

JANUARY 21, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, January 21, 1982 at 9:09 a.m.

Present were Commissioners:

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

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; Betty Kohlman, St Petersburg Times, and others who entered during the meeting.

The meeting was called to order by Chairman Vickers.

REFERENDUM - GAS TAX

Jerome Davis, Supervisor of Elections, recommended holding the Referendum on the proposed additional one-cent gas tax in September 1982 in conjunction with the regular primary election, instead of holding a special election on March 9, or June 8, 1982.

Phil Davis, Director, County Transportation Department, reported that the Transportation Committee had determined that the Gas Tax was a substantial enough matter to be placed on Ballot as a single issue. He recommended not waiting until the September Primary.

No action was taken.

ESTECH: LAWSUIT - DRI

E.N. Fay, Jr, Attorney, reported that the Florida Supreme Court has declined to hear the County's Appeal of the Decision by the Second District Court of Appeals (ref. ruling to allow the Governor and the Cabinet, sitting as the Land and Water Adjudicatory Commission, to obtain jurisdiction to review local land use decisions and that this Commission has power to issue the Order approving the Estech Phosphate Corporation DRI with certain conditions, limitations and restrictions).

He explained that the Decision of the Second District Court of Appeals is now final, that the DRI approved by the Governor and the Cabinet is the Estech DRI.

He stated that, unless the County can show a Federal Constitution issue has been violated, there is no automatic right to the U.S. Supreme Court, and he was not in a position to advise whether legally the Board should pursue this course. He suggested he and Bill Earl, Environmental Attorney, be granted time to research the matter and make a presentation in the near future.

ROAD STUDY - APWA (AMERICAN PUBLIC WORKS ASSN)

Phil Davis, Director, County Transportation Department, requested the County to support APWA (American Public Works Association) Research Foundation "Optimizing Pavement Investment," Project 81-1, and approve \$4,000 sponsorship fee. This is a study/research on prioritizing street rehabilitation or surfacing.

Motion was made by Mrs Glass to participate in the proposed Project 81-1 Optimizing Pavement Investment. Motion was seconded by Mr McGavic and carried unanimously.

ROADS, COUNTY/STATE - STREET NUMBERING SYSTEM

Mr Davis requested approval of County participation in the State Street Numbering System for Principal Roads.

Colonel John Thomas, County Transportation Department, explained that basically the County has 300 miles of principal roads, the bulk of which are in the Major Thoroughfare System or functionally classified by the State as minor arterial or collector roads. The County has tried to retain the same numbers used by the State, however, principal County roads that do not currently have a State Road number will be given a County number. There will be no effort to change any signs at this point except on those roads where there is considerable confusion due to multiple names/numbers, etc.

Mr Chance moved to adopt the Road Numbering System as outlined by the Highway Department in (document entitled) Manatee County Status of Principal Roads, dated December 1, 1981. Motion was seconded by Mrs Glass and carried unanimously.

MOTOR VEHICLE MAINTENANCE

Mr Davis and Steve Jones, Engineer, were available to answer any questions regarding the Assessment of the Manatee County Motor Vehicle Maintenance Program, prepared by the Department of Transportation September, 1981.

In a brief overview of the program, Mr Jones pointed out that the Motor Vehicle Maintenance report consists of three sections:

1. Inventory of Existing Motor Pool Conditions
2. Suggested Alternatives and Evaluations:
  - 1) County maintenance with overflow and speciality work contracted to outside garages
  - 2) Contracted private maintenance using on-site County owned facilities to maintain County vehicles
  - 3) Contracted private maintenance for County vehicles at off-site private facilities
  - 4) County maintenance of all its equipment.
3. Summary of Recommendations.

Alternative No. 1 was considered by Highway and Engineering to be the most attractive maintenance program.

There was no action.

COUNTY VEHICLES - TAKE-HOME POLICY

After discussion of "take-home" use policy on County vehicles, the County Administrator advised that a procedure for assignment of vehicles is being developed and will be submitted to the Board in about a month.

RECESS/RECONVENED

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

MARINER'S COVE

Bruce Siciliano, Chief, Comprehensive Planning, submitted recommendations of the Planning Commission, Re:

MARINER'S COVE (P&D File No. PDR 81-2) - Z-81-19  
Request: Amend Preliminary Plan Approval

He stated that the key issue in PDR 81-2 is access, particularly construction access, and noted that the previously approved Preliminary Plan (approved 9/22/81) stipulated eleven (11) conditions, five of which dealt with construction access. The developers have submitted a new proposal to the Planning Commission, which is basically to divert construction traffic from Cortez Road up 127th to 129th thence on to the site.

