

AUGUST 5, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, August 5, 1986, at 9:07 a.m.

Present were Commissioners:
Westwood H. Fletcher, Jr., Chairman
Edward W. Chance, Vice-Chairman
Kent G. Chetlain
Patricia M. Glass

Absent:
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. Curtis Norton, Oneco United Methodist Church.

The meeting was called to order by Chairman Fletcher.

All witnesses/staff giving testimony were duly sworn.

DISASTER: CITRUS CANKER

Charles Hunsicker, Public Works/Utilities, reported on the status of the citrus canker eradication program (being conducted on Anna Maria Island by the State Department of Agriculture) in residential areas of the Cities of Holmes Beach and Anna Maria where trees infected by the highly contagious canker bacteria are being destroyed by burning. The preferred method for controlling the canker is incineration of the infected wood stocks and plants on site; however, due to complaints from homeowners adjacent to the first burn area the site is being relocated to an area east of the Holmes Beach City Hall, subject to the approval of the Fire Marshall and permits from the State Department of Environmental Regulation.

Non-infected material having the potential for hosting canker bacteria but not hurting citrus stock, is being transported by Waste Management Inc., to a State approved dumpsite at the county sanitary landfill.

ORDINANCE 86-29 LOCAL OPTION GAS TAX

Public hearing (advertised in The Bradenton Herald July 3, 1986) was opened to consider

ORDINANCE 86-29 AN ORDINANCE OF MANATEE COUNTY, FLORIDA AMENDING ORDINANCE 83-27 TO EXTEND THE FOUR CENT LOCAL OPTION GAS TAX FOR THE MAXIMUM TERM PERMITTED BY LAW; AMENDING ORDINANCE 85-21 TO EXTEND THE FIFTH AND SIX CENT LOCAL OPTION GAS TAX FOR THE MAXIMUM TERM PERMITTED BY LAW; AMENDING ORDINANCE 85-21 TO DELETE THE REQUIREMENTS OF A COUNTY WIDE REFERENDUM; PROVIDING FOR THE DISTRIBUTION OF THE PROCEEDS OF THE TAX OF THE EXTENDED TERM AMONG THE COUNTY GOVERNMENT AND ELIGIBLE MUNICIPALITIES; AND PROVIDING AN EFFECTIVE DATE.

The County Attorney referred to his memorandum of August 1, 1986 which provided several recommendations and motions for consideration.

Dennis Dumont opposed any increase/extension of gasoline taxes.

Arthur Campbell, Chamber of Commerce, supported an ordinance to extend existing local option gas tax for the maximum term permitted, also the general obligation bond issue recommended in 1981-82 Harlan Bartholomew Study for Road System.

AUGUST 5, 1986

(Cont'd)

David Patrick, gas station owner, indicated that 95 percent of wholesale dealers are opposed to the tax - not to the user tax but to disparity between counties, stating he was in support of the user tax being controlled at State level. He submitted comparative figures for from the State of Florida indicating gas down-sales in Manatee County for 1985.

Discussion: Disparity in gas price among counties; legislation allowing counties to raise gas taxes; State transfer of road maintenance responsibility to the Counties; gas tax will reach property owners who pay no ad valorem tax.

Kelvin Lindbloom spoke in opposition.

Upon question, Mrs. Glass suggested the County Administrator make inquiry as to the appropriate State Authority from which the Board can obtain information as to the exact procedures for transfer of gas tax monies to Counties when gas is purchased (from bulk storage tanks outside a County for delivery to the specified county).

Bill Benekos, Sarasota CPA, supported an even statewide tax which would minimize or eliminate problems relating to question of gas tax distribution to counties.

James Slaggi spoke in opposition.

David Montgomery, who serves on the Chamber of Commerce Transportation Committee, said the Committee studied the Harlan Bartholomew Report and supported the extension of the existing gas tax as it is a fair way of bearing the burden for road repair and upkeep.

Douglas Tibbett, gas station owner, supported placing extension of the gas tax on a referendum.

The public comment portion of the public hearing was closed.

Mr. Chance moved to adopt Ordinance 86-29. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD ORDINANCE S35-530

Recess/Reconvene. All members present, except Mrs. Hooper.

ORDINANCE 86-27: OCCUPATIONAL LICENSES (CONTINUED)

The County Attorney advised that the Enabling Statute requires a second reading of Ordinance 86-27.

