

NOVEMBER 16, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, November 16, 1982 at 9:10 a.m.

Present were Commissioners:

Vernon E. Vickers, Chairman  
Edward W. Chance, Vice-Chairman  
Westwood H. Fletcher, Jr.  
Kent G. Chetlain  
Patricia M. Glass

Also present were:

Mary Greenwood, County Attorney  
Robert F. Fernandez, County Administrator  
R. B. Shore, Clerk of Circuit Court  
Richard H. Ashley, Chief Deputy Clerk

Representing the various news media were Howard Hall, The Bradenton Herald; Betty Kohlman, St. Petersburg Times, and others who entered during the meeting.

Invocation by Commissioner Claude E. McGavic.

The meeting was called to order by Chairman Vickers.

NEW BOARD MEMBERS - OATHS OF OFFICE

This being the first meeting for Members of the Board taking office after the General Election on November 2, 1982, R. B. Shore, Clerk of Circuit Court, administered the Oaths of Office to

Patricia M. Glass, District No. 4 (Re-elected 11/2/82)  
Kent Chetlain, District No. 2. (Elected 11/2/82)

HISTORICAL COMMISSION, MANATEE COUNTY - MERIT AWARD FROM STATE

Mr. Shore presented to the Board a Merit Award to the Manatee County Historical Commission from the Florida Trust in recognition of outstanding contributions by the Historical Records Library.

HANDICAP AWARENESS TEAM

Mrs. Glass congratulated Harold Rouse, Veterans Service Officer, on receiving commendation from Lester Younker, Chairman of the National Year of Disabled Persons (NYPD) Community Partnership Committee, for his participation on the "Handicap Awareness Team."

Mr. Younker and other members of the committee, Dixie Grubbs and Bob Allen, were present.

PROCLAMATION: "TUGBOAT MCGAVIC"

Upon motion by Mr. Fletcher, seconded by Mrs. Glass, a proclamation was unanimously adopted designating Claude E. McGavic as "Tugboat McGavic", in recognition and acknowledgement of his assumption of the position of Director of Port Manatee.

RECORD PROCLAMATION

S32-608

TAX ANTICIPATION NOTE (\$6,500,000)

R. B. Shore, Clerk of Circuit Court, as outlined in his memorandum of November 10, 1982, recommended the Board sign a 6.5 million dollar Tax Anticipation Note to First National Bank of Florida, at 7.25 percent per annum and adopt a

RESOLUTION AUTHORIZING ISSUANCE OF \$6,500,000 TAX ANTICIPATION NOTE, FIXING THE MATURITY, FORM AND OTHER PROVISIONS OF THE NOTE AND PROVIDING THE SECURITY THEREFOR; APPROVING THE SALE OF THE NOTE TO FIRST NATIONAL BANK OF FLORIDA AND THE TERMS OF SUCH SALES; AUTHORIZING CERTAIN OFFICIALS AND EMPLOYEES OF THE BOARD TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE ISSUANCE OF SAID NOTE; AND PROVIDING CERTAIN OTHER DETAILS WITH RESPECT THERETO.

to provide funds for current operations pending receipt of tax revenue.

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Cont'd

Upon motion by Mrs. Glass, seconded by Mr. Chetlain, the Resolution was unanimously adopted.

RECORD RESOLUTION

S32-609

Mr. Fletcher moved to authorize the Chairman to sign the Note. Motion was seconded by Mrs. Glass and carried unanimously.

SMATS/MPO REPRESENTATIVE

Motion was made by Mrs. Glass, and seconded by Mr. Chance, to appoint Kent Chetlain to the Sarasota Manatee Area Transportation Study/Metropolitan Planning Organization (as successor to former Commissioner Claude E. McGavic).

FINANCIAL ADVISOR: FEES & EXPENSES

Discussion of payment of fees and expenses to Arnold Greenfield, former County Financial Advisor, was deferred until such time as he can appear before the Board.

BRADENTON, CITY OF - WARD LAKE OPERATING PERMIT

Public hearing was continued on the request by the City of Bradenton for Operating Permit for expansion of Ward Lake.

