

Ready to print

R1016.1112

^OCTOBER 16, 1984^

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, October 16, 1984 at 9:17 a.m.

Present were Commissioners:

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

Absent: Commissioners Patricia M. Glass
Westwood H. Fletcher, Jr

Also present were:

- Robert F. Fernandez, County Administrator
- Keith Roberts, County Attorney
- Richard H. Ashley, Chief Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

The meeting was called to order by Chairman Chance.

^TAX COLLECTOR, EXCESS FEES^

Sam Cornwell, Tax Collector, submitted a check in the amount of \$478,326.68, representing excess fees for the year 1983-84, together with a report of Distribution of Excess to the Board and others.

He advised that the Florida Tax Collector's Association is seeking the support of the County Commissioners on proposed legislation that will enable them to obtain more money from state agencies for state mandated services and requested a meeting with this Board to discuss the proposed legislation.

Mr. Chance commented on a letter from the Department of Revenue concerning tax dollars that are being diverted to Sarasota County because of Sarasota addresses of Manatee residents (Whitfield area), stating he he was hopeful that Mr. Cornwell and Crais Starner (County Economic Analyst) would become involved in this issue.

^CLERK OF CIRCUIT COURT, EXCESS FEES^

Circuit Judge Paul Logan and R.B. Shore, Clerk of Circuit Court, submitted a check in the amount of \$482,268.03 representing excess fees. He pointed out fees are increasing due to the burden placed on the total judicial system in Manatee County is forcing judges and the Clerk's office to take a look at the future needs of the entire judiciary system and that they are working with the County Administrator and Budget Management to find ways to fund needed remodeling and computerization. He requested these funds be reserved for the courts and judiciary while a budget is being developed.

Judge Logan advised that effective January 1, 1985, Circuit Judge Tom Gallen will be presiding and there is a need for planning for additional space.

At the request of Rich Ashley, Chief Deputy Clerk, for a motion to

accept the checks, and the Annual Report of Revenues and Expenditures, Mr. Vickers so moved. Motion was seconded by Mr. Chetlain and carried unanimously.

^AWARDS^

^Employee Suggestion Program^

Alan A. Littlefield, Operator I, Public Utilities Department, was presented a certificate of merit and a check for \$50.00 for his participation in the Employee Suggestion Program.

^Meritorious Service Award (Lee)^

A certificate of appreciation was presented to Ellis Lee, Technician III, Public Transportation, retiring after 19 years of service.

^ORDINANCE 84-24: NO PARKING/AMENDMENT^

Public hearing (Notice published in The Bradenton Herald 9/20/84) was opened to consider

^ORDINANCE 84-24: AN ORDINANCE OF MANATEE COUNTY, FLORIDA AMENDING MANATEE COUNTY ORDINANCE 84-04 TO ADD THE FOLLOWING NO PARKING ZONES ON CERTAIN COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE:

- = 57th Avenue West (CR 48) from 21st Street West to bridge over Cedar Hammock (Canal)
- = 65th Avenue Drive West from 9th Street West to 12th Street West
- = 52nd Avenue Terrace West from 26th Street West to 30th Street West
- = 61st Street West (Palm View Road) 875 feet east of US 19 (SR 55) east 590 feet around curve
- = 16th Street West from 53rd Avenue West to 55th Avenue West
- = 34th Street West from Cortez Road (SR 684) to Miami Place.

Clarence Wool, President and owner of Wildewood Springs, speaking on behalf of approximately 200 property owners and other citizens, commented on the heavy traffic on 34th Street West and requested the Board take steps necessary to prevent all parking on that street.

Mr. Vickers suggested that if a blanket ordinance cannot be implemented, that an ordinance be created to give the Highway Department immediate authority to implement, on a temporary basis, the restriction of parking or whatever is necessary to protect the health, safety and welfare of the people.

The County Attorney advised that establishment of no parking zones must be done by ordinance and staff has tried to streamline the procedure as much as possible within that legal constraint.

Mr. Ellis requested staff be allowed to look into the issue in an attempt to be more administratively responsive to the needs as opposed to having to appear before the Board on a quarterly basis to amend the master ordinances.

Motion was made by Mr. Chetlain, seconded by Mr. Vickers to adopt Ordinance 84-24, amending 84-04. Motion carried unanimously.

