

SEPTEMBER 20, 1977

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION, in the Courthouse, Bradenton, Florida, on Tuesday, September 20, 1977, at 9:08 a.m.

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

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

Absent: Commissioners Dan P. McClure and Kenneth D. Dierks.

The meeting was called to order by the Chairman

Invocation was given by Reverend Roy E. Bruce, Cortez Road Baptist Church.

PALMA SOLA BAY GARDENS

The Chairman announced that Hildegard S. Howard had written a letter to the Board requesting that petition for vacation of Salvador Road, Palma Sola Bay Gardens, be withdrawn.

Motion was made by Mr Fortson that the request for withdrawal of the petition be granted. Motion was seconded by Mr Parrish and carried unanimously.

PURCHASING DEPARTMENT

William Mullon, Purchasing Director, submitted requests and recommendations outlined in his letter dated September 19, 1977, as follows:

Highway Department

1. Highway Project 1139 - Tournament Blvd - Bid No. 77-113  
Award to lowest bidder - Wendel Kent & Co. at \$49,789.25  
Authorize Chairman to execute contract; Clerk to accept Insurance Certification and Performance Bond.

Motion was made by Mr Fortson that the bid be on Project 1139 be awarded to Wendel Kent & Co. Motion was seconded by Mr Parrish and carried unanimously. (Approve performance bond Fidelity & Dep.)

> CONTRACT RECORDED S-2-275

Parks & Recreation Department

2. Fishing Reefs  
Authorize Chairman to execute contract with Benton Construction Co and authorize Clerk to accept Insurance Certification.

The Purchasing Director advised that the contract was not available, as he had hoped it would be, and requested this item be deferred to next Tuesday. There were no objections.

Health Department

3. Acoustical Tile Replacement - Health Dept. Bldg  
Approval of P.O. No. 06143 in the amount of \$2060 to Miller Insulation & Acoustic for replacement of tiles as a result of heavily inclement weather in August 1977. (Insurance will cover cost over \$1000.00)

Mr Fortson moved, due to the emergency nature of the repairs, that Purchase Order #06143 be approved. Motion was seconded by Mr Parrish and carried unanimously.

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99TH STREET, N.W. (NORTH LOOP ROAD TO SOUTH LOOP ROAD)

Upon motion by Mr Fortson, seconded by Mr Parrish, the Board unanimously accepted that portion of 99th Street, N.W., from North Loop Road south to South Loop Road for County maintenance.

CEMETERY ROAD (AKA SIM BARCO ROAD)

Upon motion by Parrish, seconded by Mr Fortson, the Board unanimously accepted Cemetery Road (also known as Sim Barco Road) for County maintenance.

43RD STREET, WEST

Motion was made by Mr Fortson to accept that portion of 43rd Street west from State Road 64 (Manatee Avenue) to State Road 684 (Cortez Road) for County maintenance. Motion was seconded by Mr Parrish and carried unanimously.

65TH AVENUE DRIVE, EAST

Bob Moon, Right of Way Agent reported that 100 percent participation petition had been obtained on 65th Avenue Drive East, between 5th Street East and 7th Street East, and requested acceptance of the participation petition. (Project No. 1168)

Motion was made by Mr Fortson to accept the petition. Motion was seconded by Mr Parrish and carried unanimously.

60th STREET WEST: PARTICIPATION PROJECT NO. 807

Mr Moon requested a Public Hearing date be set on Participation Project No. 807, 60th Street West from 44th Avenue south to the dead end.

Motion was made by Mr Fortson that Public Hearing be set for October 11, 1977. 9:00 a.m., or as soon thereafter as possible. Motion was seconded by Mr Parrish and carried unanimously.

STATE ROAD 789

Mr Moon referred to surplus right-of-way previously purchased by Manatee County, along State Road 789, from Sarasota County line to Longboat Key Bridge, and offers received from various parties to buy the right of way for private use. He stated he has been advised by the State Department of Transportation (who has disclaimed SR 789 to the County) that the right of way will definitely be needed by the County in the future, and requested a letter advising of the County's intent regarding this right of way.

Motion was made by Mr Fortson that the Chairman be authorized to write a letter advising the State Department of Transportation that the County plans to retain right of way property along State Road 789, as outlined by Mr Moon. Motion was seconded by Mr Parrish and carried unanimously.

