

NOVEMBER 20, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, November 20, 1980 at 9:08 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Vernon E. Vickers, Vice-Chairman
Claude E. McGavic
Westwood H. Fletcher, Jr.
Edward W. Chance

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 Mark Todd, Sarasota Herald-Tribune; David Priddy, WTRL, and others who entered during the meeting.

Invocation by Rev. Joseph Shafranek, Tenth Street Baptist Church.

The meeting was called to order by Chairman Glass.

SEPARATE PORT AUTHORITY

Upon suggestion by Mr. Fletcher that action be initiated as soon as possible to consider establishment of a separate Port Authority, the County Attorney advised this would require some type of legislation and that his office is prepared to discuss the matter further at a work session.

MANATEE MEMORIAL HOSPITAL

The Chairman announced that the Board of Trustees of Manatee Memorial Hospital will make a presentation in the Hospital Board Room at 7:30 a.m. Friday, November 21, 1980, regarding the impact of increased population on the County hospital.

REVENUE SHARING

Bob Fernandez, Assistant County Administrator, advised that Federal Revenue Sharing funds can be utilized for any public purpose and submitted information on amounts to be considered for appropriation:

I	Unappropriated Funds in Local Trust Fund	\$ 63,182
II	Amount Expected to be Received During the Upcoming Fiscal Year	\$1,200,000
III	Amount to be Reprogrammed From Prior Years	\$ 97,111

The Chairman declared the public hearing open for the purpose of obtaining written and oral comments from the public on the proposed uses of Revenue Sharing Funds in the budget for Fiscal Year 1980/81.

Paul Jaworski, 37th Street East, requested that the funds be used for paving 37th Street East, participation projects, and bike paths.

There being no one else to speak, the Chairman declared the public hearing continued until 7:30 p.m. to be held in conjunction with the 1980/81 Budget hearing.

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HIGHWAY PROJECTS

Phil Davis, Transportation Director, submitted various Highway projects for discussion and consideration:

1. 30th Avenue East at 9th Street East - Intersection Improvements
Cost estimate \$92,900 (Financed by gas tax funds)
Construction started 1976; \$4,000 expended for survey and engineering.
2. 37th Street East - Paving
Cost estimate \$219,973 (cannot be funded by gas tax monies)

It was suggested that paving 37th Street East is a more legitimate problem than improving the intersection of 30th Avenue East at 9th Street East. It was further suggested that County vehicles be prohibited from traveling this road until it is paved.

Mr Davis emphasized that whenever the Highway Department is notified that the condition of the road is unsatisfactory, that road receives top priority treatment.

Paul Jaworski, 37th Street East, questioned why the cost of paving this street, classified as a thoroughfare, had increased in one year from \$90,000 to \$219,973.

The Highway Director was instructed to compile figures as to how much is spent maintaining the street and make a comparison with what the cost would be to pave it over a four-year period; also, to prepare a cost figure on paving a portion of the road.

Action was deferred on both projects until Tuesday, December 2, 1980.

3. 75th Street Northwest from 15th Avenue to 17th Avenue - Bikepath/Sidewalk
Cost estimate \$4,175 (no funds budgeted)

The School Board requested a bikepath or sidewalk along the west side of 75th Street because the widening of the street does not leave room for children to walk.

Dolly Young concurred that the widening of 75th Street N.W. has created a hazard for children walking or riding bicycles to school.

4. Madonna Place & Whitfield Avenue (Abel School) - Sidewalks
 - (a) Along 12th Street E. from Idlewild Ct. south to school property: Cost estimate \$3,812.50
 - (b) Along Madonna Place from Whitfield Ave. south to school property: Cost estimate \$7,337.50
 - (c) Along Whitfield Ave. from 9th St. E. to 15th St. E.: Cost estimate \$14,462.50

Action was deferred on Projects 3 and 4 to afford Mr. Davis an opportunity to discuss with Bob Fernandez, Assistant County Administrator, the possibility of utilizing anti-recessionary and revenue sharing funds to cover these projects.

