

OCTOBER 4, 1966

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, October 4th, 1966 at 9:05 A.M.

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

The meeting was called to order by Chairman McClure.

PROJECTS No. 438 & 492
 BIDS ON CONSTRUCTION REFERRED ENGINEER

Bids for the grading, stabilization of sub-base, construction of limerock base course, placing of bituminous material for prime course, placing asphaltic concrete for surface course, construction of complete stormdrainage including catch basins ~~and headwalls~~, construction of concrete curb and gutter, placing of underdrain, and grassing of PROJECTS NO. 438 and 492 were received and read as follows:

| | |
|--------------------------------------|-------------|
| BLACKBURN PAVING (Sarasota) | \$21,452.35 |
| WARREN BROS. ROAD COMPANY (Sarasota) | 22,774.95 |
| GENERAL ASPHALT | 21,144.30 |

The bids were referred to the county engineer for tabulation and referral back to the Board with recommendations.

WATER SUPPLY PROJECT: DEEDS
 QUIT CLAIM DEEDS EXECUTED

Robert Moon, Right-of-way agent, explained that when the right-of-way was acquired from Rye Bridge to the dam site (Water Supply & Distribution Project) errors were made in conveyance of two parcels to the county, and the County Attorney had suggested the property be quit claimed back to the property owners less the south fifty feet of the described lands.

Upon motion by Mr. Clark, seconded by Mr. Taylor, execution of Quit Claim Deeds was authorized to

ALFRED & VERNA D. FINARELLI

The NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 26, Township 34 South, Range 17 East, Manatee County, Florida
LESS The South 50 feet of the above described lands

JOHN R. & DOROTHY GLISSON

The NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, and NW $\frac{1}{4}$ of SE $\frac{1}{4}$, and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27, Township 34 South, Range 19 East;
 ALSO That part of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 27;, Township 34 South, Range 19 East, lying South and East of Rye Road,
LESS The South 50 feet of the above described lands

HEALTH DEPARTMENT ADDITION
 CHANGE ORDERS APPROVED

Upon motion by Mr. Clark, seconded by Mr. Hutches, the following change orders were approved and authorized in the Health Department

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Addition:

| | | |
|-------------------------------------|---------------|----------|
| <u>Change Order No. 8:</u> | <u>Delete</u> | |
| 5 H.P. compressor with 80 gal. tank | | \$484.00 |
| <u>Change Order No. 9:</u> | <u>Add</u> | |
| 1 H.P. compressor with 10 gal. tank | | \$247.28 |

WATER SYSTEM CONSTRUCTION TRUST FUND
PAYMENT REQUISITION AUTHORIZED

Upon motion by Mr. Clark, seconded by Mr. Taylor, Resolution was adopted authorizing payment of requisition from the Water System Construction Trust Fund:

Requisition No. 5B-80

| | |
|---|---------------|
| Lee Construction Company of Sanford | \$ 25,568.93) |
| | 12,978.00) |
| E. N. Murray Construction Company | 84,683.37) |
| | 160,681.61) |
| Bumby & Stimpson, Inc. | 77,670.04 |
| Cone Bros. Contracting Company | 74,061.21 |
| in the total sum of <u>\$435,643.16</u> | |

✓ RESOLUTION RECORDED

F20-126

AGREEMENTS: TRAILER PARKS (PURCHASE COUNTY WATER)

Agreements signed by various trailer parks to purchase water from the county were referred to the County Attorney.

WATER SUPPLY PROJECT

CHANGE ORDERS APPROVED: SECTION III, PARTS "A" & "C"

Jack Steinhilper, project engineer, Russell & Axon, recommended certain additions and deletions to Part "A" - Raw Water Pumping Station: deletion of Quarry Tile flooring and additions of trowel finish concrete flooring and necessary adjustments, and certain additions to Part "C" - Booster Pumping Station: additions of telephone conduit and changes to the transformer vault.

