

DECEMBER 2, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, December 2, 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
R. B. Shore, Clerk of Circuit Court

Representing the various news media were Libby Allison, The Bradenton Herald; Mark Todd, Sarasota Herald-Tribune; David Priddy, WTRL; Betty Kohlman, St. Petersburg Times; and others who entered during the meeting.

Invocation by Rev. Dennis Kezar, Christ Episcopal Church.

The meeting was called to order by Chairman Glass.

TRANSIT SYSTEM: PROPOSED PUBLIC LAW 41 (RULES)

Commissioner McGavic reported that SMATS/MPO had discussed the Proposed Public Law 41 dealing with requirements for making the County's transit system more accessible and the proposed rules are the subject of a public hearing to be held December 10 in Clearwater, Florida. The MPO and the State Department of Transportation have gone on record opposing the proposed rules and all parties involved at the State and local level are requesting this Board to endorse those positions. (Mr. McGavic had been re-elected Chairman of the MPO.)

He explained that, in addition to other requirements, some of the rules would be that...

- =no more than one transfer should be required on intra-county trips;
- =the portal-to-portal ride time should not exceed 1 hour and 15 minutes for in-county trips;
- =service must be available between 7:00 a.m. and 10:00 p.m., seven days per week;
- =pick-ups must be made within 15 minutes of the designated time;
- =inter-county connections, a minimum of 4 per day, must be available on principal arterial highways;
- =school buses, which must be the same color and design as public transit buses, shall be used when not being used to transport children;
- =SMATS would become the operator of the transit system, etc.

Motion was made by Mr. McGavic to instruct the staff to prepare appropriate resolution for consideration December 9, 1980 opposing the rules. Motion was seconded by Mr. Vickers and carried unanimously.

MPO UNIFIED PLANNING WORK PROGRAM

Mr. McGavic relayed request by MPO that preparation of the Unified Planning Work Program begin for the next fiscal year and recommended that concentration be placed on several primary areas that staff feels can reasonably be completed within the year.

The County Administrator was instructed to prepare recommendations focusing on primary areas as well as reviewing this year's program.

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WEST COAST INLAND NAVIGATIONAL DISTRICT

Mr. Fletcher reported that he was elected Treasurer of the West Coast Inland Navigational District.

HUMAN RIGHTS WEEK

The Board acknowledged a proclamation from Governor Bob Graham proclaiming the week of December 7-13, 1980 as Human Rights Week in Florida.

JUNK YARD: 57TH AND 3RD AVENUE

The County Attorney was instructed to investigate the legal aspects of a non-conforming junk yard existing at 57th Street and 3rd Avenue.

ORDINANCES 80-5 AND 80-6 (PARKING)

The Chairman declared public hearing open for the purpose of considering

ORDINANCE NO. 80-5 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE AMENDMENT OF MANATEE COUNTY ORDINANCES NO. 74-1, 74-8, 74-9, 74-11, 75-1, 76-2, 76-6, 77-2, 77-3, 79-2 AND 79-14; PROVIDING FOR THE ESTABLISHMENT BY RESOLUTION OF A COUNTY PARKING TICKET FORM; PROVIDING AUTHORITY FOR LAW ENFORCEMENT OFFICERS TO ISSUE COUNTY PARKING TICKETS; PROVIDING AUTHORITY FOR LAW ENFORCEMENT OFFICERS TO ATTACH COUNTY PARKING TICKETS TO UNATTENDED VEHICLES; PROHIBITING UNAUTHORIZED PERSONS FROM PARKING IN SPACES DESIGNATED FOR "PARKING BY DISABLED PERMIT ONLY"; PROVIDING A CIVIL PENALTY FOR THE COMMISSION OF A COUNTY TRAFFIC INFRACTION; PROVIDING AN EXCEPTION TO LIABILITY FOR PAYMENT OF A CIVIL PENALTY FOR VIOLATION OF A COUNTY TRAFFIC INFRACTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

and

ORDINANCE NO. 80-6 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, PROHIBITING THE STOPPING, STANDING, OR PARKING OF MOTOR VEHICLES ON CERTAIN COUNTY MAINTAINED STREETS IN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; PROVIDING A CIVIL PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The Chairman declared the public hearing open for the purpose of hearing comments regarding both ordinances.

Mr. Prather explained that Ordinance 80-5, if enacted, will assist the Sheriff's Department in dealing with handicapped parking violations on private property, i.e., shopping centers, etc. Ordinance 80-6 will prohibit parking on the north side of the right of way of 37th Avenue East between 9th Street East and 15th Street East.

The Chairman declared the public hearing closed.

Mr. Fletcher moved to adopt proposed ordinances 80-5 and 80-6 as submitted. Motion was seconded by Mr. McGavic and carried unanimously.

