

MARCH 16, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, March 16, 1999, at 9:01 a.m.

Present were Commissioners:

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

Absent was Commissioner:

Amy Stein (on vacation)

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 Paul A. Lanigan, Hardee Correctional Institute.

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mr. Bruce, and carried 5 to 0, to approve the Consent Agenda dated March 16, 1999, with the following changes:

- **Civic Center Authority** meeting was deferred to April 6, 1999.
- **Convention & Civic Center**, Presentation on Operations and Business Flow, deferred to April 6, 1999.
- **Convention and Visitors' Bureau**, Tourist Information Signage on I-75 at Exit 43, deferred to April 6, 1999.
- **Celebrate 2000 Event** - deferred to March 23, 1999.

Items APPROVED:

CLERK OF CIRCUIT COURT CONSENT AGENDA

BONDS

Accept:

Sheriff's Public Employees and Deputy Sheriffs Blanket Bonds
(11 additions; 12 deletions) RECORD s46-1809

Summerfield Village, Subphase C, Unit 2

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$1,483.18.
2. Defect Security: \$1,483.18 (Surety Bond 130187, Frontier Insurance Company).

Summerfield Village, Subphase C, Units 6B and 7B

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$1,146.69.
2. Defect Security: \$1,146.69 (Surety Bond 130188, Frontier Insurance Company).

River Club South, Subphase I

Agreement with Manatee Joint Venture in conjunction with cash/cashiers check/certificate of deposit guaranteeing completion of required sidewalks and bikeways, \$22,846.20.

Summerfield Village, Subphase D, Unit 4

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$14,132.05.
2. Defect Security: \$14,132.05 (Surety Bond 130195, Frontier Insurance Company).

Summerfield Village, Subphase D, Unit 3

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$22,801.01.
2. Defect Security: \$22,801.01 (Surety Bond 130194, Frontier Insurance Company).

River Club South, Subphase III

Amendment to Republic Bank Performance Bond, Letter of Credit S-97-14, for Manatee Joint Venture (\$126,766) extending expiration date to May 1, 2000.

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(Continued)

Mill Creek, Phase V-B

Amendment to Republic Bank Performance Bond, Letter of Credit S-97-48, for Manatee Joint Venture (\$227,538.65) extending expiration date to April 1, 2001.

Nu-Gulf Industries

1. Agreement with Nu-Gulf Industries, Inc., guaranteeing completion of required improvements, \$1,240,000.
2. Performance Bond: \$1,240,000 (Irrevocable Letter of Credit 30241, Credit Agricole Indosuez).

Release:**River Club South, Subphase I**

Agreement with Manatee Joint Venture in conjunction with cash/cashiers check/certificate of deposit guaranteeing completion of required sidewalks and bikeways, \$22,846.20.

Summerfield Village, Subphase D, Unit 4

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$87,244.65.
2. Performance Bond: \$87,244.65 (Surety Bond 116749, Frontier Insurance Company).

Summerfield Village, Subphase D, Unit 3

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$158,639.49.
2. Performance Bond: \$158,639.49 (Surety Bond 116637, Frontier Insurance Company).

Lakewood Ranch Country Club Village, Subphase C, Unit 3

1. Agreement with SMR Communities Joint Venture guaranteeing required improvements, \$8,770.13.
2. Performance Bond: \$8,770.13 (Surety Bond 116641, Frontier Insurance Company).

Lakewood Ranch Country Club Village, Subphase C, Unit 4

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$15,925.
2. Performance Bond: \$15,925 (Surety Bond 109873, Frontier Insurance Company).

REFUNDS

State Library & Information Services -
Interest to State/1st Quarter (98-LSTA-J-02) \$46.56

WARRANT LIST

Approve: February 23, 1999 through March 15, 1999
Authorize: March 16, 1999 through March 22, 1999

AUTHORIZE CHAIRMAN TO SIGN**Satisfactions of Judgment**

James Douglas, Case 98-2000TB
Carmel Aviles, Cases 98-213F(2)
William R. Toth, 93-2525F
Brenda Durfee, Cases 98-1206JD,B; 98-1436JD; 98-1459JD,B;
98-1556JD; 98-1569JD
Shawntere Evans, Case 98-2199T
Chebo Duffy and Jonas Benoit, Case 98-2319JD
Jason Imfeld, Case 97-3530T
Henry Bilodeau, Case 99-128M

Golf Ball Retrieval - Contract with Golf Ball Recovery of Florida, (IFB 98-6244DM), to retrieve golf balls from Manatee County and Buffalo Creek Golf Courses and accept insurance certificate (approved 2/16/99). RECORD s46-1810

Lift Station Rehabilitation (2nd Avenue Northwest) - Contract with H2O Utility Services, Inc., IFB 98-6269DC, \$53,863, to construct a duplex lift station and 2-inch force main (approved 1/19/99). RECORD s46-1811

Pump Station Piping (North Regional Water Treatment Plant) - Contract with Apollo Construction & Engineering Services, Inc., IFB 98-6268DC, \$72,741; to upgrade the effluent pump station piping; approved 1/19/99) RECORD s46-1812

Telecommunications Towers

Pursuant to Section 704.59.3.12.6, Land Development Code, Irrevocable License to enter Real Property and Remove Abandoned Telecommunication Tower with the Owner/Operator of Telecommunication Facility: Bell South Mobility, 12415 U.S. 301 North, Palmetto (AP-99-02). RECORD s46-1813

Partial Releases of Special Improvement Assessment Liens:

Projects 3002/2504; 3005/5235(3); 3009/5147(3); 3102/2502;
3108/5875; 5043; 5056(2); 5074; 5124; 5147(2)

APPROVE, RATIFY AND CONFIRM

Parks and Recreation Special Interest Classes Instructor's Agreement

Sherry L. Hancock - Aromatherapy

RECORD S46-1814

AUTHORIZE

Authorization to Waive Dishonored Check Fee - Waive service fee \$30 for Simon Benford.

ACCEPT

North River Fire District - Audited Financial Statements with Compliance Report for Fiscal Year ended September 30, 1998.

West Side Fire Control District - Audited Financial Statements and Independent Auditor's report for Fiscal Year ended September 30, 1998.

West Coast Inland Navigation District - Public Facilities Report with site plan.

City of Palmetto - Ordinance 682 (adopted 11/16/98) annexing certain territories to the City of Palmetto (Manatee Fruit Company).

