

MARCH 16, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, March 16, 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; and others who entered during the meeting.

Invocation by Rev. Edward Boase, First United Methodist Church.

The meeting was called to order by Chairman Vickers.

ELLENTON FIRE AND RESCUE

Motion was made by Mr. Chance and seconded by Mr. Fletcher that the Board donate \$2,000 to the Ellenton Fire Department for the purchase of emergency equipment.

Action was deferred until later in the meeting to allow the Acting County Administrator to research availability of funds.

TRAFFIC SIGNAL - 15TH ST & 30TH AVENUE E.

The Chairman referred to the continuing high rate of accidents at intersection of 15th Street East and 30th Avenue East and indicated he will be meeting with the Transportation Director to discuss the need for a traffic signal at this location.

COMPUTER INVESTIGATION (GARDNER)

James Gardner, State Attorney, informed the Board that the Computer Investigation has been assigned by the Governor to the Florida Department of Law Enforcement, and that all materials, taped statements, transcripts, depositions and information has been referred to that department. He suggested that any concerns about the investigation and its various aspects be given to the Department of Law Enforcement.

Mr. Gardner indicated he is in the process of preparing an apology to persons who are concerned about unfair comments in the preliminary report by James Foy.

E. P. Iaconis, consultant to the Firm of Whitcomb & Christopher, was granted an opportunity to speak on the subject later in the meeting.

HERITAGE WEEK - PROCLAMATION

Upon motion by Mr. Fletcher, seconded by Mrs. Glass the Board unanimously adopted a proclamation declaring March 21 to 28, 1982 as the Third Annual HERITAGE WEEK IN MANATEE COUNTY.

RECORD PROCLAMATION S31-1065

POISON PREVENTION WEEK - PROCLAMATION

Upon motion by Mr. McGavic, seconded by Mrs. Glass, the Board unanimously adopted a proclamation declaring March 21 to 27, 1982 POISON PREVENTION WEEK.

RECORD PROCLAMATION S31-1066

MARCH 16, 1982

Cont'd

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN WEEK - PROCLAMATION

Upon motion by Mrs. Glass, seconded by Mr. Fletcher the Board unanimously adopted a proclamation declaring March 14-20, 1982 as AMERICAN ASSOCIATION OF UNIVERSITY WOMEN WEEK.

RECORD PROCLAMATION S31-1067

AMERICAN CANCER SOCIETY LIFE-SAVING PROGRAM

Upon motion by Mrs. Glass, seconded by Mr. Chance, the Board unanimously adopted a resolution supporting the AMERICAN CANCER SOCIETY LIFE-SAVING PROGRAM.

RECORD PROCLAMATION S31-1068

ANNIE MARY HAND DAY (WOMEN'S COUNCIL OF REALTORS)

Upon motion by Mrs. Glass, seconded by Mr. Fletcher, a proclamation was unanimously adopted declaring March 17, as ANNIE MARY HAND DAY and a special day to honor the Women's Council of Realtors of the Florida Association of Realtors.

RECORD PROCLAMATION S31-1069

COMPUTER INVESTIGATION (IACONIS)

In connection with the Computer Investigation conducted by the State Attorney's Office and the Foy report, E. P. (Ike) Iaconis, stated that the report had been unfair concerning his professional reputation and capabilities in handling his engagement with the County, and was concerned that the State Attorney would not provide the letter of apology to the people affected by the Foy report.

His main concern for being present at this meeting was to advise the Board of the serious computer problem that exists in the County and that upon invitation by the Board, he would share information he has gathered in the last fourteen months regarding the computer problem.

He made reference to his January 1981 report and indicated that other consultants were in agreement with his comments.

Ed Mullock, Attorney for the Clerk of the Circuit Court, referred to Mr. Iaconis' offer to provide the Board with information regarding the computer problem, stated that the proper procedure would be to let the Florida Department of Law Enforcement conclude the matter.

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

COMPUTER INVESTIGATION (WORK SESSION)

After discussion, Mrs. Glass moved that the Board meet with Mr. Iaconis, and anyone else who wishes to be present, in a work session at 4 p.m. Motion was seconded by Mr. Chance and carried three to two, with Mr Fletcher and Mr McGavic voting "Nay."

UNIVERSAL CABLEVISION INC

The County Attorney, submitted proposed franchise agreement with Universal Cablevision, Inc., outlined in her memorandum dated March 15, 1982.

