

OCTOBER 27, 1994

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, October 27, 1994, at 9:03 a.m.

Present were Commissioners:

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

Also present were:

William J. Estabrook, County Administrator
 H. Hamilton Rice, Jr., County Attorney
 Susan G. Romine, Deputy Clerk,
 representing R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Chairman Stephens.

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

MERITORIOUS SERVICE AWARD

Meritorious Service Award plaque was presented to the Reverend Paul E. Christ in appreciation for his service to the Manatee County Planning Commission since April 1989.

PROCLAMATION

Upon motion by Mrs. Harris and second by Mr. McClash, a Proclamation was adopted 6 to 0, designating October 27, 1994, as "United Way County Government Kick-Off Day" for the 1994-1995 United Way Employee Campaign.

Accepting the Proclamation were United Way representatives, Dot Ridings, Jerry Koontz, Louise Page and Ken Oden who advised the goal for this year is \$1.5 million.

RECORD S44-428

AGENDA ADDITIONS/DELETIONS

Carol Clarke, Planning, Permitting and Inspections Director, reported the following changes to the Consent Agenda: 1) Agreement with the Chamber of Commerce/Economic Development Council for participation in the Tampa Bay Partnership (deleted); 2) Resolution and contract to purchase Myakka City parcel from McLeod Estate; 3) PDC-94-04 River Landings Center; 4) Comprehensive Plan Amendment Schedule FY 1995; 5) Terminate negotiations with Tindale-Oliver for concurrency/development review computer system; 6) Housing Rehabilitation (2 through 6 are separate actions).

CONSENT AGENDA

Upon motion by Mr. McClash and second by Mrs. Hooper, the Consent Agenda dated October 27, 1994, was approved 6 to 0, incorporating the language as stated in the recommended motions in the staff reports, and as amended in this meeting.

Public hearing (Notice in The Bradenton Herald 10/10/94) was opened to consider

PDR-94-11(Z) GEORGE H. FOY - PDR (RESCHEDULED TO 12/15/94)
 ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO PDR ON 136.5 ACRES LOCATED AT THE NORTHWEST CORNER OF OLD TAMPA ROAD AND FT. HAMER ROAD; PROVIDING FOR AN EFFECTIVE DATE.

Public hearing (Notice in The Bradenton Herald 10/10/94) was held to consider

Z-94-15 THOMAS O. DORR - LM (APPROVED)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA.....; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM HM to LM ON 2.53 ACRES LOCATED ON THE WEST SIDE OF 33RD STREET EAST, 850 FEET NORTH OF WHITFIELD AVENUE; PROVIDING FOR AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL.

RECORD S44-429

Public hearing (Notice in The Bradenton Herald 10/10/94) was held to consider

PDC-94-05(P) ROBERT SINCLAIR (SHONEY'S MOTEL) - P/PLAN (APPROVED)

Request: Preliminary Site Plan to allow a 72-room hotel and a 600-square-foot addition to the existing restaurant on site on 4.6 acres located on the southwest corner of Memphis Road (17th Street East) and 51st Avenue East, Ellenton.

Planning Commission recommended APPROVAL with 6 Stipulations;

RECORD S44-430

and Modification

1. Sections 737.5.1.1 and 710.1.1.3 regarding the landscape buffer and parking lot;

and Findings For Modification (outlined in the staff report).

RECORD S44-431

Public hearing (Notice in The Bradenton Herald 10/10/94) was held to consider

Z-94-14 JOSEPH GIGLIOTTI AND LOUIS G. MERUCCI - HC (APPROVED)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA.....; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO HC ON 6.7 ACRES LOCATED ON THE EAST SIDE OF U.S. 41, 750 FEET SOUTH OF ROMAN ROAD; PROVIDING FOR AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL.

