

JULY 8, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, July 8, 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.

Absent: Commissioner Patricia M. Glass

Also present were:

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

Members of the various news media entered during the meeting.

Invocation by Commissioner Claude E. McGavic.

The meeting was called to order by Chairman Vickers.

PLANNING & DEVELOPMENT - FORMAT

Larry Frazier, Planning Director, submitted a revised format for staff presentations and recommendations, together with a sample of a Zoning Atlas Amendment, developed to provide better information to the Planning Commission, the Board and the public relative to applications, etc.

RUBONIA WATER HOOKUP ASSISTANCE

Mr Frazier reviewed his memorandum of July 1, 1982 in which he outlined a plan to utilize approximately \$25,000 surplus funds from the 1980 Community Development Block Grant for the Samoset sewer collection system to develop a participation program for connections to the water system in the Rubonia area. He recommended and requested Board concurrence to the approach and authority for staff to discuss the proposal with HUD (Department of Housing and Urban Development) and the residents of Rubonia.

Upon motion by Mr Fletcher, seconded by Mr McGavic, the Board unanimously approved the recommended action and directed staff to come back with the information.

ZONING

SP-82-30 C.T. ADAMS - 1-COP (BEER) - DENIED
(Deferred from 6/24/82)

Keith Roberts outlined the considerations the Board might choose in denial of SP-82-30 (application for special permit to allow sale and consumption of beer at a rodeo arena) listed in his memorandum of July 6, 1982:

1. This is a predominantly rural and agricultural area characterized by farming, ranching, and moderate-density residential activity.
2. A rodeo is an appropriate activity in this area under the County's current land use policies only because that kind of sporting event is compatible with and normally found in rural/agricultural setting such as this.
3. Sale of beer on the rodeo premises is not a necessary or inevitable part of the conduct of a rodeo.
4. Approval of this Special Permit would introduce on this site further substantial retail sales activity not compatible with the character of the neighborhood.

- 5. The permitting of on-site sales is likely to increase consumption of beer and may thereby aggravate the hazards associated with the large volumes of traffic that typically appear at the conclusion of sporting events.
- 6. This proposal is inconsistent with certain goals, objectives and policies of the Manatee Plan which indicate that only those non-residential land uses that are compatible with residential uses should be approved in residential areas, and that land use compatibility in general is to be promoted.

Motion was made by Mr Chance to deny SP-82-30 for reasons outlined in the memorandum of July 6, 1982 from the Assistant County Attorney. Motion was seconded by Mr McGavic. Voting "Aye" were Commissioners Chance, McGavic and Vickers. Commissioner Fletcher voted "Nay". Motion carried.

PROCLAMATION - "WE'RE PROUD OF MANATEE COUNTY EMPLOYEES WEEK"

Upon motion by Mr Fletcher, seconded by Mr Chance, resolution was unanimously adopted designating July 19 through July 23, 1982 as "We're Proud of Manatee County Employees Week."

RECORD RESOLUTION S32-223

STOCKADE (BUDGET AMENDMENT)

The County Administrator clarified that a Budget Amendment (Sheriff's Department 82-231-1/2 \$20,000) adopted July 6, 1982, provided \$13,000 for surveys and engineering work for the County Stockade and \$7,000 for lease payments on the property.

EMERGENCY MEDICAL SERVICES - AMBULANCE BID RESCINDED

Inasmuch as it had been determined that it was not necessary for Emergency Medical Services to obtain three new ambulances at this time, the County Administrator requested the Board rescind action of June 29, 1982 awarding the bid for purchase to Aero Products Incorporated.

Motion was made by Mr Chance to rescind the action of June 29, 1982 and reject all bids. Motion was seconded by Mr McGavic and carried unanimously.

ZONING

Larry Frazier submitted recommendations of the Planning Commission and staff.

The Chairman declared the Public Hearing open.

