

MAY 27, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, May 27, 1986, at 9:03 a.m.

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

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

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. Doug Kirk, Bayshore Baptist Church.

The meeting was called to order by Chairman Fletcher.

AWARDS

A Meritorious Service Award was presented to Susan McGill, Payroll Supervisor, Clerk of Circuit Court, for her excellent service to all County Departments/Offices and other Constitutional Offices.

PROCLAMATIONS

Women In Transition Day

Upon motion by Mrs. Hooper, seconded by Mr. Chance, a proclamation was unanimously adopted designating May 31, 1986, as "Women In Transition Day" in Manatee County.

RECORD PROCLAMATION

S35-402

Safe Boating Week

Upon motion by Mr. Chetlain, seconded by Mr. Chance, a proclamation was unanimously adopted designating June 1-7, 1986, as "Safe Boating Week" in Manatee County.

RECORD PROCLAMATION

S35-403

Hurricane Awareness Week

Upon motion by Mr. Chetlain, seconded by Mrs. Hooper, a proclamation was unanimously adopted designating June 1-7, 1986, as "Hurricane Awareness Week" in Manatee County.

RECORD PROCLAMATION

S35-404

National Sport Fishing Week

Upon motion by Mr. Chance, seconded by Mrs. Hooper, a proclamation was unanimously adopted designating June 2-8, 1986, as "National Sport Fishing Week" in Manatee County.

RECORD PROCLAMATION

S35-405

COQUINA BAYSIDE PARK/DOCKING FACILITY

Michael Pascuzzi, Parks & Recreation Director, reviewed the course of action taken on the Coquina Bayside Park and Docking Facility. In his memorandum of May 22, 1986, he recommended the project be advanced to completion.

Discussion: Provision in interlocal agreement by the City of Bradenton Beach (previously submitted to the Board for consideration) regarding fines and penalties for docking beyond the 60 days per year period; County filing a lawsuit on refusal of City of Bradenton Beach to grant a construction permit; restricting the use of the facility strictly for docking, etc.

The County Attorney recommended the Board not authorize execution of the interlocal agreement in its present form.

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(Cont'd)

Mrs. Hooper moved to proceed with construction without permits from the City of Bradenton Beach. Motion was seconded by Mr. Chetlain. Following discussion motion was withdrawn.

Motion was made by Mrs. Hooper, and seconded by Mr. Chetlain, to authorize the institution of a suit challenging the May 8, 1986 action by the Bradenton Beach City Council to deny site plan approval for the project and that no construction begin until such time as an initial hearing may be had upon the complaint. Motion carried unanimously.

#### ROAD ASSESSMENT PROJECTS

By memorandum dated May 19, 1986, Richard Wilford, Public Works Director, recommended the Board authorize initial expenditures, and to authorize staff to proceed with development of feasibility reports, for the following road and drainage improvement projects:

#### Project 5066, Olsen Subdivision & Bracks Springs Subdivision:

1. 50th Street Court Northwest from 1st Avenue West to the north right-of-way line of 3rd Avenue Northwest.
2. 1st Avenue West from 50th Street Court West, east to the existing pavement.

#### Project 5064, Gregory Estates:

1. 19th Street West from 38th Avenue West, north to 34th Avenue West.
2. 20th Street West from 38th Avenue West, north to 34th Avenue West.
3. 34th Avenue West from 20th Street West, east to 19th Street West.
4. 36th Avenue West from 20th Street West, east to 19th Street West.

#### Project 5065, McCollum's Lake:

1. 27th Street West from 48th Avenue West, north to 46th Avenue Drive West.

#### Project 5067, Marlita Section Subdivision:

1. 76th Street West from north of Cortez Road, north to 40th Avenue West.
2. 43rd Avenue West from 75th Street West, west to 76th Street West.
3. 42nd Avenue West from 76th Street West, west to 78th Street West.

#### Project 5068, Kilbys & Bayshore Gardens Subdivisions:

1. 63rd Avenue West from U.S. 41, west to dead end.

#### Project 5069, Unplatted:

1. 35th Avenue West from 32nd Street West, west to dead end.

#### Project 5070, River Terrace Subdivision:

1. 35th Avenue Drive West (Alabama Avenue) from 10th Street West, south to dead end.