^RECORD RESOLUTION^

^ORDINANCE 84-25 - SPEED LIMITS^

Public hearing (Notice published in The Bradenton Herald 9/20/84) was declared open for the purpose of considering

^ORDINANCE 84-25 AN ORDINANCE OF MANATEE COUNTY, FLORIDA AMENDING MANATEE COUNTY ORDINANCE 84-05 TO ADD THE FOLLOWING SPEED LIMIT ZONES ON CERTAIN COUNTY MAINTAINED STREETS LOCATED

WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

- = 16th Avenue East (Canal Road, CR 243) from US 41 (SR 45) to US 301 (SR 43) 35 MPH
- = 37th Street East (Nendoza Road, CR 16) from US 41 (SR 55) to 16th Avenue East (Canal Road) 35 MPH
- = 37th Street East (Nendoza Road, CR 16) from 16th Avenue East (Canal Road) to SR 683 (Ellenton Gillette) 35 MPH
- = Erie Road (2nd Street, Parrish, CR 10) from US 301 (SR 43) to 5th Avenue South 30 MPH
- = 53rd Avenue West (CR 46) from 26th Street West to US 41 (14th Street West) 40 MPH
- = 63rd Avenue East (CR 52) from 15th Street East (SR 683) to Prospect Road 40 MPH
- = 21st Avenue West (CR 134) from 43rd Street West to 59th Street West 30 MPH
- = Norsean Johnson Road (59th Street East, CR 71) from SR 64 to 44th Avenue East 50 MPH
- = 44th Avenue East (CR 71) from Norsean Johnson Road to Caruso Road 40 MPH
- = Caruso Road (60th Street East, CR 71) from 44th Avenue East to SR 70 50 MPH
- = 10th Street West, Palmetto (CR 22) from 14th Avenue West to 28th Avenue West 35 MPH
- = 43rd Street West (CR 21) from 26th Avenue West to Cortez Road (SR 684) 40 MPH
- = Erie Road (CR 10) from Buffalo Road to Dume Road 30 MPH

T. R. Ducharme submitted a petition with 20 signatures requesting the Board reduce the speed limit on Erie Road East (from I-75 to the intersection of the Seaboard Coast line Railroad Crossing) and speed limit signs be posted, automobiles 30 MPH; trucks 20 MPH.

Discussion included:

- = The Utilities Department destroying the base of the road while moving dirt from the sewage treatment plant to the abandoned landfill on Erie Road.
- = responsibility for replacing the road;
- = need for an ordinance to protect the health, safety and welfare of the people by providing a mechanism by which the Transportation Director has authority to post speed limit or parking signs as the need arises.

Mr. Chetlain moved to adopt Ordinance 84-25 amending Ordinance 84-05. Motion was seconded by Mr. Vickers and carried unanimously.
^RECORD ORDINANCE^

^HOUSING FINANCE AUTHORITY - APPOINTMENTS^

E. N. Fay, Attorney for the Housing Finance Authority of Manatee County, advised that two vacancies exist on the Authority.

The County Administrator recommended reappointment of Frank Dodson, III, and appointment of one member from the list of nominees.

Nominated were:

Frank Dodson III	-	by Mr. Vickers
David Hamilton	-	by Mr. Chetlain
Jim Haer	-	by Mr. Vickers

Vote:

For Mr. Dodson	-	Unanimous
For Mr. Hamilton	-	Mr. Chetlain
For Mr. Haer	-	Mr. Chance and Mr. Vickers.

The Chairman declared Mr. Haer appointed by majority vote.

Motion was made Mr. Vickers and seconded by Mr Chance to adopt

^R-84-163:^ RESOLUTION APPOINTING AND DESIGNATING
AS MEMBERS OF THE HOUSING FINANCE AUTHORITY OF MANATEE
COUNTY, FLORIDA, FOR A TERM OF FOUR (4) YEARS COMMENCING
NOVEMBER 1, 1984 AND TERMINATING OCTOBER 30, 1988:

- 1) Frank R. Dodson, III
2435 Riverview Boulevard West
Bradenton, Florida 33505
- 2) James R. Haer
5208 22nd Avenue West
Bradenton, Florida 33529

Motion was seconded by Mr. Chance. Voting "Aye" were Mr. Chance
and Mr. Vickers. Mr. Chetlain voted "Nay." Motion carried.

^RECORD RESOLUTION^

^CORTEZ ROAD (WIDENING)^

Roy E. Chapman, Environmental Science and Engineering, made a
presentation on the plans by the Florida Department of Trans-
portation for widening Cortez Road from 26th Street West to Gulf
Drive in Bradenton Beach. He said the purpose of a proposed two-
year study is to plan improvements on Cortez Road through year 2010
to determine whether the road can qualify for federal highway
construction funding. Inasmuch as Cortez Road provides connection
to the barrier islands, the Governor's Executive Order of September
1981 will affect the determination as to whether the traffic across
the bridge over the intercoastal waterway will be sufficient as of
year 2010 to warrant improvement of the bridge.

