

OCTOBER 6, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, October 6, 1998, at 9:07 a.m.

Present were Commissioners:

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

Absent were:

Stan Stephens and Lari Ann Harris
(Both attending the American Association of Port Authorities Convention, Houston, Texas.)

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

AGENDA DEFERRALS

Ernie Padgett, County Administrator, noted that appointments to the **Planning Commission** would be deferred for a full Board.

CONSENT AGENDA

Motion was made by Ms. Brown, seconded by Mr. McClash and carried 5 to 0, to approve the Consent Agenda for October 6, 1998, with the following changes:

Computer Consulting Services with Cathy H. Lastinger - Deferred;
Euromach Walking Excavators- Purchase from Globe Trailers - Deferred;
60th Avenue East (Ellenton) Road Project - Deferred;
Annual Travel for FY 1998/1999 - Separate action.

Items APPROVED:

CLERK OF CIRCUIT COURT

BONDS

Accept:

Sheriff's Public Employees and Deputy Sheriffs Blanket Bonds
(17 Additions; 12 Deletions) RECORD S46-1158

Winn Dixie - PDC-96-04(Z)(G)(F)(R)

1. Agreement with Rodda Construction, Inc., guaranteeing completion of required improvements, \$213,604.30.
2. Performance Bond: \$213,604.30 (Surety Bond PRF08107088, Fidelity and Deposit Company of Maryland).

301 Park of Commerce North

1. Agreement with Dan S. Blalock, Jr., Trustee, warranting required improvements, \$33,772.22.
2. Defect Security: \$33,772.22 (Letter of Credit 894270-2, First National Bank of Manatee)

Release:

301 Park of Commerce North

1. Agreement with Dan S. Blalock, as Trustee Under Agreement Dated May 10, 1988, guaranteeing required improvements, \$301,639.
2. Performance Bond: \$301,639 (Letter of Credit 791021-1, First National Bank of Manatee)

Sarabay Lake Subdivision

1. Agreement with Fox Chase Homes, Inc., guaranteeing completion of required sidewalks and bikeways, \$19,668.
2. Performance Bond: \$9,753.90 (Letter of Credit 97-11-06, First National Bank of Manatee)

RaceTrac Convenience Store

1. Agreement with RaceTrac Petroleum Inc., guaranteeing completion of required improvements, \$566.
2. Performance Bond: \$566. (Cashier's Checks 13081, \$400, and 91551, \$166, from Sunshine State Federal Savings)

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(Continued)

Cypress Banks, Phase I/Summerfield Village (Upper Manatee River Road)

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$6,475.95 (final lift asphalt).
2. Defect Security: \$6,475.95 (Surety Bond 30684300, Fidelity and Deposit Company of Maryland)

BILLS FOR PAYMENT

Municipal Code Corp. - Code of Laws (Supplement 40) \$1,577.38

REFUNDS

Piccadilly Cafeteria - Rebate sewer charges/AC meter 6,878.01

The Sembler Company - Building Permit Fees 1,975.00

WARRANT LIST

Approve: September 22, 1998 to October 5, 1998

Authorize: October 6, 1998 to October 19, 1998

MINUTES FOR APPROVAL

July 28 and August 4 and 11, 1998

AUTHORIZE CHAIRMAN TO SIGN

Taylor Grade Road - Agreement with Sarasota Land Services, Inc., for paving (from Bunker Hill to County Line Roads), \$1,062,919.80; date performance/payment bonds; accept insurance certificate (approved 9/15/98). **RECORD S46-1159**

Satisfactions of Judgment:

Paul Stout, Cases 97-4485M, 4489M, 4496M 4497M, and 4498M

Christopher G. Sanders, Case 98-2334M

Paul J. Stout, Cases 97-3257M and 4485M

David Carr, Case 96-1586F

Michael Couran, Case 98-1037M

Victor Field, Case 97-3347F

Partial Release of Special Improvement Assessment Liens:

Projects 3009/5147(2); 5069; 3106/5144; 5031(2); 5144; 5147(3); 5155

Terra Ceia Bay Overlook Trail at Emerson Point - Drug-Free Workplace Requirements Certificate and Civil Rights Assurance (authorized 8/18/98)

APPROVE, RATIFY & CONFIRM**Parks & Recreation Special Interest Class Agreement:**

Marian Jacobs - Bridge

RECORD S46-1160**ACCEPT**

Peace River/Manasota Regional Water Supply Authority - Authority's Final Budget for FY 98-99 and Resolution Setting Forth Schedule(s) Fixing and Classifying Rates, Fees and Charges for Treated Water for FY 98-99.

Southern Manatee Fire & Rescue District - 1998-99 Fiscal Year Budget

Ordinance 98-41 - Corrected (scrivener's error) page 5 (adopted 9/1/98) **RECORD S46-1161**

Cedar Hammock Fire Control District - 1998-99 Fiscal Year Budget**Manatee County Mosquito Control District** - Resolutions adopting

FY 1998-99 millage and budget; Certified Budget for Arthropod Control.

COUNTY ADMINISTRATOR**MANATEE COUNTY FAIR**

Execute License Agreement with Manatee River Fair Association for two exhibit spaces (Ayers Building 206 and 208) at the 1999 Manatee County Fair (January 21-30, 1999), \$525, plus Performance Deposit of \$100. **RECORD S46-1162**

INDIGENT APPEALS - PRIVATE COUNSEL

Decline **Tenth Circuit Public Defender** J. Marion Moorman's suggestion (8/19/98 letter) that, absent continued state funding, the County contribute to his office a proportionate share of the cost of distributing excess indigent appeals to private counsel.

RALSUN CORP. - BANKRUPTCY SETTLEMENT

Accept offer by Ralsun Corporation to compromise and settle County's claim in U.S. Bankruptcy Court Case 97-02406-8G7 for \$66,000, and authorize the County Attorney, or designee, to execute any documents necessary to effectuate the settlement.

STATE ROAD 70 ROAD PROJECT - EMINENT DOMAIN

1. Approve settlement with Marshall's Braden River Mobile Home Park, Inc., for payment of \$610,000 for the taking of Parcel 2515/109, and payment to landowner's attorney of \$120,775 for attorney's fees, in the eminent domain matter of Manatee County versus Marshall's Braden River Mobile Home Park, Inc., Case CA-95-4541.

2. Approve settlement with John J. Nevins for payment in the amount of \$275,000, including statutory interest, but excluding attorney's fees, costs and expenses, for the taking of Parcel 2512/109, in the eminent domain matter of Manatee County vs. John J. Nevins, et al, Case CA-95-4342.

ARTIFICIAL REEF PROGRAM

(1) Authorize submission of Artificial Reef Joint Environmental Resource Permit Applications (inshore and offshore) to Florida Department of Environmental Protection for participation in a grant funded reef construction/monitoring program; (2) authorize Chairman to execute all related documents; and (3) authorize payment of necessary fees (\$200) associated with such permits.

RECORD S46-1163
S46-1164

LEFFIS KEY RESTORATION PHASE II

Accept contribution of \$3,446.25 from Norman Durant, in lieu of wetland mitigation, as requested by Florida Department of Environmental Regulation under Permit 41-0128543-001, to be used exclusively for environmental restoration and enhancement of Leffis Key Phase II.

