

SEPTEMBER 12, 1978

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, September 12, 1978, at 9:09 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
 David B. Collier, County Administrator
 L. Frappier, Deputy Clerk, representing R.B. Shore, Clerk

Representing the various news media were: Betty Kohlman, St Petersburg Times; Paul Roat, The Islander; Mike Todd, Sarasota Herald-Tribune and/or other agents who entered during the meeting.

The meeting was called to order by the Chairman.

Invocation by Rev. Howard Moths, Bayshore Gardens Reform Church.

SARA BAY COUNTRY CLUB (WHITFIELD ESTATES) - VACATION OF STREET

The Chairman opened Public Hearing for purpose of hearing and considering

Petition by Sara Bay Country Club for vacation of a certain unnamed roadway, shown as a triangular shaped tract of land on the plats of Whitfield Estates (Plat Book 4, Page 111 and Plat Book 6, Page 33), lying East of the 70 foot wide Whitfield Ave (Pearl Ave) right of way; South of Block 72, and Southwest of the North-east right of way line of 70 foot wide unnamed road; less following described island:

"A tract of land lying East of the 70 foot wide "The Plaza" right of way and north of the 70 foot wide Whitfield Ave right of way; and Southwest of unnamed 70 foot wide right of way on plats of Whitfield Estates".

Tom Gallen, Attorney for Petitioner, stated that the request by the Highway-Engineering Department for an easement across the unnamed street is agreeable with the Petitioner, and that necessary documents will be prepared and executed.

There was no one else who wished to speak, and the Chairman declared Public Hearing closed.

Motion was made by Mr Fowinkle to adopt the Resolution vacating the street. Motion was seconded by Mr Fortson and carried unanimously.

✓ RESOLUTION RECORDED

S5-111

LOT CLEARING: (LC-1196; LC-1197; LC-1202)

Public hearing was opened for purpose of considering Lot Clearing Petition

LC-1196 Harold Underwood alleging that property owned by William R. & Rachel Johnson had not been cleared in accordance with requirement of Chapter 69-1284 Laws of Florida, Special Act of 1969.

Dave Fulford, Planning and Development Department Enforcement Officer, submitted photograph as evidence.

There was no one present regarding the petition and the Chairman declared the public hearing closed.

Motion was made by Mr Fowinkle to adopt Resolution determining that the property owner has not complied with the Lot Clearing Law and demanding corrective action be taken with regard to clearing the land. Motion was seconded by Mr Fortson and carried unanimously.

✓ RESOLUTION RECORDED S5-112

LC-1197

Public hearing was opened for purpose of considering Lot Clearing Petition

LC-1197 Mrs William Kiefer alleging that property owned by Joyce Wells & Virginia Clark had not been cleared in accordance with requirement of Chapter 69-1284 Laws of Florida, Special Act of 1969.

There was no one present regarding the petition, and public hearing was closed.

Mr Fortson moved for adoption of Resolution determining that the property owner has not complied with the lot clearing law and demanding corrective action be taken with regard to clearing the land. Motion was seconded by Mr Fowinkle and carried unanimously.

✓ RESOLUTION RECORDED S5-113

LC-1202

Public hearing was opened for purpose of considering Lot Clearing Petition

LC-1202 Roger P. & Jacqueline Langlois alleging that property owned by George C. Blanchard had not been cleared in accordance with requirement of Chapter 69-1284 Laws of Florida, Special Act of 1969.

Mr Fulford stated that Mr Blanchard advised that he had just gotten out of the hospital and would take care of the matter immediately. He recommended Mr Blanchard be given an opportunity to mow the lot.

There was no one present regarding the petition and public hearing was closed.

Motion was made by Mr Fortson to defer action on LC-1202. Motion was seconded by Mr McClure and carried unanimously.

