

JANUARY 6, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, January 6, 1998, at 9:05 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
 Gwendolyn Y. Brown, First Vice-Chairman
 Joe McClash, Second Vice-Chairman
 Jonathan Bruce, Third Vice-Chairman
 Stan Stephens
 Amy Stein
 Lari Ann Harris

Also present were:

Ernie Padgett, County Administrator
 Teddy N. Williams, Jr., County Attorney
 Susan G. Romine, Board Records Supervisor,
 representing R. B. Shore, Clerk of Circuit Court

Invocation by Reverend Ron Gaudio, First Baptist Church of Ellenton.

The meeting was called to order by R. B. Shore, Clerk of Circuit Court.

ELECTION OF OFFICERS

BOARD OF COUNTY COMMISSIONERS

R. B. Shore, Clerk of Circuit Court, opened the floor for nominations for Chairman of the Board of County Commissioners:

Chairman - Mrs. Glass

Nominations: Mr. McClash - by Mrs. Stein
 Mrs. Glass - by Mrs. Harris

Voting for Mr. McClash were Mrs. Stein, Mr. McClash and Mr. Bruce.
 Voting for Mrs. Glass were Mrs. Harris, Ms. Brown, Mr. Stephens and Mrs. Glass. By a majority vote, Mrs. Glass was elected Chairman.
 (Mrs. Glass presiding)

First Vice-Chairman - Ms. Brown

Nominations: Ms. Brown - by Mrs. Harris
 Mr. McClash - by Mr. Bruce

Voting for Ms. Brown were Mrs. Harris, Mr. Stephens, Ms. Brown and Mrs. Glass.

By a majority vote, Ms. Brown was elected as First Vice-Chairman.

Second Vice-Chairman - Mr. McClash

Nomination: Mr. McClash - by Mrs. Harris

There being no further nominations, Mr. McClash was elected as Second Vice-Chairman.

Third Vice-Chairman - Mr. Bruce

Nomination: Mr. Bruce - by Ms. Brown

There being no further nominations, Mr. Bruce was elected as Third Vice-Chairman.

PORT AUTHORITY

Chairman - Mrs. Harris

Nominations: Mrs. Harris - by Ms. Brown
 Mr. Bruce - by Mrs. Stein

Voting for Mrs. Harris were Mr. Stephens, Ms. Brown, Mrs. Harris and Mrs. Glass.

By a majority vote, Mrs. Harris was elected as Chairman.

First Vice-Chairman - Mr. Stephens

Nominations: Mr. Stephens - by Mrs. Harris
 Mrs. Stein - by Mr. Bruce

Voting for Mr. Stephens were Mrs. Harris, Ms. Brown, Mr. Stephens and Mrs. Glass.

By a majority vote, Mr. Stephens was elected as First Vice-Chairman.

Second Vice-Chairman - Mr. Bruce

Nomination: Mr. Bruce - by Mr. McClash

There being no further nominations, Mr. Bruce was elected as Second Vice-Chairman.

Third Vice-Chairman - Mrs. Stein

Nomination: Mrs. Stein - by Mr. McClash

There being no further nominations, Mrs. Stein was elected as Third Vice-Chairman.

CIVIC CENTER AUTHORITY

Chairman - Ms. Brown

Nominations: Mr. Bruce - by Mrs. Stein
Ms. Brown - by Mrs. Harris

Voting for Ms. Brown were Mrs. Harris, Ms. Brown, Mr. Stephens and Mrs. Glass.

By majority vote, Ms. Brown was elected as Chairman.

First Vice-Chairman - Mrs. Stein

Nomination: Mrs. Stein - by Mr. Bruce

There being no further nominations, Mrs. Stein was elected as First Vice-Chairman.

Second Vice-Chairman - Mr. Bruce

Nomination: Mr. Bruce - by Mr. McClash

There being no further nominations, Mr. Bruce was elected as Second Vice-Chairman.

Third Vice-Chairman - Mr. McClash

Nomination: Mr. McClash - by Mr. Stephens

There being no further nominations, Mr. McClash was elected as Third Vice-Chairman.

TOURIST DEVELOPMENT COUNCIL - Mr. Stephens

Mrs. Glass appointed Mr. Stephens as the Chairman of the Tourist Development Council.

CONSENT AGENDA

Upon motion by Mr. Stephens and second by Ms. Brown, the Consent Agenda dated January 6, 1998, was unanimously approved with the following changes: (1) Jail Medical/Psychiatric Services (deleted); (2) Excess Property (General) as Surplus; (3) Website for Convention & Visitors' Bureau; and (4) Holiday Heights Street Lighting Project (all separate action). Items APPROVED:

CLERK'S CONSENT CALENDAR

BONDS

Accept:

Parkwood Lakes, Phase I and II/PDR-92-09

1. Agreement with P.P.B. Development, Inc., guaranteeing completion of required sidewalks and bikeways (\$3,736.36).
2. Performance Bond: \$3,736.36 (Cashiers Check 941269449, Barnett Bank N.A., Manatee)

River Point Phase 1 Subdivision/93-S-21

1. Agreement with Centex Real Estate Corporation warranting required improvements (\$102,349.05).
2. Defect Security: \$102,349.05 (Surety Bond 5894929, Safeco Insurance Company of America)

Mote Ranch, Phase V/PDR-81-05(F)/96-S-08(F)

1. Amendment 001 to Irrevocable Letter of Credit S961002 (\$471,437.79; 12/23/96), SunTrust Bank, to extend expiration date to December 23, 1998, for Lennar Mote Ranch, Ltd.

