

JANUARY 4, 2000

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, January 4, 2000, at 9:10 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

All witnesses and staff giving testimony were duly sworn.

PUBLIC SAFETY DEPARTMENT CHAPLIN

Karen Windon, Director of Public Safety, introduced **Glen Gardner**, Pastor of the First Church of the Nazarene and noted that he serves as Chaplain of the Public Safety Department. **Reverend Gardner** conducted the invocation.

MAYOR EVERS - CITY OF BRADENTON

**Bill Evers**, former mayor of the City of Bradenton, expressed his thanks to the Board of County Commissioners and the County Administrator for the cooperation and assistance over his twenty-year tenure as Mayor.

COMMISSIONER LARI ANN HARRIS

Mrs. Glass reported that Commissioner Lari Ann Harris will no longer be participating in the meetings, due to her failing health. She acknowledged Mrs. Harris' efforts as a County Commissioner and the positive attitude she has maintained in her battle with cancer.

(R. B. Shore, Clerk of Circuit Court, presiding)

ELECTION OF OFFICERS

BOARD OF COUNTY COMMISSIONERS

R. B. Shore, Clerk of Circuit Court, requested that Teddy Williams, County Attorney, review the election procedure.

Mr. Williams reviewed the procedural rules, due to the possibility of a tie vote. He referred to Resolution R-94-90 (amended by Resolution R-96-244) stating Rule II.A. provides that: "The Board shall elect a Chair, a First Vice-Chair, a Second Vice-Chair and a Third Vice-Chair at the first meeting of each calendar year. Board officers shall hold office until a successor is elected." Based on that rule, he advised that the Board should conduct an election for the Chair and if there is an unbreakable tie the current Chairman will remain.

He stated as an alternative to this procedure, the Board could adopt

**R-00-25** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, SUSPENDING THE FIRST SENTENCE OF RULE II.A. OF THE PROCEDURES FOR THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETINGS PREVIOUSLY ADOPTED BY RESOLUTION R-94-90, AS AMENDED BY RESOLUTION R-96-244.

If Resolution R-00-25 is adopted, he advised that the election of officers would take place at the first meeting when a seven-member Board was present. At that time, the first sentence of Rule II.A. would become operative for all future purposes.

Mrs. Glass moved to adopt **Resolution R-00-25**. The motion was seconded by Ms. Brown.

RECORD S47-940

Discussion: Maintains status quo for all officers of the Board until such time as a full seven-person Board is present; includes Civic Center Authority and Tourist Development Council officers; Port Authority would require separate action.

Following discussion, the motion carried 6 to 0.

(Mr. Stephens presiding)

CONSENT AGENDA

Motion was made by Ms. Brown, seconded by Mr. Bruce, and carried 6 to 0, to approve the Consent Agenda dated January 4, 2000, incorporating the language as stated in the recommended motions in the agenda memoranda. (NOTE: Consent Agenda reconsidered later in the meeting to open public hearings, which are not listed here.) Items APPROVED:

CLERK OF CIRCUIT COURT

CONSENT AGENDA

BONDS

Accept:

Highlands at Panther Ridge

- 1. Agreement with Panther Ridge Communities, Ltd. warranting required improvements for County maintained roads (\$7,500).
- 2. Defect Security: \$7,500 (Letter of Credit 997121, 1st National Bank & Trust).

Release:

River Wilderness Country Club, Phase III, Subphase B, Unit 1

- 1. Agreement with River Wilderness Associates Limited warranting required improvements (\$40,114.53).
- 2. Defect Security: \$40,114.53 (Surety Bond 1323822, Amwest Surety Insurance Company).

WARRANT LIST

Approve: December 14, 1999 through January 3, 2000  
Authorize: January 4, 2000 through January 17, 2000

MINUTES

October 5 and 19, 1999 - Regular Meetings  
October 12, 1999 - Special Meeting  
October 15, 1999 - Emergency Meeting

AUTHORIZE CHAIRMAN TO SIGN

**53rd Avenue West** - Contract with Woodruff & Sons, Inc. for improvements from 34th to 43rd Streets West, \$2,966,253.20; date performance/payment bond and accept insurance certificate (approved 12/14/99). RECORD s47-941

**30th Avenue West** - Contract with S & R Construction, Inc. for improvements from 26th to 24th Streets West, \$249,781; date performance/payment bond and accept insurance certificate (approved 12/7/99). RECORD s47-942

**State Annual Local Government Financial Report** - Certification for Fiscal Year 1998-1999.

Satisfactions of Judgment

Johnny Dixon - Case 99-2314F  
William Earle - Cases 98-3118F and 99-336F  
John Gettler - Case 99-242F  
Arthur Sadler - Case 98-1148T

Partial Release of Special Improvement Assessment Liens

Projects 3004/2507; 3009/5147(5); 3102/2502; 3106/5144(2); 5031; 5062; 5080; 5082; 5144(2); 5147(3)

ACCEPT AND AUTHORIZE PAYMENT

**Revenue Bonds** - Accept Loss Affidavit and Sole Obligor Bond from Allfirst Trust; authorize reissue Manatee County Florida First Mortgage Revenue Refunding Bonds Series 1995 Bond R-18, \$10,000 (Meditrust Project), 7.35% due 12/01/2015 registered in the name of Christian and Jean Oberheide.

