

JUNE 16, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, June 16, 1998, at 9:08 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

All witnesses/staff giving testimony were duly sworn.

AGENDA CHANGES

Ernie Padgett, County Administrator, announced deletions from the agenda: (1) **Enterprise Zone Boundary Amendment**; (2) **Public Hearing for Emergency Management Ordinance**; (3) **Circuit (Judicial) Conflict Committee**.

CONSENT AGENDA

Upon motion by Mrs. Harris and second by Ms. Brown, the Consent Agenda dated June 16, 1998, was unanimously approved. Items APPROVED:

CLERK'S CONSENT CALENDAR

BONDS

Accept:

Banyan Bay Corporation

Defect Security: \$20,000 (Surety Bond, 30471399, Fidelity and Deposit Company of Maryland).

Blue Heron

Performance Bond: \$5,616 (Amendment to Letter of Credit 211-97 from United Bank amending expiration date to 6/22/99).

Release:

Blue Heron

1. Agreement with 20 Liles Street Inc., warranting required improvements, \$8,345.56.
2. Defect Security: \$8,345.56 (Letter of Credit Surety Bond 210-97, United Bank and Trust Company, Surety).

REFUNDS

Manatee Joint Venture - Impact Fee Refund	\$	226.40
Vantage Real Property Holding Corp. - Impact Fees		24,299.00
Custom Homes - Fire Hydrant Installation Fee		1,800.00
West Central Florida Area Agency on Aging, Inc. - HCE		2,093.53

WARRANT LIST

Approve: June 02, 1998 to June 15, 1998
Authorize: June 16, 1998 to June 22, 1998

AUTHORIZE CHAIRMAN TO SIGN

Partial Release of Special Improvement Assessment Liens:

Projects 3001/2504; 3009/5147(2); 3010/5148; 3102/2502(4);
5147/5147(2); 6101/3906

Satisfactions of Judgment:

Sherrie Branch, Case 88-2438F
John F. Osterhoudt, Case 97-2279F

APPROVE, RATIFY & CONFIRM

Parks & Recreation Special Interest Class Agreement:

Rebecca Moeller - Aerobics

RECORD s46-714

ACCEPT

Peace River/Manasota Regional Water Supply Authority - Authority's Tentative Budget for FY 98-99 and Resolution Setting Forth Preliminary Schedule(s) Fixing and Classifying Rates, Fees, and Charges for Treated Water for FY 98-99.

Lakewood Ranch Community Development District 2 - Minutes of Board of Supervisors Meeting April 2, 1998.

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Continued

Nelson v. Manatee County (USDC Case No. 96-1920-CIV-T-17C, CAO File No. 846) Transcripts of pending litigation meetings (3/11/97, 4/8/97, 4/22/97).

Records Destruction Request - No. 393, Parks and Recreation, G. T. Bray Park

COUNTY ADMINISTRATORCHILD SUPPORT ENFORCEMENT

Execute funding agreement with State of Florida, Department of Revenue for reimbursement of Child Support Hearing Officer expenses, (\$83,355: \$55,014 State; \$28,341 County match; 7/1/98-6/30/99). RECORD S46-715

DRUG CONTROL GRANT - AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

R-98-152 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 COMMUNITY AFFAIRS FOR THE ACQUISITION OF AN AUTOMATIC FINGERPRINT IDENTIFICATION SYSTEM BY THE MANATEE COUNTY SHERIFF'S OFFICE IN PARTNERSHIP WITH THE SARASOTA COUNTY SHERIFF'S OFFICE.

(Total \$707,455; Department of Community Affairs \$530,591; Local Match \$176,864) RECORD S46-716
S46-717

FIREWORKS DISPLAY PERMIT

Execute approval of fireworks display permit for private fireworks to be held on June 27, 1998 at DeSoto Speedway, Bradenton. RECORD S46-718

TAX CERTIFICATES

Execute Notice to Proceed with Application for Tax Deeds from 1996 County-held Tax Certificates. RECORD S46-719

WORKPLACE SAFETY COMMITTEE

R-98-136 A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS REORGANIZING THE MANATEE COUNTY WORKPLACE SAFETY COMMITTEE AND RESCINDING RESOLUTION 94-236.

(adopting revised guidelines) RECORD S46-720

CABLE TELEVISION - FRANCHISE FEE

Execute letters to Time Warner Cable, Comcast Cablevision, Universal Cable, and U.S. Cable of Lake County indicating County's position on a decision by the Fifth Circuit U.S. Court of Appeals regarding the change in definition of gross revenue.

PALMETTO/NORTH MANATEE COUNTY ENTERPRISE ZONE DEVELOPMENT AGENCY

R-98-130 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING RESOLUTION 95-223, PROVIDING FOR THE REAPPOINTMENT OF SEAT NO. 11; AND PROVIDING FOR THE APPOINTMENT OF SEAT NO. 12 OF THE PALMETTO/NORTH MANATEE COUNTY ENTERPRISE ZONE DEVELOPMENT AGENCY. RECORD S46-721

(Reappointment of Mary A. Kelly (term expires 11/7/99), Seat 11; appointment of James A. Hall (term expires 11/7/99), Seat 12)

COMMUNITY SERVICE PROGRAM - INSURANCE POLICY

Execute policy application with National Casualty Company for the provision of accidental death, specific loss, and medical expense coverage for Alternative Community Service Program (probation) participants. RECORD S46-722

