

SEPTEMBER 9, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, September 9, 1986, at 9:04 a.m.

Present were Commissioners:

Westwood H. Fletcher, Jr., Chairman
Edward W. Chance, Vice-Chairman
Kent G. Chetlain
Patricia M. Glass
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 Mark Clark, Westside Christian Church

Pledge of Allegiance by Manatee County Vietnam Veterans

The meeting was called to order by Chairman Fletcher.

All witnesses/staff giving testimony were duly sworn.

PROCLAMATIONS

POW/MIA Recognition Week

Upon motion by Mr. Fletcher, seconded by Mrs. Hooper, a proclamation designating September 14-20, 1986 as "POW/MIA Recognition Week" was unanimously adopted. (Prisoners of War/Missing in Action)

RECORD PROCLAMATION S35-637

International Day of Peace

Upon motion by Mrs. Glass, seconded by Mrs. Hooper, a proclamation designating September 16, 1986 as "International Day of Peace" in Manatee County was unanimously adopted.

Mr. and Mrs. George Kinney, and Shirley Lee, representatives of Baha'i Faith, accepted the proclamation.

RECORD PROCLAMATION S35-638

ORDINANCE 86-33: SPEED LIMIT

Public hearing (Notice in The Bradenton Herald 8/19/86) was opened to consider

ORDINANCE 86-33 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 LIMIT ON COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Speed Limit: 20 mph

Tropical Drive from 11th Avenue East to Hubbel Road

Speed Limit: 25 mph

2nd Avenue Drive East from 37th Street Court East to 36th Street East (Palmetto)

3rd Avenue Drive East from 39th Street East to 37th Street Court East (Palmetto)

4th Avenue East from 37th Street Court East to 36th Street East (Palmetto)

4th Avenue Boulevard East from 39th Street East to 4th Avenue East (Palmetto)

36th Street East from 2nd Avenue Drive East to 4th Avenue East (Palmetto)

37th Street Court East from US 41 (SR 45) to 4th Avenue East (Palmetto)

Speed Limit: 30 mph

Golf Course Road from Jim Davis Road to 2112 feet west of Spencer Parrish Road

Harry Mendenhall, Traffic Engineer, recommended approval of speed limits as outlined and adoption of the Ordinance.

The public hearing was closed.

Mr. Chance moved to adopt Ordinance 86-33 amending Ordinance 84-05. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD ORDINANCE S35-639

SPECIAL ASSESSMENT PROJECT NO. 5042 -(59TH AVENUE EAST)

Public hearing (Notice in the Bradenton Herald 8/26/86) was opened to consider

R-86-211 A RESOLUTION AMENDING R-86-26 APPROVING SPECIAL ASSESSMENT PROJECT NO. 5042, (59TH AVENUE EAST APPROVED 2/25/86) TO ADD THREE OTHER PROPERTIES BENEFITING FROM THIS PROJECT; TO RE-NOTIFY EXISTING AND NEW PROPERTY OWNERS ON 59TH AVENUE EAST; AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PROPERTY APPRAISER AND THE TAX COLLECTOR

Tom Fenton, Public Works Department, advised that this amending resolution would add three additional parcels to the 17 parcels already in the project. He provided history of the project and method of assessment.

Edward Jackson requested the project be given priority and to proceed as soon as possible.

The public comment portion of the hearing was closed.

Upon motion by Mrs. Glass, and seconded by Mr. Chance, Resolution R-86-211 amending R-86-26 was unanimously adopted.

RECORD RESOLUTION S35-640
RECORD CONTRACT FILE 3225

SPECIAL ASSESSMENT PROJECT NO. 5031 - SUNNY LAKES ESTATES SUBDIVISION

Public hearing (Notice in the Bradenton Herald 8/26/86) was opened to consider a Special Improvement Assessment Roll on

Project 5031 Sunny Lakes Estates Subdivision:
60th Avenue Drive West from 7th Street Court W. - east to 2nd Street W.
7th Street Court W. - from 60th Avenue W. south to 60th Avenue Terrace W.
2nd Street W. - from 60th Avenue W., south to 60th Avenue Terrace W.

Tom Fenton provided a history of the project (58 parcels) and method of assessment.

