

AUGUST 15, 1978

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, August 15, 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  
 D.B. Collier, County Administrator  
 L. Frappier and R. Umana, Deputy Clerks, representing  
 R.B. Shore, Clerk

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

The meeting was called to order by the Chairman.

Invocation by Rev. C.E. Winslow, First Church of the Nazarene.

GRANTS DEVELOPMENT DEPARTMENT

Regis Chapman, Director, submitted for approval, requests outlined in his letter dated August 11, 1978.

- (1) Modification No. 4 to the Vocational Education Section 112 Non-financial Agreement No. L8-008, 10/1/77-9/30/78, to submit a revised budget from the County Board of Public Instruction for a new total of \$81,771. (from \$88,771.)
- (2) Non-financial agreement for Vocational Education Section 112 Funds in the amount of \$68,178 for period of 10/1/78-9/30/79.
- (3) Modification No. 801 to CETA III, HIRE II Annual Plan No. 12-8-0165-13, to submit a revised Monthly Schedule and Program Planning Summary.
- (4) Resolution authorizing submission of application for LEAA Grant Proposal in the amount of \$40,498 for Youth Services Coordination Project, to be administered by separate youth services agency within the County structure.
- (5) Authorization for Chairman to execute LEAA Youth Services Coordination Project Grant proposal to establish centralized program planning, assessment and evaluation capacity for youth needs; to include \$14,000 in Federal funds; \$3,000 in State funds and \$23,498 local funds, for total of \$40,498.
- (6) Authorize Chairman to execute Community Services Trust Fund modification agreement for Career Awareness (Girls Club); to transfer \$2,600 from equipment and supplies to transportation and "other" line items.

Pat Carrington was present to answer any questions pertaining to the Youth Services Coordination Project and stated that it would be possible to obtain 5th year funding, which would be one year after this year.

Members of the Youth Services Advisory Board supporting requests for the project were Dee Dunn and Bill Brown.

Motion was made by Mr Fortson to approve Items No. 1 through 6. Motion was seconded by Mr McClure. Requested Items (4) and (5) were discussed at length, with request from Mr McClure that progress reports be submitted to this Board.

Voting "Aye" were Commissioners Fortson, McClure and Chairman Driggers. Commissioners Fowinkle and Parrish voted "No". Motion carried.

(4) RESOLUTION RECORDED S5-67

CONTRACTS RECORDED

PROJECT NO. 0614 (45TH STREET, EAST)

Bob Pierro, Highway Department, stated that recent heavy rains have made it impossible to go forward with construction plans on 45th Street East (Project 0614), and recommended that funds allocated for this project (approximately \$300,000) be used for Participations Projects on which plans are complete, as follows:

- No. 807 - 60th Street West from Cortez Road to Deadend
  - No. 713 - 21st Street West from 55th Ave north to Deadend
  - No. 947 - 106th St W. From Cortez Road south to the Bay
  - No. 964 - 19th St W. From 55th Ave to 57th Ave
  - No. 623 - 49th Ave W. From 18th St W. to 20th St. W.
  - No. 1034 - 18th St W. From 48th Ave to 49th Ave W.
- He stated that bids could be let on these projects by the end of the month and construction started this fiscal year.

Motion was made by Mr Fortson that the projects be approved as recommended by the Highway Department with the understanding that funds for 45th St. be placed in the budget next year as No. 1 priority. Motion was seconded by Mr McClure and carried unanimously.

PERSONNEL: CONSOLIDATION SHEETS

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

PERSONNEL MANNING LEVELS

Following brief discussion of recommended changes of the manning levels in the Library System and the Parks and Recreations Department, Mr Fortson recommended this matter be referred to the County Administrator for review and recommendations back to the Board on the following Thursday. There were no objections.

PRIVATE STREET (ORBAN)

W.B. Orban submitted request for a private street through his property at 9601 9th Ave. N.W. to serve as access to the adjoining parcel (which he also owns) on which he plans to build a home for his son.

The County Attorney stated that information submitted by Mr Orban is insufficient legal description for a private street, however, it is sufficient for preparation of a resolution granting a Private Way. Mr Orban stated this is agreeable to him.

Motion was made by Mr Fortson to authorize the County Attorney to draft resolution granting the Private Way. Motion was seconded by Mr McClure and carried unanimously.

RESORT TAX

Herman Borstelmann, President, Anna Maria Island Motel & Apartment Owners Association, submitted Resolution requesting dissolution of the Tourist Tax Committee and discontinuation of any further deliberation relative to imposing such tax in Manatee County.

