

SEPTEMBER 11, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, September 11, 1980 at 9:07 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  
Peter Ramsden, Finance Director, representing R. B. Shore,  
Clerk of Circuit Court

Representing the various news media were David Priddy, WTRL; Libby Allison, The Bradenton Herald; Mark Todd, Sarasota Herald-Tribune, and others who entered during the meeting.

Invocation by Reverend David Elmer, Christian and Missionary Alliance Church.

The meeting was called to order by Chairman Glass.

BIKE-A-THON: CLOSE 2ND AVENUE, PARRISH

Request to close 2nd Avenue in Parrish for a Bike-A-Thon to be held on October 4, 1980, relayed by Mr. Parrish, was referred to the County Administrator.

ORDINANCE 74-3

Mr. Driggers requested that Ordinance 74-3, as it relates to the regulation of lot sizes, be reviewed and adjustment be made to alleviate the creation of subdivisions within subdivisions of large tracts of land.

Mr. McGavic suggested that Arthur Fischer, former Planning Director, be contacted to assist in the review.

The Planning Director was instructed to review that portion of Ordinance 74-3 for possible revision and submit recommendations to the Board.

FAIRPLAY SUBDIVISION/FRASER'S SUBDIVISION; ANDRESS SUBDIVISION

Motion was made by Mr. Driggers to adopt

- 1) RESOLUTION DECLARING A PUBLIC HEARING ON APPLICATION FOR THE VACATION OF ROADWAY

described as Center Street as shown on Plat of Fairplay Subdivision (Plat Book 6, page 52) also an unnamed street as shown on Plat of C. C. Fraser's Subdivision (Plat Book 4, page 100), and further described in application of Fred Katz and Harry C. Holleran, said Public Hearing to be held at 9:00 a.m., October 9, 1980 (or soon thereafter).

RECORD RESOLUTION

and

- 2) RESOLUTION DECLARING A PUBLIC HEARING ON APPLICATION FOR THE VACATION OF ROADWAY

S10-151

known as 53rd Avenue West, north of extended southernmost line of Lot 1 of Andress Subdivision (Plat Book 15, page 6), accepted by resolution 6/17/75, and further described in application of Gordon H. and June G. Arnold, Charles E. & Virginia Hawkins, Helen Dole Hawkins, Albert V. Pillsbury, Leonard J. Pillsbury, Charles H. Pillsbury, Katherine L. Robison and Florida Conference Association of Seventh-Day Adventists. Public Hearing to be held at 9:00 a.m., October 9, 1980 (or soon thereafter).

RECORD RESOLUTION

Motion was seconded by Mr. McGavic and carried unanimously.

S10-152

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Cont'd

BRADEN RIVER CITY, UNIT 1 (VACATION OF EASEMENT)

Public hearing was opened for the purpose of considering application by Josephine Hardt (80-V-9) for vacation of a ten foot drainage and utility easement that runs from Lots 20 and 21 in Block B of Braden River City, Unit 1 (published in Bradenton Herald August 20, and 27, 1980).

By letters dated September 2, 1980, the Highway Department and the Right of Way Department offered no objections providing that Ms. Hardt grants a new drainage and utility easement to the County prior to the vacation.

Lloyd Lyday, Attorney representing the Petitioner, advised that his client is agreeable to the conditions of the Highway and Right of Way Departments.

The public hearing was closed. Motion was made by Mr. Fortson to approve the vacation subject to the submission of a new easement and other engineering requirements outlined in letter by the Highway Department. Motion was seconded by Mr. McGavic and carried unanimously.

FARM BUREAU, INC., - PARKING VARIANCE

R. E. Nelson, representing Farm Bureau, Inc., requested a variance of four spaces to the Parking Code to allow nine spaces on the site of a proposed addition (to be used primarily as a Board room) to the Manatee County Farm Bureau building, at 27th Avenue East and US 301.

Dick Landsberg, Agency Manager of Manatee County Farm Bureau, was available to answer questions.

Mr. Driggers and Mr. Parrish advised that they are members of the Bureau but would receive no remunerations from this request.

