06** A RESOLUTION TO ENTER A UTILITY JOINT PROJECT AGREEMENT BETWEEN THE COUNTY OF MANATEE AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, AUTHORIZING EXECUTION OF SUCH AGREEMENT AND AUTHORIZING PLACEMENT OF FUNDS WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE COMPLETION OF THE UTILITY MODIFICATION; (\$100,464; and Memorandum of Agreement with FDOT, Florida Department of Insurance, Division of Treasury and the County for and interest-bearing escrow account); **RECORD** S44-2425  
S44-2426

**R-96-07** 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; **RECORD** S44-2427  
S44-2428

**R-96-08** A RESOLUTION AUTHORIZING EXECUTION OF A UTILITIES AGREEMENT FOR THE ADJUSTMENT, CHANGE OR RELOCATION OF CERTAIN UTILITIES LOCATED WITHIN PRIVATELY OWNED PROPERTY EASEMENT(S) AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT (\$193,615). **RECORD** S44-2429  
S44-2430

#### **EMERGENCY MEDICAL SERVICES AUXILIARY AGREEMENT**

Motion was made by Mrs. Harris, seconded by Mrs. Glass and carried unanimously, to authorize the Chairman to execute the revised agreement with the Manatee County Emergency Medical Services Auxiliary which defines the roles of the Auxiliary and the County. **RECORD** S44-2431

#### **PENDING LITIGATION**

H. Hamilton Rice, Jr., County Attorney, announced pending litigation meetings, to be continued to 11:15 a.m. this date in private session in the Board conference room, regarding (1) Manatee County versus Piney Point Phosphates, DOAH Case 95-005795, OGC Case 95-2646; (2) Mary Lake versus Manatee County, Case CA-93-4822; (3) Bruce Love versus Manatee County; and (4) Manatee County versus Schroeder-Manatee Ranch Inc., et al, Case CA-94-1657 (eminent domain). He announced those to be present.

#### **LAWSUITS**

##### **Manatee County versus Cheri Dressel**

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried unanimously, to approve a settlement with defendant Cheri Dressel for payment by the County of \$4,500, in the matter of Manatee County versus Ebonite Recreation Centers, Inc., et al, Case CA-95-1753 (eminent domain; State Road 70 improvements).

##### **Manatee County versus Golf Lakes Residents' Association, Inc., et al**

Motion was made Mr. McClash, seconded by Mrs. Hooper and carried unanimously, to appoint Mrs. Harris to attend mediation in the eminent domain matter styled Manatee County versus Golf Lakes Residents' Association Inc., et al, Case CA-94-4955 at 1:00 p.m., February 1, 1996.

Mrs. Harris moved that Ms. Brown be appointed alternate. Motion was seconded by Mrs. Glass and carried unanimously.

##### **Sandra Shamp and John Shamp versus Manatee County**

Motion was made by Mrs. Glass, seconded by Mr. McClash and carried unanimously, to appoint Mrs. Hooper as mediation representative to attend settlement conference in Sandra Shamp and John Shamp versus Manatee County, Case CA-95-407.

Motion was made by Mrs. Harris to nominate Mr. McClash as alternate. Motion was seconded by Mrs. Glass and carried unanimously.

#### **MYAKKA FIRE CONTROL DISTRICT**

Motion was made by Mr. McClash to ratify approval for the sale of a parcel of real property by the Myakka City Fire Control District where no bids have been received (Ordinance 95-54 adopted 12/21/95). Motion was seconded by Mrs. Harris and carried unanimously.

**Recess/Reconvene.** All members present except Mr. McClash and Mrs. Harris.

(Carol Cason, Court Reporter present)

ADMINISTRATIVE APPEAL AA-95-01 - MOTE RANCH PHASE IIB (DENIED)

Public hearing (continued from 12/21/95) was held to consider

Request filed by Nancy Cohan for an appeal of an Administrative Decision regarding the approval of a development order (preliminary site plan/plat) for PDR-81-05/87-S-03(P)(R) - Lennar Homes (Mote Ranch Phase IIB) depicting the interneighborhood tie between Mote Ranch and a vacant parcel of land to the south located east of Whitfield Avenue, north of Palm Aire and west of University Park Country Club.

