

OCTOBER 19, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, October 19, 1982 at 9:20 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; David McGivers, WBRD, and others who entered during the meeting.

Invocation by Reverend Ron Elmore, Parrish Baptist Church.

The meeting was called to order by Chairman Vickers.

PALMETTO: WATER RATE ISSUE

Mr. Chance requested authorization for a member of the Board to discuss the City of Palmetto water rate issue with the Mayor of Palmetto.

Mrs. Glass moved that Mr. Chance be authorized to discuss water rates with the City of Palmetto. Motion was seconded by Mr. McGavic and carried unanimously.

CLERK OF CIRCUIT COURT - EXCESS FEES

The Chairman announced that excess fees have been returned to the County in the amount of \$385,733.08 from the Clerk of Circuit Court and \$398,606.03 from the Tax Collector.

BEKER PHOSPHATE: TRANSPORTATION AGREEMENT VIOLATIONS

Discussion of citation to Beker Phosphate Corporation for violations of the Settlement Agreement of February 26, 1982 was deferred until later during the meeting.

BRADENTON: OPERATING PERMIT, WARD LAKE

Public hearing (continued from October 5, 1982) regarding Operating Permit for the City of Bradenton for the expansion of Ward Lake was continued to Tuesday, October 26, 1982.

CIVIC CENTER AUTHORITY

W. Stuart Gregory, Chairman of the Civic Center Authority, introduced Kathy Wolfe, Project Coordinator for the Civic Center Authority, and gave a brief status report on the Civic Center activities.

ASSISTANT COUNTY ADMINISTRATOR

Robert Fernandez, County Administrator, introduced August (Gus) Ellis, Assistant County Administrator.

EASEMENT/DRAINAGE

Motion was made by Mr. Fletcher, and seconded by Mrs. Glass, to accept a drainage easement from Campeau Corporation Florida, located west of State Road 45 and south of Braden Avenue. Motion carried unanimously.

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RUBONIA: WATER HOOK UP ASSISTANCE

Upon recommendation by the Planning Director, and upon motion by Mr. McGavic, seconded by Mr. Fletcher, RESOLUTION was unanimously adopted

=authorizing Manatee County Utilities Department to participate in a connection program with surplus Community Development Block Grant Funds providing financial assistance to residents of the Rubonia neighborhood for seventy (70) units
=and rescinding that certain resolution adopted September 14, 1982, which authorized sixty (60) units.

RECORD RESOLUTION S32-509

EMERGENCY MEDICAL SERVICES - LEASE: WESTBAY MEDICAL BUILDING

Mr. Fletcher moved to approve a

Lease of space in Westbay Medical Center Building with C & D Properties, Inc., for use by Manatee County Emergency Medical Services from October 31, 1982 through October 31, 1984, at \$500 per month. The location is 401 Manatee Avenue West, Holmes Beach, Florida. Motion was seconded by Mr. Chance and carried unanimously.

RECORD LEASE S32-510

PARKS & RECREATION: BALLPARK CONCESSIONS (75TH ST. W.; 24TH ST. W.)

Gary Knuckles, Director, Materials and Services Department, reported that bids (awarded 9/14/82 to Phillip R. Puzanchera) for operation of the Ballpark Concessions at 75th Street West and 24th Street West had been withdrawn. He recommended the present Ballpark Concession Agreement with Roger McNabb for 75th Street be extended to December 31, 1982, and requested permission to readvertise bids for both ballparks.

Motion was made by Mr. Chance, and seconded by Mr. McGavic, to authorize Mr. Knuckles to negotiate contracts with other existing ballpark concessionaires (at a comparable rate) and, if necessary, to readvertise the bids. Motion carried unanimously.

Upon motion by Mr. Chance, seconded by Mr. McGavic, the Ballpark Concession Agreement Extension with Roger McNabb was unanimously approved.

RECORD EXTENSION S32-511

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mr. McGavic, seconded by Mrs. Glass, the County Administrator's Consent Agenda was unanimously approved, after deletion of (1) Execution of Quit Claim Deed to Brooks Cobbum and C.W. Holcomb of Marker 50 Yacht & Racquet Club Inc. (deferred one week) (2) Execution of contract with Pascoe Concessions for Coquina Beach Concessions. (Approved in separate motion)
Items approved included:

TRANSPORTATION1. Adoption of

RESOLUTION AUTHORIZING EXECUTION OF CERTAIN APPLICATIONS, FOR LICENSES, PERMITS OR OTHER APPROVALS BY THE DIRECTOR OF TRANSPORTATION

to and from Department of Natural Resources, Department of Environmental Regulations, Federal Environment Protection Agency, Florida Department of Transportation and other regulatory agencies for which applications must be submitted on behalf of Manatee County.

