

SEPTEMBER 6, 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
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 Peter Swanson, Love Serves International.

The Manatee County Emergency Services Honor Guard presented the colors and led the Pledge of Allegiance.

AGENDA

Agenda of September 6, 2011, and agenda update memorandum.

[BC20110906DOC001](#)

CONSENT AGENDA

Motion was made by Mrs. DiSabatino, 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), with deletion of:

1. **Eminent Domain: Tara Boulevard Extension and Bridge mediated settlement with Northern Capital Group** (deferred); [BC20110906DOC002](#)
2. **Final Plat - Sunset Palms** (deferred); and [BC20110906DOC003](#)
3. **Resolution R-11-198 Special Approval for three septic tanks for Sunset Palms Subdivision** (withdrawn). [BC20110906DOC004](#)

Items APPROVED:

CLERKS CONSENT CALENDAR

[BC20110906DOC005](#)

WARRANT LIST

September 1, 2011 through September 5, 2011

[BC20110906DOC006](#)

ACCEPT

FY 2011-12 Proposed Budgets for:

1. **North River Fire District**; and [BC20110906DOC007](#)
2. **Parrish Fire District** [BC20110906DOC008](#)

COUNTY ADMINISTRATOR

MANATEE COUNTY FAIR

Execution of License Agreement with Manatee River Fair Association for an inside exhibit space at the 2012 Manatee County Fair, \$800 (1/12-22/12). [BC20110906DOC009](#)

TAMPA BAY PARTNERSHIP

R-11-192 A RESOLUTION OF MANATEE COUNTY, FLORIDA, IN SUPPORT OF THE TAMPA BAY PARTNERSHIP AND THE TAMPA BAY REGIONAL BUSINESS PLAN. [BC20110906DOC010](#)

ORDINANCE 11-036 – USE OF FIREARMS AND AMMUNITION

Authorization to publish Notice of Public Hearing on Ordinance 11-036, repealing Ordinances 81-9 and 84-19, and Section 1-17-1 of the Manatee Code relating to the regulation and use of firearms and ammunition.

(Note: Discussion later in meeting)

[BC20110906DOC011](#)

ORDINANCE 11-037 – SEXUALLY ORIENTED BUSINESS LICENSE FEE

Authorization to publish Notice of Public Hearing on Ordinance 11-037, partially repealing Ordinance 05-21 as to Section 2-2.5-6 relating to fees associated with licensing of a sexually oriented business in Manatee County.

[BC20110906DOC012](#)

TARA DRI – NOTICE OF CLAIM

Execution of Letter transmitting the settlement offer and Ripeness Decision to Lake Lincoln LLC under the Bert J. Harris, Jr. Private Property Rights Protection Act.

GROOVER’S MARKET

[BC20110906DOC013](#)

Deny proposal for settlement with Horizon Construction Management Services LLC regarding Groover’s Market, Case 2011-CA-2867.

[BC20110906DOC014](#)

CODE ENFORCEMENT

Elaine B. Gallup and John W. Short (CE2002120104) – Reduction of fines to \$3,168.50 (as recommended by the Special Magistrate on 7/27/11), subject to the following conditions: (1) the reduced fines shall be paid and the closing for sale of the property to Scott Godfrey must take place within 30 days or will revert to the original fine amount of \$16,685; (2) recording fees totaling \$16 shall be collected; and (3) authorization for the Building and Development Services Department Director to sign satisfactions of liens if the reduced fines are paid.

[BC20110906DOC015](#)

AGENCY FOR HEALTH CARE ADMINISTRATION

1. Execution of Letters of Agreement with Agency for Health Care Administration providing funds to **Manatee County Rural Health Services** to increase the provision of health care services for Medicaid, uninsured and underinsured persons in Manatee County (7/1/11-6/30/12)
 - a. **Low Income Pool Program**, \$267,216; and
 - b. **Primary Care Grant**, \$436,200.
2. Execution of two FY 2011-12 Memorandums of Understanding with Manatee County Rural Health Services, Inc., to provide health care services in Manatee County (7/1/11-6/30/12). [BC20110906DOC016](#)
3. Execution of Letters of Agreement with the Agency for Health Care Administration providing funds to **Blake Medical Center** to increase the provision of health care services for Medicaid, uninsured and underinsured persons in Manatee County (7/1/11-6/30/12):
 - a. **AHCA “Buyback” Program**, \$321,096; and
 - b. **Public Exemptions**, \$540,025. [BC20110906DOC017](#)
4. Execution of Letters of Agreement with the Agency for Health Care Administration providing funds to **Manatee Memorial Hospital** to increase the provision of health care services for Medicaid, uninsured and underinsured persons in Manatee County (7/1/11-6/30/12):
 - a. **Low Income Pool Program**, \$3,283,943; and
 - b. **Public Exemptions**, \$3,641,057. [BC20110906DOC018](#)

