

JANUARY 20, 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 20, 1998, at 9:10 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  
 Lari Ann Harris  
 Amy Stein

## 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 Rev. Luis A. Ojeda, Chaplain for the Sheriff's Office.

AGENDA CHANGES

Teddy N. Willims, Jr., County Attorney, announced that discussion on pending litigation meetings was deferred to January 27, 1998.

CONSENT AGENDA

Upon motion by Mr. McClash and second by Mr. Stephens, the Consent Agenda dated January 20, 1998, was unanimously approved, with the deletion of West Coast Inland Navigation District - Bowlees Creek Dredging Project Phase II (separate action). Items APPROVED:

CLERK'S CONSENT CALENDARBONDS

## Accept:

Sheriff's Public Deputies Blanket Bond (16 additions, 21 deletions) RECORD S46-110

## Release:

Creekwood, Phase I, Subphase I, Units A-4 and B-4

1. Agreement with GB Investment Company, Inc., guaranteeing completion of required sidewalks and bikeways, \$23,010.00.
2. Performance Bond: \$23,010.00 (Bond X03985, Preferred National Insurance Company).

CREEKWOOD, PHASE I, SUBPHASE I, UNIT A-1

1. Agreement with Wilma Creekwood (West) Joint Venture guaranteeing completion of required improvements, \$21,710.00.
2. Performance Bond: \$21,710.00 (Bond X03464, Preferred National Insurance Company).

CREEKWOOD, PHASE I, SUBPHASE I, UNIT A-3

1. Agreement with Wilma Creekwood (West) Joint Venture guaranteeing completion of required sidewalks and bikeways, \$29,640.00.
2. Performance Bond: \$29,640.00 (Bond X03966 Preferred National Insurance Company).

WARRANT LIST

Approve: January 13, 1998 through January 19, 1998  
 Authorize: January 20, 1998 through January 26, 1998

MINUTES FOR APPROVAL

October 28, 1997 - Regular

AUTHORIZE CHAIRMAN TO SIGNPartial Release of Special Improvement Assessment Liens:

Projects 5041; 5147; 3004/2507; 5062; 5074; 3009/5147; 5147; 3102/2502; 3106/5144

Satisfactions of Judgment

Shawn Ashby, Case 93-3776F  
 Ronald Hare, Case 97-2620F  
 Shadeed B. Wright, Case 97-2708F  
 Amos L. Teague, Case 97-2765F  
 Barney Barber, Case 97-3155F  
 Lucan Phillips, Case 97-3203F  
 Saul E. Navarro, Case 95-1396T  
 Jose D. Perez, Case 97-2176T  
 Eric B. Haisley, Case 97-4183T  
 Saul Navarro, Case 95-1666M

Beth Anne Meeks, Case 97-5535M  
 Joshua Smith, Case 97-5448M  
 Curtis L. Shaw, Case 97-5357M  
 Dwayne Lang, Case 97-4463M  
 Jerry Hamilton, Case 97-6127M  
 Timothy A. Krome, Case 97-6177M  
 James Murrell, Case 97-6204M  
 Michael Lilly, Case 97-6219M  
 Tammy Biskup, Case 97-1325J

**ACCEPT**

**Trilectron Industries, Inc.** - Certificate of Insurance for Industrial Revenue Bonds, Series 1997A and 1997B.  
**Peace River/Manasota Regional Water Supply Authority** - Bond Resolution authorizing issuance of revenue bonds in an amount not to exceed \$50,000,000.  
**Meditrust Corporation** - Closing documents for Meditrust Corporation Revenue Refunding Bonds, Series 1995, \$3,475,000.  
**Records Destruction Request** - No. 35, Public Works, Utility Customers.

**COUNTY ADMINISTRATOR**

**AFFORDABLE HOUSING - LEGISLATION**

Execute letter of support to Senators Connie Mack and Bob Graham, and Representative Dan Miller supporting an increase in tax credit allocation and mortgage revenue bond caps for affordable housing.