SP-82-21 ART SAMSON - USED CAR LOT - DEFERRED
(Deferred from 6/10/82)

Planning Commission recommended DENIAL due to specific site restraints and unacceptable requested waivers (design specifications, required paving and landscaping).

Mr Vickers, in whose district the property is located, stated this would be the best use for the site and that he had no problem with having a used car lot there if the petitioner would pave a certain portion of the lot.

Pat Cunning, representing the petitioner, stated that Mr Samson would be willing to pave the lot if it is necessary.

This item was deferred to July 22, 1982 and referred back to staff for review.

BALLENTINE MANOR SUBDIVISION - STREET VACATION 82-V-6

Upon motion by Mr Chance, seconded by Mr McGavic, a resolution was unanimously adopted scheduling a public hearing for August 12, 1982, to consider the following petition:

- 82-V-6 Request by Thomas J & Frances E Beimborn to vacate the east 250 feet of Hernando Avenue (formerly DeSota Avenue) within Ballentine Manor Subdivision, Bay Heights Section (Plat Book 5, page 24).

S32-224
RECORD RESOLUTION

*O.R. 1041 PG 3446
1/2/82
Smt approved, notified*

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Cont'd

ZONING (CONT'D)81-S-34 KID SUBDIVISION - F/PLAT - APPROVED

Request: Final subdivision plat approval.

Defect security in the amount of \$1,617.70 (on completed improvements) and an improvement bond in the amount of \$192.50 (balance of improvements) were posted in the form of cashiers checks (2).

Mr Fletcher moved to approve Final Subdivision Plat No. 81-S-34, Kid Subdivision, and approve and accept the defect security, the subdivision agreement and performance bond (Joseph E. Jones, as principal). Motion was seconded by Mr Chance and carried unanimously.

RECORD AGREEMENT S32-225SP-82-44 SAMUEL E. FUNDERBURK - MOBILE HOME - APPROVED

Request: To allow a mobile home as a residence on 5 acres, south of S.R. 64 and west of S.R. 675, approximately 1,000 feet South of Saddlehorn Estates.

Planning Commission recommended APPROVAL to Samuel E.

Funderburk for a period of five years plus five years at the discretion of the Planning Director.

(Notice published in the Bradenton Herald June 17, 1982.)

Motion was made by Mr Fletcher, and seconded by Mr Chance, to approve SP-82-44 subject to the conditions set forth by the Planning Commission. Motion carried unanimously.

SP-82-50 MICHAEL J. & SHARON L. NOVY - MOBILE HOME - APPROVED

Request: To allow a mobile home as a residence for a permanent period of time on 5.4 acres, one mile East of Bethany Road, Planning Commission recommended APPROVAL to Michael J. and Sharon L. Novy for a period of five years plus five years at the discretion of the Planning Director.

(notice published in the Bradenton Herald June 12, 1982.)

Mr Fletcher moved to approve SP-82-50 subject to the conditions set forth by the Planning Commission. Motion was seconded by Mr McGavic and carried unanimously.

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

SP-82-61 PALMA SOLA PRESBYTERIAN CHURCH - EXPANSION APPROVED

Request: To allow an expansion of existing church facilities on 3.6 acres at 6510 3rd Avenue West.

Planning Commission recommended APPROVAL.

(Note: The church has agreed with Westside Fire District to install a fire hydrant at corner of 2nd Ave. and 67th St. W.)

(Notice published in the Bradenton Herald June 18, 1982.)

Motion was made by Mr McGavic to approve SP-82-61 as recommended by the Planning Commission. Motion was seconded by Mr Chance and carried unanimously.

Z-82-29 MARGARET NELSON - REZONE TO R-2 - APPROVED

Request: To change zoning from R-1A to R-2 on approximately 5.8 acres located at the Southeast corner of 29th Ave and 24th St. W. Planning Commission recommended DENIAL.

(Notice published in the Bradenton Herald June 18, 1982.)

Public hearing was held for the purpose of considering

ORDINANCE Z-82-29:

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-1A TO R-2; PROVIDING AN EFFECTIVE DATE.

