

DECEMBER 18, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, December 18, 1980 at 9:09 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. Clif McDonald, Chaplain, Manatee Memorial Hospital.

The meeting was called to order by Chairman Glass.

CONSOLIDATION OF SERVICES (UTILITIES) - CITY OF BRADENTON

Suggestion by Mr. McGavic that the Board of County Commissioners contact the City of Bradenton regarding the possibility of combining County and City utility systems was discussed. There were no objections to Ms Glass arranging a joint meeting with City Council early in January 1981.

HISTORICAL COMMISSION

Motion was made by Mr Fletcher to reappoint members to the Historical Commission (four-year terms to expire on January 1, 1985) as follows:

George Fincken	Dr Joseph Lowe
Ms Clyde W. Perry	Joe Warner
Travis Gaines	Col. G. Warren Johnson, Jr.

Motion was seconded by Mr Vickers and carried unanimously.

Colonel G. Warren Johnson, Chairman of the Historical Commission, summarized the function and some of the accomplishments of the Commission and introduced the members who were in the audience. Mrs Sam Carter, a member, invited the County Commissioners to attend the monthly meetings held on the second Friday of each month at the United Methodist Church.

Commissioner Fletcher volunteered to serve as liaison representative of the Board of County Commissioners to the Historical Commission.

BUILDING CONTRACTORS EXAMINING BOARD

Bette Dodge, County Administrator's office, submitted recommendation by the Building Contractors Examining Board that Robert Richardson or Robert Whitlock be appointed to replace Gene T. Willis, who had resigned due to change of residency out of the county.

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By letter dated December 4, 1980, Ralph A. Varner, Jr., volunteered his services and requested that he be considered for the position.

Motion was made by Mr Chance to advertise the vacancy. Motion was seconded by Mr Vickers and carried unanimously.

ADVISORY BOARDS CALENDAR

Staff was instructed to develop a calendar of the various County Advisory Boards, Councils, Committees, etc, indicating existing vacancies, vacancies that will occur during 1981, and denoting vacancies where advertising is required.

CITIZENS SOLID WASTE ADVISORY COMMITTEE

Ms Dodge reported that according to Larry Rhodes, Director of Mosquito Control Board, the Citizens Solid Waste Advisory Committee, established primarily to develop a Resource Recovery Management Plan, had completed this assignment.

Motion was made by Mr Vickers, inasmuch as tenure expires on December 31, 1980, to phase out this Committee with appropriate letters of commendation to the members. Motion was seconded by Mr McGavic and carried unanimously.

RESOURCE RECOVERY COMMITTEE

It was the consensus of the Board that it would be appropriate to formulate a Resource Recovery Committee at an early date to continue the effort.

CONSTRUCTION CODE BOARD OF APPEALS

In connection with appointments to Construction Code Board of Appeals (12/10/80), Ms Dodge advised that Ken Slack has declined appointment, and Joe Miller, who is a mechanical engineer, does not meet membership requirements as to category.

Motion was made by Mr Chance to rescind previous action appointing Ken G. Slack and Joe Miller to the Construction Code Board of Appeals. Motion was seconded by Mr Fletcher and carried unanimously.

Motion was made by Mr Chance to reappoint the members whose terms are expiring:

Dan Zoller	-	Civil Engineer
Dale Kipp	-	Electrical Engineer
John Benson	-	Mechanical Engineer

Motion was seconded by Mr Fletcher and carried unanimously.

TRAVEL AUTHORIZATION - STATE ASSOCIATION OF COUNTY COMMISSIONERS

Upon motion by Mr McGavic, seconded by Mr Vickers, travel was unanimously authorized for all members of the Board to attend the State Association of County Commissioners work shop in Tallahassee, January 11-14, 1981.

BOARD MEETING CANCELLED

The Chairman announced that there will be no Regular Board meeting on Tuesday, January 13, 1981, due to Commissioners being out of town.