#### Project 5071, Braden River Ranchetts:

1. 67th Street Court East from 41st Avenue East, north to 34th Avenue East.
2. 36th Avenue East from 67th Street Court East, east to dead end.
3. 34th Avenue East from 69th Street East, south and east to 67th Street Court East.
4. 32nd Avenue East from 69th Street East, east to 73rd Street East.
5. 28th Avenue East from 69th Street East, east to 73rd Street East.
6. 41st Street East from I-75, east to dead end.
7. 73rd Street East from 28th Avenue East, south to 32nd Avenue East.

#### Project 5072, Village Del Sol:

1. 66th Avenue Drive East from U.S. 301, east to dead end.
2. 66th Avenue Terrace East from U.S. 301, east to dead end.
3. 67th Street East from U.S. 301, east to Railroad Tracks.
4. 16th Street Court East from 67th Street East, north to 66th Avenue Terrace East.

#### Project 5073, Sunny Lake Estates:

1. 12th Street West from 60th Avenue West, south to dead end.

#### Project 5074, Winter Gardens Subdivision:

1. 64th Avenue Drive East from 9th Street East, west to 5th Street East.
2. 65th Avenue East from 9th Street East, west to 5th Street East.
3. 5th Street East from 64th Avenue Drive East, south to 65th Avenue East.

He further recommended addition to this list the Board include for improvements

**Project 5075:** 21st Street and 24th Avenue, Palmetto.

Mr. Chance moved to authorize staff of the Public Works Department to prepare the feasibility reports for road and drainage improvements and special assessments for projects 5066, 5064, 5065, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074, and 5075. Motion was seconded by Mrs. Hooper and carried unanimously.

#### INDIGENT CARE COSTS

Motion was made by Mrs. Hooper, and seconded by Mr. Chetlain, to adopt

R-86-126: RESOLUTION WHICH RELIEVES COUNTIES FROM THE EXPENSES OF INDIGENT CARE OCCASIONED BY ANY INSUFFICIENT FUNDING OF THE PUBLIC DEFENDER'S OFFICE,

petitioning the Governor and the Legislative Delegation to immediately appropriate state funds to provide adequate staff for the Public Defender's Office to prosecute all appeals originating in Manatee County. Motion carried unanimously.

*Res. 389* (NOTE: Resolution reconsidered later in the meeting)

#### COURTHOUSE RENOVATION (PLANS)

The County Administrator advised that staff investigated the possibility of utilizing space in the Courthouse for interim office space in lieu of leasing office space; that space available on the fourth floor could be constructed for judiciary offices, and utilized on an interim basis by the County Administrator, Office of Management and Budget and County Attorney until an Administrative Center is constructed.

Don Barry, Assistant Clerk of Court, reviewed the conceptual schematic plans for the Courthouse renovation and the time schedule to complete all renovations.

Discussion: Location of the Blind Services Snack Bar/Cafeteria; need for courtrooms and related office space.

It was the concensus of the Board to 1) conceptually approve the plans with the exception of the Blind Services location (to first floor), 2) locate the Blind Services in space previously approved, and 3) request staff examine the possibility and cost of expediting the action by supplementing the present labor force with contractual assistance and report to the Board in one week.

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

#### COUNTY ADMINISTRATIVE CENTER

Discussion: Negotiation of proposals for the proposed County Administrative Center.

David Dietrich, Chairman, Downtown Development Authority (DDA), advised that the DDA will enter into negotiations with the top ranked proposer as selected by the Board.

Entered into record was: Letter from Margaret Moore, Chairman of the Historic District and the Architectural Review Board, urging the Board to locate the proposed Administrative Center downtown area.

Others commenting on the subject were: Bert Luper; Hugh McGuire, Chamber of Commerce and Economic Development Council; Betty Rogers, former DDA member; Gregory Porges, Downtown Bradenton Association; Richard Olson, National Development Corporation.

Upon recommendation that all non-target area proposals be rejected if the Board wishes to restrict proposals only to the downtown district, Mr. Chetlain moved that the non-target area proposals not be considered. Motion was seconded by Mr. Fletcher.

