

FEBRUARY 26, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, February 26, 1980 at 9:07 a.m.

Present were Commissioners:

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

Also present were:

E. N. Fay, Jr., County Attorney
David B. Collier, County Administrator
Angie Brewer, Deputy Clerk, representing R. B. Shore, Clerk
of Circuit Court

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

Invocation by Rev. Clarence Lavender, Church of Christ.

The meeting was called to order by Chairman Glass.

STUDENT GOVERNMENT WEEK

Toni Arpaia and Kathy Gouwens, students from Manatee High School, were introduced as participants in Student Government Week.

AMERICAN WATER WORKS ASSOCIATION HEROISM AWARD

The Chairman presented an award from the American Water Works Association for "A Selfless Act of Bravery" to Willie Albritton of Manatee County Utilities System for rescuing a fellow co-worker at Lake Manatee on April 20, 1979.

AUDIT REPORT OF MANATEE COUNTY 1978-79

Upon motion by Mr. Fortson, seconded by Mr. Driggers, the Board unanimously accepted the Whitcomb & Christopher Annual Audit Report of Manatee County for the fiscal year 1978-79.

MANATEE COUNTY PLAN: PORT AND AVIATION ELEMENTS

The Chairman declared public hearing open for the purpose of considering the Port and Aviation Elements of the Manatee County Comprehensive Plan.

It was determined by the Board that although comments are heard today, action is not mandatory at this time.

James Rider, Planner, Planning and Development, in a brief overview of the Port Element, pointed out the necessity to work closely with the Port Authority and specifically recommended that the Port Director be continuously involved in the Sarasota/Manatee area transportation study.

J. E. Jaudon, Port Director, had no objections to the Port Element of the proposed Manatee County Comprehensive Plan.

Hilda Quy, on behalf of the Isacc Walton League, Manatee Chapter, spoke in favor of the Port Element.

Arlene Flisik, representing the Manatee River Garden Club and the Land Use Committee of Manasota 88, requested the word "development" (regarding expansion of the Port) not be changed, and to add "protect the ecology of Bishops Harbor"; and to add "Port development is to be encouraged but not at the expense of the County's environmental integrity or quality of life."

Charles Carrington, Director, Planning and Development, read a letter dated February 26, 1980, from Richard S. Olson, Chairman of Manatee County Economic Development Council of 100, endorsing the adoption of the Port and Aviation Elements.

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Mr. Rider gave a brief overview of the Aviation Element and recommended that the Airport Authority keep actively involved in the Sarasota/Manatee transportation study.

Greg Bussell, Chairman of the Aviation Committee of the Manatee County Chamber of Commerce, advised that he had prepared the contents of the letter from Mr. Olson and that the comments were not intended to be authoritative in nature.

Mr. Carrington read a letter dated February 20, 1980, from Thomas F. Icard encouraging the adoption of the Aviation Element, as well as a letter from the same individual suggesting that Manatee County make or cause to be made a comprehensive study of the noise levels surrounding the airport and an analysis of its impact on the health, security and property values of the neighboring residents and property owners.

During discussion the following individuals spoke:

James Dryer, Chairman of the Sarasota/Manatee Airport Authority, spoke in favor of the Aviation element.

Sabino Lioci, expressed concern regarding relocation of the airport.

There being no one else to speak, the public hearing was declared closed.

FLOOD HAZARD POLICY

The Chairman declared public hearing open for purpose of considering adoption of a

RESOLUTION ESTABLISHING FLOOD HAZARD POLICY FOR THE UPPER MANATEE RIVER BELOW THE LAKE MANATEE DAM

Mr. Carrington explained that the resolution addresses the 100 year floodplain and instructs the staff to place a notice of warning on all building permits that "the land has been preliminarily designated as a flood hazard area subject to change upon further study and that appropriate flood protection measures should be taken before construction and occupation of structures."

R. A. Wilford, Director, Manatee County Utilities System, and O. E. Randle, Director, Pollution Control, stated they feel the document is necessary as an interim policy until further study of the flood prone areas is complete.

Bob Rile, Planning and Development, advised that Federal Government maps (anticipated to arrive in March) are at a scale four times better than those submitted today.

There was considerable discussion regarding specific boundaries of the flood area; failure of the resolution to reference an elevation to be followed; need for more definitive maps before action is taken and whether the area would become highly developed.