RECORD S44-432

Public hearing (Notice in The Bradenton Herald 10/10/94) was opened to consider

PDW-91-02(Z)(P) HANS AND MARIA WEISSGERBER/DSA MARINA - PDW/WR/CH/AI AND P/PLAN (CONTINUED TO 12/15/94)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA.....; PROVIDING FOR THE REZONING OF CERTAIN LANDS FROM RSF-3/WR/CH/AI AND RSF-3/WR/AI TO PDW-/WR/CH/AI AND PDW/WR/AI; PROVIDING FOR AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN FOR A LARGE PROJECT ALLOWING FOR THE DRY STORAGE OF 199 BOATS, AN 851-SQUARE-FOOT DOCKMASTER BUILDING, AND A 4,300-SQUARE-FOOT RETAIL BOAT SALES AND SERVICE AREA WITH OUTDOOR DISPLAY, INCLUDING SPECIAL APPROVAL FOR A PROJECT LOCATED IN THE CH DISTRICT ON 6.0 ACRES LOCATED ADJACENT TO THE WEST SIDE OF U.S. 41 IMMEDIATELY SOUTH OF BOWLEES CREEK.

IMPACT FEE CREDIT AUTHORIZATION

Final Authorization of Transportation Credit for impact fee Credit Authorization CA-94-09(T) to Don Harvey for land dedication credit for eligible right-of-way and road construction at University Parkway and Shade Avenue, \$176,312.25.

RECORD S44-433

FINAL PLAT - RIVER POINT OF MANATEE

Approve, execute, accept and/or record final documents for River Point of Manatee subdivision as follows:

1. Final Plat
2. Agreement with Centex Real Estate Corporation guaranteeing completion of required improvements (\$1,654,322.09)
3. Performance Bond: \$1,654,322.09 (Letter of Credit 00336465 with First National Bank of Chicago)
4. Agreement with Centex Real Estate Corporation guaranteeing completion of required sidewalks and bike paths (\$4,461.60)
5. Performance Bond: \$4,461.60 (Letter of Credit 00336466 with First National Bank of Chicago; and amendment correcting a scrivener's error)
6. Agreement with Centex Real Estate Corporation for installation of private improvements (landscape buffer).

RECORD S44-434

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(Cont'd)

ACCESS AND DRAINAGE PERMITS

Accept Site Access and Drainage Affidavits for non-maintained right-of-way use of access for the following: Douglas A. Dressel (4915 241st Street East, Myakka City/Waterbury Grapefruit Tracts); Douglas W. Dobbs (13921 Highland Road, Parrish/Willow Shores); Marilyn A. Becker (27765 Crosby Road, Myakka City/Pomello Park).

BUDGET AMENDMENTS

Adopt Budget Amendment Resolution

FINANCIAL MANAGEMENT

(B-94-292)

Increase Revenue/Expenditures: Reflects the accounting transactions related to 1993 General Obligation Refunding Bonds which were used to refinance portions of the 1988 General Obligation Bonds and the 1986 General Obligation Refunding Bonds.

\$40,536,916

RECORD S44-435COURT ADMINISTRATION

Adoption of

R-94-285 CONFIRMING INTERLOCAL AGREEMENT FOR CHILD SUPPORT HEARING OFFICER (WITH SARASOTA COUNTY) AND CONFIRMING AMOUNT BUDGETED FOR HEARING OFFICER SERVICES (FY 1994-95, \$78,910.67; Manatee 60 percent; Sarasota 40 percent).

RECORD S44-436

and

R-94-286 CONFIRMING INTERLOCAL AGREEMENT FOR COURT REPORTERS (WITH SARASOTA COUNTY) AND CONFIRMING AMOUNT BUDGETED FOR COURT REPORTER SERVICES (FY 1995, \$48,067.60; Manatee 50 percent; Sarasota 50 percent).

RECORD S44-437CLERK OF CIRCUIT COURTCONSENT CALENDARBONDSRelease:Woodruff Industrial Park/88-S-03

1. Agreement with L B & D Properties warranting required improvements (\$20,946.93).
2. Defect Security: \$20,946.93 (Surety Bond 400JB9581, St. Paul Fire and Marine Insurance Company)

Parkwood Lakes, Phases I & II/PDR-92-09

1. Agreement with Curtis S. and C. Todd Petzoldt, Co-Trustees of Florida Land Trust PLL guaranteeing completion of required improvements (\$73,970).
2. Performance Bond: \$73,970 (Letter of Credit 1060, West Coast Bank, Sarasota (for P.P.B. Development, Inc.))

