

NOVEMBER 28, 1978

The Board of County Commissioners, Manatee County Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, November 28, 1978 at 9:02 a.m.

Present were Commissioners
 Louis E. Driggers, Chairman
 Patricia M. Glass, Vice Chairman
 Lamar S. Parrish
 Claude E. McGavic
 L.H. Fortson, Jr

Also present were:
 E.N. Fay Jr, County Attorney
 D.B. Collier, County Administrator
 L. Frappier, Deputy Clerk representing R.B. Shore, Clerk

Representing the various news media were Betty Kohlman, St Petersburg Times; Mike Todd, Sarasota Herald-Tribune; Colin Moore, The Islander; Norma Gill, the Bradenton Herald; Ralph Janotti, WTRL; and/or other agents who entered during the meeting.

The meeting was called to order by the Chairman.

Invocation by Rev. Pete Biley, Christian Retreat.

LOT CLEARING - LC-1227

The Chairman announced that the property described in LC-1227 had been mowed and no action is necessary.

FOWINKLE; McCLURE

Upon motion by Mr Fortson, seconded by Mr McGavic, resolutions were unanimously adopted in recognition of services rendered Manatee County by Robert W. Fowinkle and Dan P. McClure, during their respective terms as County Commissioners.

RESOLUTIONS RECORDED S6-33
 S6-34

ORDINANCE NO. 78-7 - SALE OF ALCOHOLIC BEVERAGES

The Chairman opened Public Hearing for purpose of considering adoption of ORDINANCE NO. 78-7 (as published in the Bradenton Herald November 6, 1978).

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, MAKING CERTAIN FINDINGS OF FACT REGARDING ESTABLISHING THE HOURS FOR ALLOWING THE SALE OF ALCOHOLIC AND INTOXICATING BEVERAGES WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA, ESTABLISHING THE HOURS FOR THE SALE OF ALCOHOLIC AND INTOXICATING BEVERAGES WITHIN THE UNINCORPORATED AREAS OF MANATEE COUNTY, FLORIDA; PROVIDING A PENALTY FOR VIOLATIONS THEREOF; DEFINING CERTAIN TERMS USED HEREIN; AND PROVIDING AN EFFECTIVE DATE

The County Attorney explained that the Ordinance establishes the fact that no alcoholic beverages may be sold, consumed, served or permitted to be served or consumed in any place within the unincorporated areas of Manatee County, holding a license under the Division of Alcoholic Beverages and Tobacco between the hours of 2:30 a.m. and 7:00 a.m. of same day, and stated that the Ordinance is to take effect immediately upon receipt of official acknowledgment from the Office of the Secretary of State of the State of Florida that this Ordinance has been filed with that office.

No one spoke on the Ordinance; Public Hearing was declared closed.

Motion was made by Mr Fortson that Ordinance No. 78-8 be adopted.

Motion was seconded by Mr Parrish and carried unanimously.

ORDINANCE RECORDED S6-35

HUMAN SERVICES

Regis Chapman, Director, Department of Human Services, submitted requests for approval outlined in his letter dated November 22, 1978.

- (1) CETA Title I On-the-Job Training Contract, R-205, with Sunshine Utilities Equipment, Inc., \$4,468.00
CONTRACT RECORDED
- (2) Authorization for Chairman to sign revised Grantee's Release document for closeout of CETA Title III SPEDY Grant No. 12-5-018-32, to include \$767,846 total expenditures since inception of the Grant July 1, 1975 through the closing date May 14, 1977.
- (3) Certifications that the Manatee County CETA Prime Sponsor agrees to comply with provisions of the Comprehensive Employment and Training Act of 1978, and with subsequent Department of Labor instructions implementing requirements of the new law, for the following grants:
 - (a) 12-9-0165-10 (Title I)
 - (b) 12-6-1216-21 (Title II, Mod 907)
 - (c) 12-9-0165-48 (YETP) Title III
 - (d) 12-9-0165-38 (YCCIP) Title III
 - (e) 12-7-0030-60 (Title VI, Mod 905)
- (4) Modification of Contract No. 79 MP-1-H-8-51-01 with Department of Community Affairs, Office of Manpower Planning, to operate Economic Development Coordination Project, extending the project from 3 to 12 months for period October 1, 1978 through September 30, 1979, and increasing project from \$2,678 to \$10,500 for purpose of coordinating employment and training programs with local economic development efforts.
- (5) Approval of CETA Title II regular positions at Parks and Recreation for purpose of staffing the Multi-Purpose Community Center:

Add: 1 Center Director, Pay Grade 25, \$4.65 per hour
1 Groundskeeper II (Maintenance) Pay Grade 7, \$3.14 pr hour.