CHILDREN’S SERVICES

Authorization to publish Notice of Public Hearing to allocate additional funds from the Children’s Services Dedicated Millage to **Manatee Children’s Services, Inc.**

WEST CENTRAL FLORIDA AREA AGENCY ON AGING, INC.

[BC20110906DOC019](#)

Execution of Amendment 1 to the 2011/12 Agreement (EH-11/12-MAN) for **Emergency Home Energy Assistance Grant Program Agreement**; increase of \$10,586, and revising the budget summary.

[BC20110906DOC020](#)

HIGHWAY LITTER REMOVAL PROGRAM

Execution of Agreement with Keep Manatee Beautiful, Inc., for the Highway Litter Removal Program (9/1/11-8/31/12), \$42,683.13.

[BC20110906DOC021](#)

BUDGET AMENDMENT

Various Departments B-11-071

Supporting Description and Detail Attached

(Note: Discussion later in meeting)

[BC20110906DOC022](#)

HISTORICAL COURTHOUSE FACADE

Execution of Change Order 1 to Contract with Zirkelbach Construction, Inc., increase of \$230,655.76, adjusted total \$2,428,276.74; and, an additional 40 days, for a revised completion date of December 15, 2011.

[BC20110906DOC023](#)

MANATEE COUNTY FAIR

R-11-193 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, AUTHORIZING EXPENDITURE OF \$10,000 FOR MAJOR SPONSORSHIP OF THE MANATEE COUNTY FAIR ASSOCIATION.

[BC20110906DOC024](#)

TAX ROLL EXTENSION

Execution of letter to Ken Burton, Jr., Manatee County Tax Collector, confirming approval to extend the tax roll prior to completion of Value Adjustment Board hearings.

SINGLE FAMILY REVENUE BONDS

[BC20110906DOC025](#)

R-11-197 RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE ISSUANCE OF SINGLE FAMILY MORTGAGE REVENUE BONDS RELATING TO THE NEW ISSUE BOND PROGRAM OF THE UNITED STATES TREASURY WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; CONFIRMING THE CONCEPTUAL APPROVAL OF SUCH BONDS, AND PROVIDING AN EFFECTIVE DATE.

[BC20110906DOC026](#)

WORK SQUAD

Execution of Contract WS695 with the Florida Department of Corrections, which replaces WS538, for deployment of State Department of Corrections work squad for the Manatee County Natural Resources Department, \$58,004.

[BC20110906DOC027](#)

51ST AVENUE EAST, BRADENTON

R-11-171 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RESCINDING RESOLUTION R-11-128 IN ITS ENTIRETY; AND RE-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

and

Corrective Deed to Learn to Fish, Inc., and Land Use Restriction Agreement and Deed Restrictions.

[BC20110906DOC028](#)

ECONOMIC DEVELOPMENT COUNCIL FUNDING AGREEMENT

Execution of FY 2010-11 funding agreement with the Economic Development Council/Manatee County Chamber of Commerce, Inc., for economic development, \$170,000.

[BC20110906DOC029](#)

ECONOMIC DEVELOPMENT INCENTIVE (EDI) GRANTS

1. **R-11-194** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FINDING THAT **PROJECT ROSE** BE APPROVED FOR AN ECONOMIC DEVELOPMENT INCENTIVE (EDI) GRANT FOR FISCAL YEARS 2011-2012 THROUGH 2015-2016, AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110906DOC030](#)
2. **R-11-202** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RECOMMENDING THAT **PROJECT GRAPEFRUIT** BE APPROVED FOR A LOCAL ECONOMIC DEVELOPMENT/CUSTOMIZED INCENTIVE (EDI) GRANT FOR FISCAL YEAR 2011-2012 THROUGH 2016-2017, AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110906DOC031](#)
3. **R-11-201** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RESCINDING RESOLUTION R-11-075 AND FINDING **PROJECT PALM** BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO §288.106, *FLORIDA STATUTES*, AND PROVIDING LOCAL FINANCIAL SUPPORT FOR PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY (QTI) TAX REFUND PROGRAM FOR FISCAL YEAR 2012-2013 THROUGH 2020-2021 AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110906DOC032](#)

