

JULY 8, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, July 8, 1986, at 9:00 a.m.

Present were Commissioners:

Westwood H. Fletcher, Jr., Chairman
 Kent G. Chetlain
 Patricia M. Glass
 Maxine M. Hooper

Edward W. Chance, Vice-Chairman, entered during the meeting

Also present were:

Ronald H. Rabun, County Administrator
 H. Hamilton Rice, Jr., County Attorney
 Donald E. Barry, Assistant Clerk to the
 Courts, representing R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.
 A Court Reporter, Lori MacFarlane, was present.

Invocation by Rev. James Metts, Island Baptist Church

The meeting was called to order by Chairman Fletcher.

PROCLAMATION

Voter Awareness Week

Upon motion by Mrs. Hooper, seconded by Mrs. Glass, a proclamation, designating July 13, 19, 1986 as "Voter Awareness Week" was unanimously adopted.

RECORD PROCLAMATION §35-479

ASSISTANT COUNTY ADMINISTRATOR

Ronald H. Rabun, County Administrator, introduced his newly appointed assistant, Jim Engelhardt.

STREET VACATION - ROYAL PALM GARDENS SUBDIVISION

Public hearing (Notice in the Bradenton Herald, 6/16/86) was opened for the purpose of considering

R-86-120-V - AN APPLICATION BY FRED KATZ TO VACATE
 PORTION OF A CERTAIN UNNAMED PLATTED RIGHT OF WAY
 RUNNING NORTH AND SOUTH EAST OF AND ADJACENT TO LOT 118
 AND WEST OF AND ADJACENT TO LOT 119, ROYAL PALM GARDENS
 SUBDIVISION (PLAT BOOK 5, PAGE 17)

Maureen Cassidy, Land Acquisition, submitted staff report indicating no objections by reviewing agencies and no impact upon county. A concern by a neighboring property owner was reviewed, and staff determined that vacation of the right-of-way would not cut off access to property owners.

Charles Keller, Jr., property owner in Royal Palms Gardens Subdivision objected to any property being vacated by the County. He said that the plat dated January 25, 1926 dedicated parks, parkways, streets, avenues, etc for use by the public forever and that Manatee County has no right to give it to private enterprise.

Motion was made by Mr. Chance, and seconded by Mrs. Hooper, to enter into record a letter dated June 25, 1986 from Charles Keller, Jr., regarding vacation in R-86-120-V. Motion carried unanimously.

Motion was made by Mr. Chance, and seconded by Mrs. Hooper, to enter into record a letter dated July 8, 1986 from Charles Keller Jr., objecting to the vacating procedures. Motion carried unanimously.

Brenda Katz, property owner, commented that the person objecting is not a contiguous neighbor; adjacent neighbors have not objected to the vacation of the road; other roads were vacated in the subdivision without a problem.

Upon question of why the map presented to the Board does not indicate that the rest of the street had been vacated, Jim Staples, Land Acquisition, advised that staff is working with the Property Appraiser in updating maps to designate streets which have been vacated.

Public hearing was closed.

Upon motion by Mrs. Glass, seconded by Mrs. Hooper, resolution was unanimously adopted approving R-86-120V.

RECORD RESOLUTION S35-480

STREET VACATIONS - ELLENTON SUBDIVISION

Public hearing (Notice in the Bradenton Herald, 6/13/86) was opened for the purpose of considering

R-86-116-V AN APPLICATION BY VERA P. JONES TO VACATE A PORTION OF AN UNNAMED ALLEYWAY IN LEFFINGWELL'S ADDITION TO ELLENTON SUBDIVISION (PLAT BOOK 1, PAGE 201-A) LESS AND EXCEPT AND SUBJECT TO A PRIVATE ACCESS EASEMENT EASEMENT FOR ABUTTING PROPERTY OWNERS AND SUBJECT TO ANY EASEMENTS NECESSARY FOR UTILITIES AND DRAINAGE.

