

NOVEMBER 9, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION at the Civic Center, 1 Haben Boulevard, Palmetto, Florida, Tuesday, November 9, 1999, at 9:08 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 (participated via telephone)
 Amy Stein

Also present were:

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

Invocation by Father William E. Gerhart, St. Phillip's Anglican Church

CONSENT AGENDA

(Enter Ms. Brown)

Motion was made by Mr. Bruce, seconded by Mrs. Stein and carried unanimously, to approve the Consent Agenda dated November 9, 1999, with the following change: **Tropical Shores Sewer and Road Improvements** motion should read Change Order 2 to IFB 99-1303DC. Items APPROVED:

CLERK'S CONSENT CALENDAR

BONDS

Accept:

Sheriff's Public Employees and Deputy Sheriff's Blanket Bonds
 (7 additions; 9 deletions). RECORD S47-754

REFUNDS

Manatee Joint Venture - Impact Fees \$ 25,902.00
 Manatee Joint Venture - Impact Fees 53,699.00

WARRANT LIST

Approve: October 26, 1999 through November 8, 1999
 Authorize: November 9, 1999 through November 15, 1999

AUTHORIZE CHAIRMAN TO SIGN

Partial Releases of Special Improvement Assessment Liens:

Projects 5147; 3009-5147(2)

Satisfactions of Judgment:

Vidal Rodriguez, Cases 97-1078T and 97-1783T
 William J. Russo, Cases 99-1618T and 99-1777T

Parks & Recreation Special Interest Classes Instructor's Agreement:

Gabriel Ferrer - Tennis RECORD S47-755

Telecommunications Towers - Pursuant to Section 704.59.3.12.6, Land Development Code, Irrevocable License to Enter Real Property and Remove Abandoned Telecommunication Tower with Owner/Operator of Telecommunications Facility and Owner/Lessor of Real Property:

1. Sprint PCS (G & D Farms, Inc.), 9555 State Road 39, Duette, Florida (FSP-99-94) RECORD S47-756
2. Sprint PCS (Alfred and Wanda Robinson), 34500 Highway S.R. 70 East, Myakka City, Florida (FSP-99-95) RECORD S47-757

COPS MORE Program - Community Oriented Policing Retention Plan with Manatee County Sheriff's Office outlining a staffing level of 39 deputies and 3 civilians and a grant-funded budget from the **United States Department of Justice** (authorized 10/20/98). RECORD S47-758

ACCEPT

Trailer Estates Park & Recreation District - Notice of Election for Board of Trustees candidates and tabulation of the revised Deed Restriction ballots as of October 14, 1999.

North River Fire District - Financial report for the year ending September 30, 1999, and a list of scheduled fire commission meeting dates for 2000.

COUNTY ADMINISTRATOR

ORDINANCE 99-64 - INCENTIVES AND AWARDS

Public hearing (Notice in the Bradenton Herald 10/30/99) was held to consider

ORDINANCE 99-64 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 97-28, THE MANATEE COUNTY INCENTIVES AND AWARDS ORDINANCE; AMENDING SECTION 4.B. TO PROVIDE AUTHORITY FOR THE BOARD TO AMEND THE COUNTY BUDGET TO PROVIDE FUNDS TO ACCOMPLISH THE PURPOSE OF SUCH ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

RECORD S47-759

PERSONNEL - DANA DELLA COSTA

Reject proposal from Lynn H. Cole, attorney for employee **Dana Della Costa**, offering to settle a claim for \$5,000, among other conditions, as set forth in letter dated September 28, 1999.

CODE ENFORCEMENT LIEN

Accept offer by Lessort Tresalus to pay \$250 to compromise Code Enforcement liens in Case CE7050462J (property located at 1003 59th Avenue Terrace East), and authorize the Public Safety Director or designee, to execute the appropriate satisfaction/release document.

STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM

Execute Construction Loan Agreements in accordance with Resolution R-96-227 for home reconstruction projects, total of \$229,000:

1. Angeline Archie, 1013 29th Street East, Palmetto, \$55,000 (plus \$3,000 for demolition). S47-760
2. Yvonne Anderson, 2108 3rd Avenue East, Palmetto, \$55,000. S47-761
3. Herman Rutledge, Sr., 1608 4th Avenue West, Palmetto, \$55,000 (plus \$3,000 for demolition). S47-762
4. Arthur and Ezella Smith, 2703 1st Avenue East, Palmetto, \$58,000 (plus \$3,000 for demolition). RECORD S47-763

KEEP MANATEE BEAUTIFUL

Execute FY 1999-00 Non-Profit Agency, General Revenue Funding Agreements (3) with Keep Manatee Beautiful, Inc., for the **Storm Drain Stenciling Project**, \$10,000; **Litter Control and Prevention Grant**, \$17,500; and, **Adopt-A-Program**, \$18,476 (10/1/99-9/30/00); total amount \$45,976. RECORD S47-764-S47-765-S47-766

MANATEE EDUCATION TELEVISION CONSORTIUM INC.

