

AUGUST 14, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, August 14, 1980 at 9:03 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
Ralph Umana, Asst. 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. Steve Hall, First Baptist Church, Bradenton.

The meeting was called to order by Chairman Glass.

19TH AVE. E, VACATION OF - TROPICANNA PRODUCTS, INC

Public hearing was opened for the purpose of considering application 80-V-7 Tropicana Products, Inc.,/B & H Project, Inc., for vacation of a certain portion of 19th Avenue East.

There were no objections and public hearing was declared closed.

Upon motion by Mr. Driggers, seconded by Mr. Parrish

RESOLUTION VACATING CERTAIN STREETS,
ROADS OR OTHER APPROPRIATE PROPERTY

as described in 80-V-7 was unanimously adopted.

RECORD RESOLUTION

S10-98

BRADEN RIVER CITY SUBDIVISION, UNIT I - VACATION EASEMENT

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

to be held September 11, 1980, 9:00 a.m. on 80-V-8 application of Josephine Hardt for vacation of a certain drainage and utility easement through Lots 20 and 21, Block B, Braden River City, Unit Subivision, Unit I (Plat Book 23, page 69). Motion carried unanimously.

RECORD RESOLUTION

S10-99

DeSEAR MANOR UNIT III SUBDIVISION - P/PLAT

In connection with request the Bud Boschert, current owner-developer of DeSear Manor Unit III, for confirmation of approval of the final plat to obtain building permits, Bruce Siciliano, Planner, outlined the chronological sequence of events on the project to date.

The Planning Commission had recommended approval of the preliminary and final plat subject to receipt of a bond to guarantee improvements according to estimate by the County Engineer, however, such bond was not furnished and the plat was not submitted to the Board of County Commissioners for final approval.

Due to lapse of time between date of application (May, 1978) and date of request by the present owner for building permits, (July, 1980) staff recommends that the developer be required to follow normal procedures for preliminary plat, construction drawings and final plat review and approval.

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The Board concurred with the recommendations, and requested Staff to proceed as expeditiously as possible.

OFF STREET PARKING WAIVER - T. J. PIZZA NO.3,

Mr Siciliano outlined a request by T.J.'s Pizza (Carl French, franchise owner) for a waiver of 19 off-street parking spaces in connection with a proposed 38-seat restaurant, for which a simultaneous Special Exception is being processed for a beer and wine license.

The property is a small commercial complex at Bayshore Gardens Parkway and 26th Street W., consisting of an existing laundromat, a new addition to the laundromat, (primarily a storage area, with exception of 1600 square feet for the pizza shop) and an office on the second story level and 49 parking spaces. The owner is Mobile Estates, Inc.

When the request for a building permit was submitted, the property owner was told that he was over-building the site and could not meet the County parking requirements as there is not adequate space for expansion to allow additional parking if needed.

Kathryn Bear, 6516 Kansas Street, asked whether the pending special exception would allow beer and wine to be sold directly across the street from the Bayshore High School, and the answer was in the affirmative.

Mrs Glass announced that Mr (Carl) French had indicated that he would like to speak on the request for the parking waiver and that action would be deferred until later in the meeting when he can be present.

ZONING

Recommendations of the Planning Commission were submitted by Mr Siciliano and Bill Swan, Planner.

R-80-41 - B. J. PHEIL - REZONE TO C

(Wm. A. Gardner, Agt.) Request: Change present zoning from M-2 district to C district on 0.23 acre at 2121 Whitfield Avenue.

Planning Commission recommended APPROVAL.

SE-80-50 - B. J. PHEIL - CHILD CARE CENTER

(SE to be granted to Edward & Alice Anthony, Wm. A. Gardner, Agt.) Request: Special Exception simultaneous with approval of R-80-41 to permit a child care center at 2121 Whitfield Avenue on 0.23 acre.

Planning Commission recommended APPROVAL for two years plus an additional two 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, with the stipulation requiring the outside play area to have a 2' wide landscaped buffer, incorporating hedge material a minimum of 2' in height at time of planting and capable of growing to a height of 6' at maturity. Also, within said buffer area one tree shall be provided every 75 lineal feet or fraction thereof.

