

JANUARY 30, 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 30, 1996, at 9:03 a.m.

Present were Commissioners:

Stan Stephens, Chairman
 Patricia M. Glass, First Vice-Chairman
 Gwendolyn Y. Brown, Second Vice-Chairman
 Lari Ann Harris, Third Vice-Chairman, entered during the meeting.
 Maxine M. Hooper
 Joe McClash

Absent was:

John Gause, Washington, D.C., NARC Board of Directors meeting.

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 Reverend Richard E. Kirby, Samoset Open Bible Tabernacle.

The meeting was called to order by Chairman Stephens.

MERITORIOUS SERVICE AWARDS

Meritorious Service Awards were presented to the following employees in recognition of outstanding service for providing mutual aid to the Hurricane Opal stricken communities in north Florida in October 1995:

Public Works

Dan Gray	Dan Rosier	Mike Gore	David Yochim
Scott Curles	Allen Farnsworth	David Avise	Claude Jones
Charles Bass	John Davis	Eric Engelhard	

Transportation

John Muscato	Robert Kinstler	Guy Wheless	Don McGann
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Public Safety

Chris Menzies	Sandi Altman	Brian Sharkey	Steve Gibson
Mark Jones	Mark Laraway	DeLania Locklear	

PROCLAMATIONS**Families Rising to the Top Day**

Motion was made by Mr. McClash, seconded by Mrs. Glass and carried 5 to 0, to adopt a Proclamation designating February 2, 1996, as **Families Rising to the Top Day** in support of the Second Annual Children's Summit. **RECORD S44-2444**

Paulette Pace, President of Manatee Community Council for Children, and Community Services staff were present to accept the Proclamation.

Gulf Coast Senior Games Week

Motion was made by Mr. McClash, seconded by Mrs. Glass and carried 5 to 0, to adopt a Proclamation designating February 19-25, 1996, as **Gulf Coast Senior Games Week**. **RECORD S44-2445**

Bill Ward, Parks and Recreation, accepted the Proclamation.

Manatee County Girls and Women in Sports Day

Motion was made by Mrs. Hooper, seconded by Mr. McClash and carried 5 to 0, to adopt a Proclamation designating February 1, 1996, as **Manatee County Girls and Women in Sports Day**. **RECORD S44-2446**

Marjorie Kinnan accepted the Proclamation.

CITIZENS' COMMENTS**Voluntary Recycling Program**

Norman Korswold, Ann Weisbach and Ben Weisbach, residents of Wildewood Springs Condominium, urged the Board to reinstall drop-off bins throughout the County for voluntary recycling, and to include condominiums, apartment buildings and trailer parks in the voluntary recycling program.

(Enter Mrs. Harris during presentations)

Disposition: Staff to review the recycling program and reinstalling the recycling bins and recycling facilities for multi-family dwellings.
 (Note: Issue readdressed under Commissioners' Comments)

Concrete Pier at Manatee Beach

Sidney DeJong requested the concrete pier on Manatee Beach be reopened.

Mr. Stephens stated that a staff engineer would be examining the pier, and if it is found to be safe, it would be opened this week.

Building Code Requirements - Roof Repair/Replacement

Paul Furr, President of Sarasota-Manatee Roofing Sheet Metal Contractors Association, addressed the building code requirement that a general contractor must replace any rotted wood in reroofing jobs. He stated this requirement will cause increased liability to the roofing contractor, delays in project completion and affect the cost. He urged the County to address the issue at a local level.

George Devenport, Building Official, spoke on roof repair/replacement according to requirements of the building code and Florida Statute.

Disposition: County Administrator, Mr. Devenport and legal staff to work with Mr. Furr and bring back a recommendation.

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Ms. Brown and carried 6 to 0, to approve the Consent Agenda for January 30, 1996, as amended, and with the changes as follows:

- **Tampa Bay National Estuary Program/Comprehensive Conservation Management Plan** - Should read Letter of No-Conflict to Roy L. Harrell, Jr.
- **Duette Volunteer Fire Department** - Revised funding agreement to indicate an amount of \$10,900.
- **Charrette for Bay Crossing Study** - Issue Purchase Order to Glattig, Jackson, Kercher, Anglen, Lopez, Rinehart, Inc. (separate action).

Items APPROVED:

CLERK OF CIRCUIT COURT CONSENT CALENDAR

REFUNDS

DeJean Edmond - Administrative Permit withdrawn	\$ 525.00
Manatee Ventures, Inc. - Sewer FIF fees (Tara S/D, Lot 17)	1,300.00

WARRANT LIST

Approve: January 25, 1996 through January 29, 1996
 Authorize: January 30, 1996 through February 5, 1996

MINUTES FOR APPROVAL

November 7 and 14, 1995 (Regular)

ACCEPT

Tourist Development Tax Funds - Resolution 96-1 adopted 1/2/96 by the City of Holmes Beach, relating to the distribution of Manatee County resort tax funds collected in excess of projected annual revenue.

Enterprise Zone Development Agency - Certificates (13) confirming appointment of the 13-member Enterprise Zone Development Agency, as authorized by Resolution R-95-223 (adopted 11/7/95).

FILE FOR RECORD

Transcript of pending litigation meeting held (1/9/96) in **Mary Lake v. Manatee County**, Case No. CA-93-4822, pursuant to F.S. 286.011(8)(e).

