

AUGUST 23, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:03 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 (entered during meeting)
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 Nick Manassa, First Assembly of God.

AGENDA

Agenda of August 23, 2011.

[BC20110823DOC001](#)

PROCLAMATION

Motion was made by Mr. McClash, seconded by Mr. Bustle, and carried 6 to 0, to adopt a Proclamation designating September 2, 2011, as Tonya Brown McKinney Day. The Proclamation was accepted by Ms. McKinney.

[BC20110823DOC002](#)

(Enter Mrs. Hayes)

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, to approve the Consent Agenda incorporating the language as stated in the recommended motion in the agenda memoranda (as may have been amended in the supplemental agenda) with deletion of **Surplus Vehicles** (separate action). Items APPROVED:

CLERK'S CONSENT CALENDAR

[BC20110823DOC003](#)

BONDS

Central Park, Phase A1a and B1

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements, \$117,445.72.
2. **Accept** Agreement with Central Park Lifestyles LLC Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements. This Agreement will be for a **one-year extension** (expiring 10/7/12) secured by a previously accepted Surety Bond (5039285), \$117,445.72.
3. **Accept** Verification Certificate for Performance Bond (Surety Bond 5039285), \$117,445.72.

[BC20110823DOC004](#)

Country Club East - Masters Avenue Extension

Accept Agreement with Country Club East Investors LLC Warranting Completion of Required Improvements, and Defect Security (Surety Bond 5037037), \$182,537.48.

Harrison Ranch, Phase II-A

Accept Verification Certificate for Performance Bond (Surety Bond 1020206), \$1,382,086.45.

[BC20110823DOC005](#)

[BC20110823DOC006](#)

Harrison Ranch, Phase II A-2

Accept Verification Certificate for Performance Bond (Surety Bond 1023739),
\$132,675.33. [BC20110823DOC007](#)

Harrison Ranch, Phase II A-3

1. Accept Verification Certificate for Performance Bond (Surety Bond 0504648),
\$8,686,641.18.
2. Accept Verification Certificate for Performance Bond (Surety Bond 1023738),
\$25,726.83. [BC20110823DOC008](#)

Harrison Ranch, Phase II A-4

1. Accept Verification Certificate for Performance Bond (Surety Bond 1023737),
\$100,965.75.
2. Accept Verification Certificate for Performance Bond (Surety Bond 1023726),
\$384,032.42.
3. Accept Verification Certificate for Performance Bond (Surety Bond 1023724),
\$1,769,930.89. [BC20110823DOC009](#)

Harrison Ranch, Phase II A-5

1. Accept Verification Certificate for Performance Bond (Surety Bond 1023725),
\$1,205,365.64.
2. Accept Verification Certificate for Performance Bond (Surety Bond 1023736), \$18,456.
3. Accept Verification Certificate for Performance Bond (Surety Bond 1023727),
\$304,976.95. [BC20110823DOC010](#)

Harrison Ranch, Phase II B-1

1. Accept Verification Certificate for Performance Bond (Surety Bond 1023735),
\$21,306.58.
2. Accept Verification Certificate for Performance Bond (Surety Bond 1034823),
\$130,435.15. [BC20110823DOC011](#)

Harrison Ranch, Phase II B-2

1. Accept Verification Certificate for Performance Bond (Surety Bond 1023723),
\$3,762,233.46.
2. Accept Verification Certificate for Performance Bond (Surety Bond 1023734),
\$87,487.17. [BC20110823DOC012](#)

Harrison Ranch, Phase II B-3

1. Accept Verification Certificate for Performance Bond (Surety Bond 1023733),
\$60,289.51.
2. Accept Verification Certificate for Performance Bond (Surety Bond 1023730),
\$915,047.13.
3. Accept Verification Certificate for Performance Bond (Surety Bond 1023728),
\$291,204.16. [BC20110823DOC013](#)

