

AUGUST 31, 1976

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Courthouse in Bradenton, Florida, Tuesday, August 31, 1976, at 9:07 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.

**PROJECT NO. 760**

The Chairman declared public hearing opened for the purpose of considering objections to special improvements under

PROJECT NO. 760 - 21st Avenue East from 12th Street E., to 15th St., E.

Bob Moon, Right-of-Way Agent, advised that one of the property owners, Mr Owens, had notified his office that the petition had been circulated for street lights on 21st Avenue East, and not for paving, and stated he wanted his name removed from the petition.

Appearing in favor of the paving project were:

Tommy Cosby - 1308 21st Avenue, E.

Arthur Martin - 1206 21st Avenue E. - appearing on behalf of his mother, Alicia Martin, owner of Lots 96 and 97, Lincoln Terrace, questioned the financial cost. He said the petition was represented to be for street lights, however, they are in favor of paving the street, also.

Bob Moon advised that removal of Mr Owen's name from the petition reduced participation from 76% to 70.4%, which still met requirements as a paving project.

The Chairman declared the public hearing closed.

Motion was made by Mr McClure to adopt a Resolution ordering improvements and preparation of Special Improvement Assessment Roll on Project No. 760, on which public hearing would be held September 21, 1976 at 9:00 A.M. Motion was seconded by Mr Dierks and carried unanimously.

RESOLUTION RECORDED 226-218

**PROJECT NO. 639**

Mr Moon advised that Participation Project No. 639 had been accepted by the Board for engineering work in 1972 (74.9% participation) and requested a date for hearing objections to the paving on 27th Street West from 45th Avenue West to 46th Avenue West and 45th Avenue West from 26th Street West to 28th Street West.

Motion was made by Mr McClure to accept Project No. 639 and to hold the public hearing for objections to special improvements on September 21, 1976 at 9:15 A.M. Motion was seconded by Mr Hutches and carried unanimously.

**TRANSIT CAPITAL/OPERATION GRANT: PUBLIC HEARING**

Chairman Fortson advised that the public hearing for the Transit Grant Application was inadvertently advertised (as a display) to be held by the Board of County Commissioners, and it should be advertised as a legal by the Department of Transportation as a Notice of Public Hearing to be held by that Department on September 30, 1976 at 9:00 A.M. There were no objections.

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**GOLF COURSE CLUBHOUSE: BIDS**

Sealed bids received, authorizing the acquisition of a clubhouse for the Manatee County Golf Course by lease-purchase agreement were opened and read as follows:

1)	SAINER CONSTRUCTION CO	\$161,000.00 (base)
		\$290,000.00 (finance bid)
2)	JOSEPH DeFLAVIS	\$220,222.00 (base)
		\$353,530.00 (gross purchase price)
3)	LARSEN BROTHERS CONSTRUCTION CO	\$174,200.00 (base)
		\$276,252.00 (gross purchase price)
4)	LESTER GREEN	\$105,500.00 (base)
		\$166,867.20 (gross purchase price)

Motion was made by Mr McClure to refer all bids for the acquisition of a clubhouse for the Manatee County Golf Course to the architect, Bill Zoller, all commissioners and the Director of the Park and Recreation Department, John Marble, for review and tabulation at a work session on Thursday. Motion was seconded by Mr Dierks and carried unanimously.

**TRANSIT DEPARTMENT: BIDS ON RADIO EQUIPMENT**

H.E. Bourne, Deputy Clerk, advised that no bids were received for radio equipment for the Manatee County Transit Department.

**MOTOR POOL: BIDS ON INSURANCE**

Sealed bids received for the purpose of selecting a supplier of Insurance on Vehicles and Equipment for the Manatee County Motor Pool against fire, theft, lightning and other perils named in the policy expiring September 8, 1978, were opened and read as follows:

1)	EMPLOYERS INSURANCE OF WAUSAU	\$ 4,095.00
2)	BRADENTON INSURANCE COMPANY	\$ 10,221.48

All bids were referred to Martin Williams, Director of Manatee County Motor Pool for review, tabulation and recommendation.

**LOT CLEARING**

The Chairman declared public hearings opened for the purpose of considering petition:

LC-1044	Pearl L. Keller, alleging that certain land owned by the Rocrest Company, Harbor Ventures, Inc., and Frederick E. Winkler, as Trustee, had not been cleared in accordance with the requirements of the Laws of Florida, Special Acts of 1969.
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Dave Fulford referred to a letter from Helen Robinson, Agent, stating the lot/behind her property at 3207 Bayshore Gardens Parkway, and enclosed receipts for mowing that had been completed during the past year in excess of \$1300; that the complainants oftentimes dump grass clippings, tree trimmings and junk on the property so that the mower can not do an adequate job of mowing.

