

AUGUST 27, 1974

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, August 27, 1974 at 9:04 A. M.

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

The meeting was called to order by Chairman Burton.

#### ZONING

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

R-694 GEORGE BARLEY, INC.                        DISTRICT R-1 DENIED  
Request to rezone from District -A- (Agricultural) District to District R-1 (One Family Dwelling District) 38.46 acres east of 45th Street E. (Murray Lane) and approximately 875 feet south of S.R. 70 for Single-Family Home Subdivision. The Planning Commission recommended approval. (Postponed from meeting of July 30, 1974.)

Dan Zoller, of Roberts & Zoller, Inc., was representing the petitioner and answered questions relating to sewer treatment facilities - plan to go into Gateway East system when under Manatee County Utilities System, and will hook into MCUS water facilities. They offered covenant, deed restriction, etc., that no unit less than 1000 square feet would be constructed.

Among those present and voicing objections to rezoning the property to District R-1 and the type of development proposed under R-694 were

Robert Flanders - 5304 45th Street E.;  
Ernest Marshall, attorney, read a resolution of Braden River Civic Association opposing R-694 and outlining reasons for such opposition; made extensive presentation against developing the property under R-1 and requested rural character of the area be retained and not encourage high density in area; Other residents of the area, not identified by name, objected to R-1 zoning.

Jim Stacy, of Florida Development Corporation, made a presentation on behalf of the petitioner on the need for low cost housing. Upon question, he said it would not be economically feasible to go to development under R-1A.

Motion was made by Mr. Dierks that R-694 be denied. Motion was seconded by Mr. Hutches and carried unanimously.

#### RECESS

After a short recess the meeting was resumed, and zoning items continued.

T-1-85(F) TERRA CEIA MANOR MOBILE ESTATE, PHASE I; APPROVED  
The Planning Commission recommended approval of the final plan for 119 lots (13 acres) at 5619 Bayshore Road, Palmetto.

Motion was made by Mr. McClure that final plans for Terra Ceia Manor Mobile Estate, Phase I, be approved. Motion was seconded by Mr. Hutches and carried unanimously.

AUGUST 27, 1974

(Cont'd)

S-154 SYLVAN VILLAGE

The Planning Commission recommended approval of preliminary plan for 267 lots on 59.2 acres at 17th Street E. and 6th Avenue E., Palmetto.

Redesign of Memphis Road was submitted for discussion. It was estimated that the realignment and acquisition of right of way from the School Board would cost about \$7,000.00 - such realignment being considered necessary in order to save the trees.

Eddie Mulock, attorney for the petitioner/developer, made a presentation of the proposed development, noting that the plan met all requirements of the Planning Commission and the developer was willing to develop Phase One and hold the second phase until some decision was made about a traffic light at 17th Street. Mr. Burton had pointed out the dangerous traffic situation that would be created and would like to see the intersection taken care of before additional traffic was put into the highway (U.S. 41)

The Board deferred action until later during the meeting pending a telephone call to the Department of Transportation and appointment for the purpose of discussing this intersection.

SE-736 DORIS M. LEE CHILD CARE CENTER APPROVED

Request for permit to operate a Day Care Child Center on 0.41 acre at 912 - 60th Avenue W., Bradenton. (Sunny Lakes Sub.) The Planning Commission recommended approval for one year with provision for two-year extension by the Planning Director, subject to stipulations limiting to twentieth children, fence play area, offstreet loading and unloading, operating hours 7:00 A.M. to 7:00 P.M., with second unit of the duplex set aside for exclusive use of the Day Care Center - Special Exception to be non-transferable.

Mrs. Lee explained that she had to make a living for her daughter, who has a kidney ailment, and will be able to be home with her; that there is ample property for the Center and she is qualified educationally.

Mr. Fischer said there were a number of letters and petitions presented at the public hearing in favor of approval; that the Day Care Center was opposed by James Martin, M. Alice Sirmons and Lillian H. Ryan. A letter from Mrs. Ella Layman, speaking in favor of approval, was acknowledged.

Mr. Dierks moved for the approval of SE-736 for Doris M. Lee for a period of one year, with provision for extension for an additional two years providing the Day Care Center remains compatible with the neighborhood, and the adoption of appropriate resolution outlining restrictions as recommended by the Planning Commission. Motion was seconded by Mr. Hutches and carried unanimously.

RESOLUTION RECORDED

ZONING  
SE 77S-154 SYLVAN VILLAGE

The Chairman announced that an Engineer from the Department of Transportation would be present at 10:00 A.M., Thursday, August 29, 1974, to discuss traffic conditions and solutions for intersection of 17th Street East and U.S. 41, Palmetto (Sylvan Village), also other subjects relating to State roads in Manatee County.