R-80-41 - REZONE TO C - APPROVED

Mr Driggers moved to approve R-80-41 (by adoption of appropriate resolution). Motion was seconded by Mr Parrish and carried unanimously.

RECORD RESOLUTION

SE-80-50 - CHILD CARE CENTER - APPROVED

Mr Driggers moved to approve SE-80-50 as recommended by the Planning Commission. Motion was seconded by Mr Parrish and carried unanimously.

R-80-44 JAMES H. ANDREWS - REZONE TO T-3

(Wm. J. Thompson & Wesley L. Southerland, Agts)
Request: Change zoning from -A- to T-3 (Travel Trailer Park) district on 35 acres east of and adjacent to US 41, approximately 680 feet south-east of the intersection of US 41 and Chapman Road. Planning Commission recommended APPROVAL.

Blanche Hayes, Rte 1, Box 320, Palmetto, spoke in opposition to the request and submitted a petition with 56 signatures against the travel trailer park.

Tom McCollum, representing the developer, was available to answer any questions and explained that the property is under out-of-state ownership, but contract is pending for sale to a local firm of doctors who propose to build a quality travel trailer park on the site.

Action was deferred to Tuesday, August 19th, to afford Mr McGavic an opportunity to view the property.

SE-80-52 - JOHN D. DUMBAUGH - S/SERVICE GAS SALES DENIED

(SE to be granted to General Host Corp, c/o P.C. White, Agt)
Request: Special Exception to permit self service gasoline sales in a C-1 district for a permanent period of time with one year to complete 25 percent of construction on 0.918 acre at the northwest corner of Lockwood Ridge Road and Tallevast Road.

Planning Commission recommended APPROVAL, having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, with a stipulation prohibiting gasoline sales prior to issuance of a Certificate of Occupancy for the associated convenience store.

Bill Swan advised that four people spoke in opposition at the Planning Commission hearing.

Individuals in the audience speaking in opposition were: Scott McNary, President of Palm Aire Homeowners and Condominium Associations; Leon Newhouse, George Cohen, plus K. K. McRoyan, Attorney, and Angelo Burbadis, representing St Barbara's Greek Orthodox Church, 22nd Avenue W., Bradenton. Approximately 50 people in the audience stood up to indicate opposition.

John Meshad, Attorney, and Phil White, representing General Host, Inc (L'il General Stores) outlined and emphasized the compatibility of the proposed use with the surrounding area and urged favorable consideration of the request. Mr White agreed to hold gasoline sales in abeyance during regular Sunday church services.

Letters from Leonard Levin, President of Homeowners Assn., Sleepy Hollow Condominiums; Jim Glasser, Modern Builders and Mark Cohen, Marco Builders, were submitted in favor of SE-80-52.

Mr Driggers moved, having considered the Criteria set forth in Section VI-14 of the Zoning Ordinance, to deny SE 80-52. Motion was seconded by Mr Parrish. Voting "Aye" were Commissioners Driggers, Parrish, Fortson and Glass. Commissioner McGavic voted "Nay". Motion carried.

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OFF STREET WAIVER - T. J. PIZZA NO. 3

Carl French stated that the owners of the T. J. Pizza franchise entered into an agreement with the owner of the property, unaware of the parking situation; however, the opening of the Pizza shop will present no parking problem because of the types and hours of operation of other businesses within the complex.

William Lamoureaux, on behalf of Boyd Realty, offered no objection to waiving the parking spaces.

Dave Reubenstein (Mobile Estates, Inc.), advised that he plans to use the storage area basically for warehousing of a rental uniform business in conjunction with the laundromat.

Mr Siciliano noted correction in the number of parking spaces for the Pizza shop in that waiver of eleven (11) spaces, instead of nineteen (19) spaces, will be necessary to meet parking requirements. The uniform rental business will require waiver of an additional six (6) spaces.

