

OCTOBER 2, 1980

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Courthouse, Bradenton, Florida, Thursday, October 2, 1980 at 9:10 a.m.

Present were Commissioners:  
Patricia M. Glass, Chairman  
Claude E. McGavic  
L. H. Fortson, Jr.  
Louis E. Driggers

Absent was: Lamar S. Parrish, Vice-Chairman

Also present were:  
Alan Prather, Associate County Attorney  
Robert Fernandez, Assistant County Administrator  
Evelyn Lloyd, Deputy Clerk, 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; David Priddy, WTRL; Dee Graham, The Islander; and others who entered during the meeting.

Invocation by Rev. Bentley Williamson, Ellenton United Methodist Church.

The meeting was called to order by Chairman Glass.

ORDINANCE 80-3: TOURIST DEVELOPMENT TAX

The Chairman declared the public hearing open for the purpose of considering

ORDINANCE NO. 80-3

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, TO LEVY, IMPOSE AND SET A TWO PERCENT (2%) TAX ON EACH DOLLAR AND MAJOR FRACTION OF EACH DOLLAR OF THE TOTAL CONSIDERATION CHARGED EVERY PERSON WHO RENTS, LEASES, OR LETS FOR CONSIDERATION ANY LIVING QUARTERS OR ACCOMMODATIONS IN ANY HOTEL, APARTMENT HOTEL, MOTEL, RESORT MOTEL, APARTMENT, APARTMENT MOTEL, ROOMING HOUSE, TOURIST OR TRAILER CAMP, OR CONDOMINIUM FOR A TERM OF SIX (6) MONTHS OR LESS, UNLESS SUCH PERSON RENTS, LEASES OR LETS FOR CONSIDERATION ANY LIVING QUARTERS OR ACCOMMODATIONS WHICH ARE EXEMPT ACCORDING TO THE PROVISIONS OF CHAPTER 212, FLORIDA STATUTES, AS AMENDED; PROVIDING TAX SHALL APPLY TO FAIR MARKET VALUE OF PROPERTY OR CONSIDERATION RECEIVED IN LIEU OF RENTS; PROVIDING FOR THE COLLECTION AND DISBURSEMENT OF SAID TAX; ADOPTING A TOURIST DEVELOPMENT PLAN FOR MANATEE COUNTY; ESTABLISHING AND APPOINTING MEMBERS TO THE MANATEE COUNTY TOURIST DEVELOPMENT COUNCIL AND ENUMERATING RESPONSIBILITIES THEREOF; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR THE TAX LEVIED TO CONSTITUTE A LIEN ON THE PROPERTY OF THE LESSEE, CUSTOMER OR TENANT; PROVIDING METHOD FOR AMENDING SAID ORDINANCE AND METHOD OF REPEALING SAID ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REFERENDUM APPROVAL PRIOR TO THE EFFECTIVE DATE OF SAID ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

(Published in The Bradenton Herald September 17, 1980)

OCTOBER 2, 1980

Cont'd

Alan Prather, Associate County Attorney, outlined the Ordinance and pointed out that

1. The tax will be imposed County-wide;
2. The actual Tourist Development Plan for Manatee County; and
3. The ordinance, if adopted, does not go into effect until a referendum vote is held November 4, 1980; if passed, the effective date will be January 1, 1981.

C. B. House, representing the Federation of Manatee County Community Association, questioned whether Chapter 125.0104 specifically covers all aspects of the Tourist Development Tax. Mr. Prather replied in the affirmative and stated that it would not affect ad valorem taxation.

Paul Bartley, Tourist Development Council representative, requested that Section III be changed to read, "If permitted under Florida Statute Section 125.0104 as Tourist Promotion:

- a. Renovation of pier at Manatee Public Beach
- b. Repair, as needed, of Anna Maria Fishing Pier
- c. Installation of dressing rooms and showers at the two County beaches
- d. Installation of public tennis courts on Anna Maria Island on County owned land
- e. Maintenance of public boat launching ramps and consideration of additional ramps if needed"

providing the Civic Center is non-existent.

