

FEBRUARY 21, 1978

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, February 21, 1978, at 9:03 a.m.

Present were Commissioners:

Louis E. Driggers, Chairman  
Dan P. McClure, Vice Chairman  
Lamar S. Parrish  
L.H. Fortson, Jr  
R.W. Fowinkle, III

Also present were:

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

The meeting was called to order by the Chairman.

The invocation was given by Reverend Steven S. Estrok, Church of the Cross

STUDENTS IN GOVERNMENT

The Chairman introduced the local high school students participating in local Government Week as follows: Tina Cottey, Lori Phillips, Matt Young, Dona Saubrough, Andy Banker, Kathy Zoller and Lisa Webster.

PARTICIPATION PROJECT NO. 947

The Chairman declared public hearing open for the purpose of hearing objections to

PARTICIPATION PROJECT NO. 947: 106th Street West,  
from State Road 684 south to the end  
(construction cost \$3.05 per front foot)

Robert Schultz, Attorney, representing the owners of The Dutch and Dutchess Restaurant (formerly known as The Wheel Inn) at the corner of 106th Street and SR 684, protested encroachment on his client's property by approximately seven feet at the egress and ingress to the restaurant, and requested alignment of 106th street to comply with the original plat.

James Collins, who is purchasing the Dutch and Dutchess Restaurant said he planned to expand the restaurant and needed all the space available; he also objected to the encroachment.

James Niblock, 106th Street West, said he sympathized with the owners of the Dutch and Dutchess, but favours the participation project.

By show of hands, eight persons in the audience indicated they were in favor of the project.

No one spoke in opposition to the project.

The Chairman declared the public hearing continued to permit Mr Fortson to research the information concerning the encroachment and make recommendations.

PARTICIPATION PROJECT NO. 964

The Chairman declared public hearing open for the purpose of hearing objections to

PARTICIPATION PROJECT NO. 964: 19th Street West  
from 55th Ave W. to 57th Ave W.  
(construction cost \$11.56 per front foot)

Mr Fortson asked the Highway/Engineering Director why the estimated cost for Project #964 is \$11.56 and #947 is estimated at \$3.05 per foot. Mr Dougherty advised that \$3.05 covers paving only, and Project #964 will require considerable drainage work.

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George Davenport, 19th Street, referred to problems of drainage, dust and/or mud due to the County hauling in fill-dirt in 1970, and subsequent gradings which built up the roadway and filled the drainage ditches and tiles. He objected to the \$11.56 per foot, noting that another contractor had indicated he would do the job for \$3.05 if the County would remove the drainage problems it had created.

Mrs Grant Shea, 19th Street and 55th Avenue, objected to the cost.

Mrs Neomi Potter objected to the cost, stating that the road turned away from her property before it reached the end of her lot, and she should not have to pay for footage beyond the point where the road turned away from her property line. She was assured the Engineering Department would check into this situation.

Alex Boudier, Alliance Church, 57th Ave and 19th Street, questioned whether the church would have to pay for four driveways to their four lots when only the present two driveways are needed; also, how the church would be billed since it is not on County tax rolls. He was advised the church would be billed for Special Improvement Lien through the Clerk's office.

The Chairman declared the public hearing continued.

Mr Fortson advised he would review the project with the Engineering Department.

#### PURCHASING DEPARTMENT

William Mullon, Purchasing Director, submitted recommendations as outlined in his letter dated February 17, 1978.

##### 1. LIBRARY

A.1 IBM Lease/Purchase Agreement  
(IBM Mag-Card Typewriter)

a. Authorize the Chairman to execute contract

A.4 Sod

a. Receive sealed quotations

He advised that the Parks and Recreation Director recommended St Augustine grass be used for sodding the Library grounds, and there being only one local supplier of this type sod, requested authority to seek sealed quotes outside the county. Both Mr Driggers and Mr McClure recommended alternative bids be sought on other types of grass.

