

APRIL 2, 1996

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, April 2, 1996, at 9:08 a.m.

Present were Commissioners:

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

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 Father Joseph F. Connally, St. Joseph's Catholic Church

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

AWARDS/PRESENTATIONS

Teen Court Coordinator

R. B. Shore, Clerk of Circuit Court, presented a plaque to Terri Vickers for service as Coordinator of Teen Court Programs from 1991-1996. A brochure explaining the Teen Court Programs was distributed.

Employee of the Month

A Certificate of Recognition was presented to Lavon Krieg, Parks and Recreation Department, as Employee of the Month for April 1996. A video about Mr. Krieg was shown.

PROCLAMATIONS

International Building Safety Week

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried unanimously, to adopt a Proclamation designating the week of April 7-13, 1996, as International Building Safety Week. RECORD S44-2741

George Devenport, Building Official, accepted the Proclamation.

National Child Abuse Prevention

Motion was made by Mrs. Hooper, seconded by Mr. McClash and carried unanimously, to adopt a Proclamation designating the month of April 1996 as Child Abuse Prevention Month and April 10, 1996, as Child Abuse Prevention Day. RECORD S44-2742

Manatee Children's Services representatives accepted the Proclamation.

CITIZENS' COMMENTS

Golf Course Policy

Frank Mayer, Robert Luscombe, and William Berg spoke about the policies at county golf courses, i.e. I.D. cards, golf course rates, tee times, and the unfair treatment to nonresident golfers.

Disposition: Ernie Padgett, County Administrator, advised that the matter will be brought back at the next Board meeting (4/16/96).

Florida Power and Light Co. - Oromulsion Project

Bill Hile and Stanley Herbets addressed the detrimental effect of an industrial haul road through Parrish for use by Florida Power and Light trucks in the Oromulsion Conversion Project, and suggested using the railroad as an alternative. A copy of a letter to Governor Chiles was entered into the record.

Disposition: The County Administrator to place the issue on a future agenda and include Port staff in the dialogue.

AGENDA DELETION

The County Administrator deferred a report regarding the Parrish Community Center to a later date.

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(Cont'd)

CONSENT AGENDA

Motion was made by Mrs. Glass, seconded by Ms. Brown and carried unanimously, to approve the Consent Agenda with the changes as follows:

- **Local Option Gas Tax Distribution** - Report on the Distribution Formula with the municipalities (separate action).
- **County Rights-of-Way and Medians** - Resolution R-96-14 (separate action).

Items APPROVED:

CLERK OF CIRCUIT COURTCONSENT CALENDARBONDSAccept:

Sheriff's Public Deputies Blanket Bond (30 additions; 13 deletions) RECORD S44-2743

LongPond at Mote Ranch, Phase III (PDR-81-05/87-S-03)

1. Agreement with Lennar Mote Ranch, Ltd. Warranting Required Improvements, \$31,485.92.
2. Defect Security: \$31,485.92 (Letter of Credit SM-03330-096, NationsBank of Florida, N.A.)
3. Agreement with Lennar Mote Ranch, Ltd. Guaranteeing Completion of Required Sidewalks and Bikeways, \$13,657.80.
4. Performance Bond: \$13,657.80 (Letter of Credit SM-03369-096, NationsBank of Florida, N.A.)

Release:Rosedale-1 (PDR-89-07/89-S-22)

1. Agreement with Richard E. Ross, as Trustee, Warranting Required Improvements, \$6,138.
2. Defect Security: \$6,138 (Cashier's Check 801724, NationsBank of Florida, N.A.)

North River Interchange Park (90-S-08)

1. Agreement with North River Interchange Park Partnership (William W. Merrill, III, as Trustee), Guaranteeing Completion of Required Sidewalks, \$7,956.
2. Performance Bond: \$7,956 (Certificate of Deposit 0205030069, Bank of Boston-Florida, N.A.)