Records Destruction Request - Bureau of Archives and Records Management Form listing records:

Form 431, Facilities Management

Form 435, Board of County Commissioners

Form 436, Civic Center

Form 437, Property Appraiser (All areas)

Form 441, Public Works (All areas)

Form 442, Supervisor of Elections

Form 444, Clerk of Circuit Court (Child Support Depository)

Form 445, Clerk of Circuit Court (Central Cashiering)

Form 450, Environment Management (Air Quality)

Form 451, Sheriff's Office (All areas)

Form 452, Information Services (All areas)

Form 456, Clerk of the Court (Records Management)

City of Palmetto - Annexation Ordinance 635, Blackstone Park; Ordinance 636; and Ordinance 637, Friedrich Mayer

COUNTY ADMINISTRATOR

FLORIDA HERITAGE FESTIVAL

Execute letter agreement (with Certificate of Insurance) with Florida Heritage Festival At Bradenton, Inc., to allow hookup of concession trailer on the north side of the Courthouse from April 17 through April 24, 1999.

RECORD S46-1815

INDUSTRIAL REVENUE BONDS - AVON CABINET CORPORATION

R-99-60 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$3,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF MANATEE COUNTY, FLORIDA, INDUSTRIAL DEVELOPMENT REVENUE BONDS, SERIES 1999 (AVON CABINET CORPORATION PROJECT) (THE "BONDS") FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A MANUFACTURING FACILITY FOR THE BENEFIT OF AVON CABINET CORPORATION (THE "BORROWER"); PROVIDING FOR CERTAIN DETAILS OF THE BONDS; APPOINTING NATIONSBANK, N.A. AS PLACEMENT AGENT AND ACKNOWLEDGING THE APPOINTMENT OF NATIONSBANK, N.A. BY THE BORROWER AS THE REMARKETING AGENT; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE COUNTY AND THE BORROWER; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE WITH NORWEST BANK MINNESOTA, NATIONAL ASSOCIATION, AS TRUSTEE; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE PLACEMENT AGREEMENT; APPROVING THE FORM OF PRIVATE PLACEMENT MEMORANDUM WITH RESPECT TO THE PLACEMENT OF THE BONDS; APPROVING THE FORM OF MORTGAGE, GUARANTY AGREEMENT AND INDEMNIFICATION AGREEMENT; APPROVING THE FORM OF LETTER OF CREDIT; APPOINTING THE TRUSTEE AND FISCAL AGENT AUTHORIZING THE REGISTRATION OF THE BONDS UNDER A BOOK-ENTRY ONLY SYSTEM; AUTHORIZING THE PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION.

RECORD S46-1816

ORDINANCE 99-20: NOISE ORDINANCE

Set public hearing to consider Ordinance 99-20 (Noise Ordinance), which would revise the current ordinance located at 2-21-31 et seq., Manatee County Code.

LAWSUITS

1. **OuterLimits**
Expert fee to Siebein Associates, Inc., for acoustic consulting regarding noise disturbance (Invoice 2, Revised), in the matter of Manatee County versus Outerlimits, \$2,094.68.
2. **Ebonite Recreation Centers, Inc., et al**
Settlement with McDonald's Restaurants of Florida, Inc., for \$575,000, exclusive of attorneys' fees, costs and expenses, for the taking of parcel 2512/107, in the **State Road 70** eminent domain matter of Manatee County versus Ebonite Recreation Centers, Inc., CA 95-1753.
3. **John J. Nevins, et al.**
Settlement with Mobil Oil Corporation, for \$260,000, excluding attorney's fees, costs and expenses, for the taking of parcel 2512/110, in the **State Road 70** eminent domain matter, Manatee County versus John J. Nevins, et al., CA 95-4342.
4. **Tampa Scrap Processor, Inc.**
Settlement in the matter of Manatee County versus Tampa Scrap Processor, Inc., CL 98-261, for a lump sum of \$6,000.
5. **ABC Liquors, Inc, et al.**
County Attorney to extend a formal Offer of Judgment to ABC Liquors, Inc., for \$130,000, inclusive of statutory interest but exclusive of attorney's fees, costs and expenses, in the **301 Boulevard West** eminent domain matter, Manatee County versus ABC Liquors, Inc., et al., CA 97-4602.
6. **Anita M. Glasgow, et al.**
Settlement with landowners Franklin A. and Terri K. Raybuck for \$57,019, excluding attorney's fees, costs and expenses, in the **State Road 70** eminent domain matter, Manatee County versus Anita M. Glasgow, et al., CA 95-2009.

CHILDREN'S SERVICES

Execute FY 1998-99 Amendment One to Agreement with Manatee Opportunity Council, Inc., for the Simplified Intake System for Subsidized Child Care, direct service component (operation), effective March 1, 1999, \$661,622. RECORD S46-1817

ALZHEIMER'S DISEASE INITIATIVE GRANT

Execute Amendment 2 to the Rate Agreement (ADIR99-3) for Alzheimer's Disease Initiative Grant with West Central Florida Area Agency on Aging, Inc., adding facility based respite service (9/1/98-6/30/99). RECORD S46-1818

COMMUNITY DEVELOPMENT BLOCK GRANT - PAL

Ratify and confirm Chairman's signature on closeout documents submitted to the State Department of Community Affairs for the PAL Neighborhood Center and Charter School (Grant Award 97DB-3K-08-51-01-N16). RECORD S46-1819

VOLUNTEER APPRECIATION PROGRAM

R-99-66 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXPENDITURE OF COUNTY FUNDS FOR THE PURCHASE OF AWARDS AND FOOD AND OTHER ITEMS NECESSARY TO COORDINATE THE ANNUAL VOLUNTEER APPRECIATION PROGRAM. (Luncheon to be held April 16, 1999.) RECORD S46-1820

NONPROFIT FUNDING AGREEMENT

Execute Fiscal Year 1998-99 Nonprofit Funding Agreement with Suncoast Center for Independent Living, Inc., for the portable modular ramp loan program, not to exceed \$10,300 (10/1/98-9/30/99). RECORD S46-1821

BUS SHELTER

Execute a letter notifying the Florida Department of Transportation that Manatee County has approved the installation of a bus shelter at **U.S. Route 41 and Braden Avenue**.

