

SEPTEMBER 25, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, September 25, 1980 at 9:10 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
Brenda Kring, Deputy Clerk, 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.

The meeting was called to order by Chairman Glass.

PILOT CLUB INTERNATIONAL - PROCLAMATION

Upon motion by Mr. Driggers, seconded by Mr. Fortson, a proclamation was unanimously adopted urging all citizens of Manatee County to give generous support to the work throughout the year of the local Florida District of Pilot Club, International.

RECORD PROCLAMATION

25TH STREET WEST: EMERGENCY WORK

S10-177

Motion was made by Mr. Fortson to approve minimum emergency work on a non-County maintained road, 25th Street West between 48th and 49th Avenue in Holiday Heights. Motion was seconded by Mr. Driggers and carried unanimously.

FIRE DEPARTMENT EMERGENCY MEDICAL AND RESCUE SERVICES

Upon concurrence by the Emergency Medical Services, motion was made by Mr. Driggers to discontinue charging the Fire Department Emergency Medical and Rescue Service Personnel for transportation to the hospital or other medical services when injured in the line of duty. Motion was seconded by Mr. McGavic and carried unanimously.

8TH STREET COURT EAST; REX ROAD

The County Administrator was instructed to contact the Highway Department to review cost estimates for improving two non-County maintained roads, 8th Street Court East and Rex Road, and submit recommendations to the Board.

ESTECH GENERAL CHEMICALS CORPORATION

In reporting on the decision of the Cabinet in Tallahassee regarding recommended Order on Estech General Chemicals Corporation phosphate mining application and on the NPDES Permit, the County Attorney advised that the Attorneys for Sarasota County have been authorized to proceed with the appeal (by Manatee County) if necessary and to request time extension.

Motion was made by Mr. McGavic to authorize the County Attorney to pursue the matter of appeal in the Estech General Chemicals Corporation Special Exception and DRI. Motion was seconded by Mr. Fortson and carried unanimously.

Motion was made by Mr. McGavic to authorize the County Attorney to coordinate with Sarasota County in requesting a 90-day extension for the NPDES Permit. Motion was seconded by Mr. Fortson and carried unanimously.

ROSE PARK SUBDIVISION: VACATION OF PINE STREET

The public hearing was opened for the purpose of considering application 80-V-9 by Thomas J. Wigdahi and Otto J. Semrow for vacation of a portion of Pine Street in Rose Park Subdivision, Plat Book 4, Page 96, Public Records of Manatee County (notice published in Bradenton Herald September 10 and 17, 1980).

Since the Planning Department had not received comments from all reviewing departments, the public hearing was continued to October 9, 1980.

BUDGET 1979-80

The public hearing was opened for the purpose of considering proposed changes in the budget for the current 1979-80 fiscal year (notice published in Bradenton Herald September 17, 1980).

There were no objections or comments from the audience, and the public hearing was declared closed.

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 as follows:

Increase Revenue:
Interest Income

Increase Expenditure:
Transfer to Municipalities

\$120,000.00
RECORD RESOLUTION

S10-178

ONECO PARK: AFFIDAVIT RE ORDINANCE 74-3

Carl French requested the Board to accept an Affidavit (Section 2A, 4) of Manatee County Ordinance 74-3 from Cecil K. and Rosemary P. Kirk to enable them to construct a warehousing facility on their property described as

The South 150 ft. of the West 290.4 ft. of Lot 1, Block 25, Oneco Park, as per plat thereof recorded in Plat Book 1, Page 217 of the Public Records of Manatee County, Florida

The Affidavit acknowledges that Manatee County shall not accept responsibility for the maintenance of the street which is providing immediate access to the property until the street is improved in accordance with standards of the Manatee County Subdivision Regulations. If the County determines that said street shall be improved under provisions of Special Acts, Chapter 63-1582, Laws of Florida, as amended, the owners will pay assessment imposed upon the property based upon 100 percent of the cost of improvement.

Motion was made by Driggers to accept the Affidavit for recording. Motion was seconded by Mr. Parrish and carried unanimously.

ZONING

Bruce Siciliano and Marty Jacobs, Planners, Planning and Development Department, submitted recommendations of the Planning Commission.

