

MAY 23, 1978

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION, in the Courthouse, Bradenton, Florida, Tuesday, May 23, 1978 at 9:05 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:  
E.N. Fay, Jr, County Attorney  
L. Frappier and Ralph Umana, Deputy Clerks, representing  
R.B. Shore, Clerk

Representing the various news media were Betty Kohlman, St Petersburg Times; Don Moore, The Islander; Mark Todd, Sarasota Herald-Tribune; Norma Gill, The Bradenton Herald; and/or other representatives who entered during the meeting.

The meeting was called to order by the Chairman.

Invocation by: Walley Parsley, Youth Minister, Westside Christian Church

GRANTS DEVELOPMENT DEPARTMENT

Regis Chapman, Director, Grants Development Department, submitted information and requests for approval outlined in his letter dated May 23, 1978.

- (1) CETA Title I On-the-Job-Training Contract, R-159, with the Agriculture Research and Education Center to train an Agricultural Laboratory Technician Trainee, 5/15/78-5/11/79, \$3,369.60

CONTRACTS RECORDED

- (2) Classification changes to CETA Title VI Public Service Employment Occupational Summary, Highway Department:  
Delete: 1 Engineering Technician II, @ \$3.40 per hour  
Add: 1 Engineering Technician I, @ \$3.03 per hour
- (3) Classification change to CETA Title II Public Service Employment Occupational Summary, Transit Department:  
Delete: 1 Mechanic I, @ \$3.32 per hour  
Add: 1 Mechanic Helper, @ \$2.82 per hour
- (4) Modification No. 804 to CETA Title VI Grant No. 12-7-0030-60, to bring the CETA Title VI planned participant levels in line with federally imposed enrollment levels established May 4, 1978
- (5) Application to U.S. Department of Labor, Employment and Training Administration for a grant entitled Help through Industry Retraining and Employment (HIRE), in the amount of \$60,000 to provide special on-the-job training opportunities primarily to unemployed veterans
- (6) Authorization for the Chairman to execute Certificate of Acceptance of Subgrant Award for LEAA Project No. 78-A4-08-EA01 Pre-Trial Intervention in the amount of \$7,709, including \$361 State matching and \$360 local matching funds.
- (7) Grant Closeout to CETA Title III 1977 Summer Yough Program (SPEDY) (Grant No. 12-5-018-32) complete, with exception of Final Report of Federal Cash Transactions and Bank Statement to be sent at a future date.

Motion was made by Mr McClure that the recommendations of the Grants Development Department be approved as submitted. Motion was seconded by Mr Parrish and carried unanimously.

MAY 23, 1978

Cont'd

- (8) As a matter of Information, Mr Chapman advised that he and the Sarasota County CETA Director will host a Florida CETA Directors meeting August 23rd and 24th.
- (9) Mr Chapman submitted a summary of CETA Title VI Project recommendations of the Manpower Advisory Council for the fourth round of funding, and requested a work session the following week to review the priorities in detail.

The Chairman advised a work session will be scheduled.

ONECO ROAD PROJECT

Ed Dougherty, Director, Highway and Engineering Department, reported that bid opening on the Oneco Road Project has been extended thirty days (to July 13th, with pre-bid conference on June 29th instead of May 30th) to allow the Engineering Department an opportunity to re-study and redesign the drainage plan in an effort to cut costs.

HIGHWAY: MOWING CONTRACTS

Mr Dougherty stated that bids received for mowing contracts were approximately thirty-five percent (35%) higher than estimates by the Highway Department; that a single bid had been received on the entire package; however several bidders had submitted bids on portions of the project. He requested permission to confer with all the bidders, then make recommendation to the Board. There was no objection.

ROAD BOND ISSUE (PROPOSED)

Chairman Driggers expressed concern about the apparent opposition by the cities to the proposed road bond issue without knowing what is actually being proposed. He requested Mr Dougherty to contact the cities and their engineers regarding road problems within the municipalities.

PURCHASING DEPARTMENT

William S. Mullon, Purchasing Director, submitted recommendations outlined in his letter dated May 18, 1978.