Motion was made by Mr. Driggers that the waiver be granted and that the required parking spaces be nine instead of thirteen. Motion was seconded by Mr. Fortson and carried unanimously.

ZONING

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

SE-80-18 SARASOTA-MANATEE AIRPORT AUTHORITY  
RESTAURANT - APPROVED  
(Deferred from 4/24/80)

Hank Trimm, Agent, was available to answer questions.

Motion was made by Mr. Fortson to approve SE-80-18 as recommended by the Planning Commission with waiver of Section VI Paragraph 24 of the Zoning Ordinance for use of barbed wire. Motion was seconded by Mr. Driggers and carried unanimously.

PRIVATE EASEMENT - AIRPORT AUTHORITY & 94TH AERO SQUADRON

In conjunction with SE-80-18, there were no objections to considering application by

Sarasota-Manatee Airport Authority for  
Resolution approving Private Easement (80-PE-4)

to serve as access from US 41 (SR 45) to the building site for a proposed restaurant and related facilities, identified as the subject matter of SE-80-18, located on the parcel leased by Sarasota-Manatee Airport Authority to 94th Aero Squadron of Sarasota, Inc.

Motion was made by Mr. Fortson to approve the easement (by adoption of appropriate resolution). Motion was seconded by Mr. Driggers and carried unanimously.

✓ RECORD RESOLUTION

R-80-51 VIC S. WARMINGER - REZONE TO R-3 - DEFERRED  
(Deferred from 8/28/80)

Mr. Carrington submitted a letter dated August 25, 1980, from Bertram and Carolyn Redler (applicants and original contract purchasers) requesting withdrawal of their petition. He advised that the new applicant would like to proceed with the recommendations of the Planning Commission; however, the site plan previously submitted is no longer being considered and the zoning ordinance requires that the petition be accompanied by preliminary development plans.

William Garland, Agent, advised that only a rough site plan has been prepared and that they are in the process of modifying the plans previously submitted.

The item was deferred subject to a revised plan being submitted and reviewed by the Planning Staff.

SE-80-56 VIC S. WARMINGER - RESTAURANT/BOAT DOCK - DEFERRED  
(Deferred from 8/28/80)

There were no objections to deferring SE-80-56 in conjunction with R-80-51.

R-80-52 W. H. POWERS, ET AL - R-1B - APPROVED  
(Thomas M. Gallen, Agent) Request: To change the present zoning from R-1AA to R-1C district to limit residential development to the construction of single family residences on 16.71 acres at 9th St. Ct. E. between 49th Ave. E. and 51st Ave. E. Planning Commission recommended APPROVAL to R-1B (as R-1C would create some non-conforming lots).

R-80-54 JOHN C. SAYERS AND JUNE D. SAYERS - PR - DENIED  
(Lawrence E. Staab, Agent) Request: To change the present zoning from R-1B to PR district to permit professional offices on .43 acre at 7811 Manatee Avenue West. Planning Commission recommended DENIAL.

R-80-61 LEISURE COMMUNITIES, LTD - TO R-3 - APPROVED  
(Zoller & Najjar Engineering, Inc., Agents) Request: To change the present zoning from R-1A to R-3 district to permit a multi-family residential development on 5.73 acres located south of Cortez Road and south of and adjacent to Bay Lake Estates, Phase II. Planning Commission recommended APPROVAL.

R-80-52

Motion was made by Mr. Fortson to approve R-80-52 (by adoption of appropriate resolution). Motion was seconded by Mr. Driggers.

Upon question as to whether the applicants have agreed to the R-1B zoning, Thomas Gallen, Agent, answered in the affirmative. Motion carried unanimously.

RECORD RESOLUTION

R-80-54

Individuals speaking in opposition to R-80-54 were Carl Becker, Palma Sola Park; Robert Scholl, 6905 15th Avenue Drive West; and Dick Blankenship, 1102 Palma Sola Boulevard.

Motion was made by Mr. Fortson to deny R-80-54. Motion was seconded by Mr. Driggers and carried unanimously.

R-80-61

Randy Chastain, owner representing Leisure Communities, Ltd., outlined the proposed plans for the property.