APPROVE, RATIFY AND CONFIRM

**Cortez Schoolhouse** - Execution of the Florida Community Trust Revised Purchaser's Reconciliation of Total Project Costs (Contract 00-CT-7Q-98-8A-K1-009 approved 10/19/99).

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(Continued)

**ACCEPT**

- Court Facility Fees** - Court Improvement Fund Revenue Annual Financial Report Fiscal Year 1998-1999.
- Cortez Schoolhouse** - Asbestos Survey, Phase I from ATC Associates, Inc. (approved 12/14/99).
- Lakewood Ranch Community Development** - Minutes of the Board of Supervisors for Districts 1, 2, and 3 held on October 7, 1999; and Districts 1 and 3 held on November 4, 1999.
- Bayshore Gardens Park & Recreation District** - Financial Statements for year ended September 30, 1999.
- Sarasota Manatee Airport Authority** - Schedule of annual meetings for Fiscal Year 2000.

**COUNTY ADMINISTRATOR****COUNTY EXTENSION SERVICE OFFICE**

Execute correspondence (1/4/00) to the Florida Department of Agriculture and Consumer Services relating to the projected draw-down of the \$300,000 appropriation for the Extension Service Office (approved 12/7/99).

**SPEAK EASY GRILLE, INC.**

Execute license and agreement with Speak Easy Grille, Inc. for a canopy over the eastern terminus of the Administrative Center sidewalk. RECORD S47-943

**EMINENT DOMAIN - STATE ROAD 70**

Approve settlement with Circle K Stores, Inc. and RAK Enterprises, Inc. for payment in the aggregate sum of \$210,000 (exclusive of attorney's fees, costs and expenses) as regards the taking of parcel 2512/111 in the State Road 70 eminent domain matter of Manatee County v. John J. Nevins, et al., Case 1995-CA-4342.

**WORKERS' COMPENSATION**

Authorize the County Attorney to negotiate the services of Hamrick, Perry, Quinlan & Smith and Greene, Donnelly & Schermer law firms to represent Manatee County in Workers' Compensation litigation.

**ALZHEIMER'S DISEASE INITIATIVE**

Execute Amendment 2 to the Alzheimer's Disease Initiative Grant Agreement with West Central Florida Area Agency on Aging, Inc. decreasing Manatee County spending authority by \$15,000 for the grant agreement period (7/1/99-6/30/00) in order to transfer funds to Polk County to meet an emergency funding need. RECORD S47-944

**CHILDREN'S SERVICES**

1. Authorize announcement of the availability of \$3,700,000 of Children's Services Dedicated Millage to be awarded.
2. Execute Amendment 1 to Fiscal Year 1999-00 funding agreement with Manatee County Rural Health, Inc. amending the unit total from 750 to 2,016 and unit cost from \$143.30 to \$53.31, for the **Young Children and Family Connection Program**. RECORD S47-945

**HEALTHY KIDS INSURANCE PROGRAM**

Execute revised financial agreement with Florida Healthy Kids Corporation providing for local matching funds for the Florida Healthy Kids Insurance Program in the amount of \$93,274 (4/1/99-3/31/00), and \$23,808 (4/1/00-6/30/00). RECORD S47-946

**HEALTH CARE TRUST FUND**

Execute Fiscal Year 1999-00 Non-Profit Agency Health Care Trust Fund funding agreement with We Care Manatee, Inc. for **Specialty Physician Services** (\$40,000) and **Pharmaceuticals** (\$20,000), total of \$60,000 (10/1/99-9/30/00). RECORD S47-947

**HISTORICAL COMMISSION**

Confirm and appoint four members (terms to expire 1/1/04) **Nick Baden, Bea Daly, John Trevethan, and Libby Warner** to the Manatee County Historical Commission.

**INDIGENT PRESCRIPTION SERVICES**

Execute a funding agreement with Manatee County Rural Health Services, Inc. for the Indigent Prescription Program, not to exceed \$276,084 (9/1/99-9/30/00). RECORD S47-948

**LOCAL LAW ENFORCEMENT BLOCK GRANT**

1. Execute agreement with First Step of Sarasota, Inc. for therapist and related services to support the **Manatee Drug Court Program**, an element of Bureau of Justice Assistance Local Law Enforcement Block Grant 98-LB-VX-4246, \$138,000 (10/1/99-9/30/00). RECORD S47-949

Execute funding agreement with the Manatee County Sheriff's Office, \$344,553 (\$310,098 from the Bureau of Justice and \$34,455 Local Match) for the Law Enforcement Element of the Bureau of Justice Assistance Local Law Enforcement Block Grant 98-LB-VX-4246. RECORD S47-950

**MEDICAID WAIVER REFERRAL**

- Execute Medicaid Waiver Referral Agreements among Manatee County, West Central Florida Area Agency on Aging, Inc. and:
1. Pines of Sarasota to coordinate Medicaid Waiver Home and Community Based Adult Day Health Care Services (11/5/99-6/30/00). RECORD S47-951
  2. Insight Health Network, Inc. to coordinate Medicaid Waiver Home and Community Based Counseling Services (7/26/99-6/30/00). RECORD S47-952
  3. Youthful Aging Home Health Agency to coordinate Medicaid Waiver Home and Community Based Services for Personal Care, Respite, and Companion Services (11/1/99-6/30/00). RECORD S47-953

**ARTIFICIAL REEF PROGRAM**

1. R-00-03 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ACCEPTING A GRANT AWARD FROM THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE CONSTRUCTION OF AN ARTIFICIAL REEF AT THE SEVEN MILE SOUTH REEF "C" SITE IN THE GULF OF MEXICO. RECORD S47-954
2. Execute an agreement with Florida Fish and Wildlife Conservation Commission, \$25,000 (ending 6/30/00). RECORD S47-955

**ORDINANCE 00-02 - MUNICIPAL SEPARATE STORM SEWER SYSTEM**

Advertise public hearing on January 18, 2000, for Ordinance 00-02 relating to the Municipal Separate Storm Sewer System.