ALZHEIMER'S DISEASE INITIATIVE GRANT

R-98-160 A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE GRANT APPLICATION AND GRANT AGREEMENT FOR THE ALZHEIMER'S DISEASE INITIATIVE PROGRAM

(Agreement with West Central Florida Area Agency of Aging, Inc.; Total \$138,831; State Funds \$135,831; Client Co-payments \$3,000; July 1, 1998 to June 30, 1999). RECORD S46-723
S46-724

COMMUNITY CARE FOR THE ELDERLY GRANT

R-98-161 A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE GRANT APPLICATION AND GRANT AGREEMENT FOR THE COMMUNITY CARE FOR THE ELDERLY PROGRAM

(Agreement with West Central Florida Area Agency on Aging, Inc.; Total \$935,499; State Funds \$811,404; County Funds \$90,156; Program Income \$2,439; Client Co-payments \$31,500; July 1, 1998 to June 30, 1999). RECORD S46-725
S46-726

COMMUNITY CARE FOR THE ELDERLY HOME DELIVERED MEALS

Execute Addendum 3 with Meals on Wheels Plus, Inc., for the provision of Community Care for the Elderly Home Delivered Meals extending the contract to June 30, 1999 (\$76,381; State grant \$67,894; County match \$8,487). RECORD S46-727

HOME CARE FOR THE ELDERLY GRANT

R-98-162 A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE GRANT APPLICATION AND GRANT AGREEMENT FOR THE HOME CARE FOR THE ELDERLY PROGRAM

(Agreement with West Central Florida Area Agency on Aging, Inc.; \$129,853 State Funds; \$25,396 Home Care for the Elderly Case Management; \$104,457 Home Care for the Elderly Basic and Special Subsidy Services).

RECORD ^{S46-728}
S46-729

CHILDREN'S SERVICES

Execute amendments to Fiscal Year 1997-98 dedicated millage funding agreements with non-profit agencies:

Hope Family Services, Inc.

Family Restoration (Amendment Number 2); Child Abuse Treatment & Prevention Program (Amendments Number 1).

Project Rainbow/Easter Seals

Respite (Amendment Number 1)

RECORD ^{S46-730}

UNITED WAY OF MANATEE COUNTY NEEDS ASSESSMENT

Conceptual approval to provide \$12,926 to United Way of Manatee County, Inc., to assist with a Human Services Needs Assessment conducted by The University of South Florida contingent upon (1) grant award from the Knight Ridder Foundation; (2) coordination of matching funding by United Way of Manatee County, Inc.; and (3) execution of a contract between United Way of Manatee County, Inc., and The University of South Florida.

^{S46-731}

^{S46-732}

TRANSPORTATION DISADVANTAGED TRIP AND EQUIPMENT GRANT

R-98-154 A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS (APPLICANT), HERINAFTER BOARD, HEREBY AUTHORIZING THE FILING OF A TRANSPORTATION DISADVANTAGED TRUST FUND GRANT APPLICATION WITH THE FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

(Total \$318,347; State Funds \$286,512; Farebox Revenue \$31,835).

RECORD ^{S46-733}

TRANSIT OPERATING ASSISTANCE

R-98-159 A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE EXECUTION OF THAT CERTAIN SUPPLEMENT JOINT PARTICIPATION AGREEMENT (JPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION

(Total \$200,000; State Funds \$100,000; Local Match \$100,000).

RECORD ^{S46-734}

^{S46-735}

BUDGET AMENDMENTS

VARIOUS DEPARTMENTS (B-98-057)

Transfer of Funds; Unanticipated Revenue Appropriations

Supporting Description and Detail Attached

RECORD ^{S46-736}

PAYMENT IN LIEU OF TAXES

R-98-149 A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE IMPOSITION AND PAYMENT OF CERTAIN PAYMENTS IN LIEU OF TAXES UPON CERTAIN PROPERTY UTILIZED BY THE COUNTY'S UTILITY SYSTEM; PROVIDING FOR THE AMOUNT, SOURCE AND PRIORITY OF SUCH PAYMENT; AUTHORIZING THE PROPER OFFICERS OF THE COUNTY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE IMPOSITION AND COLLECTION OF SUCH PAYMENTS IN LIEU OF TAXES; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE. RECORD ^{S46-737}

MATERIALS AND SERVICES

1. **Parallelogram Bus Lift System** - Purchase via State contract from Advantage Lift Systems, Inc., total \$48,220.
2. **Computer Equipment/Library** - Purchase via State contract from Compaq Computer Corporation, not to exceed \$37,502.
3. **Filter Media: Sand and Anthracite** - Award IFB 98-5041MP to lowest responsive, responsible bidder, Anthrafilter (U.S.) Inc., for a total not to exceed \$94,513.10.
4. **Handybus Vehicles** - Purchase of Supreme Star Trans, Handybus Vehicles (7) via FDOT contract vendor Getaway Marketing, Inc., not to exceed \$372,589.
5. **Fairway Mower** - Purchase a Toro Fairway Reel Mower from Wesco Turf, Inc., not to exceed \$31,886.
6. **Telemetry Pump Control System** - Sole source purchase of Remote Terminal Units (RTUs) and FCC licenses from Data Flow Systems Inc., for a total cost of \$99,548.

