

February 6, 1961

The Board of County Commissioners of Manatee County, Florida, met in the Court House in Bradenton, Florida, Monday, February 6, 1961 at 9:30 a.m.

Present were Commissioners Earl Bibey, H. C. Slaughter, Irwin Klemmer, Elmer Bustle and W. E. Crist, Deputy Clerk Bruce M. Cox and County Attorney James Adams.

The meeting was called to order by Chairman Crist.

Minutes of January 26, 1961 were read and approved on motion by Mr. Bibey, seconded by Mr. Klemmer.

Minutes of January 30, 1961 (Special Meeting) were read and approved on motion by Mr. Slaughter, seconded by Mr. Klemmer.

SOUTHERN RAILWAY SYSTEM  
RESOLUTION ENDORSING PROPOSAL TO ACQUIRE TRackage

RE: MERGER SAL AND ACL RAILROADS  
TABLED

Attorneys Robert Knowles and Robert Mann came before the Board in the interest of SOUTHERN RAILWAY SYSTEM. Mr. Mann exhibited maps relating to the merger of the Atlantic Coast Line Railway and the Seaboard Air Line Railway upon which the Interstate Commerce Commission was holding hearings in Tampa for the purpose of people in this and the Tampa area to make known their positions and feelings as to whether or not the merger is in the public interest. He explained that if the merger is approved some of the present lines now operated by the two Railroads would be abandoned or become secondary routes, and Southern Railway Company proposed to preserve <sup>competition</sup> ~~competition~~ in Florida through acquisition of trackage abandoned by the Atlantic Coast Line Railroad and the Seaboard Air Line Railroad (and secondary routes) and continue service from Savannah through Central Florida into the Tampa Bay area and south to Naples. He pointed out that Manatee and Sarasota Counties would be served by only one line, instead of the two at present, if the merger goes through. He read a resolution

"Not therefore, be it resolved that the Board of Commissioners of Manatee County, in recognition of the need for continued competitive rail service to this area, endorses the proposal of the Southern Railroad to insure the same by acquiring railroad trackage which would either be abandoned or made secondary lines by the merger of the Atlantic Coast Line and Seaboard Airline Railroads."

and requested the Board's favorable consideration of its adoption.

Kenneth L. Howze, commercial agent for the Atlantic Coast Line Railroad for Sarasota and Manatee Counties, stated that the merger would not be detrimental to public interest and for the Board to act on the resolution would be to block the merger and requested that no action be taken on the matter.

Dewey A. Dye, Jr., made a few general remarks in summary of the position of the Seaboard Airline Railroad.

Upon motion by Mr. Bibey, seconded by Mr. Klemmer, the resolution was tabled for further study.

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## BULKHEAD LINE

Mr. J. M. Tipton requested the Board to explain the facts presented by Mr. William Kidd, engineer for the Trustees of the Internal Improvement Fund, on the bulk-head line of Manatee County, based on his survey of the line the previous<sup>week</sup>/and statements appearing in the newspapers. He posed several questions relative to the Board's intentions in connection with Mr. Kidd's decision that recommendation would not be made to change the bulkhead line as established.

Mr. Wyant, of the Cedar Hammock Civic Association, Mrs. Fogarty, president of the Manatee River Garden Club, and Bob Bender, president of the Manatee County Chapter of the Izaak Walton League of America, reiterated their previous objections to the bulk-head line and/or endorsement of the recommendations of the Planning and Zoning Commission.

Mrs. Philena Stanford asked if it was known how much water would be left between the line established by Holmes Beach (a municipality) and the county bulkhead line if the line is to be eight hundred feet out.

Chairman Crist declared a five minute recess to set up an easel to demonstrate and clarify some of the points and questions brought out in discussion of the bulk-head line, also to explain reasons for considering it a conservative one.

