

AUGUST 12, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, August 12, 1982 at 9:08 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
David Rothfuss, representing
Robert F. Fernandez, County Administrator
Richard H. Ashley, Chief Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Representing the various news media were Mark Todd, Sarasota Herald-Tribune, and others who entered during the meeting.

Invocation by Commissioner Claude E. McGavic.

The meeting was called to order by Chairman Vickers.

ROADS: NON-COUNTY MAINTAINED (GARY AVENUE & 33RD STREET EAST, ELLENTON)

Motion was made by Mr Chance, and seconded by Mrs Glass, to authorize grading work and shell on Gary Avenue and 33rd Street East, Ellenton, on a one-time basis. Motion carried unanimously.

ORDINANCE 82-18 - CODE ENFORCEMENT BOARD

Motion was made by Mrs Glass, and seconded by Mr Fletcher, to authorize public hearing advertised for the purpose of considering Ordinance 82-18, Code Enforcement Board. Motion carried unanimously.

ORDINANCE 82-12 - CORTEZ DENSITY

Public hearing was held for the purpose of considering Cortez Density Ordinance No. 82-12. (Notice published in the Bradenton Herald, July 2, 1982.)

In addition to correspondence submitted listing those people in favor of and in objection to the Ordinance, Larry Frazier, Planning Director, stated that Mr and Mrs Harry Kline were in favor of the Ordinance.

Keith Roberts, Assistant County Attorney, reviewed the proposed ordinance and advised that it provides for (1) certain restrictions on development in the Cortez Peninsula area and (2) a process by which the Board may, by resolution, adopt further restrictions.

The following offered comments on the Ordinance:

James Wallace - opposed;
John Ibasfalean - opposed. He considered it unfair to be restricted from having 5.1 units to per acre when he has had an application in for a year and has been cooperating with the County to resolve traffic problems.
John Benson, Engineer for Mr Ibasfalean - opposed.
Bob Born - Re: traffic problem

Following discussion, Mr Roberts suggested the Board could consider three alternatives which could solve the Ibasfalean problem:

1. Change the density limit to over 5. (He strongly recommended against this because of no data to support it).
2. Change the Ordinance to provide for continuation of prior applications even though no approval had been given. (He cautioned the Board from a legal standpoint against this because it would appear to be an accomodation for a single property owner).

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3. Mr Ibasfalen change his site plan to come within the 4.5 density limit.

Public hearing was continued to 9:00 a.m., August 17, 1982.

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

CORTEZ PENINSULA THOROUGHFARE - MANATEE PLAN/AMENDMENT

Upon motion by Mrs Glass, seconded by Mr Fletcher, the Board unanimously adopted a

RESOLUTION INITIATING AN AMENDMENT TO THE MANATEE PLAN

for proposed amendments to the Traffic Circulation Element to include Minor Collectors and certain improved intersections.

RECORD RESOLUTION

(Enter Mr. Chance)

S32-327

HOUSEMOVING

(Exit Chaiman Vickers; Vice-Chairman Chance presiding)

Motion was made by Mr Fletcher to approve housemoving application HM-82-17 to allow

ERNESTINE COLLIER To move a commercial building for use as a single family house FROM 711 57th Avenue West, Bradenton, TO 212 22nd Street East, Palmetto

with the condition that one electric meter be removed prior to the issuance of a Certificate of Occupancy. Motion was seconded by Mrs Glass and carried unanimously.

The Planning Director recommended approval of housemoving applications HM-82-18 and HM-82-19 with the conditions that a minimum of eighty square feet of living area be added to each house prior to the issuance of Certificates of Occupancy.

Motion was made by Mrs Glass to approve housemoving applications HM-82-18 to allow

ROBERT WALTON to move a single family residence FROM 33rd Street East and 63rd Avenue East TO Northwest corner of 65th Avenue East and Prospect Road East

and HM-82-19 to allow

ROBERT WALTON to move a single family residence FROM 33rd Street and 63rd Avenue East TO 150 feet North of the Northwest corner of 65th Avenue East and Prospect Road East.

Motion was seconded by Mr Fletcher and carried unanimously.

BALLENTINE MANOR SUBDIVISION - STREET VACATION (BEIMBORN)

The Planning Director recommended that the public hearing scheduled on application

82-V-6, Thomas J. and Frances E. Beimborn to vacate a portion of Hernando Avenue, Ballentine Manor Subdividion, Bay Heights Section

be continued to August 26, 1982, to enable staff to review easement documents for the Utilities Department.

Motion was made by Mrs Glass to defer Street Vacation 82-V-6 to August 26, 1982. Motion was seconded by Mr McGavic and carried unanimously.

ZONING

Public hearings were held to consider Planning Commission recommendations:

SP-82-45 TELEPROMPTER TELECOMMUNICATIONS CENTER - APPROVED

Request: A switching station as a light utility use on 1 acre located at the Southeast corner of 9th Street E. and 63rd Avenue E. (Notice published in The Bradenton Herald, 7/24/82) Planning Commission recommended APPROVAL subject to the following condition:

Screening to comply with the LAND DEVELOPMENT CODE shall be required along the north, east and west of the proposed structure.

