

APRIL 15, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, April 15, 1986, at 9:12 a.m.

Present were Commissioners:

Westwood H. Fletcher, Jr., Chairman  
Lloyd C. Hagaman, Jr., Vice-Chairman  
Edward W. Chance  
Kent G. Chetlain  
Maxine M. Hooper

Also present were:

Ronald H. Rabun, County Administrator  
H. Hamilton Rice, Jr., County Attorney  
Richard H. Ashley, Chief Deputy Clerk, representing  
R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Rev. Cliff McDonald, Chaplain, Manatee Memorial Hospital

The meeting was called to order by Chairman Fletcher.

**PROCLAMATIONS**

Victim Rights Week

Upon motion by Mr. Hagaman, seconded by Mr. Chetlain, a proclamation was unanimously adopted designating April 20 through April 26, 1986 as "Victim Rights Week".

Paul Freeman, Coordinator of Crisis Services, Manatee Mental Health Center and Valerie Fisher, Victims Advocate, Sheriff's Department, accepted the proclamation.

RECORD PROCLAMATION

S35-327

Professional Secretaries Week

Upon motion by Mrs. Hooper, seconded by Mr. Chetlain, a proclamation was unanimously adopted designating April 20 through April 26, 1986 as "Professional Secretaries Week".

Linda Gerrald, Chairman of the Manatee Chapter of National Secretaries, accepted the proclamation.

RECORD PROCLAMATION

S35-328

**FEDERAL REVENUE SHARING**

The County Administrator submitted Resolution R-86-91 urging the Florida Congressional Delegation to support the continuation of Federal Revenue Sharing (requested by the State Association of County Commissioners of Florida, Inc., memorandum of March 18, 1986).

Mr. Hagaman moved that no action be taken (on Resolution R-86-91). Motion was seconded by Mrs. Hooper and carried unanimously.

**LEGISLATION: PUBLIC LIBRARY FINANCIAL ASSISTANCE ACT**

Kathy Snell, Community Services, advised that the Library Trustees are asking the Board to support HB 765, which imposes a tax on the sale of printed materials and books to fund public libraries and create a public library financial assistance trust.

Mr. Chetlain moved to authorize the Chairman to sign a letter to the Director of the State Association of County Commissioners urging support of HB 765, Public Library Financial Assistance Act of 1986. Motion was seconded by Mr. Fletcher.

Under discussion, Mr. Chance inquired if the Board was supporting the bill in its present form without amendments, or wait for the final product and support it.

Voting "Aye" were Mr. Chetlain and Mr. Fletcher. Voting "Nay" were Mr. Chance, Mr. Hagaman and Mrs. Hooper. Motion failed.

Mrs. Hooper moved to authorize the Chairman to sign a letter to the Director of the State Association of County Commissioners urging support of the concept of HB-765. Motion was seconded by Mr. Hagaman and carried unanimously.

**LEGISLATION: TAX REFORM (DURENBERGER PROPOSAL/S2166)**

By memorandum dated April 15, 1986, the County Administrator recommended the Chairman be authorized to sign letters to United States Senators Lawton Chiles and Paula Hawkins asking their support of Senator Dave Durenberger's alternative (S.2166) to the tax exempt bond provisions of the tax reform proposal currently under consideration by the Senate Finance Committee.

Jim Seuffert, Director, Office of Management and Budget, supported Senator Dave Durenberger's proposed bill which will preempt those provisions in House Bill 3838, which would, if adopted, have severe impact on the ability of local governments to raise capital through tax exempt financing.

After discussion, Mr. Hagaman moved that no action be taken at this time. Motion was seconded by Mr. Chance. Voting "Aye" were Mr. Chance, Mrs. Hooper and Mr. Hagaman. Voting "Nay" were Mr. Chetlain and Mr. Fletcher. Motion carried.

**WATERLINE EXTENSION: 46TH STREET COURT EAST/51ST STREET BOULEVARD EAST**

Jim Rhinehart, Engineering Supervisor, Manatee County Utilities, referred to memorandum from Richard Wilford, Director of Public Works, concerning the billing of residents served by the 46th Street Court East and 51st St. Boulevard East waterline extension. After review of the tape (meeting) of August 16, 1984, and resolution 84-119 adopted September 4, 1984, authorizing such extensions, it was determined that Utilities should bill the three connected customers who have not been billed for extensions due to an error in procedure.

