

FEBRUARY 24, 1970

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, February 24, 1970 at 9:00 A. M.

Present were Commissioners Lawrence H. Fortson, Jr., Chairman
C. Kenneth Burton, Vice Chairman
Dan P. McClure
Robert C. Hutches

Deputy Clerk Bruce M. Cox
County Attorney Richard A. Hampton
(Commissioner Dierks was absent.)

The meeting was called to order by Chairman Fortson.

C A T V FRANCHISES

James M. Wallace, attorney, gave a resume' of terms and conditions in connection with franchises granted to Manatee Cablevision and to Bradenton Cablevision, the latter firm purchased by GTEC (General Telephone and Electronics Corp.), who had agreed to perform in accordance with that franchise. He requested, on behalf of Manatee Cablevision Corporation, that the cable television franchise issued to General Telephone and Electronics be cancelled because of a number of violations which has endangered the health, safety and welfare of the citizens of Manatee County.

This matter was deferred until later on the Agenda.

PROJECT NO. 532 IMPROVEMENTS, ASSESSMENT ROLL AUTHORIZED

The Chairman declared Public Hearing opened for the purpose of considering PROJECT NO. 532, objections to Special Improvements on streets described in said project. (Beachton Park)

The County Engineer advised that low bid on the project had been submitted by Blackburn Paving Corporation, which together with the cost of the outfall pipe, would amount to a total of \$96,310.00; that the participants portion of this would be two-thirds or \$64,206.66 (\$7.43 per front foot). He pointed out that this figure did not include any engineering costs, surveying or legal costs.

Among the property owners of the area, who were present and offered comments, objections or approval of the project were

John S. Buckwalter - signed original petition in favor of the project, but of the opinion that the county should pay at least one-half the cost instead of one-third. (He was advised that the county was absorbing costs of engineering, surveying, legal work, etc.)

A. M. Morris - signed original petition, but since that time the Lakeside Shopping Center had been built and was responsible for generating traffic and residents should not have to pay as though they lived on neighborhood street to be used primarily by homeowners; suggested 24th Street entrance to shopping center be eliminated.

Upon question, Mr. Buckwalter stated he was in favor of the project but not the price; Mr. Morris not in favor of the project as it now stands.

A. H. Schneeberger - signed petition before shopping center was built; in favor of project but not in favor of price.

Mrs. Otto Righi - in favor of project.

Joe Bozeman - advised drainage problem not germane to this project and would be discussed at later date.

Paul Zaagman - in favor of project.

Mrs. Violet Wood - in favor of project.

Harold Helwig - in favor of project, but at less cost.

N. Campbell - in favor of project, but at less cost.

George Queen - in favor of project but prefers less cost

Floyd Cox, attorney (represent Mr. & Mrs. Gerald Blanton) objected to the project because of exorbitant cost. His clients own corner lot valued at \$1930.00 and the assessment for the paving would amount to \$1800.00. Mrs. Blanton did not sign the petition to initiate the project.

The Chairman then declared the Public Hearing closed.

Mr. McClure moved for the adoption of a Resolution approving PROJECT NO. 532 and ordering Preliminary Special Assessment Roll prepared and advertised for Public Hearing on March 10, 1970, at 9:00 A. M. Motion was seconded by Mr. Burton and unanimously carried.

RESOLUTION RECORDED

N22-12

PROJECT NO.
PUBLIC HEARING DEFERRED

Robert Moon, Right-of-way Agent, advised that petition for Special Improvements on

Project No. 591 5th Street West and
6th Street W. in BRASOTA MANOR

met legal requirements for a participation project (77.6 percent ownership signing petition). Inasmuch as this project is located in District No. 4, action was deferred until Commissioner Dierks was present.

Z O N I N G

Recommendations of the Planning Commission were presented by Neno Spagna, Planning Director.

(AUCTION

SE-374 ROSS DERRAH (GENERAL MERCHANDISE & ANTIQUES APPROVED
Request for Special Exception for auction of general merchandise and antiques in a C-1 District on property consisting of 4½ acres generally located east of U.S. 41 (Bayshore Road) and approx. 200 feet south of Alcazar Drive (37th St. Ct. E.), Palmetto.

The Planning Commission recommended approval subject to provision that all auction sale activity and the display, storage and maintenance of merchandise shall be conducted within the building except as otherwise permitted in the C-1 District.

Motion was made by Mr. Burton that SE-374 for Ross Derrah be approved as recommended by the Planning Commission. Motion was seconded by Mr. Hutches and unanimously carried.