REFUNDS

Gulf Watch Developers, Inc. - Irrigation Meter/FIF Connect \$2,775.00

WARRANT LIST

Approve: March 28, 1996, through April 1, 1996

Authorize: April 2, 1996, through April 15, 1996

AUTHORIZE CHAIRMAN TO SIGNPartial Releases of Special Improvement Assessment Liens:

Projects 3009 (3); 3010; 3102; 5147(2); 5148; 5155 (8)

Satisfactions of Judgments:

Johnny Fortune, Case 94-4378M (\$148)
 Jeanne M. Jordan, Case 92-3476F (\$250)
 Clara Anderson, Case 95-2279J (\$100)
 Jackie Cillo, Case 94-1348JD (\$463.30)

ACCEPT

City of Palmetto Annexation - Ordinance 562 adopted 3/18/96 by the City of Palmetto annexing property located at 904 17th Street West (P&T Filter Sales)

Peace River/Manasota Regional Water Supply Authority - Annual Financial Report for Fiscal Year ended 9/30/95

Parrish Fire Control District - Annual Financial Report and Audit Report for Fiscal Year ended 9/30/95

COUNTY ADMINISTRATORPROCLAMATIONS

Adoption of a Proclamation designating April 30, 1996, as **Chief Wayne McCammon Day.** RECORD S44-2744

CHILDREN'S SERVICES FUNDING AGREEMENT

Execution of amendment one to agreement (11/7/95) with Police Athletic League of Manatee County, Inc. for Fiscal Year 1995-96 to provide for verification in the unit of service definition.

RECORD S44-2745

AUTHORIZATION TO SET PUBLIC HEARINGS

Authorization to set public hearings to consider amendments to several ordinances: Procurement Code, Civic Center Ordinance, Handicapped Parking, Enabling Ordinance for Human Services Programs, and a T.E.F.R.A. Hearing for a Superior Electronics Industrial Development Revenue Bond Application.

4-H CLUB GOLF TOURNAMENTS

1. Approve, ratify and confirm action by Department of Parks and Recreation to waive fees for two, 18-hole and one-half cart rounds at the Buffalo Creek Golf Course to Manatee County 4-H Club for the golf tournament held February 24, 1996; and
2. Parks and Recreation to waive fees for future tournaments for the 4-H Club during Fiscal Year 1995-96.

SPECIAL INTEREST CLASSES - GOLF INSTRUCTION

Increase the golf instructors' percentage from 70 percent to 80 percent and decrease the County's percentage from 30 percent to 20 percent.

NATIONAL SAFE BOATING WEEK

Grant permission to the United States Coast Guard Auxiliary to conduct a kick-off day of events in conjunction with National Safe Boating Week at the Coquina Bayside Pavilion on May 18, 1996 (original Certificate of Insurance submitted).

FINAL PLAT - NOTTING HILL SUBDIVISION

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

1. Final Plat
2. Mortgagee's Joinder in and Ratification of Subdivision Plat from William T. Harrison, Jr. as Trustee.
3. Mortgagee's Joinder in and Ratification of Subdivision Plat from Kabara Corporation N.V. and Island Investment Properties, Ltd.
4. Declaration of Restrictions for Notting Hill.
5. List of Holdings.
6. Fiscal and Budgetary Information.
7. Maintenance Program.
8. Notice to Buyers.
9. Agreement with Northern Capital Associates, Inc. to Defer Completion of Required Sidewalks. RECORD S44-2746
10. Conservation Easement from Northern Capital Associates, Inc.

FARM SUBDIVISION

Approval of the street numbering waiver request by the developers (Manatee Shareholders Trust) of Farm Subdivision.

UNIVERSITY LAKES

Execution of Maintenance Agreement with SMR Communities Joint Venture for right-of-way island, landscaping, irrigation and wall entrance improvements on the north and south sides of University Parkway and in the median for University Lakes. RECORD S44-2747

EMERGENCY MANAGEMENT TRUST FUND MODIFICATION

R-96-73 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, MODIFYING THE BASE GRANT AWARD (ACCEPTED BY RESOLUTION R-95-236) FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT, FOR THE EMERGENCY MANAGEMENT, PREPAREDNESS AND ASSISTANCE TRUST FUND.
(Authorizing execution of modification to agreement (9/12/95) with Department of Community Affairs, increasing the funding by \$5,352, for a total of \$72,790, 10/1/95-9/30/96). RECORD S44-2748

PALMETTO COUNTRY CLUB ESTATES - ROAD ASSESSMENT

R-96-69 A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR ROAD ASSESSMENT PROJECT NO. 5150
(Property Owner: Dan L. and Nancy J. Holland) RECORD S44-2750