Execute FY 1999-00 agreement with Manatee Educational Television Consortium, Inc., for the provision of Programming Services, \$113,000. RECORD S47-767

BUDGET AMENDMENTS (B-00-009)

VARIOUS DEPARTMENTS

Transfer of Funds; Unanticipated Revenue Appropriations Supporting description and detail attached RECORD S47-768

LAW ENFORCEMENT TRUST FUND

Authorization for the Sheriff's Office to expend \$68,790 from the Law Enforcement Trust Fund for the purchase and repair of specialized undercover equipment, as outlined in correspondence from the Sheriff dated October 29, 1999. RECORD S47-769

53RD AVENUE WEST

Execute Change Order 2 to Work Assignment 2 with Lombardo, Skipper & Foley, Inc., for engineering services for the removal of a 30-inch water main line and installation of a new 24-inch reclaimed water line, for an increase of \$64,013 and adjusted total not to exceed \$865,519.32. RECORD S47-770

MATERIALS AND SERVICES

1. **Auctioneering Services** - Enter into negotiations with the top-ranked firm, Tampa Machinery Auction, Inc., for the sale of surplus vehicles, equipment, and other County personal property.
2. **Mainframe Computer Maintenance and License Fees** - Sole source purchase from NCR Corporation, estimated total of \$148,800.
3. **Golf Carts** - Enter into negotiations with the top-ranked firm, Yamaha Golf Cars of Florida for providing 163 leased golf carts for use at the Manatee County and Buffalo Creek golf courses.
4. **Medical Supplies (Group II, IV Catheters)** - **Rescind** award (IFB 97-3851AA) to Sunbelt Medical Supply, Inc., (2/17/98), \$26,258; and **Re-award** to the next low, responsive, responsible bidder on IFB 97-3851AA to Pro-Med International, Inc., in the amount of \$26,995.

NOVEMBER 9, 1999

(Continued)

EL RANCHO VILLAGE LIFT STATION

Execute Change Order 2 (final) to IFB 98-4898DC with DeJonge Excavating Contractors, Inc., for a net increase of \$13,393.58 and an additional 92 calendar days, for an adjusted contract amount of \$126,353.58 and a revised completion date of September 24, 1999.

RECORD S47-771

PALMA SOLA BOULEVARD FORCE MAIN

Execute Change Order 1 (final) to IFB 98-6219JS with Kuxhausen Construction, Inc., for deletion of discretionary work, for a net decrease of \$4,452.55 and an addition of nine calendar days to contract completion, for an adjusted contract amount of \$151,877.45 and a revised completion date of October 1, 1999.

RECORD S47-772

REFUSE COMPACTORS - LENA ROAD LANDFILL

1. Return one refuse compactor (Asset 35049) to Ringhaver Equipment Company in accordance with terms and conditions of IFB 96-5233DC Total Cost Agreement (10/29/96), for a buy-back amount of \$125,000;
2. Enter into negotiations with the top-ranked firm, Ringhaver Equipment Company, for providing two refuse compactors.

TROPICAL SHORES SEWER AND ROAD IMPROVEMENT PROJECT

Execute Change Order 2 to IFB 99-1303DC with Woodruff & Sons, Inc., for an increase of \$18,022.91 and the addition of 21 calendar days for the replacement of a damaged drainage pipe, for an adjusted contract amount of \$1,251,550.23 and revised completion date of November 24, 1999.

RECORD S47-773

WESTSIDE UNITED SOCCER CLUB

Authorization for Westside United Soccer Club to place a "job box" for concession and storage purposes at the southwest corner of the south soccer fields at G. T. Bray Park.

FINAL PLATS**Chelsea Subdivision**

1. Final Plat.
2. Agreement with Channel Holdings Group, guaranteeing completion of required improvements (\$12,180); and Temporary Construction Easement for Private Improvements.
3. Performance Bond: \$12,180 (Irrevocable Standby Letter of Credit 9918, SunTrust Bank, Gulf Coast).
4. Declaration of Restrictions for Chelsea Subdivision.
5. List of Holdings.
6. Fiscal and Budgetary Information.
7. Maintenance Program.
8. Notice to Buyers.

