

OCTOBER 19, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Manatee Civic Center, 1 Haben Boulevard, Palmetto, Florida, Tuesday, October 19, 1999, at 9:00 a.m.

Present were Commissioners:

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

Absent was Commissioner:

Lari Ann Harris (illness)

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 Luis A. Ojeda, Manatee Sheriff's Office.

#### CONSENT AGENDA

##### FAIRWAYS AT IMPERIAL LAKES

Public hearing (continued from 10/5/99) was opened to consider

##### AA-99-03 FAIRWAYS AT IMPERIAL LAKES (PDR-98-10)

(CONTINUED TO OCTOBER 26, 1999, AT 9:00 A.M.)

Request filed by Imperial Partners, Ltd. for an appeal of an administrative decision requiring a five-foot sidewalk along the east side of Buffalo Road for the Fairways at Imperial Lakes project, located along the east side of Buffalo Road, between Moccasin Wallow Road and Parc Imperial to the north and Imperial Lakes Estates to the south.

##### PARTICIPATION PROJECT

Public hearing was opened to consider (CONTINUED; TO BE READVERTISED)

##### Road Assessment Project

**28th Street Court East** - from Whitfield Road, south approximately 2,700 feet.

**71st Avenue East** - from 30th Street East, west to the railroad.

**71st Avenue Drive East** - from 30th Street East, west to the railroad.

**72nd Avenue Drive East** - from 28th Street Court East, west to the railroad.

and

**R-99-232** A RESOLUTION APPROVING SPECIAL ROAD ASSESSMENT PROJECT ON 28TH STREET COURT EAST, 71ST AVENUE EAST, 71ST AVENUE DRIVE EAST

(authorizing execution of agreement with the Property Appraiser and Tax Collector).

#### CLERK OF CIRCUIT COURT

##### CONSENT CALENDAR

##### BONDS

Accept:

Sheriff's Public Employees and Deputy Sheriff's Blanket Bonds (27 additions; 10 deletions). RECORD S47-602

##### The Greens at El Conquistador

Defect Security: \$32,845.44 (Letter of Credit 9930, SunTrust Bank Gulf Coast).

##### Heather Glen, Phase II

Performance Bond: \$18,304 (replacement Letter of Credit 990311, First National Bank and Trust of Manatee).

Release:

##### The Greens at El Conquistador

Defect Security: \$32,845.44 (Letter of Credit T518697, Barnett Bank, N.A.).

##### Heather Glen, Phase II

Performance Bond: \$40,651 (Letter of Credit 890311, First National Bank of Manatee).

**Briarwood, Phase III**

1. Agreement with Southwest Florida Developers, Inc., guaranteeing completion of required sidewalks and bikeways (\$18,655).
2. Performance Bond: \$18,655 (Letter of Credit SM-03634-096, NationsBank).

**BILLS FOR PAYMENT**

Lawrence White - Meal Reimbursement \$62.40

**REFUNDS**

Piccadilly Cafeteria - Sewer Rebate 8,428.88  
 Panther Ridge Communities, Ltd. - Impact Fee 3,552.00  
 W. G. Mills, Inc. - Permit Overcharge 7,159.35

**WARRANT LIST**

Approve: October 5, 1999 through October 18, 1999  
 Authorize: October 19, 1999 through October 25, 1999

**MINUTES**

August 3, 1999 and August 17, 1999

**AUTHORIZE CHAIRMAN TO SIGN****Satisfactions of Judgement:**

Allan R. McClain, Cases 97-5247M, 97-5247M/97-5248M, 98-218F(2)

**Partial Release of Special Improvement Assessment Liens**

Projects: 3003/2504; 3005/5235; 3009/5147(2); 3101/5151;  
 3102/2502(2); 5073(2); 5074; 5130; 5147(3)

**North Regional Wastewater Treatment Plant**

Contract with DeJonge Excavation Contractors, Inc., IFB 99-3131DC, \$2,296,266.50, for the building of reclaimed water pumpback stations; date Performance/Payment Bonds, accept Insurance Certificate (approved 10/5/99). RECORD S47-603

**ACCEPT****Town of Longboat Key**

Copies of Ordinances 99-28 and 99-29, adopting the FY 1999-2000 millage and budget.

**Emerson Point Conservation Trail (Contract SP359)**

Amendment 2 to Agreement dated January 28, 1997, with Department of Environmental Protection amending completion date to January 27, 2001, (authorized by Resolution 97-21). RECORD S47-604

**Southwest Florida Water Management District**

Copy of FY 1999-2000 budget.