COMMITMENT OF TRIP DONATION

Execute Commitment of Trip Donation (2) certifying the County's intent to provide trips as a contribution towards the agency's local match requirements (1/1/99-12/31/99):

| | | | |
|---------------------------------------|---|----------|-----------------------------|
| Meals on Wheels Plus of Manatee, Inc. | - | \$10,045 | |
| Neighborly Senior Services of Manatee | - | \$ 3,611 | RECORD S46-1822 S46-1823 |

WEST COAST INLAND NAVIGATION DISTRICT

R-99-68 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING WEST COAST INLAND NAVIGATION DISTRICT **PALMA SOLA BAY YACHT CLUB** UPGRADE AND REPLACEMENT OF AIDS TO NAVIGATION PROJECT WITH FUNDING PROVIDED BY THE MANATEE COUNTY CAPITAL IMPROVEMENT PROJECT FUND; ACCEPTING A WEST COAST INLAND NAVIGATION GRANT FOR THE PALMA SOLA BAY YACHT CLUB UPGRADE AND REPLACEMENT OF AID TO NAVIGATION PROJECT; DESIGNATING THE COUNTY LIAISON FOR THE PROJECT AND AUTHORIZING THE CHAIRMAN TO ENTER INTO AGREEMENTS.

(Application to and agreement with West Coast Inland Navigational District, \$3,500.)

RECORD S46-1824
S46-1825, S46-1826

TOURIST INFORMATION CENTER

Reimburse **Emily Eagle**, Tourist Information Center Manager, \$350 for entertainment during holiday function for volunteers.

CONVENTION & VISITORS BUREAU - HURRICANE PREPAREDNESS

Expend \$1,000 to offset the full registration costs for 50 participants from the tourism industry, to attend the Convention & Visitors Bureau sponsored hurricane preparedness workshop at the Manatee Convention Center (5/6/99).

BUDGET AMENDMENT RESOLUTION**VARIOUS DEPARTMENTS** (B-99-019)

Transfer of Funds; Unanticipated Revenue Appropriations (supporting description and detail attached)

RECORD S46-1827

MEDICAL SELF-CARE 24-HOUR PHONE LINE

Execute Addendum 2 with United HealthCare Corporation, extending the agreement (4/29/97) to April 30, 2001, and to provide health forum services via an on-line Internet Website as part of the County's Freedom of Choice Health Insurance program.

RECORD S46-1828

MATERIALS AND SERVICES

1. **911 System** - Purchase via State contract, equipment, installation and maintenance to increase bandwidth from GTE, \$36,686.90.
2. **Computer Hard Drives/Information Services** - Purchase via State contract from Gateway Computer Associates, \$30,350.
3. **Laboratory Information Management System** - Enter into negotiations with the top-ranked firm, Analytical Automation Specialists, Inc.
4. **Roadway/Stormwater Landscaping Maintenance** - Award IFB 98-6205MP to the lowest, responsive, responsible bidder, Southern Land Services (Zones 1, 2, and 3), not to exceed \$186,922.50.
5. **Greens Mowers** - Purchase four Toro Greensmasters 3100, from Wesco Turf, Inc., based on a competitive sealed proposal, \$56,084.
6. **Hustler Riding Mowers** - Purchase three via State contract from Hustler Turf Equipment, \$28,445.
7. **Telephone System Equipment** - Award IFB 99-1495AA to the lowest responsive, responsible bidder, Anixter, Inc., on an as-required, unit basis, for an estimated annual cost of \$55,180.

FILTER MATERIAL

Issue Change Order 1 to Purchase Order P9000663 with ER Jahna Industries, Inc., for filter material (silica sand), an increase of \$3,900, and a total of \$107,900.

FUEL SITES

1. Issue Change Order 1 to Purchase Order P9000342 with Apollo Construction & Engineering Services, Inc., for **landfill fuel site**, increase of \$11,762.31, and an adjusted Purchase Order of \$218,833.31; and
2. Issue Change Order 1 to Purchase Order P9000349 with Apollo Construction & Engineering Services, Inc., for **utilities fuel site**, increase of \$1,280.95, and an adjusted Purchase Order of \$177,229.95.

800-MEGAHERTZ COMMUNICATIONS SYSTEM

Sole source purchase from Ericsson, Inc., for upgrades for Y2K compatibility for the 800-megahertz communications system, \$322,023.19; and execute a Purchase Contract with Ericsson, Inc.

RECORD S46-1829

71ST STREET NORTHWEST

Execute Final Change Order 1 to IFB 97-3788DC, with Westra Construction Corp., for storm drain and force main replacement, for a net decrease of \$36,075.92, and an adjusted contract of \$398,612.48.

RECORD S46-1830

AQUIFER STORAGE RECOVERY SYSTEMS

Execute Addendum 3 to Agreement with Montgomery Watson Americas, Inc., to provide engineering consulting services for Phase IV services for the North Regional Wastewater Treatment Facility, not to exceed \$108,538. RECORD S46-1831

PALMETTO BOAT RAMP

Execute Work Assignment 1 with Zoller, Najjar & Shroyer, Inc., for engineering services for improvements to the Palmetto Boat Ramp, not to exceed \$30,560. RECORD S46-1832

BRIDGE REHABILITATION PHASE II

Execute Final Change Order 1 to IFB 97-3998DC with CEM Enterprises, Inc., d/b/a Sunshine Painting, for an increase of \$44,080.15 and adding 28 construction days for an adjusted contract of \$430,956.15, and a revised completion date (12/21/98). RECORD S46-1833

BRYN MAWR BRIDGE

Execute Change Order 1 to Work Assignment 9 with Post, Buckley, Schuh & Jernigan, Inc., for engineering services for the replacement project, an increase of \$9,396 and an adjusted total not to exceed \$59,516. RECORD S46-1834

BRYN MAWR DRIVE CANAL DREDGING

Execute Work Assignment 10 with Boyle Engineering Corporation, for professional services for preliminary engineering and permitting for the canal dredging project, not to exceed \$30,662. RECORD S46-1835

PROFESSIONAL ENGINEERING INSPECTIONS

Execute Work Assignment 2 with Zoller, Najjar & Shroyer, Inc., for professional engineering services for construction inspections by the Building Department on an as-required basis for 200 calendar days, not to exceed \$60,000. RECORD S46-1836

SURPLUS PROPERTY

1. Classify property as surplus per Florida Statute 274.05 to enable appropriate and authorized disposition in accordance with Procurement Code 84.02, Section 8.108, and authorize to thereafter dispose of the property. RECORD S46-1837
2. **R-99-55** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, FLORIDA STATUTES
(conveying mowers, sprayer, tractor and trucksters to **Sheriff**). RECORD S46-1838
3. **R-99-56** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, FLORIDA STATUTES.
(conveying four Gehl Scavenger II manure spreaders to **Sheriff**). RECORD S46-1839

PARKS AND RECREATION - METAL ROOF REPAIR

Execute Change Order 1 to contract with McEnany Roofing, Inc., for contracting services for repair of the metal roof systems of selected buildings belonging to Parks and Recreation Department, extended 59 calendar days with a revised completion date (2/15/99). RECORD S46-1840