The Chairman declared the public hearing closed.

Chairman Fortson suggested action on LC-1044 be deferred one week. There were no objections.

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LC-1057	Eleanor N. Holcombe, alleging that certain land owned by Lillian M. Newman had not been cleared in accordance with the requirements of the Laws of Florida, Special Acts of 1969.
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NOTE: \* (See page 223 for Item (LC-1054) Inadvertently omitted here.)

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Recommendation was made by Chairman Fortson that action be deferred on LC-1057 for one week. There were no objections.

The public hearing was declared closed.

**STANDARD HOUSING CODE - ADOPTED**

The Chairman declared the public hearing opened for the purpose of determining if the Board should adopt the Standard Housing Code, 1976 Edition, with certain amendments and modifications applicable to all of the unincorporated areas of Manatee County.

Art Fischer, Director of Planning and Development, recommended adoption. There were no objections, and the Chairman declared the public hearing closed.

A motion was made by Mr Dierks to adopt a Resolution adopting the 1976 Edition of the Standard Housing Code, with amendments and modifications as outlined. Motion was seconded by Mr Hutches and carried unanimously.

RESOLUTION ADOPTED Z26-219

**ZONING**

Recommendations of the Planning Commission were presented by Art Fischer.

R-779 TRAILER PARK CONSTRUCTION CO., INC./SOUTHERN STATE SALES, INC  
Thomas W. Stewart, Agent - APPROVED  
Request to change the present zoning from R-1AA to T-1 (Mobilehome Park Dist.) for use as permitted in T-1 District, at 5616 2nd Street West, Bradenton, on 4.93 acres.  
Planning Commission recommended approval.

Thomas Stewart, Agent, and Bob Quinn made a presentation on the proposed use of the property. Upon suggestion by Mr Dierks that the County Zoning Ordinance regarding the size of travel trailer lots be changed to coincide with the size of mobilehome lots, Mr Hutches advised that the request was for a re-zone, not for change of zoning ordinance, which could be discussed at a later date.

A motion was made by Mr Dierks to approve R-779 and adopt the appropriate Resolution. Motion was seconded by Mr Hutches and carried unanimously.

RESOLUTION RECORDED ZONING

R-782 JOHNNY & WILMA STONE DENIED R-779  
Request change the present zoning from -A- (General Agriculture) to A-1 (Suburban Agriculture) District, or such other district as determined to be more appropriate, on 6 acres m/1, at 6607 Pine Street E., Bradenton, Florida.  
Planning Commission recommended DENIAL.

A motion was made by Mr Hutches to deny R-782, as recommended. Motion was seconded by Mr Burton and carried unanimously.

SE-932 JOHNNY & WILMA STONE DENIED  
Request a Special Exception to permit retired ministers' rest home (Magnolia Manor Rest Home for the Aged) at 6607 Pine Street, East, Bradenton, on 6 ± acres, current zoning -A-.  
Planning Commission recommended DENIAL.

A motion was made by Mr Hutches to deny SE-932, as recommended by the Planning Commission. Motion was seconded by Mr Dierks and carried unanimously.

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R-785 PARAMOUNT BRUSH COMPANY APPROVED

Marco Gueli (Ralph Trapasso - Agent) -  
Request to change the present zoning from C-1 (Commercial District) to C-2 (Heavy Commercial District) or to such other district as to be more appropriate for Auctions at 5715 15th Street, East, Bradenton, on 4.68 acres.  
Planning Commission recommended approval.

A motion was made by Mr Hutches to approve R-785 and adopt the appropriate Resolution, as recommended by the Planning Commission. Motion was seconded by Mr Burton and carried with a vote of 4 to 1. Mr Dierks voted "No".

✓RESOLUTION RECORDED ZONING  
R-785

SE-933 CAROL B. THORPE APPROVED

Request Special Exception to permit a child day care center at Garden Heights Subdivision at 2044 47th Avenue, West, Bradenton, on 0.16 acre; current zoning R-1AA.  
Planning Commission recommended denial because it would be a nuisance to the surrounding area, in its present condition, and the child safety and care conditions are inadequate at this time, (Committee Report)

Carol B. Thorpe, petitioner, was present and requested an explanation as to why it was considered a nuisance problem when there had been no complaints from the surrounding neighbors.

