

OCTOBER 1, 1974

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, October 1, 1974 at 9:00 A. M.

Present were Commissioners Ken Burton, Chairman, 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.

BELCHER OIL COMPANY

Robert Knowles, attorney representing Walter Hardin, John Little, B. T. Arbuckle and Ralph Teel, advised that these are four interested citizens and taxpayers of Manatee County who have filed a complaint requesting a temporary injunction and a permanent injunction in connection with the recent Belcher Oil referendum election. He said they felt that there were very serious technical errors which were made in the original ordinance calling for the election and the actual wording of the ballot, and this seemed the fairest way to approach the issue as to whether or not a new election should be held. Inasmuch as they were attempting to get an early hearing on this matter he requested that the Board withhold any further action until they can confer with the Judge.

Upon question, the County Attorney stated this is a complaint for an injunction, not an injunction or an order that imposes any restriction upon the Board. Inasmuch as the Board has not taken any action to put the question on the ballot again, in November, and has taken no action contrary to the results of the referendum, he said it would be his recommendation that the Board simply take no action on the matter.

Mr. Hutches advised that all of the allegations brought up - except two that were unfounded and no evidence that could prove these things happened - were borne out by the State Attorney's office; that people had contributed more than the amount, contributed later than allowed time, etc., but because of a loophole in the law, which did not require this type of referendum to be governed by the (election) laws, for that reason there was nothing wrong. He felt the court should be given opportunity to examine and make a determination before the Board votes on the referendum.

It was pointed out during comments by Board members that the Board had agreed to abide by the referendum, that the Canvassing Board had certified the election to Tallahassee and statements made to abide by the referendum.

The Chairman stated that it was the consent of this Board that it would follow the referendum and would abide by what the people voted to do; that there was no need to take a motion as the Board would stand on its word.

RECESS

After a short recess, the meeting was reconvened.

Chairman Burton stated that in answer to another question, the Supervisor of Elections had advised that October 1st was the last date that the Board could vote for Belcher Oil to be placed on the ballot for November 5th election.

ZONING

The Planning Director presented two items on zoning, being brought before the Board out of sequence of normal schedule of October 30th.

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R-702 MANATEE COUNTY SCHOOL BOARD; C-1 ADOPTED

Request to rezone from District R-1AA (One & Two Family Dwelling District) to District C-1 (Commercial District) former school facility located at 4415 - 119th Street W., Cortez for proposed use of Arts and Crafts Studio.

The Planning Commission recommended approval of only that portion of the property that is not included in Crampton Re-Subdivision of Cortez. The School has a prospective buyer who wants to use the school as arts and crafts studio.

Turner Matthews, attorney for the School Board, was present. August Antilla, resident of Cortez, spoke in favor of the proposed use of the property, stating that the studio would be an asset to the community.

Mr. Fortson moved for adoption of a Resolution approving rezone to C-1 District as recommended by the Planning Commission. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED

ZONING
R-702SE-740 JAMES NORSKOV ET UX; M/HOME APPROVED

Request for permit for mobilehome, to be used as dwelling in conjunction with Agriculture, on 12-acre parcel about 1200 feet north of Bradenton/Arcadia Road (S.R. 64)

The Planning Commission recommended approval for a period of two years.

Mr. Hutches moved for the adoption of a Resolution approving SE-740 for James Norskov, et ux, for a period of two years, as recommended by the Planning Commission. Motion was seconded by Mr. McClure and carried unanimously.

PLAT OF MRS. L. J. C. BRATTON'S SUBDIVISION
PORTION 124TH STREET CLOSED

Public hearing was opened for the purpose of considering petition of August J. and Ellen Anttila for partial vacation of 124th Street in Mrs. L. J. C. Bratton's Subdivision.

James A. Costello, General Attorney, Seventh Coast Guard District, was present on behalf of the petitioner and for the Coast Guard, who was prospective purchaser of the Albion Hotel property in Cortez. Lt. Curtis, representing the Coast Guard, explained it was proposed to establish a Search and Rescue Station, which would operate out of the Albion Inn for a few years until funds are available to build a new station. He said the team of nine to fourteen men would operate in the area Venice to Johns Pass, both in the Intercoastal waterway and in the Gulf of Mexico.