He reported that in order to prevent conflicts because of right-of-way problems on 46th Street Court E. the line was installed in the shell road. One line extension charge has been paid; facility investment fees have been paid on all five connections.

Clayton Sutton, 46th Street Court E., stated it was his understanding, based on action by the Board, there was not to be a line extension charge and he had so advised Utility staff at the time he went to pay for his meter; that the extension was approved to complete a line that was under construction and was stopped because of a right of way problem.

Upon question of whether the right of way problem was resolved, Jim Staples (Highway Division) advised that 46th Street Court E., from 26th Avenue north for about 1150 feet, is recorded (O.R. Book 8, page 9) as a County maintained road; that County has not officially claimed from 51st Boulevard E. to 46th, but has maintained it for over 20 years. The owners of the property on 51st have verbally committed to give the right of way easement to the County, but no affidavits have been filed with respect to maintenance.

Discussion: Clarification of Board's original intent, circumstances under which the extension of the waterline was authorized at no cost, benefits to the system, Resolution R-84-119 authorizing the Utilities Director to take action on line extensions that will benefit area citizens or will contribute to the water system as a whole.

After reviewing Resolution R-84-119, the County Attorney recommended a motion to "Exempt all affected customers presently served by the 46th Street Court E./51st Street Boulevard E. waterline extension from all charges imposed by resolution 84-119."

Mr. Hagaman so moved. Motion was seconded by Mrs. Hooper.

Under discussion, it was stated that the those who have paid for this service line extension will receive a refund, but all will have to pay for meters and the utility investment (impact) fee. The only thing the Board is exempting here is the line extension charge.

Motion carried unanimously.

Recess/Reconvene. All members present.

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COUNTY ADMINISTRATIVE CENTER (PROPOSED)

By memorandum of April 10, 1986, the County Administrator submitted ratings of the Downtown Development Authority Target Area Proposal as evaluated by the Proposal Evaluation Committee. In descending order:

National Development Corporation  
The Dyson Company  
First Communities Corporation  
Wilbur Boyd Development Corporation  
Executive National Development

He advised that two proposals were received for an Administrative Center outside the defined downtown target area and recommended the Board designate the Proposal Evaluation Committee (including the Purchasing Director) to serve as the Non-Target Area Proposal Selection Committee.

Following discussion, staff was directed to request from the Downtown Development Authority a dollar amount for its participation in this project before the County proceeds.

Proposal Evaluation Committee (Non-Target Areas)

Motion was made by Mr. Hagaman, and seconded by Mrs. Hooper, to approve the Proposal Evaluation Committee, as recommended by the County Administrator, to conduct the review and evaluation composite of non-target areas Administrative Center proposals.

Discussion/suggestion: Representatives of outside target area make presentation to the Board (same as first group/inside target area) without first being ranked; need to determine how much the City of Bradenton, through the Downtown Development Authority, is willing to participate in the project if located within the target area.

(Depart Mr. Chance)

Voting "Aye" were Mr. Chetlain, Mr. Fletcher, and Mr. Hagaman. Mrs. Hooper voted "Nay." Motion carried.

(Enter Mr. Chance)

Mrs. Hooper moved that this Board not be informed of the ranking prior to the two companies making their presentations. Motion was seconded by Mr. Chance.

Discussion: Sunshine Law; legal action re change in procedure; discriminatory for two appearances by group within the DDA target area and only one by outside target area group.

Mr. Rice advised that the procedure followed up to this point is the safest and most uniform: (1) allow presentations to be made to Board by prospective developers; (2) refer to committee for evaluation; (3) evaluation to Board for further action.

Mrs. Hooper withdrew her motion.

Noting the comments by the County Attorney, Mr. Hagaman moved to reconsider his motion (approval of evaluation committee to conduct the review and evaluation composite of non-target area Administrative Center Proposals). Motion was seconded by Mrs. Hooper and carried unanimously.

Mr. Chetlain moved to instruct staff to contact the proposers outside the downtown area and set a date for their presentations to the Board. Motion was seconded by Mrs. Hooper and carried unanimously.

