

JANUARY 28, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, January 28, 1982 at 9:04 a.m.

Present were Commissioners:

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

Absent was Claude E. McGavic.

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 news media was Greg Spears, The Bradenton Herald; and others who entered during the meeting.

Invocation by Reverend David Melchior, Calvary Baptist Church.

The meeting was called to order by Chairman Vickers.

KIDNEY DIALYSIS CLINIC

Mrs. Glass reported that Stephen L. Berkes, M.D. and the Manatee Artificial Kidney Center, Inc., have applied for a Certificate of Need for a dialysis clinic in the Palmetto/Ellenton area. Action was deferred until later in the meeting on her suggestion that the Board support the proposed expansion.

UTILITIES - CITY OF BRADENTON/COUNTY

Consolidation of Manatee County Utilities Department (water) with that of the City of Bradenton was briefly discussed.

SMATS METROPOLITAN PLANNING ORGANIZATION

Commissioners Vickers and Chance were designated as alternates to the SMATS Metropolitan Planning Organization (MPO). Staff was directed to prepare a letter to that effect to the Chairman of the MPO.

LEGISLATION: HB 517

Mr. Fletcher requested that a letter be sent to the Legislative Delegation in opposition to House Bill 517 entitled Airport Authority Act, which provides zoning authority to the Sarasota-Manatee Airport Authority. There were no objections to staff preparing such a letter.

BOYS CLUB/COMMUNITY SERVICES TRUST FUND GRANT

Barbara Johnson, Human Services Department, recommended execution of the Boys' Clubs of Manatee County Community Services Trust Fund Grant Application to develop a program entitled "Youth Employment Training through Rent-A-Kid," \$36,000.

Mrs. Glass moved to authorize the Chairman to execute the application of the Boys Club for the Community Services Trust Fund Grant. Motion was seconded by Mr. Fletcher and carried unanimously.

ALBRITTON REQUEST FOR REZONE

Carol Clarke, Planning and Development Department, explained that property located on Elwood Park Road in Samoset was rezoned from M-2 to R-1 and that E. J. Albritton, has requested it be rezoned back to M-2. She reported that rezoning back to M-2 would be

inconsistent with the Comprehensive Plan and that Mr. Albritton's auto repair shop can continue to operate on the property even though it is a non-conforming use.

The Board concurred that the present zoning should be retained.

ANNEXATION/BRADENTON 64

Mary Greenwood, County Attorney, referred to a memorandum from Kathy Snell, Acting Director, Planning and Development Department, dated January 21, 1982, outlining action taken by the City of Bradenton annexing "Bradenton 64" property east of River Isles Subdivision and approving a Planned Development Project for the site. Ms. Snell recommended the Board consider Florida Statute 171.062 (relating to annexation and county land-use plan) and investigate legal action to prohibit increase in density in this area.

In order to afford the Commissioners an opportunity to review a map of the area in question, action was deferred until later in the meeting.

RECESS/RECONVENE

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

ZONING

Ms. Clarke presented recommendations of the Planning Commission.

Z-82-4 RONALD R. BAKER - REZONE TO C-1 - APPROVED

Request: To change the present zoning from R-1AB to C-1 on approximately 30 acres located at 4419 15th Street West. Planning Commission recommended APPROVAL.

Public hearing was opened for the purpose of considering

ORDINANCE Z-82-4:

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-1AB (SINGLE FAMILY RESIDENTIAL DISTRICT) TO C-1 (GENERAL COMMERCIAL DISTRICT); PROVIDING AN EFFECTIVE DATE.

(Notice published in The Bradenton Herald, January 8, 1982.)

Mr. Fletcher moved to adopt Manatee County Ordinance No. Z-82-4. Motion was seconded by Mr. Chance and carried unanimously.

RECORD ORDINANCE

SP-81-19 C. L. REAGAN - MOBILE HOMES APPROVED

Request: Special Permit to allow 15 mobile homes as rural cluster housing to provide residences for the employees of Milky Way Dairy Farm on 240 acres zoned -A- located on the south side of Upper Manatee River Road, approximately 2 miles west of Rye Road.

Planning Commission recommended APPROVAL to C. L. Reagan for an indefinite period of time to be used as housing exclusively for dairy employees.

Mrs. Glass moved to approve Special Permit No. SP-81-19 subject to the conditions set forth by the Planning Commission. Motion was seconded by Mr. Chance and carried unanimously.

SP-82-1 DORIS DAVIS - DOCK APPROVED

Request: Special Permit to allow a 150 foot dock in conjunction with a proposed multi-family residential project (Dockside East) on approximately .6 acre zoned AF/R-3A located at 1228 US Hwy 301, Ellenton.

Planning Commission recommended APPROVAL.

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Mr. Chance moved to approve Special Permit No. SP-82-1. Motion was seconded by Mrs. Glass and carried unanimously.

