

APRIL 26, 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 Director,
representing R. B. Shore, Clerk of Circuit Court

Invocation by Nick Manassa, First Assembly of God.

AGENDA

Agenda of April 26, 2011, and agenda update memorandum.

[BC20110426DOC001](#)

EMPLOYEE SUGGESTION AWARD

Charlie Bishop, Property Management Director, presented a Recognition Award to **Regina Worley**, Mail Services Coordinator, for her suggestion on reducing the cost of specific mail services utilized by the County.

[BC20110426DOC002](#)

PROCLAMATIONS

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

1. A Proclamation designating April 29, 2011, as National Arbor Day accepted by **Ingrid McClellan** and **Bob Goodwin**, Keep Manatee Beautiful. [BC20110426DOC003](#)
2. A Proclamation designating May 5, 2011, as National Day of Prayer accepted by Pastors **Joey Mimbs**, Bethel Baptist Church, **Nick Manassa**, First Assembly of God, and **Bill Pierson**, JOY Fellowship Ministries. [BC20110426DOC004](#)
3. A Proclamation designating May 12, 2011, as RED Day accepted by **Maryann Lawler**, Keller Williams Realty. [BC20110426DOC005](#)
4. A Proclamation designating April 25-30, 2011, as Community Development Block Grant Week accepted by **Cheri Coryea** and **Suzie Dobbs**, Neighborhood Services Department. [BC20110426DOC006](#)

NORMA LLOYD PARK

Carl Callahan, City of Bradenton Clerk, expressed concern with the County terminating the 50-year Lease Agreement with the City of Bradenton, therein turning maintenance obligations over to the City and United Community Centers (UCC). Funding will be difficult in this economy.

Discussion: Bring issues back to Board; City has no Parks and Recreation Department; underserved area; three-way partnership; coordination of fields; can request funding for maintenance; UCC help; thin budget; County equipment donation; etc. [BC20110426DOC007](#)

(NOTE: Item approved with Consent Agenda)

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 (as may have been amended in the supplemental agenda) with deletion of **Downtown Bradenton Transit Station** – Award of IFB and execution of contract with Zirkelbach Construction (deferred). [BC20110426DOC008](#)

Items APPROVED:

CLERK'S CONSENT CALENDAR

[BC20110426DOC009](#)

BONDS**Central Park, Phases A-1a and B-1**

Accept Agreement with Central Park Lifestyles LLC for Final Wearing Course of Asphalt on Roadways (Privately Maintained Roadways). [BC20110426DOC010](#)

Cortez Subdivision

Release Agreement Guaranteeing Completion of Required Sidewalks and Bikeways and Temporary Construction Easement for Private Improvements, **and** Performance Bond (Letter of Credit 2005-006, and associated amendments), \$16,537.68 (original amount \$27,538.08). [BC20110426DOC011](#)

Harrison Ranch, Phase II A-2 – Harrison Ranch Boulevard

1. **Release** Agreement Guaranteeing Completion of Required Improvements **and** Performance Bond (Surety Bond 0529225 **and** associated rider[s]), \$2,461,182.28.
2. **Accept** Agreement with Pulte Home Corporation Warranting Required Improvements **and** Defect Security (Surety Bond 1054964), \$88,452.51. [BC20110426DOC012](#)

Heritage Harbour, Phase I, Subphase F, Units 1-3

Accept Defect Security (Amendment 2 to Letter of Credit FGAC-06297) **extending** the expiration date to June 11, 2012. [BC20110426DOC013](#)

Lakewood Ranch Business Park, Phase II

Release Agreement Guaranteeing Completion of Required Sidewalks and Bikeways **and** Performance Bond (Surety Bond 5024934 and associated rider[s]), \$102,234.60.

Palma Sola Pointe

Release Agreement Guaranteeing Performance of a Wetland Mitigation System **and** Performance Bond (Surety Bond 3-867-491 and associated rider[s]), \$17,998. [BC20110426DOC014](#)

MINUTES

March 15, 2011

[BC20110426DOC015](#)

[BC20110426DOC016](#)

WARRANT LIST

April 12, 2011 through April 25, 2011

[BC20110426DOC017](#)

ACCEPT

Southwest Florida Water Management District – Comprehensive Annual Financial Report for FY ended September 30, 2010. [BC20110426DOC018](#)

Administrative Contract Adjustments (Pursuant to Resolution R-07-189):

1. **17th Street West, Palmetto (Business U.S. 41 to U.S. 41) Road and Utility Improvements** – Adjustment 3 to Contract with McLeod Land Services, increase of \$5,675.20, adjusted total \$3,442,822.62; and an additional 14 calendar days for a revised completion date of March 31, 2011. [BC20110426DOC019](#)
2. **Juvenile Process Center Building Modifications** – Adjustment 1 to Contract with DeLesline Construction, Inc., increase of \$8,328.27, adjusted total \$306,928.27.

