

MARCH 25, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, March 25, 1980 at 9:00 a.m.

Present were Commissioners

Patricia M. Glass, Chairman
Lamars S. Parrish, Vice-Chairman
Claude E. McGavic
L. H. Fortson, Jr.
Louis E. Driggers

Also present were:

E. N. Fay, Jr., County Attorney
David B. Collier, County Administrator
Peter Ramsden, Finance Director, representing R. B. Shore,
Clerk of Circuit Court

Representing the various news media were Betty Kohlman, St. Petersburg Times; Norma Gill, The Bradenton Herald; Mark Todd, Sarasota Herald Tribune; Mari Buri, The Islander and others who entered during the meeting.

Invocation by Reverend Joseph W. Amory, Jr., Palmetto Presbyterian Church.

The meeting was called to order by Chairman Glass.

SE-1146 FIRST CHURCH OF THE NAZARENE - EXTENSION OF TIME APPROVED

Paul Logan, representing the First Church of the Nazarene, requested a six months extension of the construction time requirement on SE-1146 (approved 4/26/79) to allow sufficient time for commencement of construction.

Motion was made by Mr Fortson that SE-1146 be extended for an additional six months period. Motion was seconded by Mr Parrish and carried unanimously.

SAMOSSET ELEMENTARY SCHOOL - BALL FIELDS

Mrs Jim Bartels, representing the Samoset PTA, stated that the PTA membership had voted to tender to the County a check in the amount of \$3,500 to be applied toward the construction of ball fields and hard courts at Samoset Elementary School, with the stipulation that the project begin within sixty days of this date and be completed within ninety days.

The County Attorney advised that the County cannot "conditionally" accept money, and suggested the check be held by Mrs Bartels, pending the actual commencement of the project. There were no objections.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT REPRESENTATION

Mr McGavic expressed concern that Manatee County is the only County in the Southwest Florida Water Management District (SWFMD) that has no representation on the SWFMD Board of Directors. He suggested that this concern be expressed to the Governor and formal representation on this Board be requested.

FLORIDA GULF HEALTH SYSTEMS AGENCY - REGIONAL MUTUAL AID PROGRAM

Correspondence from Florida Gulf Health Systems Agency urging a mutual aid emergency transportation agreement among the governing bodies of the four counties in the Tampa Bay area was discussed. It was the concensus of the Board that the concept is good, however, no action was taken.

FAIR HOUSING AMENDMENTS ACT OF 1979 (HOUSE RESOLUTION 5200)

After discussion of House Resolution 5200, entitled the "Fair Housing Amendments Act of 1979," presently pending before the United States House of Representatives, and providing, in part, for the establishment of an Administrative Law Tribunal within the Department of Housing and Urban Development (HUD), the County Attorney was instructed to review the Resolution and make recommendations for opposing the legislation.

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AMERICAN ASSOCIATION OF PORT AUTHORITIES - REPORT

Mr McGavic gave a brief report on items discussed at the recent conference of the American Association of Port Authorities in Washington, D.C., advising that the Association is working on the EPA rules concerning dredging. He further reported a rumor that EPA funds for sewage treatment facilities are no longer available, and suggested this matter be pursued by the Utilities Director.

CITY OF BRADENTON - CONSOLIDATION OF SERVICES

After a brief discussion on the possibility of a joint session between the Bradenton City Council and the Board of County Commissioners recently suggested by Mayor Bill Evers, Chairman Glass volunteered to arrange for a joint session to discuss consolidation of services.

HISTORICAL MEMBERSHIP - PERKINS

Correspondence from Frank Perkins requesting his appointment to the Historical Commission was circulated to members of the Board and will be placed on the Agenda Thursday, March 27th.

ORDINANCE 80-1 - AMENDING ORDINANCE 73-1 RE: COUNTY RECREATION AREAS

Public Hearing was opened for purpose of considering Ordinance 80-1 (published in the Bradenton Herald March 10, 1980)

AN ORDINANCE OF MANATEE COUNTY, FLORIDA,
AMENDING MANATEE COUNTY ORDINANCE 73-1
ESTABLISHING RULES AND REGULATIONS CONCERNING
THE USE OF ALL PARKS, BEACHES, WATERWAYS AND
RECREATION AREAS WHICH ARE OWNED AND OPERATED
BY MANATEE COUNTY, FLORIDA; AND PROVIDING FOR
AN EFFECTIVE DATE.

After the County Attorney read Ordinance 80-1 in its entirety, Mr Driggers submitted a petition signed by 27 people endorsing the use of outboard motors of 20 (or lower) horsepower on Lake Manatee.

R. A. Wilford, Director, Manatee County Utilities System, spoke in support of the amendment which allows for the utilization of the 20 hp motors on Lake Manatee, stating that such use would not have any substantial impact on the water quality.

