

JANUARY 14, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, January 14, 1982 at 9:07 a.m.

Present were Commissioners:

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

Also present were:

Mary Greenwood, County Attorney
David B. Collier, County Administrator
Richard H. Ashley, Chief Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Representing the various news media were Libby Allison and Jud Magrin, The Sarasota Herald-Tribune; Greg Spears, The Bradenton Herald; and others who entered during the meeting.

Invocation by Commissioner Claude E. McGavic.

The meeting was called to order by Chairman Vickers.

OCEAN DUMPING/ANNA MARIA

Charles Hunsicker, Utilities Department, submitted a letter addressed to Colonel Alfred B. Devereaux, U. S. Army Corps of Engineers, stating in part that since repeated resolutions and formal notices requesting the Corps of Engineers to halt the dumping on the interim site (about 14 miles north of Anna Maria Island) and the EPA to promptly complete designation of a satisfactory alternative disposal area have apparently been of no effect, Manatee County has elected to initiate suit and seek appropriate judicial relief.

Mr. Fletcher moved to authorize the Chairman to sign the letter. Motion was seconded by Mr. McGavic and carried unanimously.

Mr. Fletcher moved to establish a committee (to monitor the progress of the lawsuit) of appropriate representatives from the municipalities and counties, Mote Marine Laboratory, Chamber of Commerce, Manasota 88 and special expertise in environmental fields. Motion was seconded by Mrs. Glass and carried unanimously.

SARASOTA/BRADENTON AIRPORT

Mr. Fletcher reported on a meeting of the Airport Advisory Group with the State Department of Transportation regarding the Sarasota-Bradenton Airport and indication by William Miller, Director, Public Transportation, that the Aviation Section is supportive of the relocation of the airport and would like to try to provide Manatee County with supplementary funding this year to permit the completion of the environmental assessment statement.

Mr. Fletcher moved that a letter be prepared, addressed to the Chairman or the Speaker of the House of Representatives and forward copies to other members of the Legislative Delegation and to the Department of Transportation, requesting assistance in the development of the environmental assessment statement and the property appraisal action which must be taken in connection with the airport. Motion was seconded by Mrs. Glass and carried unanimously.

Mr. Fletcher moved that, as liaison to the Citizens Advisory Group for Manatee County Airport, he be authorized to work with Ms. Greenwood in the preparation of a resolution outlining this Board's position and requesting the support of the Airport Authority, to be brought to the Board for approval or disapproval on Tuesday next. Motion was seconded by Mr. McGavic and carried unanimously.

PORT/UTILITIES - LAND EXCHANGE

At the request of Mr. McGavic that the Board consider an exchange of Port-owned property for 100 acres owned by Manatee County Utilities, and since location of the County stockade at the Port is under consideration, it was the concensus of the Board to allow the Clerk, the County Administrator and the Port Director to work out the details of such exchange.

PALMA SOLA GARDENS - VACATION OF STREET

Public hearing was held for the purpose of considering Application

81-V-8: Raymond N. Phillips and Thomas L. and Theodora Young - for vacation of Anna Maria Way, between Lots 4, 5, and 6, Block G, and Lots 1, 2, and 3, Block H. PALMA SOLA GARDENS, as per plat Book 4, page 74, Public Records of Manatee County, Florida.

Mr. Phillips was present to answer questions as to purpose of his application.

Upon motion by Mr. Fletcher, seconded by Mrs. Glass

RESOLUTION VACATING CERTAIN STREETS, ROADS, OR OTHER APPROPRIATE PROPERTY

was unanimously adopted, approving 81-V-8 for vacation of the street, or portion of street, in Palma Sola Gardens.

RECORD RESOLUTION S31-815

ZONING

Z-81-20 EGBERT S. REASONER: R-4B DEFERRED

(Deferred from meeting of 12/10/81)

Request: To change the present zoning from -A- to R-4B on 267.87 acres on north side of US 301 1/2 mi. W. of Ft. Hamer Road.

Planning Commission recommended DENIAL.

