

DECEMBER 23, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, December 23, 1980 at 9:06 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 Libby Allison, The Bradenton Herald; Mark Todd, Sarasota Herald-Tribune; David Priddy, WTRF, and others who entered during the meeting.

Invocation by Rev. Paul A. Ruff, Hope Lutheran Church

The meeting was called to order by Chairman Glass.

PALMA SOLA AREA: PUBLIC FORUM

Mr. Fletcher announced that a public forum will be held at Palma Sola Elementary School on Wednesday, January 7, 1981 at 7 p.m. to receive public input regarding rezoning of the Palma Sola area.

BRADENTON TRAILER PARK: FENCE ENCLOSURE

It was brought to the attention of the Board that the closing of a gate connecting a security fence in Bradenton Trailer Park is obstructing the County right-of-way at 26th Avenue and 18th Street West, thereby creating a problem for those using the street by forcing them to use bikepaths or cut across private property. The Director of Highway and Engineering was instructed to inform the appropriate person(s) at the Trailer Park that the gate must remain open between the hours of 6:30 a.m. and 9:30 p.m.

LAWSUIT: ESTECH GENERAL CHEMICALS CORPORATION

The County Attorney gave a report on the lawsuit with Estech General Chemicals Corporation. Summarily, the Department of Environmental Regulation (DER) has indicated it is going to grant the slime pond construction permit; has determined that permits for the two spillways from the slime ponds are inadequate and incomplete and will be denied; grant the dredge and fill permit; will not certify the EPA National Pollutant Discharge Elimination System permit so it will be denied by the State. The water quality discharge issues are temporarily moot because DER will not issue those permits.

MANATEE RIVER FAIR ASSOCIATION BOARD

G. T. Bray, on behalf of the Manatee River Fair Association Board, requested funds in the amount of \$8,300 to help support the Manatee County Fair.

Motion was made by Mr Vickers to authorize the Chairman to sign an Agreement between the County and Manatee River Fair Association in an amount not to exceed \$6,680, with an in-kind contribution not to exceed \$1,657. Motion was seconded by Mr. Fletcher and carried unanimously.

RECORD AGREEMENT

S11-145

9TH AVENUE EAST

Councilman Fred Runnells, City of Bradenton, requested the Board to give consideration to repairing and repaving 9th Avenue East between 9th and 15th Streets East and between 19th and 27th Streets East. He pointed out this is an east/west arterial route throughout the County and the State Department of Transportation will not be improving SR 64 as a connector route to I-75 until 1989.

The subject was discussed, but no action was taken by the Board.

INTER CITY NATIONAL BANK

Joe Venable, Attorney, advised that the Inter City National Bank, having just completed its new branch building on 26th Street at Oneco Road, is requesting a waiver of permitting requirements to allow moving and storing the modular building (formerly used as the temporary branch office) on other bank-owned property so that paving and landscaping for the new bank can be completed.

Based on recommendation of the County Attorney, Mr Chance moved that the notice and moving procedures be waived for moving a modular building belonging to Inter City National Bank, 5305 26th Street West, to property belonging to Inter City National Bank located on the northeast corner of U.S. 301 and Whitfield Avenue, for purposes of storing the modular building thereon, and Inter City be authorized to move said building immediately, provided the modular building may not be set up or used for any purpose without first complying with all known permitting procedures. Motion was seconded by Mr Vickers and carried unanimously.

PENNSYLVANIA PARK SUBDIVISION - VACATION 68TH AVENUE DRIVE W

Public hearing (continued 12/11/80) was opened to consider the request by Hudson, Reddy and Schafhausen (80-V-11) for vacation of a portion of 68th Avenue Drive West, an unconstructed street in Pennsylvania Subdivision.

No one from the public spoke on the request. Action on 80-V-11 was deferred and public hearing kept open pending consideration of R-80-93 and R-80-94, which are related zoning requests because 68th Avenue Drive W. connects the two properties involved.