Mae Subdivision

Final Plat.

PDWB Subdivision

1. Final Plat.
2. Mortgagee's Joinder in and Ratification of Subdivision Plat from Brasota Mortgage Company.
3. Conservation Easement from P.D.W.B., Inc. RECORD S47-774
4. Agreement to Defer Completion of Required Sidewalks with P.D.W.B., Inc. RECORD S47-775

ONE STOP PERMITTING PROGRAM

Execute letter to Florida Department of Management Services certifying that Manatee County has implemented the best practices of the One Stop Permitting Program (Laws of Florida, Chapter 99-244, Section 288.1093) and requesting designation as a **Quick Permitting County**.

TROPICAL SHORES ROAD ASSESSMENT PROJECT

Execute Interlocal Agreement with the City of Bradenton for reimbursement of costs associated with the paving of certain streets within City limits of the Tropical Shores Subdivision and portions of County-maintained roads, which abut the corporate limits of the City (Resolution R-94-252, 9/27/94), with reimbursement by the City in the amount of \$57,011.19.

RECORD S47-776

EMERGENCY MANAGEMENT, PREPAREDNESS AND ASSISTANCE BASE GRANT

1. **R-99-260** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ACCEPTING A BASE GRANT AWARD FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA), DIVISION OF EMERGENCY MANAGEMENT FOR THE EMERGENCY MANAGEMENT, PREPAREDNESS AND ASSISTANCE TRUST FUND

(\$105,806 [less \$3,129 earmarked for County share of statewide satellite costs, with no County match required], and authorizing the Chairman or Vice-Chairman to execute all related documents).

RECORD S47-777

2. Execute Grant Funding Agreement 00CP-05-08-51-01-041 with Department of Community Affairs (10/1/99-9/30/00). RECORD S47-778

LANDFILL FEE WAIVER

Waive landfill tipping fees for roll-off bins to be placed under the direction of the **City of Anna Maria** at the Anna Maria City Pier parking lot for the Fall Clean-Up event on November 13, 1999.

PARKWOOD PLAZA

Accept Warranty Deed and Affidavit of Ownership and Encumbrances from Kent A. Burnside and Curtis S. Petzoldt, as Co-Trustees under the provisions of a trust agreement dated September 29, 1992, and known as Trust LT-2, for dedication of right-of-way on Old Tampa Road, south of U.S. 301 (FSP-98-118); Partial Release of Mortgage from First National Bank and Trust. RECORD S47-779

30TH AVENUE EAST - RAILROAD GRADE CROSSING PROTECTION DEVICES

R-99-262 A RESOLUTION AUTHORIZING EXECUTION OF A RAILROAD REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF GRADE CROSSING TRAFFIC CONTROL DEVICES, AND FUTURE MAINTENANCE AND ADJUSTMENT OF SAID DEVICES; PROVIDING FOR THE EXPENDITURE OF FUNDS AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT

(execution of a Three-Party Agreement with Florida Department of Transportation (FDOT) and CSX Transportation, Inc., for FDOT to reimburse CSX estimated costs in the amount of \$121,900 to install flashing lights and gate arms at CSX Transportation, Inc., railroad grade crossing on 30th Avenue East [FDOT/AAR Crossing Number 624695-M]; and, for the County to install appropriate advance warning signage and pavement markings, and to perpetually share operation and maintenance costs of the new devices with CSX, on a 50/50 basis). S47-780 RECORD S47-781

EMERSON POINT PARK - WASTEWATER TREATMENT SYSTEM GRANT

R-99-261 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ACCEPTING A GRANT FROM THE **FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)**, UNDER THE SECTION 319 PROGRAM FOR THE DEVELOPMENT OF INNOVATIVE WASTEWATER TREATMENT SYSTEMS AT EMERSON POINT PARK

(total \$291,398 [Federal \$142,870; Tampa Bay Estuary Program \$35,000; County \$84,000; University of South Florida (USF) \$24,528 as in-kind services; School Board \$5,000]; and, authorizing the Chairman or Vice-Chairman to execute all related documents including letter of acceptance to DEP). RECORD S47-782

(End Consent Agenda)

AWARDS

Citizens' Academy Graduation

The Board of County Commissioners presented certificates to recognize the efforts of 36 Citizens' Academy graduates.

Government Finance Officers Association Award

Jim Seuffert, Financial Management Department Director, accepted the Distinguished Budget Presentation Award from the Government Finance Officers Association.