**Records Destruction Request**

Bureau of Archives and Records Management Form listing records: Form 466; Tax (all areas)

**COUNTY ADMINISTRATOR****ARTICLE V TRUST FUND GRANT**

Execute agreement with the Office of State Courts Administrator and Twelfth Judicial Circuit for the Article V Trust Fund Grant, \$104,462; letter to the Administrator transmitting the detailed spending plan for the grant funds as **expert witness fees**; and the letter requesting release of the funds. RECORD S47-605

**CORTEZ PRESERVE**

Execute a grant award agreement with Florida Communities Trust (FCT), for the purchase of the 1912 Cortez Schoolhouse and Nature Preserve (Cortez Preserve) from the **Estate of Robert Sailors**; and letter advising FCT that the County will not pursue acquisition of property under the ownership of the **Louise Schewe Trust**. RECORD S47-606

**COURT REPORTING SERVICES GRANT**

Execute agreement with the Office of State Courts Administrator and Twelfth Judicial Circuit for Court Reporting Services Grant, \$53,835, and the letter requesting release of the grant funds. RECORD S47-607

**CRIME STOPPERS OF MANATEE COUNTY**

Execute agreement with Crime Stoppers of Manatee County, Inc., for implementing the Crime Stoppers Program in the County through funding from the Crime Stoppers Trust Fund. RECORD S47-608

**LAWSUIT: MANATEE COUNTY VERSUS ANITA M. GLASGOW, ET AL.**

Approve settlement with Lillie Lee Pearson for payment of \$248,430 (inclusive of compensation for the land taken, and all attorney's fees, but exclusive of costs and expenses) for the taking of Parcel 2512/132, in the eminent domain matter of Manatee County versus Anita M. Glasgow, et al., Case 1995-CA-2009, relating to S.R. 70.

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(Continued)

**LAKE MANATEE WATERSHED - PARRISH PROPERTY**

1. Approve and accept the conveyance of an ingress, egress and utilities easement from William and Mary Jo Parrish to their son Clyde John Parrish, in conformance with the Grant of Easement Instrument, upon lands to be acquired by Manatee County.
2. Approve and accept the conveyance of an ingress, egress and utilities easement from William and Mary Jo Parrish, in conformance with the Grant of Easement Instrument, in order to provide access to Manatee County to the lands to be acquired by the County.

(NOTE: To be submitted following the closing)

**1995 MEDITRUST REFUNDING BONDS**

**R-99-244** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CONSENTING TO THE TRANSFER BY MEDITRUST CORPORATION, A DELAWARE CORPORATION ("MEDITRUST") TO (1) NEW MEDITRUST COMPANY LLC, A DELAWARE LIMITED LIABILITY COMPANY ("NEW MEDITRUST") OF ALL MEDITRUST'S RIGHT, TITLE AND INTEREST IN THE PROJECT FINANCED WITH PROCEEDS OF THE BONDS, AND (2) THE ASSUMPTION BY NEW MEDITRUST, ON A JOINT AND SEVERAL BASIS WITH MEDITRUST OF THE OBLIGATIONS OF MEDITRUST UNDER THAT CERTAIN LOAN AGREEMENT DATED AS OF DECEMBER 1, 1995, BY AND BETWEEN MANATEE COUNTY, FLORIDA, AND MEDITRUST; APPROVING THE FORM OF ASSUMPTION AGREEMENT FOR PURPOSES OF ACKNOWLEDGING AND CONSENTING TO SUCH TRANSFER AND ASSUMPTION, AUTHORIZING THE PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND PROVIDING FOR AN EFFECTIVE DATE.

RECORD S47-609

**LAWSUIT: DANIEL AND LOUISA FOOTE VERSUS MANATEE COUNTY**

Approve settlement in the matter of Manatee County versus Daniel Foote and Louisa Foote, Case CA-98-5078, for a lump sum of \$22,500.

**UNLICENSED CONSTRUCTION ACTIVITY PANEL**

Release lien on property of Donald and Patricia Whitesel, resulting from a final order issued by the Unlicensed Construction Activity Panel, against Milton Russell d/b/a The Deck Doctor (Citation 367).

**CHILDREN'S SERVICES FUNDING**

Execute Fiscal Year 1999-2000 Children's Services dedicated millage funding agreements with the following nonprofit agencies:

<u>Family Resources, Inc., Family Resolutions,</u>	\$36,010;	S47-610
<u>Lifelink Child and Family Services, Adoption Preservation,</u>	\$38,839;	S47-611
<u>ManaSota Lighthouse for the Blind, Inc., Parents and Kids (PAK),</u>	\$16,480;	S47-612
<u>Manatee County Clerk of Circuit Court, Citizens Review,</u>	\$99,380;	S47-613
<u>Manatee County Family YMCA, Before/After School Subsidies,</u>	\$27,500;	S47-614
<u>Manatee County Family YMCA, East County YMCA Outpost,</u>	\$42,300;	S47-615
<u>Manatee County Family YMCA, Johnson Middle School Summer Service,</u>	\$32,500;	S47-616
<u>Manatee County Family YMCA, Middle School Program,</u>	\$230,000;	S47-617
<u>Manatee Glens Corporation, Child Care Intervention,</u>	\$14,000;	S47-618
<u>Manatee Opportunity Council, Inc., C.A.T.C.H.,</u>	\$45,000;	S47-619
<u>Manatee Opportunity Council, Inc., Simplified Intake System,</u>	\$750,000;	S47-620
<u>Manatee Public School Foundation, Inc., S.E.D. After School Pilot Project,</u>	\$91,630.	RECORD S47-621

**ORDINANCE 99-64, FUNDS FOR INCENTIVES AND AWARDS**

Set a public hearing on November 9, 1999, to consider Ordinance 99-64, amending Ordinance 97-28, to provide clear authority for the Board of County Commissioners to budget funds to accomplish the purpose of such ordinance subsequent to the adoption of the County's budget.

