

MARCH 21, 1978

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, March 21, 1978 at 9:06 a.m.

Present were Commissioners
 Louis E. Driggers, Chairman
 Lamar S. Parrish
 L.H. Fortson, Jr
 R.W. Fowinkle, III

Also present
 L. Frappier, Deputy Clerk
 Ralph Umana, Deputy Clerk
 E.N. Fay, Jr, County Attorney

Absent: Commissioner D.P. McClure

The meeting was called to order by the Chairman.

Invocation by Reverend Warren Ruby, Pastor, First Baptist Church, Samoset.

ANIMAL CONTROL

William Gardiner, Animal Control Supervisor, with Ralph Niffenegger, County Health Department, requested installation of a septic tank at the Animal Control Center and recommended implementation as soon as possible. A quotation from Taylor Concrete, Inc. was submitted by Mr Gardiner.

Mr Gardiner stated that the Shelter is located in a low area, and cages on the south side will not drain properly. Mr Niffenegger advised that at present, the waste material from the Animal Center is draining directly into a ditch and ultimately into Terra Ceia Bay.

Motion was made by Mr Parrish that the Purchasing Director be authorized to procure sealed quotes on a septic tank and installation at the Animal Control Center. Motion was seconded by Mr Fowinkle and carried unanimously.

GRANTS DEVELOPMENT DEPARTMENT

Recommendations of the Grants Development Department outlined in Regis Chapman's letter dated March 21, 1978, were submitted by Bob Fernandez.

- (1) Approval of four On-the-Job Contracts:
 - a. R-140 with Bradenton Cooling and Heating to train Electrical Appliance Serviceman, 3/6/78-12/8/78, \$2,400
 - b. R-141 with Alumicraft Foundry to train Snag Grinder/Molder, 3/13/78-10/13/78, \$1,353.92
 - c. R-143 with Suncoast Color, Inc to train Photographic Lab Worker, 3/17/78-12/20/78, \$2,367.00
 - d. Y-78-1 with Agricultural Research & Education Center to train Agricultural Lab Technician, 3/16/78-1/14/79, \$2,932.80

CONTRACTS RECORDED

- (2) Approval of Modification No. 2 to Contract No. III-78-2 with Manatee Opportunity Council, January 1, 1978 to September 30, 1978, to increase the budget by \$405 to pay for staff travel
- (4) Authorize the Chairman to execute a grant application to the State Department of Health and Rehabilitative Services for a matching grant in the amount of \$10,000 for the purchase of one ambulance. Local cash matching requirement is \$10,000.

Upon question, Ken McKendree, EMS Director, advised that the ambulance would not be tied down to a specific location and matching funds are available in the current budget.

Motion was made by Mr Fortson that Items 1, 2 and 4 be approved as requested by Bob Fernandez. Motion was seconded by Mr Fowinkle and carried unanimously.

LIBRARY: RESIDENT PROJECT ENGINEER'S REPORT

Leonard Najjar, Resident Project Engineer, Manatee County Library, submitted a final inspection report, stating that the finish work on the County Library Building has been essentially completed and he foresees no future problems arising out of the prior controversy in connection with the project.

PERSONNEL: CONSOLIDATION SHEETS/AMENDED

The Personnel Director submitted and requested approval of previously coordinated personnel consolidation sheets (New Hires, Salary Increases, Terminations, Miscellaneous/Travel Authorizations) and authorization for the Chairman to sign, with two deletions on the "transfer" sheet:

Roosevelt Brooks (CETA) and William Tinsley (Highway)

Motion was made by Mr Parrish to approve the Consolidation Sheets with the two deletions as recommended by the Personnel Director. Motion was seconded by Mr Fowinkle and carried unanimously.

HIGHWAY/ENGINEERING - PERSONNEL POLICY (WORK WEEK)

The Personnel Director requested exception to established Policy to exempt the Highway Department from the "Standard Work Week"; that the work week consist of four ten-hour work days instead of five eight-hour work days. To simplify payroll procedure, the work week should run from Monday-through-Thursday in "Non-Payday" weeks, and from Tuesday-through-Friday in "Payday" weeks.