PROCLAMATIONS

Farm - City Week

Motion was made by Mrs. Glass, seconded by Ms. Brown and carried unanimously, to adopt a Proclamation designating the week of November 15-21, 1999, as **Farm - City Week**. RECORD S47-783

Representatives of the agricultural industry accepted the Proclamation.

Homeless Service Day and Veterans Stand Down 1999

Motion was made by Mr. McClash, seconded by Ms. Brown and carried unanimously, to adopt a Proclamation designating November 20, 1999, as **Homeless Service Day and Veterans Stand Down 1999**. RECORD S47-784

Karen McGoff, Community Coalition on Homelessness, accepted the Proclamation.

NOVEMBER 9, 1999

(Continued)

Jewish Family & Children's Service of Sarasota-Manatee, Inc. Week

Motion was made by Mr. Bruce, seconded by Mrs. Stein and carried unanimously, to adopt a Proclamation designating the week of November 8, 1999, as **Jewish Family & Children's Service of Sarasota-Manatee, Inc. Week.**

RECORD S47-785

Andrea Kyle Dilon, Jewish Family Services, accepted the Proclamation.

Veterans Day

Motion was made by Mrs. Stein, seconded by Mrs. Glass and carried unanimously, to adopt a Proclamation designating November 11, 1999, as **Veterans Day.**

RECORD S47-786

Representatives of the Veteran's Council accepted the Proclamation.

CHILDRENS' SERVICES ADVISORY BOARD

Mr. Stephens opened the floor for nominations for the appointment of two individuals to the Childrens' Services Advisory Board. The vacancies exist as Dr. Anila Jain no longer wishes to represent the Licensed Mental Health Professional category and Child Advocate representative Teresa Vollmer, has resigned.

Nominations - Licensed Mental Health Professional

Kirk Zeppi - by Mrs. Glass

A unanimous ballot was cast for Kirk Zeppi.

Nominations - Child Advocate

Dr. Anila Jain - Ms. Brown

Clayton Sutton - by Mr. McClash

Mrs. Harris moved the nominations be closed. Motion was seconded by Mr. McClash and carried unanimously.

By a majority vote, Dr. Anila Jain was appointed.

ORDINANCE 99-66 - TRAFFIC IN CONSTRUCTION ZONES

Public hearing (Notice in *The Bradenton Herald* 10/28/99) was held to consider

ORDINANCE 99-66 AN ORDINANCE PROVIDING FOR THE TEMPORARY DELEGATION TO THE COUNTY ADMINISTRATOR OR HIS DESIGNEE OF AUTHORITY GRANTED TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MANATEE, STATE OF FLORIDA, UNDER SECTION 125.01 AND SECTION 316.008, FLORIDA STATUTES, TO REGULATE SPEED AND TRAFFIC CONTROL DEVICES IN CONSTRUCTION AREAS AND LOCATIONS WITH SPECIAL OR EMERGENCY CONDITIONS; AND PROVIDING FOR THE PLACEMENT AND REMOVAL OF SPEED AND TRAFFIC CONTROL DEVICES IN OTHER CIRCUMSTANCES; PROVIDING AN EFFECTIVE DATE.

James Minix, Assistant County Attorney, presented a revision of Ordinance 99-66 reflecting additional references to Florida Statutes.

Mr. Minix stated Ordinance 99-66 delegates to County staff the responsibility to regulate speed limits, traffic control devices, detour routes, parking, and vehicle travel in construction zones, or where emergency or special conditions exist.

Motion was made by Mrs. Harris, seconded by Mr. McClash and carried unanimously, to adopt Ordinance 99-66.

RECORD S47-787

PARTICIPATION PROJECTS

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

Road Assessment Project

28th Street Court East, from Whitfield Road, south 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, AND 72ND AVENUE DRIVE EAST (authorizing execution of agreement with the Property Appraiser and Tax Collector).

Janet McAfee, Project Management Director, displayed a map indicating the area of road improvements. She stated the purpose of the hearing is to consider testimony regarding the proposed road paving projects, describe the project scope and design standards, the method of assessment formula, and the basis by which this project may be approved.

(Depart Mrs. Stein)

Ms. McAfee stated a postcard poll indicated 38 property owners in favor, six in opposition, and seven not responding.

Ms. McAfee stated a project came forward in 1992 to pave 28th Street Court East from Whitfield Avenue and Tallevast Road. The project was denied based on opposition from the major property owner at the south end of 28th Street Court East, north of Tallevast Road. The same property owner has the same objections.

