

NOVEMBER 2, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, November 2, 1982 at 9:07 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; Mark Todd, Sarasota Herald-Tribune; David McGivers, WBRD; Haven Simmons, Channel 40, and others who entered during the meeting.

Invocation by Reverend C. E. Winslow, First Church of the Nazarene.

The meeting was called to order by Chairman Vickers.

FAIRLANE ACRES UTILITIES

Mrs. Glass moved that the Chairman be authorized to send a letter to William Skaar explaining that the Board cannot grant his request to be assigned an account number and an agency to which he can pay his water and sewer bills direct to the County rather than Fairlane Utilities Company. Motion was seconded by Mr. McGavic and carried unanimously.

ZONING: Z-82-51 (ROUTE 41 REALTY, INC.)

No action was taken on request by Mr. Fletcher that the Board reconsider rezone Z-82-51 (Route 41 Realty, Inc.), approved on October 28, 1982, since he was absent from that meeting.

LAND EXCHANGE: SHEPARD/US 301-SR 70

The Chairman recommended that the question of availability of access to the Shepard property on US 301, under consideration for land exchange, be investigated by, or with, the Florida Department of Transportation. He suggested the Board initiate an independent appraisal by someone outside the community who has no commitment regarding real estate in Manatee County and that it be determined if Mr. Shepard would be willing to accept such appraisal.

Discussion followed regarding contacting Mr. Shepard prior to any commitment by the Board, authorizing expenditures for an independent appraisal, determining the current expenditures for rent/lease of office space, pursuing other available acreage or buildings, and seeking assistance from the Property Appraiser and Tax Collector as to general and/or specific property values.

Mr. McGavic moved the Board reject the offer presented on behalf of Mr. Shepard for the property on First Street and that staff be instructed to develop the information necessary to determine future space needs. Motion was seconded by Mr. Fletcher and carried unanimously.

BRADENTON, CITY OF

Operating Permit - Ward Lake

Public hearing (continued from October 26, 1982) to consider application by the City of Bradenton for an operating permit for the Ward Lake Project was continued to November 9, 1982.

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Cont'd

Joint Workshop

The County Administrator was instructed to schedule a workshop with the City of Bradenton, et al, to discuss mutual concerns such as land exchange, a governmental complex and office space in general.

PROPERTY APPRAISER/TAX COLLECTOR - PARKING FACILITIES

Frank Perkins, Property Appraiser, and Sam Cornwell, Tax Collector, requested Board endorsement of a proposal for obtaining parking space for the County Annex Building to replace that which will be lost (on east side of building along 9th Street West) due to additional right-of-way being taken by the State to provide access to the new Green Bridge.

They proposed to enter into a lease, with option to purchase, for an existing privately-owned parking lot across the street from the Annex, anticipating that revenue from the State for the 9th Street acquisition could be committed toward the purchase of this property (if County exercises its option). The current asking price is in the neighborhood of \$45,000.00.

Discussion followed regarding utilizing the Chamber of Commerce parking lot, retaining an independent appraiser, establishing additional parking on the south side of the building, etc.

Mr. Fletcher moved that the Board concur in the proposal of the Tax Collector and Property Appraiser with regard to the lease/purchase of additional parking space and that the County provide for the appraisal. Motion was seconded by Mrs. Glass. Voting "Aye" were Commissioners Fletcher, Glass, Vickers and Chance. Voting "No" was Commissioner McGavic. Motion carried.

W. R. GRACE & CO.: TRANSFER OF RIGHTS TO FOUR-CORNERS MINE JOINT VENTURE

Richard M. Eckenrod, Phosphate Mining Coordinator, submitted and recommended adoption of a Resolution transferring all rights under the Operating Permit granted (January 21, 1981) W. R. Grace & Company as owner and operator of the Four Corners Mine to W. R. Grace & Company as manager of the Four Corners Mine Joint Venture. (Resolutions granting DRI-8 and SE-852 adopted December 27, 1977.)

