

NOVEMBER 9, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, November 9, 1982 at 9:08 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 Rev. Roy Reynolds, Bayshore Baptist Church

The meeting was called to order by Chairman Vickers.

REGIONAL WATER SUPPLY AUTHORITY

Mr. Chance requested direction as to whether the Board would like to continue as part of the Regional Water Supply Authority in working with neighboring counties to develop water resources to supply future needs of the area.

During discussion, it was suggested that the Board schedule a work session with the County Administrator and the Utilities Director concerning the cost of County participation in the Authority and other logistics.

Motion was made by Mrs. Glass, and seconded by Mr. Fletcher, that Mr. Chance be authorized to proceed with discussions in connection with the Regional Water Supply Authority with the idea that the Board supports conceptual approval to membership in that Authority, pending additional information on detailed costs. Motion carried unanimously.

MANATEE MEMORIAL HOSPITAL - BOARD OF TRUSTEES

Mrs. Glass advised she had met with the Manatee Memorial Hospital Board of Trustees and it was decided to request Connie Foster to reconsider her resignation and withhold it until January, 1983.

Motion was made by Mrs. Glass that the Board not accept Mrs Foster's resignation and that she be requested, by letter, to remain on the Board of Trustees until January, with the understanding that she has agreed to do so. Motion was seconded by Mr. Fletcher and carried unanimously.

TAMPA BAY REGIONAL COUNCIL

Mr. Fletcher presented the plaque of commendation to the Board for its participation as water quality management agency designation that was awarded by the Tampa Bay Regional Planning Council on November 8, 1982.

RURAL HEALTH CARE

Mrs. Glass reported she had participated in a recent meeting with the County Administrator, representatives from the Health Department, the Medical Association and the Rural Health Initiative and Health Services Agency. At that time, she promised she would recommend the Board appoint a Blue Ribbon Health Committee to study rural and community health needs.

Mrs. Glass was requested to submit recommendations for prospective Committee members to the Board.

PROCLAMATION/MCGAVIC

Recognizing that Mr. McGavic is resigning as a member of the Board of County Commissioners to assume the duties of Director of the Manatee County Port Authority, motion was made by Mr. Fletcher that staff be directed to prepare a proclamation renaming Commissioner Claude E. McGavic "Tug Boat McGavic" for formal adoption prior to the end of this meeting if possible. Motion was seconded by Mr. Chance and carried four to one with Mr. McGavic voting "Nay".

Mrs. Glass presented Mr. McGavic with a sailor's hat.

Mr. Chance presented Mr. McGavic with two miniature paddles.

On behalf of the Board Mr. Vickers presented Mr. McGavic a plaque in appreciation of his services to Manatee County as Commissioner.

PROCLAMATION - FARM CITY WEEK

Richard Aalberg, County Extension Service, introduced Allen Butler and Bill Beckley, President and Vice-President of Bradenton Kiwanis Club, who were present in connection with a national program sponsored by Kiwanis International and sponsored locally by a Farm-City Week Committee.

Mrs. Glass moved for adoption of proclamation designation the period of November 14-20, 1982 as "Farm City Week" in Manatee County. Motion was seconded by Mr. McGavic and carried unanimously.

RECORD PROCLAMATION

S32-596

ZONING

Public hearing was opened for the purpose of considering:

Z-82-42 - MANATEE RIVER FARMS, INC - A-1 DENIED

(Deferred from October 28, 1982)

Request: Change the zoning from -A- to A-1 on 28.7 acres on North Upper Manatee River Road, 1/4 mile west of 154th street. Planning Commission recommended APPROVAL.

ORDINANCE Z-82-42:

AMENDING ORDINANCE NO. 81-4....

PROVIDING FOR THE REZONING OF CERTAIN LAND FROM -A- TO A-1; PROVIDING AN EFFECTIVE DATE.

Larry Frazier, Planning Director, indicated that staff objects to this request for the reasons summarized on October 28, 1982.

