

JUNE 1, 1976

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, June 1, 1976 at 9:08 A. M.

Present were Commissioners L. H. Fortson, Jr., Chairman  
Ken Burton  
Kenneth D. Dierks  
Robert C. Hutches

Also present were Henry E. Bourne, Deputy Clerk  
E. N. Fay, Jr., County Attorney  
Commissioner Dan P. McClure was not present.

The meeting was called to order by Chairman Fortson.

#### ZONING

Recommendations of the Planning Commission were presented by Jerry West.

R-761 GEORGE H. HARRISON, Trustee C-1 DISTRICT APPROVED

(Kenneth W. Cleary, agent) - Request rezone from R-3 to C-1 District or to such other district as determined to be more appropriate for construction and operation of a bank on 1.45 acres located corner 75th St. W. & Cortez Road.

The Planning Commission recommended approval. The Committee report was read.

Chairman Fortson referred to three letters received in support of this petition.

Mr. Hutches moved for the approval of R-761 and for the adoption of the appropriate Resolution rezoning the property from R-3 District to C1(Commercial) District. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED ZONING R-761

R-765 L. V. ELLIS, ET AL T-1 DISTRICT DEFERRED

(James R. Kennedy, agent)- Request to change present zoning from A-General Agriculture to T-1 (Mobile Park District or to such other district as determined to be more appropriate for Travel Trailer Park on 12.53 acres located U.S. 301 at Ranch Avenue.

The Planning Commission recommended approval.

Mr. Burton advised that property owners on 73rd Avenue E. were opposed to the location of a travel Trailer Park in the area, and in view of petitions for (2) and against (1) the rezone recommended that action be deferred until the last item on the zoning agenda. There were no objection.

R-766 JAMES SINCLAIR C-1 DISTRICT DENIED

(Kenneth Adams, agent) - Request to change present R-1A and R-1B Districts to C-1 Commercial District for commercial development on 5.83 acres on north side of Snead Island Road west of cutoff channel (or to such other district as determined to be more appropriate.

The Planning Commission recommended denial.

Motion was made by Mr. Dierks to deny R-766 for rezone to District C-1. Motion was seconded by Mr. Hutches and carried unanimously.

R-771 RAYMOND L. BALDASARE, ET UX: C-1 DISTRICT APPROVED

Request to change present A-General Agriculture to C-1 (Commercial) District or to such other district as determined to be more appropriate for sale of garden, lawn, horticultural materials and a give shop on 3.41 acres located 11110 Bayshore Road (U.S. 41).

The Planning Commission recommended approval.

Mr. Hutches moved for approval of R-771 and adoption of the appropriate Resolution rezoning the property to C-1 Commercial District. Motion was seconded by Mr. Dierks and carried unanimously. ZONING RESOLUTION RECORDED R-771

— SE-903 CAROL L. STECHER MOBILEHOME DENIED  
 Request for mobilehome as dwelling on 5 acres located 2015 64th St. Ct. E. (Magnolia Manor Subdivision)  
 The Planning Commission recommended denial.  
 Mr. West explained that this was an existing mobilehome approved as a Temporary Use in connection with a building permit; that request was for ten years maximum but can use less time.

Carol Stecher explained that she had been assured of a Farm Home loan but there had been problems on application because land does not qualify and she was still trying to obtain financing for building a residence.

Mrs. Sam Hardy submitted a petition containing forty names, representing twenty-eight property owners, who opposed the granting of the petition to allow the mobilehome to remain in the area. Mrs. Jerry Rogers and Mrs. Don Poston spoke in opposition to SE-903.

Mr. Hutches referred to problems of mobilehomes being placed in Magnolia Manor Subdivision pending construction of residences and remaining there for indefinite periods, and moved that SE-903 for Carol Stecher be denied. Motion was seconded by Mr. Dierks. During discussion Mr. Burton pointed out problems and inequities in recent rules and regulations in connection with Farm Home loans which made such loans extremely difficult to obtain unless involved in development of tracts, noting he would have no objection to giving Mrs. Stecher a period of time to see if her loan goes through. Mr. Hutches stated no objection to 90 days but there could be no extension and there would have to be a total commitment on loan and building permit, etc. Motion carried unanimously.

