

MAY 24, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:02 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 Pastor Gary Eldred, Faith United Methodist Church.

Presentation of Colors by VFW Post 10141, Bradenton, Florida.

All witnesses and staff giving testimony were duly sworn.

#### AGENDA

Agenda of May 24, 2011, and agenda update memorandum.

[BC20110524DOC001](#)

#### AWARD

Ron Schulhofer, Public Works Director, presented a Retirement Award to **Greg Burchett**, Field Technician, honoring his 34 years of service with Manatee County.

[BC20110524DOC002](#)

#### FLEET SERVICES NATIONAL RECOGNITION

Mr. Schulhofer announced that Team Fleet is in the top 100 fleets in North America for the eighth consecutive year.

[BC20110524DOC003](#)

#### PROCLAMATIONS

Motion was made by Mr. Chappie, seconded by Mrs. DiSabatino, and carried 7 to 0, to adopt

1. A Proclamation designating May 30, 2011, as Memorial Day accepted by **Andy Huffman**, Veterans Service Officer, and **Ken McCoy**, Chairman, Veterans Council. [BC20110524DOC004](#)
2. A Proclamation designating May 2011 as Civility Month accepted by **Tedd Williams**, County Attorney. [BC20110524DOC005](#)
3. A Proclamation designating May 2011 as Motorcycle Safety Awareness Month accepted by **James Gladstone**, President, West Coast ABATE of Florida, Inc. [BC20110524DOC006](#)
4. A Proclamation designating June 2011 as National Homeownership Month accepted by **Denise Thomas** and **Suzie Dobbs**, Neighborhood Services Department. Ms. Thomas announced the National Homeownership Program website is [www.flhardesthithelp.org](http://www.flhardesthithelp.org). [BC20110524DOC007](#)

#### CONSENT AGENDA

Motion was made by Mr. Bustle, 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:

- **Manatee County Delegation** – Letters of Appreciation (separate action);

- **44th Avenue East Road Improvements** - Resolutions R-11-053 and R-11-054 determining public purpose and necessity and authorizing use of eminent domain/quick-take proceedings (separate action);
- **Hope Landing Final Plat** (deferred to 6/2/11); and [BC20110524DOC008](#)
- **University Parkway** - Amendment 9 to Interlocal Agreement with Sarasota County (separate action).

Items APPROVED:

### CLERK'S CONSENT CALENDAR

[BC20110524DOC009](#)

#### BONDS

Accept:

#### Country Club East at Lakewood Ranch, Subphase OO, Unit 1 (aka Valderrama) and Unit 2 (aka Leopard Creek)

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements - Private Final Lift of Asphalt, \$142,089.94.
2. **Accept** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Country Club East Investors LLC - Final Lift of Asphalt, \$142,089.94. This agreement was secured by a previously accepted Performance Bond (Surety Bond 5033274).
3. **Accept** Verification Certificate to Performance Bond, \$142,089.94 (Surety Bond 5033274), [BC20110524DOC010](#)

#### Harrison Ranch, Phase I-A, Harrison Ranch Boulevard

1. **Release** Agreement Guaranteeing Completion of Required Improvements - Final Lift of Asphalt, **and** Performance Bond (Surety Bond 1020797 and associated rider[s]), \$208,844.27.
2. **Accept** Agreement Warranting Required Improvements with Pulte Home Corporation - Final Lift of Asphalt.
3. **Accept** Defect Security, \$19,331.80 (Surety Bond 1060201, Lexon Insurance Company). [BC20110524DOC011](#)

#### Harrison Ranch, Phase I-B

1. **Release** Agreement Guaranteeing Completion of Required Improvements - Final Lift of Asphalt, **and** Performance Bond (Surety Bond 1018481 and associated rider[s]), \$185,799.77.
2. **Accept** Agreement Warranting Required Improvements with Pulte Home Corporation - Final Lift of Asphalt.
3. **Accept** Defect Security, \$15,175.92 (Surety Bond 1060203, Lexon Insurance Company).

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

[BC20110524DOC012](#)

1. **Release** Agreement Warranting Required Wetland Mitigation, \$228,935.
2. **Accept** Wetland Mitigation System Agreement with Lennar Homes LLC., **extending** the expiration date to June 11, 2012. [BC20110524DOC013](#)

#### Hidden River Trail

**Release** Agreement Warranting Required Improvements - Infrastructure Improvements, **and** Defect Security, \$132,888.73 (Surety Bond 5030160 and associated rider[s]).

#### Lake St. Claire Borrow Pit

[BC20110524DOC014](#)

1. **Release** Agreement Insuring Compliance with Site Reclamation **and** Performance Bond, \$98,579 (Letter of Credit 00003).
2. **Accept** Agreement Insuring Compliance with Site Reclamation with Verna Asset Management LLC.
3. **Accept** Performance Bond, \$98,579 (Letter of Credit 92-2511812289-30001, Regions Bank), expiring May 24, 2016. [BC20110524DOC015](#)

#### Lorraine Road Four Lane Improvements

**Release** Agreement Warranting Required Improvements - Four Lane Infrastructure Improvements, **and** Defect Security, \$196,521.64. (Surety Bond 5030166 and associated rider[s]). [BC20110524DOC016](#)

**Oakleaf Hammock, Phase IV**

1. **Release** Agreement Guaranteeing Completion of Required Improvements for Infrastructure Improvements – Potable water and wastewater, \$1,280,322.30.
2. **Accept** Agreement Guaranteeing Completion of Required Improvements for Infrastructure Improvements with The Ryland Group, Inc. – Potable water and wastewater, \$950,144. This agreement will be for a **one-year extension** (expiring 6/19/12), secured by a previously accepted Performance Bond (Surety Bond 8881729).
3. **Accept** Rider to Surety Bond 8881729, **extending** the date to June 19, 2012, and **reducing** the amount from \$1,280,322.30 to \$950,144.
4. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements for Earthwork, Paving, and Grading, \$3,411,888.28.
5. **Accept** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with The Ryland Group, Inc., for Earthwork, Paving, and Grading, \$2,835,155.13. This agreement will be for a **one-year extension** (expiring 6/19/12), secured by a previously accepted Performance Bond (Surety Bond 8881728).
6. **Accept** Rider to Surety Bond 8881728, **extending** the date to June 19, 2012, and **reducing** the amount from \$3,411,888.28 to \$2,835,155.13.
7. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Exotic Nuisance Removal, Conservation Signs, and Wetland Buffer Restoration, \$409,734.
8. **Accept** Agreement Guaranteeing Completion of Required Improvements for Infrastructure Improvements with The Ryland Group, Inc. – Exotic Nuisance Removal, Conservation Signs, and Wetland Buffer Restoration, \$342,470.60. This agreement will be for a **one-year extension** (expiring 6/19/12), secured by a previously accepted Performance Bond (Surety Bond 8881727).
9. **Accept** Rider to Surety Bond 8881727, **extending** the date to June 19, 2012, and **reducing** the amount from \$409,734 to \$342,470.60.
10. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements for Common Area Street Trees and Trail and Recreation Amenities, \$1,069,352.18.
11. **Accept** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with The Ryland Group, Inc. - Common Area Street Trees and Trail and Recreation Amenities, \$1,069,352.18. This agreement will be for a **one-year extension** (expiring 6/19/12), secured by a previously accepted Performance Bond (Surety Bond 8881755).
12. **Accept** Rider to Surety Bond 8881755, **extending** the date to June 19, 2012, \$1,069,352.18.
13. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement - Private Improvements for Perimeter Buffers, Landscape, and Irrigation, \$585,381.96.
14. **Accept** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with The Ryland Group, Inc., for Perimeter Buffers, Landscape, and Irrigation, \$450,709.46. This agreement will be for a **one-year extension** (expiring 6/19/12), secured by a previously accepted Performance Bond (Surety Bond 8881754).
15. **Accept** Rider to Surety Bond 8881754, **extending** the date to June 19, 2012, and **reducing** the amount from \$585,381.96 to \$450,709.46. [BC20110524DOC017](#)

**South Oak (fka Cottesbrook)**

**Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Landscape, irrigation, fence, and miscellaneous improvements, **and** Performance Bond (Surety Bond K07609292 and associated riders[s]), \$230,195. [BC20110524DOC018](#)

