

OCTOBER 5, 1976

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, October 5, 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 M. T. McInnis, Clerk
 Henry E. Bourne, Deputy Clerk
 E. N. Fay, Jr., County Attorney

The meeting was called to order by Chairman Fortson.

BUDGET 1976-1977

The Chairman declared public hearing opened for the purpose of hearing requests and complaints from the public regarding the budgets for the fiscal year 1976-1977 and to consider the adoption of the proposed budget as advertised in summary statement published on September 28, 1976.

The Deputy Clerk reviewed anticipated receipts and expenditures and Millages in the proposed budget of \$24,707,299.08, noting reduction in millage .152 for the new fiscal year from previous year, (1975-1976 --7.423 mills; 1976-1977 --7.271 mills.) in the County Budget; decrease of .016 in the Health Department and decrease of .001 in the Anti-Mosquito District and no increase for West Coast Navigation District.

Don Bower, a Commissioner for Cedar Hammock Fire District, spoke on the urgent need for an ambulance station in the south county area. Dick Blankenship questioned amount of millage necessary to furnish additional two ambulance units.

Board members discussed intent to locate an ambulance station at the Bayshore Motor Vehicle Inspection Station site when funds are available and plan to move a unit to this location on an interim basis (12 or 24-hour basis).

Mr. Hutches outlined the results of a Response Survey that had been made.

Jerome Davis, Supervisor of Elections, said the cut in his budget will cause a hardship in his Department and asked the Board to reconsider his budget in office supplies, which was cut \$1,000.00. He pointed out that his budget request on communications was based on actual bills, yet this item was cut from \$3,500 to \$2,550. The cut in OPS he would accept. Board members advised that his request would be considered.

Chairman Fortson recommended that the request from the City of Bradenton Beach for \$1500 for police protection on Coquina Beach be considered at the time the cash carryover is established. Mr. Dierks concurred.

LAWSUIT: DOUBLE TAXATION

Upon request by the County Attorney, the Chairman asked if there were any representatives from the City of Bradenton, the Town of Longboat Key or the City of Bradenton Beach present who would like to make any comments about the budget (proposed) during the public hearing. There were none, and the Chairman so stated for the record.

In connection with the lawsuit against the county on "double taxation" the County Attorney commented that offers from the three cities in the suit had been considered and those offers for settlement had been rejected. In view of the decision in the similar lawsuit in Sarasota County, he thought it would be an excellent time to renegotiate but had been advised by an attorney for one of the city plaintiffs that he withdrew all offers of settlement and wants to proceed to trial. Efforts to reach settlement have apparently reached an impasse and he (Mr. Fay) will report to the Court that he is still willing to consider a settlement; that in his opinion the Board may proceed with the adoption of the budget as long as it complies with the law about apportionment of locally raised revenues and all expenditures between the unincorporated and incorporated areas, as deemed appropriate under the circumstances, lawsuit pending notwithstanding.

BUDGET ADOPTED

Mr. Hutches moved for the adoption of a Resolution adopting the Budget for the fiscal year 1976-1977 with the attached schedule. Motion was seconded by Mr. Burton .

As to question on amendment to include revision of budget for the Supervisor of Elections, the County Attorney referred to possible contract(s) between the Supervisor and the municipalities for them to pay the cost of their elections.

Motion carried unanimously.

RESOLUTION RECORDED S-1-23

ZONING

Art Fischer, Director of Planning and Development, presented recommendations of the Planning Commission.

SE-939 ORVILLE & RUTH HINKLE DENIED

Request for special exception for child care center on .20 acre (R1-A) located 5619 25th Street West. The Planning Commission recommended denial.

Motion was made by Mr. Dierks to deny SE-939 for a child day care center. Motion was seconded by Mr. Burton and carried unanimously.

SE-940 JACK RODGERS APPROVED

(SE-638) Request for special exception to amend existing SE-638 to alter tennis court lighting. Location SW corner of 75th Street and 9th Ave. N.W. on 5.88 acres (R-1C). The Planning Commission recommended approval, with amendment to SE-760 to permit conventional lights on the tennis courts (instead of previous stipulations that lights be of low incandescence-non glare; not to exceed 25 feet.)

