

MARCH 23, 1976

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, March 23, 1976 at 9:05 A. M.

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

The meeting was called to order by Chairman Fortson.

ZONING

Jerry West, Chief, Current Plans Division, presented recommendations of the Planning Commission.

R-749 CLIFFORD E. SMITH REZONE TO A-1 DENIED

Request to change zoning from A-General Agricultural to A-1 (Suburban Agricultural) 4.33 acres located west of 1910 17th Street West, Palmetto.

The Planning Commission recommended approval.

Motion was made by Mr. McClure that R-749 for rezone to A-1 District be DENIED. Motion was seconded by Mr. Burton and carried unanimously.

SE-893 STATE OF FLORIDA COMMUNITY CORRECTIONAL CENTER APPROVED

(Harold E. Brown, agent) - Request for Special Exception to permit construction of a Community Correctional Center on 4.6 acres (M-2) located at intersection of 63rd Ave. and 21st Street E.

The Planning Commission recommended approval.

Mr. Brown stated for the record that his department had held the necessary public hearing and there was no opposition, nor was there opposition at the public hearing held by the Planning Commission.

Motion was made by Mr. Hutches that SE-893 be approved and the appropriate resolution adopted. Motion was seconded by Mr. McClure and carried unanimously. ZONING RESOLUTION RECORDED

76-T-3/1(P) BAYSHORE ROAD TRAILER PARK APPROVED

The Planning Commission recommended approval of Preliminary Plan for 219 travel trailer spaces on 17.6 acres located on west side of Bayshore Road, Old U.S. 41, at 89th St. W. Palmetto. (Resubmittal by Kenneth R. Swedberg, agent)

Mr. Burton moved for the approval of preliminary plan for Bayshore Road Trailer Park and adoption of the appropriate Resolution. Motion was seconded by Mr. Hutches and carried unanimously. (Mr. McClure was not present for the vote.) ZONING RESOLUTION RECORDED

Z-101 ZONING ORDINANCE AMENDMENT - PLANNING COMMISSION INITIATED

- 1) Amend Paragraph B-16 of the A-General Agriculture District, of Section V of Manatee County Zoning Ordinance.
- 2) Amend Section VI of the Zoning Ordinance by adding a new subparagraph, K, to paragraph 34 (Home Occupations).
- 3) Delete Paragraph 7 of Section VI of the Manatee County Zoning Ordinance.
- 4) Amend Section VI, Paragraph 30 of Manatee County Zoning Ordinance.

The Planning Commission recommended approval of Items 1 and 2, and denial of Items 3 and 4.

Morris Deal, 5203 Commonwealth Road, Bay Colony, was present to speak on the proposed ordinance amendments.

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After discussion of Items 3 and 4 (regarding the parking or storage of recreational vehicles, motorized coaches, travel trailers or campers) Jerry West was instructed to prepare a resolution outlining the approval of Items 1 and 2 (approved by motion on March 16, 1976). Items 3 and 4 were deferred for two weeks while an appointed committee met with Jerry West and Art Fischer to work out a more compromising solution than that outlined in Item 4. Mr. McClure suggested that Mr. Koletchet, Bay Colony, be appointed to that committee.

SE-837 DELIVERANCE MIRACLE REVIVAL CENTER OF FLORIDA

Request for one year extension for 25 percent completion of proposed church.

Motion was made by Mr. McClure that one year extension be approved for SE-837 and the appropriate resolution adopted. Motion was seconded by Mr. Dierks and carried unanimously.

✓RESOLUTION RECORDED

ZONING

LOT CLEARING

Public hearing was opened for the purpose of considering petition
LC-1013 James H. Tench - alleging that land owned by R.S.S., Inc., had not been cleared in accordance with requirements of Section 2 of Chapter 69-1284, Laws of Florida, Special Acts of 1969.

Dave Fulford submitted photographs of the property and recommended that it be mowed.

Public hearing was closed. Mr. Hutches moved for the adoption of a Resolution determining that the property owner had failed to comply with the Lot Clearing Law and demanding that said property owner take corrective action with regard to said land. Motion was seconded by Mr. Burton and carried unanimously.

