

JULY 10, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, July 10, 1980 at 9:06 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; Libby Allison, The Bradenton Herald; Mark Todd, Sarasota Herald-Tribune, and others who entered during the meeting.

Invocation by Rev. S. J. Davis, Samoset Church of God.

The meeting was called to order by Chairman Glass.

FEDERATION OF COUNTY COMMUNITY ASSOCIATIONS - AIRPORT AUTHORITY

Walter Krause, Vice President, Federation of Manatee County Community Associations, submitted resolution by the Association (dated 7/7/80) recommending that the Board of County Commissioners immediately consider the establishment of a Manatee County Airport Authority, with the Commission retaining veto power over the acts of the the Authority.

MATERIALS AND SERVICES - PARKS AND RECREATION (PLAYGROUND EQUIPMENT)

The County Administrator submitted a letter from John H. Marble, Director, Parks and Recreation Department, dated July 9, 1980, justifying his recommendation to award Bid 80-52, Playground Equipment, to Koontz Industries due to the safety factor of the equipment, lower maintenance costs and because of the type of construction it is less subject to vandalism.

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

19TH STREET EAST VACATION (TROPICANA PRODUCTS; B & H PROJECT, INC)

In connection with an application by Tropicana Products, Inc and B & H Project Inc, to vacate a portion of 19th Avenue East, motion was made by Mr Driggers and seconded by Mr Parrish to adopt

RESOLUTION DECLARING PUBLIC HEARING ON APPLICATION  
FOR THE VACATION OF STREETS, ROADS OR OTHER  
APPROPRIATE PROPERTY (80-V-7)

setting the Public Hearing at 9:00 a.m., Thursday, August 7, 1980. Motion carried unanimously.

Based on information relayed by the County Attorney that the date requested by the applicant is actually August 14, motion was made by Mr Driggers to rescind action setting the public hearing of 80-V-7 on August 7, 1980. Motion was seconded by Mr Parrish and carried unanimously.

Motion was made by Mr Driggers to adopt the resolution setting the date of August 14th for public hearing on 80-V-7. Motion was seconded by Mr Parrish and carried unanimously.

PARKS & RECREATION ADMINISTRATIVE COORDINATOR - COMPLAINT (NELSON)

Richard P. Nelson, 2308 42nd Street West, Bradenton, read his written statement dated July 10, 1980, alleging irregularity in County processing of applications and the selection of an Administrative Coordinator for the Parks and Recreation Department.

Mr Nelson stated that he did not wish to discuss the matter publicly but that he expected the Commission to make an in-depth review of the complaint, and upon verification of justifiable complaint, take such action, to the extent of termination of employment, to prevent recurrence.

The Chairman assured Mr Nelson he would be notified of the time the Board is ready to discuss such matters.

ZONING

Charles Carrington, Planning Director, and Bruce Siciliano, Planner, submitted recommendation of the Planning Commission.

R-80-38 OTTO J. SEMROW & THOMAS J. WIGDAHL - T-1 - APPROVED  
(Thomas M. Gallen, Agent) Request: To change present zoning from -A- district to T-1 district on .36 acre on U.S. 301, Ellenton, to permit a mobile home park.  
Planning Commission recommended APPROVAL.

R-80-39 WALTER AND ASENETH BOX - M-2 - APPROVED  
(R.E. Nelson, Inc., Agent) Request: To change present zoning from -A- to M-2 on 9.6 acres at the Northwest corner of Whitfield Avenue (69th Ave & 33rd St., E) to permit an industrial park.  
Planning Commission recommended APPROVAL.

R-80-40 MIDWAY INVESTMENTS CO - T-1 - APPROVED  
(Horst Kemp, Agent) Request: To change present zoning from C-1 to T-1 on 2.80 acres 100 feet east of 14th St. W Bradenton, between 60th Ave. W. and 63rd Ave. W.) to permit an addition to a mobile home park.  
Planning Commission recommended APPROVAL.

R-80-42 WM. E. & MILDRED M. HUNT - PR - APPROVED  
Request: To change present zoning from R-1AA to PR on 1.15 acres to permit professional offices: 3520 & 3562 26th St. W.  
Planning Commission recommends APPROVAL.

R-80-43 CLYDE W. AND LILA ST. LEON - C-1 - APPROVED  
(R.E. Nelson, Inc., Agent) Request: To change present zoning on 1.30 acres on the North side of 53rd Ave. W., east of 14th St W. (US 41) from R-1AA to C-1 to permit a commercial complex.  
Planning Commission recommended APPROVAL subject to the petitioner providing an affidavit to the County protecting the lake area from future development and approval by the County Attorney of said affidavit prior to the submission of R-80-43 to the Board of County Commissioners and less the east 20 feet of the South 145 feet.