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Motion was made by Mr. Fortson to approve R-80-61 (by adoption of appropriate resolution). Motion was seconded by Mr. Driggers and carried unanimously.

RECORD RESOLUTIONSE-80-49 REX AND EVA WILLIAMS - MOBILE HOME - APPROVED

(Paul E. Logan, Agent) Request: Special Exception to permit a mobile home on five acres in an A district for a period of five years located 1/4 mile east of Bethany Church on SR 64, Myakka City area.

Having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, the 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-80-55 BURNETT TRUST - TOMATO PACKING PLANT - REFERRED BACK TO PLANNING COMMISSION

(SE to be granted to Roger Harloff;

Request: Special Exception to permit a commercial activity for the preparation and processing of agricultural goods (Tomato Packing Plant) for a period of two years on approximately 5 acres zoned A at 4400 30th Street East.

Having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, the Planning Commission recommended APPROVAL for a period of two years with the stipulation requiring a 6' wide landscape buffer along the parking area on 30th Street East. Said buffer shall meet the requirements of the County Zoning Ordinance and shall be installed within 30 days of approval of SE-80-55.

SE-80-58 MOBILE ESTATES, INC - 2-COP - APPROVED

(SE granted to T.J.'s No. 3, Inc; Carl A. French, Agent)

Request: Special Exception to permit consumption of beer and wine on premises (2-COP) at T. J.'s Pizzeria on 1 acre zoned C-1 at 6131 26th Street West.

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.

SE-80-59 DANIEL OPIE JOHNSON - C-2 USE - APPROVED

(Jerry N. Zoller, Agent) Request: Special Exception to permit C-2 use (storage facilities) in a C-1 district for an indefinite period of time on .86 acre at 3613 14th Street West.

Having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, the Planning Commission recommended APPROVAL with the stipulation that a 24' wide access easement be provided to the north.

SE-80-72 EUGENE MOORE - SNACK BAR - APPROVED

(SE to be granted to Herman & Virginia Brameister, Agents)

Request: Special Exception to permit commercial activity for the preparation, processing or sale of agricultural goods or products (snack bar) on approximately five acres zoned -A- located at the south side of SR 64, approximately 1/4 mile east of Zipperer Road.

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.

Mr. Fay outlined the responsibilities of the Board in regard to Special Exceptions.

SE-80-49 (WILLIAMS)

Paul Logan, Agent, stated no objections to the reduced time period on the Special Exception (from five to two years).

Motion was made by Mr. Parrish to approve SE-80-49 as recommended by the Planning Commission. Motion was seconded by Mr. McGavic and carried unanimously.

RECESS/RECONVENE

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

SE-80-55 (BURNETT TRUST/HARLOFF)

Mrs. Glass submitted letters in opposition from Irene Queen, Webster Garst and Don and Peg Windmiller.

Nancy Vogel song, 3115 38th Avenue East, spoke in opposition to the Special Exception.

Edward Reid, Attorney representing Clafin Garst, requested the petition be denied and the petitioner be instructed to refile the petition since proper notification was not given the public when the Planning Commission reconsidered SE-80-55 (recently withdrawn, by motion of Planning Commission). He advised that the tomato packing plant is illegally in operation at this time.

William Grimes, Attorney representing the Petitioner, advised that the Planning Commission had the right to reconsider their previous action and that only five acres of property is being considered rather than the previously requested 116 acres.

Roger Harloff, Agent, advised that if the application is deferred, he could not be ready in time to pack the tomatoes.

Following discussion on the procedures for notification regarding this Special Exception, motion was made by Mr. Parrish that the item be referred back to the Planning Commission for presentation at its next meeting on October 1, 1980, for possible consideration by the Board of County Commissioners on October 2, 1980. Motion was seconded by Mr. McGavic and carried unanimously.

Upon question by Dick White, Greendale Estates, Mr. Grimes advised that the packing plant will not be in operation until the matter is ruled upon by the Board of County Commissioners.

Cipriano Conley, spoke in favor of the petition.

