

JUNE 6, 1966

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Monday, June 6th, 1966 at 1:30 P. M.

Present were Commissioners Dan P. McClure, Chairman
 Ralph S. Clark, Vice Chairman
 Richard P. Briggs
 Nathan J. Taylor
 Robert C. Hutches
 Deputy Clerk Bruce M. Cox
 County Attorney Richard A. Hampton

MINUTES APPROVED

Upon motion by Mr. Hutches, seconded by Mr. Clark, Minutes of previous meetings were approved.

SPECIAL MEETING OF MAY 26, 1966
 REGULAR MEETING OF MAY 31, 1966

EXCHANGE OF PROPERTY AUTHORIZED (E. A. MARSHALL)
 STATE ROAD 70

Public hearing was held for the purpose of determining whether or not county owned property should be conveyed to E. A. Marshall in exchange for certain property for road right-of-way (State Road 70).

The County Attorney read proposed resolution determining that certain described property, owned by the county, is not needed for any County purposes and that certain described property, owned by E. A. Marshall, would be beneficial to the County for road right-of-way purposes, and authorizing exchange of the properties and for the additional consideration of the sum of \$525.00 to be paid to the County. Mr. Briggs voiced his objections to this exchange and stated reasons. Public hearing closed. Motion was made by Mr. Clark that the Resolution, as read by the County Attorney, be adopted and that the appropriate officers of the County be authorized to make the exchange of properties on the terms and conditions set forth. Motion was seconded by Mr. Taylor. Voting "Aye" were Mr. Clark, Mr. Taylor and Mr. Hutches. Mr. Briggs voted "No". Motion carried.

(Note: The Chairman had noted in previous meeting that he was in favor of this parcel remaining in condemnation suit and letting the courts make decision.)

RESOLUTION RECORDED F20-4

PARKS & RECREATION
 INVITATION FOR BIDS ON PLANTS, ETC.

John Marble, Parks & Recreation director, requested that bids be received on supplying annual flower plants, peat moss and liquid fertilizer for the beautification program in the Parks and Recreation department. Upon motion by Mr. Clark, seconded by Mr. Taylor, Invitation for Bids on these supplies was authorized advertised, said bids to be opened June 20, 1966.

ROCK GROUNDS - BEACHES

Upon question by Al Grossman about warning signs (danger) on the

rock groins at the public beaches, Mr. Taylor advised that signs were now being prepared for posting at the beaches and that Mr. Marble would be instructed to confer with the County Engineer about painting "danger" signs directly on the rock groins.

ADDITION TO ENGINEERING DEPARTMENT) CONTRACTS
SNACK BAR, REST ROOMS - COQUINA BEACH) EXECUTED

Upon motion by Mr. Clark, seconded by Mr. Briggs, the following contracts were authorized executed:

- 1) HARRY J. BOOTHE (BOOTHE ENTERPRISES)
Addition to Engineering Department Building ✓RECORDED F-20-4(a)
- 2) S. L. CHENNAULT & SONS
Construction of Snack Bar and Rest Rooms,
Coquina Beach. ✓RECORDED F20-4(b)

ADDITION TO HEALTH DEPARTMENT BUILDING
CHANGE ORDER, PAYMENT ON CONTRACT AUTHORIZED

Upon motion by Mr. Briggs, seconded by Mr. Hutches, the following change order was approved and authorized:

Wayne Bailey, Change Order #3 on the Addition to the Health Department Building (change in plumbing for laboratory facilities for Pollution Control) \$316.00

Upon motion by Mr. Clark, seconded by Mr. Taylor, payment of Estimate No. 3 was authorized to

Wayne Bailey, on Addition to the Health Department Building \$5,862.92

SPEED SIGNS - EXPERIMENTAL FARM ROAD
SPEED LIMIT EFFECTIVE

The County Engineer notified the Board that the forty-five M.P.H. speed signs had been erected on Experimental Farm Road from its intersection with U.S. 41 to its intersection with Ellenton-Gillette Road, and the effective date of erection of these signs would be recorded as Monday, June 6, 1966.

UPPER MANATEE RIVER ROAD

The County Engineer advised that traffic study would be made on the Upper Manatee River Road and recommendation as to speed limit would be made to the Board.

