

SEPTEMBER 24, 1974

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, September 24, 1974 at 9:05 A. M.

Present were Commissioners Ken Burton, Chairman
 Robert C. Hutches, Vice Chairman
 Dan P. McClure
 Kenneth D. Dierks

Also present were Henry E. Bourne, Deputy Clerk
 Richard A. Hampton, County Attorney

Commissioner L. H. Fortson, Jr., was not present.

The meeting was called to order by Chairman Burton.

BELCHER OIL COMPANY

The Chairman announced to the vast number of people present concerning the Belcher Oil Referendum that was held on September 10, 1974 and decision by the Board postponed from the previous week, a few people would be allowed to speak briefly on the subject. This was in response to specific requests to appear on the Agenda and the floor was not to be opened for comments from the public.

William C. Grimes, attorney representing Belcher Oil Company, referred to statement by Tom Sawyer (September 17, 1974) that Belcher would abide by the decision of the Board as to construction of plant and facilities, but had no desire to leave Manatee County. He noted unresolved allegations regarding election law violations and that the Board should be sure there were no such violations; urged another election of Board make its own decision.

Among those making comments were

D. W. Aldus - would like to see second referendum in General Election;

Mike Moore, representing Plumbers & Pipefitters - Independents were told they could not vote in the Primary Election, over 3,000 persons who went to the polls, who failed to vote on the question, should have another opportunity; men need to have work;

Richard Stern - against Belcher; Board should abide by results of Referendum;

F. M. Stittsworth, member Homes Beach City Council - City Council voted against Belcher, but he voted for Belcher because of need in Manatee County;

Merine Cass, High School student not old enough to vote - many discrepancies in pros and cons;

Mrs. L. Griffin - need clean industry but refinery voted down;

said when the Port was put in they were promised that there would only be light industry here;

(Chairman and Attorney excused for court appearance. V/Chairman Hutches/ presiding)

Mr. McClure stated that when the Port Authority was established in Manatee County there was never promised to have only light industry at Port Manatee; Port Authority had always told the public that it would act in the best interest of the county and would try to bring in the type industry compatible to Manatee County, nor was it said it would be turned into a heavy polluting industrial park.

Summary of comments by the County Commissioners indicated that all Board members supported Belcher Oil Company, but the question was defeated in the Referendum and there were no references that the decision would be other than to abide by the results of the Referendum.

As to alleged violations of the election laws, Mr. Hutches stated that the investigation was not completed and an answer could not be given at that time and there were questions in certain areas that should be cleared up.

(Enter Chairman Burton)

Mr. McClure read into the record a letter from Mr. Fortson, who was unable to attend the meeting, stating that he had committed himself to abide by the results of the referendum and intends to stick by that commitment; that his position has to be that the question has been settled by the vote of the people, and that if any Board member has any intention of calling for a vote on whether or not to hold another referendum on the matter he would request that this vote be deferred until his return.

Mr. Dierks stated that he will abide by the referendum subject to the fact that there were no serious violations of the election laws, and until he hears from the State Attorney's office he cannot make a decision.

Mr. Hutches stated if referendum is totally legal and proper he will abide by the referendum even though he did not vote for it; would like to hear facts before making decision.

Chairman Burton stated that if there were no objections this matter would be postponed for one week until Mr. Fortson be present. There were no objections.

Bob Myles, assistant agent for Electrical Workers - stressed need for industry to provide jobs for people in Manatee County.

Larry Whitted, representing workers of the county - pointed out many people having to go out of county to find work; need industry in Manatee County for jobs for residents.

RECESS

After a short recess the Board reconvened.

LIBRARY BONDS: WORDING ON REFERENDUM

Mrs. Kay Kirby, Chairman of the Library Board, appeared with other members of the Library Board, to request that the wording be changed on the referendum on the Library Bond issue on the Ballot. She submitted suggested changes by the State; however, there were questions of concern what effect this would have on the sale of the issue and how much additional interest cost to the county.

