

OCTOBER 11, 1994

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, October 11, 1994, at 9:03 a.m.

**Present were Commissioners:**

Stan Stephens, Chairman  
Joe McClash, First Vice-Chairman (entered during meeting)  
Kent G. Chetlain, Second Vice-Chairman  
John R. Gause, Third Vice-Chairman  
Patricia M. Glass  
Lari Ann Harris  
Maxine M. Hooper

**Also present were:**

William J. Estabrook, County Administrator  
H. Hamilton Rice, Jr., County Attorney  
Judy LaMee, Director of Communications and Development,  
representing R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Reverend Mike Ragan, Palmetto Assembly of God.

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

**MERITORIOUS SERVICE AWARD**

A meritorious service award was presented to HCA L. W. Blake Hospital in appreciation for its continued service to the Manatee County Disaster Preparedness Planning Committee in providing facilities for its meetings in an atmosphere that is friendly, informal, and conducive to coordinate disaster planning.

(Enter Mr. McClash)

**PROCLAMATIONS**

**National Association for Family and Community Education Week**

Upon motion by Mr. Gause, and second by Mr. Chetlain, a Proclamation was unanimously adopted designating the week of October 10-15, 1994, as National Association for Family and Community Education Week.

RECORD S44-387

**Licensed Midwives' Awareness Week**

Upon motion by Mr. Chetlain, and second by Mr. McClash, a Proclamation was unanimously adopted designating October 14-21, 1994, as Licensed Midwives' Awareness Week.

RECORD S44-388

**BAYSHORE GARDENS PARKWAY**

Ted Nowosad, 3319 Bayshore Parkway, expressed concern regarding the left-turn lane (going south) at Bayshore Gardens Parkway and 34th Street West stating that 300 feet is too long.

**Disposition:** Public Transportation Department is preparing a report for the Board, a copy of which is to be made available to Mr. Nowosad.

**AGENDA DELETIONS**

William J. Estabrook, County Administrator, deferred to October 18, 1994, the Cultural Facilities Grant Agreement for the Crosley Estate.

**CONSENT AGENDA**

Upon motion by Mr. McClash and second by Mr. Gause, the Consent Agenda dated October 11, 1994, was unanimously approved, after deletion of Engineering Consulting Services with Glace and Radcliffe, Inc., for 63rd Avenue West from U.S. 41 to 15th Street East (separate action).  
Items APPROVED:

**CLERK'S CONSENT CALENDAR**

**BONDS**

**Accept**

Sheriff's Public Deputies Blanket Bond (31 Additions; 11 Deletions)

RECORD S44-389

**RESCIND BILL FOR PAYMENT**

General Electric - Detention Facility - Refrigerators  
(appr 7/19/94)

\$ 1,784.00

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(Cont'd)

**BILLS FOR PAYMENT**

Hogg, Allen et al - Retainer/Gen Matters (8/3/94-8/31/94)	\$	1,649.88
Larson Engineering - Reclaimed Water Main, Moccasin Wallow Rd, WA 4		1,995.00
" " - Design Svcs, 9 St E (SR 64-US 301), WA 2		1,492.75
Keith Kerr Constr - Palmetto Pt Drainage/Sedimentation		61,666.58
" " " - Reclaimed Water Main, Moccasin Wallow Rd, Pay Est 1		198,461.72
Sewell, Valentich et al - Appraisal Svcs, SR70 Widening		3,000.00
Woodruff & Sons - Reclaimed Water Main, 60 Ave W/Pittsburg Drain, Pay Req 6		49,764.65
Redko Contracting - SHIP Program, Housing Rehabilitation, Nemeth Residence		2,579.00

**Detention Facility:**

The Trane Company - A/C Equipment (PO 100158)	147,707.00
Mayer Electric Supply - Lighting Fixtures (PO 100235)	41,991.70
Order Distributors - Resilient Floor Base (PO 101091)	4,786.80
Hudsa Paints & Materials - Painting Materials/Accessories (PO 101344)	9,435.00
Capitol Furniture - Furniture (PO 101345)	95,188.84
Edward Don & Co - Food Service Equipment (PO 101538)	429,568.00
Centex-Rooney/National Development - Construction Manager's Compensation (PO 97771)	130,203.24
Long-lead Procurement of Site Work/Equipment	37,441.00
Construction in Accordance w/Guaranteed Max Price (PO 99117)	977,313.00