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(Continued)

2. Amendment 001 to Irrevocable Letter of Credit S961021 (\$17,288.70; 12/31/96), SunTrust Bank, to extend expiration date to December 31, 1998, for Lennar Mote Ranch, Ltd.

Glenn Lakes, Phase IV/PDR-93-08/97-S-11(F)

1. Agreement with Centex Homes warranting required improvements (\$88,411.19).
2. Defect Security: \$88,411.19 (Bond 5921773, Safeco Insurance Company of America, Surety)

Glenn Lakes, Phase I-B/PDR-93-08/95-S-12

1. Agreement with Centex Real Estate Corporation warranting required improvements (\$34,927.60).
2. Defect Security: \$34,927.60 (Surety Bond 5894923, Safeco Insurance Company of America)

Release:**Glenn Lakes, Phase I-B/PDR-93-08/95-S-12**

1. Agreement with Centex Real Estate Corporation warranting required improvements (\$34,927.60).
2. Defect Security: \$34,927.60 (Letter of Credit 319527, First Chicago Bank)

Glenn Lakes, Phase IV/PDR-93-08/97-S-11(F)

1. Agreement with Centex Homes guaranteeing completion of required improvements (\$1,296,869.48).
2. Performance Bond: \$1,296,869.48 (Surety Bond 5900981, Safeco Insurance Company of America)

Parkwood Lakes, Phase I and II/PDR-92-09

1. Agreement in Conjunction with Letter of Credit with Curtis S. Petzoldt and C. Todd Petzoldt (Florida Trust) guaranteeing completion of required sidewalks and bikeways (\$28,860).
2. Performance Bond: \$28,860 (Letter of Credit 1059, West Coast Bank)

River Point Subdivision/93-S-21

1. Agreement with Centex Real Estate Corporation warranting required improvements (\$102,349.05).
2. Performance Bond: \$102,349.05 (Letter of Credit 319548, First National Bank of Chicago)

WARRANT LIST

Approve: December 16, 1997, through January 5, 1998
 Authorize: January 6, 1998, through January 19, 1998

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

Richard D. Fintel, Case 97-3110M
 Kimberly Riley, Case 97-3445M
 Michael Smith, Case 97-2151M

Partial Release of Special Improvement Assessment Liens:

Projects 5144; 3106-5144; 5075; 3009-5147(5); 3101-5151; 5151; 5043; 3102-2502; 4101; 5147(2); 5148; 3010-5148

Letter of Engagement with Christopher, Smith, Gentile, Leonard & Bristow, P.A., to provide audit of Manatee Memorial Hospital and Health Systems, Inc., \$11,550 (authorized 12/16/97). RECORD S46-70

APPROVE, RATIFY & CONFIRM**P&R Special Interest Classes Instructor's Agreement**

Robert J. Miller, Jr., Self-Defense - Wing Chun/Jeet Kune Do
 RECORD S46-71

ACCEPT**Nonprofit Agency Agreement - Corrective Document**

Attachment B to Nonprofit Agency Agreement with Hope Family Services, Inc., (accepted 11/4/97) correcting months for payment of services to October 1997 through September 1998. RECORD S46-72

Sarasota Manatee Airport Authority - 1998 meeting schedule

Peace River/Manasota Regional Water Supply Authority - 1998 meeting schedule

COUNTY ADMINISTRATOR**STATE HOUSING INITIATIVE PARTNERSHIP (SHIP)**

Execute funding agreement with Manatee Bankers for Affordable Housing for administrative services relating to SHIP Program strategies, not to exceed \$216,571. RECORD S46-73

CHILDREN'S SERVICES EVALUATION PROJECT

Execute agreement with University of South Florida allowing for consultative services addressing the evaluation of Manatee Family YMCA Middle School Program funded through the Children's Services Dedicated Millage, \$25,000. RECORD S46-74

NON-PROFIT AGENCY FUNDING

Execute FY 1997-98 Funding Agreement with the School Board of Manatee County, Inc., for the C.A.T.C.H. Program (10/1/97-9/30/98), \$45,000. RECORD S46-75

HIV/AIDS CLINIC FUNDING

Execute FY 1997-98 funding agreement with Rural Health Services, Inc., for the operation of the HIV/AIDS Clinic, not to exceed \$218,991. RECORD S46-76

HISTORICAL COMMISSION

Confirm and appoint Bubbles Greer, Warren Johnson, Karl Knoedler, and John Pettigrew to the Manatee County Historical Commission (1/1/988-1/1/02) as nominated by the Manatee County Historical Commission.

