

SEPTEMBER 9, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, September 9, 1982 at 9:15 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, 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; Betty Kohlman, St. Petersburg Times, and others who entered during the meeting.

Invocation by Rev. Edward Boase, First United Methodist Church.

The meeting was called to order by Chairman Vickers.

RECESS/RECONVENE

The Chairman declared the meeting recessed in order to hold a Special Port Authority meeting.

The Board reconvened at 9:31 a.m. with all members present.

CABLE TELEVISION COMPLAINTS

After discussing complaints from the public concerning problems with franchised cable television companies, the County Administrator was authorized to bring these complaints to the attention of the franchisees. It was suggested that a work session be scheduled.

BUDGET HEARING - INTERPRETER FOR THE DEAF

Motion was made by Mrs Glass that the County (through the Human Services Department) obtain the services of a certified interpreter for the deaf for the budget hearing on September 13, 1982. Motion was seconded by Mr Fletcher. Voting "Aye" were Mr Chance, Mr Fletcher, Mrs Glass and Mr Vickers. Voting "Nay" was Mr McGavic. Motion carried.

MEDICAL EXAMINER - PATHOLOGY PROGRAM

The County Administrator was authorized to assimilate information for a forensic pathology program for next year and schedule a work session to brief the Board on the status.

ZONING - SP-82-70

The Planning Director reported that special permit SP-82-70, Herman Brameister, was not properly advertised and would be on the Agenda of October 14, 1982.

JOHN WESLEY PARK SUBDIVISION - PUBLIC HEARING (STREET VACATION/82-V-5)

Upon motion by Mr Fletcher, seconded by Mrs Glass, a resolution was unanimously adopted declaring a public hearing on October 14, 1982 on

82-V-5, application by Reorganized Church of Jesus Christ of Latter Day Saints to vacate a portion of a street (16th St. Ct. E.) in John Wesley Park Subdivision (Plat Book 5, Page 57).

RECORD RESOLUTION

S32-380

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BALLENTINE MANOR SUBDIVISION - STREET VACATION (82-V-6)

Public hearing (notice published in the Bradenton Herald, July 21 & 28, 1982) was held for the purpose of considering

82-V-6, application by Thomas J & Frances E Beimborn for vacation of a portion of Hernando Avenue (formerly DeSota Avenue) in Ballentine Manor Subdivision, Bay Heights Section. (Plat Book 5, Page 24).

David Montgomery, representing applicants, was available to answer any questions.

The Planning Director advised that utility easements need to be accepted.

Mrs Glass moved to accept the utility easements and approve 82-V-6. Motion was seconded by Mr Fletcher and carried unanimously. (NOTE: Fully executed documents will be submitted for formal acceptance in a future meeting).

RECORD RESOLUTION

S32-381

Z-81-45 JAMES E. FOSTER - EXTENSION OF P/D PLAN APPROVED

Request: One year extension of time to receive Preliminary Development Plan approval for project on 10.2 + acres at the northwest corner of 21st Avenue N.W. and 88th Street Court N.W. (Conceptual site plan River Harbor West approved 10/12/81). Planning Commission recommended APPROVAL subject to all regulations in effect at preliminary plan approval.

Motion was made by Mr Fletcher, and seconded by Mrs Glass, to approve a one-year time extension for Z-81-45, subject to all regulations in effect at preliminary plan approval. Motion carried unanimously.

RECORD *Zoning*81-S-28 LOVESKY PARK SUBDIVISION - EXTENSION APPROVED

Request: One year extension of time to submit engineering construction plans for project on 4.6 acres northwest of 67th Avenue Terrace West and 8th Street Court West. Planning Commission recommended APPROVAL subject to all current regulations in effect at the time construction drawings are submitted.

Mrs Glass moved to approve a one-year extension for 81-S-28, subject to all current regulations in effect at the time construction drawings are submitted. Motion was seconded by Mr McGavic and carried unanimously.

Public hearings were held for the purpose of considering:

SP-82-65 SAINATO, PALLERINO, ZONA & REED - APPROVED

Request: A Day Care Center for a maximum of forty-five children on .49 + acre at 1503 57th Avenue, West. (Notice published in The Bradenton Herald 8/6/82) Planning Commission recommended APPROVAL subject to the following conditions:

1. A buffer strip to the design requirements of the Land Development Code be installed along the north property line prior to the issuance of a Certificate of Occupancy.
2. An alarm buzzer system be installed to alert staff when people enter or exit the structure.

SP-82-64 FIRST BAPTIST CHURCH OF ONECO - EXPANSION APPROVED

Request: Expansion of existing church facilities on 1.8 acres located at 1700 51st Avenue, East. (Notice published in The Bradenton Herald 8/16/82) Planning Commission recommended APPROVAL.

SP-82-68 OUR LADY QUEEN OF MARTYRS CHURCH - EXPANSION APPROVED

Request: Expansion of existing church facilities on 14.7 acres located at northwest corner of Magellan Drive and 9th Street E. (Notice published in The Bradenton Herald 8/6/82)
 Planning Commission recommended APPROVAL subject to waiver of the 35 foot height limitation.