PALMETTO POINT - SEWER ASSESSMENT

R-96-68 A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SEWER ASSESSMENT PROJECT NO. 2502
(Property Owner: Dan L. and Nancy J. Holland) RECORD S44-2751

DUETTE PARK - HARVEST DATES

Approval of the hunting dates and fees for the harvesting of wild game in Duette Park. RECORD S44-2752

FEE WAIVER - HOLIDAY HEIGHTS CLEANUP

Placement of two 20-yard roll-offs at 2305 46th Avenue Drive West, and two 20-yard roll-offs at the easterly dead end of 49th Avenue West for the Holiday Heights Annual Cleanup on April 13 and 20, 1996; waive service and tipping fees at the Landfill.

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(Cont'd)

TIME PAYMENT AGREEMENT

Execution of time payment agreement for facility investment fees, connection and line extension charges with Rosemary R. Shea and Rose A. Shorter.

RECORD S44-2753

9TH STREET EAST

1. Execution of Contract for Sale and Purchase for a Warranty Deed from Meals on Wheels Plus of Manatee, Inc. for right-of-way on 9th Street East, from U.S. 301 to S.R. 64, \$500; accept Warranty Deed from Meals on Wheels Plus of Manatee, Inc.; Affidavit of Ownership and Encumbrances. RECORD S44-2754
2. Accept Warranty Deed from Bobby Walker for right-of-way on 9th Street East, from U.S. 301 to S.R. 64; Affidavit of Ownership and Encumbrances; Partial Release from First National Bank of Manatee.

75TH STREET WEST

1. Execution of Contract for Sale and Purchase for a Temporary Construction Easement (Parcel 56) from Debra L. Cappuccetti for improvement of 75th Street West, from Manatee Avenue West south to Cortez Road, \$462; accept Temporary Construction Easement from Debra L. Cappuccetti. RECORD S44-2755
2. Execution of Contract for Sale and Purchase for a Temporary Construction Easement (Parcel 7 and 7A) from Colonial Realty Ltd., Partnership, by Colonial Properties Holding Company, Inc. for improvement of 75th Street West, from Manatee Avenue West south to Cortez Road, \$14,736; accept Temporary Construction Easement from Colonial Realty Ltd., Partnership, by Colonial Properties Holding Company, Inc.. RECORD S44-2756

DEEDS AND EASEMENTS

1. 53rd Avenue West/66th Street West - Pedestrian Sidewalk Easement from Manatee Fruit Company for construction of a traffic device; Affidavit of Ownership and Encumbrances.
2. Bayshore Gardens Force Main - Utility Easement from Bayshore Gardens Parks and Recreation District, Inc. for a new force main across Bayshore Gardens Yacht Harbor to 26th Street West; Affidavit of Ownership and Encumbrances.
3. Manatee Avenue West/59th Street West (Blockbuster FSP-95-66) - Right-of-Way Easement from KCS Enterprises, Inc. for final site plan for Blockbuster Video; Affidavit of Ownership/Encumbrances.

TRANSIT - FTA SECTION 9 GRANT AGREEMENT

Grant Agreement with U.S. Department of Transportation for Grant FL90-X299 operating and capital assistance, total of \$1,112,000 (Operating-FTA \$312,000; County \$312,000; Capital-FTA \$800,000; County \$-0-), (10/1/95-9/30/96), for acquisition of two replacement vehicles, bus shelters and equipment.

RECORD S44-2757

TRANSPORTATION DISADVANTAGED GRANT

R-96-64 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE FILING OF A TRANSPORTATION DISADVANTAGED TRUST FUND GRANT APPLICATION WITH THE FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED.

(transportation service for the elderly and handicapped, 10/1/96 - 9/30/97; \$295,049 (State-\$265,544; Local-\$29,505).

RECORD S44-2758

ADULT OFFENDER NONRESIDENTIAL/PREVENTION PROGRAM

S44-2759

Execution of Amendment 11 for Adult Offender Nonresidential Drug Abuse Treatment/Prevention Program Services with Coastal Recovery Centers, Inc. providing additional services (10/1/95-9/30/96), increase of \$15,893; not to exceed \$226,358.

