

JUNE 3, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, June 3, 1980 at 9:08 a.m.

Present were Commissioners:

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

Absent was Patricia M. Glass, Chairman

Also present were:

E. N. Fay, Jr., County Attorney
R. Fernandez, Assistant County Administrator
Peter Ramsden, Finance Director, representing R. B. Shore,
Clerk of Circuit Court

Representing the various news media were Betty Kohlman, St. Petersburg Times; Mark Todd, Sarasota Herald-Tribune; Dee Graham, The Islander; and others who entered during the meeting.

Invocation by Reverend William R. Amos, Christ Evangelical Lutheran Church.

The meeting was called to order by Vice-Chairman Parrish.

COUNTY ATTORNEY

The County Attorney introduced John Alden Weichel, a new member of the law firm of Mann and Fay Chartered.

COMPREHENSIVE PLAN

It was the concensus of opinion of Board members that work sessions on the Comprehensive Plan should not be scheduled on Fridays.

In concurrence with the Planning Department, Mr. Fortson moved to authorize staff to draft a letter to State Planning Agency (Florida Department of Community Affairs), and authorize the Chairman to sign, requesting a one year extension for adoption of the Plan. Motion was seconded by Mr. Driggers and carried unanimously.

EARTHMOVING PERMIT (BARTELS)

Motion was made by Mr. Driggers to approve Earthmoving Permit No. CC-42 for applicant James Wm. Bartels (deferred from May 29, 1980). Motion was seconded by Mr. McGavic and carried unanimously.

COMPREHENSIVE PLAN: COASTAL ZONE (PROTECTION) ELEMENT

Public hearing was declared open for the purpose of hearing comments concerning the Coastal Zone (Protection) Element of the Manatee County Comprehensive Plan.

Charles Hunsicker, Planning and Development Department, made a presentation on the element which addresses surveys of existing vegetation types, surveys of traditional patterns of public access and use of beach resources and setting out policies for maintenance and restoration, etc.

Among those appearing and making comments or recommendations regarding certain segments were:

Jack Carson, 124 50th Avenue, West, opposed to purchase of coastal land by anyone.

Jim Bartels, 3800 51st Street, East, opposed to deferring adoption of plan for one year.

Arlene Flisik, 4006 24th St, West, speaking for the Environmental Committee of Manatee River Garden Club and the Land Use Committee of Manasota 88, expressed concern that more emphasis was not placed on the environmentally sensitive areas and made recommendations to rewording some sections of the plan;

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Louis J. Barolo, 1323 Gulf Drive, N., Bradenton, Beach, questioned why the City of Bradenton has its own comprehensive plan and if the County Comprehensive Plan affects the City of Bradenton Beach.

The Vice-Chairman declared the public hearing closed.

COMPREHENSIVE PLAN: CONSERVATION ELEMENT

Public hearing was declared open for the purpose of hearing comments concerning the Conservation Element of the Comprehensive Plan.

James Rider, Planning and Development, gave a presentation on the Conservation Element which provides for the development and utilization as well as protection of the County's resources.

Arlene Flisik, representing Manatee River Garden Club and Manasota 88, offered a number of suggestions and recommendations, which included two maps to be prepared: (1) woodlands and (2) wetlands; James Bartels, 3800 51st St., East, recommended that stronger laws be enforced regarding conservation.

The Vice-Chairman declared the public hearing closed.

COMPREHENSIVE PLAN: TRAFFIC CIRCULATION ELEMENT

Charles Carrington, Director, Planning and Development, recommended the public hearing regarding the Traffic Circulation Element be continued to June 10, 1980 in order to afford him an opportunity to incorporate changes suggested by the Board at a recent work session. There were no objections.

RECESS/RECONVENE

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

LAKE MANATEE: WATER QUALITY IMPACT/PHOSPHATE MINING

R. A. Wilford, director, Manatee County Utilities System, expressed concern regarding the impact of phosphate mining on water quality in the watershed of Lake Manatee, which was outlined in his memorandum dated May 27, 1980. Because of difficulty in obtaining the consumptive use permit for future expansion at the water plant, due to concern regarding the exact yield of Lake Manatee, Bromwell Engineering prepared a report which established a yield capacity. The State, however, has not accepted it since they are questioning the effect of the mining operations on the safe yield.

