

Division of the Planning Department as evidence that the parcel needed clearing.

Public Hearing was closed. Mr. Hutches moved for the adoption of a Resolution finding that the property owner had failed to comply with the lot clearing law and demanding that said property owner take corrective action with regard to said land. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED Z26-119

MANATEE COUNTY UTILITIES SYSTEM

BIDS: BACKHOE LOADER; TRENCHING MACHINE

Sealed bids for one Construction Tractor, Backhoe and Loader and (2) one Trenching Machine for Manatee County Utilities System were opened and read as follows:

1) FRANZ TRACTOR COMPANY	\$18,900.00 w/trade
	19,900.00 no trade
FLORIDA RENTAL TOOL CO.	17,995.00 w/trade
	19,050.00 no trade
RUSSELL FARM SUPPLY	14,000.00 w/trade
	15,670.00 no trade
2) DITCH WITCH TRENCHER, INC.	13,890.00

The bids were referred to the MCUS Director for tabulation and recommendation.

DOWNTOWN CHRISTMAS STREET DECORATIONS

Ralph Pierro, representing the Downtown Bradenton Association, submitted request for budget appropriation of \$2,500 to cover the cost of Christmas street decorations and decorating the Courthouse area fronting on Manatee Avenue. (To be considered at budget deliberations.)

TELEPROMPTER CABLEVISION

In connection with review of rates of Teleprompter Cablevision, Bill Monnet, accompanied by Joe West, submitted preliminary report (financial) for 1975 as presented by the company. Mr. McClure requested that the summary be presented in writing.

LITTLE LEAGUE BALLFIELD: ONECO LANDFILL SITE (ACCESS)

Arthur Schneidt came before the Board regarding his request that the County provide facilities for the Little League ballfield and the proposal and possibility of leasing 15.5 acres for this purpose at the old landfill site on State Road 70. Upon investigation, Robert Moon, Right-of-Way Agent, had found that there was no county access to this parcel and he suggested that the County try to acquire an easement or right-of-way into the property.

Mr. McClure advised that he had received calls from parents of Little Leaguers objecting to the long distance it would be necessary to transport them, and recommended a work session with Mr. Schneidt and the parents to discuss this problem.

Motion was made by Mr. Hutches that Mr. Moon be authorized to negotiate for an easement for access into this property. Motion was seconded by Mr. McClure and carried unanimously.

PERSONNEL: PAYROLL CHANGES

Motion was made by Mr. Hutches to approve personnel actions previously coordinated (Payroll Changes including New Hires, Salary Increases, Job Reclassifications and Terminations) and authorize the Chairman to execute the payroll documents, as submitted by Westwood Fletcher. Motion was seconded by Mr. McClure and carried unanimously.

VERNA WELL FIELDS

It was brought to the attention of the Board that there was concern by grove owners and others living in the area or adjacent to the

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Verna Well Field (eastern portion of Sarasota County immediately adjacent to Manatee County along the county line) as to whether well drilling rigs are deepening or cleaning existing wells or digging additional wells. O. E. (Bud) Randle stated he would investigate this matter and bring information back to the Board.

SAFETY PROGRAM: PUBLIC EMPLOYEES

Norman K. Schmidt, with the Industrial Safety Section of the Florida Department of Commerce (a section of the Bureau of Workmen's Compensation), explained that prior to the Occupational Safety and Health Act (OSHA) this section was charged with enforcing employees' safety in both the public and private sectors within the State of Florida, using the Workmen's Compensation Laws; however, in 1971 the Federal OSHA pre-empted them as far as the private employers. He said the Industrial Safety Section is considering updating its standards to help reduce accidents and fatalities in the public sector in the state and to prevent takeover by the Federal Government since there are several bills now that would allow OSHA to enforce this regulation; that these standards must be updated if they intend to show that the State of Florida has an effective safety program for protection of public employees to equal that of the employee of a private employer. This can be done without enabling legislation by holding public hearings throughout the State and adopting the standards.

Upon question, he said that present the Secretary of Commerce has the power to determine the number of public hearings to be held and the time and place. Mr. McClure asked him to submit request from this Board that the public hearing in this area be held in the Manatee County Court House.

ACTION 76 BICENTENNIAL COMMITTEE

In answer to question referred to him in a previous meeting, the County Attorney advised that Manatee County Action '76 Bicentennial Committee is a legal entity. (Ref: Request by Arthur Schofield for \$1,000 for expenses, which was approved November 25, 1975.)

WCSUS CONSTRUCTION TRUST FUNDS

Upon motion by Mr. Hutches, seconded by Mr. Dierks, the following Resolution was unanimously adopted authorizing payment of

WATER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 11.650 B-76

Woodruff & Sons, Inc.

