

JUNE 15, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, June 15, 1982 at 9:03 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 Jud Magrin, Sarasota Herald-Tribune; and others who entered during the meeting.

Invocation by Rev. Max Smith, Westside Christian Church.

The meeting was called to order by Chairman Vickers.

LANDFILL TIPPING FEES

Mr. Fletcher requested the Board waive Landfill tipping fees for a Wyatt compacter (A.L. Wyatt Refuse Service) used by the Palmetto Yacht Club on June 13, 1982, and stated that should the Board decline, he would be willing to pay the fees.

Motion was made by Mr. Fletcher, seconded by Mrs. Glass, that Mr. Fletcher pay the fees. Voting "Aye" were Commissioners Fletcher, Glass, and Vickers. Voting "No" were Commissioners McGavic and Chance. Motion carried.

HISTORICAL COMMISSION/ORDINANCE 74-13

Frank Perkins, Acting Chairman of the Manatee County Historical Commission, proposed that Ordinance 74-13 be amended, placing the administrative function of the Historical Commission under the Clerk of Circuit Court and changing the number of members and specifics of terms.

Mr. Fletcher moved to approve the proposal regarding the Manatee County Historical Commission as reflected in memorandum to the County Commission from Frank Perkins, dated June 11, 1982. Motion was seconded by Mrs. Glass and carried unanimously.

AWARDS (MERITORIOUS SERVICE)

Chairman Vickers presented Meritorious Service Awards to James Taylor and Melvin Smith for services rendered to Manatee County.

BAYSHORE HIGH SCHOOL SERTEEN CLUB DAY

Upon motion by Mrs. Glass, seconded by Mr. Chance, a proclamation was unanimously adopted proclaiming June 15, 1982, as "Bayshore High School Serteen Club Day".

RECORD PROCLAMATION
S32-119

ORDINANCE 82-06: PROHIBITION OF HUNTING ON COUNTY RIGHT-OF-WAY

The Chairman declared the public hearing open for the purpose of considering

ORDINANCE 82-06

AN ORDINANCE PROHIBITING HUNTING, OR THE USE OF LIGHTS TO FACILITATE HUNTING, ON OR FROM ANY HIGHWAY, STREET OR PUBLIC ROAD IN MANATEE COUNTY, FLORIDA, OR ON OR FROM THE RIGHT OF WAY OF ANY SUCH HIGHWAY, STREET OR PUBLIC ROAD; PROVIDING A PENALTY THEREFOR; PROVIDING DEFINITIONS; PROVIDING EXCEPTIONS; AND PROVIDING AN EFFECTIVE DATE.

(Notice published in The Bradenton Herald May 21, 1982).

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Speaking in favor of Ordinance 82-06 were Katherine Manos and Hugh Taylor, President, Manatee County Cattlemen's Association.

The Chairman declared the public hearing closed.

Mrs. Glass moved to adopt Ordinance 82-06. Motion was seconded by Mr. Fletcher and carried unanimously.

RECORD ORDINANCE

ORDINANCE 82-08: TOURIST DEVELOPMENT PLAN

S32-120

The Chairman declared the public hearing open for the purpose of considering

ORDINANCE 82-08

AN ORDINANCE OF MANATEE COUNTY, FLORIDA; PROVIDING FOR THE AMENDMENT OF MANATEE COUNTY ORDINANCE NO. 80-3; PROVIDING THAT TEN PERCENT OF THE NET TOTAL RESORT TAX REVENUE FOR YEAR 1 UNDER THE TOURIST DEVELOPMENT PLAN BE SET ASIDE FOR CONSTRUCTION AND STAFFING OF A WELCOME STATION TO BE CONSTRUCTED IN 1983; PROVIDING FOR REALLOCATION OF A PORTION OF TOURIST DEVELOPMENT PLAN YEAR 2 REVENUE; AND PROVIDING AN EFFECTIVE DATE.
(Notice published in The Bradenton Herald May 21, 1982).

Speaking in favor of Ordinance 82-08 were Ralph Stewart, Stewart's Motel; and Mary Louise Garretson. Jim Hagar, Tourist Development Council, commented on the proposed ordinance.

The Chairman declared the public hearing closed.

Mrs. Glass moved to adopt Ordinance 82-08. Motion was seconded by Mr. McGavic. Voting "Aye" were Commissioners Glass, McGavic, Fletcher and Vickers. Voting "Nay" was Commissioner Chance. Motion carried.

