

APRIL 6, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, April 6, 1982 at 9:12 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 Pastor Samuel E. Reeves, First Baptist Church.

The meeting was called to order by Chairman Vickers.

COUNTY ADMINISTRATOR/WORK SESSION/MEETING

The Acting County Administrator was instructed to schedule work sessions or meetings between the Board of County Commissioners and:

- = Municipalities/ Island Communities - to discuss Double taxation, tolls on bridge and concession stands.
- = Acting County Administrator - to discuss County Administrator's role, administrative functions and enabling legislative act
- = County Department Heads and Supervisors;
- = All County Employees.

PHOSPHATE MINING CONFERENCE

Mr Fletcher recommended the Chairman consider appointing a member of the Board and staff to attend a phosphate mining conference to be held April 16, 1982 in Bartow.

LONGBOAT KEY, TOWN OF - AMBULANCE SERVICE

Mr. Fletcher advised that the Town of Longboat Key adopted a resolution on March 3, 1982 relative to the Certificate of Public Convenience and Necessity for ambulance service and requesting the Board reconsider the application.

The item was deferred to a future agenda.

BEKER PHOSPHATE/CITY OF PALMETTO

The Chairman announced that a joint meeting with the Board of County Commissioners and the City of Palmetto has been scheduled on April 8, 1982 at 2 p.m. to discuss matters of mutual concern, including the transportation of phosphate from Beker Company through Palmetto.

ILLEGAL DUMPING/PENTECOSTAL HOLINESS CHURCH (PALMETTO)

Rev. Otis Johnson, Pastor, of the Pentecostal Holiness Church in Palmetto requested the Board to

- 1) grant to the church a 20-acre parcel, acquired by the County a number of years ago as a borrow pit, which is now an overgrown pond used as a dumping area
- 2) grant a permit to fill in the pond and create a recreational park for children

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- 3) waiver of any required easements
- 4) clarification of necessary building permits.

During discussion the Transportation Director outlined the problem regarding the dumping of debris in the pond which should be monitored by the County to assure no violation of State laws and the Planning Director answered questions regarding necessary building permits.

Motion was made by Mr Chance to authorize Mr. Fernandez to work the appropriate County Departments in an effort to resolve the problem. Motion was seconded by Mrs. Glass and carried unanimously.

TAMPA BAY REGIONAL PLANNING COUNCIL - EMERGENCY SERVICES GRANT

Jimmie E. Hamrick, Civil Defense Director, requested that the Board approve an application for a grant in the amount of \$4,000 from Tampa Bay Regional Planning Council to purchase equipment and supplies for a simulated hurricane exercise on May 6, 1982.

Mrs. Glass moved to approve the grant application. Motion was seconded by Mr. Fletcher and carried unanimously.

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

Mrs. Glass withdrew her previous motion and moved to approve and authorize execution of

AGREEMENT WITH TAMPA BAY REGIONAL PLANNING COUNCIL

providing for reimbursement to County not to exceed \$4,000 for expenses in connection with the emergency hurricane evacuation operations simulation exercise (EOS). Motion was seconded by Mr. Fletcher and carried unanimously.

RECORD AGREEMENT S31-1112

FAIRMONT PARK - ONECO

The Transportation Director reported that he and the Planning Director had investigated flooding problems in Fairmont Park in Oneco and reported that the Highway Department is performing routine maintenance which will help the drainage situation. He referred to concern about septic tanks in that area and it would greatly relieve the problems if the County sewer system could serve the subdivision.

The Board suggested exploring the possibility of the County system serving the area and homeowners be encouraged to put in swales.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mrs. Glass, seconded by Mr. Chance, the County Administrator's Consent Agenda dated April 6, 1982, was unanimously approved.

Items approved on the Consent Agenda included:

MANATEE MEMORIAL HOSPITAL

Acceptance of report on financial statements of Manatee Memorial Hospital by Ernst & Whinney, CPA's for FYE September 30, 1981.

CETA TITLE VII OJT CONTRACTS:

P-103, Manasota Carpet, \$1,625.

P-104, Goodwill Industries, \$1,306.50

MATERIALS AND SERVICES

1. Utilities and Transportation

Truck Bodies and Accessories - Bid 82-58-065-00

Award to Hardee Manufacturing Company for a total of \$12,631.00 (Utilities \$11,172.00; Transportation \$1,459).

2. Restriping Various Roads - Extend Bid 81-42-218-00

Award to Florida Striping Inc., for one year period ending 4/8/83 at same terms, prices, and conditions as last year.

3. Drilling/Tapping Machine - Bid 82-52-545-08
Award to Palmetto Pump & Irrigation, \$4,986.50
4. Parks & Recreation
Palmetto Park - Bid 82-59-S00-06
Award to Sun Contracting Inc., \$249,822.

