

APRIL 1, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, April 1, 1986 at 9:06 a.m.

Present were Commissioners:

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

Also present were:

Ronald H. Rabun, County Administrator
H. Hamilton Rice, Jr., County Attorney
Richard H. Ashley, Chief Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Rev. Johnny Johnson, Palmetto Church of God.

The meeting was called to order by Chairman Fletcher.

SUPERVISOR OF ELECTIONS - OFFICE SPACE

Inasmuch as present office space is inadequate, Bob Sweat, Supervisor of Elections, requested authorization to enter into lease negotiations with Strasser Inc. for facilities at 1306 7th Avenue West (aka 1313 8th Avenue West).

Motion was made by Mr. Hagaman, seconded by Mr. Chance and carried unanimously, to authorize entering into negotiations with Strasser Inc. to secure a lease for office facilities at 1306 7th Avenue West for the Supervisor of Elections.

LEGISLATIVE PROGRAM

Betty Steffens, Legislative Liaison, advised that a written report of pending legislation will be presented in two weeks at which time certain issues will be discussed. Items of particular concern appear to be:

1. Fire Control Districts
2. Gross Receipt Tax
3. \$25,000 Homestead Exemption Tax.

BEKER PHOSPHATE

Alan Sundberg, County Counsel in Beker Phosphate proceedings, advised a Bankruptcy Pre-Trial Conference (New York Southern District Court) has been postponed to determine the nature of the (Florida) Land and Water Adjudicatory Commission Order (based upon the State Administrative Hearing Officer's Recommended Order).

He stated the Land and Water Adjudicatory Commission had voted to remand the case to the Hearing Officer for additional testimony concerning shipping two million tons of phosphate per annum, (from Wingate Mine to Port Manatee via SR64). The position of the County is is that additional testimony is not legally permissible.

Discussion: Evidence relating to shipping two million tons per annum allowed if it demonstrates mitigation of adverse impacts of shipping 1.2 million tons per annum; Beker filing exceptions to the Hearing Officer's Recommended Order; Hearing Officer should send the case back to the Adjudicatory Commission; Evidence in mitigation vs formally amending DRI application; Integrity of Chapter 380 (DRI applications); attorney's fees; financial statement and insurance, etc.

The consensus of the Board is to pursue the matter on all levels.

AWARDS

Eugene N. Valeria, Public Works/Utilities, was presented a certificate upon his retirement and in recognition of thirteen years of service to the County.

PROCLAMATION

Upon motion by Mr. Chetlain, seconded by Mr. Chance, a proclamation was unanimously adopted designating April 6-12, 1986 as "National Library Week".

RECORD PROCLAMATION

S35-304

Recess/Reconvene. All members present

ROAD PARTICIPATION PROJECT: MAGNOLIA MANOR

Public Hearing (Notice in The Bradenton Herald 3/13/86) was opened to consider construction of

Project 5056 - 60th Street East from 13th Avenue East south 817 feet m/l to dead end.

Tom Fenton, Public Works/Highway, stated this inclusion was approved by the Board on March 4, 1986.

Joyce Grubb spoke in favor of the project.

Motion was made by Mrs. Hooper to adopt

R-86-87 RESOLUTION AMENDING RESOLUTION R-86-29
APPROVING ADDITIONAL IMPROVEMENTS TO BE INCLUDED
IN THE SPECIAL ASSESSMENT PROJECT APPROVED
THEREIN PROJECT NO. 5056 MAGNOLIA MANOR

and empower the Chairman to execute an agreement with the Property Appraiser and Tax Collector. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD RESOLUTION
RECORD: CONTRACT FILE

S35-305

3251

ROAD PARTICIPATION PROJECTS - COUNTYWIDE

In order to expedite the paving of shell/dirt roads countywide, Mr. Chance moved to authorize the County Administrator to move forward with participation projects countywide and authorize additional staffing as necessary to accomplish this task. Motion was seconded by Mr. Hagaman and carried unanimously.

