

FEBRUARY 23, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, February 23, 1982 at 9:10 a.m.

Present were Commissioners:

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

Absent was Commissioner: Patricia M. Glass

Also present were:

Mary Greenwood, County Attorney
Robert F. Fernandez, Assistant County Administrator
Angela Brewer, representing R. B. Shore, Clerk of Circuit Court

Representing the various news media were Judd Magrin, The Sarasota Herald-Tribune; Greg Spears, The Bradenton Herald; Betty Kohlman, St. Petersburg Times, and others who entered during the meeting.

Invocation by Commissioner Edward Chance.

The meeting was called to order by Chairman Vickers.

MERITORIOUS SERVICE AWARD

On behalf of the American Red Cross, Mr. McGavic presented its highest award to Larry Bailes for outstanding performance which resulted in saving the life of Amy Ferguson on August 7, 1981.

A meritorious service award was presented Mr Bailes on behalf of Manatee County.

LAKE MANATEE DAM (EMERGENCY SPILLWAY)

E. N. Fay, Jr., Attorney, presented

AGREEMENT FOR SALE AND PURCHASE BETWEEN
MANATEE COUNTY AND M. MAURICE GOODNIGHT, AS TRUSTEE,

for purchase of approximately 343 acres for Lake Manatee Dam
Emergency Spillway for total purchase price of \$1,200,500.

Mr. Chance moved to approve the agreement for sale and purchase with M. Maurice Goodnight as Trustee, and authorize execution by the Chairman. Motion was seconded by Mr. McGavic and carried unanimously.

RECORD AGREEMENT

S31-1009

MANATEE MEMORIAL HOSPITAL/EQUIPMENT

Following a report by Arnold Greenfield, Financial Advisor, regarding the acquisition of equipment for Manatee Memorial Hospital, the Acting County Administrator was instructed to report to the Board, at a later meeting, the reasons for delay in financing and involvement of the legal firm of Foley, Lardner & Slade.

EMERGENCY SERVICES: VOLUNTEER PROGRAM

Jimmie E. Hamrick, Director of Emergency Services, recommended implementation of a volunteer program for the Manatee County Emergency Medical Service Operations, utilizing the skills of certified Emergency Medical Technicians who are trainees in the ongoing EMT Program at Manatee Area Vocational Technical Center. The only cost to the County would be for uniforms. He recommended deferral of budgeted funds for purchase of radio equipment to fund the program.

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Richard Johnson, Insurance Coordinator, suggested consideration be given to insurance liability and was authorized to research the matter further.

Motion was made by Mr. McGavic and seconded by Mr. Chance to approve the recommendations of the Director of EMS. Motion carried unanimously.

TRANSIT: BUS SERVICE/BRADEN CASTLE

Robert Hofmann, Assistant Transportation Director, provided background in discontinuation of bus service into Braden Castle as of January 15, 1982.

Fred Runnells, Vice Mayor, City of Bradenton, appeared before the Board to support the reinstatement of the bus service.

After discussion, the Board instructed Mr Hofmann to contact the Braden Castle Association to discuss the transit needs of that area. Mr Runnells indicated he will assist Mr Hofmann.

MUNICIPAL WELLFIELD SYSTEM

Charles Hunsicker, Manatee County Utilities Department, reported that preliminary planning has been initiated to construct and develop additional water supplies to meet projected water demands and one alternative being pursued is the development of substantial wellfields in northeast Manatee County. To assist in this effort, he requested approval of a Request for Proposal (RFP) from qualified individuals or firms to provide consulting services to the County for design, construction review, and coordination of permitting for the wellfield system.

Mr. McGavic moved to accept the recommendation/request and authorize to advertise for RFP's. Motion was seconded by Mr. Chance and carried unanimously.

FLORIDA LOCAL GOVERNMENTS CONSORTIUM: ETHANOL FUEL STUDY

Mr. Hunsicker submitted a letter from the City of St. Petersburg dated January 7, 1982, advocating the formation of a consortium of Florida local governments to study the feasibility of ethanol fuel for automotive use. The cost of participation would be \$3,000 to \$5,000. It was recommended that the Utilities Department participate in this program.