The County Attorney submitted general instructions to the Board regarding the criteria to be considered in Special Exceptions and Rezoning items.

R-80-45 MANASOTA MEMORIAL PARK, INC - PR - DENIED
(Deferred from ~~9/11/80~~)

8/28/80

Thomas Gallen, Agent, requested that zoning be changed from cemetery use (presently granted under special exception) to funeral home use. Paul Corbridge, President, Manasota Memorial Park, was available to answer questions.

SEPTEMBER 25, 1980

Cont'd

Individuals speaking in opposition were J. B. Donnelly, Attorney representing various funeral homes; Bill Garland, Attorney representing Brown, Shannon and Bayshore Funeral Homes.

Mrs. Glass, in whose district the property is located, recommended approval of the rezone petition.

Motion by Mr. Fortson to approve R-80-45 as recommended by the Planning Commission died for lack of a second.

Motion was made by Mr. Parrish to deny R-80-45. Motion was seconded by Mr. Driggers. Voting "Aye" were Commissioners Driggers, McGavic and Parrish. Voting "No" were Commissioner Fortson and Chairman Glass. Motion carried.

RECESS/RECONVENE

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

R-80-60 STEVEN M. THORESON - R-1 - WITHDRAWN
(Stewart C. Thoreson, Agent) Request: To change the present zoning from A district to R-1 district to permit the construction of single family residences on 61.9 acres at 330 Bayshore Road.
Planning Commission recommended DENIAL.

Richard Buckle, Attorney, advised that the petitioner had recently dismissed prior counsel and retained his firm as representative; therefore, he requested that the Board continue this item for six to eight weeks to allow adequate time to review the application and properly present it to the Board.

Motion was made by Mr. McGavic that the request for a continuance on R-80-60 be denied. Motion was seconded by Mr. Parrish and carried unanimously.

Mr. Buckle requested that the petition be withdrawn.

Upon question by Wayne Mead, representing residents in the area, the County Attorney advised that if the petition is withdrawn, the petitioner may reapply for rezone.

Motion was made by Mr. McGavic to accept the request for the withdrawal of R-80-60. Motion was seconded by Mr. Driggers and carried unanimously.

RECESS/RECONVENE

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

R-80-55 HOWARD C. AND SUE E. GRAVES
(George E. Hollobaugh, Agent) Request: To change the present zoning from R-1AB district to PR district on .87 acre at 308 53rd Avenue East.
Planning Commission recommended APPROVAL.

R-80-62 WANDA L. MARTIN
(Sharon Nickell, Agent) Request: To change the present zoning from A district to R-2 district to permit the construction of duplexes on 6.2 acres located at the east side of Bayshore Road, south of Frog Creek.
Planning Commission recommended DENIAL.

R-80-63 WILLIAM & FRANCES BUCHANAN
(William & Frances Buchanan, Agents) Request: To change the present zoning from A to R-1B district to permit the construction of another residence on the site on 1 acre at 5010 34th Avenue East.
Planning Commission recommended APPROVAL.

R-80-64 THOMAS M. KAISER

(Thomas M. Kaiser, Agent) Request: To change the present zoning from PR to C-1 district to permit commercial uses on .31 acre at 1518 53rd Avenue East, Oneco. Planning Commission recommended APPROVAL.

R-80-65 INTERHOUSE DEVELOPMENT CORP

(Lester A. Green, Agent) Request: To change the present zoning from R-3 to R-1AA district to permit the construction of 37 duplexes on 9.02 acres located at the northwest corner of 9th Street East & 57th Avenue East. Planning Commission recommended APPROVAL.

R-80-55: PR DENIED

Mr. Siciliano pointed out that 53rd Avenue East is a major corridor and Planning Staff has concerns about zoning changes to professional or commercial.

Motion was made by Mr. Fortson to approve R-80-55. Motion was seconded by Mr. Driggers. Voting "Aye" were Commissioners Fortson, Driggers and Chairman Glass. Voting "No" were Commissioners Parrish and McGavic. Motion failed to carry by the required four-fifths vote.

Sabino Lioce, suggested that the entire section along 53rd Avenue be rezoned.

