

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, December 21, 1976 at 8:30 A. M.

Present were Commissioners Dan P. McClure, Vice Chairman  
Lamar S. Parrish  
Louis E. Driggers  
Also present were Henry E. Bourne, Deputy Clerk  
E. N. Fay, Jr., County Attorney  
Chairman L. H. Fortson, Jr., and  
Kenneth D. Dierks entered during  
the meeting.

The meeting was called to order by Vice Chairman McClure.

PERSONNEL: MANNING LEVELS

Westwood Fletcher requested approval of previously coordinated personnel action and adoption of the appropriate Resolutions ESTABLISHING AUTHORIZED MANNING LEVELS, BY JOB CLASSIFICATION, FOR THE DEPARTMENTS UNDER THE DIRECT SUPERVISION OF THE BOARD OF COUNTY COMMISSIONERS:

1) <u>Park &amp; Recreation Department</u>	<u>Classification</u>	
	From 1	To 2
Groundskeeper III		
Groundskeeper II	14	18
Groundskeeper I	3	4
Equipment Operator III	2	1
Equipment Operator II	5	7
Clerk-Cashier	Ø	1
Assistant Clerk	Ø	1
Starter	Ø	1
Cart Attendant	Ø	1
Assistant Cart Attendant	Ø	1
Equipment Maintenance Chief, Golf Course	Ø	1
<u>Library System</u>		
Librarian I	2	3
Library Assistant	3	2
<u>Motor Pool Department</u>		
Assistant Administrator	Ø	1
Automotive Equipment Mechanic II	6	7
Automotive Equipment Mechanic I	2	1
2) <u>Human Resources</u>		
Manpower Planner/Coordinator	Ø	1
Office Manager	1	Ø

1/25/77

See Mr. Driggers moved for the adoption of Resolutions Establishing Manning Levels in (1) Park & Recreation Department, Library System and Motor Pool Department, and (2) Department of Human Resources. Motion was seconded by Mr. Parrish and carried unanimously.

(1) RESOLUTION RECORDED S-5-<sup>227</sup>  
(2) RESOLUTION RECORDED 28

BILLS FOR PAYMENT

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

L. R. Kitchell (refund re flood variance)	100.00
Manatee Memorial Hospital	32.75
Pratt Agency (adjustment Pol. #6088)	214.48
Sarasota Memorial Hospital	234.04
Jerome Davis, Supervisor of Elections - refund premium on Official Bond	71.00

BONDS

Motion was made by Mr. Driggers to approve new bonds, deletions from

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bonds on file and release/refund of bonds as follows:

Sheriff's Department

Delete from Auto-Owners Insurance Company - Bond No. 767012 20210325  
 WILLIAM D. FORT, JR. (12/31/76) Captain  
 FRANCES J. JONES (12/31/76) Executive Secretary  
 C. JEAN HOFMANN (12/31/76) Adm. Assistant  
 CURTIS C. SIVER (1/3/77) Lt. Intelligence Branch

Driveway Permit No. 2405

JAMES U. WADE Cash Bond/Money Order #04-925,750,516  
 \$200.00

Driveway Permit No. 2215

Refund/return FRED REID \$125.00

Driveway Permit No. 2172

Refund/return AMY DENNIS \$100.00

Motion was seconded by Mr. Parrish and carried unanimously.

## PERSONNEL: PAYROLL MODIFICATIONS

Mr. Fletcher requested approval of previously coordinated personnel action and authorization for the Vice Chairman to sign the appropriate documents. Motion was made by Mr. Driggers to approve and authorize the Vice Chairman to sign documents for New Hires, Job Reclassifications/ Salary Increases, Terminations and Miscellaneous (Authority to Travel and requests for continued employment past the age of 65). Motion was seconded by Mr. Parrish and carried unanimously.

## CRIMINAL JUSTICE ADVISORY BOARD: DRIGGERS APPOINTED

The Vice Chairman stated that if there were no objections, Mr. Driggers would be appointed as member to the Criminal Justice Advisory Board as replacement for Mr. Hutches. There were no objections.

## SPEED LIMITS

Motion was made by Mr. Parrish to adopt a RESOLUTION ESTABLISHING SPEED LIMITS ON COUNTY MAINTAINED STREETS OR ROADS as follows:

30th Street East between its intersection with  
38th Avenue East and its intersection with 51st Avenue E. =35 MPH  
51st Avenue East between its intersection with  
30th Street East and intersection with 33rd Street E. =35 MPH  
33rd Street East between its intersection with 51st Ave-  
 nue East and intersection with 53rd Avenue E. =35 MPH

Motion was seconded by Mr. Driggers and carried unanimously.

(Enter Mr. Dierks)

RESOLUTION RECORDED S-1-134

## PARKS &amp; RECREATION: GOLF COURSE EQUIPMENT

Motion was made by Mr. Driggers that the appropriate county officers be authorized to execute Lease-Purchase Agreement between Manatee County and DE BRA TURF & INDUSTRIAL EQUIPMENT COMPANY in connection with equipment for maintaining the Manatee County Golf Course. (Bid accepted June 15, 1976.) Motion was seconded by Mr. Parrish and carried unanimously.