Barbara Coffee - 2703 27th St., West - a close neighbor of Mrs Thorpe's, had no complaints.  
Mary Mulligan - 2702 22nd St., West - not opposed to the nursery itself, but asked the Board to consider the added traffic congestion.

A motion was made by Mr Hutches to approve SE-933 and adopt the appropriate Resolution. Motion was seconded by Mr Dierks and carried unanimously. ✓RESOLUTION RECORDED ZONING SE-933

SE-935 SUPER TEST GASOLINE COMPANY, INC. DENIED

Request Special Exception to permit sale of carryout beer in conjunction with gasoline service station at 3005 9th Street, E., Bradenton, on 0.75 acre; current zoning C-1.  
Planning Commission recommended denial.

A motion was made by Mr Hutches to deny SE-935, as recommended. Motion was seconded by Mr Dierks and carried unanimously.

SE-833 FIRST NATIONAL BANK IN PALM BEACH APPROVED

Request: A one year extension of time in which to submit the preliminary plans for cemetery complex, located northwest of Caruso Road and SR 70, Manatee County, on 66.19+ acres.  
Planning Commission recommended approval.

A motion was made by Mr Hutches to approve SE-833 and adopt the appropriate Resolution. Motion was seconded by Mr Burton and carried unanimously. ✓RESOLUTION RECORDED ZONING SE-833

76-S-12(P&F) HOLLY SUBDIVISION APPROVED

Leo Mills and Associates, Agent -  
Request preliminary and final plat approval of a single family

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subdivision for 3 single family lots, bordered on the north by 13th St., West and approximately 115 feet west of 48th Avenue, W. (Bordered on the south by the Manatee River).  
Zoning District: R-1A & R-1B on 2.5 acres.  
Planning Commission recommend approval.

A motion was made by Mr McClure to approve 76-S-12 (P&F) and adopt the appropriate Resolution. Motion was seconded by Mr Burton and carried unanimously.

RESOLUTION RECORDED ZONING  
76-S-12 (P&F)

76-S-13(P) MEADOWGREEN SUBDIVISION

APPROVED

Don Zoller Engineering, Inc., Agent -  
Request preliminary plat approval of a single family subdivision for 54 single family lots, bordered on the West by 59th St., West, and approximately 300 ft North of Manatee Ave in R-1A zoning district on 14.7 acres +.  
Planning Commission recommended approval.

A motion was made by Mr McClure to approve 76-S-13(P) and adopt the appropriate Resolution. Motion was seconded by Mr Burton and carried unanimously.

RESOLUTION RECORDED ZONING  
76-S-13(P)

RECESS

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

PHOSPHATE MINING: PROPOSED ORDINANCE/REFERENDUM

Donald Haddock, Attorney, and C.B. House were present regarding their request submitted August 24, 1976, (with petitions totaling 8300 signatures) requesting a County Ordinance calling for a referendum on phosphate mining. They presented an additional petition with 170 signatures.

The County Attorney reviewed the procedure the Phosphate Mining Companies have to follow in submitting applications for DRI's. He gave legal opinion that the wording of the proposed Ordinance "Should permits and/or special exceptions for strip mining of phosphate be granted in Manatee County" would be misleading to the public because, regardless of how the public votes, they have no control over the situation. He suggested that a referendum, be it a straw vote or a binding referendum, not be held, but that a public forum of some nature be held to hear what the public has to say. He stated that the County citizens should contact the local legislative delegation in order to change State Law (Chapter 380, Florida Statutes), if the public, in fact, does not believe in phosphate mining.

Others entering into the discussion were Art Fischer, Planning and Development Director; Jerome Davis, Supervisor of Elections, who advised that a referendum could be added to the November 2nd ballot, but that the books would be closed on September 18th and nothing could be added to that ballot, after that deadline. Others speaking on the subject were Dick Blankenship and Art Fischer.

A motion was made by Mr McClure that the request for a public hearing to consider adoption of an Ordinance calling for a referendum on phosphate mining be approved, and that the public hearing be conducted at the Bradenton City Hall, subject to permission from the City Council, on the evening of September 16, 1976, at 7:00 p.m. Motion was seconded by Mr Hutches and carried with a vote of three to two. Voting "AYE": Mr McClure, Mr Hutches and Chairman Fortson. Mr Burton and Mr Dierks voted "NO". Motion carried three to two.

