

MAY 11, 1976

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, May 11, 1976 at 9:04 A. M.

Present were Commissioners      L. H. Fortson, Jr., Chairman  
   Dan P. McClure, Vice Chairman  
   Ken Burton  
   Kenneth D. Dierks

Also present were                      Henry E. Bourne, Deputy Clerk  
   E. N. Fay, Jr., County Attorney

Commissioner Robert C. Hutches entered during the meeting.

The meeting was called to order by Chairman Fortson.

PROJECT NO. 759

The Chairman opened public hearing for the purpose of considering Special Assessments as contained in Preliminary Special Improvement Assessment Roll for Road Improvements in

PROJECT NO. 759: 27th Street West from 33rd Avenue  
south to deadend.  
(\$11.19 per front foot)

There were no objections and the public hearing was declared closed. Mr. McClure moved for the adoption of a Resolution sustaining the Special Improvement Assessment Roll on Project No. 759 and imposing liens against all lots or parcels of land for such amounts as are reflected in said Roll. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED      Z26-27

COUNTY ROADS: ACCEPTED

Robert Moon, Right of Way Agent, submitted affidavits and Highway Maps of certain streets and recommended that they be accepted and recorded as county roads by right of maintenance under Florida Statute 95.361.

Motion was made by Mr. McClure to accept

- 1) 60th Avenue Drive East (District No. 5)
- 2) Chapman Road (District No. 2)

as county roads as recommended by Mr. Moon. Motion was seconded by Mr. Dierks and carried unanimously.

COUNTY PERSONNEL (AGRICULTURAL): EXTENSION HORTICULTURIST

Motion was made by Mr. McClure that MARLOW K. IVERSON be appointed Extension Horticulturist, effective June 7, 1976 (Agricultural Department) as recommended by Richard M. Aalbert, County Extension Director. (Salary \$9,292 from State and \$5,408 from County.) Motion was seconded by Mr. Dierks and carried unanimously. (Replace William Messina.)

(Enter Mr. Hutches)

LOT CLEARING

Public hearing was opened by the Chairman for the purpose of considering Lot Clearing petition

LC-1022 Arthur H. Keiths =alleging that property owned by Miss Mary Ellen Kirby had not been cleared in accordance with requirements of Chapter 69-1284, Laws of Florida, Special Acts of 1969.

Miss Kirby was present with her attorney, Ernest Marshall, who stated there was no basis for the charge; that natural vegetation had been retained on the lot instead of having professional landscaping, and it was possible that some of the growth may be on

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county right-of-way; that there was a suit presently in the court against the former of complainant's property because of damages to his client's property during construction and possible boundary line encroachment. He submitted evidence (objects) that debris had been thrown over the fence dividing the property of Miss Kirby and Mr. Keiths.

The Chairman of the Whitfield Zoning Board stated he had received complaints that the property is an eyesore and suggested postponement and further investigation, etc.

Mr. Dierks requested the County Attorney to give a definition of "lot clearing" and that the matter be deferred for one week. There were no objections.

**BUDGET REQUESTS: MEALS ON WHEELS; MANATEE OPPORTUNITY COUNCIL;  
COUNCIL ON AGING**

Robert L. Williams, representing Meals on Wheels, Manatee Opportunity Council and the Council on Aging, submitted united appeal to the Commissioners for \$65,660.00 total for these three agencies for 1976-1977. Appearing with Mr. Williams were the directors of the three agencies: Mrs. Helen Blue, Walter Presha and Ken Richardson. There was no action, pending further discussion during preparation of the budget for the new fiscal year.

**MANATEE COUNTY LITTLE LEAGUE**

Arthur Schneidt requested the Board to give him a report on previous request for property for the Manatee County Little League, stating they would clear the land and construct facilities. John Marble, Director of Parks and Recreation, said he had provided fields for this group when schedules submitted, but spending public funds to develop facilities for one group exclusively could not be justified.

