

APRIL 5, 2011

The Board of County Commissioners, Manatee County, Florida, met with the Council of Governments at the Manatee Educational Television Studio, 2501 63rd Avenue East, Bradenton, Florida, at 4:03 p.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
Diane Vollmer, Board Records Supervisor,
representing R. B. Shore, Clerk of Circuit Court

AGENDA

Agenda of April 5, 2011, and sign-in sheets.

[BC20110405DOC001](#)

ONE STOP FILM PERMIT PROCESS

Elliott Falcione, Convention and Visitors Bureau Director, distributed an Application for Permission to Film and provided an update on the one stop permit process for the film commission. The new process will give the County the ability to serve the film industry in an efficient manner and provide an opportunity to market the destination. The Town of Longboat Key has its own process, since it is part of both Manatee and Sarasota Counties.

Discussion: Filming at schools; Longboat Key to work to quickly process requests; County will coordinate requests; private home locations; merging film libraries; Dry Creek in the Parrish area is unique; videos will be included on the Film Commission page to be launched in two months and will mirror Sarasota efforts; etc.

[BC20110405DOC002](#)

BEACH RENOURISHMENT

Charlie Hunsicker, Natural Resources Director, used a slide presentation to review the Manatee County Shore Protection Program. Slides were shown of the current dredging project on Coquina Beach via the Great Lakes Dredge and Dock Company. Ongoing projects for Anna Maria Island, Coquina Beach, Port Dolphin, and Cortez Beach Groin Replacement were reviewed, including costs.

Discussion: Jetty replacement on Coquina Beach; Port Dolphin pipeline project; renourishment projects last eight to ten years; all projects have 50 percent state funding; high cost of beach renourishment is returned in taxpayer benefits at an eight to one ratio; County Commissioners have appealed to the legislature for continued funding; Islands have reported record numbers of tourists over the last two months; mitigation costs can exceed the cost of the project but is a Department of Environmental Protection permit requirement; artificial reef required to protect habitat; etc.

[BC20110405DOC003](#)

THE ACCORD AND INTERLOCAL AGREEMENT FOR PARKS WITH SCHOOL BOARD

William Claque, Deputy County Attorney, reviewed the following documents: *The Accord, General Interlocal Agreement to Implement Accord, Interlocal Agreement Establishing Joint Planning Committee, and Interlocal Agreement for use of Recreational Facilities by and Between the County of Manatee and School Board of Manatee County, Florida.* These are not legally

binding contracts because police powers of government are limited, and land development cannot be regulated by contract. *The Accord* is a commitment by the parties to work together. Language is included regarding termination with a 30-day notice by any party; however, this has never occurred, and *The Accord* remains in effect as a political agreement among the governments.

The general concept of *The Accord* is intergovernmental cooperation and communication in three areas: (1) land use and planning issues; (2) annexation; and (3) resource sharing and consolidation of functions. He summarized the three general terms and noted many of the obligations imposed upon cities by *The Accord* were contingent upon the approval by the voters of a one-half cent sales tax, which did not happen. It is not entirely clear which provisions or obligations were intended to survive the sales tax.

The interlocal agreement regarding parks was entered in 1995 and includes the County and the School Board. Each party allows the other to use its recreational facilities when it does not conflict with the owner of the facility.

Discussion: Urban Development Zone; primary reason for *The Accord* was the cities were trying to service clients who were trying to annex; impact fees; improved County Building Department operation has enhanced services; charter government movement; Joint Planning Committee is a tool that avoids confrontation and outlines dispute resolution; updating *The Accord* to include the Council of Governments; parties should review the documents and provide comments; etc.

Ed Hunzeker, County Administrator, offered to facilitate a process in which provisions of *The Accord* are examined. [BC20110405DOC004](#)

LEGISLATIVE UPDATE

Nick Azzara, Information Outreach Coordinator, discussed budget reductions. The Senate is proposing a \$69.8 billion (down from \$70.5 billion) budget and the House is proposing a \$66.5 billion budget. The Senate is also reducing Education funding \$1 billion dollars in direct aid to classrooms (average \$6,800 per pupil) and the House is cutting \$1.1 billion. Savings are expected by reductions in the court systems, funding for libraries, and beach renourishment, streamlined government services, reduced bureaucracy, and growth management. The Florida Retirement System is under review to make up some funding via three percent contributions from annual salaries and the Deferred Retirement Option Plan may be eliminated.

Mr. Azzara discussed the recent trip to Tallahassee with Commissioners and staff. Beach renourishment and the Port Manatee Encouragement Zone were promoted to Governor Rick Scott, who may tour the Port. The Port Manatee Bill regarding submerged lands was advanced unanimously, which is important to succeed with the Panama Canal expansion. More equitable funding for Technical Institutes was promoted regarding how the MTI curriculum could be broadened. The Library funding issue was addressed as current attendance is at an all time high due to job seekers. Bills of community-wide interest: red light cameras; a referendum of homestead tax caps from ten percent to three percent; large environmental permitting; and the Governor announced a multi-agency task force will be funded by \$800,000 Federal stimulus dollars regarding support of a statewide data base for the pill mill ordinance. [BC20110405DOC005](#)

WEDNESDAY SCHOOL SCHEDULE

Bob Gause, School Board member, distributed a handout, "Modified Instructional Week" and noted the modified early release time on Wednesday (started several years ago) was to create staff development time. Parents have expressed concerns such as increase in juvenile pregnancy rates, increase in crimes, and a recent workshop was held to address these concerns. The survey indicates: juvenile pregnancy rate has decreased; there is no decrease in student attendance on modified Wednesdays; and no increase in crime related to modified Wednesdays. A School Advisory Council Parent Survey indicated the majority agreed the modified Wednesdays

should be continued. An automated survey to all parents indicated: 48 percent support; 36 percent oppose; and 14 percent are undecided. A positive benefit from the staff development time has been an increase in test scores.

