

FEBRUARY 12, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, February 12, 1980 at 9:00 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman  
Lamar S. Parrish, Vice-Chairman  
L. H. Fortson, Jr.  
Louis E. Driggers

Commissioner Claude E. McGavic was absent.

Also present were:

E. N. Fay, Jr., County Attorney  
David B. Collier, County Administrator  
Ralph Umana, Assistant Finance Director, representing  
R. B. Shore, Clerk of Circuit Court

Representing the various news media were Betty Kohlman, St. Petersburg Times; Norma Gill, The Bradenton Herald; Jeanne France, WTRL; Lauren Ritchie, The Bradenton Herald; Mark Todd, Sarasota Herald-Tribune, and others who entered during the meeting.

Invocation by Rev Mrs J. Ralph Miller, Bradenton Church of God.

The meeting was called to order by Chairman Glass.

COLLIER, DAVID B. - MERIT INCREASE

Motion was made by Mr Fortson to approve a five percent merit increase for David B. Collier, County Administrator. Chairman Glass stepped down to second the motion. Voting "Aye" were Chairman Glass and Commissioner Fortson. Commissioners Driggers and Parrish voted "No". Motion failed.

BETTER MANATEE DAY

A request relayed by Mr Parrish from James Woodson, Chairman, Washington Gardens, Palmetto, that the County furnish a truck Saturday morning (March 8th) to dispose of rubbish that is collected in observance of Better Manatee Day was referred to the County Administrator.

ELLENTON-GILLETTE ROAD - TRAFFIC CONTROLS

Mr Parrish reported that he has been in contact with Florida Department of Transportation in connection with the County's request for traffic signal installation on U.S. 301 at Ellenton-Gillette Road, and that Palmetto Bank and Trust Company has volunteered to contribute toward the installation costs.

TAMPA BAY REGIONAL PLANNING COUNCIL - COMMUNITY CARE FOR THE ELDERLY

Mr Driggers reported that the recommendation from Health and Rehabilitative Services (HRS) discussed at a recent Tampa Bay Regional Planning Council (TBRPC) meeting was that Manatee County "go back to square one" and start all over again with its Community Care for the Elderly Program. He stated, however, that TBRPC took the position that a public hearing could be held for public input and the County could go forward with the program as is.

SOUTH COUNTY (ONECO) YOUTH CENTER - PARKS AND RECREATION EQUIPMENT

After a brief discussion of a request by Red Simons, Director, South County (Oneco) Youth Center, for the use of County Parks and Recreation equipment and labor involved to relocate a fuel tank at the Youth Center, action was deferred until later in the meeting.

GOVERNOR'S TASK FORCE ON RESOURCE MANAGEMENT

Mr Driggers reported on discussion by Tampa Bay Regional Planning Council recently on the Governor's Task Force on Resource Management.

PINELLAS PLANNING COMMISSION

Mr Driggers volunteered to circulate for review by the Board Members a proposed resolution concerning annexation submitted by Pinellas County at a recent meeting of the Tampa Bay Regional Planning Council, and stated this matter will be placed on a later agenda.

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AWARDS - SUMMER YOUTH EMPLOYMENT PROGRAM

In recognition of outstanding achievement in the Department of Labor's CETA Summer Youth Employment Program, two individuals and one County agency were presented awards as follows:

- 1) Randolph Hodo - Outstanding Youth - A \$500 Savings Bond
- 2) Scott Jenkel - Outstanding Supervisor - A Plaque
- 3) Happiness House - Outstanding work with handicapped youth  
- A plaque (accepted by Joseph Schaerfl).

PROCLAMATION - AMERICAN ASSOCIATION OF UNIVERSITY WOMEN (AAUW)

Cele Niffenegger, President of the Bradenton Branch, and a Committee of members, submitted and requested Chairman Glass read a proclamation proclaiming March 16 through March 22, 1980 as "AAUW Week."

Motion was made by Mr Driggers, and seconded by Mr Parrish, to adopt the Proclamation. Motion carried unanimously.

RECORD PROCLAMATION S9-6

COMMUNITY DEVELOPMENT BLOCK GRANT - SAMOSET SEWER SYSTEM

Public hearing (advertised in The Bradenton Herald, 2/5/80) was opened concerning:

- 1) The Community Development Block Grant Application for installation of a sewer collection system in Samoset
- 2) The Housing Assistance Plan
- 3) An opportunity for area residents to participate in the establishment of housing and community development needs and priorities.