HIGHWAY DEPARTMENT

- A.1 Project #1404 - Resurfacing  
 (20th St W., from 44th to 53rd Ave W.  
 66th Ave W., from 14th to 12th St. W.  
 53rd Ave W., from 14th to 26th St. W.  
 2nd Ave, (Parrish) from US 301 to Erie Road  
 Keene Road, from SR 62 to end of pavement)  
 a. Advertise for bids

MANATEE COUNTY UTILITIES DEPARTMENT

- A.2 Sale of Computer Equipment  
 a. Acceptance of Agreement for Purchase  
 b. Approval of payment of invoice, \$14,418.00

DATA PROCESSING DEPARTMENT

- A.3 Three (3) Key punch Machines  
 a. Refer Agreement for Purchase to County Attorney for review  
 b. Refer Agreement for Purchase to Mr Fortson for review and recommendations to the Board for purchase

AGREEMENT RECORDED S4-100

MANATEE OPPORTUNITY COUNCIL

- A.4 Used Truck with "X" Hoist Bed  
 a. Waive Bid Procedure  
 b. Sole Source Procurement - Courteau - 1977 GMC (\$6364.62)  
 c. Authorize Chairman to execute Lease Agreement

AGREEMENT RECORDED S4-101

Motion was made by Mr Fortson to approve recommendations of

MAY 23, 1978

Cont'd

the Purchasing Director. Motion was seconded by Mr Fowinkle and carried unanimously.

MYAKKA-WAUCHULA ROAD - ACCEPTED

Upon motion by Mr McClure, seconded by Mr Parrish the Myakka-Wauchula Road was unanimously accepted as a County road under Florida Statute 95.361.

60TH AVENUE TERRACE, WEST - PETITION

In connection with petition submitted by Harold Ransom and accepted by the Board 5/16/78, Bob Moon, Right of Way Agent, said the petition could possibly indicate that the signers expect the street to be paved at County expense. He further stated that a project (No. 54) is pending on 60th Ave Terrace W., and that petition has only 44 percent participation. He said he would contact Mr Ransom and attempt to clarify the intent of the petitioners and report back to the Board.

LAWSUIT: MANATEE SULFUR CO. vs FREEPORT SULFUR CO.

O.E. Rankle advised that he and Robert Hartshorn, (Enforcement Officer for the Pollution Control Board) had been subpoenaed for depositions in connection with the controversy at Port Manatee between Manatee Sulfur Company and Freeport Sulfur Company, and requested authorization for Edward Mulock, Attorney, (Pollution Control Board) to represent them in this litigation.

Motion was made by Mr McClure that Mr Randle's request be approved. Motion was seconded by Mr Parrish and carried unanimously.

EASEMENT (PRIVATE WAY) - SPEARS

Harold Spears, U.S. 301, Ellenton, submitted a Survey of his property, prepared by Leo Mills & Associates, May 17, 1978, and requested that a 25 foot easement shown on the Survey be granted for ingress and egress for building purposes.

Motion was made by Mr Parrish to grant the easement (as reasonable and adequate access to the parcel under the circumstance) as shown on the Survey. Motion was seconded by Mr McClure and carried unanimously.

✓ SURVEY RECORDED

S4-102

YOUTH SERVICES ADVISORY BOARD

Pat Carrington and Mike Pascuzzi, Youth Services Advisory Board, introduced other members of that Board, and proposed establishment of a separate Youth Services Board, under direct jurisdiction of the Board of County Commissioners, to function as a clearing house for all youth services groups throughout Manatee County. Mr Pascuzzi requested the Board's approval in concept; that if approved, \$24,000 will be requested as the County's share in funding the program.

Following questions regarding possible overlaps with CETA Programs, Chairman Driggers stated a work session will be scheduled for further discussion with the Grants Director.

I-75 INTERCHANGES - HOUSEMOVING

Bob Johnson and Rowe Meade (Housemoving Contractors) were present to discuss the design of I-75 which would create problems by construction of underpasses too low to permit passage of houses being moved to and from the eastern part of the County. They said the standard height of the overpasses is 16 feet, 6 inches and suggested increasing to a minimum 21 feet. They said that Mr Peterson of DOT (State Department of Transportation), Bartow, had indicated that redesigning the SR 64/I-75 interchange is not an insurmountable problem. They agreed that Moccasin Wallow Road overpass would serve the northern part of the county.

MAY 23, 1978

Cont'd

Mr McClure moved to authorize the Chairman to write a letter to the State Department of Transportation requesting that serious consideration be given to redesigning the bridge at SR64/I-75 to a more appropriate elevation. Motion was seconded by Mr Fowinkle and carried unanimously.