Tim McGonegal, School Superintendent, stated there has been an improvement where the core curriculum was first added, and FCAT scores this year will measure progress. He reviewed the daily schedule for high schools before and after the modified instructional week.

Harry Kinnan, School Board member, stated more training should result in better teachers, which will result in better test scores and better students.

Discussion: Modified Wednesdays since 2007-08; organizations addressing after-school needs; work with the 14-year-old girls; County grant for school system to focus on the four middle schools with the highest incident of teen pregnancy will pay off; etc. [BC20110405DOC006](#)

KINNAN ELEMENTARY SCHOOL PARK/STUDENT ART AT THE CIVIC CENTER AND OTHER AREAS

Harry Kinnan, School Board member, noted issues over the last decade in the Tallevast area, which lacks recreational areas. Lockheed Martin will fund a portion of the park at Kinnan Elementary, and he requested the County Administrator contact Lockheed Martin to keep abreast of the plans.

Mr. Kinnan recognized the many talented student artists and stated their art will be displayed at the Sarasota-Bradenton International Airport and the Civic Center. Opportunities are being pursued to display the art work in other areas. [BC20110405DOC007](#)

COMMENTS

Groover's Supermarket

Mr. Gallen distributed a handout regarding Groover's Supermarket at 110 17th Street West, Palmetto. He read a January 16, 2011, article from the *Bradenton Herald* regarding a shoot-out at the supermarket. The Manatee Sheriff's Office has recorded over 1,700 incidents in the last seven years, and the Palmetto Police Chief has reported over 100 incidents in that period. Groover's has become a hotbed for drug use, drug sales, drinking, fighting, and shootings. This site is contiguous with Lincoln Middle School and is surrounded by a number of churches, the Palmetto Youth Center, Lincoln Park, and residents. Action should be taken before there is an incident involving a child.

Mr. Gallen stated *Florida Statute, Sections 60.05 and 823.05*, authorize the State Attorney to seek an injunction to abate a public nuisance that tends to annoy the community, injure the health of the citizens, or become manifestly injurious to the morals or manners of the people. He referred to case law State of Florida v. Mary Rapuano from the Second District Court of Appeal. His intent, along with City of Palmetto Commissioner Mary Lancaster and School Board member Barbara Harvey, is to meet with State Attorney Earl Moreland to request a lawsuit to abate this nuisance. City of Palmetto Mayor Shirley Groover Bryant supports the idea. He requested support.

Discussion: County has tried to work with the owner; the precedent-setting case shut down the establishment; address the sale of alcohol; Lincoln Middle School principal stated children are influenced by negative activity; the school has been forced to go on lock down because of activities at Groover's Market; 400-500 students per year choice out of Lincoln because of the perception; School Board should also address the issue; etc.

Shirley Bryant, City of Palmetto Mayor, stated this site should be part of Lincoln Middle School, and the issue has been addressed with the School Board. It would be an asset to the School Board to open onto 17th Street especially with County funding sources and amenities to improve the area.

Discussion: Support new action; summary of actions to date; agreement with current property owners; nuisance calls for fire alarms are charged a fee; is the County prohibited from charging a fee for nuisance calls; due to the number of violations, the owner should have to pay law enforcement for nuisance calls; consider letters of support from the County and the City of Palmetto; eminent domain; annexation with the School Board; etc. [BC20110405DOC008](#)

“Through the Tunnel” Documentary

Mr. Gallen invited Lincoln High School alumni and the community to attend the “Through the Tunnel” documentary at the Sarasota Opera House on April 14, 2011 (Sarasota Film Festival). The documentary was produced by Judge Charles Williams, Judge Durand Adams, and Charles Clapsaddle. The award to METV will be presented at this event. [BC20110405DOC009](#)

Town of Longboat Key

Jim Brown, Town of Longboat Key Mayor, presented a letter to the Chairman of the Manatee County Board of County Commissioners on behalf of Longboat Key regarding a recent emergency due to a failure in the main sewer line. The letter expresses appreciation to Dan Gray, Manatee County Utilities Director, for the rapid response and assistance. [BC20110405DOC010](#)

Ribfest

Mayor Bryant invited all to attend the Ribfest at the Fairgrounds this weekend, which raises funds for the youth centers. [BC20110405DOC009](#)

Founders Day Celebration

Rich Bohnenberger, City of Holmes Beach Mayor, invited everyone to attend and enjoy the Founders Day Celebration, April 15-16, at the Holmes Beach City Hall Field. [BC20110405DOC009](#)

Noise Abatement

Mr. Chappie announced that Rick Piccolo, Executive Director of the Sarasota-Bradenton International Airport, will report on noise abatement at the next Council of Governments meeting. [BC20110405DOC009](#)

Women’s Equity Affair

Barbara Harvey, School Board member, thanked Marianne Barnebey, City of Bradenton Council Member, for her participation at the Women’s Equity meeting in Tallahassee. [BC20110405DOC009](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 5:42 p.m.
/njh

Minutes Approved: May 5, 2011