**Woods of Moccasin Wallow, Phase I**

1. **Release** Agreement Warranting Required Improvements - Infrastructure Improvements, \$74,207.23.
2. **Accept** Agreement Warranting Required Improvements with The Woods of Moccasin Wallow LLC - Required Improvements, \$74,207.23. This agreement will be for a **sixty-day extension** (expiring 7/24/11) for maintenance defects.
3. **Accept** Defect Security, \$74,207.23 (Amendment 3 to Letter of Credit 68018773, Bank of America) **extending** the expiration date to May 18, 2012.
4. **Release** Agreement Guaranteeing Completion of Sidewalks and Bikeways, \$33,637.50.
5. **Accept** Agreement Guaranteeing Completion of Sidewalks and Bikeways with The Woods of Moccasin Wallow LLC, \$33,637.50. This agreement will be for a **one-year extension**, secured by a previously accepted Performance Bond (Amendment 4 to Letter of Credit 68018774, Bank of America), \$33,637.50.
6. **Accept** Performance Bond (Amendment 4 to Letter of Credit 68018774, Bank of America) **extending** the expiration date to May 18, 2012.
7. **Release** Agreement Guaranteeing Required Improvements - Final Wearing Course of Asphalt, \$82,978.35.
8. **Accept** Agreement Guaranteeing Required Improvements and Temporary Construction Easement for Private Improvements with The Woods of Moccasin Wallow LLC, \$82,978.35. This agreement will be for a **one-year extension**, secured by a previously accepted Performance Bond (Amendments 4 [2] to Letter of Credit 68018775, Bank of America). This agreement will be for a **six-month extension** (expiring 11/24/11).
9. **Accept** Two Amendments to Performance Bond, \$82,978.35 (Amendments 4 [2] to Letter of Credit 68018775, Bank of America) **extending** the expiration date to November 24, 2011. [BC20110524DOC019](#)

**REFUNDS**

TWC at Artisan Lakes LLC - Overpayment of Fees \$520.00

**ACCEPT**

1. **CrossCreek Community Development District** - FY 2011-12 Proposed Budget. [BC20110524DOC020](#)
2. **Forest Creek Community Development District** - FY 2011-12 Proposed Budget. [BC20110524DOC021](#)
3. **Harbourage at Braden River Community Development District** - FY 2011-12 Proposed Budget. [BC20110524DOC022](#)
4. **Harrison Ranch Community Development District** - FY 2011-12 Proposed Budget. [BC20110524DOC023](#)
5. **Lakewood Ranch Community Development District 6** - FY 2011-12 Proposed Budget. [BC20110524DOC024](#)
6. **Legends Bay Community Development District** - FY 2011-12 Proposed Budget. [BC20110524DOC025](#)
7. **Lexington Community Development District** - FY 2011-12 Proposed Budget. [BC20110524DOC026](#)
8. **Mandarin Grove Community Development District** - FY 2011-12 Proposed Budget. [BC20110524DOC027](#)
9. **Silverleaf, Woodbrook, & Palmetto Pines Community Development Districts** - FY 2011-12 Proposed Budgets. [BC20110524DOC028](#)
10. **Tradition Community Development District** - FY 2011-12 Proposed Budget. [BC20110524DOC029](#)
11. **Waters Edge Community Development District** - FY 2011-12 Proposed Budget. [BC20110524DOC030](#)

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

**Emerson Point Buildings Construction** - Adjustment 1 to contract with Boran Craig Barber Engel Construction, Inc.; increase of \$17,156.09, adjusted total \$307,521.09.

[BC20110524DOC032](#)

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

1. **Conduit/Fiber Maintenance, Support and Restoration Services** – Agreement with MasTec North America, Inc., for **fiber cable installation and interconnection services**, on an as-needed basis. [BC20110524DOC033](#)
2. **Professional Engineering Inspection and Plans Review Services** – Agreements with Karins Engineering Group, Inc., and Universal Engineering Services, Inc., for **engineering services for various inspections, examinations, and consulting**, on an as-needed basis. [BC20110524DOC034](#)
3. **Parks and Transportation Architectural and Engineering Services** – Agreements with IBI Group, Inc., King Engineering Associates, Inc., and WilsonMiller, Inc., for **projects funded by Department of Housing and Urban Development (HUD) Community Development Block Grants (CDBG)**, on an as-needed basis. [BC20110524DOC035](#)
4. **Southwest Water Reclamation Facility - Work Assignment 17** with URS Corporation Southern for **Effluent Storage Tank Two**, \$363,283. [BC20110524DOC036](#)

**ADOPT/AUTHORIZE CHAIRMAN TO SIGN**

**Corrective Ordinance 11-07/Cooper Creek Center DRI** – Revised Ordinance **correcting** scrivener’s error on the approval date (adopted 2/3/11). [BC20110524DOC037](#)

**AUTHORIZE CHAIRMAN TO SIGN**

Execute **corrected** replacement Funding Agreement (approved 3/15/11) with Sarasota County Board of County Commissioners and Sarasota County Health Department to provide for a **Family Safety Alliance System Advocate** position (10/1/10-9/30/11), \$36,800 (replacing agreement of 12/14/10), and amending the signatory for the Sarasota County Health Department. [BC20110524DOC038](#)

**COUNTY ADMINISTRATOR****BEACH TROLLEY SERVICE**

Authorization for the County Administrator to execute Agreement for Advertising for Beach Trolley Service with Anna Maria Island Chamber of Commerce, Inc., and any amendments to said agreement. (Chamber to pay County advertising sales revenues of \$60,000 annually. Chamber to retain sales revenues in excess of that amount as a program administration fee.) [BC20110524DOC039](#)

**MOVIE TOUR BOOK**

Execution of Agreement with CGI Communications, Inc., for the County Movie Tour Book.

**PORT MANATEE LOAN**

[BC20110524DOC040](#)

**R-11-129** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE ISSUANCE OF THE NOT EXCEEDING \$16,025,000 MANATEE COUNTY PORT AUTHORITY REVENUE NOTE (THE “2011 NOTE”), TO BE ISSUED IN CONNECTION WITH THE JPMORGAN CHASE BANK, N.A. CREDIT ENHANCED POOLED COMMERCIAL PAPER LOAN PROGRAM, SERIES B (AMT ISSUE) OF THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION FOR THE PURPOSE OF REFINANCING CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO PORT MANATEE PREVIOUSLY FINANCED BY THE MANATEE COUNTY PORT AUTHORITY THROUGH A BORROWING UNDER ONE OF THE OTHER POOLED COMMERCIAL PAPER LOAN PROGRAMS OF THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT BY AND BETWEEN MANATEE COUNTY, FLORIDA, AND THE MANATEE COUNTY PORT AUTHORITY; AUTHORIZING THE PROPER OFFICERS OF THE COUNTY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION

(Authorizing execution and delivery of an Interlocal Agreement with Manatee County Port Authority in connection with the refinancing of a \$16,025,000 loan made to the Port Authority to finance certain additions, extensions, and improvements to Port Manatee).

[BC20110524DOC041](#)

**LAWSUITS**

1. **Corey M. Ferguson** – Authorization to permit James R. Cooney, Deputy County Attorney, or a representative of the County Attorney’s office, to accept \$1,200 from SunTrust Bank, the first mortgagee of the property owned by Corey M. Ferguson at 4507 9th Street West, Bradenton, for which Manatee County holds the second mortgage. [BC20110524DOC042](#)
2. **Bank of America v. Josh Arnold, et. al.** – Authorization to permit the County Attorney, or his designee, to accept \$2,500 at the closing of the short sale for release of Manatee County’s second mortgage on the property owned by Josh and Shawn Arnold at 2446 26th Avenue East, Palmetto, Case 2010-CA-1462. [BC20110524DOC043](#)
3. **SunTrust Mortgage v. Jamara M. Clark, et. al.** – Authorization to permit the County Attorney, or his designee of the County Attorney’s office, to accept a \$500 payment for release of Manatee County’s second mortgage on property owned by Jamara M. Clark at 5310 26th Street West, 904, Bradenton, Case 2011-CA-0827. [BC20110524DOC044](#)
4. **Water Equipment Services, Inc., v. Manatee County** – Execution of the Mutual Release by both parties in the matter of the Northwest Area Utility Main Improvements Plan Phase II Project, Case 2009-CA-9442. [BC20110524DOC045](#)

**EMERGENCY HOME ENERGY ASSISTANCE PROGRAM**

Execution of Amendment 5 to the 2010-11 Emergency Home Energy Assistance Program Agreement (EH-10/11-MAN) with West Central Florida Area Agency on Aging, Inc.; decrease of \$2,000, adjusted total \$113,569. [BC20110524DOC046](#)

**800 MHZ RADIO EXPANSION SYSTEM**

Authorization for the County Administrator or his designee to execute Amendment 2 to Agreement with Harris Corporation, RF Communications Division, to incorporate enhancements to the existing 800 Megahertz Trunked Radio Network Simulcast Expansion System at the **Public Safety Traffic Management Center** and **Buffalo Creek Water Tower Transmit Site**; increase of \$2,009,386.33, adjusted total \$6,410,977.33.

Discussion: Specific source of funding; email (5/23/11) from Bill Hutchison, Public Safety Director, responding to a misleading article in *The Bradenton Times*; etc.