STATE HOUSING INITIATIVE PARTNERSHIP (SHIP) ANNUAL REPORT

Approval and acceptance of the SHIP Annual Report and authorization for the Chairman to sign a letter of transmittal and required State forms to transmit Manatee County's State Housing Initiative Partnership (SHIP) Annual Report for Fiscal Years 2008-2009 through 2010-2011 in accordance with *Florida State Statutes 420.9075*. [BC20110906DOC033](#)

DEEDS AND EASEMENTS

1. **15th Street East**
 - a. Warranty Deed and Affidavit of Ownership and Encumbrances from Casa Restauracion Salem in Palmetto, Inc.; and Partial Releases (2) from Roger C. Morris, as Trustee of the Roger C. Morris Living Revocable Trust dated July 9, 1997 (Parcel 108). [BC20110906DOC034](#)
 - b. Right-of-Way Easement; Temporary Construction Easement; and Affidavit of Ownership and Encumbrances from Pioneer Park LLC; and Joinder from Stearns Bank National Association (Parcel 806). [BC20110906DOC035](#)
2. **Lakewood Ranch Boulevard** - Drainage, Utility, and Conservation Easements from Lost Creek Apartments LLC. [BC20110906DOC036](#)
3. **Masters Avenue** - Warranty Deed and Maintenance Agreement for Right-of-Way Island, Landscaping and Irrigation Within the Right-of-Way from Lakewood Ranch Stewardship District; Grant of Off Site Temporary Turn-Around Easement from Schroeder-Manatee Ranch, Inc., and Affidavit of Ownership and Encumbrances. [BC20110906DOC037](#)
4. **Whitfield Estates Subdivision Force Main 1A** - Utility Easement and Affidavit of Ownership and Encumbrances from Melav LLC for 201 Magellan Drive; and Joinder from Wachovia Bank. [BC20110906DOC038](#)

U.S. 41

Adoption of Resolutions subordinating Manatee County's utility easement interests in certain real property located along a portion of U.S. 41 for future road improvements by the Florida Department of Transportation (FDOT); and execution of Subordination of County Utility Interests to FDOT;
R-11-182 (Parcel 100.2); [BC20110906DOC039](#)
R-11-187 (Parcel 100.3); [BC20110906DOC040](#)
R-11-183 (Parcel 101.3); [BC20110906DOC041](#)
R-11-184 (Parcel 102.2); and [BC20110906DOC042](#)
R-11-185 (Parcel 103.5). [BC20110906DOC043](#)

44TH AVENUE EAST

Contract for Sale and Purchase of a Warranty Deed from John F. and Sharon A. Bozman (12th Street East to 19th Street Court East), \$14,521. [BC20110906DOC044](#)

HAZARDOUS MATERIALS INCIDENTS

R-11-176 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR FINANCIAL AND LOGISTICAL SUPPORT TO FIRE DEPARTMENTS AND DISTRICTS WHICH MAINTAIN CAPABILITIES TO RESPOND TO HAZARDOUS MATERIAL INCIDENTS; PROVIDING FOR SEVERABILITY; MAKING RELATED FINDINGS; AND PROVIDING AN EFFECTIVE DATE. [BC20110906DOC045](#)

STATE HAZARDOUS MATERIALS EMERGENCY RESPONSE PLAN

R-11-191 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ACCEPTING THE AGREEMENT FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT FOR THE ANNUAL UPDATE OF THE **STATE HAZARDOUS MATERIALS EMERGENCY RESPONSE PLAN**; AND, AUTHORIZING THE CHAIRMAN OR IN HER ABSENCE THE VICE CHAIRMAN TO EXECUTE ALL APPROPRIATE DOCUMENTS; and

Budget Amendment B-11-074

Public Safety Grants

[BC20110906DOC046](#)