WOODS OF PALMA SOLA SUBDIVISION - SIDEWALKS

Mark Doward, representing residents of Woods of Palma Sola Subdivision, submitted copy of a petition (75 signatures) opposing the placement of a sidewalk between two private homes, 401 and 405 72nd Street NW, (which will link Woods of Palma Sola and Palma Sola Village) as this would not be in the best interest of the children who attend Palma Sola Elementary School and the residents of the subdivision.

Disposition: County Administrator to schedule for next meeting.

**PARKS & RECREATION - SPECIAL INTEREST CLASSES AGREEMENTS**

Avery Gould expressed concern that Special Interest Classes Instructors Agreements which are approved by the Board under the Clerk's Consent Calendar are not being scrutinized by the Board. He suggested someone from the County Administrator's office review these items prior to submission to the Board.

Rick Ashley, Chief Deputy Clerk, advised that in accordance with policy established by Resolution (9/11/79), these agreements are submitted via the Clerk's Consent Calendar for the Board to approve, ratify and confirm the execution by the Director of Parks and Recreation.

Disposition: Policy procedure established for the Special Interest Classes Instructor's Agreements to be reviewed by County Administrator and County Attorney and report to the Board.

**COUNTY ADMINISTRATIVE CENTER**

Richard Olsen, National Development Corporation, suggested that the Board instruct staff to establish an overall program regarding the proposed County Administrative Center and expressed concern that the Board has not reached a decision in the 171 days since proposals submitted.

**BEACHES**

Sabino Liocce suggested that more signs be placed on the beach stating that litterers are in violation and will be fined.

Disposition: County Administrator and County Attorney research and report to the Board.

**UNITED FUND - PALMA SOLA CAUSEWAY**

John Manning inquired if he would need a special permit from the County to conduct a fund raising activity for United Way at Palma Sola Causeway.

The County Attorney advised the Board does not have jurisdiction over the Palma Sola Causeway.

Disposition: Referred to County Administrator.

**CITIZENS COMMENTS**

Barbara Morris, 7957 Brower Drive

1) Referred to the Environmental Protection Agency (EPA) Report and her understanding that the wells in the area of Brower Drive would be tested quarterly and/or annually.

Disposition: Referred to County Administrator to review EPA Report (Pollution control to provide update).

2) Questioned:

(a) the sobriety of a County Employee who was directing traffic during construction on Prospect Road and ran into the side of her car and stated she had reported the incident to the Citizens Action Committee and Commissioner Hooper.

Disposition: Referred to County Administrator.

(b) the current County Ordinance on discharge of fire arms (referred to information from Sheriff Department on her complaint regarding an individual shooting squirrels on private property).

Disposition: Referred to Legal Counsel for review of Ordinance.

**RECESS/RECONVENE**

The meeting was declared recessed until 1:45 p.m.

The Board reconvened at 1:53 p.m. with all members present except Mr. Fletcher. Mr. Hagaman presiding.

**IMPACT FEE ADMINISTRATION PROCEDURES**

By memorandum dated March 27, 1986, the Purchasing Director submitted a proposed agreement (not to exceed \$15,000) with McLaughlin Vanasse/Hangen-Planning Associates for the development of administration procedures relating to impact fees.

Discussion: Whether cost of subconsultants is included in the \$15,000 fee; obligation of consultant to appear in litigation/hearings on behalf of County except in consideration of additional compensation.

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Mr. Rice advised that if appearing in court on behalf of the County, the consultants would have to be paid additional compensation. Inasmuch as it is not clear whether the expense of subconsultants is included in the \$15,000 fee, he requested his staff to be allowed to review the contract.

The County Administrator was directed to contact the municipalities and inquire if they intend to establish impact fees.

Mr. Chetlain moved to approve the contract with McLaughlin Vanasse/Hangen-Planning Associates, subject to review by the County Attorney. Motion was seconded by Mrs. Hooper and carried unanimously.

#### COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mrs. Hooper, seconded by Mr. Chetlain, the County Administrator's Consent Agenda was unanimously approved, after deletion of (1) Impact Fee Administration Procedures with McLaughlin-Vanasse/Hangen (approved in separate action)

Items APPROVED included:

##### WORK RELEASE

Execution of Annual Utilization Report (former Naval Reserve Facilities), period ending 5/86.

