

FEBRUARY 28, 1980

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Courthouse, Bradenton, Florida, Thursday, February 28, 1980 at 9:05 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; Jeanne France, WTRL; Mark Todd, Sarasota Herald-Tribune, and others who entered during the meeting.

The meeting was called to order by Chairman Glass.

HOUSING FINANCE AUTHORITY

In response to query on the progress of the Housing Finance Authority, the County Attorney submitted a brief status report.

PROCLAMATION: CARDINAL MOONEY HIGH SCHOOL

Upon motion by Mr. Fortson, seconded by Mr. Driggers, a proclamation was unanimously adopted whereby the County recognizes and pays tribute to Cardinal Mooney High School of Sarasota County, Florida, for their special efforts in educational training for the betterment of young people of both Manatee and Sarasota Counties by sponsoring a telethon on March 2, 1980 for the benefit of young people.

RECORD PROCLAMATION S9-48

MOON, ROBERT B. - TWENTY YEARS SERVICE

Upon motion by Mr. Driggers, seconded by Mr. McGavic, a resolution was unanimously adopted honoring Robert B. Moon, Director, Right of Way Department, for his twenty years diligent and faithful service to the County and its residents, and thanking him for the improvements which he has produced in the Right of Way Department.

The County Administrator advised that a formal service certificate will also be presented Mr. Moon.

RECORD RESOLUTION S9-49

ZONING: Z-117 (SWIMMING POOL ENCLOSURES)

Bill Swan, Planning and Development Department, submitted a revised

Z-117 ZONING ORDINANCE AMENDMENT RESOLUTION
RE: SWIMMING POOL FENCES REQUIRED (AMENDMENT
SECTION VI, PARAGRAPH 15, OF THE ZONING
ORDINANCE MANUAL).

There were no objections to deferring this matter until later in the meeting in order that copies of the proposed revised resolution could be made available to the Commissioners.

VACATIONS: CEDAR STREET AND ELM STREET (*Riverview, J.R. Eller's Sub.*)
In connection with

- 1) 80-V-2 THOMAS J. & JOAN LARKIN (Vacation of a certain portion of Cedar Street (9th Street East) and a certain portion of Elm Street (8th Street East))
and
- 2) 80-V-1 C. B. & BETTY D. EDWARDS (Vacation of a portion of Elm Street, aka 8th Street East)

motion was made by Mr. Fortson and seconded by Mr. Driggers to adopt resolutions scheduling the public hearing for petitions 80-V-2 and 80-V-1 for March 27, 1980. Motion carried unanimously.

RECORD RESOLUTION S9-50
S9-51

ZONING: Z-117 (SWIMMING POOL ENCLOSURES)

After a discussion on deleting the word "fence" from item

15. a. (2) "Surrounded by a fence, wall, screen cage, or other permanent swimming pool enclosure shall encroach into any established utility easement,"

and on rewording paragraph "d" for clarity, action was deferred to afford the Planning Staff an opportunity to revise the proposed resolution.

BUILDING PERMIT REFUND: DESOTO SQUARE VILLAS/SAINER CONSTRUCTION

In connection with a request by David P. Stillerman, President, DeSoto Square Villas, that six building permits totaling \$1,311 be refunded to Sainer Construction or that the original permits be approved, the Planning Director recommended denial based on Section 106.3 (Conditions of the Permit) of the 1976 Standard Building Code.

To enable the Planning Director to obtain additional information, including the possibility of extending the building permit, and to afford the petitioner an opportunity to be present, there were no objections to deferring this item for one week. (Brought up later in meeting.)

ZONING

Charles Carrington, Director, Bill Swan and Bruce Siciliano, Planners, submitted recommendations of the Planning Commission.

R-1033 COUNTY COMMISSION INITIATED -
REZONE TO R-1AB
 (Deferred from 2/14/80)

Dick Hampton, Attorney representing Mockingbird Hill Development Corporation, reiterated his request of February 14, 1980, that the area owned by the Corporation not be rezoned and advised that the legal description can be made available.

Nick Baden, representing Mathew Marshall, opposed the rezoning of two duplex lots in La Selva Park owned by his client.