COLONY LAKE ESTATES - EARTHMOVING

In connection with request for exemption from standard permitting procedures for an earthmoving operation, Dan Zoller, Engineer, of Record for Colony Lakes Estates Mobile Home Park, stated that

Wendell Kent, who is contractor for Colony Lake Estates is also contractor for US Highway 301 construction project; that

an unusually large lake area included in the subdivision construction has produced excessive excavation material which is needed in the highway construction project; that since

Colony Lake Estates is an "approved project", Zoning Ordinance Z-92 precludes the need for an earthmoving permit to move the excess dirt.

Mr Zoller stated that he has discussed this with the Planning Director who questioned the applicability of Zoning Ordinance Z-92 in this instance.

Mr Carrington stated his interpretation of the Ordinance.

Following lengthy discussion, motion was made by Mr Fowinkle that, in view of the unusual circumstances in this particular case, (same contractor for both projects and being able to utilize the excess dirt from one approved project in construction of the other) the earthmoving be allowed and that no earthmoving "permit" is required (without setting a precedent). Motion was seconded by Mr Parrish and carried unanimously.

GROSSMAN, AL

Al Grossman, 5308 6th Street, E., appeared before the Board with comments on various subjects, particularly the operation of the County Transit System.

RECESS

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

ZONING

Charles Carrington, Planning Director, and Bill Swann, Planner, submitted recommendations of the Planning Commission.

R-897 ROBERT D. GODWIN - REZONE 1-LAB - APPROVED  
(P.B. Hamilton, Atty, Agent) Request: To change present zoning from -A- to R-1AB on 1.09 acres at 46th Street E., North of SR 70, East of Oneco, for a single family residence.  
Planning Commission recommended APPROVAL of lots 1,2,7 & 8 of Glen Cove Heights Subdivision.

Mr Driggers, in whose district the property is located, recommended approval.

Motion was made by Mr McClure to approve R-897 (by adoption of appropriate resolution). Motion was seconded by Mr Fowinkle and carried unanimously.

RESOLUTION RECORDED

R897

R-900 HARBOR VENTURES, INC, ET AL - PR - APPROVED  
(Helen F. Robinson, Agent) Request: To change present zoning from R-3 to PR District on 4.162 acres at the southwest corner of 60th Ave W., and 26th St. W., running approximately 950' South. Planning Commission recommended APPROVAL.

The Planning Director stated that R-900 and 78-S-18(P) (Bayshore Estates Subdivision) are companion applications. He recommended that stipulations be met as outlined by the Highway Department:

- (1) north-south access road be constructed along entire length of the rezoned property
- (2) one additional entrance be allowed from this parcel to 26th Street West
- (3) These improvements be constructed or bonded before recording of the final plat of Bayshore Estates Subdivision.

Ralph Nelson, Engineer for the developers, concurred with these stipulations.

Motion was made by Mr Fowinkle to approve R-900 as recommended (by adoption of appropriate resolution). Motion was seconded by Mr McClure and carried unanimously.

RESOLUTION RECORDED

78-S-18(P) - BAYSHORE ESTATES SUBDIVISION - APPROVED  
Request: Preliminary plan review of single family subdivision.

Planning Commission recommended APPROVAL, with waiver of sidewalks along 26th Street W., and waiver of recreational requirements on Block B. That additional sidewalks along 34th St W. & 60th Ave. W. shall be installed at the time of development of parcels A through E and Block B pedestrian easement shall be required from the elementary school property to Parcel B; future development of Parcels A through E will require adequate internal circulation with adjoining parcels as determined by the Highway Department. If Block B is zoned professional, construction of access road will be required along the length of Block B, with one additional entrance from Block B either constructed or bonded before recording of the final plat.

Mr Nelson said the developers concurred with the recommendations outlined by the Planning Commission.

Bill Swann stated there is public water with 6 inch watermains along 26th, St, 34th St and 60th Ave West and the developer will show fire protection in the plan.

Motion was made by Mr Fowinkle to approve 78-S-18(P) subject to stipulations outlined by the Planning Department. Motion was seconded by Mr McClure and carried unanimously.

