

JULY 28, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, July 28, 1998, at 9:06 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Gwendolyn Y. Brown, First Vice-Chairman (entered during meeting)
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 Reverend Don Windmiller, Bethel Baptist Church.

All witnesses and staff giving testimony were duly sworn.

PROCLAMATIONS

Upon motion by Mr. Stephens and second by Mrs. Harris, a Proclamation was adopted 6 to 0, designating August 29, 1998, as "Families Rising to the Top Day."
RECORD S46-863

(Enter Ms. Brown)

CFI MANUFACTURING GROUP, INC.

Public hearing (Notice in the Bradenton Herald 7/13/98) was held to consider the issuance in one or more series by the County of up to \$6,000,000 of its Industrial Development Revenue Refunding and Improvement Bonds (IDB).

Patricia McVoy, Assistant County Attorney, reviewed the request and recommended adoption of

R-98-207 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE ISSUANCE OF THE COUNTY'S NOT TO EXCEED \$6,000,000 INDUSTRIAL DEVELOPMENT REVENUE REFUNDING AND IMPROVEMENT BONDS (CFI MANUFACTURING, INC. PROJECT) WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND PROVIDING FOR AN EFFECTIVE DATE.

Webb Carter, CFI Manufacturing Group, Inc., stated that the request is for \$2,200,000 in new financing, \$3,300,000 to refund the first IDB, and \$2,000,000 in taxable bonds to refinance existing debt.

Discussion: \$6,000,000 represents tax exempt maximum amount; Letter of Credit; refinancing bonds; \$2,200,000 from State, etc.

Motion was made by Mrs. Stein, seconded by Ms. Brown and carried unanimously, to adopt R-98-207 confirming the TEFRA hearing and authorizing execution of the application.
RECORD S46-864
S46-865

CONSENT AGENDA

Upon motion by Mr. Bruce and second by Mrs. Stein, the Consent Agenda for July 28, 1998, was approved unanimously, with the following deletion: Ralsun Corp. Bankruptcy (deferred). Items APPROVED:

ZONING

Public hearing (Notice in the Bradenton Herald 7/17/98) was held to consider

PDC-98-04(Z)(P) OASIS HOTEL INC. (HOLIDAY INN EXPRESS) - PDC
ZONING 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 GC TO PD-C; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN FOR A 37,737.74 SQUARE-FOOT, 72-ROOM, 3-STORY HOTEL ON 2.25 ACRES LOCATED AT THE

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(Continued)

NORTHWEST INTERSECTION OF I-75 AND STATE ROAD 64 OFF 67TH CIRCLE EAST IN THE TRAVELER'S OASIS (648 & 652 67TH CIRCLE EAST). Planning Commission recommended approval with four stipulations; ADOPTION of the findings for Special Approval; AND GRANTING Special Approval for a project in the entranceway; for a project above 0.25 F.A.R. for non-residential projects in the R/O/R FLUC; and for a medium commercial use with a gross building square footage greater than 30,000 square feet. RECORD S46-866

Public hearing (Notice in the Bradenton Herald 7/17/98) was opened to consider

PDR-98-04(Z)(P) MANNA VISTA, INC. (SHADY GROVE) - PDR
(CONTINUED TO AUGUST 25, 1998, AT 9:00 A.M., OR AS SOON THEREAFTER AS SAME MAY BE HEARD)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, ...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO PDR; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 120-LOT RESIDENTIAL SUBDIVISION ON 39.31 ACRES LOCATED AT THE NORTHWEST CORNER OF 63RD AVENUE EAST AND 39TH STREET EAST.

COUNTY ADMINISTRATOR

GARDENS MOBILE HOME PARK, PHASES 3, 4 AND 5

Execute Credit Authorization CA-98-03(T), \$17,430, for eligible right-of-way dedication for U.S. Highway 301. RECORD S46-867

FINAL PLATS

Plantation Bay, Phase 1-A

1. Final Plat.
2. Agreement to Defer Completion of Required Sidewalks with Overseas Partnership MAWI, Ltd. RECORD S46-868
3. Temporary Easement for Access to Lift Station from Overseas Partnership MAWI, Ltd.
4. Declaration of Covenants and Restrictions.