SP-81-51 GTE/ANDREA LEE - WITHDRAWN

Request: Special Permit to allow a telephone switching station, a light utility use, on .23 acre zoned R-4A located on Willis Road at East Frontage Road along I-75.
Planning Commission recommended APPROVAL.

At the request of the petitioner, SP-81-51 was withdrawn.

SP-82-5 SALVATORE REGINA - 2 COP - APPROVED

Request: Special Permit to allow the consumption of beer and wine on premises at a proposed fifty seat delicatessen-restaurant located at 4425 14th Street West.
Planning Commission recommended APPROVAL to Salvatore Regina for a period of five years plus five years at the discretion of the Planning Director.

Motion was made by Mrs. Glass to approve Special Permit No. SP-82-5 subject to the conditions set forth by the Planning Commission. Motion was seconded by Mr. Fletcher and carried unanimously.

Z-81-61 ZONING ATLAS AMENDMENTS - APPROVED

Eleven Parcels A through K were initiated by the Planning Commission to rectify staff errors and omissions which occurred while drafting the official zoning Atlas.
Planning Commission recommended APPROVAL of Parcels A, B, C, D, E, F, H, I, J and K, and DENIAL of Parcel G.

Public Hearing was opened for the purpose of considering

MANATEE COUNTY ORDINANCE NO. Z-81-61:
AMENDING ORDINANCE NO. 81-4

PROVIDING FOR THE REZONING OF CERTAIN LAND IDENTIFIED AS PARCELS A THROUGH F, AND H THROUGH K; PROVIDING AN EFFECTIVE DATE.

(Notice published in The Bradenton Herald, December 28, 1981.)

PARCEL A AND B

Request: To change present zoning from A-1 and AF/A-1 to -A- and AF/A on 184 acres located at the Northeast intersection of Caruso Road and SR 70.

PARCEL C

Request: To change present zoning from C-1 to C-2 on .28 acre located in the 3600 block of 15th Street East.

PARCEL D

Request: To change present zoning from C-1 to M-2 on .6 acre located at the northeast intersection of 15th Street East and Elwood Park Road.

PARCEL E

Request: To establish the zoning as A-1 on .8 acre located 600 feet southwest of the Snead Island Road approximately one mile east of Tarpon Road (44th Avenue West).

Ms Clarke explained that the subject property appears on two half-section maps of the official zoning atlas, one of which is zoned R-1B and the other A-1, and the proposed A-1 zoning will unify the zoning of the larger tract.

Mr. Chance recommended that the zoning of R-1B not be changed and requested that Parcel E be deleted from approval.

PARCEL F

Request: To establish the zoning as R-1AB on 13 acres located on 36th Avenue West between 26th Street West and 32nd Street West.

PARCEL G

Request: To change the present zoning from R-1 to C-1 on .16 acre located on the south side of 33rd Avenue Drive East approximately 300 feet east of 15th Street East.

PARCEL H

Request: To establish the zoning as R-3B on 1.3 acres located south of Snead Island Road just east of the bridge over cutoff channel.

Rod Travis, representing Mr. and Mrs. Kirchner, property owners, requested approval of R-3B zoning.

PARCEL I

Request: To establish the zoning as R-1B on .34 acre located on Edwards Drive, between Bay Breeze Land and Kaywood Road.

PARCEL J

Request: To change the zoning from R-1 to M-1 on 6.8 acres located on the north side of 17th Street East 1,700 feet east of Canal Road.

PARCEL K

Request: To change the zoning from A-1/WP to PDR/WP located between Linger Lodge Road and I-75.

Mr Fletcher moved to adopt Z-81-61 with the deletion of Parcels E and G. Motion was seconded by Mr. Chance and carried unanimously.

RECORD ORDINANCE

PDR-81-2 MARINER'S COVE - FINAL PDR PLAN - APPROVED

Request: Final PDR Plan approval on 15.1 acres located at the north terminus of 129th Street West immediately north of the Marker 50 Marina.

Planning Commission recommended APPROVAL.

Wyman Coarsey, spoke in opposition to increased traffic on 126th Street West. Joseph Bradock, 3716 118th Street West, concurred that traffic should be directed out on 119th Street to Cortez Road. Rick Janett, recommended the Board approve the operation of the "humpback" bridge on 127th Street, elimination of the 40th Avenue haul road construction, and that a study be completed of long-term traffic problems in that area.

Motion was made by Mr. Fletcher to approve Final PDR Plan No. PDR-81-2, Mariner's Cove, with the stipulation that the "humpback" bridge on 127th Street West be strengthened by the developer as required by the County Engineer, and that stipulations 5, and 7 through 11 of the Preliminary Plan be deleted. Motion was seconded by Mr. Chance for discussion.

David Deitrich, attorney for the developer, submitted his letter of January 28, 1982, committing to participate in a traffic study of the Cortez area.