COUNTY ADMINISTRATOR

PROCLAMATION

Adoption of a Proclamation designating February 10, 1996, as **Bradenton-Sarasota Chapter of the Links, Inc. Day**. RECORD S44-2447

TRAVEL AUTHORIZATION

County Commissioners to travel to Washington, D.C., February 29, 1996, through March 7, 1996, to attend the NACo 1996 Legislative Conference.

ENTERPRISE ZONE - FUNDING AGREEMENT

Execution of an Interlocal Agreement among the City of Palmetto, Palmetto Community Redevelopment Association and the Enterprise Zone Development Agency (EZDA), providing for shared funding of \$7,500 from each party (except EZDA) for FY 1995-1996 (total \$22,500). RECORD S44-2448

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(Cont'd)

STATE HOUSING INITIATIVE PARTNERSHIP - LOCAL HOUSING ASSISTANCE PLAN

Amend the Goals Charts in the 1994-1997 Local Housing Assistance Plan (8/9/94) for the State Housing Initiative Partnership (SHIP) Program, to allow for the provision of funding for rental housing.

SHIP PROGRAM - REVISED NONPROFIT AGREEMENTS

Amend agreements (9/12/95) with Suncoast Center for Independent Living and the Memphis Community Development Corporation for rehabilitation work under the SHIP Program, to modify the scope of services by incorporating Resolution R-95-232 and Exhibits 1 through 5 to clarify the payment process.

RECORD S44-2449
S44-2450

CHILDREN'S SERVICES FUNDING AGREEMENTS

Execution of funding agreements with the following nonprofit agencies for FY 1996 funding (10/1/95-9/30/96):

Manatee County Girls Club, Inc., d/b/a Just for Girls (Girls Alternative Program for Success, GAPS), \$78,975.

RECORD S44-2451

Manatee County Girls Club, Inc., d/b/a Just for Girls (Roots and Wings I), \$45,535.

RECORD S44-2452

Manatee County Girls Club, Inc., d/b/a Just for Girls (Roots and Wings II), \$50,203.

RECORD S44-2453

Manatee County Girls Club, Inc., d/b/a Just for Girls (Roots and Wings III), \$36,000.

RECORD S44-2454

DOMESTIC VIOLENCE TREATMENT AND PREVENTION PROGRAM

Execution of Funding Agreement with HOPE Family Services, Inc. (10/1/95-9/30/96), \$8,000.

RECORD S44-2455

NONPROFIT AGENCY FUNDING AGREEMENT

Execution of Funding Agreement with Manatee County Girls Club, Inc., d/b/a Just for Girls (10/1/95-9/30/96), Operation R.E.A.D.Y. Program, \$42,000.

RECORD S44-2456

YOUTH SUBSTANCE ABUSE FUNDING AGREEMENT

Execution of FY96 Youth Substance Abuse Funding Agreement with Manatee County Girls Club, Inc., d/b/a Just for Girls (10/1/95-9/30/96), R.E.A.P., \$55,314.

RECORD S44-2457

1993 TAX CERTIFICATES

Execution of Letter of Notice to Proceed with Application for Tax Deeds to the Tax Collector, for four County-held Tax Certificates which are in excess of two years old (Parcel I.D.: 770.1020/5; 21375.0000/1; 44761.0000/5; 45688.1000/8).

TAMPA BAY NATIONAL ESTUARY PROGRAM

Execution of Letter of No Conflict to Roy G. Harrell, Jr., of Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A. acknowledging agreement to draft the Interlocal Agreement on behalf of the Tampa Bay National Estuary Program and its members, to implement the Comprehensive Conservation and Management Plan.

RECORD S44-2458

STATE AID TO LIBRARIES GRANT

R-96-21 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA ACCEPTING A GRANT FROM THE FLORIDA DIVISION OF LIBRARY AND INFORMATION SERVICES UNDER THE STATE AID PROGRAM. (accept FY95-96 grant, \$304,653; and authorize the Chairman to execute all appropriate documents with regard to acceptance of the grant agreement with Florida Division of Library and Information Services, \$304,653).

RECORD S44-2459
S44-2460

DONATION - PARKS AND RECREATION

Accept donations in accordance with Ordinance 86-05 and procedures established by the County Administrator's Office, from:

1. Home Depot in the form of pool chemicals and shock treatment (valued at \$486.54) to be used at the G.T. Bray Aquatic Center and the East Bradenton Park Pool.
2. Subway Sandwiches (\$25); Domino's Pizza (\$28); Boston Market (\$30); Winn Dixie (\$50); Centennia Carriage (\$20); Albertsons (\$110), and Kiwanis Club of Bradenton (\$1,000) (total of \$1,263) for the 1995 East Bradenton Fowl Shot, Winter Wonderland and the Ho Ho Hotline Holiday events.

BEACH CONCESSION SERVICES

Approval of request by P.S. Beach Associates, Inc. to defer the January 1996 rent payment, and to incorporate this payment into the payment schedule (approved 11/14/95) for October, November and December 1995, as presented in a Revised 1996 Deferred Payment Schedule (dated 1/11/96).

RECORD S44-2461

IMPACT FEE CREDIT

1. Credit Authorization CA-94-16(T) for Cabot Pointe/Assisted Care Facilities, Inc. for right-of-way dedication on 26th Street West at 53rd Avenue West.

