

JANUARY 11, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:01 a.m.

Present were Commissioners:

Carol Whitmore, Chairman
John R. Chappie, First Vice-Chairman
Lawrence E. Bustle, Jr., Second Vice-Chairman
Michael Gallen, Third Vice-Chairman
Robin DiSabatino
Donna Hayes
Joe McClash

Also present were:

Ed Hunzeker, County Administrator
Tedd Williams, Jr., County Attorney
Susan G. Romine, Board Records Senior Manager,
representing R. B. Shore, Clerk of Circuit Court

Invocation by Pastor Jim LaDuke, Loving Hands Ministries.

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of January 11, 2011, and agenda update memorandum.

[BC20110111DOC001](#)

2011 MANATEE COUNTY FAIR

Sue Revell and **Dan West**, Fair Manager, introduced the 2011 Fair Queens and invited everyone to attend the 2011 Manatee County Fair.

[BC20110111DOC002](#)

PROCLAMATIONS

Motion was made by Mr. McClash, seconded by Mrs. Hayes, and carried unanimously, to adopt:

1. Proclamation designating January 11, 2011, as Anna Maria Island Privateers Day was accepted by **Roger Murphee**, Privateer. [BC20110111DOC003](#)
2. Proclamation designating January 2011, as Mentoring Month was accepted by **Gina Taylor**, representing Big Brothers/Big Sisters. [BC20110111DOC004](#)
3. Proclamation congratulating and extending best wishes to Tampa Bay Estuary Program for 20 years of service to the region was accepted by **Holly Greening**, Executive Director. [BC20110111DOC005](#)
4. Proclamation designating January 21, 2011, as Florida Arbor Day was accepted by **Brad Hawkins**, Chairman Environmental Lands Management and Acquisition Advisory Committee. [BC20110111DOC006](#)

CONSENT AGENDA

Motion was made by Mr. Bustle, seconded by Mrs. DiSabatino, and carried unanimously, to approve the Consent Agenda incorporating the language as stated in the recommended motions in the agenda memoranda (as may have been amended in the supplemental agenda) with the deletion of Code Enforcement – IB Property Holding LLC, fka Ricardo Santiago (deferred); and **County Participation in Civic Events, Sarasota/Manatee Metropolitan Planning Organization, Bennett Park, and Budget Amendment Resolution** (all separate actions). Items

APPROVED:

[BC20110111DOC007](#)

CLERK'S CONSENT CALENDAR[BC20110111DOC008](#)**BONDS****Copperstone, Phase I**

Release Agreement Warranting Required Improvements – On-site Improvements and Defect Security (Surety Bond 8835954-M and associated rider[s]), \$522,099.14.

Release Agreement Warranting Required Improvements – On-site Improvements and Defect Security (Surety Bond 8835953-M and associated rider[s]), \$149,118.81.

Four Corners Mine - Southeast Tract Mine - (Manson Jenkins)[BC20110111DOC009](#)

Accept Rider to Surety Bond K06989123 **decreasing** the amount from \$4,615,147 to \$4,446,783 in conjunction with an Operating Permit (Resolution 08-010) to secure the reclamation and wetland mitigation requirements.

[BC20110111DOC010](#)**Harrison Ranch, Phase II B-3**

Release Agreement Guaranteeing Completion of Required Improvements – Public Infrastructure, \$291,204.16 (accepted 9/3/09).

Note: Scrivener's error to October 7, 2010, Agenda Memorandum. The Agreement previously accepted on September 3, 2009, should have been released on October 7, 2010, before accepting the replacement agreement on October 7, 2010.

Heritage Harbour, Phase I, Subphase E, Phases 1, 2, and 3[BC20110111DOC011](#)

Accept Amendment 6 to Performance Bond (Letter of Credit FGAC-05333) **extending** the expiration date to August 25, 2011, for Final Lift of Asphalt, \$308,044.16.

Lakewood Ranch Country Club Village[BC20110111DOC012](#)

Release Agreement Warranting Required Improvements and Defect Security (Surety Bond SU5023871 and associated rider[s]), \$37,471.23.

[BC20110111DOC013](#)**Malachite Drive, Phase I (Component of Central Park)**

Release Agreement Guaranteeing Completion of Required Improvements – Final Lift of Asphalt and Performance Bond (Letter of Credit SLC500640), \$93,650.77.

Accept Agreement with SMR North 70 LLC warranting required improvements and Defect Security (Surety Bond 5038940), \$7,871.90.

[BC20110111DOC014](#)**River Wilderness, Phase III, Subphase E, F, and M**

Release Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Replacement Trees, \$698,539.82.

Accept Agreement with River Wilderness Associates LTD Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Tree Replacement. This agreement is for a **one-year extension**, secured by a previous Performance Bond (Letter of Credit 2007-010), \$698,539.82.

Rye Wilderness Estates, Phase III[BC20110111DOC015](#)

Accept Amendment 3 to Performance Bond (Letter of Credit 1226) **extending** the expiration date to February 1, 2013, for Replacement Trees, \$135,960.

