

SEPTEMBER 5, 1978

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, on Tuesday, September 5, 1978, at 9:07 a.m.

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

Commissioner R.W. Fowinkle III entered during the meeting.

Also Present were:
 E.N. Fay Jr, County Attorney
 L. Frappier and R. Umana, Deputy Clerks, representing
 R.B. Shore, Clerk

The news media was represented by Betty Kohlman, St Petersburg Times; Paul Roat, The Islander; Mark Todd, Sarasota Herald-Tribune; and/or various other agents who entered during the meeting.

The meeting was called to order by the Chairman.

Invocation by Rev. John P. Rynder, Calvary Baptist Church.

BUDGET (PROPOSED, 1978-1979) - GENERAL REVENUE SHARING USE

Chairman Driggers declared Public Hearing open for purpose of

Hearing written and oral comment from the public concerning the proposed annual budget for fiscal year 1978-1979 and the use of revenue sharing funds.

Angie Brewer submitted and outlined the proposed budget for general revenue sharing for entitlement No. 10 for fiscal year 1978-1979 in the total amount of \$1,205,505.00, with recommended breakdown as follows:

Sheriff's Department, Deputies Salaries	\$583,005.00
Right of Way, Land Acquisition	350,000.00
Parks Capital Improvements	200,000.00
Purchasing Department - Building	<u>72,500.00</u>

Mr Fortson recommended moving \$72,500 proposed for Purchasing Department Building to the Sheriff's Department for Deputies' Salaries. Upon question, he stated this transfer will not increase the Sheriff's budget, but that by use of revenue sharing funds, \$72,500 in ad valorem tax money will be released for other purposes.

No one else present spoke on the proposed uses and the public hearing was declared closed.

Motion was made by Mr Fortson that \$72,500 be moved from Purchase Department Building to the Sheriff's Department for Deputies' Salaries, and approve the Budget otherwise as presented in the amount of \$1,205,505.00. Motion was seconded by Mr Parrish and carried unanimously.

PARTICIPATION PROJECT NO. 1034

The Chairman declared Public Hearing open for purpose of considering Special Assessments as contained in

Preliminary Special Improvement Assessment Roll for Road Improvements in Project 1034: 18th Street West between 48th Avenue W. and 49th Avenue W.

There was no one present to speak on Project No. 1034 and the Public Hearing was declared closed.

Mr Fortson moved for adoption of Resolution sustaining the Special Improvement Assessment Roll and authorizing liens on properties, as reflected in said Roll. Motion was seconded by Mr McClure and carried unanimously.
(Enter Mr Fowinkle)

RESOLUTION RECORDED

S5-98

PARTICIPATION PROJECT NO. 929

Bob Moon, Right of Way Agent, requested a date be set for first Public Hearing (for objections) on Participation Project No. 929 - Mendoza Drive from Magellan Drive to deadend (at \$10.60 per front foot).

The Chairman stated that if there were no objections, the Public Hearing would be held Tuesday, October 3, 1978 at 9:00 a.m. There were no objections.

LAWSUIT: MANATEE CO. vs BASS, ET AL (42ND ST. E.)

In response to a request by the Board for clarification of an old Lawsuit Re: Manatee County vs Bass et al; and Edison Cooksey vs James Bass, (Case No. 75-510) in connection with final settlement for right of way for 42nd Street East, Elwood Park Sub-division, Bob Moon advised that, after a long drawn-out lawsuit, the Judge issued a Court Order to resolve the difference between two surveys on the street which had been dedicated by plat; that the right of way is unchanged except that it has been relocated just to the right of the old location. The County Attorney reported that Final Judgment has been entered in the suit.

75TH AVENUE EAST (ACCEPTED)

Motion was made by Mr Fortson to accept 75th Avenue East under Florida Statute 95.361. Motion was seconded by Mr Parrish and carried unanimously.

LOT CLEARING: LC-1199

The Chairman declared Public Hearing open for purpose of hearing

LC-1199 Irene Brandon alleging that property owned by Mildred Kennedy had not been cleared in accordance with requirements of Chapter 69-1284 Laws of Florida Special Acts of 1969.