**FLORIDA INDOOR CLEAN AIR ACT**

**R-98-21** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE REPEAL OF PREEMPTION OF LOCAL REGULATION OF TOBACCO USE. RECORD S46-111

**HIGHWAY BEAUTIFICATION GRANT**

**R-98-22** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A HIGHWAY BEAUTIFICATION GRANT (U.S. 41 from 14th Street to 21st Street in Palmetto; \$35,025.31 State; \$37,825.31 Keep Manatee Beautiful). RECORD S46-113

**R-98-23** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT AND HIGHWAY BEAUTIFICATION GRANT MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION. (To be submitted at a later date) RECORD S46-114

**NON-PROFIT FUNDING AGREEMENT**

Execute funding agreement with Community Connections of Manatee, Inc., d/b/a First Call for Help, \$8,634 (10/1/97-9/30/98), for telephone and information referral service. RECORD S46-115

**ALCOHOL AND DRUG ABUSE TRUST FUND**

Set public hearing to consider amending Manatee County Ordinance 89-22, providing for the establishment of a trust fund.

**CHILDREN'S SERVICES**

Execute Fiscal Year 1997-1998 dedicated millage funding agreements with non-profit agencies:  
Manatee County Family Young Men's Christian Association, Inc.  
 (Johnson Middle School Summer Service) \$32,082 S46-116  
Junior Achievement of Greater Tampa, Inc.  
 (Junior Achievement Elementary School Program) \$9,500 S46-117  
Manatee Association of Retarded Citizens, Inc.  
 (After School Care) \$22,937 S46-118  
Manatee County Rural Health, Inc.  
 (Young Children and Family Connection) \$107,475 S46-119  
RECORD

**JAIL MEDICAL AND PSYCHIATRIC FUNDING**

Execute Fiscal Year 1997-1998 funding agreement with the Manatee County Sheriff's Office and Manatee Glens Corporation for psychiatric services at the Manatee County Central Jail (10/1/97-9/30/98) \$35,880. RECORD S46-120

**TRANSIT - FEDERAL CERTIFICATION AND ASSURANCE**

Execute Federal Fiscal Year 1997-1998 Certification and Assurances for Federal Transit Administration Assistance Form and Electronic User Access Authorization Form. RECORD S46-121

**VOLUNTEERS OF AMERICA - VAN**

Execute funding agreement with Volunteers of America of North and Central Florida, Inc., to purchase a van to transport consumers with mental illness, not to exceed \$24,000. RECORD S46-122

JANUARY 20, 1998

(Continued)

**SUPERIOR SMALL LODGINGS**

Execute agreement with Florida Superior Small Lodging Association, Inc., to participate in the Superior Small Lodgings Program.

RECORD S46-123

**CONVENTION AND VISITORS BUREAU - TRAVEL/TRADE SHOWS**

*\* Rescinded by R 98-287 \**  
**R-98-12** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING HOTELIERS TO PARTICIPATE IN TRADE SHOWS ATTENDED BY THE MANATEE COUNTY CONVENTION AND VISITORS BUREAU; PROVIDING FOR ROTATION AMONG INTERESTED HOTELIERS; PROVIDING FOR A STIPEND TO DEFRAY COSTS; REQUIRING THE DEVELOPMENT OF A RELEASE AND INDEMNIFICATION AGREEMENT.

RECORD S46-124

**MANATEE RIVER FAIR ASSOCIATION**

Approve, ratify and confirm razing two small concession stands at the Manatee Fairgrounds.

**STATE ROAD 70 - EMINENT DOMAIN**

Approve settlements inclusive of statutory interest, attorney's fees and costs and expenses for taking parcel with:

1. Manatee Town Center, Inc., \$26,864.93, for Parcels 108, 700A, and 700B in the eminent domain matter of Manatee County vs. Ebonite Recreation Centers, Inc., et al, case CA95-1753.
2. Kenneth G. Helfrich, et al, \$497,500, for Parcel 2515/116 in the eminent domain matter of Manatee County vs. Burt K. Rogers, et al., case CA95-2480.
3. Rickie Paley, \$295,000, for Parcel 134 in the eminent domain matter of Manatee County vs. Anita M. Glasgow, et al., case CA95-2009; return to the landowner 69-square-foot in the northwest corner of the parent tract; a 60-day window in which the landowner may terminate the agreement if unable to convince the Florida Department of Transportation to reduce the length of the left turn storage lane for 45th Street east; eliminate a retaining wall to ensure that no standing water will accumulate on Ms. Paley's remaining land; and, recognition by the County of the legally nonconforming status of the bank site in terms of landscape buffer requirements, which nonconformity was caused by the right-of-way taking, and agreement by the County not to seek conformity.

**LAWSUIT: TAMPA SCRAP PROCESSORS, INC.**

Authorize the County Attorney to file suit against Tampa Scrap Processors, Inc., for revenue discrepancies regarding the October 10, 1995, contract, \$10,671.14 plus costs and attorneys fees.