[BC20110111DOC016](#)**REFUNDS**

Utility Customer 196275-136967 – Refund/Fee Waiver

\$656.08

WARRANT LIST

January 5, 2011 through January 24, 2011.

[BC20110111DOC017](#)[BC20110111DOC018](#)**MINUTES**

December 7, 2010, and December 14, 2010.

[BC20110111DOC019](#)**COUNTY ADMINISTRATOR****EMPLOYEE HEALTH BENEFITS**

Adoption of revised Employee Health Benefit Plan document, effective January 1, 2011.

LAWSUITS[BC20110111DOC020](#)

- Lexon Insurance Company** – Denial of Lexon's proposal for settlement of Manatee County v. Lexon Insurance Company, de Morgan Caporoc One LLC, and MTN Holdings, Inc., fka de Morgan Communities, Inc., Case 2010-CA-4657 (for claims against Lexon on Surety Bond 1011587, for failure to complete required improvements in **Oak View Subdivision, Phase II** [Carpentras]).

[BC20110111DOC021](#)

2. **Bank of America v. Edward and Patricia Genao** – Authorization for the County Attorney, or his designee, to enter into a Settlement Agreement with Bank of America, the first mortgagee of property owned by Edward and Patricia Genao at 2345 28th Avenue East, Palmetto, for which Manatee County holds the third mortgage. [BC20110111DOC022](#)

COMMUNITY TRANSPORTATION COORDINATION

Execution of 2011 Coordination Agreements with The Ride and Easter Seals Southwest Florida, providers with Manatee County Area Transit. [BC20110111DOC023](#)

CROSLY ESTATE - SIGN

Execution of Sublease Agreement with the University of South Florida (USF) Sarasota-Manatee for the installation, operation, and maintenance of the sign. [BC20110111DOC024](#)

G. T. BRAY RECREATION CENTER

1. **Design Build Construction Services** – Authorization for the County Administrator, or his designee, to execute Change Order 4 with Halfacre Construction Company for minor finishing and operation adjustments (Items 1-18); increase of \$41,817.16, adjusted total \$3,478,763.71; and an additional 44 calendar days for a revised completion date of December 24, 2010. [BC20110111DOC025](#)
2. **Guest Passes** – Authorization for the Parks and Recreation Department to distribute complimentary one-day daily guest passes to market the new center. [BC20110111DOC026](#)

ODOR AND CORROSION CONTROL SERVICES

Authorization for the County Administrator, or his designee, to execute Addendum 4 to agreement with Siemens Water Technologies to add a new product, Bioxide 71 Plus at \$3.15 per gallon, to Attachment B, Odor and Corrosion Product Costs. [BC20110111DOC027](#)

WASTEWATER PS 428 BOOSTER PUMP STATION

Award of IFB 10-3050-OV, Construction of Wastewater PS 428 Booster Pump Station, East Bradenton, to Westra Construction Corporation, \$1,707,000 (Option B – 365 calendar days); and authorization for the County Administrator, or his designee, to execute the contract, with the dating of the payment/performance bonds, and the acceptance of the Insurance Certificate. [BC20110111DOC028](#)

ECONOMIC DEVELOPMENT INCENTIVE GRANTS

1. **R-11-007** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FINDING THAT **PROJECT STEEL** BE APPROVED FOR AN ECONOMIC DEVELOPMENT INCENTIVE (EDI) GRANT FOR FISCAL YEARS 2011-2012 THROUGH 2015-2016, AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110111DOC029](#)
2. **R-11-008** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FINDING THAT **PROJECT CURVE** BE APPROVED FOR AN ECONOMIC DEVELOPMENT INCENTIVE (EDI) GRANT, A CUSTOMIZED INCENTIVE GRANT, AND A TRANSPORTATION IMPACT FEE REFUND (TIFR) FOR FISCAL YEARS 2011-2012 THROUGH 2017-2018, AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110111DOC030](#)
3. **R-11-009** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FINDING THAT **PROJECT GREEN** BE APPROVED FOR AN ECONOMIC DEVELOPMENT INCENTIVE (EDI) GRANT AND TRANSPORTATION IMPACT FEE REFUND (TIFR) FOR FISCAL YEARS 2011-2012 THROUGH 2014-2015, AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110111DOC031](#)
4. **R-11-010** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, **RESCINDING RESOLUTION R-10-249** AND FINDING THAT “**PROJECT HEART**” IS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO §288.106, *FLORIDA STATUTES*, AND PROVIDING LOCAL FINANCIAL SUPPORT FOR PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY (QTI) TAX REFUND PROGRAM, FOR FISCAL YEAR 2011-2012 THROUGH 2013-2014 AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110111DOC032](#)

PARKS AND RECREATION – IDENTITY THEFT PREVENTION PROGRAM

R-11-006 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING MANATEE COUNTY PARKS AND RECREATION DEPARTMENT IDENTITY THEFT PREVENTION PROGRAM (approving the Red Flag Identity Theft Prevention Program). [BC20110111DOC033](#)