Ms. Cassidy submitted staff report indicating no objections by reviewing agencies, or private citizens, and that vacation of street will not have an impact upon County services.

Charles B. Jones, husband of owner, said he hoped the county culvert at the entrance would be relocated so they would have full access to the private driveway. They plan to build a workshop and garage type building at the rear of the property and vacation of the alleyway will allow them to use an additional 7 1/2 feet.

Tom Fenton advised that the County is maintaining the full easement on this entire alleyway and approval of this application will leave those issues unaffected and will obligate the County in no way to move utility poles, drainage ditches, culverts, etc.

The public hearing was closed.

Motion was made by Mr. Chance, and seconded by Mr. Chetlain to adopt resolution approving R-86-116-V. Motion carried unanimously.

RECORD RESOLUTION S35-481

DISASTER: CITRUS CANKER

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

R-86-159 RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, REQUESTING ITS UNITED STATES SENATORS, UNITED STATES REPRESENTATIVES, STATE SENATORS AND STATE REPRESENTATIVES TO EXERCISE THEIR BEST EFFORTS TO OBTAIN FEDERAL AND STATE FUNDS FOR REIMBURSEMENT TO COMMERCIAL CITRUS GROWERS AND HOMEOWNERS WHO HAVE SUFFERED ECONOMIC LOSS DUE TO CITRUS CANKER.

RECORD RESOLUTION S35-482

INTERIM IMPACT FEE ADMINISTRATION PROCEDURES

Upon request by the County Administrator action on Resolution R-86-154, Interim Impact Fee Administration Procedures, was deferred to Thursday, July 10, 1986.

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(Cont'd)

PERSONNEL MANNING LEVEL (PROPERTY APPRAISER)

The County Administrator (memorandum, July 8, 1986), recommended approval of request from Frank Perkins, Property Appraiser, to increase the staffing level of his office by adding an Administrative Assistant in connection with the implementation of a Comprehensive Land Information Management System. The annual cost for this position is \$18,123.35 (salary and benefits) and the prorated cost can be funded from his current budget after approval by the Board of the appropriate budget and manning level amendments.

Mr. Chance moved approval for the Property Appraiser to add an Administrative Assistant position to his manning level, effective immediately, to be funded from unspent salary funds in his current budget. Motion was seconded by Mrs. Glass and carried unanimously.

ROAD IMPROVEMENTS - SR64; SR684

The County Administrator submitted proposed Resolution

R-86-156 REQUEST TO THE FLORIDA DEPARTMENT OF
TRANSPORTATION TO EXPEDITE CERTAIN CONSTRUCTION
PROJECTS IN MANATEE COUNTY, FLORIDA

(9th Street approach to the new Green Bridge, FDOT Project 13010-2518, and SR 684/Cortez Road, between 66th Street West and 76th Street West, FDOT Project 13040-35190).

Mrs. Glass pointed out that the work on Manatee Avenue (SR 64) at 75th Street West is substantially complete and suggested sending a letter to Florida Department of Transportation (FDOT), in lieu of the resolution, commending them for the job well done and encouraging them to expedite the completion of work on Cortez Road (SR684) and 75th Street West south of the Manatee River.

It was suggested by Mr. Chance that the letter include a request for a joint work session to discuss methods in which this Board can help FDOT expedite projects in Manatee County.

Mrs. Glass moved to authorize the Chairman to contact the Florida Department of Transportation by letter congratulating them on the excellent work on the completed portion of this important project (Manatee Avenue/75th Street); requesting the work underway at the intersection of SR 684 and 75th Street West be expedited and requesting a joint meeting with the Board on road matters. Motion was seconded by Mrs. Hooper and carried unanimously.

