

NOVEMBER 4, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, November 4, 1980 at 9:08 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 Howard Hall, The Bradenton Herald; Mark Todd, Sarasota Herald-Tribune, and others who entered during the meeting.

Invocation by Reverend Donald Brady, Congregational United Church of Christ.

The meeting was called to order by Chairman Glass.

HEALTH AND REHABILITATIVE SERVICES DISTRICT VI ADVISORY BOARD

It was reported by Mr. Fortson that no elected official from Manatee County is presently serving on the Health and Rehabilitative Services District VI Advisory Board but that the Governor may appoint a County Commissioner to the Board.

Mrs. Glass advised that this item will be placed on a future agenda for discussion.

PLANNING AND DEVELOPMENT: PERMIT (SUTTON)

In a letter dated October 21, 1980, Braxton R. Ezell, Attorney representing Clayton Sutton, explained that his client, who is a registered Mechanical Contractor with the State of Florida, was denied a County Permit to install a central air conditioning system because he did not have a Certificate of Competency or a Certificate in the field of heating, air conditioning, refrigeration and ventilation (HARV). (The Florida Construction Industry Licensing Board incorrectly listed Manatee County as not requiring such certificates.) He requested that this matter be referred to the County Attorney and an amicable solution be reached.

The County Attorney was authorized to review the letter and report his findings to the Board.

EGMONT KEY: BAYBORO HARBOR/SPOIL DUMPING

Charles Hunsicker, Planning and Development Department, recommended the Chairman be authorized to sign a letter to Senator Lawton Chiles opposing the continued use of the Egmont Key site for disposal of dredge material (in Bayboro Harbor) until impacts to the local fishing industry are fully investigated through the Environmental Impact Statements (EIS) process, as required under the Marine Protection, Research and Sanctuary Act of 1972.

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Motion was made by Mr. Fortson to authorize the Chairman to sign the letter to Sen. Chiles and to adopt

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, INFORMING THE FLORIDA DELEGATION TO THE UNITED STATES CONGRESS AND THE SENATE OF THE UNITED STATES OF ITS CONCERN AND OBJECTION TO THE PROPOSED DUMPING OF SILT AND CONTAMINATED SLUDGE IN THE GULF OF MEXICO

Motion was seconded by Mr. Driggers and carried unanimously.

RECORD RESOLUTION

S11-73

WILLIAM KUHN (CIVIL DEFENSE)

The Chairman presented a Meritorious Service Award to William Kuhn, Civil Defense, in recognition of his outstanding service and meritorious contributions to Manatee County.

POLLUTION CONTROL: PHOSPHATE FIELD INSPECTOR

Bud Randle, Director, Pollution Control Department, introduced Dr. William Tiffany, III, Phosphate Field Inspector (employed by the State), and outlined his duties and assignments regarding the phosphate mining operations.

ZONING - TARA

Bill Swan, Planner, Planning and Development Department, submitted recommendations on

R-80-21 FIRST NAT'L BANK & TRUST CO. OF RIVIERA -DEFERRED
(Deferred from 10/23/80)

SE-80-23 FIRST NAT'L BANK & TRUST CO. OF RIVIERA - DEFERRED
(Deferred from 10/23/80)

DRI No. 11 TARA - DEFERRED
(Deferred from 10/23/80)

together with revised copy of the proposed Rezone and Special Exception Resolutions and the D.R.I. draft Development Order. He advised that SR 70 improvements are still a concern of the Planning Staff, Tampa Bay Regional Planning Council and the applicant.

He reported that the Health Department is opposed to the project until a one year monitoring program, which will document predevelopment water quality parameters during both wet and dry seasons, is completed.

Mayor Bill Evers, City of Bradenton, submitted a letter dated November 3, 1980 requesting denial on the following basis:

- 1) The increased density is not compatible with the reservoir and area and will have a detrimental effect on the quality of water.
- 2) The applicant has not provided adequate plans and information to indicate the extent of damage the development will have on the reservoir and instead is requesting approval of conceptual plans.
- 3) The TARA Development will set a population precedent.
- 4) The current zoning density allows the developer a more reasonable use of his property.
- 5) City is requesting the County adopt a Reservoir Protection Ordinance to give adequate protection to the reservoir.

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Mrs. Glass submitted a letter dated October 23, 1980, from Sheriff Thomas Burton advising that adequate law enforcement service to TARA Development will require that new positions in the Department be funded and that access to a reasonable amount of office space must be obtained so that a substation can be established in the vicinity of TARA.

