

DECEMBER 28, 1978

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Courthouse, Bradenton, Florida, Thursday, December 28, 1978 at 9:37 a.m.

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

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

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

ZONING

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

SE-1167 VLASTA TABORSKY - MOBILEHOME - APPROVED
Deferred December 14, 1978, pending clarification
of access and occupancy of the mobilehome.

John Pettigrew, representing Mr & Mrs David McKell, contiguous property owners, requested that if SE-1167 is approved that the Board require compliance with recommendations of the Planning Commission as to relocating the trailer, and that a time limit be placed on the special exception due to the changing development of the area.

Motion was made by Mr McGavic to approve SE-1167 as recommended by the Planning Commission for a period of three years, with an extension of three years after review by the Board at that time. Motion was seconded by Mr Parrish and carried unanimously.

Mr Carrington stated that he would investigate the occupancy of the mobilehome and report his findings at a later meeting.

CAYMAN PARK, UNIT II - P/PLAN - APPROVED
Deferred from 12/14/78 to allow Mrs Glass to discuss
County policy on dedication of retention ponds.

Ed Dougherty, Director, Highway/Engineering Department, stated that the Highway Department requested dedication of the retention pond to the County in order to eliminate maintenance problems, in that the County cannot enter private property to clean the pond.

O.E. Randle, Pollution Control Director, pointed out that in accepting such dedications, the County is assuming responsibility and liability.

Motion was made by Mr McGavic to approve preliminary plan of Cayman Park, Unit II, with careful attention being given by the Highway Department to the construction of the retention pond. Motion was seconded by Mr Fortson and carried unanimously.

R-952 RICHARD E. & GERALDINE CULBREATH -REZONE R-1 - APPROVED
Request: To change present zoning from C-1 to R-1 to
permit construction of single family residence on 0.11
acre at 4419 123rd Street West., Cortez.
Planning Commission recommended APPROVAL.

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Motion was made by Mr Fortson to approve R-952 (by adoption of appropriate resolution.) Motion was seconded by Mr Parrish and carried unanimously.

RESOLUTION RECORDEDZONING
R-952SE-478 AMENDMENT - CHURCH OF THE CROSS - APPROVED

(Fred Stecher, Agent) Request: Amendment to a previously approved special exception, SE-478, to permit church related activities and expansion of facility to include two 12' x 40' modular buildings for a two-year time period; stipulations for Sunday services only specified in original SE-478 be deleted. Planning Commission recommended APPROVAL with stipulation that within two years from date of this approval, required parking and landscape requirements are met.

The Planning Director stated that the Highway/Engineering Department has recommended approval, subject to a 25' easement along the north property line being dedicated to the County, but this stipulation was not included in the recommendation of the Planning Commission.

Fred Stecher, representing the Church, stated that the Church is willing to dedicate the easement provided the County Attorney will prepare the necessary document.

Motion was made by Mr Fortson to approve SE-478 as recommended by the Planning Commission (does not require dedication of 25' easement). Motion was seconded by Mrs Glass and carried unanimously.

SE-1169 FLOYD & MIRIAM ROWAN - CHILD DAY CARE CENTER - DEFERRED

Request: Special Exception to permit a child day care center in R-1AA district for an indefinite period of time on .36 acre at 303 32nd Avenue E.
Planning Commission recommended APPROVAL.

Letter from P.K. Brown, 209 32nd Ave E. expressing opposition was submitted.

Mrs Rowan, who was available to answer any questions, stated that the proposed center will be open from 7:00 a.m. to 6:00 p.m., Monday through Friday, and will accomodate 20 to 24 children.

After a brief discussion on access and parking, Mr Driggers requested action be deferred to allow him to view the property. There were no objections.

SE-1171 WILEY N. JACKSON - BORROW PIT - DEFERRED

Request: Special Exception to permit operation of an earth borrowing pit on 101.82 acres approximately one mile north of SR 70 for a period of two years, with a requested time waiver of 9 months to complete 25 percent of construction.

