

AUGUST 18, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, August 18, 1998, at 9:10 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 Chaplain Robert W. Scott, Anchor House Mission.

CONSENT AGENDA

Upon motion by Mr. McClash and second by Mr. Bruce, the Consent Agenda was approved 6 to 0, after the following deletions: (1) Bid Award to Chartier Development Company, Inc., for Emergency Generator Shelters, (2) Agency Participation Agreement with MCC-Wages Program, (3) Azalea Park drainage easements (all five deferred); and (4) LDA-98-01 Schroeder-Manatee Ranch Inc./Lakewood Ranch Commerce Park (withdrawn). Items APPROVED include:

CLERK'S CONSENT CALENDAR

BONDS

Accept:

Chaparral, Phase III (aka Mote Ranch PH VII)

Performance Bond: \$18,404.10 (Amendment 001 to Letter of Credit S970379, SunTrust Bank) extending expiration date to 6/10/99.

Chaparral, Phase II (aka Mote Ranch PH VII)

Performance Bond: \$8,644.35 (Amendment 001 to Letter of Credit S970377, SunTrust Bank) extending expiration date to 6/10/99.

Heather Glenn, Phase II

Defect Security: \$60,896.03 (Letter of Credit 890350, First National Bank of Manatee).

Release:

Heather Glenn, Phase II

Defect Security: \$60,896.03 (Letter of Credit 790350, First National Bank of Manatee).

Rosedale, Phase II

1. Agreement with Newton Developments, Inc., warranting required improvements, \$5,650.
2. Defect Security: \$5,650 (Check 268, Nations Bank).

BILLS FOR PAYMENT

West Central Florida Area Agency on Aging -  
Alzheimer's Disease Initiative FY 1998 \$ 2,141.72

REFUNDS

SMR 1 Development Corp. - Impact fee refund 73,651.00  
SMR 1 Development Corp. - Impact fee refund 36,771.00  
SMR 1 Development Corp. - Impact fee refund 29,996.00  
SMR 1 Development Corp. - Impact fee refund 33,729.00

AUTHORIZE FEE WAIVERS

Ann Harloff - NSF fee waiver 75.88  
Wheeler B. Leeth - ATF NSF fee waiver 26.59

WARRANT LIST

Approve: August 4, 1998 through August 10, 1998  
Authorize: August 11, 1998 through August 24, 1998

AUTHORIZE CHAIRMAN TO SIGN

Partial Release of Special Improvement Assessment Liens:  
Projects 3102/2502; 3007/2508; 3010/5148

Satisfactions of Judgment:

Carlos Guzman, Case 93-4790T  
Richard Ballard, Case 96-3016F

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(Continued)

**U.S. 301 Boulevard Road and Utility Improvements** - Contract with Shirley Land Development, Inc., IFB 98-4642DC, \$2,094,534.42 (approved 8/4/98); date Performance and Payment Bonds and accept Insurance Certificate. RECORD S46-933

**Water Distribution Improvements (Bayshore Area)** - Contract with Woodruff & Sons, Inc., IFB 98-4606DC, \$113,243.40 (approved 7/7/98); date Performance and Payment Bond and accept Insurance Certificate. RECORD S46-934

**APPROVE, RATIFY & CONFIRM****Parks and Recreation Special Interest Classes Agreements:**

Lea Smith Johnson - Gentle & Step Aerobics	S46-935
Dimas Reyes - Drawing	S46-936
James Alan Mathys - Dog Obedience	S46-937
David Springer - Self Defense and Kickrobics	S46-938
Vicki Knauss - Beginning Guitar	S46-939
William J. Marney - Yoshukai Karate	S46-940
Kathleen Anne Bixby - Kinder Gym	S46-941
Robert Joseph Miller, Jr. - Kenpo Karate	S46-942
Melissa Watkins - Dance (Ballet/Tap and Jazz) and Cheerleading	-943
Betty Benishek - Creative Memories	S46-944
Karen S. Fain - Tai Chi	RECORD S46-945

**ACCEPT****Records Destruction Request** - Bureau of Archives and Records Management form listing County records for destruction:

No. 394, Facilities Management (Administration)  
 No. 395, Financial Management (Administration & Purchasing)  
 No. 399, Manatee County (Board of County Commissioners)  
 No. 400, Convention/Civic Center  
 No. 402, Parks and Recreation  
 No. 406, Public Works (Accounting)  
 No. 411, Manatee County (Election Services)  
 No. 417, Community Affairs (Administration)  
 No. 418, Community Services (Human Services)  
 No. 420, Environmental Management (Air Quality)  
 No. 421, Sheriff's Office  
 No. 422, Information Services

**Florida Power & Light - Manatee Orimulsion Project** - Transcripts of closed litigation assessment meetings held on October 21, 1997, October 28, 1997, and January 6, 1998.

**Southwest Florida Water Management District** - Tentative Budget for Fiscal Year 1998-1999.

**Industrial Development Revenue Bonds, Series 1998, \$2,700,000 - Mader Electric, Inc.** - Closing Documents (R-97-86 adopted 5/6/97 and R-98-59 adopted 2/24/98).

**Revenue Refunding Notes, Series 1998, \$1,610,000 - Riverview Pointe Acquisition** - Closing Documents (R-98-166 adopted 6/16/98).

