

## FEBRUARY 22, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:03 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

### AGENDA

Agenda of February 22, 2011.

[BC20110222DOC001](#)

### PROCLAMATIONS

Motion was made by Mrs. Hayes, seconded by Mr. Gallen, and carried 7 to 0, to adopt:

1. Proclamation designating February 20-26, 2011, as Engineers Week was accepted by **Robert Lombardo**, Lombardo, Foley & Kolarik, Inc. [BC20110222DOC002](#)
2. Proclamation designating February 22-27, 2011, as Gulf Coast Senior Games Week was accepted by **Scott Jalwan**, the Parks and Recreation Department, and Gulf Coast Senior Games participants. [BC20110222DOC003](#)
3. Proclamation designating February 27, 2011, as Whitfield Estates Historic Home Tour was accepted by **Norm Luppino** and **Natalie Gundrum**, Whitfield-Ballentine Manor Association. [BC20110222DOC004](#)
4. Proclamation designating March 2011, as Women's History Month was accepted by **Rosie Stewart** and **Ashley Brown**, Women's Resource Center. [BC20110222DOC005](#)

### 2011 COUNTY FAIR COMMITTEE

Ed Hunzeker, County Administrator, presented Certificates of Appreciation to the fair committee: **Tamie Langman**, **Clayton Allen**, **Vikki Comarsh-White**, **Darin Cushing**, **Janice Dunbar-Smith**, **Will Reed**, **Kay Rogers**, and **Lynn Willis**. [BC20110222DOC006](#)

### DONATION – ROBINSON PRESERVE

**Jacob Leech**, Florida West Coast Resource Conservation and Development (RC&D), presented a check for \$4,313.45 to the County from funds raised during the Fit2Run Second Annual Twilight 5K Run held March 26, 2010.

**William Robinson** and **Parks Robinson** announced the Third Annual Twilight 5K Run will be held March 25. Proceeds will benefit Robinson Preserve and the Palma Sola Botanical Park (split 50/50).

Motion was made by Mr. McClash, seconded by Mrs. Hayes, and carried 7 to 0, for:

1. Acceptance of the donation of \$4,313.45 to be used by the Natural Resources Department at Robinson Preserve; and,

2. **Budget Amendment**  
**Natural Resources**                      **B-11-033**  
 Supporting Description and Detail Attached.

[BC20110222DOC007](#)

**TARA BRIDGE**

**Cathy Woolley**, Tara resident, requested the Board reconsider the vote to have the Tara Bridge retained in the Metropolitan Planning Organization (MPO) Long Range Transportation Plan as an unfunded local project (see Agenda Item 36 – Responses to Board Inquiries). [BC20110222DOC008](#)

**CONSENT AGENDA**

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, to approve the Consent Agenda incorporating the language as stated in the recommended motions in the agenda memoranda, with the deletion of:

- **Code Enforcement Cases CE2004090413, CE2006050565, CE2006050774, and CE2006080901** (separate actions);
- **Economic Development Incentive Grants – Resolutions R-11-060 and R-11-061** (separate actions);
- **Emerson Point Trail Project – Mitigation Credits** (separate action);
- **Cortez Road at 5th Street West – Resolution R-11-026 and Local Agency Program (LAP) Agreement** (separate action); and
- **29th Street East and Apollo Park – Street Lighting Municipal Service Benefit Unit – Resolution R-11-030** modifying the assessment roll, splitting a parcel owned by Dola E. Miller (deferred). [BC20110222DOC009](#)

Items APPROVED:

**CLERKS CONSENT CALENDAR**

[BC20110222DOC010](#)

**BONDS**

**Bougainvillea Place**

**Release Agreement Warranting Required Wetland Mitigation System and Defect Security** (Letter of Credit SB 8770 and associated amendment[s]), \$47,426.

**Lakewood Ranch Force Main – 44th Avenue East and Pope Road**

[BC20110222DOC011](#)

**Release Agreement Warranting Required Improvements and Defect Security** (Surety Bond 5030753 and associated rider[s]), \$200,525.76.

[BC20110222DOC012](#)

**Lorraine Road 16-inch Force Main**

**Release Agreement Warranting Required Improvements and Defect Security** (Surety Bond 5030682 and associated rider[s]), \$99,582.62.

[BC20110222DOC013](#)

**Mangrove Point**

**Release Agreement Guaranteeing Completion of Required Sidewalks and Bikeways and Performance Bond** (Letter of Credit SLC500521 and associated amendment[s]), \$46,576.

**Market Place West**

[BC20110222DOC014](#)

**Release Agreement Warranting Required Wetland Mitigation System and Defect Security** (Cashier's Check 414241), \$1,725.

