

JULY 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, July 2, 1996, at 9:03 a.m.

Present were Commissioners:

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

Absent was Gwendolyn Y. Brown, Second Vice-Chairman (on vacation).

Also present were:

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

Invocation by Rev. Dr. Dennis D. Kezar, Christ Episcopal Church.

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

**EMPLOYEE OF THE MONTH**

Certificate of Appreciation/Plaque for employee of the month was presented to DeWayne McKibben, Transit Operator Supervisor, in recognition of 20 years of service.

**AWARDS**

Meritorious Service Awards were presented to employees who went above and beyond normal expectations to repair the Administrative Complex air conditioning unit, which had to be designed on-the-spot and was installed overnight.

H. Hamilton Rice, Jr., County Attorney, advised that part of the repair costs may be covered by insurance.

**MASTER GARDENER AWARD**

Richard Aalberg, Agriculture and Natural Resources Director, presented Certificates of Completion to graduates (19) of the 1996 Master Gardener program.

**PRESENTATION**

Senator John McKay thanked the Board for recognizing his legislative efforts (Proclamation 6/20/96 and Port resolution 6/19/96).

In addition, the Chairman presented Senator McKay, on behalf of Florida Association of Counties, the 1996 County Champion Award plaque for his outstanding leadership on issues affecting the State.

**ANNA MARIA CHAMBER OF COMMERCE**

Bob Hinds and Mary Ann Brockman, Anna Maria Island Chamber of Commerce, reported on Chamber activities and requested County cooperation in obtaining a permanent location for the Chamber at the south end of the Manatee Beach pavilion.

Mrs. Glass moved the County Administrator and staff be authorized to explore alternatives for locating a site. Motion was seconded by Mrs. Harris and carried 6 to 0.

**CONSENT AGENDA**

Upon motion by Mrs. Harris and second by Mrs. Hooper, the Consent Agenda dated July 2, 1996, was approved 6 to 0, with deletion of 1) Enterprise Zone resolution; 2) CARL resolution 3) excess property as surplus; 4) Supervisor of Elections lease (all separate action); and 5) Warranty Deed from Thomas Howze for 75th Street West right-of-way (deleted).  
 Items APPROVED:

**CLERK'S CONSENT CALENDAR**

**BONDS**

**Peridia, Unit IV**

**Release:**

1. Required Improvements Agreement with Southern Lakes Venture, \$59,002.70 (accepted 5/23/89)
2. Required Improvements Agreement with Southern Lakes Venture, \$59,002.70 (accepted 5/8/90)
3. Performance Bond and Amendment: \$59,009.70 (LC0001900183-95000050, AmeriFirst Bank)  
(Note: This clarifies action of 1/15/91)

**Mote Ranch, Phase I (PDR-81-05)**

**RESCIND July 12, 1994, Release:**

1. Agreement with Lennar Florida Land I O.A., Ltd. (accepted 8/10/93) Guaranteeing Completion of Required Sidewalks and Bikeways, \$28,050
2. Performance Bond: \$28,050 (Letter of Credit SM-37514-093, NationsBank of Florida, N.A.)

**Mote Ranch, Phase I (PDR-81-05)**

**Release:**

1. Agreement with Lennar Florida Land I O.A., Ltd. Guaranteeing Completion of Required Sidewalks and Bikeways, \$28,050
2. Performance Bond: \$28,050 (Letter of Credit SM-37514-093 and Amendment 2, NationsBank of Florida, N.A.)

**River Club South, Phase II (PDR-88-11/94-S-14)**

**Accept:**

1. Agreement Warranting Required Improvements with Manatee Joint Venture, \$210,567.67
2. Defect Security: \$210,567.67 (Letter of Credit S-96-12, Republic Bank)

**Release:**

1. Required Improvements Agreement with Manatee Joint Venture, \$254,349.55
2. Performance Bond: \$254,349.55 (Letter of Credit S-95-32, Republic Bank)

**West Glenn, Phase I (89-S-11)**

**Accept:**

1. Amended Agreement Warranting Required Improvements with Centex Real Estate Corporation, \$25,001.98
2. Defect Security: \$25,001.98 (Amendment 1 to Letter of Credit 00336327, First National Bank of Chicago)

**Lakewood Ranch Community Development District 1**

**Accept:**

1. Agreement with Lakewood Ranch Community Development District 1 Warranting Required Improvements, \$130,309.77
2. Defect Security: \$130,309.77 (Surety Bond 08019692, Fidelity and Deposit Company of Maryland, surety)

