

NOVEMBER 23, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, November 23, 1982 at 9:12 a.m.

Present were Commissioners:

Vernon E. Vickers, Chairman  
Edward W. Chance, Vice-Chairman  
Kent Chetlain  
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. Joseph Amory, Jr., Palmetto, Presbyterian Church.

The meeting was called to order by Chairman Vickers.

COMMENTS

Mr. Chetlain commented on the desirability of (1) Resort Tax legislation being amended to allow funds to be used for beach improvements, etc; (2) all costs regarding zoning notice procedure being passed on to petitioner; (3) installing solar collectors on the roof of the new safety complex building as a means of conservation of energy/costs.

ELLENTON VOLUNTEER FIRE DEPARTMENT - MINI AMBULANCE

Motion was made by Mr. Chance to approve \$2,000 to assist the Ellenton Volunteer Fire Department Rescue Team to acquire a "mini-ambulance" be utilized in emergency situations at the Manatee County Fair and in the shopping malls. Motion was seconded by Mrs. Glass and carried four to one with Mr. Fletcher voting "Nay".

PALMETTO WATER RATES

Mr. Chance reported on his meeting with the Mayor of the City of Palmetto concerning an agreement on water rates which would be acceptable to all parties and the offer by County Utilities will be submitted by the Mayor to the City Council.

HEATHER HILLS ASSOCIATION

A request by Heather Hills Association to close a portion of a street to monitor traffic and improve internal security was referred to the County Administrator and the Highway Director. Recent burglaries in the area are causing concern to residents.

OCEAN DUMPING - SITE 4

Mrs. Glass referred to Public Notice of November 12, 1982, from the U.S. Corps of Engineers, soliciting information on evaluating the impact of disposal of dredged materials from Tampa Harbor Project at a 4-square-mile area in the Gulf of Mexico approximately 17 nautical miles from Egmont Key (designated as Site 4 by the U.S. Environmental Protection Agency) and recommended that Bill Earl be contacted and staff be authorized to request a public hearing.

The County Attorney advised that Mr. Earl will be calling her during the day and a report will be made to the Board.

PROCLAMATION: HOME HEALTH WEEK

Upon motion by Mrs. Glass, and seconded by Mr. Fletcher, the week of November 28, 1982 - December 4, 1982 was unanimously proclaimed as "HOME HEALTH WEEK" in Manatee County.

RECORD PROCLAMATION

S32-617

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Cont'd

AWARD: FINANCIAL REPORTING ACHIEVEMENT - CLERK; FINANCE OFFICER

By letter dated November 1, 1982, the Municipal Finance Officers Association notified Chairman Vickers that the Comprehensive Annual Financial Report of Manatee County, Florida for fiscal year ended September 30, 1981 qualifies for a Certificate of Conformance in Financial Reporting. This is the highest form of recognition in governmental accounting and financial reporting. Its attainment represents a significant accomplishment by a governmental unit and its management.

Mr. Fletcher presented the Association's Award of Financial Reporting Achievement to R.B. Shore, Clerk of Circuit Court and Peter H. Ramsden, Finance Director, noting that this is the third year these individuals had received this award.

CITY OF BRADENTON: PUBLIC HEARING

Public hearing to consider the operating permit for the City of Bradenton was continued to November 30, 1982.

GUN RANGE - SANITARY LANDFILL/FIRE HAZARD

Chief Shultz, Braden River Fire Department, and Phil Davis, Transportation Director, reported that smoke and fire hazards originating at the Gun and Archery Club Range (adjacent to the Lena Road Sanitary Landfill) are endangering the health and welfare of the residents of that area. They requested the Board direct that all resources available be used to eliminate this situation.

Chief Schults indicated that since November 18th his volunteer group has put in about 200 manhours and has dumped over 150,000 gallons of water in attempting to put out the fire.

