

JUNE 23, 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 23, 1998 at 9:07 a.m.

Present were Commissioners:

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

Also present were:

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

Invocation by Rev. Louis A. Ojeda, Manatee Sheriff's Office.

QUALITY TARGET INDUSTRY PROGRAM

James Seuffert, Financial Management Department Director, requested adoption of

R-98-181 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, FINDING THAT **INTERTAPE POLYMER MANAGEMENT CORPORATION** BE APPROVED AS A QUALIFIED APPLICANT PURSUANT TO S.288.106, FLORIDA STATUTES, AND PROVIDING MATCHING FUNDS AS LOCAL PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY (QTI) TAX REFUND PROGRAM FOR FISCAL YEARS 1999-2000 THROUGH 2002-2003, AND PROVIDING FOR AN EFFECTIVE DATE.

He explained the program provides the equivalent of a tax and fee refund to qualified applicants conditioned upon attainment of certain job creation goals. Refunds are based on the State and County participating in providing funding, and require a local match.

He stated the company is considering locating its corporate executive offices in Manatee County, proposing to add 22 employees, as well as making a capital investment. The salaries and other elements satisfy all the requirements for the QTI Program.

Motion was made by Mrs. Harris, seconded by Mr. McClash and carried unanimously, to adopt Resolution R-98-181. RECORD S46-782

MANATEE MEMORIAL HOSPITAL AUDIT

Robert Stanell, Christopher, Smith, Gentile, Leonard & Bristol, P.C., presented results of the independent audit of Manatee Memorial Hospital and Health Systems, Inc. (MHHS) Compliance with the Indigent Care Agreement, outlined in the Audit Report dated April 21, 1998.

RECORD S46-783

He stated the results of tests illustrate that MHHS complied with the eligibility and eligible services requirements of the Indigent Care Agreement. Accordingly, the tests resulted in no reimbursement being due to or from MHHS.

CITIZENS' COMMENTS

Orimulsion

Fred Zoerner questioned how Florida Power & Light can claim that air pollution will be reduced by 400 percent as a result of using Orimulsion fuel, noting that would be mathematically impossible.

Air Pollution

Harry Wright distributed a copy of an article from the Sarasota-Herald Tribune (6/14/98) regarding air pollution in China and the issuance of weekly air quality reports. He requested the matter be placed on a future agenda.

CONSENT AGENDA

There were no objections to the following changes to the Consent Agenda:
(1) Delete R-98-117 regarding Enterprise Zone Boundaries (separate action); and (2) amend Exhibit A to R-98-177 regarding State Revolving Fund Loan Agreement by deleting reference to 1.01(15) (b).

ZONING

Public hearing (Notice in the Bradenton Herald 6/12/98) was opened to consider

Z-98-05 WILLIAM L. MANFULL - RSF-6 (CONTINUED TO 7/28/98)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM HC TO RSF-6; AND PROVIDING FOR AN EFFECTIVE DATE; ON 7.73 ACRES LOCATED ON THE SOUTH SIDE OF 45TH STREET EAST, BETWEEN U.S. 41 AND U.S. 19.

Carol Clarke, Planning Director, recommended the hearing be continued to July 28, 1998, at 9:00 a.m., or as soon thereafter as same may be heard, due to an advertising problem.

Public hearing (Notice in the Bradenton Herald 6/12/98) was held to consider

PDC-97-07(Z) (P) LOU E., LETA S., AND MARTIN LOUISO/VERNA TRADING POST - PDC AND P/PLAN (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA..., PROVIDING FOR THE REZONING OF CERTAIN LAND FROM NC-S TO PDC; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A CONVENIENCE STORE WITH GAS PUMPS AND A COMMERCIAL RETAIL STORE ON 4.4 ACRES LOCATED ON THE NORTHEAST CORNER OF VERNA-BETHANY ROAD AND STATE ROAD 70.

Planning Commission recommended APPROVAL with 11 Stipulations;

RECORD S46-784

ADOPTION of the Finding for Special Approval;

GRANTING Special Approval for a nonresidential project exceeding 3,000 square feet.

