

NOVEMBER 16, 1976

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, November 16, 1976 at 9:00 A. M.

Present were Commissioners L. H. Fortson, Jr., Chairman  
Dan P. McClure, Vice Chairman  
Kenneth D. Dierks  
LaMar Parrish, District No. 1  
(Elected November 2, 1976)  
Louis E. Driggers, District No. 5  
(Elected November 2, 1976)

Present also were Henry E. Bourne, Deputy Clerk  
E. N. Fay, Jr., County Attorney

The meeting was called to order by Chairman Fortson.

**EMERGENCY MEDICAL SERVICES: BIDS ON SUCTION UNITS**

Sealed bids received on Suction Units and Chargers for the Emergency Medical Services were opened and read as follows: (7 each Laerdal Suction Units and 4 each Laerdal Chargers for said units)

ALL FLORIDA SAFETY RESCUE	\$1,805.25
DINA MED, INC.	1,712.66
PHYSICIO SYSTEMS CORPORATION	1,575.00
EMERGENCY MEDICAL AND SAFETY SUPPLY, INC.	1,838.25

The bids were referred to Ken McKendree for review and recommendation.

**PARKS & RECREATION: BIDS ON TENNIS COURT SURFACER**

Sealed bids received on Color Coating Tennis Court Surfacers for the Parks and Recreation Department were opened and read as follows:

NATIONAL PAINT & OIL COMPANY (Est. 2500 gal.)	\$4.97 per gallon
WESTRA	4.75 per gallon

**ASPHALT SURFACE**

WARREN BROS.	No bid
GENERAL ASPHALT COMPANY	No bid

(Resurfacing outdoor courts at Palmetto, Myakka and E. Bradenton)

**GOLF CARTS**

Sealed bids received on thirty (30) new Golf Cars for Parks and Recreation Department for use at the Manatee County Golf Course were opened and read as follows:

JEFFREY ALLEN, INC.  
(Bids requested on outright purchase, lease-purchase, rental - with and without maintenance - and with many options.)  
EASY-GO, West Florida Division of Textron, Inc.

**COUNTY COMMISSIONERS**

Circuit Judge Robert Hensley officiated the swearing-in ceremony of the two new incoming Commissioners Lamar Parrish and Louis Driggers.

**ELECTIONS: VOTING MACHINES**

Jerome Davis, Supervisor of Elections, referred to his letter, dated September 15, 1976, requesting the Board to consider purchasing twenty-five (25) voting machines from Computer Election System for \$855.00 each, equipped with nine interlocks. They can be purchased on a two-year payment plan, with interest rate of 9 percent for the second year carry-over balance.

Mr. McClure suggested that Mr. Davis notify the Supervisor of Elections of Hillsborough County (where machines are stored) that this Board would

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render a decision on the purchase of the machines at the next regular meeting.

#### PARKS & RECREATION

##### BIDS ON GOLF CARS

The final bid received on the Golf Cars was read from  
SARASOTA GOLF CART SALES, INC.

##### CLAY FOR BALL FIELDS

There were no bids received on clay to be used by the Parks and Recreation Department on baseball fields.

#### ZONING

Jerry West, Acting Planning and Development Director, submitted recommendations of the Planning Commission.

##### R-794 ROY B. GRAVES, ET UX                      C-1 DEFERRED

Request rezone from A-(General Agriculture) to C-1 (Commercial) district or to such other district as determined to be more appropriate for operation of a restaurant and general store on 1.4 m/1 acres on north side of SR 70 1/4 mile west of Myakka City.

The Planning Commission recommended approval.

Mr. Graves was present and, upon question, advised that he planned to keep the present garage on the property permitted under Special Exception.

It was pointed out that C-1 zoning would negate the Special Exception; however, Mr. West explained that the second 5-year extension could be granted as a C-2 use under C-1. Because of these circumstances Mr. Driggers recommended deferring this item for one week or until Mr. Graves has time to prepare a plot plan (parking, etc.), and discuss further with the Planning Department. There were no objections.

