

SEPTEMBER 14, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, September 14, 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, 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; Pat Wasson, WBRD; Haven Simmons, WTRL, and others who entered during the meeting.

Invocation by Rev. Delbert Burnett, First Baptist Church

The meeting was called to order by Chairman Vickers.

CORRESPONDENCE

The County Administrator read a letter from Avery H. Gould regarding the effectiveness of an in-house Attorney Staff.

WARD LAKE (CITY OF BRADENTON)

Public hearing was continued on request by the City of Bradenton for an earthmoving operating permit at Ward Lake.

There being no public comments the meeting was continued to Tuesday, September 21, 1982. (Assistant County Attorney to submit draft of letter of explanation to City of Bradenton for Board approval later in meeting.)

DISPLACED HOME MAKERS

Motion was made by Mrs. Glass, and seconded by Mr. Chance, to adopt

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA, IN SUPPORT OF ASSISTANCE
TO DISPLACED HOME MAKERS;

encouraging coordination of financial resources, services, and assistance by all appropriate providers of such resources, services, and assistance to effectively address the needs of displaced homemakers. Motion carried unanimously.

RECORD RESOLUTION

§32-384

ANIMAL CONTROL ADVISORY BOARD: CREATION

David Rothfuss, Assistant Acting County Administrator, submitted a

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA, CREATING AN ANIMAL CONTROL
ADVISORY BOARD OF MANATEE COUNTY, FLORIDA; PROVIDING
FOR THE APPOINTMENT OF MEMBERS AND THEIR TERMS OF
OFFICE PRESCRIBING THE AUTHORITY, POWER AND PURPOSE
OF SAID BOARD

Mr. Chance recommended that a representative from the Cattleman's Association, a businessman, and a representative from the Health Department be appointed to serve on the Animal Control Board, and an expert from the Agriculture Department be appointed as liaison between that department and the Board.

SEPTMBER 14, 1982

Cont'd

Upon motion by Mrs. Glass, seconded by Mr. McGavic, the Resolution was unanimously adopted with change and insertion in Section 2, (Members of the Board) (second sentence) to read as follows:

Membership of the Advisory Board shall be provided for in the following manner: Two (2) members from existing organizations agencies or voluntary associations within the community whose primary objective and purpose is the care, handling rescue of animals, one (1) from the Cattleman's Association.

RECORD RESOLUTION

S32-385

PUBLIC SAFETY COMPLEX

Mr. Rothfuss, with Edgar Woods, Clerk of the Works for the Public Safety Complex, submitted a list of items, "elements under review", and recommended changes that would effect additional savings.

- A. Precast concrete Panels on 6th and 7th Floors, and parking garage. Recommendation: Use stucco Mechanical Equipment Bldg "B". Recommendation: eliminate steel frame work.
- B. Plaster & Stucco Ceilings. Recommendation: eliminate stucco on sally port and parking garage, eliminate finish ceiling, replace with acoustical tile in booking department and use steel plates to cover pipes in dormitories.
- C. Air Conditioner unit and door: Recommendation: eliminate trash room and use Dempsey dumpster.
- D. Marble sills - Building B. Recommendation: substitute formica.
- E. Bronze - reception counter. Recommendation: substitute formica.
- F. Carpets - Building "B": Recommendation: substitute vinyl asbestos tile.
- G. Lighting - Sally Port, - Parking/Building "B". Recommendation: change type of lighting.
- H. Folding door - Chapel. Recommendation: eliminate.
- I. Projection screen - Chapel. Recommendation: eliminate.

Mr. Fletcher moved that the changes recommended by the Clerk of the Works on this undated paper (elements under review) be approved. Motion was seconded by Mr Chance and carried unanimously.