Discussion: Design standards outlined in the Resolution; no significant drainage improvements included in this project; 28th Street Court East has a deep shell base that will be constructed to rural, industrial standards; existing heavy truck traffic; side roads have less shell and will be constructed to residential standard, etc.

Ms. McAfee submitted a letter from **Glen Gibellina**, 28th Street Court East, outlining concern of the proposed structural component on 28th and suggesting a cul-de-sac at the south end where the paving ends. She stated that staff has general concern as 28th Street Court East is a heavily traveled access.

Ms. McAfee stated the project could be extended to the south at the same per-front-foot cost if support is obtained from both sides of the road. She stated this can be accomplished by waiving the first public hearing and proceed with the extension administratively. She stated that staff does not endorse extending the improvements to Tallevast Road.

Peter Kreissle stated his grandfather owns two parcels which front Whitfield and have frontage on 28th Street. His grandfather's assessment would be almost \$32,000. He stated both parcels have paved access.

Jack Reinemeyer, property owner south of the project end, stated the rain and shell wash onto his sod farm (Flying H Ranch) and kill the sod. He requested paving be extended to the end of his property.

Larry Whitted said the majority of property owners in the area cannot afford the assessment cost and do not want the improvements.

Glenn Gibellina addressed concerns outlined in his letter previously submitted. He urged the Board to consider a cul-de-sac or dead end at the southern end of 28th Street in order to prevent through traffic.

Robert Parke and **Freeman Walker** indicated support from the audience.

Phillip Perez, property owner at the end of 72nd Avenue Drive East (dead end road), stated the improvements are proposed to the end of his property. He requested the improvements stop at the beginning of his property and that a dead-end sign be posted. Mr. Perez questioned the amount of his assessment.

Gary Woyciechowski and **Sally Phillips**, residents on 72nd Drive East, opposed the project.

Joyce Ryan spoke about the hardship program for property owners who cannot afford the assessment.

NOVEMBER 9, 1999

(Continued)

Roy Joslin stated that the first 50 to 100 feet of 72nd Avenue Drive East, should be paved.

Discussion: Commercial and industrial uses at the north and south ends of 28th Street Court East; road is relied upon to move traffic through the area; 28th Street Court East has eight inches of shell base, other roads in the project have a four-inch base; location of the proposed cul-de-sac; 30th Street East is not built; public concern is truck traffic on 28th Street Court East, etc.

The public hearing was continued to later in the meeting to allow staff to revise the front footage assessment for the property on 72nd Avenue Drive East (Perez) and to address the issue of the cul-de-sac.

Recess/Reconvene. All members present.

ORDINANCE 99-63 - BRA-WIN PALMS CANAL DREDGING

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

ORDINANCE 99-63 AN ORDINANCE OF MANATEE COUNTY, FLORIDA ESTABLISHING A MUNICIPAL SERVICE BENEFIT UNIT WHICH SHALL BE KNOWN AS THE BRA-WIN PALMS CANAL DREDGING MUNICIPAL SERVICE BENEFIT UNIT (MSBU); PROVIDING DEFINITIONS; IDENTIFYING ALL PROPERTY INCLUDED IN THE MSBU; PROVIDING A GOVERNING BODY FOR THE MSBU; ESTABLISHING THE SERVICES AND FACILITIES TO BE PROVIDED WITHIN THE MSBU; PROVIDING FOR THE LEVY, COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS IN ACCORDANCE WITH THE UNIFORM METHOD TO FUND THE FACILITIES AN SERVICES PROVIDED FOR THE MSBU; PROVIDING AN ALTERNATIVE METHOD FOR THE ENFORCEMENT AND COLLECTION OF SUCH SPECIAL ASSESSMENTS; PROVIDING FOR A SEPARATE ACCOUNTING OF FUNDS; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE, THE CORRECTION OF SPECIAL ASSESSMENTS AND THE INCREASE IN SPECIAL ASSESSMENTS BEYOND THE MAXIMUM RATE AUTHORIZED; PROVIDING FOR CURTAILMENT OF SERVICES; PROVIDING FOR THE CORRECTION OF ERRORS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

and

execution of an agreement with the Property Appraiser and Tax Collector for collection of special assessments for this project.

Ms. McAfee displayed a map showing the areas of dredging improvements. She stated a post card poll indicated ten property owners in favor, one in opposition, and no response from two.

Ms. McAfee distributed a schedule of costs reflecting a 20-, 30-, and 40-year County contribution based on 13 parcels. She stated the 40-year contribution (as with Manatee Subdivision and McLewis Bayou MSBUs) would more appropriately tie in with the residential area in terms of when it was developed.