Upon motion by Mr. Fletcher, seconded by Mrs. Glass and carried unanimously, a letter from William R. Lisch, City Attorney, dated November 1, 1982, was accepted into the record. (This letter expressed appreciation to County legal staff for assistance in connection with bond hearings, etc., on the Project.)

Public hearing was continued to November 23, 1982.

GARBAGE FRANCHISE - RATE INCREASES

Philip Davis, Transportation Director, and Rock Payne, County Landfill Director, were available to discuss the impact of increased rates charged franchise holders for disposal of garbage at the Lena Road Landfill, which have been passed on to customers.

He referred to his comparison, dated November 8, 1982, of franchisee disposal costs for C.T. Adams, Cedar Hammock and A.L. Wyatt for the month of October 1982 to the average cost for months of August and September 1982.

He pointed out that the franchisee agreements provide that the franchisee may increase rates to the consumer at a rate of 2 percent for every 10 percent increase by the County, and they may appear before the Board to justify any such rate increases.

J. B. Donnelly, Attorney for Cedar Hammock Refuse Disposal and T. M. Gilmore, suggested monitoring the increase over a three-month period.

Robert Hanna, General Manager of Cedar Hammock and T. M. Gilmore, commented on fluctuations in the number of pounds in a cubic yard.

(Discussion to be continued after "Citizen Comments")

CITIZEN COMMENTSPollution Control Director

Comments and recommendations were received from: Gloria Rains, representing Manasota 88; Katherine Fernald, representing Save Our Bays, and Doris Schember, representing the League of Women Voters, concerning applicants for position of Pollution Control Director.

GARBAGE FRANCHISE - RATE INCREASES (Cont'd)

Caleb Grimes, Attorney representing A. L. Wyatt, and Richard Hampton, Attorney representing C.T. Adams Refuse Service, were available to answer any questions relative to justifying rate increases.

Mrs. Sam Overholt questioned whether A. L. Wyatt could legally bill customers retroactively.

Mr. Davis recommended that the fee increase charged to the consumer be continued and reviewed at the end of 3 months to determine if more information will justify the increases and, at that particular time, adjustments can be made upward or downward for the previous three months.

The Board concurred with the recommendation of Mr. Davis.

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

STATE ROAD CONSTRUCTION - PRIORITY LIST

Mr. Davis recommended approval of a Florida Department of Transportation Road Construction Priority List for the coming year, which had been developed through the coordinated efforts of the Chamber of Commerce, Sarasota Manatee Area Transportation Study, Tampa Bay Regional Planning Council and the County Transportation Department.

Bob Bartz, Jan Smith, and Tom Downs, representatives of the Chamber of Commerce, submitted a resolution by the Chamber recommending approval of the List. They also pointed out that all the priorities are flexible.

Mr. Fletcher moved to adopt the Resolution. Motion was seconded by Mr. Chetlain. Motion was amended to approve the State Road Construction Priority List. Motion as amended carried unanimously.

RECORD PRIORITY LIST

TOURIST DEVELOPMENT COUNCIL

S32-610

Member Appointment

Maurice Goodnight, Chairman of the Tourist Development Council, submitted a list of applicants for membership on the Tourist Development Council and recommended appointment of Louis S. Belcolore, General Manager of Bradenton Resort Inn.

Nominated was:

Louis S. Belcolore - by Mr Chance. (No further nominations.)

Mr. Chance moved that the Board appoint Mr. Belcolore (to the Tourist Development Council). Mr. Vickers stepped down as Chairman to second the motion. Motion carried unanimously.

Budget

Mr. Goodnight submitted the Tourist Development Council Budget recommendations for fiscal period of January 1, 1983 to September 30, 1983, in the total amount of \$400,000. Recommendations included \$191,600 for Direct Advertising; \$68,400 for Administration & Supplies; \$40,000 for a Welcome Station and \$100,000 for other Civic Enterprises.

He recommended an additional \$30,000 be budgeted for a promotional film and that at least 10 percent of any past budgets be held in escrow at interest for contingency or emergency funds.