Motion was made by Mrs Glass to approve Special Permit No. SP-82-45 subject to the condition of the Planning Commission. Motion was seconded by Mr McGavic and carried unanimously.

SP-82-56 GROUP W CABLE, INC. - SWITCHING STATION - APPROVED

Request: A switching station as a light utility use on 14 acres located at the American Legion on 75th Street West zoned R-1B. (Notice published 7/24/82, The Bradenton Herald) Planning Commission recommended APPROVAL.

(Enter Mr Vickers)

The letter of July 30, 1982 from the County Attorney to Group W was read into the record Re: Cable Television Franchise, noting that ownership in Teleprompter has passed to Group W, and pointing out that unless transfer of CATV system is transferred to a parent company or a wholly-owned subsidiary, such transfer must be approved by the Board of County Commissioners.

Tom Levitt, R. E. Nelson, Engineers, and Dave Hall, for Group W Cable, were present to answer any questions.

Motion was made by Mr Fletcher to approve Special Permit^s No. SP-82-56. Motion was seconded by Mrs Glass and carried unanimously.

Motion was made by Mr McGavic, and seconded by Mrs Glass, to accept Staff and Planning Commission reports and approve Special Permit Nos. SP-82-72, SP-82-51, SP-82-55, SP-82-69, and SP-82-52 as recommended by the Planning Commission. Motion carried unanimously.

SP-82-72 JAMES & MARY NANNEY - PLANT NURSERY - APPROVED

Request: Expansion of existing plant nursery on 17.28 acres located at 401 Terra Ceia Road. (Notice published 7/22/82, The Bradenton Herald).

Planning Commission recommended APPROVAL.

SP-82-51 PATRICK & CAROL MCCOY - MOBILE HOME - APPROVED

Request: A mobile home as a residence on 5 acres at Water Line Service Road; 2 + miles east of Rye Road. (Notice published 7/14/82, The Bradenton Herald).

Planning Commission recommended APPROVAL for two years.

SP-82-55 HERMAN B MAYER - BEER & WINE - APPROVED

Request: Consumption of beer and wine at existing 100-seat delicatessen restaurant at 5603 Manatee Avenue West. (Notice published 7/16/82, The Bradenton Herald).

Planning Commission recommended APPROVAL to Herman B Mayer of Zooky's Deli.

SP-82-69 LAWRENCE J MCCORMICK - BEER & WINE - APPROVED

Request: Consumption of beer and wine (2-COP) at existing 72-seat restaurant and lounge (Kork & Kettle Restaurant) at 3606 155th Street East (Notice published 7/23/82, The Bradenton Herald).

Planning Commission recommended APPROVAL with the following conditions:

1. The restaurant shall be limited to seventy-two (72) seats, unless additional required improvements, including those by the Health Department, are installed.
2. The parking area shall be expanded to accommodate thirty-six spaces. The expansion shall consist of compacted shell with landscaping as required by the Land Development Code.

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SP-82-52 ESPOSITO & BASLER - AUTO BODY SHOP - APPROVED

Request: Auto body painting and incidental repair on .50 acre located at the southeast corner of 1st St. W. and 30th Ave. W. (Notice published 7/13/82, The Bradenton Herald)

Planning Commission recommended APPROVAL subject to the following conditions:

1. A plan to control paint toxins shall be submitted to and approved by Manatee County Pollution Control Department prior to the issuance of a Certificate of Occupancy.
2. A fire hydrant to the specifications of the Manatee County Utilities Department and Samoset Fire District shall be installed prior to the issuance of a Certificate of Occupancy.
3. The north side of the property, adjacent to 30th Avenue West, shall not be utilized as offstreet parking. A landscaping plan which meets the requirements of the Land Development Code shall be submitted and approved with the final site plan.
4. A final site plan is required.
5. Auto body repair shall be limited to that which is customarily found in association with use of the site for automobile painting.

SP-82-53 UNIV. OF SARASOTA MANATEE COUNTY CAMPUS - APPROVED

Request: University as a school of general education on 20 + acres located at the Northeast corner of Whitfield Extension and Lockwood Ridge Road (Notice published 7/24/82, The Bradenton Herald).

Planning Commission recommended APPROVAL subject to the following conditions:

1. Prior to the issuance of a Certificate of Occupancy for any portion of Phase I, the developer shall construct Whitfield Avenue to County standards from its present terminus to Lockwood Ridge Road.
2. Lockwood Ridge Road shall be constructed to County standards the length of the property's west property line. The timing shall be applied to a phasing plan and approved in conjunction with final site plan.
3. The developer shall install improvements as required by Manatee County Utilities Department to provide the site with water and sewer service.
4. A monitoring program for Rattlesnake Slough shall be submitted to and approved by Manatee County Pollution Control in conjunction with final site plan approval.

Motion was made by Mr Chance to approve Special Permit No. SP-82-53 subject to the conditions set forth by the Planning Commission.

Motion was seconded by Mrs Glass and carried unanimously.

