

JUNE 25, 1996

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, June 25, 1996, at 9:00 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  
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 Chairman Stephens.

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

**PRESENTATIONS/AWARDS**

**Stetson College of Law**

Lizabeth A. Moody, Vice President and Dean, and Professor Steve Eberhart of the Stetson University College of Law, presented a plaque of appreciation to the County Attorney's Office for the leadership and support Manatee County has provided to the Civil Government Law Clinic.

H. Hamilton Rice, Jr., County Attorney, accepted the plaque.

**Employee Suggestion Award**

Len Bramble, Public Works Director, accepted a Certificate of Merit for Jerilynn Amrhein, Public Works Department, for her submission of an award-winning suggestion under the County's Employee Suggestion Program.

**Retirement Certificates**

A Certificate of Retirement was presented to Donald Cahall, Parks and Recreation Department, honoring 16 years of service.

A Certificate of Retirement was presented to Marzee Basil, Agriculture and Natural Resources Department, honoring 16½ years of service.

A Certificate of Retirement was presented to Salvatore Izzo, Planning Department, honoring 11 years of service.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

Steve Minnis, Southwest Florida Water Management District (SWFWMD), presented a Landsat Mosaic of the water district in recognition of Manatee County support to SWFWMD and efforts to protect and enhance county water resources.

Michael Perry, Director of the Surface Water Improvement and Management (SWIM) Program, gave a report on activities related to the 1996 SWIM Plan for Sarasota Bay (outlined in the staff report).

**AGENDA DELETION**

Ernie Padgett, County Administrator, deleted from the agenda, the Enterprise Zone Development Agency Bank Deposit.

**CONSENT AGENDA**

Motion was made by Mrs. Glass, seconded by Mrs. Harris and carried unanimously, to approve the Consent Agenda for June 25, 1996, as amended, and with the changes as follows:

- Metropolitan Planning Organization - Sublease renewal - Deferred.
- Supervisor of Elections - Lease renewal - Deferred.

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- Pre-Hospital EMS System Grant Program - Grant Agreements with area fire departments - Separate action.
- Traffic Signalization at S.R. 70 and Creekwood/Tara - Work Assignment 9 with Post, Buckley, Schuh & Jernigan, Inc. - Separate action.

Items APPROVED:

**CLERK OF THE CIRCUIT COURT****BONDS****Garden Lakes Estates, Phase 6****Release:**

1. Agreement with Suncoast Advertising Company, Inc. Guaranteeing Completion of Required Improvements, \$2,275.
2. Performance Bond: \$2,275 (Cashier's Check No. 167904, Barnett Bank of Southwest Florida) to Mr. Kemper M. Hetzler of Suncoast Advertising Company, Inc.

**Note Ranch, Phase I (PDR-81-05/86-S-03)****Release:**

1. Agreement with Lennar Florida Land I.O.A., Ltd. Guaranteeing Completion of Required Sidewalks and Bikeways, \$5,817.50.
2. Performance Bond: \$5,817.50 (Amendment 8 to Letter of Credit No. 37514-093, NationsBank of Florida).

**WARRANT LIST**

Approve: June 20, 1996, through June 24, 1996

Authorize: June 25, 1996, through July 1, 1996

**AUTHORIZE CHAIRMAN TO SIGN****Partial Releases of Special Improvement Assessment Liens:**

Projects 3010-5148; 3103-2502A; 5031 (2); 5043

**ACCEPT**

State of Florida, Office of the Auditor General, Operational Compliance Audit Report 12743 of the District Board of Trustees, Manatee Community College, for the period July 1, 1994, through June 30, 1995.

State of Florida, Office of the Auditor General, Report No. 12710 on Audit of the Manatee County District School Board, for fiscal year ended June 30, 1995.

**COUNTY ADMINISTRATOR****DESOTO SPEEDWAY FIREWORKS DISPLAY**

Execute Approval of Fireworks Display Permit for private fireworks display at DeSoto Speedway on June 29, 1996, 9:15 p.m. to 9:45 p.m. (original Certificate of Insurance submitted). **RECORD** S45-263

**SHIP PROGRAM NONPROFIT AGREEMENTS**

Amendment 2 to agreements (9/12/95) with Suncoast Center for Independent Living, Inc., \$88,106, and Memphis Area Community Development Corporation, Inc., \$168,800, for rehabilitation work under the SHIP Program, to allow for a seven-month contract extension (7/1/96-2/1/97). **RECORD** S45-264  
S45-265

**CHILDREN'S SERVICES FUNDING AGREEMENTS**

Execute Amendments (Number One) to agreements with nonprofit agencies for Fiscal Year 1995-96 funding:

Manasota Lighthouse for the Blind, Inc. (Parents and Kids [PAK] Program), to adjust the number of units of service (1,790 to 420) and adjustment unit payment from \$9.50 (10/1/95-4/30/96) to \$47.93 (5/1/96-9/30/96) \$17,000. **RECORD** S45-266

Easter Seal Society of Southwest Florida, Inc. (Nursery and Preschool Program), to adjust the number of units of service (24,193 to 19,052) and adjust unit payment from \$2.34 (10/1/95-4/30/96) to \$3.47 (5/1/96-9/30/96), \$54,110. **RECORD** S45-267

Big Brothers/Big Sisters of Manatee County, Inc. (One to Two), to amend Attachment A, Paragraph 3, Sentence One, to replace the word "week" with the word "month," \$13,137. **RECORD** S45-268

**MEDICAID WAIVER PROGRAM**

Execute Medicaid waiver referral agreement with Manatee Council on Aging, Inc., and West Central Florida Area Agency on Aging for coordination of Home Community Based Services for Adult Day Health Care, Homemaker and Personal Care services (7/1/96-6/30/97).

