

JANUARY 3, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Friday, January 3, 1986, at 9:02 a.m.

Present were Commissioners:
 Edward W. Chance, Chairman
 Kent G. Chetlain, Vice-Chairman
 Westwood H. Fletcher, Jr.
 Lloyd C. Hagaman, Jr.
 Maxine M. Hooper

Also present were:
 Ronald H. Rabun, County Administrator
 H. Hamilton Rice, Jr., County Attorney
 R. B. Shore, Clerk of Circuit Court
 Donald S. Barry, Assistant Clerk of Courts

Representatives of the various news media were present.

Invocation by Reverend Scott Weimer, First Presbyterian Church.

The meeting was called to order by Chairman Chance, who vacated the chair for the first order of business, the election of a chairman for the coming year.

ELECTION OF CHAIRMAN (FLETCHER)

The Clerk of Circuit Court declared the floor open for nomination of Chairman.

Nominations:
 Westwood H. Fletcher, Jr. - by Mr. Hagaman
 Edward W. Chance - by Mrs. Hooper

Nominations were closed.

By show of hands, three votes were cast for Mr. Fletcher (Mr. Hagaman, Mr. Chetlain & Mr. Fletcher).

Upon motion by Mr. Chance, seconded by Mrs. Hooper, unanimous ballot was cast for Mr. Fletcher.

The Clerk declared Mr. Fletcher elected Chairman.

ELECTION OF VICE-CHAIRMAN (HAGAMAN)

The Chairman declared the floor open for nomination of Vice-Chairman.

Nomination: Lloyd C. Hagaman, Jr. - by Mrs. Hooper

Upon motion by Mr. Chance, seconded by Mrs. Hooper, nominations were closed and unanimous ballot cast for Mr. Hagaman.

PORT AUTHORITY - ELECTION OF CHAIRMAN (HOOPER)

The Chairman declared the floor open for nomination of Chairman of the Manatee County Port Authority for the coming year.

Nominations: Maxine M. Hooper - by Mr. Hagaman

Upon motion by Mr. Chance, seconded by Mr. Hagaman, nominations were closed and unanimous ballot cast for Mrs. Hooper.

PORT AUTHORITY - ELECTION OF VICE-CHAIRMAN (CHETLAIN)

The Chairman declared the floor open for nomination of Vice-Chairman of the Manatee County Port Authority.

Nomination: Kent G. Chetlain - by Mr. Chance.

Motion was made by Mrs. Hooper to close the nominations. Motion was seconded by Mr. Hagaman and carried unanimously.

Mr. Chetlain was elected Vice-Chairman of the Manatee County Port Authority.

ROAD ASSESSMENT - CORTEZ GARDENS SUBDIVISION

Public hearing (continued December 17, 1985) was opened for the purpose of considering the following special assessment projects (Cortez Gardens Subdivision):

- 5025 - 43rd Avenue West (from 59th St. W. to 63rd St. W.)
- 5026 - 60th Street Court West (from Cortez Rd. to 43rd Ave. W.)
- 5027 - 60th Street Court West (from 40th Ave. W. to 42nd Ave. W.)
- 5028 - 61st Street West (from 42nd Ave. W. to 40th Ave. W.)
- 5035 - 60th Street West (from 40th Ave. W. to 43rd Ave. W.)
- 5036 - 61st Street West (from 42nd Ave. W. to 43rd Ave. W.)
- 5037 - 62nd Street West (from 40th Ave. W. to 43rd Ave. W.)
- 5038 - 60th Street Court West (from 42nd Ave. W. to 43rd Ave. W.)
- 5039 - 42nd Avenue West (from 59th St. W. to 63rd St. W.)
- 5054 - 40th Avenue West (from 63rd St. W. to 59th St. W.)
- 5055 - 63rd Street West (from 40th Ave. W. to Cortez Rd.)

Speaking in favor of the projects were Doris Waikem and James Weaver.

Public hearing was closed.

Motion was made by Mr. Chetlain, seconded by Mr. Hagaman and carried unanimously, to adopt

R-85-245 RESOLUTION APPROVING SPECIAL ASSESSMENT PROJECT NOS. 5025, 5026, 5027, 5028, 5035, 5036, 5037, 5038, 5039, 5054, 5055

in Cortez Gardens Subdivision and authorizing the Chairman to execute the agreement with the Property Appraiser and Tax Collector.