[BC20110222DOC015](#)

**Oakhurst Subdivision**

**Release Agreement Guaranteeing Completion of Required Sidewalks and Bikeways and Performance Bond** (Letter of Credit 1016 and associated amendment[s]), \$82,060.10.

**Pope Road Master Pump Station**

[BC20110222DOC016](#)

**Release Agreement Warranting Required Improvements and Defect Security** (Surety Bond 5030752 and associated rider[s]), \$315,457.29.

[BC20110222DOC017](#)

**Ringhaver Heavy Equipment**

**Release Wetland Mitigation System Surety Agreement and Performance Bond** (Surety Bond MI2602 and associated rider[s]), \$7,818.

[BC20110222DOC018](#)

**River's Reach, Phase II**

**Release Agreement Warranting Required Improvements and Defect Security** (Surety Bond SU5024356 and associated rider[s]/endorsement[s]), \$88,536.13 (reduced from \$246,898.42).

[BC20110222DOC019](#)

**River Sound/River Song**

**Release** Wetland Mitigation System Surety Agreement and Performance Bond (Surety Bond SU6023428 and associated rider[s]), \$43,700. [BC20110222DOC020](#)

**Thompson Aggregate and Materials**

1. **Release** Agreement Guaranteeing Removal of Aggregate Material at 7611 U.S. 41 North, Palmetto, Florida, \$27,300.
2. **Accept** Agreement with Thompson Aggregate & Materials Company, Inc., Guaranteeing Removal of Aggregate Materials at end of operation. This agreement is for a **one-year extension**, secured by a previously accepted Letter of Credit (S-4322), \$27,300.
3. **Accept** Performance Bond (Amendment 2 to Letter of Credit S-4322 **extending** the expiration date to January 26, 2012.
4. **Accept** Performance Bond (Amendment 3 to Letter of Credit S-4322) with an automatic renewal clause and address change, \$27,300. [BC20110222DOC021](#)

**Twin Rivers, Phase IV**

**Release** Agreement Warranting Required Improvements and Defect Security (Letter of Credit 9660080071/00006 and associated amendment[s]), \$598,578.78.

**WARRANT LIST**

February 8, 2011 through February 21, 2011

[BC20110222DOC022](#)

[BC20110222DOC023](#)

**MINUTES**

January 11 and 25, 2011

[BC20110222DOC024](#)

**ACCEPT**

1. **Auditors' Communication with those Charged with Governance as Required Under Statement on Auditing Standards (SAS) 114** from Shinn & Company, P.A., and LarsonAllen LLP. [BC20110222DOC025](#)
2. **Peace River Manasota Regional Water Supply Authority - Financial Statements Independent Auditor's Report for FY ended September 30, 2010.** [BC20110222DOC026](#)

**Contract Documents (Pursuant to Manatee County Code, Chapter 2-26):**

1. **2010 Emergency Lift Station Generators, Group 4 - Agreement with Zabatt Power Systems, Inc., \$325,348; Performance Bond; Payment Bond; and Certificate of Liability Insurance.** [BC20110222DOC027](#)
2. **Alzheimer's Disease Initiate - Respite Service - Addendum One to agreement with Approved Home Health assigning the agreement to Tidewell Home Health LLC dba Approved Home Health.** [BC20110222DOC028](#)
3. **Community Care for the Elderly - Homemaker Service - Addendum One to agreement with Approved Home Health assigning the agreement to Tidewell Home Health LLC dba Approved Home Health.** [BC20110222DOC029](#)
4. **Community Care for the Elderly - Personal Care Service - Addendum Two to agreement with Approved Home Health assigning the agreement to Tidewell Home Health LLC dba Approved Home Health.** [BC20110222DOC030](#)
5. **Community Care for the Elderly - Respite Service - Addendum One to agreement with Approved Home Health assigning the agreement to Tidewell Home Health LLC dba Approved Home Health.** [BC20110222DOC031](#)
6. **Emergency Medical Transportation Billing Services - Addendum Seven to agreement with PST Services, Inc. dba Per-Se Technologies extending the agreement 90 days (1/15/11-4/14/11).** [BC20110222DOC032](#)
7. **Master Appraisal Service Agreement - Addendum Two to agreement with Retech, Inc., extending the agreement to December 31, 2011.** [BC20110222DOC033](#)
8. **RO Plant and Storage - Phase 2 Feasibility and Permitting - Change Order Two to Work Assignment EOR-58 with McKim & Creed; increase of \$93,902, adjusted total \$917,615.** [BC20110222DOC034](#)
9. **Substance Abuse Professional Testing Service Agreement - Addendum Five to agreement with First Advantage Screening Corporation extending the agreement one year (3/13/11-3/12/12).** [BC20110222DOC035](#)
10. **Unemployment Insurance Cost Control Services - Addendum Seven to agreement with Degroot Management Services, Inc., extending the agreement one year**

(1/1/11-12/31/11).