Public hearing (Notice in The Bradenton Herald, 7/17/86) was opened for the second reading and consideration of:

ORDINANCE NO. 86-27 AN ORDINANCE RELATING TO OCCUPATIONAL LICENSES PROHIBITING THE CONDUCT OF A BUSINESS OR PROFESSION IN MANATEE COUNTY, FLORIDA WITHOUT AN OCCUPATIONAL LICENSE; PROVIDING DEFINITIONS; LEVYING OCCUPATIONAL LICENSE TAXES; PRESCRIBING THE METHOD OF ISSUANCE, TAX COLLECTION, TERM OF LICENSES, DELINQUENT TAXES, TRANSFER OF LICENSES, EXEMPTIONS, CLASSIFICATION AND PENALTIES FOR FAILURE TO OBTAIN LICENSE; DISTRIBUTION OF REVENUE; APPLICATION OF ORDINANCE WITHIN MUNICIPALITIES; SUSPENSION OR REVOCATION OF LICENSE; AND PRESCRIBING SANCTIONS AGAINST VIOLATORS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Robert Lucas, manager of an industrial park in South Manatee County, opposed adoption of the ordinance and raised questions on certain terminology.

Mark Barnebey, Assistant County Attorney, responded to comments made by Mr. Lucas as to provisions contained in the ordinance and stated that the primary purpose of the Ordinance is for revenue raising and to provide an inventory of business.

Harold Mitchell, AM/PM Vending Company, said that this ordinance would require licensing each vending machine which would create a problem due to the fact that the machines are moved from one location to another. He suggested that vendors be allowed to work with Manatee County staff to develop a fair method of regulating vending machines.

Mr. Chance suggested that the company be licensed instead of each distributor.

Sabino Lioce suggested produce vendors be exempt from the Ordinance.

The public comment portion of the hearing was closed.

Mr. Chetlain moved to continue the public hearing on Ordinance 86-27 to August 19, 1986. Motion was seconded by Mr. Chance and carried unanimously.

There were no objections to staff conducting a work session with owners of businesses, the Chamber of Commerce and other interested persons.

ORDINANCE 86-5 ACCEPTANCE OF GIFTS (CONTINUED)

Public hearing (Advertised in The Bradenton Herald July 11, 1986) was opened to consider

ORDINANCE 86-5 AN ORDINANCE OF MANATEE COUNTY PROVIDING FOR THE ACCEPTANCE OF GIFTS OF REAL, PERSONAL AND INTANGIBLE PERSONAL PROPERTY; PROVIDING THAT NO GIFT OF REAL, PERSONAL OR INTANGIBLE PERSONAL PROPERTY SHALL BE ACCEPTED EXCEPT IN ACCORDANCE WITH THE PROVISION OF THIS ORDINANCE PROVIDING FOR THE DEVELOPMENT OF ADMINISTRATIVE PROCEDURES FOR THE ACCEPTANCE OF GIFTS OF PERSONAL PROPERTY WITH A VALUE BELOW \$200; PROVIDING FOR THE DEVELOPMENT OF ADMINISTRATIVE PROCEDURES NECESSARY FOR THE IMPLEMENTATION OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE.

The public comment portion of the hearing was closed.

Upon recommendation of counsel, Mrs. Glass moved to continue the public hearing to September 16, 1986. Motion was seconded by Mr. Chetlain and carried unanimously.

ORDINANCE 86-30 FIREWORKS

Public hearing (notice in The Bradenton Herald 7/11/86) was open to consider

ORDINANCE 86-30 AN ORDINANCE OF MANATEE COUNTY, FLORIDA AMENDING ORDINANCE 86-14; ADDING SECTION 8 TO PART VI THEREOF; PROVIDING THAT THE ORDINANCE IS NOT TO BE CONSTRUED TO PROHIBIT IMPORTATION, PURCHASE, SALE OR USE OF FIREWORKS USED SOLELY IN FRIGHTENING BIRDS FROM AGRICULTURAL WORKS AND FISH HATCHERIES OR TO PROHIBIT ANY SALE OR USE OF FIREWORKS AUTHORIZED BY STATE LAW; AND PROVIDING AN EFFECTIVE DATE.

The public comment portion of the hearing was closed.

Motion was made by Mr. Chetlain to adopt Ordinance 86-30. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD ORDINANCE S35-531

ORDINANCE 86-28 SPEED LIMITS

Public hearing (Notice in The Bradenton Herald 7/11/86) was open to consider

ORDINANCE 86-28 AN ORDINANCE OF MANATEE COUNTY, FLORIDA AMENDING MANATEE COUNTY ORDINANCE 84-05 TO PROHIBIT THE TRAVEL OF VEHICLES AT SPEEDS IN EXCESS OF THE ESTABLISHED SPEED LIMITS ON CERTAIN COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA, AND PROVIDING AN EFFECTIVE DATE.