ONECO ROAD

Mr Moon referred to 1977 Legislation placing the administration of secondary gas tax with the counties and the situation involving the Oneco Road Project, (34th Street West to State Road 683) and acquisition of parcels at the intersection of Oneco Road (State Road) and 15th Street. He stated that the Department of Transportation has no plans for buying the necessary right of way and it is entirely up to the County as to whether to proceed.

Following a discussion concerning the hazardous conditions at this the intersection of State Road 70, motion was made by Mr Fortson to authorize the Right Of Way Agent to proceed with the acquisition of right of way property on State Road 70 and 15th Street, East. Motion was seconded by Mr Parrish and carried unanimously.

SECONDARY ROADS FIVE YEAR PLAN

Mr Moon explained that all the roads on the present Five-Year Plan have been voided by the new Legislation, with the exception of the Oneco Road Project and 59th Street West, and it will be up to the county to set priority on these two projects; that a whole new Plan will have to be structured.

99TH STREET N.W. (9TH AVE SOUTH TO 17TH)

Nick Baden, Attorney representing area property owners, submitted affidavits that the portion of 99th Street N.W., between 9th Avenue N.W. south to 17th Avenue N.W.) has been maintained for at least four years, and requested it be accepted as a county road (not for county maintenance)

Motion was made by Mr Fortson that the County accept this road as public right of way to the extent that it has been maintained in the past. Motion was seconded by Mr Parrish and carried unanimously.

GRANTS DEVELOPMENT DEPARTMENT

Regis Chapman, Grants Development Director, submitted requests for approval, outlined in his letter dated September 20, 1977.

- (1) Four On-the-Job Training Contracts, as follows:
  - (a) R-93 with Roberts and Matthews Associates to train a Boat Moldman, September 12, 1977 - January 6, 1978, at \$748
  - (b) R-94 - Identical to R-93 (mentioned above)
  - (c) R-95 with Electronic Service Clinic, Inc, to train a Television Service and Repairman, September 14, 1977 - June 20, 1978, at \$2688.00
  - (d) R-97 with National Auto Service Center to train an Auto Mechanic, September 15, 1977 - May 24, 1978 at \$2404.00.

Motion was made by Mr Fortson that the On the Job Training Contracts be approved, as recommended. Motion was seconded by Mr Parrish and carried unanimously.

CONTRACTS RECORDED S-5-

- (2) CETA Agency Participation Agreement between the Manatee Juvenile Detention Center and the Department of Grants Development

AGREEMENT RECORDED S-5-

- (3) CETA Title II Youth Employment and Demonstration Planning Grant application in the amount of \$14,655. for administrative funds to plan a system of youth programs to begin January 1, 1978
- (4) Adoption of Equal Employment Opportunity Statement requested by the U.S. Department of Labor for our Prime Sponsor Agreement, as follows:

"No person shall on the grounds of race, creed, color, handicap, national origin, sex, age, political affiliation or beliefs be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Comprehensive Employment and Training Act. The Director of the Department of Grants Development is directed to establish and maintain a positive goal oriented program to achieve these objectives for CETA staff and participants under any Title of CETA."

Motion was made by Mr Fortson that CETA Items No. 2, 3, and 4 be approved. Motion was seconded by Mr Parrish and carried unanimously.

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- (5) CETA Titles II and VI Occupational Summary as recommended by Manpower Advisory Council for regular Public Service Employment Program beginning October 1, 1977

After review of the Occupational Summary, motion was made by Mr Fortson to approve (1) positions, as recommended, with the transfer of one position from the School Board to the Downtown Development Authority and (2) recommendation that a Committee be established to study services provided by service agencies to the aging. Motion was seconded by Mr Parrish and carried unanimously.

TRANSIT DEPARTMENT: MANATEE AVENUE TRANSIT SERVICE

Phil Davis, Transit Director and Department of Transportation Representatives Wallace Holmes and Jan Blumenthal, and Al Grossman, citizen, all members of the ad hoc committee to study proposed transit service on Manatee Avenue submitted their report on "Manatee Avenue Extension Transit Study."

Mr Holmes summarized action of the committee and recommended bus service on Manatee Avenue commence in January 1978 upon receipt of the new buses.

The County Attorney reported that both the City of Bradenton and the Town of Longboat Key have adopted Resolutions claiming that the County bus system is of no benefit to them.

