

FEBRUARY 19, 1974

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, February 19, 1974 at 9:05 A. M.

Present were Commissioners    Ken Burton, Chairman  
                                      Robert C. Hutches, Vice Chairman  
                                      Dan P. McClure  
                                      L. H. Fortson, Jr.  
                                      Kenneth D. Dierks  
                                      Deputy Clerk    Henry E. Bourne  
                                      County Attorney Richard A. Hampton

The meeting was called to order by Chairman Burton.

SANITARY SEWERAGE PROJECT: PART D, SECTIONS I, II  
 Sealed bids received on construction of Sanitary Sewerage Project - Part D, Section I (Gravity Sewers & Force Mains) and Section II (Lift Stations) were opened and read from the following:

	Section I	Section II
ROESE CONTRACTING COMPANY	\$	\$658,400.00
RIC-MAN, INC. & C & I CONTR.	7,256,326.50	
Alt.	7,204,765.50	
WIDELL ASSOC.		608,600.00
CHRIS NELSON & SON	8,257,450.50	
Alt.	8,257,450.50	596,000.00
WOODRUFF & SONS, INC.	6,762,482.70	
Alt.	6,735,185.70	770,435.00
(Reduce by 2½% if awarded both Sections)		
IACOBELLI CONSTRUCTION, INC.	7,889,566.90	
Alt.	7,865,302.90	652,500.00
(If awarded all bids deduct 1½% from unit prices and lump sum of \$19,000 for extension to 540 cal. days.)		
GIANNETTI BROS. & LANZO	7,889,566.90	
Alt.	7,865,302.90	No bid

The bids were referred to Russell & Axon Consulting Engineers for tabulation and recommendation.

PARKS & RECREATION

BIDS: PICNIC SHELTERS, STATE ROAD 64

Sealed bids on construction of Palma Sola Causeway Recreation Area, Highway 64, Northeast of Flamingo Cay, Bradenton, - ten (10) Picnic Shelters - were opened and read as follows:

LARSEN BROS.	\$17,500.00
DOVE BROS.	11,362.00
COUNTEE CONSTRUCTION COMPANY	14,400.00

The bids were referred to the Director of Parks and Recreation for review and recommendation back to the Board.

PROJECT NO. 588

Public hearing was opened for the purpose of considering Special Assessments as contained in Special Preliminary Assessment Rolls for road improvement project described as

PROJECT NO. 588 9th Ave. N.W. (Palma Sola Loop Road)  
 from 67th St. N.W. to 71st St. N.W.

Mr. Fortson pointed out that the contractors on the Sewerage Project should put in pipe prior to the paving being done on this project. There were no objections.

Public hearing was declared closed. Mr. Fortson moved for the adoption

of a Resolution sustaining the Special Improvement Assessment Roll and authorizing Lien Certificates on Project No. 588. Motion was seconded by Mr. Dierks and unanimously carried.

## RESOLUTION RECORDED

V-1

## PROJECT NO. 704 (PENDING NO. 39)

Bob Moon, Right-of-way agent, advised that Pending Project No. 39 complies with requirements for a Road Improvement Participation project, with 75 percent property owners signing petition, and was ready for acceptance by the Board as Project No. 704.

Motion was made by Mr. Fortson to accept

PROJECT NO. 704 - 76th Street W. between 42nd & 43rd Ave. W.

as a County Road Improvement Project and authorize the County Engineer to proceed with survey, plans and estimates. Motion was seconded by Mr. McClure and carried unanimously.

## COURT HOUSE EXTENSION (PROPERTY)

Motion was made by Mr. Fortson that the Chairman of the Board be authorized to execute Agreement between William G. and Inez P. Gaar and Manatee County ratifying, confirming and adopt that certain agreement between William G. and Inez P. Gaar and Robert B. Moon, Right-of-Way Agent for Manatee County, for the purchase of Lots 8, 9 and 10, Block 7, of Pelot's Addition to Bradenton, for the total sum of \$111,500.00\* Motion was seconded by Mr. McClure and carried unanimously.

