

AUGUST 9, 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 Pastor Fidel Diaz, First Hispanic Baptist Church.

AGENDA

Agenda of August 9, 2011, and agenda update memorandum.

[BC20110809DOC001](#)

PROCLAMATIONS

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

1. A Proclamation designating August 27, 2011, as Children's Summit Day accepted by **Holly Quillian**, Manatee County Girls Club, Just For Girls. [BC20110809DOC002](#)
2. A Proclamation designating August 20, 2011, as Women's Equity Day accepted by Florida Commission on the Status of Women and Manatee Equity Day Celebration Co-Founder, **Dr. Mona Jain**, and Bradenton Councilwoman, **Marianne Barnebey**. [BC20110809DOC003](#)

EMPLOYEE OF THE MONTH

Chad Butzow and Aaron Burkett, Public Works Department, presented the Employee of the Month award to **Billy Mason**, Traffic Control Technician III, Public Works Department.

[BC20110809DOC004](#)

HEROISM AWARD

Brenda Rogers, Community Services Director, and Mike Miranda, Senior Probation Officer, presented the Heroism Award to **Richard Garst**, Probation Officer, for assisting fellow employee, Rick Albrecht, who was trapped in a vehicle after an accident occurred en route to work.

[BC20110809DOC005](#)

SAFETY AWARD

Chad Butzow and Benita Zarr, Public Works Department, presented the Safety Award to **Patricia Adams**, Transit Operator, Public Works Department.

[BC20110809DOC006](#)

OUTSTANDING PUBLIC DEVELOPMENT AWARD

Mark Barnebey and **Rachel Whitcomb Layton**, Florida Planning and Zoning Association (FPZA), presented the Outstanding Public Development Award to Manatee County, for the Palmetto Elementary Complex.

[BC20110809DOC007](#)

FRANCHISE AGREEMENT - JOHN H. MARBLE PARK RECREATION CENTER

Pastor Mark Campbell, and **Jonathan Bruce**, Bible Baptist Church, expressed appreciation for the opportunity to operate and maintain the John H. Marble Park Community Center in partnership with Manatee County.

Discussion: Valuable community asset; saved money not having to demolish building; Church assuming risk; public welcome to all events; etc.

(Note: Approval and further discussion on Consent Agenda.)

[BC20110809DOC008](#)

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mr. Bustle, 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). Items approved:

CLERKS CONSENT CALENDAR

[BC20110809DOC009](#)

BONDS

Accept:

Sheriff's Public Employees and Deputy Sheriff's Blanket Bonds (7 additions, 11 deletions).

[BC20110809DOC010](#)

REFUNDS

Department of Children and Families - FY 2010-11 Prepayment Interest \$5,196.65

WARRANT LIST

[BC20110809DOC011](#)

August 4, 2011 through August 8, 2011

[BC20110809DOC012](#)

ACCEPT

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

Household Hazardous Waste Collection and Disposal Services - Addendum Three to Agreement with Clean Harbors Environmental Services, Inc., **extending** the agreement one year (8/6/11-8/5/12).

[BC20110809DOC013](#)

FY 2009-10 Annual Financial Audit Reports for:

1. Greyhawk Landing Community Development District; and
2. Palma Sola Trace Community Development District.

[BC20110809DOC014](#)

[BC20110809DOC015](#)

COUNTY ADMINISTRATOR

LAWSUITS

1. **9th Street East** - Approval of settlement with landowner Manasota Group, Inc., formerly known as Horizon Bancorporation, Inc., \$109,400, in the **eminent domain** case of Manatee County v. Bradenton THCI Holding Company, et al., Case 2009-CA-3661 (Parcels 106 and 806). [BC20110809DOC016](#)
2. **44th Avenue East** - Authorization for the Chairman, or her designee, to execute and authorize recording a Subordination of Utility Interests and Agreement for Reimbursement for Additional Facility Relocations between Manatee County and Defendant Verizon Florida LLC, formerly known as Verizon Florida, Inc., formerly known as General Telephone Company of Florida, in connection with the 44th Avenue East Project (U.S. 41/1st Street East to 15th Street East), including the resolution of Verizon Florida LLC's real estate interest in the **eminent domain** case Manatee County v. El Rancho Village, Inc., et al., Case 2011-CA-2445 (Parcel 731). [BC20110809DOC017](#)
3. **Gabriela Stefanko v. Manatee County** - Approval of Mediated Settlement Agreement in the case of Gabriela Stefanko v. Manatee County, Case 2010-CA-4470, \$92,500.