Mr. Fletcher amended his motion to add that the letter from the attorney for the developer dated January 28, 1982, and the conditions therein be made a part of the approval. The motion, as amended, carried unanimously.

RECORD

MANATEE COUNTY STATE FAIR EXHIBIT

Robert Fernandez, Assistant County Administrator, recommended the Board reconsider action taken at the meeting of January 26, 1982 relating to Manatee County Exhibit at the State Fair, February 3-14, 1982, due to problems with timing. (Re: Proposal by Ruth Gray.)

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Motion was made by Mr. Fletcher to rescind the motion of Tuesday (January 26, 1982) regarding the State Fair Booth. Motion was seconded by Mr. Chance and carried unanimously.

ANNEXATION/BRADENTON 64

Bruce Hossfield, Planning and Development Department, exhibited a map of the Bradenton 64 property annexed by the City of Bradenton.

Mary Greenwood, County Attorney, outlined the statute as it relates to requirements of annexation and various aspects of violations.

Mr. Fletcher moved that the staff be directed to contact E. N. Fay, Jr. (Mann & Fay Chartered), and request him to initiate such legal action as may be necessary to protect the interests of Manatee County with regard to the annexation. Motion was seconded by Mr. Chance and carried unanimously.

CLERK'S CONSENT CALENDAR

Upon motion by Mrs. Glass, seconded by Mr. Chance, the Clerk's Consent Calendar dated January 28, 1982 was unanimously approved as follows:

BILLS FOR PAYMENT:Attorney's Fees:General Fund:

Balance before payments: \$19,515.96

Balance after payments: \$16,901.89

Hogg, Allen, Ryce, Norton & Blue:

Prof. Srvc. for November 1981

\$ 480.17

Prof. Srvc. for December 1981

1,946.40

Mann & Fay: Manasota Mem. Pk. v. Co. (P&D)

187.50

Reynolds, Smith & Hills - Floodplain Study (Est. #12)

9,104.89

CH2M-Hill Southeast: Consulting Eng. So. 201 (#3)

8,800.30

Consulting Eng. No. 201 (#3)

10,273.84

Ardaman & Assoc. - Cylinder Test (PSC)

986.75

Ernst & Whinney - Prof. Srvc. for December 1981

5,181.00

Peat, Marwick, Mitchell - Co. & Hosp. role study (final)

5,941.75

Arnold & Co. - Audit of Sheriff FYE 9/30/81

5,000.00

Refund: Sun Plaza West Condo.(wrong size meter; MCUD)

19,525.00

Refund: IMCO Srvc. - MCUD

275.00

AUTHORIZE CHAIRMAN TO SIGN:

Special Interest Classes Instructor's Agreement (Parks and Recreation): Pamela A. Shaffer

RECORD AGREEMENT S31-942

JAIL OVERCROWDING RELIEF TASK FORCE

Mrs. Glass moved to amend the resolution establishing the Corrections Task Force (Jail Overcrowding Relief Task Force) and appoint John L. Reynolds a member of that Board. Motion was seconded by Mr. Chance and carried unanimously.

RECORD RESOLUTION S31-943

COLONY COVE MOBILEHOME PARK: U.S. 301

Commissioner Chance advised that the owners of Colony Cove Mobilehome Park intend to dredge and repair their marina and have requested assistance from the County in obtaining the necessary permits. They have also requested assistance in making intersection improvements at Victory Road and Highway 301 (does not align with entrance to the Park). He pointed out that the assistance requested is not monetary and that all costs incurred will be paid by Colony Cove.

Mrs. Glass moved to authorize the Transportation Department staff to work with Colony Cove in obtaining the necessary permits for their marina project. Motion was seconded by Mr. Chance and carried unanimously.

Mr. Chance moved that the Board authorize the Transportation Department to send whatever personnel is necessary to Colony Cove to assist with traffic problems in the area. Motion was seconded by Mrs. Glass and carried unanimously.

DATA PROCESSING INVESTIGATION (COMPUTER SYSTEM)

The Chairman reported that he has been unable to arrange a satisfactory time for James Gardner, State Attorney, to appear before the Board to give a status report on the Data Processing Investigation (Computer System).

Motion was made by Mrs. Glass to contact Mr. Gardner and invite him to appear before the Board on Tuesday (February 2, 1982) or at his earliest possible convenience and express a willingness to meet any time or any place. Motion was seconded by Mr. Chance and carried unanimously.

KIDNEY DIALYSIS CLINIC

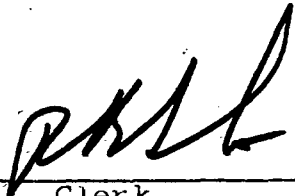
Upon motion by Mrs. Glass, seconded by Mr. Chance, the Chairman was unanimously authorized to send a letter supporting the Kidney Dialysis Center.

MEETING ADJOURNED

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

Attest:

APPROVED:



Clerk



Chairman 7/27/82

Adj: 11:45 a.m.