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SE-375 DAVE F. BALLARD M/HOME PERMIT APPROVED

Request by petitioner for mobilehome as dwelling for caretaker in conjunction with agriculture on property located in the general area east of Upper Manatee River Road and 1000 ft. west of Gates Creek, consisting of 4.45 acres.

The Planning Commission recommended approval for a period of two years and at the termination of the two-year period the petition may be extended by the Zoning Administrator for an additional two year period provided the character of the area has undergone no substantial change.

Motion was made by Mr. Hutches that SE-375 for Dave F. Ballard be approved as recommended by the Planning Commission. Motion was seconded by Mr. Burton and carried unanimously.

SE-376 JAMES R. MOORE M/HOME PERMIT APPROVED

Request by petitioner for mobilehome as dwelling in conjunction with agriculture on a 1.39 acre parcel located at the NW corner of 37th St. E. and 40th Ave. E. in the Ellenton area.

The Planning Commission recommended denial.

Mr. Burton stated he was familiar with this situation where the petitioner had tried to get into a mobilehome park without success (had bought the mobilehome before coming here), and there were no objections from anyone in the area; therefore, he moved that SE-376 for James R. Moore be approved for a period of two years provided that the character of the area does not change substantially during that period of time. Motion was seconded by Mr. Hutches and carried unanimously.

R-392 ALCARIO AVALOS REZONE TO DISTRICT A DEFERREDSE-377 ALCARIO AVALOS MIGRANT HOUSING DEFERRED

The Chairman stated that if there were no objections, R-392 and SE-377 would be postponed until March 10, 1970 as requested by William Grimes, attorney for the petitioner. There were no objections.

C A T V FRANCHISES - MANATEE CATV VS. GTEC

Mr. Leghorn, owner of Manatee Cablevision, in the absence of James Wallace, attorney, recommended that a competitor, General Telephone, be asked to appear and to account for violations of public safety and engineering standards, which were first declared by Manatee CATV before the Federal Communications Commission on September 2, 1969.

The County Attorney noted that the Board has granted these franchises but has no jurisdiction or authority to settle technical violations. He recommended that the Board request the complainants to file written specific charges as to why they feel that the existing franchise agreement is being violated; that the Board, upon receipt of this in writing, make its own investigation, with its own personnel, to determine the general veracity of those complaints or allegations that are being made. Then, after investigation, if the Board deems it necessary to do so, formal notice may be given that a public hearing will be held as required in the franchise agreement. (If reasonable cause, send formal notice to violator to be present at public hearing and present testimony concerning any violations of good engineering practices, etc.)

All Board members concurred in this recommendation, and the Chairman

instructed Mr. Leghorn and Mr. Wallace to submit written petition to the Board as outlined by the County Attorney.

MICROFILM READER-PRINTER (CLERK)
BIDS OPENED

Bids were received, opened and read on a new microfilm reader-printer for the office of the Clerk of Circuit Court as follows:

<u>EASTMAN KODAK</u>	\$1,456.00
<u>ITEK</u>	No bid

The bid was referred to the Clerk of Circuit Court and Martin Williams for recommendation at the next regular meeting.

SPEED LIMIT SIGNS CERTIFIED

The County Engineer certified that appropriate speed limit signs had been erected on

27th Street East from County Line south
to 26th Avenue East 35 MPH

in accordance with resolution adopted February 17, 1970.

STATE ROAD 64 (MANATEE AVENUE) & 59TH STREET

The County Engineer advised that study was still underway concerning the cost of a traffic light on Manatee Avenue (State Road 64) and 59th Street and would be resolved as soon as the State determined the number of lights, etc.; that mutual agreement could be made with City of Bradenton on county participation in the very near future.

BULKHEAD LINE - TRUSTEES I/I TRUST FUND

The County Attorney read a letter directed to the Board of Trustees of the Internal Improvement Trust Fund concerning establishing, changes and modifications of the Manatee County Bulkhead Line and the compliance by this Board in following recommended procedures in reviewing previously established bulkhead lines, and requesting consideration of bulkhead lines established by Resolutions dated July 8, 1969 and August 19, 1969 (South County and Terra Ceia area) at the earliest possible date.

Motion was made by Mr. Hutches that the Chairman of the Board be authorized to execute the letter and forward to the II Fund Trustees. Motion was seconded by Mr. McClure and unanimously carried.

BULKHEAD LINE: SUNSHINE SKYWAY

Motion was made by Mr. McClure that the County Attorney proceed with appropriate advertising for Public Hearing to be held April 14, 1970 on request of the Department of Transportation for establishment of a bulkhead line on Sunshine Skyway. Motion was seconded by Mr. Hutches and carried. (9:00 A.M.)