Bruce Franklin, Land Resource Strategies, Inc., agent for the petitioner, reviewed his response to staff's objections, making specific references to the Manatee Plan and Land Development Code. (Note: Presentation to be continued after "Public Comments")

PUBLIC COMMENTS

= Gloria Raines reported that Manasota 88 reviewed a copy of Tampa Bay Regional Plan Reservoir Protection Implementation Measure for the Tampa Bay Region and, with few exceptions, found it acceptable for adoption as the final plan.

After being informed that Dick Eckenrod had agreed and accepted Estech's proposed changes, she requested the Board direct the Phosphate Mining Coordinator to contact the appropriate Tampa Bay Regional Council representative and insist all changes be withdrawn from the Manatee County section of the draft plan and that it be adopted in its entirety as the final plan.

= A request by Bob Johnson for waiver of final site plan on a building he owns between Palmetto and Ellenton to allow his wife to have a quilting shop was referred to the Planning Director.

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ZONINGZ-82-42 MANATEE RIVER FARMS (Continued)

Judy Cavanaugh, Attorney for Petitioner, submitted her letter, dated November 9, 1982, addressing the following issues: Sector/Corridor, Land Use Compatibility, Development Trends/Timing, Floodplain Considerations, DER Permits, Cumulative Effect on Floodway, and Public Facilities. She also submitted an analysis report prepared by Bruce Franklin, Land Resource Strategies, Inc., dated November 9, 1982.

Charles Hunsicker of the Manatee County Utilities Department recommended the zoning request not be granted as the property is in a flood hazard area.

Keith Roberts stated that a policy decision was made that the land should be an agricultural zone and, if there is departure from that policy, he cautioned the Board about consequences in terms of future requests and the pattern that would be established.

Jimmie Hamrick, Director of Emergency Services, recommended denial.

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

Mr. Vickers stepped down as chairman and moved to approve Z-82-42 to A-1 Agricultural District.

Motion died for lack of a second.

Having considered consistency with the Manatee County Plan and Manatee County Land Development Code and presentations made in public hearing, Mr. Fletcher moved to deny Z-82-42. Motion was seconded by Mrs. Glass. Voting "Aye" were Commissioners Chance, Glass, Fletcher and McGavic. Commissioner Vickers voted, "Nay." Motion carried.

SP-82-97 - SARASOTA/MANATEE AIRPORT AUTHORITY - APPROVED
(Deferred 11/4/82)

Request: Special permit to allow expansion of existing airport terminal facilities (People's Express Terminal) at Sarasota-Bradenton Airport.
Planning Commission recommended approval.

Jeff Lugner representing People's Express Airlines, Inc., summarized his client's request, indicating the permit itself is for the construction of a combined facility for a departure/last-check security area.

Susan Funk, Greiner Engineering Services, provided details of the Plan.

Patty Martin, People's Express, provided a synopsis of problems which caused them to seek an application for a special permit. She indicated that the intent in constructing the facility is to provide a better, more efficient process and better passenger facility.

Mrs. Glass moved to approve SP-82-97. Motion was seconded by Mr. Chance and carried unanimously.

RECORDRECESS/RECONVENE

The meeting was declared recessed until 1:30 p.m.

The Board reconvened at 1:41 p.m. with all members present.

POLLUTION CONTROL DIRECTOR

Dr. John Ambrusko, Health Department Director, reported that of the fourteen applicants responding to the advertisement for applicants for the position of Pollution Control Director for Manatee County, ten were classified by the State of Florida Department of Administration as eligible. After review, four applicants were selected for personal interview, with the following (3) being selected as

Anthony Lodder; Byron Nelson; William Priesmeyer.

He pointed out that the State HRS (Health and Rehabilitative Services) requires any appointee to serve a six-months probationary period prior to final appointment, and recommended that:

- = William Priesmeyer be considered as Director of Pollution Control Department as a probationary appointee for six months
- = John Burns be appointed Acting Director of Pollution Control until a Director is appointed.

Mr. Fletcher moved to appoint John Burns as Acting Director of Pollution Control in accordance with the recommendation of Dr. Ambrusko. Motion was seconded by Mrs. Glass and carried unanimously.