The County Attorney outlined the procedures necessary before

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decision can be made about placing question on the ballot.

Jack Seeder, another member of the Motel & Apartment Association, spoke in opposition to the proposed Resort Tax.

Dolly Young spoke in favor of the tax.

RECESS/RECONVENE

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

ZONING

Charles Carrington and Bill Swan submitted recommendations of the Planning Commission.

R-918 BESSIE MAE STONE - REZONE TO M-2 - DENIED

(Deferred 8/8/78 at request of petitioner)

Planning Commission recommended DENIAL...request represents encroachment of industrial zone into an agricultural zone primarily used for single family agricultural homesites.

Roger Conley, Attorney, and Greg Meisner, representing the petitioner was present to answer any questions. Mr Conley stated that the rezoning would not change the tenure of the property in the area as it is primarily industrial at the present time: that it is unreasonable to use Mrs Stone's property as a buffer between the residences and the industries.

Upon question, Mr Conley stated that Mrs Stone has a possible purchaser who plans to use the property as a storage/parking area for septic tank trucks and equipment.

William Wheeler, 6111 33rd St. E., objected to further encroachment of industry into the residential area.

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

Motion was made by Mr Parrish that R-918 be denied. Motion was seconded by Mr Fowinkle and carried unanimously.

SE-1134 KINDER-CARE LEARNING CENTERS INC - DEFERRED

(Yorkmount Bldg & Development Corp., Agent-Operator)

Request: Special Exception to permit a Child Care and Learning Center in a R-3 District at 5405 26th Street W on 0.91 acre.

Planning Commission recommended APPROVAL with stipulations.

The Planning Director outlined stipulations of the Planning Commission:

- (a) Only the easterly 155 feet of the property shall be utilized as a site for the day care center;
- (b) access shall be limited to 25th Street West
- (c) Buffering shall be provided between the child care center and adjoining residential property.

He stated that Opal Taylor had spoken in opposition at the public hearing.

The petitioner was not present and Mr Fortson requested SE-1134 be deferred one week and the petitioner be invited to be present. There were no objections.

SE-1135 DAVID & BRENDA WATSON - MOBILEHOME - APPROVED

Request: Special Exception to permit a mobile home in an Agricultural District for a time period of five years

plus five years extension on 5.07 acres approximately ½ mile north of Myakka City, east and south of Myakka-Wauchula Road.

Planning Commission recommended APPROVAL for five years with a five year extension by administrative approval.

Motion was made by Mr McClure to approve SE-1135 as recommended. Motion was seconded by Mr Fowinkle and carried unanimously.

SE-1136 ANDERSON CONTRACTING CO. - BORROW PIT - APPROVED  
(Schroeder-Manatee Inc., Clarence Harrison, Agent, Owner)  
Request: Special Exception to permit a 12.18 acre borrow pit for use in construction of I-75.  
Planning Commission recommended APPROVAL.

The Planning Director stated that the Health Department has no objection provided that state water quality standards are maintained through use of bay bales, silt screens or retention areas as necessary at the point of discharge.

The Highway/Engineering Department recommended approval with stipulations:

1. The borrow pit meet all requirements of Section VI Paragraph 16 of Manatee County Zoning Ordinance.
2. Fill from this borrow pit be used for construction of I-75 only
3. Fill from this pit not be transported on county roads.

Don Smalley, Engineer of Record, representing the petitioners, agreed to the stipulations.

Motion was made by Mr McClure to approve SE-1136. Motion was seconded by Mr Parrish.

The County Attorney stated that the bond was in good legal form except that the Power of Attorney for the Agent for Federal Insurance Co. was not attached.

Motion was amended to approve SE-1136, subject to approval of the Bond by the County Attorney. Motion carried unanimously.

77-S-35(F) SHANNON PARK SUBDIVISION - DEFERRED  
The Planning Director recommended deferral until problems with the Plat and Title Certification are resolved. There were no objections.

77-S-40(F) THE WOODS AT CONQUISTADOR, UNIT I - APPROVED  
Request for final plat approval of 19 single family lots subdivision on 19.99 acres west of 34th Street W. and south of 60th Avenue W.  
Planning Commission recommended APPROVAL, with waiver of sidewalk and recreation requirements.

The County Attorney stated that the form of security, (\$83,906.90 letter of credit from Barnett Bank of Bayshore) is acceptable.