**RECORD** S45-269

**ASSISTED LIVING REFERRAL AGREEMENT**

Execute Assisted Living Medicaid waiver referral agreement with Just Like Home II, V, and VI and West Central Florida Area Agency on Aging, Inc., for coordination of services (7/1/96-6/30/97).

RECORD S45-270

**OBSTETRICAL AND ACUTE CARE SERVICES**

Execute Amendment 1 to agreement (11/7/95) with Manatee County Public Health Unit for provision of Obstetrical and Acute Care Services, providing for a revision in reporting requirements with no change in the contract amount.

RECORD S45-271

**WEST COAST INLAND NAVIGATION DISTRICT AGREEMENTS**

Execute West Coast Inland Navigation District (WCIND) funding agreements with Colony Cove Manufactured Home Community (ROR Communities, Inc.):

Colony Cove Dredging (M54), \$5,000

S45-272

Colony Cove Dredging (M58), \$20,000

RECORD S45-273

**YOUTH SUBSTANCE ABUSE PREVENTION FUNDING AGREEMENT**

Execute FY95-96 Youth Substance Abuse Prevention funding agreement with Myakka City Community Center, Inc., (Work Ethics Youth Substance Abuse Program), \$8,902.

RECORD S45-274

**DONATION - CONVENTION AND VISITORS BUREAU**

Accept donation in accordance with Ordinance 86-05 and procedures established by the County Administrator, of 100 tickets from Cypress Gardens (\$2,795 value) for volunteers and paid staff of the Tourist Information Center and the Convention and Visitors Bureau.

**EAST COUNTY PARK AND HIGH SCHOOL**

Accept executed agreement (6/11/96) for Transfer and Construction of park site and related facilities with Manatee County School Board and Schroeder-Manatee Ranch, Inc., and interlocal joint use agreement with Manatee County School Board for utilization of East County Park and recreational facilities.

RECORD S45-275

**EMINENT DOMAIN - STATE ROAD 70**

S45-276

Approve settlement with property owner Barret Home Corporation, as to compensation for Parcel 131, in the amount of \$225,000, in Manatee County versus Anita M. Glasgow, et al, Case CA 95-2009.

**EMINENT DOMAIN - 9TH STREET EAST**

Approve final settlement and authorization to pay \$475,000 (exclusive of attorney's fees, costs and expenses) to Demetree Builders, Inc., as full compensation for the taking of Parcels 6 and 8, in Manatee County versus Golf Lakes Residents' Association, Inc., et al, Case CA 94-4955.

**LONGBOAT PASS DREDGING PROJECT**

1. Execute interlocal agreement with Town of Longboat Key providing a modification to the 50/50 sand share distribution ratio to allow for 38,000 cubic yards to be distributed on the beaches of Anna Maria Island, north of the Longboat Pass (and the remainder to the south of Longboat Pass) at approved disposal sites. RECORD S45-277
2. Execute letters to West Coast Inland Navigation District and U.S. Army Corps of Engineers.

**LIBRARY - FINES AND FEES**

Approve revised Library Fines and Fees Policy (effective July 1, 1996).

RECORD S45-278

**LIBRARY FOUNDATION ANNUAL REPORT**

Accept the Library Foundation, Inc., 1995 Annual Report.

RECORD S45-279

**EAST BRADENTON PARK NEIGHBORHOOD PICNIC**

Drug Free Communities Action Team to hold a free barbecue/picnic at East Bradenton Park, June 29, 1996, subject to receipt of Certificate of Insurance (submitted).

**PARKS AND RECREATION - REFUNDS**

Approve exception to the fee refund policy in Resolution R-95-234 to refund fees to Roberta Mazarini (\$42) and Nancy Schofield (\$42).

**PRIVATEERS INDEPENDENCE DAY PARADE**

Execute entry application for participation by Public Safety/Marine Rescue in the Privateers Independence Day Parade procession on July 4, 1996.

**EMERSON POINT HABITAT RESTORATION GRANT**

Execute Amendment to agreement (11/7/95) with Southwest Florida Water Management District providing an additional \$80,000 and an extended completion date of December 31, 1999, for Emerson Point habitat restoration.

RECORD S45-280

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**NEW WATER SOURCE INITIATIVE PROJECTS - LEGISLATIVE SERVICES**

Execute cooperative agreement with Southwest Florida Water Management District for professional consulting services for New Water Source Initiative projects (including Manatee Agricultural Reuse System), \$20,000. **RECORD** S45-281

**PRESERVATION 2000 LAND GRANT**

Execute Addendum III to conceptual approval agreement (6/6/95) with Florida Communities Trust providing for an extension of the Preservation 2000 Grant time frame to December 10, 1996, to complete acquisition negotiations for Manatee Headwaters at Duette (watershed lands). **RECORD** S45-282

**RECYCLING AND EDUCATION GRANT**

**R-96-143** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXECUTION AND SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) FOR THE **RECYCLING AND EDUCATION AND GRANT PROGRAM**. (Total \$340,321; authorizing the Chairman to execute all related documents.) **RECORD** S45-283

**TAMPA BAY NATIONAL ESTUARY PROGRAM**

Execute funding agreement with Tampa Bay National Estuary Program for payment of FY95 contribution, \$19,201. **RECORD** S45-285

**WASTE TIRE SHREDDING GRANT**

**R-96-144** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXECUTION AND SUBMISSION OF A WASTE TIRE GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE **WASTE TIRE SHREDDING PROGRAM**. (Total \$159,219; authorizing the Chairman to execute all related documents.) **RECORD** S45-286