[BC20110222DOC036](#)

11. **Saffold Road Bridge Replacement** – Change Order Two to Purchase Order P1100532 with Lovin Construction, Inc.; increase of \$4,629, adjusted total \$278,690.20.

**AUTHORIZE CHAIRMAN TO SIGN**

[BC20110222DOC037](#)

**Partial Release of Special Improvement Assessment Lien:**  
Project 5264

[BC20110222DOC038](#)

**COUNTY ADMINISTRATOR**

**LAWSUITS – 44TH AVENUE EAST (U.S. 41/1ST STREET TO 15TH STREET EAST)**

1. RESOLUTIONS OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, WIDENING, OR IMPROVING A PUBLIC STREET, ROAD, OR HIGHWAY AS PART OF A PUBLIC ROAD SYSTEM IN MANATEE COUNTY, FLORIDA  
**R-11-037** – **Property Owner:** Joyce N. Courchesne (Parcel 102);  
**R-11-039** – **Property Owner:** Joyce N. Courchesne (Parcel 103);  
**R-11-041** – **Property Owners:** Archie T. and Marjorie J. Lasater (Parcels 106A, 106B, and 706);  
**R-11-043** – **Property Owner:** Citrus Grove Home Owners Association, Inc. (Parcel 107);  
**R-11-045** – **Property Owner:** NHC-FL 119 LLC (Parcels 127 and 827);  
**R-11-047** – **Property Owner:** Sheila D. Leach, as Trustee of the Sheila D. Leach Trust U/A dated May 6, 2002 (Parcel 129);  
**R-11-049** – **Property Owner:** Sheila D. Leach, as Trustee of the Sheila D. Leach Trust U/A dated May 6, 2002 (Parcels 130 and 730); and  
**R-11-051** – **Property Owner:** El Rancho Village, Inc. (Parcel 731).
2. RESOLUTIONS AUTHORIZING USE OF “QUICK TAKING” CONDEMNATION PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTING, WIDENING, OR IMPROVING A PUBLIC STREET, ROAD, OR HIGHWAY AS PART OF THE PUBLIC ROAD SYSTEM IN MANATEE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE  
**R-11-038** (Parcel 102);  
**R-11-040** (Parcel 103);  
**R-11-042** (Parcels 106A, 106B, and 706);  
**R-11-044** (Parcel 107);  
**R-11-046** (Parcels 127 and 827);  
**R-11-048** (Parcel 129);  
**R-11-050** (Parcels 130 and 730); and  
**R-11-052** (Parcel 731).

[BC20110222DOC039](#)

**INSURANCE**

Renewal of the Boiler and Machinery coverage for \$49,427.46 and Crime Coverage for \$1,834.15, for a total of \$51,261.51; and allow the County Attorney or his designee to execute renewal documents (3/1/11-3/1/12).

[BC20110222DOC040](#)

**PARRISH LAKES DEVELOPMENT OF REGIONAL IMPACT**

Authorization for staff to schedule public hearings for the Planning Commission (6/9/11) and Board of County Commissioners (7/26/11) to consider the Parrish Lakes Development of Regional Impact (DRI 28).

[BC20110222DOC041](#)

**COMMUNITY CARE FOR THE ELDERLY**

1. Execution of Amendment 1 to the FY 2010-11 **Alzheimer’s Disease Initiative** Funding Agreement with Meals on Wheels Plus of Manatee, Inc., to change the contract total from \$13,721 to \$16,260 for the **facility based respite service**. [BC20110222DOC042](#)
2. Execution of Amendment 1 to the FY 2010-11 **Community Care for the Elderly** Funding Agreement with Meals on Wheels Plus of Manatee, Inc., to change the contract total from \$53,841 to \$73,240 for the **adult daycare service**. [BC20110222DOC043](#)
3. Execution of Amendment 1 to the FY 2010-11 **Community Care for the Elderly** Funding Agreement with Meals on Wheels Plus of Manatee, Inc., to change the contract total from \$99,727 to \$80,330 for the **home delivered meals service**. [BC20110222DOC044](#)