## ZONING - WHITFIELD DISTRICT

The County Attorney submitted resolution by the Whitfield Zoning District requesting that the Board of County Commissioners rescind action of 8 June 1971 rezoning certain property in Section 25, Township 35 South, Range 17 East, which actually lies within Whitfield Zoning District, and R-3 District is totally inconsistent with all of the surrounding property within said District.

He said that, in his opinion, if the property is in the Whitfield Zoning District then the action by the Board of County Commissioners (rezoning to R-3) is null and void and the rezone not applicable; therefore, no official action to rescind is necessary. (New Legislation definitely clarifies the Whitfield Zoning District area.)

#### LOT CLEARING

Public hearing was opened for the purpose of considering petition

LC-766 J. H. Tench - alleging that certain land owned by  
SPENCER VAN ESS and CURTIS J. SCHWARTEN

had not been cleared in accordance with the requirements of Section 2, Chapter 69-1284, Special Acts of 1969. Photographs were submitted in evidence that this was a justified complaint. Public hearing was closed.

Mr. Hutches moved for the adoption of a Resolution determining that the property owners, Spencer Van Ess and Curtis J. Schwarten, had not complied with the Lot Clearing law and demanding that said property owners take corrective action with regard to said land within fifteen (15) days. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED V24-190

Public hearing was opened for the purpose of considering petition

LC-767 Marcia M. Murray - alleging that certain land owned by  
SARA R. SHEATS

had not been cleared in accordance with the requirements of Section 2, Chapter 69-1284, Special Acts of 1969. Photographs were submitted in evidence that this was a justified complaint. Mrs. Murray was present.

Public hearing was closed. Mr. Fortson moved for the adoption of a Resolution determining that the property owners, Sara R. Sheats, had failed to comply with the lot clearing law and demanding that said property owner take corrective action with regard to said land within fifteen (15) days from this date. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED V24-191

#### MYAKKA RIVER BASIN / MANATEE RIVER - U.S. GEOLOGICAL SURVEY

Horace Sutcliffe, U. S. Geological Survey, was present to give a status report and preliminary evaluation of Hydrologic Conditions in Manatee County covering Myakka River Basin and the Manatee River areas; noting need for updating existing information and basic hydrologic data and evaluations upon which ground-water regulations can be developed to minimize the stress on the aquifer system from agricultural and mining interests.

By letter of August 19, 1974, U.S. Department of the Interior, Geological Survey, Water Resources Division, suggested that payment of Invoice in the amount of \$6,250.00 (for Myakka River Basin study) be deferred until October 1, 1974.

#### EQUIPMENT - CLERK OF CIRCUIT COURT (SHREDDER)

Sealed bids received for one Destroyit 16" Compact-Conveyor Shredder, or acceptable equivalent, for the office of the Clerk of Circuit Court were opened and read as follows:

BOWEN SUPPLY	\$2595.00
KEETON'S	2430.00
BRADENTON OFFICE EQUIPMENT	3990.00
PALMER PAPER COMPANY	2580.00
FLORIDA BUSINESS MACHINES	2390.00

AUGUST 27, 1974

(Cont'd)

The bids were referred to the Clerk for review and recommendation.

**PRIVATE EASEMENT (MIZELL)**

The County Engineer advised that wording on resolution approving a private easement for Juel Gill Mizell, adopted in a previous meeting, would be clarified the following Thursday.

**MEMPHIS CEMETARY**

It was brought to the attention of the Board by the Right-of-way agent, Robert Moon, that there was no access roads to Lots 19-40, inclusive, and Lots 114-139, inclusive, in the Memphis Cemetary, and it had been recommended that these lots be closed (or vacated) and the county put in two roads so that vaults can be taken in. The Board took no action, but there was recommendation that these lots not be sold until other lots filled.

**GATEWAY EAST - MCUS SURPLUS PROPERTY**

The Right-of-Way Agent was authorized to obtain appraisal on Gateway East well and water plant, declared to be surplus property of the Manatee County Utilities System.

**DeSOTO LAKES (PALM AIRE WEST)**

Developer's redesign to provide cul de sacs on streets platted in the DeSoto Lakes Subdivision, Palm Aire West, was referred back to the County Engineer.

**PARRISH BARN**

Robert Moon advised that the appraisal on two parcels being considered for expansion of Parrish (District No. 1) Equipment Barn was \$17,200.00 --a house (rental property) on one parcel and an old garage on the other; that if the county purchased then the alley could be closed which would give additional 2400 square feet.