**Joe Shea**, *The Bradenton Times*, discussed the article. [BC20110524DOC047](#)

**BUDGET AMENDMENT**

**Various Departments B-11-054**

Supporting Description and Detail Attached [BC20110524DOC048](#)

**DOWNTOWN BUS TRANSFER STATION**

Award IFB 11-0579OV to Zirkelbach Construction for construction of the Downtown Bus Transfer Plaza/Bus Station, \$1,751,856 (Option B – 270 calendar days completion time); **and** authorize the County Administrator, or his designee, to execute contract documents, payment/performance bonds, and certificate of insurance. [BC20110524DOC049](#)

**LOCAL OPTION GAS TAX DISTRIBUTION**

**R-11-106** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CONFIRMING DISTRIBUTION OF LOCAL OPTION GAS TAX PROCEEDS (Confirming the new distribution schedule of percentages for the Four Cent Local Option Gas Tax, based on the most recent five years of expenditure data as reported on the Local Highway Finance Reports of each municipality). [BC20110524DOC050](#)

**2011 SUMMER FOOD SERVICE PROGRAM**

Authorization for the limited competition purchase **and** execution of Agreement to Furnish Food Service for the 2011 Summer Food Service Program with the School Board of Manatee County, \$193,500. [BC20110524DOC051](#)

**UTILITIES MAINTENANCE AND ADMINISTRATION BUILDING CONSTRUCTION**

Award IFB 11-0576OV to Holland Construction Corporation, \$2,087,132 (Option B – 180 calendar days completion time); **and** authorize the County Administrator, or his designee, to execute contract documents, payment/performance bonds, and certificate of insurance. [BC20110524DOC052](#)

**EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

**R-11-120** A RESOLUTION REAFFIRMING THE MANATEE COUNTY EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY STATEMENT AND AFFIRMATIVE ACTION (AA) PLAN, AS ORIGINALLY ADOPTED ON OCTOBER 16, 2001, AND PERIODICALLY REAFFIRMED THEREAFTER; AUTHORIZING THE CHAIRMAN AND COUNTY ADMINISTRATOR TO EXECUTE RELATED DOCUMENTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

(Readopting and Reaffirming the current Manatee County EEO/AA Plan and Policy Statement adopted under Resolution R-01-228). [BC20110524DOC053](#)

**ECONOMIC DEVELOPMENT INCENTIVE GRANTS**

1. **R-11-121** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FINDING THAT **PROJECT CORAL** BE APPROVED FOR AN ECONOMIC DEVELOPMENT INCENTIVE (EDI) GRANT FOR FISCAL YEARS 2011-2012 THROUGH 2015-2016, AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110524DOC054](#)
2. **R-11-122** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RECOMMENDING THAT “**PROJECT MEADOW**” BE APPROVED AS 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 YEARS 2011-2012 THROUGH 2015-2016 AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110524DOC055](#)

**NORMAL LLOYD PARK**

Authorization for Neighborhood Services Department to return unexpended grant/matching funds contribution to the Central Community Redevelopment Agency in the amount of \$205,341.27, and to the City of Bradenton in the amount of \$1,456, for the completion of the State of Florida Recreation and Trails Grant; **and** acceptance of a contribution of \$9,784.27 from the United Community Center, Inc., for matching grant related landscaping improvements to Norma Lloyd Park. [BC20110524DOC056](#)

**RECREATION FEE SCHEDULE AND POLICY**

**R-11-116** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REVISING THE PARK & RECREATION FEE SCHEDULE; MAKING RELATED FINDINGS; **RESCINDING** RESOLUTION 10-168; PROVIDING FOR CONFLICTING PRIOR RESOLUTIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Discussion: There are no fees for infants up to six months of age; other park facilities in the State do not charge for children under three years old; family memberships; the fees are competitive and comparable; etc. [BC20110524DOC057](#)

**15TH STREET EAST/51ST AVENUE EAST ROAD IMPROVEMENT PROJECT**

Execution of Contract for Purchase for a Warranty Deed with Robert W. and Mary F. Flanders for three parcels (Parcels 111, 112, and 113) totaling 14,865 square feet for right-of-way acquisition on the south side of 51st Avenue East, \$45,000. [BC20110524DOC058](#)

**44TH AVENUE EAST (19TH STREET EAST TO 30TH STREET EAST)**

**R-11-114** A RESOLUTION OF MANATEE COUNTY, FLORIDA, DELEGATING THE AUTHORITY TO MAKE PRE-SUIT OFFERS IN EMINENT DOMAIN CASES FOR THE RIGHT-OF-WAY REQUIRED FOR THE 44TH AVENUE EAST (19TH STREET EAST - 30TH STREET EAST) ROAD RIGHT OF WAY IMPROVEMENT PROJECT, PARCELS ARE IDENTIFIED AS EXHIBIT “A”, TO THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS, FOR THE AMOUNT UP TO THE APPROVED APPRAISED VALUE OF THE PROPERTIES SOUGHT TO BE ACQUIRED

(**Property Owners:** Northern Trust Bank, \$1,073,925, \$179,820, \$42,957, \$52,947, \$50,949, \$76,923, \$1,003,995; Unique Aire, Inc., \$3,996; Glazer Family LLC, \$155,844; Glazer Family, Inc., \$85,514; The Beall and Szymanski Families, \$7,093; Diocese of Venice, \$160,839; and Robby’s Imprinted Sportswear, \$1,099). [BC20110524DOC059](#)

**DEEDS AND EASEMENTS**

1. **6248 69th Street East** - Warranty Deed and Affidavit of Ownership and Encumbrances from Gary C. Sackett and David H. Butterfield for future stormwater mitigation. [BC20110524DOC060](#)

- 2 **Tiffany Place Master Meter Improvements/7000 Gulf Drive, Holmes Beach** – Utility Easement and Affidavit of Ownership and Encumbrances from Tiffany Place Condominium Owners' Association, Inc. [BC20110524DOC061](#)

**STREET VACATION**

**R-11-124-V** A RESOLUTION ON APPLICATION BY MVP PARTNERS LLC VACATING A PORTION OF **19TH STREET EAST RIGHT-OF-WAY** (Corrective Resolution superseding Resolution R-10-084-V, 6/8/10, correcting the street name in the Resolution). [BC20110524DOC062](#)

**COMMUNITY TRANSPORTATION COORDINATION**

Execution of 2011 Fiscal Year Community Transportation Coordination Agreement with Myakka City Community Center, a provider with Manatee County Area Transit.

**RECLAIMED WATER STORAGE TANK PROJECT**

[BC20110524DOC063](#)

**R-11-104** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, AUTHORIZING EXECUTION OF COOPERATIVE FUNDING AGREEMENT WITH THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT FOR THE **10 MG RECLAIMED WATER STORAGE TANK SW-2 PROJECT NUMBER 11C0000055** (Cooperative Funding Agreement [Project H093], \$5,000,000: \$2,500,000 SWFWMD and \$2,500,000 County). [BC20110524DOC064](#)

**TAMPA BAY AREA REGIONAL TRANSPORTATION AUTHORITY – BUMPER STICKERS**

Installation of bumper stickers on Manatee County Area Transit vehicles. [BC20110524DOC065](#)

**SERVICE FEE WAIVERS**

Authorization to waive \$449.76 in service fees assessed to various utility customer accounts for returned bank items. [BC20110524DOC066](#)

**TIME PAYMENT AGREEMENTS**

Execution of Time Payment Agreements for facility investment, connection and line extension fees with Gary and Diane Adams; Angela Jane Perano; David F. Janney; and Katie Smith (Price). [BC20110524DOC067](#)

**DASHBOARD REPORTS**

Acceptance of the monthly Dashboard Report for April 2011. [BC20110524DOC068](#)

(End Consent Agenda)

**44TH AVENUE EAST**

Presented for adoption were:

**R-11-053** A RESOLUTION 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 THE PUBLIC ROAD SYSTEM IN MANATEE COUNTY, FLORIDA. (U.S. 41/1ST STREET EAST TO 15TH STREET EAST, PARCEL 137, PROJECT 6001060)

(Property Owner: William F. Benzel, Deceased)

and

**R-11-054** A RESOLUTION 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.

**Mary Sheppard** spoke of costs and the dangerous intersection at U.S. 41 and 1st Street East.

**William Wheeler** questioned if the County has received permission from the Army Corps of Engineers and SWFWMD to cross the Braden River, to build the bridge.

Discussion: This is not a bridge project; project is fully funded in the Capital Improvements Program; most SWFWMD permits are in place to 45th Street East; Board committed to re-evaluate four lanes or two lanes; lessening community impacts; connection can be made from Morgan Johnson/Caruso Road, over I-75 into Lakewood Ranch; no Board decision to fund a bridge; etc.



