

MARCH 11, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, March 11, 1982 at 9:05 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:

Keith Roberts, Assistant County Attorney
Robert F. Fernandez, Acting County Administrator
Richard H. Ashley, Chief Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Representing the news media was Jud Magrin, Sarasota Herald-Tribune; and others who entered during the meeting.

Invocation by Reverend James Stevenson, Bayshore Reform Church.

The meeting was called to order by Chairman Vickers.

LAWSUIT: SMALL FARM DEVELOPMENT

Alan Prather, representing the County in litigation

Re: Southern Cooperative Development Fund, Inc., et al,
vs. Louis E. Driggers, et al,

requested authorization for the Chairman to execute an Application for a \$100,000 Appeal Bond, to execute the Appeal Bond and to authorize the payment of a \$2,000 insurance premium. He advised that Fidelity and Deposit Company, Maryland, Delaware, and Aetna Life & Casualty are willing to write the bond.

Mr. Fletcher moved that the Chairman be authorized to execute the necessary documents for the Appeal Bond, application and bond itself, and payment in the amount of \$2,000 therefore. Motion was seconded by Mr. McGavic and carried unanimously.

AWARDS, MERITORIOUS SERVICE

Meritorious Service Awards were presented to the following:

Ann Bott and Gordon Bartel, as members Planning Commission
Kenneth Psister, Lawrence Moores, and J. Stanley Whichel, as
members Board of Zoning Appeals.

TRAVEL AUTHORIZATION

Motion was made by Mr. Fletcher, seconded by Mrs. Glass, to authorize Mr. Chance and any other Board members to travel to Tallahassee, Monday, March 15, 1982, to encourage legislative representatives to vote for the One Cent Sales Tax.

FIRE DISTRICTS/IMPACT FEES

Action on collection by County of Impact Fees for the Fire Districts was deferred.

LOT CLEARING PETITION

Dave Fulford, Enforcement Officer, Planning and Development, submitted photographs as substantiating evidence with Lot Clearing petition

LC-1530 Pedro Vazquez alleging that property owned by Howard Bishop and Thelma A. Bishop has not been cleared in accordance with requirements of Chapter 69-1284, Laws of Florida, Special Acts of 1969.

MARCH 11, 1982

Cont'd

Upon motion by Mr. McGavic, seconded by Mrs. Glass, a resolution was unanimously adopted determining that the property owner had not complied with the lot clearing law and demanding that corrective action be taken with regard to clearing the land.

RECORD RESOLUTION S31-1057

HIGHPOINT SUBDIVISION - STREET VACATION (82-V-1)

Larry K. Frazier, Director, Planning and Development Department, advised that an error was made in the advertisement of notice of public hearing on March 11, 1982, and recommended advertising a new public hearing on 82-V-1, application by David K. Deitrich, as Trustee, for vacation of a portion of Highpoint Subdivision.

Upon motion by Mr. Fletcher, seconded by Mr. Chance, a resolution was unanimously adopted setting the public hearing date for 82-V-1 on April 8, 1982.

RECORD RESOLUTION S31-1058

HOUSEMOVING (CAYLOR; JOHNSON)

Upon motion by Mrs. Glass, seconded by Mr. Fletcher, housemoving requests were unanimously approved for:

- HM-82-3 HENRY & DELLA CAYLOR to move a building from the corner of 63rd Avenue and 33rd Street East, Oneco, to the north side of Willis Road, approximately 1/4 mile east of Buffalo Road.
- HM-82-4 R. E. JOHNSON to move a building from 550 8th Street, Palmetto, to 3808 7th Street East, Ellenton.

ZONING

The Planning Director submitted recommendations of the Planning Commission.

Appropriate documents were submitted for execution on Special Permit applications approved July 23, 1981:

- SP-81-4 Robert G., Doris E., & Donald R. Cooper - Tool & Die Shop
- SP-81-5 Klein-Kramer - 2 COP
- SP-81-7 Bruce C. & Lillian M. Hendry - Service Station
- SP-81-8 Bob Painter, Florida Mining & Materials - Concrete Batch Plant
- SP-81-13 Charles Steiner - 2 COP

Mr. Fletcher moved to authorize the Chairman to sign the documents. Motion was seconded by Mrs. Glass and carried unanimously.

TARA, D.R.I. #11 - DEVELOPMENT ORDER AMENDMENT - APPROVED

Request: Adoption of a Resolution amending the Development Order to permit siting and payment of a pro-rata share of the cost of the water tank when required by the Manatee County Utilities Department.

Mr. Frazier pointed out that the Board approved the Preliminary Plan for TARA, Phase One, on February 25, 1982; however, it was noted that it is not desirable to locate the required water tank in Phase One as prescribed in the Development Order.