RECORD RESOLUTION S35-139
RECORD: CONTRACT FILE 3174

CREEKWOOD PROPERTIES

Discussion was held regarding acquisition of approximately 237 acres of Creekwood properties (adjacent to the Southeast Wastewater Treatment Plant) deferred from November 26 and December 17, 1985, offered for \$6,512 per acre or \$1,543,344 total.

Caleb Grimes, Attorney representing Creekwood, noted that appraisals of the property were made prior to the property being rezoned from Agricultural to Planned Development District and, although the offered price is greater than the appraised value, it represents the fair market value. He stated the owners offer no objections to "Necessity of Taking".

Discussion: Value of the property; Creekwood participation in eminent domain proceedings; proceeding with eminent domain if an offer within range of the appraisal fails; expenses involved in acquisition through court action.

Mr. Hagaman moved that Manatee County Public Utilities Department enter into an agreement for the purchase of 237 acres, more or less, of Creekwood properties at \$5,250 per acre. Motion was seconded by Mr. Chetlain and carried unanimously.

MANATEE OPPORTUNITY COUNCIL BOARD OF DIRECTORS

Motion was made by Mr. Chetlain, and seconded by Mrs. Hooper, to appoint Garry Dye to the Manatee Opportunity Council Board of Directors. Motion carried unanimously.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mr. Hagaman, and seconded by Mrs. Hooper, the County Administrator's Consent Agenda was unanimously approved.

Items approved included:

AFFIDAVIT FOR ACCESS

- a. L. Williams, Lot 16, J. Q. Logue Property
- b. Topps Construction, Lot 4, Block D, See A Marlita
- c. James W. Parrish, Lot 2, Riverdale Revised
- d. Phil Sheridan, Lot 13, Block K-1 Riverdale Revised.

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(Cont'd)

PALMA SOLA SOUND

Final Plat and associated documents:

- a. Letter of Credit No. 131 (The Island Bank) - \$4,159.65
- b. Agreement with Palma Sola Sound Joint Venture, Warranting Improvements.

TRANSIT

- a. Execution of 1986 Memorandum of Agreement with Florida Department of Transportation for coordinated transportation to the transportation disadvantaged of Manatee County.

RECORD: CONTRACT FILE 3175

- b. Letter of Assurance to U.S. Department of Transportation, Urban Mass Transit Administration (UMTA), certifying County's Procurement Ordinance (84-02) is in compliance with UMTA procurement guidelines.

WEST COAST MEDICAL TRANSFER SERVICE

Public hearing to consider application of West Coast Medical Transfer Service for Certificate of Public Convenience and Necessity.

(NOTE: Reconsidered later in meeting)

LIBRARY

- a. Execution of Agreement with Manatee Community Service League Inc., for "Discovery Place" (hands-on museum for children) 1/1/86-12/31/86.

RECORD: CONTRACT FILE 3176

COMMUNITY CARE FOR ELDERLY

- a. Execution of Agreement with Sears Termite & Pest Control for services to elderly Chore Program clients.

RECORD: CONTRACT FILE 3177

- b. Execution of Second Addendum to 1985 Title IIIB Purchase of Services Agreement with Upjohn HealthCare, Inc. for homemaker services to elderly, not to exceed \$78,594.

RECORD: CONTRACT FILE 3178

UTILITIES

- a. North County Elevated Water Tank - Award Bid No. 86-39 to CBI Na-Con, Inc., not to exceed \$1,331,400; subsequent execution of contract; authorization to issue notice to proceed after execution of contract and receipt of performance bond and insurance certificate.

- b. Southeast Subregional Wastewater Treatment Plant - Execution of Supplemental Work Authorization No. 3, RFP 84-57-1707-19, with Camp, Dresser & McKee, \$297,885.

RECORD: CONTRACT FILE 3179

PERSONNELa. **MANNING LEVELS:**

Adoption of Resolutions establishing authorized manning levels:

COMMUNITY SERVICES R-86-08
 Add: 1 Custodian; 1 Secretary II
 Delete: 1 Secretary III
 Increase in Manning Level: 137 to 138

RECORD RESOLUTION S35-140

UTILITIES R-86-09
 Add: 1 Accounting Clerk I
 Delete: 1 Enforcement Officer
 No change in Level - 310.