TAX DEED SALE

[BC20110809DOC018](#)

Authorization for the disbursement of surplus funds from a Tax Deed Sale of land owned by Mellon Mortgage Servicing Corporation to Default Investor Corporation, \$31,022.85.

CHILDREN'S SUMMIT

[BC20110809DOC019](#)

Approval for County to participate and co-sponsor the 17th Annual Children's Summit on August 27, 2011.

[BC20110809DOC020](#)

BUDGET AMENDMENT

Various Departments B-11-068

Supporting Description and Detail Attached

[BC20110809DOC021](#)

FRANCHISE AGREEMENT - GOLF COURSES

Approval of Franchise License Agreement for Operations Management and Maintenance of Properties at Manatee County Golf Course and Buffalo Creek Golf Course with Pope

Golf LLC and authorization for County Administrator, or designee, to execute the Agreement.

Discussion: Good public/private partnership; uncertainty for employees; positive figures offset by indirect costs; revenue; payments language versus rental language; monthly capital; tracking of provisions; losing 30 County employees; approve today, bring back with changes; etc.

[BC20110809DOC022](#)

FRANCHISE AGREEMENT – JOHN H. MARBLE PARK RECREATION CENTER

Authorization for the County Administrator, or his designee, to execute the Franchise License Agreement for Operation and Maintenance of John H. Marble Park Recreation Community Center Building with The Bible Baptist Church of Bradenton, Florida, Inc.

Discussion: Swimming pool open; making money; etc.

[BC20110809DOC008](#)

VOTER EDUCATION PROGRAM

Execution of a Certificate Regarding Matching Funds obligating Manatee County to provide matching funds for **voter and poll worker education training** during the 2011-12 State Fiscal Year, \$5,421.32.

[BC20110809DOC023](#)

HARDEE CORRECTIONAL INMATES

Execution of Florida Department of Corrections Contract WS713, which replaces Contract WS550, for deployment of State Department of Corrections work squad for Manatee County Natural Resources Department, \$58,004.

[BC20110809DOC024](#)

FAIR HOUSING

Execution of Manatee County Certification and Commitment page of the Analysis of Impediments to Fair Housing Choice, 2010 Update to further fair housing affirmatively. (Further discussion later in meeting)

[BC20110809DOC025](#)

ECONOMIC DEVELOPMENT INCENTIVE GRANT

R-11-174 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FINDING THAT **PROJECT PIPER** BE APPROVED FOR AN ECONOMIC DEVELOPMENT INCENTIVE (EDI) GRANT FOR FISCAL YEARS 2012-2013 THROUGH 2016-2017, AND PROVIDING FOR AN EFFECTIVE DATE.

[BC20110809DOC026](#)

LAND USE RESTRICTION

Execution of an Agreement to Terminate the Land Use Restriction Agreement and Deed Restrictions for Manasota ARC, a Community Development Block Grant funded project, 3703 Cedar Street, Ellenton.

[BC20110809DOC027](#)

44TH AVENUE EAST (12TH STREET COURT EAST TO 19TH STREET EAST)

Execution of Contract for Sale and Purchase for a Warranty Deed from Aer-Flo Canvas Products, Inc. for right-of-way improvements, \$8,700 inclusive of attorney fees and other related fees and costs.

[BC20110809DOC028](#)

DEEDS AND EASEMENTS

51st Avenue East, Bradenton - Execution of Subordination of Utility Interest and Agreement for Reimbursement for Additional Facility Relocations from Brighthouse Networks, Inc.; and Utility Easement and Affidavit of Ownership and Encumbrances from George C. Perreault, as Trustee of the George C. Perreault Living Trust.

[BC20110809DOC029](#)

ROAD PLAT MAPS

1. 121st Avenue East, Parrish

Execution and authorization to record in Road Plat Book, Specific Purpose Survey for County-maintained road designated as **121st Avenue East, Parrish**; and authorization to record Affidavits from Lana Gostkowski, and Fred Reeder.

[BC20110809DOC030](#)

2. Fort Hamer Road

Execution and authorization to record in Road Plat Book, Specific Purpose Survey prepared to identify and locate the right-of-way of **Fort Hamer Road** (from Mulholland Road north to approximately 122nd Place East) in Parrish.

[BC20110809DOC031](#)

TEMPORARY WORK SPACE

Execution of Temporary Work Space Agreement to Florida Gas Transmission Company LLC required for the replacement of a portion of an existing gas line located between Woodstock Road and Rye Wilderness Road under the Manatee River.

