

OCTOBER 23, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, October 23, 1980 at 9:05 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
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; David Priddy, WTRL; and others who entered during the meeting.

Invocation by Reverend Tom Compton, First Assembly of God.

The meeting was called to order by Chairman Glass.

CERTIFICATE OF OCCUPANCY: DURRANCE

It was brought to the attention of the Board that a building permit was issued to Tommy Durrance (authorized March 4, 1980) in order that he might start construction of his home while the property was in process of being platted; that construction has been completed and the house has passed final inspection. Although the final subdivision plat has not been approved, the owner is requesting a temporary certificate of occupancy until decision on the final is reached.

Bill Swan, Planner, Planning and Development Department, advised that the final plat will be brought before the Board for review in approximately three weeks.

Motion was made by Mr. Parrish to issue the temporary permit (to Tommy Durrance) until decision on the final plat is rendered. Motion was seconded by Mr. Driggers and carried unanimously.

SCHOOLS: SPEEDING IN SCHOOL ZONE

Due to numerous complaints being received from County residents regarding excessive speeding in school zones, Mr. McGavic recommended that additional law enforcement personnel be assigned to areas around the schools.

Mrs. Glass submitted a memorandum dated October 20, 1980, from Diane Shapland, School Crossing Guard, requesting installation of school crossing signs and speed control at the corner of Whitfield and Pennsylvania Avenues (and 15th Avenue NW and 75th Street NW).

There were no objections to scheduling a meeting with the Sheriff to discuss this matter, possibly on Tuesday, October 28, 1980.

PLANNING AND DEVELOPMENT: AUDIT

Mr. McGavic reported that he had been advised of some apparent irregularities in building inspections.

R. B. Shore, Clerk of Circuit Court, came before the Board to explain that two-fold audits of County Departments are periodically conducted by his office. First, the fiscal audit deals with check of payroll systems, cash disbursements, record keeping, etc., and the second part is the performance audit. An audit of the Planning and Development Department is in the preliminary stage and his office has found nothing that proves a basis for certain allegations regarding building inspections.

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TAX ASSESSMENT

The County Attorney reported on the lawsuit Manatee County vs the the Department of Revenue (DOR) for an interim tax roll and advised the hearing is set for October 28, 1980; that the Property Appraiser had filed suit directly against the DOR and a court order was entered authorizing all other taxing authorities to intervene. The parties in the suit are the County of Manatee, Cities of Anna Maria, Holmes Beach and Palmetto, the Palmetto Fire Control District and the West Coast Inland Navigational District.

The Property Appraiser anticipates that the tax roll (interim) will be ready by the middle or latter part of November, 1980, and tax bills will be mailed in December, 1980. (He is proceeding with reassessments on one hundred percent basis in the event of adverse decision by the courts and Department of Revenue.)

R. B. Shore reported on the status of the County's financial and borrowing position should it become necessary to obtain operating funds pending collection of taxes.

The County Administrator was instructed to contact the Property Appraiser regarding the possibility of following the procedure taken by Sarasota County, which does not require lawsuits and interim tax billing, etc., and requesting a time estimate for completion of the County tax reassessment.

Mrs. Glass advised that if necessary, a special meeting will be held on Monday, October 27, 1980, to discuss this matter.

ZONING

Bill Swan and Charles Hunsicker, Planners, Planning and Development Department, submitted recommendations of the Planning Commission.

R-80-21 FIRST NATIONAL BANK & TRUST COMPANY OF RIVIERA BEACH
REZONE TO PUD - DEFERRED

(Ref: Public Hearing 8/27/80)

Planning Commission recommended APPROVAL per Rezone Committee report and adoption of the appropriate Rezone Resolution

SE-80-23 FIRST NATIONAL BANK & TRUST COMPANY OF
RIVIERA BEACH - MALL/PLAZA/MOTEL - DEFERRED

(Ref: Public Hearing 8/27/80)

Planning Commission, having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, recommended APPROVAL per the Special Exception Committee report and adoption of the appropriate Special Exception resolution.