Carole Clarke, Planning and Development Department, gave a presentation on the proposed project, summarizing the aims and purposes of the proposal and reiterating information discussed in previous public hearing on February 5, 1980. She further stated that in the event any roads are damaged during the installation of the sewer system, funds are included in the grant to restore the roads to their present condition.

Additionally, the Assurances required for Federal Grants included in the application are:

Compliance with financial administration;  
Citizen participation and A-95 review requirements and environmental requirements.  
Assurance that the County will conduct the necessary environmental review;  
that the Program has been developed to benefit low and moderate income persons;  
that the County will meet Labor standards, flood control standards and will comply with Civil Rights Acts in the administration of this grant.

Jim Rhinehart, County Utilities Department, stated Samoset Elementary School should be included in the project for health reasons. He further stated that connection fees to be derived from this project will balance out the cost of the project to the Utilities Department.

There being no further comments, the public hearing was declared closed. Action was deferred to allow the County Attorney to refine the language of the resolution (transmitting the application) to be submitted to the Board for consideration on Thursday, February 14, 1980.

43RD ST W - CONDEMNATION PROCEEDINGS; AGREEMENT PARCEL NO. 5

In connection with Eminent Domain Proceedings for the condemnation of right of way for the construction of a portion of 43rd Street West at its intersection with 44th Avenue West, also known as Cortez Road (SR 684) and North thereof in a suit styled

Manatee County, Plaintiff vs  
 Royal Palm Beach Colony, Inc., et al, Defendants,  
 Case No. CA-78-1493

the County Attorney submitted and recommended approval in concept:

- 1) Agreement - Parcel No. 5
- 2) Stipulations for the Entry of Final Judgment as to Parcel 5.

Whereas the parties hereto have negotiated a settlement of damages and accept the estimate of value in the total amount of \$19,445, together with attorney's fees, appraisers' fees and other costs and the County is released from any further liability, damages, compensation or other claims arising out of the taking of Parcel No. 5.

Motion was made by Mr Driggers, and seconded by Mr Fortson, to approve the Agreement and the Stipulation for the Entry of Final Judgment as to Parcel No. 5. Motion carried unanimously.

I-75 CORRIDOR - SEWER TREATMENT PLANT

RECORD S9-7

R. A. Wilford, Director, County Utilities Department, reported that the Utilities Department has been approached by developers asking what the County might be planning for the I-75 Corridor in regard to sewer service. He pointed out some of the demands on the County and requested formulation of some type of preliminary plan in advance of the 201 Facilities Plan.

He deems it advisable to do an indepth study to determine whether the County should locate a regional treatment plant in the area. He feels that the County-owned Creekwood site would be a feasible location, in that it would take care of these developing areas and could be used to relieve the Southwest regional treatment of some of the flow presently going into it through a turn-around system, and the developers are willing to participate in such study at no cost to the Utilities Department.

He further stated that it is the responsibility of the developers to pay the full cost of solving their problem and if the study determines that a plant should be located in the Creekwood area, the developers are willing to pay for the plant as well as the transmission mains in order to solve their problems.

Jim Rhinehart, County Utilities Department, commented on the growth pattern in the lower portion of Manatee County; the problems and costs of pumping the sewage to the Southwest regional treatment plant. He also stated that the developers have offered to participate in a feasibility study at no cost to the Utilities Department.

O.E. Randle, Pollution Control Director, spoke favorably regarding a regional treatment plant on the Creekwood site; commented on the need for a goal as to the direction the County is to proceed in the Ward Lake watershed; the need for a reservoir protection plan; and that, in his opinion, central sewage treatment provides better protection than septic tanks.

There were no objections to recommendation by Mr Fortson that Mr Wilford work with the developers to develop a proposal, along lines discussed this morning, to be submitted to the Board for consideration Tuesday, February 19th.

MATERIALS AND SERVICES

The County Administrator submitted for approval recommendation of the Materials and Services Department as outlined by Gary Knuckles, Director, in a memorandum dated February 8, 1980.

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UTILITIES

1. Waste Treatment Facilities Interim Improvements - Sections I and II
  - a. Award Section I to sole bidder, Crom Corporation, \$486,321.
  - b. Award Section II to lowest responsible bidder, WED Contractors, Inc., \$1,083,950.

David Collier, County Administrator, recommended the bids be awarded but that the contracts not be executed until Discharge Permit has been received.