Motion was made by Mr. Parrish to accept the letters. Motion was seconded by Mr. McGavic and carried unanimously.

William Lisch, Attorney for City of Bradenton, concurred with recommendation by the Health Department that a monitoring program be established before development occurs. He also recommended that the Severability Clause on Page 18, paragraph 6 be stricken from the proposed Order.

Upon no objections by Dewey Dye, Attorney representing the Applicant, motion was made by Mr. McGavic to strike Section 6 on page 18 from the draft Development Order. Motion was seconded by Mr. Driggers and carried unanimously.

Jim Rhinehart, Manatee County Utilities System, was available to answer questions.

James Rider, Planning Department, submitted proposed language to be considered for inclusion in the Development Order to protect the County's interest in future impacts on SR 70.

Mr. Dye objected to portions of the language.

Bob Lombardo, Engineer of Record for the project, outlined the proposed roadway improvements that the Developer has agreed to provide.

RECESS/RECONVENE

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

TARA

Action on the TARA project was deferred until Thursday, November 6, 1980, at 1:30 p.m.

(NOTE: "ZONING - TARA" is also included in the TARA proceedings in the form of excerpt from the minutes of this meeting.)

W. R. GRACE COMPANY OPERATING PERMIT:
CH2M HILL CONSULTING CONTRACT

Bob Rile, Planning and Development Department, reported that a staff report on the application by W. R. Grace Company for the phosphate mining Operating Permit will be submitted to the Board on November 14, 1980.

He requested authorization for additional expenditure not to exceed \$6,000 for CH2M Hill, Consultant contracted to assist in the review of the application, to complete Phase I and II of the review. He advised that the application fee would cover this additional cost.

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

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EMERSON POINT/SNEAD ISLAND - ZONING AND LAND USE PLAN

Marty Jacobs, Planning and Development, recommended zoning changes in three areas of Snead Island, as follows:

- 1) Emerson Point - approximately 15 acres presently zoned R-3: Recommended R-1B zoning since it is a low, environmentally sensitive area and sufficient public facilities are not available to support growth permitted under current zoning. Also, multi-family development would be inconsistent with development permitted in surrounding districts.
- 2) Mid-Island - approximately 22 acre tract of land zoned R-3: Recommended R-1B zoning for reasons stated in No. 1.
- 3) 44th Avenue East - approximately 10 acre parcel along east side of 44th Ave. E. zoned C: Recommended maintaining existing zoning.

Dewey Dye, Attorney representing property owners in the area, opposed the zoning change and urged that this be included as part of the land use study of the comprehensive plan.

There were no objections to discussing this item at the public hearing on the Comprehensive Plan on Thursday, November 6, 1980.

PALMA SOLA AREA: ZONING AND LAND USE PLAN

There were no objections to discussing the proposed Zoning and Land Use Plan for the Palma Sola area during the public hearing on the Comprehensive Plan on Thursday, November 6, 1980.

9TH STREET EAST: RIGHT OF WAY

Upon recommendation by Philip A. Davis, Acting Director of the Highway Department, motion was made by Mr. Fortson to authorize the Right of Way Division to submit offers for the acquisition of land for proposed 9th Street East improvements as follows:

- 1) W. W. Townsend, Parcel No. 17.1 - \$700.00
- 2) Mr. and Mrs. Murray W. Meador, Parcel No. 9.1 - \$636.90

Motion was seconded by Mr. Parrish and carried unanimously.

PONCE DE LEON PARK SUBDIVISION: VACATION OF ALLEYWAY

Rick Plough, Planning and Development Department, reported that reviewing Departments had no objections to the proposed vacation of the 16-foot alley from 31st Avenue East to 32nd Avenue East in Ponce De Leon Park Subdivision. (Ref. request by Martha McKee, October 30, 1980.) The Highway Department, however, recommends that the entire alley (from 30th Avenue East to 32nd Avenue East) be vacated.

Martha McKee objected to vacating the alley between 30th and 31st Avenue East as this portion is used by property owners for a roadway. She requested the Board to initiate the vacation of the remainder of the alleyway.

Motion was made by Mr. Driggers that the County initiate proceedings to vacate the alleyway between 31st Avenue E. and 32nd Avenue E. (Ponce de Leon Park Subdivision). Motion was seconded by Mr. McGavic and carried unanimously.