**Cortez Road - Landscaping Funding and Installation** - Executed originals of Landscaping Funding Agreement and Highway Landscaping Agreement with Florida Department of Transportation including "Exhibit A," Landscape Development Plans (authorized by R-95-280 adopted 10/3/95). RECORD S46-946+

**Ernst & Young LLP Audit Services** - Letter (dated 8/12/98) from Ernst & Young regarding updating Constitutional Officers' audits. RECORD S46-948

**Southern Manatee Fire and Rescue District** - 1999 Schedule of Regular Meeting; and 1998/99 Fiscal Year Proposed Budget. RECORD S46-948

**COUNTY ADMINISTRATOR****LAWSUITS: EL RANCHO PARTNERS**

Authorize the County Attorney to (1) reject Offer of Judgment for \$70,000, as served upon the County by Defendant El Rancho Partners on July 24, 1998, and (2) serve upon El Rancho Partners an Offer of Judgment for \$65,000 (inclusive of statutory interest), in the matter of Manatee County versus Golf Lakes Residents' Association, Inc., et al, Case CA-94-4955.

**INDUSTRIAL DEVELOPMENT BONDS 1985 SERIES - MANATEE MENTAL HEALTH, INC.**

**R-98-217** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT BETWEEN MANATEE COUNTY, FLORIDA, AND THE ORANGE COUNTY HEALTH FACILITIES AUTHORITY, PURSUANT TO WHICH THE ORANGE COUNTY HEALTH FACILITIES AUTHORITY SHALL BE AUTHORIZED

TO ISSUE ITS REVENUE BONDS FOR THE BENEFIT OF THE PRESBYTERIAN RETIREMENT COMMUNITIES, INC., FOR THE PURPOSE OF REFUNDING THE OUTSTANDING MANATEE COUNTY FLORIDA INDUSTRIAL DEVELOPMENT REVENUE BONDS, 1985 SERIES (MANATEE MENTAL HEALTH, INC. PROJECT), AND PROVIDING FOR AN EFFECTIVE DATE.

RECORD S46-949  
S46-950

**TRIM NOTICES - NON-AD VALOREM ASSESSMENTS**

Chairman to sign letter to Property Appraiser requesting inclusion of non-ad valorem assessments on the TRIM notice, pursuant to \$200.069(13) (a).

**LAWSUIT: ALEX DUNLAP**

County Attorney's office to file and to prosecute a lawsuit against utilities customer, Alex Dunlap, for failure to pay sewer and solid waste billings totaling \$6,585.80 (service at 523 25th Street East, Apt. F, Palmetto, Florida).

**WORKER'S COMPENSATION CLAIM - JAMES CATES**

Authorize payment of \$15,000 to washout the entire Worker's Compensation Claim of James Cates.

**HIGHWAY BEAUTIFICATION GRANT**

Acceptance, ratification, and confirmation of Florida Department of Transportation Highway Beautification Grant (State Road 55 [U.S. 41], south of 17th Street to 21st Street East, Palmetto), and execution of associated documents:

1. Highway Beautification Grant Memorandum of Agreement with Florida Department of Transportation, \$66,269.36 (\$31,734.68, paid by State or 50 percent, whichever is less); RECORD S46-951
2. Highway Landscape Installation and Maintenance Memorandum of Agreement, with Florida Department of Transportation.

RECORD S46-952

**MEALS ON WHEELS PLUS - ADULT DAY CARE SERVICES**

Execution of Amendment 1 to Fiscal Year 1997-98 Funding Agreement with Meals on Wheels Plus of Manatee changing the location of Adult Day Care Service Provision to 2222 7th Street East, Bradenton, Florida 34208.

RECORD S46-953

**PERSONNEL STAFFING LEVELS**

**R-98-209** RESOLUTION ESTABLISHING AUTHORIZED STAFFING LEVEL CHANGES BY JOB CLASSIFICATION FOR DEPARTMENTS UNDER THE JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS

(Increase Community Services [Transit] From 3 to 4; Department total, 120).

RECORD S46-954

**WEST COAST INLAND NAVIGATION DISTRICT PROJECT EXTENSIONS**

Authorization for Chairman to sign letter to West Coast Inland Navigation District (WCIND) requesting extension of eligible project agreements with WCIND for one additional year (to 9/30/99), and to sign a WCIND Project Extension Request form for each project requiring extension:

- South Ellenton Homeowners Association (M76) - Benzing Canal Dredging S46-955
- Manatee County Environmental Management Department (M77) - Navigational Improvement S46-956
- City of Palmetto (M78) - Jet Park Navigational Improvement S46-957
- City of Anna Maria (M79) - Lake LaVista Inlet Maintenance S46-958
- City of Palmetto (M80) - Navigation Restoration - South of 10th Street West S46-959
- City of Holmes Beach (M81) - Boat Ramp S46-960
- City of Holmes Beach/City of Anna Maria (CIP-25) - Key Royale Pass Dredging S46-961
- USCG Flotilla 83 (M82) - Boating Safety and Education S46-962
- USCG Flotilla 85 (M83) - Boating Safety S46-963
- Civil Air Patrol (M85) - SRQ Senior Squadron Civil Air Patrol

RECORD S46-964

**CROSLY ESTATE - SPECIAL CATEGORY GRANT**

**Regular Grant Funding**

**R-98-211** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES UNDER THE REGULAR GRANT FUNDING PROGRAM FOR RESTORATION OF THE CROSLY ESTATE (total \$331,500: State \$169,500; Local \$162,000);

and execution of Historic Preservation Grant Award Agreement with State of Florida Division of Historical Resources, \$169,500 and all related documents (including Restrictive Covenants); and authorization for the County Administrator, or designee, to execute all administrative documents.