**BUDGET AMENDMENT**

Various Departments (B-00-013)  
 Transfer of Funds; Unanticipated Revenue Appropriations  
 (Supporting Description and Detail Attached) RECORD S47-956

**MATERIALS AND SERVICES**

1. **Backflow Prevention Devices, Cold Water Meters and Reclaimed Water Meters** - Award IFB 99-3285KK on an as-required basis to the lowest responsive, responsible multiple bidders meeting specifications, for an estimated annual amount of \$345,887.79:  
A.W.K. Ind., Inc., \$13,833; Badger Meter, Inc., \$30,378.57  
Ferguson Underground, \$24,971.22; Hughes Supply, Inc., \$31,622  
Schlumberger Resource Mgt. Serv., Inc., \$213,863.00  
U.S. Filter Distribution, \$31,220.00
2. **Automatic Backwash Filters** - Award IFB 99-3068MP to the lowest responsive, responsible bidder, Westra Construction Corporation, not to exceed \$2,537,000; and authorize subsequent execution of contract and acceptance of insurance certificate, and dating of performance/payment bond.
3. **Body Bags for District 12 Medical Examiner** - Issue Change Order 1, \$16,000 increase to PO 000031 for sole-source purchase of body bags from Stenwoo International, for an estimated \$26,000.
4. **Unabridged/Abridged Audio Books, CDs and Miscellaneous Titles** - Sole source purchase for the Library Division of Information Services from Recorded Books, Inc., for an estimated \$40,000.
5. **Toro Workman Trucksters and Toro Sand Pro** - Sole source purchase of 8 Toro Workman Trucksters and 1 Toro Sand Pro from Wesco Turf, Inc., \$116,795.
6. **Repair/Refurbishment of Pumps and Pump Motors** - Award IFB 99-2251AA to the lowest responsive, responsible bidder, Mader Electric Motors, for an estimated \$370,250.
7. **Elevator Controls/Hensley Public Safety Complex** - Authorize complete rehab and re-build of elevator controls and operators for Building A-East Elevator by General Elevator Sales & Services, Inc., not to exceed \$58,994.
8. **Roadway/Stormwater Landscaping Maintenance** - Issue Change Order 1 to Purchase Order P9001518 with Southern Land Services, increase of \$92,403, adjusted total \$279,325.50.
9. **Sanitary Tanker Pumping Services** - Issue Change Order 1 to IFB 98-5212MP with Elmore Environmental Services, Inc. on an as-required basis for the transportation of grease to Crew's Sanitation.

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(Continued)

10. **Submersible Sewage Pumps** - Award IFB 99-4005AA to the lowest responsive, responsible bidder meeting specifications, Barney's Pumps, Inc., not to exceed \$70,205.
11. **Epoxy Floor Coating-Stockade Renovation** - Approve, ratify and confirm Emergency Purchase EP 00-5353CD for epoxy floor coating for 96 inmate cells and concrete walkways at the Port Stockade Jail Annex, labor and material by Floor Tech, Inc., \$44,280.
12. **Visitors Guides** - Award IFB 00-5500KK to the lowest responsive, responsible bidder meeting specifications, Interprint Web & Sheetfed, Inc., for an estimated \$76,905.
13. **Sun Upgrade to Workstations** - Authorize purchase via State Contract, Sun Upgrade to Workstations from Gateway Computer Associates, \$32,254.52.
14. **Remarcite Pool/G. T. Bray Park** - Award IFB 00-5095CD to lowest responsive, responsible bidder meeting specifications, Galaxy Pools, \$67,500.

**CEDAR HAMMOCK DRAINAGE**

Execute Change Order 1 to IFB 97-3396DC with Zep Construction, Inc., increase of \$105,500 and an additional 126 days; for adjusted contract \$824,668 and revised completion date of January 22, 1999. RECORD S47-957.

**SURPLUS PROPERTY**

1. Classify excess property as surplus property per Florida Statute 274.05 to enable appropriate and authorized disposition in accordance with Purchasing Code 99.37, Section 1.106, and authorize disposal of the property. RECORD S47-958
2. **R-00-04** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, FLORIDA STATUTES  
(equipment to **Manatee County Agricultural Museum**). RECORD S47-959

**LENA ROAD AND ERIE ROAD LANDFILLS**

Execute Work Assignment 27 with HDR Engineering, Inc. for **solid waste consulting services** for landfill gas, groundwater, surface water, leachate and solid waste compliance monitoring and reporting for the Lena Road and Erie Road Landfills, not to exceed \$99,105. RECORD S47-960

**U.S. 301 BOULEVARD ROAD AND UTILITY IMPROVEMENTS**

Execute Change Order 3 to IFB 98-4642DC with Shirley Land Development, Inc., increase of \$32,611.08 and an additional 35 days; for adjusted contract of \$2,173,670.94 and revised completion date of September 29, 1999. RECORD S47-961

**DONATION**

Authorize Parks and Recreation Department to accept donation, in accordance with Ordinance 86-05 and procedures established by the County Administrator's Office, from the **Volunteers at Lakewood Ranch District Park** in the form of poles and nets for batting cages at Lakewood Ranch District Park, total value of \$2,000.

