

JANUARY 24, 1980

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Courthouse, Bradenton, Florida, Thursday, January 24, 1980 at 9:01 a.m.

Present were Commissioners:

Lamar S. Parrish, Vice-Chairman  
Claude E. McGavic  
L. H. Fortson, Jr.  
Louis E. Driggers

Absent was Chairman Patricia M. Glass

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; Lauren Ritchie, The Bradenton Herald; Jean Sharp, The Banner; Dee Graham, The Banner; Mark Todd, Sarasota Herald-Tribune, and others who entered during the meeting.

The meeting was called to order by Vice-Chairman Parrish.

ZONING

Charles Carrington, Planning Director, and Bruce Siciliano, Planner, submitted recommendations of the Planning Commission:

R-944 CORTEZ ISLAND COVE ASSOCIATION - REZONE TO P.U.D. -  
REFERRED BACK TO PLANNING DEPARTMENT  
(Deferred from 11/30/78 by County Commission)

P.U.D. 11 - CORTEZ ISLAND COVE CONDOMINIUM - P/PLAN OF PLANNED  
UNIT DEVELOPMENT - REFERRED BACK TO PLANNING DEPARTMENT  
(Deferred from 11/30/78)

Mr. Carrington read into the record a letter from John W. Burdin, Transportation Planning Engineer, Florida Department of Transportation, dated October 31, 1978, a letter from Harry S. Ely, Director, Highway and Engineering, dated January 23, 1980, and a letter from O. E. Randle, Pollution Control Director, dated January 21, 1980.

Numerous petitions in opposition to R-944 and P.U.D. 11 were submitted and referred to the Planning Department.

Robert Knowles, Attorney, updated the Board on the proposed project stating that Robert Morris and his group have recently contracted to purchase the property.

Robert Morris, President and Chairman of Raymar Group Companies, was available to answer any questions. He informed the Board that his firm intends to submit to the Planning Commission a plan that is economically feasible, sensitive to the site area and to the general environment around the site, which would consist of mid-rise type buildings and some clustered buildings. He requested the Board to allow a continuance to afford his company an opportunity to prepare an amicable plan and to meet with the people in the area.

Mr. Knowles requested the matter be referred back to Planning and Development for further development of plans which will be more compatible with the community.

Mr. Carrington advised Mr. Morris that the Planning and Development Department would need new site plans, new character sketches, reevaluated environmental report, traffic report, service assessments for easements for water, sewer, etc., and a staging plan filed in that office to enable him to readvertise for a public hearing.

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Motion was made by Mr. Fortson to refer the project back to the Planning Board for further consideration of a new P.U.D. plan. Motion was seconded by Mr. McGavic and carried unanimously.

Fred L. Hall, representing Palma Sola Harbor Condominium Association, submitted a petition in opposition to R-944 and P.U.D. 11 and requested that before the Planning Commission and the Board of County Commissioners make a decision on the proposed project, they become aware of the opinions and attitudes of all residents in the area.

John Hanson, President of the Federation of Mobilehome Owners in Paradise Bay Trailer Park (who submitted a petition in opposition to R-944 and P.U.D. 11), Howard A. Ridyard, Vice-Mayor of Town of Longboat Key, Mary Brownell, President of Coral Shores Homeowners Association, Victor Fatland, Mt. Vernon Association, and Les Banan, President of the San Remo Shores Association, spoke in opposition to the proposed project.

RECESS/RECONVENE

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

R-1032 SYDNEY NEWMAN-HELEN ROBINSON - REZONE TO C - APPROVED  
(R. E. Nelson, Inc., Agent) Request: To change the present zoning from R-3 district to -C- district on .57 acre located at 5900 - 34th St., W., to a permit a neighborhood commercial operation.

Planning Commission recommended APPROVAL.

R. E. Nelson, Agent, was available to answer any questions and showed an aerial drawing of the location.

Motion was made by Mr. McGavic to approve R-1032 (by adoption of the appropriate resolution). Motion was seconded by Mr. Driggers and carried unanimously.

RECORD RESOLUTION

SE-1280 JAMES & JOANN BUCHANAN - MOBILEHOME - APPROVED  
Request: Special Exception to permit a mobilehome in addition to another mobilehome in an -A- district for a period of five years on approximately 10 acres located 1 mile S of Hwy. 64 on W side of S.R. 675.

