

AUGUST 10, 1976

The Board of County Commissioners of Manatee County, Florida met in REGULAR SESSION in Bradenton, Florida at the Manatee County Courthouse, on Tuesday, August 10, 1976.

Present were Commissioners L.H. Fortson, Jr, Chairman
Ken D. Dierks
Robert C. Hutches
Also present were Henry E. Bourne, Deputy (entered during
meeting)
E.N. Fay, Jr., County Attorney

Vice Chairman Dan P. McClure and Commissioner Ken Burton were not present.

The meeting was called to order by Chairman Fortson.

ZONING

Art Fischer, Planning Director, advised that the items on the Zoning Agenda would have to be postponed since any changes in zoning requires four-fifths vote of the governing body.

MILLAGE - CERTIFICATION

Certification of Millage and Taxable Value of real and personal property, including statement of Additions and Deletions by A.B. (Archie) Powell, Property Appraiser, was received for the record.

TRAVEL: HIGHWAY DEPARTMENT

The County Engineer requested permission for Marcus Wright to visit the Wayne Manufacturing Company in California for three days to view their new line of sweepers. There would be no cost to the County.

Mr Hutches made a motion that the request be approved. Motion was seconded by Mr Dierks and carried unanimously.

(Enter Mr Bourne)

59TH STREET WEST CONDEMNATION: SETTLEMENT

Mr Dierks made a motion that the County Attorney and the Right-of-Way Department be authorized to settle Parcel No. 1.1., Exxon Corporation, for \$10,416.00, and to approve the settlement agreement, in the 59th Street, West, condemnation suit. Motion was seconded by Mr Hutches and carried unanimously.

Mr Dierks made a motion that the County Attorney and the Right-of-Way Department be authorized to settle Parcel No. 9.1, Frederick H. and Margaret G. Llagas, for \$1,445.07, and to approve the settlement agreement in the 59th Street, West, condemnation suit. Motion was seconded by Mr Hutches and carried unanimously.

ELECTIONS: CHANGE IN POLLING PLACE - PRECINCT NO. 8

Mr Hutches made a motion to approve a change in the Polling Place for

PRECINCT NO. 8

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(Cont'd)

FROM: Palmetto Masonic Lodge
1605 3rd Avenue West
Palmetto, Florida

TO: St Andrews A.M.E. Church
203 17th Street, West
Palmetto, Florida.

Motion was seconded by Mr Dierks and carried unanimously.

PERSONNEL: PAYROLL CHANGES

Mr Hutches made a motion to approve previously coordinated personnel payroll modifications, with the addition of Janice Tressler, for the MVI Station, as a MVI Inspector I, at a rate of \$2.94 an hour, and that the Chairman be authorized to sign the appropriate documents. Motion was seconded by Mr Dierks and carried unanimously.

**PERSONNEL: LIBRARY SYSTEM
POLICY WAIVER (ROBINSON)**

Westwood Fletcher, Personnel Director, advised that in August, 1975, the Board approved a request from the Library Director, for Evelyn Robinson, to continue employment beyond her 65th birthday and authorized a waiver of policy to permit her to earn vacation and sick leave; that a new Personnel Policy has been adopted since that time and that the Library Director now requests that the Board sustain the policy waiver of August 1975, in order that Mrs Robinson may continue to earn annual vacation and sick leave on a pro rata basis, based on the number of hours she works.

Mr Hutches made a motion to sustain the policy exception of August 1975, to allow Evelyn Robinson to earn annual vacation and sick leave on a pro rata basis. Motion was seconded by Mr Dierks and carried unanimously.

SAMPLE BALLOT

Mr Dierks made a motion to approve the Sample Ballot for the September 7, 1976 First Primary, as presented. Motion was seconded by Mr Hutches and carried unanimously.

TRANSIT DEPARTMENT: BID - VACUUM CLEANER

Mr Dierks made a motion to accept the low bid of Cameron & Barkley Company, for a heavy duty vacuum cleaner, in the amount of \$187.20, for the Transit Department, as recommended by Mr Davis. Motion was seconded by Mr Hutches and carried unanimously.

TRANSIT DEPARTMENT: BIDS - OFFICE EQUIPMENT

Mr Dierks made a motion to accept the low bids of
KEETON'S OFFICE SUPPLY CO for office furniture \$2,194.30
P.K. SMITH, for typewriter in the amount of 531.70
for the Transit Department, as recommended by Mr Davis.
Motion was seconded by Mr Hutches and carried unanimously.

