

SEPTEMBER 17, 1974

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, September 17, 1974 at 9:00 A. M.

Present were Commissioners Ken Burton, Chairman
 Robert C. Hutches, Vice Chairman
 Dan P. McClure
 L. H. Fortson, Jr.
 Kenneth D. Dierks

Also present were Henry E. Bourne, Deputy Clerk
 Richard A. Hampton, County Attorney

The meeting was called to order by Chairman Burton.

BELCHER OIL COMPANY

The Chairman, in recognizing the great number of people present to hear speakers, both pro and con, on the Belcher Oil Company DRI (majority voted against question should Port Authority lease land to Belcher for construction of clean fuels processing plant)- on September 10, 1974 ballot) requested that both sides be treated with respect.

Tom Sawyer, vice president of Belcher Oil Company, asked Ed Moline, coordinator of the PACE group (opposing Belcher) to join him in recognizing that the County Commissioners had extended a courtesy to both sides of this situation (in allowing this subject to be placed on the Agenda at his request). He summarized Belcher's efforts to obtain approval of application for construction of a clean fuels processing plant on property at Port Manatee and a deep water unloading station forty miles in the Gulf of Mexico from the Port itself. He said they would abide by the results of the referendum and will make application for consideration elsewhere; that he had invitation to make presentation in Brevard County.

Edward Moline, representing PACE, spoke at length on reasons for opposing Belcher, noting that the issue was the construction of a refinery in Manatee County, not only at the Port but at any location. He said the people had voted down a refinery in Manatee County and requested the Commissioners to withdraw approval of the Belcher Oil Company DRI.

Among those present and making comments on the subject were

- Mike Murphy -noted many people would have voted if no split sessions of school; many young persons would vote if given another chance;
- Helen Wesson, representing Health Association -responsibility of County to decide on economic or health issue;
- Rod Fass -representing carpenters of Manatee County,
 -County Commissioners elected and decision should be by them (elected to represent the people);
- G. B. Knowles III - MJC campaign 80 percent voted against Belcher;
- Guy LaBalme -stated he was representing the State Department of Pollution Control; congratulated the Board for having sought the opinion of their constituents on question of great public importance; Belcher Oil should withdraw DRI application.
- Vernon Wells - county needs work; should not have been a voting issue;
- Dick Keston -if Belcher not allowed in County, will close door to other industry. If PACE confident of overwhelming opposition why not have another vote?
- Butch Burford - for Belcher Oil Company;
- Harold Walker, Bradenton business agent for electrical workers in Manatee County - working people in area need industry; Belcher needed here.

- James R. Ward -asked Board to face issue and make decision (for Belcher)
- Beth Collier, precinct worker - confusion at polls; urged question again on November ballot;
- Lynwood Griffin -questioned if valid vote;
- Lewis Driggers, member Planning Commission and engaged in agriculture-industry needed in this county; no question that any industry has to comply with all laws; need energy that Belcher can help provide;

Following comments by Board members relating to the referendum and other issues brought out in presentations, including Board abiding by results of referendum, Mr. Hutches referred to questions about validity of vote, etc. He expressed concern that there might have been a number of election law violations (charges made after 7-day period prior to election, rumor of financing violations, etc.) and said he would like to call on the State Attorney's office for an investigation.

The Chairman stated the Board would postpone action until the next Tuesday.

RECESS

After a short recess the meeting was reconvened with all members present.

Duncan Wathen, retired from area where oil refineries located, present owner of Shoreline Motel in Bradenton, advised 130,000-barrel/refinery built in the city of St. John, New Brunswick about twenty years ago. Offshore loading plant built about seven years ago causing no problems or ill effects; fishing, scallop and lobster business flourishing and tourism steadily increasing.

Mr. Hutches suggested that, in view of purported election law violations, this Board go on record of asking the State Attorney's office to investigate these rumors and hopefully come up with some finding of fact. After discussion, the Chairman appointed him to confer with the State Attorney on the matter.