**9TH STREET EAST**

Execute Contract for Sale and Purchase from A. S. and Colleen M. Zoller for right-of-way on 9th Street East, from U.S. 301 to S.R. 64, \$15,000; **accept** Warranty Deed from A. S. and Colleen M. Zoller; Affidavit of Ownership/Encumbrances. **RECORD** S45-288

**DEEDS AND EASEMENTS**

1. **15th Street East** - Warranty Deed from Pat and Rose Procacci for a parcel of land (6.87 acres) required for a stormwater retention facility on 15th Street East, north of 26th Avenue East; Affidavit of Ownership and Encumbrances.
2. **41st Street West/Manatee Avenue West (FSP-95-21)** - Pedestrian sidewalk easement located at the northeast corner of 41st Street West and Manatee Avenue West from Christ Episcopal Church of Bradenton, Inc.; Affidavit of Ownership and Encumbrances.
3. **Creekwood Subdivision/78th Court East** - Right-of-Way Easement from U.S. Home Corporation; Affidavit of Ownership and Encumbrances.

**75TH STREET WEST**

1. Execute Contract for Sale and Purchase of a Warranty Deed and Temporary Construction Easement from James B. Davidson, William B. Davidson and Jack F. Davidson for right-of-way on 75th Street West between Manatee Avenue West and Cortez Road, \$7,500. **RECORD** S45-289
2. Execute Contract for Sale and Purchase of a Warranty Deed from Heather Run Condominium Association, Inc., for right-of-way on 75th Street West between Manatee Avenue West and Cortez Road, \$1,800; **accept** Warranty Deed and Affidavit of Ownership and Encumbrances. **RECORD** S45-290
3. Execute Contract for Sale and Purchase of a Warranty Deed from William A. and Rasma S. Lowry for right-of-way on 75th Street West between Manatee Avenue West and Cortez Road, \$248; **accept** Warranty Deed and Affidavit of Ownership and Encumbrances; Partial Release from Barnett Mortgage, Company. **RECORD** S45-291

**LOGUE SUBDIVISION RIGHT-OF-WAY**

**Accept** quit claim deeds from Myrtice Hays, Shilie Kinkade, Alan Blake Logue, Jeanette Kinkade, Frank Logue, John O. Logue, Jr., Mason E. Logue, and Saralyn Thomas for acquisition of a 25-foot right-of-way on 15th, 16th, 17th, and 18th Streets West in Logue Subdivision, located north of 30th Avenue West, required for a special assessment project.

**9TH STREET EAST - STREET LIGHTING**

Execute Change Order 6 to Work Assignment 2 with Kimley-Horn and Associates, Inc., for street lighting on 9th Street East, from U.S. 301 to S.R. 64, increase of \$16,830; not to exceed \$647,567. **RECORD** S45-292

**MATERIALS AND SERVICES**

1. **Civic Center Teleconferencing** - Award IFB 965823KK to Associated Communications Cable, Inc. for a 5.0 DH Antenna System, \$49,789.85.
2. **Bowlees Creek Pedestrian Bridge** - Award IFB 955030DC to M.L. Boyer Construction, Inc., for a pedestrian bridge crossing over Bowlees Creek at 9th Street East; not to exceed \$56,891; subsequent execution of contract and simultaneous dating of performance and payment bonds and acceptance of insurance certificate.
3. **Lychee Acres Sewer and Water Improvements** - Award IFB 965568DC to DeLesline Construction, Inc., \$607,196.65; subsequent execution of contract and simultaneous dating of performance/payment bonds and acceptance of insurance certificate.
4. **3-Phase Sewage Pumps** - Award Bid 965937AA to Coast Pump and Supply Company, \$89,034.

**COKER GULLY ROAD BRIDGE**

Execute Work Assignment 16 with Wade-Trim, Inc., for engineering services for Coker Gully Road Bridge 134061, not to exceed \$24,971.

RECORD S45-293

**COMMUNITY CARE FOR THE ELDERLY**

1. **Alzheimer's Disease Initiative Respite Services:**
  - a. Execute **Addendum 1** to agreement (6/22/95) with Olsten Kimberly Quality Care, Inc., increase in funding of \$564.48, a revised first contract year (1/1/96-6/30/96), and adjusted contract amount of \$43,407.36. RECORD S45-294
  - b. Execute **Addendum 2** to agreement (12/21/95) with Olsten Kimberly Quality Care, Inc., exercising the first of two, 12-month option periods (7/1/96-6/30/97), not to exceed \$72,417.80. RECORD S45-295
2. **Emergency Alert Response Services:**  
Execute **Addendum 1** to agreement (6/22/95) with SecurityLink from Ameritech, Inc., exercising the first of two, 12-month option periods (7/1/96-6/30/97), not to exceed \$58,238. RECORD S45-296
3. **Homemaker Services:**
  - a. Execute **Addendum 1** to agreement (6/22/95) with Approved Homemakers & Companions, Inc., increase in funding of \$394.74, a revised first contract year (7/1/95-6/30/96), and adjusted contract amount of \$224,790.66. RECORD S45-297
  - b. Execute **Addendum 2** to agreement (8/24/95) with Approved Homemakers & Companions, Inc., exercising the first of two, 12-month option periods (7/1/96-6/30/97), not to exceed 279,410.56. RECORD S45-298
4. **Personal Care Services:**
  - a. Execute **Addendum 1** to agreement (6/22/95) with Olsten Kimberly Quality Care, Inc., increase in funding of \$15,258.80, a revised first year (7/1/95-6/30/96), and adjusted contract amount of \$222,163.80. RECORD S45-299
  - b. Execute **Addendum 2** to agreement (6/22/95) with Olsten Kimberly Quality Care, Inc., exercising the first of two, 12-month option periods (7/1/96-6/30/97), not to exceed \$223,579.52. RECORD S45-300
5. **Respite Services:**
  - a. Execute **Addendum 1** to agreement (6/22/95) with Olsten Kimberly Quality Care, Inc., increase in funding of \$1,898.34, a revised first contract year (1/1/96-6/30/96), and adjusted contract amount of \$60,408.67. RECORD S45-301
  - b. Execute **Addendum 2** to agreement (12/21/95) with Olsten Kimberly Quality Care, Inc., exercising the first of two, 12-month option periods (7/1/96-6/30/97), not to exceed \$121,673.76. RECORD S45-302