##### R-795 WILLIAM H. MILLER                      C-2 DEFERRED

Request rezone from R-1 to C-2 District or to such other district as determined to be more appropriate for business of smoking fish (processing, wholesale and retail) on .09 acre located 4427 124th Street Court W., Cortez.

The Planning Commission recommended denial. Letter from the Rezone Committee listed reasons that surrounding zoning is R-1 and developed accordingly and C-2 not compatible with residential development and poses serious nuisance threat in the future. (There were petitions endorsing the business and letters opposing.)

Mr. Miller stated he did not agree that the area was developed as residential as he is surrounded with commercial businesses and rental properties; that opposition is not to the proposed business of smoking fish but to C-2 zoning.

Robert Blalock, attorney representing adjoining property, Mr. Austin, stated the main point and problem is the C-2 zoning which his client opposes.

Mr. Fortson stated he was concerned with C-2 zoning, but had no objections to the fish smoking business as such, and would recommend following the recommendation of the Planning Commission.

Motion was made by Mr. McClure that the recommendation of the Planning Commission be approved and R-795 be DENIED. Motion was seconded by Mr. Driggers. During discussion Mr. Driggers stated he would like to see if something could be done to make this possible, but not under C-2 zoning; perhaps re-working the Zoning Ordinance (presently does not permit a Special Exception for this purpose).

Motion and second were withdrawn. Motion was made by Mr. McClure to

Petition R-795 in abeyance until such time as the Zoning Ordinance can be reviewed and instruct the County Attorney and the Planning Commission to submit recommendation on appropriate amendment that would allow the requested use. Motion was seconded by Mr. Driggers and carried unanimously.

R-798 PLANNING COMMISSION A-1 APPROVED (SOGEN ACRES)

The Planning Commission recommended changing the present zoning from A-(General Agriculture) to A-1 (Suburban Agriculture) district, or to such other district as determined to be more appropriate, 13.34 acres located at northwest intersection of 7th Street and Old Tampa Road, Parrish.

Mr. West explained that it was the intent of the Planning Commission to bring Sogen Acres Subdivision in conformity with the current Zoning lot size within the development where all the lots are less than two acres and the lot size in the A-district is two acres.

Motion was made by Mr. Parrish to approve R-798 as recommended and adopt the appropriate Resolution rezoning to A-1 (Suburban Agriculture) District. Motion was seconded by Mr. McClure and carried unanimously.

ZONING  
RESOLUTION RECORDED R-798

R-799 PLANNING COMMISSION C-2 APPROVED

The Planning Commission recommended changing the present zoning from G.U. to C-2 (Heavy Commercial) district, or to such other district as determined to be more appropriate, 8.7 acres located 1412 9th Street East (A.P. and J.R. Curry Plat).

Mr. West explained that G-U (General Use) was taken out of the Zoning Ordinance many years ago but was never changed on the Zoning Atlas; so the Zoning Atlas reflects a use that has no definition in the Zoning Ordinance. This parcel adjoins other commercial districts and is being used by Tropicana Industries for a parking area.

Motion was made by Mr. Driggers to approve R-799 as recommended and adopt the appropriate Resolution rezoning to C-2 Commercial. Motion was seconded by Mr. Dierks and carried unanimously.

ZONING  
RESOLUTION RECORDED R-799

SE-957 ALVIN W. CALHOUN ET AL APPROVED

(Joseph C. Crandall, agent) - Request for church and related facilities including dormitory for students and teachers on 2.56 acres located north of Tallevast Road and approximately 1/2 mile east of Prospect Road.

The Planning Commission recommended approval for a bible school and dormitory for forty (40) students with stipulations that (a) the Bible School be located at least 50 feet from west property line; (b) plantings on west side of property be retained; (c) one year waiver granted; and that additional dormitory for 80 students and the church be denied as they are not being constructed at this time.