E. S. Reasoner, applicant, and county staff requested the Board to defer action.

Mr. Chance moved that the request be deferred and recommended Board members visit the area (Victory Road and US 301). Motion was seconded by Mrs. Glass and carried unanimously.

Public hearing was held for the purpose of considering

ORDINANCE Z-81-56-A

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE NO. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-3B (MULTI-FAMILY RESIDENTIAL DISTRICT) TO R-1B (SINGLE FAMILY RESIDENTIAL DISTRICT) PROVIDING AN EFFECTIVE DATE. (Notice published in The Bradenton Herald, May 22, 1981)

Z-81-56 A, SNEAD ISLAND REZONE: R-1B APPROVED

(County Commission initiated)

Request: To change the present zoning from R-3B to R-1B on 17 acres at Emerson Point.

Planning Commission recommended APPROVAL less the 3.06 acres presently known as Bay River Point Condominium.

ORDINANCE Z-81-56-B

AMENDING ORDINANCE NO. 81-4....

PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-3B AND C TO R-1B; PROVIDING AN EFFECTIVE DATE.

(Notice published in The Bradenton Herald, November 19, 1981)

JANUARY 14, 1982

Cont'd

Z-81-56 B, SNEAD ISLAND REZONE: R-1B APPROVED

Request: To change 27 acres located in middle of the Island (3/4 of site zoned -C-; 1/4 zoned R-3B) Planning Commission recommended APPROVAL.

Z-81-56 C, SNEAD ISLAND REZONE: R-1B DENIED

Request to change present zoning -C- on 10 acres located at the eastern end of Island (Lots 1 and 2, Block 1, Judd Subdivision). Planning Commission recommended DENIAL.

John McDonald, President of the Gulf Bay Improvement Association, Snead Island, expressed his support for rezone Z-81-56-A, and Z-81-56-B.

Mrs. Vivian Vernie requested approval of the rezone.

Dewey A. Dye, Jr., attorney representing the Alardon Trust and the Freeman Horton Estate, spoke against the granting of the rezone to R-1B, stating that R-1B would literally destroy the value of the property.

Martin Morris, Manager of Alardon and Horton Trust since 1947, was present to answer questions and to oppose the rezone to R-1B.

Richard Hite, Superintendent of the Desoto National Memorial, spoke in opposition to rezone to R-1B.

A petition with 184 signatures was submitted supporting the rezone for Z-81-56 A & B.

Twenty-two letters were received in support of Z-81-56 A & B.

RECESS/RECONVENE

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

ZONING

Discussion continued on the rezone request for Snead Island.

Mr. McGavic moved that P & D file Z-81-56 A, B and C be denied. Motion was seconded by Mr. Fletcher. Mrs. Glass, Mr. Chance and Mr. Vickers voted "Nay". Mr. Fletcher and Mr. McGavic voted "Aye." Motion was defeated three to two.

Mr. McGavic moved that the item be deferred until a later date. Motion was seconded by Mr. Fletcher. Voting "Aye" were Mr. McGavic and Mr. Fletcher. Mrs. Glass, Mr. Chance and Mr. Vickers voted "Nay." Motion was defeated three to two.

Mr. Chance moved to adopt Ordinance Z-81-56-A as recommended by the Planning Commission. Motion was seconded by Mrs. Glass. Mr. Chance, Mr. Vickers and Mrs. Glass voted "Aye". Mr. Fletcher and Mr. McGavic voted "Nay". Motion carried three to two.

RECORD ORDINANCE

(Action on Z-81-56-B and Z-81-56-C was taken later during the ^{Zoning} meeting.)

SP-82-2 PETER MCCLASH - PERMIT BEER AND WINE - APPROVED

Request: Special Permit to allow consumption of beer and wine at Lioce's Pizza Restaurant, 7804 Cortez Road. Planning Commission recommended APPROVAL - to Nick and Sam Sambino Lioce for an indefinite period of time. (Notice published in the Bradenton Herald December 21, 1981)

Mr. Fletcher moved to approve SP-82-2 subject to the conditions set forth by the Planning Commission. Motion was seconded by Mrs. Glass and carried unanimously.