Harrison Ranch, Phase II B-4

1. Accept Verification Certificate for Performance Bond (Surety Bond 1023722),
\$4,145,450.65.
2. Accept Verification Certificate for Performance Bond (Surety Bond 1023732),
\$43,229.10. [BC20110823DOC014](#)

Harrison Ranch, Phase II B-5

1. Accept Verification Certificate for Performance Bond (Surety Bond 1023731),
\$108,418.32.
2. Accept Verification Certificate for Performance Bond (Surety Bond 1023720),
\$5,344,635.27. [BC20110823DOC015](#)

University Parkway Extension East

Release Agreement Warranting Required Improvements – Securing Infrastructure and Sidewalk Improvement, and Defect Security (Surety Bond 5033887 and any associated rider[s]), \$250,708.53. [BC20110823DOC016](#)

REFUNDS

SMR Communities Joint Venture – Impact Fee Refund

\$42,875

[BC20110823DOC017](#)

WARRANT LIST

August 9, 2011, through August 22, 2011

[BC20110823DOC018](#)

MINUTES

July 26, 2011, and July 29, 2011

[BC20110823DOC019](#)

ACCEPT

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

1. **Coquina Concession Remodel** – Contract (IFB 11-1021DS) with Canio Construction LLC; \$269,747; Performance Bond; Payment Bond; and Certificate of Liability Insurance. [BC20110823DOC020](#)
2. **Dude Ranch Acres/47th Avenue East Sewer Assessment Project** – Change Order 2 with D. R. Swanson Company; decrease of \$14,297.31, adjusted total \$589,521.22, and 33 additional calendar days, for a completion date of May 13, 2011. [BC20110823DOC021](#)
3. **Manatee County and Buffalo Creek Golf Courses Management and Maintenance** – First Amendment to Franchise License Agreement with Pope Golf LLC (based on action 8/9/11). [BC20110823DOC022](#)
4. **Professional Real Property Appraisal Services** – Agreement 10-1785-FL with Compass Real Estate Consulting, Inc., Kenneth C. Evans, P.A., and Wilson Real Estate, Inc., for one year (8/8/11-8/7/12) with four additional one-year periods. [BC20110823DOC023](#)

Copperstone Community Development District – Annual Financial Audit Report for Fiscal Year ended September 30, 2010. [BC20110823DOC024](#)

East Manatee Fire Rescue District – Special Public Facility Report. [BC20110823DOC025](#)

National Guaranty Insurance Company – Extension Certificate for Performance Bond PB08-004, for the period 10/1/11 to 9/30/12, regarding Waste Management Inc. of Florida, Residential and Commercial Solid Waste, Recyclable Materials and Yard Trash Collection Services. [BC20110823DOC026](#)

Tara Community Development District – Annual Financial Audit Report for Fiscal Year ended September 30, 2010. [BC20110823DOC027](#)

COUNTY ADMINISTRATOR

PERSONNEL – TEMPORARY LOAN OF STAFF

R-11-181 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE ENTRY OF AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES ALLOWING EMPLOYEES OF SUCH ENTITIES TO ASSIST MANATEE COUNTY; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND TREATMENT OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

LAWSUITS

[BC20110823DOC028](#)

1. **44th Avenue East** – Approval of a settlement with landowner Joyce N. Courchesne and tenants in possession Joyce N. Courchesne Rental and Casino Décor & More, \$17,738, in the **eminent domain** case of Manatee County v. Joyce N. Courchesne, etc., et al., Case 2011-CA-2439 (Parcel 102); [BC20110823DOC029](#)
2. **44th Avenue East** – Approval of a settlement with landowner Joyce N. Courchesne and tenant in possession Joyce N. Courchesne Rental, \$117,489.50, in the **eminent domain** case of Manatee County v. Joyce N. Courchesne, etc., et al., Case 2011-CA-2439 (Parcel 103); and [BC20110823DOC030](#)
3. **SunTrust Mortgage v. Natalie W. Sovel** – Authorization to permit the County Administrator, or his designee, to accept \$1,000 at the closing of the short sale for a release of Manatee County’s second mortgage on property owned by Natalie W. Sovel, at 2325 28th Avenue East, Palmetto. [BC20110823DOC031](#)