Accept:Parkwood Lakes, Phases I & II/PDR-92-09

1. Agreement with P.P.B. Development, Inc. warranting required improvements (\$54,089.63).
2. Defect Security: \$54,089.63 (Letter of Credit 1067, West Coast Bank, Sarasota)

RESCIND BILL FOR PAYMENT

Scotty's Tractor Svs dba Scotty's Land Development -

Req 10, Reclaimed Wtr Main, 43rd St W (appr 8/25/94) \$ 52,512.00

BILLS FOR PAYMENT

Coastal Planning & Engineer - Bch Renourishmnt, Inv 2565	47,128.51
Larson Engineering - N Effluent Disposal Study, Inv 8089	363.30
Len Ray, Inc. - Housing Rehab/Nelson Residence	5,692.00
Lombardo & Skipper - 75 St Util Design, Inv 20219 & 20220	25,229.83
Professional Service Industries - Braden River Pk Site Test	4,977.00
Professional Service Industries - 26 Ave W/U.S. 41 Testing	607.00
Michael W. Ritzie Constr. - Metal Enclosure/Civic Center	22,440.00
Sutter Roofing - Clerk's Records Storage Bldg Roofing Sys	13,050.00
Tampa Contracting Services - Leffis Key Restoration Proj	9,106.83
Walrus Construction - P/Wrks Off Bldg/26 Av E, Req 3	8,977.00
Zoller, Najjar & Shroyer - W/A 12, Survey Lifeguard Towers Manatee & Coquina Beaches	2,708.20
Zoller, Najjar & Shroyer - W/A 14, Coquina Bch Restrooms	913.00

WARRANT LIST

Approve: October 18, 1994 through October 26, 1994

Authorize: October 27, 1994 through October 31, 1994

AUTHORIZE CHAIRMAN TO SIGN

Satisfaction of Judgments: Ray Jiminez, Case 92-3532F (\$250); Michael Twiss, Case 89-2564F (\$200); Cindy LaRoy, Case 94-366JD (\$790.80)

Partial Release Special Improvement Assessment Liens:

Projects: 2502 (5); 2502A (5); 3905 (61); 5062 (2); 5073 (1); 5074 (2); 5121 (1); 5147 (11); 5148 (1); 5197 (9); 301-2503 (1); 301-2507 (1); 301-5147 (7); 301-5148 (1); 301-5152 (2); 405-5235 (1); 410-8601 (2)

ACCEPT

Comprehensive Plan Amendment - Florida Department of Community Affairs Notice of Intent to find Manatee County Ordinance 94-22 (PA-94-11/Harvey) in compliance (effective 8/18/94).

Port Authority - Department of Community Affairs Special District Reporting Form identifying registered agent and address for the Port Authority.

Lawsuits - Original transcript of litigation assessment meeting (8/25/94) regarding David P. and Barbara P. Lewis vs Dukes and others, Case CA-94-1466 and CA-94-1391.

(End Consent Agenda)

COMPREHENSIVE PLAN AMENDMENT SCHEDULE

After brief discussion regarding the increased number of Comprehensive Plan amendments and cost, motion was made by Mr. Gause and seconded by Mr. McClash, to approve the schedule of dates for the proposed 1995 Cycle I and Cycle II process. Motion carried 6 to 0. **RECORD** S44-438

CONCURRENCY AND DEVELOPMENT REVIEW COMPUTER SYSTEM

Rob Cuthbert, Purchasing Director, responded to question regarding the length of time to discontinue negotiations with the top-ranked firm of Tindale-Oliver (approved 7/30/91) for Concurrency and Development Review Computer System (RFP 919015).

Discussion: Department reorganization changed program plan; vendor proposal continued for three years.

(Depart Mr. McClash)

Mr. Gause moved to discontinue negotiations. Motion was seconded by Mr. Chetlain and carried 5 to 0.

HOUSING REHABILITATION - PHASE III

Karen Jackson Sims, Community Affairs/Intergovernmental Relations Director, responded to questions regarding costs to administer the housing rehabilitation program as well as other programs and how employee time is charged.