Motion was made by Mr. Burton to approve SE-940 for Jack Rodgers as recommended by the Planning Commission and to adopt the appropriate Resolution. Motion was seconded by Mr. Hutches and carried unanimously.

RESOLUTION RECORDED ZONING
SE-940

76-S-14(P) PALMETTO VILLAS APPROVED

The Planning Commission recommended approval of preliminary plan of single family subdivision (36 lots on 13.5 acres) located approximately 250 feet west of Canal Road and extension of 26th Street East.

Mr. Burton moved for approval of 76-S-14(P) - preliminary plan of Palmetto Villas - and the adoption of the appropriate Resolution. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED ZONING
76-S-14(P)

PRIVATE STREET: WIGHTMAN

Motion was made by Mr. Hutches to approve request for a private street as access for building purposes, No. 24 - William S. Wightman, Jr. - and that the County Attorney prepare the appropriate resolution. Motion was seconded by Mr. McClure and carried unanimously. (Braden River Ranchettes.)

PLANNING & DEVELOPMENT DEPARTMENT: BID ON AUTOS

Mr. Fischer submitted tabulation of bids on automobiles for the Planning and Development Department (opened September 28, 1976) and recommended accepting the low bid submitted by

COX CHEVROLET, INC. \$4,067.39 each
(1977 Nova LXX27)

and purchase only four vehicles at the present time, due to budget limitations, for a total price of \$16,269.56.

Motion was made by Mr. McClure to accept the low bid of COX CHEVROLET, INC., and authorize purchase of four automobiles for the Planning and Development Department. Motion was seconded by Mr. Dierks and carried unanimously.

MANATEE AREA VOCATIONAL TECHNICAL CENTER: CONSTRUCTION BY STUDENTS

Action on request from Manatee Area Vocational Technical Center to allow students to construct residences in Sunset Acres (as part of training course, and eventually offer them for sale) was deferred pending further discussion (work session).

ZONING

R-666 WILLIAM J. JOHNSON PR-DISTRICT RESCINDED
Lots 1, 34, 35 and 36, Block 4, Lincoln Manor
(Funeral Home purpose - approved February 5, 1974)

Mr. Dierks moved for the adoption of a Resolution rezoning R-666 from PR-Professional District back to the zoning classification prior to action taken by the Board on February 5, 1974, said zoning classification being R-1 District, to comply with Order by Circuit Judge, Gilbert A. Smith (15 March 1976). Motion was seconded by Mr. Burton and carried unanimously.

RESOLUTION RECORDED ZONING
R-666

GOSS PROPERTY (UNPLATTED)

C. A. Rowlett, representing Jim Goss, referred to a "plat" involving three lots under one previous ownership prior to new subdivision regulations, but now owned by three different individuals. Residences had been constructed on two lots, but the owner of the third parcel (Mr. Goss) had been denied a building permit because the plat had not been recorded. Upon review, the County Attorney stated that the document presented by Mr. Rowlett was a survey and not a plat; therefore, it was not recordable.

The matter was deferred for further discussion in a work session on the following Thursday.

PROJECT NO. 639

Robert Moon, Right-of-way Agent, stated that after review of Project No. 639, deleting the easterly portion of 45th Avenue which was partially paved, the new percentage of participation was 68.8 (cost \$7.01 per front foot).

Motion was made by Mr. Burton to approve Project No. 649, described as

45th Avenue West from 26th Street West to 28th Street West; 27th Street West from 46th Avenue West, north to dead end,

and adopt a Resolution ordering preparation of a Special Improvement Preliminary Assessment Roll for public hearing on October 26, 1976. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED S-1-24

(Chairman Fortson excused; Vice Chairman McClure presiding)

SHRINE PAPER SALE DAYS: PROCLAMATION

Harry Wiler, president of Manatee Shrine Club, presented proclamation, which was read by Vice Chairman McClure, regarding "SHRINE PAPER SALE DAYS, during which time Shriners will distribute Shrine tabloid newspapers explaining the hospitals and services available to crippled and burned children through efforts of Shriners.

