

NOVEMBER 26, 1974

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, November 26, 1974 at 9:00 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

The Planning Director presented recommendations of the Planning Commission.

##### T-1-86(F) CASA ONECO MOBILE HOME SUBDIVISION; DEFERRED

The Planning Commission recommended approval of final plat of 24 lots on 4.5 acres located between First and Third Streets, and north of 53rd Avenue E., Bradenton.

Art Fischer, Planning Director, gave background of Casa Oneco Mobilehome Subdivision and stated that the differences were discussed in a meeting with the owner, the developer and the Casa Loma Mobilehome Subdivision group the previous Thursday, but had not been resolved. He explained that preliminary plat entitled "Casa Loma Mobile Home Subdivision, 1st Addition" had been approved March 12, 1974, which was a plat of twenty-six (26) lots based on the proposition that the residents would have access to the recreation area provided for in the existing Casa Loma Mobilehome Subdivision; that satisfactory arrangements had not been made with the owners of Casa Loma as to recreational facilities and developer was informed he would have to provide for recreation area either by agreement or set aside land for that purpose. The name was changed to "Casa Oneco Mobile Home Subdivision" and is the same plat approved in preliminary form with the exception that it is now platted as twenty-four (24) lots with the equivalent of two lots set aside for dedication to the county for recreational area.

The residents of Casa Loma feel that the existing plat does not provide for sufficient buffer area between Casa Loma and the new Casa Oneco Subdivision and they question whether or not the drainage plan is adequate. Upon question, the County Attorney concurred with administrative interpretation of the Zoning Ordinance that no side or buffers are required between adjacent mobilehome developments. As to drainage, Mr. Fischer said he had letters from the County Engineer and the County Pollution Control Director to the effect that the planning was adequate and proper and there were no problems with it as far as roads and drainage were concerned. It was on this basis that Planning Commission was recommending approval with stipulation that no septic tanks be allowed in Casa Oneco.

William Roberts, of Roberts & Zoller, Inc., Engineers of record for Casa Oneco, outlined the drainage plan, submitted copy of dedication on plat of Casa Loma Mobilehome Subdivision as to ownership of the Lake and copy of agreement between owner and Manatee County Utilities System on central sewerage system Part "E", which is being expedited to serve Golf Lakes Estates and the schools, etc.

Chris Larimore, attorney, made presentation on behalf of residents of Casa Loma regarding buffer, drainage and ownership of the Lake, all under question and dispute.

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Others making presentation and entering into the lengthy discussion were Bob Schaub, Chairman of the Board of Directors of Casa Loma Mobilehome Subdivision, Larry Rightmyer, the son of the developer, acting as his attorney.

Motion was made by Dierks to approve the final plat of Casa Oneco Mobilehome Subdivision subject to approval of the State Department of Health and based on recommendations of the Planning Commission. Motion was seconded by Mr. Hutches. After discussion Mr. Hutches withdrew his seconded for motion to be restated. Mr. Dierks moved for the approval of the plat as recommended by the Planning Commission with stipulation that there be no septic tanks. Motion was seconded by Mr. Hutches. After further discussion and questions as to negotiations concerning recreation area and other items in dispute, motion was withdrawn in favor of delaying action for a period of two weeks to see if some point of compromise could be reached by the two groups.

## RECESS

After a short recess the Board reconvened with all members present.

## HISTORICAL COMMISSION

Robert Marshall, attorney, came before the Board with a group of citizens interested in restoration of two historical buildings (1) First Manatee County Court House and (2) first structure of the first christian congregation that existed between Tampa and Key West. He referred to repeal of State Statute establishing the Historical Commission and requested the Board to enact an ordinance restoring such Commission and to add \$6,000 to the budget to move the buildings from 15th Street East to Manatee Avenue and 15th Street East on property presently owned by the City of Bradenton.

Motion was made by Mr. Hutches that the County Attorney be authorized to draft the proper ordinance creating a Manatee County Historical Commission. Motion was seconded by Mr. Dierks and carried unanimously.

Recommendation was made on members to be appointed to serve on the Historical Commission.