**REFUNDS**

Doris Metzger - Ambulance Overpayment	186.77
Alma Smith - Ambulance Overpayment	183.05
Copher U Pull It - Landfill Dumping Fee Overpayment	575.00
Barger & Dean Architects - Final Site Plan Overpayment	337.25
Golden Gems Growers - Impact Fee Refund (Correct amt-\$139.30)	139.20

**WARRANT LIST**

Approve: October 4, 1994 through October 10, 1994

Authorize: October 11, 1994 through October 17, 1994

**ACCEPT**

**Records Destruction - Bureau of Archives & Records Management Form listing County records for destruction: Nos. 202 & 203, Human Resources Division; No. 206, Community Services**

**AUTHORIZE CHAIRMAN TO SIGN**

**Golf Course Point of Sale and Handicap/Tournament System - Agreement with Ell Systems and Software, Inc. (approved 3/15/94) RECORD S44-390**

**Credit Authorization CA-94-09(T) - Corrective document (scrivener's error) authorizing Impact Fee Credits for Don Harvey (appr 9/22/94) RECORD S44-391**

**APPROVE, RATIFY & CONFIRM**

**P & R Special Interest Classes Instructor's Agreement: Kathy Fields - Aerobics RECORD S44-392**

**COUNTY ADMINISTRATOR****GLEN OAKS HOSPITAL/FINANCING**

Execution of Amendment to Glen Oaks Hospital Financing Agreement with Manatee Glens Corporation, providing for reallocation of \$418,213 of nonconstruction budget items, no change in total funding. RECORD S44-393

**WEED AND SEED PROGRAM - HOUSING AND URBAN DEVELOPMENT POLICE SUBSTATION**

Execution of lease with the U.S. Department of Housing and Urban Development for property at 1108 61st Avenue Terrace East, Bradenton, on behalf of the Sheriff for use as a "safe haven" in the Weed and Seed Program. RECORD S44-394

**WORKERS' COMPENSATION INSURANCE**

Authorization for Risk Manager to renew commercial excess insurance coverage for Workers' Compensation benefits with Employers' Reinsurance Corporation, with a "deductible" of \$400,000, and to authorize premium payments not to exceed \$108,000.

**PEARCE DRAINAGE CANAL**

Execution of Change Order 3 to contract (Bid 310524DC) with Sky Construction/Properties, Inc., for Pearce Drainage Canal improvements, increase of \$7,605.95 for adjusted contract amount of \$90,030.91. RECORD S44-395

**RIVERDALE SANITARY SEWER**

Execution of Final Change Order 3 to contract (Bid 924008) with Woodruff & Sons, Inc., net decrease of \$130,202.05 for adjusted contract amount of \$1,312,940.74; and approval of Final Pay Request 7 in the amount of \$225,604.62 and acceptance of Final Contractor's Affidavit and Final Reconciliation Agreement in accordance with contract documents.

RECORD S44-396

**MATERIALS & SERVICES**

1. **Rex Compactor/Repairs** - Sole source repair and refurbishment of Landfill's Rex 3-70 compactor by L. B. Smith, Inc., for not to exceed total of \$27,449.51.
2. **Vehicle Purchase/Public Works Department** - Purchase via State contract 070-700-94-1 a 4x2 CF-8000 Chassis-Cab from Atlantic Ford Truck Sales, Inc., not to exceed \$41,007 (replacement for asset 24357 for Public Works/Traffic Control).

**WASTEWATER CAKE SLUDGE REMOVAL**

Issue Change Order 5 with Elmore Septic Tank Service, Inc., increasing Purchase Order 98818 (Bid 310325NA) by \$50,750, for new not to exceed \$182,700, for hauling of digested sludge from the Southwest Wastewater Treatment Plant to Schroeder Manatee Ranch.

**BUDGET AMENDMENTS**

Adoption of Budget Amendment Resolutions amending the 1993-94 Budget to provide for the receipt and appropriation of anticipated and unanticipated revenues and item to item transfers.