AUGUST 5, 1986

(Cont'd)

Speed Limit: 25 mphPALMETTO POINT/BAY COLONY SUBDIVISION**Palmetto Point Drive** (8th Avenue West/8th Avenue Boulevard West/55th Street West) from 43rd Street Boulevard West to US 19**3rd Avenue West** from Palmetto Point Drive to 42nd Street Court West**4th Avenue West** from 42nd Street Court West to Dead End**4th Avenue Drive West** from 43rd Street Boulevard West to 41st Street West**5th Avenue West** from 50th Street West to 33rd Street West**5th Avenue Drive West** from Palmetto Point Drive to 48th Street Court West**6th Avenue West** (Pandora Avenue) from 37th Street Court West to 40th Street West**37th Street Court West** from 5th Avenue West to 6th Avenue West**40th Street West** (Oneida Street) from 5th Avenue West to 6th Avenue West**41st Street West** from 4th Avenue West to 5th Avenue West**42nd Street Court West** from 3rd Avenue West to 4th Avenue Drive West**44th Street Court West** from 3rd Avenue West to Palmetto Point Drive**46th Street West** from 3rd Avenue West to Palmetto Point Drive**47th Street West** from 3rd Avenue West to Palmetto Point Drive**48th Street West** from 3rd Avenue West to Palmetto Point Drive**48th Street Court West** from 3rd Avenue West to Palmetto Point Drive**49th Street West** from 3rd Avenue West to 5th Avenue West**50th Street West** from US 19 to Palmetto Point Drive**51st Street West** from 3rd Avenue West to Palmetto Point Drive**51st Street Court West** from 3rd Avenue West to Palmetto Point Boulevard**52nd Street West** from US 19 to Palmetto Point Drive**53rd Street West** from 3rd Avenue West to Palmetto Point Drive**Beacon Road** from Palmetto Point Drive to Dead End**Bay State Road** from Palmetto Point Drive to Dead EndSAN REMO SHORES SUBDIVISIONSpeed Limit: 20 mph**Royal Palm Drive** from Cortez Road to Dead End**Plumosa Terrace** from Royal Palm Drive to Dead End**Coconut Terrace** from Royal Palm Drive to Dead End**Bamboo Terrace** from Royal Palm Drive to Dead End.

The public hearing was closed.

Mr. Chetlain moved to adopt Ordinance 8-28 and to accept three letters from Patricia Marshall concerning the speed limits in San Remo Shores Subdivision. Motion was seconded by Mrs. Glass and carried unanimously

RECORD ORDINANCE S35-532AMBRUSKO, DR. JOHN/HEALTH DEPARTMENT

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

R-86-183 A RESOLUTION REQUESTING THE FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES REINSTATE DR. JOHN AMBRUSKO TO THE PERMANENT POSITION OF DIRECTOR OF MANATEE COUNTY PUBLIC HEALTH UNIT.

RECORD RESOLUTION S-35-533UNIVERSAL CABLEVISION

Upon motion by Mrs. Glass, seconded by Mr. Chetlain, the following was unanimously adopted:

R-86-178 A RESOLUTION APPROVING THE ASSIGNMENT AND TRANSFER OF STOCK OWNERSHIP OF UNIVERSAL CABLEVISION (TO JOHN L. MANNY)

RECORD RESOLUTION S35-534OLDER AMERICANS ACT FUNDS/1987

Mrs. Glass moved to authorize the Chairman to sign letter of intent to submit a grant proposal to West Central Florida Area Agency on Aging. Motion was seconded by Mr. Chetlain and carried unanimously.

PERSONNEL POLICY

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

RESOLUTION R-86-182 AMENDING THE MANATEE COUNTY
PERSONNEL POLICY, RULES AND PROCEDURES REGARDING
OUTSIDE EMPLOYMENT, ENTERPRISE, OUTSIDE BUSINESS

In response to question by Mrs. Glass, Mr. Rabun advised that County Employees who are presently working on outside jobs will have to submit a request to engage in outside employment, and provisions that existed concerning conflict of interest will continue to apply. The Personnel Director is specified as the authority regarding approval or withdrawal, with the exception of department heads, employees of the County Administrator and the County Attorney. Approval authority for the exceptions will rest with the County Administrator or the County Attorney, as applicable.

Bill Davenport, Personnel Director, responded to questions by the Board.

Motion carried unanimously.

RECORD RESOLUTION S35-535

GARBAGE DISPOSAL/WASTE MANAGEMENT

By memorandum of July 24, 1986 Richard Wilford, Director of Public Works, advised that Waste Management, Inc. was awarded the solid waste collection franchise for Area 2, which was based on submitted bids and negotiation of rates. Waste Management claims their rates were based on the interpretation of Ordinance 85-11 that certain business enterprises would not be eligible for licenses and exemptions. Inasmuch as Tropicana, Wellcraft, and Goodwill have been granted licenses to transport waste generated from their operations, Waste Management claims these licenses constitute a change in the level of service of the Franchise Agreement and they are entitled to negotiate for rate adjustments.

Waste Management legal counsel has advised that "exemptions granted by the County have a material adverse impact upon revenues to be received by the franchise holder under the agreement".