Dave Fulford, Enforcement Officer, Planning and Development Department, reported that the owner had requested that he obtain an estimate and have the land cleared. He recommended action be postponed until he had an opportunity to work it out with the property owner.

There was no one else present to speak on LC-1199 and the Chairman instructed Mr Fulford to resolve the matter and report back to the Board.

HIGHWAY/ENGINEERING DEPARTMENT - MICRO-FILM EQUIPMENT

In order to meet the requirements of oversized mapping and other departmental engineering work, Ed Dougherty, Director, Highway/Engineering Department, submitted and recommended acceptance of proposal by 3-M Equipment Company for outright purchase of necessary microfilm equipment, to include service agreement, at a total price of \$33,140.00.

3M 2000E Processor Camera; 3M 407 Diazo Duplicator
3M 201 Reader Printer; Extek 400z Densitometer

He submitted a letter to justify sole source purchase from 3-M, and advised that sufficient funds are available in the 1977-78 fiscal budget.

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Motion was made by Mr McClure that the recommendation be approved, and the letter of justification be incorporated into the Minutes. Motion was seconded by Mr Fowinkle and carried unanimously.

PERSONNEL: CONSOLIDATION SHEETS; MANNING LEVELS

Motion was made by Mr McClure to approve Personnel Consolidation Sheets (New Hires, Salary Changes, Terminations and Miscellaneous/Travel Authority) as submitted and adopt amended resolution authorizing amendment of manning levels in

<u>MANATEE COUNTY UTILITIES SYSTEM</u>	<u>CLASSIFICATION</u>		<u>DEPARTMENT</u>	
	<u>From</u>	<u>To</u>	<u>From</u>	<u>To</u>
Laboratory Tech II (water)	1	0		
Laboratory Tech I (water)	0	1	193	193

and defer amendment of manning levels in Highway/Engineering Department.

Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDED

PURCHASING DEPARTMENT

William S. Mullon, Director, submitted recommendations of the Purchasing Department outlined in his letter dated September 5, 1978:

VARIOUS DEPARTMENTS

1. Transportation Fleet Update - Bid No. 78-35
 - a. Authorization for Chairman to execute Lease/Purchase Agreements for various vehicles with Dick Croteau GMC Truck Co. (9 Pickup trucks for Highway/Engineering and Parks & Recreation)

The County Attorney advised that he has reviewed the documents and found them to be in good legal form.

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

✓CONTRACTS RECORDED (9)

S5-99
S5-99a,b
c,d,e,f,
g,h

59TH STREET PARK

The Purchasing Director reported that progress on the construction of restrooms and concession stands at the 59th Street Park is at a standstill, pending completion of contractual documents.

Motion was made by Mr Fortson to instruct the County Attorney to prepare appropriate documents to meet applicable requirements and allow the Parks and Recreation Department to proceed with advertising for bids. Motion was seconded by Mr Fowinkle and carried unanimously.

DRAINAGE DITCH (26TH STREET)

Oscar Blair, Bradenton City Councilman, requested County assistance in covering the drainage ditch on 26th Street along the south city-county boundary. He stated this is his third request on this project; that he considers it a double taxation issue and cited other instances of what he considers double taxation.

No action was taken.

CATALINA SUBDIVISION - BOND

The County Attorney submitted, and recommended approval of request from Catalina Subdivision for extension of performance

bond (\$127,560.37 in escrow deposit, Ellis First National Bank of Bradenton) from June 30, 1978 to December 31, 1978, to cover completion of improvements of streets, drainage, water and sewer.

Motion was made by Mr Fortson to approve the bond extension. Motion was seconded by Mr Fowinkle and carried unanimously.

PRIVATE STREET NO. 40

In connection with Board action on June 13, 1978, approving SE-1113 (a ten acre substation for Florida Power & Light Company, and Private Street #40 as access to the property) subject to Florida Power & Light Company (FPL) acquiring title, the County Attorney advised that recorded deeds have been received showing that Creekwood Investors have conveyed the property and the 36 foot easement to FPL. He submitted

Resolution Approving Private
Easement As Private Street
(Identified as Private Street No. 40)

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

RESOLUTION RECORDED S5-100

MINUTES/APPROVED

Motion was made by Mr Parrish to approve Minutes of previous meetins, as follows:

REGULAR SESSIONS: July 6, 25; August 1, 8, 1978
SPECIAL SESSIONS: July 20 (A.M. & P.M.), 27; August 3, 1978.