RECORD S46-965  
S46-966  
S46-967

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Legislative Appropriation Funding

R-98-212 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES, UNDER LEGISLATIVE APPROPRIATION FUNDING FOR RESTORATION OF THE CROSLY ESTATE (total \$500,000, no local match); and execution of Historic Preservation Grant Award Agreement with State of Florida Division of Historical Resources and all related documents (includes Restrictive Covenants); and authorization for the County Administrator, or his designee, to execute all administrative documents connected thereto.

RECORD S46-968  
S46-969  
S46-970

BUDGET AMENDMENT

Various Departments (B-98-063)  
Transfer of Funds; Unanticipated Revenues  
(supporting description and detail attached)

RECORD S46-971

EMPLOYEE HEALTH BENEFITS

1. Medical and Dental Plan Rates as outlined, effective January 1, 1999, in accordance with Fiscal Year 1998-1999 Budget; RECORD S46-972
2. Medical Plan Benefit changes as outlined, effective January 1, 1999. RECORD S46-973

AMENDMENT TO ARTICLE V - STATE COURT SYSTEM FUNDING

R-98-95 A RESOLUTION OF MANATEE COUNTY, FLORIDA, RELATING TO APPROPRIATION OF COUNTY FUNDS; MAKING LEGISLATIVE FINDINGS REGARDING A PROPOSED AMENDMENT TO THE FLORIDA CONSTITUTION THAT WOULD RELIEVE COUNTY TAXPAYERS AND RESIDENTS OF THE BURDEN OF PAYING FOR THE STATE COURT SYSTEM AND SHIFT THE BURDEN TO THE STATE; AUTHORIZING A TRANSFER OF FUNDS FROM RESERVES IN THE COUNTY GENERAL FUND TO A POLITICAL COMMITTEE TO SUPPORT AND ENCOURAGE APPROVAL OF THE CONTEMPLATED CONSTITUTIONAL AMENDMENT IN THE NOVEMBER 1998 GENERAL ELECTION; AUTHORIZING THE CHAIRMAN TO SIGN AN AGREEMENT WITH FLORIDIANS FOR FAIRNESS IN COURT FUNDING PROVIDING FOR DISBURSEMENT OF FUNDS; PROVIDING AN EFFECTIVE DATE, and execution of agreement with Floridians for Fairness in Court Funding to provide funding, \$63,930.

RECORD S46-974  
S46-975

ACTUARIAL SERVICES

Execution of agreement with Wakely & Associates, Inc., to provide professional actuarial services for the County's self-insured programs for Worker's Compensation, automobile liability and property damage and general liability, per negotiated agreement, \$3,500 annually (3 years beginning 10/1/98).

RECORD S46-976

CIVIC CENTER ADVERTISING

Execution of Addendum 1 to agreement with the Bradenton Herald for advertising rights on the Civic Center main entrance sign located at U.S. 41/301 and Haben Boulevard, \$9,000 annually for three years.

RECORD S46-977

SOUTHWEST REGIONAL WASTEWATER TREATMENT PLANT - ANAEROBIC DIGESTER

R-98-218 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, TENTATIVELY AWARDED CONSTRUCTION CONTRACT FOR THE DEPARTMENT OF ENVIRONMENTAL REGULATIONS (DEP) STATE REVOLVING FUND LOAN PROGRAM SUBJECT TO REGULATORY APPROVAL (DEP PROJECT CS120540220, MANATEE COUNTY BID 973808)

RECORD S46-978

and award Bid for Anaerobic Digester Facility Expansion to Cardinal Contractors, Inc., \$4,026,000, subject to approval by the DEP under the State Revolving Fund Loan Program, authorized by Section 403.1835, Florida Statutes, and implemented by Chapter 62-503 Florida Administrative Code; and subsequent execution of contract and simultaneous dating of performance/payment bond and acceptance of insurance certificate.

MATERIALS AND SERVICES

1. Public Works Billing System - Enter into negotiations with top-ranked firm Teldata, Inc., to provide a computerized utilities billing system and professional integration services for the Public Works Department.
2. Coker Gulley Bridge - Award Bid IFB 98-5821DC to Thomas Marine Construction, Inc., \$254,715; and subsequent execution of contract and dating of performance/payment bonds and acceptance of insurance certificate.

3. Automated Logic DDC System/Public Safety Complex - Sole source procurement to furnish and install a complete Automated Logic DDC system from Advanced Automation Systems, Inc., \$62,950.
4. El Rancho Village Lift Station - Award IFB 98-4898DC to DeJonge Excavating Contractors, Inc., \$112,960; subsequent execution of contract and dating of performance/payment bonds and acceptance of insurance certificate.