DEEDS AND EASEMENTS

1. **Gordon Foods/4601 14th Street West** – Utility Easement and Affidavit of Ownership and Encumbrances from Florida Retail Stores LLC. [BC20110111DOC034](#)
2. **Strategic Materials/6420 19th Street East** – Warranty Deed and Affidavit of Ownership and Encumbrances from John T. Burns, Danny Ray Burns, and Kathryn J. White, Trustees of the John M. Burns Irrevocable Trust. [BC20110111DOC035](#)
3. **44th Avenue East** (U.S. 41-15th Street East) – Warranty Deed and Seller’s Affidavit and Solicitation from Heather Hills Golf Club, Inc. [BC20110111DOC036](#)
4. **44th Avenue East** (12th Street Court East-19th Street East) – Warranty Deed, Permanent Easement, and Affidavit of Ownership and Encumbrances from Oneco Associates LLC. [BC20110111DOC037](#)
5. **Twin Isles-Paradise Bay Estates Waterline Acquisition** – Utility Easement and Affidavit of Ownership and Encumbrances from Gloria Preece. [BC20110111DOC038](#)

MONITORING WELLS – PARRISH

Authorization for the Chairman to execute Easement to and License Agreement with Southwest Florida Water Management District for the installation of monitoring wells on County-owned property off Erie Road (North County Maintenance Facility).

WARES CREEK STORMWATER IMPROVEMENT PROJECT

[BC20110111DOC039](#)

1. Acceptance of Warranty Deed, Temporary Construction Easement, and Affidavit of Ownership and Encumbrances from Zelma M. Kirkland. [BC20110111DOC040](#)
2. Authorization for reimbursement of moving costs to Zelma M. Kirkland, \$700. [BC20110111DOC041](#)
3. Acceptance of Access and Maintenance Easement and Affidavit of Ownership and Encumbrances from Eugene F., Sr., and Mary D. Shultis. [BC20110111DOC042](#)
4. Authorization for reimbursement of moving costs to Epke D. and Tina W. Vanderberg, \$1,500. [BC20110111DOC043](#)
5. Authorization for reimbursement of moving costs to Matthew Todd and Lora Lynn Flowers, \$2,450. [BC20110111DOC044](#)
6. Authorization for reimbursement of moving costs to Adrain D. Arnold, \$3,425. [BC20110111DOC045](#)
7. Execution of Contract for Sale and Purchase for a Warranty Deed with Denys Gail Mothes for the fee acquisition of property, \$16,500. [BC20110111DOC046](#)

WHITFIELD ESTATES – FORCE MAIN 1A

Execution of Contract for Purchase of a Utility Easement with Allen Investments of Sarasota LLC for an easement over property at 6915 14th Street West, for replacement of a force main along U.S. 41 (Tamiami Trail), Whitfield Estates Subdivision, Parcel 804.

PERMITS AND CONSTRUCTION PROJECTS – DOCUMENT EXECUTION

[BC20110111DOC047](#)

R-11-014 A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR HIS INDIVIDUAL DESIGNEES, TO EXECUTE DOCUMENTS OF A MINISTERIAL NATURE ASSOCIATED WITH OBTAINING **LOCAL, STATE, AND FEDERAL PERMITS AND CONSTRUCTION AGREEMENTS** FOR CONTEMPLATED PROJECTS WITHIN COUNTY-OWNED PROPERTY, PUBLIC RIGHT-OF-WAY, AND PUBLIC EASEMENTS (repealing Resolution R-96-159). [BC20110111DOC048](#)

EMERGENCY MEDICAL SERVICES – UNCOLLECTIBLE ACCOUNTS

1. **R-11-002** RESOLUTION DESIGNATING CERTAIN DELINQUENT ACCOUNTS RECEIVABLE INCURRED BY PARTICULAR RECIPIENTS OF MANATEE COUNTY EMERGENCY MEDICAL SERVICES AS UNCOLLECTIBLE IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND ADJUSTED TO ZERO IN THE ACCOUNTS RECEIVABLE LEDGER. [BC20110111DOC049](#)
2. **R-11-005** RESOLUTION DESIGNATING CERTAIN DELINQUENT ACCOUNTS RECEIVABLE INCURRED BY PARTICULAR RECIPIENTS OF MANATEE COUNTY EMERGENCY MEDICAL SERVICES AS UNCOLLECTIBLE IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND ADJUSTED TO ZERO IN THE ACCOUNTS RECEIVABLE LEDGER. [BC20110111DOC050](#)

(End Consent Agenda)

CITIZENS' COMMENTS

Fort Hamer Bridge

Jay King expressed concern regarding unsafe conditions on the approach lanes to the future Fort Hamer bridge and the County not implementing design standards for bike lanes. He submitted several photographs and road designs.

Ed Hunzeker, County Administrator, stated Ron Schulhofer, Public Works Director, has responded to Mr. King's concerns.

Discussion: Place on a future agenda; approaches to the bridge should be redesigned; review safety concerns; do not discuss issues until Environmental Impact Study (EIS) is complete; conflicting information from staff and County Attorney's office; need to balance funding for projects and public safety; etc.