Motion was made by Mr Chance to approve special permits SP-82-65, SP-82-64 and SP-82-68 subject to the conditions as outlined by the Planning Commission. Motion was seconded by Mrs Glass.

In order to allow public comments on SP-82-65, motion was withdrawn.

Mrs Glass moved to approve SP-82-64 and SP-82-68 with conditions as prescribed by the Planning Commission. Motion was seconded by Mr Chance and carried unanimously.

SE-81-1 AMENDMENT/SCHROEDER-MANATEE, INC - APPROVED

Request: A Sand Washing and Classifying Plant in conjunction with an approved borrow pit operation on 200 acres east of I-75 and north of County Line Road.

(Notice published in The Bradenton Herald 8/20/82)

Planning Commission recommended APPROVAL subject to the following following conditions.

1. A complete set of engineering plans to include the process, the water circulation system and the stockpiles shall be submitted to and approved by the Manatee County Pollution Control prior to the issuance of a building permit.
2. All County roads affected by the haul route shall be inspected jointly by the engineer of record and the County Engineer to document existing conditons prior to the issuance of a building permit.
3. The applicant shall provide the Department of Transportation with an approved maintenance agreement and performance bond covering all County roads affected by the haul route prior to the issuance of a building permit.

Keith Roberts pointed out the Board needs to make a determination of the best possible technology under the ordinance.

Robert Lombardo and Mr Frazier expressed their opinion that in case of severe weather the County would be protected by the technology used in the designing.

Mrs Glass moved to approve Special Permit No. SE-81-1 Amendment, subject to the conditions set forth by the Planning Commission. Motion was seconded by Mr Chance and carried unanimously.

Mr Roberts clarified that the motion was based on the fact that the best possible technology standard had been met.

SP-82-65 SAINATO, PALLERINO, ZONA & REED - APPROVED
 (Day Care Center)

Larry Stabb, attorney representing Mr & Mrs Ed Hartman, owners of the trailer park adjacent to the day care center property, asked that the Board consider a requirement of a six foot wooden fence on the back property line.

Debra Schullion, in responding to the request, stated she feels the six-foot wooden fence is not necessary because there is an existing four-foot chain link fence. She submitted photographs and sketches of the property.

Ed Hartman asked that the wooden fence be installed as a noise buffer.

Motion was made by Mr Fletcher to approve SP-82-65 subject to the conditions set forth by the Planning Commission. Motion was seconded by Mrs Glass. Voting "Aye" were Commissioners McGavic, Fletcher, Glass and Vickers. Commissioner Chance voted "Nay". Motion carried.

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82-S-8 SPRAGUE'S REPLAT - PRELIMINARY S/D PLAT - APPROVED

Request: Preliminary subdivision plat approval.
 Planning Commission recommended DENIAL.

Mr Frazier stated that the Sprague's feel they should be allowed to split their lots as they intended to in 1980, when flag lots were not specifically restricted as they are now by Ordinance 81-4. They paid a local surveyor to record these lots and due to no fault of the Sprague's, or the County, the surveyor failed to draw up and record the deed. Staff does not object to this request provided all waivers requested by the applicant are granted.

Motion was made by Mrs Glass, and seconded by Mr Fletcher, to approve Preliminary Subdivision Plat, 82-S-8, based upon recommendations of the Planning staff. Motion carried unanimously.

PLANNING DEPARTMENT - ENFORCEMENT DIVISION

No action was taken on suggestion that personnel in the enforcement division of the Planning Department be provided with uniforms.

RECESS/RECONVENE

The Chairman declared the meeting recessed.

The Board reconvened at 1:40 p.m. for the purpose of continuing the public hearing from the meeting recessed September 8, 1982. All members were present.

CITY OF BRADENTON - WARD LAKE EXPANSION

O. E. Randle, Pollution Control Director, stated that the data and information for the Ward Lake project is not available to enable the process as a potable water supply reservoir and the proposal does not meet requirements for a potable water supply reservoir. He expressed concern that if an earthmoving permit is not required to meet all the stipulations of the mining ordinance, the protection for Lake Manatee will be lost.

Mr Roberts advised the Board to follow staff's recommendation to approve the special permit and the earthmoving site plan with stipulations, as modified in the two cases requested by the City, and to defer action on the operating permit to a certain date.

Motion was made by Mr Chance to approve SP-82-80, a special permit to permit major earthmoving in the Bradenton Reservoir project area; to approve the final earthmoving site plan submitted by the city for the project; and to approve the operating permit for the project; all permits being subject to stipulations as attached (in document presented to the Clerk). Motion was seconded by Mrs Glass.

