

FEBRUARY 15, 1977

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, February 15, 1977 at 9:04 A. M.

Present were Commissioners Dan P. McClure, Vice Chairman
Lamar S. Parrish
L. H. Fortson, Jr.
Kenneth D. Dierks

Also present were R. B. Shore, Clerk
John D. Sands, Deputy Clerk
E. N. Fay, Jr., County Attorney

Chairman Louis E. Driggers was not present.

The Reverend Dennis Booth, First Methodist Church of Downtown Bradenton, gave the invocation.

The meeting was called to order by Vice Chairman McClure.

LIBRARY:

Leonard Najjar, Library Project Engineer, submitted report on the Library building, noting that the contractor and the architect had been instructed to provide answers to questions by the Construction Code Board of Appeals (Meeting of February 11, 1977) so that ruling could be made on whether or not to allow construction to proceed; that he had met with the contractor, architect and engineer at jobsite to view and discuss questionable areas; that he had not found any significant design problems and that most of the problems were result of construction not meeting specifications.

ZONING

Charles Carrington, Planning and Development Director, and Jerry West presented recommendations of the Planning Commission.

R-808 SHREVE & THERESA WOLTZ DEFERRED

(Alvin Kipp, agent) Request to change zoning from R-1AA to M-1 for contractor's warehouse on .85 acre located on northwest corner of 9th Street E. & 23rd Avenue.
The Planning Commission recommended approval.

Mr. Carrington read a letter from the Highway Department requesting that R-808 be delayed until discussion could be had with proposed purchaser regarding access and ditch along 9th Street at the intersection of the new relocation of U.S. 301.

The petitioner, Shreve Woltz, 104 61st Avenue E., stated that he had had no communication with the Highway Department on the matter. The Vice Chairman stated that if there were no objections R-808 would be deferred for one week so that the County Engineer and the petitioner could discuss the problems relating to access and right of way. There were no objections.

SE-984 JERRY L. WHITE APPROVED

Request for mobilehome as dwelling in conjunction with agriculture on 16.73 acres located 6205 16th Ave. E., Palmetto. The Planning Commission recommended approval for a period of five years and may be extended additional five years by the Planning Director.

Mr. Parrish made a motion to approve SE-984 and adopt the appropriate Resolution, as recommended by the Planning Commission. Motion was seconded by Mr. Fortson and carried unanimously.

RESOLUTION

ZONING

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(Cont'd)

SE-985 DONALD F. WINTERAPPROVED

(James Scott, agent) Request TV tower (100 ft. self supporting) for mobilehome park and use of existing building for amplifier room (Hawaiian Village) on 40 acres located 104 63rd Avenue W.

The Planning Commission recommended approval. Jerry West advised that clearance would be obtained from the Airport Authority prior to construction.

Mr. Dierks made a motion to approve SE-985 and to adopt the appropriate Resolution. Motion was seconded by Mr. Parrish and carried unanimously.

ZONING

RESOLUTION RECORDED

NATIONAL ENGINEERS WEEK

Mr. Parrish made a motion to approve a Proclamation establishing the week of February 20 through February 26, 1977 as National Engineers Week, as presented by Bob Lombardo. Motion was seconded by Mr. Fortson and carried unanimously.

PROCLAMATION RECORDED S-1-217

ZONING

77-S-1 (P) WESTBAY ESTATESAPPROVED

(Frank Kraft, agent) Request to approve preliminary plat of 30 single family lots on 9.24 acres m/1 bordered on the east by 67th Street W. and approximately 660 ft. north of Manatee Avenue.

The Planning Commission recommended approval.

Mr. Fortson made a motion to approve the Preliminary Plat of Westbay Estates Subdivision and to adopt the appropriate resolution. Motion was seconded by Mr. Dierks and carried unanimously.

ZONING

RESOLUTION RECORDED

77-S-6(P&F) POWERS SUBDIVISIONDEFERRED

(Leo Mills & Associates, agent) Request for approval of plat for 4 single family lots on 5 acres m/1 bordered on the north by 49th Avenue E. and approximately 660 ft. east of 9th Street E.