## ZONING

R-706 NORMAN T. SPONG R-1 & C-1 DISTRICTS DEFERRED  
 (George T. Smith, agent) - Request to rezone from A-General Agricultural 6.03 acres to District C-1 and 64.31 acres to District R-1 on property located 1/2 mile east of Morgan Johnson Road on the east side of Kay Road, and north of S.R. 64, Bradenton.  
 The Planning Commission recommended DENIAL.

Mr. Hutches advised that it was his his understanding that some information had been obtained in connection with question of location of Interstate 75 as it relates to this property; however, the developer, George T. Smith could not be present and had requested that this item be postponed for one week. The Chairman stated that if there were no objections request would be granted. There were no objections.

SE-687 VELTMAN & ASSOCIATES EXTENSION APPROVED  
 (J. Kenneth & Margaret Brooks) - Request to waive Section VI, Paragraph II of the Manatee County Zoning Ordinance, for a one-year extension of time for the proposed nursing home.  
 The Planning Commission recommended approval and adoption of the appropriate resolution.

The Planning Director explained that the applicants were Mr. and Mrs. Kenneth Brooks when the Special Exception was approved 7/1/74;

that they had appointed agents for the purchase of the property by Veltman in the event the petition was approved.

Mr. Fortson moved that SE-687 for Veltman & Associates be approved subject to stipulations that developers (1) pave 56th Avenue W. in conjunction with the development of this property, (2) maintain their service road on their on property and not utilize 27th Street, which is unpaved, (3) maintain elevations, etc., according to artist's rendering upon which Special Exception was granted (one story Spanish type building). Mr. Veltman stated that the only change was an overhang for a driveunder at the entrance.

Upon question, Mr. Veltman agreed to the stipulations outlined by Mr. Fortson and that he would be willing to participate in project to pave 27th Street if and when a participation project is considered.

Motion was seconded by Mr. Hutches and carried unanimously. (See December 3, 1974 for Resolution.)

S-149(F) MIGUEL BAY ESTATES PLAT APPROVED

The Planning Commission recommended approval of final plat of eight 5-acre lots located McGill Bay and Tillet's Bay at the extension of 71st Street Court West, Terra Ceia.

**MIGUEL BAY ESTATES**

It was brought to the attention of the Board that the Zoning Ordinance provides for subdivisions with lots of more than five acres to have paved roads built to lesser standards and county does not have to accept maintenance of county roads other than those built to county specifications. The County Engineer had recommended that the county accept dedication of the road(s) but not for maintenance.

Motion was made by Mr. McClure that Resolution be adopted approving the final plat of Miguel Bay Estates. Motion was seconded by Mr. Hutches. Upon question, the County Engineer said the road(s) had been constructed according to and meets requirements of rural type construction. Motion was seconded by Mr. Hutches and carried unanimously.

RESOLUTION RECORDED ZONING  
S-149

**FLOOD INSURANCE - EFFECTIVE DATE ORDINANCE 74-10**

Mr. Fischer referred to Ordinance 74-10 (Flood Insurance) adopted on November 12, 1974, to become effective upon receipt of official acknowledgment from the office of the Secretary of State, and advised that he had received a call from the Federal Insurance Administration stating that the county was being reinstated in the Flood Insurance Program as of November 27, 1974. The Ordinance had been filed with the Secretary of State (November 18, 1974 and acknowledgment received), and he had posted notices that Ordinance No. 74-10 would be enforced as of November 27, 1974.

**LOT CLEARING**

Public hearing was opened for the purpose of considering Lot Clearing Petition

LC-822 Herbert Sweemer - alleging that certain land owned by OPHELIA ROGELLS HEIRS

had not been cleared in accordance with requirements of Section 2, Chapter 69-1284, Special Acts of 1969. Dave Fulford submitted pictures of the property as evidence and recommended that the parcel be mowed.

Public hearing was closed. Mr. McClure moved for the adoption of a Resolution finding and determining that the property owner had failed to comply with the Lot Clearing Law and demanding that said

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property owner, OPHELIA ROGELL HEIRS, take correction action within fifteen (15) days. Motion was seconded by Mr. Hutches and carried.

