

NOVEMBER 2, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION at the Manatee Civic Center, One Haben Boulevard, Palmetto, Florida, Tuesday, November 2, 1999, at 9:07 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  
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 Reverend Amy Zehe, Unity Church.

CONSENT AGENDA

Motion was made by Mr. Bruce, seconded by Mrs. Stein and carried 5 to 0, to approve the Consent Agenda for November 2, 1999, with the following changes:

- **Customer Information Systems (CIS) Public Works Utility Billing;** Motion to reflect execution upon receipt of executed original from Teldata, Inc.;
- **Children's Services Advisory Board appointments (deferred).** (Note: Public hearings held later in the meeting.)

Items APPROVED:

CLERK'S CONSENT CALENDAR

REFUND

State Library, Interest to State/Fourth Quarter  
(98-LSTA-J-02) Palmnet, \$544.31

WARRANT LIST

Approve: October 19, 1999 through October 25, 1999  
Authorize: October 26, 1999 through November 8, 1999

AUTHORIZE CHAIRMAN TO SIGN

Satisfactions of Judgment:

Jose Lucasyepis, Case 99-1050F  
Kenneth Michael Corns, Cases 91-1204F; 96-5512T; 97-323M;  
91-1204F; 95-991F; 97-35F; 97-49F; 97-361F; 97-658F  
Michael Corns, Cases 97-35F; 97-49F; 95-1706JP

Partial Release of Special Improvement Assessment Liens

Projects: 3102/2502; 3009/5147(2); 5147(3)

ACCEPT AND AUTHORIZE PAYMENT

The County-Wide Highway Refunding Bond of Manatee County dated October 1, 1934, (Bond 62) for \$1,000 plus coupons 13 through 60 (10/64 through 4/91) for \$1,300 totaling \$2,300, payable to Keith H. Morgan.

COUNTY ADMINISTRATOR

PERSONNEL

Reimburse **Maureen Sikora** up to \$1,800 moving expenses for relocation to Manatee County for employment as a Senior Assistant County Attorney.

13TH AVENUE COMMUNITY CENTER

Parks and Recreation Department to waive the \$50 per day equipment rental fee for two portable conversion basketball goals by the 13th Avenue Community Center Basketball Camp (11/1/99-1/31/00).

RURAL HEALTH SERVICES - HIV/AIDS TREATMENT

Execute FY 1999-00 funding agreement with Manatee County Rural Health Services, Inc. for the operation of the Michael C. Bach, M.D. Treatment Center (for HIV/AIDS treatment), not to exceed \$307,147 (10/1/99-9/30/00).

RECORD s47-706

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(Continued)

**OBSTETRICAL AND ACUTE CARE SERVICES**

Execute agreement with Manatee County Health Department for the provision of obstetrical and acute care services, \$343,928, (9/1/99-8/31/00). RECORD S47-707

**MEDICAL EXAMINER**

1. Execute letter to Dr. W. Pearson Clack, District 12 Medical Examiner, approving FY 1999-00 budget of \$141,000 for the **medical examiner autopsy facility** in Manatee County. RECORD S47-708
2. Execute letter to Sarasota County approving the District Twelve Medical Examiner FY 1999-00 total budget of \$988,000 with Manatee County responsible for \$412,984 (41.80 percent) of the budget. RECORD S47-709

**NON-PROFIT AGENCY FUNDING**

Execute agreements for FY 1999-00 non-profit agency funding with the following:

Easter Seals/MARC Southwest Florida, Inc., Adult Day Training, \$31,752; Adult After School, \$13,417; S47-710  
League of Women Voters of Manatee County, Citizens Guide, \$543; S47-711  
Mana-Sota Lighthouse for the Blind, Inc., Independent Living Adult, \$18,486; S47-712  
Manatee County Rural Health Services, Inc., HIV/AIDS Client Assistance, \$18,450; HIV/AIDS Outreach, \$16,801; S47-713  
Manatee Glens Corporation, Aging Services, \$7,852; S47-714  
Manatee Glens Corporation, Mental Health Transport, \$3,075; S47-715  
Manatee Opportunity Council, Inc., First Call for Help, \$10,874; S47-716  
Mary House Ministry, Inc., Mary House, \$8,000; S47-717  
Meals On Wheels Plus of Manatee, Inc., Adult Day Care, \$46,156; S47-718  
Mote Marine Laboratory, Inc., Marine Mammal Stranding, \$20,496; S47-719  
Neighborly Senior Services, Inc., Telephone Reassurance, \$4,010; S47-720  
Our Daily Bread of Bradenton, Inc., Daily Meals for Poor and Hungry, \$5,601. RECORD S47-721

