

NOVEMBER 14, 2000

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, November 14, 2000, at 9:03 a.m.

Present were Commissioners:

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

Also present were:

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

Invocation by Rev. Herb McMillian, First Church of the Nazarene.

All staff and witnesses giving testimony were duly sworn.

#### AGENDA DELETION

Ernie Padgett, County Administrator, deferred Change Order 1 to Work Assignment 10 with Parsons Engineering Science, Inc., for a water distribution master plan (deferred to 11/28/00).

#### CONSENT AGENDA

Upon motion by Mr. Harris and second by Mrs. Glass, the Consent Agenda dated November 14, 2000, was approved 7 to 0, incorporating the language as stated in the recommended motions in the agenda memoranda with changes as follows: (1) Proclamation for Curtis Johnson, Jr. Day (deferred); (2) Drinking Water Protection Reuse Study Amendment to agreement with Southwest Florida Water Management District and City of Bradenton (deferred to 11/28/00); (3) Local Housing Assistance Plan - contract for home renovations for Nancy Hill (separate action); (4) Natalie Way Reimbursement Agreement (separate action). Items approved:

#### CLERK'S CONSENT CALENDAR

##### WARRANT LIST

Approve: November 7, 2000 through November 13, 2000  
 Authorize: November 14, 2000 through November 20, 2000

##### MINUTES

August 15, 2000

##### AUTHORIZE CHAIRMAN TO SIGN

##### Partial Release of Special Improvement Assessment Liens

Projects 3001; 3102 (2); 3104; 3106 (2); 3006; 3007; 3009 (2); 4210; 5025 (2); 5042; 5054; 5130; 5144 (2); 5147; 5268.

Longboat Key Effluent Meter Vault - Southwest Regional Wastewater Treatment Plant (IFB 99-4682-MP) Contract with Kuxhausen Construction, Inc., \$68,125; date performance bond and accept insurance certificate (approved 10/24/00). RECORD S47-2346

##### APPROVE, RATIFY, AND CONFIRM

North Regional Wastewater Treatment Plant Aquifer Storage and Recovery Feasibility Project - Test Well Construction - Certification of affirmative steps for Minority/Women's Enterprise Utilization with Diversified Drilling Corporation authorized by R-96-243.

##### ACCEPT

City of Palmetto - Ordinance 695 for annexation of property located at 1415 17th Street East, Palmetto.

Waterlefe Community Development District - Resolution 01-07 designating William Rizzetta as registered agent; proposed budget for FY 2000-2001; and Board of Supervisors meeting dates for 2000-2001.

Lakewood Ranch Community Development Districts - Minutes of the Board of Supervisors of the Lakewood Ranch Community Development District 2 meeting (August 29, 2000); and Districts 2 and 3 meeting (September 7, 2000).

**COUNTY ADMINISTRATOR  
PROCLAMATIONS****Retired Educators Day**

Adopt Proclamation designating November 19, 2000, as **Retired Educators Day.** RECORD S47-2347

**Farm-City Week**

Adopt Proclamation designating November 12-18, 2000, as **Farm-City Week.** RECORD S47-2348

**CIVIC CENTER AUTHORITY**

**R-00-268** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CONFIRMING ADMINISTRATIVE SUPPORT FOR THE MANATEE COUNTY CIVIC CENTER AUTHORITY AND THE MANAGEMENT OF CIVIC CENTER AFFAIRS; RESCINDING PRIOR RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE

(Rescinding Resolutions: R-91-242, R-92-61, R-92-197, R-93-207, and R-93-295). RECORD S47-2349

**LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM**

Execution of funding agreement with Manatee County Sheriff's Office, \$347,818 (\$313,036, Bureau of Justice; \$34,782, local match) for the **Law Enforcement Enhancement and Crime Prevention Program** of the Bureau of Justice Block Grant 99-LB-VX-7370.

RECORD S47-2350

**LOCAL HOUSING ASSISTANCE - HOME REHABILITATION**

Execution of a contract with Gary T. Bringman Roofing, Inc., to rehabilitate a home owned by **Gloria Pearce**, at 1711 72nd Street Northwest, Bradenton, \$6,166.60.

RECORD S47-2351

**TRANSIT PASSENGER BEHAVIOR POLICY**

**R-00-267** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING A TRANSIT PASSENGER BEHAVIOR POLICY; DELEGATING AUTHORITY TO ENFORCE THE TRANSIT PASSENGER BEHAVIOR POLICY; PROVIDING A RIGHT TO APPEAL FOR ANYONE DIRECTED TO LEAVE A TRANSIT OR PARATRANSIT BUS OR BUS STOP AREA; AND PROVIDING FOR AN EFFECTIVE DATE.