**SURPLUS PROPERTY**

1. Classify an American Dragline Crawler (Asset 23583) as surplus property per Florida Statute 274.05, to enable appropriate and authorized disposition of said property in accordance with Procurement Code 84.02, Section 8.108;
2. Execute agreement for the sale of one used American Dragline Crawler, Model 7225-2, (IFB-96-4492-DC) with M.D. Moody & Sons, Inc., \$131,000. RECORD S45-303

**DENTAL PLAN**

Rescind the rate increase for the Freedom of Choice Dental Plan (approved 5/14/96), which would have been effective July 1, 1996.

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**LONG-TERM DISABILITY INSURANCE**

Execute revised application to the original Long-Term Disability Application (approved 12/5/95) for Group Insurance with Liberty Mutual Insurance Group (effective 1/1/96).

**FORCE MAIN 15D REHABILITATION (PALMA SOLA BOULEVARD)**

Execute Work Assignment M-5 with McKim & Creed Engineers for design, survey and construction services, not to exceed \$132,030.

RECORD S45-304

**FORK LIFT TRUCK PURCHASE**

Purchase one fork lift truck via state contract from Joe Money Machine Company, Inc., for use by Public Works, \$32,910.

**FROG CREEK STORMWATER STORAGE AND PUMPING FACILITY**

Execute Work Assignment SW-8 with Post, Buckley, Schuh & Jernigan, Inc., for engineering services for the Frog Creek Stormwater Reuse Facility, not to exceed \$197,272.

RECORD S45-305

**ADDITIONAL RECYCLABLE DROP-OFF SITE SERVICES**

Execute Addendum 1 to agreement (5/14/96) with Waste Management of Manatee and Sarasota providing for an additional recyclable drop-off site for a period of six months.

RECORD S45-306

**S.R. 70 RIGHT-OF-WAY ACQUISITION**

Execute Addendum 2 to agreement (12/6/94) with Post, Buckley, Schuh & Jernigan, Inc., for additional right-of-way acquisition of one business parcel (Parcel 104 - Palma Sola Development, Inc.), \$4,302; revised contract not to exceed \$414,647.

RECORD S45-307

**ENTERPRISE ZONE DEVELOPMENT AGENCY**

Approve Addendum One to agreement (6/20/96) entered into by the Palmetto/Manatee County Enterprise Zone Development Agency (EZDA) and Florida Planning Consortium, Inc., to provide reimbursement for travel costs incurred in connection with the EZDA Work Plan.

(Note: Copy of unexecuted Addendum in agenda packet.)

(End Consent Agenda)

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

**HARLEE 4-H CENTER BUILDING AUDITORIUM**

Dick Aalberg, Agriculture and Natural Resources Director, requested naming the auditorium in the Harlee 4-H Center Building at the fairgrounds (Palmetto) the "Ken Rogers Auditorium" in memory of S. J. Kenneth Rogers, county employee, who passed away in February.

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

**FLOOD INSURANCE PROGRAM - COMMUNITY RATING SYSTEM**

George Devenport, Building Official, spoke on the Federal Emergency Management Agency (FEMA) Community Rating System program on flood insurance to help communities lower flood insurance premiums. He reported that Manatee County has received tentative approval by FEMA of being a Class 7 community. This rating will result in a 15 percent discount (instead of the current 10 percent) in flood insurance.

He also advised that a Building Code effectiveness grading system has been developed by ISO Commercial Risk Services, Inc., to rate building departments. Manatee County has been rated Class 3, which earned an eight percent discount to homeowners and business insurance for structures with a Certificate of Occupancy after May 1, 1996.

**CHILDREN'S SERVICES EVALUATION AND MONITORING REPORT**

Dr. Barbara Chadsey, University of South Florida, presented the June 1996 Evaluation Report Phase One, with conclusions and recommendations, on nine infant and therapeutic day care programs (approved 1/9/96).

Staff was instructed to return with recommendations as to the next step after the Children's Services Advisory Board has reviewed the report.

**MANATEE MEMORIAL HOSPITAL: PHYSICIAN REIMBURSEMENT FOR INDIGENT CARE**

Fred Loveland, Community Services Director, stated discussions were held with Manatee Memorial Hospital staff and physician groups regarding availability of physicians to provide needed services at the emergency room, and reimbursement for treatment of indigents (see 6/4/96). Pursuant to the indigent care agreement, the County reimburses physicians at the hospital at 68 percent of the Medicaid rate.

(Depart Ms. Brown)

Discussion: Reimbursement for on-site hospital care and long-term medical care; services are paid for those not covered by Medicare, Medicaid, or other sources; short-term solution; continue to seek long-term answer for indigents; projections of health care trust funds; etc.

Motion was made by Mrs. Harris to adjust compensation to physicians being reimbursed for services rendered in accordance with the indigent care agreement from 68 percent to 100 percent of the Medicaid rate for all physician invoices received during the current contract year (9/1/95-8/31/96), including qualifying unpaid bills as well as those bills previously paid at 68 percent of Medicaid rate, until the current fiscal year physician cap of \$349,411 is reached. Motion was seconded by Mrs. Glass and carried 6 to 0.