JANUARY 21, 1982

Cont'd

The Planning Commission recommends approval of amendment to the Preliminary PDR Plan 81-2 which deletes stipulations 5, 7, 8, 9, 10, & 11, and adds the following stipulation:

5. The humpback bridge on 127th Street West is to be strengthened at developers cost as required by the County Engineer.

Leonard Najjar and Tom McCollum, Zoller Najjar Engineering, Inc., were present to answer questions and outline compromise on alternative access route.

Mr McCollum stated that three major property owners (Ibasfalean, Furen and Manatee Fruit Company) on the north side of the Cortez peninsula have tentatively agreed to provide right of way that, at this point, would solve the access problem to Cortez.

Mr Siciliano advised that there are two other rezoning petitions for this area presently being considered by the Planning Department and area residents are concerned with the overall effect. Staff, however, is trying to confine the issue today to Mariner's Cove.

Wyman Coursey, stated that he had no objections to the project, but was opposed to aggravating an existing traffic problem. He suggested building a bridge over the canal at the west end of 40th Avenue W. to provide another access to Mariner's Cove which would relieve traffic problems connected with the Sea Food Shack.

(Enter Mr Fletcher)

Joseph Braddock, Sagamore Estates, concurred with the comments made by Mr Coursey, but in his opinion new roadways for access should be paid for by the developers.

Arthur Hubler, representing Sunny Shores objected to opening 40th Avenue West to through traffic.

Rick Jennette, Cortez resident, commented that area residents are in favor of Mariner's Cove, however, the developer's recommended construction alternative would create problems for the entire area.

Jerome Gostkowski stated that the Highway Department is supportive of a secondary route, but developer's proposal does not provide a second access.

David Deitrich, Attorney for developer, advised that their proposal eliminates use of 40th Avenue W. and 115th Street W. He noted that the amendments to the stipulations have apparently become confused and intermingled with considerations outside the scope of the Mariner's Cove PDR and agreed to withdraw the request for amendments to the stipulations for Z-81-19. He said that, when final PDR is considered next week, the developer will be agreeable to a modification of the previously approved stipulations as part of the final approval.

Bernard Crogan, Independence Holding Company, partner in the Marcove Venture, Inc., endorsed covenants expressed by Mr Deitrich.

John Ibasfalean, submitted a petition with signatures of 14 residents of 40th Avenue W. objecting to construction of a bridge at the west end of 40th Avenue W.

#### RECESS/RECONVENED

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

The Board reconvened at 1:38 with all members present.

There was lengthy discussion on information and presentations concerning Mariner's Cove. Mr Deitrich submitted a letter dated January 21, 1982, covenanting conditions outlined earlier in the meeting.

Motion was made by Mr Fletcher to accept the letter from the developer's attorney for consideration when request for approval of the Final Plan comes before the Board. Motion was seconded by Mr McGavic and carried unanimously.

RECESS/RECONVENED

After a brief recess, the Board reconvened with all members present. (Exit Chairman Vickers. Chair assumed by Vice-Chairman Chance)

PARTICIPATION PROJECTS - POLICY REVISION

E.N. Fay, Attorney, and Phil Davis, Director, County Transportation Department, were available to answer questions regarding the 100 percent Participation Projects.

General discussion was held regarding a requirement for "upfront money" from petitioners for any preliminary work done (such as title search, title insurance, etc) versus having all costs placed on participants' tax bills. Mr Fay pointed out that this would be a policy of administrating the Ordinance and can be accomplished by adoption of a resolution. No action was taken.

CLERK'S CONSENT CALENDAR

Upon motion by Mrs Glass, seconded by Mr McGavic, the Clerk's Consent Calendar dated January 21, 1982 was unanimously approved as follows:

BILLS FOR PAYMENT:

Refund: Mrs. Burton Keenan - EMS	\$	15.00
Marcus Myers - Firearms Competency (Stein)		40.00
Mann & Fay: Transportation Dept. (12/31/81)		62.50
Boothe v. Co. (DOT)(10/20 - 11/25/81)		1,052.22

AUTHORIZE CHAIRMAN TO SIGN:

Instructor's Agreements (P&R) - Jeanne E. Jackson

MEETING ADJOURNED

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

Attest:

  
\_\_\_\_\_  
Clerk

APPROVED:

  
\_\_\_\_\_  
Chairman 7/27/82

Adj: 3:45 p.m.