

AUGUST 27, 1996

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, August 27, 1996, at 9:00 a.m.

Present were Commissioners:

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

Absent was Commissioner:

Patricia M. Glass (out of town)

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. Thomas W. Otto, Ellenton United Methodist Church.

The meeting was called to order by Chairman Stephens.

#### AWARDS

##### Employee of the Month

The August 1996 Employee of the Month Award was presented to Bobby Whatley, Aquatic Plant Control Supervisor, Public Work Department.

##### Employee Suggestion Award

A Certificate of Merit, representing a Class "B" (\$100) award, was presented to Raymond Newman, Public Safety Department, for submitting an award-winning suggestion that will result in substantial improvements in methods, materials and efficiency of operation.

(Enter Mrs. Harris)

##### NACo Awards

The National Association of Counties (NACo) Awards (outlined in Awards Summary) were presented to County staff (14) responsible for programs that received national recognition.

RECORD 845-537

##### Government Finance Officers Association

A Certificate of Achievement for Excellence in Financial Reporting for Manatee County for Fiscal Year 1994-95 from the Government Finance Officers Association (GFOA) was accepted.

The GFOA Award of Financial Reporting Achievement for Fiscal Year 1994-95 was presented to R. B. Shore, Clerk of Circuit Court. Mr. Shore commended Kim Umana, Finance Director, and staff.

#### TRAFFIC SAFETY

David Rothfuss, Assistant County Administrator, recommended a policy and procedure to advise and make recommendations to the Board on matters relating to traffic, parking, speed regulations, safety, and the placing of traffic control devices. The existing Community Traffic Safety Team (CTST) has agreed to perform this function.

Discussion: The CTST is not an official advisory board of the County; CTST is already performing traffic-related functions; the team would provide a total outlook on traffic control; etc.

Major Ron Getman, Florida Highway Patrol, stated that the members of the CTST are qualified to make recommendations; and Bob Harrington, Metropolitan Planning Organization, stated that CTST includes County staff.

Mrs. Harris moved that staff prepare a resolution with review by the County Attorney to be brought back as soon as possible. Motion was seconded by Ms. Brown, and carried 5 to 1, with Mr. McClash voting nay.

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**CHILDREN'S SERVICES FISCAL YEAR 1996-97 FUNDING**

Arthur O'Hara, Executive Director of Children's Home Society of Florida, and Janice Bevan, Director of Special Programs for the School Board, requested the Board reconsider its request for \$25,000 of the Children's Services Dedicated Millage for the teen parenting program (TAPP).  
(Note: Additional discussion later in the meeting.)

**AGENDA DELETIONS**

There were no objections to the following agenda deletions:

1. Pomello Park - Status and discussion of road standards - Deferred.
2. D. B. Associates, CA-96-1829 - Pending Litigation Assessment Meeting - To be opened 9/10/96.
3. Palma Sola Bay Club Associates, CA-96-1808 - Pending Litigation Assessment Meeting - To be opened 9/10/96.

**COUNTY ADMINISTRATOR'S CONSENT AGENDA**

Upon motion by Mr. McClash and second by Mrs. Harris, the Consent Agenda dated August 27, 1996, was approved 6 to 0, after deletion of (1) Children's Services Tax Programs funded in Fiscal Year 1994-95; (2) Transportation of Fill Dirt for 4-H Youth Program Bull Riding Rodeo; and (3) Emergency Medical Services Non-Plaintiff Settlement Agreements (all separate actions). Items APPROVED included:

**CLERK'S CONSENT CALENDAR****BONDS****Release****Perico Shores**

1. Agreement with Perico Shores, Inc., warranting required improvements, \$4,840.85.
2. Defect Security: \$4,840.85 (Certificate of Deposit No. 6394, First National Bank of Manatee).

**WARRANT LIST**

Approve: August 22, 1996, through August 26, 1996

Authorize: August 27, 1996, through September 9, 1996

**AUTHORIZE CHAIRMAN TO SIGN****Satisfaction of Judgement:**

Dudley Motlow, Case 96-1872M (\$135)

Braden River Library - Contract with Copeland Development Company, Bid 965407DM, \$1,067,000 (approved 8/6/96); dating of performance and payment bonds.

RECORD**APPROVE, RATIFY AND CONFIRM****Parks & Recreation Department Instructor's Classes Agreement:**

Patricia L. Munson - Country Western Line Dance

William J. Marney - Yoskukai Karate

Linda Padgett - Self Defense/Karate

RECORD**ACCEPT**

S45-539 - S45-541

Housing Finance Authority - Resolution adopting the 1996-97 Budget for the Housing Finance Authority of Manatee County, \$109,545.