The Planning Department was instructed to withhold any action in connection with denial of SE-903 for a period of 90 days, it being understood that total commitment of financing and building plans and permit will be in writing.

— SE-907 AUGUSTINE N. & VIRGINIA THIERRY APPROVED  
 (Andy Tellez, agent) -Request expansion of service station building for use as offices for car rental business on .40 acre located 6423 North Tamiami Trail, U.S.41.  
 The Planning Commission recommended approval subject to stipulations - conformance with plans as submitted and compliance with County off-street parking and landscaping ordinance. (Special Exception to be granted to Andy Tellez.)

Motion was made by Mr. Dierks to approve SE-907 for Augustine N. and Virginia Thierry, subject to stipulations outlined by the Planning Commission, and to adopt the appropriate Resolution. Motion was seconded by Mr. Hutches and carried unanimously. ZONING RESOLUTION RECORDED SE-907

— SE-911 RONALD YANCEY & CLYDE YANCEY, SR. APPROVED  
 Request for special exception to permit a beauty shop as a home occupation, also commercial activities for the repair, service and sale of farm equipment, on 8.44 acres located 4 miles west of Myakka City on SR 70.  
 The Planning Commission recommended approval.

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Mr. Hutches moved for the approval of SE-911 for Ronald Yancy and Clyde Yancey, Sr., subject to compliance with the plans submitted, and for the adoption of the appropriate Resolution. Motion was seconded by Mr. Burton and carried unanimously.

RESOLUTION RECORDED

ZONING  
SE-911SE-914 FRANK C & BEATRIZ GOMEZ APPROVED

Request for mobilehome as dwelling on 6.9 acres located no north side of S.R. 64, approximately 1/8 mile east of Zipperer Road.

The Planning Commission recommended approval for a period of five years with provision for extension by the Planning Director for an additional five years.

Mr. Hutches moved for approval of SE-914 for Frank C. and Beatriz Gomez, as recommended by the Planning Commission, and for the adoption of the appropriate Resolution. Motion was seconded by Mr. Burton and carried unanimously.

RESOLUTION RECORDED

ZONING  
SE-91176-S-7(P) MORGAN JOHNSON ESTATES

(Ralph Nelson) The Planning Commission recommended re-approval of the preliminary plat for single family subdivision (62 lots on 342.72 acres) subject to the same stipulations as recommended on preliminary plat submitted and approved over one year ago.

Jerry West read a letter from the School Board requesting that the developer set aside 10-15 acres for a school site.

Upon question, the Board was advised that the development consisted of five-acre tracts, with a few ten-acre tracts; that paved roads were not required (22-foot stabilized travelways).

Motion was made by Mr. Hutches to approve the preliminary plat of Morgan Johnson Estates with stipulation that the developer negotiate with the School Board for ten acres in Unit II prior to submitting plans, and that the appropriate Resolution be adopted. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED

ZONING  
76-S-7(P)T-1-81(F) PALM LAKE ESTATES MOBILEHOME PARK, UNIT 2-B DEFERRED

Request for approval of final plan was deferred pending decision on petition to vacate certain streets in Pittsburgh Park Subdivision lying within this proposed plan.

76-S-6(P&F) DAKIN SUBDIVISION APPROVED

The Planning Commission recommended approval of preliminary and final plat of 2 lots on 4.07 acres located on 14th Ave. W., approximately 1/2 mile north of Bayshore Drive.

Motion was made by Mr. Dierks to approve the plat of Dakin Subdivision and adopt the appropriate Resolution. Motion was seconded by Mr. Hutches and carried unanimously.

RESOLUTION RECORDED

ZONING  
76-S-6(P&F)R-765 L. V. ELLIS, ET AL DEFERRED

Request for T-1 Mobile Park District.

James R. Kennedy referred to objections to traffic on 73rd Avenue E. (Ranch Road/Avenue) and stated that entrance to the park would be on U.S. 301; that this request for T-1 was for a higher grade travel trailer park that the requested T-3 one year ago: That only self-contained units would be allowed, and no camping.