**HEALTH DEPARTMENT**

Execute agreement with Florida Department of Health for services to be provided at the Manatee County Health Department (10/1/99-09/30/00), \$12,769,430 (of which \$1,298,765 is a County cash contribution).

RECORD S47-622

**HUMAN SERVICES NEEDS ASSESSMENT**

Execute agreement with United Way of Manatee County, Inc., to assist with the completion of the Human Services Needs Assessment conducted by the University of South Florida, \$2,916; and a Follow-up Program Outcome Assessment Project, \$2,250, for total of \$5,166. RECORD S47-623

**MANATEE COALITION OF AFFORDABLE HOUSING**

Execute nonprofit agency agreement with the Manatee Coalition for Affordable Housing, for services relating to the State Housing Initiatives Partnership (SHIP) Program strategies (10/01/99-09/30/00), \$232,420. RECORD S47-624

**MEDICAL SERVICES TO INMATES**

Execute contract with the Manatee County Sheriff's Office and Manatee County Rural Health Services, to provide administration and operation of all medical services to inmates under the custody and control of the Manatee County Sheriff's Office (10/01/99-09/30/99), \$2,545,993. RECORD S47-625

**NONPROFIT AGENCY FUNDING**

Execute Fiscal Year 1999-2000 Nonprofit Agency general revenue and handicap parking fines fund funding agreements (10/01/00-09/30/00), with the following nonprofit agencies:  
Community Coalition on Homelessness, Transitional Development, \$44,802; S47-626  
Deaf Service Center, Interpreter, \$32,895, and Training and Advocacy, \$26,913; S47-627  
HOPE Family Services, Emergency Safe Shelter, \$44,102; S47-628  
Manatee County Cultural Alliance, Inc. d/b/a Arts Council of Manatee County, Cultural information Program, \$11,200; S47-629  
Myakka City Community Center, Inc., Adult Activity, \$10,874; S47-630  
Suncoast Center for Independent Living, Inc., Equipment Loan and Repair, \$23,227, and Portable Modular Ramps, \$10,557; S47-631  
Women's Resource Center of Manatee, Inc., Smart Program, \$28,505; S47-632  
Volunteer Services of Manatee County, Inc., Volunteer Referral, \$11,200. RECORD S47-633

**TRANSPORTATION DISADVANTAGED TRIP AND EQUIPMENT GRANT**

**R-99-252** A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AUTHORIZING THE CHAIRMAN TO ENTER INTO A TRANSPORTATION TRIP AND EQUIPMENT GRANT AGREEMENT WITH THE STATE OF FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED (10/01/99-09/30/00, \$302,224). RECORD S47-634

**TRANSIT - RURAL OPERATING ASSISTANCE**

**R-99-253** A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE EXECUTION OF THAT CERTAIN JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR RURAL OPERATING ASSISTANCE (10/01/99-09/30/00, \$36,366 [\$18,183 local and \$18,183 federal]; authorizing the Chairman or the Vice-Chairman to enter into, modify, or terminate the Joint Participation Agreement, unless specifically rescinded). RECORD S47-636

**WEST COAST INLAND NAVIGATION DISTRICT**

Execute Amendment One to the Agreement with the City of Anna Maria, extending the West Coast Inland Navigation District project (M86F) until September 30, 2000. RECORD S47-638

**CONVENTION AND VISITORS BUREAU**

1. Execute funding agreement with Hernando DeSoto Historical Society, Inc., for \$10,000 from resort tax funds as reimbursement for a Heritage Festival brochure to be sent with visitor information packets. RECORD S47-639
2. Execute Fiscal Year 1999-2000 agreement with Project Partnership, for additional marketing in Germany and the United Kingdom, \$30,000 (plus postage incurred). RECORD S47-640

**LEFFIS KEY HABITAT RESTORATION**

Execute Amendment 1 to Contract SP430 with the Department of Environmental Protection for a \$20,000 increase, total state grant contribution of \$159,800. RECORD S47-641

**IMC-AGRICO COMPANY/FOUR CORNERS MINE**

Set a public hearing on December 7, 1999, at 1:30 p.m., to consider, deny or approve amendments to IMC-Agrico's Operating Permit for the Four Corners Mine.

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(Continued)

**BUDGET AMENDMENT RESOLUTIONS**

**Various Departments** (B99-035)  
Transfer of Funds; Unanticipated Revenue Appropriations  
(supporting description and detail attached) RECORD S47-642

**Various Departments** (B-00-007)  
Transfer of Funds; Unanticipated Revenue Appropriations  
(supporting description and detail attached) RECORD S47-643

**LEGISLATIVE LIAISON**

Accept Letter of Agreement with Betty J. Steffens, Attorney at Law, for the 1999-2000 regular legislative session, \$20,000 plus expenses and additional professional services. RECORD S47-644

**53RD AVENUE WEST**

Execute Change Order 1 to Work Assignment 2 with Lombardo, Skipper & Foley, Inc., for engineering services, \$34,085.32 increase, total not to exceed \$801,506.32. RECORD S47-645

**MATERIALS AND SERVICES**

1. **Bus Repair Parts** - Sole source purchase of Gillig bus repair parts from the Gillig Corporation, for an estimated \$75,000.
2. **Radio Equipment** - Sole source purchase of Ericsson 800 MHz radios and accessories from Ericsson, Inc., c/o Communications International, Inc., for an estimated \$100,000.

