

NOVEMBER 22, 1966

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, November 22nd, 1966 at 9:00 A. 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

The meeting was called to order by Chairman McClure.

PROJECT NO. 496
PUBLIC HEARING - ASSESSMENT ROLL
PROJECT ABANDONED

Public Hearing was opened to consider Special Preliminary Assessment Roll on

PROJECT NO. 496
21st Avenue West from 43rd Street West
to 47th Street Court West.

Robert Moon, R/W agent, reported that withdrawal of names from the petition had reduced the percentage to 65.68 and it would take 29.80 percent* to bring it up to the required 66-2/3 percent for a participation project.

The Public Hearing was closed.

Motion was made by Mr. Briggs that action of the Board on November 8th, 1966, adopting Resolution ordering improvements on Project No. 496, be rescinded and that the project be abandoned. Motion was seconded by Mr. Hutches and carried.

PROJECT NO. 533
SURVEY, PLANS & ESTIMATES AUTHORIZED

Mr. Moon advised that petition for Road Improvements on

PROJECT NO. 533
26th Avenue West from 51st Street West
approximately 635.65 feet west

contained signatures of property owners of one hundred percent of the property abutting this street and, therefore, exceeded the requirements to qualify as a participation project.

Upon motion by Mr. Clark, seconded by Mr. Briggs, the County Engineer was authorized to proceed with survey, plans and estimates on Project No. 533.

SHERIFF

Chairman McClure stated that Sheriff J. Kenneth Gross was present for the purpose of offering information in connection with a newspaper editorial concerning a citizen's complaint about the handling of a certain incident on Riverview Boulevard. (Citizen on Agenda but did not appear).

Mr. Briggs observed, and Mr. Clark and Mr. Taylor concurred, that matters concerning other constitutionally elected officers and the

*Correction: "feet"

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operation of their offices did not come under the jurisdiction of this Board and should not be brought before it or discussed.

The Chairman noted that anyone wishing to be placed on the Agenda would be given an opportunity to be heard.

ATLANTIC COAST LINE RAILROAD COMPANY (PALMETTO WATER LINE)
RE: REVISED PERMIT FOR WATER MAIN UNDER TRACK

Upon motion by Mr. Briggs, seconded by Mr. Clark, the appropriate county officers were authorized to execute revised application for permit covering installation and maintenance of water mains under agreement dated February 8, 1966 (re-designed from 24" main to 18" main encased in 30" conduit) for Palmetto Water Line (Section VIII, Part "A").

WATER WORKS PROJECT
CHANGE ORDER, SECTION IV

Upon motion by Mr. Taylor, seconded by Mr. Clark, the appropriate county officers were authorized to execute

<u>Change Order No. 2</u>	addition \$288.75
To Contract No. 14	(SECTION IV, Elevated Storage
<u>CHICAGO BRIDGE & IRON CO.</u>	(Tank, Cortez Road
(Install headwall and sand-cement rip-rap for erosion	
protection of drainage ditch in State Road r/w to comply	
with SRD requirements)	

SEABOARD AIR LINE RAILROAD COMPANY
RE: PERMITS FOR WATERMAIN ACROSS R/W (SECTION VIII - PART "A")

Upon motion by Mr. Taylor, seconded by Mr. Clark, the appropriate officers of the county were authorized to execute applications to the Seaboard Air Line Railroad Company for the construction of

- (1) 16-inch water main across RR r/w approximately 1170 feet east of point of switch on main track at 11th Street East, and
- (2) 16-inch water main across RR r/w approximately 2950 feet southwest of the point of switch on the main track, near State Road 43 in Palmetto.

STATE ROAD DEPARTMENT	SECTION VIII - PART "A"
RE: PERMITS FOR WATER MAINS ACROSS R/W	SR 43, 55, 64

Upon motion by Mr. Taylor, seconded by Mr. Clark, the appropriate officers of the county were authorized to execute applications to the State Road Department for permits to construct 16-inch water mains across the right of way of

- (1) State Road 43, Section 13020 (10th Street West, as per franchise with City of Palmetto), west of SR 55 overpass,
- (2) State Road 55 Leg "B", Section 13130 (7th Street West) (City of Palmetto),
- (3) State Road 64, Section 13050 (Manatee Avenue) (as per franchise with City of Palmetto).