Rev. James Crandall presented the nature of the plan for the Bible School (ages 18 to 25, with qualified teachers; stated that the alternate plan (reapply after six months for additional dormitory and church) was acceptable; however, request was being made for 30-foot setback instead of 50 feet. The property owner on the west was interested in privacy and would not object if he could be assured of the buffer of trees remaining.

Motion was made by Mr. Driggers to accept the recommendations of the Planning Commission to approve SE-957 for the bible school and dormitory

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subject to the stipulations as outlined, including the one year waiver of time in which to complete twenty-five percent of construction, and granting request for 30-foot setback on west property line instead of 50 feet, and that the appropriate resolution be adopted. Motion was seconded by Mr. Parrish and carried unanimously. ZONING SE-957

RESOLUTION RECORDED

SE-959 FREDERICK E. WINKLER, TRUSTEE, ET AL APPROVED  
 Request Special Exception to permit operation of a shell pit and for removal of shell, marl, fill dirt and similar materials (extension of operation approved by SE-635) on 120 acres m/l located 1/2 mile south of 44th Ave. W. and west of 47th St. W. (Dewey A. Dye, Jr., Agent)  
 The Planning Commission recommended approval for a period of five years subject to reclamation bond in the amount of \$30,000. (SE-959 will nullify SE-635, SE-485 and SE-245.)

Mr. Dewey A. Dye advised this was continuation of existing Special Exceptions which have been in force since 1967 - three different Special Exceptions covering three different parcels (under one ownership) - and the intent of SE-959 was to combine under one permit and one reclamation bond. By letter, Bradenton Insurance, Inc., advised that the new bond was being processed and would be submitted the following Friday or Monday.

Mr. Dierks moved for the approval of SE-959 and adoption of the appropriate Resolution subject to the filing of the necessary bond of \$30,000. Motion was seconded by Mr. Driggers and carried unanimously. ZONING SE-959

RESOLUTION RECORDED

SE-961 PAUL B. TINDALL, ET UX APPROVED  
 Request for Special Exception to permit mobilehome as dwelling in conjunction with agriculture on 4.89 acres located on north side of access road to Tamiami Farms and approximately 1/2 mile southeast of Erie Road, west of Parrish.  
 The Planning Commission recommended approval for a period of five years with provision for extension of additional five years by the Planning Director.

Motion was made by Mr. Driggers to approve SE-961 and adopt the appropriate Resolution. Motion was seconded by Mr. Dierks and carried unanimously. ZONING SE-961

RESOLUTION RECORDED

76-S-15 CIMARRON ACRES PRELIMINARY PLAT APPROVED  
 Request approval of preliminary plat of single family subdivision on 20 acres located bordered on south by 9th Street N.W. and on the west by 75th St. N.W.  
 The Planning Commission recommended approval subject to stipulations outlined in resolution read by Mr. West, relating to bike and pedestrian paths.

Mr. Dierks moved for the adoption of a Resolution approving Preliminary Plat of Cimarron Acres Subdivision. Motion was seconded by Mr. Driggers and carried unanimously. ZONING

RESOLUTION RECORDED

Mr. Dierks recommended that the Planning Commission make further study of bike trails, sidewalks, etc., in new subdivisions, particularly around school areas.

#### LOT CLEARING

The Chairman opened public hearing for the purpose of considering lot clearing petition:

LC-1071 Marshall McMann -alleging that land owned by Ray E. and Gordon Ann King has not been cleared in accordance with requirements of Laws of Florida, Special Acts of 1969.

No representative of complainant or property owner was present. Dave Fulford recommended that the lots be mowed.