The County Attorney pointed out that the fiscal agent, Russell Hawkes, was of the opinion that the proposed change would affect the saleability of the bonds and would result in quite an amount of interest cost to the county, and from a practical standpoint would be better to have a limited pledge; that it would be better to leave it the way it would have the best possible bond issue and to save the most money (interest).

Following lengthy discussion, the County Attorney left the meeting to confer with Bond Council as to wording: strike "without limitations as to rate or amount" and substitute therefore the words "at such rate or amount as will be necessary to fully retire the bonds".

COMMUNITY SERVICES PROGRAM: AGREEMENT

Charlie Russell, Welfare Director, advised that application for Community Services grant had been approved, and submitted formal contract for approval and execution.

Motion was made by Mr. McClure that the appropriate county officers be authorized to execute Agreement with the State of Florida Department of Community Affairs in connection with grant to Manatee County for the Community Services Program. Motion was seconded by Mr. Hutches and carried unanimously.

AGREEMENT RECORDED

V24-229

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(Cont'd)

STATE MANPOWER COUNCIL - TRAVEL AUTHORIZED

Motion was made by Mr. Dierks that Commissioner Hutches be authorized to attend a meeting of the State Manpower Council to be held in Tallahassee, Thursday, September 26, 1974. Motion was seconded by Mr. McClure and carried.

CLAYTON CONSTRUCTION COMPANY

Dick Berry, with Residex Corporation, appeared before the Board with Marvin Sadur, contract moderator. Mr. Sadur acknowledged receipt of Notice of Intention to Terminate Contract with Clayton Construction Company, a Division of Residex, and asked the intent and purpose of this second notice. He said since the first notice in June the work that has been accomplished was acknowledged by the Engineers and they were making substantial financial investment in trying to complete the project; concerned with the fact 90 people employed and substantial amount of equipment here and trying to get the sewer work completed but faced with many problems. He mentioned problems in design, adverse working conditions and interference with sub-contractors.

The County Attorney recommended a meeting with professionals and legal staff of the county and the contractor for further clarification of the Notice from the Board. (Russell & Axon Consulting Engineers' office at 2:00 p.m.)

HOUSEMOVING PERMIT

Motion was made by Mr. Dierks that application of

ROY BADEN to move a building from 2100 Whitfield Avenue E.
to 6227 33rd Street E.
Pre-moving Permit No. 74

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

COUNTY LIBRARIES - STATE AID

Motion was made by Mr. McClure that the appropriate county officers be authorized to execute Application and Agreement to the Division of Library Services of Florida for an operating grant for public library service for the fiscal year 1974-1975. Motion was seconded by Mr. Hutches and carried.

✓ AGREEMENT RECORDED V24-230

COUNTY LIBRARY DIRECTOR

Mrs. Kay Kirby submitted recommendation by the County Library Board to appoint Phillip A. Place as Director to replace Marianne Hough, resigned.

Motion was made by Mr. McClure that Phillip A. Place be appointed County Library Director as recommended. Motion was seconded by Mr. Hutches and carried unanimously.

RECESS

After a short recess, during which time the Board members examined the plans and specifications for the new library, the meeting was reconvened.

LIBRARY BONDS; BUILDING PLANS & SPECIFICATIONS

Motion to approve the wording for Library Bond referendum, as recommended by the County Attorney, was withdrawn.

Motion was made by Mr. McClure that the plans and specifications for the new Manatee County Library building, prepared by Douglas Croll, architect, be approved. Motion was seconded by Mr. Dierks and carried unanimously.

Motion was made by Mr. McClure that the wording to be placed on the Referendum on the Library Bonds on the ballot for the election to be held November 5, 1974 be approved as recommended by the County Attorney, subject to approval of Bond Council in New York, and as follows:

- Strike the words "without limitations as to rate or amount" and substitute therefore the words "at such rate or amount as will be necessary to fully retire the bonds";
- Insert at top of Ballot....

BALLOT
 MANATEE COUNTY, FLORIDA
 LIBRARY BOND ELECTION
 November 5, 1974

- "For Library Bonds")
- "Against Library Bonds") following the question

Motion was seconded by Mr. Dierks and carried unanimously.

