

MAY 13, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, May, 12, 1986, at 9:05 a.m.

Present were Commissioners:
Westwood H. Fletcher, Jr., Chairman
Edward W. Chance
Kent G. Chetlain
Maxine M. Hooper

Absent was: Lloyd C. Hagaman, Jr., Vice-Chairman

Also present were:
Ronald H. Rabun, County Administrator
H. Hamilton Rice, Jr., County Attorney
Peter H. Ramsden, Deputy Clerk, representing R. B. Shore,
Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Reverend Tom Bennett, First Baptist Church, Bradenton.

The meeting was called to order by Chairman Fletcher.

REFERENDUM: AIRPORT RELOCATION

Recommendation was made to defer action regarding placing the question of expansion/relocation of the Sarasota-Manatee Airport on the November general election ballot pending presence of a full Board.

Motion was made by Mr. Chance, and seconded by Mrs. Hooper, to defer the matter and to place on future agenda when the Chairman deems it appropriate. Motion carried unanimously.

PROCLAMATION

Upon motion by Mrs. Hooper, seconded by Mr. Chetlain, a proclamation was unanimously adopted designating May 16, 1986 as "Bradenton Christian School Day".

Roxanne Hooper, Bradenton Christian School student, accepted the proclamation.

RECORD PROCLAMATION

S35-375

REFERENDUM: AIRPORT RELOCATION

Dan McClure, Chairman of Sarasota-Manatee Airport Authority, submitted a draft of a resolution under consideration by the Authority relating to the airport referendum issue.

PROCLAMATION

Upon motion by Mr. Chetlain, seconded by Mrs. Hooper, a proclamation was unanimously adopted designating May 18-24, 1986 as "Manatee Tourism Week".

Bo Goodnight, Tourist Development Council, accepted the proclamation.

RECORD PROCLAMATION

S35-376

ROADS, PRIVATE

Ronald Rabun, County Administrator, submitted recommendations of the Traffic Safety Committee (outlined in memorandum dated April 2, 1986) regarding construction of private roads.

Major Dick Ference, Manatee County Sheriff's Department, and Chief Rick Fulwider, Cedar Hammock Fire Department, identified concerns regarding ability to regulate traffic laws on private streets, erection of substandard signs, limited access, unattended guardhouses, lack of proper maintenance (overgrown weeds, no maintenance of fire hydrants), design features (speed bumps, security gates) and emergency vehicle access (single access routes, lack of neighborhood links).

Discussion: Compliance with State signs/speed regulations; cost savings to taxpayers; agreements with homeowners' associations to provide for paving of streets, location of guardhouses, etc.

Jerome Gostkowski, Public Works/Transportation, reiterated those concerns and suggested the Board consider:

- 1) A comprehensive update of the County Thoroughfare Plan;
- 2) Expansion of policy statement in Land Development Code to include more specific criteria for interneighborhood ties;
- 3) Revision of private street construction standards to be equal to County standards.
- 4) Provision for mechanism to insure maintenance of private improvements, including periodic inspection by the County, for developments with private streets.
- 5) Approval of proposed security systems by Emergency Services.

Barbara Levin, Assistant County Attorney, reported it had been determined that the Land Development Code prohibits the use of private streets in non-cluster, non-townhouse, and non-PDR subdivisions. Should the Board decide to allow private streets and adopt certain standards, other amendments to the Code will need to be implemented, i.e., all subdivisions and final plat approvals must present ownership documents to the County Attorney's office providing for maintenance by the association, authority for the County to intercede when property is not maintained, and providing access to all County emergency personnel and law enforcement.

(Depart Mr. Chance)

Caleb Grimes, Attorney representing Tom Dyer, Sweetwater Downs, suggested that private streets within subdivisions be considered on a case-by-case basis, that inconsistencies in the Code be corrected, and that the ordinance be clarified to provide more latitude to the Board in considering approval of private roads.

The County Attorney pointed out that any restrictions placed upon the developers or associations will require policing by the County.