There were no objections to recommendation by County Administrator that item 5 be deferred until later in the meeting for further discussion in connection with operation and maintenance of the Multi-Purpose Center.

Motion was made by Mr Fortson to approve Items 1 through 4 as outlined. Motion was seconded by Mrs Glass and carried unanimously.

PURCHASING DEPARTMENT

William Mullon, Director, Purchasing Department, submitted recommendations outlined in his letter dated November 22, 1978.

1. ONECO ROAD GAS STATION
 - a. Accept proposals for gas station demolition
 - b. Award to low bidder - Marine Contractors, @ \$4380.00
 - c. Authorize Purchase Order
2. EMERGENCY MEDICAL SERVICES
 - a. Accept proposal from Palmetto Trailer Sales
 - b. Waive bid procedure
 - c. Approve sole source procurement (Palmetto Trailer Sales, \$8,000.00)
 - d. Authorize Purchase Order

Motion was made by Mr Parrish to waive bid procedure and author-

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ize Mr Mullan to purchase the trailer from Palmetto Trailer Sales at \$8,000.00. Motion was seconded by Mr Fortson and carried unanimously.

VARIOUS DEPARTMENTS

3. Typewriter Service Agreement - Bid No. 79-05
 - a. Award to lowest bidder, Professional Business Systems
4. Batteries - Bid No. 79-08
 - a. Reject all bids
 - b. Procure from State Contract (Allman Batteries, Orlando)

AGRICULTURE CENTER

5. Concrete slab for Ag. Center Entertainment Building at the Fairgrounds (7475 square feet for floor)
 - a. Advertise for bids

Motion was made by Mr Fortson that Items 1, 3, 4, 5 be approved. Motion was seconded by Mr Parrish and carried unanimously.

PARTICIPATION PROJECT

Bob Moon, Right of Way Agent, advised that 6th Street Court East, North of 57th Avenue, East, (1256.5 feet) meets the requirements as Participation Project (No. 5009) with eighty-four percent (84%) of the property represented by signatures of the owners.

Motion was made by Mrs Glass to accept the project (authorize the Engineering Department to proceed with the survey, plans and estimates). Motion was seconded by Mr McGavic and carried unanimously.

JAIL SITE

Chairman Driggers made reference to an offer (by letter) from Stephen J. Hatch, East Lansing, Michigan, for Winter Limited, No. 1 and Winter Limited No. 2, to sell to the County for use as jail site, 16 acres of land near U.S. 301 and Canal Road, East of Palmetto. He stated that Mr Hatch requested a response to his offer by November 30th.

After a brief discussion, it was the concensus of the Board to reject the offer and notify Mr Hatch by letter that the Board has determined the property not adequate for the jail site.

A work session with the Jail Site Committee is to be scheduled in the near future.

PROPERTY EXCHANGE - SCHOOL SITE

Dr William Bashaw, Manatee County School Board, proposed to exchange ten acres adjacent to Whitfield Elementary School in Whitfield Estates, for ten acres of County property in Palma Sola area (near 75th Street West and 15th Avenue Northwest) to be used as site for construction of an elementary school.

Further action was deferred, pending Commissioners' inspection of the sites.

DRAINAGE EASEMENT

Randall Crabtree, attorney representing developers of a ten-acre parcel at 19th-22nd Avenue and 37th-29th Street West, proposed an exchange of certain easements within this tract, which had recently been annexed into the City of Bradenton; that the preliminary plan which had been developed shows a 20 foot drainage easement across right of way dedicated to the County by the "Inslee Heirs" in 1954.

Following brief discussion, action was deferred, pending investigation by the County Highway and Engineering Department and discussion with City Engineers.