#### OLD SOUTH COUNTY LIBRARY

Sam Love, Facilities Management Director, outlined options (memorandum 6/19/96) for reuse through sale or lease of the vacated South County library located at 1506 Bayshore Gardens Parkway. RECORD S45-308

As instructed (6/4/96), staff met with interested parties. Goodwill Industries of Manasota stated interest to purchase the building for a community training center. Scripture Source Research and Cultural Centre of Bradenton indicated a desire to use the facility by assuming responsibility for operation/maintenance costs.

(Enter Ms. Brown)

Gilah Hudak, representing Scripture Source, stated the organization provides religious educational training and materials in the Hebrew language. She requested an agreement to allow the fair market rental (\$3,880/month) to be put toward the costs of maintenance and operation.

Mrs. Hudak explained the process by which Scripture Source is pursuing 501.C.3 status. Michael Clemens, Joseph Hudak and Jennifer Marvin spoke further as to how Scripture Source could serve the community.

Discussion: County must comply with Florida Statute to convey or lease property to nonprofit groups; highest and best use of property; allow other religious organizations to present a proposal; insurance on the premises if leased; if all nonprofit organizations have 501.C.3 documentation filed with the county; etc.

Following discussion, the matter was continued to July 2, 1996, for the County Attorney to research the issue of 501.C.3 status and for staff to return with costs and options for lease/purchase of the building.

#### LOCAL OPTION GAS TAX DISTRIBUTION

Jim Seuffert, Financial Management Director, advised that in accordance with statutory requirements, staff has recalculated the distribution formula of the two-cent portion of the Local Option Gas Tax and the municipalities must be notified. Resolution R-96-148 sets forth a new distribution formula based on historical transportation expenditures from each jurisdiction during the past five years.

R-96-148 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CONFIRMING DISTRIBUTION OF LOCAL OPTION GAS TAX PROCEEDS (outlining proportionate shares to: Cities of Anna Maria, Bradenton, Bradenton Beach, Palmetto, Holmes Beach, Town of Longboat Key, and Manatee County).

Motion was made by Mrs. Hooper, seconded by Mr. McClash and carried unanimously, to adopt Resolution R-96-148. RECORD S45-309

#### RED TIDE RESPONSE GUIDELINES

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

R-96-117 A RESOLUTION GRANTING AUTHORITY TO THE DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT OR HIS DESIGNEE TO ACTIVATE FORMAL RESPONSE TO RED TIDE EMERGENCIES (adopting The Red Tide Response Guidelines, attached as Exhibit A); RECORD S45-310

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and authorization for:

- Parks and Recreation to be reimbursed from contingency funds for personnel overtime;
- Parks and Recreation to be granted a waiver from county landfill fees for disposal of fish during red tide clean-up;
- Chairman to execute letters to Cities of Anna Maria, Holmes Beach, Bradenton Beach, and Longboat Key outlining red tide guidelines.

Red Tide Research Task Force

Mr. Stephens stated the Board has been asked to appoint an individual to the Red Tide Research Task Force. A biologist from Anna Maria Island has expressed interest and will be appointed if no one else responds.

FRENCH QUARTERS AT TARA - CHICKASAW BAYOU ROAD

Larry Mau, Transportation Director, stated that the French Quarters Homeowners' Association at Tara Golf and Country Club, Inc., requested the County accept Chickasaw Bayou Road (a cul-de-sac) as a county maintained street. The road is private and was constructed to county standards, but without sidewalks. The developer installed mailboxes and yard lights that do not meet safety standards, and individual homeowners installed landscaping and underground irrigation systems within road right-of-way.

The Association accepted (2/5/96) a proposal for a right-of-way easement for road, drainage and utility purposes, and expressed a desire for a waiver of the sidewalk requirements. Staff recommended denial of the request to accept Chickasaw Bayou Road as a County maintained street, and the waiver of sidewalks, but requests authorization to negotiate an easement with the French Quarters Homeowners' Association for roadway, drainage and utility purposes.

Mrs. Hooper submitted photographs (10) of landscaping, lighting and driveways that would be disturbed if the sidewalks were installed.

Discussion: Sidewalks are not required on private streets; if county assumes the road, but does not install sidewalks; add language that the homeowners would be responsible to pay for sidewalks in the future; public safety concern; county liability; a legal opinion is necessary.

Ralph Helber, French Quarters Homeowners' Association, requested approval of the entire request.

Motion was made by Mr. McClash, to authorize staff to negotiate (and prepare) an easement with the French Quarters Homeowners' Association of Tara Golf and Country Club, Inc., including utilities, drainage, etc. Motion was seconded by Mrs. Glass and carried unanimously.

Sidewalk elimination/installation will included in the negotiations.

LAWSUIT: JOSEPH E. SIMANONOK V. MANATEE COUNTY, ET AL

H. Hamilton Rice, Jr., County Attorney, requested authorization for each Board member to sign a Waiver of Service of Summons form on behalf of Manatee County in the case of Joseph E. Simanonok versus Manatee County, et al, U.S. District Court (USDC) Case 96-1127-CIV-T-21C, and that the County Attorney be directed to contact former Commissioners Kent G. Chetlain and Edward W. Chance and advise them that Manatee County will provide a defense for them under the Self-Insurance Ordinance in the case of Simanonok versus Manatee County, et al, USDC 96-1127-CIV-T-21C.

Mrs. Glass so moved. Motion was seconded by Ms. Brown and carried unanimously.