Mr. Fletcher moved that Dr. Ambrusko and the County Administrator schedule the three persons, who have been recommended, to be interviewed by the Board of County Commissioners at the earliest practicable date. Motion was seconded by Mrs. Glass and carried four to one. Commissioners Chance, Fletcher, Glass and McGavic voted "Aye". Commissioner Vickers voted "Nay."

MANN & FAY - BILLS FOR PAYMENT

Keith Roberts, Assistant County Attorney, submitted a memorandum from Mary Greenwood recommending that bills from Mann & Fay for legal services in the amount of \$3,070.43 not be paid, and stating reasons for her recommendation.

The Utilities Director, responding to questions as to whether authorization was given Mr. Fay to provide the services, said he was unable, for various reasons, to verify or deny validity of the billings.

E.N. (Bill) Fay stated that he no longer represents the Board of County Commissioners or the County of Manatee in any item except the Utilities System for the acquisition of land for Lake Manatee emergency spillway, and one or two other land matters, and that bills for all services rendered have been submitted.

Mr. Fletcher moved that the Board authorize payment of the bills outlined in memorandum from the County Attorney dated October 13, 1982. Motion was seconded by Mr. McGavic and carried unanimously.

BRADENTON: OPERATING PERMIT, WARD LAKE

Public hearing, continued from November 16, 1982, was opened to discuss the request by the City of Bradenton for an operating permit to expand the reservoir at Ward Lake.

During discussion, it was suggested that the County Administrator, or the Chairman, arrange to meet with appropriate City officials to discuss matters relating to the requirements of the County Zoning Ordinance, etc.

Public hearing was continued to November 16, 1982.

BEKER OPERATING PERMIT

Due to some recent developments regarding suspension of the Beker Operating Permit, and questions raised at a joint meeting (11/4/82) between DER, Beker and Manatee County representatives, the Assistant County Attorney and the Phosphate Coordinator recommended to leave open the matters of:

- = Suspending the Operating Permit
- = Request for withdrawal of Notices of Violation because Beker has submitted to DER and to Mr. Eckenrod a proposal that would alleviate the problems that were the subject of the notices of violation issued last summer.

and to allow staff to meet with Bill Earl, Environmental Attorney, with the understanding that a report will be submitted to the Board on November 16, 1982.

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Richard Eckenrod, Phosphate Coordinator, referred to his memorandum dated November 5, 1982, on the Status of Consideration to Suspend Beker Operating Permit, outlining questions raised in the joint meeting, and recommending that further consideration of suspension of the Beker operating permit be deferred, pending evaluation by County staff of any proposed corrective measures.

John Harllee, representing Beker, requested the Board withdraw the Notices of Violation.

Motion was made by Mrs. Glass, and seconded by Mr. Chance, to authorize Keith Roberts to meet with Bill Earl November 10, 1982 to set a date certain to reopen both hearings concerning Beker Corporation: (1) Consideration of Suspending the Operating Permit and (2) consideration of the request for withdrawal of the Notices of Violation. Motion carried unanimously.

Mr. Roberts recommended that the above items be continued to Tuesday, November 16, 1982, so staff does not have to renotify Beker in writing and start the notice period under the Ordinance. Mr. Fletcher so moved. Motion died for lack of second.

Mr. Fletcher moved that the status of Consideration of Suspension of Beker Operating Permit as outlined in Mr. Eckenrod's memorandum of November 5, 1982, be continued to November 16, 1982. Motion was seconded by Mrs. Glass and carried unanimously.

RESERVOIR PROTECTION IMPLEMENTATION PLAN

Mr Eckenrod responded to comments by Gloria Raines, made earlier in the the meeting, regarding the Tampa Bay Regional Plan Reservoir Protection Implementation Measure for the Tampa Bay Region and indicated that County staff along with Mrs. Raines and other members of the local advisory group intend to meet with TBRPC Friday, November 12, 1982 to reiterate their objections to those changes being made in the document.