STATE ROAD DEPARTMENT - GENERAL TELEPHONE COMPANY
UTILITY LIAISON COMMITTEE MEETING (COUNTY ENGINEER)

The County Engineer read a letter from the General Telephone Company advising that the State Road Department District Utility Liaison Committee would hold a meeting at the International Inn, Tampa, Florida, Tuesday, June 21, 1966, at 10:30 A. M. He requested that permission be granted for representatives of Manatee County to attend this meeting. (Donald Lovejoy, Bill Baird, John Marble, Robert Moon). This was deferred until the Board meeting of June 13, 1966.

POLLUTION CONTROL

Dr. George Dame presented report of Frank Cross, Jr., on Pollution Control activities during the past week.

JUNE 6, 1966

(Cont'd)

STATE ROAD 789 - ANNA MARIA ISLAND

Letter from the State Road Department was read giving cost estimates for resurfacing and widening State Road 789 on Anna Maria Island:

- 1) To widen present road to 24 feet and resurface-
Length 5.7 miles ± \$135,000
- 2) To resurface existing road only -
Length 5.7 miles ± \$ 70,000

STATE ROAD 45 - CORTEZ PLAZA

The County Engineer reported that he had conferred with the Traffic and Planning Engineer, State Road Department, relative to the study of traffic conditions, both vehicular and pedestrian, between the Cortez Plaza Shopping Center and the Montgomery Ward - Food Fair shopping area, and was advised that the Department was still working on the study, but expected to have some kind of recommendation in about ten days or two weeks.

WATER SYSTEM CONSTRUCTION TRUST FUND; CONSTRUCTION TRUST FUND

Motion was made by Mr. Clark that Resolutions be adopted authorizing payment of Water System Construction Trust Fund and Construction Trust Fund Requisitions (Water Supply & Distribution Project). Motion was seconded by Mr. Taylor and carried.

Water System Construction Trust Fund

Requisition No. 5B-45

Bumby & Stimpson, Inc.	\$104,931.28
Cone Bros. Contracting Co.	93,175.23
The Crom Corporation	9,041.17
Lee Constr. Co. of Sanford	(41,598.00
	(26,211.60
A. Stanley Mundy & Co.	37,896.37
in the total sum of	<u>\$312,853.65</u>

✓ RESOLUTION RECORDED F20-5

Requisition No. 5B-46

E. N. Murray Constr. Co.	(\$ 63,804.03
	(107,455.00
Cambron Construction Co.	922.38
in the total sum of	<u>\$172,181.41</u>

✓ RESOLUTION RECORDED F20-6

Requisition No. 5B-44 (See page 14-A)

Requisition No. 5B-47 (See page 14-A)

Requisition No. 5D-21

Goodrich, Hampton & Boylston	\$ 475.00
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✓ RESOLUTION RECORDED F20-7

Requisition No. 5C-2

Pautler Bros. Constr. Co. & Frank Nutty, Inc. (a joint venture)	\$ 2,350.00
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✓ RESOLUTION RECORDED F20-8

JUNE 6, 1966

(Cont'd)

Construction Trust Fund

Requisition No. 7B-9

Cambron Construction Co.	\$215,575.54
Dorcon, Inc.	35,732.16
in the total sum of <u>\$251,307.70</u>	

RESOLUTION RECORDED

F20-9

STATE ROAD 64 - 675

The County Engineer reported that work order had been issued on the State Road 64-675 relocation projection and the contractor should be starting the work during the week.

ATLANTIC COAST LINE RAILROAD

RE: RIGHT OF WAY CROSSING (SECTION V PART A)

Upon motion by Mr. Clark, seconded by Mr. Taylor, application was authorized executed for permit to construct a water main across the Right-of-way of ATLANTIC COAST LINE RAILROAD COMPANY, located

(Section V Part "A" - Water Works Project)
1,784 feet north of mile post ZA-921 on State Road 70
(53rd Avenue E.)

STATE ROAD 70

RE: RIGHT OF WAY CROSSING (WATER WORKS PROJECT)

Upon motion by Mr. Clark, seconded by Mr. Taylor, application was authorized executed for permit to construct water main across the right of way of

STATE ROAD 70 between 24th Street Court East and
35th Street East.