Motion was made by Mrs. Glass to authorize the County Administrator to use his judgment to pull together the troops he needs, meet with the coordinating agencies and make a decision about how the fire can be put out. Motion was seconded by Mr. Fletcher and carried unanimously.

(Depart Mrs. Glass)

BEKER - POLLUTION CONTROL

A check in the amount of \$10,000 from Beker Phosphate Corporation for fine imposed for one-day violation of the Pollution Code (water quality) was presented by O. E. Randle, former director of Pollution Control, and Ed Mullock, attorney, and accepted by the Board.

In response to a newspaper article reporting the County had reached a settlement with Beker, it was noted that the Pollution Control Department, a separate and distinct entity from Manatee County, had accepted a \$10,000 fine from Beker for violation of the pollution control laws.

WATER RATES ORDINANCE

At the request of the County Administrator, Mr. Fletcher moved to schedule a public hearing on December 21, 1982 to consider a proposed ordinance on water rates. Motion was seconded by Mrs. Glass and carried unanimously. (Work shop scheduled 12/1/82).

REGIONAL WATER SUPPLY AUTHORITY

Discussion regarding membership on the Regional Water Supply Authority was deferred, pending receipt of information on cost history and other data.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mrs. Glass, seconded by Mr. Fletcher, the County Administrator's Consent Agenda dated November 23, 1982 was unanimously approved with the deletion of one item:

Transportation - Execution of Schroeder/Manatee Landfill lease.

Items APPROVED on the agenda included:

Human Services

MENTAL HEALTH - Second Addendum to Title IIIB Chore Agreement with Manatee County Community Mental Health Center, Inc., \$4,092, retroactive to November 1, 1982.

RECORD AGREEMENT

S32-618

Materials & Services

DATA MANAGEMENT - Negotiation of contract/consultants with Arthur Young & Co. (Bid 83-10-921-00).

ESTECH, INC. - Negotiation of contract/compliance review of operating permit application (Duette Mine) with Camp Dresser & McKee, Inc. (RFP 82-161-921-00)

UTILITIES - Recharge-Recovery Wells - Installation of "B-2"; modification of existing "A": Award to Harry Cannon Well Drilling, \$64,430. (Bid 83-02-C00-07)

UTILITIES - Lake Manatee Emergency Gate (Stop Log) - Execution of contract with S. E. S. Steel Fabricators, \$36,300 plus alternate \$575. and acceptance of insurance certificate. (Bid 83-03-C00-07RR)

RECORD CONTRACT

S32-619

KIMBERLYN ACRES SUBDIVISION

Bonds - Release performance security, \$5,050; accept defect security, \$505; accept improvements.

TRANSPORTATION/HIGHWAY - Affidavit for access for Ray J. Parrish.

DEEDS & EASEMENTS - Accepted:

Drainage Easement (Orange Park Subdivision) from Patsy A. Robinson.

60th Avenue Drive East - Warranty Deed from Robert P. & Susan B. Winters.

CORRESPONDENCE - Acknowledged from:

1. Sheriff Thomas Burton - Requesting Budget Account Amendment No. 12, FY 1981-82; submitting Annual Report FY ending 9/30/82
2. James E. Boyd - Supporting the proposed Civic Center project.
3. Charles D. Brown - Supporting the proposed Civic Center project.
4. Barbara Huffman, (Southeast Bank) - Requesting the Bayshore Parkway extension project be kept in current pending status.
5. Myakka City citizens - Petition for relocation of (2) speed signs on State Road 70.
6. Governor Bob Graham - Submitting Proclamation "Farmworkers' Week", November 21-27, 1982.

LAKE MANATEE EMERGENCY SPILLWAY - LAND ACQUISITION (SUGG)

7. E.N. Fay, Jr., - Submitting closing statement and deed from Ruth Dickinson Sugg as personal representative, Estate of W. D. Sugg (Parcel 105).