R-80-62: R-2 APPROVED

Bruce Siciliano read a letter from Sharon Nickell, Agent, requesting the rezone be approved and Ms. Nickell was available to answer questions.

Evon Mathews, corner of Gillette Circle and Frog Echo Roads, questioned whether the water supply (well water) would decrease if the property is developed and whether Gillette Circle road would be improved before development.

Dolly Young, expressed concern regarding the lot size requirement for R-2 zoning.

Motion was made by Mr. McGavic to approve R-80-62 (by adoption of appropriate resolution). Motion was seconded by Mr. Parrish and carried unanimously.

RECORD RESOLUTION

R-80-63: R-1B APPROVED

Motion was made by Mr. Driggers to approve R-80-63 (by adoption of appropriate resolution). Motion was seconded by Mr. McGavic and carried unanimously.

RECORD RESOLUTION

R-80-64: C-1 APPROVED

Thomas Kaiser, Owner and Agent, requested the property be rezoned in order for flexibility in leasing a portion of the building (700 square feet).

Motion was made by Mr. Driggers to approve R-80-64 (by adoption of appropriate resolution). Motion was seconded by Mr. Parrish. Voting "Aye" were Commissioners Fortson, Driggers, Parrish and Chairman Glass. Voting "No" was Commissioner McGavic. Motion carried.

RECORD RESOLUTION

R-80-65: R-1AA APPROVED

There were no objections to consideration of R-80-65 together with

80-S-37(P) BERMUDA HUNDRED SUBDIVISION - P/PLAN - APPROVED
(Interhouse Development Corporation, Developer; Lester A.

SEPTEMBER 25, 1980

Cont'd

Green, Agent) Request: Preliminary plan approval of a 37-duplex-lots subdivision on approximately 9.02 acres zoned R-1AA located at the northwest corner of 9th Street East and 57th Avenue East.

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

Upon question, Lester Green advised that the proposed duplexes will sell for approximately \$65,000 each.

Motion was made by Mr. McGavic to approve R-80-65 (by adoption of appropriate resolution). Motion was seconded by Mr. Driggers and carried unanimously.

RECORD RESOLUTION

Motion was made by Mr. Driggers to approve 80-S-37(P) as recommended by the Planning Commission. Motion was seconded by Mr. Fortson and carried unanimously.

SE-80-36 GENERAL HOST CORPORATION - 2-COP - APPROVED

(SE to be granted to Danny Ray, as Agent & Lessee of General Host Corp) Request: Special Exception to permit consumption of beer and wine on the premises (2-COP), Hillbilly Bar-B-Que, in a C-1 district on approximately .68 acre at 8609 US 301.

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

Upon question, Marty Jacobs reported that the facility has the capacity for 84 seats, however only 22 seats are allowed until additional parking is installed.

Clyde Wilson, Attorney representing the Agent, advised that the required parking would be installed when the seating capacity is increased, but at this time it would be a financial hardship to provide additional parking.

Motion was made by Mr. Fortson to approve SE-80-36 for a period of one year plus an additional five years to be granted at the administrative discretion of the Planning Director and with the stipulation of limiting the seating capacity to twenty-two until additional parking and landscaping are installed. Motion was seconded by Mr. Parrish and carried unanimously.

RECESS/RECONVENE

The Chairman declared the meeting recessed until 1:30 p.m.

The Board reconvened at 1:35 p.m. with all members present.

SE-80-63 DONALD AND MARJORIE GARDNER - GIFT SHOP - APPROVED

(SE to be granted to Ronald W. & Audrey A. Finger; Carl E. Lasater and/or Ronald Finger, Agent) Request: Special Exception to permit a gift shop in an A-2 district on 3.5 acres located at SR 70, 1/4 mile west of Braden River Bridge.

Planning Commission, having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, recommended APPROVAL for a permanent period of time with one year to complete 25 percent of construction and with the stipulation requiring a 24' wide access easement at the east property line and is only for the proposed gift shop. New Special Exceptions or amendments would be required if or when the property to the east and west is proposed for development.

Jerry Zoller, Zoller and Najjar Engineering, advised that the proposed site plan incorporates the A-2 recommendations of the site.

Motion was made by Mr. Driggers to approve SE-80-63 as recommended by the Planning Commission.