**FEE WAIVERS**

Authorize Parks and Recreation Department to waive \$5 of the \$30 pavilion reservation fee for each of the following individuals: **Donna Perez, Tangie Shaw, Al Goodwin, Cindy Faucher, Joanie Nhuyen** and **Victoria Eason**, for a total of \$30.

**WATER RESOURCE GRANT APPLICATION**

Approve, ratify and confirm execution and transmittal of letters of support to the Florida Department of Environmental Protection for Water Resource Grant Application by the **City of Palmetto** and **City of Bradenton**.

**FEE WAIVER - REZONE**

Approval to waive the rezone application fee of \$1,452 for Ron Pickelsimer, Manatee Printing.

**FINAL PLATS****River's Edge**

1. Final Plat.
2. Mortgagee's Joinder in Declaration only from West Coast Guaranty Bank, N.A.
3. Agreement with R. L. Koontz Construction, Inc. guaranteeing completion of required improvements (\$342,928.56).
4. Performance Bond: \$342,928.56 (Letter of Credit 1144, West Coast Guaranty Bank).

5. Agreement with R. L. Koontz Construction, Inc. guaranteeing completion of required sidewalks and bikeways (\$33,670).
6. Performance Bond: \$33,670 (Letter of Credit 1143, West Coast Guaranty Bank).
7. Agreement and Temporary Construction Easement with R. L. Koontz Construction, Inc. guaranteeing completion of required improvements (\$372,036).
8. Performance Bond: \$372,036 (Letter of Credit 1146, West Coast Guaranty Bank).
9. Declaration of Maintenance and Land Use Provisions of River's Edge by R. L. Koontz Construction, Inc.

**River Landings Centre West**

1. Final Plat.
2. Mortgagee's Joinder in Declaration only from Colonial Bank.
3. Agreement and Temporary Construction Easement with K & B Sarasota guaranteeing completion of required improvements (\$51,734.55).
4. Performance Bond: \$51,734.55 (Letter of Credit 8026057326-55, Colonial Bank).
5. Agreement with K & B Sarasota guaranteeing completion of required sidewalks and bikeways (\$3,016).
6. Performance Bond: \$3,016 (Letter of Credit 8026057268-55, Colonial Bank).
7. Conservation Easement from River Landings Centre Joint Venture.
8. Conservation Easement from K & B Sarasota. RECORD S47-962
9. Mortgagee's Joinder and Consent for the Conservation Easement from Colonial Bank. RECORD S47-963
10. Mortgagee's Joinder and Consent for the Declaration of Protective Covenants from Colonial Bank.
11. Declaration of Protective Covenants for River Landings Centre West by River Landings Centre Joint Venture.

**Riverwalk Village Cypress Banks, Subphase H, Units 1 & 2**

1. Final Plat.
2. Joinder in and Ratification of Subdivision Plat from Lakewood Ranch Community Development District 1.
3. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$1,308,564.08).
4. Performance Bond: \$1,308,564.08 (Surety Bond 149083, Frontier Insurance Company).
5. Agreement and Temporary Construction Easement with SMR Communities Joint Venture guaranteeing completion of private improvements (\$413,229.82).
6. Performance Bond: \$413,229.82 (Letter of Credit S997091, Northern Trust Bank).
7. Conservation Easement from Schroeder-Manatee Ranch, Inc. RECORD S47-964
8. Maintenance Agreement for Right-of-Way Islands with Lakewood Ranch Community Development District 1. RECORD S47-965
9. Site Access and Drainage Affidavit Right-of-Way Irrigation and Utilization from Schroeder-Manatee Ranch, Inc., Lakewood Ranch Community Development District 1, and Summerfield/Riverwalk Village Association, Inc.
10. Supplement Declaration by SMR Communities Joint Venture.

**STREET NUMBERING WAIVER - MANGROVE POINT**

Approve request by the developers of Mangrove Point Subdivision to waive the street numbering requirement and utilize named streets.

**IMPACT FEE CREDIT**

Execute Credit Authorization CA-99-14(T) and Final Authorization of Transportation Credit for Robert K. Conn/The Garden Patch, for eligible right-of-way dedication (Whitfield Avenue at Prospect Road), \$8,100. RECORD S47-966

**PARTICIPATION PROJECT - SAMOSET SEWER**

R-00-05 A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SEWER ASSESSMENT PROJECT PROJECT 5147. RECORD S47-967  
 (combining parcels owned by Don and Charlotte Ripley, and Madeline Shinkle a/k/a Madeline Benson). RECORD S47-968

**COVERED BRIDGE SUBDIVISION**

Amendment 1 to Participation Agreement (2/3/98) with Covered Bridge Development Corporation increasing maximum reimbursement by \$5,245.50 to \$155,868 for over-sizing more than 4,730 linear feet (LF) of the planned 6-inch diameter potable water main to 1,850 LF of 12-inch and 2,880 LF of 20-inch mains. RECORD S47-969

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**SPECIAL ASSESSMENT PROJECTS - TEMPORARY FINANCING**

**R-00-06** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, AUTHORIZING AN INTERFUND LOAN FOR TEMPORARY FINANCING OF VARIOUS LOCAL ROAD ASSESSMENT PROJECTS, STREET LIGHTING DISTRICTS, AND CANAL DREDGING PROJECTS (interfund loan, not to exceed \$5,500,00, from local option gas tax funds 307, 309, and 319 to various special assessment/MSBU project funds). RECORD S47-970

**ORDINANCE 00-01 - ANIMAL SERVICES**

Authorization to advertise for a public hearing on January 18, 2000, to enhance the enforcement of animal control and clarify certain animal issues.