RECORD RESOLUTION S32-512

2. 43rd Street W/9th Avenue W (Project 4048) - Execution of purchase/sale Agreement with Kerry W. and Jo Ann Gardner, for Parcel 2.1, \$6,040.00

RECORD AGREEMENT S32-513

3. Transit/Elderbus - Execution of First Modification Agreement with Manahill Area Agency on Aging, additional \$80,122.

RECORD AGREEMENT S32-514

WORKERS COMPENSATION (GILLIS)

1. Execution of Joint Stipulation for Payment of Reasonable Attorneys Fees and Costs (\$13,000.00; \$692.13) to Harry G. Goodheart III, re Claim No. 261-58-8597, Charles Gillis.

MATERIALS & SERVICESParks & Recreation

- a. 59th Street Ballpark Concessions - Execution of contract with Dale McNabb, minimum of \$100/month or 10 percent of gross sales, whichever is greater. Acceptance of Insurance Certificate.
RECORD CONTRACT S32-515
- b. Palmetto Park - Execution of contract with Robert E. Johnson, minimum of \$100/month or 10 percent of gross sales, whichever is greater. Acceptance of Insurance Certificate.
RECORD CONTRACT S32-516
- c. Barge & Tug Services - Execution of contract with Holmes Construction Company and acceptance of Insurance Certificate.
RECORD CONTRACT S32-517

Utilities

- a. Manhole Rehabilitation/Construction - Execution of contract with T-Con, Inc \$82,993. Acceptance of performance bond (Ohio Casualty) and Certificate of Insurance.
RECORD CONTRACT S32-518
- b. Water Treatment Plant/Masonry Walls in Existing Clear Well - Award Bid 83-08-C00-07 and execution of contract with Watson & Dodge, Concrete & Masonry. Acceptance of Insurance Certificate. (No performance bond.)
RECORD CONTRACT S32-519
- c. Water & Wastewater Treatment Chemicals, Bid 82-152-190-00 - Award to Calgon Corp, Cities Service Co., & Bower Ammonia & Chemical Co.

DEEDS & EASEMENTS - Accepted:

1. Manatee Avenue West - Warranty deed from Edgar R. and Diane R. Dalton; George J. & Barbara Cajoleas; Robert P. & Nancy C. Dalton; (Centre West, Professional Building).
 2. Cortez Road - Drainage easement from Public Storage, Inc.
 3. Summer Place Condo - Utility easement from Manasota Realty Corp.
- (End Consent Agenda)

COQUINA BEACH CONCESSION - PASCOE CONCESSIONS AGREEMENT

Motion was made by Mr. McGavic to approve and authorize execution of Coquina Beach Concessions Agreement with Pascoe Concessions, minimum of \$1,500 per month or 10 percent of gross sales. Motion was seconded by Mr. Fletcher. Voting "Aye" were Commissioners McGavic, Fletcher and Glass. Voting "No" were Commissioner Chance and Chairman Vickers. Motion carried. (Insurance Certificate accepted.)

RECORD AGREEMENT S32-520

(Depart Mr. Vickers; Mr. Chance presides)
PUBLIC SAFETY COMPLEX: GREASE INTERCEPTOR

David Rothfus, Management Analyst, referred to memorandum from W. R. Frizzell Architects dated October 7, 1982 indicating that the grease interceptor proposed for the Public Safety Complex is sufficient as originally designed. The letter contains a warranty stipulating that "in the event that the subject Rockford Grease Interceptor G-36-LOM requires emptying, pumping or cleaning more than once in a 30-day period, our firm will replace subject interceptor with the size and type recommended by the Manatee County Health Department at our expense."

Dr. Ambrusko, Director, Manatee County Health Department, in recommending installation of a minimum 1000-gallon grease interceptor, stated that the proposal for the Rockford G-36-LOM, as specified by the firm, does not meet required standards of the County or State Health Departments and, therefore, there is no authority for acceptance.

(Enter Mr. Vickers)

Ben DiPalma, Frizzell Architects, emphasized that the proposed grease interceptor will function effectively.

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After discussion, the matter was referred to Dr. Ambrusko to meet with the architects and staff to draft an agreement acceptable to the Health Department.

ISLAND BRANCH LIBRARY

Mr. Chance reported that allegations have been made that construction of the Island Branch Library, Holmes Beach, may not be in compliance with the Building Code and recommended that the Clerk of the Works make an investigation to determine if there is any evidence of non-compliance.

The County Administrator was instructed to meet with the Clerk of the Works concerning this matter and make a report to the Board.

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

CLERK'S CONSENT CALENDAR

Upon motion by Mr. McGavic, seconded by Mrs. Glass, the Clerk's Consent Calendar dated October 19, 1982 was unanimously approved.