**COMPUTER AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEM**

Execution of agreement with GTE Florida Business Connections Corporation, \$2,545,307, for a computer aided dispatch, records management system and enhanced telephony switch. RECORD S46-979

**FOUR CORNERS MINE - ENVIRONMENTAL MONITORING**

Execution of Addendum 4 to agreement with QST Environmental, Inc., for environmental monitoring professional services for the Four Corners Mine for an adjustment of fee rate schedule with no change in the contract total. RECORD S46-980

**ARTICULATED MOTOR GRADERS**

Execution of Addendum 1 to Total Cost Agreements (4) with Ringhaver Equipment Co., Inc., for purchase of optional equipment to be installed on four Caterpillar H135 Articulated Motor Graders and performance bonds (to be for a total not to exceed increase of \$30,795). RECORD S46-981  
S46-982  
S46-983  
S46-984

**JAIL MANAGEMENT SYSTEM - OPERATING SYSTEM**

Execution of Maintenance Support Agreement with Tandem Computers, Inc., to provide hardware and software maintenance support for the Jail Management Operating System, annual cost of \$19,754. RECORD S46-985

**LAKWOOD RANCH BOULEVARD**

Execution of Change Order 1 to Work Assignment 127 with Professional Service Industries, Inc., for geotechnical services for construction materials testing of Lakewood Ranch Boulevard, South Section, increase of \$10,139.60 and adjusted work assignment, total not to exceed \$45,054.31. RECORD S46-986

**PARKS AND RECREATION - METAL ROOF REPAIR**

Execution of contract with McEnany Roofing, Inc., for repair of the metal roof systems of selected buildings belonging to Parks and Recreation Department for fixed price amount of \$187,071, and dating of performance/payment bonds and acceptance of insurance certificate. RECORD S46-987

**SANITARY SEWER LINE REHABILITATION**

Execution of Work Assignment 5 for sanitary sewer line rehabilitation (east County) with Insituform Southeast, Inc., \$32,731. RECORD S46-988

**TERRA CEIA BAY OVERLOOK TRAIL AT EMERSON POINT**

Execution of grant agreement from the Florida Department of Environmental Protection for the Terra Ceia Bay Overlook Trail at Emerson Point under the National Recreation Trails Funding Program and authorizing staff to complete all required Federal documents for submission to the Florida Department of Environmental Protection (State/Federal, \$49,000; Local Match \$49,000). RECORD S46-989

**TEMPORARY USE PERMIT FEE REFUND**

Refund Temporary Use Permit Fees, \$334 to Universe Novelty & Fireworks Co., Inc.

**30TH AVENUE WEST, PALMETTO**

Execution of interlocal agreement with City of Palmetto to pay their fair share, \$1,815, for construction of a portion of 30th Avenue West, Shell Beach Subdivision, located within the city limits.

(NOTE: Agreement to be submitted on future agenda indicating correct amount of \$1,553.)

**1998 AD VALOREM ASSESSMENT ROLLS - CERTIFICATION**

R-98-191 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CONFIRMING ANNUAL SPECIAL ASSESSMENT PAYMENTS DUE WITH THE PAYMENT OF 1998 AD VALOREM TAXES FOR ALL SPECIAL ASSESSMENT LIENS IMPOSED FROM JANUARY 1, 1986, TO DECEMBER 31, 1989. RECORD S46-990

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1998 NON-AD VALOREM ASSESSMENT ROLLS

R-98-190 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE CERTIFICATION OF NON-AD VALOREM ASSESSMENTS PURSUANT TO THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS FOR ANNUAL SPECIAL ASSESSMENT PAYMENTS DUE WITH THE PAYMENT OF 1998 AD VALOREM TAXES. RECORD S46-991

LOCAL MITIGATION STRATEGY

Execution of Modification 1 to the Local Mitigation strategy contract with The Florida Department of Community Affairs (6/19/98-8/31/99); change in due date for first period deliverables to October 31, 1998; and execution of all related documents. RECORD S46-992

ORDINANCE 98-28, SEWER USE

Set public hearing for September 1, 1998, at 9:00 a.m., or as soon thereafter as possible, to consider adoption of Sewer Use Ordinance 98-28.

DEEDS AND EASEMENTS

1. Buckeye Road and O'Neil Road - Warranty Deed from Gene's Citrus Ranch, Inc., for additional right-of-way for future expansion; Partial Release of Mortgage from First National Bank of Manatee; Affidavit of Ownership and Encumbrances.
2. Lockwood Ridge Road - Warranty Deed, Drainage Easement and Temporary Construction Easement from Charles H. Ball for road improvements from Tallevast Road to 45th Street East/Murray Lane (purchased at appraised value of \$15,400); Affidavit of Ownership and Encumbrances; Satisfaction of Mortgage from Lawrence D. and Kathleen B. Reno; and Corrective Partial Satisfaction of Judgment from The First State Bank of Arcadia; and authorization to pay invoice 98-23 from Sewell, Valentich, Tillis & Associates for appraisal services, \$603.75.
3. John W. Jackson's Factory Subdivision, Palmetto - Quit Claim Deed from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for property (Lots 1 and 4, Block 10) purchased for the Manatee County Fair Association.
4. Memphis Road and 51st Avenue, Ellenton - Drainage Easement Agreement and Flowage Easement Agreement from RMS Family Restaurants, Inc., for drainage pipeline and surface water runoff; Affidavit of Ownership and Encumbrances; Joinder from Household Commercial Financial Services, Inc. RECORD S46-993  
S46-994

LOCKWOOD RIDGE ROAD

1. Execution of Contract for Sale and Purchase for Warranty Deed and Temporary Construction Easement from Palm-Aire Country Club at Sarasota, Inc., for additional right-of-way for road improvements, \$32,332; RECORD S46-995
2. Warranty Deed and Temporary Construction Easement from Palm-Aire Country Club at Sarasota, Inc.; and Affidavit of Ownership and Encumbrances.

(End Consent Agenda)

EMPLOYEE OF THE MONTH

The August 1998 Employee of the Month award was presented to Ken Einsele, Sr., Engineering Technician, Public Works Department.