**FEE WAIVERS - LANDFILL****Rubonia Neighborhood Improvement Cleanup**

Authorization for placement of two 20-yard roll-offs at 7550 Bayshore Road, Rubonia, January 8, 2000, for the Rubonia Neighborhood Improvement Cleanup, and waiver of service and tipping fees at the landfill.

**City of Sarasota**

Approve, ratify, and confirm waiver of tipping fees at the Solid Waste Management Facility for soil generated by the City of Sarasota for use as daily cover material at the landfill.

**DEEDS AND EASEMENTS**

1. **26th Street West** - Warranty Deed from Thomas A. and Sharon B. Howze; Pedestrian Sidewalk and Lighting Easements from Charles M. and Cheryl A. Brown, Gayle B. Swanson, K & J Eye Care, P.A., and Brookwood Apartment Associates, LTD.(2); Affidavits of Ownership and Encumbrances; Joinder from American Bank of Bradenton and Community Bank of Manatee. RECORD S47-971
2. **30th Avenue West**
  - a. Warranty Deed, Permanent Slope Easement and Affidavit of Ownership and Encumbrances from Alan D. Hunter. RECORD S47-972
  - b. Warranty Deed and Affidavit of Ownership and Encumbrances from Manuel and Maria Guadalupe Navarrete; Partial Release from Guy and Beryl McGahey. RECORD S47-973

**30TH AVENUE WEST**

1. Execute Contract for Sale and Purchase for a Warranty Deed from Genessa L. Brown for right-of-way required for road improvement of 30th Avenue West (26th Street West to 5th Street West), \$69,910. RECORD S47-974
2. Authorize Finance to make check payable to Paul A. Blucher, P.A. Trust Account, \$69,910.

**53RD AVENUE WEST**

1. Execute Contract for Sale and Purchase for a Warranty Deed from West Glenn Homeowners' Association, Inc. for right-of-way, Parcel 19, \$35,400; Warranty Deed and Affidavit of Ownership and Encumbrances from West Glenn Homeowners' Association, Inc. RECORD S47-975
2. Execute Contract for Sale and Purchase for a Warranty Deed from Margaret W. Schneider for right-of-way, Parcel 21, \$1,800; Warranty Deed and Affidavit of Ownership and Encumbrances from Margaret W. Schneider; Partial Release from Chase Manhattan Mortgage Corporation. RECORD S47-976

**UNIVERSITY PARKWAY/I-75 - LANDSCAPING**

1. **R-00-13** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE ENTRY INTO A HIGHWAY LANDSCAPE INSTALLATION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION AND MAINTENANCE OF LANDSCAPE FEATURES LOCATED AT THE UNIVERSITY PARKWAY INTERCHANGE WITH STATE ROAD 93 (I-75) WITHIN MANATEE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE. RECORD S47-977
2. Execute the State of Florida Department of Transportation Highway Landscape Installation and Maintenance Agreement. RECORD S47-978
3. Execute the Technical Maintenance Plan. RECORD S47-979
4. Execute Interlocal Agreement for Landscaping Maintenance authorizing Lakewood Ranch Community Development District 2 to install and maintain landscaping in the median of University Parkway the right-of-way of Interstate 75. RECORD S47-980

(End Consent Agenda)

AWARDS AND PRESENTATIONS

Manatee County Fair 2000

**Maxine Hooper**, representing the Manatee County Fair Board, introduced the Fair Queens: **Keri Shingledecker**, Junior Miss; **Jessica Pogue**, Little Miss; and **Shanica Johnson**, Mini Miss. The Queens invited the Board members to attend the 2000 Manatee County Fair (1/20-29/00) as well as the VIP luncheon scheduled for January 20, 2000.

Employee of the Month

**Elaine Barker**, Building Department, was presented the January 2000 Employee of the Month Award by Jim Lee and Art Ricker, of the Building Department.

Heroism Award

Sam Love, Facilities Management Director, presented a Heroism Award to **Jeff Wilson**, Building Trades Worker, for his heroic efforts on September 29, 1999, in performing the Heimlich Maneuver and possibly saving the life of Victor Routenberg, of the Sheriff's Department.

Master Gardeners - 1999 Class

Brenda Rogers and Jane Morse, of the Extension Division of Agriculture and Natural Resources, presented certificates to the 14 **graduates of the Manatee County Master Gardeners Program.**

CITIZENS' COMMENTS

PDR-99-08(P)(R) William Manfull/Lorraine Grove

**Patricia Petruff**, representing William Manfull, requested reconsideration of PDR-99-08(P)(R) regarding elimination of the requirement to provide a westbound left turn lane at the project entrance, which was denied on December 14, 1999. She noted the traffic study for the project indicated no need for a left turn westbound lane.

