

JANUARY 10, 1980

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Courthouse, Bradenton, Florida, Thursday, January 10, 1980 at 9:02 a.m.

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

Also present were:
 E. N. Fay, Jr., County Attorney
 David B. Collier, County Administrator
 Peter Ramsden, Finance Director, representing R. B. Shore,
 Clerk of Circuit Court

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

The meeting was called to order by Chairman Glass.

PITTSBURG PARK SUBDIVISION - VACATION OF STREET

Public hearing (continued 12/13/79) was re-opened for the purpose of considering vacation of Edgewood Road, aka 56th Avenue E. in Pittsburg Park Subdivision (V-9-79).

Bill Swan, Planner, reported that Emergency Medical Services has no objection to the vacation, and that the County Highway and Engineering Department has no objection, provided that any prior rights for existing utilities are recognized. He pointed out, however, that if First Street East is ever improved or realigned, a portion of this vacated right of way will be required for said improvements.

Tom Stewart, Attorney representing Izetta Jamieson, petitioner, reaffirmed that conditions set forth in the supplement to application V-9-79 (submitted 12/13/79) still applies.

Motion was made by Mr Driggers to approve the vacation by adoption of V-9-79

RESOLUTION VACATING A CERTAIN STREET OR ROAD.

Motion was seconded by Mr Fortson and carried unanimously.

✓RECORD RESOLUTION S8-226

PENNSYLVANIA PARK SUBDIVISION - VACATION OF ALLEYWAY

Public hearing was opened to consider granting application by O. J. and Dolores Gatschenberger to vacate an alleyway in Pennsylvania Park Subdivision between lots 4, 27, 28, 29 and 30 as its western boundary and lot 26 as its eastern boundary all in block B as recorded in Plat Book 4, Page 3, Public Records of Manatee County.

Mr Gatschenberger and his attorney, Robert Blalock, were available to answer any questions.

Motion was made by Mr Fortson to approve the vacation of the alleyway by adoption of V-11-79

RESOLUTION VACATING CERTAIN APPROPRIATE PROPERTY.

Motion was seconded by Mr McGavic and carried unanimously.

✓RECORD RESOLUTION S8-227

SOUTHERN PARKWAY (38TH AVENUE W) - NAME CHANGE

Public hearing was opened to hear petition that the name of a street, Southern Parkway, running from 51st Street W., due west approximately 1,295 feet to the city limits of Bradenton, Florida, be changed and designated as Thirty-Eighth (38th) Avenue West.

Bill Swan reported that six letters are on file in support of the change. He also stated that the Planning staff has no objection to the name change.

Harold Linn, 5211 Southern Parkway, spoke in opposition to the change, and submitted a petition with ten signatures in opposition. He stated that signs already have been erected changing the street name to 38th Avenue West.

Walter Sternenber, 5207 38th Avenue W., spoke in favor of the name change.

Mr McGavic moved that Southern Parkway, from 51st St West to the school property, be changed to 38th Avenue West. Motion was seconded by Mr Driggers, who moved that the motion be amended to give the street a dual designation: Southern Parkway and 38th Avenue West.

Following discussion, motion and second were withdrawn.

Due to the fact that signs have already been installed, and in order that those who want to call it Southern Parkway may do so, Mr Driggers moved that dual designation be placed on the street. Motion was seconded by Mr Fortson and carried unanimously.

There were no objections to 38th Avenue being the primary designation (on the street signs) with Southern Parkway being placed in parentheses.

ZONING

Recommendations of the Planning Commission were submitted by Bill Swan and Bruce Siciliano, Planners.

R-1028 JOHN GAGLIARD, ET AL - REZONE TO R-1A - APPROVED
(John Gagliard, Agent) Request: To change present zoning from R-2 to R-1A on 14.5 acres in the 900 block of 37th Avenue E. (Laurel St.) to limit residential development to construction of single family homes.
Planning Commission recommended APPROVAL.

Mr Swan reported that a petition with signatures of 51 percent of the property owners in the area is on file favoring R-1028.

No one spoke in opposition to the request.