WATER SYSTEM CONSTRUCTION TRUST FUND
PAYMENT OF REQUISITIONS

Motion was made by Mr. Clark that Resolutions be adopted authorizing payment of Requisitions from the WATER SYSTEM CONSTRUCTION TRUST FUND:

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Requisition No. 5B-86

Florida Testing Laboratories \$ 95.20
Hubert & Ruth Rutland 37,724.63
in the total sum of \$37,819.83

✓ RESOLUTION RECORDED G20-44

Requisition No. 5B-91

The Bradenton Herald \$ 10.80
Manatee County 162.44
in the total sum of \$173.24

✓ RESOLUTION RECORDED G-20-45

Motion was seconded by Mr. Taylor and carried.

WATER WORKS PROJECT, ET AL
PROGRESS REPORT

Jack Steinhilper, of Russell & Axon, submitted Project Progress and Fund Status Report on the WATER WORKS PROJECT, WATER & SEWAGE ACQUISITION PROJECT and INDUSTRIAL RAW WATER FACILITIES for the period ending September 2, 1966 (dated November - 1966).

POLLUTION CONTROL ADVISORY COMMITTEE
RECOMMENDATION - CONSULTING ENGINEERS COUNCIL

The Board received suggestion from the Sarasota-Manatee Section of the Consulting Engineers Council that an engineer be appointed to the Manatee County Pollution Control Advisory Committee. Mr. Emil Tiona, a representative of the Council, advised that a list of recommendations would be furnished for the Board's consideration.

FLAMINGO CAY

Mr. McClure referred to an inquiry from the Sarasota Federal Loan and Savings Association regarding the county's disposition of the Flamingo Cay Subdivision water system, stating that he had advised them that there were no funds available at the present time for further extensions and suggested tying into the county's line at Palma Sola and running extension to this system whereby they could buy water from the county at wholesale rates. Mr. Steinhilper concurred with this recommendation.

SARASOTA-MANATEE AIRPORT

Edwin A. Jones referred to previous discussion regarding feasibility concerning the Sarasota-Bradenton Airport and stated it was his understanding that the feasibility study now financing and expansion of the existing airport and relocation abandoned because of reversion clause; that a corporation representing the entire area is prepared and intends to proceed to seek injunction to prevent expansion of existing airport facilities.

Mr. Jones was advised that this information was premature and was requested that legal action be held in abeyance until the master planner could submit his recommendations. Mr. Jones stated that as soon as their attorney has reached a point where he thinks it advisable he will be glad to confer with everybody, and quite likely extensive litigation can be avoided.

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Z O N I N G

Z-27 AMEND ZONING ORDINANCE CONTROLLING EXTRACTION OF
MINERALS AND OTHER NATURAL RESOURCES.

Action postponed one week.

Neno Spagna, Planning Director, noted that the proposed Amendment (worked on for a period of one year and results forwarded to Board members in form of proposal) contemplates three very important things with regard to the regulation of mining activities in Manatee County:

- 1) The proposal attempts to control the construction of the dams that will be required for mining operation of phosphate and other mineral extractions in such a manner that will prevent - or at least minimize - any damage to these dams which might result in contaminating the watershed within the county;
- 2) It proposes a method of more or less monitoring the facilities to see that there is no pollution that occurs;
- 3) It proposes a method and specifies means of reclamation of the land after the mining operation has terminated.

Bob Bender, speaking on behalf of the Manatee Chapter of the Izaak Walton League, commended the Planning Director and members of the Planning Board for the thought and study given to the mining regulations, and pointed out several areas they feel bear further study: Question of reclaiming only seventy percent of the land, (concerned with leaving unsightly pits), objection to waiver of requirements by the County Commissioners, construction of the dams so that the slime material would not escape.

