

JUNE 26, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, June 26, 1980 at 9:05 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Lamar S. Parrish, Vice-Chairman
Claudé E. McGavie
L. H. Fortson, Jr.
Louis E. Driggers

Also present were:

E. N. Fay, Jr., County Attorney
Bob Fernandez, Assistant 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; Mark Todd, Sarasota Herald-Tribune, and others who entered during the meeting.

Invocation by Rev. Charles Harkala, First Baptist Church of Oneco.

The meeting was called to order by Chairman Glass.

BRAIDENTOWN MASONIC LODGE

Motion was made by Mr. McGavie to grant the request by the Braidentown Masonic Lodge for a temporary septic tank at 30th Avenue West until such time as sewer lines are made available to the site. Motion was seconded by Mr. Driggers and carried unanimously.

Mr. McGavie stated for the record that he is a member of the organization but receives no remuneration.

GARBAGE FRANCHISE AGREEMENTS (PROPOSED)

Jesse Carr, representing the Home Builders Association of Sarasota, Manatee, Desoto, and Hardee Counties, advised that the proposed Garbage Franchise Agreement presents a problem in the Contractor's competitive process for hauling construction debris and could possibly cause delays in the removal. He requested, therefore, that contractors be allowed to negotiate with the refuse company of their choice for hauling the debris.

Staff was instructed to prepare alternative language regarding the procedure for collection of construction debris to be discussed with the Franchise holders on Tuesday, July 1, 1980.

TOURIST DEVELOPMENT COUNCIL: MANATEE CHAMBER OF COMMERCE

Don Busey, Executive Vice President, Manatee Chamber of Commerce, submitted a resolution by the Chamber requesting that the County Commission review the composition of the Tourist Development Council and make new appointments as necessary; instruct the Council to prepare and submit a plan for tourist development for review by the Commission and that referendum be included on the ballot for the General Election in November, 1980.

The Chairman advised that the Board previously authorized revision of the document (June 24, 1980) and when completed, the item will be placed on the agenda for review by the Board.

Motion was made by Mr. McGavie to accept the resolution by the Chamber of Commerce. Motion was seconded by Mr. Driggers and carried unanimously.

COMPREHENSIVE PLAN: PORTABLE SIGNS

Dennis Warner, representing Citizens for the TOTAL BAN of Portable Signs, submitted a letter dated June 26, 1980, requesting that the

JUNE 26, 1980

Cont'd

Planning and Development Department be directed to revise the proposed sign regulation of the Comprehensive Plan to include the following amendments:

- 1) Portable signs be prohibited (defined as trailer-type or moveable structure signs)
- 2) Changeable copy signs be permitted only when designed and constructed as an intricate part of a permanent free-standing enterprise sign or as a marquee.

and that the regulation be adopted immediately so that it may be inserted into the current zoning ordinance.

The Chairman assured Mr. Warner that his comments would be given careful consideration.

ZONING

Charles Carrington, Director, and Marty Jacobs, Planner, submitted recommendations of the Planning Commission.

R-80-34 NORMAN J. & BOBBY JO PINARDI - PR - APPROVED

Request: To change the present zoning from R-2 to PR district to permit general or medical offices on .74 acre at 2007 53rd Avenue East, Oneco (NW Cor 53rd Ave. E. and 20th St. Ct. E.) Planning Commission recommended APPROVAL.

R-80-35 PAUL R. & LOUISE K. CARUSO - C - APPROVED

Request: To change zoning from R-1AA to C district to permit a gift shop on .73 acre located at 209 & 215 Cortez Road East. Planning Commission recommended APPROVAL.

R-80-34

Motion was made by Mr. Driggers to approve R-80-34 (by adoption of appropriate resolution). Motion was seconded by Mr. Parrish for discussion.

There was question as to whether this might represent "spot" zoning and could establish a trend for professional zoning on 53rd Avenue East.

Voting "Aye" on the motion were Commissioners Driggers, Fortson, Parrish and Chairman Glass. Mr. McGavic voted "No." Motion carried.

RECORD RESOLUTION

R-80-35

Motion was made by Mr. Driggers to approve R-80-35 (by adoption of appropriate resolution). Motion was seconded by Mr. McGavic and carried unanimously.

