

DECEMBER 10, 1976

The Board of County Commissioners of Manatee County, Florida, met in SPECIAL SESSION in the Courthouse in Bradenton, Florida, Friday, December 10, 1976, at 9:07 a.m.

Present were Commissioners Dan P. McClure, Vice Chairman
Kenneth D. Dierks
Louis E. Driggers
Lamar S. Parrish

Also present were: E.N. Fay, Jr, County Attorney

H.E. Bourne, Deputy Clerk, entered during the meeting.
Chairman L.H. Fortson, Jr. was not present.

The meeting was called to order by Vice Chairman McClure.

PARKS & RECREATION: GOLF COURSE CLUBHOUSE

Motion was made by Mr Dierks to authorize the Chairman to sign change order for the Manatee County Golf Course Clubhouse (Change Order No. 1 to the contract of DeLesline Construction, Inc., to increase the contract by \$2,161.50, approved November 23, 1976), as recommended by John Marble, Director of Park and Recreation Department. Motion was seconded by Mr Parrish and carried unanimously.

EAST BRADENTON GIRLS CLUB LEAA GRANT

Motion was made by Mr Parrish to authorize the Vice Chairman to execute amendment to the LEAA Grant application for the East Bradenton Girls Club (Subgrant adjustment for item to item transfer from utilities and camping to personnel, with no increase in funds), as requested by Jeanne Oliver. Motion was seconded by Mr Driggers and carried unanimously.

PARKS & RECREATION: GOLF CART STORAGE BUILDING (AWARD BID)

Bid tabulation and recommendation from William S. Mullon, Purchasing Director, on roofing material for the Golf Cart Storage Building was submitted by John Marble, Park and Recreation Director, as follows:

	Price per sheet	
	12'	14'
EAGLE ROOFING	\$6.76	\$8.06
STALNAKER	6.40	7.60
WICKES LUMBER	6.00	7.00
NU-WAY LUMBER	9.10	10.50
SCOTTY'S LUMBER	7.45	8.70

Motion was made by Mr Parrish that WICKES LUMBER COMPANY be awarded the low bid (Total \$1161.00), as recommended. Motion was seconded by Mr Driggers and carried unanimously.

CENTRAL HEADQUARTERS LIBRARY BUILDING

The County Attorney referred to a motion in a previous meeting instructing the architect to process application for payment No. 9 to Roger B. Hall, contractor for the Central Headquarters Library building, for materials that were delivered to the site or to be stored pursuant to the contract.

Douglas Croll, architect, reviewed the invoices for materials, some of which had been delivered after the stop-work order by the City of Bradenton, stating that he could not say that all these materials are there without conducting physical inventory. He stated that the contractor had not carried out his instructions to take steps to provide protection for some of the electrical, air conditioning, elevators and other equipment and supplies that are not adequately covered or stored and open to vandalism and other damage. He referred to his letter of December 9, 1976, advising the Board that in accordance with the terms of the general conditions, paragraph 9.4.2, of Article 9, he feels that it is inappropriate to certify this request for payment; however, if the Board, after consultation with its attorney,

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finds that the requested payment is in the County's best interest in order to expedite the completion of the work, he has no objection to the payment being made.

Mr Fay recommended payment to the contractor for the materials actually delivered to the site (or stored), noting that if some agreement can be reached between the architects and the county for payment of this application he would enlarge the fence to surround the entire complex and put under a security system.

AGREEMENT: CITY OF BRADENTON

He submitted and outlined a proposed agreement between the County and the City of Bradenton that all further building inspection of the Central Library Headquarters shall be made by the Inspections Division of Manatee County Planning and Development Department, and for the County to accept full responsibility for all inspections which will be made and agrees not to allow any construction to proceed until fully determined that said construction take place in a proper and safe manner, etc.

Phillip Place, Library Director, and Mr Croll concurred with execution of this agreement.

Motion was made by Mr Dierks to authorize the Vice Chairman to execute the agreement concerning construction of the Central Library Headquarters building with the City of Bradenton and to authorize the County Attorney to immediately deliver two executed copies to said City for immediate consideration.

(Enter Mr Bourne)

Don McIntosh reiterated statement that the architects and the engineers are professionally and legally responsible for the safe construction of the building, acknowledges and accepts that responsibility one hundred percent: that profession liability insurance is in effect and the county is totally covered.

Motion was seconded by Mr Parrish. Following lengthy discussion, motion carried unanimously.

✓AGREEMENT RECORDED S-1-131

LIBRARY BUILDING: PAYMENT TO CONTRACTOR

Motion was made by Mr Driggers, based on the recommendation of the County Attorney, and in the best interest of the County, to pay the bill of \$85,580.46 to Roger B. Hall, General Contractor, and rescind action taken December 7, 1976, regarding payment of \$16,000.00. Motion was seconded by Mr Dierks and carried unanimously.

CLERK OF THE WORKS: REPORT

After discussion regarding the Clerk of the Works reporting directly to the Board, Mr Croll stated he will bring the project log and report to the Board every Tuesday.

HEALTH DEPARTMENT BUILDING: CLERK OF THE WORKS

There were no objections to the suggestion by Mr McClure that Mr Parks be Clerk of the Works on the Health Department Building, since that project is supervised by Mr Croll, and weekly reports made to the Board.