When pointed out by Mr. Siciliano that the petitioner is also requesting a waiver of parking from 53 to 34 spaces, Mr. Driggers amended his motion to include the waiver of 19 parking spaces. Motion was seconded by Mr. Parrish and carried unanimously.

SE-80-64 ROXANNE AND RICHARD TOBIN - BEAUTY SHOP - DEFERRED
(SE to be granted to Roxanne Tobin; Roxanne and Richard Tobin, Agents) Request: Special Exception to permit a home occupation, a beauty shop, in an R-1B district on .27 acre at 5723 26th Street West.

Planning Commission, having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, recommended APPROVAL for a period of five years with a waiver of Section VI, Paragraph 33, Sub-paragraph "h" of the Zoning Ordinance.

Dolly Young, requested clarification as to whether previous special exceptions have been approved south of 57th Avenue on 26th Street.

There were other questions and the item was deferred until October 2, 1980, to allow the applicants, or representative, an opportunity to be present.

(By announcement later during the meeting, this item was scheduled for October 7, 1980, instead of October 2nd.)

SE-80-65 ELLIS SARASOTA BANK AND TRUST - APPROVED

(SE to be granted to Ward and Leonard Snyder; Ward Snyder, Agent) Request: Special Exception to permit consumption of beer and wine on premises (2-COP), WUV's Restaurant, in a C-1 district on .85 acre at 4115 1st Street West.

Planning Commission, having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, recommended APPROVAL for a period of twenty years with the stipulation prohibiting the sale of beer and wine through the drive-thru window.

SE-80-66 LEONARD SNYDER - 2-COP - APPROVED

(SE to be granted to Ward and Leonard Snyder; Ward R. Snyder, Agent) Request: Special Exception to permit consumption of beer and wine on premises (2-COP), WUV's Restaurant, in a C district on approximately .61 acre at 5603 Manatee Avenue West, Tower Square.

Planning Commission, having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, recommended APPROVAL for a period of twenty years with the stipulation prohibiting the sale of beer and wine through the drive-thru window.

SE-80-65: 2-COP APPROVED

Tom Dirkin, Attorney representing the owners and operators of WUV's Restaurant, advised that the Franchisor is encouraging the expansion of menus to improve the evening meals and the application is in conjunction with that expansion.

Upon question, Ward Snyder, Agent, reported that the majority of the clientele are elderly.

The motion by Mr. Driggers to deny SE-80-65 died for lack of a second.

Having specifically considered the criteria set forth in the Zoning Ordinance, Mr. McGavic moved to approve SE-80-65 as recommended by the Planning Commission. Motion was seconded by Mr. Fortson.

SEPTEMBER 25, 1980

Cont'd

Following suggestion that the special exception be granted for a shorter period of time, Mr. Dirkin stated no objections.

Motion was made by Mr. Fortson to amend the motion to include the time period of three years with an additional five years to be granted at the administrative discretion of the Planning Director. Motion was seconded by Mr. McGavic. Voting "Aye" were Commissioners Fortson, McGavic and Chairman Glass. Voting "No" were Commissioners Driggers and Parrish. Motion carried.

The Chairman called for the vote of the original motion with amendment. Voting "Aye" were Commissioners Fortson, McGavic and Chairman Glass. Voting "No" were Commissioners Driggers and Parrish. Motion carried.

SE-80-66: 2-COP APPROVED

Having specifically considered the criteria set forth in the Zoning Ordinance, Mr. McGavic moved for approval of SE-80-66 for a period of three years with an additional five years to be granted at the administrative discretion of the Planning Director and including the stipulation of the Planning Commission. Motion was seconded by Mr. Fortson. Voting "Aye" were Commissioners Fortson, McGavic and Chairman Glass. Voting "No" were Commissioners Driggers and Parrish. Motion carried.

SE-80-67 LANDIS AND MYRA RICH - CHURCH - APPROVED

(SE to be granted to Oneco Church of Christ; Claudia Beck, Agent) Request: Special Exception to permit a church and church related facilities in an A-2 district on 5 acres at 3715 53rd Avenue East (NE corner of intersection of SR 70 and 37th Street East).