**BUDGET AMENDMENT****Various Departments      B-11-031**

Supporting Description and Detail Attached

[BC20110222DOC045](#)**CONSTITUTIONAL OFFICERS - BUDGET SUBMISSION DATES****R-11-063** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING BUDGET SUBMISSION DATE FOR CERTAIN CONSTITUTIONAL OFFICERS(establishing May 1, 2011, as the due date for FY 2011-12 budget requests from the **Sheriff, the Clerk of the Circuit Court, and the Supervisor of Elections**).**PAYMENT IN LIEU OF TAXES**[BC20110222DOC046](#)**R-11-057** A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE IMPOSITION AND PAYMENT OF CERTAIN PAYMENTS IN LIEU OF TAXES UPON CERTAIN PROPERTY UTILIZED BY THE COUNTY'S UTILITY SYSTEM; PROVIDING FOR THE AMOUNT, SOURCE, AND PRIORITY OF SUCH PAYMENT; AUTHORIZING THE PROPER OFFICERS OF THE COUNTY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE IMPOSITION AND COLLECTION OF SUCH PAYMENTS IN LIEU OF TAXES; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.[BC20110222DOC047](#)**RED TIDE**Execution of Agreement with Solutions to Avoid Red Tide, Inc. (START) to provide funding for **red tide education and outreach**, \$10,000 (10/1/10-9/30/11).[BC20110222DOC048](#)**DEEDS AND EASEMENTS**

1. **3506 1st Street West** - Temporary Construction Easement from Raghav LLC to remove an existing meter vault. [BC20110222DOC049](#)
2. **115th Street West** - Pedestrian Sidewalk Easement and Affidavit of Ownership and Encumbrances from Manatee Fruit Company for construction and maintenance of a sidewalk. [BC20110222DOC050](#)
3. **Riverview Boulevard Bridge at McLewis Bayou** - Temporary Construction Easement from R. Curtis White, Jr., and E. Bain White for the bridge project. [BC20110222DOC051](#)
4. **Wares Creek Stormwater Improvement Project** - Warranty Deed and Affidavit of Ownership and Encumbrances from Denys G. Mothes. [BC20110222DOC052](#)

**PRE-HOSPITAL EMERGENCY MEDICAL SERVICES GRANT****R-11-032** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF HEALTH, BUREAU OF EMERGENCY MEDICAL SERVICES; AND CERTIFYING THAT THE AWARD PROGRAM WILL **IMPROVE AND EXPAND THE COUNTY'S EXISTING PRE-HOSPITAL EMERGENCY MEDICAL SERVICES SYSTEM**; AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ALL RELATED GRANT DOCUMENTS; AND RESCINDING RESOLUTION R-09-259 (FY 2010-11, \$24,490).[BC20110222DOC053](#)**STREET LIGHTING - HOLIDAY HEIGHTS****R-11-029** A RESOLUTION MODIFYING THE ASSESSMENT ROLL FOR THE HOLIDAY HEIGHTS STREET LIGHTING MUNICIPAL SERVICE BENEFIT UNIT (MSBU) (splitting a parcel owned by Distressed Acquisitions).[BC20110222DOC054](#)**SURPLUS PROPERTY**

1. Authorization to classify property which is uneconomical to upgrade or repair as surplus per *Florida Statute 274.05* to enable appropriate and authorized disposition of said property, and authorization to thereafter dispose of such property; and
2. **R-11-033** RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CLASSIFYING CERTAIN TANGIBLE PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING THE DONATION THEREOF PURSUANT TO *SECTION 274.05, FLORIDA STATUTE* (Computer equipment to **Recovery Center for Women**). [BC20110222DOC055](#)
3. Authorization to classify vehicles which are uneconomical to operate as surplus per *Florida Statute 274.05* to enable appropriate and authorized disposition of said property, and authorization to thereafter dispose of such property. [BC20110222DOC056](#)

**DASHBOARD REPORTS**

Acceptance of the Dashboard Report for January 2011.

[BC20110222DOC057](#)

**COMMISSIONER INQUIRIES/DEPARTMENT RESPONSES**

Acceptance of memoranda from County Departments in response to directions/inquiries by the Board:

1. **Neighborhood Services:**
  - a. Lighting of Parks (Daughtrey Elementary and Harlee Middle Schools; 12/7/10);
  - b. Red Light Camera at Tara Boulevard and S.R. 70 (1/6/11 and 1/25/11); and
2. **Public Works**
  - a. Tara Bridge/MPO Long-Range Plan (1/25/11).

(End Consent Agenda)

[BC20110222DOC058](#)

**CITIZENS' COMMENTS****Capital Improvements Program**

**Cathy Woolley**, Tara resident, suggested the County Commission consider force ranking the top ten projects that are not in the Capital Improvements Program. There is a need to match the MPO and County projects.

Discussion: Need a 20-year Transportation Plan; financial plan should be valid for at least ten years; Tara Bridge is unfunded on the MPO plan; etc.