Peace River/Manasota Regional Water Supply Authority - (1) Final Budget for Fiscal Year 1996-97; and (2) Rate Resolution 1996-03 setting forth schedules fixing and classifying rates, fees, and charges for treated water for Fiscal Year 1996-97.

Florida Local Government Finance Commission - Pooled Commercial Paper Notes, Series A - Closing documents regarding Manatee County Draws A-1-3 and A-2-3 on 3/5/96; and Draw A-3-1 on 8/16/96.

**COUNTY ADMINISTRATOR****MANATEE OPPORTUNITY COUNCIL**

Chairman to sign letter reaffirming the Manatee County representatives (David McDonald, Brenda Rogers and Brenda Blalock) to the Manatee Opportunity Council.

**ADVISORY BOARDS/COMMITTEES - DISCLOSURE FORMS/CONFLICTS OF INTEREST**

Waiver of provisions of FS 112.313(3) and 112.313(7) [pertaining to standard of conduct for public officers] pursuant to FS 112.313(12) with respect to members of: Children's Services Advisory Board (Joseph Miller; Edwin Mulock; Dr. George Van Buren; Timothy Vining; John Vita); Health Care Advisory Committee (Linda Cinque; Colonel Edwin Marsh); and Accessibility Task Force (Edward Lopacki).

**MANATEE COUNTY PUBLIC HEALTH UNIT**

Chairman to sign a letter (contract amendment) to the Florida Department of Health and Rehabilitative Services increasing the State/County Public Health Unit (MCPHU) contract by \$78,255 for increased expenditures in the County Prescription Program, total contract amount \$12,394,486 (\$1,431,395 County contribution), and providing payment procedures for an enhancement of the MCPHU Sterilization Program. RECORD S45-542

**MEDICAL EXAMINER**

Chairman to sign a letter to Sarasota County approving the District 12 Medical Examiner Fiscal Year 1995-96 budget of \$865,000, with Manatee County being responsible for \$358,110 (41.4 percent) of total budget.

**WEST COAST INLAND NAVIGATION DISTRICT**

Chairman to sign a letter to West Coast Inland Navigation District (WCIND) requesting unencumbered funds of \$40,000 in the McLewie Bayou Dredging (M47) Project be placed in the Manatee County WCIND Capital Improvements Program subfund for assignment to other qualifying Manatee County projects.

**ARTIFICIAL FISHING REEF PROGRAM**

**R 96-204** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION UNDER THE ARTIFICIAL FISHING REEF PROGRAM.

(Agreement effective through 6/30/97, \$30,000; and authorization for the Chairman to execute all related documents.) RECORD S45-543

**PERSONNEL POLICY**

**R-96-205** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RESCINDING RESOLUTION R-93-240, ESTABLISHING A REVISED PERFORMANCE EVALUATION PROGRAM, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE ADMINISTRATIVE CHANGES. S45-544  
RECORD S45-545

**PARKS AND RECREATION - DONATIONS**

Acceptance of donations, in accordance with the provisions of Ordinance 86-05 and procedures established by the County Administrator's office, in the form of prizes valued at \$845 from the local and regional business community to be utilized by the Summer Blast Camp.

**FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM**

**R-96-201** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE DEVELOPMENT OF THE MYAKKA PARK SITE.

(Total \$133,000; \$99,750, State; \$33,250, County) RECORD S45-546  
S45-546A

**GOLF COURSE COUPON SPECIALS**

Authorization for the Parks and Recreation Department to offer specials in increments of \$1, \$2 and \$3 off on rates and 10, 20 and 25 percent off merchandise from August 28, 1996, through December 31, 1996, at the Manatee County and Buffalo Creek Golf Courses.

**PARRISH PARK RENAMING**

**R-96-214** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING PARRISH PARK TO BE RENAMED THE OLA MAE SIMS PARK. RECORD S45-547

**REFUND REQUESTS**

Make exception to the fee refund policy as set forth in Resolution R-95-234 to refund fees to Sharon Brown, \$10, and Cathy Hoggard, \$9.20; and to waive the \$10 administrative fees.