Motion was made by Mr Fortson to award the bids, subject to receipt of the permit. Motion was seconded by Mr Parrish and carried unanimously.

PLANNING AND DEVELOPMENT - BIKE PATHS

Charles Carrington, Director, Planning and Development Department, and Carole Clarke, Planner, made a presentation on bike path planning efforts.

Mr Carrington made reference to an application previously submitted to the Governor's Highway Safety Commission for a \$30,000 grant, to study the needs for cyclist and pedestrian safety, and advised that the Board will be kept current on the progress of the grant.

Ms Clarke summarized needs and goals proposed for the use of the grant funds.

A draft letter to inform interested persons was circulated for the Board's review.

TRAVEL TRAILER - ZONING VIOLATIONS

Mr Carrington, Planning Director, outlined zoning violations that exist throughout the County in regard to permanent attachments to travel trailers in the T-3 Travel Trailer Zoning Districts, and requested guidelines as to enforcement, stating that the existing policy is to enforce on complaint only.

Bill Swan, Planner, showed slides depicting some of the violations: permanent attachments, e.g. porches, carports, patios, cabanas, etc, constructed without County authorization and construction permits.

Speaking from the audience were Vern Wilhoit stating that people are using travel trailers as permanent homes in travel trailer parks with the sanction of the County; and John Garrott commented on the definition of "recreation vehicle."

After discussion, Mr Carrington was authorized to coordinate a work session with the County Administrator to address the situation more fully.

RECESS/RECONVENE

After a brief recess, the Board reconvened with all members present except Mr McGavic.

PHOSPHATE CONSULTANT

John Garrott and Robert Hartshorn, members of the County Pollution Control Board, requested the Commissioners reconsider placing the position of the Phosphate Mining Consultant under the County Administrator and place the position, instead, in the Pollution Control Department.

NOISE CONTROL ORDINANCE

There were no objections to request by Mr Hartshorn that the model Noise Control Ordinance from the State Attorney's office be made available for review by the Pollution Control Board prior to a work session on the Ordinance.

MOTOR VEHICLE INSPECTION - FEES

Discussion of a proposed increase in Motor Vehicle Inspection fees was deferred until such time as all Board members are in attendance.

WORK RELEASE PROGRAM - ROOM AND BOARD RATES INCREASE

Based on the recommendation of Edward J. Angersoll, Director, Manatee County Work Release Program, motion was made by Mr Driggers, and seconded by Mr Parrish, that the room and board payments made by the residents of the Manatee County Work Release be increased from \$6.00 to \$7.00 per day, effective February 11, 1980.

Motion carried unanimously.

BUDGET AMENDMENTS

Upon motion by Mr Fortson, seconded by Mr Driggers, the County Administrator was authorized to advertise for bids to sell, or trade-in on a smaller vehicle, a station wagon assigned to the County Library. A resolution was unanimously adopted to amend the 1979-80 budget by an item to item transfer of funds:

Library

From: Library Contingency

To: Improvements other than Building and Equipment \$8,110.00

✓RECORD RESOLUTION S9-8

Upon motion by Mr Driggers, seconded by Mr Parrish, a resolution was unanimously adopted authorizing amendment of the 1979-80 budget by item to item transfer of funds:

Planning and Development

From: Reserve for Contingency

To: Advertising \$134.00

✓RECORD RESOLUTION S9-9

Sheriff Department

There were no objections to the recommendation by the County Administrator that action on the Sheriff's Budget Amendment (Re: Airport Security) be deferred to the following Thursday, February 14, 1980.

MANATEE AREA VOCATIONAL AND TECHNICAL CENTER - WAIVER OF FEES

The County Administrator submitted and recommended approval of the request by Joe Leatherman, Manatee Area Vocational and Technical Center, that building and inspection permits be waived in connection with construction done by the students in the building trades program at the Center.

Motion was made by Mr Driggers, and seconded by Mr Fortson, to waive the building and inspection fees necessary to these classes. Motion carried unanimously.

HUMAN SERVICES

Kathy Snell, Director, submitted for approval recommendations of the Human Services Department, outlined in her memoranda, dated February 11, and February 5, 1980:

- (1) Two CETA Title II-B On-the-Job Training Contracts:
  - (a) R-334, Flavius Lewis Bail Bonding, Inc., \$1,883.20
  - (b) R-337, Bradenton Headstart (Manatee Opportunity Council) \$1,116.00
- One CETA Title III STIP On-the-Job Training Contract:
  - (a) S-003, BaCarr, Inc., \$1,432.00

Motion was made by Mr Driggers that the requests be approved. Motion was seconded by Mr Parrish and carried unanimously.

