

MARCH 2, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, March 2, 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.  
Patricia M. Glass

Also present were:

Mary Greenwood, County Attorney  
Robert F. Fernandez, Acting County Administrator  
Richard H. Ashley, Chief Deputy Clerk, representing  
R. B. Shore, Clerk of Circuit Court

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

Invocation by Reverend Kenneth L. Bright, Palmetto Assembly of God.

The meeting was called to order by Chairman Vickers.

BEKER SETTLEMENT AGREEMENT

E. N. Fay, Jr., Attorney representing Manatee County, gave a status report on the Beker Phosphate Settlement Agreement (executed February 26, 1982) which was accepted by the court on Monday, March 1, 1982. He advised that an order has been entered approving the agreement and continuing the hearing until further order of the court to allow Beker and the State Attorney to resolve any differences they may have.

SPECIAL PERMIT (MOBILEHOME, PARTIN)

Mr. Chance reported that Earl Partin has requested permission to temporarily place a mobilehome in an industrial area (off 33rd and 65th) for the purpose of housing a security guard during construction of an office facility.

Mr. McGavic moved to authorize the Planning staff to issue the necessary permits. Motion was seconded by Mr. Chance and carried unanimously.

PROCLAMATION - CPR TRAINING PROJECT

Motion was made by Mr. McGavic to adopt a Proclamation encouraging all citizens of Manatee County to participate in a CPR (cardio-pulmonary resuscitation) Training Project sponsored by the Bradenton Kiwanis Club, Manatee Chapter of the American Red Cross, and the American Heart Association. Motion was seconded by Mrs. Glass and carried unanimously.

RECORD PROCLAMATION S31-1021

PROCLAMATION - YOUTH ART MONTH

Motion was made by Mrs. Glass to adopt a Proclamation proclaiming the month of March as Youth Art Month. Motion was seconded by Mr. McGavic and carried unanimously.

RECORD PROCLAMATION S31-1022

BLAKE HOSPITAL/INDUSTRIAL REVENUE BONDS

Jon C. Moyle, Attorney representing Hospital Corporation of America and Blake Memorial Hospital, requested the Board authorize issuance of \$1 million in Industrial Revenue Bonds in order to construct and equip a new wing at Blake Memorial Hospital (deferred from February 9, 1982). Richard Scheffer, Administrator, Blake Memorial Hospital, was available to answer any questions.

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It was suggested that the application be forwarded to Mudge, Rose, et al, County Bond Counsel, for their review and comment. Mr. Moyle stated he had no objections.

Joe Garrott spoke in opposition to the type of bond issue.

Upon question, Richard Ashley, Chief Deputy Clerk, advised that it was the opinion of the Clerk's Office that Hospital Corporation of America has demonstrated financial responsibility.

Mr. Fletcher moved that the application be approved in concept and forwarded to Mudge, Rose, et al, for review and report back to the Board. Motion was seconded by Mr. Chance. Voting "Aye" were Commissioners Fletcher, Chance and Glass. Voting "No" were Commissioners McGavic and Vickers. Motion carried.

LAKE MANATEE EMERGENCY SPILLWAY (LASATER PROPERTY)

Mr Fay submitted an agreement for sale and purchase of Lake Manatee emergency spillway parcel No. 102 between Carl E. Lasater and Archie T. and Majorie J. Lasater, as sellers and the County of Manatee as Buyers, for total purchase price \$120,000.00.

Mr. Chance moved the Board enter into the agreement and authorize the Chairman to sign. Motion was seconded by Mrs. Glass and carried unanimously.

RECORD AGREEMENT S31-1023

ORDINANCE 82-03 (NO PARKING ON 34TH STREET WEST)

Public hearing was opened for the purpose of considering

ORDINANCE 82-03: AN ORDINANCE OF MANATEE COUNTY, FLORIDA; MAKING CERTAIN FINDINGS OF FACT; PROHIBITING THE STOPPING, STANDING OR PARKING OF MOTOR VEHICLES ON CERTAIN COUNTY MAINTAINED STREETS (34TH STREET WEST, FROM RENSSALAER DRIVE TO MIAMI PLACE) IN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; PROVIDING A CIVIL PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (Notice published in The Bradenton Herald, February 10, 1982).

There were no comments and the public hearing was closed.

Mrs. Glass moved to adopt Ordinance 82-3. Motion was seconded by Mr. Chance and carried unanimously.