Dewey A. Dye, Jr., representing the group of phosphate companies having interests in Manatee County, Swift, Grace, Armour, Borden and International Minerals Corporation, offered suggested changes in form of the proposed ordinance:

- a) provide that all copies be filed with Planning Department and this department make distribution to other departments specific in Section 3.1 Master Plan (p.2); also that one additional copy be submitted so that it can be returned to applicant with official action noted on face of application.*
- b) Section 3.1 re location of all "pipelines" to be changed to "permanent pipelines".
- * c) 3.2 Operating Permits (p.3) - covered in "a".
- d) Section 5.4 (p.8) - add following phrase at end of existing sentence "except as herein otherwise provided".

Objection was made to 85 modified proctor density requirement in Section 6.7 and amount of bond in Section 3.3 (J) (p.4) He suggested written time limit of 30 days after all reports in, hearings held, ec., for Planning Commission action (Section 4.1 Master Plan Approval (p. 6)).

Mr. Murray, attorney for Florida Phosphate Council, also recommended time limit of 30 days, and offered objections to amount of bond required in Section 3.3 and 85 modified proctor density requirement in Section 6.7. Process of reclamation of lands after termination of mining operation and cost involved were discussed at length.

Randolph Snell, Chairman of the Pollution Control Advisory Committee, submitted recommendations that the proposed mining regulations be approved and that a separate enabling act be obtained in next session of Legislature which will incorporate these mining regulations but would also add a stricter fine section as a deterrent to possible dam breaks, water pollution, etc.

Upon objection by R. E. Ledbetter, representing the River Haven Recreation Club, to waivers to provisions without public hearing, Mr. Spagna advised that all matters of business of this nature have to be transacted in official meetings and he would be glad to notify the Club when such items are on the Agenda.

The Chairman stated that if there were no objections, action would be deferred for one week on the proposed Mining Ordinance until such changes or modifications might be effected. There were no objections.

MASTER PLAN - PALMA SOLA PARK DEFERRED

Mr. Spagna outlined the general plans for developing county property in the Palma Sola area (75th Street former landfill site) into a park and recreational area, to be accomplished in steps over a period of five years, at a total of Manatee County participation cost of \$92,559.00, based on fifty-fifty participation by county and federal government.

Action on the Plan was deferred for one week.

R-237 TRAILER PARK CONSTRUCTION CO., INC. - DEFERRED

Request by owners for rezone from District R-1AA to District "T" for the purpose of creating an addition to an existing mobile home subdivision (Floridana), on a 4-acre, more or less, parcel generally located on the north side of Oneco Road between Third Street and First Street.

The Planning Commission recommended approval by the governing body upon approval of final plans.

Robert Knowles, attorney representing the petitioner (Robert Quinn, owner-developer of Floridana Mobilehome Subdivision), gave a resume of the development of this mobilehome park.

The Board heard objections to the rezoning of this parcel from

Charles Lacey, 223 52nd Avenue Terrace West

(Was not notified by registered mail - oversight in list of property owners furnished petitioner)

Jim Garland, attorney representing certain property owners in the area,

Marvin Brown, resident within 150 feet of area affected

(Did not receive notice of rezoning because purchase in 1965 not reflected on tax roll. Note: Tax Rolls for 1966 not yet certified.)

Donald Lernard

(Not notified as purchase of property not reflected on tax roll in use.)

Mrs. William Pasman, 119 52nd Avenue Terrace West,

Mrs. David (Edna) Reynolds

R. O. Geffress

Mrs. Richard Kirschner

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Joseph Walmsley, 110 52nd Avenue Terrace West,

John Zellars, 109 52nd Avenue Drive West, stated his was the second trailer from the area (within 300 feet) and he preferred trailers located on the property instead of small homes.

It was pointed out that there was no legal obstruction to the rezoning because of certain property owners within the specified area not receiving notices. It was also pointed out by one of the objectors (who had not received notice) that the new property owners paid monthly allotments (maintenance fees) to Floridana and their names were on record, and it was the responsibility and obligation of the petitioner to send the required notices, and not the Planning Commission.

The property owners were not in favor of rezoning because the owner-developer, Robert Quinn, had not fulfilled certain promises regarding recreational facilities, putting greens, beautification of the subdivision, etc., also they objected to having a row (or two) of trailers between them and the highway and to the use of the property for any purpose except park area.

The Chairman stated that if there were no objections action would be deferred for one week. There were no objections.