Discussion: High cost due to dredging out into the Braden River channel to maintain a consistent depth; obtain assistance from West Coast Inland Navigation District; 40-year County contribution results in a cost per parcel of \$11,096.54; property owners pay 49.61 percent of project cost and the County funding 50.39 percent, with the County also paying for siltation structures, etc.

Martha Kaufman opposed being included in the project, as her property is not on the canal, but on the river. She stated her property does not access the river through the dredge line, but via a separate access.

Ms. McAfee stated the Kaufman parcel was not originally included in the project; however, staff felt it was appropriate to incorporate it for the purpose of the public hearing. She distributed an alternative cost schedule reflecting a 20-, 30-, and 40-year County contribution based on 12 parcels.

Jim Holdsworth stated the Kaufmans will benefit and should be assessed.

Jack Kaufman said the proposed dredging area is approximately 100 feet from his boat basin and will not benefit his property.

Ms. McAfee submitted a letter from the Kaufmans (11/5/99) requesting they be omitted from the project. In response to a question, she stated staff did not examine the cost to extend the dredging project into an area where the Kaufmans would benefit.

Motion Withdrawn

Motion was made by Ms. Brown, to adopt Ordinance 99-63, establishing a Municipal Service Benefit Unit for canal dredging in Bra-Win Palms. Motion was seconded by Mrs. Harris.

Discussion: Motion includes the Kaufman parcel; bring back a report on the additional dredging and the effects it may have in reducing the impact; include report in the motion; staff does not support the inclusion of the Kaufman property; staff can explore extending the dredging closer to the Kaufman property if it is included in the project, etc.

If the Kaufman property is included in the project, Tedd Williams, County Attorney, recommended the Board make an affirmative finding that the property is benefitted by the project and defer action until it can be explored and brought back with final project figures.

Discussion: If a permit can be pursued if Board action is delayed.

Ms. McAfee presented two options for consideration:

Option 1 - Delete the Kaufman parcel and approve the project, and amend Ordinance 99-63 in the future to add the Kaufman parcel.

Option 2 - Include the Kaufman parcel and extend the dredging closer to their property as the scope of the project to where there is no question that the Kaufman parcel is benefitted.

Following Ms. Brown's verbal preference for Option 1, motion to adopt Ordinance 99-63 as presented was withdrawn.

Ms. McAfee distributed revised background data reflecting 12 parcels. She advised that residents were provided with assessments based on the 20-year contribution with 13 parcels. With only 12 parcels, she stated the per-parcel assessment would not be acceptable, as they were not noticed for the higher assessment. Based on discussion, she recommended approving 12 parcels at the 40-year contribution for a per-parcel assessment of \$12,021.25.

Ms. McAfee advised that three silt basins are proposed at an estimated cost of \$10,000 per basin. Staff recommends the cost of the basins (\$30,000) be included in the County's contribution over and above the contribution determined by percentage.

Discussion: Effects of amending Ordinance 99-63 in the future to add the Kaufman parcel; how Kaufman assessment will be incorporated and assessments adjusted; Kaufmans will pay the same as everyone else with the County paying a proportionate share; assurance to other property owners at this hearing, that the \$12,021.25 assessment will not increase, etc.

Motion

Motion was made by Ms. Brown, to adopt **Ordinance 99-63** with the proposal for 12 parcels for the 40-year County contribution (for a per parcel assessment of \$12,021.25) along with the property owners for the canal dredging in Bra-Win Palms; **and** authorize execution of the agreement with the Property Appraiser and Tax Collector for collection of special assessments for this project. Motion was seconded by Mrs. Glass and carried unanimously.

RECORD S47-788
S47-789

PARTICIPATION PROJECTS (Continued)

Ms. McAfee submitted a letter from **Leroy and Stephanie McDonald** (11/8/99), owners of two lots on 71st Avenue East (one of which is a flag lot), questioning the method of assessing front footage.

NOVEMBER 9, 1999

(Continued)

With regard to the paving on 72nd Avenue Drive East, Ms. McAfee advised that paving will extend approximately 125 feet to the west of 28th Street Court East to include the Frew property (corner of 72nd Avenue Drive East and 28th Street Court East, south 100 feet of Lots 14, 15 and 16, Block D), and that the remainder of the parcels on 72nd would be excluded from the project.