AGREEMENT RECORDED S-1-135

(Enter Mr. Fortson)

## ZONING

Recommendations of the Planning Commission were presented by Jerry West, Acting Director.

SE-964 MATTHEW P. & PATRICIA CASIANO APPROVED

Request special exception to permit commercial recreation facilities to include boat rentals, sale of fishing tackle and bait on .36 acres located 5809 18th Street E., Ellenton.

The Planning Commission recommended approval for a period of ten years with provision for extension of additional ten years by the Planning Director. Stipulations: 12 boat slips only; one bait stand; one tackle shop (existing utility building). Motion was made by Mr. Parrish to approve SE-964 and adopt the appropriate Resolution as recommended by the Planning Commission. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED ZONING SE-964

SE-965 S. FRANK III & MARY S. PERKINS APPROVED

Request Church and Church related facilities for Happy Gospel Singers Evangelistic Crusade, Inc. (George Harrison, agent) on 5 acres located SW corner of 51st Ave. and 30th St.E. The Planning Commission recommended approval.

Motion was made by Mr. Driggers to approve SE-965 and adopt the appropriate Resolution. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED ZONING SE-965

SE-955 PLANTATION VILLAGE MOBILE ESTATES APPROVED

Request for special exception to permit a community television for a mobilehome park (self-supporting 60-ft. tower and 8'x8' amplifier room) located on 28 acres at 63rd Avenue and 5th Street E. (James R. Kennedy, agent) The Planning Commission recommended approval with stipulations (a) tower and amplifier room will be relocated at petitioner's expense when First Street E. is built; (b) petitioner shall comply with all county, state and federal regulations involving location and construction of tower and amplifier room; (c) tower and amplifier room shall be located as per plan submitted by petitioner.

Motion was made by Mr. Dierks to approve SE-955 with stipulations recommended by the Planning Commission and to adopt the appropriate resolution. Motion was seconded by Mr. Parrish and carried unanimously.

RESOLUTION RECORDED ZONING SE-955

SE-967 MARVIN R. BILLS APPROVED

Request private recreational facilities including 12 tennis courts, private club house w/swimming pool and dispensing of food, 2 racquet courts, 60 parking spaces and conventional lighting for all facilities on 7.07 acres located west side of 30th St. W., approximately 1/2 mile south of Cortez Road.

The Planning Commission recommended approval with stipulations that (a) petitioner to comply with plans as submitted; (b) 20-ft. drainage easement shall be provided on west and north side of the lake.

Marvin Bills was present to answer questions about lighting, participation in paving 30th Street East, stating no objections to 11:00 P.M. curfew on tennis court activities and willing to participate with road paving project in the future.

Mr. McClure made a motion to approve SE-967 and to adopt the appropriate Resolution with stipulations recommended by the Planning Commission. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED ZONING SE-967

SE-969 DOROTHY & LEON POINDEXTER APPROVED

(Dennis Perault, agent) - Request for special exception to permit the distributing (wholesale) of air conditioning equipment; 1.22 acres (C-1) located 4407 U.S. 301, Ellenton.

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The Planning Commission recommended approval with stipulation that petitioner comply with plans submitted in addition to the landscaping, as added, to adequately buffer this use from surrounding uses.

Mr. Perault concurred with the stipulations. Mr. Parrish made a motion to approve SE-969 as recommended by the Planning and adopt the appropriate Resolution. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED ZONING  
SE-969

SE-970 ROBERT W. POPE DENIED

(Jerome Pratt, agent) - Request for special exception to permit beer, wine and liquor package store (non-consumption on premises) at 3804 14th St. W. (Zoning C-1)  
The Planning Commission recommended denial.

Motion was made by Mr. Driggers that SE-970 be denied. Motion was seconded by Mr. Dierks and carried unanimously.

SE-971 BRUCE C. HENDRY, ET UX APPROVED

Request for special exception to permit the operation of a wholesale sausage company for the preparation of an agricultural product on 19.39 acres located north side of Boyd Road approximately one mile north Highway 70 and south of Myakka-Wauchula Road.

The Planning Commission recommended approval subject to the Planning Director's approval of location of the building.

Mr. Driggers made a motion to approve SE-971 and adopt the appropriate Resolution. Motion was seconded by Mr. Parrish and carried unanimously.

RESOLUTION RECORDED ZONING  
SE-971

R-804 LELAND A. & E. LOUISE ROSS, ET AL DEFERRED

Request to change zoning from District R-1A to R-3; 1204 63rd Avenue E.

William Kaklis requested that R-804 be continued two weeks until Tom Gallen, attorney for the petitioners, could be present. Saul Paster, attorney, was present to object on behalf of property owners and stated he would make presentation at that time. No objections to deferring this item until January 4, 1977.

R-805 EDNA L. WOODALL, ET AL APPROVED

Request to rezone from R-1AA and R-3 to PR (Professional) District or to such other district as determined to be more appropriate: Location 4910-4912 26th Street W. (7 acres m/1).  
The Planning Commission recommended approval.