Mr. Wilford requested authorization to meet with Waste Management on the alleged loss of revenues and negotiate a settlement, if justified, subject to approval by the Board.

John Banks, Public Works Department, pointed out since the time of negotiating the franchises, Ordinance 85-11 has been amended and the aspects of licensing and exemptions were clarified. Waste Management claims that due to that clarification there has been a change in work authorized.

Mr. Rice advised there has been on-going difference of opinion regarding whether or not a prospective loss of revenue by a franchise holder constitutes a change in level of service. He said it is a debatable point as to whether or not this County has an obligation versus the right to enter into negotiation with Waste Management.

Discussion: Difference of opinion in interpretation of Ordinance and amendment; exemptions; possible lawsuit; annual revision of rates; adjustment across the board for other franchise holders; definition of levels of service. (Discussion/action later in meeting).

PUBLIC COMMENTS**Advisory Boards/Committees**

Eugene Wieseman requested the Board (1) enforce the Sign Ordinance; (2) develop a policy relating to a candidate's membership on an Advisory Board. He said Jesse Carr is running for office and is displaying a portable sign.

(Mr. Fletcher was not present during a portion of the presentation)

Discussion: Resignation of Dolly Young as member of the Planning Commission when running for public office.

Mr. Chance moved that staff be authorized to look into the development of a policy relating to resignation of County Employees and members of an Advisory Board who are running for public office and the effective date of such resignation. Motion was seconded by Mr. Chetlain and carried unanimously.

AUGUST 5, 1986

(Cont'd)

Personnel Policy/Outside Employment

Request by William Denton, Chairman of Manatee County Veterans Council for clarification of the resolution concerning outside employment was referred to the County Administrator.

ELECTIONS/POLLING PLACES

In his memorandum of August 5, 1986, the County Administrator responded to the letter of May 16, 1986 from Bob Sweat, Supervisor of Elections, to the Chairman of the Board advising that 10 polling locations in Manatee County are not accessible to the handicapped. He outlined the procedure (FS 101.715) for dealing with handicapped accessibility and submitted recommendations, in conjunction with Mr. Sweat, on action to be taken in order to comply with State procedures.

Mr. Sweat advised that of the 10 polling places, the Elections Office will be able to conform to all except three with a temporary type situation (portable ramp). In those three polling places handicapped voters will be served by taking the ballot to their cars.

He said there is no need to include in the proposed Five Year Capital Improvement Plan the improvements to polling places that cannot be relocated as access will be implemented by the first of the year.

Concerning the expenditure of public funds on personal/private property (memorandum of 7/21/86 from Mark P. Barnebey, Assistant County Attorney), he stated that the only money to be spent will be on temporary/portable ramp(s) which will be stored in the Elections Warehouse when not in use.

Mr. Chance moved to approve the recommendations made by the County Administrator with regard to accessibility for all qualified voters. Motion was seconded by Mrs. Glass and carried unanimously.

GARBAGE DISPOSAL/WASTE MANAGEMENT

After discussion on alleged loss of revenue by Waste Management, Mr. Chance moved to authorize staff to meet with all holders of garbage franchises to determine if a rate increase would be appropriate based on information provided staff by the franchisees and other interested parties and submit an information report to the Board. Motion was seconded by Mr. Chetlain and carried unanimously.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mr. Chance, seconded by Mr. Chetlain, the County Administrator's Consent Agenda for August 5, 1986, was unanimously approved after deletion of

- (1) Participation agreement (sewer) with Southern Lakes Venture
- (2) Participation agreement with First Communities of Bradenton for off-site connection in the Garden Lakes Subdivision
- (3) Acceptance of Grant of Temporary Easement in Manatee Oaks II Subdivision from Manatee Builders Development Corporation.
- (4) Acceptance of drainage easement from A. Eileen Phillips, Parcel 25 McCollums Lake, 48th Avenue Drive West.
- (5) SP-86-55 RAMCO RECYCLING SYSTEMS - (separate action)

NOTE: See further action later in meeting.

SP-86-55 RAMCO RECYCLING SYSTEMS

Mr. Chance moved to reschedule from August 21, 1986 to September 11, 1986 consideration of modifying stipulations for SP-86-55 Ramco Recycling, and to extend the deadline to the same date. Motion was seconded by Mr. Chetlain and carried unanimously.

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 Mrs. Hooper.

WATER & SEWER BONDS/SERIES 1986 (\$34,965,000)

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

R-86-190 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$34,965,000 PRINCIPAL AMOUNT OF WATER AND SEWER REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1986, OF MANATEE COUNTY, FLORIDA; FIXING THE FORM AND OTHER DETAILS OF THE BONDS AND PROVIDING FOR THE PAYMENT OF PRINCIPAL AND INTEREST THEREOF; APPOINTING A PAYING AGENT AND REGISTRAR; APPOINTING AN ESCROW AGENT, AUTHORIZING THE REDEMPTION OF ITS WATER AND SEWER REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1985; AUTHORIZING THE PROPER OFFICERS OF THE COUNTY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE; AND PROVIDING FOR AN EFFECTIVE DATE.

