

MAY 19, 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 19, 1998, at 9:02 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman  
Gwendolyn Y. Brown, First Vice-Chairman  
Joe McClash, Second Vice-Chairman, entered during the meeting.  
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 Reverend John R. Brabham, Christ United Methodist Church.

Presentation of Colors by the Veterans of Foreign Wars Post 10141, and Robert DeVane, Chairman of Memorial Day Services, led the Pledge of Allegiance.

#### PROCLAMATIONS

##### Honor Guard Month

Motion was made by Mr. Stephens, seconded by Mrs. Harris and carried 6 to 0, to adopt a Proclamation designating May 1998 as **Honor Guard Month**. RECORD S46-601

##### Memorial Day

Motion was made by Mr. Stephens, seconded by Mrs. Stein and carried 6 to 0, to adopt a Proclamation designating May 25, 1998, as **Memorial Day**. RECORD S46-602

**Robert DeVane**, Chairman of the Veterans Council, accepted the Proclamation.

(Enter Mr. McClash)

#### CONSENT AGENDA

Motion was made by Mrs. Harris, seconded by Ms. Brown and carried unanimously, to approve the Consent Agenda of May 19, 1998. Items APPROVED:

#### CLERK'S CONSENT CALENDAR

##### BONDS

Accept:

Deputy Sheriffs' Blanket Surety Bond (13 additions; 14 deletions) RECORD S46-603

##### Parkwood Lakes, Phases V-VII

1. Performance Bond: \$19,604 (new Letter of Credit 1108 from West Coast Bank) in conjunction with agreement guaranteeing completion of required sidewalks and bikeways.
2. Defect Security: \$29,970.48 (new Letter of Credit 1109 from West Coast Bank) in conjunction with agreement warranting required improvements.

##### The Trails, Phase III & IV

1. Defect Security: \$27,137.50 (Fourth Modification and Renewal Letter of Credit No. 31 from Seminole Bank)
2. Defect Security: \$6,894.95 (Fourth Modification and Renewal Letter of Credit No. 32 from Seminole Bank)
3. Defect Security: \$13,520.61 (Fourth Modification and Renewal Letter of Credit No. 33 from Seminole Bank)
4. Defect Security: \$39,280.40 (Fourth Modification and Renewal Letter of Credit No. 34 from Seminole Bank) **Release:**

##### Creekwood Phase I, Subphase I, Creekwood Boulevard

1. Agreement with Wilma-Creekwood (West) Joint Venture warranting required improvements, \$13,503.98.
2. Defect Security: \$13,503.98 (Surety Bond X04223, Cecil W. Powell & Company/Preferred National Insurance Company)

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REFUNDS

Jerry D. Dixon - Impact Fee Refund \$ 1,761.57  
 The Sports Authority - Impact Fee Refund 5,280.00  
 SMR 1 Development Corp. - Impact Fee Refund 71,697.00  
 Picadilly Cafeteria - Rebate on Sewer for A/C Meter 6,337.44

WARRANT LIST

Approve: May 5, 1998 through May 18, 1998  
 Authorize: May 19, 1998 through May 25, 1998

MINUTES FOR APPROVAL

March 17 and 24, 1998 - Regular; April 2, 1998 - Special

AUTHORIZE CHAIRMAN TO SIGNPartial Release of Special Improvement Assessment Liens:

Projects 3005/5235; 3009/5147(3); 3103/2502A(2); 3104/8601;  
 4101/3905; 5044; 5056; 5147(3); 5254

Satisfactions of Judgment:

Paul McElveen, Case 97-4643M  
 Terrell Green, Case 97-857M (2)  
 Esmeraldo Cordero, Case 95-1257F

Florida Development Finance Corporation - Interlocal Agreement  
 with Florida Development Finance Corporation (FDFC) permitting  
 the FDFC to issue Industrial Development Revenue bonds in an  
 amount not to exceed \$2,000,000, to finance a manufacturing  
 facility within the County (Suncoast Bakeries, Inc., d/b/a St.  
 Armand's Baking Company), as authorized on 5/5/98. **RECORD S46-604**

ACCEPT

Manatee County District School Board - Financial and Compliance Audit  
 Report No. 13226 of the Manatee County District School Board from  
 State of Florida Auditor General, for fiscal year ended 6/30/97.

Manatee County Housing Finance Authority - Annual Local Government  
 Financial Report for Fiscal Year 1996-1997

Trilectron Industries, Inc. Project - Bound transcript for  
 Trilectron Industries, Inc., Industrial Development Revenue  
 Refunding Bonds, Series 1997C, \$995,000.

Manatee Headwaters/Altman Purchase:

1. Original Title Policy No. OPM-1525101, issued by Boswell & Dunlap, LLP
2. Recorded Special Warranty Deed (dated 4/16/98) from Durham L. Altman, as Personal Representative of the Estate of Ethel L. Altman

COUNTY ADMINISTRATORHABITAT FOR HUMANITY - TAX CREDIT PROGRAM

R-98-28 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
 MANATEE COUNTY, FLORIDA, PROVIDING FOR THE CERTIFICATION OF  
 MANATEE COUNTY HABITAT FOR HUMANITY AS AN ELIGIBLE SPONSOR UNDER  
 THE COMMUNITY CONTRIBUTION TAX CREDIT PROGRAM AND CERTIFICATION  
 THAT THE ACTIVITY IS CONSISTENT WITH THE MANATEE COUNTY  
 COMPREHENSIVE PLAN. **RECORD S46-605**  
 (for an affordable housing project in Hill Park Subdivision)

STATE HOUSING INITIATIVE PARTNERSHIP

Execute Amendment 1 to the nonprofit agreement (1/6/98) with  
Manatee Bankers for Affordable Housing, to modify the payment  
 period. **RECORD S46-606**

