

DECEMBER 7, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, December 7, 1982 at 9:09 a.m.

Present were Commissioners:

Vernon E. Vickers, Chairman
Edward W. Chance, Vice-Chairman
Kent G. 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. Steve Braun, First Assembly of God

The meeting was called to order by Chairman Vickers.

PROCLAMATION - DRUNK AND DRUGGED DRIVING AWARENESS WEEK

Upon motion by Mr. Fletcher, seconded by Mrs. Glass, proclamation designating December 12-18, 1982 as "Drunk and Drugged Driving Awareness Week" within Manatee County was unanimously adopted.

RECORD PROCLAMATION

S32-641

OCEAN DUMPING SITES

Bill Ockunzzi, Executive Director of the Tampa Bay Regional Planning Council, indicated that the Council has distributed copies of the Environmental Impact Statement (EIS) on Ocean dumping sites to major environmental agencies in the bay region requesting comments, which will be reviewed by the Council's Clearing House Review Committee and submitted to the EPA on December 15, 1982.

The Comments to EPA will express the Council's concerns about the Ocean Dumping site and the ineffective planning decision-making process that the Corps of Engineers and the EPA have used in the ultimate disposition of dredged material.

Charles Hunsicker, Utilities Department, pointed out on the map the site on which the EPA statement has been made for final disposal of dredging material, and which is identified as Site Four in the environmental studies.

(Depart Mr. Vickers; Mr. Chance presiding)

Mrs. Glass moved that the Board draft a letter urging the careful review of the Environmental Impact Statement by all municipalities in the Tampa Bay Region and Sarasota. Motion was seconded by Mr. Fletcher and carried unanimously.

SMATS/MPO - CHAIRMAN (1983)

Mr. Fletcher announced that at the meeting of SMATS held 12/6/82, Commissioner Glass was elected Chairman of the MPO for year 1983.
(Enter Mr. Vickers)

CITY OF BRADENTON - WARD LAKE

Public hearing was declared open to consider the application of the City of Bradenton for expansion of Ward Lake.

Larry Frazier, Planning Director, indicated that the Planning Department is still receiving basic information in terms of the conditions and process that will be used as best technology.

Public hearing was continued to December 14, 1982.

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ORDINANCE 82-23 - MANATEE PLAN AMENDMENTS/PORT MANATEE/CORTEZ PENINSULA

The Chairman declared public hearing open for the purpose of considering Ordinance 82-23, amendments to the Manatee Plan concerning extension of the Port Manatee industrial area and industrial uses in the Cortez Peninsula, as advertised in the Bradenton Herald November 17, 1982.

Mrs. Glass moved to approve the response to public comments and adopt Ordinance 82-23. Motion was seconded by Mr. Chance and carried unanimously.

RECORD ORDINANCE

S32-642

Public hearing was declared closed.

ELECTRICAL CONTRACTORS EXAMINING BOARD

Appointment of a member to serve on the Electrical Contractors Examining Board to fill vacancy created by resignation of Peter McClash was deferred to December 14, 1982.

TRANSPORTATION: COMMITTED CAPITAL IMPROVEMENT PROJECTS

Phil Davis, Transportation Director, reviewed his memorandum of November 30, 1982, listing 1982/83 Capital Improvement Projects in categories:

- I Continuing projects carry over from 1981/82
- II Committed Projects that by commitment or priority by need are necessary for this fiscal year. Revenue is available
- III Vital Projects not funded

Dottie Poindexter and John Thomas (Highway Department) were present for the discussion.

Discussion was halted to allow for general public comments.

Public Comments

Marge Peters, Chairman of the Coral Shores Homeowners Association, expressed concern about lack of signalization at the intersection of 92nd Street and Cortez Road.

Avery Gould, Member of Flamingo Kay Association, requested assistance in removing a 30-foot houseboat stranded at Flamingo Cay.

George Ralston, who inquired as to the cost of a permit to sell Christmas trees, and requested a waiver of the fees, was advised to submit a written request to the County Administrator in order to have his request placed on the Agenda on December 14, 1982.

TRANSPORTATION: CAPITAL IMPROVEMENT PROJECTS

Following presentation by Mr. Davis on Capital Improvement Projects for 1982/83, specifically on the committee projects, it was recommended that a work session be scheduled to discuss capital improvements, bike paths and pedestrian ways. (Further discussion later in the meeting).