RECORD RESOLUTION S35-536

Motion was made by Mr. Chance and seconded by Mr. Chetlain to adopt:

R-86-191 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE NEGOTIATED SALE OF \$34,965,000 WATER AND SEWER REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1986; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT TO EFFECT THE NEGOTIATED SALE OF THE BONDS; RATIFYING AND APPROVING THE USE OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF THE BONDS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT; AUTHORIZING THE PROPER OFFICERS OF THE COUNTY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE AS TO THE DELIVERY OF THE BONDS; AND PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION.

Motion carried unanimously.

RECORD RESOLUTION S35-537

NOTE;

- (1) Official Documents will be listed in future minutes when the Bound Volume(s) relating to this issue are accepted into the record.
- (2) The Resolution reflects appointment: Citibank, N.A., New York, New York, as Escrow Agent, Paying Agent and Registrar.
(Depart Mr. Fletcher)

TOURIST DEVELOPMENT COUNCIL

By memorandum dated August 5, 1986 the County Administrator advised that the terms of Mary C. Mond, Rodger King and John Anderson Members of Tourist Development Council will expire September 1, 1986.

Discussion: Question of Mr. King's residence.

Mrs. Glass moved to reappoint Mary C. Mond and John Anderson. Motion was seconded by Mr. Chetlain and carried unanimously.

Mrs. Glass moved to readvertise the opening in the Tourist Development Council. Motion was seconded by Mr. Chetlain and carried unanimously.

AZALEA PARK NORTHWEST SUBDIVISION

Mr. Chance moved to approve/accept and/or execute documents relating to Azalea Park Subdivision as outlined in memorandum dated July 14, 1986 from Richard A. Wilford. Motion was seconded by Mrs. Glass and carried unanimously.

Documents:

- 1) Final Plat
- 2) Performance Bond: \$364,305.83 (Letter of Credit Number SB 2277 from First Florida Bank N.A.)
- 3) Agreement with Baywood Builders, Inc. guaranteeing completion of required improvements (\$364,305.83)
- 4) Agreement between Azalea Park Subdivision Inc. and Manatee County regarding maintenance/repairs of roads and streets surfaced with paver bricks.

RECORD: CONTRACT FILE 3339

LAND ACQUISITION: HILL & CASS

The County Attorney advised that, due to the death of Charles F. Hill, it had not been possible to close on the contract of May 13, 1986 for purchase by county of a utility easement (for gravity main) from Mr. Hill and Edsel Cass.

AUGUST 5, 1986

(Cont'd)

He submitted an Offer and Acceptance from Edsel A. Cass and Sue Louise Hill (as surviving spouse of Charles F. Hill, deceased) for extension of time for closing the sale and granting Manatee County the right of ingress and egress and to construct the gravity main on the property.

He indicated the document has been amended by adding (after the word "harmless" in last sentence of second paragraph) the language against any and all claims of any one challenging the title of the parties hereto or their right to grant this license. He recommended the Board accept and approve the document as amended.

Mr. Chance questioned why a map was not submitted with the request.

Recess/Reconvene. All members present, except Mrs. Hooper.

Mrs. Glass moved to accept the offer from Edsel A. Cass and Sue Louise Hill, as amended, and authorize the Chairman to execute appropriate and necessary documents. Motion was seconded by Mr. Chetlain. Voting "Aye" were Mr. Chetlain, Mrs. Glass and Mr. Fletcher. Mr. Chance voted "Nay." Motion carried. Contract #3275

LEASE: STATE ATTORNEY (WALCAID BUILDING)

Mrs. Glass moved to authorize the Chairman to execute Lease Agreement Addendum II with Wyman, Green & Blalock for additional space for the State Attorney's Office at the Walcaid Building. Motion was seconded by Mr. Chetlain and carried unanimously.

NOTE: Lease reads "Robert G. Blalock, individually and as Trustee."

RECORD: CONTRACT FILE

#2624

PLANNING COMMISSION: APPOINTMENTS

Mr. Chance moved to table consideration of Resolution R-86-157, confirming previous appointments and establishing proper termination dates. Motion was seconded by Mr. Chetlain and carried unanimously.