PROCLAMATION: SHRINE PAPER SALE DAYS

Phil Davis read into the record a proclamation regarding Shriners support of crippled and burned children's hospitals and requested November 4 and 5, 1977 be proclaimed as Shrine Paper Sale Days.

Motion was made by Mr Fortson that the Proclamation be accepted, proclaiming November 4th and 5th, 1977, Shrine Paper Sale Days. Motion was seconded by Mr Parrish and carried unanimously.

PROCLAMATION RECORDED S-2-276

RECESS

Following a short recess, the meeting was reconvened with all the members present except Mr McClure and Mr Dierks.

SE-1037 (CHILDREN'S NURSERY) - RE-HEARING

Dick Buckle, Attorney, representing Mr and Mrs Martin, property owners directly behind the children's nursery at 1212 43rd Street West, (approved as a special exception on August 30, 1977) and indirectly representing other area property owners, along with Larry Staub, representing Joe Flavis, submitted a request on behalf of their clients to rehear Special Exception 1037.

Mr Fortson, in whose district SE-1037 is located, stated he felt the special exception should not be reheard, and Mr Parrish concurred with him.

Ralph Fogel, Church of the Nazarene and Mrs Martin spoke from the audience in favor of a re-hearing.

The Chairman stated it was the concensus of the Board not to consider a re-hearing of SE-1037 and he declared the request for a re-hearing denied.

ZONING

The Chairman announced that no re-zone decisions would be made today, due to the lack of a sufficient number of Board Members being present to reach a four-fifths vote required for zoning changes.

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Charles Carrington, Planning Director, submitted zoning items, as follows:

SE-1048 MARCO GUELI - SALE OF BEER OP - DENIED  
(Patricia A. Lewis, Agent) Request: Special Exception to permit sale of beer at snack bar at Roma Flea Market at 5715 15th Street, East, Bradenton, on 4.68 acres.  
Planning Commission recommended APPROVAL.

The Planning Director read the Planning Committee report into the record recommending approval with stipulations:

1. That adequate seats and tables be provided near the snack bar
2. Consumption of beer in the commercial area and parking lot shall be prohibited.

No one was present to speak either for or against the petition, and Mr Driggers, in whose district SE-1048 is located, recommended denial.

Motion was made by Mr Fortson that SE-1048 be denied. Motion was seconded by Mr Parrish and carried unanimously.

P.U.D.-8 AURORA FOUNDATION - FINAL PLAN - APPROVED  
(Robert Christopher, Agent) Request: Final plan approval for Planned Unit Development, gross land area of 0.6% per unit for 143 dwelling units, (118 single family and 25 duplexes) at 48th Street Court East, Bradenton on 32.06 acres.  
Planning Commission recommended APPROVAL.

Motion was made by Mr Fortson that P.U.D-8 be approved and appropriate resolution be adopted. Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDED

N-105 BROUWER'S FLOWERS, INC - N/C USE - APPROVED  
(Frans Brouwer, Agent) Request: Expansion of non-conforming use to permit the construction of 80 x 200' greenhouse at 1981 Center Road, Terra Ceia, Florida on 4.7 acres.  
Planning Commission recommended APPROVAL.

Motion was made by Mr Fortson that N-105 be approved and appropriate resolution be adopted. Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDED

R-843 KEITH BENDER, ET UX - REZONE - CONTINUED  
Request: To change the present zoning from -A- to C-1 district, or to such other district as determined to be more appropriate for retail sales of aluminum awnings and windows at 3127 49th Street East, Plametto, on 2.58 acres.  
Planning Commission recommended APPROVAL

The Planning Director read a letter with four signatures (Mr & Mrs Burkhead and Mr & Mrs Thomas) in opposition; then stated there was no opposition from county departments. Keith Bender spoke in his own behalf in favor of the petition.

R-843 was continued to such time as a minimum of four board members are present to act on the petition.

R-848 DOROTHY M. WOODSON - REZONE TO -C- CONTINUED  
Request: To change the present zoning from R-1 to -C- district, or to such other district as determined

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to be more appropriate on the southwest corner of 23rd Street, East and U.S. 41, Palmetto, on 0.43 acre.

Planning Commission recommended APPROVAL.

R-848 was deferred until a four-member Board could be present.