(Enter Mr. McClash)

She advised the State sets a 10 percent maximum from the State Housing Initiative Program (SHIP) for administrative costs.

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 6 to 0, to award IFB to the following lowest responsive, responsible bidders: T. W. Altolf Co., \$23,443 (Simmons and Baity); REDKO Contracting, Inc., \$6,464 (Jones); Ellis Enterprises, Inc., \$28,705 (Cooper and Richardson).

MYAKKA CITY COMMUNITY CENTER/SCHOOL HOUSE - MCLEOD ESTATE PURCHASE

Ms. Sims recommended adoption of

R-94-302 A RESOLUTION OF THE COUNTY OF MANATEE, FLORIDA, PROVIDING FOR THE APPROVAL OF THE CONTRACT TO PURCHASE 8.5 ACRES KNOWN AS THE MCLEOD ESTATE

(to relocate the Myakka City Community Center and school house on property located on the south side of SR 70 one-fourth mile west of Singletary Road, Myakka City).

She outlined the site survey depicting wetlands and boundaries. She submitted a copy of a letter from Leo Mills & Associates addressing a canal, flooding and wetlands on site.

Discussion: Need for additional information as to exact amount of wetlands and identification of flood zones.

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Motion was made by Mr. McClash, seconded by Mr. Gause and carried 6 to 0, to authorize extending the expiration date on the contract to purchase the property (expires 10/31/94) if the requested information cannot be brought back today.

NOTE: Additional action later in the meeting.

ZONING

Public hearing (Notice in The Bradenton Herald 10/10/94) was held to consider

PDC-94-04(P) RIVER LANDINGS CENTER - P/PLAN (APPROVED)

Request: Preliminary Site Plan to allow an 87,160-square-foot commercial/office development as Phases II and III of River Landings Center on 16.65 acres located at the southeast and southwest quadrants of State Route 70 and Braden River Road.
Planning Commission recommended APPROVAL with 8 stipulations.

RECORD S44-439

and Modification

1. Section 702.6.8 reducing waterfront setback from 30 feet to 20 feet for the western most building only on the parcel west of Caruso Road.

and Findings for Modification (outlined in the staff report).

Norm Luppino, Planning, Permitting and Inspections, stated the applicant requested an amendment to Stipulation 8, and staff recommended:

8. All access onto SR 70 shall be constructed as permitted by FDOT.

Based upon the staff report, evidence presented and comments made at the public hearing, the action of the Planning Commission and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mr. Gause moved to **approve** Preliminary Site Plan **PDC-94-04(P)** with Stipulations 1 through 7, and 8, as revised by staff; **adopt** the Findings for Modification; and **approve** the modification to Section 702.6.8 of the Land Development Code to allow a 20-foot waterfront setback for the western most building only on the parcel west of Caruso Road. Motion was seconded by Mr. McClash. Voting "Aye" were Mr. Gause, Mr. McClash, Mrs. Harris, Mrs. Hooper and Mr. Stephens. Mr. Chetlain voted "Nay." Motion carried. RECORD S44-440

Public hearing (Notice in The Bradenton Herald 10/10/94) was held to consider

PDI-94-03(P) GILLETTE LAND COMPANY - P/PLAN (APPROVED)

Request: Preliminary Site Plan to allow an intermodal terminal on 18.4 acres located on the west side of U.S. 41, 900 feet north of Erie Road.

Planning Commission recommended APPROVAL with 11 stipulations.

RECORD S44-441

Darenda Marvin, Planning, Permitting and Inspections, stated this request is to allow an intermodal terminal for receiving aggregate by rail, storing, and then removing by truck. The site is zoned PDI in a designated entranceway (U.S. 41/I-275).

She outlined concerns regarding stock pile height and visibility, screening, conservation easements, landscaping, noise, dust, site plan expiration (10 years), and performance bond. She addressed associated stipulations.