RECESS/RECONVENE

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

The Board reconvened at 1:46 p.m. with all members present

CLERK'S CONSENT CALENDAR

Mr. Ashley pointed out that the Clerk's Consent Calendar approved earlier in the meeting contains (1) Bill for Payment to D. L. Porter for construction of the Island Branch Library and (2) the amount of a refund to "Vacation World for the Handicapped" requires correction.

Mr. McGavic moved to rescind previous action approving the Clerk's Consent Calendar. Motion was seconded by Mrs. Glass and carried unanimously.

Upon motion by Mrs. Glass, seconded by Mr. Chance, the Clerk's Consent Calendar was unanimously approved with exceptions: (1) delete payment to D. L. Porter in amount of \$60,764.40; (2) correct amount of refund to "Vacation World for the Handicapped" from \$400.00 to \$325.00:

BONDS:

Release: Stanley Trakul - Permit #10131 \$ 565.00

BILLS FOR PAYMENT:

Lane, Trohn, Bertrand & Williams - MCUD (Sep 1, 1982)	3,603.35
- MCUD (Oct 1, 1982)	1,940.06
Mann & Fay - Emergency Spillway (Parcels 103 & 104)	653.75
- State V. Donald Roberts	64.72
- MCUD (Oct 1, 1982)	575.00
- MCUD (Sep 1, 1982)	1,029.20
Wilson Coastal Enterprises - W&S Casings (Payment #2)	52,971.66
Howard Needles Tammen & Bergendoff -	
Add. & Impr. to Lake Manatee Impoundment Facilities	4,177.27
Add. & Impr. to Lake Manatee Impoundment Facilities	985.74
Manatee Memorial Hospital - Equipment	21,338.15
Zoller & Najjar Engineering, Inc. - Oneco Landfill	4,500.00
Sun Contracting Inc - Renov of Health Dept (Payment #3)	20,080.00
Hogg, Allen, Ryce, Norton & Blue - Stmt dated 9/25/82	262.00
Peeples, Earl, Moore & Blank - Estech Permitting Litigation	
-Dec. 1-31, 1981	276.14
-January 1-31, 1982	584.54
-Feb 1-28, 1982	1,023.35
-March 1-31, 1982	5,900.77
Peeples, Earl, Reynolds & Blank - Estech/SWFWM	
-June 1-30, 1982	728.75
-Aug 1-31, 1982	4,547.03
Peeples, Earl, Reynolds & Blank - Beker	
-June 1-30, 1982	429.89
-Aug 1-31, 1982	327.79

Peeples, Earl, Reynolds & Blank - Estech -June 1-30, 1982	133.75
Bill Halfacre Inc - Add. #2 to Samoset Multi-Purpose Center (Payment #3)	28,357.00
Ardaman & Associates - Pub. Safety Comp. (Inv of 4/22/82)	363.75
- Pub. Safety Comp. (Inv of 10/1/82)	381.25
Cherry Bekaert & Holland - County Financial Stmts	22,520.61
Tampa Bay Regional Planning Council - Annual Dues	26,258.00
CH2M Hill - Engineering Services	4,717.76
Camp Dresser & McKee Inc - Mun. Well Field Water Supply	11,778.30
Refund: Fairway Six Corp - MCUD	850.00
Refund: Ryan Homes Inc - MCUD	1,675.00
Refund: Charles L & Margaret L Shorten - SP-82-85	325.00
Refund: Vacation World for the Handicapped - SP-82-94	325.00
Refund: Jamie K. Ryan - OB Clinic	100.00

WARRANT LIST:

Approve: October 5 to 19, 1982

Authorize: October 19 to 26, 1982

AUTHORIZE CHAIRMAN TO SIGN:Parks & Recreation Special Instructor's Agreement: Pamela Shaffer
RECORD AGREEMENTBEKER PHOSPHATE: TRANSPORTATION AGREEMENT VIOLATIONS

S32-521

Mrs. Glass referred to memorandum from Chairman Vickers to John Harllee, Attorney for Beker Phosphate Corporation, dated October 18, 1982, citing violations of the Beker Phosphate Corporation Settlement Agreement, and moved to:

- 1) Direct staff and counsel to determine fully the nature and extent of all violations of the settlement agreement;
- 2) Direct counsel to consult with the State Attorney's office to see if their involvement is warranted or if there is any assistance available from the State Attorney's Office;
- 3) Authorize counsel to initiate any legal action deemed necessary to ensure that violations are stopped and settlement agreement is complied with strictly; and
- 4) Authorize counsel to investigate the appropriateness of recommending the substantial deviation action.

Motion was seconded by Mr. Chance and carried unanimously.