ARTICLE V - CONSTITUTIONAL REVISION 7

R-98-249 A RESOLUTION OF MANATEE COUNTY, FLORIDA, SUPPLEMENTING RESOLUTION R-98-95 REGARDING AN AMENDMENT TO THE FLORIDA CONSTITUTION THAT WOULD RELIEVE COUNTY TAXPAYERS AND RESIDENTS OF THE BURDEN OF PAYING FOR THE STATE COURT SYSTEM AND SHIFT THE BURDEN TO THE STATE (HEREINAFTER REFERRED TO AS REVISION 7); AUTHORIZING THE USE OF COUNTY RESOURCES TO PROVIDE INFORMATION TO THE PUBLIC REGARDING REVISION 7 AND ENCOURAGING VOTERS TO VOTE FOR REVISION 7.

RECORD S46-1165

BUDGET AMENDMENT RESOLUTION**VARIOUS DEPARTMENTS**

(B-98-068)

Transfer of Funds; Unanticipated Revenue Appropriations (supporting description and detail attached)

RECORD S46-1166

TAX ROLL EXTENSION

Authorize the Chairman to sign a letter to Ken Burton, Tax Collector, confirming Board approval to extend the tax roll prior to completion of the Value Adjustment Board hearings.

AUCTIONEERING SERVICES

Execute Addendum 1 to agreement (11/7/95) with Tampa Machinery Auction, Inc., for professional auctioneering services for the sale of surplus vehicles, equipment and other personal property for an additional year (11/7/98-11/6/99).

RECORD S46-1167

AUDIO AND VIDEO CONSULTING SERVICES

Execute Addendum I with Professional Communications Systems, to extend agreement (11/18/97) for a period of one year, on an as-required basis, and to increase the agreement labor rates (11/18/98-11/17/99).

RECORD S46-1168

MATERIALS AND SERVICES

1. **Soccer Field Lighting - Braden River Complex** - Award IFB 98-7205MP to the lowest responsive, responsible bidder meeting specifications, Cobble-Stone Electric, Inc., \$68,100.
 2. **Gillig Bus Repair Parts** - Sole source purchase from Gillig Corporation, estimated annual total of \$75,000.
 3. **Chlorine Contact Chamber - Southeast Regional Water Treatment Plant** - Award IFB 98-6958DC to lowest responsive, responsible bidder meeting specifications, Westra Construction Corporation, \$893,500; and authorize subsequent execution of contract, date performance and payment bonds, and accept insurance certificate.
 4. **Security Guard Services** - Award Bid 98-6862AA to the lowest responsive, responsible bidder meeting specifications, National Building Maintenance, Inc., \$59,360 (Administrative Center, Parking Garage, Courthouse and Central Library).
 5. **Recycled Stock Computer Forms** - Purchase via State Contract 645-260-97-1 from Xpedx, an International Paper Co., on an as-required basis, estimated annual total of \$42,187.20.
 6. **Xerox Docutech Maintenance Service and Supplies** - Sole source purchase from Xerox Corporation, estimated annual total of \$90,000.
 7. **Emergency Generator Shelters** - Award IFB 98-4081DC to the lowest responsive, responsible bidder meeting specifications, O'Dell, Hall & Associates, Inc., d/b/a Walrus Construction, \$198,605.54; and authorize subsequent execution of contract, date performance and payment bonds, and accept insurance certificate.
- (NOTE: Further action later in the meeting.)

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(Continued)

8. **Traffic Signals - Erie Road (69th Street East and Ellenton Gillette Road** - Award IFB 98-7157DC to the lowest responsive, responsible bidder meeting specifications, American Lighting & Signalization, Inc., \$36,564.

SURPLUS PROPERTY

Classify **excess property** as surplus property per Florida Statute 274.05 to enable appropriate and authorized disposition in accordance with Procurement Code 84-02, Section 8.108; and authorize disposal of property.

RECORD S46-1169

HOUSEHOLD HAZARDOUS WASTE COLLECTION AND DISPOSAL

Execute Addendum 1 to agreement (5/6/97) with Safety-Kleen Corp., to affect a name change (**from** Laidlaw Environmental Services, Inc.), and to allow for collection and disposal of additional hazardous waste (lead solder/debris).

RECORD S46-1170

GROUP LIFE INSURANCE

Enter into negotiations with the top-ranked firm, Standard Insurance Company (Cloud Insurance Agency), to provide group life insurance programs for all employees, their spouses and children and qualified retirees of Manatee County Government and Constitutional Officers; authorize subsequent execution of application for Group Insurance; **and** accept executed application.

RECORD S46-1171

MEDICAL CLAIMS ADMINISTRATION

Execute Amendment 2 to Employee Health Benefits Plan Third Party Administrator Agreement (1/14/97) with Robey-Barber Insurance Services Corporation, providing for (1) professional medical claims administration and customer service management for County's self-funded health insurance programs, (2) administrative savings, and (3) an additional three years (1/1/00-12/31/02).

RECORD S46-1172

NURSELINE TELEPHONE SERVICES

Execute Addendum 1 to agreement (4/29/97) with United HealthCare Services, Inc., providing for a medical self-care, 24-hour toll free "800" nurseline phone service as part of the County's Freedom of Choice Health Insurance program, for an additional one year (8/1/98-7/31/99).

RECORD S46-1173

SEWER LINE REHABILITATION

Execute Work Assignment 6 with Insituform Southeast, Inc., for sanitary sewer line rehabilitation for the **Key Royale** area (System 9), not to exceed \$152,414.

RECORD S46-1174

WATER AND SEWER LINE REHABILITATION

Execute Work Assignment WW-12 with Post, Buckley, Schuh and Jernigan, Inc., for engineering/architectural services for a design report, design, permitting, and construction services to construct the Trailer Estates Water and Sewer Pilot Project, not to exceed \$90,623.

RECORD S46-1175

DONATIONS

Parks and Recreation Department to accept donations in accordance with provisions of Ordinance 86-05 and procedures established by the County Administrator's office:

1. **County Nursery** - 1,000 tree seedlings and 1,000 two-gallon containers, \$3,000 value, from the Summer Lake Nature Center (f/k/a Wakeland Elementary Environmental Center), for future plantings in area parks and lands.
2. **Braden River Park** - Bleachers, benches and awnings, \$20,425 value, from Braden River Little League.
3. **Parks Maintenance Division** - Garden and landscape materials, \$200 value, from Wal-Mart Garden Center at University Parkway.
3. **G. T. Bray Park Nautilus Gym** - Exercise equipment, \$1,794 value, from Manatee Memorial Hospital.
5. **Parks and Recreation Summer Camp Night** - Four complimentary tickets to Busch Gardens, \$168 value, and two complimentary tickets to Adventure Island, \$48 value, from Anheuser Busch.

COUNTY NURSERY - TREE REMOVAL

Parks and Recreation Department to allow the Palma Sola Botanical Park Foundation to clear one quarter acre of land at the County Nursery for **placement of the Baden House**, with the arrangement the Foundation will utilize the services of a private contractor to take certain surplus plants as payment for services rendered.

SUMMER GOLF RATES

Parks and Recreation Department to extend Summer Golf Rates to October 31, 1998, for **Buffalo Creek Golf Course** and **Manatee County Golf Course**.

PARKS AND RECREATION - SPECIAL EVENTS

1. **Arts and Crafts Festivals** - Sunset Boulevard Promotions to conduct festivals at **G. T. Bray Park** (11/28-29/98) and **Coquina Beach** (3/27-28/99); Certificates of Insurance provided.
2. **United Way Golf Tournament** - Parks and Recreation Department to provide individual tournament rate of \$19.50 for the tournament at **Buffalo Creek Golf Course** 10/17/98 (rain date 10/24/98).