MEALS ON WHEELS PLUS

1. **R-98-20** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A LEASE BETWEEN MANATEE COUNTY AND MEALS ON WHEELS PLUS OF MANATEE, INC., FOR THE SAMOSET SENIOR CENTER FACILITY S46-77
(execute lease (1/1/98-12/31/98), \$10/year; authorizing sublease to Neighborly Senior Services, Inc.) RECORD S46-78
2. Non-profit Agency Agreement with Meals on Wheels Plus of Manatee, Inc., for Adult Day Care Services (10/1/97-9/30/98), \$43,718. RECORD S46-79

FLORIDA HERITAGE FESTIVAL

Execute funding agreement with Hernando Desoto Historical Society, Inc., \$10,000, from resort tax funds for brochure. RECORD S46-80

NELSON V. MANATEE COUNTY

Authorize payment of \$17,500 to Nancy Nelson and \$50,000 to Annie Nelson, her daughter, in full settlement of all claims against Manatee County.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Approve, ratify and confirm application for \$2,500 grant under the Southwest Florida Water Management District's FY 97-98 Community Grant Program, to provide water conservation posters in the Manasota Basin Board area. RECORD S46-81

MATERIALS AND SERVICES

1. **Radios and Accessories** - Sole source purchase of 800 Mhz radios, accessories and replacement parts from Ericsson, Inc., for use by Information Services/Radio Shop, on as-required basis, estimated at \$200,000.
2. **Sewer Cleaning Truck** - Award IFB 97-3096SV to Southern Sewer Equipment, not to exceed \$87,066.48.

CHECK STATION CONSTRUCTION

Issue Change Order 1 to Purchase Order 109533 for construction of a check station at Duette Park with Brian Bolles/Building Contractor, for an increase of \$1,900 and an additional 30 days; and an adjusted contract of \$38,724 and a revised completion date of January 20, 1998.

FOOD SERVICES

Issue Change Order 4, \$10,500, to Purchase Order 107647, Sysco Food Services, for an adjusted total of \$32,000 for grocery and snack items on an as-required basis for the Manatee County Convention and Visitors Bureau (3/1/97-3/31/98).

SURPLUS PROPERTY (VEHICLES)

Authorization to classify excess vehicles as surplus property per Florida Statute 274.05 to enable appropriate and authorized disposition of said surplus property in accordance with Procurement Code 84-02, Section 8.108; and authorization to thereafter dispose of such property. RECORD S46-82

RECREATION ADMINISTRATION SYSTEM

Authorize negotiations with the top-ranked firm, Vermont Systems, Inc., for a recreation administration system.

STORMWATER ENGINEERING

Execute Addendum 1 to extend agreement with Boyle Engineering Corporation, for professional services for stormwater engineering, (4/1/98-3/31/99). RECORD S46-83

SUGAR BOWL ROAD

Execute Change Order 1 to Work Assignment 14 with Wade-Trim, Inc., for engineering services for the Sugar Bowl Road Project, increase of \$30,702 and an adjusted Work Assignment total not to exceed \$141,573.50. RECORD S46-84

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(Continued)

TAYLOR ROAD BRIDGE

Execute Change Order 1 to Work Assignment 15 with Wade-Trim, Inc., for engineering services for the Taylor Road Bridge Project, for an increase of \$23,976 and an adjusted Work Assignment total not to exceed \$77,738.74. RECORD S46-85

PERSONNEL POLICY - MILITARY LEAVE

R-98-05 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR AMENDMENTS TO THE PERSONNEL POLICY, RULES AND PROCEDURES FOR CHANGES TO SECTION VII.E (MILITARY LEAVE). RECORD S45-86

MANATEE WEST LITTLE LEAGUE DONATION

Parks and Recreation Department to accept a donation of carpeting in accordance with provisions of Ordinance 86-05 and procedures established by the County Administrator's Office, from Manatee West Little League for the G. T. Bray Park baseball complex batting cages, \$2,000; and authorize Manatee West Little League volunteers to paint the meeting room.

GULF COAST SENIOR GAMES

R-98-14 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ACCEPTING DONATIONS FROM THE GULF COAST SENIOR GAMES, INC., FOR THE COORDINATION OF THE 1998 SENIOR GULF COAST SENIOR GAMES. RECORD S46-87

R-98-15 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXPENDITURE OF COUNTY FUNDS TO PROVIDE AWARDS FOR GULF COAST SENIOR GAMES EMPLOYEES AND VOLUNTEERS PURSUANT TO MANATEE COUNTY ORDINANCE 97-28. RECORD S46-89

HENLEY - FINAL PLAT

1. Final Plat
2. Agreement with Cambridge Resources Group guaranteeing completion of required improvements (\$2,501.20).
3. Performance Bond: \$2,501.20 (Letter of Credit 9734, SunTrust Bank)
4. Temporary Drainage Easement from Island Investment Properties, Ltd. Kippen Corporation, and Kabara Corporation N.V. to University Park Community Association, Inc.; Joinder of Association, and Consent of Mortgagee from William T. Harrison, Jr.
5. Conservation Easement from Cambridge Resources Group
6. Declaration of Restrictions
7. List of Holdings
8. Fiscal and Budgetary Information
9. Maintenance Program
10. Notice to Buyers
11. Agreement with Cambridge Resources Group deferring completion of required sidewalks for private subdivision. RECORD S46-90

