

DECEMBER 14, 1978

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Courthouse, Bradenton, Florida, Thursday, December 14, 1978 at 11:17 a.m.

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

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

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

MANATEE COUNTY SAFETY COUNCIL

Sam Cornwell, President, Manatee County Safety Council, submitted recommendations of the Safety Council, as follows:

1. Pearl Avenue: Speed problems - no recommendation at this time.
2. 30th Avenue East, between 15th St. and 21st St. East - Change speed limit from 25 to 35 MPH
3. 9th Street Court East, between 49th Avenue and 51st Avenue East: Adopt resolution to legalize existing 25 MPH speed limit
4. Parking, next to Crown Lounge and ABC Liquor: Pass Ordinance No. 87 to restrict parking
5. 75th Street West, between 44th Avenue West and Manatee Avenue - Establish speed limit of 45 MPH
6. 51st Street West, between 17th Avenue and 44th Avenue West - Establish speed limit of 45 MPH
7. 9th Street East, from 57th Avenue East to 13th Avenue - Establish speed limit of 40 MPH
8. County Line Road, between 301 and Lockwood Ridge Road - Establish speed limit of 40 MPH
9. Wellon Ranch Road, from 301 to deadend - 25 MPH speed limit
10. Cortez Road and 75th Street West - Implementation of traffic light
11. Florida Blvd - No through truck traffic
12. Flamingo Cay Subdivision - Legalize 25 MPH speed limit signs; add more signs designating speed limit.

Motion was made by Mr Parrish to authorize the County Attorney to draw appropriate documents implementing these recommendations. Motion was seconded by Mr McGavic and carried unanimously.

GUN PERMIT (ARRINGTON)

Motion was made by Mr McGavic to approve application and adopt appropriate resolution granting gun permit for

William Thomas Arrington, 4401 34d Avenue N.W., Bradenton;
 (American States Insurance Company) - 2 years
 22 caliber Smith & Wesson Revolver, SN H85212, Mod. 34-1.

Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDED

S6-56

ZONING

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

SE-1148 TAMPA WHOLESALE CO. - GAS STATION - DENIED
(Ralph & Frances Coleman, owners) Request: Special exception to permit construction of a gasoline station on 4.37 acres at 15th Street East (US 301) & 51st Avenue E., Oneco, for an indefinite period of time. Planning Commission recommended APPROVAL with stipulation that site plan be amended to remove and re-locate gas pumps away from the ingress and egress portion of the site.

Tom Gallen, Attorney representing owners, stated that the changes stipulated by the Planning Commission are not acceptable, and the owners feel the changes would constitute denial of the application.

Motion was made by Mr Fortson to deny SE-1148. Motion was seconded by Mrs Glass and carried unanimously.

SE-1159 JACKSON McDANIEL - GAS STATION - APPROVED
(Robert Boylston, Attorney-Agent) Request: Special exception to permit a gasoline station in conjunction with convenience store on 1.14 acres east of 26th St. West and approximately 900' south of 44th Ave. W. Planning Commission recommended APPROVAL, with stipulation that no left turns be allowed on 26th St. W., and Right-Turn Only signs to be posted at both ingress/egress points.

Thomas Howze, representing the owner, stated that the stipulations are acceptable and the entrance will be placed at a point approximately 50 feet south of the median strip at Willow Run Apartments.

Motion was made by Mr Fortson to approve SE-1159 as recommended. Motion was seconded by Mr Parrish. Voting "Aye" were Commissioners Fortson, Parrish, Glass and McGavic. Chairman Driggers voted "Nay" Motion carried.

R-946 WILLIAM & MARY HAMSTRA - PR - APPROVED
(C. Anita Lioce, Agent) Request: To change the present zoning from R-2 to PR on 0.25 acre at 3825 26th St. W. to permit a real estate office. Planning Commission recommended APPROVAL, provided site plan as presented is followed.

Ms Lioce, owner-agent, stated that she plans to convert the existing structure (a five-bedroom house) on the property into a real estate office for herself and a maximum of 10 to 12 other real estate agents.

In response to question by Mr McGavic, the Planning Director advised that the stipulations of the Planning Commission could possibly constitute conditional zoning.