FINANCIAL SERVICES - CHERRY BEKAERT & HOLLAND

Execution of Letter of Agreement for Cherry Bekaert & Holland to perform financial services for fiscal year September 30, 1982 (submitted by the County Administrator) was deferred until later in the meeting, pending review by the County Attorney.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mr. McGavic, seconded by Mrs. Glass, the County Administrator's Consent Agenda dated September 14, 1982 was unanimously approved with deletion of item under Planning & Development - Adoption of (Resolution formalization participation) Community Development Block Grant Rubonia Water Hookup Assistance (which was adopted by separate action later in the meeting) Items approved on Consent Agenda included:

MATERIALS AND SERVICESHighway

- a. Tractor with hydraulic rotary cutter Sidewinder, Bid 82-128-760-90 - Reject all bids. Rebid.
- b. Hydraulic excavator, model G-660 - Execution of contract with Great Southern Equipment Co., \$124,755. Acceptance of Performance/Payment bonds (Seaboard Surety Company, surety)
RECORD CONTRACT
- c. Hydraulic excavator, model G3W - Execution of contract with Great Southern Equipment Co. \$102,896. Performance/Payment bonds. (Seaboard Surety Company, surety) S32-386
RECORD CONTRACT S32-387
- d. Motor graders, (2) - Execution of contracts with Tampa Tractor, \$155,856.18. Performance/Payment bonds (John Deere Ins. Co.)
RECORD CONTRACT

S32-388

- e. Fire Extinguisher Service - Extend Bid 81-76-340-00 to Florida Fire & Safety Equipment Company, Inc. for the same terms, prices, and conditions.

Utilities

- a. Lake Manatee Emergency Spillway - Execution of Agreement with Howard Needles Tammen & Bergendoff for engineering services not to exceed \$12,000. RECORD AGREEMENT S32-389
- b. Sewer Rehabilitation - Execution of contract with Woodruff & Sons, \$33,459. Acceptance of Insurance Certificates. RECORD CONTRACT S32-390

BONDS RELEASED (Defect Security):

- a) Lakeview Subdivision (P&D 80-S-7) - Cash bond, \$1,875.50
- b) Rolling Acres Subdivision (P&D 79-S-35) - Cash bond \$5,000.

(End Consent Agenda)

BUDGET AMENDMENTS

Upon motion by Mr. McGavic, seconded by Mr. Chance, two resolutions on budget amendment Resolution Agenda, dated September 14, 1982, were unanimously adopted amending the 1981-82 budget to provide for item to item transfers as follows:

UTILITIES

From: MCUD Construction Trust (82-277)	
To: Well Field Study	\$190,880.00
	<u>RECORD RESOLUTION</u>

S32-391

GENERAL COUNTY

From: Council on Aging (82-276)	
To: General Fund Reserves	\$18,225.00
	<u>RECORD RESOLUTION</u>

and one resolution RESCINDED (82-268) in the amount of \$18,225 S32-392
(adopted 8/31/82).

AGRICULTURE - LEASE, SOIL CONSERVATION SERVICE

Richard Aalberg, County Extension Director, requested execution of lease agreement with U.S. Department of Agriculture to extend arrangement for space for Soil Conservation Service in the Kendrick Auditorium for a five year period (to 9/30/86) at an annual rate of \$2,610.

Mr. Fletcher moved for approval of the lease agreement. Motion was seconded by Mr. Chance and carried unanimously.

RECORD AGREEMENT
S32-393

COMMUNITY MENTAL HEALTH CENTER, INC.

Kathy Snell, Human Services Director, requested the Board consider leasing a County-owned parcel adjacent to the G. T. Bray Multi Purpose Center to the Manatee County Community Mental Health Center for a 99-year period. Joan Duke, Chairman, and David Jacobson, Executive Director of the Health Center, were present in connection with this request.

Mrs. Glass moved to authorize the County Attorney to prepare a 99 year lease with Manatee County Community Mental Health Center, Inc., for County property adjacent to the G. T. Bray (Samoset) Multi-purpose Center, for construction of a mental health facility contingent upon appropriate zoning. Motion was seconded by Mr. Fletcher and carried unanimously.

OBSTETRICAL SERVICES (WELFARE)

Dr. John Ambrusko, Health Department Director, and Kathy Snell requested authorization to prepare a contract with Rural Health Services, Inc., for the provision of pre-natal, delivery and post-partum care to County-approved welfare clients from October 1, 1982 to September 30, 1983.

SEPTMBER 14, 1982

Cont'd

Mr. Chance moved to authorize the Department of Human Services, in coordination with County Legal Services, to prepare the necessary contract with Rural Health Services, Inc., to be brought to the Board the following Tuesday. Motion was seconded by Mr. Fletcher and carried unanimously.