RECORD S47-2352

**BUDGET AMENDMENTS****Property Appraiser** (B-00-040)

Transfer of Funds; Unanticipated Revenues  
Supporting Description and Detail Attached

RECORD S47-2353

**Project Management** (B-01-009)

Transfer of Funds; Unanticipated Revenues  
Supporting Description and Detail Attached

RECORD S47-2354

**SUPPLEMENTAL LAB SERVICES**

Approve, ratify and confirm the change of vendor's name for supplemental lab services on an as-required basis for Section D, Solid Waste, of IFB 99-1477AA (awarded 7/6/99) from Savannah Laboratories and Environmental Services, Inc., to Severn Trent Laboratories, Inc.

**INTERFUND LOAN - VEHICLE PURCHASES**

**R-00-272** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, AUTHORIZING AN INTERFUND LOAN FOR FINANCING FLEET ACQUISITIONS

(authorizing a short-term loan, not to exceed \$600,000, from the General Fund Balance to the Fleet Services Fund). RECORD S47-2355

**MATERIALS AND SERVICES**

1. **Ion Chromatograph System** - Purchase an IC500 Chromatography System from the State Negotiated Agreement Price Schedule (SNAPS) Number 4931819-1 from Zellweger Analytics, Lachat Instruments Division, not to exceed \$35,089.
2. **Mowers** - Sole source purchase of six replacement Toro Groundmaster Mowers from Wesco Turf, Inc., total of \$79,532.70.
3. **Trucks** - Purchase, via State contract, nine trucks from International Truck and Engine Corporation, total of \$553,104.

**UNIVERSITY PARKWAY/WHITFIELD AVENUE INTERSECTION**

Execution of Work Assignment 99-07 with Wade-Trim, Inc., for engineering services for the design of intersection improvements, not to exceed \$39,414.

RECORD S47-2356

**WARNER'S BAYOU EAST BRIDGE**

Execute Change Order 3 to Work Assignment 11 with Wade-Trim, Inc., for engineering services for design, survey and construction of replacement of Bridge 134014, increase of \$18,132 and adjusted total \$80,130.60.

RECORD S47-2357

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**LIBRARY STATE AID APPLICATION**

Execute FY 2000-01 Manatee County Public Library System Plan of Service and revised Library Long-Range Plan, to be included in the second part of the grant application (approved 9/5/00, R-00-199) to the Florida Department of State, Division of Library and Information Services under the State Aid to Libraries Program.

RECORD S47-2358

**FINAL PLAT****Water Oak, Unit One**

1. Final Plat;
2. Mortgagee's Joinder in Declaration Only with West Coast Guaranty Bank;
3. Agreement with Manatee Ventures, Inc., guaranteeing completion of required improvements, \$1,334,841.87;
4. Performance Bond: \$1,334,841.87 (Letter of Credit 1168, West Coast Guaranty Bank);
5. Agreement with Manatee Ventures, Inc., guaranteeing completion of required sidewalks and bikeways, \$69,137.07;
6. Performance Bond: \$69,137.07 (Letter of Credit 1166, West Coast Guaranty Bank);
7. Agreement with Manatee Ventures, Inc., guaranteeing required improvements and temporary construction easement for private improvements, \$337,510;
8. Performance Bond: \$337,510 (Letter of Credit 1169, West Coast Guaranty Bank);
9. Maintenance Agreement for Right of Way Island with Water Oak Homeowner's Association of Manatee County, Inc.; RECORD S47-2359
10. Declaration of Maintenance and Land Use Provisions of Water Oak.

**FEE WAIVERS**

1. Lake Royale Homeowners Association - Placement of two 20-yard roll-offs for the Lake Royale Homeowners Association Neighborhood Cleanup Event on November 18, 2000; waiver of appropriate service and tipping fees at the Landfill.
2. City of Anna Maria - Approve, ratify, and confirm waiver of tipping fees at the Landfill for roll-off bins for the City of Anna Maria Annual Fall Cleanup Event on November 4, 2000, or in the event of rain, November 11, 2000.

**RECLAIMED WATER AGREEMENT - BAY LAKE ESTATES ASSOCIATION, INC.**

Execute agreement with Bay Lake Estates Association, Inc., for the delivery and use of reclaimed water for five years, commencing with completion of reclaimed water line by Manatee County on 86th Street West, or January 1, 2002.

