

OCTOBER 14, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, October 14, 1980 at 9:06 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 (who entered during the meeting)
Peter Ramsden, Finance Director, representing R. B. Shore, Clerk of Circuit Court

Representing the various news media were Mark Todd, Sarasota Herald-Tribune; Dave Priddy, WTRL; and others who entered during the meeting.

Invocation by Rev. Mrs. J. Ralph Miller, Bradenton Church of God.

The meeting was called to order by Chairman Glass.

GRIEVANCE PROCEDURE

Ablasha H. Thomas, 3710 31st Ave. W., who said she had been advised that a public hearing on the Grievance Procedure would be held at this meeting, questioned why it was not on the Agenda; that she had been granted the day off her job, without pay, in order to be present.

The Chairman explained that the Grievance Procedure was in process of review; that discussion of the proposed procedure is not a public hearing but would simply be an item on the Agenda or for work session.

TERRA SIESTA MOBILE HOME PARK/ROSE PARK S/D - PINE STREET, VACATION

There were no objections to continuing public hearing on petition to vacate Pine Street in Rose Park Subdivision (continued from September 25 and October 9) to Tuesday, October 21, 1980, to be considered conjunctively with Terra Siesta Mobile Home Park, as recommended by Bill Swan, County Planner.

ZONING

Bill Swan submitted recommendations of the Planning Commission:

R-80-70 SARASOTA-MANATEE AIRPORT AUTHORITY - M-1 APPROVED
(Deferred from October 9, 1980)

Motion was made by Mr. Driggers to approve R-80-70 (by adoption of the appropriate resolution). Motion was seconded by Mr. Parrish and carried unanimously.

RECORD RESOLUTION

SE-80-62 TEKLA & IRVING J. HALL - DENIED
(Westside Church of Christ deferred from October 9, 1980)

Robert Knowles, Agent, was available to answer any questions.

Kenneth Cleary, representing Heyward Moseley, read a statement opposing approval of SE-80-62.

Based on criteria set forth in the Zoning Ordinance, Mr. McGavic moved to deny SE-80-62. Motion was seconded by Mr. Driggers and carried unanimously.

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80-S-32(P) FISHER CREEK FARMS - P/PLAT DEFERRED
(Deferred from October 9, 1980)

Mr. Driggers disclosed that he owns property adjacent to the proposed subdivision. The County Attorney advised that since Mr. Driggers is a holder of a mortgage on the land, it is not a conflict of of such nature to prevent him from participating in the proceedings.

Bob Pierro, Engineer of Record for Fisher Creek Farms, was available to answer any questions and reported they are requesting a waiver of the sidewalk, recreation, and fire protection requirements.

Mr. Swan stated that the Health Department and Utilities System recommended denial due to the adverse effect on the Lake Manatee Reservoir.

R. A. Wilford, Director, Manatee County Utilities System, reported that Gee & Jenson is presently conducting a Reservoir Impact Study which would address the issue of impact on Lake Manatee Reservoir. He commented that although the impact from the use of septic tanks would probably be minimal, he is concerned that intense development in that area would definitely affect the resevoir.

The County Attorney advised that the 208 study, prepared by the Tampa Bay Regional Planning Council, includes a reservoir protection plan; that his office is in the process of preparing it as an ordinance and there might be some conflict between certain features of this development and the 208 Plan.

Upon question, Mr. Wilford reported that the Gee and Jenson study will address various types of development in the Lake Manatee area, provide guidelines for the development of parameters for the reservoir protection plan, and should be completed within 60 to 90 days. He advised that Gee and Jenson could provide that portion of their study addressing this particular development within 30 days.

Bill Roberts, Agent for John Nash, Developer, explained that Mr. Nash is recently deceased and, although he is the designated agent, he has no authority to defer or change the course of this application, pending decision on a trusteeship.

Motion was made by Mr. Driggers, and seconded by Mr. Parrish, to approve 80-S-32(P).

(Enter Mr. Collier)

After discussion, motion and second were withdrawn.

Action was deferred pending receipt of the Reservoir Impact Report from Gee and Jenson within 30 days or less.

FAIRPLAY SUBDIVISION: CENTER STREET, VACATION

Upon question by Fred Katz as to who would prepare the utility easement in connection with petition to vacate Center Street in Fairplay Subdivision, deferred from October 9, 1980, Jim Rhinehart, Manatee County Utilities System, stated he would assist in preparing the easement for acceptance by the Board.