Crown Oaks

1. Final Plat.

Lakewood Ranch Country Club Village, Subphase D, Unit 3A

(a/k/a Gleneagles Subdivision)

1. Final Plat.
2. Mortgagee's Joinder from Northern Trust Bank of Florida.
3. Joinder from Lakewood Ranch Community Development District 2.
4. Agreement with SMR Communities Joint Venture, guaranteeing completion of required improvements, \$10,326.23.
5. Performance Bond: \$10,326.23 (Bond 118424, Frontier Insurance Company).
6. Agreement for final wearing course of asphalt with SMR Communities Joint Venture. RECORD S46-869
7. Agreement with SMR Communities Joint Venture, guaranteeing completion of required sidewalks and bikeways, \$4,151.23.
8. Performance Bond: \$4,151.23 (Bond 118425, Frontier Insurance Company).
9. Agreement for Installation of Private Improvements with SMR Communities Joint Venture. RECORD S46-870
10. Supplemental Declaration.

Patten Acres

1. Final Plat.
2. Mortgagee's Joinder from Wauchula State Bank.
3. Mortgagee's Joinder from Alan N. Stephens.
4. Mortgagee's Joinder from E. Blake Melhuish.

LITTER CONTROL AND PREVENTION GRANT APPLICATION

R-98-172 A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO SUBMIT A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A LITTER CONTROL AND PREVENTION GRANT. RECORD S46-871
S46-872

CONSTRUCTION LOAN AGREEMENTS

Execute five Construction Loan Agreements and Contractors Acknowledgment and Consent Form for reconstruction of homes in accordance with Resolution R-96-227 with:

1. Rebecca and Virginia Brown, 520 29th Street East, Palmetto, Hendrix Construction (SHIP, \$35,500; HOME, \$12,000; Demolition, \$3,000; Private Funds \$10,000). RECORD S46-873
2. Emma Kendrick, 1904 2nd Avenue West, Palmetto, Hendrix Construction (SHIP, \$30,000; HOME, \$12,000; Demolition \$3,000; Private Funds \$20,000). RECORD S46-874

3. Ruben J. Bennett, 7004 11th Avenue East, Rubonia, Cheaves Masonry and Construction, Inc. (SHIP, \$34,000; HOME, \$12,000; Demolition \$3,000). RECORD S46-875
4. Delorse Wright, 611 25th Street East, Palmetto, Cheaves Masonry and Construction, Inc. (SHIP, \$31,000; HOME, \$12,000; Demolition, \$3,000). RECORD S46-876
5. Betty J. Dunbar, 1520 72nd Street East, Rubonia, Old Bay Street Enterprises (SHIP, \$22,222; HOME, \$12,000; Demolition \$3,000; Private Funds, \$25,000). RECORD S46-877

LAWSUITS

1. Daniel Foote - Deny claimant's \$39,500 demand and make a counter-offer of \$17,500.
2. Brenda May - Approval to settle Case No. CA 96-3732, \$10,000.
3. Cody May - Approval to settle Case No. CA 97-4765, \$1,500.

PRESERVE OUR NEIGHBORHOOD, INC.

Accept Stipulation to Dismissal in Case CA 98-721, Preserve Our Neighborhood, Inc., versus Manatee County, et al (regarding PDR-97-11(P), McClure property).

MEDICAID WAIVER REFERRALS

Execute the Medicaid Waiver Referral Agreement among Manatee County Board of County Commissioners, West Central Florida Area Agency on Aging and the following agencies to coordinate Medicaid Waiver Assisted Living Services (7/1/98-6/30/99): RECORD S46-878
National Foundation on Gerontology; S46-879
Golden Pond Assisted Living Facility; S46-880
 and, Home and Community Based Services (7/1/98-6/30/99): S46-881
Med Zone, Inc., for consumable medical supplies; S46-882
Neighborly Senior Services of Manatee, Inc., for homemaker, personal care and adult day care;
Meals on Wheels Plus, Inc., for home delivered meals.