Gail Wallace, 2515 32nd Avenue East, spoke in favor of the rezone.

Due to lack of the exact location of the lots owned by Mr. Marshall, R-1033 was deferred until later in the meeting to allow Mr. Baden time to ascertain the legal description.

R-1017 BANK OF PALM BEACH & TRUST COMPANY -
REZONE TO T-3 - DENIED

(James M. Nixon, II, Agent) Request: To change present zoning from T district and C-1 district to T-3 district on approximately 8.3 acres located north of Palmetto between U.S. 41 and U.S. 19.

Planning Commission recommended DENIAL based upon Committee Report as follows:

1. The proposed zoning change will have a dangerous impact on the immediate road system due to the amount and type of traffic generated by the proposed travel trailer park.
2. Access to the subject property is restricted to the intersection of U.S. 41 and 45th St E, the possible creation of any intersection at U.S. 19 and 45th St E and the intersection at U.S. 19 and U.S. 41 with 49th St E (Experimental Farm Road) with traffic flow proceeding through an established neighborhood along 4th Ave E. The 45th St E - U.S. 41 intersection is complicated because development and road configuration precludes needed stack and acceleration lanes. The U.S. 19 intersection possibility is complicated because of the curvilinear

FEBRUARY 28, 1980

Cont'd

feature of U.S. 19 in this area. The third alternative (49th St E) could provide the necessary stack and acceleration features but channels traffic through an established residential area.

Upon question, Bruce Siciliano reported that, based on Florida Department of Transportation figures, the existing zoning of a mobilehome park would generate approximately 250 trips per day; while the travel trailer park would generate approximately 850 trips per day.

James Nixon, Agent, requested the zoning be granted and that the access problems be addressed prior to final plan approval, not during the rezoning petition.

Jerome Gostkowski, Highway Department, advised that no restrictions or requirements were placed on the petition (other than the recommendation that access to the property be limited to 45th St E) as this was a rezone request; however, recommendations from the Highway Department will be submitted during plan review.

Motion was made by Mr. McGavic to approve R-1017. Motion was seconded by Mr. Driggers. Voting "Aye" were Commissioners McGavic, Driggers and Parrish. Chairman Glass and Commissioner Fortson voted "No." Motion failed to carry.

R-1033 COUNTY COMMISSION INITIATED - REZONE TO R-1AB

Nick Baden, Attorney, submitted the lot description stating that Lots 27, part of 28, 18, part of 17 of Block H, in La Selva Park Subdivision are contiguous to the lots owned by Mockingbird Hill Development Corporation.

Motion was made by Mr. Driggers to approve R-1033 deleting the area of Mockingbird Hill Development Corporation and withholding action on the area in which Dr. Graham has housemoving permits (3) until later in the meeting when action on the permits will be taken.

Due to question of legality of partial approval of the petition without making a decision on the entire rezone application, the motion was withdrawn and action was deferred until later in the meeting.

RECESS/RECONVENE

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

R-1035 JOHN KRESS - REZONE TO R-1AA - DEFERRED

(W. A. Welborne, Agent) Request: To change the present zoning from A district to R-1AA district on 2.4 acres located at the NW corner of Elwood Park Road (38th Ave E) and 39th St E. Planning Commission recommended DENIAL because the request would represent spot zoning and encroachment of duplex zoning into an established single family area.

W. A. Welborne, Agent, requested a rezone in order to permit two residential structures, each with separate provisions for living quarters for family (mother-in-law to live in attachment to each house). He advised that none of the units would be rented.

After a discussion as to whether a residence with separate living quarters for a mother-in-law would constitute a duplex, there were no objections to deferring action for two weeks to afford the County Attorney and appropriate Staff to research the area and interpretation of the term, "duplex" as to whether a zoning change is necessary.

SE-1283 MILBURN A. & EUGENE H. SMITH - MOBILEHOME - APPROVED

Request: Special Exception to permit a mobilehome in an A district, in addition to an existing mobilehome, on ten acres for a period of ten years located at the west side of Myakka Wauchula Road approximately 3 miles SW of S.R. 64.

Planning Commission recommended, in accordance with Section VI, Paragraph 14, of the Manatee County Zoning Ordinance, APPROVAL for a period of five years plus five years to be granted at the administrative discretion of the Planning Director with no extension.