CORTEZ ADDITION TO CORTEZ: BAYVIEW DRIVE
PETITION TO VACATE DENIED (LOWREY)

Based on the following reasons, the County Attorney recommended that the petition of Robert Lowrey, Jr., to vacate a portion of Bayview Drive, Cortez Addition to Cortez, be denied:

1. The Petition which is presently before you, is, for all practical purposes, identical to several petitions which have been previously denied by the County.
2. Although there has been considerable disagreement among various members of the Board on this matter in the past, all official actions which the County has taken on this matter to date have been consistent with the fact that the County has always recognized Bayview Drive as a public road.
3. This matter is presently before the Circuit Court of Manatee County, Florida in case number 14209, styled Lowrey vs. McClure, et al. In this case, Mr. Lowrey is challenging a prior decision by the County made in 1964 refusing to vacate that portion of Bayview Drive in front of his property. That case is at issue and is ready for final hearing. In our opinion, the chances of a successful

JUNE 6, 1966

(Cont'd)

defense of the County in this case are very good. If the Petition presently before the Board were granted, it would mean that this case would have to be dismissed since the relief which Mr. Lowrey is seeking through the Court would have been, in effect, granted by this Board. I have been advised by Mr. Ibasfalean's attorneys that should this Petition be granted and the present law suit be dismissed that they would be compelled to file a new law suit against the County. The expense for legal services would be greater if we were required to defend a new law suit rather than to complete the present suit.

4. Because of previous actions taken by the County, all of which were consistent with the position that the County always intended to have Bayview Drive as a public road, and because of certain actions taken by Mr. Ibasfalean in reliance on those previous decisions, it is our opinion that our chances of successfully defending the threatened new suit would not be as good as our chances of successfully defending the present suit.
5. There are two actions which the County has taken in regard to this matter which are of particular importance.

(1) On the 22nd day of April, 1963, the County accepted the sum of \$6000 from Mr. Ibasfalean in exchange for the promise that same would be used for the paving of Bayview Drive from the north line of 2nd Avenue to the south line of the Ibasfalean property.

(2) On the 20th day of October, 1964, Manatee County accepted a deed from Mr. and Mrs. Ibasfalean to certain road right-of-way on the Ibasfalean land which was designed to connect up with Bayview Drive at its intersection with the south line of the Ibasfalean property. The deed recites that the County obligates itself to maintain and use said property for road purposes. Prior to deeding this property to the County, Mr. Ibasfalean, at the County's request and in accordance with County specifications, paved this strip of land at his own expense. In view of these two particular acts on the part of the County, it is our opinion that any Commissioner who votes in favor of the present Petition would be subjecting himself to being held personally liable to Mr. Ibasfalean for any damages which he might sustain as a result of the closing of the road.

Motion was made by Mr. Taylor that the recommendation of the County Attorney be accepted and that the petition of Robert Lowrey, Jr., for the vacation of a portion of Bayview Drive, be denied. Motion was seconded by Mr. Clark and carried.

File F 200-9(a)

WARRANT LISTS & REQUISITIONS

Upon motion by Mr. Clark, seconded by Mr. Taylor, Warrant Lists from May 31st to June 6th, 1966, incl., and requisitions were approved and Warrant Lists to June 13th, 1966 were authorized (to include any payrolls during that period upon condition that all employees have performed their services in accordance with time and payroll practices of the county departments.

See Page 14A

JUNE 6, 1966

(Cont'd)

PHOSPHATE MINING

Mr. Spagna relayed invitation from representatives of mining industries for the commissioners to accompany them on a tour of Manatee County in connection with phosphate mining, and stated that additional information would be furnished prior to the scheduled field trip on June 17, 1966. (Florida Phosphate Council)

DEEDS

Upon motion by Mr. Taylor, seconded by Mr. Clark, the following deeds were accepted:

✓MARVIN & MARY J. HEDRICK (Easement Trans. Line)	Par. 22.1
✓BRADENTON COUNTRY CLUB, INC. " " "	Par. 23.1
✓WALTER & ROSIE L. SUGGS (Deed)	Par. 19.1
✓WALTER & ROSIE L. SUGGS (Easement)	Par. 19.2

BONDS

Upon motion by Mr. Clark, seconded by Mr. Briggs, the following bonds, continuations of bonds and bond release were approved:

Building Contractor (Bond)

KENNETH R. WEST #S50053 American Fire & Cas.

County Engineer (Release of Bond)

JOHN BENSON, JR.