Planning Commission recommended APPROVAL for a period of five (5) years to be granted at the administrative discretion of the Planning Director, (01/02/80) in compliance with Section VI, Paragraph 14 of the Manatee County Zoning Ordinance.

James Buchanan, petitioner, was available to answer any questions.

Motion was made by Mr. Driggers to approve SE-1280. Motion was seconded by Mr. McGavic and carried unanimously.

SE-1281 AGAPE FELLOWSHIP - CHURCH & FELLOWSHIP HALL - APPROVED  
(James A. Bopp, Agent) Request: Special Exception to permit a church and church related activities and a fellowship hall in an R-1AA district for a period of two years on .56 acre located at 2408 - 33rd Ave. Dr. E.

Planning Commission recommended APPROVAL for a permanent period of time with a stipulation that required landscaping and circulation control devices, i.e., curb stops, be installed within six months or 180 days after approval, (01/02/80) in compliance with Section VI, Paragraph 14, of the Manatee County Zoning Ordinance.

James Bopp, Agent, was available to answer any questions and requested that nine months be allowed for installation of the curb stops.

Motion was made by Mr. Driggers to approve SE-1281 for a permanent period of time and allow nine months for installation of the curb stops. Motion was seconded by Mr. Fortson and carried unanimously.

HOUSEMOVING PERMIT NO. 99 (JEFFRIES)

Mr. Carrington presented for consideration Housemoving Application Permit No. 99 for

A. F. Jeffries	to move a building from Terra Ceia Road, Lazy Acre Trailer Park to 7612 Bishop Harbor Road, Terra Ceia Pre-Moving No. 25636
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Mr. Carrington read into the record his letter of January 17, 1980 which recommended the building not be moved due to its deteriorating condition.

John Westland, resident of Lazy Acre Trailer Park stated he had examined the house and, although minor renovation would be necessary, he felt the house should be moved.

After discusssion, there were no objections to deferring action on Housemoving Permit No. 99 until Thursday, January 31, 1980 to afford the Commissioners an opportunity to view the site.

GULF TRAIL RANCHES

Ralph Varner, Jr., real estate appraiser, representing Watson and Dodge Masonry, Inc., explained that his client purchased 5 lots in May 1979 in Gulf Trail Ranches, that building permits to build duplexes were issued, but the area was subsequently rezoned to prohibit building duplexes (at the request of property owners in the subdivision).

He outlined problems in obtaining financing for the duplexes since a non-conforming use was created by the rezoning. Although it is possible to build the duplexes since the building permits are still valid, it would not be possible to rebuild the duplexes due to the non-conforming designation.

After discussion, the Planning Director and County Attorney were instructed to research the matter and submit recommendations at a future meeting.

UTILITIES - MANDATORY SEWER CONNECTION (ED JANES)

Ed Janes, 602 57th Avenue East, appeared before the Board requesting relief from mandatory sewer connection at his home since he is located 530 feet from the connection and advised that to dig a trench to the connection point would cost over \$4,000. He emphasized the fact that he has had no problems with his existing septic tank.

Jim Rhinehart, Engineering Supervisor, Manatee County Utilities System, pointed out that, under Chapter 153 of the Florida Statute, connection is mandatory when the lines are deep enough to provide service, and in this particular case, sufficient depth exists.

The County Attorney pointed out the only exception to the Statute would be if it is not engineeringly feasible to be serviced by the line.

After discussion, there were no objections to Mr. Rhinehart conducting an engineering study and reporting his findings to the Board.

LAWSUIT: TERRA SIESTA MOBILEHOME PARK

Upon motion by Mr. Driggers, seconded by Mr. Fortson, authority for the Pollution Control Director to use legal services of E. Mulock, Attorney, regarding the lawsuit of Terra Siesta Mobilehome Park was unanimously approved, ratified and confirmed.

PARKS AND RECREATION: GOLF COURSE

The County Administrator submitted a memorandum dated January 10, 1980, from John H. Marble, Director, Parks & Recreation Department, stating that his office has been approached by a local bank who has offered to donate Score Cards to the Manatee County Golf Course, and requested concurrence of the Board to accept the offer.

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Motion was made by Mr. Driggers to accept the Score Cards. Motion was seconded by Mr. McGavic and carried unanimously.

