

APRIL 20, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, April 20, 1999, at 9:04 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
Amy Stein (entered during meeting)

Also present were:

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

Invocation by Rev. Mark Frazee, Evangelical Free Church of Bradenton.

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 5 to 0, to approve the Consent Agenda for April 20, 1999, with the following changes: (1) R-99-82, Port Authority Capital Improvement Loan Program; (2) Insurance Claim (execution of Release from Westfield Companies) at John Marble Center; (3) Duette Park - Self Contained Restrooms awarding bid to Agner Construction Company (all deferred); and (4) amendment to Accrual Transfer (June Schmidt). Items APPROVED:

CLERK OF CIRCUIT COURT

CONSENT AGENDA

REFUNDS

Grace Clabaugh - Impact Fees	\$1,149.89
Register Construction & Engineering, Inc. - Variance	\$ 110.00
Manatee Joint Venture - Impact Fees	\$38,489.00
Manatee Joint Venture - Impact Fees	\$19,108.00

WARRANT LIST

Approve: April 6, 1999 through April 19, 1999
Authorize: April 20, 1999 through April 26, 1999

AUTHORIZE CHAIRMAN TO SIGN

Satisfaction of Judgment:

Amalia Sanchez, Case 97-5858M (2)
David Key, Cases 84-938F, 95-2071F(2), 95-776M, 98-318M

Partial Release of Special Improvement Assessment Liens:

Project 5015

Sewer Extension (33rd Street West)

Agreement with Woodruff & Sons, Inc., \$227,599.50; date performance/payment bond; and accept insurance certificate (approved 4/6/99). RECORD S46-1963

Gas Collection System (Lena Road Landfill)

Agreement with SCS Field Services, Inc., \$1,250,586; date performance/payment bond, and accept insurance certificate (approved 4/6/99). RECORD S46-1964

APPROVE, RATIFY & CONFIRM

Parks and Recreation Special Interest Classes Agreements:

Sioux Nikoley - Meditation RECORD S46-1965

ACCEPT

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

Form 446, Courts Department (Traffic)
Form 448, Court Administration (Guardian Ad Litem)
Form 453, Planning & Permitting (Records Management)
Form 454, Planning & Permitting (All Areas)

Lakewood Ranch Community Development Districts 1, 2 and 3 Minutes

Minutes of the Landowners and Board Supervisors, March 4, 1999.

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(Continued)

Whitfield Fire Control District - Fiscal Year 98/99 Budget Resolution; Financial Statements for Fiscal Year ending September 30, 1998; and State of Florida Annual Local Government Financial Report Fiscal Year 1997/1998.

Revenue Refunding Bonds

1. Manatee County, Florida, \$19,170 Revenue Refunding Bonds, Series 2000, Forward Delivery Purchase Contract with William R. Hough & Co. (authorized by R-99-52 adopted 2/16/99).
2. Manatee County, Florida, \$13,580 Revenue Refunding and Improvement Bonds, Series 1999, Purchase Contract with William R. Hough & Co. (authorized by R-99-52 adopted 2/16/99).

COUNTY ADMINISTRATOR

COURTNEY BUILDING - FAIRGROUNDS

County Administrator or designee to initiate action to raze the Courtney Building, located at the Agriculture Center/Fairgrounds.

FLOOD INSURANCE

Authorize payment to Bankers Insurance Group for one-year renewal flood insurance premiums, \$42,905 (increase of \$426, for 12 insurance policies, various expiration dates 5/99), for the following locations:

2003 Bay Drive, Office and Warehouse,	\$1,123
1331 Highway 301, Tax Collector's Office,	\$1,042
14490 Harlee Road, Sheriff Stockade,	\$927
1301 Barcarrota Boulevard, Central Library	\$969
1 Haben Boulevard, Civic Center	\$996
NW Corner of Cortez Road, Booster Station	\$17,850
5318 Marina Drive, Beach Library	\$8,184
Bradenton Beach, Concessions/Restrooms,	\$1,494
8720 44th Avenue West, Lift Station	\$2,894
2002 Bay Drive, Lift Station	\$2,894
4300 Gulf Drive, Lift Station	\$3,058
8379 N. Tamiami Trail, Crosley Estate	\$1,474

LAWSUITS

1. Approve settlement of \$17,500 with Daniel and Louisa Foote in CA-98-5078.
2. Approve negotiated settlement for attorney fees, \$17,682.46, with Teresa A. Marra, in the case of Violet Duey, Claim 262-82-9697.
3. County Attorney to pay \$29,500 as full settlement of Workers Compensation Claim of Ceroy Schuler, Claim 261-42-2609, and collect the same from excess insurance carrier.