STORMWATER ENGINEERING

Execute Addendum 2 to extend agreement with Boyle Engineering Corporation, for professional services for stormwater engineering for one year (4/1/99-3/31/00). RECORD S46-1841

U.S. 301 BOULEVARD

Execute Change Order 1 to IFB 98-4642DC with Shirley Land Development, Inc., for a net increase of \$28,580, adding 15 construction days, for road and utility improvements, for an adjusted contract amount of \$2,123,114.42, and a revised completion date (7/28/99). RECORD S46-1842

COUNTY WATER DISTRIBUTION SYSTEM

Execute Change Order 1 to Work Assignment 9 with Parsons Engineering Science, Inc., for engineering services for water distribution system field test measurements and computer model conversion and calibration for county water system, an increase of \$1,511, and an adjusted Work Assignment not to exceed \$146,319. RECORD S46-1843

BAD DEBT WRITE-OFF

Information Services Department to write-off seven bad checks dated August-October 1997 and October 1998, \$74.25. RECORD S46-1844

DONATION

Parks and Recreation Department to accept front decking to concession stand valued at \$2,000 from the Braden River Soccer Club for Braden River Park.

DUETTE PARK - FORESTRY WORK PLAN

Execute letter acknowledging approval of Duette Park Annual Forestry work Plan and Budget for Fiscal Year 1998-99, \$33,500.

RECORD S46-1845

K-9 DOG TRAINING

Approve the use of Duette Park by the Hardee Correctional Institution for the training of K-9 tracking dogs.

IMPACT FEE CREDIT

1. Execute Credit Authorization CA-98-11(T), First Bradenton Bank, and Final Authorization of Transportation Credit, for eligible right-of-way dedication on 26th Street West, \$10,224. RECORD S46-1846 S46-1847
2. Execute Credit Authorization CA-99-01(T), Jewel Hooker/Duette Country Store, for Transportation Credit, for additional right-of-way requirement on State Road 62, \$1,438. RECORD S46-1848

FINAL PLATS

Avalon At the Villages of Palm-Aire, Unit 1

1. Final Plat.
2. Mortgagee's Joinder in Declaration only from Huntington National Bank.
3. Agreement with Taylor Woodrow Communities to Defer Completion of Required Sidewalks for Private Subdivisions. RECORD S46-1849
4. Declaration of Covenants, Conditions, Restrictions and Easements.

Heathfield

1. Final Plat.
2. Agreement with Channel Holdings Group to Defer Completion of Required Sidewalks for Private Subdivisions. RECORD S46-1850
3. Declaration of Restrictions for Heathfield.
4. Notice to Buyers.
5. Maintenance Program.
6. Fiscal and Budgetary Information.
7. List of Holdings.

Regents Park, Unit II

Final Plat.

Rosedale 11

1. Final Plat.
2. Limited Appointments of Agent from: James M. and Geraldine L. Stanton; Ken Cormier; Nancy A. Allen; James N. and Donna Peters Shields; Jack and Phyllis L. Chiang; Nancy J. Scharf Living Trust; and Karen Ann Markland.
3. Mortgagee's Joinder in Declaration only from American Bank of Bradenton for Official Record Book 1545, Page 1868
4. Mortgagee's Joinder in Declaration only from American Bank of Bradenton for Official Record Book 1557, Page 4056
5. Mortgagee's Joinder in Declaration only from American Bank of Bradenton for Official Record Book 1564, Page 2175
6. Mortgagee's Joinder in Declaration only from SunTrust Bank, Gulf Coast
7. Mortgagee's Joinder in Declaration only from Barnett Bank, N.A. for Official Records Book 1533, Page 4611
8. Mortgagee's Joinder in Declaration only from Barnett Bank, N.A. for Official Records Book 1539, Page 2248.
9. Supplemental Declaration.
10. Amendment to Declaration of Covenants, Conditions and Restrictions of Rosedale 8.
11. Declaration of Covenants, Conditions and Restrictions of Rosedale 11.

RIVERVIEW POINTE

Execute all documents related to the Riverview Pointe acquisition under the Preservation 2000 Program from the Florida Communities Trust, including:

Grant Award Agreement with Florida Communities Trust

Grant Award Calculation

Environmental Audit Acceptance Letter, and

Revised Memorandum of Understanding with the National Park

Service for Management of Riverview Pointe.

RECORD S46-1851

MARCH 16, 1999

(Continued)

ANIMAL TRANSFERS

1. R-99-57 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS IMPLEMENTING ORDINANCE NO. 90-32 TO PROVIDE FOR THE ALLEVIATION OF OVERCROWDING OF MANATEE COUNTY ANIMAL CONTROL FACILITIES; PROVIDING FOR THE REPEAL OF MANATEE COUNTY RESOLUTION NO. 93-86. RECORD S46-1852
2. Authorize execution of agreements for transfers of impounded animals with the Humane Society of Manatee County, Inc., and the Bishop Animal Shelter (SPCA) of Manatee County, Inc. RECORD S46-1853
S46-1854

SPAY/NEUTERING PROGRAM

R-99-61 A RESOLUTION OF THE BOARD OF THE COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING THE MANATEE COUNTY SPAYING AND NEUTERING PROGRAM; PROVIDING FOR INCOME LIMITATIONS FOR OWNERS QUALIFIED TO PARTICIPATE IN THE PROGRAM; ESTABLISHING CERTAIN REQUIREMENTS RELATED TO ANIMALS THAT MAY BE SPAYED AND NEUTERED UNDER THE PROGRAM; PROVIDING FOR PAYMENT OF VETERINARIANS; PROVIDING SERVICES UNDER THE PROGRAM AND REQUIREMENTS RELATED THERETO; PROVIDING FOR THE ADMINISTRATIVE IMPLEMENTATION OF THE PROGRAM; AND PROVIDING AN EFFECTIVE DATE. RECORD S46-1855

HURRICANE GEORGES - DISASTER RELIEF FUNDING

R-99-20 A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO AN AGREEMENT BETWEEN THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS TO RECEIVE PUBLIC ASSISTANCE FOR ELIGIBLE DISASTER RELIEF ACTIVITIES RESULTING FROM HURRICANE GEORGES AND DESIGNATING COUNTY ADMINISTRATOR'S OFFICE AS DESIGNATED APPLICANT'S AGENT (execution of agreement with the Florida Department of Community Affairs). RECORD S46-1856
S46-1857

ILLEGAL DUMPING FEE WAIVER

Amend the blanket waiver of tipping fees at the landfill for illegally dumped solid waste collected by County departments (approved 6/4/96) to include materials dumped outside of normal business hours and collected as evidence for possible prosecution cases filed by the Public Works Field Service Collections Coordinator with the State Attorney's Office.