**CREDIT AUTHORIZATION**

Approval of Credit Authorization CA-96-06(T) for Kash & Karry/Palma Sola Enterprises, Inc., authorizing impact fee credits for property at 59th Street West and Manatee Avenue West. RECORD S45-548

**FINAL CREDIT AUTHORIZATION**

Approval of land dedication credit in the amount of \$14,367 for eligible right-of-way per Credit Authorization CA-94-16(T) for Cabot Pointe/Assisted Care Facilities, Inc. RECORD S45-549

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**FINAL PLAT - EDGEWATER VILLAGE, SUBPHASE A, UNIT 2**

1. Final plat.
2. Mortgagee's Joinder in Declaration only from Northern Trust Bank of Florida, N.A.
3. Mortgagee's Joinder in Declaration only from Lakewood Ranch Community Development District 2.
4. Interlocal agreement with Lakewood Ranch Community Development District 2 providing for acceptance by the County of completion bonds and required improvements agreements as assurance of completion of required improvements. RECORD S45-550
5. Agreement with SMR Communities Joint Ventures guaranteeing completion of required sidewalks and bikeways, \$22,226.10.
6. Performance Bond: \$22,226.10 (Surety Bond 08020087, Fidelity and Deposit of Maryland).
7. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$557,779.83.
8. Performance Bond: \$557,779.83 (Surety Bond 08020086, Fidelity and Deposit of Maryland).
9. Conservation Easement from Schroeder-Manatee Ranch, Inc.
10. Agreement with SMR Communities Joint Venture for installation of private improvements in subdivisions subsequent to final subdivision plat approval. RECORD S45-551
11. Supplemental Declaration by SMR Communities Joint Venture.

**ASSESSMENT ROLL MODIFICATION**

1. **R-96-209** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLLS FOR ROAD ASSESSMENT PROJECT 5148, **ONECO ROAD** (Combines parcels owned by Oneco Community Baptist Church). RECORD S45-552
2. **R-96-210** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLLS FOR ROAD AND SEWER ASSESSMENT PROJECT 5144, **RIVERDALE SUBDIVISION** (Moves assessments to a new parcel owned by Nordic of Florida). RECORD S45-553
3. **R-96-211** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SANITARY SEWER ASSESSMENT PROJECT 2504, **SUNNY SHORES** (Moves assessments to a new parcel owned by Arthur Gagnon and Donald Gagnon). RECORD S45-554
4. **R-96-208** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLLS FOR SANITARY SEWER ASSESSMENT PROJECT 5152, **WASHINGTON PARK** (Combines parcels owned by Vannie Corbett). RECORD S45-555

**MEDICAID**

Execution of Medicaid Provider Agreement implemented by the State of Florida to ensure that Medicaid recipients receive medical care from licensed credentialed providers and to protect the medicaid program from potential fraud and abuse. RECORD S45-556

**TIME PAYMENT AGREEMENTS**

Execution and authorization to record time payment agreements for facility investment fees, connection and line extension charges with Mary L. Mohr and Teresa L. Hayes; Roy Lee and Denise E. Sutton; Daniel L. and Wendy L. Cooley; Bradley L. Weigle; Timothy Hoffman; Clarence and Emma L. Smith; Patricia A. Boyle; and Deborah Wisby-Trimmer. RECORD

**75TH STREET WEST**

Execution of contract for sale and purchase for a temporary construction easement, \$1,205, from Colonial Realty Limited Partnership, for 75th Street West between Manatee Avenue West and Cortez Road; temporary construction easement from Colonial Realty Limited Partnership, for tying in existing improvements with the 75th Street West Road Improvement Project. S45-557 - S45-564  
RECORD S45-565

**STATE ROAD 45 AND STATE ROAD 55 - HIGHWAY LIGHTING**

**R-96-200** A RESOLUTION AUTHORIZING EXECUTION OF A HIGHWAY LIGHTING AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE ADJUSTMENT, RELOCATION AND/OR INSTALLATION OF A CERTAIN LIGHTING SYSTEM WITHIN THE RIGHT-OF-WAY LIMITS ON STATE ROAD 45 (U.S. 41) AND STATE ROAD 55 (U.S. 19) FROM THE U.S. 19/U.S. 41 INTERCHANGE TO 49TH STREET EAST/EXPERIMENTAL FARM ROAD AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT. RECORD S45-566  
S45-567

**DEEDS AND EASEMENTS**

Summerfield Village - Right-of-Way Easement from James D. and Lori A. O'Donnell to replace a vacated right-of-way on Marigold Drive in Summerfield Village Subdivision; Affidavit of Ownership and Encumbrances.

**STATE ROAD 70 AND CARUSO ROAD/RIVER LANDINGS BOULEVARD**

Execution of Traffic Signal Maintenance and Operation Order 93 with the Florida Department of Transportation for the intersection of State Road 70 and Caruso Road/River Landings Boulevard.

RECORD S45-568

**STREET VACATION - MIDVALE SUBDIVISION**

R-96-153-V RESOLUTION DECLARING PUBLIC HEARING AT 9:00 A.M. ON SEPTEMBER 26, 1996, ON APPLICATION BY THE SCHOOL BOARD OF MANATEE COUNTY, FLORIDA, FOR THE VACATION OF THE REMAINDER OF THE PLAT OF MIDVALE SUBDIVISION.