RECORD S46-785

STREET VACATION - HY KOM/SNEAD ISLAND ROAD

Public hearing (Notice in the Bradenton Herald 6/2/98) was held to consider

R-98-144v RESOLUTION VACATING A PORTION OF RIGHT-OF-WAY ON SNEAD ISLAND ROAD (HY KOM PARCEL), AS DESCRIBED IN DEED BOOK 146, PAGES 509 AND 510, BY APPLICATION OF THE COUNTY OF MANATEE. RECORD S46-786

CLERK'S CONSENT CALENDAR

BILLS FOR PAYMENT

City of Palmetto - July 4 Fireworks, Invoice 112
(Manatee County's Contribution) \$5,000.00

WARRANT LIST

Approve: June 16, 1998 through June 22, 1998
Authorize: June 23, 1998 through July 6, 1998

MINUTES FOR APPROVAL

April 21 and 28, 1998

AUTHORIZE CHAIRMAN TO SIGN

Satisfaction of Judgment:

Jesus Ramirez, Case 97-3184F
Alex Avery, Case 97-1101F

Partial Release of Special Improvement Liens:

Projects 3004-2507(2); 3106-5144; 3005-5235; 5062; 5144

Revenue Sharing 1998-99 - Application to Florida Department of Revenue for Revenue Sharing 1998-99 State Fiscal Year (Chapter 218, Part II Florida Statutes)

RECORD S46-787

Transit Building Remodeling - Contract with Frederick's Construction Company, Inc., IFB 98-4039DC, \$269,000; date Performance/Payment bonds and accept insurance certificate (approved 5/5/98).

RECORD S46-788

Water Treatment Plant Expansion - Contract with Apollo Construction & Engineering Services, Inc., IFB 98-4597DC, \$164,098; date Performance/Payment bonds and accept insurance certificate (approved 6/2/98).

RECORD S46-789

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(Continued)

Bridge Rehabilitation Phase II - Contract with CEM Enterprises, Inc., dba Sunshine Painting, IFB 983998DC, \$386,876; date Performance/Payment bonds and accept insurance certificate (approved 6/2/98). RECORD S46-790

APPROVE, RATIFY AND CONFIRM

Water Department Lockbox Contract - Letter agreement (5/21/98) from Intuition Systems, Inc., agreeing to extend the lockbox contract between BTI Services, Inc. (f/k/a North American Financial Services), and the Clerk of Circuit Court of Manatee County, under current pricing for 24 months (ending 8/31/00). RECORD S46-791

ACCEPT**Lakewood Ranch Community Development District 1**

Fiscal Year 1998-99 Proposed Budget

Lakewood Ranch Community Development District 2

Fiscal Year 1998-99 Proposed Budget

Lakewood Ranch Community Development District 3

Fiscal Year 1998-99 Proposed Budget

COUNTY ADMINISTRATOR**TWELFTH JUDICIAL CIRCUIT CONFLICT COMMITTEE**

R-98-150 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPOINTING A REPRESENTATIVE TO THE TWELFTH JUDICIAL CIRCUIT CONFLICT COMMITTEE (appointing the County Attorney or designee). RECORD S46-792

EMERSON POINT - SUMMER YOUTH PROGRAM**Grant - National Association of Counties**

R-98-174 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ACCEPTING A GRANT FROM THE NATIONAL ASSOCIATION OF COUNTIES TO CONDUCT A SUMMER YOUTH PROGRAM AT EMERSON POINT UNDER THE FIVE STAR RESTORATION PARTNERSHIP PROGRAM (\$9,500; and execution of letter agreement (6/10/98) with National Association of Counties); RECORD S46-793

Workforce Development Center

Execution of agreement with Workforce Development Center setting forth Manatee County's supervisory responsibilities in providing a place for summer youth employment at Emerson Point. RECORD S46-795