It was brought out during discussion that Florida Statute permits the use of tourist development tax funds for tourism-related facilities but does not allow them to be used for physical improvements, i.e., repair of damaged piers, boat ramps, etc.

(Depart Mr. Fletcher)

Correspondence dated November 8, 1982, from Fred Runnels, Vice Mayor of the City of Bradenton, urged the Board to request the Tourist Development Council to reconsider its proposed budget and revise it to allocate a portion of the resort tax revenues to the City of Bradenton. He specifically requested assistance with Pirate City and McKechnie Field.

Bill Evers, Mayor, City of Bradenton, also requested a share of the resort tax funds to defray costs of maintaining McKechnie Field.

It was noted by the County Attorney that after the budget is approved, a public hearing will be required to adopt an Ordinance approving the budget in detail.

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Mr. Chetlain moved to accept the Tourist Development Council's budget and that, out of the contingency fund, \$16,500 be allocated to the City of Bradenton's McKechnie Field Fund for improvements. Motion was seconded by Mrs. Glass for discussion. She withdrew her second following discussion.

Mr. Chetlain moved to approve the budget as submitted by the Tourist Development Council for the upcoming 9 months, including \$30,000 for the promotional film; with a provision that \$16,500 be designated for the McKechnie Field Fund from past surpluses, and authorize staff to set a public hearing for the Tourist Development Council Budget. Motion was seconded by Mr. Chance and carried unanimously.

#### RECESS/RECONVENE

The Chairman declared the meeting recessed until 1:45 p.m.

The meeting reconvened at 2:09 p.m. with all member present.

#### MEDICAL EXAMINER PROGRAM

Kathy Snell, Director, Human Services Department, referred to memorandum from W. Pearson Clack, M.D., District Medical Examiner, dated November 9, 1982, outlining four options for restructuring the Medical Examiner's Program in an effort to expedite autopsies and criminal investigations. By memorandum dated November 12, 1982, John Ambrusko, M.D., Medical Executive Director, critiqued those options as follows:

- Option #1 (\$83,275.00) - To continue as present;
- Option #2 (\$99,275.00) - Does not address the problem;
- Option #3 (\$104,800.00) - Should solve the problem;
- Option #4 (\$126,800) - Is most expensive.

Option #3 was considered the best solution, with Dr. Charles Diggs as a full-time forensic pathologist/investigator with a local office, preferably at Manatee Memorial Hospital. It was pointed out, however, that Dr. William Riley, Associate Medical Examiner, would not be willing to participate in this option.

Mr. Fletcher moved to approve Option #3 as presented in memorandum from Dr. Ambrusko to Kathy Snell under date of November 12, 1982. Mr. Vickers stepped down as Chairman to second the motion. Motion carried unanimously.

#### UTILITIES: REGIONAL WATER SUPPLY AUTHORITY

Mr. Fernandez requested deferral of the cost history and implementation of continuing membership on the Regional Water Supply Authority pending additional information. There were no objections.

#### BEKER OPERATING PERMIT (SUSPENSION OF)

William Earl, Environmental Attorney, advised that the Circuit Court has issued an "Order to Show Cause" regarding citations issued to Beker under Manatee County Mining and Reclamation Ordinance for violations of water quality standards, etc. The order states the County cannot proceed with suspension of the operating permit and allows the County 20 days to respond in writing advising why the Mining Ordinance is applicable.

He reported that

- = The matter of water quality violations issued by the Pollution Control Department for water quality discharge has been resolved (a separate suit initiated by the Pollution Director).
- = There have been repeated violations of the trucking stipulations in the Settlement Agreement and the State Attorney's office intends to participate as parties in those proceedings.
- = A request has been filed with the court to hold a hearing to determine the number of violations and sanctions appropriate for Beker's violation of the agreement.

He recommended a Substantial Deviation Hearing be scheduled Tuesday, December 7, 1982.

Mrs. Glass moved to accept the date of Tuesday, December 7, 1982 and to notify all parties of the hearing on the Substantial Deviation. Motion was seconded by Mr. Chetlain and carried unanimously.

