

DECEMBER 11, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, December 11, 1980 at 9:08 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Vernon E. Vickers, Vice-Chairman
Claude E. McGavic
Westwood H. Fletcher, Jr.
Edward W. Chance

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 Mark Todd, Sarasota Herald-Tribune; David Priddy, WTRL, and others who entered during the meeting.

Invocation by Rev. M. Ben Bishop, First Presbyterian Church.

The meeting was called to order by Chairman Glass.

TRANSPORTATION: RULE 41

Mr McGavic reported information from a recent hearing before the Department of Transportation on Rule 41, State of Florida, regarding coordination of transportation services. He suggested the Board convey strong opposition to the proposed rule.

Chairman Glass recommended that a letter, together with the resolution opposing the proposed Rule 41 (adopted 12/10/80), be sent to the Governor as well as the Department of Transportation. There were no objections.

PENNSYLVANIA PARK - VACATION OF 68TH AVE DR. W. (80-V-11)

Public hearing was opened for the purpose of considering the application by William D. Hudson, Gerald B. Reddy, August Schafhausen and Ronald DeVittori (80-V-11) for vacation of

a portion of 68th Avenue Drive West (Southland St. per Plat) lying between Block "E" and Block "F" Pennsylvania Park Subdivision.

Bill Swan, Chief of Current Planning, Planning and Development Department relayed a request from the applicants to defer 80-V-11 to December 23, 1980, in order that the street vacation might be considered in conjunction with a request for rezone regarding this particular property which will be coming before the Board in the near future.

There was no one to speak on the petition and public hearing was continued to December 23, 1980.

JUNK YARD (NON-CONFORMING USE) 57TH AVE/3RD ST E

The County Attorney advised that a zoning violation, which applies to unlicensed vehicles being stored on private property on 57th Avenue and 3rd Street East, had been corrected; however, the "junk yard" at the same location is considered a non-conforming use.

After discussion, the County Attorney volunteered to work with other County Staff to research possible legal remedies concerning the unsightliness of the junk yard.

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9TH STREET EAST R/WAY ACQUISITION AGREEMENT (COOK)

The County Attorney submitted Agreement for purchase of Parcels 11.1-R and 11.2-R for right of way for 9th Street East project from Erman and Paula Cook at appraised value of \$2,676.00.

Motion was made by Mr McGavic to approve the Agreement. Motion was seconded by Mr Vickers and carried unanimously.

RECORD AGREEMENT

S11-125

CENSUS (1980) NEIGHBORHOOD STATISTICS PROGRAM

Bruce Hossfield, Planning and Development, submitted and requested authorization for the Chairman to sign a letter to the Director, Bureau of Census, Washington, DC, as application for participation in 1980 Census Neighborhood Statistics Program.

This is a U.S. Census Program that allows the County to obtain demographic data for small areas in the County not otherwise designated as either census tracts, census places or incorporated municipalities. Rubonia, South Bradenton, Tallevast and the Whitfield Zoning District have been chosen for participation because they meet this criteria.

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

ZONING

Recommendations of the Planning Commission were submitted by Bill Swan and Bruce Siciliano, Planners.

The County Attorney outlined criteria to be considered on rezoning petitions.

R-80-51 VIC S. WARMINGER - REZONE R-3 DEFERRED
(Deferred 9/11/80)

Mr Swan submitted a letter from Robert J. Lombardo, on behalf of Keith Kerr, Developer, and Bill Garland, Agent, requesting the petition be deferred due to reconsideration of plans.

Motion was made by Mr McGavic to refer R-80-51 back to the Planning Commission for action at such time as applicant sees fit to resubmit his request. Motion was seconded by Mr Chance and carried unanimously.

R-80-95 TOPPS CONSTRUCTION (GLOBE OIL) REZONE C-1 - DENIED
(Robert J. Boylston, Agent) Request: Change present zoning from PR to C-1 on 0.92 acre on the south side of 53rd Ave. W (at intersection with 5th St W) to permit construction of a convenience store. In conjunction with this petition, the applicant is requesting a special exception, SE-80-92, to permit installation of self-service gasoline pumps at the proposed convenience store. Planning Commission recommended DENIAL.