**WESTCOAST INLAND NAVIGATION DISTRICT**

Execute FY 1999-00 funding agreements for the West Coast Inland Navigation District projects with the following recipients:

City of Holmes Beach Police Department, Navigational Improvement, M95, \$5,372; S47-722  
United States Coast Guard Auxiliary Flotilla 83, Boating Safety and Education, M96, \$2,284; S47-723  
United States Coast Guard Auxiliary Flotilla 85, Education & Training, Water Safety and Environment, M97, \$2,000; S47-724  
SRQ Composite Civil Air Patrol, Civil Air Patrol, M98, \$3,300; S47-725  
Anna Maria Island Power Squadron, Digital Classroom Enhancements, M99, \$1,500; S47-726  
Gulf Coast Wonder & Imagination Zone, Water Works-Wading into Wetlands, M100, \$2,300; S47-727  
Terra Ceia Island Village Improvement Association, Seabreeze Boat Ramp, M101, \$20,000. RECORD S47-728

**MANATEE COUNTY CONVENTION & CIVIC CENTER**

R-99-257 A RESOLUTION OF THE MANATEE COUNTY CIVIC CENTER AUTHORITY PROVIDING A PROMOTIONAL ACTIVITIES POLICY.

(Note: This Resolution to be adopted by the Civic Center Authority.) RECORD S47-729

**BUDGET AMENDMENTS**

**VARIOUS DEPARTMENTS** (B-99-037)  
 Transfer of funds; Unanticipated Revenue Appropriations, Supporting Description and Detail Attached RECORD S47-730

**VARIOUS DEPARTMENTS** (B-00-008)  
 Transfer of funds; Unanticipated Revenue Appropriations, Supporting Description and Detail Attached RECORD S47-731

**ANNA MARIA LAW ENFORCEMENT SERVICES**

Execute agreement with the City of Anna Maria and Manatee County Sheriff's Office to provide law enforcement services (10/1/99-9/30/00), (City shall pay the County \$323,318). RECORD S47-732

**CUSTOMER INFORMATION SYSTEM/PUBLIC WORKS UTILITIES BILLING SYSTEM**

Execute Addendum One to the agreement with Teldata, Inc., increasing the contract by \$162,700, for a revised total not to exceed \$1,826,401 to automate the bar coding and zip code sorting of monthly bills. RECORD S47-733

**MATERIALS AND SERVICES**

1. **Electrical Service for Food Carts** - Emergency Purchase Order EP 99-4273MP with T&H Services, Inc., for electrical service for food carts at the Manatee County Detention Facility, for the base (\$23,050) and optional (\$3,707), total not to exceed \$26,757.
2. **Fuel System** - Award IFB 99-2433MP to the lowest responsive, responsible bidder, Prime Contractors, Inc., for a cost not to exceed \$72,740.
3. **Land Information System Hardware and Software Maintenance** - Sole Source purchase for maintenance renewal from Gateway Computer Associates, Inc., \$37,570.72.
4. **Xerox Docutech** - Sole source purchase of maintenance service and supplies from Xerox Corporation, \$90,000.

**LANDFILL CRAWLER TRACTOR/DOZER**

Execute Total Cost Agreements with Ringhaver Equipment Company, for the purchase of two D7R Crawler Tractor/Dozers, total not to exceed \$720,000 and a subsequently dated performance bond; guaranteeing a buy back amount of \$320,000. RECORD S47-734

**ENGINEERING - ARCHITECTURAL SERVICES**

Execute Work Assignment 10 with Zoller, Najjar & Shroyer, Inc., for engineering/architectural services for a general development plan; site plan; and design and construction of a wastewater field operations building at 66th Street West, Public Works Complex, not to exceed \$163,398. RECORD S47-736

**SOUTHEAST REGIONAL WASTEWATER TREATMENT PLANT**

Execute Work Assignment 18P with Professional Service Industries, Inc., for field and laboratory testing for the construction expansion project, not to exceed \$97,357. RECORD S47-737

**DONATION - MANATEE HIGH SCHOOL**

Parks and Recreation Department to accept a donation, in accordance with the provisions of Ordinance 86-5 and procedures established by the County Administrator's office, from Manatee High School in the form of paint and labor to paint the clubhouse, press box and dugouts at field four of G. T. Bray Park baseball complex, with a total value of \$417.