Mr. Chance moved that the County accept the recommendation of the Utilities Department (to participate in the consortium to explore ethanol fuels) providing the County Attorney finds no legal problem (regarding Utilities Department bond covenants and legal structure of the Consortium) and brings it back to the Board for ratification and confirmation. Motion was seconded by Mr. Fletcher and carried unanimously.

SUPERVISOR OF ELECTIONS

Mr. McGavic moved to approve the request of H. Jerome Davis, Supervisor of Elections (memorandum 2/18/82), for authorization to purchase a key punch machine at a cost of \$2,000. Motion was seconded by Mr. Chance and carried unanimously.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mr. Chance, seconded by Mr. McGavic, the County Administrator's Consent Agenda dated February 23, 1982 was unanimously approved with the deferral of two items under Transportation:

1. Acceptance of agreement with Con-Engineering and Tim H. Warren, Parcel No. 7.1, 45th St. E., Project No. 3023; \$4,100.00.
2. Acceptance of agreement with Lloyd C. & Mary E. Baldwin, Parcel No. 5.1, intersection improvement 33rd St. E. and State Road 70, Project No. 4035.

Items approved on Consent Agenda included:

HUMAN SERVICES

1. Execution of Purchase of Service agreements with Manatee County Council on Aging, Inc., for the provision of Chore Services:
 - a. Community Services Trust Fund, \$8,119.
 - b. Title IIIB, \$9,932 (service); \$1,440 (supplies). S31-1010
2. CETA Annual Plan for revised allocations RECORD AGREEMENTS from the U. S. Dept. of Labor. Execution of Modification #201 - budget Title IIB, reduced \$24,207; budget Title IV Youth, reduced \$42,439; budget Title VII (Private Sector Initiative Program), increase \$11,052. S31-1011
3. CETA Title VII On-the-Job Training Contracts:
 - a. P-093, Sun West Realty, \$1,560
 - b. S-028, Manatee County Head Start, \$2,010
 - c. S-029, Boogie Bear Day Care, \$1,507.50
 - d. S-030, Skip's Oyster Bar, \$1,256.25.

INSURANCE/DATA PROCESSING

1. Additional insurance at estimated annual premium charge: Data Processing Equipment, \$66.28; Contractor's Equipment, \$109; and Property \$52.14.

MATERIALS & SERVICES

1. Extend Bid No. 81-31-200-98 with National Linen Services for additional one year ending March 10, 1983.
2. Extend Bid No. 81-35-320-00 with Suncoast Fastner & Supply Co., for an additional one year period ending 3/10/83.

DEEDS & EASEMENTS

1. Acceptance of Warranty Deed and Subordination of Encumbrance to Property Rights, Parcel Nos. 21.1, 21.2, 9th St E., from Constance D. Blair.
2. Acceptance of Utility Easement for Horseshoe Cove Resort, Inc., 5100 60th Street E., Bradenton.

(End Consent Agenda)

BUDGET AMENDMENTS

Upon motion by Mr. Chance, seconded by Mr. McGavic, resolutions on Budget Amendment Resolution Agenda dated February 23, 1982, were unanimously adopted amending the 1981-82 budget to provide for the receipt and appropriation of unanticipated revenues and item to item transfers (with the exception of Resolution 82-122: In-House Legal, \$61,040).

TRANSPORTATION

- 1) From: Landfill Reserves (82-117) \$3,000
- To: Landfill RECORD RESOLUTION S31-1012

PARKS & RECREATION

- 2) Increase Revenue (82-118) \$253,000
- Park & Recreation Capital Project
- Increase Expenditures
- Palmetto Park RECORD RESOLUTION S31-1013

- 3) From: Palmetto Park (82-119) \$17,175
- To: Palmetto Park - Recreational Equipment RECORD RESOLUTION S31-1014

MATERIALS AND SERVICES

- 4) From: Mat & Serv Data Processing (82-120) \$16,133
- To: Mat & Serv Purchasing RECORD RESOLUTION S31-1015

BUDGET

- 5) From: General Fund Reserves (82-121) \$51,684
- (Rebates Bradenton; Palmetto)
- To: Rebates Anna Maria; Bradenton Beach;
- Holmes Beach; Longboat Key RECORD RESOLUTION S31-1016

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PERSONNEL: MANNING LEVEL AMENDMENT

Action was deferred until Tuesday, March 2nd, on Personnel Manning Level/Amendment for the Parks and Recreation Department (adding Mechanic II to Golf Course).