RIVER CLUB SOUTH, SUBPHASE IV - FINAL PLAT

1. Final Plat
2. Mortgagee Joinder from Republic Bank
3. Mortgagee Joinder from River Club Properties, Inc.
4. Mortgagee Joinder from Larry J. D'Urso, Jr.
5. Mortgagee Joinders (2) from Barnett Bank, N.A.
6. Mortgagee Joinder from SunTrust Bank, Gulf Coast
7. Mortgagee Joinder from First National Bank of Manatee
8. Mortgagee Joinder from SouthTrust Bank, National Association
9. Agreement with Manatee Joint Venture guaranteeing completion of required sidewalks and bikeways (\$80,301).
10. Performance Bond: \$80,301 (Letter of Credit S97-37, Republic Bank)
11. Agreement with Manatee Joint Venture guaranteeing completion of required improvements (\$121,290).
12. Performance Bond: \$121,290 (Letter of Credit S97-36, Republic Bank)
13. Conservation Easement from Manatee Joint Venture
14. Declaration of Covenants, Conditions, Easements, and Restrictions
15. Notice to Buyers

FEE WAIVER - MANATEE COUNTY FAIR

Waive tipping fees at the landfill for solid waste disposal from the 1998 Manatee County Fair, January 22-31, 1998.

DEEDS AND EASEMENTS

1. **14th Street West/Cedar Hammock Drainage Canal** - Drainage Easement from James D. Forshey, Patricia A. Forshey, and Augusta R. Forshey to construct and maintain surface and underground drainage; Temporary Construction Easement from Cedar Hammock Fire Control District; and Affidavit of Ownership and Encumbrances.

2. **14th Street West Street Lighting** - Easement from Michael D. Moore, Sr. for right-of-way; Joinder from First National Bank of Manatee; Affidavit of Ownership and Encumbrances.
3. **34th Street West** - Warranty Deed from El Conquistador Country Club, Inc. for right-of-way; Partial Release from SunTrust Bank, N.A.; Affidavit of Ownership and Encumbrances.
4. **34th Street West** - Warranty Deed and Temporary Construction Easement from the District Board of Trustees of Manatee Community College for right-of-way; Affidavit of Ownership and Encumbrances.
5. **59th Street West Street Lighting** - Utility Easement from James and Kathryn K. Morrison; Affidavit of Ownership and Encumbrances.
6. **Oakley Subdivision/60th Avenue East** - Warranty Deed from J. David Cassilly, Inc. for extension of 60th Avenue East from Oakley Subdivision, north to Mendoza Road; Joinder and Release from Edward J. Cassilly, Jr. and Frances L. Cassilly, as co-trustees of the Edward J. Jr. and Frances L. Cassilly Trust; Affidavit of Ownership and Encumbrances.
7. **75th Street West** - Warranty Deed and Temporary Construction Easement from Homestead Homes Inc. for right-of-way; Partial Release from First National Bank of Manatee; Affidavit of Ownership and Encumbrances.
8. **Cortez Road/20th Street West** - Warranty Deed from Bruce T. and Madeleine Ryder for right-of-way; Partial Release from First Union National Bank of Florida; Affidavit of Ownership and Encumbrances.
9. **Lakewood Ranch Boulevard** - Warranty Deed from Schroeder-Manatee Ranch, Inc., for four ponds and one mitigation area, as part of the right-of-way for extension from S.R. 70 south to University Parkway; Drainage Easement and Temporary Construction Easement; Affidavit of Ownership and Encumbrances.
10. **Lakewood Ranch Boulevard** - Corrective Warranty Deed from Schroeder-Manatee Ranch, Inc., for five ponds as part of the right-of-way.
11. **S.R. 64/School House Road** - Warranty Deed from School Board of Manatee County for additional right-of-way; Affidavit of Ownership and Encumbrances.

LOCKWOOD RIDGE ROAD

1. Execute Contract for Sale and Purchase for a Temporary Construction Easement from Emilie J. Bradley, \$100 for a Temporary Construction Easement (\$600 for fencing); **and** accept Temporary Construction Easement. RECORD S46-91
2. Execute Contract for Sale and Purchase for a Warranty Deed and Temporary Construction Easement from Archie L. and Betty Jo Campbell, \$15,000. RECORD S46-92
3. Execute Contract for Sale and Purchase for a Warranty Deed and Temporary Construction Easement from Walter Engelhardt and Anni Engelhardt, \$3,200; **and** accept Warranty Deed and Temporary Construction Easement; Affidavit of Ownership and Encumbrances. RECORD S46-93
4. Execute Contract for Sale and Purchase for a Temporary Construction Easement from Church of the Trinity, Metropolitan Community Church, Inc., \$650; **and** accept Temporary Construction Easement. RECORD S46-94

PANTHER RIDGE

Execute Maintenance Agreement with Ranch Property Partners, for right-of-way island, landscaping and irrigation within the right-of-way at S.R. 70 and Panther Ridge Boulevard. RECORD S46-95

(End Consent Agenda)

CONVENTION AND VISITOR'S BUREAU WEBSITE

Larry White, Convention and Visitors Bureau Director, requested execution of an agreement with RAZAR Interactive to provide professional computer development and programming service for a website for the Convention and Visitor's Bureau for, cost not to exceed \$9,850.