Ms. Marvin referred to a letter from Wendell Kent, property owner, wherein he questioned the rationale of the stipulations, i.e., reducing stock piles from 50 to 35 feet; reducing expiration date from 14 to 10 years; conservation easement when only 20 percent of property is being used and wetlands are protected; temporary conservation easement on adjacent property north owned by applicant; performance bond as aggregate value exceeds cost to remove.

Discussion: Performance bond requirement; whether similar businesses are required to have performance bonds; mining operations require reclamation bonds; distance to residences; economic impact for applicant to reapply for site plan at expiration; providing for administrative review to renew site plan; County has regulations in place to police operation; defining "reasonable"; air quality.

Patricia Petruff, attorney representing applicant, requested the following: the Preliminary Plan have an expiration date of 15 years or eliminate expiration date; Stipulation 7 include language "Any new application shall not be subject to unreasonable conditions such as a condition which would result in a cessation of the operation due to inability to comply." She stated that performance bonds are not required for other businesses with outdoor storage and submitted photographs (3) depicting buffering on site.

Mike McHugh, Vulcan/ICA Distribution Manager, outlined the proposed operations. He pointed out tree buffering as seen from the entranceway.

Discussion: Whether chemicals will be on site; protecting area for future gateway development; compatibility.

Ms. Clarke recommended deleting Stipulation 7 and revising Stipulation 5 as follows:

Planned Development Plan approval shall be for a 10-year period unless extended by the Planning Director. The Planning Director may grant one 5-year extension, which shall be based upon an administrative review of the Planned Development criteria within the Land Development Code and regulations in effect at that time. An application for extension shall be submitted no later than six months prior to completion of the initial 10-year period. The operation may continue until final action is taken by the County on the application if the application is submitted and progresses in good faith. The Director's determination shall be appealable to the Board.

Ms. Petruff recommended expiration be based upon the life of the quarry (14-15 years).

Motion

Based upon the staff report, evidence presented and comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mr. McClash moved to approve Preliminary Site Plan PDI-94-03(P) with Stipulations 1, 2, 3, 4, 6, 8, 9, 10 and 11. Motion was seconded by Mr. Chetlain.

Amendment One

Motion was made by Mr. Gause and seconded by Mr. McClash, to delete Stipulation 6 (Performance Bond requirement). Mr. Gause, Mr. McClash and Mr. Stephens voted "Aye." Voting "Nay" were Mr. Chetlain, Mrs. Harris and Mrs. Hooper. Motion failed.

Amendment Two

Motion was made by Mr. Chetlain and seconded by Mrs. Hooper to include Stipulation 5, as suggested by the Planning Director. Voting "Aye" were Mr. Chetlain, Mrs. Harris and Mrs. Hooper. Voting "Nay" were Mr. Gause, Mr. McClash and Mr. Stephens. Motion failed.

Amendment Three

Motion was made by Mr. Chetlain and seconded by Mrs. Hooper to add Stipulation 5 with a 15-year period with extension granted by the Planning Director as stipulated in previous discussion. Voting "Aye" were Mr. Chetlain, Mrs. Harris and Mrs. Hooper. Voting "Nay" were Mr. Gause, Mr. McClash and Mr. Stephens. Motion failed.

Discussion: Other facilities with limitations; market will determine future use of site.

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Vote on Motion

Voting "Aye" were Mr. Gause, Mr. Chetlain, Mr. McClash and Mr. Stephens.
 Voting "Nay" were Mrs. Harris and Mrs. Hooper. Motion carried.

RECORD S44-442

VESTED RIGHTS DETERMINATION

Ms. Clarke advised the request for Vested Rights Determination VRD-90-04 for River Landings Center has been withdrawn by the applicant (letter 8/18/94 from the P. K. Neal Companies) with approval of PDC-94-04(P), River Landings Center preliminary plan.