DRI #11 TARA - DEVELOPMENT OF REGIONAL IMPACT - DEFERRED

(Ref: Public Hearing 8/27/80)

Planning Commission recommended APPROVAL subject to the conditions, restrictions and limitations as outlined in the Development Order draft resolution granting a Development Order D.R.I. #11, with the exclusion of page 13c, page 14e, and on pages 6 and 8, change the 25 foot set back to 50 feet, and item 12 on page 7, notification of the City by the County; also adoption of the appropriate Development Order.

Bill Swan submitted draft resolutions granting

- = Rezoning to Planned Unit Development,
- = Special Exception for a commercial activity in an A-2 district
- = A Development Order

Dewey Dye, Attorney representing applicant, advised that two items of disagreement with the Tampa Bay Regional Planning Council regarding

- 1) Wetlands Protection
- 2) Four-laning SR 70 by Phase III of the project

should be resolved by next week; however if more time is needed, he will be willing to extend the deadline for the decision an additional week.

Mrs. Glass read a letter dated October 22, 1980, from Mayor Evers, City of Bradenton, opposing any urbanization of the Bradenton water shed. William Lisch, Attorney for the City of Bradenton, reiterated the City's opposition to the project.

Action was deferred pending the outstanding items being resolved.

RECESS/RECONVENE

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

R-80-69 TERESA TEAHAN & ROSA ROMAN - M-2 - APPROVED
(Theodora "Dolly" Young, Agent) Request: To change the present zoning from A to M-2 district on approximately 35 acres at 63rd Avenue E. (Saunders Road) and 33rd St. E. Planning Commission recommended APPROVAL.

William R. Wheeler, 6111 33rd Street East, spoke in opposition to the rezone application.

Dolly Young requested the zoning change to permit the petitioners to expand their existing industrial development (Woodruff and Sons Contractors).

Motion was made by Mr. Driggers to approve R-80-69 (by adoption of appropriate resolution). Motion was seconded by Mr. Parrish and carried unanimously.

RECORD RESOLUTION

R-80-71 JOHN KAZANJIAN, TRUSTEE - T-3 - DEFERRED
(Bobby N. Whatley, Agent) Request: To change the present zoning from A to T-3 district to permit a travel trailer park expansion on approximately 44 acres located east of Sugar Creek Campground Estates. Planning Commission recommended APPROVAL contingent upon no legal complications with the proposed use.

80-T/5(P) SUGAR CREEK COUNTRY CLUB ESTATES CAMPGROUND - TRAVEL TRAILER PARK - DEFERRED
(Bobby Whatley, Developer; Gregory J. Porges, Agent) Request: Preliminary plan approval of a travel trailer park (398 lots) on approximately 44 acres located 3600 block of 26th Avenue East (east of and adjacent to existing Sugar Creek Campground Resort) Proposed zoning: T-3
Planning Commission recommended APPROVAL.

Tom Durkin, Attorney representing the Agent and Petitioner, advised that 342 of the lots will be transferred to a perpetual lease arrangement while 56 lots will remain for rental, if the plan is approved.

Mr. Driggers relayed objections by Mr. McClure, McClure Farms, due to a possible problem with noise from cattle, hazardous chemical sprays and water consumption on their adjoining agricultural property.

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Upon question, John Benson, Consulting Engineer for the project, advised that the problem regarding the availability of sewage treatment facilities has been resolved.

Bobby Whatley was available to answer questions.

Action was deferred for one week (October 30, 1980) to afford the petitioner an opportunity to meet with Mr. McClure and discuss the items in question.

R-80-72 THOMAS W. & MELBA FORREST - C-1 - APPROVED
(R. E. Nelson, Inc., Agent) Request: To change the present zoning from R-1AA to C-1 district to permit general commercial development on 0.77 acre located west of US 19, approximately 1/4 mile north of 33rd St. W., Palmetto. Planning Commission recommended APPROVAL.

Motion was made by Mr. McGavic to approve R-80-72 (by adoption of appropriate resolution). Motion was seconded by Mr. Parrish and carried unanimously.

RECORD RESOLUTION

R-80-68 L. MARSHALL DISHON - M-1 - DEFERRED
(James M. Nixon, II, Agent) Request: To change the present zoning from C-1 and T districts to M-1 district on 8.5 acres located between US 41 and US 19, Palmetto. Planning Commission recommended APPROVAL.