Z-81-68 CHARLES J. ELMORE: C-1 APPROVED

Request: To change the present zoning from A-1 to C-1 on 8.98 acres at N. E. corner of Ellenton-Gillette Road and Moccasin Wallow Road.

Planning Commission recommended DENIAL.

ORDINANCE Z-81-68

AMENDING ORDINANCE NO. 81-4....

PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO C-1; PROVIDING AN EFFECTIVE DATE.

(Notice published in the Bradenton Herald, December 15, 1981)

Mr. Siciliano submitted a letter from Robert Mitchel, of Route 1 Box 411, 40th Avenue East, in favor of the rezone.

Ron Larsen, from Larsen Engineers, who explained the purpose of the request, indicated that the accompanying SP-81-44 (a special permit) is contingent upon the change of zoning to C-1.

Charles J. Elmore stated he would like to have the property rezoned so he can relocate his cylinder repair business from the present location in Bradenton to the Ellenton-Gillette area.

H. A. Durham, President of Trustees of First Baptist Church, requested the Board support the Planning Commission's recommendation for denial.

Reverend Carter, Pastor of First Baptist Church, spoke in opposition to the zoning change.

Mr. McGavic moved to adopt Ordinance Z-81-68. Motion was seconded by Mr. Chance and carried unanimously.

RECORD ORDINANCE

Z-81-56 B - SNEAD ISLAND REZONE: R-1B APPROVED

Mr. Chance moved to adopt Ordinance Z-81-56-B. Motion was seconded by Mrs. Glass and carried three to two, with Mr. Fletcher and McGavic voting "Nay".

RECORD ORDINANCE

Z-81-56 C - SNEAD ISLAND REZONE: R-1C DENIED

Mr. Chance moved to deny Z-81-56-C as recommended by the Planning Commission. The Chairman stepped down and seconded the motion. Motion carried three to two, with Mr. Fletcher and Mr. McGavic voting "Nay."

SP-81-44 CHARLES J. ELMORE - REPAIR SHOP APPROVED

Request: Special Permit for an industrial service establishment to allow an airplane cylinder repair shop on 8.98 acres at northeast Corner of Ellenton-Gillette Road and Moccasin Wallow Road.

Planning Commission recommended DENIAL.

(Notice published in the Bradenton Herald, December 15, 1982)

Mr. McGavic moved to approve Special Permit SP-81-44 to Charles J. Elmore. Motion was seconded by Mr. Chance and carried unanimously.

RECESS/RECONVENE

The meeting was declared recessed until 1:30 p.m.

The Board reconvened at 1:38 p.m. with all members present except Mr. Fletcher.

ZONING

SP-81-48 EARL C. NESS - MOBILE HOME - APPROVED

Request: a special permit to allow a mobile home as a residence on 1.06 acres, Lots 1, 2, 3, 8, 9, & 10, Block 22, Plat of Myakka City. (Wauchula Road)
Planning Commission recommended APPROVAL to Earl C. Ness for a period of five years plus five years at the discretion of the Planning Director.

(Notice published in the Bradenton Herald December 9, 1981)

JANUARY 14, 1982

Cont'd

Mr. McGavic moved to approve SP-81-48 subject to the conditions set forth by the Planning Commission. Motion was seconded by Mrs. Glass and carried unanimously.

SP-81-50 TAMMY & TOM STRAUSS - MOBILE HOME - APPROVED

Request: A special permit to allow a mobile home as a residence on 5.00 acres on Singletary Road. Planning Commission recommended APPROVAL to be granted to Tammy and Tom Strauss for a period of five years plus five years at the discretion of the Planning Director.
(Notice Published in the Bradenton Herald, December 7, 1981)

Mr. McGavic moved to approve SP-81-50 subject to the conditions set forth by the Planning Commission. Motion was seconded by Mrs. Glass and carried unanimously.