SOLID WASTE RATE SCHEDULES

Public hearing (continued from 10/18/94) was held to consider

R-94-284 A RESOLUTION OF MANATEE COUNTY, FLORIDA, ESTABLISHING NEW RATES, FEES AND CHARGES FOR MANDATORY SOLID WASTE COLLECTION AND DISPOSAL SERVICES BASED, IN PART, ON CHANGES IN THE CONSUMER PRICE INDEX; PROVIDING FOR ROLL-OFF BILLING; PROVIDING FOR THE HANDLING OF DELINQUENT ACCOUNTS; PROVIDING FOR SECURITY DEPOSITS AND SPECIAL CHARGES; ALLOWING FOR CHANGES IN SERVICE REQUESTS; PROVIDING FOR CHARGE ACCOUNTS; PROVIDING FOR MISCELLANEOUS RELATED MATTERS; RESCINDING ALL PRIOR SOLID WASTE RATE RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Janet McAfee, Public Services, submitted a letter (White) requesting fees be based on amount/use so the public is encouraged to reduce waste.

She outlined Exhibit A, Summary of Proposed Rates for Residential Solid Waste and Garden Trash Collection; Exhibit B, Key Elements of Ordinance 94-42 (adopted 10/11/94); Exhibit C, Residential Weekly Garden Trash Options; Exhibit D, Residential Solid Waste Category Summary with Exemption from Garden Trash Collection Fee; Exhibit E, Exemption Language Added to Resolution R-94-284; Exhibit F, Summary of Rate Impacts on Non-exempt Customers (submitted by waste haulers); Exhibit G, Collection Area 1-IWS Summary of Rate Impacts; Exhibit H, Collection Area 2-WM Summary of Rate Impacts; Exhibit I, Collection Area 3-IWS Summary of Rate Impacts.

Discussion: Whether commercial customers are exempt from charges if they do not have garden trash; Waste Management needs to review excessive rates in Option 3/Area 2; justifying increased rates; study to determine if separate collection increases overall tonnage.

Hugh Fleming, Colony Cove resident, opposed a rate increase since an independent lawn service disposes of Colony Cove's garden waste.

William Wheeler opposed a rate increase for garden waste as he uses a mulching mower and does not need pickup. He recommended a plan to sell bags for garden waste to residents who want pickup services.

John VanderMolen, representing Trailer Estates Park and Recreation District, requested the district be exempt from the garden waste plan as it contracts independently for solid waste collection.

John Patterson, stated a rate increase should be a maximum of \$1.00 as residents seldom have garden trash.

Bill Peterson, IWS Regional Manager, responded to questions and noted an assumption there will not be an increase in amount collected. The rate increase (\$1.83) reflects costs for additional pickup of garden waste.

Thomas Moseley, attorney representing Waste Management, stated garden waste will increase and there will be a need for additional trucks.

Stephen Zelitt, Waste Management Controller, stated increased rates (\$1.70 or \$2.27) reflect the assumption of additional service, waste, trucks and the number of exemptions in Area 2.

Discussion: Reviewing rates in six months (Option 2/solid waste pickup twice per week; garden waste once per week); yard waste seasonal; garden waste pickup in tandem with solid waste; establishing exact services desired by County; trips to landfill; determining exemption impact; continuing for staff to meet with wastehaulers and revise documents; whether agriculture customers are exempt since they utilize yard waste; fairness of policy.

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

Ms. McAfee reported that agreement was reached with the wastehaulers for Option 2 with \$1.83/IWS for Areas 1 and 3; Option 2 with \$1.70/WM for Area 2 with review of rates September 30, 1995, to determine if rates should continue for remainder of the franchise agreements.

(Enter Mrs. Harris)

She stated that written applications must be submitted for apartments, condominiums or mobile home parks to receive exemptions.

Discussion: Allowing until December 1 to submit exemption applications; considering agriculture exemption; total of new rates include CPI, tipping increases and garden waste rates (\$1.87/Area 2; \$2.01/Area 1; \$2.02/Area 3; rate differentials.

Ms McAfee outlined changes to R-94-284 reflecting additional exemption language (Exhibit E with added paragraph 5 below) and rates reflecting exemptions:

5. Once the Director has made such an exemption determination, it shall not be changed for one year.

Discussion: Providing flexibility in requiring one-year limit.

Mitchell Palmer, Assistant County Attorney, stated the following language could be added to end of paragraph 5: "...unless the Director should otherwise determine that a hardship situation exists."