It was pointed out that the proposal from Mr. Luper is not in the target area as outlined by the DDA, however, it is in the downtown area that the DDA has chosen to be revitalized. It was then suggested that County staff be allowed to talk with Mr. Luper regarding his proposal.

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

Mr. Chance moved to authorize the County Administrator to prepare a letter for the Chairman's signature sending both top proposers within the target area to the DDA, without ranking, for consideration. Motion was seconded by Mr. Chetlain. It was clarified that the two top proposers are National Development Corporation and Dyson Company.

Following further discussion, Mr. Chance moved to call the question on the motion. Motion was seconded by Mr. Fletcher and carried unanimously.

Motion authorizing the County Administrator to prepare a letter carried unanimously.

#### AFFIDAVIT FOR ACCESS (HITCHINS)

Kent Kraus, representing Nancy P. Hitchins, requested the Board approve an Affidavit for Access at 1423 51st Avenue Drive West, Lot 1, Winella Park, Palmetto.

Staff had reviewed the request and offered no objections.

Motion was made by Mr. Chance, and seconded by Mrs. Hooper, to approve the Affidavit for Access subject to concurrence by the County Administrator and the County Attorney. Motion carried unanimously.

#### COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mr. Chetlain, seconded by Mrs. Hooper, the County Administrator's Consent Agenda dated May 27, 1986, was unanimously approved.

Items approved included:

#### LAKE FOREST ESTATES SUBDIVISION - VACATION

Adoption of

RESOLUTION DECLARING PUBLIC HEARING JUNE 17, 1986, ON R-86-41-V, APPLICATION BY DONALD F. AND LYNDA F. MOLLOY TO VACATE A PORTION OF A DRAINAGE AND UTILITY EASEMENT ON LOT 3, LAKE FOREST ESTATES SUBDIVISION (PLAT BOOK 19, PAGES 8 & 9)

RECORD RESOLUTION

S35-406

#### DEEDS & EASEMENTS

1. 63rd Avenue East & 9th Street East - Warranty Deed for right-of-way from Noah Minton and Alma B. Parker.
2. 5th Street West - Warranty Deed for right-of-way from Barnett Bank.

#### AFFIDAVIT FOR ACCESS

Gregory A. Maynard, 4219 1st Avenue East, Riverdale Revised.

#### CENTRAL SERVICES

Street Sweepers/Vacuum Type (2) - Award Bid No. 86-55 to Dave Smith & Company, Inc., unit price of \$88,500, total not to exceed \$177,000.

#### STREET VENDOR PERMITS

1. Starburst Novelty Company, Inc. - Sale of sparklers at 1169 Idlewild Court.
2. Homer E. McKahon - Sale of sparklers at U.S. 301 and 5th Street East.

#### COMPREHENSIVE PLANNING ASSISTANCE

Execution of contract with the Department of Community Affairs for Local Government Comprehensive Planning Assistance, grant amount of \$33,867; Chairman authorized to sign transmittal letter.

RECORD: CONTRACT FILE

3282

(End Consent Agenda)

#### BUDGET AMENDMENTS

Upon motion by Mr. Chetlain, seconded by Mrs. Hooper, resolutions were unanimously adopted to provide for receipt and appropriation of unanticipated revenues and item to item transfers.

**PUBLIC WORKS (UTILITIES)**

From: Maintenance and F/F Work (B-86-139)			
To: Gasoline			
To: Utilities Garage; Improvements;			
Equipment		\$ 10,500.00	
		<u>RECORD RESOLUTION</u>	S35-407
From: Reserve for Contingency (B-86-140)			
To: Sewer Collections; Equipment;			
Equipment Maintenance		21,000.00	
		<u>RECORD RESOLUTION</u>	S35-408
From: Retained Earnings (B-86-141/1)			
To: Transfer to sewer FIF		1,526,245.00	
		<u>RECORD RESOLUTION</u>	S35-409
Increase Revenue Items: (B-86-141/2)			
Sewer FIF Construction; Transfer from 401			
Increase Expenditure Items:			
Creekwood Properties; Land		1,526,245.00	
		<u>RECORD RESOLUTION</u>	S35-410
From: 1986 Sewer Line (B-86-143)			
To: Participation; Improvements			
Creekwood Properties; Land		32,585.00	
		<u>RECORD RESOLUTION</u>	S35-411
<b>PUBLIC SAFETY</b>			
Increase Revenue Items: (B-86-142)			
911 Enhancement Fee Fund;			
911 Telephone Tax			
Increase Expenditure Items:			
911 Enhancements; Equipment		245,000.00	
		<u>RECORD RESOLUTION</u>	S35-412

**CLERK'S CONSENT CALENDAR**

Upon motion by Mr. Chetlain, seconded by Mrs. Hooper, the Clerk's Consent Calendar dated May 27, 1986, was unanimously approved.