OFFICE SPACE - STATE ATTORNEY

David Rothfuss, Assistant County Administrator, submitted request from the State Attorney to lease additional space on the first floor of the Walcaid building to provide offices for an assistant prosecutor and secretary for the balance of this fiscal year and fiscal year 1986-87. The cost for fiscal year 1985-86 would be \$691, plus utilities, and \$4,148.00 for fiscal Year 1986-87.

Curtis Siver, State Attorney's Office, answered questions as to need of additional office space.

Mr. Chance moved the Board approve the request for the State Attorney, for an additional 488 square feet of office space in the Walcaid Building and that lease amendment and budget amendment be prepared. Motion was seconded by Mrs. Hooper and carried unanimously.

OFFICE SPACE - PUBLIC DEFENDER

Mr. Rothfuss submitted a request from the Public Defender for additional 1,395 square feet in the Perrine Plaza Building to provide offices for two assistant public defenders, two clerks, two legal interns and for upgraded computer facilities. The cost would be approximately \$12,012 for fiscal year 1986-87, including utilities. There would be no cost for the balance of this fiscal year except approximately \$3,500 in leasehold improvements which the lessor has agreed to allow the county to make and offset its upfront obligation until the month of November, 1986.

Mr. Chance moved the Board approve the request by the Public Defender as outlined by the County Administrator's staff presentation and memorandum of July 1, 1986. Motion was seconded by Mrs. Glass and carried unanimously.

PROFESSIONAL BUILDING

Mr. Rothfuss reported that, in accordance with direction by the Board, staffs of the County Administrator and Clerk of Circuit Court had met with the owner of the Professional Building to determine

- =the cost to lease and renovate the first floor and mezzanine for occupancy by the County Commissioners
- =availability/cost of leasing office space for the County Administrator, County Attorney and/or Office of Management and Budget
- =conditions under which Owner would contemplate sale of the building to county.

Staff of the Facilities Management Division estimated costs as follows:

Renovation

Mezzanine extension, elevator linkage, restroom relocation,
installation offices/conference room = \$143,830 to \$183,830.
Installation of telecommunication lines/equipment \$ 8,170.

Lease (annual; based on rate of \$8.00 per gross square foot):

First Floor (4,603 sq. ft.) = \$36,824
Mezzanine level (1811 sq. ft.) = \$14,488
Total annualized lease costs = \$51,312

Leasable offices available are:

- 14 offices on third floor (approximately 2800 square feet)
- 8 offices on seventh floor (approximately 1500 square feet).

He said the owner approved the conceptual renovation schemes thus far.

Discussion: Condition of building; Sobel Study, acquisition by County; use of offices without renovation; meeting room; reduction renovation cost; comparison with available rental offices in other buildings; maintenance; tenant allowances; future space needs.

Mrs. Glass moved to direct staff to undertake formal lease option negotiations with the owner of the Professional Building in order to relocate the Board of County Commissioners, County Administrator, Office of Management and Budget and possibly the County Attorney, and to continue discussion with the owner for acquisition by Manatee County. Motion was seconded by Mr. Chance and carried unanimously.

Recess/Reconvene. All members present except Mr. Fletcher and Mrs. Glass.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mr. Chetlain, seconded by Mrs. Hooper, the County Administrator's Consent Agenda was unanimously approved, after deletion of:

- (1) Award Bid for Terra Ceia Bay Subaqueous Crossing to Inter-Bay Marine Construction, subsequent execution of contract;
- (2) Execution of contract with Jerry N. Zoller for supplemental architectural consulting service on a unit price basis as required by Facilities Management.

(Note: These items approved under separate action).