After a brief recess, the Board reconvened with all members present.
(Depart Mr Fletcher)

MATERIALS AND SERVICES

The County Administrator submitted a memorandum from Gary M. Knuckles, Materials and Services Director, justifying his recommendation that Manatee County purchase three John Deere backhoe loaders (Bid 82-23-760-06) from Tampa Tractor, who was not the low bidder. The John Deere exceeded specifications in a number of areas over the Case equipment submitted by the low bidder (Franz Tractor).

Directors of the Utilities and Transportation Departments concur with Mr. Knuckles' recommendation.

Mr. Chance moved to accept the recommendation of the County Department Heads and Staff and to award the bid to Tampa Tractor. Motion was seconded by Mrs. Glass and carried unanimously. (Mr. Fletcher was not present).

BID PROCEDURES

The County Administrator was instructed to schedule a work session to discuss bid procedures.

(Enter Mr. Fletcher)

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mr. McGavic, seconded by Mrs. Glass, the County Administrator's Consent Agenda dated November 9, 1982, was unanimously approved with the omission of two items (approved in separate motions) and addition of one item under Correspondence.

Approved in separate motions:

1. Payment of \$3,070.43 to Mann & Fay (attorney's fees)
2. Utilities Land purchase agreements (7)

Correspondence - Add: Report of Clerk of the Circuit Court

Items APPROVED on the Agenda Included:

TAX COLLECTOR/BRANCH OFFICES

Adoption of

RESOLUTION CONFIRMING THE ESTABLISHMENT OF BRANCH
OR AXILARY OFFICES OF THE TAX COLLECTOR

RECORD RESOLUTION

HEALTH DEPARTMENT

Budget Fiscal Year 1982-83, \$144,613.

S32-597

ESCAMBIA COUNTY

Chairman to send letter to Escambia Board of County Commissioners declining to file a motion and brief Re: the decision McMillan vs Escambia County, inasmuch as the State Association of County Commissioners has agreed to file.

MATERIALS AND SERVICES

1. Emergency Medical Services, Ambulances (4) Bid 83-04-070-07 - Award to Aero Products, \$152,335.60; trade-in three ambulances
2. Utilities:
 - a. Lake Manatee Emergency (Stop-Log) Gate , Bid 83-03-C00-07-RR - Award to lowest bidder S.E.S. Steel Fabricators, \$36,300, plus \$575 for alternate No. 1, if applicable.
 - b. Copy machine requirements - Authorization to enter into a two-year lease agreement with Xerox Corp., to coincide with the 1982-83 State and Local Government Copying Equipment Agreement #XR60810.
3. Surplus Property - Authorization for deletion of certain surplus property from County inventory (various departments):
 - a. Utilities Department - Asset Nos. 16238; 16843; 14698
 - b. Transportation Department - Asset Nos. 7367; 9926; 4854; 13566; 15045; 15310; 10091; 10104; 233; 1865; 2203; 2443; 2474; 7568; 10013
 - c. Emergency Services - Asset Nos. 8048; 9636; 8046; 8047; 8906; 10113; 13368
4. Transportation/Highway: Concrete Products, Bid 82-144-210-00 - Award to Florida Prestress Co. and Brannen Prestress Co., Inc
5. Annual Bid: Anti-freeze/coolants, Bid 82-15-060-02 - Extend bid with Ryan's Automotive Supply for one year.

PLANNING AND DEVELOPMENT

- a. Impact Assessment Workshop: Concept and Estimated Expenditures of \$288.
- b. Amox Wetland Reclamation Research Project: A-95 Review # 192-82 - Letter to Tampa Bay Regional Planning Council with comments and supporting Study with modification.