The possibility of providing ten acres on the old Oneco landfill was discussed; however, Mr. Schneidt requested fifteen acres, noting that this suggestion would be taken back to his committee.

**PROJECT NO. 933: ACCEPT BID**

The County Engineer submitted tabulations of bids submitted on Project No. 933 and recommended award to the low bidder.

Motion was made by Mr. McClure to accept the low bid on Project No. 933, submitted by

WESTRA CONSTRUCTION COMPANY	\$45,238.12
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Motion was seconded by Mr. Burton and carried unanimously.

**59TH STREET COURT N.W./RIVERVIEW LANE**

By memorandum dated May 7, 1976, the County Engineer advised that appropriate street signs had been erected at the intersection of Riverview Boulevard and Riverview Lane (formerly known as 59th Street Court N.W.) in accordance with resolution adopted April 20, 1976.

**PROJECT NO. S-896**

The County Engineer certified that all improvements in Project No. S-896 had been completed. (20 April 1976.)

**DEFLAVIS HEIGHTS SUBDIVISION: BOND RELEASED**

In connection with recommendation to return cash bond to the developer of DeFlavis Heights Subdivision (guarantee for completion of improvements on private street), the County Engineer confirmed the official name of the private street, as prolongation of 18th Street West, to be 18TH STREET WEST in the county Register, adding that maintenance

would be by the property owner.

Motion was made by Mr. McClure that cash bond in the amount of \$6,700.00 be returned to Joseph DeFlavis, developer of DeFlavis Heights Subdivision. Motion was seconded by Mr. Hutches and carried.

**CIVIL DEFENSE: RADIO TOWER INSTALLATION**

Bill Kuhn, Civil Defense Director, recommended that a second tower be installed for Civil Defense Radio antennas in order to relieve overload on the Sheriff's Antenna. He submitted cost estimate of \$903.00 with request for item to item transfer within the Civil Defense to cover the cost of this work.

Motion was made by Mr. Dierks to accept the recommendation and to authorize Mr. Kuhn to proceed with the installation of the radio tower and electrical modification. Motion was seconded by Mr. Hutches and carried unanimously.

**BICENTENNIAL TRAIN**

Hugh Davison requested permission to set up a display of a "Bicentennial Train" in front of the court house July 3-5, 1976, which would be sponsored by the Military Order of World Wars, with honor guards for security. Motion was made by Mr. Dierks to grant the request for display of the train and tracks for the Bicentennial celebration. Motion was seconded by Mr. Hutches and carried unanimously.

**PALMA SOLA SHOPPING PLAZA**

Robert Blalock, representing Herman Mayer, owner of the proposed Palma Sola Shopping Center/Plaza, submitted plans and specifications on the project, stating they were prepared to comply, <sup>with</sup> and in many instances exceed, requirements of the County Ordinance. The architect and engineer were present to answer any questions.

Dolly Young and Susan Carney, who owned property adjoining the project, were present to express their concern about the type of drainage, protection of children from proposed retention ponds, buffers and landscaping, etc.

During lengthy discussion the representatives of the developer were receptive to cooperating with suggestions offered to resolve the objectionable areas of the proposed project, and to work with the Planning Director and other appropriate county departments along those lines.

**HOUSEMOVING PERMIT (ROUNDTREE)**

Motion was made by Mr. Burton to approve application of ORETHA ROUNDTREE to move a building from 550 8th Street, Palmetto, to 2501 4th Avenue E., Palmetto  
Pre-moving No. 6390

Motion was seconded by Mr. Hutches and carried unanimously.

**TRAFFIC - WHITFIELD ESTATES: U.S. 301 to U.S. 41**

William Willumsen, chairman of Whitfield Zoning District, asked cooperation of the Board in enacting traffic regulations between U.S. 301 and U.S. 41, advising that the Whitfield Zoning District was granted legislative authority to restrict and regulate any vehiculate traffic, but jurisdiction ends at Pennsylvania Avenue. It would be necessary to have a joint resolution or ordinance between the Zoning District and Manatee County in order to restrict traffic of more than one ton on this thoroughfare (would not apply to school buses, etc.)