RECORD S47-2360

**UTILITY REFUNDS**

RAS Liquidating, Inc. - overpayment	\$ 25.05
Jean B. Zahm - overpayment	127.28
Rickey J. Cain - overpayment	794.13
Club Villas - pool leak adjustment	1,147.20

**TIME PAYMENT AGREEMENTS**

Execution of Time Payment Agreements for Facility and Investment Fees (FIFs), connection and line extension charges with:

Daniel E. Hurrel	RECORD S47-2361
Eldred C. and Margaret G. Wears	RECORD S47-2362
Cheryl D. Woolman	RECORD S47-2363
Howard M. and Virginia N. Hall	RECORD S47-2364
Joseph R. and Loretta S. Finneran	RECORD S47-2365

**DEEDS AND EASEMENTS**

1. 9th Street East - Quit Claim Deed from Robert Martin dba Martin's Fashion Cleaners in accordance with stipulated final judgement (9/26/00), in Circuit Court, Twelfth Judicial Circuit, for improvements to 9th Street East. RECORD S47-2366
2. 5821 24th Street East - Conservation Easement from Avon Cabinets; Affidavit of Ownership and Encumbrances; Joinder from Bank of America; Joinder from Wells Fargo Bank. RECORD S47-2367

(End Consent Agenda)

**LOCAL HOUSING ASSISTANCE PLAN**

Motion was made by Mrs. Stein and seconded by Mr. Harris to execute a contract for home renovations consistent with Resolution R-96-227 in the amount of \$4,488, located at 3623 7th Avenue West, Bradenton, owned by Nancy Hill, and to be completed by Kendar Homes, Inc. The motion carried 6 to 0, with Mr. McClash abstaining due to a conflict of interest.

RECORD S47-2368

AWARDS AND PROCLAMATIONSRetired Educators Day

Mr. McClash presented a Proclamation designating November 19, 2000, as **Retired Educators Day**, to Ed Ethridge.

Farm - City Week

Ralph Garrison and representatives of the agriculture industry accepted a Proclamation designating November 12-18, 2000, as **Farm - City Week**.

Distinguished Performance by County Commissioners

Mrs. Glass presented Mr. Stephens with an award for distinguished performance as Chairman in recognition of his dedicated leadership, contributions and commitment to serving Manatee County, Florida.

ASSISTANT COUNTY ATTORNEY

Mr. Williams introduced Assistant County Attorney Robert Eschenfelder.

STREET VACATION - WALKER ROAD

Public hearing (Notice in the *Bradenton Herald* 10/26/00) was held to consider

R-00-126-V A RESOLUTION ON APPLICATION BY IMC PHOSPHATES (FKA IMC-AGRICO COMPANY) IN CONJUNCTION WITH FP ONE CORPORATION AND FP TWO CORPORATION VACATING A PORTION OF WALKER ROAD.

Bob Smith, Land Acquisition, displayed a map of the road from Duette Road on the south to S.R. 62 on the north. The road divides properties owned by the applicant and only serves parcels of the applicant.

Patricia McVoy, Assistant County Attorney, stated the statute on vacating any road does not speak to the ownership. It provides that upon vacation the property vests in the prior owners.

**Jim Dye**, attorney for the applicant, stated Walker Road was dedicated through public use as a wagon road. There is no document which indicates the state or county had fee title, which is the basis for opinion that the dedication is informal through long-time use.

**Dee Allen**, agent for the applicant, showed an aerial map of Walker Road and photographs of the gated north end of Walker Road, the one-lane road and the shelled road at the entrance to the caretaker's house.

**Patricia Petruff**, attorney for the applicant, stated that Mining Ordinance 81-22 contains a 200-foot setback from public rights-of-way and reduction standard criteria approved by the phosphate mining coordinator. The internal mining boundary is the east side of Walker Road right-of-way. The applicant is asking for vacation as the road serves only properties owned by the applicant.

Jim Staples, Land Acquisition, stated staff had no objections.

Tedd Williams, County Attorney, stated the County does not own the fee to the property. He recommended against extraction of right-of-way.

Based on comments of the County Attorney, staff review that there is no reasonable use at this time and the public does not use it and staff supports the vacation, Mr. Stephens moved to adopt R-00-126-V. The motion was seconded by Mr. Harris and carried 5 to 2, with Mr. McClash and Mrs. Stein voting nay. RECORD S47-2369

LAW ENFORCEMENT BLOCK GRANT PROGRAM

Public hearing (Notice in the *Bradenton Herald* 10/25/00) was held to consider application of \$436,446 of federal funds, and \$48,494 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, 2000, and ending September 30, 2002 (supported by R-00-225 adopted 9/5/00).

Motion was made by Mrs. Glass, seconded by Mr. Harris and carried 7 to 0, to approve the proposed use of the funds.

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(Continued)

**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Public hearing (Notice in the *Bradenton Herald* 10/30/00 and 11/6/00) was held to consider

**R-00-261** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO **WEST COAST-SOUTHERN MEDICAL SERVICE INC.** FOR THE PROVISION OF ADVANCED LIFE SUPPORT SERVICE; SETTING FORTH CERTAIN LIMITATIONS; REQUIRING COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS; ESTABLISHING ADDITIONAL CONDITIONS; AND PROVIDING FOR THE DURATION OF CERTIFICATE.

