

JULY 17, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, July 17, 1980 at 10:35 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  
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, and others who entered during the meeting.

TOWN AND COUNTRY SCHOOL - EXPANSION OF SE-275

On behalf of Charles F. Brining, Sr., applicant, Mr McGavic submitted a modified site plan of the Town and Country Day School, dated July 17, 1980, which places the proposed construction within the bounds of the property in the original special exception (approved July 1968),

SE-275 DAN S. BLALOCK, JR. - Request to operate  
Pre-School Kindergarten located approximately 525 feet  
west of 39th St. W. and 620 feet south of Manatee Ave.

together with a letter from said applicant stating his willingness to comply with all stipulations that might be imposed by the Planning Department in regard to parking and landscaping requirements.

Mr McGavic moved for approval of the expansion of SE-275 as shown on the site plan, drawings and other documents dated July 17, 1980. Motion was seconded by Mr Parrish and carried unanimously.

CIVIC CENTER - FINANCING

In connection with report in a recent news item in a local newspaper (the Bradenton Herald) that it appears the proposed Civic Center may operate at a deficit and question as to how the County planned to finance the facility, it was determined by Board members that the appropriate time for such discussion would be when a bonafide request is received from the Civic Center Authority.

9TH STREET E. - NON-CONFORMING USE

Request for a temporary use permit to allow an electrical connection on a utility pole on property on 9th Street East between 53rd and 57th Avenues, pending application by owner for expansion of a non-conforming use, was referred to the County Attorney for research.

BRADENTON BEACH RESOLUTIONS - RESORT TAX

The following Resolutions, adopted by the City of Bradenton Beach, were read by the Chairman:

- No. 369 - opposing Resort Tax
- No. 370 - urging restraint in spending, hiring  
and taxing for present and future fiscal years

TAXATION LEGISLATION (SB 18-E; HB4-D) TRIM BILL "TRUTH IN MILLAGE"

In an effort to provide information helpful to the implementation of the "Truth in Millage" (Trim Bill) in Manatee County, Mike Morell, Legislative Coordinator, State Association of County Commissioners made a presentation on amendments (SB-18-E) to HB4-D

passed during the special legislative session to minimize problems taxing authorities may experience in adopting budgets if the assessment roll is late.

Major provisions of SB 18-E of interest to the County were outlined in areas of

Budgeting  
Homestead Exemption  
Interim Tax Roll Procedure

Some of the other points discussed were: 1) assessment of property (percentage of valuation) 2) levying of taxes 3) collection of revenue.

RECESS/RECONVENE

The meeting was declared recessed until 1:30 p.m.

The Board reconvened at 1:38 p.m. with all members present.

PLANNING & DEVELOPMENT DEPT. - W. R. GRACE CO. (FOUR CORNERS MINE)

Charles Carrington, Planning Director, Charles Hunsicker, Planner, and Dave Fulford, Enforcement Officer, Planning and Development Department, presented aerial photos of the W. R. Grace Company Four Corners Mine during the 2nd week of July, 1980, pointing out comparisons in mining operations in May with the area of disturbance shown in July. He requested guidance of the Board and Legal Counsel in dealing with this issue as it is the first involvement of perhaps several Mining Operating Permits and action taken on this activity could possibly set a precedent.

He explained that Earthmoving as defined in the County Zoning Ordinance reads: "is the removal, extraction or mining for the purposes of soils, sand, shell, limestone, dolemite, gravel, rock, clays, peat or any mineral or whatever process..." but that there is no definition of mining in the Ordinance.

He referred to the sections of the Zoning Ordinance that deals with the minimum regulations of Earthmoving, the Master Plan, and Operating Permits, emphasizing that before commencing operations within the approved Master Plan area, all applicants shall submit with their applications, specifications and drawings of any plants, structures, and dams, or dikes to be constructed, certified and signed by a Florida registered professional engineer commissioned by the applicant and familiar with the applicant's type of operation (the stage of the W. R. Grace operation at this time).

He advised that certain earthmoving operations do not require permits if:

- 1) off-site drainage is not affected,
- 2) the earthmoving is incidental to the permitted use and is customary in the area in which it occurs.

He pointed out that in view of the Plan, plus the activities at the site, such exemption does not apply in this case, in that earthmoving has occurred in minor tributaries that lead to the head waters approximately one-half mile from the stream bed of Alderman Creek and in the North Fork of the Manatee River; the activity appears to be a major component of the overall project and is proceeding ahead of the approved Operating Permit.

The County Attorney advised that following a research similar to that performed by the Planning Department, it is his personal opinion that, unless Grace can show this is site preparation, they are in violation of the existing Zoning Ordinance as it includes the Mining Ordinance and the Board should consider

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ordering the issuance of a Notice of Violation requesting Grace to immediately cease and desist in these activities.

Motion was made by Mr Driggers to instruct the staff to send the necessary letters to cite the possible violation. Motion was seconded by Mr Fortson.

Mr McGavic expressed concern about the possibility of establishing an undesirable precedent by the Board interpreting the Zoning Ordinance and instructing the staff to prosecute every violation, or follow up on every alleged violation.

Motion carried unanimously.