✓RESOLUTION RECORDED

Y25-245

Public hearing was opened for the purpose of considering petition
LC-1014 Jacquelyn Dabney - alleging that land owned by Susan and Linda Watkins had not been cleared in accordance with requirements of Section 2 of Chapter 69-1284, Laws of Florida, Special Acts of 1969.

Dave Fulford submitted photographs of the property and recommended that it be mowed.

Public hearing was closed. Mr. Hutches moved for the adoption of a Resolution determining that the property owner had failed to comply with the Lot Clearing Law and demanding that said property owner take corrective action with regard to said land. Motion was seconded by Mr. Burton and carried unanimously.

✓RESOLUTION RECORDED

Y25 246

AMBULANCE SERVICE: BIDS ON AMBULANCE

Sealed bids received on a new 1976 ambulance were opened and read as follows:

VON-AM, INC.	\$17,500.00
ROADSAFE EMERGENCY VEHICLES, INC.	16,990.48
SPRINGFIELD EQUIPMENT COMPANY	16,526.54 (with trade)
CUSTOM AMBULANCES OF FLA., INC.	20,012.00
SUPERIOR COACH OF FLA., INC.	19,375.00
NATIONAL AMBULANCE BUILDERS, INC.	20,110.28 (with trade)
STARLINE ENTERPRISES, INC.	19,080.00 (with trade)
EMERGENCY ONE, INC.	No bid
FRUEHAUF DIVISION	18,562.57 (with trade)

The bids were referred to Ken McKendree and the appropriate committee for tabulation and recommendation.

LIABILITY INSURANCE: BIDS OPENED

Sealed bids received on comprehensive general liability insurance were opened and read as follows:

	Premium
EMPLOYERS GROUP INSURANCE (AUTO-OWNERS INS.)	\$37,427.00
BAY INSURANCE AGENCY, INC. (AUTO-OWNERS INS.)	37,427.00

BRADENTON INSURANCE (AUTO-OWNERS INS.)	37,427.00
JACK ZICKAFOOSE INS. AGENCY (AUTO-OWNERS)	37,427.00
WYMAN, GREEN & BLALOCK (COMMERCIAL STANDARD)	33,154.00

The bids were referred to Martin Williams and the appropriate committee for tabulation and recommendation back to the Board.

AMBULANCE SERVICE: ALTERNATE BIDS - AMBULANCE

Representative from Starline Enterprises stated that he had submitted two alternates to the bid proposal for an ambulance and requested that they be read into the record. The bids are as follows:

STARLINE ENTERPRISES	Alternate #1 \$17,445.46
	Alternate #2 18,650.00

These were also referred to Mr. McKendree and committee (Mr. Hutches).

ORDINANCE NO. 76-2: NO PARKING - CHURCH STREET (36TH AVE. DRIVE E.)

Public hearing was opened for the purpose of considering the adoption of

ORDINANCE NO. 76-2: AN ORDINANCE OF MANATEE COUNTY, FLORIDA, PROMIBITING THE STOPPING, STANDING OR PARKING OF MOTOR VEHICLES ON CERTAIN COUNTY MAINTAINED STREET IN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA, PROVIDING A PENALTY FOR THE VIOLATION OF THE ORDINANCE AND PROVIDING AN EFFECTIVE DATE. (East side of right of way of 36th Avenue Drive East a/k/a Church Street between its intersection with State Road No. 43 a/k/a U. S. Highway 301 and its intersection with 9th Street East a/k/a Cedar Street - Ellenton).

There were no objections and Public Hearing was closed. Mr. Burton moved for the adoption of Ordinance No. 76-2 as advertised and presented. Motion was seconded by Mr. Hutches and carried unanimously.

ORDINANCE RECORDED Y25 247

HIGHWAY & ENGINEERING: COMPACTOR

BID POLICY WAIVED

The County Engineer advised that a self-propelled compactor needed emergency repairs and requested that the bid policy be waived to allow the purchase of needed parts from Linder Machine Company for \$1080.00, plus \$200.00 deposit. The deposit will be returned upon receipt of disabled assembly from the compactor.