5. 34th Street West & El Conquistador Parkway - Installation of Traffic Signal and Street Illumination Lights
Cost estimate for traffic signal: \$20,000

The El Conquistador Neighborhood Association requested installation of a traffic signal and street illumination lights as well as gates preventing access to a new entrance to El Conquistador Parkway.

Although traffic studies indicate that traffic signalization is warranted, it was pointed out that there are higher priorities within the County for the signals. Mr. Davis recommended that the Board deny the request for gates preventing east/west connectors.

Mr. Davis agreed to arrange a meeting with the Association and the Board to discuss financial constraints and priorities.

6. 9th Street West - East/West Connector

Home owners in the area requested construction of a bridge suitable for automobile traffic in place of an existing pedestrian bridge. It was the recommendation of the Planning and Highway Departments to locate the bridge at approximately 36th Avenue and not at existing bridge.

The Highway Director was directed to respond to the request advising that Planning and Highway are working on the project, that there is an east/west connector (36th Avenue) which could tie into the overall traffic circulation plan, that a throughway would be created through their residential area and to make them aware of all costs associated with this project.

7. Victory Road in Area of Colony Lakes Estates - Status Report (Quasi-participation project)

Mr. Davis reported that the Highway Department is awaiting delivery of pipe (paid for by the owner) to be installed by County. Also, delay in completing the project is due to the fact that ownership of Colony Lakes Estates is in process of being transferred.

8. Ordinance: No Parking on 37th Avenue (Southeast High School)

The principal of Southeast High School advised that even if an ordinance is passed prohibiting parking on 37th Avenue between 9th Street East and 15th Street East, there would still be adequate parking for the students. He recommended the Board proceed with adoption of the ordinance.

ORDINANCE: NO PARKING ON 37TH AVENUE EAST (PUBLIC HEARING)

Motion was made by Mr. Fletcher to authorize the County Administrator to advertise the ordinance for a public hearing. Motion was seconded by Mr. McGavic and carried unanimously.

9. Saunders Road (63rd) Realignment

Regarding realignment of Saunders Road to intersect with Bayshore Gardens Parkway, Mr. Davis reported that Congress has failed to appropriate funds for continuation of this State-designed program. Design work has been completed and right-of-way has possibly been acquired.

The County Administrator advised that the new policy is that Federal Highway funds will be totally committed to maintenance and completion of the existing approved Inter-state System with no other Federal money being appropriated for any other highway construction or maintenance at any level.

10. Gaines Property (N.E. Corner) - Flooding (Area Manatee Hammock Drain / North of 26th Avenue E.)

Mr. Davis reported that Travis Gaines claims the County is responsible for flooding and drainage problems on his property located in the 1900 block of 26th Avenue East due to the construction of the G. T. Bray Center (Multi-Purpose Center). Mr Gaines has threatened to sue the County if additions are made to the Center.

After discussion, it was the concensus of the Board that the County carries no liability for the drainage problems.

RECESS/RECONVENE

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

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PLANNING & DEVELOPMENT - ASSISTED HOUSING PROJECTSProposed Housing Project FL-105-001/002

J. and G. Copeland Development Company proposes to construct 80 units of assisted housing on two sites (1) 70 family units on 57th Avenue East and 12th Street East (2) 10 units for the elderly on 46th Avenue Drive West, west of 27th Street.

Carol Clarke, Planning & Development Department, advised that the proposal is consistent with the Manatee County Housing Assistance Plan.

Motion was made by Mr. McGavic to authorize the Chairman to sign letters to the Department of Housing and Urban Development (funding agency) and Tampa Bay Regional Planning Council (which reviews all federally funded projects), forwarding comments on the proposal and an analysis of each site. Motion was seconded by Mr. Vickers and carried unanimously.