EMERSON POINT: ILLEGAL FILL/POSSIBLE REZONE

Mr. McGavic reported that it has been brought to his attention that illegal fill has been placed on the western tip of Emerson Point periodically over the past years. Emerson Point is directly across from the DeSoto National Monument and objection has been expressed to high-density development in that area. He requested the Board to authorize staff to prepare a report on that portion of Snead Island, presently zoned R-3, and, if appropriate, consider rezoning as necessary.

Bill Swan was instructed to prepare a report to be submitted to the Board on October 16, 1980.

RECESS/RECONVENE

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

ORDINANCE: HANDICAPPED PARKING

The County Attorney reported on the progress of the Handicapped Parking Ordinance stating that the Judge's Office is preparing procedural rules and regulations, and that his office has sent the ordinance to the County Administrator, the Clerk of Circuit Court, and the Sheriff for their input.

BOWLEES CREEK DREDGING

W. E. Williams, Chairman of the Bowlees Creek Flood Control Committee, stated that approximately five months ago, he submitted a petition signed by 98 percent of the residents on Bowlees Creek requesting dredging of the creek. He recommended that the dredging project be placed on an emergency basis at this time since the condition of the creek has worsened.

The Chairman advised that a meeting had been held and it had been determined that this would be a massive dredging project; and that time, the Board has approved a Drainage Study (confined to dangers of flooding) for the entire County.

Phil Davis, Director, Highway & Engineering, advised that the problem had been researched during two past rainy seasons, and significant siltation work has been done in the area, but there is question now whether it is a drainage or a navigation problem. He said a program had been developed allowing them to do a study for a massive drainage plan for the County which would be a five-year program at estimated cost of \$100,000 per year; however, it does not appear that funds are available this year to complete the first part of that study.

Mr. Meier, of Bowlees Creek, pointed out that there is a small type dredge that could be used to correct the problem.

Discussion followed regarding the scope of work to be done, what the costs are, the necessity for a sizeable study, and obtaining estimates from outside sources.

Mr. Davis and Mr. Williams agreed to prepare the scope of the project and the costs involved to be brought back before the Board.

Joseph Schneider, Bowlees Creek, spoke regarding the condition of the Creek.

DISPLACED HOMEMAKERS PROGRAM

Cele Niffenegger, spokesman for the Bradenton Branch of A.A.U.W., and Marge Peters, First Vice-President, appeared before the Board requesting adoption of a resolution supporting the Displaced Homemakers Program. Ms. Niffenegger explained that grant application to the State for Governor's Discretionary funds includes many letters of support from various groups and organizations with the exception of the Board of County Commissioners.

Dr. Emma Fronk, explained that they presently have a grant which is administered through Dr. Bashaw, Manatee County School Board.

Motion was made by Mr. Driggers to authorize preparation of a resolution (supporting the Program). Motion was seconded by Mr. Parrish and carried unanimously.

COMMUNITY DEVELOPMENT BLOCK GRANT 1981 PROGRAM

Bob Rile, Planning and Development, reported that the the Planning and Development Department recommended pre-application for 1981 Community Development Block Grant to extend water lines into the Rubonia area with participation of Manatee County Utilities System (MCUS). He explained that staff felt that, due to funding limitations, submitting a project that demonstrated a great need with strong County participation would have the greatest possibility

of being approved. This project would involve \$100,000 in H.U.D. funds and \$160,000 from MCUS.

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Upon question regarding application for extension of the sewer lines in Samoset, he stated that a need does exist there; however, after personal conference with H.U.D., the staff believes the Rubonia project is more likely to be approved since there is strong County participation, there has been no projects in that area, and there is a serious health need in terms of drinking water.

Motion was made by Mr. Parrish to authorize application for the Rubonia Water Line Extension Project as recommended by staff, to initiate the A95 Clearing House Process, and to set the public hearing date on the pre-application for November 6, 1980. Motion was seconded by Mr. Driggers and carried unanimously.

Motion was made by Mr. Driggers to authorize staff to pursue other sources of funding for extending the Samoset sewer lines and submit recommendations to the Board. Motion was seconded by Mr. Parrish and carried unanimously.

LOT CLEARING PETITIONS

The Chairman declared public hearing open for the purpose of considering Lot Clearing Petitions LC-1337, LC-1366 and LC-1370.

Dave Fulford, Enforcement Officer, Planning and Development, submitted photographs substantiating evidence that the lots be mowed.

No one else spoke on the petitions and public hearing was closed.

LC-1357 Morgan Parsons alleging that property owned by Juanita Paveling George has not been cleared in accordance with requirements of Chapter 69-1284, Laws of Florida, Special Acts of 1969.