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

| | |
|---|------------|
| SECTION III, Part "A" (Raw Water Pumping Station) and | |
| SECTION III, Part "C" (Booster Pumping Station) | |
| Contract Nos. 3/5 Lee Construction Company | |
| Total additions | \$1,648.85 |

SEABOARD AIR LINE RAILROAD
APPLICATION FOR PERMIT CROSS R/W

Upon motion by Mr. Clark, seconded by Mr. Hutches, application was authorized executed to the Seaboard Air Line Railroad Company for permission to install a 16-inch water main across the right-of-way on 6th Avenue East.

WATER SUPPLY PROJECT - ANNA MARIA ISLAND
PLANS & SPECIFICATIONS TO STATE HEALTH DEPARTMENT

Mr. Steinhilper submitted application to the State Board of Health

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for approval of plans and specifications on the Water Supply Project for Anna Maria Island (Part "D").

Upon motion by Mr. Taylor, seconded by Mr. Clark, the application was authorized executed by the appropriate county officers.

Mr. Steinhilper advised that copies of the plans were being furnished the cities on Anna Maria Island for approval of the councils.

CONSUMERS UTILITIES CORP., DESOTO UTILITIES CORP.
RELEASE AGREEMENT: ACCOUNTS RECEIVABLE

The County Attorney advised that the Consumers Utilities Corp., and the DeSoto Utilities Corp., had executed Release Agreement in connection with the difference between the utilities companies and the county concerning the amount of prepaid utility charges paid to the county (the sum of \$3,188.50 withheld by county from its payment to Consumers and DeSoto for accounts receivable collected by county for the firms); that now they were willing to compromise the matter by payment by the county of the sum of \$1,594.25. It was his recommendation that the Board execute the Agreement.

Upon motion by Mr. Taylor, seconded by Mr. Clark, the Release Agreement between the County and Consumers Utilities Corp. and DeSoto Utilities Corp., as outlined by the County Attorney, was authorized executed by the appropriate officers of the County.

✓AGREEMENT RECORDED

F20-127

Z O N I N G

Neno Spagna presented recommendations of the Planning Commission.

SE-185 LEONA GILL TRAILER PERMIT APPROVED

Request by owner to allow trailer residence in a District "A" zone on 100 acre parcel, more or less, located on the north side of SR 64, 1 mile west of intersection of SR 64 and the Myakka City-Wauchula Rd. The Planning Commission recommended approval for a period of two years. (District "A" zone)

Upon motion by Mr. Hutches, seconded by Mr. Taylor, SE-185 for Leona Gill was approved for a period of two years.

SE-191 RICHARD FRANCIS TRAVEL TRAILER PERMIT DENIED
MOBILEHOME PERMIT APPROVED

Request by owner to allow mobilehome site for elderly parents and storage of travel trailer, in a District "A" zone, on a parcel generally located on the east side of Morgan Johnson Road 400 ft. south of Tropical Drive. The Planning Commission recommended denial of request.

Upon question by Mr. Hutches, Mr. Spagna stated that insofar as he knew there was no objection voiced at the public hearing.

Mr. Hutches advised that people had complained about the travel trailer, but there were no objections to the trailer as residence for the elderly people, and moved that

(1) Permit be granted for a period of two years for mobilehome site for residence of the aged parents,
and

(2) Permit for storage of travel trailer be denied.

Motion was seconded by Mr. Clark and carried.

R-234 HOWARD HELMS REZONE TO DISTRICT "T" DENIED
Request by owner for rezone from District "T" to District C-1 to be used for retail sale of mobile homes - parcel located on 44th Avenue W. (Cortez Rd) at the SE corner of 110th Street W.
The Planning Commission recommended denial for reason that granting petition would be in direct conflict with comprehensive plan for area, would create a commercial island within a residentially zoned area, would benefit an individual owner and would be spot zoning.

Upon motion by Mr. Taylor, seconded by Mr. Clark, the recommendation of the Planning Commission was accepted, and R-234 for rezone to District C-1 was DENIED.

(The manager of Paradise Trailer Park pointed out that a huge storage tank was located on the adjoining parcel and that there were no objections made to the zoning change.)