John Zimmerman, MCUS, reported that one of their concerns was degradation (mineralization) of surface water by ground water intrusion into the water shed, i.e. the City of Bradenton and the City of Tampa water supplies. He enumerated other issues such as classifications of water in the water sheds which are taken up with regulatory agencies, hazardous waste regulations and slimes from the phosphate mines. He pointed out the need for some professional consulting type of work to be done, not only for the cumulative effects on quantity and quality, but also regarding all the regulations, particularly those governing mining in the watershed and the impact on the overall system.

Mr. Wilford reported that they are presently advertising for geotechnical and hydrological engineers to study various aspects of Lake Manatee, including design work on the toe drains and other improvements to the dam and he was recommending that the scope be broadened to include an indepth study of the impacts.

In addition to recommendation that the Environmental Protection Agency hold public hearing, or hearings, in Manatee County, he urged that the Board take some formal action to request a public hearing on the NPDES (National Pollution Discharge Elimination System) permit for the Estech mine in particular.

Motion was made by Mr. McGavic to authorize Mr. Wilford and Mr. Fay to broaden the scope of services for consultants and to investigate all relevant permits with the intent of requesting public hearings to be held in Manatee County concerning their status, which includes the investigation of the possibility of classification of waters. (Hearings by both NPDES and DER). Motion was seconded by Mr. Driggers and carried unanimously.

HIGHWAY AND ENGINEERING: SPEED LIMITS/TRAFFIC SIGNALS

Motion was made by Mr. Driggers to adopt a

RESOLUTION ESTABLISHING 25 MILES PER HOUR SPEED LIMIT
ON MANATEE PALMS DRIVE FROM STATE ROAD 64 TO ALPINE DRIVE S9-242

Motion was seconded by Mr. Fortson and carried unanimously.

'RECORD RESOLUTION

Upon request, Harry S. Ely, Highway Director, was authorized to investigate the possibility of posting "No Through Trucks" signs on this section of Manatee Palms Drive.

TRAFFIC SIGNAL: STATE ROAD 684 AT 75TH STREET

The County Administrator submitted a letter from the Department of Transportation dated April 25, 1980, stating that State funds will not be available for the next two fiscal years to install a traffic signal at SR 684 (Cortez Road) and 75th St. West. The estimated cost for installation (using County funds) is approximately \$23,000 which does not include any street improvement. Upon question, Mr. Ely stated he did not have any funds in his budget to install the traffic signal.

Mr. McGavic pointed out that the State has already made a determination of need, that this is primarily a State project, and suggested the State include this project in its next budget as a high priority item.

Motion was made by Mr. Driggers to refer the matter to the Metropolitan Planning Organization (MPO) Technical Committee for implementation into the MPO's Capital Improvements Program and move the priority up so that it would go forward in their budgeting cycle. Motion was seconded by Mr. McGavic and carried unanimously.

SPEED LIMIT: 26TH AVENUE EAST

Mr. Driggers moved for the adoption of a

RESOLUTION ESTABLISHING 40 MILES PER HOUR SPEED LIMIT ON
45TH STREET EAST FROM 26TH AVENUE EAST TO STATE ROAD 70

Motion was seconded by Mr. McGavic and carried unanimously.

'RECORD RESOLUTION

S9-243

SPEED LIMIT: 2ND AVENUE WEST (PALMETTO)

Motion was made by Mr. Driggers to adopt a

RESOLUTION ESTABLISHING 25 MILES PER HOUR SPEED LIMIT ON
2ND AVENUE WEST FROM 12TH STREET WEST TO 17TH STREET WEST,
PALMETTO

Motion was seconded by Mr. McGavic and carried unanimously.

'RECORD RESOLUTION

S9-244

MATERIALS AND SERVICES

The Assistant County Administrator submitted recommendations of the Materials and Services Department as outlined in memorandum dated June 2, 1980 from John F. McCarthy, Assistant Director.

HIGHWAY DEPARTMENT

1. Bid No. 80-50 - Project 1439 - Mowing
 - a. Award to lowest responsible bidder, L. & B. Contractors, Inc., \$157,310.34.