LOCAL HOUSING ASSISTANCE PROGRAM

Execute Construction Loan Agreement with Ruben Washington and  
 Contractor's Acknowledgment and Consent Form for new home  
 construction, in accordance with Resolution R-96-227, under the  
 State Housing Initiative Program (SHIP) Housing Replacement  
 Program, with funding provided by HOME II Grant funds with Cheaves  
Masonry and Construction, Inc., for property at 519 30th Street  
 East, Palmetto; \$43,000; (SHIP, \$13,000; HOME, \$12,000; \$3,000  
 General Funds for demolition; \$15,000 private funds). **RECORD S46-607**

NEGLECTED CEMETERIES

1. R-98-125 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF  
 MANATEE COUNTY, FLORIDA, AUTHORIZING THE DIRECTOR OF THE COMMUNITY  
 SERVICES DEPARTMENT TO APPROVE DISBURSEMENTS FROM THE COMMUNITY  
 SERVICES DEPARTMENT'S CEMETERIES ACCOUNT. **RECORD S46-608**
2. R-98-124 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF  
 MANATEE COUNTY, FLORIDA, AUTHORIZING THE DIRECTOR OF THE COMMUNITY  
 SERVICES DEPARTMENT TO ACCEPT A \$200 DONATION FROM KAREN M. STORMS  
 FOR USE BY THE COUNTY FOR THE MAINTENANCE OF NEGLECTED CEMETERIES.  
**RECORD S46-609**

**VANPOOL COMMUTER PROGRAM**

**R-98-112** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE IMPLEMENTATION OF A COUNTY VANPOOL PROGRAM AND AUTHORIZING THE EXECUTION OF RIDER AND DRIVER VANPOOL AGREEMENTS WITH MANATEE COUNTY (authorizing the County Administrator or designee to execute all necessary administrative documents). **RECORD** S46-610

**SUMMER FOOD SERVICE PROGRAM**

**R-98-132** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A GRANT FROM THE FLORIDA DEPARTMENT OF EDUCATION FOR THE 1998 SUMMER FOOD SERVICE PROGRAM FOR CHILDREN (authorizing the Community Services Department Director to sign Manatee County School Board Space Use Application Forms, \$132,120; 6/16/98-8/14/98). **RECORD** S46-611  
S46-612

**FEDERAL TRANSIT ADMINISTRATION GRANT**

**R-98-131** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF GRANT AGREEMENT WITH THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION (Surface Transportation Capital Grant, \$1,454,612; for capital and/or operating assistance). **RECORD** S46-613  
S46-614

**COMMITMENT OF TRIP DONATION**

Execute Commitment of Trip Donation (2) certifying the County's intent to provide trips as a contribution towards the agency's local match requirements (1/1/98-12/31/98):

Meals on Wheels Plus of Manatee, Inc. - \$10,045

Neighborly Senior Services of Manatee - \$3,611

**RECORD** S46-615  
S46-616

**TRAVEL INDUSTRY SEMINAR**

Expend up to \$700 in airfare and up to \$100 for automobile rental to bring two German representatives of Global Contact (County sales representatives) to Bradenton from Washington, D.C., for a travel industry seminar (6/1-2/98), and airfare to Detroit, Michigan after the seminar.

**PUBLIC SAFETY COORDINATING COUNCIL**

Accept the resignation of James W. Thompson, II of the Florida Parole Commission, as an ex-officio member of the Public Safety Coordinating Council.

**BRADENTON-SARASOTA PASSENGER RAILROAD SERVICE**

**R-98-129** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AFFIRMING THE COMMISSION'S DESIRE FOR THE NATIONAL RAILROAD PASSENGER CORPORATION TO RESTORE PASSENGER RAILROAD SERVICE TO THE BRADENTON-SARASOTA AREA; AND PROVIDING AN EFFECTIVE DATE. **RECORD** S46-617

**RELEASE OF LIENS - ROBERT HARTSHORN**

Execute Release of Liens of Final Judgment releasing any and all claims of lien on property located at Lot 10, Block B, Hill's Grove Subdivision, owned by Robert Hartshorn. **RECORD** S46-618

**LAWSUITS - S.R. 70**

1. Approve settlement with Ebonite Recreation Centers, Inc., for \$320,000, including statutory interest, but excluding attorney's fees, costs and expenses, for the taking of Parcels 101, 701A and 701B, in Manatee County versus Ebonite Recreational Centers, Inc., et al., Case CA 95-1753.
2. Approve settlement with Kenneth J. Helfrich, Steven E. Helfrich and Marla S. Helfrich, for litigation costs and expenses, in the aggregate sum of \$31,005.90, in Manatee County versus Burt K. Rogers, et al., Case CA 95-2480.

**TAMPA BAY ESTUARY PROGRAM**

Execute letter of no conflict to Roy G. Harrell, Jr., Esq., acknowledging that Mr. Harrell and/or the law firm of Holland and Knight, LLP, will be drafting the proposed By-Laws of the Tampa Bay Estuary Program.

**WORKERS' COMPENSATION LIEN - JACK BARRETT**

Accept Jack Barrett's offer to settle Manatee County's Workers' Compensation lien contingent upon his estimated gross recovery from third-party tortfeasors, and subject to a five percent deduction from future payments.

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(Continued)

POLLUTION RECOVERY FUND

R-98-113 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CREATING A LOCAL POLLUTION RECOVERY FUND IN WHICH TO DEPOSIT MONIES COLLECTED THROUGH ENFORCEMENT PROCEEDINGS AND WHICH IS TO BE USED TO ENHANCE MANATEE COUNTY'S ENVIRONMENTAL RESOURCES. RECORD S46-619

BUDGET AMENDMENTSVARIOUS DEPARTMENTS (B-98-055)

Transfer of Funds; Unanticipated Revenue Appropriations  
Supporting Description and Detail attached RECORD S46-620

9TH STREET EAST

Execute Change Order 2 to Work Assignment 2 with Corson & Associates, Inc., for an increase of \$28,910, and adjusted contract amount of \$59,760. RECORD S46-621

57TH AVENUE EAST AND WEST

Execute Work Assignment 7 with Wade-Trim, Inc., for engineering services for design, permitting and construction services, not to exceed \$554,863. RECORD S46-622

SURPLUS PROPERTY

1. 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; and authorize disposal of property.
2. R-98-92 RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, FLORIDA STATUTES.  
(Complete videotaping system, with microphones, tripods, a/c adapter and battery to Education Helps, Inc.) RECORD S46-623

FIRE ALARM REPAIRS

Issue Change Order 2 to Purchase Order 10991 for maintenance and system improvements to Administration Complex's fire alarm system with Industrial Fire and Safety, Inc., for an increase of \$26,775, and an adjusted purchase order amount of \$41,154.

