

AUGUST 13, 1974

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, August 13, 1974 at 9:01 A. M.

Present were Commissioners Robert C. Hutches, Vice Chairman
 Dan P. McClure
 L. H. Fortson, Jr.
 Kenneth D. Dierks

Also present were M. T. McInnis, Clerk
 Richard A. Hampton, County Attorney

Commissioner Ken Burton, Chairman, was not present.

The meeting was called to order by Vice Chairman Hutches.

MANATEE COUNTY UTILITIES SYSTEM
BIDS ON ADMINISTRATION BUILDING

The list of bids, opened August 6, 1974, on construction of the Manatee County Utilities System Administration Building (see page 610) were acknowledged as a part of the record.

LOT CLEARING

Public Hearing was opened for the purpose of considering Petition

LC-738 Mrs. Lawrence Voisard - alleging that property
owned by William C. and Jennifer M. Hoffman

had not been cleared in accordance ~~in accordance~~ with requirements of Florida Law. Dave Fulford submitted photographs of the subject property as evidence that this was a justified complaint.

Public hearing was closed. Mr. McClure 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 said property owner take corrective action within fifteen days. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED V24-164

Public Hearing was opened for the purpose of considering Petition

LC-742 John F. Jordan - alleging that certain land owned
by A. Y. Lily Marx, Est.

had not been cleared in accordance with requirements of Florida Law. Dave Fulford submitted photographs of the subject property as evidence that this was a justified complaint.

Public Hearing was closed. Mr. Dierks moved for the adoption of a Resolution determining that the property owner, A. Y. Lily Marx, Est., had failed to comply with the Law regarding the clearing of his land and demanding that said property owner take corrective action within fifteen days. Motion was seconded by Mr. McClure and carried.

RESOLUTION RECORDED V24-165

Public Hearing was opened for the purpose of considering Petition

LC-743 Ruth L. Lauer - alleging that certain land owned
by Norman Sabine

had not been cleared in accordance with requirements of Florida Law. Dave Fulford submitted photographs of the subject property as evidence that this was a justified complaint.

Public Hearing was closed. Mr. Fortson moved for the adoption of a

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Resolution determining that the property owner, Norman Sabine, had failed to comply with the law regarding the clearing of his land and demanding that said property owner take corrective action within fifteen days. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED V24-166

Public hearing was opened for the purpose of considering Petitions

LC-745 Minnie Joly - alleging that certain land owned by Merle & Emma B. Fleming

and

LC-746 Minnie Joly - alleging that certain land owned by Miguel Rendon

had not been cleared in accordance with requirements of Florida Law. Dave Fulford submitted photographs of the subject properties as evidence that these were justified complaints.

Public Hearing was closed. Mr. Fortson moved for the adoption of Resolutions determining that the property owners

- (1) MERLE & EMMA B. FLEMING (LC-745)
- (2) MIGUEL RENDON (LC-746)

had failed to comply with the law regarding the clearing of their properties and demanding that said property owners take corrective action within fifteen days. Motion was seconded by Mr. McClure and carried unanimously.

(1) RESOLUTION RECORDED V24-167
(2) RESOLUTION RECORDED V24-168

ORDINANCE - FLOOD INSURANCE

There were no objections to postponing discussion of the Flood Insurance Ordinance until work session the following Monday at 1:00 P.M.

METROPOLITAN PLANNING AGENCY

Art Fischer referred to request by Florida Department of Transportation for assistance in designation of a Metropolitan Planning Agency to receive planning funds made available for the purpose of (1)..... carrying out continuing, comprehensive, cooperative urban transportation planning; (2)....transit technical assistance; and where possible (3)...airport system planning. The Bureau of Census had announced designation of Sarasota/Bradenton as an urbanized area, effective May 1, 1974, and he said he would like to present a proposed letter at the next regular meeting designating Tampa Bay Regional Planning Council as the Metropolitan Planning Agency for Manatee County.

FIRE DISTRICTS/FIRE HYDRANTS

It was announced that the County Commissioners would meet with Senator Tom Gallen, representatives of Special Fire Districts, FHA representative, and other interested persons regarding provisions for fire hydrants from federal funds, etc., Saturday, September 10, 1974 at 10:00 A.M.