Motion was made by Mr Driggers to approve R-1028 (by adoption of appropriate resolution). Motion was seconded by Mr Fortson and carried unanimously.

RECORD RESOLUTION

R-1029 WOODY'S TOMATO CORP. - REZONE TO C-1 - APPROVED
(R. E. Nelson, Inc., Agt) Request: To change the present zoning from R-1AA to C-1 on 4 acres located at 3900 U.S. Hwy. 19 to permit construction of a general commercial facility.
Planning Commission recommended APPROVAL.

Mr Nelson, representing Woody's Tomato Corporation, stated that the request for rezone is actually on the rear portion of an area already commercially zoned (north of and adjacent to Woody's Tomato Corp. property) and is intended to square up the property to line up with the area to the south (which is zoned C-2) for development of a general commercial situation.

He stated that the developer agrees to tie the existing road network into the area to the south with a frontal road along U.S. 19, and, in conjunction with the development, construct a frontal road along U.S. 19 the entire distance of this property with no additional drive cuts into U.S. 19.

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Motion was made by Mr McGavic to approve R-1029 (by adoption of appropriate resolution). Motion was seconded by Mr Driggers and carried unanimously.

RECORD RESOLUTION

R-1030 THOMAS W. FORREST - REZONE TO P.U.D. - APPROVED
(R.E. Nelson, Agt) Request: To change the present zoning from R-1AA to P.U.D. on 32.5 acres south and east of Palmetto Point Subdivision and west of U.S. 19 to permit construction of 184 residential units (one-story cluster units; one-story multi-family units; two-family units) Planning Commission recommended APPROVAL with a recommendation that preliminary plans provide for a future access to 5th Avenue West.

Mr Swan stated that R-1030 is a request for approval of a P.U.D. with conceptual plan approval giving the developers one year from time of such approval to submit preliminary plans.

Mr Nelson, representing the petitioner, made a presentation of the conceptual development which will be named Mellwood Oaks. He stated that the following will be constructed at the developer's expense: the balance of the existing County right of way on 3rd Avenue West; 4th Avenue West; a road coming off U.S. 19 at the south end of the property to provide access to the P.U.D. area; and a central sewage system to serve the development.

Theodore Turner, representing Palmetto Point Owners Association, spoke in favor of R-1030. He requested that the road handling the Palmetto Point traffic through the proposed subdivision remain as originally planned and not disburse it all onto 3rd Avenue.

Jerome Gostkowski, County Highway Department, suggested the road system be discussed at such time as the preliminary plan comes up for consideration.

Motion was made by Mr McGavic to approve R-1030 (by adoption of appropriate resolution). Motion was seconded by Mr Parrish and carried unanimously.

RECORD RESOLUTION

RECESS/RECONVENE

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

PUBLIC SAFETY COMPLEX

Sheriff Thomas Burton, in an overview presentation of the proposed jail and Public Safety Complex, reiterated the need for a detention facility, recapped previous jail inspections and introduced Paul Sheffield, Prison Inspector-Investigator, Department of Corrections, who stated that he initiated the jail survey team at the request of Sheriff Burton.

Mr Sheffield commented on the conditions of the Manatee County jail, advising that renovation was not recommended in that the existing structure would not bear the weight of the necessary additions required to bring it up to State requirements.

George Bail, President, W. R. Frizzell, Architects, Inc., introduced his associates who made a detailed presentation of the interior and exterior of the proposed structure, and its placement on the site.

Ray Strowd, Project Architect, and Ray Jensen, Head of Design, presented slides showing the site plan, the detention facility, Safety Complex Building, and the parking area in detail, pointing out the specific uses proposed for each level of the buildings, including both the jail portion and the Public Safety building, and the future three floors that are planned for the public safety building and the jail facility.

They, together with Jack West of West and Conyers, Consultant Architects, pointed out that the proposed structure is a cantilever, seven-story, two-tower building, of pre-cast concrete with the lower portion of brick to match the existing courthouse; poured-in-place floor and roof construction, with precast filigree slabs poured in place over concrete beams and columns for the jail building, the secure-portions of which will have aluminum awning security windows with security screens and directional vision grilles; 5 half-levels of parking to accommodate 120 vehicles as required by the City of Bradenton; and a service area between the two towers for the mechanical equipment.