ARTICULATED MOTOR GRADERS

Execute Total Cost Agreements (4) with Ringhaver Equipment Company, to purchase four Caterpillar H135 Articulated Motor Graders (A, B, C and D), total not to exceed \$527,000; and, subsequently date performance bond (agreement provides a guaranteed buy back in the amount of \$372,800). RECORD S46-624 -  
S46-627

SUPPLEMENTAL LAB SERVICES

Issue Change Order to Purchase Order P8000274 for supplemental laboratory services for the water treatment plant lab with P.E. Lamoreaux and Associates, (4/1/98-1/6/99), for an estimated \$62,393, and adjusted annual total of \$87,243.

LIBRARY MATERIALS

Execute Addendum Two to agreements with the following firms to provide materials to County Libraries during the second renewal period (5/14/98 to 5/13/99), with all other terms and conditions remaining the same:

**Paperback Books** - The Booksource, Inc. (primary vendor); Ingram Library Services, Inc. and Baker and Taylor Books, Inc. (secondary vendors).

**Materials (Books/Videos/CD ROMS, Audios, etc)** - Baker and Taylor Books, Inc. (primary vendor); Ingram Library Services, Inc. and Brodart Company (secondary vendors).

**Microform (Microfiche)** - UMI Company, Inc. RECORD S46-628 -  
S46-634

MATERIALS AND SERVICES

1. **Concrete and Related Products** - Award IFB 98-5647SW, on an as-required basis, to the following lowest responsive, responsible multiple bidders meeting specifications, for an annual estimated total cost of \$200,000:
  - Singletary Concrete Products, Inc.** (Primary vendor for Groups B, C and D; Secondary for Group A)
  - CSR Rinker Materials** (Primary vendor for Group A; Secondary for Groups B, C and D)
2. **Palm Aire Landscaping** - Award Bid 98-4672MP to the lowest responsive, responsible bidder meeting specifications, Horticultural Industries, Inc., for landscaping services for 18 months, total not to exceed \$81,000.

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3. **Recycling Containers** - Award IFB 98-5479MP to the lowest responsive, responsible bidder, Rehrig Pacific Company, total cost not to exceed \$47,280.
4. **Metal Roof Repair** - Enter into negotiations with the top-ranked firm, McEnany Roofing, Inc., for contractual services for metal roof repair of buildings at the Parks and Recreation Department.
5. **Sanitary Tanker Pumping Services** - Award Bid 98-5212MP on an as-required unit price basis, to the lowest responsive, responsible bidder meeting specifications, Elmore Environmental Services, Inc., for an estimated annual cost of \$69,340.

**TITLE SERVICES**

Issue Change Order 1 to Purchase Order 108796 with Manatee Pinellas Title Company, for an extension of services from June 10, 1998, through June 9, 1999; an addition of Loan Closings for SHIP/HOME Program activities; and, an increase of \$25,000 for the Loan Closings, for an adjusted estimated annual cost of \$55,000.

**DONATIONS**

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

1. **Palma Sola Park Baseball Field** - Babe Ruth Baseball League, in the form of **labor, materials and equipment**, value of \$1,700, for safety and security amenities to the press box.
2. **G.T. Bray Park** - Manatee District Boy Scouts of America, in the form of a **maintenance project** (to be performed 5/30/98), value of \$162 in lieu of rental fees for the annual Boy Scout Show (5/2/98).
3. **G.T. Bray Park** - Bollettieri Sports Academy, in the form of **tennis equipment and materials**, value of \$5,128, in lieu of court rental fees for the Eddie Herr Junior International Tennis Tournament.

**SNOOKS ADAMS KIDS DAY**

Anna Maria Island Privateers to conduct the annual **Snooks Adams Kid's Day** in June, and the annual **Christmas Parade** in December 1998, at Bayfront Park (Certificates of Insurance provided).

**IMPACT FEE CREDIT**

1. Credit Authorization CA-97-17(T) for Red Barn Flea Market.
2. Final Authorization of Transportation Credit for Red Barn Flea Market for eligible right-of-way, \$9,400 and road improvements \$72,158 (1st Street East), total of \$81,558. RECORD S46-635  
S46-636

**FOXWOOD AT PANTHER RIDGE - RIGHT-OF-WAY ISLAND**

Execute Maintenance Agreement with Foxwood at Panther Ridge Homeowners' Association, Inc., for right-of-way island and landscaping and irrigation at S.R. 70 and 213th Street East.

RECORD S46-637

**PLANNING DEPARTMENT AWARDS PROGRAM**

**R-98-135** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXPENDITURE OF COUNTY FUNDS TO PROVIDE AWARDS FOR THE PLANNING DEPARTMENT'S PROGRAMS PURSUANT TO MANATEE COUNTY ORDINANCE 97-28.

RECORD S46-638

**ALTERNATIVE WATER SOURCES PROJECTS**

Execute Cooperative Agreement with Southwest Florida Water Management District (SWFWMD) for consultant services for **New Water Source Initiative** projects, (SWFWMD, \$31,000; County, \$9,000; SWFWMD to pursue remaining \$75,000).

RECORD S46-639

**PUBLIC SAFETY DEPARTMENT AWARDS PROGRAM**

**R-98-127** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXPENDITURE OF COUNTY FUNDS TO PROVIDE FOR INCENTIVES TO SUPPORT AND AWARDS TO BE PRESENTED TO EMPLOYEES OF THE PUBLIC SAFETY DEPARTMENT AND ASSOCIATED AGENCIES.