Contract Documents (Pursuant to Manatee County Code, Chapter 2-26): [BC20110426DOC020](#)

1. **Coquina Beach Nourishment Project** – Work Assignment 39 with Coastal Planning and Engineering, Inc., for **post-construction environmental monitoring services**, \$134,525. [BC20110426DOC021](#)
2. **Transportation Engineering Services** – Addendum Three to Agreements with HDR Engineering, Inc., CivilSurv Design Group, Cardno TBE, Inc., and URS Corporation Southern, **extending** agreements for one year (4/22/11–4/21/12). [BC20110426DOC022](#)
3. **Community Care For the Elderly** – Addendum One to Agreement (FY 2010-11) with Utopia Home Care, Inc.

- a. **Homemaker Services** - Addendum One; increase of \$3,002, adjusted total \$51,982.
- b. **Personal Care Services** - Addendum Two; increase of \$9,723, adjusted total \$44,310. [BC20110426DOC023](#)
4. **Rowing Camp** - Special Interest Class Agreement with Trish Jackson. [BC20110426DOC024](#)
5. **Debris Management Services** - Addendum Three to Agreements with Ashbritt, Inc., Omni Pinnacle LLC, Phillips & Jordan, Inc., Crowdergulf Joint Venture, Inc., and Bamaco, Inc., extending agreements for one year (5/20/11-5/19/12). [BC20110426DOC025](#)
6. **Youth Basketball Program, G.T. Bray Park** - Franchise License Agreement with Vanity Studios for youth sports photography. [BC20110426DOC026](#)

COUNTY ADMINISTRATOR**LAWSUIT - LEXON INSURANCE COMPANY**

Approval of a settlement with Lexon Insurance Company, and execution of the Release and Indemnity Agreement, \$216,422.60 (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]). [BC20110426DOC027](#)

TAX DEED SALE

Authorization for the disbursement of half of the surplus funds from the Tax Deed Sale of land owned by Lawanna Lord, 2009 TD 000148, to Jupiter Asset Recovery LLC as assignee of Sue C. Winters (daughter), \$15,822.44. [BC20110426DOC028](#)

FINAL PLAT**Central Park, Subphase A-1b**

1. Final Plat;
2. Lot Drainage and Grading Plans;
3. Mortgagee Joinder In and Ratification of Subdivision Plat and all Dedications and Reservations Thereon from FC LLC;
4. Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Central Park Lifestyles LLC - Final Lift of Asphalt; **and** Performance Bond (Surety Bond 5039370) from Bond Safeguard Insurance Company, \$21,453.10;
5. Agreement for Final Wearing Course of Asphalt on Roadways with Central Park Lifestyles LLC; and
6. Supplemental Amendment to Declaration of Covenants, Conditions, and Restrictions for Central Park to add Subphase A-1b. [BC20110426DOC029](#)

Central Park, Subphase D-1aa

1. Final Plat;
2. Lot Drainage and Grading Plans;
3. Mortgagee Joinder In and Ratification of Subdivision Plat and all Dedications and Reservations Thereon from FC LLC;
4. Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Central Park Lifestyles LLC - Final Lift of Asphalt; **and** Performance Bond (Surety Bond 5037035) from Bond Safeguard Insurance Company, \$31,372.43;
5. Agreement for Final Wearing Course of Asphalt on Roadways with Central Park Lifestyles LLC; and
6. Supplemental Amendment to Declaration of Covenants, Conditions, and Restrictions for Central Park to add Subphase D-1aa. [BC20110426DOC030](#)

COMMUNITY CARE FOR THE ELDERLY

1. Execution of Amendment 2 to the 2010-11 Agreement with West Central Florida Area Agency on Aging, Inc. (CCE-10/11-MAN), increasing amount by \$25,000, and adjusting the budget summary, not to exceed \$842,010; and