ZONING

Mr. Fortson moved for the adoption of a Resolution approving

P.U.D.-4(F) FISHERMAN'S COVE, INC. - (Mt. Vernon Condominiums)
FINAL DEVELOPMENT PLAN

as read by the Planning Director, Art Fischer. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED ZONING
P.U.D.4 (F)

BAYSHORE GARDENS SUBDIVISION REZONE R-1AA to R-1AB

read a proposed Resolution authorizing the Planning

Commission to initiate proceedings, as County Commission initiated petition, for change of zoning from R-1AA to R-1AB in Bayshore Gardens Subdivision. (Dr. Webber had brought in application and petition with over eight hundred (800) names requesting this zoning change by the County Commission.)

Motion was made by Mr. Fortson that the Resolution be adopted as read. Motion was seconded by Mr. Diersk. Under discussion there was question as to whether the Bayshore Gardens homeowners would bear the expense involved in advertising and notifying the property owners of the proposed zoning change.

Motion was WITHDRAWN in favor of considering adoption of the Resolution at a later date after the Planning Director investigates cost of mailing letters of notice to the property owners and if such cost will be paid by Bayshore Gardens Homeowners Association or the property owners themselves; also, investigation by the County Attorney (and research) to determine if such letters are required by law.

HIGHWAY EQUIPMENT - EMERGENCY REPAIRS

The County Engineer requested permission to have emergency repairs made on a Highway Crawler Tractor, as there was urgent need for this equipment, and submitted three bids from

<u>J. Rozier Machine Company</u>	\$1,973.54
<u>Brown's Machine Company, Inc.</u>	2,570.38
<u>Crawler Rail & Roller Company</u>	1,485.08

Motion was made by Mr. McClure to waive the bid policy and to authorize the County Engineer to have the emergency repairs made on the Crawler Tractor by the low bidder, Crawler Rail & Roller Company, for \$1485.08. Motion was seconded by Mr. Fortson and carried unanimously.

MANATEE HIGH SCHOOL - NO PARKING

Upon question by the County Engineer regarding "No Parking" signs in the Manatee High School area, Mr. McClure advised that he had issued instructions for these signs to be made and erected prior to the opening date of County schools.

INJUNCTION: SNYDER & SONS (COUNTY DRAIN - PALMETTO PUMP)

In connection with request from Richard (Palmetto Pump & Irrigation Company) on the problem of obstruction in a county drainage ditch, the County Attorney advised that considering the time factor on mandatory injunction and getting a hearing before the Judge, he had talked with the landowner (Snyder & Sons) and his attorney and obtained commitment that they agreed to remove the obstruction at their expense within thirty days of August 8, 1974; that he considered this the best course of action; however, this does not prevent the landowner from getting a hearing date if he so desires. The Board confirmed the course of action taken by the County Attorney.

BUILDING DEPARTMENT (COMPLAINT BY YOUNG)

Mrs. Orville Young complained about not being able to get proper inspections and final approval on a remodeled house located 1208 Thirtieth Avenue East.

The problems were outlined by the Building Director and a report was made by Albert Wood, assistant plumbing inspector. After discussion, the Building Director was instructed to send out a team of inspectors and advise Mrs. Young by certified letter of the things that have to be done to bring the house up to Manatee County Building Code.

BOWLEE'S CREEK - DREDGE & FILL RE UTILITY SYSTEMS

Motion was made by Mr. McClure that the Vice Chairman be authorized to execute application for permit/certificate from the Trustees of

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Internal Improvement Fund to conduct dredging/filling and related activities in connection with construction of overhead crossing for 16-inch waterline and 14-inch sewage force main across Bowlee's Creek (Project No. 6681-8b, Part C, Section I) on U.S. 41 (S.R. 45)-Public Waste Water Collection System and Water Distribution System.

Motion was seconded by Mr. Dierks and carried unanimously.

MCUS ADMINISTRATION BUILDING

In an attempt to lower the overall cost of construction of the Manatee County Utilities System Administration Building, Paul Williams, of Russell & Axon Consulting Engineers, advised that relocation of the building could result in lowering of expected costs and bring them more in line with costs anticipated before the bids were opened. He said the relocation will require new subsurface soil investigations and requested that the Board authorize Ardaman and Associates, Inc., to perform standard penetration and auger borings and provide required engineering analysis and prepare report for relocation of the building, for a fee not to exceed \$1,200.00.

Action on this request was postponed, pending work session discussion the following Thursday.

SEWER PROJECT - CLAYTON CONSTRUCTION COMPANY

In accordance with a letter from the Board on July 23, 1974, the Consulting Engineers submitted report on progress made by Clayton Construction Company on the Sewer Project: Inspection made of the work and the firm has made commendable effort and progress. Although there is no choice but to terminate the contract the Engineers noted since they have made conscientious effort it would be their recommendation that action be deferred for one week.