PLANNING & ZONING BUILDING - ALTERATIONS

Motion was made by Mr. McClure that plans and specifications for renovating the building in which the Planning and Building Departments are located, presented by Douglas Croll, architect, and Art Fischer, Planning Director, be approved and to advertise for construction bids immediately - to be opened October 8, 1974. Motion was seconded by Mr. Fortson and carried unanimously.

LOT CLEARING

Public hearing was opened for the purpose of considering petition

LC-775 SADIE SHAW -alleging that certain land owned by BESSIE HALL

had not been cleared in accordance with requirements of Section 2, Chapter 69-1284, Special Acts of 1969. Dave Fulford submitted photographs of the property as evidence that complaint was justified, and recommended that the lots be mowed.

Public hearing was closed. Mr. McClure moved for the adoption of a Resolution determining that the property owner, Bessie Hall, had failed to comply with the law with regard to clearing of the land and demanding that said property owner take corrective action within fifteen days. Motion was seconded by Mr. Fortson and carried.

RESOLUTION RECORDED V24-217

CHAMNESS ESTATES

For the record, Cash Bond, executed by Richard Chamness, for performance of drainage work in Chamness Estates Subdivision \$2021.25 was received.

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(Cont'd)

Public hearing was opened for the purpose of considering petition

LC-776 GEORGE GAUMOND -alleging that certain land owned
by HENRY R. & ELIZABETH KIESZKOWSKY

had not been cleared in accordance with requirements of Section 2, Chapter 69-1284, Special Acts of 1969. Dave Fulford submitted photographs in evidence that the lot was overgrown and needed mowing although it had not been more than six months since the last mowing. Amendment to policy requires mowing every two months during growing season.

Public hearing was closed. Mr. Fortson moved for the adoption of a Resolution determining that the property owners named in LC-776 had failed to comply with the lot clearing law and demanding that said property owners take corrective action with regard to their land within fifteen days. Motion was seconded by Mr. Hutches and carried.

✓RESOLUTION RECORDED V24-218

Public hearing was opened for the purpose of considering petition

LC-778 ELIZABETH MONROE -alleging that certain land owned
by FRANK A. HARRISON

had not been cleared in accordance with requirements of Section 2, Chapter 69-1284, Special Acts of 1969. Dave Fulford submitted photographs in evidence that the property was overgrown, stating it had been nine months since the last mowing.

Public hearing was closed. Mr. Hutches moved for the adoption of a Resolution determining that the property named in LC=778 had not complied with the lot clearing and demanding that said property owner take corrective action with regard to his land within fifteen days. Motion was seconded by Mr. Dierks and carried unanimously.

✓RESOLUTION RECORDED V24-219

MANATEE COUNTY UTILITIES SYSTEM

BID ACCEPTED - ADMINISTRATION BUILDING

Chris Angelidis, Director of MCUS, and John Cumming, Consulting Engineer, recommended acceptance and award of bid to Heyl & Patterson for construction of the Manatee County Utilities System Administration Building at base bid less two items and substitution on two items.

Motion was made by Mr. Hutches that the low bid on the MCUS Administration Building be accepted as recommended and award made to

HEYL & PATTERSON	Base bid \$565,806.00
Deducts- (omit cut and fill, projection screen; substitute type roof; substitute 4-foot tile wainscot in lieu of full tile wall)	
	26,647.00
Total contract amount	<u>\$539,159.00</u>

Motion was seconded by Mr. Dierks and carried unanimously.

WATER LINES/SEWER FACILITIES TO RURAL AREAS

Chris Angelidis advised that the Department of Agriculture had indicated that there are funds available for extension of water lines and sewer facilities to rural areas; that he had discussed with them the possibility of these funds to extend the water line north towards the Port and the extension of sewer lines, which we would have to finance, to the area around Oneco, Golf Lakes, and the line west of 75th where there is small population and a need. He requested that he and the engineers be authorized to pursue this matter with the Department of Agriculture, since there is a possibility of getting

some assistance and this would not be binding on the county in any way.

Motion was made by Mr. Hutches that Mr. Angelidis' request be granted and that he and the engineers be authorized to pursue possibility of funds from Department of Agriculture for extension of water/sewer lines into the rural areas. Motion was seconded by Mr. Dierks and carried.

