

AUGUST 26, 1963

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Monday, August 26th, 1963 at 1:30 P. M.

Present were Commissioners E. A. Bibey, Chairman  
 Dan P. McClure  
 Irwin Klemmer  
 Ralph S. Clark  
 W. E. Crist, Vice Chairman  
 Deputy Clerk Bruce M. Cox  
 County Attorney Kenneth W. Cleary

The meeting was called to order by Chairman Bibey.

MINUTES APPROVED

Upon motion by Mr. Crist, seconded by Mr. Klemmer, Minutes of a previous meeting were unanimously approved:

REGULAR MEETING OF AUGUST 12-13, 1963

MANATEE COUNTY BARBERS' ASSOCIATION  
 BOARD NOT AUTHORIZED TO MAKE REGULATIONS

Cecil Floyd, president of the Manatee County Barber's Association, requested that the Board consider creating barber's license control on a county level. He complained that winter visitors were engaging in the barber trade during the winter months without passing State Board examinations and obtaining occupational licenses.

The County Attorney advised that the Board of County Commissioners did not have the power to govern barbers other than State and County Occupational Licenses and suggested that this matter be discussed with the County Tax Collector.

COUNTRY CLUB ADDITION TO WHITFIELD ESTATES  
 VACATION OF STREET DENIED (MAX WELDY, PETITIONER)

V-22 COUNTRY CLUB ADDITION TO WHITFIELD ESTATES

Application of MAX WELDY for vacation of a portion of an unnamed street which turns south off 67th Ave. W., 3/4 mile east of U.S. 41, near Magellan Drive; the purpose being to make the street a part of a residential lot.

Public hearing on this application was held and closed. There was no one appearing in connection with the application, either pro or con.

Motion was made by Mr. Crist that the application to close a certain street in the Country Club Addition to Whitfield Estates be denied. Motion was seconded by Mr. Klemmer. Upon question as to reason for denial, Mr. Crist noted that this fifty-five foot street was parallel with and adjacent to the Little Pittsburgh Drain and the county has had difficulty in having access to county drainage ditches (for equipment) which resulted in their having to be cleaned by hand and that is a worthless, wasteful process; that at least twenty-five feet was needed in order that the canal could be cleaned mechanically, and this right-of-way should be reserved for that purpose. Upon vote, motion carried.

RESOLUTION C18-67(a)

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(Cont'd)

AMENDED PLAT OF CORTEZ ADDITION TO CORTEZ  
PETITION TO CLOSE STREET (HELMS)

PUBLIC HEARING CONTINUED

V-23 HOWARD E. HELMS application for vacation of a  
portion of 110th Street W., running from Cortez  
road to Sarasota Bay.

Public hearing was held on the petition of Howard E. Helms to close a portion of 110th Street W., in the subdivision of AMENDED PLAT OF CORTEZ ADDITION TO CORTEZ.

James Wallace, attorney for the petitioner, explained that this street adjoins that part of Paradise Bay Trailer Park now being developed, and survey shows that his client is the owner of property on both sides of the road.

Robert E. Knowles, attorney, appeared as representative of adjoining property owners opposing the closing of the road and stated that his clients, R. J. Crampton and Cortez Company, contended that they owned up to the street even though the petitioner had been furnished a certificate of title. (Copy of survey showed gap of thirty-nine (39) feet adjacent to road.) He requested that, inasmuch as this road gave access to the bay and it was his understanding that it was the policy of this Board not to close such waterfront-access roads, the petition be denied. In the event the Board declined to grant his request to deny the petition, then he would request that this public hearing be continued so that he could have an opportunity to examine the title of his client and confer with the attorney for the petitioner as it appeared that both parties claimed ownership for the same parcel.

Upon motion by Mr. Klemmer, seconded by Mr. Crist, the public hearing on petition of HOWARD E. and MAUDE ANN HELMS was continued until Monday, September 9th, 1963.