UNITED WAY 1981 FUND DRIVE

The Acting County Administrator submitted a report on contributions by County Departments to the 1981 United Way Fund Drive.

Mr. Chance moved that Mr. Fletcher be authorized to write letters to those departments contributing to the United Way. Motion was seconded by Mr. Vickers and carried unanimously.

FINANCIAL AUDIT (COUNTY)

Motion was made by Mr. Chance, and seconded by Mr. Fletcher, that the Chairman be authorized to sign a disclosure letter to Arnold & Company, P.A., CPA's, stating that all information necessary to render a complete and thorough decision on the financial status of the County has been provided to the auditors. Motion carried unanimously.

FLORIDA GULF HEALTH SYSTEMS AGENCY

Upon motion by Mr. Chance, seconded by Mr. Fletcher, Warren Johnson was unanimously reappointed to the Florida Gulf Health Systems Agency.

LAWSUIT: CITY OF BRADENTON (WATER RATES)

By letter dated February 11, 1982, E. N. Fay, Jr., attorney representing the County in the lawsuit

Re: City of Bradenton, Florida, vs Manatee County
(Case No. CA-82-119)

involving the validity of rates for water sold to the City, expressed his concern that, in negotiations for some amicable settlement or compromise of the issues involved, the representatives of the County be sure to repeatedly notify the City representatives that nothing discussed or tentatively agreed upon during individual negotiations with the City of Bradenton shall be admissible, asserted or testified to in the suit unless the governing body of each political entity have approved same.

ONE HALF CENT SALES TAX: GOVERNOR GRAHAM

Mr. Fernandez submitted a letter from Governor Graham, dated February 10, 1982, in support of a local option one-half cent sales tax, and enclosing an overview of the proposal, which offers local governments the opportunity to gain a new revenue source.

Mr. Chance moved that the Board prepare a resolution supporting the Governor's position on the one-cent tax increase. Motion was seconded by Mr. Vickers. Voting "Aye" were Mr. Chance and Mr. Vickers. Voting "No" were Mr. Fletcher and Mr. McGavic. Motion failed to carry.

The subject was deferred to Tuesday, March 2, 1982.

PUBLIC COMMENTS

Gloria Raines, representing Manasota 88, expressed concern regarding the viability of groundwater resources as a drinking water supply, and requested that preventive measures be taken to protect surface and underground water resources.

TRAVEL AUTHORIZATION

Upon motion by Mr. Fletcher, seconded by Mr. McGavic, Mr. Vickers was unanimously authorized to travel to Tallahassee to meet with the Governor, March 2-3, 1982.

LEGISLATION (ENABLING) APPOINTMENT OF CODE ENFORCEMENT BOARD

Motion was made by Mr. Fletcher, seconded by Mr. McGavic, that the Chairman be authorized to sign a letter to Representative Larry Shackelford supporting Bills 421 and 350, which will enable legislation for appointment of a Code Enforcement Board. Motion carried unanimously.

CLERK'S CONSENT CALENDAR

Upon motion by Mr. Chance, seconded by Mr. McGavic, the Clerk's Consent Calendar dated February 23, 1982 was unanimously approved with the deletion of one item under Bills for Payment:

Peoples, Earl, Moore & Blank \$2,585.57

Items approved included:

BILLS FOR PAYMENT:Attorney's Fees:Phosphate:

Balance before payment: \$52,877.62

Balance after payment: \$50,344.13

Peoples, Earl, Moore & Blank: State Legislation 2,533.49

Utilities:

Balance before payments: \$85,659.31

Balance after payments: \$83,073.74

Refund: Harvey Hockstetler (P&D) 850.00

Manatee Memorial Hospital: OB Clinic 3,613.46

Indigent Hosp. 12,964.90

OB Clinic 3,142.44

Indigent Hosp. 8,090.10

Blake Memorial Hosp. - Indigent Hosp. 405.96

Steve Schertel - Exp. re job intrvw/Dir. Ofc. Mgt/Bdgt 485.92

Woodruff & Sons - 53rd Ave. (Payment #6) 159,405.53

Earl Collins Paving - Proj. 5009 38,849.14

Woodruff & Sons - Samoset Lift Station (Est. #4) 48,028.04

Mann & Fay - Pollution Control Dept. (10/81 - 2/82) 975.00

WARRANT LIST:

Approve: February 16 to February 23, 1982

Authorize: February 23 to March 2, 1982

AUTHORIZE CHAIRMAN TO SIGN:

Partial Release of Special Improvement Assessment Lien:

Clifford Gordon & Elizabeth D. Owen - Proj. #760

ACKNOWLEDGE:

Proof of Publications Re: redistricting Board of County Commissioners district published in Bradenton Herald on 1/4, 1/11, 1/18, 1/25 .

LAWSUIT: ALIZIERI (SETTLEMENT)

By letter dated January 29, 1982, Alan H. Prather, attorney with the law firm of Mann & Fay, gave background on a law suit

RE: Alizieri vs Manatee County,
Case CA-79-1031 in Circuit Court

involving Manatee County Utilities Department, alleging inverse condemnation and trespass (relating to easement for access and lift station). He recommended that a settlement offer in the amount of \$3,150.00 be accepted by the County.

Motion was made by Mr. Fletcher to approve the recommendation of settlement as outlined in letter from Mr. Prather to the Board of County Commissioners on January 29, 1982, Alizieri Vs. Manatee County CA-79-1031. Motion was seconded by Mr. McGavic and carried unanimously.

CORRESPONDENCE

Upon motion by Mr. McGavic, seconded by Mr. Fletcher and carried unanimously, correspondence was acknowledged from:

1. Charles Rainey, Pinellas County Board of County Commissioners (2/18/82) requesting Manatee County adopt a resolution urging strong support for the approved Governor's program to replace the Sunshine Skyway Bridge.

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2. Joan M. Heggen, Florida Department of Veteran & Community Affairs (2/9/82) in support of amendment to Rule 9G-11 Funding Formula (re: Civil Defense functions).
3. Allen B. Hollet, Estech, Inc. (2/15/82) proposing additional safeguards for Duette Mine.
4. Robert Hoffman, Manatee County Planning Commission (2/22/82) - concern regarding impact of development in Braden River/Ward Lake area.

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

BEKER PHOSPHATE

William Earl, Environmental Attorney, reported that he has met with Beker Phosphate representatives regarding a conceptual agreement allowing Beker to use County roads to truck phosphate and that a further report would be forthcoming on Thursday, February 25, 1982.

ESTECH

Mr. Earl informed the Board that Estech, Inc., has provided a restatement of settlement proposal additions but the letter was not specific enough to make a recommendation to the Board.

Allen Hollett, Vice President, Estech, Inc., requested the Board meet with Estech representatives to discuss the matter.

The Board instructed staff to continue discussions with Estech representatives in the effort to arrive at a mutual agreement and to provide the Board with an outline of those areas of concern in which there is dissatisfaction.

PHOSPHATE MINING: RADIATION EXPERT

Action was deferred on a request from Richard Eckenrod, Phosphate Mining Coordinator, for authorization to contract the services of a radiation expert in conjunction with the Estech mine pending specific recommendations from staff.

MINING MORATORIUM

Mr. Earl reported that the mining moratorium expires March 16, 1982 and recommended that staff be authorized to advertise notice of public hearing to consider proposed Ordinance No. 82-04, temporarily prohibiting the accepting, receiving, filing, processing, handling, consideration or administration of any application, petition or other request in connection with any minor or major earthmoving project.

Mr. Fletcher moved that notice of public hearing be published regarding the proposed ordinance. Motion was seconded by Mr. Chance and carried unanimously.

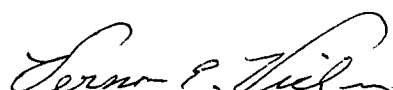
MEETING ADJOURNED

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

Attest:

APPROVED:


Clerk


Chairman 8/17/82

Adj: 3:04 p.m.