Keith Roberts, Assistant County Attorney, formulated a motion that, in view of the "Order to Show Cause" issued by the Circuit Court on November 15, the Board defer consideration of suspension of Beker's operating permit and consideration of Beker's request to withdraw notices of violations issued by the Phosphate Mining Coordinator, with the understanding that no decision on these matters is being made at this time, and with the further understanding that these matters may be recalled by the Board for further consideration at such time as it may be lawful to do so upon giving to Beker notice in accordance with the Mining and Reclamation Ordinance.

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

#### COUNTY ATTORNEY - SURVEY

The County Administrator summarized his memorandum of November 12, 1982, Re: County Attorney Survey and outlined comparison of legal services provided through current in-house structure with those provided through former retained-attorney structure, and response from County Departments to the Questionnaire on the Subject.

He pointed out advantages cited regarding the current structure were accessibility to the County Attorney's office, time responsiveness, continuity of advice, interpretations and legal strategy, and a cooperative posture and highly professional approach to problem solving. A disadvantage cited related to service-provision delay experienced by the Manatee County Utilities Department.

After discussion of various needs, costs and comparisons of outside counsel and in-house counsel, the County Administrator stated he would submit a recommendation to the Board.

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

#### HOLIDAYS - POLICY

Richard Ashley, Chief Deputy Clerk, requested that, in the future, establishment of holidays for the County (regarding Personnel Policy Amendment listed on the County Administrator's Consent Agenda) be presented earlier in the year so that the Clerk's holiday schedule can be structured to coincide with that of the County.

#### COUNTY ADMINISTRATORS CONSENT AGENDA

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

##### WINTER GARDENS SUBDIVISION

Execution of Agreement for Sale of Lot 9, Block 2, Unit 2, (Plat Book 5, Page 32) to Dr. Martin E. Amundson, as Trustee of the Pension Plan and Trust Agreement of Martin E. Amundson, M.D., P.A., for the sum of \$7,010.

RECORD AGREEMENT

S32-611

##### MEDICAL EXAMINER SERVICES

Execution of Contract between State of Florida, Department of Law Enforcement, Medical Examiner's Commission and Manatee County for Medical Examiner Funds, \$21,638. (7/1/82 - 6/30/83)

RECORD CONTRACT

S32-612

##### LIBRARY

Talking Book Program - Interlocal Agreement (Renewal) with Sarasota County for share/funding the Program (\$15,000) 10/1/82- 9/30/83

RECORD AGREEMENT

S32-613

##### UTILITIES

Activated Upline Treatment - Renewal of Lease and Service Agreement with Griffin Pollution Control Corporation (Generators for Pump Stations)

RECORD CONTRACT

S32-614

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Cont'd

MATERIALS & SERVICES

1. Golf Course: Deep Cycle Golf Car Batteries, Bid 83-12-060-10  
- Reject all bids. Rebid.
2. Portable Electric Generator, Bid 82-154-285-00 - Reject all bids

TRANSPORTATION/HIGHWAYAffidavits for Access

- a. Ava C. (Talar) Walker, 7th Street Court East;
- b. Aaron R. & Iola Hartsfield, Onohom Farms.

PERSONNEL - HOLIDAYSAdoption of

Resolution Amending County Personnel Policy regarding  
Christmas Eve and Christmas Day Holidays.

RECORD RESOLUTIONCORRESPONDENCE - Acknowledged from:

- a. Tax Collector - Statement of Revenues and Expenditures for year ended 9/30/82 (Annual Report).
  - b. Rodger B. King - Supporting "Welcome Center" near Ellenton.
  - c. Drs. Steinberg & Gyselinck, Jr. - Supporting construction of proposed Civic Center
  - d. Group W Cable, Inc. - Advising parent-company merger
- (End Consent Agenda)

S32-615

CABLE TELEVISIONGroup W. Cable, Inc.

Documents relating to the merger of Teleprompter Corporation into its parent company Group Cable, Inc., submitted by the County Attorney were accepted.