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS - A-95 REVIEW

Carol Clarke, Planning and Development, submitted A-95 Review memoranda in connection with the following proposals for 1981 Community Development Block Grant funds:

Project 448-80	-	Island Multi-purpose Center for Elderly and Handicapped (\$498,380)
Project 442-80	-	Northeast and Northwest Revitalization Areas, Palmetto (\$499,000)

Since Manatee County is competing for these same Community Development Block Grant funds (for Rubonia Water System) and it would be inappropriate to make recommendations to the funding agency, Ms Clarke requested the County Administrator be authorized to sign letters to Tampa Bay Regional Planning Council declining to comment on A-95 review of Projects 448-80 and 442-80.

Motion was made by Mr McGavic to authorize the County Administrator to sign the letters. Motion was seconded by Mr Chance and carried unanimously.

W. R. GRACE CO - PHOSPHATE MINING PERMIT

Bob Rile, Planning and Development Department, made a presentation on the impact a failure of an above-grade clay settling area (contemplated as a part of the W. R. Grace Four Corners Mine) might have on Lake Manatee and outlined the components involved in analysis.

He pointed out the issue at this point is whether there is sufficient information on record or if Staff should proceed with securing additional data at approximate cost of \$10,000 and time frame of 30-45 days. Additional information would be desirable with respect to various alternatives as well as the approach that is currently proposed.

It was brought out during discussion that certain mechanical clarifying processes for treating water is a known engineering principle and that the phosphate industry is looking into such process as means of eliminating the need for slime ponds.

Dewey Dye, Attorney for W. R. Grace Company, pointed out that the existing development order contemplates clay settling areas, and deviation from the approved master mining plan would pose serious questions. The applicant is basically concerned about any additional time consumed in reaching a decision, and whether or not issues that are being raised are proper or relevant to the decision the County is facing.

Mr Dye urged the Commissioners and Staff to submit specific questions and concerns so Grace can give definitive answers.

Action was deferred until Tuesday, December 23, 1980.

TARA DRI - TAMPA BAY REGIONAL PLANNING COUNCIL

In connection with the TARA Development Order, approved by the Board on November 13, 1980, Bob Rile summarized concerns of the reviewing staff of Tampa Bay Regional Planning Council (TBRPC) in regard to the potential traffic impacts on SR 70 and the revised language proposed by TBRPC to be used in the Development Order recommending various alternatives to mitigate the project impacts.

The Comprehensive Plan calls for a fair share program regarding roads and this is the language the County incorporated in TARA development order.

Roger Tucker, Counsel for TBRPC, advised that the Regional Staff is merely asking that recognition on phasing of SR 70 be addressed. It was pointed out to Mr Tucker that SR 70 is a State Road and it is neither appropriate nor practical for the County to assume responsibility for its protection.

After advising that the next step at regional level is to file an appeal, Mr Tucker requested the County to adopt an amended DRI prior to TBRPC filing the appeal under Chapter 380.

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Dewey Dye, representing TARA, expressed hope that language could be agreed upon without an appeal, however, in such event TARA would only be a nominal party.

Chairman Glass recommended Planning Staff submit recommendations to be considered on December 23, 1980. There were no objections.

TOURIST DEVELOPMENT COUNCIL - MEMBERSHIP

The County Attorney submitted a proposed Resolution Appointing Members of the Manatee County Tourist Development Council Pursuant to the Provisions of Manatee County Ordinance 80-3 to approve, ratify and confirm the existing members of said council as members to serve on said Council under provisions of the Ordinance.

Mr McGavic had several questions regarding the propriety of appointing members without advertising the positions, staggering the terms and about proper representation of various elements.

RECESS/RECONVENE

The meeting was recessed until 1:30 p.m.

The Board reconvened at 1:41 p.m. with all members present.

It was the concensus of the Board to advertise for membership on the Tourist Development Council, after which the County Attorney will prepare the appropriate resolution.