Stan Treco stated he was in favor of paving the streets and that curb and gutters are necessary, but that he objected to a 24-foot wide neighborhood road and disagreed with the cost figures provided by staff. He suggested that the width be reduced to 20 feet, pointing out that the main thoroughfare, 60th Avenue, is an 18-foot wide hard top road and has no drainage.

Discussion: Reduction of width of pavement on road feeding into a narrower road; swale ditches not maintained by County and the cost if maintained.

Mr. Chance inquired why the road could not be narrowed and have swale ditches instead of curb and gutter, which would cut the cost in half.

Mr. Staples responded that swale drainage works, but it is not an ideal situation for this particular area; that long term maintenance of swale drainage would be more expensive than installation of curb and gutter. He added that if the scope of work is changed the project must be readvertised and another public hearing held, which will delay the project.

September 9, 1986(Cont'd)

Speaking in favor of the project and/or questioning the method of payment were Betty Miller, William Granger, Charles Young, and Kent Stenson.

Speaking in opposition was William Henderson.

Upon question, Peter Ramsden, Finance Director for the Clerk, advised that the County will go into the market in 60 to 120 days to sell bonds to obtain upfront funds for the projects. He pointed out that Manatee County is highly rated within the bond market in New York and to his knowledge, no other County in Florida has a Double A rating.

(Depart Mr. Chance)

The public comment portion of the hearing was closed.

Recess/Reconvene. All members present.

Upon question, Mr. Fenton advised that 60th Avenue Drive West is scheduled for almost 1/2 mile of paving, and Al Cogan, Public Works/Utilities, commented on standards for county roads.

Mrs. Glass moved adoption of the Special Assessment Roll on Project 5031. Motion was seconded by Mrs. Hooper and carried unanimously.

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

R-86-210 A RESOLUTION CONFIRMING ADOPTION OF SPECIAL ASSESSMENT ROLL AND ESTABLISHING SPECIAL ASSESSMENT LIENS FOR PROJECT NO. 5031, SUNNY LAKES ESTATES SUBDIVISION

RECORD RESOLUTION S35-641

BELCHER OIL COMPANY/OIL TRANSFER FACILITY

Kit Fernald, Longboat Key Councilwoman, submitted copy of resolution R-86-31 adopted by Longboat Key Town Council opposing the proposed Belcher Oil Company oil transfer facility in or near Egmont Key.

Mrs. Glass moved to enter into the record Resolution R-86-31 from Longboat Key. Motion was seconded by Mrs. Hooper and carried unanimously.

Motion was made by Mrs. Hooper, seconded by Mrs. Glass, to adopt

R-86-219 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, OPPOSING THE CONSTRUCTION OF AN OIL TRANSFER FACILITY NEAR THE MOUTH OF TAMPA BAY,

in or near Egmont Key which is presently proposed by Belcher Oil Company. Motion carried unanimously.

RECORD RESOLUTION S35=642

Mr. Chance moved to authorize Administrative and Legal Staff to take the necessary steps to intervene in any hearings or other actions on behalf of the County, to be undertaken in connection with this oil transfer facility. Motion was seconded by Mrs. Glass and carried unanimously.

DISASTERS: TROPICAL STORM DANIELE

The Chairman read a memorandum from Jimmy Hamrick, Acting Director of Department of Public Safety, providing an update on tropical storm "Daniele".

BIKE-A-THON (NORTH MANATEE KIWANIS)

Mrs. Glass moved to approve the request by North Manatee Kiwanis Club to hold a bike-a-thon in Ellenton on September 13, 1986 between the hours of 9:00 a.m. and 12:00 noon, for the purpose of raising money for St. Judes Children's Hospital, contingent upon receipt of certificate of insurance which is in compliance with all County requirements. Motion was seconded by Mrs. Hooper and carried unanimously.

Mrs. Glass moved approval for the County to assist in partially blocking off four streets in Ellenton according to map designating said streets (Leffingwell Avenue, Cedar Street, Palm Avenue and Water Street). Motion was seconded by Mr. Chetlain and carried unanimously.

Upon question the County Administrator said there was no reason for such requests not to be handled administratively.