RECORD ORDINANCESS11-107
S11-108UTILITIES/SWFMD CONSUMPTIVE USE PERMIT

Richard Wilford, Director, Manatee County Utilities Department, requested that a work session be scheduled to discuss the terms and conditions of Southwest Florida Water Management District (SWFMD) Consumptive Use Permit No. 205387 for Manatee County Utilities System (Re: application to increase water supply from reservoir at Lake Manatee). There were no objections.

Upon question as to why the County does not have a representative on SWFMD, Ed Hoyt, District Coordinator for SWFMD and local representative of the Manasota Basin Board, advised that the

Manasota Basin Board represents both Sarasota and Manatee Counties and that the Board's most powerful representation comes locally from the Manasota Basin Board. The Governor appoints members to the Manasota Basin Board.

Mr. Chance reported that he has been appointed liason with the Manasota Basin Board.

Mr. Hoyt and Mr. Wilford agreed to make arrangements to have SWFMD technical staff, project engineer, et al, attend the work session.

MYAKKA RIVER: WILD AND SCENIC RIVERS ACT AMENDMENTS

Charles Hunsicker, Planning and Development, submitted a letter directed to Honorable Lawton Chiles, United States Senator, expressing support of Amendments to Sec. 2(a) Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) to include paragraph (77) for that segment of the Myakka River north of the southern boundary of the Myakka River State Park in the list of river segments to be studied for designation under the Act.

Mr. Fletcher moved to authorize the Chairman to sign the letter. Motion was seconded by Mr. Vickers and carried unanimously.

BAYBORO HARBOR/EGMONT KEY: DREDGING

Mr. Hunsicker submitted a letter directed to Rebecca Hanmer, U.S. Environmental Protection Agency, reiterating the Board's objection to the St. Petersburg Harbor (Bayboro) Maintenance Dredging Project (dumping spoil into Egmont Key) and requesting EPA representatives to attend a public meeting with the Army Corps of Engineers in January 1981 as well as an agenda meeting with federal, state and local representatives the week of December 15, 1980.

He reported that for the Bayboro Harbor project, a permit was written for 400,000 cubic yards of material, and that the Army Corps of Engineers also intends to utilize this site for disposal of up to an additional 600,000 cubic yards.

Motion was made by Mr. Fletcher, seconded by Mr. McGavic, to authorize the Chairman to sign the letter. Motion carried unanimously.

Upon suggestion, Mr. Fletcher agreed to contact the television show "60 Minutes" and request that they investigate this matter.

PHOSPHATE MINING ACTIVITIES

Bob Rile, Planning and Development, briefed the Board on the activities of the four phosphate mining companies presently in Manatee County:

1. Beker Mine - DRI, Master Mining Plan, and Special Exception approved by the County in January 1975. Operating Permit granted in February 1978.
2. Phillips/Amex Mine - Development Order issued in July 1976 which was appealed to the State. Settlement was brought back to the County in 1978 at which time they were instructed to hold another DRI hearing.
3. Swift/Estech Mine - Application for Development Order denied by County in August 1979. The Court overturned the County's decision. Estech is currently applying for water pollution permits from the State, Department of Environmental Regulations and Environmental Protection Agency.
4. W. R. Grace Mine - Board approved DRI, Master Mining Plan and Special Exception in December 1977. Workshop scheduled for December 10, 1980 in Commission Chambers to discuss operating permit.

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He reported that the Governor and Cabinet, sitting as the head of the Department of Natural Resources, passed new reclamation rules under Chapter 16(c) of the Florida Administrative Code. It has been indicated that the Governor is going to have a state-wide bill taking reclamation out of the tax statute and placing it into a pollution control statute under the control of Department of Environmental Regulations (DER).

Representative Shackelford has been appointed as Chairman of the Select Committee on Mining and Reclamation and committee meetings are already starting.

Inasmuch as it appears that the most important issue facing the County is how to deal with usurping local control, it was suggested that the Phosphate Mining Coordinator, the Phosphate Monitor with Pollution Control Department, the County Attorney and the Board members meet with Mr. Shackelford and his committee as soon as possible to review the proposed legislation.

Following discussion regarding separating the Mining Ordinance from the Zoning Ordinance, the County Administrator and Planning and Development staff were requested to submit reports to the Board on Tuesday, December 9, 1980 regarding the pros and cons of a separate mining ordinance, also, review of the Beker mine and direction with Mr. Shackelford.

Judy Kavanaugh, Environmental Counsel for Hardee County, suggested that there be coordination by the local governments with similar interests and that they go to Tallahassee together in the effort to achieve and retain local control.

RECESS/RECONVENE

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

37TH STREET EAST PAVING PROJECT

Action on the 37th Street East Paving Project was deferred pending a briefing on paving priorities by the Transit Director.

