

MARCH 29, 1977

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, March 29, 1977 at 9:00 A. M.

Present were Commissioners Louis E. Driggers, Chairman
 Dan P. McClure, Vice Chairman
 L. H. Fortson, Jr.
 Lamar S. Parrish
 Kenneth D. Dierks
Also present were R. B. Shore, Clerk
 John Sands, Deputy Clerk
 E. N. Fay, Jr., County Attorney

Invocation was by Mr. Parrish.

The meeting was called to order by Chairman Driggers.

The Chairman introduced and welcomed Aaron Bowers, the youth selected from Boys Clubs of Manatee County as Honorary member during National Boys Club week, March 28 - April 2, 1977.

LIBRARY: REPORT BY RESIDENT PROJECT ENGINEER

Leonard Najjar, Resident Project Engineer, gave a report on test results on the Library Central Headquarters building, stating that the columns exceed the required strength but the concrete in the majority of the columns is underconsolidated and some reinforcing steel and slab reinforcing has been misplaced. There are also voids at some cold joints in second floor slab. He recommended load testing two areas of the second floor slab, using these details for remedial work. He mentioned several methods of conducting these load tests and Mr. McClure suggested that the most economical method be used.

ZONING

Recommendations of the Planning Commission were presented by Charles Carrington, Director of Planning and Development.

R-819 PALMA SOLA AREA - COUNTY COMMISSION INITIATED

Request to change present zoning from M-1 to R-1B district or to such other district as determined to be more appropriate for single family residences. Located on north side of 9th Avenue N.W. and west of 83rd St. N.W. (33.49 m/1 acres)

The Planning Commission recommended approval. Committee report was read, which outlined reasons for approval, noting that M-1 zoning not appropriate at this location, but would look favorably on limited expansion of the existing industrial facilities, which will become a non-conforming use as a result of rezone to R-1B district.

Petitions presented were 99 signatures for approval; 35 signatures opposing rezone to R-1B.

William Lowe, Attorney representing the owner of the property, Bryan Hughey, opposed the rezoning and stipulation for non-conforming use expansion of the existing low profile, non-polluting, smokeless industrial facility.

Bill Rogers, general manager of Lampkin Laboratories, exhibited the type of electronic equipment manufactured and requested retaining M-1 zoning on the property now under lease and option.

Among those present and speaking in favor of the rezoning were

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Ernest Marshall, attorney representing area residents
Mrs. Dolly Young; Mrs. Robert Blackwood; Dick Blankenship; Richard Lampkin; Ms. Regina Gosland.

Mr. Fortson expressed concern of development of industrial complexes in this residential/agricultural area and moved for approval of R-819. Motion was seconded by Mr. McClure and carried unanimously.

RECESS

After a short recess the meeting was reconvened.

N-103 PHILLIP FAUCETT MOBILEHOME APPROVED
 Request replacement of non-conforming mobilehome on 4.69 m/1 acres located east of U.S. 301 at intersection of U.S. 301 and Old Parrish Road.
 The Planning Commission recommended approval.

Mr. Parrish made a motion to approve N-103 for Phillip Faucett and to adopt the appropriate resolution. Motion was seconded by Mr. Dierks and carried unanimously.

RESOLUTION RECORDED

ZONING
N-103

SE-991 HARMON IRVIN MOBILEHOME DEFERRED
 Request for mobilehome as dwelling on 5.5 acres located approximately 1/2 mile north of SR 70 and 1/4 mile east of Bethany Road, Verna.
 The Planning Commission recommended approval for a period of five years and may be extended an additional five years by the Planning Director provided the area has not substantially changed.

It was pointed out in the committee report that there was no record of access and that it would be the responsibility of the petitioner to obtain adequate access. At the request of Mr. Driggers, SE-991 was postponed for one week.

DATA PROCESSING FACILITY: AGREEMENT

Sam Cornwell, Chairman of the Board of Governors, submitted and requested approval of an agreement by and between Manatee County, Manatee County Tax Collector, Property Appraiser, Clerk of the Circuit Court, Sheriff, Supervisor of Elections and Electronic Data Preparation Corporation (EDP), wherein EDP will furnish Manatee County and the various Constitutional Offices of Manatee County with data processing services for a period of three years, effective May 1, 1977, at \$490,000 per year.