**FINAL PLATS****R.D.K. Estates**

1. Final Plat.
2. Mortgagee's Joinder In and Ratification of Subdivision Plat from Regions Bank.
3. Mortgagee's Joinder In and Ratification of Subdivision Plat from Citibank, FSB.
4. Agreement with Kevin Kindred To Defer Completion of Required Sidewalks. RECORD S47-738

**Webster Subdivision**

1. Final Plat.
2. Agreement with Elwood Webster to Defer Completion of Required Sidewalks. RECORD S47-739

**FEE WAIVER**

Placement of two 20-yard roll-offs at the appointed sites (12/4/99) for the Onwego Park/Glen Park Homeowners Group Neighborhood Cleanup Day; and appropriate service and tipping fees at the landfill be waived.

**REFUNDS**

1. Refund \$546.55 to Juel R. Cook's estate, representing utility overpayments made from NationsBank (manager of the guardianship for the estate).
2. Refund utility overpayment of \$1,249.34 to Dollar Tree Stores DOL298, 705 Cortez Road West.
3. Refund \$1,777 to Jamie Wedel Lawson (Account 4403 0420-135) at 5632 26th Street West, as utility fees were not applicable.
4. Refund utility overpayment of \$521.26 to Southland Construction, (Account 8204-6233-019) at 6307 14th Street West.

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**30TH AVENUE WEST**

1. Execute Contracts for Sale and Purchase for a Warranty Deed for 30th Avenue West from 26th Street West to 5th Street West, for right-of-way required for improvements, from:
  - a. Denise Jane Ann Loomis (aka Haas), Parcel 109, \$43,000. S47-740
  - b. Georgia M. Pope, Parcel 131; and a Permanent Slope Easement \$16,400. S47-741
  - c. Georgia M. Pope, Parcel 146, \$130,000. S47-742
  - d. Georgia M. Pope, Parcel 147, \$136,000. RECORD S47-743
2. Accept Warranty Deed from Julia Shultis a/k/a Julia Ward, Parcel 116.0; Affidavit of Ownership and Encumbrances. RECORD S47-744

**STATE ROAD 64/LAKWOOD RANCH BOULEVARD**

Execute Contract for Sale and Purchase for a Drainage Easement from UMRR Joint Venture, \$55,200. RECORD S47-745

**DEEDS AND EASEMENTS**

1. **Lockwood Ridge Road** - Warranty Deed from Amy H. Smith, Trustee, for right-of-way for Lockwood Ridge Road from University Parkway north to Tallevast Road; Affidavit of Ownership and Encumbrances. RECORD S47-746
2. **River Road Plantation** - Warranty Deed from River Road Plantation Partnership, for right-of-way for the northerly extension of School House Road, to correct scrivener's error in Warranty Deed in Official Records Book 1576, page 487. RECORD S47-747

**POMELLO PARK**

Accept certain roads in Section 20, Pomello Park Subdivision, under Right-of-Way Utilization Permit 347-95-02 (agreement with Paul L. Teel, developer, 11/20/96), into the non-maintained list of County roads.

**ORDINANCE 99-67 - AIRBOATS**

County Attorney to set a public hearing at the earliest possible date, to regulate operations of airboats on County waters.

**UTILITY RELOCATION - STATE ROAD 64**

Execute a corrected Memorandum of Agreement (MOA) for utility relocation on **State Road 64 at Perico Bayou and the Palma Sola Causeway**, to replace a previously executed incorrect MOA which was inadvertently submitted (R-99/23, 1/19/99). RECORD S47-748

**CODE ENFORCEMENT LIEN**

Release Code Enforcement liens, Case CE8010358X, for Charles W. and Barbara Smith, in the amount of \$2,750, and authorize the Director of Public Safety or her designee to execute the appropriate Release or Satisfaction instrument.