\$7,950.00

RESOLUTION RECORDED 226-120

Upon motion by Mr. McClure, seconded by Mr. Hutches, easement from Donald B. and Kay M. Thrasher was accepted and payment of Sewer System Construction Trust Fund Requisition No. 24.4 B-174 was authorized. MOTION WITHDRAWN.

Upon motion by Mr. Hutches, seconded by Mr. Dierks, the following Resolution was unanimously adopted authorizing payment of

SEWER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 24.4 B-174

Donald B. & Kay M. Thrasher

\$ 350.00

Woodruff & Sons, Inc.

2,080.00

Woodruff & Sons, Inc.

200.00

and easement for Manatee County Utilities System was accepted from Donald B. and Kay M. Thrasher.

RESOLUTION RECORDED 226-121

COQUINA BEACH: BOAT RAMP (PERMIT)

Motion was made by Mr. Burton that the Chairman be authorized to execute Application/Permit No. 76M-0374, Department of the Army, to construct a new boat ramp facility and channel dredging in Sarasota Bay at Bradenton Beach, south end of Anna Maria Key (Coquina

Beach). Motion was seconded by Mr. McClure and carried unanimously.

ORDINANCE: "NO PARKING" 77TH AVENUE EAST

Motion was made by Mr. McClure to hold a public hearing on proposed ordinance to prohibit parking on a certain section of 77th Avenue E. (Tallevast) at 9:00 A.M., August 3, 1976. Motion was seconded by Mr. Dierks and carried unanimously.

SPEED LIMIT: 3RD STREET W.; 49TH AVENUE DRIVE W.

Mr. Dierks moved for the adoption of a RESOLUTION ESTABLISHING SPEED LIMITS ON COUNTY MAINTAINED STREETS OR ROADS as follows:

3rd Street West from 53rd Avenue West
to 57th Avenue West; and
49th Avenue Drive West from 30th Street West
to 34th Street West 25 M.P.H.

Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED Z26-122

MILTON ROY COMPANY

The County Attorney noted that the Board had accepted the recommendation of the Chamber of Commerce in connection with Milton Roy Company, but no formal action had been taken concerning the bonds and no formal request had been received from Milton Roy.

MANATEE MEMORIAL HOSPITAL
DEED FROM KATHERINE SLEEPER

Motion was made by Mr. McClure to accept a deed from Katherine Sleeper conveying property to Manatee County for the Manatee Memorial Hospital. Motion was seconded by Mr. Hutches and carried unanimously.

MANATEE MEMORIAL HOSPITAL
NEW EMERGENCY ROOM FACILITIES, ETC.

Mr. McClure moved for the adoption of a
RESOLUTION AUTHORIZING THE BOARD OF TRUSTEES OF
MANATEE MEMORIAL HOSPITAL TO CONTRACT FOR
ARCHITECTURAL SERVICES CONCERNING A PROPOSED
BUILDING OR BUILDING ADDITION TO HOUSE A LINEAR
ACCELERATOR, A BODY SCANNER AND NEW EMERGENCY
ROOM FACILITIES (to be financed by Hospital funds)
as submitted and summarized by the County Attorney. Motion was
seconded by Mr. Burton and carried unanimously.

RESOLUTION RECORDED Z26-123

BUDGET AMENDMENTS

Motion was made by Mr. McClure to adopt Resolutions amending the 1975-1976 budget to provide for the receipt and appropriation of unanticipated revenues (funds received from the United States of America) as follows:

- 1) Increase Revenue
CETA Title III Summer 76 \$330,743.75
Increase Expenditures
Man. Co. School Bd - Wages, Ceta III,
Fringes, Ceta III, Services, Ceta III,
Admin., Ceta III; Salaries, Ceta III;
SS Match, Ceta III; Retirement Matching
Ceta III; Hospital Insurance Ceta III;
Acct./Data Processing Ceta III; Contracted
Services Ceta III; Printing Ceta III 330,743.75 (Total)
RESOLUTION RECORDED Z26-124
- 2) Increase Revenue
CETA III Title II \$634,126.00

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Increase Expenditures

OPS Ceta II Section 11; Manpower Services OPS;
 Man. Co. School Bd. Ceta 11-11 wages;
 Ceta 11-11-Fringes;
 Sarasota-Brad. Airport Ceta 11-11-Wages;
 Longboat Key Ceta 11-11 Wages, Fringes,
 Training, Administration;
 Holmes Beach Ceta 11-11 Wages

\$634,126.00 (Total)

RESOLUTION RECORDED Z26-125

Motion was seconded by Mr. Hutches and carried unanimously.