RECORD ORDINANCE

S32-121

ERNST & WHINNEY (MANATEE MEMORIAL HOSPITAL AUDIT)

Miles Watson, Ernst & Whinney, Certified Public Accountants, was available to answer questions regarding a letter of engagement dated May 25, 1982 for the firm to continue serving as independent auditors of Manatee Memorial Hospital.

There was discussion regarding the responsibilities of the former Financial Advisor or whether the method of financing the transaction for leasing hospital equipment (which transpired during the past year) was beneficial to the County.

Mr. Fletcher moved to approve and adopt the Letter of Agreement with Ernst & Whinney for renewal of service/agreement for auditing Manatee Memorial Hospital. Motion was seconded by Mrs. Glass and carried unanimously.

RECORD AGREEMENT

S32-122

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

LEGISLATION 1982

Gary Knuckles summarized legislation of interest to Manatee County, enacted in the 1982 session, outlined in his memorandum dated May 24, 1982.

CITIZEN COMMENTS

BAY COLONY SIGN

Request by Martin Tonne, Bay Colony Homeowners' Association, for assistance in obtaining a permit to erect a sign identifying Bay Colony was referred to the Planning Director.

PENTECOSTAL HOLINESS CHURCH

Action was deferred on request by Reverend Otis Johnson, Pentecostal Holiness Church, for assistance in piping a ditch behind the church and erecting speed limit signs in the area.

GERALDSON'S BARN

Mr. Fletcher submitted a petition from Manatee County residents protesting the removal of a sign at the northwest corner of 75th Street and 9th Avenue, N.W., which designated the location of Geraldson's Barn (fruit and vegetable sales) at 9800 9th Avenue N.W. REFERRED to Planning Director.

RECESS/RECONVENE

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

The Board reconvened at 1:44 p.m. with all members present.

INSURANCE: PROPERTY ENDORSEMENT (UTILITIES)

Mr. Fletcher moved to approve binding additional insurance coverage for the Water Treatment Plant, Route 64 East; Water Tank No. 4, Universal Tank, Route 64 East; and Ellwood Park II Booster Station, Bay-Con General, 39th Street East (Property Policy #3 1979, Reliance Insurance Company). Motion was seconded by Mr. McGavic and carried unanimously.

OCEAN DUMPING PUBLIC HEARING

Bus Transportation

Robert Fernandez, Acting County Administrator, submitted a request from Mayor Ernie Cagnina, Anna Maria Island, that the County provide bus transportation for approximately 40 citizens to St. Petersburg on June 30, 1982 to attend a public hearing on off-shore Ocean Dumping.

Because of possible legal ramifications, the Board chose to take no action on the request and instructed Mr Fernandez to so advise Mayor Cagnina.

Environmental Counsel

Mary Greenwood, County Attorney, relayed request of Bill Tarr, Legal Counsel of Peeples, Earl, Moore and Blank, for authorization for his firm to make a presentation at the public hearing.

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

LAKE MANATEE EMERGENCY SPILLWAY - LAND ACQUISITION

Rutland Bank, as Trustee

Al Cogan, Manatee County Utilities, recommended execution of a proposed Agreement for Sale and Purchase between the Rutland Bank and Manatee County covering real property identified as Lake Manatee Emergency Spillway Parcel 111, approximately 90.4 acres at \$4,000 per acre, as outlined in agenda memorandum dated June 9, 1982, He advised that acquisition of two other parcels is also under consideration.

Mrs Glass moved to approve the Agreement for Sale and Purchase of the Rutland property as outlined. Motion was seconded by Mr Chance and carried unanimously.

RECORD AGREEMENT

S32-123

Manning Property - Condemnation

Upon recommendation of the County Attorney that the Board consider authorizing condemnation proceedings on the Manning property (one of the two other parcels being considered), Mr. Chance moved the Board initiate such procedure. Motion was seconded by Mr. Fletcher and carried unanimously.

Following discussion on legal representation in the condemnation procedures, Mr. Chance moved to authorize Clinch Kavanaugh's lawfirm to handle the litigation. Motion was seconded by Mrs. Glass and carried unanimously.