Mr. West advised that the petitioners have agreed to have access only on 48th Avenue W. and to pave 48th Avenue W. to the entrance of the proposed complex and meet the county highway construction standards.

Mr. McClure made a motion to approve R-805 and adopt the appropriate Resolution. Motion was seconded by Mr. Driggers and carried unanimously.

RESOLUTION RECORDED ZONING  
R-805

T-1/59(P) ARBOR TERRACE, UNIT III (REVISED)

Request for approval of preliminary plan for addition, UNIT III to a travel trailer park for 72 travel trailer spaces on 3.59 acres located 3rd Street W. at 56th Ave. BR.W.

The Planning Commission recommended approval with stipulations as outlined by Mr. West, relating to water and sewer facilities, pipe for storm sewer, roadway and buffer; 56th Avenue W. (1-way east); 56th Avenue Plaza W. (1-way west); roadway north from 56th Avenue W. (1-way south); north/south roadway at east side (1-way south); 15-foot buffer east side.

Mr. Dierks made a motion to approve T-1/59(P), preliminary plans for ARBOR TERRACE, UNIT III (Revised) as recommended by the Planning Commission and to adopt the appropriate Resolution. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED X ZONING

75-S-9(F) BONNIE LYNN SUBDIVISION

The Planning Commission recommended approval of final plat 11.38 acres m/1 - 39 single family lots - bordered on north by 11th Avenue N.W. and approximately 150 ft. to west of 67th Street N.W., subject to developers posting a bond in the amount of \$5,500.00 for completion of balance of improvements.

Mr. McClure made a motion to approval final plat of BONNIE LYNN SUBDIVISION subject to posting bond in the amount of \$5,500.00, and to adopt the appropriate Resolution. Motion was seconded by Mr. Driggers and carried unanimously.

RESOLUTION RECORDED ZONING

Z-105 AMENDMENT TO ZONING ORDINANCE: ALCOHOLIC BEVERAGES  
(County Commission Initiated)

The Planning Commission recommended approval of amendment to Section VI, Paragraph 11-b as follows:

- b. Golf clubs, country clubs, civic and fraternal clubs, private clubs, hotels, motels and restaurants meeting the requirements and definitions set forth in Florida Statutes 561.20 (2) (a), and any amendments thereto, may serve alcoholic beverages upon obtaining the necessary licenses and permits from the State of Florida, when such service is incidental to the main use and for the exclusive use of the members, tenants and guests of said facility.

Mr. Dierks made a motion to adopt a Resolution approving Z-105, Amendment to the Manatee County Zoning Ordinance relating to the sale of Alcoholic Beverages, as recommended. Motion was seconded by Mr. Driggers and carried unanimously.

RESOLUTION RECORDED Z-105

PLANNING COMMISSION: MEMBER

Chairman Fortson recommended appointment of Mrs. Dolly Young to fill the vacancy on the Planning Commission at the expiration of the term of Maurice Goodnight, February, 1977. Mr. Goodnight had tendered his resignation effective at the expiration of his present term. Since this appointment would make the fourth realtor serving on the Commission, Board members concurred that this matter be deferred pending review of representation of other segments in the community.

PARKS & RECREATION BOARD: MEMBER (STEVENS)

Motion was made by Mr. Dierks to appoint STAN STEVENS member to the Parks and Recreation Board to fill the vacancy created by the resignation of Dr. John V. Yelvington, and to appoint Col. Warren Johnson as ex officio member of that Board. Motion was seconded by Mr. Parrish and carried unanimously. (Term of four years.)

LONGBOAT PASS DREDGING: WEST COAST INLAND NAVIGATION DISTRICT

Dewey A. Dye, Jr., attorney for the West Coast Inland Navigation District, outlined a proposed agreement between the United States of America, the

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West Coast Inland Navigation District and Manatee County for the District to assume local sponsorship of the Longboat Pass Dredging Project, and advised that the local contribution share had been raised by \$37,000. Summary: WCIND will pay \$112,324.00, County will pay \$60,000 as presently budgeted - contingent upon bids not exceeding \$1,286,000.00. Local sponsors to pick up anything over two million dollars. Corps has three spoil areas designated (Coquina Beach area, Longboat Key area and area on bay side of Coquina Beach). The area on bay side of Coquina designated to receive any rock or similar material not considered suitable for placement on the beach and this area will have to be diked to U.S. Corps specifications. The Corps proposed they will do the diking at local interests costs, estimated more than \$40,000 and WCIND Board will put up the additional \$37,000 on condition Manatee County will do the diking. Indicated that property owners on Longboat Key, with exception of one, will donate that spoil area and application made to the State to issue spoil area easements on the two offshore spoil areas off Coquina and Longboat Key. If the one property owner declines, the Corps will decline this area and proceed with the balance. If total cost of project exceeds the estimate the local sponsors will be given the right not to go ahead at that point.

The County Attorney stated he had reviewed the agreement and it is in good form as a legal document.

Motion was made by Mr. McClure that the Chairman be authorized to sign the agreement and that the County Attorney be authorized to draft the appropriate resolution for consideration by this Board at the next regular meeting. Motion was seconded by Mr. Dierks and carried unanimously.