(Enter Mr. Chance)

Motion was made by Mr. Chance, and seconded by Mr. Chetlain, that staff prepare the appropriate amendment to the Comprehensive Plan allowing the Board discretion to determine whether or not private streets are acceptable in certain areas of the community. Voting "Aye" were Mr. Chance, Mr. Chetlain and Mrs. Hooper. Voting "No" was Mr. Fletcher. Motion carried.

WORK RELEASE (JUSTICE ASSISTANCE FUNDS)

The County Administrator submitted recommendations by the Community Services Department to authorize the Chairman to sign grant applications to the Department of Community Affairs for 1) Justice Assistance Funds for Work Release Facility/Resident Program (\$49,544; County match \$24,772) and 2) development of a Comprehensive Criminal Justice Plan for Manatee County (\$25,000).

Motion was made by Mr. Chance to approve recommendation of the Community Services Department on the Work Release expansion. Motion was seconded by Mrs. Hooper and carried unanimously.

Recess/Reconvene. All members present except Mr. Hagaman.

CRIMINAL JUSTICE MASTER PLAN

Motion was made by Mrs. Hooper to authorize the Chairman to execute applications for Justice System Act Grant Funds to the Florida Department of Community Affairs for Criminal Justice Master Plan project. Motion was seconded by Mr. Chetlain and carried unanimously.

FINANCIAL ADVISOR

By memorandum dated May 8, 1986 the County Administrator and the Clerk of Circuit Court recommended that Manatee County contract with Smith Barney, Harris Upham and Company Inc. for the services of Peter Zent and Worth Blackwell (formerly of William R. Hough and Company) as financial advisors for the following projects:

1. Participation projects for various local area improvements;
2. Sewer assessments for the unincorporated area of Manatee County;
3. Financial advisory services to the County in regard to First Florida Governmental Financial Commission,

and that they be retained as underwriting advisors in conjunction with William R. Hough and Company for the County's Administration Complex.

They recommended that William R. Hough and Company be retained as financial advisor for the following projects:

1. Advanced refunding of a portion of the Water and Sewer Revenue Bond Issue Series 1984;
2. Advanced refunding of a portion of the Manatee County General Obligation Bonds, Series 1984 and 1985,

and that each be contracted on a project-by-project basis, including any other projects designated by the Board, i.e., road bond issue.

The County Attorney recommended that notice of termination of the agreement with William R. Hough and Company be prepared stating that under the terms of the agreement, the contract was terminated in its entirety as of March 1, 1985. He noted that there are ongoing projects and recommended they be notified as to specific projects.

As to the proposed sole source contract with Smith Barney, he noted it appears this firm could serve as Financial Advisor as well as underwriter.

R. B. Shore advised that W. R. Hough and Company is agreeable to the recommendation and will provide a written release of those projects which will be handled by Messrs. Zent and Blackwell. It was suggested that the matter be deferred until the release is received.

Motion was made by Mr. Chance, seconded by Mr. Chetlain and carried unanimously, to defer the matter one week.

DATA INFORMATION SERVICES

Copyright Protection

Upon motion by Mr. Chance, seconded by Mr. Chetlain the following resolution was unanimously adopted:

R-86-50 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA PROHIBITING THE MISUSE OF COMPUTER AND MICRO-COMPUTERS AND ASSOCIATED SOFTWARE; PROHIBITING THE DUPLICATION OR DOCUMENTATION OF SOFTWARE EXCEPT WHERE EXPRESSLY PERMITTED BY THE LICENSEE; PROVIDING THAT MISUSE OF COMPUTER HARDWARE AND/OR SOFTWARE SHALL CONSTITUTE GROUNDS FOR DISMISSAL OR DISCHARGE OF AN EMPLOYEE.

RECORD RESOLUTION

S35-377

Sheriff's Office

Upon motion by Mr. Chance, seconded by Mr. Chetlain and carried unanimously, the Chairman was authorized to execute an agreement between Manatee County Sheriff's Department and Board of County Commissioners of Manatee County, regarding service of the Manatee County Data Center, which includes a high speed interface to the National Crime Information Center (NCIC)/Florida Crime Information Center (FCIC).