##### 2. TRANSIT DEPARTMENT

a.2 Excess Bus Parts

a. Sell to Lee County

Mr Mullon advised that these parts are usable only on the buses which have been transferred to Lee County, and that they cannot be utilized by the Transit Department in any other way.

##### 3. HIGHWAY DEPARTMENT

A.3 59th Street Drainage Project

a. Advertise for bids

##### 5. EMERGENCY MEDICAL SERVICES

A.5 Disposable Sheets

a. Receive sealed quotations

Mr Mullon asked consideration of other items, not included in his letter, as follows:

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PARKS & RECREATION DEPARTMENT

1. Two Pick-Up Trucks
  - a. Receive sealed quotes on Lease/Purchase

Mr Mullon explained that these trucks have been advertised for bids three times, but no bids received: therefore, he was requesting authority to attempt to obtain sealed quotes outside the county. Mr Fortson recommended that local dealers be contacted to ascertain the reason they have not submitted bids before advertising out of the county.

Action was deferred until Thursday to permit Mr Mullon to contact local dealers.

Motion was made by Mr Fowinkle to approve items 2 through 5 to include recommendations for alternative bid on sod for the Library, and defer Item No. A.1. Motion was seconded by Mr Parrish and carried unanimously.

GRANTS DEVELOPMENT DEPARTMENT

Regis Chapman, Director of Grants Development Department, submitted requests and information outlined in his letter dated February 21, 1978.

- (1) Approval of three On-the-Job Contracts:
  - (a) R-134, with Boys' Clubs of Manatee County, Inc, to train Administrative Secretary, 2/7/78-9/18/78, \$2,000.
  - (b) R-135 with Manatee County Tax Collector to train a Title Clerk, 2/10/78-9/21/78, \$1,760.
  - (c) R-136 with Manatee County Clerk of Circuit Court to train Payroll Clerk, 2/13/78-2/9/79, \$3,058.56

CONTRACTS RECORDED

- (2) Authorization for the Chairman to sign a letter to the U.S. Department of Labor in response to their CETA Title I Allowance Payment System Review
- (4) Approval of Modification No. 3 to Non-Financial Vocational Education Agreement No. L8-008 in the amount of \$88,771.00, to reduce this agreement from \$92,693 to \$88,771 to reflect the actual carryover from Fiscal Year 1977.

Motion was made by Mr McClure to approve the recommendations as outlined. Motion was seconded by Mr Fowinkle and carried unanimously.

- (3) Mr Chapman announced the opening of the 1-STOP Center for Youth Services this week and introduced the staff:

Leon Esachenko, Director of the Center,  
Barbara Thau, Earl Jackson Ann Draper,

and summarized goals and objectives of the program.

HIGHWAY DEPARTMENT - MOWING CONTRACTS

Ed Dougherty, Director of the Highway/Engineering Department, requested authorization to advertise for bids on contracts for mowing approximately 100 miles (about one-fourth of total mowing) at an estimated cost of \$11,000 for four mowings a year on roads taken over by the County from the State, and roads with shallow, easily mowed ditches. In the past, equipment and operators have been hired on an hourly basis at a cost of \$22,000 (last year).

Motion was made by Mr McClure to approve request by Mr Dougherty, and authorize bids for mowing to be advertised through the Purchasing Department. Motion was seconded by Mr Parrish and carried unanimously.

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HIGHWAY CONSTRUCTION SCHEDULE; 45TH STREET, EAST

Mr Dougherty reviewed the proposed highway construction schedule for 1977, stating information received this past week indicated that State funds were being substantially reduced; that approximately \$1,500,000 of these state funds (\$1,700,000) are earmarked for the Oneco Road Project. Construction of 45th Street East would be pushed forward a couple of months, causing a portion of this project to fall within next year's budget, and there is no need to employ a consulting firm to assist with the design and plans on 45th Street East.