RECORD S46-640

**ORDINANCE 98-09: EMERGENCY SUBSISTENCE**

Set public hearing on June 2, 1998, at 9:00 a.m., or as soon thereafter as same may be heard, to consider the expenditure of public funds for the purchase of basic subsistence for employees and regular service emergency operations center volunteers.

**TALLEVAST COMMUNITY CLEAN-UP**

Place eight, 20-yard roll-offs at various locations on May 30, 1998, for the Annual Community Clean-Up Day for the Tallevast Community Association; waive appropriate service and tipping fees at the Landfill.

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DEEDS AND EASEMENTS

1. 34th Street West - Special Warranty Deed from School Board of Manatee County required by Interlocal agreement (9/2/97) for road improvements.
2. 37th Street East - Right-of-Way Easement from R.L. Koontz Construction, Inc., for conveyance of a 20-foot vacated area in Country Palms Subdivision (vacated by R-98-63-V); Affidavit of Ownership and Encumbrances.
3. 1st Street East - Warranty Deed from Dora J. Shepard, owner of Red Barn Flea Market, for additional right-of-way for pedestrian sidewalks and future road improvements; Affidavit of Ownership and Encumbrances.
4. Ridgewood Commercial Center - Utility Easements (2) from Barnett Bank, N.A. and Ridgewood Plaza Limited Partnership for County acceptance and maintenance of a force main and lift station located at 69th Street East/Ridgewood Boulevard and U.S. 301 in Ellenton; Affidavits of Ownership and Encumbrances (2); Joinder from The Fidelity Mutual Life Insurance Company.

STREET VACATION: POMELLO PARK

R-98-133-V A RESOLUTION RESCINDING R-98-33-V AND DECLARING PUBLIC HEARING ON JUNE 16, 1998, AT 9:00 A.M., OR AS SOON THEREAFTER AS POSSIBLE, ON APPLICATION BY MANATEE RANCHES, INC., TO VACATE A PORTION OF FOUR, NONCONSTRUCTED RIGHTS-OF-WAY FROM THE PLAT OF POMELLO PARK. RECORD S46-641

STREET VACATION: REGENCY OAKS

R-98-31-V A RESOLUTION DECLARING PUBLIC HEARING ON JUNE 16, 1998, AT 9:00 A.M., OR AS SOON THEREAFTER AS POSSIBLE, ON APPLICATION BY DAVID A. AND SHARYN C. NELSON TO VACATE A PORTION OF A 25-FOOT DRAINAGE EASEMENT ON LOT 102 OF REGENCY OAKS, PHASE I SUBDIVISION. RECORD S46-642

ORDINANCE 98-25: PORT DEBT SERVICE

Set public hearing for June 2, 1998, to consider authorizing the use of non-ad valorem revenues to make up debt service deficiency in the event of such a deficiency in connection with the Port's \$5 million bond anticipation notes.

(End Consent Agenda)

EMPLOYEE SUGGESTION AWARD

A Certificate of Merit was presented to Timothy Glover, Data Entry Operator, Transit, for an award-winning suggestion under the County's Employee Suggestion Program.

PROCLAMATIONS (Continued)Correction Officers' Week

Motion was made by Ms. Brown, seconded by Mrs. Harris and carried unanimously; to adopt a Proclamation designating the week of May 17-23, 1998, as Correction Officers' Week. RECORD S46-643

(NOTE: Proclamation readopted later in the meeting)

Human Service Providers' Day

Motion was made by Mrs. Harris, seconded by Ms. Brown and carried unanimously; to adopt a Proclamation designating May 21, 1998, as Human Service Providers Day. RECORD S46-644

Barbara Talburtt, representative of the Coalition of Human Services, accepted the Proclamation.

Mental Health Month

Motion was made by Mrs. Stein, seconded by Mr. Bruce and carried unanimously; to adopt a Proclamation designating the month of May 1998 as Mental Health Month. RECORD S46-645

Mary Ruiz, Manatee Glens Director, accepted the Proclamation.

Volunteer Appreciation Month

Motion was made by Mr. Bruce, seconded by Mrs. Harris and carried unanimously; to adopt a Proclamation designating the month of May 1998 as Manatee County Volunteer Appreciation Month. RECORD S46-646

SUNCOAST BAKERIES, INC. - INDUSTRIAL DEVELOPMENT BONDS

Public (TEFRA) hearing (Notice in the Bradenton Herald 5/1/98) was held by the Florida Development Finance Corporation (FDFC) to consider the proposed issuance and sale (not exceeding \$2,000,000) of Industrial Development Revenue Bonds by FDFC to finance the acquisition of equipment and construction of an addition to an existing facility located at 2811 59th Avenue Drive East, Bradenton, Florida, (Suncoast Bakeries, Inc., d/b/a St. Armand's Baking Company).

William Jones, FDFC Hearing Officer, conducted the (TEFRA) public hearing and explained the purpose of the bond issuance.

Bernard Vroom, President of St. Armand's Baking Company, described the project, which entails a 20,000-square-foot expansion to the bakery facility. The project will create approximately 25 new jobs over the next three years with wages above the average annual wage.

Motion was made by Mr. Bruce, seconded by Mr. McClash and carried unanimously, to adopt Resolution R-98-121 confirming the TEFRA hearing

**R-98-121** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE ISSUANCE OF NOT TO EXCEED \$2,000,000 IN INDUSTRIAL DEVELOPMENT BONDS BY FLORIDA DEVELOPMENT FINANCE CORPORATION TO FINANCE A MANUFACTURING FACILITY WITHIN MANATEE COUNTY (**SUNCOAST BAKERIES, INC., d/b/a ST. ARMAND'S BAKING COMPANY**) WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; PROVIDING THE CONSENT OF THE COUNTY PURSUANT TO THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. RECORD S46-647

Recess/Reconvene. All members present.

