

APRIL 7, 1970

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, April 7, 1970 at 9:05 A. M.

Present were Commissioners Lawrence H. Fortson, Jr., Chairman  
 C. Kenneth Burton, Vice Chairman  
 Dan P. McClure  
 Kenneth D. Dierks  
 Robert C. Hutches  
 Deputy Clerk Bruce M. Cox  
 County Attorney Richard A. Hampton

The meeting was called to order by Chairman Fortson.

MINUTES APPROVED

Motion was made by Mr. Dierks that Minutes of

REGULAR MEETING OF FEBRUARY 3, 1970  
 REGULAR MEETING OF FEBRUARY 10, 1970

be approved. Motion was seconded by Mr. Hutches and carried unanimously. (Note: Minutes of January 8, 13, 20, 23, 27, 29, 22, 1970, included in this motion, had been previously approved on March 24, 1970.)

Z O N I N G

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

SE-380 COMMUNITY CHRISTIAN PRIVATE SCHOOLS, INC. - APPROVED  
 (Rev. William S. Martin, Agent) - Request for Special Exception in the R-1AA District to allow adequate classroom space and buildings for Elementary School, Junior High School, High School, College, Seminary, Day Care, Sports Fields and Worship Buildings on property located south of 55th Ave. E., between 18th St. E. and 21st St. E., consisting of 40 acres. (Committee report read)  
 The Planning Commission recommended approval.

Motion was made by Mr. Dierks that SE-380 for Community Christian Private Schools, Inc., be approved as recommended. Motion was seconded by Mr. Burton and unanimously carried.

R-397 HENRY DeMICHAEL & JOSEPH MANCINELLI - T-1 DEFERRED  
 (Ed Soles, Agent) - Request for rezoning from District R-1AA to District T-1 for a Rental Mobilehome Park on 47.2 acres located on the south side of 57th Ave. W., 2400 ft. east of U.S. 41. (Committee report read.) (18-35-18)  
 The Planning Commission recommended approval.

(Note: Previously submitted as R-364, recommended by Planning Commission for approval, but denied by Board.)

Ed Soles was present and advised that there had been no objections to the rezoning from property owners in the area.

Mike Klemmer stated he has an interest in the development of the Mobilehome Park and is their desire to modify the trailer industry; that although classed and will carry manufacturers seal as mobilehomes, they are actually factory built homes. (Modular homes)

Upon request by Mr. Dierks that R-397 be held one week for further investigation, the Chairman stated that if there were no objections this item would be postponed until the next regular meeting. There were no objections.

R-399 JOSEPH F. GARROTT REZONE TO C-2 ADOPTED  
Request for rezone from District C-1 to District C-2, property located at 1211 and 1215 - 27th Ave. W., to be utilized for Travel Trailer and Mobilehome Service. (COMMITTEE Report Read) The Planning Commission approval.

Mr. Dierks moved for the approval of R-399 and adoption of rezone to District C-2. Motion was seconded by Mr. Hutches and carried unanimously.

RESOLUTION RECORDED

ZONING  
R-399

SE-387 PALMA SOLA COMMUNITY CHURCH: PRIVATE SCHOOL APPROVED  
(Francis G. Warner, Agent) - Request for Special Exception to allow the operation of a Private School in a District A zone on property located at 8604 9th Ave. N.W. The Planning Commission recommended approval.

Motion was made by Mr. Dierks that SE-387 for the Palma Sola Community Church (private school) be approved. Motion was seconded by Mr. McClure and carried unanimously.

ARBOR TERRACE TRAVEL TRAILER PARK PREL. PLAN APPROVED  
T-1/59(P) The Planning Commission recommended approval, which included waiver of certain requirements in regard to the street buffers located in the Park. (Planning Commission Resolution read.)

The County Engineer pointed out that the location was designated as being on a county road whereas it is located 600 feet off Little Pittsburgh Road.

Motion was made by Mr. Dierks that the requirements of the Zoning Regulations of Manatee County, in regard to Arbor Terrace Travel Trailer Park be waived as follows:

1. That 3rd Street W. is considered to be the front street and that the required fifty (50) foot buffer required in Para. D. of the Zoning Regulations shall apply to this street;
2. That Center Road is hereby considered to be a side street and that a forty (40) foot buffer shall be required along the subject property abutting on this street. This width is to provide the eventual widening of Center Road 25 feet south of the center line and still allow for a fifteen (15) foot wide permanent buffer strip;

and that the Preliminary Plan of said Travel Trailer Park be approved as recommended. Motion was seconded by Mr. McClure and carried unanimously.