ORDINANCE 86-08 - SELF-INSURANCE PROGRAM

Public Hearing (Notice in The Bradenton Herald 3/13/86) was opened for the purpose of considering

ORDINANCE NO. 86-08

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, MAKING FINDINGS AS TO THE NEED FOR A SELF-INSURANCE PROGRAM; CREATING A SELF-INSURANCE PROGRAM; PROVIDING FOR GENERAL PURPOSES OF THE PROGRAM, PROGRAM COVERAGE AND DEFINITIONS; PROVIDING FOR LIMITATIONS ON LIABILITY COVERAGE; INCORPORATING THE PROVISIONS OF INSURANCE SERVICE OFFICE STANDARD FORM BUSINESS COMPREHENSIVE AUTO POLICY, COMPREHENSIVE GENERAL LIABILITY POLICY, PUBLIC OFFICIALS AND EMPLOYEES LEGAL LIABILITY POLICY, AMBULANCE DRIVERS AND ATTENDANTS MALPRACTICE POLICY AND WORKERS COMPENSATION POLICY; PROVIDING FOR POLICY AMENDMENTS; PROVIDING FOR POLICY ENDORSEMENTS; CREATING MANATEE COUNTY SELF-INSURANCE FUND; PROVIDING FOR FUND ADMINISTRATION; PROVIDING FOR INVESTMENTS AND EARNINGS ON INVESTMENTS; PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS AS MAY BE REQUIRED TO ENSURE SOLVENCY OF THE FUND; ESTABLISHING MANATEE COUNTY LOSS REVIEW COMMITTEE; PROVIDING FOR COMMITTEE COMPOSITION, DUTIES AND PROCEDURE; PROVIDING SETTLEMENT AUTHORITY; AUTHORIZING THE PURCHASE OF SUCH EXCESS INSURANCE AS MAY BE DESIRABLE; AUTHORIZING THE PROCUREMENT OF RISK MANAGEMENT AND OTHER SERVICES; PROVIDING FOR THE ASSUMPTION OF ADDITIONAL RISK; REQUIRING ANNUAL PERFORMANCE REPORTS; PROVIDING AN EFFECTIVE DATE.

Tedd Williams, Assistant County Attorney, advised the adoption of this Ordinance provides for the Self-Insurance Program in five areas formerly covered by commercial insurance policies:

1. Comprehensive Business Automobile Insurance;
2. Comprehensive General Liability;
3. Public Officials and Employees Legal Liability;
4. Ambulance Drivers and Attendants Mal-Practice Policy;
5. Workers Compensation Policy.

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(Cont'd)

Mr. Hagaman moved to adopt Ordinance 86-08 establishing a Self-Insurance Program. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD ORDINANCE

S35-306

NARCOTICS AND VICE SQUAD

James Foy, Sheriff's Department, requested authorization to expend funds from the Law Enforcement Trust Fund to purchase Narcotics investigative equipment and vehicles in the amount of \$21,628.

Upon motion by Mr. Chance, seconded by Mr. Hagaman, the request was unanimously approved.

PERSONNEL - BURTON THOMAS (LEAVE/DATE OF HIRE)

By memorandum dated March 19, 1986, Richard Wilford, Public Works Director, requested authorization for Burton Thomas' vacation accrual rate to be based on an April 6, 1971 hire date when employed by Parks & Recreation Department as an Enforcement Officer. (This would enable Mr. Thomas to retain his 15 years of seniority with the Sheriff's Department)

Mr. Chance moved to authorize vacation pay based on April 6, 1971 hiring date for Burton Thomas when employed by Parks & Recreation. Motion was seconded by Mr. Chetlain and carried unanimously.

AWARDS (BREWER; MATTHEWS; WILFORD)

Meritorious Service Awards were presented Angie Brewer, Clerk's Office; Robert Matthews, Camp Dresser, McKee and Richard Wilford, Public Works Department, in recognition of their service in the Environmental Protection Program for the 201 Facilities Plan.

201 FACILITIES WASTEWATER PROGRAMPlan Update

Robert Matthews, Camp, Dresser & McKee, and Ron Larson, Larson and Associates, reviewed projects funded by a three-year segmented grant of \$30,000,000 per year in FY 84-86 for the Southwest, Southeast and North Subregional Service Areas and proposed projects to be funded by discretionary funds.