**BILLS FOR PAYMENT:****Attorney's Fees:**

Balance before payments:	\$509,407.18
Balance after payments:	492,864.77
Landers, Parsons & Uhlfelder - Legal Svs re Airport	\$3,832.54
Lane, Trohn, et al - Legal Svs re Harnish vs M.C.; Misc	465.40
- Legal Svs (Misc) thru 2/20/86	704.36
Hogg, Allen, Ryce, et al - Legal Svs thru 3/25/86	3,641.84
Burke, Bosselman, et al - Legal Svs re Impact Fee Ord.	7,898.27
Larson Eng - N Interim WW Trmt Plant Mod, Wk Auth #10	2,490.51
" " - N Cnty Lift Sta & Force Mains, Ph I,	
Seg B, Part A	1,992.44
" " - N Subreg WW Fac, Ph I, Seg A, Parts A,B,C	2,015.48
" " - N Subreg Chlorine Contact Chamber	2,133.83
Lanzo Construction - N WW Improv Fac Lift Sta	57,000.00
Woodruff & Sons - 59th Street Park	109,697.92
Zoller & Najjar Eng - 59th Street Park, Ph I & II	14,400.00
Roese Contracting - N Subreg WW Fac Imprv, Ph I A	334,366.20

**Refunds:**

Jim Rowland - Facility Reservation Fee	10.00
<b><u>Animal Cage Refunds:</u></b>	
Edwin Harrison	20.00
Richard Kuykendall	20.00
Ed Hartman	50.00
Irene Bowles	20.00

**Child Safety Seat Deposits:**

Bernice Kamiski	10.00
R. Klopfenstein	15.00
Arlene Barrett	10.00
B. Langnes	10.00

**License Refunds for Solid Waste:**

Sun Rise Lawn Service	50.00
Mike's Mowing & Landscaping	75.00
Billy Helm's Lawn Service	75.00
Amos Thomas	75.00
Wimpy's Rubbish Haul	75.00

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Stinton Roofing	75.00
Ray Smith	75.00
Samuel Forte	50.00
Paschen Contractors, Inc.	75.00
Mac Kay's Lawn Service	75.00
J&S Lawn Service, Inc.	50.00
Jack Eubank	75.00
Campfield & Sons	75.00
Bucket-Teers, Inc	25.00
Brandt Roofing	50.00
Bay Contracting, Inc.	75.00
J. B. Zoller	75.00
Winders Lawn Care	75.00
Forest Run, Inc.	75.00
Oyler Brothers	75.00
Blair North American	25.00
Bradenton Missionary Village	75.00
Cant Products, Inc.	50.00
Cortez Lawn Maintenance	75.00
DeSears Appliances, Inc.	75.00
Ever Green Lawn Service, Inc.	25.00
Gospel Crusade, Inc.	75.00
Precision Aluminum, Inc.	50.00
Holmes Construction Co., Inc.	50.00
J C Lawn Service	75.00
Larsen-Tihey Construction Co.	75.00

**WARRANT LIST**

Approve: May 20, 1986 to May 26, 1986

Authorize: May 27, 1986 to June 2, 1986

**MINUTES FOR APPROVAL:**

April 10, 15, 22 &amp; 24, 1986

(End Clerk's Consent Calendar)

**RECESS/RECONVENE**

The Chairman declared the meeting recessed until 1:15 p.m.

The meeting reconvened at 1:31 p.m. with all members present except Mr. Hagaman and Mr. Chance.