Motion was made by Mr Fortson to adopt appropriate resolution approving R-946 for PR zoning, without stipulations. Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDED ZONING
R-946

ZONING REGULATIONS (CONDITIONAL)

The County Attorney stated he would research the law pertaining to conditional zoning upon written request from the Planning Department, and submit his recommendations to the Board.

R-947 MARCUS F. RAYE - REZONE TO R - APPROVED
(S. Wilkinson, Agent) Request: To change present zoning from R-3 to R on 10.35 acres on the north

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side of 21st Street E. & 9th St. E., Palmetto. Planning Commission recommended APPROVAL, with stipulation that site plan be revised to include additional landscaping and buffering, and developer provide paving to nearest paved county road.

Sidney Wilkinson and Marcus Raye were available to answer any questions. Mr Wilkinson stated that the proposed project has been planned to meet the requirements of the Housing Authority for low cost housing; that the stipulations have been met as shown in a revised plan, with the exception of paving the access road.

Mr Raye stated that his plans include paving the access road, (Highway Department doing the work) but that he would like to work with the Highway Department to make this a participation project with property owners along 21st Street sharing the costs.

Motion was made by Mr Parrish to approve R-947 as recommended by the Planning Commission (by adoption of appropriate resolution). Motion was seconded by Mr McGavic and carried unanimously.

✓ RESOLUTION RECORDED

ZONING
R-947

There were no objections to recommendation of the Planning Director that R-948 and R-949, contiguous properties, be considered simulataneously:

R-948 JERRY & RHONDA ZOLLER - C-1 - APPROVED

(Meals on Wheels) Request: To change present zoning from R-1AA to C-1 on 0.36 acre at 801 23rd Avenue E. to construct a 70 x 90' building and parking to house central office, kitchen and dry storage area for Meals on Wheels.

Planning Commission recommended APPROVAL, with stipulation that parking and landscaping plans be submitted and approved by Planning Department prior to issuance of construction permit.

R-949 SHREVE & THERESA WOLTZ - C-1 - APPROVED

(Meals on Wheels) Request: To change present zoning from R-1AA to C-1 on 1.46 acres at 803-805 23rd Avenue E.

Planning Commission recommended APPROVAL for all property described in the legal description less the westernmost 247'x20' portion, and with stipulation that detailed parking and landscaping plans be submitted and approved prior to issuance of construction permit.

Mr Driggers, in whose district the properties are located, recommended approval.

Motion was made by Mr McGavic to approve R-948 and R-949, (by adoption of appropriate resolution) to include the deletion of the westernmost 247' x 20' portion of the parcel in R-949, but not to include stipulations pertaining to parking and landscaping in either R-948 or R-949. Motion was seconded by Mrs Glass and carried unanimously.

✓ RESOLUTION RECORDED

ZONING
R-948
R-949

CONFLICT OF INTEREST

Upon declaration by Chairman Driggers that his son-in-law is the realtor handling the sale of one of the parcels involved in

the above rezone action, and the declaration by Commissioner Fortson that he is also associated with the same firm of realtors, but has no interest in this particular transaction, the County Attorney advised that by these declarations, (of record) it is not necessary that conflict-of-interest forms be filed.

SE-1161 LAWRENCE & SANDRA SNYDER - M/H - APPROVED

Request: Special Exception to permit mobilehome in -A- district for five years with time waiver of 5 years to be located 702' south of Water Line Road & 2850' east of Zipper Road on 4.848 acres. Planning Commission recommended APPROVAL for five years, plus additional five years to be granted by Planning Director provided the area has not changed substantially.

Motion was made by Mr Parrish to approve SE-1161. Motion was seconded by Mr McGavic and carried unanimously.

SE-1162 VLASTA TABORSKY - M/H- DEFERRED

Request Special exception to permit mobilehome as a residence in an -A- district for an indefinite time, SE of 28th Ave., East, approximately 1290' south of 05th Street East, on 9.8 acres. Planning Commission recommended APPROVAL with following stipulations: 1) mobile home be relocated to comply with 50' setback requirement and 2) be located to be reasonably out of direct view of contiguous single-family residences.