CANAL ROAD

Lawrence Livingston, Palmetto, and Ellie Corbett Sims, President, PTA, Tillman School, appeared before the Board as representatives of a delegation requesting the County consider the inclusion of sidewalks along Canal Road from 17th Avenue to Experimental Farm Road in the scheduled improvements on Canal Road this year. Mr Livingston pointed out that if the narrow road, edged by a deep ditch, is improved it will be even more dangerous for school children walking along the road due to increased speed of the traffic.

Following lengthy discussion, the Highway/Engineering Department was instructed to make new cost estimates to include sidewalks, and when the cost estimates are completed, a work session will be scheduled and representatives of the area notified so that they can attend.

Mr Livingston submitted a letter from Ethel A. Livingston, resident of Washington Gardens area, concerning the widening and paving of Canal Road.

TIDEVUE ESTATES, SECOND ADDITION - ACCEPTED; BOND EXTENDED

In connection with the acceptance of the roads and other improvements in Tidevue Estates, Second Addition, the County Attorney reported that correspondence has been received from the bonding company for the construction contractor (Chubb/Pacific Indemnity Group) agreeing to extend the full force and effect of the bond for one year from the date of acceptance by the County; also written guarantee from the contractor, Wendell Kent & Company, to immediately remedy any problem, other than routine maintenance, for one year from date of county acceptance. The Director of Highway & Engineering Department stated this meets with the requirements of his Department, and recommended acceptance.

Motion was made by Mr Parrish to accept the roads and improvements in Tidevue Estates, Second Addition, together with the extension of the bond and guarantee of the contractor. Motion was seconded by Mr Fowinkle and carried unanimously. (Ref: Bond #8056-27-03 Federal Insurance Company, on behalf of Mobilife Corp. in favor of Manatee County Florida. Date: May 10, 1974. Amount: \$440,404.58)

SOUTHERN PARKWAY/DRAINAGE DITCH

In connection with request by Joe Lively (Developer of the proposed Horizon Subdivision) that the County share the cost of improving Southern Parkway and maintenance of a drainage ditch, the County Engineer submitted the following facts and recommendations:

Other than maintenance of the ditch, which carries water south of Southern Parkway and east of 51st Street through the contemplated development and City of Bradenton property, the County has no jurisdiction in the development because it lies entirely within the city limits of Bradenton.

The developer plans an entry from Southern Parkway, over which the county does have jurisdiction. Mr Dougherty recommended Southern Parkway be widened to a full 24 feet through the limits of the development and construction of a left turn lane at 51st Street intersection; and that the cost of widening, curbs, dividers, etc., be borne by the developer.

Since Southern Parkway needs resurfacing, which should be scheduled in the near future, Mr Dougherty recommended the developer be authorized to resurface the road during the course of widening it through the development since he has expressed a willingness to perform this work, and that the county reimburse him the cost (approximately \$8,000 total) at a rate of \$2.05 per square yard, for one inch thick Type III Asphalt Surface Course, with the county inspecting the work; and that the County enter into an agreement with the developer to this affect.

The County Attorney said he would explore the means of making such an agreement and make recommendations.

EASEMENTS ACCEPTED - (SHEEHAN-GOLDMAN, SCOTTY'S INC,)

- Motion was made by Mr McClure to accept public road and drainage easements from

Lloyd G. Sheehan, Stanley Goldman and  
Scotty's Inc.

Motion was seconded by Mr Parrish and carried unanimously.

PROPERTY, PURCHASE OF - WALKER (PARK & RECREATION)

Bob Moon, Right of Way Agent submitted Agreement for Sale and Purchase wherein the County agrees to buy certain property from Harley C. and Janet M. Walker, for a total purchase price of \$10,500, with \$1,050 as a binder. (To be used for recreational purposes)

Motion was made by Mr McClure that the Agreement be executed. Motion was seconded by Mr Parrish and carried unanimously.

AGREEMENT RECORDED

S3-198

TIM MUMFORD - RIGHT OF WAY SCHOOL

Upon motion by Mr McClure, seconded by Mr Fowinkle the Board unanimously approved payment of tuition cost in the amount of \$222.95 and authorization for Tim Mumford to attend a National Right of Way Association School in Orlando, Florida, on the weekends during the months of April, May, June and July, 1978.