SE-80-58 (MOBILE ESTATES, INC./P. J. PIZZERIA)

Carl French, Agent, outlined plans for operation of the Pizzeria.

Motion was made by Mr. Fortson to approve SE-80-58 as recommended by the Planning Commission. Motion was seconded by Mr. Driggers and carried unanimously.

Mr. Fortson commented that he is associated in the real estate office with Mr. French but would receive no remuneration from this request.

SE-80-59 (JOHNSON)

Jerry Zoller, Agent, agreed to the stipulations of the Planning Commission.

Motion was made by Mr. Driggers to approve SE-80-59 as recommended by the Planning Commission. Motion was seconded by Mr. Fortson and carried unanimously.

SE-80-72 (MOORE)

Motion was made by Mr. Driggers to approve SE-80-72 as recommended by the Planning Commission. Motion was seconded by Mr. Parrish and carried unanimously.

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80-S-1(P&F) ROAD TO BAY SUBDIVISION - PLAT - DEFERRED  
(Fred Katz, Developer; Al Tague, Agent) Request: Preliminary and Final Plat approval of a 5-single-family-lots subdivision on approximately 5 acres zoned A. (Bayshore Road at McMullen Creek, south of Rubonia) Planning Commission recommended APPROVAL with a waiver of sidewalk, recreation and fire protection requirements, provided the format of the plat is approved by the County Attorney.

The Planning Director advised that the plat is not in proper form and it was deferred indefinitely.

80-S-25(P&F) TWIN VIEW LAKES SUBDIVISION - P&F/PLAT - DEFERRED  
(Brasota Manor Property Owners, Developer; Albert F. Tague, Jr., Agent) Request: Preliminary and final plat approval of a 3-duplex-lots subdivision on 1.5 acres located north of 64th Avenue Drive West & west of 7th Street West. Planning Commission recommended APPROVAL of final plat with a waiver of sidewalk, recreation and fire protection requirements.

Herbert Shuart, purchaser of two lots in the subdivision, advised that the owner of the remaining lot would be the developer.

Upon concern expressed by Board members regarding waiver of fire protection requirements, Mr. Shuart stated that it would be an undue financial burden to install a fire hydrant.

Mr. Siciliano advised that the closest fire hydrant is 1,500 feet from the proposed subdivision and a 6-inch waterline is on 8th Street Court West, 280 feet away. A hydrant can be installed for approximately \$1,000.

Motion was made by Mr. Parrish to approve 80-S-25 (P&F) Twin View Lakes Subdivision with waiver of sidewalk and recreation requirements. Motion was seconded by Mr. Driggers. It was pointed out that it would be the responsibility of the applicant to pay for installation of the hydrant.

Mr. Siciliano advised that the improvements must be completed before recording the plat and suggested that the plat be deferred in order that the Brasota Manor Property Owners Association be notified of the requirement to install the hydrant.

Voting "Aye" were Commissioner McGavic and Chairman Glass. Voting "No" were Commissioners Parrish, Driggers and Fortson. Motion failed to carry.

Motion was made by Mr. Fortson to defer any action at this time and instruct Mr. Siciliano to discuss this with the Property Owners Association and present this item at the next Board meeting. Motion was seconded by Mr. Driggers and carried unanimously.

80-S-35(P) BAY LAKES ESTATES, PHASE II - APPROVED  
(Leisure Communities, Ltd., Developer; Zoller & Najjar Engineering, Inc., Agents) Request: Preliminary plan approval of a 56-single-family-lots subdivision on 21.35 acres zoned R-1A located south of Cortez Road & south of and adjacent to Bay Lakes Estates, Phase I. Planning Commission recommended APPROVAL with a waiver of sidewalk and recreation requirements.

Upon question, Mr. Siciliano advised that the Developer has agreed to the following stipulations of the Highway Department:

- 1) Flowage easements shall be required over the lake.
- 2) Radii dimensions shall be required for the cul-de-sac.

Motion was made by Mr. Fortson to approve 80-S-35(P) Bay Lake Estates, Phase II, as recommended by the Planning Commission. Motion was seconded by Mr. Driggers and carried unanimously.