David Dietrich, Attorney representing clients who own property in the affected area, expressed concern as to whether the document is binding on the Board, land owners, or applicants, or if it is simply a guideline leaving total discretion to those who administer it.

Billy Pennington, Upper Manatee River Road area, spoke in opposition to the proposed resolution. Arlene Flisik spoke in favor of it.

There being no one else to speak, the Chairman declared the public hearing closed.

Motion was made by Mr. Driggers and seconded by Mr. Parrish, to defer action to the next scheduled Zoning meeting on Thursday, February 28, 1980, to afford the Commissioners an opportunity to determine how it coordinates with the Planning and Development deliberations. After clarification by the Chairman that a motion was not necessary to defer action, motion and second were withdrawn.

RECESS/RECONVENE

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

EMERGENCY WATER SERVICE (BELLAMY)

Motion was made by Mr. McGavic to authorize the Chairman to sign a letter to Mayor J. J. Holland, City of Palmetto, dated February 26, 1980, authorizing the sale of water to LeRoy Bellamy, Sr., 320 22nd Street, West, Palmetto, with the following stipulations:

1. This will be a temporary emergency measure until County service can be supplied.
2. Palmetto will discontinue service when County service is available to Mr. Bellamy and proper notice of such availability has been forwarded by the Manatee County Utilities System.
3. This action does not constitute an abandonment by the County of the service area involved.

Motion was seconded by Mr. Parrish and carried unanimously.

SUNSHINE SKYWAY (PROPOSED FENCING)

After discussion of the proposed fencing of Sunshine Skyway, the County Administrator was instructed to contact Florida Department of Transportation inviting them to a meeting to discuss their plans in regard to this matter.

ROADS, COUNTY (RECLASSIFICATION)

It was brought out that at the Transportation Committee meeting of the State Association of County Commissioners, the possibility of Metropolitan Planning Organization getting involved in the reclassification of roads was discussed. The State Association did not endorse the involvement at this time but will discuss it at a later date.

LOT CLEARING (LC-1307; LC-1310; LC-1311)

In connection with lot clearing petitions, LC-1310, Flesch, and LC-1311, Crispino, Dave Fulford, Enforcement Officer, Planning and Development, advised that the land has been cleared and no action is necessary.

Public hearing was open for consideration of Lot Clearing petition:

LC-1307	Nat Gershman alleging that property owned by Layon Robinson has not been cleared in accordance with requirements of Chapter 69-1284 Laws of Florida Special Acts of 1969.
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Mr. Fulford submitted pictures substantiating that the property needed mowing and recommended corrective action.

Motion was made by Mr. McGavic to adopt a resolution determining that the property owner had not complied with lot clearing law and demanding that corrective action be taken with regard to clearing the land. Motion was seconded by Mr. Driggers and carried unanimously.

✓ RECORD RESOLUTION S9-35

PORT MEETING (SPECIAL)

Mr. Driggers announced that there will be a Special Port Meeting on Thursday, February 28, 1980 at 1:30 p.m.

BRIDGE INSPECTION REPORT

Harry S. Ely, Director, Highway and Engineering, submitted the 1979 Bridge Inspection Report, prepared by Howard Needles Tammen & Bergendoff, covering 66 bridges in the County which are over the 20 foot span (the report does not include bridges under the 20 feet span). He stated the estimated cost to repair, reconstruct, maintain, etc., the bridges is \$1.1 million.

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Gordon Hahn of Howard Needles Tammen & Bergendoff was available to answer any questions, and stated that by State law, bridges in the County which are over 20 feet long must be inspected every two years. He advised that most of the bridges in the County are in good or fair condition with the exception of the following which are recommended for replacement:

1. A 26 span timber bridge located on Jim Davis Road over Gamble Creek which is posted for a three ton load limit.
2. A 3 span timber structure on Sawgrass Road over Buffalo Canal.
3. A 10 span cast-in-place concrete structure on Terra Ceia Boulevard over Terra Ceia Bayou posted for a three ton load limit.
4. A 16 span concrete structure on Wauchula Road over Myakka River.