**WATER TREATMENT PLANT EXPANSION;**

**WATER SYSTEM IMPROVEMENTS, PART B, SECTIONS I & II**

Motion was made by Mr. Hutches that the appropriate county officers be authorized to execute contracts with

LEE CONSTRUCTION COMPANY OF SANFORD	\$2,252,000.00
Water Treatment Plant Expansion	
THE CROM CORPORATION	\$ 194,600.00
Water System Improvements, Part B, Section II	

Motion was seconded by Mr. McClure and carried unanimously. (Contract not received from Heyl & Patterson, Inc., on Part B, Section I.)

**CONSTRUCTION TRUST FUNDS**

Upon motion by Mr. Hutches, seconded by Mr. Dierks, resolution was unanimously adopted authorizing payment of

**CONSTRUCTION TRUST FUND - SEWER SYSTEM**

Requisition No. 24.4 B-83

Board of Trustees, Internal Improvement Fund	\$ 100.00
Warren Brothers	120.70
MCUS General Control Fund	15,520.06
MCUS 24.4 Revenue Account	4,223.87
James E. & Evelyn M. Hughes	252.00
Ward Electric, Inc.	200.00

and easements for Manatee County Utilities System were accepted from WARD ELECTRIC, INC; JAMES E & EVELYN M. HUGHES.

RESOLUTION RECORDED

V24-192

Upon motion by Mr. McClure, seconded by Mr. Hutches, Resolution was unanimously adopted authorizing payment of

## SEWER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 24,4 D-49

James M. Doss &amp; Associates

\$1,875.00

RESOLUTION RECORDED

V24-193

## WATER/SEWER PROJECTS - BOWLEE'S CREEK

Motion was made by Mr. Hutches that the Chairman be authorized to execute a letter of application to the Department of Pollution Control for water quality certification for sewer force main and water main aerial crossing at Bowlee's Creek (Sewer Project, Part C, Section I; Water Project, Part C, Sections I & II). Motion was seconded by Mr. McClure and carried unanimously.

## STATE ROADS NO. 684; No. 789

Upon motion by Mr. Hutches, seconded by Mr. Dierks, a Resolution was unanimously adopted authorizing execution of application to the State Department of Transportation for a Use Permit for Manatee County Utilities System to construct and maintain a utility line within the right-of-way of State Road No. 789, Section 13080.

RESOLUTION RECORDED

V24-194

Upon motion by Mr. Hutches, seconded by Mr. Dierks, a Resolution was unanimously adopted authorizing execution of an application to the State Department of Transportation for a Use Permit for Manatee County Utilities System to construct, operate and maintain a sanitary sewer system within the right of way of State Road No. 684 (Cortez Road), Section 13040.

RESOLUTION RECORDED

V24-195

## CONSTRUCTION TRUST FUND

Upon motion by Mr. Hutches, seconded by Mr. Dierks, a Resolution was unanimously adopted authorizing payment of

## PROJECT CONSTRUCTION TRUST FUND ACCOUNT

Payment No. 4

Giannetti & Lanzo Construction Co.	\$291,082.72)
	81,055.45)
Lee Construction Co. of Sanford	69,837.86
Chris Nelsen & Sons, Inc., & Pollution Equipment Company	100,782.24
Chris Nelsen & Sons, Inc.	8,550.56
Tech Corp. & Associates	35,704.65
Carl E. Widell & Son	34,394.95
Woodruff & Sons, Inc.	160,903.83)
	273,275.25)
	7,826.56)

and execution for withdrawal of funds for payment of \$1,063,414.07 (listed above) was authorized.

RESOLUTION RECORDED

V24-196

## MCUS EASEMENT

Motion was made by Mr. Hutches to accept easement for Manatee County Utilities System from W. D. SUGG. Motion was seconded by Mr. McClure and carried unanimously.

## CLAYTON CONSTRUCTION COMPANY

Herb Hayes reported that he had met with Clayton Construction and they are substantially complying with the letter from Chairman Burton; that he had concluded that there was nothing to be gained by dismissing them from the job; that contract completion date is up October 11, 1974 and if they are not finished by then there would be further recommendations. No objections from Board members.

## ENVIRONMENTAL PROTECTION AGENCY - GRANT MONIES

The County Attorney outlined problems with the Environmental Protection

AUGUST 27, 1974

(Cont'd)

Agency concerning grant monies and their insisting on additional information on two points (1) does the collection system cost exceed that of the cost of the treatment plant and (2) further supporting information on the state certification under 202(b). He said that (1) they already have this information because they have been approving the project all along, step by step, and (2) this was a matter of state certification and we did not feel it appropriate to provide them any further additional information without going through the state. He recommended that case be instituted against EPA, stating that unless he received contrary instructions from the Board he would proceed along these lines: (1) Furnish certification from the Engineers as to the cost of the collection system and establishing that the cost of the collection system far exceeds the cost of the treatment plant and (2) respond that we do not think it appropriate to furnish them this information since this was a matter sent to the state and it is within the State's jurisdiction. He would continue in the preparation of the suit.