RECESS/RECONVENE

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

BILLS FOR PAYMENT: RUSSELL & AXON

Motion was made by Mr Parrish to authorize payment of invoices for authorized engineering services on various MCUS projects, to be made from the Water and Sewer Construction Fund to

Russell & Axon in the amount of \$6,084.12

Motion was seconded by Mr Fortson and carried unanimously.

EASEMENTS (TOLAR; LINGO)

Motion was made by Mr Fortson to accept and authorize recordation of utility easements from

- 1) O.V. & Ruthie Tolar
- 2) Woodrow W. & Linnie I. Lingo.

Motion was seconded by Mr Parrish and carried unanimously.

STATE ROAD 70; STATE ROAD 55 (MCUS USE PERMITS)

Upon motion by Mr Fortson, seconded by Mr Parrish, Resolutions were unanimously adopted authorizing applications the 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 70, Section 13160
- 2) State Road 55, Section 13130

RESOLUTIONS RECORDED S6-36
S6-37

LAWSUIT: CITY OF PALMETTO (WATER SERVICE/SNEAD ISLAND)

Following a brief progress report on the litigation, City of Palmetto vs Manatee County, in connection with provision of water service to Snead Island, Hookers Point and other areas west of the City of Palmetto, the County Attorney and County Administrator were instructed to schedule a work session as soon as possible and invite Palmetto City officials to participate in an attempt to resolve the water service problem.

MUNICIPAL AUDITORIUM (CITY OF BRADENTON)

Alan Fabray, Director, Municipal Auditorium City of Bradenton, gave a progress report on the renovation of the City Auditorium, stating that, although the building is not one-hundred percent complete, the first program has been scheduled for December 3rd, and a formal open-house will be held January 14, 1979.

OBSTETRICAL SERVICES (INDIGENT/WELFARE PATIENTS) - AGREEMENT

The County Attorney submitted proposed Agreement for the Rendering of Obstetrical Services for Medicaid and Welfare Maternity Clinic Recipients,

between the County, Florida Department of Health and Rehabilitative Services and the medical firms of Simkus, Southerland, and Newhall, M.D.'s, P.A. and Sutton and Turner, M.D.'s, P.A.

Dr John Ambrusko, Director County Health Department and Charlie Russell, Director, County Welfare Department, recommended approval.

Motion was made by Mr Parrish to approve the Agreement, and authorize the Chairman to execute same. Motion was seconded by Mr Fortson and carried unanimously.

AGREEMENT RECORDED S6-38

SANITARY LANDFILL (LENA ROAD) - RATES REVISION

The County Administrator submitted letter from Lawrence M. Rhodes, Director, Manatee County Mosquito Control District, (5/3/78) recommending revised fee schedule for the use of the County Sanitary Landfill on Lena Road:

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Cars	\$.50
Cars w/trailers	1.00
Pick Up trucks	1.80
Pick Up trucks w/trailer	2.50

Motion was made by Mr Parrish to instruct the County Attorney to prepare necessary document to implement the rates schedule as recommended. Motion was seconded by Mr McGavic and carried unanimously.

HOUSING FINANCE AUTHORITY (PROPOSED)

Bob Fernandez, Assistant County Administrator, made a presentation on recently enacted Florida Housing Finance Authority Law, which provides for the creation of a Housing Finance Authority for purpose of alleviating shortage of housing and capital for investment in housing. He said the Department of Community Affairs has tentatively scheduled a seminar in Tampa, December 19, 1978.

The County Attorney pointed out the possibility of legal problems that could arise from any attempt to mesh a Housing Finance Authority with the County Housing Authority already in existence.

TRAVEL AUTHORIZATION

Motion was made by Mr Fortson to authorize travel for any Board Member who desires to attend the seminar on Housing Finance in Tampa December 19th. Motion was seconded by Mr Parrish and carried unanimously.

COUNTY HEALTH DEPARTMENT - BUDGET

Motion was made by Mr Parrish to approve and authorize the Chairman to execute the Operating Budget for Manatee County Health Department, for fiscal year beginning July 1, 1978 and ending June 30, 1979. Motion was seconded by Mrs Glass and carried unanimously.