Mr Chance explained that the document modified stipulations 1, 2, 4, 7, 9, 10, 15, 16, 17, 23, 24, 25 & 33 from "approval of the operating permit" to commencement of earthmoving activity; stipulations 3, 18, 19 & 21 from "approval of the operating permit" to commencement of dredging activity; stipulation 31 from "widened to twenty-four (24) feet and resurfaced" to maintained during construction and resurfaced after construction and adding Subject to the County obtaining the necessary right-of-way before "Natalie Way Extended;" stipulation 34 from "approval of the operating permit" to initiation of reclamation and stipulation 35 from "be modified so that" to provide and from "15 percent" to 12 percent.

Mrs Glass withdrew her second and motion died.

Motion was made by Mr Fletcher to approve the application of the City of Bradenton for a special permit to conduct earthmoving activities (SP-82-80, Part) and the earthmoving site plan for the expansion of the Ward Lake Reservoir (SP-82-80, Part) subject to the conditions set forth in the Planning and Development Department Report, SP-82-80, and modifying stipulations 31 and 35 as requested by the City of Bradenton. Motion was seconded by Mrs Glass and carried unanimously.

Motion was made by Mr McGavic to continue the public hearing on the City of Bradenton application for an operating permit (SP-82-80, Part) until such time as the stipulations set forth as conditions of approval of the earthmoving site plan have been met, and that this public hearing be continued to the next regular meeting (and then to each Tuesday regular meeting until stipulations are met). Motion was seconded by Mr Fletcher and carried unanimously.

It was generally agreed that Mr Roberts draft a letter to explain the Board took these actions because of the existing ordinances and because once the conditions have been met the applicant is entitled by law to the operating permit. The conditions include the recommended findings in the staff report:

- (1) that the proposed expansion of the Ward Lake Reservoir conforms to the general public interest;
- (2) that the stipulations recommended by the Planning staff would serve to protect the intent and requirements of the code as well as the general health, safety and welfare of the public;
- (3) that the interest of the general public would not be served and no public benefit would be derived by unnecessarily delaying the City of Bradenton in processing its application, provided adequate safeguards to the public health, safety and welfare are assured; and citing the essence of the operating permit.

Mr Roberts said he would draft the letter for Board approval.

RECESS/RECONVENE

This concluded the business continued from September 8, 1982, and the Chairman declared the meeting adjourned (3:15 p.m.).

The Board reconvened at 4:03 p.m. with all members present.

ESTECH - APPLICATION TO SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Keith Roberts reviewed a letter from Roger W. Simms of Holland & Knight

Re: Estech application to Southwest Florida Water Management District (SWFMD) for a permit for management and storage of surface water (application No. 100117)

which states that Estech will agree to withdraw its cross-appeal from the consolidated DER cases and undergo review for groundwater quality impacts under the terms of the DER final order, in exchange for Manatee County withdrawing all opposition to the application and further agreeing not to support the opposition of any objectors.

He recommended the County withdraw opposition to the SWFWMD proceeding and authorize Counsel to prepare appropriate documents to accomplish that.

Mr McGavic moved to accept the recommendation of Counsel and the letter from Mr Roger W. Sims of Holland & Knight dated September 3, 1982. Motion was seconded by Mr Fletcher and carried unanimously.

CLERK'S CONSENT CALENDAR

Upon motion by Mrs Glass, seconded by Mr Fletcher, the Clerk's Consent Calendar dated September 9, 1982 was unanimously approved as follows:

BILLS FOR PAYMENT:

Attorney's Fees:

General Fund

Balance before payments: \$37,086.62

Balance after payments: \$36,509.06

Hogg, Allen - 6/28/82- 8/5/82	577.56
Woodruff & Sons - Lift Stat. G. T. Bray Center	11,959.00
Hobbs Construction - PSC (Payment #13)	996,364.80
Sun Contracting - Renov. Health Dept. (Payment #2)	22,981.00
Manatee Mem. Hosp. - Equipment; St. dated 9/1/82	147,101.46
Manatee Mem. Hosp.: Indigent (Police Hold)	461.92
OB Clinic	4,971.49
OB Clinic	2,719.59

(Exit Mrs Glass)

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PUBLIC SAFETY COMPLEX - FOURTH FLOOR RENOVATIONS

Gary Knuckles, Director of Materials & Services, reported that an estimate of \$205,000 had been received for renovations of the fourth floor of the Public Safety Complex to accommodate the Data Center and the 911 System. He recommended the Board approve the change and authorize the Chairman to sign a letter of intent authorizing Hobbs Construction and Development, Inc. to proceed with the work, and that the necessary change order be executed upon receipt from the project architect. (Change order to be brought back for approval)

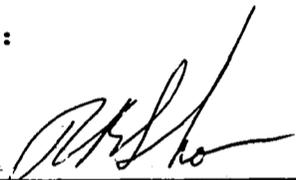
Mr Fletcher moved to authorize the Chairman to sign the letter under the date of September 9, 1982 to Hobbs Construction, Inc, relative to the fourth floor reconfiguration. Motion was seconded by Mr McGavic and carried unanimously.

MEETING ADJOURNED

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

Attest:

APPROVED:



Clerk



Chairman 9/18/83

Adj: 4:27 p.m.