GTE BUILDING LEASE

The County Administrator re-submitted request (deferred 9/2/86 with instructions to staff to investigate other sites) for authorization to negotiate sole source purchase/lease of the building previously occupied by GTE, 315 75th Street West Bradenton, for the purpose of consolidating administrative and engineering staff of the Utilities and Transportation Departments. The Board was advised that there is no other space immediately available that would meet the requirements of the two departments.

Mr. Chetlain expressed concern that the \$146,000 rent would be paid from the Utilities System which is financed by user fees and the Transportation Department which is financed by taxpayers.

Al Cogan noted that by using a formula to divide the lease cost, 60 percent would be paid by Transportation and 40 percent by Utilities.

Mr. Rabun said this will make room for the expansion of the Planning and Development Department on 6th Avenue.

During discussion on total cost of moving/remodeling, etc., Mr. Cogan said the landlord would do the necessary remodeling to move in and the only cost to the County would be about \$15,000 - \$20,000 for partitions.

Tedd Williams, Chief Assistant County Attorney, indicated that the landlord has requested the following amendments be inserted in the agreement:

Page 5, Paragraph 16, add at the end of paragraph:

"Tenant has informed landlord of the current limits mentioned above (\$100,000 per person, \$200,000 per incident or occurrence) and will promptly inform landlord of any changes in said limits."

Page 1, Paragraph 1, insert the words: "See attached Exhibit A."

Mrs. Hooper moved to authorize negotiation for lease/purchase per Ordinance 84-02 and subsequent execution of lease agreement upon receipt by the Chairman of the Board of County Commissioners between the County of Manatee and Dan S. Blalock, Trustee for Landlord, for a not to exceed amount of \$146,100 per annum, including the amendments made by the County Attorney. Motion was seconded by Mr. Fletcher for discussion. Voting "Aye" were Mr. Fletcher and Mrs. Hooper. Voting "Nay" were Mr. Chance, Mr. Chetlain and Mrs. Glass. Motion failed. (Further action later in meeting)

STATE ENTERPRISE ZONE/PALMETTO

Ken Rogers, Coordinator of Community Development Projects, submitted a revised copy of

R-86-205 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, DESIGNATING AN "ENTERPRISE ZONE" IN THE COUNTY PURSUANT TO CHAPTER 290, FLORIDA STATUTES; STATING THE PURPOSE OF THE DESIGNATION OF AN ENTERPRISE ZONE; ADOPTING A PROGRAM OF LOCAL PARTICIPATION TO BE CONDUCTED IN THE ENTERPRISE ZONE IF GRANTED STATE APPROVAL; AND FOR OTHER PURPOSES.

Mr. Chetlain said that while he was not opposed to providing assistance to the program, he was concerned as to the cost to the taxpayers, source for funding County obligation of \$265,000 to the program and if funds have been budgeted.

September 9, 1986

(Cont'd)

Mr. Rogers advised that this resolution is simply a commitment on the part of the Board that in the event enterprise zone approval is granted by the state, the county will apply for federal funds and all those funds will be spent in the enterprise zone.

Upon inquiry by Mr. Chetlain as to the commitment of the County should the grant not be obtained, Mr. Rogers said it is estimated that the County would have to come up with about \$200,000, since the County is taking credit for the \$100,000 grant received by the Sheriff.

Mr. Rogers pointed out that, upon advice from counsel, a change made in the proposed resolution was removal of the section regarding waiver impact fees as it would not be possible for the Board to waive impact fees by resolution.

Discussion: Amending the ordinance to allow assistance in certain areas; waiver of fees, etc.

Mr. Chance said he would like to see a written opinion of County bond counsel on whether or not the bond covenant allows the waiver of fees.

Mrs. Glass moved to adopt R-86-205. Motion was seconded by Mrs. Hooper and carried unanimously.

RECORD RESOLUTION S35-643

Mr. Chance moved to authorize the Chairman to sign the letter of transmittal for the application of the enterprise zone approval and to include comment that staff will be looking into the waiver of impact fees. Motion was seconded by Mr. Chetlain and carried unanimously.

UTILITIES - BOND COVENANTS (WAIVER IMPACT FEES)

Mr. Chance moved to request county bond counsel for a written opinion of whether or not the Utilities System Impact Fees could be reduced or waived in certain cases. Motion was seconded by Mr. Chetlain and carried unanimously.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mr. Chance, seconded by Mrs. Glass, the County Administrator's Consent Agenda for August 9, 1986 was unanimously approved.

Items approved included:

PERSONNEL

Leave of absence without pay for Gail Story, Planning and Development (2/16/87-5/16/87)

UTILITIES; EASEMENT ENCROACHMENT

Southeast Wastewater Treatment Plant:

Execution of Encroachment of Easement request conditions on four easements held by Florida Gas Transmission Company to allow county to install force main over said easements:

1. SE IB2 - East Gate Pump Station and force main
2. SE ICI - Palm Aire Pump Station, force main & collection System
3. SE Effluent Disposal Pipeline Force Mains
4. IIAI - Champion, Tara, Linger Lodge Pump Stations and force mains

COMMUNITY SERVICES

Community Care Elderly - Chairman to initial correction in Upjohn HealthCare Services, Inc. Title IIIB Second Addendum to Agreement of July 29, 1986 (reducing unit cost from \$7.23 to \$7.13)

RECORD: CONTRACT FILE 3352

WORK RELEASE

- | | | |
|----|--|------|
| a. | <u>GMC 7-Passenger Van</u> - Award bid to <u>Bellemare, GMC</u> , total cost | 3353 |
| | \$12,802.96 | 3354 |
| b. | <u>Quarry & Ceramic Tile</u> - Award bid to <u>Suncoast Ceramic Tile</u> , | 3355 |
| | \$14,398.55 | |

PUBLIC WORKS/TRANSPORTATION

Asphalt Pothole Patcher (with cab, chasis and hopper) - negotiate sole source purchase and subsequent execution of purchase order to Thermal Power Corp \$70,784.32

DATA INFORMATION SERVICES

Computer Software Development - Classify computer excess time as surplus; exchange same for software development; negotiate sole source purchase including exchange or trade-in of excess time; subsequent execution of agreement upon receipt by the Chairman, with Consolidated Systems of Florida, Inc., not to exceed \$1.00 in excess of trade-in exchange amount.

INSURANCE/GROUP MEDICAL PROGRAM, FY87

Increase rates paid by employer from \$63 to \$72 monthly, effective October 1, 1986.

CIVIC CENTER

Add new positions: Secretary I; Promotion Coordinator
(End Consent Agenda)

CLERK'S CONSENT CALENDAR

Upon motion by Mr. Chance, seconded by Mr. Chetlain, the Clerk's Consent Calendar dated September 9, 1986, was unanimously approved after deletion of payment to Landers, Parsons, Uhlfelder, \$14,899.02 - (approved in separate action).

Items Approved:

BONDS:Approve:

Sheriff - Additions and deletions to Public Deputies Blanket Bond.

Additions

Bellamy, Sylvester, Jr.	Patrol
Bragg, Maxie	Patrol
Cantolino, Christopher	Patrol
Christie, Lance	Purchasing
Combee, Gary	Patrol
Conway, Patricia	Personnel
McCarty, Stanley	School X-Guard
Mustaine, Dan	Bailiff
Pearo, Josephine	School X-Guard
Rock, Doris Jean	School X-Guard
Schneidt, Matthew	Patrol
Waters, Karen Ann	School X-Guard
Williams, Oley	School X-Guard
Wright, Clifford Edward	School X-Guard

Deletions

Barylski, Lori	Civil
Hari, Robert	Crime Prevention
Horsley, Lisa	Narcotics
Ison-Bahnsen, Debbie	Communications
Mason, Joseph	School X-Guard

Water Revenue Bonds (Loss of Coupon)

Accept:

- 1) Affidavit for Lost Coupons, executed by Cigna Investments, Inc. for Aetna Insurance Company, sole owner)
- 2) Open Penalty Indemnity Bond - from Chemical Bank (Surety Federal Insurance Company)

Authorize:

Payment of Missing Coupons from (Bearer) Bond No. 554 without physical presentation

BILLS FOR PAYMENT:Attorney's Fees:

Balance before payment:	\$263,164.93
Balance after payment:	\$118,204.51
Carlton, Fields, et al - Marine One and Beker Cases	\$ 80,325.18
Carlton, Fields, et al - Marine One and Beker Cases	4,741.00
Burke, Bosselman & Weaver - Impact Fees, July 1986	308.00
Nabors, Giblin, Steffens & Nickerson -	
Longboat Key vs Manatee (Dual Taxation)	922.24
Longboat Key vs Manatee (Dual Taxation)	1,667.41
Lane, Trohn, Clarke, Bertrand, et al:	
Cullars vs Manatee	150.60
Harnish vs Manatee	165.98
Manatee County vs Lamb	570.24
Bush, Ross, Gardner, Warren & Rudy:	
Marine One vs Manatee	8,817.91
Marine One vs Manatee	19,847.84
Edwin T. Mulock, P.A. - Goldtree Communities M/H Prk	45.00
Mudge, Rose, Guthrie, et al - FFGFC (Bond Pool)	12,500.00
Municipal Code Corporation - Copies/Code of Ordinances	1,775.09
Camp Dresser & Mckee - SW Reg Waste/Wtr Treat/Pl, #1	41,897.34
Danis-Shook of Fl - SW Waste Wtr Treat. Plant #19	999,507.00
Larson Engineering - N Subregional Waste Water Fac.	
Phase 1, Seg. A, Parts A,B & C	115.53
Phase 1, Seg. A, Part D, Const.	1,784.34
Phase 1, Seg. B Part D	362.92
Chlorine contact Chamber Const.	8,884.80

September 9, 1986

(Cont'd)

Larson Engineering - N Cnty McClure Ranch Effluent Disp 6,562.66
 Lanzo Construction Co., - N Subreg. W/Wtr Fac. Phas 1
 Seg A Part A Master Lift Station 11,900.00
 Zoller & Najjar Eng. - 59th St Park Phase II 230.65
Taxable Costs (Circuit/County Court)
 Roger L. Young, Esq. - State of Fl vs Barry Allen Guy 6,362.46
 Mark Lipinski, Esq. - State of Fl vs James Curran 118.40

REFUNDS

E. McBeth - Child Safety Seat 15.00
 Carol Mitchel - Child Safety Seat 10.00
 V. Thomas - Child Safety Seat 10.00
 Michael Davila - Child Safety Seat 20.00
 W. H. Johnson - Child Safety Seat 10.00
 Bill & Jean Swanson - Overpayment to MCPUD 1,335.27
 Nick Porretto - Animal Cage Deposit 20.00
 John Robbins - EMS Overpayment 25.00
 Ava Erven - EMS Overpayment 20.00
 Henry Dreisenga - EMS Overpayment 79.20
 Clarence Campbell - EMS Overpayment 79.20

AUTHORIZE EXECUTION OF

(1) Contract with Pressure Concrete Construction Co. \$59,982.75,
 for Manhole/Bench Renovation (Award 7/29/86); acceptance of
 Performance/Payment bond, American Internat'l Co., surety.

RECORD CONTRACT FILE 3356

(2) Partial Release of Special Assessment Liens:
 (a) William J. and Elizabeth A. Isherwood, Proj. 5046
 (b) Keith & Elaine Acker (Owner), Project 827
 (Assessed to Noble C. & Lois V. Cliburn, agreement holders)

WARRANT LIST:

Approve: September 2, 1986 to September 8, 1986
 Authorize: September 9, 1986 to September 15, 1986

APPROVE, RATIFY & CONFIRM

Parks and Recreation Special Interest Classes Instructor's Agreements:
 Barbara Borderieux 3357 J. Scott Lawrence 3363 Tom Messick 3359
 Maria Hussey 3364 Gary Lee 3362 Evelyn Neigel 3360
 Royx Juckett 3359 Lisa May (2) 3361 Bert C. Potts 3194

RECORD: CONTRACT FILE

(End Consent Calendar)

LAWSUIT: AIRPORT VS MANATEE COUNTY - (PAYMENT LEGAL FEES)

Upon motion by Mrs. Glass, seconded by Mr. Chetlain, the following
 bill was unanimously approved for payment:

Landers, Parsons & Uhlfelder \$14,899.02
 (for retained counsel services through July 29, 1986
 in Lawsuit: Airport vs Manatee County)

BUILDING CODE VIOLATIONS (GIBSON VS SUAREZ)

Robert Gibson questioned the procedures in connection with his
 complaints to the Planning Department regarding alleged building code
 violations by Fred Suarez, 1201 Bayshore Drive, Terra Ceia
 Subdivision. He summarized the events from 1972 to date:

- = A house was started in 1972 without a permit
- = This house was occupied in 1975 without final inspection or certificate of occupancy
- = A front wall was built without a permit being posted
- = A sundeck was extended and a utility shed was built without a permit.
- = On August 15, 1986 inspection was made and turned down by two inspectors. The following Tuesday two other inspectors inspected the building and approved it.
- = On August 18, 1986 the County issued a Certificate of occupancy on the property with no inspections since 1975, (14 years) with no late penalties or new inspections.
- = Inspection of the septic tank applied for in 1972 was not made by the Health Department.
- = The drawings submitted to the County are not in compliance with setback on the original code. The measurements around the drawings do not comply with location of the house on the property.
- = An underground drainage system is running though the middle of the back yard with a water line to it, and the well and the sewer line is on top of that drainage system.

Upon question as to involvement of a member of the Board, other than Mr. Chetlain, Mr. Chance commented that a man had come into his office to report about "harassment" and complaints filed against him and he had referred him to the County Administrator.

Tedd Williams requested Mr. Gibson to submit for the record copies of the documents referred to in his allegations.

Motion was made by Mrs. Glass, and seconded by Mr. Chetlain, that the request by Mr. Gibson be investigated and the information be brought to the Board that day. Motion carried unanimously.

PALMA SOLA CAUSEWAY/ILLEGAL ACTIVITIES

Avery Gould complained that there were illegal activities taking place on the Palma Sola Causeway, such as destruction of picnic tables, flea market operations, sale of drugs, and horses defecating in the area. He requested that the hours of activity be reduced and that the county meet with state officials and pursue dedication of the area for recreational purposes.

Mrs. Glass proposed a joint meeting with the City of Bradenton be scheduled as soon as possible and to include in the agenda the coordination of supervision of Palma Sola Causeway.

Motion was made by Mrs. Glass, and seconded by Mr. Chetlain, to advise the Sheriff of the concerns raised regarding the activities on the Palma Sola Causeway and to request his help. Motion carried unanimously.

ZONING: PLOUGHE PROPERTY

Mrs. Joan Bryers and Betsy Johnson complained that at the meeting of July 7 of the Planning and Zoning Commission, the house which was built illegally by Rick Ploughe had been determined to be legal and that the second house was made illegal. Mr. Ploughe has applied for a permit to make the second house into a guest home. They requested the Board to conduct an investigation and determine if Mr. Ploughe can retain both houses.

Legal Counsel advised that the matter is being investigated and the guest house was a way of resolving the litigation. The Ploughes are prohibited from having kitchen facilities and certain plumbing in the guest house which makes it unusable as a permanent residence.

Mrs. Bryers pointed out that by Mr. Plough changing the lot lines, he had created a new lot of only 50 by 50 feet and, due to the regulations, cannot legally have a house on it.

Upon recommendation by the Chairman that the County Attorney be requested to place this item on his next agenda, Mr. Chetlain so moved. Motion was seconded by Mr. Chance and carried unanimously.

FAIR GROUNDS (USE OF)

Trudy Williams, representing Our Mother's House Inc., a new community program which provides housing and education to single mothers and their newborn, requested permission to use the Palmetto Fair Grounds for amplified music for a fund raising activity.

Dick Eckenrod, Department of Land and Natural Resources, said that at time the request was submitted to Mr. Aalberg, she was informed that under policy adopted (adopted June, 1986) no events could be scheduled in the fair midway area which involved amplified music or other activity disruptive to the surrounding neighborhood unless by special permission from the Board.

Upon recommendation by the Chairman that the letter (from Trudy Williams, Our Mother's House Inc.) be referred to the Fair Board with request for a recommendation, Mrs. Hooper so moved. Motion was seconded by Mr. Chance and carried unanimously.

PUBLIC COMMENTS

Sabino Lioce reported that he had inspected a Hillsborough County Incinerator Project (garbage disposal) and it was his hope such a project could be built in Manatee County.

September 9, 1986

(Cont'd)

RECESS/RECONVENE

The meeting was declared recessed until 1:45 p.m.

The Board reconvened at 1:52 p.m. with all members present.

ADMINISTRATIVE COMPLEX (PROPOSED)

David Rothfuss, Assistant County Administrator, referred to memorandum of August 25, 1986 from the County Administrator indicating that architectural and engineering plans for the proposed Administrative Complex must be prepared by the proposed developer in order to establish design and cost for an Administrative Center. It has been represented by the developer that approximately \$75,000 will be required for architectural and engineering services.

He submitted and recommended execution of an agreement between the Downtown Development Authority (DDA), the Board of County Commissioners and National Development Corporation of Florida (proposed developer). The agreement would provide that:

The developer will secure and pay all professional services costs;
Should the project be formally approved by the Commission, all such costs will remain the obligation of the developer;
Should the project not proceed through no fault of the developer, then the developer would absorb one-third of the costs of such professional services; the remaining two-thirds of such costs would be reimbursed, on a pro rata basis, by the Board and the DDA in a pro rata amount not to exceed \$25,000 each.

He advised that Mr. Shore and the County Attorney have reviewed and approved the agreement as to form.

Discussion: County commitment of \$25,000 for a service that might not be used; lack of subsidy commitment by the DDA; other bidders were not aware of agreement to reimburse 1/3 of cost of architectural and engineering costs if the County or DDA do not proceed with project; question if Board has taken official vote to build the complex.

Mr. Rothfuss advised that the negotiating team is working on the development of a formula for the contribution of DDA and may be ready for presentation to the Board in two or three weeks.

Mrs. Glass moved to authorize the chairman to execute a letter to DDA explaining the Board's commitment to build an Administrative Office Complex, but the Board declines to participate in architectural and engineering charges and considers that to be a matter between the developer and DDA; requesting the DDA to advise the Board as to its financial contribution to the project. Motion was seconded by Mr. Chetlain and carried unanimously.

BUILDING CODE VIOLATIONS

Fred Goodrow, Planning Director, in response to the complaint signed by Mr. Gibson on July 11, 1986, provided information as follows:

- = A permit had been issued in 1972 (#26388 A)
- = Regarding no inspections being made, the permit provided information that some inspections were made, but not all final inspections in that they were not initialed in the permit.
- = There is no evidence that a Certificate of Occupancy was issued, however, there is no record on any house built prior to 1978. The Department cannot provide evidence to confirm or deny if any certificate of occupancy was issued on the site.
- = After investigation it was determined that in 1975 the County Tax Assessor's Office put the property on the tax rolls, which is not generally done until a certificate of occupancy is given. Florida Power and Light provided power to the building which is not generally done unless a certificate of occupancy is permitted.

= Section 109.4 of the Standard Building Code allows the County to make inspections on existing structures at any time, whether or not a permit had ever been pulled, and make a decision on whether it is habitable. He requested that final inspections be done by certified inspectors with the conclusion that the County can issue a certificate of occupancy on this particular building. Although the certificate has been issued, it has not been mailed.

Mr. Goodrow said that at this point there are only two prosecutable offenses that have been found (1) the utility shed was built without a permit and may be located within the setback and (2) a fence was built without a permit.

(Mr. Fletcher not present for part of preceding discussion)

Regarding violation of the Flood Plain Ordinance, the County cannot discern if that is an issue because there is no record that the permit was pulled in 1972, and that was not an issue at that time. In order to prosecute that alleged violation the county must have documentation in the form of witnesses indicating that the first floor was enclosed after the ordinance was adopted. Without that information the County cannot proceed in the matter.

He said that inspection of the underground irrigation system and septic tank drainage field will be made by Pollution Control.

Mr. Chetlain moved that the head of Planning Department check the drainage field and assess double fees for any permit violations discovered; ascertain when decking construction took place by asking neighbors and, again, double charge for a permit if in fact none was (previously) given. Motion was seconded by Mrs. Glass and carried unanimously

James Wood, Chief Plumbing and Mechanical Inspector, expressed concern about the line from the well that runs across the septic tank.

Upon question Mr. Goodrow said he had not heard about the violation mentioned by Mr. Wood, but he would have it checked.

The Chairman made a statement to the effect that the matter was considered closed and that Mr. Goodrow has the authority to administratively take care of the situation.