Recess/reconvend. All members present.

OCEAN DUMPING - ENVIRONMENTAL IMPACT STATEMENT

Bill Tara and Bob Reynolds, Attorneys (with firm of Peeples, Reynolds and Blank, representing Manatee County in Environmental matters), reported on the status of the lawsuit initiated by Manatee County and enjoined by Anna Maria and Holmes Beach against the U.S. Corps of Engineers and the Environmental Protection Agency (EPA).

Charles Hunsicker, Utilities Department, summarized discussion and comments at a meeting with the Technical Advisory Committee on the
 =litigation and administrative proceedings,
 =Draft Environmental Impact Statement (EIS) from the
 Environmental Protection Agency regarding the proposed interim and final designation of a site for ocean disposal of dredged material from Tampa Harbor,
 =preparation of comments and recommendations on the study.

Staff and legal counsel requested Board authorization to transmit the comments on the study to the EPA in Washington.

Mr. Fletcher moved to direct staff to prepare those comments and forward to EPA (Washington) to meet their deadline (December 13, 1982). Motion was seconded by Mrs. Glass and carried unanimously.

Mr. Tara requested a motion to have the Board authorize its environmental attorneys to sign on behalf of the Board because of the time restrictions. The County Attorney offered no objections to this delegation of authority.

Mrs. Glass moved to delegate the authority for the attorneys to sign the letter on behalf of the Board. Motion was seconded by Mr. Chance and carried unanimously.

MANATEE HOSPITAL BOARD (SALE OF)

Dan Miller and Harry Pratt, members of the Board of Trustees, Manatee Memorial Hospital, invited the Commissioners to participate in an informal meeting (December 7 evening) to discuss proposals from MedAmerica Health Systems and Seventh Day Adventist on purchase of the Hospital. If a decision can be reached at that meeting, and recommendation submitted to the Trustees in regular meeting on December 8th, it is anticipated the Trustees, in turn, can submit their recommendation to the Board of Commissioners by Tuesday, December 14, 1982.

CIVIC CENTER AUTHORITY

John Harllee, Attorney for Manatee Gateway and Nord Southern Dolemite (a subsidiary of Nord Resources), provided a brief history on Nord Southern Dolemite Resources and its involvement with the property north of Manatee river near the site of the proposed Civic Center.

Richard L. Steinberger, Executive Vice-president of Nord Resources Corp. and Executive Vice-President of Nord Southern Dolemite, provided background on the corporation and elaborated on plans to construct a high quality hotel, pending a commitment on the Civic Center.

RECESS/RECONVENE

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

The Board reconvened at 1:45 p.m. with all members present.

TRANSPORTATION: COMMITTED CAPITAL IMPROVEMENT PROJECTS

Mr. Davis concluded his presentation on the 1982//83 C.I.P Road and Bridge Projects.

After discussion, the Board concurred to schedule a work session and thereafter place it on the agenda for consideration.

SCHROEDER-MANATEE - SANITARY LANDFILL LEASE

Mr. Davis summarized negotiation on a proposed lease agreement between Manatee County and SMR Golf Properties, Inc (Schroeder Manatee), for property for expansion of the sanitary landfill. He indicated it would provide County facilities for landfill operation for the next 13 years.

Action was deferred to later in the meeting.

Recess/reconvene. All members present.

SUN COURT NURSING CENTER, LTD - REVENUE BOND FINANCING APPLICATION

Sam Hardy, Agent for the Seller of the property to Sun Court Nursing Center, described the location of the proposed nursing facility on a 6.2 acre site.

Leonard Israel, Sun Court Nursing Center Ltd., explained the financing approach used by the company (for \$3.5 Million bond issue) on guaranteeing the mortgage to the contract and the benefits the community will derive from the facility.

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After questioning Mr. Israel at length regarding the corporate and financial structures, R.B. Shore, Clerk of Circuit Court, suggested the Board request Sun Court to produce a commitment from FHA. He indicated he had no problem with the financial structure of the firm, as a corporate structure being guaranteed personally by the partners in the mortgage with Concord Finance Mortgage, and the commitment from FHA before final approval of the application.