RECORD S44-2462

2. Credit Authorization CA-95-11(T) for Petzoldt Construction Company/River's Bend Subdivision; and Final Authorization of Transportation Credit for right-of-way dedication on Fort Hamer Road at Mulholland Road, \$2,588. RECORD S44-2463

FINAL PLAT - PARKER ACRES SUBDIVISION S44-2464

Approval of, authorize execution of, and/or authorization to record final subdivision plats with associated bonds/documents as follows:

1. Final Plat
2. Mortgagee's Joinder in and Ratification of Subdivision Plat from Liberty National Bank
3. Mortgagee's Joinder in and Ratification of Subdivision Plat from First Union National Bank of Florida, N.A.

LAKE MANATEE WATERSHED FIRE PROTECTION

Execution of Agreement with Mighty 4-Her's of Duette Volunteer Fire Department for funding of emergency response services (10/1/95-9/30/96), \$10,900. RECORD S44-2465

PARRISH CIVIC ASSOCIATION - WINTER COMMUNITY CLEANUP

Placement of two 20-yard rollofs at designated sites February 2-4, 1996; and waiver of service and tipping fees at the landfill.

BOWLEES CREEK DREDGING

Waive landfill tipping fees for dredged material from the Bowlees Creek dredging project for use as daily cover at the Lena Road solid waste management facility.

DEEDS AND EASEMENTS

1. Bayshore Elementary School - Pedestrian Sidewalk Easement from Manatee Community College District Board of Trustees for a sidewalk along 26th Street West, between 57th Avenue West and 60th Avenue West; Affidavit of Ownership and Encumbrances.
2. 75th Street West - Temporary Construction Easement from John T. and Susan R. Martens for road improvements, from Manatee Avenue West to Cortez Road.

WAUCHULA ROAD RIGHT-OF-WAY

1. Contract for Sale and Purchase for a Warranty Deed from Lewis' 8001 Enterprises, Inc. for right-of-way for the replacement of Wauchula Road Bridge located on Wauchula Road, north of SR 70, \$700; and Accept Warranty Deed from Lewis' 8001 Enterprises, Inc.; Affidavit of Ownership and Encumbrances. RECORD S44-2466
2. Contract for Sale and Purchase for a Warranty Deed from Jerry A. and Mary E. Lewis for right-of-way for the replacement of Wauchula Road Bridge located on Wauchula Road, north of SR 70, \$4,890; Accept Warranty Deed from Jerry A. and Mary E. Lewis; Affidavit of Ownership and Encumbrances. RECORD S44-2467

TRANSIT - PARATRANSIT PLAN

Approval of the Transit Final American with Disabilities Act, Paratransit Plan Update, as required by the U.S. Department of Transportation, Federal Transit Administration.

TRANSIT - RURAL OPERATING ASSISTANCE GRANT

Execution of grant application for FTA Section 18 Rural operating assistance, \$57,000 (Federal \$28,500, County \$28,500; 10/1/96-9/30/97). RECORD S44-2468

AQUIFER STORAGE/RECOVERY SYSTEMS

Execution of Agreement with Montgomery Watson Americas, Inc. for Aquifer Storage/Recovery Systems engineering consulting services, not to exceed \$440,000 (\$399,990, plus \$40,010 in additional funds). RECORD S44-2469

CONSTITUTIONAL OFFICERS BUDGET DEADLINE

R-96-026 RESOLUTION ESTABLISHING BUDGET SUBMISSION DATE FOR CERTAIN CONSTITUTIONAL OFFICERS.

(establishing May 1, 1996, for 1997 budget from Clerk of Circuit Court, Sheriff, and Supervisor of Elections). RECORD S44-2470

DELINQUENT TAXES

Selection of the Sarasota Herald Tribune/Manatee AM to advertise the 1995 delinquent taxes for an estimated amount of \$11,000, and to notify Tax Collector of the decision.

MATERIALS AND SERVICES

1. Digester Gas Compressors - Award IFB 537294MP to the lowest responsive, responsible bidder, Wharton-Smith, Inc., \$641,649; and authorize subsequent execution of contract, simultaneous dating of performance/payment bonds, and accept insurance certificate.

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2. **Off-Road Dump Trucks with Operators (Solid Waste/Landfill):**
 - a. Approve, ratify and confirm emergency purchase of dump truck rentals with operators from Sterling Equipment Company and S & E Contractors (10/23/95-1/12/96), in accordance with emergency purchase procedures, \$70,800; and
 - b. Approve, ratify and confirm emergency purchase of dump truck rental from Sarasota Land Services for up to five months (1/13/96-6/12/96), on an as-needed basis, in accordance with emergency purchase procedures, for an approximate \$183,400 (based on a 60-hour work week).
3. **Fuel Storage Tank System Upgrade (Bayshore) - Award IFB 96-4491-MP to the lowest responsive, responsible bidder, Adams Tank & Lift, Inc., \$61,584.**
4. **Sale of Used Golf Cars - Award Bid 549111NK to the highest responsive, responsible bidder, Snuffin Brower, Inc. for the sale of 22 used golf cars, \$1,188; and execution of the Sale Agreement.**

RECORD S44-2471

PROFESSIONAL ENGINEERING/ARCHITECTURAL SERVICES - WATER/WASTEWATER

Execution of contracts with five top-ranked firms to provide professional engineering/architectural consulting services for water, wastewater and reclaimed water infrastructure projects for one year with two, one-year options to extend:

- 1) McKim & Creed, Inc.; 2) Larson Engineering, a division of Kimley-Horn & Associates, Inc.; 3) Zoller, Najjar & Shroyer, Inc.; 4) Post, Buckley, Schuh & Jernigan, Inc.; 5) Parsons Engineering Science, Inc.