Motion was made by Mr. McClure to adopt Resolutions authorizing amendments to the 1975-1976 Budgets by Item to Item transfers as follows:

CETA: Title I Department

- | | | | |
|----|--|-------------------|-----------------------------|
| 1) | From: DOM Training | \$39,566.00 | |
| | To: MCSB-Summer- Youth-wages, Youth-Fringes, Youth-Serv. | 39,566.00 (Total) | |
| | | | RESOLUTION RECORDED Z26-126 |
| 2) | <u>Manpower Department</u> | | |
| | From: Equipment-Ceta 1 | \$ 300.00 | |
| | To: Materials-Ceta 1 | 300.00 | |
| | | | RESOLUTION RECORDED Z26-127 |
| 3) | <u>Purchasing Department</u> | | |
| | From: Travel | \$ 300.00 | |
| | To: Equipment | 300.00 | |
| | | | RESOLUTION RECORDED Z26-128 |

Motion was seconded by Mr. Hutches and carried unanimously.

FEDERAL REVENUE SHARING

Motion was made by Mr. McClure that the Chairman be authorized to sign General Revenue Sharing Actual Use Report for transmittal to the Office of Revenue Sharing and publication. (Total Amount Expended \$1,409,321.00) Motion was seconded by Mr. Dierks and carried unanimously.

- LIBRARY SYSTEM: BAYSHORE GARDENS BRANCH

Philip Place advised that he had received notice of passage of a Public Works bill providing for appropriation of almost two million dollars for public libraries and suggested beginning preliminary investigation of obtaining funds to construct an addition to the library at Bayshore Gardens. He requested permission to apply to the Board of Zoning Appeals for a variance to construct an addition to this library (900 to 100 feet).

Motion was made by Mr. McClure that Mr. Place be authorized to proceed with investigation on obtaining federal funds for construction of addition to the Bayshore Gardens library and to make application to the Board of Zoning Appeals as requested. Motion was seconded by Mr. Hutches and carried unanimously.

WARRANT LISTS & REQUISITIONS

Motion was made by Mr. McClure to approve Requisitions and Warrant Lists from June 29 to July 6, 1976 and to authorize Warrant Lists to July 13, 1976, said Warrant Lists to include any payrolls during that period upon condition that employees have performed their services in accordance with time and payroll practices of the county departments. Motion was seconded by Mr. Burton and carried unanimously.

MANATEE COUNTY GOLF COURSE: CLUBHOUSECONTRACT: ZOLLER-ABBOTT

Motion was made by Mr. McClure to approve, and authorize execution by the appropriate county officers, contract between the Board and Zoller-Abbott Architects/Planners to provide professional services

for design of a clubhouse building for the Manatee County Golf Course at 53rd Avenue West, (including storage space for golf carts, a pro shop, food service facility, office, and related functional areas; design of parking lot; design recommendations for south side of lake #8; landscape recommendations, etc.) for a sum not to exceed \$4,999.00. Motion was seconded by Mr. Hutches and carried unanimously.

CONTRACT RECORDED 226-129

BILLS FOR PAYMENT

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

Douglas Croll (Library)	\$ 13,437.00
Medical Examiners	1,910.28
Lane Marshall (Parks & Recr.)	300.00
Zoller-Abbott	3,679.99
Manatee Memorial Hospital	32.75

MANATEE COUNTY UTILITIES SYSTEM

BID: TRENCHING MACHINE

Motion to return a bid on the trenching machine for Manatee County Utilities System, received after advertised deadline, was withdrawn. Motion was made by Mr. Hutches that the bid received from

VERMEER, SOUTHEASTERN SALES & SERVICE \$17,228.00

which was mailed in Orlando Florida, Wednesday, June 30, 1976 be opened and considered, due to extenuating circumstances beyond control of the firm submitting the bid. (Apparent delay in mail delivery and over holiday weekend.) Motion was seconded by Mr. Dierks. Voting "Aye" were Mr. Hutches, Mr. Dierks, Mr. Burton and Chairman Fortson. Mr. McClure voted "No". Motion carried.

STATE TB HOSPITAL

Motion was made by Mr. Hutches to approve application of HUBERT BARNES for admission to the State (A. G. Holley) State Hospital. Motion was seconded by Mr. Dierks and carried unanimously.