RECESS

Following a brief recess, the Board reconvened with all members present.

LITTLE LEAGUE, INC - LEASE

In connection with the offer by the County to lease approximately 11.5 acres of County-owned property on SR 70 to the Manatee County Little League, Inc, Larry Batson, President, Manatee County Little League, 1978, said that the officials of the organization have viewed the property and found it satisfactory for their plans. He requested the County proceed with the necessary action to permit development of a Little League Complex on said property.

Motion was made by Mr McClure that the County Attorney be instructed to draft the appropriate contract for execution by the Manatee County Little League Inc to be returned to the Board for acceptance. Motion was seconded by Mr Parrish and carried unanimously.

HOUSEMOVING PERMIT - SEAWRIGHT

Motion was made by Mr Parrish to approve Housemoving Permit No. 30, subject to the posting of \$8,000 bond, for

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ROWE MEADE, to move a building for B.W. SEAWRIGHT  
 from 5525 Blount Avenue, Sarasota  
 to 604 2nd Avenue, Parrish  
 Pre-moving No. 14476

Motion was seconded by Mr McClure and carried unanimously.

Posting of the \$8,000 bond (which was agreeable with the owner) was requested to assure completion of the proposed renovation and expansion of the building, upon statement by S.O. Parrish and Joe Whidden, area residents, that they would withdraw their opposition to the house being moved into their neighborhood in its present condition, if the renovation was completed within a reasonable length of time (18 months).

HOUSEMOVING - KAUFMANN

The request by JACK KAUFMAN for housemoving permit (#31) for R.E. JOHNSON to move a building from 511 9th Street, Palmetto, to 2203 42nd Street East, was deferred to permit the owner to work with the Highway Department to establish a better route.

ZONING

Recommendations of the Planning Commission were submitted by David Forkner and Bill Swann of the Planning and Development Department.

R-825 JACK E. MOOREHEAD, ET UX - APPROVED  
 Request to change zoning from R-1B to T-1,  
 deferred 7/19/77  
 Planning Commission recommended APPROVAL

Mr Moorehead and Robert Boyleston, his Attorney, were present to speak on the petition and the proposed plans for development of a mobilehome park and golf course.

In response to query by the chairman as to why development for single family residences was not being considered, which would not require rezoning, Mr Moorehead advised that past experience showed it was not economically feasible.

Motion was made by made by Mr Parrish to approve R-825 and adopt the appropriate resolution. Motion was seconded by Mr McClure. Voting "Aye were Mr Parrish, Mr McClure, Mr Fortson and Mr Fowinkle. Mr Driggers voted "No". Motion carried.  
RESOLUTION RECORDED

SE-1045 - COLLEGE PLAZA LIMITED/KROH BROS. - APPROVED  
 Request for Special Exception to permit the sale of beer and wine for consumption on premises (deferred 8/16/77)  
 Planning Commission recommended APPROVAL.

Mr Fortson stated that official action was taken by the Board on August 23, 1977, to allow the petitioner to re-develop plans changing the (primarily) bar to a sandwich shop with incidental sale of beer and wine.

Mr Swann read SE-1045 Special Exception Resolution;

THAT THE PETITIONER, COLLEGE PLAZA LIMITED/KROH BROS. DEVELOPMENT CO. BE GRANTED A SPECIAL EXCEPTION TO PERMIT SALE OF BEER AND WINE FOR CONSUMPTION ON PREMISES; THE SALE AND CONSUMPTION OF SUCH BEVERAGES SHALL BE A CLEARLY INCIDENTAL

AND SUBORDINATE ACTIVITY TO THE PRIMARY USE  
OF THE PROPERTY IDENTIFIED HEREIN AS A SANDWICH SHOP.

Mr Fortson recommended and moved that SE-1045 be approved and the resolution, as outlined by Mr Swann, be adopted. Motion was seconded by Mr Fowinkle.