James Nixon reported that the proposed use of the property is for a warehouse facility.

By request of Mr. McGavic, the item was deferred until Thursday, October 30, 1980, in order that the petitioner may be present to answer questions.

R-80-67 L. MARSHALL DISHON - M-1 - DEFERRED
(James M. Nixon, II, Agent) Request: To change the present zoning from A and R-1 districts to M-1 district on 30 acres located north of 27th St. E. (Memphis Road) east of Seaboard Coastline Railroad Tracks.

James Nixon reported that the proposed use of the property would be for a warehouse facility. He advised that the existing zoning is not appropriate for the property.

At the request of Mr. Parrish, the item was deferred for one week (October 30, 1980).

R-80-78 W. ROBERT & PATRICIA B. MANN - WITHDRAWN
(R. E. Nelson, Inc., Agent) Request: to change the present zoning from R-1C to R-1B district to permit higher density single family, residential development on approximately 5.3 acres at 7000 Riverview Boulevard. Planning Commission recommended DENIAL because the requested lot size is inconsistent with the residential development trends in the area.

Mrs. Glass submitted memorandum dated October 22, 1980, from Ralph Nelson, requesting that the rezone petition be withdrawn.

Motion was made by Mr. Fortson to accept the withdrawal. Motion was seconded by Mr. McGavic and carried unanimously.

RECESS/RECONVENE

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

The Board reconvened at 1:33 p.m. with all members present.

R-80-80 MARK P. FAMIGLIO, ATTORNEY IN FACT
REZONE TO M-1 - APPROVED

(Mark P. Famiglio, Agent) Request: To change the present zoning from R-1B and C-1 districts to M-2 district to permit heavy industrial development on 14.43 acres located at US 301 between Hardin Avenue and Midway Drive.

Planning Commission recommended DENIAL because the petitioner was not acceptable to vacating the existing plat as requested by the Highway Department prior to approval of the zoning change.

R-80-81 MARK P. FAMIGLIO, ATTORNEY IN FACT
REZONE TO M-1 - APPROVED

(Mark P. Famiglio, Agent) Request: To change the present zoning from R-1B to M-2 district on 5.46 acres located at US 301 between Midway Drive & Sarasota-Manatee Airport.

Planning Commission recommended DENIAL because the petitioner was not acceptable to vacating the existing plat as requested by the Highway Department prior to approval of the zoning change.

Mrs. Glass reported that Arlene Flisik, Land Use Chairman of Manasota 88, supports the Planning Commission's recommendation for denial of R-80-80 and R-80-81.

Tom McCollum, Zoller and Najjar Engineering, advised that the land is no longer acceptable for residential use.

Mark Famiglio advised that he was amenable to M-1 zoning and it was his intention to replat (or vacate the plat) Midway Estates when the title is conveyed to him.

In reliance upon the applicant's representation that he will vacate the entire plat, or at least Midway Drive, Mr. Driggers moved to approve R-80-80 and R-80-81 to M-1 zoning. Motion was seconded by Mr. Parrish and carried unanimously.

N-80-3 B & F AUTO PARTS, INC - EXPANSION OF
NON-CONFORMING USE - APPROVED

(Baxter Burch, Agent) Request: Expansion of a non-conforming use, to permit the construction of an open sided canopy to shade the employees' work area in C-2 and M-1 districts on approximately 3.25 acres at 5112 Hwy 41 North, Palmetto.

Planning Commission recommended APPROVAL.

Motion was made by Mr. McGavic to approve N-80-3. Motion was seconded by Mr. Parrish and carried unanimously.

Carol Burch, representing B & F Auto Parts, Inc., questioned whether her property was considered non-conforming.

The County Attorney explained the procedures the Board should follow regarding Special Exceptions.

SE-1268 (AMENDMENT) JAMES & MARGARET TEAGUE -
RETAIL LAWN & GARDEN CENTER - APPROVED

(Jerry N. Zoller, Agent) Request: Special Exception to permit a retail lawn and garden center on 1 acre zoned A-2 at 5500 Block of SR 70.