RECORD: CONTRACT FILE

3273

COMMUNITY SERVICES/HOSPICE

Mr. Chance moved to authorize the Chairman to sign a letter of conceptual support to the Health Council of West Central Florida for a Hospice in Manatee County (institutionalized care in a home atmosphere for terminally ill patients). Motion was seconded by Mr. Chetlain and carried unanimously.

ROAD BOND ISSUE (\$50M) REFERENDUM

John Thomas, Transportation Division, submitted a revised copy of Resolution R-86-111 authorizing a referendum to be held on September 2, 1986 for a proposed \$50 Million Bond Issue to improve certain streets, bridges and auxiliary roads for bicycles and pedestrians.

He reviewed corrections (scrivener's errors) in the resolution and displayed an overlay of the roads, streets, and bridges to be funded by the proposed bond issue. The County Attorney reviewed a substantive change to Section 2, as outlined in memorandum from Patricia McVoy dated May 12, 1986.

R. A. Wilford, Public Works Director, recommended development of a program to disseminate information to the public through formulation of an action committee consisting of various groups throughout the community.

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Avery Gould stressed the importance of assuring the public that the monies will not be used for improvements which should be covered by impact fees.

Discussion: Impact fees; legislation regarding imposition of additional gas taxes and distribution; determining source of revenue for the County's portion of impact fees; need for audit and review of Transportation Department's operation and management of funds; need for addressing improvements not listed in the bond issue, etc.

Motion was made by Mr. Chetlain to defer action on Resolution R-86-111 until some future date. Mr. Fletcher stepped down as Chairman to second the motion. Motion carried unanimously.

ROAD & BRIDGE IMPROVEMENTS: SHELL MATERIAL

Motion was made by Mrs. Hooper to execute an agreement between Schroeder Manatee, Inc., and Manatee County to mine shell, shell marl and fill materials for the construction and maintenance of County roads. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD: CONTRACT FILE 3274

BUDGET AMENDMENTS

Upon motion by Mr. Chance, seconded by Mrs. Hooper, budget amendment resolutions were unanimously adopted amending the 1986-87 budget to provide for the decrease to provide for actual revenue and or receipt and appropriation of unanticipated revenues and item to item transfers:

COMMUNITY SERVICES (B-86-129/1)

From: General Fund/transfer to 112
To: Human Services Planning Section

\$ 1,800
RECORD RESOLUTION S35-378

COMMUNITY SERVICES (B-86-129/2)

Decrease Revenue
Miscellaneous Grants
Decrease Expenditures
CCE VII

\$ 1,800
RECORD RESOLUTION S35-379

PUBLIC WORKS (B-86-130)

From: Water Treatment Plant Expansion;
Reserve for Contingency
To: Water Treatment Plant Expansion;
30" Raw Water Line Conversion

\$928,016
RECORD RESOLUTION S35-380

PUBLIC WORKS/UTILITIES (B-86-131)

From: Southwest Treatment Plant Improvements;
Sewer Reconstruction 1985; Distribution
Improvements - 8" & Under; Frog Creek
Industrial Water Source; Reserve for
Contingencies
To: Southwest Treatment Plant Improvements;
Sewer Reconstruction 1985; Distribution
Improvements - 8" & Under; Elevated
Tank Renewal and Replacement - 59th St. W.;
Distribution Improvements 8" & Under; Water
Distribution Improvements SW; Utilities
Surplus Construction

\$624,652
RECORD RESOLUTION S35-381

COMMUNITY SERVICES (B-86-132)

Increase Revenue
CCE VII; Contributions
Increase Expenditures
Professional Services

\$ 76,369
RECORD RESOLUTION S35-382

CLERK OF CIRCUIT COURT (B-86-133)

From: General Fund
To: Clerk of Circuit Court

\$ 20,588
RECORD RESOLUTION S35-383

<u>GENERAL COUNTY</u>	(B-86-134)		
From: General Fund			
To: General County		\$ 5,000	
		<u>RECORD RESOLUTION</u>	S35-384
<u>TRANSPORTATION</u>	(B-86-135/1)		
From: General Fund (Reserve)			
To: General Fund (Transfer to 304)		\$ 32,000	
		<u>RECORD RESOLUTION</u>	S35-385
<u>TRANSPORTATION</u>	(B-86-135/2)		
Increase Revenue			
Highway Capital Projects			
Increase Expenditures			
SR 789 Coquina Beach & Bay Park		\$ 32,000	
		<u>RECORD RESOLUTION</u>	S35-386

PUBLIC COMMENTS

Katherine and Russ Fernald, Longboat Key, requested the Board take whatever actions are necessary to protect mangroves and seagrass.

