

JUNE 21, 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 Lexie Taylor, Manatee Religious Services.

AGENDA

Agenda of June 21, 2011, and agenda update memoranda.

[BC20110621DOC001](#)

EMPLOYEE OF THE MONTH

Ron Schulhofer, Public Works Director, presented the Employee of the Month award to **Jose Rico**, Public Works Maintenance Technician I, Public Works Department.

[BC20110621DOC002](#)

RETIREMENT AWARDS

Retirement Awards honoring their years of service to Manatee County Government were presented to **David Liddell**, Public Safety Department (28 years); **Roy Ezell**, Utilities Department (12 years); **James Stokes**, Utilities Department (22 years); and **Joseph Dobosz**, Utilities Department (23 years).

[BC20110621DOC003](#)

PROCLAMATIONS

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

1. A Proclamation designating July 17-23, 2011, as Probation, Parole, and Community Supervision Week accepted by **Daryl Promey** and **Jennifer Schaefer**. [BC20110621DOC004](#)
2. A Proclamation recognizing July 2011 as the Suncoast Center for Independent Living, Inc., and Americans with Disabilities Act 21st Anniversary accepted by **Jack Sweeney**. [BC20110621DOC005](#)
3. A Proclamation designating July 2011 as Recreation and Parks Month accepted by **Carolyn Angiolillo** and Parks and Recreation staff. [BC20110621DOC006](#)

AGRICULTURE AND EXTENSION SERVICES

Brenda Rogers, Community Services Director, introduced **Dr. Marina D'Abreau** as the new Agriculture and Extension Services Manager.

[BC20110621DOC007](#)

CONSENT AGENDA

Motion was made by Mrs. DiSabatino and seconded by Mr. Chappie 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 **Tobacco Free Zones/Signs Adjacent to Youth Athletic Fields** (deferred) and **Building Fees, Indigent Health Care, and Budget Amendment Resolution B-11-060** (all separate actions).

[BC20110621DOC008](#)

Duette Preserve Hunt Program

Mary Sheppard questioned the order of hunting seasons at Duette and the policy for acquiring an annual permit on-site only for the Preserve.

Charlie Hunsicker, Natural Resources Director, stated the annual passes will be available at locations closer to town. [BC20110621DOC009](#)

The motion to approve the Consent Agenda carried 7 to 0. Items APPROVED:

CLERKS CONSENT CALENDAR

[BC20110621DOC010](#)

BONDS

Accept:

Sheriff's Public Employees and Deputy Sheriff's Blanket Bonds (9 additions, 7 deletions). [BC20110621DOC011](#)

Columbus Landings

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements, \$13,276.70.
2. **Accept** Agreement with Columbus Landings LLC Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements. This Agreement will be for a **one-year extension** (expiring 6/24/12), secured by a previously accepted Cashier's Check (702183185), \$13,276.70.
3. **Release** Agreement Guaranteeing Completion of Required Sidewalks and Bikeways - Offsite Sidewalks, \$1,763.13.
4. **Accept** Agreement with Columbus Landings LLC Guaranteeing Completion of Required Sidewalks and Bikeways - Offsite Sidewalks. This Agreement will be for a **three-year extension**, secured by a previously accepted Cashier's Check (701501164), \$1,763.13. [BC20110621DOC012](#)

CVS - University Parkway and Tuttle

1. **Release** Agreement Guaranteeing Completion of Required Improvements; **and** Performance Bond (Surety Bond 929505504 and any associated rider[s]), \$55,795.35.
2. **Accept** Agreement with Ronald Benderson, Randall Benderson, and David H. Baldauf as Trustees under a Trust Agreement dated October 14, 1985, known as the Benderson 85-1 Trust, Ronald Benderson and David H. Baldauf as Trustees under a Trust Agreement dated September 22, 1993, known as the Randall Benderson 1993-1 Trust, and WR-I Associates, Ltd., as tenants in common Warranting Required Improvements - Tuttle Avenue Entrance Right-of-Way Improvements; **and** Defect Security (Surety Bond 929525909), \$2,144.64. [BC20110621DOC013](#)

Forest Creek, Phase 2-B, Subphase A

Release Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements - Landscape and Irrigation; **and** Performance Bond (Surety Bond SU1103790 and any associated rider[s]), \$71,624.08. [BC20110621DOC014](#)

Forest Creek, Phase 2-B, Subphase A (Revised Portion)

1. **Release** Agreement Guaranteeing Completion of Required Improvements - Final Lift of Asphalt, \$15,663.38.
2. **Accept** Agreement with Forest Creek Associates LLC Guaranteeing Completion of Required Improvements - Final Lift of Asphalt. This Agreement will be for a **one-year extension** (expiring 2/23/12), secured by a previously accepted Surety Bond (SU1103791), \$15,663.38.
3. **Accept** Verification Certificate for Performance Bond (Surety Bond SU1103791), \$15,663.38. [BC20110621DOC015](#)

Hillcrest Place

Release Agreement Warranting Required Improvements; **and** Defect Security (Surety Bond 5032263 and any associated rider[s]), \$23,331.54. [BC20110621DOC016](#)

Lake St. Claire Borrow Pit

1. **Release** Performance Bond (Letter of Credit 92-2511812289-30001 and any associated amendment[s]), \$98,579.
2. **Accept** Performance Bond (Letter of Credit 92-2511812289-30001, **expiring** June 14, 2016, \$98,579. [BC20110621DOC017](#)

Lighthouse Cove at Heritage Harbour, Unit 1

1. **Release** Agreement Guaranteeing Completion of Required Improvements – Master Lift Station, \$1,406,457.
2. **Accept** Agreement with Lennar Homes LLC Guaranteeing Completion of Required Improvements – Master Lift Station; **and** Performance Bond (Amendment 1 to Letter of Credit FGAC-08037), **extending** the expiration date to June 29, 2012, \$1,406,457.

Lorraine Corners Southeast

Release Agreement Guaranteeing Completion of Required Sidewalks and Bikeways and Temporary Construction Easement for Private Improvements; **and** Performance Bond (Surety Bond 5033925 and any associated rider[s]), \$45,402.40. [BC20110621DOC018](#)
[BC20110621DOC019](#)

Mosaic Wingate Creek Mine

Accept Performance Bond with Safeco Insurance Company of America (Rider to Surety Bond 6307933) **increasing** the bond amount **from** \$6,918,214 **to** \$7,254,551.