Motion was made by Mr. McClure to place on the Ballot: 1st- Library Bonds; 2nd- Park & Recreation 5-year Program; 3rd- Non Partisan Members of School Board. Motion was seconded by Mr. Hutches and carried unanimously.

STATE TUBERCULOSIS HOSPITAL

Upon motion by Mr. Dierks, seconded by Mr. McClure, application of CYRUS CLINTON to enter the State Tuberculosis (A. G. Holley) Hospital was unanimously approved.

SAMPLE BALLOT

The Deputy Clerk presented Sample Ballot for State Elections from the Secretary of State, Non Partisan, Republican and Democrat.

WORK RELEASE PROGRAM

Motion was made by Mr. McClure that the Board accept Administrative Order on Operation of the Work Release Program, signed by Judge Robert Hensley. Motion was seconded by Mr. Hutches and carried.

BONDS

Upon motion by Mr. McClure, seconded by Mr. Dierks, the following additions, deletions and changes on United States Fire Insurance Company Bond #70-50-11 were approved:

<u>Sheriff's Department</u>	
Additions:	
JERRY J. OVERHOLT	=Regular Posseman
MADGE M. WINDLE)	
LINDA F. CARR)	=Records Clerks
SCOTT F. SHOWALTER	=Jailer
RICHARD A. PENTECOST, SR.	=Jail Chaplain
JAMES J. WARNER	=Mounted Posseman
DANICE N. COLLIN	=Booking Clerk
WILLIAM F. SCHWALBACH)	
AUDREY S. STEWART)	=School Crossing Guards
Change of Status:	
BOBBY E. LEWIS	=From Regular Posseman
(After one month to	To Student Deputy
become Patrol Deputy)	
Deletions:	
RALPH HIPSLEY)	
WARD SMITH)	=School Crossing Guards
DEBORAH A. BLADES	=Civilian Personnel
GLENN BUNDY	=Patrol Deputy
WANDA L. WROBLEWEKI)	=
MARGHERITTE HAYES)	=Records Clerks

WARRANT LISTS & REQUISITIONS

Upon motion by Mr. McClure, seconded by Mr. Hutches, the Board unanimously approved Requisitions and Warrant Lists from September 17 to September 24, 1974 and authorized Warrant Lists to October 1, 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 county departments. (Listed October 1, 1974)

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BILLS FOR PAYMENT

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

Simkus, Southerland & Newhall (Williams, Powell)	\$ 100.00
Manatee Memorial Hospital	5431.29; \$1020.00
Lee & Nicodemus (Court Report, Board Tax Adj.)	57.30
Mrs. Robert Harnage (refund OB Clinic)	10.20
Patricia Hines (refund-bills paid by Medicare and insurance)	15.00

GUN PERMIT (McMINN)

Based on recommendation by Sheriff R. W. Weitzenfeld, motion was made by Mr. McClure that application by Robert E. McMinn for a gun permit be denied. Motion was seconded by Mr. Dierks and carried.

PLANNING & ZONING BUILDING (BIDS)

Motion was made by Mr. McClure that opening date for bids on additions and alterations for Manatee County Planning and Zoning Building, 212 Sixth Avenue East, be changed from October 8 to October 22, 1974 as requested by the architect. Motion was seconded by Mr. Hutches and carried.

FORMER NAVAL RESERVE TRAINING STATION (WORK RELEASE PROGRAM)

Motion was made by Mr. McClure that Dr. Sam Simpson be authorized to file application for acquisition of the former Naval Reserve Training Station (process through Department of Education) so that this application could be on file with the appropriate agency in the event this facility ceases to be used by the Work Release Program. Dr. Simpson was concerned that this property could be acquired by other qualified applicants in other governmental divisions not presently located in Manatee County. Motion was seconded by Mr. Dierks and carried.

LIBRARY BONDS - REFERENDUM

The County Attorney advised that the Bond Counsel declined approval of the proposed wording on the referendum for Library Bonds and recommended "sufficient to pay in full the principal of and interest on said bonds as same become due and payable".