DEEDS AND EASEMENTS

1. **14th Street West** - Utility Easements from Lincoln Bradenton Ltd. and Marlene J. Bergin for a sewer line; Affidavits of Ownership and Encumbrances (2); Joinder from Southtrust Bank; Joinder from Harvey Anderson and Drummond Spence; Joinder from Hops of Bradenton, Ltd.; Lessee's Consent from Pier 1 Imports.
2. **15th Street East** - Warranty Deed from James J. and Winifred Castoro for right-of-way; Affidavit of Ownership and Encumbrances.
3. **15th Street East** - Warranty Deed from H.Q. Properties, Inc., for right-of-way; Affidavit of Ownership and Encumbrances; Partial Release from Huntington National Bank.
4. **26th Street West** - Warranty Deed from First Bradenton Bank for right-of-way; Affidavit of Ownership and Encumbrances.
5. **59th Street West** - Warranty Deed from Enterprise 1 Asset Group, LLC., for right-of-way; Affidavit of Ownership and Encumbrances; Partial Release from Protective Lift Insurance Company.
6. **Manatee County Fairgrounds/14th Avenue West** - Warranty Deed from Cecil Whittaker; Affidavit of Ownership and Encumbrances; Partial Release from South Trust Bank f/k/a Preferred Bank.
7. **Braden Run Sidewalk Extension** - Pedestrian Sidewalk Easement from Manatee Joint Venture; Affidavit of Ownership and Encumbrances; Joinder from Regions Bank.
8. **Tropical Shores Road and Sewer Project** - Joinder from Teddie D. Morgan (as part of the conveyance from Harold L. Morgan and Virginia F. Morgan on 2/16/99).
9. **Varn Avenue** - Quit Claim Deed from Robert D. Godwin for portion of LaVerna Subdivision vacated by R-96-17; Affidavit of Ownership and Encumbrances.

24TH STREET EAST

R-99-42 A RESOLUTION OF MANATEE COUNTY, FLORIDA, DETERMINING PUBLIC PURPOSE AND EXPRESSING A DESIRE TO ACQUIRE CERTAIN SURPLUS REAL PROPERTY FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (to extend 24th Street East as a connector between 51st and 53rd Avenues East). RECORD S46-1858

FEE REIMBURSEMENT

Reimburse Concord Management, Inc., management company of **Manatee Woods Apartments**, for costs incurred to convey a drainage easement required to construct a pipe to alleviate flooding in the area of 34th Avenue Drive East, between 3rd Street East and 4th Street East, \$1,275.40.

FLORIDA HERITAGE FESTIVAL

Donate the cost of County personnel labor and the use of County equipment during the 1999 Florida Heritage **Seafood Fest** on April 10-11, 1999, and the **Grand Parade** on April 24, 1999.

KEEP MANATEE BEAUTIFUL - PLANT MANATEE BEAUTIFUL

1. County to participate as a partner/sponsor of the Keep Manatee Beautiful project "Plant Manatee Beautiful," a Manatee Jubilee Millennium Celebration activity.
2. Authorize paying projected County in-kind and actual expenditures associated with "Plant Manatee Beautiful" estimated to cost \$1,957.

STREET VACATION - REGENCY OAKS II

R-99-58-V A RESOLUTION DECLARING A PUBLIC HEARING ON APRIL 20, 1999, AT 9:00 A.M., OR AS SOON THEREAFTER AS POSSIBLE, BY APPLICATION OF BARRETT FAMILY PARTNERSHIP V, LTD AND MICHELE HUSEBY TO VACATE A PORTION OF REGENCY OAKS II. RECORD S46-1859

CITY OF BRADENTON BEACH - LAW ENFORCEMENT SERVICES

Execute Interlocal Agreement with City of Bradenton Beach for the provision of law enforcement services at **Coquina Beach, Cortez Beach** and **Coquina Bayside Park**, \$5,834.95 per month, commencing September 1, 1998. RECORD S46-1860

PARRISH HERITAGE DAY

Placement of one 20-yard roll-off at the Old Parrish Schoolhouse, U.S. Highway 301 and 71st Street East (3/27/99); and waive landfill service and tipping fees.

ARCHITECTURAL SERVICES - FIRST UNION BUILDING

Execute Work Assignment 2 with Fawley Bryant Architects, Inc., for architectural services for the construction of a court room facility on the first and second floors of the First Union Building, not to exceed \$32,871. RECORD S46-1861

(End Consent Agenda)

AWARDS AND PROCLAMATIONS

Employee of the Month

Charlene Hoffmeister, Information Services Department, was presented the Employee of the Month award for her hard work and commitment.

Children's Day

Upon motion by Mr. Bruce and second by Mrs. Harris, a Proclamation designating March 16, 1999, as **Children's Day**, was adopted 5 to 0.

RECORD S46-1862

Accepting the Proclamation were **Barbra Nehls**, Project Child Care, and children from "A Growing Place" in Palmetto, who presented handprint artwork to the Commissioners.

(Enter Ms. Brown, Depart Mr. McClash)

Doctor's Day

Upon motion by Mrs. Glass and second by Ms. Brown, a Proclamation designating March 30, 1999, as **Doctor's Day** was adopted 5 to 0.

RECORD S46-1863

Accepting the Proclamation were **Doctors Zoller, Thomas** and **Turalba**.

Whitfield Estates 75th Anniversary

Upon motion by Mrs. Harris, second by Mrs. Glass, a Proclamation designating March 20, 1999, as **Whitfield Estates 75th Anniversary** was adopted 6 to 0.

RECORD S46-1864

Present were **E. H. Price, Natalie Gundrum, Dorothy Nathan, Dan Bruno**, who extended an invitation to a tour of the area's historic homes on March 21, 1999. Displayed was a photograph of the Alfred Ringling home, and submitted were advertisements for Opportunity Day and for the Historic Homes Tour.

(Enter Mr. McClash)

MARCH 16, 1999

(Continued)

1999 Westwood H. Fletcher, Jr. Trophy

The award was presented to James Seuffert for the **Employee Health Benefits/Financial Management Department** for improved management practices for 1999.

Present were **Mrs. Audrey Fletcher, Mary Cannamela, and Garnet McDonald** from Employee Health Benefits. Ernie Padgett, County Administrator, read a letter from Dr. Sarah Pappas, President of Manatee Community College, a member of the panel for choosing the award recipient.