## AGREEMENT RECORDED

V-2

## COUNTY PROPERTY EXCHANGE

Robert Moon advised that B & B Farms expressed no interest in exchanging eleven acres for ten acres of county-owned land, of same appraised value, but offered the eleven acres for \$150,000.00.

## LOT CLEARING

Public hearing was opened to consider petition of

HARRY ALLMYER alleging that certain land owned by Homer A. Cook Estate, c/o Mrs. Harold Hagen,

has not been cleared in accordance with requirements of Section 2 of Chapter 69-1284, Laws of Florida, Special Acts of 1969.

Evidence presented (photographs) indicated that allegations in the petition were true and that the property was overgrown with weeds and brush.

Public hearing was closed. Mr. Dierks moved for the adoption of a Resolution determining that the property owner had failed to comply with the Law with regard to the clearing of the land and demanding that corrective action be taken within fifteen (15) days. Motion was seconded by Mr. Hutches and carried unanimously.

## RESOLUTION RECORDED

V-3

## VOTING MACHINES

By letter dated 14 February 1974, Mrs. Dorothy W. Glisson, Director, Division of Elections, Department of State, offered no objections to county accepting the bid of Shoup Corporation in the amount of \$28,690 for vertical interlocks and new primary bars on Voting Machines.

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\*agreeing to purchase real and personal property described in agreement and exhibit A, subject to covenants, etc., including the indemnity and hold harmless provisions contained in bill of sale.

Motion was made by Mr. Dierks that the bid of

R. F. SHOUP CORPORATION in the amount of \$28,690.00  
For purchase and installation of 760 new vertical  
interlocks and 570 new primary bars on 190 -  
2.5 Shoup Voting Machines owned by Manatee County

be accepted, as recommended by Jerome Davis, Supervisor of Elections.  
Motion was seconded by Mr. Hutches and unanimously carried.

#### 18TH AVENUE EAST - PIT AND DUMP

Mrs. W. F. (Linda) Knecht presented a petition, signed by residents of the area Morgan Johnson Road and 18th Avenue East, opposing the location of pit and dumping operations on 18th Avenue East, and requesting the Board of County Commissioners to take appropriate action to see that this problem is alleviated.

There were other residents of area present to voice complaints about the noise and dust from fast truck traffic, the obnoxious odors, health hazards, mosquito-breeding and trash littering from the Sieloff, Barfield, Walton, Rowe and Babston pits.

The County Attorney advised that under present zoning, property owners in Agricultural Districts can fill holes and depressions (on their land) with materials other than garbage, and Amendment to the Zoning Ordinances being considered by the Planning Commission will, under these circumstances, require a permit to be issued prior to operation of such activity. He gave a general summary of remedies that might be used in control of this particular situation.

After discussion it was decided that the Planning Director would research to determine if the earth was being moved off the premises and if permits were in order; the County Attorney and Mr. Hutches would check out complaints as to possible violations. Motion was made by Mr. McClure that if violations were being perpetrated that the County Attorney be authorized to take appropriate legal action. Motion was seconded by Mr. Dierks and carried unanimously.

#### ZONING

P.U.D. - 2(P) PALMA SOLA VILLAGE (FORMERLY VAUTEN APARTMENTS)  
(R-555 & R-608) Request for approval of Preliminary  
Development Plan for Multi-family dwellings located  
southeast corner of 5th Ave. N.W. and 71st St. W.,  
Bradenton (244 housing units on 27½ acres.)

Mr. Fortson referred to request for approval of Preliminary Development Plan for P.U.D. 2, Palma Sola Village, deferred from the meeting of January 30, 1974 for further discussion with the developers and some of the people in the area. He said a meeting and work session had been held to discuss trying to acquire additional property to give a second access onto 67th Street, which would make a much better development instead of having all the traffic come out onto 5th Avenue and 31st Street N.W.