Holger Smitt, Chief Mechanical-Electrical Engineer, outlined plumbing, air conditioning and electrical energy saving considerations. He stated that the plans call for low usage water closets and to preheat domestic water with water chilling machines; that the air conditioning systems will be designed to use 100 percent outdoor air for cooling when the temperature allows, and use variable volume distribution systems where one air handler serves various rooms. He recommended installation of central mini-computer system to control lighting, HVAC (heating-ventilation-air-conditioning) equipment and fire control. He estimated the costs for a minimum system at \$40,000, with a first class, all-inclusive type system at about \$75,000, with an estimated pay back in one or two years.

If the mini-computer control is installed, it will be used to shed power to limit demand in use of electricity and reduce costs.

George Bail submitted the detailed cost estimates based on the design development drawings for a total cost of \$9,265,222:

	<u>Per Sq. Ft.</u>	<u>Total Cost</u>
Sitework	\$ 0.91	\$ 161,500.
Parking	79.66	517,800
Jail Tower	72.01	5,760,150.
Public Safety Tower	52.95	2,203,450.
Contingency	2.82	500,000.
Contractor's Bond	-	68,972.

He stated that these cost estimates include everything except movable furnishings for office use, etc.

In response to a question by Mr McGavic, Sheriff Burton stated that he foresees no problem with the design structure nor any need for further expansion for at least ten years. Mr McGavic recommended that, due to increasing construction costs, 25 additional parking spaces be included in the initial construction plan.

Tom McKlosky, County resident, expressed objection to the costs, and to the design of the structure.

The County Administrator stated that the cost estimates as submitted may be used as the basis for the majority of the bond issue costs. He recommended, however, inclusion in the bond issue of:

- 1) \$400,000 in remaining architect fees over the remaining life of the project
- 2) \$556,000 for radio equipment for the communications center, civil defense emergency operating center and 911 center.

In response to Mr Driggers expression of concern about the high cost of the building and in explanation of the design of the building, the architects stated that the structure was designed to fit the lot, the cantilever concept is to allow for fire lanes on two sides of the building and access to the parking area.

Mr Fortson moved to accept the design concepts and the cost estimates as prepared by the architects and instruct the County Administrator to proceed with drafting the resolution, including these for the bond referendum in March.

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The County Attorney recommended the motion be amended to accept the Design Development Submission, consisting of the drawings, a booklet, and a memorandum from Gary Knuckles to David Collier, dated January 10, 1980, setting forth the matters about the equipment (radio communications) which brings the total estimated cost to \$10.1 million.

As a matter of clarification, Mr Fortson amended his motion as outlined by the County Attorney, to include the heat recovery unit and the mini-computer control unit at an additional cost of approximately \$110,000, (but not to include any additional parking spaces) and to instruct the staff to prepare the appropriate resolution. Motion was seconded by Mr McGavic and carried unanimously.

ZONING

Bill Swan and Bruce Siciliano continued with submission of the recommendations of the Planning Commission.

R-1031 RICHARD THOMAS - REZONE TO R-1AA - DENIED
(Richard Thomas, Agt) Request: To change the present zoning from R-1A to R-1AA on .25 acres at 4528 87th Street Ct. W., to permit the construction of a duplex residence.
Planning Commission recommended DENIAL, in that it represents spot zoning.

Mr Swan stated that a petition from all the surrounding property owners opposing the request is on file.

Charlie Kehm spoke in opposition.

Motion was made by Mr Fortson to deny R-1031. Motion was seconded by Mr Driggers and carried unanimously.

SE-1278 J. W. STANALAND - MOBILEHOME - APPROVED
Request: Special Exception to permit a mobilehome for residential use in an -A- district on approximately 3 acres, about 4 miles north on Taylor Grade Road off SR 62.
Planning Commission recommended APPROVAL (with the waiver of Sec. V., Para 14) for a period of 5 years plus an additional 5 years to be granted at the administrative discretion of the Planning Director.