A petition with 290 signatures was submitted in opposition to the request.

Robert Boylston, Attorney representing Globe Oil Company and Agent for Topps Construction, Inc., and Jerry Lotts, Regional Manager for Globe, urged approval.

Chairman Glass, in whose district the property is located, recommended denial.

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Motion was made by Mr Fletcher to approve the recommendation of the Planning Commission and deny R-80-95. Motion was seconded by Mr Vickers and carried unanimously.

R-80-79 SILAS WILSON - REZONE C-1 DENIED
(Deferred 11/25/80 to allow applicant to determine the development area required for the proposed use.)
Planning Commission recommended APPROVAL of the South 135 feet (only) of subject property.

Mr Swan reported that the Planning Department has been advised that the purchaser of the property does not intend to submit a plan. They would, however, like the entire property rezoned, or 300 feet extending back from US 301 might be adequate.

Grace Campbell, Agent, and Mr Wilson were present and urged approval of at least the South 300 feet of the property.

David Deitrich, Attorney for Mr and Mrs Batey, reiterated his clients' opposition to the rezone.

Mr Chance recommended and moved to deny R-80-79. Motion was seconded by Mr Vickers and carried unanimously.

The County Attorney outlined criteria set forth in the Zoning Ordinance to be taken into consideration on Special Exception requests.

SE-80-56 VIC S. WARMINGER - BOAT DOCKS DEFERRED
(SE to be granted to Keith Kerr on 6.79 acres on Bayshore Road (Old US 41) 1/3 mile north of Palm View Road to permit six boat docks for a permanent period of time, with 3 years to complete 25 percent of construction.
Planning Commission recommended DEFERRAL.

In that SE-80-56 was to have been considered in conjunction with R-80-51 which was referred back to the Planning Commission, motion was made by Mr McGavic and seconded by Mr Vickers to defer SE-80-56. Motion carried unanimously.

SE-80-92 TOPPS CONSTRUCTION INC - GASOLINE STATION DENIED
(SE to be granted to Globe Oil Company) Request: Special exception to permit a gasoline service station in connection with a convenience store on 0.92 acre on south side of 53rd Aveune W. at 5th St West.
Planning Commission recommended DENIAL.

In that SE-80-92 was to have been considered in conjunction with R-80-95, and predicated upon denial of R-80-95, motion was made by Mr Fletcher to deny SE-80-92. Motion was seconded by Mr McGavic and carried unanimously.

SE-80-83 A.K. LEACH - GASOLINE PUMPS - APPROVED
(Deferred 11/25/80, to allow the Commissioners to view the site)

Mr Vickers moved for approval of SE-80-83 as recommended by the Planning Commission. Motion was seconded by Mr Chance and carried unanimously.

SE-80-88 LOUIS MERUCCI/JOSEPH GIGLIOTTI - 2-COP APPROVED
(Deferred 11/25/80 to allow the Commissioners to view the site)

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John Pettigrew, Attorney for Petitioners, summarized the request and pointed out that it apparently meets all the criteria to be considered in regard to special exceptions.

Mr Gigliotti was available to answer any questions and stated that the hours are from 5:30 a.m. to 8:00 p.m.

Motion was made by Mr McGavic for approval of SE-80-88 as considered in Section VI, Paragraph 14 of County Zoning Ordinance. Motion was seconded by Mr Chance and carried unanimously.

LEGAL COUNSEL - PLANNING COMMISSION

In view of an apparent need for legal counsel being available to the County Planning Commission during its regular meetings, the County Attorney was instructed to provide such assistance.

RECESS/RECONVENE

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

SE-80-90 DOYLE & CYNTHIA ROBERTS - MOBILE HOME DENIED

(SE to be granted to Mary Jane Toben & Fay E. Hoesly)

Request: Special exception to permit a mobile home to be used as a residence on 5.0 acres on Highland Road, Willow Shores, for a period of five years.

Planning Commission recommended DENIAL.

Mr Swan reported that there was opposition at the hearing before the Planning Commission.