(Depart Mrs. Stein)

Motion was made by Mr. Bruce, to adopt Resolution **R-99-232** approving construction of a road assessment project on 28th Street Court East, 71st Avenue East, 71st Avenue Drive East, and 72nd Avenue Drive East, and that staff review and report to the Board regarding the creation of a cul-de-sac at the southernmost portion of this project (and authorize execution of an agreement with the Property Appraiser and Tax Collector for collection of special assessments for this project). Motion was seconded by Mrs. Glass. Motion carried 6 to 0.

RECORD S47-790
S47-791

WATER AND SEWER RATE INCREASE

Public hearing (Notice in the *Bradenton Herald* 10/27/99) was held to consider

R-99-113 A RESOLUTION OF MANATEE COUNTY REVISING THE SCHEDULES FOR CERTAIN POTABLE WATER, RECLAIMED WATER & WASTEWATER RATES, FEES, AND OTHER CHARGES FOR THE USE OF THE SERVICES FURNISHED OR TO BE FURNISHED BY THE MANATEE COUNTY PUBLIC WORKS DEPARTMENT; PROVIDING DEFINITIONS AND CUSTOMER CLASSIFICATIONS; PROVIDING POTABLE WATER, RECLAIMED WATER AND WASTEWATER RATES, FEES AND CHARGES; PROVIDING FOR FACILITY INVESTMENT FEES; PROVIDING FOR CUSTOMER CHARGES; PROVIDING FOR CONNECTION AND CONSUMPTION CHARGES; PROVIDING FOR WHOLESALE WATER AND WASTEWATER CHARGES; PROVIDING FOR WATER AND WASTEWATER LINE EXTENSIONS AND CHARGES; PROVIDING FOR FEES AND CHARGES FOR FIRE LINES, FIRE HYDRANTS, AND SPRINKLER SYSTEMS; PROVIDING FOR TESTING AND INSPECTION SERVICES CHARGES; PROVIDING FOR WASTEWATER PRE-TREATMENT PROGRAM FEES AND CHARGES; PROVIDING FOR DEPOSITS, DELINQUENCY CHARGES FOR NON-PAYMENT, AND CHARGES FOR TURN-ON AND TURN-OFF OF SERVICE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR RESCISSION OF ALL PREVIOUSLY ADOPTED RATES, FEES, AND CHARGES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Len Bramble, Public Works Director, stated the water and sewer rates were last adjusted in September 1995 to reflect a 15 percent increase, with the understanding that staff would return in approximately three years to revisit the rates.

David Brangaccio, Public Works Fiscal Manager, reviewed additional information distributed to Board members:

- Schedule summarizing the effect of projections on the 2000-2004 Capital Improvement Program (CIP; R-99-219) and on customers as well as rate comparisons with other jurisdictions;
- Revised Resolution R-99-113; and,
- Summary of the changes to Article IV - Facility Investment Fees (FIF's), Connection Fees, and Line Fees.

He stated the Fiscal Year 2000-2004 CIP for water and sewer projects identified funding needs far beyond what can be made available from existing utility sources. Staff is negotiating a work assignment with Black & Veatch to conduct a more in-depth rate study.

(Enter Mrs. Stein)

Mr. Brangaccio stated Resolution R-99-113 provides for an interim increase of water and sewer consumption and customer charges by six percent pending the completion of the rate study by Black & Veatch. He reviewed proposed modifications to Resolution R-99-113, and noted that staff has incorporated language to include key provisions of the draft water agreement with the City of Palmetto, to establish ground rules for all wholesale customers who do not have a written agreement with the County.

Mitchell Palmer, Assistant County Attorney, outlined proposed modifications including added language regarding reserve capacities for wholesale customers (Section 4.02d.i), a new section regarding evaluation of water use by wholesale customers (Section 4.02d.iv), and new section 6.04:

6.04 CONDITIONS. The above-stated rates, fees, and charges in this Article VI, and any duly noticed changes in said rates, fees and charges, shall apply whether or not the County has a then-current written contract with any given wholesale customer.

Discussion: Needed protection for residents in unincorporated areas served by municipalities to ensure they are not charged differently from City of Palmetto customers; language that can be incorporated into the rate resolution; mechanism to refund surcharges.

Tedd Williams, County Attorney, advised that language has been prepared to address surcharges; however, it could result in a continuous escalation of rates for residents in unincorporated areas served by municipalities.

Mr. Palmer stated Chapter 180.191, Florida Statutes, specifically authorizes municipalities to impose surcharges on customers outside their municipal borders. However, he stated statutes appear to acknowledge that it is a profit-making alternative option.

Discussion: Concurrency issues; concern of a spiraling surcharge effect; surcharge not viewed as a profit-making venture, but as an annexation and impact issue; City of Palmetto cannot arbitrarily keep on increasing rates without justification.