ZONING

Recommendations of the Planning Commission were submitted by Bruce Siciliano and Rick Ploughe, Planners.

R-80-93 RON DEVITTORI - REZONE TO R-3 APPROVED

Request: To change present zoning from R-1A to R-3 on .75 acre at 11th Street W. at intersection of 68th Ave. Dr. W, to permit multi-family residential development.

Planning Commission recommended DENIAL.

R-80-94 W.D. HUDSON/G.B. REDDY - REZONE TO R-3 APPROVED

Request: To change present zoning from R-1AA to R-3 on .56 acre at 11th Street W. at intersection of 68th Ave. Dr. W., to permit multi-family residential development.

Planning Commission recommended DENIAL because the proposed zoning change would result in increased traffic on 11th Street West, and represents encroachment into an established single family residential and is not compatible.

William Hudson was available to answer questions and urged approval of the request.

Motion was made by Mr McGavic to approve R-80-93 and R-80-94 (by adoption of appropriate resolutions). Motion was seconded by Mr Vickers and carried unanimously.

RECORD RESOLUTIONS

Public hearing was declared closed on the request to vacate a portion of 68th Avenue Drive W. (80-V-11). Action was deferred until the following Tuesday, December 30, 1980.

R-80-98 CLYDE & DONNA HACKETT - REZONE TO PR APPROVED

Request: To change present zoning from R-2 to C-1 to permit general commercial development on .20 acre at 109 26th Ave. E.

Planning Commission recommended APPROVAL to PR to provide for a transition between commercial and residential districts.

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Clyde and Donna Hackett were available to answer any questions and stated that although they prefer Commercial, rezoning to Professional would be acceptable.

Motion was made by Mr Vickers to approve R-80-98 for Professional as recommended by the Planning Commission (by adoption of the appropriate resolution). Motion was seconded by Mr Chance and carried unanimously.

RECORD RESOLUTION

RECESS/RECONVENE

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

TABERNACLE OF GOD PENTECOSTAL HOLINESS CHURCH

In connection with the planned expansion of the Tabernacle of God Pentecostal Holiness Church, Palmetto, requests by Reverend Otis Johnson concerning waiver of parking, vacation of easement and donation of property for a playground were referred to Staff for review and recommendations.

ZONING

Because of the contiguity of the properties and the similarity of the requests involving R-80-100 and R-80-101, these two items were considered simultaneously.

R-80-100 ADELAIDE KROPORNICKI - REZONE TO C APPROVED

Request: Change present zoning from R-2 to C district on .2 acre at 5903 42nd Avenue W., to permit commercial development.

Planning Commission recommended APPROVAL with further recommendation that in the future, 42nd Avenue West be considered the northern boundary for commercial along the Cortez Road/59th Street corridor.

R-80-101 PEGGY S. ARNOLD - REZONE TO C APPROVED

Request: Change present zoning from R-2 to C district on .2 acre at 4218 59th St. W. to permit a real estate office.

Planning Commission recommended APPROVAL.

Ms Kropornicki was available to answer any questions.

Dolly Young spoke in favor of the requests.

Motion was made by Mr McGavic to approve R-80-100 and R-80-101 as recommended by the Planning Commission (by adoption of the appropriate resolutions). Motion was seconded by Mr Fletcher and carried unanimously.

RECORD RESOLUTIONS

R-80-99 JAMES & NANCY L. ROMAN - REZONE TO R-1AB DEFERRED

Request: Change present zoning from A to R-1AB on 1.44 acres on the east side of Ellenton-Gillette Road 1000 feet north of 29th Street E. to permit the construction of two single family residences.

Planning Commission had no recommendation in that three members voted in favor of the request and three voted against because existing lots in the vicinity of the site are non-conforming. The change would be compatible with surrounding development.

James Roman and Sharon Williams, Realtor, were available to answer any questions and submitted pictures as substantiation that the requested change would not be incompatible in the area.