He explained that the Joint Venture consists of International Minerals and Chemical Corporation (IMC) and Ridgewood Phosphate Company, a wholly owned subsidiary of Grace, with Grace remaining as the operator and manager of said mine. All parties to the Joint Venture have complied with requirements for Certificate of Responsibility and Liability, Insurance, Bonds, and other legal documents.

Dewey A. Dye, Jr., Attorney representing W. R. Grace, was available to answer any questions. Keith Roberts, Assistant County Attorney, requested that a letter from Mr. Dye, dated March 16, 1981, which contains information regarding the partnerships, be included as Exhibit "B" to the Resolution.

Mr. Chance moved for approval of transfer of rights relating to the Operating Permit and Master Mining Plan for the Four Corners Mine from W. R. Grace & Company as owner and operator of the mine to W. R. Grace & Company as manager of the Four Corners Joint Venture. Motion was seconded by Mr. McGavic.

After discussion, motion was amended to adopt the Resolution approving a transfer of rights in an operating permit, with the inclusion of the letter from Mr. Dye dated March 16, 1981, as Exhibit "B", and authorizing signature by the Chairman after execution by W. R. Grace, International Minerals and Chemical Corporation, and Ridgewood Phosphate Corporation. There were no objections from the second. Motion carried unanimously. (Note: Resolution recorded after execution by all parties.)

Al Vondrasek, Manager of Phosphate Development and Expansion, W. R. Grace & Company, gave a brief status report on the operation of the Four Corners Mine.

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

Board meeting 11/5/82

LAWSUIT: WATER RATE INCREASE (SARASOTA VS. MANATEE)

Mr. Vickers referred to news articles in the Sarasota-Herald Tribune regarding a pending lawsuit, Sarasota County vs. Manatee County, pertaining to a water rate increase, and denied allegations that the Commission had enough votes to terminate water service to Sarasota.

During discussion, it was suggested the Board take no action until after the court hearing.

R. A. Wilford, Director, Manatee County Utilities Department, advised that Sarasota County stopped paying the increased rate after receiving a stay from the Court about two months ago. He stated that the County will pursue obtaining interest on the unpaid balance and that negotiations with Sarasota County are continuing.

Mr. Vickers stepped down as Chairman to move the Board immediately send a letter to Sarasota County directing that they have seven days to make payment in full or the water will be cut off. Motion died for lack of a second.

(Action was taken later in the meeting.)

FINANCIAL ADVISOR: FEES & EXPENSES (ARNOLD GREENFIELD)

Mr. Fernandez reported that Arnold Greenfield, former Financial Advisor, was not available to discuss his fees and expenses with the Board. Action was deferred one week.

INSURANCE: PUBLIC OFFICIALS LIABILITY

Richard L. Johnston, Risk Manager, recommended renewal of Public Officials Liability with The Dairyland Insurance Company effective November 6, 1982, limit of liability \$5,000,000, as outlined in his memorandum dated November 2, 1982.

Greg Bustle, of Wyman, Green & Blalock, reported that after reviewing proposals from The Continental Casualty Insurance Company, The Republic Insurance Group and the Dairyland Insurance Company of the Sentry Group, it was determined the Dairyland contract was the most comprehensive and competitively priced.

Upon motion by Mrs. Glass, seconded by Mr. Fletcher, the recommendation was unanimously approved, subject to review by the County Attorney.

SERTOMA CLUB

Motion was made by Mr. Fletcher, and seconded by Mr. McGavic, to direct the County Administrator's office to negotiate a direct cost rate with the Sertoma Club to meet its requirement for bus service from DeSoto National Memorial to downtown Bradenton for a "Road Run," Saturday, November 6, 1982. Voting "Aye" were Commissioners Fletcher, McGavic, Glass and Vickers. Voting "No" was Commissioner Chance. Motion carried.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

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

CORRESPONDENCE - Acknowledged:

- a. Letter from Charles Burnett opposing petition of W. R. Grace to vacate Oglesby Road.
- b. Town of Longboat Key Ordinance No. 82-21 reducing millage rates.
- c. Letter from James Watkins opposing new sign ordinance.
- d. Petition from concerned citizens of Myakka City requesting relocation of speed signs on SR 70. (Referred to the County Administrator for action.)