Motion was made by Mr Fowinkle to approve The Woods at Conquistador Unit I, as recommended. Motion was seconded by Mr McClure and carried unanimously.

78-T-3/3 LINGER LODGE TRAVEL TRAILER PARK PHASE III - APPROVED  
Request: Preliminary plan approval of travel trailer park for 26 travel trailer lots on 2.74 acres on Linger Lodge Road.  
Planning Commission recommended DENIAL...Proposed design of high density development does not adequately protect Ward Lake watershed area from potential pollution.

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The Planning Director read statement of Health Department, opposing any high density development on Ward Lake and Lake Manatee; stating that it is essential that Ward Lake water quality be protected as a source of drinking water for the City of Bradenton and this can best be done by denying this petition.

Robert J. Boylston, Attorney, representing the petitioners, stated that the requested expansion will utilize all available property for expansion and will not substantially affect the water run off; that this is not a new development in the area, but an extension of an existing use.

Upon question by Mr Driggers, O.E. Randle, Pollution Control Director, stated that engineering for sewage can be adequately handled, but that water run-off is the primary problem.

Chairman Driggers, in whose district the property is located, recommended approval, with all precautions to be taken to protect the watershed, which should include berming and all other possible engineering precautionary measures.

Motion was made by Mr Parrish to approve 78-T-3/3. Motion was seconded by Mr Fowinkle.

Voting "Aye" were Chairman Driggers, Commissioners Fowinkle, Parrish and McClure. Mr Fortson voted "No". Motion carried.

SE-1045 COLLEGE PLAZA, LIMITED

A.W. (Skip) Burdich requested an extension of the time requirement for twenty-five percent completion of construction in connection with SE-1045 College Plaza, Limited (approved by the Board 2/21/78), stating that three months would be sufficient for his needs.

Motion was made by Mr Fortson that the request for three-months extension of time be approved. Motion was seconded by Mr Fowinkle and carried unanimously.

D.R.I. #9 - FLORIDA POWER & LIGHT CO.  
KEENTOWN-WIDDEN TRANSMISSION LINE

The County Attorney submitted, and recommended approval of

RESOLUTION AND DEVELOPMENT ORDER OF THE BOARD  
OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA,  
REGARDING AN APPLICATION FOR DEVELOPMENT APPROVAL  
OF A DEVELOPMENT OF REGIONAL IMPACT BY FLORIDA  
POWER & LIGHT COMPANY, D.R.I. #9.

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

RESOLUTION RECORDED

PRIVATE STREET NO. 42 (CULBERT)

The County Attorney submitted

RESOLUTION APPROVING PRIVATE  
EASEMENT AS PRIVATE STREET

and explained that the resolution recites all the names on the application as being the applicants; that the legal description of the parcel (a Survey made by Bill Roberts Inc) for the street (identified as Private Street No. 42) submitted by the applicant is attached as an exhibit; and that one residence is allowed to each of the six parcels.

Motion was made by Mr Fortson that the Resolution approving the Private Street be adopted. Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDED

S5-68

GARBAGE DUMPING (BRICE)

Chairman Driggers stated that he had been contacted by Alan Brice, Private Investigator, who made a proposal to investigate garbage dumping along county rights of way at a fee of \$40 a day or \$10 an hour.

Following a brief discussion, the County Administrator was instructed to schedule a work session for further discussion.

4-H EXTENSION AGENT

In connection with request by Richard Aalberg, County Extension Director, that Ernie M. Froedge be appointed as 4-H Extension Agent, Mr McClure recommended that the matter be referred to the Budget Chairman for budgetary clarification as to funding the position. There were no objections. (Deferred to following Thursday.)

PURCHASING DEPARTMENT

The County Administrator submitted, and recommended approval of request of the

PARKS & RECREATION DEPARTMENT

1. Grader; loader-backhoe
  - a. Authorization to advertise for bids  
(on cash purchase; and on lease/purchase basis,  
and make the decision upon receipt of bids)

He stated that, according to a memo from the Director of Parks and Recreation Department, funds are available in the 1977-78 budget to lease/purchase both pieces of equipment, or to purchase the grader on either basis.

Motion was made by Mr McClure to authorize the Purchasing Director to advertise for bids on the grader and the loader-backhoe. Motion was seconded by Mr Parrish and carried unanimously.

TRANSIT: HOLIDAY BUS SCHEDULE

Upon recommendation by Phil Davis, motion was made by Mr Parrish to not operate the County bus service on Labor Day, September 4, 1978. Motion was seconded by Mr McClure and carried unanimously.