(Enter Mrs. Glass)

Items Approved included:

PERSONNEL/MANNING LEVELS

Adoption of resolution reflecting addition of Motor Pool Division to Public Works Department:

PUBLIC WORKS DEPARTMENT R-86-143

Add: 1 Office Assistant I
1 Data Entry Operator
3 Equipment Mechanic I
1 Office Assistant IV
7 Equipment Mechanic II
1 Welder
4 Equipment Mechanic III

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2 Heavy Equipment Mechanic
 3 Equipment Foreman
 1 Operations Manager
 1 Fleet Services Manager
 Department Level: Increase from 604 and 629

RECORD RESOLUTION S35-483

Adoption of Resolution reflecting changes in Fleet Services Division and Central Stores, Auto Parts Division:

CENTRAL SERVICES R-86-144

Add: 1 Assistant Stores Manager
 1 Stores Manager
 Delete: 1 Office Assistant IV
 1 Fleet Services Control Manager

RECORD RESOLUTION S35-484

AFFIDAVIT FOR ACCESS

- a. John McNaughton, Oneco Gardens
- b. Gloria Zimmerman, Riverdale Revised
- c. Mark L. Runnals, Irvin Road, Myakka

DEEDS/EASEMENTS

- a. 43rd Street West and 9th Avenue West - Warranty Deed from Clyde B. & Jeanne R. Fenton.
- b. Cortez Road - Warranty Deed and joint access easement from Florence K. Hartnack for Right of Way.

UTILITIES: SEABOARD COASTLINE RAILROAD COMPANY

1. Adoption of

R-86-147 RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE SEABOARD COASTLINE RAILROAD COMPANY AND MANATEE COUNTY, FLORIDA, WHEREBY THE RAILROAD GRANTS THE COUNTY THE RIGHT OR LICENSE TO INSTALL AND MAINTAIN A WATER PIPE DESCRIBED IN SAID AGREEMENT LOCATED IN THE VICINITY OF 3119 S. E. OF MPS 875.0

RECORD; RESOLUTION S35-485
RECORD: CONTRACT FILE 3317

2. Master Drainage Engineering Study - Execution of Exhibit C-2 Extra Work Authorization with Briley, Wild & Associates, \$27,862.50, total contract amount of \$285,362.50.

RECORD: CONTRACT FILE 3318

CENTRAL SERVICES:

1. Utilities

- a. Peabody Barnes and Replacement Pumps - Award bid to lowest responsible bidder, Power & Pumps, Inc, not to exceed \$13,758.
- b. Filter agitator supply piping system (6) - Sole source negotiations with Heyward Inc. not to exceed \$53,380 and authorized subsequent execution of contract.

2. Office Automation

Standardized office automation equipment - Sole Source purchase from NCR not to exceed \$9,600; total FY85-86 not to exceed \$159,600.

SPEED LIMITS

Public hearing on Ordinance 86-28 amending Ordinance 84-5 establishing speed limits in Palmetto Point, Bay Colony Subdivision and San Remo Shores.

LAND AND NATURAL RESOURCES

Adoption of

RESOLUTION R-86-155 AUTHORIZING LEASE OF CERTAIN REAL PROPERTY WITH DIVISION OF PLANT INDUSTRY (FLORIDA DEPARTMENT OF AGRICULTURE)

(Agriculture Center, Palmetto, for purpose of locating office trailer in conjunction with efforts to support citrus canker eradication program).

RECORD RESOLUTION S35-486
RECORD CONTRACT FILE 3319

PARTICIPATION PROJECT/MCCOLLUMS LAKE (PART CII)

Change Order #1: Increase contract w/Hewitt Contracting Co.,
\$23,299.50 (Projects 5034/5045/46/47/48/49)

CONTRACT FILE 3281

PROJECT 4021: 57TH AVENUE/26TH STREET WEST INTERSECTION IMPROVEMENTS

Change Order No. 1 to purchase order (increase contract, Project 4021), \$19,235.10; execution of final documents; acceptance of final reconciliation agreement, warranty title and final release and waiver of claim for Woodruff & Sons, final payment of \$35,729.97; final disposition of contract upon expiration of warranty.