Motion was made by Mr. Dierks that the Board accept recommendations of the Consulting Engineers and defer any action on Clayton Construction Company for one week. Motion was seconded by Mr. Fortson and carried.

STATE ROAD 45 (WATER/SEWER CROSSING)

Mr. Dierks moved for the adoption of a Resolution authorizing execution, on behalf of Manatee County Utilities System, application to the Department of Transportation for a Use Permit for construction, operation and maintenance of a utility sanitary sewer system within the right of way of State Road No. 45 (U.S. 41), Section 13010. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED

V24-169

STATE ROAD S-64 (MCUS)

Mr. Fortson moved for the adoption of a Resolution authorizing execution, on behalf of Manatee County Utilities System, application to the Department of Transportation for a Use Permit for the construction, operation and maintenance of a utility sanitary sewer system within the right of way of State Road S-64, Section 13530. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED

V24-170

EASEMENTS ACCEPTED (MCUS)

Motion was made by Mr. Dierks that the Board accept sewer line property permanent easements (Manatee County Utilities System) as follows:

J & J DENTAL LABORATORIES, INC.
 JAMES E. & NETTIE S. PRATT
 RICHMOND CONSTRUCTION CORPORATION
 TELEPROMPTER OF MANATEE COUNTY, INC.

Motion was seconded by Mr. Fortson and carried unanimously.

CONSTRUCTION TRUST FUNDS

Mr. McClure moved for the adoption of a Resolution authorizing payment No. 3 from

PROJECT CONSTRUCTION TRUST FUND ACCOUNT

Carl E. Widell & Son	\$ 93,681.91
Lee Construction Co. of Sanford	57,735.41
Woodruff & Sons, Inc.	82,955.58
Giannetti & Lanzo Constr. Co.	210,237.33)
	198,046.93)
Tech Corporation & Assoc.	122,314.28
Chris Nelsen & Son, Inc.	27,479.09
Woodruff & Sons, Inc.	291,916.59

and execution of requisition for withdrawal funds in the amount of \$1,084,367.12 from the Project Construction Trust Fund. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED

V24-171

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

SEWER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 24.4 B-81

Cecil E. & Suzanne D. Henry	\$ 194.00
Dorothy E. Herdman	214.00
W. D. Sugg	2,000.00
Arvel J. & Irene Wilmot and H. W. & Edith Hyatt and Kenny & Shirley Hyatt	200.00
Charles L. & Betty M. Durfee	330.00

and to accept easements for Manatee County Utilities System from CECIL E. & SUZANNE D. HENRY; DOROTHY E. HERDMAN; ARVEL J. & IRENE WILMOT and H. W. & EDITH HYATT and KENNEY & SHIRLEY HYATT; CHARLES L. & BETTY M. DURFEE. Motion was seconded by Mr. Fortson and carried.

RESOLUTION RECORDED

V24-172

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

WATER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 11.650 D-14

Russell & Axon	\$62,482.44 (total)
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Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED

V24-173

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

WATER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 11.650 C-2

Mechanical & Chemical Equipment Co.	\$18,556.00
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Motion was seconded by Mr. Fortson and carried unanimously.

RESOLUTION RECORDED

V24-174

WATER TREATMENT PLANT IMPROVEMENTS

Motion was made by Mr. Dierks to approval Release of Lien and to authorize execution, by appropriate county officers, Final Reconciliation Agreement with Mechanical & Chemical Equipment Company on Project No. 7273-3a, Water Treatment Plant Improvements. Motion was seconded by Mr. Fortson and carried unanimously.

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

WATER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 11.650 B-16

B & H Sales, Inc.

\$20,805.75

Motion was seconded by Mr. McClure and carried unanimously.

✓ RESOLUTION RECORDED V24-175

SAMOSSET COMMUNITY CLUB

RE: 36TH AVENUE E.; ADAMS GARBAGE FRANCHISE

Mrs. Patricia Horton questioned when will 36th Avenue East be paved. Mr. Dierks advised that 100 percent of property owners should donate the right-of-way, but two have refused; however, drainage problem was in process of being corrected.

Mrs. Sherman Adams referred to a dumping problem at a bus stop, 22nd Street East and 2nd Avenue East, and asked if County would do something about it.

