

AUGUST 26, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, August 26, 1986, at 9:09 a.m.

Present were Commissioners:
Westwood H. Fletcher, Jr., Chairman
Edward W. Chance, Vice-Chairman
Patricia M. Glass
Maxine M. Hooper

Absent: Kent C. Chetlain

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 Commissioner Edward W. Chance.

The meeting was called to order by Chairman Fletcher.

All witnesses/staff giving testimony were duly sworn.

AGENDA DELETIONS/DEFERRALS

Upon requests of the County Administrator and the County Attorney, the following items were deferred and/or deleted from the Agenda:

- 1) Agreement with University Park Commerce, Inc., (construct concrete box culvert extension on Tallavast Road, \$45,205.80)
- 2) Bond Resolution authorizing referendum on purchase of Beker property.

PROCLAMATIONS

Darhl Kahn Day

Upon motion by Mrs. Hooper, seconded by Mr. Chance, a proclamation was unanimously adopted designating August 26, 1986 as "Darhl Kahn Day" in Manatee County (for his accomplishments on behalf of American Legion Oneco Post #312).

Eleanor Thompson Day

Upon motion by Mrs. Hooper, seconded by Mr. Chance, a proclamation was unanimously adopted designating August 26, 1986 as "Eleanor Thompson Day" in Manatee County (for her accomplishments on behalf of American Legion Oneco Post #312).

Sight Saving Month

Upon motion by Mrs. Glass, seconded by Mrs. Hooper, a proclamation was unanimously adopted designating September 1986, as "Sight-Saving Month" in Manatee County.

RECORD PROCLAMATIONS

AWARDS

Certificate (Retirement)

A certificate was presented to Edward A. Finneran, Public Works Department, Utilities Division, retiring after 11 years of service to Manatee County.

Certificate of Merit (Suggestion Award)

A Certificate of Merit and a Suggestion Award in the amount of \$25.00 was presented to Sandra L. Smith, former employee, Library Division, for suggesting additional pavement markings be made at 59th Street West and Cortez Road Intersection.

S35-579
S35-580
S35-581

August 26, 1986

Cont'd

STREET VACATION: ONECO PARK MANATEE MENTAL HEALTH CENTER

Public Hearing (Notice in The Bradenton Herald 7/31/86) was opened to consider application

R-86-130-V MANATEE MENTAL HEALTH CENTER, A FLORIDA
~~NOT-FOR-PROFIT~~ CORPORATION, VACATING A PORTION OF
ONECO PARK SUBDIVISION (PLAT BOOK 1, PAGE 217).

Public comment portion of the hearing was closed.

Mrs. Hooper moved to continue the public hearing to September 16, 1986. Motion was seconded by Mrs. Glass and carried unanimously.

STREET VACATION: CAYMAN PARK (BADER)

Public hearing (Notice in The Bradenton Herald 7/31/86) was opened to consider application

R-86-131-V VOLKER BADER AND EVA BADER TO VACATE AN
EASEMENT IN CAYMAN PARK SUBDIVISION (PLAT BOOK 19, P53/54).

Public comment portion of the hearing was closed.

Mrs. Hooper moved to continue the public hearing to September 16, 1986. Motion was seconded by Mrs. Glass and carried unanimously.

SPECIAL ASSESSMENT PROJECT 5032: PINEHURST SUBDIVISION

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

R-86-162: A RESOLUTION CONFIRMING ADOPTION OF SPECIAL
ASSESSMENT ROLL AND ESTABLISHING SPECIAL ASSESSMENT
LIENS FOR PROJECTS APPROVED UNDER RESOLUTION R-86-162

No. 5032: 16th Avenue Northwest - from end of existing
pavement, east approximately 200 feet to dead end
RECORD RESOLUTION

S35-582

FEE SCHEDULES: BUILDING, ZONING AND LAND DEVELOPMENT

Fred Goodrow, Director Planning and Development Department submitted for consideration:

R-86-179 A RESOLUTION ESTABLISHING CERTAIN NEW
FEES AND AMENDING THE ADOPTED FEE SCHEDULE FOR
BUILDING PERMITS AND RELATED FEES, AND FOR PERMITS
AND FEES FOR THE MANATEE COUNTY COMPREHENSIVE
ZONING AND LAND DEVELOPMENT CODE.

Mr. Goodrow referred to chart and submitted options on projected revenue schedules based upon the proposed zoning and land development fee schedule.