ENTERPRISE ZONE DEVELOPMENT AGENCY

R-99-88 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING RESOLUTION R-97-240, PROVIDING FOR THE REAPPOINTMENT OF SEAT NO. 2 OF THE ENTERPRISE ZONE DEVELOPMENT AGENCY

(appointing **Mary Lancaster** to Seat 2, replacing Tamara Cornwell, term to expire 11/07/99).

RECORD S46-1966

MANATEE BANKERS FOR AFFORDABLE HOUSING

Execute Amendment 1 to the agreement (2/2/99) with Manatee Bankers for Affordable Housing, \$116,740, for the reimbursement of advance funding on down payment/closing cost assistance awards to eligible applicants under the State Housing Initiative Partnership (SHIP) program, for a total of \$187,933 (1/1/99-9/30/99). RECORD S46-1967

ANNUAL FEDERAL TRANSIT ADMINISTRATION GRANT

Execute and electronically file Fiscal Year 1999 Federal Transit Administration Operating and Capital Assistance Grant application with the U.S. Department of Transportation pursuant to Resolution R-92-279, in the amount of \$1,502,632 (Capital, \$1,320,000; Operating \$182,632).

FLORIDA MEDICAID PROVIDER ENROLLMENT APPLICATION

Execute the Florida Agency for Health Care Administration, Florida Medicaid provider enrollment applications (5) to allow Manatee County Area Transit to bill Medicaid electronically for transportation services.

RECORD S46-1968

CONVENTION AND VISITORS BUREAU

Expend \$3,500 in promotional funds to host a **German TV Travel Program** crew and its host, Mr. Otto Deppe, (5/6-10/99; FY 98/99 contract with Global Contract).

TOURIST DEVELOPMENT COUNCIL

Waive advertising and reappoint City of Palmetto Mayor **Pat Whitesel** (term to expire 6/30/00) and **Paul Sharff** (term to expire 6/30/02) to serve on the Tourist Development Council for the unexpired terms created from prior appointments; and waive advertising for the remaining two interested citizen positions held by **Ed Chiles** and **Bob Miller** (terms to expire 2002), to be brought back for a timely reappointment required to reestablish the rotational term balance.

PERSONNEL

Transfer from the Clerk of Circuit Court to the Board of County Commissioners 336.53 hours of accrued sick leave and 75.35 hours of accrued vacation leave for **June E. Schmidt** who was hired by Court Administration (3/22/99), with vacation leave accruing at the rate of 5 hours per pay period.

CHILD SUPPORT ENFORCEMENT

Execute funding agreement with the State of Florida, Department of Revenue for reimbursement of Child Support Hearing Officer expenses, \$55,014 (7/1/99-6/30/00). RECORD S46-1969

BUDGET AMENDMENT

VARIOUS DEPARTMENTS (B-99-021)

Transfer of Funds; Unanticipated Revenue Appropriations Supporting Description and Detail Attached RECORD S46-1970

CSX RELOCATION AGREEMENTS

Execute relocation agreements with CSX Transportation, Inc., for improvements to 9th Street East: Crossing AAR 624699P, Railroad Milepost SW-872.7, \$56,612.69; and Crossing AAR 624711U, Railroad Milepost AZA-917.60, \$187,930.15; for a total not to exceed \$244,542.84. RECORD S46-1971

17TH STREET EAST

Execute Work Assignment 5 with Lombardo, Skipper & Foley, Inc., for engineering services for conceptual design, 17th Street East roadway improvement project (U.S. 41 to Business 41), not to exceed \$43,921. RECORD S46-1972