CONTRACT FILE 3050

ERIE ROAD BOX CULVERT

Execution of final documents/Change Order No. 3 (Final) decrease contract (Project 7110) \$12,750.12; acceptance of final reconciliation agreement, warranty title and final release and waiver of claim for Woodruff & Sons; final payment of \$57,864.32; final disposition of contract upon expiration of warranty period.

CONTRACT FILE 3008

PROPERTY APPRAISAL & TITLE SERVICES

Award bid on an as required unit price basis:

- (1) Property Appraisal Service - Chastain, Moore and Riddle, Inc.; First Appraisal & Consulting Services, Inc.; James M. Doss & Associates; Southern Appraisers & Consultants, Inc; Alcott & Associates.
- (2) Title Service - Manatee-Pinellas Title Company, Tamiami Title Division of Lawyers Title Insurance Corporation.

MANATEE CIVIC CENTER

Adoption of Resolutions:

R-86-141 APPROVING THE CONTRACT BETWEEN THE
MANATEE COUNTY CIVIC CENTER AUTHORITY AND
HEADLINE INTERNATIONAL TALENT, INC. (RONNIE
MILSAP) TO BE HELD NOVEMBER 20, 1986

RECORD RESOLUTION S35-487

R-86-118 APPROVING THE CONTRACT BETWEEN THE
MANATEE COUNTY CIVIC CENTER AUTHORITY AND
SECURITY LTD., INC. FOR SUPPLEMENTAL SECURITY

RECORD RESOLUTION S35-488

BUDGET AMENDMENTS

Rescinding previous budget amendments; adoption of resolutions amending the 1985-86 budget to provide for receipt and appropriation of unanticipated revenue; to provide for reappropriation unencumbered funds in prior year; item to item transfers.

Rescinded:

Public Works (B-86-126 adopted 4/29/86) \$484,190.00
Central Services (B-86-149 adopted 6/10/86) 3,554.00

CENTRAL SERVICES B-86-168

From: General Fund
To: Construction \$3,554.00
RECORD RESOLUTION S35-489

GENERAL COUNTY B-86-169

Reappropriating in FY 1985-86 funds
encumbered in prior years (13 funds) \$1,810,242.31
RECORD RESOLUTION S35-490

PARKS AND RECREATION B-86-170

Increase Revenue:
General Fund/Sale surplus property
Increase Expenditures:
Parks, Road Equipment \$8,292.00
RECORD RESOLUTION S35-491

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<u>PUBLIC WORKS/UTILITIES</u>	B-86-171		
From: Watershed Evaluation			
To: Deep Well Injection		\$66,128.00	
		<u>RECORD RESOLUTION</u>	S35-492
	B-86-172		
From: SW & SE County Wastewater Treatment Plant expansion			
To: North & SE County Wastewater Treatment Plant		\$484,190.00	
		<u>RECORD RESOLUTION</u>	S35-493
<u>CENTRAL SERVICES</u>	B-86-173		
<u>Increase Revenue:</u>			
General Fund			
<u>Increase Expenditures:</u>			
Building Maintenance		\$116.00	
		<u>RECORD RESOLUTION</u>	S35-494
<u>Increase Revenue:</u>	B-86-174		
Health Self Insurance/Hospital			
<u>Increase Expenditure:</u>			
Health Self Insurance/Medical		\$455,867.00	
		<u>RECORD RESOLUTION</u>	S35-495
<u>COMMUNITY SERVICES</u>	B-86-175		
From: Reserve for CCE Match			
To: CCE VIII, Professional Services		\$70,743.00	
		<u>RECORD RESOLUTION</u>	S35-496
<u>PARKS & RECREATION</u>	B-86-176/1		
From: General Fund, Reserve for Contingency			
To: General Fund, Transfer 303		\$10,000.00	
		<u>RECORD RESOLUTION</u>	S35-497
	B-86-176/2		
<u>Increase Revenue:</u>			
Parks Capital Project			
<u>Increase Expenditure:</u>			
Cortez Beach Groin		\$10,000.00	
		<u>RECORD RESOLUTION</u>	S35-498