GRANTS DEVELOPEMT DEPARTMENT

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

- (1) Reduce salary of CETA Title II Coordinator position for Manatee Junior College due to revision of job description:
Delete: (1) CETA Coordinator, Position No. 8/30/118, \$4.80
Add: (1) Ceta Coordinator, Position No. 8/30/118, \$4.57 per hour
- (2) CETA Title III Youth Employment and Training Program Annual Plan No. 12-9-0165-48 in the amount of \$258,950. This amount together with FY 1978 carryover funds (total \$334,129) provides employment and training services to 609 youths, 10/1/78-9/30/79
- (3) CETA Title III Youth Community Conservation and Improvement Projects Annual Plan No. 12-9-0165-38 in the amount of \$43,866. This amount together with FY 1978 carryover funds (total \$46,601) provides nine work experience slots for youths to be employed by Manatee Opportunity Council in the Weatherization Program.
- (4) Schedule workshop during week of September 11, 1978, to review proposals for the allocation of Anti-Recession Fiscal Assistance Payment No. 9. (Work Session scheduled for Thursday, September 14, 1978, 11:00 a.m.)

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- (5) Authorization for Chairman to execute revised LEAA Juvenile Justice Delinquency Prevention Program grant application on behalf of the Manatee County Girls Club, which reflects a ten percent cash match, rather than a five percent, as specified in application approved 7/18/78. The budget remains at \$6,850, and Girls Club local match is \$685.
- (6) Adoption of Resolution for submission of LEAA Grant (as outlined in Item (5) above)
- (7) Two Public Service Employment positions under Title VI, CETA, for period of September 15, 1978 through September 30, 1978 at the Manatee County Sheriff's Department (until new fiscal budget goes into effect 10/1/78). These OJT participants are PSE eligible and will be transitioned into Sheriff's regular payroll on October 1, 1978: Dispatcher, at \$3.50 per hour; Criminal Histories Process, at \$3.37 per hour.

Motion was made by Mr McClure to approve Items (1) (2) (3) (4) (5) (7) and (6) Rescind adoption of Resolution on July 18, 1978 and adopt Resolution revising LEAA Grant Application on behalf of Manatee County Girls Club. Motion was seconded by Mr Fowinkle and carried unanimously.

RESOLUTION RECORDED

S5-114

RIVERVIEW ESTATES SUBDIVISION (ACCEPTED)

By letter dated September 7, 1978, Ed Dougherty, Highway Director, recommended that, based on certification by Bob Lombardo, Engineer of Record for Riverview Estates Subdivision, and inspections by the Highway Department, the streets and drainage improvements in that subdivision be accepted for county maintenance, and bond in the amount of \$40,769.15 be returned to owner.

Motion was made by Mr McClure to approve recommendations of the Highway Director. Motion was seconded by Mr Fowinkle and carried unanimously.

COUNTY ROAD PROGRAM

Mr Dougherty, gave an interim report on proposed county road program, outlining broad issues and suggested alternatives.

Summary: - If major thoroughfares are given priority consideration, construction of 75th Street, Oneco Road and 43rd Street will be No. 1 on the priority list; that improvements to major arterial roads will cost approximately \$18,000,000; major intersections approximately another \$600,000 to \$700,000 and the balance would be applied toward paving dirt roads. The suggested alternative was to give priority to paving all, or as many as possible, dirt roads.

The County Attorney advised that, due to insufficient time for handling procedural steps involved in putting the bond issue on referendum, it would not be possible to place it on the ballot in November.

Herman Borstlemann, Holmes Beach, opposed such massive undertaking, and suggested development of Taxing Districts (for road improvements).

Sol Laochi, 4948 49th St. W., made reference to drainage problems existing in his area.

BAYSHORE ON THE LAKE - DRAINAGE AGREEMENT (SHEEHAN)

The County Attorney submitted Addendum to Agreement between the County and Bayshore Builders Corp., Developers, and Lloyd G.

and Norma J. Sheehan, owners, dated January 3, 1974, in connection with relocating a drainage facility in the vicinity of Bayshore on the Lake in Section 3, Township 35S, Range 17E, and to evidence a new legal description for said facility.

Motion was made by Mr McClure to approve the Amended Agreement and authorize the Chairman to sign. Motion was seconded by Mr Fowinkle and carried unanimously.