CANAL ROAD

Execute Change Order 2 to IFB 97-2031DC, Canal Road improvements with Westra Construction Corporation for replacement of a water line for a net decrease of \$221,958.96; and the addition of 99 calendar days for an adjusted contract amount of \$1,982,653.43; and a revised completion date (1/10/99). RECORD S46-1974

MATERIALS AND SERVICES

1. **Computer Hardware and Software/Stockade SMART Lab** - Purchase via state contract, computer hardware from Compucom, \$25,752 and software from TRO Industries (Plato), \$28,000, for a total of \$53,752.
2. **Chipco Choice Mole Cricket Insecticide** - Award IFB 99-1879MP with Southern States Coop., Inc., not to exceed \$47,250.
3. **Computer and Xerographic Paper** - Award IFB 99-1582KK for computer and xerographic paper on an as-required basis to the lowest responsive, responsible multiple bidders meeting specifications for an estimated annual cost of \$77,646.55, as follows:

Better Business Forms	\$34,016.80
Peninsular Paper Co., Inc.	\$43,629.75

EL RANCHO VILLAGE LIFT STATION

Execute Change Order 1 to IFB 98-4898DC, with DeJonge Excavating Contractors, Inc., for an extension of 150 calendar days to completion time for a revised completion date of June 24, 1999. RECORD S46-1975

ORDINANCE 99-37 - PROCUREMENT CODE

Advertise a public hearing to be held May 4, 1999, for Ordinance 99-37 to replace the existing Procurement Code, Ordinance 84-02, to create a Purchasing Ordinance consistent with recent changes to State law and to establish administrative remedies for protests and contract claims.

LIBRARYS

1. **Library Meeting Room Policy** - Adopt revised Library Meeting Room Policy. RECORD S46-1976
2. **Rocky Bluff Branch Library** - Execute Lease Agreement with The Ackerman Family Limited Partnership for the Rocky Bluff Branch Library (2/1/99-1/31/00). RECORD S46-1977

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(Continued)

COQUINA AND BAYSIDE PARKS - PETS

Execute letter in support of a new **City of Bradenton Beach** ordinance to prohibit domestic animals and pets from Coquina and Bayside Parks; **and** authorize new signage for this updated ordinance with a total cost of \$500.

ISAAC'S SUPER CENTER

Execute Credit Authorization CA-98-02(T); **and** authorize Chairman to execute Final Authorization of transportation credit in the total amount of \$11,050 for eligible right-of-way. RECORD S46-1978
S46-1979

FINAL PLATS**Millbrook at Greenfield Plantation, Phase IIIA and IIIC**

1. Final Plat.
2. Affidavit of Ownership and Encumbrances.
3. Mortgagee's Joinder in Declaration only from First South Bank.
4. Mortgagee's Joinder in Declaration only from Linda Hallas, as Trustee of Manatee Shareholders Trust.
5. Agreement with B. W. General Contractors, Inc., guaranteeing completion of required improvements (\$373,096.56).
6. Performance Bond: \$373,096.56 (Letter of Credit 99-01, First South Bank).
7. Agreement with B. W. General Contractors, Inc. in conjunction with Letter of Credit as Security Guaranteeing completion of required sidewalks and bikeways, (\$49,390.25).
8. Performance Bond: \$49,390.25 (Letter of Credit 99-02, First South Bank).
9. Grant of Off-Site Cul-De-Sac Easement from River Road Plantation Partnership.
10. Grant of Off-Site Drainage Easement from River Road Plantation Partnership.
11. Supplemental Master Declaration of Covenants, Conditions and Restrictions for Greenfield Plantation.

Brandon

1. Final Plat.
2. Mortgagee's Joinder in Declaration only from George Nordin.

Riverwalk Village, Subphase E

1. Final Plat.
2. Mortgagee's Joinder in Declaration only from SunTrust Bank, Gulf Coast.
3. Mortgagee's Joinder in Declaration only from Lakewood Ranch Community Development District 1.
4. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, (\$21,287.50).
5. Performance Bond: \$21,287.50 (Surety Bond 137352, Frontier Insurance Company).
6. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways, (\$40,285.05).
7. Performance Bond: \$40,285.05 (Surety Bond 137353, Frontier Insurance Company).
8. Conservation Easement from Schroeder-Manatee Ranch, Inc.
9. Agreement for Installation of Private Improvements in Subdivisions, Subsequent to Final Subdivision Plat Approval with SMR Communities Joint Venture. RECORD S46-1980
10. Site Access and Drainage Affidavit Right-of-Way Irrigation and Utilization from Schroeder-Manatee Ranch, Inc., Lakewood Ranch Community Development District 1, and Summerfield/Riverwalk Village Association, Inc.
11. Maintenance Agreement for Right-of-Way Island with Lakewood Ranch Community Development District 1. RECORD S46-1981
12. Supplemental Declaration.