[BC20110809DOC032](#)

UNCOLLECTIBLE EMS ACCOUNTS

R-11-160 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. [BC20110809DOC033](#)

ORDINANCE 11-019 – NO THRU COMMERCIAL VEHICLES

Authorization to advertise and set a public hearing on August 23, 2011, to consider adoption of Ordinance 11-019, amending Section 2-22-6 of the Manatee County Code, repealing and replacing Ordinance 84-06, to regulate the travel of certain through commercial traffic on County-maintained roadways located within the unincorporated area of Manatee County, Florida, requiring the erection of appropriate signs, providing for violations and penalties; and providing an effective date. [BC20110809DOC034](#)

SURPLUS VEHICLE

R-11-175 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CLASSIFYING CERTAIN TANGIBLE PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING THE DONATION THEREOF PURSUANT TO *SECTION 274.05, FLORIDA STATUTES*.

(Asset 46378 – 2004 Chevrolet Silverado to Gulf Shore Animal League). [BC20110809DOC035](#)

DATA COLLECTION

Execution of a Joint Funding Agreement with the U.S. Geological Survey for data collection at five stations (for Manatee River at Rye Bridge, Fort Hamer, Devil's Elbow and Myakka Head, and the Little Manatee River at Duette) from October 1, 2011, to September 30, 2012, \$56,900. [BC20110809DOC036](#)

SERVICE FEE WAIVER

Authorization to waive \$115 in service fees assessed to various utility customer accounts for returned bank items. [BC20110809DOC037](#)

(End Consent Agenda)

HOMEOWNERS' ASSOCIATIONS

William Wheeler, Briarwood resident, read terms of the Briarwood Homeowners' Covenant regarding automatic renewal. Paperwork may be recorded rejecting the automatic renewal, which would cause the County to take over maintenance and operation of all common property. County funds would have to be used if the Homeowners' Association (HOA) funds are depleted, and then reimbursed through assessed taxes on the homeowners. One third of the 355 homes in Briarwood owe in excess of \$250 to the HOA. Briarwood was created in 1988 under the 1981 Land Development Code (LDC), and clarification is requested on whether the development is governed under the 1981 LDC or the new Code.

Discussion: HOAs were not created to make developers pay for infrastructure; HOAs are a tool to provide for maintenance of the common areas; economic crisis; taking advantage of residents delinquent on their assessments; relief for HOAs; etc.

Tedd Williams, Jr., County Attorney, noted that HOAs are private entities but are allowed to be created by the County. The County is not obligated to assume responsibility for the common areas once the HOAs expire by their own terms.

(Depart Ms. Whitmore, Mr. Chappie presiding)

Discussion: Avenues for relief through State Statute; County Attorney's Office cannot provide advice to private citizens; deed restrictions; legislation for HOAs; contacting Division of Condominium and Land Sales or local legislator; post information on County website; etc.

(Enter Ms. Whitmore, presiding)

[BC20110809DOC038](#)

PALMETTO/NORTH MANATEE COUNTY ENTERPRISE ZONE DEVELOPMENT AGENCY

Michael Gallen, County Commissioner District 2, was reappointed to Seat 1; and **Alan Zirkelbach**, Business Owner, was appointed to Seat 10.

The floor was opened for nominations to appoint one individual representing a Non-Profit Organization Operating in the Zone (Seat 3):

Nominations

Christopher Lukowiak – by Mr. Bustle

Frank Brunner – by Mr. Mc McClash

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, to close nominations. **Christopher Lukowiak** was appointed by majority vote. [BC20110809DOC039](#)

2012 LEGISLATIVE PLATFORM

Nicholas Azzara, Information Outreach Coordinator, and Legislative Liaison **Cari Roth**, discussed the draft 2012 Legislative Priorities. The 2012 session will be held in January and February instead of March and April, so priorities must be set early. Basin Boards and Growth Management are two issues that should be addressed so Ms. Roth can represent the Board's wishes when the Legislative Committee meetings begin in September. Three options were listed for Basin Board legislation.

Basin Boards

Ms. Roth noted the Basin Board issues are governance and money. The Governor's lack of appointments to Basin Boards was his indication of no need for an administrative entity. The focus should be on having a voice for how the tax dollars are distributed. With the Commission's direction, coordination will be sought with the Manasota Basin Board and the Water Management District, and a report will be brought back.

Discussion: Taxation without representation; elected Basin Boards; Southwest Florida Water Management District (SWFWMD) issues; West Coast Inland Navigation District (WCIND) tax millage; no State Legislation mandate for amount spent to be returned to the County; should get property tax returned less legislative costs; County Attorney review; must have elected board to set millage rate; policy decisions; what influence was lost; etc.