The Planning Director submitted letter from John D. Pettigrew, representing Mr and Mrs Dave McKell, objecting to granting the special exception due to the mobilehome not being occupied by the applicant and the absence of access road to the mobilehome.

Mr McGavic recommended action be deferred to the next meeting of the Board when zoning items are considered. There were no objections.

Mr Carrington stated that the access will be investigated and recommendations made at the next meeting.

SE-1168 ROY B. & MARTHA L. GRAVES - 2 COP - APPROVED

Request: Special Exception to permit consumption of beer and wine (2-COP) on premises of proposed 10-12 seat tavern in a C-1 district for a permanent period of time, located on north side of SR 70, ½ mile west of Myakka City on 1.4 acres. Planning Commission recommended APPROVAL.

Mr Driggers in whose district the property is located, recommended approval.

Motion was made by Mr Fortson to approve SE-1168. Motion was seconded by Mrs Glass and carried unanimously.

SE-1180 C.T. ADAMS - RODEO ARENA - APPROVED

Request: Special Exception to permit commercial recreational facility at Tripla A Ranch Rodeo Arena for indefinite period of time in -A- district, on Lena Road and west of Manatee County Landfill, on 5.15 acres.

Planning Commission recommended APPROVAL, with stipulations:

- 1) applicant submit and obtain approval of plans showing how on-site circulation is to be controlled and contained on applicant's property

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- 2) applicant install required sanitary facilities and meet all stipulations prior to issuance of certificate of occupancy (to include parking and landscaping).

Mr Adams was available to answer any questions. No one spoke in opposition.

Motion was made by Mr McGavic to approve SE-1180 as recommended, to include stipulations. Motion was seconded by Mr Parrish and carried unanimously.

P.U.D. #9 WILDEWOOD SPRINGS II - APPROVED

Request: Final Plan approval of Planned Unit Development of 216 multi-family units on 40.28 acres bordered on the east by 34th St. W and approximately ½ mile south of Cortez Road.

Planning Commission recommended APPROVAL.

Motion was made by Mr Fortson that P.U.D. # 9 be approved. Motion was seconded by Mr Parrish and carried unanimously.

77-S-15(P) CYAMAN PARK, UNIT II - P/PLAN - DEFERRED

Request: Preliminary plan approval of 9 duplex lots on 2.66 acres, bordered on the north by 57th Ave. E., and on the west by proposed 9th Street E.

Planning Commission recommended APPROVAL, with waiver of sidewalk and recreation requirements; and stipulation that non-ingress/egress easement between lots 1,2, and 9 and 9th Street E. and 57th Ave. E. be provided, and all provisos of Highway Department be met, as follows:

- 1) Retention pond shall be dedicated to County for maintenance; and be diverted to the south rather than to the west
- 2) County Highway Department will build the base (of road) from 57th Ave E., south 400 feet
- 3) Developer will be responsible for paving all interior improvements
- 4) Shall be no ingress or egress along the east property line of lot #1.

During discussion, the question arose as to why the County should assume maintenance responsibility for the retention pond and motion was made by Mrs Glass to defer action to the next meeting when zoning items are discussed. Motion was seconded by Mr McGavic and carried unanimously.

78-S-43(P) PALM-AIRE AT SARASOTA - P/PLAN - APPROVED

Request: Preliminary plan approval of 80 single-family lots subdivision on 33.43 acres, bordered on the East by proposed Whitfield Ave. extension and approximate one mile east of Lockwood Ridge Road. Planning Commission recommended APPROVAL with waiver of sidewalk and recreation requirements and stipulations of Highway Department are met as follows:

- 1) 50' reserved roadway shall be dedicated right of way
- 2) 30' drainage easement shall be provided to Cedar Creek.

Lloyd Hagaman, representing the developers stated that the stipulations are acceptable and have already been met.

Motion was made by Mr McGavic to approve 78-S-43(P). Motion was seconded by Mrs Glass and carried unanimously.

78-S-45(F) OAKGROVE PARK - F/PLAT - APPROVED

Request: Final Plat approval of 44 single family lots subdivision on 70.8 acres, ¼ mile south of Tallevast Road West of Tuttle Avenue. Planning Commission recommended APPROVAL, with waiver of sidewalk and recreational requirements.