William Clague, Deputy County Attorney, discouraged discussion of the design of the bridge during the EIS process.

Mr. Hunzeker explained the design will be addressed prior to the 90 percent phase by URS Southern and staff.

Ronald Meyers, Waterlefe resident, expressed concern regarding additional traffic on Upper Manatee River Road when the bridge is constructed and safety concerns in school zones.

[BC20110111DOC051](#)

Water Main Break

Greg Gross submitted utility bills and plumbing repair bills and requested assistance in resolving excessive water bills resulting from a water line break. He stated a break in the County main caused the damage on his property.

Discussion: Process to follow when there is a break; discount when fixed; repair was on the house side of the back-flow preventer; County not responsible for repairs from the meter to the house; received over \$400 in credits; have Utilities Department contact Mr. Gross; etc.

[BC20110111DOC052](#)

33rd Street East

William Wheeler remarked that commercial vehicles are utilizing the middle turn lanes on 33rd Street East (south of S.R. 70) to park. He requested the area be posed as a "No Passing Zone."

Mrs. Hayes offered to contact the Manatee County Sheriff's Office.

[BC20110111DOC053](#)

METROPOLITAN PLANNING ORGANIZATION – CITIZENS ADVISORY COMMITTEE

The floor was opened for nominations to appoint two members to the MPO Citizen Advisory Committee:

Nominations

Jeremy Whatmough – by Mr. Chappie

Mark Royall – by Mr. Chappie

Paul Lang – by Mrs. Hayes

Jeffrey Orenstein – by Mrs. Hayes

Dawn Buchanan – by Mr. Gallen

David Fernandez – by Mr. Gallen

Motion was made by Mr. McClash, seconded by Ms. DiSabatino, and carried 7 to 0, to close nominations.

Jeffrey Orenstein and **Jeremy Whatmough** were appointed to the MPO Citizen Advisory Committee by majority vote.

[BC20110111DOC054](#)

PALMETTO/NORTH MANATEE COUNTY ENTERPRISE ZONE DEVELOPMENT AGENCY

Motion was made by Mr. Bustle, seconded by Mr. Chappie, and carried 7 to 0, to reappoint **John Hanlon** to Seat 12 of the Palmetto/North Manatee County EZDA representing the Banking/Insurance Institution. [BC20110111DOC055](#)

Recess/Reconvene. All members present.

FLORIDA PORTS FINANCING COMMISSION BOND REFINANCING

Public hearings (Notices published) were held to consider a plan of financing relating to Resolutions:

R-10-251 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE ISSUANCE BY THE FLORIDA PORTS FINANCING COMMISSION OF ITS REFUNDING REVENUE BONDS (STATE TRANSPORTATION TRUST FUND), IN ONE OR MORE SERIES IN ORDER TO REFINANCE ALL OR A PORTION OF THE OUTSTANDING FLORIDA PORTS FINANCING COMMISSION REVENUE BONDS (STATE TRANSPORTATION TRUST FUND), SERIES 1996, A PORTION OF THE PROCEEDS OF WHICH WERE LOANED TO THE MANATEE PORT AUTHORITY IN ORDER TO FINANCE ALL OR A PORTION OF CERTAIN CAPITAL PROJECTS IN THE PORT AUTHORITY; ALLOCATING A PORTION OF SUCH REFUNDING BONDS IN AN AMOUNT NOT TO EXCEED \$14,000,000 TO THE MANATEE PORT AUTHORITY IN ORDER TO REFINANCE SUCH PRIOR LOAN AND THE PROJECTS FINANCED THEREBY; PROVIDING AN EFFECTIVE DATE.

Projects - Series 1996:

1. Cargo Transit Warehouse and Cruise Terminal Facilities;
2. Berth 5 Improvements;
3. Intermodal Container Yard;
4. Berth 12 Improvements;
5. Cold Storage Warehouse;
6. Berth 12 Cruise Terminal;
7. Berth 4 Creation;
8. Channel Dredging;
9. Container Cranes; and
10. Warehouse/Intermodal Office Complex.

and

R-10-252 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE ISSUANCE BY THE FLORIDA PORTS FINANCING COMMISSION OF ITS REFUNDING REVENUE BONDS (STATE TRANSPORTATION TRUST FUND - INTERMODAL PROGRAM), IN ONE OR MORE SERIES IN ORDER TO REFINANCE ALL OR A PORTION OF THE OUTSTANDING FLORIDA PORTS FINANCING COMMISSION REVENUE BONDS (STATE TRANSPORTATION TRUST FUND - INTERMODAL PROGRAM), SERIES 1999, A PORTION OF THE PROCEEDS OF WHICH WERE LOANED TO THE MANATEE PORT AUTHORITY IN ORDER TO FINANCE ALL OR A PORTION OF CERTAIN CAPITAL PROJECTS IN THE PORT AUTHORITY; ALLOCATING A PORTION OF SUCH REFUNDING BONDS IN AN AMOUNT NOT TO EXCEED \$9,000,000 TO THE MANATEE PORT AUTHORITY IN ORDER TO REFINANCE SUCH PRIOR LOAN AND THE PROJECTS FINANCED THEREBY; PROVIDING AN EFFECTIVE DATE.