Public hearing was closed. Mr. Driggers moved for the adoption of a Resolution demanding that the property owners, Ray E. and Gordon Ann King, take corrective action with regard to their land described in the petition. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED S-1-88

ANNA MARIA CITY PIER

Mayor Ernie Cagnina, City of Anna Maria, came before the Board with the City Attorney, Phil Perry, regarding request that the County take over operation and maintenance of the Anna Maria City pier. Mr. Perry reported that survey had been made, application had been filed with the Bureau of State Lands to dedicate the bay bottom to the city and had received telephone assurance that this dedication would be approved.

Following discussion as to present lease, legal documents between City and County, physical condition of the pier and estimated cost of maintenance, Mr. McClure stated he would request the Parks and Recreation Board to place this item on its Agenda for the next meeting.

GARBAGE FRANCHISE: GILBERT WIERSEMA (ACTIVE DISPOSAL SERVICE)

Robert G. Blalock, attorney, was present to represent Gilbert Wiersema, who had filed a petition for a county garbage franchise for a period of five years in all of the unincorporated area of Manatee County and including Districts 1, 2, 3, 4, 5, 6, 7, 7, 8, 9, 10A, 10B, 10C and 11.

The County Attorney stated it would not be appropriate for the Board to consider this petition until litigation before the court has been resolved.

William C. Grimes, attorney representing a portion of the present franchise holders, stated it was inappropriate for this petition to be submitted to the Board while issues were before the court involving Gilbert Wiersema, doing business as Active Disposal Service, pointing out that this Board has granted exclusive franchises to other operators.

Motion to defer action on the petition was withdrawn.

The Chairman opened public hearing for the purpose of considering petition of Gilbert Wiersema, d/b/a Active Disposal Service, for a Garbage Franchise for the unincorporated area of Manatee County.

The County Attorney recommended that in view of the fact that this matter is before the Circuit Court of Manatee County on the same issues involved in this petition that the Board continue this public hearing until this matter has been determined by the Court and any appeal therefrom.

Mr. Dierks made a motion to accept the recommendation of the County Attorney. Motion was seconded by Mr. McClure. Mr. Blalock requested, and was granted permission to make a presentation to the Board in a work session. Motion carried unanimously.

PARKS & RECREATION: BERM AT GUN RANGE

John Marble, Director of Parks and Recreation, outlined a problem at the gun range, located on the old sanitary landfill, where dirt was needed to fill in settled areas and to construct an additional berm.

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He recommended leasing a self loading pan from Jack Swift at the rate of \$30.00 per hour to move the dirt from the ditch banks. He estimated the time to be about four weeks at a cost of approximately \$4,000.00. Mr. McClure moved that the Board approve this recommendation and authorize Mr. Marble to proceed with the work. Upon question, Mr. Marble advised that about \$12,000 had been received in revenue since the opening of the range. Motion was seconded by Mr. Dierks and carried unanimously.

Mr. Fay noted that if the municipalities use this range for training their police officers it should be documented that this is a service provided by the County.

**WHITFIELD AVENUE: TRUCK TRAFFIC**

Carlos Ugarte, County Engineer, certified by memorandum dated November 15, 1976 that appropriate signs giving notice of no through traffic on Whitfield Avenue from U.S. 41 to Pennsylvania Avenue had been erected in accordance with Resolution adopted September 16, 1976.

**EMERGENCY MEDICAL SERVICES: BID ON LAERDAL SUCTION UNITS**

William S. Mullon, Director of Purchasing, submitted tabulation and recommendation on bids received on Laerdal Suction Units for the Emergency Medical Service. Low bid submitted by Physio-Systems.

Motion was made by Mr. Dierks to accept the recommendation and award the bid to

PHYSIO-SYSTEMS \$1,575.00

Motion was seconded by Mr. McClure and carried unanimously.

**CATV RATES: TELEPROMPTER - PUBLIC HEARING**

Motion was made by Mr. Dierks to authorize the County Attorney to advertise legal Notice of Public Hearing to be held for the purpose of reviewing rates and charges by Teleprompter to users of cable-vision (to be held 60 days after notice). Motion was seconded by Mr. Driggers and carried unanimously.