Mrs Hoyt Lee Davis, adjoining property owner, had no objection to the construction of residences on the property, but objected to farm land being converted to residential and commercial property.

Mr Gadd and George Sachier spoke in opposition to "spot zoning" in the area.

Mr Chance requested this item be deferred until he could talk with all parties concerned before a ruling is made on the zoning change. There were no objections.

R-80-111 ALBERT & LOUISE ABDULLA - REZONE TO R-1B APPROVED

Request: Change present zoning from A-2 to R-1B on 15 acres approximately 1240 feet northeast of intersection of Lockwood Ridge Road and County Line Road to permit development of a single family subdivision. Planning Commission recommended APPROVAL.

Mr Siciliano advised that this request was originally considered under SE-80-91 and the Board had recommended deferral with suggestion that the petitioner apply for a zoning change.

Jim Dryman, representing Micro-Life Technics, owners of contiguous property to the east, stated that his client feels it is premature to consider rezoning the property to residential.

Motion was made by Mr Vickers to approve R-80-111 as recommended by the Planning Commission (by adoption of the appropriate resolution). Motion was seconded by Mr Chance and carried unanimously.

RECORD RESOLUTION

SE-80-91 - ABDULLA: WITHDRAWN

Inasmuch as the Special Exception was still outstanding, petition SE-80-91 was withdrawn by Tom McCollum.

FLORIDA POWER AND LIGHT CO - POLLUTION CONTROL REVENUE BONDS (\$15M)

Based on recommendation by the County Attorney and the Bond Counsel, motion was made by Mr Chance and seconded by Mr Vickers to adopt

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$15,000,000 MANATEE COUNTY POLLUTION CONTROL REVENUE BONDS (FLORIDA POWER & LIGHT COMPANY PROJECT) PURSUANT TO PART II, CHAPTER 159, FLORIDA STATUTES TO FINANCE THE ENHANCEMENTS TO THE COOLING RESERVOIR AT FLORIDA POWER & LIGHT COMPANY'S MANATEE ELECTRICAL GENERATING PLANT; AUTHORIZING THE COMPANY TO SELECT FINANCIAL CONSULTANTS AND OTHER PROFESSIONAL EXPERTS; AUTHORIZING ALL APPROPRIATE COUNTY OFFICIALS TO WORK WITH BOND APPROVING COUNSEL; AUTHORIZING THE EXPENDITURE BY THE COMPANY OF FUNDS PRIOR TO THE SALE OF SAID BONDS SUBJECT TO REIMBURSEMENT UPON SALE; PROVIDING FOR THE REIMBURSEMENT OF SPECIFIED COSTS OF THE COMPANY FROM BOND PROCEEDS; PROVIDING THAT SAID BONDS SHALL BE PAYABLE SOLELY FROM REVENUES OF THE PROJECT AND THAT NEITHER THE TAXING POWER NOR THE FAITH AND CREDIT OF MANATEE COUNTY OR THE STATE OF FLORIDA SHALL EVER BE PLEDGED TO REPAY SAID BONDS OR ANY PREMIUM OR INTEREST THEREON.

Motion carried unanimously.

RECORD RESOLUTION

S11-146

ZONING

SE-80-96 LORETTA GIGLIO PEACE - BEAUTY SHOP APPROVED

Request: Special Exception to permit a beauty shop as a home occupation for a permanent period of time on .25 acre at 1115 60th Ave Dr. E.

Planning Commission recommended APPROVAL for a period of five years plus an additional five years to be granted at the administrative discretion of the Planning Director, and with a waiver of Section VI, Paragraph 33, Sub-paragraph "h", of the County Zoning Ordinance.

Having considered the criteria set forth for the issuance of a special exception in Section VI, Paragraph 14, Mr Fletcher moved to approve SE-80-96 as recommended by the Planning Commission. Motion was seconded by Mr McGavic and carried unanimously.