Motion was seconded by Mr Fowinkle and carried unanimously.

MCUS: BANK ACCOUNTS/TRANSFERS

In order to transfer remaining balances from the Manatee County Utilities System (MCUS) old bond Sinking Funds Accounts to new accounts, Mr Fortson moved to adopt Resolutions (3), as follows:

1) RESOLUTION AUTHORIZING TRANSFER OF
REMAINING BALANCE OF 3.485 MILLION
RENEWAL & REPLACEMENT ACCOUNT S5-101

transferring \$6,331.09 from Ellis First National Bank of Bradenton to Exchange Bank of Manatee.

2) RESOLUTION AUTHORIZING TRANSFER OF
REMAINING BALANCE OF 11.65 MILLION
CONSTRUCTION ACCOUNT S5-102

transferring \$542.19 from Inter City National Bank to Southeast National Bank of Bradenton

3) RESOLUTION AUTHORIZING TRANSFER OF
REMAINING BALANCE OF CAPITAL
IMPROVEMENT ACCOUNT

transferring \$29,074.00 from Palmetto Bank and Trust to Exchange Bank of Manatee.

Motion was seconded by Mr Fowinkle and carried unanimously.

RESOLUTIONS RECORDED S5-103

BUDGET AMENDMENTS

Upon motion by Mr Fortson, seconded by Mr Parrish, resolutions were unanimously adopted, authorizing amendment of 1977-78 budget by item to item transfer.

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(1) HIGHWAY & ENGINEERING DEPARTMENT

From: Reserve for Contingency \$1,811,941.00

To: Various Streets; Bridges & Drainage

Projects:

59th Street W.	43rd Street W.
51st Street W.	Tournament Blvd.
57th Avenue	301 Blvd. W.
Pennsylvania Ave.	9th Street., East
Morgan Johnson/Lyonsdale	63rd Avenue
Tuttle Avenue	Whitfield et Environs
Bayshore Blvd	9th Avenue N.W.
Cortez Road at 34th St. W.	Cortez Road at 43rd St. W.
Cortez Road at 59th St. W.	U.S. 41 at 63rd Ave.
27th St. W.	21st Avenue E.
21st Avenue W.	16th Avenue N.E.
30th Street W.	46th Avenue W.
74th Street N.W.	1st Avenue W.
5th Street W.	Bayshore Sidewalk
Moccasin Wallow Road	55th Street Outfall
Rye Road Outfall	Manatee Palms
Fairground Drain	Sunny Lakes Drainage
Betty's Brook	Little Pittsburgh Drain
72nd Street N.W. Outfall	Sugar Bowl @ Bud Slough
Big Bridge	Footbridge @ Blanche Daughtery
Little Pittsburgh @ Bollier Creek	

\$1,811,941.00RESOLUTION RECORDED

S5-104

and to provide for receipt and expenditure of unanticipated revenue as follows:

(2) Increase Revenue

CETA III HIRE

\$60,000.00

Increase Expenditure

HIRE ADMIN:	Salaries	\$ 7,272.00
	FICA Taxes Svcs	440.00
	Retirement Svcs	661.00
	Health Ins Svcs	350.00
	Advertising	15.00
HIRE SERVICES:	Salaries	3,600.00
	FICA Taxes	253.00
	Retirement	354.00
	Health Ins.	350.00
	Travel	143.00
	Misc. Sup. Svcs	300.00
HIRE PROGRAM:	Education	46,262.00

\$60,000.00✓ RESOLUTION RECORDED

S5-105

BONDS

Motion was made by Mr Fortson to approve and/or refund bonds as follows:

Driveway Permit No. 4246REFUND: Gulf Coast Investors, Cash Bond \$250.00Sheriff's Public Employees Blanket BondADDITIONS:

Pete D. Athanasopolis)	School Guard Crossing
Janet Sue Douglas)	

Linda Mae Hazelbaker)
 Zarah Evelyn Maddox)
 Cynthia Lou Shearer)
 John William Kintz) Complaint Writer
 Lawrence Joseph Murphy) Patrol Deputy (Certified)
 Charles Edward Wolfe) Special Deputy

Motion was seconded by Mr Fowinkle and carried unanimously.