2. **Budget Amendment****Community Services Department** B-11-049

Supporting Description and Detail Attached

[BC20110426DOC031](#)**HOME CARE FOR THE ELDERLY**

1. Execution of Amendment 1 to the 2010-11 Agreement with West Central Florida Area Agency on Aging, Inc. (HCE-10/11-MAN), decreasing funds by \$25,000, transferring funds from subsidies to the Case Management category, and revising the budget summary; not to exceed \$39,670; and

2. **Budget Amendment****Community Services Department** B-11-048

Supporting Description and Detail Attached

[BC20110426DOC032](#)**SUMMER FOOD SERVICE PROGRAM**

R-11-105 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A GRANT FROM THE FLORIDA DEPARTMENT OF EDUCATION FOR THE 2011 **SUMMER FOOD SERVICE PROGRAM FOR CHILDREN**

(\$254,100 - no local match; execution of Agreement 04-0976 with Florida Department of Education; and authorization for the Community Services Department Director to execute application forms and the State ESE 198 Forms).

[BC20110426DOC033](#)**DESOTO HERITAGE FESTIVAL**

Approval of expenditures to reimburse the Hernando DeSoto Historical Society for marketing expenses for the promotion of the festival April 1-30, 2011, \$10,000.

TOURISM WEEK LUNCHEON

Approval of expenditures for the first annual National Tourism Week luncheon at the Powel Crosley Estate on May 11, 2011, not to exceed \$5,000.

[BC20110426DOC034](#)[BC20110426DOC035](#)**BUDGET AMENDMENT****Various Departments** B-11-050

Supporting Description and Detail Attached

[BC20110426DOC036](#)**UNIVERSITY PARKWAY RESURFACING (U.S. 301 TO I-75)**

Authorization for the County Administrator or his designee to execute Change Order 1 to Purchase Order P0101736 with Superior Asphalt, Inc.; adding 70 calendar days, for a revised completion date of October 19, 2010.

[BC20110426DOC037](#)**U.S. 301 (OLD TAMPA ROAD TO C.R. 675)**

Authorization for the County Administrator or his designee to execute Change Order 1 to Work Assignment 1 with URS Corporation Southern for additional **Construction Engineering and Inspection Services**; increase of \$74,780.67, adjusted total \$2,074,243.90.

[BC20110426DOC038](#)**BAD DEBT**

Authorization for the Neighborhood Services Department/Library Division to write off accounts receivable amounts totaling \$143.98.

[BC20110426DOC039](#)**NORMA LLOYD PARK**

Execution of Amendment to Lease Agreement with the City of Bradenton to exercise the option to end the 50-year lease agreement with the City.

[BC20110426DOC007](#)**BENNETT PARK**

Authorization to execute and record the Grant of Electrical Utility Easement to Florida Power and Light Company for the installation and maintenance of an electrical power line to the facilities in Bennett Park.

[BC20110426DOC040](#)**ELLENTON/PARRISH LIBRARY FACILITY**

1. Execution of a Purchase and Sale Agreement with Zions First National Bank, in substantial conformance with the contract attached to the agenda memorandum, subject to approval by the County Attorney's Office, for the purchase of two parcels, totaling 9.75 acres, located at 6750 and 6710 U.S. 301 North, \$700,000. Approval is subject to review of title by the County Attorney's Office and correction of any title problems or other issues;

2. Authorization for Finance to process a check for the full amount payable to Signature Title Company;
3. **Budget Amendment**
Project Management Department **B-11-052**
and
4. **R-11-113** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING MANATEE COUNTY TO BORROW FUNDS TO REPLACE FUNDING FOR LIBRARY CAPITAL PROJECTS FUND THAT PROVIDED ADVANCE FUNDING FOR THE PURCHASE AND RENOVATION OF PROPERTY IN ELLENTON FOR A LIBRARY FACILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Discussion: Approval contingent on review by County Attorney to correct any title problems; financing; current rent would pay debt service fees on \$1 million loan to buy facility; \$300,000 for renovations, \$700,000 for acquisition, \$50,000 ancillary costs; no additional County revenue; continue with current maintenance staffing levels; etc.

(NOTE: After County Attorney approval on 5/19/11, these items were executed.)

MASTER METER IMPROVEMENTS

[BC20110426DOC041](#)

Utility Easement and Affidavit of Ownership and Encumbrances from Westbay Cove South Association, Inc.

[BC20110426DOC042](#)

WARES CREEK STORMWATER IMPROVEMENT PROJECT

Authorization for payment for reimbursement of move costs to Nancy J. Venit, \$180 (Parcel E122).