CITIZENS' COMMENTS

**Perico Island Annexation** - William Embody, President of Perico Homeowners' Association, spoke against the proposed annexation into the City of Bradenton of approximately 400 acres on the northern portion of Perico Island. Major concerns are: (1) effect on an environmentally sensitive area; (2) additional traffic impact; and (3) area density.

OUTERLIMITS NIGHTCLUB

James Minix, Assistant County Attorney, stated the Board requested (4/7/98) the County Attorney's office investigate complaints by the resident of the Southernaire Mobile Home Park and adjoining neighborhoods to local law enforcement involving noise and vibrations emanating from the Outerlimits Nightclub located on U.S. 41, south of 53rd Avenue West.

The residents have requested the County initiate a public nuisance action to force the nightclub to turn down or off the low frequency bass subwoofer that is causing the disturbance. The residents maintain that the low frequency bass music with vibrations and accompanying patron noises (9:00 p.m. to 2:00 a.m.) have become a nuisance, and a health hazard, causing sleep deprivation. The noise constitutes a public nuisance enforceable by an injunction under Florida Statute 60.05.

Staff met with Outerlimits' attorney to determine the type of action that should be taken to eliminate the disturbance. It was determined this type of noise and/or vibrations do not violate the current County noise ordinance as the decibel level is not in question; therefore, the Sheriff cannot enforce the ordinance against the nightclub.

Mr. Minix recommended:

- The owners of the Outerlimits should be formally warned that the County will seek injunctive relief in accordance with Florida Statute 60.05(2)
- Authorize the County Attorney to take appropriate legal action to enforce state and local nuisance laws against Outerlimits Nightclub and its owners, officers or employees; and,
- Authorize the County Attorney to review and revise the noise ordinance (Sec. 2-21-31, et seq.) of the Manatee County Code.

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(Mr. Stephens absent for portion of discussion)

Discussion: Board should take action at this time; complaints have been received on another establishment associated with Outerlimits; revise noise ordinance to define vibrational noise, to determine a nuisance prior to taking legal action, etc.

The matter was continued to later in the meeting.

**PROCLAMATION - CORRECTION OFFICERS' WEEK**

Motion was made by Ms. Brown, seconded by Mr. McClash and carried unanimously, to adopt a Proclamation designating the week of May 17-23, 1998, as **Correction Officers' Week**.

Correction Officers were present to accept the Proclamation.

**LONGBOAT KEY BEACH FUNDING**

**Gordon Haglund**, Town of Longboat Key Commissioner, requested the County consider amending the distribution of funds collected from the one-cent portion of the Tourist Development Tax (TDT) to Longboat Key for beach maintenance and erosion control. A handout explaining Longboat Key's Beach Management Plan was provided.

Presently, Longboat Key received \$150,000 per year from TDT funds. The Town is requesting 1/3 of TDT funds generated within the Town for a ten-year period for the Beach Management Program. In return Longboat Key agrees to take complete responsibility for funding the balance of its Beach Management Plan, including monitoring, renourishment and maintenance for the ten-year period.

Discussion: Interlocal agreement would be required; Longboat Key is developing a Beach Management Plan through the year 2011; Sarasota County agreed to the allocation for 10 years with the condition that Longboat Key not pursue additional TDT funding during that time, etc.

(Depart Mrs. Harris)

**Dr. Cliff Truitt**, Mote Marine Laboratory, addressed past projects; comprehensive monitoring elements; sample monitoring data; eroding profiles; projected construction costs to rebuild eroded portions from year to year; 2002 construction costs; project funding sources, etc.

(Enter Mrs. Harris)

**Bruce St. Denis**, Town Manager of Longboat Key, outlined the Town's proposed distribution of TDT funds and the project's funding sources. He stated the Town is scheduling a referendum (November 1999) for authorization to bond the project.

Mr. Haglund introduced Mayor Lenobel and members of the Longboat Key Commission.

**Disposition:** Financial Management staff to report on beach renourishment projects over a ten-year period. The Tourist Development Council to respond on changes in levels of funding.

(Depart Mr. McClash during discussion)

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

**OUTERLIMITS NIGHTCLUB** (Continued)

Mr. Minix defined a public nuisance (F.S. 823) as something that tends to annoy the community, injure the health of the citizens in general, or corrupt public morals or manners. There is sufficient testimony to indicate this establishment is not only annoying, but is affecting the health of nearby residents. He stated a public nuisance action may be brought in the name of the County.

Discussion: Efforts to settle this action without legal intervention are exhausted; Land Development Code (LDC) provision regarding vibrations (723.3.3); authorize staff to measure the vibrations to determine if a violation exists; LDC exempts vehicle noise; LDC provision and the noise ordinance need to be reviewed; the 30-Something establishment has also become a disturbance, etc.



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**Mark Singer**, representing Jack and Ellie Carson (residents of Southernaire Mobile Home Park), requested the Board authorize a lawsuit be filed. He stated the Board may need to retain an expert to measure the vibration sound to determine the violation exists.

**J. Richard Kaiser**, owner of Outerlimits Nightclub, Beaches Bar and Grill, and 30-Something, stated plans are underway to construct a wall to eliminate the vibration sounds from traveling into Southernaire Mobile Home Park. He assured the problem would be resolved in a timely manner and offered to reduce the volume of the low-decibel sound in the interim.

Discussion: Why Mr. Kaiser has not resolved the long-time problem; Board members urged Mr. Kaiser to disconnect the low frequency base machine, etc.

The following individuals spoke of the disturbances of the vibrations and noise from Outerlimits and requested immediate action:

<b>Richard Jones</b>	<b>Ruby M. Dowell</b>	<b>Ellen Millard</b>
<b>Robert Ewing</b>	<b>Joseph Stubeck</b>	<b>Doug Wilson</b>

**Andreas Jureas**, General Manager of Outerlimits, stated remedial action is being taken to rectify the situation.

#### Motion - Legal Action

Motion was made by Mr. McClash, that the County Attorney take appropriate legal action to enforce state and local nuisance laws against the Outerlimits Nightclub and the 30-Something establishment, and its owners, officers or employees. Motion was seconded by Mrs. Harris and carried unanimously.