Planning Department recommended APPROVAL with stipulations outlined by petitioner and waiver of 9 months for completion of 25 per cent of construction:

- 1) Normal working hours on project will be from 7:00 a.m. to 5:30 p.m. or 7:30 a.m. to 6:00 p.m. No additional hours in vicinity of 41st Ave., with exception of emergency requirements.
- 2) Will control dust on project by use of 10,000 gallon tanker, with emphasis in vicinity of 41st Ave.
- 3) Will comply with all applicable Federal, State

- and local environmental regulations regarding noise generated by construction equipment/operations
- 4) 80 percent of total property will be reclaimed into lakes or left undisturbed within two years after commencement of mining operation, instead of within two years after completion of operation. Haul roads and slopes of borrow areas from existing ground to water level will be grassed and mulched in accordance with DOT specifications
 - 5) Scrapers will load fill material in the borrow areas, haul material to right of way under their own power, dump, spread and compact as necessary.
 - 6) Keep all borrow areas and haul roads a minimum of 100' from adjacent property owners.
 - 7) Conduct all earthmoving operations in full compliance with County Zoning Ordinance, Section 6, Paragraph 16.

The Planning Director stated that a letter from the State Department of Environmental Regulations suggesting that turbidity control be required in ditches which collect water that is pumped out of the pit, as well as a 40-signature petition from residents of Braden River Ranchettes in opposition to SE-1171 is on file; that five persons had spoken in opposition at the public hearing.

Don Shepherd spoke in opposition.

After lengthy discussion, there were no objections to recommendation by Chairman Driggers that SE-1171 be deferred two weeks, pending:

- 1) Input from Soil Conservation Services
- 2) Commissioners viewing the site
- 3) Petitioner being present.

RECESS/RECONVENE

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

SE-1172 HANNAN'S FISH & CHIPS - COP - APPROVED
(Gil Waters, Agent) Request: Special Exception to permit consumption of beer and wine on premises in conjunction with seafood restaurant in a P.U.D. on 2.20 acres at 9516 Cortez Road, W.
Planning Commission recommended APPROVAL.

Tom Hannan was available to answer any questions.

Motion was made by Mr Fortson to approve SE-1172. Motion was seconded by Mrs Glass. Voting "Aye" were Mr Fortson, Mrs Glass, Mr Parrish and Mr McGavic. Chairman Driggers voted "Nay". Motion carried.

SE-1173 ADRIAN & HELEN BENSON - MOBILEHOME - APPROVED
Request: Special Exception to permit a mobilehome on 5 acres 1500' northeast of Lorraine Road for caretaker of hydroponic greenhouses in -A- district for five years plus additional five years at administrative discretion.
Planning Commission recommended APPROVAL with stipulation that mobilehome be properly connected to approved wastewater treatment device and potable water supply.

The Planning Director submitted letter from Mr/Mrs Daniel Raley in opposition.

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Mr Benson was available to answer any question and stated that he had no objection to placing the mobilehome behind the greenhouse out of view of the Raley residence.

Mr Fortson requested SE-1173 be deferred to the next meeting to afford him an opportunity to ascertain from the Raleys if placing the mobilehome behind the greenhouses will satisfy their opposition to Mr Benson's request. There were no objections.

SE-1176 ALBERT C. HAUG - STORAGE WHSE - DEFERRED
Request: Special Exception to permit dead storage warehouse on 3.37 acres on 54th Ave. Terrace W. for a permanent period of time with time waiver of one year to complete 25 percent of construction. Planning Commission recommended APPROVAL, provided the site plan as presented is followed.

Due to lack of clearly defined access from 54th Ave. W., and recommendation by Mr Fortson that the Highway Department review the road requirements, SE-1176 was deferred pending conference with county engineer.

SE-1177 MANATEE COUNTY RURAL HEALTH SERVICE - APPROVED
(Gordon Howell, John Marble, Agents) Request: Special Exception to permit a public medical/health service building on 1.43 acre at 903 U.S. 301, Parrish for an indefinite period of time. Planning Commission recommended APPROVAL.

Mr Parrish recommended and moved for approval of SE-1177. Motion was seconded by Mr McGavic and carried unanimously.

SE-1178 VIRGINIA H. BRAMEISTER - MOBILEHOME - APPROVED
Request: Special Exception to permit a mobilehome in conjunction with a residence on 10 acres, approximately ½ mile south of SR 64 and west of Lorraine Road. Planning Commission recommended APPROVAL for five years plus additional five years to be granted by Planning Director provided the area has not significantly changed.

Motion was made by Mr Parrish to approve SE-1178 as recommended. Motion was seconded by Mr Fortson and carried unanimously.