BOARD OF ZONING APPEALS: APPOINTMENTS

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

R-86-185 RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS REAPPOINTING AND CONFIRMING TERMS OF MEMBERS OF THE MANATEE COUNTY BOARD OF ZONING APPEALS; PROVIDING FOR APPOINTMENTS UPON TERMINATION OF EXISTING TERMS; PROVIDING AN EFFECTIVE DATE.

| <u>Members</u> | <u>Terms</u> |
|------------------|---------------------|
| Albert Conyers | To January 15, 1990 |
| David Montgomery | To January 15, 1990 |
| John D. Sands | To January 15, 1989 |
| Richard Breeze | To January 15, 1987 |
| Frank Aldridge | To January 15, 1987 |

RECORD RESOLUTION S35-538

LAWSUIT: VERHOEVEN VS MANATEE COUNTY

The County Attorney provided background for lawsuit filed by Edgar A. and Florence M. Verhoeven against Manatee County alleging damages as a result of injuries allegedly incurred by Mr. Verhoeven while using the Manatee County Golf Course.

The County has denied the allegations and asserted contributory negligence and sovereign immunity to the extent applicable. It has since been determined that, inasmuch as the cost of trial would exceed the negotiated settlement, and he recommended the Board approve proposed settlement in the sum of \$3,000 (including attorney fees).

Mr. Chance moved to accept the recommendation of the County Attorney for settlement. Motion was seconded by Mrs. Glass and carried unanimously.

TRAVEL AUTHORIZATION

Upon motion by Mrs. Glass, seconded by Mr. Chetlain, request for authority to travel was unanimously approved for the County Attorney to attend a seminar at Boca Raton, August 14 to 16, 1986.

CLERK'S CONSENT CALENDAR

Upon motion by Mrs. Glass, seconded by Mr. Fletcher, the Clerk's Consent Calendar dated August 5, 1986, was unanimously approved.

BONDS**Accept;**

For lost securities replacement for Lottie Carli, owner of 5,000 bond, W/S Refunding and Improvement Bonds, Series 1978 (Regency Insurance Company \$5,000, surety)

Release:

Marge Baskerville King/Cash Bond, Fireworks Display \$ 500.00

BILLS FOR PAYMENT:

| | |
|--|------------|
| Zoller & Najjar Eng.- 59th St Park, Phase II | 16,500.00 |
| Coopers & Lybrand - Prof. Svcs Examination of financial statements for FY 9/30/86 | 10,274.58 |
| Larson Engineering- Wk Auth.#8N. Cnty Sewerage System | 5,376.86 |
| Briley, Wild & Assoc. - M/Storm Wtr Drainage Plan | 18,996.32 |
| CH2M Hill Southeast, Inc. - Design of Injection & Monitoring Wells Task Order No. 4, PH I, | 238.30 |
| CBI Na-Con, Inc. - N Cnty Wtr Storage Tank | 461,808.00 |

Refunds:

| | |
|---|--------|
| Lee Pellegrini - Private Street Application Fee | 200.00 |
| Mary Long - Country Dinner Theater Trip | 66.00 |
| Mary Long - Salvador Dali Museum Trip | 63.00 |
| Carl Rednbarger - Animal Cage | 20.00 |
| Charles Carew - Animal Cage | 20.00 |

MINUTES FOR APPROVAL;

June 17, 1986 and June 24, 1986

AUTHORIZE EXECUTION:**(1) Contract:**

Water Main Subaqueous Crossing Terra Ceia Bay (approved 7/8/86) with Inter-Bay Marine Const Co. \$149,750 (Performance Bond Reliance Insurance Company)

RECORD: CONTRACT FILE 3333

(2) Partial Release of Special Assessment Liens:

- a. Joyce J. Martin - Project 5046
- b. Hanna Kalter Weiss - Project 759

APPROVE, RATIFY & CONFIRM**(1) 86-S-9/PDR86-4 - QUAIL RUN**

Document relating to Preliminary Plat/plan (approved 4/24/86, subject to certain additions, deletions and corrections by the Planning Department)

(2) Parks and Recreation Special Interest Classes Instructor's Agreements with:

- | | | | |
|------|----------------------|----------------------|------|
| 3334 | a. Jeanne E. Jackson | c. Deborah L. Porter | 3202 |
| 3249 | b. Shelley Mogel | d. Arthur Van Delft | 3335 |

RECORD: CONTRACT FILE

ACCEPT FOR RECORD:

Sam A. Cornwell, Tax Collector, 1986-87 Proposed Budget

WARRANT LIST:

Approve: 7/29/86 to 8/04/86
Authorize: 8/5/86 to 8/11/86

STATE ROAD ROAD 64/EAST BRADENTON

Mr. Chetlain reported he had received a request that the Board contact the State Department of Transportation to retain the oak trees on Manatee Avenue, East Bradenton (new bridge/Braden River).

After discussion, Mrs. Glass moved to authorize the preparation of a resolution to the State Department of Transportation in support of saving the trees. Motion was seconded by Mr. Fletcher and carried unanimously.