Option I - Building Trades recommendation which does not cover address grid study, more than 20% of the enforcements section and one Senior Inspector Position (Estimated Revenues \$1,512,000).

Option II - Fee Schedule believed will cover 100% of Development Management Division and all review work by Planning Division (Estimated Revenues \$1,754,000).

He advised that the fee structure had been revised to be proportionate to the size of a development.

Discussion: Address grid system in relation to ad valorem tax; percentage of code enforcement job as directly relates to the construction industry;

Gary Brendt, Gulf Coast Builders Association expressed concern over the number of new personnel recently hired in Planning Department.

Discussion: Senior Inspectors position; time factors in processing applications; when utilization of in-house system of standard approval will begin (providing applications meet criteria of Southern Standard Building Code).

Motion was made by Mr. Chance, and seconded by Mrs. Hooper to adopt Resolution R-86-179, to include Option I. Voting "Aye" were Mrs. Glass, Mrs. Hooper and Mr. Chance. Mr. Fletcher voted "Nay." Motion carried.

RECORD RESOLUTION

S35-583

**HAZARDOUS MATERIALS (HAZMAT)
Management Response Team**

The County Administrator requested approval (pending County Attorney review) in concept of the transfer of \$15,000 from the Reserve For Contingency fund and the future transfer of a surplus county ambulance to the Manatee County Fire Districts Hazardous Materials Incident Team, Inc. (HAZMAT).

He advised that inasmuch as the Hazardous Materials Team is composed of the various fire districts (a separate non-profit group) the county hopes to avoid any legal liability by its creation.

Discussion: Allocation of funds to the Fire Districts; Possibility of liability claims against the county; Proposed agreement, submitted by Jimmie Hamrick between Manatee County the fire districts. and HAZMAT as independent contractor for Purchase of Services.

The County Attorney summarized his memorandum (8/25/86) and stated that under Florida Statute (Section 403.726) imminent disasters caused by hazardous substances is the responsibility of the Florida Department of Community Affairs and the county is not obligated to assist in providing a hazardous waste/materials unit.

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

Mrs. Glass moved to authorize staff to prepare and submit to the Board a basic interlocal agreement to be shared with the fire districts. Motion was seconded by Mrs. Hooper and carried unanimously.

Discussion: Insurance requirements/liability; direct transfer of funds to the fire districts, and indemnity by fire districts.

Motion

Mrs. Glass moved to authorize the future transfer of \$15,000 from reserve for contingency funds and the future transfer of a surplus county ambulance under an interlocal agreement to be worked out. Mr. Fletcher seconded the motion for discussion.

Following discussion Mrs. Glass had no objections to substituting the words when it is signed for the words "to be worked out." Motion with substitution carried unanimously.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mrs. Glass, seconded by Mrs. Hooper, the County Administrator's Consent Agenda was unanimously approved.

Mr. Chance referred to the item concerning authorization to negotiate sole source purchase with Adley Associates, Inc., and offered a motion to reconsider action on the County Administrator's Consent Agenda to allow him to recast his vote as "Nay" on the original motion. Motion was seconded by Mr. Fletcher and carried unanimously.

Items Approved included:

DEEDS/EASEMENTS

1. 60th Avenue Drive West (Proj 5031) - Temporary Construction easement from Stanley A. and Casimira Trakul Parcel 1A and 2.
2. 53rd Avenue West - Warranty Deed from Florida Homeowners for Temporary Construction easement; Affidavit of Ownership/Encumbrances.
3. Tallevast Road and 9th Street East Extension - Drainage/Flowage easement from University Park of Commerce Inc.; Partial Release from the Huntington Mortgage Company.
4. US 301 and Tallevast Road - Warranty Deed and Exhibit B from Quick Stop Food Stores, Inc. for Right-of-Way; Affidavit of Ownership/Encumbrances; Partial Release from Southeast Bank.
5. 63rd Avenue East - Warranty Deed from C. L. Swanson Corporation for Right-of-Way; Affidavit of Ownership/Encumbrances and Partial Release from Southeast Bank, N.A.
6. North County Sewer System - Utility easement from State Savings and Loan Association of Lubbock for Highland Shores Force Main. (Plantation Bay Ltd.)

August 26, 1986

Cont'd

UMTA/TRANSIT

Execution of Introduction of Annual Disadvantaged Business Enterprise/Womens Business Enterprise Update requesting a Fiscal Year 1986 goal of one and two percent respectively. (To be submitted to UMTA outlining reasons why recommended goals of ten percent cannot be met.