Timberland Subdivision

1. Final Plat.
2. Agreement to Defer Completion of Required Sidewalks with David Bass and Brenda Katz. RECORD S46-1982

Treymore at the Villages of Palm Aire, Unit 1

1. Final Plat.
2. Mortgagee's Joinder in Declaration only from First South Bank.
3. Mortgagee's Joinder in Declaration only from NationsBank, N.A.
4. Agreement to Defer Completion of Required Sidewalks for Private Subdivisions with Taylor Woodrow Communities. RECORD S46-1983
5. Agreement with Taylor Woodrow Communities Warranting Required Improvements, (\$6,962).

6. Defect Security: \$6,962 (Cashier's Check 8401160232, SunTrust Bank, Gulf Coast).
7. Temporary Turn-Around Easement from Taylor Woodrow Communities.
8. Declaration of Covenants, Conditions, Restrictions, and Easements for Treymore at the Villages of Palm-Aire.

FLORIDA HERITAGE FESTIVAL

Execute a Stand-By Agreement with the Florida Heritage Festival for Emergency Medical Services to provide medical coverage during the Florida Heritage Festival on April 24, 1999, and to waive any applicable fees for service for the nonexclusive stand-by coverage as set forth in Resolution R-94-61. RECORD S46-1984

MYAKKA RIVER WATERSHED - TOPOGRAPHIC MAPPING

Execute Cooperative Agreement with Southwest Florida Water Management District for Upper Myakka River Watershed Topographic Aerial Mapping (term to expire 9/30/00; total \$529,435: District, \$264,718; County, \$264,717). RECORD S46-1985

DEEDS AND EASEMENTS

1. 24th Street East - Public Purpose Quit Claim Deed from the State of Florida, Department of Transportation, for surplus property (road right-of-way) for the extension of 24th Street East between S.R. 70 and 51st Avenue East.
2. 57th Avenue West - Warranty Deed from Ishak Aoudi (Isaac's Supercenter, SP-98-02) for 17 feet of right-of-way; Affidavit of Ownership and Encumbrances.
3. Franklin Avenue - Drainage Easement from John Jackson for ditch piping; Drainage Easement and Temporary Construction Easements (2), from Gerald Purvis and Connie Purvis; Affidavits of Ownership and Encumbrances (2); Joinder from Huntington National Bank.

LAKWOOD RANCH BOULEVARD AT S.R. 64

1. Contract for Sale and Purchase for a Warranty Deed from Moore's Dairy Farm, Inc., for right-of-way for signalization, \$2,088. RECORD S46-1986
2. Warranty Deed from Moore's Dairy Farm, Inc.; Affidavit of Ownership and Encumbrances.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Execute the National Pollutant Discharge Elimination System (NPDES) signature sheet for submission to the Environmental Protection Agency, compiled as Annual Report for Permit Year 1 (Municipal Separate Storm Sewer System), as required by permit. RECORD S46-1987

AFFORDABLE HOUSING - INSURANCE CLAIM

Endorse a check in the amount of \$1,446.35 payable to Evone Edwards, Suntrust Mortgage, and Manatee County Government, from DeSoto Insurance Company for an insurance claim settlement for damages incurred by homeowner.

(End Consent Agenda)

PROCLAMATIONS**Fair Housing Month**

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 5 to 0, to adopt a Proclamation designating April 1999 as **Fair Housing Month**. RECORD S46-1988

Accepting the Proclamation was George Milburn, from the U.S. Housing and Urban Development Department.

Kick Butts Day

Motion was made by Mrs. Harris, seconded by Mr. Bruce and carried 5 to 0, to adopt a Proclamation designating April 14, 1999, as **Kick Butts Day**. RECORD S46-1989

Accepting the Proclamation was Carmella Reid, Coordinator for Manatee County Tobacco-Free Partnership.