RECORD S44-2472-

S44-2476

SURPLUS PROPERTY

Classify excess property as surplus property per Florida Statute 274.05 to enable/authorize disposition of said property in accordance with Procurement Code 84-02, Section 8.108; and thereafter dispose of such property.

RECORD S44-2477

FOUR CORNERS MINE - ENVIRONMENTAL MONITORING

Execution of Addendum 1 to agreement with Environmental Science & Engineering, Inc. for environmental monitoring professional services for the Four Corners Mine Operation to comply with IMC Mining Development Order, Ordinance 95-41, which supersedes IMC Mining Development Order, Ordinance 92-64.

RECORD S44-2478

GOLF COURSE ROAD/JIM DAVIS ROAD PROJECT

Execution of Work Assignment 3 for engineering, design, survey and construction services with Lombardo & Skipper, Inc., not to exceed \$71,500.

RECORD S44-2479

HOUSEHOLD HAZARDOUS WASTE COLLECTION

Execution of Addendum 3 with Laidlaw Environmental Services, Inc. to extend agreement from February 24, 1996, to February 24, 1997, with all other terms/conditions remaining the same.

RECORD S44-2480

COMPREHENSIVE PLAN TRANSPORTATION PROJECTS

Execution of Addendum 3 to remove the requirement for the County to retain ten percent of balance of payment due for remaining work after completion of 75 percent of work required under any work assignment, pursuant to Article 5 of agreements for engineering and surveying services (7/10/90) with Glace & Radcliffe, Inc., Kimley-Horn & Associates, Inc., and Lombardo & Skipper, Inc.

RECORD S44-2481-

S44-2483

BELL EXHIBIT BUILDING (FAIRGROUNDS)

Execution of a 10-year FiberTite Limited Warranty (membrane roof) with Seaman Corporation; and accept 2-year Roofing System Limited Warranty (sheet metal roof) with Sutter Roofing Co.

RECORD S44-2484

S44-2485

INSURANCE - AGGREGATE STOP LOSS RENEWAL

Execution of Letter of Agreement with Acordia Benefits of Florida, Inc. for renewal of Aggregate Stop Loss for one year, reflecting an increase from \$325.62 to \$383.83 per employee per month, annual premium increase from \$16,281 to \$17,040.

RECORD S44-2486

TAYLOR GRADE ROAD/BUNKER HILL ROAD PROJECT

Execution of Work Assignment 4 with Lombardo & Skipper, Inc. for engineering services, \$158,500.

RECORD S44-2487

TAX NOTICE ALTERNATE FORMAT

R-96-025 A RESOLUTION AUTHORIZING THE USE OF ITEMIZED TAX NOTICES.

RECORD S44-2488

BUDGET AMENDMENTS

Adoption of Budget Amendment Resolutions:

COMMUNITY AFFAIRS

(B-96-007)

Increase Revenue/Expenditure Establishes budget for the FY 96 Farmers Home Housing Preservation Grant approved on 8/14/95.

\$60,000

RECORD S44-2489

(B-96-008)

Item Transfers: Appropriates interest earned in prior fiscal years to be spent on SHIP Program activities in the current grant accounts.

\$11,162

RECORD S44-2490

(B-96-009)

Increase Revenue/Expenditure Appropriates monies for the Alzheimer's Disease Initiative Grant through West Central Florida Area Agency on Aging, Inc. approved on 11/7/95.

\$21,874

RECORD S44-2491

(B-96-010/1&2)

Item Transfers: Appropriates monies for the Comprehensive Anti-Drug Prevention Program approved on 6/6/95.

\$70,825 S44-2492

Item Transfers:

\$212,475 S44-2493

RECORD

FINANCIAL MANAGEMENT

(B-96-011)

Item Transfers: Appropriates funds from Miscellaneous Grants fund balance to the Urban Forestry grant to cover expenses which are ineligible for reimbursement by the grant.

\$4,516

RECORD S44-2494

PARKS AND RECREATION

(B-96-012)

Item Transfers: Reduces cash balance in the FY 96 budget because funds originally planned to be moved into the Braden River Park project in the FY 96 budget process were moved into the project prior to the close of FY 95. Thus, cash carryover in the FY 96 budget for Parks Impact Fee District C is reduced, and Reserve for Fund Balance is being reduced.

\$90,000

RECORD S44-2495

PUBLIC SAFETY

(B-96-013)

Increase Revenue/Expenditure Appropriates monies for the Emergency Management, Preparedness and Assistance Trust Fund Grant with the Florida Department of Community Affairs, signed by the Board on 9/12/95.

\$67,438

RECORD S44-2496

PUBLIC WORKS/PROJECT MANAGEMENT

(B-96-014)

Item Transfers: Closes completed wastewater projects and transfers unexpended funds to Reserve for Capital Projects.