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- (2) Authorize the Chairman to execute a 5-year lease with Manatee County Rural Health Services, Inc. for a portion of the Samoset Multi-Purpose Center known as the clinic area.
- (3) Consider entitlement status vs balance of <sup>✓RECORD LEASE S9-10</sup> State under new legislation which restructures the federal assistance program administered through Law Enforcement Assistance Administration (LEAA). Staff recommendation is to delay filing for entitlement status until fiscal year 1982 in order to fully review its merits.
- (4) Adopt a resolution authorizing the submission of an LEAA Grant application named "The Manatee County Juvenile Justice Planning Unit," in the amount of \$3,198.00 (in Juvenile Justice Delinquency Prevention (JJDP) funds) and a like amount in State <sup>✓RECORD RESOLUTION S9-11</sup>
- (5) Authorize the Chairman to sign the JJDP Grant \$3,198 (item 4).
- (6) Adopt a resolution authorizing the re-submission of an LEAA Grant application for the "Youth Services Coordination Project", to conform to new LEAA guidelines (originally approved by the Board 10/9/79). The requested funding from LEAA is \$13,817 in Part C funds, and \$768 in State match. A \$5,922 local match has been budgeted. <sup>✓RECORD RESOLUTION S9-12</sup>
- (7) Authorize the Chairman to sign the \$13,817 grant application.

Motion was made by Mr Fortson to approve items 2, 4, 5, 6 and 7. Motion was seconded by Mr Driggers and carried unanimously.

In connection with Item (3), Entitlement Status, Mary Lewis, Criminal Justice Planner, made a presentation advising that, under the restructuring of the federal assistance program to state and local governments for criminal justice improvement through LEAA, as of fiscal year 1981, only larger units of local governments, including combinations, will be eligible to receive a formula amount of these funds. To apply, Manatee County would have to combine with the City of Bradenton or some other municipality to meet the minimum population requirement of 100,000.

Although entitlement status provides greater local autonomy in programming LEAA funds, it also requires greatly increased responsibilities, and in light of this, staff recommended entitlement status not be sought at this time, but possibly considered next year.

Motion was made by Mr Driggers to accept staff recommendations on entitlement status. Motion was seconded by Parrish and carried unanimously.

- (8) Information: In a letter dated January 31, 1980, Rudolph V. Slaughter, Director, Employment and Training, Florida Department of Labor and Employment Security, stated that Manatee County led the State in the CETA job placement rate for fiscal year 1979.

ANNA MARIA BEACH EROSION PROJECT

There were no objections to a request by Mayor Ernie Cagnina, Anna Maria, that the meeting on the Anna Maria Beach Erosion Project later this afternoon be changed from the Central Library, Bradenton, to the City of Anna Maria.

LAWSUIT: ESTECH GENERAL CHEMICALS CORP. (SWIFT)

E.N. Fay Jr., referred to his letter dated February 6, 1980, Re:

Estech General Chemicals Corporation, formerly Swift Agricultural Chemicals Corporation, vs Manatee County, DOAH 79-1994 involving the administrative appeal of DRI 10 and SE-1120,

and his letter dated February 1, 1980, reference the same subject, informing the Board that the above proceedings are scheduled for formal public hearing before the Hearing Officer at the Central Library in Bradenton, March 17 through 21, 1980.

In that the public hearing will be conducted in the nature of a court case, tried by a judge without a jury, a Third Prehearing Conference has been scheduled by the Hearing Officer on February 15, 1980 to consider certain pending motions and for other appropriate purposes in connection with final preparation for the public hearing.

Mr Fay also submitted a document outlining conditions, limitations and various issues that may be raised during the hearing. He recommended that the Board authorize him to negotiate the proposed settlement of any one or more of the subject matters referred to in the document, in general conformity with provisions set forth in the document, with the other parties and make representations to the Hearing Officer, in connection with the Third Prehearing Conference in Tallahassee on Friday, February 15, 1980.

During the lengthy discussion, concern was expressed as to the definition of "negotiation" and what liability the County might have in such discussions as far as approving any of the items "discussed".