BILLS FOR PAYMENT

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

Bradenton Insurance (two Blue Bird Buses)	\$3,472.00
Sam Cornwell, Tax Collector: (Sewer Assessments on County Property)	
Sunny Lake Estates, Lot 104	691.20
57th Street E.	1,766.40
Winter Gardens, Lot 9, Blk 2, Unit 2)	384.00
Mann & Fay - Prof. Services Re: Property Appraisal Adjustment Board, (proceedings & litigations, 11/22/77 to date)	512.50

WARRANT LISTS

Motion was made by Mr Parrish to approve Warrant Lists from August 29th to September 5th, 1978, and to authorize Warrant Lists to September 12, 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.

RESORT TAX

Chairman Driggers presented written plan from the Resort Tax Committee for proposed use of tax revenues derived from proposed 2 percent Tourist Development Act which the Board is currently considering placing on the November 1978 ballot for referendum. He stated copies would be distributed to each member of the Board for review and if there were no objections, this item would be on the Agenda for consideration on September 12th. There were no objections.

RECESS/RECONVENE

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

ZONING

Recommendations of Planning and Development Department were submitted by Charles Carrington, Director, and Bill Swan, Planner.

SE-1134 KINDER-CARE LEARNING CENTER, INC. - APPROVED

Deferred 8/22/78 to afford the Planning Staff an opportunity to work with the petitioner to resolve planning problems.

Planning Commission recommended approval with stipulations:

- a) only the easterly 155 feet of subject property be utilized as a site for the day care center;
- b) access to the day care center shall be limited to 25th street W.
- c) buffer shall be provided between the day care center site and adjoining residential property. Plans for said buffer to be approved by the planning staff prior to issuance of building permit.

Michael Phillips and Ann Muscari, representing petitioners, made

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a presentation, outlining the proposed operation, and were available to answer any questions. Mr Phillips submitted a letter from Dr Wilson Wetzler, President, Manatee Junior College, and a petition with 26 signatures in support of the project. Dolly Young spoke in favor of the day care center. No one spoke in opposition.

Following lengthy discussion, the Planning Director stated that upon hearing basic facts discussed this morning, he recommends approval of SE-1134 for a period of ten years with five year extension at administrative discretion of the Planning Director, with additional stipulations as follows:

- 1) That the hours of operation be limited from 7:00 a.m. to 6:00 p.m., Monday through Friday
- 2) That no more than twenty children be allowed on the playground for supervised recreation at any one time.

Mr Fortson moved that SE-1134 be approved with stipulations as outlined, to be allowed for a ten year period with additional five years to be approved by the Planning Director, provided the nature of the neighborhood has not substantially changed.

Mr Phillips stated this was agreeable with the petitioners, however, the standard lease is for twenty years, and asked if some consideration could be give to this.

Upon recommendation by Mr Fowinkle motion was amended to approve SE-1134 for ten years with provisions for two five-year extensions by the Planning Director.

Motion carried unanimously.

R-919 JAMES E. PRATT - REZONE TO PR - DEFERRED
(Sidney R. Wilkinson, Agent) Request: To change present zoning from R-1B to PR District on 0.36 acre at 4601 Manatee Avenue W. for office building and parking area.
Planning Commission recommended APPROVAL.

The Planning Director stated that O.E. Randle and Peggy McLain had spoken in opposition at the public hearing; that a letter from Mr Randle, and a petition with 19 signatures recommending denial are on file: that letters in favor of the request were received from W. Nicholas and Daniel and Pat Lapdulla, residents of 47th St. West. He stated the Highway/Engineering Department recommended access be limited to 46th Street West, and that the Soil and Water Conservation District expressed concern about the drainage.

Following a presentation of the proposed use, Mr Wilkinson said the access stipulation was agreeable with the petitioner and the water will be retained on the property.

O.E. Randle read an excerpt from Minutes of Board meeting of February 4, 1975 and asked reconfirmation of the compromise agreement reached at that time (R-710) which left the south 20 ft of Lot 16 and Lot 15 in current R-1B zoning.