NON-AD VALOREM ASSESSMENT ROLLS FOR 2011

R-11-172 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE CERTIFICATION OF **NON-AD VALOREM ASSESSMENTS** PURSUANT TO THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND

ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS FOR ANNUAL SPECIAL ASSESSMENT PAYMENTS DUE WITH THE PAYMENT OF 2011 AD VALOREM TAXES. [BC20110906DOC047](#)

OAKWOOD SUBDIVISION STREET LIGHTING MUNICIPAL SERVICE BENEFIT UNIT

R-11-173 A RESOLUTION AMENDING THE OAKWOOD SUBDIVISION STREET LIGHTING MUNICIPAL SERVICE BENEFIT UNIT (MSBU). [BC20110906DOC048](#)

SURPLUS VEHICLE

R-11-195 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* (GMC truck to **Animal Rescue Coalition**). [BC20110906DOC049](#)

SERVICE FEE WAIVERS

Authorization to waive \$80 in service fees assessed to various utility customer accounts for returned bank items. [BC20110906DOC050](#)

(End Consent Agenda)

EMPLOYEE OF THE MONTH

Ron Schulhofer, Public Works Director, and Amy Foltz, Public Works Department, presented the Employee of the Month award to **Kay Rogers**, Public Works Department. [BC20110906DOC051](#)

FLORIDA MASTER NATURALIST

Charlie Hunsicker, Natural Resources Director, recognized **Melissa Cain Nell** for successful completion of the Florida Master Naturalist Program. [BC20110906DOC052](#)

PROCLAMATIONS

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

1. A Proclamation designating September 11, 2011, as Tribute to Heroes Day accepted by **Ron Dorsey**, Manatee County Emergency Services Honor Guard. [BC20110906DOC053](#)
2. A Proclamation designating September 17-23, 2011, as U.S. Constitution Week accepted by **Harold Crapo**, Sarasota Chapter of the Sons of the American Revolution. [BC20110906DOC054](#)
3. A Proclamation designating September 2011 as Manatee County Teen Court/Teen Court Too Month accepted by **Christine Clyne**, **Sue Locklier**, and **Rina Madrid** of the Clerk of Circuit Court's Office. [BC20110906DOC055](#)
4. A Proclamation designating September 2011 as Hydrocephalus Awareness Month accepted by **Shay Hague**, Florida Chapter for the Pediatric Hydrocephalus Foundation. [BC20110906DOC056](#)

FY 2011-12 BUDGET

Cathy Woolley urged the Board to fund Public Safety fully, as requested by Sheriff Brad Steube. She suggested the Tara Bridge should not go forward, and the bridge funds should be used to support the Sheriff.

Discussion: No funding in budget for Tara Bridge; keeping in Comprehensive Plan; etc.

[BC20110906DOC057](#)

33RD STREET EAST SIDEWALKS

William Wheeler, Briarwood resident, reported that sidewalks were installed on the west side of 33rd Street East from Collins Dairy Drain to S.R. 70, but one homeowner refused to allow the sidewalk in front of their home. When Briarwood residents walk to S.R. 70, they must cross 33rd Street East at this area and then cross back, which is a danger to walkers. He requested using eminent domain or accessing the existing maintenance easement to connect the sidewalk in front of that home. Mr. Wheeler was advised that staff will follow up.

[BC20110906DOC058](#)

BLAKE TRAUMA CENTER

Bobby Edington spoke in opposition to the proposed Trauma Center at Blake Medical Center and noted a legal hearing is in progress. He displayed a local map and spoke of the impact of helicopters at all hours. He requested a committee to address flight path impacts.

Discussion: Level 2 Trauma Center hearings in Tallahassee; Certificate of Need; Health Care America decision; Blake located in City of Bradenton; concerns forwarded to Mayor Poston; public forum; safety issue; more information needed; State, County, and City issue; etc.

[BC20110906DOC059](#)

HEALTHY WORKFORCE RESOLUTION R-11-199

Kim Stroud, Health Benefits Manager, introduced Health and Lifestyle Management Programs Manager, **Natalie Johnson**, who is contracted to work for the Health Plan. Ms. Stroud spoke of Resolution R-11-199, which delineates the necessary components for a healthy workforce. The Healthy Workforce Programs promote physical activity, nutrition, tobacco cessation, and stress management. Employee productivity can be increased with these programs. Manatee County continues to receive local and national attention regarding the health management and wellness programs, and was recently nominated as a finalist for *Tampa Bay Business Journal's* healthiest employer. Representatives have been invited to speak about the Manatee County Health and Wellness Management Programs and how they are tied into the insurance plan, for the World Congress Conference on Health and Human Capital, in Washington, D.C.