Mr. Matthews summarized the 3-year segmented grant approved for \$44,500,000 with \$5,100,000 increase requested by the County to fund the remaining third-year programs approved. The new grant projects will require documentation similar to the original grant and will require a public hearing to present the projects and input from the impact areas.

Motion was made by Mrs. Hooper, seconded by Mr. Hagaman and carried unanimously, to set a public hearing on May 6, 1986 for the new grant program.

BOYS CLUB YOUTH RANCH - RYE WILDERNESS (LEASE)

Michael Pascuzzi, Parks & Recreation Director, recommended the Board lease a portion of the area known as Rye Wilderness property to the Boys Club of Manatee County, Inc. for development of a youth ranch. He listed maintenance of the property and less need for security as advantages of allowing the development.

Bill Brown, Director of Manatee River Youth Ranch, submitted an outline of the proposed project.

Discussion: Lease of the land vs Bond Covenants; Bond Counsel reviewing the lease, etc.

Mr. Chetlain moved to adopt

R-86-88 RESOLUTION AUTHORIZING DEVELOPMENT OF A LONG-TERM LEASE BETWEEN BOYS CLUB OF MANATEE COUNTY, INC. AND MANATEE COUNTY.

Motion was seconded by Mr. Chance and carried unanimously.

RECORD RESOLUTION

S35-307

MATERNITY SERVICES

Kathy Snell, Community Services Director, recommended execution of an agreement for maternity services with Manatee Obstetrics and Gynecology M.D., P.A. (to serve County-approved patients not accepted within a certain period of time by Rural Health Services, Inc, RHS). In answer to questions, Ms. Snell advised that RFP's are not required for Physicians' Services.

Discussion: History of RHS ability to fulfill its contract; Professional Association RFP procedure; percentage of budget set aside for private firms, etc.

Mickey Presha, RHS, stated problems of the past have been resolved and allowing three patients a month going to a private firm would result in approximately \$30,000 loss of revenue for RHS.

Motion was made by Mr. Chetlain and seconded by Mr. Chance to authorize execution of the agreement for maternity services with Manatee Obstetrics and Gynecology MD, PA. Voting "Aye" were Mr. Chetlain, Mr. Chance, Mrs. Hooper and Mr. Hagaman. Voting "Nay" was Mr. Fletcher. Motion carried.

RECORD: CONTRACT FILE 3252

IMPACT FEE ADMINISTRATION PROCEDURES

Jim Seuffert, Office of Management and Budget, stated the Impact Fee Work Program (submitted to the Board January 22, 1986 by Burke, Bosselman and Weaver) did not cover the cost of an "Administration Procedures Manual" which is considered an important part of the impact fee process. Three proposals were received for this service and he recommended entering into contract negotiations with McLaughlin-Vanasse/Hangen-Planning Associates, the top-ranked firm.

Mrs. Hooper moved authorize contract negotiations with top ranked firm, McLaughlin-Vanasse/Hangen-Planning Associates, in accordance with RFP No. 86-204 - Impact Fee Administration Procedures. Motion was seconded by Mr. Hagaman and carried unanimously.

TOURIST DEVELOPMENT COUNCIL (MEMBERS)

Mr. Hagaman moved to appoint Fred Runnels, Councilman, City of Bradenton, on the Tourist Development Council for a four year term, to replace Mayor Bill Evers, effective June 1, 1986. Motion was seconded by Mrs. Hooper and carried unanimously.

Mr. Chetlain moved to reappoint W. D. Bell, Mayor, City of Palmetto, to a four year term on the Tourist Development Council effective June 1, 1986. Motion was seconded by Mrs. Hooper and carried unanimously.

AUDITING SERVICES - CHERRY BEKAERT & HOLLAND

In accordance with the policy of rotating County Auditors, Mr. Chance moved to authorize the Chairman to sign a letter to auditors Cherry, Bekaert and Holland terminating the auditing services agreement. Motion was seconded by Mr. Chetlain and carried unanimously.

The Chairman appointed Mr. Hagaman to the Audit Selection Committee to begin the audit selection process.