COURT HOUSE - REMODELING PLANS APPROVED
INVITATION FOR BIDS

Motion was made by Mr. Hutches that the plans and specifications for the remodeling of the court house, presented by Sidney Wilkinson, architect, be approved and invitation for bids advertised to be received until 10:30 A. M., December 20th, 1966. Motion was seconded by Mr. Taylor and carried.

RECESS

The Board recessed until 2:30 P.M.

2:30 P. M.

The Board of County Commissioners reconvened at 2:30 P.M., Tuesday, November 22nd, 1966, with all members and attorney and deputy clerk present.

POLLUTION CONTROL - BORDEN CHEMICAL COMPANY
RE: STACK SAMPLING

During the morning session the Board had acknowledged a letter from The Borden Chemical Company, dated November 21, 1966, relative to granting access to its premises at Piney Point for the purpose of making tests and samplings with respect to the stack emissions from said premises/or the air quality thereon. This letter pointed out the danger involved in undertaking to sample the three 200-foot high stacks and that the Company assumes no responsibility or liability for the safety of the Health Department agents (Frank Cross and aide) in making these tests.

As to recommendations that the County Commissioners secure adequate insurance for these agents, John Hendricks, Chairman of the Insurance Advisory Committee, stated that the insured would have to be Borden

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Chemical Company, and the County Attorney had advised that the County has no authority to purchase such insurance and to buy insurance to protect State Health officers in performing their duties as set out by the Florida Sanitary Code.

Robert Boylston read a letter just received from R. M. Wilbur, Manager, Florida Operations, Borden Chemical Company, as follows:

You have requested access to the premises of our company at Piney Point, Florida, for the purpose of conducting various tests and samplings with respect to air quality in connection with the duties of your department for the State Health Department.

You are of the opinion that you have the lawful right to such entry and that, therefore, you and your employees and agents would occupy the status of licensees on our premises rather than invitees. We have advised that we are willing for you to enter, but only if you occupy the status of licensee. There is question in our mind as to your lawful right to enter; however, out of a desire to cooperate with the County we are willing to permit such access of your employees and agents as licensees with the express understanding that it is agreed that they shall occupy the status of licensees while thereon.

Please be advised that such activities will necessarily entail entrance onto portions of the premises in the engagement in activities on the premises more dangerous and hazardous than the ordinary activities of others on the premises.

We employ secret devices and processes on the premises which must not be disclosed. We will regard entrance by your employees or agents onto our premises for such tests and samples as acceptance of the status of licensees and agreement not to disclose secret devices and processes.

This letter supercedes the previous letters of November 18, 1966, and November 21, 1966.

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Mr. Boylston defined "licensee" as being a person who has a right to be on the premises but not actually invited there.

Motion was made by Mr. Taylor that the Board accept the letter from The Borden Chemical Company and agree to abide by its contents. Motion was seconded by Mr. Clark and carried.

Frank L. Cross, Jr., confirmed by letter that any operations or processes observed while making routine inspections or testing at the plant will be kept strictly confidential.

PARKS & RECREATION

RE: ACQUISITION OF ONECO YOUTH CENTER

Mary Bell, representing the Board of Directors of the Oneco Youth Center, explained that due to circumstances this facility had been operating only part time and there was a great need for such a facility in the area to be operated on a full time bases; that this matter had been discussed with John Marble, director of Parks and Recreation,

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and he (with knowledge and approval of the Parks & Recreation Commission) had recommended that it be turned over to the county. She presented a list of assets of the Center with request that the Board accept a deed to the Oneco Youth Center property, and assume mortgage of \$1300.00, and that the facility be operated on full time basis, if possible, under the County's Recreation program.

Motion was made by Mr. Clark that the deed to the Oneco Youth Center property be accepted and that the county attorney be authorized to initiate legal proceedings in connection with paying off the \$1300. indebtedness. Motion was seconded by Mr. Taylor and carried.

HOLIDAY - FRIDAY AFTER THANKSGIVING

Motion was made by Mr. Clark that the offices and departments under the jurisdiction of the Board of County Commissioners be permitted to close for Thanksgiving holiday from 5:00 P.M., Wednesday, November 23rd until 9:00 A.M., Monday, November 28th, 1966 (or customary opening time). Motion was seconded by Mr. Hutches. Mr. Briggs stated he was of the opinion that since these were public offices there should be a skeleton crew to offer assistance to the public if needed, and he abstained from voting. Motion carried.