Members of the public expressing opposition to any type negotiations were:

- (1) Gloria Raines representing Manasota 88, who read a written statement suggesting that Mr Fay be authorized only to proceed with the Administrative hearing.
- (2) Kathryn Fernald, representing Save Our Bays.
- (3) Colonel Kenneth Foster expressed total opposition to phosphate mining in Manatee County.
- (4) Hilda Quy, Manasota 88.

#### RECESS/RECONVENE

The meeting was declared recessed until 1:45 p.m.

The Board reconvened at 1:50 with all members present except Mr McGavic.

Mr Fortson pointed out that since the Board is on record opposing the development order, together with the reason for denying the order, he would recommend and move that Mr Fay be given further authority to represent the County and defend the County's position at whatever meetings or discussions are necessary; that if there are any offers or discussions on any kind of settlement, they be brought back to the Board of Commissioners for acceptance or rejection. Motion was seconded by Mr Parrish for discussion.

Mr Parrish announced that it should be made clear to the news media that this authorization is for discussion only, that any points to be settled will be brought back to this Board for approval or disapproval.

Motion carried unanimously.

#### MATERIALS AND SERVICES

The County Administrator submitted for approval recommendations of Materials and Services Department, outlined by Gary Knuckles in memoranda dated February 5, 6, 1980. Upon his recommendation, however, action on

#### Communications

- I. Maintenance Contract - Bid No. 80-26
  - a. Award to Motorola C & E, Inc and execute contract

was deferred to afford the County Attorney an opportunity to review the contract.

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Highway and Engineering

1. Metal Drain Pipe - Bid No. 80-25
  - a. Award annual bid to lowest responsible bidders:  
Florida Steel Corp; Gator Culvert Co.

Motion was made by Mr Fortson to approve recommendation on Bid No. 80-25. Motion was seconded by Mr Driggers and carried unanimously.

Transportation

1. Twin Post Bus/Truck Lift - Bid No. 80-13
  - a. Reject sole bid from Clemens Equipment Service, Inc., due to lack of funds.

Motion was made by Mr Driggers to reject Bid No. 80-13. Motion was seconded by Mr Driggers and carried unanimously.

Utilities Department

1. Sewer System Supplies and Materials - Bid No. 80-23
  - a. Award the annual bid to the lowest responsible bidders:  
B & H Sales; Palmetto Pump; Southeastern Municipal Supply; Hughes Supply and Dickey Clay Company .

Motion was made by Mr Driggers to approve Bid No. 80-23. Motion was seconded by Mr Parrish and carried unanimously.

TRAVEL AUTHORIZATION (COLLIER)

Upon motion by Mr Driggers, seconded by Mr Parrish, travel was unanimously authorized for

David B. Collier - Orlando, February 21-22, 1980

to attend the State Association of County Commissioners meeting.

PARKS AND RECREATION: SPECIAL INTEREST CLASS INSTRUCTOR AGREEMENTS

Upon motion by Mr Fortson, seconded by Mr Driggers, the Chairman was unanimously authorized to execute Parks and Recreation Department Special Interest Classes Instructor's Agreements with

- 1) Kattie Hinni - Slimnastics Exercise Classes #2
- 2) Alan Williams - Tennis Clinics

RECORD AGREEMENTS S9-13  
S9-14

SHERIFF: MOTORCYCLE GRANT

Action on proposed grant application for a motorcycle for the Sheriff's Department was deferred upon recommendation of the County Administrator.

ADAMS, C.T. - FENCE ON RIGHT OF WAY

The County Administrator submitted a memorandum from Bob Moon, Director, Right of Way Department, advising that Florida Department of Transportation has brought to his attention that C. T. Adams has constructed a fence on a fifty foot dedicated County Right of Way that is to be used by the Department of Transportation to build part of a frontage road along the east side of I-75 from Braden Drive north to the easterly extension of the Powell Johnson Road. Mr Moon requested that the County Attorney be authorized to take whatever action necessary to have the fence removed.

Mr Driggers summarized the situation, stating that Mr Adams contends the fence is on his property and that he has a survey showing it is on his property; that the County also has a survey showing it is on County property; and that the State is asking the county to go into litigation with Mr Adams and have the fence removed from County property.

He also reported that by putting this service road in, a serious drainage problem was created. Drainage has been cut off from this low area and it fills up with water. During rainy season, the people in that particular area literally could not get in and out of their houses, they had to wade out to the highway; that the road

will revert to the county when I-75 is completed, and he feels it is the responsibility of the State to provide sufficient drainage of the land.