Mr. Fortson made a motion that the Contract with Electronic Data Preparation Corporation be approved, as recommended by the Board of Governors, and that the Chairman be authorized to execute the document. Motion was seconded by Mr. Parrish and carried unanimously.

AGREEMENT RECORDED S-1-281

ZONING

SE-994 MANATEE INDUSTRIAL CENTER, INC. APPROVED
 (Ray Hays, agent) - Request gasoline service station on .71 acre located east side of U.S. 301 and approximately 200 ft. south of 63rd Ave. E.
 The Planning Commission recommended approval with stipulations that petitioner construct a barrier or median on U.S. 301 to prevent left turns into the service station by southbound traffic, or provide left turning lane as approved by Florida Department of Transportation.

Robert Knowles, attorney and stockholder in Manatee Industrial Center, Inc., requested approval of the request with deletion of the stipulations, pointing out the extreme hardship to construct the median strip or left turning lane.

Ray Hayes advised that he had spoken with Mr. Tidwell, one of the Department of Transportation engineers in Bartow, and his reaction was that they do not want a median or turn lane on U.S. 301, as stipulated by Item 3 in the Planning Committee report. They do not see the value, and there is even a possibility it might aggravate the problem on the rather limited left turn lane in north-bound traffic.

Mr. Parrish made a motion that SE-994 be approved as recommended by the Planning Commission except that Item 3 stipulation be deleted as to construction of median or turn lane, and this be left to the discretion of the Department of Transportation, and that the appropriate Resolution be adopted. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED

ZONING
SE-994

77-S-7(P) THE FAIRWAYS AT CONQUISTADOR APPROVED

(Dan Zoller Engineering, Inc., agent) - Request for approval of preliminary plat for 22-lot single family subdivision (7.20 acres m/1) bordered on the south by El Conquistador Parkway and approximately 3/4 mile to the west of 34th St. W.

The Planning Commission recommended approval.

Motion was made by Mr. Dierks to approve 77-S-7(P) preliminary plat of The Fairways at Conquistador and to adopt the appropriate resolution. Motion was seconded by Mr. Fortson and carried unanimously.

RESOLUTION RECORDED

ZONING
SUB.

HOUSEMOVING PERMITS

Motion was made by Mr. Fortson to approve application of

L. D. SIMMONS to move a building from 2908 26th Avenue E. to 5110 18th Street Court E., subject to posting of bond Pre-moving No. 10088

Motion was seconded by Mr. McClure and carried unanimously.

Motion was made by Mr. Fortson to approve applications of

B & H PROJECT to move a building from 1411 19th Avenue E. to 1424 14th Street Court E. Pre-moving No. 9918

B & H PROJECT to move a building from 1810 15th Street E. to 1408 15th Avenue E. Pre-moving No. 9917

subject to posting the appropriate bonds and approval of the final plat. Jerry West advised that the final plat of Sunnyside Manor will be coming to the Board for consideration and approval in two or three weeks. Motion was seconded by Mr. Dierks and carried unanimously. (Other permits cannot be obtained until the plat is approved.)

PITTSBURGH PARK: VACATION OF STREETS

Sidney Adler was present concerning his petition to close certain roads, known as Citrus Street, Pomelo Street and Edgewood Road, as shown on the plat of Pittsburgh Park Subdivision, which abutt his property, Palm Lake Estates Mobile Home Park. Public hearing was held on this petition on June 15, 1976 with action being deferred pending investigation.

Mrs. William Sams and her attorney, William Kaklis, were present to protest the proposed closing or vacating of these streets which serve as access to the Sams' property.

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Chairman Driggers stated he would like to personally view the property before making a decision and action would be deferred if there were no objections. There were no objections.

TUTTLE ROAD: RESURFACING

John Blaser, acting as spokesman for property owners and residents along Tuttle Avenue requested the County Commissioners to take steps to pave the road to eliminate dust problems and other hazards created by increased heavy traffic. He presented a petition, bearing 824 signatures, supporting this request. Ms. Margaret Layman and Mr. Troyer were present to comment on the condition of the road and to urge the Board to consider the resurfacing in the near future.

