

MAY 20, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, May 20, 1980 at 9:05 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:

Alan Prather, Associate County Attorney  
David B. Collier, County Administrator  
Ralph Umana, Deputy Clerk, representing R. B. Shore,  
Clerk of Circuit Court

Representing the various news media were Libby Allison, The Bradenton Herald, John Wilke, Sarasota Herald Tribune; and others who entered during the meeting.

Invocation by Rev. Robert M. Rymph of the First Congregational Christian Church.

The meeting was called to order by Chairman Glass.

ROADS, COUNTY: PROPOSED REFERENDUM FOR 2 CENT GAS TAX

Upon request by Mr. Parrish that the Board consider including the option of a 2 cent gas tax (for improvement of roads) on the Road Bond Issue referendum, Mrs. Glass advised that a meeting will be scheduled to discuss this matter.

TAXES: MOBILEHOMES

The Planning Staff was instructed to compile information regarding taxes paid by Mobilehome owners in comparison with taxes paid by residential owners in the same area.

TAMPA BAY REGIONAL PLANNING COUNCIL: ADVISORY COMMITTEE

Upon report that a delegate (Commissioner, County elected official or their representative) may serve on the Advisory Committee to the Tampa Bay Regional Planning Council Area Agency on Aging, an appointment of a delegate was deferred until Tuesday, May 27, 1980, to afford the County Attorney and County Administrator an opportunity to research the Attorney General's opinion on limiting the participation of elected officials on advisory groups.

COMPREHENSIVE PLAN: DRAINAGE, MASS TRANSIT AND ELECTRIC UTILITY ELEMENTS

Mrs. Glass invited public comment on the Drainage, Mass Transit and Electric Utility Elements of the Comprehensive Plan. She announced that the public hearing will be continued until June 10, 1980 to allow adequate publicity.

Documents which include an executive summary, the basic plan element, plan appendix material and a summary of recommended revisions were submitted by the Planning Staff.

Jim Rider, Planning Department, summarized the proposed Mass Transit and Electric Utility Elements and Charles Hunsicker, Planning Department, summarized the proposed Drainage Element.

Commenting on the Mass Transit, Electric Utility and/or Drainage Elements were Nicholas Varrichio, Arlene Flisik, representing Manasota 88 and Manatee River Garden Club, and Emile Rogers, 4709 33rd Street West.

Mrs. Glass read a letter from the Manatee County Economic Development Council of 100 endorsing the elements.

The public hearing was continued until June 10, 1980.

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MOODY, H. SHELTON

Motion was made by Mr. Driggers to fly the County flag at half mast in memorial to H. Shelton Moody, who died on May 19, 1980. Motion was seconded by Mr. Parrish and carried unanimously.

COMPREHENSIVE PLAN: TRAFFIC CIRCULATION ELEMENT

The public hearing on the Traffic Circulation Element of the Comprehensive Plan was continued until May 27, 1980 to allow further Staff review of the proposed element.

HOUSING PROJECT REVIEW

In connection with a public hearing on May 15, 1980 to consider applications for housing assistance funds, Carol Clarke, Planning Department, submitted the following letters of comment summarizing the staff findings on the proposed development to be sent to the Department of Housing and Urban Development:

- 1) FL29-0057-094, Parkview Place (26th St. Ct. E)
- 2) FL29-0057-095, Windtree Apartments (NW corner of 5th St. E and 36th Ave. E.)

Motion was made by Mr. Driggers to authorize the Chairman to sign the letter pertaining to project FL29-0057-094. Motion was seconded by Mr. Parrish and carried unanimously.

It was pointed out that the zoning on the site for the proposed Windtree Apartments is currently R-1AA and a zoning change would be required.

Motion was made by Mr. Fortson to authorize the Chairman to sign the letter pertaining to Project FL29-0057-095. Motion was seconded by Mr. Driggers. Voting "Aye" were Commissioners Fortson, Driggers, Parrish and Glass. Commissioner McGavic voted "No." Motion carried.

Mrs. Glass submitted a letter from the Manasota Memorial Park, Inc., opposing two proposed Housing and Urban Development projects (located on 9th St. W., north of 53rd Avenue East and located on Highway 301).