SANS TERRE SUBDIVISION  
PETITION TO CLOSE STREET GRANTED

PETITIONER: WM. KIRSCHNER, ET AL

Public hearing was held on petition of WILLIAM K. KIRSCHNER, JOHN M. HUGHES, JR., MAURICE D. and SUE D. GREGG to close a part of a street in SANS TERRE SUBDIVISION.

V-24 E. C. KAVANAUGH, JR. (attorney) application for  
vacation of part of a 60-foot platted street running  
west from the Manatee River to Warner's E. Bayou, north  
of Riverview Blvd., at its intersection with Harbor Road.

Motion was made by Mr. McClure that the petition be granted and resolution be adopted vacating a portion of 4th Street, Sans Terre Subdivision. Motion was seconded by Mr. Clark and carried.

RESOLUTION  
(See also C18-54)

C18-68

Z O N I N G

William Vines, Planning Director, submitted recommendations of the Planning Commission:

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(Cont'd)

R-113 J. L. HILTON REZONE TO "C-1" DENIED  
 Petition to rezone from "C" to "C-1", Lots 194, 195 and 196, Block A, of Golfview Park Sub., to permit a gasoline service station was recommended by the Planning Commission for denial. (Location: NE corner of Manatee Ave. and 55th Street W.)

Appearing in opposition to granting the petition were Alvar Carlson (letter read) and Leo Reid.

Walter Talley, attorney for the petitioner, Bob Sharp, Buckey Arbuckle and Carl French appeared in favor of the rezoning to permit the service station. Mr. Arbuckle stated he was authorized to speak for George King, who represents the Howell interests, in endorsing the rezoning.

Mr. McClure moved that the petition be approved. Motion was seconded by Mr. Clark. Voting in favor of the rezoning were Commissioners McClure and Clark. Voting "No" were Commissioners Crist and Klemmer. Motion did not carry

R-117 HEATHER HILLS GOLF CLUB, INC. REZONE TO "T" CONTINUED  
 Petition to rezone from "T-1" to "T" a 30-acre parcel lying 3/8 mile south of Cortez Road on the east side of Cedar Hammock Drain, and to grant a Special exception for expansion of existing golf club, recommended by Planning Commission for approval, subject to final approval of plans.

Motion to accept the recommendations of the Planning Commission was withdrawn.

Upon motion by Mr. Clark, seconded by Mr. McClure, petition of Heather Hills Golf Club, Inc., was continued for one week (until next meeting of the Board on September 3, 1963).

SE-60 ROBERT N. KESSLER APPROVED FOR CHURCH  
 Application for Special Exception to permit construction of a church on 1½ acre parcel located in the NE corner of 9th St. E. and 53rd Ave. E. (Oneco Road), 1/2 mile west of U.S. 301, was recommended by the Planning Commission for approval, subject to final approval of detailed plans.

Upon motion by Mr. Clark, seconded by Mr. Crist, application of Robert N. Kessler was approved, subject to approval of final plans.

TU-66 EDMOND R. ADAMS TRAILER PERMIT DELAYED

Request for three-year permit to park a trailer to the rear of restaurant, The Country Kitchen, located 3/4 mile south of Oneco Road on east side of U.S. 301; Petitioners wish to live at their restaurant in order to care for children while operating the restaurant. (Permanent residence located too far from business to leave children unattended).

Upon motion by Mr. Clark, seconded by Mr. McClure, action on this application was delayed until September 3, 1963.

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(Cont'd)

BAYSHORE GARDENS, SECTION 15  
CERTIFICATE OF DEDICATION UNACCEPTABLE; PLAT APPROVAL DENIED

The County Attorney stated that the attorney had refused to change the Certificate of Dedication on the plat of Bayshore Gardens, Section 15, and it was unacceptable as it is presently written.

Motion was made by Mr. Klemmer that, in view of the opinion of the County Attorney that the Certificate of Dedication is not acceptable, the request for approval of the final plat of BAYSHORE GARDENS, SECTION 15, be denied. Motion was seconded by Mr. Crist and carried.