INSPECTOR FEE WAIVED (O'NEILL)

Al Cogan, Acting Director, Planning and Development, recommended approval of a request from James C. O'Neill, Chief Plumbing Inspector for the City of Sarasota, for a Certificate of Competency, with waiver of fee, which places his Inspector's License (originally issued in Manatee County) on inactive status while he is employed by a municipality. Mr. Cogan explained that this is a courtesy normally extended to inspectors employed by the various municipalities in the County.

Motion was made by Mr. Fletcher to grant the request. Motion was seconded by Mr. McGavic and carried unanimously.

ZONING ORDINANCE 74-3 SECTION 3: REQUEST FOR WAIVER (BLASZYK)

John Blaszyk, requested a waiver of Section 3 of Zoning Ordinance 74-3 to permit construction on a 2-1/2 acre lot located on 38th Avenue, stating that he was told at the time of purchase that this was a buildable lot.

Bill Swan, Planning and Development, explained that Mr. Blaszyk was refused a building permit because Section 3 of Ordinance 74-3 precludes creation of a lot smaller than the predominant lot size in the initial plat when first recorded.

This particular case pertains to Lot 30 in the Elwood Park Subdivision having a predominant lot size of 10 acres, however, several lots were cut prior to adoption of this ordinance. Mr. Blaszyk was told he could not obtain a building permit until he subdivided, creating a one-lot subdivision.

The County Attorney stated that if facts are such that this is a subdivision platted in 10 acre "tracts", it is his opinion that the intent of Ordinance 74-3 was to regulate the use of platted subdivisions when it was a non-residential plat.

Mr Vickers moved that, based upon the facts and circumstances involved in Parcel 30, owned by John and Marian Blaszyk, the provisions of Section 3 of Ordinance 74-3 do not apply. Motion was seconded by Mr. McGavic and carried unanimously.

Motion was made by Mr. Fletcher to accept Mr. Blaszyk's offer to cooperate with the appropriate County staff to arrange for public service easements fronting his property. Motion was seconded by Mr. McGavic and carried unanimously.

WAIVER OF OFF-STREET PARKING AND LANDSCAPING (HARLOFF)

William C. Grimes, Attorney, representing Roger Harloff, requested a waiver of landscaping and off-street parking for trucks entering and leaving a packing house to be constructed by his client. Mr. Harloff had acquired a 10-acre parcel of land on Memphis Road at 17th Street (M-1 District) in the Palmetto-Ellenton area and had applied for a building permit.

Because a question was raised as to whether the area used by the trucks is considered a parking facility, Mr Grimes pointed out that, in addition to the tremendous expense of paving the area, it was preferred it not be paved as it will be a shell base providing percolation and drainage. He noted that the parking lot for the employees will be paved.

Motion was made by Mr. Chance to approve the waiver of parking and landscaping requirements. Motion was seconded by Mr. Vickers and carried unanimously.

SHERIFF: SUBGRANT/STEP GRANT APPLICATION

The County Administrator submitted information, which was requested by the Board on November 28, 1980, pertaining to decrease in the Sheriff's Subgrant/STEP Grant Application.

It was explained that the items deleted by the State did not require local match by the County; therefore, project activities requiring local match were not affected so the County's share (match) was not modified.

ORDINANCE: ANIMAL CONTROL

Upon motion by Mr. Fletcher, seconded by Mr. Vickers, the County Administrator was authorized to advertise for a public hearing to be held on December 16, 1980 for the purpose of considering an updated Animal Control Ordinance. Motion carried unanimously.

COUNTY ATTORNEY SERVICES

The County Administrator submitted a study of alternative methods for securing legal counsel and representation for Manatee County. The legal services structure, comprised of a General Counsel (County Attorney), a full-time Assistant County Attorney, and Special Counsel, was recommended as the method being most appropriate and responsive to the needs of Manatee County.

The County Attorney pointed out that the examples in the study of other counties do not reflect any work in connection with phosphate mining or a Port Authority and if these were excluded his fees would be less than those counties mentioned in the study.