Z O N I N G

Recommendations of the Planning Commission were presented by the Planning Director.

SE-197 ELNOR H. SILLIMAN MOBILEHOME PERMIT GRANTED
Request by petitioner to allow mobile home as residence for mother on 10-acre parcel, m/1, located approx. 1/2 mile south of Tropical Drive on the west side of 64th Street Court East (Magnolia Manor) in a District "A" zone. The Planning Commission recommended approval for the lifetime of the mother.

Upon motion by Mr. Hutches, seconded by Mr. Clark, SE-197 for Elnor H. Silliman was granted as recommended by the Planning Commission. (Lifetime of Mrs. Silliman's mother).

SE-199 STELLA I. WILLIAMS MOBILEHOME PERMIT GRANTED
Request by owner to allow mobilehome on 10-acre parcel located 509 ft. north of 26th Avenue East and 318.6 ft. east of 42nd Street East, in an Agricultural zone. The Planning Commission recommended approval for a period of two years for use of son only.

Upon motion by Mr. Clark, seconded by Mr. Hutches, SE-199 for Stella I. Williams was approved for a period of two years for use of son only.

RESERVOIR AREA RECREATION PROGRAM

The Board received a letter from J. B. Miller, Director, Division of Water Supply, Florida State Board of Health, regarding Proposed Recreation Plan for Manatee County Reservoir review. He stated that, with proviso that certain recited items shall prevail and be accomplished, the plan and accompanying print with notes are so provisionally approved as of November 15, 1966, under Serial No. 7823-A-(REC).

Letters of approval and recommendations in connection with certain

phases of this program were received from Neno Spagna, Planning Director, and the Pollution Control Advisory Committee.

AIR INSPECTIONS AUTHORIZED

The Planning Director requested authorization to make air inspections as required for the study and analysis of county projects being planned and developed. He estimated that three to six hours of air time would be required per month at a rental rate for a single two-place aircraft of \$12.50 per hour.

Motion was made by Mr. Hutches that the request be granted. Motion was seconded by Mr. Clark. Voting "Aye" were Mr. Hutches, Mr. Clark and Mr. McClure. Mr. Briggs and Mr. Taylor voted "No". Motion carried.

STATE ROAD 70

EXCHANGE OF DEEDS WITH ERNEST A. MARSHALL

Motion was made by Mr. Briggs that (1) the County accept check for \$525.00 from Ernest A. Marshall and (2) the appropriate county officers be authorized to execute a deed to said Ernest A. Marshall for a certain 4.3 acre parcel in Section 15, Township 35 South, Range 18 East and (3) deed be accepted from said Ernest A. Marshall for a .29 acre parcel - a 50-ft. r/w for a public road located in the NW 1/4 of Section 15, Twp. 35 South, Range 18 East (STATE ROAD NO. 70), all in accordance with Resolution adopted by the Board on June 6, 1966, and (4) the County Attorney be instructed to dismiss condemnation suit involving the Marshall property. Motion was seconded by Mr. Clark and carried.

WATER & SEWER REVENUE BONDS

AUTHORIZATION REGISTRAR RECONVERT BONDS

Motion was made by Mr. Clark that Resolution be adopted giving the Board's consent and approval for the First National Bank of Bradenton, as Registrar for the Manatee County Water and Sewer Revenue Bonds, Issue of 1965, to reconvert bonds which have previously been converted into bonds registered as to both principal and interest, into coupon bearer bonds, upon receiving a request to do so from the holder of any bonds. Motion was seconded by Mr. Briggs and carried.

RESOLUTION RECORDED G20-46

SPOIL AREAS - DREDGING - BRADEN RIVER

The Board deferred action in connection with agreements with Mr. and Mrs. E. M. Walker on spoil areas for dredging operations in Braden River.

PALMIST'S LICENSE: RUBY MITCHELL

The Board received report from the Sheriff's Department in connection with application of Ruby Mitchell for a Palmist's License. Copies of the report were furnished members of the Board and the applicant, and action was deferred for one week.