RECORD

S35-584

PARKS & RECREATION: EAST BRADENTON POOL & PARK1. Grant Application; Designation LiaisonAdoption of

R-86-173 RESOLUTION OF MANATEE COUNTY, FLORIDA REQUESTING ALLOCATION OF FUNDS BY THE STATE OF FLORIDA DEPARTMENT OF NATURAL RESOURCES (DNR) THROUGH THE FLORIDA RECREATIONAL DEVELOPMENT ASSISTANCE THE FLORIDA RECREATIONAL DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) TO THE MANATEE COUNTY PARKS & RECREATION DEPARTMENT TO BUILD FACILITIES AT THE EAST BRADENTON POOL AND PARK IN MANATEE COUNTY, FLORIDA.

and appointing Michael F. Pascuzzi as Liaison Agent for the Project, to submit information to DNR for review.

RECORD RESOLUTION S35-585

2. Letter of authorization (from the Board) to Michael F. Pascuzzi to seek appraisal or letter appraisal whichever is least costly, for East Bradenton Pool and Park to be submitted with FRDAP grant application for funding.

CENTRAL SERVICES1. Utilities: Irrigation Booster Pump Station

Award bid to Southern Controls \$18,798.30 and a technical assistance cost of \$32.50 per hour for eight hours, not to exceed total cost of \$19,058.30

2. Liquid Polymer - Award annual bid to American Cynamid Company on an as required unit price basis of 11.9 cents per pound.

3. Parks and Recreation: Diesel Tractor (Two Wheel Drive)

Award bid to Tampa Tractor, Company for a total cost not to exceed \$12,625.00

4. EMS: Medical Supplies - Award annual bids to Aero Products, Inc., Emergency Medical & Safety Supply, Dan-Cher Corporation d/b/a Zee Medical Service, Whittaker General Medical, Durr-Fillauer Medical National Health Supply Corporation, and Florida Anesthesia Services.

5. Fleet Command System (Software) - Negotiate sole source purchase and subsequent execution of contract for Fleet Command System including conversion, installation, training and twelve months maintenance from Mainstem Corporation not to exceed \$26, 596.00 purchase; and subsequent execution of contract.

6. Hydraulic Lift Bucket Trucks - Purchasing staff and departmental technical staff to attend auctions held by Tampa Machinery Auction, Inc., and sole source purchase of two each used hydraulic lift bucket trucks, not to exceed \$12,000 for Public Works/Highway and not to exceed \$20,000 for C/S Facilities Mgt.

7. Consulting Services (Planning & Development) - Negotiate sole source purchase Adley Associates, Inc., of consulting services analysis/review of land development applications; subsequent execution of contract not to exceed \$15,000.

8. Insurance: Retiree Premiums - (Commercial Life) Refund \$1,996.56 insurance overpayments to 31 retirees listed in Exhibit B.

RECORD EXHIBIT B S35-586

BUDGET AMENDMENTS

Adoption of Resolutions amending the 1985-86 budget providing for item to item transfers and for receipt and appropriation of unanticipated revenues.

PUBLIC WORKS/HIGHWAY (B-86-206)

From: 59th St W Cortez to Manatee
Canal Road (County)
9th Street East
Erie Road
34th St & 57th Ave W Intersection
Erie Road at Tamiami
59th St W South of Manatee Ave
75th St at Manatee

To: SR 789 Coquina Beach & Bay Park
57th & 26th St W
17th St E at US 41 Palmetto

\$17,472
RECORD RESOLUTION
S35-587

LAND ACQUISITION

Increase Revenue: (B-86-207)
Sale of Surplus Property
Increase Expenditure:
Reserve For Contingency

\$10,000
RECORD RESOLUTION
S35-588

PUBLIC WORKS/UTILITIES (B-86-208)
From: Utilities

To: Reserve for Contingency
Administration; Interest on Deposits;
Interest on Deposits; Equipment
Sewer Plant Operations; Accounts Receivable;
Professional Services

\$271,966
RECORD RESOLUTION
S35-589

PUBLIC WORKS/UTILITIES (B-86-209/1)

From: Utilities/Retained Earnings
To: Utilities
Transfer to Surplus

\$85,500
RECORD RESOLUTION
S35-590

PUBLIC WORKS/UTILITIES

Increase Revenue: (B-86-209/2)
Utilities Surplus Construction/Transfer from 401
Increase Expenditures:
Utility Complex Improvement