The County Engineer offered no objection to the vacation of the street, but requested easement along the entire length of the north boundary of parcel 2 (Lot 79) for drainage purposes. Mr. Anttila submitted a 15-foot drainage easement as requested by the County Engineer.

Public hearing was closed. Mr. Fortson moved for the adoption of a Resolution granting the petition of August J. and Ellen Anttila and vacating that portion of 124th Street as shown on Map of MRS. L.J.C. BRATTON'S SUBDIVISION (Plat Book 1, page 235) as requested, and to accept the easement from AUGUST J. and ELLEN ANTTILA. Motion was seconded by Mr. Hutches and carried unanimously.

RESOLUTION RECORDED

V24-238

BEKER INDUSTRIES CORPORATION

John Harllee, representing Beker Industries Corporation, which is the concern that had applied for mining in the eastern part of the County, (Board denied zoning and rendered unfavorable opinion on DRI)

came before the Board. He advised that administrative appeal on the unfavorable DRI was filed with the Governor and Cabinet and he also appeared before the Water Basin Board to request that they monitor the hydrology study that Beker was going to make on the property; that they declined to do so at the suggestion of the Department of Natural Resources. The studies had begun, however, and being monitored by the Department of Natural Resources and indications were that specifications of the state are met. It had been concluded that it would be in the best interest of Beker and the County to withdraw the administrative appeal (being done that week), and procedure had been worked out with the County Attorney whereby new DRI proposal will be refiled, which will have to go back through Tampa Bay Regional Planning Council. Their report should be forthcoming simultaneously with new mining application sometime after the first of the year.

BUDGET 1974-1975

Public hearing was opened for the purpose of considering the adoption of the 1974-1975 Budget for Manatee County.

Mr. Fortson stated that the millage rate was advertised at 8.14 mills, which included .68 mills for the Interest and Sinking Fund; however, since that time review had been made of that fund and it can be reduced by .27 mill, which would make the millage rate 7.87 (an increase over last year from 6.65 to 7.87 mills).

There were no objections to the proposed budget and Public Hearing was declared closed.

Mr. Fortson moved for the adoption of the Manatee County Budget for fiscal year beginning October 1, 1974 and ending September 30, 1975 at 7.87 mills. Motion was seconded by Mr. Hutches and carried unanimously.

17TH AVENUE EAST - TROPICANA PETITION TO CLOSE

The County Engineer submitted cost figures for construction of that portion of 17th Avenue East requested vacated by Tropicana Products, Inc. (Public hearing August 20, 1974):

Construction in 1967 (900 feet)	\$44,004.75
Less depreciation, reduction of 28 percent 7 years use; net to be paid by Tropicana	\$31,683.42

and recommended that \$31,683.42 be reimbursed by Tropicana to County. The County Attorney was requested to proceed with necessary arrangements with attorneys for Tropicana to complete the transaction.

WATER SYSTEM IMPROVEMENTS - PART A; PART C, SECTIONS I, II

John Cumming, of Russell & Axon Consulting Engineers, submitted tabulation and recommendation of award of bids on Water System Improvements, Part A and Part C, Sections I and II (opened September 10, 1974).

Motion was made by Mr. McClure that the recommendations of the Consulting Engineers be accepted and that bids be awarded as follows:

	<u>Total Bid</u>
<u>SCOTT COLE UTILITIES, INC.</u>	
Water System Improvements - Part A	
Base Bid \$292,093.7; Alternate Bid \$133,940.00; \$	426,033.75
<u>PAUL N. HOWARD COMPANY</u>	
Water System Improvements - Part C, Section I	1,365,033.75
<u>SCOTT COLE UTILITIES, INC.</u>	
Water System Improvements - Part C, Section II	551,848.50

Motion was seconded by Mr. Dierks and carried unanimously.

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CONSTRUCTION TRUST FUNDS

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

PROJECT CONSTRUCTION TRUST FUND

Payment No. 5

Giannetti & Lanzo Construction Co.	356,726.59
" " "	43,072.95
Lee Construction Co. of Sanford	16,472.45
Chris Nelsen & Son., & Pollution Equip.	41,181.92
Chris Nelsen & Sons, Inc., & Allied Prod.	5,798.26
Chris Nelsen & Sons, Inc.	18,335.34
Tech Corporation & Assoc.	50,271.90
Carl E. Widell & Son	52,484.00
Woodruff & Sons, Inc.	47,823.78
" "	549,123.50
" "	66,405.77

and that the Chairman be authorized to execute Withdrawal Requisition of funds for that purpose. Motion was seconded by Mr. Dierks and carried unanimously.