The County Attorney submitted a memorandum referring to Ordinance 91-73 regarding the steps to be followed on an application for a Certificate of Public Convenience and Necessity.

Motion was made by Mrs. Glass, seconded by Mr. Harris and carried 7 to 0, to adopt R-00-261. RECORD S47-2370

**CITIZEN'S COMMENTS****Telecommunications Tower - 7225 North Lockwood Ridge Road**

**James Harwick**, representing the Villages of Palm-Aire, and **Herbert Quinn**, representing Palm-Aire Community Council, requested a report regarding the intent by Nextel to erect a telecommunications tower at 7225 N. Lockwood Ridge Road.

**Disposition:** Place on the agenda as soon as possible.

**PALMETTO YOUTH CENTER**

Karen Stewart, Children's Services Division, reported on County-funded programs at Palmetto Youth Center, which has an annual operating budget of \$424,890 with 14 paid staff. Programs include Little League, drug awareness, after school programs, and summer camps. County-funded programs for Fiscal Year 2000-01 totaled \$191,912.

Fred Loveland, Community Services Director, stated the Center is a private organization; therefore, a more intense audit can be performed only if the center invites the County to do so. The monthly funding is based on attendance during specified hours of operations.

**Discussion:** Property is owned by the County; monthly quality content of program; attendance is up to plan; review from United Way and Children's Services; training; letter for ability to obtain audit services; valuable service to community; unscheduled visits; etc.

**Rev. Lorenzo Thomas** recommended standards at the center be raised and expressed concerns regarding its operations.

**Ed Price, B. C. Pratt, Ed Dick, Betty Rhodes, Coach Eddy Shannon, Robert Jones, and Delores Simmons** spoke in favor of the manner in which the youth center is operated and commended the leadership of Director Seymour Sailes.

**Alex Harper, Jr.**, President of the Palmetto Youth Center Board, stated the books are open to all entities which provide funding, and the Board has an independent certified accountant.

**Steve Wicker**, accountant for the center, stated there is a monthly financial statement and the audit report will be released next week.

**Discussion:** Community will challenge leaders to make it better; more needs than dollars; county funds certain programs; more after-hours activities for over 12 years; middle school program; etc.

**Recess/Reconvene.** All members present.

**BEACH RENOURISHMENT PROJECT**

Jim Seuffert, Financial Management Director, requested authorization to seek financing through the Florida Association of Counties Commercial Paper Loan Program for the Manatee County beach renourishment project, which is scheduled to begin construction in the first part of 2001. Total project costs are estimated to be \$9.7 million, with \$5 million funded by the United States Army Corps of Engineers, \$2.7 million by the State of Florida, and \$2 million as the local share.

Motion was made by Mrs. Glass, seconded by Mr. Harris and carried 7 to 0, to approve the request.

**NATALIE WAY**

Janet McAfee, Project Management Director, requested (memo 11/8/00) execution of a reimbursement agreement with the Reserve of Braden River Associates for non-creditable costs for the installation of a traffic signal at the intersection of Natalie Way and S.R. 70 and extension of Natalie Way to the north and west (total \$820,214.58: \$207,262 by Reserve; \$612,952.58 by the County).

Jim Schlemann, Westwind Mobile Home Park, spoke in favor.

Motion was made by Mr. McClash, seconded by Mrs. Glass and carried 7 to 0, to execute the agreement.

RECORD S47-2371

**COMMISSIONERS' COMMENTS**

**Samoset Elementary School: Sidewalks**

Mr. Bruce gave the pedestrian plans from the School Board for Samoset Elementary School to Mr. Padgett and requested work on the sidewalk issue in the area.

**Traffic Counters**

Mr. McClash reported that the Metropolitan Planning Organization recently gave a presentation on computer-monitored traffic counters, which are being used in Sarasota County. He requested the matter be placed on the agenda for traffic counters to be used by Manatee County.

**75th Street**

Mr. McClash requested a resolution on a wall or hedge on 75th Street after the road construction is done.

**Travel Authorization**

Mr. Stephens questioned whether he needed authority from the Board to travel to Tallahassee Friday or Monday. He was informed that his travel authorization was still in effect.

**Appreciation**

Mr. Stephens expressed his appreciation for the opportunity to serve as Chairman and wished the Board continued success.

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

*[Handwritten signature]*

Clerk

*[Handwritten signature]*  
Chairman



Adj: 11:43 a.m.  
/tb

Minutes approved: 2/20/01