Discussion was held earlier in the meeting regarding design and maintenance of the website.

Motion was made by Mr. Stephens and seconded by Mrs. Harris to execute the agreement. Motion carried 4 to 3, with Mr. McClash, Mrs. Stein, and Mr. Bruce voting nay. RECORD S46-96

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(Continued)

HOLIDAY HEIGHTS STREET LIGHTING

Discussion followed regarding the Holiday Heights street lighting project: residents have been paying the assessment and the lights are not connected; residents near commercial development on 20th Street West, do not want the lights; report to be brought back, etc.

Mrs. Harris moved to accept a Utility Easement from Clark J. Waite required to run a power line; Joinder from Barnett Bank; Affidavit of Ownership and Encumbrances. The motion was seconded by Mr. McClash and carried unanimously.

AWARDS/PRESENTATIONEmployee of the Month

The Employee of the Month award was presented to Yvette Sanders, Administrative Assistant, Community Services Department.

Employee Suggestion Award

The Certificate of Merit award was presented to Paul Tucker, Transportation Department, for his award winning suggestion.

Disaster Preparedness Recognition Presentation

Disaster Preparedness Planning Committee awards were presented to: Chris Tisch, Bradenton Herald; Sergeant John Cosby, Bradenton Beach Police Department; and Dottie Poindexter, Transportation Department.

PROCLAMATIONS100 Years of Library Service

Upon motion by Mr. Bruce and second by Mr. Stephens, a Proclamation designating the year of 1998, as "Manatee County's Year of the Library", was unanimously adopted. RECORD S46-97

Gulf Coast Senior Games Week

Upon motion by Mr. McClash and seconded by Mrs. Stein, a Proclamation designating February 16-22, 1998, as "Gulf Coast Senior Games Week", was adopted unanimously. RECORD S46-98

1998 MANATEE COUNTY FAIR

The 1997 Manatee County Fair Queens presented an invitation to the 1998 Fair VIP luncheon on January 22, 1998.

ORDINANCE 97-18 - COMPREHENSIVE PLAN AMENDMENT

Patrick Neal requested the Board reconsider the vote which failed to adopt PA-97-18 Gaunt/Robinson Comprehensive Plan amendment (12/16/98).

(Ms. Brown presiding)

Motion was made by Mrs. Glass, seconded by Mr. Stephens, to reconsider the vote. Motion carried 4 to 3, with Mrs. Stein, Mr. McClash, and Mr. Bruce voting nay.

(Mrs. Glass presiding)

CITIZENS' COMMENTSMill Creek Flooding

James Holzem expressed concerns regarding flooding near his home in Mill Creek. He requested a rebate on his utilities for lost wages waiting for staff to assess his problem.

Disposition: Referred to Assistant County Administrator, David Rothfuss.

Air Pollution/Orimulsion

Mary Sheppard and Linda Francis expressed their concerns of air pollution caused by the proposed burning of orimulsion by Florida Power and Light Co. Ms. Francis submitted a report on orimulsion.

(Depart Mr. Stephens)

PARTICIPATION PROJECT - POMELLO PARK

Public hearing (Notice in the Bradenton Herald 12/20/97) was held to consider

Special Road Assessment Project - Pomello Park

69th Avenue East, from County Road 675, west 4,200 feet.

69th Avenue East, from 1,350 feet west of 221st Street East, thence west 800 feet.

71st Avenue East, from 225th Street East, west 2,100 feet.

- 73rd Avenue East, from County Road 675, west 700 feet.
- 73rd Avenue East, from 225th Street East, east 700 feet.
- 75th Avenue East, from County Road 675, west 700 feet.
- 221st Street East, from 71st Avenue East, south 1,400 feet.
- 225th Street East, from 69th Avenue East, south 2,700 feet.
- 225th Street East, from State Road 70, north 1,400 feet.
- 229th Street East, from 69th Avenue East, south 2,700 feet.

and

R-98-03 A RESOLUTION APPROVING SPECIAL ROAD ASSESSMENT PROJECT (POMELLO PARK)
 (and agreement with the Property Appraiser and Tax Collector for collection of special assessment for this project).

Janet McAfee, Project Management Director, outlined the project and reviewed a map of the area. She stated the result of a postcard poll supported paved roads. She submitted a letter from William and Doris Royal in opposition to being assessed for a 10-acre parcel.
 (Enter Mr. Stephens during presentation)

Steve Porter spoke in favor of the project; and **Charles Armstrong** stated that drainage was his main concern.

Discussion: Target date; status of Ralsun bankruptcy; etc.