\$85,500
RECORD RESOLUTION
S35-591

SHERIFF

Decrease Revenue: (B-86-210)
General Fund/Airport Security Sheriff
Decrease Expenditure:
Sheriff
Constitutional Officers Budget

\$296,891
RECORD RESOLUTION
S35-592

TOURIST DEVELOPMENT COUNCIL

(Funds originally appropriated for Green Bridge Fishing Pier)
From: Other Civic Ent (B-86-211/1)
Contributions

To: Tourist Development/Transfer to Parks \$10,000
RECORD RESOLUTION

S35-593

TOURIST DEVELOPMENT COUNCIL (B-86-211/2)
(For Parks Division - P & R)

Increase Revenue:
Parks Capital Project Fund
Increase Expenditure:
Coquina Beach Facility Improvement
Improvements

\$10,000
RECORD RESOLUTION
S35-594

(End Consent Agenda)

GUN PERMITS (WINTERBOTTOM)

Upon motion by Mrs. Glass, seconded by Mrs. Hooper, Resolution R-86-204 was adopted authorizing the issuance of a permit to carry a concealed weapon. Voting "Aye" were Mrs. Glass, Mrs. Hooper and Mr. Fletcher. Mr. Chance voted "Nay." Motion Carried.

Roy A. Winterbottom, 3305 14th Avenue West, Bradenton, FL 33505
Llama .380 Cal., Semi-Automatic Pistol Serial No. 619272
Bond: Ohio Casualty Insurance Co., (two years)

RECORD RESOLUTION
S35-595

August 26, 1986

Cont'd

LAWSUIT: MARSHALL'S BRADEN RIVER MOBILE HOME PARK

The County Attorney referred to his memorandum (8/22/86) concerning lawsuit Marshall's Braden River Mobile Home Park vs Manatee County in dispute of actual location of watermain on Marshall's property instead of within utility easement. He exhibited area map depicting location of watermain in conjunction with easement granted by Marshall and reviewed events which led to the litigation, now pending in U.S. District Court.

The county maintains the contractor, Bryant Electric Company, placed the line inaccurately. Bryant in return claims the design engineers, Russell and Axon failed to indicate where it was to be placed.

According to a line location survey for the existing watermain, parallel to Highway 70, it was determined the existing 36" watermain (subsequent to one relocation) encroaches upon the Marshall property approximately 13" for a distance of 30'.

Mr. Rice stated several offers by county in negotiating a settlement were rejected by Lawrence J. Robinson, Attorney representing the Plaintiff, who in turn proposed settlement as follows:

- =Conveyance to plaintiff of 4.0 acres (M/L) county owned peninsula property; (appraised at \$1,800 per acre).
- =County to receive additional 25' utility easement along Hwy 70;
- =Plaintiff to relieve the county of all claims for damages;
- =Courts to determine attorney fees.

Mr. Robinson, stated the watermain was not installed according to plans and specifications or permits issued to the county from the Army Corp of Engineers and Department of Natural Resources and that the easement conveyed was in reliance to the line being installed according to the application(s).

(Mr. Chance was absent during a portion of this discussion)

Richard Wilford, Public Works Director, recommended the pipe remain in its present location along State Road 70. The road is scheduled for widening and the right of way would be acquired by the state and relocation would become a state expense. He suggested purchasing the easement with conveyance to the state at a future date.

Discussion: Appraisal of 4.0 acres of county owned property; county maintaining ownership of land for park use; cost to relocate pipeline within the present utilities right-of-way (approximately \$18,000); watermain anchored by subaqueous crossing underneath Braden River; Resolution that county will not convey waterfront property; 50' easement to county by Marshall's; pipeline encroachment upon Marshalls land.

Mr. Chance moved to reject the land swap and to proceed with the purchase of the necessary right of way needed to maintain the pipe in its present location. Motion was seconded by Mr. Fletcher. Voting "Aye" were Mrs. Hooper, Mr. Fletcher and Mr. Chance. Mrs. Glass voted "Nay." Motion carried.

CLERK'S CONSENT CALENDAR

Upon motion by Mrs. Hooper, seconded by Mr. Chance the Clerk's Consent Calendar dated August 26, 1986 was unanimously approved:

BONDS:**Release:**

Kerr Construction - DWP #9591 \$ 775.00

BILLS FOR PAYMENT:

CH2M Hill Southeast, Inc.