#### ZONING

##### R-801 FRANK V. ARPAIA, ET AL C-1 DISTRICT DEFERRED

Request to rezone from R-3 to C-1 or to such other district as determined to be more appropriate for proposed use compatible with C-1 zoning, on 2.56 acres located 7916-8208 Cortez Road (Old Kimball City property).

The Planning Commission recommended approval.

Frank Arpaia stated he was co-owner with several other people and there was no interest in developing a single or multiple family unit on Cortez Road, but they had received requests for commercial uses. They own property west of this parcel, which is zoned C-1, and the property immediately east is zoned C-1, and the subject property should be zoned for compatible use(s). Because of access problems, road problem and conditions, in discussion with the County Engineer they had agreed to bind themselves to limit access to and from this property on 80th, 81st and 82nd Streets, with no direct access from Cortez Road.

Walter Resamus, 10424 Sandpiper Road W. (Flamingo Cay), stated he owned a duplex at 8204-8207 43rd Avenue W., and he was representing 100 petitioners who are against rezoning the tract in Kimball Subdivision to C-1. During discussion Mr. Arpaia pointed out that the petition was signed by people who were predominately tenants and not property owners.

Mr. Fortson requested that this item be deferred for one week to give him an opportunity to confer with Mr. Arpaia and the Highway Department. There were no objections.

#### PARKS & RECREATION: MOTO CROSS RACE TRACK

Tom Tucker, chairman of the N.F.S.A., Florida Congress, explained that this is an association of parents of children who race bicycles, and he was requesting permission to use the track located at 24th Street East and 9th Avenue East from one to four times per month not to conflict with the one time per month by the Sertoma Club.

Upon recommendation by Mr. McClure, this matter was referred to John Marble, Director of Parks and Recreation, to work out a schedule after conference with the Sertoma Club.

EARTHMOVING PERMIT: ABRAHAM KAWA

Jerry West submitted application from Abraham Kawa for Earthmoving Permit (EM-16) on location north of 17th Street W., west of 48th Avenue W., Snead Island, Palmetto, proposing to remove earth from one area to fill another area on petitioner's property (.178 acre m/l). He read Permit No. 41-39-0305-3E from the Department of Environmental Regulation, State of Florida, describing the work to be done to straighten out existing upland canal bank by excavating 3444 cubic yards of material from an area approximately 25 feet wide by 310 feet long by 12 feet depth (7 feet below mean high water). Letters from the Highway Department and Pollution Control Department, approving the permit subject to stipulations outlined, were read; also, I. H. Stewart, District Conservation. The Planning Commission offered no objections provided that the applicant comply with stipulations of the appropriate Departments.

Ken Cleary, attorney representing the petitioner, was present to answer any questions in connection with the application.

Cordt A. Goldeisen, 4506 Sailfish Lane in Gulf and Bay Estates, made a presentation on behalf of Gulf and Bay Improvement Association, Inc., expressing concern as to how the work proposed by this permit is accomplished and controlled, referring to problems and conditions from previous operations. It was suggested that (1) Trucks be required to use cover over hauled material (2) Trucks be required to comply with posted speed limits (3) All spillage from truck bodies and material deposited on pavement surfaces by truck wheels, appendages or other equipment be removed at the conclusion of each days operation and a final cleanup approved by the County (4) Work be prohibited on Saturdays, Sundays and holidays and on any days when Enforcement Bureau of the Planning Commission is not open for business.

Upon question, Mr. Cleary stated that Dr. Kawa would have no objections to reasonable regulations, pointing out, however, that since he is out of town he would have to rely on the contractor complying with such regulations, also that speeding trucks are subject to arrest by law enforcement officers and observers should report violations.

Mrs. Carl McDonald, 4517 Pinfish Lane, reported that the canal bordering her property has been filling in since breaking of the dike put in during previous operations and asked if something could be done to prevent further silting. She suggested posting of adequate signs to prohibit certain objectionable activities, including motorcycle racing, etc.

Mr. McClure made a motion to approve Earthmoving Permit EM-16 with stipulations outlined during discussion. Motion was seconded by Mr. Driggers and carried unanimously. (Mr. McClure asked if it might be possible to put a dragline in canal to clean out after job completed.)

RECESS

After a short recess the meeting was reconvened.

TRAVEL: RIGHT-OF-WAY DEPARTMENT

Robert Moon asked for permission to sent Tim Mumford to a Right-of-Way seminar to be held in Doraville, Georgia (three days), held by the Right-of-Way Association on the subject of right-of-way acquisition, and if permission granted, then authorize an advance of \$127.50 for registration fees. Mr. Dierks made a motion that the request be granted and that check for registration fees be authorized. Motion was seconded by Mr. Parrish and carried unanimously.

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**59TH STREET WEST: CLOSED TO TRAFFIC**

The County Engineer advised that due to extensive sewer line installations to Meadowgreen Subdivision, 59th Street W. would be closed to traffic from Monday, December 27th to Friday, December 31st, between First and Third Avenues W.; that block detours north and south would be posted; that all law enforcement agencies, hospitals and ambulance service, public utilities, news media, etc., have been properly notified.