Faye Hoesly, stated that they had bought the property with the understanding that a mobile home was allowable three-to-five years while they were building a home on the property.

Roger Bone, Attorney representing several neighborhood homeowners, spoke in opposition.

Others speaking in opposition were: William Keebler, Glenda H. Conner, Jim Jones and Linda Scheffer.

Motion was made by Mr Chance to accept recommendations of the Planning Commission to deny this petition. Motion was seconded by Mr Vickers and carried unanimously.

80-S-47(P&F) TWIN CEDARS SUBDIVISION - F/PLAT APPROVED

(Barry L. Braden, Developer; Leo Mills & Assoc. Inc., Agent)

Request: Preliminary and final plat approval of a single family subdivision of two single-family lots on 1.12 acres on the west side of 32nd Avenue W., 500 feet south of 10th St., Palmetto.

Planning Commission recommended APPROVAL with waiver of sidewalks and recreation requirements.

The subdivision will be served by water from the City of Palmetto and by individual septic tanks. There is a fire hydrant at the intersection of 8th Street Court West and 32nd Avenue West which meets the County requirements for fire protection.

Motion was made by Mr McGavic to approve 80-S-47(P&F) as recommended by the Planning Commission. Motion was seconded by Mr Chance and carried unanimously.

80-S-49(P&F) ORIE'S SUBDIVISION - F/PLAT DEFERRED
(Orie L. William Developer; Leo Mills & Assoc., Agent)
Request: Preliminary and final plat approval of a single family subdivision of 2 single-family lots on 1.41 acres on the south side of 49th Avenue E., 500 feet east of 9th Street E.
Planning Commission recommended APPROVAL with waiver of sidewalk, recreation and fire protection requirements.

Chairman Glass suggested deferral, pending the new Commissioners being briefed on the complex history of subject property (private easement agreement among several property owners, etc).

Leo Mills, Agent, stated that the private easement is not involved in this particular subdivision.

Motion was made by Mr Chance to defer 80-S-49(P&F) to December 23, 1980. Motion was seconded by Mr Vickers and carried unanimously.

80-S-51(P&F) GOVERNALE SUBDIVISION - F/PLAT APPROVED
(Frank Governale, Dev.; Leo Mills & Assoc., Agent)
Request: Preliminary and Final plat approval of a duplex subdivision of 4 duplex lots on 1.11 acres on the south side of 59th Ave. E., 650 feet east of 5th St. East.
Planning Commission recommended APPROVAL with waiver of sidewalk, recreation and fire protection requirements.

The closest water line capable of maintaining fire flow is located on 5th St E, approximately 650 feet from the subdivision. In order to adequately serve the subdivision with fire protection, the fire district is requesting installation of a fire hydrant.

Leo Mills objected to the developer having to bear all the installation costs of a fire hydrant that would serve the entire area.

Motion was made by Mr McGavic and seconded by Mr Vickers to approve Governale Subdivision with a waiver of sidewalks and recreation requirements.

After discussion on installation of fire hydrant, motion and second were withdrawn.

Based upon motion framed by the County Attorney, Mr McGavic moved to approve Governale Subdivision, 80-S-51(P&F) with waiver of sidewalks and recreation requirements and subject to Planning and Development Department obtaining a receipt for funds paid by the developer to Manatee County Utilities Department for installation of a fire hydrant, at which time the plat will be tendered to the Clerk for recording. Motion was seconded by Mr Chance. Voting "Aye" were Commissioners McGavic, Chance, Vickers and Chairman Glass. Commissioner Fletcher voted "No." Motion carried.

80-S-16(P&F) BARTER SUBDIVISION - F/PLAT APPROVED
(David Barter, Dev.; Leo Mills & Assoc., Agent)
Request: Preliminary and final plat approval of a single family subdivision of 3 single-family lots on 0.61 acre at the SW corner of 29th Avenue W. and 22nd Street W.
Planning Commission recommended APPROVAL with waiver of sidewalk and recreation requirements.