Projects - Series 1999:

1. Berth 5 Improvements;
2. Berth 12 Improvements;
3. Berth 12 Cruise Terminal;
4. Channel Dredging;
5. Container Cranes;
6. Maintenance Dredging as Port of Manatee Harbor and Channel Improvements;
7. Intermodal Access and Improvements to Newly Acquired Port Property;
8. Intermodal Distribution Center;
9. Berth 8 Rehabilitation and Reconstruction;

10. Enhanced Facility and Operational Security; and
11. Intermodal Transit Warehouse 10.

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 7 to 0, to adopt R-10-251. [BC20110111DOC056](#)

Motion was made by Mr. McClash, seconded by Mrs. Hayes, and carried 7 to 0, to adopt R-10-252. [BC20110111DOC057](#)

COMMUNITY REDEVELOPMENT AGENCY

Mrs. DiSabatino announced a change in venue for the Community Redevelopment Agency Advisory Board (CRA) meetings. The South County CRA meeting will be January 18, 2011, at 5:30 p.m., at the Norma Lloyd Dream Center, 1024 24th Street East. The 14th Street West CRA meeting will be January 27, 2011, at 5:30 p.m., at the Renaissance on 9th Street. [BC20110111DOC058](#)

PALMA SOLA SCENIC HIGHWAY BOUNDARIES

Mr. Hunzeker relayed a request to extend the boundaries of the Palma Sola Scenic Highway to connect to the Bradenton Beach Scenic Highway.

Jim Minix, Chief Deputy County Attorney, stated there is no legal objection to the extension and no cost to the County.

David Zaccagnino, Holmes Beach City Council, thanked the Board for supporting the request.

Motion was made by Mr. Chappie and seconded by Mr. Gallen, to execute the Designation Application with the Florida Scenic Highways Program and provide a letter of support for the extension of the Palma Sola Scenic Highway Corridor.

Discussion: Extension will assist with obtaining future grants; etc.

The motion carried 7 to 0. [BC20110111DOC059](#)

GREEN TEAM REPORT

Brenda Rogers, Community Services Director, introduced members of the Green Team and acknowledged their efforts and accomplishments with certificates.

Ms. Rogers, Mike Brennan, Fleet Services Division, and Dave Thompson, Property Management Department, used a slide presentation to review the steps taken for sustainability including saving water, energy, keeping air and water clean, increasing energy efficiency, reducing waste and recycling, changes to transportation, urban forestry and landscaping, technology and education, and other actions. The full report is available on line.

Discussion: Collective effort; technology saves time and money; monthly report showing progress; need things for public safety; economic savings; etc. [BC20110111DOC060](#)

ZONING

Public hearing (continued from 1/6/11 and Notices published) was opened to consider

PDR-07-06(Z)(P) INSIGNIA BANK LLC / EAGLE TRACE SUBDIVISION

(CONTINUED TO FEBRUARY 3, 2011)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 60.87 ACRES ON THE SOUTH SIDE OF STATE ROAD 64, APPROXIMATELY 1/2 MILE WEST OF POPE ROAD AT 1808 JOHN TAYLOR ROAD,

BRADENTON, FROM A TO THE **PDR ZONING DISTRICT**; AND APPROVING A PRELIMINARY SITE PLAN FOR 131 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Mr. Chappie, seconded by Mrs. Hayes, and carried 7 to 0, to continue the public hearing for PDR-07-06(Z)(P) to February 3, 2011, at 9:00 a.m., or as soon thereafter as may be heard at the Manatee County Government Administrative Center, 1st Floor Chambers.

[BC20110111DOC061](#)

COUNTY CODE – REVISIONS

Public hearing (Notice published) was held to consider

ORDINANCE 11-11

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO THE ORGANIZATION AND CLARIFICATION OF THE COUNTY CODE; REPEALING CHAPTER 2-7 OF THE MANATEE COUNTY CODE RELATED TO COMMUNICATION SERVICES PROVIDERS AMENDING §2-2-23 OF THE MANATEE COUNTY CODE; TRANSFERRING CODIFIED LOCATION OF CERTAIN AUTHORITY OF COUNTY ADMINISTRATION FROM §3-2-1 OF THE COUNTY CODE TO §2-2-23; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Rob Eschenfelder, Deputy County Attorney, explained the County sends ordinances to Municipal Code Corporation, a private codification company, which codifies ordinances in Part II of the Manatee County Code often called the Code of Ordinances. In the past, certain resolutions were sent to MuniCode; however, a study has indicated those resolutions did not require codification. Resolution R-11-11 decodifies the entire Part III of the Manatee County Code. A few items are valid, and a future ordinance will address these issues.