PENDING LITIGATION ASSESSMENT MEETINGS

Mr. Rice opened and continued to 1:15 p.m. this date in private session, pending litigation meetings regarding: (1) D.B. Associates versus Manatee County, Case CA-96-1829, Dispute Resolution 96-01; and (2) Palma Sola Bay Club Associates versus Manatee County, Case 96-1808, Dispute Resolution 96-02. He announced those who would attend.



**TRAFFIC SIGNAL: S.R. 70 AND CREEKWOOD/TARA**

Following discussion, motion was made by Mr. McClash, seconded by Mrs. Harris and carried unanimously, to approve execution of Work Assignment 9 with Post, Buckley, Schuh & Jernigan, Inc., for engineering services for installation of a traffic signal at the intersection of S.R. 70 and Creekwood/Tara, not to exceed \$23,300. **RECORD** S45-311

**PRE-HOSPITAL EMS GRANT PROGRAM**

Motion was made by Mrs. Harris, seconded by Mrs. Hooper and carried unanimously, to authorize execution of 1995-96 Pre-hospital Emergency Medical Services (EMS) Grant Agreements to reimburse proportionate shares of the EMS Fund Grant Program to local fire departments in accordance with Resolution R-95-257, as well as rollover amounts from prior fiscal years, upon receipt of completed agreements:

Anna Maria Fire District	\$2,468.92	S45-312
Braden River Fire Control and Rescue District	\$ 720.00	S45-313
Cedar Hammock Fire Control District	\$5,549.71	S45-314
City of Bradenton Fire Department	\$5,795.00	S45-315
Longboat Key Fire Rescue	\$2,672.00	S45-316
Myakka City Fire Control District	\$ 170.00	S45-317
North River Fire District	\$2,882.00	S45-318
Parrish Fire Control District	\$ 191.10	S45-319
Southern Manatee Fire and Rescue District	\$4,591.30	S45-320
Trailer Estates Fire Control District	\$ 167.00	S45-321
Westside Fire Control District	\$1,986.00	S45-322
Whitfield Fire Control District	\$ 820.00	S45-323

**RECORD**

**COMMISSIONERS' COMMENTS**

**American Family Association**

Mr. Gause stated he attended a meeting of the American Family Association regarding X-rated entertainment in Manatee County and was provided a list of locations of concern.

**Disposition:** Referred to the County Administrator.

**Tampa Bay Regional Planning Council Assessment**

As Chairman of the Tampa Bay Regional Planning Council (TBRPC), Mr. Gause announced that TBRPC's assessment for Manatee County has been reduced from \$.38.4 per capita to \$.30 per capita, resulting in a budget savings of \$19,000.

**Update on Water Issues**

Mrs. Glass apprised the Board of recent NACo activities and of the participation of Charlie Hunsicker, Ecosystems Manager, in various environmental matters.

**Insurance Crisis in Florida**

Mrs. Harris questioned the efforts of the Florida Association of Counties (FAC) in working with the legislature and state insurance commissioner on the insurance crisis in Florida. Mr. Stephens stated that a major insurance crisis exists, but that change will not occur until legislators in South Florida are motivated.

**Whitfield Overlay District**

Mrs. Harris stated that under the existing Whitfield Overlay District, vehicles of Highway Patrol troopers and/or Sheriff deputies are prohibited from being parked overnight in the area. She requested these vehicles be granted temporary relief until the issue can be addressed in upcoming revisions to the Land Development Code.

**Lake Brendan (Whitfield area)**

Mrs. Harris stated Lake Brendan is experiencing major outfall and needs to be cleaned again. She also requested Lake Brendan be included in Capital Improvement Program discussions.

**Stormwater Utility Systems**

Mrs. Glass stated stormwater utility systems need to be addressed in light of the recent flooding in Palmetto and Whitfield area due to storm activity.

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(Cont'd)

9th Street East Drainage

Mrs. Harris stated that none of the intersections along 9th Street East drained properly during the recent storms and need to be cleaned.

Manatee County Achievements

Mr. Stephens reported Manatee County has recently been recognized for outstanding budgetary and auditing practices as well as being in the top 300 in the nation for the manner in which government is administered.

Recess/Reconvene. All members present.

TRANSPORTATION REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1996

Jim Seuffert, Financial Management Director, stated that in 1992, staff was directed to begin the Rural Thoroughfare Paving Program.

He stated Resolution R-96-146 will replace the short-term loans and provide complete funding for the projects: 1) pay and defease 1988 bonds; 2) prepay notes; 3) reimburse prior capital expenditures made to finance certain paving and reconstruction rural thoroughfare road projects; 4) advance up to \$550,000 to the Port Authority for financing an intermodal facility to be used as a cold storage transit warehouse; 5) new money projects including, but not limited to: Rexroad and River Roads, 15th through 18th Street West, Tropical Shores, Mar Lee Acres.

**R-96-146** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$16,000,000 IN INITIAL AGGREGATE PRINCIPAL AMOUNT OF MANATEE COUNTY, FLORIDA, TRANSPORTATION REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1996, FOR THE PURPOSE OF PAYING AND DEFEASING ALL OR A PORTION OF THE COUNTY'S OUTSTANDING ROAD IMPROVEMENT BONDS, SERIES 1988; TO REFINANCE CERTAIN SHORT-TERM BORROWINGS BY THE COUNTY INCURRED FOR THE PURPOSE OF FINANCING CERTAIN TRANSPORTATION PROJECTS; TO FINANCE CERTAIN ROAD AND BRIDGE IMPROVEMENTS; TO ADVANCE FUNDS TO THE MANATEE COUNTY PORT AUTHORITY FOR THE PURPOSE OF FINANCING CERTAIN TRANSPORTATION RELATED PROJECTS; AND TO REIMBURSE THE COUNTY FOR PRIOR EXPENDITURES MADE IN CONNECTION WITH VARIOUS ROAD AND BRIDGE IMPROVEMENTS IN AND FOR MANATEE COUNTY, FLORIDA; PROVIDING FOR THE UNDERTAKING BY THE COUNTY REQUIRED BY RULE 15c2-12 OF THE SECURITIES AND EXCHANGE COMMISSION; PROVIDING FOR THE TERMS AND PAYMENT OF SUCH BONDS; PROVIDING FOR THE RIGHTS, SECURITY AND REMEDIES OF THE OWNERS THEREOF; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Steve Sanford, bond counsel, responded to questions.