The County Engineer estimated the cost of paving Tuttle Avenue at \$20,600.00. Commissioner Dierks mentioned a number of other roads that needed paving, and after further discussion, action was deferred pending study of paving priorities.

ELWOOD PARK ROAD: SPEED LIMITS

Carlos Ugarte, County Engineer, requested a resolution to establish speed limit of 45 MPH on 38th Avenue E., 39th Street E., and 34th Avenue E. (also known as Elwood Park Road), which had been recommended by the Safety Council.

Motion was made by Mr. Fortson that the County Attorney be authorized to prepare the appropriate resolution establishing the requested speed limit on Elwood Park Road. Motion was seconded by Mr. Dierks and carried unanimously.

U. S. 41 BRIDGE OVER U. S. 301: DAMAGE/REPAIRS

Westwood Fletcher advised that he had contacted Wassau Employeers Insurance Company (carrier for county fleet insurance) and it appears the insurance company will pay for the repairs to the bridge on U.S. 41 over U.S. 301, which was damaged by a Crane operated by a County Highway Department employee. Florida Department of Transportation estimated the cost of repairs to be approximately \$50,000 (to be paid out of Manatee County Secondary Road Funds), but the County Engineer gave an estimate of \$40,680.00, using County personnel and equipment.

Following discussion as to whether the claim could adversely affect the cost of County insurance in the future, Mr. Fletcher was instructed to pursue the matter further with the insurance carrier and the County Engineer was instructed to continue working with the Department of Transportation to ascertain when repairs can begin. (Mr. McClure left the meeting.)

GATEWAY EAST, UNIT 5: ACCEPTED FOR MAINTENANCE

Upon recommendation by the County Engineer, based upon certification of the Engineer of Record and county inspections, motion was made by Mr. Fortson that the streets in Gateway East, Unit 5, be accepted for county maintenance. Motion was seconded by Mr. Dierks and carried unanimously.

BROOKSIDE ADDITION TO WHITFIELD ESTATES
STREETS ACCEPTED; BOND ON SIDEWALKS

Based upon certification of the Engineer of Record and County inspections determining that improvements were substantially completed except for some of the sidewalks, the County Engineer recommended that streets in Brookside Addition to Whitfield Estates be accepted for county maintenance; that the bond of \$615,558.00 Safeco Insurance Company (No. 2430058) be released and a new bond in the amount of \$74,000 be accepted to cover the cost of the sidewalks that have not been constructed.

Motion was made by Mr. Fortson to accept the recommendations of the County Engineer and that bond No. 2430058 be released to the owners and that Bond No. 66426, with Hunt Properties, Inc., as principal, and American Druggists' Insurance Company, as surety, in the amount of \$74,000.00, be accepted. Motion was seconded by Mr. Dierks and carried unanimously. (Motion included acceptance of streets for county maintenance.)

59TH AVENUE DRIVE WEST (SUNNYLAKE ESTATES)

The County Engineer reported that pavement on 59th Avenue Drive West (Sunnylake Estates) had been partially destroyed by the contractor installing the sewer system and he had agreed to pay one-half the cost of the asphalt to resurface, with county paying one-half. (\$1856.00 each)

Action was deferred pending report from the Consulting Engineers as to extent of damages, responsibility and obligation for the necessary repairs by the contractor.

RECESS

The Chairman called for recess until 1:30 P.M.

1:30 P.M.

The meeting was reconvened at 1:30 P.M., March 29, 1977, with all members present except Commissioner McClure.

HUMAN RESOURCES, DEPARTMENT OF CETA EMPLOYEE - SICK LEAVE

Westwood Fletcher requested exception to the Personnel Policy to grant eight hour sick leave to a CETA employee, employed four months by Manatee County Utilities System, who had been overcome by sewer gas while working in a manhole. It was recommended by the Department of Human Resources that this employee be given eight hours sick leave.

Mr. Dierks made a motion that the CETA employee be granted eight hours sick leave for March 22, 1977, as recommended by Mr. Fletcher and the director of the Department of Human Resources. Motion was seconded by Mr. Parrish and carried unanimously.