Gloria Rains, representing Manasota 88, requested the Board establish a policy preventing the passage of Development of Regional Impact (DRI) exemptions, or extensions, from owner to owner.

LEGISLATION: SANITARY SEWAGE DISPOSAL (SB 586)

Ms. Rains requested support of Senate Bill No. 586 (Grizzle Bill) providing that facilities for sanitary sewage disposal may not dispose of wastes into certain waters without advanced waste treatment. Mary Shepard, 3120 38th Avenue East, concurred.

Following discussion as to economic impact the bill would have on the County, motion was made by Mr. Chetlain to send a message to the Legislative Delegation urging support of the Grizzle Bill. Mr. Fletcher stepped down as Chairman to second the motion. Voting "Aye" were Mr. Chetlain and Mr. Fletcher. Voting "No" was Mr. Chance and Mrs. Hooper. Motion failed to carry due to tie vote.
(Note: Action taken later in the meeting)

PLANNING & CONSTRUCTION TASK FORCES

Fred Goodrow, Planning Director, submitted and reviewed his memorandum of May 8, 1986, setting forth recommendations of the Planning and Construction Task Forces.

Planning Task Force recommendations included:

- = Initiation of analysis for updating current Manatee Plan and Zoning Ordinance;
- = Analyzing adoption of a Development Review Board (DRB) with broader administrative authority;
- = Increasing current staff involved in development review process;
- = Establishment and review of County's proposed revisions to planning and zoning regulations, procedures, etc.,
- = Update land development procedures, policies, etc.;
- = DRC Committee members be required to bring written comments to DRC meeting by someone with authority to make decisions at meeting;
- = Central location of Public Works Engineering, Transportation and Planning.

Construction Task Force recommendations included:

- = Inspections within 24 hours after request for inspection is filed;
- = One individual assigned to take requests;
- = Results of inspections to be communicated by radio every hour to an individual other than person taking requests;
- = Contractor be notified by telephone of any defect or failure to pass inspection, and reason for such action;
- = Inspectors available in office at certain time to answer questions, times in office posted for public display;
- = Clarify responsibility of inspectors;
- = Status report of plan review, updated daily, available upon request from a designated person;
- = Maximum plan review time by any agency within 36 hours for residential, 48 hours for commercial;
- = Inspectors to cease checking setbacks;
- = Supervisor available for trouble shooting inspections on call.

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He specified those recommendations which should be implemented immediately and those which staff did not support and/or required further study. It was suggested that Mr. Goodrow conduct a complete evaluation of the recommendations in order to ascertain costs of implementation, necessary manning level changes, etc.

Comments were made by Mary Sheppard, citizen, and Avery Gould, representing the Federation of Manatee County Communities.

COMMISSIONER HAGAMAN (RESIGNATION)

In view of resignation by Lloyd C. Hagaman, Jr. effective June 1, 1986, the County Attorney inquired if the Board wanted to withdraw request for an opinion from the Florida State Ethics Commission in connection with asserted conflict of interest by Commissioner Hagaman regarding his voting on impact fee ordinance matters. The Board concurred in proceeding with the request.

LEGISLATION SANITARY SEWAGE DISPOSAL (SB 586)

Mr. Chance reported that it has been determined that the Grizzle Bill will have no economic effect on the County Utilities System and requested reconsideration of action taken earlier in the meeting.

Reconsideration of Previous Motion

Mr. Chetlain moved for reconsideration of the previous motion in regard to the Grizzle Bill. Mr. Fletcher stepped down as Chairman to second the motion. Motion carried unanimously.