80-S-36(P&F) ANDERSON ACRES SUBDIVISION - P&F/PLAT - APPROVED  
(Robert Godwin, Developer; Leo Mills & Associates, Inc., Agent)  
Request: Preliminary and final plat approval of a 4-single-family-lots subdivision on 4.78 acres at 39th Street and 30th Avenue East.  
Planning Commission recommended APPROVAL with a waiver of sidewalk, recreation and fire protection requirements.

Tom Hughes, Surveyor for the County Highway Department, requested that offset Permanent Reference Markers (PRMs) be labeled on the plat if PRMs are not set on the corners of the property.

Leo Mills, Agent and Surveyor on the plat, disagreed with the request by Mr. Hughes commenting that his interpretation of the law did not require offset PRMs to be labeled. Dan Zoller, Registered Land Surveyor, also agreed that labeling offset PRMs are not necessary in this instance.

(Depart Mrs. Glass; Mr. Parrish presides as Chairman)

Motion was made by Mr. Driggers to approve 80-S-36(P&F) Anderson Acres Subdivision as recommended by the Planning Commission subject to the plat being signed by the County Engineer. Motion was seconded by Mr. Fortson and carried unanimously.

80-T/2 WINDMILL VILLAGE OF BAYSHORE, PHASE IV - APPROVED  
(Midway Investments Co., Developer; Horst Kemp, Agent)  
Request: Preliminary plan approval of a 16-mobile-home-lots subdivision on 2.8 acres zoned T-1 at 603 63rd Avenue West.  
Planning Commission recommended APPROVAL with a waiver of sidewalk and recreation requirements.

Motion was made by Mr. McGavic to approve 80-T/2, as recommended. Motion was seconded by Mr. Driggers and carried unanimously.

CHILD CARE CENTER (SE-1275)

Because of financial reasons, Judy Collister requested a six month extension on SE-1275 (in the name of James and Paula Hobsons) to widen the circular driveway and construct additional parking at the Child Care Center (approved December 13, 1979).

Motion was made by Mr. Driggers to grant the request. Motion was seconded by Mr. McGavic and carried unanimously.

RECESS/RECONVENE

The Vice-Chairman declared the meeting recessed until 1:15 p.m.

The meeting reconvened at 1:25 p.m. with all members present except Chairman Glass.

Z-118; Z-119 ZONING ORDINANCE AMENDMENT: HEIGHT LIMITATION

Public hearing (notice published in Bradenton Herald, August 25, 1980) was opened to consider two proposed amendments to the Manatee County Zoning Ordinance.

The Planning Director submitted the proposed amendments to the Manatee County Zoning Ordinance relating to height restrictions on buildings:

- 1) Z-118  
Amend Section V of the Zoning Ordinance Manual specifying height restrictions for structures in the following districts:
  - a. C Neighborhood Commercial District (Amend Paragraph B-1, Add Paragraph C)
  - b. C-1A Highway Business District (Amend Paragraph B-1, Add Paragraph C)
  - c. C-1 Commercial District (Add Paragraph C)

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- 2) Z-119 (All Districts)  
 Amend Section VI, Supplementary District, of the Zoning Ordinance Manual specifying height restrictions for all structures in all zoning districts as follows:
- a. Section VI - Supplementary District (Add Paragraph 36 - Height Restrictions)
  - b. Section XII - Definitions (Add Height Regulations)

The Vice-Chairman read letters in opposition to the Zoning Ordinance Amendments from Stanley Goldman, Bayshore Ventures, Inc.; Helen F. Robinson, individually and Agent for Harbor Ventures, Inc., S. Newman, L. Newman, Bayshore Insurance, Inc., Bayshore Realty, Inc., Bayshore Ventures, Stanley Goldman and R. Morton.

In the event that height restrictions are placed on structures in the County, Adrien Bacon, Attorney representing JMC Communities, Inc., (contracted to acquire the development of Desoto Square Villas Phase III and IV) recommended that a provision be placed in the proposed amendment to protect projects already pending to assure that his client may proceed with construction of the project in accordance with development plans submitted to the County. (Preliminary approval from Planning and Zoning Departments.)