SUMMER FOOD PROGRAM

1. Award IFB 98-5538MP for Summer Food Service Program to lowest responsive, responsible bidder, G. A. Food Services, Inc., for a not to exceed amount of \$94,718.40; and,
2. Execute contract with G. A. Food Services, Inc., and acceptance of insurance certificate. RECORD ^{S46-738}

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CANAL ROAD IMPROVEMENTS

Execute Change Order 1 to IFB 97-2031DC with Westra Construction Corporation, for replacement of a water line, increase \$130,705.80, and the addition of 36 days to contract completion for an adjusted contract amount of \$2,204,612.39 and a revised completion date of November 3, 1998. RECORD S46-739

COMMUNITY CARE FOR THE ELDERLY

1. **Alzheimer's Disease Initiative Respite Care Services** - Execute Addendum 4 extending the agreement with Olsten Health Services for one year (7/1/98-6/30/99), not to exceed \$90,515. RECORD S46-740
2. **Emergency Alert Response Services** - Execute Addendum 3 extending the agreement with SecurityLink from Ameritech, Inc., for one year (7/1/98-6/30/99), not to exceed \$44,361. RECORD S46-741
3. **Homemaker Services** - Execute Addendum 4 extending the agreement with Approved Homemakers & Companions, Inc., for one year (7/1/98-6/30/99), not to exceed \$231,656. RECORD S46-742
4. **Personal Care Services** - Execute Addendum 4 to the agreement with Olsten Health Services increasing the funding \$5,602.34, for an adjusted amount of \$215,811.88 (7/1/97-6/30/98). RECORD S46-743
5. **Personal Care Services** - Execute Addendum 5 extending the agreement with Olsten Health Services for one year (7/1/98-6/30/99), not to exceed \$234,991. RECORD S46-744
6. **Respite Services** - Execute Addendum 4 to the agreement with Olsten Health Services increasing the funding \$24,934.84, for an adjusted amount of \$111,333.88 (7/1/97-6/30/98). RECORD S46-745
7. **Respite Services** - Execute Addendum 5 extending the agreement with Olsten Health Services for one year (7/1/98-6/30/99), not to exceed \$111,430. RECORD S46-746

SURPLUS PROPERTY

Classify **excess property** as surplus property per Florida Statute 274.05, to enable appropriate and authorized disposition of said property in accordance with Procurement Code 84.02, Section 8.108; and authorize to thereafter dispose of such property. (various computers, office furniture and equipment) RECORD S46-747

FLOODPLAIN STUDY

Execute Change Order 1 to Work Assignment 3 with Boyle Engineering Corporation, for engineering services for a 25-year Manatee County Floodplain Study, an increase of \$10,472 for an adjusted Work Assignment, not to exceed \$214,796. RECORD S46-748

SEWER LINE REHABILITATION SERVICES

Execute Work Assignment 3 for sanitary sewer line rehabilitation (53rd Avenue from 9th Street East to 3rd Street West) with Insituform Southeast, Inc., not to exceed \$104,598. RECORD S46-749

SECURITY GUARD SERVICES

Renew contract (IFB 97-2272AA) for security guard services with National Building Maintenance, (7/1/98-6/30/99) estimated cost of \$73,944; and authorization to renew (7/1/99-6/30/00) provided there are no changes in prices, terms or conditions.

TALLEVAST ROAD

Execute Work Assignment 9 with Wade-Trim, Inc., for engineering services for conceptual design of Tallevast Road from 15th Street East to U.S. 301, not to exceed \$40,861. RECORD S46-750

JUNIOR GOLF CAMP FEE WAIVER

Waive fees for the Parks and Recreation Department's Junior Golf Camp participants to play nine holes of golf at the conclusion of each camp throughout the summer; **and** authorization for the Manatee County Golf Course to forgo its share of revenue in order to reduce the fee for participants.

EAST BRADENTON RECREATION COMPLEX PICNIC

Authorize the Parks and Recreation Department to conduct a picnic style special event at the East Bradenton Recreation Complex on June 27, 1998; **and** authorize waiving pool fees for the day.

CREDIT AUTHORIZATION

1. Execute Final Authorization of Transportation Credit, \$161,224.57 for eligible road construction costs, per Credit Authorization CA-96-07(T) for Lennar Mote Ranch, Ltd. RECORD S46-751
2. Execute Final Authorization of Transportation Credit, \$12,306 for eligible right-of-way dedication, per Credit Authorization CA-97-12(T) for Manatee Avenue Storage Partnership, L.L.P. RECORD S46-752

CHARLOTTE HARBOR NATIONAL ESTUARY

Execute Fiscal Year 1997-98 funding agreement with the Southwest Florida Regional Planning Council, for County share funding of the Charlotte Harbor National Estuary Program, \$5,000. RECORD S46-753

FINAL PLAT - GATES CREEK, UNIT 3

1. Final Plat.
2. Agreement with Centex Homes guaranteeing completion of required improvements, \$827,483.15.
3. Performance Bond: \$827,483.15 (Bond 5927962, Safeco Insurance Company of America).
4. Agreement with Centex Homes guaranteeing completion of required sidewalks and bikeways, \$26,325.
5. Performance Bond: \$26,325 (Bond 5927959, Safeco Insurance Company of America).
6. Agreement for Installation of Private Improvements in Subdivisions, Subsequent to Final Subdivision Plat Approval with Centex Homes. RECORD S46-754
7. Amendment to the Declaration of Covenants, Restrictions and Easements.
8. Second Supplement to the Declaration of Covenants, Restrictions and Easements.