#### Motion - Noise Ordinance

Mrs. Harris moved that the County Attorney's office be directed to review and revise the noise ordinance, Section 2-21-31, et seq., of the Manatee County Code. Motion was seconded by Mr. Bruce.

Discussion: Vibrations, including automobiles, to be reviewed; include review of LDC Section 723.3.3; cost estimates of measuring vibrations, etc.

Motion carried unanimously.

#### Motion - Land Development Code

Motion was made by Mr. McClash, to authorize staff to amend the Land Development Code to outline the permitting of establishments that generate noises, such as the category of nightclubs, to create separate permits with separate conditions to protect the public. Motion was seconded by Mr. Bruce and carried unanimously.

#### PERICO ISLAND ANNEXATION

Michael Wood, Planning Department, stated the City of Bradenton has received an application to annex a portion of Perico Island into the City. The site is adjacent to the City across Manatee Avenue West, on the northern portion of Perico Island and contains 416 acres, 345 of which are uplands. The land consists of various zoning and Future Land Use categories all within the Coastal High Hazard Area (CHHA). Zoning and Future Land Use Maps were displayed.

Staff has concern the annexation will create an enclave of County property and cause increased density in the CHHA.

Mr. Wood displayed an aerial map stating significant environmental concerns also exist on the property and mangrove fringe surrounding Perico Bayou. The City plans to consider the annexation on June 10, 1998.

Discussion: Florida Statute permits annexation; motivating factor for the annexation; multiple owners of the property; concerns with mangrove protection; draft a stipulation recommending the City prohibit mangrove trimming and limit intrusions within the mangrove fringe, etc.

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(Continued)

Motion was made by Mr. McClash, that staff attend the City meeting on the annexation of this property in order to state the County's concerns. Motion was seconded by Mrs. Stein and carried unanimously.

(Depart Mr. Stephens)

Mr. Wood stated that staff would prepare a letter to the City outlining Board concern and staff's recommendations. The letter will be brought to the Board on June 2, 1998. He submitted a letter (5/8/98) from Susan Normand, Chairman of Holmes Beach Planning Commission, to Jerry West, City Planning Director, outlining similar concerns.

P.S. BEACH ASSOCIATES, INC.

Danny Hopkins, Parks and Recreation Director, stated P.S. Beach Associates, Inc., (Licensee) has requested renewal of its license agreement (6/2/92) for a third, three-year term (6/4/01) for beach concession services at the Coquina and Manatee Beaches. The addendum permits the Licensee to sell alcoholic beverages on the Manatee Beach premises, subject to terms and conditions set forth in the document.

Mr. Hopkins stated the balance of license fees from 1994/1995 (\$18,538) will be satisfied in accordance with the payment plan outlined in the addendum.

(Enter Mr. Stephens during discussion)

Discussion: Concern regarding the interpretation of Section 13.1(e) and (f); appropriate containers and proper disposal of containers; sales will be limited to beer and wine; alcoholic beverages outside the facility; enforcement measures; County liability on a public beach; maintaining a family atmosphere; alcoholic beverages sold in other County facilities; inebriated customers; specify consumption of alcoholic beverages in glassware and limit to inside the air conditioned dining area; hours of sale; liquor license, etc.

Motion - Third Renewal Addendum

Motion was made by Ms. Brown to authorize execution of the Third Renewal Term Addendum and Amendment with P.S. Beach Associates, Inc. Motion was seconded by Mrs. Harris.

Discussion: Licensee will monitor; clear language regarding inside consumption.

Motion - Amended

Mr. McClash moved to amend Paragraph (a) of Section 13.1 to limit such sales to inside the Manatee Beach facility only. Motion was seconded by Mrs. Stein.

Discussion: Most patrons sit at the outside patio; the addendum proposes an aggressive payment schedule for the next three years.

Vote on Amendment

Motion to amend failed 3 to 4, with Mr. Stephens, Ms. Brown, Mrs. Harris and Mr. Bruce voting nay.

Vote on Motion

Original motion carried 4 to 3, with Mrs. Stein, Mr. McClash and Mr. Bruce voting nay. RECORD S46-648

Recess/Reconvene. All members present except Mr. Stephens.

YMCA LICENSE AGREEMENT

Mr. Hopkins requested execution of the Amendment and Addendum to License Agreement (5/20/97) with Manatee County Family YMCA for use of the John H. Marble Recreation Facility. The YMCA has agreed to pay \$10,000 annually, in four installments of \$2,500. He stated that a recreational program and budget estimate report for possible County programs at the facility has been included with the agenda package.

Motion was made by Mr. Bruce, seconded by Ms. Brown and carried 6 to 0, to approve the request. RECORD S46-649

NONCONFORMING LOTS

Carol Clarke, Planning Director, stated since the adoption of a Land Development Code amendment (Ordinance 96-50) to allow 20 percent of wetlands on five-acre lots in the "A" zoning district, the Building Department has been requiring upland verification. Issues have arisen on lots created by metes and bounds splits, which require no County review. Several lots have been identified, which do not meet either the current or previous requirements. Staff has identified a potential of 100 lots that may fall into this category.

Ms. Clarke presented options to address these non-conforming lots:

- . Allow the issue to be resolved privately
- . Consider wetland mitigation to create required uplands
- . Consider creative alternatives to address individual cases
  - PDR zoning
  - Other zoning districts
  - Lot reconfiguration
- . Amend the Code (and Plan if necessary) to allow building permits to be obtained

Discussion: A legal nonconforming lot prior to existence of County regulations; subject all newly-created lots to the Planning Department process; examine planned development categories.

Mr. Clarke recommended the Board examine nonconforming lots on a case-by-case basis. She stated the Board might also wish to consider the initiation of planned development zoning, together with a possible waiver of some of the fees.

John Stephens suggested trying the acquisition of a Parcel I.D. number from the Property Appraiser to the Planning Department.

Ms. Clarke was instructed to bring back a report on individual, nonconforming lots on a parcel-by-parcel basis with implications.