**EMERGENCY COMMUNICATIONS CENTER**

Authorize issue of Change Order 2 to Purchase Order P9001802 with Sun Business Systems, Inc., for the purchase of additional carpet tile for Emergency Communications Center, \$394.20 increase, for an adjusted total of \$30,759.20.

**COMPUTER CONSULTING SERVICES**

Execute Addendum 1 to Agreement with Cathy H. Lastinger, extending the agreement for one year on an as required basis, \$20,000 increase, total not to exceed \$45,000. RECORD S47-646

**CONSTRUCTION INSPECTION SERVICES**

Execute Work Assignment 4 with Zoller, Najjar & Shroyer, Inc., for professional engineering services for construction inspections by the Building Department on an as-required basis over 225 days, not to exceed \$70,000. RECORD S47-647

**EMERSON POINT GRANT**

Approve, ratify and confirm Emergency Change Order 2 to Purchase Order P9000930 with Tampa Contracting Services, Inc., for environmental restoration on Emerson Point, \$27,900 increase, adjusted total \$57,900.

**S.R. 70 - UTILITY RELOCATION**

Execute Change Order 2 to Work Assignment 73 with Professional Service Industries, Inc., for additional testing services, \$1,976.90, for an adjusted total \$65,658.62. RECORD S47-648

**ENGINEERING SERVICES - TRANSPORTATION**

Authorize negotiations with Post, Buckley, Schuh & Jernigan, Inc., Wade-Trim, Inc., Lombardo, Skipper & Foley, Inc., and Parsons, Brinckerhoff, Quade & Douglas, Inc., to provide professional services for transportation engineering.

**AFFIRMATIVE ACTION ADVISORY COMMITTEE**

Reappoint four employees to the Affirmative Action Advisory Committee: Dorothy Ward, Husham Abdulsattar, Bob Herrington, and Yvette Sanders.

**PERSONNEL POLICY, RULES AND PROCEDURES**

**R-99-247** A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE EFFECTIVE DATE OF THE PERSONNEL POLICY, RULES AND PROCEDURES MANUAL TO NOVEMBER 6, 1999 (amending R-99-235 adopted 9/23/99). RECORD S47-649

**STATE AID TO LIBRARIES**

Adopt Fiscal Year 1999-00 Manatee County Public Library System Plan of Service and revised Library Facilities Long-Range Development Plan, to be included in the second part of the grant application to the Florida Department of State, Division of Library and Information Services, under the State Aid to Libraries, 10/01/99-09/30/00. RECORD S47-650

**GIFT CERTIFICATES AND AWARDS**

1. **R-99-147** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING A PROGRAM FOR THE ACQUISITION OF AWARDS, GIFT CERTIFICATES AND PRIZES FOR ATHLETIC AND RECREATIONAL ACTIVITIES PURSUANT TO THE REQUIREMENTS OF SECTION 1-103(5) OF ORDINANCE 99-37. RECORD S47-651

2. **R-99-148** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING A PROGRAM FOR THE EXPENDITURE OF COUNTY FUNDS FOR AWARDS FOR ATHLETIC AND RECREATIONAL PROGRAMS PURSUANT TO THE REQUIREMENTS OF ORDINANCE 97-28. RECORD S47-652

**PAYMENT FOR ATHLETIC OFFICIALS**

- R-99-242** A RESOLUTION GRANTING CERTAIN AUTHORITY TO THE DIRECTOR OF THE MANATEE COUNTY PARKS AND RECREATION DEPARTMENT FOR PAYMENT TO ATHLETIC OFFICIALS (rescinding R-97-171). RECORD S47-653

**FINAL PLATS****Bolan Heights**

1. Final Plat.
2. Agreement with T.J. Investments of Manatee, Inc., to defer completion of required sidewalks. RECORD S47-654

**Patricia's Place**

1. Final Plat.0

**WATERFRONTS FLORIDA PROGRAM**

Execute lease agreement with Florida Institute for Saltwater Heritage to provide office space for the Waterfronts Florida Manager (\$200 per month). RECORD S47-655

**NON-AD VALOREM ASSESSMENTS**

Set first public hearing on November 30, 1999, at 9:00 a.m., or as soon thereafter as possible, to consider adoption of Resolution R-99-243, declaring its intent to place road paving, sanitary sewer, stormwater, street lighting, canal dredging, drainage improvement and landscape beautification projects on the tax bills as non-ad valorem assessments commencing in 2000.