R-80-38  
Motion was made by Mr Parrish to approve R-80-38 (by adoption of appropriate resolution). Motion was seconded by Mr McGavic and carried unanimously.

RECORD RESOLUTION

R-80-39  
Motion was made by Mr Driggers to approve R-80-39 (by adoption of appropriate resolution). Motion was seconded by Mr McGavic and carried unanimously.

RECORD RESOLUTION

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R-80-40

Motion was made by Mr McGavic to approve R-80-40 (by adoption of appropriate resolution). Motion was seconded by Mr Parrish and carried unanimously.

RECORD RESOLUTIONR-80-42

Motion was made by Mr McGavic to approve 80-42 (by adoption of appropriate resolution). Motion was seconded by Mr Parrish and carried unanimously.

RECORD RESOLUTIONR-80-43

Motion was made by Mr Driggers to approve R-80-43 (by adoption of appropriate resolution) and include the East 20 feet in the rezone. Motion was seconded by Mr Parrish and carried unanimously.

RECORD RESOLUTIONSE-80-51 RANDY CONNER - MOBILE HOME - APPROVED

(Special Exception to be granted to Anna Lee Esmus)

Request: Special Exception to permit a mobile home as a residence on 5 acres on Singletary Road.

Planning Commission recommended APPROVAL 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 Driggers to approve SE-80-51 as recommended. Motion was seconded by Mr McGavic and carried unanimously.

80-S-16(P) OAK BROOK SUBDIVISION - P/PLAN - DEFERRED

(Modern Builders, Inc., Developer; Zoller & Najjar Engineering, Inc., Agents:)

Request: Preliminary Plan approval of 90-lot single family subdivision on 42.2 acres southwest of DeSoto Lakes Country Club

Colony Unit 5, and east of Lockwood Ridge Road.

Planning Commission recommended APPROVAL with a waiver of recreation requirements, and with the following stipulations:

1. Major Thoroughfare Plan shall be amended to delete Tallevast Road east of Lockwood Ridge Road, prior to construction drawings approval.
2. Back yard swales that do not carry roadway drainage shall be 12 ft wide with a maximum of 12 to 1 slopes to a maximum depth of 6 inches. No drainage easement shall be dedicated over such swales.
3. All between lot drainage from a County road shall be piped from an intake structure in the right of way to an outfall structure in an approved outfall. There shall be a 20 ft. drainage easement dedicated over the pipe and outfall structure.
4. The proposed ditch from the lake shall be piped from the lake to an approved off site outfall with a 20 ft. drainage easement over the pipe.
5. Left turn lanes shall be provided on Lockwood Ridge Road for both north and southbound lanes, at the entrance to this development.

Tom McCollum, Engineer, Zoller & Najjar Engineering, Inc., stated that the developer has purchased an additional 100 foot strip of property to tie Palm Aire into Lockwood Ridge Road as a means of interim access to Oakbrook Subdivision.

After discussion, action on 80-S-16 was deferred, pending further review and consideration of proposed revisions to the Major Thoroughfare Plan.

80-S-17(P) WHISPERING OAKS SUBDIVISION - P/PLAN - DEFERRED  
 (Marco Builders of Florida, Inc., Developer; Zoller & Najjar Engineering, Inc., Agents) Request: Preliminary Plan approval of a 66-lot single family subdivision on 30.94 acres south of DeSoto Lakes Country Club Colony Unit 4 & west of Unit 5. Planning Commission recommended APPROVAL with the same stipulations cited for 80-S-16(P) Oakbrook Subdivision.

In that 80-S-17(P) is to be considered conjunctively with 80-S-16(P) it was the concensus of the Board to defer action on 80-S-17(P) pending review of proposed revisions to the Major Thoroughfare Plan.

80-S-19(P&F) RAINBOW ACRES SUBDIVISION - P&F/PLAN - DEFERRED  
 (Frank Ciencin, Developer; Leo Mills & Associates, Agts) Request Preliminary and Final Plat approval of a 5-lot single family subdivision on 7.66 acres at 48th Street E. and 30th Avenue E. Planning Commission recommended APPROVAL with a waiver of sidewalk, recreation and fire protection requirements and subject to approval of the final plat by the County Attorney.

The County Attorney advised that he has no objection to the form of the Plat and has signed it.

Planning staff reported that the closest 6-inch water line is approximately 650 feet west of subject subdivision and installation of a fire hydrant without a water line extension would place the hydrant a maximum of 1300 feet from the farthest residential lot, noting, however, that in the past, waiver of fire protection requirements have only been granted to subdivisions of four lots or less.

Action on 80-S-19 (P&F) was deferred pending coordination of the Planning Department with the County Utilities Department in computing the cost of installation of appropriate water line (for fire protection).

