

DECEMBER 5, 1978

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse in Bradenton, Florida, Tuesday, December 5, 1978 at 9:08 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  
R. Umana and L. Frappier, Deputy Clerks, representing R.B. Shore, Clerk

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

The meeting was called to order by Chairman Driggers.

Invocation by Rev. Gilbert Anderson, Bayshore Covenant Church.

HUMAN SERVICES

Regis Chapman, Director, Department of Human Services, submitted requests outlined in his letter, dated November 29, 1978.

- (1) Two CETA Title I On-the-Job Training Contracts:
  - (a) R-206, Boys Clubs of Manatee County, Inc., \$2,552.00
  - (b) R-207, Carmel Day Care Center, \$442.00

CONTRACTS RECORDED

- (2) CETA III HIRE Program On-the-Job Training Contract No. H-III-016, Automotive Aftermarket, Inc., \$3,317.00

CONTRACT RECORDED

- (3) CETA Title VI Project Occupational Summary Change for Parks and Recreation: Delete 1 Clerk-Typist, \$3.21 per hour  
Add 1 Secretary 1, \$3.28 per hour
- (4) Summary of Annual Reports submitted to the Department of Labor on programs operated through CETA Grants in Manatee County in fiscal year 1978. (for information only)

Motion was made by Mr Fortson to approve Items 1, 2, and 3, as outlined by Mr Chapman. Motion was seconded by Mrs Glass and carried unanimously.

PURCHASING DEPARTMENT

The County Administrator submitted Purchasing Department items outlined in letter, dated 12/5/78 from William Mullon, Purchasing Director.

VARIOUS DEPARTMENTS

1. Office Supplies - Bid No. 79-04
  - a. Award to lowest bidders
2. Transportation Fleet Update
  - a. Advertise for bids as per memorandum 11/14/78
    - 18 Pick-up trucks (Ag. Center; MCUS; Purchasing)
    - 3 Cab & chassis (E.M.S.; Motor Pool)
    - 1 3-wheel motor scooter (PBR)

There were no objections to request by Mr McGavic to defer Item

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1 (office supplies) to Thursday, December 7th, to permit further review of bids tabulation.

Motion was made by Mr Parrish to approve Item 2 as recommended. Motion was seconded by Mr McGavic and carried unanimously.

POPE ROAD

Based on recommendation by Bob Moon, Right of Way Agent, motion was made by Mr Fortson to accept Pope Road (8081 feet) for County maintenance under Florida Statute 95.361. Motion was seconded by Mr Parrish and carried unanimously.

BRADENTON BEACH, CITY OF - WATER SERVICE (CONNECTION FEE)

The County Administrator submitted and recommended approval of request by Richard F. Connick, Mayor, City of Bradenton Beach, by letter dated November 20, 1978, that the City Park located at intersection of Avenue A and 25th Street be permitted to connect, with a one-inch meter, to County water supply, and that any impact or connection fee be waived. The City agrees to pay all applicable user rates.

Motion was made by Mr Fortson to approve the request. Motion was seconded by Mr Parrish and carried unanimously.

PHOSPHATE MINING - MONITOR/INSPECTOR

The County Administrator requested that discussion of proposed Phosphate Mining Inspector position be deferred until Thursday, December 7th, in order that Building Contractors and others who have expressed an interest can be present to participate. There were no objections.

MANATEE COUNTY EXAMINING BOARD MEMBERSHIP (GREGORY)

The Planning Director stated that he concurred with recommendation of Donald F. Corbett, Chairman, Manatee County Examining Board, by letter dated November 9, 1978, that Gary Gregory be replaced due to his attendance record at Board meetings, (two meetings in two and one-half years) and Mr Fortson moved that the Chairman be authorized to so notify Mr Gregory by mail. Motion was seconded by Mr McGavic and carried unanimously.

Mrs Glass recommended that assistance of the press be enlisted to apprise the public when vacancies occur on the Examining (and other) County Boards.

SHERIFF'S DEPARTMENT - BUDGET/AMENDED

Motion was made by Mr Fortson to accept the amended budget of the Sheriff's Department, submitted by Sheriff Burton to reflect receipt of CETA/Grant monies for fiscal year 1978-1979:

- 1) Add \$84,377 - CETA Title VI Contract
- 2) Add \$5,114.00 - Federal Revenue Anti-Recession Contingency (Resolution adopted 9/26/78)
- 3) Add \$2,098.00 - CETA OJT-Y78-9

Motion was seconded by Mr Parrish and carried unanimously.

STATE ROAD 93 (I-75); STATE ROAD 683 (U.S. 301) - MCUS USE PERMITS

Upon motion by Mr Parrish, seconded by Mr McGavic, resolutions were unanimously adopted authorizing Chairman to execute applications on behalf of the Manatee County Utilities System to the State Department of Transportation for Use Permits to install utility lines within the rights of way of

- 1) State Road 93 (I-75) Section 13075-3404
- 2) State Road 683 (U.S. 301) Section 13120

RESOLUTIONS RECORDED

S6-41  
S6-41A

BILLS FOR PAYMENT: WATER SYSTEM IMPROVEMENTS

Based on recommendations of Herb Hayes, Russell & Axon, and D.E. Pittman, Director, Manatee County Utilities, motion was made by Mr Fortson to authorize payment of invoices from the Water & Sewer Construction Fund to

RUSTY PLUMBING, INC.