Motion was made by Mr. Burton that the Board of County Commissioners of Manatee County proclaim November 19 and 20, 1976 as SHRINE PAPER SALE DAYS. Motion was seconded by Mr. Dierks and carried unanimously.

(Enter Chairman Fortson)

PROCLAMATION RECORDED S-1-25

TRANSIT DEPARTMENT: DOWNTOWN TRANSFER TERMINAL

By memorandum dated September 30, 1976, Philip A. Davis advised that the amount bid on the Downtown Transfer Terminal was far in excess of the grant dollars available for this purpose and recommended that the single bid received be rejected and Invitation for Bids be readvertised.

Motion was made by Mr. McClure to reject the bid of LESTER A. GREEN, INC., in the amount of \$4,500.00, (opened September 28, 1976) on the Downtown Transfer Terminal and to readvertise for bids. Motion was seconded by Mr. Dierks and carried unanimously.

PARKS & RECREATION: GOLF COURSE CLUBHOUSE

John Marble, director of Parks and Recreation, advised that after bids were rejected on the clubhouse at the golf course, the plans were completely revised to a basis one-story building with cart storage to be provided in a separate shelter; that recommendation being submitted that the county act as its own contractor; that the bid procedures be waived on some parts of the project to allow the Parks Department to purchase materials so that the work can be accomplished with county forces. The Department will comply with all building permits, inspections, etc. There are not sufficient funds to complete the building, but by proceeding in this manner the Golf Course can be opened on December 1st (building weathered in and rest-rooms completed.).

Mr. McClure advised that this met with the approval of the committee that is working on the completion of the clubhouse facilities, etc., and he moved that the recommendation be approved. Motion was seconded by Mr. Dierks.

During discussion Mr. Marble said some of the work would have to be contracted, such as electrical, air conditioning and carpentering, but written proposals will be obtained from suppliers of materials and purchase orders issued upon approval by the Board.

Upon question by Rod Fass about the County going into competition with private contractors and who is qualified to obtain permits, etc., Art Fischer, Director of Planning and Development, advised that according to Florida Statutes Manatee County can build a building with county labor if the value of such building is under \$25,000.00 and designed by a registered engineer or architect.

Asked to state the motion for clarification, the County Attorney said, assuming that this is what the Board wants, the motion should contain provision for approval of the plans prepared by Zoller and Abbott, waiver of bid procedure in connection with the construction of the clubhouse facilities at the County Golf Course (provided that the cost would not exceed \$25,000.00) so that the director of Parks and Recreation Department may obtain written proposals to be submitted to the Board for materials, labor and services that will be contracted.

After further discussion, motion and second were withdrawn in favor of deferring this matter until the following Thursday work session and possible action at a Special Board meeting thereafter.

COUNTY GOLF COURSE FEES

Motion was made by Mr. McClure to approve and establish fees for the Manatee County Golf Course for the first year's operation recommended by the golf committee under date of July 8, 1976 and approved by the Parks and Recreation Board on July 15, 1976. Motion was seconded by Mr. Burton and carried unanimously. The fees established are as follows:

1. No yearly memberships, at least for the first year.
2. Green fees:

	<u>Manatee County</u>	<u>Non-</u>
	<u>Residents</u>	<u>Residents</u>
<u>May 1 - October 31</u>		
9 Holes	\$ 2.50	\$ 3.00
18 Holes	4.00	5.00
20 Round 9 Hole Play Book	40.00 (year round)	55.00
20 Round 18 Hole Play Book	70.00 (year round)	95.00
 <u>November 1 - April 30</u>		
9 Holes	3.00	4.00
18 Holes	4.00	6.00
20 Round 9 Hole Play Book		75.00
20 Round 18 Hole Play Book		115.00
3. Golf Car Rental \$3.50 9 Holes -- \$6.00 18 Holes (ALL YEAR)
4. Pull Carts 1.00 Minimum
5. Practice Range .50 Small Bucket
- .75 Large Bucket
6. Special Group rates will be available only through the Park & Recreation Director.

MANATEE COUNTY GOLF COURSE

For the record, Mr. Marble stated that the Parks and Recreation Board recommended that the golf course be known as the MANATEE COUNTY GOLF COURSE.