It was suggested that the Whitfield Zoning District submit the wording or draft of a proposed resolution to the County Attorney for review.

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**PARKS & RECREATION: BOAT RAMP, DOCKS**

Motion was made by Mr. McClure that the Chairman be authorized to sign Permit/Certification No. 41-38-0395-3E, issued by the Department of Environmental Regulation, for construction of a concrete boat ramp, two docks and necessary dredging on the south end of Anna Maria Island (Sarasota Bay and State Road 780). Motion was seconded by Mr. Hutches and carried unanimously.

**CONSTRUCTION TRUST FUNDS**

Upon motion by Mr. Hutches, seconded by Mr. Dierks, Resolution was unanimously adopted authorizing Chemical Bank to reinvest \$403,514.22 in a 365-day Certificate of Deposit at 6.30%, \$13.5M Reserve Account.  
RESOLUTION RECORDED Z26-28

Upon motion by Mr. McClure, seconded by Mr. Hutches, Resolution was unanimously adopted authorizing payment of  
WATER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 11.650 B-72

Cox Chevrolet, Inc.

\$4,199.78

RESOLUTION RECORDED Z26-29

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

SEWER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 24.4 B-170

Woodruff & Sons, Inc.

\$ 350.00

RESOLUTION RECORDED Z26-30

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-104

Mann, Fay & Price

\$ 830.00

RESOLUTION RECORDED Z26-31

**HERITAGE SUBDIVISION**

There were no objections to the County Attorney discussing possibility of escrow deposit and agreement in connection with bond covering improvements in Heritage Subdivision. (Joe Lively III, developer.)

**PRIVATE STREET: FRISBEE**

Mr. McClure moved for the adoption of a Resolution Approving Easement as a Private Street for ANNIE VIRGINIA FRISBEE, determining that it is adequate under present circumstances to serve as access to certain property for building purposes. Motion was seconded by Mr. Hutches and carried unanimously.

RESOLUTION RECORDED Z26-32

**ORDINANCE RE: PARKING ALLOWANCE FOR JURORS**

Motion was made by Mr. McClure that public hearing on proposed Ordinance authorizing parking allowance for Jurors be held June 1, 1976. Motion was seconded by Mr. Hutches and carried unanimously.

**BUILDING CODE; FLOOD INSURANCE PROGRAM**

At the request of Art Fischer, the Chairman set tentative work session on Monday, May 17th at 10:00 a.m. to discuss changes in the Building Code and re-write of the Flood Insurance Program. Also, Ordinance No. 74-3 (pertaining to platted streets) and County's policy on non-conforming mobilehome parks.

**BEKER PHOSPHATE CORPORATION**

The County Attorney advised that John Harllee, attorney for Beker Phosphate Corporation, had submitted numerous pleadings in connection with the proposed public hearing on Beker's application for a permit to construct an industrial wastewater facility, before the Department of Environmental Regulation beginning May 24, 1976 at 1:00 p.m., Court Room C, and questioned if the Board wished to have witness from appropriate county department appear for the County or have

the Attorney appear and make a presentation. After discussion, he stated he would put necessary document(s) (to be furnished by Mr. Randle) into pleading form and see that it is introduced as evidence into the hearing (submitted to hearing officer).

NATIONAL RADIO MONTH - PROCLAMATION

Motion was made by Mr. Hutches to adopt a Proclamation designating the month of May to be observed as NATIONAL RADIO MONTH. Motion was seconded by Mr. Burton and carried unanimously.