Robert Schmitt, Planning, Permitting and Inspections, reviewed the appeal to a development order (preliminary site plan/plat) for Mote Ranch Phase IIB. He stated the appeal pertains to an access road to an otherwise landlocked parcel (Arrasmith property) to the south of Mote Ranch Phase IIB.

He referred to an aerial of the area and a vicinity map depicting the Arrasmith property. He displayed a conceptual development plan (approved 9/29/88) in effect until December 31, 1996; it shows an interneighborhood tie into the Arrasmith property.

(Enter Mrs. Harris)

He stated an administrative approval was given to Mote Ranch Phase IIB on September 29, 1990, for this plan which showed the access road. This plan expired September 29, 1993, but the conceptual was still in effect. He noted there is a new development plan which was approved showing access in this location. He stated the plan did not provide for access to the Arrasmith property; however, once the problem was recognized, access was established for which approval was received (8/18/95).

Mr. Schmitt noted that when Mr. Arrasmith proposes development, a public hearing will be required. He noted access was always shown and that interneighborhood ties are a Code requirement. He stated staff recommended denial of the appeal.

(Enter Mr. McClash)

Discussion: Conceptual plan shows road access and is active through December 1996; preliminary plan modified location of access road, which is what is being appealed; road as shown on August 18, 1995, final site plan is in substantial conformance with existing conceptual plan, etc.

Walter Cohan, 7366 Eaton Court, representing seven neighbors, referred to a map of the area showing the lots affected and submitted photographs (16) and two aerials of the surrounding area depicting foliage, berms, etc. He recommended access be provided west of Cedar Creek.

Harry Emmermann, 7354 Eaton Court, submitted a memorandum (1/8/96) requesting that the access be relocated west of Cedar Creek.

Pat Neal stated he believes that the conceptual plan which has been discussed has expired and that he concurs with recommendation to place the access road west of Cedar Creek. He submitted a letter outlining a history of the parcel, sketch of proposed access, and a letter (12/21/95) from Zoller, Najjar & Shroyer stating the western access is environmentally appropriate.

Brad Hahn, Eaton Place, submitted a memorandum (1/9/96) from Eaton Place Neighborhood Committee supporting Mr. Cohan's appeal.

Sandy Silverman, University Park, spoke in support of Mr. Cohan's appeal.

Larry Arrasmith stated that moving access to the west would require crossing the creek again with a 50-foot right-of-way, and noted that access has been there a long time.

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**Andy Anderson**, President of Palm Aire Community Action Council, expressed concern regarding drainage from Cedar Creek. He requested a stipulation that "anything passing under a roadway be done by a bridge, mitigating backup of drainage water going south."

Jeff Steinsnyder, Assistant County Attorney, advised that this hearing is not to redesign the road, but to deny or uphold the appeal.

**Caleb Grimes**, representing Lennar Homes, stated Lennar Homes has proposed construction of a portion of Mote Ranch in reliance upon county approvals. Although the preliminary plan did not initially show the access, it was added and the preliminary plan approved as being in compliance with the conceptual plan.

Mr. Grimes was provided an excerpt from an agreement between Palm Aire and University Park. Mr. Steinsnyder pointed out that any agreement between those two parties is a civil matter.

Mr. Grimes submitted copies of warranty deeds to Nancy Cohan, and Harry and Dianne Emmermann, which were closed in September and July 1994 respectively. The properties were purchased after records indicated the roadway would be there. He requested denial of the appeal.

Carol Clarke, Director, Planning, Permitting and Inspections, addressed the road access issue and responded to questions.

Mrs. Harris moved to uphold staff's recommendation for denial of the appeal. Motion was seconded by Ms. Brown. Motion carried 6 to 0, with Mr. McClash declaring a conflict of interest.