SEABREEZE MOBILE HOME ESTATES

Dave Brangaccio, Public Works Department, stated Seabreeze Mobile Home Estates had potable water and sewer services provided through a master meter from County facilities under an agreement with the City of Bradenton. The County billed the City at a wholesale rate, and residences were metered and billed by the City.

In April 1990 the City connected Seabreeze to its municipal potable water system. When the connection was made, the County master meter was removed, but the wastewater connection was not disconnected. As a result of miscommunication, the County ceased billing the City for both potable water and wastewater services, while the County continued to accept wastewater from Seabreeze and the City continued to charge the residents for wastewater.

Staff met with City representatives to rectify the errors. Mr. Brangaccio presented an interlocal agreement with the City of Bradenton in which the City agrees to pay the County a lump sum of \$87,627.60. The agreement also establishes a procedure for future billings.

(Enter Mr. Stephens during discussion)

Discussion: County is entitled to interest earned on money collected by the City; full compensation (approximately \$200,000) for eight-year period should be pursued; present a formal request to City Council; County has several accounts that involve shared services; dollar amount in the agreement is a negotiated compromise.

Mr. Padgett stated he would assist Public Works staff and report at the next meeting. The County Attorney will also be involved.

SOLID WASTE FRANCHISE RENEWAL

Len Bramble, Public Works Director, stated a staff committee has been discussing issues dealing with renewal of the solid waste franchise hauler agreements (with Waste Management and Browning-Ferris Industries), which are to expire October 1, 2000.

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(Continued)

The primary issue deals with the configuration of current franchise areas, and another issue involves costs for the County to assume solid waste collection.

Mr. Brangaccio read excerpts from Ordinance 85-11, Section 3, Statement of County Intent, included in the Solid Waste Franchise Hauler Request for Proposal (RFP). He displayed a Refuse Collection Areas map, showing franchise and variance areas. He reviewed options of variance areas versus no variance areas; one franchise area versus two or three franchise areas; collection frequency, etc.

Staff recommended conceptual approval of the development of an RFP which includes four options: (a) one franchise area with no variance area; (b) one franchise area with the existing variance area; (c) two relatively equal franchise areas with no variance area, and (d) two franchise areas with the existing variance areas.

Discussion: Variance areas; residential solid waste collection is mandatory only in western part of the County; service is available in variance areas at option of customer at a price of 60 percent higher than in mandatory areas; residential communities in variance areas; everyone should pay the same rate; pre-bid conferences with potential vendors; process of low bid or negotiated franchises; best method to procure the service; staff to initiate a Request for Information (RFI); RFI may change scope of franchise areas; maintain competition between vendors, etc.

Discussion: Limit hours of operation; yard waste collection without restriction of bundling; vehicle to collect both garbage and recyclables; maintain current collection schedule; areas that generate a monthly pickup, etc.

Jim Seuffert, Financial Management Director, spoke of the benefits of the RFP process as opposed to the bid process.

#### AUTOMATIC WATERING SYSTEMS

John Zimmerman, Public Works/Water Manager, stated that during discussion of the Manatee County Plumbing Code (Ordinance 98-05, 4/7/98), staff was instructed to report on the regulations on moisture sensors for automatic sprinkling systems.

Florida Statute 373.62 requires any person who purchases or installs an automatic lawn sprinkler system after May 1, 1991, to install a rain sensor or switch to override the irrigation cycle when adequate rainfall has occurred. Chapter 373 also gives authority to local officials to assist in the enforcement, upon request by the Water Management District or Florida Department of Environmental Protection.

Section 715 of the Land Development Code includes irrigation standards which require installation of rain or moisture sensing devices on any irrigation system using potable water. Section 1204 also provides for additional penalties including fine schedules for violations.

Mr. Zimmerman stated single-family and duplex residential dwellings are exempt from Section 715. He suggested amending Section 715 to require all irrigation systems have moisture sensing devices, regardless of the water source, and Section 1204 to establish a fine schedule for violations of 373.62 F.S., to apply to all properties, residential or commercial. Other options would be to amend the Plumbing Code to require sensors on irrigation systems, or to create a separate, local ordinance requiring sensors on all irrigation systems.

Staff is preparing for Board approval, a mass mailing on utility envelopes to inform residents of state requirements. Mr. Zimmerman stated Code amendments will come forward at a later date.

CITY OF ANNA MARIA - ROADWAY PAVEMENT MARKING MAINTENANCE

Harry Mendenhall, Transportation Department, presented an interlocal agreement with the City of Anna Maria, for roadway pavement marking maintenance within the City limits. Under the terms of the agreement, the County would assume responsibility for the maintenance of all pavement markings within the City's limits, while the City agrees to reimburse the County 150 percent of all labor costs, plus the cost of all materials and equipment used to install the pavement markings.

(Depart Mrs. Harris)

Discussion: Transportation staff is backlogged with County road projects and cannot assume additional maintenance work; County does not have the manpower or resources; liability, etc.

Motion was made by Mr. Stephens to approve the item as presented. Motion was seconded by Ms. Brown.

(Enter Mrs. Harris)

Discussion: Working equipment; County roads are first priority; staff should assist the City so long as it does not interfere with County work schedules, etc.

Motion carried 4 to 3, with Mrs. Stein, Mr. Bruce and Mr. McClash voting nay. RECORD S46-650

U.S. 301/UNIVERSITY PARKWAY - HIGHWAY LIGHTING

Harry Mendenhall, Transportation Department, presented for adoption

**R-98-126** A RESOLUTION AUTHORIZING EXECUTION OF A JOINT PROJECT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR HIGHWAY LIGHTING AT THE INTERSECTION OF STATE ROAD 683 (U.S. 301) AND UNIVERSITY PARKWAY INTERCHANGE.

and

Execution of a Joint Project Agreement with Florida Department of Transportation for the adjustment, relocation and/or installation of highway lighting at the intersection of State Road 683 (U.S. 301) and University Parkway Interchange.