FINAL PLATS**Edgewater Village, Subphase B, Unit 3**

1. Final Plat.
2. Mortgagee's Joinder in Declaration only from Northern Trust Bank of Florida, N.A.
3. Joinder in and Ratification of Subdivision Plat and all Dedications and Reservations Thereon from Lakewood Ranch Community Development District 2.
4. Required Improvements Agreement with SMR Communities Joint Venture, guaranteeing completion of required improvements, \$18,803.98.
5. Performance Bond: \$18,803.98 (Surety Bond 121708, Frontier Insurance Company).
6. Agreement with SMR Communities Joint Venture for Final Wearing Course of Asphalt on Roads. RECORD S46-796
7. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways, \$21,874.32.
8. Performance Bond: \$21,874.32 (Surety Bond 121710, Frontier Insurance Company).
9. Conservation Easement from Lakewood Ranch Community Development District 2.
10. Agreement with SMR Communities Joint Venture for installation of private improvements in subdivisions, subsequent to Final Subdivision Plat Approval. RECORD S46-797
11. Supplemental Declaration by SMR Communities Joint Venture.

Jordan Subdivision

1. Final Plat.
2. Conservation Easement from Larry H. Jordan.

Gulf Coast Corporate Park, Phase I

1. Final Plat.
2. Agreement with Miller Enterprises, Inc., warranting required improvements, \$30,111.85.
3. Defect Security: \$30,111.85 (Letter of Credit 65, American Bank).
4. Agreement with Miller Enterprises, Inc., guaranteeing completion of required sidewalks and bikeways, \$12,797.13.

- 5. Performance Bond: \$12,797.13 (Letter of Credit 66, American Bank).
- 6. Declaration of Protective Covenants, Conditions and Restrictions.
- 7. Fiscal Program.
- 8. Listing of Holdings.
- 9. Notice to Buyers.
- 10. Right of Entry and Compliance with Manatee County Land Development Code.
- 11. Maintenance Program.

Lakewood Ranch Country Club Village Subphase C, Unit 5

- 1. Final Plat.
- 2. Mortgagee's Joinder in Declaration Only from Northern Trust Bank of Florida, N.A.
- 3. Joinder in and Ratification of Subdivision Plat and Dedications and Reservations Thereon from Lakewood Ranch Community Development District 2.
- 4. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways, \$23,790.00.
- 5. Performance Bond: \$23,790.00 (Surety Bond 121707, Frontier Insurance Company).
- 6. Agreement with SMR Communities Joint Venture for Final Wearing Course of Asphalt on Roads. RECORD s46-798
- 7. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$22,126.00.
- 8. Performance Bond: \$22,126.00 (Surety Bond 121706, Frontier Insurance Company).
- 9. Conservation Easement from Lakewood Ranch Community Development District 2.
- 10. Agreement with SMR Communities Joint Venture for installation of private improvements in subdivisions, subsequent to Final Subdivision Plat Approval. RECORD s46-799
- 11. Supplemental Declaration by SMR Communities Joint Venture.

STATE REVOLVING FUND LOAN PROGRAM

R-98-177 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONER, MANATEE COUNTY, FLORIDA, AUTHORIZING EXECUTION OF THE STATE REVOLVING FUND LOAN AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE SOUTHWEST REGIONAL WATER TREATMENT PLANT IMPROVEMENTS. RECORD s46-800

(Note: Agreement not submitted for execution.)

REFUND

Authorization to refund \$1,307.48 (minus any balance on active account) to Cathy S. Goodhew, 1936 31st Avenue East, Bradenton, Florida, due to sewer billing error.

DEEDS AND EASEMENTS

Crosley Estate - Temporary Construction Easement to Sarasota-Manatee Airport Authority to replace a deteriorated stormwater pipe located along the northernmost boundary of property owned by the County of Manatee known as Crosley Estate.

ORDINANCES - TRAFFIC CONTROL

Authorization to set public hearings **July 7, 1998, at 9:00 a.m.**, to consider adoption of the following:

Ordinance 98-30, No Parking

Regulating the stopping, standing or parking of motor vehicles upon certain County rights-of-way for Shepherd Street and Holly Circle.