✓ AGREEMENT RECORDED

S5-115

PERSONNEL: CONSOLIDATION SHEETS

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

MANNING LEVEL

Motion was made by Mr McClure to adopt resolution amending established manning level in

<u>HIGHWAY DEPARTMENT</u>	<u>CLASSIFICATION</u>		<u>DEPARTMENT</u>	
	<u>FROM</u>	<u>TO</u>	<u>FROM</u>	<u>TO</u>
Highway Maint. Tech. I	53	51		
Highway Maint. Tech. II	17	18		
Engineering Tech. III	5	6		
Assistant County Engineer	0	1		
Chief Engineering Division	1	0		
Chief Budgets	0	1		
Engineering Tech. II	6	7		
			179	181

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 8, 1978.

HIGHWAY DEPARTMENT

- A.1 Street Sweeper - Bid No. 78-74
 - a. Award to lowest responsible bidder
Deferred at the request of Mr Mullon.
- A.2 Drainage Project 1215 - Bid No. 78-75
 - a. Award to lowest responsible bidder:
Neal Site Development Inc., \$126,634.00

PARKS & RECREATION DEPARTMENT

- A.3 Front End Loader & Grader - Bid No. 78-76
 - a. Award Grader bid to Florida Georgia Tractor Co.
 - b. Reject all bids for Front End Loader, and rebid

VARIOUS DEPARTMENTS

- A.4 Transportation Fleet Update
 - a. Authorize Chairman to execute Lease/Purchase Agreements with Jim Boast Dodge (1) and with Dick Corteau GMC (14)
- A.6 Lease/Purchase Agreements with Xerox Corp.
 - a. Approval to issue Purchase Order for Lease Purchase acquisition of three Model 4000 Xerox machines for MCUS, Planning & Development and Board of County Commissioners

MOTOR POOL

- A.5 Metal Building Addition
 - a. Advertise for bids

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MANATEE COUNTY UTILITIES SYSTEM

A.7 Sludge Removal Project #405-01-537-01-43

- a. After-the-fact approval of purchase orders Nos. 15349, 15351, 16807, 16742, 16811, 15660 and 16734.

Motion was made by Mr Fowinkle to approve Items No. 2 through 7. (and to indicate that Item 7 was previously approved as emergency action) Motion was seconded by Mr Parrish and carried unanimously.

AGREEMENTS RECORDED S5-116

SEWER ASSESSMENT COMPLAINT (ALBRITTON)

In order to make the Board members aware of a sewer assessment complaint registered by Al Albrtton, Chairman Driggers advised that he had asked Mr Pittman to bring a map (of the sewer line in question) and if there were no objections, the matter would be discussed the following Thursday. There were no objections.

PHILLIPS PETROLEUM COPR. - D.R.I./REVISED

Jake Varn and William Grimes, Attorneys for Phillips Petroleum Company, submitted

RESOLUTION CLARIFYING THE RESOLUTION
RENDERING A DEVELOPMENT ORDER DATED
JULY 7, 1976

in connection with application for development approval of a Development of Regional Impact and the application or petition to extend or revise an existing Special Exception (D.R.I. No. 7, SE-842), together with an application for approval of a mining master plan by Phillips Petroleum Company, and were available to answer any questions.

Mr Fortson stated that the distribution of the tax revenues has not been resolved to his satisfaction, in that the original D.R.I. provided that Manatee County receive two-thirds of the tax revenue, whereas the revised D.R.I. provides for a fifty-fifty split between Manatee and DeSoto Counties, and he is not prepared to make a decision at this time.

Mr Driggers expressed concern about paragraph 9 which acknowledges that AMAX Chemical Corporation has entered an option agreement for acquisition of Phillips' property and the fact that the public has received no testimony from AMAX in connection with the Special Exception.

Mr Varn stated that a Special Exception is part of the zoning process, and not personal to Phillips Petroleum Company, that if the property is acquired by AMAX, the special exception is transferred with the property. The County Attorney did not agree, stating that research indicates the law can be construed just the opposite and it is his opinion that a special exception is personal to the person to whom it is granted and does not run with the land.