IMPACT FEE CREDIT

1. Credit Authorization CA-98-04(T) for Craig Copeman-Bryan Holding Corporation (Shoppes on Memory Lane).
2. Final Authorization of Transportation Credit for Craig Copeman-Bryan Holding Corporation, CA-98-04(T) for eligible right-of-way dedication on 5th Street East (Shoppes on Memory Lane), \$27,237.83. RECORD S46-1176
S46-1177

IMPACT FEE AGREEMENT

Execute Impact Fee Agreement FA-98-01 with DRP Company of Alabama, Inc., establishing impact fees for the Sherwin-Williams Paint Store (Lots 12 and 13 Campbell Commercial Subdivision, FSP-98-63) from Independent Impact Analysis study. RECORD S46-1178

FINAL PLAT - ASCOT SUBDIVISION

1. Final Plat
2. Declaration of Restrictions for Ascot
3. List of Holdings
4. Fiscal and Budgetary Information
5. Maintenance Program
6. Notice to Buyers
7. Agreement with Channel Holdings Group to defer completion of required sidewalks for private subdivisions. RECORD S46-1179

FINAL PLAT - FARRELL ACRES

1. Final Plat
2. Mortgagee's Joinder in Declaration Only from Century Bank, FSB
3. Conservation Easement from Gary J. and Donna S. Farrell

FINAL PLAT - KINGSFIELD PHASE I SUBDIVISION

1. Final Plat
2. Agreement with Centex Homes guaranteeing completion of required improvements, \$920,108.93.
3. Performance Bond: \$920,108.93 (Surety Bond 5944014, Safety Insurance Company of America)
4. Agreement with Centex Homes guaranteeing completion of required sidewalks and bikeways, \$38,854.00.
5. Performance Bond: \$38,854.00 (Surety Bond 5944015, Safeco Insurance Company of America)
6. Maintenance agreement for paver brick with Kingsfield Homeowners' Association, Inc. RECORD S46-1180
7. Maintenance agreement for right-of-way island with Kingsfield Homeowners' Association, Inc. RECORD S46-1181
8. Agreement for installation of private improvements in subdivisions, subsequent to final subdivision plat approval with Centex Homes. RECORD S46-1182
9. Temporary drainage/stormwater easement and agreement from Centex Homes and George H., Deloris A., and William M. Foy
10. Declaration of Covenants, Conditions and Restrictions for Kingsfield, Phase I

PANTHER RIDGE - LOCAL DEVELOPMENT AGREEMENT

Authorize deferral of Section 3 of Panther Ridge Development Agreement (LDA-98-01, 5/26/98), subject to a hold on building permits until the property is replatted.

SABAL HARBOUR, PHASE I - SANITARY SEWER PROJECT

Execute Participation Agreement with Pulte Home Corporation for design and installation of an oversized sanitary sewer system and necessary facilities and appurtenances at Sabal Harbour, Phase I, \$53,230.50. RECORD S46-1183

MANATEE RIVER GAGING PROJECT

Execute Joint Funding Agreement with U.S. Geological Survey (USGS), U.S. Department of the Interior for 1998/1999 Water Resources Data Collection and Investigations (10/1/98-9/30/99), \$9,100 (\$7,400 contribution from USGS). RECORD S46-1184

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(Continued)

SOLID WASTE RATE SCHEDULE

Advertise public hearing for October 20, 1998, 9:00 a.m., or as soon thereafter as same may be heard, to amend the solid waste rate resolution to reflect a change in the consumer price index.

TIME PAYMENT AGREEMENTS

S46-1185 Time Payment Agreements for water/sewer facility investment fees,
 S46-1186 connection fees, and line extension charges with Frank M. Almeda;
 S46-1187 Kit S. and Barbara F. Cameron; Daniel A. and Scarlett Catlett;
 S46-1188 Salvador Centeno, and Federico and Teresa C. Pena; Robert G. and
 S46-1189 Doris E. Cooper; Cesar A. and Valerie A. Diaz; Seley Poudrier and
 S46-1190 Richard F. and Virginia A. Miller; Willie, Jr. and
 S46-1191 Lelia Mitchell; and Michael D. and Peggy F. Monteith. RECORD S46-1192
 S46-1193

ORDINANCE 98-44: NO THROUGH TRUCKS

Set public hearing on October 20, 1998, to consider Ordinance 98-44 to regulate the travel of certain through traffic on streets located in **Braden Woods Subdivision** and **The Trails Subdivision**.

STREET VACATION: REGENCY PARK AND ST. JAMES PARK

R-98-147-V A RESOLUTION DECLARING PUBLIC HEARING ON NOVEMBER 17, 1998, AT 9:00 A.M., OR AS SOON THEREAFTER AS POSSIBLE, ON APPLICATION BY **WOODLANDS COUNTRY CLUB ASSOCIATES, A FLORIDA GENERAL PARTNERSHIP**, TO VACATE ABUTTING PORTIONS OF **REGENTS PARK** AND **ST. JAMES PARK** SUBDIVISION PLATS. RECORD S46-1194

STREET VACATION: RIVERDALE REVISED

R-98-170-V A RESOLUTION DECLARING PUBLIC HEARING ON NOVEMBER 17, 1998, AT 9:00 A.M., OR AS SOON THEREAFTER AS POSSIBLE, ON APPLICATION BY **CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP, AND CENTEX DEVELOPMENT, L.P., A DELAWARE LIMITED PARTNERSHIP** TO VACATE A PORTION OF THE **RIVERDALE REVISED SUBDIVISION PLAT**, AND FIVE SIDE-LOT UTILITY EASEMENTS, WITH SIMULTANEOUS REPLAT OF RIVER POINT, PHASE II. RECORD S46-1195

BUDGET AMENDMENT RESOLUTION**VARIOUS DEPARTMENTS** (B-98-069)

Transfer of Funds; Unanticipated Revenue Appropriations (supporting description and detail attached). RECORD S46-1196

(End Consent Agenda)

AWARDS/PRESENTATIONS/PROCLAMATIONS**Employee of the Month**

Elizabeth Jones, Public Safety Department, was presented the October 1998 Employee of the Month award for outstanding performance and dedicated service.

The Bradenton Blades

Motion was made by Mr. Bruce, seconded by Mr. McClash and carried 5 to 0, to adopt a Proclamation recognizing the **Bradenton Blades**, a traveling hockey team affiliated with the Police Athletic League (PAL), for its outstanding season with the 14-year-old and under team, placing first in the Florida Cup. RECORD S46-1197

The hockey team was present to accept the Proclamation.

National Child Health Month

Motion was made by Ms. Brown, seconded by Mr. McClash and carried 5 to 0, to adopt a Proclamation designating October 1998 as **National Child Health Month**. RECORD S46-1198

Florida Women in Government Award

Bonnie Belford, President of Florida Women in Government, Inc., and Gale Adams, Past President, presented Board members with tokens of appreciation for sponsoring the Florida Women in Government, Inc., annual state conference held in Sarasota, Florida.

Honeycomb Company of America

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried 5 to 0, to adopt a Proclamation recognizing **Honeycomb Company of America Inc.** of Manatee County for significant achievement in helping to protect citizens through the practice of alternative methods to reduce hazardous emissions into the environment. RECORD S46-1199

Dan Gordon Judge, Sr., founder of the business, and his Board of Directors, were present to accept the Proclamation.

Colonel Jessie Stone of the Defense Department commended the company for its accomplishments.

Salvation Army Day

Motion was made by Mr. McClash, seconded by Mr. Bruce and carried 5 to 0, to adopt a Proclamation designating October 16, 1998, as Salvation Army Day, in recognition of its 75 years of service.