PARTICIPATION PROJECTS

1. **R-98-138** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR ROAD ASSESSMENT PROJECT 5147 (**Samoset**).
(Property owned by Vernon, Eunice and Donald Nelson and Marion Mauldin) RECORD S46-755
2. **R-98-139** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SEWER ASSESSMENT PROJECT 5147 (**Samoset**).
(Property owned by Vernon, Eunice and Donald Nelson and Marion Mauldin) RECORD S46-756
3. **R-98-140** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SEWER ASSESSMENT PROJECT 5152 (**Washington Park**).
(Property owned by Betty Jean Crawford Mann) RECORD S46-757
4. **R-98-141** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SEWER ASSESSMENT PROJECT 2502 (**Palmetto Point**).
(Property owned by William and Janet Thompson) RECORD S46-758

MUNICIPAL SERVICE BENEFIT UNIT - SHELL BEACH

Set a first public hearing on July 21, 1998, at 9:00 a.m., or as soon thereafter as may be heard, to establish a Municipal Service Benefit Unit (MSBU) for two City of Palmetto parcels in Shell Beach.

PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY

Submission of Fiscal Year 1998-99 tentative budget for the Peace River/Manasota Regional Water Supply Authority; and approval of Manatee County's Fiscal Year 1998-99 Membership Contribution, \$54,678.

RECYCLING/EDUCATION GRANT

R-98-158 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXECUTION AND SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE RECYCLING AND EDUCATION GRANT PROGRAM (estimated amount, \$340,320). RECORD S46-759
S46-760

REFUND

Authorize refund of \$1,590.57 to Sunshine Masonry, Inc., due to billing adjustment and overpayment by customer.

TIME PAYMENT AGREEMENTS

Execution of time payment agreements for facility investment fees, connection and line extension charges with Kaye M. Oakley; Winifred D. Freeman & King Douglas; Karin Tanner Wadsworth (2); Dennis M. & Linda S. Frey; Rose M. Payton. RECORD S46-761-
S46-766

WASTE TIRE GRANT

R-98-157 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXECUTION AND SUBMISSION OF A WASTE TIRE GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE WASTE TIRE SHREDDING PROGRAM (estimated amount, \$138,621). RECORD S46-767
S46-768

57TH STREET EAST (MORGAN JOHNSON ROAD)

Warranty Deed from Ann Skahen a/k/a Ann O'ffill Bahk (Teen Relief Center) for right-of-way; Affidavit of Ownership/Encumbrances; Partial Release from Alexander and Dorothy V. Dolinski.

LAWSUIT: AMERICAN RECYCLING COMPANY, INC.

Authorize denial of Demand of Judgement by American Recycling Company Inc., et al. CA 96-1411, in the amount of \$961,250.

COPS MORE FUNDING

Approve, ratify and confirm delegation of authority to the County Administrator to execute COPS (Community Oriented Policing) More 1998 Funding Request to the U.S. Department Of Justice, prepared by the Manatee Sheriff's Office (\$258,256: Federal, \$193,692; Sheriff \$64,564).

RECORD S46-769

(End Consent Agenda)

AWARDS/PROCLAMATIONSCitizens' Academy Graduation

The Board of County Commissioners recognized the efforts of the 42 Citizens' Academy graduates in their completion of the County Educational Program. Certificates were presented to all participants.

Code Enforcement Officers' Week

Upon motion by Mrs. Harris and second by Mr. Stephens, a Proclamation designating June 15-19, 1998, as Code Enforcement Officers' Appreciation Week in Manatee County, Florida, was adopted unanimously.

Rita Mooney, Code Enforcement Supervisor, accepted the Proclamation and acknowledged the efforts of her staff.

RECORD S46-770

CITIZENS' COMMENTS

Joe Hampton, City of Palmetto Councilman, noted his concern of recent publications and communications regarding the Palmetto/North Manatee County Enterprise Zone. He stated the City Council believes the Enterprise Zone is valuable, and the Council would like to maintain a good working relationship with the County.

Audrey Keisacker, resident of Parrish, voiced her support of the continued one-cent sales surtax.

MANATEE COUNTY BLOOD CENTER

Jim Seuffert, Financial Management Director, presented the Community Partners Award to the Board of County Commissioners from the Blood Bank. He introduced Garnet McDonald, Employees Health Benefits, who coordinates the Blood Bank Drives on behalf of the County.

SOUTHWEST FLORIDA REGIONAL HARBOR BOARD

David Rothfuss, Assistant County Administrator, reviewed the Memorandum of Agreement with the Southwest Florida Regional Harbor Board, which has been developed to provide commonality of anchorage requirements throughout the southwest Florida region. The County will use the Harbor Board's mediation services to ensure that the County's vessel mooring requirements (as contained in Section 731 of the Land Development Code) are met. He stated this is a three-year pilot program and recommended adoption of the agreement, as well as the appointment of John Stevely, Department of Agriculture and Natural Resources, to the Harbor Board.

(Depart Mr. Stephens)

John Stevely, Agriculture and Natural Resources, outlined the program.