Motion was made by Mr. Driggers to approve SE-1283 as recommended by the Planning Commission. Motion was seconded by Mr. Parrish and carried unanimously.

79-S-29(P) RYE RIDGE ACRES SUBDIVISION - APPROVED

(Jerry Rogers & Thomas W. Forrest, Developers; R. E. Nelson, Inc., Agent) Request: Preliminary plat approval of 115 single-family-lots subdivision on 335 acres zoned -A-.

Planning Commission submitted NO RECOMMENDATION, but recommended that a definite determination of State and Federal policy regarding future development downstream from Lake Manatee, which could result in the operating level of the reservoir being lowered, must precede any formal action on development proposals in this area (as recommended by the Manatee County Utilities System).

The Planning Staff recommended a series of conditions to be attached to the preliminary plat and recommends deferral pending incorporation of said following requirements onto the plat:

- a. Any proposed residential development within the subdivision lying in that part of the 100 year floodplain of the proposed Upper Manatee River Flood Hazard Area, shall require elevation of the first habitable floor of residential structures to be above the 100 year flood levels.
- b. The travelways of access roads to residential structures within the subdivision shall be elevated in accordance with professional engineering practices, but not less than the 10 year flood level for the area.
- c. To allow for interneighborhood circulation, an 84 foot R/W shall be provided from the proposed road network to the property line between Tracts 15 and 16, 31 and 32, 35 and 36 and 47 and 48 of Block A.
- d. All of the above stipulations shall be fully incorporated into a revised preliminary plat, prior to the scheduling of a hearing date for final action on this item by the Board of County Commissioners.

Similarly, in conclusion of drainage and public transportation as they relate to this subdivision, the Highway and Engineering Department recommended that the following stipulations be attached to the preliminary plat:

- a. That portion of Rye Road fronted by the proposed development should be improved to meet the minimum requirements of the typical rural residential roadway cross-section.
- b. A drainage easement would be required over the creek and shall be the width of the water course, plus 25 feet of level ground from the top of bank.
- c. Road drainage conveyed between lots to an outfall shall be piped instead of the proposed side lot swales. A 15 foot wide drainage easement would be required at these locations.

A slide presentation of the October 1979 flooding, detailing the area of Rye Ridge Acres, was presented by Charles Hunsicker, Planning Department.

FEBRUARY 28, 1980

Cont'd

Amos Mayhill, resident of the Rye Bridge area, spoke concerning the flood hazard in the area.

Ed Price, representing the petitioner, spoke opposing the staff recommendation "c" involving interneighborhood circulation because of the size of the lots and the nature of the development, and he stated no objections to participating with developers in the area and with the County in the development of a policy for paving Rye Road.

Motion was made by Mr. Driggers to approve 79-S-29(P) including stipulations a, b, d and e as recommended by the Planning Staff (item "e" to be corrected accordingly) and the stipulations by the Highway Department with the understanding that the drainage and road improvement participation be resolved by the Developer and the Highway Department prior to submittal of final plan and that the habitable floor of the buildings in the floodplain area, which shall be determined by the Engineer of Record, be elevated to the 20 year flood elevation (as stated in the proposed Flood Hazard Policy). Motion was seconded by Mr. Parrish. Voting "Aye" were Commissioners Fortson, Driggers, McGavic and Parrish. Chairman Glass voted "No". Motion carried.

79-S-33(P) BLUE BIRD RANCH ESTATES - DEFERRED

(Henry Garland, Developer; Zoller & Najjar Engineering, Inc., Agent) Request: Preliminary plat approval of a 79 single-family-lots subdivision on approximately 140 acres zone -A- located north of Upper Manatee River Road and west of and adjacent to North Rye Ridge Road. Planning Commission submitted NO RECOMMENDATION. The Planning Commission recommended that a definite determination of State and Federal policy regarding future development downstream from Lake Manatee, which could result in the operating level of the reservoir being lowered, must precede any formal action on development proposals in this area.