**Glenn Lakes, Phase I-A (PDR-93-98/94-S-06)**

**Accept:**

1. Agreement with Centex Real Estate Corporation Guaranteeing Completion of Required Improvements (Sidewalks/Bikeways), \$3,549
2. Performance Bond: \$3,549 (Cashiers Check 3305891, NationsBank)

**Release:**

1. Agreement with Centex Real Estate Corporation Guaranteeing Completion of Required Improvements (Sidewalks/Bikeways), \$30,342
2. Performance Bond: \$30,342 (Amendment 1 to Letter of Credit 00336428, First National Bank of Chicago)

**REFUNDS**

Picadilly Cafeteria - Sewer/Air Conditioner Meter Rebate \$4,057.58

**WARRANT LIST**

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

Authorize: July 2, 1996, through July 24, 1996

**MINUTES FOR APPROVAL**

May 14, 1996 - Joint w/Port

May 14, 23, 1996 - Regular

October 26, 1995 - Risk Assessment

**AUTHORIZE CHAIRMAN TO SIGN**

**Satisfactions of Judgment:**

Diane L. Lawty, Case 95-3947M (\$50); 96-219M (\$50); 95-4422M (\$50);  
Diane Green, Case 94-801JP (\$120); Ronnie Turner, Case 94-1677JP  
(\$195); Linda Davis, Case 93-1726JP (\$120 and \$690.12);

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Rodney Parker, Case 94-1085JP (\$1,000); Michelle Scarpa, Case 93-438JP (\$120 and \$60); Elizabeth Manley, Case 94-5JP (\$481.20 and \$100.20); Scott Kawecki, Case 93-1724JP (\$345); Donna Wilson, Case 92-2299JP (\$210); Henry Presha, Case 93-1329JP (\$225); Jeffrey Gaskill, Case 93-1726JP; (\$153); Clara Jo Cogar, Case 94-1085JP (\$889.60); Mildred Foth, Case 92-2887JP (\$883.59); Michelle Guadarrama, Case 93-1413JP (\$479.08); Esther Gonzales, Case 94-803JP (\$499.50); Amelia Robuck, Case 94-464JP (\$2,400.68); Jennifer Hauber, Case 94-934JP (\$270); Veronica Peters, Case 91-2635JP (\$510.70); Rosa Peterson, Case 93-733JP \$706.80); Rita Zampieri, Case 94-1387JP (\$1,454.70 and \$769.40); Phaedra Edwards, Case 92-458JP (\$1,452.60); Katherine Young, Case 92-2502JP (\$171); Connie Simmons, Case 89-1753JP (\$94); Cynthia Carter, Case 93-1329JP (\$550.60 and \$535.80); Edmond and Heidi Francois, Case 93-775JP (\$870); Jennifer Hicks, Case 92-2502JP (\$379.60); Brenda Williams, Case 91-1041JP (\$147); Sherry Frazier, Case 94-1190JP (\$943); Tracy and Gary Hunt, Case 93-1927JP (\$411) and 93-1347JP (\$411); Kenneth Whitfield, Case 92-366JP (\$390.20); Willie Byrd, Case 92-1642JP (\$48); Ray Bois, Case 94-1535JP (\$572.20); Karen Miller, Case 93-687JP (\$900.16); 93-1673JP (\$900.16); Andrew Lee Baker, Case 87-184JP (\$60); Joyse Thomas, Case 93-2981JP (\$510); Carol Richardson, Case 91-688JP (\$90); Alberta McCobb, Case 93-574JP (\$293.22); 93-238JP (\$225); Lorraine Zimmerman, Case 93-1480JP (\$114)

**Partial Release of Special Improvement Assessment Lien:**

Projects 3100-2509; 3010-5148; 3103-2502A

**ACCEPT**

**Audit - State of Florida Office of the Auditor General Review of Local Government Audit Reports (Report 12686) for Fiscal Year ended September 30, 1994, and dated April 16, 1996**

**Audit - State of Florida Office of the Auditor General Operational Audit of the Office of the Public Defender (Report 12773) for the period January 1, 1995, through December 31, 1995, and dated June 24, 1996**

**COUNTY ADMINISTRATOR**

**MYAKKA CITY FIRE CONTROL**

Reappointment of Bobby Hutches and Hugh Taylor to the Myakka City Fire Control District Commission for four-year terms.