Tom Durkin, Attorney representing 600 Investment Corporation and LaCosta Development Corporation, also requested that a provision be placed in the amendment to protect projects pending.

Dave Dietrich, Attorney representing Neal Communities and Frank Buskirk, Jr., Executive Vice-President of Neal Communities, were present and Mr. Dietrich spoke in opposition to either of the proposed amendments.

The public hearing was declared closed.

Motion was made by Mr. Fortson to deny Z-118. Motion was seconded by Mr. Driggers and carried unanimously.

Motion was made by Mr. Driggers to deny Z-119. Motion was seconded by Mr. McGavic and carried unanimously.

#### HOUSEMOVING (FAMIGLIO)

Motion was made by Mr. Driggers to approve application for housmoving (HM-80-19) from

Mark Famiglio to move a building from 2709 33rd Avenue West to 100' south of Hardin Avenue on the west side of US 301, Bradenton  
 Pre-Moving No. 29077

Motion was seconded by Mr. McGavic and carried unanimously.

#### PLANNING DIRECTOR: RESIGNATION

Mr. Carrington commented that this will be his last official appearance before the Board. (resignation effective September 26, 1980)

#### TAMPA BAY REGIONAL PLANNING COUNCIL

Motion was made by Mr. Driggers to authorize the County Attorney or Staff to draft and submit to the Board the necessary resolution approving amendments to an interlocal agreement creating the Tampa Bay Regional Planning Council. Motion died for lack of a second.

#### CLERK'S CONSENT CALENDAR

Upon motion by Mr. Fortson, second by Mr. McGavic, the Clerk's Consent Calendar dated September 11, 1980 was unanimously approved as follows:



BILLS FOR PAYMENT:

Kahn & Murphy Ct Reporting, Inc. (Small Farm Develop)	\$ 883.56
Mann & Fay	3,435.33
L. W. Blake Hospital (Welfare)	811.92
Mann & Fay (Warner's East Bayou)	260.13
Refund: Beth Rinsema (OB Clinic)	50.00
Mann & Fay (Planning & Development)	1,287.50
Jack Zickafoose Financial Svcs (Carroll vs Davey Tree)	2,119.53

MATERIALS AND SERVICES:

Gary Knuckles, Director, Materials and Services, corrected a statement made in a previous meeting regarding

Bid 80-77 - Washington Park - Street Paving and Drainage  
a. Award to low bidder, Square G. Construction, amended cost of \$386,204.78 (Approved 9/9/80)

in which he commented that all bidders did not have an opportunity to reduce their original price; however proper procedure was followed.

Based on the information submitted by Mr. Knuckles, motion was made by Mr. Driggers to approve Bid 80-77. Motion was seconded by Mr. Fortson and carried unanimously.

CONDEMNATION SUIT: 53RD AVENUE W. (ONECO ROAD)

Motion was made by Mr. Driggers to adopt

RESOLUTION AUTHORIZING PROCEEDINGS FOR THE  
CONDEMNATION OF REAL PROPERTY,

owned by Walter A. and Ethel M. Watkins for Parcel 139 for right-of-way for 53rd Avenue West (Oneco Road) in the vicinity of its intersection with US 41.

Motion was seconded by Mr. McGavic and carried unanimously.

RECORD RESOLUTION

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ZONING

80-S-25 (P&F) TWIN VIEW LAKES SUBDIVISION - DEFERRED  
(Deferred from earlier in meeting)

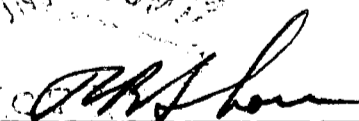
Herbert Shuart and Jim Price, Purchasers of part of Twin Lakes Subdivision, offered to pay for the installation of the fire hydrant and this item was deferred until Tuesday, September 18, 1980 to afford them an opportunity to submit the documentation necessary.

MEETING ADJOURNED

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

Attest:

APPROVED:

  
\_\_\_\_\_  
Clerk

  
\_\_\_\_\_  
Chairman 10/14/80

Adj: 2:28 p.m.