HIGHWAY DEPARTMENT (TEMPORARY WORK SCHEDULE)

The County Administrator reported that, due to recent heavy rains and resulting drainage problems, the Highway work crews are working ten hours a day, six days a week in an attempt to correct the problems as quickly as possible.

COURT: CENTRAL ENFORCEMENT SYSTEM FOR  
COLLECTION OF CHILD SUPPORT PAYMENTS

The County Administrator referred to letter from the Court Administrator of the 12th Judicial Circuit, in regard to establishment of a Central Enforcement System for Collection of Child Support Payments, (referred to him by the Board on August 8th) and stated that from the standpoint of availability of space, he recommended approval.

The County Attorney stated that according to the letter, the enforcement is the responsibility of the Court; that the salary of the attorney and his staff will be offset by funds from the U.S. Department of Health, Education and Welfare, transmitted through the State Department of Health, one hundred percent the first year and seventy-five percent each year thereafter.

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R.B. Shore, Clerk, Circuit Court, advised that there will be no cost to the Board of County Commissioners; that he has agreed to provide office space and a typewriter; also, he has volunteered the 25 percent funding after the first year.

Motion was made by Mr McClure to approve the Program for one year. Motion was seconded by Mr Fortson and carried unanimously.

Upon question, the Board was advised that the Circuit Judge will appoint the attorney to perform these services.

MANATEE RIVER BRIDGE (PROPOSED)

The County Attorney submitted, and recommended approval of

RESOLUTION REGARDING PROPOSALS BY THE  
FLORIDA DEPARTMENT OF TRANSPORTATION  
FOR THE CONSTRUCTION OF A HIGHWAY  
BRIDGE ACROSS THE MANATEE RIVER BETWEEN  
THE CITIES OF BRADENTON AND PALMETTO TO  
REPLACE THE GREEN BRIDGE FOR STATE ROAD  
45 (BUSINESS U.S. 41)

endorsing the construction of one four lane bridge from the intersection of 8th Avenue in the City of Palmetto with the Manatee River to a point on 9th Street West in the City of Bradenton as being the most practible, feasible and consistent proposal with the best interest of the County of Manatee, the City of Bradenton and both the property and residents thereof.

Motion was made by Mr McClure to adopt the Resolution. Motion was seconded by Mr Fowinkle and carried unanimously. There were no objections to recommendation by Chairman Driggers that Mr McClure personally submit the Resolution to the Department of Transportation at their Public Hearing August 24th.

RESOLUTION RECORDED S5-69

MCUS EASEMENTS (ACCEPTED)

Motion was made by Mr Fortson to accept MCUS Easements from:

- 1) Marshalls Braden River Mobile Home Park, Inc - 25 foot wide permanent easement
- 2) Frog Creek Groves, Inc - 10 foot wide permanent easement  
11-110 foot wide temporary easement

Motion was seconded by Mr McClure and carried unanimously.

PUBLIC EMPLOYEES RELATIONS COMMISSION - ELECTION

The County Attorney submitted invoice from Public Employees Relations Commission in the amount of \$46.34, and stated that this represents the County's share of the cost of the employees union election conducted for Manatee County Employees.

Motion was made by Mr Fortson that the bill be paid. Motion was seconded by Mr Fowinkle and carried unanimously.

TAX COLLECTOR: RECAPITULATION OF  
REAL & PERSONAL PROPERTY (1977)

Motion was made by Mr Fortson to approve and authorize execution of the Recapitulation Sheets, listing all Errors, Double Assessments, Discounts and Insolvencies on the tax roll (real and Personal Property), Manatee County, for year 1977, as submitted by Sam A. Cornwell, Tax Collector. Motion was seconded by Mr McClure and carried unanimously.

BUDGET AMENDMENTS

Upon motion by Mr McClure, seconded by Mr Fowinkle, Resolutions were unanimously adopted, authorizing amendments to the 1977-78 budget by item to item transfers, as follows:

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PARKS & RECREATION DEPT.

From: Regular Salaries

To: Road Equipment \$11,796.00

RESOLUTION RECORDED

S5-70

WORK RELEASE PROGRAM

From: Rents & Leases

To: Operating Supplies \$ 200.00

RESOLUTION RECORDED

S5-71

Resolution showing Receipt and Appropriation of unanticipated revenues in the Parks and Recreation Department (Golf Course) was deferred.