**COMMUNITY DEVELOPMENT BLOCK GRANT (MULTI-PURPOSE CENTER)
ACCEPTANCE (HUD)**

Don Shepherd, Grants Coordinator, advised that the County had been approved for a HUD Community Development Block Grant, in

the amount of \$150,000.00 for a Multi-Purpose Center in the eastern portion of the County, and requested that the Chairman be authorized to accept the grant and to sign the necessary documents, including the signature cards.

Mr Hutches made a motion that the grant be accepted and that the Chairman be authorized to execute the appropriate documents. Motion was seconded by Mr Dierks. (MOTION WAS NOT VOTED ON).

**COMMUNITY DEVELOPMENT BLOCK GRANT (HUD)
PRE-APPLICATION 1976-1977**

Mr Hutches made a motion to approve the filing of a Pre-Application for 1976-77 funding through the Community Development Block Grant Program (HUD), as recommended by Don Shepherd. Motion was seconded by Mr Dierks and carried unanimously.

COUNCIL ON AGING: FUNDING

Don Shepherd advised that on Tuesday, August 17, 1976, he would be able to answer questions on the funding that could be made available to the Council on Aging for their Senior Citizens Center.

HUMAN RESOURCES, DEPARTMENT OF O.J.T. BETMAR

Mr Dierks made a motion to approve, ratify and confirm On-the-Job Training Voucher No. 33 for Betmar Cooling and Heating, to train one Air Condition Mechanic and Installer, in the amount of \$850.00, for the period of August 11, 1976 to April 5, 1977. Motion was seconded by Mr Hutches and carried unanimously.

ZONING VIOLATION (BIRBILIS)

Nick Birbillis, 5720 1st Ave. Dr. N.W., Bradenton, was present regarding notice he received from the Planning and Development Department that a utility building on his property was in violation of the Zoning Ordinance setback requirements. He said he was unaware of the setback requirement when he installed the building and requested that the Board modify the Zoning Ordinance to a more reasonable setback.

Art Fischer stated that the Planning Commission agreed that the Zoning Ordinance should be left as it stands.

Mr Birbilis was advised that the Board did not wish to initiate a change in the Ordinance and it was suggested that he meet with Mr Fischer to work out an agreeable time to move the utility building to meet the requirements.

SEWER ASSESSMENT: PAUL GOMPF

Paul Gompf, 2004 49th Ave. W., was present to appeal the sewer assessment placed on his property.

Upon advice from the County Attorney, Mr Gompf was advised that the time for appeals has already passed and the the Board could not legally change the assessment.

MILTON ROY COMPANY: PLANS & SPECIFICATIONS

County Attorney presented and recommended acceptance of a copy of Milton Roy Company's 1975 Annual Report, Second Quarter Report for 1976, and Plans and Specifications for the buildings they plan to renovate to expand its existing plant facility.

Mr Hutches made a motion that the reports, plans and specifications be accepted as presented. Motion was seconded by Mr Dierks and carried unanimously.

MILTON ROY COMPANY: INDUSTRIAL REVENUE BONDS

Mr Hutches made a motion to adopt a resolution AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF INTENT AND INDUCEMENT AGREEMENT TO MILTON ROY COMPANY WITH RESPECT TO THE COUNTY ISSUANCE OF REVENUE BONDS TO FINANCE CERTAIN IMPROVEMENTS AT SAID COMPANY'S PLANT AND THE CONSTRUCTION OF ADDITIONAL FACILITIES. and that the Chairman be authorized to execute the Letter of Intent to the Milton Roy Company. Motion was seconded by Mr Dierks and carried unanimously.

RESOLUTION RECORDED 226-181

STATE ROAD NO. 789: MCUS PERMIT

Mr Hutches made a motion to adopt a resolution AUTHORIZING THE EXECUTION OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A USE PERMIT FOR THE CONSTRUCTION AND MAINTENANCE OF A UTILITY LINE WITHIN THE RIGHT OF WAY OF SR 789, SECTION NO. 13080.

Motion was seconded by Mr Dierks and carried unanimously.

RESOLUTION RECORDED 226-182

PARKS & RECREATION: BOAT DOCKS (AGREEMENT - BAKER)

Mr Dierks made a motion that the Chairman be authorized to execute an agreement with Baker Enterprises Inc. for the construction of boat docks on the Braden River and Sarasota Pass, in the amount of \$15,689.53. Motion was seconded by Mr Hutches and carried unanimously.