LAWSUIT MANATEE COUNTY VS EPA (GRANT MONIES)

In report to the Board on the status of a suit against EPA over additional grant monies, the County Attorney advised that Representative Haley's office in Washington had made efforts to get the attorneys for EPA to meet with the attorneys for the Committee of the House of Representatives that have jurisdiction over this matter, but they were unsuccessful in arranging such a meeting. The Attorneys for the Committee seem to agree with County's position that EPA cannot go beyond the State certification, which seems to be the only issue that is holding up approval - they are challenging the approval that the State gave in June, 1973 on the certification of that technical question. Representative Haley's office agreed that the only thing County can do is to proceed with the litigation, and the first step, which is a Notice of Suit, will be filed in Tampa in the Federal District Court. The plaintiff will be Manatee County, the defendant will be Russell Trane, the acting administrator of the EPA, and this 60-day Notice of Suit precedes the actual filing of the complaint. Upon question, he said this would be a decision by a Judge.

BRADEN RIVER/WATER TREATMENT PLANT

Mr. Angelidis reported that a good understanding had evolved from the meeting with the committee of Braden River Residents concerning recent flooding conditions in that area and their complaints about operation of the Water Treatment Plant, lack of warning system, sludge, etc. He said some corrective measures are being initiated presently, and they will try to abide by recommendations, but hundreds of thousands of dollars will be involved in equipment. He recommended that the U.S. Corps of Engineers be approached for dredging the river.

HOUSEMOVING PERMIT

Upon motion by Mr. Dierks, seconded by Mr. Hutches, application of

N. A. KING to move a building from 2316 Peck Street (off Beneva Road) to 31st St. E., County Line Road
Pre-moving No. 34975A

was unanimously approved.

HOLIDAY HEIGHTS, 2ND ADDITION

Carlos Ugarte, County Engineer, certified that streets and drainage system in Holiday Heights, 2nd Addition, had been completed in a satisfactory manner and recommended acceptance by the County.

Motion was made by Mr. Fortson that the streets in HOLIDAY HEIGHTS, 2ND ADDITION, be accepted for County maintenance as recommended by the County Engineer. Motion was seconded by Mr. Hutches and carried.

20TH STREET - DRAINAGE PIPE

In order to alleviate the serious drainage condition existing at 20th Street, between 36th Avenue East and 38th Avenue East, the County Engineer requested authorization to purchase pipe from Southern Culvert of Pinellas Park. In the absence of annual bid on pipe needed for this project he submitted quotations from Southern Culvert (lowest), Armco Corporation and Gator Culvert Company.

Motion was made by Mr. Dierks that the County Engineer be authorized

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to purchase 660 ln. ft. of 18" corrugated metal pipe from Southern Culvert for \$3,023.80, which is \$233.20 lower than the next lowest bidder. Motion was seconded by Mr. Hutches and carried unanimously.

PRIVATE EASEMENT (MIZELL)

Motion was made by Mr. Hutches that the Board rescind action on adoption of a Resolution, August 15, 1974, approving a private street as access to property owned by Juel Gill Mizell, and that a Resolution correcting legal descriptions be adopted for the approval of private street(s) for the purpose of furnishing access to the property of said Juel Gill Mizell. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED

V24-220

FLORIDA AVENUE PARK - EXTENSION 5TH STREET *West*

W. L. Grantham came before the Board to question the status of a road going through Lots 10 and 23, Block B, Florida Avenue Park. Robert Moon, right-of-way agent, said he had checked the plat records and there was no dedication and after further research he found that the county had accepted a deed to those lots on February 16, 1959 for extension of 5th Street from the city limits of Bradenton to Orange Ridge School; that the street was not maintained by the county, but it was used for vehicular traffic.

Mr. Grantham said he did not object to cars using the "street", but it was disturbing to have people call him at night to help them get their cars out of the "bog" in rainy weather and having to repair damage to his fence when it is torn down by cars trying to avoid it.

Mr. Hutches recommended that, since this is in his district, the County Engineer be authorized to stabilize the surface, if necessary, for pedestrian travel and put barricades at each end of the street with signs "Pedestrian traffic only" and maintain it as a pedestrian/bicycle trail. The County Attorney advised that if this is used by the public as a street then the Board should follow the legal procedure for closing a street. It was agreed that the County Engineer check into the feasibility of stabilizing the street for public use.