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Planning Commission, having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, recommended APPROVAL for an indefinite period of time with the following stipulations:

- 1) The access road to the west of the property shall be paved from the north edge of SR 70 and continue northward to the driveway of the Manatee County Landfill and storage. This will be constructed to county standards and will be scheduled so access to the back parcel is not impaired.
- 2) Driveways and parking areas are to be paved and a Florida Department of Transportation permit will be required for access onto SR 70.
- 3) Septic tanks and drainfields must comply with the requirements of Chapter 10D-5 of the Florida Administrative Code.
- 4) Pollution Control will require the determination of the above items plus our review of the storm-water plans prior to approval.
- 5) A fire protection system to specifications of the Oneco-Tallevast Fire Department shall be installed, if required.

Bill Swan advised that adequate fire protection is in the vicinity of the property; therefore, stipulation No. 5 is no longer relevant.

Motion was made by Mr. Driggers to approve SE-1268 (amendment) as recommended by the Planning Commission with the exclusion of Item No. 5. Motion was seconded by Mr. Parrish. Voting "Aye" were Commissioners Driggers, Fortson, Parrish and Chairman Glass. Commissioner McGavic voted "No." Motion carried.

SE-80-71 ERNEST SIELOFF - CHURCH - APPROVED

(Special Exception to be granted to Bible Baptist Church of Bradenton; Gary Byram, Agent) Request: Special Exception to permit a church and church related activities in an A district on 30 acres located on Morgan Johnson Road, approximately 1000' south of 28th Avenue East.

Planning Commission recommended APPROVAL for a permanent period of time and with the following stipulations:

- 1) The proposed driveway and ten parking spaces shall be paved to handle regular daily traffic. Additional paving shall be required if unpaved parking areas are not properly maintained.
- 2) The remaining shell parking area shall incorporate some means of controlling internal circulation (i.e. railroad ties, telephone poles or landscaping).
- 3) Revised plans meeting all off-street parking and landscaping (interior and perimeter) requirements of the Manatee County Zoning Ordinance shall be submitted prior to the issuance of any building permits.
- 4) All improvements shall be installed prior to the issuance of a Certificate of Occupancy.

Bill Swan advised that the revised plan includes paving the entire parking area rather than only ten parking spaces.

Having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, Mr. Driggers moved to approve SE-80-71 as recommended by the Planning Commission with the exception that paving the additional parking area will be required, with one year to complete the paving. Motion was seconded by Mr. Parrish and carried unanimously.

SE-80-77 KATHRYN K. HARMON - MAJOR EARTH BORROWING - APPROVED
(SE to be granted to Sommers, Inc.; Ron Larson, Agent)

Request: Special Exception and Operating Permit to permit Major Earth Borrowing activities in an A district on 120 acres located north of County Line Road, 1/2 mile east of Lockwood Ridge Road.

Planning Commission, having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance, recommended APPROVAL for a period of three years with one year to complete 25 percent of construction and with the stipulation that there be no hauling on Conservatory Drive through Palm-Aire, and that the applicant shall be required to maintain and restore County Line Road to Manatee County's satisfaction and DOT requirements where they cross the relocation work on US 301

In response to question, Jerome Gostkowski, Highway and Engineering Department, recommended County Line Road be restored to the standard which is equal or better to the condition of the road prior to the start of the borrow pit operations.

(Depart Mr. Fortson)

Motion was made by Mr. Driggers to approve SE-80-77 as recommended by the Planning Commission. Motion was seconded by Mr. McGavic and carried unanimously.

SE-80-78 FIRST CAPITAL INCOME PROPERTIES, LTD - SERIES II AND III d/b/a CORTEZ SHOPPING CENTER - 2-COP - APPROVED
(SE to be granted to Plaza Bagel Inn, Inc; Mark Silverman, Agent) Request: Special Exception to permit the consumption of beer and wine on premises (2-COP), Plaza Bagel Inn, in a C-1 district on 1.4 acres at the Cortez Plaza Shopping Center. Planning Commission recommended APPROVAL for a period of five years plus an additional five years to be granted at the administrative discretion of the Planning Director.

Mr. McGavic moved to approve SE-80-78 as recommended by the Planning Commission after having specifically considered the criteria set forth in Section VI-14 of the Zoning Ordinance. Motion was seconded by Mr. Parrish and carried unanimously.