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 6 to 0, to execute the memorandum of agreement with the Southwest Florida Regional Planning Council on behalf of the Southwest Florida Regional Harbor Board; and to appoint John Stevely, Marine Extension Agent, as the Board's appointee to the Harbor Board.

RECORD S46-771

SARASOTA BAY NATIONAL ESTUARY PROGRAM

Charles Hunsicker, Planning Department, requested authorization of the funding agreement for Fiscal Year 1997-98 with the City of Sarasota for County share funding of the Sarasota Bay National Estuary Program (SBNEP) in the amount of \$50,000.

Mark Alderson, Executive Director of the SBNEP, submitted the Operating Budget for Fiscal 1998-99 and 1999-00, and stated funding is received from a variety of organizations, including Federal funds. He presented a program status report, and stated that Sarasota Bay has improved dramatically since 1990 with a 28-38 percent pollutant loading reduction due to waste water treatment improvements.

Discussion: Model yards; Florida Yards Program; land acquisition; artificial reefs; Manatee Agricultural Reuse Supply (MARS); Gulf Coast Heritage Trail; Blueways Guild with boaters' guide and fish habitat education; scallops being reintroduced into the Bay; national atmospheric data site has been established and will soon be installed at Lido Beach; coordination of organizations and volunteers; Leffis Key; representatives on National and Tampa Bay Estuary Programs; exploration of nature trails in the Crampton Subdivision which is designated as a County park.

(Enter Mr. Stephens during discussion)

Motion was made by Mr. McClash, seconded by Mr. Stephens and carried unanimously, to execute the funding agreement for Fiscal Year 1997-98 with the City of Sarasota for County share funding of the Sarasota Bay National Estuary Program in the amount of \$50,000, **and** issuance of letter of support to the Environmental Protection Agency. RECORD s46-772

LONGBOAT KEY BEACH FUNDING

Jim Seuffert, Financial Management Director, reviewed the request (presented 5/19/98) by the Town of Longboat Key, which has been endorsed by the Tourist Development Council. If approved, Longboat would receive one third of the Tourist Development Tax proceeds collected within the Town for beach maintenance and erosion control.

Mr. Seuffert stated the increase to Longboat Key would not adversely affect funding for the Anna Maria Beach Renourishment Project. However, if anticipated Federal funding does not become available for the Anna Maria Project, funding projections would have to be revisited.

(Depart Mrs. Harris)

Hal Lenobel, Mayor of Longboat Key, and **Bruce St. Denis**, Town Manager of Longboat Key, noted the Town would take care of five miles of Manatee County beaches in Longboat Key.

(Depart Mrs. Stein)

Mr. Stephens moved to support the increased funding for the Town of Longboat Key beach renourishment. Motion was seconded by Ms. Brown and carried 5 to 0.

(Enter Mrs. Harris; depart Mr. Stephens)

PLANNING

Public hearing (Notice in the Bradenton Herald 6/5/98 and continued from 5/26/98) was held to consider

PDC-98-02 (G) (P) - 14TH STREET CARWASH

Request: Preliminary Site Plan to allow a self-service carwash located on 1.45 acres at the northwest corner of 14th Street West and 29th Avenue West.

Planning Commission recommended APPROVAL with 8 stipulations;

Staff recommended APPROVAL with 9 stipulations

RECORD s46-773

(Enter Mrs. Stein)

John Osborne, Planning Department, reviewed the request and referred to a Revised Site Plan. He noted the plan includes the lots to the north (not in the original advertising) due to the proposed northern access, which aligns with 29th Avenue West. The southern access to 26th Avenue West has been eliminated.

The revised site plan depicts that the applicant has provided the location of the cul de sac, which would occur with the 30th Avenue extension project, as well as the location of a fence to the south. He submitted an aerial photograph illustrating the project. The cul de sac will cause removal of several of the mobile homes in the area.

(Enter Mr. Stephens)

Mr. Osborne stated staff has viewed some comparable facilities. He referred to a map of the City of Bradenton and pointed out a similar facility on Manatee Avenue and 27th Street East with a residential/mixed use area to the southwest of the facility. He indicated the similar design characteristics of the proposed site.

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In conversations with law enforcement agencies, Mr. Osborne stated the Manatee County Sheriff's Office indicated there were no outstanding issues associated with self-service car washes. The City of Bradenton indicated the only record of calls were for "boom boxes" and noise between 5:00-8:00 p.m. The original approval of the similar facility, located in the City of Bradenton, included a stipulation to secure the facility after hours, but did not limit hours of operation.

Mr. Osborne advised the applicant objected to limiting hours of operation and providing security. He stated the applicant is interested in the facility being denied or being approved with 24-hour operation.

Jeffrey Steinsnyder, Assistant County Attorney, stated if the Board determined there is a compatibility problem, denial would be for the reasons of adverse impact due to noise, light, etc. If there is not a compatibility problem, then staff stipulations could be deleted.

Barney Salmon, planner with Zollar, Najjar and Shroyer, stated he was not in agreement with Stipulation 2 regarding the hours of operation and security guard. He stated closing the facility at 10:00 p.m., would encourage vandalism. Regarding security, he indicated that a police substation is less than one mile from the facility. He voiced objection to Stipulation 6 regarding overspray in the area, indicating with the installation of the cul de sac and the elimination of mobile homes to the south, this issue would be lessened. He noted a fence has been added along the west side of the facility and stated he felt installation of high walls would increase security problems by creating dark spaces within the facility.