Motion was made by Mr. Fortson to adopt a resolution determining that the property owner had not complied with the lot clearing law and demanding that corrective action be taken with regard to clearing the land. Motion was seconded by Mr. Driggers and carried unanimously.

RECORD RESOLUTION S11-26

LC-1366 Gary Grabowski alleging that property owned by Gordon G. Sullivan has not been cleared in accordance with requirements of Chapter 69-1284, Laws of Florida, Special Acts of 1969.

Motion was made by Mr. Fortson to adopt a resolution determining that the property owner had not complied with the lot clearing law and demanding that corrective action be taken with regard to clearing the land. Motion was seconded by Mr. Driggers and carried unanimously.

RECORD RESOLUTION S11-27

LC-1370 Joane Madison alleging that property owned by A. L. Claries Travertine Co. has not been cleared in accordance with requirements of Chapter 69-1284, Laws of Florida, Special Acts of 1969.

Motion was made by Mr. Driggers to adopt a resolution determining that the property owner had not complied with the lot clearing law and demanding that corrective action be taken with regard to clearing the land. Motion was seconded by Mr. McGavic and carried unanimously.

RECORD RESOLUTION S11-28

ENVIRONMENTAL ATTORNEY

The County Administrator requested Board concurrence with the concept and procedure to recruit and contract with an Environmental Attorney to provide services to the County, particularly in the areas of the Utilities System. He requested authority to contact firms known to be involved in environmental law and request that they submit proposals through Materials and Services Department. The County Attorney would participate in the preparation of the proposal and would serve on the Review Committee.

Upon question, he advised that the County would contract with the Environmental Attorney on a set fee, probably on an hourly basis, who would be utilized based on staff recommendations to the Board. The cost for the next fiscal year is estimated at \$300,000.00, which would be set aside out of the Utilities' uncommitted reserves. If other County Departments need to retain the services of the Environmental Attorney, the individual department budget would be charged.

Motion was made by Mr. Driggers to authorize the County Administrator to prepare a RFP, release it, and bring the proposals back. Motion was seconded by Mr. Fortson and carried unanimously.

HUMAN SERVICES

By memorandum dated October 10, 1980, Kathy Snell, Director, Human Services Department, recommended the following:

- 1) Execution of E. W. Siver & Associates Contract Extension, \$7,000 to complete audit of CETA Workmen's Compensation coverage for fiscal years 1977-79.

RECORD S11-29

Motion was made by Mr. Fortson to approve item 1 as outlined. Motion was seconded by Mr. McGavic and carried unanimously.

- 2) Manpower Advisory Council Appointments

Action was deferred on item 2 at the request of Human Services Department.

MATERIALS AND SERVICES

By memoranda dated October 6, 8, and 10, 1980, Gary Knuckles, Director, Materials and Services Department, recommended the following:

- 1) Soils & Materials Testing Engineering Services - RFP No. 80-96
Authorization to schedule oral presentations with the firms of
Ardaman & Associates, Inc.
Jammal & Associates, Inc.
Pittsburgh Testing Laboratory

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

- 2) Island Branch Library Building - RFP No. 80-87
Authorization to schedule oral presentations with architects
Anderson Parrish Associates, Inc. Herman Tom
H. Patterson Fletcher Jerry N. Zoller

The County Administrator was instructed to present scope of work Thursday, October 16, 1980.

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

- 3) Samoset Multi-Purpose Center - Addition No. 2
Contract Agreement with West & Conyers, Architects and
Engineers, Inc., \$9,000.00
a. Authorize Chairman to execute.

Motion was made by Mr. Driggers to approve the request to execute the contract as outlined in memorandum dated October 6, 1980. Motion was seconded by Mr. Fortson and carried unanimously.

RECORD CONTRACT S11-30

RECESS/RECONVENE

The Chairman declared the meeting recessed until 1:30 p.m. The meeting reconvened at 1:43 p.m. with all members present except Commissioners Fortson and Driggers.

UTILITIES

- 4) Upgrading Lift Stations 13-A and 1-D - Bid No. 80-88
a. Award to lowest responsible bidder in each category of bid:

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Raybro Electric Supply; Hughes Supply;
Flanagan-Metcalf, Inc.; General Electric Supply Company

- 5) Pipe, Fittings, Valves, & Accessories for Upgrading Lift Stations 13-A and 1-D - Bid 80-94
 a. Award to lowest responsible bidder in each category of bid.

Motion was made by Mr. Parrish to approve Bid Nos. 80-88 and 80-94.
 Motion was seconded by Mr. McGavic and carried unanimously.