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SE-80-97 WALTER SCHMID, JR. & IDA SCHMID THOMAS - M/H APPROVED

Request: Special Exception to permit a residence in addition to a mobile home and a residence on 40 acres 3/4 mile east of US 301 on Tallevast Road. Planning Commission recommended APPROVAL for a period of five years, plus an additional five years to be granted at the administrative discretion of the Planning Director.

Mr Siciliano pointed out that this special exception request is resultant from the recent moving of a house to this property for storage until the building can be sold.

Having considered the criteria set forth in Section VI, Paragraph 14, County Zoning Ordinance, Mr Vickers moved to approve SE-80-97 for a permanent period of time, to run with the land. Motion was seconded by Mr Chance and carried unanimously.

(Depart Mr Chance)

SE-80-98 GILBERT J. WOOD - DAY CARE CENTER APPROVED

Request: Special Exception to permit a day care center on .75 acres at 6131 5th Street E. Planning Commission recommended APPROVAL for a period of ten years plus an additional ten years to be granted at the administrative discretion of the Planning Director and subject to stipulations:

1. Provide an adequate buffer, one tree every 75 lineal feet along proposed hedgerow surrounding outside play area.
2. Two proposed parking spaces shall be relocated to the east side of circular drive to ensure that a parking problem not be created and to discourage backing onto 5th Street E.

Having considered the criteria set forth in Section VI, Paragraph 14, County Zoning Ordinance, Mr McGavic moved to approve SE-80-98 as recommended by the Planning Commission. Motion was seconded by Mr Vickers and carried unanimously.

SE-80-93 PRESTON & JEANNE GAJAN - CHILD CARE CENTER DENIED

Request: Special Exception to permit a child care center on .8 acre at 5308 12th Avenue Drive W. Planning Commission recommended DENIAL.

Speaking in opposition were

Walter Aster, 5219 11th Avenue W., representing 5 other people, Ned Ethridge, 5311 12th Avenue Dr W., and Robert Ross

(Enter Mr Chance)

Mr Gajan was available to answer any questions and advised that there would be only about six infants, ages up to 5 years, five days a week.

Having specifically considered criteria set forth in Section VI-14 of the County Zoning Ordinance, motion was made by Mr McGavic that SE-80-93 be denied. Motion was seconded by Mr Vickers and carried unanimously.

ZONING: COMPLAINT (BROWNELL) PERMITTED USES IN COMMERCIAL DISTRICT

Mary Brownell, Coral Shores, requested the Board to take action to disallow multi-story structures presently allowed in Commercial Zoning Districts. She was specifically opposed to "The Waterways", a proposed highrise condominium building to be located in the 9400 block of West Cortez Road on approximately 5 acres between Westside Bank Building and Casa Delrado Subdivision.

RECESS/RECONVENE

The meeting was declared recessed until 1:15 p.m.

The Board reconvened at 1:26 p.m with all members present except Mr Chance, who entered during the meeting.

W.R. GRACE - OPERATING PERMIT

Dewey Dye, Attorney, and Al Vondrasik, representing W.R. Grace Company, agreed that Commissioners' concerns regarding the operating permit and questions regarding the clay settling system, as well as more time needed for exploration by County staff, were understandable.

Mr Vondrasik outlined current costs to the company to bring the mine on stream in 1982, pointing out that management is concerned over the delay, particularly that Grace has not received a permit after having committed so much money to this project. He suggested that if additional studies are desired, this might be added as a stipulation to the operating permit rather than delaying issuance of the permit until the studies are completed. He had no objection, however, to deferring action for two weeks.

Chairman Glass announced that this item will be placed on the Agenda of January 6, 1981.  
(Enter Mr Chance)

ZONING80-S-49( P&F) ORIE'S SUBDIVISION - DEFERRED  
(DEFERRED 12/11/80)

Rick Ploughe, Planning Department, advised that the proposed subdivision meets the access requirements through existing easement rights and gave a background report on development of the surrounding area.

W.H. Powers, 1020 49th Avenue E., requested deferral until his attorney, Tom Gallen, can be present and effect an agreement regarding the flag lot, private easement, etc.

Leo Mills stated that the subject property has no bearing on the private easement (about which Mr Powers is concerned); however, Mr Williams has no objection to changing the 20-foot flag from the west side of lot #1 to the east side of lot #1 to provide an entrance to lot #2 on the east side where the existing driveways are located.

Orie Williams, petitioner, was available to answer questions.

Roger Langlois, 4907 9th Court E., objected to an alley in his back yard, but if the driveway is moved to the east side of lot #1, he has no objections.

Action was deferred to afford Mr Mills an opportunity to make the necessary revisions on the plat.

MYAKKA CITY BAPTIST CHURCH - PARKING WAIVER

Mr Siciliano advised that the Myakka City Baptist Church has applied for a building permit to construct a building that will require 19 paved parking spaces and landscaping under the Zoning Ordinance. Since there is an existing shelled parking lot across the street, which serves three other church buildings, a waiver of the paved parking spaces adjacent to the proposed building has been requested. (There would be no use conflict because of church activities.)

Mr Vickers recommended and moved to grant a waiver of parking and landscaping requirements to the Myakka City Baptist Church. Motion was seconded by Mr McGavic and carried unanimously.

TARA DRI - TAMPA BAY REGIONAL PLANNING COUNCIL

Bruce Hossfield stated that TBRPC's (Tampa Bay Regional Planning Council) proposed amendment to the TARA Development Order has been discussed with the Planning Department, Transportation Department, TBRPC staff and legal staffs of the County, TBRPC and the Developer and that the following language is acceptable to all parties:

"Prior to issuance of building permits for Phase III, a transportation study will be made by the developer to evaluate impacts of the project on State Road 70. The results of this study will be submitted to the County and the Tampa Bay Regional Planning Council as revisions to the transportation portion of the ADA. The transportation portion of the ADA and

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Development Order will then be reviewed in accordance with Chapter 380, Florida Statutes."

Bill Gunsey, Tampa Bay Regional Planning Council, stated that the language submitted by Mr Hossfield meets the conditions and concerns of the Council.

Judy Kavenaugh, representing TARA LTD, had no objections to the new language.

Mr McGavic questioned why the transportation study should be made by the developer and suggested that it would be more appropriate for this type study to be made by MPO (Metropolitan Planning Organization).

Motion was made by Mr Chance to approve this language (presented by Mr Hossfield) and instruct the staff to prepare the necessary document to amend the development order and authorize the Chairman to sign. Motion was seconded by Mr Fletcher. Voting "Aye" were Commissioners Chance, Fletcher and Glass. Commissioners Vickers and McGavic voted "Nay". Motion carried.

NOTE: The "necessary document" referred to in preceding motion is identified as

In Re: Application for Development Approval of A  
Development of Regional Impact by TARA, Ltd.,  
DRI #11  
and adoption of a

RESOLUTION AMENDING RESOLUTION GRANTING A  
DEVELOPMENT ORDER

RECORD RESOLUTION

RECESS/RECONVENE

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

MAJOR THOROUGHFARE PLAN - HIGHWAY PROJECTS

Phil Davis, Director, Transportation Department, in a general review of the Major Thoroughfare Plan and highway construction pointed out on an area map the north-south connector roads where right-of-way and engineering work is underway and emphasized the importance of improving the intersection at 9th Street East and 30th Avenue.

Gas tax construction project for fiscal year 1980-1981 were identified as

- Project No. 4025 - Intersection at 59th Street West and Manatee Avenue - Estimated cost \$360,800.
- Project No. 3021 - Four-laning 53rd Street between U.S. 41 and 26th Street West - Estimated cost \$777,000.

37TH STREET EAST

If the paving of 37th Street East is contracted out, Mr Davis estimated the cost of paving the 1.14 miles at \$164,380.14. If the County furnishes in-house work with only the resurfacing contracted out, the cost would be about \$58,772. Cost per foot, using 100 percent assessment participation would be roughly \$30.00 per foot.

Paul Jaworski, 37th Street E., explained that property owners along 37th Street who have signed affidavits in order to obtain building permits do not consider these as being agreements to participate, and that suits will be filed if the people are assessed for paving.

Theodore Tobias, 37th Street E., asked for an explanation of why the road to the landfill was paved instead of 37th Street East.

MATERIALS AND SERVICES

By memoranda dated December 11, 18, and 22, 1980, Gary Knuckles, Director, Materials and Services recommended and requested:

UTILITIES DEPARTMENT

1. 10,000 Gallon Storage Tank
  - a. Waive bid procedures for purchase and installation by Clemens Equipment Service for a total amount of \$13,633.00 (in conjunction with installation of 5,000-gallon tank, bid 81-01-100-13)

Based on the recommendation of the Utilities Director that waiving the bid procedure in this case will result in a \$2,000 saving, Mr McGavic moved to waive the bid procedures and grant the request. Motion was seconded by Mr Fletcher and carried unanimously.

2. RFP 80-68 Geotechnical & Hydrological Engineering Services
  - a. Authorize Chairman to execute contract with Howard Needles Tammen & Bergendoff for Addendum No. B-1 relative to phosphate mining, at a total estimated cost and fixed fee of \$10,000.

Motion was made by Mr Chance to authorize execution of the contract. Motion was seconded by Mr Vickers and carried unanimously.

RECORD CONTRACT

S11-147

3. Bid 80-86 Gas Chromatograph
  - a. Authorize purchase from Varian Associates, at \$24,026.00

Motion was made by Mr Chance and seconded by Mr McGavic to approve award of Bid 80-86 (as recommended). Motion carried unanimously.

EMERGENCY MEDICAL SERVICES

4. Two Motor Vehicles
  - a. Authorize purchase of a 1981 Ford LTD Station Wagon, on State Contract No. 070-00-81-1, from Don Reid Ford for total sum of \$7,972.32
  - b. Authorize purchase of a 1981 Dodge Diplomat Station Wagon, on competitive price basis, from Regency Dodge for a total sum of \$6,715.46.

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

HOLIDAY SCHEDULE - 1981

Upon motion by Mr Chance, seconded by Mr McGavic, the following Holiday Schedule for the 1981 calendar year was unanimously approved:

- New Year's Day - Thursday, January 1
- Day Following New Year's Day - Friday, January 2
- Memorial Day - Monday, May 25
- Independence Day - Friday, July 3
- Labor Day - Monday, September 7
- Veterans' Day - Wednesday, November 11
- Thanksgiving - Thursday, November 26
- Day Following Thanksgiving - Friday, November 27
- Christmas Eve - Thursday, December 24, 4 work hours
- Christmas Day - Friday, December 25.

PARKS AND RECREATION: SPECIAL INTEREST INSTRUCTOR'S AGREEMENT

Motion was made by Mr Chance and seconded by Mr McGavic to approve a Special Interest Instructor's Agreement between the Parks and Recreation Department and Suzanne Summers (baton twirling). Motion carried unanimously.

RECORD AGREEMENT

S11-148

PERSONNEL MANNING LEVELS

Motion was made by Mr Chance and seconded by Mr McGavic to adopt resolutions amending authorized manning levels as follows:

<u>UTILITIES</u>	<u>DEPARTMENT</u>
	<u>FROM TO</u>
Planning Administrator, Elec. Supervisor	
Admin. Assist. Mat'l Cost Coordinator	215 219

RECORD RESOLUTION

COUNTY ADMINISTRATOR  
Executive Secretary

6 7

RECORD RESOLUTION



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LEGAL SERVICES

Director; Legal Secretary

0 2

RECORD RESOLUTION

Voting "Aye: were Commissioners Chance, McGavic, Vickers and Glass.  
Commissioner Fletcher voted "No." Motion carried.