LAKE MANATEE FLOODING: LAWSUIT (PENNINGTON)

Billy Pennington advised that he had filed a lawsuit against the County for damages to his home caused by flooding after the gates were opened at the Lake Manatee Dam in 1979 (September).

PARKS AND RECREATION DEPARTMENT: DIRECTOR

The County Administrator reported the procedure being followed for recruitment of Director of the Parks and Recreation Department.

Mr. Schlicker, County Golf Course Committee member, Col. Ken Foster and G. T. Bray, Parks and Recreation Board members, recommended that Mike Pascuzzi be appointed as Director.

Ken Rogers, Director of Employee Relations Department, explained the practices and procedures mandated by the Inter-Personnel Government Act.

The County Administrator advised that interviews for the position will be held on November 12, 1980 and that a recommendation will be submitted probably on November 13, 1980.

RECESS/RECONVENE

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

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

PERSONNEL MANNING LEVEL (HUMAN SERVICES)

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

<u>HUMAN SERVICES</u>	<u>DEPARTMENT</u>
Positions	<u>FROM</u> <u>TO</u>
	43 55
	<u>RECORD RESOLUTION</u>
	Personnel

HUMAN SERVICES

Kathy Snell, Director, Human Services Department, submitted requests and information as outlined in memorandum dated October 28, 1980:

- 1) Information - Manatee County led the State of Florida in the CETA job placement rate for the third quarter of FY 1980.
- 2) Authorize Chairman to sign a Modification Agreement for the Legal Aid component of the 1980 Community Services Trust Fund Grant. This agreement finalizes budget revisions approved by the Board on May 20, 1980.

✓RECORD AGREEMENT S11-74

- 3) Authorize the Chairman to sign a revision to the Manatee County Homemaker Project Grant which is funded through a Title III Older Americans Act grant including \$38,637 in federal funds, \$4,518 as local cash contribution and \$4,389 as in-kind contributions.
- 5) Approval of CETA Title II-B On-The-Job Training Contract No. R-346, Creative Composition, \$2,013.

Motion was made by Mr. Driggers to approve items 2, 3 and 5. Motion was seconded by Mr. McGavic and carried unanimously.

- 4) Authorize Chairman to sign a joint grant proposal which creates an Area Agency on Aging for Health and Rehabilitative Services, District VI. The proposal is in the amount of \$121,703 (Federal and State funds) and commits \$6,787 in local matching funds (Hillsborough will commit a like amount) for period April 1 through December 31, 1981.

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Scott Wilson, Tampa Bay Regional Planning Council, was available to answer questions.

Motion was made by Mr. Fortson to approve Item No. 4 as requested. Motion was seconded by Mr. McGavic. Voting "Aye" were Commissioners Fortson, McGavic, Parrish and Chairman Glass. Voting "No" was Commissioner Driggers. Motion carried.

H.O.P.E. OF MANATEE, INC

By letter dated October 23, 1980, Mary Fulford Green requested from the County the loan of some surplus items which are needed to maintain counseling by H.O.P.E. of Manatee, Inc.

Following report by the County Administrator that an IBM typewriter was available for loan, motion was made by Mr. Parrish to authorize the loan of a typewriter to H.O.P.E. and instruct the County Administrator to prepare the appropriate papers. Motion was seconded by Mr. Fortson.

Mr. Driggers and Mr. McGavic stated that they serve on the Board of Directors for H.O.P.E. of Manatee, Inc., but will receive no financial remuneration as a result of this motion.

Voting "Aye" were Commissioners Fortson, Driggers, Parrish and Chairman Glass. Commissioner McGavic voted "No." Motion carried.

DISABLED AMERICAN VETERANS "FORGET-ME-NOT" DRIVE

Motion was made by Mr. Parrish to approve request by the Disabled American Veterans to hold their annual "Forget-Me-Not" Drive in Manatee County on February 5, 6 and 7, 1981. Motion was seconded by Mr. Driggers and carried unanimously.

PERSONNEL, COUNTY: COST OF LIVING INCREASE

Motion was made by Mr. Fortson to adopt a

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS
TO AUTHORIZE AND EFFECT A COST OF LIVING PAY
INCREASE FOR EMPLOYEES OF THE BOARD

to be effective as of September 27, 1980; to be in the amount of nine (9) percent calculated upon base level of compensation of persons employed by the Board on or after October 25, 1980; to be reflected in payroll checks issued November 14, 1980. Motion was seconded by Mr. Parrish and carried unanimously.