FLORIDA RETIREMENT SYSTEM CONTRIBUTIONS

R-11-178 A RESOLUTION OF MANATEE COUNTY, FLORIDA, APPROVING THE “PICK UP” OF MANDATORY CONTRIBUTIONS INTO THE FLORIDA RETIREMENT SYSTEM AND IMPLEMENTING THE PROVISIONS OF SECTION 414(H)(2) OF THE INTERNAL REVENUE CODE ON BEHALF OF EMPLOYEES OF MANATEE COUNTY GOVERNMENT; PROVIDING AN EFFECTIVE DATE. [BC20110823DOC032](#)

CODE ENFORCEMENT - LONG RANGE REALTY, FKA WATERFRONT VENTURES II LLC

Authorization to reduce the fines in Case CE2009100504 to \$1,500 (as recommended by the Special Magistrate on 5/25/11) subject to the following conditions: (1) reduced fines shall be paid within 30 days or will revert to the original fine of \$6,150; (2) recording fees of \$20 shall be collected; and (3) authorization for the Building and Development Services Director to sign satisfaction of liens if the reduced fines are paid.

[BC20110823DOC033](#)

FINAL PLAT**Forest Creek, Phase II-B, Subphase B**

1. Final Plat;
2. Lot Drainage and Grading Plan;
3. Agreement Warranting Required Improvements with Neal Communities of Southwest Florida LLC - Water and Wastewater Utilities, **and** Defect Security (Cashier's Check 8437493493), \$3,924.31;
4. Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Forest Creek Associates LLC - Final Lift of Asphalt; **and** Performance Bond (Surety Bond 5039466), \$16,824.11;
5. Agreement with Forest Creek Associates LLC for Final Wearing Course of Asphalt on Roadways;
6. Agreement with Forest Creek Associates LLC for the Installation and Maintenance of Publicly Owned Facilities Underlying District Owned Lands (POMD); and
7. Supplemental Amendment to Declaration of Covenants, Conditions, and Restrictions for Forest Creek.

[BC20110823DOC034](#)

WEST CENTRAL FLORIDA AREA AGENCY ON AGING, INC.

1. Execution of Amendment 3 to the FY 2010-11 **Alzheimer's Disease Initiative** Agreement (ADI-10/11-MAN) with West Central Florida Area Agency on Aging, Inc., decrease of \$7,801, adjusted total \$130,970, and revising the supporting budget. [BC20110823DOC035](#)
2. Execution of Amendment 2 to the FY 2010-11 **Home Care for the Elderly** Agreement (HCE-10/11-MAN) with West Central Florida Area Agency on Aging, Inc., decrease of \$2,612, adjusted total \$37,058, and revising the budget summary. [BC20110823DOC036](#)

CONVENTION AND VISITORS BUREAU

1. Approval of FY 2012 and FY 2013 Marketing Plans and Budgets for Bradenton Area Convention and Visitors Bureau, \$3,778,024 per fiscal year. [BC020110823DOC037](#)
2. **R-11-133** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, IMPLEMENTING *SECTION 125.0104(9), FLORIDA STATUTES* WHICH AUTHORIZES CERTAIN **TRAVEL AND ENTERTAINMENT EXPENDITURES** AS AN EXCEPTION TO THE RATES PRESCRIBED IN *SECTION 112.061, FLORIDA STATUTES*; DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR AND TO THE DIRECTOR OF THE MANATEE COUNTY CONVENTION AND VISITORS BUREAU, TO APPROVE AND REIMBURSE EXPENDITURES FOR TRAVEL AND ENTERTAINMENT RELATING TO ADVERTISING, PROMOTING AND SPONSORING TOURISM IN MANATEE COUNTY, FLORIDA; PROVIDING FOR A LIST OF APPROVED TRAVEL AND ENTERTAINMENT EXPENSES; REPEALING RESOLUTION 93-94; AND PROVIDING AN EFFECTIVE DATE. [BC20110823DOC038](#)