#### LAKE MANATEE - ENFORCEMENT REGULATIONS

With reference to regulations prohibiting operation of combustion-type engine boats on Lake Manatee, and opinion of Dr. George M. Dame, Director of Manatee County Health Department (by letter dated March 18, 1970) that these regulations, adopted by the Board on November 10,

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1968, may be enforced as any other of the county regulations or laws, the violation of which shall be deemed a misdemeanor. Mr. McClure stated that the Fresh Water Fish and Game officer takes exception - that according to an opinion by the Attorney General he had no authority to arrest anyone violating such regulations on Lake Manatee.

The County Attorney referred to Chapter 125 (125.43) concerning recreational lands and authority of the county to adopt rules and regulations for conduct in such areas; therefore, violations will constitute misdemeanors and can be enforced the same as any other law.

Sheriff Weitzenfeld stated that there was no question as to enforcement insofar as his department is concerned and instructions had gone out that these regulations are to be enforced.

#### SURPLUS SOUND EQUIPMENT (BIDS)

The Board received no bids in response to advertised notice that surplus sound equipment (formerly used in the County Commissioners' Meeting Room) was available for sale.

#### WASHING MACHINE (JAIL)

Martin Williams recommended that the heavy duty washingmachine in the jail not be offered for sale at this time, but have a qualified service engineer investigate the possibility of properly relocating it on the ground floor instead of the third floor. Board members offered no objections to Mr. Williams' following through on this recommendation, but was referred to the Chairman for further discussion.

#### BUILDING DEPARTMENT - MOBILE RADIOS BID ACCEPTED

Harry Boothe, Building Director, advised that the equipment in low bid, submitted by Motorola Communications, for two or more mobile radios did not meet specifications; therefore, he was recommending that the next low/meeting specifications be accepted.

Motion was made by Mr. McClure that bid of

BRODIE COMMUNICATIONS (for General Electric  
Mobile Radio equipment) for two or more mobile  
radios, at \$613.00 per unit,

be accepted as recommended by the Building Inspector. Motion was seconded by Mr. Hutches and carried unanimously. (Mr. Boothe authorized to place order for two radios for immediate delivery.)

Mr. Hutches observed that it might be to the best interest of the county to employ a technician capable of working on this equipment and suggested that department heads submit a report on expenditures for repairs on all county units so that the feasibility of creating the position could be determined.

#### HOUSEMOVING PERMIT (BOOTHE)

Motion was made by Mr. Dierks that application for permit to

HARRY J. BOOTHE to move a building  
From Sawyer Road, Sarasota (Whispering Sands)  
To 1803 45th Street Court E., Bradenton (Elwood Park)

be approved. Motion was seconded by Mr. Hutches and carried unanimously.

## HOUSEMOVING PERMIT (JOHNSON)

At the request of Mr. Burton, application of R. E. Johnson & Son for a permit to move a residence to Sunshine Harbor Subdivision, Ellenton, was held for one week.

A. B. Martin, developer of Sunshine Harbor, objected to the closing of a ditch on west side of the lots on which the house would be located, which would divert drainage into a county road ditch. The County Engineer concurred with Mr. Martin's objection, stating that diversion of drainage to Harbor Drive would not be recommended.

STIPULATION: BORDEN CHEMICAL COMPANY  
AGREEMENT - SETTLEMENT

Robert Boylston, attorney, presented a proposed stipulation in regard to the case against Borden Chemical Company resulting from the acid spills which occurred on February 6 and February 10, 1970. This stipulation, if approved by the Board and entered into on behalf of the county and the various agencies of the county involved, would result in a successful conclusion of the lawsuit.

Randolph Snell, Chairman of the Manatee County Pollution Control Board, stated that it was unanimously recommended by the Pollution Control Board that the County Commissioners accept the terms of this agreement.

Mr. Boylston outlined the basic terms of the settlement/agreement which required Borden to do certain things which would act as safeguards to prevent reoccurrence of acid spills in the future, to install and maintain in the plant devices and equipment to give notice of acid spills, complete and maintain an impounding basin to catch any possible spill that might occur in the plant, etc. In addition, Borden agrees to contribute \$15,000 to the county to partially reimburse for expenditures, equipment, time, etc., in connection with these acid spills. This sum of \$15,000 was not for damages that might have occurred as a result of the spills in Bishop's Harbor as this question falls under jurisdiction of the state rather than the county and this settlement has no bearing on that.