MEMORANDUM OF UNDERSTANDING

Motion was made by Mr Fortson to approve and authorize the Chairman to execute Memorandum of Understanding, to certify that the Board of County Commissioners agreed, in regular session September 26, 1978, to levy a tax of .2281 for the operation of the County Health Department during fiscal year ending September 30, 1979. Motion was seconded by Mr Parrish and carried unanimously.

MULTI-PURPOSE CENTER

The County Administrator reported that CETA funds are available to staff one maintenance position in the Multi-Purpose Center and that using agencies are willing to arrange their programs on a scheduled basis, reducing County staffing requirements. He recommended, therefore, the employment of one full-time director, the CETA maintenance personnel, and transfer approximately \$16,547 from Reserve for Contingency to cover the salary of the Director, purchase the necessary equipment and pay monthly utilities.

Andrew Liedecker suggested programs be set up for teaching bicycle safety to children.

Barbara Sheppard requested emphasis be retained on the use of the facility by the elderly and handicapped.

Motion was made by Mrs Glass to fund the Multi-Purpose Center as outlined by the County Administrator. Motion was seconded by Mr McGavic and carried unanimously.

HUMAN SERVICES:

The County Administrator referred to Item 5 of the Human Services

presentation earlier in the meeting, and recommended it be amended to add one position (CETA II Groundskeeper II) instead of two.

Motion was made by Mr Fortson to approve Item 5, to accept Mr Collier's recommendation for one person instead of two. Motion was seconded by Mr Parrish and carried unanimously.

PERSONNEL: OFFICE SPACE, WALCAID BUILDING

Bob Fowler, Personnel Director, estimated it would cost \$6,800.00 to rehabilitate the County owned building currently occupied by the Personnel Department, and submitted a cost estimate for rental of 1368 square feet of office space in the Walcaid Building, @ \$5.75 per square foot - \$655.50 per month.

Following brief discussion, Mr Fortson moved to authorize the Purchasing Director and the County Administrator to negotiate a lease on the facilities (in the Walcaid Building) for presentation back to the Board. Motion was seconded by Mrs Glass and carried unanimously.

PLANNING & DEVELOPMENT - PHOSPHATE MINING INSPECTOR (PROPOSED)

Charles Carrington, Planning Director, proposed combining the existing position of Chief of Inspection Services in the Department of Planning and Development, and the proposed Phosphate Mining Inspector position, and modifying the job description to combine responsibilities of both positions upon the retirement of the present Chief, Robert Brown, in February 1979.

The County Administrator concurred with the Planning Director that the Mining Inspector position would be appropriately located in the Planning Department, and that his primary function would be as "Code Enforcer".

Mr McGavic recommended retaining Chief of Inspection services in the Planning Department, with a separate position of Mining Inspector to be located in the Pollution Control Department. The Pollution Control Director and Mr Parrish concurred.

Marge Peters, representing the League of Women Voters, as Chairman of its Local Government Study and Growth Committee, expressed the League's support of the employment of a Mining Inspector.

Following lengthy discussion, action was deferred to December 5th for further discussion and decision.

OVERALL ECONOMIC DEVELOPMENT PLAN MEMBERSHIP (CRAYTON)

Based on recommendation of the County Administrator and Regis Chapman, Mrs Glass moved to appoint

Frank Crayton, 911 31st St. E., Palmetto
to represent the un/underemployed of Manatee County
on the Overall Economic Development Committee. Motion was
seconded by Mr Fortson and carried unanimously.

PRIVATE STREET NO. 41

The County Attorney submitted for adoption

RESOLUTION APPROVING PRIVATE EASEMENT
AS PRIVATE STREET

approving a certain thirty foot easement, identified as Private Street 41, and deemed adequate under present circumstances as access to four parcels of land owned by Charles H. and Elizabeth S. Ball; Larry V. and Ruth E. Rathburn; and Lawrence D. and Kathleen B. Reno, fronting or abutting on said easement.

Motion was made by Mr Fortson to adopt resolution approving the Private Street. Motion was seconded by Mr McGavic and carried unanimously.