Discussion: Reconsideration would have to be from the prevailing side (Mr. Bruce, Mrs. Stein, Mr. McClash, and Mrs. Harris); safety issue regarding the phosphate industry traffic on S.R. 64.

No action was taken.

Country Oaks/Country Parkway

**Richard D'Amato**, resident of Country Oaks, stated he had a petition to submit from the residents requesting removal of the no parking signs posted on Country Parkway.

(Note: Item discussed later in the meeting.)

(Depart Mrs. Glass)

Air Boat Ordinance

**J. D. Routh** requested clarification of the recent airboat noise Ordinance (99-67). He asked if it would be illegal to travel from his river access to the designated open area.

Disposition: Individuals registered to speak regarding the airboat ordinance were directed to meet with William Henry, Chief Assistant County Attorney. If there is a need to amend the ordinance it will be presented to the Board for consideration.

CONSENT AGENDA - RECONSIDERATION

Due to the consideration of advertised public hearings, Mr. McClash moved to reconsider the Consent Agenda. Motion was seconded by Mr. Bruce and carried 5 to 0.

(NOTE: Public hearings held later in the meeting.)

(Enter Mrs. Glass)

Motion was made by Mr. Bruce, seconded by Mr. McClash and carried 6 to 0, to approve the Consent Agenda, incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda, with the deletion of: (1) Local Law Enforcement Block Grant (separate action) and (2) No Parking-Ordinance 00-03 (separate action).



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**LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM**

Public hearing (Notice in the *Bradenton Herald* 12/15/99) was held to consider

THE APPLICATION OF \$603,573 OF FEDERAL FUNDS, AND \$67,064 IN MATCHING MANATEE COUNTY FUNDS FOR THE IMPLEMENTATION OF MANATEE COUNTY BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE LOCAL LAW ENFORCEMENT BLOCK GRANT FOR **LAW ENFORCEMENT AND MANATEE COUNTY DRUG COURT SUPPORT**, OVER A TWO-YEAR PERIOD BEGINNING OCTOBER 1, 1999, AND ENDING SEPTEMBER 30, 2001, CONTINGENT UPON RECEIPT OF IDENTIFIED FEDERAL FUNDS  
(as authorized by Resolution R-99-146, 7/6/99).

Mr. McClash moved to approve the item as presented. The motion was seconded by Mr. Bruce and carried 6 to 0.

**ORDINANCE 00-03 - NO PARKING**

Public hearing (Notice in the *Bradenton Herald* 12/19/99) was held to consider

**ORDINANCE 00-03** (Advertised as 99-70) AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 99-27 TO DELETE ESTABLISHED PARKING RESTRICTIONS ON PORTIONS OF THE RIGHTS-OF-WAY OF **COUNTRY PARKWAY**, AMENDING ORDINANCE 98-11; REGULATING THE STOPPING, STANDING OR PARKING OF MOTOR VEHICLES ON **1ST STREET EAST, 3RD STREET EAST AND 60TH AVENUE DRIVE EAST**; 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.

Harry Mendenhall, Assistant Transportation Director, stated two petitions and two letters were received requesting removal of the current parking restrictions at the dead end of Country Parkway. He advised that the Sheriff has been summoned to this location a number of times to settle disputes between residents.

**Richard D'Amato** submitted petitions from Country Oaks residents.

Mr. Bruce moved adoption of Ordinance 00-03. The motion was seconded by Mrs. Stein and carried 6 to 0. RECORD S47-981

**SINGLE-FAMILY RESIDENTIAL PERMITTING STUDY**

**Rudy Brubaker**, Trace Consulting Services, Inc., utilized slides to review the process modeling and simulation, as well as the capabilities of simulation and its application to the residential construction permit process. He discussed: (1) the study methodology used; (2) decision information derived from the study; (3) a demonstration of the actual permitting process; and (4) overall improvement considerations. He noted there are opportunities to realign several of the process steps and shift some responsibilities. He advised that the DOS-based software is a handicap and that customer service training is needed.

Discussion: Appropriate recommendations; field frustrations; sign-in process; standardization of house plans; minor field modifications; how many home builders were interviewed; payment process; input from management staff; staff frustration; signage requirements to make area user-friendly; plan review time must be reduced; interdepartmental integration must be analyzed; logistics of required activities; implement steps to solve obvious problems, etc.

Jim Lee, Building Department Director, stated that the study assisted in gathering information relative to the permit process, as well as other functions. He advised that the individual responsible for reviewing the zoning for permits has been temporarily relocated to the Building Department and will also assist with front counter activities. The relationships of various departments are being reviewed and staff, as well as customers, are being interviewed for input and suggestions.

**DOWNTOWN DEVELOPMENT AUTHORITY**

Bill Theroux, Downtown Development Authority (DDA), reviewed the construction plans for Old Main Street. Utilizing slides, he advised that the same elements used at Barcarrota Boulevard will be incorporated into Old Main Street. He reviewed renderings of the two intersections. Materials to be implemented are: lighting; aesthetically pleasing stop and directional signs; benches; trash receptacles; brick pavers and ribbon curve. He showed several Old Main Street buildings undergoing renovation and restoration.

Discussion: Ninety days for project completion; infrastructure must be complete to attract business; will 14th Street improvement continue to Cortez Road; funding must be secured; extending improvement from Barcarrota to 15th has not been discussed by DDA; prioritization is on pedestrian traffic; business district must be finalized.