RECORD S45-569

**9TH STREET EAST**

Execution of Change Order 1 to IFB 535474DC with APAC-Florida, Inc., for road and utility improvements on 9th Street East to provide quantity adjustments (no change to contract amount) and an additional 13 days to contract completion (revised completion date 1/12/97).

RECORD S45-570

**AQUIFER STORAGE RECOVERY SYSTEMS**

Execution of Addendum 1 to agreement (1/30/96) with Montgomery Watson Americas, Inc., for Phase I, Aquifer Storage/Recovery Systems to provide USEPA and other grant administration services with no increase in total not to exceed cost.

RECORD S45-571

**DUETTE ROAD**

Execution of Final Change Order 1 to IFB 422644NA with Frederick Derr & Company, Inc., for improvements to Duette Road, net decrease of \$98,079.23 and additional 32 days to contract completion, adjusted amount of \$1,161,757.37 and revised completion date of August 6, 1996.

RECORD S45-572

**LASER SPEED DETECTION SYSTEM**

Authorization to transfer a LTI Marksman Laser speed detection system purchased with County funds to the Florida Highway Patrol.

**MAR-LEE ACRES SUBDIVISION**

Execution of Change Order 1 to Work Assignment 9 with Kimley-Horn & Associates, Inc., for engineering services for road, water and sewer improvements within the Mar-Lee Acres Subdivision, increase of \$1,808, total not to exceed \$54,326.

RECORD S45-573

**MATERIALS AND SERVICES**

1. Palm Aire Landscaping - Award Bid 965887MP to Total Yard Care for landscaping services for Palm Aire MSTU, not to exceed \$97,500.06.
2. Star Filter System Supplies - Award Bid 966183MP for supplies for Star Filter system to Hughes Supply, Inc., and SEMSCO, not to exceed \$132,121.79.
3. Video/Audio Return System/Civic Center - Sole source purchase of the video/audio return system, for televised broadcasting for the Civic Center, from Time Warner Communications, estimated total \$58,627.04.
4. Wetland Maintenance/Lena Road Landfill - Award Bid 964580MP to Environmental Waterway Management, Inc., for wetland maintenance with initial cleanup and spraying of wetlands 1, 3, 4, 5 and 8 at the Lena Road Landfill for the first quarter, not to exceed \$55,760.

**SUMMER FOOD SERVICE**

Issue Change Order 1 to Purchase Order 106218 for the Summer Food Service Program with G. A. Food Service, Inc., increase of \$35,084.22, adjusted contract \$147,985.64.

**THERMOPLASTIC MATERIAL**

Issue Change Order 1 to Blanket Purchase Order 104431 for thermoplastic materials with Stimsonite Corporation, estimated increase of \$50,000, total estimated cost of \$100,000.

**REHABILITATION SERVICES**

Award Bid 965591MP to Larry's Equipment Inc., for rehabilitation services (aeration basins, digester, effluent storage tank and clarifiers), not to exceed \$486,500; and simultaneous execution of contract, dating of performance/payment bonds and acceptance of insurance certificate.

RECORD S45-574

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**BUDGET AMENDMENTS****BUILDING DEPARTMENT**

(B-96-123)

Item Transfers: Transfers funds from reserve to operating accounts in order to purchase necessary computer operating system software upgrades and will allow improvements to the Tresun permitting system. \$35,000

**COMMUNITY AFFAIRS**

(B-96-124)

Item Transfers: Appropriates funds from reserve for contingency within the Cable Franchise Special Revenue Fund to support the purchase of required MGA equipment such as location cameras, wireless microphones, antenna and receivers for remote transmissions. \$30,000

**COMMUNITY SERVICES**

(B-96-125)

Increase Revenue/Expenditure: Appropriates monies being returned which were unexpended in the Medical Examiner Interlocal Agreements for Fiscal Years 1993-94 and 1994-95; monies are being added to Fiscal Year 1995-96 to pay for Fiscal Year 1994 moving expenses. \$26,799

**COMMUNITY SERVICES**

(B-96-126)

Increase Revenue/Expenditure: Allocates funds for Alzheimer's Disease Initiative Grant approved 6/4/96. \$72,424

**COMMUNITY SERVICES**

(B-127/1&amp;2)

Increase Revenue/Expenditure: Transfers funds from grant reserves and allocates revenues to be received from the Home Care for the Elderly Grant approved 6/4/96. \$25,396

Item Transfers:

\$4,681

**COMMUNITY SERVICES**

(B-96-128)

Increase Revenue/Expenditure: Allocates funds from State grants for Medicaid Waiver Elderly Services grant which includes Assisted Living as approved on 6/25/96. \$52,437

**COMMUNITY SERVICES**

(B-96-129)