COMMISSIONERS COMMENT/REPORTS**Ocean Dumping**

Mrs. Glass - Requested updated report of most recent monitoring of Ocean dumpsite by Environmental Protection Agency.
Disposition: Report by Mr. Eckenrod to be placed on next agenda.

Fire Hydrants/Installation

Mr. Chance - Question re County Policy that fire hydrants be installed by County when fees were adopted.
Disposition: Referred to County Administrator to investigate/report to Board on requiring developers to install hydrants.

AUGUST 5, 1986

(Cont'd)

Civic Center

Mr. Fletcher - Relayed request by Civic Center representatives to be allowed to provide a financial report to the Board.

Disposition: To be placed on next agenda.

Golf Course Fees

Mr. Fletcher - Relayed request by Dick Nelson to be allowed to appear before the Board to discuss Golf Course Fees.

Disposition: To be placed on next agenda.

PRIVATEERS' (ANNA MARIA)/ANNUAL KIDS DAY

By memorandum of August 5, 1986, the County Administrator suggested the following motion:

Authorize the Transit Division to waive the regular 40¢ fare for children requesting transportation to the Anna Maria Privateer's Annual Kids Day at Bayfront Park on August 9, 1986; and for the General Fund to transfer up to \$40.00 to the Transit Division as reimbursement for this expense.

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

COURTHOUSE LAWN (PARADE AGAINST DRUGS)

Upon request by Louise Johnson (letter August 5, 1986), Mr. Chance moved to authorize the Governmental Relations Committee Action Committee for the Conservation of Our Youth to use the Manatee County Courthouse lawn as an assembly area for an anticipated parade against drugs from 2:00 p.m. to 4:00 p.m., Sunday, August 24, 1986. Motion was seconded by Mr. Chetlain and carried unanimously.

ADMINISTRATIVE COMPLEX/BOND ISSUE:

R. B. Shore, Clerk of Circuit Court, reported on a meeting with the Downtown Development Authority (DDA) concerning the proposed Administrative Complex Bond Issue and submitted concerns and recommendations of the Committee representing the County in these negotiations. (Committee members are Mr. Rabun, Mr. Seuffert, Mr. Rothfuss, Mr. Rice and Mr. Shore)

- (1) Under the proposed bond resolution a trustee would be appointed to handle all the funds.
Committee recommendation: Clerk's office handle the finances (as in Port Authority) with the County Administrator's Office preparing the budget. This will eliminate the trustee fee and will give the County better control.
- (2) The DDA has an instrument that pledges specific revenue stream.
Committee recommendation: A covenant to budget (annual pledge) such as in pool financing (FFGFC) to meet the County's financial obligations regarding the Administrative Complex.
- (3) The DDA contemplates private placement for the bonds to be sold as other IDB's.
Committee recommendation: Public sale of bonds.
Committee cannot recommend private placement since County has entered into contract with Smith Barney and W. R. Hough as joint underwriters/advisors. Although a public sale will be more costly, it will provide a better opportunity to obtain a long term lower rate.

Inasmuch as Walter E. Breen (Mudge Rose Guthrie Alexander & Ferdon, bond counsel) is under contract with the County, he suggested to retain him as Special Counsel to the County in connection with the Administrative Complex issue, which would be a legitimate expense of bond proceeds. The County Attorney is in agreement and has advised that an additional contract is not needed as it can be made part of the bond resolution.

Discussion: Increment Plan/County pledged funds to DDA, etc.

Mr. Chance moved to authorize the Clerk and members of the negotiating team to proceed with their strategy as outlined by Mr. Shore. Motion was seconded by Mr. Chetlain and carried unanimously.

Upon question, Jim Seuffert advised that the increment the County has paid to the Bradenton Downtown Authority is about \$290,000.00. The County is now paying to downtown development for both Palmetto and Bradenton in the total amount of \$312,000.00.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Mr. Chance moved the Board reconsider previous action on the County Administrator's Consent Agenda. Motion was seconded by Mrs. Glass and carried unanimously.

Upon motion by Mr. Chance, seconded by Mrs. Glass, the County Administrator's Consent Agenda for August 5, 1986 was unanimously approved after deletion of

- (1) Participation agreement (sewer) with Southern Lakes Venture
- (2) Participation agreement with First Communities of Bradenton for off-site connection in the Garden Lakes Subdivision
- (3) Acceptance of Grant of Temporary Easement in Manatee Oaks II Subdivision from Manatee Builders Development Corporation.
- (4) Acceptance of drainage easement from A. Eileen Phillips, Parcel 25 McCollums Lake, 48th Avenue Drive West.
- (5) SP-86-55 RAMCO RECYCLING SYSTEMS - (separate action)
- (6) Budget Amendment Resolution B-86-194, Tourist Development, \$10,000

PERSONNEL:

Ralph D. Sasser, Central Services - 480 hours special sick leave.