Ordinance 98-31, Speed Limits

Prohibiting the travel of vehicles in excess of established limit within Cortez Village, within Copperfield Subdivision, and on Upper Manatee River Road.

Ordinance 98-32, No Through Traffic

Regulating travel of certain through traffic on Betts Road and on Singletary Road.

BUDGET AMENDMENT

Financial Management Department

B-98-060

Transfer of Funds; Unanticipated Revenue Appropriations (supporting description and detail attached). RECORD s46-801

Motion was made by Mr. McClash, and seconded by Mrs. Harris, to approve the Consent Agenda incorporating the language as stated in the staff reports and agenda memoranda and with the changes made at this meeting. Motion carried unanimously.

(End Consent Agenda)

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(Continued)

COMPREHENSIVE PLAN AMENDMENTSORDINANCE 98-03/PORT MANATEE MASTER PLAN

Public hearing (Notice in the Bradenton Herald 6/12/98) was held to consider

ORDINANCE 98-03 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR TEXT AMENDMENTS TO THE PORT MASTER PLAN IN CHAPTER 4, COASTAL ELEMENT, TO UPDATE OBSOLETE INFORMATION REGARDING FACILITIES, SHIPPING, AND DREDGING, ELIMINATING UNNECESSARY CARGO INFORMATION, AND ADDING MORE INFORMATION REGARDING THE HENDRY TRACT ADDITION TO THE PORT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

(PA-98-02 - Port Manatee Master Plan).

Planning Commission recommended ADOPTION.

Laurie Suess, Planning Department, highlighted the proposed amendments. She noted they provide for deleting unnecessary information which is nonregulatory, updating information, streamlining existing language for clarity, and adding information, specifically regarding an Intermodal Study and expansion of the Hendry Tract.

Discussion followed during which it was recommended that the Water Quality Sampling Program be discussed at a future meeting; that the deleted Preamble to Section 2 (page 166 of the staff report) be retained; in Section 1.8.1 the word "predominantly" be removed and water quality be defined as being maintained at Class III Waters or above to maintain nondegradation standard (page 139); and that environmental compatibility be added to the introductory paragraph of Section 3.2 Intermodal Land Use Study (page 144).

Based upon the evidence presented and comments made at the public hearing, the action of the Planning Commission, and upon the technical support documents, Mr. Stephens moved to transmit Manatee County Ordinance 98-03 (Plan Amendment PA-98-02) to the Florida Department of Community Affairs with the changes made at this meeting, and authorize the Chairman to sign the letter of transmittal. Motion was seconded by Mr. McClash and carried unanimously.

(NOTE: Motion made later in meeting to delay transmittal of Ordinance 98-03 until the Capital Improvements Element is transmitted.)

Recess/Reconvene. All members present.

ENTERPRISE ZONE BOUNDARIES

Consideration of Resolution R-98-117 authorizing transmittal of final boundary amendment for the Palmetto/North Manatee County Enterprise Zone was deferred to the next meeting.

TERRA CEIA PROPERTY - CARL ACQUISITION

Charles Hunsicker, Ecosystems Administrator, requested adoption of

R-98-180 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, SUPPORTING THE ACQUISITION OF CERTAIN PARCELS WITHIN THE TERRA CEIA ECOSYSTEM PRESERVE BY THE GOVERNOR AND CABINET, SITTING AS THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND IN PARTNERSHIP WITH THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT.

This Resolution supports the purchase of a one-half undivided interest in the former Terra Ceia Isles parcel from the Southwest Florida Water Management District by the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, under Florida's Preservation 2000 CARL Acquisition Program, and authorization for the Chairman to sign the transmittal letters.