**LITTER CONTROL AND PREVENTION GRANT**

**R-96-157** A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO SUBMIT A GRANT APPLICATION (IN COOPERATION WITH KEEP MANATEE BEAUTIFUL) TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A LITTER CONTROL PREVENTION GRANT (authorizing the Chairman or Vice-Chairman to execute appropriate application documents). RECORD S45-331

**TRANSIT DEVELOPMENT PLAN**

Adopt 1996 annual update to the 1995 Five-Year Transit Development Plan for continued operating assistance funding from the Florida Department of Transportation (FDOT). S45-332  
RECORD S45-333

**TRANSIT FARES**

**R-96-155** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING FIXED ROUTE TRANSIT BUS FARES; RESCINDING RESOLUTIONS R-95-248, R-87-73, AND ANY OTHER PREVIOUSLY ADOPTED RESOLUTIONS ESTABLISHING FIXED ROUTE TRANSIT BUS FARES; AND PROVIDING AN EFFECTIVE DATE. RECORD S45-334

and

**R-96-156** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING PARATRANSIT BUS (HANDY BUS) FARES; RESCINDING RESOLUTIONS R-95-248, R-87-73, AND ANY OTHER PREVIOUSLY ADOPTED RESOLUTIONS ESTABLISHING HANDY BUS FARES; AND PROVIDING AN EFFECTIVE DATE. RECORD S45-335

**TRANSIT**

**R-96-104** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA RESCINDING RESOLUTIONS R-87-326 (HANDY BUS WORK PASS) AND R-93-30 (TRANSIT ADVISORY COMMITTEE) (rescinds programs/rates that are obsolete, abolished or phased out). RECORD S45-336

**CONVENTION AND VISITORS BUREAU**

Authorize addition to Media Plan expenditures, \$1,900, for an advertisement in the LTU Guide in August, 1996 (for passengers on the LTU German charter carrier to Florida).

**LAWSUITS**

Settlement of \$5,000 to Dr. Ronald R. Baker, exclusive of attorney's fees, costs and expenses for the taking of SR 70 parcel 2515/105 in eminent domain proceedings, Manatee County v. John J. Nevins, et al, Case CA-95-4342.

**CHILD SUPPORT HEARING OFFICER**

Execute contract with Florida Department of Revenue for reimbursement of child support hearing officer expenses, \$55,014.

RECORD S45-337

**BRADEN RIVER STREAM GAGING**

Execute agreement with U.S. Geological Survey for continuation of the Braden River stream gaging project (8/1/96-7/31/97), (USGS, \$46,000, County \$60,000).

RECORD S45-338

**OPERATION OLYMPIAD CONCESSIONS**

Authorize exception to Ordinance 82-19, to allow multiple vendors to operate concessions at G.T. Bray Park during Operation Olympiad (Just for Girls 7/8-11/96); and waive compensation for the County.

**FINAL PLATS**

Approve, accept and/or record documents related to final plats for the following subdivisions:

**Arbor Lakes "B" (Mote Ranch Phase IIB/PDR-81-05)**

1. Final Plat
2. Agreement with Lennar Mote Ranch, Ltd. guaranteeing completion of required improvements (\$1,235,947.60)
3. Performance Bond: \$1,235,947.60 (Letter of Credit M514294 with Amendment 1, Barnett Bank of South Florida, N.A., surety)
4. Agreement with Lennar Mote Ranch, Ltd. guaranteeing completion of required sidewalks and bikeways (\$40,768)
5. Performance Bond: \$40,768 (Letter of Credit M514295 with Amendment 2 (no Amendment 1 presented on this date), Barnett Bank of South Florida, N.A., surety)
6. Off-site Temporary Turnaround Easement from Lennar Mote Ranch, Ltd.
7. Off-site Temporary Drainage Easement from Lennar Mote Ranch, Ltd.
8. Agreement with Lennar Mote Ranch, Inc., for installation of private improvements. RECORD S45-339
9. Supplement Amendment to Declaration of Covenants and Restrictions for Mote Ranch (with attachments).

**Heather Glen, Phase II**

1. Final Plat
2. Agreement with North Manatee Development, Inc., warranting required improvements (\$60,896.03)
3. Defect Security: \$60,896.03 (Letter of Credit 690350-1, First National Bank of Manatee, surety)
4. Agreement with North Manatee Development, Inc., guaranteeing completion of required sidewalks and bikeways (\$40,651)
5. Performance Bond: \$40,651 (Letter of Credit 690350, First National Bank of Manatee, surety)
6. Conservation Easement from North Manatee Development, Inc.
7. Declaration of Covenants, Conditions and Restrictions
8. Assignment between Heather Glen Properties, Assignor, and North Manatee Development, Inc, Assignee.