TOURIST DEVELOPMENT COUNCIL: TAX USE AND BUDGET

There was discussion on the establishment of the office of the Tourist Development Council (in Chamber of Commerce), which would handle advertising and matters pertaining to the use of the Tourist Tax.

Mr. Shore explained that the Tourist Development Council would prepare its own budget. The Clerk's office, however, will handle this budget exactly the same as other County departments, except the Council would be charged one and one-half (1-1/2) percent of the collections for doing this work.

Action was deferred to Tuesday, December 9, 1980 to afford the County Administrator an opportunity to prepare appropriate material and bring his recommendations to the Board. Members of the Chamber of Commerce and representatives of the Tourist Development Council will be present.

BANK COURIER SERVICES (CLERK'S OFFICE)

The County Administrator submitted a memorandum from R. B. Shore, dated November 26, 1980 recommending that the Sheriff's Department provide bank courier services for a contract fee with the County. He explained that transportation of money from various county locations to banks is a daily activity and requires proper security. A Resolution amending the 1980-81 Budget by item to item transfers to fund this project was also submitted for consideration.

Mr. Shore explained that the Sheriff would provide an armed deputy and a car on a year-round basis. The deputy would be on call for County runs and at all other times be free for other services the Sheriff may require. He advised that Sam Cornwell, Tax Collector, requests that he be included in the Bank Courier Services and agrees to pay the cost of \$2,000 to the County.

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Upon question, Mr. Shore stated if he purchased the car and hired a man to provide these services, the cost would be far in excess of what the Sheriff is proposing. At the present time, the mail courier handles the bank runs; however, this is not his prime responsibility and the possibility exists of his being hurt through an armed attack.

Deputy McDonald and Captain O'Brien, Sheriff's Department, explained that they intend to take someone from staff to perform these services and replace him with a new employee.

Motion was made by Mr. Fletcher to approve the recommendation of the Clerk of Circuit Court contained in his memorandum dated November 26, 1980. Motion was seconded by Mr. McGavic and carried unanimously.

Motion was made by Mr. Fletcher to adopt the Resolution providing for transfer of funds in the amount of \$13,783.00. Motion was seconded by Mr. McGavic and carried unanimously.

SHERIFF'S DEPARTMENT

From: Reserve for Contingency

To: Sheriff

\$13,783.00

RECORD RESOLUTION

S11-109

Motion was made by Mr. Fletcher to instruct the County Attorney to prepare a contract between the Sheriff's Department and the Tax Collector, Board of County Commissioners, and the Clerk of Circuit Court.

(Depart Mrs. Glass and Mr. McGavic. Mr. Vickers presides as Chairman.)

DEPARTMENT OF COMMUNITY AFFAIRS

Mr. Shore reported that he has received \$122,890.07 back from the Department of Community Affairs, which completely pays all auditing fees for last year.

PARKS AND RECREATION: REFUNDS TO DEPARTMENT OF NATURAL RESOURCES

Mr. Shore submitted his memorandum dated November 25, 1980 concerning his review of request from the Department of Natural Resources (DNR) for refund of \$33,335.47 in grants paid to Manatee County for Parks and Recreation Department to build specified recreation projects. This amount was based on an audit report covering questionable costs charged to the projects.

By counter proposal, he recommended that the County (1) refund to DNR a net total of \$16,067.75 of Florida Recreation Development Assistance Program funds received, but not reasonably justified as yet (by Internal Audit staff), and (2) refund all disputed Florida Boating Improvement Program (FBIP) funds in the amount of \$2,960.47.

He requested that refund in the amount of \$16,067 be deferred for further negotiations with DNR. He requested the Board to approve refund in the amount of \$2,960.47 and submitted a Resolution authorizing amendment to the 1980-81 Budget by item to item transfer for this purpose.

The County Administrator concurred with Mr. Shore.

Based on the recommendations of the Clerk and County Administrator, Mr. Fletcher moved to approve the refund of \$2,960.47 as outlined in Item No. 2 in memorandum dated November 26, 1980, adopt the appropriate budget resolution, and defer Item No. 1 in said memorandum. Motion was seconded by Mr. Chance and carried unanimously.

ADMINISTRATOR

From: Reserve for Contingency

To: Board of County Commissioners Misc. Expenses
(DNR Refund)

\$2,961.00

RECORD RESOLUTION

S11-110

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HUMAN SERVICES

Kathy Snell, Director, Department of Human Services, submitted for approval items 1 through 4 as outlined in her memorandum dated November 24, 1980:

1. Authorize Chairman to execute grant application for Title III-B Older Americans Act funds in the amount of \$5,314 (\$4,782 in Federal Funds; \$532 in kind contributions of staff services) for Recreational Coordinator at Samoset Multi-Purpose Center.
2. Adopt resolution authorizing Juvenile Justice Delinquency Prevention grant (\$15,824.00) for "Social Kaleidoscope Involving Peers and Parents" (SKIPP) to be implemented by Manatee County Girls Club. (No local match)
3. Authorize Chairman to sign SKIPP grant proposal.