✓ RESOLUTION RECORDED V24-239

Mr. Hutches moved for the adoption of a Resolution authorizing Inter City National Bank, as Trustee for \$11,650,000 Water System Construction Fund to renew Certificates of Deposit No. 12258, 11548, 11402 and 12270 and to purchase Certificates of Deposit No. 12402, 12489, 12499 and 12543 in amounts, days and interest rates as outlined in said Resolution;

✓ RESOLUTION RECORDED V24-240

and for the adoption of a Resolution authorizing Inter City National Bank, as Trustee for \$24,400,000 Sewer System Construction Trust Fund to renew Certificates of Deposit No. 11001, 12171, 12172, 12269 (30 days), 12269 (90 days), 12435, 12284, 11390 and 12486 and purchase Certificates of Deposit No. 12435 and 12486 in amounts, days and interest rates as outlined in said Resolution. (Note: These resolutions confirmed verbal authorization.) Motion was seconded by Mr. Dierks and carried unanimously.

✓ RESOLUTION RECORDED V24-241

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

WATER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 11.650 B-18

Seaboard Coast Line Railroad Company	\$7,653.00
Page A. Stewart	60.00

and that easement from PAGE A. STEWART be accepted for Manatee County Utilities System. Motion was seconded by Mr. Hutches and carried.

✓ RESOLUTION RECORDED V24-242

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

SEWER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 24.4 B-88

American Cast Iron Pipe Company	\$ 430.66
St. George's Episcopal Church, Inc.	1,000.00
Pittsburgh Testing Laboratory	90.00

and that easement from ST. GEORGE'S EPISCOPAL CHURCH, INC., be accepted for Manatee County Utilities System. Motion was seconded by Mr. Hutches and carried.

✓ RESOLUTION RECORDED V24-243

MANATEE COUNTY UTILITIES SYSTEM (EQUIPMENT)

Chris Angelidis requested permission to purchase one Cushman Scooter from Mobil Equipment Company. He said in the past invitation for

bids on this item had been advertised and this Company had been the only bidder and that Mobil Equipment is the only known supplier of this vehicle.

Motion was made by Mr. Hutches that the Board waive the bid policy and authorize the Director of Manatee County Utilities System to purchase one (1) Cushman Scooter from Mobil Equipment Company, St. Petersburg. Motion was seconded by Mr. McClure and carried unanimously.

X
ORDINANCE NO. 74-2 (SEWER CONNECTIONS)
RE: EXAMINATION FOR LICENSES

The County Attorney read proposals establishing examination and experience standards for the issuance of Sewer Specialty Licenses pursuant to Ordinance 74-2. The proposals were discussed at length, then referred back to the Planning Director, the Chief Plumbing Inspector and the Director of MCUS for re-wording in some areas, to be presented to the Board for consideration at a later date.

MCUS ADMINISTRATION BUILDING
CONTRACT EXECUTED

Motion was made by Mr. Fortson that contract with HEYL & PATTERSON for construction of the Manatee County Utilities System Administration Building be approved, as recommended by the County Attorney, and that the appropriate county officers be authorized to execute said contract (and performance bond approved). Motion was seconded by Mr. Dierks and carried unanimously.

SOUTHWEST FLORIDA BAPTIST ASSOCIATION WEEK

Randolph Snell introduced Dr. E. Milford Howell, Associational Missionary, who read a Proclamation of the 50th Anniversary of the Southwest Florida Baptist Association and requested its approval.

Motion was made by Mr. McClure to adopt the Proclamation as read declaring that the week of October 20th be observed as "Southwest Florida Baptist Association Week" on the occasion of their 50th anniversary. Motion was seconded by Mr. Fortson and carried.

✓ PROCLAMATION RECORDED V24-244

DRIVEWAY PERMIT (MILLER)

Motion was made by Mr. Dierks that cash performance bond covering Driveway Permit No. 948 be returned to Lawrence Miller as requested by the County Engineer, who advised that the work required by said bond had been completed. Motion was seconded by Mr. McClure and carried. (per 25, 1974 - 13MD 25-25)

LOT CLEARING LIENS

Upon motion by Mr. Fortson, seconded by Mr. Dierks and carried, the appropriate county officers were authorized to execute Notice of Lien assessing the total amount of \$65.00 on certain lands owned by Spencer Van Ess and Curtis J. Schwarten, File No. LC-766.