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**PERSONNEL: HIGHWAY DEPARTMENT - LABOR DAY**

Carlos Ugarte, County Engineer, requested permission to allow the Highway Department employees to work on Labor Day, September 6, 1976, to put voting machines in the voting precinct stations.

A motion was made by Mr Dierks to approve the request of the County Engineer and authorize County Highway Department employees to work September 6, 1976, Labor Day. Motion was seconded by Mr Burton and carried unanimously.

**PAYROLL MODIFICATIONS**

Westwood Fletcher submitted request for approval of previously coordinated personnel payroll modifications ( new hires, job reclassifications, terminations and miscellaneous) and that the Chairman be authorized to sign the appropriate documents.

A motion was made by Mr McClure to approve the payroll modifications and authorize the Chairman to sign the appropriate papers. Motion was seconded by Mr Burton and carried unanimously.

**HOUSEMOVING PERMIT: CARTER**

Motion was made by Mr Burton to approve application of:

Mike Carter to move buildings from 717 South Trail,  
Ruskin to 9407 25th Street, East, Ellenton.  
(Pre-moving No. 7432, Robert Johnson, Mover).

Motion was seconded by Mr Dierks and carried unanimously.

**WARRANT LISTS & REQUISITIONS**

Motion was made by Mr Dierks to approve Warrant Lists and Requisitions from August 24 to August 31, 1976 and authorize Warrant Lists to September 7, 1976, said Warrant Lists to include any payrolls during that period upon conditions that all County employees have performed their services in accordance with time and payroll practices of County Departments. Motion was seconded by Mr Burton and carried unanimously.

**HOUSEMOVING PERMITS: INTERNATIONAL MINERAL**

Motion was made by Mr Hutches to approve application of:

International Mineral Corp. to move two (2) buildings  
from DeSoto County to one (1)  
mile south of SR 70, E/S  
Sugar Bowl Road.  
(Pre-moving Nos. 7605, 7606  
Jack Carrol, Mover).

Motion was seconded by Mr Burton and carried unanimously.

**STATE ROADS 64, 43, 70: MCUS PERMITS**

A motion was made by Mr Hutches to adopt a Resolution authorizing the execution of an application to the State Department of Transportation for a Use Permit for construction and maintenance of a utility line within the right of way of State Road 64, Section No. 13150. Motion was seconded by Mr Burton and carried unanimously.

RESOLUTION RECORDED Z26-220

Motion was made by Mr Hutches to adopt a Resolution authorizing the execution of an application to the State Department of Transportation for a Use Permit for construction and maintenance of a utility line within the right of way of State Road 43, Section 13020. Motion was seconded by Mr Burton and carried unanimously.

RESOLUTION RECORDED Z26-221

A motion was made by Mr Hutches to adopt a Resolution authorizing the execution of an application to the State Department of Transportation for a Use permit for construction and maintenance of a utility line within the right of way of State Road 70, Section 13160. Motion was seconded by Mr Burton and carried unanimously.

RESOLUTION RECORDED Z26-222

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**CONSTRUCTION TRUST FUND**

A motion was made by Mr Hutches to adopt a Resolution authorizing payment of:

PROJECT CONSTRUCTION TRUST FUND ACCOUNT  
State Loan NO. 2 - Payment NO. 1

Inter City National Bank	\$536,179.61
Ellis First National Bank	\$436,179.60
Russell Hawkes, Fiscal Agent	\$ 22,062.50

Motion was seconded by Mr Dierks and carried unanimously.

RESOLUTION RECORDED Z26-223

**COURT ORDER: REIMBURSE COSTS (PEDDICORD)**

The County Attorney submitted Order for Costs on Case #75-516F, State of Florida vs Dean Peddicord, where defendant had been acquitted by jury verdict at trial hearing on November 20, 1975; ordering reimbursement by Manatee County for costs incurred in preparation of his defense at trial, in total amount of \$1,241.60. The Order was referred to the Deputy Clerk. (Ref. Section 939.06, Florida Statutes).

**SHADYBROOK VILLAGE: BOND**

A motion was made by Mr Hutches to approve and accept a time Certificate of Deposit bond from Judge James E. O'Brien, Vice-President of Shadybrook Village (\$10,000.) interest payable 11/28/76, 90 days, under condition that Shadybrook Development Corporation will complete the improvements of the sewer in Shadybrook Village, Manatee County, Florida, in conformance with the plans and specifications. Motion was seconded by Mr Dierks and carried unanimously.