RESOLUTION RECORDED S6-39

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INSURANCE: WORKMEN'S COMPENSATION CLAIM/MASTERSON

In connection with Workmen's Compensation Claim involving a former County Highway/Engineering employee
 William R. Masterson
 Claim No. 228-38-0740
 D/a 3/22/77

the County Attorney proposed a lump sum settlement in the total amount of \$2,250.00, as follows:

a) A 5% permanent partial disability -	\$1,491.00
b) For any and all future medical or remedial treatment required by claimant -	759.00
plus attorney's fee to Mr Masterson's attorney	562.50.

He stated that the proposed settlement has been conditionally approved by the Industrial Relations Commission, that by the acceptance of the proposed settlement, the County will secure full and final discharge of all rights of claimant/employee under Chapter 440.

Motion was made by Mr Fortson that the recommendations of the County Attorney be approved. Motion was seconded by Mr Parrish and carried unanimously.

LAWSUIT: (FLAMINGO CAY/HIGH SEAS RESTAURANT)

In connection with the lawsuit, Leroy Burns vs Manatee County in which Mr Burns claims that the County improperly rezoned certain property adjacent to the High Seas Restaurant along Manatee Avenue in the Flamingo Cay area, the County Attorney reported offer by Mr Burns to compromise by dropping the lawsuit if the Judge will enter an order to grant "neighborhood commercial" zoning on the property under litigation.

Mr Fortson recommended action be deferred until Thursday, November 30th, for participation by Flamingo Cay residents and recommendations from the Planning Director. There were no objections.

MULTI-PURPOSE CENTER (26TH AVENUE E.)

To certify that the County has received and expended \$150,000 for the Multi-Purpose Center through the Community Development Block Grant Program, motion was made by Mr Fortson to approve and authorize the Chairman to execute Certificate of Completion to U.S. Department of Housing and Urban Development. Motion was seconded by Mr McGavic and carried unanimously.

SHERIFF DEPT. - ANNUAL REPORT

Motion was made by Mr Fortson, seconded by Mr Parrish, to accept for the record Annual Report of Thomas M. Burton Jr., Manatee County Sheriff, for fiscal year ending 9/30/78, which had been inadvertently omitted from Minutes of a previous meeting (October 26, 1978). Motion carried unanimously.

BOND - CAYMAN TOO SUBDIVISION

Release was deferred on existing bond in the amount of \$54,549.00 on Cayman Too Subdivision, pending receipt of a new bond from William Ross in the amount of \$11,500 to cover cost of remaining in-completed improvements in the subdivision.

BILLS FOR PAYMENT

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

Bradenton Herald (Re: Condemnation suit)	\$ 459.00
Manatee Memorial Hospital (Welfare)	15,920.88
(OB Clinic)	2,117.40
Manatee Chamber of Commerce	10,000.00
(with remaining \$10,000 of \$20,000 appropriation to be paid after January 1, 1979).	

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Payment of invoices to W.R. Frizzell Architects, Inc., in the amount of \$18,016.71 was referred to the County Attorney for further research; and request by Bill Ring for refund of \$11.50 on duplicate electrical permit was referred to the Planning Department for recommendation.

WARRANTS LIST

Motion was made by Mr Fortson to approve Warrant Lists from November 21 to November 28, 1978, and to authorize Warrant Lists to December 5, 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 Parrish and carried unanimously.

HOUSEMOVING PERMIT (NO. 57, L. McDONALD)

Motion was made by Mr Parrish to approve application by

R. Walton to move a building for L. McDonald
from 2822 15th St. Parkway, East
to 1803 32nd Avenue, East
Pre-Moving No. 18460.

Motion was seconded by Mr McGavic and carried unanimously

SPEED LIMIT - 10TH STREET, PALMETTO, CITY OF

Based on endorsement of Manatee County Safety Council, and the request by the City of Palmetto that the speed limit on 10th Street (SR 43) from 28th Avenue West for .3 miles be reduced from 55 to 35 MPH, Mr Fortson moved to authorize the County Attorney to draft the appropriate resolution reducing the speed limit. Motion was seconded by Mr McGavic and carried unanimously.

MEETING ADJOURNED

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

Attest:

APPROVED:



Clerk



Chairman

Adj: 12:58 p.m.