The Attorney advised that if changes are incorporated, a revised Ordinance would have to be published and a new public hearing held; that in his opinion these items would not be proper expenditures of funds derived from the tax.

Don Busey, Executive Director, Chamber of Commerce, submitted a resolution adopted by the Manatee Chamber of Commerce on September 30, 1980, approving the plan for tourist development and the referendum.

Jim Mitchell, President of Anna Maria Motel Association, spoke in favor of the tax.

Speaking in opposition to the Tourist Development Tax were  
Marty Ervin, 5858 Gulf of Mexico Drive,  
Herman Borstelmann,  
A. L. (Bill) Genung, Blue Water Beach Club, and  
Gayle Brokaw, Catalina Beach Resort.

The Chairman declared the public hearing closed.

Motion was made by Mr. Fortson to adopt Ordinance No. 80-3. Motion was seconded by Mr. McGavic and carried unanimously.

RECORD ORDINANCE

S11-1

SPECIAL REFERENDUM: ORDINANCE NO. 80-3

Motion was made by Mr. McGavic to adopt the

RESOLUTION AUTHORIZING A REFERENDUM AND SETTING  
 DATE OF SAME; PROVIDING LANGUAGE FOR BALLOT QUESTION;  
 AND INSTRUCTING APPROPRIATE OFFICIALS TO CARRY OUT SAID  
 REFERENDUM REGARDING MANATEE COUNTY ORDINANCE NO. 80-3

said referendum to be held in connection with the General Election on Tuesday, November 4, 1980, to determine whether the Ordinance shall take effect within Manatee County, Florida. Motion was seconded by Mr. Fortson and carried unanimously.

RECORD RESOLUTION

S11-2

RECESS/RECONVENE

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

OCTOBER 2, 1980

Cont'd

ZONING

Bruce Siciliano, Planner, submitted recommendations of the Planning Commission:

SE-80-55 BURNETT TRUST - TOMATO PACKING PLANT - DEFERRED

SE to be Granted to: Roger Harloff

(Deferred from September 11, 1980)

Recommendation: Having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, the Planning Commission recommends APPROVAL for a period of one year.

He reported that the Special Exception was readvertised and heard before the Planning Commission on October 1, 1980; however, it was advertised for fourteen days instead of the required fifteen.

Edward Reid, Attorney representing Claflin Garst, an opponent, requested that proper advertising be completed before the Board considers SE-80-55.

Mr. Reid stated for the record that a court reporter was present for this portion of the meeting at his request.

Robert Boylston, Attorney representing the petitioner, expressed his opinion that sufficient notice of the hearing on this petition was given to the public.

E. N. Fay, Jr., County Attorney, advised the Board that it has the authority to determine whether or not adequate notice had been given to hear SE-80-55.

Mr. McGavic moved that the Board find that sufficient notice had been given (prior to the Planning Commission hearing) and that the petition be heard. Motion was seconded by Mr. Fortson and carried unanimously.

Mr. Boylston reported Mr. Harloff will be packing only his own tomatoes and there would be less than twenty-five truck trips per day on roads that are adequate and not heavily traveled. He pointed out that this is an emergency situation since the fall crop is ready to be harvested and Mr. Harloff has been unable to acquire any local service to pack his tomatoes. Mr. Harloff is negotiating for purchase of property to relocate the packing plant and the only request today is for a reasonable length of time to relocate the operation (one year) and that the landscaping and paving requirements be waived.

Roger Harloff stated he would be willing to have the trucks follow any route recommended by the Board. He explained that the packing hours would be from 12:00 noon until 12:00 midnight and did not think a noise nuisance would be created.

Edward Reid, presented an aerial photograph of the area in question showing the residences that would be affected by the packing plant, noting concern that granting the SE for any length of time would imply that petitioner is in compliance with the Zoning Ordinance.