Motion was made by Mr Parrish to exempt the Highway Department from the Standard Work Week as recommended by the Personnel Director. Motion was seconded by Mr Fowinkle and carried unanimously.

COUNTY ADMINISTRATOR (APPLICANTS; EXPENSES)

In connection with interviews of top six applicants for the position of County Administrator, motion was made by Mr Fortson and seconded by Mr Parrish to approve payment for

- 1) Expenses incurred in procuring credit checks on applicants
- 2) Travel and Per Diem for applicants (per diem rates not to exceed \$35 a day)

Voting "Aye", Mr Fortson, Mr Parrish and Chairman Driggers. Mr Fowinkle voted "No." Motion carried three to one.

ONECO ROAD

Ed Dougherty, Highway/Engineering Administrator, outlined proposed construction plans for Oneco Road from U.S. 301 to 75th Street (South Extension) at estimated total cost of \$5,500,000. He stated that plans on the portion between U.S. 301 and 34th Street are completed by Department of Transportation, and can go to bid at any time at an approximate cost of \$2,500,000. He said he feels substantial savings can be realized if construction can be done immediately because of a 6 to 7 percent per annum rise in construction costs.

He proposed that the Commissioners give consideration to the possibility of borrowing sufficient funds (by pledging revenues the County will receive through the 5th and 6th cent gasoline tax) to complete the entire project during the next three or four years instead of extending the construction over a ten year period.

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A work session was set for 10:30 a.m. Thursday, March 23rd for discussion of the overall road construction program in the county, as well as the Oneco Road project.

PLANNING/DEVELOPMENT - W.R. GRACE CO.

Charles Carrington, Planning Director, and Judi Davis, Planner, outlined the plans of W.R. Grace for pre-mining activities including

- (1) construction of concrete pad on which to erect the dragline
- (2) construction of a portion of an access road from SR 37 to the dragline erection site
- (3) excavation of a borrow pit (40 acres in size) to obtain fill for construction of the road and dragline site.

Mr Carrington stated that all these operations are subject to the granting of permits by Department of Environmental Regulations and Department of Transportation. for the access road crossing of improved drains connecting low marshy areas. (Applications have been submitted) He referred to a resolution drafted by W.R. Grace Company allowing the company to proceed with the pre-mining activities, and permitting the County Planning Director to approve other necessary site preparation activities prior to obtaining their operating permit. He feels, however, this resolution is unnecessary and recommended, instead, a resolution making it clear that site preparation or any construction on the site prior to granting an operating permit would in no way make Manatee County legally bound to grant an operating permit at any time in the future.

Dewey Dye, Attorney for W.R. Grace Co., agreed that a resolution was not necessary, but said that the company would like whatever clearance is necessary for the dragline to be on site by July first.

The County Attorney expressed an opinion that if the company were allowed to proceed with pre-mining activities, the County could encounter estoppel problems. He recommended some type of "hold-harmless" or unilateral agreement between W.R. Grace Co. and the County.

Motion was made by Mr Fortson to authorize the County Attorney to draft an agreement, submit it to W.R. Grace Company for their review and approval, then submit it to the Board for review and consideration. Motion was seconded by Mr Parrish and carried unanimously.

STATE DEPARTMENT OF TRANSPORTATION - PERMIT

Upon motion by Mr Fortson, seconded by Mr Fowinkle, waiver of permit and inspection fees in the amount of \$61 for the State Department of Transportation was unanimously granted for a trailer located 4 miles east of Oneco and 1 mile west of I-75 crossing on north side of SR 70, to be used by D.O.T. as a field office during the construction of Interstate 75.

PURCHASING DEPARTMENT

William Mullon, Purchasing Director, submitted recommendations outlined in his letter dated March 16, 1978.

HIGHWAY & PARKS & RECREATION DEPARTMENTS

- A.1 Transportation Fleet Update (Disposition of old equipment; Bid for new equipment, outright purchase and/or lease purchase)
- a. Advertise for bids

Motion was made by Mr Fortson that the Planning Director be authorized to advertise for bids on the transportation fleet update. Motion was seconded by Mr Fowinkle and carried unanimously.

