

JULY 6, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, July 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:

Keith Roberts, Assistant 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 Commissioner McGavic.

The meeting was called to order by Chairman Vickers.

TOURIST WELCOME STATION

Mr Chance submitted a list of names of approximately 125 residents of Ellenton volunteering to help design, maintain and operate a tourist welcome station in the Ellenton area.

Chairman Vickers said he would submit a copy of the list to the Tourist Development Council at its next meeting.

COUNTY ADMINISTRATOR SELECTION (FERNANDEZ)

William C. Davenport, Personnel Director, submitted an alphabetical listing of the five top candidates, as ranked by the Selection Committee, for the position of County Administrator. He explained that the lowest number appearing after the name denotes the highest ranking:

Fernandez, Robert F.	(3)
Hetrick, Charles B.	(6.5)
Lauer, Eugene T.	(8.4)
Smiley, Frank	(8.5)
Sprenkel, Terry V.	(8)

Mr Chance recommended and moved that Robert F. Fernandez be selected as the County Administrator. Motion was seconded by Mr McGavic and carried unanimously.

Motion was made by Mrs Glass, and seconded by Mr McGavic, to authorize Legal Counsel to negotiate a contract with Mr Fernandez. Motion carried unanimously.

RECESS/RECONVENE

The meeting was declared recessed to allow the Commissioners to convene as the Port Authority in special session for the purpose of selecting a Director for Port Manatee.

The meeting reconvened at 10:00 a.m. with all members present.

ORDINANCE 82-10 (NO SMOKING)

Public hearing, continued from June 29, 1982, was opened to consider

ORDINANCE 82-10: AN ORDINANCE RESTRICTING SMOKING IN SPECIFIED PLACES IN MANATEE COUNTY.

JULY 6, 1982

Cont'd

Individuals commenting on the Ordinance were:

In favor

Ernest E. Mazzara, American Lung Association; Dan Crumpler; Gloria Rains; Nan Russell; E.W. Chance.

In Opposition

Ray Gomisich; Bruce Ely; Doug Sessions; Drew Hathaway; Joe Rojas

There was no further comment and the public hearing was closed.

Mr Chance moved to adopt Ordinance 82-10. Motion was seconded by Mrs Glass and carried unanimously.

RECORD ORDINANCE

PROPERTY APPRAISER - SURPLUS FUNDS

S32-198

Frank Perkins, Manatee County Property Appraiser, submitted advance surplus funds in the amount of \$40,000, (Check No. 1576).

R.B. Shore, Clerk, referred to his memorandum dated May 10, 1982 advising that his office, anticipating a budget problem, had reduced its budget by four percent and is searching ways and means for additional reduction of two percent.

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

YOUNG, THEODORA (DOLLY)

Theodora (Dolly) Young, member of the Manatee County Planning Commission, read a statement in response to concern expressed by Mr Chance in a previous Board meeting that there might be a conflict of interest between her professional status as a realtor and her membership on the Planning Commission, primarily in connection with a recent decision regarding a Special Permit (SP-82-41) for a beauty shop as a home occupation in Chamness Subdivision.

Mr Chance noted he had heard allegations of other instances in which Mrs Young may have had a conflict of interest, one in connection with a land transaction involving a borrow pit in the Ellenton-Gillette area. Suggestion was made that other individuals involved in this transaction be invited to appear at a future Board meeting if Ms Young would furnish the names to the County Administrator.

GUN PERMIT RENEWALS

Keith Roberts, Assistant County Attorney, advised that applicants for permits to carry concealed weapons are failing to adequately demonstrate their needs, due to the explicit language in the Gun Permitting Ordinance (81-9). He referred to memorandum from the County Attorney (July 1, 1982) suggesting revision of question 4 to make it more responsive to requirements of the Ordinance.

The five applications for renewal were deferred until later in the meeting.

BEKER WINGATE CREEK MINE - ORDINANCE 81-22 (VIOLATIONS)

Dick Eckenrod, County Mining Coordinator, submitted a copy of the Notice of Violation of water quality standards at Wingate Mining operation, dated July 2, 1982, which was sent to Beker Phosphate Corporation. Due to urgency of the situation it was his recommendation the Board consider suspension of the operating permit under procedures of the Mining Reclamation Ordinance.