Upon recommendation by Mr. Burton, the Chairman stated that if there

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were no objections action on R-675 would be postponed for one week. There were no objections.

**PITTSBURGH PARK SUBDIVISION  
VACATION OF STREET DEFERRED**

The Chairman declared public hearing opened to consider petition of Sidney Adler to close a certain street in Pittsburgh Park Subdivision. The County Attorney expressed concern about the type of notice advertising the public hearing on this petition, stating that in his opinion it was not a good notice and could be subject to challenge, and that in the absence of Mr. Adler - to be present to tell him as a lawyer that he is willing to risk this being a proper notice, he would recommend public hearing after proper legal notice.

The Public Hearing was closed. Motion was made by Mr. Hutches to take no action on petition to vacate street in Pittsburgh Park Subdivision until proper legal notice is advertised. Motion was seconded by Mr. Dierks and carried unanimously.

T-1-81(F) PALM LAKE ESTATES MOBILEHOME PARK, UNIT 2-B

Mr. Dierks moved for the approval of the final plat of Palm Lake Estates Mobilehome Park, Unit 2-B and the adoption of the appropriate Resolution. Motion was seconded by Mr. Burton and carried unanimously. ZONING RESOLUTION RECORDED T-1-81(F)

**RECESS**

After a short recess the meeting was reconvened.

**VIOLATION SOUTHERN STANDARD HOUSING CODE**

RE: R. P. TYRE

Motion was made by Mr. Hutches that, in compliance with request from the Director of the Planning & Development Department, the County Attorney be authorized to initiate civil action against R. P. Tyre, who is in violation of Section 308.1 of the Southern Standard Housing Code:

Dangerous Structures (burned-out house on Lot 361,  
Pinecrest Subdivision- Samoset)

Motion was seconded by Mr. Dierks and carried unanimously.

**HIGHWAY DEPARTMENT: TRACTOR REPAIRS**

The County Engineer requested permission to purchase a new engine for the John Deere Tractor, No. 9-85, stating this equipment is urgently needed and emergency repairs are recommended. The estimated cost of new engine approximately \$1,700.00.

Motion was made by Mr. Dierks that the County Engineer be authorized to proceed with emergency repairs on the tractor and that the bid policy be waived. Motion was seconded by Mr. Burton and carried unanimously.

**BUDGET AMENDMENT: HIGHWAY & ENGINEERING**

The County Engineer referred to his requests to the Board to transfer the sums of \$35,241.90 (January 30, 1976) and \$50,825.13 (April 13, 1976), which had been collected by the Highway Department and deposited in General Funds, and stated that these transfers to the Road and Bridge Fund had not been made.

Motion was made by Mr. Hutches to advertise Notice of Public Hearing to be held for the purpose of considering increase in the 1975-1976 budget to provide for unanticipated revenues and appropriations in the Road and Bridge Fund. Motion was seconded by Mr. Burton and carried unanimously.

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## PROJECT NO. 676

Robert Moon advised that the cost per front foot of Project No. 676 had been reviewed and the figure should be \$12.89 instead of \$15.91 as shown on the Assessment Roll and an amended Resolution would be necessary if the cost is to be adjusted.

Mr. Bourne pointed out that engineering and planning costs had never been included in the cost of participation projects and all costs should be considered in the final assessments (or total cost of the projects).

## CORTEZ GARDENS SUBDIVISION

## RE: VACATION OF STREET

The Chairman advised Earl Cox, attorney for Holleran and Katz in petition to close a certain street in Cortez Gardens, Subdivision, that unless there were objections, action on this petition would be deferred until Commissioner McClure was present since this was in his district. There were no objections.

## FLORIDA POWER &amp; LIGHT COMPANY

Al Putnam came before the Board for the purpose of publicly clearing up any misinformation to show that the use of one percent sulfur content fuel at the Manatee plant (Florida Power & Light Company Willow site) will not have a significant impact, is in the best of the County and is in compliance with the Federal, State and local pollution codes. He requested that a letter be written to the Department of Environmental Regulations stating that the County Commissioners have no objections to a rule change, on which a hearing would be held in Sarasota on June 16, 1976, such change relating to existing or new source. If Florida Power & Light considered an existing source, they can comply with the one percent, if considered a new source under local code would have to burn .7 percent.