ELECTIONS: TRAILER ESTATES PARK & RECREATION DISTRICT

Motion was made by Mr. McGavic to approve the request of the Board of Trustees of Trailer Estates Park & Recreation District to use the County voting booths for the District Election on December 2, 1980.
 Motion was seconded by Mr. Parrish and carried unanimously.

TRAVEL AUTHORIZATION

Mr. Collier submitted his memorandum dated September 26, 1980 requesting that a representative of the firm of Mann and Fay be authorized to attend an American Arbitration Association Seminar in Orlando on the Arbitration of Discipline Cases Regarding Employees, November 6-7, 1980, with seminar costs and travel expenses being reimbursed by the County. He advised that Ken Rogers, Director, Employee Relations, would also be in attendance.

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

BUDGET AMENDMENTS

Upon motion by Mr. McGavic, seconded by Mr. Parrish, resolutions were unanimously adopted amending the 1980-81 budget to provide for the receipt and appropriation of unanticipated revenues:

VARIOUS SOURCES

Increase Revenue

Refund of Prior Years Expenditures; Transfer from General Fund

Increase Expenditures

Transit (Parking Lot)

\$22,648.00
RECORD RESOLUTION S11-31

and by item to item transfers:

From: Reserve for Contingency
 To: Transfer to Transit

\$17,132.00
RECORD RESOLUTION S11-32

CIVIC CENTER AUTHORITY APPOINTMENT

The County Administrator submitted his memorandum of October 10, 1980, advising that the vacancy on the Civic Center Authority must be filled by an individual residing in the unincorporated area of the County. Action was deferred until Tuesday, October 21, 1980.

ROADS: SPEED LIMITS

Upon motion by Mr. McGavic, seconded by Mr. Parrish, the following Resolutions were unanimously adopted:

RESOLUTION ESTABLISHING SPEED LIMIT ON
30TH STREET EAST FROM 38TH AVENUE EAST
TO 51ST AVENUE EAST 40 MILES PER HOUR

RECORD RESOLUTION S11-33

RESOLUTION ESTABLISHING SPEED LIMIT ON
33RD STREET EAST FROM 51ST AVENUE EAST
TO 53RD AVENUE EAST 30 MILES PER HOUR

RECORD RESOLUTION S11-34

RESOLUTION ESTABLISHING SPEED LIMIT ON
51ST AVENUE EAST FROM 30TH STREET EAST
TO 33RD STREET EAST 30 MILES PER HOUR

RECORD RESOLUTION S11-35

PEDAL PUSHER ASSOC. BIKEWAY/SIDEWALK COOPERATIVE AGREEMENT (AMENDED)

Motion was made by Mr. McGavic to authorize the Chairman to execute the

BIKEWAY/SIDEWALK COOPERATIVE AGREEMENT (AMENDED)

between Pedal Pushers Association, Rinker Materials Corp., and Manatee County, which supercedes that certain Agreement dated August 28, 1980, regarding location and construction of bikeways/sidewalks. Motion was seconded by Mr. Parrish and carried unanimously.

RECORD AGREEMENT S11-36

DATA PROCESSING EQUIPMENT INSTALLATION

The County Administrator advised that due to the installation of additional data processing equipment at the Data Center, unexpected alterations to the electrical system are necessary. Bids are presently being obtained and a specific request will be brought before the Board to authorize the contract.

He requested Board concurrence on the action being taken, which is to solicit bids and transfer funds in the amount of \$4,500 from Contingency to cover this work. There were no objections.

ASSESSMENT ROLLS

Bob Fernandez, Assistant County Administrator, reported on the status of the interim assessment roll procedures. He stated that he discussed with the Department of Revenue the effect that process has on the deadline for the Board of County Commissioners to compute the rollback millage, based upon the figures presented by the Property Appraiser, and to inform the Property Appraiser of the proposed millage rate. It was indicated that the procedure for the interim roll did not have an effect on the 30-day deadline; however, the Department of Revenue now implies that a response must be made to the Property Appraiser by October 17, 1980, despite the fact that the County is involved in the interim tax roll procedures.

The County Attorney advised that the Attorney for the Department of Revenue indicated the County's certification of the rollback millage will not jeopardize the County's lawsuit. After discussion, it was recommended that the matter be placed on the agenda for Thursday, October 16, 1980.