[BC20110222DOC059](#)

**Trailer Parking**

**William Wheeler** reported a Manatee County Sheriff's Deputy explained that truck trailers are allowed to park legally on main roads as long as traffic is not obstructed.

[BC20110222DOC059](#)

**Recess/Reconvene.** All members present.

**BRA-WIN PALMS CANAL DREDGING**

Public hearing (Notice published) was held to consider

**R-11-028** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING SPECIAL ASSESSMENT LIENS FOR CANAL DREDGING PROJECT NO. 5101500 IN BRA-WIN PALMS CANAL DREDGING MUNICIPAL SERVICE BENEFIT UNIT (MSBU); CONFIRMING THE SPECIAL ASSESSMENT ROLL; AUTHORIZING AND PROVIDING FOR THE COLLECTION OF SPECIAL ASSESSMENTS BY THE TAX COLLECTOR, IN ACCORDANCE WITH THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS PURSUANT TO *SECTION 197.3632, FLORIDA STATUTES*, PROVIDING FOR THE CORRECTION OF ERRORS; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Sia Mollanazar, Public Works Department, utilized a location map, aerials, memoranda from the County Attorney's Office, a slide presentation, and charts to review the history of the project as well as project costs. He recommended: (1) increasing the County contribution from \$186,268.33 to \$286,180.28, which would reduce the assessment from \$12,021.25 to \$3,437.75; and (2) extending the time period for collection to ten years instead of five years. The residents of Bra-Win Palms have the required permits for additional dredging. A letter (2/3/11) from **Michael Coyle** was submitted.

Speaking in opposition were Bra-Win Palms residents: **Kenneth Frith**, speaking on behalf of Dennis Godfrey and submitting photographs; **Michael Coyle**; **Dorothy Aldrich**; **Donald Burling**; **Keith Johnson**; and **Jack Aldrich**. Items discussed were: dredging project did not clear mud and muck from the east side or the bottom of the canal; photographs displayed by Mr. Mollanazar were taken at high tide; the machine used by L. J. Clark Construction, Inc., contractor, did not cut 30 feet in the center of the canal; validity of the dredging project; capability of the contractor to perform the project; mud and muck was pushed against the seawall, and the contractor should have been held accountable; water in the backyard;

contractor deposited mud and much along the seawall.

**William Wheeler** questioned if there was a performance bond for this project.

Discussion: Determined the dredging project had a public purpose; etc.

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 7 to 0, for:

- (1) Approval and adoption of the canal dredging assessment roll for Canal Dredging Assessment Project 5101500 in Bra-Win Palms in accordance with the above recommendation by staff; and
- (2) Adoption of Resolution **R-11-028** (previously R-10-075) in accordance with the above recommendation by staff. [BC20110222DOC060](#)

#### HEARTLAND REGIONAL TRANSPORTATION AUTHORITY

**Fred Busack**, attorney speaking on behalf of the Heartland Regional Transportation Authority, used a slide presentation to discuss the potential of Port Manatee, in a new regional shipping authority, as a result of the Panama Canal expansion.

Discussion: Information may be presented at a Port Authority meeting; Environmental Impact Study (EIS); turnpike study did not garner support from the State; phosphate companies own the land needed for the east-west roadway (Port Connector Road); meet with individuals who support a regional authority; etc. [BC20110222DOC061](#)

(Depart Mrs. Hayes)

#### AFFORDABLE HOUSING ADVISORY COMMITTEE

Motion was made by Mr. McClash and seconded by Mr. Chappie, to appoint **Wenston B. DeSue** to Seat 4 of the Affordable Housing Advisory Committee.

Denise Thomas, Neighborhood Services Department, clarified that Mr. DeSue applied for Seat 4, and Linda Heaton Gaines and Calvin C. Zoellner applied for Seat 6.

The motion carried 6 to 0.

#### Nomination for Seat 6

Linda Heaton Gaines – by Mr. McClash

Motion was made Mr. Chappie, seconded by Mr. Bustle, and carried 6 to 0, to close nominations and appoint **Linda Heaton Gaines**, and ADOPT Resolution:

**R-11-034** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING THE AFFORDABLE HOUSING ADVISORY COMMITTEE; APPOINTING THE MEMBERS OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR THE STAGGERED EXPIRATION OF TERMS OF OFFICE; AND PROVIDING AN EFFECTIVE DATE

(terms for Seat 4 and 6 shall expire on June 9, 2013).

[BC20110222DOC062](#)

#### COMMUNITY REDEVELOPMENT AREA (CRA)

Mrs. DiSabatino requested information on the following: the status of the current CRA budget, including revenues and expenses; how the interlocal agreement between the Sheriff and Tax Collector affects the CRA; and how the establishment of Tax Increment Financing (TIF) would affect CRA operations. She announced a CRA Advisory Board will meet on Thursday, February 24, at 7:30 p.m., at Peace Lutheran Church.