Mr Roberts outlined the administrative enforcement procedures set forth in the Mining Reclamation Ordinance and how they relate to the Notice of Violation.

Mrs Glass moved to authorize the Mining Coordinator to send notice to Beker that the Board of Manatee County Commissioners intends to consider suspension or revocation of their mining permit and set the appropriate hearing 15 days hence, or close to that date. Motion was seconded by Mr Chance and carried unanimously.

O.E. Randle requested specific authorization for Edwin Mulock, Attorney, to represent him in whatever legal matters he decides should be pursued on Beker's previous violations of Pollution Control rules and regulation as to water quality.

Mr Fletcher so moved. Motion was seconded by Mr Chance and carried unanimously.

RECESS/RECONVENE

The meeting was declared recessed until 3:00 p.m.

The Board reconvened at 3:28 p.m. with all members present.

CHAIRES BUILDING (ROOF REPAIRS)

Chairman Vickers stated that Vick Blackstone, member of the Fair Board, had indicated to him that the roof of the Chaires Building at the Agriculture Center can be repaired for less than \$2,000 if the County will provide a bucket truck and one maintenance man.

Motion was made by Mr Chance to authorize the County Administrator to work out the details with Mr Blackstone and submit to the Board for approval. Mr Fletcher seconded the motion, with suggestion to place a \$2,000 cap on the project. There were no objections, and motion carried unanimously.

GUN PERMITS - RENEWALS

Motion was made by Mr Fletcher, and seconded by Mr McGavic, to adopt resolutions approving applications and granting renewal of concealed weapon permits for:

- 1) DASCOLI, MICHAEL - 5711 2nd Ave Dr., N.W., Bradenton  
(Bond: U.S. Insurance Group - 2 years)  
Cal., .22 Magnum, SN2366805

RECORD RESOLUTION

S32-199

- 2) GRAHAM, WILLIAM THOMAS - 1036 St Andrews Dr., Sarasota  
(Bond: Service Insurance Company - 2 years)  
S&W Model 36 J 400977

RECORD RESOLUTION

S32-200

- 3) GROOVER, ALTON BENNIE - 346 Highland Shore Dr., Ellenton  
(Bond: U. S. States Fire Insurance Company - 2 years)  
S&W Mdl. 60 S.S .38 Special, SN R93103

RECORD RESOLUTION

S32-201

- 4) WRIGHT, JOE M., DDS - 1912 72nd ST N.W., Bradenton  
(Bond: Hartford Ins. Co. of the Southeast - 2 years)  
Semi Automation made by Carl Walther, PK/S Cal.  
9mm KURZ (380) SN228300S - SRQ#202795

RECORD RESOLUTION

S32-202

- 5) KLEPEK, EUGENE S. - 5107 Palmetto Point Drive, Palmetto  
(Bond: Lawyers Surety Corporation - 2 years)  
.357 Magnum, Ruger Security Six 156-03934).

RECORD RESOLUTION

S32-203

Voting "Aye" were Mrs Glass, Mr Chance, Mr McGavic and Mr Fletcher. Mr Vickers voted "Nay". Motion carried.

MANATEE GATEWAY - CIVIL ENGINEERING CONSULTANTS (DREDGING FEES)

Based on the recommendations of the County Administrator and Pollution Control Director, motion was made by Mr Fletcher, and seconded by Mrs Glass, to deny a request by Civil Engineering Consultants, Inc, for Board support of its application to the State Department of Natural Resources for waiver of dredging fees to construct an access channel and flushing channel to connect with the existing basin on the Manatee Gateway property. Motion carried unanimously.

MANATEE MEMORIAL HOSPITAL

Minutes/Financial Statement

Motion was made by Mr Fletcher, seconded by Mr Chance and carried unanimously, to accept from Manatee Memorial Hospital:

- = Minutes of the Board of Trustees, Group Discussions and Committee meetings of May 19, 20, \*24, June 1, 4, 15 & \*23, 1982
- = Financial Statement for the Month of May, 1982.