**Richmond Park**

1. Final Plat
2. Mortgagee's Joinder from Kerso Corporation and Island Investment Properties, Ltd.
3. Declaration of Restrictions
4. List of Holdings
5. Fiscal and Budgetary Information
6. Maintenance Program
7. Notice to Buyers
8. Agreement with Cambridge Resources Group to defer completion of required sidewalks for private subdivision. RECORD S45-340

**STATE REVOLVING FUND LOAN**

Execute Loan Recipient Certification for State Revolving Fund Loan Project CS120540170 (collection systems and reclaimed water) with the Department of Environmental Protection.

RECORD S45-341

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**TIME PAYMENT AGREEMENTS**

Execute and record Time Payment Agreements for FIF's, connection and line extension charges with Joyce A. Heisig; Beverly J. Tindall; and Deborah J. Hodges. **RECORD** S45-342  
S45-343  
S45-344

**DEEDS AND EASEMENTS**

1. **9th Street East** - Warranty Deed from Edorardo J. Tommasi for right-of-way; Affidavit of Ownership and Encumbrances.
2. **26th Street West** - Warranty Deed from Assisted Care Facilities, Inc. for right-of-way (Cabot Point FSP); Affidavit of Ownership and Encumbrances; Partial Releases from Republic Bank, Square One Enterprises, Inc., and Opal J. Taylor.
3. **Manatee Street/Whitfield Estates** - Accept Temporary Construction Easement from Jerry Chaplain and Richard A. Viele for water line replacement.

**TRAFFIC CONTROL - SR 70**

Execute revised Traffic Signal Maintenance and Operation Order 92 with FDOT for intersections at SR 70 and 33rd, 37th and 39th Streets East. **RECORD** S45-345

**STREET VACATION**

**R-96-137-V** A RESOLUTION DECLARING PUBLIC HEARING ON APPLICATION BY JAMES D. AND LORI A. O'DONNELL TO VACATE A PORTION OF RIGHT-OF-WAY ON MARIGOLD DRIVE IN SUMMERFIELD VILLAGE SUBDIVISION TO BE HELD JULY 30, 1996, AT 2:00 P.M., OR AS SOON THEREAFTER AS MAY BE HEARD. **RECORD** S45-346

**SOILS AND MATERIALS TESTING**

Execute Work Assignment 70 with Professional Service Industries, Inc. for subsurface exploration north to the southeast reclaimed water transmission main, \$38,508.10. **RECORD** S45-347

**BUDGET AMENDMENTS**

Adopt Budget Amendment Resolutions

**COMMUNITY SERVICES**

(B-96-106)

**Increase Revenue/Expenditure:** Allocates funds for anticipated program expenditures for the 1996 Summer Food Program for Children. \$232,232

**RECORD** S45-348**ENVIRONMENTAL MANAGEMENT**

(B-96-107)

**Decrease Revenue/Expenditure:** Reduces revenue in the County Attorney's budget and reduces expenditure in the Environmental Management budget. Environmental Management became a County department and was transferred to the general fund this fiscal year and is no longer charged by the County Attorney's office. \$37,875

**RECORD** S45-349**FINANCIAL MANAGEMENT**

(B-96-108/1-3)

**Increase Revenue/Expenditure:** Appropriates the sale of an asset in Parks Impact Fee District F and the allocation of sale proceeds to the Myakka Community Center Project and contribution to the Historical Society for the relocation of the school. \$40,000 S45-350

**Increase Revenue/Expenditure:** \$10,000 S45-351

**Item Transfers:** \$41,826 S45-352

**RECORD****INFORMATION SERVICES**

(B-96-109)

**Increase Revenue/Expenditure:** Appropriates revenues to be received by the copy center to cover the increased cost of paper through the remainder of this fiscal year. \$20,000

**RECORD** S45-353**PARKS & RECREATION**

(B-96-110/1&amp;2)

**Item Transfers:** Increases funding for East Bradenton Park restrooms as estimates for completion of restroom facilities exceed grant/match funding available. \$50,000 S45-354

**Increase Revenue/Expenditure** \$50,000 S45-355

**RECORD**

(B-96-111)

**Rescinds** and replaces Budget Amendment Resolution B-96-095/2 due to scrivener's error. \$210,443

**RECORD** S45-356**FINANCIAL MANAGEMENT**

(B-96-112)

**Rescinds** and replaces Budget Amendment Resolution B-96-093/4 due to scrivener's error. \$684,235

**RECORD** S45-357

PROJECT MANAGEMENT

(B-96-113)

Rescinds and replaces Budget Amendment Resolution B-96-096/1 due to scrivener's error.