CORRESPONDENCE

Correspondence was read from

- 1) J. E. BRAXTON, Lieutenant, Department of Highway Safety & Motor Vehicles
Requesting assistance in acquiring 2 basic speed guns and 1 "Speed Gun 6" (radar speed guns) for use by Florida Highway Patrol troopers.
Deferred for consideration during budget session.
- 2) DEPARTMENT OF GENERAL SERVICES (J. Craig Dunlap)
Advising that Division of Bond Finance planning to sell Pollution Control Bonds, Series E, (of which Manatee County is a participant) in early August, 1976; submitting escrow agreement for execution. Board was advised by County Attorney that letter was sent in error as Manatee County already has a State Loan and escrow agreement not needed.

BOARD OF TAX ADJUSTMENT: MEMBERS

Chairman Fortson appointed Mr. Dierks, Mr. McClure and Mr. Burton to the Board of Tax Adjustment, with Mr. Burton to act as Chairman.

MANATEE COUNTY GOLF COURSE: CLUBHOUSE

No action was taken on recommendation by Mr. McClure to transfer funds from the Transit Department to the appropriate department for construction of the Clubhouse on the County Golf Course.

RECESS

The Chairman declared the meeting recessed until 2:00 P.M.

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2:10 P.M.

The Board of County Commissioners of Manatee County, Florida, reconvened at 2:10 P.M., Tuesday, July 6, 1976, with all members present except Mr. McClure, who entered during the meeting.

BONDS

Motion was made by Mr. McClure to approve bonds, additions to bonds and deletions from bonds as follows:

Sheriff's Department

Addition to Public Employees Blanket Bond: U.S. Fire Insurance Bond No. 83-56-01:

W. BOYD FREEMON =Civilian Dispatcher

Deletions from above bond:

MARY E. ACKERMAN =School Crossing Guard

JAMES M. DUNKLIN =Regular Posseman

RUTH W. PORTER =School Crossing Guard

Public Employees Blanket Bond: Auto-Owners Insurance Company - Bond No. 767012-20210325, effective July 1, 1976.

Additions to above bond:

SIMPSON BARTON =Patrol Deputy

CHARLES MEAD BRITT, JR. =Patrol Deputy

WILLIAM A. McBRIDE =Patrol Deputy

Moving and Alteration of Building

R. E. JOHNSON & SON (\$1500) Safeco Ins. Co. of America
For Frank Fortney, owner Pre-moving No. 7047

Motion was seconded by Mr. Burton and carried unanimously.

BILLS FOR PAYMENT

Motion was made by Mr. McClure to approve payment to ZOLLER-ABBOTT (Governmental Center) \$11,500.00

Motion was seconded by Mr. Dierks and carried unanimously.

ILLEGAL DUMPING - CONTRACT: ALAN BRICE

Motion was made by Mr. Dierks to continue contract with ALAN BRICE for another ninety (90) days. Motion was seconded by Mr. McClure and carried unanimously.

PHILLIPS PETROLEUM COMPANY

D.R.I. -7

IN RE: APPLICATION FOR DEVELOPMENT APPROVAL OF A DEVELOPMENT OF REGIONAL IMPACT AND THE APPLICATION OR PETITION TO EXTEND OR REVISE AN EXISTING SPECIAL EXCEPTION, TOGETHER WITH AN APPLICATION FOR APPROVAL OF A MINING MASTER PLAN BY PHILLIPS PETROLEUM COMPANY

Chairman Fortson announced that the Board would consider arguments by attorneys concerning the proposed Development Order; that this was not a public hearing, but solely for the purpose of arguing the points in the Development Order. (The Public Hearing was held on February 18, 19, 23, 25, 26, 27, 1976 in Palmetto, Florida.)

The County Attorney stated for the record that on June 15, 1976, this Board accepted a recommended Development Order and Notice of Hearing sent to attorneys for the applicant, Phillips Petroleum Company, and to Sarasota County, the intervenor, that any exceptions they may file to the recommended Order would be heard this date. Both Sarasota County and Phillips filed motions setting forth exceptions.

William C. Grimes, attorney, Bradenton, Florida, stated that he represented Phillips Petroleum Company and with him were Jake Varn, attorney of Tampa, Florida, and Clyde Lee, House Attorney for Phillips, from Bartlesville, Oklahoma, Cliff Holmes and Jim Cox, all representing Phillips Petroleum Company.

Mr. Grimes outlined exceptions to the Recommended Development Order with recommendations for amendments as follows:

- 1) Paragraph 5, page 4: eliminate "both ground water and" and add "and ground water on the site."
- 2) Paragraph 9, page 5: Amend to read "The plan for the location of the proposed phosphate mining plant and operation shall be modified in a manner consistent with good engineering practice so that equitable amounts of real and personal taxable property shall be located in DeSoto and Manatee County so that each County obtains sufficient, adequate and equitable tax benefits to offset the economic impact of the proposed development".
- 3) Paragraph 10, pages 5 and 6: (1st sentence) add "and Phillips". (2nd sentence) add "and Phillips" after County of Manatee, so that Phillips can take part in the determination of concept of utilizing treated wastewater.