(End Consent Agenda)

TERRA CEIA BAY SUBAQUEOUS CROSSING

In connection with award of bid to Inter Bay Marine Construction for Terra Ceia Bay subaqueous crossing (item deleted from County Administrator's Consent Agenda), Mr. Chetlain recalled that about a year ago Manatee County Utilities Department installed a line underneath US 19 to the Skyway Causeway to provide water to the State Department of Transportation for mixing concrete and to connect to the County system for restrooms and other facilities for the recreation area on the Skyway Causeway. He inquired why County has to pay Inter Bay \$149,750 for another subaqueous crossing and why staff failed to determine at that time the need for an additional line.

The County Administrator indicated that an answer would be provided to Mr. Chetlain after the meeting.

Motion was made by Mr. Chetlain, and seconded by Mrs. Glass, to award bid to Inter-Bay Marine Construction Co., \$149,750; authorize subsequent execution of contract; issuance of notice to proceed after contract execution and receipt of performance bond and insurance certificates. Motion carried unanimously.

ARCHITECTURAL CONSTRUCTING SERVICES

In connection with execution of contract with Jerry N. Zoller for supplemental architectural consulting services required by Facilities Management (deleted from the County Administrator Consent Agenda), Mr. Chetlain questioned if these services are necessary since the County has its own architect.

The County Administrator responded that this is overflow work and the architect is to be used on as needed basis.

Motion made was by Mr. Chetlain, and seconded by Mrs. Glass, to authorize execution of contract with Jerry N. Zoller for supplemental services on a unit price basis as required by Facilities Management. Motion carried unanimously.

RECORD: CONTRACT FILE 3320

ORDINANCE: 86-5 ACCEPTANCE OF GIFTS

Mrs. Glass moved to authorize a public hearing to consider Ordinance 86-5, to provide for the acceptance of gifts. Motion was seconded by Mr. Chetlain and carried unanimously.

ORDINANCE: 86-30 FIRE WORKS

Mrs. Hooper moved to authorize a public hearing to consider Ordinance 86-30 amending Ordinance 86-14, to provide that Ordinance 86-14 does not prohibit the sale or use of fire works that are authorized by State Law. Motion was seconded by Mr. Chetlain and carried unanimously.

TRAVEL AUTHORIZATION

Upon motion by Mrs. Glass, seconded by Mrs. Hooper, request for authority to travel was unanimously approved for the County Attorney to attend a bankruptcy hearing in connection with Beker Litigation in New York, July 14, 1986.

CLERK'S CONSENT CALENDAR

Upon motion by Mrs. Hooper, seconded by Mr. Chetlain, the Clerk's Consent Calendar dated January 14, 1986, was unanimously approved.

BILLS FOR PAYMENT:

Camp Dresser & McKee - W/Sewer Rate Struct. Evaluation	\$ 1,474.89
Camp Dresser & McKee - Eng of Record Agmt, Pymt Req#4	2,220.01
Camp Dresser & McKee - Eng of Record Agmt, Invoirce #6	6,286.61
Larson Eng. Inc.- N Interim W.W.T.P. Modifications	5,547.96
Larson Eng. Inc.- N Cnty McClure Ranch Effl. Disposal	52,639.94
Larson Eng. Inc.- N Cnty Rocky Bluff Collection System	25,390.47
Woodruff and Sons, Inc. - Const. Bayshore Yacht Basin	17,892.00

REFUNDS:

Evelyn Cournyer - Ambulance service overpayment	14.00
Irene Mochko - Ambulance service overpayment	19.50
Ivan Williams - Ambulance service overpayment	71.28
Alfred J. White - Ambulance service overpayment	26.28
Estelle Hicks - Ambulance service overpayment	20.00
Frank Grzilik - Ambulance service overpayment	13.86
Kathryn Sandberg - Ambulance service overpayment	55.44
Bonnie Rollison - Ambulance service overpayment	32.96
Hazel Kleist - Ambulance service overpayment	9.66
Oscar Buecksler - Ambulance service overpayment	80.00
Mary Cowhan - Ambulance service overpayment	56.00
Mary Long - P & R Edison House Trip cancellation	44.00
Cecelia M. Kriz - P & R Edison House Trip cancellation	44.00
Frances M. Brady - P&R Edison House Trip cancellation	22.00
Beatrice G. Corr - P&R Edison House Trip cancellation	22.00
Phyllis S. Crosland - Animal cage	20.00

WARRANT LIST:

Approve: July 1, 1986 to July 7, 1986
 Authorize: July 8, 1986 to July 14, 1986

AUTHORIZE CHAIRMAN TO SIGN:

Partial Release of Special Improvement Assessment Lien:
 Larry K. & Mary Case, Proj. #676
 Marie Carlson, Proj. #667
 Karen & Steven Saunders, Proj. #5014

APPROVE, RATIFY & CONFIRM

Parks & Recreation Special Interest Classes Instructor Agreements:

1) Gary Lee - Rape Prevention	3321
2) Sara Cowart - Line Dancing	3322
3) Tom Dorr - Openwater Scuba	3270
4) Davonne K. Miller - Ballet	3191

RECORD: CONTRACT FILE

AUTHORIZE CHAIRMAN TO SIGN:

Contract: J & M Pump Service, Inc., for fuel system not to exceed \$50,237 (Execution authorized 4/29/86).

RECORD: CONTRACT FILE 3323

Recess/Reconvene. All members present.

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(Cont'd)

BEKER LITIGATION

The County Attorney submitted memorandum dated July 8, 1986 requesting conceptual approval or direction with respect to negotiations being conducted between the County and Beker Phosphate Corporation on all matters presently being litigated between these parties. He indicated that the primary concerns of the County appear to be the protection of its watershed and the safety of its citizens. The primary concern of Beker must be the infusion of moneys into an unstable, economic situation and continued operation of its Wingate Mine. He said that both parties seek an end to costly litigation and any settlement would dispose of all pending litigation between the parties.

He provided background and status of litigation, the course of settlement discussions and presented the conceptual offer by Beker in compromise:

1. Beker will sell up to 4,000 acres of watershed land to the County at \$2,800 per acre
2. The total purchase price would be credited (reduced) by the following:
 - a. Ad valorem and personal property taxes due Manatee County to date in an approximate sum of between \$1.5 million and \$2 Million, Ad valorem taxes due as of December 31, 1985.
 - b. \$600,000 for restoration of SR64 (from February 1982 settlement agreement; \$200,000 paid to County, not now released for use).
 - c. \$2,520,000 toward construction of wellfields, etc. (\$280,000 paid from February 1982 agreement).
 - d. Credits to purchase price total \$4,620,000.

Purchase Price	\$11,200,000.00
Wellfields, etc.	2,520,000.00
Taxes	1,500,000.00
SR64 Improvements	600,000.00
Approx purchase price	\$6,580,000.00
3. The County would agree to place the question of a general obligation bond to fund the purchase upon the November 1986 ballot.

He recommended the Board approve conceptually the settlement proposal. He said the bankruptcy judge has suggested that he would retain jurisdiction over any agreement reached between the parties with respect to enforcement of its terms and assuming the parties agree to settlement, the agreement should contain provisions with respect to safety as it relates to vehicles and drivers.

Dick Eckenrod, Land and Natural Resources, outlined reasons why acquisition of that property is more compelling than the acquisition of the Estech Property for purposes of the watershed protection.

He pointed out that if the Board were to approve in concept the settlement along the lines of Mr. Rice's presentation, there will be ample opportunity for the Board to negotiate specific conditions of a settlement contract prior to any final decision.