**LOCAL MITIGATION STRATEGY**

**R-99-249** A RESOLUTION OF MANATEE COUNTY, FLORIDA, ADOPTING THE LOCAL MITIGATION STRATEGY AS THE FORMAL GUIDE FOR MANATEE COUNTY'S HAZARD MITIGATION ACTIVITIES. RECORD S47-656

**PERSONNEL - TRANSPORT COMPENSATION**

Authorize Public Safety to compensate employees participating in the medical examiner and mental health transports at a rate of time and a half for both standby and actual call time.

**EMERGENCY MEDIAL SERVICES UNCOLLECTIBLE ACCOUNTS**

**R-99-248** RESOLUTION DESIGNATING ACCOUNTS RECEIVABLE INCURRED BY PARTICULAR RECIPIENTS OF MANATEE COUNTY EMERGENCY MEDICAL SERVICES FROM OCTOBER 1, 1995, THROUGH SEPTEMBER 30, 1996, AS UNCOLLECTIBLE IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

RECORD S47-657

**ENVIRONMENTAL PROTECTION AGENCY INFORMATION COLLECT RULE**

Authorize Public Works Department to make payment to the American Water Works Association Research Foundation (AWWARF) Disinfection Byproducts/Microbial Research Fund to achieve compliance with the treatment study requirements of the Environmental Protection Agency Information Collection Rule, \$100,000.

**FEE WAIVERS****Bermuda 100 Community Group**

Placement of one 20-yard roll-off at 5616 8th Street Court East for the Bermuda 100 Community Group Cleanup, October 23, 1999, and waiver of appropriate service and tipping fees at the landfill.

**Landfill Cover**

Authorize a blanket waiver of tipping fees at the solid waste management facility for acceptance of clean dirt for use as daily cover material from various private and public sources.

**Southwest Florida Water Management District**

Authorize waiver of tipping fees at the solid waste management facility for vegetative debris disposal and clean fill spots for use as daily cover material at the Landfill generated by the SWIM project, S.R. 64 and Braden River restoration and creation of wetlands.

**REFUND**

Refund \$1,300 to M. Pete McNabb, Inc., account 5407-0359-012, for improperly imposed sewer facility investment fee.

**TIME PAYMENT AGREEMENTS**

Execute Time Payment Agreements for water/sewer facility investment fees, connection and line extension charges with William B. Crockett and Ellen Younghaus; Randall W. and Cynthia R. Drew; James C. and Theresa Faye Johnson; Michael S. Glasgow; Martha L. Trejo; Rene and Yolanda Rios; and Diana G. Cosser.

RECORD S47-658-  
S47-664

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**MANATEE RIVER GAGING PROJECT**

Execute joint funding agreement with U.S. Geological Survey for water resources data collection (10/01/99-09/30/00), \$10,200 (\$7,400 paid by Manatee County). RECORD S47-665

**DEEDS AND EASEMENTS**

1. **26th Street West** - Temporary Construction Easement from Diocese of Venice for relocation of its driveway. RECORD S47-666
2. **30th Avenue West** - Warranty Deed from Anthony Nicholas Greco and Tonya Michelle Greco for right-of-way; Release of Mortgage from Keith L. Humphrey; Affidavit of Ownership and Encumbrances. RECORD S47-667
3. **Lockwood Ridge Road** - Warranty Deed from Klaus D. Doranth and Michelle A. Doranth for right-of-way; Partial Release from Fremont Investment and Loan; Affidavit of Ownership and Encumbrances. RECORD S47-668
4. **Duette Road** - Warranty Deed from Wingate Land Corporation for right-of-way; Partial Release from Credit Agricole Indosuez; Affidavit of Ownership and Encumbrances. RECORD S47-669
5. **51st Avenue East** - Warranty Deed from AP Bradenton Limited Partnership for right-of-way; Non-Vehicular Ingress and Egress Easement; Partial Release from First Union National Bank; Joinder from First Union National Bank; Affidavit of Ownership and Encumbrances. RECORD S47-670
6. **Terra Ceia** - Drainage Easement from Southwest Florida Water Management District for continued County maintenance; Affidavit of Ownership and Encumbrances. RECORD S47-671

**STATE ROAD 64 AT UPPER MANATEE RIVER ROAD**

Execute Contract for Sale and Purchase for a Warranty Deed from Dan S. Blalock, Trustee for right-of-way for signalization, \$2,625. RECORD S47-672

**ORDINANCES - TRAFFIC CONTROL**

Set public hearings **November 2, 1999**, to consider adoption of the following:

**Ordinance 99-52, Golf Cart Roads**

Amending Ordinance 99-52, designating certain streets located in the **River Club Subdivision** as golf cart roads.

**Ordinance 99-59 - No U-Turn**

Amending Ordinance 92-51, regulating the turning of motor vehicles at the north end of the **33rd Street East Median**, south of the intersection of State Road 70.

**Ordinance 99-61 - Speed Limits**

Amending Ordinance 85-05, prohibiting the travel of vehicles in excess of established limit on **Columbia Drive** and **Tallevast Road**.

**Ordinance 99-62 - No Parking**

Amending Ordinance 98-11, regulating the stopping, standing or parking of motor vehicles on **5th Street East**.