Mr. Collier stated that he would suggest to Mr. Marble that the provision of Score Cards will be for a set period of time at the end of which, normal advertising procedures will be followed to determine if there are other firms interested in participating in this proposal in the future.

DEALER IN SPECIAL FUEL: SURETY BOND FOR MANATEE COUNTY

Pursuant to Chapter 206, Florida Statutes 1970, motion was made by Mr. Driggers to approve a Surety Bond - Dealer in Special Fuel for Manatee County (Service Insurance Company, \$3,000.00) and authorize the Chairman to sign. Motion was seconded by Mr. Fortson and carried unanimously.

PUBLIC SAFETY COMPLEX

The County Attorney submitted and recommended adoption of a

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE ACQUISITION OF A SITE AND THE CONSTRUCTION OF A PUBLIC SAFETY COMPLEX THEREON; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$9,645,000 TO FINANCE THE SAME IN THE MANNER HEREIN SET FORTH; AND ORDERING AND PROVIDING FOR A BOND ELECTION ON THE APPROVAL OF THE BONDS.

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

RECORD RESOLUTION S8-242

LAWSUIT: KIRKWARD HOUSTON VS. AUTO OWNERS INSURANCE & MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS

In connection with a lawsuit involving alleged injuries and damages sustained on or about January 12, 1976, at the East Bradenton Recreation Center, the County Attorney submitted a letter to the Board dated January 22, 1980,

Re: Kirkward Houston Vs. Auto Owners Insurance Company and Manatee County Board of Commissioners, Case No. 80-24 in the Circuit Court of Hillsborough County, Florida

requesting authorization to represent the County and take whatever legal steps are necessary to protect the interests of the County in this litigation.

Motion was made by Mr. Driggers to authorize the County Attorney to represent the County. Motion was seconded by Mr. Fortson and carried unanimously.

LAWSUIT: DUANE PIERCE VS. ROBERT A. DILALLA, ET. AL., AND MANATEE COUNTY

The County Attorney submitted a letter to the Board dated January 22, 1980, in connection with litigation

Re: Duane Pierce Vs. Robert A. DiLalla and Others Including the County, Case No. CA 79-1872 in the Circuit Court of Manatee County, Florida

requesting authorization to represent the County and take whatever legal steps are necessary to protect the interests of the County in this litigation which involves the foreclosure of a mortgage covering real property in Fairmont Park Subdivision.

Motion was made by Mr. Fortson to authorize the County Attorney to represent the County. Motion was seconded by Mr. Driggers and carried unanimously.

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PARTICIPATION PROJECT 1195 (COMPLAINT BY JOHN ELLINGTON)

Mr. Fortson relayed a complaint by John B. Ellington, 4803 25th St. West, that he is unable to obtain financing to build a duplex due to the fact that an assessment lien in the amount of \$2,373 for Participation Project 1195 has been placed on his property. He stated that Mr. Ellington was not objecting to the Participation Project, but that he did not feel he should be obligated to pay the full amount now. Further, the assessment was placed on two lots as a whole when it should have been divided into two separate assessments.

Due to the fact that liens are placed on individuals' property as soon as a participation project is approved even though the property owner may not benefit from the project for several years, suggestions followed regarding not having the public hearings until the County is ready to pave the road and commencing construction within 90 days after approval, not assessing any money until the road is built, changing the wording of the resolutions adopted on Participation Projects, rescinding action taken on Participation Project 1195, and adopting a resolution amending the tax roll to show that Mr. Ellington's property should be assessed as two separate lots.

Motion was made by Mr. Fortson to instruct the County Attorney to submit a resolution on Tuesday, January 29, 1980 dividing Mr. Ellington's property into two lots for assessment purposes. Motion was seconded by Mr. Driggers and carried unanimously.

BOND: ONECO ORANGE BLOSSOM PART SUBDIVISION

Mr. McGavic moved to release the bond for the Oneco Orange Blossom Park Subdivision in the amount of \$41,135.51 (street and drainage improvements accepted for County maintenance January 17, 1980). Motion was seconded by Mr. Driggers and carried unanimously.

MEETING ADJOURNED

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

Attest:

APPROVED:

  
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Clerk

  
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Vice-Chairman

Adj: 11:45 a.m.