LIBRARY BUILDING: AUTHORIZATION TO COUNTY ATTORNEY

Motion was made by Mr Driggers to authorize the County Attorney to institute proceedings and negotiate possible settlements and take all other action necessary to protect the interests of the County in connection with the construction of the Central Library Headquarters Building in Bradenton, Florida. Motion was seconded by Mr Parrish and carried unanimously.

ORDINANCE NO. 76-7: PROTECTION OF ANIMALS

Mrs Gertrude Decker, Mrs Trudy Pratt, representing the Humane Society, and Sheriff R.W. Weitzenfeld were present regarding the proposed County Ordinance No. 76-7 concerning animal protection. Sheriff Weitzenfeld stated that the ordinance was essential and desired for the community because of our unusual climate and tourist attractions, particularly at the beaches, and concurred with the purpose and

enforcability, with one exception - that one statement could be unconstitutional - "authorizing law enforcement officers to break and enter motor vehicles" and recommended changing that to read, "authorizing law enforcement officers to use any lawful means to remove animals" etc., in the title and in Section 6.

Vice Chairman McClure advised that the public hearing on the Ordinance No. 76-7 would be continued to December 14, 1976. There were no objections.

PERSONNEL: PAYROLL MODIFICATIONS

Westwood Fletcher submitted previously coordinated personnel payroll modifications (miscellaneous/authority to travel) and that the Vice-Chairman be authorized to sign the appropriate documents.

Motion was made by Mr Driggers to approve the payroll modifications and authorize the Vice Chairman to sign appropriate documents. Motion was seconded by Mr Parrish and carried unanimously.

INSURANCE: WORKMEN'S COMPENSATION SERVICE (ZICKAFOOSE)

Motion was made by Mr Driggers to approve payment of service fee for December, January and February to Jack Zickafoose Financial Services, Inc., in the amount of \$3,490.00. Motion was seconded by Mr Parrish and carried unanimously.

BOND: MEMBER MOSQUITO CONTROL BOARD

Motion was made by Mr Driggers to approve the following bond:
Mosquito Control Board
J. EDWARD HUGHES - \$2,000.00 - Auto Owners Insurance Company

Motion was seconded by Mr Parrish and carried unanimously.

PERSONNEL POLICY: AMENDMENT

Motion was made by Mr Driggers to adopt Resolution amending the Manatee County Personnel Policy Rules and Procedures concerning Payroll Enrollment Forms. Motion was seconded by Mr Parrish. Voting "Aye", Mr Driggers, Mr Parrish and Mr McClure. Mr Dierks voted "No". Motion carried.

RESOLUTION RECORDED S-5-

PERSONNEL DEPARTMENT: COMMITTEE CHAIRMAN

The Vice Chairman stated that if there were no objections, Mr Driggers would be appointed Chairman of the Personnel Department. There were no objections.

LITIGATION: PARKING TRAVEL TRAILERS, ETC. (BAY COLONY)

Mr Driggers moved to authorize the County Attorney to represent the members of the Board of County Commissioners in Case of David F. Lockwood, et ux, et al, vs the five individuals constituting the Board of County Commissioners of Manatee County, Florida; Case Number CA-76-1858. Motion was seconded by Mr Parrish and carried unanimously. (Suit brought by people living in Bay Colony Subdivision, contesting the legality of the amendment to Section VI, Paragraph 30 of the Manatee County Zoning Ordinance, pertaining to the parking of mobile homes, travel trailers, pickup coaches and motorized coaches on private property)

BOARD OF TAX ADJUSTMENT: LITIGATION (BEKER PHOSPHATE)

Motion was made by Mr Dierks that the County Attorney be authorized to investigate the facts, respond to the complaint and take whatever action necessary to protect the interests of the Board of Tax Adjustment and Manatee County in Case No. 76-1862 titled "Beker Phosphate Corporation vs A.B. Powell, as the Property Appraiser and the five individuals constituting the Board of Tax Adjustment for Manatee County, Florida." Mr Fay said he would not be representing Mr Powell as he has his own attorney. Motion was seconded by Mr Driggers and carried unanimously.

WELFARE DEPARTMENT: INDIGENT MATERNITY PROGRAM

Motion was made by Mr Dierks to approve Contract Agreement for an

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Indigent Maternity Program, referred to as an O.B. Clinic, under the Manatee County Welfare Department, with eight (8) local physicians. Motion was seconded by Mr Driggers and carried unanimously.

AGREEMENT RECORDED

S-1-132

PRIVATE STREET (THEIS)

Motion was made by Mr Driggers to adopt Resolution approving forty foot (40) easement as private road, as petitioned by John P. Theis, Jr. and Pauline Theis. Motion was seconded by Mr Dierks and carried unanimously.

RESOLUTION RECORDED

S-1-133

MEETING ADJOURNED

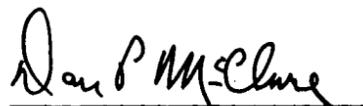
There being no further business, the meeting was declared adjourned.

Attest:

M.T. McInnis, Clerk

APPROVED: 25 January 1977


Deputy Clerk


Vice Chairman

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