Mrs. Glass requested that Mr. Israel bring an organizational chart and a financial statement for Health Systems Planning and Development Corporation.

Action was deferred and the County Attorney was requested to schedule further presentation at a future regularly scheduled meeting.

BEKER PHOSPHATE CORP - SUBSTANTIAL DEVIATION

Public Hearing was opened to consider Beker Phosphate Mining Corporation's substantial deviation issue.

John Harlee, representing Beker Phosphate Corporation, requested continuance of the public hearing for one week due to some conflicts of schedule.

Recess/reconvene. All members present. (Recessed at request of Mr. Chance in order to confer with legal counsel as to reasons for request for delay.)

After being advised that Dick Eckenrod, Manatee County Phosphate Mining Coordinator, could not be present at this meeting due to family illness, Mr. Fletcher moved that the Beker's Substantial Deviation Public Hearing be continued to December 15, 1982 at 1:30 p.m. Motion was seconded by Mrs. Glass and carried unanimously.

SCHROEDER MANATEE - SANITARY LANDFILL LEASE

Mr. Chance moved for adoption of

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT
BETWEEN MANATEE COUNTY AND SMR GOLF PROPERTIES, INC.,

to provide land for operation of County sanitary landfill facilities. Motion was seconded by Mrs. Glass and carried three to two with Mrs. Glass, Mr. Chance and Mr. Vickers voting "Aye". Mr. Fletcher and Mr. Chetlain voted "Nay".

RECORD RESOLUTION/CONTRACT

S32-643
S32-644

W. R. GRACE - FOUR CORNERS MINE OPERATING PERMIT

Mr. Fernandez submitted a letter, prepared for signature by the Chairman, requesting W. R. Grace to amend its Four Corner Mine Operating Permit, dated January 22, 1981, to reflect a mutually acceptable development plan to meet augmentation and emergency wellfield requirements outlined in paragraphs 7 and 14 of the permit. He recommended action be deferred due to absence of Mr. Eckenrod.

Mr. Chance moved to defer the item to the following week. Motion was seconded by Mr. Fletcher and carried unanimously.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mr. Chance, seconded by Mrs. Glass, the County Administrator's Consent Agenda dated December 12, 1982, was unanimously approved after deletion of

Letter to Tampa Bay Regional Planning Re: A-95 Review of four Corners Mine Five-Year Dredge and Fill Permit Application.

Items APPROVED on the Consent Agenda included:

HISTORICAL COMMISSION

Confirmation and appointment of Jack Roland, Deanna Siegler, Pamela Gibson, and Allen Garner (terms - 1/1/83 to 1/1/87).

EMERGENCY MEDICAL SERVICES

- a. Adoption of
Resolution Supporting Retention of Florida Statute 401.25
 For Issuance of a Certificate of Public Convenience and
 Necessity for Operation of Ambulance Services.
RECORD RESOLUTION S32-645
- b. Adoption of
Resolution Urging Legislation to Amend Florida Statutes,
 Section 121.0515, Subsection 2, to Provide that Paramedic
 and Emergency Medical Technicians be Added to the Special
 Risk Category.
RECORD RESOLUTION S32-646

Utilities

LAKE MANATEE

- a. Emergency Spillway: Acceptance of Title Insurance Policy from
 Lawyer's Title Guaranty Fund, Parcel 105 (W.D. Sugg property).
- b. Floodway: Execution of land sale and purchase agreement with
 Frances A. Jr. and Alice P. Mikulis, \$78,000
RECORD AGREEMENT S32-647

Human Services

Samostat Multipurpose Center/G.T. Bray Community Center
 Execution of Agreement with Manatee County Rural Health
 Services, Inc., amending agreement of 2/12/80 to include the
 newly constructed clinic.
RECORD AGREEMENT S32-648

MATERIALS AND SERVICES

Heavy Equipment Rental, Annual Bid 81-78-S00-84 - One year
 extension to 9/29/83: C. E. Huffman, Gradall Svcs, Franz
 Tractor, J. I. Case, Leetco, M & M, Su-Say, Woodruff & Sons,
 and Tampa Tractor.