DONATION

Motion was made by Mr. McClash, seconded by Mrs. Harris and approved 6 to 0, to accept a donation from **Wanda Brooks** of an Icom IC-737 high frequency radio valued at \$1,850, in memory of Charlie Brooks.

MEDFLY INFESTATION PREVENTION

Michael Jacus, stated that he was involved in a medfly prevention program known as "Concerned Citizens of Manatee" and requested the Commissioners support as follows: (1) disperse prevention information to the public; (2) compose a letter supporting continued funding for use of sterile medflies; and (3) assistance to set up an emergency preparedness program to pickup fallen fruit. He presented a letter from the office of Bob Crawford, Commissioner of Agriculture, delineating money to be appropriated this year for the medfly prevention, and Homeowner Medfly Prevention Tips.

Disposition: County Administrator to bring back on a future agenda.

PDC-87-01(P) (R2) - HEARTLAND SARASOTA-BRADENTON LTD. PARTNERSHIP

Stephen Thompson, attorney representing Hess Oil Company (Hess), requested reconsideration of action (2/23/99) regarding Heartland Sarasota-Bradenton Ltd. Partnership, PDC-87-01(P)(R2). He stated the Planning Department advised that Hess would be responsible for construction of a wall along the entire length of the shopping center and that it was required at the time of the Certificate of Occupancy for the Hess station, which is under construction. He stated this requirement conflicts with the approved final site plan for the Hess station. He noted, if the wall was installed, it would go through the retention, which is being constructed. He stated it would require them to build a wall on property that they do not own.

Discussion: Interpretation of stipulations regarding installation of the wall; language about the first Certificate of Occupancy on the shopping center; does the shopping center mean the outparcels.

Carol Clarke, Planning Director, stated that she reviewed the history of Stipulation 1 and she came to the conclusion that the intent was that the wall be installed before the first Certificate of Occupancy for the entire site. She noted some conflict with the other stipulations.

Discussion: Potential conflict with stipulations as one says shopping center, other says shopping site; previous discussion on retention and site plan presented; the Development Order requires taking the elevation of the wall off the elevation of the outparcel which is four or five feet higher than the shopping site; timing of wall building; financial problems; if reconsideration is granted all stipulations are considered; file a new application; appeal administrative decision; Board limit issues for reconsideration, etc.

Motion was made by Mrs. Harris and seconded by Mr. Stephens, for reconsideration. Motion failed with Ms. Brown, Mr. McClash, and Mr. Bruce voting nay. Due to a tie vote, motion failed.

SARASOTA-BRADENTON AIRPORT

Joseph F. Mammina addressed the noise from flights arriving and departing from Sarasota-Bradenton Airport. He expressed concern that the neighboring communities are dictating what should and should not be done regarding the flights. He spoke of the decision of the Federal Aviation Administration (FAA) regarding the flight plan over Longboat Key in the form of a final order (11/18/86) regarding the expansion of the airport.

(Depart Mrs. Glass)

Mr. Stephens advised that a decision in the 270-degree turn has not been received from the FAA (see 2/16/99 meeting). The issue will return to the Board as a Development of Regional Impact (DRI).

(Enter Mrs. Glass)

Discussion: Citizens can send letters to FAA; Board acting in quasi-judicial manner; discussion cut off, etc.

Mr. Bruce moved to continue the discussion. Motion **failed** for lack of a second.

(Depart Mr. Stephens and Mr. McClash; Ms. Brown presiding)

Discussion continued: Advisory Committee to monitor issue, strictly discussion of the FAA and review process and not future development of airport, etc.

(Enter Mr. Stephens; presiding)

ORDINANCE 99-07 - SPEED LIMITS

Public hearing (Notice in the Bradenton Herald 2/15/99) was held to consider

ORDINANCE 99-07 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 84-05; TO PROHIBIT THE TRAVEL OF VEHICLES AT SPEEDS IN EXCESS OF THE ESTABLISHED LIMIT ON **63RD AVENUE EAST, LAKEWOOD RANCH BOULEVARD, WATERLINE ROAD** AND ON STREETS LOCATED IN **KINGSFIELD SUBDIVISION AND THE TRAILS SUBDIVISION**; ALL BEING COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Harry Mendenhall, Transportation Department, stated this Ordinance is the result of the studies performed by the Traffic Management Division.

(Depart Mrs. Harris)

Motion was made by Mr. Bruce and seconded by Ms. Brown, to adopt Ordinance 99-07. Motion carried 4 to 0. RECORD S46-1865

ORDINANCE 99-08 - REGULATING VEHICULAR TURNS

Public hearing (Notice in the Bradenton Herald 2/15/99) was held to consider

ORDINANCE 99-08 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 92-51; REGULATING THE TURNING OF MOTOR VEHICLES AT THE INTERSECTIONS OF **22ND STREET COURT EAST AND S.R. 70 AND AT 59TH STREET WEST AND CORTEZ ROAD**; ALL BEING COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Mr. Mendenhall requested prohibition of vehicles turning while pedestrians are present, particularly during school hours.

Motion was made by Ms. Brown and seconded by Mr. Bruce to adopt Ordinance 99-08. Motion carried 4 to 0. RECORD S46-1866

(Enter Mrs. Harris)

LOCAL HOUSING ASSISTANCE PLAN

Fred Loveland, Community Services Director, stated a work session was held (9/29/98) to review possible amendments to the Local Housing Assistance Plan. He submitted a revised agenda package, reviewed the changes and submitted:

R-99-69 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING RESOLUTION R-97-78, AS AMENDED BY RESOLUTION R-97-152 TO PROVIDE FOR REVISIONS TO THE LOCAL HOUSING ASSISTANCE PLAN (1997-2000).

Mr. Loveland noted the proposed changes to the Local Housing Assistance Plan: (1) increased sales price for both new home and existing home to \$84,000; (2) a change in the recapture provisions, clarifying that applicants should seek financing for the maximum amount available before a State Housing Initiative Partnership (SHIP) loan;

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(Continued)

(3) increasing the aggregate debt that an applicant could have on their household to 110 percent; (4) leaving 95 percent on rental units; (5) clarify that a combination of direct payment and repayment of loan based upon the amount of private financing the applicant can qualify for could be offered; (6) disposing of the loan guarantee program.

He stated that most of their loans are rehabilitation or deferred payment loans.

(Enter Mr. McClash)

Discussion: \$84,000 fair market price, etc.

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 6 to 0, to adopt Resolution R-99-69.

RECORD S46-1867

COMMISSION CHAMBERS - RENNOVATION/UPGRADE

Mr. Loveland submitted a handout displaying the existing Configuration (Figure 1), Proposed Configuration (Figure 2), and an Alternate Configuration (Figure 3) for the Commission Chambers audio/visual renovations and upgrades.