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Motion was made by Mr. Driggers to accept the low bid No. 80-50 for mowing and instruct the Materials and Services Director to expedite execution of the contract. Motion was seconded by Mr. Fortson and carried unanimously.

CAPITAL IMPROVEMENT PROGRAM

At the request of the County Administrator, action was deferred regarding the Capital Improvement Program.

DISTRICT ADVISORY COMMITTEE AREA AGENCY ON AGING

Upon being advised by Mr. Fernandez that it is legal to appoint an elected official to serve on the District Advisory Committee Area Agency on Aging, action was deferred for one week in order that Mrs. Glass could be present.

MATERIALS AND SERVICES

The Assistant County Administrator submitted recommendations of the Materials and Services Department as outlined in memoranda dated May 27 and May 28, 1980 from John F. McCarthy, Assistant Director:

UTILITIES

1. Plastic Conversion Kits (2) for the Proportioning Pump
 - a. Waive bid procedure; purchase from BIF Corporation, \$4,400, as sole source bidder.

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

2. Bid No. 80-47 - Rental Equipment
 - a. Award to lowest responsible bidders: American Equipment, Ashland-Warren, C. E. Huffman, Su-Say Land Development, Taylor Rental and Woodruff & Sons

Motion was made by Mr. Fortson to award the bids. Motion was seconded by Mr. McGavic.

After discussion regarding whether the rental equipment is limited to emergencies only, motion and second were withdrawn. The Assistant County Administrator stated he would provide additional information to the Board at a later meeting.

BUDGET AMENDMENTS

Upon motion by Mr. Fortson, seconded by Mr. McGavic, resolutions were unanimously adopted amending the 1979-80 budget by

(a) item to item transfers as follows:

From:	Transfer to Beach Erosion Project	
To:	Transfer to Highway Capital Projects	\$ 49,177
		<u>RECORD RESOLUTION S9-245</u>

(b) providing for the receipt and appropriation of unanticipated revenues as follows:

VARIOUS SOURCES

1. Increase Revenue
Transfer from General Fund

Increase Expenditures
 Planning & Development Accessibility; Trailer Estates - Bayshore Gardens Dredging; Tropical Gardens Travel Trailer Park; Beck Estates

\$ 49,177
<u>RECORD RESOLUTION S9-246</u>

2. Increase Revenue
Sheriff - CETA (Sarasota)

Increase Expenditure
 Sheriff

\$ 2,569
<u>RECORD RESOLUTION</u>

FROM DEPARTMENT OF H.U.D.

- 3. Increase Revenue
Community Development - Washington Park Project,
Phase I

Increase Expenditure
Transfer to CD Washington Park, Phase I \$102,064
RECORD RESOLUTION S9-248
 - 4. Increase Revenue
Community Development - Washington Park
Project, Phase II

Increase Expenditure
Transfer to CD Washington Park, Phase II \$448,000
RECORD RESOLUTION S9-249
- FROM STATE OF FLORIDA
- 5. Increase Revenue
T-III-B Samoset Senior Center 7591-03

Increase Expenditure
T-III-B Samoset Senior Center 7591-03 \$109,000
RECORD RESOLUTION
 - 6. Increase Revenue S9-250
State Community Care for Elderly Phase I

Increase Expenditure
Community Care for Elderly Phase I \$ 70,000
RECORD RESOLUTION S9-251
 - 7. Increase Revenue
Big Brothers/Big Sisters Youth Offender
Program (JF-80-18-7601) LEAA-JJDP

Increase Expenditure
Big Brothers/Big Sisters Youth Offender
(JF-80-18-7601) LEAA-JJDP \$ 5,410
RECORD RESOLUTION S9-252

EXCESS COUNTY LAND

The Assistant County Administrator reported that excess County land exists in Winter Gardens Subdivision, Parcel 6, Lot 9, Block 2, Unit 3, and that there has been no need identified for this parcel by any of the departments that have been polled. He suggested the appropriate action would be to approve the sale of this particular parcel at public auction.

Action was deferred to Thursday, June 5, 1980, to afford the Commissioners an opportunity to determine what uses were considered for the land and to review the map more thoroughly.

