

JUNE 24, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, June 24, 1980 at 9:01 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. Pay, Jr., County Attorney
David B. Collier, 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; Libby Allison, The Bradenton Herald; Mark Todd, Sarasota Herald-Tribune, Barbara Forester, The Islander, and others who entered during the meeting.

Invocation by Rev. Max Smith, Westside Christian Church

The meeting was called to order by Chairman Glass.

34TH AVENUE BRIDGE: PETITION

Mr. McGavic submitted a Petition from residents of 35th Avenue West, between the 900 and 1200 blocks, requesting the County to construct a bridge suitable for automobile traffic to replace the existing pedestrian bridge over the drainage canal that parallels 9th Street, at the end of 34th Avenue, near DeSoto Square Mall in order to divert traffic away from that residential area.

The Chairman stated she would acknowledge their request.

BRADEN RIVER FIRE DISTRICT: REFERENDUM

Mr. Driggers referred to recently enacted legislation creating a special fire district in the Braden River area, subject to approval by referendum, and moved to authorize the County Attorney to draft the appropriate resolution to place this item on the ballot for the upcoming election. Motion was seconded by Mr. McGavic.

Upon question, Mr. Driggers explained the referendum would encompass two voting districts and that the question on the ballot would be whether residents agree to be taxed to support the fire district.

Motion carried unanimously.

MERITORIOUS SERVICE AWARD: GAYLE

The Chairman presented a Meritorious Service Award to Mrs. Florence Gayle, who is retiring as employee of the Agricultural Center.

ANNA MARIA CITY PIER

Ernie Cagnina, Mayor, City of Anna Maria, requested the County assume responsibility for maintaining the Anna Maria City Pier and submitted copies of memoranda from the Department of Natural Resources advising that the Bureau of State Lands has no objections to participation of Manatee County in the operation and maintenance of the pier as long as it remains a public facility. Future repairs or modifications which involve the pier abutment or piling would require a permit from that Department. He submitted a survey of the pier for the record.

Charlie Kehm, Superintendent of Public Works, City of Anna Maria, reported they have no breakdown of costs of maintaining the pier; however the structure is old and needs extensive repairs. The rental of approximately \$450 per month has been sufficient to cover the maintenance in the past.

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By memorandum dated June 19, 1980, Harry Ely, Director, Highway and Engineering, estimated cost for replacement and repair of the pier between \$170,000 to \$180,000 and recommended closing the pier until repairs and/or total replacement are made.

Upon question, John Marble, Parks and Recreation Director, explained that State funds could be obtained to build a new pier but, to the best of his knowledge, State funds could not be obtained for renovation.

The County Administrator was instructed to research the possibility of obtaining State funds, what work could be done utilizing State funds, and to prepare alternate proposals if State funds are not available, and report back to the Board in two weeks.

TRANSIT: PROPOSED FUNDING (9TH CENT GAS TAX)

Phil Davis, Director, Transportation Department, recommended consideration be given to placing the 9th cent gasoline tax on the November ballot and these funds be specifically earmarked in a Transit Trust Fund. Under Estimate of Capital and Operating costs for the Transit System covering FY 1980 - 1985 (Memorandum dated June 18, 1980) it was indicated the one cent fuel tax would produce \$605,000 per year, which appears to be adequate to fund transit over the next five years.

Action was deferred pending investigation as to how this would affect finances in the Capital Improvements Plan.

U.S. 301 RELOCATION

James G. Kennedy, District Project Development Engineer, Florida Department of Transportation, explained what is requested of the Board by the State Department of Transportation regarding relocation and study update of U.S. 301.

Since the original document does not contain any wording which reflects stage construction, he requested the County approve a resolution supporting the staging concept which would allow DOT to put in the at-grade intersections with signalization in lieu of the interchanges and overpasses as a first stage.

Current scheduling for construction indicates (1) from SR 778 in Sarasota County to the Sarasota/Manatee County line commencing in 1980/81; (2) from the Sarasota/Manatee County line northerly to North of SR 70 commencing in 1981/82. The segment from north of SR 70 to SR 683 (U.S. 301) is not presently programmed for construction in Five Year Plan and Work Program.