RIVERSIDE SHORES SUBDIVISION  
PLAT APPROVED

Upon motion by Mr. McClure, seconded by Mr. Clark, plat of RIVERSIDE SHORES SUBDIVISION plat was approved. (Located within City of Palmetto).

AMERICAN CONCRETE & CROSSTIE CORP.  
CORRECTION OF TERMINATION DATE DEFERRED

Mr. Vines explained that the termination date in application of American Concrete Crosstie Corp. was inadvertently shown as November 20, 1963 when it should have been April 20, 1964. (Application for Earth Moving permit for excavation in a 70-acre tract north of Palmetto approved August 19, 1963). Request was being made for correction of the termination, or expiration, date to April 20, 1964.

Motion to approve the correction was withdrawn.

Upon motion by Mr. McClure, seconded by Mr. Clark, action on request of American Concrete and Crosstie Corp. was withheld until September 9th, 1963.

JUNKYARDS, AUTOMOBILE WRECKING & STORAGE YARDS  
OPERATORS TO COMPLY WITH REGULATIONS BY SEPTEMBER 1, 1963

Mr. Vines submitted resolution in connection with rules and regulations governing fencing of junkyards, automobile wrecking and storage yards, which were the same rules and regulations adopted about a year ago, but this one referred to a new law passed in 1963.

Motion was made by Mr. Clark to adopt the resolution setting forth standards for fencing junkyards, etc., copy of the resolution to be served to each owner or operator thereof as notice to comply with the terms of the resolution within 30 days of receipt. Motion was seconded by Mr. Crist and carried. (To become effective September 1, 1963).

RESOLUTION RECORDED C18-69

LIBRARY COMMITTEE

The Chairman appointed Mr. Crist as liaison member to meet with the library committee to discuss the library fund, which has been greatly reduced from the budget request.

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(Cont'd)

PALMA SOLA UTILITIES COMPANY  
RULES, REGULATIONS & RATES APPROVED

Motion was made by Mr. McClure that the proposed Rules, Regulations and Rates for the water system and sewer system of the PALMA SOLA UTILITIES COMPANY be approved. Motion was seconded by Mr. Klemmer and carried.

SALE OF ALCOHOLIC BEVERAGES  
HOURS OF SALE RE PACKAGE AMENDED

Letter was read from Robert H. Schultz, Prosecuting Attorney, in regard to regulation of hours of sale of alcoholic beverages by the Board of County Commissioners. He enclosed copy of Attorney General's Opinion and called attention to that portion of the letter whereby ".....the county commissioners of Manatee County would be without authority to regulate what is to be sold in addition to regulating the hours of sale."

Motion was made by Mr. Crist that resolution be adopted striking or deleting Paragraph II of the resolution adopted by this Board on the 24th day of June, 1963, said Paragraph being

"II. It shall be unlawful for any person to sell, offer for sale or allow to be sold liquor by the package on Sundays between the hours of 2:30 A. M. Sunday morning and 7:00 A. M. Monday morning."

Motion was seconded by Mr. McClure and carried.

RESOLUTION RECORDED C18-70

ALDERMAN, GORDON  
TERM AS MEMBER BOARD OF TRUSTEES OF HOSPITAL EXPIRED

A group of citizens came before the Board to endorse re-appointment of Gordon Alderman as member of the Board of Trustees of the Manatee Memorial Hospital, and to continue representation of the north side of the river on that Board. Those appearing and addressing the County Commissioners were

Dr. John L. Jennings  
M. B. Harrison  
B. T. Camp

Mrs. Daisy Alderman  
Don Courtney  
Royall Kellogg

The County Attorney advised that it would be necessary to remove from the table a previous motion made by Mr. Clark, on August 12, 1963, for the re-appointment of Mr. Alderman.

Motion was made by Mr. Clark to remove from the table his motion of August 12, 1963 (page 209) that Gordon Alderman be re-appointed as member of the Board of Trustees of the Manatee Memorial Hospital. Motion was seconded by Mr. McClure.

Voting "Aye" were Commissioners Clark and McClure. Voting "No" were Commissioners Crist and Klemmer and Chairman Bibey. Motion did not carry.

LEPAGE, MRS. DOROTHY  
APPOINTED MEMBER BOARD OF TRUSTEES, MANATEE MEMORIAL HOSPITAL

Motion was made by Mr. Klemmer that MRS. DOROTHY LEPAGE, of Longboat Key, be appointed as member of the Board of Trustees of the Manatee Memorial Hospital to replace Gordon Alderman whose term expired on June 15, 1963, and that Mr. Alderman be given a Certificate of Merit in appreciation of his services. Motion was seconded by Mr. Crist.

Voting "Aye" were Commissioners Crist and Klemmer and Chairman Bibey. Voting "No" were Commissioners Clark and McClure. Motion carried.

PURSLEY GRASS FARMS/ J. T. REEDER, ET AL  
DEEDS ACCEPTED FOR RIGHT-OF-WAY

In connection with authorization by the Board for the County Attorney to make settlement in the lawsuit of Pursley Grass Farms vs. the Reeder family and Manatee County concerning a roadsay in the northern part of the county, Mr. Cleary submitted deeds for the right-of-way in question. (See Minutes of March 18, 1963, page 56, Minute Book 18).

Upon motion by Mr. McClure, seconded by Mr. Clark, deeds were accepted from

PURSLEY ZOYSIA GRASS COMPANY  
J. T. and PRISCILLA M. REEDER, GRAHAM R. REEDER,  
a single man, LAILA E. REEDER, a widow, and  
RANDOLPH and MARVIS R. SNELL

ROAD IMPROVEMENT PROJECTS  
PUBLIC HEARING SET FOR HEARING OBJECTIONS

John Benson, County Engineer, reported that surveys and estimates on certain road improvement projects had been completed and it would be in order to hold public hearings for objections.

Upon motion by Mr. Clark, seconded by Mr. McClure, Public Hearing was set for Monday, September 16, 1963, to hear objections to special improvements on roads in

PROJECTS No. 362, 363-A and 397.

TRAFFIC LIGHT CONTROLLER (BAYSHORE GARDENS PARKWAY)  
INVITATION FOR BIDS

Upon motion by Mr. Clark, seconded by Mr. McClure, the Board authorized advertising for bids to be received on a Traffic Light Controller for traffic signal to be located at the intersection of Bayshore Gardens Parkway and U. S. 41.

BONDS APPROVED

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

Deputy Sheriffs

BUFORD D. CURRY  
JAMES JOSEPH DECKER  
JOHN ROBIN HOOD  
STANLEY ODIS McCARTY  
EDWARD SPENCER

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## WARRANT LIST &amp; REQUISITIONS

Upon motion by Mr. Crist, seconded by Mr. Klemmer, Warrant List of August 26, 1963 and requisitions were approved and Warrant Lists of August 30 and September 3, 1963 were authorized; Warrant List of August 30, 1963 to include payrolls of that date upon condition that all employees have performed their services in accordance with established time and payroll practices of the county departments.

|                            |                  |             |
|----------------------------|------------------|-------------|
|                            | (General Revenue | #3229-#3304 |
|                            | (Road & Bridge   | #1534-#1548 |
| BILLS APPROVED FOR PAYMENT | (Capital Outlay  | # 305-# 308 |

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

|                                       |    |          |
|---------------------------------------|----|----------|
| T. C. GREENAWALT                      | \$ | 8.10     |
| GOODRICH & HAMPTON                    |    | 3000.00* |
| MANATEE COUNTY CHAMBER OF<br>COMMERCE |    | 693.33   |
| MANATEE RIVER SOIL CONSERVATION       |    | 151.69   |

MANATEE MEMORIAL HOSPITAL  
BIDS ON EQUIPMENT RE-ADVERTISED

Bruce Cox, Deputy Clerk, advised that some of the bids submitted on equipment for the Manatee Memorial Hospital had been opened in error and should be considered null and void. (Not properly marked to be sealed bids).