Estimate #1 \$12,861.17  
(Elevated Tank #3, Part B,  
Project No. 630-761-08)

Estimate #5 4,225.33  
(Elevated Tank #2, Part B  
Project No. 630-761-01 (7692-1))

Motion was seconded by Mr Parrish and carried unanimously.

MOUNT VERNON SHOPPING PLAZA - ZONING/VARIANCE (PARKING)

Gilbert Waters, owner Mount Vernon Plaza Shopping Center, requested a variance of 21 parking spaces to permit construction of a restaurant (Fish & Chips). He stated that the majority of customers who patronize the shopping center live in Mount Vernon Subdivision, and either walk or ride bicycles to shop; that due to this absence of automobile traffic, he feels the 121 planned parking spaces in the shopping center are adequate to accommodate any additional vehicles brought in by customers patronizing the proposed restaurant.

The Planning Director stated that, although parking requirements for restaurants are more severe than for normal commercial space, (one parking space for every two seats) due to the nature of this shopping center, he deems the existing parking area adequate, and recommended waiver of the requirement for additional 21 spaces to accommodate the Fish & Chips Restaurant.

Motion was made by Mr Fortson to approve the request for waiver as recommended by the Planning Director. Motion was seconded by Mr Parrish and carried unanimously.

MANATEE COUNTY BUS SERVICE

Al Grossman, interested citizen, expressed concern about what he had read in a recent newspaper involving changes in the County bus service and schedules. Andrew Liedecker alleged that bus drivers are violating the franchise agreement by changing bus routes in the Oneco area for no apparent reason.

U.S. 41 - SPEED

Ernie Stengl, who commented on need for reduction in speed limit from 55 to 45 MPH on U.S. 41, from 53rd Avenue South to Bowlee's Creek, was referred to Sam Cornwell, President of the Manatee County Safety Council, for review and recommendations by the Council.

COUNTY GOLF COURSE

The County Administrator reported that statistics furnished by John Marble, Parks & Recreation Director, indicated that attendance and revenue at the County Golf Course during the months of October-November 1978 is up from same period in 1977: Attendance by 3183 players; revenue by \$15,810.00

EXCHANGE OF PROPERTY (PROPOSED) - SCHOOL SITE

Following brief discussion, the County Administrator was instructed to schedule a work session as soon as possible to discuss the exchange or negotiation for outright purchase of the county owned property in Palma Sola by the County School

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Board as an elementary school site. It was suggested that the Whitfield Zoning Board members be notified in order that they might attend.

SPEED LIMIT - 10TH STREET (CITY OF PALMETTO)

Mr McGavic moved for adoption of resolution establishing speed limit on County maintained road as follows:

10th Street in Palmetto, Florida, also known as State Road 43, from its intersection with 28th Avenue in a westerly direction for a distance of three-tenths of one mile.

Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDED S6-42

ATTORNEY FEES (INDIGENT CASES)

Upon motion by Mr Fortson, seconded by Mr McGavic, payment of attorneys' fees (Court order by Judge Claflin Garst Jr.) was unanimously authorized, as follows:

- 1) Attorney Scott M. Brownwell - \$250.00  
(Case # 78-789MP, J.C. Thomas)
- 2) Attorney Veronica E. Narbut - \$500.00  
(Case #78-00444MB, Christy Kelly  
a/k/a Christy Smith)

OFFER OF GIFT OF PROPERTY - TRAILER ESTATES (ROBINSON)

In connection with the offer of a gift of approximately 3.82 acres at the intersection of Bay Drive and American Way, to be used by the County as a park, the County Attorney advised that the property was owned by various individuals doing business as Manatee Utilities Company, and it had not been determined that Helen Robinson was acting as agent with power of attorney to make this a bona fide offer; and that there can be problems in connection with deed restrictions and utility easements.

Action was deferred pending the County Attorney communicating with Mrs Robinson in an effort to resolve the problems outlined.

LAWSUIT: STATE OF FLA. vs EXXON CORP., ET AL (QUESTIONNAIRE)

The County Attorney referred to a Questionnaire recently received by the Purchasing Department from the Court in litigation

Re: State of Florida on behalf of itself and its public entities and residents, Plaintiff, vs Exxon Corporation and other petroleum product companies, in the United States District Court for the Central District of California

in which it was requested that public entities and districts in the State of Florida assist the Court in determining the extent, if any, to which Manatee County may have been subjected to the alleged antitrust violations in the sale of petroleum products and any resulting damages.

He recommended that the Purchasing Director be authorized to complete the Questionnaire and submit to the Board for approval, and mail to the U.S. District Court to arrive on or before January 10, 1979.