Mr. Hahn stated that the major consideration with respect to all the bridges is that the guardrail installations on the roadway approaches are not up to the Florida Department of Transportation minimum standards, and suggested they be brought up to minimum criteria. The inspections further revealed cracking in the concrete components, damaged handrail systems, lifting eyes not removed or unpatched, waterways overgrown with vegetation, erosion of embankments, settlement of roadways adjacent to the structures, improper load limit posting, settlement problems, deterioration of timber members, inadequate timber handrail system, and other miscellaneous items.

Mr. Ely stated that Highway and Engineering have posted warning signs that the bridges are in poor condition at the first three bridges mentioned above.

Upon motion by Mr. Fortson, seconded by Mr. Driggers, the report was unanimously accepted.

PALMA SOLA PARK SUBDIVISION

Tom Gallen, Attorney representing Palma Sola Park Subdivision, requested the Board formally adopt a resolution accepting the offer of dedication of certain parks, streets, alleys, and yacht basin in Palma Sola Park Subdivision.

The County Attorney submitted for approval a

RESOLUTION ACCEPTING DEDICATION OF PUBLIC AREAS ON THE SUBDIVISION PLAT OF PALMA SOLA PARK

as recorded in Plat Book 2, Pages 122 and 123 of the Public Records of Manatee County, Florida.

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

RECORD RESOLUTION S9-36

I-75 CORRIDOR SEWER SYSTEM STAFF STUDY

There were no objections to the request by R. A. Wilford, Director, Manatee County Utilities System, that the Board defer action on a proposal for the I-75 corridor sewer system until the 201 facilities plan amendment is completed (which incorporates the I-75 Corridor Development).

GUN PERMIT (RAY)

Motion was made by Mr. Driggers to deny application granting a gun permit for

Lester X. Ray, 100 8th Avenue, Palmetto, Florida

Motion was seconded by Mr. Fortson and carried unanimously.

RECESS/RECONVENE

The Chairman declared the meeting recessed at 12:09 p.m. The Board reconvened at 1:45 p.m. with all members present.

AIRPORT PARKING ORDINANCE (PAYMENT OF FINES)

Mr. McGavic reported that the Airport Parking Ordinance recently passed by the Board made illegal parking at the airport a misdemeanor which requires an individual to appear in Court in order to pay the fine. Due to this causing a hardship for persons living outside of Bradenton who wish to pay their fines via mail, he volunteered to investigate a possible solution to the problem and report his findings to the Board.

SEABOARD COAST LINE RAILROAD COMPANY: ACQUISITION OF LAND

The County Administrator requested authorization to work with Seaboard Coast Line Railroad for possible acquisition of 7.7 acres of land currently leased by the County on the Manatee River in Bradenton.

Mr. Driggers moved to authorize staff to work with Seaboard Coast Line Railroad on the disposition of the property. Motion was seconded by Mr. Parrish and carried unanimously.

HUD OPEN SPACE LAND PROGRAM (PROJECT NO. FL-1015S)

Motion was made by Mr. McGavic to authorize the appropriate individual to sign the U.S. Department of Housing and Urban Development "Use of Open Space Certificate", Project No. FL-1015-0s, entitled: 15 Sites - Parks. Motion was seconded by Mr Fortson and carried unanimously.

U.S. 301 LIMITED ACCESS PROGRAM

After discussion of a request by the County Administrator for authorization to investigate various alternatives and cost estimates to providing access roads on U.S. 301 under the current Department of Transportation plans, it was the concensus of the Board that the staff be authorized to work on alternatives which will be discussed at a work session to be scheduled with the Department of Transportation.

TRANSIT: GAMBLE MANSION AND HERITAGE WEEK

The County Administrator submitted for approval a request from Philip A. Davis, Director, Department of Transportation, in a memorandum dated February 21, 1980, to provide free transportation during Gamble Mansion and Heritage Week at an estimated cost of \$297 to the County.

Motion was made by Mr. Driggers to approve the request as outlined in the memorandum. Motion was seconded by Mr. Parrish and carried unanimously.

Mr. McGavic suggested that anyone involved in such activities be advised that requests of this nature should be made at budget hearing time.

TRANSIT: DESOTO CELEBRATION

Mr. McGavic moved to approve a request by Mr. Davis, outlined in his memorandum dated February 21, 1980, to provide two buses Saturday, April 12, 1980, from DeSoto Park to downtown Bradenton in connection with the Trail Trot, a race sponsored by the DeSoto Celebration; and two buses for shuttle service Sunday, April 23, 1980, between K-Mart on 75th Street West to the DeSoto Landing, at an estimate cost of \$288 to the County, with the stipulation that the DeSoto Celebration be advised that next year the request be made during budget preparation hearings.