**HUMAN RESOURCES/EMPLOYEE HEALTH INSURANCE**

B-94-287 Item Transfers \$85,000  
Reallocates funds within the Health Insurance Fund to meet anticipated claims for Fiscal Year 1994. RECORD S44-397

**OFFICE OF FINANCIAL MANAGEMENT**

B-94-288 Increase Revenues/Expenditures \$164,625  
Adjusts the budget for 1993 General Obligation Refunding Bond Issue to cover costs of issuance incurred. RECORD S44-398

**GRANTS/DRUG ABUSE**

B-94-289/1 Item Transfers \$139,102  
B-94-289/2 Decrease Revenues/Expenditures \$69,551  
Changes accounting transactions to provide budgeted grant match for the Probation Division Drug Abuse grant so that funds directly transfer from the Special Health Care Fund rather than passing through the General Fund. RECORD S44-399  
S44-400

**FINANCIAL MANAGEMENT**

B-94-290/1 Item Transfers \$21,217  
B-94-290/2 Increase Revenues/Expenditures \$31  
Adjusts various cost center budgets to cover Fiscal Year 1994 expenditures through the end of the fiscal year primarily for payment of commissions to Tax Collector and Property Appraiser based on actual tax collections. RECORD S44-401  
S44-402

**RADIO CONTROLLERS/IMPROVEMENTS**

Approval for the Manatee County Radio Controllers to make the following improvements at their own expense on County-owned property at Woodstock Road and Rye Road (radio-controlled model airplane flying field): (1) Replace fabric fence with chain link fence; (2) Add additional taxi way; (3) Extend roof at transmitter shed; and (4) Erect safety observation platform.

**PARKS AND RECREATION FEE REFUND**

Approval to make exception to fee refund policy set forth in Resolution R-94-55 in order to refund \$29 to Robin Witten (Summer Blast Program).

**FINAL PLATS****Denison Subdivision**

Approve, accept, execute, and/or record associated documents:

1. Final Subdivision Plat.
2. Mortgagee's Joinder in Declaration only with Barnett Bank of Manatee County, N.A.
3. Conservation Easement from Dwayne A. Denison and Cindy S. Denison.

**Tara, Phase I, Unit Six**

Approve, accept, execute, and/or record associated documents:

1. Final Subdivision Plat.
2. Mortgagee's Joinder in Declaration only with Barnett Bank of Manatee County, N.A.

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3. Supplement to Master Declaration.
4. Supplement Umbrella Declaration.
5. Seventh Amendment to Master Declaration.
6. Notice to Buyers.
7. Agreement with Tara-Manatee, Inc., warranting required improvements, \$39,652.58.
8. Defect Security: \$39,652.58 (Letter of Credit 08-94-0077, First National Bank of Naples).
9. Required Improvements Agreement with Tara-Manatee, Inc., \$2,000.00.
10. Performance Bond: \$2,000.00 (Cashier's Check 03176529, Barnett Bank of Naples).
11. Required Sidewalk and Bikeway Agreement, \$23,985.00.
12. Performance Bond: \$23,985.00 (Letter of Credit 08-94-0078, First National Bank of Naples).

**CYPRESS BANKS/STREET NUMBERING**

Waiver of street numbering requirement to allow named streets for the Cypress Banks development.

**TAMPA BAY NATIONAL ESTUARY PROGRAM**

Execution of Agreement with Tampa Bay National Estuary Program for payment of Manatee County's Fiscal Year 1993-94 contribution of \$18,585.13 to the National Estuary Program. RECORD S44-403

(End Consent Agenda)

**INSURANCE - MEDICAL/DENTAL**

Robert Goodman, Health Benefits Manager, requested authorization to: (1) continue the Freedom of Choice to Healthy Habits Medical Plan rate schedule at the same level as 1994, effective January 1, 1995; (2) fund Flexible Benefits Plan for Calendar year 1995 at the same level as 1994; and (3) continue Freedom of Choice Dental Plan Rate Schedule at the same level as 1994, effective January 1, 1995.

Motion was made by Mr. McClash, seconded by Mr. Chetlain and carried unanimously, to approve the request as presented.

