

DECEMBER 9, 1980

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

Present were Commissioners:

Patricia M. Glass, Chairman
Vernon E. Vickers, Vice-Chairman
Claude E. McGavic
Westwood H. Fletcher, Jr.
Edward W. Chance

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 Libby Allison, The Bradenton Herald; Mark Todd, Sarasota Herald-Tribune; David Priddy, WTRL, and others who entered during the meeting.

Invocation by Father Flynn, Our Lady Queen of Martyrs Church.

The meeting was called to order by Chairman Glass.

C.P.R. LIFESAVING ACTIONS: UNGERER/MCKINNEY

Motion was made by Mr. McGavic to adopt a

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS
IN ACKNOWLEDGEMENT OF MR. ROBERT UNGERER, JR.
AND MR. MAX LAMAR MCKINNEY

who rendered CPR (cardiopulmonary resuscitation) massage and artificial respiration which preserved the life of Mr. Bernie Hirsch on September 18, 1980. Motion was seconded by Mr. Vickers and carried unanimously.

RECORD RESOLUTION

S11-115

James Hamrick, Emergency Medical Services, advised that they have also been commended by President Carter and he presented the framed certificates to Mr. Ungerer and Mr. McKinney.

ESTECH GENERAL CHEMICALS CORPORATION

The County Attorney recommended that, although the County is in lawsuit with Estech General Chemicals Corporation, the Utilities Department Director and consulting staff be authorized to enter into discussion with technical representatives of Estech in order to exchange information pertinent to both sides.

Motion was made by Mr. McGavic to authorize County Staff to enter into discussion with technical representatives of Estech for the purpose of obtaining up-to-date information and to clarify certain issues. Motion was seconded by Mr. Fletcher and carried unanimously.

FLORIDA POWER AND LIGHT:

\$15,000,000 POLLUTION CONTROL REVENUE BOND ISSUE

Al Putnam, Local Manager of Florida Power and Light Company, requested approval of a resolution authorizing the issuance of Manatee County Pollution Control Revenue Bonds, Series B, not to exceed \$15,000,000 for major improvements to the cooling reservoir at the Manatee Electrical Generating Plant, (located 5 miles east of Parrish, on SR 62) by installation of a toe drain and filter system.

O. E. Randle, Pollution Control Director, recommended approval.

Paul Southerland, Financial Analyst for the Company, requested that services for bond counsel be provided by the firm of Brownwood, Ivey, Mitchell and Petty.

Manatee County Economic Development Council of 100, by letter dated November 10, 1980, supported the bond issue and encouraged review of the documents by Bond Counsel, the County Attorney and other technicians.

Following recommendation by the County Attorney, motion was made by Mr. McGavic to approve the bond issue in concept and authorize the firm of Mudge, Rose, Guthrie and Alexander to serve as bond counsel for Manatee County and that they work with County staff to submit an inducement resolution to the Board as soon as possible. Motion was seconded by Mr. Chance and carried unanimously.

MANATEE RIVER: RECLASSIFICATION

Bill Hinkley, Department of Environmental Regulation, briefed the Board on the process for reclassifying Manatee River from Class 3 to Class 1A. He advised that three basic tests must be met pursuant to rules of DER:

- 1) That it is the present and future most beneficial use of the water body.
- 2) That it is in the public interests.
- 3) That the proposed designated use is obtainable. The finding must be made by the the Environmental Regulation Commission.

MINING

Bob Rile, Planning and Development Department, reported on

- 1) the existing County mining regulations and the possibility of adopting new comprehensive mining regulations;
- 2) the Mining Reclamation Rules recently adopted by the Department of Natural Resources and explained the stringent set of rules which regulate the reclamation of lands mined for phosphate.

He recommended that the Environmental Attorney, when hired by the Board, be assigned to participate in the proposed new County Mining Ordinance.

Gloria Rains, 5314 Bay State Road, Palmetto, submitted comments from a work shop with the Health and Rehabilitative Services Department regarding radiation standards.

RECESS/RECONVENE

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

FEDERATION OF MANATEE COUNTY COMMUNITY ASSOCIATIONS

Donald Leseney, Vice President of the Federation of Manatee County Community Associations, submitted a letter dated December 8, 1980, restating the Federation's present positions relating to increase in ad valorem taxes; county needs and priorities; phosphate mining and strong mining ordinance; noise ordinance; long-range projection of population growth; Manatee County Airport Authority; development of under-developed areas; resist developments that will strain county's ability to provide adequate public facilities; policy on appointments to various boards.