HIDDEN LAKE CONDOMINIUM CORPORATION: PRIVATE WAY

Motion was made by Mr. McGavic, seconded by Mr. Parrish, to adopt

RESOLUTION APPROVING PRIVATE WAY FOR ACCESS TO
HIDDEN LAKE CONDOMINIUM

and determining that easement for ingress and egress described in easement deed by Eugene S. Zickafoos and Ronald M. Bernard to Hidden Lake Condominium Corporation is adequate to serve as said private way. Motion carried unanimously.

RECORD RESOLUTION S11-37

TRAVEL AUTHORIZATION

The County Attorney submitted memorandum of October 7, 1980, requesting authorization for Richard Wilford and John Zimmerman of Manatee County Utilities System, Charles Hunsicker of Planning and Development Department, representatives of the Consulting Engineers for MCUS, and a representative of Mann and Fay to travel to and participate in a conference with representatives of the Environmental Protection Agency in Atlanta, Georgia, October 17, 1980, regarding application by Estech General Chemicals Corporation

for a National Pollutant Discharge Elimination System Permit.

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

CLERK'S CONSENT CALENDAR

Upon motion by Mr. McGavic, seconded by Mr. Parrish, the Board unanimously approved the Clerk's Consent Calendar dated October 14, 1980:

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BILLS FOR PAYMENTMann & Fay:

Farm Labor Housing	\$ 125.00
Johnson & Grills Vs. Manatee Co.	87.50
Manatee Co. Vs. Curtis Union 76 Service, Inc.	25.00
Jones Vs. Manatee Co. (Prop. Appr. Adj. Board)	150.00
McClure & Hepper Vs. Manatee Co. (Zoning)	87.50
Southern Cooperative Dev. Fund Vs. Driggers et al (Longcreek)	3,466.94
AFLCIO Vs. Manatee Co.	487.68
Planning & Development	1,387.50
Highway Department	762.50
Manatee Co. Vs. J. W. Rood, et al	225.50
Manatee Co. Vs. Manasota Memorial Park	1,769.50
Manatee Co. Vs. Royal Palm Beach Colony, Inc.	1,317.78
Braden River Civic Assoc., Inc. Vs. Manatee Co.	477.17
Peek-A-Boo Lounge Vs. Manatee Co.	1,000.76
Public Safety Complex	75.00
Appl. to EPA for Nat'l Pollutant Discharge Elimination System Permit, Estech	1,823.36
MCUS Vs. DER & Estech (Water System)	937.80
Estech Vs. Manatee Co. (Duette Mining)	2,779.61
Personnel Department	325.00
Double Taxation	200.00
Insurance & Self Insurance	112.50
Parks & Recreation Dept.	328.71
Fla. Dept. of Agriculture & Consumer Services	
Fire Control Assessment FY 1980-81	9,019.83
Forester's Assessment FY 1980-81	1,500.00
Dr. Lehman & Associates (Autopsies, etc.)	3,492.18
Agnes V. Melitschka (Fleet Ins. Settlement)	350.00
Fuller & Johnson, P.A. (Re: Estech)	3,205.80

BONDS - PERFORMANCE

Release: 1) Pine Bay Forest Subdivision, \$6,864.00
2) Palm View Acres Subdivision, \$51,086.20

TRANSCRIPT

Accept into Record: Varner Grievance Minutes of Board of County
Commissioners, September 19, 1980.

MINUTES

Meetings of September 9, 11, 15, 16, 1980

WARRANT LISTS

Approve Warrant Lists from October 7 to 14, 1980. Authorize Warrant
Lists from October 14 to 21, 1980.

COMMISSION CHAMBERS: POLICY RE USE BY OUTSIDE ENTITIES

The Chairman referred to County policy in existence for many years,
which allows outside entities to use the Commission Chambers upon
authorization by the Chairman or the Board, and questioned what the
best procedure would be for such use of governmental buildings.

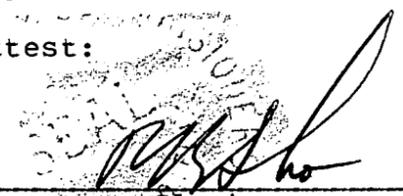
The County Administrator responded that he is in the process of
standardizing the procedures and is presently researching the need
for additional liability insurance. He is awaiting recommendations
from the insurance consultant before setting a standard policy.

The existing procedures will be followed in the interim.

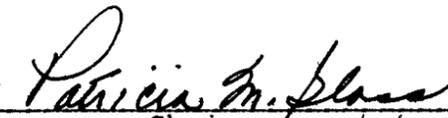
MEETING ADJOURNED

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

Attest:


Clerk

APPROVED:


Chairman 12/11/80

Adj: 2:15 p.m.