O. E. Randle, Director, Pollution Control Department, read a written statement opposing any relaxation of the restrictions for Lake Manatee and urging denial of the proposed revision.

Among those speaking in support of the amendment were: Pete Turner, representing the Marine Industries Association of Manatee and Sarasota Counties; Dan McGrew; Grady Bradford; John Beals; John Yelvington and Clif Westberry.

Avery Gould, representing several organizations, spoke in opposition to the use of motor boats on the Lake.

A. L. Wyatt asked who would monitor the size of the motors and enforce the regulations.

The public hearing was closed and motion was made by Mr Parrish to adopt Ordinance 80-1. Motion was seconded by Mr Driggers.

G. T. Bray, Parks and Recreation Board, stated that although this particular ordinance has not been specifically discussed, the Board has encouraged the use of outboard motors over a period of years.

During discussion, it was suggested that the Utilities Director report routinely to the Board on the quality of the water, and that if there is any evidence of health problems, the ordinance be rescinded immediately.

Mr McGavic recommended Mr Wilford submit a report on water quality during the month of October, 1980.

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Due to concern about "cumulative effect" Chairman Glass voted "Nay".
Commissioners Fortson, Driggers, McGavic and Parrish voted "Aye".
Motion carried. RECORD ORDINANCE S9-88

RECESS/RECONVENE

After a brief recess, the Board reconvened with all the members present.

W. R. GRACE & CO FOUR CORNERS MINE - OPERATING PERMIT

There were no objections to recommendation by Chairman Glass that action on the application of W. R. Grace and Company for an operating permit for the Four Corners Mine be deferred to Thursday, March 27, 1980.

REFUND - SMITH (BUILDING PERMIT FEE)

In connection with the request by Willis A. Smith for refund of a building permit fee in the amount of \$2,881 (deferred 3/6/80 for computation of the cost of processing permit applications), the Planning Director recommended approval of a refund in the amount of \$2,606, the net amount after deduction of \$275 calculated costs.

Based on the recommendation of the Planning Director, motion was made by Mr Driggers, and seconded by Mr Parrish, to refund \$2,606 to Mr Smith. Motion carried unanimously.

Pete Ramsden, County Finance Director, requested the Planning Department submit a written request for a refund in the amount of \$2,606.

GEOTECHNICAL AND HYDROLOGICAL SERVICES - REQUEST FOR PROPOSALS

The County Administrator submitted proposed Requests for Proposals (RFP) for Geotechnical and Hydrological Services to obtain engineering services for the specific projects associated with the recommendations contained in the Phase II dam inspection and needed flood plain studies below Lake Manatee. He and the County Attorney recommended revision of the language of the documents before advertising.

Mr Wilford recommended that prior to any major expansion of the County water distribution system as listed in the capital improvement projects and the Bond Issue of April 1978, a thorough study be made and the 1977 network analysis by Russell and Axon, the County's Consulting Engineers, be updated. He estimated the cost at \$125,000 and advised that funds are available.

After discussion, it was the concensus of the Board to approve the RFP's in concept, authorize the staff to amend the language and resubmit it to the Board for consideration.

ELWOOD PARK II BOOSTER STATION - CHANGE ORDER

Consideration of Change Order No. 1 on the Elwood Park II Booster Station and Water Treatment Plant Improvements, Project 630-761-05/04 was deferred at the request of Mr Wilford.

MATERIALS AND SERVICES

The County Administrator submitted for approval the recommendations of the Materials and Services Department outlined in memoranda from Gary M. Knuckles, Director, dated March 4, 14, and 17, 1980:

UTILITIES

1. Bid No. 80-35 - Diesel Wheeled Grading Tractors (Two)
 - a. Award to lowest responsible bidder, Tampa Tractor Co. at a unit price of \$11,403.80, total \$22,807.60.

Motion was made by Mr Driggers to approve bid No. 80-35. Motion was seconded by Mr Parrish and carried unanimously.

TRANSPORTATION

1. Requisition No. 36500 - Work Order Systems Soft Ware
 - a. Waive formal bid procedure

- b. Procure from American Business Systems (sole source)
at a total amount of \$4,000.

Motion was made by Mr McGavic to waive the bid procedure and approve the purchase order of \$4,000. Motion was seconded by Mr Parrish and carried unanimously.

PARKS AND RECREATION

1. Bid No. 80-36 Turf Truckster (Cushman)
a. Award to most responsible bidder meeting specification,
Zaun Equipment, Inc, in the amount of \$3,867.00.

Motion was made by Mr Driggers to approve Bid No. 80-36. Motion was seconded by Mr Parrish and carried unanimously.

HUMAN SERVICES

The County Administrator submitted for approval recommendations by the Human Services Department outlined by Kathy Snell, Director, in a memorandum dated March 19, 1980.