Speaking in opposition to SE-80-55 were Richard Lee Buckle, Attorney representing Robert and Nancy Vogelsong and the Board of Directors of Manatee Children's Services, Inc., Claflin Garst 3120 38th Avenue, East, Paul Jaworski, 37th Street East, Raymond Schenk, River Isles, Theodore Tobias, 4620 37th Street East and Gayle Woodland, 3407 27th Street East.

RECESS/RECONVENE

The Chairman declared the meeting recessed until 1:30 p.m.

The Board reconvened at 1:40 p.m. with all members present except Mr. Parrish.

OCTOBER 2, 1980

Cont'd

ZONING: SE-80-55 (CONT'D)

Discussion continued regarding the operation of the packing plant, harvesting the crop, the noise created, compatibility with the surrounding area, compliance with the zoning ordinance, and granting a temporary use for only the fall crop. Mr. Harloff submitted three letters from various packing houses who stated they could not pack his tomatoes.

By show of hands, it was indicated there were approximately seven (7) individuals in the audience opposed to SE-80-55 and thirty (30) in favor.

Having specifically considered the five criteria set forth in the zoning ordinance regarding special exceptions, Mr. McGavic moved to deny SE-80-55. Mrs. Glass stepped down as Chairman to second the motion.

Voting "Aye" were Chairman Glass and Mr. McGavic. Voting "No" were Commissioners Driggers and Fortson. Motion tied by two-two vote.

Motion was made by Mr. Driggers to defer action on SE-80-55 until Tuesday, October 7, 1980, to afford the Planning staff to investigate any possible solution. Motion was seconded by Mr. Fortson.

Voting "Aye" were Chairman Glass and Commissioners Fortson and Driggers. Voting "No" was Mr. McGavic. Motion carried.

RECESS/RECONVENE

The Chairman declared the meeting recessed at 2:25 p.m. in order for the Board to sit as the Port Authority.

The meeting reconvened at 3:23 p.m. with all members present except Mr. Parrish.

HOUSEMOVING PERMITS (DOAN; CLEMENTS)

Motion was made by Mr. Driggers, and seconded by Mr. Fortson, to approve HM-80-20, application for:

Robert Doan - to move a building from 1/4 mile S/O Rutland Road on the E/S of Jim Davis Road to S.R. 62 approximately 4.75 miles E/O U.S. 301, Parrish  
Pre-Moving No. 29387

Motion carried unanimously.

Action on HM-80-21 (Clements) was deferred to October 9, 1980 to afford the mover an opportunity to provide additional information.

KNOLLWOOD SUBDIVISION - SANITARY SEWER FACILITY

The Associate County Attorney presented a

RESOLUTION ORDERING CONSTRUCTION OF SANITARY SEWER FACILITY PURSUANT TO THE PROVISIONS OF SECTION 153.05, FLORIDA STATUTES, AS AMENDED

for the project identified as Knollwood Subdivision Sewage Collection System.

Jim Rhinehart, Manatee County Utilities System, stated the front foot estimate is approximately \$12.00, but final front foot assessment will not be known until such time as bids are received. He explained that the amount of \$12.00 will be discussed at the first public hearing, the bids will then go out and a factual figure will be discussed at the second public hearing.

Motion was made by Mr. Driggers to adopt the resolution ordering construction of the sanitary sewer facility. Motion was seconded by Mr. Fortson and carried unanimously.

RECORD RESOLUTION

S11-3

OCTOBER 2, 1980

Cont'd

Mr. Driggers moved to authorize the Utilities System to publish notice on October 6, 1980, that a public hearing would be held October 16, 1980 (re said project). Motion was seconded by Mr. McGavic and carried unanimously.

RECESS/RECONVENE

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

GUN PERMITS

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

Dr. Alfred Arwe - 5508 4th Avenue, N.W., Bradenton  
(Bond: American Fire & Casualty Co., surety) - 2 Years  
Harrington & Richardson, 22 cal., 6" bbl., SN AR 87643

Motion was seconded by Mr. McGavic and carried unanimously.