John Plotner stated it is unfair to citizens that water rates should be increased to help pay for large developments. He stated he understood the proposed increase is to fund 22 percent of new growth.

James Schrader, speaking in behalf of Coral Shores Owners Association, Inc., distributed a letter (11/8/99) summarizing concerns regarding proposed rate increases to water and sewer fees.

(Depart Mr. Stephens; Ms. Brown presiding)

He recommended imposing Development Impact Fees to pay for the expansion of water and sewer plant facilities necessary to address the growth in eastern and southeastern Manatee County.

(Enter Mr. Stephens, presiding)

William VanNort spoke in opposition to Resolution R-99-113.

Ron Robinson stated he had no problem with paying for water and sewer improvements, but opposed paying for development needs. He requested information on the total amount of deposits the County has, where the money is invested, and the rate at which it is invested.

Ernest "Sandy" Marshall, President of the Federation of Manatee County Community Associations, stated the Federation is concerned that too many growth issues are being combined into the proposed rate resolution. He suggested alternatives, such as to form taxing districts to pay for the costs to expand services to new developments; levy special assessment methods for utility improvements; reinstate impact fees; allow developers to put in satellite plants; examine the issue of selling water to Sarasota County for less than what County residents are being charged.

Mr. Brangaccio addressed the deposit and interest earned on utility monies. He stated Resolution R-99-113 proposes a six-percent upward adjustment to the impact fees. He also pointed out that the capacity improvement projects total a little more than \$28 million dollars, and the amount of facility investment fee money being used to pay for those projects totals \$35,900,000.

Mr. Bramble stated wholesale customers are charged \$.94 per thousand gallons while retail customers are charged \$.96. He stated the two-cent difference is due to maintenance services within the distribution system to the retail meter. He stated however, that the wholesale customer incurs costs associated with lines, pumps, tanks, etc.

NOVEMBER 9, 1999

(Continued)

Proposed language from the County Attorney's office addressing the imposition of surcharges by wholesale water customers to individual customers located outside its municipal boundaries, was distributed.

Discussion: R-99-113 includes an increase in FIF's; previous rate resolution did not include FIF's; cost of capacity improvements in simple terms; examine annual cost of living rate increases versus a periodic, substantial increase; 25 percent of the rate increase is dedicated toward improvement projects to increase capacity, which will come out of FIF's; the proposed rate adjustment is interim; clarification that the monies from the rate increase will be sufficient to match federal and state matching grant funds.

Mr. Palmer recommended the proposed language regarding surcharges become new Section 6.05 and inserted at the end of Article VI of Resolution R-99-113.

Section 6.05 Should any wholesale water customer impose surcharges, however styled, on individual customers located outside its municipal boundaries, in excess of charges imposed upon customers within its boundaries, then the County may, in the County's discretion, bill the wholesale customer, on a quarterly basis, for a sum equal to the aggregate surcharges imposed for the prior quarter and refund said surcharges to the affected individual customers, on receipt of payment from the wholesale customer.

Motion was made by Mr. McClash, to adopt Resolution R-99-113 with the amended language. Motion was seconded by Mrs. Stein and carried unanimously.

RECORD S47-792

COQUINA BEACH

Joseph Mammina spoke of the deteriorating condition of Coquina Beach and how improvements would generate more money for the County in terms of additional sales tax revenue. Copies of correspondence addressing newspaper articles and responses from staff were submitted.

COMMISSIONERS' COMMENTS

Tampa Electric Company (TECO) Title V Permits - Mr. McClash advised that Title V permits for TECO were going forward without any comments from Manatee County. He asked the County Administrator to send a letter on behalf of the Board going on record requesting provisions to reduce pollution be included in the permit. There were no objections.

Roller Hockey Rink at G. T. Park

Mr. McClash requested a status report on the roller hockey rink at G. T. Bray Park.

30th Avenue West Project - Demolished Homes

Mr. McClash commented on the demolition of two fairly new houses in the acquisition of right-of-way for the 30th Avenue/5th Street road project. He asked if the houses could not have been moved and made available for affordable housing.

Ms. Brown stated she was also questioned about the homes. She asked about the legal procedures for donating or selling the structures.

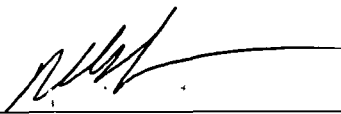
Disposition: Referred to the County Attorney's office.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk




Chairman 3/21/00

Adj: 12:33 p.m.
/rll