R-849 PERRY MILLER REZONE TO C-1 - CONTINUED  
Request to change the present zoning from -A- to C-1 district, or to such other district to be more appropriate for a motel at 1911 8th Avenue West, Palmetto, on 4.84 acres.  
Planning Commission recommended APPROVAL.

Mr Miller was present to speak in his own behalf, but rezoning action on R-849 was continued until a four-member Board could be present.

R-850 VICTOR T. LIGHT, ET UX - REZONE - CONTINUED  
Request: To change the present zoning from R-1A to PR district, or to such other district as determined to be more appropriate as permitted in PR district at 2206 53rd Avenue, East, on 1.17 acres.  
Planning Commission recommended APPROVAL.

Planning Director read the Planning Committee report into the record and rezone action on R-850 was continued until a four-member Board could be present.

R-840 HAMLIN B. JONES (ADOPTION) - DEFERRED  
Request to change the present zoning from M-1 to C-1 was approved August 20, 1977, but adoption of a resolution was deferred, pending presence of a four-member Board.

77-S-24(P) EL CONQUISTADOR VILLAGE, II-A - APPROVED  
(Dan Zoller, Eng. Inc., Agent) Request: Preliminary Plan approval of a single family subdivision of 31 single family lots bordered on the east by 39th Street, East, and approximately 2000 feet North of El Conquistador Parkway, on 12.09 acres.  
Planning Commission recommended APPROVAL.

Motion was made by Mr Fortson to approve 77-S-24(P) and adopt the appropriate resolution. Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDED

PHOSPHATE MINING FEES

The Chairman, with concurrence of the Board members, expressed the opinion that Phosphate Mining Companies making application for permits to participate in mining operations in Manatee County should bear all provable costs involved relating to such applications. He further stated that consideration should be given by the Planning and Development Department of developing an Ordinance, or amending Ordinances governing earthmoving permits and reclamation of land.

The Planning Director advised he would coordinate the Ordinance Amendment and submit the proposed amendment to the Board as soon as possible, and the County Attorney was instructed to develop a Moratorium on Mining Permits to be submitted to the Board the following Tuesday.

PERSONNEL: NOTARY PUBLIC (COMMISSIONER OFFICE STAFF)

Westwood Fletcher, Personnel Director, requested authorization

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to secure necessary papers on a Notary Public for the Commissioners' office staff, and recommended Mrs Jean Kuderle as the candidate.

Motion was made by Mr Fortson that Mr Fletcher be authorized to secure necessary papers for Notary Public for the Commissioners office. Motion was seconded by Mr Parrish and carried unanimously.

PERSONNEL CONSOLIDATION SHEETS

Mr Fletcher submitted and requested approval of previously coordinated Personnel Consolidation Sheets (New Hires, Salary Increases, Terminations and Miscellaneous/Travel Authority), with additions, as follows:

Travel Authority:

Louis E. Driggers, to Tampa 9/21/77 and 9/27/77 and  
to Tarpon Springs 9/30/77  
L.H. Fortson Jr, to Ruskin 9/21/77  
Carole White, to Tampa 9/21/77  
Judith A. Davis, to Punta Gorda 9/23/77  
David Forkner, to Punta Gorda 9/23/77

Terminations:

Robert E. Thompson, Parks & Recreation 9/16/77  
Theodore A. Wolf, Parks & Recreation 9/17/77  
Joyce L. Fears, Library System 9/13/77  
Howard D. Brooks, Highway Department 9/9/77

Motion was made by Mr Parrish that the Consolidation Sheets, as amended, be approved. Motion was seconded by Mr Fortson and carried unanimously.

WATER SYSTEM CONSTRUCTION TRUST FUND

Upon motion by Mr Fortson, seconded by Mr Parrish, resolutions were unanimously adopted approving payment of obligations, as follows:

WATER SYSTEM CONSTRUCTION TRUST FUND

(1) <u>Requisition No. 11.650 B-111</u>		
MCUS 13.5 Revenue Account	\$3,091.76	
MCUS General Control Account	448.44	
MCUS R&R Account	8,425.32	
		<u>RESOLUTION RECORDED</u>
		S-2-277
(2) <u>Requisition No. 11.650 D-58</u>		
Russell and Axon	\$25,639.36	
		<u>RESOLUTION RECORDED</u>
		S-2-278