Increase Revenue/Expenditure: Appropriates funds to offset anticipated expenditures for various projects covered under agreements with WCIND as approved on 10/26/95. \$149,100

**COMMUNITY SERVICES**

(B-96-130)

Decrease Revenue/Expenditure: Reduces appropriations in the Transit budget to accommodate for anticipated actual revenues for Fiscal Year 1995-96. \$29,889

**CONVENTION & VISITORS BUREAU**

(B-96-131/1&amp;2)

Item Transfers: Carries forward funds from Tourist Tax Reserve for Cash Balance to allow the balance of the transfer budgeted but not made for the Civic Center in Fiscal Year 1994-95 to be made in 1995-96. \$50,000

Increase Revenue/Expenditure:

\$50,000

**INFORMATION SERVICES**

(B-96-132)

Increase Revenue/Expenditure: Appropriates additional monies received from the State Aid Grant for purchase of additional library materials. \$56,741

**INFORMATION SERVICES**

(B-96-133)

Increase Revenue/Expenditure: Appropriates monies from interest income in the LIS Equipment Acquisition Fund to the project to support the purchase of required LIS equipment. \$677

**PROJECT MANAGEMENT**

(B-96-134)

Increase Revenue/Expenditure: Appropriates anticipated revenues from Department of Community Affairs for Hazard Mitigation as noted in the Project Status Reports dated 7/30/96; R-96-54 (adopted 3/19/96) approves this grant for emergency generator shelters. \$62,500

**PROJECT MANAGEMENT**

(B-96-135)

Increase Revenue/Expenditure: Appropriates funding for the design and installation of streetlights in Holiday Heights Subdivision approved 9/12/95. \$19,851

**PROJECT MANAGEMENT**

(B-96-136)

Item Transfers: Closes completed Fluoride Feed System project as noted in Project Status Reports dated 6/30/96. \$81,165

**PROJECT MANAGEMENT**

(B-96-137)

Item Transfers: Appropriates additional funds for the construction budget of the Wauchula Road Bridge project based on actual construction bids as noted in Project Status Reports dated 6/30/96. \$380,000

PROJECT MANAGEMENT (B-96-138)

Item Transfers: Closes the SEWWTP Auxiliary Power Supply Project as noted in the Project Status Reports dated 6/30/96. \$102,011

PUBLIC SAFETY (B-96-139)

Increase Revenue/Expenditure: Establishes a budget for the Fiscal Year 1996 Preparedness and Assistance Trust Fund Grant approved 4/2/96. \$5,352

PUBLIC WORKS (B-96-140)

Increase Revenue/Expenditure: Appropriates funds from the Hazardous Waste Collection Grant awarded for purchasing a paint can crusher and forklift for household hazardous waste collection. \$44,240

PUBLIC WORKS (B-96-141/1&2)

Increase Revenue/Expenditure: Transfers funds from the Reserve for Contingency Fund to the Erie Road Landfill Operating Cost Centers to primarily offset additional costs to correct deficiencies and to comply with permit renewal requirements as specified by the DEP. \$104,199

Item Transfers: \$679,958

PROJECT MANAGEMENT (B-96-142/1&2)

Decrease Revenue/Expenditure: Rescinds and replaces Budget Amendment Resolutions B-96-103-1 and 2 and B-96-114 due to scrivener's error. \$30,656

Item Transfers: \$30,656

RECORD

MEDICAL INSURANCE - HEALTHY HABITS PROGRAM S45-575 - S45-598

Approval of the revision of the Healthy Habits Program Plan Design, HealthBucks Reward Program and Rules effective January 1, 1997, in order to integrate the new Mobile Health Center and provide better accountability and cost effectiveness. RECORD S45-599

MEDICAL INSURANCE - GROUP PLAN RATE ADJUSTMENTS

Authorization to change employer's contribution for employee and dependent rates effective the first full payroll in October 1996; authorization to change employee's contribution for dependent only coverage effective the first payroll in January 1997; authorization to change retiree and COBRA rates according to Exhibit 1 (effective 10/1/96 and 1/1/97); and authorization to adjust the employer's share to \$206.26 per employee for the Freedom of Choice to Healthy Habits Medical Plan, to be charged as a one-time supplemental charge on the last payroll period of Fiscal Year 1996. RECORD S45-600

(End Consent Agenda)

Recess/Reconvene. All members present except Mrs. Glass.

4-H YOUTH PROGRAM - BENEFIT BULL RIDING RODEO

Discussion was held regarding authorization to use highway maintenance forces and equipment to haul fill dirt to the Benefit Bull Riding Rodeo sponsored by the 4-H Youth Program, October 4-6, 1996, at the Civic Center and to accept returned fill dirt from that event.