\*(Note: May 24, 1982 included in packet but reference inadvertently omitted in letter of transmittal; Typographical error in letter of transmittal June "24" corrected.)

JULY 6, 1982

Cont'd

Planning Consultant/Leasing of Hospital

The County Administrator referred to the Minutes of the Meeting of the Long Range Planning Committee dated June 23, 1982 and pointed out the possibility of misunderstanding of the procedure to be followed in selecting planning consultants Re: leasing of the hospital to a non-profit corporation.

PARKS & RECREATION - CONCESSION PROPOSALS: BEACHES & BALL PARKS

A Selection Committee, consisting of Gary Knuckles, Director of Materials & Services; Mike Pascuzzi, Director of Parks & Recreation, and Dave Rothfuss, County Administrator's Office, submitted proposals on operation of Ball Park and Beach Concessions with recommendation that agreements be negotiated as follows:

59th Street & Palmetto Ball Parks	- Harold Deans & Rick Henry
24th Street Ball Park	- Bill & Marchetta Hyatt
75th Street Ball Park	- No bids received. Negotiate with a concessionaire responding to 24th St. bids
Cortez Beach	- No bids received - Rework RFP and rebid
Coquina Beach	- Pascoe Concessions, Inc

Motion was made by Mr Fletcher, and seconded by Mrs Glass, that the Coquina Beach concession question be deferred until the Board has discussed it with the Mayor of Bradenton Beach. Voting "Aye" were Mr Fletcher, Mr Vickers and Mrs Glass. Mr Chance and Mr McGavic voted "Nay". Motion carried.

Motion was made by Mr Chance, and seconded by Mr McGavic, to extend the Coquina Beach concession contract with Mr (Harry L.) Pierce for ninety days. During discussion, Mr Knuckles requested all existing Ball Park concessions agreements also be extended. There were no objections and the motion carried unanimously.

HEADSTART PROGRAM - CITY OF BRADENTON (SEWAGE SYSTEM)

Upon motion by Mr McGavic, seconded by Mrs Glass, the Board unanimously approved and authorized execution of

AGREEMENT BETWEEN MANATEE COUNTY, MANATEE COUNTY HEADSTART PROGRAM AND THE CITY OF BRADENTON

to permit the Headstart School to connect to the City gravity sewer and transmit sewage effluent to the City Sewage System.

RECORD AGREEMENT

S32-204

PERSONNEL MANNING LEVELS/AMENDED

Upon motion by Mrs Glass, seconded by Mr Chance, resolution was unanimously adopted amending authorized manning levels and correcting scrivener's error (resolution adopted 5/11/82) to indicate correct total number of authorized employees:

UTILITIES

Delete: (1) L.S. Wastewater Treatment Plant Operator II  
Add: (1) Operator II (W/WW)  
(Change Department level from 232 to 237)

RECORD RESOLUTION

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mrs Glass, and seconded by Mr McGavic, the County Administrator's Consent Agenda, including additions, were unanimously approved.

Items approved on the Consent Agenda included:

LAKE MANATEE EMERGENCY SPILLWAY

## a. Adoption of

RESOLUTION OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING AN EMERGENCY SPILLWAY FOR THE MANATEE COUNTY DAM AS PART OF THE MANATEE COUNTY UTILITIES SYSTEM IN MANATEE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE;

authorizing E. Clinch Kavanaugh III, et al, to proceed with acquisition by negotiation, condemnation, etc.

RECORD RESOLUTION

S32-205

- b. Execution of Agreement for Sale and Purchase by and between Thomas Thomas, Jr., and Clayton G. Ball, sellers, and Manatee County, buyer, to acquire Parcel No. 109 for emergency spillway for the Lake Manatee Dam for \$55,000.00.

RECORD AGREEMENT S32-206

BOND (DORLING) - BRADEN RIVER FIRE/RESCUE DISTRICT

Execution of Public Official Bond (\$1,000) - John Dorling, Fire Commissioner, Braden River Fire & Rescue District.  
(Note: No surety named)

INSURANCE - SANITARY LANDFILL EQUIPMENT

Bind insurance on (1) Fiat Allis Elevating Scraper Model 261 at increased annual premium of \$777.60.