**TAX ROLL - EXTENSION**

Motion was made by Mr. McClash, seconded by Mr. Gause and carried unanimously, to authorize the Chairman to sign a letter to Ken Burton, Jr., Tax Collector, approving his request (memorandum 10/6/94) to order the tax roll to be extended prior to completion of the Value Adjustment Board hearings.

**PLANNING COMMISSION APPOINTMENTS**

Nominations for appointment of two members to the Planning Commission (Seats 6 and 7, terms expire 10/14/98) were received:

Hildegard Bell - by Mr. Gause  
 William Hile - by Mr. Gause  
 Mary Sheppard - by Mr. Chetlain  
 Woody Williams - by Mr. McClash  
 Amy Stein - by Mr. McClash

Motion was made by Mr. McClash to close the nominations. Motion was seconded by Mrs. Harris and carried unanimously.

Two votes were acknowledged for Ms. Bell, four for Mr. Hile, two for Ms. Sheppard, five for Mr. Williams, and one for Ms. Stein.

Motion was made by Mr. McClash, seconded by Mrs. Hooper and carried unanimously, to cast a unanimous ballot for Mr. Williams and Mr. Hile.

**BOARD OF ZONING APPEALS APPOINTMENTS**

Nominations for appointment of four members to the Board of Zoning Appeals (Seats 4, 5, 6, and 7) were received:

Stephen Belack - by Mrs. Harris  
 Betsy Benac - by Mrs. Harris  
 Richard Breeze - by Mrs. Harris  
 Elliot Grosh - by Mrs. Harris  
 James Stansbury - by Mr. Gause  
 Amy Stein - by Mr. Chetlain  
 Thomas Busard - by Mrs. Hooper

Motion was made by Mr. McClash to close the nominations. Motion was seconded by Mrs. Hooper and carried unanimously.

Three votes were acknowledged for Mr. Belack, five for Ms. Benac, six for Mr. Breeze, seven for Mr. Grosh, one for Mr. Stansbury, and three for Mr. Busard.

Votes were accepted again for Mr. Belack and Mr. Busard. Two votes were acknowledged for Mr. Belack and five votes for Mr. Busard.

Mr. McClash moved to cast a unanimous ballot for Ms. Benac, Mr. Breeze, Mr. Grosh, and Mr. Busard. Motion was seconded by Mr. Gause and carried unanimously.

(NOTE: Resolution regarding appointment adopted later in meeting.)

**PERSONNEL POLICY: DRUG-FREE TESTING PROGRAM**

Motion was made by Mr. Gause, seconded by Mr. McClash and carried unanimously, to adopt

**R-94-283** RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE MANATEE COUNTY PERSONNEL POLICY ON DRUG AND ALCOHOL TESTING OF EMPLOYEES. **RECORD S44-404**

**BAY COLONY DREDGING**

Janet McAfee, Public Services, reviewed a request for authorization to schedule a public hearing to consider assessments for Bay Colony dredging based on the selected option:

**Option 1** - County contributes \$19,450 negotiated settlement amount from sewer project; cost per parcel \$2,018.88.

**Option 2** - County pays for removal of construction-related sediment for approximately 810 cubic yards; cost per parcel \$2,035.15.

**Option 3** - County pays for removal of sediment in first 300 feet of each canal for approximately 6,190 cubic yards; cost per parcel \$1,364.40.

**Option 4** - County pays for removal of sediment 200 feet either side of every drainage pipe for approximately 12,629 cubic yards; cost per parcel \$561.61.

**Option 5** - County pays for removal of sediment in first 500 lineal feet of each canal and 225 lineal feet on either side of outfall pipes conveying off-site drainage for approximately 9,405 cubic yards; cost per parcel \$963.57.

**Motion - Died**

Mr. Gause moved to adopt Option 4. Motion died for lack of second.

Victor Coveduck, 5203 Palmetto Point Drive, stated Option 4 was the most reasonable assessment and recommended proceeding with the project.

Discussion: Previous dredging projects have been funded with funds from West Coast Inland Navigation District (WCIND), Federal Emergency Management Agency (FEMA), and residents' contributions, etc.