RECORD S46-1200

Major Allen Saderly, Commander Officer of the Salvation Army of Bradenton, stated the Salvation Army will be reenacting its beginning on October 16, 1998, on the courthouse steps, and a plaque will be unveiled at its first building located on Old Main Street.

Crime Prevention Month

Motion was made by Mrs. Stein, seconded by Mr. McClash and carried 5 to 0, to adopt a Proclamation designating October 1998 as Crime Prevention Month.

RECORD S46-1201

Major Brad Steube, Manatee Sheriff's Office, accepted the Proclamation.

Employee Suggestion Awards

A Certificate of Appreciation was presented to Scott Adams, Field Service Specialist, Public Works, for his suggestion to use debit and credit card processing to pay water bills by using card readers and electronic payment processing.

A Certificate of Appreciation was presented to Paul Tucker, Equipment Foreman, Transportation, for his suggestion to require training and certifications for lift-crane truck operators in the operation of mobile cranes.

CODE ENFORCEMENT BOARD AND NUISANCE ABATEMENT BOARD

Code Enforcement Board

Karen Windon, Public Safety Director, stated the terms of J. Michael Faarup, Robert B. Whitehead, and Reed Mapes will expire for the Code Enforcement Board on October 14, 1998. Five individuals applied; however, the three incumbents seek reappointment.

Motion

Motion was made by Mr. McClash to reappoint the three incumbents. Motion was seconded by Ms. Brown.

Nominations

George Perselay - by Mr. Bruce

Motion Restated

Inasmuch as Mr. Perselay received only one vote, Mr. McClash restated the motion to reappoint the three incumbents to the Code Enforcement Board. Motion was seconded by Ms. Brown and carried 5 to 0.

Nuisance Abatement Board

Ms. Windon stated the terms of John Reiter, Robert Taylor, Kevin Lottes, and Wayne McCammon expired in July 1998. Mr. Reiter seeks reappointment. Four other individuals applied.

Discussion: Board has not been active; members have not had opportunity to serve; incentive for new members, etc.

Nominations

John Reiter	- by Mrs. Stein
Remonia J. Lewis	- Ms. Brown
Donald Lee Courtney	- Mr. Bruce
Ronnie L. Perkins	- Mr. McClash

Motion was made by Ms. Brown, to close the nominations and cast a unanimous ballot for the four individuals. Motion was seconded by Mrs. Stein and carried 5 to 0.

Recess/Reconvene. All members present except Mrs. Harris and Mr. Stephens.

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(Continued).

CITIZENS' COMMENTS

One-Cent Sales Surtax - William Wheeler requested assurance that a portion of funds collected from the one-cent sales tax will be dedicated to a Judicial Center (if the referendum passes).

59th Avenue Drive West Drainage Ditch - Ed Large stated the drainage ditch on 59th Avenue Drive West, from 8th Street West to 12th Street West, needs to be cleaned.

Disposition: Staff to return with a report.

BID PROTEST - EMERGENCY GENERATOR SHELTERS

Jeff Chartier, Chartier Development Corp., questioned the award of IFB 98-4081DC for emergency generator shelters to O'Dell, Hall & Associates, Inc. (approved on the Consent Agenda). He said he qualified as the lowest bidder and would like an opportunity to provide the service.

Discussion: Board has already taken action; Procurement Code outlines the procedures to file a protest, etc.

Following discussion, Mr. McClash moved reconsideration of the item regarding the award of IFB 98-4081DC. Motion was seconded by Mrs. Stein. Motion carried 5 to 0.

Mr. Padgett advised that staff will report later in the meeting.

CITIZENS' COMMENTS (Continued)

Lockwood Ridge Road Project - Herbert Quinn, representing Palm Aire Community Action Committee, questioned the status of the extension of Lockwood Ridge Road from University Parkway to State Road 70.

(Depart Mrs. Stein)

Disposition: Mr. Padgett stated staff will provide a status report.

Braden Woods Subdivision - Truck Traffic - Dick Sulick, President of Braden Woods Homeowners' Association, stated support of Ordinance 98-44 regarding no-through trucks in Braden Wood Subdivision.

Hurricane Georges - Harry Wright commended Emergency Management staff for the services provided during Hurricane Georges.

P.S. BEACH ASSOCIATES, INC.

Ernie Padgett, County Administrator, stated that P.S. Beach Associates, Inc., concessionaire for Coquina and Manatee Beaches, has requested several payment schedules for past due rents. As of September 30, 1998, the arrears, without interest, were \$52,900.50.

P.S. Beach forwarded a letter (8/19/98) to Dan Hopkins, Parks and Recreation Director, requesting: (1) termination of contract; (2) permission to continue operations until June 4, 1999; (3) waiver of interest of past debt for July, August, and September 1998; and (4) a rental fee of 6 percent of gross monthly income, averaged over the past five years.

Mr. Padgett recommended drawing on licensee's Letter of Credit S512484 (2/14/95) in the full amount of \$25,000 to offset the \$52,900.50 owed to the County, and to terminate the beach concession contract.

Discussion: October rent is due, bringing outstanding amount to \$69,431; Procurement Code requirements; Board cannot modify the contract, but can work out an arrangement.

Dan Hopkins, Parks and Recreation Director, advised staff has been working with P.S. Beach to find a solution within the confines of the contract and the Procurement Code.

Patricia McVoy, Assistant County Attorney, responded (memorandum 7/31/98) to compliance requirements for termination according to the contract (Section 10.4), the proposed amendment to payment terms of the contract, and recommendations with respect to matters to be included in a potential rebid and subsequent Request for Proposals (RFP) according to the Procurement Code. She stated there is concern as to debarment and default of contract provisions in the Procurement Code.

Discussion: P.S. Beach bills continue to accrue; rent amount is not subject to negotiation; what type of operation could function in the interim while the services are re-bid; selecting another vendor requires the RFP process; process could take 30 to 60 days, etc.

Rob Cuthbert, Purchasing Director, stated several adjustments have occurred throughout the contract term.

Discussion: Desire not to terminate the lease or present level of service; review expenses and revenues; P.S. Beach could consider an increase in prices to cover the rent payment; staff review expenses and revenues; concern of creating additional debt, etc.

Dee Percifield, President of P.S. Beach Associates, Inc., requested the Board terminate the existing contract due to continuing financial hardship. She reviewed the proposal for continued services during the interim period, as outlined in her letter (8/19/98).

Cliff Walters, attorney for P.S. Beach, requested the Board work out an arrangement with P.S. Beach to settle the outstanding debt.

Mr. Padgett referenced a letter dated October 1, 1998, from P.S. Beach requesting permission to continue operating during the rebidding process and proposing a payment schedule for the rent in arrears.

Disposition: Staff to work with P.S. Beach Associates, Inc., to assess revenues and expenditures; develop business plan that includes a repayment of the funds; bring the issue back on October 20, 1998, with recommendations on what the County can do legally, action regarding Letter of Credit, time of termination, and length of interim period.

ZONING

Public hearing (continued from 9/22/98) was opened to consider

PDC-87-01(P)(R2) HEARTLAND SARASOTA-BRADENTON LTD. PARTNERSHIP (CONTINUED TO 11/17/98, AT 5:00 P.M.)

Request: Approval to amend stipulations of approved Preliminary Site Plan PDC-87-01(P)(R) [approved 5/23/96] for the Braden Wood Plaza to include: Stipulations 1 and 3, which address the buffer along the southern property line; 25 and 26, which address allowable uses and intensity of Out Parcels 1 and 2; 27, which addresses the location of any future grocery store on the site; and the addition of Stipulation 28, which incorporates the approved Design Guidelines and other conditions of the May 5, 1998, Settlement Agreement; on 28.34 acres located on the south side of State Road 70, ½ mile east of I-75.