Motion was made by Mr. McClure that the Board accept the recommendation of the County Attorney and not deal directly with the Environmental Protection Agency in connection with State Certification concerning sewer projects and grant monies. Motion was seconded by Mr. Dierks and carried unanimously.

#### BUDGET: MANATEE COUNTY UTILITIES SYSTEM

In connection with change of fiscal year for Manatee County Utilities System October 1, 1974 - September 30, 1975, the Director noted question as to bond holders and the fact that it would be necessary to have an audit of one month; that written opinion would be forthcoming from the County Attorney on approval of the budget based on same fiscal year.

Motion was made by Mr. Fortson that the Budget for Manatee County Utilities be approved, based on the same fiscal year as in the past. Motion was seconded by Mr. Hutches and carried unanimously.

BUDGET FILED

V24-197

#### COMMUNITY SERVICES PROGRAM

Charles B. Russell, Director of Manatee County Welfare, recommended making application to the Department of Community Affairs for State assistance for a Community Service Program to help fund Meals on Wheels, Council on Aging, United Appeal and similar programs. No action was taken by the Board pending review and further consideration the following Thursday.

#### MUNICIPAL/COUNTY EMPLOYEES' CREDIT UNION

Mrs. Rosemary Latchem and Col. Ken Foster came before the Board to request county appropriation of \$400.00 per month for six months to help subsidize the Municipal/County Employees' Credit Union. They advised that the City of Bradenton had agreed on grant of \$1600.00, Manatee Memorial Hospital would pay \$200.00 monthly for six months and provide office space.

Upon question as to legality of such funds being appropriated by the county, the County Attorney advised that he cannot recommend that the Board honor this request.

Action was deferred pending further research.

#### ASSISTANT COUNTY ENGINEER - RESIGNATION

Col. Kenneth Foster submitted his resignation as Assistant County Engineer. (Letter dated August 19, 1974.)

#### WARRANT LISTS & REQUISITIONS

Upon motion by Mr. Hutches, seconded by Mr. Dierks, the Board unanimously approved Requisitions from August 20 to August 27, 1974 - and

Warrant Lists - and authorized Warrant Lists to September 3, 1974, said Warrant Lists to include any payrolls during that period upon condition that all county employees have performed their services in accordance with time and payroll practices of the county departments. (Listed September 3, 1974.)

**WORK RELEASE PROGRAM - CETA FUNDS**

Motion was made by Mr. McClure that the appropriate county officers be authorized to execute agreement between Manatee County and the Division of Employment Security, Florida Department of Commerce, for the awarding of grants and assistance in the amount of \$70,923.49 (referred to as CETA funds) for the Work Release Program, under administration of Don Shepherd. Motion was seconded by Mr. Dierks and carried unanimously.

✓ AGREEMENT RECORDED

V24-198

**WORK RELEASE PROGRAM -  
NAVAL RESERVE TRAINING FACILITIES**

Motion was made by Mr. McClure that Don Shepherd be authorized to proceed with application to acquire surplus government property, Naval Reserve Training Facilities, for continuance of the Work Release Program. Motion was seconded by Mr. Hutches and carried unanimously.

**PROJECT NO. 563 (CHANGE ORDER)**

Mr. McClure moved for approval of Change Order No. 4 to contract with Warren Brothers Company for construction of Project No. 563. This change order increased contract price to \$76,923.49. Motion was seconded by Mr. Hutches and carried unanimously.

**CERTIFICATES OF CORRECTION (E & I)**

Motion was made by Mr. McClure that recapitulation of Certificates of Correction (E & I) on Real Estate and Tangible Personal Property be executed by members of the Board. Motion was seconded by Mr. Hutches and carried unanimously. (Motion included approval of recap.)

**MOTOR VEHICLE INSPECTION - PERSONNEL**

Motion was made by Mr. McClure to grant Susan Metzger sixty-four (64) hours of annual leave earned as employee of the Motor Vehicle Inspection Station, as requested by the Director, Ancel Carder. Motion was seconded by Mr. Hutches and carried unanimously.

**REVENUE SHARING REPORT**

Motion was made by Mr. McClure to approve expenditures from funds from General Revenue Sharing as shown on Actual Use Report, submitted by the Deputy Clerk, and that said Report be published in a local newspaper as required by law. Motion was seconded by Mr. Hutches and carried unanimously.