Florida Cable; Northwest Cable - Franchises

The County Attorney requested authorization to set a public hearing for a franchise for Florida Cable TV (Wilbur Boyd, et al) who had filed an application before the Cable Television Franchise Moratorium came into effect. The Cable TV Ordinance stipulates that the County must approve the legal, character, financial, technical and other qualifications of the company at a public hearing.

Mr. Shore explained (as outlined in his memorandum of October 6, 1982) that since Florida Cable has not yet begun operations, there is no historical operating data on which his office can render a financial analysis.

Mrs. Greenwood then pointed out that the same problem with Northwest Cable TV Company has not yet been resolved.

Ed Floyd, Wilbur Boyd Corp., appeared on behalf of Florida Cable.

During discussion it was suggested that the public hearing be set and, in the interim, some type of bank instrument be developed that would provide the Clerk's Office with sufficient legal assurance to advise the Board.

Motion was made by Mr. Fletcher, and seconded by Mr. Chetlain, to authorize staff to set a public hearing regarding Florida Cable and Northwest. Motion carried unanimously.

Complaints

The County Attorney explained that in an effort to resolve recent customer complaints regarding Cable Television companies, her office devised a form which was sent to the complainant (upon request) and, subsequently, to the company for response. If a complaint remains unresolved after the company has been contacted, the subscriber may file a complaint with the Board of County Commissioners.

Rose Carlson and Michael Vanderploerg, Group W representatives, responded to questions, and explained that some of the problems result from rebuilding their system. They noted, however, that since the first of November, the number of complaints have dropped considerably; that response time is now 24-48 hours; the number of telephone lines has been increased and staff has been doubled.

(Depart Mrs. Glass)

There were no objections to recommendation that a Group W representative contact the Board of County Commissioners and the County Administrator's office daily to receive any complaints that have accumulated.

CLERK'S CONSENT CALENDAR

Upon motion by Mr. Fletcher, seconded by Mr. Chetlain, the Clerk's Consent Calendar dated November 16, 1982, was unanimously approved:

BILLS FOR PAYMENT:

Alcott & Assc. - Appraisal of Shepard Property	\$ 4,250.00
Cherry, Bekaert & Holland - Audit FYE 9/30/82:	
BCC	3,915.94
Clk. Circ. Ct.	5,407.44
Sheriff	1,245.82
Tax Collector	4,409.24
Prop. Appr.	3,623.95
Utilities	2,317.19
	20,919.58
Briley, Wild & Assc. - Lena Rd. Landfill Study (Est. #1)	465.00
Manatee Mem. Hosp.: OB Clinic	3,845.54
OB Clinic	3,828.23
OB Clinic	1,351.14
Refund: Katherine Johnson (OB Clinic)	100.00

WARRANT LIST:

Approve: 11/9-11/16/82; Authorize: 11/16-11/23/82

BOND, PUBLIC OFFICIAL: - Kent G. Chetlain, Commissioner, Manatee County, District 2. (\$2,000, Ohio Casualty Ins. Co.)

AUTHORIZE CHAIRMAN TO SIGN:

Partial Release of Special Improvement Assessment Lien:

Richard & Audrey Miller - Proj.#542; Acct. #2

John & Melva Durkin - Proj.#5019; Acct. #11

Dean & Ruth Kolinske - Proj.#807; Acct. #20

Satisfaction of Judgment: Fees for Court-appointed attorneys:

Cynthia Carter - 78-447F

Keith Joseph Emory - 78-533F

Robert Callahan - 78-3F

Diane Lippincott - 81-1078F

James E. Moore - 79-67F

Cheryl Tullier - 82-30F

Elvin T. Mathis - 78-367F

Terry B. Hodges - 82-463F

TRAVEL AUTHORIZATION

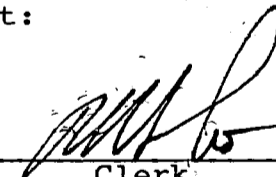
Upon motion by Mr. Fletcher, seconded by Mr. Chetlain, travel request was unanimously approved for Mrs. Glass to attend an Ocean Dumping Trial in Tampa, Florida, November 16-17, 1982.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
Clerk

  
Chairman 3/1/82

Adj: 4:30 p.m.