It was noted that the amount of money involved was not the issue, but rather the Board had requested an analysis of its legal system.

RECESS/RECONVENE

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

The Board reconvened at 1:35 p.m. with all members present.

COUNTY ATTORNEY SERVICES

The Chairman announced that the matter of County Attorney Services will be placed on the agenda during the first week in December.

ORDINANCE: PROHIBITING ILLEGAL DISCHARGE INTO WATERSHED

The Chairman reported that Richard Nelson, Attorney for Sarasota County, had expressed concern that the Manatee County Mining Ordinance does not prohibit above-ground slime ponds and indicated it is imperative that such an ordinance be passed in order that the County is not in jeopardy in its own lawsuit (Estech Chemicals).

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The County Attorney reported that he is in the process of contesting Estech General Chemicals Corporation's mining project, and others in general, to protect the watershed. One of the items contested is the type of discharge made into the water system.

His office has recommended that the Utilities System proceed with a short-form ordinance which states there will be no point source discharges into the watershed from any new industry; however, there is some question on the technicalities in wording the ordinance. The Planning Department is preparing a reservoir protection ordinance and a mining ordinance, but Mr. Nelson is of the opinion there should also be an ordinance stating there will be no above-ground slime ponds.

He explained that there is a hearing scheduled for January and it would be in the best interests of the County to have an ordinance, which prohibits illegal discharge into the watershed, before the hearing officer.

Ray Schenk, reported that he read an article relative to a State issue on mining projects pertaining to a new process which would amount to zero discharge and suggested the Board pursue this.

Upon question regarding the legality of changing the mining ordinance after the companies have approval to mine for phosphate, the County Attorney advised that one company is in jeopardy because they substantially deviated from their original approval, and those that have not yet started to mine can be prohibited from illegal discharge.

It was concluded that the County Attorney be instructed to prepare a "short-form" ordinance, prohibiting illegal discharge into Lake Manatee and Ward Lake, to be placed on the agenda for Tuesday, November 25, 1980.

STATE ASSOCIATION OF COUNTY COMMISSIONERS - GLASS APPOINTMENT

Motion was made by Mr. Fletcher to authorize a letter directed to the State Association of County Commissioners announcing that Mrs Glass had been appointed to serve on the Board as replacement for Mr. Driggers. Motion was seconded by Mr. McGavic and carried unanimously.

HEALTH & REHABILITATIVE SERVICES (HRS) DISTRICT VI ADVISORY BOARD

The County Attorney suggested that a recommendation be made to the Governor on appointment of a member of this Board to the Health and Rehabilitative Services District VI Advisory Board.

He suggested, also, that the Board consider a policy on not appointing a member to a committee or organization if there was any indication of a possibility there would be, in the future, requests for county funds, equipment, etc., in connection with related activities.

LAWSUIT: FAIR LANE ACRES PROPERTY OWNERS ASSOCIATION

The County Attorney reported on the status lawsuit

Re: Fair Lane Acres Property Owners Association, Inc.,
et al., vs Fair Lane Utilities, Inc., and
Manatee County, Florida, Case No. CA 80-699

which involved a dispute between various residents of Fair Lane Acres Mobile Home Park through a civic association and the operators of a private water and sewer system. (If Plaintiffs were successful against other Defendants, relief sought against Manatee County is mandatory injunction to force MCUS to furnish water and sewer service to the locality.) A rate study of the Utilities System, by Black and Beach, may possibly solve the problem.

Circuit Court Judge Frank Schaub, on October 30, 1980, entered an Order granting the County's Motion to Dismiss, with prejudice.

CLERK'S CONSENT CALENDAR

Upon motion by Mr. McGavic, seconded by Mr. Chance, the Clerk's Consent Calendar, dated November 20, 1980, was unanimously approved as follows:

BILLS FOR PAYMENT

Health and Rehabilitative Services/ Manatee County Health Department	
For: Simkus, Southerland & Newhall, M.D.'s	\$29,021.25
Sutton & Turner, M.D.'s	17,418.75
Refund: John Proctor (H. H. Block Examination)	50.00
Adams Welding	50.00
Mulock & Farrance (Services rendered thru 10/31/80)	855.52

WARRANT LISTS

Approve: From November 11, 1980 to November 20, 1980.

