

NOVEMBER 6, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday November 6, 1980 at 10:26 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:

Alan Prather, Associate County Attorney
David B. Collier, County Administrator
R. B. Shore, Clerk of Circuit Court

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

The meeting was called to order by Chairman Glass.

BIKE SAFETY DAY

Upon motion by Mr. Fortson, seconded by Mr. Driggers, a proclamation was unanimously approved proclaiming Saturday, November 22, 1980 as "Bike Safety Day" in recognition of the need to promote safety for all bicyclists in Manatee County. Motion carried unanimously.

RECORD PROCLAMATION

S11-82

COMMUNITY DEVELOPMENT BLOCK GRANT: RUBONIA WATER LINE EXTENSION

In connection with advertised Notice of Public Hearing to be held November 6, 1980 (Bradenton Herald, October 29, 1980) to consider the 1981 Community Development Block Grant Program, Carol Clarke, Planning and Development Department, reviewed proposal to submit pre-application to the Department of Housing and Urban Development (H.U.D.) for funding in the amount of \$105,000 for extension of water lines in the Rubonia area.

She requested that transmittal of the pre-application be delayed until November 13, 1980 to enable inclusion of the most recent financial information regarding progress on existing Block Grants.

The Chairman declared the public hearing open for the purpose of hearing comments from the public. No one spoke from the audience and the public hearing was closed.

ORDINANCE 80-4: ADOPTING COMPREHENSIVE PLAN

Public Hearing was held for the purpose of considering adoption of the Comprehensive Plan/Ordinance 80-4 in accordance with Notice published in the Bradenton Herald, November 3, 1980.

Bob Rile, Planner, Planning and Development, stated that this public hearing was for the purpose of considering the entire Comprehensive Plan and would be continued to 7:30 p.m. so that input may be received from citizens not able to attend the daytime hearing. At work session, scheduled for Monday, November 10, 1980, there will be discussion on written responses from staff as well as any recommended changes to language from this hearing.

Mr. Rile gave a brief presentation on the Comprehensive Plan, which consists of four volumes:

1. Policy Document
2. Technical Analysis
3. Five Year Capital Improvements Program, and
4. Long Range Capital Improvements Program.

The Chairman announced that the Board would be prepared to act on Ordinance 80-4 (Adopting the Comprehensive Plan) on Thursday, November 13, 1980.

Speaking in opposition to adopting the proposed Comprehensive Plan or to specific elements in the Plan were

- Joseph Fink (submitted a letter dated 11/5/80)
- Edward Reid, Attorney representing the Board of Realtors
- John Patterson
- Donald Whitesel, Vice President, Florida Outdoor, Inc. (submitted a letter dated 11/6/80)
- Arlene Fliscik, Co-Chairman of Path Finders, 4106 24th Ave. W.
- Jerry West, Planner for City of Bradenton
- William Lisch, Attorney for City of Bradenton

Speaking in favor of adopting the Comprehensive Plan were

- Dolly Young, 7703 17th St. N.W.
- Avery Gould, 9907 Spoonbill Road East, Flamingo Cay
- Nan Russell, President, League of Women Voters, 1424 56th Street W.
- Ray Schenk, 4105 Chinaberry Road, River Isles

The Chairman declared the public hearing continued until 7:30 p.m.

CIVIC CENTER AUTHORITY

Motion was made by Mr. Driggers to appoint Stuart Gregory to the Civic Center Authority. Motion was seconded by Mr. Parrish. Voting "Aye" were Commissioners Fortson, Driggers and Parrish. Voting "No" were Chairman Glass and Commissioner McGavic. Motion carried.

MANATEE MEMORIAL HOSPITAL BOARD OF TRUSTEES

Mr. McGavic moved to defer appointment of a member to the Manatee Memorial Hospital Board of Trustees for 30 days. Mrs. Glass stepped down as Chairman to second the motion. Voting "Aye" were Chairman Glass and Commissioner McGavic. Voting "No" were Commissioners Fortson, Driggers and Parrish. Motion failed to carry.

Motion was made by Mr. Driggers to defer the appointment until Thursday, November 13, 1980. Motion was seconded by Mr. Parrish. Voting "Aye" were Chairman Glass, Commissioners, Fortson, Driggers and Parrish. Voting "No" was Commissioner McGavic. Motion carried.

Paul Jaworski, 37th Street East, suggested that a member be appointed temporarily to allow the incoming commissioners an opportunity to vote on the appointment.

Ed Chance, Ellenton-Gillette Road, requested that the newly elected County Commissioners be given an opportunity to review the applications and make recommendations. Vernon Vickers concurred.

