

DECEMBER 30, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, December 30, 1980 at 9:08 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 Jeff Stanfield, Sarasota Herald-Tribune; David Priddy, WTRL, and others who entered during the meeting.

Invocation by Rev. Edison Russell, Trinity United Methodist Church.

The meeting was called to order by Chairman Glass.

GUN PERMITTING

At the suggestion of Mr Chance, the Gun Permitting Ordinance will be placed on the Agenda for discussion early in January, 1981.

MYAKKA CITY YOUTH CENTER - SHELL FOR BASKETBALL COURT

Motion was made by Mr Vickers and seconded by Mr Chance to authorize the Highway Department to furnish necessary shell to replenish the Myakka City Youth Center basketball court.
Motion carried unanimously.

STATE ROAD 64 - I-75 INTERCHANGE (STRIPING ERROR)

Mr Vickers reported that an error in the striping of State Road 64 at I-75 Interchange creates a head-on collision situation, and recommended the County Highway Department take steps to correct the matter immediately.

The County Administrator volunteered to contact the State Department of Transportation and request immediate inspection and correction.

THE WATERWAY CONDOMINIUM - SAN REMO SHORES ASSOCIATION

A letter from Les Banan, President, San Remo Shores Association, Inc., dated December 19, 1980, protesting construction of a high-rise condominium (known as "The Waterway") on Cortez Road near 94th Street West, was accepted into the record.

After discussion concerning inclusion of language in the Zoning Ordinance to deal with health, safety and welfare of the citizens, the County Administrator suggested County staff prepare options available to the Board regarding this and similar zoning problems, and submit for discussion the following Tuesday, January 6th, or at an early work session. There were no objections.

EMPLOYEE COMPLAINT PROCEDURE

Chairman Glass waived Agenda procedure and allowed the following individuals from the audience to comment:

Ray Schenk, requested that any action on Employee Grievance (Complaint) procedure be deferred to give him an opportunity to have input in the mechanics of the procedure.

John Morey, 1451 56th Street W., who wished to comment about the County Library, stated that he would do so later in the meeting.

Ablasha Thomas, objected to methodology used to solicit employees' comments regarding the grievance procedure.

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Kenneth Rogers, Director, Employee Relations, gave a status report on the proposed Employee Complaint Procedure, and pointed out the items that were revised upon recommendation of Counsel. He stated the revised Procedure has had legal review and determined to be legally sufficient.

It was concensus of the Board that this revised Procedure should be posted on the bulletin boards to give all County employees an opportunity to see it in its refined form, then place the subject on the Agenda for Tuesday, January 20, 1981, (1:30 p.m.)

In the meantime, the County Administrator will advise the employees that any written comment is to be directed to the Chairman of the Board.

51ST STREET WEST - SPEED REDUCTION

Recommendation by Manatee County Safety Council to reduce the speed limit from 45 MPH to 35 MPH on 51st Street West between 17th Avenue West and Cortez Road was discussed. By memorandum dated December 12, 1980, Philip Davis, Director of the Transportation Department, stated that Department must go on record as opposing the recommended speed reduction. The Board deferred action on the matter.

RECESS/RECONVENE

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

HUMAN SERVICES

In a memorandum dated December 23, 1980, Kathy Snell, Director, Human Services Department, requested the Chairman be authorized to sign:

- (1) Modification No. 1 to CETA Title IIB, Section 204 Vocational Education Agreement between Manatee County Board of County Commissioners and the Florida State Board of Vocational Education to shift emphasis of funds from supplying and equipping a day care center to providing day care support service to eligible CETA participants attending Manatee Area Vocational Technical Center. Grant in the amount of \$100,486 covers period of October 19, 1980 - September 30, 1981.
- (2) Letter to James Doyle, Program Staff Director, Aging and Adult Services Program Office, Department of Health and Rehabilitative Services, expressing concern over the lack of local participation in selection of areas to receive federal funding for demonstration projects for elderly services.

Motion was made by Mr Chance to approve Items 1 and 2. Motion was seconded by Mr Fletcher and carried unanimously.

COUNTY FAIR - COUNTY EMPLOYEES (EMPLOYMENT)

As a matter of information to the Board, the County Administrator submitted memoranda from Richard Aalberg, County Extension Director, dated December 22, 1980, Re:

- 1) secondary employment of County employees by the Manatee River Fair Association during the annual Manatee County Fair the last week in January, 1981. (These employees work off-duty hours and are paid by the Fair Association)
- 2) In-kind County contributions to the Fair. (Consisting of: County maintenance of fairgrounds during two-month (December 15 through February 15) annual lease of the fairgrounds by the Fair Association; use of County Building for Fair Board office at no charge by the County for rent and electricity on an annual basis; involvement of extension staff members in Fair work, etc).