Motion was made by Mr Driggers to authorize the preparation of the appropriate resolution to waive eleven (11) parking spaces conditioned upon the present uses, as stated, in the entire property and name those uses. Motion was seconded by Mr Fortson (who stated for the record that although he is associated with Mr French, he has no interest in this particular transaction and receive no remuneration as a result of the vote). Motion carried unanimously.

SE-80-57 CHARLES AND PEGGY OGLE - MOBILEHOME - APPROVED

(Richard Keston, Agt)

Request: Special Exception to permit a mobile home on 5.5 acres, one mile east of Bethany Road and 1/3 mile north of SR 70, for a period of 99 years. Planning Commission recommended APPROVAL for a period of 10 years plus an additional 10 years to be granted at administrative discretion of the Planning Director; having specifically considered criteria set forth in Section IV-14 of the Zoning Ordinance.

Mr Keston, agent for the Ogles, clarified the reason for the request for 99 years being that the client had the impression he could only receive permission for 3 years otherwise.

Mr Driggers stated that, although Mr Keston is his son-in-law, he receives no remuneration from this transaction.

Mr Driggers moved that SE-80-57 be approved as recommended by the Planning Commission. Motion was seconded by Mr Parrish and carried unanimously.

78-S-38(F) BRADEN PINES S/D, UNIT II - PLAT APPROVED

(Pursley, Inc., Dev.; Zoller & Najjar Eng. Inc., Agts)

Request: Final plat approval of a 74-single-family-lots subdivision on 97.36 acres approximately 3 miles east of the Braden River on the north side of SR 70, east of I-75. Planning Commission recommended APPROVAL.

The County Attorney approved the form of the plat and the security to insure completion of the improvements of streets and drainage.

Jerome Gostkowski, Highway and Engineering, described the drainage system in the total subdivision, which basically outfalls on SR 70 through a series of retention ponds in accordance with DER criteria.

Motion was made by Mr Driggers to approve 78-S-38(F) and accept the bond (Security: Cashier's check in the amount of \$7,480 drawn by Flagship Bank of St. Petersburg). Motion was seconded by Mr Parrish and carried unanimously.

78-S-50A(F) LAKE EAST S/D FIRST ADD. - F/PLAT APPROVED
 (National Development Corp., Dev. & Agt) Request: Final plat approval of 11-duplex-lots subdivision on 3.16 acres 700 feet east of 15th St. E. on 26th Avenue E. Planning Commission recommended APPROVAL.

The County Attorney approved the form of the plat and the form of the security to insure completion of streets and drainage in the project.

Motion was made by Mr Driggers to approve 78-S-50A(F) and accept the security bond (\$43,354.85 performance bond: Westco Builders, Inc., principal; The Travelers Indemnity Co., Surety). Motion was seconded by Mr Parrish and carried unanimously.

80-S-4(P&F) VAN DUYN RE-PLAT PATRISON S/D - APPROVED
 (Ernest & Marilyn VanDuyn, Dev.; Albert F. Tague & Assoc., Agts.) Request: Preliminary and final plat approval of 2-duplex-lots subdivision on 0.45 acre at 66th Ave. W., 594' west of 5th St. W. Planning Commission recommended APPROVAL with waiver of sidewalk, recreation and fire protection requirements.

The County Attorney approved the form of the plat.

Motion was made by Mr Fortson to approve 80-S-4(P&F) as recommended. Motion was seconded by Mr Driggers and carried unanimously.

80-S-26(P&F) BROWER'S S/D - P&F/PLAT APPROVED
 (Frank Brower, Dev., Leo Mills & Assoc., Agts.) Request: Preliminary and Final plat approval of a single family lot subdivision on 0.4 acre at San Juan & Montezuma Avenues. Planning Commission recommended APPROVAL with a waiver of recreation requirements.

The County Attorney approved the form of the plat and noted that there is no requirement for security.

Motion was made by Mr Fortson to approve the preliminary and final plat of Brower's Subdivision as recommended by the Planning Commission. Motion was seconded by Mr Driggers and carried unanimously.