(Enter Ms. Brown)

Catherine Ramsey Day

Motion was made by Mrs. Glass, seconded by Mrs. Harris and carried 6 to 0, to adopt a Proclamation designating April 20, 1999, as **Catherine Ramsey Day**. RECORD S46-1990

Catherine Ramsey accepted the Proclamation. Present also were **Marge Kinnan, Rosemarie Taylor, Martha Gibson**, who praised Ms. Ramsey for her professionalism and service to the public.

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(Continued)

Tourism Week

Motion was made by Mrs. Glass, seconded by Ms. Brown and carried 6 to 0, to adopt a Proclamation designating May 2-8, 1999, as **Tourism Week**. RECORD S46-1991

Soil and Water Stewardship Week

Motion was made by Mr. Bruce, seconded by Ms. Brown and carried 6 to 0, to adopt a Proclamation designating April 25-May 2, 1999, **Soil and Water Stewardship Week**. RECORD S46-1992

Manatee County Victims' Rights Week

Motion was made by Ms. Brown, seconded by Mrs. Harris and carried 6 to 0, to adopt a Proclamation designating April 25-May 1, 1999, **Manatee County Crime Victims' Rights Week**. RECORD S46-1993

Susie Brown, President of Manatee County Victims' Right Council, individuals from the Sheriff's Office, State Attorney's Office, Manatee Glens Rape Crisis Center, were present. Ms. Brown extended an invitation to attend the Thirteenth Annual Manatee County Victims' Right Council Candlelight Vigil on April 27, 1999, at 7:30 p.m.

HEALTH CARE ADVISORY COMMITTEE

Cheri Coryea, Community Services Department, stated there are four vacancies on the Health Care Advisory Committee. She advised that current members (**Dr. Martin Amundson, Ray Dielman, Charles Loiselle, and Edward Lopacki**) are seeking reappointment.

Upon verification of attendance, motion was made by Mr. McClash, seconded by Mrs. Glass and carried 6 to 0, to reappoint the current members (two year terms).

SARASOTA/MANATEE METROPOLITAN PLANNING ORGANIZATION

Robert Herrington, Sarasota/Manatee Metropolitan Planning Organization, stated there are four vacancies on the Citizens' Advisory Committee. He stated that three of the applicants are current members (**James Lacher, David Sessions, Greg Arnold**) seeking reappointment. Eugene Wiseman, who is now deceased, held the fourth seat. **Joy Courtney**, who served on the Island Transportation Planning Organization, Citizens Advisory Committee, has applied for the fourth position.

Motion was made by Mr. Bruce, seconded by Ms. Brown and carried 6 to 0, to accept and appoint the four applicants.

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

CITIZENS' COMMENTS**Fishing on Terra Ceia**

Frank Madar thanked the Commissioners, Larry Mau, Jim Staples, and Pat Barton (Transportation Department Director and staff) for acting on his request regarding fishing on Terra Ceia (3/23/99). He presented photographs of the fishing site showing signs that staff erected identifying County right-of-way.

PRESCRIBED BURNING

Karen Windon, Public Safety Director, expressed concern regarding the fires in Florida last year that destroyed 500,000 acres and recommended adoption of

R-99-85 RESOLUTION SUPPORTING THE USE OF PRESCRIBED FIRE AS A LAND MANAGEMENT TOOL IN MANATEE COUNTY.

Ed Flowers, Division of Forestry, addressed the benefits of prescribed burning.

Motion was made by Mr. Bruce and seconded by Mrs. Glass to adopt Resolution R-99-85.

Discussion: Report unauthorized fires through 911; develop master plan for County to do prescribed burns; State statute allows burning; helps to get rid of excessive fuel buildup (pine needles), etc.