FINANCIAL ADVISOR: FEES & EXPENSES REGARDING HOSPITAL FINANCING

Mr. Fernandez submitted a statement in the amount of \$23,408.51 from Arnold L. Greenfield, former Financial Advisor, for services rendered in connection with lease revenue obligations for Manatee Memorial Hospital and the Transportation Department.

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An invitation was extended Mr. Greenfield to meet with the Board for discussion of the statement.

HOUSING FINANCE AUTHORITY - MORTGAGE LOAN PROGRAM

Motion was made by Mr. Fletcher, and seconded by Mrs. Glass, to approve the 1982 Single Family Residential Mortgage Loan Program (\$6,800,00) by the Housing Finance Authority outlined in letter (6/9/82) from Mann & Fay. Voting "Aye" were Commissioners Fletcher, Glass, McGavic and Chance. Voting "Nay" was Commissioner Vickers. Motion carried.

RECORD DOCUMENT

S32-124

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mr. Fletcher, seconded by Mrs. Glass, the County Administrator's Consent Agenda was unanimously approved. Items approved in the Agenda included:

MANATEE MEMORIAL HOSPITAL

Acceptance of Manatee Memorial Hospital Board of Trustees Minutes of April 26; Committee meetings of April 17, May 10, 14, 17 and 19, 1982 and Financial Statement for April 1982.

HUMAN SERVICES

Execution of Addendum to Policy Statement for Summer Food Service Program for Children.

TRANSPORTATION/HIGHWAY

- a. Cement/Concrete Products, Bid 82-94-210-00 - Award to Singletary Concrete Products, Rinker Materials, Aquatite Concrete, Cement Products Corp., Chris Haley Contracting & Clarence White.
- b. Reinforced Concrete Pipe and Fittings Bid 82-93-210-48 - Award to Durable Pre-Con Pipe, St. Regis Paper-Southern Culvert, Ewell Concrete Pipe and Joelson Concrete Pipe.
- c. Affidavits for Access for (1) Stephen & Michelle Tyler; (2) Michael J. & Sharon L. Novy

COMMUNICATIONS

- a. Execution of Revised Reimbursement Agreement for 911 Telephone and Computer Systems with State of Florida, Division of Communications. (Separate agreements authorized 5/11/82, State wishes to reimburse on one agreement).

RECORD AGREEMENT

UTILITIES

S32-125

- a. 59th Street Pipe Construction, Bid 82-100-C00-06 - Award bid to Woodruff & Sons, \$239,976.20.

Deeds & Easements

- b. Acceptance of two Warranty Deeds from Sylvan Oaks, Inc. for expansion of sewer plant: (1) Tract E; (2) Tract F/with 10-year reverter clause.

ENERGY MANAGEMENT CONSERVATION

- a. Adoption of Resolution Adopting a Policy of Requiring Energy Management and Conservation in the Consumption of Energy by All Agencies, Departments and Buildings under the Jurisdiction of the Board of County Commissioners.

RECORD RESOLUTION

PARKS & RECREATION - FISHING REEF

S32-126

- a. Execution of Agreement with the State Department of Natural Resources (Marine Division) for Artificial Fishing Reef Program, - transportation of material to reef sites, One-Mile Reef (Project 12-81-18-2, \$20,000)

RECORD AGREEMENT S32-127

(Note: Artificial Fishing Reef Program for Three-Mile Reef was approved later in the meeting)

LIBRARY

- a. Palmetto Branch Library - Execution of contract with Albritton Roofing Company for roof replacement, \$19,213; acceptance of insurance certificates.

RECORD CONTRACT S32-128

- b. Execution of Agreement with Manatee Community Service League, Inc., for creation and maintenance of a tactile exhibit known as "Discovery Room"

RECORD AGREEMENT

S32-129

- c. Execution of Agreement with State Department of Library Services for Blind and Physically Handicapped Grant, \$19,000.

RECORD AGREEMENT

CORRESPONDENCE

Acknowledged from:

S32-130

1. Manatee Chamber of Commerce - Resolution regarding transfer of County-owned land to private individual.
 2. Board of County Commissioners, Gadsden County - Resolution opposing awarding Army contract for tactical radio production to Tadiran/Israeli Electronics.
- (End Consent Agenda)

BUDGET AMENDMENT RESOLUTIONS

Mr. Fernandez submitted the Budget Amendment Resolution Agenda dated June 15, 1982.