He introduced W. J. Farrell, who proceeded to make a presentation concerning economics vs. environment. In reviewing the applications by Florida Power & Light, he pointed out the disparity that if the plant had been permitted at the Port there would be no question of Florida Power & Light being an existing source. Application was made in 1970 for a plant at the Port (equipment ordered, delivered in 1971, and State turned down application in September, 1971); re-applied for present site in May 1972 and received permit June 1972. The Port plant site was turned down by the State under a water issue and not on an air issue. It would be up to Florida Power & Light to prove contractual obligation prior to 1974 in order to be considered an existing source, and by these facts they contended that it was an existing source.

Chairman Fortson stated that if there were no objections, the Board would request recommendations from the Air and Water Pollution Control Board before making a decision on submitting a letter of "no objections" to the rule change by the Department of Environmental Regulations. There were no objections.

## PLANNING &amp; DEVELOPMENT: AIR CONDITIONER REPAIRS

Motion was made by Mr. Dierks to waive the bid policy and authorize Don Everett to proceed with installation of an air conditioning unit in the Planning and Development to be provided by Lowes, Inc., low bid (quotation) \$1,131.00. Motion was seconded by Mr. Hutches and carried unanimously. Motion included acceptance of low bid. (Other quotations submitted by Tom Brown Trane \$1,359.00; Pearson Electric \$1,487.50.)

## GOVERNMENT CENTER: STATUS REPORT

Bill Zoller (Zoller-Abbott, Planners/Architects) was present to submit and discuss the status of the Government Center. He said they were getting into the final schematic plans and will be discussing these with department heads; investigation being made as

to financing other than General Obligation Bonds; price quoted on testing existing structures, foundations, etc. \$2,950.00. There was question by the Deputy Clerk if this was a reimbursable figure over and above the \$100,000 which had been appropriated.

There was discussion on the question, also, about the engineering data necessary for the schematic plans; or to extent of plans necessary for this item to be placed on the ballot in November. (\*schematic drawings OR design). Upon recommendation by Mr. Dierks, the matter was referred to the County Attorney with request for him to do an indebt study to determine the minimum drawings, design or plans necessary for the question to be put to referendum.

**SEWER PROJECT: STATE LOAN #2 (\$12,650,000)  
INTERIM FINANCING - PART "E" (\$1,280,000)**

Russell Hawkes submitted a proposal for interim financing by Water and Sewer Revenue Notes in the amount of \$1,280,000 to pay outstanding claims by contracturs for work performed in construction of the County Sewer System, Part "E" and certain engineering expenses that will be incurred prior to receiving funds from State Loan No. 2 about mid-September. The local banks would provide financing on notes to be secured by a second lien on revenues of \$3,485,000 Water and Sewer Revenue Bonds and by proceeds of approximately \$175,000 to be reimbursed to the Utilities System by Parks and Recreation Department and moneys to be reimbursed to the System from the proceeds of a \$12,650,000 State Sewer Loan.

Motion was made by Mr. Hutches that Mr. Hawkes be authorized to proceed with the proposed interim financing as outlined and that the County Attorney be authorized to proceed with drafting the necessary documents. Motion was seconded by Mr. Burton and carried unanimously.

**COUNCIL ON AGING, INC., MANATEE COUNTY**

Ken Richardson, Executive Director, Manatee County Council on Aging, Inc., requested the Board to act as third party donor in order to qualify for funds applied for under the Social Service Amendments of 1974, known as Title XX of the Social Security Act, for support of a county-wide Comprehensive Information and Referral Service. He said the county was not committed to new funding, and requested the Board to initiate a letter of intent assuring that local funding is available (referred to funds already budgeted).

Chairman Fortson suggested this matter be discussed with the budget committee and referred to the County Attorney to draft a letter of intent to be presented back to the Board. There were no objections.