Richard Moran, representing the petitioner, stated that members of the Highway Department had indicated there would be no significant problems with the traffic in the area.

David Barter, 2211 29th Avenue West, spoke in opposition.

Motion was made by Mr McGavic to approve the requested zoning and adopt Ordinance Z-82-29 Motion was seconded by Mr Chance. Voting "Aye" were Commissioners Chance, McGavic, and Vickers. Commissioner Fletcher voted "Nay". Motion carried.

RECORD ORDINANCE zoning

Z-82-30 THOMAS & BARBARA KING - REZONE TO -C- APPROVED

Request: To change the present zoning from C-1 and R-1AB to -C- on approximately 5.8 acres, at 2608 43rd Avenue, West. Planning Commission recommended APPROVAL. (Notice published in the Bradenton Herald June 12, 1982.)

Public hearing was held for the purpose of considering

MANATEE COUNTY ORDINANCE Z-82-30:
AMENDING ORDINANCE NO. 81-4
PROVIDING FOR THE REZONING OF CERTAIN LAND FROM C-1 AND R-1AB TO -C-; PROVIDING AN EFFECTIVE DATE.

Mr McGavic moved to adopt Manatee County Ordinance No. Z-82-30. Motion was seconded by Mr Chance and carried unanimously.

RECORD ORDINANCE zoning

Z-82-31 THE LOGAN GROUP - REZONE TO PDR - APPROVED

Request: To change the present zoning from C-1 and R-1A to PDR on 11.44 acres located at the Marker 50 Marina. Planning Commission recommended APPROVAL subject to the following stipulations:

1. The developer shall install the necessary improvements as required by Manatee County Utilities to provide the site with sanitary sewer and fire protection.
2. Offstreet parking in conformance with the Land Development Code shall be provided for slips in the boat basin to accommodate traffic anticipated in excess of that generated by the units in this project.
3. The proposed boat basin shall not be a commercial marina after the issuance of the first building permit for a unit in the project. It shall be limited to a private recreation facility for condominium purchasers of Mariner's Cove Phases 1 and 2.
4. Necessary resurfacing and widening as required by the County Engineer shall be made to 129th Street, West and 127th Street, West to improve the road to handle increased traffic.
5. The developer shall contribute funds for the installation of a traffic control device at the intersection of 127th Street and Cortez Road. The timing, method, and amount of payment shall be determined by the County at the time of preliminary plan approval, on the basis of the relative traffic impacts of this project at that intersection. This stipulation is conditioned on the County obtaining the necessary permits.

Public hearing was held for the purpose of considering

MANATEE COUNTY ORDINANCE NO. Z-82-31:
AMENDING ORDINANCE NO. 81-4
PROVIDING FOR THE REZONING OF CERTAIN LAND FROM C-1 AND R-1A TO PDR; PROVIDING AN EFFECTIVE DATE.
(Notice published in the Bradenton Herald June 7, 1982.)

Upon question by Mr Fletcher as to whether the petitioner has any problems with the resurfacing and widening of 127th and 129th Streets West, Robert Borne, one of the developers, stated that it had been requested that the streets remain at a 20 foot width which was stipulated in a previous application.

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Mr Fletcher moved to approve Manatee County Ordinance No. Z-82-31 subject to the conditions set forth by the Planning Commission with the modification of stipulation four, that the width be 20 feet. Motion was seconded by Mr McGavic and carried unanimously.

RECORD ORDINANCE 7

The Assistant County Attorney stated for the record that the site plans and the other materials are available at the present time for the Board's inspection.

82-T-2 GREAT LAKES MOBILE HOME PARK - P/PLAN APPROVED

Request: Preliminary mobile home park plan approval on 121.64 acres South of I-275, East of U.S. 41.