**MANATEE OPPORTUNITY COUNCIL: TRUCK FOR DEBRIS PICKUP**

Manatee Opportunity Council (letter dated November 9, 1976) outlined some of its functions dealing with the health and safety factors of homes owned and occupied by senior citizens whose incomes are even with, or below poverty-level guidelines, and repair program funded under Title III of the Older Americans Act. Since the magnitude of the projects exceeds limited financial resources, appeals are being made to others for assistance, and the county is requested to provide a truck and driver to remove debris and charred rubbish removed from the fire damaged home of Mrs. Margaret Mitchell, 1318 15th Street East.

Motion was made by Mr. Dierks to authorize the County Highway Department to implement this request and make a truck available the following weekend. Motion was seconded by Mr. Driggers and carried unanimously.

**PERSONNEL: MANNING LEVELS**

Mr. Driggers moved for the adoption of a Resolution authorizing amending levels for the

<u>MOTOR VEHICLE INSPECTION DEPARTMENT</u>	<u>From</u>	<u>To</u>
Bookkeeper	1	0
Motor Vehicle Inspection Technician I	7	8
<u>INSURANCE DEPARTMENT</u>		
Loss Control Engineer	0	1

Motion was seconded by Mr. Parrish and carried unanimously.

RESOLUTION RECORDED S-5

**PERSONNEL: PAYROLLS**

Mr. Fletcher requested approval of previously coordinated personnel action and authorization for the Chairman to sign the appropriate documents with the following additions:

<u>Salary Increases: Motor Vehicle Inspection</u>	<u>From</u>	<u>To</u>
George J. Segers, Line Supervisor	\$4.17	\$4.30
Lloyd D. Sands, Tech. III	3.91	4.10

Motion was made by Mr. Dierks to authorize the Chairman to sign the documents for New Hires, Job Reclassifications (Increases), terminations and Travel Authorizations as submitted and amended. Motion was seconded by Mr. Parrish and carried unanimously. NOTE: Motion to include recommendation by Mr. Dierks to adjust merit increase of Robert J. Bacon, Assistant Director, Motor Vehicle Inspection, from 10.1 to 9.9.

#### BEACH EROSION

Henry Szonnel came before the Board regarding construction of jetties for the protection of Anna Maria Island and Beer Can Island.

#### HOUSEMOVING PERMIT: WINGATE; WILDWOOD SPRINGS

Motion was made by Mr. Driggers to approve applications of  
ROY WINGATE to move a building from 4540 Bee Ridge Road,  
 #8504 Sarasota, to Highway 64, east of Bethany Grade  
 and  
WILDWOOD SPRINGS to move a building from 3801 Cortez Road W.  
 #8547 to 4906 23rd Street W.

Motion was seconded by Mr. McClure and carried unanimously.  
 CORRECTION: Wildwood Springs was approved on motion by Mr. McClure and seconded by Mr. Driggers.

#### CONSTRUCTION TRUST FUNDS

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

Requisition No. 24.4 B-179

Ellis First National Bank of Bradenton \$120,000.00

RESOLUTION RECORDED S-1-89

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

PROJECT CONSTRUCTION TRUST FUND ACCOUNT

State Loan No. 2: Payment No. 6

Ellis First National Bank

\$ 17,192.02

RESOLUTION RECORDED S-1-90

#### 24.4M CONSTRUCTION TRUST FUND (GOLF COURSE)

Upon motion by Mr. McClure, seconded by Mr. Dierks, Resolution was unanimously adopted ratifying all actions in connection with reimbursement of \$217,856.98 (\$182,558.04 plus interest) to the \$24.4M Construction Trust Fund for payment on development of a golf course located at Manatee County Utilities System Southwest Regional Wastewater Treatment Plant.

RESOLUTION RECORDED S-1-91

#### CERTIFICATE OF DEPOSIT: \$13.5M

Upon motion by Mr. Dierks, seconded by Mr. McClure, Resolution was unanimously adopted authorizing Chemical Bank to reinvest \$874,436.49 in a Certificate of Deposit for one year at 5.5 interest, \$13.5M Reserve Account.