Discussion: Cost of dirt hauling is \$1,556.64; actual revenue generated from event; transportation dollars would be funding not-for-profit organization; etc.

Action was deferred to September 10, 1996.

CHILDREN'S SERVICES FISCAL YEAR 1996-97 CHILDREN'S SERVICES FUNDING

Cheri Coryea, Community Services Department, presented the Children's Services Advisory Board recommendations for Fiscal Year 1996-97 Children's Services dedicated millage funding allocations, general revenue funding allocations for children's programs, and youth substance abuse funding allocations. RECORD S45-601

She submitted material containing the recommendations, categories, overall rating of the programs, amount of recommended funds to be awarded, the outcome of voting by the advisory board members, and program summaries (applications for funding in the agenda packet).

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Discussion: No established appeal process; Board makes final decision; a subcommittee to address effects of new laws (voucher system) on any of the programs; include representative from school system on review committee; how programs are tracked as to participation, etc.; if there is a return on investment; success of programs being funded, e.g., pregnancy prevention; etc.

(Depart Mr. McClash)

Motion was made by Ms. Brown to accept the recommendations by the Children's Services Advisory Board on Children's Services Dedicated Millage, General Revenue Funding Allocations and Youth Substance Abuse Funding. Motion was seconded by Mrs. Harris and carried 5 to 0.

(Enter Mr. McClash)

#### CHILDREN'S SERVICES TAX PROGRAMS

Following discussion, motion was made by Mr. Gause to approve and accept the Infant and Therapeutic Day Care Evaluation Project, Phase I, Report (dated June 1996) from the University of South Florida for nine Children's Services Tax Programs funded in Fiscal Year 1994-95 as presented on June 25, 1996. Motion was seconded by Mrs. Hooper and carried 6 to 0.

#### OPEN BURNING

Karen Collins, Environmental Management Department Director, recommended approval of (1) Resolution R-96-165 establishing fees for permitted open burning in Manatee County, and (2) an interlocal agreement with Florida Department of Agriculture and Consumer Services, Division of Forestry, for open burning.

Linda Novak, Environmental Management Department, submitted for adoption

**R-96-165** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING REASONABLE CHARGES FOR PERMITTED OPEN BURNING IN MANATEE COUNTY; RESCINDING ALL PREVIOUSLY ESTABLISHED FEES FOR OPEN BURNING IN MANATEE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

She explained that the Environmental Action Commission (EAC) was sunset on October 1, 1995, and the Open Burning Code was rendered null and void, suspending collection of applicable fees. She stated that Ordinance 96-23 provided for an Open Burning Code. An increase in fees would provide for the increase in personnel costs to conduct the Open Burning Code Program and would discourage open burning, which is a source of air pollution.

Discussion: Whether fees are too high; placing a cap on certain fees; cost difference between air curtain incinerator and burning without incinerator; incentive to use incinerator rather than landfill; need to determine maximum fee based on cost of inspection; even though not legally required, should provide notice to agricultural community, nurseries and other interested parties; defer for additional review; need to have revenues coming in, etc.

Jeffrey Steinsnyder, Assistant County Attorney, suggested action on the interlocal agreement and adoption of fees that were in place under the EAC.

Motion was made by Mr. McClash and seconded by Ms. Brown to authorize execution of the interlocal agreement with the Division of Forestry, and to adopt Resolution R-96-165, with the fees as previously approved for the EAC. Motion carried 4 to 2, with Mr. Gause and Mrs. Hooper voting nay.

RECORD

S45-602 - S45-603

#### DOWNTOWN OFFICE FACILITIES

There were no objections to deferring to September 10, 1996, a report regarding the acquisition and current and proposed uses of Manatee County facilities in the downtown area of the City of Bradenton.



**EMERGENCY MEDICAL SERVICES - NON-PLAINTIFF SETTLEMENTS**

Garry Dye, Human Resources Director, recommended acceptance, approval for payment (contingent on verification and audit by the Clerk of Circuit Court), and authorization for the Chairman to execute signed and notarized Settlement Agreements and Releases (54) from non-plaintiff Emergency Medical Services employees on 24/48 hour shifts, in an effort to fully and finally resolve any and all claims, known or unknown, that the employees had, have or may have against the County which relate to the County's entitlement to the Section 7(k) exemption and the payment of wages or overtime pay, arising under the Fair Labor Standards Act.

Mrs. Harris declared a conflict of interest and abstained from voting.

Ms. Brown so moved. Motion was seconded by Mr. Gause and carried 5 to 0, with Mrs. Harris abstaining.

(Note: The 11 outstanding agreements listed in the agenda packet will be brought back under the Clerk's Consent Calendar.)