78-S-44(P&F) KNOX SUBDIVISION - P&F/PLAT - APPROVED
Request: Preliminary and final plat approval of a 7 single family lot subdivision on 1.75 acres at 7121 9th Avenue N.W. Planning Commission recommended APPROVAL with waiver of sidewalk and recreation requirements.

Bill Swan, Planner, stated that the subdivision is a replat of Bay Way Park Subdivision; all improvements are in, and final plat has met requirements of all reviewing departments.

Motion was made by Mr Fortson to approve preliminary and final plat of Knox Subdivision as recommended. Motion was seconded by Mr Parrish and carried unanimously.

75-S-1(F) SODBUSTER FARMS, UNIT II SUBDIVISION - DEFERRED
Request: Final plat approval of 13 single family lots subdivision on 61.21 acres south of Erie Road and north of Seaboard Coastline Railroad.

The Planning Director recommended deferral of 75-S-1(F) to the

next regular meeting, pending problem with mortgagee consent certificate being resolved. There were no objections.

78-S-22(F) PALMA SOLA BAY ESTATES - F/PLAT - APPROVED
Request: Final plat approval of 58 single family lots subdivision on 18.95 acres on 21st Avenue West from Palma Sola Blvd to 75th Street West. Planning Commission recommended APPROVAL with waiver of recreation requirements, subject to approval of the bond format by the County Attorney.

The County Attorney explained that Palma Sola Bay Estates, Inc. and Dolphin Investors Group are co-owners of Palma Sola Bay Estates Subdivision; that Palma Sola Bay Estates, Inc., as principal and Service Insurance Company, as surety, have executed a performance bond (in the amount of \$44,000); that Dolphin Investors Group and Exchange National Bank of Manatee County have executed a guarantee (in the amount of \$43,572.50), consenting and agreeing that in event Manatee County makes a claim against the bond or guarantee or both, both owners shall be equally bound, as outlined in letter signed by the four above-mentioned parties, dated December 27, 1978.

Motion was made Mr Fortson to approve Final Plat of Palma Sola Bay Estates as recommended by Planning Commission and accept the bond as outlined by the County Attorney. Motion was seconded by Mr Parrish and carried unanimously.

78-S-24(F) PINE BLUFF SQUARE SUBDIVISION - F/PLAT - APPROVED
Request: Final plan approval of 62 duplex lots subdivision on 1616 acres south by 61st Ave. E., and West by the Little Pittsburg Drain. Planning Commission recommended APPROVAL with waiver of recreation requirements and provided bond is approved by County Attorney.

The County Attorney explained that contractor, W.G. Mills, Inc. has executed a one hundred percent performance bond (in the amount of \$174,627.55) in favor of S & M Associates, Inc. and Exchange National Bank, who have assigned the performance and payment bond to Manatee County to assure completion of the subdivision requirements.

Mrs Glass moved to approve final plat of Pine Bluff Square Subdivision, and accept the bond as outlined by the County Attorney. Motion was seconded by Mr McGavic and carried unanimously.

78-S-49(P) WINDSONG ACRES P/PLAN - APPROVED
Request: Preliminary plan approval of 36 single family lots subdivision on 43.44 acres approximately 340' north of intersection of Upper Manatee River Road and SR 64. Planning Commission recommended APPROVAL with waiver of sidewalk and recreation requirements and no-ingress and egress easement along west property line of tract 1, Block A; lots 1, 6, & 7, Block B. Also dedicated access to be provided to SR 64 that meets county subdivision requirements.

No one spoke in opposition, and Mr McGavic moved to approve 78-S-49(P) as recommended. Motion was seconded by Mr Parrish and carried unanimously.

78-S-50(P) LAKE EAST SUBDIVISION - P/PLAN - APPROVED
Request: Preliminary plan approval of 31 duplex lots subdivision on 10.37 acres approximately 1300' east

of 15th St W. and north and adjacent to 26th Ave. W. Planning Commission recommended APPROVAL, with waiver of sidewalk and recreation requirements provided all highway requirements are met:

1. 20' drainage easement dedicated along north property line
2. Outfall for lake area be designated
3. 26th Ave. E. frontage shall be piped.

Tom McCullough, Dan Zoller Engineering Inc. stated that removal of the ditch is being planned, and requested the Board consider language "if there is a ditch, the ditch be piped". There were no objections.