[BC20110426DOC043](#)

LONGBOAT KEY 911 FEES

Approval of an Interlocal Agreement with Sarasota County to reimburse Manatee County with the State 911 fees received on behalf of its Longboat Key residents.

FEDERAL TRANSIT ADMINISTRATION CAPITAL GRANT APPLICATION

[BC20110426DOC044](#)

1. **R-11-093** A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE ELECTRONIC EXECUTION OF THAT CERTAIN GRANT AGREEMENT WITH THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION; and
2. Acceptance of Federal Transit Administration Section 5307 Grant Funds, \$1,538,064 for Grant FL-90-X411 (local share to be paid from Toll Revenue Credits, \$384,513).

SURPLUS PROPERTY

[BC20110426DOC045](#)

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. RESOLUTIONS 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*:

R-11-097 – Printer to **Central Economic Development Center, Inc.**;

R-11-098 – Computer Equipment to **United Community Centers, Inc.**;

R-11-100 – Computer Kiosk to **Manatee Community Action Agency, Inc.**;

R-11-101 – Signal Cabinets to **Sarasota County**; and

R-11-102 – Signal Cabinets to **City of Bradenton**.

[BC20110426DOC046](#)

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.

[BC20110426DOC047](#)

TIME PAYMENT AGREEMENTS

Execution of Releases of Time Payment Agreement Liens for satisfaction of agreements with Troy Gatling Jr., and Sonja Smith; Charles A. Fagin Jr., and Jolene Fagin (2); and Randy B. and Rosemary D. Hopkins.

[BC20110426DOC048](#)

SERVICE FEE WAIVERS

Authorization to waive \$580.84 in service fees assessed to various utility customer accounts for returned bank items.

[BC20110426DOC049](#)

DASHBOARD REPORT

Acceptance of the monthly dashboard report for March 2011.
(End Consent Agenda)

[BC20110426DOC050](#)

CITIZENS' COMMENTS

Groover's Market

Ed Dick endorsed the closing of Groover's Market. He spoke of crime and the costs to tax payers due to 1,800 calls to law enforcement in the last seven years. The store is in close proximity to Lincoln Middle School, the Palmetto Youth Center, and many surrounding churches. (Note: Action later in the meeting)

[BC20110426DOC051](#)

Guardian Angels of Southwest Florida

Ed Dick submitted a handout and spoke of the faith-based children's home allied with the Florida Baptist Children's Home, to work with the Safe Children's Coalition. A Capital Campaign is beginning, and he discussed future requests for approval that will come before the Board.

[BC20110426DOC052](#)

SEGWAYS IN COUNTY PARKS

Robert Tarnay, Palmetto Point resident, expressed concern for allowing segways in parks. He noted they scare the elderly and can be a danger to pedestrians.

Discussion: Only allowed on the Island; agreement for concessionaire for segways in County facilities to come before Board; concerns for this "vehicle" in passive nature of parks and preserves; place on agenda for policy decision before agreement execution; now allowed in parks but not preserves; motorized but silent; safety, security, and liability issues; etc.

Motion was made by Mr. McClash and seconded by Mrs. Hayes, to bring back on the next agenda, a policy decision of the Board, not only for preserves, but also parks, such as on the trail at Coquina Beach; and for the County to develop a policy prior to going out for a concessionaire.

Discussion: Have work session; need to take action; do not delay; have direction for next meeting; need staff report; pros and cons; etc.

Ed Hunzeker, County Administrator, noted the Request for Proposal (RFP) process has been completed and suggested the Board make a policy decision before the contract is presented. A staff report can be given as soon as possible, in cooperation with a legal opinion by the County Attorney's office. A concession contract can be awarded where there can be some regulations over the concessionaire, or segways would be unregulated while ridden in facilities.

Discussion: Special meeting; provide correspondence; staff recommendation; etc.

A motion to **amend** the motion was made by Mr. Bustle, to bring this back in a work session as soon as possible with potential action to follow. Mr. Chappie seconded the motion.

Mr. McClash suggested the amendment be accepted as a friendly amendment without the necessary vote. Mr. Bustle and Mr. Chappie agreed. The motion, with the friendly amendment, carried 7 to 0.

[BC20110426DOC053](#)

BEARDED CLAM RESTAURANT AND TIKI BAR

Wade Yarchan, neighbor to the Bearded Clam Restaurant and Tiki Bar, presented a handout of Facebook posts by the Bearded Clam, with upcoming events. He requested an injunction to stop amplified music that violates the noise ordinance. Numerous calls have been made to the Sheriff's Office, and documents have been filed with the State's Attorney to stop the amplified music. The Bar will host a weekend fishing tournament that will be televised and broadcast over the radio, and bands will be playing every night.