#### ROAD BOND ISSUE

The County Administrator submitted a list of Proposed Projects to be included on the \$20,000,000 Road Bond issue, together with the cost estimates of sidewalk/bikepaths and outlined basically the two issues to be considered:

- 1) if the Board desires to proceed with the highway-sidewalk/bike projects, it would probably be better to place it as a separate question on the ballot so that there is no question as to the fact the main referendum is on a road bond issue; and
- 2) whether the Board desires, by policy, to firmly establish that these are the projects that will be constructed with the bond money, or to use wording that would leave more discretion to the Board to modify the list from time to time as necessary.

The County Attorney advised that there is no case law in Florida covering sidewalk/bikepaths on bond issues, so the Bond Counsel, Mudge, Rose, Guthrie and Alexander, is concerned that if they are included in the road bond issue and should be invalid, then the whole bond issue would be invalid. It is the recommendation of Bond Counsel that the County have two on-going companionates at the same time, the road bonds on one resolution and the sidewalks on the other.

Motion was made by Mr Driggers and seconded by Mr Parrish to accept the projects as proposed, instruct the staff to develop the appropriate document to submit to the Supervisor of Elections to place the issue on the ballot for the September primary election. Voting "Aye" were Commissioners Driggers, Parrish and Glass. Commissioners Fortson and McGavic voted "Nay". Motion carried.

#### ROADS, COUNTY - INTERSECTION IMPROVEMENTS

Harry Ely, Director, Highway and Engineering, in memorandum dated May 22, 1980 summarized various intersections throughout the County needing traffic operations improvements together with information from Florida State Department of Transportation (FDOT) in response to the County's request for traffic control devices:

- 1) State Road 70 at Singletary Road - Wauchula Road, Myakka City  
- Flashing beacon: FDOT would require a resolution by the County Commissioners and the cost to the County would be approximately \$3,000.
- 2) US 301 at Rutland Ranch Road (SR 675), Parrish  
- Flashing beacon: FDOT would require a resolution by the County Commissioners and approximate cost to the County would be \$3,800.
- 3) US 41 at 23rd Street, North of Palmetto  
- Signal Ahead Sign: FDOT would require a resolution by the County Commissioners for installation of a flashing beacon on top of this sign at an approximate cost to the County of \$3,800

Mr Driggers recommended addition to the list:

- 4) 30th Avenue and 15th Street East (SR 70) Samoset  
- Caution light (FDOT has this request under consideration)

The County Administrator will proceed with preparation of the resolutions as required by FDOT and will check and report on the status of the light at 30th Avenue and 15th Street East.

34TH AVENUE E: PEDESTRIAN BRIDGE - REPLACEMENT BY AUTOMOBILE BRIDGE

In connection with recent petition/request that the pedestrian bridge on 34th Avenue West be replaced with a permanent automobile bridge (June 24, 1980), Harry Ely, Director of Highway and Engineering Department, advised that an automobile bridge at that intersection would not be feasible from a safety hazard standpoint.

Following recommendation of Mr. Ely, the Planning and Highway Departments were instructed to study the entire sector for another east/west connector to 9th Street West.

TIDEVIEW ESTATES CIVIC ASSOCIATION: EXCHANGE OF EASEMENTS

By memorandum dated May 29, 1980, Richard Wilford, Utilities System Director, recommended adoption of

RESOLUTION AUTHORIZING THE EXCHANGE OF EASEMENTS WITH TIDEVIEW ESTATES CIVIC ASSOCIATION, INC

and authorizing the Chairman to execute a Grant of Easement to Tideview Estates Civic Association, Inc., for access purposes over certain property in Block A, ("Utility site") in exchange for a Grant of Easement by Tideview Estates to the County for a 15-foot wide easement (through a portion of "Buffer area" west of Block A) for ingress, construction, installation, maintenance and operation of a 12-inch Sanitary Sewer Force Main, all located within DeSoto Community, Unit 1, Subdivision.

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

RECORD RESOLUTION S10-33

HUMAN SERVICES

The Human Services items were deferred until Thursday, July 24, 1980 pending additional information being submitted.

PERSONNEL: MANNING LEVEL AMENDMENTS

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

<u>PERSONNEL</u>	<u>DEPARTMENT</u>	
	<u>FROM</u>	<u>TO</u>
<u>Positions</u>	9	7
<u>MATERIALS AND SERVICES</u>		
<u>Positions</u>	26	28

RECORD RESOLUTION

MATERIALS AND SERVICES

By memorandum dated July 10, 1980, Gary Knuckles, Director, Materials and Services Department, recommended

AGRICULTURE

- 1) Fire Hydrant Installation - Agriculture Center
  - a. Authorize Palmetto Superintendent of Public Works to install hydrant for \$3,486.25. This is a sole source procurement because the buildings and grounds are in the jurisdiction of the City of Palmetto.