Planning Commission recommended APPROVAL with the following stipulations:

1. That all proposals contained in materials submitted by the applicant be met or followed unless otherwise stated or except as necessarily modified here.
2. The landscape plan shall be submitted with the construction plan submittal.
3. Erie Road (73rd Street East) shall be paved to County standards, 24 feet wide, from the project entrance to U.S. 41 with Phase I.
4. A 5 foot wide sidewalk shall be constructed along Erie Road south of the southeast parcel, with Phase 5.
5. A 25 foot wide utility easement shall be required adjacent to Ellenton-Gillette and erie roads within the buffer. Instruments for such dedication shall be submitted prior to final plan approval.
6. A 50 foot wide buffer shall be provided between Lot 1, Block E and the north property line.

Mr Chance suggested that, in order to pave the entire section of Erie Road, and since the County has funds set aside to pave a portion, the Highway Department prepare the road and do the base-work between the overpass of I-75 and Ellenton-Gillette Road while the developer is paving his portion.

Mr McGavic said there was a question as to whether waiver of internal pedestrian ways should be identified in the stipulations if it were in the form of a waiver request.

Upon being advised by Mr Frazier that the Planning Commission did waive those in the discussion with the applicant at the time of the hearing, the Assistant County Attorney stated there should be a stipulation to that affect.

Dan Zoller, representing the applicant, stated that Dan and Don Miller (owners of the land) were in the audience, and requested the County do the base-work on Erie Road and they will provide an inch and a half asphalt surface.

Mr McGavic outlined the two amendments in the stipulations to be:

Stipulation 3 - The applicant shall provide the asphalt to meet County standards from the project entrance to U.S. 41 with Phase 1. The County will prepare the base.

Stipulation 7 - Internal pedestrian way requirements shall be waived. (New Stipulation)

Motion was made by Mr McGavic to approve the Preliminary Mobile Home Park Plan, 82-T-2, Great Lakes Mobile Home Park, subject to the conditions recommended by the Planning Commission with the two amendments just stipulated. Motion was seconded by Mr Chance and carried unanimously.

TAMPA HARBOR DEEPENING PROJECT (A-95 #97-82)

Mr Frazier reported to the Board that the Tampa Harbor Deepening Project has utilized the "interim" disposal area as a site for disposal of the dredge spoil. Information presented in the application is not consistent with previous knowledge concerning this project and that it states that there are going to be no modifications to the project.

He recommended denial of this project unless the following stipulations are met.

1. The Corps specifically address the preparation and completion of an Environmental Impact statement for the interim dump site. The present interim designated disposal area is not acceptable to Manatee County. The future disposal site should be acceptable to Manatee County. The current and proposed dumping at this site warrants such action.
2. In light of the inadequate information presented in the public notice, the notice shall be revised and reissued for additional review and comments.
3. A public hearing is hereby requested. All appropriate agencies and interested parties shall be notified of the hearing date, time and location.
4. Final project approval shall not be issued until the core borings, suspended sediment time curves and gradation curves are submitted and reviewed by appropriate parties for completeness and accuracy.
5. An elutriate and bulk chemical analysis shall be performed on all maintenance material. Prior to initiation of the dredging, a metals analysis shall be conducted. This analysis, at a minimum should include cadmium, lead and zinc. Any violations of DER water quality standards for these and other parameters deemed appropriate shall constitute a "stop work order" until such a time as the impacts can be addressed. Violation of water quality standards within the zone of discharge shall be permitted to include turbidity and suspended solids.
6. The specific date the activity is expected to be completed is not listed on the application form (Question #11). The permit has been requested for a 25 year period. Maintenance dredging is required once every three years. Additional dates are needed to determine exactly when the maintenance work is to be performed.

Mr McGavic suggested amending the second paragraph of the letter to read, "Manatee County recognizes the need for this project to prevent navigational hazards and provide harbor safety, provided the following conditions are met."

Motion was made by Mr Chance to approve the letter, as amended, authorize execution by the Chairman, and that it be brought back to the Board to be ratified and confirmed. Motion was seconded by Mr McGavic and carried unanimously.