COURT HOUSE ADDITION

RE: COMPLETION OF PROJECT BY SURETY COMPANY

Motion was made by Mr. Clark that the Chairman be authorized to

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sign a letter to The Fidelity and Casualty Company of New York (read by the County Attorney) acknowledging proposal to assume responsibility as surety in connection with the default of Settecasì & Chillura on the construction of the addition to the Manatee County Court House and consenting to the Surety's contract with Graham Contracting, Inc., of Orlando, Florida for performance for all remaining work to be done to complete the contract, confirming contract price and progress payments made to date, and agreeing to make remaining payments to the Surety and confirming time for completion of the project as February 6, 1967. Motion was seconded by Mr. Taylor and carried.

ANNA MARIA ISLAND WATER PROJECT

The County Attorney reported that, as a result of a meeting with officials on Anna Maria Island, resolution had been prepared wherein they approve plans and specifications on the Anna Maria Island Water Project, with recommendation that the resolution be submitted to the Board prior to the sale of the bonds. He added that contract regarding fire hydrants was submitted.

DEEDS

Upon motion by Mr. Clark, seconded by Mr. Hutches, Fee Simple Deeds were accepted from

✓ WILLIAM R. & LEE S. COOK	Par. 1 - Verna Grade
✓ ROBERT M. & MARGARET K. CLARK	Par. 1 - 26th Ave. W.
✓ C. B. (JR.) & LENORE M. STEWART	Par. 2 - 26th Ave. W.

BONDS

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

<u>Building Contractors' Bonds</u>	
✓ TRUMAN E. HESS	RELEASE #SY 40828 The Employers' Group
✓ KENNETH R. WEST	#S-50066 American Fire & Cas.

<u>Building Contractor's Continuation Certificate</u>	
✓ W. E. FLICKINGER	Auto-Owners Ins. Co.
	#19468 657712-6614683

<u>Release of Building Contractor's Bond</u>	
✓ KENNETH R. WEST	#S-50053 American Fire & Cas.

<u>Deputy Sheriffs' Bonds</u>	
✓ GETTIS GULLETT	#763-011 Fin. Fire & Cas.
✓ ROY AUGUSTA JOSLIN	#6S114 713 Lumbermen's

OPEN SPACE LAND PROGRAM
APPRAISERS APPOINTED

Upon motion by Mr. Clark, seconded by Mr. Taylor, AL DOSS and ROBERT LOWREY, JR., were appointed as appraisers for property in the Reservoir Area which is to be used in connection with the Open Space Land Program.

WARRANT LISTS & REQUISITIONS

Upon motion by Mr. Hutches, seconded by Mr. Taylor, Warrant Lists from November 15th to 22nd, 1966, and Requisitions were approved, and Warrant Lists to November 29th, 1966 were authorized (to include any payrolls during that period upon condition that all employees have

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performed their services in accordance with established time and payroll practices of the county departments.

General Revenue Fund	No. 325 - 372
Road & Bridge Fund	No. 30 - 108
Miscellaneous Funds	No. 12
Manatee County Utilities System	No. 1703 - 1781
" " " " (13.5)	151 - 164

BILLS APPROVED FOR PAYMENT

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

Tampa Bay Regional Planning Council	\$ 7,533.44
(Basic dues \$2,000.00, pro rata contr. 8 cents per capita on 76,895 - 1960 pop. census)	
Southern Building Code Congress (dues)	50.00
Physicians Medical Laboratory	195.00
Parks & Recreation (various)	1,134.73
Manatee Memorial Hospital	1,616.48
Donn W. Keels, M.D.	10.00
Don Bell (TO BE PAID BY STATE ROAD DEPT.)	\$75.00

REQUISITIONS

Mr. Briggs called attention to two requisitions dated after date merchandise was received. These were approved on motion by Mr. Briggs, seconded by Mr. Taylor. (Department heads to be notified procedure to requisition prior to purchase.)

MEETING ADJOURNED

Upon motion, the meeting was adjourned.

ATTEST:

M. T. McInnis, Clerk

APPROVED: 6 December 1966


Deputy Clerk


Chairman