COMMISSIONERS COMMENTS/REPORTS

Private Roads/Maintenance

Mr. Chance: Reported on complaints that the County has replaced culverts and has mowed a ditch on private property, yet refuses to grade the road. He suggested the Board look at the non-maintained county road policy.

Disposition: Referred to the County Administrator to be included in worksession on road standards.

Mobile Homes Policy

Mrs. Hooper: Inquired what is County Policy for type and condition of mobile homes being allowed to be placed on property.

Disposition: County Administrator to obtain information.

(Depart Mr. Chance)

Southeast Task Force Recommendations

Mr. Chetlain: Inquired when Southeast Task Force recommendations will be incorporated into the Comprehensive Plan.

Disposition: Staff to report on status September 25, 1986.

Lighting Districts/Creation

Mr. Chetlain: Inquired on progress being made in creating lighting districts for Cape Vista and Gulf Bay.

Disposition: Charles Hunsicker advised staff will bring report in about 30-45 days.

September 9, 1986

(Cont'd)

PROPERTY APPRAISAL ADJUSTMENT BOARD (PAAB)

The Chairman appointed Mr. Chetlain as alternate to the Property Appraisal Adjustment Board (PAAB) for the meeting of September 22, 1986, 9:00 a.m.

UTILITIES: ENGINEERING FACILITIES

Mrs. Glass moved to reconsider the denial of authorization to negotiate according to Ordinance 84-02 the purchase/lease agreement with Dan S. Blalock, Trustee. Motion was seconded by Mr. Fletcher and carried unanimously. (NOTE: Previous action - Motion to authorize negotiation did not carry.)

Richard A. Wilford, Public Works Director, responded to questions regarding the GTE lease. He recommended consolidation of the administrative and engineering staff and join those functions to hold down the cost of operation, which in his opinion will save more than the rent. He said the GTE Building is the best location because of the proximity to the Utility Complex on 66th. (Cost to be divided between Engineering and Utilities (60/40).

Mrs. Glass moved to approve the recommendation by staff. Motion was seconded by Mrs. Hooper and carried unanimously.

IMPACT FEE ORDINANCE REVISION - PUBLIC HEARING RESCHEDULED

The Chairman, noted that staff had suggested that a public hearing scheduled to consider revision of Impact Fee Ordinance was premature. He recommended the hearing on September 24, 1986 (not yet advertised) be cancelled and rescheduled. There were no objections to rescheduling the public hearing in three months.

Recess/Reconvene. All members present.

TRAVEL AUTHORIZATION

Upon motion by Mr. Chetlain, seconded by Mr. Fletcher, request for authority to travel was unanimously approved for Commissioners and staff to attend SSAC Conference in Fort Lauderdale, October 8 to 10, 1986.

Upon motion by Mr. Chance, seconded by Mrs. Glass, request for authority to travel was unanimously approved for Commissioners and staff to attend a Beaches and Shores Meeting in Sanibel, September 4 to 6, 1986.

AMBRUSKO, DR. JOHN/HEALTH DEPARTMENT

The Chairman acknowledged a letter from the Secretary of Department of Health and Rehabilitative Services responding negatively to the resolution adopted by the Board on August 5, 1986 and letter of August 25, 1986 requesting reinstatement of Dr. John Ambrusko as County Health Director.

Mrs. Glass moved to authorize the Commissioners to go to Tallahassee for a session with William H. Page, HRS Secretary. Motion was seconded by Mr. Chance and carried unanimously.

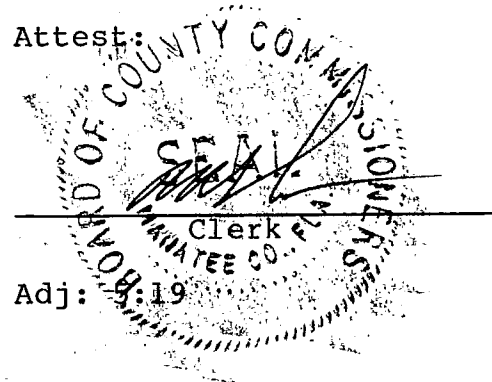
Upon request by Mr. Chance for a status of report on the County's options concerning participation with HRS, the Chairman indicated the report will be given prior to the meeting with Secretary Page.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Richard A. Wilford
Chairman

10/28/86