DEEDS & EASEMENTS - Accepted:

28th Avenue E., Ellenton - Warranty Deed from West Coast Self Storage for additional right-of-way

CORRESPONDENCE - Acknowledged:

- a. Annual Report FY 1981-82 from Frank Perkins, Property Appraiser
- b. Annual Report FY 1981-82 from R.B. Shore, Clerk of Circuit Court

(End Consent Agenda)

(Depart Mr. McGavic)

LAKE MANATEE FLOODWAY

Upon motion by Mrs. Glass, seconded by Mr. Chance, the Board unanimously (4-0 vote) approved purchase of frequently flooded properties below the dam, and execution of land purchase agreements with the following property owners:

<u>Robert D. and Esther B. South, one acre plus home, \$55,500</u>	S32-598
<u>Vernon E. Sr. and Emily Wallers, 1.4 acres plus home \$76,300</u>	S32-599
<u>S. J. and Marie P. Cantolino, 14.8 acres, no home, \$88,500</u>	S32-600
<u>James U. and Lois Williams, 10.2 acres - 2 mobile homes, \$90,200</u>	S32-601
<u>Hallcraft Homes, Inc., one acre, no home, \$12,600</u>	S32-602
<u>Greg D. and Sandra L. Stewart, 5.9 acres - home & m/home, \$59,700</u>	S32-603
<u>Stephen J. and Bonny Looby, 5 acres plus home, \$85,000.</u>	S32-604

RECORD CONTRACTS

(Enter Mr. McGavic)

BUDGET AMENDMENTS

Upon motion by Mr. McGavic, seconded by Mrs. Glass, resolutions on Budget Amendment Resolution Agenda, dated November 9, 1982, were unanimously adopted amending the 1981-82 budget to provide for the receipt and appropriation of unanticipated revenues and item to item transfers:

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SHERIFF

Increase Revenue: (83-29)
General fund (Airport Security;
Anna Maria Contract)

Increase Expenditures
Sheriff

\$54,918

RECORD RESOLUTION

(also Sheriff Budget Account Amendments 82-01 & 82-02)

S32-605

LANDFILL

Increase Revenue: (83-30/1)
Fund 312/transfer from Landfill

Increase Expenditures:
Landfill/Professional Services

\$138,479

RECORD RESOLUTION

S32-606

From: Prof. Svs./Retained Earnings (83-30/2)

To: Transfer to 312

\$138,479

RECORD RESOLUTION

S32-607

CLERK'S CONSENT CALENDAR

Upon motion by Mrs. Glass, seconded by Mr. McGavic, the Clerk's
Consent Calendar dated November 9, 1982 was unanimously approved:

BILLS FOR PAYMENT:

Bradenton Downtown Develop. Authority (for statement from American City Corp. of Columbia)	30,000.00
Refund: Frank & Marie Wiesner (P&D)	400.00
Refund: Randall Keith Bennett (OB Clinic)	100.00
Refund: Ike Wood (Golf Course Play Book/P&R)	223.12

WARRANT LIST:

Approve: November 2 to November 9, 1982
Authorize: November 9 to November 16, 1982

POLICY: COUNTY VEHICLES (TAKE HOME)

The County Administrator and the Assistant County Administrator,
reporting on a County Take-home Vehicle Survey, indicated that 111
vehicles are being driven home by employees and that this number
could possibly be reduced by as much as 70 percent.

After discussing some of the issues to be resolved prior to
implementing a Take-home Vehicle Policy, they were requested to
report to the Board again within two weeks.

TRAVEL AUTHORIZATION

Upon motion by Mr. McGavic, seconded by Mr. Chance, authorization
for travel was unanimously approved for Mrs. Glass to Dayton, Ohio,
November 10 to November 14, 1982 to visit hospitals affiliated with
two corporations wanting to buy Manatee Memorial Hospital.


CABLE TV FRANCHISEES

County Administrator was instructed to schedule representative of
Cable TV Franchiseholders to appear before the Board regarding
complaints: (1) customers required to make monthly payments in
advance; service turned off if payment is two weeks "overdue"
according to the company; charged \$19 reconnection fee, when in
reality two-weeks paid service remains; (2) problems with laying
of cable.

MEETING ADJOURNED

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

Attest:


Clerk

APPROVED:


Chairman 3/1/83

Adj: 4:15 p.m.