

SEPTEMBER 20, 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
Jim Minix, Chief Deputy 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 September 20, 2011, and agenda update memorandum.

[BC20110920DOC001](#)

NATIONAL FLOOD INSURANCE PROGRAMS COMMUNITY RATING SYSTEM

Sandy Tudor, Building and Development Services Department, stated due to staff's efforts, the County's flood insurance rating has been upgraded to a Class 5.

Brad Loar, Federal Emergency Management Agency, presented Manatee County with a plaque recognizing the Class 5 upgrade. The rating enables County residents to receive a five percent discount on flood insurance.

[BC20110920DOC002](#)

PROCLAMATIONS

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

1. Proclamation designating September 22, 2011, as American Business Women's Day accepted by **Lexie Taylor**, American Business Women's Association. [BC20110920DOC003](#)
2. Proclamation designating September 19-23, 2011, as Senior Corps Week accepted by **Elisa Painten**, RSVP Manatee Director. [BC20110920DOC004](#)

CONSENT AGENDA

Motion was made by Mrs. DiSabatino, seconded by Mr. McClash, 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 **Tara Boulevard Extension and Bridge - Mediated Settlement Agreement**, and **Gulfstream Natural Gas System** (separate actions); and **Surplus Asset Item 46379 - 2004 Chevrolet Silverado 2500** in Surplus Vehicles agenda item. Items APPROVED:

CLERKS CONSENT CALENDAR

[BC20110920DOC005](#)

BONDS

Accept:

Sheriff's Public Employees and Deputy Sheriff's Blanket Bond (12 additions, 17 deletions).

Brennick Roadway and Drainage Facilities

[BC20110920DOC006](#)

Accept Agreement with Joseph Brennick Guaranteeing Completion of Required Improvements; and Performance Bond (Letter of Credit 7000151), \$99,606.39.

[BC20110920DOC007](#)

Country Club Village East at Lakewood Ranch, Subphase QQ, Unit 2 (aka Secret Harbor)

Release Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Securing Landscape, Irrigation, and Hardscape Improvements; **and** Performance Bond (Surety Bond 5038904 and any associated rider[s]), \$77,983.36. [BC20110920DOC008](#)

Heritage Harbour, Phase I, Subphase E, Construction Phase III

Release Agreement Warranting Required Improvements; **and** Defect Security (Letter of Credit FGAC-06347 and any associated amendment[s]), \$44,793.47. [BC20110920DOC009](#)

Heritage Harbour, Phase I, Subphase F, Unit 2

Release Agreement Warranting Requirement Improvements – Securing Water and Sewer Only; **and** Defect Security (Letter of Credit FGAC-08022 and any associated amendment[s]), \$90,968.40. [BC20110920DOC010](#)

Lake Club, Phase I – University Parkway East

Release Agreement Warranting Required Improvements – Securing Infrastructure Improvements; **and** Defect Security (Surety Bond 5025591 and any associated rider[s]), \$143,755.48. [BC20110920DOC011](#)

River’s Reach – Off-Site Force Main

Release Agreement Warranting Required Improvements – Securing Infrastructure Improvements; **and** Defect Security (Surety Bond SU5022504 and any associated rider[s]), \$66,756.78. [BC20110920DOC012](#)

Twin Rivers, Phase IV

Release Agreement Warranting Required Wetland Mitigation System; **and** Defect Security (Letter of Credit 9660080071-00010 and any associated amendment[s]), \$10,005. [BC20110920DOC013](#)

REFUNDS

Stanley Kolan – Overpayment \$800.00

WARRANT LIST

September 6, 2011, through September 19, 2011 [BC20110920DOC014](#)
[BC20110920DOC015](#)

MINUTES

August 4, 2011, and August 9, 2011 [BC20110920DOC016](#)

ACCEPT

1. Lakewood Ranch Community Development District 2 – Meeting and Workshop dates for FY 2012. [BC20110920DOC017](#)
2. Lakewood Ranch Community Development District 4 – Meeting and Workshop dates for FY 2012. [BC20110920DOC018](#)
3. Lakewood Ranch Community Development District 5 – Meeting and Workshop dates for FY 2012. [BC20110920DOC019](#)
4. Lakewood Ranch Stewardship District – Meeting dates for FY 2011-12. [BC20110920DOC020](#)
5. Southwest Florida Water Management District – FY 2012 Annual Meeting Calendar and District’s boundary map. [BC20110920DOC021](#)
6. Transcript of Litigation Assessment Meeting (12/11/07) regarding School Board of Manatee County vs. Manatee County, Case 2006-CA-6123; CAO No. 2430. [BC20110920DOC022](#)
7. Transcript of Litigation Assessment Meeting (12/18/07) regarding School Board of Manatee County vs. Manatee County, Case 2006-CA-6123; CAO No. 2430. [BC20110920DOC023](#)
8. Transcript of Litigation Assessment Meeting (5/22/07) regarding Water Equipment Services vs. Manatee County, Case 2006-CA-3140; CAO No. 2368. [BC20110920DOC024](#)
9. Transcription of Litigation Assessment Meeting (1/11/05) regarding Peek-A-Boo vs. Manatee County, Case 8-99-CV2707-EAJ. [BC20110920DOC025](#)
10. Waterlefe Community Development District – Resolution 2011-05 designating dates, time, and location of regular meetings for FY 2011-12. [BC20110920DOC026](#)

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

1. **59th Street Boat Ramp** – Contract with Duncan Seawall Dock & Boat Lift LLC; \$167,701, for 90 construction days (1/2/12 to 4/1/12) [BC20110920DOC027](#)