Upon request by a member of the audience to be heard, the Chairman requested the motion and second be withdrawn, and recognized Lee Lyons, 2114 17th St. West, who expressed his opposition to approval of a "liquor place".

The Chairman then accepted motion by Mr Fortson, second by Mr Fowinkle to adopt resolution approving SE-1045. Voting "Aye" were Commissioners Fortson, Fowinkle Parrish and McClure. Mr Diggers voted "No". Motion carried.

RESOLUTION RECORDED

77-S-39(P&F) TWIN ACRES SUBDIVISION - DEFERRED

This item deferred 2/14/78 at the request of Mr Fortson to allow further discussion of improvements to 83rd Street West.

Mr Fortson recommended that the developer be required to deposit in escrow a pro rata share of the cost for paving the road, possibly one third, to be designated by the Highway Department, and when other developers come in, the same be required of them.

Neil Kunkler, one of the developers, objected to the undue financial burden on the developer if escrow is required and suggested deed restrictions that would require purchasers of the property to participate in the paving costs.

Following discussion, action was deferred and the Highway Department was instructed to develop cost estimates on paving 83rd street. Work session was set for 9:00 a.m., Monday, February 27th for further discussion.

78-S-1(P) HOLLYWOOD PARK - APPROVED

Request: Preliminary plan approval of a subdivision consisting of 40 single family lots, on 70.8 acres, at Tuttle Avenue south of Tallevast Road.

Planning Commission recommended APPROVAL with waiver of sidewalk and recreation requirements and subject to recommended construction of roads within the subdivision.

There were no objections from the Health or Utilities Departments, and none from the Highway/Engineering Department, subject to following stipulations:

- (1) the developer shall construct an east/west road from Tuttle Avenue through the property to the western boundary
- (2) a north/south right of way shall be established and road constructed. Both roads to be built to county standards.

Leo Mills, one of the developers, objected to the requirement to construct a north/south road, pointing out the unlikelihood of development of property to the north (Midway Groves) and to the south (Crescent Farms) and the fact that there are three north/south arterial roads in the immediate vicinity (Lockwood Ridge Road, Tuttle Avenue and US 301). He was not in favor of dedicating a right of way on the plat but had no objection to dedicating an easement for use by the County in the future. In the meantime the dedicated land could be used as a part of the adjoining lots. He agreed to stipulation to construct the east/west road as recommended by the Highway Department.

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Motion was made by Mr McClure to approve 78-S-1(P), subject to the Developer and County Attorney working out appropriate language for dedication of Easement for a future north/south access road. Motion was seconded by Mr Fowinkle and carried unanimously.

BEKER PHOSPHATE MINING COMPANY

Chairman Driggers said he would like time to review the documents developed by the County Attorney and Counsel for Beker Phosphate Co. in connection with application for an Operating Permit and if there were no objection, this matter would be deferred to the following Tuesday. There were no objections.

RECESS/RECONVENE

The Chairman declared the meeting recessed until 1:30 p.m.

1:30 P.M.

The meeting was reconvened at 1:30 P.M. with all the members present except Mr Fowinkle.

TRANSIT: URBAN MASS TRANSPORTATION - GRANT

The County Attorney submitted

RESOLUTION AUTHORIZING THE EXECUTION OF AN  
URBAN MASS TRANSPORTATION SECTION FIVE CAPITAL  
GRANT CONTRACT WITH THE UNITED STATES OF AMERICA

and explained that by adoption, the County would accept and authorize the execution of the Urban Mass Transportation Section Five Capital Grant Contract for Project No. FL-05-009 for the purchase of two 31-33 passenger transit coaches, one supervisory automobile, one operations/maintenance van, four mobile radio and three non-registering fare boxes with spare vaults, at a total project cost of \$165,000, with Federal share of \$132,000 and local share of \$33,000.

Motion was made by Mr Parrish to adopt appropriate resolution accepting and authorizing execution of the Federal Grant Contract on behalf of the county. Motion was seconded by Mr McClure and carried unanimously.