RECORD CONTRACT FILE 3261

##### DEEDS & EASEMENTS:

1. 82nd Street NW/17th Avenue NW - Warranty Deed from Lewis J. Jr. and Margaret M. Carter for right of way
2. Bayshore Gardens Parkway Extension - Pedestrian sidewalk easement from Thomas R. and Dale M. Catlett.

##### 9TH STREET EAST (PROJECT 3011)

Contract for purchase with Noah M. and Alma B. Parker, \$33,744 intersection 57th Avenue to 63rd Avenue East.

RECORD CONTRACT FILE 3262

##### 43RD STREET/9TH AVENUE WEST (PROJECT 4048)

Contract for purchase with Clyde V. and Jeanne R. Fenton, \$18,456.

RECORD CONTRACT FILE 3263

##### U. S. POST OFFICE SITES - ELLENTON; TERRA CEIA:

Chairman to sign letters to Postmasters commenting on sites for future post offices.

##### COMMUNITY CARE ELDERLY - DAY CARE

Reject sole proposal from Manatee Council on Aging, Inc. for adult day care; negotiate for required services.

(End Consent Agenda)

#### BUDGET AMENDMENTS

Upon motion by Mr. Chance, seconded by Mr. Chetlain, resolutions were unanimously adopted, amending the 1985-86 budget to provide for the receipt and appropriation of unanticipated revenues and/or decrease and item to item transfers.

HIGHWAY B-86-113  
From: Road Maintenance -thoroughfares  
To: Highway, Engineering drainage

\$69,000.00  
RECORD RESOLUTION S35-329

PARKS & RECREATION B-86-114  
Increase Revenue  
Racquet Center  
Increase Expenditures  
Racquet Center

\$34,064.00  
RECORD RESOLUTION S35-330

Decrease Revenue B-86-115  
General Fund/Bray Tennis facility  
Decrease Expenditure  
Recreation

\$28,475.00  
RECORD RESOLUTION S35-331

From: Recreation	B-86-116/1		
To: General Fund Transfers		\$21,525.00	
		<u>RECORD RESOLUTION</u>	S35-332
<u>Increase Revenue</u>	B-86-116/2		
Bray Racquet Facility Fund			
<u>Increase Expenditures</u>			
Racquet Center, Regular Salary		\$21,525.00	
		<u>RECORD RESOLUTION</u>	S35-333
<u>SHERIFF</u>	B-86-117		
From: Special Law Enforcement Trust Fund			
To: Sheriff Confiscated Property		\$21,268.00	
		<u>RECORD RESOLUTION</u>	S35-334
<u>MEDICAL EXAMINER</u>	B-86-118		
<u>Increase Revenues</u>			
General Fund			
<u>Increase Expenditures</u>			
Medical Examiner		\$10,520.00	
		<u>RECORD RESOLUTION</u>	S35-335
<u>ESTECH PROPERTY PURCHASE</u>	B-86-119		
<u>Increase Revenues</u>			
Building Capital Projects			
<u>Increase Expenditures</u>			
Estech Property Purchase		\$25,851,882.00	
		<u>RECORD RESOLUTION</u>	S35-336
<u>GENERAL COUNTY</u>	B-86-120		
From: Reserve for Contingency			
To: General County		\$15,000.00	
		<u>RECORD RESOLUTION</u>	S35-337-

**COUNTY LEGAL SERVICES/CONSOLIDATION**

The County Attorney advised that although Michael D. Hunt, Utilities Attorney, has requested that consolidation of the County Legal Services be deferred to April 22, 1986, he was recommending that consolidation action be finalized as soon as possible. In the absence of agreement from the current Utilities Attorney to forego formal notice of termination of contract, he recommended the Board give Mr. Hunt three months notice of termination (pursuant to paragraph 10), together with the assurance that he will be employed as an Assistant County Attorney at his present rate of pay. Upon the giving of three months notice no severance pay shall be paid.

Mr. Rice framed the following motion: that the contract with the Utilities Attorney be terminated upon 90 days of notice pursuant to Paragraph 10 of the Utilities Attorney's Contract.

Mr. Chetlain so moved. Motion was seconded by Mrs. Hooper and carried unanimously.

**ORDINANCES: 86-13: COMMERCIAL VENDING & PEDDLING**

Upon motion by Mr. Chance, seconded by Mr. Chetlain and carrying unanimously, public hearing was set at 9:00 a.m. May 6, 1986, to consider Ordinance 86-13 regulating commercial vending and peddling.