**HURRICANE IRENE**

**R-99-259** RESOLUTION RESCINDING DECLARATION OF LOCAL EMERGENCY (declared by R-99-258 on 10/15/99). RECORD S47-673

Upon a motion by Ms. Brown and second by Mr. Bruce, the Consent Agenda dated October 19, 1999, was approved 6 to 0.

(End Consent Agenda)

**BOND RATING**

R. B. Shore, Clerk of the Circuit Court, reported that Fitch IBCA assigned Manatee County general obligation bonds a "AA" rating and the County revenue bonds a "AA-" rating. He stated that this was one of the highest ratings in the nation and will help in the sale of bonds.

Jim Seuffert, Financial Management Director, pointed out that although rating agencies consider the financial aspect, they also consider how important issues are handled from a policy perspective.

**PROCLAMATIONS****Domestic Violence Awareness Month**

Upon motion by Ms. Brown, and second by Mrs. Stein, a Proclamation was adopted 6 to 0, designating October 1999 as **Domestic Violence Awareness**. RECORD S47-674

Mediation Day

Upon motion by Mr. Bruce, and second by Mrs. Stein, a Proclamation designating October 19, 1999, as **Mediation Day** was adopted 6 to 0.

RECORD S47-675

Faye Rice, Court Administrator's Office, introduced Sheila Frasier, representing Judge Gallen and other members of the Mediation Program, who accepted the Proclamation.

United Way

Upon motion by Mrs. Stein, and second by Ms. Brown, a Proclamation was adopted 6 to 0, designating October 19, 1999, as **County Government Kick-Off Day** for United Way.

RECORD S47-676

Michael Marquez, President of United Way, introduced members of the United Way team.

Micki Ryan, County United Way Coordinator, introduced Maria Prieto as the new Campaign Core Coordinator.

ORDINANCE 99-54 - NOISE

Public hearing (Notice in the Bradenton Herald 10/1/99) was held to consider

ORDINANCE 99-54 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MANATEE, STATE OF FLORIDA, TO AMEND THE MANATEE COUNTY NOISE ORDINANCE (ORDINANCE 99-20) BY PROVIDING FOR REPEAL OF PRIOR ORDINANCE NUMBERS 81-3 AND 87-34.

Teddy Williams, County Attorney, stated that Ordinance 99-54 repeals ordinances that were superceded by Ordinance 99-20.

James Schrader advised of airboat noise pollution in the Cortez, intercoastal waterway, Sister Keys, and the Mount Vernon-Coral Shores area. He was concerned that the noise ordinance cannot be enforced and that the proper agencies do not have the equipment to enforce it.

Discussion: History of the airboat problem; controlling the location; changing hours of operations; use of decibel meters; moratorium; purchase of high-powered equipment; enforcing ordinances; Florida Statute does not allow regulation of airboat noise below 90 decibels.

Mr. Williams remarked that a study from the University of Florida (submitted 2/2/99) finds that no airboats meet the 90-decibel level even when a sound meter is within short distance.

He advised that in order to amend Ordinance 99-03, the State has to amend the statute by taking out the 90-decibel requirement.

Mr. Williams stated that staff is looking into ways of regulating airboat noise via requiring a gear or mechanism for propeller speed to be below 3200 r.p.m., installing certain kinds of mufflers and requiring a certain number of crop blades to exist on the machines to help alleviate some of the noise.

Mr. McClash requested that the County Attorney look into prohibiting airboats in certain types of water.

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried 6 to 0, to adopt Ordinance 99-54. RECORD S47-677

ORDINANCE 99-53 - PUBLIC NUDITY

Public hearing (Notice in the Bradenton Herald 10/1/99) was held to consider

ORDINANCE 99-53 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MANATEE, STATE OF FLORIDA, TO AMEND THE MANATEE COUNTY PUBLIC NUDITY ORDINANCE (NUMBER 99-18) BY DELETING THE AGE RESTRICTION TO THE EXECMPTION PERMITTING A MOTHER TO BREAST-FEED HER CHILD.



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Mr. Williams stated that this amendment deletes the restriction for a child to be under two years of age.

Motion was made by Mr. Bruce, seconded by Mrs. Stein and carried 6 to 0, to adopt Ordinance 99-53. RECORD 547-678

**ORDINANCE 99-57 - CONSTRUCTION TRADES BOARD**

Public hearing (Notice in the *Bradenton Herald* 10/8/99) was held to consider

**ORDINANCE 99-57** AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 96-20, PROVIDING FOR THE APPOINTMENT TO THE MANATEE COUNTY CONSTRUCTION TRADES BOARD OF A CLASS "B" AIR-CONDITIONING CONTRACTOR AS AN ALTERNATIVE TO A CLASS "A" AIR-CONDITIONING CONTRACTOR IN THE ABSENCE OF A MECHANICAL CONTRACTOR, AND PROVIDING AN EFFECTIVE DATE.

George Devenport, Building Official, stated that this amendment is due to the lack of applicants for the Class "A" Air Conditioning position.

