

SEPTEMBER 14, 1978

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION, in the Courthouse, Bradenton, Florida, Tuesday, September 14, 1978, at 10:32 a.m.

Present were Commissioners
Louis E. Driggers, Chairman
Dan P. McClure, Vice Chairman
Lamar S. Parrish
L.H. Fortson, Jr
R.W. Fowinkle, III

Also present were
E.N. Fay Jr, County Attorney, and Alan Prather, Associate
David B. Collier, County Administrator
L. Frappier, Deputy Clerk, representing R.B. Shore, Clerk

Representing various news media were: Betty Kohlman, St Petersburg Times; Mike Todd, Sarasota Herald-Tribune; and/or other agents who entered during the meeting.

The meeting was called to order by the Chairman.

PHILLIPS PETROLEUM CO. - D.R.I. NO. 7/REVISED

The Chairman invited comments on the proposed Phillips Petroleum Company DRI #7, deferred September 12th for further review by the Board members before making a decision.

Jim Cox, AMAX Chemicals, and Horatio Franco, Phillips Petroleum, were present to answer any questions.

Mr Fortson reiterated his concern regarding the change in proposed distribution of tax revenues and the location of the plant in DeSoto County rather than on the County line.

The County Attorney outlined alternatives and procedures available to Phillips/AMAX (if the resolution is not adopted) through the hearing officer, state agencies, etc, that could result in stipulations that permits be issued. He stated that by adoption of the Resolution, the burden of making a determination on tax distribution that is acceptable to both DeSoto County and Manatee County is placed upon Phillips/AMAX.

Following lengthy discussion, Mr Fowinkle moved to approve.

RESOLUTION CLARIFYING THE RESOLUTION
RENDERING A DEVELOPMENT ORDER DATED
JULY 7, 1976.

Motion was seconded by Mr McClure.

Following discussion of Chairman Driggers' stated reservations about paragraph 9 of the Resolution, (special exceptions) Mr McClure withdrew his second.

The County Attorney stated that the question of Special Exception can be resolved among the attorneys.

Motion was seconded by Mr Parrish. Voting "Aye" were Commissioners Fowinkle, Parrish and McClure. Commissioners Fortson and Driggers voted "No". Motion carried.

RESOLUTION RECORDED

(Mr Fay departed the meeting)

RESORT TAX PROPOSED USE PLAN

Chairman Driggers opened discussion of the Proposed Use Plan of Revenues to be derived from proposed 2 percent Tourist Development Act by stating that, although not stated in this particular document, it was the intent of the Resort Tax Committee that the entire amount of money for beach nourishment was to be used to defray costs of the three Island Cities (Holmes Beach, Bradenton

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Beach and Anna Maria) to be shared proportionately according to the amount each will be required to pay toward the beach nourishment project.

He asked the Acting County Attorney to address the legality of such use for the funds, and Alan Prather cited Paragraph 1.a and 1.b., Section 5, of the Tourist Development Act, adding that his opinion is that beach nourishment can legally be considered authorized use.

Jim Fields, one of three members representing the hotel-motel industry on the Resort Tax Committee, stated that it was the specific recommendation of the Committee that the beach nourishment funds be used exclusively for the Island Communities' share of that project (not Manatee County as a whole); that when the matter was put to vote in committee, two members of his industry representation voted against putting the proposed Tourist Tax to referendum and one member abstained from voting.

Others in the audience who spoke in opposition were Herman Borstlemann and Jack Cedar.

Mr McClure moved that, based on the recommendation of the Resort Tax Committee, this Board ratify their recommendations and, instruct the Deputy Clerk and County Attorney to proceed with advertising a public hearing (9:00 a.m., Tuesday, October 3, 1978) to consider the adoption of the appropriate ordinance. Motion was seconded by Mr Fowinkle and carried unanimously.

COMPLAINT: SEWER ASSESSMENT (ALBRITTON)

In connection with his complaint regarding sewer assessment, deferred from previous Tuesday, Mr Al Albritton, owner of forty acres of land (old orange grove) on 63rd Avenue East at 37th Street, objected to being assessed for 1300 feet of sewer line for which he says he has no present need nor any plan for future use; that the line originates at the old Sandman Trailer Park, goes south one mile, also originates at Palmaire and goes north two miles, then west one mile to his property and extends to some point beyond, but only ten property owners along a 3/8 mile stretch have been assessed for this sewer line and in his opinion this is an injustice as the general area is not assessed. He requested deferment of his assessment until the surrounding area is assessed.

D.E. Pittman, Director, Manatee County Utilities System, using an area map, pointed out the route of the sewer system, explaining that the line in question is a 12" gravity collection main, that it is available to serve these particular properties, and under the law the owners must be assessed.

(Due to previous engagement, Chairman Driggers relinquished the meeting to Vice Chairman McClure who conducted the remainder of the meeting.)

Culbreath Whitehead Jr, owner of property south of Mr Albritton, strongly objected to being arbitrarily assessed for a sewer line he felt was an engineering mistake.

Mr McClure recommended this matter be reviewed by Mr Pittman and legal counsel and then contact the property owners. There were no objections.