Ron Schulhofer, Public Works Director, stated approximately \$8 million has been spent on the project. Staff is evaluating phases, sections, and other directional options.

Motion was made by Mr. McClash and seconded by Mrs. Hayes, to adopt Resolutions **R-11-053** and **R-11-054**. The motion carried 6 to 1, with Ms. Whitmore voting nay. [BC20110524DOC069](#)

### FIRE DEPARTMENTS

**William Wheeler** spoke on the imbalance in the ratio of ambulances to fire departments. He suggested a referendum, asking voters if they prefer one or several fire departments.

[BC20110524DOC070](#)

Recess/Reconvene. All members present except Mr. Chappie.

### MYAKKA FIRE CONTROL DISTRICT

The floor was opened for nominations to Seats 1, 3 and 5 on the Myakka City Fire Control District Board of Fire Commissioners.

#### Nominations – Seat 1

Charles Richards – by Mrs. Hayes

Mark Bandstra – by Ms. Whitmore

One person applied for **Seat 3** – Charles Matson, and one person applied for **Seat 5** – James Parker.

Mrs. DiSabatino moved to close nominations. The motion was seconded by Mr. Bustle and carried 6 to 0.

(Enter Mr. Chappie)

By unanimous decision, Mark Bandstra was appointed to **Seat 1**.

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, to adopt Resolution R-11-131, as amended, to insert the name of the commissioner for District Seat 1 appointed by the Board.

**R-11-131** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RELATING TO THE BOARD OF COMMISSIONERS OF THE MYAKKA CITY FIRE CONTROL DISTRICT; APPOINTING COMMISSIONERS TO DISTRICT SEAT 1, DISTRICT SEAT 3, AND DISTRICT SEAT 5; PROVIDING DIRECTIONS REGARDING CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. [BC20110524DOC071](#)

### CONSTRUCTION TRADES BOARD

Motion was made by Mrs. Hayes, seconded by Mrs. DiSabatino, and carried 7 to 0, to appoint Mary Forristall to General Contractor Seat 1; Earl Wright to Roofing Contractor Seat 5, and William Hannel to Lay Seat 9, all terms to expire October 14, 2014. [BC20110524DOC072](#)

### STREET VACATION – RICHLAND FARMS SUBDIVISION

Public hearing (Notice published) was opened to consider

**R-11-019-V** A RESOLUTION ON APPLICATION BY MARK CAHILL INVESTMENTS, STEVE P. JORGENSEN, AND BARRY W. GREER VACATING CERTAIN UNIMPROVED RIGHTS-OF-WAY IN RICHLAND FARMS.

Motion was made by Mrs. DiSabatino, to continue the public hearing on Resolution R-11-019-V to August 23, 2011, at 9:00 a.m. The motion was seconded by Mr. Bustle and carried 7 to 0.

[BC20110524DOC073](#)

**ORDINANCE 11-24 – SMOKING REGULATIONS**

Public hearing (Notice published) was held to consider

**ORDINANCE 11-24**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REPEALING ARTICLE III OF CHAPTER 2-21 OF THE MANATEE COUNTY CODE RELATING TO SMOKING REGULATIONS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Mr. Bustle, seconded by Mrs. DiSabatino, and carried 7 to 0, to adopt Ordinance 11-24. [BC20110724DOC074](#)

**COOPER CREEK CENTER - DRI 14**

Public hearings (Notices published) were held to consider

**ORDINANCE 11-17 – ACCESS POINTS ON UNIVERSITY PARKWAY**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING SECTION 741.3 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED), **AMENDING THE NUMBER AND LOCATION OF ACCESS POINTS TO UNIVERSITY PARKWAY**; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

and

**ORDINANCE 11-16 - COOPER CREEK CENTER (DRI 14)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE DEVELOPMENT ORDER FOR THE COOPER CREEK DEVELOPMENT OF REGIONAL IMPACT (DRI), ORDINANCE 11-07 AS AMENDED (MANATEE COUNTY DRI 14 AKA TAMPA BAY REGIONAL PLANNING COUNCIL TBRPC DRI 103); PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CONCLUSIONS OF LAW; PROVIDING FOR DEFINITIONS; PROVIDING FOR AMENDED LIMITATIONS ON AND CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Notice of Proposed Changes (NOPC) to the Ordinance include a determination of whether the following proposed modifications to DRI 14 constitute a Substantial Deviation to the Cooper Creek DRI Development Order, pursuant to *Section 380.06, Florida Statutes*:

1. Update the build-out date to December 30, 2015 and expiration date to December 30, 2016 pursuant to previously approved extensions granted with Senate Bill 1752;
2. Modify Project Summary Table to clarify previously approved 6,000 square feet of school use is permitted with a corresponding reduction of commercial and/or office square feet;
3. Amend Map H to permit an additional right-in/right-out access from University Parkway;
4. Amend General Conditions, Section O.(2), to allow Biennial DRI Reports in conformance with *Section 380.06(18), Florida Statutes* (as amended);
5. Any other revisions deemed necessary or appropriate during the public hearing process;
6. Various other changes to the Development Order, including recodification of the existing development order; terminology; formatting; departmental references; clarification changes; and to denote stipulations that have been complied with or requirements that have been completed. The Ordinance amends, replaces, and supersedes Ordinance 11-07, DRI 14, as amended; and provides for severability and an effective date.

The Cooper Creek DRI is northwest of the University Parkway and I-75 interchange. Present zoning is PDMU-WP-E/ST (604.68 acres).

and

**PDMU-96-01(G)(R8) COOPER CREEK CENTER**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE PDMU-96-01(G)(R-6) AND (R7) TO AMEND THE DEVELOPMENT ORDER TO EXTEND THE BUILD-OUT DATE AND EXPIRATION DATES PURSUANT TO PREVIOUSLY APPROVED EXTENSIONS GRANTED WITH SENATE BILL 1752; TO ALLOW NON-RESIDENTIAL BUILDINGS CONSTRUCTED IN PARCELS H, I AND J ALONG UNIVERSITY PARKWAY TO HAVE A SETBACK OF 30 FEET; TO AMEND THE LANDSCAPED BUFFER WIDTHS ALONG UNIVERSITY PARKWAY AND COOPER CREEK PARKWAY; ADD A NEW ACCESS POINT TO UNIVERSITY PARKWAY; **AMEND THE GENERAL DEVELOPMENT PLAN** TO IMPLEMENT THESE CHANGES; AMEND STIPULATIONS TO FACILITATE THESE CHANGES; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY, AND PROVIDE AN EFFECTIVE DATE.

(Cooper Creek is northwest of the University Parkway and I-75 interchange. Present zoning is PDMU-WP-E/ST (Planned Development Mixed Use/Watershed Protection-Evers/Special Treatment Overlay Districts) (604.68 acres).

Also presented was a request for execution of **Amendment 9 to the Interlocal Agreement** with Sarasota County for addition of a right-in/right-out only intersection north of University Parkway, between Honore Avenue and Cooper Creek Boulevard.

Lisa Barrett, Building and Development Services Department, displayed an aerial map showing the boundaries of Cooper Creek DRI 14. She discussed the four requests of the applicant. She noted the applicant also proposes a reduction in building setbacks along University Parkway, from 75 feet to 30 feet, and a variable width buffer along University Parkway and Cooper Creek Boulevard. An Access Management diagram of the right-in/right-out access was shown. Staff recommended approval of the requests, with exception of the request for the variable width buffer along University Parkway.

**Betsy Benac**, Benderson Development, concurred with staff's recommendations and stipulations for the Interlocal Agreement and Ordinances 11-16 and 11-17.

**Paul Blacketter**, Benderson Development, used a slide presentation to address the General Development Plan, site location, existing conditions, and the variable buffer request. Benderson acquired the former Sarasota Outlet Center property in 1998. An FP&L easement runs though the center of the project, which is compensated by good landscaping and design.

Mr. Blacketter noted redevelopment is required for the space vacated by Circuit City. With a need for greater visibility on University Parkway, and due to development limits created by the Cooper Creek corridor and limited access right-of-way of I-75, the applicant seeks an alternative to Section 737.5.3.1.1, Entranceway buffer requirements, for a variable width buffer along University Parkway, from Cooper Creek Boulevard to the Hampton Suites and along Cooper Creek Drive, but not along I-75. The reduced buffer area would be compensated by increasing the buffer adjacent to the intersection of University Parkway and Cooper Creek Boulevard. Benderson is committing to provide more than 75 percent of plant materials with native vegetation. The amount of plant materials will exceed Land Development Code (LDC) Entranceway standards.