Motion was made by Ms. Brown, seconded by Mrs. Stein and carried 6 to 0, to adopt Ordinance 99-57. RECORD 547-679

**CONSTRUCTION TRADES BOARD**

Mr. Devenport reported there were three applicants for appointment to the Construction Trades Board HVAC Contractor seat. A nomination was received:

Rory M. Adams - by Mrs. Glass

Motion was made by Mr. McClash, seconded by Mr. Bruce and carried 6 to 0, to close the nominations.

There being no further nominations, **Mrs. Adams** was appointed.

**SOLID WASTE RATE SCHEDULE**

Public hearing (Notice in the *Bradenton Herald* 10/6/99) was held to consider

**R-99-238** A RESOLUTION OF MANATEE COUNTY, FLORIDA, ESTABLISHING RATES, FEES AND CHARGES FOR MANDATORY SOLID WASTE COLLECTION AND DISPOSAL SERVICES BASED ON THE INCREASE IN THE CONSUMER PRICE INDEX; PROVIDING FOR LANDFILL TIPPING FEES; PROVIDING FOR ROLL-OFF BILLING; PROVIDING FOR THE HANDLING OF DELINQUENT ACCOUNTS; PROVIDING FOR SECURITY DEPOSITS AND SPECIAL CHARGES; ALLOWING FOR CHANGES IN SERVICE REQUESTS; PROVIDING FOR CHARGE ACCOUNTS; PROVIDING FOR MISCELLANEOUS RELATED MATTERS; RESCINDING ALL PRIOR SOLID WASTE RATE RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Depart Mr. McClash)

David Brangaccio, Public Works Department, stated that the contract with the two franchise solid waste haulers requires an annual adjustment based on the Consumer Price Index. Mr. Brangaccio stated the change in each franchise area will be between 15 and 21 cents per residential unit per month.

**George Bussey** requested that the number of solid waste pickups be reduced from twice a week to once a week and the pickup of recyclables from once a week to every two weeks.

**James Schrader**, representing the Coral Shores Owners Association, stated that they were concerned that rate increases would pay for utility services to serve the growing eastern portion of the county. He recommended increasing impact fees to cover construction costs.

**Vic Coveduck**, representing the Federation of Manatee County Community Associations, stated that a second garbage pickup is not needed. He also commented on airboat noise and why mufflers were not discussed.

Ernest "Sandy" Marshall, President of the Federation of Manatee County Community Associations, opposed the increase.

Discussion: Section 3.4.1 (Solid Waste Agreement); upcoming hearings regarding water rate increases; etc.

Motion was made by Ms. Brown, seconded by Mrs. Glass and carried 5 to 0, to adopt R-99-238. RECORD S47-680

CHILDREN'S SERVICES ADVISORY BOARD

Karen Stewart, Children Services Coordinator, explained that there are two vacancies (Child Advocate and Licensed Mental Health Professional) due to one member resigning (Theresa Vollmer) and another member requesting to be reappointed to the Child Advocate position (Dr. Anila Jain). Nominations were received:

- Clayton Sutton - by Mr. Bruce
- Dr. Anila Jain - by Mrs. Glass
- Frank Brunner - by Mrs. Stein
- Jennifer Walker - by Ms. Brown

Dr. Jain received two votes with the remaining candidates receiving one.

Discussion: Procedural matters.  
(Enter Mr. McClash)

Another vote taken with Dr. Jain and Mr. Sutton each receiving three votes.

Following discussion, the matter was deferred for a full Board.

HOUSING FINANCE AUTHORITY

A nomination was received for appointment to the Housing Finance Authority:

- L. H. Fortson, Jr. - by Mrs. Glass

Motion was made by Mr. McClash, seconded by Mr. Bruce and carried 6 to 0, to close the nominations and cast a unanimous ballot for Mr. Fortson. Motion carried 6 to 0.

Motion was made by Mrs. Glass, seconded Ms. Brown and carried 6 to 0, to adopt

R-99-254 RESOLUTION APPOINTING A MEMBER OF THE HOUSING FINANCE AUTHORITY OF MANATEE COUNTY, FLORIDA. RECORD S47-681

Recess/Reconvene. All present except Mrs. Harris and Mrs. Stein.

WEST CENTRAL FLORIDA AREA AGENCY ON AGING

Maureen Kelly, West Central Florida Area Agency on Aging (WCFAAA) Executive Director, reported on Florida's policy for aging and the impact on Manatee County. She introduced the WCFAAA board members from the County.

(Enter Mrs. Stein)

During her presentation, Ms. Kelly stated the WCFAAA is mandated by the Federal Older Americans Act. Ms. Kelly described the programs funded and how federal and state funds are distributed throughout the Planning and Service Area (includes Manatee County) based on population and demographics. She further stated the County receives over \$2.9 million for programs and services for seniors.

Ms. Kelly described areas of need for senior citizens, such as: senior centers, work force, crime prevention, transportation, affordable and accessible housing, multiple and non-traditional vendors, and volunteerism. She stated there are no funds for grandparents raising grandchildren as are available in foster care.

Discussion: Location of majority of seniors; funding for grandparents raising grandchildren.