Motion

Mr. Chetlain moved to endorse passage of the Grizzle Bill, send that endorsement to the Legislative Delegation and, in view of the fact that time is of the essence, request the Chairman to telephone Ms. Steffins (Liaison) or anyone else in Tallahassee. Motion was seconded by Mr. Chance for discussion.

Motion to Amend

Mrs. Hooper moved to amend the motion to endorse passage of the "original" Grizzle Bill, and add, "and to send a (confirming) telegram". Motion was seconded by Mr. Chance and carried unanimously.

Vote on Amended Motion

Motion as amended carried unanimously.

(Note: Further action taken later in meeting)

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Motion and second to approve the County Administrator's Consent Agenda was withdrawn.

Upon motion by Mr. Chance, seconded by Mr. Chetlain, the County Administrator's Consent Agenda dated May 20, 1986, was unanimously approved after deletion of: (1) Space Utilization Committee Recommendations, and (2) Green Bridge Fishing Pier (separate actions).

Items APPROVED included:

PALMETTO REDEVELOPMENT DISTRICT

Acceptance of correspondence and Resolution 86-7 from the City of Palmetto approving a Community Redevelopment Plan.

AFFIDAVITS FOR ACCESS

1. William C. Josey, 13920 Seminole Trail.
2. Larry T. Burris, 1405 50th Ave. Dr. W.

DEEDS & EASEMENTS

1. Highland Associates Ltd. - Utility Easement to read water meters from Highland Associates, Ltd./By Westco Builders Inc.
2. Pinehurst Subdivision - Drainage/Utility Easement from Craig McIntosh and Frances B. Baker.
3. Cedar Hammock Drainage Canal - Drainage Easement from Bradenton A.C.L.C. Ltd; Joinder from State Bond and Mortgage Company.

UTILITIES: NORTH COUNTY GRAVITY MAINS

Contract for Purchase of easement from Charles F. Hill & Edsel A. Cass, \$6,000; authorize down payment of \$600.00.

RECORD: CONTRACT FILE

3275

COMMUNITY CARE ELDERLY

Authorization for Chairman to initial change in United TeleSentinel Addendum (executed 4/8/86), to correct scrivener's error.

RECORD: CONTRACT FILE

3064

BOYS' CLUBS

Authorization for Chairman to sign letter/agreement with Boys Clubs' of Manatee County Inc. approving request to hold third annual "Walk With Americas Future" Walk-A-Thon 5/31/86.

RECORD: CONTRACT FILE 3276

CENTRAL SERVICES

1. **Uniforms** - Extend annual bid No. 0200-85-39 with Martin's Uniforms for one year commencing 5/22/86 at same terms as originally awarded on required unit price basis.
2. **Brush Chipper** - (Highway) Award bid to Chipmore Mfg. Co., total not to exceed \$16,600.
(End Consent Calendar)

GREEN BRIDGE FISHING PIER

Upon motion by Mr. Chance, seconded by Mrs. Hooper the following resolution was unanimously adopted:

R-86-113 RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA EXPRESSING ITS COMMITMENT TO ASSUME OWNERSHIP AND TAKE RESPONSIBILITY FOR MANAGING THE GREEN BRIDGE FISHING PIER

and authorize the Chairman to sign a letter of transmittal to the Florida Department of Transportation.

RECORD RESOLUTION S35-387

SPACE UTILIZATION

By memorandum dated April 29, 1986, the County Administrator submitted recommendations of the Space Utilization Committee to approve an additional 12 users of the Judge Robert E. Hensley Public Safety Complex Parking Deck and endorsement of the Judiciary's need for additional offices/facilities within the Courthouse. The Committee further determined that the Commission should continue its efforts toward development of a centralized Administrative Center to resolve office space needs.

Motion was made by Mr. Chetlain, seconded by Mr. Chance and carried unanimously, to approve, ratify and confirm the recommendations of the Space Utilization Committee, as set forth in the memorandum from R. H. Rabun to the Board of County Commissioners, dated April 29, 1986.