As to funding for the construction of U./S. 301 and Cortez Road, Mr. Kennedy reported that to date \$3.2 million in State Funds and \$4.5 million in Federal Funds are scheduled for the two projects.

Responding to reference by Dan Blalock that acquisition of right-of-way is causing delay in construction of U.S. 301, which is in conflict to statements in meetings with DOT, Mr. Kennedy stated they are buying the right-of-way to accommodate construction of future interchanges and that the delay is due to financial reasons.

James Rider, Planning & Development Department, explained that original information that is in the SMATS computer was based on 1973 base-data and projected for 20 years; that since that time development in the area and development potential have increased. Also, the land use projections originally done used the existing Comprehensive Plan as guidelines.

The Planning staff was instructed to send updated zoning-data information to DOT as soon as possible, and the County Administrator and County Attorney were instructed to revise the proposed resolution for submission to the Board no later than Thursday, June 26, 1980.

ORDINANCE: Z-118 ZONING AMENDMENT (PROPOSED)

Charles Carrington, Director, Planning and Development, presented draft resolution Z-118 Zoning Ordinance Amendment requiring special exceptions for all multi-family projects in commercial districts.

Bill Swan, Planner, Planning and Development, identified all multi-family projects presently existing in the commercial districts.

There was discussion regarding impact of the amendment, whether some developments would become non-conforming, whether to place a height restriction in the Ordinance or whether the existing Ordinance should be changed entirely.

No action was taken.

RECESS/RECONVENE

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

HUMAN SERVICES

By memorandum dated June 17, 1980, Kathy Snell, Director of Department of Human Services, requested

- (1) Approval of two CETA Title VII OJT Contracts
 - a. P-005, Manatee Artificial Kidney Treatment and Prevention Center, \$1,078.00
 - b. P-006, The Bulletin, \$1,275.00
- (2) Approval of changes to CETA Title IID Public Service Employment Occupational Summary for the City of Bradenton:
Delete: 1 Desk Clerk, \$3.25 per hour; Add: 1 Records Clerk I, \$3.25 per hour
- (3) Authorize Chairman to sign revised grant budget for LEAA project, "Law Enforcement Coordinator" for period 11/15/79 through 11/14/80 (\$3,504 LEAA funds, \$194 State funds, \$195 local match by the School Board)
- (4) Approval to solicit proposals for an architect for the purpose of expanding the G. T. Bray Community Center in Samoset to include a clinic area for an obstetrics program operated by Manatee County Rural Health Services, Inc.
- (5) Denial of request by H.O.P.E. of Manatee for \$4,878.86 to cover cost of personnel, equipment and supplies to supplement its current spouse abuse program.

Regarding Item 5, Barbara Johnson, Senior Planner, Human Services Department, advised that H.O.P.E. of Manatee has requested approximately \$73,000 from next year's budget for continuation of the spouse abuse program.

Regarding Item 3, Mary Ruiz, Grant Coordinator and Planner in charge of the Law Enforcement Assistance Administration, advised the position is for a Coordinator, who is located at the Police Academy at Vo-Tech, to assist the six law enforcement agencies in training new police officers and retraining current police officers.

Mr. Driggers moved to approve items 1 through 4 and defer action on item 5. Motion was seconded by Mr. Parrish and carried unanimously.

MATERIALS AND SERVICES

Gary M. Knuckles, Director, Materials and Services, by memoranda dated June 17, 1980, requested approval of the following:

UTILITIES

1. a. Two EMU Submersible Sewage Pumps
 - a. Purchase as a sole source item from Environmental Marketing Group, \$5,490.00 each (total \$10,980.00).

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

2. Cortez Road Relocation - Project No. 415.07.535.01
 - a. Authorization for Ashland-Warren to construct a conflict box structure, \$5,078.00
(Letter of justification from Utilities Director outlined emergency drain/water line situation Re: Elevated Tank No 1)

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

GARBAGE FRANCHISES

The Board was provided with a revised proposed Garbage Franchise Agreement, prepared by the County Attorney's office, and Bob Fernandez, Assistant County Administrator, submitted petitions from garbage franchise holders:

Active Disposal
 C. T. Adams Refuse Service
 Cedar Hammock Refuse Disposal Corporation
 T. M. Gilmore Garbage Sanitation, Inc.
 Trailer Estates Park & Recreation District
 A. L. Wyatt Refuse Disposal

Proofs of publications for notice of application for garbage franchise were available from all applicants with the exception of Active Disposal.