RECORD RESOLUTION

Personnel

PERSONNEL, COUNTY: PAY PLAN

Motion was made by Mr. Driggers to adopt an Amendment to the Manatee County Pay Plan (Pay Grade/Classification Schedule) to be effective on September 27, 1980, the start of the first pay period in Fiscal Year 1980-1981. Motion was seconded by Mr. McGavic and carried unanimously.

RECORD PAY PLAN

Personnel

RURAL HEALTH SERVICES, INC.

By letter dated October 23, 1980, Martin D. Tier, Project Director, Manatee County Rural Health Services, requested the County to participate in the termite extermination of the Parrish School Building under bid of Fred Culbreth in the total amount of \$4,552.00. The County's prorated share would be \$600.

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

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PARKS AND RECREATION: SPECIAL INTERESTS CLASS INSTRUCTORS
AGREEMENTS: LIGHT OF YOGA SOCIETY; CONNIE TAXDAL

Motion was made by Mr. Driggers and seconded by Mr. McGavic to approve, ratify, confirm and authorize the Chairman to sign Special Interests Class Instructor's Agreements as follows:

- 1) Light of Yoga Society to instruct "Easy Does It Yoga" class
- 2) Light of Yoga Society to instruct "Yoga I" class
- 3) Connie Taxdal to instruct Stain Glass class.

Motion carried unanimously.

✓RECORD AGREEMENTS

S11-75
S11-76
S11-77

MANATEE COUNTY UTILITIES SYSTEM: NAME CHANGE

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

RESOLUTION CHANGING THE NAME OF THE
MANATEE COUNTY UTILITIES SYSTEM

to MANATEE COUNTY UTILITIES DEPARTMENT. Motion carried
unanimously.

✓RECORD RESOLUTION

S11-78

SAMOSET ELEMENTARY SCHOOL

The County Administrator submitted a letter dated October 28, 1980, from Emily R. Putnal, Principal of Samoset Elementary School, expressing appreciation to the County for financial support in providing new tennis-basketball court and softball diamond on their school playground. He advised that the County has received \$3,000 from the Samoset P.T.A. for the playground equipment.

SHERIFF BUDGET AMENDMENT

Upon motion by Mr. Driggers, seconded by Mr. McGavic the Sheriff Budget Account Amendment No. 11 for fiscal year 1979-80 was unanimously accepted.

PERSONNEL MANNING LEVELS AMENDED

Upon motion by Mr. Fortson, seconded by Mr. McGavic, a resolution was unanimously adopted amending authorized manning levels (positions) in the Departments of (1) Parks and Recreation, (2) Golf Course and (3) Materials and Services.

TRAVEL AUTHORIZATION (COLLIER)

Motion was made by Mr. McGavic to authorize travel for David B. Collier to attend the Executive Committee Meeting of State Association of County Administrators in Tallahassee from November 6 to 7, 1980. Motion was seconded by Mr. Parrish and carried unanimously.

PERSONNEL MANNING LEVEL AMENDMENT: RESCINDED

In order to afford Mr. Driggers an opportunity to review the Personnel Manning Levels in the Parks and Recreation, Golf Course and Materials and Services Departments, as amended in the Resolution adopted earlier in the meeting, motion was made by Mr. Fortson to rescind the action on said Resolution. Motion was seconded by Mr. Parrish. Voting "Aye" were Commissioners Fortson, Driggers, Parrish and Chairman Glass. Voting "No" was Commissioner McGavic. Motion carried.

EMERGENCY MEDICAL SERVICES

Motion was made by Mr. McGavic to authorize the County Administrator to begin necessary staff work and advertise for RFP (Request for Proposals) for management and personnel services in the Emergency Medical Services operation (process for Union recognition). Motion was seconded by Mr. Parrish and carried unanimously.

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UTILITIES: CAMP DRESSER & MCKEE, INC

The County Attorney submitted a proposed

MANATEE COUNTY UTILITIES SYSTEM AGREEMENT
FOR ENGINEERING STUDY OF WATER SUPPLY SYSTEM

between Manatee County and Camp Dresser & McKee, Inc. The study is designed to evaluate the existing Utilities System water distribution network to both establish its present condition and service to prepare a plan for additions necessary to accommodate future growth. The County will pay the Engineer compensation in the form of actual cost plus a fixed fee. ("Upset Limit" for services \$59,129.00)

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

RECORD AGREEMENT

S11-79

LAKE MANATEE: RECLASSIFICATION OF WATERS

Motion was made by Mr. McGavic to authorize the Chairman to sign a Petition for Rule Amendments and Reclassification of Waters to the Department of Environmental Regulations requesting amendment of

- = Rule 17-3.041 and Rule 17-3.161 to reclassify the waters of Lake Manatee as Florida Outstanding Waters.
- = Rule 17-3.161 to reclassify the waters of the Manatee River from the Bethany Vicinity to the sources thereof, including the East Fork and North Fork of the Manatee River, as Class 1-A Waters

Motion was seconded by Mr. Fortson and carried unanimously.

