

JULY 29, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, TUESDAY, July 29, 1980 at 9:04 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; Howard Hall, The Bradenton Herald; Mark Todd, Sarasota Herald-Tribune, and others who entered during the meeting.

Invocation by Reverend David Melchoir, Calvary Baptist Church.

The meeting was called to order by Chairman Glass.

LAWSUIT: W.R. GRACE COMPANY

Chairman Glass announced that suit had been filed by W. R. Grace Company against the County, Board Members, Charles Carrington (Planning Director) and State's Attorney James Gardner; that a report will be given the Board later by the County Attorney on the injunctive issue being heard before Judge Gilbert Smith.

LEGAL SERVICES (COUNTY ATTORNEY)

There were no objections to the subject of County legal services being placed on the Agenda of August 12, 1980 for discussion and definitive action.

DRAINAGE: I-75

Mr Driggers reported that the Allen property continues to experience drainage problems created by the construction of I-75, and that the State Department of Transportation (DOT) has declined to assume any responsibility. He requested the Board to take some positive action to try to resolve the problem.

The County Administrator will attempt to have this matter included in a discussion on other road/drainage problems throughout the area, at a meeting being arranged with DOT Secretary Rose in Tallahassee.

COUNTY ADMINISTRATOR - DEPARTMENTAL ACTIVITIES

In response to concern expressed by several Commissioners that they are not immediately made aware of information regarding departmental/administrative activities, the County Administrator advised that every effort will be made in the future to make available whatever information is desired.

LAWSUIT: LONGCREEK SUBDIVISION

In reporting on the status of the Lawsuit involving Longcreek Subdivision, the County Attorney advised that after the suit was filed, a motion was filed on behalf of the County, the Board and individual members of the Board and members of Staff under the Board asking that the suit be thrown out as being improper in that it does not state a cause of action, etc. The case has not been set for hearing before a Federal Judge.

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He recommended budgetary provisions be made, requests for proposals be advertised, and a lawyer or law firm that specializes in civil rights matters be selected and retained to represent the County as co-counsel in this litigation.

LAWSUIT: PALMA SOLA ASSOCIATION

The County Attorney updated the Board on a lawsuit filed by the Palma Sola Association asking the Court to declare all roads, parks, circles and walkways to the water in Palma Sola Park (shown on the Plat of Palma Sola Park Subdivision) dedicated to the public and belonging to the public. He said the question facing the Board is whether Manatee County should intervene in the suit.

There were no objections to placing this item on the Agenda of Thursday, August 31, 1980, for further discussion.

W.R. GRACE AND COMPANY

The County Attorney reported that the Court denied the request by W. R. Grace Company for temporary relief and advised the Company to first go through the appellate process in the County Zoning Ordinance (Zoning Board of Appeals).

He then summarized his Memorandum to the Board dated July 28, 1980

Regarding Apparent Excavation and Dam or Dike Construction Activities at the Four Corners Mine by W. R. Grace Co. (D.R.I. 8 and SE-852),

outlining background information on the Grace application for DRI, Special Exception, various permits, construction and pre-mining activities to date and probable cause or reason to believe that there is a Zoning Ordinance violation and if there is substantial deviation from the DRI Development Order.

He recommended Grace be given an opportunity to make a presentation to the Board relating to these activities. The Board might determine thereafter if there is sufficient evidence to show that it has good reason to believe that the activities are in violation of the Mining Ordinance and whether the County impliedly consented to the activities to the extent that it should not now assert that the activities are in violation of the ordinance; that consideration might be given to a compromise agreement of some nature or proceed with further legal action.

✓ RECORD MEMORANDUM

S10-41

Ken Cleary, Attorney for W.R. Grace, advised that the lawsuit was filed to protect the interests of the Company; however, he had been instructed to immediately dismiss the lawsuit if any agreeable conclusion can be reached. He stated that in his opinion no violation exists in that Grace has met all requirements of the Zoning Ordinance (Section 2.1).

Mr Van Drasek of W.R. Grace, summarized the situation from the Company's point of view and offered a compromise program as follows:

If the County will withdraw its Cease and Desist Order and allow Grace to conduct pre-mining activities as intended under the Agreement (Assumption of Risks Acknowledgement) signed by the County in 1978:

- 1) Grace will post a \$1,000,000 bond for pre-mining activities
- 2) Grace will withdraw the complaint filed in Circuit Court and not file any additional complaints
- 3) Grace will keep the County informed of all activities through weekly routine site inspections
- 4) Grace will continue to work closely with Planning Department to realize an operating permit for the extraction of the phosphate rock.

The Project Engineer commented on the Department of Environmental Regulations (DER) permit.

There were no objections to 1) Board members and Staff making a visit to the site; 2) appropriate staff and attorneys pursuing the comments made as to resolving the definition of "pre-mining activities".