RESOLUTION RECORDED W25-62

Public hearing was opened for the purpose of considering Lot Clearing Petition

LC-823 Muriel Mora - alleging that certain land owned by HENRY F. & EDITH R. CUMMINS

had not been cleared in accordance with requirements of Section 2, Chapter 69-1284, Special Acts of 1969. Dave Fulford submitted pictures of the property and recommended that the lots be mowed.

Public Hearing was closed. Mr. McClure moved for the adoption of a Resolution finding and determining that the property owner had failed to comply with the Lot Clearing Law and demanding that said property owners, HENRY F. & EDITH R. CUMMINS, take corrective action within fifteen (15) days. Motion was seconded by Mr. Hutches and carried.

RESOLUTION RECORDED W25-63

Public hearing was opened for the purpose of considering Lot Clearing Petition

LC-824 Muriel Mora - alleging that certain land owned by NORMAN GRAHAM

had not been cleared in accordance with requirements of Section 2, Chapter 69-1284, Special Acts of 1969. Dave Fulford submitted pictures as evidence and recommended that the lots be mowed.

Public hearing was closed. Mr. McClure moved for the adoption of a Resolution finding and determining that the property owner had failed to comply with the Lot Clearing Law and demanding that said property owner, NORMAN GRAHAM, take corrective action within fifteen (15) days. Motion was seconded by Mr. Hutches and carried.

RESOLUTION RECORDED W25-64

#### ELECTIONS, SUPERVISOR OF BID ON TRUCK

Jerome Davis, Supervisor of Elections, recommended that the second low bid on a truck with loader (payload), submitted by Bill Graham Ford, be accepted. The truck quoted in bid by Cox Chevrolet did not meet specifications on the payload, the alternator and battery. The delivery time was 60-90 days as compared with 45-60 days by Ford.

Based on the fact that the low bid did not meet specifications, Mr. McClure moved that the Supervisor of Election's recommendations be accepted and that bid on a new 1975 Ford, stake or platform, truck be awarded to

BILL GRAHAM FORD COMPANY \$6,241.19

Motion was seconded by Mr. Hutches and carried unanimously.

#### COMMISSIONERS' DISTRICTS

Motion was made that the Planning Director and the Supervisor of Elections be authorized and directed to proceed with preliminary figures and plans for redistricting County Commissioners' districts. Motion was seconded by Mr. Dierks and carried unanimously.

#### MCUS - BIDS ON TRUCKS

Sealed bids received for furnishing one (1) one-half tone pickup truck and three compact pickup trucks for Manatee County Utilities System were opened and read as follows:

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	<u>1/2 Ton</u>	<u>Compacts</u>
ROBBINS INTERNATIONAL	\$3794.20	<del>\$3794.20</del>
COX CHEVROLET	\$3794.43	7999.29
CORTEZ VOLKSWAGEN (each)		2750.00
JACK MOORHEAD'S GMC	3990.00	
JIM BOAST DODGE	3981.45	
BALSINGER (each)		2815.00
BILL GRAHAM FORD	3879.33	8409.71

The bids were referred to the Director of Manatee County Utilities System and the appropriate committee.

**INSURANCE - TORT LIABILITY**

by Martin Williams

It was brought to the attention of the Board that repeal of immunity for tort liability (Chapter 768, Florida Statutes) as it applies to Manatee County will become effective January 1, 1975. He asked if the Board desired to issue invitations to bid for a Comprehensive General Liability Insurance policy or to adopt a policy of self-insurance.

Upon recommendation by the County Attorney, Mr. Williams was requested to get a figure on binder to provide the necessary insurance coverage for 90 days and then advertise for bids.

**WORKMEN'S COMPANSATION - PLAN "J"**

Martin Williams outlined status of Workmen's Compensation Insurance on elected officials and employees of Manatee County and resume of loss information and premiums from November 1, 1970 to November 1, 1974, and advised that the carrier, Argonaut Insurance Company, had asked to be relieved of liability under the policy WC-83-304-000132 as of November 1, 1974. This was due to alleged high loss ratio, which include reserves set aside for four open claims for 71-72, five open claims for 72-73 and sixteen open claims for 73-74.