Frank A. Buskirk, President, Thomas J. Mannausa, Vice-President and James Turner, Attorney, Universal Cablevision, Inc., made a presentation regarding legal, character, financial, technical and other qualifications, and answered questions as to the adequacy and feasibility of the company's construction arrangements.

After the public hearing, in accordance with notice published in the Bradenton Herald February 16, 1982, the Board reviewed the criteria necessary in granting the proposed cable television franchise agreement.

Mrs. Glass moved that the Board approve the agreement with Universal Cablevision, Inc., with the inclusion of section

No. 6 X Rated Movies. The company will not show any X-rated movies or other presentations as rated by the National Rating Service.

Motion was seconded by Mr. Chance and carried unanimously.

RECORD S31-1070

MARCH 16, 1982

Cont'd

LAND DEVELOPMENT CODE/AMENDMENTS

The Planning Director submitted a memorandum dated March 11, 1982 summarizing recommendations regarding the Manatee County Comprehensive Zoning and Land Development Code Amendments on the the following issues:

1. Lots split by two zoning districts
2. Roadside stands
3. Swimming pool fencing
4. Subdivision Plats
5. Simple majority vote
6. Right of Way dedication
7. Landscape installation

After review of items one through four, action was deferred to later in the meeting.

A. G. HOLLEY HOSPITAL

Upon motion by Mr. Chance, seconded by Mrs. Glass, petition of Leroy John Shannon for admission to A.G. Holley State Hospital was unanimously approved.

ZONING

SP-82-10 BARNEY J. & JOAN D. MADDEN - 2 COP - DEFERRED
(Public hearing continued from 3/11/82)

Keith Roberts, Assistant County Attorney, submitted a letter from Donald B. Haddock, attorney for individuals who wish to contest SP-82-10, requesting deferral of public hearing for one week.

Edwin Mullock, attorney for the petitioner was present.

Mary Flanders, 5308 44th St., complained about a flashing sign, advertising sale of beer and wine on the premises and objected to having a bar in the neighborhood.

This item was deferred to later in the meeting.
(Depart Mr Fletcher)

COMPUTER INVESTIGATION (WORK SESSION)

The County Attorney reported that during her conversation with Mr. Iaconis, he indicated

- = He did not think that if he came at 4 o'clock today that it would be enough time to address all the issues especially if other persons were allowed to express their views as well.
- = that perhaps another time could be assigned to this matter as an item on the agenda
- = that he is willing to wait until the report comes back from the Department of Law Enforcement.

The Board instructed the County Attorney to inform Mr. Iaconis to be present at 4 O'clock this afternoon to make his presentation regarding the County's computer problem.

For the record it was stated that it will be an open meeting.

RECESS/RECONVENE

The Meeting was declared recessed until 1:30 p.m.

The Board reconvened at 1:45 p.m with all members present except Mr. Fletcher.

ZONINGSP-82-10 MADDEN - 2-COP - APPROVED

The Planning Director submitted a memorandum dated March 15, 1982 outlining stipulations for approval of SP-82-10 as follows:

General Conditions

1. The Special Permit shall be for the consumption of beer and wine.
2. The Special Permit shall be issued to Barney and Joan Madden
3. The Special Permit shall be effective for a period of two years with an additional five years to be granted at the discretion of the Planning Director.
4. The Special Permit shall be valid for a forty (40) seat restaurant only.

Compatibility

5. The hours of sale of beer and wine shall be for 11:00 a.m. to 11:00 p.m.
6. There shall be no consumption of beer and wine in the parking area. Take out of beer and wine is prohibited.

Screening and Buffering

7. Screening and buffering as required on the Final Site Plan shall be maintained.

Signs

8. There shall be no advertising signs for beer and wine. Signs shall be in accordance with the Manatee County Sign Ordinance.

Traffic

9. The parcel shall be limited to one point of access from S.R. 70. The parcel shall develop as a commercial activity center with unified access.

(Enter Mr Fletcher)

After closing the public hearing, Chairman Vickers stepped down and made a motion to deny Special Permit SP-82-10 because, in his opinion, the Board of County Commissioners has no right to issue a permit granting a beer and wine license if it cannot cause the license to be removed. Motion died for lack of a second.

Mr. McGavic moved for approval of Special Permit SP-82-10 together with stipulations outlined by the Planning Staff in memo dated March 15, 1982, with the following changes:

Item 1 - The special permit shall be for the consumption of beer and wine in connection with the restaurant.

Item 8 - Delete "There shall be no advertising for beer and wine".