Mr. Chetlain pointed out that a combination of Options 4 and 5 would be an assessment of \$762.59 and requested it be considered as Option 6.

Discussion: Dredging project in Lake La Vista did not require any contributions from residents; Lake La Vista project was funded by WCIND and City of Anna Maria; assessment could be lowered at public hearing; Option 5 is a compromise between 3 and 4; consistency with dredging projects approved for other areas; setting precedent; etc.

**Motion - Failed**

Mr. Chetlain moved to adopt Option 6, which is a compromise between Options 4 and 5 and which would be \$762.59. Motion was seconded by Mr. Gause. Voting "Aye" were Mr. Chetlain and Mr. Gause. Voting "Nay" were Mrs. Hooper, Mr. McClash, Mrs. Harris, Mrs. Glass, and Mr. Stephens. Motion failed.

**Motion - Carried**

Motion was made by Mr. McClash to adopt Option 5 for the public hearing on Bay Colony. Motion was seconded by Mrs. Glass. Voting "Aye" were Mr. McClash, Mrs. Glass, Mrs. Harris, Mrs. Hooper, Mr. Chetlain, and Mr. Gause. Voting "Nay" was Mr. Stephens. Motion carried.

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SOUTHERN WATER USE CAUTION AREA RULES

Jeffrey N. Steinsnyder, Assistant County Attorney, requested approval to file a rule challenge to amendments to Chapter 40D-2, F.A.C., and Chapter 40D-8, F.A.C., aka Southern Water Use Caution Area rules of the Southwest Florida Water Management District (SWFWMD) as outlined in memorandum dated September 29, 1994.

Motion was made by Mr. McClash, seconded by Mrs. Hooper and carried unanimously, to authorize the County Attorney, or his designee, to file a petition for rule challenge as outlined by the County Attorney, with authority to dismiss if the rule is amended to address the County's concerns.

63RD AVENUE WEST ROADWAY PROJECT

Mr. Gause questioned the total cost of the 63rd Avenue West roadway project (U.S. 41 to 15th Street East), deferred from earlier in the meeting, noting that Work Assignment 3 with Glace & Radcliffe, Inc., for engineering services amounts to \$515,910.

Mark Ventriglia, Project Management, reported that the design standards include the existing "S" curve coming from Bayshore Gardens Parkway as well as a new bridge structure with all hydraulic tabulations, for a total construction cost of \$2,400,000.

Discussion: Cost of project is excessive; project is for 9,000 lineal feet and a bridge; bridge could cost as much as \$250,000; design-build concept should be considered; etc.

Based upon the comments made, Mr. Stephens referred the matter to the County Administrator to be placed on a future agenda.

COMMISSIONERS' COMMENTSState Certified Hunter Education Class

Mr. Gause reported that County hunting regulations mandate that a State Certified Hunter Education course be taken in order to hunt at Duette Park. He requested the County Administrator investigate whether the course can be held in Manatee County, rather than in Venice, in the evening, at a location that can accommodate 75 to 100 people.

Crosley Estate

Mr. Gause stated that since the University of South Florida has declined to purchase the Crosley Estate, he would like to discuss options.

Disposition: Mr. Estabrook stated the matter could be discussed when the Facilities Grant for the Crosley Estate is considered (10/18/94).

Environmental Action Commission Audit

Mr. Gause requested a work session be set up to discuss the recent audit of the Environmental Action Commission (EAC) and its future.

Disposition: Commissioner Stephens indicated a joint work session with the EAC Review Committee would be appropriate.

Amerecycle Issue

Mr. Chetlain questioned the status of recent request by Mr. McClash to place the Amerecycle/Recycling issue before the voters and whether it could be placed on the November 8, 1994, ballot.

Disposition: Mr. McClash advised that the deadline has passed for placement on the ballot.

Flotilla 81 Training Facility

Mrs. Glass relayed request from the United States Coast Guard Auxiliary for assistance in locating another site for the Flotilla 81 Training Facility at Coquina Beach. She stated the lease is not being renewed.

Disposition: Referred to staff.

EAC Review Committee Meetings

Mrs. Harris requested tape recordings be made of the Environmental Action Commission Review Committee meetings.