BUDGET AMENDMENT**Various Departments B-11-069**

Supporting Description and Detail Attached

[BC20110823DOC039](#)

AIR QUALITY MONITORING

Execution of Memorandum of Agreement (DEP Agreement MOA 122) with Florida Department of Environmental Protection, authorizing collection of air quality data pursuant to the Clean Air Act.

[BC20110823DOC040](#)

BAD DEBT WRITE-OFF

Authorization to write off bad debts of \$223.65 (Natural Resources Department) for FY 2011.

[BC20110823DOC041](#)

LIBRARY EXHIBIT

1. Execute Letter of Agreement of the American Library Association Public Programs Office with National Endowments for the Humanities to host the "Lincoln: the Constitution and the Civil War" traveling exhibition, at the Central Library, \$750; and
2. **Budget Amendment**
Neighborhood Services B-11-070 [BC20110823DOC042](#)

STATE AID TO LIBRARIES

R-11-186 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A STATE AID TO PUBLIC LIBRARY GRANT FROM THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES
(execution of Application, Certification of Credentials, and Agreement with Florida Department of State, Division of Library and Information Services). [BC020110823DOC043](#)

4TH AVENUE BOULEVARD EAST

1. Execution of two Contracts for Sale and Purchase of a Drainage Easement and Temporary Construction Easement from Logan O. Johnson (\$2,800) and James Johnson (\$1,500) for an existing ditch located between two properties on 4th Avenue Boulevard East, Palmetto;
2. Authorization for Finance to issue two checks to the Clerk of Circuit Court in the amount of \$2,389.42 in payment of outstanding judgments and \$30 for recording;
3. Authorization for Finance to issue a check payable to Logan O. Johnson for \$380.58; and
4. Authorization for Finance to issue a check payable to James Johnson for \$1,500.

15TH STREET EAST AT 51 AVENUE EAST[BC20110823DOC044](#)

1. Execution of Contract for Purchase Permanent Drainage Easement and Temporary Construction Easement from Urban Car Wash No. 1 LLC (Parcels 816A, 816B, and 716), \$29,937, inclusive of attorney's fees and costs; and
2. Authorization for Finance to issue a check payable to Bella Y. Patel, P.A. Trust Account in the amount of \$29,937. [BC20110823DOC045](#)

DEEDS AND EASEMENTS

1. **34th Street West and north of 57th Avenue West - Manatee Technical Institute** - Temporary Construction Easement and Affidavit of Ownership and Encumbrances from School Board of Manatee County. [BC20110823DOC046](#)
2. **612 53rd Avenue West** - Utility Easement and Affidavit of Ownership and Encumbrances from Chateau Village Cooperative, Inc.; and Joinder from M & I Marshall & Ilsley Bank. [BC20110823DOC047](#)
3. **6125 River Club Boulevard - Braden River Elementary School** - Temporary Construction Easement and Affidavit of Ownership and Encumbrances from School Board of Manatee County. [BC20110823DOC048](#)
4. **Stone River Road** - Utility Easement and Affidavit of Ownership and Encumbrances from Tara Verandas Common Association, Inc. [BC20110823DOC049](#)
5. **Tara Preserve Lane** - Utility Easement from Preserve Golf LLC. [BC20110823DOC050](#)
6. **Wares Creek** - Warranty Deed; Access and Maintenance Easement, and Affidavit of Ownership and Encumbrances from Christopher E. Costantino, Ralph F. Costantino and Donnatta Costantino-Lowenhaupt; and Disclaimer from Costantino Body Shop, Inc.