(Enter Ms. Brown)

CROSLY ESTATE

Wallace Dunlap, Chairman of the Crosley Estate Foundation, presented a check in the amount of \$12,000 to Manatee County for the Foundation's contribution towards match requirements for a special category grant from the Florida Department of State, Division of Historical Resources.

EMERSON POINT PARK SUMMER YOUTH PROGRAM

Charles Hunsicker, Ecosystems Administrator, gave a video presentation of the Emerson Point Park Summer Youth Employment Program activities. He presented certificates of recognition to the participating youth, program volunteers, and program administrators.

He stated that a partnership was formed with the County Commission, Manatee Community College, the local Job Training Partnership Act organization, JOBS Etc., Manatee County School Board, and volunteers for an environmental restoration project at Emerson Point.

PROCLAMATION

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried unanimously, to adopt a Proclamation designating August 18, 1998, as **Cheri R. Coryea Appreciation Day**, in appreciation of her commitment to Manatee County Government as Children's Services Coordinator. RECORD s46-996

NOMINEE QUALIFICATIONS REVIEW COMMITTEE

Nominations were accepted for appointment of two members to the Department of Children and Families District VI, Nominee Qualifications Review Committee, term to expire in 2000:

Barbara F. Talburtt - by Mr. McClash  
Joyce B. Kessler - by Mr. McClash

Upon motion by Ms. Brown and second by Mrs. Harris, nominations were closed and a unanimous ballot was cast for **Barbara Talburtt** and **Joyce Kessler**. Motion carried unanimously.

CITIZENS' COMMENTSClean Air Task Force

**Ed Rathke**, Florida Power & Light Company, spoke in favor of Resolution R-98-220, to be considered later in the meeting, supporting formation of a State-wide Clean Air Task Force.

Government Access Television Programming/Signs

**William R. Wheeler** expressed appreciation for Manatee County Government Access Television programming, especially information regarding placement of signs. He requested development of a system to stop the posting of signs on utility poles.

(Sharon Lutz, court reporter, present)

MANATEE COUNTY VERSUS OUTERLIMITS

**James A. Minix**, Assistant County Attorney, gave a status report regarding Manatee County versus OuterLimits, Case CA-98-2255. He stated a hearing is scheduled for August 27, 1998, regarding the County's request for a temporary injunction regarding a public nuisance action.

Mr. Minix stated counsel for OuterLimits has proposed a settlement agreement with provisions for eliminating the offending low frequency bass sound and parking lot disturbances. The owners also agree to reimburse the County for its fees and costs if it is necessary to enforce the settlement agreement in court. He reported that residents of the nearby mobile home park do not appear to be satisfied with the settlement proposal. He referred to a letter (7/10/98) from **Dr. Buzz Stulac** outlining complaints regarding the nightclub.

Mr. Minix reviewed the proposed settlement, and recommended not accepting the settlement offer by OuterLimits. He stated the County's witness, Professor Gary Seibein, University of Florida, confirmed that sound vibrations from OuterLimits are a disturbance for nearby residents.

Motion was made by Mr. McClash and seconded by Mrs. Stein, not to accept the settlement offer by OuterLimits.

Discussion: Status report as to strengthening the Noise Ordinance.

Motion carried unanimously.

ORDINANCE 98-36, MCLEWIS BAYOU CANAL DREDGING MSBU

Public hearing (Notice in the Bradenton Herald 7/24/98) was held to consider

**ORDINANCE 98-36** AN ORDINANCE OF MANATEE COUNTY, FLORIDA, ESTABLISHING A MUNICIPAL SERVICE BENEFIT UNIT (MSBU) WHICH SHALL BE KNOWN AS THE MCLEWIS BAYOU CANAL DREDGING MUNICIPAL SERVICE UNIT; PROVIDING DEFINITIONS; IDENTIFYING ALL PROPERTY INCLUDED IN THE MSBU; PROVIDING A GOVERNING BODY FOR THE MSBU; ESTABLISHING THE SERVICES AND FACILITIES TO BE PROVIDED WITHIN THE MSBU; PROVIDING FOR THE LEVY, COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS IN ACCORDANCE WITH THE UNIFORM METHOD TO FUND THE FACILITIES AND

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SERVICES PROVIDED FOR THE MSBU; PROVIDING AN ALTERNATIVE METHOD FOR THE ENFORCEMENT AND COLLECTION OF SUCH SPECIAL ASSESSMENTS; PROVIDING FOR A SEPARATE ACCOUNTING OF FUNDS; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE, THE CORRECTION OF SPECIAL ASSESSMENTS AND THE INCREASE IN SPECIAL ASSESSMENTS BEYOND THE MAXIMUM RATE AUTHORIZED; PROVIDING FOR CURTAILMENT OF SERVICES; PROVIDING FOR THE CORRECTION OF ERRORS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Janet McAfee, Project Management Director, stated the area to be dredged consists of approximately 14,053 cubic yards of material from approximately 2,000 linear feet of canal from First Avenue Northwest northward to approximately 400 linear feet into the Manatee River. The method of assessment is 1 unit/parcel south of Riverview Boulevard (15 parcels), and 1.67 unit/parcel north of Riverview Boulevard (9 parcels), which total 27 assessable units at \$18,768.45 per unit.

She reviewed a graph showing three alternatives, Design Options A, B, and C, and a location map. She recommended Design Option C and that the County fund some silt structures. She distributed a fact sheet representing a 21 percent County contribution.

