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AUGUST 9, 1977

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, August 9, 1977, at 9:03 a.m.

Present were Commissioners:  
Louis E. Driggers, Chairman  
Lamar S. Parrish  
L.H. Fortson, Jr  
Kenneth D. Dierks

Also present:  
E.N. Fay Jr, County Attorney  
John D. Sands, Deputy Clerk

Absent: Commissioner Dan P. McClure

The Meeting was called to order by the Chairman.

The invocation was given by Reverend Sheppard Lawrence, Whitfield Presbyterian Church.

LIBRARY

Leonard Najjar, Resident Project Engineer, gave a progress report on the construction of the Central Library headquarters building, stating the final roof pour is scheduled for the end of next week, and when this is completed, his services will no longer be required on a full time basis.

PAYMENT OF BILLS

Motion was made by Mr Dierks to approve Library Bill for payment, as follows:

Ardaman & Associates (Testing) - \$1189.38

Motion was seconded by Mr Parrish and carried unanimously.

GRANTS DEVELOPMENT DEPARTMENT

Regis Chapman, Director of the Grants Development Department, and Bob Fernandez, his assistant, submitted requests and recommendations, as follows:

- (1) CETA Prime Sponsor Agreement No. 12-8-0165-PSA with U.S. Department of Labor, which will serve as an "umbrella" for all other grants
- (2) Annual Plan No. 12-8-9165-10 for CETA Title I training programs. The Grant is in the amount of \$948,262, October 1, 1977 - September 30, 1978, to serve 1264 unemployed, underemployed, and economically disadvantaged Manatee County Citizens.
- (3) Approval of amendment to Board of County Commissioner Minutes of 7/5/77 to show CETA VI Modification #702 at the amount listed for Modification #703 (\$2,706,175) and Modification #703 should be deleted. CETA Title II Modification #705 at the amount of Modification #706 (\$357,018) and Modification #706 should be deleted.
- (4) Delete a Highway Laborer position from CETA Title VI Occupational Summary and replace it with an Engineering Technician IV
- (5) On-the-Job Training Contract Under CETA Title I: R-73 with Alumicraft Foundry for Master Moulder Trainee, August 2, 1977 - March 6, 1978, at \$1314.40

Motion was made by Mr Fortson that recommendations, as outlined, be approved. Motion was seconded by Mr Parrish and carried unanimously.

AGREEMENT RECORDED  
CONTRACT RECORDED

S-5-  
S-5-

COMMITTEE: GRANTS DEVELOPMENT - TRANSPORTATION COORDINATION

Bob Fernandez requested the Board authorize the appointment of a Grants Development Committee for the establishment of a transportation coordination capability to serve the needs of the elderly and handicapped of the County. He recommended the following:

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Lamar S. Parrish, County Commissioner  
 Jeff Miller, Planning and Development Department  
 Phil Davis, Director of Transit Department  
 Jerry Marlar, Finance Department, Clerk's Office  
 Bob Fernandez, Grants Development Department

Motion was made by Mr Parrish to approve the Committee, as recommended. Motion was seconded by Mr Fortson and carried unanimously.

LEAA GRANT: SHERIFF'S COMMUNICATIONS SYSTEM

Steve Mathis of the Sheriff's Office, submitted a Subgrant Application for LEAA funds in the amount of \$4726.00, to complete the Second Phase of the Sheriff's Communications System Improvement Program. He requested the Board act as applicant, and the Chairman be authorized to sign the application.

Motion was made by Mr Fortson that the Chairman be authorized to sign the LEAA Grant Application. Motion was seconded by Mr Dierks and carried unanimously.

ETTERS SUBDIVISION (EDWARDS & COURTNEY RE-SUBDIVISIONS)  
 ELM STREET, PETITION FOR VACATION OF

The Chairman declared Public Hearing open for consideration of a petition by Louie Bell to close Elm Street in Etters Subdivision, (Edwards & Courtney Re-Subdivision) near Ellenton, Florida.

The County Engineer requested a 30-foot drainage and utility easement and the petitioner had no objection. However, the County Attorney stated that the adjoining property owners had not joined the petition, and there was no "Not a highway" clause in the petition, therefore he recommended a new resolution be developed by the petitioner's attorney to be presented at a later date. There were no objections and the Chairman declared the Public Hearing continued one week.