**BARTON PARK SUBDIVISION**

The Chairman presented an easement that had been requested in connection with petition to vacate a portion of Willoughby Street in Barton Park Subdivision (petition by Riverwinds, Inc.). The document was referred to the County Engineer for review and approval.

**MCUS ELEVATED WATER STORAGE TANK**

Chris Angelidis and Herb Hayes came before the Board to discuss the location of the proposed one-million gallon elevated water storage tank in the area of First Avenue W. at 67th-75th Streets W. County does not own property but survey and test borings had been made with owner's permission. B. E. Pittman pointed out and described first choice location on a map and Mr. Angelidis exhibited pictures of the type tank that was recommended.

Motion was made by Mr. McClure to accept the recommendations of Mr. Angelidis and Mr. Hayes, to proceed with acquisition of the property and advertise for bids on construction of the tank. Motion was seconded by Mr. Dierks and carried unanimously.

**CONSTRUCTION TRUST FUNDS**

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

**PROJECT CONSTRUCTION TRUST FUND**  
State Loan No. 2: Payment No. 8

Manatee County Utilities System	6,829.19
Lanzo Construction Co., Inc.	110,324.70
Scott Cole Mechanical Constr. Co. & Ethyl Corp.	106,659.40
Scott Cole Mechanical Constr. Co. & Griffin Pipe Product Co.	6,279.93
Scott Cole Mechanical Constr. Co. & Cast-Crete Corp. of Florida	5,147.99
Scott Cole Mechanical Constr. Co., Inc.	5,975.87

RESOLUTION RECORDED S-1-136

**MCUS EASEMENT & DISCLAIMER (NORTON)**

Mr. McClure made a motion to authorize execution of Disclaimer to DON W. NORTON and IRENE S. NORTON, KENNETH E. and HELEN E. NORTON for an easement for Manatee County Utilities System, which was in error, and accept a corrected Utility Easement (For Sewer Only) from DON W. and IRENE S. NORTON and KENNETH E. and HELEN E. NORTON. Motion was seconded by Mr. Parrish and carried unanimously.

**\$3,485,000 WATER & SEWER REVENUE BONDS, SERIES 1965**

Mr. Fay read a letter from Russell Hawkes, dated December 16, 1976, (addressed to Chris Angelidis, MCUS Director) advising that the Bayshore Water and Sewer System, originally financed from the sale of \$3,485,000 Water and Sewer Revenue Bonds, Series 1965, has surplus funds on hand which can be used to buy-in outstanding bonds and that the next few weeks would be an excellent time to buy-in some of these bonds at a discount. He recommended that Mr. Angelidis request the Board to authorize the Utilities System to purchase up to \$100,000 1 percent Water and Sewer Revenue Bonds of September 1, 2005 and to purchase up to \$100,000 4.20 percent Water and Sewer Revenue Bonds



of September 1, 1999, such purchases to be made upon the recommendation of the Director of the Utilities System and the Financial Advisor.

Motion was made by Mr. McClure to approve the recommendation of Mr. Hawkes. Motion was seconded by Mr. Parrish and carried unanimously.

#### CONSTRUCTION TRUST FUNDS

Upon motion by Mr. Dierks, seconded by Mr. McClure, the following resolutions were unanimously adopted authorizing payments from the

##### WATER SYSTEM CONSTRUCTION TRUST FUND

###### Requisition No. 11.650 B-87

Ardaman & Associates, Inc. \$ 1,758.00  
The Bradenton Herald 46.08

RESOLUTION RECORDED S-1-137

###### Requisition No. 11.650 D-46

Inter City National Bank 1,827.74  
Russell & Axon 17,803.30  
12,830.81  
3,195.57  
318.46  
128.94

RESOLUTION RECORDED S-1-138

##### SEWER SYSTEM CONSTRUCTION TRUST FUND

###### Requisition No. 2414 D-112

Mann, Fay and Price 937.50  
485.20  
James M. Doss Associates 904.50

RESOLUTION RECORDED S-1-139

#### COUNCIL ON AGING

Larry Horan submitted request from the Manatee County Council on Aging that the Board of County Commissioners recognize it as the central clearing agency to direct people to the proper agency or agencies for their particular needs so that there would be no conflict or duplication of services from the fifty-nine local service agencies for the elderly in Manatee County.

Mr. McClure made a motion that the County Attorney be authorized to draft the appropriate Resolution granting the request for recognition of Manatee County Council on Aging for the purpose outlined by Mr. Horan. Motion was seconded by Mr. Driggers and carried unanimously.

#### COUNCIL ON AGING: DEPARTMENT OF HEALTH & REHABILITATIVE SERVICES - DONOR AGREEMENT

Motion was made by Mr. McClure that the Chairman be authorized to sign the Donor Agreement between the State of Florida, Department of Health and Rehabilitative Services, District VI, and the Board of County Commissioners with respect to the Manatee County Council on Aging's provision of Information and Referral and Counseling services, outlined by the County Attorney. This agreement provides that the Donor contribute \$14,406.00 for the purpose of obtaining federal funds in the amount of \$43,220 for a total of \$57,626 to be used by the Council on Aging in providing those services. Motion was seconded by Mr. Dierks and carried unanimously.