Mr. Mendenhall stated FDOT has agreed to install highway lighting at the interchange provided the County agrees to operate and maintain the lighting system. Sarasota County will share operation/maintenance costs under the terms of the Interlocal Agreement for University Parkway.

Motion was made by Mr. Bruce, to adopt Resolution R-98-126. Motion was seconded by Mr. Stephens and carried unanimously. RECORD S46-651  
S46-652

TRAFFIC CALMING - 8TH AVENUE WEST (U.S. 41 NORTH, PALMETTO)

Mrs. Glass relayed a telephone message from Kathy Holt requesting traffic calming on 8th Avenue West in Palmetto.

**Disposition:** Referred to Transportation staff.

VALUE ADJUSTMENT BOARD

The Chairman requested the appointment of three members of the Board of County Commissioners, and alternates to the 1998 Value Adjustment Board, and designate one member to serve as Chairman.

Mr. McClash, Mr. Bruce and Mrs. Glass volunteered to serve as members, with Mrs. Harris serving as an alternate.

Mr. McClash offered to serve as Chairman of the Value Adjustment Board.

ELECTED OFFICIALS PARTICIPATION IN COUNTY-FUNDED PROJECTS

Teddy N. Williams, Jr., County Attorney, relayed an inquiry from a work session (5/12/98), regarding the State Housing Initiative Partnership (SHIP) Programs and whether participation by an elected official is governed in the Procurement Code (84-02 as amended). He also addressed a request for a policy regarding the participation of elected officials in County-funded projects. Staff would have to examine the legal issues raised by such a policy.

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(Continued)

Mr. Stephens addressed the rights of individuals to conduct business openly and honestly in a government setting.

Mr. Williams advised there are statutes to regulate conflicts of interest, ethics, etc., but the County cannot enact an ordinance that is in conflict with general law. Should the Board desire to proceed in this matter, he requested specific topics be provided in order for staff to research the law and draft effective policy.

Discussion: Reason for legal review; process needs to be better understood by Commissioners and the public; policy to preclude a Commissioner or an organization in which he/she is involved from receiving funds administered by the County; should elected officials be held to a higher standard; individuals have the right to do business subject to state law; is the SHIP program governed under the Procurement Code; SHIP and HOME programs should be brought back and clearly explained.

Board members agreed that another work session is needed to review the procedures governing the funding process for SHIP, HOME and other programs.

**NO PARKING SIGNS - HOLLY AVENUE/SHEPHARD STREET**

Mrs. Harris stated no parking signs (Holly Avenue/Shephard Street) near Shooters (at the Airport Holiday Inn) were approved based on a fraudulent petition submitted in a prior meeting. Several individuals who signed the petition were not made aware of the ramifications of the no parking signs.

Mrs. Harris moved to set a new public hearing to reconsider traffic control issues on Holly Avenue and Shephard Street. Motion was seconded by Mr. Stephens and carried unanimously.

**COMMISSIONERS' COMMENTS**

**Manatee County Council of Governments** - Mrs. Glass stated she received a letter (4/22/98) from Mayor Hal Lenobel, Town of Longboat Key, suggesting Manatee County consider forming a Council of Governments (COG) committee, similar to the one in Sarasota County.

(Depart Ms. Brown)

**Disposition:** County Administrator was directed to send a letter of invitation to Longboat Key to join the Manatee County CEO roundtable.

**One-Cent Sales Surtax** - Mrs. Glass stated there has been misinformation regarding the County initiating a referendum for a one-cent sales surtax (extension), with one-half cent allocation to the School Board.

Mr. Padgett stated he has discussed the issue with the Superintendent and the School Board Chairman.

(Enter Ms. Brown; Depart Mr. McClash)

Mrs. Glass requested another joint work session with the School Board to discuss the sales surtax issue.

**Disposition:** Referred to Mr. Padgett.

**Braden River Park** - Mr. Bruce stated the restrooms at Braden River Park need hand dryers. Additional shell is also needed.

**Marble Recreation Center - Our Family Ranch** - Mr. Bruce requested the County Attorney review the lease with Our Family Ranch, Inc. There are questions regarding licensure as a foster home, and whether the necessary reports are being filed with the Clerk of the Circuit Court.  
**Disposition:** County Attorney to schedule the matter on a future agenda.

**Oneco Sidewalks** - Mr. Bruce requested staff examine the possibility of completing sidewalks on 24th Street East, south of State Road 70, and report back on the status of right-of-way and sidewalks on 51st Avenue East.

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(Continued)

Road Widening Projects - Mr. Bruce advised the Board of his plans to organize an informal advisory committee to discuss road widening projects for State Road 64 and State Road 70, east of the interstate.

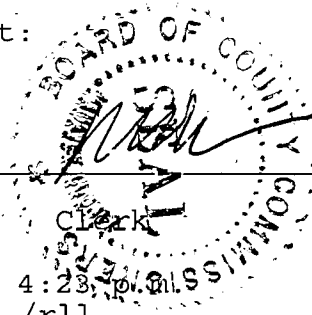
BLACKSTONE PARK

Mr. Padgett reported that the negotiations for acquiring the additional 12.1 acres at Blackstone Park at its appraised value (\$305,000) were successful and the purchase documents are being prepared. The matter should be on an agenda within the next 30 days.

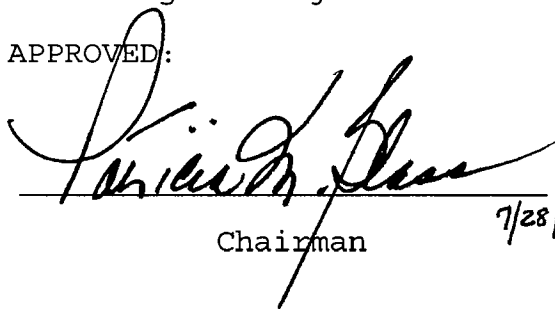
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

  
Clerk

APPROVED:

  
Chairman 7/28/98

Adj: 4:23 p.m.  
/rll