- (1) On-the-Job Training Contract

Mr Collier requested action be deferred on Item (1) pending receipt of the contract.

- (2) Approval of the nominations of Dallas Grover, Tropicana Products, Inc, and Ms Nancy Carr, BaCarr, Inc, for appointment to the Private Industry Council to replace Joseph Arena and John Anderson who have resigned. (Terms expire 9/30/80).

Motion was made by Mr Fortson to approve the appointments. Motion was seconded by Mr Driggers and carried unanimously.

CHANGE ORDER - 67TH STREET N.W. & 7TH AVENUE BLVD. N.W.

Upon motion by Mr. Fortson, seconded by Mr. McGavic, the following Change Order was unanimously approved:

Change Order No. 1 - Ashland/Warren, Inc
67th Street N. W. & 7th Ave Blvd N. W.
To increase Contract by \$3,492.87

E. W. SIVER & ASSOCIATES, INSURANCE CONSULTANTS

There were no objections to deferring action on the E. W. Siver & Associates Insurance Consultants proposal for provision of Risk Management Services to Manatee County until Thursday, March 27th, to afford the County Attorney an opportunity to review the document.

TRAVEL AUTHORIZATION (DRIGGERS)

Upon motion by Mr. Fortson, seconded by Mr. McGavic, travel was unanimously authorized for

Louis E. Driggers - Tallahassee, April 6 - 7, 1980

to attend a symposium on Child Support Enforcement Services for Non-welfare Mothers and Children.

CENTURY CONSULTANTS

In connection with the request for proposals for consultants for the data processing operation, Mr. Fortson moved to authorize the County Attorney to revise the contract with Century Consultants and resubmit (to the contractors and the Board) for execution. Motion was seconded by Mr. Driggers and carried unanimously.

BUDGET AMENDMENT

Upon motion by Mr. Parrish, seconded by Mr. Driggers, a resolution was unanimously adopted to amend the 1979/80 Budget by item to item transfers:

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COUNTY ADMINISTRATOR

From: Reserve for Contingency

To: Contributions (Rape Prevention Seminar) \$200.00

RECORD RESOLUTION S9-89

HIGHWAY ACTIVITIES REPORT

The Highway Department's Activities report for the week of March 17, 1980, was submitted for the record. No action was taken.

LAWSUIT: ESTECH ADMINISTRATIVE APPEAL OF SE-1120/DRI 10

The County Attorney read his letter of March 24, 1980,

Re: Estech General Chemicals Corporation vs.
Manatee County and others, DOAH 79-1994
involving the administrative appeal of DRI-10
and SE-1120

requesting that the Chairman be authorized to sign an Agreement of the Parties, pertaining to collection of radiological data pertinent to resolving major issues in these proceedings, and that authorization be given for expenditures up to and not exceeding \$7,334.

Upon motion by Mr. Fortson, seconded by Mr. Driggers, the Chairman was authorized to sign the Agreement of the Parties (and authorize expenditures up to \$7,334). Motion carried unanimously.

RECORD AGREEMENT S9-90

Mr Fay reported that the Estech hearing will continue for approximately two weeks, commencing May 19, 1980, at the Library Auditorium, Bradenton.

GARBAGE FRANCHISES

Bob Fernandez, Assistant County Administrator, submitted a schedule of action necessary during the 90-days extension of the garbage franchise agreements, together with petitions from the following garbage franchise holders indicating interests in renewing franchise agreements:

C. T. Adams and Trailer Estates Park and Recreation District
A.L. Wyatt, dba A.L. Wyatt Refuse Disposal
T. M. Gilmore Garbage and Sanitation, Inc
Cedar Hammock Refuse Disposal Corporation
Active Disposal Service, Inc.

Mr Fernandez pointed out that the schedule is based upon the assumption that the only changes to the system will be revision of the specific language and the district boundaries in the existing franchise agreements.

He reported that a schedule has not been prepared for the requirement of Mandatory Pick-up, in that he feels it would take longer than 90 days if the Board is considering significant changes to the procedure.

Motion was made by Mr Fortson to accept the petitions into the record. Motion was seconded by Mr Driggers and carried unanimously.

Motion was made by Mr Fortson, and seconded by Mr Parrish, to authorize the County Attorney to draft an agreement for a ninety-day extension of garbage franchises. Motion carried unanimously.

Chairman Glass announced the names of individuals appointed to the garbage franchise committee for this period of time:

Charlie Hunsicker, Planning and Development
Robert Hartshorn, Pollution Control Board
Larry Rhodes, Mosquito Control
Robert Fernandez, Assistant County Administrator
Louis E. Driggers, County Commissioner.

