

AUGUST 8, 1978

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, August 8, 1978 at 9:05 a.m.

Present were Commissioners
L.E. Driggers, Chairman
D.P. McClure, Vice Chairman
L.S. Parrish
L.H. Fortson Jr

(Commissioner R.W. Fowinkle, III was absent)

Also present were:

E. N. Fay Jr, County Attorney
L. Frappier and R. Umana, Deputy Clerks, representing R.S. Shore, Clerk

Representing the various News Media were Mark Todd, Sarasota Herald Tribune; Norma Gill, The Bradenton Herald and/or other agents who entered during the meeting.

The Chairman called the meeting to order.

Invocation by Rev. Frank Hutchenson, Rosier Memorial Church

TELEPROMPTER, SOUTHEAST, INC. - FRANCHISE AGREEMENT

Public hearing was declared open for purpose of considering any and all presentations regarding the legal, character, financial, technical and other qualifications of Teleprompter, Southeast, Inc., the feasibility of the construction arrangement of said Company as required by Manatee County Ordinance No. 78-5 providing for the granting of franchises to construct, operate and maintain cable television systems in Manatee County, Florida, and a proposed Cable Television Franchise Agreement with said Company.

Upon verification of Proof of Publication, the County Attorney explained that the Franchise Agreement incorporates the Ordinance and the Agreement by reference; and after paraphrasing the proposed Agreement, he recommended execution.

David Schob, Attorney, representing Teleprompter, Southeast, Inc., stated that the new Agreement terminates the existing agreement, and under Ordinance No. 78-5 the life of the contract is extended to 1993.

No one else spoke for or against the request and the public hearing was declared closed.

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

AGREEMENT RECORDED

S5-60

SUPERVISOR OF ELECTIONS

In connection with a statement by Ms. Mary Singleton, Director of Elections, Office of the Secretary of State, at the State Convention, St Augustine, June 14-24, 1978, regarding the credibility of E.D.P. in Florida, and quoted by him in a recent work session, Jerome Davis, Manatee County Supervisor of Elections, read a statement by Ms Singleton, clarifying her previous statement; that she did not intend to cast aspersion on any other firm outside of Tallahassee because she did not realize that other computer companies used the name E.D.P., that the state refers to its system as E.D.P. (Electronic Data Process).

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GRANTS DEPARTMENT

Bob Fernandez submitted for approval, requests outlined in Letter from Regis Chapman, Director, Grants Department, dated August 8, 1978.

- (1) CETA Title I On-the-Job Training Contract, R-168 with Molter Termite and Pest Control to train a Fumigator, 8/1/78-7/30/79, \$4,028.00
- (2) CETA Title III On-the-Job Training Contract H-III-006, with Manatee Mobile Homes to train Sheet Metal Worker, 8/4/78-5/31/79, \$3,420.00

CONTRACTS RECORDED

Motion was made by Mr McClure that the requests be approved. Motion was seconded by Mr Parrish and carried unanimously.

PERSONNEL: CONSOLIDATION SHEETS

Upon motion by Mr McClure, seconded by Mr Parrish, Personnel Consolidation Sheets (New Hires, Salary Changes, Terminations, and Miscellaneous/Travel Authority) were unanimously approved as submitted.

PURCHASING DEPARTMENT

William Mullon, Purchasing Director, submitted for approval, recommendations outlined in his letter dated August 2, 1978, and oral request, as follows:

EMERGENCY MEDICAL SERVICES

- A.1 Communications System (Bid No. 78-31)
- a. Increase quantity of UHF radios from 8 to 9.

PARKS & RECREATION

- Toro Mower (Oral Request)
- a. Expansion of bid

There were no objections to request by the County Administrator that these two items be referred to him for research, review, and recommendations back to the Board at a later date.

HIGHWAY DEPARTMENT

- A.2 Transportation Fleet Update (Bid No. 78-35)
(1978 Rodger Dump Trailer, Mod. No. FDTA220BN)

- a. Authorization for Chairman to execute Lease/
Purchase Agreement with Robbins International Inc

RECORDED
S5-61

- A.3 Oneco Road Project 0315 (Bid No. 78-61)

- a. Authorization for Chairman to execute contract with J.W. Conner & Sons, Inc. for \$1,593,429.74 and accept Insurance Certification and Payment/Performance bond

RECORDED
S5-62

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

MANATEE RIVER BRIDGE (PROPOSED)

Mr McClure announced that a public hearing, to be conducted by the D.O.T. (State Department of Transportation) will be held at 7:00 p.m. August 24, 1978, at the Kiwanis Hall, Bradenton, regarding the proposed new bridge across Manatee River from Palmetto to the City of Bradenton. He stated that in order to be consistent with the Downtown Development Authority, the South Florida Museum/Bishop Planetarium and other business in the general area, he felt it would be most appropriate that

the Board go on record approving a resolution requesting D.O.T. to construct one four-lane bridge, to terminate onto 9th Street (at ground level) in Bradenton.