Discussion: Location of substation; hours of operation; vandalism; recycling water; water conservation; video surveillance; comparable facility stipulations; walls and thoroughfares, etc.

Greg Frey, facility designer, stated that incidents of vandalism typically occur when equipment does not work. He stated one incident of vandalism occurred at that facility on Manatee Avenue East, which was a break-in. Mr. Frey stated the applicant is providing the fence, buffer, and barrier area, which should resolve staff concerns regarding overspray and noise.

Regarding recycling water, Mr. Frey stated this is not mandated by the State of Florida. He indicated there is nothing in the code requiring recycling; however, provisions are being made for future recycling.

Cort Zoller, contract purchaser, reviewed Stipulation 6. He submitted a photograph of the facility design depicting the lower side walls. He indicated floor to ceiling walls to minimize overspray are not necessary, as this type of facility will only generate a fine mist. He objected to the high walls for security reasons. He stated that landscape buffers and the addition of the 6-foot fence will preclude any fine mist to nearby residential properties. Regarding Stipulation 2, he objected to the limited hours of operation and on-site security.

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

Mr. Osborne indicated staff has reconsidered its position and recommended **deletion** of the **second sentence** of Stipulation 6.

(Enter Mr. Bruce)

Staff also recommended **deletion** of **Stipulation 2** and adding an additional stipulation indicating that if security becomes an issue the owner shall provide or install a 24-hour surveillance system or on-site security.

Catherine Mackey, attorney representing the applicant, stated her client would object to a stipulation for on-site security, as it is not a requirement for any other like facility in the area. She requested approval without Stipulations 2 and 6. She advised if there is a stipulation requiring security, the applicant requested denial.

Discussion followed regarding: security is the responsibility of the owner and law enforcement.

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Ms. Mackey indicated that her client would not object to a requirement for a reuse water hook up, if that type of water is appropriate for washing cars.

Staff recommended new Stipulation 10:

10. The applicant shall hook up to reuse water, if appropriate for washing of autos, when it becomes available at a lower cost.

Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mr. Stephens moved to approve Preliminary Site Plan **PDC-98-02 (G) (P)** with Stipulations 1, 2 (deleted), 3, 4, 5, 6 (amended), 7, 8, 9 and 10 (added), as recommended by staff. Motion was seconded by Mr. McClash and carried 6 to 1, with Mrs. Harris voting nay. RECORDS 546-774

STREET VACATION - POMELLO PARK

Public hearing (Notice in the Bradenton Herald 5/15/98) was held to consider

R-98-34-V RESOLUTION VACATING CERTAIN RIGHT-OF-WAY IN **POMELLO PARK** BY APPLICATION OF MANATEE RANCHES, INC.

(Depart Mrs. Harris)

Jim Staples, Transportation Department, reviewed the request stating the request is to vacate four non-constructed rights-of-way.

Motion was made by Mr. Bruce, seconded by Mr. McClash and carried 6 to 0, to adopt **Resolution R-98-34-V**. RECORD 546-775

STREET VACATION - REGENCY PARK

Public hearing (Notice in the Brandenton Herald 5/15 & 22/98) was held to consider

R-98-32-V RESOLUTION VACATING A CERTAIN DRAINAGE EASEMENT IN **REGENCY OAKS SUBDIVISION** BY APPLICATION OF DAVID A. & SHARYN C. NELSON.

Mr. Staples reviewed the request. He indicated the vacation request will not adversely affect the drainage in the subdivision.

Motion was made by Mr. McClash, seconded by Ms. Brown and carried 6 to 0, to adopt **Resolution R-98-32-V**. RECORD 546-776

COMMISSION CHAMBERS USE

Ernie Padgett, County Administrator, relayed the request of the Judicial Center Working Group to consider use of Commission Chambers for juror assembly and judicial hearings. He submitted a list of dates requested. RECORD 546-777

Motion was made by Mr. McClash, seconded by Mr. Bruce, and carried 6 to 0, to approve the use of Commission Chambers.

Walt Smith, Court Administrator, expressed his appreciation.

(Enter Mrs. Harris)

BOWLEES CREEK

CONSENT ORDER

Jeffrey Steinsnyder, Assistant County Attorney, advised that a warning letter was received in June 1997, from the Department of Environmental Protection (DEP) regarding the dredging project in Bowlees Creek due to alleged permit infractions (Permit 412329723). He recommended entering into a Short Form Consent Order, assessing total penalties of \$1,250 to settle all outstanding issues. He advised that the funds will be deducted from the contractor's (Spring Lake Services) retainage.

Motion was made by Mrs. Harris, seconded by Ms. Brown and carried unanimously, to enter into the Consent Order as proposed by DEP. RECORD 546-778

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Continued

DREDGING PERMIT

Mr. Steinsnyder reviewed the request for the transfer of the DEP dredging permit (412329723) to Michael Bennett, Bowlees Creek Development, Inc. He explained the existing permit expires on September 10, 1998, with no renewal and Mr. Bennett, who has a development in the area, would like to utilize the County permit to dredge a portion of the canal (former Icard property, being developed as Hawk's Harbor).

He advised that Mitchell Palmer, Assistant County Attorney, has provided an agreement with Bowlees Creek Development, Inc., as well as an application for transfer.