\$610,062

RECORD S44-2497

(B-96-015)

Item Transfers: Closes the Bayshore Gardens Parkway project and transfers unexpended monies to Reserve for Capital Projects.

\$250,343

RECORD S44-2498

(B-96-016)

Item Transfers: Closes several projects in the Sewer FIF Construction fund and transfers unexpended monies to Reserve for Capital Projects.

\$480,692

RECORD S44-2499

(B-96-017)

Item Transfers: Appropriates funds approved in the FY 96 CIP for waterline extension and transmission projects in the Water FIF Construction fund.

\$450,000

RECORD S44-2500

(B-96-018)

Item Transfers: Establishes a separate Taylor Road Bridge project from the generic Bridge Rehab project.

\$120,000

RECORD S44-2501

(B-96-019)

Item Transfers: Increases appropriations to several projects to provide needed funding for project completions as stated in Project Status Reports.

\$50,006

RECORD S44-2502

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(B-96-020)

Item Transfers: Closes a completed Wastewater Treatment plan project and transfers unexpended monies to Reserve for Capital Projects. \$20,490

RECORD S44-2503SHERIFF

(B-96-021)

Item Transfers: Provides funding for the Police Athletic League (PAL) from Fund Balance in the Special Law Enforcement Trust Fund as requested by the Sheriff and approved on 10/3/95. \$50,000

RECORD S44-2504GULF COAST WORLD OF SCIENCE

Execution of a letter of support to Sandra B. Mortham, Secretary of State, Florida Arts Council encouraging approval of an application from the Gulf Coast World of Science for Cultural Arts Grant funding from the State Division of Cultural Affairs.

WEED AND SEED INITIATIVE - TRANSFER OF REAL PROPERTY

R-96-30 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS SETTING OUT CERTAIN FINDINGS OF FACT AND PROVIDING FOR THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP).

(conveying the Skyline Bar property, Lot 104 and 105 of Washington Park Subdivision, \$10; contingent upon completion of a satisfactory Phase I environmental audit).

(End Consent Agenda)

RECORD S44-2505METROPOLITAN PLANNING ORGANIZATION - BAY CROSSING STUDY

Following discussion, motion was made by Mrs. Glass, seconded by Ms. Brown and carried 6 to 0, to issue Purchase Order to Glatting, Jackson, Kercher, Anglen, Lopez, Rinehart, Inc. to conduct a Charrette for Bay Crossing Study for the Metropolitan Planning Organization, not to exceed \$50,000.

Recess/Reconvene. All members present except Mr. Gause.URBAN FORESTRY MASTER PLAN

John Moody, Swan Moody and Associates, Inc., presented the Urban Forestry Master Plan and a summary of the Urban Forestry Program. He reviewed areas that have been identified by the Urban Forestry Advisory Committee for the street tree planting program. A video of other roadways to be landscaped was shown.

(Ms. Brown absent for portion of presentation)

Discussion: Control of exotic species; visual aesthetics; areas broken down into phases; a plan for the City of Bradenton has been coordinated with the County plan.

Motion was made by Mrs. Hooper, seconded by Mr. McClash and carried 6 to 0, to accept the Urban Forestry Master Plan.

RECORD S44-2506AIR QUALITY REGULATIONS

Karen Collins, Office of Environmental Management Director, requested authorization for the County Administrator to schedule and advertise public hearings for an Air Pollution Control Ordinance and Open Burning Ordinance. The air pollution rules were rendered null and void with the sunseting of the Environmental Action Commission (10/1/95).

Following discussion, it was the consensus of the Board to hold a work session to study the issues without public input; conduct a public forum to allow public discussion and to hear public concerns, followed by a formal, advertised public hearing.

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 6 to 0, to authorize the County Administrator to schedule and advertise the public hearings.

MANATEE BEACH CONCESSION

Dan Hopkins, Parks and Recreation Director, stated that P.S. Beach Associates, Inc. has requested certain capital improvements at the Manatee Beach Concession Facility as outlined in memorandum (12/27/95)

from Sam Love, Facilities Management Director, for an estimated cost of \$37,277.08. Inasmuch as a funding source has not been identified, he recommended use of Reserve for Contingency or amend the recommended motion to add "when funding becomes available." RECORD S44-2507
 (Depart Mrs. Glass)

Motion was made by Mrs. Harris, seconded by Ms. Brown and carried 5 to 0, to proceed with the request for capital improvements. Staff was instructed to look for funding sources and report back to the Board.

MULTI-WAY STOP - BAYSHORE GARDENS PARKWAY AND GEORGIA AVENUE

Harry Mendenhall, Transportation Department, stated that a multi-way stop was installed (7/12/88) at the intersection of Bayshore Gardens Parkway and Georgia Avenue as a temporary measure to determine its effectiveness in slowing traffic on Bayshore Gardens Parkway. Staff determined that approximately 75 percent of the vehicles on Bayshore Gardens Parkway either ignored the sign or slowed to 3-5 MPH and rolled through the intersection. Based upon this information, staff requested approval to remove the multi-way stop at this location.

(Enter Mrs. Glass)

Motion was made by Mrs. Harris to continue this issue, along with the scheduled public hearing to change the speed limit on Bayshore Gardens Parkway (Ordinance 96-02) to February 27, 1996. Motion was seconded by Ms. Brown and carried 6 to 0.