Upon question as to why assessments north of Riverview Boulevard are higher than south of Riverview Boulevard, she stated the width of the canal to the north is greater and those properties will receive a substantially increased benefit. She pointed out the original recommendation was that all parcels be assessed equally; however, it was determined a fair apportionment should be based on the fact that the north section has more sedimentation to be removed.

Ms. McAfee distributed a packet which included letters, newspaper articles, and the CCI Environmental Services, Inc. McLewis Bayou Maintenance Dredging Evaluation and a table outlining the **Cost As Noticed; With Potential 21 Percent County Contribution; With Potential 30-Year County Contribution; and With Potential 40-Year County Contribution**. She pointed out the **Cost As Noticed** (\$18,768.45 south; \$31,281.38 north) does not include any County contribution.

Discussion: Whether this is stormwater project rather than dredging project; CCI Environmental Services, Inc., evaluation (August 1998) states an estimated 43 to 70 percent of sediment originated from upland man-made sources and activities, etc.

(Depart Mrs. Harris)

**Michael Hanson**, Boyle Engineering Corporation (County Consultant), stated they evaluated sedimentation amounts and sources for McLewis Bayou. He addressed equations used to identify amount and sources of sedimentation taking into consideration soil types, land uses, ground cover, rainfall and basin size. He stated the 21 percent represents sedimentation for which the County is responsible.

(Enter Mrs. Harris)

**Barbara Levin**, attorney representing Joan Simmons, referenced her letter (8/13/98) wherein she questioned the special benefit to her client and addressed the reasonableness and fairness of the apportionment. She recommended the County's contribution should not be less than 50 percent. She noted the ordinance should address pollution, not just navigation. She stated her client agrees with Option C, with the understanding the County will absorb a substantial portion of the cost.

**Jeffrey Steinsnyder**, Assistant County Attorney, recommended the Ordinance not be amended to include pollution, noting that if the project becomes pollution remediation, navigation exemptions for permitting will not apply.

**David Bassett**, representing all but two of the property owners in the project, submitted photographs of the canal and an information sheet regarding County participation in the project. He recommended 43 to 70 percent County participation.



David Klement, property owner, spoke in opposition to the property owners paying most of the costs and expressed concern regarding public safety under present conditions.

Patricia Petruff, representing Jeanie Adams Henderson, stated her client is not opposed to the dredging but to the property owners bearing the majority of the costs; everyone will benefit equally and should bear the costs on an equal basis; and the County should assume a higher percentage of the costs.

Robert Christopher and Mark Grenier, property owners, spoke in favor of the project.

Ernie Padgett, County Administrator, reviewed the table provided earlier by Ms. McAfee indicating various County contributions, and recommended the contribution mix be 55 percent residents and 45 percent County.

Discussion: Cost be based on 40-year calculation, which is approximately a 50-50 split with assessment at 1 unit/parcel south of Riverview Boulevard, and 1.67 unit/parcel north of Riverview Boulevard; project should be split at 35 percent residents and 65 percent for County; this is first project under new dredging program, etc.

Motion

Motion was made by Mr. Stephens to adopt Ordinance 98-36 establishing a Municipal Service Benefit Unit for the dredging of McLewis Bayou and execution of an agreement with the Property Appraiser and Tax Collector for collection of Special Assessments for the project based on the 40-year contribution by the County as presented by staff. Motion was seconded by Ms. Brown.

Amendment to the Motion - Failed

Mrs. Stein moved to amend the motion for 35-65 percent split residents and public funds. Motion was seconded by Mr. Bruce. Amendment failed with Mr. Stephens, Ms. Brown, Mr. McClash, and Mrs. Glass voting nay.

Vote on Motion - Carried

Mr. McClash stated that the maximum assessment would be \$10,164.04 for parcels south of Riverview Boulevard and \$16,940.41 for parcels north of Riverview Boulevard. The motion carried unanimously. RECORD S46-997  
S46-998

(NOTE: There were no objections to adding an additional "Whereas" clause to the ordinance as stated by Mr. Steinsnyder during the Manatee Subdivision Canal Dredging hearing immediately following this hearing.)

Recess/Reconvene. All members present.

ORDINANCE 98-35, MANALEE SUBDIVISION CANAL DREDGING MSBU

Public hearing (Notice in the Bradenton Herald 7/24/98) was held to consider

ORDINANCE 98-35 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, ESTABLISHING A MUNICIPAL SERVICE BENEFIT UNIT WHICH SHALL BE KNOWN AS THE MANALEE SUBDIVISION CANAL DREDGING MUNICIPAL SERVICE BENEFIT UNIT (MSBU); PROVIDING DEFINITIONS; IDENTIFYING ALL PROPERTY INCLUDED IN THE MSBU; PROVIDING A GOVERNING BODY FOR THE MSBU; ESTABLISHING THE SERVICES AND FACILITIES TO BE PROVIDED WITHIN THE MSBU; PROVIDING FOR THE LEVY, COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS IN ACCORDANCE WITH THE UNIFORM METHOD TO FUND THE FACILITIES AND SERVICES PROVIDED FOR THE MSBU; PROVIDING AN ALTERNATIVE METHOD FOR THE ENFORCEMENT AND COLLECTION OF SUCH SPECIAL ASSESSMENTS; PROVIDING FOR A SEPARATE ACCOUNTING OF FUNDS; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE, THE CORRECTION OF SPECIAL ASSESSMENTS AND THE INCREASE IN SPECIAL ASSESSMENTS BEYOND THE MAXIMUM RATE AUTHORIZED; PROVIDING FOR CURTAILMENT OF SERVICES; PROVIDING FOR THE CORRECTION OF ERRORS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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(Continued)

Janet McAfee, Project Management Director, stated the area to be dredged consists of approximately 10,160 cubic yards of material from 2,400 linear feet of canals located within Manatee Subdivision. There are 43 assessable parcels at \$7,185.89 per parcel.