**ORDINANCE 00-04 - NO THROUGH TRUCKS**

Public hearing (Notice in the *Bradenton Herald* 12/19/99) was opened to consider

**ORDINANCE 00-04** (Advertised as 99-71) AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 84-06; TO REGULATE THE TRAVEL OF CERTAIN THROUGH TRAFFIC ON **TARA BOULEVARD**; IT BEING A COUNTY MAINTAINED ROADWAY 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.

Harry Mendenhall, Assistant Director of Transportation, stated this Ordinance was initiated by the Tara Homeowners Association. Staff recommended denial, as Tara Boulevard is a thoroughfare roadway.

Discussion: Ordinance will prohibit trucks; consider Braden River Road as an alternative route to Linger Lodge Road.

**Patricia Petruff**, representing the developer of Tara, stated her client is opposed to the Ordinance. She stated there are 560 undeveloped acres east of Tara Boulevard, which will be developed as Phase III. Tara Boulevard has been designated in the Comprehensive Plan as a thoroughfare; therefore, limiting truck traffic is inappropriate.

**Wilbur Wachter**, representing Tara Golf and Country Club, stated that Tara Boulevard is an "S" shaped, four-lane road through the community. Streets leading onto the boulevard create dangerous areas at some intersections with poor visibility and pose a safety concern due to the speed of truck traffic.

Discussion: Linger Lodge Road is accessible to the undeveloped area; enforcement; moving the problem from one area to another; restrictive traffic at River Club Boulevard; neighborhood concerns; alternative routes; will not eliminate local truck traffic or deliveries; thoroughfares are constructed to higher standards; defer for review by County Attorney; DRI requirements differ from normal subdivisions, etc.

Mr. Bruce moved to continue the public hearing for Ordinance 00-04 until January 18, 2000, at 9:00 a.m., to obtain an opinion from the County Attorney. The motion was seconded by Mrs. Stein and carried 6 to 0.

**ORDINANCE 00-05 - SPEED LIMIT**

Public hearing (Notice in the *Bradenton Herald* 12/19/99) was opened to consider

**ORDINANCE 00-05** (Advertised as 99-72) 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 **46TH PLAZA EAST AND TARA BOULEVARD**; 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 FOR AN EFFECTIVE DATE.

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(Continued)

Harry Mendenhall, Transportation Department, noted there were two versions of the Ordinance; one which omits Tara Boulevard, as it is a thoroughfare.

Discussion: No other thoroughfares designated 25 miles per hour; speed was reduced on Palma Sola Boulevard; River Club is no longer on the thoroughfare system; defer and review with Ordinance 00-04; safety issue; consider alternative approach; school/pedestrian traffic; installation of four-way stop signs.

**Patricia Petruff**, representing the developer of Tara, noted concern of a four-lane street designated as a thoroughfare having such a low speed limit. The Tara residents have requested a speed reduction to 25 miles per hour or the elimination of truck traffic.

**Wilbur Wachter**, representing Tara, stated this boulevard goes through the center of the nearly-completed community. He noted safety is the issue, as it is difficult to see oncoming traffic to the right at many of the intersections due to the design of the boulevard.

Mr. Bruce moved to continue the public hearing for Ordinance 00-05 until January 18, 2000, at 9:00 a.m., to explore alternative options and obtain an opinion from the County Attorney. The motion was seconded by Mrs. Stein and carried 6 to 0.

ZONING

Public hearing (Notice in the *Bradenton Herald* 12/3/99) was held to consider

PDR-98-03 (P) (R) BENNETT AND ICARD/HAWKS HARBOR

Request: Approval of a Revised Preliminary Site Plan with the following amendments to: (1) Stipulation 5 to address dock impacts to mangroves; (2) Stipulation 16 to address mangrove trimming; and (3) Stipulation 28 to allow the recreational area to be relocated adjacent to Lot 7; on 30 acres located south of 69th Avenue West (Bay Drive), north of Bowlees Creek, 800 feet west of U.S. 41.

Norm Luppino, Planning Department, reviewed the request: **Stipulation 28** amending the open space focal point; **Stipulations 5 and 16** changing mangrove impacts relative to the boating facility. Referring to the site plan, he noted the open space was approved at the tip of the island with an option to relocate at the colonial home. The applicant proposes to relocate the focal point to the entrance of the development providing direct visibility of same, as well as the docking facility.

Regarding Stipulation 5, he stated upon removal of the Brazilian Pepper trees, staff found that the requirement for a parallel docking facility may not have the least impact to the mangroves. Staff recommended an amendment to allow more flexibility for parallel and perpendicular docks with the location to be determined at final site plan, following inspection. Stipulation 16 restricts that mangroves not be trimmed to less than 6 feet in height unless approved for dock crossing.

In addition, he proposed a new Stipulation 29 requiring that the applicant provide a Wetland Buffer Enhancement Plan to offset some of the crossings through the buffer to the docks.

**Mike Bennett**, developer, stated there is no disagreement other than new Stipulation 29. Referring to a mangrove impact plan, he advised the total impact will be substantially less than that originally approved.

Bill O'Shea, Environmental Management Department, stated the intent of Stipulation 29 was to mitigate for the additional pathways required for dock access. By replacing existing vegetation with something more aesthetically pleasing, not requiring maintenance, would help to mitigate for the additional access points.

Discussion: There is a 30-foot wetland buffer; original approval was for 4 access points from the upland area to the dock; increase of 14 access points through the buffer to the canal; conservation easement prohibits buffer maintenance, etc.