The County Attorney advised that Notice of Lien, File No. LC-742, should have described property as Lot 8, Block 10, Whitfield Estates instead of Lot 6, Block 10, so Release on Lot 6 and new Lien on Lot 8 should be approved.

Motion was made by Mr. Dierks that the appropriate county officers be authorized to execute Release of Lien on Lot 6, Block 10, Whitfield Estates and Notice of Lien on Lot 8, Block 10, Whitfield Estates, assessing the total amount of \$45.00 on certain lands owned by A. Y. and Lily Mark, Est., LC-742. Motion was seconded by Mr. Fortson and carried.

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ANIMAL CONTROL (DOG TAGS)

Mr. Dierks moved for the adoption of a Resolution authorizing the Manatee County Health Department to charge \$3.00 for dog tags instead of \$2.00, said increase to take effect immediately. Motion was seconded by Mr. Fortson and carried unanimously.

RESOLUTION RECORDED V24-245

DISCHARGE OF FIREARMS
PERMIT TO AMERICAN LEGION

Motion was made by Mr. Fortson that, pursuant to provisions of Section 3 of Ordinance No. 72-4, the Board grant a permit to discharge firearms on property owned by the American Legion Post 24, located at 2000 - 75th Street W., Bradenton, Florida, subject to the following terms and conditions:

- =Permit for one (1) day only - November 17, 1974
between 8:00 A.M. and 8:00 P.M. (for turkey shoot);
- =Only shotguns permitted;
- =Permittee responsible for taking all necessary safety precautions.

Motion was seconded by Mr. Dierks and carried unanimously.

TAX STUDY = CITY OF BRADENTON

The Board acknowledged receipt of Resolution No. 74-33 from the City of Bradenton, identified as

A RESOLUTION REQUESTING MANATEE COUNTY TO UNDERTAKE
A STUDY OF THE NEEDS OF THE UNINCORPORATED AREAS OF
THE COUNTY AND THE ESTABLISHMENT OF MUNICIPAL SERVICE
TAXING AND BENEFIT UNITS IN SUCH UNINCORPORATED AREAS,

as provided under Chapter 74-191, Acts of 1974, which becomes effective January 1, 1975. (Identify services for benefit of residents in unincorporated area and financed from county-wide revenues - creating double taxation carried by residents of incorporated areas of the County.)

Motion was made by Mr. Dierks that Mr. Hutches be appointed as committee of this Board in connection with this study. Motion was seconded by Mr. Fortson and carried by four-to-one vote, with Mr. Hutches voting "No".

ELECTION SEPTEMBER 10, 1974 (FIRST PRIMARY)

Motion was made by Mr. Hutches, seconded by Mr. Dierks and carried, to accept for filing the CERTIFICATE OF COUNTY CANVASSING BOARD, FIRST PRIMARY, SEPTEMBER 10, 1974.

FILED OF RECORD V24-246

WARRANT LISTS & REQUISITIONS

Upon motion by Mr. Hutches, seconded by Mr. Dierks, the Board unanimously approved Requisitions and Warrant Lists from September 24 to October 1, 1974 and approved Warrant Lists to October 8, 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. (Recorded November 5, 1974)

BILLS FOR PAYMENT

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

Manatee Memorial Hospital	\$8033.48; \$940.00; \$250.00
Alice Beagle (refund payment to Clinic)	50.00

HURRICANE "AGNES" DISASTER FUNDS

Motion was made by Mr. Hutches that the Board accept Florida State Warrant No. 0194220, in the amount of \$9,926.76, from the Division of Disaster Preparedness in payment of claims due Manatee County as a result of Hurricane "Agnes". The check was transmitted by William F. Kuhn, Civil Defense Director. Motion was seconded by Mr. Fortson and carried.

POLLUTION CONTROL

Motion was made by Mr. Hutches that Mr. Dierks be appointed as committee to investigate problems of pollution from Hillsborough County and Sarasota County (Sarasota Bay) and make recommendation back to the Board as to steps that can be taken to protect Manatee County citizens. Motion was seconded by Mr. McClure.