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

INSURANCE

Retiree Group Health

Gary Knuckles, Materials and Services, and Richard Johnston, Risk Manager, requested approval of an amendment to Retiree Group Health Plan under "termination of Retirees Coverage" Item B to read: Insured as an employee under separate group health plan.

Mr. McGavic moved the approval of the amendment to the Retiree Group Health Plan. Motion was seconded by Mrs. Glass and carried unanimously.

Group Medical and Life/Rate Increase

Mr. Knuckles requested approval of 15 per cent rate increase across the board for dependants as well as employees in the Group Medical and Life Policy No. GC 9149, effective November 11, 1982.

Mr. Fletcher moved that the recommended increase of Group Medical and Life Policy No. GC 9149 with Gulf Life Insurance Company be approved. Motion was seconded by Mr. McGavic and carried four to one with Mr. Chance voting "nay."

Mr. McGavic moved to accept the recommendation of staff that insurance agents not contact employees on County property. Motion was seconded by Mrs. Glass and carried unanimously.

COQUINA BEACH CONCESSION

Based on recommendation of Staff/Selection Committee, Mr. Fletcher moved to approve the recommendation and authorize staff to enter into negotiations with Pascoe Concessions, Inc., for Coquina Beach Concession based upon the revised bid and concurrently with the County Attorney to advise the Attorney for the City of Bradenton Beach as to the status of the negotiations and keep that municipality advised. Motion died for lack of second.

Mr. Fletcher moved to accept the recommendation and authorize staff to enter into negotiation with Pascoe Concessions Inc., in regard to Coquina Beach Concessions based on the revised bid. Motion was seconded by Mr. McGavic. Voting "Aye" were Mr. Fletcher, Mr. McGavic and Mrs. Glass. Mr. Vickers and Mr. Chance voted "Nay". Motion carried.

Mr. Fletcher moved to direct the County Attorney to advise the attorney of the City of Bradenton Beach of Board action in regard to this concession contract and keep him advised of the progress of negotiations. Motion was seconded by Mrs. Glass. Voting "Aye" were Mr. Fletcher and Mrs. Glass. Mr. Chance, Mr. McGavic and Mr. Vickers voted "Nay". Motion did not carry.

BALLPARK CONCESSIONS

Mrs. Glass moved to authorize entering into contract for ball park concessions outlined in Agenda Memorandum (8/30/82) from Materials & Services for Ballpark Concessions as follows:

1. Phillip R. Puzanchera - 24th Street Ballpark, Bid 82-64-218-60
2. Dale McNabb - 59th Street Ballpark, Bid 82-65-218-60
3. Phillip R. Puzanchera - 75th Street Ballpark, Bid 82-66-218-60
4. Robert E. Johnson, Jr. - Palmetto Park, Bid 82-67-218-60

Motion was seconded by Mr. McGavic and carried unanimously.

PERSONNEL: MANNING LEVELS AMENDED

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

MATERIALS AND SERVICES

Add: 1 Dispatcher/Service Writer; 1 Telecommunications Technician I;
1 Telecommunications Technician II; 1 Telecommunications
Technician III.

(Increase department level from 83 - 87)

RECORD RESOLUTION *Personnel*

LANDFILL

Phil Davis, Director of Transportation, recommended elimination of the cubic yardage rate at the County Sanitary Landfill, effective October 1, 1982, and that the Chairman be authorized to sign a letter to landfill patrons advising them of the change (as per agenda memorandum dated September 13, 1982).

Mr. Fletcher moved to defer action for one week to assure coordination with municipalities in the County. Motion died for lack of second.

Mr. McGavic moved for approval of staff's recommendation in regard to landfill changes. Motion was seconded by Mr. Chance and carried unanimously.

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

FINANCIAL SERVICES: CHERRY BEKAERT & HOLLAND

Following review by the County Attorney, Mr. Fernandez submitted Letter of Engagement from Cherry Bekaert & Holland to perform financial services to the Board of County Commissioners, Sheriff, Clerk of the Circuit Court, Property Appraiser, Tax Collector, Manatee County Utilities Department, Manatee County Port Authority, and federally assisted programs for Manatee County for the fiscal years ending September 30, 1982, 1983, and 1984.