PHOTOVOLTAIC INSTALLATION[BC020110823DOC051](#)

Execution of 26 Energy Solar Lease Contracts with Datacomm Services (DCS) which are in substantial conformances with the Lease Sample in the Agenda package:

Lena Road Administration Building; Animal Adoption; Board Records; Central Jail; Desoto Bus Station; Desoto Center Complex A; Desoto Center Complex B; Desoto Center Complex C; Desoto Center Complex D; Desoto Center Complex E; Desoto Center Complex F; Desoto Center Complex G; Desoto Center Complex H; GTE Building; Health Department; Historic Courthouse; Lena Road Landfill; Palmetto Bus Depot; Probation Work Program; Property Appraiser Office; Public Library; Rye Wilderness Trail; Stockade; Tax Collector Office; Lena Road Weight Station; and WIC Building.

[BC20110823DOC052](#)

UNCOLLECTIBLE EMS ACCOUNTS

R-11-179 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. [BC20110823DOC053](#)

48TH STREET COURT EAST

R-11-180 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, AUTHORIZING EXECUTION OF LOCAL FUNDED AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE FUNDS FOR ROADWAY UPGRADES TO 48TH STREET COURT EAST, BRADENTON, FPN: 416120-1-52-02 (execution of a Locally Funded Agreement with Florida Department of Transportation (FDOT) and Memorandum of Agreement with FDOT and the Florida Department of Financial Services, Division of Treasury, \$101,779). [BC20110823DOC054](#)

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. **R-11-177** 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 STATUTE* (Covenant Care, Inc. – computer equipment). [BC20110823DOC055](#)

HOMES FOR OUR TROOPS CAMPAIGN

Approve, ratify, and confirm the waiver of tipping fees at the Lena Road Landfill for solid waste disposal August 19-21, 2011. [BC20110823DOC056](#)

DASHBOARD REPORT

Acceptance of the dashboard report for the month of July 2011. [BC20110823DOC057](#)

(End Consent Agenda)

STREET VACATION – RICHLAND FARMS SUBDIVISION

Public hearing (continued from 5/24/11) was opened to consider

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

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, to continue the public hearing on Resolution R-11-019-V to September 20, 2011, at 9:00 a.m. [BC20110823DOC058](#)

ORDINANCE 11-019 – NO THROUGH COMMERCIAL VEHICLES

Public hearing (Notice published) was held to consider

ORDINANCE 11-019

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO MOTOR VEHICLES AND TRAFFIC; REPEALING AND REPLACING **SECTION 2-22-6** OF THE MANATEE COUNTY CODE; INSTITUTING AND CREATING NO COMMERCIAL VEHICLE THROUGH ZONES ON ENUMERATED STREETS IN THE UNINCORPORATED AREAS OF MANATEE COUNTY, FLORIDA; REQUIRING THE ERECTION OF APPROPRIATE SIGNS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Mr. McClash, seconded by Mr. Gallen, and carried 7 to 0, to adopt Ordinance **11-019**. [BC20110823DOC059](#)