Disposition: Mr. Stephens indicated the request has already been made by the Clerk of the Circuit Court.

State Road 64 - Traffic Signal (West of Interstate)

Mrs. Hooper relayed concerns from citizens regarding the location of a traffic signal light which the Florida Department of Transportation is going to place on State Road 64, west of the Interstate.

**Disposition:** Referred to staff for report as to location.

Catalina Subdivision Speed Zones

Mr. Stephens recommended appropriate action be taken to set speed limits in Catalina Subdivision.

**Disposition:** Referred to staff.

Political Signs on County Right-of-Way

Mr. Stephens relayed complaints from residents regarding political signs on County right-of-way.

**Disposition:** Code Enforcement to investigate.

Recess/Reconvene. All members present except Mrs. Glass and Mrs. Harris.

BOARD OF ZONING APPEALS APPOINTMENTS

(Discussed earlier in meeting)

Motion was made by Mr. Gause, and seconded by Mr. McClash, to adopt

**R-94-274** RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS APPOINTING FOUR MEMBERS TO THE BOARD OF ZONING APPEALS, (Betsy Benac, Seat 4; Thomas Busard, Seat 5; Richard Breeze, Seat 6; and Elliott Grosh, Seat 7).

(Enter Mrs. Glass)

Motion carried 6 to 0.

RECORD S44-405

(Enter Mrs. Harris)

MINISTRY DEVELOPMENT FOR SENIOR ADULTS, INC., PROJECT

Public hearing (Notice in The Bradenton Herald 9/23/94) was opened to consider proposed projects and the issuance by Manatee County, Florida, of not exceeding \$14,000,000 health care facilities revenue bonds (Ministry Development for Senior Adults, Inc., project) in one or more series (Golden Pond Retirement Residence and Sun City Retirement Residence),

and

**R-94-289** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE FINANCING OF THE ACQUISITION, EXPANSION AND EQUIPPING OF CERTAIN ADULT CONGREGATE LIVING FACILITIES LOCATED WITHIN MANATEE AND HILLSBOROUGH COUNTIES, FLORIDA, FOR MINISTRY DEVELOPMENT FOR SENIOR ADULTS, INC., FOR THE PURPOSE OF ADVANCING THE PUBLIC HEALTH AND PROVIDING AND PRESERVING GAINFUL EMPLOYMENT OF MANATEE AND HILLSBOROUGH COUNTIES, FLORIDA; APPROVING THE ISSUANCE OF NOT EXCEEDING \$14,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF HEALTH CARE FACILITIES REVENUE BONDS (MINISTRY DEVELOPMENT FOR SENIOR ADULTS, INC., PROJECT), IN ONE OR MORE SERIES FOR SUCH PROJECTS WITHIN THE MEANING OF SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; RATIFYING THE PUBLICATION OF A NOTICE OF PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

**Kenneth Bissinger**, applicant, pointed out that the County approved the issuance of bonds on August 31, 1993 (R-93-229), but that the first Tax Equity and Fiscal Responsibility Act (TEFRA) approval expired on August 31, 1994, due to unforeseen delays. He requested approval at this time.

**Walter Breen**, of Mudge Rose Guthrie Alexander and Ferdon, bond counsel, stated that the preliminary agreement is basically the same as that approved in 1993 with the exception of the good faith deposit, which has been increased to \$120,000. He stated the Institutional Investor Certificate sets forth what changes have been made and any additions.

**James Lisa**, A. H. Williams and Co., Inc., underwriter, reported they have located a purchaser for the bonds and sell only to institutional investors. He stated the minimum investment would be a \$500,000 purchase of a bond.

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Discussion: Hillsborough County must also approve to proceed with project; benefits to Manatee County; documents provide for company to contribute 2 percent of gross revenues to an indigent fund for care of Manatee County residents to offset loss of property taxes; etc.

H. Hamilton Rice, Jr., County Attorney, advised the proposal meets all requirements of law.

Mr. Bissinger addressed the economic impact to the community. He stated the proposal is equal to or better than what was presented a year ago.

**Karen Van Ness**, speaking as a School Board member and taxpayer, spoke in opposition to the proposal. She expressed concern regarding loss of revenues from the tax base.