PERSONNEL MANNING LEVEL AMENDMENT

Upon motion by Mr. McGavic, seconded by Mr. Parrish, a resolution was unanimously adopted amending authorized manning levels as follows:

	DEPARTMENT	
	FROM	TO
<u>PARKS AND RECREATION</u>	104	71
<u>GOLF COURSE</u>	30	29
<u>MATERIALS AND SERVICES</u>	29	63
	<u>RECORD RESOLUTION</u>	
	Personnel	

HUMAN SERVICES

By memorandum dated November 3, 1980, Kathy Snell, Director, Human Services recommended

1. The Chairman be authorized to execute contract amendment to Older Americans Act Title III Grant, Samoset Multi-Purpose Senior Center (In-kind budget revisions approved 10/30/80). Grant remains at \$122,483.

RECORD A/CONTRACT

S11-83

Motion was made by Mr. Driggers to approve the recommendation as outlined in memorandum dated November 3, 1980 from Kathy Snell. Motion was seconded by Mr. McGavic and carried unanimously.

NOVEMBER 6, 1980

Cont'd

MATERIALS AND SERVICES

By memoranda dated October 27 and November 5, 1980, Gary M. Knuckles, Director, Materials and Services, recommended

AUTO PARTS STORE

- I. Bid-80-53 - Annual Bid - Parts, Supplies, Labor for Outside Repair of Auto Equipment.
 - a. Make Multiple awards to responsible bidders

Motion was made by Mr. McGavic to approve awards of Bid 80-53 as recommended. Motion was seconded by Mr. Parrish and carried unanimously. Bid awards to the following:

Cralle Hall Mack Sales	Hunt Truck Sales, Inc.
Jim Boast Dodge	General Engine & Equipment
Dixie Bearings, Inc.	Abraham Chevrolet, Inc.
Robbins International, Inc.	Florida 4 Wheel Drive
Harry's Auto Supply	Guarantee Electric, Inc.
Mercedes-Benz of North America	Patten Sales
Air Brake Controls	

PUBLIC OFFICIALS LIABILITY

- I. Accept quotation from Stewart Smith East, Inc.
(Carrier: Forum Insurance Company)

Motion was made by Mr. Parrish to accept the quotation from Stewart Smith East, Inc. in the amount of \$5,000,000 at an annual premium of \$22,322. Motion was seconded by Mr. Driggers and carried unanimously.

PARKS AND RECREATION

- I. Golf Course - One Toro Greensmaster Lawn Mower
 - a. Purchase at G.S.A. price \$6,697.00

Motion was made by Mr. Driggers that the request be approved. Motion was seconded by Mr. McGavic and carried unanimously.

TAX COLLECTOR: ESTABLISHMENT OF BRANCH/AXILLARY OFFICES

Mr. Driggers moved to adopt a

RESOLUTION CONFIRMING THE ESTABLISHMENT OF
BRANCH OR AXILLARY OFFICES OF THE TAX COLLECTOR
OF MANATEE COUNTY , FLORIDA

Motion was seconded by Mr. Driggers and carried unaimously.

RECORD RESOLUTION

S11-84

MANATEE AREA VOCATIONAL & TECHNICAL CENTER

The County Administrator submitted a request from Manatee Area Vocational & Technical Center that the Commission grant waiver of fees for permits and provide complimentary inspections on a house that will be constructed by the building trades classes, located in Sunset Acres

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

MANATEE MEMORIAL HOSPITAL

Upon motion by Mr. Driggers, seconded by Mr. Parrish, the Board unanimously accepted into the record the following document:

Minutes of the Board of Trustees - September 22, 1980

SHERIFF: SUBGRANT/STEP

The County Administrator advised that the Selective Traffic Enforcement Program (STEP) Grant application, approved by the Board on September 18, 1980, and submitted to the Governor's Highway Safety Commission (GHSC), had been altered by the GHSC, (by the deletion of clerk-typist position, with equipment and expenses, and retyping corresponding budget pages). The Board had approved total budget of \$131,171, with Federal share of \$121,170 and Department

match of \$9,001. The new budget, for \$117,196, with \$108,195 in Federal funds and \$9,001 in Department match, should be indicated in the grant application.

Motion was made by Mr. Parrish to rescind the grant application previously submitted and authorize the Chairman to sign the new (revised) application for the STEP Grant. Motion was seconded by Mr. McGavic and carried unanimously.

ESTECH GENERAL CHEMICALS CORPORATION

As outlined in his memorandum dated November 4, 1980, regarding

Estech General Chemicals Corporation Vs. Manatee County, et al., Case No. DOAH 79-1994 before the Florida Land and Water Adjudicatory Commission involving the administrative appeal of DRI-10 and SE-1120 for the Duette Phosphate Mine,

the County Attorney requested specific direction as to whether or not to institute a Notice of Appeal from the entry of Final Order to the Second District Court of Appeal.

The Board concurred that the County Attorney should proceed with the Appeal.