Fred Burger referred to growth of sea lettuce being fertilized by discharge from Borden's and the fact that it was choking up Bishop's Harbor.

Motion was made by Mr. McClure that this stipulation be authorized executed and the terms of the agreement accepted. Motion was seconded by Mr. Hutches and carried unanimously.

## STATE ROAD 45 (U.S. 41); STATE ROAD 684

Don Lovejoy, County Engineer, read a letter from the State Department of Transportation regarding

- 1) State Road 45 (U.S. 40 at Florida Avenue  
"Left Turn" interval studies scheduled;
- 2) State Road 684 at 34th Street W.  
Location to be reviewed to determine if construction of by-pass feasible, but because of existing concrete box culvert and head-wall, may not be able to accomplish this project.

## MANATEE CABLEVISION VS. G-TEC

Mr. Lovejoy advised that he was not prepared to make detailed

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inspections and measurements of all alleged violations listed in petition of Manatee Cablevision, Inc., vs. G-TEC (installations) as they are multiple in scope and scattered over a large area; however, he will spot check as to the more dangerous situations and report to the Board at the next meeting.

## AGREEMENT: SIELOFF

Mr. Lovejoy recommended that the Board enter into revised agreement with Ernest Sieloff for the county to remove shell and shell marl materials from his land in Section 34, Township 34 South, Range 18 East, at a cost of \$1.20 per (small) truck load. He said the county had been hauling from this shell pit since 1965 (agreement) for \$1.00 per (small) truck load and request for this slight increase in price was not unreasonable.

There was no objection to entering into a new agreement with Mr. Sieloff incorporating payment of \$1.20 per (small) truck Load for the materials, and the County Engineer stated such agreement would be executed by the property owner and submitted for Board approval.

## CERTIFICATES OF CORRECTION (E &amp; I)

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

Tangible No. 144 E. Squires

Real Estate No. 123 Carroll E. & Mary R. Rick

## WARRANT LISTS &amp; REQUISITIONS

Upon motion by Mr. McClure, seconded by Mr. Dierks, the Board un-animously approved Requisitions and Warrant Lists from March 31 to April 7, 1970 and authorized Warrant Lists to April 14, 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	10531 - 10601
Fine & Forfeiture Fund	754 - 766
Road & Bridge Fund	4788 - 4812
S E I S Operating	245 - 248
Countywide Drain	245
Hospital I & S	26
Manatee County Utilities System:	
General Control Fund	3220 - 3222

## DUPLICATE TAX CERTIFICATE

Motion was made by Mr. McClure that application of

ILSABEL H. DENZIN for Duplicate Tax Certificate No. 131,  
dated May 25, 1952

be approved. Motion was seconded by Mr. Burton and carried unanimously.

## BUSINESS U.S. HIGHWAY 41

The County Attorney read a proposed joint resolution by the City of Bradenton, the City of Palmetto and Manatee County, requesting the

State Department of Transportation to resurface U. S. (BUSINESS) 41 from 17th Street W. in Palmetto via the Greene Bridge to 14th Street W. in Bradenton. After discussion, it was decided this resolution should be redrafted to include repairs to the Greene Bridge.

BUDGET AMENDMENT  
MANATEE MEMORIAL HOSPITAL

Mr. McClure moved for the adoption of a Resolution amending the 1969-1970 Budget as follows:

Increase Hospital Construction Fund \$147,821.18

to provide for deposit of these funds from a source not anticipated in the 1969-70 budget and received for a particular purpose - Hospital Construction Fund. Motion was seconded by Mr. Hutches and unanimously carried.

RESOLUTION RECORDED N22-37

BIRD/WILDLIFE SANCTUARY

It was brought to the attention of the Board that a Resolution adopted in 1956 designated county-owned land in the Perico Isles area as a Bird Sanctuary. The County Engineer stated that the Highway Department will cooperate with the Audubon Society and assist in posting appropriate signs; the Parks and Recreation Department was assisting also in complying with request that signs be erected designating the "Sanctuary" area, but the Highway Department was better equipped to do this work.