SP-81-52 WILLIAM BRADFORD - PERMIT BEER & WINE APPROVED

Request: Special permit to allow the consumption of beer and wine on premises at Mr. B's Coney Island Restaurant (5520-14th Street W.) on 2.17 acres zone C-1. Planning Commission recommended APPROVAL to William Bradford for an indefinite period of time.
(Notice published in the Bradenton Herald December 21, 1981)

David Bradford, agent for the petitioner, was present to answer any questions.

Mrs. Glass moved to approve SP-81-52 subject to the conditions set forth by the Planning Commission. Motion was seconded by Mr Chance and carried unanimously.

SP-82-3 SUNBELT CENTERS MANAGEMENT CO., INC. - APPROVED

Request: A special permit to allow the consumption of beer and wine on premises at Old World Cheese Shop, 491 Cortez Road W., zoned C-1. Planning Commission recommended APPROVAL be granted to the Old World Cheese Shop for an indefinite period of time.
(Notice Published in the Bradenton Herald December 22, 1981)

Mrs. Glass moved to approve SP-82-3 subject to the conditions set forth by the Planning Commission. Motion was seconded by Mr Chance and carried unanimously.

81-S-19 CALI SUBDIVISION - F/PLAT - APPROVED

Request: Final Subdivision Plat Approval.

Mrs. Glass moved to approve Final Subdivision Plat No. 81-S-19, Cali Subdivision, approve and accept the improvement bond (cashier's check \$1,650.00, First National Bank of Florida), and subdivision agreement (with John Cali, developer), and approve for recording the Maintenance Agreement for common open space in Cali subdivision. Motion was seconded by Mr Chance and carried unanimously.

RECORD AGREEMENT S31-816

78-S-35 WINTERLAND ESTATES - F/PLAT APPROVED

Request: Final Subdivision Plat Approval

Mr. Chance moved to approve final subdivision Plat No. 78-S-35, Winterland Estates Subdivision, and accept the recommendation of the Planning Commission. Motion was seconded by Mr McGavic and carried unanimously.

J. D. LAMB'S SUBDIVISION/PARRISH - VACATION OF STREET

Public hearing was held to consider request

81-V-9 by Walter and Georgina Cullars to vacate all of that certain alley between lots 1, 2, 3, 4 and lots 11, 12, 13, 14, J. D. Lamb's Subdivision of the Town of Parrish, Florida (Plat Book 1, page 166)

Mr. and Mrs. Cullars were present to answer any questions.

Upon motion by Mr. Chance, seconded by Mrs. Glass,

RESOLUTION VACATING CERTAIN STREETS, ROADS OR
OTHER APPROPRIATE PROPERTY (81-V-9)

was unanimously adopted for vacation of alley in J. D. Lamb's
Subdivision.

RECORD RESOLUTION

S31-817

78-S-35 WINTERLAND ESTATES - F/PLAT APPROVED
Request: Final Subdivision Plat Approval

Richard Ashley, Chief Deputy, requested clarification on the motion
on Winterland Estates Subdivision.

Mr. Chance amended his previous motion to include approval of Final
Subdivision Plat 78-S-35, Winterland Estates Subdivision, and
approve and accept the improvement bond (\$51,000 Ellis First
National Bank of Bradenton Letter of Credit No. 28-31-1, by order
of Duane J. Sorenson) and Subdivision Agreement (executed by Duane
J. Sorenson, developer). Motion was seconded by Mrs. Glass and
carried unanimously.

RECORD AGREEMENT

S31-818

ONECO PARK SUBDIVISION - VACATION OF STREET

Mr. Siciliano noted that proper notice was not accomplished in
connection with application 81-V-11 by Robert H. Holman for the
vacation of a certain street in Oneco Park Subdivision and requested
adoption of a new resolution declaring a public hearing on February
11, 1982.

Mrs. Glass moved to adopt a new resolution declaring a public
hearing and setting the date for February 11, 1982. Motion was
seconded by Mr. Chance and carried unanimously.