**WORKMEN'S COMPENSATION (COUNTY EMPLOYEE)**

Motion was made by Mr. McClure to accept recommendation by the Clerk's office to file administrative appeal on Workmen's Compensation claim by a former county employee, subject to concurrence by the County Attorney. Motion was seconded by Mr. Dierks and carried unanimously.

**INSURANCE: VEHICLES & EQUIPMENT**

Motion was made by Mr. Dierks to accept bids (opened August 20, 1974) for insurance on county licensed and unlicensed vehicles and miscellaneous equipment for fire, lightning, transportation, theft, etc., as recommended by Martin Williams and appropriate committee:

Unlicensed Vehicles and Equipment

DICK, JOHNSON & JEFFERSON, INC., Agent for  
American Insurance Company, based on alternate premium \$3051.00

AUGUST 27, 1974

(Cont'd)

Reject the low bid received from Auto-Owners Insurance Company in premium amount of \$10,640.57 and accept proposal on

Licensed Vehicles & Equipment

DICK, JOHNSON & JEFFERSON, INC. to renew the same policy now in effect for annual premium of \$1445.00 (Royal Globe Insurance Company)

Motion was seconded by Mr. McClure and carried unanimously.

RECORDED

V24-199

POLLUTION CONTROL BOARD

Motion was made by Mr. McClure that the following persons be appointed to the Manatee County Air and Water Pollution Control Board to replace members whose resignations were received:

Col. S. L. Corsthwait

To serve unexpired term of Randolph Snell (resigned effective June 30, 1974)

Term Expires

December 1975

James Woodson

To serve unexpired term of Charence M. Harrison (resigned June 23, 1974)

December 1975

Motion was seconded by Mr. Dierks and carried unanimously.

MANATEE MEMORIAL HOSPITAL - BOARD OF TRUSTEES

Motion was made by Mr. McClure that M. C. QUATTLEBAUM be reappointed member of the Board of Trustees, Manatee Memorial Hospital for a term of three years, retroactive to August 26, 1974. Motion was seconded by Mr. Dierks and carried unanimously.

BONDS

Upon motion by Mr. Dierks, seconded by Mr. McClure, the following bonds, additions and deletions on existing bonds were unanimously approved:

Sheriff's Department

Additions to U.S. Fire Insurance Company Bond 70-50-11

JUDY M. LIEDKE

-School Crossing Guard

Deletions from above bond:

ALLENT T. TATU

-Patrol Deputy

MAUREEN W. KREISLER

-Dispatcher (part time)

FRANCES K. FOLAND )

CAROLYN E. THEOBALD)

-School Crossing Guards

Well Drilling Contractor (Release Bond)

JAMES R. GUEST d/b/a Guest Well Drilling Company

(No longer doing business in Manatee County)

Surety: American Fire & Casualty Company #113-202

BILLS FOR PAYMENT (INCLUDING REFUNDS)

Motion was made by Mr. Dierks that the following refunds, recommended by the Director of Manatee County Building Department for denial, be approved:

SCOTT COLE PLUMBING COMPANY

Building Permit No. 35388A for \$203.00, less 10 percent

SCOTT COLE SPRINKLING COMPANY

Building permit No. 35583A for \$135.00, less 10 percent

Motion was seconded by Mr. McClure and carried unanimously. (Mr. Dierks explained that upon investigation it was determined that these permits were obtained in good faith and contractor should not be penalized.)

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

Manatee River Rair Assoc. (Library booth) \$93.00



AUGUST 27, 1974

(Cont'd)

**GUN PERMIT (DEFFENBAUGH)**

Sheriff R. W. Weitsenfeld recommended denial of gun permit of Gary Deffenbaugh, noting that if he is employed as Safety and Security Director of Miller Trailer, Inc., he may carry a weapon while on Miller Trailer properties in Florida or he may be appointed a Special Deputy for Security of their properties only.

Motion was made by Mr. Dierks that request of Gary Deffenbaugh for a gun permit be denied. Motion was seconded by Mr. Hutches and carried.

**BOARD OF TAX ADJUSTMENT**

By letter dated August 21, 1974, the School Board of Manatee County advised that Theodore H. Griffin had been appointed as member to serve on the Board of Tax Adjustment, but was unable to serve in this capacity, and C. WILLIAM LACE had been appointed to fill this vacancy.

**MEETING ADJOURNED**

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

Attest:

M. T. McInnis, Clerk

  
\_\_\_\_\_  
Deputy Clerk

APPROVED: 14 January 1975

  
\_\_\_\_\_  
Chairman