The nearest fire hydrant is located on 26th Street approximately 2,250 feet away. The water line is of sufficient size to enable a fire hydrant to be placed within the required distance of the subdivision and Cedar Hammock Fire Department recommends that a fire hydrant be installed within 1,000 feet of all subdivision lots.

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Mr Siciliano advised that the Planning Commission was in favor of installing the fire hydrant as indicated by their recommendation to waive only the sidewalk and recreation requirements.

Mr Vickers recommended and moved to approve 80-S-16 as recommended by the Planning Commission. Motion was seconded by Mr Chance. Voting "Aye" were Commissioners Vickers, Chance, McGavic and Fletcher. Chairman Glass voted "Nay". Motion carried.

80-T-4(P) ELLENWOOD LAKES MOBILE HOME PARK S/D P/PLAT APPROVED

(Bradenton Properties, Ltd, Dev.; Zoller & Najjar Eng., Agent)

Request: Preliminary plat approval of a mobile home subdivision of 540 mobile home lots on 207.65 acres, east of and adjacent to proposed I-75, north of Willis Road. Planning Commission recommended APPROVAL, subject to following stipulations:

1. Prior to construction plan approval, the developer shall enter into and sign a written agreement with Manatee County which specified the intent of the A-2 district and commitments made by the developer before the Board of County Commissioners regarding construction of a wastewater treatment plant as well as site and disposal area sufficient to serve the southeast quadrant of the Moccasin Wallow Road/I-75 Interchange.
2. Construction plans for the looped water system shall be submitted for review prior to construction.
3. A detailed soils analysis will be provided prior to the construction of any treated effluent disposal structures.
4. Any privately owned sewerage system is considered an interim facility and will be abandoned when a public system becomes available.
5. A left turn lane must be provided at all frontage road access points.
6. A 20-foot flowage easement through all the lakes must be shown on the final plat.
7. All phases shall be self-sufficient for drainage, access, circulation and other matters when constructed. Temporary turn-arounds, paved to Highway Department specifications, shall be provided at all incomplete dead end road sections. Per the approved Special Exception, phases must be completed in consecutive three year periods.
8. All roadways shall be constructed in accordance with all Manatee County specifications.
9. If required by the County, prior to construction plan approval, the project engineer will assist in the preparation of a technical assessment of the impact that this project will have on the existing North County potable water system.
10. In order to provide adequate and direct access to the I-75 frontage road, a second entrance is necessary at the south end of the project. This road may be provided on or adjacent to Lot 49, Block I. If determined to be necessary by the Highway Department at construction plan approval, a left turn lane and accel/decel lanes shall be provided on the I-75 frontage road.
11. Sidewalks shall be required along one side of all streets excluding short cul-de-sacs and the short loop road in the east central portion of the project.

The developer had no objections to stipulations 1 through 9; he did object to stipulation 10 because additional access points will affect security. He objected to stipulation 11, preferring to construct sidewalks along one side of the main loop which circles the large central lake and both entrance roads into the project. A partial waiver of sidewalk requirements is therefore requested.

Tom McCollum, Zoller and Najjar Engineering, was available to answer any questions. He stated the Developer's acceptance of stipulations concerning the wastewater treatment plant.

Mr McGavic recommended that Stipulations 10 and 11 be changed to read:

Stipulation 10 - Dedicated right of way shall be provided from the project to the frontage road in the vicinity of the southwest corner of the project

Stipulation 11 - Sidewalks will be provided along the interior side of the loop road (next to the lake).

Mr McGavic moved for approval of Preliminary Plat of 80-T-7, Ellenwood Lakes Mobile Home Park Subdivision, with stipulations as outlined by the Planning Commission and the changes in Stipulations Nos. 10 and 11. Motion was seconded by Mr Chance and carried unanimously.

HOUSEMOVING PERMITS (REEVES; BROWN)

Bill Swan submitted Housemoving applications HM-80-30 and HM-80-31 for:

William Reeves to move two buildings from 2700 Gulf Drive
Bradenton Beach to 22nd St & 2nd Ave E.,
Oneco - Central Gardens Subdivision (replat)

together with a petition with signatures of 22 persons in opposition to the houses being moved into the Oneco area.