Motion was made by Mr. Bustle, seconded by Mrs. DiSabatino, and carried 7 to 0, to adopt **Ordinance 11-11 and Resolution**

R-11-11 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RELATING TO THE ORGANIZATION AND CLARIFICATION OF THE MANATEE COUNTY CODE; REMOVING FROM CODIFICATION PART 3 OF THE COUNTY CODE IN ITS ENTIRETY; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND TREATMENT OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

[BC20110111DOC062](#)

ZONING

Public hearing (continued from 1/6/11 and Notices published) was held to consider

PDMU-99-02(G)(R4) AND PDMU-99-02(P)(R) RIVER CLUB PARK OF COMMERCE MASTER SIGNAGE PLAN

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING ORDINANCE PDMU-99-02(G)(R3) AND PDMU-99-02(P) PERTAINING TO STIPULATIONS OF APPROVAL REGARDING SIGNS TO ALLOW A MASTER SIGN PLAN FOR THE RIVER CLUB PARK OF COMMERCE DRI, PROVIDING FOR SPECIFIC APPROVALS AS APPLICABLE; AND; APPROVING A MASTER SIGN PLAN. RIVER CLUB PARK OF COMMERCE IS GENERALLY LOCATED EAST OF I-75, SOUTH OF STATE ROAD 70 AND NORTH OF LINGER LODGE ROAD (245.38± ACRES).

Planning Commission recommended APPROVAL.

Lisa Barrett, Planning Department, noted the request is for a change to the master signage plan for the River Club DRI. The changes are similar to those at Cooper Creek and Heritage Harbour.

Kevin Ewing, representing the applicant, explained these guidelines will set the construction standards for the signs, and permitting is required for all of the signs.

Discussion: Character Compatibility Study; pole sign should be deleted from approval; finish the new sign ordinance prior to approval; entranceway criteria; trying to avoid pole signs; 100 feet is too high; 25-foot highway signs are close together; could cause a distraction; signs helpful along I-75; residents have not submitted public comment; large sign in Ellenton was approved; improve the economic status of Manatee County; allows businesses on I-75 to be recognized; would development be delayed if the item was continued; etc.

Mr. Ewing displayed several drawings of the LED pole sign in the agenda package, and stated the purpose of the sign was to attract traffic southbound on I-75. Buffers affect the visibility of lower signs. The owners are willing to decrease the height of the LED sign to 80 feet.

Recess/Reconvene. All members present.

Mr. Ewing noted that a delay in the approval would affect the project. Three tenants have already declined leasing space in the development due to visibility issues on the property.

Ms. Barrett displayed a large site map in the agenda package, and noted one of the tenant signs has been deleted. A T1 sign and a P2 sign were removed, and a combined tenant sign for P4 was added. **Stipulation L.4** is to be deleted, and the preliminary site plan has been revised. The proposed 35-foot sign is being changed to an eight-foot high ground sign due to this being a predominately residential area. Signs must be a minimum of 200 feet apart. The request is consistent with the prior approval of Cooper Creek.

Discussion: Proximity of pole sign to the interchange; etc.

Ms. Barrett displayed sign renderings and site plans from Cooper Creek and Heritage Harbour. The Cooper Creek LED sign is near the center of the project along I-75. The Heritage Harbour LED sign is closer to the interchange. The Planning Commission made a recommendation to reduce the number of signs.

Discussion: T1 signs and "5" signs are the same; sign near the interchange would be most important location; applicant proposed the 80 feet for the LED sign; can see sign from further away when travelling; did not want I-75 corridor commercialized; helping business survive; surrounding zoning; etc.

Mr. Ewing stated there are two owners for the project. The southern portion is a mixed use of office and commercial. Without the signs, people would not know the offices were there. Signage is 80 percent of marketing for a business.

Motion

Based upon the staff report, evidence presented, 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, as recommended herein, Mrs. Hayes moved to APPROVE Manatee County Zoning Ordinances **PDMU-99-02 (G)(R4)** and **PDMU-99-02(P)(R)**, APPROVE the revised Zoning Ordinances, General Development Plan, and Preliminary Site Plan for Phases 2 and 5; GRANT Special Approval for a project in the MU Future Land Use Category, in the WPE (Watershed Protection-Evers) and ST (Special Treatment) Overlay Districts; ADOPT the Findings for Specific Approval; and GRANT Specific Approval for alternatives to Sections 737.5.3.2, 737.5.3.3, 737.5.3.4.3, 737.5.3.4.5, 724.6.4.1.8.3, 724.4.1.8.6, 724.6.4.1.1, 724.6.4.1.3, 724.6.4.1.8.4, 724.6.4.2.1, 724.6.4.1.8.3, 724.5.2, and 724.5.4 of the Land Development Code as modified by staff, with the deletion of Stipulation L.4.

Motion - Amendment

Mr. McClash moved to amend the motion to remove Sign P1, the 100-foot LED sign. The motion was seconded by Mr. Gallen, and **failed** 2 to 5 with Mr. Bustle, Mr. Chappie, Mrs. DiSabatino, Mrs. Hayes, and Ms. Whitmore voting nay.

Motion - Amendment

Ms. DiSabatino moved to amend the motion to remove all the "5" signs. There being no second, the motion **died**.

The original motion carried 4 to 3, with Mrs. DiSabatino, Mr. Gallen, and Mr. McClash voting nay.