Eagles Nest Lane/Project 5013

Execution of contract with Florida West Paving, Inc., \$32,789.84; acceptance of Certificate of Insurance and Performance Payment Bond (Fidelity and Deposit Company of Maryland).

RECORD CONTRACT

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Cont'd

Bayfront Park: Audit Settlement

Resolution adopted

Requesting the Department of Natural Resources (DNR)  
to Amend the Bayfront Park Projectto incorporate costs incurred in connection with construction  
and/or improvements to recreational facilities at Coquina Beach,  
Manatee Beach and 59th Street Boat Ramp.RECORD RESOLUTION S32-581Chairman authorized to sign letter to DNR petitioning Florida  
Cabinet for after-the-fact approval of \$9,511.00 of costs  
associated with the Bayfront Park project and audit.Airport Noise Control and Land Use Compatibility StudyChairman to send letter to Tampa Bay Regional Planning Council  
endorsing A-95 Review #194-82, with modifications.DEEDS/EASEMENTS - Accepted:15th Street East - Warranty Deed from Samoset Open  
Bible Tabernacle, Inc. for additional right-of-way.

(End Consent Agenda)

BUDGET AMENDMENT RESOLUTION AGENDAUpon motion by Mr. McGavic, seconded by Mrs. Glass, the County  
Administrator's Resolution Agenda dated November 2, 1982 was  
unanimously approved adopting resolutions amending the 1982-83  
budget to provide for the appropriation of unanticipated revenues  
and item to item transfers, as follows:

1. CENTRAL STORES (83-19)  
Increase Revenue  
Central Stores (Charges Motor Pool)  
Increase Expenditures  
Central Stores - Motor Pool (Purchase for Resale) \$202,950  
RECORD RESOLUTION S32-582
2. SHERIFF (83-20)  
Increase Revenue  
Sheriff Education Trust  
Increase Expenditures  
Sheriff Education Trust (Education;  
Transportation) \$43,000  
RECORD RESOLUTION S32-583
3. LIBRARY (83-21)  
From: Fund Balance  
To: Library Gift \$89,178  
RECORD RESOLUTION S32-584
4. CIVIC CENTER (83-22)  
Increase Revenue  
Kiwanis Contributions  
Increase Expenditures  
Reserve for Contingency \$82,850  
RECORD RESOLUTION S32-585
5. CIVIC CENTER (83-23)  
From: Fund Balance  
To: Reserve for Contingency \$60,000  
RECORD RESOLUTION S32-586
6. HUMAN SERVICES (83-24)  
From: Transfer to Matching Grants Funds  
To: Transfer to CSTF \$8,460  
RECORD RESOLUTION S32-587
7. Increase Revenue (83-25)  
Community Services Trust Fund; Transfer  
from General Fund  
Increase Expenditure  
CSTF Chore 83-BG-03-08-51-01-082 \$16,920  
RECORD RESOLUTION S32-588

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8. MANAHILL A.A.A. (83-26/1)  
Increase Revenue  
Samoset Restrooms Title III-B  
Increase Expenditure  
Transfer to Building Capital Projects Fund \$15,000  
RECORD RESOLUTION S32-589
9. MANAHILL A.A.A. (83-26/2)  
Increase Revenue  
Transfer from Miscellaneous Grant Fund  
Increase Expenditures  
Samoset Restrooms Title III-B \$15,000  
RECORD RESOLUTION S32-590
10. PUBLIC DEFENDER (83-27)  
From: General Fund Reserves  
To: Public Defender (Telephone; Rents & Leases) \$45,750  
RECORD RESOLUTION S32-591

BAY CLUB: REGISTER OF HISTORIC PLACES

Upon motion by Mr. McGavic, seconded by Mrs. Glass, the Chairman was authorized to sign a "Waiver by Chief Elected Local Official" to the Division of Archives, History and Records Management, Department of State, waiving his right to comment on the proposed listing of the Bay Club, 6565 North Tamiami Trail, Sarasota, Florida, in the National Register of Historic Places. Motion carried unanimously.