BUDGET AMENDMENTS

Upon motion by Mr McGavic, seconded by Mr Vickers, resolutions were unanimously adopted amending the 1980-81 budget to provide for receipt and appropriation of unanticipated revenue from various sources:

HIGHWAY DEPARTMENT

- (1) Increase Revenue:
Transfer from Operating (Gas Tax)
- Increase Expenditure:
53rd Ave W (41 to 26th St W)
59th St W at Manatee Avenue
- \$1,030,000.00
RECORD RESOLUTION S11-152
- (2) Increase Revenue:
Transfer from Highway
- Increase Expenditure:
26th St W @ Florida Blvd;
26th St W @ Flamingo Blvd;
Intersection 57th @ 26th St W;
Whitfield 15th to 9th St E (Sidewalks)
75th St (Sidewalks)
- 19,021.00
RECORD RESOLUTION S11-153
- (3) Increase Revenue:
Transfer from General Fund;
Transfer from Highway Operating
- Increase Expenditure:
Oneco Tallevast Fire Station
School Board (15th Ave. NW)
- 51,216.00
RECORD RESOLUTION S11-154

and by item to item transfers:

- (4) FROM: Reserve for Gas Tax Project
TO: 53rd Ave W. (41 to 26th St)
57th Ave @ 14th St
57th Ave @ 26th St
34th St W @ 57th Ave
51st @ SR 64
30th Ave E @ 9th St E
- 107,746.00
RECORD RESOLUTION S11-155
- (5) FROM: Sidewalks GRS
TO: Whitfield;
75th St W. (15 to 18 NW)
- 20,293.00
RECORD RESOLUTION S11-156
- (6) FROM: Structures
Engineering & Administration
TO: Transfer to Capital Projects
- 19,021.00
RECORD RESOLUTION S11-157
- (7) FROM: Road Maintenance Thoroughfares
TO: Transfer to Capital Projects
(Oneco-Tallevast)
- 9,060.00
RECORD RESOLUTION S11-158
- (8) FROM: Reserve for Contingency
TO: Transfer to Highway Capital Project
- 42,156.00
RECORD RESOLUTION S11-159

53RD AVENUE WEST: CHANGE ORDERS

The Chairman, in the same (preceding) motion, was authorized to execute Change Orders in connection with the construction of 53rd Avenue West from 26th Street West to 34th Street West:

- 1) Change Order No. 4 - Project 3021-2
Wendel Kent Co. Contract - Increase \$20,113.32
- 2) Change Order No. 5 - Project 3021-2
Wendel Kent Co. Contract - Decrease 416.64

INSURANCE: RISK MANAGEMENT

Gary Knuckles, Director, Materials and Services Department, introduced Dick Johnston, recently employed as Risk Manager for the County, and Robert Siver and Lee Custer of E.W. Siver & Associates, Inc., who submitted a proposed list of Implementation of Audit Recommendations and gave a status report on the risk management program for the County.

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Mr Custer commented on the Property Casualty aspect of the audit, stating that the purpose of the audit was to report the results of the E.W. Siver's examination of the property and casualty risk and insurance management programs of the Board and the Utilities System. The objective of the report was to identify risks and assess the financial operational impact of potential loss and analyze methods employed to avoid or finance loss. Bid proposals are due to be returned in February, 1981.

Programs maintained by other entities and other Constitutional Officers were not considered.

Mr Siver commented on the Life and Health aspects, stating that an attempt is being made to bring the Board and Utilities System employees into one unified program and that the bid proposal (anticipated January, 1981) is such that the bidder may include other Constitutional officers with appropriate rate adjustments.

R. B. Shore, Clerk of Circuit Court, asked if coverage for retirees (as a supplement to Medicare) could be considered.

Recommendations will be submitted after bid proposals are received.

ANIMAL CONTROL

Mr Chance commented on the deplorable condition of the buildings, work areas, animal retention area, etc., at the County Animal Shelter.

The County Administrator advised that a survey of the property is being performed and an appraisal is being prepared to determine the cost of maximum renovation to the existing structures as opposed to construction of new buildings. A report on the needs as to buildings and personnel will be forthcoming in two or three weeks.

PROPOSED LEGISLATION

The County Administrator, submitted a list of items Manatee County would like to present for possible State legislative action and advised that proposed legislation concerning the Library Board will be handled separately.

He stated that if the Board agrees with the items, Gary Knuckles, as Lobbyist for the Board, will spend the next month in Tallahassee to assist in drafting proposed legislative bills of local interest. These should be ready for review within one or two months.