Motion was made by Mr Parrish to approve SE-1278 as recommended. Motion was seconded by Mr McGavic and carried unanimously.

SE-1279 SARA BAY BAPTIST CHURCH - APPROVED
(Supercedes SE-349)
(Pastor Edwin H. Wyman, Agent) Request: Special Exception to permit church and church related activities (additional Sunday school classrooms and recreation area) and a five-day school in an R-1B district on 4.6 acres at 415 67th Ave W for a permanent period of time.
Planning Commission recommended APPROVAL with following stipulations:

1. Off-street parking to be expanded to a total of 140 vehicle spaces
2. Twenty-five off-street vehicle spaces and all ingress and egress driveways shall be paved
3. Landscaping as required by County zoning ordinances shall be installed.

Pastor Wyman was available to answer any questions and agreed to the stipulations.

Motion was made by Mr Driggers to approve SE-1279, as recommended. Motion was seconded by Mr Parrish and carried unanimously.

79-S-44(P) PALM-AIRE AT SARASOTA, UNIT I - APPROVED
(FPA Corp. Developer, Lloyd C. Hagaman, Agt)

Request: Preliminary Plan approval of a single-family subdivision of 171 single-family lots on 80.7 acres east of Orleans Dr., north of Whitfield Avenue Extension.

Planning Commission recommended APPROVAL with waiver of recreation requirements and sidewalks on all residential streets; recommended sidewalks be installed on one side of Whitfield Ave. Extension, West Country Club Lane and Country Lakes Estates.

Lloyd Hagaman, Vice President and General Manager of Palm-Aire, was available to answer any questions, and agreed to the stipulations regarding sidewalk requirements.

Motion was made by Mr Driggers to approve 79-S-44(P) as recommended. Motion was seconded by Mr Parrish and carried unanimously.

HOUSEMOVING PERMITS

Motion was made by Mr Driggers to approve application for housemoving permit (No. 96) from

Joe Yoemons to move a building from 3612 63rd Ave. E.
to 1704 30th Ave. E.
Pre-moving No. 25453.

Motion was seconded by Mr Parrish and carried unanimously.

Motion was made by Driggers to approve application for housemoving permit (No. 97) from

Rowe Meade to move a building from 1310 19th Ave W.
to 1911 17th St. Blvd E.
Pre-moving No. 25527.

Motion was seconded by Mr Fortson and carried unanimously.

Motion was made by Mr Driggers to approve application for housemoving permit (No. 98) from

Charles Winheim to move a building from 3920 Wilkerson Road
to 3224 20th St E.
Pre-moving No. 25528.

Motion was seconded by Mr Fortson and carried unanimously.

ZONING

BAYSHORE VILLAGE CONDOMINIUM I - PARKING WAIVER - APPROVED

(Thomas C. McCollum, Director of Planning, Najjar & Zoller Engineering, Inc.) Request for waiver of ten off-street parking spaces adjacent to the recreation area of Bayshore Village Condominium I.

Bruce Siciliano stated that since the entire project is private, including the recreation center, and there are no reasons why the project need conform to regulations meant to apply to facilities located along public roads, the Planning Department has no objections to waiving ten off-street parking spaces (leaving nine).

Motion was made by Mr Fortson to waive the off-street parking spaces. Motion was seconded by Mr Driggers and carried unanimously.

RECESS/RECONVENE

The meeting was declared recessed until 1:30 p.m.

The Board reconvened at 1:30 p.m. with all members present.

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ZONING ORDINANCE Z-117 AMENDMENT - SWIMMING POOLS- DEFERRED

(County Commission initiated, Charles C. Carrington, Agt)
Request: To change Section VI, Paragraph 15, of the Manatee County Zoning Ordinance by deleting the text enclosed in quotation marks and adding the text underlined below:

15. SWIMMING POOL FENCES REQUIRED: In order to lessen the hazard of unattended pools to small children, all swimming pools which are accessory to "a single or two family dwelling shall be surrounded by fencing or screen to a height of at least five feet and provided with safety latches located at a height of at least four feet on all entryways."

and adding:

residential uses, including mobilehomes, and travel trailers, shall conform to the following requirements:

- a. all unenclosed swimming pools, whether above or below ground shall be:
 - (1) Located no closer than five feet to any side or rear lot line measured from the water's edge, and
 - (2) Surrounded by a fence, wall or screen with a minimum height of five feet; PROVIDED that no fence, wall, screen, cage or other permanent swimming pool enclosure shall encroach into any established utility easement.
- b. All swimming pool enclosures, whether consisting of screens, fences, or walls shall be provided with safety latches at a minimum height of four feet on all entryways.
- c. During swimming pool construction, the contractor shall install and maintain a temporary or permanent enclosure in accordance with the above requirements. Such enclosure shall be installed prior to pool steel inspection and no temporary enclosure may be removed until a permanent enclosure has been properly installed. Permanent enclosures shall be properly installed prior to final pool inspection.
- d. Screened cages for swimming pools may be located in rear yards, not closer than five feet to rear and side lot lines.
- e. These requirements shall also apply to swimming pools for hotels and motels during pool construction, but permanent enclosures shall not be required.

Planning Commission recommended APPROVAL.

During discussion, Mr Driggers suggested changing the height of the fence to a four-foot standard fence instead of a non-standard five-foot fence, and adjusting the latches accordingly.

Mrs Glass recommended revision of the paragraph pertaining to hotels and motels to address this area more fully.

The County Attorney also expressed concern about the paragraph dealing with hotels and motels being too vague and indefinite; concern about the need for protection for older persons, incompetents, etc, as well as for small children; and about regulation pertaining to the stage of construction at which the fence is to be installed.

There were no objections to the recommendation by the County Attorney that the staff be instructed to revise the proposed amendment as discussed today, and submit it to the Board for consideration.

TRANSIT - COUNTY FAIR BUS SERVICE

Based on recommendation by Phil Davis, Director, Transit Department, in a memorandum dated January 9, 1980, motion was made by Mr Fortson and seconded by Mr McGavic, that the Transit Department provide shuttle bus service from the Courthouse to the Fairgrounds during Fair Week, January 22, 1980 through January 26, 1980, as follows:

Tuesday through Friday.....12 Noon to 7 P.M.
Saturday.....12 Noon to 6 P.M.

Regular fares will prevail, transfers from other buses to the Fair bus will be acceptable and all children may ride at one-half fare, or twenty-five (25) cents on Friday, Children's Day.

Motion carried unanimously.

Mr Collier was authorized to coordinate transportation to the ends of the routes.

GUN PERMIT (FOWINKLE)

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

Robert W. Fowinkle, 6116 45th St W., Bradenton
(Lawyer's Surety Corp.) - 2 years
38 Special Ser. No. 2568
Charter Arms Model: Undercover 2" barrel.

Motion was seconded by Mr Fortson and carried unanimously.

✓RECORD RESOLUTION S8-228

TRAFFIC SIGNAL MAINTENANCE AGREEMENT - PALMETTO

The County Administrator submitted and recommended execution of an Agreement by and between Manatee County and the City of Palmetto in connection with a Traffic Signal Agreement entered into by and between the State of Florida Department of Transportation and the City, dated August 28, 1979, a copy of which is attached and made a part of the proposed Agreement between the County and the City, whereby the County agrees to maintain traffic signals operated and maintained by the City on 8th Avenue West (SR 45) at its intersections with 5th Street West, 7th Street West, 10th Street West and 17th Street West (Palmetto).

Motion was made by Mr Fortson to authorize the Chairman to execute the Agreement. Motion was seconded by Mr Driggers and carried unanimously.

✓RECORD AGREEMENT S8-229

UTILITIES: WATER IMPROVEMENTS (20" WATER MAIN) MENDOZA ROAD AND I-75

Motion was made by Mr Driggers and seconded by Mr Fortson to approve and authorize the Chairman to sign

Change Order No. 1 - Bober and Diana Contractors, Inc
Water System Improvements, 20" Water Main,
Mendoza Road & I-75, Project No. 630-631-03
to Increase the Contract by \$10,960.00

Motion was seconded by Mr Fortson and carried unanimously.