During discussion, O. E. (Bud) Rangle referred to statement by the Pollution Control Director in Hillsborough County to cooperate with Manatee County - as result of letter to the State Department of Pollution Control (with copy to Roger Stewart, Hillsborough County) asking that a joint program and effort be made toward reducing ambient air levels, etc. As to Sarasota County, this will be investigated and request made to update sewer facilities in order to achieve upgrading of Sarasota Bay.

Motion carried on appointment of Mr. Dierks as committee.

FEES: SERVICES BY POLLUTION CONTROL DEPARTMENT

Mr. Hutches moved for the adoption of a Resolution establishing charges for services performed by the Pollution Control Department, under the direction of the Manatee County Health Department and providing that all funds collected for said services be deposited into a special account with the Manatee County Clerk of the Board of County Commissioners. These fees covered reviews in connection with Development of Regional Impact, Earthmoving, Public Swimming Pools, Water Distribution, Sewage Collection Systems, Industrial Wastewater, Air Pollution Sources, Burning of Landclearing Debris, Well and Water Distribution Main Clearances. Motion was seconded by Mr. Fortson and carried unanimously.

RESOLUTION RECORDED V24-247

BIKEWAY PROGRAM

Motion was made by Mr. Hutches that Resolution be adopted supporting authorizing the filing of a BIKEWAY PROGRAM with the State Department of Transportation for inclusion in the State Five Year Plan, as submitted by the Planning Department. Wayne Daltry outlined the proposed Plan which incorporated 59th Street W. and 43rd Street W. and coordinated City of Bradenton/^{three other municipalities} and Manatee County areas. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED V24-248

**PLANNING, ZONING & BUILDING DEPARTMENTS
REORGANIZATION PLAN/CHART ADOPTED**

Mr. Hutches moved for the adoption of a Resolution directing the reorganization of Manatee County Planning, Zoning and Building Departments, effective October 1, 1974, to be known as

- The Planning and Development Department,
- =creating the position of Director of said Department and appointing Henry Arthur Fischer, Jr., to fill that position;
- =creating five divisions (a) Current Planning (b) Long Range Planning (c) Permitting and Licensing (d) Enforcement (e) Inspection Services (each to be headed by a Division Chief);

adopting the Organizational Chart for the Department of Planning and Development and designating the Director of said Department as the

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official to perform specific functions of "Planning Director", "Zoning Administrator" and "Building Official" prescribed by the Manatee County Zoning Ordinance and the Manatee County Building and Housing Codes. Motion was seconded by Mr. Hutches and carried unanimously.

RESOLUTION RECORDED V24-249

AMBULANCE VEHICLES
BID ACCEPTED

Motion was made by Mr. McClure to accept the bid of DON BOWERS in the amount of \$3,100.00 for two ambulances, which had been declared surplus to the needs of Manatee County Ambulance Service since the purchase of new vehicles. He said that if this offer is accepted one of the vehicles will go to Mexico and will be given as a charity project. Motion was seconded by Mr. Hutches and carried unanimously. (Correction: "Don Bouwers")

COUNTY DEPOSITORY

Motion was made by Mr. McClure that the appropriate county officers be authorized to execute Designation and Agreement of County Depository for the Board of County Commissioners with the COUNTY BANK, located at 900 17th Street, Palmetto, Florida. Motion was seconded by Mr. Fortson and carried unanimously.

WARRANT LISTS

September 1974

General Revenue	30915 - 39042;
	30944 & 45;
	30959 & 63
Road & Bridge	11937 - 11959;
	11963 - 64
Library	690 - 703
Hospital I & S	111 - 112
SCORE	501 - 513
Revenue Sharing	441 - 445
Clearing Account	4573 - 6237
Library Talking Books	490 - 498
Pollution	147
Manatee County Utilities System:	
24.4 Sewer Revenue	137 - 140
13.5 Revenue	3878 - 3908
3.485 Revenue	4973 - 4984
1.65 Revenue	1058 - 1066
24.4 R & R	109
13.5 R & R	168
3.485 R & R	154
1.65 R & R	154
General Control	9280 - 9455

MEETING ADJOURNED

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

APPROVED: FEBRUARY 18, 1975

Attest:

M. T. McInnis, Clerk


Deputy Clerk


Chairman