He advised that there will probably be an alternative presentation/
public information meeting on the proposed improvements in March
or April 1985, and a public hearing in September or October 1985.

Also present were Nelson Wittman, Stan Hancock and Walt Yetter
(Project Manager) from the Department of Transportation.

^61ST STREET EAST, PALMETTO^

Vivian Thrasher, 4205 61st Street East, Palmetto, requested
permission to grant an easement (private road) across her property
in order for her daughter to obtain a building permit on the 30-acre
parcel on 61st Street East, Palmetto. She said she was informed
by the Planning Commission that according to a law passed in 1981
no road easements are granted on private property.

Disposition: Referred to the County Attorney to work with the
Planning Department and Mrs. Thrasher to find an administrative
solution to her problem.

^CITIZEN COMMENTS^

^Estech Bond Referendum^

Avery Gould, Federation of Community Association, suggested the
Board schedule a work session on the proposed Estech Referendum,
invite representatives of the City of Bradenton, and that County
staff provide all the information so the public may be fully
informed. He commented that Mayor Evers will present his position
on the issue to the Federation at its meeting October 13, 1984; Mr.
Wilford and Mr. Hunsicker from County Utilities will make a
presentation on the October 22, 1984.

Disposition: Tentative work session scheduled for October 24th at
the Library. Local Mayors and elected officials to be invited.

^Local taxing Authority^

John Peet commented on the possible implementation of taxing authority by Junior Colleges and the effect it would have on ad valorem taxes.

Mr. Chance expressed hope the Board would indicate to the legislative delegation its position that the taxing authority should remain with elected government officials.

(Enter Mr Fletcher

Recess/Reconvene. All members present except Mrs. Glass.

^POLLUTION CONTROL BOARD^

Mr. Fletcher moved to reappoint Mrs. Gloria Rains to the Pollution Control Board for a term of three years. Motion was seconded by Mr. Chetlain and carried unanimously.

^KIWANIS: BETTER NANATEE DAY^

David Wilcox, on behalf of the Kiwanis Club of Bradenton and all who participated in Better Nanatee Day 1984, presented a plaque (depicting activities that took place on that day) as a token of appreciation of the efforts of the Commission and County employees.

^NANATEE MEMORIAL HOSPITAL (CRAFT HOUSE)^

Motion was made by Mr. Fletcher, and seconded by Mr. Chetlain to adopt

^R84-141:^ RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY (THE CRAFT HOUSE) TO NANATEE HOSPITALS AND HEALTH SYSTEMS, INC (MMHH), \$31,200,

upon execution of an agreement for conveyance of the property and execution and delivery of a deed conveying the property.

Mrs. Penny Crow, President of the Hospital Auxiliary, said she had reviewed the resolution and deed and found them satisfactory.

^RECORD RESOLUTION^

Mr. Chance moved to authorize the Chairman to execute the deed upon preparation of the sale agreement. Motion was seconded by Mr. Chetlain and carried unanimously.

^WASHINGTON PARK BORROW PIT^

The Utilities Director advised that County staff has investigated the feasibility of using the Washington Park Borrow Pit for a class III landfill, pointing out the cost effectiveness for north county utilization and relief to the Lena Road landfill.

Discussion: Deletion of the Borrow Pit from the excess property inventory; continue the study; permitting, environmental matters and appropriateness of use of the land as a landfill.

^CODE ENFORCEMENT BOARD APPOINTMENT (STEPHENS)^

By memorandum dated October 5, 1984, Edgar E. Storms, Interim Planning Director, recommended appointment of one member to the Code Enforcement Board to fill the vacancy created by resignation of Jim Toth (architect category).

Mr. Fletcher nominated and moved to cast unanimous vote for Stanley E. Stephens. Motion was seconded by Mr. Chetlain and carried unanimously.

^COUNTY ADMINISTRATOR'S CONSENT AGENDA^

Upon motion by Mr. Fletcher, seconded by Mr. Chance, the County Administrator's Consent Agenda for October 16, 1984 was unanimously approved (after deletion of contract with Links Inc. for feasibility study of the County Golf Course). ^Items APPROVED included:^

^COMMUNITY SERVICES^

1. Execution of Agreements for purchase of services from non-county agencies (10/1/84 to 9/30/85):
 - a. ^Manatee Mental Health Center^(Children, Youth and Family, \$40,000; Baker Act, \$123,401; Detox, \$151,599);
 - b. ^Council on Aging,^\$11,164;
 - c. ^Manatee Association for Retarded Citizens,^\$18,000;
 - d. ^H.O.P.E.,^\$15,500;
 - e. ^Manatee Opportunity Council,^\$12,000;
 - f. ^Manatee Children's Services,^\$11,549;
 - g. ^Health Council of West Central Florida,^ \$10,000