HOUSEMOVING PERMIT - MILEAGE FEES

The County Attorney submitted proposed

RESOLUTION AMENDING THE MANATEE COUNTY SCHEDULE OF FEES FOR GRANTING PERMITS AND LICENSES CONCERNING VARIOUS BUILDING TRADES CONDUCTED IN MANATEE COUNTY

Adoption of this Resolution will delete Paragraph A of the Resolution Amending Ordinance 76-1, adopted 5/17/77, and add to the Moving Set-up and Inspection fee

MAY 23, 1978

Cont'd

Any building or structure being moved into Manatee County.... \$25.00  
 Plus \$5.00 per mile one way from the County line as a mileage fee to be added to the moving permit, provided however said mileage fee shall in no event exceed \$75.00

Motion was made by Mr Fortson to adopt the Resolution. Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDED

S4-103

HOUSEMOVING PERMIT - CARTER

Motion was made by Mr Parrish to approve application of

MIKE CARTER to move a building from 4770 Estero Blvd  
 Ft Myers Beach to 820 35th Ave E., Ellenton

Motion was seconded by Mr Fortson.

Mr Carter requested that the mileage fee be waived in this case because this building and the one moved (approved) the previous week were inspected at the same time by the same person.

Following discussion, the Planning Director was requested to review the Ordinance and make recommendations to provide more reasonable means of handling situations such as this. Mr Carter was advised his request was denied.

Motion carried unanimously.

COUNTY ADMINISTRATOR

Westwood Fletcher, Personnel Director, announced that an interview with Dean Hunter, applicant for position of County Administrator has been delayed twenty-four hours, and is scheduled for Thursday, (5/25/78) immediately following Special Board meeting.

PERSONNEL: CONSOLIDATION SHEETS

The Personnel Director submitted, and requested authorization for the Chairman to sign previously coordinated Consolidation Sheets (New Hires, Salary Increases, Terminations and Miscellaneous/Travel Authorities).

Motion was made by Mr McClure to approve Consolidation Sheets as presented. Motion was seconded by Mr Fowinkle and carried unanimously.

LAWSUIT: SIMANONOK vs PITTMAN

The County Attorney submitted his letter dated May 18, 1978 concerning lawsuit filed on or about May 12, 1978

Re: Joseph E. Simanonok vs Dudley E. Pittman as  
 Director of the Manatee County Utilities System,  
 Case No. CA-78-833 in the Circuit Court of  
 Manatee County, Florida

and recommended the Board authorize him to represent Mr Pittman in this suit and perform whatever professional services necessary to protect the interests of Mr Pittman as Director of Manatee County Utilities System and to protect the County.

Motion was made by Mr Fortson that the County Attorney be authorized to represent Mr Pittman in said litigation. Motion was seconded by Mr Parrish and carried unanimously.

MAY 23, 1978

Cont'd

BIOLOGICAL ASSESSMENT REPORT - I-75 INTERCHANGE/U.S. 301

The County Attorney read into record the Biological Assessment Report prepared by the Florida Department of Environmental Regulation for the filling of four ditches that are connected to the Manatee River in the area of the Interstate 75 and U.S. 301 Interchange and submitted.

RESOLUTION APPROVING THE PROPOSED FILLING OF UNNAMED DITCHES IN CONNECTION WITH THE CONSTRUCTION OF THE US HIGHWAY 301 AND INTERSTATE HIGHWAY 75 INTERCHANGE AND ACCEPTING THE BIOLOGICAL SURVEY REPORT IN CONNECTION THEREWITH.

Motion was made by Mr Parrish to adopt the Resolution. Motion was seconded by Mr Fowinkle and carried unanimously.

RESOLUTION RECORDED

S4-104

BEKER PHOSPHATE CORP: FINANCIAL RESPONSIBILITY STATEMENT

In response to request by John Harllee, Attorney, for extension of time for Beker Phosphate Corporation to furnish financial responsibility (Ref. Resolution adopted 2/28/78; extension on 3/28/78) the County Attorney submitted and recommended adoption of

RESOLUTION EXTENDING THE TIME WITHIN WHICH BEKER PHOSPHATE CORPORATION SHALL ESTABLISH CERTAIN FINANCIAL RESPONSIBILITY

for another sixty (60) days.

Motion was made by Mr Parrish to adopt the resolution. Motion was seconded by Mr Fowinkle and carried unanimously.