Planning Commission, having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, recommended APPROVAL for a permanent period of time with the stipulation requiring the installation of a landscape buffer, including one tree every 75', along the north boundary of the driveway.

Claudia Beck, Agent, advised that the special exception is for the purpose of relocating an existing church.

Motion was made by Mr. Driggers to approve SE-80-67 as recommended by the Planning Commission. Motion was seconded by Mr. Parrish and carried unanimously.

Z-120 COUNTY COMMISSION INITIATED - MAJOR THOROUGHFARE
PLAN AMENDMENT - APPROVED

(A. C. Cogan, Acting Director, Agent)

Request: Amend Section V, Paragraph 27, Major Thoroughfare Plan by striking and deleting therefrom pages 131 through 139-4 of the existing Manatee County Zoning Ordinance and adding pages 131 through 138 which contain a description of exhibited streets and their required right-of-way.

Planning Commission recommended APPROVAL with the following modifications:

- 1) From 43rd Street West to Bradenton City Limits (35th Street West) delete 11th Avenue West and add 13th Avenue West as a Minor Collector Street (pg 132)
- 2) Change El Conquistador Parkway from:
"From Palma Sola Boulevard (Extended) to 34th Street West"
To: "From 75th Street West to 34th Street West" (pg 134)
- 3) Change Palma Sola Boulevard (Extended) from:
"From Cortez Road to El Conquistador Parkway"
To: "From Cortez Road to 53rd Avenue West" (pg 134)
- 4) Rural Thoroughfares will have a minimum of 84 feet of right-of-way. Right-of-way width was not previously specified (pg 137)

Motion was made by Mr. Fortson to approve Z-120 (as recommended by the Planning Commission). Motion was seconded by Mr. McGavic and carried unanimously. (Map and resolution to be prepared and submitted to Board.)

There were no objections to considering the following two contiguous subdivisions conjunctively:

80-S-16(P) OAK BROOK SUBDIVISION - P/PLAN - APPROVED
(Deferred from 7/10/80)

80-S-17(P) WHISPERING OAKS SUBDIVISION - P/PLAN - APPROVED
(Deferred from 7/10/80)

Leonard Najjar, Agent, and Mark Ventriglia, Highway Department, spoke concerning the proposed drainage of the subdivisions.

Tom McCollum, Zoller and Najjar Engineering, Inc., stated no objections to the stipulations outlined by the Planning Commission.

Motion was made by Mr. Driggers to approve 80-S-16(P) and 80-S-17(P) as recommended by the Planning Commission. Motion was seconded by Mr. Parrish. Voting "Aye" were Commissioners Fortson, Driggers, Parrish and Chairman Glass. Commissioner McGavic voted "No." Motion carried.

Due to concern expressed by several Commissioners about requiring swales without providing any insurance for success, the Planning Department and Highway Department were instructed to consider this matter when preparing the proposed master drainage plan in Manatee County.

80-S-33(P) PINE MEADOW S/D, 1ST ADDITION - P/PLAN - APPROVED
(Josef Trapp, Developer; Zoller and Najjar Engineering, Inc., Agent) Request: Preliminary Plan approval of a 83-single-family-lots subdivision on approximately 30.19 acres zoned R-1B located west of Catalina Subdivision and north of and adjacent to 9th Avenue NW.

Planning Commission recommended APPROVAL with a waiver of recreation requirements and subject to the written conditions of County staff and the following stipulation:

- 1) Preliminary plan approval is contingent upon adoption of the new, proposed Major Thoroughfare Plan or Amendment of the existing Major Thoroughfare Plan to delete 83rd Street NW.

Joe Venable, Attorney representing Developer, requested that the plan be approved as it meets all requirements of R-1B zoning except recreation requirements.

Joe Ferrell, Attorney, speaking on behalf of Catalina Enterprises, Inc. and himself, opposed the request. He recommended a moratorium be placed on accepting preliminary plans in the area, especially in the northwest section of Manatee County, to afford the Commissioners an opportunity to reconsider the zoning in the area (to be consistent with the surrounding zoning).

Motion was made by Mr. Fortson to approve 80-S-33(P) as recommended by the Planning Commission. Motion was seconded by Mr. Parrish and carried unanimously.