PARKS AND RECREATION

Youth Football League - Request for waiver of user fees -
 denied Re: Football facilities at Palma Sola Recreation Park
 (75th Street W.). Chairman authorized to sign letter to E.N.
 Fay, Jr., Attorney for League.

TRANSPORTATION/HIGHWAY

- a. 20th Avenue (from 13th to 15th St. E.) - Execution of Con-
 struction Cooperative Agreement with Tropicana Products, Inc.,
RECORD AGREEMENT S32-649

CORRESPONDENCE - Acknowledged from:

- a. Joan Hill, Manatee Opportunity Council - in appreciation of County
 assistance in distribution of cheese and milk to needy residents.
- b. Donald Varnadore, Stanley Colman, Philip Baker and M. W.
 Goodson - supporting the Civic Center Project.
- c. David Montgomery - opposing moving any County government
 offices out of the downtown Bradenton area.

(End Consent Agenda)

BUDGET AMENDMENTS

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

HOSPITAL (83-37)

From: Hospital Equipment Loan Fund
 To: Hospital Contributions \$990,472.00
RECORD RESOLUTION S32-650

EMERGENCY SERVICES (83-38)

Increase Revenue
General Fund Revenue
Increase Expenditures
EMS Communications/Equipment (911) \$417,624.00
RECORD RESOLUTION

PLANNING (83-39)

From: Planning Administration Rents/Leases
 To: Planning Administration/Misc. \$14,255.00
RECORD RESOLUTION S32-652

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GENERAL COUNTY (83-40)

(Reappropriating encumbrances from prior years)

Increase Budget

General Fund, Transportation, Highway,
Utilities, Transit, Golf Course, Landfill
Central Stores, Motor Pool, Library Gift. \$1,413,808.12

RECORD RESOLUTION

S32-653

EMERGENCY SERVICES (83-41)

From: General Fund/Reserve

To: Emergency Medical Services

\$37,858.00

RECORD RESOLUTION

S32-654

LIBRARY: ISLAND BRANCH

Bob Fernandez submitted the Certificate of Substantial Completion for the Island Library, pointing out that, although by acceptance of the building the Board is assuming utilities and maintenance responsibilities, final payment to the contractor (roughly \$60,000) is being withheld pending satisfaction of the punch list.

Mr. Fletcher moved that the Board accept the Island Branch Library as substantially complete as of 11: a.m. December 7, 1982. Motion was seconded by Mrs. Glass. After discussion, second was withdrawn.

Motion was made by Mr. Fletcher, and seconded by Mr. Chetlain, to execute Certificate of Substantial Completion and accept the Island Branch Library building, Holmes Beach. Motion carried unanimously.

LAKE MANATEE: FLOODWAY PROPERTY ACQUISITIONPurchase Contract - Branch

Motion was made by Mr. Fletcher, and seconded by Mrs. Glass, to approve and execute Contract with Cecil D. and Juanita B. Branch for purchase of property in connection with County Plan for acquisition of floodway properties in Lake Manatee area. Motion carried unanimously. (Purchase price \$75,200)

RECORD RESOLUTION

S32-655

Warranty Deed - Wallers

The County Attorney submitted a Warranty Deed, closing statement and Affidavit of No Lien in connection with purchase of the Wallers property (for \$76,300.00).

Mr. Fletcher moved to accept and record a warranty deed dated 12/6/82 from Vernon E. Sr. and Emily Wallers. Motion was seconded by Mrs. Glass and carried unanimously.

TRAVEL AUTHORIZATION

Upon motion by Mrs. Glass, and seconded by Mr. Chance, requests for authority to travel were unanimously approved for (1) Mr. Vickers to attend a bond closing in New York December 12 to 13, 1982; (2) Mr. Chance to attend a Regional Water Authority Meeting in Charlotte County, December 8, 1982.

INDUSTRIAL DEVELOPMENT REVENUE BOND: UNICARE HEALTH FACILITIES

The County Attorney submitted the final resolution for Unicare Health Facilities, Inc., Industrial Development Bond in the amount of \$930,000.