Motion was made by Mr Fortson to approve 78-S-45(F) as recommended. Motion was seconded by Mr McGavic and carried unanimously.

HOUSEMOVING PERMIT (#59, SHERIDAN)

Motion was made by Mr Parrish to approve application for

P. Sheridan to move a building from US 301 at the Airport to 800' east of SR 675 Pre-moving No. 18880

Motion was seconded by Mr McGavic and carried unanimously.

SE-1170 WILEY N. JACKSON - BORROW PIT - APPROVED

Request: Special Exception to permit the operation of an earth borrowing pit in -A- district for two years with waiver of 9 months to complete 25 percent of the construction, on 304.75 acres northeast of proposed interchange of I-75 and SR 64. Planning Commission recommended APPROVAL, with stipulation that mining operations not occur within 100' of surrounding property owners

John Harllee III, Attorney, representing the applicant, was available to answer any questions. No one spoke in opposition and Mr Parrish moved to approve SE-1170 as recommended. Motion was seconded by Mr Fortson and carried unanimously.

BOND (RESTORATION)

In connection with SE-1170, motion was made by Mr Parrish to accept Restoration Bond in the amount of \$75,000 (Wiley N. Jackson Co., Principal; American Insurance Co. of San Francisco, Calif., Surety). Motion was seconded by Mr Fortson and carried unanimously.

RECESS/RECONVENE

The Chairman declared the meeting recessed until 1:00 P.M.

2:16 P.M.

The meeting was reconvened with all members present.

PERSONNEL: EMERGENCY MEDICAL SERVICES/SALARY ADJUSTMENTS

The County Administrator recommended that salaries of Emergency Medical Service Personnel be adjusted upward at this time to a wage scale comparable to salaries being paid by other similar emergency medical services operating in the west coast area; that in approximately two months, or at such time as the Emergency Medical Services Department has reached its authorized manning level, approximately \$22,000 to \$26,000 be transferred from Salary Reclassification Account to EMS Salary Account to supplement the adjustments.

Motion was made by Mr Fortson to approve recommendations and the item to item transfer up to \$26,000 at the appropriate time. Motion was seconded by Mrs Glass and carried unanimously.

MANATEE PALMS SUBDIVISION - ILLEGAL DUMPING

Following a brief discussion on ways and means to handle maintenance of properties dedicated to the County, Mr Collier stated that he will coordinate with the Highway Department to handle the

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complaint from Mr Anthony that County property located next door to him on Manatee Plams, East, in Manatee Palms Subdivision, is overgrown with weeds and is being used as a dumping area.

COUNTY GOLF COURSE - CHRISTMAS HOLIDAY

It was the concensus of the Board that the County Golf Course should be closed on December 25th, for Christmas holiday.

MANATEE RIVER FAIR ASSOCIATION (DAIRY BARN) - AGREEMENT

The County Attorney submitted and recommended approval of Construction Funding Agreement between the County and Manatee River Fair Association, Inc, whereby the Association proposes to construct an open air dairy barn to the south of the present Entertainment Building (Chaires Building) on the County Fairgrounds; and the County shall appropriate \$19,000 for the construction of said open-air dairy barn facility.

Motion was made by Mr Parrish to approve and authorize the Chairman to execute the Agreement. Motion was seconded by Mr McGavic. Voting "Aye" were Commissioners Parrish, McGavic, Glass and Driggers. Commissioner Fortson voted "Nay". Motion carried.

AGREEMENT RECORDED S6-57

MEDICAL CONSULTANT AGREEMENT/AMENDED (AMBRUSKO)

The County Attorney submitted Amendment to Medical Consultant Agreement to eliminate any misunderstanding or confusion in connection with Medical Consultant Agreement entered into by the County and Dr John Ambrusko November 14, 1978, whereby Paragraph 3 is amended by deleting and striking in its entirety all the last sentence and substituting instead, the following:

Said compensation is in the nature of salary or other compensation and the appropriate deductions shall be taken therefrom by the County on or before the time said payments are made.

Motion was made by Mr Parrish to authorize execution of the Agreement Amendment. Motion was seconded by Mr Fortson and carried unanimously.