ORDINANCE 11-033 – WASHINGTON GARDENS STREET LIGHTING

Public hearing (Notice published) was held to consider

ORDINANCE 11-033

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, ESTABLISHING A MUNICIPAL SERVICE BENEFIT UNIT WHICH SHALL BE KNOWN AS THE WASHINGTON GARDENS STREET LIGHTING MUNICIPAL SERVICE BENEFIT UNIT (MSBU); PROVIDING DEFINITIONS; IDENTIFYING ALL PROPERTY INCLUDED IN THE MSBU; PROVIDING A GOVERNING BODY FOR THE MSBU; ESTABLISHING THE SERVICES AND FACILITIES TO BE PROVIDED WITHIN THE MSBU; PROVIDING FOR THE LEVY, COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS* IN ACCORDANCE WITH THE UNIFORM METHOD TO FUND THE FACILITIES AND SERVICES PROVIDED FOR THE MSBU; PROVIDING AN ALTERNATIVE METHOD FOR THE ENFORCEMENT AND COLLECTION OF SUCH SPECIAL ASSESSMENTS; PROVIDING FOR A SEPARATE ACCOUNTING OF FUNDS; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE, THE CORRECTION OF SPECIAL ASSESSMENTS AND THE INCREASE IN SPECIAL ASSESSMENTS BEYOND THE MAXIMUM RATE AUTHORIZED; PROVIDING FOR CURTAILMENT OF SERVICES; PROVIDING FOR THE CORRECTION OF ERRORS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

(*”by the Tax Collector”, was published in the proof of publication)

Deputy Dawn Stroup, Manatee Sheriff’s Office, commented on the importance of street lighting for reducing crime.

Carolyn Lewis and **Rev. Lawrence Livingston** thanked the Commissioners for approving the street lights, and inquired when the lights would be installed.

Sherry Robinson, Public Works Department, noted the lights should be in by October 1, 2011.

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 7 to 0, to adopt Ordinance 11-033. [BC20110823DOC060](#)

MANATEE CONVENTION CENTER

Rachel Harrison, Convention and Visitors Bureau, gave a slide presentation outlining Manatee Convention Center renovations and stated the estimated completion date is January 2012.

Discussion: Include data from the Energy Management system in dashboard report; etc.

[BC20110823DOC061](#)

WEST COAST INLAND NAVIGATION DISTRICT FUNDS – LONGBOAT KEY

Jim Brown, Mayor of the Town of Longboat Key, referred to a letter sent to Manatee County requesting financial assistance (\$76,500) for law enforcement and marine patrol on Longboat Key.

Discussion: Public safety issues; funds not unavailable; setting a precedent; if approved, it would be a one-time event; new Sheriff’s facility; abide by West Coast Inland Navigation District (WCIND) standards; time protecting Manatee County versus Longboat Key waterways, boat ramps, etc.; prioritize projects already funded; etc.

Motion was made by Mr. McClash and seconded by Mrs. DiSabatino, to contribute \$30,000 out of the County contingency funds, not WCIND funds, upon agreement with Longboat Key for additional policing of County property until further review of the policies.

Mr. Bustle moved to amend the motion to approve the full amount requested (\$76,500). The motion was seconded by Mr. Chappie, and **failed** 2 to 5 with Mrs. DiSabatino, Mr. Gallen, Mrs. Hayes, Mr. McClash, and Ms. Whitmore voting nay.

Following discussion, motion was made by Mr. McClash, and seconded by Mr. Chappie, to call the question. The motion carried 4 to 3 with Mr. Bustle, Mr. Gallen, and Mrs. Hayes voting nay.

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, to ask staff to work with municipalities as well as the Sheriff, Florida Fish and Wildlife Conservation Committee (FWC), the Coast Guard and others to develop a comprehensive law enforcement plan for Manatee County.

[BC20110823DOC062](#)

Recess/Reconvene. All members present.

ORDINANCE 11-035 – ROBINSON FARMS

Public hearing (Notice published) was held to consider

ORDINANCE 11-035

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING; AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING A PURPOSE AND INTENT; PROVIDING FINDINGS; RESCINDING ORDINANCE 10-02 APPLICABLE TO THE PROPERTY BEING GENERALLY LOCATED ON THE NORTH SIDE OF 9TH AVENUE NORTHWEST, APPROXIMATELY 600 FEET EAST OF 99TH STREET NORTHWEST AND SOUTH OF 17TH AVENUE NORTHWEST; RETAINING THE RES-1 (RESIDENTIAL-1 DU/GA) FUTURE LAND-USE CLASSIFICATION FOR SAID PARCEL; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES IN CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE (TOTAL 28± ACRES).