The County Attorney concurred with Mr. Grimes that there is no evidence or testimony in the record (of the public hearing) to establish a basis for this paragraph.

(Enter Mr. McClure.)

- 4) Paragraph 10 - 3rd sentence: Amend to read "Upon completion of the mining operations and the reclamation of all of the project as designated in the final revised Mining Master Plan, Phillips shall permit Manatee County to use in a reasonable manner such lake, as is located in Manatee County, as a part of the water and wastewater operations of the Manatee County Utilities System."

Richard Nelson, attorney for Sarasota County, commented in rebuttal to the suggested changes filed and explained by Mr. Grimes; that without agreeing to the content of the Order, offered no objections to the language to amend

Paragraph 5 - as to the monitoring program, and

Paragraph 9 - as to location of the mine being modified.

As to

Paragraph 10 (1st sentence) - as to adding "and Phillips; Disagreed with suggestion to leave that decision in the hands of Phillips, but would adhere to what the County Attorney has drawn.

Paragraph 10 (2nd sentence) - as to utilizing treated wastewater: same comments as to first sentence.

Paragraph 10 (3rd sentence) - as to donation or use of the lake(s): recommended completely rework that paragraph because it is not clear as to right of use by Manatee County or when mining operations and reclamation are going to be finished.

Rebuttal by Mr. Grimes as to treated wastewater and donation of lake.

Mr. Nelson stated that they strongly disagree with the Order that is proposed for the reasons stated at the hearing against the request to mine phosphate in Manatee County. He then outlined suggestions for additions to the findings of fact to be included in the Order.

Upon objection by Mr. Grimes to the line of argument by Mr. Nelson on points not filed in his exceptions, the Chairman advised Mr. Nelson to discuss only those exceptions in his written statement (Motion Stating Exceptions to Recommended Development Order).

Mr. Nelson argued that the applicant must show that they comply with the requirements of Chapter 380, that their mining (master) plan and reclamation plan are not going to substantially damage the

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environment and water resources of the area, that the slime ponds are not going to break and pollute the water supply, etc., - before permit is granted.

Mr. Grimes pointed out that this is a conceptual order and numerous permits will have to be obtained through various state, district and local agencies and the public will have opportunity to be heard on every one of the applications. Upon question, he stated that they will have to comply with all Water Management Districts' requirements prior to public hearing on operating permits.

The Chairman declared the meeting recessed until 8:00 A.M., Wednesday, July 7, 1976, at which time the Board will render a decision in connection with D.R.I.-7 and SE-842 for Phillips Petroleum Company.

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JULY 7, 1976

The Board of County Commissioners reconvened at 8:10 A. M., Wednesday July 7, 1976 in continued regular session, with all members present; also, the County Attorney and Deputy Clerk.

The County Attorney suggested that the Board consider and rule upon each of the exceptions and responses to the Recommended Development Order stated in the motion filed by Phillips Petroleum Company.

Motion was made by Mr. Hutches that

Exception No. 1, contained in the motion by Phillips Petroleum Company stating exceptions and responses to the Recommended Development Order (paragraph 5) - relating to ground water - be sustained. Motion was seconded by Mr. Dierks and carried unanimously.

Motion was made by Mr. McClure that

Exception No. 2, contained in the motion by Phillips Petroleum Company stating exceptions and responses to the Recommended Development Order (paragraph 9) - relating to location of the plant and other tangible and real property assessed for tax purposes - be over ruled. Motion was seconded by Mr. Dierks and carried unanimously.

The County Attorney referred to Exception No. 3, part (a) relating to use of treated wastewater, and part (b) relating to donation of lake or lakes after completion of the mining operations and reclamation of sites, contained in the motion by Phillips stating exceptions and responses to the Recommended Development Order (paragraph 10), noting that the language could be clarified to cover the intent to some degree, or that it could be left out and covered in an agreement with Phillips. He expressed concern that this portion (of the document) is outside the record and possibility, in case of appeal, that it could be considered material and result in having to hold another public hearing.

Mr. Grimes stated preference that it be left out because it is not part of the record and that Phillips would be willing to enter into contractual relationship with the County.

Motion was made by Mr. McClure to strike that portion of paragraph 10 of the Recommended Development Order relating to treated wastewater. Motion was seconded by Mr. Burton. Consent was made by