AGREEMENT RECORDED S-1-140

#### BUS SERVICE: RIVER ISLES

The Chairman read a letter from William A. Evers, Councilman, Ward IV, stating he was in agreement with the River Isles Association and the East Bradenton Association to try and change the times of the bus schedule to the East Bradenton area.

Al Grossman requested that the bus schedule be changed from 9:00 o'clock, 12:00 o'clock and 3:00 o'clock to 10:00 o'clock, 1:00 o'clock and 4:45.

Benjamin Kresker, 4108 Neil Lane In River Isles, stated that the problem is that the last bus that arrives back at River Isles is at 3 o'clock

and those people who wish to visit patients at the hospital have no transportation back home.

Phil Davis said he had no objections to changing the hours to increase the service to River Isles if they feel they will utilize the bus more.

Mr. McClure moved that the Board instruct Mr. Davis to initiate the hours of 10:00, 1:00 and 4:45 at River Isles on a temporary basis (for a trial basis). Motion was seconded by Mr. Driggers and carried unanimously.

**BUS SERVICE: HOLIDAY SCHEDULE**

Since Christmas and New Year holidays fall on Saturdays and the County is providing Fridays, December 24th and 31st as employee holidays, Mr. Davis recommended (1) That County bus service operate on both Fridays using minimum essential personnel and (2) The County bus service not operate on Christmas and New Years Day.

Motion was made by Mr. McClure to accept the recommendation of Mr. Davis. Motion was seconded by Mr. Dierks and carried unanimously.

**PARKS & RECREATION -**

**GOLF COURSE: GOLF CART STORAGE SHED WIRING**

Motion was made by Mr. Dierks that the Chairman be authorized to execute Lease-Purchase Agreement with PEEBLES' ELECTRIC, INC., on installation of a complete electrical power system in the Golf Cart Storage Shed at the County Golf Course for the Parks and Recreation Department, and that the performance bond be approved. (Surety:

Motion was seconded by Mr. Driggers and carried unanimously.

AGREEMENT RECORDED S-1-141

**CASH REGISTER FOR GOLF COURSE**

Motion was made by Mr. Dierks that the Purchasing Director be authorized to advertise for bids on an electronic cash register for the Golf Course after checking out state regulations on such equipment. Motion was seconded by Mr. Driggers and carried unanimously.

**DEPARTMENT OF HUMAN RESOURCES**

Regis Chapman, Director of Department of Human Resources, submitted requests for approval in connection with the CETA programs.

Motion was made by Mr. Dierks to approve CETA TITLE I Grant No. 12-5-0159-10 Closeout Documents for Fiscal Year 1976 Grant for Training programs. Motion was seconded by Mr. Driggers and carried unanimously.

Motion was made by Mr. Dierks to approve CETA TITLE VI Grant No. 12-6-0324-60 Closeout Documents for Fiscal Year 1976 Grants for Public Service Employment. Motion was seconded by Mr. Driggers and carried unanimously.

Motion was made by Mr. Parrish to approve change in the CETA TITLE II Public Service Employment Program position No. 7/45/252 at the City of Bradenton from Secretary to Custodian. Motion was seconded by Mr. Dierks and carried unanimously.

Motion was made by Mr. Driggers to approve and authorize execution of On-The-Job Training Contract with MANA-HILL FARMERS COOPERATIVE to train one packing house foreman (DOT Code 920.137) during period of January 3, 1977 to July 15, 1977 in contract amount of \$840.00. Motion was seconded by Mr. Parrish and carried unanimously.

Mr. Chapman submitted information on Title VI Grant for Fiscal Year 1977, CETA Title I Training Program, etc., and total Department of Human Resources budget for 1977.

## CIVIL DEFENSE: 911 EMERGENCY COMMUNICATIONS SYSTEM

William Kuhn, Civil Defense Director, advised that the "911" emergency communications system is still mandated by the State legislature and sufficient funds are available to implement the system; however, in order for the County to receive these funds an agreement must be entered into with General Telephone Company for the work to begin. He submitted recommendations of the Advisory Committee and information on space requirements, cost of operation, etc.

Motion was made by Mr. Driggers that the Board proceed with the implementation of the "911" Emergency Communications System and that the County Attorney be authorized to prepare the appropriate documents. Motion was seconded by Mr. Dierks and carried unanimously.

## HEALTH DEPARTMENT: FEES FOR SERVICES

Dick Shewmaker, Administrative Assistant, Manatee County Health Department, submitted recommended schedule of fees to be charged for services rendered by the Health Department. This was referred to the County Attorney with request to prepare the appropriate resolution.

## TRANSIT DEPARTMENT: ACCEPTANCE OF GRANT

## CONTRACT: LESTER GREEN, INC. (MAINTENANCE BUILDING)

Motion was made by Mr. Dierks that the Chairman be authorized to execute Certificate of Acceptance of Department of Transportation Grant for the County Transit Department and the contract with LESTER GREEN, INC., for the construction of the Maintenance Building (\$100,500.00) and to approve the performance bond of Lester Green, Inc., (Surety: all subject to review and approval by the County Attorney. Motion was seconded by Mr. Parrish and carried unanimously.