Motion carried 6 to 0. RECORD S46-1994

ORDINANCE 99-27 - NO PARKING

Public hearing (Notice in the Bradenton Herald 4/8/99) was held to consider

ORDINANCE 99-27 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 98-11; REGULATING THE STOPPING, STANDING OR PARKING OF MOTOR VEHICLES ON 9TH AVENUE WEST, 11TH AVENUE WEST, 12TH AVENUE WEST, 13TH AVENUE WEST, 14TH AVENUE WEST, 15TH AVENUE WEST, 16TH AVENUE WEST, 17TH AVENUE WEST, 21ST STREET EAST, 39TH STREET WEST, 40TH STREET WEST, 40TH STREET COURT WEST, 41ST STREET WEST, 41ST STREET COURT WEST, 42ND STREET WEST, 60TH STREET EAST/CARUSO ROAD, 65TH AVENUE CIRCLE EAST, 69TH STREET EAST/ERIE ROAD AND COUNTRY PARKWAY; ALL BEING COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA, AND PROVIDING AN EFFECTIVE DATE.

Harry Mendenhall, Transportation Department, requested adoption of Ordinance 99-27, and noted that all of the requests are a result of petitions from the area residents.

Discussion: "No Parking" signs exist at Manatee High School; not ample parking at school for students; determining normal school hours, etc.

Motion was made by Mr. Bruce, seconded by Mrs. Harris and carried 6 to 0 to adopt Ordinance 99-27.

RECORD S46-1995

STREET VACATION - REGENCY OAKS II SUBDIVISION

Public hearing (Notice in the Bradenton Herald 3/22/99 and 3/29/99) was held to consider

R-99-59-V RESOLUTION ON APPLICATION BY BARRETT FAMILY PARTNERSHIP 1, LTD. and MICHELE HUSUBY, FOR THE VACATION OF CERTAIN STREETS, ROADS OR OTHER APPROPRIATE PROPERTY IN REGENCY OAKS II, SUBDIVISION.

Helen Zeps, Transportation/Land Acquisition, stated the Barrett Family Partnership 1, Ltd., has entered into a Contract for Sale and Purchase with Michele Husuby, which is contingent upon vacation of a portion of the plat. She outlined the area on a site plan.

Motion was made by Ms. Brown, seconded by Mrs. Glass and carried 6 to 0, to adopt Resolution R-99-59-V; accept a Drainage Easement from Barrett Family Partnership 1, Ltd., and Michele Husuby, for storm water drainage; and accept Affidavits of Ownership and Encumbrances (2).

RECORD S46-1996

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

COMMUNITY DEVELOPMENT BLOCK GRANTS

Fred Loveland, Community Services Department Director, discussed Community Development Block Grant Funding (CDGB) projects, noting five projects which have been placed on review status: (1) Rubonia Community Center renovation; (2) Tallevast Community Center construction; (3) 13th Avenue Community Center construction; (4) Parrish Road; and (5) Flood mitigation. He advised of a June deadline for applications and noted a management team would be formed to review these projects.

Tony Collins, Community Services Department, outlined the funding process for CDBG projects and noted the most successful applications relate to a strategy or prioritization.

(Enter Mrs. Stein)

Discussion: Strategy development; linkage between programs, activities, and other communities more likely to fund request; target money for upcoming grant cycle; add Parrish Community Center to list of projects; \$50,000 in State budget for Rubonia, 13th Avenue and Parrish Community Centers; Youth Build applications will be submitted; work session to discuss further, invite cities; which projects to submit now; assess cost of project before going forward; City of Palmetto does not have a SHIP program; Enterprise Zone; neighborhood revitalization; Parrish Road project, Sylvan Oaks good projects to submit, etc.

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(Continued)

LOCKWOOD RIDGE ROAD

Janet McAfee, Project Management Director, requested direction regarding construction at Lockwood Ridge Road from Tallevast to Murry Lane (57th Avenue East) as a four-lane roadway and extending the project from 57th Avenue East to S.R. 70. She stated the design and land acquisition is for a four-lane roadway and the preconstruction review of existing and projected conditions suggest the four lanes should be constructed at this time.

Tom Fulton, Post, Buckley, Schuh & Jernigan, displayed several graphics depicting Lockwood Ridge Road as the authorized two-lane highway and the recommended four-lane highway. He stated if all four lanes were constructed this year, the County would save \$300,000. If all four lanes are not approved at this time, he asked that resurfacing and restriping of the existing roadway be approved to provide bicycle lanes and sidewalks to both sides of the road at a cost of \$206,000. He noted that there would be a bottleneck and the lanes would not line up across 57th Avenue East.