If approved, staff recommends APPROVAL of Revised Preliminary Site Plan with Stipulations 1 through 28, amending Stipulations 1, 3, 25, 26, and 27, and adding Stipulation 28. RECORD ~~S46-1203~~

The Applicant proposed amended Stipulations 25 and 26 to regulate the use and intensity for Out Parcels 1 and 2. RECORD S46-1204

Norm Luppino, Planning Department, stated the request is to amend the Stipulations of the Braden Woods Shopping Center (approved 5/23/96), including several out parcels abutting State Road 70. A Revised General Development Plan/Preliminary Site Plan was displayed.

He addressed the amended and additional Stipulations and recommended the reference to a 20-foot-wide landscape buffer in the first line of Stipulation 1 be changed to 40-foot.

Discussion: Differences between staff's proposals and changes requested by Braden Woods Homeowners' Association; in May 1996, the Homeowners' Association had concerns of compatibility, intensity of use, hours of operation, and size of the gas station; the requested increase does not serve the best interests of the community.

Steve Thompson, attorney representing Hess Oil Company (owner of Out Parcel 2), requested continuation for a full Board.

On behalf of the Braden Woods Homeowners' Association, staff submitted the following documents, as prepared by Wilhelmina McFee, Braden Woods Board of Directors: (1) An alternate staff report with alternative

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(Continued)

Stipulation 28 and new Stipulation 29; (2) letter (10/6/98) requesting a new stipulation be created to open up certain communication processes involving land use matters that involve the Braden Woods Shopping Plaza; and (3) letter (10/6/98) outlining a list of corrections and questions.

RECORD 546-1205

Mr. Thompson advised that the request was readvertised, contiguous property owners were renotified and the property was reposted for this hearing.

Motion - Withdrawn

Motion was made by Mr. Bruce and seconded by Mrs. Stein, to continue PDC-87-01(P)(R2) to October 20, 1998, at 5:00 p.m.; and that the issue be renoticed.

Discussion: What type of notice; item is continued to a date certain; standard notice requirements; several Commissioners will not be available on the continuation date, etc.

Following discussion, Mr. Bruce **withdrew** his motion.

Motion - Carried

Motion was made by Mr. Bruce, seconded by Mrs. Stein and carried 5 to 0, to continue PDC-87-01(P)(R2) to November 17, 1998, at a time certain of 5:00 p.m., and that it be readvertised and renoticed.

Public hearing (continued from 8/25/98) was opened to consider

**PDMU-98-02(Z)(P) J. JOSEPH EDMUNDS, TRUSTEE/
COLONIAL AT MANATEE - PDMU AND P/PLAN**
(CONTINUED TO 11/5/98, 5:00 P.M.)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 AND PDR TO PDMU, RETAINING THE EVERS RESERVOIR WATERSHED PROTECTION AND SPECIAL TREATMENT OVERLAY DISTRICTS; PROVIDING AN EFFECTIVE DATE; **AND** APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 596 MULTIFAMILY DWELLING UNITS AND 168,000 SQUARE FEET OF PROFESSIONAL OFFICE ON 222.5 ACRES LOCATED ON THE EAST SIDE OF I-75 AT THE NORTHERN TERMINUS OF TOWN CENTER PARKWAY.

Planning Commission recommended APPROVAL with 18 Stipulations; Staff recommended 22 Stipulations;

GRANTING Special Approval for: (1) a project located in the Watershed Protection-Evers Overlay; (2) a project located in the Entranceway; (3) proposed net density greater than 1 dwelling unit per acre in the RES-1 Future Land Use Category; (4) a project partially located in the MU Future Land Use Category; (5) a project adjacent to a perennial stream, and (6) the proposal for nonresidential square footage exceeding 50,000 square feet; and,

DENIAL of the request for Specific Approval for an alternative to Section 907.9.2.4 of the Land Development Code.

(NOTE: See 8/25/98 meeting for Stipulations.)

It was noted the public comment portion of the hearing was closed.

Richard Sulick, President of Braden Woods Homeowners' Association, stated that an issue exists with regard to the new fire department on University Parkway and their request for access.

(Depart Ms. Brown)

Mr. McClash stated he previously abstained from voting on this matter and filed a Conflict of Interest (8/25/98); however, the County Attorney advised he could vote on a motion for continuance.

Motion was made by Mr. Bruce, seconded by Mrs. Stein and carried 4 to 0, to continue PDMU-98-02(Z)(P), to November 5, 1998, at 5:00 p.m., or soon thereafter as same may be heard, and that public comment be reopened at that time.

Recess/Reconvene. All members present except Mrs. Harris and Mr. Stephens.

PROCLAMATION**Fire Prevention Week and Fallen Firefighter's Memorial Day**

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried 5 to 0, to adopt a Proclamation designating the week of October 5-11, 1998, as **Fire Prevention Week** and October 11, 1998, as **Fallen Firefighter's Memorial Day**.

RECORD S46-1206

GULF COAST FACTORY SHOPS (PRIME OUTLETS)

Robert Pederson, Planning Department, stated the Board approved a Development Order (Ordinance 97-78 DRI 23, 12/16/97) for Gulf Coast Factory Shops, which specified transportation improvements to be completed prior to issuance of a Certificate of Occupancy (CO) for Phase 1-A. An additional list of improvements to 60th Avenue East within County right-of-way (Section B(3)c.i. and ii.) were to be at least 50 percent complete prior to issuance of a CO.

RECORD S46-1207

The developer (Prime Retail, L.P.) submitted construction drawings which reflected, because of existing available right-of-way, nine-foot travel lanes that were determined not to be the best option for the intersection. The developer has agreed to construct 11-foot travel lanes if the County acquires additional right-of-way on 60th Avenue East by January 1, 2001. The developer has also submitted a Notice of Proposed Change (NOPC) to the DRI Development Order in order to obtain the final CO's for Phase 1-A.

Mr. Peterson outlined three options to proceed:

1. **Proceed with nine-foot travel lanes** - All parties agree this is not the best course of action.
2. **Cash Payment** - The developer would make a cash payment of 100 percent to the County, based on engineer's estimates, for staff to complete the improvements outlined in the DRI Order.
3. **Escrow Agreement** - The developer would post 130 percent of the engineer's project estimate to cover the cost of improvements.

Jeffrey Steinsnyder, Assistant County Attorney, stated the developer preferred Option 3; however, he requested changes to the County's standard escrow agreement. Board direction is needed regarding the type of agreement to utilize.

Discussion: Project Management Department would have to rearrange priorities to complete this on time (Option 2); indemnification; location of needed right-of-way; other design options; engineer's estimate to be provided by the developer for approval by staff, etc.

Jerome Gostkowski, Planning Department, point out needed right-of-way on an aerial map to accommodate 11-foot lanes. He addressed the proposed location of sidewalks. He stated the developer was issued a permit to build 11-foot lanes, subject to acquisition of right-of-way.

Tom McCollum, Zoller, Najjar, Shroyer, stated that staff refused to approve the construction drawings for nine-foot lanes.

Discussion: Interstate ramps and U.S. 301 improvements are complete; 60th Avenue improvements cannot commence until there is sufficient right-of-way; a pedestrian plan is necessary; build the roadway within existing right-of-way; desire for plans without sidewalks and proceed with needed road improvements.

Mr. Gostkowski stated the developer can achieve 10-foot travel lanes, with some of the lanes at nine feet. To gain additional roadway width, the raised median could become a painted median.