\$1,011,404

RECORD S45-358

(B-96-114)

Rescinds and replaces Budget Amendment Resolution B-96-103/2 due to scrivener's error.

\$30,656

RECORD S45-359

STATE HOUSING INITIATIVE PROGRAM

1. Execute Amendment 1 with Manatee Bankers for Affordable Housing to perform counseling services for the SHIP program (to 6/30/97).

RECORD S45-360

2. Execute Amendment 1 with Manatee Opportunity Council, Inc. to perform down payment and closing cost assistance for the SHIP program (to 9/30/96).

RECORD S45-361

(End Consent Agenda)

Recess/Reconvene. All members present except Ms. Brown.

CHILDREN'S SERVICES ADVISORY BOARD

Cheri Coryea, Community Services, recommended appointment of four persons to fill vacancies on the Children's Services Advisory Board. She advised that Edwin Mulock, John Vita and Joe Miller requested to be reappointed. Nominations were opened.

Child Advocates

Mr. McClash moved to cast a unanimous ballot for Edwin Mulock and John Vita. Motion was seconded by Mrs. Hooper and carried 6 to 0.

Criminal Justice: Nomination: Virginia Donovan - by Mrs. Harris.

Mrs. Glass moved to cast a unanimous ballot for Virginia Donovan. Motion was seconded by Mrs. Harris and carried 6 to 0.

School Board

Mr. McClash moved to cast a unanimous ballot for Joe Miller. Motion was seconded by Mrs. Hooper and carried 6 to 0.

United Way

Motion was made by Mr. McClash and seconded by Mrs. Hooper, to cast a unanimous ballot for Timothy Vining. Motion carried 6 to 0.

LAKWOOD RANCH BOULEVARD

Janet McAfee, Project Management Director, reported on negotiations with Post, Buckley, Schuh & Jernigan, Inc. for Lakewood Ranch Boulevard design (from SR 70 to 800 feet south of SR 64) noting the project costs and timeframe will be substantially less than originally anticipated.

Motion was made by Mrs. Harris, seconded by Mrs. Glass and carried 6 to 0, to approve execution of Work Assignment 10 with Post, Buckley, Schuh & Jernigan, Inc. for engineering services, \$622,942. RECORD S45-362

IMMIGRATION AND NATURALIZATION SERVICE

David Rothfuss, Assistant County Administrator, reported on negotiations with the U.S. Immigration and Naturalization Service (INS) for use of the downtown Public Safety Complex for incarceration of administrative detainees, offices and courtrooms.

Discussion: Officers hired by the Sheriff with INS funding; payment for 250 persons at \$62.50 per day; third floor Sheriff staff move to temporary facilities paid by INS; funding beginning September 1, 1996.

Mr. Rothfuss requested authorization to incur expenses prior to execution of an agreement with INS; and authorize the Sheriff to execute an Intergovernmental Services Agreement and other related documents. (Note: Documents not submitted).

Discussion: Will revenues exceed expenses; jail currently vacant; use of First Union Bank (FUB) building; preparing a written plan as to who will occupy downtown County facilities; street vacation for road between annex and FUB building; increasing parking; insuring document review by County Attorney.

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Lannie Christie, representing Sheriff Wells, supported the plan.

Motion was made by Mrs. Glass, seconded by Mrs. Hooper and carried 6 to 0, to approve the status report and request by Mr. Rothfuss.

**ZONING**

Public hearing (continued from 6/20/96) was opened to consider

**Z-95-13 COUNTY-INITIATED/DURHAM L. ALTMAN TRUST - EX** (CONTINUED)  
ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO EX; PROVIDING AN EFFECTIVE DATE; LOCATED ON 310 ACRES ON THE EAST OF S.R. 37 AT THE INTERSECTION OF MANATEE, HILLSBOROUGH, HARDEE AND POLK COUNTIES.

Planning Commission recommended ADOPTION.

Carol Clarke, Planning Department Director, requested the public hearing be continued to July 25, 1996, at 9:00 a.m. or as soon thereafter as may be heard.