RECORD S44-2760

SURPLUS PROPERTY

Authorization to classify excess property (18 vehicles) as surplus per Florida Statute 274.05, to enable appropriate and authorized disposition of said surplus property in accordance with Procurement Code 84.02, Section 8.108.

RECORD S44-2761

MATERIALS AND SERVICES

1. Steel Sheet Piling - Award bid to lowest responsive, responsible bidder Seaboard Steel, \$87,700.86.
2. Title Services - Award bid on as-required basis to lowest responsive, responsible bidders, estimated annual cost of \$29,880: Landmark Title Services Group (primary); Manatee Pinellas Title Company (secondary).
3. Wheel Tractor - Purchase, via State Contract 765-900-94-1, one wheel tractor from John Deere Company, \$25,518.30.

4. **Swimming Pool Repairs** - Award bid to lowest responsive, responsible bidder Starlite Pools-Spas, Inc. for the John H. Marble Complex (f/k/a South County Youth Center) swimming pool, \$31,680.

BUDGET AMENDMENTS

Adoption of Budget Amendment Resolutions:

INFORMATION SERVICES (B-96-076)

Item Transfers: Reappropriates monies from FY 1995 primarily for items funded and/or encumbered in FY 1995 which will not be purchased or delivered until FY 1996. This Budget Resolution also rescinds B-96-040 and B-96-049 due to duplications. \$97,900

RECORD S44-2762

PUBLIC WORKS (B-96-077)

Item Transfers: Appropriates funds from the Utility rate increase approved on 10/1/95. \$1,905,675

RECORD S44-2763

DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM

Certificate of Participation with Department of Community Affairs designating Manatee County to serve as coordinating government unit in the Drug Control and System Improvement Grant Program (Total Grant \$276,006: DCA-\$220,805; County Match-\$55,201). RECORD S44-2764

INSURANCE PREMIUMS

1. **Excess Worker's Compensation** - Payment of \$6,397 to Johns Eastern Company Inc. (JECO Excess Agency, Inc.) for Policy 0553951 with Employers Reinsurance Corporation due to an increase of audited payroll over the original submission.
2. **Flood Insurance Program** - Payment of \$1,214 to Arthur J. Gallagher & Co. for separate flood insurance coverage for the Crosley Estate (12/28/95-12/28/96, policy number to be assigned).
3. **Excess Property Insurance** - Payment of \$838 to Arthur J. Gallagher & Co. for Policy FPA 357084 with Westchester Insurance Company, 10/1/94-10/1/95, due to addition of Port Manatee Correctional Facility (Sheriff's Youth Academy and Sheriff's Classroom Modules 1 and 2, effective 7/6/95) and the First Union Building (effective 8/3/95).

(End Consent Agenda)

UTILITY SYSTEM BONDS

James Seuffert, Financial Management Director, stated the County's utility system has certain long-term bond obligations for which interest rates range up to 7 percent. Staff and financial advisors believe it would be advantageous to accomplish a cash defeasance transaction, using cash available in the Utility System to defease portions of the debt by placing funds in escrow to satisfy future debt obligations. He recommended adoption of

R-96-79 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE CASH DEFEASANCE OF CERTAIN OF THE COUNTY'S PUBLIC UTILITIES REVENUE REFUNDING BONDS, SERIES 1991 B AND CERTAIN OF THE COUNTY'S PUBLIC UTILITIES REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1991 C; AUTHORIZING THE USE OF CERTAIN SURPLUS MONIES TO ACCOMPLISH SUCH CASH DEFEASANCE; APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT TO BE USED BY THE COUNTY IN CONNECTION WITH SUCH CASH DEFEASANCE; APPOINTING AN ESCROW AGENT; AUTHORIZING THE PROPER OFFICERS OF THE COUNTY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE CASH DEFEASANCE; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried unanimously, to adopt Resolution R-96-79. RECORD S44-2765

Recess/Reconvene. All members present.

MANATEE-SARASOTA FISH AND GAME ASSOCIATION

Mr. McClash stated that in the Port Authority meeting of 3/28/96, staff was instructed to prepare a letter to the Manatee-Sarasota Fish and Game Association. Mrs. Harris advised the letter will be on the April 16, 1996, agenda.