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DWELLING UNIT LIMITATIONS (MOORE/REEVES)

Don Moore, representing Bill Reeves, requested permission to store two homes on a lot in Oneco (3107 52nd Avenue East) until the property is subdivided. In response to question, he agreed to take security measures to assure that an attractive nuisance is not created.

Bill Swan advised that a home already exists on the parcel of land and a waiver of certain requirements of the zoning ordinance would be necessary before two additional homes can be placed on the property. Application for permit to move these buildings is scheduled to come before the Board on Thursday, December 11, 1980.

Mr. Fletcher moved to waive the lot restrictions if the housemoving permit is granted and until such time as a subdivision plat is approved (to be submitted within 60 days) with the stipulation that the property be secured against an attractive nuisance. Motion was seconded by Mr. McGavic and carried unanimously.

BOYS CLUB OF MANATEE COUNTY: TEMPORARY USE PERMIT FEE

Stu Bergman, Palmetto Branch of the Boys Club of Manatee County, requested waiver of fee in the amount of \$50.00 for a temporary use permit to install a utility pole at DeSoto Square Mall. The pole will be utilized for the Club's annual Christmas tree sale.

Motion was made by Mr. McGavic to waive the temporary use permit fee for the Boys Club. Motion was seconded by Mr. Vickers and carried unanimously.

HACKNEY STORAGE BUILDING (CARTER): PARKING WAIVER

Mike Carter requested waiver of ten parking spaces for a building which will be used strictly for storage and will have no electrical or plumbing installed (Hackney Storage Building located at 8211 Iris). He advised that there is sufficient room for a loading area and parking spaces are available adjacent to the manager's office and public restrooms.

Bill Swan, Planning and Development Department, stated no objections to the request.

Motion was made by Mr. McGavic that a resolution be adopted waiving parking requirements for as long as it remains a storage facility. Motion was seconded by Mr. Vickers and carried unanimously. (Resolution to be prepared.)

WEST COAST MEDICAL TRANSFER SERVICE

Don Shepherd and Ed Whisnant, attorney, were present in the interest of West Coast Medical Transfer Service, Inc. (WCMTS). Mr. Shepherd submitted a letter dated December 2, 1980 requesting the Board to grant a Certificate of Public Convenience and Necessity for the firm to provide non-emergency medical transportation in Manatee County. He explained that the service could help reduce health care costs and would free the ambulance and Medical Emergency Service personnel for emergency situations.

During discussion, it was pointed out that a franchise agreement with WCMTS should be pursued.

Motion was made by Mr. McGavic to authorize the drafting of an appropriate document expressing the intent of the County to issue a certificate of public convenience and necessity. Motion was seconded by Mr. Vickers.

Since the certificate (document) had already been prepared, motion was amended to issue a Non Emergency Medical Service Certificate of Public Convenience and Necessity (for the year 1980-81) and authorize the Chairman to sign. Motion, as amended, carried unanimously.

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Motion was made by Mr. McGavic, and seconded by Mr. Vickers, to authorize the Administrator's Office to work with West Coast Medical Transfer Service in preparing a franchise agreement. Motion carried unanimously.

HUMAN SERVICES

Kathy Snell, Director, and Barbara Johnson, Senior Planner, Human Services Department, submitted recommendations as outlined in memorandum dated December 2, 1980:

- 1) Approve CETA Title II-B On-The-Job Training Contracts:
 - a) R-348, Alcar Enterprises, Inc., \$1,903.50
 - b) R-349, Creative Composition, \$2,015.00
- 2) Authorize Chairman to sign contract with Tampa Bay Regional Planning Council, Area Agency on Aging, formalizing a Title III-B Older Americans Act grant application for a staff position for the Samoset Multi-Purpose Senior Citizens Center (\$4,782 federal funds; \$532 local in-kind contribution) for period December 15, 1980 through March 31, 1981.

RECORD CONTRACT

S11-116

- 3) Authorize Chairman to sign contract amendment with Tampa Bay Regional Planning Council, Area Agency on Aging, for Manatee County Homemaker Project (\$38,637 federal funds; \$4,518 local cash; \$4,389 in-kind contribution).

RECORD CONTRACT

S11-117

- 4) Authorize Chairman to sign two Addenda to the Community Care for the Elderly Purchase of Service Agreements with Home Health Services of Sarasota, Inc. for homemaker and respite services (reduces respite agreement by \$5,324; increases homemaker agreement by same amount).