After recess he told the interested persons that it was his understanding that Mr. Kidd would make his report to the Governor. He then pointed out on the maps, mounted on the easel, the established bulkhead line as it relates to the shoreline of Manatee County. (No dredging and filling to be permitted beyond the bulkhead line as established except where channels are necessary to go into the main channel, depending on the needs of the area; Mr. Kidd to make recommendations that all dredge and fill take place between established bulkhead line and shoreline.)

Mr. William Vines, (Director of Planning), outlined briefly some of the problems in connection with establishment and meaning of bulkhead lines as related to public interests, explaining that the merits and demerits thereon would depend on the meaning of such a line.

BOARD TO OPPOSE DREDGE AND/OR FILL BEYOND LIMITS OF  
BULKHEAD LINE EXCEPT ACCESS WATERWAY

RESOLUTION  
TRUSTEES, INT. IMPR. FUND

Mr. Slaughter moved for the adoption of a resolution opposing any dredging or filling of any submerged lands seaward of any bulkhead line established pursuant to law with the exception of authorized channels running to deep water for purposes of navigation, and that the Trustees of the Internal Improvement Fund be furnished a copy so that it would be on record when application for sale (of submerged lands) is submitted.

Motion was seconded by Mr. Bustle and carried.

RESOLUTION RECORDED A16-115

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Bob Bender mentioned that the Conservation Alliance had proposed a bill that would dedicate all water beyond the bulkhead line to the counties, municipalities, etc. for use of the public and it was now before the legislative committee.

PETITION TO BOARD TO MAINTAIN PRESENT REGULATIONS AND ZONING  
GOVERNING LOCATION OF RETAIL LIQUOR ESTABLISHMENTS IN PROXIMITY  
OF CHURCHES AND SCHOOLS

Clyde Goebel, attorney, (Grimes and Grimes), presented petitions from citizens requesting the Board to maintain the present existing regulations and zoning governing the location of retail liquor establishments in the proximity of churches and schools.

(Ref: January 30, 1961, page 484=  
Proposed resolution changing distance requirements from 2500 feet  
to 1000 feet, submitted by Robert Knowles, attorney for Walgreen  
Drug Store)

This matter was tabled for further study.

Z O N I N G

RECOMMENDATIONS BY PLANNING AND ZONING COMMISSION

Mr. Charles Hess, director, submitted report of the Planning and Zoning Commission on items of zoning recommended for approval:

R-4  
Robert F. Sharp & Associates  
Petition to rezone from R-1A Residential to PR-Professional the  
following described property: Lot 1, 2, and 3 of Onwego Park Annex;  
ALSO Lots 1 through 14 incl. of Onwego Park Sub.;  
ALSO Lots 1,2,17,18,33 and 34 of Kenilworth Sub., located on North  
of Manatee Ave. from 47th St. to 51st St. W. and on the south of  
Manatee Ave. from 49th St. to 51st St. W.

The meeting adjourned until 1:15 p.m.- and hearing on the petition was continued until that time.

1:15 p.m.

The Board reconvened at 1:15 p.m., February 6, 1961, with all members present.

Public Hearing on the petition of ROBERT F. SHARP & ASSOCIATES to rezone certain properties in Onwego Park, Onwego Park Annex and Kenilworth Subdivisions was continued.

Appearing in favor of the rezoning were

Robert F. Sharp, petitioner	
Col. and Mrs. James Stevenson	4815 Manatee Ave. W.
Mr. T. P. Atkinson	4811 22nd St. W.

The following property owners and residents of the area addressed the Board, giving their reasons for opposing the rezoning:

Mr. & Mrs. E. C. Durgan	4800 Manatee Ave. W.
Mrs. Harry Nash	507 50th St. W.
Mr. & Mrs. Martin Sligh	510 50th St. W.
Mr. Wm. L. Tibbedeau	508 50th St. W.
Mrs. Harry Nash	507-50th-St.-W.
Mrs. Charlie Sawyer	510 47th St. W.
Mr. James Brush	609 49th St. W.
Mr. E. H. Martin	

Some of the property owners opposing the rezoning referred to the covenants in their deeds restricting use of the property in the subdivisions to "Residential" purposes and asked if their rights could not be protected.

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The county attorney advised that the deed restrictions are not a zoning matter and, therefore, of no concern to this branch of government; that such restrictions mean that if a property owner violates one of the covenants the other property owners (in the subdivision) have a right to enjoin the actions in court.

Motion was made by Mr. Slaughter that the recommendations of the Planning and Zoning Commission be accepted and the re-zoning (as petitioned) be approved. Motion was seconded by Mr. Bibey. Voting "Aye" were Commissioners Slaughter, Bibey and Bustle. Commissioner Klemmer voted "No". Motion carried.

R-6  
Amend the Comprehensive Plan  
By rezoning from C-3 Commercial to C-2 Commercial, Lots 1 through 25 of Blk 1, and Lots 1 through 25 of Blk. 2, Fountain Park Sub., in Sect. 13, Twp. 35S., R17E., located on west side of U.S. 301 and north of Pitcairn Road.

Upon motion by Mr. Bustle, seconded by Mr. Bibey, the rezoning was approved as recommended.

Amend the Comprehensive Plan  
By rezoning from C-3 Commercial to C-1 Commercial the West 420 ft. of South 400 ft. of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sect. 1, Twp. 35S., R 16E., located on north side of Cortez Rd. (SR 684), approx. 850 ft. west of Palma Sola Road.

Upon motion by Mr. Bustle, seconded by Mr. Klemmer, the rezoning was approved as recommended.

Amend the Comprehensive Plan  
By rezoning from A-Agricultural to R1AA Residential the NE $\frac{1}{4}$  and NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sect. 15, Twp. 35S., R18E., lying E. of Braden River and S. of State Rd. 70, less a strip of land in NE $\frac{1}{4}$  deeded to Ernest A. Marshall;  
ALSO rezone to R-1AA the W $\frac{1}{2}$  of Sect. 23, Twp. 35S., R18E., lying north and east of Braden River;  
ALSO rezone from A-Agricultural to R-Residential the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sect. 22, Twp. 35S., R 18E., lying north and east of Braden River;  
ALSO rezone from A-Agricultural to T-1 Rental Trailer Park the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  and a strip of land 627 ft. south and meandering 414 ft. to a point 330 ft. east of 1/2 sect. line, N. 865 ft. to SR 70, W. 330 ft. to 1/2 Sect. line, N. 865 ft. to SR 70, W. 330 ft. to 1/2 Sect. line of Sect. 15, Twp. 35S., R 18E., lying East of Braden River and South of State Road 70.

Upon motion by Mr. Bustle, seconded by Mr. Slaughter, the rezoning was approved as recommended. (Mr. Bustle noted that at such time as applications were made for building permits that right-of-way of SR 70 required 200 feet, 168 feet south and 32 feet north from center line.)

D. C. Simms, d/b/a Orange Grove Trailer Park  
Application for approval of Trailer Park Plans.

Upon motion by Mr. Klemmer, seconded by Mr. Bustle, ORANGE GROVE TRAILER PARK plans were approved.

CARVER SUBDIVISION PLAT APPROVED

Upon motion by Mr. Slaughter, seconded by Mr. Bustle, Plat of CARVER SUBDIVISION (lying within the city limits of Bradenton) was approved.

WEICHEL-WALLACE & STANLEY ASSOCIATES  
AWARDED INSURANCE ON COUNTY BUILDINGS AND BRIDGES

Mr. Bruce M. Cox, Deputy Clerk, reported that apparently identical bids had

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been submitted on the Insurance on County Buildings and Contents and County Bridges (wooden)  
 by Weichel-Wallace "20% deviation from Average  
 Stanley & Associates rate as established by Florida  
 J. E. Pratt Agency Inspection & Rating Bureau"

Mr. Weichel stated that in the event the Board awarded the insurance contract to the three low bidders that equal division of the premium was satisfactory to his firm, Weichel-Wallace, and Stanley and Associates, however, Mr. Pratt had advised that he had no authority to accept such division on behalf of the Manatee County Association of Insurance Agencies. (Weichel-Wallace and Stanley & Associates, agents for Mutual companies; J. E. Pratt, agent for Stock company)

Motion was made by Mr. Bibey that the insurance be awarded to

WEICHEL-WALLACE and  
 STANLEY and ASSOCIATES

Motion was seconded by Mr. Klemmer and carried.

DIRECTIVE TO COUNTY ATTORNEY  
 SCOPE OF DUTIES

Upon motion by Mr. Bibey, seconded by Mr. Bustle, Directive to James Adams, County Attorney, relative to responsibilities (legal advice) to other county offices, was approved as follows:

Directive to County Attorney  
 Re: Scope of Duties

The County Attorney shall handle only the legal matters of the Board of County Commissioners, The Planning and Zoning Commission and the Board of Zoning Appeals, and such other matters as the Board of County Commissioners shall from time to time designate, and such other matters as required by law. This does not include legal matters pertaining to any county office, official, agency or other Organization not specifically designated above.

BOND RELEASES AUTHORIZED

EVELYN COLLINS, DEPUTY SHERIFF  
 PAUL R. ROTH, BUILDING CONTRACTOR

Upon motion by Mr. Bustle, seconded by Mr. Bibey, release or cancellation of bonds were approved as follows:

EVELYN COLLINS, DEPUTY SHERIFF  
 PAUL R. ROTH, BUILDING CONTRACTOR

BONDS APPROVED

DEPUTY SHERIFFS  
 BUILDING CONTRACTOR

Upon motion by Mr. Klemmer, seconded by Mr. Bustle, the following bonds were approved:

<u>Building Contractor</u>	J. S. Moore, d/b/a Aldredge Aluminum Sales, Inc.
<u>Deputy Sheriffs</u>	William J. Dawson Dudley D. Goulden, Sr. Frederick F. Barber

WARRANT LIST AND REQUISITIONS APPROVED.

Upon motion by Mr. Slaughter, seconded by Mr. Klemmer, Warrant Lists of February 6, 1961 was approved and Warrant List of February 13, 1961 was authorized.

Upon motion by Mr. Slaughter, seconded by Mr. Klemmer, requisitions were approved.

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## BILLS APPROVED FOR PAYMENT

Upon motion by Mr. Bustle, seconded by Mr. Klemmer, the following bills were approved for payment:

Manatee County Public Relations Bureau	\$1374.31	& \$512.74
M. T. McInnis, Clerk	3151.40	
Hunnicuttt & Associates	7838.00	
S.W. Tuberculosis Hospital	503.75	

## BRADENTON HERALD TO ADVERTISE DELINQUENT TAX LIST

Upon motion by Mr. Slaughter, seconded by Mr. Bustle, the BRADENTON HERALD was authorized to advertise the Delinquent Tax List for 1960.

STATE ROAD DEPARTMENT BUDGET HEARINGS  
COUNTY OFFICIALS AUTHORIZED TO ATTEND

Upon motion by Mr. Bustle, seconded by Mr. Klemmer, members of the Board, the County Engineer (John Benson), the County Planner (William Vines) and the County attorney (James Adams) were authorized to attend budget hearings to be held by the State Road Department in Bartow, March 6, 1961 (from 3:00 to 4:00 p.m.) at county expense. Invitation was extended Senator Ed Price and Representatives Wilbur Boyd and Robert Knowles to accompany the commissioners.

DESOTO CELEBRATION BROCHURE  
REQUEST RE ADVERTISING TABLED

Request of Don McFadden for the commissioners to take advertising in the DeSoto Celebration Brochure (Conquistadors) was tabled for investigation as to funds available for this purpose.

MANATEE-SARASOTA WATER AUTHORITY PROJECT  
MANATEE VETERANS MEMORIAL HOSPITAL PROJECT

Chairman Crist announced that a meeting with Pullara and Watson, Architects and Engineers, was scheduled for Thursday, February 9, 1961 at 1:30 p.m., in Tampa, to discuss and review the status of the Manatee-Sarasota Water Authority Project and the Manatee Veterans Memorial Hospital Project.

Upon motion by Mr. Bustle, seconded by Mr. Bibey, expenses of the Board members to attend the meeting were authorized.

HADLEY, MARSHA  
APPOINTED CLERK TYPIST FOR HEALTH DEPARTMENT

Upon motion by Mr. Bustle, seconded by Mr. Klemmer, appointment of MARSHA HADLEY, as Clerk Typist for the Manatee County Health Department, was approved.

VINES, WILLIAM	DIRECTOR OF PLANNING
HESS, CHARLES	ZONING ADMINISTRATOR
HOFMANN, JOSEPH	ASSISTANT ZONING ADMINISTRATOR

Chairman Crist recommended that certain positions be clarified as follows;

WILLIAM VINES	DIRECTOR OF PLANNING
CHARLES HESS	ZONING ADMINISTRATOR
JOSEPH HOFMANN	ASSISTANT ZONING ADMINISTRATOR

Upon motion by Mr. Klemmer, seconded by Mr. Bibey, the recommendations were accepted and the positions so designated.

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BENSON, JOHN B.  
 AUTHORIZED ATTEND MEETING OF IIF BOARD

Motion was made by Mr. Bustle that John B. Benson, Jr., County Engineer, be authorized to attend a hearing (Sale of Submerged Lands, Perico Island area) to be held by the Trustees of the Internal Improvement Fund, Tuesday, February 14, 1961. Motion was seconded by Mr. Slaughter and carried.

Correspondence was read from

- 1) Madelon Snyder  
 Request permission to attend U.S. Civil Defense Mid-winter conference in Washington, D.C., Feb. 21, 22, 1961; (Also letter from Mr. A.W. Weatherford, Nat'l Pres. of C.D., advising of appointment of Mrs. Snyder as member and secretary to Continuity of Government Nat'l Committee) PERMISSION GRANTED.
- 2) Florida County Official  
 Re Manatee County taking ad for \$92.50  
 Held for study (Meeting of State Assoc. Co. Comm., Tallahassee, 3/12-14/61)
- 3) Pullara and Watson  
 Development and planning of MVM Hospital to provide for project cost limited to \$1,500,000 continued, also preparation of complete drawings for addition to third floor of nursing home annex; also re-study remodeling on fifth floor and consult with Hospital Construction Department in Tallahassee re possible reduction of remodeling in this space.
- 4) Mrs. Helen (Lippard) Lemk (Rose Circle of Manatee River Garden Club)
- 5) Mrs. Willard Wilson
- 6) Mrs. Baden S. Hudson                      7) Carl T. Hilburn

Objections to Highway 39 being routed through Myakka State Park.

30TH AVENUE WEST RIGHT-OF-WAY  
 APPRAISALS ACCEPTED AND COUNTY ATTORNEY AUTHORIZED PROCEED WITH ACQUISITION

Motion was made by Mr. Klemmer that appraisals on the right-of-way of 30th Avenue West be accepted and that John Benson, County Engineer, be authorized to proceed with acquisition of the property for that purpose. Motion was seconded by Mr. Bustle and carried.

PALM VIEW HEIGHTS  
 STREETS ACCEPTED FOR MAINTENANCE AND BOND RELEASED

Motion was made by Mr. Slaughter that the streets in PALM VIEW HEIGHTS SUB-DIVISION be accepted for county maintenance and cash bond there on (\$517.00) be released, upon receipt of the original letter of recommendation from the county engineer. Motion was seconded by Mr. Bustle and carried.

MEETING ADJOURNED

Upon motion by Mr. Bibey, seconded by Mr. Klemmer, the Board adjourned to meet Monday, February 13, 1961 at 9:30 a.m.

ATTEST:

M. T. McInnis, Clerk

  
 Deputy Clerk

APPROVED:

  
 Chairman