RECORD 845-604 -

845-657

**LAWSUIT: HILLIARD, ET AL VERSUS MANATEE COUNTY**

H. Hamilton Rice, Jr., County Attorney, requested the Board (1) authorize expenditure of \$40,000 in attorney fees payable to Egan, Lev & Siwica, P.A., in connection with acceptance by 35 to 38 plaintiffs of the offers of judgment in Hilliard, et al, versus Manatee County, CA-95-729-CIV-T-17C, and direct the Clerk of Circuit Court to forward such payment to the County's Special Labor Counsel, Mark E. Levitt, Esquire; (2) authorize Special Labor Counsel to release the check for attorney fees to plaintiffs' counsel upon confirmation that payments pursuant to the offers of judgment will constitute full satisfaction of the judgments; and (3) authorize payments, consistent with the offers of judgment that were extended in this case, in accordance with applicable law and regulation regarding deductions. He also requested the statement in the agenda memorandum referring to paying former employees via lump sum without deductions be disregarded.

Mr. McClash placed that motion on the floor. Motion was seconded by Mr. Gause and carried 6 to 0.

**EMERGENCY MANAGEMENT COURSE FOR HURRICANES**

Karen Windon, Emergency Management Division, reported on the opportunity afforded to 50 to 70 of Manatee County's Emergency Management Team members county-wide to attend the Integrated Emergency Management Course for Hurricanes, County specific, in Emmitsburg, Maryland, during the week of April 7-11, 1997.

**STATE ROAD 70 - EMINENT DOMAIN MEDIATION**

Mrs. Hooper was appointed representative, and Mr. McClash alternate, to attend a mediation session with Assistant County Attorney Mitchell Palmer, on Friday, September 20, 1996, at 9:00 a.m., in the County Attorney's office, in the eminent domain matter of Manatee County versus John J. Nevins, et al, Case CA-95-4342, parcel 2516/104 (owned by Palma Sola Development, Inc.).

**PENDING LITIGATION ASSESSMENT MEETING**

Mr. Rice announced that the pending litigation assessment meeting would be continued to 1:15 p.m., this date in private session in the Board conference room regarding Rodney and Patricia Smithley versus Manatee County, Case CA-96-2367. He noted those to be in attendance. (Meeting held immediately following the morning recess.)

**ELECTIONS CANVASSING BOARD**

Mr. Stephens appointed Mrs. Glass to represent the Board of County Commissioners, in his absence, on the Elections Canvassing Board on September 3, 1996.

**COMMISSIONERS' COMMENTS****Civic Center - Curtains/Drapes**

Ms. Brown responded to questions regarding purchase and use of curtains/drapes at the Civic Center for specific events.

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(Cont'd)

**Advisory Boards - Attendance**

Ms. Brown requested a review to determine if attendance requirements at advisory board meetings are being met. She expressed concern regarding lack of a quorum and the inability to conduct business.

**Disposition:** Referred to staff.

**Enterprise Zone Development Agency - Vacancy**

Ms. Brown stated that the Enterprise Zone Development Agency Ordinance (95-50 amended by 96-39) should be amended to provide alternate appointments when a seat is vacant (City of Palmetto Ward One Councilman has been suspended by the Governor and the Mayor has requested appointment).

**County Commission: Single Member Districts versus At-Large**

Mr. McClash requested that the matter of single-member versus at-large districts be placed on a future agenda. It was noted that in order to change the present election procedures, a referendum would be required and that there are two alternatives under Florida Statutes, i.e., two at-large positions plus five single-member positions or five at-large positions.

**Port Authority Travel Policy**

Mr. McClash indicated a need to evaluate the existing Port Authority travel policy. He expressed concern regarding spending approximately \$15,000 for members to attend a convention next month.

**Recycling - Rates for Government Agencies**

Mrs. Harris reported that West Side Fire Department is interested in participating in a recycling program but was informed that it would cost \$23 per month for a dumpster. She questioned if there were special rates available to governmental entities.

**Library - Book Return Policy**

Mrs. Harris relayed complaints regarding revised policy requiring books to be returned within one week.

**Disposition:** Referred to County Administrator.

**Saddle Creek Apartment Complex**

Mrs. Harris expressed concern that there is no fencing to separate Saddle Creek Apartment Complex from the residential neighborhood in the area of 57th Avenue West and 27th, 28th and 29th Streets West, noting there is a lot of crime in the area. She stated she was under the impression fencing or buffering was in the Development Order.

**Disposition:** Referred to staff.

**57th Avenue West at 27th, 28th and 29th Streets - Sewer System**

Mrs. Harris inquired as to whether there is central sewer in the area of 57th Avenue West at 27th, 28th and 29th Streets West.