(End Consent Agenda)

BUDGET AMENDMENTS

Upon motion by Mrs. Glass, and seconded by Mr. Fletcher, resolutions were unanimously adopted amending the 1982-83 budget to provide for the receipt and appropriation of unanticipated revenues and item to item transfers:

HISTORICAL COMMISSION (83-31)

1) From: Historical Commission  
To: Historical Commission (C/O budget) \$47,137.00

RECORD RESOLUTION

TRANSPORTATION (83-32)

2) From: Highway Equipment Loan Fund  
To: Road Maintenance Thoroughfares \$148,061

RECORD RESOLUTION

S32-620

S32-621

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CENTRAL STORES

3) <u>Increase Revenue</u> (83-33/2)		
Central Stores (Trans. from MCUS)		
<u>Increase Expenditures</u>	\$22,522.00	
Central Stores (Salaries, etc)	<u>RECORD RESOLUTION</u>	S32-622
4) From: Utilities (Reserve) (83-33/1)		
To: Utilities (Trans. C/Stores)	\$22,522.00	
	<u>RECORD RESOLUTION</u>	S32-623
<u>UTILITIES</u> (83-34)		
5) From: Surplus Reserves		
To: Flamingo Cay Lift Station	\$80,600.00	
	<u>RECORD RESOLUTION</u>	S32-624
<u>DOWNTOWN DEVELOPMENT AUTHORITY</u>		
6) From: General Fund (Reserve) (83-35)		
To: General Fund (Contributions)	\$68,552.00	
	<u>RECORD RESOLUTION</u>	S32-625
<u>HUMAN SERVICES</u> (83-36)		
7) From: Council on Aging		
To: General Fund Reserves	\$5,555.00	
	<u>RECORD RESOLUTION</u>	S32-626

SUN COURT NURSING CENTER, LTD - INDUSTRIAL REVENUE BONDS

The Clerk of the Circuit Court, by letter dated November 18, 1982, informed the Board that since Sun Court Nursing Center Ltd., has not yet begun operations, there is no historical operating data on which to render a financial analysis, and recommended that prior to approval of application for the proposed industrial revenue bond issue, the Board require Sun Court to provide some means of guaranteeing the debt service.

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

Dr. Marvin Grossman, representing the Sun Court Nursing Center, Ltd, made a presentation on proposed industrial revenue bonds to finance the nursing center and responded to questions by Board members.

It was requested that the directors of the corporation (Alex Markovich, Leonard Israel and Dr. Julian Sargon Unger) appear before the Board to provide further information on the proposed project.

The Board concurred to schedule the matter for December 7, 1982.

CLERK'S CONSENT CALENDAR

Upon motion by Mrs. Glass, seconded by Mr. Chetlain, the Clerk's Consent Calendar dated November 23, 1982 was unanimously approved after deletion of payment for Lane, Trohn, Bertrand & Williams in the amount of \$4,194.97.

Items APPROVED on Calendar included:

BILLS FOR PAYMENT:

J. B. Zoller, Contractor - Samoset Sr. Center (Est.#1)	7,357.00
Gee & Jenson - Phase II, Wtrshed Impact Assessment	22,615.27
Cement Products Corp. - Addl. Testing, PSC	180.00
Manatee Mem. Hospital: OB Clinic	1,351.14
Indigent Hosp.	7,281.58

Attorney's Fees:

Utilities:

Balance before payments:	\$117,198.64	
Balance after payments:	\$112,675.76	
Mann & Fay: Acq. Sugg Prop. (Spillway)		337.00
Lane, Trohn, Bertrand & Williams:		
Frank Anderson v. Co.	36.35	
Hidden Pines v. Co.	327.79	
Sarasota Co. v. Co.	1,326.66	
MCUD v. John Manning	180.04	
City B'ton v. Co.	12.00	
Rusty Plumbing v. PDM Hydrost.	2,303.04	4,185.88

Pollution:

Balance before payments:	\$10,000.00	
Balance after payments:	\$9,508.00	
Edwin T. Mulock, P.A. - Poll. Contr. (8/3/82-9/30/82)		492.00