Motion was made by Mr. Burton to waive the bid policy and authorize the purchase of parts for emergency repairs to the compactor. Motion was seconded by Mr. Dierks and carried. unanimously.

PROJECT NO. 827: BID AWARDED

Motion was made by Mr. Dierks to accept the low bid submitted by

EARL COLLINS PAVING, INC.	\$19,239.75
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on Project No. 827 (36th Ave. E. from 5th Street to 7th Street E.) as recommended by the County Engineer. Motion was seconded by Mr. McClure and carried unanimously.

PARKS & RECREATION: BOAT RAMP & DOCKS

Motion was made by Mr. McClure that the Chairman be authorized to execute application to the Department of Transportation and U.S. Corps of Engineers for construction, operation and maintenance of new ramp facilities (including ramp, channel, two docks and two revetments) at State Road 780, Bay side of Coquina Beach. Motion was seconded by Mr. Burton and carried unanimously.

**9TH STREET EAST (WHITFIELD AREA); CONSTRUCTION
WOODS OF WHITFIELD**

The County Engineer recommended that the county participate in the

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construction of 9th Street East, Woods of Whitfield Subdivision, in the Whitfield Estates Area, stating it would cost approximately \$5000 for Highway Department to put down the base and lay the pipe. The developer will supply the pipe and pave the road.

Motion was made by Mr. Dierks that the recommendation of the County Engineer, to participate in construction of 9th Street E. in the Whitfield area, be accepted. Motion was seconded by Mr. Hutches and carried unanimously.

UTILITY SYSTEMS: COMPLAINT - JEFFRESS

Mr. Hutches advised that Bob Jeffress, who had requested to be placed on the Agenda regarding the shortcomings of the Utility Systems, did not wish to be heard because the misunderstanding on a water hookup and some legal problems regarding right-of-way had been resolved.

MCUS - SEABOARD COASTLINE RAILROAD

Mr. Hutches moved for the adoption of a Resolution authorizing the Chairman to execute agreement with the Seaboard Coastline Railroad Company for permit to install water line under track at Bayshore Road, near Gillette. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED Y25-248

RECESS

After a short recess the meeting was reconvened.

PARKS & RECREATION: BID AWARDED - FERTILIZER

Motion was made by Mr. McClure that low bids on fertilizer for the Parks and Recreation Department be accepted from

MELVIN BROTHERS SPREADER SERVICE, INC.

Preplant Mix (bulk)	\$ 60.50 per ton
Ammonium Nitrate (bag)	134.20 per ton
18-6-12 (bag)	129.28 per ton
10-10-10 (bag)	98.55 per ton

PRODUCERS FERTILIZER COMPANY

Ammonium Sulfate (bag)	74.25 per ton
Processed Sludge (bag)	86.97 per ton

as recommended by John Marble. Motion was seconded by Mr. Dierks and carried unanimously.

PARKS & RECREATION: BID AWARD - FERTILIZER SPREADER

Motion was made by Mr. McClure to accept the low bid on one Lely Model 2500 Fertilizer Spreader, submitted by

RUSSELL'S FARM SUPPLY STORE, INC. \$1,850.00

as recommended by John Marble, for Parks and Recreation Department. Motion was seconded by Mr. Dierks and carried unanimously.

PARKS & RECREATION: BID AWARD - TRACTORS

John Marble recommended acceptance of the low bid for two Kubota Tractors with four-foot mowers; one for Parks and Recreation Department and one for Manatee County Utilities System. Motion was made by Mr. McClure to accept low bid submitted by

RUSSELL'S FARM SUPPLY STORE, INC., for

Two (2) tractors at \$3,000 each	\$6,000.00
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Motion was seconded by Mr. Hutches and carried unanimously.

PARKS & RECREATION: BIDS ON TRUCK; GOLF COURSE TEES & GREENS

Motion was made by Mr. McClure that John Marble be authorized to advertise for bids for the sterilization and stolonization of the greens and tees at the County Golf Course and for bids on a pickup truck for the Parks and Recreation Department. Motion was seconded by Mr. Hutches and carried unanimously.