Mr. Breene clarified that only the 2 percent of gross revenues from Golden Pond will remain in Manatee County. Mr. Bissinger stated the 2 percent represents approximately \$65,000 and although they would prefer to contribute that amount to the indigent care fund rather than pay property taxes, either would be acceptable.

**John Patterson**, 4611 27th Street West, spoke in opposition to the project citing the loss of property taxes.

Patricia McVoy, Assistant County Attorney, stated the 2 percent represents an amount of money that is set aside for indigent care and does not mean there is money coming back to Manatee County. She pointed out that the agreement specifies that preceding the issuance of the bonds, the County will approve a plan for the use of that money.

#### Motion

Motion was made by Mr. McClash, and seconded by Mrs. Glass, to adopt Resolution R-94-289.

#### Motion - Amendment

Mrs. Hooper moved to amend the motion to take the money in total property tax rather than the 2 percent. Motion was seconded by Mr. Chetlain.

After discussion, Mr. Chetlain withdrew his second. Mrs. Harris seconded the motion for discussion.

Upon discussion regarding a commitment to indigent care, Robert Eberst, Chief Executive Officer for Ministry Development for Senior Adults, Inc., emphasized that it is part of their ministry to help elderly and poor people even though there is no contractual agreement.

Discussion: Taxes should be based on the assessed value by the Property Appraiser yearly; include assurance that should the facility be sold, subsequent buyer will be obligated to pay those property taxes; etc.

#### Amendment - Restated

Mr. Rice restated the amendment: "References to the 2 percent for indigent care be taken out of the agreement for Manatee County and that it be stated that this applicant will pay an amount equal to the ad valorem taxes based on annual assessment by the Property Appraiser of Manatee County."

Discussion: Include covenant in motion; include provision to pay property taxes after bond agreement expires; ability to enforce such agreement; whether a restriction can be placed on property providing that taxes be paid by future buyers; etc.

#### Vote - Amendment

Voting "Aye" on the amendment to the motion were Mr. McClash, Mrs. Glass, Mrs. Harris, Mrs. Hooper, and Mr. Stephens. Voting "Nay" were Mr. Chetlain and Mr. Gause. Motion carried.

#### Vote - Motion as Amended

Voting "Aye" on the motion as amended were Mr. McClash, Mrs. Glass, Mrs. Harris, Mrs. Hooper, and Mr. Stephens. Voting "Nay" were Mr. Chetlain and Mr. Gause. Motion carried.

RECORD S44-406



**Motion**

Mr. McClash moved to authorize execution of Amending Preliminary Agreement for Golden Pond and Sun City Retirement Residence to include language referring to the property taxes as amended in Resolution R-94-289. Motion was seconded by Mrs. Glass. Voting "Aye" were Mr. McClash, Mrs. Glass, Mrs. Harris, Mrs. Hooper, and Mr. Stephens. Voting "Nay" were Mr. Chetlain and Mr. Gause. Motion carried. S44-407

RECORD S44-408

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**Motion**

Mr. McClash moved to authorize execution of the Good Faith Deposit Agreement which is now \$120,000 versus \$70,000. Motion was seconded by Mrs. Hooper. Voting "Aye" were Mr. McClash, Mrs. Hooper, Mrs. Glass, Mrs. Harris, Mr. Stephens, and Mr. Gause. Voting "Nay" was Mr. Chetlain. Motion carried. RECORD S44-409

RECORD S44-409

\* As of 2/2/95, revised/execute doc'ta not rec'd.

(Depart Mr. Chetlain)

**ORDINANCE 94-42: SOLID WASTE/GARDEN TRASH**

Public hearing (Notice in The Bradenton Herald 9/23/94) was held to consider

**ORDINANCE 94-42** AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 85-11, MANATEE COUNTY'S MANDATORY SOLID WASTE COLLECTION AND DISPOSAL ORDINANCE; PROVIDING A NEW DEFINITION FOR THE TERM "SOLID WASTE"; PROHIBITING THE MIXING OR COMMINGLING OF GARDEN TRASH WITH OTHER SOLID WASTE; PROVIDING FOR THE SEPARATE COLLECTION OF GARDEN TRASH; SETTING FORTH A NEW ANTI-SCAVENGING PROVISION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Gus DiFonzo, Solid Waste Division Manager, reviewed the ordinance. He submitted a petition in opposition to the ordinance.