Mrs. Hooper so moved. Motion was seconded by Mr. Gause and carried 6 to 0.

Public hearing (continued from 6/20/96) was opened to consider

**Z-95-12 COUNTY INITIATED/IMC-AGRICO COMPANY - A/WP-M/ST** (CONT'D)  
ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA.....; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM EX/WP-M/ST TO A/WP-M/ST; PROVIDING AN EFFECTIVE DATE; LOCATED ON 316 ACRES SOUTHEAST OF S.R. 37 AND NORTH OF S.R. 62 AT THE INTERSECTION OF SAID ROADS.

Planning Commission recommended ADOPTION.

Motion was made by Mr. McClash, seconded by Mr. Gause and carried 6 to 0, to continue the public hearing to July 25, 1996 at 9:00 a.m. or as soon thereafter as may be heard.

**KEEP MANATEE BEAUTIFUL**

Mr. Rothfuss requested execution of Memorandum of Understanding with Keep Manatee Beautiful, Inc. to further cooperation of environmental preservation and enhancement goals of organizations involved in litter prevention, recycling and beautification programs.

Mr. McClash moved approval. Motion was seconded by Mr. Gause and carried 6 to 0. RECORD S45-363

**PETTY CASH POLICY**

The County Administrator relayed a request by R. B. Shore, Clerk of Circuit Court, to amend the petty cash policy (adopted in 1985) increasing reimbursement of purchases from \$25 to \$50, and to expand allowable travel expenses to include parking and emergency cash gasoline purchases.

Mr. McClash moved approval of the request. Motion was seconded by Mrs. Harris and carried 6 to 0. RECORD S45-364

**LAWSUITS**

Mr. Rice requested appointment of representatives to attend Dispute Resolution hearings for the following cases:  
(Depart Mrs. Harris)

**D.B. Associates v. Manatee County**

Mr. McClash volunteered to serve as representative at the hearing for Case DR-96-01 (PDR-96-02(Z)(G)) on July 19, 1996, at 1:30 p.m.

**Palma Sola Bay Club v. Manatee County**

Mrs. Glass was appointed to serve as representative at the hearing for Case DR-96-02 (PDR-95-11(P)) on July 22, 1996, at 11:00 a.m. on the 5th floor of the Administrative Center.

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DANGEROUS DOG CLASSIFICATION

Motion was made by Mr. McClash, seconded by Mrs. Glass and carried 5 to 0, to adopt

R-96-163 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR PROCEDURES PERTAINING TO DANGEROUS DOG CLASSIFICATION. RECORD S45-365

(Enter Mrs. Harris)

MANATEE RIVER FAIR ASSOCIATION LEASE

Patricia McVoy, Assistant County Attorney, outlined the proposed 30-year lease requested by the Manatee River Fair Association in order to construct an arena facility on the fairgrounds.

Roger Hill, Fair Association President, advised that the arena location will be brought back when a consulting firm has conducted a study.

Mr. Rice recommended that Mr. Gause and Mrs. Hooper declare a conflict of interest since they are Fair Association members.

Motion was made by Mrs. Harris, seconded by Mrs. Glass and carried 4 to 0, (Mr. Gause and Mrs. Hooper abstaining) to adopt

R-96-164 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE LEASE OF CERTAIN REAL PROPERTY TO MANATEE RIVER FAIR ASSOCIATION. RECORD S45-366  
S45-367

SUPERVISOR OF ELECTIONS

The County Administrator clarified that the Supervisor of Elections would remain in the present location and not be relocated to the First Union Bank building due to space needs of the Immigration and Naturalization Service project.

The County Administrator was directed to bring back a list of occupants and space allocation for the First Union Bank building.

Motion was made by Mrs. Glass, seconded by Mrs. Harris and carried 6 to 0, authorizing execution of a lease with the Supervisor of Elections and Louis P. Thomas, d/b/a Thomas Estates (5/1/96-10/31/97). RECORD S45-368

JOBS AND EDUCATION PARTNERSHIP BOARD

Fred Loveland, Community Services Director, stated the State has placed additional requirements on Jobs and Education Partnership Boards to appoint members from private postsecondary educational institutions and from organized labor unions. He stated the interlocal agreement with Sarasota County must be amended to reflect this requirement and recommended adoption of

R-96-167 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING EXECUTION OF AN AMENDMENT TO THE JOBS AND EDUCATION PARTNERSHIP REGIONAL BOARD INTERLOCAL AGREEMENT BETWEEN THE BOARDS OF COUNTY COMMISSIONERS OF MANATEE AND SARASOTA COUNTIES (Chairman to execute amendment substantially in accordance with Exhibit "A" to R-96-167; members to be appointed).