ORDINANCES 80-5 and 80-6 (PROPOSED)

Motion was made by Mr. Fortson to authorize the County Attorney to advertise for public hearing on proposed

- 1) Ordinance 80-5 amending various "No Parking" ordinances previously enacted by Manatee County and prohibiting the unauthorized parking of vehicles in handicapped parking spaces
- 2) Ordinance 80-6 prohibiting the parking of vehicles on the north side of 37th Avenue East between 9th Street East and 15th Street East

Motion was seconded by Mr. Driggers and carried unanimously.

KNOLLWOOD SUBDIVISION: SEWAGE COLLECTION SYSTEM

Motion was made by Mr. Fortson to adopt

RESOLUTION CONFIRMING ORDER TO CONSTRUCT
THE KNOLLWOOD SUBDIVISION SEWAGE COLLECTION
SYSTEM AND APPORTIONING THE COST THEREOF

in accordance with resolution adopted October 2, 1980, and establishing (preliminary) special assessment in the amount of \$12 per front foot abutting any street, road or easement in said subdivision. Motion was seconded by Mr. Driggers and carried unanimously.

RECORD RESOLUTION

S11-80

LEASE: ELLENTON FIRE CONTROL DISTRICT/EMERGENCY MEDICAL SERVICES

Motion was made by Mr. Driggers to approve and authorize the Chairman to sign a

Lease for Emergency Medical Services Crew and Ambulance Substation between Manatee County and the Ellenton Fire Control District

for a term of twenty years for the total sum of \$35,000 to be paid within thirty days of the execution of the lease. Motion was seconded by Mr. Parrish and carried unanimously.

RECORD LEASE S11-81

ZONING: R-80-67 L. MARSHALL DISHON

Motion was made by Mr. Fortson to adopt resolution approving

R-80-67 L. MARSHALL DISHON: REZONE TO M-1
(Approved October 30, 1980)

Motion was seconded by Mr. Driggers and carried unanimously.

RECORD RESOLUTION

PUBLIC SAFETY COMPLEX: KIMBALL PROPERTY CLOSING

In connection with recent purchase of property for construction of the Public Safety Complex, motion was made by Mr. Driggers, seconded by Mr. McGavic, to accept

- 1) Warranty Deed and Quit Claim Deed from William L. and Flora M. Kimball
- 2) Closing Statement

Motion carried unanimously.

ESTECH GENERAL CHEMICALS CORPORATION

The County Attorney reported that depositions will be taken on November 5, 6 and 7, 1980 regarding the Estech Phosphate Mining Permit Application for construction of slime pond, certain outfalls and a sewage treatment plant.

CLERK'S CONSENT CALENDAR

Upon motion by Mr. Driggers and seconded by Mr. McGavic the Clerk's Consent Calendar dated November 4, 1980, was unanimously approved:

BILLS FOR PAYMENT:

Manatee Memorial Hospital (Welfare)	\$ 5,417.28
(OB Clinic)	2,156.88
Refund: Linda Smith (OB Clinic)	50.00
Jacqueline Bundrage (OB Clinic)	2.00
All Children's Hospital (Welfare)	3,833.02
W.E.D. Contractors Estimate #7 MCUS	
Waste Water Treat Plant Proj 630-671-04	119,082.25
Joseph & Patricia Simanonok (Assessment on Costs of Appeal)	144.96
Mullock & Farrance (Pollution Control)	730.52

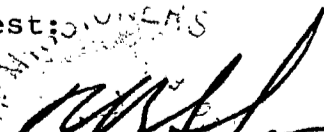
WARRANT LISTS:

Approve: From October 28 to November 4, 1980
Authorize: From November 4 to November 11, 1980

MEETING ADJOURNED

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

Attest:


Clerk

APPROVED:


Chairman 2/30/80

Adj: 2:45 p.m.