Motion was made by Mrs. Harris, seconded by Mr. McClash and carried unanimously, to adopt Resolution R-96-146. RECORD S45-324

INDUSTRIAL DEVELOPMENT REVENUE BONDS: SUPERIOR ELECTRONICS GROUP, INC.

Mr. Rice presented for adoption

**R-96-147** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$5,600,000 IN AGGREGATE PRINCIPAL AMOUNT OF MANATEE COUNTY, FLORIDA, INDUSTRIAL DEVELOPMENT REVENUE BONDS, SERIES 1996 A (SUPERIOR ELECTRONICS GROUP, INC. PROJECT) AND NOT EXCEEDING \$3,200,000 IN AGGREGATE PRINCIPAL AMOUNT OF MANATEE COUNTY, FLORIDA INDUSTRIAL DEVELOPMENT REVENUE BONDS, SERIES 1996 B (TAXABLE) (SUPERIOR ELECTRONICS GROUP, INC. PROJECT) (COLLECTIVELY, THE "BONDS") FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF AN EXISTING 69,000 SQUARE FOOT FACILITY AND EXTERIOR WAREHOUSE FOR THE BENEFIT OF SUPERIOR ELECTRONICS GROUP, INC. (THE "BORROWER"); PROVIDING FOR CERTAIN DETAILS OF THE BONDS; APPOINTING FIRST UNION NATIONAL BANK OF NORTH CAROLINA AS PLACEMENT AGENT AND REMARKETING AGENT; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A PLACEMENT AGENT AGREEMENT TO EFFECT THE PLACEMENT OF THE BONDS; APPROVING THE FORM OF AND AUTHORIZING THE

EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE COUNTY AND THE BORROWER; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE WITH FIRST UNION NATIONAL BANK OF FLORIDA, AS TRUSTEE, AND BRANCH BANKING AND TRUST COMPANY, AS CREDIT FACILITY TRUSTEE; APPROVING THE FORM OF PRIVATE PLACEMENT MEMORANDUM WITH RESPECT TO THE PLACEMENT OF THE BONDS; APPROVING THE FORM OF MORTGAGE AND SECURITY AGREEMENT; APPROVING THE FORM OF LETTER OF CREDIT; APPOINTING THE TRUSTEE, TENDER AGENT, AUTHENTICATING AGENT, PAYING AGENT, REGISTRAR AND CREDIT FACILITY TRUSTEE; AUTHORIZING THE REGISTRATION OF THE BONDS UNDER A BOOK-ENTRY ONLY SYSTEM; AUTHORIZING THE PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION.

Motion was made by Mrs. Glass, seconded by Ms. Brown and carried unánimously, to adopt Resolution R-96-147. RECORD S45-325

ROAD AND SEWER ASSESSMENT - 83RD AND 84TH STREETS NORTHWEST

Public hearing (continued from 5/14/96) was held to consider

Road and Sewer Assessment Project No. TBA

Road Project

**84th Street Northwest** from 17th Avenue Northwest, south 626.40 feet

Sanitary Sewer Project

**83rd Street Northwest** from 15th Avenue Northwest, north 550 feet

**84th Street Northwest** from 15th Avenue Northwest, north 550 feet

and

**R-96-92** RESOLUTION APPROVING SPECIAL ROAD AND SANITARY SEWER ASSESSMENT PROJECT FOR 83RD AND 84TH STREETS NORTHWEST

(and authorizing execution of agreement with the Property Appraiser and Tax Collector).

Janet McAfee, Project Management, stated staff contacted those residents who did not respond to the first postcard poll. Results indicated a majority of residents want 84th Street Northwest paved, with a slight majority opposed to the sewer. Because the residents' responses were mixed, staff recommended sewer be eliminated on 83rd Street Northwest.

Ms. McAfee reviewed a road and sewer assessment project map (5/14/96) and recommended running sewer from the manhole on 15th Avenue Northwest, west to 84th Street Northwest, and north to the Moore property. This would result in sewer being supplied to those in favor and omit those in opposition, with exception of the Letts property.

Speaking in favor of sewer on 84th Street Northwest were **Dan McNeeley** and **Alan Moore**. **Richard Windham** spoke in favor of paving and sewer, and also requested the 20-foot road right-of-way between 83rd and 84th Streets be designated as a drainage right-of-way.

**Mitchell Bergeron** indicated he was in favor of road paving, but opposed to the sewer, and **Joe Tupin**, 83rd Street Northwest, spoke in opposition to the sewer.

Motion was made by Mr. McClash, to adopt Resolution R-96-92 approving construction of a road on 84th Street Northwest and a sewer assessment project on 84th Street Northwest up to parcel 73206.004/7 (Moore), and execution of an agreement with the Property Appraiser and Tax Collector for collection of special assessment on this project. Motion was seconded by Mrs. Hooper and carried unánimously. RECORD S45-326  
S45-327

PALMA SOLA BOULEVARD SEWER ASSESSMENT PROJECT

Public hearing (continued from 5/14/96) was held to consider

Sanitary Sewer Assessment Project No. TBA

**Palma Sola Boulevard** from 27th Avenue West, southeast 500 feet to the Church of Saints Peter and Paul

and

**R-96-89** RESOLUTION APPROVING SPECIAL SANITARY SEWER ASSESSMENT PROJECT FOR PALMA SOLA BOULEVARD

(and authorization for the Chairman to execute an agreement with the Property Appraiser and Tax Collector).