Motion was made by Mrs. Glass, seconded by Mrs. Harris and carried 6 to 0, to adopt R-96-167. RECORD S45-369  
S45-370

Nominations: Ruth Duncan - by Mrs. Harris.

Mrs. Glass moved to cast a unanimous ballot for Ruth Duncan as the educational representative. Motion was seconded by Mrs. Harris and carried 6 to 0.

Mrs. Harris moved to cast a unanimous ballot for Julian Hyatt to represent the AFL-CIP labor union. Motion was seconded by Mr. Gause and carried 6 to 0.



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**LEGISLATION - WARES CREEK**

Charles Hunsicker, Public Works/Ecosystems, reported on legislative accomplishments regarding the Wares Creek flood control project and requested execution (by the County Attorney) of an engagement letter with The Dutko Group, Inc. (Washington, D.C. lobbyists) in the amount of \$30,000 for continued services through December 1996.

Following discussion, Mr. McClash moved approval of the request. Motion was seconded by Mrs. Glass and carried 6 to 0. **RECORD** S45-371

**CONSERVATION AND RECREATION LAND ACQUISITION**

Mr. Hunsicker requested endorsement of the Florida Department of Environmental Protection proposed acquisition of Rattlesnake Key, Terra Ceia Island, Bishop Harbor, and Emerson Point, except for certain uplands within Bishop Harbor adjacent to the southern property line of the Port, which the Port would like to purchase. He recommended adoption of

**R-96-127** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, SUPPORTING THE ACTIONS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE ACQUISITION OF CERTAIN PROPERTY IN THE TAMPA BAY AREA UNDER THE STATE OF FLORIDA CONSERVATION AND RECREATION LAND (CARL) ACQUISITION PROGRAM (and authorizing execution of transmittal letter).

E. N. Fay, Jr., Port Authority Attorney, recommended eliminating the language "to oppose" acquisition of 80 acres in Bishop Harbor on the original resolution (Item 2).

Motion was made by Mrs. Harris and seconded by Mrs. Glass, to adopt R-96-127 with the change as noted. Motion carried 6 to 0. **RECORD** S45-372

**INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 2546**

Michael Latessa, Public Safety Director, referred to a proposal by International Association of Fire Fighters Local 2546 Union (IAFF) regarding calculation of Emergency Medical Service employee overtime pay and staff concerns as to whether it would meet Fair Labor Standards Act requirements (see 6/4/96).

He stated the IAFF was probably not aware the calculation would be a financial disadvantage to an employee if vacation or sick leave was within a pay period when time and one-half pay per hour is not permitted.

**Disposition:** County Administrator and County Attorney to review and advise as soon as possible.

**SURPLUS PROPERTY**

Rob Cuthbert, Purchasing Director, responded to question regarding values placed on equipment listed on the surplus property list.

Motion was made by Mr. Gause, and seconded by Mr. McClash, to classify excess property as surplus property per Florida Statute 274.05 to enable appropriate disposition in accordance with Procurement Code 84-02, Section 8.108.

**Discussion:** Depreciation; providing backup information regarding the equipment; notification to departments for possible use of equipment; replacement vehicles; cost analysis on vehicles prior to disposal, etc.

Motion carried 6 to 0. **RECORD** S45-373

**PENDING LITIGATION ASSESSMENT MEETINGS**

The County Attorney opened the following pending litigation assessment meetings to be continued to private session in the 9th Floor Conference Room, and announced those who would be in attendance:

JULY 2, 1996

(Cont'd)

1. **Palma Sola Bay Club Associates**, Case CA-96-1808 (Dispute Resolution DR-96-02) continued to 11:15 a.m., July 2, 1996.
2. **Sara K. Burns**, United States District Court for the Middle District of Florida, Case 95-562-CIV-T-23B, continued to 11:15 a.m., July 2, 1996.
3. **Hilliard**, Case 95-729-CIV-T-17C, continued to July 8, 1996, at 5:00 p.m.

Recess/Reconvene. All members present except Ms. Brown.