RECORD RESOLUTION

S31-819

FENNE COMMERCE CENTER - VACATION OF COMMERCE PLACE

Public hearing was held to consider request

81-V-10 by Baker & Baker, Inc., Joel Kramer, Agent,
to vacate part of the 50-foot street right-of-
way for Commerce Place on the Plat of Fenne
Commerce Center.

Mr. Siciliano, Planning and Development, indicated that the Land
Acquisition Division of the Department of Transportation has
recommended that the County retain possession of this street based
on a future extension of Nicholson Avenue running easterly from
Commerce Avenue to U. S. Highway 301. When Nicholson Avenue is
extended, Commerce Place will be an important lateral tie street
to Nicholson Avenue

Joel Kramer, Agent for the petitioner, employed by Tropitone
Furniture, as Vice President and Director of Engineering, explained
the purpose for requesting the vacation of Commerce Place.

Mrs. Glass recommended that action be deferred on 81-V-10 to give
her the opportunity to revisit the area and report to the Board,
and to allow the highway department to explain the plans for the
area involved.

The matter was deferred to January 19, 1982.

HOUSEMOVING - ALTMAN

Upon motion by Mrs. Glass, seconded by Mr. McGavic, the following
housemoving application was unanimously approved:

HM-82-1 JOHN MEADE - to move a building from 1200
12th Street Court E. to 3519 18th Street E.
Pre-moving No. 36094

JANUARY 14, 1982

Cont'd

ZONING79-T-3 HORSESHOE COVE, PHASE I - F/PLAN APPROVED

Request: Final Travel Trailer Park Plan Approval on
60.15 Acres at N.W. Corner of S.R. 70 and Caruso Road.

Mr. McGavic moved to approve Final Travel Trailer Park Plan No. 79-T-3, Horseshoe Cove, Phase I. Motion was seconded by Mrs. Glass and carried unanimously.

SIGN ORDINANCE/VARIANCE

The Chairman advised that petition by Bob Bomber for a variance to the Sign Ordinance (portable signs) would be deferred for two weeks.

LOT CLEARING PETITION

Dave Fulford, Enforcement Officer, Planning and Development, submitted photographs as substantiating evidence on petition

LC-1517 Janet K. Bulger alleging that property owned by Dennis K. Dupuy has not been cleared in accordance with requirements of Chapter 69-1284, Laws of Florida, Special Acts of 1969.

Motion was made by Mr. McGavic that the lot be cleared (by adoption of appropriate resolution determining that the property owner has failed to comply with the lot-clearing law and demanding the land be cleared within fifteen days). Motion was seconded by Mrs. Glass and carried unanimously.

RECORD RESOLUTION

S31-820

LAWSUIT (SARASOTA COUNTY; OLIVER)

Mary Greenwood, County Attorney, requested Board authorization to contract with the law firm of Mann & Fay to represent the County in the following cases:

- 1) Appeal by Board of County Commissioners of Sarasota County, as the governing body of Sarasota County and Sarasota County Special Utility District #1 of rate order entered by the Board of County Commissioners of Manatee County on the 10th day of December, 1981, Case No. CA-82-45 in the Circuit Court of Manatee County, Florida. (Fay letter 1/15/82 - involving rates for water sold by Manatee to Sarasota ref. Agreement 2/20/73 and revised rates 12/11/81)
- 2) Steve Oliver vs Manatee County Case No. S-81-2120 in the County Court of Manatee County, Florida. (Fay letter 1/11/82 - involving claim for replacement of driveway damaged by MCUS waterline break. Work not acceptable.)

Mr. McGavic moved that Mr. Fay be engaged to handle the lawsuits (Steve Oliver and Sarasota County) as necessary. Motion was seconded by Mrs. Glass and carried unanimously.