RECORD RESOLUTION

SE-80-45 VICTOR FORTIER - MOBILE HOME - APPROVED

(Victor Fortier, Agent) Request: Special Exception to permit a mobile home as a residence on 5 acres in an A district located on Water Line Road, 1-3/4 mi. E of Rye Road for a period of ten years plus an additional ten years to be granted at the administrative discretion of the Planning Director.

Having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, Planning Commission recommended APPROVAL for a period of five years plus an additional five years to be granted at the administrative discretion of the Planning Director.

SE-80-46 EUGENE & RUTH BARCLAY - MOBILE HOME - APPROVED

(Walter R. Talley, Atty., Agent) Request: Special Exception to permit a mobile home as a residence on five acres in an

A district located on Erie Lane for a period of five years plus an additional five years to be granted at the administrative discretion of the Planning Director. After having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, Planning Commission recommended APPROVAL for a period of two years plus an additional two years to be granted at the administrative discretion of the Planning Director.

SE-80-47 BEREA HOLDING COMPANY, INC - FARM MARKET - APPROVED
(Barbara Shepherd, Agent) Request: Special Exception to permit a Farmer's Market and Feed Store for commercial, agricultural supplies in a V-1A district located on Manatee Avenue East, 1/4 mi. north of SR 70. After having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, the Planning Commission recommended APPROVAL for a permanent period of time provided the applicant takes care of parking and circulation problems.

SE-80-48 ELLENTON FIRE CONTROL DISTRICT
FIRE STATION FACILITY - APPROVED
(R. E. Nelson, Inc., Agent) Request: Special Exception to permit a fire station facility in a T-1 district on approximately .344 acre located west of intersection of US 301 and Colony Cove Dr., N. Having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, the Planning Commission recommended APPROVAL for a permanent period of time with a permanent time waiver to complete 25 percent of construction.

SE-80-45
Motion was made by Mr. Driggers to approve SE-80-45 as recommended by the Planning Commission. Motion was seconded by Mr. Fortson and carried unanimously.

SE-80-46
Motion was made by Mr. Parrish to approve SE-80-46 as recommended by the Planning Commission. Motion was seconded by Mr. McGavic and carried unanimously.

SE-80-47
Joyce Hall, Myakka City, spoke in opposition to the request.

Upon concern expressed that the operation of the facility would conflict with the hours of the adjoining church, Don Shepherd, representing the Petitioner, advised that the hours of business would be from 7 a.m. to 6 p.m. Monday through Saturday.

Motion was made by Mr. Driggers to approve SE-80-47 as recommended by the Planning Commission with the additional stipulation that the facility not be open on Sundays and that it will not be open past 7 p.m. on Wednesdays. Motion was seconded by Mr. Fortson and carried unanimously.

SE-80-48
Motion was made by Mr. Parrish to approve SE-80-48 as recommended by the Planning Commission. Motion was seconded by Mr. McGavic and carried unanimously.

R-80-20 WATSON & DODGE, INC - R-2 - DENIED
(Deferred from June 12, 1980)

Ralph Varner, Jr., Agent, advised that the contractor is proposing to build a good quality construction duplex under the R-2 zoning; however, if the rezone is denied he will have to build a lesser quality duplex because of difficulty in obtaining good financing.

JUNE 26, 1980

Cont'd

Motion was made by Mr. Fortson to accept the recommendation of the Planning Commission to deny R-80-20. Motion was seconded by Mr. McGavic and carried unanimously.

R-80-25 MAXINE WHITE - REZONE TO C - CHANGE TO
SPECIAL EXCEPTION SE-80-60 - HOME OCCUPATION - APPROVED
(Deferred from June 12, 1980)

Marty Jacobs advised that the only way other than rezone for Commercial is for Mrs. White to apply for a Special Exception for Home Occupation; however, it is questionable whether that is the intent of the Home Occupation Ordinance for a fruit stand. There are three provisions that cannot be waived:

- 1) Only family members may be employed
- 2) Twenty percent of structure can be converted into commercial operation
- 3) The outside appearance of the building should not be altered to change the residential character

Maxine White advised that only family members will be operating the business and less than 20 percent of the home would be used for business.

Motion was made by Mr. Driggers to grant a Special Exception for a home occupation. Motion was seconded by Mr. Fortson and carried unanimously.

The Planning Director cautioned the Board that the motion did not waive any of the requirements for home occupation and that no Special Exception number has been given.