Sarah Schenk, Deputy County Attorney, noted only the repeal of Ordinance 10-02 was advertised for this meeting.

John Osborne, Building and Development Services Department, stated the location of the address in question is 9523 17th Avenue Northwest, Bradenton (north side of 9th Avenue West and south side of 17th Avenue Northwest). He submitted emails from **Sandra Ripberger, Robert Harrington, and Vincent A. and Lois H. Meli.**

Michael Pepper, Katie Pierola, and Lois Congdon spoke in opposition to increasing the density. Concerns included the increase in vehicles; setting a precedent; losing home rule if decision is made in Tallahassee; and Commissioners responsible for protecting the people of Manatee County.

Tom Reese, attorney representing Ms. Pierola and Greg Geraldson, stated that based on testimony from interested parties, the Administrative Law Judge (ALJ) recommended the Department of Community Affairs enter a Determination of Non-Compliance regarding Comprehensive Plan Amendment PA-10-02 (adopted by Ordinance 10-02, (10/12/10). He supported Ordinance 11-035 (rescinding Ordinance 10-02), approving an increase in density on the 28 acres from 1 unit per acre to 3 units per acre. The Coastal Evacuation Area (CEA) is different than Coastal High Hazard Area (CHHA), as the CHHA is based on the Sea & Lake Overland Surge Hurricane (SLOSH) model used by National Oceanic and Atmospheric Association and the National Hurricane Center. The entire property was mapped as a Category 1. The County's Comprehensive Plan policy states the density cannot be increased in the CEA, which Judge Alexander relied upon when making his recommendation.

Ed Vogler, attorney representing Robinson Farms, Inc., and Bochi Properties LLC, submitted a Summary of Legal Presentation report, a letter from WilsonMiller, and the Recommendation Order from the State of Florida, Division of Administrative Hearings. He explained Resolution 10-195 states that if the Commissioners want something to be reconsidered, they must first make a finding that a mistake of fact or erroneous information was provided, **and** the

applicant intentionally provided erroneous information or intentionally allowed it to stand in the record. This did not occur in this case, nor has anyone suggested that such action occurred.

Discussion: Legal action against County; vote should be taken at another meeting; etc.

Ms. Schenk explained that after an ALJ ruling, all interested parties can withdraw their permit application; therefore, the County could rescind the Ordinance (10-02) to avoid sanctions.

Jim Minix, Chief Deputy County Attorney, stated the County Attorney's legal opinion is that the County Commission can move forward with Ordinance 11-035.

Discussion followed.

Motion was made by Mr. McClash, and seconded by Mrs. DiSabatino, to adopt Ordinance **11-035**, which will repeal in its entirety Ordinance 10-02, and the property would remain in the RES-1 Future Land Use Classification.

Discussion: Follow correct process; costing taxpayer's money; rely on the opinion of staff and attorneys; follow policies set forth; set a policy all builders and developers can adhere to; Ordinance 11-035 is in the public's best interest; unfair to second-guess previous decision; actions of former Commissioner Gwen Brown are irrelevant; Comprehensive Plan prohibits increase in density in coastal areas; etc.

Motion was made by Mr. Gallen, and seconded by Mr. McClash, to call the question.

The motion to adopt Ordinance **11-035** carried 5 to 2 with Mr. Bustle, and Mrs. Hayes voting nay.

[BC20110823DOC063](#)

SURPLUS VEHICLES

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, to approve authorization to classify vehicles, which are uneconomical to operate as surplus per *Florida Statute 274.05*, to enable appropriate and authorize disposition of said property, and authorization to thereafter dispose of such property, with an agreement with the Animal Rescue Coalition for acceptance of asset 47423, the Animal Control Sierra 2500 HD GMC 2005.

[BC20110823DOC064](#)

COMMISSIONERS' COMMENTS

District 4 Community Events

Mrs. DiSabatino thanked Commissioners for attending recent events in District 4, which included the revitalization of a duplex.