Mrs. Glass moved for execution of the Cherry, Bekaert & Holland Letter of Engagement for financial services. Motion was seconded by Mr. Fletcher and carried unanimously.

RECORD AGREEMENT

RUBONIA: WATER HOOK UP ASSISTANCE

S32-394

Following review and approval by the County Attorney on adoption of a Resolution formalizing participation in the Rubonia Water Program, Mr. Fletcher moved for approval of the Community Development Block Grant for Rubonia Water Hook Up Assistance (by adoption of said Resolution). Motion was seconded by Mr. McGavic and carried unanimously.

RECORD RESOLUTION *Rescinded 10/1*

BEKER PHOSPHATE CORPORATION

S32-395

Richard Eckenrod, Phosphate Mining Coordinator, submitted the quarterly progress report from Beker Phosphate Corporation (dated August 30, 1982) on the status of construction of the railroad to Port Manatee, which is required by the settlement agreement that Beker reached with the County in February 1982.

He pointed out on the map the route that Beker has proposed to take, and reported that Beker has reached an agreement on acquisition of right of way with only two of the ten property owners.

After review of the quarterly report, Mr. Eckenrod requested the Board authorize him to write a letter, in consultation with the County Attorney and Mr. Goldstein, to Beker.....

=Advising schedule shows they are two months beyond deadline for the completion of the railroad and are, therefore, in violation of the settlement agreement;

SEPTEMBER 14, 1982

Cont'd

- =Requesting they make necessary adjustments in schedule to bring them to compliance;
- =Notifying them of their responsibility to obtaining necessary development approvals and to supply the County with additional information as to where they stand on their permitting for the railroad crossing;
- =Requesting that Beker furnish letters of commitment from the suppliers of materials that those materials can be delivered to the site in accordance with dates on the schedule.

Mr. Fletcher moved a letter be prepared and brought to the Board for approval. Motion was seconded by Mrs. Glass and carried unanimously.

TRANSPORTATION: SR 64

Due to questions regarding the condition of SR 64 as it applies to the settlement agreement with Beker Phosphate Mining, the County Administrator contacted the Highway Department for a report, which will be submitted later during the meeting.

ESTECH OPERATING PERMIT APPLICATION

Mr. Eckenrod advised that staff is about to conclude the Estech Operating Permit Application Completeness review by the County and a final report is being prepared to be submitted to Estech on September 15th.

He further advised that a letter will be sent to Estech indicating that certain materials required by the mining and operation ordinance for an operating permit application have been omitted in their application and that some additional information is required to meet the requirements of that mining and reclamation ordinance, and the County cannot proceed with the compliance review until the completed application has been received.

Mr. Fletcher suggested that Mr. Eckenrod's letter to Estech be made part of the record.

CLERK'S CONSENT CALENDAR

Upon motion by Mrs. Glass, seconded by Mr. McGavic, the Clerk's Consent Calendar dated September 14, 1982, was unanimously approved after deletion of a bill from Mann & Fay (Charles Sirk \$4,232.37).

BILLS FOR PAYMENT:

Gee & Jenson - Eng. Serv. Request #15	\$18,699.20
CH2M-Hill - Prof. Serv. Phase One (Request #4)	1,446.16
CH2M-Hill - Sp. Eng. Serv. 201 Plan (Request #8)	559.63
Wilson Coastal Ent. - W&S Casings (Payment #1)	51,763.32
Scarborough Const. - Anna Maria Wtr. Main (Payment #3)	83,547.17
Bill Halfacre, Inc. - Bray Cntr. Add. (Request #2)	27,549.00
Merit Reporting Srv. - Court Rep. Serv. (Ocean Dump.)	856.90
Attorney's Fees:	
<u>General Fund</u>	
Balance before payments:	\$37,086.62
Balance after payments:	\$29,545.51
Foley, Lardner & Slade - Lease/Purchase Agmts. (Final)	576.08
Lane, Trohn: Frank Anderson v. Co.	312.54
City Palmetto v. Co.	60.00
Selph & Fowler v. Caraffi v. Co.	121.00
Patrick Morrison, Jr. v. Co.	12.00
Luke Lachance v. Newbern Groves	127.35
Texaco v. FPL	305.39
FPL v. Thomas Clark Braddock	124.14
Co. v. Dr. Royce Hall	110.46
Co. v. Alvin Westberry	470.35
Anthony Yates v. Co.	206.98
Sign Ordinance Issue	108.45
Co. v. Walter Watkins	12.00
Simanonok v. USEPA	18.00
Sutton v. Co.	738.00
Kelly Signs v. Co.	6.00
TOTAL BILL:	\$2,732.66