Oakleaf Hammock, Phase III

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Landscape, Irrigation, and Conservation Area Improvements, \$1,243,426.30.
2. **Accept** Agreement with The Ryland Group, Inc., Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Replacement Trees. This agreement will be for a **one-year extension** (expiring 6/19/12), secured by a previously accepted Surety Bond (08813705), \$130,687.94.
3. **Accept** Performance Bond (Rider to Surety Bond 08813705) **reducing** the bond amount **from** \$1,243,426.30 **to** \$130,687.94. [BC20110621DOC021](#)

Old Mill Preserve (aka Jacklyn Oaks)

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Landscape, \$63,968.36. **Note:** Original amount was \$74,264.24; \$10,295.88 was retained to secure an extension of required private improvements.
2. **Release** Performance Bond (Wire Transfer from Wachovia Bank), \$63,968.36.
3. **Accept** Agreement with Taylor Morrison of Florida, Inc., Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Replacement Trees, \$10,295.88 (secured by a reduced amount of a previously accepted wire transfer). [BC20110621DOC022](#)

Ranch Lake Plaza, Lot 1

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Replacement Trees, \$12,318.80.
2. **Accept** Agreement with Alvaro Ramos Agababa (Mavard Trading, Ltd.), Guaranteeing Required Improvements and Temporary Construction Easement for Private Improvements – Replacement Trees, \$12,318.80.
3. **Accept** Performance Bond (Amendment 9 to Letter of Credit P001930) **expiring** on June 13, 2012, \$12,318.80. [BC20110621DOC023](#)

River Sound

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Final Lift of Asphalt, \$139,513.71.
2. **Accept** Agreement with Commerce National Realty Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Final Lift of Asphalt. This agreement will be for a **one-year extension**, secured by a previously accepted Surety Bond (SU1100937), \$139,513.71.

3. **Accept Performance Bond (Verification Certificate to Surety Bond SU1100937) extending the expiration date to May 19, 2012, \$139,513.71.** [BC20110621DOC024](#)

San Michelle at University Commons

1. **Release Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Remaining Landscaping; and Performance Bond (Surety Bond 1023630 and any associated rider[s]), \$139,490.74.**
2. **Release Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Community Amenities: Pool, Building, Furniture, Pavilion, Mail Kiosk, Tennis Courts, and Playground; and Performance Bond (Surety Bond 1018317 and any associated rider[s]), \$248,230.**
3. **Release Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Final Lift of Asphalt; and Surety Bond (1017727 and any associated rider[s]), \$65,477.10.**
4. **Release Agreement for Final Wearing Course of Asphalt on Roadways (Privately Maintained Roadways).** [BC20110621DOC025](#)

Southeast Master Pump Station and Forcemain

Release Agreement Warranting Required Improvements; and Defect Security (Surety Bond 5032343 and any associated rider[s]), \$161,531.81. [BC20110621DOC026](#)

University Groves Offsite Force Main

Release Agreement Warranting Required Improvements; and Defect Security (Surety Bond 105012978 and any associated rider[s]), \$167,507.67. [BC20110621DOC027](#)

WARRANT LIST

June 7, 2011, through June 20, 2011

[BC20110621DOC028](#)

MINUTES

May 5 and 10, 2011

[BC20110621DOC029](#)

ACCEPT

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

1. **63rd Avenue Parkland Center Force Main – Agreement with Woodruff & Sons, Inc., for replacement of a 12-inch force main on 63rd Avenue East (U.S. 301 to 29th Street East), \$141,658.31; Performance Bond, Payment Bond, and Certificate of Liability Insurance.** [BC20110621DOC030](#)
2. **Alzheimer’s Disease Initiative – Respite Services – Addendum Three to Agreement with Tidewell Home Health LLC, dba Approved Home Health; increase of \$9,795; revised total \$112,802 for FY 2010-11.** [BC20110621DOC031](#)
3. **Downtown Bus Transfer Station – Bid documents for IFB 11-0579-OV, including Addenda 1 and 2 (contract with Zirkelbach Construction executed 5/24/11).** [BC20110621DOC032](#)
4. **Historical Courthouse Roof/Window Façade – Adjustment One to Agreement with Zirkelbach Construction, Inc.; increase of \$1,127.98, revised total \$2,197,620.98.** [BC20110621DOC033](#)
5. **Mail Handling Services – Agreement with Access Mail Processing Services, Inc., for one year (7/5/11-7/4/12).** [BC20110621DOC034](#)
6. **Neal Preserve – Observation Tower Construction – Agreement with Bridge Builders USA, Inc., \$199,700; Performance Bond, Payment Bond, and Certificate of Liability Insurance.** [BC20110621DOC035](#)
7. **Utilities Maintenance and Administration Building Construction – Bid documents for IFB 11-0576-OV, including Addenda 1 through 3 (contract with Holland Construction Corporation executed 5/24/11).** [BC20110621DOC036](#)

FY 2011-12 Proposed Budgets for:

1. **Artisan Lakes Community Development District;** [BC20110621DOC037](#)
2. **Eagle Pointe Community Development District;** [BC20110621DOC038](#)
3. **Heritage Harbour East Community Development District;** [BC20110621DOC039](#)
4. **Heritage Harbour North Community Development District;** [BC20110621DOC040](#)
5. **Heritage Harbour South Community Development District;** [BC20110621DOC041](#)

- 6. Lakewood Ranch Stewardship District; [BC20110621DOC042](#)
- 7. Lakewood Ranch Community Development District 1; [BC20110621DOC043](#)
- 8. Lakewood Ranch Community Development District 2; [BC20110621DOC044](#)
- 9. Lakewood Ranch Community Development District 4; [BC20110621DOC045](#)
- 10. Lakewood Ranch Community Development District 5; [BC20110621DOC046](#)
- 11. University Place Community Development District; and [BC20110621DOC047](#)
- 12. Villages of Glen Creek Community Development District. [BC20110621DOC048](#)

AUTHORIZE CHAIRMAN TO SIGN

Partial Release of Special Improvement Assessment Lien:

Project 3137

[BC20110621DOC049](#)

Annual Transportation Disadvantaged Trip and Equipment Grant

Agreement with the State of Florida Commission for the Transportation Disadvantaged, \$476,416 (authorized by Resolution R-11-067, 3/15/11).

[BC20110621DOC050](#)

COUNTY ADMINISTRATOR

PLANNING, ZONING, AND LAND DEVELOPMENT FEES

R-11-149 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING A REVISED FEE SCHEDULE FOR PLANNING, ZONING AND LAND DEVELOPMENT ACTIVITIES FOR UNINCORPORATED MANATEE COUNTY; PROVIDING DIRECTIONS REGARDING CODIFICATION; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

FINAL PLATS

[BC20110621DOC051](#)

Central Park, Subphase G-1c

- 1. Final Plat;
- 2. Lot Drainage and Grading Plans;
- 3. Mortgagee's Joinder in and Ratification of the Subdivision Plat and All Dedications and Reservations Thereon for Central Park, Subphase G-1c, 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 5037146, Bond Safeguard Insurance Company), \$14,357.67;
- 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 G-1c.