**CITY OF BRADENTON PAVING PROJECT**

Authorization to pay the City of Bradenton for the County share of 1977 paving assessment for 13th Street East, \$3,468.54.

**BUDGET AMENDMENTS****FINANCIAL MANAGEMENT** (B-98-013/1-3)

Reappropriates unspent monies from the Fiscal Year 1996-1997 Budget primarily for items funded and/or encumbered or planned for or purchase in Fiscal Year 1996-1997 which will not be purchased or delivered until Fiscal Year 1997-1998 and carries forward unexpended revenues which must be spent for specific purposes and UMSTU funds for Administration Center allocated costs to the Planning Department inadvertently omitted in the Fiscal Year 1997-1998 budget.

Item Transfer:	\$1,568,789	S46-125
Item Transfer:	\$1,204,459	S46-126
Item Transfer:	\$517,200	S46-127

**PROJECT MANAGEMENT** (B-98-014)

Item Transfer:	Increases appropriations for costs for Ware's Creek.	\$50,000	S46-128
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(B-98-015)

Item Transfer:	Appropriates funds for the Shell Beach Road assessment project.	\$65,394	S46-129
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(B-98-016)

Item Transfer:	Increases appropriations to cover actual construction costs for Canal Road (Memphis to 33rd).	\$50,000	S46-130
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(B-98-017/1-3)

Closes the SE Reclaimed Disposal System Project. Funds are to be transferred to Reserve for Capital Projects. This Budget Amendment Resolution transfers funds the Reserve Capital Projects to the Water Treatment Plant R&R Fiscal Year 1998-2000.

Item Transfer: \$119,028 S46-131  
 Item Transfer: \$109,105 S46-132  
 Item Transfer: \$228,133 S46-133

**PUBLIC SAFETY** (B-98-018)

Decrease Revenue/Expenditure: Closes out the Fiscal Year 1996-1997  
 Emergency Preparedness and Assistance Grant (EMPA) and adjusts  
 revenues and expenditures to reflect actual grant amounts.  
 \$16,081 S46-134

(B-98-019)

Item Transfer: Carries forward actual revenues received in Fiscal  
 Year 1996-1997 in the 911 Enhancement Fee Fund and appropriates  
 them in the Fiscal Year 1997-1998 Reserve for Capital Projects  
 (CAD) account. \$4,479 S46-135

(B-98-020)

Item Transfer: Appropriates funds from Reserve for Grant Match for  
 the Hazardous Materials Response Plan Grant. \$5,184 S46-136

(B-98-021/1-2)

Carries forward unexpended funds from the Fiscal Year 1996-1997  
 grant funds and appropriates Fiscal Year 1997-1998 funds for Pre-  
 Hospital EMS Systems for grant eligible expenditures as approved by  
 the Board of County Commissioners in R-97-201.

Item Transfer: \$23,343 S46-137  
 Item Increase: \$37,696 S46-138

**WCIND PROJECTS** (B-98-022/1-2)

Closes projects in the Department of Natural Resources Grants Funds  
 and adjusts revenues, expenditures, and fund balances to reflect  
 the actual amounts experienced.

Decrease Revenue/Expenditure: \$40,033 S46-139  
 Item Transfer: \$173 S46-140

**FLORIDA YARDS AND NEIGHBORHOODS** (B-98-023)

Decrease Revenue/Expenditure: Closes out the Florida Yards and  
 Neighborhoods Program Grant and adjusts revenues and expenditures  
 to reflect actual grant amounts. \$1,778 S46-141

**ALZHEIMER'S DISEASE INITIATIVE** (B-98-024)

Decrease Revenue/Expenditure: Closes out the Alzheimer's Disease  
 Initiative and adjusts revenues and expenditures to reflect actual  
 grant amounts. \$2,618 S46-142

**COMMUNITY SERVICES** (B-98-025)

Increase Revenue/Expenditure: Provides for Amendment 1 of the  
 Alzheimer's Disease Initiative Grant to increase funding.  
 \$26,321 S46-143

(B-98-026)

Increase Revenue/Expenditure: Appropriates excess earnings for  
 anticipated expenditures for the Alzheimer's Disease Initiative  
 Grant. \$209 S46-144

(B-98-027/1-6)

Adjusts budgets for the Federal Transit Administration capital  
 grant budgets to reflect actual amounts.

Item Transfer: \$210,000 S46-145  
 Item Transfer: \$42,000 S46-146  
 Increase Revenue/Expenditure: \$251,600 S46-147  
 Item Transfer: \$82,800 S46-148  
 Increase Revenue/Expenditure: \$426,200 S46-149  
 Item Transfer: \$124,600 S46-150

**ENVIRONMENTAL MANAGEMENT** (B-98-028)

Increase Revenue/Expenditure: Increases associated with the WCIND  
 Grant for the purchase of navigational signs and buoys.  
 \$6,570 S46-151

**CONVENTION AND VISITOR'S BUREAU** (B-98-029)

Item Transfers: Transfers funds from the Tourist Development Tax  
 Fund into advertising for international representation in Germany  
 and the United Kingdom \$36,000 S46-152

**COMMUNITY AFFAIRS/INTERGOVERNMENTAL RELATIONS** (B-98-030)

Item Transfers: Appropriates funds from the Reserve for  
 Contingency within the Cable Franchise Special Revenue Fund for  
 current county-wide internet support items that were not  
 anticipated during the budget process for FY 1997-1998.  
 \$27,136 S46-153

**PARKS** (B-98-031/1-3)

Appropriates and/or reconciles budget appropriations to approved  
 CIP amounts and adjusts fund balances and reserves in accordance  
 with prior year actual receipts and expenditures. This budget  
 amendment also rescinds B-97-178-1 through B-97-178-8.

JANUARY 20, 1998

(Continued)

Item Transfer: \$1,210,241 S46-154  
 Increase Revenue/Expenditure: \$195,000 S46-155  
 Decrease Revenue/Expenditure: \$90,000 S46-156  
 RECORD

**PEARCE CANAL BRIDGE/63RD AVENUE**

Execute Work Assignment 5 with Wade-Trim, Inc., for engineering services for removal and replacement of Bridge 134042 on 63rd Avenue over Pearce Canal, not to exceed \$75,974.50. RECORD S46-157

**PALMA SOLA GRAVITY SEWER EXTENSION**

Award IFB 97-2695DC to Nichter Contracting Corporation, \$51,952.

**SALE OF PAPER AND ALUMINIUM CANS**

Execute Addendum One to Agreement for Sale of Paper and Aluminum Cans with ACC Recycling Corporation, to renew for one year, (2/17/99). RECORD S46-158

**PROFESSIONAL/ARCHITECTURAL SERVICES**

Execute Addendum Two to Agreement for Professional Engineering and Architectural Consulting Services for Water, Wastewater and Reclaimed Water Infrastructure Projects with the following firms for one year (1/29/99):

Kimley-Horn and Associates, Inc.; McKim and Creed, Inc.; Parsons Engineering Science, Inc.; Post, Buckley, Shuh & Jernigan, Inc.; Zoller, Najjar & Shroyer, Inc. RECORD S46-159-  
S46-163

**BRADEN RIVER LITTLE LEAGUE**

Authorize the Braden River Little League to place two portable storage trailers parallel to the existing concession trailer at the Little League Complex at Braden River Park.

**DONATIONS - PARKS AND RECREATION**

Accept donation of a Jox Box Systems at G.T. Bray Park and Blackstone Park softball fields from Manatee County Sports Officials Association, \$2,652.75.

**YOUTH AFTERSCHOOL PROGRAM - LICENSURE**

Execute application to Florida Department of Children and Families (DCF) for relicensing of G. T. Bray's Youth Afterschool Program; authorize the Parks and Recreation Department Director, or designee, to execute the DCF Affidavits. RECORD S46-164

**EMERSON POINT RESTORATION FUNDING**

Execute Amendment One with Florida Department of Environmental Protection to increase funding for Emerson Point Restoration Trust Fund to \$177,285. RECORD S46-165

**PARTICIPATION PROJECT - RIVERDALE**

R-98-16 A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SEWER ASSESSMENT PROJECT NO. 5144 - RIVERDALE. RECORD S46-166

**HUMANE SOCIETY - ANIMAL STERILIZATION PROGRAM**

Execute Amendment to Agreement with the Humane Society of Manatee County, Inc., to extend the joint animal sterilization program for one year (expires September 30, 1998). RECORD S46-167

**PERSONNEL**

Approval to hire Thomas E. Struve for the position of Highway Maintenance Division Manager at an entry salary of 20 percent above base.

**DEEDS AND EASEMENTS**

30th Avenue West - Warranty Deed for right-of-way and a pond from Ralph C. Mueller, Revocable Living Trust, Clay A Mueller, Trustee; Affidavit of Ownership and Encumbrances.

**LOCKWOOD RIDGE ROAD**

Execute Contract for Sale and Purchase for Temporary Construction Easement; and accept Temporary Construction Easements from:

1. Leona Hawkins, \$1,820; S46-168
2. David J. and Maria Patricia Lenz, \$2,800; S46-169
3. Henrietta O. Logue, Trustee, \$2,400 RECORD S46-170

(End Consent Agenda)

**PROCLAMATIONS**

Upon motion by Mr. McClash, and second by Mrs. Harris, a Proclamation designating January 22, 1998, as the "College Fund/UNCF Day," was unanimously adopted. RECORD S46-171

(Depart Mrs. Stein and Mr. McClash)

**JUDICIAL CENTER DEVELOPMENT**

Ernie Padgett, County Administrator, outlined the request to engage a Judicial Consultant to evaluate the current and future uses and needs of the County Court facilities and options for location, planning and development of a Judicial Center.

(Enter Mrs. Stein and Mr. McClash)

Discussion: Cost comparisons; use county-owned property; financial impact of leases versus county-owned property; possible expansion of Hensley Safety Complex; assign Commissioner to sit in on meetings.

Motion was made by Mr. McClash, and seconded by Mr. Stephens, to authorize staff to evaluate the needs and work with constitutional officers to find solutions. Motion carried unanimously.

Mr. McClash was appointed liaison, and Mrs. Stein was appointed alternate.

Recess/Reconvene. All members present.

#### CITIZENS' COMMENTS

##### Heather Hills

John Shanick requested the Board rescind Resolution R-83-55 that gave Heather Hills the right to put a gate across a public street. He submitted a packet and stated that the resolution requires that emergency vehicles have access, without delay, yet provides for the gate to be closed between the hours of 11:00 p.m. and 7:00 a.m.

John J. Morelli, Sr., submitted a letter in opposition to the gated entranceway. He also outlined other problems that have arisen over ownership of common property.

#### WEST COAST INLAND NAVIGATION DISTRICT

Warren Hovis submitted six photographs of the siltation problem in Bowlees Creek that has caused the eastern one-third of Bowlees Creek to become blocked.

Fred Loveland, Community Services Director, advised that the dredging project has been completed and a new application to West Coast Inland Navigation District (WCIND) is necessary.

Discussion: Determine the source of debris and correct the problem; October storm event damaged area of McArthur Avenue bridge; possible contractor liability.

Motion was made by Mrs. Harris, and seconded by Mr. McClash, to execute a letter to WCIND requesting extension of Project CIP-2, Phase II agreement for one year (to expire 1/26/99) and execute a WCIND extension form extending the project for an additional year. Motion carried unanimously.

RECORD S46-172

Motion was made by Mr. McClash and seconded by Mrs. Harris to instruct staff to discover the reasons why Bowlees Creek accumulates spoil material and report to the Board. Motion carried unanimously.

#### PDR-97-11(P) MCCLURE PROPERTY, LTD. - VERIFIED COMPLAINT

Jeffery Steinsnyder, Assistant County Attorney, outlined the Verified Complaint served on the County by Preserve Our Neighborhood, Inc., based on approval (11/25/97; PDR-97-11(P) McClure Property, Ltd.) of a site plan. He requested approval to respond to the complaint by denying the allegations. He advised that Secretary of State records show Preserve Our Neighborhood, Inc., was not a legal entity during the appeal time.

Discussion: Time frame for reconsideration by Board; Board procedures outline rules for reconsideration (D.4); definition of adversely affected or aggrieved parties; appropriateness of discussion between adverse parties; pending litigation; residents of Peridia opposed to the project; renderings were not part of the approval, etc.

Motion was made by Mr. Bruce that the Board find that the previous vote was based upon a material mistake of fact or erroneous information and the matter be brought up for reconsideration. Motion **died** due to lack of second.

Teddy N. Williams, County Attorney, advised that the Board must find there was an actual mistake of fact (in application or presentation).

JANUARY 20, 1998

(Continued)

Discussion: Subsequent actions by developer based on Board approval; liability of the Board; waiver of thirty day appeal period; proper time for negotiations; inclusion of developer in lawsuit; transition and density of project; difference between net and gross density, etc.

(Mrs. Glass absent for portion of discussion; Ms. Brown presiding)

**Motion**

Motion was made by Ms. Brown, and seconded by Mr. Stephens, to authorize the County Attorney to respond to the verified complaint that the County is not at fault, and to allow the attorneys and developer to work together.

**Amended Motion**

Mrs. Stein amended the motion by adding: If factual information is made available to the Board, that would have constituted a mistake of fact or erroneous information, the option would be kept open to schedule a hearing, pursuant to Rule D.4. Motion was seconded by Mr. Stephens and carried 6 to 1, with Ms. Brown voting nay.

Motion, as amended, carried 6 to 1, with Mr. McClash voting nay.

(Depart Mr. McClash)

**George Fischer**, President of Preserve Our Neighborhood, Inc., stated that a mistake of fact was made in the staff report concerning the 150 units of attached housing, as the net density was never discussed at the public hearing.

(Enter Mr. McClash; depart Mrs. Stein)

Carol Clarke, Planning Director, stated that the approval on this matter constitutes a development order. The developer has a right to proceed with the permitting procedure; however, it is not possible to complete final site plan review in 30 days.

(Enter Mrs. Stein)

**Jim Parks** spoke regarding the existence of Preserve Our Neighborhood, Inc., during the time period for appeal.

(Mrs. Harris absent for a portion of discussion)

Discussion: Legal standing of the corporation; attorneys meet to discuss the issues; time for filing response; finding technical errors.

**R.D. Lovelace** addressed errors of fact, or omissions.

**Motion - Reconsidered**

Motion was made by Mrs. Stein, and seconded by Mr. Bruce, to reconsider the motion to authorize the County Attorney to respond to the verified complaint filed by Preserve Our Neighborhood, Inc., including the language regarding factual information being made available to the Board that would consist of a mistake of fact or erroneous information to keep the matter open to schedule a hearing pursuant to Rule D-4. Motion to reconsider carried 6 to 1, with Mr. Stephens voting nay.

**Motion - Response**

Motion was made by Mr. McClash, and seconded by Mr. Bruce, to instruct the County Attorney not to file a response to the verified complaint. Motion carried unanimously.

(Note: further discussion later in the meeting)

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

**KEEP MANATEE BEAUTIFUL - BUDS PROGRAM**

**John Moody** presented a proposal by Keep Manatee Beautiful for a Beautification of Undeveloped or Deteriorated Spaces (BUDS) program. He displayed a map of possible tree locations (in the agenda package) and requested County assistance with (outlined in the agenda package):

1. Determining an annual dedicated funding source and establishing a trust fund;
2. Establishing a BUDS Council;
3. Retaining a professional urban forester to oversee the Buds program;
4. Designating a lead County department.

Melton Little advised that public support has increased for the program and a large portion of the money comes from private individuals.

Discussion: Road gang working on beautification of County roads, medians or rights-of-way; budget recommendations for the next fiscal year; importance of corridors into the county.

Motion was made by Mrs. Harris, and second by Mr. McClash, to authorize the County Administrator to review the BUDS Program proposal and bring information back to the Board.

(Depart Mr. Stephens)

Discussion: FDOT approval and/or funding for state roads; county nursery and urban forester; urban forestry master plan approved (1/30/96), etc.

(Enter Mr. Stephens)

Mrs. Harris amended her motion to include that some definitive information come back before the Board within ninety days. Mr. McClash seconded the amended motion.

Discussion: Maintenance issues; newspaper vending machines along roadways; safety factors; approval for administration to review plan and commence planning with other local agencies.

Amended motion carried unanimously.

(Depart Mrs. Harris)

Ward Reasoner, Reasoner and Son Landscaping, spoke in favor of the program.

(Enter Mrs. Harris)

**CABLE TELEVISION FRANCHISE TRANSFERS**

**Paragon Cable**

Public hearing (Notice in the Bradenton Herald 1/6/98) was held to consider approving the transfer of a cable television franchise held by Paragon Communications d/b/a Paragon Cable to Time Warner Entertainment Advance/Newhouse Partnership (both Time Warner-controlled entities).

Motion was made by Mrs. Stephens, seconded by Ms. Brown and carried unanimously to adopt

**R-98-19** A RESOLUTION OF THE BOARD OF MANATEE COUNTY, FLORIDA, APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE HELD BY PARAGON COMMUNICATIONS, D/B/A PARAGON CABLE, TO TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP ("TWEAN"). **RECORD S46-173**

**TWI Cable**

Public hearing (Notice in the Bradenton Herald 1/6/98) was held to consider approving the transfer of a cable television franchise held by TWI Cable, Inc., to Time Warner Entertainment-Advance/Newhouse Partnership (both Time Warner-controlled entities).

Motion was made by Mr. Stephens, seconded by Mr. Bruce and carried unanimously to adopt

**R-98-18** A RESOLUTION OF THE BOARD OF MANATEE COUNTY, FLORIDA, APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE HELD BY TWI CABLE, INC., TO TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP ("TWEAN"). **RECORD S46-174**

(Depart Mrs. Harris)

**TAMPA BAY NATIONAL ESTUARY PROGRAM**

Karen Collins-Fleming, Environmental Management Director, outlined the Tampa Bay National Estuary Program (TBNEP) Interlocal Agreement to implement the Comprehensive Conservation and Management Plan for Tampa Bay. The agreement is among the City of Clearwater, City of St. Petersburg, City of Tampa, Florida Department of Environmental Protection, Florida Marine Institute, Florida Game and Fresh Water Fish Commission, Hillsborough County, Hillsborough County Environmental Protection Commission, Manatee County, Pinellas County, Southwest Florida Water Management District, Tampa Port Authority, and Tampa Bay Regional Planning Council.



JANUARY 20, 1998

(Continued)

(Mr. Stephens absent for portion of presentation.)

**Dick Eckenrod**, representing TBNEP, advised that policy committee membership for the Tampa Bay Regional Planning Commission had been deferred until a later date.

Motion was made by Mr. McClash, and seconded by Mr. Bruce, to approve the execution of the interlocal agreement. Motion carried 6 to 0.

RECORD S46-175

#### ARTICLE V COSTS

Jim Seuffert, Financial Management, outlined the proposed change to the Florida Constitution that would limit County responsibility for court system and criminal justice (Article V) costs.

Motion was made by Mrs. Stein and seconded by Ms. Brown to approve the execution of a letter to the Chairman and members of the Constitution Revision Commission in support of the proposed change. Motion carried 6 to 0.

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

#### FLORIDA POWER AND LIGHT - ORIMULSION

Karen Collins-Fleming, Environmental Management, responded to questions regarding the proposed burning of Orimulsion at the Florida Power and Light (FPL) Parrish plant (memorandum dated 1/20/98) as posed by Commissioners and the public at a work session held January 13, 1998. She submitted a correction to question 7, which lowered the annual emissions of Particulate Matter (PM) to 1202 tons per year.

Discussion: Date used for citing FPL emissions; federal specifications for Orimulsion; steam atomizers; nitrogen oxide (NOx) emissions; operating hours versus emission amounts, etc.

**Joe Parent**, FPL General Manager, advised that the total tonnage calculation is a function of the amount of fuel burned, not hours of operation. He also advised that steam atomizers were installed to improve efficiency, not as a prerequisite to burning Orimulsion.

Discussion: Method used to calculate NOx emissions; monitoring of emissions; Phenol surfactant; by-product disposal and storage; worldwide technology; surfactant amounts used in water quality studies; vanadium; flyash; gypsum, etc.

**Michael J. Hofer** submitted a letter in favor of Orimulsion; **David R. Kraner**, Manatee Citizens for Clean Air and Water, submitted a report and spoke in favor of Orimulsion.

**Joseph Beard** and **Kay Cobb** spoke in favor of Orimulsion.

(Depart Mr. Bruce)

**Mary Sheppard** expressed concern over the surfactant that would be used in Orimulsion, which is known to bio-accumulate through the generations. She presented five questions, which should be answered by FPL before burning of Orimulsion.

**Frances Beard** and **Dr. Thomas Tiedt** spoke in favor of Orimulsion.

**Paul Sayers** spoke in opposition to Orimulsion and expressed a concern over the surfactants.

(Enter Mr. Bruce)

Teddy N. Williams, County Attorney, submitted an Amendment to Stipulation with Florida Power and Light Corporation, to be effective in the event that the FPL certification to burn Orimulsion is approved. He explained that the only new item is in paragraph two regarding the railroad crossings.

RECORD S46-176

Mark Barnebey, Assistant County Attorney, advised that FPL has agreed to lower its PM emissions from 1202 to 858 tons per year and recommended that the figures be included in the conditions.

Mrs. Stein submitted a map showing rail road crossings from Parrish to the interstate.