PARKS & RECREATION: CLUB HOUSE AT GOLF COURSE

Motion was made by Mr. McClure that Bill Zoller be employed to design and prepare plans for the Clubhouse at the County Golf Course (cost

not to exceed \$5,000.00 for plans, etc.). Motion was seconded by Mr. Dierks and carried unanimously.

SAFETY SURVEY

Westwood Fletcher advised that receipt of Report of Survey on Safety by Corporate Group Service, Inc., had been acknowledged with note that it would be taken under advisement.

COUNTY PERSONNEL: GRIEVANCE DECISION (SHERIDAN)

Mr. Hutches moved for the adoption of a Resolution denying the grievance of John J. Sheridan and approving, ratifying and confirming his termination of employment as an Emergency Medical Technician with the Manatee County Ambulance Service as of January 4, 1976. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED Y25-249

BUDGET: FISCAL YEAR 1976-77.

Upon request from Westwood Fletcher, Mr. Hutches clarified the policy decision made by the previous week by the Board regarding budget planning factors, stating that the five percent budget increase is only a guideline for the departments to use in preparing their budgets for 1976-1977.

MARINELAND SUBDIVISION: RIGHT OF WAY DEFINED (BLOUNT)

The County Attorney presented a Resolution clarifying the intended use of property conveyed by deed from Frank P. (Jr.) and Mildred E. Blount (accepted June 20, 1960) for 50 feet of Lot 38, Marineland Subdivision, to be for right-of-way purposes.

Mr. Hutches moved for the adoption of the Resolution declaring that said property deeded to the County by Mr. and Mrs. Blount to be for road right of way without any obligation or responsibility of the County to construct or maintain with public funds any street or road upon said property. Motion was seconded by Mr. Dierks and carried unanimously. (Mr. Burton was not present for the vote.)

RESOLUTION RECORDED Y25-250

DEED: DeBARTOLA CORP. (REVERSION HOOD'S DAIRY)

The County Attorney submitted a corrected deed on reversion of the Hood's Dairy Sewerage Treatment Plant back to William C. Grimes, as Trustee (DeBartola Corporation), advising that the deed executed on March 9, 1976 was incorrect because of omission of one line in the legal description.

Motion was made by Mr. McClure that the Chairman be authorized to execute the corrected deed. Motion was seconded by Mr. Hutches and carried unanimously.

COUNTY TRANSIT SYSTEM: LEASE - DEPARTMENT OF TRANSPORTATION

Motion was made by Mr. McClure that the Chairman be authorized to execute the lease for four (4) thirty-one passenger buses from the Department of Transportation to Manatee County (period April 3, 1976 to April 2, 1977). Motion was seconded by Mr. Dierks and carried unanimously.

CONSTRUCTION TRUST FUNDS

Upon motion by Mr. McClure, seconded by Mr. Dierks, the following Resolution was unanimously adopted authorizing payment of

SEWER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 24.4 D-99

Russell & Axon
Holland & Knight

\$2,801.90
490.00

RESOLUTION RECORDED Y25-251

Requisition No. 24.4 G-1

Giannetti & Lanzo

\$199,553.59

It was noted that this is final payment on Part C, Section I of the Sewerage Project and was deferred for review.

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CIVIL DEFENSE: RACES APPLICATION - FCC

Motion was made by Mr. Hutches that the Chairman be authorized to execute application to the Federal Communications Commission for a RACES Station License for Civil Defense. Motion was seconded by Mr. McClure and carried unanimously.

PROBATION DEPARTMENT: BIDS ON OFFICE EQUIPMENT

Motion was made by Mr. McClure that George Moore be authorized to advertise for bids for office equipment (desks and chairs) for the Probation Office. Motion was seconded by Mr. Burton and carried unanimously.

CETA TITLE I: EQUIPMENT TRANSFER - SCHOOL BOARD

Motion was made by Mr. McClure to approve the transfer of office equipment from CETA Title I, State, to CETA Title I, County, on equipment used by and located at the School Board, and that the Chairman be authorized to execute the Transfer Order of Excess Personal Property.. Motion was seconded by Mr. Dierks and carried unanimously.