**ORDINANCES: 86-14: FIREWORKS CONTROL**

Upon motion by Mr. Chance, seconded by Mr. Chetlain and carrying unanimously, public hearing was set at 9:00 a.m., May 6, 1986 to consider Ordinance 86-14, Fireworks Control.

**ORDINANCES: 86-2: DEFINITION OF DANGEROUS OR VICIOUS ANIMALS**

Motion was made by Mr. Chance, seconded by Mr. Chetlain and carried unanimously, to set public hearing at 9:00 a.m., May 6, 1986 to consider Ordinance 86-2 providing definition of dangerous or vicious animals.

**STATE COURTS ADMINISTRATOR (COMPUTER AIDED TRANSCRIPTION)**

Mr. Rice requested

- 1) The Board approve and ratify the participation agreement between Manatee County and the Office of the State Courts Administrator, executed by the Chairman on March 19, 1986 (Computer Aided Transcription Pilot project/equipment and court reporters)

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- 2) Execution of amendment to the participation agreement (3/19/86)
- 3) The Board approve and ratify amendment executed by the Chairman 2/28/86 to the Computer Aided Salary and Benefit agreement (1/14/86)

Mr. Chance so moved. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD: CONTRACT FILE 3184

**CREEKWOOD**

By memorandum dated April 14, 1986 Barbara Levin, Assistant County Attorney, submitted and recommended execution of agreement by and between Manatee County and Creekwood Investors, Ltd for purchase of 240m/1 acres, contingent upon approval by the Department of Community Affairs (DCA) to exclude this parcel from the Creekwood DRI.

She advised that all agencies have reviewed the agreement and are supportive of the exclusion. However, DCA is now recommending that the County amend the Creekwood development Order to exclude the 240 acres from the DRI. TBRPC has concurred in this alternative approach and initiation of the amendment to the Creekwood DRI will be on the Agenda April 22, 1986.

Mrs. Hooper moved to authorize the Chairman to execute the Creekwood Sale and Purchase agreement. Motion was seconded by Mr. Hagaman. Voting "Aye" were Mr. Chance, Mr. Hagaman and Mrs. Hooper. Mr. Chetlain voted "Nay". Motion carried.

RECORD: CONTRACT FILE 3264

**ZONING: Z-85-67 IBASFLEAN AND MULOCK**

By memorandum dated April 14, 1986, the County Attorney recommended the Board authorize a public hearing to reconsider Z-85-67, application by Ibasflean and Mulock for rezone of certain properties along Manatee Avenue West to PR (Professional). Ed Mulock, attorney, has indicated that the applicant will dismiss Circuit Court action without prejudice if the Board will rehear the rezone request. Ref Court Order dated April 8, 1986, Case No. CA 85-1785.

Mr. Chetlain moved to advertise a public hearing for Z-85-67 Ibasflean and Mulock. Motion was seconded by Mr. Hagaman and carried unanimously.

**TRAVEL**

Upon motion by Mr. Chance, seconded by Mr. Fletcher, request for authority to travel was unanimously approved for the County Attorney to attend a meeting with U.S. Army Corps of Engineers, Jacksonville, Florida, April 15, 1986.

**CLERK'S CONSENT CALENDAR**

Upon motion by Mrs. Hooper, seconded by Mr. Chance, the Clerk's Consent Calendar dated April 15, 1986, was unanimously approved.

**BONDS: SUBDIVISIONS**

Crescent Lakes, Phase I - F/Plat:

<u>Accept:</u>	1) Defect Security - L/C No.31091, NCNB Nt'l Bank of Fl., and Agmt w/Trans-United Dev. Corp. warranting improvements	\$ 30,114.30
	2) Performance Bond -L/C No.31092, NCNB Nt'l Bank of Fl., and Agmt w/Trans-United Dev. Corp. Guarant., (sidewalks)	17,762.80
<u>Release:</u>	3) Completed improvements/County maintenance Performance Bond, L/C No. 30870, NCNB Nt'l Bank of Fl, and Req. Improv.agmt w/Trans-United Dev. Corp.	200,752.20