CLERK'S CONSENT CALENDAR

Upon motion by Mrs. Hooper, seconded by Mr. Chetlain, the Clerk's Consent Calendar dated May 13, 1986 was unanimously approved. Items approved included:

BILLS FOR PAYMENT:

City of Bradenton - McKechnie Field; Bradenton Municipal Auditorium	\$25,000.00
M&M Contracting/Taddie - Memphis Rd Intercept	132,099.89
CH2MHill - Task Ord. #5, Exploratory Well Design	3,146.09
" - Task Ord. #4, Phase 1, Inj. Monitoring Well	2,090.85
Camp Dresser & McKee - Pay #3, Update/Revision to Water & Sewer Rate Structure	1,918.88
" " " " - Pay #10, Annual Report	1,180.24
" " " " - Pay #4, Mo. Svcs 2/23-3/29/86	13,646.77
" " " " - SE Reg WW Trmt Fac, Phase IB & 1C Pump Sta & Force Main Sys	31,844.90
" " " " - SW Subreg WW Trmt Plant Exp	60,102.62
" " " " - SE Subreg WW Fac, Work Task Series 100-500	24,741.00
" " " " - SW Reg WW Trmt Plant, Extra Wk Auth #5, Phase I Expansion	19,760.44
Larson Eng - N Subreg Chlorine Contact Chamber	2,181.70
" " - N Subreg WW Fac, Ph I, Seg A, Parts A,B,C	4,417.66
" " - N Subreg WW Fac, Ph I, Seg A, Part D	1,195.59

Refunds:

Kingston Mobile Home Assoc. - Spec. Permit Fee	302.00
W. W. Townsend - Rezone (Z-85-68) Fee	535.00
Karen Crippen - Animal Cage	20.00
Mary Jane Hull - Child Safety Seat Deposit	10.00
Ava Wickham - Child Safety Seat Deposit	10.00

WARRANT LIST

Approve: May 6, 1986 to May 12, 1986
 Authorize: May 13, 1986 to May 19, 1986

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(Cont'd)

AUTHORIZE CHAIRMAN TO SIGN:

1. CONTRACT with Cone Constructors, Inc., for North Subregional Wastewater Facility Improvements Phase I Segment A-Part D Ellenton Lift Stations and Force Mains (Bid No. 85-11, subsequent execution authorized 2/25/86); Performance bond Seaboard Surety Co., surety.

RECORD: CONTRACT FILE 3277

2. Partial Release of Special Improvement Assessment Lien:
James & Karen A. Christman - Project 896, DP #6104600009
3. State Revenue Sharing Application for Fiscal Year 1986-87

MINUTES FOR APPROVAL:

April 1, 1986 and April 8, 1986

(End Consent Calendar)

RECESS/RECONVENE

The Chairman declared the meeting recessed until 1:45 p.m.

The Board reconvened at 2:06 p.m. with all members present except Mr. Hagaman and Mr. Chetlain.

LAWSUIT: BEKER PHOSPHATE

Attorney Alan Sundberg, Special Counsel, updated the Board on the status of litigation involving Beker Phosphate Company including proceedings in the U.S. Bankruptcy Court. He stated that after the Florida Land and Water Adjudicatory Commission remanded this case back to the Hearing Officer, a motion was filed by Manatee County urging the Hearing Officer to deny the remand and send it back to the Adjudicatory Commission on the premise that the remand is inappropriate as a matter of law (response expected in 3-4 weeks).

An adversary proceeding was filed by Beker against Manatee County and the Florida Land & Water Adjudicatory Commission arising out of proceedings in the Bankruptcy Court for the Southern District of New York. A number of issues were framed by the complaint that started the adversary proceeding, including claims by Beker asserting that:

- = Enforcement of the development order with the condition of regulating trucking violates the due process laws because it effects the "taking" of their property;
- = Interstate Commerce Laws prohibit any regulation of trucking on Highway 64 under the terms of the development order.
- = Conduct and statements by a former Commission estopped the County from enforcing terms of the development order.

He reported that Judge Buschman, the Bankruptcy Judge, has indicated that estoppel is a very serious issue in this case, it is not in the public interest to continue the dispute and that an effort be made to resolve it. Judge Buschman also stated that underlying environmental issues need be brought out and indicated he could impose reasonable conditions on Beker's operations to protect the environmental interest of Manatee County, e.g., mining in the watershed.