Planning Staff recommended that the following conditions be attached:

- a. Residential development within the 100 year floodway of the proposed Upper Manatee River Flood Hazard Area shall be prohibited, pending the adoption of permanent floodplain regulations applicable to the site.
- b. Any proposed residential development within the subdivision, lying in that part of the 100 year floodplain of the proposed Upper Manatee River Flood Hazard Area, shall require elevation of the first habitable floor of residential structures to be above the 100 year flood levels.
- c. The travelways of access roads to residential structures within the subdivision shall be elevated in accordance with professional engineering practices, but not less than the ten year flood level for the area.
- d. To allow for interneighborhood circulation and general safety by providing a second means of access, an 84 ft. right of way shall be provided from the proposed road network to the property line between tracts 7 and 8 of Block A, or tracts 7 and 8 of Block C.
- e. The requirements for sidewalks and recreation may be waived.
- f. All of the above stipulations shall be fully incorporated into a revised preliminary plat, prior to the scheduling of a hearing date for final action on this item by the Board of County Commissioners.

In consideration of drainage and public transportation as they relate to the subdivision, the Highway and Engineering Department recommended that the following stipulations be attached to the preliminary plat:

- a. That portion of Rye Road fronted by the proposed development should be improved to meet the minimum requirements of the typical rural residential roadway cross-section.
- b. A drainage easement would be required over Goddard Branch and shall be the width of the water course, plus 25 feet of level ground from the top of bank.
- c. Road drainage conveyed between lots to an outfall shall be piped instead of the proposed side lot swales. A 15 foot wide drainage easement would be required at these locations.

A slide presentation of the October 1979 flooding detailing the area of Blue Bird Subdivision was presented by Charles Hunsicker, Planning Department.

David Deitrich, representing the Petitioner, commented on the confusion regarding the condition approvals of a subdivision, as a subdivision is simply the process of dividing land and does not necessarily commit the Board to issuing building permits.

Mr. Deitrich opposed item "c" of the Planning Department recommendations but stated no objections to participating with developers in the area and with the County for the development of a policy for paving Rye Road. He further stated no objections to elevating the interior roads to the ten-year flood level.

Dan Zoller and Tom McCollum, Zoller and Najjar Engineering, were available to answer any questions.

At the request of Mr. McGavic, action was deferred for one week (March 6, 1980) to afford the Commissioners an opportunity to further review the application and the proposed resolution establishing a Flood Hazard Policy.

Arlene Flisik, interested citizen, advised that her comments will be put in writing and submitted for the Board's consideration.

RECESS/RECONVENE

The Chairman declared the meeting recessed at 12:09 p.m.

The Board reconvened at 2:34 with all members present.

79-S-45(P&F) J. R. HOWELL SUBDIVISION -
REFERRED TO PLANNING COMMISSION

(J. R. Howell, Developer; Leo Mills & Associates, Inc., Agent)
Request: Preliminary and Final Plat approval of a 4-duplex-lots subdivision on 1.07 acres zoned R-1AA located at 5th St. E. and 23rd Ave. E.

Planning Commission recommended DENIAL for the reason that all required improvements have not been installed, specifically a fire protection system.

Bruce Siciliano reported that the developer requested a waiver of a fire protection system, sidewalk and recreation requirements.

Bob Tierney, Chief of Westside Fire Department, commented on the need for fire hydrants in the area although it is costly to the builder, as a fire protection system is necessary for the safety of the citizens.

FEBRUARY 28, 1980

Cont'd

After discussion of the financial burden placed on an individual builder of a small development by having to pay for the fire protection of an entire area, and upon report by the County Attorney that the subdivision regulations require that, if the Board wishes to approve the final plat, the Planning Commission must also approve and sign the plat, motion was made by Mr. Driggers to waive the requirement for a fire hydrant and refer it back to the Planning Commission for their recommendation. Motion was seconded by Mr. Fortson for discussion.

After discussion, motion and second were amended to include the waiver of the sidewalk and recreation requirements. Motion carried unanimously.

79-S-46(P&F) LONG LOT SUBDIVISION -
REFERRED TO PLANNING COMMISSION

(William Garland, Developer; Leo Mills & Associates, Agent)
Request: Preliminary & Final Plat approval of a 4 single-family-lots subdivision on approximately 13.3 acres zoned R1C located Southside of 9th Avenue NW, 11.3 miles east of 99th St. NW.