Motion was made by Ms. Brown, seconded by Mrs. Harris and carried unanimously, to adopt Resolution **R-98-03** approving construction of a road assessment project in Pomello Park, and authorize execution of an agreement with the Property Appraiser and Tax Collector. RECORD S46-99
S46-100

PENDING LITIGATION MEETING

Teddy N. Williams, Jr., County Attorney, announced a pending litigation meeting to be opened and continued to 1:30 p.m., this date, in private session in the County Commission conference room regarding FP&L, Manatee Orimulsion Project, application 94-35. The purpose is to provide advice regarding strategy related to litigation expenditures pursuant to Resolution R-93-159 and Florida Statutes 286.011. He noted those to be in attendance.

Further discussion was held later in the meeting.

BLACKSTONE PARK ANNEXATION

Dave Rothfuss, Assistant County Administrator, stated that during a joint work session the Commission and Palmetto City Council discussed the possibility of annexing Blackstone Park.

He requested execution of a Petition of Annexation of Blackstone Park into the incorporated boundary of the City of Palmetto, subject to execution of an Interlocal Agreement with the City of Palmetto, to provide for three items to be undertaken by the City: future establishment of park impact fees; provide law enforcement services; and provide sewer and reclaim water service to Blackstone Park.

(Depart Mrs. Glass; Ms. Brown presiding)

Discussion: Drainage concerns; difference in City and County land use designation; impact fees; negotiating interlocal agreement; water and sewer rates; etc.

(Enter Mrs. Glass, presiding; depart Mrs. Harris)

Joe Hampton, City Council of Palmetto, and **Pat Whitesell**, Mayor of Palmetto, were available for questions

Alan Prather, attorney for the City of Palmetto, questioned the sequence of the interlocal agreement and the annexation. He advised that the City of Palmetto does not have impact fees.

(Enter Mrs. Harris)

Motion

Motion was made by Mr. McClash and seconded by Ms. Brown, to allow staff to develop an interlocal agreement regarding the items discussed.

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(Continued)

Amended Motion

Mrs. Stein offered an amendment to the motion, to authorize the Chairman to execute a petition for annexation of Blackstone Park into the incorporated boundary of the City of Palmetto, subject to negotiation and review and approval by the Board of an interlocal agreement with the City of Palmetto as set forth in the agenda memorandum, Page 2, with the addition of addressing drainage concerns and also adding joint use of facilities. Motion was seconded by Mr. Bruce. The motion failed 1 to 6, with Mrs. Harris, Ms. Brown, Mr. Stephens, Mrs. Glass, Mr. McClash and Mr. Bruce all voting nay.

Restated Motion

Mr. McClash restated his motion to authorize staff to develop an interlocal agreement with the City of Palmetto based on today's discussion with the intention of annexation of the Blackstone property to the City of Palmetto. Ms. Brown agreed, and the motion carried unanimously.

(Depart Ms. Brown)

STATE ROAD 70 - SIDEWALKS

Ms. McAfee reported on the installation of sidewalks on S.R. 70, east of Caruso Road to Tara/Creekwood.

Discussion: Sidewalks on both sides of S.R. 70; funding agreement; what impact does this project have on other projects; source of funds; gas taxes and impact fees; etc.

Barry Wilson, Post Buckley Schuh & Jernigan, was present for questions.

(Depart Mr. Stephens)

Motion was made by Mr. Bruce, seconded by Mr. McClash and carried 5 to 0, to approve the sidewalks in concept and advise staff to bring back appropriate items to execute in order to move forward.

STATE ROAD 70 - I-75 TO LORRAINE ROAD

Brian Williams, Florida Department of Transportation (FDOT), submitted a work program package dealing with alternatives for the widening of S.R. 70 from I-75 to Lorraine Road.

(Enter Mr. Stephens)

Phillip Stephens, FDOT, outlined the work program package.

(Enter Ms. Brown)

Motion was made by Mr. McClash and seconded by Mr. Bruce, to give conceptual approval and ask MPO members to forward the plan. Motion carried unanimously.

(Depart Mrs. Stein)

ZONING

Public hearing (continued from 12/16/97) was held to consider

Z-86-30(G)(R⁵) SCHROEDER MANATEE RANCH, INC.
(CYPRESS BANKS DRI 17)

Request: Revised Zoning Ordinance to authorize commencement of development of Phase 2, located on 1,790 acres on the south side of State Road 70, generally between the River Club development and Lorraine Road.

Planning Commission recommended ADOPTION.

Norm Luppino, Planning Department, reviewed the request and referred to a revised master development plan. He submitted a revised Exhibit C to the Ordinance. He also submitted a letter from Stuart and Paula Siegel expressing concerns about flooding/drainage.

(Enter Mrs. Stein)

Carol Clarke, Planning Director, stated the purpose of this hearing is to consider the traffic analysis and the affordable housing study.

Georgianne Ratliff, representing Schroeder-Manatee, stated the traffic analysis has indicated improvements are necessary after construction of Phase 1, prior to construction in Phase 2. She stated the affordable housing analysis is controlled by the Department of Community Affairs.

Rex Jensen, Schroeder Manatee, Inc., addressed flooding based on recent storm events. He stated the steps to be taken to prevent another occurrence are to install backflow preventer devices on outfall structures and to clean vegetation in the Braden River.

Siamak Mollanazar, Public Works Department, stated staff attended a town meeting at Lakewood Ranch community to address flooding concerns.