GARBAGE DISPOSAL FRANCHISE PETITIONS - T. M GILMORE; CEDAR HAMMOCK

Motion was made by Mr. Driggers to accept into the record petitions for renewal of Garbage Franchises as follows:

T. M. GILMORE GARBAGE & SANITATION, INC. - Sanitation
Districts Nos. 5, 7, 8, 10A & 10C

CEDAR HAMMOCK REFUSE DISPOSAL CORP. - Sanitation
Districts Nos. 1, 2, 3 & 4

Motion was seconded by Mr. McGavic and carried unanimously.

ORDINANCE: PROPOSED ANIMAL CONTROL

The Assistant County Administrator circulated copies of the most recent revision of the draft of the proposed Animal Control Ordinance for review by the Board.

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PLANT NURSERY MATERIALS

Two letters were submitted requesting materials from the County plant nursery. The City of Bradenton requested the following:

- 6 - Torolosa Juniper
- 25 - Varigated Pittosporum
- 8 - Areca Palms
- 2 - Canary Island Date Palms
- 6 - Washington Palms
- 10 - Oleander
- 20 - Viburnum Suspensum
- 20 - Hibiscus

for the purpose of improving the general appearance of its Water Treatment Plant expansion, and inquired who will take care of planting.

National Development Corporation of Florida requested 30 Queen Palms and 15 Evergreens for a project, which is coordinated with Parks and Recreation Department, planting trees on 11th Avenue West off 59th Street West.

Action was deferred pending information as to intention of the City on planting and maintaining the trees and shrubs and whether the County Ordinance allows the planting of required landscaping within the right-of-way.

TRAVEL AUTHORIZATION

Motion was made by Mr. Fortson to approve requests for authority to travel

1. Patricia M. Glass, to Tallahassee, Florida, June 3, 1980, to meet with the Florida Department of Transportation; to Washington, D.C., to attend the National Association of Nutrition and Aging Services Programs.
2. David B. Collier, County Administrator, to Tallahassee, Florida, June 3, 1980 to meet with the Delegation and Chamber of Commerce Representatives.

Motion was seconded by Mr. McGavic and carried unanimously.

UTILITY EASEMENT (SOUTHEAST ASSOCIATES)

Upon motion by Mr. Driggers, seconded by Mr. Fortson, the Board unanimously accepted a utility easement from Southeast Associates for a 10-foot wide permanent easement and a 10-foot wide temporary easement.

RIGHT-OF-WAY AGREEMENT: 9TH STREET EAST

The County Attorney submitted and recommended approval of a Right-of-Way Agreement between Howard and Viola Platt and the County for Parcel No. 10.1, 9th Street East (\$13,305). Action was deferred until Thursday, June 5, 1980 to allow Mr. Driggers an opportunity to view the parcel.

ORDINANCE 80-2 - EMERGENCY

The County Attorney submitted for approval draft Ordinance 80-2:

AN EMERGENCY ORDINANCE OF MANATEE COUNTY, FLORIDA
 MAKING CERTAIN FINDINGS OF FACT REGARDING THE
 HEALTH, SAFETY AND WELFARE OF HUMAN LIFE AND
 PROPERTY; DECLARING THAT AN EMERGENCY EXISTS
 AND THE IMMEDIATE ADOPTION OF THIS ORDINANCE IS
 NECESSARY; TEMPORARILY PROHIBITING THE ACCEPTING,
 RECEIVING, FILING, PROCESSING, HANDLING, CON-
 SIDERING OR ADMINISTERING OF ANY APPLICATIONS,
 PETITIONS OR OTHER REQUESTS FOR BUILDING OR
 CONSTRUCTION PERMITS FOR MULTI-FAMILY DWELLING
 UNITS OR COMMERCIAL BUILDINGS OR STRUCTURES UPON

CERTAIN DESIGNATED REAL PROPERTY; TEMPORARILY CANCELING OR SUSPENDING PREVIOUSLY ISSUED BUILDING OR CONSTRUCTION PERMITS FOR MULTI-FAMILY DWELLING UNITS OR COMMERCIAL BUILDINGS OR STRUCTURES UPON SAID DESIGNATED REAL PROPERTY; PROVIDING AN APPELLATE PROCEDURE; PROVIDING FOR ADDITIONAL ACTION TO BE TAKEN TO ELIMINATE THE EMERGENCY SITUATION; AND PROVIDING AN EFFECTIVE DATE.