DEEDS AND EASEMENTS

1. Acceptance of Warranty Deed - General Telephone Company
Parcel No. 1.1, for Intersection Improvements 26th Street West
and 57th Avenue West, Project 4021,
2. Execution of Disclaimer (OR 580, Page 664) for Robert Holman
Drainage Easement in Oneco Park Subdivision
(End Consent Calendar)

DOUBLE TAXATION REPORT

Mr. Fernandez submitted an allocation report on Double Taxation for the fiscal year 1979-80 and referred to his memorandum (dated April 5, 1982) concluding that consideration should be given to a more equitable settlement arrangement with the various municipalities, and requesting concurrence of the Board in his efforts for a revision.

Mayor Long, Town of Holmes Beach, expressed concerns regarding the Sheriff's budget and patrol service and recommended the method of allocation be revised.

Mr. Fletcher moved to approve the Double Taxation report fiscal year 79-80 as presented in memorandum dated April 5, 1982. Motion was seconded by Mrs. Glass and carried unanimously.

COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE

Appointment of members to the Community Development Citizens Advisory Committee was deferred to April 13, 1982.

APPLIED OPTICS CENTER - INDUSTRIAL REVENUE BONDS

John Harllee, Attorney, appeared on behalf of Applied Optics Center Corporation, in connection with proposed industrial revenue bond issue up to \$2,000,000 to finance construction and equipment of a 40,000 square foot to an existing facility in the Whitfield Industrial Park.

William Lambrecht provided background information on the financial responsibility of the firm and demonstrated some of the equipment manufactured by the company.

Mrs. Glass moved to approve in concept the application for Applied Optics Center Corporation Industrial Revenue Bond issue; authorize staff to prepare an inducement resolution to be considered by the Board; that Mudge, Rose, et al act as bond counsel. Motion was seconded by Mr. Chance and carried unanimously.

PUBLIC SAFETY COMPLEX

Motion was made by Mr Fletcher, seconded by Mr Chance and carried unanimously to approve and authorize execution of

Public Safety Complex - Change Order #2
Hobbs Construction & Development
Decrease contract by \$6,252.00.

AUDITOR'S SELECTION COMMITTEE

Mr Fernandez advised that the Auditors Selection Committee had approved a format for Requests for Proposals and the legal advertisement for auditing services. In order to meet the public announcement requirement for pre-bidders conference, he read

A Pre-Bidder conference will be held on Monday,
April 19, 1982 at 10:00 a.m. at: Board of County
Commissioners Chambers Manatee County Courthouse,
Bradenton, Florida.

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TRAVEL AUTHORIZATION

Motion was made by Mr. Fletcher, seconded by Mr. Chance, and unanimously carried, to authorize Richard H. Ashley, Mary Greenwood, and Vernon E. Vickers to attend COM DEV, Inc. Industrial Revenue Bond closing in New York City, April 14-15, 1982.

WASTEWATER MASTER PLAN

Charles Hunsicker, Utilities, requested approval and acceptance of the Conceptual Wastewater Master Plan, indicating that its implementation will be through the Capital Improvement Program, which is coordinated and consistent with the Comprehensive plan.

Motion was made by Mrs. Glass to approve and accept the Manatee County Wastewater Master Plan. Motion was seconded by Mr. Fletcher and carried unanimously.

201 FACILITIES PLANS, NORTH/SOUTH MANATEE COUNTY - CH2M HILL

Charles Hunsicker submitted a supplemental agreement with CH2M Hill Southeast, Inc., to perform services in connection with the updating of the North and South Manatee County 201 Facilities Plan, Phase I, Task I, and in accordance with the detail budget included in exhibit "B-1", in the amount of \$19,999.80.

Mr. Chance moved to approve the expenditure of funds and execute the agreement. Motion was seconded by Mrs. Glass and carried unanimously.

RECORD AGREEMENT S-31-1113

WASTEWATER TREATMENT PLANT

Charles Hunsicker requested approval and authorization for the Chairman to sign a letter to Robert L. Parks, Florida Environmental Regulation Commission, in support of request by the Department of Environmental Regulation to direct funds available to the Department for the express purpose of wasteload allocation studies. (ref application for wasteload allocation to Manatee River as alternative effluent disposal).

Mrs. Glass moved for approval of the letter and authorization for chairman to sign, including an additional sentence in paragraph one "in recognition of the State's responsibility to provide such determination for the County", citing the State's responsibility pursuant to Florida Statute 403.088. Motion was seconded by Mr. Fletcher and carried unanimously.

COUNTY ATTORNEY/REPORTS

Mary Greenwood, County Attorney, reported on the following:

- = Lawsuit: Manatee Memorial Hospital - Angus W. Graham, Jr., M. D. vs Bently B. Lang, et al - Notice of Dismissal
- = Florida Department of Transportation - (Re: Utilities) A check in the amount of \$250,000 will be sent to the County plus \$44,000 in interest from that department.
- = Outside Attorneys fees - Letter from Atty. Fred Bosselman
Re: County's proposed reduction for outside legal services.