Mr. McGavic moved to adopt the resolution. Motion was seconded by Mrs. Glass and carried unanimously.

RECORD RESOLUTION S31-1059

Z-82-8 GEORGE L. & CLYDE HALE - REZONE TO R-2 - APPROVED

Request: To change the present zoning from R-1A to R-2 on approximately .23 acre located at 4112 24th Street West. Planning Commission recommended APPROVAL.

MARCH 11, 1982

Cont'd

Public hearing was opened for the purpose of considering

ORDINANCE Z-82-8:

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; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-1A (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-2 (ONE AND TWO FAMILY RESIDENTIAL DISTRICT).

(Notice published in The Bradenton Herald, February 18, 1982.)

Alice Hale, appearing for George Hale, requested approval of Z-82-8.

There being no other public comments, the hearing was closed.

Mrs. Glass moved to adopt Manatee County Ordinance No. Z-82-8. Motion was seconded by Mr. Chance and carried unanimously.

RECORD ORDINANCE

Z-82-9 ALTON L. & GERALDINE M. WEST - C - APPROVED ^{Zoning}

Request: To change present zoning from A-1 to -C- on approximately 8.66 acres located at the SE corner of Roman Road and U.S. 41, North.

Planning Commission recommended APPROVAL.

Public hearing was opened for the purpose of considering

ORDINANCE Z-82-9:

AMENDING ORDINANCE NO. 81-4

PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 (SUBURBAN AGRICULTURE DISTRICT) TO -C- (NEIGHBORHOOD COMMERCIAL DISTRICT); PROVIDING AN EFFECTIVE DATE.

(Notice published in The Bradenton Herald February 11, 1982)

Tom McCollum, Zoller & Najjar Engineering, spoke in favor of Z-82-9.

There being no other public comment, public hearing was closed.

Mr. McGavic moved to adopt Manatee County Ordinance No. Z-82-9. Motion was seconded by Mr. Fletcher and carried unanimously.

RECORD ORDINANCE

SP-82-7 STEINER BEAUTY SHOP - APPROVED ^{Zoning}

Request: Special Permit to allow a one-chair beauty shop as a home occupation on approximately .30 acre zoned R-1A at 249 48th Street West.

Planning Commission recommended APPROVAL to Brian and Ulrike Steiner.

Mr. McGavic moved to approve Special Permit No. SP-82-7, subject to the conditions set forth by the Planning Commission. Motion was seconded by Mr. Chance and carried unanimously.

SP-82-9 CHURCH OF THE CROSS, INC. - EXPANSION - APPROVED

Request: Special Permit amendment to allow the expansion of church facilities on approximately 5 acres zoned R-2 located at 5051 26th Street West.

Planning Commission recommended APPROVAL.

Ron Larson, Larson Engineering, summarized the request.

Mr. Fletcher moved to approve Special Permit No. SP-82-9. Motion was seconded by Mrs. Glass and carried unanimously.

SP-82-11 CAROLE S. YOUNKMAN - DAY CARE CENTER - APPROVED

Request: Special Permit to allow a day care center for 20 children on approximately 2.7 acres zoned AF/WP/A-1 located at 3455 County Line Road.

Planning Commission recommended APPROVAL to Carole S. Younkman for a period of five years with an additional five years at the discretion of the Planning Director, subject to the following stipulations:

1. Additional interior floor area within the residence is provided as required by the Health Department.
2. The proposed shell circular drive and five off-street parking spaces, marked by wheel stops, shall be completed prior to licensing by the Health Department.
3. County Line Road shall be paved and open to through traffic up to the subject site prior to licensing by the Health Department.

Motion was made Mrs. Glass to approve Special Permit No. SP-82-11 subject to the conditions set forth by the Planning Commission. Motion was seconded by Mr. Fletcher and carried unanimously.

SP-82-12 PAT WEISBERG - GROUP CARE HOME - APPROVED

Request: Special Permit to allow a group care home for twenty residents (sixteen permanent residents classified as having a learning disability, two emergency residents, and two resident staff members) on approximately 5.3 acres zoned A-1 located at 9510 Ellenton-Gillette Road.

Planning Commission recommended APPROVAL subject to the following conditions:

1. The Special Permit be granted to Pat Weisberg for a period of five years plus an additional five years at the discretion of the Planning Director.
2. An additional full bath is required prior to licensing and operation by more than a total of fifteen persons.
3. A total of eight off-street parking spaces must be clearly identified by wheel stops prior to licensing.

Speaking in favor of SP-82-12 were Dixie Grubbs, Executive Director, Manatee Association for Retarded Citizens; Joe Schaerfl, Director of Rehabilitation at Happiness House; Doris Hardee, neighbor; Judy Ridges, Nurse at Happiness House; and Chris Cucci, neighbor.