PERSONNEL: CONSOLIDATION SHEETS

Mr. Fletcher requested the Board to approve, and the Chairman be authorized to sign, previously coordinated personnel consolidation sheets with the following additions: (1) Authorize Phil Davis, Transit Department, to go to Melbourne, Florida, April 4, 1977 and (2) Terminate Douglas L. Pearman, Highway Department.

Motion was made by Mr. Fortson to approve the Consolidated Personnel Sheets, as amended, and authorize the Chairman to sign the documents. Motion was seconded by Mr. Parrish and carried unanimously.

PERSONNEL: MANNING LEVELS AMENDED

Mr. Fortson moved for the adoption of a Resolution Authorizing Amendments to Authorized Manning Levels, By Job Classification, for Departments Under the Direct Supervision of the Board of County Commissioners as follows:

HIGHWAY & ENGINEERING DEPARTMENT	Classification
Highway Foreman II	From 3 To 2
Heavy Equipment Operator I	From 17 To 18
Engineering Tech II	From 4 To 5
Engineering Tech I	From 6 To 5

as recommended by Mr. Fletcher. Motion was seconded by Mr. Parrish and carried unanimously.

RESOLUTION RECORDED S-5-

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PARKS & RECREATION: SNEADS ISLAND PROPERTY APPRAISAL

Mr. Parrish made a motion to authorize Robert Moon, Right-of-Way Agent, to obtain a second appraisal of the Sneads Island property to be presented to the Department of Natural Resources, as requested by John Marble, Parks and Recreation Director. Motion was seconded by Mr. Dierks and carried unanimously.

PARRISH COMMUNITY CENTER

By memorandum dated March 23, 1977, John Marble, Director of Parks and Recreation, recommended that the County Attorney be authorized to negotiate a lease with the School Board for the use of the old Parrish School as a Community Center. The School Board has indicated support of the project and the Manpower Advisory Council has approved a grant under the CETA VI funding to accomplish the necessary remodeling.

Motion was made by Mr. Fortson that the County Attorney be authorized to negotiate a lease with the School Board for the Old Parrish School Building to be used as a Community Center. Motion was seconded by Mr. Dierks and carried unanimously. (Application made for grant of \$12,000.00-\$13,000.00 for renovation)
(Enter Mr. McClure)

PAVING PROJECT

Statement of Assurances in connection with road resurfacing project, under Bid No. 77-41, was deferred.

REVENUE BONDS (\$13.5M) - INVESTMENT OF FUNDS

Mr. McClure moved for the adoption of Resolutions

- | | | |
|--|---------------------|---------|
| 1) Authorizing Palmetto Bank & Trust Company to reinvest \$200,000 in Certificate of Deposit at 5.75 percent for six months (13.5 R & R Account) | RESOLUTION RECORDED | S-1-282 |
| 2) Authorizing Palmetto Bank & Trust Company to invest \$200,000 in Certificate of Deposit at 6 percent for six months (13.5 R & R Account) | RESOLUTION RECORDED | S-1-283 |
| 3) Authorizing Island Bank to invest \$90,000 in Certificate of Deposit at 6 percent for one year (13.5 Meter Account) | RESOLUTION RECORDED | S-1-284 |

Motion was seconded by Mr. Fortson and carried unanimously.

STATE ROAD NO. S64: MCUS USE PERMIT

Upon motion by Mr. Fortson, seconded by Mr. McClure, Resolution was unanimously adopted authorizing execution of application to the Department of Transportation for Manatee County Utilities System to construct, operate and maintain a utility line within the right or way of State Road S-64, Section No. 13530 (75th Street West).

RESOLUTION RECORDED S-1-285

HOLMES BEACH, CITY OF (IMPROVEMENT LIENS)

Motion was made by Mr. Dierks that the Chairman be authorized to execute Release of Improvement Lien Certificates on property owned by the City of Holmes Beach as follows: Certificates Nos. 342904, 342913, 342906 and 342919. Motion was seconded by Mr. Fortson and carried unanimously.

201 FACILITIES PLAN - NORTH MANATEE COUNTY: GRANT ACCEPTANCE

Mr. McClure moved for the adoption of a Resolution Authorizing Acceptance of a Grant For a 201 Facility Plan for the Portion of the County North of the Manatee River, in the amount of \$67,500, offered by the U. S. Environmental Protection Agency, and authorizing the appropriate county officers to execute all documents in

connection with said Grant. Motion was seconded by Mr. Parrish and carried unanimously.

