

JULY 15, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, July 15, 1980 at 9:06 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Lamar 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; Libby Allison, The Bradenton Herald; Mark Todd, Sarasota Herald-Tribune, and others who entered during the meeting.

Invocation by Rev. William O. Blue, Southwood Church of the Nazarene.

The meeting was called to order by Chairman Glass.

FLINTKOTE - INDUSTRIAL REVENUE BONDS

In connection with a proposed \$1,000,000 industrial revenue bond issue, Dudley Collins, representing the Flintkote Company, outlined Flintkote's proposal to construct and equip a storage facility in Manatee County for wholesale lumber, building supplies and materials to replace an existing building on ten acres of company-owned land in Ellenton. He requested that inasmuch as the Barnett Bank of Jacksonville has agreed to purchase this \$1,000,000 issue of revenue bonds and a \$1,600,000 companion issue in Orange County, that the firm of Mahoney, Hadlow and Adams represent Flintkote as Bond Counsel in the Manatee County issue as well as the Orange County issue.

Bill King, of the firm of Mahoney, Hadlow and Adams, was available to answer any questions.

Arthur Campbell, President, Barnett Bank, commented on the financial stability of the Flintkote Company.

The County Attorney pointed out that the Board of County Commissioners has an engagement letter with Mudge, Rose, Guthrie and Alexander to serve as Bond Counsel for the County in all bond issues, but that the attorney-client relationship may be modified or terminated at the will of the Board.

Motion was made by Mr Parrish to (1) grant conceptual approval of the request by Flintkote, (2) authorize Mudge, Rose, Guthrie and Alexander to serve as bond counsel and (3) authorize the County Attorney to proceed with preparation of the appropriate resolution (re bond issue) to be submitted to the Board. Motion was seconded by Mr Driggers and carried unanimously.

LOT CLEARING (LC-1311)

The Chairman declared public hearing open for the purpose of considering lot clearing petition

LC-1331 James Hayes alleging that land owned by Charles B. & Doris Fogarty has not been cleared in accordance with Chapter 69-1284, Laws of Florida, Special Acts of 1969.

Dave Fulford, enforcement officer, Planning and Development Department, submitted photographs as substantiating evidence that the lot has not been mowed and recommended corrective action.

No one spoke on the petition and the public hearing was closed.

Motion was made by Mr McGavic to adopt a resolution determining that the owner has not complied with the lot clearing law and demanding that corrective action be taken with regard to clearing the land. Motion was seconded by Mr Parrish and carried unanimously.

RECORD RESOLUTION S10-29

UTILITIES - WINDMILL MANOR/WESTWINDS SEWER SYSTEM

In connection with the Windmill Manor/Westwinds sewer system, Jim Rhinehart, Manatee County Utilities System, pinpointed the location of various sewer lines, lift stations and the sewer treatment plant on a map.

R. A. Wilford, Director, Utilities Department, reiterated his recommendation that the Board give no consideration to making a formal agreement with the developer for purpose of taking over and maintaining the sewer system or waiving connection fees, based on the following:

1. There is no record of any agreement calling for waiver of fees if the developer would extend the sewer main to serve Windmill Manor;
2. Upon sale of Westwinds Mobile Home Park there was a commitment with the buyer that the former owner would connect them to the municipal sewer system for a sum not to exceed \$25,000, the approximate cost of extending and connecting the force main into the existing lift station at the Westwinds Mobile Home Park;
3. The County did not inspect the installation of the sewer force main that was extended to serve the Westwinds Mobile Home Park or give any formal acceptance to that system.
4. The maintenance responsibility for the collector and force mains are, and should continue to be, the responsibility of the owners of the mobile home parks, consistent with existing County policy.
5. The formalization of the water agreement by the Board of County Commissioners with Windmill Manor was done because there was a written agreement which did exist and it was felt it should be honored.
6. The \$30,000 connection fee billed to Windmill Manor Mobile Home Park was based on an exact count taken by Utilities Department employees of the number of units connected (which is 75 at \$400 per unit, or \$30,000)
7. The extension of the sewer force main to serve Westwinds Mobile Home Park is also intended for service to other properties which are owned, or were owned at the time, by Mr Schott, owner of Windmill Manor Mobile Home Park.
8. Several connections have been made since this matter about connection fees was brought to the attention of the owner in the fall of 1979.

Donald Hadsock, Attorney for Lester G. Schott, owner of the Sandman Mobile Home Park (Windmill Manor and Westwinds Mobile Village) submitted and summarized material relating to:

- 1) the alleged authorization, knowledge, consent and approval of his client's sewer connection to the County sewer system;
- 2) the County's demand for payment of impact fees beginning November 1979;

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Cont'd

3) a proposal to resolve the dispute in an amicable fashion.

Following lengthy discussion, the County Attorney stated that it is his legal opinion that the proposal is not to the best interest of the County, and recommended some effort be made to effect a compromise.