Robert Knowles, attorney for the developers, said that by letter, dated February 15, 1974 they offered to convey to the county the southerly 33 feet of the project property for the extension of that road from 67th Street; that in addition to commitments to the property owners (in the meeting with them) regarding the laying of tile along 5th Avenue and from the Palma Sola School, they will give 25 feet if the adjacent property owners to the west will give 25 feet, and developers will pay the entire cost of paving of that street. They will still provide 25-foot setback of any buildings from the 33 feet.

Mr. Fortson moved that the Preliminary Development Plan for P.U.D. 2 for Palma Sola Village be approved, with the incorporation of the

commitments made by the developer as outlined in the letter(s) and inclusion of the 33-foot right of way on the southerly portion, and that the county proceed with acquiring the necessary right of way for the extension of First Avenue and the opening of the road into the developer's property for an access on the south. Motion was seconded by Mr. Dierks and unanimously carried. (Resolution to be drafted for consideration at the next Board meeting.)

HIGHWAY DEPARTMENT - SALE OF PIPE FORMS

Motion was made by Mr. Hutches that the Highway Department be authorized to advertise for bids to be received on the sale of pipe forms no longer needed by the county, said bids to be opened March 12, 1974. Motion was seconded by Mr. Fortson and carried unanimously.

LENA ROAD - BIDS ON PAVING

Upon motion by Mr. Hutches, seconded by Mr. McClure, the Board un-animously approved advertising for bids to be received on paving Lena Road, said bids to be opened March 5, 1974.

SEWER PROJECT - EPA

Upon motion by Mr. Hutches, seconded by Mr. Fortson, the Board un-animously authorized the Chairman to execute E.P.A. Labor Compliance Certificate on Manatee County Sewer Project No. 6681-8b, EPA (WPC - Fla. 337).

SEWER PROJECT - PART A - WPC-FLA 337 (DPC GRANT)

Motion was made by Mr. Hutches that the appropriate county officers be authorized to execute Application for Partial Payment Grant PL 660, Sewerage Project and Treatment Facilities, Project No. 6681-8b-WCP-Fla 337, in the amount of \$952,045.23. Motion was seconded by Mr. Fortson and unanimously carried. (Department of Pollution Control)

SEWER PROJECT - PART B WS-FLA-216

Motion was made by Mr. Hutches that the appropriate county officers be authorized to execute Application for progress payment on Federal Grant for Sewerage Treatment Works Part "B", Project No. 6681-8b (Part B) WS=Fla-216 to Department of Housing & Urban Development, in the amount, of \$217,814.22. Motion was seconded by Mr. Dierks and unanimously carried.

STATE ROAD 45 - MCUS PERMIT

Mr. Hutches moved for the adoption of a Resolution authorizing execu-tion of application to the State Department of Transportation for a permit for Manatee County Utilities System to construct, operate and maintain a utility sanitary sewer system within the right of way of State Road 45, Section 13010. Motion was seconded by Mr. Fortson and unanimously carried.

RESOLUTION RECORDED V-4

CONSTRUCTION TRUST FUNDS

Mr. Hutches moved for the adoption of a Resolution authorizing pay-ment of

WATER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 11.650 B-5

MCUS General Control Fund	5,710.00
MCUS \$13.5 Revenue Fund	162,252.60

Motion was seconded by Mr. Fortson and unanimously carried.

RESOLUTION RECORDED V-5

Mr. Hutches moved for the adoption of a Resolution authorizing pay-ment of

WATER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 11.650 D-5

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Russell & Axon	\$ 17,100.00
MCUS \$13.5 Revenue Fund	31,431.69

Motion was seconded by Mr. McClure and unanimously carried.

RESOLUTION RECORDED V-6

Mr. Hutches moved for the adoption of a Resolution authorizing payment of

SEWER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 24.4 B-61

Joseph E. Rocklein, Jr. & Betty Lou Rocklein	\$100.00
Island Baptist Church	500.00

and acceptance of easement (utility) from the Board of Trustees of The Island Baptist Church. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED V-7

Mr. Hutches moved for the adoption of a Resolution authorizing payment of

SEWER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 24.4 D-38

Russell & Axon	\$26,047.84
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Motion was seconded by Mr. McClure and unanimously carried.