CLERK'S CONSENT CALENDAR

Upon motion by Mrs. Glass, seconded by Mr. Chance, the Clerk's Consent Calendar dated January 14, 1982 was unanimously adopted as follows:

BILLS FOR PAYMENT:

| | |
|--|------------|
| Camp, Dresser & McKee - Payment #5; Extra Work Auth. | \$5,833.18 |
| Ardaman & Assc. - Engin. Srvc. - Public Safety Comp. | 623.00 |

AUTHORIZE CHAIRMAN TO SIGN:

- 1) Partial Release of Special Improvement Assessment Lien:
L. Eugene & Elva F. Biddix - Proj. #588
- 2) Parks & Recreation Instructor's Agreements:

| | | |
|--------------------------|------------------------|---------|
| S31-821 Paul Kirk | Mary Lind Devlin | S31-828 |
| S31-822 Barbara Susdorf | Alex Bizauskas | S31-829 |
| S31-823 Marjorie Cobb | Mitchell R. Friedberg | S31-830 |
| S31-824 Joyce I. Ferrell | Mike & Amy Hancock | S31-831 |
| S31-825 Steve Russo | Agnes (Nancy) Harrison | S31-832 |
| S31-826 Louis Tamburino | Jeannette T. Parrott | S31-833 |
| S31-827 Suzanne Summers | Tom Messick | S31-834 |

JANUARY 14, 1982

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| | S31-835 | Kris Gannon | Nora Banner | S31-851 |
| | S31-836 | Georgia & Joe Burke | Eleanor Collson | S31-852 |
| | S31-837 | Lt. Albert Turi | Arthur VanDelft | S31-853 |
| S31-838 & | S31-839 | Scotty King (2) | Rick Langley | S31-854 |
| | S31-840 | Ted Christman | Barbara L. Nelson | S31-855 |
| | S31-841 | Donna C. Masiello | Selma Sanford (2) | S31-856 & S31-857 |
| | S31-842 | Roger Bone | Heidi Howard | S31-858 |
| | S31-843 | Margaret Tommasi | Katie Hinni | S31-859 |
| | S31-844 | Marie Pierson | Wilma Decker | S31-860 |
| | S31-845 | Charley Watkins | Shirley Patterson | S31-861 |
| | S31-846 | Gabriel Libraty | Beverly Slaski | S31-862 |
| S31-847 & | S31-848 | Sharon Otis Formosa (2) | Peter Parkin | S31-863 |
| S31-849 & | S31-850 | Martin Schneider (2) | | |

RECORD AGREEMENTS

COLONY COVE MOBILE HOME PARK/U S 301

S831-821 through S31-863

Mr. Chance relayed concern expressed by the President of Colony Cove Mobile Home Park and the President of the Federation of Mobile Home Owners for Manatee County regarding a dangerous traffic situation on U.S. 301 (north) in front of the Park where the State-painted arrows guide traffic into the wrong lane for entrance. Also, the Victory Road entrance to 301 does not line up with the other street so that it is impossible to get out of the highway.

The representatives have requested that the County consider trying to realign the streets so they match and correct the directional arrows.

Mr. Chance moved to authorize Mr. Collier to have the Highway Department take care of the dangerous situation at the entrance of Colony Cove on Highway 301. Motion was seconded by Mrs. Glass and carried unanimously.

PLANNING COMMISSION

The Board scheduled a work session with the Planning Commission on February 16, 1982 at 1:30 p.m.

LAWSUIT (VS PROPERTY APPRAISER ET AL)

Mary Greenwood, County Attorney, acknowledged receipt of legal documents in connection with lawsuit:

Thomas Houser vs Frank Perkins as Manatee County Property Appraiser, Sam Cornwell, The Board of County Commissioners and the Executive Director of the Department of Revenue, and advised she will file a motion to dismiss on behalf of the County.

LAWSUITS (SARASOTA COUNTY; OLIVER)

For clarification of his motion regarding the request by the County Attorney for engagement of Mann & Fay law firm in connection with two lawsuits (Sarasota County and Steve Oliver), Mr. McGavic stated his motion included "and authorize the Chairman to sign appropriate agreements."

RECORD AGREEMENTS


MEETING ADJOURNED

S31-864 & S31-865

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

Attest:

APPROVED:


Clerk


Chairman 1/27/82

Adj: 3:00 p.m.