Discussion: An agenda will be created to hold a future CRA meeting; etc.

[BC20110222DOC063](#)

Recess/Reconvene. All members present.

**CODE ENFORCEMENTS CASES**

Mrs. DiSabatino noted that Code Enforcement fines run for years without action. Properties are foreclosed, and the banks want to settle for considerably less.

Discussion: The County is covering its costs; do not need rigid standards during difficult time; compliance is the goal, and staff works with respondents; have a work session to discuss junk vehicles/untagged vehicles and new citation process; etc.

**CE2004090413 – U.S. Bank National Association (fka Robert J. Stief)**

Motion was made by Mr. McClash to reduce the fines for case CE2004090413 to a total of \$2,000 (as recommended by the Special Magistrate on 1/26/11), subject to the following conditions: (1) The reduced fines shall be paid within 30 days, or will revert to the original amount of \$27,165; (2) Recording fees of \$20 to be collected; and (3) The Neighborhood Services Director is authorized to sign Satisfactions of Liens if the reduced fines are paid. The motion was seconded by Mrs. Hayes and carried 6 to 1, with Mrs. DiSabatino voting nay.

[BC20110222DOC064](#)

**CE2006050565 – Gillian Amede**

Motion was made by Mrs. DiSabatino to reduce the fines for case CE2006050565 to a total of \$2,500 (as recommended by the Special Magistrate on 12/8/10), subject to the following conditions: (1) The reduced fines shall be paid at \$50 a month and will not revert to the original amount of \$6,400; (2) Recording fees of \$20 to be collected; and (3) The Neighborhood Services Director is authorized to sign Satisfactions of Liens if the reduced fines are paid. The motion was seconded by Mr. Chappie and carried 7 to 0.

[BC20110222DOC065](#)

**CE2006050774 – Clayton Sutton (fka IB Property Holdings LLC and Ricardo Santiago)**

Discussion: The bank agreed to pay \$9,655, and it should be collected; support staff's recommendation; etc.

Motion was made Mrs. Hayes to reduce the fines for case CE2006050774 to a total of \$1,500 (as recommended by the Special Magistrate on 1/26/11), subject to the following conditions: (1) The reduced fines shall be paid within 30 days, or will revert to the original amount of \$96,550; (2) Recording fees of \$20 to be collected; and (3) The Neighborhood Services Director is authorized to sign Satisfactions of Liens if the reduced fines are paid. The motion was seconded by Mr. Gallen and carried 5 to 1, with Mrs. DiSabatino voting nay and Mr. McClash declaring a conflict of interest, and abstaining due to Clayton Sutton being a relative.

[BC20110222DOC066](#)

**CE2006080901 – Breathe Easy Air, Inc.**

Discussion: The fines will revert to the original amount if the property is not in compliance in six months; assisting local businesses as much as possible; etc.

Motion was made by Mrs. Hayes to reduce the fines for case CE2006080901 to a total of \$1,500 (as recommended by the Special Magistrate on 1/26/11), subject to the following conditions: (1) The reduced fines shall be paid within 30 days of the closing, the closing to take place 60 days following the action of the Board of County Commissioners, and six months to complete the work to bring the violations into compliance. If these conditions are not met within the time periods, the fines will revert to the original amount of \$240,800; (2) Recording fees of \$20 to be collected; and (3) The Neighborhood Services Director is authorized to sign Satisfactions of Liens if the reduced fines are paid. The motion was seconded by Mr. Bustle and carried 7 to 0.

[BC20110222DOC067](#)

**ECONOMIC DEVELOPMENT INCENTIVE GRANTS**

Discussion: Are the grants for restaurants; impact fees; work session topic regarding restaurants for Economic Development Incentive (EDI) grants; etc.

Motion was made by Mr. McClash and seconded by Mr. Chappie to adopt Resolutions:

1. **R-11-060** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RESCINDING RESOLUTION R-10-057 AND FINDING THAT “PROJECT BCC MB 48/4040



**DCA”** BE APPROVED FOR AN ECONOMIC DEVELOPMENT INCENTIVE (EDI) GRANT FOR FISCAL YEARS 2011-2012 THROUGH 2015-2016, AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110222DOC068](#)

2. **R-11-061** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, RESCINDING RESOLUTION R-10-220 AND FINDING THAT “**PROJECT TANK**” BE APPROVED FOR AN ECONOMIC DEVELOPMENT INCENTIVE (EDI) GRANT FOR FISCAL YEARS 2010-2011 THROUGH 2012-2013, AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110222DOC069](#)

Following a brief discussion, the motion carried 7 to 0.