80-S-29(P) WINDANCE ESTATES S/D, 1ST ADDITION - DEFERRED
(Ed Eschenroeder and Jim Clendenon, Developers; Zoller and Najjar Engineering, Inc., Agents) Request: Preliminary plan approval of a 20-single-family-lots subdivision zoned A on approximately 26.20 acres located approximately 1800' north of SR 64 and east Upper Manatee River Road. Planning Commission recommended APPROVAL with a waiver of recreation requirements and with the stipulation that the pavement width of the proposed through street shall be a minimum of 24' wide, cul-de-sacs shall be a minimum of 22' wide with shoulders stabilized sufficiently to handle emergency vehicles; and subject to either of the following two stipulations:

1) An 84 foot right of way shall be extended northerly from the proposed central roadway and between Tracts 15 and 16 to the north property line. Said right-of-way shall connect to right-of-way within Gates Creek Acres S/D.

or

2) The eastern, north/south access easement shall be changed to an 84 foot wide dedicated road right-of-way along the boundary of the subdivision. Said road shall be constructed to the northern and southern property lines and shall have a 24 foot wide pavement width.

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(Please note that any condition selected should be consistent with that required for Gates Creek Subdivision, which includes requiring 24 feet wide rights-of-way within Windance Estates, 1st Addition.)

78-S-2(P) GATES CREEK ACRES SUBDIVISION - P/PLAN - DEFERRED
(Roy Jackson, Developer; Zoller and Najjar Engineering, Inc., Agents) Request: Preliminary Plan approval of a 49-single-family-lots subdivision on approximately 60 acres zoned A located 3200' north of SR 64, east of Upper Manatee River Road.

Planning Commission recommended APPROVAL (same as 80-S-29) and subject to either of the following two stipulations:

1) The right-of-way of the proposed northeasterly cul-de-sac shall be extended to and stubbed out at the north property line. All pavement within said right-of-way shall be 24 feet wide and a paved temporary turn-around shall be provided. The right-of-way of the proposed south-easterly cul-de-sac shall be extended to the south and shall connect to road right-of-way within Windance Estates, 1st Addition, thus interconnecting the two subdivisions.

or

2) The eastern, north/south easement shall be changed to an 84 foot wide dedicated road right-of-way along the boundary of the subdivision. Said road shall be constructed to the northern and southern property lines and shall have a 24 foot wide pavement width.

(Please note that any condition shall be consistent with that required for Windance Estates, 1st Addition.)

Tom McCollum, Zoller and Najjar Engineering, objected to the proposed requirement that the road be 24' in width, as it will connect to a road being 22' in width.

Mr. McCollum and Jim Clendenon, Developer for Windance Subdivision, also objected to the stipulation that an interconnection of the two subdivisions be required, as it would cause a financial hardship by the loss of two lots in Windance Subdivision and the building of a bridge (box culvert).

Following discussion, action on the two subdivisions was deferred pending problems being resolved between the developers and the Highway Department.

80-S-27(P&F) LULU'S PALMA SOLA BAY S/D - P/PLAN - APPROVED
(Richard G. Gremley, Developer; Leo Mills & Associates, Inc., Agent) Request: Preliminary and final plat approval of a 3-single-family-lots subdivision on .84 acre zoned R-1A at 25th Avenue West and Palma Sola Road.
Planning Commission recommended APPROVAL with a waiver of sidewalk and recreation requirements and with the condition that the developer provide a legal instrument to dedicate right-of-way, in accordance with the Major Thoroughfare Plan, if requested by the County for future improvement of Palma Sola Road. Said approval is contingent upon the format of the instrument and the final plat being approved by the County Attorney.

Richard Gremley agreed to dedicate thirty (30) feet for right-of-way along Palma Sola Boulevard but objected to the proposed requirement to dedicate an additional three (3) feet as specified by the Major Thoroughfare Plan.

(Enter Mr. Fortson)

The motion by Mr. Fortson to approve 80-S-27(P&F) with waiver of sidewalk and recreation requirements was withdrawn as it was pointed out that the County Attorney has not reviewed the plat.

Motion was made by Mr. Fortson to approve the preliminary plan of 80-S-27 for Lulu's Palma Sola Bay Subdivision with the waiver of sidewalk and recreation requirements. Motion was seconded by Mr. Driggers and carried unanimously.