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MANATEE COUNTY UTILITIES DEPT

A.2 Various Chemicals (Bid No. 78-38)

1. Award to lowest responsible bidders:
P.B. & S. Chemical Co; Davis Chemical Co;
Allied Chemical Corp; Calgon Corp;
Jones Chemicals; Husky Industries, Inc;
American Cyanamid Co.

The Purchasing Director recommended that bid on Quicklime not be awarded, pending discussion with the supplier and MCUS Department heads; that the bid on Hydrated Lime not be awarded because this chemical is used only by the City of Bradenton, and, if needed by the County, can be purchased in small quantities from the City as needed.

Motion was made by Mr Parrish to approve recommendations of the Purchasing Director and accept bids by lowest responsible bidders meeting specifications. Motion was seconded by Mr Fowinkle and carried unanimously.

PARKS & RECREATION DEPT

B.1 Construction Bids - Phase I

Advertise for bids on:

1. Construction of Restrooms, 59th Street Park
2. Extension of Handball Court, Jessie P. Miller School

The Purchasing Director advised that research of the contract with Sidney Wilkinson, Architect, revealed that advertising for bids and supervision of these projects are not included.

Motion was made by Mr Fortson to authorize the Purchasing Director to advertise for bids. Motion was seconded by Mr Fowinkle and carried unanimously.

B.3 Rental of Property for Fishing Reef Marshalling Yard
(Bradenton Dredging & Shell Co property located
at the foot of 8th Street East at Manatee River)

The County Attorney submitted the Lease Agreement, duly executed by Bradenton Dredging & Shell Co, with their insertion that, in addition to original terms of the lease, the County also agrees to pay invoices (rental) for the four months of County use of the property prior to the execution of the contract. (Beginning November, 1977)

Motion was made by Mr Fowinkle that the Chairman be authorized to execute the Agreement with Bradenton Dredging & Shell Co. Motion was seconded by Mr Parrish and carried unanimously.

DEFERRED ITEM

B.2 Publication of Legal Ads (Bid 78-40)

Award to lowest responsible bidder - The Islander

Mr Mullon explained that this is for publication of Legal Ads for the Purchasing Department only.

Following discussion of all aspects involved: general all-county circulation as opposed to limited-area circulation; daily vs weekly publication and per-thousand reader coverage, it was the consensus of opinion that these factors should be considered, as well as per line cost of legal ad publication.

Motion was made by Mr Fowinkle to award the bid to the Bradenton Herald. Motion was seconded by Mr Fortson and carried unanimously.

The Chairman acknowledged a letter from Arlene Fiske on the subject.

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COURTHOUSE (EXTENSION) - ZOLLER-ABBOT ARCHITECTS (FEES)

D. Turner Matthews, Attorney, submitted statement for services rendered and payment due Zoller-Abbott Architects/Planners, in connection with proposed courthouse extension, and advised that there is now due and owing Zoller-Abbott under the Contract the sum of \$28,000; (Termination damages) that this amount is computed as twenty percent of the total amount paid on the project to date, and requested immediate payment.

During discussion of percentage of work performed under the contract and compliance by architects in furnishing phase-documents, etc, and presumed suspension or termination of the project, Mr Fay pointed out that according to the Minutes (and tapes) of the meeting on 8/3/76, the Board authorized Zoller-Abbott to finish the schematic design phase of the proposed County Governmental Center, and on September 7th, payment of \$12,000 to Mr Zoller for the plan was approved.

Mr Fortson moved that the Board not approve the request for payment of \$28,000 to Mr Zoller. Motion was seconded by Mr Parrish and carried unanimously.

ANNA MARIA, CITY OF - FISHING PIER

Ernie Cagnina, Mayor, City of Anna Maria, was present and requested that the County take over operation of the Anna Maria City Pier. He stated that the Bureau of State Lands has no objection to County participation in operation and maintenance of the facility so long as it remains a public facility; and that the Department of Natural Resources does not require a lease because the pier was constructed prior to October 1970 and is exempt from the lease requirement.