RECESS

After a short recess the meeting was reconvened with all members present.

BOND - NOTARY PUBLIC (PERSONNEL)

Motion was made by Mr. Burton to authorize the Personnel Director to process application of Anita Pedrotti for Notary Public commission, needed in the Personnel Department. Motion was seconded by Mr. McClure and carried unanimously. (Motion included authorization payment by County for \$25.00 to cover cost.)

CONTRACT: XEROX

Motion was made by Mr. McClure that the Board go to annual contract lease on the Xerox machine in the County Commission Department (Service Agreement on one year lease) as recommended by Westwood Fletcher and Henry Bourne. Motion was seconded by Mr. Dierks and carried unanimously.

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(Cont'd)

PERSONNEL: PAYROLL MODIFICATIONS

Westwood Fletcher submitted request for approval of previously coordinated personnel payroll modifications (new hires, salary increases/job reclassifications, miscellaneous and terminations) with addition of two CETA II employees: G. David Dykes and Brenda Madsen, and that the Chairman be authorized to sign the appropriate documents.

Motion was made by Mr. McClure to approve and authorize the Chairman to execute the payroll modifications as submitted, with additions. Motion was seconded by Mr. Hutches and carried unanimously.

HOUSEMOVING PERMIT (STECHEER)

Motion was made by Mr. Hutches to approve application of

CAROL STECHER - to move a building from 5225 26th Street E.
to 2015 64th Street Court E.

Pre-moving No. 8043

Motion was seconded by Mr. Burton and carried unanimously.

TRANSIT DEPARTMENT: PASSES TO BLIND PERSONS

Mr. McClure moved for the adoption of a
RESOLUTION PROVIDING FOR THE ISSUANCE OF PASSES TO BLIND
PERSONS AUTHORIZING FREE TRANSPORTATION ON MANATEE
COUNTY TRANSIT DEPARTMENT BUSES.

Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED

S-1-26

UTILITY EASEMENT (MCUS)

Motion was made by Mr. Hutches to accept utility easement from FRED E. SUTTON for Manatee County Utilities System. Motion was seconded by Mr. Dierks and carried unanimously.

Motion was made by Mr. Dierks to accept utility easement from FLORIDA E. D. C., INC., for Manatee County Utilities System. Motion was seconded by Mr. McClure and carried unanimously.

LOT CLEARING LIENS

Motion was made by Mr. Dierks to approve filing of Lot Clearing Liens as follows:

LC-1007	<u>Mrs. Lenore Cooksey</u>	\$94.00
LC-1049	<u>Juanita E. George</u>	74.00

Motion was seconded by Mr. Hutches and carried unanimously.

MILTON ROY COMPANY (INDUSTRIAL REVENUE BONDS)

The County Attorney submitted "Inducement Letter" to Milton Roy Company, in connection with proposed Industrial Development Revenue Bonds, for execution by the Chairman as authorized in Resolution adopted in a previous meeting.

FLOOD INSURANCE LITIGATION

The County Attorney reported that he had received information from James T. Humphrey, attorney for Lee County, Florida, about a coalition formed by various governmental bodies throughout the United States to fight the flood insurance program and go to court and sue the federal government on constitutional grounds that the flood insurance provisions are illegal and request for other governmental agencies to join this "Flood Insurance Litigation Coalition" and agree to join to a trust which will fund the litigation.

This matter was discussed, but no action taken.

COUNTY WATER SYSTEM FIVE-YEAR PROGRAM: FINANCIAL ADVISOR

Russell Hawkes referred to his proposal, under date of September 20, 1976, to act as Financial Advisor and develop a financing plan for the five-year improvement program for the County Water System recommended by the Consulting Engineers, and asked the Board to indicate

some agreement on this project under the same conditions and basis of compensation as applied to the 1973 issue of \$11,650,000 water revenue bonds. The cost of the program is estimated at approximately \$8,500,000.

Motion was made by Mr. McClure to accept and approve agreement with Russell Hawkes, as outlined in his proposal, for the development of a Financing Plan for the proposed five-year improvement program for the Manatee County Water System. Motion was seconded by Mr. Hutches and carried unanimously.