Motion was seconded by Mr. Parrish and carried unanimously.

SHERIFF'S BUDGET AMENDMENT (AIRPORT SECURITY)

Motion was made by Mr. Parrish and seconded by Mr. Driggers to amend the Sheriff's 1979-80 Budget by \$18,587.47 to reflect the change in the contract for Airport Security. Motion carried unanimously.

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UTILITIES: USE PERMIT (SR 64; SECTION 13050);
RELOCATION AGREEMENT (SR 610)

Motion was made by Mr. Fortson, seconded by Mr. Parrish, to approve the following use permit and authorize execution of the relocation agreement (and adopt the appropriate resolutions):

1. Use Permit for the construction and maintenance of a utility line within the right-of-way of State Road No. 64, Section 13050
RECORD RESOLUTION S9-37
2. Relocation Agreement changing a portion of State Highway System designated as Job. No. 23001-6502, Road No. 610 between .6 Miles east of I-75 to .3 Miles east of I-75.
RECORD AGREEMENT AND S9-38
RESOLUTION S9-39

MATERIALS AND SERVICES

The County Administrator submitted for approval recommendations from Materials and Services Department, outlined in memoranda from Gary M. Knuckles, Director, dated February 14, 15, 19, 20, and 22, 1980 as follows:

VARIOUS DEPARTMENTS

1. Bid No. 80-26 - Communications Maintenance Contract
 - a. Authorize Chairman to sign contract with Motorola C & E, Inc.

Motion was made by Mr. Fortson to authorize the Chairman to sign the contract. Motion was seconded by Mr. Driggers and carried unanimously.

RECORD CONTRACT S9-40

TRANSPORTATION

1. Lubricants and Petroleum Products Procurement Procedure Policy
 - a. Authorization not to bid but procure from current suppliers at prevailing market prices.

Motion was made by Mr. Driggers to approve the recommendation with the stipulation that periodical contacts be made with other suppliers regarding prices. Motion was seconded by Mr. Fortson and carried unanimously.

UTILITIES

1. 201 Facilities Plan - Engineering Services
 - a. Begin contract negotiation with three firms as ranked below:
 1. CH2M Hill
 2. Ross Saarinen Bolten & Wilder/CDM
 3. Reynolds, Smith and Hills

After discussion, motion was made by Mr. McGavic to accept the recommendations of the staff for the ranking of CH2M Hill as No. 1, Ross Saarinen Bolten & Wilder/CDM as No. 2, and Reynolds, Smith and Hills as No. 3, and authorize the staff to begin negotiations with those companies. Motion was seconded by Mr. Driggers and carried unanimously.

VARIOUS DEPARTMENTS

2. Concrete Elliptical Oval Pipe - Annual Requirements
 - a. Accept lowest quotation - Durable Concrete Pipe of Bradenton, \$8,488.00

Motion was made by Mr. Driggers to accept quotation from Durable Concrete Pipe of Bradenton. Motion was seconded by Mr. Parrish and carried unanimously.

UTILITIES

2. Bid 80-31 - Steel Casing (Cortez Road Project)
 - a. Award to sole bidder - L. B. Foster Company, \$14,760.00

Motion was made by Mr. McGavic to approve Bid 80-31. Motion was seconded by Mr. Driggers and carried unanimously.

HIGHWAY AND ENGINEERING

1. Bid 80-24 - Street and Road Signs (Annual Bid for Materials)
 - a. Award to lowest responsible bidders, Municipal Supply, McCain Sales, Dave Smith, Signal Products, and 3M Company.

Motion was made by Mr. McGavic to approve Bid 80-24. Motion was seconded by Mr. Driggers and carried unanimously.

LIBRARY/VETERANS SERVICE

1. Van and Station Wagon from State Contract
 - a. Award to Regency Dodge: \$7,486.70 for van (Veterans Service) \$5,560.10 for Station Wagon (Library).

Motion was made by Mr. McGavic to approve the request. Motion was seconded by Mr. Driggers and carried unanimously.