Mark Simpson, Utilities Department, reported that Basin Board members were appointed by the Governor. The SWFWMD board would issue a millage rate for the district, and each Basin Board could levy taxes. Fees collected for Fiscal Year 2011 by the Manasota Basin Board were \$9.5 million, and SWFWMD collections were \$24 million to fund regional projects. The \$9.5 million was for cooperative funding within the Manasota Basin Board. In the coming year, projected tax amounts will be \$25 million. No cooperative funds will be available for large water projects, restoration projects, or stormwater projects. SWFWMD will collect the funds and determine which regional projects will be funded. A mechanism is needed to retain some of the funds for local projects.

Discussion: Carlos Beruff is on district board; representation; current statute; property taxes lowered because of no Basin Board millage rates; state-owned property; Basin Board elimination was a recommendation, not mandated; SWFWMD is the governing body; geographical divisions; alliance with Peace River Water Supply Authority; redirect boundaries; Mr. Chappie to be liaison; meet with Peace River Regional Utilities; etc.

Motion was made by Mr. McClash to direct staff to look at the two items regarding the SWFWMD makeup on taxation without representation, to answer that question, and to bring forward a policy statement on a new makeup of a SWFWMD board that would match the Peace River Water Supply Authority's geographical boundaries. The motion was seconded by Mr. Chappie.

Discussion: County Administrator should meet with other Administrators and directors of the utilities systems; how SWFWMD works; pros and cons; staff to bring back policy; etc.

Ms. Roth noted there was no legislative action to eliminate Basin Boards. A Bill dictated reduction in the Water Management Districts' property taxes and to implement that reduction; Basin Boards were abolished and merged into the district boards. District boards are not proposing to levy any basin board taxes. An option may be to influence the budget already submitted to the Legislature and Governor from the Water Management District. Basin Board property tax could be encouraged to be levied as a place holder for pressing projects.

Discussion: Information on what millage rate would have been; read proposed budget from SWFWMD; etc.

Ms. Roth spoke of collected funds from previous fiscal years that were set aside and will be spent according to law, within the basin. The issue is the lack of future Basin Board tax.

After discussion, the motion carried 7 to 0.

Physician Immunity

Ms. Roth noted this issue is not a County priority, but is being addressed by the Trial Bar.

To Inform Families First

Ms. Roth spoke of the legislative delegation members being supportive in adding this to the Highway Safety and Motor Vehicles Bill where the department was directed to work with Tax Collectors to educate citizens of the availability of this option. She suggested the Tax Collectors could implement this as an educational tool without legislation.

Discussion: Make this information mandatory; ask for administrative request to add; resistance last year because of cost to add to Driver's License application; etc.

Growth Management

Mr. Bustle did not favor a binding set of guiding principles as proposed in the Legislative Priorities. Instead, he suggested creating local rules for concurrency and growth, and restoration of Tampa Bay Regional Planning Council (TBRPC) funding. The TBRPC could guide growth and concurrency.

Discussion: Statewide set of principles; review; development boom; losing unique nature of Florida; agriculture and immigration issues; effects on local farming industry; crops destroyed due to lack of labor; local decision making; careful with partnerships; County Attorney summary of State Growth Management Act; Levels of Service; sprawl definition; etc.

Ms. Roth will provide a summary and slides of the Growth Management Act to the Board.

Discussion: Need guiding principles for growth; larger groups looking at Manatee County; support from Council; best management practices; no binding principles from other counties; do not want to lose local control; etc.

Ms. Roth noted the policy could be to restore funding for the Regional Planning Councils. There are two, follow through items in legislation: to direct the Florida Department of Transportation (FDOT) to look at the proportionate share formula which is a concurrency requirement; and an interim project on whether to keep the Development of Regional Impact (DRI) statute in place. Deleting the DRI process would affect the role and activities of the TBRPC, and a report should be completed in September. It will be an uphill battle to convince the Governor of the value of Regional Planning Councils since that was one of his veto items.

Agriculture and Immigration

Mr. Gallen requested review of whether Georgia agriculture has been negatively impacted, and whether our local industry would be economically impacted by immigration laws.

Discussion: Check with local Farm Bureau; members of state associations; etc.

Local Gas Tax

Mr. McClash suggested requesting the right to index local gas tax as the state does.

Port Manatee Platform

Mr. McClash noted the Port Manatee platform should include more than the Port Connector Road.

Ms. Roth added that a major new transportation infrastructure initiative was announced by FDOT, which specifically supports expansion and infrastructure for Ports. Some opportunities may arise from the creation of the new Trade and Logistics office. [BC20110809DOC040](#)

Recess/Reconvene. All members present.