RECORD ORDINANCE S31-1024

FIRE DISTRICTS/IMPACT FEES

Larry K. Frazier, Director, Planning and Development Department, reported that legislation has enabled the Cedar Hammock, Samoset and Westside Fire Districts to collect fire impact fees for new construction within their boundaries. The Fire Districts have requested that the County collect the fees in conjunction with building permit fees. He advised that several major issues, outlined in his memorandum of March 2, 1981, are involved in the collection of these fees.

Don Bower, Executive Officer of Cedar Hammock Fire Control District, pointed out that some of the fire districts do not have administrative staff to receive fees from the contractors and requested the Board's assistance in the collection of these fees.

Jesse Carr, President of the Contractors Association of Sarasota-Manatee-Hardee-DeSoto Counties recommended a workshop be held with Mr. Frazier, the fire districts and the Contractors Association.

David Miller, President of Manatee County Firemen's Association requested a decision by the Board so that the fire district would not lose any revenue.

Mr. Vickers announced that a workshop would be held with Mr. Frazier, the Contractors Association and the Fire Districts at the Library, Tuesday, March 9, 1982 at 1:30 p.m.

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PLANNING AND DEVELOPMENT/FEE SCHEDULE (PROPOSED)

Mr. Frazier submitted proposed fee increases for the Planning and Development Department covering land development applications and construction permits (outlined in memorandum of March 2, 1981)

In response to a request by Jesse Carr, President of the Contractors Association, for additional time to review the proposed fees, Mr Frazier was instructed to schedule workshops with the industry.

SANITARY LANDFILL (LENA ROAD)

In view of time limitation at the Lena Road Landfill, the Transportation Director submitted four alternatives and options (outlined in memorandum of February 26, 1982) that could be considered by the Board. He advised that an extended lease has been requested from Shroeder-Manatee but there has been no response from the firm's attorney.

Mike Garrott suggested the Board proceed with negotiations for utilizing the Erie Road site for landfill operations.  
(Depart Mr. Vickers; Vice-Chairman Chance presides)

RECESS/RECONVENE

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

The meeting reconvened at 1:34 p.m. with all members present except Chairman Vickers.

SANITARY LANDFILL

Discussion continued regarding Lena Road Landfill.

Mr. Fletcher moved that the Chairman be authorized to correspond directly with the principals of the Schroeder-Manatee property and request a meeting at the earliest practical date to discuss the problems. Motion was seconded by Mrs. Glass and carried unanimously.

Mrs. Glass moved to authorize staff to proceed with the alternative to place a second lift on the present site and move forward on the lease extension. Motion was seconded by Mr. Fletcher and carried unanimously.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mrs. Glass, seconded by Mr. McGavic, the County Administrator's Consent Agenda dated March 2, 1982, was unanimously approved.

Items approved on the Consent Agenda included:

Housing Finance Authority

Adoption of resolution ratifying and confirming appointment and election of Dozier B. Hilliard, Chairman, and Richard S. Olson, Vice-Chairman, with terms to expire October 30, 1982.

RECORD RESOLUTION S31-1025

EXTENSION SERVICE/AGRICULTURAL CENTER

Florida Power & Light, Lease Agreement for space at Agricultural Center to be used as Hurricane Emergency Headquarters, April 1, 1982 through October 31, 1982, \$400.00.

RECORD AGREEMENT

HUMAN SERVICES

- CETA Title VII On-the-Job Contracts:
- a. P-094, Your Personnel, \$1,742.00.
  - b. P-095, Goodwill Industries, \$1,742.00.
  - c. P-096, Reasoners Tropical Nursery, \$1,867.40.
  - d. P-097, Westside Junior Academy, \$2,730.00.

S31-1026

MANATEE MEMORIAL HOSPITAL

Acceptance of Minutes of Board of Trustees 1/25/82, Minutes of Group Discussion and Committee Meetings 1/20, 2/9, & 2/10/82, Copy of Financial Statement for January 1982.

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MATERIALS & SERVICES

- (1) Waive bid procedure for contractor for Palmetto Park's Soil Fumigation; solicit sealed written quotations - Authorized.
- (2) American Cast Iron Pipe Co., Bid No. 82-24-670-29 Supplies/20" Waterline Extension/Whitfield Avenue, \$23,762 - Agreement executed. Performance Bond (Fireman's Insurance Co., Surety, \$23,762.00) & Power of Attorney - Accepted.
- (3) Award Bid No. 82-44-670-49, Annual PVC Pipe, Banks Supply. RECORD AGREEMENT S31-1027
- (4) Award Bid No. 82-45-020-00, Pull Type P.T.O. Driven Spreader, West Coast Tractor Co., \$4,085, for Parks & Recreation.
- (5) Award Bid No. 82-46-720-00, Peabody Barnes Pumps, Hydro Pump, Inc. \$5,567.19, for Utilities.
- (6) Award Bid No. 82-47-218-82, Grease & Sludge Removal Services, Blue Septic Tank Services, for Utilities.