COUNTY ADMINISTRATOR'S CONSENT AGENDA

Upon motion by Mr. Chance, seconded by Mr. Hagaman, the County Administrator's Consent Agenda was unanimously approved after deletion of:

- = Sole source purchase of equipment for expansion of telemetry at Grace Well Field (separate action). Items APPROVED included:

APPROVAL FOR ACCESS

1. Robert W. Anderson - Lot 5-A Dude Ranch Acres
2. Oliver E. Norris - 14255 Dickey Road, Parrish
3. Harold Morrison - Lots 8, 9, 10 Block C, Oneco Gardens.

DEEDS & EASEMENTS

1. University Parkway/Whitfield Avenue - Pedestrian easement from BTR Palmaire Inc.
2. Palma Sola Boulevard - Right-of-Way Dedication from Carol Ranallo.
3. Whitfield Estates - Utility Easement from Eugene H. & Annabelle N. Beckstein.
4. Airport Industrial Park - Utility Easement from University Park of Commerce Inc.

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(Cont'd)

5. Ellenton-Gillette Road - Utility Easement from Lee & Mary J. Harrell.
6. Country Village - Corrective Utility Easement from US Home Corp.; release by County of invalid easement (OR Book 988 page 2213).

SAUNDERS ROAD

Application (re-submit) to Florida Department of Commerce for Economic Development Transportation Project Grant for multi-laning Saunders Road from 15th Street East to new US 301 (in connection with Flowers Industries, Inc.)

CENTRAL SERVICES

1. Developments of Regional Impact (DRI) - Begin Contract negotiations for review process with Camp Dresser McKee, George F Young, and H. W. Lochner, Inc.
2. Pest Control - Award bid to Thumb Pest Control on as required unit price basis.

SOUTHEAST SUBREGIONAL WASTE WATER TREATMENT FACILITIES

Adoption of

R-86-89 RESOLUTION TENTATIVELY AWARDING
CONSTRUCTION CONTRACTS FOR EPA WASTEWATER
CONSTRUCTION GRANTS PROGRAM SUBJECT TO REGULATORY
APPROVAL, UNDER THE PROVISIONS OF CHAPTER 63-1598,
FLORIDA STATUTES EPA NO. C120540060 (STEP 3)
MANATEE COUNTY BID NO. 86-18.

to Danis-Shook of Florida for \$1,637,900, subject to EPA & DER approval; subsequent execution of contract with Part B Package; authorization to award certifications; authorization to award contract: Phase I, Segment B, Part 2.

(End Consent Agenda)

RECORD RESOLUTION

S35-308

W. R. GRACE & COMPANY WELLFIELD

Upon determination that sole source purchase was in order and properly documented, motion was made by Mr. Chetlain to authorize sole source purchase from The Turbitrol Company for equipment necessary for the expansion of an existing telemetry system for the control, status and security of Grace Well Field, not to exceed \$24,018. Motion was seconded by Mrs. Hooper and carried unanimously.

BUDGET AMENDMENTS

Upon motion by Mr. Chance, seconded by Mr. Chetlain, resolutions were unanimously rescinded and adopted amending the 1985-86 Budget, providing for receipt and appropriation of unanticipated revenues and item to item transfers:

Rescinded:

Utilities	(86-85)	\$77,270 (adopted 2/25/86)
Work Release	(86-89/1 & 2)	\$449,700 (adopted 3/4/86)

Adopted:UTILITIES

(86-101)

From: Saunders Road Realignment; Relocate Water Line/
Erie & Saunders Road
To: Saunders Road Realignment; Relocate Water Line/
Erie & Saunders; Utilities Surplus
Construction

\$ 77,270

RECORD RESOLUTION

S35-309

WORK RELEASE

(86-102/1)

From: Sheriff's Stockade Construction
To: Capital Improvements Fund 315

449,700

RECORD RESOLUTION

S35-310

From: Work Release Fac Expan (86-102/2)
Trans from 317
To: Work Release Fac Expan
Reserve for Contingency