Jim Minix, Chief Deputy County Attorney, noted the Bearded Clam has filed for an amendment to a Stipulation to the Ordinance (PDMU-98-03). This is a quasi-judicial matter.

Tedd Williams, Jr., County Attorney, stated the allegation is that the Bearded Clam is violating the Noise Ordinance, and the Board does not have to disregard that fact just because an application to change the Ordinance was filed.

Mr. Minix added that the Court will consider many factors, and there could be a potential certiorari appeal from the Board's decision. The current stipulation has been violated, and the Board is advised to use caution.

John Barnott, Building and Development Services Director, noted meetings held with the complainant and the proprietors, site visits to verify live music, citations given to the proprietor, and letters sent to the property owner in Canada. No means of noise mitigation was offered with the application for an amendment. The Code Enforcement Special Magistrate will hear the case on May 25, and a ruling may not be entered until June.

Joe Fenton, Code Enforcement Chief, verified the dates of site visits when music was heard and noted Code Enforcement officers have not heard much music at the site in the last few weeks.

Mr. Minix noted the four factors required for a temporary injunction:

1. No other possible remedy;
2. Must be in the public interest;
3. Cannot be a private issue, must be public; and
4. There must be a good likelihood of success on the merits.

Following discussion, motion was made by Mrs. DiSabatino to direct the County Attorney's Office to take appropriate legal action, including a complaint for an injunction against the owner of the businesses or other appropriate parties, regarding the Ramada Inn and Bearded Clam/Tiki Bar located on U.S 41 in District 4, and they are in violation of Ordinance PDMU-98-03(Z)(P). The motion was seconded by Mr. Gallen.

Mrs. DiSabatino submitted a packet of emails, Ordinance 08-12 regarding noise emission, and Zoning Ordinance PDMU-98-03(Z)(P).

Mr. Minix advised that violation of the provision in the stipulation would be the best option to obtain an injunction. Preliminary legal action has begun, but hearing time before a judge will probably not happen before the weekend events.

Discussion: Code Enforcement procedure; no outdoor amplified music after 7:00 p.m.; can Code Enforcement citations be given; fine amounts and court process; must exhaust administrative remedies; expedited hearings; business must comply with injunction; etc.

Mr. Williams added that the stipulation is a County Ordinance and an injunction cannot be obtained to enforce a County Ordinance. This situation alleges that the remedy is not adequate, because it is being ignored by the proprietors.

Discussion: Bring back policy for Legal office to have a mechanism for frequent unlawful activity; substantially increase fine amounts; non-amplified music allowed until 7:00 p.m.; 20 decibel limit; valet parking required during live music events; etc.

Dan Young, area resident, confirmed the noise and stated the Ordinance needs to be enforced.

The motion carried 7 to 0.

(Note: Additional action later in the meeting)

[BC20110426DOC054](#)

2011 VALUE ADJUSTMENT BOARD

The floor was opened for nominations to elect two members of the Board of County Commissioners to the 2011 Value Adjustment Board, selecting one to serve as Chairman.

Nominations

Mr. Chappie - by Ms. Whitmore

Mrs. DiSabatino - by Ms. Whitmore

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

Motion was made by Mrs. Hayes, seconded by Mr. Bustle, and carried 7 to 0, to elect **Mr. Chappie** as Chairman.

The Commission appointed Mr. Gallen as an alternate.

The floor was opened for nominations to appoint one "Citizen Representative" to the Value Adjustment Board (VAB):

Nominations

Joshua Conn - by Mr. McClash

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, to close nominations. **Mr. Conn** was appointed by majority vote. [BC20110426DOC055](#)

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

ORDINANCE 11-08 - MOTOR VEHICLES AND TRAFFIC

Public hearing (Notices published) was held to consider

ORDINANCE 11-08

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING SECTION 2-22-25 OF CHAPTER 2-22 OF THE MANATEE COUNTY CODE ENTITLED MOTOR VEHICLES AND TRAFFIC AND PROVIDING FOR **DESIGNATED PARKING FOR DISABLED PERSONS AND ENFORCEMENT**; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 6 to 0, to ADOPT **Ordinance 11-08.** [BC20110426DOC056](#)

REGULATED GAMBLING OPERATIONS REPORT

Mr. Minix stated that based on a Request for Legal Services, he researched gambling operations. There are no gambling ordinances, but he submitted bingo ordinances from Citrus and Brevard Counties.