BUDGET AMENDMENTS

Motion was made by Mr. Fortson, seconded by Mr. Driggers, to adopt resolutions authorizing amendment to the 1979-80 CETA budget to provide for the receipt and appropriation of unanticipated revenues:

Department of Labor

1) Increase Revenue

Administrative Cost Pool

Increase Expenditure

Administrative Cost Pool, MCSB-Communicable Disease VI-P-05, MOC-Weatherization VI-P-06, FSES-Placement Service IIB-80-1, MJC-Center IIB-80-2, Council on Aging IIB-80-3, City of Bradenton-PSE IID-80-1, MCSB-PSE IID-80-2, FSES-Placement Service IV-80-1, MJC-Center IV-80-2 \$410,730
RECORD RESOLUTION S9-41

2) Increase Revenue

CETA Title IIB

Increase Expenditure

CETA Title IIB M/P Services, Senior Work Experience, Work Study, Classroom Training, Employability Skills Program, On the Job Training, In School Work Experience, Flexible Work Experience, FSES IIB-80-1, MJC IIB-80-2, Council on Aging IIB-80-3, Workman's Compensation \$855,822
RECORD RESOLUTION S9-42

3) Increase Revenue

CETA Title IID

Increase Expenditure

CETA Title IID M/P Services, IID Programs, IID Training, City of Bradenton IID-80-1, MSCB IID-80-2, MJC IID-80-3, Workman's Compensation \$908,425
RECORD RESOLUTION S9-43

4) Increase Revenue

CETA Title IV-YETP

Increase Expenditure

CETA Title IV-Work Experience, Employee Skill Program, On the Job Training, Classroom Training, In School Work Experience, Manpower Services, FSES Placement Service IV-80-1, MJC Center IV-80-2 \$257,718
RECORD RESOLUTION S9-44

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5) Increase Revenue
CETA Title VI

Increase Expenditure

CETA VI Manpower Services; CETA VI PSE; Other Training; Agricultural Dept. VI-P-03; Meal on Wheels VI-P-04; HRS-Displaced Homemakers VI-P-08; Achievement Center VI-P-11; Mental Health VI-P-12; Mental Health VI-P-13; MJC Tech Lab VI-P-14; MJC Tech Lab VI-P-15; Goodwill Beautification VI-P-16; Parks, Beach and Recreation VI-P-18; Parks, Beach and Recreation VI-P-19; Manatee Opportunity Council VI-P-77; City of Bradenton VI-P-79; Clerk of Court-Microfilm VI-P-82; Clerk of Court-Inventory VI-P-83; Highway Department VI-P-88; City of Bradenton Beach VI-P-89; South Florida Museum VI-P-90; Parks, Beach and Recreation VI-P-91; Agriculture Research VI-P-93; Highway Department VI-P-94; Transit Department VI-P-95; MCSB-Communicable Disease VI-P-05; MOC-Weatherization VI-P-06; Clerk of Court-Real Assets VI-P-07

\$553,385

RECORD RESOLUTION S9-45

Motion carried unanimously.

HUMAN SERVICES

The County Administrator submitted recommendations of Human Services Department, outlined in memoranda from Kathy Snell, Director, dated February 21 and 25, 1980:

1. Approve CETA Title II-B On-The-Job Training Contracts:
 - a. R-335, City of Bradenton Beach Police Department, \$3,605.12
 - b. R-336, School Board of Manatee County, \$1,320.00
 - c. R-338, Newsome Marble, Inc., \$3,084.80
 - d. R-339, Manatee County Nursery School, Inc., \$2,592.40
2. Approve CETA Title III STIP On-The-Job Training Contract:
 - a. S-004, Future Plumbing, Inc., \$1,400.00

Motion was made by Mr. Driggers to approve the contracts as recommended. Motion was seconded by Mr. McGavic and carried unanimously.

3. Authorize Chairman to sign recommendation to the Governor for appointment of Mrs. Lenabelle Coates to the Manatee County Criminal Justice Advisory Board.

Motion was made by Mr. Parrish to approve and authorize the Chairman to sign the recommendation. Motion was seconded by Mr. McGavic and carried unanimously.

4. Authorize Department of Human Services to advertise for a public hearing to be held March 6, 1980 for the purpose of soliciting public input on proposed and alternate services to fund through Community Care for the Elderly funds.

Motion was made by Mr. Driggers to authorize the Department of Human Services to advertise for a public hearing as recommended. Motion was seconded by Mr. McGavic and carried unanimously.