### EMERSON POINT TRAIL

Sia Mollanazar, Public Works Department, displayed an aerial to point out the Emerson Point Trail project. An eight-foot sidewalk will impact .67 acres of existing wetland.

Discussion: County Administrator will bring back a wetland mitigation bank plan; etc.

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried unanimously, for execution of a Sales Agreement with Tampa Bay Mitigation LC, to buy mitigation credits costing \$95,010. This is necessary to satisfy wetland mitigation requirements for planned impacts of the Emerson Point Trail Project specified by the County’s permit application with the Southwest Florida Water Management District. [BC20110222DOC070](#)

### CORTEZ ROAD AT 5TH STREET WEST - TRAFFIC SIGNAL

Mr. McClash noted his concerns were addressed regarding the traffic signal update affecting the Blue Dolphin Car Wash.

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 7 to 0, to adopt Resolution:

**R-11-026** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, AUTHORIZING EXECUTION OF LOCAL AGENCY PROGRAM (LAP) AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR TRAFFIC SIGNAL UPDATE AT CORTEZ ROAD AND 5TH STREET WEST FPN: 427951-1-58-01 (Local Agency Program Agreement, \$295,534). [BC20110222DOC071](#)

### NATURAL RESOURCE DEPARTMENT - ANNUAL REPORT

Charlie Hunsicker, Natural Resources Director, along with other staff, utilized a slide presentation to give an overview of the Natural Resources Department:

- (1) **Environmental Protection Division:** Rob Brown, Neal Parker, Alissa Powers, Greg Blanchard, Paul Panek,
- (2) **Resource Management Division:** Max Dersch, Marcus Campion, Johnny McLeod, Alan Lai Hipp, and
- (3) **Education/Volunteer Division:** Melissa Cain-Nell

Discussion: Mr. Hunsicker has 31 years with the County; Marine Officer and abandoned boats; funding for fingerprinting software for the Manatee County Sheriff’s Office; capping an artesian well; standards for stormwater draining to bays; quality of life would deteriorate if the County did not have the preserves; National Estuary Program is encouraging; DVD regarding prescribed burnings from the Florida Division of Forestry; etc. [BC20110222DOC072](#)

### COMMISSIONERS’ COMMENTS

#### Lakewood Ranch Park

Mrs. Hayes reported on the little league season opening this past weekend and expressed satisfaction with the new concession building. She thanked Cindy Turner, Parks and Recreation Director, for the sign location. [BC20110222DOC073](#)

**Cortez Commercial Fishing Festival**

Mrs. Hayes commented on the festival, which took place February 19-20, and congratulated the Florida Institute for Saltwater Heritage on their efforts and expansion of the festival.

[BC20110222DOC073](#)

**Palmetto High School**

Mr. Gallen met with a group from Palmetto High School to explore mentoring opportunities and job shadowing for high school students.

[BC20110222DOC073](#)

**O'Brien Farms**

Mr. Chappie noted the ribbon cutting was on February 12.

[BC20110222DOC073](#)

**Abandoned Vessels**

Mr. Chappie attended a meeting with Alan Lai Hipp and Maggie Marr, Natural Resources Department, and the City of Bradenton Beach to discuss plans for abandoned vessels.

[BC20110222DOC073](#)

**Island Music Festival**

Mr. Chappie commented on the success of the Anna Maria Island Chamber of Commerce Island Music Festival held February 18.

[BC20110222DOC074](#)

**Rowing**

Mr. Chappie stated he met with Barbara Harvey, Manatee County School Board, regarding opportunities and the School Board's commitment to rowing in the County.

[BC20110222DOC073](#)

**Sports Activities**

Mr. Chappie toured different sport facilities including 22 soccer fields in Lakewood Ranch and noted the promotion of sports activities would be good for the County and the hotel industry.

[BC20110222DOC073](#)

**Pittsburgh Pirates Game**

Mr. Chappie reported that the Palmetto Crew Club has been invited to a Pirates spring training game on March 6.

[BC20110222DOC073](#)

**Sister Keys Restoration**

Mr. Chappie announced he and Mr. Hunsicker will meet with Rusty Chinnis, Longboat Key contractor, on February 25, for a tour of the restoration area.

[BC20110222DOC073](#)

**Manatee-Sarasota Fish and Game Association – Environmental Meeting**

Mr. Chappie noted Sarasota County Commissioner Jon Thaxton gave a presentation on February 15, at the Palma Sola Botanical Park.

[BC20110222DOC073](#)

**Marine Rescue Building**

Mr. Chappie reported the Certificate of Occupancy has been issued for the Marine Rescue Building across from Coquina Beach.