THREE-WAY STOP - 78TH STREET NORTHWEST AND 13TH AVENUE NORTHWEST

Mr. Mendenhall presented a request from the Catalina Homeowner's Association for installation of a three-way stop at the intersection of 78th Street and 13th Avenue Northwest for pedestrian safety and for motorists going to and from Stewart Elementary School. Staff recommended approval of the request.

(Mrs. Hooper absent for a portion of discussion)

Discussion: Effectiveness of a traffic control device for school hours only; school traffic/buses have been driving through the residential neighborhood; stop sign will not affect through traffic, but will impact area residents; discuss school traffic management at the next joint meeting with the School Board.

Motion was made by Mrs. Glass and seconded by Ms. Brown, to approve the recommendation by staff. Motion carried 5 to 1, with Mr. McClash voting nay.

POMELLO PARK SUBDIVISION

Larry Mau, Transportation Director, stated the County received a Notice of Violation (1/5/96) from the Southwest Florida Water Management District (SWFWMD) advising of prohibited activity (pursuant to F.S., Chapter 373) in Pomello Park Subdivision by land owners and developers. The prohibited activity involves the clearing/placement of fill for roads that is affecting the flow of existing surface water without necessary SWFWMD permits.

Several right-of-way use permits were issued to land owners and developers for access to their property, however, some individuals have exceeded the authorization allowed by the County, and have not acquired SWFWMD permits for the work being performed. Letters were sent to the violators ordering them to cease work until SWFWMD approval was secured. An interim letter of response (1/19/96) was also sent to SWFWMD acknowledging the violations and outlining the efforts of staff to resolve the problem.

Mr. Mau advised that staff continues to monitor the site for non-permitted work. To insure compliance of future activities with Florida Statutes, staff has prepared a response letter to SWFWMD. Mr. Mau recommended authorization for the Chairman to sign the letter.

Motion was made by Mrs. Harris, authorizing execution of the letter. Motion was seconded by Ms. Brown.

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Following discussion, Jeffrey Steinsnyder, Assistant County Attorney, explained the process for the County to recover the costs incurred for compliance.

Motion carried 6 to 0.

COMMISSIONERS' COMMENTS

Recycling of Waste Oil

Ms. Brown asked that the public be provided with information regarding the appropriate method for disposal of waste oil.

Disposition: County Administrator to convey information to Ms. Brown.

School Board Issues

Mrs. Glass stated that a newspaper article indicated the School Board gave land at **Lincoln School** to the City of Palmetto for development of a park. She questioned the status of earlier plans by the County for this property, and stated concern as to its development potential in view of the fact that the property was part of the County Parks and Recreation Capital Improvement Program.

Mrs. Harris supported the idea to hold a joint work session with the School Board to discuss its five-year plan for park development and traffic issues surrounding the **Bayshore High School**.

Disposition: Parks and Recreation staff to schedule a work session with the School Board.

Board Meetings - Citizens' Comments/Commissioners' Comments

Mrs. Harris recommended that Citizens' comments and Commissioners' comments be added back to land use meetings on Thursdays.

Ponce de Leon Street Traffic

Mrs. Harris stated the traffic on U.S. 41, northbound onto Ponce de Leon Street, is making it difficult for emergency vehicles of the Whitfield Volunteer Fire Department to come and go when necessary. She requested the matter be placed on a future agenda for discussion regarding traffic/limited access.

Three-Way Stop at Pearl Avenue/Willow Street/Whitfield Avenue

Mrs. Harris requested discussion of a three-way stop at the intersection of Pearl Avenue, Willow Street and Whitfield Avenue, be placed on the same agenda as the Ponce de Leon item.

South County Crime Watch

Mrs. Harris stated she received four complaints of loud music while participating in the South County Crime Watch. The Sheriff's Office advised that the noise ordinance was not being enforced due to a lack of employees certified to operate the noise decibel readers.

Disposition: Referred to the County Administrator.

Emergency Medical Services - Contract/Union Negotiations

Mrs. Harris advised the Board that a large number of experienced EMT's and paramedics have been leaving Manatee County since 1992.

Discussion: On-going union negotiations; changes in services; concern that appropriate emergency medical service is being provided; Lee County is experiencing similar problems; employee morale; exit interviews; method of regular/overtime wages; bargaining is at a legal impasse; status of a contract; a Special Master hearing is scheduled in March.

Ms. Brown stated concern over the number of paramedics that have quit. She also stated she has observed that traffic does not stop for emergency vehicles and expressed concern as to safety hazards.

The County Administrator and County Attorney addressed issues within their purviews.

Recycling Program - Multi-Family Units

Mrs. Hooper requested the Palm Aire Condominiums be added to the list of multi-family units interested in participating in the recycling program.

Recess/Reconvene. All members present except Mr. Gause, Mrs. Harris and Mrs. Glass.

ORDINANCE 96-18: SELF-INSURANCE PROGRAM

Public hearing (Notice in the Bradenton Herald 1/11/96) was held to consider

ORDINANCE 96-18 AN ORDINANCE OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY SELF-INSURANCE ORDINANCE NO. 92-23; CLARIFYING THE AUTHORITY OF THE MANATEE COUNTY RISK MANAGER TO SELECT AND APPOINT HEALTH CARE PROVIDERS TO FURNISH NECESSARY MEDICAL SERVICES TO EMPLOYEES, AND AUTHORIZING PAYMENTS FOR SERVICES AND BENEFITS UNDER THE FLORIDA WORKERS' COMPENSATION LAW; AND PROVIDING AN EFFECTIVE DATE.