EROSION CONTROL PROGRAM/FUNDS

Motion was made by Mr Fletcher to defer action on the Erosion Control Program until after lunch. Motion was seconded by Mrs Glass. Voting "Aye" were Mr Fletcher, Mrs Glass and Mr McGavic. Voting "Nay" were Mr Chance and Mr Vickers. Motion carried.

EMINENT DOMAIN PROCEEDINGS: 33RD STREET E/53RD AVENUE E (SR 70)

Motion was made by Mrs Glass to adopt

A RESOLUTION OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING A PUBLIC STREET, ROAD OR HIGHWAY THEREON AS PART OF THE PUBLIC STREET, ROAD SYSTEM IN MANATEE COUNTY, FLORIDA; 33RD STREET EAST NEAR ITS INTERSECTION WITH 53RD AVENUE EAST (SR 70); PROVIDING AN EFFECTIVE DATE.

Motion was seconded by Mr Chance and carried unanimously.

RECORD RESOLUTION

Motion was made by Mrs Glass to adopt

A RESOLUTION AUTHORIZING USE OF "QUICK-TAKING" CONDEMNATION PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING A PUBLIC STREET, ROAD OR HIGHWAY THEREON AS PART OF THE PUBLIC STREET, ROAD SYSTEM IN MANATEE COUNTY, FLORIDA; 33RD STREET EAST NEAR ITS INTERSECTION WITH 53RD AVENUE EAST (SR 70); PROVIDING AN EFFECTIVE DATE.

Motion was seconded by Mr McGavic and carried unanimously.

RECORD RESOLUTION

S32-329

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

CITY OF BRADENTON BOND VALIDATION/APPEAL

Walter Breen of Mudge, Rose, Bond Counsel, New York, advised that he has reviewed documents in connection with the City of Bradenton's recent bond issue in the amount of \$200,000,000, and water contracts between the City and the County. He summarized determinations and conclusions as follows:

- = The City has the authority to improve its own system and the right, under that contract, to operate in certain other areas.
- = The City, for twenty years, would receive water from the County and would pay a minimum amount of revenues each month to the County for the minimum amount of water received.
- = The City has authorized bonds for the purpose of improving its system, and if the system that's going to be improved is within the designated areas set forth in the contract between the City and the County, there is really nothing that the County can do about it.
- = Certain areas may, at some future time, be serviced by the City in contradiction to the terms of the contract. There may be some problems with this because these certain areas are areas that the County is to service.

Bond Counsel is willing to talk with the City Counsel regarding an existing resolution for servicing areas designated as County areas under the contract, by adding a paragraph, if City is agreeable, to say that the construction that they intend to do will be in those areas reflected in the contract and it will not service any other areas that are presumably sole County service areas until the contract is no longer in effect.

He recommended that, if the amendment to the resolution is not in effect by the time the appeal period has expired, the Board still file the appeal; then, if and when the amendment is adopted, the appeal would be vacated.

William Lische, Attorney for the City of Bradenton, commented on the water service agreement between City and County, now in litigation because of rate increase, and on the fact that Manatee County had intervened in the bond validation suit.

RECESS/RECONVENE

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

The Board reconvened at 1:35 p.m. with all members present except Mrs Glass.

EROSION CONTROL PROGRAM/FUNDS

Upon motion by Mr Fletcher, seconded by Mr Chance, the Board unanimously approved application for funds for the County to provide sand from the Bayside of the public beach and

A RESOLUTION REQUESTING ALLOCATION OF FUNDS BY THE STATE OF FLORIDA DEPARTMENT OF NATURAL RESOURCES TO THE MANATEE COUNTY PARK AND RECREATION DEPARTMENT FOR CONSTRUCTION OF EROSION PROTECTION AT COQUINA BEACH, MANATEE COUNTY FLORIDA

(ref: Memo from Mr Pascuzzi, dated August 10, 1982).

RECORD RESOLUTION

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CITY OF BRADENTON - BOND VALIDATION/APPEAL (Cont'd)

Ralph Altigliere advised that the Bond Counsels have established a basis for an agreement between the County and the City, if approved by all parties involved, which satisfies the County's needs as far as protecting its obligations to the bondholders and allows the City flexibility in providing utility services and in the issuance of its bonds.


The language of the amendment was discussed and generally agreed upon and will be prepared by bond counsels of the City and County and approved by the respective attorneys.

Motion was made by Mr Fletcher, and seconded by Mr Chance, that the Board agrees that if the City of Bradenton adopts the resolution, prepared and approved by City and County Bond Counsels and Attorneys before the appeal period has expired, the Board of County Commissioners does not intend to seek an appeal. Motion carried unanimously.

MEETING ADJOURNED

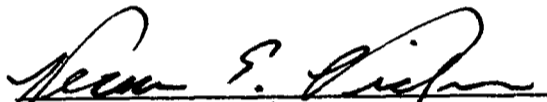
There being no further business, the meeting was declared adjourned.

Attest:



Clerk

APPROVED:



Chairman 12/7/82

Adj: 1:55 p.m.