✓ RESOLUTION RECORDED S3-199

(Enter Mr Fowinkle)

PERSONNEL: CONSOLIDATION SHEETS/AMENDED

The Personnel Director submitted and requested approval of Personnel Consolidation Sheets (New Hires, Salary Increases, Terminations and Miscellaneous/Travel Authority) and authorization for the Chairman to sign, with following additions:

Travel Authority: (1) William Priesmeyer to Atlanta 2/22-24/78  
(2) Chas Hunsicker to Atlanta 2/22-24/78  
(3) Ralph Rife to Tallahassee 3/21-22/78  
(originally requested and approved for  
Jim Stapleton who will not be with the  
Department at that time)

Approve, ratify and confirm travel for

(4) Susan K. Shaw to Clearwater 2/18/78

Transfers: From CETA To County Employee Classification  
EMS Technicians: Cliff Bragg  
Gary O. Montgomery

Motion was made by Mr Fowinkle to approve the Consolidation Sheets with the recommended additions. Motion was seconded by Mr Fortson and carried unanimously.

GRANTS: LEAA - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM/FORM B

Upon motion by Mr Fortson, seconded by Mr Parrish, the Chairman was unanimously authorized to execute Form B of the Bureau of Criminal Justice Planning and Assistance Equal Employment Opportunity Certificate of Compliance with 28 CFR 42.301 by implementing agencies:

Manatee County School Board,  
 Department of Grants Development  
 County Probation Office  
 Boys' Club of Manatee County, Inc  
 Manatee County Girls Club Inc.

MINUTES/AMENDED: APPROVED

Motion was made by Mr Fowinkle to approve Minutes of

REGULAR SESSION: January 31, 1978, as amended (to clarify the "transfer of items that should not have been given asset numbers in Inventory.)

Motion was seconded by Mr Fortson and carried unanimously.

Motion was made by Mr Parrish to approve Minutes of

SPECIAL SESSION: February 2, 1978

Motion was seconded by Mr Fowinkle and carried unanimously.

BILLS FOR PAYMENT

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

Smith, Young & Blue	\$2,355.40; \$138.62
Bradenton Insurance ('78 Bluebird buses)	3,734.00
Refund:	
Vincent Magill (EMS)	10.00
Vicky L. Carvetta	50.00
Manatee Memorial Hospital	3,208.08; \$702.02
DeLesline Construction Co (Multi-purpose Building)	9,842.66
Harry Hodson (City Auditorium)	1,441.37

BONDS

Motion was made by Mr Fortson to approve release of bond to

E. MICHAEL TOTH - \$260.00  
 for a parking lot at 4820 Manatee Ave W.  
 (Bond #41 638 814)

Motion was seconded by Mr Parrish and carried unanimously.

CORRESPONDENCE

Correspondece was acknowledged from and/or action taken as follows:

- (1) Seaboard Coastline Railroad co. - Re: Cancellation of Agreement a 432-foot sidetrack facility at Bradenton, dated 4/8/63. Referred to Mr Fletcher for further research and report to the Board.
- (2) Tampa Bay Regional Planning Council - Re: Housing Opportunity Plan - Previously referred to the Housing Authority and still pending recommendations from that Department

ANNEXATION OF UNINCORPORATED AREAS

Following discussion on "annexation of unincorporated areas" by the City of Bradenton, which recently appeared in the local newspaper, it was the concensus of the Board that this should be discussed at the

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local Legislative Delegation Public Hearing being held in Bradenton February 23rd. Chairman Driggers stated if there were no objection from other members of the Board, he would represent the Board at this Public Hearing. There were no objections.

MOBILEHOME PARKS - REZONE PETITIONS: MORATORIUM

Motion was made by Mr Parrish that a temporary moratorium be placed on Applications for Rezones to Mobilehome Parks until the Planning Commission has made a thorough study and makes its recommendation back to the Board of County Commissioners. Motion was seconded by Mr Fowinkle and carried unanimously.

MEETING ADJOURNED

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

Attest:

APPROVED:



Clerk



Chairman

2-1-78