449,700

RECORD RESOLUTION

S35-311

<u>CIVIC CENTER</u>	(86-103)		
<u>Increase Revenue</u>			
Equip rental, Concessions, Alcoholic Bev sales, Contract Riders, Reimburse sales, Ticket sales, Commissions, Misc			
<u>Increase Expenditure</u>			
Administration, Travel/Transp, Misc, Imprv Other than Bldg, Food, Concessions, Alcoholic Beverages, Contract Riders, Purchases for Resale		394,652	
		<u>RECORD RESOLUTION</u>	S35-312 -
<u>Decrease Revenue</u>	(86-104)		
Bldg Rental, Food & Bev, Misc.			
<u>Decrease Expenditure</u>			
Education, Purchase for Resale		681,550	
		<u>RECORD RESOLUTION</u>	S35-313 -
From: Misc Revenues	(86-105)		
To: Ticket Sales, Merchandise, Retained Earnings		80,383	
		<u>RECORD RESOLUTION</u>	S35-314 -
<u>LIBRARY</u>	(86-106)		
<u>Increase Revenue</u>			
Contributed Capital			
<u>Increase Expenditure</u>			
Salary, FICA, Retirement		6,500	
		<u>RECORD RESOLUTION</u>	S35-315
<u>SHERIFF</u>	(86-107)		
<u>Increase Revenue</u>			
WCIND Contribution			
<u>Increase Expenditure</u>			
Constitutional Officer Budget		70,000	
		<u>RECORD RESOLUTION</u>	S35-316
<u>HIGHWAY</u>	(86-108)		
From: Local Opt 4 Cents Gas Tax Capital Project Fund Reserves			
To: 27 St E/Manatee Av; 45 St E/SR70 67 St W/Manatee Av; 9 St E/53 Av E Whitfield Av/Univ Pkwy; 9 St E/30 Av E Roadway Signage; Pavement Rating; El Conquistador; 34 St W; 43 St W; 63 A W 45 St E; 9 St E		1,177,000	
		<u>RECORD RESOLUTION</u>	S35-317
From: Local Option 4-Cents Gas	(86-109)		
Tax Capital Proj Fund Reserves			
To: 75 St W/Palma Sola Creek Local Rd Resurf & Rehab Local Rd Resurf/Palmetto Pt Local Rd Resurf/Patten 51 Av E/30 St E; 27 St E/US301 26 Av E/27 St E; Ft Hammer Rd/US301 51 Av E/New US301; 20 St W/53 Av W 20 St W/Cortez Rd; 103 St W/Cortez Rd		906,640	
		<u>RECORD RESOLUTION</u>	S35-318
From: Gas Tax Capital Proj	(86-110)		
Reserve for Contingency			
To: 44 Av E; 26 Av E; 53 Av W		1,189,799	
		<u>RECORD RESOLUTION</u>	S35-319
<u>LANDFILL</u>	(86-111)		
From: Stage 1 Storm Wtr & Leachate Control Improv			
To: Landfill Fac Impr, Regular Salary Temp Empl, Overtime, FICA, Retirement Health Ins, Operating Supplies, Equip Maint, Rents & Leases, Prof Svcs, Bldgs, Improv		200,000	
		<u>RECORD RESOLUTION</u>	S35-320

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(Cont'd)

From: S/Waste Bill Postage (86-112)
Reserves Franchises/Contingency
To: S/Waste Billing, Temp Empl,
Overtime, FICA, Retirement,
Health Ins, Office Supplies,
Operating Supplies, Equip Maint,
Transp, Contr Svcs, Equip

114,600
RECORD RESOLUTION

S35-321

AGENDA - DELETIONS/DEFERRALS

At the request of the County Attorney, the following items were deferred until April 8, 1986.

1. Land Development Code - Exotic Animals
2. Compounds - Wild Animals

PUBLIC SERVICE COMMISSION/SARASOTA TELEPHONE EXCHANGE

Tedd Williams, Assistant County Attorney, referred to an Order from the Public Service Commission denying request by Manatee County to have General Telephone Company list south county telephone numbers in Manatee/Bradenton exchange directory rather than Sarasota exchange.

Available options in this matter appear to be:

1. Do nothing.
2. File a Motion for Reconsideration.
3. File a Notice of Appeal.

He requested authorization to study other state case law regarding this type of case as apparently no Florida case law exists in this matter.