PERSONNEL MANNING LEVELS

Adoption of Resolution R-85-188 establishing manning level changes (job classifications) as follows:

PLANNING & DEVELOPMENT R-85-188
 Add: 1 License/Permit Technician
 1 Principal Planner
 Department Level: Increase from 82 to 84

RECORD RESOLUTION S35-539

DEEDS & EASEMENTS

- a. 21st Avenue West - Warranty Deed from Walter and Shirlee Mannini for right of way.
- b. Florida Boulevard - (1) Warranty Deed for right of way and (2) Cross Access Easement from Shop & Go, Inc.; affidavit of ownership and encumbrances.

STREET VACATION: WOODS AT CONQUISTADOR, UNIT I

Adoption of Resolution

R-86-117-V DECLARING PUBLIC HEARING SEPTEMBER 2, 1986 ON APPLICATION BY THOMAS A. LEWIS, PRESIDENT, LEWIS PROPERTIES AS GENERAL PARTNER OF PALMA SOLA LIMITED TO VACATE A PORTION OF STREET IN WOODS AT CONQUISTADOR SUBDIVISION UNIT I, (PLAT BOOK 19, P 86-88)

RECORD RESOLUTION S35-540

COMMUNITY SERVICES:

Execution of Addendum to Agreement with Manatee Council on Aging Inc.

RECORD CONTRACT FILE 3124

ESTECH/MANATEE PROPERTY:

Adoption of Resolution

R-86-180 ESTABLISHING THE FORM OF AN INDEMNIFICATION AND HOLD HARMLESS AGREEMENT FOR USE OF THE MANATEE-ESTECH PROPERTY AND AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES TO EXECUTE SAME ON BEHALF OF THE COUNTY.

RECORD RESOLUTION S35-541

BUDGET AMENDMENTS

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

CENTRAL SERVICES B-86-186
 From: Energy Management System
 To: Public Safety Complex Improvements

\$47,420.00

RECORD RESOLUTION S35-542

AUGUST 5, 1986

(Cont'd)

B-86-187
 From: Public Defender
 To: Construction Design \$ 3,500.00
RECORD RESOLUTION S35-543

COUNTY ADMINISTRATOR B-86-188
Increase Revenue:
 General Fund; proceeds sale of surplus property
Increase Expenditures:
 County Administrator; rents/leases \$7,841.00
RECORD RESOLUTION S35-544

PARKS AND RECREATION B-86-189/1
Decrease Revenue:
 Golf Course Capital Projects; transfer from 470
Decrease Expenditure:
 Golf Course Maintenance Facility \$1,800.00
RECORD RESOLUTION S35-545

B-86-189/2
 From: Golf Course Capital Projects; transfer to 475
 To: Golf Course; equipment \$1,800.00
RECORD RESOLUTION S35-546

B-86-190/1
 From: Golf Course: Retained Earnings; Landfill
 To: Transfers to 473 and 483 \$292,345.00
RECORD RESOLUTION S35-547

B-86-190/2
Increase Revenue:
 Golf Course Debt Service/Transfer from 470
Increase Expenditures:
 FFGFC Bond Debt Service \$292,345.00
RECORD RESOLUTION S35-548

B-86-191
Increase Revenue:
 Golf Course Debt Service/Interest Income
Increase Expenditures:
 FFGFC Bond Debt Service \$64,780.00
RECORD RESOLUTION S35-549

B-86-192
Increase Revenue:
 Comprehensive Planning Assistant FY 86
Increase Expenditures:
 Planning Professional Services \$33,867.00
RECORD RESOLUTION S35-550

PUBLIC WORKS/TRANSPORTATION B-86-193
 From: Transportation Trust Fund/Revenue
 To: Engineering & Administration \$73,101.00
RECORD RESOLUTION S35-551

(End Consent Agenda)

GREEN BRIDGE: BUDGET AMENDMENTS

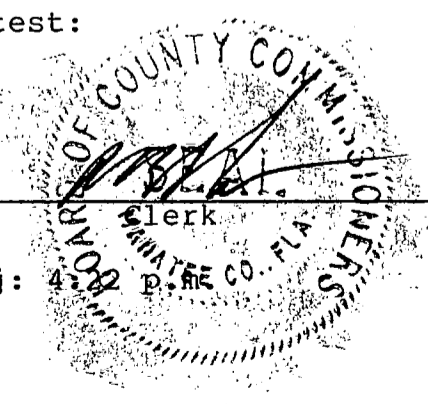
Motion was made by Mr. Chance to transfer from the budget of the Tourist Development Authority \$10,000 earmarked for the Green Bridge to the Parks and Recreation Department to fund improvements related to beaches. Motion was seconded by Mr. Chetlain and carried unanimously.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


 Clerk


 Chairman 8/10/86

Adj: 4:02 p.