Dr W.D. Suggs, representing South Florida Museum/Bishop Planetarium, expressed strong opposition to the alternate favored by D.O.T. to construct a dual span with terminal points on 9th and 10th Streets.

Dolly Young, expressed opposition to pairing bridges to the downtown Bradenton area.

Motion was made by Mr McClure to instruct the County Attorney to draft the necessary resolution. Motion was seconded by Mr Parrish and carried unanimously.

GARBAGE FRANCHISE (PUBLIC HEARING)

Due to conflict of dates for public hearings on the proposed Manatee River Bridge and the Garbage Franchise rate increase, motion was made by Mr Fortson that the public hearing date on Garbage Franchise be changed from August 24th to August 31st, 7:00 p.m., in the Commission Chambers. Motion was seconded by Mr Parrish and carried unanimously.

WELFARE OB PATIENTS - RURAL HEALTH INITIATIVE PROGRAM

Dr John Ambrusko, Director, County Health Department, and C.B. Russell, County Welfare Director, requested authorization for Grants Development Department personnel to assist in preparation of application for supplement to the Rural Health Initiative Grant as possible alternative means of handling indigent OB patients while negotiation is proceeding between local physicians and County Welfare Department.

Bob Fernandez stated that September 15th is the deadline for submitting the application and authorization from the Board is necessary before Grants Department staff can participate in preparation of the application.

Motion was made by Mr McClure to authorize Grants Development Department to assist in preparation of the Grant Application. Motion was seconded by Mr Fortson and carried unanimously.

MCUS EASEMENTS (LIEDKE; GRAHAM)

Upon motion by Mr Fortson, seconded by Mr McClure, MCUS easements were unanimously accepted from

Edward J. and Mary E. Liedke - a 10 ft wide permanent easement

Dr Angus W. and Wylene B. Graham - a 15 ft wide and a 10 ft wide permanent easement

CONDEMNATION SUIT - 26TH STREET W. (SETTLEMENT)

In connection with condemnation suit for turn-out at 26th Street and Manatee Avenue, (Manatee County vs. Robert Eugene Harris, et al) the County Attorney submitted, an recommended approval of Stipulation for Final Judgment as to Parcel No. 3, stating that all matters in controversy in this case have been amicably settled between the parties, and the sums set forth are to be awarded as full and just compensation for Parcel No. 3, together with fees and costs, identified and to be distributed as follows:

- | | | |
|----|--|------------|
| a. | Michael J. Anderson & Betty J. Anderson and Ellis First National Bank of Bradenton, full and just compensation for said parcel | \$1,000.00 |
| b. | Dye, Cleary, Scott, Deitrich & Price, P.A., as reasonable attorneys' fee | 200.00 |

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c. James M. Doss & Assoc., as reasonable appraiser's fee 150.00

for a total amount of \$1,350.00

Motion was made by Mr McClure that the Stipulation for Settlement be approved. Motion was seconded by Mr Parrish and carried unanimously.

DREDGE AND FILL PERMIT (BURNS)

In connection with application by Leroy Burns for Dredge and Fill Permit (No. 7828), the County Attorney reported that research by his office had revealed that the application has nothing to do with the merits of the lawsuit involving zoning of the land, and may be considered separately from it.

Mr Fortson stated that he is satisfied the application has nothing to do with construction of a dock, and moved to approve the application, subject to permits from the DER (Department of Environmental Regulations) and U.S. Corps of Engineers. Motion was seconded by Mr Parrish.

Avery Gould, representing residents of Flamingo Cay, stated he had no objections, provided the permits are obtained as recommended by Mr Fortson.

Motion carried unanimously.

COURT: CENTRAL ENFORCEMENT SYSTEM FOR COLLECTION OF CHILD SUPPORT PAYMENTS

The County Attorney paraphrased a letter received by his office from the Court Administrator of the 12th Judicial Circuit, regarding a Central Enforcement System for Collection of Child Support Payments under Florida Statute 61.181 (Domestic Relations Payment and Enforcement) and proposed employment of an attorney to handle the cases; that the Clerk announced to a recent Bar Association meeting that he is in process of negotiating for an attorney. He further advised, that the Statute requires the consent of the Board of County Commissioners, and that it will be the responsibility of the Board to provide office space.