[BC20110111DOC063](#)

PARADES AND CIVIC EVENTS

Following an explanation by Mr. Eschenfelder, motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 7 to 0, to adopt Resolution:

R-11-012 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING COUNTY ADMINISTRATOR TO DECIDE UPON REQUESTS FOR COUNTY PARTICIPATION IN PARADES AND OTHER CIVIC EVENTS, AND PROVIDING AN EFFECTIVE DATE.

[BC20110111DOC064](#)

METROPOLITAN PLANNING ORGANIZATION

Mr. Eschenfelder distributed a memorandum and explained that when serving on a committee, a Commissioner is required to convey the position of the Board, but may vote their conscience. The appointee is required to report to the Board regarding items of interest.

Mr. Minix indicated the Board can replace any member on the committee.

Discussion: No clear policy regarding the Tara Bridge being included in the Long Range Transportation Plan; project is unfunded, and expecting Federal dollars would trigger an EIS; speak in one voice; until a new vote, should go with the Board's decision; projects should not be on the MPO plan if federal dollars are not going to be used to fund it; Board policy regarding contracts, ordinances, and resolutions; etc.

Motion was made by Mr. Chappie, seconded by Mr. Bustle, and carried 7 to 0, to ratify Ms. Whitmore's appointments of MPO representatives (Mr. Bustle, Mrs. Hayes, and Mr. McClash as representatives; Mr. Gallen, Mrs. DiSabatino, and Mr. Chappie as alternates). [BC20110111DOC065](#)

BENNETT PARK - PHASE 1

Dan Schlandt, Deputy County Administrator, explained the agreement with Ruben Holland Development required an entry road serving its development as well as the southern entrance for Bennett Park. The road is to be completed by April 6, 2011. This phase of Bennett Park should be complete by July 2011.

Motion was made by Mrs. Hayes and seconded by Mr. Chappie, to authorize the County Administrator, or his designee, to execute Change Order 2 with Holland Construction for design build construction services; increase of \$47,957.04, adjusted total \$2,547,411.06; and an additional 138 calendar days for a revised completion date of April 13, 2011.

Discussion: Residents near River Isles have requested a link to the Park; etc.

The motion carried 7 to 0.

[BC20110111DOC066](#)

BUDGET AMENDMENT

Mr. McClash submitted a memorandum and stressed the importance of reviewing the findings in the Imagine Manatee Compatibility Study.

Motion was made by Mr. McClash to adopt

Various Departments B-11-023

Supporting Descriptions and Details Attached

with the amendment to eliminate the budgeted position for the Organizational Development Manager. The motion was seconded by Mr. Gallen.

Discussion: This is up to the County Administrator; citizens were concerned when the position was added; balancing the budget and day-to-day operations; review the position at later time; needs v. wants; respect for person, not position; etc.

A substitute motion was made by Mr. Chappie to adopt Budget Amendment B-11-023 as is. The motion was seconded by Mr. Bustle and carried 5 to 2, with Mr. Gallen and Mr. McClash voting nay.

(Note: Further discussion and motions later in the meeting)

[BC20110111DOC067](#)

COMMISSIONERS' COMMENTS

Imagine Manatee

Mr. McClash thanked Mr. Gallen for supplying a DVD of Imagine Florida, and suggested a presentation on Imagine Manatee and Character Compatibility Study.

Mr. Hunzeker stated David Klement, Organizational Development Manager, will give a presentation in February on how Manatee County is going to grow. Numerous issues will be discussed over the next year including impact fees and the future of the community.

[BC20110111DOC068](#)

Longboat Pass

Mr. McClash submitted a letter to the Army Corp of Engineers regarding the Intercoastal Waterway (ICW) and Longboat Pass. The two issues were to be separate, and he asked Mr. Hunzeker to review the letter. If the ICW is tied together with the Pass, it will take longer to resolve the issues. Issues with the ICW were to be resolved promptly.

[BC20110111DOC069](#)

Businesses on U.S. 41

Mrs. Hayes stated she is pleased with services received from businesses, and has received many positive comments regarding the new RaceTrac on U.S. 41.

[BC20110111DOC068](#)

(Depart Mrs. Hayes)

Homeowners Associations

Mrs. DiSabatino noted she has been meeting with Homeowners Associations in her district. Many citizens are concerned with speeding, burglaries, and noise abatement. She will be meeting with the Sheriff regarding these concerns.

[BC20110111DOC068](#)

Pierce Manufacturing (Oshkosh)

Mrs. DiSabatino announced Pierce Manufacturing will be bringing 150 new jobs to Manatee County through its manufacturing facility.

[BC20110111DOC068](#)

Key Club - Extreme Home Keyover

Mrs. DiSabatino presented a DVD to Karen Stewart, Economic Development Division Manager, documenting the makeover of a home in the Pride Park area, which will be presented at the next Commission meeting. A letter and copy of the DVD will be provided to the Legislative Delegation, and a proclamation will be prepared to recognize the work of the Key Club.