HOUSEMOVING PERMIT FEES

Upon request by A. E. Hambacher, Chairman, Manatee County Law Enforcement Advisory Committee, as outlined in letter dated May 16, 1980, motion was made by Mr. Parrish and seconded by Mr. McGavic to waive the permit fee to move a house from 416 25th St. E., Palmetto, to the County gun range for law enforcement training. Motion carried unanimously.

BECK ESTATES SUBDIVISION/VALLEYDALE SUBDIVISION

As instructed by the Board on May 15, 1980, Jerome Gostkowski, Highway Department, reported that the drainage system in Beck Estates Subdivision has not been completed and that a cost of \$9,778.42 is estimated to pave a remaining strip of road. (approximately 400 feet).

(NOTE: Road identified as 42nd Street East between 98th and 99th Avenue East; southern boundary of Beck Estates and the northern boundary of Valleydale Subdivision)

The contractor for the project (presently at the site) submitted an estimate of \$10,569.80. Mr. Gostkowski reported that Jack Pollock, representing Dolphin Investors, agreed to participate up to \$3,000 for paving the road provided that the approvals on the rest of the subdivision and the final inspection were not affected by this venture.

Mr. Parrish moved that the County pay for the cost of paving the remaining strip of road (approximately 400') and accept the contribution of \$3,000 from Mr. Pollock. Motion was seconded by Mr. Driggers for discussion.

The County Administrator noted that a budget amendment should be prepared transferring funds from Reserve for Contingency.

Motion carried unanimously.

#### MARKER 50 CONDOMINIUM

R. A. Wilford, Utilities System Director, reported on the condition of the water and sewer system that would serve the proposed Marker 50 development off Cortez Road advising that the system is designed to adequately serve the area, but that the upgrading of the lift station as well as adequate fire flows would be the responsibility of the developer.

Mrs. Glass submitted letters in opposition to the project from William J. Lipke, Mr. and Mrs. H. G. Taylor, R. E. Lowrey, Jr., Mrs. Hubbard Taylor, and Wyman Coarsey (including a three page history of the development in the area).

Harry Ely, Jr., Highway and Engineering Director, requested the Board consider an agreement with Marker 50 Yacht and Racquet Club in which the Club will expend money (\$15,000) to improve the intersection of 127th Street and Cortez Road.

Individuals speaking in opposition were Marge Peters, 5312 Bimini Drive, and Mary Brownell, Coral Shores.

Upon report by Mr. Fortson that property owners surrounding the intersection (Mr. Cipriani and Mr. Cadmus) have expressed concern as to whether improvements of the intersection will affect their business, and due to the fact that the agreement has not been signed by the Club, Mr. Ely was instructed to contact the owners to explain the type of improvements that would be made. This item was deferred in order to obtain necessary signatures on the agreement.

#### ATTORNEY SERVICES

C. B. House, representing Federation of Manatee County Community Associations, presented a resolution adopted by the Board of Directors of the Federation on May 9, 1980, recommending that the Board of County Commissioners immediately consider the employment of a full-time experienced County attorney and staff.

No action was taken.

#### 1979 COUNTY AUDIT: MANAGEMENT LETTER BY WHITCOMB AND CHRISTOPHER

Bob Christopher and Ed Leonard, from the firm of Whitcomb and Christopher, presented the Management Letter of the 1979 County Audit and advised that the comments and recommendations have been reviewed with Patricia Glass, Richard B. Shore, David Collier, Richard Wilford, Peter Ramsden and other appropriate County personnel.

The Chairman submitted a letter from R. B. Shore, Clerk of Circuit Court, in response to the Management Letter.

Motion was made by Mr. Fortson to accept the Audit Report (Management Letter) into the record. Motion was seconded by Mr. Parrish and carried unanimously.

#### GUN PERMITS

##### EUGENE KLEPEK

Motion was made by Mr. Driggers to approve the application and adopt resolution granting a gun permit for:

Eugene S. Klepek - 5107 Palmetto Point Drive, Palmetto  
(Lawyers Surety Corporation) - 2 years  
Ruger Security Six, 357 Mag. Cal 2 3/4" Bbl Stainless  
Steel No. 156-03934

Motion was seconded by Mr. Fortson and carried unanimously.