Following a brief discussion, Mr Fay was instructed to work with the County Administrator, continue to research the matter, and bring recommendations to the Board for consideration.

MINUTES/APPROVED

Motion was made by Mr McClure to approve Minutes of

REGULAR SESSION - June 27, 1978

Motion was seconded by Mr Parrish and carried unanimously.

BUDGET AMENDMENT

Upon motion by Mr Fortson, seconded by Mr Parrish, resolution was unanimously adopted, authorizing amendment of 1977-78 budget by item to item transfers

YOUTH SERVICES

From: Part Time Wages

To: Regular Salaries

\$725.00

RESOLUTION RECORDED

S5-63

INVENTORY CONTROL

Motion was made by Mr Parrish, and seconded by Mr Fortson, to approve list of equipment (approved by the various department heads) for deletion from Inventory Control.

| <u>Asset No.</u> | <u>Description</u> |
|------------------|---------------------|
| 9066 | Air Conditioner |
| 7140 | Magazine Rack, Wood |

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| | |
|--------------|-------------------------------------|
| 3325.01 thru | |
| 3333.01 & | |
| 3766.01 | (10) Nurses bags |
| 2160 | Weber Imperial |
| 3293 | Air-Drive Dental Drill |
| 4730 | Vacuum Unit, Dental |
| 2159 | Dental Chair |
| 2119 | Mimeograph |
| 7294 | OPR Unit |
| 4564 | Air Sample Box |
| 5077 | Dictaphone |
| 5078 | Dictaphone |
| 7953 | Gast Pump |
| 7954 | Gast Pump |
| 8832 | Vacuum Pump |
| 5758 | Dictaphone equipment |
| 5759 | Dictaphone equipment |
| 3308 | P.H. Wallace & Tiernan Chlorine Kit |
| 7419 | X-Ray Tank |
| 5075 | Duplication of Asset #2075 |
| 8371 | Duplication of Asset #8121 |
| 8370 | Duplication of #8120 |
| 6003 | (Not identified) |
| 6315 | (Not identified) |
| 5366 | Green foam rubber floor mat |
| 4231 | Cap-shur Gun |
| 4057 | Floor Polisher |
| 6420 | GE 19" black/white T.V. |
| 8092 | Air Conditioner |
| 9578 | Motorola Portable Hand Held Simplex |

Motion carried unanimously.

BILLS FOR PAYMENT

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

| | |
|---|--------------|
| W.G. Mills, Inc, (59th St Drainage Proj. Appl. #3) | \$122,869.04 |
| Carpenter Court Reporting (Property. Appr. Adj. Board, 1977) | 1,632.50 |
| Mann & Fay | 250.00 |
| Manatee Memorial Hospital (OB Clinic) | 698.31 |
| | 49.00 |
| Professional Ancillary Services | 50.00 |

BONDS

Motion was made by Mr McClure to approve bonds, as follows:

Moving & Alteration of Building

- (1) Jack Eubank - Safeco Ins. Co. of America, \$1,500.
Pre-Moving No. 16820; Moving No. 17030
- (2) Glen Schloneger - Safeco Ins. Co. of America, 1,500.
Pre-Moving No. 16731; Moving No. 17085

Driveway Permits

- (3) James Shaffer - #4561; Cash Bond \$250.
- (4) Robert D. Hall - #4169; Cash Bond \$250.
- (5) Wm. Shirley - #3634; Cash Bond \$250.

Motion was seconded by Mr Parrish and carried unanimously.

WARRANT LISTS

Motion was made by Mr McClure to approve Warrant Lists from August 1, 1978 to August 8, 1978, and to authorize Warrant Lists to August 15, 1978, said Warrant List to include any payrolls during that period upon condition that all employees have

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performed their services in accordance with time and payroll practices of the county departments. Motion was seconded by Mr McClure and carried unanimously.

DESOTO COUNTRY CLUB SUBDIVISION, UNIT I, SECTION E (ACCEPTED)

Based upon certification of Mosby Engineering, the Engineer of Record for DeSoto Country Club Subdivision, Unit I, Section E, the County Engineer recommended street and drainage improvements be accepted for county maintenance.

Motion was made by Mr Fortson that recommendation of County Engineer be approved. Motion was seconded by Mr Parrish and carried unanimously.

MOBILEHOME PARKS MORATORIUM - TERRA SIESTA MOBILEHOME PARK

Chairman Driggers announced that he had been contacted by the Attorney for Terra Sesta Mobile Home Park owners, requesting that their petition for exception from the Mobilehome Park Moratorium Rezoning be withdrawn from further consideration, and that they will file an application for Special Exception for the construction of the retention pond. There were no objections and the Chairman declared the request withdrawn.