Mr. McClash moved to adopt R-94-284 as amended in this meeting and with the inclusion of Exhibit E as amended with addition of paragraph 5 to that exhibit (as amended by the attorney) establishing rates, fees and charges for mandatory solid waste collection to reflect an increase in collection service rates, based upon changes in the consumer price index (CPI) as required by each franchise agreement and based on collection service charges for separate garden trash collection and to reflect an increase in tipping fees and rescinding R-93-260. Motion was seconded by Mr. Gause and carried unanimously. RECORD S44-443

WASTEHAULER FRANCHISE AGREEMENTS

Mr. Palmer submitted Fourth Modification to Franchise Agreement with Cedar Hammock Refuse Disposal Corporation d/b/a Waste Management of Manatee County for service area 2 garden trash collection services at an additional rate of \$1.70 per residence per month; and with Industrial Waste Services, Inc., for services areas 1 and 3 to collect garden trash at an additional rate of \$1.83 per residence per month.

He recommended additional paragraph 7:

7. The rate appearing in Section 1 above shall be reconsidered by the parties prior to September 30, 1995. The parties shall negotiate, in good faith, any necessary change in the rate, based upon the first year's experience with separate collection of garden trash. Any such rate change shall be effective November 1, 1995.

Motion was made by Mrs. Glass and seconded by Mr. McClash, to approve and execute the Fourth Modification to Franchise Agreement for Service Areas 1 and 3 with IWS with new paragraph 7 and with a rate to be inserted in Section 1 D. of \$1.83; and to approve and execute the Fourth Modification to Franchise Agreement for Service Area 2 with Waste Management with new paragraph 7 and with a rate of \$1.70 to be inserted in Section 1 D.

Discussion: Amending Ordinance to include exemption language.

Motion carried unanimously.

S44-444

RECORD S44-445

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(Cont'd)

MCLEOD ESTATE PURCHASE - MYAKKA Cont'd

Ms. Sims, responding to earlier question, submitted the McLeod Parcel Analysis consisting of an overview, site characteristics, adjacent land uses and flood zone. Also submitted was conceptual drawing depicting wetlands and flood zones. She stated the low area (northeast corner) consists of approximately one-half acre.

Motion was made by Mrs. Glass and seconded by Mrs. Hooper to adopt R-94-302 authorizing purchase and authorizing the Chairman to execute the contract for sale and purchase of the property.

Discussion: Purchase price of \$40,000, plus cost of survey of \$600.

Motion carried unanimously.

S44-446

RECORD S44-447

COUNTY ADMINISTRATOR SELECTION

The Chairman submitted a copy of the advertisement used in the 1991 County Administrator search and a proposed list of publications in which to place the advertisement. He recommended a selection committee be established and the County not hire a search firm.

Discussion: Fast-track selection process; advertising in Wall Street Journal and USA Today; reviewing/notifying previous candidates; set deadline; bringing back costs to advertise in professional journals.

Motion was made by Mrs. Glass, seconded by Mr. Gause and carried unanimously, to send letters to viable candidates who have applied within the last three years to advise the job is open.

Motion was made by Mrs. Glass and seconded by Mrs. Harris, to approve the advertisement with proper editorialization without changes in substance.

Discussion: Establishing cut-off date to accept applications.

Motion carried unanimously.

The Chairman recommended the Board review Ordinance 92-49 to determine whether the Ordinance requires modifications.

Suggestion was made by the Chairman that Jim Seuffert, Office of Financial Management, be appointed as acting County Administrator until the selection process is completed.

Discussion: Appointing County Attorney; County Administrator should designate following the orderly procedure; cutting expenditures; taking time to select interim administrator.

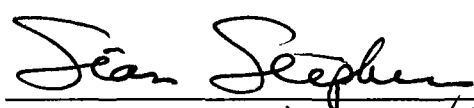
William Estabrook, County Administrator, advised that Assistant County Administrator, David Rothfuss, requested not to be in this position. He supported appointment of Mr. Seuffert.

Disposition: Place on next agenda.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest: 

APPROVED: 
Chairman 1/3/95

Clerk
Adj: 10 p.m.