CLERK'S CONSENT CALENDAR

Upon motion by Mr. Fletcher, seconded by Mr. Chance, the Clerk's Consent Calendar dated April 6, 1982, was unanimously approved as follows:

BILLS FOR PAYMENT:

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| Hobbs Construction & Development, Inc. - | |
| Public Safety Complex (3/2/82 - 4/1/82) | \$350,337.60 |
| Ardaman & Associates, Inc - Cylinder Testing (P/S Complex) | 2,132.50 |
| Woodruff & Sons - Proj. #5012 (1/11/82 - 3/8/82) | 30,951.85 |
| Jack Laurence Contractor, Inc - Samoset Sanitary Sewer | 20,941.87 |

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| Manatee Memorial Hosp. - OB Clinic | \$ 3,208.44 |
| OB Clinic | 2,598.72 |
| Indigent Hosp. | 6,433.36 |
| Indigent Hosp. | 11,058.64 |
| L.W. Blake Memorial Hosp. - Indigent Hosp. | 814.90 |

MINUTES FOR APPROVAL

September 22, 1981

AUTHORIZE CHAIRMAN TO SIGN

Partial Release of Special Improvement Assessment Liens:

John E. & Loraine M. Rundo; Theodore G. & Linda L. Dorics;
Richard R. & Dorothey E. Roy

LAKE MANATEE DAM EMERGENCY SPILLWAY

Motion was made by Mr. McGavic, seconded by Mr. Fletcher, to accept documents in connection with the acquisition of land for the Lake Manatee Dam Emergency Spillway as follows:

Re: Parcel 107 from E. Duane and Merna C. Clyne

1. Closing statement accounting for the distribution of the purchase price and closing costs.
2. Warranty Deed to Manatee County, dated and filed for record March 29, 1982, and recorded in official Records Book 1024, Page 1634 of the public records of Manatee County, Florida.

Re: Parcel 102 from Carl E. Lasater; Archie T. and Marjorie Lasater, husband and wife

1. Closing statement accounting for the distribution of the purchase price and closing costs.
2. Warranty Deed to Manatee County, dated and filed for record March 29, 1982, and recorded in Official Record Book 1024, Page 1636 of the Public records of Manatee County.

Re: Parcel 110 from M. Maurice Goodnight, Individually, and as Trustee for the Utilities Department (Water System)

1. Certification by Gerald D. Stroop, a Registered Surveyor, dated February 12, 1982, concerning the number of acres involved in the transaction.
2. The original Warranty Deed to Manatee County, dated and accepted into the record March 18, 1982, and recorded in Official Records Book 1023, Page 327 of the Public Records of Manatee County, Florida.
3. Owner Title Insurance Policy OP-369175 and Guarantee of Title (Owner) No. OG-932257 both issued by Lawyers' Title Guaranty Fund to the County in the total amount of \$1,093,500 covering all of the real property involved in this transaction.

MOBILE HOME ADVISORY COMMITTEE

The County Attorney advised that she is in the process of formulating an ordinance to create a Mobile Home Advisory Committee. A progress report will be presented by Mr Fernandez the following week.

STATE FAIR PROJECT

Mrs. Glass moved to authorize the chairman to send a letter to Mrs. Ruth Gray regarding her expenses incurred in connection with an exhibit at the Florida State Fair (for which she had submitted a bill). Motion was seconded by Mr. Fletcher and carried unanimously.

The Board requested the Clerk of Circuit Court to prepare a policy statement to be sent to Mrs Gray informing her of projects that are payable according to Florida Statutes.

RECESS/RECONVENE

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

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

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ESTECH INC/OPERATING PERMIT

Keith Roberts, Assistant County Attorney, submitted a request by Estech Inc., that the County accept an application for Operating Permit for the Duette Mine.

William Earl, Special Counsel, explained the current regulatory legal frame concerning acceptance of phosphate mining applications where the zoning issue has not been determined. He noted the ordinance prohibits issuance of operating permits until all necessary state, local and federal approvals have been obtained, and to date, Estech has not obtained DER, EPA and/or DES permits, nor has the County resolved the issue of whether the zoning requirements are applicable to Estech or if they are qualified for an exception.

Richard Eckenrod indicated that on the basis of information submitted up to this point, Estech does not appear qualified for exclusion from Ordinance 82-4. It was his suggestion, however, that the Board consider its option in allowing staff to receive the operating permit application and all substantiating material for review within a two-week period.

Allen Hollett, Vice President, Estech, Inc., stated that, in his opinion, they are entitled to have an operating permit application for Duette Mine accepted and processed by the County.

John Blue, Attorney for Estech, provided background of the permitting process followed by Estech since 1975 and requested the Board accept for processing the application for an operating permit for the Duette Mine.

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

ESTECH INC/OPERATING PERMIT

Motion was made by Mrs. Glass, and seconded by Mr Fletcher, to authorize staff to make a determination within two weeks as to whether there is an exemption in the moratorium in regard to Estech's request to enter an application for an operating permit. Motion carried unanimously.

Katherin Ferral, Manatee County Save Our Bays, recommending asking Estech to place a bond of \$200,000,000 for the risk of loss of County water.

Gloria Rains, Manasota 88, pointed out that Estech has not proven there will not be a discharge run-off from their operation.

MEETING ADJOURNED

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

Attest:

APPROVED:



 Clerk



 Chairman

8/24/82

Adj: 3:10 p.m.