**PORT AUTHORITY PAY PLAN**

Motion was made by Mr. Dierks to ratify the action by the Port Authority (May 27, 1976) to approve classification of Assistant to the Port Director and to insert into the Pay Plan at Grade 12. Motion was seconded by Mr. Burton and carried unanimously.

**COUNTY EMPLOYEES: MODIFICATION PAY PLAN**

Westwood Fletcher, Personnel Director, recommended that Step 1, of the Manatee County Pay Plan, be modified to state that pay rates of all individual employees covered by the classification plan, who are currently being paid at hourly rates below the approved minimum pay rates or pay grade to which their job classification is assigned shall be increased to the approved minimum pay rates or by a factor of five percent, whichever is greater. He said there are presently sixty-eight employees who would be affected by this modification, and the cost would be approximately \$3,453.18 for the balance of the fiscal year. This recommendation would be to modify Step I, as approved, in the Manatee County Pay Plan, on page 6, paragraph 10(a)

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to include the words at the end of that sentence "or by a factor of five percent (5%), whichever is greater."

Motion was made by Mr. Hutches to approve the recommendation for modification of Step I of the Pay Plan, as outlined, and authorize the County Attorney to prepare the appropriate resolution for amendment to the Appendix "E" of the Personnel Classification Plan. Motion was seconded by Mr. Burton and carried unanimously. (See subsequent motion "Personnel: Pay Increases".)

**IDLE WILD COURT SUBDIVISION**

**VACATION OF IDLEWILD COURT (CUL-DE-SAC)**

Mr. Hutches moved for the adoption of a Resolution granting petition of Floyd and Marie Lovejoy and Albert and Nancy M. Baudrit, vacating and closing that portion of Idle Wild Court (cul-de-sac) in Idlewild Court Subdivision as described in said petition. Motion was seconded by Mr. Dierks and carried unanimously. (Public Hearing May 18, 1976)

RESOLUTION RECORDED 225-62

**PLAT: W. E. PAGE HOUSING PROJECT**

Motion was made by Mr. Dierks that the final plat of W. E. PAGE HOUSING PROJECT, in the City of Bradenton, be approved. Motion was seconded by Mr. Hutches and carried unanimously.

**GARBAGE FRANCHISE: CEDAR HAMMOCK GARBAGE DISPOSAL**

**RE: ACTIVE DISPOSAL SERVICE**

The County Attorney referred to a letter he had received from the attorney for Cedar Hammock Refusal Disposal Corporation advising that Active Disposal is advertising and soliciting the collection of garbage, etc., inside the franchised district of Cedar Hammock, and asked the Board to instruct him on this matter.

Motion was made by Mr. Dierks that the County Attorney be authorized to draft a letter to Active Disposal notifying them that they are in violation of the franchise agreement between County and Cedar Hammock, and then to take whatever legal action he considers necessary. Motion was seconded by Mr. Burton and carried unanimously.

**PERSONNEL: PAY INCREASES**

Motion was made by Mr. Burton that pay increases be approved for those employees affected by modification of Step I of the Manatee County Pay Plan, approved by previous motion and outlined by the Personnel Director, in accordance with listing submitted by the Deputy Clerk. The effective date of increase May 29, 1976. Motion was seconded by Mr. Hutches and carried unanimously.

RESOLUTION RECORDED

Y25-110

**BONDS**

Upon motion by Mr. Dierks, seconded by Mr. Hutches, the following bonds, deletions from blanket bonds, and bond transfers were unanimously approved:

Moving & Alteration of Buildings

Approved:

ALBERT WYMAN	\$1500 Auto Owners Ins.
ORETHA ROUNDTREE (P/M #6390)	\$1500 Safeco Ins.