Jerome Gostkowski, Planning Department, stated that flooding conditions that exceed Federal projections have been identified.

Recess/Reconvene. All members present.

Ms. Ratliff gave a report on affordable housing.

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mr. Bruce moved to adopt Manatee County Zoning Ordinance **Z-86-30(G) (R⁵)**, as recommended by Planning staff. Motion was seconded by Ms. Brown and carried unanimously. RECORD S46-101

Public hearing (continued from 12/16/97) was held to consider

R-97-63 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING, REPLACING, AND SUPERSEDING RESOLUTION R-89-161 AS AMENDED BY R-89-161(R), R-92-170, R-94-133 AND R-95-220, WHICH ISSUED A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY SMR-1 DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, FOR CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI 17; TO AUTHORIZE THE COMMENCEMENT OF DEVELOPMENT OF PHASE 2 AND RESTATE THE PROVISIONS THAT REMAIN UNCHANGED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Section 380.06, Florida Statutes, and Rule 9J-2.025(3), Florida Administrative Code, Mr. McClash moved to adopt the findings that the proposed NOPC modifying the Cypress Banks DRI as approved by the Board does not constitute a substantial deviation and adopt Manatee County Resolution R-97-63, replacing in their entirety R-89-161(R), R-92-170, R-94-133, and R-95-220, as recommended by the Planning staff. Motion was seconded by Mr. Stephens and carried unanimously. RECORD S46-102

53RD AVENUE WEST AT 75TH STREET WEST

Ms. McAfee requested selection of a design alternative for the intersection of 53rd Avenue West and 75th Street West.

Robert Lombardo, Lombardo, Skipper & Foley, submitted and reviewed four curve design alternates. He referenced a locational map and two aerial maps. He recommended Alternate A, but stated Alternate D would give flexibility, with an additional cost of \$500,000.

Larry Mau, Transportation Director, recommended Alternate D in order to keep options open and to minimize the risk before El Conquistador Parkway is completed.

Discussion: Present configuration; traffic flow; right-of-way exchange; eliminating traffic through El Conquistador; 75th Street design; Alternate D would allow cars to travel without stopping at the intersection; saving gasoline; traffic signal; right-of-way costs, etc.

Motion was made by Mr. McClash and seconded by Mr. Bruce, to accept Alternate D and instruct staff to take their recommendation to do initial curve and leave the "T" section optional, open for future. Motion carried 5 to 2, with Mrs. Harris and Mr. Stephens voting nay.

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(Continued)

CITIZEN'S ACADEMY

David Rothfuss, Assistant County Administrator, submitted the proposed curriculum and meeting schedule for the Manatee County Citizen's Academy.

RECORD S46-103

Mr. Padgett requested authorization for staff to proceed with the first Citizen's Academy starting April 8, 1998.

Mr. Stephens moved approval of the request. Motion was seconded by Mrs. Harris and carried unanimously.

SURPLUS PROPERTY

Mr. Padgett requested authorization to classify excess property as surplus property per Florida Statute 274.05 to enable appropriate and authorized disposition in accordance with Procurement Code 84-02, Section 8.108.

RECORD S46-104

and adopt:

R-98-08 A RESOLUTION AUTHORIZING CONVEYANCE OF EXCESS EQUIPMENT (CHAIRS AND FILE CABINETS) TO THE **MANATEE BANKERS FOR AFFORDABLE HOUSING, INC.**

RECORD S46-105

R-98-09 A RESOLUTION AUTHORIZING CONVEYANCE OF EXCESS EQUIPMENT (AMBULANCE) TO THE **MANATEE TECHNICAL INSTITUTE**

RECORD S46-106

R-98-10 A RESOLUTION AUTHORIZING CONVEYANCE OF EXCESS EQUIPMENT (TRAILER) TO THE **MANATEE COUNTY SHERIFFS DEPARTMENT.**

RECORD S46-107

Motion was made by Mr. McClash, seconded by Mr. Stephens and carried unanimously, to approve the request.

PUBLIC DEFENDER - TENTH JUDICIAL CIRCUIT

Teddy N. Williams, County Attorney, requested authorization for the County Attorney, in his discretion, to file a response to the Tenth Circuit Public Defender's Certification of Conflict and Motion to Withdraw (from indigent criminal appeals originating in Manatee County), due to excessive caseload; and Motion to Writ of Mandamus and/to join with other County Attorneys in their response(s).

Motion was made by Mr. McClash, seconded by Mr. Stephens and carried unanimously, to approve the request.

LAWSUIT: DEBORAH DIBBLE VS. SHORE, ET AL

Mr. Williams requested appointment of a Commissioner to serve as representative at mediation in Deborah A. Dibble vs. Richard B. Shore, III, etc. and Manatee County scheduled for February 12, 1998, in Tampa, Case Number 96-1130-CIV-T-23C.

Mrs. Harris volunteered, and Ms. Brown volunteered as alternate.

FLORIDA POWER AND LIGHT COMPANY - ORIMULSION

Mr. Williams announced that the pending litigation meeting opened earlier in the day, had been continued to this time in order for the public to be advised of points of discussion. He advised that the Administrative Hearing for the Florida Power and Light Company (FPL) Orimulsion Project will resume at the Civic Center on January 15, 1998.