59TH ST WEST - PAVING CONTRACT

Execution of Contract with Woodruff & Sons, Inc., (\$239,976.20), Highway Project 9047 - paving 59th Street W. from 17th Avenue W. to 8th Avenue W.; acceptance of performance bond (St. Paul Fire & Marine Ins. Co., surety) and certificate of insurance.

RECORD CONTRACT S32-207

43RD STREET WEST - LAND ACQUISITION

Execution of Agreement with Edwin T. Sr and Helen C. Winkler for parcel 4.1, right of way for 43rd Street West, for a sum of \$6,445.

RECORD AGREEMENT S32-208

DEEDS & EASEMENTS - Accepted from:

- a. Harold W. Wirtjes - Deed Covenant, Re: East 9 feet of the north 67 feet of certain property in Section 11, TWP 34S, R17E.
- b. Denise M. Ruppel - Utility easement, Tangelo Park Subdivision (Granted for the purpose of relocating a 3-inch water main lying within a 10-foot easement recorded in Deed Book 390, page 73.)
- c. The Aberdeen Group Corporation (Oneco Square Shopping Center) - Utility Easement.

PARTICIPATION PROJECT (NO. 5022)

82nd Street NW (from 17th Avenue to 19th Avenue NW) - Acceptance of Petition (signed by owners of 70 percent of abutting property)

CORRESPONDENCE

Acceptance of letters from:

- a. Mr & Mrs Earl Crews - Opposing Day Care Centers legislation
- b. US Army Corps of Engineers - Progress report Manatee River maintenance dredging.
- c. Sarasota County to Corps of Engineers - Opposing Ocean dumping site in Gulf of Mexico (Tampa Harbor Project)
- d. Pinellas County Metropolitan Planning Organization (MPO) - Letter and Resolution #82-9 recommending Sunshine Skyway Bridge structures for future recreational purposes
- e. Manatee County Citrus Advisory Committee - Expressing concern about Extension Services budget cutbacks.

MATERIALS & SERVICES

- a. Motor Grader, 1982 John Deere, 670-A, Bid 82-111-760-30 - Award to Tampa Tractor Co., \$28,200
- b. Wheel Loader with Stacker Rake, 1982 John Deere, 544C, Bid 82-112-760-96 - Award to Tampa Tractor Co., \$25,700
- c. Motor Grader 12 G, Bid 82-113-760-36 - Reject all bids received and authorize Materials & Services and Highway Dept. to negotiate with Caterpillar.
- d. Reject bids received on Bid 82-114-760-30 and 82-115-760-90. Authorize Materials & Services to rebid.

(End Consent Agenda)

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

BUDGET AMENDMENTS

Upon motion by Mrs Glass, seconded by Mr McGavic, items on the Budget Amendment Resolution Agenda (July 6, 1982) were unanimously approved:

- 1) RESCIND budget resolution (82-87) Insurance/Risk, in the amount of \$85,000 (adopted 1/26/82)
- 2) RESCIND budget resolution (82-195) Transportation/Landfill, in the amount of \$30,000 (adopted 5/25/82)

JULY 6, 1982

Cont'd

ADOPT resolutions amending the budget for 1981-82 to provide for receipt and appropriation of unanticipated revenue and item to item transfers as follows:

- 3) Parks & Recreation (82-230)  
Increase Revenue:  
Parks & Recreation League Player Fees  
Increase Expenditures:  
Player Leagues Operating Supplies,  
equipment maintenance, rents & leases \$ 8,055.00  
RECORD RESOLUTION S32-209
- 4) Sheriff: (82-231-2)  
Increase Revenue:  
Building Construction Fund  
Transfer from General  
Increase Expenditures:  
Sheriffs stockade, professional services 20,000.00  
RECORD RESOLUTION S32-210  
From: General Fund, Reserve for Contingency (82-231-1)  
To: General Fund, Transfer to .3310 20,000.00  
RECORD RESOLUTION S32-211
- 5) Court System (82-229)  
From: County Court - Attorney Fees  
Circuit Court - Attorney Fees  
To: County Court - Court Cost  
Circuit Court - Court Cost  
Equipment maintenance, books,  
medical services 15,500.00  
RECORD RESOLUTION S32-212
- 6) Personnel (82-232)  
From: General Fund Reserve for Contingency  
To: Personnel Advertising 5,000.00  
RECORD RESOLUTION S32-213