(Depart Mrs. Harris)

OUT-OF-DOOR ACADEMY: TEMPORARY WATER/WASTEWATER SERVICE

Len Bramble, Public Works Director, stated that staff has been involved in negotiations with Sarasota County and Schroeder-Manatee Ranch, Inc., regarding (1) the provision of temporary water and wastewater service to Out-of-Door Academy; and (2) a provision of temporary sewer service to a defined area in Sarasota County. A handout of the issues under negotiation and a site map were distributed.

RECORD S44-2766

(Enter Mrs. Harris)

Issue 1

Discussion: No expense to be incurred by Manatee County; maximum flow capacity; requested gallons per day (GPD); Facility Investment Fees (FIF's) payable in advance; customer and usage charges to be paid on monthly basis; temporary use agreement terms; interlocal agreement with Sarasota County will be required; Manatee County can accommodate demand.

Motion was made by Mr. McClash that conceptual approval be given to Issue 1 - Temporary Water and Sewer Service to Out-of-Door Academy, with no objection to a permanent hookup. Motion was seconded by Ms. Brown and carried unanimously.

Discussion: FIF's to be paid up front; formal agreement will come back; matter to be scheduled in near future.

Issue 2

Larry Turner, Sarasota County Utilities Director, stated a term of five years, with a five-year option is satisfactory; FIF's will be paid up front; purchase of 100,000 GPD for the first five years, with purchase of an additional 100,000 GPD under the second five years, is agreeable.

Motion was made by Ms. Brown, seconded by Mr. McClash and carried unanimously, to conceptually approve Issue 2 with the change to five years with a five-year option as suggested by Mr. Turner.

LOCAL OPTION GAS TAX DISTRIBUTION

Mr. Seuffert stated Manatee County is required to share proceeds from the seven-cent Local Option Gas Tax with the municipalities. Different portions of the tax are shared in accordance with three distribution formulas. Two cents of the tax is shared based on a statutory distribution formula using historical transportation expenditures from each jurisdiction for the preceding five years. This formula must be recalculated every ten years, with the last recalculation in 1986. Three options to address distribution of the two-cent portion of the tax were presented for consideration.

RECORD S44-2767

Mr. Seuffert recommended proceeding with Option I, and authorize the Chairman to send a letter to the municipalities advising that the distribution formula will be recalculated. A resolution will be brought back for approval of the new distribution formula.

Discussion: Statute is explicit; letter should reflect that the County is contemplating the recalculation of the distribution formula and that the information used is based on data from the State; municipalities will have an opportunity to review/comment.

Motion was made by Mr. McClash to approve Option 1, and that a letter be sent to the municipalities advising of the County's plans as discussed. Motion was seconded by Mrs. Harris.

The motion was clarified so that the letter recommended proceeding with the recalculation. The seconder agreed. Motion carried unanimously.

SHEPHERD STREET - DRAINAGE PROBLEM

As a result of direction (2/27/96) for options and associated costs to correct a drainage problem on Shepherd Street in the Whitfield area, Wayne Roberts, Transportation, presented Options A, B, C and D for consideration. Staff recommended Option A.

RECORD S44-2768

Discussion: High water table causes sidewalk to remain wet; hazards; install underdrain to lower the water table; problem has started to affect the road; property behind the sidewalk is vacant land; is sidewalk needed; least expensive option; remove the sidewalk.

Motion was made by Mr. McClash and seconded by Mr. Gause, to remove the sidewalk (Option C). Motion carried 5 to 2, with Mrs. Hooper and Mrs. Glass voting nay.

Discussion: All work will be done on County right-of-way.

JOB AND EDUCATION PARTNERSHIP BOARD

Linda Snyder, Community Services, stated the Board executed an Interlocal Agreement with Sarasota County (3/9/96) to establish policies for the formation and function of the Jobs and Education Partnership (JEP) Board. The JEP Board is to consist of 31 members, comprised of 16 from the private sector, 5 from labor or community-based organizations, and 10 specifically designated government and community officials. She provided a list of names from Manatee and Sarasota Counties separated into categories of appointment; a chart describing the seats and terms of each appointment; a summary of nominations, and a chart summarizing the resumes within each section for each nominee.

Nancy Engel, JEP Coordinator, explained the requirements for appointment and advised that according to state guidelines, the JEP Board must be in place by April 15 in order to complete the charter process.