Motion was made by Mr. McClash and seconded by Mr. Bustle to adopt Resolution **R-11-199** PROVIDING FOR SUPPORT OF A HEALTHY WORKFORCE AND OVERALL HEALTHY LIFESTYLE AND DELINEATING HEALTHY LIFESTYLE COMPONENTS IN THE WORKPLACE TO CREATE A CULTURE OF HEALTH.

Discussion: Should have Dermatologists for skin cancer screenings; pre- and proactive; early detection; lower treatment costs; used to have Moffitt bus; skin cancer prevalent in Florida; etc.

The motion carried 7 to 0.

[BC20110906DOC060](#)

ORDINANCE 11-036 – USE OF FIREARMS AND AMMUNITION (Continued)

Jim Minix, Chief Deputy County Attorney, noted the item approved on the Consent Agenda addressed a Legislative preemption of County Ordinances in *Section 790.33 Florida Statutes*, as amended by Chapter 2011-109, Laws of Florida, regarding regulation of firearms and ammunition. It was determined that three regulations preempted by State Statute should be repealed. Ordinances 81-9 and 84-19, and Special Act Ch. 67-1676, Laws of Florida, regulate concealed weapons permits; discharge of projectiles from firearms; and discharge of firearms on roads, highways, or streets. There are strict penalties for violation of the State Statute that regulates firearms and ammunition.

Discussion: State Law against discharging firearms in the air; concealed weapons regulations; preemption; stringent penalties for local regulation; comprehensive laws; Ordinances to be repealed are inconsistent with state law; must repeal to avoid penalties; etc. [BC20110906DOC011](#)

BUDGET AMENDMENT B-11-071 (Continued)

Cheri Coryea, Neighborhood Services Director, responded to questions regarding the Public Works Community Redevelopment Agencies (CRA) Capital Project Fund for sidewalks. Four of the six projects that began in 2007 have been completed and two are pending. Due to the reduction of tax increment financing in the CRA, projects were put on hold, and there has been some difficulty in acquiring right-of-way. This transfer of funds will place the money back into a cash balance reserve that has not yet been designated. The intent is to complete the two pending projects in the next seven years as funds become available. Both the South County and 14th Street West CRA Advisory Boards will meet by the end of the month to make final budget recommendations, which will be presented to the Board in the first week of October.

Discussion: Should use Community Development Block Grant (CDBG) funds for sidewalks; do not expend CRA operating funds; two pending projects must use CRA funds under Federal requirements; CDBG may be used for future projects; proper procurement; discussion of funds and uses in October; bring back report; etc. [BC20110906DOC022](#)

COMMISSIONERS' COMMENTS

Port Manatee Executive Search

Mr. McClash commented on an email from Port Authority Chairman Larry Bustle, requesting support for a late applicant for the Port Director position, and noted this action may violate Sunshine Laws. Opening the process for a late applicant could lead to more late applications. There was a deadline, and a preferred list of applicants with an alternate list has been approved to begin the process. If none of those applicants are chosen, the process could be started again.

Ms. Whitmore questioned why Steve Tyndal, Director of Trade, Development, and Special Projects, who is a Port Director applicant, was left in charge of the Port while Mr. McDonald was on vacation when authority was shared among several employees in the past.

Discussion: Informational email; no Sunshine violation; deadline has passed; previously asked for one person to be in charge during Mr. McDonald's absences; late applicant may be best candidate; did not meet deadline due to being out of the country; add to list; credentials worth considering; should have brought item to this meeting instead of sending email; proper process; have action at public meetings; etc.

County Administrator Ed Hunzeker suggested asking the Port attorney for the legality of considering a late application.

Discussion: Add to list if legal; one of six on "A" list has withdrawn; backup list; résumé from late applicant; Alliance did their job; may be more charges to add person; legal recourse of rejected applicants; should discuss at Port meeting; Port attorney should be present; etc.