T-1/64(P&F) WINDMILL MANOR
MOBILE HOME PARK, UNIT 2 - APPROVED
 (Previously a portion of Sandman Mobile Home Park; Lester G. Schott, Dev., Agt.) Request: Revised preliminary and final plan approval of a mobile home park of 212 mobile home lots on 29 acres at 5320 53rd Ave. E. Planning Commission recommended APPROVAL.

Bruce Siciliano explained that the original Sandman Mobile Home Park was owned by Lester Schott, but has been divided into two parks (Westwinds and Windmill Manor) under different ownerships. The division of the property does not coincide with phasing lines of the approved preliminary plan and, as a result, there are no connecting roads to complete circulation as originally approved. Additionally a six-foot chain link fence has been erected along the entire north property line. Only one access exists for all of Windmill Manor (Units 1 and 2).

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Circulation has been improved somewhat by the addition of cul de sacs (being built by the developer "at his own risk") at the end of four of the eight dead end streets that are a part of the subject plat. The remaining four dead end streets are less than 70 feet in length.

The Utilities Department has no objection to the proposed final plan but connection fees will be required as the units connect to the County water and sewer systems.

Motion was made by Mr Driggers to approve Windmill Manor Mobile Home Park Unit 2, with comment that this approval is not setting a precedent in that each application will be considered individually when submitted. Motion was seconded by Mr Parrish and carried unanimously.

HOUSEMOVING (HM-80-17, HOLDING)

Motion was made by Mr Driggers to approve housemoving permit

HM-80-17 for
Harold Holding to move a building
from 6709 15th Street E., Bradenton
to 4306 34th Avenue E., Bradenton
Pre-moving Permit No. 28813.

Motion was seconded by Mr McGavic and carried unanimously.

PARKS AND RECREATION - ADMINISTRATIVE COORDINATOR

Chairman Glass circulated for review by the Commissioners a report from the County Administrator detailing the hiring of John Streu as Administrative Coordinator, Parks and Recreation Department.

11TH AVE W - CLOSING

Mr McGavic reported that the MPO (Metropolitan Planning Organization) endorses City of Bradenton Resolution No. 80-25 to change the designation of 11th Avenue West from a minor collector to a minor residential street and to designate 13th Avenue West between 43rd Street West, 28th Street West and 12th Avenue West between 28th Street West and 14th Street West as minor collectors.

MPO recommended the City of Bradenton change their thoroughfare plans and complete necessary work as soon as possible and that County staff be authorized to change County maps and other documents as required.

Motion was made by Mr McGavic to endorse action to close the street and encourage the City to act as quickly as possible. Motion was seconded by Mr Fortson and carried unanimously.

HUMAN SERVICES

Requests of Human Services Department were submitted in memorandum of August 12, 1980, from Kathy Snell, Director:

- (1) Authorize the Chairman to sign the Certificate of Acceptance of Subgrant Award for a Law Enforcement Assistance Administration project entitled "Law Enforcement Coordinator", administered by Manatee County School Board. The award includes \$840 in supplemental federal funds, \$46 State match and \$47 local match to be supplied by said Board. Project period November 15, 1979 - November 13, 1980.
- (2) Execution of Contract VII-80-2, Manatee Jr College, was removed as an item of consideration at the request of Ms Snell.

Motion was made by Mr Fortson to authorize the Chairman to sign the Certificate of Acceptance of the Subgrant Award. Motion was seconded by Mr Driggers and carried unanimously.

BUDGET AMENDMENT - HUMAN SERVICES

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

Human Services

Increase Revenue - LEAA Enforcement Coordinator
CF-79-18-2301

Increase Expenditures - LEAA Enforcement Coordinator
Contracted Services \$ 886.00

RECORD RESOLUTION S10-100

Upon motion by Mr Parrish, seconded by Mr Driggers, a resolution was unanimously adopted to amend the 1979-80 budget by item to item transfers as follows:

Human Services

From: Reserve for Contingency
To: Grant Services \$ 1,438.00

RECORD RESOLUTION S10-101

Upon motion by Mr Driggers, seconded by Mr Parrish, a resolution was unanimously adopted to amend the 1979-80 budget by item to item transfers as follows:

County Attorney

From: Reserve for Contingency
To: County Attorney \$50,000.00

RECORD RESOLUTION S10-102

SAMOSET ELEMENTARY SCHOOL - MULTI PURPOSE PLAYCOURT (CONTRACT)

Motion was made by Mr Driggers and seconded by Mr Parrish to approve and authorize execution of a Contract with Watson & McPherson Concrete and Masonary Contractors, Inc., for construction of the Multi-Purpose Concrete Playcourt at Samoset Elementary School, and to accept a cash performance bond in the amount of \$11,100 (Check No. 044242, Inter City National Bank,, in lieu of performance bond in transit from American Liberty Insurance Company, Surety). Motion carried unanimously.

RECORD CONTRACT S10-103

SAMOSET MULTI-PURPOSE CENTER (SENIOR) - CONTRACT

Motion was made by Mr Driggers to authorize execution of the Contract with Inter-City Construction Corporation for construction of addition to the Samoset Multi-Purpose Center (Clinic), in the amount of \$77,737.00, plus the approved Alternate No. 2, in the amount of \$5,818.00, and accept the performance bond. (Inter-City Construction, principal, Integon Indemnity Corp., surety, in the amount of \$83,547.00.) Motion was seconded by Mr Parrish and carried unanimously.

RECORD CONTRACT S10-104

The County Administrator will contact the Samoset PTA in regard to their offer of \$3,000 to be applied toward construction costs at the commencement of the project. (Elementary School Playcourt)

MANATEE PALMS SUBDIVISION, UNIT V - ROADS ACCEPTED; BOND RELEASED

Upon recommendation by the County Highway Department, motion was made by Mr. Driggers to accept the street and drainage improvements in Manatee Palms Subdivision, Unit V, and release the performance bond in the amount of \$6,600.00. Motion was seconded by Mr Fortson and carried unanimously.

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AGRICULTURE CENTER - AGREEMENT: DIVISION OF PLANT INDUSTRY

The County Administrator submitted Memorandum of Agreement between Manatee County and the Division of Plant Industry, Department of Agriculture and Consumer Services, State of Florida, granting said Division permission to locate an office trailer at the Agriculture Center in Palmetto.

Mr Driggers moved to approve the Memorandum of Agreement and authorize the Chairman to sign. Motion was seconded by Mr McGavic and carried unanimously.

RECORD AGREEMENT

S10-105

SPEED LIMIT - 18TH STREET BLVD E

Motion was made by Mr Driggers and seconded by Mr Parrish to adopt

RESOLUTION ESTABLISHING SPEED LIMIT
ON COUNTY MAINTAINED STREET OR ROAD

and authorizing the County Highway Department to erect the appropriate speed limit signs along the right of way of

18th Street Boulevard East between its intersection
with Route 70 South and its intersection with 56th
Avenue: 25 MPH

Motion carried unanimously.

RECORD RESOLUTION

S10-106

CLERK'S CONSENT CALENDAR, AUGUST 14, 1980

Upon motion by Mr McGavic, seconded by Mr Driggers, the Clerk's Consent Calendar dated August 14, 1980, was unanimously approved as follows:

BILLS FOR PAYMENT

L.W. Blake Memorial Hospital (Welfare)	\$ 3,044.70
L.W. Blake Memorial Hospital (Lott Ins. Claim)	81.50
Emergency Medical Services (Lott Ins. Claim)	60.00
Mann & Fay (professional services, July, 1980)	7,172.60
Dr Lehman & Associates (Medical Examiners)	4,583.43

SATISFACTION OF REVENUE ANTICIPATION NOTE, \$350,000

(First City Federal Bldg, 7/29/77) - Accept into the record.

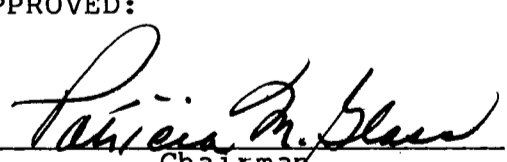
MEETING ADJOURNED

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

Attest:

APPROVED:


Clerk


Chairman

Adj: 11:45 a.m.