Disposition: Appointments to be brought back April 9, 1996.

DEPARTMENTAL REORGANIZATION

Ernie Padgett, County Administrator, presented an outline of reorganization and reconfiguration of several departments affecting the Transit Division, Infrastructure Inspections, Eco-Systems Division, Mining Monitoring, and Duette Park Activity; two departments will be created (Building Department and Project Management Department). Three engineering positions will be moved from Public Works to Transportation.

RECORD S44-2769

Discussion ensued concerning maintaining policy of directives to departments from Commissioners being routed through the County Administrator and concerning requests for legal services by members of the Board.

Disposition: County Attorney to bring back policy for discussion.

Motion was made by Mr. McClash, seconded by Mr. Gause and carried unanimously, to approve the departmental reorganization as presented.

RIGHTS-OF-WAY AND MEDIAN IMPROVEMENTS

Mr. Roberts responded to questions regarding

R-96-14 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING POLICIES FOR IMPROVEMENTS TO AND BEAUTIFICATION OF COUNTY ROAD RIGHTS-OF-WAY AND MEDIANS, AS PERFORMED BY PRIVATE PARTIES; AND PROVIDING AN EFFECTIVE DATE.

Discussion: Provide a contingency for replacement of mulch during storm events; interpretation of the level of maintenance for improvements; desire for specific standards; wording in the document is vague.

Disposition: Staff to bring back the Resolution.

EMERGENCY MEDICAL SERVICES - PEAK DEMAND STAFFING

As a result of a request by Mrs. Harris, the issue of peak demand staffing by Emergency Medical Services was discussed. Mr. Padgett requested Board direction as to how to proceed with advising the public about the peak demand staffing program.

Discussion: Mobile home park residents are apprehensive; Colony Cove residents have specific concerns; the community is not receiving consistent information; a one-time presentation should be made.

Disposition: The County Administrator was instructed to come back with recommendations on having a public meeting.

(NOTE: Further discussion under Commissioners' Comments)

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(Cont'd)

COMMISSIONERS' COMMENTSInsurance Premiums - Wind Velocity Zone

Mrs. Harris stated Vizcaya Condominium and other condominiums are experiencing increases in insurance premiums due to having a wind velocity zone designation. She stated that Sarasota County has received a designation to avoid this and questioned if Manatee County can obtain the same designation.

Disposition: Staff to review the matter and report back.

(Commissioners' Comments continued later in the meeting.)

(Depart Mrs. Harris)

LEGISLATION: WAIVER OF SOVEREIGN IMMUNITY

H. Hamilton Rice, Jr., County Attorney, recommendation adoption of

R-96-82 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, OPPOSING SENATE BILL 1952 AND HOUSE BILL 2463; AND INFORMING THE LEGISLATIVE DELEGATION OF SUCH OPPOSITION.

Mr. Rice outlined the impacts of Senate Bill 1952 and House Bill 2463, which will amend the conditions imposed on the waiver of sovereign immunity in Chapter 768.28, Florida Statutes. Enactment will increase potential tort liability exposure for all counties and cities in Florida and increase the costs of the claims administration.

William Henry, Assistant County Attorney for Risk Management, reviewed components of the bills.

Motion was made by Mr. Gause, seconded by Mrs. Hooper and carried 6 to 0, to adopt Resolution R-96-82, and to send letters of opposition to the Legislative Delegation, Florida League of Cities, Florida Association of Counties, and the Manatee County School Board.

RECORD S44-2770

ZONING

Public hearing (Notice in The Bradenton Herald 3/22/96) was held to consider

Z-86-30(G)(R⁴) SCHROEDER-MANATEE RANCH, INC. (CYPRESS BANKS DRI 17)
(APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE Z-86-30(G)(R³-B), AS AMENDED, TO AMEND CONDITION 65 AS IT APPLIES TO SETBACKS IN SUBPHASES A AND B OF SUMMERFIELD VILLAGE, UNIT I ON 1,790 ACRES, LOCATED ON THE SOUTH SIDE OF STATE ROUTE 70, TWO MILES EAST OF I-75; PROVIDING AN EFFECTIVE DATE.