Deputy Sheriffs (Bonds)

FRANCES J. JONES	#6S 114 482	Lumbermens Mutual
FLOYD JONES TAYLOR	#6S 114 480	" "

Deputy Sheriffs (Continuation Certificates)

MYRA D. HUNTER	#S 110 039	Lumbermens Mutual
FRANK J. PITTRO	#S 110 984	" "
LESLIE T. PARKER	#S 111 641	" "
CURTIS C. SIVER	2S 112 726	" "
JAMES R. WRIGHT	1S 112 214	" "

WATER SYSTEM CONSTRUCTION TRUST FUND

See page 12 for motion to adopt Resolutions approving payment of the following

Requisition No. 5B-44

William & Myrtle M. Gill	\$ 11,900.00
Walter Suggs & Rosie Suggs	5,000.00)
Robert E. Sydenstricker	500.00)
in the total sum of <u>\$17,700.00</u>	

RESOLUTION RECORDED

F20-10

Requisition No. 5B-47

William W. Shepherd, Edmond Hofer	\$ 18,132.00
Edward S. Smith	275.00
Anthony L. Stathis & Eulia W. Stathis,	
John V. & Mary W. Yelvington	5,700.00
Edith M. Corbitt	28.00
Florida Testing Laboratories, Inc.	70.00
Manatee County	1,019.00
Herald Printing Div., Bradenton Herald	255.50)
	26.00)
Roberts & Associates	267.00
in the total sum of <u>\$25,773.00</u>	

RESOLUTION RECORDED

F20-11

JUNE 6, 1966

(Cont'd)

General Revenue Fund	No. 2764 - 2811
Road & Bridge Fund	No. 1308 - 1387
Miscellaneous Funds	No. 215 - 216
Manatee County Utilities System	No. 671 - 696
Court House Construction	No. 18 - 22

BILLS FOR PAYMENT

Upon motion by Mr. Taylor, seconded by Mr. Clark, the following bills were approved for payment:

Sidney R. Wilkinson (Juvenile Home)	\$ 208.22
Rowe-Mitchell (Juvenile Home)	13,881.00
Sidney R. Wilkinson (Court House)	1,057.64
Settecasí & Chillura (Court House)	88,136.53
Goodrich, Hampton & Boylston	815.00
Diagnostic Medical Lab.	175.00
Sarasota Memorial Hospital	72.86
Manatee Memorial Hospital	4,581.58
C & H Welding	896.74
Southwest Florida TB Hospital	498.75
Parks & Recreation	593.53

"MANATEE MONTH OF BEAUTY"

Carroll LaMar, Zoning Administrator, offered suggestion that the Board proclaim by Resolution "The Manatee Month of Beauty" and direct the Planning Director and Planning Commission to contact and meet with representatives of all organizations in Manatee County (churches, civic groups, fraternal organizations, flower and garden clubs, garbage disposal men and all interested inhabitants of the County) to formulate ways and means of cleaning up during that month and for its continuance. In this connection, he advised that one of the legally conforming salvage yard operators volunteered to remove, at no cost to the owner or to the county, any vehicle at the request of the owner.

The Board members concurred in principle with the suggestions.

STATE TUBERCULOSIS HOSPITAL

Upon motion by Mr. Hutches, seconded by Mr. Taylor, application of JAMES ROUSE to enter the State Tuberculosis Hospital was approved.

STATE ROAD 62

PAYMENT AUTHORIZED RE LEGAL SERVICES

Motion was made by Mr. Clark that Resolution be adopted approving statement of Goodrich, Hampton and Boylston for legal services regarding eminent domain proceeding known as State Road Department and Manatee County vs. Phyllis Albritton, Et Al, to be paid by the State Road Department from appropriate funds credited to Manatee County. (Amount \$655.00). Motion was seconded by Mr. Taylor and carried.

RESOLUTION RECORDED

F20-12

OBSOLETE COUNTY RECORDS (COURT HOUSE BASEMENT)

Bruce Cox, Deputy Clerk, requested that the County Attorney interpret procedure for disposing of obsolete records in the basement of the Court House.

JUNE 6, 1966

(Cont'd)

The County Attorney explained that the records of the Board, five years old or older, can be destroyed if the Board sees fit and the Clerk of Circuit Court concurs in its recommendation; that the Board has no control over records of other constitutional officers and their decisions require review by the Board of Records in Tallahassee. (The Clerk contemplates microfilming certain permanent records).

Sidney Wilkinson, architect, stated that the records must be condensed by October so that renovation and remodeling of the existing court house building could begin.

George Dowling was instructed to confer with the constitutional officers and try to work out some orderly procedure of handling their records and make report to the Board at the next regular meeting.

COUNTY BUILDINGS - CONSTRUCTION PROGRESS REPORT

Sidney Wilkinson, architect, submitted progress report on construction on county buildings:

Addition Manatee County Court House..... 30% complete
Juvenile Detention Center 90% complete

MEETING ADJOURNED.

Upon motion, the meeting was adjourned.

ATTEST:

M. T. McInnis, Clerk

APPROVED: 13 June 1966


Deputy Clerk


Chairman