UTILITY EASEMENT: DRAUDE

Motion was made by Mr. Driggers to accept a utility easement (10-foot wide permanent easement and 10-foot wide temporary easement) from Joseph and Eleanor M. Draude. Motion was seconded by Mr. Parrish and carried unanimously.

CLERK'S CONSENT CALENDAR

Upon motion by Mr. Fortson, seconded by Mr. McGavic, the Clerk's Consent Calendar dated November 6, 1980, was unanimously approved as follows:

BILLS FOR PAYMENT

Mann & Fay (Quattlebaum Property-MCUS)	\$777.50
Townsend, Lassen and Rogers (Fleet Ins.-Karczewski)	70.00
James M. Doss & Associates (County Vs. Watkins)	600.00

ASSET MANAGEMENT

Deletion of Asset: No. 9661 Walkie Talkie (EMS)

RECESS/RECONVENE

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

The meeting reconvened at 2:13 p.m. with all members present.

CIVIC CENTER AUTHORITY

The County Attorney presented a resolution naming the members of the Civic Center Authority for terms of four years effective October 17, 1980:

Robert E. Christopher	Appointed October 7, 1980
John H. Holland, III	Appointed October 7, 1980
W. Stewart Gregory	Appointed November 6, 1980

Motion was made by Mr. Driggers to adopt the resolution. Motion was seconded by Mr. Parrish and carried unanimously.

RECORD RESOLUTION

S11-85

PALMA SOLA AREA REZONING

Bruce Hosfield, Planner, Planning and Development Department, was available to answer questions regarding present zoning in the Palma Sola Sector and possible rezoning from R-1A and R-1B to R-1C and retaining A-Agriculture district.

Dolly Young, 7703 17th Avenue, N.W., noted that the character of the area is R-1C, with over 95 percent of R-1B having been developed into R-1C, and that she is not opposed to a P.U.D. concept. She

NOVEMBER 6, 1980

Cont'd

requested that a rezone be initiated which would go to a public hearing.

The Board concurred with suggestion that the Planning Board advertise for an informal hearing in regard to initiating rezone in the Palma Sola area and instructed the County Administrator to locate a building in which to hold the hearing.

WEST COAST INLAND NAVIGATIONAL DISTRICT

Col. Charles Furbee, Director, West Coast Inland Navigation District, presented a plaque to Commissioner Fortson in appreciation of his performance while serving as member of the District Board.

EMERSON POINT/SNEAD ISLAND REZONING

Opinion was expressed that multi-family zoning as indicated in the Comprehensive Plan is inappropriate for Emerson point (Snead Island). Since Dewey Dye, Attorney, is the representative of the sole property owners in the area, Mr. McGavic agreed to discuss the matter of rezoning with Mr. Dye and bring his findings back to the Board.

RECESS/RECONVENE

The Chairman declared the meeting recessed until 3:00 p.m. The Board reconvened at 3:10 p.m. with all members present.

TARA DRI 11; R-80-21; SE-80-23

In connection with applicaton by TARA, LTD for approval of Development of Regional Impact, DRI #11, Bill Swan, County Planner, submitted

1. Resolution Granting A Development Order (encompassing suggestions of the Board with regard to the wastewater system and SR 70)
2. Resolution Granting Rezoning To Planned Unit Development (R-80-21)
3. Resolution Granting Special Exception For A Commercial Activity Center In An A-2 District (SE-80-23).

and was available to answer any questions.

CITY OF BRADENTON

Mayor Bill Evers, William Lisch, Attorney, and Jerry West, Planning Director, City of Bradenton, submitted and proposed adoption of the following resolutions:

1. R-80-21: Resolution Denying Rezoning
2. TARA, LTD.- DRI #11: Resolution Granting A Development Order

They advised that the only objection to the TARA project by the City of Bradenton is its location in the Ward Lake watershed.

DRI #11

An item by item review was held on the County's proposed Development Order (DRI # 11) with discussion on Paragraph 6 and Paragraph 7, Page 14, regarding SR 70 and developers' pro-rata share of road improvements, together with Paragraph 6 on page 14A (applicant's suggested building permit moratorium on all such construction until commitments for necessary improvements to SR 70 are provided by the responsible entity, i.e. Florida Department of Transportation). Mr McGavic asked about the effect a moratorium would have on the marketable value of surrounding property. He also had questions about the State of the Art techniques being used in the treatment of wastewater.

O. E. Randle, County Pollution Control Director, reiterated concern about potable water supply and stated that his position (for denial) is basically unchanged.

Dewey Dye, Agent for TARA, stated that the developer has agreed to meet every request in regard to protecting the quality of the water in Ward Lake; that if water quantity becomes a problem the developer will augment the water supply with a well; that if the water quality or quantity is diminished in any way, the project will be stopped; that the developer can do nothing on the property until a baseline study is completed.

He advised, however, that no baseline data will be available if the DRI is denied because without the project there is no reason for the developer to make such study.