RESOLUTION RECORDED S-1-286

REVENUE BONDS (\$1.65M): INVESTMENTS

Mr. Fortson moved for the adoption of Resolutions authorizing the Inter City National Bank to make

(1) INVESTMENT OF FUNDS IN \$1,650,000 PRINCIPAL AND INTEREST FUND ACCOUNT IN CERTIFICATES OF DEPOSIT

RESOLUTION RECORDED S-1-287

(2) INVESTMENT OF FUNDS IN \$1,650,000 BOND REDEMPTION ACCOUNT IN CERTIFICATES OF DEPOSIT

RESOLUTION RECORDED S-1-288

(Water Revenue Bonds, Series 1966). Each Certificate of Deposit shall bear interest at a rate reasonably related to current prevailing rates with other banks in the area; the amount, duration or term and rate of interest to be approved by the Board of County Commissioners prior to issuance of Certificate of Deposit. Motion was seconded by Mr. McClure and carried unanimously.

TRANSIT DEPARTMENT: HOLIDAY BUS SCHEDULE

Motion was made by Mr. Parrish to accept recommendations by Phil Davis, Director of Transit Department, that the Transit System buses operate on the following county-designated holidays:

Memorial Day	Monday, May 30
Independence Day	Monday, July 4
Veterans Day	Friday, November 11
Thanksgiving - day after	Friday, November 25

Motion was seconded by Mr. McClure and carried unanimously.

INSURANCE - WORKMENS COMPENSATION: CETA EMPLOYEES

John Sands, Deputy Clerk, read a letter (dated March 29, 1977) from Regis Chapman, Director of Department of Human Resources, recommending award of bid for Workmens Compensation Insurance coverage for CETA Title I, II, & VI employees to Jack Zickafoose Insurance Company in the amount of \$15,341.00 for period March 29, 1977 to September 30, 1977. Upon question, Mr. Sands stated that invitations to bid had been sent to five companies but only Jack Zickafoose had submitted a bid.

Mr. McClure made a motion to accept the recommendation by Mr. Chapman and that bid on Workmens Compensation Insurance for CETA employees be awarded to Jack Zickafoose Insurance Company, in the amount of \$15,341.00, and that the expense be borne by CETA funds. Motion was seconded by Mr. Parrish and carried unanimously.

LIBRARY BONDS: PAYMENT PRINCIPAL & INTEREST

Mr. Fay referred to a letter from the Central Plaza Bank & Trust Company stating that payment of \$50,000 on principal and \$101,256.25 in interest would be due April 1, 1977 on Manatee County General Obligation Library Bond No. 600027502, dated April 1, 1975, which was referred to him for research to determine if this payment might be subject to approval by resolution. He advised that adoption of a Resolution was not required and payment could be made (as approved) with no further action being necessary.

WARRANT LIST

Motion was made by Mr. Dierks to approve Warrant Lists from March 22 to March 29, 1977 and to authorize Warrant Lists to April 5, 1977, 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. Fortson and carried unanimously.

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BONDS

Upon motion by Mr. Fortson, seconded by Mr. McClure, the Board unanimously approved bond and release of bonds as follows:

Driveway Permits

No. 2412 DON ZIMMERMAN \$80.00 cash bond & Money Order

No. 2682 ROBERT J. MCCORRY Refund Cashier's Check \$200.00

No. 491 CHARLIE SELLERS Refund Cashier's Check \$150.00

BUDGET PLANNING PROCESS, FISCAL YEAR 1977-78

R. B. Shore, Clerk of Circuit Court, submitted the Budget Planning Process for Fiscal Year 1977-78 and requested approval by the Board.

Motion was made by Mr. Fortson to approve the Budget Planning Process for Fiscal Year 1977-78 as recommended by Mr. Shore. Motion was seconded by Mr. McClure and carried unanimously.

COURT HOUSE: VENDORS SOLICITING ON PREMISES

Mr. Shore stated that numerous vendors are soliciting sales (e.g. Charles Chips, Fuller Brush, Avon, Pie Lady, etc.) in work areas of the court house and feels there should be some regulatory action taken to curb this sales activity.