✓RECORD RESOLUTION S11-4

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

James Louis Miller II - 2320 12th Ave., West, Bradenton  
(Bond: Ohio Casualty Insurance Company, surety) - 2 Years  
Dan Wesson, 357 Magnum Ctg., Revolver, Blue, 6-1/2" Barrell,  
I.D. #122665, V-RIB

Motion was seconded by Mr. Fortson and carried unanimously.

✓RECORD RESOLUTION S11-5

HUMAN SERVICES

Human Services items were deferred at the request of the Assistant County Administrator.

MATERIALS AND SERVICES

By memoranda dated September 17, 24, 25, 1980 and October 1, 1980, Gary M. Knuckles, Director, Materials and Services, requested approval of the following:

UTILITIES

1. Raw Water Intake and Pump Station #2, Project No. 630-761-07  
Bid No. 80-89
  - a. Award to lowest responsible bidder, W.E.D. Contractors, Inc., \$1,268,800.00

Motion was made by Mr. McGavic to approve Bid No. 80-89. Motion was seconded by Mr. Fortson and carried unanimously.

2. Stainless Steel T-Bars and U-Channel Rails - Bid No. 80-90
  - a. Award to lowest responsible bidder, J. M. Tull Metals Company, \$19,164.99
  - b. Rescind action taken July 3, 1980 awarding to Environmental Marketing Group, \$18,337.20, as they were not sole source. (Also, when PO issued they had advised cost was \$2,180.48 more than quoted.)

Motion was made by Mr. McGavic to award Bid 80-90 to J. M. Tull Metals Company and rescind action of July 3, 1980, awarding bid to Environmental Marketing Group as sole source. Motion was seconded by Mr. Driggers and carried unanimously.

PARKS AND RECREATION

3. Addition to Samoset Multi-Purpose Center - Bid No. 80-79(A) -
  - a. Change Order No. 1 - Increase \$5,806.00  
Inter-City Construction Corp., Contractor

Action was deferred to afford the Assistant County Administrator an opportunity to obtain an explanation from the architect regarding the oversight (re: tie into existing septic tank).

OCTOBER 2, 1980

Cont'd

HIGHWAY DEPARTMENT

4. Purchase of Survey Equipment  
 a. Purchase from Tom Hughes, Highway Land Surveyor, \$3,815.00

Motion was made by Mr. McGavic to accept the recommendation of the Director of Materials and Services (purchase from Tom Hughes). Motion was seconded by Mr. Driggers and carried unanimously.

TAX COLLECTOR'S OFFICE

5. Emergency Repair of Overhang  
 a. Waive Bid procedure; authorize Chennault, Inc., to reroof overhang at approximate cost of \$6,000.00.

Motion was made by Mr. Driggers to waive the bid procedure and authorize Chennault, Inc., to reroof the overhang. Motion was seconded by Mr. McGavic and carried unanimously.

PERSONNEL: MANNING LEVEL (HIGHWAY/UTILITIES)

Upon motion by Mr. McGavic, seconded by Mr. Driggers, Resolution was unanimously adopted amending the authorized Manning Levels as follows: (Position reclassifications)

<u>HIGHWAY</u>		<u>DEPARTMENT</u>
Aquatic Plant Specialist III	(from 0 to 1)	
Aquatic Plant Specialist II	(from 1 to 3)	
Light Equipment Operator I	(from 4 to 3)	
Medium Equipment Operator I	(from 3 to 2)	
Technician II (H/E)	(from 10 to 9)	
		From 200 to 200
<u>UTILITIES</u>		
Water Analyst	(from 2 to 0)	
Laboratory Technician I	(from 2 to 4)	
Laboratory Technician II	(from 0 to 0)	
		From 215 to 215
		<u>RECORD RESOLUTION</u>

Motion carried unanimously.