MEDICAID WAIVER MEMORANDUM

Execute Fiscal Year 1998-99 Medicaid Waiver Memorandum of agreement with West Central Florida Area Agency on Aging, Inc., to provide Medicaid Home and Community Based Services with a spending authority of \$375,569; and Medicaid Assisted Living Facility with a spending authority of \$194,854 and the authorization to provide administration and oversight of the program. RECORD S46-883

INMATE MENTAL HEALTH SERVICES

Execute Amendment 1 to the FY 1997-98 funding agreement with Manatee County Sheriff and Manatee Glens Corporation, to increase funding by \$4,140, for a contract amount of \$40,020. RECORD S46-884

LAW ENFORCEMENT PROGRAM

1. R-98-187 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A LOCAL LAW ENFORCEMENT BLOCK GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE; DESIGNATING THE PUBLIC SAFETY COORDINATING COUNCIL AS GRANT ADVISORY BOARD AND AUTHORIZING THE CHAIRMAN OR HER DESIGNEE TO EXECUTE ALL APPROPRIATE DOCUMENTS. RECORD S46-885
 (for **equipment and drug court**; \$689,107; Federal \$620,196, Local \$46-886 Match \$68,911);
2. Authorization to set a public hearing upon notification of grant award, prior to obligation of grant funding.

BUDGET AMENDMENT

VARIOUS DEPARTMENTS

(B-98-061)

Transfer of Funds; Unanticipated Revenue Appropriations Supporting Description and Detail Attached RECORD S46-887

TROPICAL HARBOR

1. Acceptance of a petition signed by 55 percent of the residents of Tropical Harbor requesting a Municipal Service Benefit Unit (MSBU) for street lights.
2. Set public hearing for September 1, 1998, at 9:00 a.m., or as soon thereafter as possible, to consider creating a MSBU.

HAZARD MITIGATION GRANT

R-98-200 A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) UNDER THE HAZARD MITIGATION GRANT PROGRAM RESULTING FROM ACCUMULATIVE DAMAGE COST INCURRED FROM THE EL NIÑO PHENOMENON FEDERAL DISASTER DECLARATION RECORD S46-888
 (\$113,849; with a 12.5 percent State match and a 12.5 percent Local S46-889 match for two projects: (1) \$85,849, **Carlos B. Haile Middle**

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(Continued)

School; (2) \$28,000, Manatee County EMS Annex Facility; and authorizing execution of all appropriate documents including the letter of transmittal to the Department of Community Affairs).

and;

R-98-205 A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) UNDER THE HAZARD MITIGATION GRANT PROGRAM RESULTING FROM ACCUMULATIVE DAMAGE COST INCURRED FROM THE EL NIÑO PHENOMENON FEDERAL DISASTER DECLARATION RECORD ^{S46-890}
S46-891
(\$319,440; FEMA \$239,580; State \$39,930; Local Match \$39,930 for two projects: (1) structural hardening of 6 Transportation Maintenance Facilities; (2) installation of 5 Generators and Electrical Transfer Switches at Manatee County Field Operation/Command Facilities; and authorizing execution of all appropriate documents, including the letter of transmittal to the Department of Community Affairs).

SANITARY SEWER CONNECTION WAIVERS

Accept and record waivers for mandatory sewer connections approved by the Public Works Department (pursuant to Resolution R-89-70) for: Gerald G. Whitt; Michael S. VonBorstel; and Wendell Sr. and Dorothy Sandhoff.

MOUNT VERNON CONDOMINIUM ASSOCIATION, INC.

Execute agreement with Mount Vernon Condominium Association, Inc., for the delivery and use of reclaimed water for five years ending on November 30, 2002. RECORD S46-892

DEEDS AND EASEMENTS

1. Oak Creek Subdivision/Mendoza Road - Utility Easement from Oak Creek Ltd, Inc., for sewer line installation and maintenance; Affidavit of Ownership and Encumbrances.
2. The Gardens Mobile Home Park/U.S. 301 - Warranty Deed from Mihevic Management, Inc. for right-of-way; Affidavit of Ownership and Encumbrances; Partial Release of Mortgage from NationsBank, N.A. (South).

ORDINANCE 98-33 - EROSION CONTROL GROINS

Authorize County Attorney to set a public hearing for August 18, 1998, to consider Ordinance 98-33.