POLITICAL SIGNS POLICY APPROVED

Motion was made by Mr. Taylor that the following policy be adopted regarding political signs: (Same as policy of February 21, 1966)

1. The signs must be located on private property, with permission by owner.
2. The signs must be located off of all right-of-way.
3. The candidates must be responsible for taking the signs down quickly after either the Primary or the General Election, whenever their candidacy has terminated.
4. The signs must conform to the State Laws.
5. Signs must not obscure visibility on corners. (Signs must be no higher than 30" to the top or 8' to the bottom).
6. Signs shall be permitted in all districts, including residential.
7. No permits required and no fees involved.

Motion was seconded by Mr. Hutches.

It was noted by Mr. Briggs that some signs were still standing from the last election, and that he had recommended that candidates post adequate bond (for removal of signs). The question of legality of bond requirements was referred to the County Attorney.

Voting "Aye" were Mr. Taylor, Mr. Hutches and Mr. Briggs. Mr. Clark voted "No". Motion carried.

GARBAGE FRANCHISE ASSIGNMENT APPROVED
FROM McDONALD TO TRI PAR

Upon motion by Mr. Taylor, seconded by Mr. Clark, Assignment of Garbage Franchise from McDonald Trailer Sales of Sarasota, Inc., to Tri Par Land Development Corp., was approved and authorized executed by the appropriate officers of the county.

✓ RECORDED F20-128

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DEEDS ACCEPTED

Upon motion by Mr. Clark, seconded by Mr. Briggs, deed was accepted from

✓ MARY M. ELMORE

Elmore Road - Parcel #7

BONDS / CONTINUATIONS

Upon motion by Mr. Taylor, seconded by Mr. Briggs, the following bond continuation certificates were approved:

Well Drilling Contractors

✓ CHARLES R. PEMELMAN #43948 Auto-Owners

✓ H. DALE YOUNG #G382212 Globe Indemnity

WARRANT LISTS & REQUISITIONS

Upon motion by Mr. Clark, seconded by Mr. Taylor, Warrant Lists from September 27th to October 4th, 1966, and Requisitions were approved, and Warrant Lists to October 11, 1966 were authorized; said warrant lists 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.

| | |
|---------------------------------|------------------------|
| General Revenue Fund | No. 4224-4227; No. 1-2 |
| Road & Bridge Fund | No. 2005-2006A; No - |
| Miscellaneous Funds | No. 287- 288; No. 1-2 |
| Manatee County Utilities System | No. 1391-1492 |
| Court House Constr. | No. 51- 52 |

Note: Requisitions No. 6768, 6769, 6772 and 6792 were withheld from the list of those approved.

BILLS APPROVED FOR PAYMENT

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

| | |
|---|----------|
| Lawyers Title Service | \$ 17.00 |
| (Title search re Lot 1, Block A, Bayshore Gardens, Sect. I) | |
| Hardin-Lowrey Realty Co. | 75.00 |
| (Appraisal re Lot 1, Block A, Bayshore Gardens, Sect. I) | |
| American Shore & Beach Preservation | 25.00 |
| Department of Public Welfare | 1,849.22 |
| Manatee Memorial Hospital | 3,188.04 |

ORANGE GROVE PARK, J.D. LAMBS AMENDED PLAT TO PARRISH
JOHN PARRISH ADDITION TO PARRISH: PETITION TO VACATE ROADS

Harrison & Johnston, attorneys, submitted petition of FINNIS E. and LILA TISON WHIDDEN for the vacation of certain roads in ORANGE GROVE PARK, J. D. LAMBS AMENDED PLAT TO PARRISH and JOHN PARRISH ADDITION TO PARRISH, and requested that the Board set date of public hearing on said petition.

Upon motion by Mr. Clark, seconded by Mr. Taylor, date of public hearing on the petition was set as October 25th, 1966, and appropriate resolution was adopted.

↓ RESOLUTION RECORDED F20-129

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BRANCH LIBRARY - BAYSHORE GARDENS
RE: CONDEMNATION SUIT TO ACQUIRE PROPERTY

Motion was made by Mr. Clark that Resolution be adopted authorizing and directing the County Attorney to bring appropriate action to condemn the following described property for the purpose of acquiring a site for a branch library:

Lot 1, Block A, Bayshore Gardens, Section 1, as per plat thereof recorded in Plat Book 9, Page 12, of the Public Records of Manatee County, Florida.