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(Cont'd)

Ms. McAfee stated staff discovered an existing sewer line serving parcels on the west of Palma Sola Boulevard. The line is approximately 10 years old, but was never reflected on utility records. It is not large enough and is too shallow to serve residents on the east side of Palma Sola Boulevard. Staff plans to upsize and lower the line to connect the residents on the east side. Staff therefore recommended the Board discontinue consideration of R-96-89.

Motion was made by Ms. Brown, seconded by Mrs. Glass and carried unanimously, to discontinue consideration of Resolution R-96-89.

**HIGHLAND SHORES CANAL DREDGING ASSESSMENT PROJECT**

Public hearing (Notice in the Bradenton Herald 6/5/96) was held to consider

**R-96-95** A RESOLUTION OF MANATEE COUNTY, FLORIDA, CONFIRMING ADOPTION OF A SPECIAL CANAL DREDGING ASSESSMENT ROLL AND ESTABLISHING SPECIAL ASSESSMENT LIENS FOR CANAL DREDGING ASSESSMENT PROJECT 3904 - HIGHLAND SHORES, CONFIRMING THE SPECIAL ASSESSMENT ROLL; AUTHORIZING AND PROVIDING FOR THE COLLECTION OF SPECIAL ASSESSMENTS BY THE TAX COLLECTOR IN ACCORDANCE WITH THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS PURSUANT TO SECTION 197.3632, FLORIDA STATUTES; PROVIDING FOR THE CORRECTION OF ERRORS; AND PROVIDING AN EFFECTIVE DATE.

Ms. McAfee stated this second public hearing is to adopt the special assessment roll and impose liens against benefitted property owners. She reviewed the design standards, number of units, and the interest rate of 7.5 percent. Total project cost is \$82,082, of which \$68,000 is a West Coast Inland Navigational District contribution.

Motion was made by Ms. Brown, seconded by Mr. Gause and carried unanimously, to **approve and adopt** Special Assessment Roll for Canal Dredging Assessment Project 3904 in Highland Shores, and adoption of **Resolution R-96-95** confirming Special Assessment Roll and imposing liens on properties located between Blocks K and M, Highland Shores, Unit 3.

RECORD S45-328

**DRAINAGE EASEMENT VACATION: PALM-AIRE AT SARASOTA SUBDIVISION**

Public hearing (Notice in the Bradenton Herald 6/5,12/96) was held to consider application 96-V-08 by Carolyn Hart, et al and adoption of

**R-96-71-V** RESOLUTION VACATING A PORTION OF DRAINAGE EASEMENT ON LOT 38, PALM-AIRE AT SARASOTA SUBDIVISION, UNIT NO. 6.

Jim Staples, Land Acquisition, stated that the applicant's swimming pool and cage encroach 7.14 feet into a 25-foot drainage easement. A 24-inch pipe has been installed along the rear property line to correct any future drainage problems.

Morgan Bentley, representing Mrs. Hart, requested approval.

Motion was made by Mrs. Hooper, seconded by Ms. Brown and carried unanimously, to adopt Resolution R-96-71-V.

RECORD S45-329

**ORDINANCE 96-23: OPEN BURNING CODE**

Public hearing (Notice in the Bradenton Herald 6/8/96) was held to consider

**ORDINANCE 96-23** AN ORDINANCE OF MANATEE COUNTY, FLORIDA; ADOPTING AN OPEN BURNING CODE; PROVIDING FOR A TITLE; PROVIDING FOR GENERAL PROVISIONS OF INTENT; ADOPTING CHAPTERS 62-256 AND 5I-2, FLORIDA ADMINISTRATIVE CODE BY REFERENCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITED ACTS; PROVIDING FOR OPEN BURNING ALLOWED BY PERMIT; PROVIDING FOR EXEMPTIONS; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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(Cont'd)

Karen Collins, Environmental Management Director, stated the former open burning regulations became null and void with the sunseting of the Environmental Action Commission (EAC) on October 1, 1995. Since that time, the Air Quality Division of the Environmental Management Department has been operating this program as a courtesy in coordination with Division of Forestry and the fire departments.

She recommended adoption of Ordinance 96-23 and execution of an interlocal agreement with Department of Agriculture and Consumer Services, Division of Forestry and Department of Environmental Protection, Southwest District.

Linda Novak, Air Quality Administrator, gave a presentation on the authorities and benefits of a local open burning ordinance, including applicable and enforceable regulations.

Mary Sheppard questioned the difference(s) between the ordinance and state code and questioned what agency would monitor local open burnings.

Tom Soleau, Fire Marshal for the Bradenton Fire Department, advised that requests for open burning permits in city limits should be referred to the Bradenton Fire Department.

Mr. McClash suggested the word "campfire" be inserted after the words "barbecue grill fires", in Section VIII.B.

Motion was made by Mr. McClash, to adopt Ordinance 96-23 with the additional language. Motion was seconded by Mrs. Hooper and carried unanimously. RECORD 845-330

Mr. Steinsnyder recommended the interlocal agreement be brought back after review by legal staff of the changes recommended by the Division of Forestry.


(The agreement will be placed on a future consent agenda)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
\_\_\_\_\_  
Clerk

  
\_\_\_\_\_  
Chairman 8/22/96

Adj: 3:00 p.m.  
/rll