Motion was made by Mr Fortson to approve 78-S-50(P) as recommended. Motion was seconded by Mr McGavic and carried unanimously.

SUBDIVISIONS - RECREATIONAL AREAS

Following brief discussion on recreational areas in subdivisions, suggestion was made that subdivision developer be required to contribute a certain amount per lot to the county to be used for recreational purposes, the County Attorney and the Planning Director were requested to develop recommendations and submit to the Board for consideration.

ZONING: REZONE FROM T TO T-1 (REASONER)

After a discussion of request by E.S. Reasoner for rezone of certain property located at 14th Street and 53rd Avenue (presently zoned "T") to allow use of the land for travel trailer rentals, it was the consensus of Board that this particular case does not fall within the moratorium on processing T, T-1, and T-2 petitions. There were no objections to Mr Reasoner submitting application to the Planning Department for rezone action.

WATER RATES: HOME OCCUPATIONS

Marilyn Betts and Georgia Kare, operators of beauty shops in their residences, appeared before the Board seeking relief from paying commercial water/sewer rates due to having their businesses located in their homes.

It was brought out during discussion that no provision had been made in the County Water/Sewer Rates Schedule to establish appropriate charges for water/sewer usage in home occupations; that the commercial rates being charged by the Utility System is a matter of policy.

The County Administrator was instructed to investigate and make recommendations to the Board within a week. Chairman Driggers will contact Ms Betts and Ms Kare if and when any action is taken.

LANDFILL OPERATION - ILLEGAL DUMPING

Upon motion by Mr Fortson, seconded by Mrs Glass, Ed Mulock, Attorney for Pollution Control Department, was unanimously authorized to take whatever necessary legal action is appropriate to remedy illegal landfill operations (dumping: ref meeting of 12/26/78).

WELLCRAFT MARINE CORPORATION (AIR POLLUTION COMPLAINT)

O.E. Randle, Pollution Control Director, requested authorization for Mr Mulock to research and recommend appropriate legal action to correct problems of odors and/or fumes of acetone, styrene, lacquer thinner and fiberglass resin emanating

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from the main plant of the Wellcraft Marine Corporation.

Motion was made by Mrs Glass to authorize Mr Mulock to research and report what recourse is available to the Board. Motion was seconded by Mr McGavic and carried unanimously.

PERSONNEL: MANNING LEVEL/AMENDED

Upon motion by Mr Parrish, seconded by Mrs Glass, a resolution was unanimously adopted to amend authorized manning levels in the Transportation Department as indicated below:

<u>TRANSPORTATION</u> (Motor Vehicle Inspection)	<u>CLASSIFICATION</u>		<u>DEPARTMENT</u>	
	<u>FROM</u>	<u>TO</u>	<u>FROM</u>	<u>TO</u>
MVI Technician	13	0		
MVI Tech II (From Grade 12 to 18)	0	6		
MVI Tech I (From Grade 12 to 14)	0	6		
MVI Tech I PT (From Grade 12 to 14)	0	1		
Line Supervisors (Grade 21 to 23)	2	2		
			16	16

RESOLUTION RECORDED

HOUSING AUTHORITY - AUDIT REPORT

Motion was made by Mr Fortson to accept Financial Audit of Manatee County Housing Authority (prepared by Whitcomb & Christopher, CPA's) for fiscal year ending September 30, 1978. Motion was seconded by Mrs Glass and carried unanimously.

BILL FOR PAYMENT

Upon motion by Mrs Glass, seconded by Mr McGavic, following bill was unanimously approved for payment:

Ed T. Mulock (10/12/78 - 11/30/78) \$413.50

BOND

Motion was made by Mr Parrish to approve bond as follows:

Roy F. Baden, Official Bond, Mosquito Control District, in the amount of \$2,000 for term ending January, 1983.

Motion was seconded by Mr Fortson and carried unanimously.

SHERIFF'S DEPARTMENT - BUDGET/AMENDED


Upon motion by Mr Fortson, seconded by Mrs Glass, the Sheriff Department's 1978-1979 Budget Account was unanimously amended (increased) to include \$28,401.20 LEAA Grant funds for equipment.

MEETING ADJOURNED

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

Attest:

APPROVED:


Clerk


Chairman

Adj: 12:38 p.m.