RESOLUTION RECORDED S-1-92

#### STATE ROAD NO. 64: MCUS PERMIT

Upon motion by Mr. Dierks, seconded by Mr. McClure, Resolution was unanimously adopted authorizing execution of application to the State Department of Transportation for a Use Permit for construction and maintenance of a utility line in the right of way of State Road No. 64, Section 13150.

RESOLUTION RECORDED S-1-93

#### GUN PERMIT: LOWE

Motion was made by Mr. McClure to adopt a Resolution, read by the County Attorney,

(1) Approving Surety Bond with William E. Lowe as Principal and Joseph C. Ferrell and W. Grady Huie as Sureties to the Governor of the State of Florida, in the amount of \$100.00

and

(2) Granting a license to William E. Lowe to carry a pistol on his person for a period of one (1) year and authorizing

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the Chairman of this Board to sign a Certificate to this effect;

and (3) Statement to be furnished setting forth the name of the maker of the pistol licenses to be carried, with the caliber and number of said pistol.

Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED S-1-94

**LAWSUIT: WICKES CORP. VS MANATEE COUNTY**

The County Attorney advised that his firm has a conflict of interest in the lawsuit; Joseph A. Ciambrone, etc., et al vs Sandpiper Construction Company, etc., et al (Third Party Complaint The Wickes Corp. vs Manatee County) and recommended that the County obtain the services of another local firm for the purpose of defending the County in this litigation.

Motion was made by Mr. McClure that Richard A. Hampton, attorney, be employed to represent the County in this litigation. Motion was seconded by Mr. Dierks and carried unanimously.

**ORDINANCE NO. 76-7: PROTECTION OF ANIMALS**

Mrs. Jerome (Trudy) Pratt was present to discuss proposed Ordinance No. 76-7 relating to the protection of animals.

Motion was made by Mr. Dierks that the County Attorney be authorized to advertise public hearing to be held on Ordinance No. 76-7. Motion was seconded by Mr. Driggers and carried unanimously.

**TRANSIT DEPARTMENT: BUS SERVICE NOVEMBER 26**

Phil Davis recommended that county buses not operate on Thanksgiving Day, but operate on the Friday after Thanksgiving because very few businesses will be closed on November 26th. (County employees given both November 25th and 26th as holiday in observance of Thanksgiving.) Motion was made by Mr. McClure to accept the recommendation of Mr. Davis - observe Thursday, Thanksgiving Day, and not run the buses on that day, but operate the buses on the following Friday. Motion was seconded by Mr. Parrish and carried unanimously.

**BUDGET AMENDMENTS**

Upon motion by Mr. Driggers, seconded by Mr. McClure, Resolution was unanimously adopted authorizing budget amendment by item to item transfers as follows:

Agriculture/Custodian Department

From Maintenance of Buildings-Agriculture

To Maintenance of Other Buildings-Custodian

\$2,000.00

RESOLUTION RECORDED S-1-95

**TRANSIT DEPARTMENT: BUS SERVICE**

Request by Al Grossman to provide adequate bus service to the Social Security office was referred to Phil Davis with request to look into possibility.

**CENTRAL SEWER SYSTEM: PALMA SOLA BOULEVARD**

Dick Blankenship advised the Board that a transformer went out at the lift station in the Palma Sola area on Monday night and caused raw sewerage to flow back into the houses and out into the street (west side of Palma Sola Boulevard). It took Florida Power and Light Company one hour and 40 minutes to activate a portable generator. The situation was deplorable and he asked if it was not a county obligation to clean up the homes or pay the clean-up cost, insurance, etc. He requested the Board to consider allowing that area to go off the central sewer system and go back to septic tanks.

There was discussion on the need for alert systems, etc., but no action was taken on his request.