RECESS/RECONVENE

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

ZONING

Recommendations of the Planning Commission were submitted by Charles Carrington, Director, and Bill Swan, Planner.

SE-1132 CHURCH OF THE GOOD SHEPHERD, CHURCH OF THE BRETHREN, INC - APPROVED

Deferred 8/1/78 at the request of Mr Fowinkle. Planning Commission recommended APPROVAL.

Chairman Driggers stated that Mr Fowinkle had advised him that he had visited the site, and recommended approval.

Motion was made by Mr McClure to approve SE-1132 as recommended. Motion was seconded by Mr Parrish and carried unanimously.

The Planning Director pointed out that the narrow parcel (approximately 45 feet in width, adjoining the southern boundary of SE-1132, and bounded on the other side by property zoned R-1) is inadequate for R-3 uses, and recommended that the Planning Commission be authorized to initiate procedure for public hearing to rezone the parcel to a more appropriate district, namely R-1.

Motion was made by Mr McClure to approve recommendations of the Planning Director to initiate change of zoning from R-3 to R-1A, and so notify the owners. Motion was seconded by Mr Fortson and carried unanimously.

R-914 MARY EFFIE POWELL - T-3 APPROVED

(deceased; Rosemary Gilmore, Executrix)

Request: To change present zoning from -A- to T-3 district on 17.5 acres west of US 41, adjacent to and south of Winterset Travel Trailer Park on Frog Creek for expansion of Winterset Travel Trailer Park.

Planning Commission recommended DENIAL....based on the fact the petitioner has not given sufficient data via Environmental Impact Statement to determine that the project will meet the requirements of Florida Statutes governing the quality of water discharge.

Craig McIntosh, Attorney representing petitioners, stated that in preparation of the Environmental Impact Statement, they had sought the help of the Pollution Control Office, and had followed recommendations of Bill Priesmeyer explicitly, therefore could not understand the denial by the Planning Commission on this basis.

Upon question, Mr Swan stated that Mr Randle (Pollution Control Director) had based his recommendation on future development of the trailer park instead of rezoning requirements; that, in his opinion, the Impact Statement is adequate for rezoning purposes. Mr Driggers stated rezoning being the issue under consideration, he could see no reason for denial of the request.

Motion was made by Mr McClure to approve R-914 and adopt the appropriate resolution. Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDED

R-918 BESSIE MAE STONE - REZONE TO M-2 - DEFERRED
(Roger Conley and/or Bill Dooley, Agents) Request: Change the present zoning from -A- to M-2 on 1.16 acre at 3115 63rd Avenue E. for rental property. Planning Commission recommended DENIAL...request represents encroachment of Industrial zone into an Agricultural zone primarily used for single family agricultural homesites.

The Planning Director said he had received a letter from the applicant requesting one week deferral. There were no objections.

R-920 THOMAS S. & EVELYN G. CHAIRES - P.U.D. - APPROVED
(Robert G. Blalock, Attorney-Agent) Request: Change present zoning from -A- to P.U.D. on 95.066 acres on the north side of SR 64 & 2600 ft east of Upper Manatee River Road to permit construction of residential and related facilities for retired missionaries. Planning Commission recommended APPROVAL.

The Planning Commission stated that, due to pressure problems at various times during the year, the Utilities System recommended an "in-line" pump be installed or provisions be made for ground storage on site.

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

Motion was made by Mr McClure to approve R-920 and adopt the appropriate resolution. Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDED

P.U.D. #10 AURORA FOUNDATION INC. - APPROVED
(Robert G. Blalock, Attorney-Agent) Request: Preliminary plan approval of a Planned Unit Development consisting of 244 multi-family patio homes on 95.066 acres on the north side of SR 64 & 2600 ft east of Upper Manatee River Road. Planning Commission recommended APPROVAL, with stipulation that street stub-outs be included, meeting County Highway Department standards, to the north, east and west property lines to provide future inter-neighborhood connections.

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The Planning Director stated that P.U.D. #10 is in conjunction with R-920.

Robert Blalock, along with Lewis Kent and Max Rogers, of Manatee Engineering, were present to answer any questions, and made a presentation of the preliminary plans.

Mr Blalock stated that the Aurora Foundation is constructing the low density facilities as a charitable project to house retired missionaries with no rental charges. That Aurora Foundation will be entirely responsible for the ownership and maintenance throughout the life of the project. Upon question, he stated the construction will be completed in one phase and there are no plans for expansion.