80-S-41(P) FOUR STAR INDUSTRIAL PARK S/D - P/PLAN - APPROVED
(Four Star Properties, Inc., Developer; R. E. Nelson, Inc., Agent) Request: Preliminary plan approval of a 6-industrial-lots subdivision on approximately 9.56 acres zoned M-2 located at the northwest corner of Whitfield Avenue (69th Avenue East) and 33rd Street East.
Planning Commission recommended APPROVAL with a waiver of sidewalk and recreation requirements.

Motion was made by Mr. Driggers to approve 80-S-41(P) as recommended by the Planning Commission. Motion was seconded by Mr. Fortson and carried unanimously.

HOUSEMOVING (BELL)

Motion was made by Mr. Parrish to approve application for housemoving permit (HM-80-23) from

RAY BELL to move a building from US 301 just east of Terra Siesta Trailer Park, Palmetto to 1 mile east of Ellenton-Gillette Road on 29th Street East.
Pre-Moving No. 30041

with the stipulation that the Mover, R. E. Johnson and Sons, notify Florida Power and Light Company when moving the building. Motion was seconded by Mr. McGavic and carried unanimously.

PUD 80-3(P) MELWOOD OAKS - P/PLAN - APPROVED
(Thomas W. Forrest, Developer; R. E. Nelson, Inc., Agent) Request: Preliminary plan approval of a Planned Unit Development (176 multi-family units) on 31.36 acres zoned PUD located south and east of Palmetto Point Subdivision and west of US Hwy 19.
Planning Commission recommended APPROVAL with the following stipulations:

- 1) Sidewalks or pedestrian ways shall be provided on one side of all streets to the property boundaries.
 - 2) The recreation building and pool facilities shall be constructed with Phase II of the project.
 - 3) The proposed connection to 4th Avenue West is to be paved with the third phase.
 - 4) The entire loop road encircling the lake is to be paved with the fourth phase.
 - 5) Tree surveys and revised site plans are to be submitted in conjunction with construction plan review and approval.
- (Note: The recreation building requires 24 vehicle parking spaces. The developer is requesting a waiver of Section VI, Paragraph 14 of the zoning ordinance to permit 12 spaces only. Given the proposed sidewalk network, staff has no objection.)

Ralph Nelson stated no objections to the stipulations outlined by the Planning Commission.

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Motion was made by Mr. McGavic to approve PUD 80-3(P) as recommended by the Planning Commission, including the waiver of the zoning ordinance to permit 12 parking spaces. Motion was seconded by Mr. Parrish and carried unanimously.

GUN PERMIT RENEWAL (HARRIS; OVERSTREET)

Motion was made by Mr. Driggers to adopt a resolution renewing license to carry a certain pistol by

Robert Eugene Harris -5468 1st Avenue West, Bradenton
(Bond: Crum & Forster Insurance Companies, surety) - 2 years
S & W .38 Special #2D73-510

Motion was seconded by Mr. Fortson and carried unanimously.

✓RECORD RESOLUTION

S11-49

Motion was made by Mr. Driggers to adopt a resolution renewing license to carry a certain pistol by

M. Ben Overstreet - P.O. Box 381, Oneco
(Bond: American States Insurance Company) - 2 years
.38 Sp. Serial No. 3D42542 S & W Mod 10 4" Blue

Motion was seconded by Mr. Fortson and carried unanimously.

✓RECORD RESOLUTION

S11-50

DESOTO SQUARE VILLAS, PHASE 3 AND 4: OFF STREET PARKING WAIVER

Michael Cheezem, President of JMC Communities (developers of Desoto Square Villas, Phase 3 and 4), requested a waiver of 18 off-street parking spaces for the proposed Desoto Square Villas club facility because there is no driveway into the club and the residents would walk to the facility.

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

REEDER RANCH AND DAIRY, INC: MINOR EARTH MOVING PERMIT

Motion was made by Mr. Fortson to approve earth moving permit to Reeder Ranch and Dairy, Inc., for the removal of asphalt sand for a portion of I-75 construction in northern Manatee County, subject to receiving a letter from I. H. Stewart, Soil and Water Conservation District, for nematodes clearance. Motion was seconded by Mr. Driggers and carried unanimously.