AGREEMENT RECORDED S6-58

BILLS FOR PAYMENT

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

Fla. Dept. of Labor & Employment Security	
Bureau of Workmen's Compensation:	
Administrative Assessment	\$12,353.83
Special Disability Assessment	13,111.62
Dennis J. Plews, Attorney Fees	
(Re: Court Order, Cramer, Indigent defendant)	5,000.00

ATTORNEY FEES (COURT ORDERS/INDIGENTS)

Following discussion on necessity of the County to pay the fees of court appointed attorneys defending indigents, and the financial hardship evolving upon the County due to this practice, the County Attorney volunteered to discuss the matter with Wilson Wright, Attorney for the State Association of County Commisioners.

Motion was made by Mrs Glass to authorize the County Attorney

to contact necessary official of State Association of County Commissioners and submit report to the Board. Motion was seconded by Mr McGavic and carried unanimously.

BUDGET AMENDMENT

Upon motion by Mr Parrish, seconded by Mrs Glass, resolutions were unanimously adopted amending 1978-79 budget to provide for receipt and appropriation of unanticipated revenue, as follows:

- | | | | |
|----|--|--------------|----------------------------------|
| 1) | <u>Increase Revenue:</u>
Transfer from Community Development
Special Revenue Fund #113 | \$216,000.00 | |
| | <u>Increase Expenditure:</u>
Accounting and Audit Services
Construction Projects | \$216,000.00 | |
| | | | <u>RESOLUTION RECORDED</u> S6-59 |
| 2) | <u>Increase Revenue:</u>
Community Development II | \$216,000.00 | |
| | <u>Increase Expenditure:</u>
Transfer to Community Development
Washington Park Project | \$216,000.00 | |
| | | | <u>RESOLUTION RECORDED</u> S6-60 |
| 3) | <u>Increase Revenue:</u>
LEAA Federal Youth Services/
LEAA State Match | \$ 14,361.00 | |
| | <u>Increase Expenditure:</u>
Regular Salaries; Fica Taxes; Retirement | \$ 14,361.00 | |
| | | | <u>RESOLUTION RECORDED</u> S6-61 |

and by item to item transfer:

<u>Youth Services</u>	
From Transportation; Print & Binding; Equipment	
To Fica Taxes; Education	\$ 408.00
	<u>RESOLUTION RECORDED</u> S6-62

MCUS: WATER METER DEPOSITS

The County Administrator stated that he is meeting with D.E. Pittman, Director, Manatee County Utilities Service, this afternoon and will discuss customer service water meter desposits with him, and make recommendations to the Board at their next regular meeting.

JAIL SITE

Motion was made by Mr McGavic to authorize the Planning Director to procede with applicaton to the City of Bradenton for Special Exception to permit locating a jail on property east of the Courthouse. Motion was seconded by Mrs Glass and carried unanimously.

SHERIFF: TOM BURTON

Motion was made by Mr Fortson to extend to Tom Burton, Sheriff, Manatee County, a vote of confidence and appreciation. Motion was seconded by Mrs Glass and carried unanimously.

AMERICAN CANCER SOCIETY - BAKE SALE

Upon motion by Mr Fortson, seconded by Mr McGavic, the Board

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unanimously granted American Cancer Society permission to hold a bake sale on the front lawn of the Courthouse, from 11:30 a.m. to 2:00 p.m., Monday, December 18th, with proceeds from the bake sale to be donated to the American Cancer Society.

HILLSBOROUGH-MANATEE MENTAL HEALTH BOARD/MEMBERSHIP

Based on recommendation of Jack Romano, Chairman of the Nominating Committee, Hillsborough-Manatee Mental Health Board, Mr Fortson moved to reappoint following members to serve through June 30, 1980:

Mrs Muriel Wilkinson
Dr Wayne Allran

Motion was seconded by Mrs Glass and carried unanimously.

Mrs Glass requested appropriate notifications of pending vacancies on various Boards and Committees be given the communities prior to times appointments/reappoints are to be made. Dave Collier recommended that the County Administrator review these various Boards, and make recommendations to the Board of County Commissioners regarding appointments. There were no objections.

MEETING ADJOURNED

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

Attest:

APPROVED:



Clerk



Chairman

Adj.: 2:57 p.m.