ZONING

Mr. Fortson submitted request from Turner Matthews that the Board consider a petition to rezone property owned by the School Board at the meeting of October 1, 1974 instead of having to wait until scheduled rezone hearings the last Wednesday in October. They have a prospective purchaser, who has option for sale of his property in the North but does not wish to close until this rezone has been considered. There were no objections by members of the Board to this item being placed on the Agenda of October 1, 1974.

MEDICAL EXAMINERS

AGREEMENT HEALTH & REHABILITATIVE SERVICES

Motion was made by Mr. McClure that the appropriate county officers be authorized to execute Agreement with the Division of Health, Department of Health and Rehabilitative Services, which would provide for partial reimbursement by the Division of funds expended by the County for Medical Examiner Services. Motion was seconded by Mr. Hutches and carried unanimously.

AGREEMENT RECORDED

V24-221

CONSTRUCTION TRUST FUND

Mr. Dierks moved for the adoption of a Resolution authorizing payment of

SEWER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 24.4 B-86

MCUS General Control Fund	\$16,994.46
MCUS 24.4 Revenue Account	1,303.16
Department of Housing & Urban Dev.	15,000.00
Board of Trustees, Int'l Impr. Fund	25.00

RESOLUTION RECORDED

V24-222

and for the adoption of a Resolution authorizing payment of

SEWER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 24.4 D-50

Russell & Axon (Total) \$35,826.94

RESOLUTION RECORDED V24-223

Motion was seconded by Mr. McClure and carried unanimously.

STATE ROADS NO. 70, NO. 45 -- MCUS PERMITS

Mr. McClure moved for the adoption of a Resolution authorizing execution of application to the State Department of Transportation for a Use Permit for Manatee County Utilities System to construct, operate and maintain a utility sanitary sewer system within the right-of-way of State Road 45 (U.S. 41), Section No. 13010,

RESOLUTION RECORDED V24-224

and for the adoption of a Resolution authorizing execution of application to the State Department of Transportation for a Use Permit for Manatee County Utilities System to construct and maintain a utility line within the right-of-way of State Road No. 70, Section No. 13160.

RESOLUTION RECORDED V24-225

Motion was seconded by Mr. Fortson and carried unanimously.

**PARKS & RECREATION DEPARTMENT
FIVE-YEAR PROGRAM**

Motion was made by Mr. Fortson to accept for filing the proposed Five-Year Plan by the Parks and Recreation Department, and make available to the public copies of said Plan. Motion was seconded by Mr. Hutches and carried unanimously.

RECORDED V24-226

SPECIAL ELECTION: 5-YEAR PROGRAM - PARKS & RECREATION

Mr. Fortson moved for the adoption of a

RESOLUTION CALLING A SPECIAL ELECTION WITHIN MANATEE COUNTY, FLORIDA, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS THE FOLLOWING QUESTION: SHALL THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FLORIDA ADOPT THE FIVE (5) YEAR CAPITAL IMPROVEMENT PROGRAM PROPOSED BY ITS PARK AND RECREATION DEPARTMENT CALLING FOR A \$500,000 BUDGET APPROPRIATION EACH YEAR FOR FIVE (5) YEARS COMMENCING WITH THE 1975-76 FISCAL YEAR?

Chairman Burton stepped down and seconded the motion. Motion carried unanimously.

RESOLUTION RECORDED V24-227

LOT CLEARING LIEN

Motion was made by Mr. Dierks that Notice of Lien, File No. LC-742, be authorized executed assessing lien (Lot clearing) in the amount of \$45.00 against property owned by A. Y. & LILY MARX, EST. Motion was seconded by Mr. Hutches and carried.

CIVIL DEFENSE - USE OF SCHOOL BUSES

Motion was made by Mr. Dierks that the appropriate officers of the County be authorized to execute Agreement with the School Board of Manatee County, Florida, whereby, as a part of the Emergency Preparedness Plan said School Board will make available for use by Manatee County all of its school buses in the event that the Director of the Department of Civil Defense for Manatee County finds that their use is necessary for the transportation of people in emergency situations.