RECORD RESOLUTION S9-209

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DOUGLAS ROHRER

Motion was made by Mr. Parrish to approve application and adopt resolution granting a gun permit for:

Douglas Scott Rohrer - 2316 Emory Avenue, Bradenton  
(United States Fire Insurance Company) - 2 years  
Dan Wesson, 357 Magnum, Revolver ID No. 42055

Motion was seconded by Mr. Driggers and carried unanimously.

RECORD RESOLUTION

S9-210

MATERIALS AND SERVICES

The County Administrator submitted for approval recommendations from the Materials and Services Department as outlined in memoranda dated May 19 and 20, 1980 by John McCarthy, Assistant Director:

UTILITIES SYSTEM/MATERIALS AND SERVICES

- 1) Automated Data System Equipment Peripherals
  - a. Purchase equipment from NCR Corporation on GSA Contract
  - b. Purchase seven 501 Modems as a sole source from Moore Data Systems

Motion was made by Mr. Parrish to approve the purchase of the data processing equipment. Motion was seconded by Mr. Driggers and carried unanimously.

REQUEST FOR PROPOSALS: ENGINEERING SERVICES

The County Administrator requested the Board approve the following forms regarding Public Announcements on Request for Proposals for

- 1) Geotechnical and Hydrological Engineering Services (MCUS/Lake Manatee Dam)
- 2) Engineering Study of Water Supply System (MCUS)

Motion was made by Mr. Fortson to approve the forms. Motion was seconded by Mr. McGavic and carried unanimously.

UTILITIES SYSTEM

- 1) Removal of 30" Raw Water Main - Moccasin-Wallow Road
  - a. Authorize removal of main at a cost of \$9.60 per linear foot as per proposal from Wiley N. Jackson Company

(Depart Mr. Fortson)

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

BRYANT ELECTRIC: PROJECT 630-761-06

(Enter Mr. Fortson)

In connection with the Manatee Water Distribution System Project No. 630-761-06 with Bryant Electric, Mr. Wilford reported on several problems that Bryant Electric has been put on notice to correct including:

- 1) payment to the County for correcting a check valve that was installed backwards
- 2) correction of exposed pipe in Manatee River
- 3) approval or disapproval of the validity of a recent survey that was taken after relocation work of a 36" water line on Marshall's property.

He advised that Bryant Electric has not responded on the validity of the recent survey.

Motion was made by Mr. Driggers that the Chairman be authorized to send a letter to Bryant Electric and the bonding company putting them on notice (30 days) that the County intends to take whatever action necessary to expedite correction of the problems. Motion was seconded by Mr. Parrish and carried unanimously.

HUMAN SERVICES

The County Administrator submitted for approval recommendations from the Department of Human Services as outlined in memorandum dated May 13, 1980, from Kathy Snell, Director:

- 1) Authorize Chairman to sign a letter to the Aging Affiliate of the National Association of Counties to nominate Patricia M. Glass as a member of that Board of Directors.
- 2) Authorize Chairman to sign a letter to Senator Patrick K. Neal and other area State legislators, urging them not to support Senate Bill 722, which places restrictions on the Community Care for the Elderly Act.

Mr. Collier requested Item No. 3 be deferred until Thursday, May 22, 1980:

- 3) Execute contracts for the provision of the Community Care for the Elderly core services for the period of May 15 to June 30, 1980.
- 4) Authorize the Chairman to sign a revised budget page for the Legal Aid component of the Community Services Trust Fund Grant. The revision moves funds between budget line items to more accurately reflect expenditures, but does not alter total funds, the local matching share or the project period.

Motion was made by Mr. Driggers to approve items 1, 2 and 4. Motion was seconded by Mr. McGavic and carried unanimously.

WASHINGTON PARK: ENGINEERING CONSULTANT AGREEMENT  
SUPPLEMENTAL AGREEMENT NO. 1

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

SUPPLEMENTAL AGREEMENT NO. 1 TO ENGINEERING CONSULTANT  
AGREEMENT (KUNDE, DRIVER, SIMPSON AND ASSOCIATES, INC)

between Manatee County and Kunde, Driver, Simpson and Associates, Inc., in which it is agreed that the (1) additional cost of completing the survey work for the Washington Park Project is estimated to be approximately \$3,600; (2) Article III.4 of the Agreement dated November 1, 1979 is amended to include that the Engineering Consultant shall be compensated in an amount not to exceed \$6,000.

Motion carried unanimously.