Mr Fortson moved that recommendations be approved and Mr Mullan (Purchasing Director) be authorized to complete the Questionnaire. Motion was seconded by Mrs Glass and carried unanimously.

HIDDEN LAKES SUBDIVISION - DEED

Upon motion by Mr Parrish, seconded by Mr Fortson, the Board unanimously accepted Quit Claim Deed from Albert C. Haug on a 8 x 100' strip of land situated between the westerly lot line of Lot 1, Hidden Lakes Subdivisiion and the easterly right of way line of U.S. 41, for the sole purpose and intent to ratify and confirm the intended dedication of said 8' strip by the execution of said plat. (Recorded OR 923 page 1733)

SATISFACTION OF LIEN (LC-168)

Motion was made by Mr Parrish to authorize the Chairman to execute Satisfaction of Lien acknowledging full payment and satisfaction of certain Notice of Lien (LC-168) dated September 22, 1970 and recorded in OR Book 469, Page 584. Motion was seconded by Mr McGavic and carried unanimously.

BOAT RAMP (PALMETTO)

The County Attorney submitted and recommended adoption of

RESOLUTION APPROVING AND AUTHORIZING EXECUTION  
OF A FLORIDA BOATING IMPROVEMENT PROGRAM PROJECT  
AGREEMENT

to approve, ratify and confirm the execution by Chairman L.E. Driggers on behalf of Manatee County, the Agreement between the County and the Department of Natural Resources, Division of Recreation and Parks, dated November 8, 1978, for funds to finance the removal and replacement of an existing dock, expansion of a parking lot and installation of channel markers at the Palmetto Boat Ramp.

Motion was made by Mr Fortson to adopt the resolution. Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDED S6-43

JAIL SITE - W.R. FRIZZELL ARCHITECTS INC (INVOICES)

The County Attorney reported that the invoice from W.R. Frizzell Architects Inc. (in the amount of \$18,016.71) had been submitted only to apprise the Board of expenses incurred to date in connection with the jail site; that George Bail, representative of the firm, would be available to answer any questions at the work session on the jail site this afternoon.

BRADENTON BEACH FISHING PIER AGREEMENT

There were no objections to suggestion by the County Attorney that he attend the next meeting of the Bradenton Beach City Council and explain the details of the Agreement on the Bradenton Beach Fishing Pier.

TRAVEL AUTHORIZATION (DRIGGERS)

Upon motion by Mr Fortson, seconded by Mrs Glass, Chairman L.E. Driggers was unanimously authorized to travel to

- 1) St Petersburg, December 11, 1978  
(Tampa Bay Regional Planning Council monthly meeting)
- 2) Washington, D.C., December 12-13, 1978.  
(National Association of Counties meeting)

OAKWOOD ACRES SUBDIVISION

Based on recommendation of E.L. Dougherty, Director, Highway and Engineering, by letter dated October 25, 1978, and certification of Leo Mills, Engineer of Record for the project, motion was made by Mr Fortson to accept streets and drainage in Oakwood Acres Subdivision for County maintenance. Motion was seconded by Mr McGavic and carried unanimously.

MINUTES APPROVED

Motion was made by Mr Fortson to approve Minutes, with correction

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of November 7th, as follows:

SPECIAL SESSION - November 2, 1978  
 REGULAR SESSION - November 7, 1978, with Page 376 corrected  
 to Taru Road instead of  
 "Farm Road"  
 REGULAR SESSION - November 14, 1978.

Motion was seconded by Mr McGavic and carried unanimously.

BILLS FOR PAYMENT

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

Fla. Local Environmental Regulations Assoc. (Membership Dues, Pollution Control)	\$ 25.00
Zickafoose Financial Services, Inc. (Deposit to Workmen's Comp. Fund)	7,500.00
Mann & Fay (Nov. 1978)	7,646.71
Dr. Lehman & Associates (Med. Examiners)	2,102.07

BOND

Motion was made by Mr Fortson to approve bond, as follows:

Moving & Alteration of Building  
 Robert Walton for Larry McDonald  
 Cash Bond - \$1,500.00  
 Pre-Moving No. 18460; Moving No. 18972

Motion was seconded by Mr Parrish and carried unanimously.

WARRANT LISTS

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

FAIRLANE ACRES SUBDIVISION (UTILITIES SERVICES/CHARGES)

Mrs Glass relayed questions raised by residents of Fairlane Acres Subdivision concerning utility services provided to them and billed through Fairlane Acres, Inc.

It was brought out during discussion on regulatory procedures pertaining to the provision of utility services and rates that this could possibly be a matter which should be referred to the Consumers Protection Service. The County Attorney volunteered to discuss it with the Consumers Protection Advocate in the State's Attorney office and make recommendations to the Board. There were no objections.

MEETING ADJOURNED

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

Attest:

APPROVED:

  
 Clerk

  
 Chairman

Adj: 10:50 a.m.