Planning Commission recommended DENIAL for the reason that all required improvements have not been installed, specifically a fire protection system.

Bruce Siciliano reported that the developer requested a waiver of a fire protection system, sidewalk and recreation requirements.

Bob Tierney, Chief of Westside Fire Department, recommended the developer be required to install a fire protection system as the nearest fire hydrant is approximately 1,500 feet away.

Based on discussion (ref 79-S-46(P&F) regarding the burden for a developer of a small subdivision to install a fire protection system and that the plat must also be approved by the Planning Commission, motion was made by Mr. Fortson to waive the fire protection, sidewalk and recreation requirements, and to refer the plat to the Planning Commission for their reconsideration.

Motion was seconded by Mr. Driggers and carried unanimously.

There were no objections to requesting the Planning Commission to consider the Long Lot Subdivision and the J. R. Howell Subdivision petitions at their next scheduled meeting.

79-S-47(P) HENSON INDUSTRIAL PARK
1ST ADDITION, 2ND PHASE - APPROVED

(Carl Henson, Developer; Zoller & Najjar Engineering, Inc, Agent) Request: Preliminary Plat approval of 23 industrial-lots subdivision on approximately 30.6 acres zoned M-2 located NE of and adjacent to intersection of proposed US 301 and 63rd Avenue East.

Planning Commission recommended APPROVAL with waiver of sidewalk and recreation requirements.

Motion was made by Mr. Driggers to approve 79-S-47(P) with a waiver of sidewalk and recreation requirements. Motion was seconded by Mr. Parrish and carried unanimously.

79-S-48(P) GREENDALE ESTATES SUBDIVISION - APPROVED

(Greendale Estates, Inc., Developer; Richard White, Agent) Request: Preliminary plat approval of a 32 single-family-lots subdivision on 41.2 acres zoned A located north of 38th Avenue East between 30th Street E. and 37th Street East.

Planning Commission recommended APPROVAL with waiver of sidewalk and recreation requirements and with the stipulation that the proposed cul-de-sac located in the southeast corner of the property be extended south to 38th Ave E to provide a secondary means of access to the subdivision.

Richard White, Agent, opposed the extension of the proposed cul-de-sac; however, Bob Pierro, Engineer of Record for the project, suggested that, at the cul-de-sac, the necessary easements be dedicated; that a road be graded with a stabilized sub-base and sodded; and that a break-away gate be placed at the entrance to the road at 38th Ave in order that emergency access be available.

Motion was made by Mr. Driggers to approve 79-S-48(P) with a waiver of sidewalk and recreation requirements and with the stipulation that a secondary means of access be provided (a grassed roadway with break-away gates) as outlined by Mr. Pierro prior to final plan being submitted.

Motion was seconded by Mr. Parrish and carried unanimously.

77-T-1/2(F) COLONY LAKES ESTATES, PHASE III - APPROVED
(F & B Properties, Developer; Zoller & Najjar Engineering, Inc., Agent) Request: Final plan approval of a mobilehome park (148 lots) on 49.987 acres zoned T-1 located north of Mendoza Road between Erie Road & Victory Road, east of Colony Lakes Estates, Phases I & II.
Planning Commission recommended APPROVAL.

Motion was made by Mr. Parrish to approve 77-T-1/2 (F). Motion was seconded by Mr. Fortson and carried unanimously.

HOUSEMOVING PERMIT NOS. 80-HM-3; 80-HM-4; 80-HM-5 (GRAHAM)

In connection with Housemoving Applications in the name of Angus Graham

- | | |
|-------------|---|
| No. 80-HM-3 | to move buildings from 218 & 302 - 2nd Ave. E.
to 2110 - 26th Avenue East.
Pre-Moving No. 26445 |
| No. 80-HM-4 | to move a building from 301 3rd Ave. E.
to 2110 26th Avenue East
Pre-Moving No. 26446 |
| No. 80-HM-5 | to move a building from 219-21 - 3rd Ave. E.
to 2110 26th Avenue East
Pre-Moving No. 26447 |

Bruce Siciliano, explained that the move will include two single family units in HM-80-3, a single family house in HM-80-4, and a duplex in 80-HM-4 and that the homes will be moved to a parcel that is now under consideration and being reviewed as a preliminary plan for Samoset Village Subdivision (scheduled to be heard by Board on 4/24/80).