Darenda Marvin, Planning, Permitting and Inspections, stated that a Notice of Proposed Change (NOPC) to Condition 65 of the Cypress Banks DRI (9/28/95) changed the side yard setback for single-family lots with a minimum lot size of 4,950 square feet from five feet to six feet from the leading edge of the roof overhang. However, it was difficult to verify the setback until the home was near completion. A problem arose within Subphase A and B where many homes were designed with an overhang of six inches which cannot meet the six-foot side yard setback. This request will allow only specific lots in Subphases A and B the option of meeting a side yard setback of six feet or five feet from the leading edge of the roof overhang to the property line.

Based on the staff report, evidence presented and comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, motion was made by Mrs. Hooper, and seconded by Mrs. Glass, to adopt Manatee County Zoning Ordinance Z-86-30(G)(R⁴). Motion carried 4 to 2, with Mr. Stephens and Mr. McClash voting nay.

RECORD S44-2771

COMMISSIONERS' COMMENTS (Continued)School Board Impact Fees

Mr. Gause referred to a letter (3/27/96) from Manatee County Home Builders Association regarding the imposition of school impact fees upon developers as a mandatory stipulation for approval of a development. Mr. Gause stated he opposed mandatory impact fees.

Annual Report/Calendar

Mr. Gause stated he has received complaints about the cost to produce the county annual report/informational calendar. He submitted a flier produced by Okeechobee County as a newspaper insert at little cost, and suggested Manatee County consider a similar publication.

Motion by Mr. Gause and second by Mrs. Hooper for the County Administrator to check into producing a similar flyer were withdrawn.

Disposition: Item to be placed on a future agenda for discussion.

Ms. Brown stated she has received compliments about the calendar.

SR 70/24th Street East Ingress/Egress

Mrs. Glass reported receiving a letter from Lorna Herwig, citizen, regarding the dangers of attempting to enter or exit Meadow Lakes from 24th Street East onto State Road 70. She requested a report from staff.

Little League Practice at Pride Park

Mrs. Glass relayed for Mrs. Harris that Coach Silverman has advised that his team cannot practice at Pride Park due to insurance limitations, and the team is forced to use the 24th Street East Park.

Disposition: Referred to the County Administrator.

School Board - Microwave Tower Space

Mr. McClash received notice that the School Board has issued a Request for Proposal to lease microwave tower space. He questioned if this will have any effect on the county.

Disposition: Referred to the County Administrator.

Emergency Medical Services - Peak Demand Staffing Program

Mr. McClash requested some form of information be provided to the public (mass mailing/video/Manatee Government Access T.V.) regarding peak demand staffing and that the level of service is unchanged.

(Depart Mrs. Hooper)

Air Tag Fees

Mr. Stephens asked for a status report.

HELP Line

Mr. Stephens complimented staff of the HELP Line (747-HELP) for quickly responding to a problem at the Bayshore Lift Station.

DESOTO NATIONAL MEMORIAL PARK - ADJACENT LAND

Mr. Stephens stated several letters were received advising that the Diocese of Venice plans to sell its 11-acre parcel located adjacent to the DeSoto National Memorial Park, and asking for support to solicit the Florida Community Trust Program for money to purchase the land.

Motion was made by Mr. McClash and seconded by Ms. Brown, to send a letter of support to the Florida Communities Trust Program. Motion carried 5 to 0.

59TH STREET WEST AND 75TH STREET WEST

Mr. Stephens stated numerous business are complaining about portions of 59th Street West being closed for the installation of raised medians.

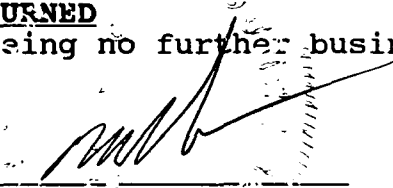
Discussion: Certain medians are unnecessary and not a benefit; policy on installing medians; also examine 75th Street.

Following discussion, motion was made by Mrs. Glass, seconded by Ms. Brown and carried 5 to 0, to review the issue of raised medians.

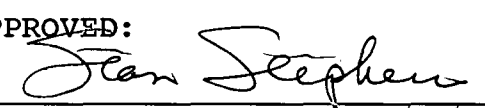
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:


Clerk

APPROVED:


Chairman 5/19/96

Adj: 2:47 pm 4/11