[BC20110621DOC052](#)

Gates Acres

- 1. Final Plat;
- 2. Mortgagee's Joinder In and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from 1st Manatee Bank; and
- 3. Notice to Buyers for Gates Acres Subdivision.

Discussion: Concern regarding septic tanks; etc.

[BC20110621DOC053](#)

Lakewood Ranch Town Center, Subphase L (aka Natures Way 3)

- 1. Final Plat; and
- 2. Notice to Buyer.

[BC20110621DOC054](#)

ALZHEIMER'S DISEASE INITIATIVE

Execution of Amendment 2 to the FY 2010-11 Alzheimer's Disease Initiative Funding Agreement with Meals on Wheels Plus of Manatee, Inc., for **facility based respite service**; decrease of \$7,739; adjusted total \$8,521.

[BC20110621DOC055](#)

EMERGENCY HOME ENERGY ASSISTANCE PROGRAM

- 1. Execution of Amendment 6 to the FY 2010-11 Emergency Home Energy Assistance Grant Program Agreement EH-10/11-MAN with West Central Florida Area Agency on Aging, Inc.; increase of \$4,000, adjusted total \$117,569; and extending the Agreement to August 31, 2011; and
- 2. **Budget Amendment**
Community Services

B-11-061

[BC20110621DOC056](#)

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

1. Approval of Federal 2011 Edward Byrne Memorial Justice Assistance Grant, \$164,814 over a maximum of four years, recommended by the Public Safety Coordinating Council; and
2. **R-11-148** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE; DESIGNATING THE PUBIC SAFETY COORDINATING COUNCIL AS GRANT ADVISORY BOARD; AUTHORIZING THE CHAIRMAN, THE COUNTY ADMINISTRATOR, OR THE DEPUTY COUNTY ADMINISTRATOR TO EXECUTE ALL APPROPRIATE DOCUMENTS RELATIVE TO GRANT SUBMISSION AND ACCEPTANCE; AND AUTHORIZING THE COMMUNITY SERVICES DEPARTMENT DIRECTOR OR DESIGNEE TO EXECUTE ALL APPROPRIATE DOCUMENTS REQUIRED IN CONNECTION WITH GRANT ADMINISTRATIVE FUNCTIONS. [BC20110621DOC057](#)

TOURISM

1. **Longboat Key Forum** - Approval of expenditures to co-host (with the Sarasota Convention and Visitors Bureau and the Longboat Key Chamber of Commerce) a meeting/reception at the Longboat Key Club on July 11, 2011, \$800. [BC20110621DOC058](#)
2. **Promotion of Tourism** - Authorization for the County Administrator to execute Reimbursement and License Agreements with the Anna Maria Island Chamber of Commerce, the Longboat Key, Lido Key, and St. Armands Key Chamber of Commerce, and the Manatee Chamber of Commerce, contingent upon receiving signed originals from each chamber. [BC20110621DOC059](#)

CORRECTIONAL HEALTHCARE SERVICES

Execution of Addendum 4 to the Correctional Healthcare Services Agreement with the Manatee County Sheriff and Prison Health Services, Inc., for a one-year extension (7/1/11-6/30/12), \$5,458,365.87. [BC20110621DOC060](#)

BEACH RENOURISHMENT

R-11-145 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE NATURAL RESOURCES DEPARTMENT TO FILE A LONG-RANGE BEACH EROSION CONTROL BUDGET PLAN WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; SUPPORTING THE PROJECTS FOR WHICH FUNDING IS REQUESTED; CONFIRMING MANATEE COUNTY'S ABILITY TO SERVE AS LOCAL SPONSOR FOR PROJECTS AND THE COUNTY'S ABILITY TO FUND THE APPROPRIATE LOCAL SHARE OF PROJECTS; AND PROVIDING AN EFFECTIVE DATE. [BC20110621DOC061](#)

DUETTE PRESERVE HUNT PROGRAM

R-11-153 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING RESOLUTION R-09-210 FEE SCHEDULE FOR THE NATURAL RESOURCES DEPARTMENT'S DUETTE PRESERVE ANNUAL HUNT PROGRAM.

LIBRARY BOOKMOBILE

R-11-155 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE CONVEYANCE OF UNNEEDED VEHICLE TO NON-PROFIT CORPORATION; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (authorizing the sale of the bookmobile to the Early Learning Coalition of Manatee County, Inc., \$10,000). [BC20110621DOC062](#)

ECONOMIC DEVELOPMENT INCENTIVE GRANTS

1. **R-11-150** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FINDING THAT "**PROJECT PIGGYBACK**" BE APPROVED FOR AN ECONOMIC DEVELOPMENT INCENTIVE (EDI) GRANT AND A TRANSPORTATION IMPACT FEE INCENTIVE (TIFI) FOR FISCAL YEARS 2011-2012 THROUGH 2015-2016, AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110621DOC063](#)
2. **R-11-154** A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RECOMMENDING THAT "**PROJECT GECKO**" BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO *S.288.106, FLORIDA STATUTES*; AFFIRMING THIS IS A MANUFACTURING PROJECT; REQUESTING A WAIVER OF THE

AVERAGE WAGE REQUIREMENT OF *S.288.106(4)(B)1.A., FLORIDA STATUTES*; AFFIRMING THE SITE OF THIS PROJECT WILL BE DESIGNATED A BROWNFIELD AREA; AND PROVIDING FOR LOCAL FINANCIAL SUPPORT FOR THE QUALIFIED TARGET INDUSTRY TAX REFUND WITH HIGH-IMPACT SECTOR BONUS; REQUESTING A WAIVER OF LOCAL FINANCIAL SUPPORT FOR THE BROWNFIELD BONUS PORTION; FOR FISCAL YEAR 2012-2013 THROUGH 2016-2017; AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110621DOC064](#)

LAND USE RESTRICTION AGREEMENTS AND DEED RESTRICTIONS

1. Execution of a Land Use Restriction Agreement and Deed Restrictions with Volunteers of America of Florida, Inc., for a **Neighborhood Stabilization Program** housing development at 409 20th Street West, Palmetto. [BC20110621DOC065](#)
2. Execution of an Agreement to Terminate the Land Use Restriction Agreement and Deed Restrictions with Meals on Wheels Plus for a **Community Development Block Grant** funded project located at 811 23rd Avenue East. [BC20110621DOC066](#)