44TH AVENUE EAST (30TH TO 45TH STREET EAST)

Sia Mollanazar, Public Works Department, reported on the road project of 44th Avenue East, from 30th to 45th Streets East. The 1,700-foot section from 30th Street East going east, involves the subdivisions of Highland Ridge, Oak Trace, and Wallingford. Photographs were displayed showing the 125 feet of existing right-of-way that separates the subdivisions. Highland Ridge was designed and constructed with a 20-foot landscape buffer and drainage easement abutting the right-of-way. Oak Trace has a 20-foot landscape buffer abutting 44th Avenue East. Wallingford abuts the 36-foot power line easement, with 18 feet being in the County right-of-way. Residents previously expressed concern (12/14/10) with noise barriers, landscaping, privacy walls, roadway connections, the intersections at 32nd and 34th Streets East, and speed limits. Speed limits, inside lane construction, intersection widths, landscaping buffers, and the possible right-in/right-out option at 34th Street East were discussed.

Donnie Holcomb, HDR Engineering, Inc., displayed information on the design and the posted speed limit of 45 mph for 44th Avenue East. This roadway from U.S. 301 to 45th Street East is listed in the Manatee County Comprehensive Plan as a future four-lane arterial roadway, and he recommended keeping the 45 mph speed limit. Lane information was displayed, and it was noted the four-lane design is preferred over building two inside lanes with four-lane intersections. Statistics were given for the Annual Average Daily Traffic which project that the Certificate of Level of Service (CLOS) would be "C" as a four-lane roadway, and level "F" as a two-lane roadway. The outside lanes will be constructed first, which is consistent with providing stormwater management, curb and gutter, bike lanes, and sidewalks. Full intersections will be built at 30th and 37th Streets East. Landscaping and fencing information was reviewed and the alignment would be shifted to the north to provide a public property buffer. Graphics were displayed depicting the shifted road alignment, median reduction, and sidewalk buffer reduction, which would allow room for a privacy fence on the back side of the sidewalks.

Mr. Mollanazar noted the HDR Engineering report is included in the agenda package, and staff concurs with the findings. Florida Power and Light Company (FP&L) had requested a fence around every power pole, which was renegotiated by shifting the road and placing the fence within the County right-of-way. County Attorney review found public funds may not be utilized for buffers, but the buffers could be provided through an assessment if they are on a public easement or right-of-way. The roadway shift provided space to add the fence, and a maintenance agreement should be in place before installation. Costs for the assessment, median access for emergency vehicles, full intersections, setbacks, travel lanes, speed limits, landscaping, buffers, easements, and permitting were discussed.

Steve Gasper, area resident, noted his home is 40 feet away from 44th Avenue East, and he does not agree with any of the proposed changes.

Robert Lombardo, engineer representing Wallingford and Oak Trace, displayed two aerials and spoke of the impact on both subdivisions. He thanked staff for addressing the roadway connections and noted more noise is created by higher speed limits. Both Homeowners' Associations are requesting that the County fund and maintain a sound barrier within the right-of-way. The Public Purpose Doctrine does not preclude the County from building a sound barrier on public property. A maintenance agreement could be implemented with the Homeowners' Associations, but it is preferred for the County to maintain the sound barrier.

Discussion: Sod and delineators are a good idea for emergency access points; speed limit supported by law; etc.

Mr. Williams responded that the Board could lower the speed limit; however, he does not advise going against the engineer's recommendation.

Discussion: Fencing costs and options; graffiti; do not support neighborhood connectivity; total road distance is 1.3 miles; no signage needed; intersection planned for signalization; road will relieve S.R. 70 traffic; reduce lane sizes to save money and be greener; apply savings to landscaping; landscape requirements; some residents were unaware of road plans when purchasing homes; barrier wall is cost prohibitive; etc.

Motion

Motion was made by Mr. McClash to request staff to finalize plans as presented with: 1) a change to the 11-foot travel lane; 2) setting the initial speed limit at 40 mph; and 3) provide an enhanced landscaping within the County rights-of-way, with the understanding we will reach some kind of mutual agreement with the Homeowners' Associations. The motion was seconded by Mr. Chappie.

Mr. Mollanazar noted the standard lane size requirement is 12 feet, and policies should be addressed before lane reduction decisions are made. The speed limit could be reduced although staff recommended the 45 mph limit. There are no preferences for landscaping; however, the key issue will be on trimming, irrigation, maintenance, and funding.

Motion – Second withdrawn, New Second

Mr. Chappie **withdrew** his second to the motion, and Mr. Gallen seconded the motion to continue discussion.

Discussion: Staff recommendations; plan for future; do not reduce lane size; costs low now; no reason not to reduce lane standards; share fence costs; future work session on lane width policy; continue item to reach agreement on issues; etc.