Speaking in opposition to SP-82-12 was Betty Hudson.

Jesse Parrish, Ellenton, commented on the lack of a sewage system in the area.

Mr. Fletcher submitted correspondence from Martha T. Brown in favor of SP-82-12.

Mr. Chance reported that several residents in the area opposed the facility because of inadequate emergency services in that area.

Mr. McGavic moved to approve Special Permit No. SP-82-12, subject to the conditions set forth by the Planning Commission. Motion was seconded by Mr. Fletcher. Voting "Aye" were Commissioners McGavic, Fletcher, Glass and Vickers. Voting "No" was Commissioner Chance. Motion carried.

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

SP-82-10 BARNEY J. & JOAN D. MADDEN - 2-COP - DEFERRED

Request: Special Permit to allow the consumption of beer and wine on premises at a 40-seat restaurant on approximately .30 acre zoned C-1A located on the northwest corner of 45th Street East and S.R. 70.

Planning Commission recommended DENIAL.

Ed Mulock, Attorney representing the applicant, outlined the criteria for granting a special permit and submitted aerial photos of the site. He addressed the alleged juvenile problems associated with a Shop 'N Go convenience store located directly across the street.

MARCH 11, 1982

Cont'd

Barney Madden, applicant, was available to answer any questions.

Speaking in favor of the special permit was Bill Close, 3311 69th Street East.

Speaking in opposition were Louie Wyatt, 4303 53rd Avenue East, who submitted photographs of the site and a petition in opposition; Robert Flanders, 5308 44th Street East; Betty Camp, 5220 44th Street East; Mary Flanders, 5308 44th Street East; and Barbara Wyatt, 4303 53rd Avenue East.

Upon question, John Norre, Transportation Department, stated that Highway and Engineering had no objection to the special permit as it relates to traffic.

RECESS/RECONVENE

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

The Board reconvened at 1:34 p.m. with all members present.

After discussion, Mr. Fletcher moved to continue the public hearing on SP-82-10 to Tuesday, March 16, 1982, return the petition to staff with direction to prepare stipulations consistent with the discussion today and reflecting the concerns of the neighbors in this area, and return it to the Board next Tuesday with the thought in mind that it is the Board's intent to approve it with stipulations. Motion was seconded by Mrs. Glass for discussion. After discussion, motion and second were withdrawn.

The Chairman declared the public hearing continued (until Tuesday, March 16, 1982) and directed staff to prepare stipulations.

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

81-S-23 MIDWAY SUBDIVISION - P/PLAT - APPROVED

Request: Preliminary plat approval of a 10-lot subdivision on approximately 4.64 acres located on the southeast corner of 57th Avenue East and 5th Street East.

Planning Commission recommended APPROVAL with a waiver of recreational open space requirements.

Fred Heinzman, Heinzman Engineering, representing the developer, requested waiver of sidewalks on 57th Street.

Mrs. Glass moved to approve Preliminary Subdivision Plat No. 81-S-23, Midway Subdivision, subject to the waiver set forth by the Planning Commission. Motion was seconded by Mr. Fletcher and carried unanimously.

82-S-1 TROPICAL HARBOR, SECTION NO. 3 - P/PLAT - APPROVED

Request: Preliminary plat approval of a 44-lot subdivision on approximately 13.36 acres located south of U.S. 301 between 42nd Avenue East and 44th Avenue East.

Planning Commission recommended APPROVAL with a waiver of recreational open space requirements and subject to the installation of water service to Lots 32, 33 and 34 and additional drainage easements as required by the Department of Transportation.

Jesse Parrish, President of the Tropical Harbor Association, recommended approval with a waiver of sidewalk requirements.

Francis Burgess, Tropical Harbor, requested approval as recommended.

Mr. Chance moved to approve Preliminary Subdivision Plat No. 82-S-1, Tropical Harbor, Section No. 3, with the recommendations of the Planning Commission and additionally waive the sidewalks. Motion was seconded by Mr. McGavic and carried unanimously.

82-S-1 TROPICAL HARBOR - F/PLAT - APPROVED

Request: Final plat approval of a 44-lot subdivision on 13.36 acres located south of U.S. 301 between 42nd Avenue East and 44th Avenue East.

Planning Commission recommended APPROVAL.

Mr. Chance moved to approve Final Subdivision Plat No. 82-S-1, Tropical Harbor, Section No. 3. Motion was seconded by Mr. McGavic and carried unanimously.

80-T-3 TERRA SIESTA M/HOME PARK, PH I - F/PLAN APPROVED

Request: Final plan approval of a 94-lot expansion to existing mobile home park on 22.66 acres located north of U.S. 301, west of Erie Road.