Tedd Williams, Jr., County Attorney, read Board policy that stated the Board may take action on any matter during its meeting, and noted Mr. Bustle may call a meeting of the Port Authority. However, he cautioned the Port Authority to refrain from taking action without the presence of the Port Authority attorney.

Discussion: Wait to discuss at next Port meeting; not an emergency; finalists to be presented at next meeting; open meeting with no action; etc.

(Note: A Port Meeting was convened after Commissioners' Comments were finished.)

[BC20110906DOC061](#)

Legislative Platform

Mr. McClash requested an additional Legislative Platform item dealing with the Administrative Law Judge process, which now has disputed judgments in Administrative Hearings being forwarded to the Governor instead of being remanded to the governing body which made the recommendation. He questioned if local municipalities or the Bar Associations have similar concerns with the process. Land use decisions could affect the Comprehensive Plan and Judges do not normally rule on land use issues. Any disputed issues should be returned to the local level. He requested more information for possible placement on the Legislative Platform.

Discussion: Will be reviewed by legal; is part of the changes of the Growth Management Bill; bring back report; etc.

[BC20110906DOC061](#)

Briarwood Homeowners' Association

Mrs. DiSabatino reported that she will attend the Briarwood Homeowners Association (HOA) meeting this evening. The HOA president has assured there is ample money in bonds and CDs, with a cash balance to compensate for the Association dues that are not being collected from foreclosed homes. The attorneys for Briarwood realize the importance of maintaining the HOA.

Business fair information will be distributed and discussed at tonight's meeting and district issues will be discussed at the next meeting.

[BC20110906DOC061](#)

Real Estate Update

Mrs. DiSabatino reported that real estate sales, prices, and inventory are down. [BC20110906DOC061](#)

Sarasota Sailing Squadron

Mrs. DiSabatino noted attending the 65th Continual Anniversary of the Sarasota Sailing Squadron Regatta. [BC20110906DOC061](#)

Bayshore Gardens Business Expo

Mrs. DiSabatino reminded all of the Business Expo on September 17, at the Bayshore Gardens Recreation Center. [BC20110906DOC061](#)

Mowing Abandoned Properties

Mrs. DiSabatino questioned using budget funds to mow abandoned properties.

Discussion: Neighbors helping mow; liability issues; HOAs resolve own issues; etc.

[BC20110906DOC061](#)

Senator Marco Rubio

Ms. Whitmore questioned if there had been a response to the letter sent to Senator Rubio regarding him not meeting with our representatives while they were in Washington D.C.

Discussion: Spoke with a staff member; no response from Senator Rubio; etc. [BC20110906DOC061](#)

Air Conditioner Alarms

Ms. Whitmore noted Dr. Craig Trigueiro previously requested revising the Alarm Ordinance and after review by the County Attorney's Office and the Sheriff's Office, it was determined that the Ordinance should not be changed. Dr. Trigueiro would like to address the Board at a work session.

Discussion: Also address fire alarms; dialogue with the Sheriff and Fire Department; fines for alarms going off when not tampered with; etc. [BC20110906DOC061](#)

Ft. Hamer Rowing Facility

Ms. Whitmore requested an update on rowing activities.

Mr. Hunzeker stated the season has ended and plans are being coordinated with Sarasota County for future events. A report will be brought back to the Board.

Mr. Chappie spoke of the School Board setting \$30,000 aside for rowing programs. Manatee High School is organizing a program and will meet with the School Board to move forward. There is a growing interest in the local schools. [BC20110906DOC061](#)

Manatee Glens

Ms. Whitmore asked Mr. Hunzeker for a recommendation regarding the Manatee Glens property.

Mr. Hunzeker will meet with the President and CEO of Manatee Glens, Mary Ruiz, and bring a written report to the Board for a property exchange. [BC20110906DOC061](#)

Palm Aire

Mrs. Hayes received a financial report from Palm Aire that was forwarded to the Board. Finances are verified to be good until 2013 and there seem to be no other issues. [BC20110906DOC061](#)

Lakewood Ranch Premier Sports Complex

Mrs. Hayes noted the Sports Complex hosted a soccer tournament last weekend with over 300 teams in attendance that generated approximately \$8.6 million for the local economy. [BC20110906DOC061](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 11:16 a.m.
/mr

Minutes Approved: October 11, 2011