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

RECORD s46-802

COMPREHENSIVE PLAN AMENDMENTS (CONTINUED)ORDINANCE 98-23/CAPITAL IMPROVEMENT ELEMENT UPDATE

Public hearing (Notice in the Bradenton Herald 6/12/98) was opened to consider

ORDINANCE 98-23 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE MANATEE COUNTY COMPREHENSIVE PLAN, ORDINANCE 89-01, AS AMENDED, PROVIDING FOR AN AMENDMENT DELETING FISCAL YEAR 1998 AND APPLICABLE DATA, AND ADDING FISCAL YEAR 2003 AND APPLICABLE DATA TO TABLES 12-1, 12-2, 12-3, AND 12-4, OF THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR AMENDMENT TO TABLE 12-1, SCHEDULE OF CAPITAL IMPROVEMENT PROJECTS, FY 1998-2002, INVOLVING REVISIONS TO SCOPE, FORMAT, TIME FRAME, COSTS, FUNDING SOURCES, AND CONTENT TO TRANSPORTATION PROJECTS, DRAINAGE PROJECTS, PARKS PROJECTS, SANITARY SEWER PROJECTS, SOLID WASTE PROJECTS, POTABLE WATER PROJECTS, AND MASS TRANSIT PROJECTS; PROVIDING FOR COUNTERPART AMENDMENTS TO TABLE 12-2: GENERAL GOVERNMENT FUNDING OF CAPITAL IMPROVEMENTS, FY 1998-2002; TABLE 12-3: ENTERPRISE OPERATIONS FUNDING OF CAPITAL IMPROVEMENTS, FY 1998-2002; TABLE 12-4: SUMMARY OF REVENUES AND EXPENDITURES FOR CAPITAL PROJECTS, FY 1998-2002 TO REFLECT AMENDMENTS TO SCOPE, FORMAT, TIME FRAME, COSTS, FUNDING SOURCES, AND CONTENT OF SAID TABLE 12-1; PROVIDING FOR THE AMENDMENT OF RELATED INFORMATION NECESSARY TO IMPLEMENT THE CHANGES TO THE CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE
(PA-98-06 - Capital Improvements Element Update).
 Planning Commission recommended ADOPTION.

Leon Kotecki, Planning Department, reviewed the Capital Improvements Element Update. He outlined the changes to the projects including wastewater, potable water, parks, drainage, transportation, transit, solid waste, and funding of capital improvements.

Discussion/recommendations: Impact of continuing the additional one-cent sales tax has not been included; consideration of supply of water/sewer to Schroeder-Manatee Ranch and Sarasota County when determining future needs regarding capacity; shortage of transit services due to increase in employment as result of welfare reform; obtain information from Center for Urban Transportation Research (CUTR at the University of South Florida) Study prior to making capital expenditures regarding bus shelters/transit routes; Table 12-1 regarding Old Tampa Road (page 198 of the staff report) use "in the vicinity of"; add notation (page 192) that, for concurrency purposes, permitted water capacity would be used versus plant capacity; how much of the potable water is permitted and how much is capacity; allowing development to occur with allowed permitted quantities; once a certain capacity is reached, it would trigger another expansion, etc.

Harry Wright recommended construction of more bus shelters and using buses with the latest technology.

(Depart Mrs. Harris)

Motion - Ordinance 98-23 Capital Improvements Element

Motion was made by Mrs. Stein to continue the public hearing on Ordinance 98-23 (PA-98-06) to July 7, 1998, at 9:00 a.m., or as soon thereafter as may be heard. Motion was seconded by Mr. McClash and carried 6 to 0.

Motion - Ordinance 98-03 Port Manatee Master Plan

Motion was made by Mr. McClash, seconded by Ms. Brown and carried 6 to 0, to delay transmittal of Ordinance 98-03 (PA-98-02) Port Manatee Master Plan to the same time Ordinance 98-23 is transmitted.

(Enter Mrs. Harris)

PERICO ISLAND ANNEXATION

Carol Clarke, Planning Director, stated that the City of Bradenton approved annexation of the northern portion of Perico Island, consisting of approximately 416 acres, on June 10, 1998. She stated that if the Board intends to file suit, the deadline for action is July 10, 1998.

James A. Minix, Assistant County Attorney, reported that the City has been placed on official notice that Manatee County may contest the voluntary annexation.