Discussion: Shallow swale system versus drainage ditch/culvert system; existing underground sewer; allowance for pond purchase; funding; report to be returned with CIP, etc.

(Depart Mrs. Harris)

Motion was made by Mr. Bruce to construct this facility as a four-lane facility from State Road 70 to Tallevast Road. Motion was seconded by Mrs. Glass and carried 6 to 0.

Discussion: Motion to include entire scope of project; Tallevast to University Parkway (separate project) previously approved, etc.

(Enter Mrs. Harris)

POMELLO PARK

Janet McAfee, Project Management Director, stated **Cheryl Clark** requested (3/23/99) construction of an access road (promised by developer of Panther Ridge three years ago) to her adjoining property. She noted that Tom Brown, Jr., developer of Panther Ridge, has begun construction of dirt roads which would allow Ms. Clark access to her property.

Referencing four aerial maps, Ms. McAfee outlined the status of roads in the area and the approved participation projects. She stated that public meetings have been held with property owners, but no petitions have been received, and that participation projects are proceeding. She noted that some roads are paved, some are shell or dirt.

(Depart Mrs. Stein during presentation)

Discussion: Some residents opposed to paved roads, etc.

TRANSPORTATION SIGNAL CONTROL SYSTEM

Harry Mendenhall, Transportation Department, reported on the history and operating status of the computerized traffic signal system noting there are 98 signals in the computer control system. He stated the Florida Department of Transportation is reviewing the system timings.

He submitted a list of locations that are either on line or do not have this system. He stated there are GTE phone connections from the central control office to the 19 master controllers. He advised they have received new computers and computer systems to improve the system.

(Enter Mrs. Stein)

John Cumming, City of Bradenton Public Works Department, referred to a handout "Description and Operation of the Traffic Signal System" containing a location map and explanation of the system operation. He stated the City is updating the central computer and studying the addition of left turn signals for 9th Avenue West and 17th Avenue West at 14th Street to increase the traffic flow.

Discussion: Synchronized lights; synchronization going east on Manatee Avenue and loop going east on 15th Avenue; exit from parking garage on 10th Street south to 6th Avenue; cost savings of combining City and County monitors, etc.

MANATEE MEMORIAL HOSPITAL - SATELLITE

David Rothfuss, Assistant County Administrator, requested authorization for the Chairman to execute a letter to the Florida Agency for Health Care Administration in support of an application by Manatee Memorial Hospital for a Certificate of Need to construct a satellite hospital in southeast Manatee County. He advised that Manatee Memorial Hospital has purchased 30 acres in the Town Center portion of Lakewood Ranch to develop a satellite facility. The hospital has submitted an application to transfer 120 beds (82 medical surgical, 18 wound center and 20 critical care) from its main campus to this facility.

Motion was made by Mrs. Harris and seconded by Mrs. Glass to approve the request. Motion carried unanimously.

PENDING LITIGATION ASSESSMENT MEETING

Teddy N. Williams, Jr., County Attorney, requested a pending litigation assessment meeting be opened and continued in private session at 1:15 p.m., in the Board of County Commissioners conference room on the ninth floor in the matter of South County Youth and Recreation Center versus Manatee County, CA 99-446. He announced the attendees.

The Chairman approved the request and opened the meeting.
(Note: Further action later in the meeting.)

COMMISSIONERS' COMMENTS**Work Release Housing for Female Inmates**

Mrs. Stein stated she received a call regarding a complaint that the County is not in compliance with model jail standards regarding work release housing for female inmates.

Disposition: Referred to the County Administrator and County Attorney.

Community Development Block Grant

Ms. Brown concurred with Mr. McClash regarding including the City of Bradenton during the work session on the Community Development Block Grant Program (discussed earlier) to discuss the Rogers Garden area.

Sarasota County Paw Park

Mr. Stephens presented a brochure from a meeting he attended regarding the Sarasota County Paw Park and announced that money has been put in a Capital Improvement Program for a similar endeavor in Manatee County.

