

COMMUNITY CARE CENTER

JULY 22, 1977

The Board of County Commissioners of Manatee County, Florida, met in Special joint session with the Manatee County Planning Commission in the Court House in Bradenton, Florida, Friday, July 22, 1977 at 9:00 A. M.

Present were Commissioners:

Louis E. Driggers, Chairman  
Lamar S. Parrish  
L. H. Fortson, Jr.  
Kenneth D. Dierks

Planning Commission Members:

Gordon Bartle  
Robert H. Hoffman  
Fay Firkins  
George Hooper  
Ms. Ann Bott  
Seymore Sailes  
Sam Hayden

Absent were Dan P. McClure and  
E. N. Fay, Jr., County Attorney

Also present were  
John Sands, Deputy Clerk

Charles Carrington, Director  
Planning and Development  
Jerry West, Assistant Director

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The meeting was called to order by Chairman Driggers, who stated the purpose of the meeting was to consider SE 673 and SE-879 (Petitioners: Robert G. Roskamp, David M. Veltman and Donald K. DeVries).

Legal notice had been advertised that the Manatee County Planning Commission and the Manatee County Commission would hold a joint public hearing at 9:00 A.M. on the 22nd day of July 1977 in regards to reconsidering Special Exception 879 which granted approval of a nursing home and necessary related uses to Roskamp, Veltman and DeVries on February 17, 1976 at 5620 26th Street W., Bradenton (Sunset Acres).

Charles Carrington, Planning Director, referred to the request for a nursing home for the elderly, which was approved with stipulations that the building be restricted to 120 beds, at which time a two-year extension was granted in order for the applicant to complete 25 percent of the construction. He identified correspondence on file from Marjorie B. McCory and J. Kenneth McCory, 4207 52nd St. Ct. W. Wendell Thompson, 5617 27th St. W. (and Eloise Thompson) objecting to project; and from Ms. J. Hodge, 2805 57th Ave., in favor of the project.

Acknowledged for the record was a letter from David and Mary Benson and a petition with 212 signatures protesting the building of an institution for 120 retarded adults.

Mr. Carrington read a synopsis of developments of SE-673 and SE-879; the approval for a nursing home for the elderly, which they changed to a use to serve the mentally retarded when application for Certificate of Need for a nursing home could not be obtained; change of use made without contact with Planning and Development Department or the County Commissioners; building permit obtained, site cleared but construction halted until after this public hearing. Some minor changes made as to location and structure increased from 53,000 square feet to 53,600 square feet; however number of rooms, floor plan basically the same and architectural design remains as in original plan. Since there has been a change in the type of patients to be housed on the site the Commissioners need to make a determination on the impact this will have on the surrounding residential neighborhood.

Larry Stagg, attorney representing Community Care, Ltd., appearing with Mr. Roskamp and Mr. Veltman, made a presentation to the effect that they feel they have the correct zoning and correct special exception to construct a nursing home and the planned facility is a nursing home within all legal definitions of a nursing home; that their participation in this hearing should not be construed as a waiver of what they feel is their legal position; that the only change or difference in the type of care is intermediate as opposed to skilled care type of facility and in the identity of the patients.

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Mr. Roskamp described their efforts to obtain financing for a nursing home for the elderly and failure to obtain a Certificate of Need; that during the time they were attempting approval from the appropriate State agencies for an Intermediate Care Facility for the Mentally Retarded (ICF/MR) there were many newspaper articles and the matter was well publicized and copies of correspondence forwarded to County agencies (Health Department and Building Director). He submitted a Comparative Impact Report related to traffic, emergency services, economics, land use, availability of staff, and relationship to the neighborhood - of a nursing home for the aged as compared to a nursing home for the mentally retarded.

Board and Planning Commission members asked numerous questions regarding the screening of the patients, rates charged, type of training, work and recreational environment, workshop facilities and vocational training programs, etc., and the operation of similar facilities in other locations. These questions were answered in depth by Mr. Roskamp.

Peter M. Kreis, District VI Administrator, Florida Department of Health and Rehabilitative Services, was present to answer questions regarding Retardation Service programs, certification of eligibility and the payment of third-party funds to provide that service (ICF/MR medicare reimbursement available as well as other state and federal funds). Mr. Kreis clarified his letter of July 13, 1977 regarding nursing homes and facilities for the mentally retarded, one essentially a medical care facility and the other requiring care and habilitation which would make it possible for the active adults to integrate back into the community.

Members of the Planning Commission expressed concern as to risk to the community if patients are uncontrollable and if they are capable of coping with traffic problems.

Bob Rogan, Supervisor for Retardation Programs, District 6 HRS, pointed out that these clients have to have twenty-four hour supervision to assure no risk to the community and that they are being cared for properly and can present problems if the facility is on a main thoroughfare. He said that ICF/MR is one of the means for depopulation of institutionalization (goal from 4500 clients to a little over 2000 living in large institutions in 1981), with preference that clients go into own homes, foster homes, group homes, ICF/MR and Sunlands, in that order.