RECORD RESOLUTION S35-141

PARKS & RECREATION R-86-10
 Add: 1 Enforcement Officer
 Increase in Manning Level: 128 to 129

RECORD RESOLUTION S35-142

b. **POLICY AMENDMENT (ANNUAL LEAVE)**

Adoption of

R-86-12 RESOLUTION PROVIDING EXCEPTION TO THE
 MANATEE COUNTY PERSONNEL POLICY, RULES AND PROCEDURES
 TO AUTHORIZE LATE PAYMENT FOR ACCRUED ANNUAL LEAVE IN
 LIEU OF TAKING ANNUAL LEAVE UNDER CERTAIN CONDITIONS.

RECORD RESOLUTION S35-143

PERMITS (STREET VENDOR)

Harvey Eurbin, Jr., Seafood Sales, 8710 Cortez Road, Bradenton.
 (End Consent Agenda)

LEGISLATION (1986 PROGRAM)

David Rothfuss, Assistant to the County Administrator, submitted the final 1986 Manatee County State Legislative Program, modified as recommended by the Board.

Discussion: Protection of State retirement benefits; importance of the Sheriff taking office immediately following election; worksession on charter government; reserving the right to present charter government proposal after the January 13 deadline; disallowing cremation of unclaimed indigent persons.
(Depart Mr. Chance)

Mr. Chetlain moved to approve the 1986 Manatee County State Legislative Program, as amended, and authorize the Chairman to execute a letter of transmittal to Larry Shackelford, State Representative. Motion was seconded by Mrs. Hooper and carried unanimously.
(Note: Amendments clarified later in the meeting).

Recess/Reconvene. All members present.

SNEAD ISLAND: SEWER SERVICES

Richard Sapp, resident of Snead Island, requested an investigation be conducted regarding action by Heritage Bay and the City of Palmetto to proceed with installation of a sewer line to Snead Island. He commented that the City has not been issued a legal right-of-way permit by the County and that the fictitious name of Heritage Bay has not been registered.

Following discussion on Board policy/options regarding issuance of right-of-way use permits, the matter was referred to staff for recommendations.

WEST COAST MEDICAL TRANSFER

Mark Barnebey, attorney representing West Coast Medical Transfer Services (WCMTS), requested the Board designate January 28, 1986 as date for public hearing to consider application of WCMTS for a Certificate of Public Convenience and Necessity.

Mr. Chance requested that the County Administrator prepare a report regarding other providers of such services and the restrictions, if any, placed upon them.

Motion was made by Mr. Chetlain, seconded by Mr. Hagaman and carried unanimously, to reconsider action taken earlier in the meeting regarding West Coast Medical Transfer (County Administrator's Consent Agenda).

Motion was made by Mr. Hagaman, and seconded by Mr. Chetlain, to set a public hearing on January 28, 1986, to consider application of West Coast Medical Transfer Service for a Certificate of Public Convenience and Necessity, and that a report be received regarding unregulated providers as requested by Mr. Chance. Motion carried unanimously.

SNEAD ISLAND: ANNEXATION

Dick Mattox and Chuck Santello, Snead Island residents, spoke in opposition to annexation of Snead Island by the City of Palmetto.

ZONING: TINY TOT'S DAY CARE (SPECIAL PERMIT)

Verne Stanton, 4709 9th Street East, Ellenton, submitted a petition requesting that the special permit for the operation of Tiny Tot's Day Care, 4706 9th Street East, be reviewed for possible violations. He was advised that staff is reviewing the matter.

BUDGET AMENDMENTS

Upon motion by Mr. Hagaman, seconded by Mr. Chetlain, resolutions (86-056 through 86-060) were unanimously adopted, amending 1985-86 budget to provide for receipt and appropriation of unanticipated revenues (including decreases) and item to item transfers:

UTILITIES (86-056/1)

From: Utilities/Trans to Surplus
To: Reserve for Facility Investment

\$2,854,500
RECORD RESOLUTION

S35-144

UTILITIES (86-056/2)

Decrease Revenue
Utilities Surplus Construction/from 401
Decrease Expenditures
Reserve for Contingencies