Mr Shore expressed a desire to have input in the financial aspects. There were no objections.

Discussion of proposed legislation, item by item, was deferred to afternoon session.

WATER REVENUE BOND ISSUE SERIES 1973: LOST DOCUMENTS

The County Attorney submitted and recommended acceptance of a Lost Instrument Bond between the Southeast First National Bank of Miami, as Principal, and SAFECO Insurance Company of America, as Surety, in the amount of \$3,070.00, in connection with the payment of certain coupons from County of Manatee Water Revenue Bond Series 1973, and issuance of new or duplicate instruments in lieu of

20 coupons due 9/1/79 numbered 589/608 maturing
September 1987 and
4 coupons due 9/1/79 numbered 2040, 2041, 2084, 2150
maturing September 1, 2002

which have become lost, mislaid or destroyed and cannot be produced by the Principal/Owner.

Motion was made by Mr Fletcher to accept the bond. Motion was seconded by Mr McGavic and carried unanimously.

PARKS & RECREATION: THIBODEAU PROPERTY (PALMETTO)

Upon recommendation of the County Attorney, motion was made by Mr Chance and seconded by Mr McGavic to accept and authorize the Chairman to execute

AGREEMENT FOR SALE AND PURCHASE BETWEEN MANATEE COUNTY
AND GEORGE L. AND DELL D. THIBIDEAU

for acquisition by County of a 30-foot strip of land in the area north of Palmetto High School for a site for ball fields or other public purposes, for the total sum of \$6,480.90. Motion carried unanimously.

RECORD AGREEMENT

S11-160

LAWSUITS - ESTECH GENERAL CHEMICALS CORP (PERMIT APPLICATIONS)

Mr Fay submitted and summarized his letter to the Board dated December 24, 1980, RE:

Administrative proceedings involving applications by Estech General Chemicals Corporation to the Department of Environmental Regulation for approvals and permits for the Duette Phosphate Mining Project to be considered by the Division of Administrative Hearings of the Florida Department of Administration,

with joint recommendation that Peeples, Earl, Smith, Moore & Blank, as special counsel in environmental law matters, be authorized to assume the primary responsibility for the representation of the County as co-counsel with the office of the County Attorney in these proceedings.

Motion was made by Mr Chance to approve the recommendation outlined in the letter. Motion was seconded by Mr Vickers and carried unanimously.

ROSS, HARDIES, O'KEEFE, BABCOCK & PARSONS (BOSSELMAN) - SPECIAL COUNSEL

The County Attorney submitted and recommended approval of a letter (addressed to E. N. Fay, Jr., dated December 22, 1980) from Fred P. Bosselman, of Ross, Hardies, O'Keefe, Babcock & Parsons, confirming retainage of this firm by the Board as Special Counsel in civil rights matters, accepting the assignment and indicating that fees would be on standard rates ranging from \$50 to \$110 per hour.

Motion was made by Mr Chance to approve the letter. Motion was seconded by Mr McGavic and carried unanimously.

RECORD

S11-161

MATERIALS AND SERVICES

By memorandum dated December 29, 1980, Gary Knuckles, Director of Materials and Services Department, submitted request as follows:

UTILITIES

1. Bid No. 81-01-100-13 - Installation of 5,000 gallon underground diesel storage tank
 - a. Authorize Chairman to execute Contract with Clemens Equipment Service, Inc., in the amount of \$8,613.00, and accept the Certificate of Insurance and Performance Bond.

Motion was made by Mr Chance to authorize execution of the contract and accept the insurance and bond. Motion was seconded by Mr Fletcher and carried unanimously.

RECORD CONTRACT

S11-162

PARKS AND RECREATION - SPECIAL INTEREST INSTRUCTOR'S AGREEMENT

Motion was made by Mr Chance to authorize the Chairman to sign a Parks and Recreation Special Interests Instructor's Agreement with Harold F. Brown (Understanding and Enjoying Classical Music). Motion was seconded by Mr Vickers and carried unanimously.

RECORD AGREEMENT

S11-163

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The Chairman announced that henceforth Special Interest Instructors' Agreements will be on the Clerk's Consent Calendar.