PROCLAMATION RECORDED Z26-33

REFUND: OVERPAYMENT STATE STAMPS

Motion was made by Mr. Dierks that the Chairman be authorized to execute request to the State to refund \$21.95 for overpayment of state stamps by the Right-of-Way Department. Motion was seconded by Mr. Hutches and carried unanimously. (Requisition for Refund from State Treasury for overpayment to Clerk of Circuit Court on documentary stamp tax and surtax on deed.)

BOND CLAIMS ACCEPTED (TRAFFIC VIOLATION FINES)

The Deputy Clerk submitted order by The Department of Insurance of the State of Florida, as Ancillary Receiver of United Bonding Insurance Company, for payment of \$17,217.00 as settlement of claim by Manatee County for \$23,394.00 on bonds due on traffic fines, with recommendation by the Clerk to accept payment.

Motion was made by Mr. Hutches to accept settlement in the amount of \$17,217.00 as recommended by the Clerk. Motion was seconded by Mr. Burton and carried unanimously.

INVENTORY: DELETE RECORDER (CLERK'S OFFICE)

Motion was made by Mr. Dierks that the Clerk of Circuit Court be authorized to dispose of

Asset No. 2915 912 Recorder

which had not been used in six years, put out for bids on two occasions with no response except offer to remove at a cost of \$1500. (Xerox Corporation will dismantle and remove machine at no cost to County.) Motion was seconded by Mr. Hutches and carried unanimously. (Motion included authority to remove from County Inventory Records.)

BUDGET AMENDMENTS: VARIOUS

Mr. McClure moved for the adoption of Resolutions authorizing amendments to the 1975-1976 Budget by Item to Item transfers as follows:

1)	<u>Veterans Service Department</u>		
	From Bridge Tolls	\$ 100.00	
	To Office Supplies	100.00	
			RESOLUTION RECORDED Z26-34
2)	<u>Planning Department</u>		
	From Reserve from Cont.	\$ 6,250.00	
	To Rentals	6,250.00	
			RESOLUTION RECORDED Z26-35
3)	<u>Planning &amp; Development Dept.</u>		
	From Rentals	\$ 2,000.00	
	To Communications	2,000.00	
			RESOLUTION RECORDED Z26-36

and for the adoption of Resolutions providing for receipt and appropriation of unanticipated revenues from the U.S.A. as follows:

4)	Increase Revenue:		
	CETA I	\$ 13,856.00	
	Increase Expenditures:		
	DOM Wages OPS	13,856.00	
			RESOLUTION RECORDED Z26-37

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5) Increase Revenue:  
     CETA II, Section II                   \$ 69,763.00  
 Increase Expenditures:  
     OPS CETA II, Section II               69,763.00

RESOLUTION RECORDED Z26-38

Motion was seconded by Mr. Burton and carried unanimously.

## WARRANT LISTS &amp; REQUISITIONS

Motion was made by Mr. McClure to approve Requisitions and Warrant Lists from May 4 to May 11, 1976 and authorize Warrant Lists to May 18, 1976, 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 Department. Motion was seconded by Mr. Dierks and carried unanimously.  
 (Correction: Motion seconded by Mr. Burton.)

## BONDS

Upon motion by Mr. Burton, seconded by Mr. Dierks, the following bonds were unanimously approved:

Moving & Alteration of Building

R. E. JOHNSON                               \$1500 Safeco Ins. Co. of America  
 For: Bob Cooksey                         Pre-Moving No. 6543

Driveway Permits

No. 1807    SHERBURN DAKIN    Cash Bond & M.O. \$75.00  
 No. 1641    ROBERT BAYLISS    Cash Bond & M.O. 75.00

## BILLS FOR PAYMENT

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

Manatee Memorial Hospital	\$ 3,978.68
Medical Examiners	1,307.02
Mann, Fay & Price	3,495.63
Alan H. Brice	560.00
Credit Bureau of Manatee County	7.50
Richard A. Shanower: Refund from County Treasury (overpayment excess over tax sale)	106.21