HIGHWAY EQUIPMENT - DISPOSITION

Upon motion by Mr McClure, seconded by Mr Fowinkle, the Board unanimously authorized Cancellation of Certificates of Title on vehicles sold as scrap under Bid No. 78-34.

<u>Asset No.</u>	<u>Description</u>
5-36	Truck, GMC, 1950
7-40	Truck, Ford, 1951
8-18	Truck, Dodge, 1958

BILLS FOR PAYMENT

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

Manatee Memorial Hospital	\$ 60.00
Jack H. Robbins	17.00
Refunds: Albert Anderson (OB)	50.00
Gerald Keezer	
(Elect. Permit)	7.00
Dennis Christie	
(4 Plumb. Permits)	100.00

BONDS

Motion was made by Mr Fowinkle to approve bonds as follows:

Moving & Alteration of Buildings

- (1) Mike Carter - Safeco Ins Co. - \$1500.  
Pre-Moving No. 15916; Moving No. 16417
- (2) Lewis Johnson Safeco Ins. Co. - \$1500.

Sheriff's Dept. Public Employees Blanket Bond  
(Auto Owners Ins. Co. 766012-20210325)

Additions;

✓Steven Edward Becker	Certified Aux. Posse
✓Debra Sue Blades	Regular Posse
✓Alan Crisham	Certified Aux. Posse
✓George Hansen Jr	Part Time Crime Prevention
✓Geroy Neal Jr	Special Operations Deputy
✓John Nilsson	Certified Sarasota-Bradenton Airport Deputy
✓Ronald William Ogline	Jailer (Certified P.T.)
✓Thomas William Post	Regular Posse
✓Wanda Blanche Spaulding	Regular Posse
✓Lawarence Thomas Sweetin	Regular Posse
✓William M. Teekell	Sarasota-Bradenton Airport (Certified P.T.)
✓Yona Sue Valdez	Bailiff Part Time Certified
✓Joseph Theodore Westbrook	Regular Posse
✓Dentalene Blades	School Crossing Guard (Certified P.T.)
✓Michael Edward Collins	Regular Posse
✓William Ward Durrance	Certified Sarasota-Bradenton Airport Deputy



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Cecil E. Fox Jr	Regular Posse
Robin L. Fries	Regular Posse (Certified)
Perry Lee Hagaman	Regular Posse (Certified)
Joseph Interrante	Dispatcher (Certified)
Jay Stephen Litschauer	Patrol Duty
Anthony G. Meador	Detention (Certified)
Robert L. Piazza	Certified Sarasota-Bradenton Airport Deputy
Janice White	Matron
Richard Ashwell	Special Deputy
Bobby Gene Benson	Posse (not certified)
Mary Jean Evans	Secretary
Gary Hutchinson	Special Deputy
Sally Alkire Kintz	Secretary
Michael McDonald	Planning and Research.

Motion was seconded by Mr Fortson and carried unanimously.

#### CIVIL DEFENSE

Upon motion by Mr Fortson, seconded by Mr Fowinkle, the Chairman was unanimously authorized to sign Program Papers and Staffing Pattern for Fiscal Year 1979 for Manatee County Civil Defense Department.

#### CORRESPONDENCE

The Chairman submitted correspondence from:

1. Bob Lombard, Engineer, City of Palmetto, Re: Use of County Right of Way in connection with furnishing water service to Sneads Island. No action taken
2. E.N. Fay Jr, County Attorney, Re: Oral argument in the Supreme Court, Tallahassee, in connection with Double Taxation.

#### DOUBLE TAXATION

Upon motion by Mr Parrish, seconded by Mr McClure, the County Attorney was unanimously authorized to attend and participate in oral argument before the Supreme Court, Tallahassee, in connection with Double Taxation.

#### PROPERTY APPRAISAL ADJUSTMENT BOARD

Commissioner Fortson, chairman of the Property Appraisal Adjustment Board, announced dates for hearing petitions as follows: August 28, 29 and 30. Recess until after Labor Day Holiday, then reconvene at a date to be determined.

#### ANNA MARIA BEACH EROSION CONTROL PROJECT

Mr Fortson noted that the U.S. Army Corps of Engineers would like a decision from the Board in regard to the Anna Maria Beach Erosion Control Project prior to Labor Day. No action taken.

#### MEETING ADJOURNED

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

Attest:

  
\_\_\_\_\_  
Clerk

APPROVED:

  
\_\_\_\_\_  
Chairman