MANATEE COUNTY COMPREHENSIVE PLAN: SOLID WASTE AND RECREATION ELEMENTS

Motion was made by Mr. McGavic to authorize the Planning Department to advertise for a public hearing to be held on Tuesday, March 18, 1980, for the purpose of considering the Solid Waste and Recreation elements of the Manatee County Comprehensive Plan. Motion was seconded by Mr. Driggers and carried unanimously.

BETTER MANATEE DAY

The County Administrator submitted requests received from the Palmetto Area Beautification Committee and the Kiwanis Club of Bradenton for projects they have planned for Better Manatee Day:

1. Palmetto:
 - a. 10th Street Entrance to Palmetto - 40 hardy evergreen shrubs, watering truck and driver, and two truckloads of soil and sludge mix.
 - b. Canal Road Clean-Up - Dump truck and driver
2. Kiwanis Club:
 - a. Manatee Avenue - 75 royal palms

Mr. Parrish moved to approve the requests. Motion died for lack of a second.

After discussion regarding maintenance of the royal palms, the County Administrator was instructed to investigate and determine who would have the responsibility of maintaining the palms.

Motion was made by Mr. Driggers to approve the request of the Palmetto Area Beautification Committee. Motion was seconded by Mr. Parrish and carried unanimously.

MAINTENANCE OF MEDIAN ON U.S. 41

After comment by a member of the press about the poor condition of the median on U.S. 41, the Chairman stated the matter would be placed on a future agenda for discussion.

FUEL ALLOCATIONS

Upon question, the County Administrator reported that the County government fuel allocations are satisfactory.

PHOSPHATE MINING COORDINATOR POSITION

The County Administrator stated he has met with Roger Moen, applicant for the Phosphate Mining Coordinator Position, regarding proposed salary.

PARTICIPATION PROJECTS

The County Administrator reported that comments during a review of the draft ordinance on Participation Projects with Highway and Engineering were encouraging.

BOAT LICENSING FEES

The County Administrator reported that he has met with County Parks and Recreation and the City of Bradenton to discuss the possibility of a boat ramp being placed at the sandpile or some other location in that general area, and pointed out that the funds for financing boat ramps are derived from boat licensing fees.

HIGHWAY DEPARTMENT WEEKLY ACTIVITIES REPORT

The Highway Department Weekly Activities Report for the week of February 18, 1980 was submitted for review. No action.

HEALTH & REHABILITATIVE SERVICES WORKSITE AGREEMENT

The County Attorney submitted and recommended approval of a Worksite Agreement to be entered into by the County with the Florida Department of Health and Rehabilitative Services (HRS) to enable HRS to provide Florida Workmen's Compensation coverage for the medical expenses of children in probation who are placed at several County agency worksites.

Motion was made by Mr. Driggers to approve the Worksite Agreement. Motion was seconded by Mr. Fortson and carried unanimously.

RECORD AGREEMENT S9-46

HUMAN SERVICES AND MATERIALS & SERVICES LEASE (OFFICE SPACE AT 223 6TH AVE E)

The County Attorney submitted for approval a lease agreement for a building located on Lots 5, 6 and 7, Block "H", HIGH SCHOOL ADDITION as per Plat thereof recorded in Plat Book 2, Page 41, Public Records of Manatee County, Florida, known as 223 6th Avenue East, Bradenton, Florida, to be used by the Human Services Department and Materials and Services Department. The lease agreement is between Daniel C. and Hilda N. Zoller and the County for two years from March 1, 1980 to February 28, 1982 at a monthly rate of \$2,000.

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Motion was made by Mr. Parrish to approve the lease. Motion was seconded by Mr. Driggers and carried unanimously.

RECORD LEASE S9-47

ADMINISTRATIVE COMPLAINT (GAONA): RURAL HOUSING PROGRAM

The County Attorney requested authorization to represent the County regarding:

Administrative Complaint by Victor Gaona to the Department of Housing and Urban Development involving Community Development Block Grant No. B-79-DS-12-0157 by the Manatee County Housing Authority for a rural housing program.

Mr. Parrish moved to authorize the County Attorney to represent the County in the Administrative Complaint. Motion was seconded by Mr. Driggers and carried unanimously.