(Enter Mrs. Hayes)

Discussion: Slot machine gambling is not bingo; strip mall arcades; winning and losing money; effect on surrounding communities; legislation; etc.

Mr. Minix added that gambling regulation is left to State Legislation. There is an entire chapter on gambling in *Florida Statutes*. The only local government regulation has been for bingo.

Discussion: Not in favor of action; no public outcry; raffles, bingo, 50/50 drawings, sports betting, fundraisers; banned in Florida Constitution; Department of Business and Professional Regulation involvement; games of chance; state laws enforced by Sheriff; regulation; let State handle; do not want to regulate; etc. [BC20110426DOC057](#)

ECONOMIC DEVELOPMENT COUNCIL

Cheri Coryea, Neighborhood Services Director, introduced Economic Development Council (EDC) Executive Director, **Eric Basinger**, who reported on the Outreach Program. He began a slide presentation noting the Outreach Program is to persuade businesses to relocate to Manatee County and create jobs. Positive aspects presented to businesses are the ample workforce, a large supplier base, large consumer base, and an affordable business climate. The only three countries that did not go through the recession were Australia, Israel, and Canada, and the EDC recently met with 11 Canadian businesses.

Sharon Hillstrom, EDC Associate Director, continued the slide presentation while reporting on the meetings with Canadian businesses. Strategic and aggressive follow-up has resulted in one company visiting Manatee County, and contingent upon obtaining buildings, may relocate here.

Mr. Basinger continued the slide presentation noting the EDC also visited Germany and met with 10 businesses, some of which have potential projects moving to the United States in the next few years. These businesses include advanced manufacturing, renewable energies, and medical devices. The database will soon be modernized with a dashboard that gauges the follow-up standing with each company. The EDC is visiting trade shows.

Ms. Hillstrom reported on visiting Chicago with the Tampa Bay Partnership team to meet with site selection consultants. Port Manatee, recent consolidations and expansions, and incentives were discussed. Companies are looking for mergers and acquisitions, and corporate tax rates in other states are oppressive. A sports performance committee has been formed to bring together area sports related companies.

Mr. Basinger concluded the presentation by stating the EDC will revisit some Canadian businesses and meet with more site selection consultants. An amendment to the agreement for the EDC expenses will be submitted for more funds that will enable additional opportunities to meet with more companies.

Discussion: Submit summary of reimbursements; staff has been helpful with meetings; etc.

[BC20110426DOC058](#)

LEGISLATIVE UPDATE

Nick Azzara, Information Outreach Coordinator, noted legislation on Water Basin Boards, House Bill 649, eliminates the requirement for two members from Manatee County and two members from Sarasota County on the Manasota Basin Board, and would instead require a three-member panel. A letter of County support of the Basin Boards was drafted, and a consensus is needed to send the letter either on behalf of the Board in addition to the Administrator, or instead of the Administrator.

Motion was made by Mr. Chappie, seconded by Mr. McClash, and carried 7 to 0, for the letter to come from the Board as a whole.

Mr. Azzara also spoke of the legislation relating to the proposed non-homesteaded property tax cap, which may be reduced from ten percent to three percent. The legislation would also eliminate the Recapture Rule that allows homesteaded assessment values to continue to increase three percent each year despite declining market values. The Recapture Rule would cap non-homesteaded property taxes at three percent, and would allow a first-time homebuyer tax credit worth up to \$200,000, phased out over a five-year period. An amendment to the Bill has been filed but not voted on. These issues may go to referendum for the 2012 election.

Mr. Azzara gave a brief update on the Florida Retirement System (FRS) changes, noting the House proposal would require employee contributions of three percent, whereas the Senate proposal would require a more tiered approach between two and six percent, depending on the employees salary.

Mr. Azzara noted the Tax Increment Financing (TIF) Amendment, which the Board supported, has been attached to a House Bill and appears to have some momentum. It may be attached to a transportation package in the Senate.

Discussion: FRS revisions; rehire rules not yet passed; red light camera repeal not moving in Senate; may not pass; etc. [BC20110426DOC059](#)

BEARDED CLAM RESTAURANT AND TIKI BAR (Continued)

Mr. Minix informed the Board that the Bearded Clam proprietors were informed of the earlier action and are now in attendance and requesting to address the Board.