Don Moore urged approval of the applications, stating that the houses will be brought to County standards immediately.

(NOTE: on December 9, 1980, the Board granted permission for these two structures to be stored on the property subject to approval of a subdivision plat.)

Motion was made by Mr Vickers to approve HM-80-30 and HM-80-31. Motion was seconded by Mr Fletcher and carried unanimously.
(Depart Mr McGavic)

Motion was made by Mr Vickers to approve Housemoving application, HM-80-32, for:

Terry Brown to move a building from 6112 61st Ave E.
to 3308 34th Ave E., Lot 36, Braden
River Ranchettes.

Motion was seconded by Mr Fletcher and carried unanimously.

RECESS/RECONVENE

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

The Board reconvened at 1:40 p.m. with all members present.

HOUSEMOVING (JOHNSON)

Motion was made by Mr Chance to approve Housemoving application, HM-80-33 for:

Brett Johnson to move a building from the east side of
Fruitville Road, 1/2 mile east of Beneva Road,
(north side of Cardinal Mooney High School)
to the east side of Jim Davis Road, 1/4 mile
south of Rutland Road.

Motion was seconded by Mr Fletcher and carried unanimously.

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W. R. GRACE COMPANY - PHOSHPATE MINING (PERMITS)

Chairman Glass suggested that because of the concerns and questions raised during the Board meeting on December 10th, it might be well to defer any lengthy discussion of the W.R. Grace Company's application for mining permits until such time as staff and consultants have had an opportunity to develop answers to those concerns.

Dewey Dye, Attorney for W. R. Grace Company, had no objections to deferral and suggested the informality of a work session might be more productive. He further suggested written questions be submitted to Grace before the next meeting in order that Grace might be prepared to answer them.

SANCTUARY BAY P.U.D (CITY OF BRADENTON)

Bruce Hossfield, Planning and Development, reviewed the proposed Planned Unit Development (PUD) of 586 dwelling units to be called Sanctuary Bay, located on Perico Island, South of Manatee Avenue West within the limits of the City of Bradenton.

Discussion was held on the two major areas of concern and impact the development would have on the County:

- 1) Traffic on Manatee Avenue - Potential increase of about 4,500 trips per day
- 2) Utilities - Area is isolated from City and County water and sewer lines, yet the plan indicates connection with central water and sewer.

O.E. Randle, Director, Pollution Control Department, stated that the City of Bradenton does not have the capability of serving this property with sewer or water now nor in the foreseeable future. County lines are also insufficient for providing these facilities.

During discussion it was the concensus of the Board that representatives from the various County Departments, as well as the Board of County Commissioners, be in attendance at the meeting of the City Council on December 17th when Sanctuary Bay P.U.D. is discussed; that the Island Communities should be involved in the discussion and that the County Attorney should research the law regarding annexation and report his findings to the Board.

Commissioner Fletcher volunteered to attend the City Council meeting.

Dolly Young concurred with the suggestion to attend the Council meeting and involvement of the Island Communities in the matter.

Sanctuary Bay will be placed on the Agenda for discussion Tuesday, December 16, 1980.

CLERK'S CONSENT CALENDAR

Motion was made by Mr McGavic, seconded by Mr Fletcher, to approve the Clerk's Consent Calendar dated December 11, 1980, after deleting payment to Mann and Fay of the Port Manatee bill in the amount of \$1,332.73.

BONDS:

- | | |
|---|-------------|
| 1) Cambridge Lake Subdivision - <u>Release:</u> | \$52,272.83 |
| 2) Cambridge Lake Subdivision - <u>Approve:</u> | 3,000.00 |
| (as guaranty for remaining improvements) | |
| 3) Edward and Sherry Fannon: | |
| Driveway Permit No. 5572 - <u>Approve:</u> | 150.00 |