Upon motion by Mr. Fletcher, seconded by Mr. Chance, Resolution was unanimously adopted

AUTHORIZING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A PROJECT FOR A SKILLED AND INTERMEDIATE CARE NURSING HOME FACILITY WITHIN THE JURISDICTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE INSTALLMENT SALE THEREOF TO UNICARE HEALTH FACILITIES, INC.; AUTHORIZING THE ISSUANCE OF MANATEE COUNTY, FLORIDA INDUSTRIAL DEVELOPMENT REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$930,000 TO FINANCE THE COST OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF SUCH FACILITY; PRESCRIBING THE FORM OF THE TRUST AGREEMENT TO SECURE SAID BONDS AND AUTHORIZING THE EXECUTION THEREOF; PRESCRIBING THE FORM OF THE INSTALLMENT SALE AGREEMENT AND AUTHORIZING THE EXECUTION THEREOF; APPROVING THE FORM OF THE GUARANTY AGREEMENT;

APPROVING THE FORM OF THE LETTER OF CREDIT AND THE REIMBURSEMENT AGREEMENT; PRESCRIBING THE FORM OF AND RATIFYING THE USE OF THE PRIVATE PLACEMENT MEMORANDUM IN CONNECTION WITH THE OFFERING AND SALE OF THE BONDS AND AUTHORIZING THE EXECUTION THEREOF; PRESCRIBING THE FORM OF THE BOND PURCHASE AGREEMENT AND AUTHORIZING THE EXECUTION THEREOF TO EFFECT THE NEGOTIATED SALE OF THE BONDS; AWARDED THE BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID BONDS; AUTHORIZING A NEGOTIATED SALE OF SAID BONDS; AND MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS;

(designating date of bonds to be November 15, 1982; designating First Bank (N.A.) as Trustee for the bonds under the Indenture).

RECORD RESOLUTION S32-656
BOND PURCHASE AGREEMENT

(Note: Documents relating to the above Bond Issue will be recorded after full execution. These documents are identified in the Resolution as Exhibits:

- (A) Installment Sale Agreement S32-657
- (B) Trust Agreement (i.e. "Indenture") S32-658
- (C) Reimbursement Agreement S32-659
- (D) Guarantee Agreement S32-660
- (E) Private Placement Memorandum S32-661
- (F) Bond Purchase Agreement (Unicare, County, Allstate) S32-662

Ms. Greenwood requested that each of the County Commissioners sign a Certificate As To Public Meetings And No Conflict Of Interest.

CLERK'S CONSENT CALENDAR

Upon motion by Mr. Fletcher, seconded by Mrs. Glass, the Clerk's Consent Calendar dated December 7, 1982 was unanimously approved:

BILLS FOR PAYMENT:

Attorney's Fees:

Phosphate:

Balance before payments: \$87,772.19

Balance after payments: \$81,773.18

Peeples, Earl, Reynolds & Blank:

Re Groundwater Rules (9/30) 707.56

Estech Operating Permit (10/82) 191.25

Beker (10/82) 5,100.20

John Huth Insurance - Renewal Public Official Bond

(Sam A. Cornwell, Tax Collector - 3rd year) 250.00

Camp, Dresser & McKee: Study Wtr. Syst., Ph. II, #6 9,051.67

Mun. Well Field, #3 16,025.51

D. L. Porter Const. - Island Library, #7 23,638.50

Fla. West Paving - Eagles Nest Lane, #1 8,148.47

National Municipal League - 82-83 Dues 100.00

Manatee Memorial Hosp. - Equipment 8,363.33

Hobbs Construction - PSC, #16 911,057.60

MINUTES FOR APPROVAL: July 6, 8, 20, 22, 27, August 2, 3,

10, 12, 16, 1982

WARRANT LIST: Approve 11/30/82-12/7/82; Authorize 12/7/82-12/14/82

AUTHORIZE CHAIRMAN TO SIGN: P&R Instructor's Agreement/Pamela Shaffer

CORRESPONDENCE

RECORD AGREEMENT

S32-663

Upon motion by Mrs. Glass, seconded by Mr. Chance, a letter from John J. Costa supporting the Board of County Commissioners' efforts in the Ocean Dumping Suit was unanimously accepted into the record.

DISTRICT MENTAL HEALTH BOARD

Motion was made by Mr. Fletcher that Mrs. Glass be appointed to the Mental Health Board. Motion was seconded by Mr. Chance and carried unanimously.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:


Clerk

APPROVED:


Chairman 3/15/83

Adj: 6:52 p.m.