80-S-20(P&F) SALLY SUBDIVISION - P&F/PLAT - DEFERRED  
 (Joseph E. Jones, Developer; Leo Mills & Associates, Agts) Request: Preliminary and Final Plat approval of a 2-duplex lots subdivision on 0.49 acre at 53rd Avenue W. & 16th St W. Planning Commission recommended APPROVAL with waiver of sidewalk, recreation and fire protection requirements.

The Board expressed concern about waiver of fire protection and the lack of any input from the fire district, therefore, action was deferred pending discussion with the fire department.

As a matter of record, Mr Fortson advised that he had been involved with the sale of this property a few months ago.

RECESS/RECONVENE

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

HOUSEMOVING (HORNSBY)

Motion was made by Mr McGavic to approve application (HM-80-14) for

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Gary Hornsby to move a building  
from 6/10 mile south of L'il General on the  
Gulf side of Longboat Key  
to Southeast corner of Ellenton-Gillette Road  
and U.S. 41, Palmetto.  
Pre-moving No. 28436

Motion was seconded by Mr Parrish and carried unanimously.

TOWN AND COUNTRY SCHOOL - EXPANSION OF SPECIAL EXCEPTION (SE-275)

In response to his request for clarification and direction as to the administrative handling of an application by the owner of the Town and Country School for a construction permit to expand an existing special exception beyond the boundaries of a previously approved special exception (SE-275, in 1968), the Planning Director was advised to handle the matter as an amendment to a special exception.

EARTHMOVING PERMIT (BLACK/VENNERRA)

Based on the recommendation of the Planning Department, motion was made by Mr Driggers to approve application for

Willard Black/Peter Vennerra  
to expand existing lake north 50 feet  
into Lot 7 of Quail Walk Subdivision  
Earthmoving Permit No. 41

Motion was seconded by Mr McGavic and carried unanimously.

MOUNT VERNON - BOAT DOCKS

Request was made by Vic Fatland, on behalf of Mount Vernon Homeowners Association, that the Board reconsider its previous action denying the proposed extension of three boat docks in Mount Vernon by the addition of a 3 x 3 foot step at the end of the docks. It was the concensus of opinion of the Board that the proposed non-conformance with the original Mount Vernon P.U.D. is not proper, and that no further action is necessary.

PLANNING AND DEVELOPMENT - LAND USE: CORTEZ

In an overview presentation on land use and zoning in the Cortez area, Mr Carrington and Bruce Hossfield, Planner, used maps to illustrate:

- 1) all the vacant land in the area and the zoning of the vacant land
- 2) the land zoned C-1 (Commercial), but being used for residential use (referred to as "overzoning").

During discussion of the possible application of "Sector Concept" as well as "Village District" zoning to the Cortez area, Mr Carrington and Mr Hossfield stressed the fact that the residents of Cortez, in the neighborhood meetings on the Comprehensive Plan, made it very plain that they were not in favor of any zoning change, although they definitely objected to the multi-family development presently allowed in C-1 (Commercial) zoning.

In that the Planning Department is in the process of amending that portion of the Zoning Ordinance pertaining to the commercial zoning district, and the Land Use Element of the Comprehensive Plan is scheduled for discussion within the next couple weeks, there were no objections to deferring any action on the Cortez area zoning until after these in-depth discussions have been held.

MANATEE COUNTY AIRPORT AUTHORITY (CREATION OF)

After lengthy discussion on the creation of a Manatee County Airport Authority, Board members generally agreed that the most practical approach would be a structural or organizational arrangement, similar to the one between the Board of County Commissioners and the Manatee Memorial Hospital with the ultimate authority over such group remaining with the Commissioners.

The County Attorney advised that under General Law allowing the Board of County Commissioners to sit as a Transportation Authority, Airport Authority or a Port Authority, the question of whether such authority may be delegated to someone else has not been determined by the Court; and that, in his opinion, a structural or organizational arrangement, similar to that of Board of County Commissioners/Manatee Memorial Hospital whereby the Board retains ultimate authority, would not be in violation of Constitutional Law.

Mr Fortson moved to instruct the County Attorney to draft the necessary local document to establish such Authority, and to authorize Gary Knuckles to coordinate the Legislative involvement. Motion was seconded by Mr Drigger and carried unanimously.

There were no objections to the County Administrator staff drafting an outline of tasks involved and advertising for "show of interest" in serving on the Airport Board.

TRANSIT - MOBILE RADIOS/BUDGET AMENDMENT

The County Administrator explained that three mobile radios, recently ordered by the Transit Department for installation in buses, are being held by the vendor (Motorola), awaiting instruction from the County whether to ship these stationary models or provide a more versatile model with the capability of being used as a remote unit during emergency situations. If the Board concurs with this concept, there is an additional cost involved that will require transfer of \$3,400 within the Transit Department budget.