^RECORD: CONTRACT FILE^
2. Execution of Community Services Trust Fund (CSTF) Application/ Funding agreement for 1985, awarding the County \$7,065 in State Funds to provide Chore Program for Elderly (10/1/84 - 9/30/85)

^RECORD: CONTRACT FILE^

^DEEDS/EASEMENTS^

1. 21st Street E. - W/Deed from Blake Whisenant and W. Daniel Kearney (ref. Street Vacation R.F. Willis Plat of Memphis)
2. Harlee Farms I-75 - Drainage Easement (1&2) from Peter & Sara Harlee, et al (ref. Street Vacation 84-V-15)
3. SR 70/53rd Avenue East - W/Deed from Camelot Builders, Inc.

^APPROVAL FOR ACCESS^

Ruben E. Fuerst, 2507 57th St Ct W, Terra Ceia

^JIM DAVIS BRIDGE (REPLACEMENT)^

Advertise for Request For Proposals (RFP) for plans and specifications; reduction of advertising time to 14 days.

^UTILITIES:^

1. Chairman to sign letter to representatives of Manatee County Municipalities and Civic Organizations requesting participation in the establishment of a Solid Waste Management Advisory Committee.
2. Execution of grant application to Florida Department of Environmental Regulation for funding Advanced Wastewater Treatment Facilities.

^LEGISLATION^

Adoption of

^R-84-138:^ A RESOLUTION IN SUPPORT OF ANTI-TRUST IMMUNITY LEGISLATION NOW BEFORE THE U.S. SENATE AND HOUSE OF REPRESENTATIVES.

^RECORD RESOLUTION^

^CORRESPONDENCE^- Acknowledged from:

- ^Town of Longboat Key^- Ordinance 84-18, millage rate, FY 1984-85
- ^Mosquito Control District^- Resolutions setting 1984-85 meeting dates; millage rate, FY 1984-85
- ^Patrick Noraclo^- Letter protesting Ordinance 84-11, Adult Entertainment Code.

^BUDGET AMENDMENTS^

Upon motion by Mr. Fletcher, seconded by Mr. Chetlain, resolutions were unanimously adopted to amend the 1984-85 budget to provide for receipt and appropriation of unanticipated revenues and item to item transfers.

^GENERAL COUNTY^

(85-029)

From: General Fund

To: Constitutional Officers budgets

\$41,926.00

^RECORD: BUDGET FILE^

^TOURIST DEVELOPMENT^ (85-030)
 From: Fund Balance
 To: Direct Advertising \$70,000.00
 ^RECORD RESOLUTION^

^Increase Revenue^ (85-031/1)
 Transfer from 109
 ^Increase Expenditure^ \$15,500.00
 Construction Projects ^RECORD RESOLUTION^

From: Fund Balance (85-031/2)
 To: Transfer to 313 \$15,500.00
 ^RECORD RESOLUTION^

^COUNTY ATTORNEY CONSENT AGENDA^

Upon motion by Mr. Vickers, seconded by Mr. Chetlain, the County Attorney's Consent Agenda for October 16, 1984 was unanimously approved:

1. ^Whitfield Pines Subdivision^ - Final Plat; Required Improvements Agreement (Kurt G. Gremley); Security - Letter of Credit First Florida, SB 1222, \$60,000.
2. ^Peet vs Manatee County^ - Acceptance of settlement documents (Stipulation for Dismissal with Prejudice; Final Order of Dismissal; Releases for Minor and Parent (Donald & Carolyn Peet as guardians for Preston Peet).
3. ^Connecticut Park Subdivision^ - Execution of Disclaimer of Purported Easement (PB 4, Pa 87).

^CLERK'S CONSENT CALENDAR^

Upon motion by Mr. Vickers, seconded by Mr. Fletcher, the Clerk's Consent Calendar for October 16, 1984, was unanimously approved:

^BONDS:^

^Bayfield Estates Subdivision:^
 Release: Subdivision Agreement/Performance bond \$ 24,608.10
 Approve/ Defect security and agreement (Bakker, Inc)
 warranting required improvements 12,178.83
 Accept: Subdivision improvements for County maintenance.