RECORD AGREEMENTS

S11-118
S11-119

Motion was made by Mr. Fletcher to approve items as outlined in memorandum dated December 2, 1980. Motion was seconded by Mr. McGavic and carried unanimously.

Following recommendation by Ms. Snell that a letter be sent to the Sarasota County Commission Chairman requesting a meeting be held with the Manatee County Commissioners to discuss the possibility of a CETA (Comprehensive Employment and Training Act) consortium arrangement, motion was made by Mr. McGavic to authorize the Chairman to sign the letter. Motion was seconded by Mr. Vickers and carried unanimously.

H.O.P.E. OF MANATEE, INC

By letter dated November 24, 1980, Mary Fulford Green, Executive Director of H.O.P.E. of Manatee, Inc., requested the County waive the \$100 application fee for a special exception to expand the HOPE Spouse Abuse Shelter to accommodate additional persons.

Motion was made by Mr. McGavic to waive the fee. Motion was seconded by Mr. Chance and carried unanimously.

Mr. McGavic reported that he is a member of the Board of Directors of H.O.P.E. but would receive no remuneration as a result of this request.

SPECIAL BOARD MEETING

The County Attorney announced that a Special Board Meeting will be held on Wednesday, December 10, 1980 to discuss the W. R. Grace Operating Permit.

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ENVIRONMENTAL ATTORNEY

Motion was made by Mr. Chance to hire the firm of Peeples, Earl, Smith, Moore and Blank to serve as Environmental Attorney for the County and that William Earl be the primary attorney for Manatee County. Motion was seconded by Mr. McGavic and carried unanimously.

There were no objections to the County Attorney contacting Mr. Earl, to explain the action taken and request him to submit a fee schedule and acceptance letter to the Board.

Motion was made by Mr. McGavic to authorize and instruct the staff to work with Mr. Earl in coordination with the County Administrator and County Attorney. Motion was seconded by Mr. Fletcher and carried unanimously.

RECESS/RECOVNE

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

The Board reconvened at 1:35 p.m. with all members present.

MATERIALS AND SERVICES

By memorandums dated November 26, December 1, 2, 3, 4, and 9, 1980, Gary Knuckles, Director of Materials and Services Department, submitted recommendations:

UTILITIES

- 1) Bid 81-09-890-00 Sewer System Supplies and Materials
 - a) Approve multiple awards to low bidders meeting specifications and conditions of the bid: Riverview Utilities Supply and Davis Meter & Supply
 - b) Group II items to be awarded to Palmetto Pump on an aggregate total per group basis. Palmetto Pump was low bidder for majority of items in this group.

Motion was made by Mr. McGavic to accept the bids (as recommended). Motion was seconded by Mr. Chance and carried unanimously.

PARKS AND RECREATION

- 2) Bid 81-05-135-00 Annual Clay Requirement
 - a) Award to lowest responsible bidder meeting specifications and conditions, Gould Trucking, Incorporated, in the amount of \$9.25 per ton. An estimated 819 tons (630 cubic yards) will be required at a total cost of \$7,575.75.
 - b) Tampa Coal was the low bidder, but lab tests disclosed the clay did not meet required specifications.

Motion was made by Mr. Chance to award Bid 81-05-135-00 (as recommended). Motion was seconded by Mr. Vickers and carried unanimously.

UTILITIES

- 3) Bid 81-13-670-49 Annual Bid for PVC Pipe
 - a) Award to lowest responsible bidder meeting specifications and conditions, as follows:
 - Davis Meter and Supply - Class 160 - 4" Blue Pipe-Bell End at \$ 77.90 per 100; 6" at \$155.90 per 100
 - Banks Supply Company - Class 160 - 8" Blue Pipe-Bell End at \$265.00/per 100; 10" at \$447 per 100; 12" at \$634 per 100
 - b) Part II of bid, Class 160 Green PVC Sewer Pipe was not bid by any of the four bidders submitting proposals. Johns-Manville stated they will produce and supply the green pipe on an "order basis," as needed.

Motion was made by Mr. Chance to accept recommendations on award of Bid 81-13-670-49. Motion was seconded by Mr. Fletcher and carried unanimously.