William Henry, Assistant County Attorney, stated this Ordinance amends Section 7 of the Self-Insurance Ordinance (92-23) to clarify the authority of the Safety, Claims and Risk Manager, subject to the approval of the County Attorney, to purchase and pay for workers' compensation, medical services and other risk management services.

(Enter Mrs. Harris)

Motion was made by Mrs. Harris, seconded by Mr. McClash and carried 5 to 0, to adopt Ordinance 96-18.

RECORD S44-2508

BOWLEES CREEK - CANAL DREDGING PROJECT

Public hearing (Notice in the Bradenton Herald 1/11/96) was held to consider

Bowlees Creek - Canal Dredging Project No. 3901

Canal Dredging Improvements along Areas C-1, C-2, C-3, D-1, D-2, E-1 and E-2 of Bowlees Creek as depicted on the Location Map (Exhibit C to the resolution).

and

R-96-23 A RESOLUTION APPROVING SPECIAL CANAL DREDGING PROJECT NO. 3901, BOWLEES CREEK

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

Janet McAfee, Public Works, reviewed the request noting this is the first public hearing to hear testimony in support of, or in opposition to, the project, which comprises dredging the finger canals extending beyond the main channel of Bowlees Creek.

(Enter Mrs. Glass)

The proposed dredging improvements shall consist of: 1) hydraulically dredge approximately 20,000 cubic yards of sediment and 2) achieve depths of 5.0 feet below mean low water elevation. A sheet outlining each of the areas proposed for canal dredging with the number of affected parcels and cost per parcel was distributed.

She advised that the main channel will be dredged, with no assessment to adjacent property owners. The bid has been structured in such a way that any of the areas proposed for canal dredging improvements can be included or excluded.

She submitted the following correspondence:

- Letters of opposition from two residents from Area C-2;
- Petition in opposition signed by all residents of Area C-3;
- Fax letter from a representative of Areas E-1 and E-2 (owned by Icard Family Trust) requesting the right to reserve objections to the project until additional information is provided.

Based on correspondence from the residents of C-3, Ms. McAfee deleted Area C-3 from the project.

Janet Gigstead, Area C-3 resident, stated all the property owners are not against the dredging, but are opposed to being charged for it.

F. G. Jaskol spoke in favor of the dredging, but expressed concern of being equitably assessed when he considers his property to be located at the main channel (Area C-2, property fronts on main and side canal).

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Joel Betts, Area C-2 resident, submitted photographs (3) of his dock and the mouth into Bowlees Creek showing the build up of sediment. He stated this problem will keep recurring until the flow of water carrying the sediment into Bowlees Creek is addressed.

Barry Bush spoke in behalf of several C-1 property owners, and submitted two letters from property owners in favor of the project. He also spoke on behalf of a property owner in Area D-1 (Moore).

Discussion: Concerns by the Icard property owners of Areas E-1 and E-2; move forward with the dredging project; construction bid is scheduled (2/6/96); if Icard concerns cannot be resolved, Areas E-1 and E-2 will not be included in the project.

Motion was made by Mrs. Harris, seconded by Mr. McClash and carried 6 to 0, to adopt Resolution R-96-23, approving construction of a canal dredging project in Bowlees Creek, Areas C-1, C-2, D-1, D-2, E-1 and E-2, and authorize the Chairman to execute an agreement with the Property Appraiser and Tax Collector.

RECORD S44-2509
S44-2510

ORDINANCE 96-03: NO PARKING

Public hearing (Notice in the Bradenton Herald 1/9/96) was held to consider

ORDINANCE 96-03 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 95-25 AND 95-52; REGULATING STOPPING, STANDING OR PARKING OF MOTOR VEHICLES ON 5TH AVENUE NORTHWEST, 75TH STREET NORTHWEST, 21ST STREET WEST, 24TH STREET EAST, 86TH STREET WEST AND THE MEDIAN LOCATED ON 118TH STREET WEST; ALL BEING COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

No Stopping, Standing or Parking from 7 a.m.-5 p.m. on School Days

5th Avenue Northwest from 75th Street Northwest, east 50 feet

75th Street Northwest from 5th Avenue Northwest, south 50 feet

No Stopping, Standing or Parking at any time

21st Street West from Bay Drive, south to the dead end

24th Street East (west side only) from 180 feet south of 53rd Avenue East, south 270 feet

86th Street West (east side only) from Cortez Road to the entrance to Bay Lake Estates

118th Street West (median only) from 36th Avenue Drive West to 40th Avenue West

Harry Mendenhall, Transportation Department, stated the request for 5th Avenue and 75th Street Northwest is from King Middle School and area residents. Staff recommended adoption.

Lengthy discussion followed regarding existing signs on 75 Street Northwest King Middle School Parking. It was agreed to defer action on the 75th Street/5th Avenue Northwest area until the Board meets with the School Board to discuss traffic/parking problems.