Motion was made by Mr Driggers to authorize the County Attorney, the County Staff, and the attorney for the Mobile Home Park to draft a compromise agreement to be submitted to the Board for consideration. Motion was seconded by Mr Parrish and carried unanimously.

FLORIDA STATE FAIR - COUNTY EXHIBIT

Commissioner Driggers referred to recommendations in memorandum from Richard Aalberg, County Extension Director, (July 1, 1980) regarding a Manatee County exhibit at the annual Florida State Fair in Tampa and proposal that the Board

- 1) Assume responsibility for initiating and giving overall leadership on a continuing basis to an annual Manatee County exhibit
- 2) appropriate adequate funds annually for the State Fair exhibit
- 3) activate a Manatee County State Fair Exhibit Committee

Motion was made by Mr Driggers that the County participate in the State Fair exhibit, that the Chairman be authorized to contact the various municipalities and organizations, including the Island cities, and request each of them to submit the name of an individual to serve on a Manatee County Fair Exhibit Committee. Motion was seconded by Mr Parrish and carried unanimously.

HUMAN SERVICES

Recommendations of the Human Services Department, were submitted in memorandum by Kathy Snell, Director, dated July 9, 1980, with a request that only items 1, 2 and 4 be considered at this time:

- (1) Two OJT Contracts:
 - a. P-007, Bradenton Tool and Machine Corporation, June 16, 1980 through September 30, 1980, \$1,078.00
 - b. P-016, Bacarr, Inc, June 18, 1980 through September 30, 1980, \$1,050
- (2) Chairman be authorized to execute a CETA Agency Participation Agreement (CAPA), United Cerebral Palsy of Sarasota-Manatee, Inc
- (4) Chairman be authorized to execute an Amendment to the Community Care for the Elderly Agreement between the Board of County Commissioners and Tampa Bay Regional Planning Council entered into May 23, 1980, to change the grant's beginning date from May 15, 1980 to May 19, 1980; to decrease the in-kind contribution from \$8,134 to \$7,824, and to redistribute funds among core services.

RECORD AGREEMENT

Motion was made by Mr Driggers to approve items 1, 2 and 4 of memorandum dated July 9, 1980. Motion was seconded by Mr McGavic and carried unanimously.

S10-30

201 FACILITIES PLAN, NORTH & SOUTH - SUPPLEMENTAL ENGINEERING SERVICES

In connection with the Update Study of the 201 Facilities Plan, North and South, and based on recommendations of the Director, Utilities Department, motion was made by Mr Fortson and seconded by Mr Driggers to approve and authorize the Chairman to execute

Supplement to Engineering Agreement

between Manatee County and CH2M Hill Southeast, Inc., relating to negotiated cost and fixed fees for professional services under Article 1, B, and in accordance with Article 2 of Agreement dated March 25, 1980. Motion carried unanimously.

RECORD AGREEMENT

S10-31

UTILITIES: WATER SUPPLY SYSTEM - ENGINEERING STUDY

Motion was made by Mr Parrish and seconded by Mr McGavic to authorize the Selection Committee to conduct oral interviews during the first week of August, 1980, with the following firms submitting proposals as Consultants to Conduct Engineering Studies:

- 1) Water Supply System (RFP 80-67)
 - 1. Gee & Jensen
 - 2. Greeley & Hansen
 - 3. Post, Buckley, Schuh and Jernigan, Inc
 - 4. CDM.

- 2) Geotechnical and Hydrological Services (RFP 80-68)
 - 1. Howard Needles Tammen & Bergendoff
 - 2. Gee & Jensen
 - 3. Reynolds, Smith & Hills
 - 4. Bromwell Engineering
 - 5. Russell & Axon, Inc
 - 6. CH2M Hill
 - 7. Florida Testing Laboratories, Inc
 - 8. Law Engineering Testing Company
 - 9. Jamall & Associates.

Motion carried unanimously.

ROAD BOND ISSUE

There were no objections to the recommendation by the County Administrator that discussion of the Road Bond Issue be deferred to the following Tuesday, July 22, 1980.

BUDGET AMENDMENT - SUPERVISOR OF ELECTIONS

Upon motion by Mr Fortson, seconded by Mr Driggers, a resolution was unanimously adopted amending the 1979-80 budget by item to item transfers as follows:

SUPERVISOR OF ELECTIONS

From: Reserve for Contingency
 To: Regular employees

\$1,600.00

RECORD RESOLUTION

S10-32

CORTEZ ROAD/34TH ST - FLOODING

By letter dated July 1, 1980, J. M. Peterson, District Design Engineer, Florida Department of Transportation, advised that according to the District Drainage Engineer the Department had satisfied its responsibility to provide adequate or better conveyance for storm water runoff

Re: State Project No. 13040-3504
 Cortez Road, Manatee County
 Flooding at Cortez Road and
 34th Street, Bradenton.

In discussion it was the concensus of opinion that the matter should be pursued. First, by submitting a clear statement of complaints on this particular project to William Rose, Secretary, Department of Transportation, and enlisting the help of the Legislative Delegation. Then, if no satisfaction is forthcoming, consideration might be given to entering suit in court.