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(Continued)

Michael Wood, Planning Department, stated City staff indicated they were considering no higher than a RES-3 designation for the property. He stated that is a lower density than what Manatee County has currently designated on the County's future land use map. This will be a new category for the City and will require an amendment to its Comprehensive Plan. He noted the property is an existing enclave, and the City is reducing that enclave by the action.

Mark Barnebey, Chief Assistant County Attorney, advised that Florida Statute states that County regulations remain in effect until the municipality adopts an amendment to their Comprehensive Plan that includes the annexed area.

No action was taken.

Recess/Reconvene. All members present.

AMERICAN PLANNING ASSOCIATION SURVEY

Ms. Clarke reported that the Florida Chapter of the American Planning Association (APA) is conducting a survey to review the comprehensive plan amendment process to provide input to the Legislature. She stated much of the survey focuses on local governments' relationship with the Department of Community Affairs and the Regional Planning Council regarding delegation of plan amendment reviews. She reviewed the survey questions and obtained input as to appropriate answers.

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried unanimously, to forward the survey as indicated at this meeting and to indicate the survey was from Manatee County.

ORIMULSION - COUNTY ATTORNEY STATEMENT

Teddy N. Williams, County Attorney, read his statement in response to criticisms and allegations by Mrs. Stein (6/16/98) and others regarding the handling and legality of closed litigation sessions and the legal position of the Board in the Florida Power and Light Co./Orimulsion proceeding. He noted his remarks are not intended to address pros or cons of the issue, but to address assertions of fact known to be erroneous and opinions of law, which have been held erroneous by competent legal authorities.

Mrs. Stein commented that the statement does not resolve the issues she raised in materials sent to Board members and the County Attorney under cover sheets of June 10 and 16, 1998.

ORIMULSION - COUNTY'S POSITION

Ernie Padgett, County Administrator, submitted a draft letter prepared by Mr. McClash from the Board of County Commissioners to Governor Lawton Chiles supporting the June 10, 1998, letter submitted by Senator John McKay. Senator McKay expressed concern regarding the Florida Power and Light Co. (FP&L) application for approval to use Orimulsion at its Parrish plant.

Motion (Replaced by Substitute Motion)

Mr. McClash moved to send the letter. Motion was seconded by Mrs. Stein.

Discussion: Each commissioner can write an individual letter to the Governor; effect on litigation regarding this subject; etc.

Amended Motion (Died for Lack of Second)

Mr. McClash suggested amending the motion by striking language referencing Senator McKay's letter and adding language that stipulations entered into between Manatee County and FP&L should not be considered Manatee County's endorsement or approval of the use of Orimulsion at the Parrish Power Plant and that the stipulations were intended to protect Manatee County if the Siting Board approves FP&L's request.

Substitute Motion (Failed)

Substitute motion was made by Mr. Bruce that, due to the experimental nature of the project and the required use of new and untried technology in order to meet the requirements of the application, in an effort to protect the citizens of Manatee County and our quality of life, we ask the Siting Board to deny FP&L's application to burn Orimulsion at the Manatee plant; however, if certification is granted, the Board requests the stipulations previously agreed to be included. Motion was seconded by Mrs. Stein.

Mr. Williams stated this could be susceptible to an argument that Manatee County is retreating from the stipulation that included the original 53 conditions and subsequent additional conditions entered into with FP&L and could be the basis for an argument that FP&L would no longer be bound to support inclusion of these conditions in any final order entered by the Governor and Cabinet.

Mrs. Harris submitted her draft letter to the Governor which states Manatee County has not taken a position endorsing Orimulsion and gives recommendations for taking no position.

Mrs. Glass read a letter from the Board to the Governor dated August 25, 1997, which states the County did not have sufficient information to fully evaluate the proposal and could take no position.

Discussion: Whether the County is remiss in not taking a position; enforcement of conditions; etc.

Mr. Williams stated the County has maintained its position as at the remand hearing in January, which is that Manatee County does not support or oppose Orimulsion. He recommended the Board authorize the County Attorney's office to present this position (at the Siting Board hearing on June 24, 1998).