She submitted correspondence from representatives of the Mary Cloud Estate stating the ordinance would unduly assess the three parcels in the Estate which are not buildable and requesting they be considered as one. She noted the Cloud representatives did not receive notification but otherwise became aware of the project. She recommended one assessment for the three parcels, noting that the cost per parcel was based on 43 parcels, not 41.

Ms. McAfee submitted a table showing costs **As Noticed; With Potential 6 Percent County Contribution; With Potential 30-Year County Contribution; and With Potential 40-Year County Contribution.** She noted the science applied by the County's consultant in the previous project is the same for this project. She reviewed a map of the project.

She submitted correspondence in opposition from **Nora Pearl Lamm, Mavis Eaton, and Muriel Polanski.** She stated the postcard survey indicated 28 residents in favor, 8 opposed, and 7 (including 3 from Cloud Estate) with no responses.

**Michael Hanson,** Boyle Engineering Corporation (County consultant), responded to questions regarding channel depths, seawalls, and reduction in sedimentation.

**Gene Cloud,** representing the Cloud Estate, spoke in opposition.

**Greg Meissner,** attorney representing the Cloud Estate, recommended a single assessment for the three parcels in the Estate. He pointed out the three parcels have a combined assessment of \$38,000 on the tax roll, and a \$21,000 assessment would be disproportionate.

**Mary Cloud,** representative of the Cloud Estate, spoke in opposition to the project and expressed concern regarding impact of dredging on the manatees breeding in that area.

**Harold Beilstein,** 9th Street East, Ellenton, commented that sea life would increase if the canal is dredged.

**Wayne Watson,** 9th Street East, Ellenton, spoke in support of the project but questioned why the County does not take responsibility for maintenance of these waterways.

Discussion: Cause of sediment; some of sediment is organic; whether hardship assessment program applies to dredging projects; maintenance dredging has not previously been done, etc.

**Nora Pearl Lamm** verified the subdivision and canals have been in existence since 1958.

Mr. Steinsnyder recommended that the following be added to the Ordinance: "WHEREAS, the Board finds that benefits provided to affected lands include, by way of example and not limitation, the enhanced navigability of the canals, the enhanced waterfront access to the parcels, and the potential increase in, or maintenance of, value to improved residential lands."

Motion was made by Mr. Stephens, and seconded by Mr. Bruce, to adopt Ordinance 98-35 establishing a Municipal Service Benefit Unit for canal dredging in Manatee Subdivision, and to authorize execution of an agreement with the Property Appraiser and Tax Collector for collection of special assessments for this project based on the 40-Year County contribution as presented at this meeting, with amendment as stated by Mr. Steinsnyder, and with one assessment for the Cloud property.

Discussion: Investigate development of hardship program for dredging projects; work with individuals experiencing financial hardship; possibility of extending length of time to pay the assessments, etc.

Motion carried unanimously.  
(Depart Mr. Stephens)

RECORD S46-999  
S46-1000

RURAL HEALTH SERVICES - SAMOSET HEALTH CENTER

Motion was made by Mr. McClash, seconded by Ms. Brown and carried 6 to 0, to approve provision of County General Health Care Trust Funds, in the amount of \$202,725, to Manatee County Rural Health Services, Inc., for costs associated with their plans to construct a new Samoset Health Center.

CLEAN AIR TASK FORCE

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

R-98-220 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, SUPPORTING THE FORMATION OF A STATE-WIDE "CLEAN AIR TASK FORCE."  
RECORD S46-1001

FIRE DISTRICTS/COUNTY ROUNDTABLE MEETINGS

Ernie Padgett, County Administrator, reported staff has been meeting with the fire districts to determine interest in consolidation of emergency services and fire services. Dialogue has been initiated for coordinating training and treatment protocols. Progress has also been achieved in development of a revised helicopter launch protocol.

He recommended the meetings continue and requested additional policy issues be brought forward.

The Board commended those involved and concurred in continuing the meetings.

Chief Sheffield, Braden River Fire District, agreed that the meetings have been very productive and should continue.

SOLID WASTE FRANCHISE RENEWAL

David Brangaccio, Public Works Department, reported that a Request for Information (RFI) was issued to explore options for the collection of solid waste, recyclable materials, and yard waste on a mandatory and voluntary basis for residential and traditional commercial customers.

Mr. Brangaccio referred to the "Summary of Changes Suggested in RFI Responses by Vendor," which included responses from Waste Management, Englewood Disposal/USA Waste, BFI Waste Systems, Kimmins Recycling Corporation, and Republic. With the exception of Englewood Disposal, the value of various options for changes in service levels was not addressed nor were the possibilities for improved services or cost savings from technology improvements.

He recommended the Board conceptually approve the development of a Request for Proposal (RFP) which includes the following options: (1) One franchise area with no variance area; (2) One franchise area with the existing variance area; (3) Two relatively equal franchise areas with no variance area; and (4) Two franchise areas which share the existing variance areas.

(Enter Mr. Stephens; Depart Mr. McClash)

Motion was made by Mrs. Stein, and seconded by Mr. Bruce, to conceptually approve development of a RFP with the four options set forth.