(End Consent Agenda)

**EMPLOYEE OF THE MONTH**

A plaque was presented to **Debbie Dye**, Building Department, as the November 1999 Employee of the Month.

**CODE ENFORCEMENT BOARD**

Karen Windon, Public Safety Director, stated the terms of Remonia J. Lewis and Joseph Formella have expired. She stated the two incumbents are seeking reappointment to the Code Enforcement Board. (Term of three years).

Motion was made by Mrs. Glass, seconded by Mr. Bruce and carried 5 to 0, to reappoint, **Remonia J. Lewis** and **Joseph Formella**.

**CITIZENS' COMMENTS**

**William R. Wheeler** requested that consideration be given to building another park like Pride Park next to the school that is being built at Prospect and Tallevast Roads (Kinnan Elementary).

Mr. Bruce requested a report from Parks and Recreation Department as to whether this would be a possibility.

**CONSENT AGENDA - PUBLIC HEARINGS****STREET VACATION: ELWOOD PARK**

Public hearing (Notice in the *Bradenton Herald* 10/8 and 10/15/99) was held to consider

1. **R-99-155V** RESOLUTION VACATING A PORTION OF LOT 88 ON THE PLAT OF ELWOOD PARK, BY APPLICATION OF DAISY S. FALLOWFIELD.

RECORD S47-749

2. Drainage and Utility Easement from Daisy S. Fallowfield; Affidavit of Ownership and Encumbrances. RECORD S47-750
3. Record Communication Easement **TO** GTE Florida, Inc. from Daisy S. Fallowfield.

(Enter Ms. Brown)

**ORDINANCE 99-52 - RIVER CLUB SUBDIVISION GOLF CART ROADS**

Public hearing (Notice in the *Bradenton Herald* 10/22/99) was held to consider

**ORDINANCE 99-52** AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 87-05 MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR THE DESIGNATION OF CERTAIN STREETS LOCATED IN THE RIVER CLUB SUBDIVISION AS GOLF CART ROADS; PROVIDING FOR THE DESIGNATION OF GOLF CART CROSSING AREAS ON CERTAIN STREETS LOCATED IN THE RIVER CLUB SUBDIVISION; ALL BEING COUNTY MAINTAINED ROADWAYS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; REQUIRING THE ERECTION OF APPROPRIATE SIGNS; PROVIDING FOR VIOLATIONS AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

RECORD S47-751

**ORDINANCE 99-59 - NO "U" TURNS** (CONTINUED TO 12/14/99 AT 9:00 A.M.)

Public hearing (Notice in the *Bradenton Herald* 10/22/99) was opened to consider

**ORDINANCE 99-59** AN ORDINANCE OF MANATEE COUNTY, FLORIDA, 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; ALL BEING COUNTY MAINTAINED ROADWAYS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; REQUIRING THE ERECTION OF APPROPRIATE SIGNS; PROVIDING FOR VIOLATIONS AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

Discussion: State Road 70 designed to allow motorists to make "U" turns at 33rd Street East since unable to access a direct median opening going east; staff to check with Florida Department of Transportation and as to provisions for those motorists who are currently making those turns; continue item, etc.

**ORDINANCE 99-61 - SPEED LIMITS**

Public hearing (Notice in the *Bradenton Herald* 10/22/99) was held to consider

**ORDINANCE 99-61** 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 **COLUMBIA DRIVE AND TALLEVAST ROAD**; ALL BEING COUNTY MAINTAINED ROADWAYS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; REQUIRING THE ERECTION OF APPROPRIATE SIGNS; PROVIDING FOR VIOLATIONS AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

RECORD S47-752

**ORDINANCE 99-62 - NO PARKING**

Public hearing (Notice in the *Bradenton Herald* 10/22/99) was held to consider

**ORDINANCE 99-62** AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 98-11; REGULATING THE STOPPING, STANDING OR PARKING OF MOTOR VEHICLES ON **5TH STREET EAST**; ALL BEING COUNTY MAINTAINED ROADWAYS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; REQUIRING ERECTION OF APPROPRIATE SIGNS; PROVIDING FOR VIOLATIONS AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

RECORD S47-753

Motion was made by Mr. McClash, and seconded by Mrs. Stein, to adopt **Resolution R-99-155V** and **Ordinances 99-52, 99-61, and 99-62**. Motion carried 6 to 0.