BISHOP'S HARBOR

Fred Burger (and Mrs. Burger) came before the Board to register complaint about the run-off from Borden Chemical plant into Bishop's Harbor and causing the fish to die in the canal.

Chris Angelidis, Environmental Engineer, explained that they were aware of the spill(s), which started February 6, and the State was

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notified immediately; that a surveillance program was underway but now awaiting decision from the State and would proceed jointly under advice of county and state attorneys.

The engineers and Board members explained the status of project which would divert drainage/outfall from Bishop's Harbor into the Port area.

Upon recommendation by Mr. Hampton, Motion was made by Mr. Hutches that the County Attorneys take the steps necessary to cooperate with the attorneys for the State of Florida in bringing cooperative action to seek the ultimate relief that the law affords in this situation. Motion was seconded by Mr. Burton and unanimously carried.

The County Attorney explained that the people should understand that whatever action the State may take in the way of attempting to curtail or stop their (Borden's) activities and/or recover damages for the public for damage to public property would not be something that would compensate for any loss to individuals for damage to private property.

MANATEE MEMORIAL HOSPITAL

CHANGE ORDERS: PAVING & CONSTRUCTION CONTRACTS

Motion was made by Mr. McClure that

	Change Order No. 3 for addition to	
	EARL COLLINS PAVING COMPANY contract	\$925.00
and		
	Change Order No. 16 for addition to	
	H. J. HIGH CONSTRUCTION CO. contract	\$13,332.00

for the Manatee Memorial Hospital be approved and authorized. Motion was seconded by Mr. Hutches and carried unanimously. (Approved by Board of Trustees and liaison committee).

MANATEE MEMORIAL HOSPITAL - INSPECTION SCHEDULE

Mr. McClure referred to request by Watson and Company and the Board of Trustees of the Manatee Memorial Hospital to schedule an inspection of the additions to the Hospital; that the original contract is complete and all systems and areas of the building are available for their intended purpose, with exception of a few minor items on check list and recommended an amount not to exceed \$25,000 be withheld from final payment to cover. He said he would set up a time and date for this inspection tour and advise members of the Board.

BONDS

Motion was made by Mr. Hutches to approve

<u>Sheriff's Department</u>	
Addition to Bond #70 50 11 U.S. Fire Insurance Company	
DALLAS FRANKLIN STANTON	-Jailer
LESTER E. COPELAND	-Posseman
BETTY JANE WALLACE	-Deputy Sheriff
MARGUERITTE M. HAYES	-Deputy Sheriff
ETHEL HIGDON	-Deputy Sheriff

and authorize cancellation of

<u>Sheriff's Department</u>	
LEWIS CRAWFORD	-Special Deputy
	Lumbermens Mutual Cas. Bond #6S114382

CERTIFICATES OF CORRECTION (E & I)

Upon motion by Mr. Hutches, seconded by Mr. Burton, the Board unanimously approved Certificates of Correction (E & I) on the 1969 Tax Roll for

<u>Real Estate</u>	#116 Eliz. M. Hale
	117 J. Lloyd & Inez Jones
<u>Tangible</u>	#131 Earl Rowell
	132 Louisa Wilson Stacey

WARRANT LISTS & REQUISITIONS

Upon motion by Mr. Hutches, seconded by Mr. Burton, the Board unanimously approved Requisitions and Warrant Lists from February 17 to 24, 1970, and authorized Warrant Lists to March 3, 1970, 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	10117 - 10136
Road & Bridge Fund	4612 - 4619
Fine & Forfeiture Fund	725 - 730
S E I S Operating	225 - 227
Countywide Drain	238
Hospital Construction	150

BILLS FOR PAYMENT

Upon motion by Mr. McClure, seconded by Mr. Hutches, the Board unanimously approved the following bills for payment:

Norton's Camera Shop, Inc. (Hospital bid)	\$ 78.40
Parks & Recreation (various)	237.60
Diagnostic Medical Laboratories	175.00

CORRESPONDENCE

Correspondence was read from

- 1) CITY COUNCIL OF BRADENTON BEACH
Resolution requesting the Department of Transportation to install a traffic warning light at the intersection of State Road 684 and State Road 789.
Forwarded to Department of Transportation
- 2) MANATEE COUNTY UTILITIES SYSTEM (Tevis Huguely, Director)
Recommendation accept offer of Mr. & Mrs. Richard Reed \$15,000 for MCUS Island property on which one bid received and rejected.

MEETING ADJOURNED

Upon motion, the meeting was adjourned.

Attest:
M. T. McInnis, Clerk

APPROVED: 28 April 1970


Deputy Clerk


Chairman