**ORDINANCE 96-01: TOURIST DEVELOPMENT PLAN**

Public hearing (Notice in the Bradenton Herald 12/30/95) was held to consider

**ORDINANCE 96-01** AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 80-03 (THE TOURIST DEVELOPMENT ORDINANCE), AS PREVIOUSLY AMENDED TO PROVIDE FOR AND REVISE THE TOURIST DEVELOPMENT PLAN; PROVIDING FOR THE ALLOCATION OF TOURIST DEVELOPMENT TAX REVENUES TO THE CONVENTION AND VISITORS BUREAU, ADVERTISING AND PROMOTING MANATEE COUNTY; THE TOURIST INFORMATION CENTER, THE CIVIC CENTER, AND CITY OF BRADENTON PROJECTS; DELETING OTHER CIVIC ENTERPRISES; DELETING THE CONTINGENCY FUND AND CONTINGENCY FUND DISTRIBUTION; PROVIDING FOR THE BEACH RENOURISHMENT FUND AND FOR THE USE OF CERTAIN REVENUES FOR BEACH MAINTENANCE; PROVIDING FOR EMERGENCY MARKETING FUNDS; AND PROVIDING AN EFFECTIVE DATE.

Larry White, Convention and Visitors Bureau Director, submitted a handout entitled "The Bradenton Area Convention & Visitors Bureau Hurricane or Perceived Hurricane Recovery Plan." He also submitted correspondence (11/20/95) from James Seuffert, Financial Management Director, regarding request from **Town of Longboat Key** for resort tax funds and Resolution 96-1 from **City of Holmes Beach** requesting funding for beach enhancement and advertising.

**Chuck Loiselle** and **Ray Metz** spoke in opposition to the Ordinance due to concerns regarding funding beach renourishment.

**Ray Wise**, Sarasota-Bradenton International Airport Director of Development, requested that any unbudgeted resort tax collections be directed to tourism marketing and to emergency promotion use.

**Bob Miller**, **Glenda Leonard**, **Howard Moldan** and **Jack Rynerson** spoke in favor of the Ordinance. Mr. Rynerson submitted a position paper from the Manatee Chamber of Commerce regarding marketing funding and emergency promotion trust fund.

Correspondence in favor of the Ordinance was submitted from **Barbara Rodocker**, owner of Silver Surf and Silver Sands Motels.

Mr. Seuffert responded to questions relating to the \$150,000 annual appropriation to the Town of Longboat Key.

Motion was made by Mrs. Harris, seconded by Ms. Brown and carried unanimously, to adopt Ordinance 96-01. RECORD S44-2432

SOLID WASTE RATE SCHEDULES

Public hearing (Notice in the Bradenton Herald 12/22/95) was held to consider

R-96-04 A RESOLUTION OF MANATEE COUNTY, FLORIDA, ESTABLISHING NEW RATES, FEES AND CHARGES FOR MANDATORY SOLID WASTE COLLECTION AND DISPOSAL SERVICES BASED ON THE ADDITION OF CURBSIDE RECYCLABLES COLLECTION SERVICES; PROVIDING FOR LANDFILL TIPPING FEES; 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 RATE RESOLUTION R-95-281; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Lenox Bramble, Public Works Director, reviewed the resolution which addresses increased solid waste collection rates resulting from the addition of curbside recyclable collection services, which will begin January 15, 1996.

John Patterson stated the County should absorb the costs of collecting recyclables.

Motion was made by Mr. McClash, seconded by Mr. Gause and carried unanimously, to adopt Resolution R-96-04. RECORD S44-2433

STREET VACATION - PALMA SOLA PINES SUBDIVISION

Public hearing (notice in the Bradenton Herald 12/6/95 and 12/13/95) was held to consider

R-96-01-V RESOLUTION ON APPLICATION BY GORDON W. LEECH, DONALD R. AND LISA J. SHEFFIELD VACATING A DRAINAGE AND UTILITY EASEMENT ON LOT 18, PALMA SOLA PINES SUBDIVISION (PLAT BOOK 19, PAGES 23 AND 24).

Motion was made by Mrs. Harris, seconded by Mrs. Hooper and carried unanimously, to adopt Resolution R-96-01-V. RECORD S44-2434

COMMISSIONERS' COMMENTS

Backflow Prevention Devices

Mr. Gause reported that he has received a lot of public input regarding backflow prevention devices, e.g., whether plumbers are being honest regarding the devices; other methods of preventing backflow, etc.