Ron Allen and Carol Wrinkle appeared before the Board requesting some type of relief from the flooding conditions on their properties. They submitted photographs showing water standing on pasture land.

After discussion, it was the concensus of opinion that the drainage problem is the responsibility of the State, that the State should be so advised and invited to explain their position and intentions.

Mr Collier volunteered to coordinate with Harry Ely, Director, County Highway and Engineering, to develop a letter to C. W. Monts DeOca, District Engineer, State Department of Transportation, requesting an explanation.

Action concerning the fence on the right of way was deferred, pending response from the State Department of Transportation in regard to the drainage problems.

#### BRADENTON, CITY OF - BOAT RAMP

In response to the request from Bill Evers, Mayor, City of Bradenton, that the County give consideration to utilizing boat license fees to fund a boat ramp and parking area to tie in with the Bradenton Waterfront Park development, Mr Driggers moved that the staff be authorized to work on the request and report their findings to the Board for further consideration. Motion was seconded by Mr Parrish and carried unanimously.

#### TRAFFIC SIGNALS FEASIBILITY STUDY - FLA. DEPARTMENT OF TRANSPORTATION

Upon motion by Mr Driggers, seconded by Mr Parrish, the Chairman was unanimously authorized to sign a letter to C.W. Monts De Oca, Florida Department of Transportation, requesting a feasibility study be made of the following intersections:

1. Cortez Road at 75th Street West
2. Cortez Road at 51st Street West
3. 30th Avenue East at 15th Street East
4. Ellenton-Gillette Road at U.S. 301
5. SR 675 at U.S. 301.

#### CHANGE ORDERS: 53RD AVE W; SADDLE CREEK OUTFALL

Upon motion by Mr Driggers, seconded by Mr Fortson, the following Change Orders were unanimously approved:

- 1) Change Order No. 1 - Wendel Kent & Co., Inc  
53rd Avenue West - Project 3021-2  
Increase the contract by net amount of \$7,785.00
- 2) Change Order No. 1 - Woodruff & Sons, Inc  
Saddle Creek Outfall - Project No. 3021  
Increase the contract by net amount of \$1,581.40

#### GARBAGE DISPOSAL

The County Administrator reported that following a conference with the Garbage Franchise Holders, staff recommends the Board schedule a public forum for citizen input within the next few weeks; that if the Board concurs, his staff will advertise for the public meeting and set it up. Board concurred.

#### AUDIT (COUNTY) - WHITCOMB AND CHRISTOPHER

Based on the recommendation of the County Administrator, action on a letter to Whitcomb and Christopher, CPA's listing all funds and account groups of the County included in the audit by the CPA's was deferred to the following Thursday, February 14th, to afford the County Attorney an opportunity to review the letter.

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HUMAN SERVICES - NACO ACHIEVEMENT AWARD PROGRAM, 1980

Upon motion by Mr Driggers, seconded by Mr Fortson, the Chairman was unanimously authorized to sign an entry form submitted by the Department of Human Services entering the "Manatee County Handicapped Accessibility Project" in the program for the National Association of Counties 1980 County Achievement Award.

HIGHWAY - WEEKLY ACTIVITIES AGENDA

The County Administrator submitted a Weekly Activities Report prepared by Harry Ely, Director, County Highway and Engineering, listing projects completed last week and projects currently underway in the Highway Department. He solicited suggestions and comments from the Commissioners to make the report more informative and useful.

SOUTH COUNTY (ONECO) YOUTH CENTER

Motion was made by Mr Driggers and seconded by Mr Parrish, to rescind action taken 1/31/80, and authorize use of Parks and Recreation equipment and personnel to assist the South County Youth Center in relocating a fuel tank at the Center.

Voting "Aye" were Commissioners Driggers and Parrish. Voting "No" were Commissioner Fortson and Chairman Glass. Motion failed to carry.

BAYSHORE BUILDERS CORP. - SECOND ADDENDUM TO AGREEMENT

The County Attorney submitted and recommended execution of Second Addendum to Agreement entered into by and between Manatee County and Bayshore Builders Corp.; Stanley and Gloria Goldman; Alan and Richard Morton; Bayshore-on-the-Lake Condominium Apartment Owners, Inc. and Bayshore Ventures, Inc. dated January 3, 1974 concerning an underground drainage facility in the vicinity of Bayshore-on-the-Lake, Section 3, Township 35 South, Range 17 East, and the first addendum to the Agreement (12/12/78), to change the legal description of the drainage facility constructed pursuant to said agreement.