[BC20110111DOC068](#)

Storm Drains

Mrs. DiSabatino stated bike clubs have expressed concern regarding hazards created by the position of grates in bike lanes and shopping centers.

[BC20110111DOC068](#)

Teen Pregnancies

Mrs. DiSabatino visited the Health Department and stated Dr. Jennifer Bencie noted concern regarding the number of teen pregnancies, the correlation with the early dismissal of school, and the lack of supervised after school activities for teens.

Discussion: Students escorted off campus and unsupervised on early dismissal days; suspension policy for small infractions; statistics; meet with School Board to discuss; etc.

Mr. Hunzeker will speak to School Superintendent Tim McGonegal regarding a joint meeting with the School Board to discuss issues. [BC20110111DOC068](#)

Legislative Delegation Meeting

Mr. Bustle noted the Port Authority will comment on the sovereign submerged lands issue.

Ms. Whitmore will meet with Nick Azzara, Information Outreach Coordinator, to develop a strategy to present to the delegation.

Mr. Azzara noted there is limited time to discuss issues, and it is important to stress revenue restrictions and unfunded mandates that impact local governments. These issues can be addressed when meeting with the delegation in Washington, D.C. [BC20110111DOC068](#)

Commissioner Comments

Ms. Whitmore suggested restricting comments at Land Use meetings to land use related issues, unless subjects are time sensitive. [BC20110111DOC068](#)

Ortygia

Ms. Whitmore submitted an article in *Florida Trend* featuring local restaurant Ortygia, located in the Village of the Arts. [BC20110111DOC070](#)

Animal Adoption Center

Ms. Whitmore announced Animal Services recently opened the Adoption Center, located next to the Administration Center. Several animals have been adopted. [BC20110111DOC068](#)

Community Meetings

Ms. Whitmore noted the Board has expressed a desire to hold meetings with various communities including Myakka City, Parrish, and Lakewood Ranch, to hear community concerns.

Discussion: Who will be expected to attend (staff, Clerk's Office, METV); combine with civic meetings; purpose is to visit community and meet citizens; etc. [BC20110111DOC068](#)

Roundabouts

Mr. Chappie thanked the Public Works Department for responding to comments regarding traffic safety at the roundabout at 75th Street West and 53rd Avenue and improvements made.

Discussion: Street lights may be necessary; etc. [BC20110111DOC068](#)

Fort Hamer Rowing Facility - Ribbon Cutting

Mr. Chappie noted there is a ribbon cutting for the rowing facility on January 14, 2011. Teams from Notre Dame and Harvard are arriving. [BC20110111DOC068](#)

El Conquistador Parkway

Mr. Chappie will submit citizens concerns received through the Citizens Action Center, regarding traffic impacts upon completion of road construction. This Community allows golf carts, and the County may want to designate the road as a "no thru trucks" area with a 35 mph speed limit.

Discussion: Two-lane road; Public Works Department to respond to request for explanation of county standard regarding widths for bike lanes and sidewalks; etc. [BC20110111DOC068](#)

Eternity Temple

Mr. Gallen attended the ground breaking for a playground and basketball court. [BC20110111DOC068](#)

Martin Luther King, Jr., Day

Mr. Gallen announced a dinner will be held January 14, and the parade will be held January 15. [BC20110111DOC068](#)

Chief Mark Souders

Mr. Gallen stated the Commission was represented at the funeral services, and the City of Bradenton expressed appreciation for the County's help with logistics. [BC20110111DOC068](#)

COUNTY ADMINISTRATOR'S COMMENTS

Economic Development Presentation

Mr. Hunzeker stated the Economic Development Council will make a presentation at the January 25th meeting. [BC20110111DOC068](#)

Tax Abatement

Mr. Hunzeker noted tax abatement will be discussed in the future. [BC20110111DOC068](#)

Future of our Region Event

Mr. Hunzeker announced a news conference scheduled January 18, at University Parkway, hosted by Schroeder-Manatee Ranch, Inc., State College of Florida, and Gulf Coast Community Foundation of Venice. Economic Development leaders and federal, State and local elected officials will be attending. [BC20110111DOC068](#)

Work Session Schedule

Mr. Hunzeker noted a schedule of pending issues and tentative dates will be distributed. [BC20110111DOC068](#)

BUDGET AMENDMENT RESOLUTION (CONTINUED)

Mr. Minix expressed concern regarding the substitute motion and requested a second motion to adopt the Budget Amendment Resolution.

Motion was made by Mr. McClash to allow when a substitute motion is made, that the substitute motion takes the place of the original motion, and only a vote of the substitute motion is needed as our procedures. Motion was seconded by Mr. Chappie. The motion was then **withdrawn**.

Motion was made by Mr. Chappie and seconded by Mrs. DiSabatino to adopt

Budget Amendment Resolution

Various Departments B-11-023

Supporting Descriptions and Details Attached

The motion carried 4 to 2, with Mr. Gallen and Mr. McClash voting nay.

Mr. Minix will research the rules for substitute motions. [BC20110111DOC067](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 3:47 p.m.
/vj/vt

Minutes Approved: February 22, 2011