RECORD AGREEMENT S9-211

UTILITIES SYSTEM/PARKS AND RECREATION  
INTER-DEPARTMENTAL WORK REQUEST

The County Administrator submitted for approval an

INTER-DEPARTMENTAL WORK REQUEST AGREEMENT  
BETWEEN MANATEE COUNTY UTILITIES SYSTEM  
AND MANATEE COUNTY PARKS AND RECREATION  
DEPARTMENT

to construct three grinder pump installations, complete with electrical, force main and other necessary items for sewer service at three bath houses located at Coquina Beach.

Mr. Collier explained that the Parks and Recreation Department will be charged only for work done by the Utilities System as per invoices and work rates; that the estimated total cost for both departments is approximately \$43,000; and that reimbursement by Parks and Recreation Department will be made to the Utilities System over a period of three years with interest of 8 percent on outstanding balance.

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Motion was made by Mr. Driggers to authorize the project (and authorize Chairman to sign agreement). Motion was seconded by Mr. Parrish and carried unanimously.

RECORD AGREEMENT

S9-212

UTILITIES: ENGINEER OF RECORD AGREEMENT

The County Administrator submitted for approval a

MANATEE COUNTY UTILITIES SYSTEM  
ENGINEER OF RECORD AGREEMENT WITH  
CAMP, DRESSER AND MCKEE, INC.

whereby the scope of work shall consist of developing and presenting advisory opinions regarding the usefulness and continued profitability of system facilities; the determination of and application of bond proceeds to certain funds regarding construction, renewal and replacement; study and report preparation regarding maintenance and inspection of existing facilities, systems and connections; and other professional consulting engineering services as required by applicable Water and Sewer Refunding and Improvement Bond Issues all relating to the Manatee County Utilities System.

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

RECORD AGREEMENT

S9-213

DUAL TAXATION LEGISLATION

Mr. Collier announced that the proposed Dual Taxation Legislation has been approved by both Houses and is on its way to the Governor for signature.

TRANSPORTATION AUTHORITY LEGISLATION

Upon question regarding the proposed Transportation Authority Bill, there were no objections to placing this item on the agenda for Thursday, May 22, 1980 to allow opportunity for review by the Commissioners.

LAWSUIT: RACING WHEELS, INC

Alan Prather, Associate County Attorney, reported on the decision of the Circuit Court regarding

Manatee County, Appellant, vs. Racing Wheels, Inc.,  
Appellee, Case No. 79-1946, District Court of Appeal  
of Florida, Second District

in which the Court granted the Writ of Certiorari and quashed the decision of the Board of County Commissioners in denying the Special Exception.

Following discussion on options the Board may take in this matter, Mr. Prather was instructed not to follow the Writ of Certiorari and the item was deferred to allow the Associate County Attorney to confer with the Planning Department.

CLERK'S CONSENT CALENDAR

Motion was made by Mr. Fortson and seconded by Mr. Driggers to approve

(1) Clerk's Consent Calendar dated May 20, 1980:

BOND

Release: Driveway Bond, Jerry Apple, Permit No. 6117, \$540.

BILLS FOR PAYMENT

Blake Memorial Hospital	\$ 1,843.30	
Manatee Memorial Hospital (Welfare)	7,009.86;	\$12,042.58
Russell and Axon	4,036.47	
Felicia Karczewski (Settlement Fleet Self Insurance)	63.77	
Banyon Properties, Inc. (Settlement Fleet Self Insurance)	125.00	
Richard McDonald, (Settlement Fleet Self Insurance)	600.00	
Sam A. Cornwell (Delinquent Taxes)	111.47	

WARRANT LISTS

Approve Warrant Lists from May 20 to May 27, 1980 and to authorize Warrant Lists to June 3, 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.

(2) ACCEPT: Response to Management Letter of 1979 County Audit by Whitcomb and Christopher by Clerk of Circuit Court

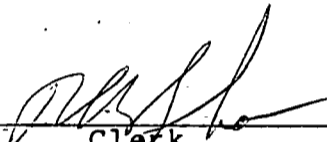
Motion carried unanimously.

MEETING ADJOURNED

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

Attest:

APPROVED:

  
 \_\_\_\_\_  
 Clerk

  
 \_\_\_\_\_  
 Chairman

Adj: 12:21 p.m.