Mr. Chance moved to authorize the County Attorney to pursue research of the General Telephone case. Motion was seconded by Mr. Chetlain and carried unanimously.

CLERK'S CONSENT CALENDAR

Upon motion by Mr. Hagaman, seconded by Mr. Chetlain, the Clerk's Consent Calendar for April 1, 1986 was unanimously approved.

BONDS**Release:**

Palm Aire Construction Co - DWP #8823	\$500.00
Delesline Construction - DWP #7420	300.00
Nelson Yoder - DWP #11042	515.00

Misty Oaks Subdivision

Release: Performance Bond/Agmt w/Misty Oaks Dev Corp	5,175.86
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BILLS FOR PAYMENT**Attorneys Fees:**

Goldstein & Tannen - Manasota 88	\$5,909.40
Zoller & Najjar Engineering - 59th Street Park Ph II	51,000.00
Rose Contracting - N Subreg Ellenton 1-A W/Wtr	386,511.75
Camp, Dresser McKee - Ph II S/Waste Plan	13,025.42
CH2M Hill - Exploratory Well Design	1,050.39
Briley Wild & Assoc - Landfill Study Pymt 5	936.32
- Landfill Study Pymt 6	28,279.09
- Landfill Study Pymt 7	4,289.46
- Landfill Study Pymt 8	314.78
- Landfill Study Pymt 9	3,519.59
- Landfill Study Pymt 10	1,498.50
- Landfill Study Pymt 11	1,622.00
- Nov-Dec S/Wtr Plan Areas B&C	13,438.07
- Dec-Jan S/Wtr Plan Areas B&C	14,515.60
Dept of Law Enforcement - February Crim Hist Inquiry	5.00
Mark Lipinski - Court Costs/State v Chamberlain	43.60
- Court Costs/State v Pandolph	98.70
Chris Pratt - Court Costs/State v Issacs	275.10
- Court Costs/State v Scheidt	114.00
- Court Costs/State v Lopez	246.05

REFUNDS

C. Wilson - Safety Seat Refund	15.00
HMS Inc - Meter deposit cancelled	1,015.00
John Braam - 286-45 w/drawn	635.00
C.M. Bayless - Animal Cage Deposit	20.00
Helen Fritchraft - EMS overpayment	56.00

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Rosa Smith - EMS overpayment	20.00
Theodore Schuman - EMS overpayment	80.00
Ernest Jefferson - EMS overpayment	80.00
Lillian Smith - EMS overpayment	80.00
Estelle Hicks - EMS overpayment	80.00
Harrold Cluley - EMS overpayment	10.00

WARRANT LIST

Approve: 3/25/86 to 3/31/86; Authorize: 4/1/86 to 4/7/86

AUTHORIZE CHAIRMAN TO SIGN

Cardinal Contractors Inc - Contract: North Chlorine Contact Chamber & Effluent Pump Station, Ph I, Segment B, Part B, \$598,000 (Execution authorized 2/25/86).

RECORD: CONTRACT FILE 3253

Danis Shook of Florida - Contract: Southeast Regional Wastewater Treatment Plant, \$11,432,000 (Execution authorized 2/25/86).

RECORD: CONTRACT FILE 3254

Colonial Penn Life Ins Company - Application/Approval/Acceptance: Group Dental Payroll Deduction Plan (Execution authorized 2/25/86).

RECORD: CONTRACT FILE 3255

ACCEPT FOR THE RECORD

First Florida Governmental Finance Commission Documents
Certified copy of Interlocal Agreement by and between City of Sarasota, City of St. Petersburg, Broward County and Manatee County.

Certified copy of Amended Interlocal Agreements (2).

MINUTES FOR APPROVAL

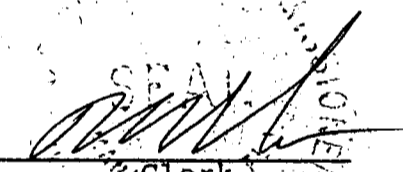
February 25, 1986

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk


Chairman 5/13/86

Adj: 12:26 p.m.