RECESS/RECONVENE

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

HOUSEMOVING (DOAN; CLEMENTS)

Housemoving Application by Robert Doan (HM-80-20) was deferred to afford the petitioner an opportunity to be present and answer question regarding the possibility of posting a bond to insure bringing the home up to County standards.

SEPTEMBER 25, 1980

Cont'd

Housemoving Application by John Clements (HM-80-21) was deferred to afford the petitioner an opportunity to be present and answer questions.

HIDDEN LAKE CONDOMINIUM: PRIVATE EASEMENT

Leonard Najjar, representing Hidden Lake Condominium Corporation, requested a private way be granted along 53rd Avenue West into Hidden Lake Condominium Development. He advised that the adjoining property owners, Eugene S. Zickafoose and Ronald Bernard, have agreed to the Private Way and that an Easement Agreement with the owners and the Corporation has been prepared.

Bruce Siciliano agreed that the proposed private way is appropriate; however, he expressed concern that gaining access to an R-3 zoning through PR and R-1AA zoning may be in violation of the zoning ordinance.

Considering the facts in this particular case, Mr. McGavic moved to authorize the County Attorney to prepare a resolution approving this easement as private way, as being adequate access in Hidden Lake Condominium property. Motion was seconded by Mr. Driggers and carried unanimously.

SOUTHCOAST, INC: PARKING WAIVER

Bob Barrett, Attorney representing Southcoast, Inc., submitted a site plan of a shopping center to be built on the north side of Desoto Square Mall on US 301 and requested that 96 parking spaces be waived to allow 817 spaces rather than the required 913 spaces.

Motion was made by Mr. Driggers to grant the waiver and allow 817 parking spaces. Motion was seconded by Mr. McGavic and carried unanimously.

BOARD OF ZONING APPEALS APPLICATION FEE (HISKES)

Mr. McGavic relayed a request by George Hiskes to waive fees on application to the Board of Zoning Appeals for a setback variance on his property, since the County has benefited by improvements to the right-of-way behind his home (piped ditch, relocated utility lines).

Motion was made by Mr. McGavic that the fee requirement be waived in this particular case. Motion was seconded by Mr. Driggers and carried unanimously.

CIVIC CENTER

By letter dated September 18, 1980, the Federation of Manatee County Community Associations requested the Board to take necessary action to have the question of whether a Civic Center should be built in Manatee, and funded by any form of taxation, placed on the ballot for the General Election in November 1980.

No action was taken.

(Depart Mr. Fortson)

COMMUNITY NOISE ADVISOR: AGREEMENT - "ECHO PROGRAM"

The County Administrator submitted a

COMMUNITY NOISE ADVISOR AGREEMENT BETWEEN AMERICAN
INSTITUTE FOR MUNICIPAL RESEARCH, EDUCATION, INC.
(AMIRET) AND THE COUNTY OF MANATEE

providing for reimbursement of costs (travel and subsistence) actually incurred by the the Community Noise Advisor, Robert Hartshorn, in the performance of the "Each Community Helps Others" (ECHO) program. He explained that the only responsibility of the County would be to transmit monies to Mr. Hartshorn, not to exceed the amount of \$1,500 during the one-year term of agreement.

Motion was made by Mr. Parrish to authorize the Chairman to sign the agreement. Motion was seconded by Mr. Driggers. Voting "Aye" were Commissioners Driggers, Parrish and Chairman Glass. Voting "No" was Commissioner McGavic. Motion carried.

✓RECORD AGREEMENT

S10-179

TRANSPORTATION/HIGHWAY DEPARTMENTS REORGANIZATION

The County Administrator advised that appropriate resolutions will be prepared to merge the Highway Department with the Transportation Department and appoint Philip Davis as Director.

HUMAN SERVICES

By memorandum dated September 22, 1980, Kathy Snell, Director of Human Services Department, submitted requests

- 1) Re: contract with Tampa Bay Regional Planning Council (Homemaker Services)
- 2) Authorize the Chairman to execute an Addendum to Agreement between Manatee County and H.O.P.E. of Manatee, Inc., changing the beginning of the contract from July 29, 1980 to July 3, 1980 as intended by the Board's approval on July 3, 1980, of a funding request from H.O.P.E.
- 3) Re: Addendum to Agreement of 12/2/79 with Manatee County Bar Association (legal aid services)
- 4) Re: Addenda to Agreements with non-County Agencies

and recommended approval of Item 2.