AGREEMENT RECORDED 226-183

Mr Dierks made a motion to approve the performance bond of Baker Enterprises Inc., in the amount of \$15,689.53, with Continental Casualty Company, as surety on the construction of boat docks at Braden River and Sarasota Pass. Motion was seconded by Mr Hutches and carried unanimously.

**PARKS & RECREATION: SARASOTA BAY BOAT DOCK
LAND LEASE - INTERNAL IMPROVEMENT FUND**

Mr Dierks made a motion that the Chairman be authorized to execute an acceptance of a Submerged Sovereignty Land Lease (#41-38-0395-3E) (from the Department of Natural Resources), Board of Trustees of the Internal Improvement Trust Fund, for a 25 year term, for the Sarasota Bay Dock and Ramp Facility. Motion was seconded by Mr Hutches and carried unanimously.

LEASE RECORDED 226-184

PARKS & RECREATION: FISHING REEF

The County Attorney advised that John Marble had submitted a proposed resolution in connection with a Department of Natural Resources Recreation Development Assistance Program/Project Application for the construction of eight fishing reefs in the Gulf. He suggested that the resolution be rewritten, and requested permission to draft an appropriate resolution. There were no objections.

VETERANS DAY

Mr Dierks made a motion to adopt a resolution proclaiming observance of Veterans' Day on November 11, 1976, as prepared and submitted by the County Attorney. Motion was seconded by Mr Hutches and carried unanimously.

RESOLUTION RECORDED 226-185

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LEGAL FEES (SHERIFF)

County Attorney advised that he had researched the legality of paying the legal fees of Attorney Larry Byrd, for the defense of the Sheriff and Deputy Stephen Murray, for criminal charges that were later dropped or nol-prossed. He stated that the County has the discretionary right to pay the bills, in the amounts of \$5,923.86 and \$4,873.86, out of County funds; or the Sheriff could be instructed to pay them from his budget. Mr Hutches made a motion that the Sheriff be instructed to pay the costs out of his budget. Mr Fortson stepped down as Chairman to second the motion. Mr Hutches and Mr Fortson voting "aye". Mr Dierks voting "no". Mr Dierks stated that he was not against the motion, but thought a full Board should be present to vote on the matter. Motion carried 2 to 1, with 3 of 5 members being present and voting on the motion.

SEWER ASSESSMENT: JOSEPH SIMANONOK

The County Attorney stated that a letter had been received from Joseph Simanonok, 7119 8th Avenue, N.W., Bradenton, petitioning the Board to designate an escrow agent to receive monthly sewer charges, pending a Court determination of the litigation in which he is involved with the Pollution Control Department, pertaining to sewer assessment and monthly sewer charges. Mr Fay advised that the bond resolution states what the monthly sewer charge is to be used for and the Board does not have the authority to set up a separate escrow account.

Mr Simanonok was present to discuss the matter and was advised that legally the assessment could not be withdrawn, nor the monthly charges stopped.

PAVEMENT MARKING PROJECT**AGREEMENT: DEPARTMENT OF TRANSPORTATION**

The County Engineer and Fred Wright, Florida Department of Transportation, requested approval of a Pavement Marking Project in which the DOT will mark the center lines and/or edges of approximately 53 miles of county roads, at an approximate cost of \$67,835.00, to be funded by the Federal Highway Administration; and presented a resolution for adoption authorizing the execution of a Memorandum of Agreement to that effect. Mr Wright stated that the County is required to collect accident data on sections of roads listed in the agreement one year prior to the painting and two years after the painting. Mr Dierks made a motion to adopt the resolution authorizing the execution of a Memorandum of Agreement between the DOT and the County, requesting participation in the 1973 Highway Safety Act. Motion was seconded by Mr Hutches and carried unanimously.

RESOLUTION/
AGREEMENT RECORDED 226-186

STATE ROAD NO. 683: MCUS PERMIT

Mr Hutches made a motion, seconded by Mr Dierks, and carried unanimously, to adopt a resolution

AUTHORIZING THE EXECUTION OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A USE PERMIT FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A UTILITY SANITARY SEWER SYSTEM WITHIN THE RIGHT OF WAY OF SR 683 (US 301), SECTION NO. 13120, FROM MP STATION 5.886 TO MP STATION 5.621 AND ALSO FROM MP STATION 3.448 TO MP STATION 3.557.