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(Continued)

CITIZENS' COMMENTS75th Street West Construction

Linda Wakeman, and Lisa Konieczny, wives of construction workers on 75th Street West, and Rolf Brautigam, representing Woodruff and Sons, construction contractor for 75th Street West, opposed the speed limit being raised to 35 m.p.h. (Ordinance 99-28 9/23/99) during the construction. They expressed concerned with safety of the construction workers and others who have to pass through this construction area.

Discussion: Concerns of project manager; ticketing; setting the speed limit; proper signage; misinterpretation of information, etc.

Mr. Stephens asked the County Administrator to advertize for a public hearing for this item and bring it back as soon as possible.

FORCE MAIN 14D AND 15D REHABILITATION PROJECT

Janet McAfee, Project Management Director, confirmed the Force Main 14D and 15D rehabilitation project contract with Steve A. Clapper and Associates of Florida, Inc. was in default of the October 12, 1999, completion date. She stated the contractor and surety were contacted by the County Attorney of the intent to consider default proceedings if a plan of completion is not developed.

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried 6 to 0, to approve default proceedings.

STATE ROAD 64 EAST - LANDSCAPING

Harry Mendenhall, Transportation Department, requested execution of an Interlocal Agreement for Landscaping Design within the Right-of-Way of State Road 64 (between 27th Street East and Morgan Johnson Road) with the City of Bradenton.

Motion was made by Mrs. Glass, seconded by Mrs. Stein and carried 6 to 0, to approve the request. RECORD 547-682

U.S. 301 AND 60TH AVENUE EAST

Robert Pederson, Planning Department, requested direction regarding the possible closure of the south leg of the intersection at U.S. 301 and 60th Avenue East. He noted that the development and traffic flow in the area must be addressed. While using a location map, Mr. Pederson pointed out proposed locations for a Leverocks Restaurant, a motel, Eckerds, Sonny's Barbecue Restaurant, Hampton Inn (preliminary site plan already approved) and other retail facilities.

He listed the following options under consideration by staff to alleviate this traffic situation: a signal by the Racetrac Gas Station to provide better access to U.S. 301 from the south; a signalized intersection for property on the north and hooking into the shopping center; closing the south leg of the intersection to devote to green time to U.S. 301 and the north leg of the intersection and traffic signals at the interstate ramps to provide other access points.

Mr. Pederson stated that staff was going to recommend closing the intersection, but the Eckerds' staff may have developed an alternative plan. He pointed out the proposed changes on a site map developed by Eckerds that would involve having movements from the north and south occurring at the same time on a green light via an alignment. He stated that staff has not received an application with the proposed changes or a dedication of right-of-way from Eckerds.

Jerome Gostkowski, Planning Department, addressed access from traffic signals.

Discussion: Transportation issue; traffic study; coordination with Florida Department of Transportation; level of service; right-of-way vacation; master transportation plan, etc.

**SOLID WASTE COLLECTION**

David Brangaccio, Public Works Department, reported that five firms submitted proposals for re-awarding of franchise areas for solid waste collection. He stated the proposal was structured to allow the option of awarding one or two franchises and to provide service Countywide or with a variance (service optional) area. He stated staff recommended awarding one franchisee a Countywide service, with no variance area.

Discussion: Proposals have not been ranked; savings with one hauler; cost for rural customers higher; single-family and multifamily recycling included in price; variance process and criteria; negotiation process with haulers.

Rob Cuthbert, Purchasing Manager, was available to answer questions.

Ernie Padgett, County Administrator, stated that the recommendation for one franchise area was based on the fact that everyone would pay the same price for service.

Mark Odekirk, representing BFI Waste Systems, stated that a two-franchise system makes for healthy competition.

Bob Hannah, Republic Services (Suncoast Sanitation), stated they could accommodate one or two franchise areas.

J. B. Donnelly, representing Waste Management, stated that having one franchise would save the County \$4 million.

Motion was made by Mr. McClash, seconded by Mr. Bruce and carried 6 to 0, to support the recommendation of staff for one countywide collection area.

Mr. McClash requested that a discussion be held regarding the variance process before a final decision is made.

**COMMISSIONER COMMENTS**

**Stormwater Engineer**

Mrs. Stein requested a report on filling the Stormwater Engineer position approved in last year's budget.

Mr. Padgett reported that they are reviewing the pay scale to see what can be done to attract qualified applicants.

**Lincoln Park**

Ms. Brown suggested that the park design and public facilities be discussed before the County considers taking over Lincoln Park.

**Friend of Agriculture Award**

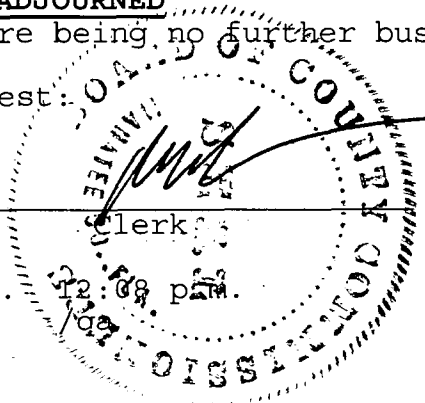
Mrs. Glass congratulated Mr. Stephens on receiving the Friend of Agriculture Award.

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



*Stan Stephens*  
Chairman 1/4/00

Adj.

12:08 p.m.