The Chairman advised Mr Cagnina that no funds are available at this time to assume the responsibility, however, the Board would be willing to consider this request at the time the budget is being prepared for the next fiscal year. During the interim the County Engineer will be requested to inspect the facility and estimate maintenance cost.

MARCH OF DIMES - TRANSPORTATION

Kent Trent, representing the March of Dimes, requested waiver of bus fares on County Transit buses to and from Anna Maria Island between the hours of 7:00 and 10:00 a.m. Saturday, April 8th, for participants in the joint Manatee-Sarasota County March of Dimes Walkathon.

Motion was made by Mr Fowinkle that the fares be waived for the March of Dimes Walkathon participants on the regularly scheduled buses as requested, but that fare-paying passengers have priority over the pass-passengers. Motion was seconded by Mr Fortson and carried unanimously.

In response to his question, Mr Trent was advised that if his organization could provide drivers' wages, two extra buses could be available to help transport the participants.

RECESS

Following a brief recess the meeting was reconvened with all members present except Mr McClure.

ZONING

Recommendations of the Planning Commission were submitted by Charles Carrington, Planning Director and Bill Swann, Assistant.

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R-882 C.M. HENSON JR - PR DISTRICT - APPROVED

Request: To change the present zoning from R-1A to PR for an insurance office on 0.19 acre at 507 50th St. W

Planning Commission recommended APPROVAL.

Motion was made by Mr Fortson to approve R-882 as recommended by the Planning Commission and adopt the appropriate resolution. Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDED

R-884 WILBUR BOYD - R1A REZONE - APPROVED

Request: To change present zoning from P.U.D. to R-1A for single family residences on 27.5 acres at 71st Street and 5th Avenue N.W.

Planning Commission recommended APPROVAL, with stipulation that the living space requirement for the houses be 1200 square feet.

The Planning Director recommended the square footage requirements stipulated by the Planning Commission be placed on the houses in the form of a covenant or deed restriction rather than as a condition of the zoning.

Frank E. Kraft, Kraft Development Corporation, West Bay Estates, spoke in opposition to R-884, and requested the zoning not be downgraded from R1B quality of the area, whereupon Mr Fortson pointed out that the property in question is presently zoned P.U.D. (apartments).

Sidney Wilkinson, Agent, expressed the developers' agreement to the 1200 sq ft living space stipulation, but advised that it is not economically feasible to have R1B zoning because nine of the lots do not meet R1B area requirements.

Motion was made by Mr Fortson to approve R-884, including the stipulation that the living space requirement for houses be 1200 sq. ft., and adopt the appropriate resolution. Motion was seconded by Mr Fowinkle and carried unanimously.

RESOLUTION RECORDED

78-S-5(P) PALMA SOLA VILLAGE - APPROVED

Request: Preliminary plan approval of single family subdivision of 84 single family lots on 27 acres at 71st Street and 5th Ave N.W.

Planning Commission recommended APPROVAL, subject to the paving of 1st Ave N.W. from 67th St to west property line, developer granting 20 ft easement to the county, and waiver of recreational requirements.

There were no objections from the Health and Utilities Departments and the Highway/Engineering Department had no objection provided a twenty foot drainage easement be shown next to the 33 foot right of way on the west property line and 1st Avenue N.W. be constructed from 67th Street W. to the west boundary of the proposed subdivision.

Mr Wilkinson stated that the developers will pipe the ditch on 5th Ave; sidewalk the ditch on 5th Ave; put a culvert on 71st Street. They have deeded right of way (along 1st Ave N.W.) to the County all the way from 67th to 71st Street, and willing to participate in paving of 1st Avenue from 67th to the entranceway to the subdivision, but not willing to pave the street all the way to the western boundary of the property. (71st Street)

Mr Fortson moved that the preliminary plan be approved with the stipulation that the developers participate in paving 1st Ave N.W. from 67th St to the entranceway of their property, and

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with waiver of the recreational requirements. Motion was seconded by Mr Parrish and carried unanimously.