Motion was made by Mr. Fletcher, seconded by Mr. Chance, to adopt a resolution authorizing submission of application for the J.J.D.P. Grant and to authorize the Chairman to execute Title III-B Older American Act funds and SKIPP grant proposal. Motion carried unanimously.

✓RECORD RESOLUTION S11-111

4. Authorize Chairman to execute lease with Wyman, Green, & Blalock for Room 120, Walcaid Building (\$345.25 per month) to June 30, 1983.

Motion was made by Mr. Chance to authorize the Chairman to sign the lease with Wyman, Green and Blalock. Motion was seconded by Mr. Fletcher and carried unanimously.

✓RECORD LEASE S11-112

MATERIALS AND SERVICES

By memoranda dated November 20 and 24, 1980, Gary M. Knuckles, Director, Materials & Services, requested approval of the following:

UTILITIES

1. Installation of 5,000 Gallon Underground Diesel Fuel Storage Tank - Bid No. 81-01-100-13
 - a. Award to lowest responsible bidder, Clemens Equipment Service, \$8,613.00

Upon motion by Mr. Fletcher, seconded by Mr. Chance, award of Bid No. 81-01-100-13 was unanimously approved (as recommended).

2. Knollwood Subdivision Sewer System - Bid No. 81-11-C00-17
 - a. Award to lowest responsible bidder, Woodruff & Sons, \$50,782.10.

Mr. Chance moved to accept Bid 81-11-C00-17 for the Knollwood Subdivision Sewer System (Woodruff & Sons). Motion was seconded by Mr. Fletcher and carried unanimously.

MANATEE RIVER: RECLASSIFICATION OF WATERS (LAKE MANATEE)

The County Attorney submitted an Amendment to Petition for Rule Amendments and Reclassification of Waters amending the petition filed with the Department of Environmental Regulations on or about November 7, 1980. By this Amendment the County abandons and withdraws its request that the waters of Lake Manatee be classified as Florida Outstanding Waters and requests that said waters remain as presently designated Class 1-A Waters.

Motion was made by Mr. Fletcher to approve the Amendment to the Petition for Rule Amendments and Reclassification of Waters. Motion was seconded by Mr. Chance and carried unanimously.

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TRANSIT: LEASE OF BUSES

The County Administrator submitted a memorandum from Philip A. Davis, Director, Department of Transportation, requesting that the County avail themselves of an offer made by the State Department of Transportation to lease three 35-passenger diesel coaches at a cost of \$185.00 per month. He requested concurrence from the Board so that he could advise the Department of Transportation that the County is interested in leasing these buses.

The Board concurred that they are interested and authorized staff to proceed.

EASEMENTS: DRAINAGE - (WARNER'S EAST BAYOU)

In connection with extension of Warner's East Bayou into Brack's Subdivision and Harbor Woods Subdivision:

Upon motion by Mr. Fletcher, seconded by Mr. Chance, a drainage easement was unanimously accepted from William L. and Susan C. Farrington (Parcel No. 8.1).

Upon motion by Mr. Fletcher, seconded by Mr. Chance, a drainage easement was unanimously accepted from Michael J. and Joan C. Oliszerwski (Parcel No. 5.1).

CLERK'S CONSENT CALENDAR

Upon motion by Mr Fletcher, seconded by Mr Chance, the Clerk's Consent Calendar dated December 2, 1980 was unanimously approved as follows:

BONDS

- | | | |
|--------------------|--|-------------|
| 1) <u>Release:</u> | Housemoving Surety Bond=
G. Kish | \$ 1,500.00 |
| 2) <u>Approve:</u> | Public Official Bond, Ellenton Fire
Control District Member=
Charles Henry Sylvester (Surety, Hartford
Surety Co. of the Southeast) | 1,000.00 |
| 3) " | Driveway Permit #7763=
Jack Weeks | 375.00 |

BILLS FOR PAYMENT

Mann & Fay (MCUS; Fairlane Acres)	250.00
Russell & Axon (Eng. Serv. for Water & Sewer Improvements)	3,608.75
W. R. Frizzell Architects (Public Safety Complex)	40,283.12
<u>Refund:</u> Shirely Ruth (Lost Book)	16.90

WARRANT LISTS

From December 2, 1980 to December 9, 1980 and authorize Warrant Lists to December 16, 1980.


MEETING ADJOURNED

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

Attest:

APPROVED:


Clerk


Chairman 2/24/81

Adj: 12:12 p.m.