AGREEMENT RECORDED S-1-27

COUNTY HEALTH DEPARTMENT: BUDGET

Henry Bourne submitted a Memorandum of Understanding from the County Health Department certifying that the Board had agreed to levy a tax of .314 mills on the assessed valuation on all taxable property of \$1,313,001,285 for the operation of the Manatee County Health Department during the fiscal year ending September 30, 1977, for an estimated \$412,148; also that the Board had authorized a \$20,000 expenditure from the Manatee County Health Department Trust Fund for Hill-Burton Project FLA-B-108 and had approved \$80,503 in county funds for this project. He pointed out that the Board did not approve \$80,503; that \$49,000-plus had been approved with the balance to be taken out of Contingencies if the Board agrees to the appropriation. Operating Budget Summary for fiscal 1976-1977 was also submitted. DEFERRED for further discussion the following Thursday work session.

BONDS

Motion was made by Mr. McClure to approve the following bonds:

Sheriff's Department

Addition to Public Employees Blanket Bond
Auto-Owners Insurance Company - Bond No. 767012-20210325
✓LINDA M. CALHOUN =Enforcement Secretary

Moving & Alteration of Building

R. E. JOHNSON & SON, INC. \$1500 Safeco Insurance Co.
For: Brad Green
Pre-moving No. 7765

Motion was seconded by Mr. Dierks and carried unanimously.

WARRANT LISTS & REQUISITIONS

Motion was made by Mr. Hutches to approve Warrant Lists and Requisitions from September 28 to October 5, 1976 and authorize Warrant Lists to October 12, 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. McClure and carried unanimously.

BILLS FOR PAYMENT

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

Sarasota Herald Tribune	\$	6.64
Tampa Tribune		25.60
Wyman, Green & Blalock		2,562.00
Manatee Memorial Hospital		6,313.91; \$500.00;
		12.00; \$32.75
Alan Brice		401.50
Mann, Fay & Price		747.30 (Adj.Bd.)
Holland & Knight		552.25
Harbor Ventures, Inc., Lillian M. Newman, Bruce Morton, Frederick E. Winkler and Robert Christopher Morton (Refund from County Treasurer; Case #CA-73-1759)		12,708.56
(Tax refund to be pro-rated)		

and payment deferred on bills from Zoller and Abbott in the amounts of \$1027.05 and \$187.60.

ELECTION OFFICIALS

Motion was made by Mr. McClure to approve appointment of Clerks and Inspectors for the purpose of holding the General Election on November 2, 1976. Motion was seconded by Mr. Burton and carried unanimously.

RECORDED

S-1-28

BILLS FOR PAYMENT: HARBOR VENTURES, INC.

In order to editorially correct and authorize payment of the county's share of the Requisition for Refund from County Treasury in the amount of \$12,708.56 - based on court order by Circuit Judge Gilbert A. Smith in favor of Harbor Ventures, Inc., et al, awarding tax refund and costs (appeal on denial by Board of Tax Adjustment for agricultural classification of certain properties for taxable year 1973), motion was made by Mr. McClure that payment be shared with the School Board and any other taxing district. Motion was seconded by Mr. Dierks and carried unanimously.

REFUND: LEGAL FEES

Motion was made by Mr. McClure to authorize refund payment of legal fees to a county employee who had been involved in an automobile accident, and it had been necessary for an attorney to represent him in the court hearing. This refund was requested by Art Fischer, on behalf of the employee in his department. Motion was seconded by Mr. Burton and carried unanimously.

ELECTIONS:

In accordance with request by H. Jerome Davis, Supervisor of Elections, motion was made by Mr. McClure that the names of candidates for county offices and proposed amendment to the Charter of the City of Holmes Beach be certified so they may be placed on the ballot for the November 2nd General Election. Motion was seconded by Mr. Dierks and carried unanimously.

LAWSUIT: ACTIVE DISPOSAL CORP.

There was discussion on the continued complaints and the lawsuit filed against Gilbert Wiersema, d/b/a Active Disposal Corporation, for violation of Garbage District franchises.

MEETING ADJOURNED

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

Attest:

M. T. McClure, Clerk


 Deputy Clerk

APPROVED:


 Chairman

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