The Planning Commission recommended approval; however, Mr. Carrington stated that the Final Plat does not meet the State requirements for a record plat and recommended a one week deferral. There were no objections.

PRIVATE STREET NO. 27: INNISFALLEN, INC. APPROVED

(William Grimes, agent) Request for approval of a 25-ft. easement, 1650 ft. in length, as a private drive to serve two private dwelling units; located approximately 1650 ft. on west side of 24th Ave. E. and approximately 3/8 mile south of Experimental Farm Road.

Mr. Parrish made a motion to approve Private Street No. 27 and to adopt the appropriate resolution. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED S-1-218

CONTRACTORS EXAMINING BOARD

Mr. McClure advised that the HARV (Heating and Air Condition) Contractors Examining Board members were inadvertently omitted in the Minutes of April 29, 1975; that the Board had accepted the recommendation of Mr. Fischer for appointments to the Contractors Examining Boards, and all were properly notified; however, the second page of his letter was overlooked when the minutes were typed. He requested a motion to correct the Minutes of April 29, 1975 to include the names of members as follows:

HARV Contractors Examining Board

EDWARD DEAN WYKE
ROY D. PENNINGTON
JAMES E. ARMSTRONG

A. C. SCHMEISKE, JR.
PAUL PARRISH, SR.

Mr. Fortson made a motion to correct the Minutes of April 29, 1975 to include the names of members appointed to the HARV Contractors Examining Board as outlined. Motion was seconded by Pr. Parrish and carried unanimously.

WASHINGTON GARDENS AREA - PALMETTO VILLAS, LTD (AUSTIN DEVELOPMENT)

Mr. McClure referred to Palmetto Villas, Ltd. (Washington Gardens area), which had been deferred from the meeting of February 10 to give the County Attorney an opportunity to research the legal matters involved in action taken by the Board on February 8, 1977 in directing the Planning and Development and Highway Departments not to issue any building permits or approve any plans in connection with the construction of duplexes by Austin Development Company until the zoning in the area could be reinvestigated. Residents of the area had registered complaints and opposition to this project.

Mr. Fay stated he had researched the Doctrine of Equitable Estoppel, which applies to this particular matter, explaining that Equitable Estoppel is applicable to the County Commission where a particular property owner has relied in good faith upon some act or omission of the Commission or the Zoning Board and has made such a substantial change in position or incurred extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights he has acquired. He referred to letters and presentations from individuals and from Richard Hampton, attorney for the developer, and L. Robinson, attorney representing the Washington Gardens Homeowners Association, and the Board must decide which facts may or may not apply in this particular matter.

Richard Hampton, William Austin, L. Robinson and members of the Washington Gardens Homeowners Association were present.

Mr. Fay advised that based on his research and the facts he had heard he personally felt that Equitable Estoppel would apply in this case.

Following lengthy discussion, the Vice Chairman stated that if there were no objections the Board would maintain the same position as taken on February 8, 1977 and that the Planning Commission would continue to process the request for rezone. There were no objections from Board members.

BOY SCOUTS OF AMERICA

George Duell, District Scout Executive, and John Geldmaker, Boy Scout Troup No. 1, gave a report on the achievements of the Scouts.

HIGHLAND SHORES SUBDIVISION - EROSION

Mr. Theo Page, Highland Shores Subdivision, requested aid from the County regarding an erosion problem on his property.

The County Engineer advised that Mr. Pate's lot had to be filled to Elevation 8 in accordance with the Flood Insurance Ordinance; that as a result the rains caused his property to erode into a county ditch and lagoon; that piping and covering the ditch would help alleviate the problem and that Mr. Pate had agreed to pay for the pipe (80 feet). It would require 500 cubic yards of dirt to do the job and he requested authorization from the Board to proceed.

Mr. Parrish made a motion to approve the request. Motion was seconded by Mr. Dierks and carried unanimously.