Upon motion by Mr McGavic, seconded by Mr Chance, a resolution was  
unanimously adopted amending authorized manning levels as follows:

EMERGENCY MEDICAL SERVICES

Emergency Medical Technician II,

Emergency Medical Technician I

Communications Technician &amp; Training Officer

62 73

RECORD RESOLUTIONBUDGET AMENDMENTS

Upon motion by Mr McGavic, seconded by Mr Chance, resolutions were  
unanimously adopted amending the 1980-81 budget to provide for  
receipt and appropriation of unanticipated revenue as follows:

UTILITIES (Water Treatment Plant)1) Increase Revenue:

Transfer from Surplus

Increase Expenditure:

Bayshore Complex

\$86,915.00

RECORD RESOLUTION

S11-149

and by item to item transfer:

## 2) From: Reserve for Contingency

To: Transfer to Surplus

\$86,915.00

RECORD RESOLUTION

S11-150

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT - WELL DRILLING AGREEMENT

Motion was made by Mr Chance and seconded by Mr McGavic to authorize  
the Chairman to sign an

AGREEMENT BETWEEN MANATEE COUNTY AND SOUTHWEST  
FLORIDA WATER MANAGEMENT DISTRICT

concerning the administration and enforcement of rules and  
regulations governing water wells construction, maintenance and  
abandonment (supervision and issuing of water well construction  
permits for Manatee County by SWFWMD), with termination date of  
December 31, 1981. Motion carried unanimously.

RECORD AGREEMENT

S11-151

SERTOMA CLUB OF BRADENTON - BUS SERVICE (FUND RAISING PROJECT)

The County Administrator submitted a letter dated December 19, 1980,  
from Steve Bernthal, Race Director, Sertoma Club of Bradenton,  
requesting a County bus be available at DeSoto Memorial Park at  
10:00 a.m., Saturday, December 27, 1980, to provide a one-trip  
return of participants in a fund-raising project to downtown  
Bradenton.

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

TRANSPORTATION: UMTA GRANT REIMBURSEMENT

Motion was made by Mr. McGavic to authorize the Chairman to sign  
UMTA (United Mass Transit Administration) Grant FL05-4034 Billing  
Request Forms for reimbursement from UMTA in the amount of \$206,395.  
Motion was seconded by Mr. Fletcher and carried unanimously.

LAWSUITS: ESTECH GENERAL CHEMICALS CORPORATION;PETITION: RECLASSIFICATION OF WATERS OF MANATEE RIVER

The County Attorney submitted three letters dated December 22, 1980

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- (1) Re: Estech General Chemicals Corporation vs Manatee County, et al, DOAH Case No. 79-1994, appealed from the Florida Land and Water Adjudicatory Commission to the Second District Court of Appeal as Case No. 80-2003, involving the administrative appeal of DRI-10 and SE-1120 for a phosphate mining project,

with a joint recommendation that the firm of Peeples, Earl, Smith, Moore & Blank, as special counsel to the County for environmental law matters, be authorized to represent the County as co-counsel with the County Attorney in these appellate proceedings pursuant to provisions of the engagement letter from said special counsel dated 12/12/80. (Approved, ratified and confirmed 12/16/80)

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

- (2) Re: Three cases styled Estech General Chemicals Corp. vs Manatee County, Florida, cases numbered CA-79-1496, CA-79-1497 and CA-79-1902 in the Circuit Court of Manatee County, Florida, involving DRI-10 and SE-1120 for a proposed phosphate mining project,

with a joint recommendation that the firm of Peeples, Earl, Smith, Moore & Blank be authorized to represent the County as co-counsel with the County Attorney in these three suits.

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

- (3) Re: Petition by the County of Manatee, Florida, for rule amendments and reclassification of waters in connection with the waters of the Manatee River from the Bethany vicinity to the sources thereof, including the East Fork of the Manatee River and the North Fork of the Manatee River.

with a joint recommendation that the firm of Peeples, Earl, Smith, Moore & Blank be authorized to represent the County as co-counsel in these proceedings.

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

PROPOSED MINING ORDINANCE 80-8

In connection with a public hearing on proposed mining ordinance 80-8, scheduled for December 30, 1980, the County Attorney, with concurrence of Mr Earl, recommended that unless the Board wants to hold the hearing without adopting any ordinance, the public hearing be cancelled; the phosphate people or their counsel be invited to participate in a work session with the Board to work out the appropriate language, after which the Board might instruct County staff to draft an ordinance that is more in the nature of a regulation.

Mr Fletcher so moved. Motion was seconded by Mr Chance and carried unanimously.

DEEDS: PALM-AIRE DRIVE, PALM-AIRE LANE, COUNTRY CLUB WAY

In connection with acquisition of land for rights of way for Palm-Aire Drive, Palm-Aire Lane and Country Club Way, motion was made by Mr Fletcher and seconded by Mr McGavic to accept a Warranty Deed from FPA Corporation. Motion carried unanimously.

UTILITY EASEMENT (PIGNONE/McCORMACK)

Motion was made by Mr Fletcher, seconded by Mr Vickers, to accept a 10-foot wide permanent easement in Thunder Bay Subdivision from Anthony J. Pignone and Michelle M. McCormack. Motion carried unanimously.

CLERK'S CONSENT CALENDAR

Upon motion by Mr McGavic, seconded by Mr Vickers, the Clerk's consent calendar dated December 23, 1980 was unanimously approved as follows:

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## BONDS:

## APPROVE:

Public Official Bond:J. Edward Hughes, Member, Mosquito Control  
Board, District 2

(Surety: Auto-Owners Insurance Co.) \$ 2,000.00

Driveway Permit

Bill Barwick, DWP #7951 250.00

Buddy Watts, DWP #8098 100.00

## RELEASE:

Performance Bond:

Sleepy Hollow Subdivision 1,540.00

## BILLS FOR PAYMENT:

Bay Con General, Inc

Elwood Park II Booster Sta &amp;

W/Treatment Plant improvements (Est. 12) 531,812.30

Universal Tank &amp; Iron Works, Inc

Elevated Tank #4 (Est. #2) 128,270.25

Manatee Memorial Hospital (OB Clinic) 3,594.80

" " " (Welfare) 6,009.16

Refund: Mary Mobley (OB Clinic) 30.40

Lawyers' Title Services, Inc (acq. Quattlebaum  
property for MCUS) 35.00Schroeder - Manatee, Inc  
rental fee for landfill property 4,200.00

## AUTHORIZE SETTLEMENT OF INSURANCE CLAIM UP TO \$5,000.00

Re: Case No. 95 (Self Insurance Account)

Driver: Carrie Sue Love (Transit Dept)

D/A: 11/17/80


Claimant: Mark Goodman (File #280-210)

## ACCEPT FOR COUNTY MAINTENANCE: STREETS &amp; DRAINAGE

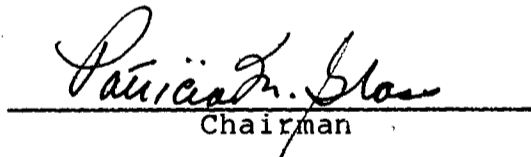
## SLEEPY HOLLOW SUBDIVISION

(based on certification of Robert Lombardo, Engineer of Record  
for the project, and recommendation of Director of Highway and  
Engineering Dept)MEETING ADJOURNEDThere being no further business, the meeting was declared  
adjourned.

Attest:


  
Clerk

APPROVED:


  
Chairman

Adj: 4:48 p.m.