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

201 FACILITIES PLAN GRANT AMENDMENT

Motion was made by Mr. Driggers and seconded by Mr. Parrish, to adopt a

RESOLUTION AUTHORIZING PREPARATION AND SUBMISSION OF A 201 FACILITIES PLAN GRANT AMENDMENT AND GRANT INCREASE APPLICATION FOR THE SOUTH MANATEE COUNTY PLANNING AREA AND A GRANT INCREASE APPLICATION FOR THE NORTH MANATEE COUNTY PLANNING AREA

whereby (1) the Plan of Study prepared by CH2M Hill Southeast, Inc. for updating the North and South County 201 Plans is considered to be thorough and adequate and (2) the County will seek federal funding for the accomplishment of the aforesaid updates.

Motion carried unanimously.

RECORD RESOLUTION

S10-34

FISHING REEF CONTRACT

The Fishing Reef Contracts were deferred until Thursday, July 24, 1980, pending additional information being submitted.

DRAINAGE EASEMENT:

OAKWOOD VILLAS CONDOMINIUM OWNERS ASSOCIATION

Motion was made by Mr. Fortson and seconded by Mr. Driggers to authorize the Chairman to sign the Drainage Easement agreement with Oakwood Villas Condominium Association, Inc., granting the County the right to utilize, maintain, repair, alter and operate the storm sewer in or adjacent to that parcel of land constituting Oakwood Villas Condominium (from 51st Ave. W. to Cedar Hammock Drain). Motion carried unanimously

WORKMEN'S COMPENSATION SERVICE AGREEMENT

RECORD

S10-35

The County Administrator recommended the Board approve, in concept, a request by Zickafoose Financial Services, Inc., to revise the Workmen's Compensation Service Agreement to provide for an increase in the service fee by changing the basis for the determination of the fee from the present five percent of the employer's experience rated premium to one half of one percent of gross payroll.

Based on the current figures available, he reported that the annual fee would be raised from \$30,000 to \$64,000 and would require \$17,000 from contingency to meet the requirements of the proposed effective date of March 1, 1980. He recommended the contract also provide an acceptable termination arrangement.

Motion was made by Driggers to authorize the Staff to continue negotiation and prepare necessary amendments for review by the Board. Motion was seconded by Mr. Parrish and carried unanimously.

BURTON - GAY PROPERTIES, INC

In connection with a storage building being constructed by Burton-Gay Properties without a building permit, the County Administrator reported that they have complied with the "Stop Work Order" since July 9, 1980 and that no legal action is necessary.

Nick Baden spoke concerning the enforcement procedures.

BUDGET AMENDMENT

Motion was made by Mr. Driggers, to adopt a resolution amending the 1979-80 budget by item to item transfers as follows:

TRANSIT

From: Reserve for Contingency

TO: Transfer to Transit: Transfer to Debt Service; Parking Lot \$15,400.00

Motion was seconded by Mr. Parrish. Voting "Aye" were Commissioners Fortson, Driggers, Parrish and Chairman Glass. Voting "No" was Commissioner McGavic. Motion carried.

RECORD RESOLUTION S10-36

BEACH EROSION CONTROL PROJECT

At the request of Al Bishop, Department of Environmental Regulation (DER), the County Administrator submitted a draft letter informing DER of the current status of the Anna Maria Island Beach Erosion Control Project and advising that the Board does not wish to pursue sponsorship on the program.

Concern was expressed that statement of the Board's position on the project was not included, and the item was deferred to afford the County Attorney an opportunity to review the letter.

TRAVEL AUTHORIZATION

Motion was made by Mr. Driggers to authorize travel for the County Administrator to attend the ICMA (International City Management Association) 66th Annual Conference in New York from September 28, 1980 to October 2, 1980. Motion was seconded by Mr. McGavic and carried unanimously.

LEASE: TRAILER ESTATES PARK AND RECREATION DISTRICT

The County Attorney submitted for approval a

LEASE AGREEMENT BY AND BETWEEN THE COUNTY AND TRAILER ESTATES PARK & RECREATION DISTRICT

together with St. Paul Liability Insurance policy and a check in the amount of \$957 for first year rent for property described as

The North 100 feet of the East 290 feet of SW1/4 of the SE1/4 of the SE1/4 of Section 22, Township 35 South, Range 17 East

He advised that the lease is for a three year period at a total rental fee of \$2,871 and that the District shall use the premises for the purpose of storing motor homes, travel trailers, boat trailers and boats on boat trailers and other related storage facilities.

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

RECORD LEASE AGREEMENT

CLERK'S CONSENT CALENDAR

S10-37

Upon motion by Mr. Parrish, seconded by Mr. Driggers, Clerk's Consent Calendar dated July 17, 1980, was unanimously approved:

BILLS FOR PAYMENT: Department of General Services (Suncom) \$484.33; \$635.00 City of Bradenton 500.00

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## ESTATE OF IDA C. HALDERMAN

Copy of the following instruments included in the probate of the estate of Ida C. Halderman - Accepted:

1. Last Will and Testament
2. Order admitting Will to Probate and appointing Personal Representative
3. Letters of Administration issued to said Southeast Banks Trust Company, N.A. as such personal representative
4. Notice of Administration published in said estate

MEETING ADJOURNED

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

Attest:

  
 \_\_\_\_\_  
 Clerk

APPROVED:

  
 \_\_\_\_\_  
 Chairman

Adj: 3:56 p.m.