Wesley Rose, corporate officer, stated earlier discussion had misinformation regarding the Make-A-Wish Foundation Kingfish Tournament to be held this weekend. The Bearded Clam will host an indoor cocktail reception on Wednesday evening. The proprietors agree not to have amplified music outdoors after 7:00 p.m., but there will be many people in attendance for the televised, radio broadcasted event. All terms of the Injunction will be abided by.

(Depart Mr. Bustle)

Discussion: Rules include valet parking; comply with Ordinance; etc.

Mr. Minix stated it is important that the Wednesday evening event will be held indoors. Mr. Rose's promises are not backed by a Court Order, but possible discussion with his attorney may result in agreement for a Consent Injunction, which would be enforceable in Court.

Mr. Rose stated the fishing tournament weigh-ins will be outdoors, will be broadcast over amplified microphones, and will be held from 3:00 to 6:00 p.m., on Friday, and 2:00 to 6:00 p.m., on Saturday. The planned music for each evening will be moved indoors.

Discussion: Do not want to prevent business operations; avoid legal fees; stipulation states no amplified music outdoors; amplified announcements okay; business must operate under stipulations to protect property owners; hold community meeting for changes; etc.

Terri Pulaski, proprietor, stated meetings have been held with the neighboring community and feedback has been positive, with only two or three neighbors in opposition.

Discussion: Encourage business; must comply with ordinance; noise decibel limits; surrounding residential area; control bands; etc.

Motion was made by Mr. McClash and seconded by Mrs. Hayes, not to go forward with the Injunction, as long as the owners enter into an agreement with the County to comply with the stipulations, especially no amplified music at any time.

Mr. Minix stated an agreement would not be enforceable. The choice is to take the proprietors at their word and hope they comply, or the Board could instruct the County Attorney to go forward to file a Complaint, and seek a Consent Injunction to be filed with the Court.

Discussion: Trust them; Code Enforcement action; notify Mr. Yarchan of action and plans for weekend; acoustic music okay; etc.

The motion **failed** 3 to 3, with Mr. Chappie, Mrs. DiSabatino, and Mr. Gallen voting nay.

Motion was made by Mr. Gallen and seconded by Mr. McClash, to follow through with the Consent Injunction.

Mr. Minix explained both parties must agree to the Injunction, there would be no hearing, and the Injunction would be sent to the Judge for execution. If the parties do not agree to the Consent Injunction, proceedings would move forward for a standard Injunction Hearing.

Motion was made by Mr. Gallen, seconded by Mr. McClash, and carried 5 to 1, to call the question, with Mrs. DiSabatino voting nay.

The motion for the Consent Injunction carried 5 to 1, with Mrs. DiSabatino voting nay.

[BC20110426DOC054](#)

MCLEWIS BAYOU BRIDGE

Steve Serbaty, Public Works Department, stated this Riverview Boulevard bridge project had gone out for bid. Staff discovered an error in bid quantities after the bid was let, so he recommended a re-bid. The error in the steel sheet piling resulted in a 14 percent bid price increase. He recommended beginning after Easter 2012 with completion in mid-November 2012.

Discussion: Residents want project completed; place on agenda; engineer designed bridge; do a design/build; shorter construction time; detour plans; rejected all bids; bring back update; etc.

Mr. Hunzeker stated he will provide an options memorandum.

[BC20110426DOC060](#)

COMMISSIONERS' COMMENTS

Area Meetings

Mrs. DiSabatino spoke of the Parrish Community meeting, the Port Manatee meeting regarding dredging Berth 12, the Metropolitan Planning Organization (MPO) work on the U.S. 41 corridor, and the work session where discussion was held on septic systems. She requested further discussion on septic issues.

[BC20110426DOC061](#)

Indigent Health Care

Ms. Whitmore met with the Medical Society, the Rural Health Center, and the Homeless Coalition to discuss having specialists work at the Homeless Coalition to keep patients out of the hospital. This free health care would save taxpayer money and would be offered one day per month.

[BC20110426DOC061](#)

Public School Cafeterias

Ms. Whitmore will meet with School Board Chairman, Bob Gause, to discuss donating leftover, non-perishable food items to local food banks.

[BC20110426DOC061](#)

Island Trolley Rules

Ms. Whitmore commented that trolleys cannot be ridden by anyone with bare feet. She suggested a box of paper surgeon's booties or flip flops be placed on each trolley to sell at a minimal price.

Discussion: Change the rules; safety issue; required on all public transit; bring back report; etc.