Mr. Vickers stepped down as Chairman and moved to defer item 3 (Resolution No. 82-194) on the Budget Amendment Resolution Agenda (Sheriff's Department, \$20,044) dated June 15, 1982. Motion was seconded by Mrs. Glass for discussion. The "Nay" vote was unanimous, therefore, motion was defeated.

Motion was made by Mr. Fletcher, seconded by Mr. Chance, to approve the Budget Amendment Resolution Agenda as presented by the Acting County Administrator. Voting "Aye" were Commissioners Fletcher, Chance, McGavic and Glass. Voting "Nay" was Chairman Vickers. Motion carried.

Resolutions adopted amending the 1981-82 budget to provide for the receipt and appropriation of unanticipated revenues and item to item transfers were as follows:

- | | | |
|---|--|----------------|
| <p>1. <u>ANIMAL CONTROL</u> (82-192)
 <u>Decrease Revenue</u>
 General Fund (Building Permits)
 <u>Decrease Expenditures</u>
 Animal Control</p> | <p>\$ 9,169
 <u>RECORD RESOLUTION</u></p> | |
| <p>2. <u>RIGHT OF WAY</u> (82-193)
 <u>Decrease Revenue</u>
 General Fund Revenues (Building Permits)
 <u>Decrease Expenditures</u>
 Right of Way</p> | <p>S32-131
 \$20,857
 <u>RECORD RESOLUTION</u></p> | |
| <p>3. <u>SHERIFF</u> (82-194)
 <u>Increase Revenue</u>
 General Fund Revenues (Interest inc - Sheriff)
 <u>Increase Expenditures</u>
 Sheriff</p> | <p>S32-132
 \$20,044
 <u>RECORD RESOLUTION</u></p> | <p>S32-133</p> |
| <p>(and Budget Account Amendment #9 in the amount of \$20,044 for the Sheriff's Department)</p> | | |
| <p>4. <u>COUNTY ATTORNEY</u> (82-195)
 From: General Fund Reserves
 To: Retained Council</p> | <p>\$195,000
 <u>RECORD RESOLUTION</u></p> | <p>S32-134</p> |
| <p>5. <u>H.U.D.</u> (82-196)
 <u>Increase Revenue</u>
 CD Samoset Sewers
 <u>Increase Expenditures</u>
 CD Samoset Sewers (Travel)</p> | <p>\$387
 <u>RECORD RESOLUTION</u></p> | <p>S32-135</p> |
| <p>6. <u>UTILITIES</u> (82-197/1)
 From: MCUS-CD-Samoset Sewers/(Reserve)
 To: Transfer to CD Samoset Sewers</p> | <p>\$229
 <u>RECORD RESOLUTION</u></p> | <p>S32-136</p> |

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7. UTILITIES (82-197/2)
 From: Transfer from MCUS-CD-Samoset Sewers
 To: CD Samoset Sewers Memberships \$229
RECORD RESOLUTION
 S32-137
8. UTILITIES (82-198)
 From: MCUS-CD-Samoset Sewers
 To: MCUS-CD-Samoset Sewers \$491,511
RECORD RESOLUTION
 S32-138
9. TRANSPORTATION (82-199)
 From: Contracted Services
 To: Contracted Services \$24,000
RECORD RESOLUTION
 S32-139

PARKS & RECREATION FISHING REEF

Motion was made by Mr McGavic to approve the Agreement with the State Department of Natural Resources (Marine Division) for Artificial Fishing Reef Program - transportation of material to reef sites, Three-Mile Reef (Project 12-81-18-1, \$20,000). Motion was seconded by Mrs Glass and carried unanimously.

RECORD AGREEMENT

S32-140

MOWING CONTRACT

Mr. Fletcher moved to approve Mowing Contract with Quandt-Ayer Enterprises, \$168,465.28, and accept the Certification of Insurance and Performance Bond (United States Fidelity & Guaranty Co., \$42,117.07). Motion was seconded by Mr. McGavic and carried unanimously.

RECORD CONTRACT

S32-141

TRAVEL AUTHORIZATION

Upon motion by Mr. Chance, seconded by Mrs. Glass, request for travel was unanimously approved for the County Attorney to attend a NACO conference in Baltimore, Maryland.