In lieu of the Retention Plan policy that was in effect for 73-74, the Argonaut Insurance Company indicated they are agreeable to re-write coverage effective November 1, 1974, under a Retrospective Plan "J" for deposit premium for period 11/1/74-75 in the amount of \$84,956.00. He recommended that "Plan J" be accepted, which would allow more time to request the Florida State Insurance Commission to investigate alleged high loss ratio and assist in return premium dividend, and to rebid the Workmen's Compensation Insurance if deemed advantageous.

Motion was made by Mr. McClure to accept the Argonaut Insurance Company's Retrospective Rating Plan "J" for Workmen's Compensation coverage for the period of 11/1/74 through 11/1/75 as recommended. Motion was seconded by Mr. Dierks and carried unanimously.

**PARKS & RECREATION - OLD MIDGET CARTS**

Motion was made by Mr. McClure that Martin Williams be authorized to advertise for bids for sale of three Midget Carts, purchased by the Parks and Recreation Department from Manatee County Utilities System (10/25/69), which have been placed on permanent deadline due to age and excessive wear. Motion was seconded by Mr. Dierks and carried.

**SPEED LIMITS**

Mr. Hutches moved for the adoption of a Resolution establishing speed limits on county maintained roads as follows:

<u>30th Avenue East</u> (Sally Lee Drive)	25 MPH
<u>29th Avenue East</u> (Linden Drive)	25 MPH

Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED W25-65

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## SEABOARD COAST LINE RAILROAD COMPANY

## MCUS CROSSING

Mr. McClure moved for the adoption of a Resolution authorizing the appropriate county officers to execute agreement with the Seaboard Coast Line Railroad Company to allow Manatee County Utilities System to install and maintain water lines along and cross the right of way and underneath the main track at or near Oneco, Florida. Motion was seconded by Mr. Hutches and carried unanimously.

AGREEMENT

'RESOLUTION/ RECORDED W25-66

## PROJECT NO. 358-X

The County attorney read a Resolution concerning Road Project No. 358-X for construction of a road on 59th Avenue Drive East in 1965. A final resolution imposing a special assessment lien against certain properties benefitted by the improvements was never adopted; therefore no valid assessment liens were ever imposed against said properties although County records show amounts as being uncollected on Items No. 939, 941, 943, 945 and 946, and no valid special assessment liens can be imposed on the properties and collection made.

Mr. Fortson moved for the adoption of a Resolution declaring the referenced items as being uncollectable and directing that

Item No. 941 for Lot 4	\$236.25
Item No. 939 for Lot 2	521.71
Item No. 943 for Lot 7	521.74
Item No. 945 for Lot 10	236.25
Item No. 946 for Lot 11	262.50

be stricken from the County Records, Project No. 358-X, as accounts receivable. Motion was seconded by Mr. McClure and carried unanimously.

'RESOLUTION RECORDED W25-67

## ELECTION: LIBRARY BONDS \$3,000,000

Mr. McClure moved for the adoption of a Resolution certifying the returns of the Bond Election held simultaneously with and as part of the General State and County Elections on November 5, 1974, finding and declaring that the question of issuing not exceeding Three Million Dollars (\$3,000,000) of bonds for library purposes was duly approved by the qualified electors of the County. Motion was seconded by Mr. Fortson and carried unanimously.

'RESOLUTION RECORDED W25-68

## LOT CLEARING LIEN

Motion was made by Mr. Fortson to authorize assessment of lien on Lot Clearing File No. LC-800 against certain lands owned by

Gerard F. & Gladys A. Collins  
Lot 5, Lychee Acres, Sec. #1 (3-35-18) \$75.00

Motion was seconded by Mr. McClure and carried unanimously.

## GATEWAY EAST TREATMENT PLANT (MCUS)

Action was deferred on authorizing Russell & Axon Consulting Engineers to perform engineering services on Gateway East Treatment Plant (design of separate irrigation system, etc.), pending estimated cost.

## CONSTRUCTION TRUST FUNDS

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

## PROJECT CONSTRUCTION TRUST FUND

Payment No. 8

Giannetti & Lanzo Construction Co.	\$ 109,021.53)
	383,812.40)
Lee Construction Company of Sanford	9,550.89)
	18,443.37)

Tech Corporation & Associates	\$ 48,190.59
Woodruff & Sons, Inc.	16,422.51)
	9,476.51)
	409,491.75)

and authorizing execution of Requisition for withdrawal of these funds. Motion was seconded by Mr. Hutches and carried unanimously.