Lois Murphy, stated she is running a program in St. Petersburg for 54 retarded adults, as part of the Pinellas Association for Retarded Citizens, and administering an ICF facility in Sarasota; that on the assurance of risk, there are no more criminal tendencies, etc., among the retarded than the normal population and any violations are more likely because of no structured programs and training; that the intent is to move clients from the facility into the community as productive individuals and constructive programs are essential.

Mr. Driggers read a letter from Wilson F. Wetzler, president, Manatee Junior College, stating that the College has no plans or any agreement to make available paraprofessional help or provide opportunities for social interaction (of retarded) at this time.

He pointed out that it had been established that the change in type of clients in this facility from those who would be in a nursing home would definitely affect the community, and would be a change in the use from the Special Exception granted for a nursing home for the elderly. Legal definition of "Nursing Home" may be necessary.

Bob Brown, administrator of Grovemont Nursing Home, questioned if IQ of clients 49 to 69 and if they would be eligible to become skilled nursing home patients in this facility. Mr. Roskamp's answer was negative; that this was an intermediate care facility and would be transferred to a proper facility (nursing home with appropriate license).

Question as to date application for nursing home was turned down was referred to the petitioner.

Ms. Cornelia Schenk, vice president of Manatee-Sarasota Association for Retarded Children, spoke of the need of such a facility in this area;

Ms. Dorothy Mallory, member of Manatee-Sarasota Association for Retarded Children, assured that there was no risk from retarded persons.

Jack Lewis, Florida Health Systems Agency, advised that application for certificate of need was turned down September 25, 1975; application for 1122 for ICF/MR was filed February, 1976 and approved June 24, 1976. The Certificate of Need law was changed July 1st of this year to include ICF/MR.

Among those present and speaking in favor of this ICF/MR facility in Manatee County were

Nancy Bjorklund (mother of a retarded child), a member of real estate profession, noted value of property affected by way it is maintained;

Bob Hartshorn, president of an ICF/MR facility located in Sarasota County, built by parents of retarded children at a cost of \$330,000 with no funds requested; concerned that if this facility turned down it will be loss to community, etc.

William Blake, 4722½ 27th Street W. - will welcome this facility if commissioners approve and will do all he can to help.

Eva Cochran, 2720 51st Ave. E. (mother of retarded daughter);

Dixie Grubbs, executive director, Manatee Retarded Citizens Assoc., opposed the location of the ICF/MR facility; endorsed smaller facilities in more suitable area; mentioned 80-acre site owned by Blake Memorial Hospital directors and plans for rehabilitation center.

Dr. Dickerson, chairman of Board of Directors of Blake Memorial, pointed out that hospital property not feasible for facility for mentally retarded, who do not need doctors and hospital care as they need resources engendered around public education, etc. Jobs, public transportation not available; location near Junior College, near areas where there are restaurants and industries (jobs); should be placed where they have resources and he feels Mr. Roskamp is qualified to construct and maintain this type of facility.

After lengthy question and answer period, the Chairman declared the public hearing closed.

Recognizing the need for such a facility in the Manatee-Sarasota area, Mr. Driggers stated there was no intent to discriminate against anyone, but there had been a change in the use of the Special Exception than had been granted and in view of the opposition from the people in this particular area the Board would have to make a decision on the change. He asked if the Planning Commission was ready to make a recommendation, and turned the meeting over to its chairman, Fay Firkins.

The Chairman of the Planning Commission called for expression of views from the members.

Mr. Hoffman moved for approval to grant special exception for the new type of facility (ICF/MR). Motion was duly seconded and the Chairman called for a vote to approve SE-879 for the new facility. Mr. Hoffman, Mr. Bartle and Mr. Sailes voted "Aye". Mr. Hooper, Ms. Bott and Mr. Firkins voted "No". Tie vote 3 to 3.

At the request of Ms. Bott the definition of a Nursing Home, page 157, paragraph 27, of Manatee County Zoning Ordinance, was read aloud.

Mr. Carrington advised that Planning Commission rules of procedure states that under Article VI in connection with required vote, "No recommendation shall be made to the governing body requiring a public

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hearing unless approved by a vote equal in number to a majority of the full membership of the commission" so a vote of four is needed to carry a recommendation.

Mr. Stagg advised that they were in no position to wait a considerable length of time as his people had waited on a reasonably agreeable basis for the necessary fifteen days advertising and it was understood that action would be taken one way or the other at this meeting so they could go ahead or if necessary proceed with other action.

The Chairman of the Planning Commission announced that a Special Meeting of that Commission would be held at the Planning Department on Monday, July 25, 1977 at 9:00 A. M.

County Commission Chairman Driggers stated that recommendation of the Planning Commission would be received and acted upon at the next regular Board meeting to be held Tuesday, July 26, 1977.

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

Attest:

*J. P. Stagg*  
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Clerk

APPROVED:

*Louis E. Driggers*  
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Chairman

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