BUDGET AMENDMENTS (OPERATING DEFICIT)

The County Administrator submitted his recommendations for removal of projected operating deficit in the fiscal year 1981-82 budget and submitted resolutions to accomplish the implementation of necessary adjustments.

Upon motion by Mrs Glass, seconded by Mr Fletcher, resolutions were unanimously adopted to provide for (1) receipt and appropriation of actual amount of revenue received (decrease in budgeted amounts); (2) receipt and appropriation of unanticipated revenue; (3) item to item transfers:

VARIOUS DEPARTMENTS

- Decrease Revenue: (82-234)  
General Fund Transfers; Transfer from Port  
General Fund Revenues; Work Release  
Decrease Expenditures:  
Personnel Salaries; Soil Conservation; Transportation;  
Bradenton Beach Police; Ordinance Codification; General  
Fund Transfers, Highway; Work Release \$324,767.  
RECORD RESOLUTION S32-214
- Decrease Revenue: (82-236)  
General Fund, Building Permits  
Decrease Expenditures:  
Welfare Administrator; General Fund  
Transfer to 501; Transfer to 502 \$ 66,849.  
RECORD RESOLUTION S32-215  
From: Data Processing; Pollution (82-238)  
Control Attorney; Planning Inspections  
To: Materials & Services-Info. Center  
Telephone; In-House Legal Staff \$106,000.  
RECORD RESOLUTION S32-216
- Decrease Revenue: (82-240)  
General Fund, Transfer from Port  
General Fund, Building Permits  
Decrease Expenditures:  
County Administrator; Purchasing;  
Data Processing; Building Maintenance \$ 88,623.  
RECORD RESOLUTION S32-217

Increase Revenue:

(82-241 1/2)

General Fund Reserves,  
Transfer from Highway

Increase Expenditures:

General Fund Reserves,  
Reserve for Contingency

\$465,161.

RECORD RESOLUTION S32-218

TRANSPORTATION

Decrease Revenue: (82-235)

Highway Revenues, Transfer from General

Decrease Expenditures:

Transfer to Municipalities; Subdivision  
Inspection; Structures; Equipment Maintenance

\$191,017.

RECORD RESOLUTION S32-219

Decrease Revenue: (82-237)

Motor Pool Revenues, Transfer from  
General Fund Charge for Services

Decrease Expenditures:

Motor Pool Purchase for Resale

\$415,000.

RECORD RESOLUTION S32-220

From: Prospect Road; Myakka Maintenance  
Facility; Bldg. & Mobile home  
Renovations; Master Drain Study;  
59th St West/Cortez to Manatee  
Reserve for Contingency

(82-241 1/2)

To: Highway Transfers, Transfer to 001

\$465,161.

RECORD RESOLUTION S32-221

MATERIALS & SERVICES (82-239)

Decrease Revenue:

Central Stores Revenue,  
Transfer from General;  
Charge for Services

Decrease Expenditure:

Central Stores, Purchase for Resale;  
Motor Pool Purchase for Resale  
MCUD Purchase for Resale

\$150,000.

RECORD RESOLUTION S32-222

Mr Fernandez recommended the Board authorize public hearings on  
1) Reallocation of Federal Revenue Sharing Funds in the amount of  
\$112,000; 2) Budget amendment to eliminate transfer from General Fund  
to Transit \$110,324.


Motion was made by Mr McGavic to authorize staff to take appropriate  
action to advertise the public hearings. Motion was seconded by Mrs  
Glass and carried unanimously.

MEETING ADJOURNED

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

Attest:

APPROVED:

  
\_\_\_\_\_  
Clerk

  
\_\_\_\_\_  
Chairman 12/7/82

Adj: 6:45 p.m.