Motion was made by Mr. McClash and seconded by Mrs. Harris to proceed with proposed redesign/renovation of the County Commission Chambers utilizing county services and employees in conjunction with the services of professional communication systems, and to include wiring for ultimate configuration as shown on Mr. Loveland's submittal, (Figure 3).

Discussion: Concern regarding carpentry cost, etc.

Motion carried 6 to 0.

TRANSIT - FIXED ROUTE

Fred Loveland, Community Services Director, considered proposed changes to the Manatee County Area Transit (MCAT) fixed route bus system (public hearing held 2/2/99).

Mr. Loveland reviewed a Final Draft of the MCAT Bus System route proposal map depicting additions and deletions/re-routing as follows: (1) add a tenth bus; (2) add a "tripper" service to the industrial area from Cortez Plaza to the Tallevast/Whitfield employment centers (Monday-Friday); (3) increase service for all regular routes to begin and end at the same time; (4) add two-way service to all of Anna Maria Island (with one hour headways), Manatee Avenue (West of Beachway Plaza), Cortez Road (West of 59th Street West), and 26th Street West (9th Avenue to Manatee Community College); (5) extension of service to Woodbury Apartments; (6) elimination of service to Longboat Key.

Motion was made by Mrs. Harris and seconded by Mr. McClash to approve implementation of proposed changes to the fixed route transit system.

Discussion: Car pooling; bring back six-month recap on plan, etc.

Motion carried 6 to 0.

YEAR 2000 - REPORT

Diane Frenz, Information Services Director, reviewed a "Year 2000 and the Y2K Bug" information package, including Health and Safety, Financial, and Operational system issues. She advised a Y2K planning team has been formed. She stated the County departments are required to provide readiness measures as to action or backup. She stated that systems were either compliant, renovated, replaced or retired; and over 415 programs for the court systems were modified and are now compliant. She stated they have also been asked to modify the tax collection systems. Their goal is to complete everything by October 1999.

Karen Windon, Public Safety Director, stated that a subcommittee has been developed to deal with public information, education and awareness. The Y2K information has been put on the County website and the Focus Newsletter that goes out with the electric bills. She stated

there will be a Y2K information hotline available. Another subcommittee is Contingency Planning and Consequent Management, which is making sure the plans are ready to operate manually if necessary, to test those plans and implement them. She noted it is not just a December 31st problem, there are other significant dates such as July 1, because of the state fiscal year, etc.

PARKS AND RECREATION - EAST BRADENTON POOLS

Daniel P. Hopkins, Parks and Recreation Director, requested authorization to remarkite the pools at the East Bradenton Recreation Complex at a cost of \$28,000. He stated they are unable to absorb this cost in their budget, and requested that the reserve for contingency funds be considered.

Motion was made by Mr. McClash, seconded by Ms. Brown and carried 6 to 0, to approve the item with the funding to come from the reserve for contingency.

EMINENT DOMAIN - LOCKWOOD RIDGE ROAD

Teddy N. Williams, County Attorney, submitted

R-99-43 A RESOLUTION OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, WIDENING OR IMPROVING A PUBLIC STREET, ROAD OR HIGHWAY AS PART OF THE PUBLIC ROAD SYSTEM IN MANATEE COUNTY, FLORIDA.

(Lockwood Ridge Road - Project 3136)

(**Property Owners:** St. Barbara Greek Orthodox Church; Larry R. and Jennice G. Harrison; Charles D. and Claire R. Brown; George A. Bishopric; Dan McClure; U-Store It, Inc.; Southland Corporation; Hidden Hollow Condominium Association; Marion Tremaroli; Taylor Woodrow Communities; Randal J. and Jeri Kovacevic; Lockwood Village Plaza; Palm Place Apartments, Ltd.; Fay P. Pearson; Flora Real Estate Management Company.)

RECORD S46-1868

and

R-99-44 A RESOLUTION AUTHORIZING USE OF "QUICK TAKING" CONDEMNATION PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, WIDENING, OR IMPROVING A PUBLIC STREET, ROAD, OR HIGHWAY AS PART OF THE PUBLIC ROAD SYSTEM IN MANATEE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

(Lockwood Ridge Road - Project 3136)

RECORD S46-1869

and

R-99-64 A RESOLUTION OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, WIDENING OR IMPROVING A PUBLIC STREET, ROAD OR HIGHWAY AS PART OF THE PUBLIC ROAD SYSTEM IN MANATEE COUNTY, FLORIDA.

(Lockwood Ridge Road - Project 3136)

(**Property Owner:** Manatee Fruit Company)

RECORD S46-1870

and

R-99-65 A RESOLUTION AUTHORIZING USE OF "QUICK TAKING" CONDEMNATION PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, WIDENING, OR IMPROVING A PUBLIC STREET, ROAD, OR HIGHWAY AS PART OF THE PUBLIC ROAD SYSTEM IN MANATEE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

(Lockwood Ridge Road - Project 3136)

RECORD S46-1871

Discussion: Acquire all property needed for Lockwood Ridge Road if unable to negotiate with owners, etc.

Motion was made by Mr. McClash, seconded by Ms. Brown and carried 6 to 0, to adopt Resolutions R-99-43, R-99-44, R-99-64 and R-99-65.

LEGISLATION

Intangible Tax - Revenue Sharing

Jim Seuffert, Financial Management Director, stated that there are efforts in the legislature to phase out intangible tax, which is the major source for County revenue sharing. He advised the County anticipates nearly \$6 million this year. The Senate Fiscal Resources Committee approved a bill that would cut revenue sharing by about 25 percent to counties. Representative Mark Ogles will be proposing an amendment which would hold counties harmless, but the House and the Senate support this tax cut.

Motion was made by Mr. McClash, seconded by Mr. Bruce and carried 6 to 0, to send letters to the County Legislators expressing concern of the reduction in funding to counties.

Discussion: Governor pushing reduction in taxes; most projects approved in the budget by the Senate; reduction in county contributions to the retirement fund; Article V costs; site the projects and the benefits to the public, etc.

Sport-Shooting Ranges

Karen Collins-Fleming, Environmental Management Director, raised concerns regarding a recent bill regarding land use and noise impact of sport shooting ranges. The bill states that once a facility receives zoning approvals and is in compliance with ordinances, there is nothing government will be able to do.

Mr. Stephens directed staff to prepare a letter regarding the concerns and he will deliver it to the County's lobbyist in Tallahassee.