Motion was seconded by Mr. Taylor and carried.

RESOLUTION RECORDED F20-130

COUNTYWIDE LIBRARY: SUPPLEMENTAL AGREEMENT
FUNDS DISBURSED BY CITY OF BRADENTON

Upon motion by Mr. Clark, seconded by Mr. Taylor, Supplemental Agreement between Manatee County and the City of Bradenton, providing for the handling of any and all funds received through the county from federal, state, county, and private sources for the County Free Library System (by the City of Bradenton), was approved and the appropriate officers of the County were authorized to execute said Agreement.

AGREEMENT RECORDED F20-131

BRANCH LIBRARY - BAYSHORE GARDENS
AGREEMENT WITH BAYSHORE GARDENS SALES CORP.

Motion was made by Mr. Clark that the County enter into Agreement with Bayshore Gardens Sales Corp., providing that in the event the County is successful in obtaining judicial authority to condemn the property (Lot 1, Block A, Bayshore Gardens, Section 1) for the Bayshore Gardens Branch Library the county shall pay the company the sum of \$5,800.00 as just compensation for the taking of the property. Motion was seconded by Mr. Taylor and carried.

AGREEMENT RECORDED F20-132

BOARD OF PUBLIC INSTRUCTION
RESOLUTION CERTIFYING MILLAGE

Upon motion by Mr. Clark, seconded by Mr. Hutches, the Board accepted Resolution of the Board of Public Instruction, certifying millage to be levied for school purposes for the fiscal year beginning July 1, 1966 and ending June 30, 1967:

| | |
|--------------------------------|-----------|
| County Current School Fund | 10 mills |
| Special Tax School District | |
| Current Fund | 2 mills |
| District No. 1 Bond I & S Fund | 1.5 mills |

RECORDED F20-125

CORRESPONDENCE

Correspondence was read from

- 1) MRS. CLYDE FORTNER
Appreciation of recognition of Clyde Fortner (deceased) and memorial.

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- 2) BOARD OF PUBLIC INSTRUCTION
Request to place on November ballot the
question of appointment of Superintendent.

BOARD OF PUBLIC INSTRUCTION
RE: QUESTION APPOINTMENT SUPERINTENDENT - GENERAL ELECTION BALLOT

The County Attorney read the resolution, adopted by the Board of Public Instruction, requesting that the Board of County Commissioners cause the question of appointment of the Superintendent of the Board of Public Instruction to be placed on the ballot for the General Election, November 8, 1966. He advised that the County Commissioners would act only in an administrative capacity, after they determined if the request was "timely", as provided in the Statute, and recommended that the Supervisor of Elections be consulted as to the printing of the ballot, etc.

WATER SUPPLY PROJECT - ANNA MARIA ISLAND

The County Attorney stated he had reviewed the bond resolution in connection with the Water Supply Project for Anna Maria Island and would recommend its adoption with correction of the amount; however, he had not had an opportunity to discuss this matter with Al Shepard, the county fiscal agent, and would prefer to do this before adoption of said resolution.

The reading of the resolution was deferred until this matter could be finalized with the fiscal agent.

BOARD OF PUBLIC INSTRUCTION - APPOINTMENT SUPERINTENDENT
SUPERVISOR OF ELECTION TO OBTAIN ATTORNEY

Mable Davis, Supervisor of Elections, stated that absentee ballots for the November election had been printed and over one hundred had been mailed; the machine ballots had been ordered, but not yet printed. She pointed out that if the subject question should be placed on the ballot, the ballot would have to be approved in Tallahassee before printing and it would appear impossible to mail another ballot to applicants for absentee ballots in time for them to be returned for canvassing. The matter of additional personnel required in her office was also discussed.

It was decided that further discussion would be postponed until Mrs. Davis could obtain an attorney.

SUBDIVISION REGULATIONS (RE: WATER MAINS, ETC.)
POLICY ON REIMBURSEMENT DEFERRED

Chairman McClure advised that the question of reimbursement to subdivision developers for installation of water mains, fire hydrants, etc., had been referred to the bonding attorneys to determine if such a policy would conflict with provisions of the water bond issues.