LOCAL GOVERNMENT LAW SEMINAR - TRAVEL AUTHORIZATION

The County Attorney submitted letter dated December 17, 1980,

Re: Fourth Annual Seminar On Local Government Law In Florida sponsored jointly by the Continuing Legal Education Committee and the Local Government Law Section of the Florida Bar and scheduled for Thursday and Friday, January 8 and 9, 1981, at the Royal Plaza Hotel, Lake Buena Vista, Fla.

and requested that he and/or Alan Prather be authorized to attend and participate in all or major portions of the seminar, which will include such items as tax exempt bond financing, the TRIM Bill, tax increment financing, housing finance agencies, industrial development bonds, federal grant programs, etc.

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

SE-80-89 ELZERMAN PLANT NURSERY

Chairman Glass submitted a letter from Hugh H. Buerke protesting and challenging the decision of the Board in approving SE-80-89 (Elzerman Plant Nursery) on November 25, 1980.

It was the opinion of the County Attorney that the letter in itself does not contain sufficient facts to warrant a re-hearing.

CLERK'S CONSENT CALENDAR

Upon motion by Mr McGavic, seconded by Mr Fletcher, the Clerk's Consent Calendar dated December 18, 1980 was unanimously approved:

BILLS FOR PAYMENT

Valdes, McLain, Pratt & Co:	
audit of Sheriff's Dept.	\$4,500.00
audit of Tax Collector	4,500.00

SPECIAL COUNSEL - BOSSELMAN

David Collier, County Administrator, introduced Fred P. Bosselman, of the Law Firm of Ross, Hardies, O'Keefe, Babcock & Parsons, Chicago, Illinois, to be interviewed for the position of Special Counsel to the Board in connection with lawsuit

Re: Southern Cooperative Development Fund, Inc.; Small Farm Development Corporation; Manatee County Community Development Corporation; and Herman L. Rutledge vs Louis E. Driggers, L. H. Fortson, Jr., Patricia M. Glass, Claude E. McGavic, and Lamar S. Parrish, individually and as Commissioners of Manatee County, Florida, Case No. 80-640-Civ. T.K. in the United States District Court in and for the Middle District of Florida, Tampa Division, involving the preliminary plat for Long Creek Subdivision.

After the interview, and based on recommendation by the County Attorney, Mr Fletcher moved to authorize Fred P. Bosselman, and the Firm of Ross, Hardies, O'Keefe, Babcock & Parsons to undertake representation of Manatee County and Members of Board of County Commissioners, as Co-Counsel with the County Attorneys in Case No. 80-640-Civ.T.K. and to perform such other professional services in connection with civil rights matters and land use matters as may be directed from time to time by the Board of County Commissioners. Motion was seconded by Mr Vickers and carried unanimously.

The County Attorney recommended the special counsel services begin immediately and that a Letter of Engagement be prepared.

Motion was made by Mr Chance to authorize payment to Special Counsel on a graduated rate of \$50.00 to \$110.00 per hour. Motion was seconded by Mr Vickers and carried unanimously.

TARA, LTD

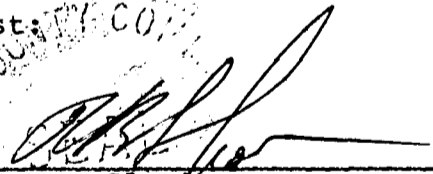
The County Administrator requested authorization to utilize Mr Bosselman's professional services in connection with TARA, Ltd (DRI) as required in land use matters.

Motion was made by Mr Chance to authorize Mr Bosselman to work with the County Administrator and the County Attorneys on TARA Ltd. Motion was seconded by Mr McGavic and carried unanimously.

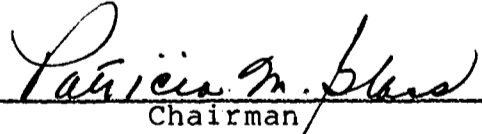
MEETING ADJOURNED

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

Attest:


Clerk

APPROVED:


Chairman

Adj: 2:16 p.m.