(Enter Mr. Chetlain)

He stated the amendment provides for separate collection of yard waste which would cost approximately \$2 per month per household. He stated there would continue to be two garbage collections with an additional pickup of garden trash.

Janet McAfee, Public Services, addressed current garbage rates.

Discussion followed regarding charging residents who have already provided for collection of their yard waste, e.g., mobile home parks, condominiums, etc.; ordinance does not address rates but establishes that residents must separate yard waste from garbage, etc.

**Robert Kitzmiller**, 1812 76th Street Northwest, spoke in opposition to charging residents who will not be receiving the additional service, e.g., those who compost yard waste; he also spoke in favor of recycling.

**Roy Martin**, 6711 U.S. 301 North, spoke in opposition to the plan as presented stating he composts his garden trash and also participates in recycling.

Dan Gray, Public Services, stated that law mandates that yard waste be separated by November 1, 1994. He addressed possibility of composting facility and how yard waste could be handled.

Discussion: Franchise agreements with waste haulers should address possibility of future composting facility; providing centralized collection areas for yard waste; many residents do not have yard waste or use mulching mowers; short-term franchise agreements, etc.

Mitchell Palmer, Assistant County Attorney, advised that the franchise agreements include the following provision: "The County in its sole discretion during the franchise term may increase or decrease the level of service, add or delete required services, or otherwise change the work required to be performed by the authorized collector. Under such conditions, the parties shall negotiate the changes and the applicable rates brought about by such change in service. Such changes shall be incorporated by written amendment to this agreement."

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(Cont'd)

Jeffrey Steinsnyder, Assistant County Attorney, stated fines can be imposed by the Department of Environmental Protection in the amount of \$10,000 per day in the event the November 1st deadline is not met, or as much as \$50,000 per day if it is proved to be a willful and deliberate act on the part of the County.

Bob Dunning, Waste Management, concurred with interpretation by Mr. Palmer that the franchise agreements allow for services to be reduced with an adjustment of the rate.

Motion was made by Mr. Chetlain, and seconded by Mr. Gause, to adopt Ordinance 94-42. Voting "Aye" were Mr. Chetlain, Mr. Gause, Mrs. Glass, and Mr. Stephens. Voting "Nay" were Mr. McClash, Mrs. Harris, and Mrs. Hooper. Motion carried. RECORD S44-410

WASTEHAULER FRANCHISE AGREEMENTS AND AMENDMENTS

Mr. DiFonzo requested execution of Fourth Modification to Franchise Agreement for Service Area 2 with Cedar Hammock Refuse Disposal Corporation dba Waste Management of Manatee County, for the provision of residential collection services for "garden trash" at an additional \$1.70 per residence, per month; and Fourth Modification to Franchise Agreement for Service Areas 1 and 3 with Industrial Waste Service, Inc., for provision of residential collection services for "garden trash" at an additional rate of \$1.83 per residence, per month.

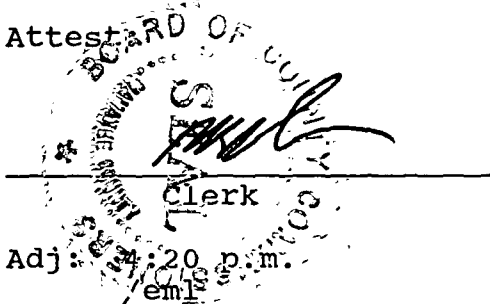
Discussion: Approving contingent upon holding public hearing scheduled for next week regarding rate resolution; wastehaulers need to have the service in place by November 1; defer until after rate resolution is considered; etc.

There were no objections to deferring the matter until October 18, 1994.

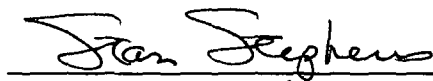
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest

  
Clerk

APPROVED:

  
Chairman 12-6-94

Adj: 4:20 p.m.