RESOLUTION RECORDED V-8

SEWER PROJECT: CONTRACTORS' PERFORMANCE

Mr. Fortson referred to the condition of streets, particularly 24th Street and Florida Boulevard, resulting from negligence of the contractor on the sewer construction project to perform satisfactorily as to paving and clean-up. He suggested that some method be determined to guarantee clean-up and completion, such as withholding progress payments to the contractors until the work is straightened out. This matter was referred to Herb Hayes and Chris Angelidis to consider firming up requirements, etc., and make recommendation to the Board.

SAMOSSET AREA

Mrs. Gladys Parrott opposed construction of a convenience store at 26th Avenue East and 15th Street East. She was advised that the Board has no authority to stop construction if the area is properly zoned for that purpose.

With reference to her complaint about three junkyards located at (1) 15th Street and 36th Avenue East (2) 36th Avenue and 21st Street Ct. East (3) 38th Avenue East, she was advised that cases (injunctions) on junkyards in certain areas were ready to be filed in court.

It was suggested that she refer request for playground and equipment on Samoset Community Club property to the Parks and Recreation Department. Mr. Dierks and Mr. Hutches accepted invitation to attend the business meeting of the Samoset Community Club to be held Thursday, March 7, 1974 at 7:30 P.M., at which time recreational facilities, the junkyards and street paving would be discussed.

HOUSEMOVING PERMITS

Motion was made by Mr. Hutches to approve application of

MARY MULVEE for permit to move a building from  
1020 - 37th Ave. E. to 3314 - 9th St. E.  
Pre-moving No. 33482

and post performance bond in the amount of \$1500.00. Motion was seconded by Mr. McClure and carried unanimously.

ORANGE PARK SUBDIVISION (BUILDING PERMIT)

Robert Knowles, attorney, appeared before the Board on behalf of his client, Marvin Brandt, whose application for permit to construct a duplex on his property on 35th Avenue Drive East, running off 9th Street East, had been denied by the Building Department because of standards in connection with a new county ordinance requiring driveway permits on county maintained roads or streets. Denial was based on determination by the Building Department that 35th Avenue Drive East was not maintained by the county, but after investigation it was his opinion that this particular street has been maintained by the county in one form or another for about eleven years, and Manatee County Utilities had installed a water main from 9th Street East. Also, four or five houses had been built on 35th Avenue Drive East within ten-twelve years, and his client is entitled to a proper building permit. The matter was referred to the appropriate committee.

BONDS

Upon motion by Mr. Hutches, seconded by Mr. Fortson, the Board un-animously approved the following Bonds:

Moving and Alteration of Buildings

ROWE A. MEADE, for L. G. Tison \$1000 Auto Owners, surety  
ROWE A. MEADE for Charles B. Walker " " " "

WARRANT LISTS & REQUISITIONS

Upon motion by Mr. Hutches, seconded by Mr. Dierks, the Board un-animously approved Requisitions and Warrant Lists from February 12 to February 19, 1974 and authorized Warrant Lists to February 26, 1974, 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. (Listed February 26, 1974.)

BILLS FOR PAYMENT (REFUND)

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

Raymond Kostyal Refund \$20.00  
(Paid Invoice No. 11295 in the amount of \$27.00 for  
ambulance service; medicare paid \$20.00.)

HOUSEMOVING PERMIT

Upon motion by Mr. Dierks, seconded by Mr. Hutches, the Board un-animously approved application of

ROBERT GRAHAM to move a building from Gulf of Mexico  
Drive to 5935 - 33rd Street E.  
Pre-moving No. 33841

subject to performance bond being posted for \$1500.00.

IRONWOOD SUBDIVISION, UNIT 5, UNIT 6

Motion was made by Mr. Dierks that final plats of Ironwood Subdivision, Unit 5 and Unit 6 (in City of Bradenton) be approved for recording. Motion was seconded by Mr. Hutches and carried unanimously.