Mr. McCollum offered to resubmit nine-foot lane drawings to Transportation staff on or before January 1, 1999, with construction beginning immediately following Board approval, if the County would allow the development to function under temporary CO's (TCO) until such time as construction is complete.

Alan Kofoed, representing Prime Outlets of Ellenton, stated the requirements of the Development Order have been complied to date. He offered to construct the additional list of design improvements within the existing right-of-way, but requested the CO's be issued.

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(Continued)

Discussion: An escrow agreement or bonding mechanism is acceptable while improvements are underway; reluctance to give TCO's because there is no security the improvements will be done; circulate nine-foot drawings to the Board; administratively issue TCO so the stores can stock merchandise, based upon a cash escrow or security bond, in advance of issuance of the TCO; stocking is required 30 days in advance of opening; develop an escrow agreement and bring back at next meeting (10/20); County Attorney ruling that a final CO could not be issued until Development Order was amended; Board needs to act on the NOPC.

Mr. Gostkowski stated staff has an engineer's estimate for the improvements. In order to maintain the November 1 time frame, he suggested staff be authorized to proceed, based on the current plans with the required funding.

Mr. Kofoed agreed to post an escrow bond under the condition that the County issues final CO's upon receipt of the escrow agreement.

Motion was made by Mr. McClash that staff be instructed to develop an escrow agreement based on the figures that were on the design plans that Mr. Gostkowski indicated; that money be placed in the escrow account for this project; that the CO's would be released at the time that they are legally able to be released to the developer; that staff and the developer bring back the plans to do the transportation within the existing right-of-way; and authorize the Chairman to sign an escrow agreement as approved by the County Attorney's office. Motion was seconded by Mrs. Stein and carried 5 to 0. RECORD S46-1208

45TH AVENUE DRIVE EAST - ROAD ASSESSMENT PROJECT

Public hearing (Notice in the Bradenton Herald 9/18/98) was held to consider

45th Avenue Drive East - Road Assessment Project

Beginning 1,100 feet east of Caruso Road, thence continue east 330 feet to the dead-end

and

R-98-195 RESOLUTION APPROVING SPECIAL ROAD ASSESSMENT PROJECT NO. TBA, 45TH AVENUE DRIVE EAST
(authorizing execution of agreement with the Property Appraiser and Tax Collector).

Mark Ventriglia, Project Management Department, stated the purpose of the hearing is to consider testimony regarding the proposed road paving project, describe the project scope and design standards, the method of assessment formula, and the basis by which this project may be approved. He submitted one letter in favor.

(Depart Mrs. Stein)

Inasmuch as one lot is a flag lot with minimal frontage, staff assigned the parcel 150 feet of frontage to provide a more fair and equitable assessment among the other property owners.

(Enter Mrs. Stein)

Motion was made by Mr. Bruce, seconded by Ms. Brown and carried 5 to 0, to adopt Resolution R-98-195, and authorize execution of an agreement with the Property Appraiser and Tax Collector for collection of special assessments for this project. RECORD S46-1209
S46-1210

29TH STREET WEST - ROAD AND SEWER ASSESSMENT PROJECT

Public hearing (Notice in the Bradenton Herald 9/18/98) was held to consider

29th Street West - Road and Sewer Assessment Project

From 56th Avenue West, north 500 feet to dead end

and

R-98-193 RESOLUTION APPROVING SPECIAL ROAD AND SANITARY SEWER ASSESSMENT PROJECT NO. TBA, 29TH STREET WEST
(authorizing execution of agreement with the Property Appraiser and Tax Collector).

Mr. Ventriglia stated the project began as a road project; however, staff discovered that sewer was not available to five parcels. A postcard poll indicated five property owners in favor of road and sewer, with one property owner not responding.

Improvements will consist of paving .06 mile of road to benefit six lots at a per front foot cost of \$14.98, for total road assessment cost of \$9,263.63, and installation of .06 mile of sanitary sewer lines to benefit seven lots at a cost of \$3,000 per ERU, for a sewer assessment cost of \$21,000; resulting in a total road and sewer project cost of \$30,263.63.

Motion was made by Ms. Brown, and seconded by Mrs. Stein, to adopt Resolution R-98-193, and authorize execution of an agreement with the Property Appraiser and Tax Collector for collection of special assessments for this project.

Mr. McClash requested staff bring back the policy regarding the \$3,000 ERU, previous rate of \$2,000, justification for the increase, etc.

Motion carried 5 to 0.

RECORD S46-1211
S46-1212

29TH STREET EAST (ELLENTON) - SEWER ASSESSMENT PROJECT

Public hearing (Notice in the Bradenton Herald 9/18/98) was held to consider

29th Street East (Ellenton) - Sewer Assessment Project

From Parkwood Lakes, west 1,250 feet to Wellon Ranch Road

and

R-98-192 RESOLUTION APPROVING SPECIAL SANITARY SEWER ASSESSMENT PROJECT NO. TBA, 29TH STREET EAST, ELLENTON
(authorizing execution of agreement with the Property Appraiser and Tax Collector).

Mr. Ventriglia displayed a map stating the project came forward several times for sewer on 29th Street East, 81st Street Avenue East, and 82nd Avenue East in Ellenton, but was not approved due to opposition. A petition was submitted by the property owners on 29th Street East, requesting sewer be installed.

Mr. Ventriglia stated the owner of Al's Tile Service (Lots 1 through 5 and part of Lot 6) advised that when he built his business, he jack and bored U.S. 301 and tied into the Terra Siesta Mobile Home Park system; however, he does not get a sewer bill. Mr. Ventriglia stated the matter will be researched with Public Works.

Kathryn Ohm, owner of corner lot facing 81st Avenue East, spoke in opposition to the project.

Holly Vasquez, speaking on behalf of Christine Gallant and Mr. and Mrs. Perales, spoke in favor of the project due to health issues.

Mr. Ventriglia deleted Improvements Item b. Private lift station, on Page 2 of Resolution R-98-192.

Motion was made by Mrs. Stein, seconded by Ms. Brown and carried 5 to 0, to adopt Resolution R-98-192, and authorize execution of an agreement with the Property Appraiser and Tax Collector for collection of special assessments for this project.

RECORD S46-1213
S46-1214

98TH AVENUE EAST (PARRISH) - SEWER ASSESSMENT PROJECT

Public hearing (Notice in the Bradenton Herald 9/18/98) was held to consider

98th Avenue East (Parrish) - Sewer Assessment Project

From U.S. 301, north 350 feet

and

R-98-194 RESOLUTION APPROVING SPECIAL SANITARY SEWER ASSESSMENT PROJECT NO. TBA, 98TH AVENUE EAST, PARRISH
(authorizing execution of agreement with the Property Appraiser and Tax Collector).

(Depart Mr. Bruce)

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(Continued)

Mr. Ventriglia stated this is a small part of a larger project located in Beck Estates. A postcard poll resulted in four property owners in favor and one opposed. Improvements consist of the installation of .07 mile of sanitary sewer lines to benefit five lots, at a cost of \$3,000 per ERU, for a total sewer assessment cost of \$18,000.

Tom Dhen spoke in favor of the project.

Motion was made by Mrs. Stein, seconded by Ms. Brown and carried 4 to 0, to adopt Resolution R-98-194, and authorize execution of an agreement with the Property Appraiser and Tax Collector for collection of special assessments for this project.

RECORD S46-1215
S46-1216

MILLENNIUM CELEBRATION

David Rothfuss, Assistant County Administrator, stated representatives of the Millennium Fest requested (12/10/96) to serve as an "umbrella" organization to coordinate local efforts for the Year of Jubilee and the December 31, 1999, Millennium Fest. The Board conceptually approved the Millennium Jubilee Committee as the coordinating organization, however, the approval was conditioned upon a more detailed description of the activities.