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Motion was seconded by Mr. McClure and carried unanimously.

AGREEMENT RECORDED V24-228

ENVIRONMENTAL PROTECTION AGENCY
REFUND GRANT COUNTY/A/W POLLUTION CONTROL

Environmental Protection Agency had perform an audit on Federal grant funds to Manatee County Air and Water Pollution Control Department and had advised that their evaluation determined all issues are resolved with the exception of \$7,422.00 claimed for supplies and utilities charged to the air program by the County Health Department. The Deputy Clerk advised that more complete documentation cannot be made by the Health Department; therefore, refund to EPA is required.

Motion was made by Mr. Dierks that refund of \$7,422.00 to U. S. Environmental Protection Agency be authorized. Motion was seconded by Mr. Fortson and carried unanimously.

CAPITAL FINANCE COMPANY
NOTICE TERMINATE LEASE

Motion was made by Mr. Dierks that notice be given Capital Finance Company that County would terminate its lease on the building as of January 1, 1974 (review lease to determine provision for such termination). Motion was seconded by Mr. Hutches and carried.

WARRANT LISTS & REQUISITIONS

Upon motion by Mr. Hutches, seconded by Mr. Fortson and carried, the Board approved Requisitions and Warrant Lists from September 10 to September 17, 1974 and authorized Warrant Lists to September 24, 1974, said Warrant Lists to include any payrolls during that period upon condition that all county employees have performed their services in accordance with time and payroll practices of the county departments. (Listed October 1, 1974)

BILLS FOR PAYMENT

Upon motion by Mr. Fortson, seconded by Mr. Dierks, the following bills were unanimously approved for payment:

Manatee Memorial Hospital	\$1930.56; \$376.00; \$250.00
Professional Ancillary Services	50.00

ELECTION OFFICIALS

By letter dated September 16, 1974, H. Jerome Davis, Supervisor of Elections, recommended that poll workers who attended the school of instruction and did not show up for the election of September 10 not be paid for attending the school unless they have a legitimate reason for not serving on the election board.

Motion was made by Mr. Fortson to authorize payment to election officials for September 10, 1974 and accept recommendation of the Supervisor of Elections as to payment not being made to persons for attending the school of instruction and not serving at the polls. Motion was seconded by Mr. Hutches and carried unanimously.

BUDGET AMENDMENT: SHERIFF'S DEPARTMENT

Motion was made by Mr. Fortson to approve and authorize Item to Item transfer in the 1973-1974 budget as follows:

<u>Sheriff's Department</u>	
From	Sheriff's Reserve for Contingency \$10,000
To	Expenses Other Than Salaries \$10,000

Motion was seconded by Mr. Hutches and carried.

18TH AVENUE EAST (OFF MORGAN JOHNSON ROAD)

It was brought to the attention of the Board that heavily loaded 10-wheel trucks are continuing to use 18th Avenue East (off Morgan Johnson Road) for ingress and egress to the pits on the property of Mr. Rowe, who is operating a landfill and dirt-hauling business,

despite his verbal agreement to the contrary. He had constructed a private road into his property for use by the trucks and erected a sign that 18th Avenue East should not be used in connection with the pit operation; however, when called to his attention the trucks use the private road about one week, then back on the county road. He pointed out that 18th Avenue East was not constructed to handle this type of truck traffic and maintain this type of load; that the road is being torn to pieces and the people in the area have a legitimate complaint about the situation.

Motion was made by Mr. Hutches that the County Attorney be instructed to take legal action to stop the operation (landfill and dirt-hauling) if the owner of the property does not use the private road for truck-traffic into his property. Mr. Hampton said he would confer with Mr. Rowe in his office or on the phone and advise him he will have to keep his trucks from using that road (18th Avenue East) or the Board will file suit. Motion was seconded by Mr. Dierks and carried unanimously.

MEETING ADJOURNED


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

Attest:

M. T. McInnis, Clerk


Deputy Clerk

APPROVED: 14 January 1975


Chairman