RESOLUTION RECORDED W25-69

Mr. McClure moved for the adoption of a Resolution confirming authorization to Inter City National Bank, as Trustee for \$11,650,000 Water System Construction Trust Fund to

- =Renew and Purchase certain ICNB CD for 120 days at 9% and 8-3/4%; for 90 days at 9%;
- =Purchase certain CD for 12 months at 7%;
- =Purchase certain ICNB CD for 18 months at 7%;
- =Sell U. S. Treasury Bills due 11/19/74

Motion was seconded by Mr. Fortson and carried unanimously.

RESOLUTION RECORDED W25-70

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

WATER SYSTEM CONSTRUCTION TRUST FUND  
Requisition No. 11.650 D-15  
 Russell & Axon \$ 362.11  
 Goodrich & Hampton 470.00

Motion was seconded by Mr. Fortson and carried unanimously.

RESOLUTION RECORDED W25-71

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

WATER SYSTEM CONSTRUCTION TRUST FUND  
Requisition No. 11.650 B-20  
 Warren Brothers Company \$ 1,047.50  
 Lee Construction Co. of Sanford 22,497.70

Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED W25-72

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

SEWER SYSTEM CONSTRUCTION TRUST FUND  
Requisition No. 24.4 D-56  
 Russell & Axon \$26,583.33)  
 726.44)  
 372.19)

Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED W25-73

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

SEWER SYSTEM CONSTRUCTION TRUST FUND  
Requisition No. 24.4 B-96  
 Norman C. Sabine \$ 530.00

and accepting easement for Manatee County Utilities System from NORMAN C. SABINE. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED W25-74

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## COUNTY PERSONNEL (MVI DEPARTMENT)

Motion was made by Mr. Dierks that Floyd B. Crook, employed at the Manatee County Motor Vehicle Inspection Station, be granted an extension of employment, in accordance with section II of the Manatee County Personnel Policy, after his 65th birthday May 16, 1975, as recommended and requested by Ancel B. Carder, MVI Director. Motion was seconded by Mr. McClure and carried unanimously.

## WARRANT LISTS &amp; REQUISITIONS

Upon motion by Mr. Fortson, seconded by Mr. Hutches, the Board unanimously approved Requisitions and Warrant Lists from November 19 to November 26, 1974 and authorized Warrant Lists to December 3, 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 December 3, 1974.)

## BILLS FOR PAYMENT

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

State Association of County Commissioners	\$1,456.73
Manatee Memorial Hospital	5,728.60
Manatee Memorial Hospital	\$32.75 (Cook); \$32.75 (Hart)

## EMERGENCY MEDICAL SERVICES (AMBULANCE)

Motion was made by Mr. McClure that Certificate of Public Convenience and Necessity be issued to Manatee County Ambulance Service for the year 1975. Motion was seconded by Mr. Dierks and carried unanimously.

## CERTIFICATES OF CORRECTION (E &amp; I)

Upon motion by Mr. McClure, seconded by Mr. Hutches, Certificates of Correction (E & I) on the Current Tax Roll were approved as recommended by the Tax Assessor. (Listed page

## COUNTY BUILDING (AIR POLLUTION CONTROL)

Motion was made by Mr. Fortson that Donald H. Everett, Superintendent of Maintenance, be authorized to advertise for bids on a new heating and cooling system to be installed at the Air Pollution Control Building on Sixth Avenue East. Motion was seconded by Mr. Dierks and carried unanimously.

## BILLS FOR PAYMENT

To include in bills approved for payment, inadvertently omitted with motion:

August A. & Theresia Ecker	Refund \$390.61
(Certificate No. 167, 169, 276, 286, 287, 333, 353 404, 417, 419, 423, 448, 449, 475, 521 and 580, Sale of 1971, turned over to County less than two years prior.)	

## MEETING ADJOURNED


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

Attest:

M. T. McInnis, Clerk

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

APPROVED: April 1, 1975

  
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Chairman