ANNA MARIA ISLAND SPRING CLEANUP

Mr. Stephens stated that Mayor Shumard from Anna Maria Island requested the tipping fees be waived for the annual spring cleanup being held on May 1, 1999.

(Depart Mrs. Harris)

Motion was made by Mrs. Glass, seconded by Ms. Brown and carried 6 to 0, to approve waiving the tipping fees.

Recess/Reconvene. All members present except Mrs. Stein, Mr. McClash and Mrs. Harris.

PENDING LITIGATION ASSESSMENT MEETING (Continued)

Mr. Williams advised that the pending litigation meeting in the case of South County Youth and Recreation Center versus Manatee County, CA 99-446, was concluded at 1:35 p.m. today.

ORDINANCE 99-20 - NOISE

Public hearing (Notice in the Bradenton Herald 4/9/99) was held to consider

ORDINANCE 99-20 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGULATING AND PROHIBITING THE EMISSION OF HARMFUL NOISE; DECLARING SAID NOISES TO BE DETRIMENTAL TO THE PUBLIC HEALTH, COMFORT, CONVENIENCE, SAFETY, WELFARE AND PROSPERITY OF THE RESIDENTS OF SAID COUNTY; ESTABLISHING AND DEFINING CERTAIN TERMS; ESTABLISHING AND PROVIDING FOR CERTAIN EXCEPTIONS; PROHIBITING THE MAKING, CAUSING OR ALLOWING OF SAID NOISES WHICH EXCEED CERTAIN LIMITS; PROVIDING FOR TECHNIQUES TO BE USED IN MEASURING LEVELS OF SAID NOISE AND THE ESTABLISHMENT OF SAID LIMITS; PROVIDING FOR PENALTIES; PROVIDING FOR ADDITIONAL CIVIL REMEDIES; PROVIDING FOR THE APPLICABILITY; PROVIDING FOR THE SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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(Continued)

(Enter Mrs. Harris and Mrs. Stein)

James Minix, Assistant County Attorney, stated Ordinance 99-20 is a revision of Ordinance 87-34. He stated the current ordinance is ineffectual, as it requires the enforcing agency to use a noise meter in all circumstances to determine a violation. The proposed ordinance would give authority to enforce violations based upon "reasonable person" standards and provide an objective standard, which involves a decibel level maximum permissible sound allowable in different circumstances.

He submitted a revised Page 7, and reviewed a change to Section A(1) regarding Standards.

(Enter Mr. McClash)

(Depart Mr. Stephens; Ms. Brown presiding)

Discussion: Sheriff is the enforcing authority; bring back report on method of measurement of sound and funding; certified users of equipment; ordinance revised to give Sheriff an option to enforce without a noise meter; regulating sound and vibration from boom boxes; ticketing system; need for equipment and measuring system; Code Enforcement; Section 5 allows County to initiate civil injunctive relief; Section B of ordinance has significant changes, etc.

Speaking in favor of Ordinance 99-20 were **Ellen Carson; Mrs. Bernie Shannon**, Ellenton resident; **Joyce Edick**, Tri-Mor Mobile Home Park; **Alan Sivey**, El Conquistador; **Don Stormzand**, Wild Oak Bay; **Debbie McLuckey; William Wheeler; Stephen Bagshaw**, Tri-Mor Mobile Home Park; **Al Davis**, Wild Oak Bay; and **Edward Edick**.

James Wright, speaking in opposition to the ordinance, stated that it should be require that individuals be caught in the act of making noise. He expressed concern that the ordinance could be used as an instrument by neighbors who dislike each other.

Items addressed: Whether ordinance is enforceable; boom boxes at fast food establishments and gas stations; noise from OuterLimits causing people to change sleep habits; air boat noise; subwoofers (vibrations); need for electronic equipment; frequency; noise is a psychological phenomenon, etc.

Discussion: OuterLimits injunction order; submit affidavits; add vibration language to ordinance; language of ordinance prepared by expert from University of Florida; preparing a flyer in laymen's terms to explain ordinance; approve ordinance and bring back on agenda to refine, etc.

Motion was made by Mr. Bruce, seconded by Mrs. Harris and carried 6 to 0, to approve Ordinance 99-20. RECORD S46-1997

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest

APPROVED:


Chairman 7/6/99

Adj: