

MAY 5, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, May 5, 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. Father William E. Gerhart, St. Phillip's Angelican Church.

CONSENT AGENDA

Upon motion by Ms. Brown, and second by Mrs. Stein, the Consent Agenda dated May 5, 1998, was unanimously approved, after deletion of: (1) Change Order 2 to PO P8000274 with P. E. Lamoreaux & Associates for water treatment plant laboratory services; (2) change in wording for Wood Estates Final Plat to read "upon receipt of plat"; and (3) revised loan application for State Revolving Loan Program. Items APPROVED:

CLERK'S CONSENT CALENDARBONDSAccept:Regency Oaks II

1. Agreement with John P. Barrett, Jr., M.D., Trustee, John P. Barrett, Jr. Living Trust as General Partner of the Barrett Family Partnership V, Ltd., guaranteeing completion of required improvements, \$1,247,741.
2. Performance Bond: \$1,247,741 (Amendment 2 to Letter of Credit S95-18, Republic Bank, extending expiration date to 4/30/99).

Release:Regency Oaks II

Agreement with John P. Barrett, Jr., M.D., Trustee, John P. Barrett, Jr. Living Trust as General Partner of the Barrett Family Partnership V, Ltd., guaranteeing completion of required improvements, \$1,247,741.

Glenn Lakes, Phase I-A

1. Agreement with Centex Homes warranting required improvements, \$91,110.50.
2. Defect Security: \$91,110.50 (Surety Bond 5894919, Safeco Insurance Company of America)

REFUNDS

SMR1 Development Corp - Impact Fee Credit	\$43,039.00
SMR1 Development Corp - Impact Fee Credit	10,127.00
LTP Management Group, Inc - GDP/P/Site Plan Withdrawn	1,633.42

WARRANT LIST

Approve: April 28, 1998, through May 4, 1998
 Authorize: May 5, 1998, through May 18, 1998

AUTHORIZE CHAIRMAN TO SIGNPartial Release of Special Improvement Assessment Liens:

Projects 3010-5148; 3102-2502; 3103-2502A; 5031; 5069; 6101-3906

Satisfactions of Judgment:

John O'Keefe, Case 93-4156M
 Kendyl L. Jones, Case 97-624TB
 Anthony Taylor, Case 97-6560M
 Sheila Gilbert, Case 97-282T

ACCEPTManatee Headwaters/Altman Purchase:

1. Original Closing Statement
2. Original Title Commitment and Endorsement

3. Original Title Possession and Lien Affidavit
4. Original Environmental Affidavit
5. Copy of Will of Ethel Altman
6. Original Certificate of Death for Clyde D. Polk and Dorothy L. Polk
7. Copy of Order Authorizing Sale of Real Estate by Personal Representative of Ethel Altman
8. Original Property Tax Receipt.

Palma Sola Bay Associates Versus Manatee County, CA 96-1808:

Transcripts of closed litigation assessment meetings held July 2, 1996, July 25, 1996, and September 10, 1996.

COUNTY ADMINISTRATOR

SOIL DIVISION OFFICE RELOCATION

R-98-46 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE RELOCATION OF EMPLOYEES IN THE SOIL AND WATER DIVISION OF THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES DEPARTMENT TO FACILITIES LEASED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE; AUTHORIZING THE DISBURSEMENT OF FUNDS TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE; AND PROVIDING AN EFFECTIVE DATE. RECORD ^{S46-545}

LEGAL AID OF MANASOTA

Execution of Fiscal Year 1997-98 Nonprofit Agency Funding Agreement with Legal Aid of Manasota, Inc., \$42,000, (1/1/98-12/31/98). RECORD ^{S46-546}

WEST COAST INLAND NAVIGATION DISTRICT

Various Projects

R-98-103 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING WEST COAST INLAND NAVIGATION DISTRICT PROJECTS AND AUTHORIZING THE CHAIRMAN TO EXECUTE APPLICATIONS FOR UNIVERSITY OF FLORIDA SEA GRANT SURVEY; CITY OF PALMETTO NAVIGATION RESTORATION SOUTH OF 10TH STREET WEST; MANATEE COUNTY PROJECT MANAGEMENT DEPARTMENT MCLEWIS BAYOU DREDGING; MANATEE COUNTY PROJECT MANAGEMENT DEPARTMENT MANALEE SUBDIVISION DREDGING; MANATEE COUNTY PROJECT MANAGEMENT DEPARTMENT BOWLEES CREEK DREDGING; MANATEE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT NAVIGATION IMPROVEMENT; CITY OF ANNA MARIA LAKE LAVISTA INLET MANAGEMENT; SOUTH ELLENTON HOMEOWNERS ASSOCIATION BENZING CANAL DREDGING, PHASE II; GULF COAST WORLD OF SCIENCE WATER WORKS; ANNA MARIA POWER SQUADRON BOATING SAFETY AND EDUCATION; MANATEE SAIL AND POWER SQUADRON BOATING SAFETY AND EDUCATION; SRQ COMPOSITE SQUADRON CIVIL AIR PATROL, CIVIL AIR PATROL; MANATEE COUNTY SHERIFF'S OFFICE MARINE LAW ENFORCEMENT; LONGBOAT KEY POLICE DEPARTMENT LONGBOAT KEY MARINE PATROL PROJECTS. RECORD ^{S46-547}

Waterway Management System

Execution of funding agreement with The University of Florida, \$90,826, for the Regional West Coast Inland Navigation District (WCIND) Funded Waterway Management System Survey in Manatee County Project (CIP-24) (authorized by R-97-250). RECORD ^{S46-548 - S46-561}

NATIONAL TOURISM WEEK PROMOTION

Authorization to expend up to \$1,200 for two airline tickets to the Bradenton area for the winner of the "Bring a Friend to Bradenton" contest sponsored by the Convention and Visitors Bureau for National Tourism Week.

CLAIM SETTLEMENT - MCDOWELL

Rejection of Claimant Kathleen McDowell's demand for \$23,000 and to make a counteroffer of \$16,000.

FLORIDA DEVELOPMENT FINANCE CORPORATION

Execution of interlocal agreement (upon receipt of an executed original) with Florida Development Finance Corporation (FDFC) allowing FDFC to act within the corporate limits of Manatee County in promotion and advancement of projects related to economic development.

(Note: Agreement executed and recorded at a later date.)

LAWSUITS: MANATEE REALTY INVESTMENTS, LTD.

Approval of settlement with Manatee Realty Investments, Ltd., for the taking of Parcel 125 on State Road 70, \$44,148, which includes all claims for damages, attorney's fees and costs, in the eminent domain matter of Manatee County versus Ebonite Recreation Centers, Inc., et al, Case CA 95-1753.

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(Continued)

LAWSUITS: BARNETT BANK

Approval of settlement with Barnett Bank for the taking of Parcel 134 on State Road 70, \$15,557.98, in the eminent domain matter of Manatee County versus Anita M. Glasgow, et al, Case CA 95-2009.

MANATEE COUNTY FAIRGROUNDS

Approval of Manatee River Fair Association's requests to:

1. Demolish or relocate the "EMS Building" at the Fairgrounds
2. Relocate existing rest room facility from its present site (northeast corner of arena) to location east of and adjacent to lift station on south side of the fairgrounds, and
3. Demolish the milking parlor

All subject to County Attorney/Risk Management approval of contractor's insurance certificate; and authorization for the Chairman to execute a Notice to Proceed accordingly. RECORD S46-563

(Note: The County Attorney did not review the certificate.)

BUDGET AMENDMENTS**Various Departments** B-98-053

Transfer of Funds; Unanticipated Revenue Appropriations (supporting description and detail attached). RECORD S46-564

Transportation B-98-054

Transfer of Funds; Unanticipated Revenue Appropriations (supporting description and detail attached). RECORD S46-565

301 BOULEVARD/30TH AVENUE WEST

Change Order 6 to Work Assignment 1 with Glace & Radcliffe, Inc., for engineering services for 301 Boulevard/30th Avenue West Project, \$16,315 increase; \$783,992. RECORD S46-566

57TH AVENUE WEST

Work Assignment 14 with Post Buckley Schuh & Jernigan, Inc., for engineering services for conceptual design for 57th Avenue West from 34th Street West to U.S. 41 Project, \$78,898. RECORD S46-567

MATERIALS AND SERVICES

1. **71st Street Northwest Storm Drain and Force Main Replacement** - Award Bid 97-3788DC, to Westra Construction Corporation, \$434,688.40; subsequent execution of contract and dating performance/payment bond and acceptance of insurance certificate.
2. **Automotive and Commercial Usage Batteries** - Award Bid 98-5196KK on as-required unit basis to Batteries by Fisher, Inc., \$30,692.60.
3. **Directional Boring Machine** - Award Bid 98-4283SV to Vermeer Southeast Sales & Service, Inc., \$77,250.
4. **Bernhard Grinders** - Award Bid 98-4624SW to Wesco Turf Inc., \$27,900.
5. **Playground Equipment - G. T. Bray Park** - Purchase Maxplay Station 2 installed on 3,058 square feet of poured, rubber mat in four colors over concrete base via state contract from Contract Connection, Inc., \$48,484.19.
6. **Digital Scanning Services** - Enter into contract negotiations with CADD Centers of Florida, for providing professional digital scanning services for Public Works Department.
7. **Submersible Sewage Pumps** - Award Bid 98-5144SW for purchase of 13 pumps from Barney's Pumps, Inc., \$46,896.
8. **Glen Creek Stormwater Improvements** - Award Bid 97-1570DC to Donto Construction Company, Inc., \$494,132 (Alternate 2); subsequent execution of contract and dating performance/payment bond and acceptance of insurance certificate.
9. **Bi-Directional Tractor** - Award Bid 98-5340SV to Menzi USA Sales Inc., \$173,850.
10. **Transit Building Remodeling** - Award Bid 98-4039DC to Frederick's Construction Company, Inc., \$269,000; subsequent execution of contract and dating performance/payment bond and acceptance of insurance certificate.
11. **Single Axle Chassis Cab Truck** - Purchase via state contract from Atlantic Ford, \$34,943.25.
12. **Flatbed Dump Trucks (2)** - Purchase via state contract from Atlantic Ford Truck Sales, \$87,720.50.

VETERINARY SERVICES

Authorization to issue Change Order 1 to Purchase Order 108752 to Bradenton Small Animal Clinic, for term June 3, 1997, to June 2, 1998, \$20,000 for adjusted annual total of \$61,090; authorization to issue purchase order to Bradenton Small Animal Clinic, \$75,000, for term of June 3, 1998, to June 2, 1999.

ODOR AND CORROSION CONTROL

1. Execution of Addendum 3 to odor and corrosion control services agreement with Davis Water & Waste Industries, Inc., to extend agreement by one year (3/29/98 to 3/28/99). RECORD S46-568
2. Execution of Change Order 5 to Work Assignment 1 for professional chemical engineering evaluation, consultation and chemical/biological treatment of odor and corrosion within the wastewater system to Davis Water & Waste Industries, Inc., for additional six months (4/1/98-9/30/98), \$305,000 increase; total not to exceed \$2,240,000. RECORD S46-569
3. Execution of Change Order 5 to Work Assignment 2 for professional engineering evaluation, consultation and lease of scrubbers for the treatment and control of odors in the wastewater system to Davis Water & Waste Industries, Inc., for additional six months (4/1/98-9/30/98), \$91,500 increase; total not to exceed \$714,000. RECORD S46-570

RECYCLING DROP-OFF SITE SERVICES

1. Execution of Addendum 4 to agreement with Browning-Ferris Industries Waste Systems, to renew for additional six months (5/14/98-11/13/98), \$5,081; not to exceed \$23,910. RECORD S46-571
2. Execution of Addendum 5 to agreement with Waste Management of Manatee County, for additional six months (5/14/98-11/13/98), \$16,631.36; not to exceed \$82,692.44. RECORD S46-572

SOUTHEAST REGIONAL WASTEWATER TREATMENT PLANT EXPANSION

Execution of Work Assignment M-7 with McKim & Creed, Inc., for engineering services for design, permitting, construction and final certification services for Southeast Regional Wastewater Treatment Plant Expansion, \$1,184,810. RECORD S46-573

LIBRARY - INTERNET ACCESS POLICY

R-98-122 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE ESTABLISHMENT OF INITIAL POLICIES GOVERNING INTERNET ACCESS FOR THE MANATEE COUNTY PUBLIC LIBRARY
(and adopting the Initial Policies Governing Internet Access). RECORD S46-574
RECORD S46-575

DONATIONS - PARKS AND RECREATION

Authorization for Parks and Recreation Department to accept donations, in accordance with the provisions of Ordinance 86-05 and procedures established by the County Administrator's office:

1. Donation of a family play field from the Palma Sola Botanical Park Foundation, for the Palma Sola Botanical Park, total value of \$5,000.
2. Donation of labor and materials from the Manatee Girls Softball Association, to construct batting cages for the Manatee Girls Softball Program at Palma Sola Park, total value of \$7,595.65.

FINAL PLAT - WOOD ESTATES

1. Final Plat
2. Agreement with Nancy L. Sanchez to defer completion of required sidewalks. RECORD S46-576

WASTEWATER TREATMENT FACILITIES - STATE REVOLVING LOAN PROGRAM

R-98-118 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE; and execution of loan application package and associated documents authorizing application for Wastewater Treatment Facilities Revolving Loan Program. RECORD S46-577
S46-578

LOCAL HAZARD MITIGATION STRATEGY - NATURAL DISASTERS

R-98-84 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ACCEPTING A GRANT AWARD FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR THE DEVELOPMENT OF A UNIFIED LOCAL MITIGATION STRATEGY
(for the period from the date of execution through 8/31/99, total amount of \$205,000 for completion of the Manatee County Unified Local Mitigation Strategy, requesting municipal participation through subcontracts with each municipality within Manatee County and authorizing execution of all related grant documents, including Contractual Service Agreement with State of Florida, Department of Community Affairs). RECORD S46-579
RECORD S46-580

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(Continued)

FEE WAIVER - NORTH COUNTY ACTION TEAM

Placement of six 20-yard roll-offs to be placed at various locations throughout North County/Washington Park area, May 26, 1998, for a neighborhood cleanup; and appropriate service and waiver of tipping fees at the landfill.

DEEDS AND EASEMENTS

1. **Holiday Heights Street Lighting** - Utility Easements from Richard L. Holt and William L. and Jennifer A. Schmitz to run a power line across private property for installation of a street light; Affidavits of Ownership and Encumbrances (2); Joinders from Fleet Mortgage Corp., and The Leader Mortgage Company.
2. **Mar-Lee Acres Road and Sewer Project** - Drainage Easements from Javier Ochoa-Sanchez and Estella Ochoa Gomez; Jaime and Antonia Ochoa; Henry L. and Marilyn Y. Price; Henry L. Price; Olga Anglero; Ernest and Esther M. Belvin for road and sewer assessment project; Temporary Construction Easement from Gary D. Brethauer for improvements to two drainage ditches; Affidavits of Ownership and Encumbrances (6); Joinders from Homeside Lending, Inc., Manatee County Habitat for Humanity, Inc., and First National Bank of Manatee.
3. **Trailer Estates** - Drainage Easement from Trailer Estates Park and Recreation District to maintain drainage on Bay Drive between East and West Bayou Lanes (Affidavit of Ownership and Encumbrances included).

LOCKWOOD RIDGE ROAD ACQUISITION

1. Contract for Sale and Purchase for a Warranty Deed from Janet A. Coburn, \$1,700; Warranty Deed from Janet A. Coburn; Affidavit of Ownership and Encumbrances; Partial Releases (2) from Suntrust Bank, Gulf Coast. RECORD S46-581
2. Contract for Sale and Purchase for a Warranty Deed and Permanent Drainage Easement with R. Marshall and Allison E. Norton, \$16,500; accept Warranty Deed and Drainage Easement; Affidavit of Ownership and Encumbrances; and Partial Release from Northern Trust Bank of Florida. RECORD S46-582

PRO-AM AVENUE - DELINQUENT TAXES

R-98-114 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING AND PROVIDING FOR THE CANCELLATION OF ALL LIENS FOR TAXES, DELINQUENT OR CURRENT, FOR RIGHT-OF-WAY KNOWN AS PRO-AM AVENUE. RECORD S46-583

STREET VACATION - POMELLO PARK

R-98-33-V RESOLUTION DECLARING PUBLIC HEARING ON APPLICATION BY MANATEE RANCHES, INC., TO VACATE A PORTION OF FOUR NONCONSTRUCTED RIGHTS-OF-WAY FROM THE PLAT OF POMELLO PARK, TO BE HELD MAY 26, 1998, AT 9:00 A.M., OR AS SOON THEREAFTER AS MAY BE HEARD. RECORD S46-584

Rescind by R-98-133V
(End Consent Agenda)

EMPLOYEE OF THE MONTH

Daniel Hopkins, Parks and Recreation Director, presented the May 1998 Employee of the Month Award to **Cynthia Turner**, Program Manager, Parks and Recreation Department.

PROCLAMATIONS**Bike Month; Try Transit Week; B-Bopp to Work and School Day**

Upon motion by Mr. Stephens, and second by Mrs. Harris, a Proclamation was unanimously adopted designating May 1998 as Bike Month; May 11-15, 1998, as Try Transit Week; and May 15, 1998, as B-Bopp to Work and School Day. RECORD S46-585

The Year of the Ocean

Upon motion by Mr. Stephens, and second by Ms. Brown, a Proclamation was unanimously adopted designating 1998 as The Year of the Ocean. RECORD S46-586

Emergency Medical Services Week

Upon motion by Mrs. Harris, and second by Ms. Brown, a Proclamation was unanimously adopted designating May 17-23, 1998, as Emergency Medical Services Week. RECORD S46-587

Foster Parent Appreciation Week

Upon motion by Ms. Brown, and second by Mrs. Harris, a Proclamation was unanimously adopted designating the week of May 10, 1998, as Foster Parent Appreciation Week. RECORD S46-588

Police Week

Upon motion by Ms. Brown, and second by Mr. Stephens, a Proclamation was unanimously adopted designating the week of May 15, 1998, as Manatee County Police Week.

RECORD S46-589

National Safe Boating Week

Upon motion by Mr. McClash, and second by Mr. Stephens, a Proclamation was unanimously adopted designating May 16-22, 1998, as National Safe Boating Week.

RECORD S46-590

Maria Gartley, Anna Maria Island Power Squadron, and Paulette Parent, Flotilla 83 Coast Guard Auxiliary, commented on safe boating and distributed safe boating promotional materials.

National Safe Kids Week

Upon motion by Mrs. Stein, and second by Ms. Brown, a Proclamation was unanimously adopted designating May 2-9, 1998, as National Safe Kids Week.

RECORD S46-591

Bobby Maddox

Upon motion by Mr. Bruce, and second by Mr. McClash, a Proclamation was unanimously adopted recognizing Fire Chief Bobby Maddox for his tremendous volunteer contributions and loyal service to his community throughout the years.

RECORD S46-592

ZONING - PDC 98-03(Z) (R) HUNG VO AND NGAW EAM UNG TRUONG

Patricia Petruff, attorney for Hung Vo and Ngaw Eam Ung Truong, requested reconsideration of PDC-98-03(Z) (R), which was denied April 28, 1998. She submitted a copy of her written request (5/1/98).

(Gavel to Ms. Brown, presiding)

Mrs. Glass moved to reconsider PDC-98-03(Z) (R). Motion was seconded by Mr. Stephens and carried 4 to 3 with Mrs. Stein, Mr. Bruce and Mr. McClash voting nay.

(Mrs. Glass presiding)

CITIZENS' COMMENTS

Heather Hills Mobile Home Park

John Schanick, resident of Heather Hills Mobile Home Park, commented on the Heather Hills Mobile Home Park gate closure issue discussed March 17, 1998. He submitted copies of Amendment to Articles of Incorporation of Heather Hills Property Owners Association, Inc., a report listing reported breaking and entering cases for 1993-97, and a report from Sheriff's Office regarding reported burglaries in Grid 2011 during 1997.

Planning Commission Ethics

William Wheeler, Briarwood resident, criticized the Planning Commission for its treatment of citizens who spoke in opposition to PDR/PDC-97-09(G) (R) on April 9, 1998, Micha Land, Ltd./Royal Palm rezone. He stated the commission members were discourteous.

Disposition: Mrs. Glass recommended Mr. Wheeler appear before the Planning Commission and state his position.

Braden Woods Homeowners' Association

Wilhelmina McFee, President of the Braden Woods Homeowners' Association, requested she be allowed to address the Braden Woods Homeowners' Association settlement agreement scheduled on the agenda for later in the day. She outlined the position of Braden Woods homeowners: (1) Heartland provided an impossible time frame to Braden Woods to respond to the draft agreement (memorandum 4/10/98 from Caleb Grimes, attorney for Heartland); (2) Braden Woods recommended a finding that limiting access does not constitute a substantial change in the revised preliminary site plan; and (3) she requested Braden Woods receive a reciprocal General Release from Heartland and Manatee County.

Disposition: To be addressed later in the meeting.

HEALTH CARE ADVISORY BOARD

Consideration was given to appointment of five persons to the Health Care Advisory Committee.

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(Continued)

Motion was made by Mr. Stephens, seconded by Mrs. Harris and carried unanimously, to reappoint the current members seeking reappointment: **Linda C. Cinque, Jane Lafetra Kossa, and Edwin Sheffield Marsh, Sr.**

Nominations were received:

Kenneth Joseph Cormier - by Mr. Bruce
Elizabeth Barton - by Ms. Brown

Motion was made by Mr. McClash, seconded by Mr. Bruce and carried unanimously, to close the nominations and appoint **Kenneth Joseph Cormier** and **Elizabeth Barton**.

TOURIST DEVELOPMENT COUNCIL

Monica Luff, Convention and Visitors Bureau, recommended appointment of Mayor Bill Evers, City of Bradenton, to the Tourist Development Council as the elected official from the largest municipality position (to replace Steve Bernthal; term to expire 1/1/00).

Motion was made by Mrs. Stein, and seconded by Ms. Brown, to appoint Mayor Bill Evers to the Tourist Development Council. Motion carried 6 to 1, with Mr. McClash voting nay.

ORDINANCE 98-15 - ALCOHOL AND OTHER DRUG ABUSE TRUST FUND

Public hearing (Notice in the Bradenton Herald 4/21/98) was held to consider

ORDINANCE 98-15 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 89-22, TO PROVIDE FOR THE ESTABLISHMENT OF A MANATEE COUNTY ALCOHOL AND OTHER DRUG ABUSE TRUST FUND; AMENDING SECTION 2 TO PROVIDE FOR THE DEPOSIT OF FUNDS COLLECTED AS A RESULT OF COSTS IMPOSED UNDER ORDINANCE 89-22 INTO THE ALCOHOL AND OTHER DRUG ABUSE TRUST FUND; AND PROVIDING AN EFFECTIVE DATE.

Fred Loveland, Director, Community Services, reviewed the ordinance.

Motion was made by Mr. Stephens to adopt Ordinance 98-15. Motion was seconded by Mrs. Stein and carried unanimously. RECORD S46-593

SEWER ASSESSMENT PROJECT - 22ND STREET WEST

Public hearing (Notice in the Bradenton Herald 4/17/98) was held to consider

22nd Street West - Sewer Assessment Project

22nd Street West from 69th Avenue West (Bay Drive), south 375 feet to deadend.

and

R-98-72 RESOLUTION APPROVING SPECIAL SANITARY SEWER ASSESSMENT PROJECT FOR 22ND STREET WEST.

Mark Ventriglia, Project Management, reviewed the proposed project. The cost of the project is \$84,032.76, with the County share being \$68,032.76 and assessments totaling \$16,000.

He submitted a letter from Lavern Fennel in favor of the project. Speaking in favor were Jeff Braten; Todd Barber, who submitted photos (4) of sewage runoff in the area; Jay Jorgensen; and Jim Reynolds.

Motion was made by Mrs. Harris, and seconded by Ms. Brown, to adopt Resolution R-98-72, and execute an agreement with the Property Appraiser and Tax Collector for collection of special assessments for this project. Motion carried unanimously. RECORD

S46-594
S46-595

ORDINANCE 98-22, NO THROUGH TRAFFIC

Public hearing (Notice in the Bradenton Herald 4/23/98) was held to consider

ORDINANCE 98-22 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 84-06; TO REGULATE THE TRAVEL OF CERTAIN THROUGH TRAFFIC ON RIVER CLUB BOULEVARD BETWEEN STATE ROAD 70 AND LAKEWOOD RANCH BOULEVARD; BEING A COUNTY-MAINTAINED STREET LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Harry Mendenhall, Transportation Department, reviewed the ordinance.

Motion was made by Mr. Bruce, seconded by Mrs. Stein and carried unanimously, to adopt Ordinance 98-22.

RECORD S46-596

Recess/Reconvene. All members present.

CROSS CONNECTION/BACKFLOW PREVENTERS

Len Bramble, Public Works Director, submitted a Cross Connection Customer Survey Report and requested approval for mass mailing of the report to backflow device customers.

John Zimmerman, Public Works Department, reported that backflow device testing began in 1996, and the program has grown from 3,000 devices to over 7,000 and continues to grow.

Victoria Zimarino, Public Works Department, reviewed the cross connection/backflow preventer program. She stated the County adopted a resolution in 1987 to follow guidelines of the Florida Administrative Code, which places the responsibility on local government of protecting the drinking water from contamination.

She stated 4,500 survey letters were mailed with a 48-percent response. The survey offered three options for backflow testing: (1) Public Works continue program as is; (2) Public Works contract to lowest bidder for testing only; and (3) Public Works contract to lowest bidder for full service. She reported 68.7 percent were in favor of **Option 1**, 11.6 percent in favor of **Option 2**, and 19.7 percent in favor of **Option 3**. It was pointed out the proposed letter indicates 1,490 customers preferred Option 1 while the summary report indicated 1,504.

Based upon the results of the survey, staff recommended the Cross Connection Control Program continue as originally established, with enhancements implemented as a result of customers' comments.

Discussion: Contact legislators to relax rules regarding frequency of testing; whether any of the responses were from residents who have not complied; if majority of responses were from residents belonging to homeowners' associations who are able to obtain lower rates; how often County meters are inspected; purpose of the system; whether commercial is included; providing more specific details when the next survey is conducted; etc.

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried unanimously, to send the letter with corrections noted earlier in meeting (approve the mass mailing).

LAWSUITS: BRADEN WOODS HOMEOWNERS' ASSOCIATION ET AL

Mark Barnebey, Chief Assistant County Attorney, recommended approval of the Settlement Agreement in Braden Woods Homeowners Association Subdivision Phases I-IV, et al, versus Manatee County, CA-96-2359, and joined in by Heartland Sarasota Bradenton, Ltd. (based upon action on 5/23/96 regarding PDC-87-01).

He reviewed the key points of the settlement agreement as outlined in the agenda memorandum and addressed comments made earlier in meeting by Wilhelmina McFee. He stated her comment regarding negotiations and limited time frame for execution of the agreement applies to the developer and not the County. Regarding limiting access, Planning staff does not support the closing of the access drive to Braden Run and the Board has made no commitment in this regard. He stated the matter of granting a General Release was not addressed in the agreement; however, there is no legal concern with granting a release.

Wilhelmina McFee, Braden Woods Homeowners' Association, submitted a memorandum (5/5/98) outlining the position of Braden Woods as stated earlier in the meeting. She requested that a reciprocal general release be granted as soon as possible. They are also requesting that limited access between the office area and shopping center be approved administratively along with all other administratively approved changes in the revised Preliminary Site Plan.

(Depart Ms. Brown)

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(Continued)

Motion - General Release

Mrs. Stein moved to authorize the Chairman to execute a General Release of the Braden Woods Homeowners' Association, their officers, employees and agents, from matters relating to this approval, subject to the settlement agreement. Motion was seconded by Mr. Bruce.

Point of order was raised as to taking action regarding the settlement agreement first. Motion was held in abeyance pending a motion regarding the settlement agreement.

Motion - Settlement Agreement

Motion was made by Mr. Bruce to approve and authorize execution of the settlement agreement between Braden Woods Homeowners' Association Subdivision Phases I-IV, et al, versus Manatee County, CA-96-2359, and joined in by Heartland Sarasota Bradenton, Ltd. Motion was seconded by Mr. McClash.

(Enter Ms. Brown)

Motion carried unanimously.

RECORD S46-597Motion - General Release

Mrs. Stein restated her motion regarding the General Release. Motion was seconded by Mr. Bruce. Motion carried 6 to 1, with Mr. McClash voting nay.

RECORD S46-598

(Depart Mrs. Harris)

LAWSUITS: 75TH STREET WEST

Motion was made by Ms. Brown, seconded by Mr. McClash and carried 6 to 0, to adopt

R-98-115 A RESOLUTION OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, WIDENING OR IMPROVING A PUBLIC STREET, ROAD OR HIGHWAY AS PART OF THE PUBLIC ROAD SYSTEM IN MANATEE COUNTY, FLORIDA.

RECORD S46-599

(Superseding Resolution R-97-245 as to Parcel 71, owned by Palma Sola Golf Club, Inc.)

(Enter Mrs. Harris)

Motion was made by Ms. Brown, seconded by Mr. McClash and carried unanimously, to adopt

R-98-116 A RESOLUTION AUTHORIZING USE OF "QUICK TAKING" CONDEMNATION PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, WIDENING, OR IMPROVING A PUBLIC STREET, ROAD, OR HIGHWAY AS PART OF THE PUBLIC ROAD SYSTEM IN MANATEE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

RECORD S46-600COMMISSIONERS' COMMENTSCommission Chambers

Mr. McClash recommended that other governmental entities be invited to use Commission chambers in order that the meetings may be televised.

Tideview Estates - Lift Station

Ms. Brown relayed a request from Al Cunningham, Tideview Estates, to build a shed on County property on which a lift station is located. He has been maintaining the site, which was not previously maintained by the County. She submitted a letter of support from Tideview Estates residents supporting the request.

Disposition: Provide legal means to accommodate Mr. Cunningham's request; referred to County Administrator and County Attorney.

Deer Run - Flooding

Ms. Brown stated she has been informed of flooding in Deer Run, which has been occurring for many years. She requested staff review the issue and prepare a recommendation to resolve the flooding problem.

Disposition: Referred to staff.

Palm View Road/U.S. 41

Ms. Brown stated the intersection of Palm View Road and U.S. 41 is in need of bigger street signs and better lighting. She noted Florida Department of Transportation (FDOT) is planning to install lights up to 33rd but not on U.S. 41.

Disposition: Staff to prepare a letter to FDOT.

Tropical Shores Assessment Project

Ms. Brown reported that the assessment project in Tropical Shores has been delayed due to acquisition of right-of-way, etc. In the meantime, the County is hauling in dirt for the roads and residents are complaining about the dust.

Disposition: Referred to staff to provide remedy until assessment project can be completed.

Taxicab Regulations

Mrs. Harris reported she received complaints regarding taxicab service provided to the elderly and disabled. She recommended a standard of operation be instituted.

Disposition: Referred to staff for investigation.

Severe Weather Warnings

Mrs. Harris expressed concern that outlying County work sites do not receive severe weather warnings and recommended the County Administrator investigate the purchase of weather radios for all outlying County buildings. She also requested a procedure to warn Administration Building occupants of impending severe weather.

Disposition: Referred to County Administrator.

Lingerie Modeling Shops

Mrs. Harris recommended alternatives be developed to regulate lingerie modeling shops. She pointed out the proliferation in south county continues to impact quiet neighborhoods

Disposition: Referred to staff.

Library

Mrs. Harris reported there is a "glitch" in the library computer system preventing the transfer of books between branches. She also questioned why the library is unable to get 15 of the 18 current best sellers.

Disposition: Referred to staff.

Tourist Information Center - Signage

Mrs. Harris reported that FDOT changed the signage along I-75 directing travelers to the Tourist Information Center (TIC) and Civic Center. She stated signage for the Civic Center is more visible than that of the TIC; consequently, travelers are not seeing the signs to the TIC resulting in falling attendance. She requested that FDOT be contacted to change the signage for the TIC.

Government Access TV

Mr. McClash requested that the static problem on MGA-TV be corrected.

Disposition: Referred to staff.

Perico Island Annexation

Mr. McClash reported the City of Bradenton has petitioned to annex a vacant parcel of land on the north side of Perico Island. He expressed concern as to whether the City will apply the same high standards to that property as the County would. He requested the County's comments be heard during the annexation process. He suggested the County revisit the issue of acquiring certain pieces of undeveloped property in that area as an option for recreational purposes.

Disposition: The County Administrator advised that the matter will be on the May 19, 1998, planning agenda.

Tallevast Community Development Block Grant

Mr. Bruce requested a status report regarding Tallevast Community Development Block Grant (CDBG) funds noting that residents gave up the funds for projects in other parts of the County with promises they would have future funding through CDBG funds for improvements.

Travel Policy

Mr. Stephens questioned whether travel to Tallahassee has been authorized for the entire year.

Disposition: Mr. Padgett advised that there is blanket approval for Commissioners to travel on County business for Fiscal Year 1997-98.

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(Continued)

Association of Railroad Passengers

Mrs. Glass reported that Mr. Dean of the Association of Railroad Passengers requested County support of the expenditure of funds for a passenger railroad in this area.

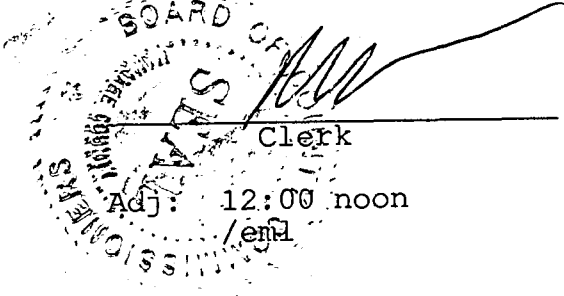
Disposition: Mr. Padgett advised that the appropriate resolution will be placed on the next agenda.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk
Adj: 12:00 noon
/eml

Patricia M. Glass
Chairman 7/7/97