15TH STREET EAST AT 51ST AVENUE EAST

Execution of Contract for Purchase of a Right-Of-Way Easement and Temporary Construction Easement with Emmanuel Makris, \$35,035.15, inclusive of attorney fees and costs (Parcels 802/702); **and** authorization to make the check payable to Bella Y. Patel, P.A., Trust Account. [BC20110621DOC067](#)

1312 51ST AVENUE EAST

1. **R-11-128** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING CONVEYANCE OF COUNTY PROPERTY TO **LEARN TO FISH, INC.**, A NON-PROFIT CORPORATION, FOR THE PURPOSES OF PROMOTING PUBLIC OR COMMUNITY INTEREST AND WELFARE;
2. Execution of a Deed to Learn to Fish, Inc.; and
3. Execution of a Land Use Restriction Agreement and Deed Restrictions with Learn to Fish, Inc., for property located at 1312 51st Avenue East. [BC20110621DOC068](#)

BUNKER HILL COMMUNITY PARK

Acceptance of Special Warranty Deed from Mosaic Fertilizer LLC conveying 75 acres of park property located on State Road 62 **and** authorization for the appropriate staff to sign "Statement of Completion and Request for Transfer to Operation Entity." [BC20110621DOC069](#)

DEEDS AND EASEMENTS

1. **10615 Technology Terrace** - Utility Easement and Affidavit of Ownership and Encumbrances from Gray Bella Holdings LLC; and Joinder from Wells Fargo Bank, National Association. [BC20110621DOC070](#)
2. **Proposed Ellenton/Parrish Library Facility** (Rocky Bluff Branch) - Special Warranty Deed from Zions First National Bank for the conveyance of two parcels, totaling 9.75 acres, located at 6750 and 6710 U.S. 301 North, Ellenton. [BC20110621DOC071](#)

WARES CREEK STORMWATER IMPROVEMENT PROJECT

R-11-142 A RESOLUTION OF MANATEE COUNTY, FLORIDA, DELEGATING THE AUTHORITY TO MAKE PRE-SUIT OFFERS IN EMINENT DOMAIN CASES FOR THE RIGHTS-OF-WAY REQUIRED FOR THE WARES CREEK STORMWATER IMPROVEMENT PROJECT, PARCELS IDENTIFIED IN 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: Mary Ann Watkins, \$165,000; Christopher E. Constantino et al., \$105,500). [BC20110621DOC072](#)

EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND

1. **R-11-147** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, ACCEPTING A BASE GRANT AWARD FROM THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, FOR THE EMERGENCY MANAGEMENT, PREPAREDNESS AND ASSISTANCE TRUST FUND (State Funded Subgrant Agreement with the Division of Emergency Management, \$105,806, no matching funds required; 7/1/11-6/30/12); and
2. **Budget Amendment**
Public Safety **B-11-064** [BC20110621DOC073](#)

EMERGENCY MANAGEMENT PERFORMANCE GRANT

1. **R-11-146** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, ACCEPTING A GRANT AWARD FROM THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, FOR EMERGENCY MANAGEMENT (Federally Funded Subgrant Agreement with the Division of Emergency Management, \$101,495; 7/1/11-6/30/12); and
2. **Budget Amendment**
Public Safety **B-11-065** [BC20110621DOC074](#)

UNCOLLECTIBLE EMS ACCOUNTS

R-11-132 RESOLUTION DESIGNATING CERTAIN DELINQUENT ACCOUNTS RECEIVABLE INCURRED BY PARTICULAR RECIPIENTS OF MANATEE COUNTY EMERGENCY MEDICAL SERVICES AS UNCOLLECTIBLE IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND ADJUSTED TO ZERO IN THE ACCOUNTS RECEIVABLE LEDGER.

COMMUNITY TRANSPORTATION COORDINATION[BC20110621DOC075](#)

Execution of 2011 Community Transportation Coordination Agreement with Westside Group Home, provider with Manatee County Area Transit. [BC20110621DOC076](#)

WATERSHED EVALUATION

Execution of Cooperative Funding Agreement with Southwest Florida Water Management District (SWFWMD), with a completion date of October 1, 2015, \$740,000 (\$370,000 SWFWMD; \$370,000 County). [BC20110621DOC077](#)

ORDINANCE 11-028 – NO PARKING

Authorization to set a public hearing on July 26, 2011, to consider adoption of Ordinance 11-028, amending Section 2-22-22 of the Manatee County Code, instituting and creating an additional no stopping, standing, or parking zone to include **119th Street West** and **Harbour Landings Drive**, requiring the erection of appropriate signs; providing for codification; providing for severability; and providing an effective date. [BC20110621DOC078](#)

SURPLUS PROPERTY

1. Authorization to classify property which is uneconomical to upgrade or repair as surplus per *Florida Statute 274.05*, to enable appropriate and authorized disposition of said property, and authorization to thereafter dispose of such property; and
2. 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-11-135 – Computer equipment to Victorious Life Christian Center;
R-11-136 – Computer equipment to United Community Centers, Inc.; and [BC20110621DOC079](#)
R-11-152 – Modular Office Trailer to Sarasota County. [BC20110621DOC080](#)
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. [BC20110621DOC081](#)

PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY

Acceptance of the FY 2011-12 Tentative Budget for the Authority; **and** approval of Manatee County's FY 2011-12 membership contribution, \$84,628, and an Assessment of \$35,233 to provide administrative support for the Water Planning Alliance (\$17,617); funding for Authority Governance (\$8,808); and support for monitoring of the Peace River Basin and the Area Wide Environmental Impact Study for phosphate mining (\$8,808).

DASHBOARD REPORT[BC20110621DOC082](#)

Acceptance of the monthly dashboard report for May 2011. [BC20110621DOC083](#)

STUDENT CLINICAL EXPERIENCE

Authorization for the County Administrator or designee to execute a three-month extension, to be drafted and approved by the County Attorney's Office, of the current Clinical Experience Agreement with Manatee Technical Institute. [BC20110621DOC084](#)

(End Consent Agenda)

CITIZENS' COMMENTS

Air Conditioner Alarms

Dr. Craig Trigueiro submitted a letter from the Sheriff's Office regarding alarms on air conditioning units. He requested the Burglary Alarm Ordinance be amended to address alarms on air conditioning units, as the technology has improved, and alarms go off due to movement. There may be no physical evidence of an attempted theft; which would lead to a fine for a false alarm.

Discussion: Several units being stolen; discuss with Sheriff's Office; fines for false alarms; future report; etc. [BC20110621DOC085](#)

Tara Boulevard Bridge

Herb Furman explained homeowners still have concerns regarding the possibility of building the Tara Boulevard bridge.