PHILLIPS PETROLEUM: EXHIBIT 23

The Deputy Clerk presented Sarasota County Exhibit 23 (SWFMD Transcript) which was requested at the Phillips Public Hearing, but not presented, stating that he recalled that the Chairman ruled that this exhibit would not be accepted unless it was presented at the hearing.

After discussion, he stated that he would check the Minutes of the public hearing to determine what the actual ruling was and would advise the Board later in the meeting.

PHILLIPS PETROLEUM: SARASOTA COUNTY MOTIONS

Motion was made by Mr. McClure to accept and file motion filed on behalf of Sarasota County requesting notice and right to cross examination and for opportunity to present rebuttal testimony with regard to the Application for Development Approval for Phillips Petroleum Company's Development of Regional Impact concerning Phosphate Mining and Beneficiation and Special Exception No. 842. Motion was seconded by Mr. Hutches and carried unanimously.

Mr. McClure moved that the motion filed on behalf of Sarasota County for a full transcript of all evidence which was not included or presented during the public hearing in regard to the Application for Development Approval for Phillips Petroleum Company's Development of Regional Impact concerning Phosphate Mining and Beneficiation and Special Exception No. 842 be accepted and filed and that the County Attorney inform the Sarasota County Attorney that any reproductions will be \$1.00 per page. Motion was seconded by Mr. Dierks and carried unanimously.

CERTIFICATES OF CORRECTION (E & I)

Upon motion by Mr. McClure, seconded by Mr. Dierks and carried unanimously, the Board approved Certificates of Correction (E & I) for the current tax roll as recommended by the County Property Appraiser.

WARRANT LISTS & REQUISITIONS

Motion was made by Mr. Burton to approve Requisitions and Warrant Lists from March 16 to March 23, 1976 and to authorize Warrant Lists to March 30, 1976, 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. Motion was seconded by Mr. McClure and carried.

BILLS FOR PAYMENT

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

Sam Cornwell, Tax Assessor	
=Taxes on Library Property	\$1,234.51; \$177.41
Mary T. Baber	39.10
James M. Doss & Associates (59th St.)	8,819.00; \$1,294.00 (SR 70)
Manatee Memorial Hospital	1,000.00; \$4,244.85
Bradenton Insurance Company	7,050.00
Professional Ancillary Services	50.00
Bradenton Herald	57.75
City of Bradenton	94.89; \$800.00

and request by Climatic Condition Company for refund of \$12.00 on a HARV permit was denied, as recommended by Art Fischer.

PHILLIPS PETROLEUM: EXHIBIT 23

The Deputy Clerk reported that the minutes of the public hearing held on Phillips Petroleum application reflected that the motion was to deny Exhibit 23 as evidence, and that he was in the process of checking the tapes of the meeting to verify those minutes.

Motion was made by Mr. McClure that if the minutes reflect that the exhibit was denied, that the denial be confirmed and to direct that Exhibit 23 be returned to Sarasota County, collect. Motion was seconded by Mr. Burton and carried unanimously.

BONDS - HENSONVILLE SUBDIVISION; DRIVEWAY PERMIT

Upon certification by the County Engineer that roads and drainage in Hensonville Subdivision have been completed in accordance with the plans and specifications, motion was made by Mr. McClure that the cash bond posted by FLORIDA E.D.C., INC., in the amount of \$13,662.00 be returned to the developers. Motion was seconded by Mr. Burton and carried unanimously.

Motion was made by Mr. Dierks to approve
 Cash Bond & Cashiers Check in the amount of \$250.00
 Driveway Permit \$1371
 HARRY NOLF

Motion was seconded by Mr. McClure and carried unanimously.

COASTAL CONSTRUCTION SET BACK LINE: CITY OF BRADENTON BEACH

Letter and resolution were received from the City of Bradenton Beach expressing opposition to proposed coastal construction setback lines as established by the Department of Natural Resources and requesting the Board to express that position to any policy making body before whom this proposition may come.