[BC20110426DOC061](#)

Metropolitan Planning Organization

Mr. Chappie commented on today's newspaper article regarding the \$110 million MPO program for the U.S. 41 corridor, and questioned Mr. McClash about the MPO meeting.

Mr. McClash noted it is Board policy to endorse this corridor redevelopment program with the Long Range Transportation Plan. A consultant was to be hired; however, MPO Executive Director Mike Howe agreed to the work being done by staff and the Technical Advisory Committee. U.S. 41, from Palmetto to North Port, is part of a multi-modal corridor, but not yet defined for each area. The uniqueness will come from each City and County instead of a consultant. Two projects, 53rd Avenue to 63rd Avenue West, and the intersection of Bayshore Gardens Parkway and U.S. 41, would require almost \$10 million for lighting and traffic signalization. Florida Department of Transportation (FDOT) District Secretary Stan Cann committed to work with the MPO to help find a way to add sidewalks, but right-of-way acquisition is needed. The first stage

of work will be a \$100,000 survey, which will include the sidewalk survey, and the next stage would be to buy right-of-way. Secretary Cann assured a meeting will be held with staff and FDOT to discuss enhancing the entire corridor.

Discussion: Revitalization of U.S. 41 corridor; master plan; economic development; create TIF; value in neighborhoods; develop commercial business; money spent more in social areas; funding issues; CRA revenue; need sidewalk and lighting study done in 1990s; tweak programs until property values rise again; social issues; crime is down; etc.

Mr. Hunzeker noted discussion will be held with the Advisory Boards regarding the economics of each of the CRAs. The false market created large revenue that is now decreasing, and the South County CRA funds will be depleted by 2014. There were plans to build a Community Center and a decision will have to be made on whether to deplete the funds by building it and having no operating funds, or to keep the funds as a cushion to fund on-going operating expenses and build the Center when the market rises. Studies show funding has been spent more on societal issues instead of economic development issues to create jobs. The recommendation will be made to the CRAs to modify the CRAs and create a TIF of all the business districts, to generate money to put back into the businesses. The revenue can be refocused to create jobs.

[BC20110426DOC061](#)

GROOVER'S MARKET (Continued)

Mr. Gallen provided an aerial, a page depicting the history of crime and attempts to cure the problems, and a letter from Lincoln Middle School Principal, **Curtis Davis**. He pointed out the surrounding churches, schools, and parks, noting how many children are in the area. A meeting was held with the State Attorney's Office, Palmetto Commissioner Mary Lancaster, Palmetto Mayor Shirley Groover Bryant, Reverend Webster, Palmetto Police Chief Rick Wells, three Sheriff's representatives, and School Board representatives. The consensus was a recommendation for the County Attorney to bring the issue before a judge.

Motion was made by Mr. Gallen and seconded by Mr. McClash, to have the Manatee County Attorney's Office take all appropriate legal action to abate the nuisance at Groover's Market.

Mr. Minix noted the requisites for a public nuisance are present to obtain an Injunction. The Injunction would be against the proprietors of Groovers and would probably drive them out of business. The proprietors are already in arrears to the owner, and the property is in foreclosure.

Discussion: High crime area; store closing may not rid area of crime; if in foreclosure, property could be bought in short sale; County should own property to stop repetitive crime; School Board may look at property; eminent domain; options; Palmetto Youth Center and Lincoln Alumni Association support; etc.

The motion carried 6 to 0.

[BC20110426DOC051](#)

COMMISSIONERS' COMMENTS

Tampa Bay Area Regional Transportation Agency (TBARTA)

Mrs. Hayes noted she will be attending a TBARTA teleconference at the University of South Florida campus in Tampa this evening.

[BC20110426DOC061](#)

Commuter Services

Mrs. Hayes commented on the success of the April 13th event, with over 600 participants. She suggested making this an annual event.

[BC20110426DOC061](#)

Myakka Community Meeting

Mrs. Hayes discussed the itinerary for a community meeting that will be held with Myakka residents on May 5, 2011.

[BC20110426DOC061](#)

Advisory Committee Meeting

Mrs. Hayes spoke of inviting Nick Azzara to speak on legislative issues at a meeting to be held at Tara Country Club on April 29, 2011. [BC20110426DOC061](#)

Regional Rowing Event

Ms. Whitmore announced the Board is invited to attend the Florida State Rowing Association (FRSA) State Championships at Benderson Park on April 30, 2011. [BC20110426DOC061](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 12:47 p.m.
/qa/mr

Minutes Approved: June 2, 2011