CLERK'S CONSENT CALENDAR

BONDS

Release:

Parkwood Lakes, Phase IV

1. Agreement with P.P.B. Development, Inc., warranting required improvements, \$22,438.15.
2. Defect Security: \$22,438.15 (Letter of Credit 1083, West Coast Bank Sarasota).

BILLS FOR PAYMENT

Bradenton Herald - Legal Advertisement Unclaimed Funds \$136.16

REFUNDS

Manatee Avenue Storage Partnership - Impact Fee \$12,306.00

WARRANT LIST

Approve: July 7, 1998 to July 27, 1998
Authorize: July 28, 1998 to August 3, 1998

MINUTES FOR APPROVAL

May 19 and 26, 1998 - Regular

AUTHORIZE CHAIRMAN TO SIGN

New Carbon Silo and Upgrade Existing Silo - Contract with Fuse Incorporated, IFB 98-4585MP, \$447,824 (approved 7/7/98); date performance/payment bonds and accept Insurance Certificate.

RECORD S46-893

Partial Release of Special Improvement Assessment Liens:

Projects 3101/5151(2); 5151(2); 3106/5144; 5144; 5055; 5155; 3011/2506; 3100/2509(2); 3102/2502; 3009/5147(2); 5147(2); 5031

Corrective Zoning Ordinances (scrivener's error):

1. PDC-98-08(Z)(P) Louiso/Verna Trading Post - document is corrected to read PDC-97-07(Z)(P) (approved 6/23/98). RECORD S46-894
2. Z-98-08 William W. Smith, as Trustee - document is corrected to read Z-97-08 (approved 4/28/98). RECORD S46-895
3. PDR-97-12(Z)(P) McFarland and Butler (Wading Bird Golf and Country Club) - document is corrected to include Land Use and Design Stipulations 4 and 5 (approved 7/14/98). RECORD S46-896

Satisfactions of Judgment:

Don and Lois Neunshwander, Case 98-59J
Bernardino Reynosoolascagua, Case 97-1982T
Rod Jones, Case 98-2584M

Mary Edwards, Case 96-924J
 Nancy Atherton, Case 96-3583T
 Shaon M. Hines, Case 98-1132M(2)

APPROVE, RATIFY & CONFIRM

Emerson Point Park

1. Letter to Environmental Protection Department accepting the Terra Ceia Bay Overlook Trail Grant (\$49,000) authorized by R-98-48 (2/24/98).
2. Historic Preservation Grant Project Progress and Expenditure Report (1st period) for the archaeological survey.

ACCEPT

City of Palmetto Annexation - Ordinance 615 annexing property at 2419 Bayshore Road, Palmetto.

Manatee County Fairgrounds - Insurance Certificate from West Coast Structural Movers, Inc., regarding relocation and/or demolition of fairground buildings (approved 5/5/98).

Lakewood Ranch Community Development Districts 1 and 2 - Minutes of the Board of Supervisors Meeting (5/7/98).

(End Consent Agenda)
 (Depart Mrs. Harris)

ZONING

Public hearing (continued from 6/23/98 and Notice in the Bradenton Herald 7/17/98) was held to consider

Z-98-05 WILLIAM L. MANFULL - RSF-6

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM HC TO RSF-6; 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.

Planning Commission recommended APPROVAL.

Erika Barrett, Planning Department, reviewed the case summary. She referenced a zoning map and reviewed the surrounding zoning.

(Enter Mrs. Harris)

Ms. Barrett advised the only access to the property is from U.S. 41. She stated the adjacent arterial roadways could negatively impact future residential development. She outlined the site and roads on an aerial map.

Discussion: Sewer and water hookups available at expense of developer; plat approval; administrative review; change in intensity from commercial; drainage requirements; property access; traffic, etc.

Jim Farr, George F. Young, Inc., stated the request is a down zoning. He addressed access to the site. He stated there are no known drainage problems on the property.

Carroll Brown, adjacent property owner, expressed concerns regarding flooding and traffic safety.

John Stephens, North Manatee Realty, spoke in favor of the rezone.