SE-895 & SE-987 JERRY & ELIZABETH CAMP - CHILD CARE CENTER

Ken Cleary, Agent for Jerry and Elizabeth Camp, referred to Board action on September 12th to re-consider SE-1134 Kinder-Care Learning Center and requested the Board to reconsider its denial of time extension of SE-895 and SE-987.

Following an update by Bill Swan, Mr Fortson stated that if this request is reconsidered, in order to be consistent, a public hearing should be advertised.

Motion was made by Mr Parrish to reconsider SE-895 & SE-987. Motion was seconded by Mr Fowinkle. Voting "Aye" were Commissioners Parrish, Fowinkle and McClure. Commissioner Fortson voted "No." Motion carried. (Public hearing 10/3/78)

SUBGRANT (LEAA) - MANATEE ALTERNATIVE SCHOOL

Motion was made by Mr Fortson to approve and authorize the Chairman to sign

- 1) Subgrant Adjustment Request for time period extension to December 31, 1978 to allow the Manatee Alternative School to expend the balance of \$3,986.85 in LEAA funds.
- 2) adopt resolution to amend 1977-78 budget to provide for receipt and appropriation of unanticipated revenues as follows:

<u>Increase Revenue:</u>	
CETA Title SPEDY	\$39,405.00

<u>Increase Expenditures:</u>	
SPEDY: Travel; Contracted Services; Education and Uniforms	\$39,405.00

Motion was seconded by Mr Fowinkle and carried unanimously.

RESOLUTION RECORDED

S5-128

SHERIFF'S DEPARTMENT (GAIN TIME)

Motion was made by Mr Fortson to approve request by Sheriff Tom Burton to grant 15 days extra gain time to Matthew Ball, moving his release date from October 1, 1978 to September 17, 1978. Motion was seconded by Mr Fowinkle and carried unanimously.

GRANTS DEVELOPMENT DEPARTMENT

Bob Fernandez submitted for approval requests of Grants Development Department outlined in letter from Regis Chapman, Director, dated September 14, 1978.

- (1) Modification No. 901 to Prime Sponsor Agreement No. 12-8-0165-PSA to incorporate:
 - a) YEDPA PSA Supplement to include information on youth population of Manatee County, the Labor Market Situation and role of Youth Council (Manpower Advisory Board)
 - b) CETA Affirmative Action Plan to provide equal employment opportunities to CETA participants.
- (2) Revised Documents as a part of the Closeout Package of the Fiscal Year 1977 CETA Title I (12-7-0016-10) Grant (approved 5/16/78):
 - a) Corrected Final Report of Federal Cash Transactions
 - b) Corrected Final Financial Status Report
 - c) Corrected Grantee's Release
- (3) Revised Modification No. 802 to Title I Annual Plan No. 12-8-0165-10 (approved 7/18/78) to change additional carryover from Fiscal Year 1978 to 1979 from \$34,332 to \$28,596.
- (4) Authorize Chairman to submit request to the Director of the Florida Gulf Health Systems Inc to designate unincorporated areas of Manatee County as a Health Manpower Shortage Area.

Motion was made by Mr Fowinkle to approve Items 1 through 4 of Regis Chapman's letter of September 14th. Motion was seconded by Mr Parrish and carried unanimously.

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BONDS

Motion was made by Mr Fowinkle to approve and/or release bonds as follows:

(1) Sheriff's Public Employees Blanket BondAdditions:

Russell E. Gates	Special Deputy
Norman Lyttle	Part Time Records Clerk
Donald F. McLaughlin	Special Deputy
Donald A. Parks	Special Deputy

Deletion:

Donald Elmore	Hired 10/1/78; terminated 8/31/78.
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(2) Driveway Permits

Release: Emily & Frank Buskirk, Cash Bond \$250.00, No. 4312
William Ross, Cash Bond \$250.00, No. 3570

(3) Moving & Alteration of Building

<u>Release:</u> Barbara Itce, Surety Bond,	Permit No. 13852
Donald Beam, Surety Bond,	Permit No. 15231
Lighthouse Church of Jesus, Surety Bond,	Permit No. 15290
Carrie Williams, Surety Bond,	Permit No. 14935

Motion was seconded by Mr Parrish and carried unanimously.

ANTI-RECESSIONARY FUNDS/ALLOCATION

Upon motion by Mr Fortson, seconded by Mr Fowinkle, request for allocation of Anti-Recessionary Fiscal Assistance funds (payment quarter 9) in the total amount of \$13,848.00 was unanimously approved as follows:

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|--|------------|
| 1) Sheriff's Department | \$5,114.00 |
| (for reclassification of female
detention officers) | |
| 2) Highway Department | \$8,734.00 |
| (resurfacing projects) | |

BUDGET (1978-1979 PROPOSED)

Mr Fortson moved to set public hearing on proposed 1978-1979 Budget at 9:00 a.m., Tuesday, September 26, 1978. Motion was seconded by Mr Fowinkle and carried unanimously.


Mr Fortson stated that a Work session for discussion of the proposed budget will be arranged within the next week.

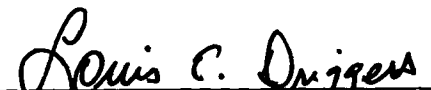
MEETING ADJOURNED

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

Attest:

APPROVED:


Clerk


Chairman