The County Attorney suggested the Land Use issues (R-80-21 and SE-80-23) be considered first. He advised that

- R-80-21 - Use of land - requires a legislative type decision
- SE-80-23 - Special exception - (quasi-judicial in nature) requires a finding of fact that applicant has met the criteria set forth in the Zoning Ordinance
- DRI #11 - Development Order - May be approved as is; approved, with conditions, limitations and restrictions, or may be denied.

R-80-21

Mr Driggers moved to approve

R-80-21, RESOLUTION GRANTING REZONING TO
PLANNED UNIT DEVELOPMENT.

Motion was seconded by Mr Parrish for discussion.

The County Attorney suggested the following editorial changes:

- 1) Insert the date "20th of October" in 4th "Whereas"
- 2) delete the date from the 5th "Whereas"
- 3) delete paragraph 4 of the resolution.
- 4) delete "DRI from legal description and insert "LTD".

Mr Driggers had no objection to the editorial changes and restated the motion: "for approval of a Resolution Granting Rezoning to Planned Unit Development, R-80-21 as amended." Motion carried unanimously.

SE-80-23

After reviewing suggested editorial changes in SE-80-23, similar to those in R-80-21, Mr Driggers moved to approve

SE-80-23, RESOLUTION GRANTING SPECIAL EXCEPTION
FOR COMMERCIAL ACTIVITY CENTER IN AN A-2 DISTRICT.

Motion was seconded by Mr Parrish and carried unanimously.

DRI #11

Mr McGavic suggested the County Attorney be instructed to draft language that states that if the results of the baseline data indicate the project should not be developed using techniques described in the DRI, there will be no construction. There were no objections.

After considerable discussion, it was consensus of opinion to make the following editorial changes to the County's proposed DRI #11.

1. Delete Sections 6 and 7, Page 14
2. Delete Section 6, Page 14A
3. Renumber Section 8, Page 14, to make it Section 6
4. Change Paragraph 1, Page 11 (IV SCHOOL SITE) to read.. "School Board of Manatee County...."
5. Change Section 7 to read ...The annual report shall be submitted on the anniversary date of approval.

NOVEMBER 6, 1980

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Mr Driggers moved to instruct the County Attorney to draft a Development Order based on the proposed development order presented, with editorial changes made by the Board this afternoon. Motion was seconded by Mr Parrish and carried unanimously.

CITY OF BRADENTON - RESOLUTIONS

Motion was made by Mr McGavic and seconded by Mr Parrish to accept the two documents submitted by the City of Bradenton (proposed Development Order and Resolution Denying Rezoning to Planned Unit Development). Motion carried unanimously.

Mr Fay will submit the revised DRI Development Order to the Board on November 13, 1980.

(NOTE: "TARA" is also included in the TARA proceedings in the form of excerpt from the minutes of this meeting.)

RECESS/RECONVENE

There being no further business, the meeting was declared recessed until 7:30 p.m.

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The meeting reconvened at 7:33 p.m. with all members present.

COMPREHENSIVE PLAN: PUBLIC HEARING

The Public Hearing was continued on the Comprehensive Plan/ Ordinance 80-4.

Bob Rile gave an overall presentation on the four volumes of the Comprehensive Plan.

Letters in support of, opposed to, or requesting modifications to the Comprehensive Plan were submitted into the record from: Florida Power and Light (dated October 22, 1980), ManaSota 88 (dated June 3 and October 6, 1980), Neal Communities (dated October 9, 1980), Randolph Snell (dated September 18, 1980), George and Phyllis Pappas (dated November 6, 1980), Timber Creek (dated November 3, 1980), and J. E. Jaudon, Port Director, (dated October 14, 1980).

Speaking in opposition to the Comprehensive Plan or specific elements were Kay Nielson, 2717 6th Avenue, W., and Joseph Fink, (who submitted a letter into the record).

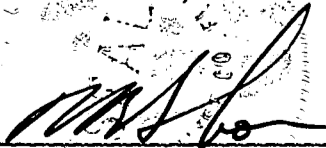
Jesse Carr, representing the Contractors Association of Sarasota, Manatee, Hardee and Southern Counties, Inc., requested that the public hearing not be closed since he felt that the Board is just now getting input from the public. He recommended that a Select Committee be comprised who would be given an assignment and a deadline (not to exceed a few months) to put together a Plan that would be acceptable to the County.

The Chairman declared the public hearing continued until Thursday, November 13, 1980.

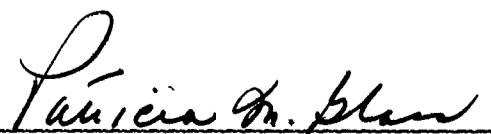
MEETING ADJOURNED

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

Attest:


Clerk

APPROVED:


Chairman

Adj: 8:10 p.m.