**ADVISORY BOARD MEMBERS**

By memorandum of May 27, 1986, the County Attorney advised the Board on the procedure governing the removal of a member of an Advisory Board for alleged violations of County Code requirements:

The Board may remove an advisory board member for cause after providing the member with written notice of the proposed action which states the time and place the Board will consider removal and which provides the member with notice of charges which may give rise to cause for removal.

(Enter Mr. Chance)

Following lengthy discussion, Mr. Chance moved that staff be authorized to develop criteria for selection and termination of any appointed board member that comes under the Board of County Commissioners, procedures for selecting and procedures for removal. Motion was seconded by Mr. Chetlain and carried unanimously.

**PUBLIC OATH**

The County Attorney presented and recommended adoption of Resolution R-86-106 requiring persons presenting factual information to the various County Boards at certain hearings to take oaths.

(Depart Mr. Chetlain)

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

R-86-106: RESOLUTION REQUIRING THAT ALL PERSONS MAKING FACTUAL STATEMENTS OR FACTUAL REPRESENTATIONS AT A DULY ADVERTISED PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS, PLANNING COMMISSION, CONSTRUCTION CODE BOARD OF APPEALS, PORT AUTHORITY AND BOARD OF ZONING APPEALS, SWEAR TO OR AFFIRM THE TRUTHFULNESS OF SUCH STATEMENTS OR REPRESENTATIONS.

*modified 3/15/94  
by R-94-90*

Motion carried unanimously.

RECORD RESOLUTION

S35-413

**ORDINANCE 86-16 (PROPOSED): UNSAFE STRUCTURES**

The County Attorney recommended the Board schedule a public hearing for the purpose of considering Ordinance 86-16.  
(Enter Mr. Chetlain)

Upon motion by Mrs. Hooper, seconded by Mr. Chetlain and carried unanimously, a public hearing was set June 17, 1986 9:00 a.m. or as soon thereafter as same may be heard to consider Ordinance 86-16, Unsafe Structures.

**TRAVEL AUTHORIZATION**

Upon motion by Mrs. Hooper, seconded by Mr. Chetlain, request for authority to travel was unanimously approved for the County Attorney to meet with Alan Sundberg, Attorney, in Tallahassee, May 29, 1986.

**IMPACT FEES - PUBLIC HEARINGS**

The County Attorney suggested that, since the impact fee ordinance could affect 100 percent of all land in Manatee County, the public hearings on this subject be held in the evenings. The County Administrator was directed to schedule the remaining public hearings on the impact fee ordinance at 6:30 p.m.

**INDIGENT CARE COSTS (RECONSIDERED)**

Tedd Williams, Chief Assistant County Attorney, submitted revisions to Resolution R-86-126 as follows:

Second and fourth Whereas Clauses - Change "12th" Judicial Circuit to 10th Judicial Circuit.

Fifth Whereas Clause - Change withdrawals "will" be allowed to withdrawals may be allowed.

Sixth Whereas Clause - Change "Whereas, there is a potential economic impact of sizable proportion that may be attempted to be visited upon the County by these procedures" to Whereas, such withdrawal may result in said appeals being assigned to the Public Defender of the 12th Judicial Circuit or to private counsel in the 12th Judicial Circuit, either of which may result in potential economic impact of sizable proportion being visited upon Manatee County by these procedures.

Paragraph 1 under Now, Therefore, Be It Resolved - Delete and 12th from "the Public Defenders in the 10th and 12th Judicial Circuits".

He recommended the Board rescind the resolution adopted earlier in the meeting and adopt the revised resolution.

Mr. Chetlain moved to reconsider R-86-126. Motion was seconded by Mr. Chance and carried unanimously.

Motion was made by Mrs. Hooper, seconded by Mr. Chance and carried unanimously, to adopt Resolution R-86-126 as revised.

RECORD RESOLUTION

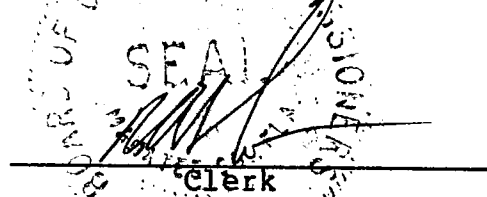
S35-414


**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
Clerk

  
Chairman 7-1-86

Adj: 2:32 p.m.