Among those present and offering recommendations, suggestions, questions, requests and comments were the following:

David Dietrickⁿ, representing Neal Realities
J. B. Donnelly, representing Cedar Hammock and T. M. Gilmore
Thomas Gallen, representing Trailer Estates Park and Recreation District and C. T. Adams, submitted memorandum dated June 24 1980, recommending policy changes to the franchise agreements.
 C. T. Adams, franchise holder
Thomas Durkin, Attorney representing A. L. Wyatt Refuse Disposal
Bob Hanna, General Manager, Cedar Hammock
Floyd Price, representing several mobilehome park owners,
Jesse Carr, 3312 29th Street, on behalf of Home Builders Association
Warren Seacodt, representing Casa Loma Mobilehome Park

Presentation by individuals and discussion covered those areas involving clarification on the exclusivity of the franchise as it relates to construction debris and clearing and hauling of same, concise definition of the words "solid waste" to include commercial debris, infringement on franchises, use of dumpsters or bulldozers to haul solid waste, rental of roll-off containers, authority of a franchisee, concise definition of a construction site within which certain activities would not fall into the franchise, rate structure, use of the term "receptacles" instead of "containers," rates for mobilehome parks, specifying distance regarding curbside service, etc.

RECESS/RECONVENE

The Chairman declared the meeting recessed until 1:45 p.m. The meeting reconvened at 1:49 p.m. with all members present.

GARBAGE FRANCHISES

Alan Prather, Associate County Attorney, summarized and explained rules and regulations called for in the Special Act and the rules and regulations the Board is authorized to promulgate to regulate and control the collection and disposal of refuse, garbage and other solid waste in the County, found to be necessary for protection of public health.

He pointed out that Section 13 of the existing franchise had been deleted from the new franchise because it had not been implemented and used; that if it is put in, the Board will have to give force and effect to the words.

Motion by Mr. Driggers and second by Mr. Parrish to include Section 13 were withdrawn after discussion and determination that motion was not necessary. It was consensus of Board members that this Section should be included.

Discussion continued regarding enforcement and violation of a franchise, expanding the definition of individual residences to include other multi-family complexes and mobilehomes receiving individual billing, mobilehome owners having the option to operate as an individual or as a park, setting a maximum on cubic yards, clarification of whether a contractor can haul construction debris away during the period of construction, allowing "permissive" agreements instead of "mandatory" with regard to commercial agreements between the Operator and customer, defining back door service at a negotiable rate if it is beyond 100 feet from a publicly traveled road, designating as separate criteria which areas are economically feasible where a long distance exists between collection points, excluding franchisees having the sole right to remove or trim trees, etc.

The Associate County Attorney stated the franchise agreements, with formalization as in the resolution, will be brought before the Board on Thursday, June 26, 1980.

Upon motion by Mr. Fortson, seconded by Mr. Driggers, the franchise agreement petitions were unanimously approved for C. T. Adams, Trailer Estates Park and Recreation District, A. L. Wyatt Refuse Disposal, T. M. Gilmore Garbage & Sanitation Inc., and Cedar Hammock Refuse Disposal Corp.

Upon motion by Mr. Driggers, seconded by Mr. Fortson, petition for Active Disposal was unanimously denied.

RECESS/RECONVENE

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

PERSONNEL: MANNING LEVEL (E.M.S.; BCC)

Upon motion by Mr. Driggers, seconded by Mr. McGavic, a resolution was unanimously adopted to amend authorized manning levels as follows:

	AUTHORIZED NO. OF EMPLOYEES		DEPARTMENT	
	FROM	TO	FROM	TO
<u>EMERGENCY MEDICAL SERVICES</u>				
Clerk Typist II	2	1		
Secretary II	0	1		
Office Manager	1	0		
Administrative Assistant	0	1		
			56	56
			<u>RECORD RESOLUTION</u>	

(Depart Mr. Fortson)