Carol Hawkinson, Manatee Millennium Jubilee Committee President, stated the event will be at the Manatee Convention Center. She distributed a proposed program for the Grand Music Concert to be held at the Civic Center. Both local newspapers plan to publish a list of the events.

She requested the Millennium Fest be designated as an official County event, and requested a waiver of all fees at the Civic Center for the activities. She stated the need for a central location to accept telephone calls and mail informational brochures.

(Mr. McClash absent for portion of discussion)

Discussion: The committee was denied nonprofit status because it is a one-event committee; County support; legality; pursue an established agency to assist; Civic Center has nonprofit rates; seek a corporate sponsor; gather interested groups to determine resources and level of enthusiasm; encourage minority involvement; etc.

Disposition: Information to be communicated through County Administrator's office.

34TH STREET WEST ROAD PROJECT

Janet McAfee, Project Management Director, distributed a typical section map with design Alternatives 1 and 2 to modify the landscaping and striping configuration on 34th Street West, from 53rd Avenue West to Bayshore Gardens Parkway. At issue is the integration of bicycle lanes into previously approved designs that did not include the lanes.

Bob Lombardo, Project Engineer, stated the typical section map shows 12-foot travel lanes with eight-foot sidewalk/bike paths on both sides of 34th Street West. Alternative 1 shows ten-foot travel lanes with a four-foot bike lane (including separate sidewalk/bikepath) making up the 24 feet of pavement. Alternative 1 was reviewed and endorsed by the Bicycle/Pedestrian Advisory Board (BPAB), however he does not endorse this design.

Alternative 2 shows an 11-foot travel lane and a 13-foot travel lane incorporating a two-foot curb. Alternative 2 is a result of discussions with staff, BPAB members and communications with FDOT officials. Alternative 2 is feasible, however, Mr. Lombardo stated the Typical Section layout is the preferred design according to guidelines set forth in the Manual of Uniform Minimum Standards for Design Construction and Maintenance State of Florida. Mr. Lombardo stated the manual sets the standard for minimum lane width of not less than 11 feet for major and minor arterials and collector roadways.

Discussion: Reduce outside 13-foot lane in Alternative 2 and stripe two 11-foot lanes, leaving a two-foot area to give a bike lane effect; wider lanes encourage higher traffic speed; this location has speed problems; potential liability of an unmarked, two-foot space; retain current layout.

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(Continued)

Michael Wood, Planning Department, submitted BPAB's recommendation (10/5/98) of Alternative 1, including a petition from students of Manatee Community College requesting bikepaths.

Mrs. Stein suggested 10½-foot lanes and 3-foot bike lanes.

Motion was made by Mr. McClash to approve the recommendation by Mrs. Stein for two, 10½-foot striped lanes with a three-foot section between the outside lane and the curb. Motion was seconded by Mrs. Stein.

Mr. Lombardo stated he does not support 10½ foot lanes based on engineering standards.

Motion carried 3 to 2, with Ms. Brown and Mrs. Glass voting nay.

57TH AVENUE WEST AND EAST ROAD PROJECT

Jeff Trim, Wade-Trim, Inc., distributed a typical section map with design options along with drainage maps to modify the final roadway design for 57th Avenue from U.S. 41 to 15th Street East. The typical section design (Alternate 4, approved 8/96) consists of two, 12-foot travel lanes with a center, 12-foot, dual left-turn lane, and a five-foot sidewalk on the south side of the road.

The proposed typical section design reduces the 12-foot travel lanes to 11 feet; retains the center, 12-foot dual turn lane; adds four-foot bicycle lanes on both sides of the roadway, and reduces the eight-foot sidewalk to five feet. Mr. Trim recommended this design option.

Motion was made by Mr. Bruce to approve the proposed typical section road design presented by Wade-Trim, Inc. Motion was seconded by Mr. McClash and carried 5 to 0.

BID AWARD - EMERGENCY GENERATOR SHELTERS (Continued)

Mr. Cuthbert stated Chartier Development Corporation filed a protest letter agreeing to accept the project at the price originally bid. He recommended rescinding award of IFB 98-4081DC to O'Dell, Hall & Associates, Inc. (Item 20), and that staff further review the intent of Chartier and bring the matter back to the Board.

Motion was made by Mr. Bruce to approve the recommendation of Mr. Cuthbert. Motion was seconded by Mr. McClash and carried 5 to 0.

Recess/Reconvene. All members present except Mrs. Harris and Mr. Stephens.

PHOSPHATE MINING UPDATE

Robert Pederson, Planning Department, addressed recent activities of the phosphate industry in the County. Many mines in Hillsborough and Polk County are reaching the end of their reserves, and the industry is planning for new mines. He stated staff has been utilizing a team permitting process, authorized by Legislature and based on ecosystem management and a concept of Net Ecosystem Benefit.

He recommended a site visit to the existing mines, reclamation areas, and future mine locations. He requested authorization for staff to coordinate the field trip.

Patricia Petruff, representing IMC-Agrico, and Marcie Lipscomb, representing the Mulberry Corporation, invited the Board to visit the phosphate mining operations and encouraged Board members to submit requests to address specific topics of interest.

Staff was instructed to proceed with the necessary arrangements.

ANNUAL TRAVEL FOR FISCAL YEAR 1998/1999

Mr. McClash stated support of blanket approval of travel for the County Administrator and County Attorney, but prefers individual approval for Board members for Fiscal Year 1998/1999.

Motion was made by Mr. McClash to approve travel for the County Administrator and County Attorney as presented, and travel for Board members in conjunction with their membership organizations, i.e. Florida Association of Counties, NACo. Motion was seconded by Mrs. Stein and carried 5 to 0.

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(Continued)

DEPARTMENTAL REORGANIZATION

Mr. Padgett presented his recommendation (agenda memorandum 10/6/98), for the departmental reorganization of the Department of Community Affairs/Intergovernmental Relations (CAIR), due to the resignation of CAIR Director Karen Jackson-Sims.

RECORD S46-1217

Motion was made by Mr. McClash, and seconded by Mrs. Stein, to approve the County Administrator's departmental reorganization as presented.

Discussion: Efficiency of operations; areas where a reduction of positions can be achieved; concern of moving an entire department into an existing department; consolidation of services; opening one library on Sunday; utilizing the savings (\$100,000) from the consolidation of the Community Services and Community Affairs Departments.

Motion carried 5 to 0.

EPA CONSTRUCTION GRANT DISPUTE REVIEW

As a result of efforts undertaken by Project Management staff and the County Attorney's office during the dispute review process regarding an improper reimbursement to Manatee County of \$696,026 in costs associated with EPA Construction Grant No. C120540-060, Mitchell O. Palmer, Assistant County Attorney, reported to the Board that the Regional Administrator's final grant calculations indicate that a principal balance of only \$467 is due and owing.

RIVERVIEW POINTE - PURCHASE OF ADJACENT PROPERTY

David Rothfuss, Assistant County Administrator, stated that in May 1997, the Board authorized the acquisition of the 9.1-acre Riverview Pointe property. During that time, the Board considered the 2.2-acre parcel owned by the Diocese of Venice, located between Riverview Pointe and the DeSoto National Memorial. Richard W. Bass Associates, Inc., appraised the property at \$296,000 for the 2.2-acre parcel and \$187,000 for the remaining 1.7 acres.