MANATEE MEMORIAL SATELLITE HOSPITAL - LAKEWOOD RANCH

Mrs. Glass requested the Board consider writing a letter supporting the efforts of Manatee Memorial Hospital to obtain a Certificate of Need for a satellite hospital in Lakewood Ranch.

Disposition: Staff to bring back a report and a draft letter.

CUB SCOUT PACK 10 - MEMORIAL EVENT

Mrs. Harris advised that on March 27, 1999, at Pride Park, Cub Scout Pack 10 will hold a memorial for **Cornelius Floyd**, a young man who was killed by a hit and run driver while riding his bicycle. She requested that the Board waive the \$20 fee for use of the park. She advised they would be selling bicycle helmets for \$5 and taking donations.

Mrs. Harris moved, in the spirit of the memorial, the fee for use of the park be waived for Cub Scout Pack 10. Motion was seconded by Mr. McClash and carried 6 to 0.

CROSLY FOUNDATION VIDEO

Mrs. Harris advised that a five minute video was done a few years ago on the Crosley Estate during the renovation process. She stated the Crosley Foundation is instituting a docent program and she requested the docents be able to use that video tape in their program.

Motion was made by Mrs. Harris, seconded by Mr. McClash and carried 6 to 0, to approve the request to use the video tape for the docent program.

Recess/Reconvene. All members present except Mrs. Stein and Ms. Brown. Mrs. Harris present via telephone.

(Elsa Rowhow, Court Reporter present)

ORDINANCE 99-18 - (f/k/a 98-51) PUBLIC NUDITY

Public hearing (Notice in the Bradenton Herald 3/4/99) was opened to consider

ORDINANCE 99-18 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MANATEE, STATE OF FLORIDA, TO BE KNOWN AS THE MANATEE COUNTY PUBLIC NUDITY ORDINANCE; STATING THE INTENT OF THE ORDINANCE; PROVIDING THE DEFINITION OF NUDITY AS PROHIBITED BY THIS ORDINANCE AND PROVIDING OTHER DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; PROHIBITING NUDITY IN CERTAIN PUBLIC PLACES; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Note: Proof of Publication different than title of Ordinance.)

James Minix, Assistant County Attorney, stated this is the second public hearing (first 2/2/99). He advised this ordinance is not directed at a specific individual or business. He gave a legal analysis of the proposal based on the comments at the last public hearing and issues raised regarding the constitutionality of the ordinance.

(Enter Ms. Brown)

Mr. Minix submitted a compilation of letters (1,153 in favor; 7 opposing) received concerning the ordinance. He reviewed three cases which have set precedence in this matter. He stated that nudity is entitled to some protection by the First Amendment.

Discussion: Total number of letters received in support of adopting the ordinance without restrictions was 1,374, etc.

Ken Pearson, Chief Deputy, Manatee County Sheriff's Office, stated the Sheriff will enforce whatever is adopted; however, he requested the ordinance be structured to meet constitutional and functional merit.

Speaking in opposition were: William Wolfe, Tampa Area Naturists; Kay Campora; Rich Unger; Ginger White, Arts Administrator; Luke Lirot, Esq. (submitted a handout); Cynthia Phillips, American Association for Nude Recreation (submitted a handout); Keith M. Bennett; Lorie A. Bennett; Robert Ball; John Gatto, Florida Beverage Law Consultants; Keith Bowen; Mark Shepard, owner of Temptations II; Linda Weir; Trevor McKee; Mary Mullen; Crystal Buzbee; Genobie Moore; Eric Gomez; Jack Nelson; Karen Kennedy; Kelly Bowley, owner of Peek-A-Boo Lounge, (submitted their presentation, affidavits (19) and petitions with 82 signatures); Russ Fisk; Chris Pence; Mark Mullen; Carol Whitmore; Danielle Cohen; Jose Macias; Peter Schuckert; Timothy Taylor; Michael Kemplin; Cheryl Dwinells; Tammy Anderson; Brian MacGuire; Robert Miller; Joseph Ambrose; Delores Redmon; Matthew Faler; Dr. Mike Fleck; Don Barnes; Andrew Anthony; Nick Anthony; Christine Young; and Lloyd Davis.

(Depart Mrs. Harris during discussion)

(Ms. Brown absent for a portion of the discussion)

Judith L. Hanna, Ph.D., representing Peek-A-Boo Lounge and Temptations, II, appeared as an expert witness in exotic dance. She stated the ordinance requiring exotic dancers to cover the body is harmful to the existence of exotic dance, the dancers' First Amendment rights, livelihood and the rights of citizens who choose to observe a specialized art form.

Speaking in favor were: Pat Slate; Gertraud McGrede; Esther Rachwal, and Betty Milan, Florida Family Association; Mario Cimbaro; Robert Remington; Jacob Bisser; Kenneth Arts; John Kunz; Bob Walton; Tammy Kunz; Tom McGlade; Linda McGlade; Rachel McGlade (submitted petition with 40 signatures from Wholehearted Youth Outreach); Sony Gatanis; Vincent Dutt; Carole K. Monaco (presented 65 letters in favor, 1 unsigned); Dr. S. Dale Burroughs, Tangelo Park Homeowners Association; Reverend Richard Dunn, Christian Retreat Family Church; Nancy Montgomery; Leonard Carlton; Tera Howard; Brent Harbaugh; Stan Pavkovich; Rick Hernandez; Shirley Dietz; Lee Oesch; Robert Frazier, Joseph Bartruff; Josh Turk; Sharon Eddy; Ed Lipsey, and Lou Hyman.

Items Addressed: Constitutionality of ordinance; self respect; secondary effects, e.g., drugs, alcohol, etc.; exotic dance artistic expression; effects on marriages, children, etc.; nudist not lewd; higher standards; private establishments abide by rules; separation from church and state; freedom of individual choice; designated areas for nude recreation; permanent federal injunction regarding Peek-A-Boo; adult entertainment, no minors; must pay to enter, etc.

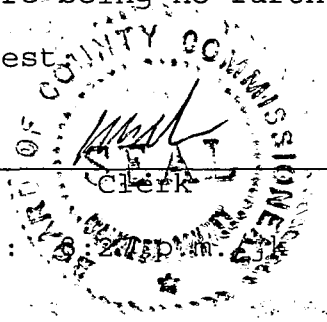
Mr. Stephens advised this item would be continued until Mrs. Stein could review the tapes from this hearing.

Mr. Bruce moved that the public hearing be continued to March 23, 1999, (at 9:00 a.m., or as soon thereafter as same may be heard). Motion was seconded by Ms. Brown and carried 5 to 0.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:



Clerk

APPROVED:

Stan Stephens

Chairman

3/18/99

Adj: