

JANUARY 5, 1989

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Bradenton Financial Center, 1401 Manatee Avenue West, Bradenton, Florida, Thursday, January 5, 1989, at 11:55 a.m.

Present were Commissioners:  
Patricia M. Glass, Chairman  
Edward W. Chance, Vice-Chairman  
Kathy A. Snell, Chairman Pro Tem  
Kent G. Chetlain  
Maxine M. Hooper

Also present were:  
August V. Ellis, 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.

The meeting was called to order by Chairman Glass.

PORT - CAPITAL IMPROVEMENT PROJECTS FINANCING

E. N. Fay, Port Authority Attorney, advised that, pursuant to the Internal Revenue Code, there was a TEFRA hearing conducted before the Manatee County Port Authority today, to consider a line of credit agreement to finance certain capital improvement projects for Port Manatee, in an amount not to exceed \$5 million. The Internal Revenue Code requires the Board of County Commissioners approve in-concept financing when tax exempt financing is used by the Port Authority. He requested incorporating the minutes of the Port Authority TEFRA hearing into this meeting.

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CAPITAL IMPROVEMENT PROJECTS FINANCING (TEFRA)

Public hearing (Notice in the Bradenton Herald 12/19/88) was opened to consider issuance of obligations incurred under a line of credit for the purpose of financing capital improvement projects at Port Manatee.

E. N. Fay, Jr., Port Authority Attorney, advised that a TEFRA meeting is required by the Internal Revenue Code Section 147(f).

The Port Authority is pursuing a line of credit up to \$5 million for capital improvements including but not limited to acquiring, constructing and equipping berths or wharves, a cold storage warehouse, paving dock streets, parking lots and storage areas for public activities and operations of the Port.

He referred to a document entitled "Additions, Extensions and Improvements to the Port Facilities of the Manatee County Port Authority, Including the Costs Associated Therewith," and reviewed the improvements to be financed.

Mr. Fay pointed out that the total estimated amount of the projects approved by the Authority (12/15/88) is \$4,700,000 and the estimated cost of two contingency cargo storage areas is \$300,000 each, for a total of \$5,300,000.

(Enter Ms. Snell)

Russell Hawkes, Florida Municipal Advisors, Inc., County Financial Advisor, submitted/reviewed his letter (12/29/88) providing a cash flow projection. He provided background on the Port's financing.

Discussion: Revenue projections investment income; losses of prior year; pledge of race track funds toward bonds for 12 years; advantages of going to bond market for money; repayment of loan; additional anticipated revenues; money in reserve contingency for emergency; Henry Judgment in the Dredging Suit in 1968/69 \$1.6 million, etc.

Claude McGavic, Port Director, responded to question about surplus funds placed in a construction trust fund.

Discussion: Reasons for going to a bank rather than bond market; fees charged by financial advisor; Manatee County subsidizing the Port; other needs in the County such as Pollution Control Department and more jails and using race track funds for those purposes.

Peter Ramsden, Finance Director, responded to questions.

Recess/Reconvene. All members present, except Mr. Chance

Gloria Rains, Manasota 88, opposed the enlargement of the present \$30 billion debt and addressed us of the race track funds.

(Enter Mr. Chance)

Catherine Fernald, Manatee Save Our Bays, recommended returning race track funds to the County. She expressed concern about runoff into the bay created by paving of parking lots; that cash flow from Nu-West Industries would place the Board in the position of agreeing with phosphate mining; and commented on protection of the watershed and restriction of phosphate mining.

John Patterson expressed concern about the overall indebtedness of the County and anticipated projects.

Public hearing was closed.

Mr. Fay requested that documents be accepted into the record: Proof of Publication by the Bradenton Herald; Document entitled "Additions, Extensions and Improvements to the Port Facilities of the Manatee County Port Authority, Including The Costs Associated Therewith", and Mr. Hawke's letter of December 29, 1988.

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

\* \* \* \* \*

Mr. Fay requested approval of an in-concept line of credit arrangement by the Manatee County Port Authority to finance certain capital improvements at Port Manatee in an amount not to exceed \$5 million secured solely by a pledge of Port revenues and race track funds. He pointed out this does not involve the County.

H. Hamilton Rice, Jr. County Attorney, expressed concern about pledge of race track funds.

Discussion: Approval in concept; race track funds pledged to fund indebtedness.

Mr. Fay explained there is a first lien pledge on the race track funds through the life of the outstanding bonds (2006). The financing will not last more than ten years. There will be a secondary pledge of the race track funds for the ten years.

Mr. Chance requested a second opinion from the County's financial advisors as well as a report from bond attorneys from Mudge, Rose, Guthrie, and Alexander.

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(Cont'd)

Mr. Fay withdrew his request.

Mr. Chetlain moved to ask a second opinion from the County's bond counsel, from the financial advisors and also other County Attorneys. Motion was seconded by Ms. Snell. Motion carried unanimously.

Mrs. Glass stated this will be brought back as soon as the information is gathered for action by the Board.

**SEWER ASSESSMENTS - COMBINATION OF PARCEL DATA PROCESSING NUMBERS**

August V. Ellis, County Administrator, referred to inquiry relating to policy which would allow property owners assessed under a sewer participation project (subsequent to establishment of public hearing date) to combine property parcel numbers resulting in one \$2,000 assessment, as opposed to an assessment per parcel number.

Richard A. Wilford, Public Works Director, stated staff has been working to develop a resolution to allow for an "after the fact credit" for combining data processing (DP) numbers. He noted that 150 requests have been received for combining these parcels after tax bills have been issued, which amounts to \$300,000 in assessments.

Discussion: Providing information to public in writing as some people do not attend meetings; inconsistency of policy; certain lots not buildable i.e. Marineland; deadline for consolidation of properties; need to discuss formulas/procedures with Tax Collector, Property Appraiser and Public Works before proceeding with projects.

Frank Perkins, Property Appraiser, recommended establishing a cut off date when the Board certifies the tax roll to the Property Appraiser for placement in the tax roll, and to the Tax Collector for collection of assessment.

The County Attorney provided history of assessments and problems with equal treatment formulas that have been utilized. He pointed out that historically the County has levied special assessments based on (1) a front foot basis and later (2) used a combination of square and front footage, and eventually changed to (3) \$2,000 per lot assessment.

Discussion: How to handle combined parcels after tax bill issued; questions of when assessments were levied, tax collected and procedure for refunding; policy analysis; development of roll; every buildable lot charged \$2,000; Marineland Subdivision assessments/lots; concern that some people did not know that the deadline to combine parcels was the day of public hearing, etc.

Adelle Pritchard, Ad Valorem Tax Supervisor for Tax Collector's Office, advised that it would be difficult to remedy situations where taxes have already been paid and release of liens recorded. She mentioned problems with conversion listings, payment history files, auditing, and crediting taxpayers.

Discussion: Software needs to accommodate conversion listings; mailing notification forms to people about combining parcels; Board to see letters/information sent to Property Appraiser.

**Disposition:** Complaints, phone calls regarding assessments to be forwarded/received by County Administrator who will in turn notify Board and coordinate with Public Works, Property Appraiser and Tax Collector regarding data processing problems, notification to property owners, etc.

**COUNTY COMMISSIONERS - ASSIGNMENTS**

The Chairman distributed assignment sheets to each Board Member. Each Commissioner was assigned to represent the Board on specific boards and committees.

**HIGH SEAS RESTAURANT PROPERTY ANNEXATION**

The County Attorney reported on annexation of property upon which the High Seas Restaurant is located (SR 64/Palma Sola Causeway) by the City of Bradenton and proposed zoning changes of property by the City.

He recommended to postpone further action until January 10, 1988 to consider whether the County should file Petition for Writ of Certiorari objecting to this annexation pursuant to Florida Statute 171.081 on or before January 13, 1989; and whether the County should promptly seek to enjoin any rezoning for the property sought to be annexed until compliance with Paragraph 2 Chapter 69-849, Laws of Florida.

**Disposition:** To be considered Tuesday, January 10, 1989.

**FARM LABOR CAMP RESTORATION - BUILDING PERMITS**

Mrs. Hooper relayed a complaint of a farmer concerning restoration of a farm labor camp. After expending funds on preliminary plans, architectural drawings, and obtaining a loan (based on a letter from the Planning Department) he was advised he could not obtain building permits. There is an internal rule stating that if renovations are more than 50 percent of the appraised value, then a Special Permit must be approved.

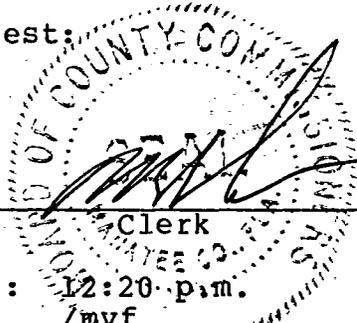
Mr. Chance advised that the farmer has houses with no bathroom facilities and State law prohibits use of portable bathrooms. Plans are to cut the number of units in half and build new units with all modern facilities.

**Disposition:** Policy interpretation/decision referred to County Administrator.

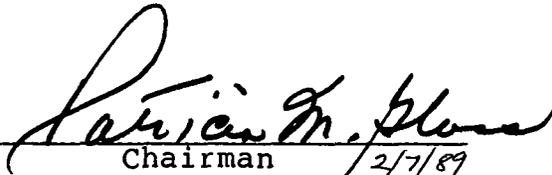
**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

  
Clerk  
Adj: 12:20 p.m.  
/myf

APPROVED:

  
Chairman 2/7/89