Mr. Sundberg stated he would be meeting with Judge Buschman on Friday to discuss the matter as to possible settlement or continuance of the dispute and requested direction from the Board.

Discussion: Settlement to include conditions as to allowable tonnage to be hauled, reimbursement for negative impact on Highway 64, significance of the mining operation to watershed of Lake Manatee, enforcement of all regulations and conditions, etc.

With reference to precluding Beker from mining in the watershed, Mr. Sundberg indicated that it was his opinion that Judge Buschman would not invoke such an order since it would require Beker to give up the majority of their minerals. He stated he would like to review alternatives with staff which could place severe conditions upon Beker in that regard.

Discussion: Guaranteeing conformance with environmental conditions, consideration of safety factor involved in trucking phosphate, effect of Hearing Officer's response to County's motion, spending funds received from Beker for restoring State Road 64, etc.

It was the consensus of the Board to pursue litigation against Beker.

LEGISLATION SANITARY SEWAGE DISPOSAL (SB 586)

Motion was made by Mrs. Hooper to reconsider action taken earlier regarding the Grizzle Bill. Motion was seconded by Mr. Chance and carried unanimously,

Mrs. Hooper moved to schedule the question of the Grizzle Bill on the agenda of May 20, 1986. Mr. Fletcher stepped down as Chairman to second the motion. Voting "Aye" were Mrs. Hooper, Mr. Fletcher and Mr. Chetlain. Voting "No" was Mr. Chance. Motion carried.

Recess/Reconvene. All members present.

GUN PERMIT CANCELLATION (ERICKSON)

Motion was made by Mrs. Hooper, seconded by Mr. Chance and carried unanimously, to adopt

R-86-103 A RESOLUTION CANCELLING GUN PERMIT
issued to Bryan Keith Erickson; rescinding Resolution R-86-58
adopted March 11, 1986

RECORD RESOLUTION

S35-388

COQUINA BAYSIDE PARK/DOCKING FACILITY PROJECT

The County Administrator referred to his memorandum of May 12, 1986, reporting on attending the Bradenton Beach City Council meeting seeking approval of the Interlocal Agreement and subsequent granting of necessary city permits for the construction of Coquina Bayside Park and Docking Facility. He advised that the City Council insisted on the imposition of monetary penalties should Manatee County or its agents violate provisions of the agreement.

He recommended authorization of one of the following alternatives:

1. Reconsider April 22 and May 6 Commission action and accept penalty provisions added to the proposed Interlocal Agreement by the City of Bradenton Beach.
2. Refuse acceptance of Grant Project and return Grant funds to the State of Florida.
3. File suit, challenging the May 8 action by the Bradenton Beach City Council to deny site plan approval for this project unless the County accepts imposition of set monetary penalties for breach of stipulations on site plan.
4. Issue Purchase Order to contractor and proceed with construction project as there is an overriding need for this project and the ability of the County to provide this project would be substantially impaired if the County did not proceed at this time.
5. Proceed as outlined in No. 3 and No. 4.

Motion was made by Mr. Chance to initiate Alternative No. 5 to file suit, challenging the May 8 action by the Bradenton Beach City Council to deny site plan approval for this project unless the County accepts imposition of set monetary penalties for breach of stipulations on site plan; and, further, to issue Purchase Order to contractor and proceed with construction project. Motion was seconded by Mrs. Hooper.

Katherine Fernald, representing Longboat Key, suggested the docking facility be located at Port Manatee.

Motion carried unanimously.

The Parks & Recreation Department was directed to forward to Ms. Fernald copies of all State permits granted to the County allowing it to proceed with the project at that facility.

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AUDIT SELECTION COMMITTEE

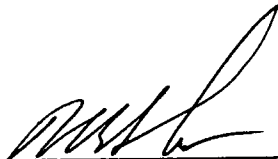
The Chairman appointed Mr. Chance to serve on the Audit Selection Committee (replacing Lloyd C. Hagaman, Jr.).

MEETING ADJOURNED


There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman 6/24/86

Adj: 3:38 p.m.