BOND: BAYSHORE GARDENS SIDEWALKS

The County Engineer reported that the Bayshore Gardens Parkway Sidewalks (Project No. 708) were ninety-nine percent completed, and he recommended the \$9,000 cash performance bond be returned to Mr Edwin M. Ballaró, Contractor.

Motion was made by Mr Parrish that the bond on Project No. 708 be released. Motion was seconded by Mr Dierks and carried unanimously.

PERMIT - SEAWALL CONSTRUCTION, PALMA SOLA SUBDIVISION

The County Engineer requested approval of a construction permit to allow Richard G. Grimsley to build a seawall in Palma Sola Subdivision.

None of the members of the board had had an opportunity to view the application for permit and action was deferred until each member could review the application.

TOURNAMENT BOULEVARD

The County Engineer requested permission to advertise for bids on reconstruction of Tournament Boulevard in Palm Aire, estimating the cost at approximately \$50,000. He stated that the residents of Palm Aire were willing to participate up to the amount of \$15,000 and the approximate cost to the county would be \$15,000.

43RD STREET - WIDENING

The County Engineer requested authorization to proceed with action to widen 43rd Street.

Following general discussion as to feasibility of the improvement, action on this item was deferred indefinitely.

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TUTTLE AVENUE

Carlos Ugarte, County Engineer, requested permission to advertise for bids on construction and paving Tuttle Avenue from 12th Street East to 15th Street East, at an estimated cost of \$20,000.

Motion was made by Mr Fortson that the Engineering Department be authorized to advertise for bids to pave Tuttle Avenue. Motion was seconded and carried unanimously.

9TH STREET EAST - SPEED LIMIT

Mr Fortson made a motion to adopt Resolution Establishing Speed Limit on County Maintained Streets or Roads, as follows:

9th Street East between its intersection with  
53rd Avenue East and its intersection with  
57th Avenue East

Motion was seconded by Mr Parrish and carried unanimously.

**RESOLUTION RECORDED S-2-198**

PURCHASING DEPARTMENT

William Mullon, Purchasing Director, submitted requests and recommendations as outlined in his letter dated August 5, 1977.

Highway Department

1. 27th Street Improvement Project 759 (Bid 77-101)  
Permission to award to lowest bidder meeting specifications  
W.G. Mills, Inc at \$25,882.55

Motion was made by Mr Fortson to accept low bid of W.G. Mills for Project 759 in the amount of \$25,882.55. Motion was seconded by Mr Parrish and carried unanimously.

Planning & Development Department

2. Eight (8) New Cars (Bid 77-97)  
Award to lowest overall cost bidder  
Cox Chevrolet - \$36,938.02 (7 Chevrolet Novas)  
Re-bid one (1) full size automobile

The Purchasing Director stated these cars will replace the Balsinger lease cars presently being used by Planning and Development Department. He also recommended the bid be awarded subject to budgetary approval and delivery on October 1, 1977.

Motion was made by Mr Fortson that recommendations of Purchasing Director on Item No. 2 be approved. Motion was seconded by Mr Dierks and carried unanimously.

Library System

3. Air Conditioning/Heating System - Holmes Beach Branch

Phil Place, Library Systems Director, stated the "Friends of the Library" on the Island would provide two-thirds of the cost of the air conditioning/heating unit up to \$1500. He also requested the County Attorney be authorized to modify the lease to remove the unit if the Library should vacate the premises.

Motion was made by Mr Dierks to authorize the Purchasing Director to advertise for bids for air conditioning/heating unit for the Island Branch Library. Motion was seconded by Mr Parrish and carried unanimously.

Clerk of Circuit Court

4. Three Minute Book Storage Cabinets  
Negotiate for sole source procurement  
Florida Business Systems @ \$2000.

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John Sands, Deputy Clerk, in his letter dated August 9, 1977, requested waiver of bid procedure on the purchase of the Minute Book Storage Cabinets and sole source option be exercised.

Motion was made by Mr Fortson that recommendation of the Deputy Clerk be approved. Motion was seconded by Mr Dierks and carried unanimously.