Upon motion by Mr. Parrish, seconded by Mr. Driggers, a resolution was unanimously adopted to amend authorized manning levels as follows:

	AUTHORIZED NO. OF EMPLOYEES		DEPARTMENT	
	FROM	TO	FROM	TO
<u>BOARD OF COUNTY COMMISSIONERS</u>				
Office Manager (BCC)	0	1		
Agenda Coordinator and Aide to the Board	0	1		
Commission Secretary (BCC)	0	1		
Commission Receptionist/ Secretary (BCC)	0	1		
			0	5
			<u>RECORD RESOLUTION</u>	

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DISTRICT MENTAL HEALTH BOARD: APPOINTMENTS

Upon motion by Mr. McGavic, seconded by Mr. Parrish, Mrs. Muriel Wilkinson and Ms. Patsy Holt were reappointed as members to the Mental Health Board to serve through June 30, 1982.

Motion carried unanimously.

TOURIST DEVELOPMENT COUNCIL: APPOINTMENTS

The County Administrator reported that terms of two members of the Tourist Development Council have expired. He explained there is a question as to the intent of the resolution establishing and appointing members of the Council (adopted June 1, 1978) with regard to the appointment of Mr. Driggers as Chairman of the Board to serve as Chairman of the Council.

The County Administrator was instructed to submit a revised resolution appointing the current Chairman to this group; designating the term of office for the Chairman to be concurrent with his term as Board Chairman; reappointing two members; clarifying that members shall serve terms as set forth or until such time they are not in positions to appropriately serve on the Council; and to designate members by official titles (where appropriate).

ARTIFICIAL FISHING REEF

The County Administrator stated that the Artificial Fishing Reef Project, No. 8-53-13, has been completed and it is required of the Chairman to sign a Project Completion Certification.

Mr. McGavic moved to approve and authorize the Chairman to sign a Florida Boating Improvement Program Project Completion Certification for the Artificial Fishing Reef. Motion was seconded by Mr. Parrish and carried unanimously.

FIRST CITY FEDERAL SAVINGS & LOAN: ACQUISITION OF PARKING LOT FACILITIES

The County Administrator reported that he solicited bids from all commercial banks listed in the local telephone book to loan money to the County for the purchase of parking lot facilities from First City Federal Savings & Loan (tentative purchase price of \$125,000) and that interest rates ranged from 7.5 percent per annum to 9 percent per annum. Ellis First National Bank of Bradenton and the Island Bank submitted identical proposals on the same basic terms with interest at 7.5 percent per annum.

Motion was made by Mr. Parrish to move forward with the proposed acquisition of the parking lot facilities and authorize the County Administrator to determine which of the two banks will be designated. Motion was seconded by Mr. Driggers. Voting "Aye" were Chairman Glass, Commissioners Parrish and Driggers. Voting "No" was Commissioner McGavic. Motion carried.

MANATEE MEMORIAL HOSPITAL

The County Administrator submitted a draft letter to Manatee Memorial Hospital requesting that any additional space available at the hospital be used for the County Health Department.

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

UTILITIES: WATER SERVICE TO MAR NAV BUILDERS

Due to the unavailability of County water at this time, Mar Nav Builders requested permission to purchase water from the City of Palmetto until water becomes available to them from the County.

Upon motion by Mr. Driggers, seconded by Mr. McGavic, the Chairman was authorized to sign a letter to the Mayor, City of Palmetto, to grant the request with the following stipulations:

1. This will be a temporary measure until County service can be supplied.
2. Palmetto will discontinue service when County service is available to them 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 carried unanimously.

UTILITIES: SEWER SERVICE CONNECTION PROCEDURE

The County Administrator reported that, in some cases, construction permits are being withheld where sewer service is available within the district but not immediately adjacent to the property. Under the present regulations, property owners must hook up to the County system which is a considerable distance away and this is creating a financial hardship for them. He suggested the Board authorize temporary septic tanks or package plants with the understanding that the property owner would be required to hook up to the County system when it becomes adjacent to the property.

(Enter Mr. Fortson)

Motion was made by Mr. Driggers to authorize the County Attorney to assist staff in the preparation of a policy or procedure for permitting septic tanks on a temporary basis. Motion was seconded by Mr. McGavic and carried unanimously.