Authorize: From November 20, 1980 to November 25, 1980.

RECESS/RECONVENE

The meeting was recessed until 7:30 p.m.

The meeting was reconvened at 7:33 p.m. with all members present.

BUDGET FISCAL YEAR 1980-81

The Chairman declared the public hearing open for the purpose of considering the proposed tentative budget for fiscal year 1980-81.

Bob Fernandez, Assistant County Administrator, indicated that the proposed tentative budget estimate represents an increase of 17 percent from the roll-back rate--that millage rate which will generate the same amount of advalorem tax revenue as was generated the previous year. He outlined specific reasons for the proposed increase.

Mary Fulford Green, Director of Programs for H.O.P.E. of Manatee, Inc., requested additional funding for the operation of the spouse abuse program.

Speaking in opposition to any increase in the proposed budget were Mr. Gotzl; Mike Cline; Audrey Kiesacker, Chairman of the Manatee County Democratic Party; John L. Reynolds, 2203 43rd Street West; and Paul Willits.

Responding to question from Dick Blankenship, Palma Sola Park, the new law regarding homestead exemption was explained by Frank Perkins, Property Appraiser elect.

Speaking in favor of funding proposed in the budget for construction of the Island Library were Cornelia Uber, Vice-Chairman of County Library Board and member of Friends of the Library Executive Board, and Mrs. G. Walker, member of Friends of the Island Library. Letters in support were also submitted from George Buermann, Director, Friends of the Island Library; Mrs. Carl Telander and Mrs. Fred Voorhees.

FEDERAL REVENUE SHARING FUNDS

The public hearing opened earlier in meeting was continued for purpose of obtaining written and oral comments from the public on the proposed uses of Revenue Sharing Funds in the upcoming budget for Fiscal Year 1981.

In response to question regarding use of Revenue Sharing Funds to maintain cemeteries, the County Administrator explained that, based on a resolution adopted by the Board of County Commissioners about ten years ago, the County had been maintaining privately owned cemeteries. Due to questions that had been raised on legality of

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expenditure of public funds for this purpose, which included payment for damages (to tombstones, etc.) by County personnel, action was taken by the Board (on November 18, 1980) to cease maintenance on said cemeteries.

The Chairman declared the public hearing on the Federal Revenue Sharing closed.

In connection with proposed uses of the Revenue Sharing, the Board generally concurred revising proposed uses as follows:

<u>DELETE</u>	
-Fishing Reef Supplement (Unappropriated Funds in Local Trust Fund)	\$13,182
-Fishing Reef Supplement (From prior years)	\$ 2,341
<u>ADD</u>	
-School Sidewalks	\$15,523 plus any remaining funds available

RECESS/RECONVENE

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

It was pointed out that the Board had funded only \$1,206 for H.O.P.E. of Manatee for the annual budget (amount approved for first quarter). The Board was in general concurrence to modify the total annual contribution to \$4,824 by reducing Contingency in the amount of \$3,618.

Motion was made by Mr. McGavic to adopt the tentative budget as amended. Motion was seconded by Mr. Vickers and carried unanimously.

The Assistant County Administrator announced the millage rates associated with the budget, as adopted:

County wide millage	7.1013 mills
Debt service	.1885 mills
Municipal Service Taxing Unit,	<u>.9233 mills</u>
TOTAL	8.2131 mills

The 7.1013 represents 11.3 percent increase from the rollback rate.

The public hearing on the tentative budget was declared closed.

MEETING ADJOURNED

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

Attest:


Clerk

APPROVED:


Chairman

Adj: 9:39 p.m.

MANATEE

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