University Parkway and Lockwood Ridge Road Easement

Mrs. Glass requested the County Attorney's office expedite its review of the special easement/public safety problem (teenagers congregating, skateboarding, and disturbing the public) near University Parkway and Lockwood Ridge Road. (Editor's note: Vicinity of Country Oaks Boulevard and University Square site.)

**Disposition:** Mr. Rice stated he thought their review had been completed but he would check into the matter.

CAD System/Criminal Justice

Mrs. Glass stated she has been informed by the Sheriff's Department that the CAD System response time for requests for information is critically slow. She questioned when the new system would be operational.

**Disposition:** Referred to County Administrator.

State Road 64 at I-75 - Traffic Signal

Mrs. Glass relayed inquiry from Esther Parsons, et al, as to when the traffic signal at State Road 64 and I-75 would be installed. Mrs. Glass stated she understood there were problems in purchasing the equipment and that the signal will not be installed until the end of summer.

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**Disposition:** Mr. Stephens indicated that staff has been instructed to investigate alternative supply sources and that area residents should receive a letter of explanation.

**Gulf Coast Factory Mall - Signage**

Mrs. Glass stated she would be willing to meet with Gulf Coast Factory Mall representatives regarding signage, i.e., directional signs to the mall (from I-75 and U.S.301).

**BRADEN RIVER PARK - BASEBALL FIELD LIGHTING**

Mr. McClash stated he requested the Director of Financial Management and County Administrator to identify a source of funds for baseball field lighting at Braden River Park, and that it has been determined funds are available from other sites. He stated costs would be \$60,000-\$75,000.

Upon motion by Mrs. Glass, and second by Mrs. Hooper, staff was directed to prepare a Request for Proposal for lighting of the field at Braden River Park. Motion carried unanimously.

**COMMISSIONERS' COMMENTS (Cont'd)**

**Staff Status Reports**

Mrs. Harris noted that several projects, specifically those generated by the Board, have gotten "off track" and that Commissioners are not informed of these delays. She requested that staff keep Board members better informed for continuity of information.

**Whitfield Area/Traffic**

Mrs. Harris reported that Dick Stauffer raised several traffic concerns regarding the Whitfield area, which she referred to the Transportation Department; however, the response did not adequately address the issues. **Disposition:** Referred back to staff.

**Shepard Avenue/Sidewalk**

Mrs. Harris stated she reported at the December (12/5/95) meeting that there is water leakage along the sidewalk on Shepard Avenue. For clarification, she moved that staff bring the matter back in the Capital Improvements Program (CIP) for Board consideration. Motion was not acknowledged by the Chairman.

Discussion followed during which it was stated that there is ground water seepage along the sidewalk in other areas at that location; residents not receptive to removing the sidewalks to allow percolation; sidewalk is slippery/dangerous; quicker way to resolve problem than placing in the CIP; etc.

**Disposition:** Referred to County Administrator for report.

**Pride Park - Rest Room Doors**

Mrs. Harris requested that installation of rest room doors at Pride Park be expedited.

**ADMINISTRATIVE CENTER - RECEPTION AREA**

Mrs. Harris stated that switchboard operators located in the lobby of the Administrative Center are exposed to the cold weather. She noted the area is not appropriate for employees to work; the location is not secure/safe; etc.

Mrs. Harris moved that the County Administrator take remedial action and look at what can be done for the reception area. Motion was seconded by Mrs. Glass and carried unanimously.

**COMMISSIONERS' COMMENTS (Cont'd)**

**Advisory Boards/Committees**

Ms. Brown requested that the list of Advisory Boards/Committees provided in the agenda binders be updated.

**Martin Luther King Annual Program**

Ms. Brown invited Board members and the public to attend the Martin Luther King Annual Program on January 14, 1996.

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119th Street West at Cortez Road

Mr. Stephens reported that 119th Street West at Cortez Road has been closed for some time due to garbage being dumped at that location. However, there is no access to get in or out onto Cortez Road. He stated the County Attorney's Office has met with the new owner who has agreed to allow the County to reopen the road.


**Disposition:** He requested the County Attorney's Office expedite resolution of that issue.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
\_\_\_\_\_  
Clerk  
Adj: 4:25 p.m.  
1/9/96

  
\_\_\_\_\_  
Chairman 1/12/96