Motion – Withdrawn

The motion was **withdrawn** by Mr. McClash.

Motion – Continued

Motion was made by Mrs. DiSabatino to continue this meeting and have the homeowners discuss things with staff. Mr. McClash seconded the motion and requested guidance from staff regarding the lane sizes, speed limit, and buffers.

Discussion: Roadway size in other regions; no objection to 11-foot lanes, but County standard is 12-foot; deviation will set precedent; engineer design for future road capacity; many developments approved with reduced standards; levels of service; safety analysis; etc.

Mr. Mollanazar requested clarification on lane reductions for which roadway sections, and for buffer/fencing funding when the County Attorney addressed the use of public funds. The County has spent \$50,000 since December reviewing the requests. The presentation today was to make final decisions and move forward.

Discussion: Homeowner's wish list; direction to proceed; budget; no majority for the fence; most Commissioners approve of 11-foot lanes and 40 mph speed limits; landscaping costs; must have maintenance agreement in place; no assessment to homeowners; etc.

After discussion, the motion to **continue** this item carried 7 to 0.

[BC20110809DOC041](#)

Recess/Reconvene. All members present.

BUDGET DISCUSSION (SHERIFF'S OFFICE)

County Administrator Ed Hunzeker explained that a request was made (following the 7/29/11 meeting) for additional discussion with the Sheriff regarding additional staff funding. A memorandum was provided regarding discussions and four options for consideration.

Sheriff Brad Steube acknowledged the options, and requested discussion on property and evidence storage. He verified the Marine Division consists of two regular positions and four collateral positions (assigned elsewhere but paid to operate the boats). Marine property includes two Intrepids, a shallow water boat, and other assets, with the majority purchased through grants from the West Coast Inland Navigation District (WCIND), and others.

Discussion: Marine budget; money spent for deputies to accompany prisoners to medical facilities; separate budget items; medical providers not security personnel; etc.

Sheriff Steube responded that Prison Health Services is employed to treat prisoner's medical problems, but when transported to medical facilities, prisoners must be accompanied by Sheriff's personnel. These issues fall under the jurisdiction of the Corrections Division while Law Enforcement Division works the road.

Tom Salisbury, Sheriff's Office, stated the Marine Division staffing budget is \$311,000, with \$45,000 listed as expenses, and \$68,000 paid through a WCIND grant.

Discussion: Clear public perception of Marine Patrol needs; must have boat and diver resources; millage rate reductions through property values, basin board taxes, etc.; increase Sheriff's millage rate; address recurring expenses; provide recap of funds coming out of savings for expenses; impact fees available but not on chart; cost for new positions; no tax or millage increase; same millage applied to property values; property assessments confirmed; less money in budget; work together; review options; etc.

Mr. Hunzeker read the four funding options for the Sheriff's Office and recommended Option 4.

Motion was made by Mrs. Hayes and seconded by Mrs. DiSabatino, to adopt Option 4 to use revenues from the July 1 Property Appraiser's Office estimate (\$800,000) to fund half of the Sheriff's request (10 deputies). The Fourth Quarter Florida Retirement System (FRS) savings (estimated \$800,000) would be available to pay for property and evidence renovations and video surveillance needs.

Discussion: Hear discussion on property and evidence; patrol and jail vacancies fluctuate; Reserve Officers; etc.

Mr. Salisbury confirmed there are open positions for 15 certified deputies, 28 civilians, and 8 part-time employees.

Discussion: Reserves and Volunteer Units; residual and recurring funds available in Option 4; 10 deputy positions would be split between the jail and the road; staff vacancies; no funding for vacant positions; every agency funded by the Board of County Commissioners abides by the two percent attrition rate; discuss changing; review using impact fees for cameras; etc.

Sheriff Steube noted he must keep a two percent attrition rate at all times with Administration, Corrections, and Enforcement Divisions.

Mr. Salisbury noted the 15 vacant positions represent the two percent attrition rate.

Sheriff Steube spoke of the many storage locations for property and evidence, and how it has been moved many times due to water intrusion and rodent damage. Evidence for several thousand cases had to be destroyed, which caused the dismissal of some cases. A storage facility large enough to hold all the property and evidence in one location is needed. Two teams of nine personnel have worked for the past two years to open all the property and evidence to inspect, repackage, remark, and bar code every piece. Each case has been checked through the Records Management System, the Jail Management System, Court View, Document Locator, and the Department of Corrections to determine whether the property can be destroyed per Florida Statutes. Much of the evidence has been lawfully destroyed, but there is more in different locations that has not been catalogued.