Mr. Blacketter summarized proposed changes to **PDMU-96-01(G)(R8)**:

1. Adopt Findings of Support for Variable Buffer, and approve Specific Approval for alternatives to LDC Sections 737.5.1.1 and 715.3.2.c.1.a;
2. Include proposed language in Section 4.D, General Development Plan Conditions per the update memorandum prepared by the applicant; and
3. Amend condition P.(13) g to strike, "However, in no instance shall the minimum buffer width be reduced to less than 20 feet along University Parkway."

Doug Means, Building and Development Services Department, showed slides, stating there appears to be a conflict in regulations on Entranceways. The applicant proposes to allow the Planning and Zoning Official to approve administratively alternative buffer width and design from LDC Entranceway and Landscaping requirements. The applicant has failed to demonstrate that this meets or exceeds the public purpose and intent of the Comprehensive Plan and LDC. He recommended denial of alternatives to LDC Sections 737.5.1.1 and 715.3.2.c.1a.

Sage Kamiya, Public Works Department, stated there are clear zone requirements encompassed within rights-of-way.

Discussion: Landscape trees will be replaced at the right-in/right-out access; sidewalk along University Parkway going east; developer knows LDC 20-foot wide landscape buffer requirements along arterial/collector street frontages within the entranceway; why developer pursues 15 feet and cannot comply with LDC; minimum width of decreasing internal project design; the original plan regarding tree replacement; interchange build-out for University Parkway/I-75; LDC already allows for variable width buffer; affected area along University Parkway should maintain consistent footage; this does not meet variable width buffer guidelines; setting precedent for future developments; etc.

Mr. McClash displayed a hand-drawn sketch of the proposed I-75 interchange.

**Ingrid McClellan**, Keep Manatee Beautiful, spoke in opposition to the variable-width buffer along University Parkway because it is an entranceway. She submitted a letter of authorization.

**William Wheeler** stated this project should not be granted special exception to LDC regulations, and the developer should be required to construct the sidewalk.

Ms. Barrett stated reduced setbacks are requested for Parcels H, I and J, but not Parcel K. At the Planning Commission, administrative approval was requested on the variable width buffer; however, the applicant has drafted alternative language establishing minimum buffer width. She pointed out that a slide shown by Mr. Means showed native vegetation on the west side of Cooper Creek Boulevard where the applicant originally requested a stipulation to have view corridors. The applicant has withdrawn this request, and the language now shows a 50-foot buffer for the west side of Cooper Creek Boulevard.

Mr. Means noted the applicant proposed reduced buffers at a per square-foot equal replacement.

Bill Bors, Building and Development Services Department, addressed tree spacing to sustain healthy trees, discouraged the use of tree wells, and stated a 20-foot buffer width will reduce the variety of plant material that can be used.

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

Mr. Blackketter presented a hand sketch of a pedestrian connectivity plan proposed for the I-75 corridor using specifically designed, pedestrian crossing, landscaped islands. He used his I-pad to show an aerial view (from Google Earth) of the I-75 interchange. The only location on the site plan that has proposed zero setbacks is a restricted area of the former Circuit City. The new tenant must be able to maneuver around the existing building. The 15-foot buffer has been relocated to the south side of University Parkway. Landscaping at this restricted area will be lush, and minimal traffic is expected.

Ms. Benac distributed a revised motion supporting the Specific Approval request. She also submitted a letter (5/18/11) outlining the request for Specific Approval to allow for alternatives to entranceway and buffer requirements.

Discussion: Controlled Florida Department of Transportation (FDOT) right-of-way extends close to the Cooper Creek intersection; pedestrian and bicycle crossings; etc.

Mrs. DiSabatino requested the first sentence of **Stipulation P.(13) b.**, begin with the words Hotels/Motels. She also stated the office buildings (Parcel K) shall maintain a minimum setback of 40 feet from I-75, if it is a school use. Ms. Barrett stated the new language is underlined and the setbacks, as indicated, were already established.

Discussion: The project will result in a net increase of buffer area along University Parkway to meet the intent of Planned Development; flexible buffers will not affect FDOT right-of-way; etc.

Bob Agrusa, Building and Development Services Department, displayed a University Parkway Preferred Alternative Figure 3-6 aerial map of the FDOT concept of the I-75 interchange configuration known as a “diverging diamond intersection.” He pointed out existing, limited access right-of-way, and stated FDOT is not requesting additional right-of-way.

At the request of Sarah Schenk, Deputy County Attorney, Ms. Benac explained that staff requested the revised motion include granting Specific Approval of Section 710.1.3.3.1 of the LDC because a driveway comes within eight feet of the property, and Specific Approval is required due to an LDC requirement pertaining to the proximity of driveways to a property line.

Mr. Blacketter displayed East Buffer Exhibit L, delineating east landscape variable buffer calculations along University Parkway.

**Motion – PDMU-96-01(G)(R8)**

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mrs. Hayes moved to APPROVE Manatee County Zoning Ordinance **PDMU-96-01(G)(R8)**; and approval of the General Development Plan with conditions; GRANTING Special Approval for a project in the MU (Mixed Use) Future Land Use Category, in the WPE (Watershed Protection-Evers) and ST (Special Treatment) Overlay Districts, and within the Entranceway, ADOPTING the Findings for Specific Approval; and GRANTING Specific Approval for alternatives to LDC Sections 737.5.1.1, 715.3.2.c.1.a and 710.1.3.3.1 of the Land Development Code, as recommended by staff, subject to approval of the Ninth Amendment to the Interlocal Agreement for University Parkway between Manatee County and Sarasota County, and including Exhibit L (east landscape variable buffer along University Parkway). The motion was seconded by Mr. Bustle and carried 6 to 1, with Mr. McClash voting nay. [BC20110524DOC075](#)

**Motion – University Parkway Interlocal Agreement**

Motion was made by Mrs. Hayes to authorize execution of Amendment 9 to the Interlocal Agreement for University Parkway between Manatee County and Sarasota County in order to provide for the addition of a permanent right-turn in/right-turn out only intersection on the north side of University Parkway, located between Honore Avenue and Cooper Creek Boulevard, approximately 450 feet west of Cooper Creek Boulevard. The motion was seconded by Mr. McClash and carried 7 to 0. [BC20110524DOC076](#)

**Motion – Ordinance 11-17**

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 conditioned herein, Mrs. Hayes moved to ADOPT Manatee County Ordinance **11-17** subject to approval of the Ninth Amendment to the Interlocal Agreement for University Parkway between Manatee County and Sarasota County. The motion was seconded by Mrs. DiSabatino and carried 7 to 0. [BC20110524DOC077](#)

**Motion – Ordinance 11-16**

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, the Manatee County Land Development Code, *Section 380.06, Florida Statutes*, and Rule 9J-2.025, Florida Administrative Code, as conditioned herein, Mrs. Hayes moved to APPROVE finding that the Developer has rebutted the presumption by clear and convincing evidence that the proposed NOPC modifying the Cooper Creek DRI Development Order constitutes a Substantial Deviation has provided sufficient information to rebut the presumption that the proposed NOPC modifying the Cooper Creek DRI Development Order constitutes a Substantial Deviation; and recommend ADOPTING Manatee County Ordinance **11-16, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR COOPER CREEK CENTER (RESOLUTION 85-236, AS AMENDED BY RESOLUTIONS 86-323, 87-58, 90-39, 93-300, 95-135, AND ORDINANCES 97-23, 99-40, 02-31, 05-54, AND 11-07), ALSO KNOWN AS TBRPC DRI 103; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

amending and restating Ordinance 11-07, as recommended by the Planning Commission. The motion was seconded by Mrs. DiSabatino and carried 7 to 0. [BC20110524DOC0078](#)

**NEAL PRESERVE**

Charlie Hunsicker, Natural Resources Director, presented for execution, Cooperative Funding Agreement with Southwest Florida Water Management District (SWFWMD) for natural resource activities at Neal Preserve. Anticipated project cost is \$1,300,000. SWFWMD agreed to fund up to \$650,000 and will have no obligation to pay costs beyond that amount. The County agrees to fund project costs up to \$650,000 and will be responsible for all costs in excess of the anticipated total cost. If the County does not commence construction by August 1, 2011, SWFWMD will have the right to terminate the agreement without liability. Further, SWFWMD will not be obligated to reimburse the County for costs incurred prior to the date of termination. The project should be completed by January 31, 2012.

Following discussion regarding risks involved and operation/maintenance costs, motion was made by Mr. McClash to authorize execution of the agreement with SWFWMD. The motion was seconded by Mr. Chappie and carried 7 to 0. [BC20110524DOC079](#)

**TOM BENNETT PARK**

Candie Pederson, Parks and Recreation Department, presented Cooperative Funding Agreement with Southwest Florida Water Management District (SWFWMD) for restoration activities at Tom Bennett Park, **and** Budget Amendment Resolution B-11-055. Total cost is anticipated to be \$651,397, and SWFWMD agrees to fund up to \$260,000, with no obligation to pay beyond this amount.