Chairman Driggers stated he would investigate and make recommendations.

BUDGET AMENDMENTS

Upon motion by Mr. McClure, seconded by Mr. Parrish, Resolutions were unanimously adopted as follows:

(1) Budget Amendment by Item to Item Transfers

Commission Office

From	Clerk to Board; Reserve for Contingencies	\$12,192.00
To	Salaries Commission Office	\$12,192.00

RESOLUTION RECORDED

S-1- 290

(2) Budget Amendment to Provide for Receipt and Appropriation of unanticipated Revenues

Increase Revenue Item	CETA Title VI	\$857,235.00
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Increase Expenditure Items

CETA VI (various items); PSE Training; Travel/PSE Fringe; Uniforms/PSE; Medical/PSE Fringe; Work Comp/PSE Fringe; Manatee Co. School Board; Longboat Key; Holmes Beach; Bradenton; Project Wages OPS; Project Admin.

\$857,235.00

RESOLUTION RECORDED

S-1- 289

BILLS FOR PAYMENT

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

Mann, Fay & Price	\$ 1,050.00
Leonard Najjar	1,000.00
L. W. Blake Hospital	468.08
James Doss Associates	675.00
Richard D. Meany, M.D.	22.00
Shands Teaching Hospital	449.50
Employers of Wassau Insurance Company (Subject to review and approval by the appropriate departments)	3,487.50 (vehicles)
Meals on Wheels	20,000.00

LEGAL FEES: PRIVATE ATTORNEY FOR JUDGE GARST

Mr. Shore referred to the question of payment of \$625.00 in legal fees to Donald Haddock, attorney representing County Judge Claflin Garst, advising that he had made research and had obtained an opinion from the Clerk's Association in that it is a legal expense of the Board of County Commissioners. This is not provided for in the county budget, however, so transfer of funds will have to be made from Contingencies and a budget set up for this purpose.

Mr. Fay pointed out that the Board has the legal authority, but it is discretionary. The Board is not obligated to pay it, but may approve upon proper motion.

Following general discussion, Mr. McClure made a motion that the Board of County Commissioners not approve for payment the bill for private attorney fees incurred by Judge Garst. Motion was seconded by Mr. Parrish and carried. Mr. Dierks voted "No".

HILLSBOROUGH-MANATEE MENTAL HEALTH BOARD

Mr. McClure made a motion to rescind the action of the Board on March 22, 1977 in approving the bill from Hillsborough-Manatee Mental Health Board in the amount of \$48,000 and that the budgeted amount of \$42,000 be approved for payment. Motion was seconded by Mr. Fortson and carried unanimously.

CORRESPONDENCE

Correspondence was read by the Chairman as follows:

1) MANATEE HIGH SCHOOL STUDENT COUNCIL

To Jerome Davis, Supervisor of Elections: Request for use of five voting machines for Student Council Election on April 21, 1977, with cost involved to be paid by the Student Council.

The Board offered no objections to the request, but due to Mr. Davis being in the hospital, no action was taken.

2) SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

To Sam Cornwell, Tax Collector: Requesting information on addition of the Manasota Basin to SWFWM District, Basin boundaries and estimate of when adjustment will be entered on the tax records.

The Chairman said he would respond to these questions.

3) CHRIS ANGELIDIS, Director, Manatee County Utilities System

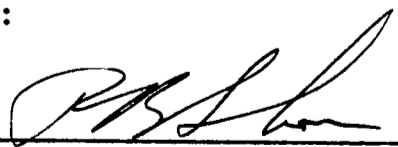
Advising that the Bonding Agent had been instructed to proceed with assessments and recommendation of Russell Hawkes to purchase \$10,000 worth of 4.20 percent Water and Sewer Revenue Bonds at purchase price of \$8,100 plus accrued interest.

Referred to the County Attorney for investigation.

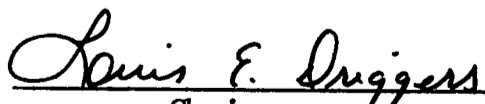
MEETING ADJOURNED

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

Attest:


Clerk

APPROVED:


Chairman