UTILITY EASEMENT (KATZ/HOLLERAN)

Upon motion by Mr. Parrish, seconded by Mr. Driggers, a permanent utility easement was unanimously accepted from Fred Katz and Harry C. Holleran.

RECESS/RECONVENE

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

FAIRPLAY AND C. C. FRASER'S SUBDIVISIONS: VACATION OF STREETS

Motion was made by Mr. McGavic to adopt a

RESOLUTION VACATING ROADWAY (80-V-6)

described in the petition of Fred Katz and Harry C. Holleran as a certain portion of Center Street in Fairplay Subdivision, as recorded in Plat Book 6, Page 52, and portion of an unnamed street in C. C. Fraser's Subdivision, as recorded in Plat Book 4, Page 100, Motion was seconded by Mr. Parrish and carried unanimously.

✓RECORD RESOLUTION

S11-51

SAFFOLD ROAD: PAVING

(Enter Mr. Fortson)

Motion was made by Mr. Parrish, seconded by Mr. Driggers, to accept petition from residents of Manatee County requesting that Saffold Road (3.2 miles of unpaved road intersecting with a paved road on the north at Hillsborough County line and on the south with SR 62) be paved because of the unsafe conditions of the road and the excessive wear and tear to commercial and private vehicles. Motion carried unanimously.

The County Administrator submitted an estimate of \$841,555.54 to pave the road. Bernice Saffold and Martha Permenter urged the Commissioners to take immediate action to pave the road.

LOCKWOOD RIDGE ROAD RIGHT OF WAY: WARRANTY DEED (MAUCK)

Upon motion by Mr. Fortson, seconded by Mr. Driggers, a Warranty Deed was unanimously accepted from William J. and Jan M. Mauck for Parcel No. 9.1, Lockwood Ridge Road.

LAWSUIT: BRADEN RIVER CIVIC ASSOCIATION

The County Attorney referred to lawsuit

Re: Braden River Civic Association, et al., vs. Manatee County, et al., CA-78-1480, in the Circuit Court of the Twelfth Judicial Circuit, in and for Manatee County, Florida regarding the rezoning of certain real property located north of SR 70 and east of Braden River

and submitted a check in the amount of \$523.71, which the court awarded to the County for partial attorney's fees and costs incurred.

Motion was made by Mr. Parrish to accept the check. Motion was seconded by Mr. Driggers and carried unanimously.

HIGHWAY: ROAD PARTICIPATION PROJECTS

Russell Hawkes, Financial Advisor, submitted a preliminary Financing Plan which describes a mechanism to begin financing the street improvement program on participation projects which have been accepted by the County.

He outlined the implementation of the program as follows:

- 1) Make application to Farmers Home Administration (FmHA)
- 2) Draft and adopt street improvement ordinance.
- 3) Adopt and validate bond resolution.
- 4) Sell bond anticipation notes.

He recommended that future street improvement programs be financed in a manner similar to the current program; however, a policy should be adopted on a 100 percent assessment basis.

R. B. Shore, submitted various suggestions to be considered including

- = 7 percent cost for collection be included as a provision in the proposed ordinance
- = ordinance include the maximum interest rate allowed by law

Motion was made by Mr. Driggers to authorize the County Administrator and Financial Advisor to prepare a draft ordinance and submit application to FmHA. Motion was seconded by Mr. McGavic and carried unanimously.

The County Administrator was instructed to design the ordinance to include future street improvements at 100 percent assessment.

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CLERK'S CONSENT CALENDAR

Upon motion by Mr. Parrish, seconded by Mr. McGavic, the Clerk's Consent Calendar of October 23, 1980 was unanimously accepted:

BILL FOR PAYMENT

Refund: Mrs. Miriam Peck (Tennis Clinic) \$40.00

ASSET MANAGEMENT - Deletion of Assets:

Planning and Development Department - Asset No. 5421, Intercom with three microphones

VOUCHER FOR TRANSFER OF FUNDS (\$194,996) to the State of Florida Department of Transportation - Authorize Chairman to sign.

MEETING ADJOURNED

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

Attest:


Clerk

APPROVED:


Chairman 12/16/80

Adj: 4:30 p.m.