CONSENT CALENDAR

Upon motion by Mr McGavic, seconded by Mr Chance, the Clerk's Consent Calendar dated December 30, 1980 was unanimously approved as follows:

BONDS

Approve & Accept:

Lost Instrument Bond - Southeast 1st National Bank of Miami (Safeco Ins. Co., Surety) Re: Payment lost coupons Water Revenue Bonds Series 1973 \$ 3,070.00

BILLS FOR PAYMENT:

Arnold & Co (2nd interim billing, BCC audit)	\$10,500.00
W.E.D. Construction, Inc (Raw Water Intake & Pump Sta. #2, Ist #1)	36,356.40
Fla. Dept. of Labor & Empl. Security, Div. of Workers' Comp. (Self-Ins. Assessment)	1,340.24
Manatee Memorial Hospital (OB Clinic)	4,493.50
Manatee Memorial Hospital (Welfare)	3,280.32
Mann & Fay (acq. Quattlebaum prop. for MCUS)	248.00
Refund: Pamela Toole (OB Clinic)	90.00
Harry E. Respress (Plbg Exam. fee)	50.00

MINUTES FOR APPROVAL: November 4, 1980

AGENDA AMENDMENT: SPEAKERS

Mr Chance moved to amend the Agenda to include John Morey or any other member of the public who wished to speak. Motion was seconded by Mr McGavic and carried unanimously.

Mr Morey made comments and expressed opinions on various subjects, summarized as follows:

- 1) Risk Management Program - he desires to be included in any work shop on this matter;
- 2) Animal Shelter - in favor of using volunteer workers;
- 3) County Library - City of Bradenton Council Minutes, which he had requested be kept on file at the Library, were not available there when he asked to see them; pointed out that some of the publications are untimely; referred to noise in areas where it should be quiet.

Catherine Fernald, Longboat Key, representing Manasota 88, Isaac Walton League and Manatee Save Our Bays, expressed hope that the firm of Earl, Peeples, et al, would represent the people of Manatee County well in the Estech suit.

RECESS/RECONVENE

The meeting was recessed until 1:30 p.m.

The Board reconvened at 1:40 p.m. with all members present.

LEGISLATION - PUBLIC HEARING

Mr Fletcher announced that Representative Shackelford advised that the Local Legislative Delegation had scheduled a public hearing at 9:00 a.m. February 19, 1981, at Bradenton City Hall, and had suggested that as many members of the Delegation as possible sit with the Board in a work session prior to that time to discuss what the County would like legislated.

After item by item review of the proposed list submitted by the County Administrator, it was the concensus of the Board that Mr Knuckles should develop the following items for presentation to the Legislative Delegation:

- 1) Fire Control District - establishment of a special district to include the unincorporated areas presently serviced by existing fire control districts.

- 2) Animal Control - repeal of Special Act 69-1281.
- 3) Transportation Authority - repeal of legislation enacted last session.

and the following items recommended by Mr Shore:

- 4) Utility Taxes/Franchise Fees - delete portion of existing legislation which states: based on a percentage of fees levied in 1971...
- 5) One-cent Sales Tax - ability for the County on a referendum basis only, to be authorized to add an additional one-cent sales tax.

Other matters, including the existing legislation concerning the Hospital Board of Trustees and the Library Board, will be discussed at a work session with the Legislative Delegation prior to the public hearing.

TAMPA BAY REGIONAL PLANNING COUNCIL - WITHDRAWAL OF MEMBERSHIP

Mr Shore announced that the balance of dues (\$18,630.75) for membership in Tampa Bay Regional Planning Council is due and payable.

Mr Vickers recommended and moved that the dues not be paid and that a letter be sent to Tampa Bay Regional Planning Council withdrawing County's membership. Motion was seconded by Mr McGavic and carried unanimously.

BUDGET AMENDMENT (TRANSIT)

Upon motion by Mr Fletcher, seconded by Mr Vickers, resolutions were unanimously adopted amending the 1980-81 budget to provide for receipt and appropriation of unanticipated revenues from the State of Florida:

TRANSPORTATION DEPARTMENT

- 1) Increase Revenue:
Elder Bus Services Phase II;
Transfer from General Fund

<u>Increase Expenditure</u>	
Elder Bus Service Phase II	\$96,379.00

and by item to item transfer

RECORD RESOLUTION S11-164

- 2) FROM: General Fund; Reserve for Contingency
- TO: Transfer to Transit Elder Bus Phase II

\$13,734.00

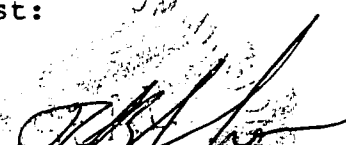
RECORD RESOLUTION S11-165

MEETING ADJOURNED

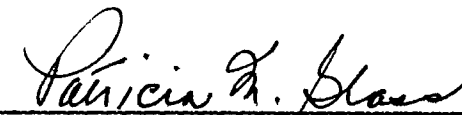
There being no further business, the meeting was declared adjourned.

Attest:

APPROVED:



Clerk



Chairman 3/2

Adj: 3:14 P.M.