BAYSHORE GARDENS  
DISCLAIMER WATER & SEWER RESERVATIONS

Motion was made by Mr. McClure that the Board approve and authorize the appropriate county officers to execute Disclaimer releasing any purchasers of real estate, described in deed dated August 11, 1960, recorded September 27, 1960, in Official Record Book 38, Page 388, from reservation for certain agreements with respect to water and sewer service to said property to be furnished by Manatee Utility Company. The County Attorney explained that this property was in Bayshore Gardens, and since all assets of Manatee Utility Company had been acquired by Manatee County (Utilities System), no obligation should be imposed on the property owner for water and sewer service other than the usual hook-up, connection and meter fees and charges customary in Manatee County for similar and like services. Motion was seconded by Mr. Dierks and unanimously carried.

BILLS FOR PAYMENT

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

Manatee Memorial Hospital (MHU)	\$ 528.00
Manatee Memorial Hospital	660.00
Sam R. Caldwell (Appr. Memphis Road)	150.00
Johnson-DuBose Funeral Home	200.00
Florida Department of Health & Rehabilitative Services	3,365.00

CORRESPONDENCE

Correspondence was read from

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- 1) BOARD OF COUNTY COMMISSIONERS, HILLSBOROUGH COUNTY  
Resolution requesting State Department of Transportation not to allow provision for flow of water through Piney Point Creek and tributary structures other than from natural drainage area of structures as shown on maps for construction of U.S. 41 - because of possible pollution along the shores of Hillsborough County.

The County Attorney was requested to draft a letter explaining the purpose of the discharge ditch for Borden and no intention of pollution.

- 2) YOUTH CENTER OF MANATEE COUNTY  
Request for permission to hold a Sunday afternoon "Beach Concert" at Manatee Beach on April 12 or 19, from 2:30 to 4:30 p.m. (No charge)

MANATEE BEACH - "CONCERT"

Motion was made by Mr. Burton that the Director of the Manatee County Youth Center be granted permission to hold a Sunday afternoon "Beach Concert" at Manatee Beach on either of the dates requested. Motion was seconded by Mr. Hutches and unanimously carried.

- 3) FLORIDA STATE DEPARTMENT OF COMMUNITY AFFAIRS  
Outlining prerequisites to be met in order for a community to take advantage of Flood Insurance Program.
- 4) MANATEE COUNTY SAFETY COUNCIL  
Recommendations for Operating Procedure for Ambulances.
- 5) DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS  
Re: Study to determine flood control and related water resources needs of Manatee and Braden River basins.
- 6) FLORIDA PUBLIC SERVICE COMMISSION  
Notice of Hearing on application of General Telephone Company for increase in rates and charges for intra-state telephone service: 9:30 A.M., Thursday, June 25, 1970, Courthouse, Bradenton, Florida.

AUTOMATIC VOTING MACHINES

PURCHASE AUTHORIZED (SUBJECT TO SALE OLD MACHINES)

At request of Mr. McClure, Horace Drew summarized proposal made to the Board some months ago on purchase of Automatic Voting Machines... verbal commitment from Broward County to purchase old county equipment for \$170,000. (Cost of new machines \$350,400, less \$170,000, leaving balance \$190,400.)

Comments in general were:

Mr. Fortson recommended take no action this morning but give consideration after questions by Board members to Mr. Drew.

Mr. Hutches had change of opinion since presentation, due to possibility of recount in a contested election = cost prohibitive; increase in number of questions to be decided by balloting; modern type machines an advantage over present equipment; lower profile in transportation; as chairman of budget and finance will at proper time recommend questions to be submitted to voters of continuing certain activities, etc.

Mr. Burton stated Supervisor of Elections has not indicated desire for new voting machines, and he would not vote for machines without

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advertising for bids.

Mr. Dierks recommended Board take action the following week.

Motion was made by Mr. McClure that the Board purchase the Automatic Voting Machines subject to confirmation from Broward County to purchase Manatee County's old machines at \$1,000 per machine f.o.b., Bradenton. Motion was seconded by Mr. Hutches.

Voting "Aye": Mr. McClure, Mr. Hutches and Mr. Dierks.  
Voting "No": Mr. Burton and Chairman Fortson.  
Motion carried.

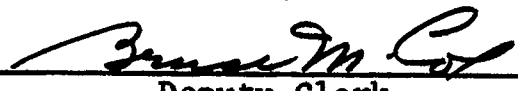
MEETING ADJOURNED

Upon motion, the meeting was declared adjourned.

Attest:

M. T. McInnis, Clerk

APPROVED: 26 May 1970

  
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Deputy Clerk

  
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Chairman