RESOLUTION RECORDED

S4-105

COUNTY DEPARTMENT OF TRANSPORTATION: ESTABLISHED

In connection with consolidation of the County Transit Department and the County Motor Vehicle Department to create a single department, the County Attorney submitted for consideration a proposed

RESOLUTION CREATING THE MANATEE COUNTY DEPARTMENT OF TRANSPORTATION AND ESTABLISHING THE GENERAL AUTHORITY AND RESPONSIBILITY OF SAID DEPARTMENT;

designating and appointing the director of the Transit Department as the Director of the new Department.

Upon question by Chairman Driggers as to whether such consolidation would affect existing or future State and/or Federal Grants to the County, the County Attorney stated that authorities in Jacksonville have been contacted, and have advised that the proposed consolidation action is irrelevant as pertains to grants.

Motion was made by Mr Parrish to adopt the Resolution. Motion was seconded by Mr Fowinkle and carried unanimously.

RESOLUTION RECORDED

S4-106

PALMETTO, CITY OF - PURCHASE OF WATER

In response to request by the County Attorney that a date be set for consideration of purchase of County water by the City of Palmetto, Chairman Driggers advised that this matter would be on the agenda the following Thursday.

MINUTES APPROVED/CORRECTED

Motion was made by Mr Parrish to approve Minutes of

REGULAR SESSION - May 2, 1978  
SPECIAL SESSION - May 4, 1978

MAY 23, 1978

Cont'd

and correct Minutes of

March 28, 1978, page 578, Minute Book 27

"Motion was seconded by Mr Parrish and carried unanimously" to  
 "Motion was seconded by Mr McClure and carried unanimously".  
 (correction underscored)

Motion was seconded by Mr Fowinkle and carried unanimously.

BUDGET AMENDMENTS

Upon motion by Mr McClure, seconded by Mr Parrish, Resolutions were unanimously adopted authorizing amendment of 1977-78 departmental budgets by item to item transfers as follows:

GRANTS DEVELOPMENT DEPARTMENT

From: YETP (On-the-Job Training)  
 To: YETP (Services-Education)

\$ 1,000.00  
 RESOLUTION RECORDED S4-107

HIGHWAY DEPARTMENT

From: Reserve for Contingency  
 To: Transfer to Land Acquisition

\$250,000.00  
 RESOLUTION RECORDED S4-108

RIGHT OF WAY DEPARTMENT

From: Transfer from Highway/Engineering  
 To: Land (Canal Road)

\$250,000.00  
 RESOLUTION RECORDED S4-109

BILLS FOR PAYMENT

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

Refund: Jennifer K. Garvin (OB Clinic) \$ 50.00  
 Des Champs & Gregory, Inc (Pol. renewal) 510.00  
 Lawyers' Title Services, Inc 25.00  
 Professional Ancillary Services 50.00; \$50.00

BONDS

Motion was made by Mr McClure to accept and/or refund bonds as follows:

REFUND: Alfred J. Cross, Cash Bond - \$400.00  
 Driveway Permit No. 3876

ACCEPT: Shirley Timm, Cash Bond - \$250.00  
 Driveway Permit No. 166

Peggy Arnold, Cash Bond - \$500.00  
 Driveway Permit No. 4301

Motion was seconded by Mr Parrish and carried unanimously.

CORRESPONDENCE

Chairman Driggers acknowledged correspondence from

1. Claude E. McGavic, Administrative Director, Downtown Development Authority, submitting his resignation as member of OEDP (Overall Economic Development Committee) to avoid potential conflicts of interest.

OVERALL ECONOMIC DEVELOPMENT COMMITTEE

Motion was made by Mr Parrish to accept resignation of Claude E. McGavic from the OEDP Committee. Motion was seconded by Mr Fowinkle and carried unanimously.



MAY 23, 1978

Cont'd

2. Robert J. Stinnett, President Palmetto Cable Television, Inc., requesting that a public hearing be scheduled concerning the granting of franchise for cable television.

No action taken, pending completion of processing of Ordinance.  
(78-5)

3. John H. Marble, Director, Parks & Recreation, submitting recommendations of Parks and Recreation Board relating to new members, purchase of land and Youth Services Advisory Board.

No action taken, pending completion of processing of Ordinance.  
(78-6)

WARRANT LISTS


Motion was made by Mr Parrish to approve Warrant Lists from May 16, 1978 to May 23, 1978, and to authorize Warrant Lists to May 30, 1978, 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 McClure and carried unanimously.

MEETING ADJOURNED

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

Attest:

APPROVED:

  
\_\_\_\_\_  
Clerk

  
\_\_\_\_\_  
Chairman