Parks & Recreation (Golf Course)

Fumigation of Golf Course

Increase P.O. No. 04871 from \$3530 to \$5200. (Southern Mill Creek Products)

The Purchasing Director explained that the infestation of mole crickets at the County Golf Course involved 55 acres rather than 30 acres for which \$3530 was previously approved for fumigating the Golf Course, and requested the Purchase Order be increase to \$5200 to complete fumigation of the extended area and stated a letter of justification from the Parks Director was on file.

Motion was made by Mr Fortson that the request be approved. Motion was seconded by Mr Dierks and carried unanimously.

COOPERATIVE PURCHASING

Motion was made by Mr Fortson to adopt Resolution Authorizing A Determination of Interlocal Cooperation in the Purchase of Goods and Services. Motion was seconded by Mr Dierks and carried unanimously.

RESOLUTION RECORDED

S-2-199

GETTIS LEE ROAD; CECIL BURNETT ROAD

Upon motion by Mr Fortson, seconded by Mr Parrish, the Board unanimously accepted Gettis Lee Road and Cecil Burnett Road for County maintenance.

TRANSIT DEPARTMENT - SUPPLEMENTAL LEASE AGREEMENT

The County Attorney submitted a proposed Resolution Approving Buses and Equipment Supplemental Lease Agreement and Authorizing Execution Thereof, explaining that the Buses and Equipment Lease Agreement between the Department of Transportation and Manatee County on May 26, 1977 is superseded by the execution of the Supplemental Lease Agreement.

RESOLUTION RECORDED

AGREEMENT RECORDED

S-2-200

Motion was made by Mr Parrish to adopt Resolution and authorize the Chairman to sign the Supplemental Lease Agreement. Motion was seconded by Mr Dierks and carried unanimously.

TRANSIT - BILLS FOR PAYMENT

Motion was made by Mr Parrish that the final bill for the Transit System Bus Maintenance, payable to Lester A. Green, Inc., in the amount of \$12,474.25, be approved for payment. Motion was seconded by Mr Fortson and carried unanimously.

PROPOSED LEGISLATION - NATIONAL ENERGY

Bob Lombardo and Jack Deed from Florida Engineering Society presented an explanation of current proposed legislation and the probable impact on the State of Florida. They also presented a resolution urging the legislators to develop National Energy Legislation which will strengthen and support electric utilities by minimizing Federal control; delays in power plant construction and punitive taxes on the industry.

Motion was made by Mr Fortson that the County Attorney be authorized to draft a resolution supporting the resolution of the Florida Engineering Society. Motion was seconded by Mr Dierks and carried unanimously.

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ZONING

Charles Carrington, Director of Planning and Zoning Department, and his assistant, Jerry West, submitted requests and recommendations as follows:

SE-1038 ATTRACTIONS, INC (THEME PARK) - APPROVED  
This item was deferred from previous meeting (8/2/77) to permit the Commissioners to view the site.

Planning Commission recommended APPROVAL, with stipulations (outlined in previous meeting)

Mr Carrington read into the record a letter from Dewey Dye, attorney for the developers, agreeing to additional stipulations to be incorporated in the special exception summarized as follows:

1. Following project construction, no access will be permitted through the Uplands and access via Longbay Blvd will be limited to service of private residences on the R-3 portion of the property.
2. Planted buffer between Longbay Blvd and rear of drive-in theatre property shall be increased from 15 to 30 feet.
3. No rides shall be allowed in R-3 area except Skyride Terminal
4. Showboat facility will be stationary.
5. Project will be 25 percent complete within 12 months from date of special exception.

Motion was made by Mr Dierks to approve SE-1038 as amended to include stipulations by the Planning Commission and stipulations in letter from Mr Dye (dated August 9, 1977) read by the Planning Director. Motion was seconded by Mr Fortson and carried unanimously.

Mr Dierks referred to a question raised in previous meeting (8/2/77) as to his conflict in voting, and the County Attorney read Florida Statute 286.012, Section 112.3143 as being pertinent to such situation. Mr Dierks then stated he had no special or direct interest in the proposed development.

Paul Corbridge, unofficially representing some of the area residents, stated that an appeal will be filed with the Construction Code Board of Appeals.

Yvonne Gopsevic, Longbay Blvd resident, stated she was also going to appeal the decision.