LAWSUIT: ESTECH GENERAL CHEMICAL CORPORATION

The County Attorney reported that March 4 through March 14, he and Alan Prather and possibly another attorney, will be taking depositions in Tallahassee, Tampa, Sarasota, Bradenton and Gainseville in connection with the lawsuit of Estech General Chemical Corporation, and that the trial will begin the week of March 17 through March 21.

Lengthy discussion followed regarding the fact that the Board had not authorized the County Attorney to negotiate any points that may be negotiable; the County has but one expert witness; and that there was reluctance on the part of some of the departments, who have recommended approval of the development order, to testify contrary to the position they held previously.

The County Attorney stated that the Hearing Officer's position is to make a recommended order taking one of three alternatives:

1. Approve the DRI as is (which means as filed).
2. Approve the DRI subject to additional conditions and limitations.
3. Deny the DRI with an explanation of what is acceptable.

He further advised that the Department of Community Affairs and the Tampa Bay Regional Planning Council have agreed to negotiate a settlement. Discussion continued regarding the fact that the County Attorney has not been authorized to negotiate any proposed settlements, which means he cannot give any input as to additional conditions or limitations nor can he say what is acceptable to the Board.

Motion was made by Mr. McGavic to authorize the County Attorney to use the document entitled "Conditions and Limitations Restricting Development" as a basis for negotiating as a part of Manatee County's defense in this lawsuit. Motion was seconded by Mr. Parrish.

During discussion there was some objection expressed to the motion as it could appear that the Board is agreeing to a settlement.

Voting "Aye" were Commissioners McGavic, Parrish and Driggers. Voting "No" were Commissioners Glass and Fortson. Motion carried.

Mrs. Glass restated her earlier recommendation that an Environmental Lawyer be hired to assist Mr. Fay in this lawsuit.

Mr. Driggers moved to authorize the County Attorney to investigate those Environmental Lawyers that would be available and make recommendations to the Board. Motion was seconded by Mr. McGavic.

After discussion, motion and second were withdrawn.

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It was the concurrence of the Board that the the Chairman, County Administrator and County Attorney investigate the matter and report their findings to the Board on Thursday, February 28, 1980.

CLERK'S CONSENT CALENDAR

Upon motion by Mr. McGavic, seconded by Mr. Driggers, the Clerk's Consent Calendar dated February 26, 1980 was unanimously approved as follows:

BILLS FOR PAYMENT

James M. Doss & Associates	\$11,600.00
Refund: Lasseter (3 Bldg. Permits)	1,268.00
Mulock & Farrance, P.A.	515.32
Refund: OB Clinic (Macknick)	50.00
Conservation Consultants, Inc.	414.00
Refund: Duennes (Bldg. Permit)	111.00
Blake Memorial Hospital	662.72
Manatee Memorial Hospital (OB Clinic)	5,346.98
Woodruff & Sons, Inc. (Gateway East)	61,591.77
Mann & Fay	175.00
James M. Doss and Associates	80.00

WARRANT LISTS

Approve Warrant Lists from Tuesday, February 12, 1980 to Tuesday, February 26, 1980 to authorize Warrant Lists to Tuesday, March 4, 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.

AUDIT: REPORT ON AUDIT OF ACCOUNTS AND RECORDS OF CLERK OF CIRCUIT COURT (STATE OF FLORIDA)

Motion was made by Mr. McGavic to accept into the record the State of Florida's Report No. 9612, which was made on the audit of the accounts and records of the Clerk of the Circuit Court for the period beginning January 4, 1977 and ending September 30, 1978. Motion was seconded by Mr. Parrish and carried unanimously.

AUDITS: CLERK OF CIRCUIT COURT; MANATEE COUNTY PROPERTY APPRAISER

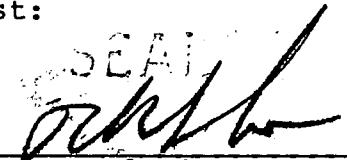
Motion was made by Mr. McGavic to accept into the record the audited financial statements of Manatee County Clerk of the Circuit Court for the period ending September 30, 1979 prepared by Valdes, McLain, Pratt & Co., and the financial statements of the Manatee County Property Appraiser for the period ending September 30, 1979 prepared by Whitcomb & Christopher.

Motion was seconded by Mr. Driggers and carried unanimously.

MEETING ADJOURNED

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

Attest:


Clerk

APPROVED:


4/1/80 Chairman

Adj: 4:26 p.m.