Motion was made by Mr. McClash to continue Ordinance 99-59 to December 14, 1999, at 9:00 a.m., or as soon thereafter as may be heard. Motion carried 6 to 0.

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

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(Continued)

**SPEAK EASY GRILL**

David Rothfuss, Assistant County Administrator, requested authorization to undertake negotiations with the owners of the Speak Easy Grill relating to their request to erect a canopy traversing County property from the west entrance to the Merrill Lynch Building to the eastern terminus of the adjacent Administrative Center sidewalk.

Discussion: Restaurant will pay for canopy; liability to the County; relationship between the City and the Downtown Development Authority (DDA) necessary; canopy for entranceway only not for service of food and drinks; bring back conceptual rendering; cost of connecting the County's entrance/exit to this area; wind tolerance; not altering design of building; canopy to provide aesthetics; canopy size is 14 feet, 3 1/2 inches; planters in parking garage; staff directed to look at additional canopy and landscape issue, etc.

Teddy N. Williams Jr., County Attorney, recommended that a license agreement be prepared that would be revocable either without notice or short notice and provide for indemnity provisions to protect the County.

Motion was made by Mrs. Stein, seconded by Mrs. Glass, and carried 6 to 0, to authorize staff to pursue a revocable license agreement with any terms necessary with the County Attorney's advise and to bring back the final agreement for the Board of County Commission approval.

Motion was made by Mrs. Stein, seconded by Mr. McClash, and carried 6 to 0, to authorize staff to pursue suggestions made by Commissioners and bring back as a separate item or as part of this item.

**GULFSTREAM NATURAL GAS SYSTEM PIPELINE**

Mr. Williams advised that Gulfstream Natural Gas System proposes to install a pipeline from Mobile, Alabama, across the Gulf of Mexico entering into Port Manatee and through Manatee County and beyond. He stated Gulfstream has filed an application for Certificate of Public Convenience and Necessity with the Federal Energy Regulatory Commission (FERC). He stated that Manatee County can be involved in three ways: (1) file a Motion to Intervene (County would be a party and would receive all orders issued by FERC); (2) participate as a Commentor (County would not be a party and would not receive everything filed by other parties or by the FERC, but would receive copies of materials relating to environmental issues); (3) file a protest (if grounds to protest, would not be a party). He recommended the County file a Motion to Intervene and advised that the Port Authority can also be involved.

Mr. Stephens announced that Gulfstream representatives will be present on November 30, 1999, to make a presentation to the Board.

Motion was made by Mrs. Glass, seconded by Mr. Bruce, and carried 6 to 0, to accept the County Attorney's recommendation to file a Motion for Intervention.

**FOUNDATION OF DREAMS YOUTH CAMP**

Daniel P. Hopkins, Parks and Recreation Director, requested authorization for preliminary conceptual approval for staff to develop necessary agreements, etc., to proceed with development of the "Foundation of Dreams Youth Camp" for sick, handicapped and challenged children on a fifteen acre portion of the northeast section of Rye Wilderness Park. The activities of the camp would not impede any established conservation based recreational activities in the park.

Edwin T. Mulock, President of Foundation for Dreams, Inc., outlined the companies and individuals involved in construction of the camp and stated he would bring a rendering the next time he appears before the Board. He advised that the camp will not only be for terminally ill children but also other youth retreat groups throughout the county.

Motion was made by Mr. Bruce to approve the request. Motion was seconded by Ms. Brown and carried 6 to 0.

COMMISSIONERS' COMMENTS

Lakewood Ranch High School Traffic Circulation

Mr. Bruce advised that he received phone calls from parents concerned about the traffic circulation at Lakewood Ranch High School causing 20-25 minute delays in dropping off students at school. He suggested to the parents that they call the appropriate school administration.

Ordinance 99-67 - Airboats

Mr. Stephens noted that people are concerned about the noise created by the airboats, especially during the mullet-fishing season in Sarasota and Palma Sola Bays (public hearing authorized earlier in the meeting).


Mr. McClash requested that the Board be given the option to vote for total ban on the airboats in the saltwater areas.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
\_\_\_\_\_  
Clerk



  
\_\_\_\_\_  
Chairman 2/22/00

Adj: 9:55 a.m.  
/jk