

JANUARY 7, 1987

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Courthouse, Bradenton, Florida, Wednesday, January 7, 1987 at 9:00 a.m.

Present were Commissioners:

Westwood H. Fletcher, Jr., Chairman  
 Kent G. Chetlain  
 Patricia M. Glass  
 James J. McGrath  
 Edward W. Chance, Vice-Chairman, entered during meeting.

Also present were:

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 County Attorney H. Hamilton Rice, Jr.

The meeting was called to order by Chairman Fletcher.

All witnesses/staff giving testimony were duly sworn.

TRAVEL AUTHORIZATION

Upon motion by Mrs. Glass, seconded by Mr. Chetlain, authority to travel was unanimously approved for Mr. Chetlain to Boulder, Colorado, February 23-27, 1987.

BOARD OF ZONING APPEALS - RESIGNATION

Mrs. Glass moved to enter letter into the record from Frank Eldridge (12/26/86) resigning his position on the Board of Zoning Appeals and to send Mr. Eldridge a letter of acceptance and regret. Motion was seconded by Mr. Fletcher and carried unanimously.

PARTICIPATION PROJECTS (ROAD/SEWER ASSESSMENTS)

Upon request of the Chairman to enter correspondence into the record from Gertrude R. and W. G. Moore and Norman J. Pinardi in opposition to participation projects, Mr. Chetlain so moved. Motion was seconded by Mr. McGrath and carried unanimously.

Marineland, Marineland Addition, Moores Addition Subdivision & Vicinity

Public hearing (continued from 12/4/86) was held to consider

Road Assessment Project #5130

**65th Avenue East** from Linger Lodge Road west to deadend.

**Lincoln Road** from 65th Avenue East (aka Marineland Road and/or Braden Road) north to deadend.

**Lincoln Road** from 65th Avenue East (aka Marineland Road and/or Braden Road) south to deadend.

**65th Avenue Drive East (aka Palmetto Road)** from Lincoln Road, east to Quonset Road.

**Quonset Road** from 65th Avenue East (aka Marineland Road and/or Braden Road), south to Pine Road (aka Quonset Road)

**Pine Road (aka Quonset Road)** from 68th Avenue East (aka River Road), north then west to dead end (platted as Pine Road known as Quonset Road).

**67th Avenue East (aka Myrtle Road)** from Linger Lodge Road, west to Quonset Road.

**68th Avenue East (aka River Road)** from Linger Lodge Road, west to deadend.

**Linger Lodge Road** from 68th Avenue East (aka River Road), north to existing pavement.

Special Sewer Assessment Project #301-2505

Lincoln Drive North, east 2,225 feet m/l to Lincoln Drive South.  
Lincoln Drive South from Lincoln Drive North, south 330 feet m/l,  
 then southwest 1,890 feet m/l, and 805 feet m/l of a private road  
 located off Lincoln Drive South.

65th Avenue Drive East from Lincoln Drive South east 625 feet m/l

65th Avenue East from Lincoln Drive South east 1,880 feet m/l.

Quonset Road from 65th Avenue East, south 2,705 m/l.

68th Avenue East from Braden River Road west 1,050 feet m/l.

Braden River Road from 68th Avenue East, north 545 feet m/l.

Vernon Drive from 65th Avenue Drive East south 675 feet m/l.

67th Avenue East from Quonset Road east 655 feet m/l.

And adoption of

R-86-299 A RESOLUTION APPROVING SPECIAL ASSESSMENT  
 PROJECT NO. 5130, ROAD ASSESSMENT; AND PROJECT NO.  
 301-2505, SANITARY SEWER ASSESSMENT

(authorizing execution of agreement with Property Appraiser and  
 Tax Collector)

Tom Fenton, Public Works/Transportation, gave a comprehensive review of the meeting held between staff and area residents and submitted petition of those favoring water line installation. He noted water would be provided to the site at a cost to the county of about \$300,000, however, residents would be responsible for connection fees. Sewer impact fees would be waived if "hook-ups" occurred within 120 days following line installation. He stated fire hydrants would be installed, reducing insurance rates.

Motion to Accept Petition

Motion was made by Mrs. Glass, seconded by Mr. Chetlain and carried unanimously, to enter petitions submitted by Mr. Fenton favoring the (participation) projects into the record.

Upon question, Mr. Fenton responded that inadvertently bids were let and cost figures were available. Estimates for sewer per assessable foot were \$31.43. He explained sewer is assessed by front foot only, whereas roads are assessed by both front and square footage.

Mr. Fenton explained how the proposed road improvements would benefit the public. He stated emergency vehicles would have better ingress/egress and that substantial cost savings would be realized since about \$10,000 per mile is spent maintaining unpaved county shell roads.

Discussion: Formula used in determining basis for reduction in Marshall property; non-issuance of building permits on vacant parcels; septic tanks; State order prohibiting further construction until sewers are available, etc.

In response to questions pertaining to the second public hearing, the County Attorney explained if the resolution (R-86-299) were adopted it could be rescinded in whole or in part:

1. If it is determined that the special assessments shown on the preliminary special assessment roll exceed the benefits that may accrue to the property as a result of improvements;
2. If an agreement with the Tax Collector and Property Appraiser is not obtained.

Discussion: Construction of package plant in order to develop vacant land; septic tanks; formula utilized in assessing projects; difference between assessable and lineal front footage; water system and facility investment fee; mandatory sewer/discretionary water hook-up, etc.

William Preismeyer, Pollution Control Director and Bob Clayton, County Health Department responded to questions regarding health hazards in relation to septic tanks and private wells.

During discussion it was noted that converting to a sewer system would benefit the watershed and that this area is part of the "Southeast Task Force Area" where package plants are prohibited.

Mr. Fenton gave a detailed explanation of how various parcels are assessed and gave an example of how assessments by front footage for sewer may vary from roads however, in most instances remain the same.

January 7, 1987

Cont'd

Speaking in favor of the project were Jessie Johnson, Bill Weeks and Barbara Walters.

(Enter Mr. Chance)

Upon question, staff advised that part-time residents pay a "readiness to serve charge" per unit. If the account is sewer only, a higher rate is charged. The sewage bill is based on eighty percent of waterflow usage per month, or a standard charge of \$19.50. If both water and sewer are utilized, the "readiness to serve charge" is based on actual flow usage.

Recess/Reconvene; All members present.

Others speaking in favor:

Shirley Reese, owner of two lots commented she is prohibited from building a home until sewer lines are installed.

Jessie Johnson, noted that recent newspaper articles indicate no further EPA funds will be available.

Speaking in opposition were:

Terry Gerwinski, speaking on behalf of various property owners, and who submitted petition in opposition.

**Motion to Accept Petition**

Upon recommendation of the Chairman to enter petition into the record, Mr. McGrath so moved. Motion was seconded by Mr. Chetlain and carried unanimously.

Ray Manning stated opposition because it would force development. He questioned whether the proposed sewer line would service the Tara development.

Bill McHie, Camp, Dresser and McKee, referred to map illustrating the area and stated the entire assessment program is for Marineland only, collected in one pump station in that area and then connected with Tara at some distance up the line. None of those costs are involved in the assessment portion of this project.

Discussion: Future growth; pollution/flooding to the Braden River; State Law mandating sewer hook-up when it becomes available, etc.

The Chairman read/submitted and requested a motion to enter letter from Margaret J. Swanson for Jerry Lee West, City of Bradenton of January 7, 1987, (supporting the installation of public sewer lines to service the Marineland subdivision) into the record. Mrs. Glass so moved. Motion was seconded by Mr. Chance and carried unanimously.

Lynda Ferris Gerwinski, spoke to environmental issues and that in her opinion this project did not constitute a valid public purpose since it would permit growth in other areas not affected by this assessment.

Discussion: Density permitted in area; effect on pumping station and environment when power failures at the sewage plant occur, etc.

The County Attorney advised that cost figures (quoted earlier) are not valid since the board has not made a final determination on the participation projects.

(Depart Mr. Chance)

Bobbie Flaherty was "opposed" due to expense and environmental issues.

Ernest Marshall, property owner, (40 acres) stated he was being discriminated against because of the method used in calculating the assessments. He described his property as having a total of eleven corners and five roads. He purported the formula used in assessing his parcel varied from those used in past assessments and that this was discriminatory. He recommended the Board direct staff to meet with him to work out "something" fair and equitable, etc.

Legal counsel responded to question by Margaret Ennis (opposing the project) concerning the outcome if she were unable to meet the payments. He advised the assessment constitutes a lien on the property and that it could be sold for taxes however, he pointed out payments can be made over a 15 year period.

January 7, 1987

Cont'd

Discussion: Instituting a program to subsidize certain property owners for improvements, tax certificates/titles, etc.

Joseph Staigerwald, recommended the City of Bradenton share in the cost of the assessments.

**RECESS/RECONVENE**

The Chairman declared a recess until 1:30 p.m. The meeting reconvened at 1:35 p.m. with all members present except Mr. Chance.

Richard Ashley, Chief Deputy Clerk, read/submitted statement from Russell Owens, (6542 Lincoln Road South, Lot 10, Moores Addition) favoring the participation projects in Marlineland Subdivision.

Discussion followed. Upon question, Mr. Fenton advised that studies were conducted of various cities and counties throughout the United States to find the most equitable formula in determining assessments; using acreage for road assessments as opposed to front footage; undersized lots; purpose of the second public hearing, etc.

**Motion to Adopt Resolution**

Mr. McGrath moved for adoption of Resolution R-86-299 approving Road Assessment Project 5130 and Sanitary Sewer Project 301-2505. The Chairman seconded the motion for discussion.

Following discussion on whether to proceed without a full board, motion carried unanimously.

RECORD S36-155

**Motion to Execute Agreement**

Mr. McGrath moved to authorize the Chairman of the Board to execute an agreement with the Property Appraiser and Tax Collector. Motion seconded by Mrs. Glass and carried unanimously.

RECORD S36-156

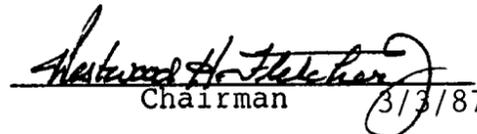
**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
Clerk

  
Chairman 3/3/87

Adj: 2:17 P.M.