EMERGENCY MEDICAL SERVICES

- 4) RFP 81-10-S00-08 Medical Advisor
a) Authorization to begin negotiations with Dr. Bruce J. Grozier (only response to Request for Proposal)

Motion was made by Mr. Fletcher to authorize the County Administrator and the Director of Materials and Services to negotiate contract with Dr. Grozier and submit recommendations to the Board. Motion was seconded by Mr. Chance and carried unanimously.

5) H.O.P.E. OF MANATEE, INC

Motion was made by Mr. Fletcher to authorize the Chairman to sign

TEMPORARY TYPEWRITER LOAN AGREEMENT WITH
H.O.P.E. OF MANATEE, INC.

for possession of IBM Model D typewriter, Asset No. 5612, until such time as it is no longer needed by H.O.P.E. or until such time as the County demands that H.O.P.E. surrender possession of said typewriter. Motion was seconded by Mr. Chance and carried unanimously.

RECORD AGREEMENT

S11-120

Mr. McGavic reported that he is a member of the Board of Directors of H.O.P.E. of Manatee, Inc., but will receive no remuneration by the result of this request.

TRANSPORTATION

- 6) Five Chevrolet 454 Cubic Inch Engines
a) Request waive bid procedure and purchase engines at unit cost of \$1,000. (Info from Philip Davis that engines available from John Larkin Equipment Company, \$1,000.00 each, plus freight from Ohio.)

Motion was made by Mr. Fletcher to approve the request. Motion was seconded by Mr. Chance and carried unanimously.

PARKS AND RECREATION

- 7) Sealed Quotations for Timer Lighting System for 3 Tennis Courts
a) Waive bid procedures for procurement of three (3) systems
b) Accept quotation from Ward Electric, Inc., in the amount of \$3,196 due to cost and time.

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

UTILITIES

- 8) Bid 80-86 Gas Chromatograph
a) Reject all bids
b) Approve negotiation with suppliers known to provide equipment of the type and design required and best meets the need of the County. Because of the complexity of the variables it makes it difficult, if not impossible, to evaluate comparable bids.

Motion was made by Mr. Chance to reject bid 80-86. Motion was seconded by Mr. McGavic and carried unanimously.

Motion was made by Mr. Fletcher to authorize the Director of Materials and Services to negotiate with suppliers (and waive bid procedure) as recommended. Motion was seconded by Mr. McGavic and carried unanimously.

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PERSONNEL: MANNING LEVELS

Upon motion by Mr. Chance, seconded by Mr. Fletcher, a resolution was unanimously adopted to amend authorized manning levels, as follows:

PARKS AND RECREATION

Positions

DEPARTMENT

From To

71 70

GOLF COURSE

Positions

29 29

RECORD RESOLUTION

Motion was made by Mr. Chance and seconded by Mr. Vickers to adopt a resolution to amend authorized manning levels as follows:
(add five positions to establish pipe crew)

TRANSPORTATION

Positions

DEPARTMENT

FROM TO

297 302

with the stipulation that additional positions not be filled until the hiring freeze has been lifted. Motion carried unanimously.

RECORD RESOLUTIONLONGBOAT KEY BRIDGE

Motion was made by Mr. Fletcher to adopt a

RESOLUTION REQUESTING CONSIDERATION AND ASSISTANCE
IN DEVELOPING A BRIDGE FROM LONGBOAT KEY TO THE MAINLAND

by requesting that Florida Department of Transportation provide consideration for obtaining Federal and State funds for a feasibility study for the proposed bridge and the possibilities of financing the construction of said bridge. Motion was seconded by Mr. Vickers and carried unanimously.

RECORD RESOLUTION

S11-121

TRANSPORTATION DISADVANTAGED:
RULE 41 OF THE STATE OF FLORIDA

Motion was made by Mr. McGavic to adopt a

RESOLUTION OPPOSING THE ADOPTION OF RULE 41 OF
THE STATE OF FLORIDA

to implement Florida Statute 427 because such implementation would work severe financial hardship on Manatee County Government and result in abandonment of services to the Transportation Disadvantaged by the County. Motion was seconded by Mr. Chance and carried unanimously.

RECORD RESOLUTION

S11-122

LEGAL SERVICES

Discussion on alternative methods for securing legal counsel and representation of Manatee County was deferred to afford the Commissioners an opportunity to review a letter from the County Attorney, dated December 8, 1980, regarding legal services.