RESOLUTION RECORDED 226-187

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CONSTRUCTION TRUST FUNDS

Mr Hutches made a motion, seconded by Mr Dierks, and carried unanimously to adopt a resolution authorizing the payment of:

WATER SYSTEM CONSTRUCTION TRUST FUND

REQUISITION # 11.650 -77

Ditch Witch Trencher, Inc. of Florida	- \$13,890.00
Heyl & Patterson, Inc	- 1,699.51
Woodruff & Sons, Inc.	- 711.00
MCUS, \$13.5 Revenue Account	- 1,475.69

RESOLUTION RECORDED 226-188

Mr Dierks made a motion, seconded by Mr Hutches, and carried unanimously to adopt a resolution authorizing the payment of:

SEWER SYSTEM CONSTRUCTION TRUST FUND

REQUISITION #24.4 - B - 175

Bill Roberts, Inc.	- \$ 627.50
Herman H. Rohrer & Mabelle Rohrer	- 596.82

and to accept the utility easement granted by Herman H. Rohrer and Mabelle Rohrer.

RESOLUTION RECORDED 226-189

BUDGET AMENDMENT

Mr Dierks made a motion, seconded by Mr Hutches, and carried unanimously to adopt a resolution authorizing the transfer of funds within the Motor Vehicle Inspection Department

From: Maintenance of Equipment	500.00
TO: General Office Supplies	500.00

(The amount was incorrectly read and will be presented for approval at the next regularly scheduled meeting).

RESOLUTION X

BONDS

Mr Dierks made a motion, seconded by Mr Hutches, and carried unanimously to approve the following bonds:

SHERIFF'S DEPARTMENT

Public Employee Blanket Bond - Auto Owners Ins. Company
Bond #767012-20210325

Add: ✓LAWRENCE J. SMITH - Mounted Posseman
✓RICHARD W. WATSON - Mounted Posseman
Delete: ✓ROBERT R. SOWERS - Patrol Deputy

Moving & Alteration of Building Bond

HANK MARTIN - Auto Owners Ins. Co. \$2,500.00
Pre-Moving No. 7094.

WARRANT LISTS & REQUISITIONS

Mr Hutches made a motion, seconded by Mr Dierks, and carried unanimously to approve Warrant Lists & Requisitions from August 3 to August 10, 1976, and authorize Warrant Lists to August 17, 1976, said Warrant Lists to include any payroll during that period upon condition that all employees performed their services in accordance with time and payroll practices of the County Departments.

BILLS FOR PAYMENT

Mr Hutches made a motion, seconded by Mr Dierks, and carried unanimously to approve the following bills for payment:

Professional Ancillary Services	\$ 50.00
Zoller-Abbott Architects	12,000.00
Medical Examiners	835.00

(This amount was incorrectly read and will be presented for approval at the next regular meeting.)

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Al Williams (Block Exam Fee Refund)	\$ 35.00
Robert Butler (Block Exam Fee Refund)	35.00
Myrtle Carrasquillo (Refund)	50.00
Manatee Memorial Hospital	74.00
Manatee Memorial Hospital	8,639.56
Manatee Memorial Hospital	1,250.00
Manatee Memorial Hospital	4,446.76
Manatee Memorial Hospital	8,350.26
Mann, Fay & Price	4,417.50

ELECTION OFFICIALS; SAMPLE BALLOT

Mr Hutches made a motion to approve and advertise the Election Officials (Clerks and Inspectors) to hold the First and Second Primary Elections September 7 and 28, 1976, and to advertise the Sample Ballot, First Primary. Motion was seconded by Mr Dierks and carried unanimously.

✓ OFFICIALS RECORDED Z26-190

COURTHOUSE-JAIL EXPANSION

The Chairman read a resolution from the City of Bradenton Beach requesting that the County cease planning for the construction of expansion to the Manatee County Jail in the downtown area of Bradenton, to determine the most economical approach to provide for present and future prisoner incarceration facilities, and to consider use of existing municipal court and jail facilities to provide for the immediate needs. There were no objections to the Chairman acknowledging receipt of the resolution.

BOARD OF TAX ADJUSTMENT

There was a discussion regarding setting the date for the Board of Tax Adjustment. Chairman advised that the new laws governing the Board of Tax Adjustment would be reviewed to try to determine how to legally proceed.

POLLUTION CONTROL

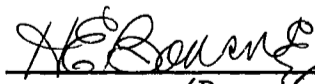
Upon question from Mr Hutches regarding how much of the Pollution Control Budget is spent on Port-related businesses, O.E. Randle advised that less than half of the Pollution Control expenditures go to the Port, and that most of their work is at the domestic sewerage treatment plant.

MEETING ADJOURNED

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

Attest:
M.T. McInnis, Clerk

APPROVED: 2 November 1976



(Deputy Clerk)



(Chairman)