Motion was made by Mr. McClash, to adopt Ordinance 96-03 with deletion of 5th Street Northwest and 75th Street Northwest. Motion was seconded by Mrs. Harris and carried 6 to 0.

RECORD S44-2511

ORDINANCE 96-04: LIMITED RIGHT TURN

Public hearing (Notice in the Bradenton Herald 1/9/96) was held to consider

ORDINANCE 96-04 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 94-10 AND ORDINANCE 92-51; REGULATING THE TURNING OF MOTOR VEHICLES AT CERTAIN INTERSECTIONS OF COUNTY MAINTAINED ROADWAYS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

53rd Avenue West eastbound, onto southbound 34th Street West

Based upon the results of a traffic study at this intersection, Mr. Mendenhall stated staff recommended to rescind the current right turn on red prohibition and replace it with no right turn on red when pedestrians are present.

Discussion: Impact on Morton Village; the necessity for a joint meeting with the School Board to discuss traffic in school areas.

Motion was made Mrs. Harris to adopt Ordinance 96-04. Motion was seconded by Mrs. Hooper and carried 6 to 0. RECORD S44-2512

ORDINANCE 96-02: SPEED LIMITS

Public hearing (Notice in the Bradenton Herald 1/9/96) was held to consider

ORDINANCE 96-02 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 84-05; TO PROHIBIT THE TRAVEL OF VEHICLES AT SPEEDS IN EXCESS OF THE ESTABLISHED LIMIT ON 60TH AVENUE WEST; AND ON STREETS LOCATED IN SARABAY WOODS SUBDIVISION; AND ON STREETS LOCATED IN WESTBROOK PHASE I OF CREEKWOOD SUBDIVISION; ALL BEING COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Bayshore Gardens Parkway from U.S. 41 to 26th Street West 40 MPH
60th Avenue West from U.S. 41 to 26th Street West 30 MPH

Sarabay Woods Subdivision 25 MPH
9th Street Court East from 70th Drive East, north to cul-de-sac
70th Drive East from 9th Street East, southeasterly to cul-de-sac
Queen Palm Circle from 9th Street East to 9th Street East
Wee Burn Place from Queen Palm Circle, west to cul-de-sac

Westbrook Phase I of Creekwood Subdivision 25 MPH
49th Avenue East from 72nd Street East to 72nd Court East
51st Place East from 72nd Street East, west to cul-de-sac
52nd Drive East from 72nd Street East, west to cul-de-sac
52nd Drive East from 72nd Street East, east to FP&L right-of-way
72nd Court East from 49th Avenue East, southwesterly to cul-de-sac
72nd Court East from 72nd Street East, north to cul-de-sac
72nd Street East from 52nd Place East to 49th Avenue East

Based on earlier discussion, Mr. Mendenhall stated that action on the multi-way stop at Bayshore Gardens Parkway and the portion of this ordinance pertaining to Bayshore Gardens Parkway, are being deferred to February 27, 1996.

Peter Vecchio, resident on Bayshore Gardens Parkway, spoke in opposition to increasing the speed limit on the Parkway. He submitted photographs (9) of an accident in front of his home, and stated his property has been destroyed several times by speeding vehicles.

Also speaking in opposition to raising the speed limit on the Parkway were: Beverly Lipman, Dianne Calhoun, Jack Morris, Ted Nowosad, Jill Beavers, and Kathryn Milko.

Discussion: Violations of speed limit does not justify raising it; area residents do not want speed limit changed; Sheriff enforce existing speed limit; schedule a public hearing on all of Bayshore Gardens Parkway; hold a night hearing; etc.

Motion was made by Mrs. Harris, to adopt Ordinance 96-02 with the deletion of Bayshore Gardens Parkway. Motion was seconded by Mrs. Glass.

Mrs. Harris stated that the intersection at Bayshore/Georgia Avenue remains an outstanding issue, and recommended the stop sign at Bayshore/Cornell Road be retained (letter dated 1/21/96 from Bob and Gail Workman).

Motion carried 6 to 0. RECORD S44-2513

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(Cont'd)

STREET VACATION: RIVERVIEW PARK SUBDIVISION

Public hearing (Notice in the Bradenton Herald 1/10&17/96) was held to consider application 96-V-04 by James Stephen and Ruth L. Lyerly and adoption of

R-96-12-V A RESOLUTION VACATING A DRAINAGE AND UTILITY EASEMENT ALONG THE SOUTH LINE OF LOT 1 IN RIVERVIEW PARK SUBDIVISION.

Jim Staples, Land Acquisition, stated the applicants requested the vacation so they can proceed with the construction of their new home. All costs will be borne by the applicants. Staff recommended adoption. (Depart Mrs. Harris)

Garret Barnes, representing the applicants, concurred with staff.

Motion was made by Mrs. Glass, seconded by Mrs. Hooper and carried 5 to 0, to adopt Resolution R-96-12-V.

RECORD S44-2514

COUNTY ATTORNEY - INTERN

H. Hamilton Rice, Jr., County Attorney, introduced Juan Piefrom, an intern participating in the Stetson Law School Intern Program in the County Attorney's office.

HANDI-BUS SERVICE FOR INDIGENTS

Mrs. Glass requested the issue of bus service for the handicapped who cannot pay, must be addressed.


MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk


Chairman
3/19/96

Adj: 3:15 p.m.
/rll