Mrs. Hayes noted she is having a meeting with residents tomorrow (6/22/11) at 9:30 a.m.

[BC20110621DOC086](#)

COMPREHENSIVE PLAN - EVALUATION AND APPRAISAL REPORT

Public hearing (Notice published) was held to discuss the Evaluation and Appraisal of The Manatee County Comprehensive Plan.

Kathleen Thompson, Building and Development Services Department, stated due to legislative changes, the Department of Community Affairs is now the Economic Opportunity Department (EOD), and no longer requires the formal process for the Evaluation and Appraisal Report (EAR). The EAR is now an in-house document.

Kelly Klepper, Kimley-Horne, explained the EAR is a report on how the Comprehensive Plan is working. House Bill 7207 has modified the EAR process. Recommendations have been made for staff to review over the next two years. Any amendments identified in the letter to the Division of Community Development (DCD) must be completed in one year. It was recommended to focus on Design Standards and implementation of the "How Will We Grow" exercise into the overall Comprehensive Plan. Changes are needed to the GIS mapping technologies, because existing land uses under the Property Appraisers definitions and codes differ from those used seven years ago. The analysis and preliminary findings for the EAR were completed prior to the legislative changes.

Discussion: Not limited to two Comprehensive Plan amendment cycles per year; Capital Improvements Program no longer required to be part of Comprehensive Plan; concerns from Sierra Club; redevelopment of urban core and infill; do not increase density in Coastal High Hazard Areas (CHHA); land use designations for preserves on first map labeled government as opposed to recreation/government; prove financial feasibility of hooking up to sewer; Health Department governs septic tanks; leave out specifics in letter to DCD; no major issues; creative planning strategies; waterfronts; wetland protection; walkable communities; etc.

Sarah Schenk, Deputy County Attorney, stated the new Statute requires review of the Comprehensive Plan every seven years. The letter of recommendation to DCD will be presented on a future agenda.

Discussion: Codes on maps for land uses are from the Property Appraiser's Office; important to know what land is government owned; clarify definitions; emphasis on mixed use; etc.

Sandra Ripberger, Sierra Club, and **Mary Sheppard** encouraged developing a more healthful, green environment, and expressed concern regarding septic tanks, development in the CHHA, and rising sea levels. Ms. Sheppard and **Walter Hunt** expressed concern regarding the 44th Avenue East extension.

Discussion: Computer models developed by estuary programs; avoid development where rising sea levels are occurring; Florida Department of Transportation policies for building; etc.

[BC20110621DOC087](#)

Recess/Reconvene. All members present.

ORDINANCE 11-20 – LAND DEVELOPMENT CODE/IMPACT FEES UPDATE

Public hearing (Notices published) was held to consider

ORDINANCE 11-20

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; PROVIDING A STATEMENT OF PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED); AMENDING SECTION 803.1.2.2. TO TEMPORARILY EXTEND THE REDUCTION OF EXISTING IMPACT FEES BY FIFTY PERCENT THROUGH SEPTEMBER 30, 2011; AMENDING SECTION 802 (LEGISLATIVE FINDINGS, RELIANCE UPON THE IMPACT FEE STUDY, AND INTENT) TO REFER TO THE MOST RECENT IMPACT FEE STUDY COMPLETED BY THE COUNTY; AMENDING SECTION 803 (ROADS IMPACT FEES) TO REFER TO DELETE UNNECESSARY LANGUAGE; AMENDING CHAPTER 8 OF THE LAND DEVELOPMENT CODE TO ADOPT A NEW SCHEDULE OF IMPACT FEES EFFECTIVE AS OF OCTOBER 1, 2011; IN ACCORDANCE WITH THE FLORIDA IMPACT FEE ACT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR NOTICE OF THE NEW AND AMENDED IMPACT FEES IN ACCORDANCE WITH THE FLORIDA IMPACT FEE ACT; AND PROVIDING AN EFFECTIVE DATE.

(Note: The Proof of Publication language differs slightly with the title of the Ordinance).

Sharla Fouquet, Financial Management Department, explained the Impact Fees in Ordinance 11-20 are for law enforcement, parks, public safety, and roads. In January 2011 the County Attorney's Office recommended a current study based on the most recent and localized data. For most land uses, fees resulting from the study were lowered.

Randy Young, Henderson Young and Company, used a slide presentation to review the findings of the impact fee study. Impact fees are a one-time payment, paid by new development for capital costs; fees do not cover operating costs or staffing. There must be a relationship between the new development and the need for additional facilities. There are two alternatives to implementing impact fees; either raise taxes or reduce the level of service.

Mr. Young stated most rules for impact fees stem from court cases. The Fair Share Rule states that growth must provide for its needs, not for existing deficiencies. The Nexus of Benefit keeps the amount of the fees proportional to the type and amount of development. The Credits Rule helps avoid double dipping. Other sources are limited, so credits are built in, such as a bond issue. The Most Recent and Local Data Rule is statutory and requires impact fees to be based on the most recent and local data. The current study is from 2006, and needs updated.

Residential development pays impact fees based on the type of dwelling and the number of bedrooms. Non-residential is divided into categories. A rate was compiled for each category based on square footage. Non-residential development does not pay parks impact fees.

Road impact fees are based on consumption-based methodology, and the costs of road construction and average length of trips have decreased. A new transportation plan is being prepared, and more recent trip generation rates from the Institute of Transportation Engineering (ITE) have been included. Trip adjustment factors were addressed. There has been a reduction in credits, and the amount forecasted has decreased.

Value per capita, will be used for park impact fees. All the assets of the Parks and Recreation Department are totaled and divided by the population. The value of the park assets has increased from \$420 to \$572 per person, because of additional inventory.

There is a revised methodology for determining Public Safety impact fees. The 2006 study was based on functional population, and the more accurate method uses local dispatch data. Due to new federal requirements the communication systems have increased in cost from \$12 to \$30 million.

The revised methodology was also used for Law Enforcement. There has been an increased cost for buildings including the Jail and Judicial Center. A separate calculation has been included for investigators who follow up on certain types of crimes.

Mr. Young explained that when the improved transportation plan is complete, a future update will include costs for improved transit. Traffic models were used to determine trip length.

Discussion: Cost per lane mile; relied on staff for data; most recent projects used for study; no adjustments for inflation; all commercial charged the same per square foot; impact fees do not drive development away; etc.

Upon question, Mr. Young, explained impact fees have been in existence since the 1970s, and have been a successful way for communities to address growth impacts.

Discussion: Substantial increase in fees for churches; churches are regular consumers of public safety; uniform county-wide system; fee to discourage sprawl; trip adjustments; only five categories have increased fees; fees would be the same for all office sizes; etc.