Motion was made by Mr Driggers to authorize the Chairman to execute the Second Addendum to the Agreement. Motion was seconded by Mr Parrish and carried unanimously.

RECORD

S9-15

EASEMENT, UTILITY - SARASOTA MANATEE AIRPORT AUTHORITY

Upon motion by Mr Fortson, seconded by Mr Driggers, the Chairman was unanimously authorized to execute an agreement granting the County a non-exclusive easement for installation and maintenance of utilities over, across and under following described property at the Sarasota Manatee Airport:

- Parcel No. 1 The property upon which existing 8", 6" and 2" water lines currently exist in Section 36, Township 35S, Range 17E.
- Parcel No. 2 A 10-foot wide permanent easement, in Section 36, Township 35S, Range 17E; also a 10-foot temporary easement to be utilized for construction purposes only, being five feet north and five feet south of the above 10-foot permanent easement.
- Parcel No. 3 A 10-foot wide permanent easement; also a 10-foot wide temporary easement to be utilized for construction purposes only, lying immediately east and parallel with and adjacent to the 10 foot permanent easement.

RECORD AGREEMENT S9-16

PORT AUTHORITY - DREDGE AND FILL PERMITS (BERTHS NO. 8 & 9)

The County Attorney read a biological survey performed by the Department of Environmental Regulations in connection with Port Manatee Berths 8 and 9 Construction Project (DER File No. 41-20907) and submitted for adoption a

RESOLUTION GRANTING PERMISSION TO THE MANATEE  
PORT AUTHORITY TO DO THE NECESSARY DREDGING  
AND FILLING IN CONNECTION WITH THE PORT MANATEE  
BERTH 8 AND 9 EXTENSION PROJECT

subject to the approval of the Florida Department of Environmental  
Regulation, pursuant to Section 253.124 of the Florida Statutes, and  
the approval of the U.S. Army Corps of Engineers

Motion was made by Mr Fortson to adopt the resolution. Motion was  
seconded by Mr Driggers and carried unanimously.

RECORD RESOLUTION S9-17

LAWSUIT (CRITZER) - ATTORNEY'S FEES

The County Attorney submitted his letter dated February 11, 1980,

Re: PETITION FOR AWARD OF ATTORNEY'S FEES  
in the case of State of Florida vs  
Stephen Leigh Critzer, Case No. 78-00391-1F,  
in the Circuit Court of the Twelfth Judicial  
Circuit, Manatee, County, Florida

filed in connection with a criminal prosecution in which Walter  
Talley, Esquire was appointed Special Assistant Public Defender.

In that the County will be ultimately responsible for paying a  
reasonable attorney's fee, Mr Fay recommended he be authorized to  
represent, and take whatever legal steps necessary to protect the  
interest of the County in this litigation.

Motion was made by Mr Driggers to approve the recommendation in the  
letter dated February 11, 1980. Motion was seconded by Mr Parrish  
and carried unanimously.

STATE ASSOCIATION OF COUNTY COMMISSIONERS - COUNTY ATTORNEY TRAVEL

Upon motion by Mr Driggers, seconded by Mr Parrish, the County  
Attorney was granted permission to attend the legislative conference  
of the State Association of County Commissioners in Orlando,  
February 21, 22, 1980.

TRANSIT: UMTA ASSURANCE

Based on recommendation of Phil Davis, Director, County  
Transportation Department, and in order to meet the requirements  
of UMTA capital and operating grants, motion was made by  
Mr Driggers, and seconded by Mr Parrish, to authorize the Chairman  
to execute the Assurance of Compliance with Section 5(i) 3, assuring  
UMTA that the County will provide the public an adequate opportunity  
to express its feelings prior to any fare increase or substantial  
changes in the level of Transit service.

Motion carried unanimously.

ENERGY OFFICER

In order that correspondence concerning energy might be directed  
to one specific office, the County Administrator volunteered to  
handle any correspondence dealing with energy.