- 1) Task Order #6 Expert Witness Services Southwest
WWTP Deepwell Inj Proj Task Order #4 39,132.00
- 2) Design of Injection & Monitoring Wells
Task Order No. 4, Phase I 802.22

Woodruff & Sons, Inc. - 57th Av W & 26th St W

Rd Improvement Partial Pymt #3 (Final) 35,729.97

Camp Dresser & McKee - Inv #13 SW Subregional Waste

Water Treatment Plant 43,860.91

Wendell Kent & Company, Inc. - 9th Av W

Rd Improvement Partial Pymt #1 Proj 3086 101,613.01

Hewitt Contracting Co. - Various Road Improv.

Partial Payment #2 136,387.52

Wyman, Green & Blalock, Inc. - Bond Insurance

Maxine M. Hooper (Commissioner) 50.00

State of Florida Dept of Law Enforcement - Criminal

History Record Check (Services for July 1986) 10.00

Refunds

Mary Ziegler	EMS overpayment	77.22
Lillie Weaver	EMS overpayment	79.20
Georgia Aiken	EMS overpayment	59.40
Robert Peters	EMS overpayment	79.20
Earl Sullivan	EMS overpayment	79.20
Pat Markey	EMS overpayment	79.20
Edgar Hendricks	EMS overpayment	100.98
Charles Ehehalt	EMS overpayment	91.08
William Jontz	EMS overpayment	79.20
Carabelle Dicke (Estate of)	EMS overpayment	80.00
Kristine Halvlakos	EMS overpayment	79.20
Oran Bearden	EMS overpayment	79.20
Olive Baker (Estate of)	EMS overpayment	80.00
Claire Barney	EMS overpayment	80.00
Kathyrn Boedeker	EMS overpayment	56.00
Louise Sellars	EMS overpayment	99.00
Hazel Shepard	EMS overpayment	14.00
Thomas Moss (Estate of)	EMS overpayment	80.00
Mary J. Cowart	Animal Cage	50.00
Martha M. Campbell	Animal Cage	20.00
Bob Poorman	Animal Cage	70.00
Mary C. Bell	Animal Cage	20.00
Franklin R. Schutz	Moving Expense	754.62
Gary Goodpaster	Facility Reservation Fee	15.00
V. Whisenant	Safety Seat	10.00
Betty Mimbs	Safety Seat	10.00

APPROVE, RATIFY & CONFIRM

Proclamation -(dated Tuesday August 19, 1986) designating August 19, as "Sarasota American League All Star Team."

RECORD PROCLAMATION S35-596

CYPRESS CREEK ESTATES, INC. Accept/Record Fee Simple Deed from Peter S. Harllee, et al re: Kay road right of way (approved 10/1/85)

AUTHORIZE EXECUTION OF

Authorization for Payment of Taxable Costs

Ralph J. Mattice - State of FL vs John T Wright 121.78

Contract: Raw Water Station #1 Reroofing (approved 7/22/86)

William Samuels Approved Roofing \$13,532

RECORD: CONTRACT FILE

ACCEPTANCE FOR RECORD

3346

Water & Sewer Revenue Refunding & Improvements Bonds Series 1986 \$34,965,000 Official Documents (Bound Volumes I & II)

WARRANT LIST;

Approve: August 19, 1986 to August 25, 1986

Authorize: August 26, 1986 to September 1, 1986

CRESCENT LAKES, PHASE II

Accept Street/Improvements for County Maintenance

MINUTES FOR APPROVAL:

July 22, 1986

CEMETERIES (PRIVATELY OWNED)/MAINTENANCE

Request of citizen for financial assistance to maintain cemeteries referred to County Administrator.

GOLF COURSE: FEES

Request of Richard Nelson that fees be lowered and identification cards issued at the Manatee County golf course was referred to the County Administrator.

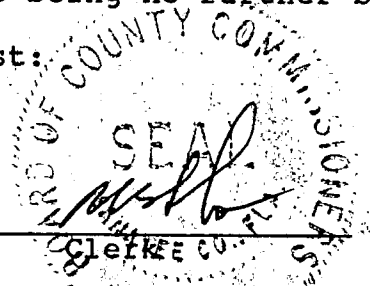
COCAINE: JOINT TASK FORCE ON DRUGS

Upon recommendation of the Chairman, Mrs. Hooper moved to approve, ratify, and confirm to include the appointment of one member each from the Manatee County School Board and Ministerial Association to the Joint Task Force on Drugs. Motion was seconded by Mr. Chance and carried unanimously.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:



APPROVED:

Richard H. Hooper
Chairman 10/2/86

Adj: 12:43 p.m.