Mr. Siciliano further explained that a petition in La Selva Park Subdivision (R-1033), to change the zoning from R-1AA and R-2 districts to R-1AB district (property on which the homes are to be placed), is presently pending before the Board.

W. L. Tremain, Robert Farless, Travis Gaines, Dean Mixon and Mrs. Farless, residents in the immediate area, spoke in opposition to the request due to the drainage problem in the area.

Sabino Lioce spoke concerning drainage problems in certain areas of the County.

Richard Keston, Realtor representing the owners selling property to Dr. Graham, concurred with the drainage problems but stated that no building permits, certificate of occupancy, or preliminary and final approval can be granted unless the drainage problem is solved when subdivision plans are submitted for approval.

Bret Johnson, R. A. Johnson and Son Movers, advised that the houses will be placed on a foundation; however, no plumbing or electricity will be installed.

FEBRUARY 28, 1980

Cont'd

Dr. Angus Graham, Petitioner, was available to answer questions and had no objections to separating the duplexes if the zoning is approved.

Motion was made by Mr. Driggers to instruct the Highway Department to schedule a meeting with Travis Gaines regarding the drainage problem in the area and submit a document within two weeks on alleviating the problem.

Upon report by Mrs. Glass that a motion is not necessary, Mr. Carrington was instructed to relay the message to the Highway Department requesting that a progress report be submitted.

Motion was made by Mr. Driggers to approve Housemoving Permits 80-HM-3, 80-HM-4, and 80-HM-5 with the understanding that the houses cannot be occupied until such time as the subdivision plat is approved. Motion was seconded by Mr. Fortson for discussion.

Following discussion, motion and second were amended to include a requirement that the buildings be fenced and boarded.

Upon advice by the County Attorney, motion and second were amended to include that this motion shall be without prejudice to the right of the Board of County Commissioners to deny permanent use of that property for the site of those houses in the future. Motion carried unanimously.

ZONING (Cont'd)

R-1033 COUNTY COMMISSION INITIATED - APPROVED (Deferred from earlier in meeting)

Motion was made by Mr. Driggers to approve R-1033 (by adoption of appropriate resolution) excluding lots in La Selva Park Subdivision owned by Mockingbird Hill Development, and excluding in Block H, La Selva Park Subdivision, lot 27, 1/2 lot 28, lot 18, and 1/2 lot 17. Motion was seconded by Mr. McGavic and carried unanimously. *zoning*

RECORD RESOLUTION

BUILDING PERMIT REFUNDS: DESOTO SQUARE VILLAS/SAINER CONSTRUCTION

In connection with the request to refund building permit fees in the amount of \$1,311 to Sainer Construction (ref earlier in meeting), the Planning Director reported that upon request prior to expiration of building permits, he may grant a ninety day extension, therefore, he does not have the authority to extend the permits in question.

Upon question as to whether a hardship was placed on the builder due to the sewer moratorium being in effect at that time, action was deferred to allow Mr. Carrington to contact the builder.

FLOOD HAZARD POLICY

There were no objections to deferring action on the proposed resolution establishing a Flood Hazard Policy to afford the Commissioners an opportunity to review the policy as it applies to the subdivision applications.

SOUTHERN PARKWAY: 38TH AVENUE WEST (DUAL DESIGNATION)

There were no objections to placing on the Agenda for Tuesday, March 4th, the request from Mr. Leatherberry that the name of Southern Parkway (dual designation) be removed from the street signs on 38th Avenue West.