Mr. McClash moved to approve the agreement with Bowlees Creek Development, Inc., and the application for transfer, and authorize the County Attorney to execute the necessary documents to effect a transfer of DEP Permit No. 412329723 to Bowlees Creek Development, Inc. Motion was seconded by Mrs. Harris and carried unanimously.

RECORD S46-779

RIVERVIEW POINTE REFINANCING

Motion was made by Mr. Bruce, seconded by Ms. Brown, and carried 6 to 1, with Mr. Stephens voting nay, to adopt

R-98-166 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, ~~MANATEE~~ COUNTY, FLORIDA, AUTHORIZING THE ISSUANCE OF \$1,610,000 IN AGGREGATE PRINCIPAL AMOUNT OF RIVERVIEW POINTE ACQUISITION OF REVENUE REFUNDING NOTES, SERIES 1998 OF MANATEE COUNTY, FLORIDA, FOR THE PURPOSE OF REFINANCING THE COSTS OF ACQUISITION OF APPROXIMATELY 9.1 ACRES OF UNIMPROVED REAL PROPERTY IN MANATEE COUNTY, FLORIDA, KNOWN AS RIVERVIEW POINTE WHICH ACQUISITION COSTS WERE DERIVED FROM THE ISSUANCE OF \$1,700,000 IN AGGREGATE PRINCIPAL AMOUNT OF RIVERVIEW POINT ACQUISITION REVENUE NOTES, SERIES 1997; PROVIDING FOR THE TERMS AND PAYMENT OF SAID NOTES, AND THE RIGHTS, REMEDIES AND SECURITY OF THE OWNERS THEREOF; MAKING CERTAIN COVENANTS RELATING TO THE ISSUANCE OF SAID NOTES, AUTHORIZING THE AWARD OF SUCH NOTES TO SUNTRUST BANK, GULF COAST; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A NOTE PURCHASE AGREEMENT; AUTHORIZING THE PROPER OFFICERS OF THE COUNTY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE OF SAID RIVERVIEW POINT ACQUISITION REVENUE REFUNDING NOTES, SERIES 1998 AND PROVIDING FOR AN EFFECTIVE DATE.

RECORDS46-780

and

B-98-058 RESOLUTION B-98-058 AMENDING THE ANNUAL BUDGET FOR MANATEE COUNTY, FLORIDA, FOR FISCAL YEAR 1997-98.

RECORDS46-781

Mr. Seuffert, reported that the loan obtained from Barnett Bank to finance the Riverview Pointe property had a one-year duration therefore, interim financing, in anticipation of grant proceeds, must be secured. He stated the selection process recommended securing financing from SunTrust Bank.

Discussion: Grant notification due August or September; grant would be 88 percent of the total purchase price; contributions from private sector, etc.

30TH AVENUE WEST AT 14TH STREET WEST

Janet McAfee, Project Management Director, presented a report on the proposed reallocation of Florida Department of Transportation (FDOT) funding for the 30th Avenue West project. She stated that staff recommended the funding be transferred to the Planning, Design and Engineering (PD&E) Phase of the State Project for S.R. 64 from I-75 to Lorraine Road.

Motion was made by Mr. McClash, seconded by Mr. Bruce and carried unanimously, to approve the reallocation of funding and execute a letter to the Sarasota-Manatee Metropolitan Planning Organization requesting consideration of reallocation.

STATE ROAD 70

Ms. McAfee reported that the current Joint Project Agreement (JPA), with the Florida Department of Transportation (FDOT) for construction and construction engineering inspection (CEI) services on S.R. 70 (east of U.S. 301 to west of I-75) to advance \$12,658,190 to the County, requires amendment. She explained FDOT has advised that more funding is required and estimates the total project cost to be \$16,324,314, or an increase of \$3,666,124. She stated FDOT is giving credit for the interest earned on the escrow funds (\$1,151,363). Therefore, additional advance funds of \$2,514,761 are required.

Discussion: Funding for sidewalks is included; 30 percent increase; eminent domain funds are not included; projects have taken longer to complete; bid protest on one segment delayed bid award; currently receiving reimbursement for the right-of-way JPA; next July will begin reimbursement for this amended JPA, etc.

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried unanimously, to execute letter to FDOT requesting an amended JPA to provide reimbursement to the County for the revised total construction and CEI services.

COMMISSIONER'S COMMENTSBingo License - Our Family Ranch

Mr. Bruce indicated he has been informed "Our Family Ranch" has not complied with the conditions of the license granted in May 1995 to conduct bingo games at the John Marble Recreation Center. He requested this issue be placed on a future agenda.

MJ ROAD

Mr. Bruce requested consideration of adding MJ Road (off of S.R. 70) to the Capital Improvements Program.

Disposition: Referred to Project Management and Transportation.

Florida Power & Light Co. - Orimulsion Project

Mrs. Stein addressed various issues regarding the hearing on the application of Florida Power & Light, Co. (FPL) to the Power Plant Siting Board to burn Orimulsion at its Parrish Power Plant. She addressed: Recommended order by Administrative Law Judge Johnston; validity of decisions made in pending litigation meetings; transcripts of the pending litigation meetings; recommended stipulations not approved in "open" meeting; "Sunshine Law"; Governor and Cabinet staff-recommended order is for denial of the application.

She submitted copies of newspaper articles, minutes, transcripts and attachments and her conclusions to the application.