Mr Fowinkle questioned paragraph (g), page 4, granting Sarasota County enforcement powers.

Others speaking on the matter were Cliff Holmes, representative of Phillips Petroleum Co., who explained some of the activities undertaken by Phillips since coming to the area in 1967.

Comments were made by: Jim Cox, Vice President, AMAX Chemical Co., Dolly Young and Herman Borstlemann.

Following lengthy discussion, the Chairman stated that if there was no objection, the matter would be deferred to the following Thursday. There were no objections.

RECESS/RECONVENE

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

TRANSPORTATION DEPARTMENT EMPLOYEE (ENGLE)

Betty Engle, former employee of Transportation Department, appeared before the Board to allege a \$219.00 shortage in her pay over a six months period. She requested that some one obtain her tally sheets and compare them with her time cards.

In response to question by the County Attorney, Phil Davis, Director, Transportation Department, stated that this employee had quit without notice and did not institute any grievance procedure.

Following discussion, and upon no objection, Chairman Driggers referred the matter to the County Administrator for review and recommendation back to the Board, and advised Ms Engle that she would be notified when it is placed on the agenda.

TOURIST TAX (PROPOSED PLAN)

Chairman Driggers opened discussion on the plan for the proposed use of tax revenues derived from proposed two percent tourist development act, and summarized correspondence received from I.E. Cagnina, Mayor, City of Anna Maria and Charlotte Long, Mayor of City of Holmes Beach, indicating their endorsement of using such revenues for beach nourishment.

Jack Cedar, owner of Cedar Cove Apartments, Holmes Beach, spoke in opposition to the proposed tax and suggested postponement of at least one year, and that an impact study be conducted by hotel-motel owners prior to any further action being taken.

Herman Borstlemann, Councilman, City of Holmes Beach, and President of the Anna Maria Hotel and Motel Association, asked if the ten percent escrow mentioned in the plan covered the Island Cities' or the county's share for beach nourishment; and whether members of the Tourist Development Council representing the Island communities had unanimously endorsed the plan.

Ralph Stewart, Stewart Motel, City of Bradenton, stated he felt the tax was unbeneficial and unnecessary.

Upon no objection from the members of the Board, the Chairman deferred further action on this item to the following Thursday.

JAIL SITE

In connection with the proposed construction of new jail facilities on 6th Avenue East, Charles Carrington, County Planning Director, reported that the Florida Department of Transportation plans show a 60 foot right of way along 6th Avenue East; that the architect used this as a perimeter in designing schematic layout of the jail facilities. It was subsequently discovered, however, that the official City transportation plan shows an 84 foot right of way along 6th Avenue, which would cause a 12 foot encroachment on the right of way by the facilities. He stated that he was advised by the City Planning Director that he feels 60 feet is adequate right of way for the one-way pairing of 6th Avenue and that he has no objection if the county wishes to appeal to the City Zoning Board of Appeals for a zoning variance. Mr Carrington said he would submit application for variance along 6th Avenue and along the railroad tracks on the south boundary of the site, to be considered at the next meeting of that Board on October 9th. There were no objections.

ZONING

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

77-S-7(F) FAIRWAYS AT CONQUISTADOR, UNIT II - APPROVED
Request: Final plat approval of 15 single family lots

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Cont'd

subdivision on 5.62 acres north of and adjacent to the Fairways at Conquistador Subdivision
Planning Commission recommended APPROVAL with waiver of recreational requirements.

The County Attorney reviewed and approved \$30,319.85 bond to cover cost of completing necessary improvements.

Motion was made by Mr Fowinkle to approve 77-S-7(F), as recommended. Motion was seconded by Mr Parrish and carried unanimously (cash bond \$30,319.85 deposited in escrow with Barnett Bank of Bayshore).

78-S-3(P) ASPEN VILLAGE P/PLAT - APPROVED

Request: Preliminary plat approval of 25 single family lots subdivision on 6.6 acres at 75th Street and 24th Avenue West.
Planning Commission recommended APPROVAL with waiver of recreation requirements.