Planning Commission recommended APPROVAL.

Motion was made by Mr. Chance to approve Final Mobile Home Park Plan No. 80-T-3. Motion was seconded by Mrs. Glass and carried unanimously.

RECESS/RECONVENE

The Chairman declared the meeting recessed in order to conduct scheduled interviews with candidates for Retained Counsel.

=====

The Board reconvened at 4:06 p.m. with all members present.

ANNEXATION - LEGISLATION

Mr. McGavic moved to adopt a

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY IN OPPOSITION TO THE PASSAGE OF HOUSE BILL 680, SENATE BILL 579 AND HOUSE BILL 645

relating to annexation of unincorporated areas by municipalities.

Motion was seconded by Mr. Fletcher and carried unanimously.

RECORD RESOLUTION S31-1060

LAND DEVELOPMENT CODE AMENDMENTS

Public hearing, continued from February 25, 1982, was opened for the purpose of considering proposed amendments to the Land Development Code.

Howard Adams, Senior Vice-President of Neal Communities, commented on the proposed fencing requirements for swimming pools.

The Chairman declared the public hearing continued until 9:00 a.m., Tuesday, March 16, 1982.

CLERK'S CONSENT CALENDAR

Upon motion by Mrs. Glass, seconded by Mr. Chance, the Clerk's Consent Calendar dated March 11, 1982, was unanimously approved as follows:

BILLS FOR PAYMENT:

Howard, Needles, Tammen & Bergendoff:	
Add. & Imprv. Phase II (dated 2/23/82)	11,600.04
Add. & Imprv. Phase II (dated 1/29/82)	3,579.79
Eng. Srv. re Land Acq. (Payment #2)	3,937.28
L. W. Blake Mem. Hosp. - Indigent Hosp.	3,247.68
Manatee Memorial Hosp.: OB Clinic	3,455.30
OB Clinic	4,333.64
Indigent Hosp.	10,688.54
St. of Fla. Dept. of Labor & Employment Security,	
Division of Employment & Training - Disallowed costs	12,813.00
Refund: Vickie Lassen - OB Clinic	50.00
Refund: Diana M. Prince - OB Clinic	25.00
Refund: Jas. P. Shafer - P&D	2,075.00
(Bldg permits invalid because of street vacation, etc;	
new permits issued to another contractor)	

MARCH 11, 1982

Cont'd

AUTHORIZE CHAIRMAN TO SIGN:

Parks & Recreation Special Interest Classes Instructor's Agreements:
Eleanor Collson

RECORD AGREEMENT S31-1061

COUNTY LINE ROAD/I-75 CONNECTOR

(1) Rescind Joint Resolution re Functional Classification and Restriction on Contractor (adopted 3/9/82).

(2) Approve, ratify and confirm the adoption of Joint Resolution re Functional Classification and Restriction on Contractor and Request to the State Department of Transportation to Accelerate the Completion of County Line Road I-75 Connector

RECORD RESOLUTIONS S31-1062
S31-1063

SALES TAX, ONE CENT LOCAL OPTION

Mr. McGavic moved to authorize Mr. Chance to convey to the appropriate persons in Tallahassee the Board of County Commissioners' desire to have the use of sales tax funds as revenue for local government. Motion was seconded by Mrs. Glass and carried unanimously. (Re: Proposed legislation for one-cent local option sales tax to legislative representatives 3/15/82).

RETAINED COUNSEL

Nominations for the position of Retained Counsel were as follows:

- (1) Lane, Trohn, Bertrand & Williams, P.A.
- (2) Carlton, Fields, Ward, Emmanuel, Smith & Cutler
- (3) Mann & Fay, Chartered
- (4) Gavin W. O'Brien

Mrs. Glass moved to negotiate with the top nominated candidate, Lane, Trohn, Bertrand & Williams. Motion was seconded by Mr. Fletcher and carried unanimously.

Mr. McGavic moved that the Chairman and staff be authorized to negotiate with the firm of Lane & Trohn and move to the firm of Carlton, Fields, if necessary. Motion was seconded by Mr. Fletcher and carried unanimously.

FORMER COUNTY COMMISSIONERS

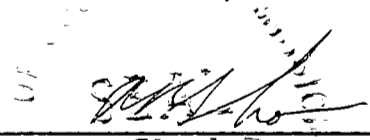
Motion was made by Mr. Chance that the Board invite all former Manatee County Commissioners to a dinner to be held in their honor. Motion was seconded by Mrs. Glass and carried unanimously.

MEETING ADJOURNED

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

Attest:

APPROVED:


Clerk


Chairman 8/17/82

Adj: 5:27 p.m.