HOUSEMOVING PERMIT (LIGHTHOUSE CHURCH OF JESUS) - APPROVED

Motion was made by Mr Parrish to approve application of R.E. JOHNSON to move a building from Venice By-pass, Venice, to 1st St. N. Court & 3rd Ave., Parrish for LIGHTHOUSE CHURCH OF JESUS, Pre-moving No. 14890

Motion was seconded by Mr Fowinkle and carried unanimously.

RECESS/RECONVENE

The Chairman declared the meeting recessed until 1:30 P.M.

1:35 P.M.

The Board of County Commissioners meeting reconvened at 1:35 P.M. with all the members present except Mr McClure. Mr Fowinkle and the County Attorney entered during the meeting.

GILLETT ROAD - ACCEPTED

Upon motion by Mr Parrish, seconded by Mr Fortson, Gillett Road was unanimously accepted by right of maintenance under Florida Statute 95.361 (a/k/a 5th Avenue E.)

PARTICIPATION PROJECT NO. 984

The Right of Way Agent advised that a petition has been received with signatures indicating eighty-two percent participation on Project No. 984 (117th Street north from 40th Avenue West to 36th Avenue West) and requested a public hearing date.

Motion was made by Mr Fortson that the public hearing for objections on Participation Project 984 be held April 18, 1978, at 9:00 a.m. Motion was seconded by Mr Parrish and carried unanimously.

SANITARY LANDFILL (PALMETTO)

Bob Moon, in an update progress report on land acquisition for the proposed County-Palmetto joint sanitary landfill, advised that the second appraisal ordered by the Board will be ready this week; that if it is the desire of the Board, he will continue negotiation with the three landowners concerned. There were no objections.

(Enter Mr Fowinkle and the County Attorney)

VETERANS SERVICE - VAN

Harold Rouse, Veterans Service Officer, representing Veterans Legislative Corporation, Inc, requested permission to sell the Veterans' Service van and use proceeds from the sale, plus other funds to be provided by the Corporation, and at no cost to the County, to purchase a fully equipped 1977 Dodge Maxi-Wagon from Metro Nursing Service, Sarasota, for \$7500. They would then donate the vehicle to Manatee County to transport needy veterans to Veterans Administration facilities.

Motion was made by Mr Fortson to instruct the Purchasing Director to advertise for bids to sell the Veterans Service van, with a minimum bid of \$3,000.00. Motion was seconded by Mr Parrish and carried unanimously.

LAND ACQUISITION (FLA HIGHWAY PATROL)

In connection with the purchase of property from Vernon E. & Ruth Ann Baker for a proposed Florida Highway Patrol office complex on SR 70, the County Attorney recommended the Board accept the deed for the property and instruct him to record it.

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Mr Fay explained that Mr and Mrs Baker would like to remain on the property for a period of 90 days subsequent to the closing in that they have purchased another residence but are unable to close this transaction until they have received proceeds from the sale to the County; that they will bear all expenses resulting from their continued possession of the property and will not allow any work to be performed on the property which could result in filing of a lien against same.

Motion was made by Mr Fowinkle that the deed be accepted and the County Attorney instructed to record same immediately; that the Bakers, at no cost to the county, be allowed up to ninety days from date of closing to vacate the property. Motion was seconded by Mr Parrish and carried unanimously.

LIBRARY - AGREEMENT (16MM FILM)

The County Attorney referred to a non-financial form Agreement by State Library Services to furnish 16MM films to Central Library. He stated that the names of persons responsible for the films had not been inserted in the appropriate spaces and he would withdraw it from consideration, pending completion by the Library Director.

AGREEMENT (FIRE ALARM SYSTEM)

Following a brief review of the terms of a proposed fire alarm system for the new Library Building, the County Attorney withdrew the document from consideration.

MINUTES/APPROVED

Upon motion by Mr Parrish, seconded by Mr Fortson, Minutes of previous meetings were unanimously approved as follows:

REGULAR SESSION: February 21, 1978
SPECIAL SESSION: February 23, 1978

HIGHWAY EQUIPMENT (CANCELLATION OF TITLES)

Motion was made by Mr Parrish, seconded by Mr Fortson, to authorize cancellation of titles on County vehicles which have been cannibalized, demolished in accidents and or sold as scrap. Motion carried unanimously.