Discussion: Conditions of Order of Remand; access to Buffalo Creek Golf Course and Park; railroad crossing on Erie Roads; train hours of operation; adding language to amended stipulation after approved by FPL; language in stipulation too broad; protection of County interests by amended stipulation; train would make one round trip per day; FPL bound by stipulations, etc.

(Mrs. Harris absent for a portion of discussion.)

Mr. Stephens made a motion to approve the amended stipulation, adding the 858 tons per year of annual PM emissions and a modification to paragraph 3 by inserting a colon after the words "inclusion of" and number the conditions. Motion was seconded by Mr. McClash and carried 5 to 1, with Mrs. Stein voting nay.

JOHN H. MARBLE RECREATION COMPLEX

Dave Rothfuss, Assistant County Administrator, requested authorization to commence negotiations with the South County Youth and Recreation Center, Inc., to buy-out the lease on the John H. Marble Recreation Complex.

(Depart Mrs. Stein)

Discussion: If the Board is entitled to audited financial statements from the previous year; revenue generated each month by rent, etc.

(Enter Mrs. Stein)

Motion was made by Mr. Stephens, and seconded by Mr. Bruce, to approve the request. Motion carried 6 to 0.

PDR-97-11(P) MCCLURE PROPERTY, LTD. (Continued)

Ernie Padgett, County Administrator, requested clarification of instructions regarding direction to staff (earlier in the meeting).

The County Attorney advised that his staff would confer with counsel for Preserve our Neighborhood, Inc., and counsel for the developer and attempt to resolve the issue.

COMMISSIONERS' COMMENTS

Drinking Establishments along U.S. Highway 41

Mr. Bruce addressed the number of drinking establishments along U.S. 41 near 53rd Avenue West. He has asked staff to determine if limitations can be placed on the number of these establishments in an area.

Transit Services in East County

Mr. Bruce requested review during the budget process to determine the possibility of establishing transit service to east county on S.R. 64 and 70 in the interstate area.

Orimulsion Hearings

Mrs. Stein referred to a newspaper article from the Sarasota Herald-Tribune and advised there was testimony at the Orimulsion hearings and at a deposition that there is no contract for flyash disposal for the Orimulsion project.

Mr. McClash requested that staff monitor the Orimulsion hearings and keep the Board apprised of necessary information.

Mr. Williams advised that representatives of the County Attorney's office attend the hearings.

Azalea Park

Mr. McClash expressed concern that 15 miles per hour is too fast to safely cross the speed humps in Azalea Park. He expressed concern with liability for an injury or property damage.

Discussion followed regarding the speed humps in Avenida Madera, Peridia and Glenn Lakes.

Riverview Pointe Property

Abandoned Boat

Mr. McClash expressed concern over an abandoned boat in front of the cross near the Riverview Pointe property.

JANUARY 20, 1998

(Continued)

**Pedestrian Access**

Mr. McClash requested a pedestrian access to the shell drive on the Riverview Pointe property.

**34th Street West - Morton Village**

Mrs. Harris advised that residents of Morton Village have requested construction signs which close 34th Street West, except to local traffic. She also requested a four-way stop at the entrance to Morton Village.

**Bayshore Gardens Shopping Center**

Mrs. Harris requested staff contact shopping center management and suggest northbound and southbound stop signs (in front of Target and T.J. Maxx) to alleviate a traffic problem.

**Palm Lakes Estates**

Mrs. Harris addressed the issue of the stormwater retention pond at Palm Lakes Estates. The new Winn Dixie construction on the east side of 9th Street East at 53rd Avenue East has created a great deal of siltation. She requested staff check into the problem.

**Racial Healing Conference**

Mrs. Harris reported on the first annual Manatee County Racial Healing Conference.

**Junkyard - 9th Street East**

Mrs. Glass noted that the junkyard on 9th Street East, south of 53rd Avenue East, is an eyesore. She referred the matter to Code Enforcement.

Mrs. Harris advised that refrigerated trucks run all night at that location.

**Manatee County Fair**

Mr. Stephens reminded everyone the Manatee County Fair opens January 22, 1998, and the Commissioners are invited to the V.I.P. luncheon at noon. The opening of the gates will be 1:15 p.m.

**Bobby King Retirement**

Mr. Stephens reported that he attended the retirement party for Bobby King of the Sheriff's Office.

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest

OF COUNTY  
BOARD OF COMMISSIONERS  
CLERK  
Adj: 4:10 p.m.

APPROVED:

*Richard M. Glass*  
Chairman 3/17/98