[BC20110222DOC073](#)

**Perico Preserve**

Mr. Chappie remarked the possibility of a Community Farm Stand (discussed 2/4/10) at Perico Preserve (Geraldson's Farm) has caused concern among private farmers, the Downtown Bradenton farmer's market, and the City of Bradenton Beach.

Discussion followed.

[BC20110222DOC073](#)

**Boats in Front Yards**

Ms. Whitmore questioned when this issue will be scheduled for discussion.

Discussion: Plans to update the Land Development Code; parking and/or storing boats or junk vehicles in driveways; etc.

[BC20110222DOC073](#)

**Cortez Bridge**

Ms. Whitmore reported the Florida Department of Transportation will make a presentation on plans for a Project Development and Environmental Study regarding the best options for the bridge. [BC20110222DOC073](#)

**Mayors' Meeting**

Ms. Whitmore announced that she will meet with the Mayors in April. [BC20110222DOC073](#)

**Traffic**

Ms. Whitmore noted increased traffic due to tourist season. [BC20110222DOC073](#)

**Employee Banquet**

Ms. Whitmore announced the Employee Longevity Banquet is scheduled on February 24, at the Civic Center. [BC20110222DOC073](#)

**Tara Bridge**

Ms. Whitmore reminded staff to brief the new Commissioners on the history of this project. [BC20110222DOC073](#)

**Current Events**

Ms. Whitmore reported an earthquake has occurred in New Zealand and that another police officer, David Crawford, was killed in St. Petersburg in the early morning hours. Mr. McClash mentioned four Americans were killed after their yacht was captured by pirates in the Indian Ocean. [BC20110222DOC073](#)

(Note: Commissioners' Comments continued later in meeting)

**RIVERWALK PROJECT**

Mr. Bustle stated the Kiwanis Club recently moved to support the City of Bradenton Downtown Development Authority's Riverwalk Project, which is a \$6.2 million plan.

Mr. Bustle moved to ask the Chairman to send a letter to the City of Bradenton voicing the County Commission's support of the Riverwalk Project. The motion was seconded by Mr. Gallen.

Discussion: Bradenton City Council will vote on project February 23; Commissioners should express their support individually; not all the Commissioners saw the presentation; Kiwanis voted on the item at the request of Dale Weidemiller, Riverwalk Project Manager; etc.

The motion failed 2 to 5 with Commissioners Chappie, DiSabatino, Gallen, Hayes, and McClash voting nay. [BC20110222DOC075](#)

**COMMISSIONERS' COMMENTS** (Continued)

**Landlord Association Meeting**

Mrs. DiSabatino attended a Landlord Association meeting and reported rental vacancies are down. Landlords are willing to work with the County regarding the enforcement of the Land Development Code. She thanked Sherry Weydert, Neighborhood Services Department, for her assistance. [BC20110222DOC073](#)

**Town Hall Meeting - Palmetto High School**

Mrs. DiSabatino attended the meeting sponsored by the School Board on February 10. [BC20110222DOC073](#)

**Bayshore Gardens**

Mrs. DiSabatino thanked Public Works and Utilities Departments staff for resurfacing sidewalks on Bay Drive and Florida Boulevard. [BC20110222DOC073](#)

**Economic Development Incentive Grants**

Mrs. DiSabatino requested that staff provide Commissioners with information once EDI projects are made public. [BC20110222DOC073](#)

**Local Businesses**

Mrs. DiSabatino reported the Ramada Inn on U.S. 41 (near the Sarasota-Bradenton Airport) is open for business. A new restaurant will be opening on the former Johnny Carino's restaurant site on University Parkway. [BC20110222DOC073](#)

**Saunders Road – 63rd Avenue East**

Mrs. DiSabatino stated residents of the Cascades Subdivision contacted the Sheriff's Office regarding traffic enforcement on 63rd Avenue East. Over 30 tickets were written. [BC20110222DOC073](#)

**Dashboard Reports – January 2011**

Mrs. DiSabatino highlighted Tourist Development Tax Revenue and Impact Fee statistics from the reports (accepted earlier in the meeting). [BC20110222DOC073](#)

**44th Avenue East Extension**

Mrs. DiSabatino requested confirmation that the status report by the Public Works Department is scheduled for March 15. [BC20110222DOC073](#)

**Environmental Impact Study**

Mr. McClash explained the requirements for an Environmental Impact Study (EIS) should be revised, and a threshold should be established. The National Association of Counties and the Florida Association of Counties should be contacted to inquire if other counties are experiencing issues with the EIS process. [BC20110222DOC073](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 4:14 p.m.  
/vj/qa

Minutes Approved: March 29, 2011