He read a recommended motion. Move to:

1. Find the proposed changes in the conditions for the FPL Orimulsion project, as submitted by FPL to the Siting Board on August 15, 1997, as amended on September 3, 1997, are consistent with the Manatee County Comprehensive Plan, Land Development Code, and other relevant ordinances and regulations;
2. Recommend and request, in the event certification is granted by the Siting Board, that the proposed changes be included as conditions of FPL certification.
3. Direct the County Attorney's office to attempt to negotiate an amendment to the existing agreement with FPL to include the new or amended conditions referenced above.

RECORD S46-108

RECORD S46-109

Mr. Stephens moved to approve the recommended motion by County Attorney. Motion was seconded by Mrs. Harris.

Discussion: Procedure of pending litigation meetings; ruling from Hearing Officer; language directed to proposed new changes; etc.

Mr. McClash requested adding to the motion, "The information reviewed is based on what FPL has generated and we have concerns whether such goals/conditions are achievable." Mr. Stephens concurred, and also added "that all the information was provided by FPL and FDOT."

Substitute Motion

Mr. Bruce made a substitute motion to bring the matter back during a work session on January 13, 1998, for discussion and staff presentation. Motion was seconded by Mrs. Stein.

Discussion: Move forward with this matter today; include the public in decision making process; etc.

Vote - Substitute Motion

The substitute motion failed 5 to 2, with Mrs. Harris, Ms. Brown, Mr. Stephens, Mrs. Glass and Mr. McClash voting nay.

As requested, Mr. Williams added a fourth paragraph to original motion, "This motion is based on representation by FPL that the additional conditions, which it proposed, can and will be accomplished."

Mr. Stephens and Mrs. Harris agreed to the addition to the motion.

Vote - Original Motion

Motion carried 5 to 2, with Mrs. Stein and Mr. Bruce voting nay.

Mr. McClash requested on the next agenda (1/13/98) to give citizens the opportunity to interact direct with staff.

Motion - Burning Orimulsion

Mr. McClash made a motion to advise that this Board does not agree to the burning of orimulsion although stipulations were entered into with FP&L. The motion was seconded by Mr. Bruce.

Mr. Barnebey stated that at every orimulsion hearing he has attended, he has indicated that the Board has not taken a position in support of or in opposition to orimulsion.

Motion carried 5 to 2, with Mr. Stephens and Mrs. Harris voting nay.

CONSTITUTIONAL REVISION COMMITTEE

Motion was made by Mr. Stephens, seconded by Mrs. Harris and carried unanimously, to execute a letter to The Committee on Declaration of Rights of the Constitutional Revision Commission voicing objection to Proposal 77 (sovereign immunity) and Proposal 59 (increasing sovereign immunity caps to \$250,000 per person/\$500,00 per occurrence).

GAVEL PLAQUES

Gavel Plaques were presented to the Commissioners serving as Chairman of various boards in 1997.

COMMISSIONERS' COMMENTS

51st Avenue East/No Truck Traffic

Mr. Bruce expressed concerns of truck traffic on 51st Avenue East. He requested the Transportation Department review the possibility of posting a "No Truck Traffic" sign.

51st Avenue East and 31st Street East

Mr. Bruce stated there have been numerous accidents at this intersection and requested installation of a four-way stop sign.

American Heart Association

Mr. Bruce advised that the American Heart Association requested adoption of a resolution supporting enacting legislation that repeals preemptive language in the Florida Clean Indoor Air Act.

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(Continued)

Haile Middle School

Mrs. Glass expressed concerns on the traffic and speed limit outside Haile Middle School.

Harry Mendenhall, Transportation Department, stated that flashing beacons have been installed.

Jackson Road

Ms. Brown requested a report on the traffic on Jackson Road be placed on future agenda.

Disposition: Referred to staff.

Adult Entertainment - Lingerie Shops

Mrs. Harris requested a report from the County Attorney addressing locational criteria in the Adult Entertainment Ordinance.

Non-Profit Agencies - Funding

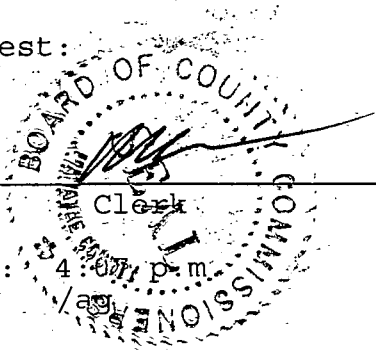
Mrs. Harris requested staff review matching funds for agencies, during the budget process, that are experiencing federal funding cuts.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

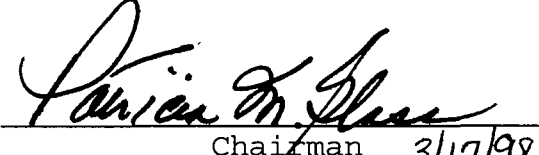
Attest:

APPROVED:



Clerk

Adj: 4:07 p.m.
/ag



Chairman 3/17/98