SAFETY COUNCIL RECOMMENDATIONS

Bob Pierro, Chairman, Traffic Safety Committee, submitted recommendations from the Manatee County Safety Council as follows:

- 1) "No Turn Around" sign at 11th Street Court East, 6300 Block
- No recommendation

- 2) Left turn signal at intersection of Whitfield Avenue and U.S. 301 - Refer to Highway Department for engineering study.
- 3) Lower speed limit from existing 55 mph located at U.S. 41 from Bowlees Creek to airport - County Commission should request Florida Department of Transportation to prepare an engineering study on existing speed limit.
- 4) Turn signals at intersection of 63rd Avenue and 26th Street West - Refer to Highway Department for engineering study.
- 5) Pedestrian crosswalks at 26th Street West and 63rd Avenue West; 26th Street West and 60th Avenue West - Refer to Highway Department for engineering study.
- 6) Traffic light at 26th Street West and 60th Avenue West - Refer to Highway Department for engineering study.
- 7) Four way stop at 39th Street West and 9th Avenue West - In favor of four way stop with the intersection to be monitored over a six month period.
- 8) Post 30 mph sign at 22nd Avenue from 36th Street West to 30th Street West - No action, conflicting data on location of request.
Mr. McGavic advised that more specific information on the location would be submitted.

Alan Prather, Associate County Attorney, recommended approval of the following Safety Council recommendation in an attempt to alleviate the dust and pollution problem on 37th Street East and to help settle a pending lawsuit involving same:

Reduction of speed limit to an appropriate speed commensurate with a reduction in the quantity of particulates being emitted from the road, the erection of "No Through Traffic" signs at each end of 37th Street East and the recommendation or suggestion to the Sheriff of Manatee County that strict enforcement be undertaken and implemented on 37th Street East, Oneco, Florida.

Ed (Paul) Jaworoski, 5116 37th Street East, expressed concern about the enforcement of the speed limit and the "No Through Traffic" requirement.

Maj. Clyde Gill, Sheriff's Department, advised that the speed limit would be enforced to the best of the department's ability, but questioned the legality of posting a "No Through Traffic" sign.

Motion was made by Mr Parrish and seconded by Mr Fortson to approve the recommendation of the Safety Council and Associate County Attorney and to post a speed limit of 20 MPH. Motion carried unanimously.

Motion was made by Mr. Driggers to approve items 1 through 7 as recommended by the Safety Council, and instruct the staff to implement these improvements or studies immediately. Motion was seconded by Mr. Parrish and carried unanimously.

PLANNING COMMISSION REAPPOINTMENT (BOTT)

Upon motion by Mr. Fortson, seconded by Mr. Parrish, the Board unanimously reappointed Ms. Ann Bott to the Planning Commission (expires 3/1/80).

MATERIALS AND SERVICES

The County Administrator submitted for approval items of the Materials and Services Department outlined in memorandums dated February 22, 25 and 26, 1980 from Gary M. Knuckles, Director:

FEBRUARY 28, 1980

Cont'd

UTILITIES

- 1) Bid 80-30 - Cationic Polymer
 - a. Award to lowest responsible bidder, American Cyanamid Company, in the amount of \$.1248 per pound.

Motion was made by Mr. McGavic to approve the bid. Motion was seconded by Mr. Driggers and carried unanimously.

PARKS AND RECREATION

- 2) Fishing Reef Material
 - a. Expenditure of approximately \$10,000 - \$12,000 (to transport reef material to Gulf of Mexico) for the rest of the fiscal year without Board approval.

Motion was made by Mr. Driggers that the Department be authorized to spend up to the budgeted amount as recommended. Motion was seconded by Mr. Parrish and carried unanimously.

- 3) Trucking Firm to haul clay from Avon Park to Manatee County
 - a. After the fact approval of expenditure of \$4,360.02 (\$27.50/hr for 159 hours)

Motion was made by Mr. Driggers to waive bid policy and approve payment of \$4,360.02. Motion was seconded by Mr. Fortson and carried unanimously.

MOTOROLA CONTRACT

Upon question, Mr. Knuckles advised that although Hayworth Communciations, the subcontractor of the Motorola Contract, is from St. Petersburg, the company is in the process of leasing a building in Manatee County and should have no problem in complying with its communications maintenance agreement with the County.

CENTURY CONSULTANTS, LTD: COMPUTER INSTALLATION

The County Administrator submitted for approval the recommendation of the Board of Governors of the Computer Center to approve the proposal of Century Consultants, Ltd. (CCL) to develop a detailed request for proposal encompassing the requirements for the operation and technical support of the County's computer installation. CCL will also address the personnel requirements to maintain the daily computer operational production schedule, the onsite programming and systems support staff and the overall management of the computer installation.