Mr McClure in whose district the property is located, requested R-919 be deferred until September 26th for further discussion with the architect and to attempt to effect an agreeable compromise with all parties concerned. There were no objections.

R-926 EARL W./INA H. BADEN - REZONE TO A - APPROVED
Request to change present zoning from R-1A to -A- on 10 acres at 1210 99th Street N.W. to permit a plant nursery.
Planning Commission recommended APPROVAL.

R-927 CLIFFORD E. CHAPMAN - REZONE TO A - APPROVED

Request to change present zoning from R-1A to -A- on 10 acres at 1408 99th Street N.W. to permit a plant nursery.

Planning Commission recommended APPROVAL.

Mr Baden stated that Clifford Chapman is his brother in law and they plan to use the combined twenty acres as a nursery and requested that R-926 and R-927 be considered as companion petitions.

Dolly Young opposed rezoning from R-1B to Agriculture.

Harold Whitcomb spoke in support of the rezone petitions.

Motion was made by Mr Fortson to approve R-926 and R-927 (by adoption of appropriate resolutions). Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTIONS RECORDED

SE-1137 HAROLD W. & MARTHA P. WHITCOMB - APPROVED

Request: Special exception to permit 3 horses on property zoned R-1B for a time period of 20 years on 10.86 acres at 8501 9th Avenue West.

Planning Commission recommended APPROVAL.

Mr Whitcomb was present to answer any questions. No one spoke in opposition.

Motion was made by Fortson to approve SE-1137. Motion was seconded by Mr Fowinkle and carried unanimously.

MAJOR THOROUGHFARE PLAN/AMENDED

In accordance with duly advertised Notice of Public Hearing (The Bradenton Herald, August 22, 1978) for the purpose of considering proposed Amendment to the Major Thoroughfare Plan, Mr Carrington outlined recommendations to

- (1) CEDAR HAMMOCK PARKWAY - Delete the entire Cedar Hammock Parkway from the Major Thoroughfare Plan from Southern Parkway West to 75th Street West.
- (2) 43RD STREET/43RD STREET PARKWAY/47TH STREET W. - To consider a possible street name change on 43rd Street West which is on the Major Thoroughfare Plan to read as follows: 43rd St. West from Cortez Road South to Road D. From Road D running southwest to 53rd Avenue West, change 43rd Street to 43rd Parkway. From 53rd Avenue West to El Conquistador Parkway, change 43rd Street West to 47th Street West.

The Chairman invited comments from the public.

Arlene Flisik, 4106 24th Avenue W., Vice President of Manatee County Conservation Council, recommended that a bicycle path and jogging trail be established over the same section of the drainage canal easement from Prine School at least to 59th Street Park to connect with YMCA facilities and possibly on out to 75th Street W.

Motion was made by Mr McClure to adopt

Resolution Amending the Major Thoroughfare Plan of the Manatee County Zoning Ordinance by Deleting the Cedar Hammock Parkway Therefrom

as submitted by the County Attorney, and to give consideration to

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the presentation made to establish a bicycle path. Motion was seconded by Mr Fowinkle and carried unanimously.

RESOLUTION RECORDED

Motion was made by Mr Fowinkle to adopt

Resolution Amending the Major Thoroughfare
Plan by the Manatee County Zoning Ordinance
by Redesignating Portions of 43rd Street West

Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDEDGOLF COURSE: CLUB HOUSE BREAK-IN/THEFT

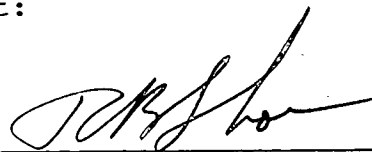
The County Administrator reported that John Marble, Director of Parks and Recreation Department, had advised him that upon opening the County Golf Course this morning, he had discovered a break-in of the Golf Course Club House safe and the theft of \$800.00 in funds; that apparently no merchandise was taken and that an investigation was being conducted by the Sheriff's office.

MEETING ADJOURNED

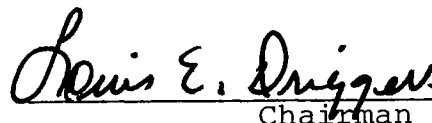
There being no further business, the meeting was declared adjourned.

Attest:

APPROVED:



Clerk



Chairman