(Depart Mrs. Stein)

Following discussion, motion carried 5 to 0.

SOUTH COUNTY YOUTH AND RECREATION CENTER, INC., LEASE

William Henry, Assistant County Attorney, reviewed the status of the South County Youth and Recreation Center, Inc., lease of office and storage space in the John Marble Recreation Complex gymnasium building, its license to use the gymnasium to conduct bingo games, and its authorization to conduct bingo games on County property.

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(Continued)

He advised that Florida Statutes, Chapter 496, requires charitable organizations to file registration statements and financial reports.

(Enter Mr. McClash)

Mr. Henry stated Resolution R-95-116 authorized South County to conduct bingo games on County property contingent upon South County maintaining its status as a charitable organization. The lease states their failure to comply will be considered a material breach and the lease will automatically terminate.

He reported that the Solicitation of Contributions office advised that South County Youth Center and Our Family Ranch had sent registration requests; however, that office had not acted upon the application or approved the registration statements.

Mr. Henry requested execution of letters to the President and to the Registered Agent of South County Youth and Recreation Center, Inc., to give 15 days written notice to either cure the breach or surrender possession of the property, and to direct the County Attorney to initiate court action if South County fails to cure the breach or surrender possession.

Mr. Stephens moved to approve the request of the County Attorney. Motion was seconded by Mrs. Harris.

Discussion: Lease of real property has been breached; new resolution must be adopted to allow use of County property for bingo; Resolution R-95-116 was revoked when Chapter 496 was violated; fairness to other organizations, etc.

Motion carried 6 to 0.

(Enter Mrs. Stein)

LAKWOOD RANCH DISTRICT PARK

Ernie Padgett, County Administrator, stated the School Board has an agreement with the County (6/10/96) to construct a full-scale practice field on Lakewood Ranch High School property and ballfields to the south. He advised that they are not going to construct those fields.

Daniel Hopkins, Parks and Recreation Director, showed an overview depicting the site plan (PDPI-96-02) of the school and the Lakewood Ranch Park site. He stated the Principal of Lakewood High School has informed him they will not be building the softball, soccer and football fields located on the southwest portion of the School Board property. He pointed out construction of those fields is necessary for overall coordination of park facilities and, if not constructed, there will be an impact on high school and youth athletics.

Discussion: School Board has interlocal agreement with County to construct those facilities; violation of approved development order; School Board should be communicating any problems to the Board of County Commissioners; request County Administrator meet with School Board members regarding this default; relationship between County and School Board Administration; etc.

Mr. Stephens referred to letters (8/5/98 and 8/10/98) from Dr. S. Gene Denisar, Superintendent of Schools, thanking the Board for completing Lakewood Ranch Boulevard, and demanding immediate improvements at S.R. 64 and S.R. 70; and letter from Michael Pendley (8/7/98), School Facilities Planner, requesting immediate installation of traffic control devices and crosswalks around Lakewood Ranch High School.

He pointed out that the State is responsible for installation of traffic signals at S.R. 64 and S.R. 70 and that installation of sidewalks/crosswalks on School Board property would require an agreement between the two parties. He also commented on additional costs as a result of installation of increased lighting on the ballfield and the excessive size of the backstops.

Mr. Padgett stated he will meet with Dr. Denisar regarding the matter and report back to the Board.

COMMISSIONERS' COMMENTS

School Nurses - Funding

Mr. McClash commented that he was contacted by a parent regarding lack of funding for school nurses, which is a school related program. He reported he discussed the problem with Dr. Gladys Branic, County Health Director, and that she is confronted with State mandates for which no funding is provided. He requested the issue be addressed during the next legislative session.

State Roads 64 and 70 at Lakewood Ranch Boulevard - Signalization

Mr. Bruce commented that the County should communicate with the Florida Department of Transportation regarding the importance of full signalization at State Roads 64 and 70.

Janet McAfee, Project Management Director, reported on the status of the project noting it is progressing well.

Lakewood Ranch High School - Sidewalks

Mr. Bruce relayed a request from a parent for construction of sidewalks for students walking along State Road 70 to Lakewood Ranch High School. He noted bus access is not being provided to the Braden Pines neighborhood and requested staff investigate the possibility of linking to Forest Run Drive.

Disposition: Referred to County Administrator.

School Board/School Administration - Communication

Mrs. Stein requested assurance that School Board members will be notified of communication and other problems discussed this date.

Disposition: County Administrator to draft letter to the Chairman of the School Board with copy to Dr. Denisar.

School Nurses - Funding

Ms. Brown concurred with earlier comments that the lack of funding for school nurses should be addressed in the next legislative session. She suggested children with disabilities be grouped together to reduce the number of nurses needed.

Mrs. Stein recommended a discussion be held with the School Board regarding the possibility of their taking responsibility for the school nurse program and utilizing Dr. Branic as a consultant.

Tampa Bay Regional Planning Council

Mrs. Harris reported that the Tampa Bay Regional Planning Council will be hosting the National Association of Regional Councils Annual Conference and has requested each county host an event.

Disposition: Referred to County Administrator.

Lincoln Park

Mrs. Glass relayed a request from Mayor Whitesel of the City of Palmetto that Manatee County complete Lincoln Park stating they do not have the resources to complete the park.

Disposition: Referred to staff for full presentation.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

  
Clerk

APPROVED:

  
Chairman 11/17/98

Adj: 4:08 p.m.  
/eml