Motion was seconded by Mr. Fletcher and carried four to one, with Mr. Vickers voting "Nay."

LAND DEVELOPMENT CODE/AMENDMENTS

Following discussion on Amendments to the Land Development Code, Items 5, 6 and 7, public hearing was continued to March 23, 1982, for further discussion on Item 6, Right of Way Dedication.

A letter from Avrey Gould commenting on the Zoning and Land Development proposed amendments was acknowledge.

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

LAKE MANATEE EMERGENCY SPILLWAY/LAND PURCHASE

E.N. Fay, Jr., Attorney representing the County in connection with the acquisition of parcels of land for the Manatee County Spillway Project submitted

- 1) Agreement for Sale and Purchase of Lake Manatee Emergency spillway parcel 107 between E. Duane Clyne and Merna C. Clyne, his wife, sellers, and County of Manatee, buyer, for a total purchase price of \$50,600.00.

MARCH 16, 1982

Cont'd

- 2) Agreement for Sale and Purchase of Lake Manatee Emergency Spillway Parcel 108 between E. Duane Clyne and Merna C. Clyne and James W. Hine, sellers, and County of Manatee, buyer, for a total purchase price of \$24,100.00

Mr. McGavic moved to approve the contracts and authorize execution by the Chairman. Motion was seconded by Mrs. Glass and carried unanimously.

S31-1071

RECORD CONTRACTS

S31-1072

COMPUTER INVESTIGATION

The State Attorney advised that after his presentation to the Board this morning, he and Mr Iaconis and Robert Christopher, of Whitcomb & Christopher, had met and resolved their disagreements.

He further advised that, immediately following this appearance, he will prepare a letter explaining what went wrong in the preparation of the Foy report which will resolve the problem with respect to Mr. Iaconis and the firm of Whitcomb & Christopher.

Mr Iaconis stated that it would be inappropriate to make a presentation regarding the computer contractors and the information he offered to share with the Board in the morning session.

Mr. Christopher stated he was present in support of the comments made in his firm's management letter and would not expand on those comments.

Edwin Mullock introduced Howard Milligan from the Megas Corporation, who referred to his report prepared in June 1981 and provided general findings in that report.

He stated that he was in agreement with six recommendations made by Mr. Iaconis, and that he would be available to discuss point-by-point the 95 percent of the management report with which he is in disagreement.

ESTECH

Upon motion by Mr. Chance, seconded by Mr. Fletcher, Mrs. Glass was unanimously authorized to sign a letter addressed to Noboru Tanaka, Managing Director and Yoshihisa Narukawa, Director of Mitsubishi Chemical Industries, Ltd., Tokyo, Japan in response to questions on the status of issues to be resolved by Manatee County and Estech Phosphate Company.

MANATEE RIVER CHANNEL DREDGING (AMERICA CUP RACES)

Mrs. Glass recommended that a letter be drafted to U. S. Congressman Andy Ireland requesting his assistance in bringing to the attention of the Army Corps of Engineers the maintenance and dredging of the Manatee River Channel. She pointed out that the Canadian Racing Group, with headquarters in Palmetto, are training in the Manatee River for the America Cup Challenge races, and the safety of commercial and recreational boating interests are vitally important.

Motion was made by Mrs. Glass, seconded by Mr. Chance, that staff prepare the appropriate letter for the Chairman's signature. Motion carried unanimously.

ELLENTON FIRE & RESCUE

Mr. Fernandez, in reporting on availability of funds requested by Ellenton Fire Department, stated that money budgeted for the purchase of an additional unit or a helicopter may be used for the purchase of CRT equipment.

Motion was made by Mr. Chance that the Board authorize donation of \$2,000 to the Ellenton Fire and Rescue Fund for an emergency vehicle to be used by the Ellenton Fire Department. Motion was seconded by Mr. Fletcher and carried unanimously.

FISHING REEFS COMPLETION CERTIFICATE

Mr. Fernandez requested the Chairman be authorized to execute a certificate of completion on Manatee County Fishing Reef projects. Mike Pascuzzi, as liaison agent, has certified that the projects have been completed.

Mrs. Glass moved to authorize the chairman to sign the document. Motion was seconded by Mr. Chance and carried unanimously.

URBAN MASS TRANSIT ADMINISTRATION (UMTA)

Motion was made by Mrs Glass, seconded by Mr. Chance, to authorize the chairman to sign a letter to Carl B. Richardson, Regional Administrator, Department of Transportation, Urban Mass Transit Administration, regarding the report on the financial and compliance audit of the Manatee County, Florida Transit System Report No. Y4-UM-2-030 (allocation of funds as local share of Operating Assistance Funds). Motion carried unanimously.