RECORDED S-1-142

## 34TH STREET WEST (LAKEPOINTE APARTMENTS)

## CONSTRUCTION BOND

Motion was made by Mr. Driggers to accept the bond, in the form of certificate of deposit No. 15771-9, payable to Manatee County or Carl Langer, in the amount of \$11,600.00 to assure construction of 34th Street West and storm drainage in Lakepoint Apartment Complex. Motion was seconded by Mr. Parrish and carried unanimously.

## LAWSUIT: TOMASINO &amp; ASSOCIATES (PHOSPHATE MINING)

Mr. Fay referred to his letter to the Board, dated December 14, 1976, concerning suit Tomasino & Associates, Inc., vs Manatee County, filed on December 10, 1976, for collection of \$26,643.00 they claim is owing them by Manatee County. He acknowledges there is material dispute between the parties as to actual services and amounts due and owing, and recommends that he be authorized to make investigations, file pleadings, negotiate for settlement and take all other actions which may be necessary to protect the county in this litigation.

Motion was made by Mr. Dierks to approve the recommendations and to authorize the County Attorney to act accordingly in this particular litigation. Motion was seconded by Mr. Driggers and carried unanimously.

## RECESS

The Chairman declared the Board recessed until 1:45 P. M.

1:55 P.M.

The Board reconvened at 1:55 P.M., December 21, 1976, with all members present.

## LIBRARY BUILDING, CENTRAL HEADQUARTERS

The County Attorney reported on a work session before the City Council of Bradenton regarding construction of the Library Central Headquarters building and the Board's offer to take over the inspection of the building from the Building Department of the City of Bradenton; referred to his letter(s) dated December 17, 1976 to the architect, the

contractor and the City of Bradenton (with copies to the Board) advising no work done on the job since the "stop work" order and in his opinion the inability or failure to proceed with the work on said construction substantially and materially prejudices the rights of the county; that each of them may share in the responsibility for this situation, and if inspections not properly done there could be some liability by the inspecting authority.

He recommended that Diaz, Seckinger & Association (D.S. & A.) make a presentation to this Board, such presentation to be pictorial and narrative in form - how it was designed - demonstrate that the building meets the code, etc. He made recommendations on action to be taken, based on the determinations that are made, to take the necessary steps to proceed with construction and any remedial work or corrections that must be done. Thursday, January 6, 1977 at 9:00 A.M. was scheduled for this presentation.

He requested authorization to approach testing agencies for quotations on services in the event it is decided to have this done. There were no objections.

DOUBLE TAXATION: OFFERS BY CITIES REJECTED

Mr. Fay referred to his letter to the Board dated December 16, 1976 regarding the double taxation suit, and outlined the seven areas in which the Judge had ruled there is double taxation: Highway Department; Planning and Development Department; Sheriff's Department -90 percent of that part of the budget which applies to law enforcement, road patrol, communications and criminal investigations; fire control assessments to the Division of Forestry; bus services to the extent financed with any taxes; lot clearing to the extent that is not self-supporting; the landfill at Lena Road to the extent of ad valorem taxes other than taxes collected by the county for the Mosquito Control Board. Offers by the Cities for settlement, and then be dropped from the suit were as follows: (Damages prior years, excluding Revenue Sharing)

- 1) Longboat Key - settlement for \$400,000 in cash, payable in eight years at \$50,000 a year;
- 2) Bradenton Beach - combination of cash, materials, equipment or services: Road and bridge work \$23,562.00; Planning and Development services by Don Shepherd \$2,103; law enforcement - accept \$8500 county is giving for patrolling Coquina Beach; transit service - bus to the Island with agreeable stopping place(s); landfill operation - credit of \$9,312; ball diamond at Coquina Beach; equipment for new playground; county library system provide books, films, etc.;
- 3) City of Bradenton - traffic control improvements at seven intersections; resurface 9th Avenue E., between 13th and 27th Streets; 26th Street W. from 9th to 29th Avenues.

Motion was made by Mr. McClure to reject all offers by the Cities and instruct the County Attorney to continue to represent the County in any appeals. Motion was seconded by Mr. Driggers and carried unanimously.

FLORIDA POWER & LIGHT COMPANY: OPPOSE REQUEST FOR VARIANCE

O. E. Randle, Jr., by letter dated December 13, 1976, questioned if the Board's authorization for him to attend the DER hearing to oppose Florida Power & Light Company's request for a variance and subsequent authorization for Eddie Mulock, attorney for the Pollution Control Board, to attend a pre-hearing legal conference with DER staff and attorney(s) to intervene in this case, take depositions and proceed with the litigation.

Following lengthy discussion, motion was made by Mr. McClure that the Board re-affirm its position, to authorize Mr. Randle to develop a letter

to be submitted at the time of the hearing and to attend in person to oppose the waiver and to speak to any of the issues that might arise in the interest of Manatee County. Motion was seconded by Mr. Dierks and carried unanimously.