Motion was made by Mr. Driggers to rescind the previous motion on the Home Occupation. Motion was seconded by Mr. Parrish and carried unanimously.

Mr. Driggers moved, inasmuch as Rezone R-80-25 constitutes "spot" zoning but the use of the property is appropriate, to approve SE-80-60 for a home occupation for Maxine White under provisions of the Zoning Ordinance, Section VI, paragraph 14, and that Section 6, paragraph 33 F and H under the Home Occupation be waived. Motion was seconded by Mr. Fortson. Voting "Aye" were Commissioners Driggers, Fortson, Parrish and Chairman Glass. Commissioner McGavic voted "No." Motion carried.

RECESS/RECONVENE

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

SE-792 AMENDMENT - RONNIE CONNER
LIMITED COMMERCIAL ACTIVITY - APPROVED
(Deferred from June 12, 1980)

Ronnie Conner submitted a copy of the liability insurance for the airport (National Union Fire Insurance Company of Pittsburgh, Virginia; \$1,000,000 liability) and withdrew his request for a parachute club because of opposition from residents in the area.

Motion was made by Mr. Driggers to approve SE-792 as recommended by the Planning Commission subject to no parachute club operating on the facilities. Motion was seconded by Mr. Parrish and carried unanimously.

SE-80-43 KATHLEEN & JOHN CALI - DAY CARE CENTER - APPROVED
(Deferred from June 12, 1980)

The Planning Director submitted a letter from John Cali, Agent, dated June 17, 1980, outlining the proposed hours of operation to be from Monday through Friday, 6:30 a.m. to 6:30 p.m.

Motion was made by Mr. Driggers to approve SE-80-43 as recommended by the Planning Commission with the deletion of the requirement that the employees parking area be paved. Motion was seconded by Mr. Parrish and carried unanimously.

SE-1207 RACING WHEELS, INC - GO KART TRACK APPROVED
(Denied by the Board on May 31, 1979)

Mr. Carrington advised that SE-1207 had been added to the Agenda in accordance with a letter, dated June 16, 1980, from Alan Prather, Associate County Attorney, in which he advised that the matter will need to come before the Board for reconsideration based upon the ruling of Judge Hall in a Circuit Court Case brought by Racing Wheels, Inc., and it was his suggestion that it be scheduled for this date.

The County Attorney submitted options the Board may take in connection with the petition, advising that first it must be determined if a new hearing will be held or if decision is to be considered on the past record. The Court has ruled that it be remanded to the county for further consideration in accordance with the Zoning Ordinance.

William Garland, Agent, was available to answer any questions and J. B. Donnelly, Attorney representing the Petitioners, summarized evidence and testimony presented at prior hearings, stating that the property owner has complied in good faith with every requirement the county has set forth in its Zoning Ordinance.

It was consensus of opinion by Board members to reconsider the petition based on the merits discussed in prior meetings.

Motion and second to approve SE-1207 were removed as certain criteria was not stated.

Mr. McGavic, having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, moved to approve SE-1207. Motion was seconded by Parrish. Voting "Aye" were Commissioners McGavic, Parrish and Chairman Glass. Voting "No" were Commissioners Fortson and Driggers. Motion carried.

HOUSEMOVING: BURTON/THOMAS

In connection with Housemoving application

HM-80-12

Arial G. Burton to move a building from 33rd St. E and 63rd Ave. E. to 5315 & 5317 15th St. Ct. E. Pre-Moving No. 28262

letters in opposition from Mildred Sutton, Mrs. Mercedes Stanley, and Mr. and Mrs. Chambers were read into the record.

Arial Burton, Owner, advised that improvements will be made to the duplex and invited the Commissioners to view it. Rowe Meade, Mover, was available to answer questions.

The item was deferred for one week (July 3, 1980) to afford the Commissioners an opportunity to view the site.

Motion was made by Mr. Driggers to approve Housemoving application

HM-80-13

Diane Thomas to move a building from 1414 19th Ave. E. to 1504 15th St. E., Bradenton Pre-Moving No. 28263

Motion was seconded by Mr. McGavic and carried unanimously.

JUNE 26, 1980

Cont'd

TARA: DRI - PUBLIC HEARING

The Planning Director relayed a request by Dewey Dye, Attorney representing the Petitioners for the TARA project, that the applications for the Special Exception, DRI and Planned Unit Development zoning be combined for purposes of public hearing and presentation at the August 27th hearing before the joint meeting of the Planning Commission and Board of County Commissioners.