Motion was made by Mr. Parrish to approve Item 2 on the memorandum dated September 22, 1980. Motion was seconded by Mr. Driggers and carried unanimously.

✓RECORD AGREEMENT

S10-180

The remaining items on the memorandum were deferred until September 26, 1980.

MATERIALS AND SERVICES

By memorandum dated September 23, 1980, Gary Knuckles, Director, Materials and Services Department, recommended the following:

HIGHWAY

- 1) Washington Park Street Paving and Drainage (Bid 80-77)
 - a. Authorize Chairman to execute contract with Square G Construction Company, Inc., for total sum of \$386,204.78 (together with Certificate of Insurance, Contractor's Performance-Payment Bond, Maintenance Performance Payment Bond, HUD requirements for Affirmative Action Plan and bidder's qualifications)

Motion was made by Mr. Driggers to authorize execution of the contract and accept the bonds (Surety: Seaboard Surety Company) and insurance certificate. Motion was seconded by Mr. McGavic and carried unanimously.

✓RECORD CONTRACT

S10-181

ESTECH GENERAL CHEMICALS CORPORATION

The County Attorney submitted letter dated September 23, 1980

Re: Manatee County, Florida, vs. Florida Department of Environmental Regulation and Estech General Chemicals Corporation, DOAH Case No. 80-1486 before the Division of Administrative Hearings of the Florida Department of Administration involving permit applications to the Department of Environmental Regulation for construction of the waste clay settlement area, certain water discharge points and a sewage treatment plan for the Duette phosphate mining project.

SEPTEMBER 25, 1980

Cont'd

recommending that his office, the Manatee County Utilities System (MCUS), the Pollution Control Department, the Planning and Development Department and any other affected department of County government be authorized and directed to assimilate material and relevant information, to prepare for presentations to be made at the public hearing before the Hearing Officer set for November 13 and 14, 1980, in the City Hall of the City of Bradenton. He further recommended that Camp, Dresser and McKee, Inc., Consulting Engineers for MCUS, be retained to assist the County, specifically to prepare documents and testify at the hearing.

Motion was made by Mr. McGavic to approve the request by the County Attorney. Motion was seconded by Mr. Driggers and carried unanimously.

F & B PROPERTIES, INC: AGREEMENT

The County Attorney submitted an

AGREEMENT BETWEEN THE COUNTY OF MANATEE
AND F & B PROPERTIES, INC. (DEVELOPER)

whereby

- 1) Developer shall dedicate right of way for Lakeshore Drive, from Victory Road to Erie Road to County for perpetual ownership;
- 2) Upon dedication, County shall release Subdivider's completion bond in the amount of \$37,620.00;
- 3) County to waive sidewalk requirements for portion of Lakeshore Drive yet to be constructed;
- 4) Developer to construct Mendoza Road extension (Lakeshore Drive) from Victory Road to Erie Road;
- 5) Developer to be responsible for maintenance of Lakeshore Drive until acceptance by County for maintenance;
- 6) Certain maintenance items may be rectified by County Engineer at time of acceptance.

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

RECORD AGREEMENT

S10-182

RECESS/RECONVENE

The Chairman declared the meeting recessed until September 26, 1980 at 10 a.m.

SEPTEMBER 26, 1980

The meeting reconvened on September 26, 1980 at 10:05 a.m. with all members present.

PARKS AND RECREATION: ACTING DIRECTOR

The County Administrator announced that effective October 1, 1980, Gary M. Knuckles will serve as Acting Director of the Department of Parks and Recreation. He advised that in approximately one month, he will submit a recommendation for permanent appointment to the Department.

LAKE MANATEE/MANATEE RIVER: RECLASSIFICATION

The County Administrator submitted a draft letter for Chairman's signature to Jacob Varn, Secretary, Department of Environmental Regulations (DER) requesting that DER reclassify

- 1) Lake Manatee from Class 1A to the potable water supply surface water designation of "Outstanding Florida Waters" as set forth in 17-3.041,