Ms. Schenk advised Section 3 of the Agreement has been revised to state “The County’s funding obligation is subject to the annual appropriation by the Board of County Commissioners of legally available funds.” The completion date in Sections 4, 8, Exhibit A, and Section 2 has also been updated. Other concerns by legal staff not addressed in the revised agreement, are business decisions of the County on its willingness to accept additional, potential financial liability in exchange for receipt of the grant funding.

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 7 to 0, authorize execution of the agreement, and to adopt Budget Amendment Resolution:

**Parks and Recreation B-11-055**  
Supporting Description and Detail Attached

[BC20110524DOC080](#)

**ORDINANCE 11-21 - FERTILIZER REGULATION**

Public hearing (Notice published) was held to consider

**ORDINANCE 11-21** AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGULATING LANDSCAPE MAINTENANCE PRACTICES AND USE OF FERTILIZERS; CREATING CHAPTER 2-35 OF THE MANATEE COUNTY CODE OF ORDINANCES ENTITLED LANDSCAPE MAINTENANCE AND FERTILIZER REGULATION; PROVIDING FINDINGS OF FACT; PROVIDING PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING WEATHER AND SEASONAL RESTRICTIONS; PROVIDING FOR FERTILIZER CONTENT AND APPLICATION RATE; PROVIDING FOR IMPERVIOUS SURFACES AND MODE OF APPLICATION; PROVIDING FOR FERTILIZER-FREE ZONES; PROVIDING FOR MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATERIAL; PROVIDING EXEMPTIONS; PROVIDING FOR CERTIFICATION AND TRAINING; RESTRICTING RETAIL SALE OF FERTILIZER CONTAINING NITROGEN OR PHOSPHORUS; PROVIDING FOR ENFORCEMENT; PROVIDING RECOMMENDATIONS; PROVIDING TERRITORY EMBRACED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATES.

**Representative Greg Steube** spoke of the effects of a ban on the retail sale of fertilizer on small businesses. The draft of the Ordinance refers to enforcement in accordance with *Florida Statute 125.69*, providing imprisonment not to exceed 60 days, which is excessive. He urged the Board to consider the unfunded mandate on small businesses.

Mr. Hunsicker stated Ordinance 11-21 mirrors the Pinellas County ordinance in effect since January 2010 and follows the recommendations of the Tampa Bay Estuary Program (TBEP) Model Ordinance. He submitted [comments](#) from Florida Department of Environmental Protection (DEP) and University of Florida Institute of Food and Agricultural Sciences (IFAS).

Rob Brown, Natural Resources Department, submitted: (1) a collection of fertilizer-related research papers, presentations, articles, and associated documentation converted on [two CDs](#); (2) a [third CD](#) of additional studies; and (3) [correspondence](#).

Mr. Brown showed [slides](#) of Landscape Management Practices and Uses of Fertilizers, Fertilizer Legislation, Fertilizer Management Issues, Urban Lawn Fertilizer Nitrogen Pollution Remediation, Model Ordinance Implementation, Controversial Issues, Guidance Documents, Water Quality Issues in Manatee County and Recent Studies. Senate Bill 494 created *Section 403.9337, F.S.* (effective 7/1/09) and includes a DEP Model Fertilizer Ordinance. Local governments with nutrient-impaired waters are required to adopt, at a minimum, the Model Ordinance. If local governments adopt more stringent criteria for fertilizer use than the Model, it must be science-based and economically and technically feasible. It must also consider input from DEP, Florida Department of Agriculture and Consumer Services (FDACS) and IFAS.

Discussion: Training and testing programs under DEP and IFAS to become certified in applying fertilizer in urban landscapes; ordinances regulating the sale of fertilizer adopted before July 1, 2011, are exempt; etc.

**Jack Merriam**, Sarasota County Environmental Services, stated the most controversial issue of their ordinance was the restricted season (June - September). The State model uses the language, Prohibited Application Period - if a flood, tropical storm, or hurricane watch or warning is in effect, or heavy rain. Rainfall is the major driver for pollutant loading.

**Mike Juchnowicz**, Gardenmasters of Southwest Florida, noted the need for restrictions and enforcement, and that similar ordinances in adjacent jurisdictions will make enforcement easier.

**Holly Greening** and **Nanette Holland**, of TBEP, continued with slides on: the TBEP Model Ordinance and the Be Floridian Education Campaign; the variety of slow-release and available, summer safe products; and, Key Benefits of TBEP/Manatee County Ordinance.

**Kelli Levy**, Pinellas County Engineering and Environmental Service, spoke of the implementation phases of Pinellas County's Ordinance; Geology; Understanding Local Pollution Sources; Water Quality Challenges; Retail Experiences; Nutrient Economics; and Monitoring for Success. She distributed public awareness [brochures](#) used in Pinellas County.

(Depart Mr. Bustle)

Maureen Sikora, Deputy County Attorney, advised that draft Ordinance 11-21 models the Pinellas County ordinance. The draft contains summer month sales, use, and restriction provisions. She addressed House Bill 7215, which states the exclusive authority to regulate the sale, composition, packaging, labeling, wholesale and retail distribution, including nutrient content and released rate fertilizer is preempted to the State (with the Department of Agriculture). She addressed the July 1, 2011 exemption.

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

Speaking in favor of Ordinance 11-21 were: **Ernest Marshall**, Federation of Community Associations, submitted a letter sent to former Commissioner Gwen Brown; **Barbara Hines**, Manasota-88; **Bernita Franzel**; **Liz Cantarine**; **Nick Baden**; **David Shulmister**, Green Technologies, brought a bag of organic, nitrogen-loaded fertilizer; **Dr. Carol Ann Breyer**; **Lois Congdon**; **Jim Willard**; **Cris Costello**, Sierra Club, distributed a [Folder, Handbook](#), and [presentation](#) by Lee County IFAS staff; **Mary Duda**; and **William Wheeler**.

(Mr. McClash and Mr. Gallen absent for a portion of public comments)

Speaking in opposition to Ordinance 11-21 and urging Board support of the State Model Ordinance were: **David Kurshick**, Massey Services; **Clint Hartle**, Scott's Lawn Service; **Pat Marsh**, John Deere Landscapes; **Jayme Atchley** and **Barry Troutman**, ValleyCrest Companies; **David White**, Growers Fertilizers Corporation; **Erica Santella**, distributed a [DEP Handbook](#) and Best Management Practices (BMP) [Certification documents](#), and display boards; **Josh Davis**, **James Finley** and **Jon Cliff**, TrueGreen; **Allen Fugler**, Florida Pest Management Association, submitted [lists](#) of BMP certified trained professionals in Manatee and Sarasota counties; **Stephanie Pizzoferrato** and **Charles Christmas**, Scott's Miracle Grow, voiced concern of the retail sales ban, summer blackouts and 50 percent slow-released nitrogen; and **Todd Josko**, Service Master Company, spoke of the effects of black-out periods.

**Mac Carraway**, President of SMR Farms, urged the Board to focus on education and adopt the State Model Ordinance. He submitted a [letter](#) of proposed amendments to the Ordinance.

Discussion: County addressed fertilizing at golf courses for several years; government regulation; banning retail sales; require retail stores to post what type of fertilizer should be used at certain times of the year; does slow-release nitrogen fertilizer constitute a regulation on composition or formulation; comment that the spraying does not have to comply, but the slow-released, granular fertilizer does [Pg 8 of Ord. 11-21, Section 2-35-6, (d) & (e)]; the sales ban is the most important tool as an education element in fertilizer applications; study performed of residential outfalls in Pinellas County; etc.

**Motion – Adopt Ordinance 11-21**

Motion was made by Mr. McClash and seconded by Mr. Bustle, to adopt Ordinance 11-21 as presently proposed.

Discussion: Overriding objective is water quality; Ordinance as presented is too restrictive; concern of placing restrictions at this level; etc.



**Motion – Amendment**

Motion was made by Mr. Bustle and seconded by Mrs. Hayes, to amend the motion to adopt the following changes recommended in the letter provided by SMR Farms:

- **Page 9, Section 2-35-10 Exemptions - Add Paragraph 2 to read:**  
“Individuals who possess a limited certification for urban landscape commercial fertilizer application as per *Section 482.1562 Florida Statutes*. For all individuals who possess a limited certification for urban landscape commercial fertilizer application, the provisions of the FDEP document entitled, “Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries, December 2008”, as updated, are required and shall be followed when applying fertilizer.”
- **Re-number** remaining exemptions;
- **Page 7, Section 2-35-5 Weather and Seasonal Restrictions – Strike seasonal Restrictions – Strike Item (a);**
- **Page 12, Section 2-35-12 Retail Sale of Fertilizer Containing Nitrogen or Phosphorus – Strike everything except Paragraph (e).**

Ms. Sikora distributed **alternative** Ordinance 11-21 eliminating language on retail sale restriction. The recommendations from SMR address issues regarding the restriction on **use** during the summer months and an **exemption** for licensed professionals. The exemption would allow anyone who is licensed not to have to comply with other provisions; however that granting the additional exemption may be too extreme. The model ordinance recognizes some use restrictions, though not based on a calendar timetable, but rather the level of saturated soils.