The charge for the service will be a minimum of \$1,500 plus \$300 per day for work in excess of five man-days not to exceed a total of \$3,000, plus incurred expenses estimated to be \$75 per day when physically on-site of the County data processing center.

Motion was made by Mr. Fortson to approve the recommendation of the Board of Governors. Motion was seconded by Mr. Driggers and carried unanimously.

UTILITY RELOCATION AGREEMENT (MOCCASIN WALLOW ROAD/CARTER ROAD)

Motion was made by Mr. Driggers to approve the Utility Relocation Agreement, Federal Aid Interstate Projects Supplemental Agreement No. 1 for Project No. 13075-6406 to relocate the water main located south of Moccasin Wallow Road and south of Carter Road. (Original agreement dated 3/30/79.)

Motion was seconded by Mr. McGavic and carried unanimously.

✓ RECORD AGREEMENT S9-52

CONDEMNATION SUIT: STIPULATION FOR FINAL JUDGMENT (ROYAL PALM BEACH)

In connection with condemnation suit, Manatee County vs. Royal Palm Beach Colony, Inc., et al (43rd Street at Cortez Road) Case No. CA-78-1493, motion was made by Mr. Driggers and seconded by Mr. McGavic to approve

FEBRUARY 28, 1980

Cont'd

Stipulation for Final Judgment as to the
Interests of the City of Bradenton, Florida
In Parcels 5 and 7

Motion carried unanimously.

CONDEMNATION SUIT: STIPULATION FOR FINAL JUDGMENT (CARRION)

In connection with condemnation suit, Manatee County vs. Royal Palm Beach Colony, Inc., et al (43rd Street at Cortez Road) Case Nos. CA-78-1493; 49-213, motion was made by Mr. Driggers and seconded by Mr. Fortson to approve

Stipulation for Final Judgment as to
Parcel No. 7

whereby the sums set forth are to be awarded as full and just compensation for Parcel No. 7 together with fees and costs identified and to be distributed to the Defendant, Jaime S. Carrion, as full and just compensation - \$23,760, to Williams, Parker, Harrison, Dietz and Getzen, Attorneys - \$1,950, and to Realty Appraisal and Consulting Services - \$1,250, for a total amount of \$26,960.

Motion carried unanimously.

LAWSUIT: ESTECH GENERAL CHEMICAL CORPORATION

In connection with recent authority to obtain an environmental lawyer as Co-Counsel to assist the County Attorney in the lawsuit, Estech General Chemical Corporation (2/26/80), the County Attorney recommended that the Board consider William Earl, Attorney with the law firm of Peeples, Earl, Smith, Moore and Blank, Miami, at a quoted fee of \$115/hr (to be reduced, as this is governmental work) or Baya Harrison, Attorney with the law firm of Fuller and Johnson, Tallahassee, at a quoted fee of \$60/hr.

Following discussion, motion was made by Mr. Driggers to retain the law firm of Fuller and Johnson as Co-Counsel. Motion was seconded by Mr. Parrish and carried unanimously.

CLERK'S CONSENT CALENDAR

Upon motion by Mr. McGavic, seconded by Mr. Driggers, the Board unanimously approved the Clerk's Consent Calendar dated February 28, 1980 as follows:

MINUTES: Regular Session, January 22, 1980
Special Session, January 24, 1980

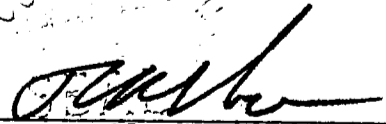
BILLS FOR PAYMENT:

Mulock & Farrance (Simanonok)	\$ 200.00
Williams and Associates, Inc. (Safety Complex)	3,850.30
Jack Zickafoose Financial Services, Inc.	40.25
Jack Zickafoose Financial Services, Inc.	7,500.00
Kunde, Driver, Simpson & Associates, Inc.	11,700.00

MEETING ADJOURNED

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

Attest:


Clerk

APPROVED:


Chairman

Adj: 5:48 p.m.