Palm Aire at Sarasota Unit 7, Phase IV

<u>Accept:</u>	Defect security - L/C AmeriFirst Corp (FPA Corporation)	22,000.00
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Country Oaks, Phase II

<u>Release:</u>	Performance Agreement w/United Merit Comm	149,000.00
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**BILLS FOR PAYMENT:**

Briley, Wild & Assoc.Inc.- Master Stom Wtr Dr plan	16,576.17
Camp Dresser & McKee - Rev.to wtr&swr structr WA86-2	3,953.04
Camp Dresser & Mckee - SW/WastewaterTreat.Plant Exp	21,934.00
Camp Dresser & Mckee - SE/Wastewater Treat.Plant	21,306.27
Larson Engineering - N/Cnty Lift Sta. Const. Ph1	63,866.73
Larson Engineering - N/Cnty W/W Fac,Phs I, Seg 895	14,669.39
Woodruff & Sons Inc.-59th St Park -Site Work3	180,564.79
USA Steel Fence Co - 59th St. Park	21,356.27
Post,Buckley,Schuh & Jerningan,Inc -34th St W Design	19,423.03
Post,Buckley,Schuh & Jerningan,Inc -34th St W Design	12,042.70

**REFUNDS:**

Thomas J. Tepper - Book returned	12.95
B. Schnettler - Child Safety Seat Deposit	10.00
B. Schnettler - Child Safety Seat Deposit	10.00
C. Mitchell - Child Safety Seat Deposit	15.00
A. DeNuzzo - Child Safety Seat Deposit	10.00
F. Greenwood - Child Safety Seat Deposit	10.00

**WARRANT LIST:**

Approve: April 8, 1986 to March 14, 1986  
 Authorize: April 15, 1986 to April 21, 1986

**APPROVE, RATIFY, & CONFIRM:**

Special Interest Classes Instructor's Agreements:  
 Florida Studio Theatre

RECORD CONTRACT FILE

3265

**MINUTES FOR APPROVAL:**

March 11, 13, and 20, 1986

(End Consent Calendar)

**A.G. HOLLEY STATE HOSPITAL**

Mrs. Hooper moved to approve admission of Thomas Brooks, Jr. to A. G. Holley State Hospital. Motion was seconded by Mr. Chetlain and carried unanimously.

**PORT AUTHORITY MEETING**

Announcement was made that a Port Authority meeting had been scheduled for Thursday, April 17, 1986, 9:00 a.m.

**COMMISSIONERS COMMENTS/REPORTS****Motor Pool Contract/Renegotiation**

Mr. Chance: Reported that it had come to his attention that the County vehicles now being serviced under contract with a private firm are not safe to operate.

Mr. Rabun stated he has been concerned about the quality of service being provided by the motor pool contract since December 1985. He will be recommending the Board bring the contract back in-house or renegotiate with a different RFP if it goes out to private sector.

Disposition: County Administrator to place item on future agenda.

**Lincoln School Area**

Mr. Chance reported on his review of a video of certain activities that are taking place in the Washington Park/Lincoln School area. He said the Board will receive strong support for an ordinance that will stop loitering, unlawful assembly, use/sale of drugs, consumption of alcoholic beverages on premises, etc.

Disposition: County Administrator to schedule Work Session with Law Enforcement Agencies, Pollution Control, et al, regarding problems resulting from sale of alcoholic beverages at an area convenience store.

**Planning Department**

Mrs. Hooper: Reported to have received a letter from Bill Close praising the Planning Department staff and pointing out that the department is under staffed.

Discussion: Additional personnel, need to improve efficiency of department, public complaints, Amendments to Comprehensive Land Development Code, need to set priorities, etc.



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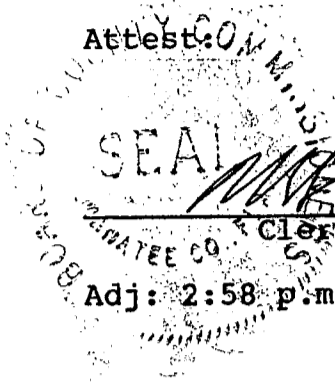
Disposition: County Administrator to meet with Planning Director and County Attorney to develop priorities, discuss staffing, etc.

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


  
 Clerk
   
 Adj: 2:58 p.m.


  
 Chairman 5-2-86