RECESS/RECONVENED

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

CIVIC CENTER - STATUS REPORT

Sue Anderson, Project Chairman, and Vernon DeSear, Member of the Civic Center Authority, gave a progress report on the proposed Civic Center, as follows:

- 1) Manatee Gateway has donated 62 acres of land on the north shore of the Manatee River, east of US 41/301, Palmetto
- 2) Plantec Corp. completed Phase II of a feasibility Study
- 3) \$8,000,000 remains in the State appropriation budget, with contingencies:
 - a. An additional feasibility study to be monitored by the Governor
 - b. the hotel to be built be secured according to recommendations in the feasibility study
 - c. local government commit to funding for the remainder of the project and any operating deficits to be incurred by the Civic Center in the future.

Donald Acinii, Vice President and Chairman of Bond and Tax Committee of the Manatee Federation Homeowners Association, expressed opposition to the civic center.

GUN PERMIT RENEWAL: WRIGHT

Upon motion by Mr. Driggers, seconded by Mr. Parrish, Resolution was unanimously adopted granting gun permit renewal for two years to

Joe Monteval Wright - 1912 72nd Street NW., Bradenton
(Bond: Hartford Insurance Group, Surety \$100.00)
Walther PPK/S .380 ACP Blue, 228300S

RECORD RESOLUTION

S10-42

FLINTKOTE COMPANY - REVENUE BONDS (\$1,000,000)

In connection with a \$1,000,000 Industrial Revenue Bond Issue requested by the Flintkote Company, the County Attorney submitted and recommended acceptance of the following documents:

- 1. Mahoney Hadlow & Adams letter to Richard Olsen dated May 28, 1980
- 2. Estimated Project Cost
- 3. Florida Power & Light Co. letter dated June 6, 1980
- 4. Memorandum from A.L. Wyatt Refuse Disposal Service
- 5. Economic Development Council of 100 letter to County Commission dated June 13, 1980
- 6. Barnett Bank letter to LeRoy Garby dated June 30, 1980
- 7. Leonard R. Carlton, Utilities Dept., to Dudley Collins dated July 16, 1980
- 8. Flintkote Supply Co. letter to Chairman Glass dated July 21, 1980
- 9. Flintkote Company Securities & Exchange Commission Form 10-K for fiscal year ended December 31, 1979
- 10. Annual Report for 1979 (GENSTAR)

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He submitted and recommended adoption of

RESOLUTION AUTHORIZING THE ENTERING INTO A MEMORANDUM OF AGREEMENT WITH THE FLINTKOTE COMPANY, WITH RESPECT TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A CAPITAL PROJECT CONSISTING OF AN INDUSTRIAL OR MANUFACTURING PLANT TO BE LOCATED IN MANATEE COUNTY, FLORIDA; THE PROPOSED ISSUANCE AND SALE AT PRIVATE SALE OF MANATEE COUNTY INDUSTRIAL DEVELOPMENT REVENUE BONDS (THE FLINTKOTE COMPANY PROJECT), IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,000,000, FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COST OF SAID PROJECT; AND THE LEASE OR SALE OF SAID PROJECT TO THE FLINTKOTE COMPANY; ALL PURSUANT TO THE FLORIDA INDUSTRIAL DEVELOPMENT FINANCING ACT.

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

RECORD RESOLUTION
AND AGREEMENT

S10-43
S10-44

MINING: RECLAMATION RULES AND REGULATIONS

As a result of the joint work session between the Manatee County Board of County Commissioners and Planning Staff with the Hardee County Commissioners in Wauchula, July 22, 1980, Charles Hunsicker, Planning and Development, submitted for Board review and approval a letter to the Department of Natural Resources commenting on proposed rules and regulations for reclamation of mined land.

Mr McGavic recommended that additional language be included to indicate concern by the Board of a possible situation where more stringent County requirements would conflict with reclamation techniques and planning required to meet State standards.

Motion was made by Mr Fortson to authorize the Chairman to sign the letter with the editorial changes recommended by Mr McGavic. Motion was seconded by Mr Driggers and carried unanimously.

LOT CLEARING: BEANE/WOODIE

Public hearing was opened for the purpose of considering lot clearing petition

LC-1335 Max L. Beane alleging that property owned by Mary I. Waldvogel has not been cleared in accordance with the requirements of Chapter 69-1284, Laws of Florida, Special Acts of 1969.

Dave Fulford, enforcement office, Planning and Development Department, submitted pictures as substantiating evidence that the lot needs clearing.

No one spoke on the petition and the public hearing was closed.

Motion was made by Mr Driggers to adopt a resolution determining that the property owner has failed to comply with the law with regard to clearing the land and demanding corrective action. Motion was seconded by Mr Parrish and carried unanimously.

RECORD RESOLUTION S10-45

Public hearing was opened for the purpose of considering lot clearing petition

LC-1337 Linda F. Woodie alleging that property owned by James A. & Essie Mae Baxter has not been cleared in accordance with the requirements of Chapter 69-1284, Laws of Florida, Special Acts of 1969.

Mr Fulford submitted pictures as substantiating evidence. No one spoke on the petition and the public hearing was closed.