\$2,854,500
RECORD RESOLUTION

S35-145

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UTILITIES	(86-057)		
From:	Utilities Reserves		
To:	Sewer Lift Stations; MCUS Sewer Collections	\$109,000	
		<u>RECORD RESOLUTION</u>	S35-146
TRANSPORTATION	(86-058/1)		
From:	General Fund; Unincorporated Municipal Services; Highway & Engineer (balances)		
To:	General Fund; Highway & Engineer; Unincorporated Municipal Services/transf	\$125,000	
		<u>RECORD RESOLUTION</u>	S35-147
TRANSPORTATION	(86-058/2)		
<u>Increase Revenue</u>			
<u>Transit Capital Projects/Transfers</u>			
<u>Increase Expenditures</u>			
UMTA Capital Grant FL-90-0002		\$125,000	
		<u>RECORD RESOLUTION</u>	S35-148
UTILITIES	(86-059/1)		
From:	Utilities/Retained Earnings		
To:	Transfers to 415	\$615,448	
		<u>RECORD RESOLUTION</u>	S35-149
UTILITIES	(86-059/2)		
<u>Increase Revenue</u>			
<u>Utilities Surplus Construction/Transfer</u>			
<u>Increase Expenditures</u>			
Wastewater Effluent Disposal System; Wastewater Treatment Plant		\$615,448	
		<u>RECORD RESOLUTION</u>	S35-150
STATE ATTORNEY	(86-060)		
From:	General Fund/Reserve Contingency		
To:	State Attorney	\$10,175	
		<u>RECORD RESOLUTION</u>	S35-151

and resolutions RESCINDED:

UTILITIES (86-046/1 and 86-046/2), \$2,854,500 (adopted 12/10/85).

TRAVEL AUTHORIZATION

Motion was made by Mrs. Hooper to approve, ratify and confirm authority to travel for the County Attorney to New York, December 30 and 31, 1985. Motion was seconded by Mr. Hagaman and carried unanimously.

Upon motion by Mr. Hagaman, seconded by Mr. Chance, authority to travel was unanimously approved for the County Attorney, Commissioners and staff to travel to New York, January 5-6, 1986; County Attorney to Tallahassee, January 7, 1986.

EPA SETTLEMENT AGREEMENT

The County Attorney submitted Final Settlement Agreement (civil penalty, \$40,000) with the United States Environmental Protection Agency (EPA), File No. FOSD-2258, in connection with County liability for violations of the Clean Air Act (removal of catalytic converters from County vehicles and improper gasoline fueling practices).

Avery Gould spoke in opposition to the provision in Attachment 5 of the agreement that Manatee County mail a letter to the governing legislative body of each county in Florida and each of the 33 largest municipalities in Florida notifying them of problems of automotive air pollution and related federal laws.

Mr. Chance moved to approve and authorize execution of the Settlement Agreement with the United States Environmental Protection Agency for EPA Case File Number FOSD-2258. Motion was seconded by Mr. Hagaman and carried unanimously.

RECORD: CONTRACT FILE 3180

SNEAD ISLAND: ANNEXATION

By memorandum dated January 2, 1986, Tedd Williams, Chief Assistant County Attorney, reported that the City of Palmetto, by Ordinance No. 261, annexed a parcel of land located on Snead Island, and a question has arisen as to whether Manatee County ought to oppose this annexation. On the matter of considering the parcel as "contiguous", he noted there could be a question of fact as to whether an existing channel (between Snead Island and the City) prevents the City of Palmetto and the annexed territory from being a unified whole and whether the annexation meets the compactness requirement.

If the Board elects to oppose the annexation, the County Attorney recommended his office be authorized to proceed with further legal research and gathering of facts to ascertain whether the County should oppose the annexation, and to file a petition for certiorari if the legal grounds and facts support that action. He pointed out that the deadline for a petition of certiorari is January 15, 1986.

Discussion: Scheduling meeting with Mayor and City representatives to discuss the issue and related problems regarding provision of county/municipal services; whether annexation which is in compliance with Federal regulations should be challenged; the need for sewer service to Snead Island; the need for unified City/County government, particularly relating to water and sewer services, zoning, etc.

Motion was made by Mr. Hagaman to approve the recommendation of legal counsel and direct the Chairman and County Attorney to attempt to meet with the Mayor and Council for the City of Palmetto. Motion was seconded by Mr. Chetlain and carried unanimously.