Mr. Bennett advised that the wetland buffer is planned and there is no disagreement. Referring to a Summary of Dock Impacts, he noted the decrease in dockage and water impacts.

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mrs. Glass moved to approve **Revised Preliminary Site Plan PDR-98-03(P)(R)** with Stipulations 1 through 29 (amending Stipulations 5, 16 and 28 and adding Stipulation 29). Motion was seconded by Mr. Bruce and carried 6 to 0.

RECORD S47-982

#### HERNANDO DESOTO HISTORICAL SOCIETY - SAN CRISTOBAL FLOAT

Larry White, Convention and Visitors Bureau Director, requested consideration of a one-time appropriation of \$20,000 from the Tourist Development Council funding for the Hernando DeSoto Historical Society to renovate and rebuild the San Cristobal Float.

Mr. McClash moved to approve the funding. The motion was seconded by Mr. Bruce and carried 6 to 0.

#### CONVENTION CENTER FUNDING

Mr. White requested authorization for staff to initiate an expansion study for the Manatee Convention and Civic Center and a possible increase in the tourism tax as provided under Florida Statute 125.0104 Subsection (1) to fund same.

He advised that business is turned away six to seven months a year, due to the booked capacity of the main arena. Lack of hotel space has limited the ability to sell out-of-town meetings (500-1500 people); however, a developer is prepared to construct a hotel on the north side of the facility. If hotel construction occurs, the demand for meeting space in the conference wing will increase, but the availability of larger space (the total facility) would be cramped. Events scheduled in the arena could be moved to exhibit space freeing the arena for multiple and/or main events.

Mr. White requested consideration of a possible increase in the tourism tax levy by one cent to fund the expansion and operation. If the tax is increased and the Center is expanded, it will allow for booking larger meetings and conferences.

Mr. White referred to a chart noting the history of tourism tax revenues in each municipal area of the city.

Ms. Brown moved to authorize the staff to initiate an expansion study for the Manatee Convention and Civic Center and a possible increase in the tourism tax as provided under Florida Statute 125.0104 subsection (1) to fund same. Motion was seconded by Mrs. Glass.

Discussion: Potential if hotels are developed; growth of a community facility; explore revenue source for the island trolley as a marketing tool; feasibility of lighting McKechnie Field; increased maintenance costs; discussions must be held with the City of Bradenton regarding their 10 percent receipt of tourist tax; use of Pirate City by citizens' sporting associations, etc.

**Mike Kennedy**, Director of Pittsburgh Pirates Baseball Operations, stated one of the Pirates' goals is to make their spring training operation and their partnership with local government the model in major league baseball.

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(Continued)

Following discussion, the motion carried 6 to 0.

**Jack Rynerson**, former Tourist Development Council Member, stated that any increase in the tourism tax should be taken in context with the seven cent sales tax that failed last year.

(Depart Ms. Brown)

**WASTE TIRE GRANT**

Mr. McClash moved to approve the requests for portions of the Waste Tire Grant funds by the Parks and Recreation Department and the Just for Girls Club. The motion was seconded by Mrs. Glass.

Discussion: What projects will be not be done by Parks and Recreation as a result of this action; Parks and Recreation to prepare response.

Motion carried 4 to 1, with Mrs. Stein voting nay.

**LOCKWOOD RIDGE ROAD**

Mitchell Palmer, Assistant County Attorney, requested review of a settlement offer of \$30,000 from co-owner Charles D. Brown, for the taking of parcels 16 and 16-SE, in the eminent domain matter of Manatee County v. Saint Barbara Greek Orthodox Church, et al., Case 1999-CA-1981. He advised that the offer exceeds the co-owner's appraised value by \$6,000 and recommended rejection.

Mr. McClash moved to approve the recommendation to **reject** the settlement offer. The motion was seconded by Mrs. Glass.

Regarding the packet of material distributed by Claire Brown, Mr. Palmer stated Mrs. Brown owns this property with her ex-husband, due to a marital asset not addressed in the divorce. He noted there are several lien holders who have filed responsive pleadings and claim a portion of the condemnation proceeds. He advised until the lien claims are resolved by the courts, there is no access to the funds and no way to help Mrs. Brown.

(Enter Ms. Brown)

Discussion: Three parcels have not been acquired in the north portion; County Attorney addressed decrease in assessed value with Mrs. Brown.

Following discussion, the motion carried 6 to 0.

**ASSISTANT COUNTY ATTORNEY**

Tedd Williams, County Attorney, introduced a new Assistant County Attorney, **Maureen Sikora**.

**COMMISSIONERS' COMMENTS**

**Outdoor Consumption of Alcohol**

Ms. Brown requested the County Attorney explore drafting an ordinance regarding consuming alcohol outside of the premises where it has been purchased. She requested consideration of same by the Board to address an existing problem.

Discussion: Review of State Statues; option of local control.

**Extension of 51st Street West and Cortez Road**


Mr. Stephens requested a written report on the status of the 51st Street West extension (from 53rd Avenue West to Cortez Road) in order to respond to inquiries from constituents.

**MEETING ADJOURNED**

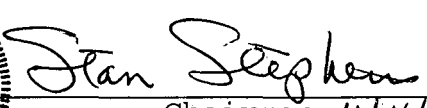
There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
Clerk



  
Chairman 4/4/00

Adj: 12:15 p.m.  
/njh