PARKS AND RECREATION: SPECIAL INTEREST CLASS INSTRUCTOR

Motion was made by Mr. Driggers, seconded by Mr. McGavic, to authorize the Chairman to sign Parks and Recreation Special Interest Class Instructor's Agreement with

Kattie Hinni - Summer Slimnastics Classes

Motion carried unanimously.

RECORD AGREEMENT

S9-291

REVENUE SHARING AUDITS

The County Administrator reported that the Clerk of Circuit Court's office is in receipt of notification from the Department of Treasury's Office of Revenue Sharing that the audits from 1977, 1978 and 1979 have been received by the Federal Government and are considered satisfactory.

CIVIL DEFENSE - DISASTER PREPAREDNESS

It was reported that Disaster Preparedness meetings are held monthly with hospital staff, Emergency Medical Service, Law Enforcement, Civil Defense, Fire Districts and the County Administrator's office.

CITY/COUNTY CONSOLIDATION

Upon question, the County Administrator advised that he had met with the County Planning Director and Jerry West, City of Bradenton Planning Director, that they are reviewing the various functions of the two departments, and that a meeting would be held in three or four weeks regarding City/County Consolidation.

PARKS & RECREATION: PALMETTO PROPERTY (SALE AND PURCHASE AGREEMENT)

Upon motion by Mr. Driggers, seconded by Mr. Parrish, the Chairman was authorized to sign an

AGREEMENT FOR SALE AND PURCHASE

whereby the County agrees to purchase from Loren L. Carpenter, Jr. and Donna B. Carpenter certain property located in Palmetto, for recreational facilities (ballfields, etc.) or other public purposes.

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Terms: Total purchase price of \$21,565.00 with \$2,000.00 as a binder to be paid at the time of execution by both parties and the balance to be paid at the time of closing.

Motion carried unanimously.

RECORD AGREEMENT

S9-292

LAWSUIT: RUSTY PLUMBING INC. VS. PDM HYDROSTORAGE, INC.

Mr. Driggers reported that he had been served with a subpoena to produce certain documents in connection with lawsuit, Rusty Plumbing Inc. Vs. PDM Hydrostorage, Inc.

The matter was referred to the County Attorney.

LAWSUIT: ESTECH GENERAL CHEMICAL CORPORATION

The County Attorney announced that Sarasota County requested limited participation (due to budgetary restrictions) in Estech General Chemicals Corporation vs. Manatee County, et al., DOAH 79-1994, involving the administrative appeal of DRI-10 and SE-1120. He advised that the Hearing Officer is going to grant the County a continuance.

CLERK'S CONSENT CALENDAR

Upon motion by Mr. Parrish, seconded by Mr. Driggers, the Clerk's Revised Consent Calendar dated June 24, 1980, was unanimously approved as follows:

BILLS FOR PAYMENT

Kathleen E. Kerr - Fleet Self Insurance Settlement	\$ 50.00
Anga L. Saffore - Fleet Self Insurance Settlement	25.00
Mann & Fay (MCUS)	1,512.50
Mann & Fay (Estech; DRI-10 & SE-1120)	4,896.97
Mann & Fay (Services for May)	9,012.51

WARRANT LISTS

Approve Warrant Lists from June 17, 1980 to June 24, 1980, and to authorize Warrant Lists from June 24, 1980 to July 1, 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.

BONDS

Driveway Permit Release: Charles Thomas Winheim - \$250.00
Permit No. 6009

FEDERATION OF MANATEE COUNTY COMMUNITY ASSOCIATION

The Chairman read into the record a mailgram sent to Governor Robert Graham from the Federation of Manatee County Community Association opposing County funding of the proposed Civic Center and Hotel Complex.

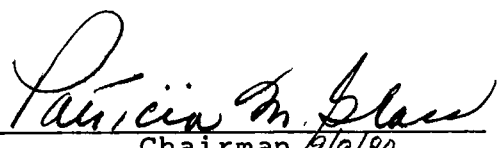
MEETING ADJOURNED

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

Attest:

APPROVED:


Clerk


Chairman 7/9/80

Adj: 4:30 p.m.