TRAVEL AUTHORIZATION

Upon motion by Mr. Fletcher, seconded by Mr. Chance, travel was unanimously authorized for Commissioner Glass to attend the Florida Advisory Council on Intergovernmental Relations in Tallahassee, April 6-7, 1982.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mrs. Glass, seconded by Mr. Chance, the County Administrator's Consent Agenda dated March 16, 1982, was unanimously approved as follows:

Items approved on the Consent Agenda included:

REGIONAL JUVENILE DETENTION CENTER

Waiver of \$200 application fee for HRS to obtain private street approval for access to the Regional Juvenile Detention Center near SR 70.

HUMAN SERVICES (CETA)

1. Execution of amendment to the Private Industry Council By-Laws which revises Article VI - Section I-B, Executive Committee
2. Execution of amendment to the Manpower Advisory Council By-Laws which revises Article III Section 3, Quorum.

MATERIALS AND SERVICES

1. General Warehouse Supplies - Bid No. 82-50-000-00
 - a. Award to multiple vendors meeting the specifications of the bid: Raybro Electric, Scotty's, Bert Lowe Supply, Cameron & Barkley Co., Hughes Supply, Inc., Bucket Mart, Inc., Wickes Lumber, Epperson & Co., Goodyear Rubber Products, Plasco, and Tampa Supply Trading
2. Canal Road
 - a. Waive bid purchasing procedures for abstract update.
 - b. Approve payment of \$3,030 to United Abstract and Title Insurance Company (101 parcels).
3. Golf Course Nematode Fumigation Service
 - a. Waive bid procedure and obtain sealed quotations
4. Water Treatment Plant Maintenance Building, Project 5307
 - a. Waive bid procedure
 - b. Authorize Project Manager to secure prices for subcontract work and for Materials & Services to review proposals
5. Maintenance Office Building
 - a. Waive the facility Investment fee of \$700 charged by Utilities System for water connection

TRANSPORTATION/HIGHWAY

1. 6th Street Court East, Project 5009
 - a. Execution of first and final change order:
Earl Collins Paving Contractor
Decrease contract \$253.74

MARCH 16, 1982

Cont'd

2. Airport Authority - Permit Agreement
Eagles Nest Lane - Participation Project 5013
a. Execution of permit agreement for drainage connection Airport outfall to Sarasota Bay
3. Land Acquisition: 33rd Street E. & State Road 70 (Proj. 4035)
a. Execution of Agreement with Thomas Henry and Betty P. Cline in the amount of \$685, Parcel Nos. 6.1 and 7.1.
- RECORD AGREEMENT S31-1073
RECORD AGREEMENT S31-1074

(End Consent Agenda)

CLERK'S CONSENT CALENDAR

Upon motion by Mrs Glass, seconded by Mr. McGavic, the Clerk's Consent Calendar dated March 16, 1982, was unanimously approved as follows:

BONDS:

Accept: Kerr Construction - Driveway Permit No. 9591 \$ 775.00

BILLS FOR PAYMENT:

Refund: Don Arnold - Golf Play Book 18.20

Refund: Return of Plans to Contractors:

Project 4025
J&A Robinson, Inc. 25.00
Woodruff & Sons 25.00
J. W. Conner & Sons, Inc. 25.00

Project 5016
Woodruff & Sons 5.00
Gordon's Inc. 5.00

Project 5019
Woodruff & Sons 10.00
Gordon's, Inc. 10.00
Square G Construction 10.00

Project 5017
Woodruff & Sons 5.00

WARRANT LIST:

Approve: March 9 to 16, 1982

Authorize: March 16 to 23, 1982

BAY FRONT PARK - AUDIT SETTLEMENT

Motion was made by Mr. Chance, seconded by Mrs. Glass, to authorize the chairman to sign letter addressed to Ms. Deborah A. Getzoff, Assistant Department Attorney, Department of Natural Resources, advising that the Board has agreed to accept the settlement to the Bay Front Park Audit matter as recommended by the firm of Whitcomb, Christopher, Smith & Gentile, P. A., and set forth in Ms. Getzoff's letter of February 10, 1982 to Mr. David Collier, former County Administrator. Motion carried unanimously.

MEETING ADJOURNED

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

Attest:

APPROVED:


Clerk


Chairman 8/17/82

Adj: 5:30 p.m.