(Depart Mr. Chance)

Richard Wilford, Utilities Director, indicated there is a possibility of reducing the acreage within the watershed, but he would not recommend it until further study and survey is done.

Discussion: Conceptual approval; expiration/transfer of mining permit; reclamation ordinance; hauling hours; credits requested by Beker; funds for restoration of SR64; settlement agreement specifying funds go to FDOT for improvement of SR64; effect on Manatee County Budget of uncollected taxes owed by Beker; compromise figure (Beker taxes) and amounts to School Board and/or other governmental units.

Donald Haddock, Attorney for Property Appraiser, responded to question on tax revenue as provided in Statute 196.28, which applies to the School Board. He said that authority has never been litigated, and the question could be answered once it is determined the total amount due and payable under the proposed purchase agreement.

Responding to inquiry, the County Attorney commented that the issue of whether Manatee County has the power to regulate traffic on SR 64 is pending before at least three judicial bodies.
 (Enter Mr. Chance)
 (Depart Mrs. Glass)

Gloria Raines advised that the Pollution Control Advisory Board, in a meeting on July 3, 1986, unanimously concurred to urge the Board of County Commissioners to purchase Beker land holdings in the watershed through whatever means are reasonable.

Motion: Accept in Concept Negotiated Settlement

Mrs. Glass moved to accept in concept the negotiated settlement with Beker presented to the the Board, and recommended by the County Attorney, for the acquisition of land in the watershed and proposed settlement of concerns, and to authorize staff to move forward with the referendum question (November 1986 ballot re bond issue). Motion was seconded by Mr. Chetlain for discussion.

Discussion: Concern in approving definite figures; conceptual approval being given to Beker for trucking up to 2 million tons; Bankruptcy Court proceedings, etc.

Motion carried unanimously.

Frank Perkins, Property Appraiser, said he has instructed his attorney to continue to cooperate with the County Attorney, staff and others involved in the determinations and negotiations. He suggested the Board look at accessibility to the Beker Property and ownership (County or private) of Bear Bay Road which runs west of the property.

ZONNG;

SP-86-55 RAMCO RECYCLING SYSTEMS (Future Agenda)

Patricia Petruff, on behalf of her client, Ramco Recycling Systems, Inc., indicated that the Board had approved a Special Permit on June 12, 1986. After reviewing the tapes of the County Commission hearings and meeting with staff and County Attorney, it appears that there was confusion about the conditions imposed by the Planning Commission and the staff report at that meeting. She requested the Board establish a new public hearing to review, clarify and/or modify those conditions.

Mr. Rice pointed out that this matter had come before the Board for reconsideration and no action was taken.

Mr Chance moved that this matter be placed on a future agenda and requested that a staff briefing be given to each Commissioner before it is discussed in a public meeting. Motion was seconded by Mrs. Glass and carried unanimously.

COMMISSIONERS COMMENTS/REPORTS

59TH STREET PARK

Mr. Chance - Commended the Parks and Recreation Department and the County Administrator on the excellence of the 59th Street Park, accommodating 49 softball teams (statewide) playing in tournament. Additionally, the Little League Tournament will be held at the Park.

BOTTLE CLUBS

Mr. Fletcher - Questioned whether or not the County has adequate ordinances in place to deal with what is known as BYO Clubs (bring your own bottle) and how such clubs can evade liquor license laws.

Disposition: Referred to the County Attorney.

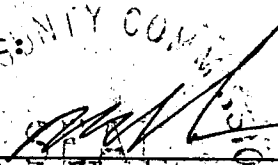
PROPERTY APPRAISER ADJUSTMENT BOARD (1986)

The Chairman appointed Mr. Chance, Mr. Fletcher and Mrs. Hooper to serve on the 1986 Property Appraiser Adjustment Board.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:


 Clerk
 Adj: 12:53 p.m.

APPROVED:


 Chairman 8/19/86