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 CONSISTENT with the general purpose and standards of the Manatee County Land Development Code, Mrs. DiSabatino moved to ADOPT Manatee County **Ordinance 11-20**. The motion was seconded by Mr. Chappie and carried 7 to 0. [BC20110621DOC088](#)

ORDINANCE 11-22 - EDUCATIONAL FACILITIES IMPACT FEES

Public hearing (Notices published) was held to consider

ORDINANCE 11-22

AN ORDINANCE REGARDING EDUCATIONAL FACILITIES; AMENDING SECTION 2-29-86 OF THE MANATEE COUNTY CODE OF ORDINANCES TO SUSPEND THE CHARGING AND COLLECTION OF EDUCATIONAL FACILITIES IMPACT FEES THROUGH JULY 2013; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

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 CONSISTENT with the general purpose and standards of the Manatee County Land Development Code, Mrs. DiSabatino moved to ADOPT Manatee County **Ordinance 11-22**. The motion was seconded by Mr. Chappie.

Discussion: Should still have cost sharing for new home construction; School Board agrees with the extension; schools lacking space; support due to economic downturn; etc.

The motion carried 5 to 2, with Mr. Gallen and Mr. McClash voting nay.

[BC20110621DOC089](#)

BUILDING FEES

Maureen Sikora, Deputy County Attorney, reviewed the agenda package and explained a new fee of \$275 has been established for Aluminum structure miscellaneous. The LP Gas Tank and Propane Tank fee will be \$75 and require one inspection instead of the previous \$275 fee, which required three inspections. The fee for basic plumbing alterations will be \$75 to be consistent with electrical and mechanical alterations.

Motion was made by Mrs. Hayes, seconded by Mr. Gallen, and carried 7 to 0, to adopt **R-11-125** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING REVISED BUILDING PERMIT, INSPECTION, AND OTHER RELATED FEES AND CHARGES; ESTABLISHING SCHEDULE OF BUILDING PERMIT, INSPECTION, AND OTHER RELATED FEES AND CHARGES FOR UNINCORPORATED MANATEE COUNTY; PROVIDING DIRECTIONS REGARDING CODIFICATION; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. [BC20110621DOC090](#)

BUDGET AMENDMENT

Angie Bibler, Financial Management Department, explained when a budget is adopted, salary accounts in most departments are budgeted at 97 percent. In departments where there is no three percent attrition an additional three percent is needed. This is further exacerbated when there are layoffs and retirements, and departments have to pay out vacation and severance packages. Money that was in reserves is being used to make up these amounts and transferred to departments for salaries. Savings will be realized in the future budgets.

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 7 to 0, to adopt **Budget Amendment**
Various Departments **B-11-060**
Supporting Description and Detail Attached. [BC20110621DOC091](#)

Recess/Reconvene. All members present.

GREEN GOVERNMENT AWARD

Ms. Rogers introduced **Dr. Jennifer Languell**, Florida Green Building Coalition. Dr. Languell presented the Florida Green Building Coalition's Silver Certified Green Government Award to Manatee County, and commended staff for their efforts. Implementing benchmarking, energy efficiency, and water conservation ultimately leads to spending less money on infrastructure and a savings for taxpayers.

Ms. Rogers recognized the Green Team and stated the goal for next summer is Gold. [BC20110621DOC092](#)

MYAKKA CITY FIRE CONTROL DISTRICT BOARD

The floor was opened for nominations to fill Unexpired Seat 2 (term to expire May 31, 2013) on the Myakka City Fire Control District Board:

Nominations: Richard Bartoszek – by Mrs. Hayes
 Jeffrey Burski – by Ms. Whitmore

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, to close nominations. **Richard Bartoszek** was elected by majority vote.

Motion was made by Mr. McClash and seconded by Mrs. DiSabatino, to adopt: **R-11-156** 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; ACCEPTING RESIGNATION OF COMMISSIONER FROM DISTRICT SEAT 2; APPOINTING COMMISSIONER TO DISTRICT SEAT 2 TO FILL UNEXPIRED TERM; PROVIDING DIRECTIONS REGARDING CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Upon question, Ms. Sikora explained the Fire Control District was created by Ordinance, and there is no requirement or provision for alternates.

The motion carried 7 to 0. [BC20110621DOC093](#)

COMMUNITY DEVELOPMENT BLOCK GRANT 2011-12 ANNUAL ACTION PLAN

Public hearing (Notices published) was held to consider the (draft) 2011-12 Action Plan, and proposed use of funds and proposed budget.

Discussion: Other projects where funds could be used; United Community Center needs more funding; lobby Congress for funding; complete current projects before beginning new ones; etc.

Suzie Dobbs, Neighborhood Services Department, explained non-profit agencies submit applications for review. United Community Center did not request additional funding, and they have received over \$1 million to date. County projects must be located in Community Development Block Grant (CDBG) eligible areas for infrastructure projects. This is the final year of the five-year consolidated plan, and the goals and strategies that were not met in the previous four years are also considered, to meet those goals in the final year. Restrictions are also based on the amount of money received.

Discussion: Projects the Board would like to see and if they meet the plan; projects in low income areas; more Board collaboration when developing the new five-year plan; goal is to meet grants; etc.

Ed Hunzeker, County Administrator, noted allocated funds are spent on the needed projects.

B. J. Graf, Volunteers of America, stated Manatee County has done an excellent job of allocating CDBG funds.

Motion was made by Mr. Chappie, seconded by Mrs. Hayes, and carried 7 to 0, to adopt **R-11-137** A RESOLUTION TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT 2011 ANNUAL ACTION PLAN (authorization for the Chairman to sign all appropriate submission documents).

[BC20110621DOC094](#)

GULF COAST CORPORATE PARK

Public hearing (Notices published) was held to consider

R-11-143 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AUTHORIZING THE EXTENSION OF THE EXPIRATION DATE OF CLOS CERTIFICATE 09-040, GULF COAST CORPORATE PARK, PHASE 3, LOTS 3-6, PURSUANT TO SECTION 510.9.3 OF THE LAND DEVELOPMENT CODE; AUTHORIZING AND DIRECTING ANY AND ALL ACTIONS NECESSARY TO IMPLEMENT SUCH EXTENSION BY THE BUILDING AND DEVELOPMENT SERVICES DIRECTOR OR HIS OR HER DESIGNEE; PROVIDING AN EFFECTIVE DATE.

Motion was made by Mr. Bustle, seconded by Mrs. DiSabatino, and carried 7 to 0, to adopt **R-11-143**.