Phosphate

Balance before payments: \$23,342.05
 Balance after payments: \$22,411.60
 Mann & Fay - Estech v. Co., et al. (10/81-4/82) 930.45

Utilities

Balance before payments: \$38,312.97
 Balance after payments: \$31,757.54
 Mann & Fay: City B'ton v. Co. (3/2/82-5/7/82) 1,446.75
 Oliver v. Co. (5/5/82-8/9/82) 773.75
 Lane, Trohn: Frank Anderson v. Co. 175.92
 BCC Sarasota v. BCC Manatee Co. 803.25
 Rusty Plumbing v. PDM Hydrostorage 1,340.37
 Manatee Co. Util. v. Triad Tech 31.65
 Manatee Co. Util. v. John Manning 393.10
 TOTAL BILL: \$2,744.29
 St. dated 8/10/82 re Bond Validation 1,590.64
 Refund: Darlene Sims (OB Clinic) 175.00

WARRANT LIST:

Approve: September 7 to September 14, 1982
 Authorize: September 14 to September 21, 1982

AUTHORIZE CHAIRMAN TO SIGN:

Partial Release of Special Improvement Assessment Lien:
 Caroline M. Phillips - Proj. 5019 Acct. 21
 P&R Instructor's Agreements: Grace L. Bedell, Mitchell Friedberg,
 Agnes Harrison, and Suzanne Summers.

MINUTES FOR APPROVAL: April 22, 27, 1982; May 4, 11, 1982. RECORD AGREEMENTS S32-396
S32-397
S32-398
S32-399

LEGAL SERVICES DEPARTMENT

Mr. Chance indicated he was prepared to make a motion to consider abolishing the present in-house attorney staff structure.

Mr. McGavic requested Mr. Chance not make the motion, and that the County Administrator meet with each Board member to receive individual and specific concerns and then submit recommendations on the organizational function of the County Department of Legal Services.

The County Attorney submitted a document describing the present structure and functions of the County Attorney's Office.

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

Mr. Chance indicated that he would review the material submitted by the County Attorney prior to making a motion to dissolve the Legal Services Department.

After review of document entitled "Structure of County Attorney's Office," it was the general concensus to authorize Mr. Fernandez to prepare a report on the restructuring of the Legal Services Department to be presented to the Board.

WARD LAKE - CITY OF BRADENTON

The Assistant County Attorney submitted a draft of letter to Mayor William Evers explaining the process by which the City of Bradenton may receive authorization from Manatee County to proceed with the Ward Lake Reservoir Project.

Motion was made by Mrs. Glass, and seconded by Mr. Fletcher, to authorize the Chairman to sign the letter in substantially the form as presented by the Assistant County Attorney. Motion carried unanimously.

BEKER - STATE ROAD 64

The County Administrator advised that, according to the Highway Director, the monitoring of the condition of State Road 64 is the responsibility of the State, however, the County Transportation Department can file a report to the State Department of Transportation apprising them of the road condition and the need for maintenance.

SEPTEMBER 14, 1982

Cont'd


The Board requested that a specific inspection be made of the road; that the State be apprised of its condition; that a complete report be presented by the County Highway Department on Tuesday, September 21st. Further, that the County Administrator review the public meeting in which the settlement agreement with Beker was approved for the repair of the road in order to determine the method used to arrive at a definite figure.

The Board was advised that, according to financial records, Beker has paid \$124,999.99 to the County for repair of the road.

MEETING ADJOURNED

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

Attest:



Clerk

APPROVED:



Chairman

1/18/83

Adj: 4:27 p.m.