Motion was made by Mr. McClure that previous action on this subject be rescinded and the language be approved, as stated by the County Attorney, and the appropriate Resolution be adopted. The County Attorney read into the record the question as it will appear in the Resolution and on the Ballot. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION ORDERING AND PROVIDING FOR THE HOLDING OF A BOND ELECTION IN MANATEE COUNTY, FLORIDA ON THE QUESTION OF ISSUING NOT EXCEEDING THREE MILLION (\$3,000,000) BONDS FOR LIBRARY PURPOSES.

RESOLUTION RECORDED V24-231

PALMETTO GROVE AND GARDEN

The Chairman opened the Public Hearing on petition of Florida Universal Contractors, Inc., which had been continued from September 10, 1974.

Lloyd Lyday, attorney, requested that petition be withdrawn. Public Hearing was closed.

PETITION FILED V24-232

CONSTRUCTION TRUST FUND

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

WATER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 11,650 B-17

Ardaman & Associates, Inc.	\$ 534.00
Claudine E. Huffman	60.00
Harold M. Dodson	100.00

and that easements be accepted for Manatee County Utilities System from CLAUDINE E. HUFFMAN; HAROLD M. DODSON. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED V24-233

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

SEWER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 24.4 B-87

Genevieve H. Bell	\$ 621.78
Robert M. & Genevieve H. Bell	285.00

and that easements for Manatee County Utilities System be accepted from GENEVIEVE H. BELL; ROBERT M. & GENEVIEVE H. BELL. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED V24-234

Mr. McClure moved for the adoption of a Resolution authorizing the Manatee National Bank to close out account #3001-00951.02 in the \$450,000 Reserve Account (any balance to be paid to Manatee County Utilities System). Motion was seconded by Mr. Hutches and carried.

RESOLUTION RECORDED V24-235

SURPLUS PROPERTY (GATEWAY EAST)

Motion was made by Mr. McClure that certain real property in Gateway East, declared surplus to the needs of Manatee County Utilities System, be disposed of at public sale to be held October 15, 1974 at 9:00 A. M. Motion was seconded by Mr. Hutches and carried unanimously.

MANATEE COUNTY FAIR GROUNDS

Mr. McClure moved for the adoption of a Resolution authorizing the Manatee River Fair Association, Inc., to construct a cattle exhibition barn at the Manatee County Fair Grounds in accordance with contract with Lester A. Green, Inc., (\$22,600.00). Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED V24-236

CONDEMNATION SUIT - SEWERAGE SYSTEM

Mr. Dierks moved for the adoption of a Resolution authorizing Manatee County Utilities System to employ the services of the County Attorney to commence condemnation proceedings to acquire the necessary easements required to complete the construction of the county sewerage system. (Properties of Randolph Wanser; Alexandra Mongrove; Harry R. & Violet V. Kraner; National Mobile Parks, Inc./Mary Ann Mobile Park; National Mobile Parks, Inc./Mel Mar Mobile Park) Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED V24-237

LOT CLEARING LIEN

Motion was made by Mr. Dierks that the appropriate county officers be authorized to execute Notice of Lien (Lot Clearing), File No. LC-758, assessing lien of \$50.00 on property owned by Robert Elliott. Motion was seconded by Mr. McClure and carried unanimously.

MEDICAL EXAMINER PROGRAM

Motion was made by Mr. McClure that the Chairman be authorized to execute Invoice to Medical Examiner Section, Bureau of Adult Health and Chronic Diseases, Division of Health, HRS, for reimbursement from State to the County for services, Medical Examiner Program. Motion was seconded by Mr. Dierks and carried.

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(Cont'd)

POLLUTION CONTROL BOARD - MEMBER

Motion was made by Mr. McClure to acknowledge appointment of Donald Burgiss to the Manatee County Pollution Control Board as representative of the City of Bradenton, effective September 11, 1974 to December 31, 1974. Motion was seconded by Mr. Dierks and carried.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was declared adjourned.

Attest:

M. T. McInnis, Clerk



Deputy Clerk

APPROVED: 14 January 1975



Chairman