PARKS & RECREATION

Warner Bayou Boat Ramp Project - Execute Amendment to Project Agreement (11/10/81), Department of Natural Resources, Paragraph 5 to read \$25,900 (increase \$3,980).

RECORD S31-1028LAND ACQUISITION/DEEDS & EASEMENTSAcceptance of Agreements:

- 1) Con-Engineering, Inc. and Tim H. Warren - Parcel No. 7.1, 45th St. E., Project 3023, \$4,100
- 2) Lloyd and Mary Baldwin - Parcel No. 5.1, Intersection at 33rd St. E. and SR 70, Project 4035, \$945

RECORD S31-1029TRANSIT

S31-1030

Execution of Lease Agreement for a Transit Training and Evaluation Van, Florida Department of Transportation, 2/1/82-2/26/82, \$1.00.

RECORD AGREEMENT S31-1031ERIE ROAD SANITARY LANDFILL/CITY OF PALMETTO

Execution of Agreement: City of Palmetto, Interlocal Agreement establishing procedure for crediting appraised value of property and equipment at Erie Road Landfill; rescinding Agreement of September 15, 1981 entitled "Agreement for Crediting Transfer of Equipment at Erie Road Landfill".

RECORD AGREEMENT S31-1032UTILITIES/BLACK & VEATCH

Execution of Agreement for Supplemental Services, Black & Veatch, pending rate litigation between the County, Sarasota County, and the City of Bradenton.

RECORD AGREEMENT S31-1033

(End Consent Agenda)

BUDGET AMENDMENTS

Upon motion by Mr. Fletcher, seconded by Mrs. Glass, the budget amendment resolution agenda was unanimously approved with the exception of the budget amendment for In-house Legal, \$61,040. Resolutions adopted amending the 1981-82 budget to provide for the receipt and appropriation of unanticipated revenues and item to item transfers are as follows:

TRANSPORTATION

From: Road Maintenance Thoroughfares; Road (82-123/2)  
Maintenance Residential

To: Highway Transfers

\$57,376

RECORD RESOLUTION S31-1034VARIOUS SOURCES

Increase Revenue (82-123/1)

Transfers

Increase Expenditures

Rutland Rd. C.R. 675 N.S.R. 64

\$57,376

RECORD RESOLUTION S31-1035SALES TAX, ONE CENT LOCAL OPTION

A proposed resolution in support of a One Cent Local Option Sales Tax was deferred to March 9, 1982.

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PERSONNEL: MANNING LEVEL/AMENDMENT

Upon motion by Mrs. Glass, seconded by Mr. McGavic, a resolution was unanimously adopted amending authorized manning levels as follows:

PARKS/RECREATION (Golf Course)

Add: Mechanic II

(Increase in Department Level from: 100 to 101)

RECORD RESOLUTION

TRAVEL AUTHORIZATION

Upon motion by Mr. Fletcher, seconded by Mr. McGavic, Mrs. Glass was unanimously authorized to travel to Tallahassee, Florida, March 10, 1982, to attend the State Association of County Commissioners Board of Directors meeting.

AMERICAN CANCER SOCIETY JOG-A-THON

A request for bus service in connection with the the American Cancer Society Jog-a-Thon was referred to the Assistant Transportation Director for handling.

TRAVEL EXPENSES

Mr. Fernandez submitted request by Eugene Wiseman, Member of the Airport Citizens Advisory Board, for reimbursement of expenses in the amount of \$220.75 incurred in delivering an Interim Report to Tallahassee on February 17, 1982. Mr. Wiseman was present.

Mr. Fletcher moved to authorize payment of the expenses. Motion died for lack of a second. There was no further action.

GUN PERMIT RENEWALS (YOUNG; GROOVER; BERRY)

Upon motion by Mrs. Glass, seconded by Mr. Fletcher, gun permit resolutions renewing license to carry a certain pistol were unanimously adopted for James Dean Berry, Rickey Louis Groover and Gaele Carlyle Young:

James Dean Berry, 12507 Cortez Rd. W., Cortez, Fl 33522

(Bond: Lawyers Surety Corporation) - 2 years

Charter Arms Revolver, SN 231369, 5-Shot .38 Special

RECORD RESOLUTION S31-1036

Rickey Louis Groover, 4912 6th Ave Blvd W, Palmetto, Fl 33561

(Bond: Crum & Forster Insurance Companies) - 2 years

Colt Lawman, SN L72826, .357 Magnum

RECORD RESOLUTION S31-1037

Gaele Carlyle Young, 1903 79th St, NW, Bradenton, Fl 33529

(Bond: Peerless Insurance Company) - 2 years

LLAMA Cal. 380, SN 818192, Semi-automatic, 2-1/2" Barrell

RECORD RESOLUTION S31-1038

CLERK'S CONSENT CALENDAR

Upon motion by Mrs. Glass, seconded by Mr. McGavic, the Clerk's Consent Calendar dated March 2, 1982, was unanimously approved as follows:

BONDS:

Accept: Wm. Hile - Driveway Permit #9616 \$ 130.00

BILLS FOR PAYMENT:

E. W. Siver & Assc. - Insurance (January 1982) 483.00

John P. Huth Insurance - Bond Renewal (Sam Cornwell) 250.00

Ardaman & Assc. - Engineering Srvcs. (PSC) (11/81) 1,358.75

W. Pearson Clack, M.D. - Medical Examiner (1/82) 8,039.36

Refund: Sandra Stickler (Animal Control) 30.00

Refund: Hans L. Grantzow (Animal Control) 30.00

Refund: Sandra Johns (Library System) 7.00

Refund: Patricia Hamilton (Library System) 9.42

Refund: Trailer Estates Fire Control District (MCUD) 900.00

Refund: Lorena Byers (OB Clinic) 75.00

WARRANT LIST:

Approve: February 23 to March 2, 1982

Authorize: March 2 to March 9, 1982

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AUTHORIZE CHAIRMAN TO SIGN:

Parks & Recreation Special Interest Classes Instructor's  
Agreement:

Margaret A. Tommasi

RECORD AGREEMENT S31-1039

MINUTES FOR APPROVAL:

September 8, 10, 15 & 17, 1981

LAWSUIT: MANATEE COUNTY VS. GILBERT WIERSEMA (ACTIVE DISPOSAL)

Keith Roberts, Assistant County Attorney, submitted memorandum of February 10, 1982, from E. N. Fay, Jr, in which he referred to his recommendation of November 25, 1981 that Mary Greenwood, as Director of the Legal Services Department, be substituted in the place and stead of Mann and Fay Chartered as attorneys of record for the County in litigation:

Re: Manatee County, Florida, Vs. Gilbert Wiersema, d/b/a/  
Active Disposal Services, et al., Case No. CA-76-1405 in  
the Circuit Court of Manatee County, Florida, involving  
alleged garbage franchise violations and the validity of  
the franchise agreements.

In view of a hearing scheduled on March 22, 1982, Mr Fay advised the appropriate document should be submitted to the Court if there is to be a substitution of counsel.

J. B. Donnelly, Attorney representing Cedar Hammock Refuse Disposal Corporation, was available to answer any questions regarding this litigation.

Mrs. Glass moved to authorize Mr. Fay to make the change of counsel in this matter and, if at all possible, turn over the records (to Ms Greenwood). Motion was seconded by Mr. McGavic. Voting "Aye" were Commissioners Glass, McGavic and Chance. Voting "No" was Commissioner Fletcher. Motion carried.

INTERLOCAL AGREEMENT/CITY OF BRADENTON

Mr. Roberts outlined a proposed Interlocal Agreement between the County of Manatee and the City of Bradenton whereby the County accepts for treatment at the Southwest Regional Wastewater Treatment Plant a quantity of wastewater flow, not to exceed one million gallons per day, from the City's lift station No. 23.

Following discussion, motion was made by Mrs. Glass to approve the Interlocal Agreement with changes in Paragraphs 9 and 10 from two years and "60" days to two years and 75 days and authorize the Chairman to sign. Motion was seconded by Mr. McGavic and carried unanimously.

RECORD AGREEMENT S31-1040

CORRESPONDENCE

Motion was made by Mr. McGavic to acknowledge correspondence submitted. This included letter from:

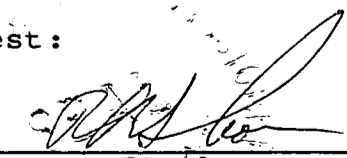
1. Indian River County opposing HB 680 & 645 and SB 579.
2. Office of City Clerk, Miami, Florida, opposing KTW projectile.
3. City of Bradenton Beach opposing relocating Sarasota-Manatee Airport.

Motion was seconded by Mrs. Glass and carried unanimously.

MEETING ADJOURNED

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

Attest:

  
Clerk

APPROVED:

  
Chairmah 8/17/82

Adj: 2:45 p.m.