[BC20110621DOC095](#)

ESPLANADE ON THE BAY

Public hearing (Notices published) was held to consider

R-11-142 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING PRELIMINARY PLAT APPROVAL 90-S-06(P)(R) PERTAINING TO TRACT D OF ESPLANADE ON THE BAY SUBDIVISION WHICH IS APPROXIMATELY 16.74 ACRES ON THE SOUTH SIDE OF 64TH DRIVE WEST, IN THE RSF-3 (RESIDENTIAL SINGLE-FAMILY 3 UNITS PER ACRE) ZONING DISTRICT; TO ALLOW LIMITED TRIMMING WITHIN CONSERVATION/OPEN SPACE AREAS, MODIFY STIPULATION 27 TO EFFECT THIS CHANGE; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Joel Christian, Building and Development Services Department, noted the subdivision was platted in 1992 as a preliminary plat with stipulations. This request is to modify Stipulation 27,

which prohibits trimming and activities within conservation areas. The applicant, Homeowners' Association (HOA) of Esplanade, has requested to trim mangroves within one conservation area that fronts on Sarasota Bay. The conservation area does not meet exemptions for State standards, because the area is longer than 165 feet and is not individually owned. The State requires Manatee County to authorize the trimming before a permit can be issued.

Mr. Chappie and Mr. McClash noted ex parte communications regarding the request.

Alec Hoffner, representing the applicant, displayed the location map and aerial from the agenda package, and noted the HOA would like to amend the language of **Stipulation 27** to read:

All trees and understory vegetation in the conservation/open space areas shall be preserved. Mangrove trimming and other vegetation management activities conducted in accordance with the approved Conservation Area/Mangrove Trimming Plan shall be allowed. ~~Prior to and during development, the developer shall erect tree protection barriers.~~

Track B, owned by the HOA, includes a 50-foot wetland buffer and an area from the end of the buffer to the mean high water line, which contains the mangroves. The removal of vegetation, the cultivation of long grasses, the planting of ornamental plants, and mangrove trimming have already occurred in the buffer and mangrove fringe. Permits from the Florida Department of Environmental Protection (DEP) were issued to trim the mangroves. The trimming occurred prior to the majority of current residents moving into their homes, and they proceeded to continue with trimming, unaware of any restrictions. The HOA is in the process of implementing a management plan to come into compliance with the County's stipulations.

Mr. Hoffner submitted photographs of the reestablished buffer area. Signs have been posted, mowing has been suspended, and non-native plant material has been removed, as well as unpermitted structures. The HOA is requesting the ability to perform periodic maintenance in the buffer area. A monitoring program will also be implemented. Photographs of the mangrove area to be trimmed were submitted. The HOA proposes applying for a general permit for mangrove trimming in accordance with the 1996 Mangrove Trimming Act, which will be supervised by a professional mangrove trimmer. Only 65 percent of the shoreline would be trimmed throughout the entire area. Mangroves over 24 feet will not be trimmed and no mangroves will be trimmed to less than six feet. No more than 25 percent of the foliage will be removed annually. Mangrove islands will not be trimmed. Photographs were displayed depicting what the shoreline would look like after trimming.

Mr. Christian noted staff considered State legislation regarding the trimming of mangroves. Scientific studies have shown that mangroves are amenable to standard horticultural treatments. The HOA is not seeking mitigation measures or increased density with this request.

Discussion: Main purpose for views and aesthetics; restrictions in Statutes; policy decision; height of mangroves; not removing mangroves and wild life will still utilize the system; mangroves provide wind resistance; natural shore line; other communities allowed trim mangroves; etc.

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, Mr. Bustle moved to ADOPT Manatee County **Resolution 11-142** amending Stipulation number 27 of Preliminary Plat 09-S-06(P); for a project that was previously GRANTED Special Approval as a project located almost entirely within the Coastal High Hazard Area. The motion was seconded by Mr. Chappie.

William Bors, Urban Forestry Manager, noted proper trimming does not harm or change the mangroves. He noted mangroves hold the shoreline better than any man-made structure. The square footage in the water will be maintained.

Discussion: Original stipulations were violated; trustee of the conservation easement; preserving habitat; homes are elevated; once mangroves are over 24 feet, they cannot be trimmed; public interest; reasonable request; HOA has to follow the law; help future growth of mangroves; etc.

Motion was made by Mr. Bustle, seconded by Mr. Chappie, and carried 7 to 0, to call the question.

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

[BC20110621DOC096](#)

TREE TRUST FUNDS – DUETTE PRESERVE

Mr. Hunsicker explained funds from the Tree Trust Fund will be used to provide a restoration template over Bahia grass pasture in Duette Preserve. The property will be returned to a pre-European land cover to benefit water quality and supply. Bahia is not native to Florida, and removal requires extensive effort. The Tree Trust Fund will be used to purchase and install 726,000 Longleaf Pines, which will be planted within 1,000 acres of former Bahia grass pasture. An understory of wire grass and palmetto will be established. Efforts will also create some income through harvesting. The balance of the Tree Trust Fund is in excess of \$1 million, but does not reflect projects that are approved but not expended.

Discussion: Future report on Tree Trust Fund; no herbicides will be used; shading; etc.

Mr. Hunsicker explained tubelings will be planted, which are 6 to 12 inches high. Larger trees (30 to 50 gallons) could be planted, but the cost of irrigation would be prohibitive. Methods allowed under the Tree Trust Fund include trees, irrigation, and mulch, but planting the seedlings offers a more cost effective manner. A true Silviculture practice would follow the proposed methods.

Discussion: Seedlings cost 37 cents including labor; good return on investment; more risk involved; may not get full return; etc.

Mary Sheppard encouraged the continued restoration of Duette Preserve.

Merri Lynn Parker, Manatee-Sarasota Fish and Game Association, Inc., announced wagon tours in Duette. The current plan will result in 80 percent of the planted trees eventually being harvested. She proposed using the Tree Trust Fund money for the restoration of shrub and plant life for the understory, and requested leaving the 1,000 acres of Bahia to return to wax myrtle, which will shade out the Bahia. The 100 acres of the Division of Forestry plantation that has been growing for 25 years could be harvested, and the Fish and Game Association would be willing to restore the natural number of trees for the site.

Motion was made by Mrs. Hayes to authorize the Natural Resources Department to acquire monies for the Tree Trust Fund in the amount of \$255,200 to purchase and install 726,000 Longleaf Pine trees at Duette Preserve and Adopt Budget Amendment **B-11-045**, amending the Annual Budget for FY 2010-11. The motion was seconded by Mr. Bustle.

Discussion: Over 2,000 acres of pasture that needs to be restored; do both projects; etc.