**UNION LOCAL 1584**

The County Attorney referred to letter of request from James D. Brady, Sr, of Manatee County and Municipal Employees, Local 1584 American Federal of State, County and Municipal Employees, AFL-CIO, an apparent request for voluntary recognition of a Union Local as exclusive bargaining agent for certain County employees for the purpose of collective bargaining. He recommended he be authorized to write Mr Brady asking for an explanation of the type of classification of employees, as further information on the matter.

A motion was made by Mr Dierks to authorize the County Attorney to request further information from Mr Brady and notify him that no action could be taken at this time. Motion was seconded by Mr Burton and carried unanimously.

A motion was made by Mr Hutches to adopt a Resolution (1) approving budget amendments by item to item transfers as follows:

WORK RELEASE DEPARTMENT

From: Food & Dietary	\$1,000.00
TO: Communications	\$1,000.00

and (2) Designating L.H. FORTSON, JR., Chairman, Board of County Commissioners OR DAN P. McCLURE, Vice-Chairman, Board of County Commissioners.

and M.T. McINNIS, Clerk of Circuit Court

as persons authorized to sign checks withdrawing funds from

Account: Community Development Block Grant

Account No. 05-778-9

First Commercial Bank of Manatee County

Account: Transit Capital Outlay Fund

Account No. 05-002-1-01

The Island Bank

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and authorizing the use of facsimile signatures.

Motion was seconded by Mr Burton and carried unanimously.

**BONDS**

(1) RESOLUTION RECORDED ✓ 226-224  
(2) ✓ 226-225

A motion was made by Mr Dierks to approve the following bonds:

Sheriff's Department

✓ ROSA D. FRAZIER - School Crossing Guard  
✓ JAMES R. SCHWALBACH - School Crossing Guard  
✓ ELAINE J. FLINN - School Crossing Guard

DRIVEWAY PERMIT

Mrs H.W. Farmer - Cash Bond & Money Order \$75.00  
Permit No. 2039

Motion was seconded by Mr Hutches and carried unanimously.

**BILLS FOR PAYMENT**

A motion was made by Mr Burton to approve the bills for payment as follows:

Al Brice	\$ 359.00
Douglas R. Croll	\$3,111.02
Mann, Fay & Price	\$1,687.50

Motion was seconded by Mr McClure and carried unanimously.

**CORRESPONDENCE**

Chairman Fortson read correspondence from:

- 1) TOWN OF LONGBOAT KEY - E. Jane Pool, Deputy Town Clerk dated August 27, 1976, enclosing a certified copy of a Resolution requesting a referendum on phosphate mining.
- 2) E.N. FAY, JR. - County Attorney, dated August 27, 1976, rendering opinion that members of Election Boards must complete prescribed training (School of Instruction conducted by the Supervisor of Elections).
- 3) CITY OF PALMETTO - dated August 23, 1976, requesting the use of four voting machines for use during general election of September 14, 1976.

**ELECTIONS: VOTING MACHINES (PALMETTO)**

Motion was made by Mr Dierks, seconded by Mr Burton and carried unanimously to approve request submitted by the City of Palmetto, authorizing the use of County voting machines at Palmetto's general election September 14, 1976.

- 4) SAFETY COUNCIL - Bill Kuhn, Director - dated August 25, 1976, recommendations by the Manatee County Safety Council for approval of
  - a. 25 M.P.H. speed limit - 37th St., E. between 38th Avenue and 53rd Avenue
  - b. Two yield signs on Shepherd Street at its intersection with Broughton at the traffic island.
  - c. 25 M.P.H. speed limit - 7th St. E. between 38th Avenue and 44th Avenue, E.

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d. 25 M.P.H. speed limit - West Country Club North  
Road, Palm Aire.

The County Attorney was authorized to draft the appropriate Resolutions  
for presentation back at a Board meeting.

**LOT CLEARING**

\* LC-1054 William H. Donaldson, alleging that certain land  
owned by Judge James S. Parker had not been  
cleared in accordance with the requirements of  
the Laws of Florida, Special Acts of 1969.

Mr Fulford requested that the public hearing on LC-1054 be deferred  
one week so that the owner could be present. There were no objections.

**MEETING ADJOURNED**

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

Attest: M.T. McINNIS, Clerk

APPROVED:

By:

  
Deputy Clerk

  
Chairman

\*From page 216