Sheriff Steube noted that Employee Health Benefits (EHB) occupies part of the DeSoto Center and when it is moved to a new location, the Sheriff's Office can be expanded to house property and evidence on site. It would be costly to renovate the old jail at the Judicial Center to house property and evidence. The narcotics unit or Information Technology (IT) unit could be moved from the DeSoto Center for future space options. It was costly and time consuming to sort and move all the property and evidence.

Discussion: No consolidated area; move property and evidence to the old jail; costs; etc.

Mr. Hunzeker confirmed differing opinions with Sheriff Steube on storage for property and evidence. Significant funds have been spent to make the jail secure and protected from the environment, and it has 25,000 square feet of storage space. The Sheriff has 9,000 square feet of space and is requesting an additional 9,000, which would require moving EHB from the DeSoto Center. The additional 9,000 square feet would have 3,000 designated for expansion of IT operations and 6,000 for property and evidence. The storage space at the DeSoto Center would then total 15,000 square feet as opposed to the 25,000 square feet offered at the Judicial Center. The Judicial Center offers security from storms, is in close proximity to courtrooms where evidence is used, would free space for further Sheriff Office expansion, and eliminate the \$900,000 cost to move EHB. It would cost an additional \$600,000 to ready the space EHB would vacate. For \$1 million, all environmental concerns can be addressed at the jail with 7,700 square feet of space. Space on the fifth and sixth floors and the mezzanine would also be available with renovations costing \$1.5 million.

Sheriff Steube responded that his office already occupies 9,000 square feet, and more is needed. Moving to the 7,700-foot space on the fourth floor would not be feasible. The space needs extra security for the firearms and drug storage, with refrigerated space for DNA, which the DeSoto Center already has in place.

Discussion: Renovations could be done at one time; give top priority; destroyed evidence accountability; ample space at DeSoto Center; many options; long-term plan; would take six to nine months to move to new space and account for all property and evidence; time limitations to retain evidence; most cost-effective plan; establish committee to review space; bring back plan; operational audit; collaborate with other counties; etc.

Mr. Hunzeker commented that the County is trying to consolidate space into buildings that it owns. Board decisions will dictate whether the Sheriff remains at the DeSoto Center and renovations are made to the Merrill Lynch building to house EHB, or if the Judicial Center jail will be renovated for Sheriff's property storage, and eventually the Sheriff's Office. A work session can be held for a full staff report before a decision is made.

Discussion: Prior decision made to move EHB; funds were budgeted; demolition has begun; use fourth quarter FRS savings for renovations; video surveillance; free space after moving EHB; economy changed after decision to renovate jail; unnecessary expenses; etc.

The motion to adopt Option 4 carried 7 to 0.

[BC20110809DOC042](#)

FAIR HOUSING

Suzie Dobbs, Neighborhood Services Department, gave a brief overview of the Fair Housing Laws related to the Analysis of Impediments Report adopted on the Consent Agenda. The County is an entitlement community through the Department of Housing and Urban Development, and receives \$2 million a year for Community Development Block Grant and HOME programs. An annual action plan is adopted with a certification form to further fair housing. She discussed the impediments and discrimination of fair housing and County actions to address those issues. Two Fair Housing brochures were submitted to show the educational information, and presentations on Fair Housing Laws are given upon request. A Fair Housing Guide is available. There is ample affordable housing available, and low wages and economic development are being addressed.

Discussion: Summary of changes; income issues; new census data not yet available; filed complaints on fair housing sent directly to Atlanta office; only two telephone call complaints received in 13 years; weatherization program is federally funded; etc.

[BC20110809DOC025](#)

COMMISSIONERS' COMMENTS

Bicycle Sharing Program

Mrs. Hayes submitted a flyer on a bicycle sharing program in New York City, and suggested the program may work in our area. She suggested discussion in a work session.

Discussion: Many bicycle rentals on islands; guidelines; put out Request for Proposal (RFP); no action by Board; public sector; connections; etc.

[BC20110809DOC043](#)

Vanpooling

Mrs. Hayes commented on a program through the Tampa Bay Area Regional Transportation Authority (TBARTA) to provide vanpooling. Other TBARTA Districts are in the program, and Manatee County has not been included.

Discussion: Metropolitan Planning Organization (MPO) report forthcoming; vans planned for Manatee County program; etc.

[BC20110809DOC043](#)

Senior Automobile Donations

Mrs. Hayes noted a local newspaper reported on a program where senior citizens can donate their vehicles when they are no longer able to drive, and join a transportation program. Membership costs \$50 and is a valuable service for the elderly. She suggested the Community Services Department could bring back a report.