The County Attorney was requested by the Board to research the question as to whether "grandfather clause" would allow non-conforming use and expansion on property now owned by C. T. Adams Garbage Service when use not permitted by the owner. Mrs. Horton and Mrs. Adams presented letters from the owner (now deceased) and his widow that no permission had been given for use by Adams Garbage Service and authorizing them to take necessary steps to have use discontinued. There was also copy of a letter to C. T. Adams ordering him to vacate the premises by August 10, 1974.

WATER REVENUE BONDS, SERIES 1966 - LOST COUPONS

The County Attorney submitted Affidavit and Indemnity Agreement from The Chase Manhattan Bank, certifying that said bank was advised by Robinson Humphrey and Company, Inc., that they were missing four Coupons of \$143.75 each due 3/1/75 detached from County of Manatee Florida 5 3/4% Water Revenue series 1966 Bonds No. 27, 28, 29 and 30 due 9/1/75, which was enclosed with request from Chemical Bank to approve and authorize them to make payment of the missing coupons. He recommended that the Board accept the agreement and affidavit and authorize payment of the lost coupons.

Motion was made by Mr. McClure that Affidavit and Indemnity Agreement from The Chase Manhattan Bank be accepted and approved and that Chemical Bank be authorized to make payment of the missing coupons without presentation thereof. Motion was seconded by Mr. Dierks and carried unanimously.

COMMUNITY SERVICE PROGRAM

Motion was made by Mr. Fortson to ratify execution by the Vice Chairman Notice of Intent to Apply to State of Florida, Department of Community Affairs, for financial assistance (\$30,000 federal funds) to implement a Community Service Program in Manatee County (to be administered through the Welfare Department). Motion was seconded by Mr. Dierks and carried unanimously.

CONDEMNATION SUIT-MCUS SEWERAGE SYSTEM (MERRY)

Mr. Dierks moved for the adoption of a Resolution (read by the County Attorney) authorizing Manatee County Utilities System to employ the services of the County Attorney to commence condemnation proceedings to acquire easements in the property owned by Mrs. Mary A. Merry for the county sewerage system. Motion was seconded by Mr. McClure and carried unanimously. (Whitfield Estates)

✓ RESOLUTION RECORDED V24-176

LOT CLEARING LIEN (LC-731)

Motion was made by Mr. McClure to authorize execution of Notice of Lien, File No. LC-731 (lot clearing) against lands owned by Parkside Gardens Corporation, in the amount of \$75.00. Motion was seconded by Mr. Fortson and carried unanimously.

ORDINANCE NO. 74- (HOUSEMOVING)

Motion was made by Mr. McClure that Public Hearing on an Ordinance regulating the hours when buildings can be moved over public thoroughfares be held September 3, 1974. Motion was seconded by Mr. Dierks and carried.

STATE TUBERCULOSIS HOSPITAL

Upon motion by Mr. Dierks, seconded by Mr. McClure, applications of GEORGE WASHINGTON BROWN and JAMES OLIVER to enter the State Tuberculosis (A. H. Holly) Hospital were unanimously approved.

GUN PERMIT - DAVIS

Motion was made by Mr. Fortson that the request by GARY C. DAVIS for a permit to carry a gun be denied as recommended by Sheriff R. W. Weitzenfeld. Motion was seconded by Mr. Dierks and carried.

BUDGET: TAX ASSESSOR (1974-1975)

Motion was made by Mr. Fortson that the Budget Request for the operation of the office of the Tax Assessor of Manatee County for the period of October 1, 1974 - September 30, 1975 be approved as presented and approved by the Department of Revenue. Motion was seconded by Mr. Dierks and carried unanimously.

CORRESPONDENCE

Correspondence was read from

- 1) U. S. COAST GUARD
Application from DOT for two highway bridges over navigable waters (1) Salt Marsh & Tidal Creek (2) Manatee River for I-75. (Comments by 8/29/74)
- 2) Agricultural Extension Service
Notice Service Seminar 8/15/74 Kendrick Auditorium
Re: "Landspreading of sewage effluent and sludge"
- 3) SAFETY DIRECTOR, WILLIAM KUHN
Recommendations for speed limits.
(Agenda 8/20/74)
- 4) JAMES L. APP, County Extension Director
Advising Farmers Home Administration vacated offices in Agricultural Center, effective 8/2/74; new location 619 Sixth Street W., Palmetto.
- 5) RAYMOND F. SKINNER, JR. - Oneco/Tallevast Fire District
Request Highway Department to furnish aerial maps at no cost.