<u>Asset No.</u>	<u>Title No.</u>	<u>Vehicle</u>
2-20	5291234	1942 GMC Truck
6-87	6239408	1952 Chevrolet Truck
7-97	7031694	1959 Ford Pick Up
8-9	7328437	1952 GMC Truck
8-57	3243359	1969 GMC Dump Truck
8-90	3611127	1969 Dodge Dump Truck
9-25	4216109	1970 GMC
10-69	13752602	1968 Chevrolet Truck

INVESTMENT OF FUNDS - \$13.5M RESERVE ACCOUNT

Upon motion by Mr Fortson, seconded by Mr Fowinkle, resolution was unanimously adopted authorizing Chemical Bank to reinvest \$1,277,950.71 in a Certificate of Deposit for one year at 7.40 percent interest in the \$13.5M Reserve Account.

✓ RESOLUTION RECORDED S-241

BONDS

Upon motion by Mr Fortson, seconded by Mr Parrish, bonds were unanimously approved and/or returned, as follows:

Accept: DRIVEWAY PERMITS
WILLIAM ROSS Cash Bond - \$250.00
Permit No. 3570

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Return: C.W. ST LEON Cash Bond - \$5,124.50
(Rear parking lot, Magic Mile Plaza)

GULF COAST INVESTORS Cash Bond - \$450.00
Permits Nos. 3760, 2934 & 2935.

BILLS FOR PAYMENT

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

Smith, Young & Blue	\$ 3,932.82
Doug Croll (to reimburse Ardaman & Associates, Library Bldg)	750.00
Doug Cross, (Interior Design, Statement #4, Library)	3,423.87
DeLesline Construction, Pymt #3 (Multi-Purpose Bldg)	15,088.28
R.W. Gormley & Assoc. (appraisal)	400.00
Wyman-Green-Blalock (Library Bldg)	1,641.00
DesChamps & Gregory, Inc	126.00
Bradenton Insurance (2 '78 Bluebird buses)	3,558.00
(2 '74 GMC buses)	3,602.00 (CREDIT)
Baran, Stoutamyer & Gimenez	17.00
Jack Zickafoose Financial Services, Inc (Workmen's Comp. Deposit)	7,500.00

CORRESPONDENCE

The Chairman acknowledged receipt of correspondence from

1. Ken McKendree, Director, County EMS, requesting approval to accept invitation to serve on two technical committees:
1) Suicide 2) Water Safety.

EMERGENCY MEDICAL SERVICES - COMMITTEES

Motion was made by Mr Fortson that the request by Mr McKendree to serve on the two technical committees be approved. Motion was seconded by Mr Parrish and carried unanimously.

2. D.E. Pittman, Director, Manatee County Utilities System:
Justification for emergency requisition for Well Point Piping System.
3. Michael J. Riordan, Finance Director, requesting permission to delete certain assets from inventory record and transfer them to supply for repair and redistribution.

INVENTORY CONTROL - OFFICE EQUIPMENT

Upon motion by Mr Fortson, seconded by Mr Fowinkle authorization was unanimously granted for deletion and transfer of office equipment, as follows:

<u>ASSET NO.</u>	<u>DESCRIPTION</u>
2987	Dictaphone, S/N 577354
2990	Typewriter, IBM, Electric, S/N 1395263
6523	Electric Waste Paper Basket
3164	Dictaphone, S/N 601412 (not on current inventory; traded in on Asset #6448 in 1972 but never picked up by Co.)

4. Peter M. Kreis, District VI Administrator, HRS, concerning construction of a new youth detention center for Sarasota, Manatee and DeSoto Counties and local position with regard to proposed changes in current operations and services.

This correspondence was routed to each Board member for review and to be discussed at a future work session.

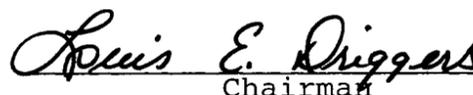
MEETING ADJOURNED

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

Attest:

APPROVED:


Clerk


Chairman

3/21/78