The ordinance would be in effect for a period of 30 days from the effective date for any portion of the N-1/2 of Section 3, Township 35 South, Range 16 East in Manatee, County.

Mr. Fortson noted that he was basically in accord with the Emergency Ordinance with the exception of rescinding existing building permits due to the fact that a severe hardship would be created for the Seafood Shack Restaurant, Lounge, & Yacht Basin who have obtained a construction permit to renovate their facilities.

Douglas Croll, Architect for the renovation of Seafood Shack, explained that the expansion of the parking for the restaurant is simply to meet the criteria of the Planning Department and that he felt there would be minimal impact on traffic. A delay of 30 days would mean construction would not be completed by the next tourist season.

Mr. Fortson stated he would like to strike any language pertaining to rescinding the existing permits and proceed with the rest of the ordinance.

The County Attorney explained he could remove the words "TEMPORARILY CANCELING OR SUSPENDING PREVIOUSLY ISSUED BUILDING OR CONSTRUCTION PERMITS FOR MULTI-FAMILY DWELLING UNITS OR COMMERCIAL BUILDINGS OR STRUCTURES UPON SAID DESIGNATED REAL PROPERTY" in the title, also, "and all such previously issued building or construction permits shall be canceled or suspended" on lines 7, 8 and 9 of Section 1 on page two.

Motion was made by Mr. Fortson to adopt Ordinance 80-2 after striking the sentences as outlined by the County Attorney. Motion was seconded by Mr. Driggers and carried unanimously.

RECORD ORDINANCE S9-253

COUNTY ATTORNEY: SEMINAR

Upon motion by Mr. Driggers, seconded by Mr. McGavic, the County Attorney or Alan H. Prather, Associate County Attorney, was unanimously authorized to attend a Seminar on the Personal Liability of Local Government Officials sponsored jointly by the Continuing Legal Education Committee and the Local Government Law Section of the Florida Bar on Friday, June 13, 1980 in Orlando, Florida.

After discussion, regarding the status of the County Commissioners being insured against lawsuits, the Associate County Administrator was requested to research and submit report to the Board on Thursday, June 5, 1980.

GUN PERMIT RENEWALS

The County Attorney reported that he would bring the procedure for renewing gun permits to the Board on or before Tuesday, June 10, 1980.

CLERK'S CONSENT CALENDAR

Upon motion by Mr. Fortson, seconded by Mr. McGavic, the Clerk's Consent Calendar dated June 2, 1980, was unanimously approved as follows:

BILLS FOR PAYMENT

Des Champs & Gregory	\$ 2,042.00
Manatee Memorial Hospital (OB Clinic)	2,775.84

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Manatee Memorial Hospital (OB Clinic)	2,336.99
Manatee Memorial Hospital (Welfare)	6,627.20
Wyman, Green & Blalock	403.00
Bay-Con General, Inc. (Elwood Park Booster Sta. Waste Treatment Facility)	282,423.00
W.E.D. Contractors, Inc	69,609.60
Zickafoose Financial Services, Inc.	226.40

WARRANT LISTS

Approve Warrant Lists from June 3, 1980 to June 10, 1980 and authorize Warrant Lists from June 10, 1980 to June 17, 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.

AUTHORIZE CHAIRMAN TO SIGN

Duplicate Tax Sale Certificate No. 896: H. Lewis Campbell, Personal Representative for Josephine Hinson.

COQUINA BEACH BUS SERVICE (WESTERLY TRIPS)

The Assistant County Administrator read into the record a memorandum from Philip A. Davis, Director of Transportation, dated May 28, 1980, stating that there will be sufficient time for the Cortez Road bus to service Coquina Beach on its westerly trips.

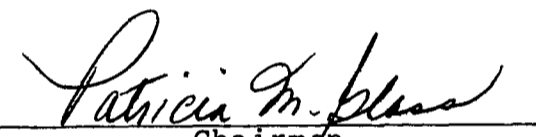
MEETING ADJOURNED

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

Attest:

APPROVED:


Clerk


Chairman

Adj: 12:27 p.m.