Upon question by Chairman Driggers, Bill Swan advised that there is a 75 foot easement (from the center line) on the canal that will permit its cleaning and maintenance.

Motion was made by Mr Fortson to approve preliminary plat of Aspen Village. Motion was seconded by Mr McClure and carried unanimously.

75-S-15(F) WOODS OF WHITFIELD, UNIT 6 - F/PLAT - APPROVED

Request: Final plat approval of 23 single family lots subdivision on 7.98 acres East of 9th Street, North of Nicholson Avenue
Planning Commission recommended APPROVAL with waiver of sidewalk and recreation requirements.

The County Attorney questioned as to whether the "Ownership Encumbrance Certificate" was adequate certification of ownership.

Robert Prine, owner of Suncoast Development Corp., stated that he would furnish the proper document.

Motion was made by Mr Fowinkle to approve 75-S-15(F) subject to final approval by the County Attorney. Motion was seconded by Mr McClure and carried unanimously.

At the request of Mr Fowinkle, Mr Prine stated that he would place a buffer of trees along Nicholson Road to alleviate dust problems from the unpaved road.

78-S-32 ROB REY SUBDIVISION P&F/PLAT - APPROVED

Request: Preliminary and Final plat approval of 2 single family lots subdivision on 1.1 acres, on West side of Palma Sola Blvd approximately one mile south of Manatee Avenue W.
Planning Commission recommended APPROVAL with waiver of recreation requirements.

The County Attorney stated that legalities of the plat have been approved by his office and no bonds are required because the improvements are in.

Motion was made by Mr Fortson to approve recommendations of the Planning Commission. Motion was seconded by Mr Parrish and carried unanimously.

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HOUSEMOVING PERMITS (NOS. 48 & 49 - SELLERS)

Motion was made by McClure to approve applications for
DONNA SELLERS to move buildings as follows:

Permit No. 48: from 2215 24th Ave. E., Palmetto
to corner of 7th St & 5th Ave W., Palmetto
PM No. 17404 (\$3,000 Bond)

Permit No. 49: from 2219 24th Ave. E., Palmetto
to N.E. corner of 7th St & 5th Ave., Palmetto
PM No. 17405 (\$5,000 Bond)

Motion was seconded by Mr Parrish and carried unanimously.

SE-1134 KINDER-CARE LEARNING CENTER

Mr Fortson read correspondence from Michael Burke-Phillips, Yorkmount Builders and Development Corp., advising that his firm was unable to sign a lease with Kinder Care due to the stipulation in SE-1134 (approved 9/5/78) limiting the number of children on the playground at any one time to maximum twenty. In order to meet future needs and justification of capital expense, he was requesting the Commissioners to remove this limitation and allow a maximum of fifty children.

Mr Fortson recommended and moved that this stipulation assigned to SE-1134 be reconsidered and further consideration given to the number of children. Motion was seconded by Mr McClure and carried unanimously.

Gary Trice, Agent for Kinder-Care, was available to answer any questions, and stated that a maximum of twenty is too restrictive in view of the fact that the children are grouped according to age, and in some cases more than one age group might be on the grounds at the same time necessitating more flexibility in the maximum number allowed.

The County Attorney expressed concern in that such change would constitute a substantial material change in the special exception; that the Board might possibly wish to hold a public hearing.

Motion was made by Mr Fortson to schedule hearing on October 3, 1978 to reconsider SE-1134. Mr Fowinkle seconded the motion for discussion, stating he had no concern about changing the stipulation and was willing to take action on it today without public hearing. Chairman Driggers also expressed willingness to make a decision this morning.

Question was called on the motion: Voting "Aye" were Commissioners Fortson, McClure and Parrish. Chairman Driggers and Commissioner Fowinkle voted "No". Motion carried.

The Chairman announced that SE-1134 would be on the Agenda on October 3rd for consideration only of stipulation pertaining to maximum number of children.

RECESS

The Chairman declared the meeting recessed until 2:00 p.m.

2:06 P.M.

The meeting reconvened with all members present except Commissioner Fowinkle who entered during the meeting.