^Timberlake Drive^
 Accept: Subdivision improvements for County maintenance

^BILLS FOR PAYMENT:^

ATTORNEY'S FEES:

NCPUD:

Balance before payment: \$9,563.78
 Balance after payment: \$8,977.25
 Peoples, Earl, Reynolds & Blank - Lena Rd. Landfill 586.53
 Levis D. Smith - Appr. of Estech Duette Property 20,000.00
 William R. Hough - Stmt. for Serv. thru 9/30/84 1,425.00
 Camp Dresser & McKee - Anna Maria Relief Water Line
 Pay Request #7 850.01
 Manatee Co. Civic Center -
 JoMac of Orlando - Inv. #T2076-4A; T2-076-4A;
 T2-076-4B; J2-076-4 8,997.00
 Graybar Electric - Inv. #266024; 078759 LH;
 265778; 759391 32,083.13
 General Electric Supply - Inv. #495-053613 1,686.00
 Ind. Acoustics Co. - Inv. #24-2083 12,750.00
 Aquatite Concrete - Inv. #23284; 23385; 23436;
 23441 385.50
 Federal Const. Co. - Pay Req. #17 28,572.30

^Refunds:^

P. Solomon/Lost Book 5.00

Lona Wilson/Animal Case/Release Deposit 20.00
Curtis Jones/Slow response for insulation insp. 10.50

^Warrant List:^

Approve: October 9, 1984 to October 15, 1984
Authorize: October 16, 1984 to October 22, 1984

^Minutes for Approval:^ September 13 & 18, 1984

^Approve, Ratify & Confirm:^

RS4-159 Resolution approving joint participation agreement between Manatee County & Florida Department of Transportation concerning U.M.L.A. Grant FLO5-0052 and authorizing chairman to execute said agreement (#1815513)

^RECORD RESOLUTION^

^Authorize Chairman to Sign:^

Partial Release of Special Improvement Assessment Lien -
Dewey Zinn & Cletus Zinn, Proj. #713.

^TRAVEL AUTHORIZED^

Upon motion by Mr. Vickers, seconded by Mr. Chetlain, request for authorization to travel was unanimously approved for Mr. Roberts to attend the National Institute of Municipal Law Officers (NIMLO) Conference, Fort Worth, Texas, October 29 - 30, 1984.

^ATTORNEY (UTILITIES)^

Mr. Chetlain moved to appoint H. Hamilton Rice as attorney for the Utilities Department and to negotiate the terms of contract. Motion was seconded by Mr. Vickers and carried unanimously.

^ESTECH PROPERTY PURCHASE^

The County Attorney, previously instructed to research and report on possible restrictions upon County Commissioners speaking in regard to the Estech Bond Issue, advised:

- = Florida Law prohibits only the use of an official position in a corrupt or inappropriate way to influence voters;
- = Places no restrictions upon Commissioners wishing to address the matter.

Mr. Fletcher moved to direct the County Attorney to prepare a resolution which will authorize the Task force to assemble a fact sheet for the purpose of advertising information to the public relative to the pro-Estech issue. Motion was seconded by Mr. Chetlain and carried unanimously.

^TAMPA BAY REGIONAL PLANNING COUNCIL^

Mr. Fletcher reported that the Tampa Bay regional Planning Council at the meeting of October 15, 1984 rescinded its decision regarding the appeal of the Gardinier Inc., to the Soil and Water Judicatory Commission to locate asbestos stacks in southern Hillsborough County; and, on a second vote, approved the recommendations of staff to forward the DRI operating permit.

Mr. Fletcher was authorized to relay to the Council that the Manatee County Commission is disappointed at its reversal in the Gardinier matter.

After discussion of withdrawal from the Council, Chuck Slowick, member of the Airport Expansion Adversaries, commented that they would prefer Manatee County continue in the Council

^PARKING - JUDGES' EMPLOYEES^

At the request of Mr. Vickers that additional parking spaces for Judges's employees be provided, the County Administrator was instructed to place this request on the agenda of the next Space Utilization Committee meeting.

^POLLUTION: HILLSBOROUGH/MANATEE COUNTY LINE (301)^

Mr. Chance reported that it was brought to his attention by

residents of Willow Shores that a slum area is being created by old mobile homes being moved onto property on the Hillsborough-Manatee County Line on 301 without proper permits. Pollution problems exist because septic tanks are being illegally installed and there are no sewage treatment facilities

Mr. Fletcher moved to direct staff to draft a letter to the Chairman of Hillsborough County Commission identifying these problems; that specific documentation and evidence, such as photographs, etc. be presented by Mr. Chance at a meeting of the Hillsborough County Commission. Motion was seconded by Mr. Vickers and carried unanimously.

^MEETING ADJOURNED^

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

Clerk

Chairman

Adj: 11:57 a.m.