Mr Kent stated the petitioner is in agreement with, and has incorporated the "in-line" water pump into the preliminary plans.

Mr Driggers recommended approval.

Motion was made by McClure to approve the preliminary plan. Motion was seconded by Mr Parrish.

Bill Swan explained that due to there being only one access (off SR 64), the Planning Commission felt an emergency access road should be provided to the 20 ft easement along the western property lines, with tie-ins to the streets on the north, east and west sides, in case of future development or sale of the property.

It was brought out in discussion that Aurora Foundation owns all the surrounding property and will maintain all the streets and improvements within the project, do not feel the stipulation regarding the streets is necessary; Mr McClure stated that the stipulation was not included in his motion.

The County Attorney recommended some provision be put in the preliminary plan to reserve land for possible future roads and he and Mr Blalock agreed to attempt to work this out.

Motion carried unanimously.

R-921 DONALD D. SHERWIN JR - REZONE TO PR - APPROVED
(Dan Zoller, Engineering, Agent) Request: Change the present zoning from R-3 to PR on 1.73 acres at NW corner of 40th St. W & 9th Ave. W. for professional offices.
Planning Commission recommended APPROVAL.

No one spoke in opposition.

Motion was made by Mr McClure that R-921 be approved and appropriate resolution be adopted. Motion was seconded by Mr Fortson and carried unanimously.

RESOLUTION RECORDED

R-922 CHESTER S. & BARBARA MARTIN - REZONE TO PR - APPROVED
(James M. Nixon, Agent) Request: Change present zoning from R-3 to Pr on 0.29 acre at 5405 26th St. W. for real estate office.
Planning Commission recommended APPROVAL.

James Nixon, representing the Martins, was present to answer any questions.

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Motion was made by Fortson to approve R-922 and adopt appropriate resolution. Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDED

78-S-28(F) HIDDEN LAKE SUBDIVISION - PLAT - APPROVED

Request: Final plat approval of commercial multi-family subdivision of 3 lots and potentially 240 dwelling units on 15.28 acres, 900 ft southeast of intersection of US 41 & 53rd Ave. W. (Oneco Rd) with waiver of sidewalk and recreation requirements. Planning Commission recommended APPROVAL.

Ralph Nelson, representing the petitioners, stated that the improvements have been bonded. (\$31,424.58 with Al Haug, Principal; Service Ins. Co., Surety).

The County Attorney stated that the plat and the bond are in good legal form.

Motion was made by Mr McClure that 78-S-28(F) be approved. Motion was seconded by Mr Parrish and carried unanimously.

PRIVATE STREET (CULBERT)

Samuel Culbert submitted request for access, via private street, to nine residences on various parcels in the area of Gate Creek Road

Motion was made by Mr Fortson to authorize the County Attorney to prepare the necessary resolution for the private street. Motion was seconded by Mr McClure and carried unanimously.

RESORT TAX

Herman Borstelman, owner of Aquarius Motel, Bradenton Beach, appeared before the Board as President of the Anna Maria Motel Association and Councilman, City of Holmes Beach, to express their opposition to the proposed two-percent (2%) Resort Tax.

Chairman Driggers advised Mr Borstelman that a meeting with the Tax Committee and the County Attorney will be scheduled next week and he will be notified so that he may attend.

FLORIDA HIGHWAY PATROL - LEASE (SITE)

The County Attorney submitted Lease Agreement executed by the Florida Highway Patrol, wherein the County is leasing certain real property lying north of and adjacent to or abutting State Road 70 to the Department of Highway Safety and Motor Vehicles as a site for construction and maintenance of Florida Highway Patrol facilities and related activities.

Motion was made by Mr Fortson to approve and authorize the Chairman to sign the Lease. Motion was seconded by Mr Parrish and carried unanimously.

RECORDED

S5-64

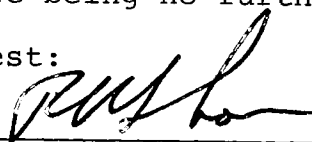
ANNA MARIA CITY PIER

Upon statement by Chairman Driggers that Ernie Cagnina, Mayor, City of Anna Maria, had requested consideration be given to County take-over of the Anna Maria City Pier, there was a brief discussion regarding the condition of the pier, then the matter was referred to the County Administrator and Director of Parks and Recreation Department to research and pursue possibilities of obtaining a federal grant.

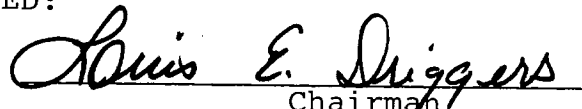
MEETING ADJOURNED

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

Attest:


Clerk

APPROVED:


Chairman