ONECO-TALLEVAST FIRE DISTRICT

RE: AERIAL SECTION MAPS

Motion was made by Mr. Dierks that the Highway Department be instructed to provide forty (40) aerial section maps for use by the Special Fire Districts at no cost. The Vice Chairman stepped down and seconded the motion. Voting "Aye" Mr. Dierks, Mr. McClure and Vice Chairman Hutches. Mr. Fortson voted "No". Motion carried.

6) WELFARE DEPARTMENT

Re: transfer of funds to Mental Health \$10,000;
receive \$5,000 from Mental Health.
(Referred to County Attorney for appropriate resolution)

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HOUSEMOVING PERMITS

Motion was made by Mr. McClure that application of

J. R. CASTLEMAN to move a building from 1305 49th Street
E to 1303 49th Street E., Experimental Farm Rd.
Pre-moving No. 35896A (Same property)

be approved and that Building Code requirements for a house to be placed on continuous foundation be waived and Mr. Castleman allowed to place this building back on piers. Motion was seconded by Mr. Dierks and carried unanimously.

Motion was made by Mr. McClure that application of

J. J. WINTERS to move a building from 3609 Palonias Street,
Sarasota, to end of 46th Street E., Ellenton
Pre-moving No. 35795A

be approved. Motion was seconded by Mr. Fortson and carried.

WARRANT LISTS & REQUISITIONS

Upon motion by Mr. Fortson, seconded by Mr. McClure, the Board unanimously approved Requisitions and Warrant Lists from July 23 to August 13, 1974 and authorized Warrant Lists to August 20, 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. (August Warrants listed September 3, 1974)

July

General Revenue	30889 - 30902
Road & Bridge	11910 - 11918
Library	674 - 681
Library Reserve	387
Courthouse I & S	64 & 110
Courthouse I & S Reserve	463
Hospital I & S	--
SCORE	338 - 344
Revenue Sharing	439
Clearing Account	3496 - 4051
EEA Grant	--
Library Talking Books	482 - 485
Manatee County Utilities System:	
24.4 Sewer Revenue	130 - 132
13.5 Revenue	3805 - 3844
3.485 Revenue	4950 - 4957
1.65 Revenue	1036 - 1050
General Control	8940 - 9104
Special Construction Account	185 - 190
24.4 R & R	107 -
13.5 R & R	166 -
3.485 R & R	151 - 152
1.65 R & R	151 - 152

BILLS FOR PAYMENT

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

Manatee Memorial Hospital	\$4367.52; \$833.00; \$450.00
Goodrich & Hampton (Crawford Travis & Willa Mae Gaines vs 1st Environmental Services, Inc. & Manatee County - improper drainage damages)	\$ 240.00
Goodrich & Hampton (County v. Littlefield - removal trailers)	140.00
Professional Ancillary Services	50.00 (Case #2135)

Motion was made by Mr. Fortson to authorize payment to Douglas E. Croll, architect, for professional services (1) Zoning Auditorium \$1283.25; Engineering Building \$826.89. Motion was seconded by Mr. McClure and carried unanimously.

U. S. GEOLOGICAL SURVEY (MYAKKA WATERSHED)

Motion by Mr. McClure, seconded by Mr. Dierks, to refer statement for \$6250.00 from U. S. Geological Survey, for Myakka River Basin survey and mapping, to the Basin Board was WITHDRAWN. The Vice Chairman stated that if there were no objections a letter would be sent to U. S. Geological Survey requesting a progress report on this project. There were no objections.

WEST COAST INLAND NAVIGATION DISTRICT

RE: INSURANCE PROGRAM (EMPLOYEES)

Mr. McClure advised that two staff members of West Coast Inland Navigation District had been dropped from Manatee County Insurance coverage (group policy) at the suggestion of the carrier-agent and included with Sarasota County employees. They are requesting to be continued on Manatee County's group insurance and he asked if there were any objections. Action was deferred pending further discussion.

BOARD OF TAX ADJUSTMENT

Vice Chairman Hutches (as Chairman of Board of Tax Adjustment) announced that the Board of Tax Adjustment would meet September 4, 1974 at 9:00 A.M. and possibly September 5, 1974. The County Attorney requested a pre-meeting briefing at 8:30 A.M., recommended that a Court Reporter be present to take testimony of petitioners, that the Board of Tax Adjustment hear all evidence in the presence of the applicants (petitioners) and that the Tax Assessor be requested to have all data at the meeting.

MEETING ADJOURNED

There being no further business, the meeting was declared adjourned.

Attest:

M. T. McInnis, Clerk


Deputy Clerk

APPROVED: 14 January 1975


Vice Chairman