"SOUTH FLORIDA MUSEUM DAY"

Al Grossman urged the Board to give recognition to the opening of the South Florida Museum and Planetarium, and related festivities, on Saturday, October 8th.

The Chairman stated that if there were no objections, Saturday, October 8th, 1966, would be proclaimed "SOUTH FLORIDA MUSEUM DAY." There were no objections.

RECESS

The meeting was recessed until 1:30 P.M.

1:40 P.M.

The Board of County Commissioners reconvened at 1:40 P.M., October 4th, 1966, with all members present.

BOARD OF PUBLIC INSTRUCTION - GENERAL ELECTION BALLOT
QUESTION RE APPOINTMENT SUPERINTENDENT DENIED

Chairman McClure stated that the Board recessed from the morning session in order that the Supervisor of Elections and her attorney, the attorney for the Board of Public Instruction and the county attorney would have time to confer regarding the request for the question of appointment of Superintendent of Public Instruction to be placed on the ballot for November 8th election.

William Grimes, attorney for the Supervisor of Elections, advised that.....

It is the position of the Supervisor of Elections that she desires to comply with the wishes of the Manatee County Commission and will comply with their orders. However, she questions whether this request is timely made and whether it is possible for her to comply with such a request in a manner that will not seriously question the validity of the election. Her reasons are as follows:

The Constitution, Article 12, Section 2(b) provides that upon timely request, by the Board of Public Instruction, County Commissioners of the County will cause this proposition to be placed on the ballot at the election. The election is now 35 days away. Florida Statutes, Chapter 101.62 requires the Supervisor to furnish absentee applications at any time during 45 days preceeding the election. In compliance with this Statute, the Supervisor has now sent out more than 100 absentee ballots, some of these have already been returned.

The absentee ballots are returned in unmarked envelopes in accordance with the statutes. It would be impossible to change these ballots at this late date, have them approved by the Secretary of State, and then send new absentee ballots to these same people, without seriously questioning the validity of an election in which such a procedure was followed.

One might say that an additional ballot may be sent to the same persons. Of course, these persons are dispersed, they are absent, and there would be question as to whether these additional ballots would reach them. Also, there would be a question as to whether such a procedure would comply with the Constitution which requires that this question be placed on "the ballot" at such other election".

In addition, the laws do not provide for the sending of any special ballot in addition to the one that has already been sent, nor do they provide for the substitution of a new ballot in place of the one that has already been sent and we feel that if either one of these procedures

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were followed, you would have an additional question there presented as to the validity of such an election. We therefore submit that it is not practical nor is it possible to put this question on the ballot for this election at this time without seriously questioning the validity of such an election.

William Daniel, as attorney for the School Board, stated that they had complied with provisions of the Constitution and laws covering elections applicable to points involved.

The County Attorney told the Board it was his opinion that it has the discretion in this matter (no specific definition of "timely" made and if question is put on ballot the Board would be faced with all the problems outlined by Mr. Grimes) and has justification for concluding that application was not timely made, and if decided in this manner that position could be sustained under the circumstances as outlined.

Upon inquiry by Mr. McClure if the School Board had considered or would have any objection to placing this question on the trustee-millage election ballot in November, 1967, William Kittle, assistant to the Superintendent, advised that no consideration had been given to that date.

Mr. Briggs moved that the request for question of appointment of Superintendent of Board of Public Instruction to be placed on the November 1966 Ballot be denied as there is question of the legality of this request. Motion was seconded by Mr. Clark and carried.

CIVIL DEFENSE
AGREEMENT: MERIT SYSTEM

Mr. Hutches moved that the Civil Defense Unit of Manatee County be put under the Merit System and that the Chairman of the Board be authorized to execute Agreement with the Florida Merit System of Personnel Administration. Motion was seconded by Mr. Taylor. Voting "Aye" were Mr. Hutches, Mr. Clark and Mr. Taylor. Mr. Briggs voted "No". Motion carried.

✓ AGREEMENT RECORDED F20-133

MEETING ADJOURNED

Upon motion, the meeting was adjourned.

ATTEST:
M. T. McInnis, Clerk

APPROVED: 11 October 1966


Deputy Clerk


Chairman