Motion was made by Mr. McClure that the Chairman be authorized to send a letter to the appropriate officials of the Department of Natural Resources, the local legislative delegation and the Executive Director of the State Association of County Officials acknowledging this Board's opposition to the setback line(s) and respectfully requesting that it be reconsidered at a lower level; that the Cities of Anna Maria and Holmes Beach be contacted to find out if they concur and want to be included. Motion was seconded by Mr. Burton. Under discussion, Westwood Fletcher was requested to call the City Manager of the Town of Longboat Key to see if they want the Board to propose a separate letter for them. If so, they should adopt a resolution to that effect. Motion carried unanimously.

CIVIL DEFENSE: EOS PRELIMINARY PRACTICE

Bill Kahn, Civil Defense Director, requested that the afternoon of May 13, 1976 (from 1:00 P.M. to 4:30 P.M.) be authorized for a preliminary Operation Simulation for the County EOC Staff, including department heads and countywide agencies who have an emergency response role in natural disasters; that the Chairman be authorized to sign

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a letter to each incorporated city in the county outlining this exercise and stressing the importance of their attendance.

Motion was made by Mr. Hutches that the recommendations as outlined by Mr. Kuhn be approved. Motion was seconded by Mr. McClure and carried unanimously.

COASTAL ZONE MANAGEMENT CONTRACT

By letter dated March 11, 1976, Art Fischer referred to the Coastal Zone Management Contract of January 27, 1976 and requirement to insure public participation through the development of a County Citizen Advisory Committee to be formed before April 27, 1976. He requested that the Board appoint members that will be representative of the following groups:

Tourism and Hotel/Motel Interests
Construction and Development Industry
Industrial, Business and Commerce Interests
Local Elected Officials
Bar Association
Board of Realtors

and that a letter be sent to each mayor of each municipality summarizing the Coastal Zone Management Program and requesting that each Mayor appoint a member to the County Citizen Advisory Committee.

Commissioners Burton, Hutches and Fortson were appointed to select individuals to serve on this committee and bring their recommendations back to this Board.

Motion was made by Mr. McClure to approve the recommendations as outlined by Art Fischer. Motion was seconded by Mr. Hutches and carried unanimously.

MINUTES OF PREVIOUS MEETINGS

Motion was made by Mr. Hutches to approve Minutes of previous meeting:

REGULAR MEETING OF JANUARY 27, 1976
SPECIAL MEETING OF JANUARY 29, 1976

and authorize correction of Minutes of SEPTEMBER 16, 1975, Minute Book 25, page 435:

Requisition No. 24.4 D-86

Total \$34,896.96

Motion was seconded by Mr. McClure and carried unanimously.

MANATEE MEMORIAL HOSPITAL: SLEEPER PROPERTY

Mr. McClure advised that the Board of Trustees, Manatee Memorial Hospital, had authorized the purchase of the Katherine Sleeper property, 201 Second Avenue E., in the amount of \$23,950.00, subject to the approval of this Board. The purchase price would be paid out of Hospital funds, for the use of the Hospital Auxiliary. He moved that the Chairman be authorized to execute the Contract for Deed, subject to approval by the County Attorney of all legal documents and procedures in connection with this sale. Motion was seconded by Mr. Hutches and carried unanimously.

COMPENSATION TO JURORS (PARKING)

Motion was made by Mr. McClure that the County Attorney and the Clerk of Circuit Court draft a proposed ordinance to provide compensation to jurors for parking meters and parking tickets. Motion was seconded by Mr. Hutches and carried unanimously.

TELEPROMPTER CABLE TV: RATE REVIEW


Upon question, Mr. Dierks was advised that the rate review of Teleprompter Cable TV is scheduled for May, 1976.

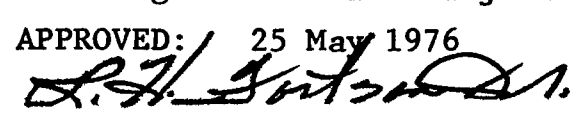
MEETING ADJOURNED

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

Attest: M. T. McInnis, Clerk

APPROVED: 25 May 1976


Deputy Clerk


Chairman