John Harllee, Attorney representing Beker Phosphate Corporation, responded to the violations cited and stated that a formal response would be forthcoming in writing. He advised that Beker will discontinue shipping via trucks in December 1983 and requested guidance as to whether they will need to comply with any zoning requirements when Beker commences shipping via private rail.

Richard Eckenrod, Phosphate Mining Coordinator, was directed to meet with Mr. Harllee regarding the zoning matter.

LAWSUIT: OCEAN DUMPING

Charles Hunsicker, Manatee County Utilities Department, reported that the Technical Advisory Committee, appointed by the Board to pursue the Ocean Dumping lawsuit, unanimously recommended rejection of the offer of settlement provided to the County by the Department of Justice. The committee recommendation was based on facts, merits, evidence and testimony.

He explained that the Government proposes that the existing interim site be abandoned in favor of a new interim site in Tampa Bay designated as Site 4 which was surveyed by the Environmental Protection Agency. A map showing the settlement-offer site was displayed

Bill Earl, Environmental Attorney, was available to answer any questions.

Motion was made by Mr. Fletcher to direct staff and counsel to reject the proposed settlement and proceed with litigation. Motion was seconded by Mrs. Glass and carried unanimously.

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WHITFIELD ZONING DISTRICT: ZONING AMENDMENT

Keith Roberts, Assistant County Attorney, pointed out that the Second District court of Appeals found the Whitfield Zoning District to be invalid and submitted a proposed

AMENDING RESOLUTION CONCERNING INITIATION OF ZONING AMENDMENT

that supersedes the resolution adopted October 7, 1982, and authorizes initiation of an ordinance amending Ordinance No. 81-4, transferring County regulations to the Whitfield District instead of adopting Whitfield's regulations as County regulations.

He advised that the County will need to designate a local planning agency for Whitfield at the time the amending ordinance is considered and the representatives of the Whitfield Zoning District have requested that the Whitfield Zoning Commission be reconstituted as an advisory body to act as the local planning agency.

Thomas Gallen, representing the Whitfield Zoning District, requested the Board designate a local planning agency in Whitfield to act as an advisory group to the Planning Commission.

Upon motion by Mrs. Glass, seconded by Mr. Fletcher, the resolution was unanimously adopted.

RECORD RESOLUTION

S32-522

RECESS/RECONVENE

The meeting was recessed until 4:00 p.m.

The meeting reconvened at 4:16 p.m. with all members present.

LAND EXCHANGE: SHEPARD (US 301/SR 70)

David Rothfus, Management Analyst, referred to memorandum from Bob Fernandez, County Administrator, dated October 19, 1982, regarding the proposed exchange of County-owned property on State Road 70 for property located on Highway 301, owned by Carl Shepard, on which to construct a County Office Complex. He reviewed the statutory requirements for the exchange of County property, subsequent acquisition of U.S. 301 real property, and stated that surveys and appraisals have been completed on both properties. (Appraised value of County property on SR 70, \$465,000.)

Mr. Shepard was present with his agent, William Kipp, and his attorney, Tom Gallen, to discuss the transaction as it relates to selling price, cash deposit, terms on payment of balance (which could possibly include other county-owned property in lieu of cash), possible lease-back to seller that could generate revenue sufficient to offset interest, etc.

There was general discussion relating to

- =critical need for additional space and convenient location of the US 301 property for County purposes
- =financial advisability of the land swap and subsequent arrangements for additional county property, if necessary, to pay balance purchase price
- =availability of funds and methods of financing
- =asking price of \$2.3 million for the Shepard property
- =initial deposit of \$230,000 in cash, and request for decision by the Board to enable Shepard to complete acquisition of property on SR 70 (adjacent to county-owned parcel) on which he has a contract

Thomas Gallen, Attorney for Mr. Shepard, suggested the Board set a date for a public hearing for the exchange and instruct staff to prepare the appropriate documents for review.

Lengthy discussion followed regarding action necessary to meet time constraints involved in such transaction.

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Mr. McGavic moved that staff be instructed to prepare the necessary information and procedures to accomplish the sale or disposal of property on Highway 70 and acquisition of subject property on U.S. 301, including the necessary financial studies and reports and information from those individuals that staff determines necessary. Motion was seconded by Mr. Chance.

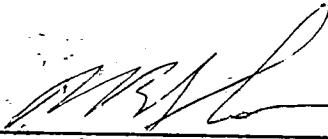
Following discussion, and clarification by Mr. McGavic that it was the intent of his motion that the necessary experts be consulted; whatever is necessary, even if it requires additional contract amendments, Mr. Chance stated that his second stands. Voting "Aye" were Commissioners McGavic, Chance, Vickers and Glass. Voting "No" was Commissioner Fletcher. Motion carried.

MEETING ADJOURNED

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

Attest:

APPROVED:



Clerk



Chairman 2/8/82

Adj: 5:40 p.m.