PARKS AND RECREATION: GOLF CART RENTAL INCREASE

In view of the increase in the cost of operation at the County Golf Course and in order that the course can become self-supporting, recommendations were submitted by the Parks and Recreation Department (memorandum dated November 4, 1980) and M.J. Gravatt, Chairman, Manatee County Golf Committee, (letter dated October 23, 1980) to increase winter rate on golf cart rental from \$7.50 to \$8.00, plus tax, on a year-round basis.

Motion was made by Mr. Chance to increase the golf cart rental as outlined in the memorandums. Motion was seconded by Mr. Vickers and carried unanimously.

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COUNTY FAIR EXHIBITS

The County Administrator submitted a list of County departments requesting rental space at the County fair. The list includes the activities and programs to be covered and the cost of the space:

| | | |
|------------------------|--|---------|
| Agriculture Department | - Total Extension Program | - \$100 |
| Parks and Recreation | - Relating to park locations, recreation programs | - \$100 |
| Utilities Department | - Watershed map & displays of tanks and facilities | - \$100 |
| Human Services | - Department activities | - \$100 |

Mr. Fletcher moved to approve the fair booth spaces for the Departments as listed and instruct the Administrator's office to acquire additional booths and develop as many additional department displays as possible. Motion was seconded by Mr. Chance and carried unanimously.

HIGHWAY SUBGRANT APPLICATION

By memorandum dated November 26, 1980, Phil Davis, Director of Transportation, Division of Highway, recommended the Chairman be authorized to sign a Subgrant Application to the Florida Department of Community Affairs, Bureau of Highway Safety, for a grant to enable Manatee County to obtain the services of an experienced traffic engineer. (Total \$26,280.00; matching share \$8,280.00)

Motion was made by Mr. Fletcher to approve the request. Motion was seconded by Mr. Vickers and carried unanimously.

PHOSPHATE - ROADS, COUNTY

In response to concern expressed by Mr. Chance regarding possible phosphate traffic on County roads, Phil Davis, Director of Transportation Department, and Charles Parks, Highway Division, submitted a list of roads throughout the eastern part of the County that may be affected by heavily-loaded trucks hauling phosphate.

Several suggestions were submitted, including the possibility of requiring load limitations on certain County roads and haul permits for those mining operations that are removing materials from within the County.

The County Attorney commented that the Development of Regional Impact (DRI) for the phosphate companies may require the use of rail service and that truck service may be a substantial deviation from the DRI. The matter was deferred to afford the Staff and the County Attorney an opportunity to review DRI orders and develop policy recommendations for consideration by the Board.

FIRE DISTRICTS (OUTSTANDING BILLS)

By letter dated October 30, 1980, Edward Leonard from Whitcomb and Christopher, Certified Public Accountants, questioned whether or not the County plans to pursue collection of outstanding bills for maintenance of fire hydrants for the Fire Districts by the Utilities Department.

The County Administrator submitted a schedule of amounts due the County from Cedar Hammock, Westside, Whitfield and Anna Maria Fire Districts, for a total sum of \$37,285.60.

It was suggested that consideration be given to requesting special legislation for consolidation of all fire districts to be placed under County control.

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Motion was made by Mr. Fletcher to instruct the County Administrator to prepare a letter for the Chairman's signature to each of the fire districts (with outstanding bills) citing the debts outstanding, stating reasons why nonpayment cannot continue, and giving 30 days notice that the debts are to be cleared or the County will take appropriate legal action to resolve the problem. Motion was seconded by Mr. Chance and carried unanimously.
(Depart Mr. Vickers)

ESTECH GENERAL CHEMICALS CORPORATION

The County Attorney submitted letters giving the status of

- 1) Three cases styled Estech General Chemicals Corporation vs. Manatee County, Florida, cases numbered CA-79-1496, CA-79-1497 and CA-79-1902 in the Circuit Court of Manatee County, Florida, involving DRI-10 and SE-1120 for a proposed phosphate mining project
- 2) Application by Estech for a National Pollutant Discharge Elimination System Permit for the Duette Phosphate Mining Project (FL 0036609).

Discussion was deferred to afford the Commissioners an opportunity to review the letters.

SPECIAL COUNSEL: CIVIL RIGHTS

In response to question, the County Administrator advised that a list of attorneys specializing in the area of Civil Rights is being prepared and that (hopefully within a week) recommendations on special counsel will be submitted to the Board. During the interim, the County Attorney was instructed to represent the interests of the County in this matter.

RECESS/RECONVENE

The Chairman declared the meeting recessed until December 10, 1980 at 9:00 a.m.