Highway Department Driveway Permits

R. YOUNG	Permit No. 1571	Cash bond \$100.00
ALBERT LUPER	No. 2139	Cash bond \$ 50.00

SHERIFF'S Department

Addition/Transfer: Public Employees Blanket Bond

U.S. Fire Insurance Bond #83-56-01

✓ OSCAR PEREZ =to Regular Posse

Delete from above bond

✓ MICHAEL McDONALD =Patrol Deputy

✓ ROBERT E. BESTPITCH =Mounted Posseman

✓ JAMES W. MORELAND =Patrol Deputy

✓ ROBERT C. TIDMORE =Patrol Deputy

**WARRANT LISTS & REQUISITIONS**

Motion was made by Mr. Dierks to approve Requisitions and Warrant Lists from May 25 to June 1, 1976 and to authorize Warrant Lists to June 8, 1976, said Warrant Lists to include payrolls during that period upon condition that all employees have performed their services in accordance with time and payroll practices of the county departments. Motion was seconded by Mr. Hutches and carried unanimously.

**BILLS FOR PAYMENT**

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

Blake Memorial Hospital	702.12
Manatee Memorial Hospital	22.00
Refund to Mr. Jones for overcharge on application on mobilehome: SE-919 (Belva Jones)	50.00

**CORRESPONDENCE**

Correspondence was read from

- 1) A. S. HALL, Chairman Ambulance Advisory Committee  
Recommendation Milo Moucha replace Dr. Sam Simpson.

**AMBULANCE ADVISORY COMMITTEE**

Motion was made by Mr. Hutches that Milo Moucha be appointed as member of the Manatee County Ambulance Advisory Committee to replace Dr. Sam Simpson, who is moving from the County. Motion was seconded by Mr. Dierks and carried unanimously.

- 2) A. S. HALL, Chairman, Ambulance Advisory Committee  
Recommendation advertise for bids on telemetry equipment for Emergency Medical Services (Ambulance)  
Approved in previous meeting.
- 3) A. S. HALL, Chairman, Ambulance Advisory Committee  
Recommendation funding for additional ambulance unit and required additional staff for this unit.  
(Will be taken into consideration for another budget year.
- 4) MRS. SANDRA KANDLER  
Complaint no penalty attached to law requiring rabies shots for dogs.  
Referred to County Attorney for research and discussion with Bill Gardiner, Rabies Control Officer.

**SPEED LIMITS: 17TH STREET WEST**

The County Engineer certified that appropriate speed limit signs were erected, on May 25th, 1976, on 17th Street West, between its intersection with 8th Avenue West and its intersection with 14th Avenue West, Palmetto, 25 M.P.H., in accordance with Resolution adopted 20 April 1976.

**RAILROAD CROSSING: 26TH AVENUE EAST**

The County Engineer recommended that installation of a railroad automatic grade crossing signal improvement at 26th Avenue E., west of 15th Street East, be deferred until next fiscal year since no funds are available in the Highway Department budget for public improvement.

Board members concurred in this recommendation. Mr. Hutches said he would like to have the location considered to be in front of the Southeast High School where there is a curved track and there have



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several deaths at this crossing where there is no visibility.  
There were no objections to deferring action on this matter until  
Mr. Hutches investigates the location with Mr. Ugarte.

## WARRANT LISTS

May, 1976

General Revenue	31323 - 31353
Clearing Account	21960 - 22866
Road & Bridge	12127 - 12133
Library Operating	872 - 878
Court House I & S	85
<del>Court House I &amp; S Res.</del>	
Hospital I & S	143
SCORE	815 - 820
Talking Books	2266 - 2269
Federal Revenue Sharing	2521 - 2527
Performance Bonds	62 - 63
Library Construction	931 - 934
Historical Commission	683 - 685
CETA I	1037 - 1040
CETA II	1172 - 1174
CETA VI	2446 - 2460
Manpower	1099 - 2604
Port Authority	4741 - 4748

April, May, 1976

## Manatee County Utilities System:

24.4 Sewer Revenue	0225 - 0236
13.5 Revenue	4696 - 4747
3.485 Revenue	5275 - 5290
1.65 Revenue	1250 - 1269
General Control	0941 - 1346
24.4 Water Surplus Account	2
24.4 R & R	120
13.5 R & R	192 - 194
3.485 R & R	168 - 169
1.65 R & R	168 - 169


## MEETING ADJOURNED

There being no further business the meeting was declared adjourned.

8/17/76

Attest:

M. T. McInnis, Clerk

  
Deputy Clerk

APPROVED:

  
Chairman