[BC20110809DOC043](#)

Landfill Methane Energy

Mrs. Hayes reported on the success of the Green Energy program in Maine where landfill methane gas is harnessed.

[BC20110809DOC043](#)

School Supply Donations

Mr. Gallen announced the Spiritual House of Praise at 307 41st Boulevard East in Palmetto, is collecting school supplies for children in need. They will be distributing the supplies this Saturday.

[BC20110809DOC043](#)

Needy County Employees

Ms. Whitmore commented on an employee who lives in their car, and another who obtains food from the Manatee County Food Bank. She noted over 1,600 children are homeless in Manatee County, and spoke of the community service programs.

[BC20110809DOC043](#)

Port Manatee Dredging

Mr. Bustle reported that the dredging for Berth 12 is underway and approximately 75 percent complete. The leaky membrane where the dredge material is stored is holding, and HRK Holdings, Inc., is actively monitoring the site. The Florida Department of Environmental Protection (FDEP) will orchestrate a planned shutdown this weekend to inspect for seepage and patch a thin area of the membrane.

[BC20110809DOC043](#)

Tampa Bay Regional Planning Council

Mr. Bustle noted speaking with Council member Victor Crist regarding a regional Port Authority. Port of Tampa does not have the available land that Port Manatee has, so the Ports should work together in planning and offloading some of Tampa's cargo to Port Manatee. He also suggested dredging from the Gulf of Mexico to Port Manatee, not to Tampa, because of the available land. The Cluster Study by Stanford Research Institute (SRI) provides information on regional cooperation. Instead of concentrating on the Port connector Road, the focus should be a broader concept of spending funds on Port Manatee to ready it for the Panama Canal expansion.

[BC20110809DOC043](#)

Sheriff's Office

Mr. Bustle encouraged the Board to Google "How do you audit Sheriff's Departments?" to read the Matrix Study that compares and contrasts Sheriff's Departments. He suggested a space allocation audit should be done before the Board holds the work session on property and evidence.

[BC20110809DOC043](#)

Bus Benches

Mrs. DiSabatino spoke of a letter from the Manatee Educational Foundation regarding co-sponsorship of the bus benches, noting the Board has not yet made any decisions.

Discussion: Work session in September; following process; etc.

[BC20110809DOC043](#)

Area Businesses

Mrs. DiSabatino noted meeting with realtors to discuss the Lakewood Ranch Main Street businesses and economic development issues. One of the businesses on Main Street is closing, but more are opening.

Discussion: Economic development in Rubonia and Samoset; other neighborhoods that need assistance; CDBG funds to renovate Rubonia building; infrastructure focus; sustainability needs highlighted; etc.

Mr. Bustle commented that the owner of the Rubonia Service Station has had issues for many years with illegal dumping on his property. The Florida Department of Environmental Protection (FDEP) has contacted Mr. Gordon, the owner, and he does not have the funds or ability to clear the property. He needs the County's help to haul and dispose of the junk.

Discussion: Same situation on Ungarelli property; use workforce crews; County working on problem for several years; legal issues; etc.

[BC20110809DOC043](#)

Economy

Mr. McClash spoke of economic recovery needs, and how the County can be self-supporting. He suggested area ranching and farming could support local needs. Job creation should be the County focus.

Discussion: Chamber of Commerce and Lakewood Ranch Business Alliance help; annual surveys available; community needs; etc. [BC20110809DOC043](#)

Groover's Market

Mr. McClash requested an update on the injunction and the milestones required.

Mr. Gallen reported the Defendants filed a Motion to Dismiss, because they could not afford to hire an off-duty Sheriff's Officer, as ordered. The motion was denied, but they can still appeal the original Order. [BC20110809DOC043](#)

Marine Rescue Building

Mr. McClash submitted a letter from a resident with a response from Marine Rescue Chief, Jay Moyles, regarding the restricted area surrounding the new Marine Building. He questioned the need to prohibit walking under the dock or fishing near it.

Discussion: Mr. Chappie contacted the resident and Chief Moyles; safety zone; County property; should have working relationship agreement; guiding principles; County Administrator to bring back report; etc. [BC20110809DOC043](#)

Handi-Bus

Mr. McClash reported seeing a handi-bus transport a resident to a bank and questioned the appropriate use of the bus.

Discussion: Strict guidelines to qualify for bus services; etc. [BC20110809DOC043](#)

Palmetto Elementary School

Mr. McClash commented on the uneasiness of accepting an award (earlier in the meeting) for this project when the North River Little League has been trying to obtain ball fields for many years with no success. [BC20110809DOC043](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 2:51 p.m.
/pk/njh/mr

Minutes Approved: September 20, 2011