CLERK'S CONSENT CALENDAR

Upon motion by Mr Fletcher, seconded by Mr Chance, the Clerk's Consent Calendar, dated July 8, 1982, was unanimously approved:

BILLS FOR PAYMENT:

| | |
|--|--------------|
| Sun Contracting - Palmetto Pk. Facil. (Payment #2) | \$ 23,260.00 |
| Ardaman & Assoc. - PSC Inspections (5/28-29/82) | 2,615.95 |
| Hobbs Const. - PSC (Payment #11) | 1,004,132.70 |
| Arnold & Co. - Final Bill; Audit FYE 9/30/81 | 6,800.00 |
| Manatee Memorial Hospital - Equipment (6/24/82) | 357,324.70 |
| Attorney's Fees: | |
| <u>Utilities:</u> | |
| Balance before payment: | \$49,269.38 |
| Balance after payment: | \$44,643.75 |
| Peeples, Earl, Moore & Blank - Mining Ord. (5/26/82) | 4,625.63 |
| Refund: Bill Hendrixson (P&D) | 175.00 |
| Refund: Dietchs Dev., Inc. - MCUD; Sewer Conn. Fee | 400.00 |
| Refund: Mang & Co. - P&D | 306.00 |

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MINUTES FOR APPROVAL:

Regular Meeting: December 15, 17 & 22, 1981

Public Hearing: December 21, 1981

AUTHORIZE CHAIRMAN TO SIGN:Instructors' Agreements (Parks & Recreation):

| | | | |
|---------|------------------------------------|------------------------|---------|
| S32-226 | Cobb, Margie | Corbett, Stan | S32-227 |
| S32-228 | Fotch, Jr., Charlton H. | Gaumond, J. Stephen | S32-229 |
| S32-230 | Godwin, Randy | Hamby, Heidi Howard | S32-231 |
| S32-232 | Harrison, Agnes (Nancy) | Hinni, Katie | S32-233 |
| S32-234 | Jackson, Carole | Jackson, Jeanne | S32-235 |
| S32-236 | Kafka, Tomara | Kirke Dance Centre | S32-237 |
| S32-238 | Langley, Rick | Lenzen, Jane E. | S32-239 |
| S32-240 | Libraty, Gabriel | Masiello, Donna | S32-241 |
| S32-242 | Messick, Tom | Nicholas, Edward | S32-243 |
| S32-244 | Parrott, Jeannette | Patterson, Shirley | S32-245 |
| S32-246 | Remaley, Sally | Robby's Sporting Goods | S32-247 |
| S32-248 | Sanford, Selma, Ph.D. | Special Riders, Inc. | S32-249 |
| S32-250 | Taxdal, Connie | Tommasi, Margaret A. | S32-251 |
| S32-252 | Van Delft, Arthur | Watkins, Charley | S32-253 |
| S32-254 | Windsurfing Florida/Suncoast, Inc. | | |
| S32-255 | Windsurfing Suncoast, Inc. | | |

RECORD AGREEMENTS

S32-226 to S32-255

MANATEE MEMORIAL HOSPITAL: BOARD OF TRUSTEES

Mr Fernandez referred to questions concerning limitations on the Board of Trustees of Manatee Memorial Hospital (procedure in selecting long range planning consultant/leasing of hospital to a non-profit organization), and pointed out that a review indicates there is no limit other than the million-dollar limit with respect to bonding. There is, however, Legislation that provides that the Board of County Commissioners may adopt measures to control in a more specific way any activities of the Board of Trustees. He stated Mr Pratt had confirmed that the Trustees intend to keep this Board apprised of their activities.

Following discussion, Mr Vickers asked Mr Fernandez to invite the Trustees to come before the Board to clarify action taken in a previous meeting in regard to leasing the hospital to a non-profit corporation, etc.

MEETING ADJOURNED

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

Attest:



Clerk

APPROVED:



Chairman 12/7/82

Adj: 11:45 a.m.