BRADENTON, CITY OF - RESOLUTION NO. 77-51

The County Attorney submitted the City of Bradenton Resolution No. 77-51, A RESOLUTION PETITIONING MANATEE COUNTY TO GRANT TAX RELIEF TO THE CITY OF BRADENTON AND ITS RESIDENTS THROUGH THE ESTABLISHMENT OF MUNICIPAL TAXING AND BENEFIT UNITS IN UNINCORPORATED AREAS OR OTHER APPROPRIATE MEANS FOR THE PURPOSE OF FUNDING SERVICES RENDERED FOR THE RESIDENTS OR PROPERTY OF UNINCORPORATED AREAS ONLY, which outlined areas of services the City of Bradenton considered areas of double taxation. He requested authorization from the Board to draw up appropriate response to this petition.

Motion was made by Mr Parrish that the County Attorney be authorized to draw up response to the Resolution by the City of Bradenton. Motion was seconded by Mr Fortson and carried unanimously.

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AGREEMENT: GEOLOGICAL SURVEY (TEST WELLS)

The County Attorney submitted an Agreement for Installation, Maintenance and Use of a Test Hole and/or Observation Well on Private Property between Manatee County and the U.S. Department of Interior, Geological Survey, to cover the drilling and maintenance of an observation well on Manatee County Right-of-Way at the SW Corner of NW $\frac{1}{2}$  of the NE $\frac{1}{2}$  Section 18, Township 36 South, and requested execution by the Chairman.

Motion was made by Mr Fortson to authorize the Chairman to execute the Agreement. Motion was seconded by Mr Parrish and carried unanimously.

AGREEMENT RECORDED

S-2-279

BILLS FOR PAYMENT

Motion was made by Mr Parrish to approve bills for payment, as follows:

Girls Club LEAA Account	\$5,554.00
Mann & Fay (Transit System)	650.00
Manatee Memorial Hospital	505.00
Block & Associates (Exams)	727.12
Professional Ancillary Services, Inc	50.00
Refund: W.G. Mills (set of Plans)	10.00
Robert Fowinkle	112.90

Motion was seconded by Mr Fortson and carried unanimously.

WARRANT LISTS

Motion was made by Mr Parrish to approve Warrant Lists from September 13, 1977 to September 20, 1977 and to authorize Warrant Lists to September 27, 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.

BONDS

Motion was made by Mr Fortson that bonds and refunds be approved, as follows:

Driveway Permits

- (1) REFUND: To H.W. FARMER - Cash Bond - \$ 75.00  
Permit No. 2039
- (2) ACCEPT: From WARD DAVIS - Cash Bond- 100.00  
Permit No. 3387

Moving & Alteration of Building

- (3) ROWE MEADE (Owner/Mover) - Auto Owners Ins Co - \$1500.00  
Pre-Moving Permit No. 11793

Motion was seconded by Mr Parrish and carried unanimously.

CORRESPONDENCE

Correspondence was read or acknowledged from:

1. Jerome Davis, Supervisor of Elections - Re: Help in refurbishing Supervisor of Elections Office. No objection from the Board to cooperating with the Supervisor of Elections, as far as possible with no dollar figure involved.
2. Archie Powell, Property Appraiser - Re: 1977 Certification of Millage and Taxable Value Including Statement of Additions and Deletions. Accepted and made a part of the Record.
3. Charlotte County - Re: Street Lighting District
4. Department of Community Affairs: - Re: 1977 Legislative appropriation to defray a part of the Local Government Comprehensive Plan.

RECORDED

S-2-280



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COMPREHENSIVE PLANNING ACT

Motion was made by Mr Parrish that the County be authorized to apply for its proportionate share of funds appropriated by the 1977 Legislature to meet the requirements of the Local Government Comprehensive Planning Act. Motion was seconded by Mr Fortson and carried unanimously.

5. John H. DeWinkler, Department of Transportation -  
Re: Return of Administrative Control of Secondary  
Road funds to the County - Work Session scheduled  
for September 26, 1977.
6. Carlos Ugarte, County Engineer - Certifying Posting  
of No Parking signs on 36th Avenue East, between  
15th and 16th Streets East, in compliance with  
Ordinance No. 77-3 (Adopted 8/30/77)

MEETING ADJOURNED

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

Attest: R.B. SHORE, Clerk      APPROVED:

  
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Chairman