General Fund:

Balance: \$496,602.85

Phosphate:

Balance before payments: \$87,772.19

Balance after payments: \$78,154.68

Goldstein & Tanen: Estech Litigation (July 1982) 2,444.23

Peeples, Earl, Reynolds & Blank (Sept. 1982):

Estech Operating Permit & Board Matters 2,708.75

Estech/SWFMD Mining; Storage of Surf. Wtr. Permit

Application 4,464.53

WARRANT LIST:

Approve: November 16 to November 23, 1982

Authorize: November 23 to November 30, 1982

RECESS/RECONVENE

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

The Board reconvened at 1:53 p.m. with all members present, except Mr. Chance.

MILLAGE RATE FY 1982-83

The County Administrator relayed information from the Property Appraiser that it would be necessary to adjust the millage rates, (previously established by the Board by Resolutions adopted on September 30, 1982 and October 29, 1982) to conform to millage rates and taxable value actually allowed pursuant to State law and prescribed by the Department of Revenue.

He submitted a proposed resolution establishing the final millage at 6.3855 for fiscal year 1982-1983 and rescinding prior resolution(s), and explained that in order to conform to the revised millage it will be necessary to reduce the estimated ad valorem taxes by \$188,905.00 to be accomplished by adoption of a budget amendment resolution.

Motion by Mr. Chetlain, and second by Mr. Fletcher, that the Board proceed and approve the resolution, under protest, to expedite sending out the tax bills, were withdrawn after discussion.

Motion was made by Mrs. Glass, seconded by Mr. Fletcher and carried unanimously to adopt a

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
TO ADOPT A FINAL MILLAGE FOR THE FINAL FISCAL  
YEAR 1982-83 BUDGET (6.3855).

The County Administrator was authorized to prepare an appropriate cover letter to be sent to the Governor, with a copy to the Department of Revenue and State Association of County Commissioners, indicating the Board is approving this change under protest and requesting an appointment to discuss the matter.

RECORD RESOLUTION

S32-627

BUDGET AMENDMENT

Upon motion by Mrs. Glass, seconded by Mr. Chetlain, a resolution was unanimously adopted amending the 1982-83 budget to provide for a decrease in the receipt and appropriation of the actual amount of anticipated revenue:

- 1) Decrease Revenue (83-42)  
General Revenue Fund Ad Valorem taxes  
Decrease Expenditure  
General Revenue Fund/Reserve Contingency  
and Reserve for Salary Adjustments. \$188,905

and to authorize the County Administrator to explore all possibilities for returning this money to the contingency fund.

RECORD RESOLUTION

S32-628

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SOUTHEAST REGIONAL WASTEWATER PLANT

The Board continued, as a part of this meeting, the workshop of November 22, 1982, (a continuation of a workshop on September 20, 1982) to further discuss the Southeast Regional Wastewater Treatment Facility.

Richard A. Wilford, Utilities Director, referred to recommendation of September 20th that the County participate in a joint facility agreement with two developers in the I-75 corridor to acquire the necessary permit and to develop costs associated with construction of the first phase of the facility on the Creekwood Site.

Jim Rhinehart, Utilities, outlined the areas to be served by the proposed Southeast Regional Treatment Plant, indicating there were 15 major developments with projections for construction of 13,000 units by year-1990. Developers of TARA and Pines of Manatee are interested in immediate connections.

It was also recommended that an appropriate Facility Investment Fee (FIF) be established in order to recover the County's capital and to prevent present customers from having to bear the costs of new development.

Mr. Fletcher moved that staff be directed to proceed to develop the necessary plans as outlined by Mr. Wilford and submit recommendations to the Board. Motion was seconded by Mrs. Glass and carried unanimously.

MEETING ADJOURNED

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

Attest:

APPROVED:

  
Clerk

  
Chairman 3/1/83

Adj: 2:50 p.m.