SARASOTA-BRADENTON METROPOLITAN PLANNING ORGANIZATION (MPO)

Mrs. Glass moved to adopt a

RESOLUTION APPROVING THE DESIGNATION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE SARASOTA COUNTY TRANSPORTATION AUTHORITY AS THE U.S. DEPARTMENT OF TRANSPORTATION, URBAN MASS TRANSPORTATION, DESIGNATED GRANT RECIPIENTS FOR THE SARASOTA-BRADENTON URBANIZED AREA.

Motion was seconded by Mr. Chance and carried unanimously.

RECORD RESOLUTION

S32-142

CORTEZ DENSITY RESTRICTION ORDINANCE

Upon motion by Mrs. Glass, seconded by Mr. McGavic, the County Attorney was unanimously authorized to set a public hearing regarding the Cortez Density Restriction Ordinance.

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

WARD LAKE EXPANSION

Discussion was held regarding request by the City of Bradenton for exemption from Mining/Major Earthmoving Moratorium Ordinance No. 82-04 in order to proceed with the Ward Lake Expansion Project.

Keith Roberts, Assistant County Attorney, explained that the Ordinance prohibits the filing of applications for this type of earthmoving permit except in circumstances in which the applicant demonstrates that the impacts of the project on the health, safety and welfare of the community are predictable with reasonable certainty on the basis of existing knowledge.

Larry Frazier, Planning Director, reported that a comprehensive review was conducted by staff and they determined that the information submitted by the City was not adequate to exempt the City from the requirements of the Ordinance.

(Enter Mr. Chance)

Richard Eckenrod, Phosphate Mining Coordinator, advised that if the ordinance was amended to exclude reference to Ward Lake, it would be necessary for the City to meet the requirements of the earthmoving section of the Zoning Ordinance.

Mr. Roberts submitted the totality of information provided by the City and considered by staff in its evaluation.

Inasmuch as a public hearing is to be held Thursday, June 17, 1982 to consider amendment of Ordinance 82-04 the Board deferred action until that time.

SARASOTA/MANATEE COUNTIES - JOINT MEETING

It was concurrence of the Board that a joint meeting be held with Sarasota County Commissioners, July 28, 1982, 9:00 a.m.

MANN & FAY: ATTORNEY FEES

The County Attorney submitted a statement from Mann & Fay in the amount of \$2,367.57 which included \$725.00 for fees in unauthorized attendance of a Continuing Legal Education Seminar (1.25 hours) and a public hearing involving Beker Phosphate (13.25 hours). She recommended that \$725.00 not be paid.

Mr McGavic moved to accept the recommendation of the County Attorney and, based on that recommendation, the appropriate payment be made (\$1,651.57). Motion was seconded by Mrs Glass and carried unanimously.

CLERK'S CONSENT CALENDAR

Upon motion by Mr. Fletcher, seconded by Mrs. Glass, the Clerk's Consent Calendar dated June 15, 1982 was unanimously approved as follows:

BILLS FOR PAYMENT:

Camp, Dresser & McKee: Rel. Wtr. Main, Phase II, #4	313.27
16" Wtr. Main, Final Payment	316.99
Marcus Myers - Firearms Competency (Dascoli)	40.00
Attorney's Fees:	
<u>Phosphate:</u>	
Balance before payments: \$28,604.98	
Balance after payments: \$25,370.68	
Peeples, Earl, Moore & Blank:	
Estech/Fla. Supreme Court (Feb., March 1982)	361.30
Mining Ord. (Dec., Jan. 1982)	2,873.00
<u>Utilities:</u>	
Balance before payments: \$51,131.61	
Balance after payments: \$51,019.11	
Mann & Fay: Neumann v. Co. (5/27/82)	112.50
Manatee Memorial Hosp: Indigent Hosp.	11,548.00
OB Clinic	3,596.36
OB Clinic	2,972.48
Refund: Teleprompter Southeast, Inc. (P&D)	400.00
Refund: Naomi Fields (OB Clinic)	49.00

MINUTES FOR APPROVAL:

November 5 & 10, 1981

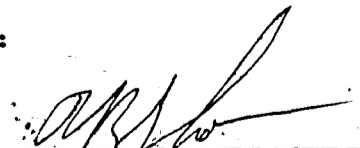
WARRANT LIST:

Approve: June 8 to 15, 1982
Authorize: June 15 to 22, 1982

MEETING ADJOURNED

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

Attest:



Clerk

APPROVED:



Chairman 9/28/82

Adj: 4:16 p.m.