RAILROAD SAFETY PROGRAM: PALM VIEW ROAD

By correspondence dated June 26, 1980, Harry S. Ely, Director, Highway and Engineering Department, recommended that the Board participate in the 1980/81 Railroad Signal Safety Program and sign an agreement with the Florida Department of Transportation in connection with Palm View Road.

Motion was made by Mr Fortson and seconded by Mr Parrish to authorize the Chairman to sign an agreement with Florida Department of Transportation for upgrading signal protective device at Palm View Road (Crossing #624734-B). Motion carried unanimously.

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PUBLIC SAFETY COMPLEX - REVENUE BONDS ISSUE

The County Attorney announced that on July 14, 1980, the Circuit Court validated Revenue Bonds not to exceed \$9,645,000 for the acquisition of land, construction, etc, for the Public Safety Complex; that if no one intervenes and no one appeals, thirty days from July 14th the bonds will be validated officially and finally.

LAWSUIT: ESTECH

The County Attorney made reference to his letter dated July 8, 1980,

Re: Estech General Chemicals Corporation vs Manatee County, Florida, Case No. Ca-79-1902 in the Circuit Court of Manatee County, Florida, involving DRI-10 and SE-1120 for a proposed phosphate mining project

whereby he advised the Board that the suit was filed by Estech seeking relief in the nature of inverse condemnation in connection with denial of application for DRI by the County; that John Blue, the attorney representing Estech, previously indicated that he wished to take depositions of members of the Board of County Commissioners to determine matters considered by the Board to reach the decision to deny the DRI project; that on April 28, 1980, Mr Blue, had in fact, taken the deposition of Mrs Glass, and that he (Mr Fay) objected and instructed Mrs Glass not to answer the questions.

He advised, however, the Court has entered an order granting the Motion to Compel requiring that the questions be answered. Therefore, if the Board elects to file a Petition for Writ of Certiorari in an effort to have the issue appealed to and reviewed by the District Court of Appeal, the Petition must be filed before July 25, 1980.

Motion was made by Mr McGavic to authorize the County Attorney to appeal the decision. Motion was seconded by Mr Fortson and carried unanimously.

RECESS/RECONVENE

The Chairman declared the meeting recessed until 1:30 p.m.

The Board reconvened at 1:42 p.m. with all members present. Alan Prather substituted for E.N. Fay, Jr as representative of the County Attorney's office.

TRAFFIC CONTROL DEVICE - 26TH ST/53RD AVE

Request by Cedar Hammock Fire Department that the County provide a controllable traffic signal at the intersection of 26th Street and 53rd Avenue was submitted by the County Administrator. He stated that the cost of the installation has been estimated at \$1,200, but that no funds have been budgeted and it would be inappropriate for the County to fund this equipment.

The request was discussed, but no action was taken.

LEGISLATION: -"TRIM BILL"

Due to the complexity of the TRIM Bill, and its impact on the preparation and adoption of the County budget, the County Administrator advised that Mike Morrell, State Association of County Commissioners, has been asked to make a presentation on Thursday, July 17, 1980, and outline options available to the Board. Archie Powell, County Property Appraiser, has been invited to attend.

PARKS AND RECREATION - BALL FIELD, RUBONIA

In response to query by Mrs Glass, the County Administrator reported that recommendations and estimated costs in connection with the proposed ball field at Rubonia will be forthcoming in the near future.

CLERK'S CONSENT CALENDAR

Upon motion by Mr Driggers, seconded by Mr McGavic the Clerk's Consent Calendar dated July 15, 1980 was unanimously approved as follows:

BILLS FOR PAYMENT

Ruth G. Nielsen (Ins. claim settlement)	\$ 300.00
Russell & Axon (water & sewer improvements)	6,391.16
Bay-Con General, Inc (MCUS contracts)	296,043.30
Mann & Fay (Library)	1,187.50
Mann & Fay (Alizieri lawsuit)	1,018.75
Mann & Fay (Bryant Electric vs Marshall)	1,012.50
Refund: Mildred Dietrick (EMS)	32.00

SATISFACTION OF JUDGMENT

Chairman authorized to sign (acknowledging full payment and complete satisfaction in Case No. 79-53F, Daniel D. Dittman).

WARRANT LISTS

Approve Warrant Lists from July 8, through July 15, 1980, and authorize Warrant Lists to July 22, 1980.

MINUTES FOR APPROVAL

May 13, and 15, 1980.

BOARD MEETING CANCELLED; JOINT MEETING WITH HARDEE COUNTY

Motion was made by Mr Driggers and seconded by Mr Parrish that the regular Board meeting on Tuesday, July 22, 1980, be cancelled and that the Commissioners and appropriate Staff members be authorized to participate in a workshop on "Proposed Phosphate Mining Reclamation Rules" in Wauchula, Hardee County. Motion carried unanimously.

MEETING ADJOURNED

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

Attest:

APPROVED:



 Clerk



 Chairman

Adj: 2:07 p.m.