CLERK'S CONSENT CALENDAR

Upon motion by Mr. Chance, seconded by Mrs. Hooper, the Clerk's Consent Calendar dated January 3, 1986, was unanimously approved:

BONDS/ACCEPT:

Sheriff Public Employees/Deputies Blanket Bond -

Additions:

Ackles, Anthony	-	Correction Officer
Blau, Theodore	-	Special Deputy - MCSO
Bonadio, Thomas	-	Patrol
Bryant, Randall	-	Special Deputy - SSO
Davis, Mark	-	Correction Officer
Dellaccio, Vincent	-	Special Deputy - SSO
Foy, Edward	-	Patrol
Friel, Joseph	-	Special Deputy - SSO
Hall, James	-	Patrol
Hancock, Leslie	-	Special Deputy - LBKPD
Hardee, Jeffrey	-	Special Deputy - SSO
Hebeler, Janine	-	Correction Officer
Hurst, Wayne	-	School Crossing
Lamonte, Marco	-	Special Deputy - SSO
Lockhart, Richard	-	Correction Officer
Mears, Kenneth	-	Patrol
Nowocien, Alicia	-	School Crossing
Rhodes, Patricia	-	Jail - Nurse
Ries, Gordon, Dr.	-	Special Deputy - MCSO
Swope, Darrell	-	Communications
Wyckoff, Wayne	-	Patrol

Deletions:

Biggs, Diane	-	School Crossing
Hancock, Michael	-	Patrol
Hughes, Nancy	-	School Crossing
Waters, Karen	-	School Crossing

BONDS/RELEASE:

Sylvan Woods Subdivision

Performance Bond - Gulfland Homes cashiers check	\$	12,896.00
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Hidden Meadows Subdivision

Defect Security - First Federal Florida, L/C 61043948		28,113.35
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BILLS FOR PAYMENT:

Woodruff & Sons, Inc. - 59th St. Park	302,570.64
Scarborough Const - SE Pump Sta/Force Mains (Ph I, Seg A)	69,480.00
Hogg, Allen et al - Services thru 10/25/85	9,617.22
Schmehl & Green - Concrete Loading Pads (Civic Center)	7,100.00

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Wenger Corp. - Storage Carts (Civic Center)	4,323.69
Roose Contracting Co. - N Subreg W/Wtr Facility	155,628.23
CH2M Hill - Injection & Monitoring Well (Pmt #11)	1,426.70
CH2M Hill - Exploratory Well Design (Pmt #2)	8,098.50

Refunds:

Jenkins McCann - Utility Deposit	2,000.00
William D. McManamy - Utility Deposit	75.00
Glendale Fed S & L - Utility Deposit	8.25
Bruce Patten - Utility Deposit	102.91
C. Tobey - Safety Seat	10.00
John C. Pelot - Animal Cage Deposit	20.00
Virginia Slate - Animal Cage Deposit	20.00
Elizabeth McGregor - Library Book	15.00

SUBDIVISIONS

Accept improvements for County maintenance:

Manatee Oaks Subdivision, Phase I,
Gardens at Palm Aire Subdivision, Phase II

WARRANT LIST:

Approve: December 17, 1985 through December 23, 1985

Authorize: December 24, 1985 through January 13, 1986

ACCEPT FOR THE RECORD:

Housing Financing Authority - Single-Family Mortgage Revenue Bond
Program Policy Report dated 12/23/85

AUTHORIZE CHAIRMAN TO SIGN:

Partial Release of Lien:

William S. Phillips, Project 639, Acct 5220500002

APPROVE, RATIFY & CONFIRM:Petition for Admission to A. G. Holly State Hospital for
Alfred Watson.Agreement with Schroeder-Manatee, Inc., for Delivery and Use of
Reclaimed Irrigation Water (approved/executed 12/17/85).

RECORD: CONTRACT FILE 3181

MINUTES FOR APPROVAL

November 13, 19 & 21, 1985

(End Consent Calendar)

LEGISLATION (1986 PROGRAM)Mr. Rothfuss submitted and clarified two amendments to the 1986
Manatee County State Legislative Program (discussed earlier in the
meeting):

- (1) Requesting exclusion of Sheriff from those officials who
assume office in the month of January and protection of
retirement benefits to the Office of Sheriff;
- (2) Requesting disallowance of cremation of unclaimed indigent
persons when such is contrary to expressed wishes of the
deceased person or relatives.

The Board members concurred with the amendments.

LINCOLN MIDDLE SCHOOL AREA (CLEANUP)Motion was made by Mr. Chance, seconded by Mr. Chetlain and carried
unanimously, to authorize the Chairman to send letters of appreciation
to appropriate individuals/groups involved in the cleanup of the
Lincoln School area.**TRAVEL AUTHORIZATION**Upon motion by Mr. Hagaman, seconded by Mrs. Hooper, authority to
travel was unanimously approved for the County Administrator to travel
to Tallahassee, January 8, 1986.**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

[Signature]

Clerk
Adj: 12:16 p.m.

[Signature]

Chairman 2/4/86