SE-1030 MARICK INVESTMENT CORP DENIED/DEFERRED  
This item was deferred from previous meeting (8/2/77) to permit the Commissioners to view the site.

Mr Fortson stated that public entry should be restricted to the front entrance.

Mr Driggers said he felt a shopping center was not the proper place for consumption of beer and wine on the premises. Mr Parrish concurred with Mr Driggers.

Motion was made by Mr Fortson that SE-1030 be approved as recommended by the Planning Commission. Motion was seconded by Mr Dierks.

Voting "Aye" were Mr Fortson and Mr Dierks.  
Mr Parrish and Mr Driggers voted "No" and the motion failed to carry for lack of a majority vote.

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Jimmy J. Nantista, petitioner, requested further consideration of his request and, due to the absence the fifth member of the Board (Mr McClure) Motion was made by Mr Dierks that action on SE-1030 be deferred until a five member board can be present. Motion was seconded by Mr Fortson and carried unanimously.

77S-15(P) CAYMAN PARK - DEFERRED  
This item, deferred from previous meeting (8/2/77), was deferred one more week to allow further engineering work on proposed roads.

R-827 CURTIS J. HUGHES, ET AL - MOBILEHOME PARK  
Rezone petition approved in previous meeting (7/5/77) and now before the Board for adoption of appropriate resolution.

Motion was made by Mr Parrish that appropriate resolution be adopted. Motion was seconded by Mr Fortson and carried.

ZONING  
R-827

RESOLUTION RECORDED

COUNTY EMPLOYEES

Westwood Fletcher reported that Jim Brady, local representative of American Federation of State, County and Municipal Employees had requested a roster of County Employees for purpose of designating employees in managerial positions.

The County Attorney advised that under collective bargaining procedures, Mr Brady is entitled to a list of the employees and recommended the Personnel Department designate the managerial employees.

Motion was made by Mr Fortson that the Personnel Department review the roster of County Employees, designate managerial positions and submit it to the Board. Motion was seconded by Mr Parrish and carried unanimously.

The County Attorney recommended the Board give serious consideration to retaining either an attorney or a negotiator knowledgeable in collective bargaining, and possibly budget for such consultant.

CLAIM FOR DAMAGES - (BROOKER)

Mr Fletcher referred to an accident on July 19, 1977, involving William Brooker, who was driving on 12th Street East, where county road equipment was working. Mr Brooker struck an unobserved rock, allegedly thrown up by the road grader, damaging his vehicle to the extent of \$102.39. Mr Brooker has filed a claim for reimbursement of the cost of the damages.

Motion was made by Mr Dierks that Mr Brooker's claim be denied. Motion was seconded by Mr Fortson and carried unanimously.

PERSONNEL MANNING LEVELS - AMENDED

Motion was made by Mr Fortson to adopt Resolution amending authorized manning levels by job classification for departments under the direct supervision of the Board of County Commissioners as follows:

	<u>Classification</u>		<u>Department</u>	
	<u>From</u>	<u>To</u>	<u>From</u>	<u>To</u>
<u>Library System</u>				
Library Aide II	5	4		
Library Aide I (F-T)	4	5		
Library Aide I (F-T)	8	7		
Library Page (P-T)	6	8		
Clerk Typist	0	1		
			48	50

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			<u>From</u>	<u>To</u>
<u>Parks &amp; Recreation Department</u>				
Assistant Clerk/Cashier	1	2		
Equipment Maint Tech.	Ø	1	95	97

Motion was seconded by Mr Parrish and carried unanimously.

PERSONNEL - CONSOLIDATION SHEETS

RESOLUTION RECORDED <sup>P. 56</sup>

Westwood Fletcher submitted and requested approval of previously coordinated personnel (consolidation) sheets and authorization for the Chairman to execute the documents with following modifications: (S-6-

Add Travel Authorizations:

1. Jerome Davis, Supervisor of Elections, to Ocala, 8/9/77
2. Phil Place, Library Director, to Tampa 8/10/77
3. Regis Chapman, Grants Development Director, Orlando 8/10/77
4. L.H. Fortson, Commissioner, Tallahassee, 8/5/77
5. Charles Hunsicker, Planning/Development to St Petersburg, 8/5/77
6. Inez Coleman, Planning/Development, to Tampa 8/4/77
7. David Forkner, Planning/Development, St Petersburg, 8/5 and 8/8/77
8. Allen Garner, Parks & Recreation, to Orlando, 8/5/77
9. Jeffrey Miller, Planning/Development, to St Petersburg 8/5/77
10. Royal F. Corbin, Probations, Sarasota, 7/21/77
11. Philip Davis, Transit Director, to St Petersburg 8/5/77

Add Lateral transfers:

Library System: Cheryl Bjerke - Internal transfer  
Transit System: Edward Earthley, CETA to County Payroll  
Robin Pechin, CETA 6P to CETA Title II  
Shirley Horne, CETA to County Payroll

Add Termination:

1. Paul Morin, Personnel Department

Add Salary Increases:

1. Roger O. Wilkinson, Personnel, to replace Paul Morin, with a salary adjustment from Pay Grade 3 to Pay Grade 9
  2. Wanda M. Firestine 5 percent
  3. Rex L. Beach, 5 percent
  4. Florence H. Gayle, 4 percent
  5. Travis E. Seawright, 6 percent
  6. Peter C. Otway, 5 percent
  7. Oliver Powell, 4 percent
  8. Ruth Ayers, 7 percent
  9. Gwendolyn Williams, 7 percent
- all to be effective August 8, 1977.

John Sands, Deputy Clerk, advised that due to County Fiscal Accounting System and auditing restrictions, pay raises cannot be given retroactively.

The County Attorney recommended the salary increases be made effective August 9, 1977, and the approval of travel authority after-the-fact should be approved, ratified and confirmed.

Motion was made by Mr Fortson to approve, ratify and confirm the Consolidation Sheets as amended, and make the pay raises effective August 9, 1977. Motion was seconded by Mr Parrish and carried unanimously.

BRADENTON DOWNTOWN DEVELOPMENT AUTHORITY: RESORT TAX

Claude E. McGavic, Administrative Director, Bradenton Downtown Development Authority, briefly explained the newly enacted Resort Tax law and submitted a resolution requesting the Board appoint a temporary Tourist Development Council to investigate the feasibility of the Resort Tax law as a source of revenue

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to finance construction of a Civic/Convention Community Center; identify other projects and programs that would qualify under the law and make reports and recommendations to the Board on or before October 21, 1977.

Motion was made by Mr Fortson that the Board be authorized to appoint a committee to study the Resort Tax and make recommendations to the Board as to feasibility of implementation of the law or going to referendum. Motion was seconded by Mr Dierks and carried unanimously.

CONSTRUCTION CODE BOARD OF APPEALS - MEMBER

Chairman Driggers referred to action taken at a previous meeting (8/2/77), approving the appointment of Sam Merritt as replacement for John R. Gause on the Construction Codes Board of Appeals and to a letter written by the Planning and Development Director advising that Ordinance No. 77-1 Article V, requires one electrical engineer as a member and recommending Dale F. Kipp, Electrical Engineer of Florida Power and Light Company be given consideration as a replacement for Mr Gause.

Motion was made by Mr Fortson to rescind action taken at last Tuesday's meeting (8/2/77) appointing Sam Merritt, and appoint Dale F. Kipp as replacement for J.R. Gause. Motion was seconded by Mr Dierks and carried unanimously.

GRANT OF EASEMENT

Motion was made by Mr Dierks to accept Grant of Easement by Cortez Road Shopping Center, Inc to the County for the purpose of maintaining and operating a Sanitary Sewerage Force Main and Lift Station and a 10-foot wide permanent easement for ingress and egress to the Force Main and Lift Station. Motion was seconded by Mr Fortson and carried unanimously.

MCUS \$1.65 METER DEPOSIT ACCOUNT

Motion was made by Mr Parrish to adopt resolution authorizing Westside National Bank to reinvest \$15,000 in a Certificate of Deposit for one year at six percent interest, \$1.65M Meter Deposit Account. Motion was seconded by Mr Fortson and carried unanimously.

RESOLUTION RECORDED S-2-201

\$11.650 CONSTRUCTION TRUST FUND

Motion was made by Mr Fortson to adopt resolution authorizing Inter City National Bank, as Trustee for the \$11.650 Construction Trust Fund to reinvest \$150,000 in a 90-day Certificate of Deposit at 5.5 percent with the Island Bank. Motion was seconded by Mr Dierks and carried unanimously.