HIGHPOINT SUBDIVISION (PRIVAGE ACCESS: OFFENHAUER)

In connection with the request of Keith Offenbauer (letter from Kenneth Cleary dated 25 January 1977) for approval of access to his

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(Cont'd)

property granted by easement from Byron S. Huie, Jr., running north from 9th Avenue N.W., Mr. Ugarte recommended that since the 60-foot easements lies in platted Highpoint Subdivision, and it should be vacated before approval is granted. Also, a drainage plan for the area and for the Industrial Park should be submitted for approval.

Jerry West recommended denial of the request because it would be in violation of Section 6, Paragraph 4d of the Zoning Ordinance, also, the Manatee County Subdivision Regulations.

Motion was made by Mr. Fortson to deny request of Keith Offenhauer for approval of easement for private access, based upon the recommendations of Mr. West and Mr. Ugarte. Motion was seconded by Mr. Dierks and carried unanimously.

PURCHASING: COQUINA BEACH BAR-B-QUE STAND

William Mullon, Purchasing Director, stated that the proposed construction of a bar-be-que stand at Coquina Beach will exceed the \$1000 bid limitation and that the final estimate will be between \$1250 and \$1700. He requested permission to waive the bid procedure, to obtain verbal quotes from local suppliers and to make the award to the supplier with the lowest quote. Parks and Recreation personnel will do the work.

Motion was made by Mr. Fortson to approve Mr. Mullon's request. Motion was seconded by Mr. Parrish and carried unanimously.

PERSONNEL POLICY: AMENDED FOR VACATION/SICK LEAVE

Mr. Dierks moved for the adoption of a RESOLUTION AMENDING MANATEE COUNTY PERSONNEL POLICY, RULES AND PROCEDURES RESOLUTION DATED 18 DECEMBER 1975 AS AMENDED, TO CLARIFY THE INTENT OF ANNUAL VACATION LEAVE POLICY FOR EMERGENCY MEDICAL SERVICE PERSONNEL. Motion was seconded by Mr. Parrish and carried unanimously.

RESOLUTION RECORDED

S-5-

PERSONNEL: PAYROLL MODIFICATIONS

Westwood Fletcher requested approval of previously coordinated personnel consolidation sheets with the following additions:

- 1) Extension of employment beyond 65 years of age, Floyd B. Crook, MVI Station employee
- 2) Termination of Edward A. Holland, EMS employee.

Motion was made by Mr. Dierks to approve the consolidation sheets, as amended, and authorize the Chairman or Vice Chairman to execute the documents. Motion was seconded by Mr. Fortson and carried unanimously.

CENTRAL DATA PROCESSING FACILITY

Mr. Fortson referred to the proposed Interlocal Agreement between Manatee County, the Manatee County Tax Collector, the Manatee County Property Appraiser, the Clerk of Circuit Court and the Manatee County Sheriff and Supervisor of Elections, which will establish the Manatee County Central Data Processing Facility, stating that the time limit on proposals should be extended two or three weeks instead of the February 23rd deadline as discussed in work sessions. There were no objections to setting deadline for receiving proposals as March 2, 1977.

Upon question about the restrictive qualifications of experience in the specifications, Mr. Shore advised that any company can submit a proposal to be considered by the Board of Governors (established by the agreement) and they have the power to grant exceptions to the specifications.

Mr. Fay stated that the invitation for proposals should state that the Board of Governors has the right to waive any particular provision(s) in the specifications.

Mr. Fortson made a motion to authorize the execution of the Interlocal Agreement and to advertise for proposals to be received until March 2, 1977, with inclusion of clause stating that the Board of Governors reserves the right to waive any particular provision of the specifications.

Henry Bourne requested that the proposals be set for March 9th instead of March 2nd, stating that his firm had not had the opportunity to talk to the constitutional officers to determine what applications they need and to make a proposal based on that information.

Steve Mathis, Planning and Research Officer, representing Sheriff Burton, stated that the Sheriff had hoped to go on the computer system by the first of March.

Mr. Fortson amended his motion to receive proposals until March 9th. Motion was seconded by Mr. Dierks and carried unanimously.

AGREEMENT RECORDED S-1-219

BOARD OF GOVERNORS: DATA PROCESSING FACILITY

Mr. Fay advised that since the Board had authorized the execution of the Interlocal Agreement a member should be appointed to serve on the Board of Governors.

Motion was made by Mr. Dierks that the Budget Chairman be appointed to the Board of Governors. Upon suggestion by Mr. Fortson (who is Budget Chairman for fiscal year 1976-1977), Mr. Dierks amended his motion that the Budget Chairman of each fiscal year serve as member to the Board of Governors. Motion was seconded by Mr. Fortson and carried unanimously.

HEALTH DEPARTMENT: CHANGE ORDER/PAYMENT ON CONSTRUCTION

The County Attorney presented a Change Order and Application and Certificate for Payment to Bill Halfacre, Inc., for additions and alterations on the Manatee County Health Department. He stated that he had no objections to the payment in the amount of \$24,960.00, but the Change Order, revising certain voltage and telephone outlets was not complete in accordance with the Standard Conditions of the AIA documents.

Approval of the Change Order was deferred and referred back to the Health Department for completion.

Motion was made by Mr. Fortson to approve the application and Certificate for Payment to Bill Halfacre, Inc. Motion was seconded by Mr. Dierks and carried unanimously.

MCUS UTILITY EASEMENT: ROSS; CREEKWOOD

Mr. Fortson made a motion to accept and authorize the recording of a utility easement for Manatee County Utilities System from Creekwood Investors, Ltd. Motion was seconded by Mr. Parrish and carried unanimously.

Mr. Parrish made a motion to accept and authorize the recording of a Utility easement for Manatee County Utilities from William Ross. Motion was seconded by Mr. Fortson and carried unanimously.

SECONDARY ROAD FUNDS: BUDGET AMENDMENT

Mr. Fortson moved for the adoption of a Resolution amending the 1976-1977 Manatee County Secondary Road Budget (Department of Transportation) by adding a new budget item

1. Acquisition of Right of Way for temporary connection to State Road No. 93 (Interstate 75) from State Road No. 64 \$42,000.00
2. Reduce Budget Item No. 115187 (Right of Way for construction of Lorraine Road to State Road No. 675 \$42,000.00

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Motion was seconded by Mr. Parrish and carried unanimously.

RESOLUTION RECORDED

S-1-220

WARRANT LISTS

Mr. Dierks made a motion to approve Warrant Lists from February 8 to February 15, 1977 and to authorize Warrant Lists to February 22, 1977, said Warrant Lists to include any payrolls during that period upon condition that all county employees have performed their services in accordance with time and payroll practices of the county departments. Motion was seconded by Mr. Parrish and carried unanimously.

MINUTES APPROVED

Upon motion by Mr. Fortson, seconded by Mr. Parrish, Minutes of JANUARY 4, 1977 were unanimously approved.

BUDGET AMENDMENTS

In connection with the Purchasing Department taking over the purchasing functions formerly vested in the Motor Pool and Highway Departments, the Clerk presented three Resolutions authorizing the transfer of funds as follows:

1) Purchasing Department

From:	Reserve for Contingencies	\$21,175.54
To:	Salaries; Personnel Actions; Office Supplies; Travel; Dues; Books/Subscriptions; Communications; Maintenance of Equipment (All Road and Bridge)	Total \$21,175.54

RESOLUTION RECORDED

S-1-221

2) Purchasing Department

From:	Rentals - Clerk of Circuit Court	\$ 1,800.00
To:	Rentals - Purchasing	1,800.00

RESOLUTION RECORDED

S-1-222

3) Purchasing Department

From:	Salaries; Personnel Actions; Communications; Travel; Consumable Supplies; Office Equipment (Motor Pool)	\$13,713.00
To:	Salaries; Personnel Actions; Communications; Travel; Office Supplies; Office Equipment (Motor Pool)	Total \$13,713.00

RESOLUTION RECORDED

S-1-223

Mr. Fortson moved for the adoption of the three Resolutions as submitted. Motion was seconded by Mr. Dierks and carried unanimously.

BONDS

Mr. Dierks made a motion to approve bonds as follows:

Moving & Alteration of Building Bond

REDI FREEMAN	Pre-moving No. 8606
\$10,000.00 Ohio Casualty Insurance Company	

Driveway Permit Bonds

BILL WIGHTMAN	Permit No. 2637
Cash Bond & Money Order 189-0837-540	\$348.00
CHARLES GRAHAM	Permit No. 2637
Cash Bond & Money Order 002785	\$100.00

Motion was seconded by Mr. Parrish and carried unanimously.

BILLS FOR PAYMENT

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

Leonard Najjar	\$ 1,000.00
General Asphalt Company	128,217.76
DeLesline Construction	5,324.44
Mann, Fay & Price	3,289.27; #675.00
Jack Zickafoose Financial Services	7,500.00
Manatee Memorial Hospital	35.75
Bradenton Insurance	12,652.00

In connection with the bill from General Asphalt, John Sands, Deputy Clerk, advised that the Anti-recession funds budgeted for this project amounted to \$126,000.00 and asked if the Board wanted the balance taken from the Highway Department Budget. There were no objections.

PARKS & RECREATION: VEHICLE TRANSFER

Motion was made by Mr. Parrish to authorize the transfer of one used ambulance (cab and chassis) to the Parks and Recreation Department to be used at the Golf Course, as requested by John Marble. Motion was seconded by Mr. Fortson and carried unanimously.

DISABLED AMERICAN VETERANS

Mr. Fortson made a motion to approve the request by Disabled American Veterans, Manatee County Chapter 18, to hold the annual forget-me-not drive in Manatee County on March 4th and 5th, 1977. Motion was seconded by Mr. Parrish and carried unanimously.

HEALTH DEPARTMENT: PROJECT PROGRESS REPORT

Mr. Dierks made a motion to authorize the execution of a Project Progress Report on the Manatee County Health Center, Project No. FLA-B-108, and forward same to the Department of Health, Education and Welfare. Motion was seconded by Mr. Fortson and carried unanimously.

ROAD PAVING

Mr. Parrish advised that the people of District One wanted to thank the Board for the new road paving in that area.

PERSONNEL: PAYROLL MODIFICATIONS

Mestwood Fletcher requested approval of Authority to Travel for Ken McKendree to attend an Inter-Organizational Meeting of the Regional EMS Council at the St. Petersburg - Clearwater Airport on February 16, 1977; also, approval of additional sick leave for an employee, both to be added to previously approved consolidation sheets.

Mr. Fortson made a motion to approve additional personnel actions as requested. Motion was seconded by Mr. Parrish and carried unanimously.

FEDERAL FLOOD INSURANCE

Mr. Fortson reminded the Board of a meeting with the Federal Flood Insurance Administration from Atlanta, Wednesday, February 16, 1977 at 2:00 P.M. in Commission Chambers.

GOLF COURSE: WORK SESSION

There were no objections to scheduling work session on Thursday, February 17, 1977, regarding recommendations from the Advisory Committee on the Golf Course.

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WARRANT LISTS

January, 1977

General Revenue	31624 - 31653
Road & Bridge	12207 - 12215
Library Operating	945 - 952; 954-995
Court House I & S	93 - 95
Hospital I & S	154 - 156
SCORE	3647 - 3651; 2313
Talking Books	2309 - 2312; 3759
Federal Revenue Sharing	2589 - 2597
Performance Bonds	73 - 74
Library Construction	967 - 970
Historical Commission	3709
CETA I	3851 - 3854; 2696 - 2700
Manpower	3755 - 3759; 3804
CETA II	3524 - 3534
Manatee County Utilities System:	
24.4 Revenue	0274 - 0278
13.5 Revenue	5019 - 5037
3.485 Revenue	5371 - 5391
1.65 Revenue	1361 - 1366
Special Construction	293 - 302
General Control	489 - 742
24.4 Water Surplus	5
24.4 R & R	129 - 130
13.5 R & R	202
3.485 R & R	176
1.65 R & R	175

MEETING ADJOURNED:

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

Attest:



Clerk

APPROVED:



Vice Chairman

February 19, 1977