Upon motion by Mr. Clark, seconded by Mr. McClure, all bids received on equipment for the Manatee Memorial Hospital were rejected and authorized returned to the bidders.

Upon motion by Mr. McClure, seconded by Mr. Klemmer, the Board of Trustees of the Manatee Memorial Hospital were authorized to re-advertise for bids to be received on equipment specified in these rejected bids.

GENERAL TELEPHONE COMPANY  
BILLS AUTHORIZED PAID UNDER PROTEST

Mr. Clark moved that bills from General Telephone Company be authorized paid under protest and that the County Attorney make application to the Florida Public Utilities Commission for a public hearing. Motion was seconded by Mr. McClure and carried. (Bills for telephone service in all offices and departments under jurisdiction of the Board of County Commissioners.)

## CORRESPONDENCE

Correspondence was read from

- 1) STATE ROAD DEPARTMENT  
Statement of operations for Secondary funds for fiscal year 1962-1963.
- 2) BANK OF PALMETTO  
Appreciation to Board for adoption of resolution regarding new entrance to Palmetto (August 13, 1963)

\*Letter acknowledged re Manatee County vs. Burnett, et al, Court of Appeals of Florida, and establishment that entire land in controversy is owned by county: r/w across neck of land dividing Manatee River and Warner's Bayou.

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- 3) THE WHITE HOUSE  
Acknowledging letter to President Kennedy  
re Cross-Florida Barge Canal
- 4) POTTS & SHEPARD  
Advising that State Road Department had given  
preliminary approval to the issuance of Florida  
Development Commission of \$4,800,000. for the  
purpose of refinancing 1953 issue and do other  
things which the Board had requested, etc.
- 5) DR. FREDERICK K. ALLEN  
Recommendations of Committee on the Study of  
Welfare regarding (a) payment of hospital expenses  
incurred by patients admitted to the hospital by  
order of the Court; (b) payment of hospitalization  
of migrant workers; (c) recommendation appointment  
of Dr. George Dame as chairman of the Committee.

WELFARE STUDY COMMITTEE

DAME, GEORGE                      APPOINTED CHAIRMAN

Mr. Crist moved that Dr. George Dame, Director of the Manatee County Health Department be appointed as chairman of the Committee on the Study of Welfare and that Dr. Frederick Allen be retained on the Committee. Motion was seconded by Mr. McClure and carried.

Chairman Bibey appointed Mr. Crist as committee to make further recommendations on the recommendations of the Welfare Study Committee (relating to hospitalization of patients admitted to the hospital by order of the Court and migrant workers).

- 6) ED H. PRICE, SENATOR (Copy of letter to U. S. Corps  
of Engineers)  
Urging dredging project from deep water channel at  
the western mouth of the Manatee River east to a point  
adjacent to the Terra Ceia Cut-off, upper Manatee River,  
and Rye Bridge Area.
- 7) U. S. CORPS OF ARMY ENGINEERS  
Advising that field work on Manatee River dredging  
project completed, but because of backlog of work  
completion of plotting of field survey data would  
be delayed.
- 8) GAME & FRESH WATER FISH COMMISSION  
Procedure for request and inspection of sites for  
boat launching ramps, where lands and public access  
are conveyed to the Commission for this purpose.

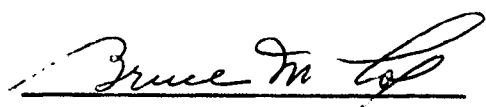
MEETING ADJOURNED

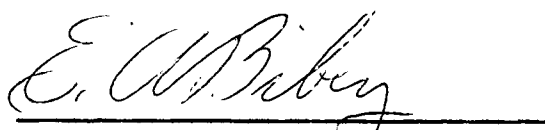
Upon motion, the Board adjourned to meet Tuesday, September 3rd, 1963 at 1:30 P. M. (Monday, September 2nd, 1963, Labor Day, observed as legal holiday).

ATTEST:

M. T. McInnis, Clerk

APPROVED: 3 September 1963

  
Deputy Clerk

  
Chairman