FLORIDA HIGHWAY PATROL - GASOLINE ALLOCATION

Due to gasoline for the Florida Highway Patrol having been budgeted at 80 cents per gallon and no contingency fund having been adopted by the Florida Legislature, and based on recommendation by Phil Davis, Transit Director, and the County Administrator, motion was

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made by Mr Fortson and seconded by Mr Driggers to approve a request by the Florida Highway Patrol to provide their 27 patrol vehicles with fuel at County cost (using the same system used for the Sheriff Department).

Motion carried unanimously.

HEALTH AND REHABILITATIVE SERVICES - COMMUNITY CARE FOR THE ELDERLY

Motion was made by Mr Fortson and seconded by Mr Driggers to authorize the Chairman to forward a letter to Ms. Joan M. Heggen, Department of Community Affairs, with regard to actions taken by the Department of Health and Rehabilitative Services in connection with the implementation of the Community Care for the Elderly program at the local level and effective administration of social service programs for Manatee County.

Motion carried unanimously.

UTILITIES: GATEWAY EAST SEWER SYSTEM - SUPPLEMENTAL CONTRACT

The County Administrator submitted and recommended execution of a Construction Contract Supplement, modifying a construction contract with Woodruff and Sons, Inc. for Gateway East sewer system modifications in the total contract amount of \$97,574.00, wherein, due to inadvertent oversight, the contract documents were not enumerated (the wording of the bid request was not included in the contract).

Motion was made by Mr Driggers to authorize the Chairman to sign the Construction Contract Supplement. Motion was seconded by Mr Fortson and carried unanimously.

RECORD CONTRACT S8-230

MATERIALS AND SERVICES

The County Administrator submitted for approval recommendation outlined by Gary M. Knuckles, Director, Materials and Services, in memorandum dated January 8, 1980:

UTILITIES

1. SQ 80-002 - Vacuum Pumper Truck Rental
 - a. Reject all bids and rebid the service.

Motion was made by Mr Fortson to reject all bids. Motion was seconded by Mr Driggers and carried unanimously.

UNITED FUND

The County Administrator announced that the United Fund contributions collected from County employees to date is \$7,511.00, a fifty-two percent increase over last year, but \$108 short of the total goal.

BILLS APPROVED FOR PAYMENT

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

Dr Lehman & Associates (Dec 79)	\$ 3,311.66
PDM Hydrostorage Inc (Est #9)	70,230.60
Manatee Memorial Hospital	6,385.88; \$3,810.64
Manatee Memorial Hospital	5,964.48
Refund: Rosa B. Davis (OB Clinic)	75.00

HEALTH AND REHABILITATIVE SERVICES - JUVENILE HOME (PROPOSED)

After a brief discussion on the possibility of a new juvenile home being located in Manatee County, and the fact that County Government has had no input in the matter, motion was made by Mr Fortson to authorize the Chairman to forward a letter to the Department of Health and Rehabilitative Services in regard to decision making and where the County stands in this possibility, and what disposition is planned for the County-owned building presently being used for this purpose. Motion was seconded by Mr Driggers and carried unanimously.

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AGENDA

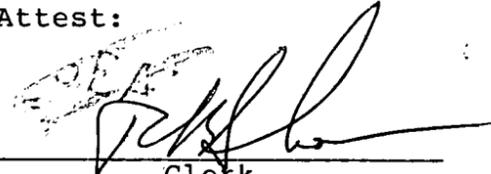
Chairman Glass proposed the following changes in the Agenda for future sessions:

- 1) Commissioners' reports and comments be at the beginning, rather than at the end, of the meeting; and that any pertinent information from any committee or other meetings held during the prior week be shared.
- 2) Public hearings be scheduled for 9:30 a.m. instead of 9:00 a.m.

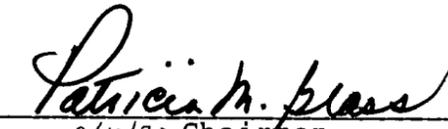
MEETING ADJOURNED

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

Attest:


Clerk

APPROVED:


2/12/80 Chairman

Adj: 2:30 p.m.