The request was deferred until Tuesday, July 1, 1980, pending further review by the Board.

(Depart Chairman Glass and Commissioner Fortson; Vice-Chairman presided as Chairman.)

US 301 RELOCATION

Motion was made by Mr. McGavic to adopt a resolution supporting the staged construction of the proposed grade separations and interchanges on the new segment of SR 683/US 301 and also encouraging the Florida Department of Transportation to move forward with the construction of the remaining required sections of US 301 in Manatee County. Motion was seconded by Mr. Driggers.

Following discussion, motion and second were withdrawn and the item was deferred pending review of the resolution by the County Attorney.

BUDGET AMENDMENTS

The budget amendment from Human Services Department to transfer \$2,000 from General Fund to Manatee County Community Mental Health Center was deferred pending additional information being submitted to the Commissioners.

(Enter Mr. Fortson)

Upon motion by Mr. Driggers, seconded by Mr. McGavic, the following resolutions were unanimously adopted to amend the 1979-1980 budget to provide for the receipt and appropriation of unanticipated revenues from the Department of H.U.D.

- 1) Increase Revenue:
CD Samoset Sewers B-80-DS-12-0179

Increase Expenditure:
Transfer to Samoset Sewers CD B-80-DS-12-0179 \$500,000.00
RECORD RESOLUTION S9-293

- 2) Increase Revenue:
Transfer from CD Samoset Sewers

Increase Expenditure:
CD Samoset Sewers: Auditing Services; Professional Services; Reserve for Contingency \$500,000.00
RECORD RESOLUTION S9-294

Upon motion by Mr. Driggers, seconded by Mr. McGavic, a resolution was unanimously adopted to amend the 1979-80 budget to provide for the receipt and appropriation of unanticipated revenues from the State of Florida:

SHERIFF

- 3) Increase Revenue:
GHSC Selective Traffic Enforcement Program
80-02-02-K-315-23 (Sheriff)

Increase Expenditure:
GHSC Selective Traffic Enforcement Program
80-02-02-K-315-23 (Sheriff): Contracted Services \$ 74,882.00
RECORD RESOLUTION

S9-295

OLD MYAKKA ROAD FARM: LEASE EXTENSION

The County Attorney submitted for approval a Lease Extension Agreement with Louis Hendriex, Clifford Shannon, James Woodie and Emmett McRay trading and d/b/a OLD MYAKKA ROAD FARM for property described as follows:

Tract 61 of Waterbury Tracts also known as Waterbury Grapefruit Tracts as per plat thereof recorded in Plat Book 2, Page 37 of the Public Records of Manatee County, Florida

whereby the lease shall be extended from July 3, 1980 to July 2, 1981 for a total rental fee of \$500.

Motion was made by Mr. Driggers to authorize the Chairman to sign the lease extension agreement. Motion was seconded by Mr. McGavic and carried unanimously.

RECORD

S9-296

CONSENT CALENDAR

Upon motion by Mr. McGavic, seconded by Mr. Driggers, the following Consent Calendar dated June 26, 1980, was unanimously approved:

BOND: Release Driveway Permit No. 2142
Robert Dennis \$ 100.00

BILLS FOR PAYMENT:
Donald Hattie (Settlement Fleet Self Ins) \$ 321.51
Manatee Memorial Hospital (Welfare) 7,984.36; \$4,313.76
Refund: Theresa Shaw (OB Clinic) 15.00
Manatee Memorial Hospital (OB Clinic) 2,286.82
Mulock and Farrance (Pollution Control) 79.00

MINUTES:
Tuesday, April 22, 1980; Thursday, April 24, 1980

CAPITAL IMPROVEMENTS PROGRAM: 9TH STREET EAST

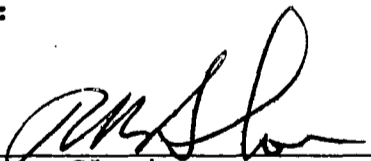
There was discussion, but no action was taken, on request by Mr. Driggers to remove 9th Street East extension project from the Capital Improvements Program due to considerable opposition from residents in the area.

MEETING ADJOURNED


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

Attest:

APPROVED:



Clerk



Chairman 9/9/80

Adj: 12:14 p.m.