Motion was made by Mr Parrish to adopt a resolution determining that the property owner has failed to comply with the Law with regard to clearing the land and demanding corrective action. Motion was seconded by Mr McGavic and carried unanimously.

RECORD RESOLUTION

S10-46

MARKER 50 - AGREEMENT

The County Attorney submitted and outlined the basic provisions of a proposed Agreement negotiated by and between the County and the Marker 50 organization, as follows:

- 1) Marker 50 Yacht & Racquet Club, Inc, as Builder, will cause the intersection (Cortez Road and 127th Street West) improvements to be made at its sole expense, regardless of cost
- 2) The County will convey or disclaim any interest it may have in and to a certain 50' x 200' rectangular parcel of land (which intrudes into the lands of Marker 50) previously conveyed to the County for road purposes

During discussion, Harry Ely, Director, Highway and Engineering, commented on some of the road improvements to be accomplished, and Richard Hampton, Attorney for the Marker 50 organization, urged the Board to approve the Agreement.

Others expressing concern and commenting on problems that will be further expanded or created by the development were: John Blue, Attorney for Mr Cipriani; Wyman Coarsey, 127th St. W.; Bob Lowery, 127th St. W.; Alexis and Martha Sue Taylor, Taylor Bait and Tackle Shop, Cortez.

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

RECORD AGREEMENT

S10-47

DRAINAGE DITCH (HILLCREST DRIVE NW, HARBOR HILLS) - EMERGENCY REPAIR

Using an aerial map to point out location of the County drainage ditch eroding the back yard of a residence on Hillcrest Drive NW and undermining a swimming pool, Mr Ely recommended the Board take emergency action to place a storm drain across the back of the property at this time and transfer \$7,588 from Contingency fund for 156 feet of pipe; and at a later date, authorize a long range project to pipe the water into Warner's Bayou at an approximate cost of \$25,000

Motion was made by Mr Driggers to authorize preparation of a budget resolution transferring \$7,588 for the emergency repair. Motion was seconded by Mr McGavic and carried unanimously.

TRAFFIC SIGNAL: CORTEZ ROAD & 127TH STREET (MARKER 50)

In connection with approval of the intersection agreement with Marker 50, motion was made by Mr Fortson to authorize the Chairman to send a letter to FDOT (Florida Department of Transportation) requesting an immediate study for a traffic signal at the intersection (Cortez Road and 127th Street West) and note the emergency nature of the matter in the letter. Motion was seconded by Driggers and carried unanimously.

MATERIALS AND SERVICES

Recommendations of the Materials and Services Department were submitted by Gary Knuckles, Director, in memorandum dated July 18, 1980.

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Highway Department1. Conflict Monitors

- a. Authorization to purchase three Conflict Monitors from Transportation Control Systems at a total price of \$3,241.40

These items are on State Bid which expires August 8th, and due to cost increase after that time, the Director of Highway and Engineering, in memorandum dated July 16, 1980, recommended approval of the purchase as outlined.

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

SHERIFF - BUDGET; ROAD BOND ISSUE

There were no objections to deferring discussion of the Sheriff's proposed budget and the Road Bond Issue to Thursday, July 31, 1980.

TRAVEL AUTHORIZATION - COUNTY ATTORNEY

Motion was made by Mr McGavic and seconded by Mr Parrish to authorize an attorney of the Mann & Fay Law Firm to travel to Tallahassee on July 31, 1980, to participate in a conference involving audits of grants. Motion carried unanimously.

PARKS AND RECREATION (PALMETTO BALL FIELD) - PROPERTY

The County Attorney advised that Mr Thibideau is willing to sell an additional 30-foot strip of land in Palmetto (originally a road running along the south side of the properties from 14th Avenue to the Rhinehart property) at the same cost per foot as property recently purchased by County for recreational purposes. (Cost \$6,400). He said the Parks and Recreation Department would like to have the parcel; however, the additional property is not needed for access or any other public purpose.

No action was taken.

CLERK'S CONSENT CALENDAR

Upon motion by Mr Driggers, seconded by Mr Parrish the Clerk's Consent Calendar dated July 29, 1980 was unanimously approved as follows:

BILLS FOR PAYMENT

Refunds: (Return of Plans Proj 3021-3 & 3082)		
Square G Construction	\$	32.50
Earl Collins Paving, Inc		32.50
Russell & Axon		10,429.11; \$750.00
Mulock & Farrance (June 30, 1980)		349.00
W. E. D. Contractors (Est. #4, Proj 630-671-04		33,145.19

MEETING ADJOURNED

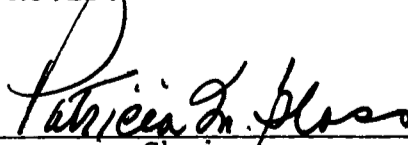
There being no further business, the meeting was declared adjourned.

Attest:

APPROVED:



 Clerk



 Chairman

Adj: 2:40 p.m.