Mr Hartshorn commented on Mandatory Garbage Pick-up and outlined a number of points the committee should consider during the ninety-day interim:

- 1) A new franchise contract;
- 2) County pickup of trash and garbage on County rights of way by having Dempsey dumpsters, provided by area franchise holder, temporarily placed in strategic locations to provide this type service;
- 3) advertise the amount of the fines for illegal dumping;
- 4) provide enforcement on violations, and if funds are available to pay a private agency for policing, make these funds available to the Sheriff's Department to place this policing in proper enforcement hands;
- 5) formation of a Pollution Control Enforcement Department.

HUMAN SERVICES

Kathy Snell, Director, Human Services, submitted for approval recommendation outlined in memorandum dated March 25, 1980:

1. CETA Title II-B On-The-Job Training Contract, R-341, Tropicana Products, Inc., \$1,439.80

Motion was made by Mr. McGavic to approve the request as outlined. Motion was seconded by Mr. Driggers and carried unanimously.

GRANT - NOVICE MOTORCYCLIST EDUCATION (SHERIFF DEPT)

The County Administrator submitted a memorandum dated March 19, 1980, from Sandra M. Whitmire, Acting Bureau Chief, Department of Community Affairs, advising that the grant application to the Bureau of Highway Safety for \$8,462 in Federal funds to implement a project entitled "Novice Motorcycle Education in Manatee County" has been approved.

HURRICANE PREPAREDNESS

The Chairman read a letter from Governor Bob Graham, dated March 10, 1980, inviting all local government officials to attend the National Hurricane Conference in Orlando, Florida, April 23-25, 1980. She encouraged County participation in the Conference.

201 FACILITIES UPDATE (NORTH & SOUTH COUNTY)

The County Attorney submitted for approval a contract entered into by and between the County and CH2M Hill Southeast, Inc., wherein CH2M Hill agrees to provide professional services to the County for the updating of the North and South Manatee County 201 Facilities Plan.

Mr. McGavic moved to approve the contract. Motion was seconded by Mr. Fortson and carried unanimously.

RECORD CONTRACT S9-91

STATEWIDE PHOSPHATE MINING RECLAMATION STATUTE

The County Attorney reported that on March 26, 1980, a Statewide Phosphate Mining Reclamation Statute that is being proposed by DER to eliminate phosphate mining from the DRI process, and make it similar to obtaining a State Permit from the Department of Environmental Regulations (DER) will be discussed before the State Cabinet Staff. He requested permission to contact Bill Roberts, Attorney for the State Association of County Commissioners, to obtain a copy of the Statute.

Motion was made by Mr. Driggers to authorize the County Attorney to contact Bill Roberts to obtain the necessary information. Motion was seconded by Mr. McGavic and carried unanimously.

DATA PROCESSING: AGREEMENT WITH ANACOMP

Based on the recommendation of the Board of Governors of the Manatee County Computer System (and agreed to by Ron McGee, Representative of Anacomp Corp.), motion was made by Mr. Fortson, and seconded by Mr. Driggers, to authorize the County Attorney to prepare an Agreement extending the contract with Anacomp Corporation an additional thirty days (April 30 - May 31, 1980). Motion carried unanimously.

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CLERK'S CONSENT CALENDAR

Upon motion by Mr. Driggers, seconded by Mr. McGavic, the Clerk's Consent Calendar dated March 25, 1980, was unanimously approved as follows:

BONDMoving and Alteration of Building

Release: R. E. Johnson, HMP 23863, (Pre-moving #22355) \$1,500

MINUTES

Regular Sessions: February 5, 12, and 14, 1980

BILLS FOR PAYMENT

| | |
|---|----------|
| C. H. Wooten Insurance Agency (Public Official Bonds for Medical Examiner) | \$100.00 |
| DesChamps & Gregory, Inc. (Insurance Renewal - Mobile Home for Health Department) | 126.00 |
| Refund: Rosalyn Brooks (OB) | 50.00 |

WARRANT LISTS

Approve Warrant Lists from March 18, 1980 to March 25, 1980 and to authorize Warrant Lists to April 7, 1980, said Warrant Lists to include any payrolls during that period upon condition that all employees have performed their services in accordance with time and payroll practices of the County departments.

FINANCIAL REPORT OF MANATEE COUNTY FOR FISCAL YEAR ENDED 9/30/79

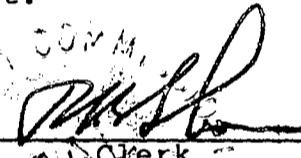
Authorize Chairman to sign.


MEETING ADJOURNED

There being no further business, the meeting was declared adjourned.

Attest:

APPROVED:


 Clerk
 MANATEE COUNTY FLORIDA
 CLERK'S OFFICE


 Chairman 4/22/80
 4/22/80

Adj: 11:43 a.m.