BUDGET AMENDMENTS

Upon motion by Mr. McGavic, seconded by Mr. Driggers, Resolutions were unanimously adopted amending the 1979-80 budget to provide for the receipt and appropriation of unanticipated revenues:

- 1) VARIOUS SOURCES  
Increase Revenue  
 Sheriff - TBRPC
- Increase Expenditure  
 Transfer to General Fund
- \$ 14,600.00  
RECORD RESOLUTION      S11-6
- 2) Increase Revenue  
 Transfer from Misc. Grants Special Revenue Fund
- Increase Expenditure  
 Sheriff - TBRPC
- \$ 14,600.00  
RECORD RESOLUTION      S11-7
- Upon motion by Mr. McGavic, seconded by Mr. Driggers, Resolutions were unanimously adopted amending the 1980-81 budget to provide for the receipt and appropriation of unanticipated revenues:
- 1) VARIOUS SOURCES  
Increase Revenue  
 Transfer from Operating
- Increase Expenditure  
 Reservoir Management
- \$230,600.00  
RECORD RESOLUTION      S11-8

OCTOBER 2, 1980

Cont'd

and by item to item transfers:

1) UTILITIES

From:	Reserve for Contingency	
To:	Transfer to Surplus Construction	\$230,600.00
		<u>RECORD RESOLUTION</u>

S11-9

EGMONT KEY - ST. PETERSBURG HARBOR DREDGING

In submitting a report on the dredging of St. Petersburg Harbor (from which spoil would be dumped near Egmont Key), the County Administrator reported that the Army Corps of Engineers had indicated that a contract was awarded to Great Lakes Dredging Company for dredging the harbor pursuant to the Corps of Engineer's project application. The Corps is presently awaiting return of the contract (\$1,319,500) and bond from the contractor prior to issuance of notice to proceed which is anticipated to be within two weeks.

He was instructed to invite a member of the Corp of Engineers to appear before the Board to give a detailed report on the project.

MANATEE MEMORIAL HOSPITAL

Upon motion by Mr. Driggers, seconded by Mr. Fortson, the Board unanimously accepted into the record the following documents from Manatee Memorial Hospital:

- Minutes of Board of Trustees - August 25, 1980
- Minutes of Committee Meetings - August 20, 1980
- Financial Statement for Month of August, 1980

FLINTKOTE COMPANY: INDUSTRIAL DEVELOPMENT REVENUE BONDS MEMORANDUM OF AGREEMENT

The County Attorney reported that the Flintkote Company lost the copies of Memorandum of Agreement, approved by this Board on July 29, 1980, authorizing issuance of Industrial Development Revenue Bonds, and they had now been located. He recommended the Board accept into the record the Memorandum of Agreement dated September 24, 1980, by the Flintkote Company.

Motion was made by Mr. Driggers, and seconded by Mr. McGavic, to accept the memorandum of agreement into the record. Motion carried unanimously.

S11-10

RECORD AGREEMENT

CLERK'S CONSENT CALENDAR

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

BILLS FOR PAYMENT

Bay Con General Inc. (Elwood Park Booster Station)	\$255,138.73
Sylvia H. & Marshall Ridge (Fleet Self Ins. stlmt)	203.32
Manatee Memorial Hospital (Welfare)	6,843.60
" " " "	8,369.52
" " " (OB)	2,516.36

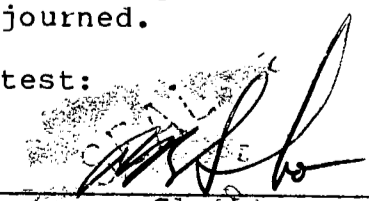
DEVELOPMENT ORDERS (DRI PROCEDURES)

Development Orders (DRI procedures) were discussed as to language, schedule requirements and time limits, if any, for recommendations and data flow between Planning Commission and Board of County Commissioners. No action was taken.

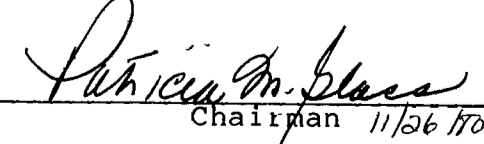
MEETING ADJOURNED

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

Attest:

  
 Clerk

APPROVED:

  
 Chairman 11/26/80

Adj: 4:21 p.m.