CLERK'S CONSENT CALENDAR

Upon motion by Mrs. Glass, seconded by Mr. McGavic, the Clerk's Consent Calendar dated November 2, 1982, was unanimously approved:

BILLS FOR PAYMENT:

Attorney's Fees:

Phosphate:

Balance before payments: \$96,083.99

Balance after payments: \$79,608.28

Peeples, Earl: State Environmental Regulation Commission (8/82) \$ 5,812.70  
Estech/Perm. Litigation (9/82) 2,499.10  
Goldstein & Tanen: Prof. Serv. (9/82) 8,163.91  
Zoller & Najjar Engineering, Inc.: Oneco Landfill 200.00  
Jas. Doss & Assc. - Appraisal/Oneco Landfill 2,450.00  
Ardaman & Assc. - Concrete Testing/PSC 1,388.13  
Bill Halfacre, Inc. - Samoset Center (Est. #4) 16,699.00  
Sun Contracting: Renovation/Health Dept. (Est. #4) 21,870.17  
Palmetto Park (Est. #5) 113,101.00  
Camp, Dresser & McKee: Study Phase II (Payment #5) 18,019.79  
Well Field Master Plan (Est. #2) 26,900.28  
Marcus Myers - Firearms Competency (Towler) 40.00

WARRANT LIST:

Approve: October 26 to November 2, 1982

Authorize: November 2 to November 9, 1982

AUTHORIZE CHAIRMAN TO SIGN:

Partial Release of Special Improvement Assessment Lien:

Warren & Bessiema Stone - Project #5019 Act. #48

Parks & Recreation Instructor's Agreement: Jane E. Lenzen  
RECORD AGREEMENT

S32-592

MINUTES FOR APPROVAL:

July 1, 1982

RECESS/RECONVENE

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

The meeting reconvened at 1:55 with all members present.

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Cont'd

LAWSUIT: WATER RATE INCREASE (SARASOTA VS. MANATEE)

Regarding the water rate issue between Sarasota and Manatee Counties discussed earlier in the meeting, Mrs. Glass moved that a letter from the Manatee County Board of County Commissioners be sent to the Sarasota Board of County Commissioners advising the amount the account is in arrears and requesting payment. Motion was seconded by Mr. McGavic.

During discussion, it was suggested the letter be brought back to the Board for review on Thursday, November 4, 1982. There were no objections. Motion carried unanimously.

LAWSUIT: HIDDEN PINES VS. COUNTY

Clinch Kavanaugh, retained counsel, submitted and recommended approval of a Settlement Agreement regarding Hidden Pines Vs. Manatee County (CA-82-1855) involving an error in the installation of a water main during construction of Silk Oak Condominium.

He explained that during construction, it was discovered that the water pipe was installed on property owned by another party, rather than on a County easement. He stated that there is a subsequent lawsuit (CA-82-1680) between the owner of Hidden Pines and the owner of the property on which the pipe is located.

The proposed Settlement Agreement provides to the County an Irrevocable Letter of Credit (First National Bank of Florida, \$20,000) in the event Hidden Pines does not prevail successfully in litigation entitled CA-82-1680. Mr. Kavanaugh stated that he has been assured by Manatee County Utilities that \$20,000 is sufficient to cover any costs incurred by moving the pipe.

Mr. McGavic moved to approve the agreement and authorize the Chairman to sign. Motion was seconded by Mrs. Glass and carried unanimously.

RECORD AGREEMENT

S32-5


MEETING ADJOURNED

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

Attest:

APPROVED:

  
 Clerk

  
 Chairman 3/1/83

Adj: 2:07 p.m.