Discussion: Intent of SMR language; goal is to curtail stormwater runoff; amendment to the motion dilutes the Ordinance; county Ordinance can be more stringent, but not less stringent; State model ordinance does not contain a ban on sales; etc.

**Amendment to Motion - Failed**

The motion to amend **failed** 3 to 4, with Mrs. DiSabatino, Mr. Gallen, Mrs. Hayes, and Mr. McClash voting nay.

**Motion - Amendment**

Motion was made by Mrs. DiSabatino to amend the motion to remove any references to the retail sales restriction and adopt alternative Ordinance 11-21. The motion was seconded by Mrs. Hayes.

(Gavel to Mr. Chappie; presiding)

**Motion – Call the Question**

Following discussion, a motion was made by Ms. Whitmore to call the question, seconded by Mrs. Hayes, and carried 7 to 0.

**Amendment to Motion**

The motion to amend carried 4 to 3, with Mr. Chappie, Mr. Gallen, and Mr. McClash voting nay.

Tedd Williams, County Attorney, requested confirmation by Mrs. DiSabatino, and she concurred, that her motion was to adopt the **alternative** Ordinance distributed by Ms. Sikora.

**Motion – Adopt Ordinance 11-21 (Alternative Version)**

The motion carried 4 to 3, with Mr. Chappie, Mr. Gallen, and Mr. McClash voting nay.

Ed Hunzeker, County Administrator, advised action will be brought back, requiring notification to retail businesses to place informational displays at fertilizer points of sale to educate the public.

[BC20110524DOC081](#)

(Note: Further action later in the meeting)

Recess/Reconvene. All members present.

PORT ENCOURAGEMENT ZONE

At the last Port Authority meeting (5/10/11), the Authority voted to request the County include on its Thoroughfare Plan, a road connecting Port Manatee to the Port Encouragement Zone (EZ).

Mr. Chappie stated the intent of the motion was to achieve agreement among County, Port, Economic Development staff, and the Florida Department of Transportation (FDOT) as to where a connector road could best be located.

Tony Rodriguez, Building and Development Services Department, displayed Map 18-MPO's 2035 Financially Feasible Transportation Plan, showing the proposed **Port EZ Access Road**. The Road would cross over U.S. 41 and provide distribution throughout the EZ. He also displayed a 2030 Future Traffic Circulation Right-of-Way Protection and Reservation Map (Map 5-C) showing an east/west alignment of EZ Access Road. A decision has not been made as to whether this connection will be to South Dock Street or Piney Point Road.

Mr. Rodriguez stated the **Port Connector Road** is a separate road and is in the FDOT Planning Design & Engineering (PD&E) stage. An Alignment Workshop Survey graphic, based on Agency and public input was shown. Currently, the alignments (Alignments 1, 2A, 2B, 3, 4 and 5) are identified in the PD&E study as alternatives in the analysis stage. FDOT is working with federal highway representatives to reduce the number of alignments to perform a more detailed assessment on one, final corridor.

Chris Piazza, FDOT Project Development Engineer, advised there is a third design under review for Alignment 2, identified as Alignment 2C. Federal representatives advised that Alignment 1 can be eliminated and staff is working to eliminate Alignments 3, 4, and 5 as they do not meet the project intent. Based on recent comments from federal highway representatives, Alignment 3 would be included with Alignment 2. FDOT is performing a preliminary alignment report to develop a typical section to determine environmental constraints and project costs. The Board must determine which road is priority, as the timing of one road may affect the timing of the other.

Discussion: The fly-over is listed as a project in the Long-Range Transportation Plan; the fly-over is not listed in the Comprehensive Plan; the fly-over was to be a connector to the EZ; staff to review for consistency; uncertainty of locating the Port EZ Road before the Port Connector Road; the alignment of the Port Connector Road should be determined first; timeframes; etc.

Following discussion, Mr. Piazza recommended waiting for a determination by federal highway representatives in order to focus on developing alternatives for certain alignments. A public workshop is required to examine what alternatives could be developed for Alignments 2 and 3. Another elimination process is then required to arrive at the preferred alignment and conduct a public hearing. The process goes through extensive legal sufficiency reviews with federal highway representatives, which may last to the end of 2011.

Discussion: Economic development is not waiting for PD&E study results; reserve space now for connectivity; do not delay the EZ road; FDOT should accelerate the review of alternatives; etc.

**L.K. Nandum**, FDOT Traffic Operations Engineer, assured FDOT would work with county staff on the alternative alignments.

Discussion: FDOT, consultants, and engineers indicated there was sufficient capacity to handle truck movement; need Port Connector Road to be part of the access from the Port to I-75; transportation requirements versus Code requirements; seek preferred alignment from property owners; operational issue versus a level of service issue; all five alignments have connection to

I-75; affect to property owners from EZ Access Road, further complicated by the effect of Port Connector Road; there may be conflict at the west end of Alignment 2B; looking for an east/west corridor for the PD&E study; this would be a public thoroughfare; this road must be engineered as a heavy haul route for truck traffic; etc.

**Jordan Levy**, HRK Holdings, LLC, stated any connector that bifurcates HRK property is both cost and regulation prohibitive. Any road or construction around enclosed gypsum stacks requires Department of Environmental Protection, and third-party approval.

**Robert Greene**, attorney for the Reeder property east of U.S. 41, stated there is a controlled-access facility in the Comprehensive Plan, known as the Piney Point Road extension. Three of the six proposed alignments have significant affects to the Reeder property. He urged the Board to pursue an alignment that protects property owners and property rights.

**Clark Reeder** attended a workshop several months ago where stakeholders determined another alignment was unnecessary. The intention of the North County Gateway Overlay District was to be an extension beyond the EZ as it started to develop, not to have the same entitlements as the EZ. He will not allow access through his property.

**Richard Vogel**, representing property owners to the south, voiced concern of a fly-over to their property's ingress/egress.

**Casey Rogers**, representing Project Palm, stated his company will be a future user of EZ facilities, as well as warehouse storage at Port Manatee. He opposed the South Dock Street alignment because it would bifurcate the property they intend to occupy. This alignment would force the cancellation of Project Palm, due to security, safety, logistic, and structural reasons. The company supports the alignment at Piney Point Road.

Mr. Nandum stated that staff and property owners discussed options of Piney Point Road and South Dock Street; however, it was left to the property owners to decide the best alternative.

**Kevin Button**, Port Manatee Commerce Center, spoke in support of the EZ Connector Road so long as access to the Commerce Center and U.S. 41 is not affected.

**Mark Ziegast** questioned if there is potential for designing extra rail capacity for future growth.

**David Berner**, representing property owners east of Curiosity Creek, urged the Board to pursue a cost-effective alignment, and stated any further delay would be a mistake.

### Motion

Motion was made by Mr. Bustle, to direct County staff to work with Port staff and FDOT, and as much as possible, with the land owners and developers in the region to prepare options for a road to connect Port Manatee to EZ Connector and points east, and present them to the Board of County Commissioners by the end of this year. The motion was seconded by Mr. Chappie.

Discussion: Concern of Curiosity Creek and access points; Buckeye Road can handle more capacity; property is reserved for right-of-way on the north side of Curiosity Creek for a Port connector; there are two connectors north and south; is there a connection problem; etc.

Mr. Rodriguez stated Buckeye Road has 150 feet of reserved right-of-way, which would accommodate a six-lane facility. FDOT proposes the east/west alignment of Piney Point Road as Alternative 2B, with limited access. If Alternative 2B is not chosen, a Comprehensive Plan amendment could be adopted to incorporate it into the arterial network. Staff endorses the EZ Access Road to connect the Port to the Encouragement Zone, by way of Piney Point Road or South Dock Street; however, this also involves safety and operational concerns. Staff envisions

125 feet of right-of-way on EZ Access Road, which could accommodate a four-lane, divided section to handle both overweight and passenger vehicles.

Discuss: Trying to accommodate Port customers; both alignment options provide connectivity to the Port; do not jeopardize Project Palm; etc.

**Amendment**

Mr. McClash moved to amend the motion to eliminate South Dock Street as one of those connections, due to Operation Project Palm. The motion was seconded by Mrs. DiSabatino.