ORDINANCE 96-34 - COURT COSTS

Public hearing (Notice in the Bradenton Herald 6/21/96) was held to consider

ORDINANCE 96-34 AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ASSESSING A COURT COST OF \$3.00 FOR EACH CASE WHERE A PLEA OF GUILTY OR NOLO CONTENDERE OR A CONVICTION OF, REGARDLESS OF ADJUDICATION, A VIOLATION OF A STATE CRIMINAL STATUTE OR A MUNICIPAL ORDINANCE OR COUNTY ORDINANCE OR PAYMENT OF A FINE OR CIVIL PENALTY FOR ANY VIOLATION OF CHAPTER 316, FLORIDA STATUTES; ADJUDICATIONS WITHHELD PURSUANT TO THE PROVISIONS OF SECTION 318.14(9) OR (10), FLORIDA STATUTES; PROVIDING FOR THE DISTRIBUTION OF SAID COURT COST BY THE CLERK OF THE CIRCUIT COURT FOR THE OPERATION AND ADMINISTRATION OF TEEN COURT, PROVIDING FOR SEVERABILITY, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

Mrs. Glass moved adoption of Ordinance 96-34. Motion was seconded by Mrs. Hooper and carried 6 to 0. RECORD S45-374

ENTERPRISE ZONE - CORTEZ VILLAGE

Karen Jackson-Sims, Community Affairs Director, stated this Resolution would allow for development of a strategic plan for Board approval. She recommended adoption of

R-96-160 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF AN AREA FOR CONSIDERATION AS A "NET BAN" ENTERPRISE ZONE, PROVIDING FOR THE SUBMISSION OF AN APPLICATION FOR CONSIDERATION OF DESIGNATION OF SAME BY THE STATE OF FLORIDA, DEPARTMENT OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT.

Discussion: Means to compensate/assist area; State providing tax credit and sales tax exemption; cost to County; County Attorney review; advising of the designated area.

Mr. McClash moved to adopt R-96-160. Motion was seconded by Mr. Gause and carried 6 to 0. RECORD S45-375

ORDINANCE 96-37 - CORTEZ ENTERPRISE ZONE

Public hearing (Notice in the Bradenton Herald 6/30/96) was held to consider

ORDINANCE 96-37 AN ORDINANCE PERTAINING TO ECONOMIC DEVELOPMENT WITHIN MANATEE COUNTY, FLORIDA; CREATING AN ENTERPRISE ZONE DEVELOPMENT AGENCY (EZDA) PURSUANT TO SECTION 290.0056, FLORIDA STATUTES; PROVIDING FOR THE ORGANIZATION AND OPERATION OF THE BOARD OF COMMISSIONERS OF SAID AGENCY; PROVIDING FOR RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (appointing eight members).

Ms. Sims noted that enactment of the Ordinance is necessary for inclusion with the application to the State. Members will be appointed if designation is received from the State.

Discussion: Administration costs; BCC would set a budget; liability to County; Cortez looking for funds to preserve historic resources and promote tourism/fishing events; retraining displaced fishermen.

JULY 2, 1996

(Cont'd)

Mr. McClash moved to adopt Ordinance 96-37. Motion was seconded by Mrs. Glass and carried 6 to 0.

(Note: Ordinance not filed with Secretary of State due to advertising problem; new public hearing to be readvertised.)

COMMISSIONERS' COMMENTS

Code Enforcement - Mr. Gause advised that Code Enforcement spends a great deal of time in his district responding to anonymous calls of which most are unfounded. He recommended more time be spent on legitimate complaints.

Discussion: Determining whether complaint is neighbor dispute; public sometime afraid to reveal name; using district Commissioner's name on complaint.

Mowing Abandoned Property - Mr. Stephens requested information on the timeframe for staff's response to mow abandoned lots/property.

Legal Review of Ordinances - Mr. McClash recommended that all ordinances be reviewed by the County Attorney prior to public hearing.

PROCLAMATION

The Chairman requested approval of a Proclamation for presentation to the Olympic Torch Relay Committee at the July 4, 1996, ceremonies.

Upon motion by Mr. McClash and second by Mr. Gause, a Proclamation was adopted 6 to 0, designating July 4, 1996, as 1996 Olympic Torch Relay Day in Manatee County.


RECORD S45-376

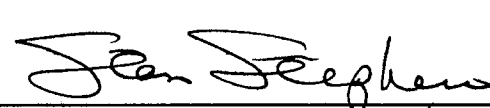
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
Clerk

  
Chairman 8/22/96

Adj: 2:24 p.m.  
/jr