SEWER PROJECT - PART B, SECTION I (CONTRACTOR'S BOND)

Motion was made by Mr. Dierks that the Board approve maintenance bond of

WOODRUFF & SONS in the amount of \$3,914,990.97  
covering proposal dated November 29, 1973  
modifying method of backfill and maintenance of  
sewer trenches under areas to be paved in

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Manatee County Sewerage Project No. 6681-8b  
 Part B, Section I (Gravity Sewers, Force Mains &  
 Lift Stations) and Section II  
 Surety: St. Paul Fire and Marine Insurance Company

Motion was seconded by Mr. Fortson and carried unanimously.

## CORRESPONDENCE

Correspondence was read from

- 1) W. E. WEITZENFELD, Sheriff  
 Recommendation gain time for prisoner

## SHERIFF'S DEPARTMENT - PRISONER'S GAIN TIME

Motion was made by Mr. Fortson that the Board approve extra gain time and grant additional twelve days of meritorius time to Elmer Stokes Cox, advancing his release date to March 1, 1974, as recommended by Sheriff Weitzenfeld. Motion was seconded by Mr. McClure and carried unanimously.

- 2) MRS. HELEN J. BLUE, DIRECTOR, MEALS ON WHEELS  
 Request for release of county appropriation

## BUDGET: MEALS ON WHEELS

Motion was made by Mr. Fortson that the Board approve and authorize release of budget funds in the amount of \$15,000 for Meals on Wheels if those funds are available. Motion was seconded by Mr. Hutches and carried unanimously.

## POLLUTION CONTROL BOARD - ATTORNEY

Motion was made by Mr. Dierks that the Board approve recommendation submitted by O. E. (Bud) Randle to appoint Ed Mulock as attorney to represent the Manatee County Air and Water Pollution Control Board for a period of one year, with fees on hourly basis at \$40.00 per hour (no fees for initial research). Motion was seconded by Mr. Fortson. After discussion, motion was amended to appoint Mr. Mulock on a month-to-month basis (with fees at \$40.00 per hour) and that report be submitted by Mr. Randle as to costs incurred. Motion, as amended, was seconded by Mr. Fortson and unanimously carried.

## CIVIL DEFENSE - EMERGENCY PREPAREDNESS CITIZENS ADVISORY COMMITTEE

Motion was made by Mr. Fortson that

James Howell	Jerry Smith
Cy Still	Dean Edwards
Horace Hudson	James App
Paul Bartley	Wilton Martin
Walter Powers	Marjorie Zak
Louis Barolo	

as members of the Civil Emergency Preparedness Citizens' Advisory Committee. Motion was seconded by Mr. McClure and carried unanimously.

## COUNTY LIBRARY SYSTEM

The Board took no action on payment for a Dodge Station Wagon purchased by the County Library System. This vehicle not purchased in accordance with bid policy or purchase requisition, nor was the bid policy waived. The Director of the Library System was requested to submit written detailed explanation of this transaction.

U. S. 41 & 60TH AVENUE (FLAMINGO BLVD); 63RD AVENUE (SAUNDERS ROAD)  
 Mr. Fortson requested the County Attorney to draft the appropriate resolution requesting the State Department of Transportation to conduct

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a traffic study at U. S. 41 and 60th Avenue (Flamingo Boulevard) and U. S. 41 and 63rd Avenue (Saunders Road) to determine the feasibility of installation of traffic signals at those two intersections. There were no objections.

TRAVEL - NACC

Motion was made by Mr. McClure that Mr. Hutches be authorized to attend a meeting of the Steering Committee, National Association of Counties Crime and Public Safety, Washington, D.C., February 26-27-28, 1974, to draft legislation to recommend to Congress. Motion was seconded by Mr. Fortson and carried unanimously.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

M. T. McInnis, Clerk

  
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Deputy Clerk

APPROVED: 17 December 1974

  
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Chairman