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, Mrs. Harris moved to adopt Manatee County Zoning Ordinance No. Z-98-05, as recommended by the Planning Commission. The motion was seconded by Mr. McClash and carried 5 to 2, with Mrs. Stein and Ms. Brown voting nay. **RECORD** S46-897

Recess/Reconvene. All members present except Mrs. Harris.

COMMUNITY DEVELOPMENT BLOCK GRANT - SYLVAN OAKS SUBDIVISION

Public hearing (Notice in the Bradenton Herald 7/24/98) was held to consider an application to the Florida Department of Community Affairs (DCA) for a grant under the El Niño DR-1195 Disaster Recovery Funding in the amount of \$350,000 under the Florida Small Cities Community Development Block Grant (CDBG) Program.

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(Continued)

Denise Thomas, Community Affairs Department, reviewed the request and recommended adoption of

R-98-201 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION UNDER THE FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

(to acquire land for the drainage system, and related construction within or adjacent to **Sylvan Oaks Subdivision**).

Tony Collins, Community Affairs Department, stated the primary objective of this emergency program is to remove the threat of future flooding for low- and moderate-income homeowners (in Sylvan Oaks).

Discussion: Maximum grant from the State is \$350,000; additional \$50,000 in-kind services provided by County Departments, etc.

Motion was made by Mr. McClash, seconded by Mr. Stephens and carried unanimously, to adopt Resolution R-98-201.

RECORD S46-898
S46-899

INMATES MEDICAL SERVICES

Fred Loveland, Community Services Director, requested execution of a contract with Manatee County Rural Health Services, Inc. (RHS) and the Manatee County Sheriff's Office providing for administration and operation of all medical services provided to inmates under the custody and control of the Sheriff (8/17/98-9/30/99, \$1,959,026). The services would be extended to all the Immigration and Naturalization Services (INS) inmates and Department of Juvenile Justice inmates, as well as all adult inmates.

Discussion: Cost savings; provider network; Department of Health; pharmacy savings; special services; outside specialists; inmates/prisoners; negotiating with INS on the rates; current inmate population, etc.

Mickey Presha, Manatee County Rural Health Services, stated RHS can provide more staff to inmates for their health care needs. He advised that pharmacy is one of their largest areas for savings.

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

RECORD S46-900

ONE CENT SALES SURTAX

Ernie Padgett, County Administrator, reviewed an outline of the Local Option Sales Surtax and highlighted the proposed projects on the Annual Operating Cost Summary. He recommended approval of a referendum to extend the one cent Local Option Sales Surtax for 5.5 years (7/1/99 to 12/31/04), which will provide an estimated annual revenue of \$19,000,000.

Discussion: One cent or one-half cent; duration of collection; split revenue with School Board; general ballot; list of projects from municipalities, etc.

Motion was made by Mr. McClash and seconded by Mrs. Harris, to instruct the County Administrator to bring back a sales tax referendum resolution to include an amount of one cent for a duration of 5.5 years for a November general election for this year.

Teddy N. Williams, Jr., County Attorney, requested authorization to advertise a public hearing and prepare an ordinance.

Mr. McClash and Mrs. Harris agreed to the additional language. The motion carried 6 to 1, with Mr. Stephens voting nay.

Mr. Padgett advised that public meetings will be held August 10, 1998, and August 18, 1998, at 6:30 p.m. The public hearing will be August 25, 1998, at 9:00 a.m., or as soon thereafter as same may be heard.

CLEAN AIR TASK FORCE

Mrs. Glass submitted a resolution prepared by Mr. McClash, which recommended supporting a State-wide "Clean Air Task Force".

COMMISSIONER'S COMMENTS

MJ Road - Mr. Bruce reported that options are being considered for paving MJ Road.

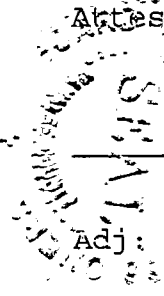
51st Avenue East - Mr. Bruce reported that sidewalks along 51st Avenue East (by Oneco Elementary School) have been completed.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



[Signature]
 Clerk
 Adj: 11:50 a.m.
 /ag

[Signature]
 Chairman 10/6/98