**Disposition:** Referred to staff.

(Depart Ms. Brown)

**Traditional Neighborhoods and Roads**

Mrs. Harris requested a work session to discuss promoting a sense of community through the use of residential road design.

**Mt. Vernon - Reclaimed Water**

Mr. Stephens reported it is not cost effective for Mt. Vernon residents to use reclaimed water; consequently, there is no incentive for bulk use of reclaimed water rather than well water.

**Disposition:** Referred to staff to move forward as quickly as possible to resolve this problem.

**County's Emergency Line**

Mr. Stephens reported that he recently called the County's emergency line at which time he was advised that he would be contacted shortly. He was not contacted and, upon calling again, he was told that the employee involved could not be contacted because the pager was out of order.

**Disposition:** Referred to County Administrator.

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

TRILECTRON INDUSTRIES, INC., PROJECT

Public hearing (Notice in the Bradenton Herald 8/12/96) was held to consider the proposed issuance of up to \$3,000,000 of Industrial Development Revenue Bonds, and

R-96-198 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, DECLARING MANATEE COUNTY'S OFFICIAL INTENT TO SEEK REIMBURSEMENT ON BEHALF OF TRILECTRON INDUSTRIES, INC., (THE "BORROWER") FOR CERTAIN CAPITAL EXPENDITURES TO BE MADE BY THE BORROWER WITH RESPECT TO THE ACQUISITION OF AN APPROXIMATELY 18-ACRE SITE AND THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN MANUFACTURING FACILITIES TO BE OPERATED BY THE BORROWER FROM THE PROCEEDS OF THE COUNTY'S NOT TO EXCEED \$3,000,000 INDUSTRIAL DEVELOPMENT REVENUE BONDS (TRILECTRON INDUSTRIES, INC., PROJECT); APPROVING THE ISSUANCE OF SUCH BONDS WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A GOOD FAITH DEPOSIT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

(Enter Mr. Gause)

**Cliff Walters**, attorney representing Trilectron, was available to answer questions.

**Frederick W. Richter**, Trilectron Industries, Inc., submitted a folder containing financing and other information regarding Trilectron Industries, which manufactures commercial and military aircraft ground support equipment.

Motion was made by Mrs. Harris, seconded by Ms. Brown and carried 5 to 0, to adopt Resolution R-96-198. RECORD S45-658

OAK CREEK SUBDIVISION - AA-96-01

Public hearing (Notice in the Bradenton Herald 8/16/96) was opened to consider AA-96-01, Oak Creek Subdivision, appeal of administrative decision to require privately maintained utilities in a subdivision with private streets.

Motion was made by Mrs. Harris, seconded by Mrs. Hooper and carried 5 to 0, to continue the public hearing to September 10, 1996, at 2:00 p.m.

ASSESSMENT ROLL MODIFICATION/STREET LIGHTING MSBU - RUBONIA

Public hearing (Notice in the Bradenton Herald 8/7/96) was held to consider

R-96-195 A RESOLUTION AMENDING THE SPECIAL ASSESSMENT ROLL FOR THE RUBONIA STREET LIGHTING MUNICIPAL SERVICE BENEFIT UNIT (MSBU).

Janet McAfee, Project Management Director, explained that the amendment reduces the special assessments for Rubonia from \$19 to \$10 per unit.

Motion was made by Ms. Brown, seconded by Mrs. Hooper and carried 5 to 0, to adopt Resolution R-96-195. RECORD S45-659

STREET VACATION - BAY LAKE ESTATES

Public hearing (Notices in the Bradenton Herald 8/7/96 and 8/14/96) was held to consider

R-96-150-V RESOLUTION ON APPLICATION BY EDWARD G. MALAN AND JANET D. MALAN, AS TRUSTEES OF THE EDWARD G. MALAN REVOCABLE TRUST, VACATING A PORTION OF A 15-FOOT UTILITY EASEMENT ON LOT 4, BLOCK B, BAY LAKE ESTATES SUBDIVISION, PHASE I.

**Steve Thompson**, attorney for the petitioner, was present.

Motion was made by Mrs. Hooper, seconded by Mr. Gause and carried 5 to 0, to adopt Resolution R-96-150-V. RECORD S45-660

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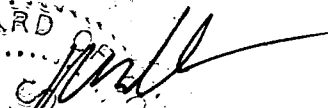
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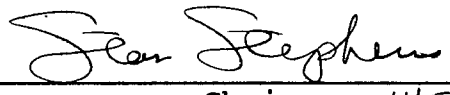
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
\_\_\_\_\_  
Clerk  
Adj. 2:25 p.m.  
/eml  
BOARD  
COMMISSION

  
\_\_\_\_\_  
Chairman 11/5/96