Voting aye was Mr. Bruce. Voting nay were Ms. Brown, Mrs. Harris, Mr. Stephens, Mr. McClash, Mrs. Stein and Mrs. Glass. Motion **failed to carry**.

Motion (Carried)

Mr. Stephens moved to authorize the County Attorney's office to present the same position to the Governor and Cabinet that was presented to the Hearing Officer at the remand hearing in January, which would include following the resolutions the Board passed for that hearing. Motion was seconded by Mrs. Harris.

Amendment to Motion (Failed)

Mrs. Stein moved to amend the motion to add, "and send letter drafted by Mr. McClash." Motion was seconded by Mr. Bruce. Motion **failed** 3 to 4, with Ms. Brown, Mrs. Harris, Mr. Stephens and Mrs. Glass voting nay.

Substitute Motion (Withdrawn)

Substitute motion was made by Mr. McClash to send the letter drafted by Mrs. Harris. Motion was seconded by Mrs. Stein. After discussion, motion was **withdrawn**.

Motion made earlier by Mr. Stephens **carried** unanimously.

Motion (Failed)

Motion was made by Mr. McClash to allow the letter drafted by Mrs. Harris to go forward with the County Attorney's presentation. Motion was seconded by Mrs. Harris.

Mr. Williams cautioned the Board about sending the letter in view of the many issues involved besides pollution.

Discussion followed during which changes and deletions to the letter were recommended.

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Substitute Motion (Died for Lack of a Second)

Mr. Stephens entered a substitute motion to send no letter from the Board and that individual board members have full authority to write on their own behalf. Motion **died** for lack of a second.

Upon question as to the motion on the floor, i.e., what changes, if any, have been made to the letter, Mrs. Harris agreed only to removal of the word "conclusively" in the last paragraph.

Motion (made by Mr. McClash and seconded by Mrs. Harris) **failed** 3 to 4, with Mrs. Stein, Mr. Bruce, Mr. Stephens and Mr. McClash voting nay.

Motion (Failed)

Motion was made by Mr. McClash, and seconded by Mrs. Stein, to send Mr. McClash's draft letter with the first paragraph intact and the second paragraph to read, "The County requests the Siting Board to proceed with every effort to protect our County's great quality of life." Motion **failed** 3 to 4, with Mrs. Harris, Ms. Brown, Mr. Stephens, and Mrs. Glass voting nay.

CITY OF PALMETTO FIREWORKS DISPLAY

Ernie Padgett, County Administrator, announced that although the use of fireworks has been prohibited due to the extremely dry weather conditions and resulting fire hazard, the fire chief has granted approval for the City of Palmetto to hold their annual 4th of July fireworks display.

COMMISSIONERS' COMMENTSSylvan Oaks Subdivision

Ms. Brown requested that the joint work session with the City of Palmetto regarding Sylvan Oaks Subdivision scheduled for June 29, 1998, be rescheduled to another date at 6:00 p.m.

Property Rights

Mr. McClash referred to an article in NACo Alert, a publication by the National Association of Counties, relating to a property rights bill. NACo supports the bill and is recommending the Board write their senators about this bill prior to July 4, 1998.

Disposition: Referred to County Administrator.

Reclaimed Water Transmission Line - City of Palmetto

Mr. McClash expressed concern that the City of Palmetto has discontinued discussions with the County regarding reclaimed water transmission lines. He requested a joint work session to discuss this matter as well other issues of mutual concern.

Disposition: Referred to County Administrator to schedule joint work session.

Permitting Delays

Mr. Stephens relayed complaints regarding permitting delays.

Disposition: Referred to County Administrator for report.

Enterprise Zone

Mr. Stephens requested a determination be made as to whether the City of Palmetto is committed to the Enterprise Zone and the economic impact.

Anna Maria Water Line Extension

Mr. Stephens requested a status report as to the Anna Maria water line extension.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk


Chairman 8/4/98

Adj: 3:20 p.m.
/eml