4) Sheriff: Public Employees Blanket Bond

<u>Additions (40)</u>	<u>Position</u>
Edward L. Dedmon	PT/Police Officer
Erec S. Ernst	Posse
Eric P. Struble	Posse
Robert W. Miller, Jr	Posse
Charles E. Austell	Corrections Officer
Carol J. Dennis	Operations Support
Hope Osan	Civil Clerk
Lee Wallis	Lock Installer (Grant)
Donald E. West	Corrections Officer
Ross Irvin Everhart	Operations Support
Freddie Freeman	Bradenton Police Dept Spec Deputy
James W. Burchett	Criminal History
Michael D. Dougherty	Posse
Richard E. Leighton	Posse
H. Jerome Davis Jr	Special Deputy
Maroony "Mary" Brewington	School Crossing Guard
Leonard C. Danahy	School Crossing Guard
Scott H. Heims	Special Operations
Frances L. Henry	Corrections Officer
Daniel L. Thorpe	Bradenton Police Dept Spec Deputy
Nancy J. Wood	Operations Support
Cherylanne H. Nelson	School Crossing Guard
Fern Evelyn Yachmetz	School Crossing Guard (relief)
Marilyn R. Thomason	Operations Support
Loria A. Westmoreland	Operations Support
Donna M. Davidson	School Crossing Guard (relief)
Lucy Ewing	School Crossing Guard (relief)
Gaythel Marie Siplin	Corrections Officer
Michael E. Harrell	Posse
Richard L. Gill	Patrol/Airport
George Luto	Operations Support
Paula Osan	Operations Support
Tony E. Green	Intake (detention)
Merritt Sheckler	School Crossing Guard (relief)
Shirley "Gene" Gregory	Civil Deputy
Martin A. Welker	Patrol Deputy
Robert G. Becker	Corrections Officer
Arthur C. Dotterweich Jr	Operations Support
Janice S. Burg	P/T Clerk-Training
Sylvester Bellamy	Civil

Deletions (20)

Rhonda E. Carter	Civil Clerk
Steven E. Becker	Posse
Robert G. Barnes	Criminal History
Joseph G. Clemis	Operations Support
Monica B. Farias	Temporary
Christopher H. Helmer	Purchasing Aid
John H. Poindexter	Temp. Fleet Maintenance Aide
Nixie I. Bonadino	Support Personnel
Larry Chas. Bolyard II	- - -
Lesa G. Beck	Posse
Rebecca S. Meadows	P/T Cook-Corrections
Mark Foxworth	Corrections Officer
Virginia L. Peratt	School Crossing Guard
Daniel A. Prestia	Special Operations
Carl Schock	School Crossing Guard (relief)
Diane L. Veit	Operations Support
Judith A. Williamson	School Crossing Guard
Andrea L. Roberts	Clerical
Elwin A. Evans	P/T Criminal History
Deniece E. Martin	Operations Support.

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BILLS FOR PAYMENTMann & Fay:

(Utilities Dept)	\$ 1,825.00
(Utilities, DER)	1,014.80
(Utilities, Estech)	1,255.14
(Planning & Development Dept)	1,358.96
(Various Services, County)	4,391.82

** (DELETE: Port Manatee 1,332.73)

Jack Zickafoose Financial Services, Inc:	
(Monthly billing and report)	650.65
(Self Insured Trust Fund Service Fee-Workers' Comp)	16,000.00

MINUTES FOR APPROVAL: October 14, 1980.

Motion carried unanimously.

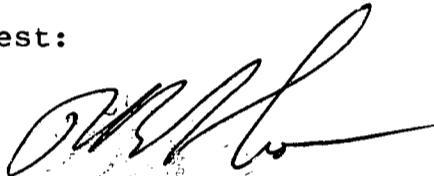
BIKEWAYS - CITY OF BRADENTON

Chairman Glass submitted a letter from Patrick C. Guinan, Councilman, City of Bradenton, enclosing a petition in support of a bike path on 59th Street W. from Cortez Road to Manatee Avenue.

MEETING ADJOURNED

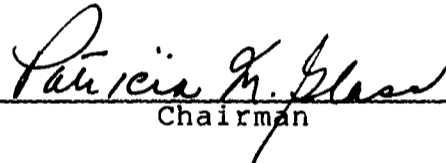
There being no further business, the meeting was declared adjourned.

Attest:



Clerk

APPROVED:



Chairman

Adj: 2:22 p.m.