Florida Power & Light Co. - Orimulsion Project

Mr. McClash referred to and quoted the third paragraph of Senator John McKay's letter dated June 10, 1998, to Governor Lawton Chiles and requested the Board support the Senator via a letter to the Governor.

Disposition: County Administrator to draft letter.

Intermodal Transportation

Mr. McClash advised he will be representing Commissioner Harris for the Port Authority and Commissioner Stephens for the MPO at the upcoming intermodal transportation meeting in Jacksonville.

City of Palmetto/Sylvan Oaks Work Session

Ms. Brown requested that a work session planned for June 30, 1998, with the City of Palmetto and Sylvan Oaks residents be scheduled to follow the 6:00 p.m., public hearing on Wading Bird Country Club.

Mrs. Harris requested Palmetto City Council be notified of an approximate start time of later than 7:30 p.m. for their meeting with Sylvan Oaks.

23rd Street & U.S. 41 - Palmetto

Ms. Brown requested review of the intersection traffic signal at 23rd Street due to traffic congestion, which has been exacerbated by construction of Canal Road.

Disposition: Referred to Project Management and Transportation.

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Continued

Tampa Bay Regional Planning Council

Mrs. Harris advised the Tampa Bay Regional Planning Council (TBRPC) is going through the budget process and the July meeting is scheduled to discuss funding allocations for the Area Agency on Aging.

Mrs. Harris stated Julia Green, the Executive Director of TBRPC, is leaving. She suggested a letter be written from the Board recognizing Ms. Green's 22 years of service to the Council. The Board concurred and Mrs. Harris stated she would deliver the letter.

Tourist Information Center Signage

Mrs. Harris stated that she received a response from FDOT regarding her inquiry about additional signage on I-75 for the Tourist Information Center. She advised FDOT indicated the signage is appropriate. She requested the matter be forwarded to the Metropolitan Planning Organization.

Discussion: Signage issue was discussed with MPO; MPO feels signage of all Florida Tourist Development Centers should be uniform; matter will be again forwarded to MPO.

Holiday Heights

Mrs. Harris advised that she is in receipt of a letter from the Holiday Height Civic Association regarding some ill-kept, vacant parcels. The Association is soliciting Manatee County to explore this as a site for a neighborhood park.

Disposition: Assigned to Parks and Recreation.

Salvation Army

Mrs. Harris stated the Salvation Army will be celebrating its 75th Anniversary of serving Manatee County. They have requested permission to utilize the Courthouse steps (the site of its first meeting) for a reenactment on October 16, 1998, from 11:00 a.m. to 12:00 p.m.

Disposition: Referred to County Administrator.

Sarabay Realty

Mrs. Harris advised that Sarabay Realty is constructing a new building on U.S. 41. Mr. Holderness is having difficulties with governmental agencies regarding his building design concept. She requested the County Administrator get involved with this project.

Recess/Reconvene. All present except Ms. Brown.

ONE-CENT SALES SURTAX

Mr. Padgett advised that staff members have prepared a slide presentation of infrastructure projects for possible funding by the one-cent sales surtax (local option sales tax). He advised these projects are quality of life issues driven from a number of years of public input.

(Enter Ms. Brown)

Staff members participating in the presentation were: Richard Aalberg, Agriculture and Natural Resources; Len Bramble, Public Works; Carol Clarke, Planning Department; Diane Frenz, Information Services; Daniel Hopkins, Parks and Recreation; Fred Loveland, Community Services; Larry Mau, Transportation Department; and Karen Windon, Public Safety Department.

The six categories with cost summaries presented were:

1. Parks - \$25,190,000
 2. Stormwater - \$44,400,000
 3. Community Facilities - \$7,350,000
 4. Transportation - \$2,000,000
 5. Public Safety - \$12,260,000
 6. Water Resource Protection - \$19,040,000
- TOTAL COST SUMMARY - \$110,240,000

Discussion: One-cent sales tax would generate \$18 million per year; consideration of one-half cent; tax increase; citizens may not favorably pass both referendums; workshop for public feedback; establish priorities; Wares Creek; ambulance service/public safety; judicial needs; stormwater projects are a priority; park development; mobile library; central location for senior center, etc.

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Continued

(Depart Mrs. Harris during presentation)

Carl Callahan, City of Bradenton Clerk, indicated that the County's project list mirrored the City's list in several areas including Wares Creek. He stated expansion of the water reuse system and public safety are also primary concerns.

Discussion: Current sales tax is being allotted to the School Board; County needs must be met; community input is important; meet with School Board after work session, etc.

Terry Sullivan, Town of Longboat Key Finance Director, stated Sarasota County recently held a referendum for extending the sales tax. The School Board will receive 25 percent for ten years. He suggested a longer term for the tax.

(Depart Mrs. Brown during presentation)

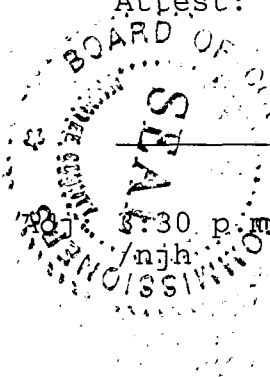

Discussion: When current one cent sales tax expires there will be a six month period without the one cent; grouping of priorities will determine immediate needs and funding requirements to implement; bonding of funds not recommended; schools do not have a restriction for tax enactment date.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk


Chairman 8/4/98