RESOLUTION RECORDED S-2-202

RIVERDALE SUBDIVISION - SEWER SYSTEM

Motion was made by Mr Fortson that the County Attorney be authorized to draft the necessary papers for setting up a public hearing on sewer system assessments in Riverdale Subdivision. Motion was seconded by Mr Dierks and carried unanimously.

BRADENTON CITY AUDITORIUM

The County Attorney submitted proposed Agreement by and between the City of Bradenton and Manatee County in connection with renovation of the Bradenton City Auditorium, and summarized terms and conditions of the proposed agreement.

Motion was made by Mr Fortson that the Agreement be approved and submitted to the City for their approval at their next meeting. Motion was seconded by Mr Parrish and carried unanimously.



BUDGET AMENDMENTS

Motion was made by Mr Fortson to adopt resolution amending the budget to increase and expend unanticipated revenue, as follows:

Line Items

Increase Revenue: LEAA-Retaining Youth  
 Increase Expenditures: Salaries, Equipment and  
 travel, LEAA-Retaining Youth \$15,833.00

Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION ADOPTED S-2-203

Motion was made by Mr Fortson to adopt resolutions amending the budget by item to item transfers and appropriation of unanticipated revenues:

Probation Department

From: SS & Ret Match; Office Supplies  
 To: SS & Ret Match; Equipment & Other Rentals - \$ 2,398.33

RESOLUTION RECORDED S-2-204

Highway Department

Increase Revenue - Project #1103  
 Increase Expenditures - Pipe 1,734.56

Motion was seconded by Mr Dierks and carried unanimously.

RESOLUTIONS RECORDED  
 S-2-205

BILLS FOR PAYMENT

Motion was made by Mr Fortson that bills be approved for payment, as follows:

Mann, Fay & Price (Case #CA-76-1955)	\$ 170.00
Leonard Najjar (7/24/77-8/6/77)	2,000.00
Sales & Use Tax (July 1977, Golf Course)	437.85
Mann, Fay & Price (July 1977)	4,237.50
Holland & Knight (final statement)	1,340.00
Manatee Memorial Hospital (Welfare Dept)	36.25
Medical Examiners	1,855.65
Refund: Ophelia Larts (OB Clinic)	50.00

Motion was seconded by Mr Parrish and carried unanimously.

BONDS

Upon motion by Mr Fortson, seconded by Mr Parrish, the Board unanimously accepted following bond:

<u>Driveway Permit No. 3083</u>	
H.M. Lee & Sons	- \$300.00

WARRANT LISTS

Motion was made by Mr Fortson to approve Warrant Lists from August 2, 1977 to August 9, 1977, and to authorize Warrant Lists to August 16, 1977, said Warrant Lists to include any pay rolls during that period upon condition that all employees have performed their services in accordance with time and pay-roll practices of the county departments. Motion was seconded by Mr Parrish and carried unanimously.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFMD)

Chairman Driggers reported on items discussed at the Southwest Florida Water Management District Conference which he and Commissioner Parrish attended on August 3, 1977, stating that the Water Management District did not declare Manatee County a "Water-Shortage-Area", that certain stipulations were requested to preclude such declaration, one of which was that farmers have their wells permitted within six months. The Agriculture Extension Services has scheduled a series of educational meetings for the agricultural industry and procedure for well permitting will be a topic of discussion. He said he felt the Board should support SWFMD in this procedure, and if there were no objection from members of the board, he would request compliance from the agricultural industry.

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Motion was made by Mr Fortson that the Chairman be authorized to write a letter requesting cooperation from the Agricultural Industry. Motion was seconded by Mr Dierks and carried unanimously.

MANASOTA 88

Mr Dierks stated that he had been advised Manasota 88 was using Manatee County Health Department as their mailing address, and, upon no objections from other members of the Board, the Chairman instructed Westwood Fletcher to investigate this matter.

MEETING ADJOURNED

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

Attest:

APPROVED:

8/18/77

J.P. Shaw  
Clerk

Louis E. Driggers  
Chairman

L.F.