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

Bradenton Insurance, agent for  
 Fireman's Fund Ins. Co.                   \$ 5,709.00

## MINUTES APPROVED

Upon motion by Mr. Hutches, seconded by Mr. Dierks, Minutes of previous Meetings were unanimously approved as follows:

REGULAR MEETING OF MARCH 2, 1976  
 SPECIAL MEETING OF MARCH 4, 1976  
 REGULAR MEETING OF MARCH 9, 1976  
 SPECIAL MEETING OF MARCH 11, 1976

## STATE TUBERCULOSIS HOSPITAL

Upon motion by Mr. Dierks, seconded by Mr. Hutches, application of Geraldine Marie Jones to enter A. G. Holley (State) TB Hospital was unanimously approved.

## CORRESPONDENCE

Correspondence was read from

- 1) TAMPA BAY REGIONAL PLANNING COUNCIL (John Martin)  
 Recommendation appointments to Criminal Justice Board.

## CRIMINAL JUSTICE ADVISORY BOARD

Motion was made by Mr. Hutches to approve appointment of the following as members of the Manatee County Criminal Justice

## Advisory Board:

MAYOR TOBY HOLLAND, City of Palmetto  
 JIM CAFERO, Chief, Division of Youth Service  
 (Replacing Alvin Taylor)

Motion was seconded by Mr. McClure and carried unanimously.

2) PUTNAM COUNTY

Re: Separation Department of Health. (Legislation)  
Deferred. Referred to Milo Mocha.

3) MANATEE COUNTY AUDUBON SOCIETY

Re: Access to Beer Can Island

The County Attorney confirmed that by settlement agreement an easement was being maintained for public access to and from this peninsular. Chairman referred letter to John Marble for follow up to see if access blocked and easement maintained.

## DUPLICATE TAX CERTIFICATE

Motion was made by Mr. Hutches to authorize issuance of Duplicate Tax Certificate No. 52 and No. 348 to William A. Rhodes, Sale of 5/28/75. Motion was seconded by Mr. McClure and carried unanimously.

## FEDERAL GRANT: LEAA FUNDS TO SCHOOL BOARD

Mr. McClure moved for the adoption of a Resolution whereby the Board of County Commissioners agrees to be the applicant for LEAA (Law Enforcement Assistance Administration) funds, and authorizing the School Board of Manatee County to file an application on behalf of said Commissioners for a Grant in the amount of \$20,000 to be made to Manatee County to assist in the Study of Youth Serving Agencies, and authorizing the appropriate officers of Manatee County to execute said application. The School Board will provide the necessary matching funds for this grant and will relieve the Board of County Commissioners from all financial and program responsibilities in connection with the program. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED 226-39

## ANNA MARIA ISLAND BEACH EROSION CONTROL

Mr. Dierks moved for the adoption of a Resolution Stating the Intent of Manatee County, Florida, in Connection with a Beach Erosion Control Project on the Gulf Shore of Anna Maria Island, Florida, as presented by the County Attorney. By this resolution Manatee County agrees to sponsor this project subject to "Approval by this Board of County Commissioners of the changes in scope and cost which may result from the updated alternate plans and estimates of cost to be subsequently provided by the Corps of Engineers, obtaining the necessary funds at the appropriate time apportioned to the State of Florida and to the municipalities located on Anna Maria Island involved in the project, and the availability of funds at the appropriate time to meet the obligation apportioned to Manatee County for this project." Motion was seconded by Mr. Hutches and carried unanimously.

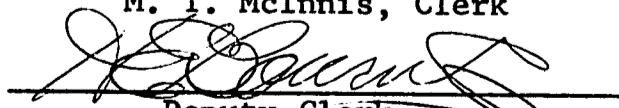
RESOLUTION RECORDED 226-40

## MEETING ADJOURNED

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

Attest:

M. T. McInnis, Clerk

  
 Deputy Clerk

APPROVED:

  
 Chairman