Mr. Hunsicker explained the remaining 1,000 acres will be the patchy mosaic around the planted pines where there will be understory restoration. The sod will be harvested and seed sources will be planted. The Tree Trust Fund cannot be used for understory restoration. Duette is 22,000 acres, and about 20,000 acres represent a healthy eco-system.

Discussion: Fish and Game has been a good partner in Duette; bring back a report; etc.

The motion carried 7 to 0.

[BC20110621DOC097](#)

Recess/Reconvene. All members present.

INDIGENT HEALTH CARE

Ms. Rogers explained the new Indigent Health Care Plan includes recommendations from the Health Care Task Force and the 2008 Health Care Study. The current agreement has a reimbursement funding source, where invoices are submitted. The proposed agreement is a grant-type program with a set amount of available funding. The proposal recommends increasing income eligibility from 135 percent of the Federal Poverty Level to 200 percent. The current agreement is up to \$8,103,206, for hospitals and physicians, and the new agreement raises the amount to \$9,033,820, with an annual increase of \$931,000 each year. Ms. Rogers noted the option still exists to contract a third party provider to pay physicians.

Discussion: Federal funding should be available; USF Study regarding the state of health care in Manatee County; to encourage economic development, must provide quality health care; should have provided for when indigent care funds would be depleted; fixed price contract; work session regarding health care; etc.

Robert Eschenfelder, Deputy County Attorney, noted a name change from Manatee Memorial Hospital to Manatee Health Care System LP, and an additional sentence to be included in the agreement:

Nothing in this agreement shall be construed as requiring hospitals to indemnify the County for any negligent act of the County.

Discussion: When the hospital was sold, interest rates were in the double digits, and now making less than one percent; pro-active health care; State mandates; etc.

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

R-11-151 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING INDIGENT CARE GRANT AGREEMENTS WITH MANATEE MEMORIAL AND BLAKE HOSPITALS; AUTHORIZING PAYMENT TO INDIVIDUAL PROVIDERS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND TREATMENT OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110621DOC098](#)

SEGWAY PILOT PROGRAM

Mike Whelan, Parks and Recreation Department, explained the pilot program would address the use of Segways in the Coquina Beach Park. Tours have been taking place in areas that prohibit the use of these vehicles. He reviewed Parks Code 2-24. The Federal Americans With Disabilities Act does not require the County to permit the unrestricted use of Segways or similar devices on the paths and trails in County parks. Segways would be prohibited on Leffis Key.

Motion was made by Mr. Chappie and seconded by Mr. Bustle, to authorize the Parks and Recreation Department to conduct a Segway Pilot Program for six months at Coquina Beach only, excluding Leffis Key.

Discussion: Island elected officials agree with trial period; etc.

Mr. Eschenfelder clarified the concession agreements with vendors, which will have an attachment visually depicting the areas for use.

Discussion: Signage; vendors required to have insurance and indemnify the County; downloadable map; no permanent policy without accurate data; etc.

Mr. Hunzeker suggested ending the pilot program on December 31, 2011.

Tedd Williams, County Attorney, noted an amended motion was included in the agenda update memorandum to add "including such terms and conditions as approved by the County Attorney."

Mr. Chappie agreed to the additional language in the motion and ending the Pilot program on December 31, 2011.

Discussion: Operate on slowest speed; tour guides will use the slower speed; let market decide if speeding is a problem; motor kill switch to regulate speed; etc.

Mr. Chappie clarified the motion is to conclude the pilot program on December 31, 2011, and to include the slow speed on the Segways. Mr. Bustle **withdrew** his second. Mr. McClash seconded the motion (with the additional language and clarifications).

Discussion: Safety issue with slower speed; can bring the policy back if it is not working; too much regulation; who will enforce speeds; introducing a motorized vehicle on a multi-use path; operators agreed to the slower speed during earlier discussions; policy decision, not an ordinance; etc.

Motion was made by Mr. Gallen and seconded by Mr. McClash, to call the question. The motion carried 6 to 1, with Mr. Bustle voting nay.

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

Mr. Williams explained that most concerns will be addressed by the terms and conditions of the agreements. [BC20110621DOC099](#)

(Depart Mr. Gallen)

COMMISSIONERS' COMMENTS

National Association of Counties (NACO)

Mrs. Hayes announced Manatee County won NACO's 2011 Government Month Award's competition for comprehensive activities and events to raise public awareness, and honoring and assisting veterans, the armed forces, and their families. As part of the recognition, Manatee County received two free conference registrations for the next NACO conference.

[BC20110621DOC100](#)

Ringling Festival

Ms. Hayes requested a memorandum regarding the outcome of the Ringling Festival, and what benefit the \$250,000 investment provided to the County.

Discussion: How would the value be measured; heads in beds; revenue increases; festival was successful; sponsorships; intent of funding was to get the festival started; etc. [BC20110621DOC100](#)

Coyotes

Mr. Chappie noted coyote attacks on animals are still occurring in Cortez and Northwest Bradenton.

Discussion: Nothing the Board can do; Animal Services only deal with dogs and cats; measures to deter coyotes from homes; link on the website; press release; keep pets leashed; etc.

[BC20110621DOC100](#)

Sign Ordinance

Ms. Whitmore questioned the possibility of incentives for businesses that replace old signage and the use of waving flags that have text on them.

Discussion: Wait a year to address changes to allow the complaint process to work; allow message on wavy signs; electronic signs and five second rule; okay with graphics not removed from ordinance; etc. [BC20110621DOC100](#)

14th Street West CRA

Ms. Whitmore announced the June 23 meeting has been cancelled.

[BC20110621DOC100](#)

Parking Lot Car Sales

Ms. Whitmore questioned the legality of out of town companies using parking lots for car sales.

Discussion: Code Enforcement; etc.

[BC20110621DOC100](#)

Animal Services

Ms. Whitmore stated she was not involved in the rally regarding Animal Services at the Courthouse (6/20/11).

Discussion: Not flagged because of a funding issue; email distributed regarding the rally; etc.

[BC20110621DOC101](#)

Bayshore Gardens

Mrs. DiSabatino stated the community raised money, which will be used to provide fuel for mowing abandoned properties. A business expo will be held at the Recreation Center in October.

[BC20110621DOC100](#)

Feedback

Ms. Whitmore expressed concern regarding feedback on the sound system when electronic devices, such as iPads, are used at the dais.

[BC20110621DOC100](#)

Hurricane Preparedness

Mr. Chappie announced Public Safety will hold a Hurricane Preparedness seminar at the church in Cortez Village.

[BC20110621DOC100](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 4:24 p.m.
/vj/vt

Minutes Approved: July 26, 2011