PURCHASING: POLICIES & PROCEDURES/AMENDED

David B. Collier, County Administrator, submitted and recommended approval of proposed

Resolution Amending Manual of Purchasing
Department Policies and Procedures

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Cont'd

adding a new paragraph

Section 14. ACQUISITION OF EXCESS GOVERNMENT PROPERTY
 14.1 When in the opinion of the County Administrator the best interest of the County will be benefited, and when he has made a written determination that certain equipment is required by Manatee County he may authorize the Director of Purchasing to execute and submit sealed bids or spot auction bids for tangible personal property of any governmental entity offered by that agency as excess property, notwithstanding other sections of this manual regarding sealed bid requirements. The Purchasing Director shall maintain a separate file on all purchases made under this section which shall contain all written determinations, noted above and all other pertinent documents. The file shall be maintained on a fiscal year basis and be subject to the same retention requirements which apply to purchase orders.

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

RESOLUTION RECORDED S5-117

(Enter Commissioner Fowinkle and Mr Fay)

HEALTH DEPARTMENT: EMPLOYMENT PROCEDURES/AMENDED

Motion was made by Mr Fortson and seconded by Mr McClure to adopt

RESOLUTION AUTHORIZING COUNTY ADMINISTRATOR TO APPROVE HEALTH DEPARTMENT HIRINGS

by authorizing him to approve State of Florida Personnel Management Data Systems PMDS-2 Employee Payroll and PMDS Employee Profile for purpose of placing new employees of Manatee County Health Department on its payroll.

Motion carried unanimously.

RESOLUTION RECORDED S5-118

INSURANCE: FLEET; MALPRACTICE (EMERGENCY MEDICAL SERVICES)

The County Administrator stated that, in an effort to provide proper insurance coverage for the County's motor vehicle fleet and medical malpractice insurance for the Emergency Medical Services, he has received from Zickafoose Insurance a proposal to provide and administer a self-insurance program in these areas. He recommended, that prior to entering into contractual arrangements with Zickafoose, a consultant in Risk and Insurance Management review current policies and the contract with Zickafoose to see if the program has any areas which should be modified.

He submitted and recommended approval of letter/proposal by E.W. Siver & Associates Inc. to provide certain services at costs outlined on schedule of fees, based on employees assigned to the project, not to exceed \$700.

Motion was made by Mr Fowinkle to approve recommendation of County Administrator. Motion was seconded by Mr Fortson and carried unanimously.

S5-119

TRANSIT: LEASE (BUS) - FLA. DEPT. OF TRANSPORTATION

Upon recommendation by Phil Davis, Director, County Transportation Department, that the Lease Agreement for Florida Department of Transportation buses and equipment (4 1974 Mercedes buses equipped with wheelchairs) approved by adoption of resolution 4/11/78 and executed 4/26/78, be revised to allow replacement of one of the four 1974 Mercedes bus by a 1976 Mercedes bus, the County Attorney submitted and recommended adoption of

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RESOLUTION APPROVING LEASE AGREEMENT FOR
DEPARTMENT OF TRANSPORTATION BUSES AND EQUIPMENT
AND AUTHORIZATION EXECUTION THEREOF

and explained that this document supercedes the previous lease agreement.

Motion was made by Mr Parrish to adopt Resolution approving revised lease agreement. Motion was seconded by Mr Fowinkle and carried unanimously.

RESOLUTION/AGREEMENT RECORDED S5-120
S5-120A

GOLF COURSE: SPECIAL WORK/SERVICE AGREEMENT

Motion was made by Mr Parrish to approve Golf Course Special Work/Service Agreements to employ:

- 1) James W. Kelly - Golf Cart Attendant & Range Picker
- 2) John J. Reynolds - Golf Cart Attendant

from September 1st to December 1st, 1978, at \$2.69 per hour.

Motion was seconded by Mr Fowinkle and carried unanimously.

RECORDED S5-121
S5-122

MCUS USE PERMITS - SR 683 & SR 43

Upon motion by Mr McClure, seconded by Mr Parrish, resolutions were unanimously adopted authorizing application to the State Department of Transportation on behalf of Manatee County Utilities System for Use Permits for construction and maintenance of utility lines within the rights of way of

- 1) State Road 683, Section No. 13100
- 2) State Road 43, Section No. 13020

RESOLUTIONS RECORDED S5-123
S5-124

EASEMENTS ACCEPTED (LINDLEY; ROSDALE)

Upon motion by Mr McClure, seconded by Mr Fowinkle, the following utility easements in Elwood Park Subdivision were unanimously accepted on behalf of the Manatee County Utilities System:

- 1) RUPERT H. & SHIRLEY I. LINDLEY - 10' permanent easement
- 2) S. NORMAN ROSEDALE - 10' permanent easement

LAWSUIT: JEFFRESS vs SUPERVISOR OF ELECTIONS
TAX COLLECTOR; PROPERTY APPRAISER

The County Attorney referred to his letter dated September 12, 1978 Re:

Robert O. Jeffress vs. Jerome Davis as
Supervisor of Elections, Sam Cornwell as Tax
Collector and Archie Powell as Property Ap-
praiser, Case No. CA-78-1527 in Circuit Court
of Manatee County, Florida, involving the
special election for the Bradenton Downtown
Development Authority

and the subsequent written concurrence of all three said Constitutional Officers, and he recommended the Board approve, ratify and confirm the authority for the office of the County Attorney to represent these constitutional officers in this litigation, and outlined his fees.

Motion was made by Mr McClure to approve recommendations of the County Attorney set forth in his letter dated September 12, 1978. Motion was seconded by Mr Fowinkle and carried unanimously.

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AGRICULTURE EXTENSION SERVICE - TELECOMMUNICATIONS AGREEMENT

In order to correct error (clerical) in Telecommunications Service Agreement by General Telephone Company to furnish telephone service to the County Agriculture Extension Service, approved and executed June 6, 1978, Mr Fortson moved to rescind that and approve Revised Telecommunications Service Agreement Motion was seconded by Mr Fowinkle and carried unanimously.

✓ RECORDED

S5-125

ELWOOD PARK - LAWSUIT: COOKSEY; BASS; ET AL - FINAL SETTLEMENT

In connection with Lawsuit: Edison Cooksey, et al vs. James P. Bass, et al, Case No. CA 75-510; 27-11, the County Attorney announced and submitted into record copies of Final Judgment of said lawsuit, ordered June 6, 1978, establishing:

- 1) Boundary lines of various properties involved in this litigation;
- 2) 30 ft. roadway between Tracts 18 and 89 of Elwood Park Subdivision to be opened to the public and all barriers removed;
- 3) Providing for right of way alignment between tracts 20 and 87 to come from the lands of the plaintiffs.

✓ RECORDED

S5-126

GOLF COURSE: BREAK-IN/ROBBERY

The County Attorney submitted a letter from R.B. Shore, Clerk of the Circuit Court in regard to the break-in and robbery of the County Golf Course, recommending that the County stand the loss as if it were self-insured; and that Mr Holt receive payment to cover his personal loss, if and when the amount can be satisfactorily substantiated.

The County Attorney suggested the Golf Course absorb the loss, with appropriate bookkeeping entry to indicate same. Following brief discussion, the matter was referred to him for further investigation and recommendations.

LOCAL GOVERNMENT COMPREHENSIVE PLANNING/LAND USE SEMINAR

Due to his commitment with the Property Appraisal Adjustment Board, which will preclude his personal attendance of the Seminar on Local Government Comprehensive Planning and Zoning Land Use for attorneys in conjunction with the convention of State Association of County Commissioners in Ft Lauderdale, Mr Fay asked if there were any objection to his associate attending this seminar (at his own expense). There were no objections.

HEALTH & REHABILITATIVE SERVICES - MEDICAL EXAMINERS: CONTRACT

The Board deferred action on the annual Contract with the Department of Health and Rehabilitative Services and the Medical Examiners Commission of Manatee County, whereby the Medical Examiners Commission reimburses the County in the amount of \$20,768.00 during next fiscal year, pending review and approval of the County Attorney.

MINUTES/APPROVED

Motion was made by Mr McClure to approve Minutes of

- SPECIAL MEETINGS: August 10, 1978 (A.M.)
August 10, 1978 (P.M.)
REGULAR MEETING: August 15, 1978.

Motion was seconded by Mr Parrish and carried unanimously.

BUDGET AMENDMENT

Upon motion by Mr McClure, seconded by Mr Parrish, resolution was adopted unanimously approving amendment of 1977-78 budget by item to item transfer:

SOIL CONSERVATION

From: Equipment
To: Telephone

\$200.00

✓ RESOLUTION RECORDED

S5-127

TOWER SQUARE SUBDIVISION: PART BOND RELEASE

By letter dated September 6, 1978, the County Engineer, advised that, based on certification of Max Rogers, Engineer of Record for Tower Square Subdivision, and inspections by the Highway Department, he recommended that \$63,296.20 of the \$64,396.20 bond be released to the owner and \$1,100 retained to cover work remaining to complete the project.

The County Attorney advised that the performance bond is in the form of a Letter of Credit from Ellis First National Bank dated March 28, 1978, and if it is the will of the Board to release this bond, it would be appropriate to write a letter to the bank authorizing releasing up to the amount \$63,296.20 and instructing them to retain \$1,100.

Motion was made by Mr McClure that a letter be written Ellis First National Bank to release up to \$63,296.20. Motion was seconded by Mr Fortson and carried unanimously.

BOND - DRIVEWAY PERMIT (FINK)

Upon motion by Mr McClure, seconded by Mr Fowinkle, the Board unanimously approved bond for

Driveway Permit No. 4343
JOSEPH FINK - Cash Bond \$250.00

BILLS FOR PAYMENT

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

Strand Auto Lease, Inc. (Co. Employee Acc.)	\$	99.76
Refunds: Susana Orduna (EMS, ambulance)		10.00
Lillian Fox (EMS, sheet replacement)		10.39
Valley M. Seabaugh (OB Clinic)		50.00
Beverly D. Williams (OB Clinic)		50.00
Professional Ancillary Services		50.00; \$50.00
Manatee Memorial Hospital (Welfare)		4,664.31; \$21.25
Manatee Memorial Hospital (OB Clinic)		2,540.88; \$35.50
Lehman, Foley & Schermer		2,211.50
Mann & Fay (Month of August 1978)		5,800.00
State Department of Revenue (Co. Golf Course Month of August 1978)		1,208.82

and authorize Chairman to execute Sales and Use Tax Report.

WARRANT LISTS

Motion was made by Mr Parrish to approve Warrant Lists from September 5 to September 12, 1978 and to authorize Warrant Lists to September 26th, 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 Fortson and carried unanimously.

CORRESPONDENCE

The Chairman read correspondence from:

1. Judge Gilbert A. Smith, advising that he has appointed Layon F. Robinson II, as substitute member to serve on the Canvassing Board Wednesday, September 13, 1978.
2. John J. (Toby) Holland, Mayor, City of Palmetto, submitting Palmetto Resolution No. 78-22 registering opposition of City of Palmetto to proposed \$40,000,000 Road Bond Issue.

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Cont'd

3. Gene Fogarty, President, Downtown Bradenton Beautification Association, requesting permission for Manatee High School to hold band concerts on the North lawn of the Courthouse for approximately forty-five minutes at noon on Fridays, commencing in November.

COURTHOUSE LAWN - MANATEE HIGH SCHOOL

Motion was made by Mr Fowinkle to authorize the use of the lawn by the high school. Motion was seconded by Mr McClure and carried unanimously.

WEST COAST INLAND NAVIGATION DISTRICT

Upon request by Commissioner Fortson for update on activities of West Coast Inland Navigation District, Commissioner McClure stated that he would contact the Director of WCIND and arrange a work session after the Property Appraisal Adjustment Board meetings are finished. There were no objections.

MEETING ADJOURNED

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

Attest:



Clerk

APPROVED:



Chairman