CLERK'S CONSENT CALENDAR

Upon motion by Mr Driggers, seconded by Mr Parrish, the Clerk's  
Consent Calendar dated February 12, 1980, was unanimously approved  
as follows:

BONDS

Driveway Permits

Accept: Larry Poffenbarger, \$150.00 DWP 6393

Housemoving Permits

Release: Robert Hellner, Pre-moving No. 21423, Surety \$1,500  
Rowe Meade, Pre-moving No. 23167, Surety \$1,500

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Sheriff's Employees Blanket Bond: 30 Additions; 8 Releases:Additions

J. Skip Dalessio	Detention Volunteer
Larry Bolyard II	Regular Posse
Jean C. Spenla	Special Operations SSO
Stirling Boomhower	Special Operations SSO
Susie C. Brown	Mounted Posse
Daryl L. Brown	Mounted Posse
Deborah L. Wilson	Crime Analysis
Kenneth J. Callahan	Regular Posse
Lisa G. Beck	Communications Specialist
Betty T. Moore	Communications Specialist
Loyd R. Greenberg	Criminal Histories Part-time
Patricia A. Vella	Booking Clerk
Leontine L. Sechler	Switchboard/PBX
Joseph R. Downs, Jr	Patrol Deputy, Airport Security
Naomi J. Kuhs	Correctional Officer
Charoltte J. Hofmann	Crime Analysis
Jeannie M Griffis	Complaint Taker
Earl R. Potter	Deputy/Civil
Bobby G. Benson	Correctional Officer
Curtis Shaver	Correctional Officer
Betty L. Nicholson	Complaint Taker
John D. Giddens	Regular Posse
Dickie R. Meador	Regular Posse
Gerald R. Layhew	Regular Posse
Robert A. Kulchar	Regular Posse
Christopher Loeschman	Regular Posse
Michael B. Maier	Special Deputy Narcotics/Vice
William E. Riley	Complaint Taker
Ronald J. Hatinger	Bonded Deputy
Carolyn W. Whitney	Criminal Investigations Clerk

Deletions

Irene J. Sharpe	Booking Clerk
Elbert L. Sheffstall	Jailer
James H. Heilman	Regular Posseman
Michael Zambelle	Complaint Taker
Karl F. Reinfandt	Patrol Deputy
Paul Carnahan	Correctional Officer part-time certified
Kelli R. White	Crime Analysis
James F. Hogan	Regular Posse

BILLS FOR PAYMENT

Refund: Central Companies (EMS)	\$ 20.00
Frank Cascico (EMS)	36.00
Dr Lehman & Assoc. (Medical Examiners)	3,837.83
Russell & Axon (Prof. Services, MCUS)	9,419.42
Mann & Fay (Prof. Services, MCUS)	964.25
Bay-Con General Inc. (Elwood Park II)	97,651.00
Marcus Myers (Gun Permit Program)	40.00

WARRANT LISTS

Approve Warrant Lists from February 5, 1980 to February 12, 1980, and to authorize Warrant Lists to February 19, 1980, said Warrant Lists to include any payrolls during that period upon condition that all employees have performed their services in accordance with time and payroll practices of the County departments.

BANK SIGNATURES

Resolution authorizing following individuals to sign checks withdrawing funds from the various County depositories:

Patricia M. Glass, Chairman, Board of County Commissioners  
or  
Lamar S. Parrish, Vice-Chairman, Board of County Commissioners  
and  
R. B. Shore, Clerk of Circuit Court.

/RECORD RESOLUTION S9-18

FEBRUARY 12, 1980

Cont'd

SAMOSSET ELEMENTARY SCHOOL - PLAYING FIELDS COMPLEX

A concerned citizen, speaking from the audience, requested the Board to match the \$3,000 set aside by the Samoset Elementary School PTA to install a ball field complex and tennis court at the school in time to be utilized in the summer youth program this year.

Mr Driggers advised that the request was brought to the attention of the Parks and Recreation Board at a recent meeting.

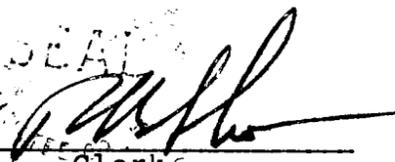
Chairman Glass stated that the matter will be place on the Agenda for consideration in the near future.

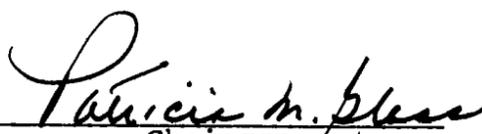
MEETING ADJOURNED

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

Attest:

APPROVED:

  
Clerk

  
Chairman

Adj: 3:40 p.m.