The Chairman read a letter from John Marggraf, Program Administrator, American Lung Association of Southwest Florida, expressing concern for the health of Manatee County residents and commending the County Commission for helping to maintain the cleanest air possible for the citizens of the area. (Correction: Letter read by Mr. Marggraf.)

FLORIDA PRECINCTS - MAP UPDATE (U.S. BUREAU OF CENSUS)

In response to a memorandum from Mary L. Singleton, Director, State Division of Elections, motion was made by Mr. McClure that Douglas Widmer, Planner II, Planning and Development Department, be designated to work with Manatee County Supervisor of Elections in updating of Florida precincts to conform with the guidelines of the U. S. Bureau of the Census. (Implementation of SB 1206 Ch. 76-121.) Motion was seconded by Mr. Driggers and carried unanimously.

POLLING PLACE: BAYSHORE GARDENS CONDOMINIUM

Motion was made by Mr. Dierks to accept the recommendation of Jerome Davis, Supervisor of Elections, to use the Recreational Building of Bayshore Gardens Condominium Apartments, Unit I, for a polling place for a new voting precinct (1978 elections). Motion was seconded by Mr. Driggers and carried unanimously.

VOTING MACHINE STORAGE BUILDING

Complaint by Jerome Davis about leaks and condition of the floors in the year-old Voting Machine Storage Building was referred to Commissioner Dierks for investigation and report.

CORRESPONDENCE

Correspondence was read from

- 1) Mayor James Zerby, addressed to Counselor David Altman regarding erecting signs designating perimeter of private/public lands.
- 2) An attorney in Chicago, addressed to the City of Holmes Beach, pertaining to "No Trespassing" signs on private property - Referred to the County Attorney.
- 3) Palmetto Council, Manatee County Chamber of Commerce: relating to development of an industrial park on the north side of Manatee River and consideration of property presently owned by Manatee County Housing Authority. Copies to Commissioner Parrish, Al Kossa (Housing Authority) and Planning and Development Department for review and investigation.
- 4) Martin Williams, Director, Manatee County Motor Pool Department Request for approval to cannibalize Civil Defense equipment (uneconomically reparable) and sell residue as scrap metal, after authorization by the appropriate State Department, and drop from Manatee County Inventory Control Records upon satisfactory completion of sale.
- 5) Martin Williams Recommendation for authority to sell various items of equipment placed on permanent deadline (as is or as scrap after cannibalization for usable parts) and drop from Inventory Records.

CIVIL DEFENSE: EQUIPMENT

Motion was made by Mr. McClure that the recommendations of Martin Williams, dated December 17, 1976, be approved. (Letters covering both Civil Defense and County Equipment.) Upon recommendation by the County Attorney the motion included the finding that the listed equipment has no substantial economic value to the County. Motion was seconded by Mr. Dierks.

DECEMBER 21, 1976

(Cont'd)

Motion was withdrawn in favor of referring to the Purchasing Agent for proper disposition.

Motion by Mr. Dierks that the Civil Defense items be cannibalized by the Highway Department and Motor Pool, and county items turned over to the purchasing agent for proper disposition was withdrawn in favor of referring the recommendations to Westwood Fletcher.

**WARRANT LISTS**

Motion was made by Mr. McClure to approve Warrant Lists from December 14 to December 21, 1976 and to authorize Warrant Lists to December 28, 1976, said Warrant Lists to include any 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. Dierks and carried unanimously.

**PARKS & RECREATION: WIRING FOR GOLF CART STORAGE**

Upon being advised by the County Attorney that the performance bond for Peebles Electric on wiring for the Golf Cart Storage Building was not attached to the contract, motion was made by Mr. McClure that the previous motion to approve the contract and bond be rescinded and that said contract and bond be approved subject to the approval by the County Attorney. Motion was seconded by Mr. Dierks and carried unanimously.

**POMELLO PARK: RIGHT-OF-WAY**

Motion was made by Mr. Driggers to authorize proceeding with negotiations to obtain right of way into property off Bethany Road into Pomello Park. Motion was seconded by Mr. McClure and carried unanimously.

**MINUTES APPROVED**

Motion was made by Mr. Dierks that Minutes of previous meetings be approved as follows:

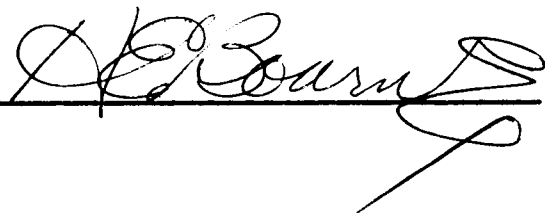
REGULAR MEETING OF SEPTEMBER 28, 1976  
SPECIAL MEETING OF SEPTEMBER 30, 1976  
REGULAR MEETING OF OCTOBER 5, 1976  
SPECIAL MEETING OF OCTOBER 7, 1976

Motion was seconded by Mr. McClure and carried unanimously.

**MEETING ADJOURNED**

There being no further business the meeting was declared adjourned. The Chairman stated that the next Regular Meeting of the Board would begin at 9:00 A. M.

Attest:

  
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APPROVED:

11/25/77  
  
Chairman