Mr. Rothfuss recommended the County acquire the 1.7-acre parcel. Should the County acquire the land at the appraised value, and a Florida Communities Trust (FCT) grant is approved to reimburse 88 percent of the acquisition cost, non-FCT reimbursed costs to be incurred by the County are estimated at \$24,000-\$30,000.

Discussion: Possibility of expanding the current FCT application to include the 1.7-acre parcel; possible public financial support; notify the public that the parcel is subject to development.

Motion was made by Mr. McClash, seconded by Ms. Brown and carried 5 to 0, for conceptual approval of the purchase of the property.

COUNTY OFFICER BONDS

Teddy Williams, County Attorney, advised that Chapter 98-34, Laws of Florida, abolished bond requirements for County Commissioners and all other constitutional officers. He recommended a motion to instruct the County Attorney's office to prepare a resolution for the next meeting that Manatee County will not require bonds for constitutional officers.

Mr. Bruce so moved. Motion was seconded by Ms. Brown and carried 5 to 0.

SINGLETERY AND BETTS ROAD

James Minix, Assistant County Attorney, stated that Russ Putnal, owner of property along Singletary and Betts Road, moved his fence onto County right-of-way. The fence now encroaches on the right-of-way from 15 feet to 20 feet. Overhead and underground utilities are located within the fenced area and there is a drainage ditch within part of the fenced area. The area is low-lying, prone to flooding, and County crews have been unable to maintain the drainage ditch.

He recommended staff file legal action to remove the fence, which would eliminate any possibility that damages will accrue to Mr. Putnal by removal of the fence by the County. Five photographs were shown.

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(Continued)

Motion was made by Mr. McClash to authorize the County Attorney's office to file and prosecute a lawsuit against Russ Putnal to remove a fence from Manatee County property located on Singletary and Betts Road. Motion was seconded by Mrs. Stein and carried 5 to 0.

COMMISSIONERS' COMMENTS

Piping of Ditches - Ms. Brown requested a work session be scheduled to discuss the piping and maintenance of ditches.

Waiver of Service Fee - Ms. Brown relayed a request for a waiver of a \$30 service fee for an incorrectly drawn check.

Disposition: Referred to the County Administrator.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest

APPROVED:

Clerk

Stan Stephens

Chairman

11/19/99

Adj: 4:50 p.m.

/rll

1248

AGREEMENT FOR TIME PAYMENT

THIS AGREEMENT is entered into by and between ROBERT G & DORIS E COOPER (hereinafter the "Owner" or "Owners") and MANATEE COUNTY, a political subdivision of the State of Florida (hereinafter the "County").

WHEREAS, this Agreement is required pursuant to Manatee County Resolution R-97-135, as amended; and

WHEREAS, this Agreement provides for a lien upon the real property described as follows: SEE "EXHIBIT A " ATTACHED

NOW, THEREFORE, for and in consideration of the mutual benefits to be derived, the parties agree as follows:

1. This agreement, when recorded in the Official Record of Manatee County, will constitute a "Claim of Lien" against the property, in the amounts specified below, for labor, services or materials furnished by lienor, Manatee County, as per Part I, Chapter 713, Florida Statutes.

2. The Owner(s) shall pay the following fees and charges over a period not to exceed fifteen (15) years, in monthly installments, including interest at an annual rate of eight percent (8%).

<u>FEE OR CHARGE</u>	<u>FINANCING PERIOD</u>	<u>AMOUNT OF FEE OR CHARGE</u>	<u>MONTHLY PAYMENT (INCL. INTEREST)</u>	<u>TOTAL FINANCE CHARGE</u>
Water FIF	<u>10YRS</u>	<u>\$ 986.00</u>	<u>\$ 11.96</u>	<u>\$ 449.20</u>
Sewer FIF	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Water Connection Fee	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Sewer Connection Fee	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Water Line Extension Charge	<u>10YRS</u>	<u>\$1400.00</u>	<u>\$ 16.99</u>	<u>\$ 638.80</u>
Sewer Line Extension Charge	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Total Maximum Monthly Payment			<u>\$ 28.95</u>	

3. Monthly payments must be received by the County within fifteen 15 days of the billing date appearing on the Owner's(s') monthly utility billing. If not timely paid, the entire unpaid balance and interest accrued thereon, together with attorney fees and costs, may be recovered by the County in a civil action in any manner as authorized by law. "The owner agrees that, upon default, unpaid fees, charges and interest under this agreement shall be collectible as a statutory lien under §153.67, Florida Statutes." The aforesaid lien and accrued interest may be foreclosed or otherwise enforced by action or suit as for the foreclosure of a mortgage on real property.

4. The entire balance due, including interest thereon, shall be paid by the Owner(s) at the time of the sale or other transfer of title to the above-described real property.

5. As an inducement to the County to enter into this Agreement, the Owner(s) hereby certify(ies) that he/she/they/it is (are) the legal or equitable owner(s) of the above-described real property, which bears the following street address:

3503 51ST STREET EAST

BRADENTON, FL. 34208

The Owner(s) further certify(ies) that his/her/their/its residence address (or primary business address, if a business entity), if different from the above-described property, is:

SAME

6. All water and wastewater utility billings for the above-described real property shall be maintained in the Owner's(s') name(s) until all of the above fees and charges are paid and the lien discharged.

Bonnie Freer
Witness (Signature)

Bonnie Freer
Witness (Print Name)

Robert G Cooper
Owner (Signature)

ROBERT G COOPER
Owner (Print Name)

746-2272
Telephone Number

Bonnie Freer
 Witness (Signature)
Bonnie Freer
 Witness (Print Name)

Doris E Cooper
 Owner (Signature)
DORIS E COOPER
 Owner (Print Name)
746-2272
 Telephone Number

STATE OF Florida
 COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 1st
 day of Sept, 1998 by Robert H. Cooper
~~who is personally known to me or who has produced~~ FD/C16 0 767 2086
Exp 1-16-04 (identification).

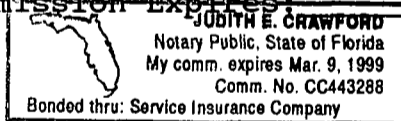
Judith E Crawford
 Notary Public
 My Commission Number: _____
 My Commission Expires: _____



STATE OF Florida
 COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 1st
 day of Sept, 1998 by Doris E. Cooper
~~who is personally known to me or who has produced~~ FD/C16 016521943
Exp 12-3-99 (identification).

Judith E Crawford
 Notary Public
 My Commission Number: _____
 My Commission Expires: _____



APPROVED, with a quorum present and voting, this 16th day of
October, 1998.

BOARD OF COUNTY COMMISSIONERS
 OF MANATEE COUNTY, FLORIDA

By: David Lynn J. Brown
 Chairman

ATTEST: R. B. Shore
 Clerk of Circuit Court

By: Susan B. Romine

Prepared For The County By:
 Name: BONNIE FREER
 Title: Customer Service
 Address: 1112 Manatee Ave W
Bradenton, FL

" EXHIBIT A "

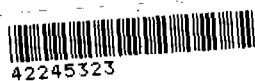
FROM NW COR OF SW1/4 OF SEC 3, PROCEED S 314.7 FT FOR POB, S 140
FT. E 1320 FT, N 140 FT, W 1320 FT TO POB, LESS EASEMENT FOR
DRAINAGE DITCH NOW EXISTING ON N SIDE OF SD PROP AS DESC ORB 219
P 563, SUBJ TO F P L EASMT AS DESC IN OR 1027 P 3451 PRMCF P-24
PI#15107.0000/6

COPIES TO:

Recorded copy - Elaine Apsett, P/WKS.

DATE 10/23/98

BY pu



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