[BC20110823DOC065](#)

Daughtrey Elementary/Boys and Girls Club

Mrs. DiSabatino announced Daughtrey Elementary and the Boys and Girls Club are partnering to sponsor the Before and After School program.

[BC20110823DOC065](#)

Harlee Middle School - Back-Pack Event

Mrs. DiSabatino thanked Pat and John Neal, Bealls, and N and M Cool Today, for sponsoring the Back-to-School Back Pack Event for Harlee, Daughtrey, and Abel schools.

[BC20110823DOC065](#)

49th Street West - Speed Bumps

Mrs. DiSabatino received a request from property owners in the area in obtaining additional signatures for the installation of a speed bump.

Discussion: Should not pressure residents who are not in favor of speed bumps; the homeowners should solicit support; consider sidewalks; involvement should be with property

owners, not tenants; other options; speed bumps can be noisy; goal of Code Enforcement is to bring property into compliance; etc.

Mr. Hunzeker explained that sidewalk issues and funding should be discussed at a later time.

[BC20110823DOC065](#)

Code Enforcement Fines

Mrs. DiSabatino suggested scheduling a work session to discuss recouping higher fines from Code Enforcement violations.

Discussion: Code Enforcement needs to enforce violations; etc.

[BC20110823DOC065](#)

Port Manatee

Mr. Bustle reported a leak was discovered in the pipeline and repaired during the time Great Lakes shut down for maintenance.

[BC20110823DOC065](#)

No Kill Plan

Ms. Whitmore suggested holding a work session on the “No Kill Plan” after Animal Services and other expert rescue groups have met to formulate a plan.

Discussion: Use of feral cats in community (Cats for Rats); education needed; relocation of cats; 60 percent of cats are being euthanized; volunteers needed; policy; etc. [BC20110823DOC065](#)

Indigent Care

Mr. Chappie announced a work session on Indigent Care is scheduled for November 1st.

[BC20110823DOC065](#)

Water Quality Monitoring

Mr. Chappie stated Manatee County is losing three water quality monitoring sites.

Discussion: Are shell fish being monitored; etc.

[BC20110823DOC065](#)

Advanced Traffic Management System

Mr. Chappie announced the County received a \$2.6 million grant for the Advanced Traffic Management System, which is almost completed.

Discussion: Request for a tour of the facility; etc.

[BC20110823DOC065](#)

Intersection of Riverview Boulevard and 47th Street West

Mr. Chappie received a request from local property owners for a three-way stop sign due to excessive speeding.

Discussion: Round-about; issue with a Verizon box; other options; recommendation from staff; need for sidewalks; public safety issue; etc. [BC20110823DOC065](#)

Boys and Girls Club

Mr. Gallen noted the Boys and Girls Club now consists of elementary, middle, and high school students, and inquired why youth are not allowed on the club grounds after hours.

Discussion: Review of the Interlocal agreements; sod open-space property in the Pride Park community to be used for a play area for the youth; partnership between YMCA and Harlee Middle School for after-school sports; etc. [BC20110823DOC065](#)

Women’s Equity Day

Mrs. Hayes stated she and Ms. Whitmore attended the Women’s Equity Day event (8/20/11).

[BC20110823DOC065](#)

Army Specialist Patrick L. Lay II

Mrs. Hayes announced the body of Army Specialist, Patrick L. Lay II, arrived back in Manatee County on August 20, 2011. [BC20110823DOC065](#)

Tara Red Light Cameras

Mrs. Hayes stated she will provide an update to Tara residents on the installation status of red light cameras at Tara and S.R. 70. [BC20110823DOC065](#)

Redistricting Meeting

Mrs. Hayes discussed the importance of attending the Florida Legislature Redistricting Meeting (8/30/11). [BC20110823DOC065](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 11:59 a.m.
/nh/pk/vj

Minutes Approved: October 6, 2011