Motion was made by Parrish to instruct the Staff to submit the appropriate budget amendment. Motion was seconded by Mr McGavic and carried unanimously.

SAMOSET AREA SEWER IMPROVEMENTS - SUPPLEMENTAL ENGINEERING SERVICES

Motion was made by Mr Driggers and seconded by Mr Parrish to authorize the Chairman to execute Supplemental Consultant Engineers Authorization to the contract of

Zoller and Najjar Engineering, Inc  
First Phase HUD Target Area Project  
Samoset Area Sewerage Lift Station  
and Force Main Improvements  
Lump sum fee - \$8,750.00

RECORD AGREEMENT S10-27

Motion carried unanimously.

Motion was made by Mr Driggers and seconded by Mr Parrish to authorize the Chairman to execute a Supplemental Consultant Engineers Authorization to the contract of

Zoller and Najjar Engineering, Inc  
Community Development Grant Project  
B-80-DS-12-0179  
Samoset Sewer System  
Lump sum fee - \$28,950.00

RECORD AGREEMENT S10-28

Motion carried unanimously.

PERSONNEL (HIGHWAY) - ELY, RESIGNATION

Motion was made by Mr Parrish to accept resignation of Harry S. Ely, Jr, Director, Highway and Engineering Department, effective August 8, 1980, as outlined in letter dated July 9, 1980. Motion was seconded by Mr McGavic and carried unanimously.

UTILITIES: EQUIPMENT (CATERPILLAR GENERATOR)

The County Attorney referred to his letter to R. A. Wilford, Director, County Utilities Department, dated July 2, 1980,

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Re: Caterpillar D-399 Generator Set in connection with  
Water Treatment Plant Expansion Project 7273-1

and requested authorization to make formal demand upon appropriate parties for replacement of the generator set or for recovery of damages incurred by the County and render whatever services necessary to protect the interests of the County in connection with this matter.

Motion was made by Mr Driggers to approve the request. Motion was seconded by Mr Parrish and carried unanimously.

LAWSUIT: ESTECH - PERMITS (DER)

The County Attorney submitted and summarized his letter of July 8, 1980, to the Board

Re: Letters of intent by the Department of Environmental Regulation (DER) to issue permits to Estech General Chemicals Corporation in connection with the proposed Duette Mine Phosphate Project,

stating that Florida DER has advised that it intends to approve construction permits for:

1. The clay settling and impoundment area for the phosphate mine
2. The discharge of water from the mining project into the East Fork of the Manatee River
3. The discharge of water from the mining project into the North Fork of the Manatee River

and that unless an appropriate petition is filed to DER for a hearing on these applications within 14 days from on or about July 3, 1980, these permits will be issued for construction of facilities within said development of regional impact.

Motion was made by Mr Fortson to authorize the County Attorney to contact the Department of Environmental Regulation and request a public hearing on the permits. Motion was seconded by Mr McGavic and carried unanimously.

CLERK'S CONSENT CALENDAR (JULY 24, 1980)

Upon motion by Mr McGavic, seconded by Mr Driggers, the Clerk's Consent Calendar dated July 24, 1980 was unanimously approved as follows:

BILLS FOR PAYMENT

Crisanda Kay Carson, Court Reporter	\$ 85.00
Mann & Fay: (Curtis Union 76 Service, Inc)	1,132.20
(Month of June, 1980)	8,458.56
(Johnson/Grills -21st St E.)	2,000.00
Legal Aid Society (June, 1980)	800.00
Southern-Kelton & Associates, Inc	126.52
Zickafoose Financial Services, Inc (Athens claim)	315.80
Health & Rehabilitative Services (OB Contracts)	31,862.50
Manatee Memorial Hospital	4,313.76
Manatee Memorial Hospital (OB Clinic)	4,288.76
Dr Lehman & Associates (Medical Examiners)	4,420.36

BONDS

Driveway Permit

Accept: William Britt, Permit No. 7243, \$600.00

STATE FAIR - COUNTY EXHIBIT

Mr Driggers circulated a letter from Richard Aalberg, County Extension Agent, concerning the County having an exhibit at the

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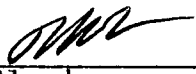
annual State Fair and requested the item be placed on the Agenda the following Tuesday, July 15, 1980. There were no objections.

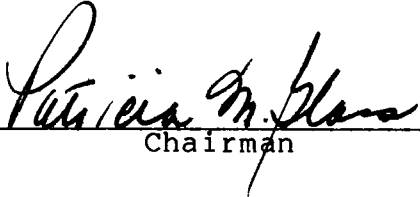
MEETING ADJOURNED

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

Attest:

APPROVED:

  
\_\_\_\_\_  
Clerk

  
\_\_\_\_\_  
Chairman

Adj: 12:12 p.m.