Due to the curvature of U.S. 41, Ron Schulhofer, Public Works, stated the default is to favor the South Dock Street alignment. He urged keeping the Port Connector Road and EZ Access Road separate. Using Piney Point Road will not jeopardize the Port Connector Road.

Discussion: Each location has pros and cons; both motions request a road designation be brought back; the amendment would eliminate the need for a study; if South Dock Street alignment is eliminated, Piney Point Road becomes the alignment; consider all alignments; etc.

Cheri Coryea, Neighborhood Services Director, advised that staff has no comment at this time.

Discussion: Project Palm dies if South Dock Street alignment is chosen; there are other connections besides Piney Point Road that have not been evaluated; need to preserve Project Palm; etc.

**Motion – Call the Question**

Following discussion, a motion was made by Mr. Chappie, and seconded by Mr. McClash, to call the question. The motion carried 6 to 1, with Mrs. Hayes voting nay.

**Motion – Amendment**

The motion to amend carried 5 to 2, with Mr. Bustle and Mrs. Hayes voting nay.

**Motion – Withdrawn**

Mr. Bustle withdrew his motion and Mr. Chappie agreed.

**Motion – Remove South Dock Street**

Motion was made by Mr. McClash to rule out South Dock Street as an access point if it jeopardizes Operation Project Palm. The motion was seconded by Mrs. DiSabatino. Following discussion, the motion carried 5 to 2, with Mr. Bustle and Mr. Gallen voting nay.

[BC20110524DOC082](#)

**BUNKER HILL COMMUNITY PARK**

This item was deferred to a future meeting.

[BC20110524DOC083](#)

**WEST COAST INLAND NAVIGATION DISTRICT - PROJECT FUNDING**

Charlie Hunsicker, Natural Resources Director, recommended approval of recommendations for FY 2011-2012 West Coast Inland Navigation District funding and adoption of

**R-11-117** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE FOLLOWING WEST COAST INLAND NAVIGATION DISTRICT PROJECTS: MANATEE COUNTY SHERIFF MARINE PATROL; MANATEE COUNTY PUBLIC SAFETY MARINE RESCUE BUOYS; MANATEE COUNTY NATURAL RESOURCES ABANDONED VESSELS; MANATEE COUNTY NATURAL RESOURCES AIDS TO NAVIGATION; MANATEE COUNTY PORT AUTHORITY BUOYS; MANATEE COUNTY PARKS AND RECREATION FT. HAMER BOAT RAMP; MANATEE COUNTY PARKS AND RECREATION SPOIL REMOVAL; MANATEE COUNTY NATURAL RESOURCES STOW IT DON'T THROW IT; TOWN OF LONGBOAT KEY BOAT RAMP; TOWN OF LONGBOAT KEY FIRE RESCUE BOAT; USCG

FLOTILLA 83 SAFETY EDUCATION; USCG FLOTILLA 84 SAFETY EDUCATION; USCG FLOTILLA 85 SAFETY EDUCATION; GWIZ WATER WORKSHOPS; CAP-CIVIL AIR PATROL FLYOVER PROGRAM; AND CITY OF ANNA MARIA LAKE LAVISTA CHANNEL PROJECT; AND AUTHORIZING THE SUBMISSION OF SAID APPLICATIONS:

Sheriff - **Marine Resources Officer Funding**, M227-C, \$138,600;  
Public Safety/Marine Rescue - **Boater Safety/Swim Zone Buoys**, \$30,000;  
City of Palmetto - **Abandoned Vessel Project**, \$15,000;  
Manatee County - **Lost and Abandoned Vessel Removal**, \$75,000;  
Manatee County - **Aids to Navigation/Regulatory Signage Maintenance and Replacement**, \$75,000;  
Port Authority - **Buoys and Sea Grass Mitigation**, \$15,000;  
Parks and Recreation - **Ft. Hamer/Hidden Harbor Boat Ramp**, \$125,000;  
Natural Resources Department - **Stow It Don't Throw It**, \$1,000;  
Town of Longboat Key - **Boat Ramp Rehabilitation**, \$31,000;  
Town of Longboat Key - **Fire Rescue Boat**, \$21,500;  
Town of Longboat Key - **Marine Fire-Rescue Services**, \$50,000;  
Town of Longboat Key - **Police Marine Patrol**, \$55,000;  
United States Coast Guard Flotilla 83 - **Boating Safety and Education**, \$1,500;  
United States Coast Guard Flotilla 84 - **Boating Safety and Education**, \$3,000;  
GWIZ - **Environmental Education**, \$21,360;  
Civil Air Patrol - **CAP Civil Air Patrol**, \$10,500; and  
City of Anna Maria - **Lake LaVista Inlet Maintenance Dredging**, \$149,500.  
**(Note: Manatee County Parks and Recreation Spoil Removal deleted by motion)**

(Gavel to Mr. Chappie; presiding)

The County Administrator advised that an estimated \$700,000 of WCIND funding is available. Requests exceed revenue; therefore, application requests and staff recommendation for funding are different. Certain requests that are not recommended for funding (listed in the staff report) may fall under the budget heading of "supplanting" a responsibility of another entity. The matter warrants a work session and a staff report on repairs/maintenance of existing boat docks; potential for additional boat ramp at the Sunshine Skyway; and potentially setting a precedent for law enforcement issues on an on-going basis. A work session with the Town of Longboat Key will be scheduled this summer.

Motion was made by Mrs. Hayes to approve the projects as recommended by staff, with deferral of the projects not recommended by staff to a work session for further discussion. The motion was seconded by Mr. Gallen.

Mr. Bustle questioned if Agenda Attachment Exhibit C - Guidelines to Define Funding Conditions, is a Board policy and how the Board justifies funding certain operations. Discussion of Guidelines will be included in the work session.

Mr. McClash stated the Coquina Bayside Spoil Removal project listed under the Navigation Improvement Project has never been funded by WCIND dollars. He stated this project should be funded with beach dollars and requested this project be eliminated.

Mrs. Hayes and Mr. Gallen agreed to delete the project; therefore, the motion carried 7 to 0 with deletion of: Parks and Recreation - **Coquina Bayside Spoil Removal**, \$50,000.

[BC20110524DOC084](#)

#### **EXCESS PROPERTY INSURANCE**

James Cooney, Deputy County Attorney, requested the Board authorize the County Attorney to renew Excess Property Insurance coverage effective June 1, 2011, for a premium of \$3,345,862 and coverage for the Lake Manatee Dam for a premium of \$256,481.47, totaling \$3,602,343.47, and to allow the County Attorney or his designee, to execute all necessary documents.

(Gavel to Ms. Whitmore; presiding)

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 7 to 0, to approve the request. [BC20110524DOC085](#)

**2011 LEGISLATIVE SESSION - LETTERS OF APPRECIATION**

Presented for execution were letters of appreciation to state representatives, senators, local delegation members and others, who helped advance or protect the 2011 legislative priorities of Manatee County and Port Manatee.

At the suggestion of staff, Mr. Chappie recommended a letter also be sent to Governor Rick Scott emphasizing strong Board support for beach renourishment funding, mental health funding, public libraries, and Nathan Benderson Park. He also requested a letter be sent to Representative Jim Boyd.

Motion was made by Mr. Chappie, seconded by Mr. McClash and carried 7 to 0, to authorize the Chairman to sign the letters of appreciation, and to include letters to Governor Scott and Representative Boyd. [BC20110524DOC086](#)

**ORDINANCE 11-21 FERTILIZER REGULATION (Cont'd)**

Mrs. Hayes requested reconsideration of action taken earlier in the meeting on Ordinance 11-21 because the motion included the ban on the retail sale of fertilizer, but not the **use** of fertilizer.

Motion was made by Mrs. Hayes to reconsider Ordinance 11-21 at the next regular meeting. The motion was seconded by Mr. Bustle. Following discussion, the motion **failed** 2 to 5, with Mr. Chappie, Mrs. DiSabatino, Mr. Gallen, Mr. McClash, and Ms. Whitmore voting nay. [BC20110524DOC081](#)

**COMMISSIONERS' COMMENTS**

**BP Oil Spill - Legal Representation**

Mr. McClash submitted to the County Attorney, correspondence from the law firm, Hinkle & Foran, outlining their proposal to represent any potential claim for oil spill damages. [BC20110524DOC087](#)

**TBARTA and Lake Erie College of Osteopathic Medicine**

Mrs. Hayes reported she wrote letters to Governor Rick Scott asking for funding support for TBARTA and continued funding for the Lake Erie College of Osteopathic Medicine (LECOM). [BC20110524DOC088](#)

**2011 Legislative Session**

At the request of Ms. Whitmore and Mr. Bustle, Mr. Williams stated a thorough report on action taken during the 2011 Legislative session will be brought back. [BC20110524DOC089](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 7:26 p.m.  
/pk/rl

Minutes Approved: July 26, 2011