2. **Anna Maria Island - Force Main 12** - Change Order 1 to Contract with Andrew Sitework LLC; increase of \$18,753.50, adjusted total \$158,305.83; and an additional two calendar days for a revised completion date of February 5, 2012. [BC20110920DOC028](#)
3. **Computers and Electronic Equipment - Recycling and Demanufacturing** - Addendum 2 to Contract with CRS Holding of America, Inc., correcting language to Article 4 (Contract Term) to incorporate "this Agreement shall be for a period of three years, commencing September 21, 2009, and ending September 2012." [BC20110920DOC029](#)
4. **Landfill Gas Collection System Phase 2, Stage III** - Contract with Comanco Environmental Corporation (RFQ 11-2164DC), \$219,500. [BC20110920DOC030](#)
5. **Odor and Corrosion Control Services** - Addendum Five to Agreement with Siemens Water Technologies extending the expiration date 90 days (10/1/11-12/30/11). [BC20110920DOC031](#)
6. **Security Access - Judicial Center** - Addendum One to Agreement with Qualified Systems Contracting, Inc., extending the expiration date one year (10/1/11-9/30/12) for annual maintenance. [BC20110920DOC032](#)
7. **White Goods and Scrap Metal - Collection and Purchase** - Addendum One to Agreement with Kimmins Contracting Corporation extending the agreement one year (10/1/11-9/30/12). [BC20110920DOC033](#)

COUNTY ADMINISTRATOR

MEDICAL AND DENTAL PLAN PREMIUMS

Approval of FY 2011-12 premiums for the Medical Plan, Dental Plan, and Other Benefits.

LAWSUIT - PHYLLIS COOLEY v. MANATEE COUNTY

[BC20110920DOC034](#)

Approval of proposal for settlement of Phyllis Cooley v. Manatee County, Case 2009-CA-3412, \$45,000. [BC20110920DOC035](#)

CODE ENFORCEMENT - STEVEN M. AND KIMBERLY A. JUDD

Authorization to rescind the fines in Case CE2007020522 for Sections 508.1, 512 and 513 of the Manatee County Land Development Code (as recommended by the Special Magistrate on 6/22/11 and 7/27/11); and authorization for the Building and Development Services Director to sign the releases of liens. [BC20110920DOC036](#)

FINAL PLAT

Sunset Palms

1. Final Plat;
2. Agreement to Defer Completion of Required Sidewalks with 55 Sunset Palms LLC;
3. Conservation Easement from 55 Sunset Palms LLC; and
4. Declarations of Restrictions for Sunset Palms Subdivision. [BC20110920DOC037](#)

AMERICAN PLANNING ASSOCIATION

Approval of payment for membership in the American Planning Association for the seven Manatee County Planning Commission members, \$450. [BC20110920DOC038](#)

CRIMINAL NUISANCE ABATEMENT BOARD

R-11-213 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING RULES OF PROCEDURE FOR CRIMINAL NUISANCE ABATEMENT BOARD; PROVIDING DIRECTIONS REGARDING CODIFICATION; REPEALING AND SUPERSEDING PRIOR AND CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE. [BC20110920DOC039](#)

DUI COURT PROGRAM

1. Execution of Florida Department of Transportation Subgrant Application for Highway Safety Funds to provide the Manatee County DUI Court Program, \$240,076 (10/1/11-9/30/12);
2. Execution of Agreement for Services with Manatee Glens Corporation as part of the Manatee County DUI Court Program, \$45,000 (10/1/11-9/20/12); and
3. **Budget Amendment**
Community Services **B-11-077** [BC20110920DOC040](#)

BUDGET AMENDMENT

Various Departments B-11-072

Supporting Description and Detail Attached

(Note: Discussion later in the meeting)

[BC20110920DOC041](#)

COURTHOUSE CHILLER PIPING

Authorization for the County Administrator or his designee to execute Change Order 5 to Contract with B & I Contractors, Inc.; increase of \$3,129.68, adjusted total \$1,297,177.68; and an additional 136 calendar days for a revised completion date of October 31, 2011.

[BC20110920DOC042](#)

PROFESSIONAL SOLID WASTE ENGINEERING SERVICES

Authorization for the County Administrator or his designee to execute Agreements with Atkins North America, Inc., and SCS Engineers to provide professional services on an as-required basis.

[BC20110920DOC043](#)

U.S. 301 – OLD TAMPA ROAD TO C.R. 675 (RUTLAND ROAD)

Authorization for the County Administrator or his designee to execute Change Order 2 to Work Assignment 1 with URS Corporation Southern; increase of \$40,625, adjusted total \$2,114,868.90.

[BC20110920DOC044](#)

COUNTYWIDE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

Execution of a National Pollutant Discharge Elimination System (NPDES) Certification Statement for Annual Report Year 7 for submission to the Florida Department of Environmental Protection as required by the permit.

[BC20110920DOC045](#)

WEST COAST INLAND NAVIGATION DISTRICT

R-11-205 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ACCEPTING WEST COAST INLAND NAVIGATION DISTRICT (WCIND) GRANTS; AND AUTHORIZING THE CHAIRMAN TO EXECUTE FY 2011-12 FUNDING AGREEMENTS WITH WCIND FOR THE FOLLOWING AGREEMENTS AND DESIGNATING TO THE COUNTY ADMINISTRATOR OR HIS DESIGNEE AS PROJECT LIAISON:

Manatee County Sheriff's Office – Marine Resources Law Enforcement Officer Program, M241, \$69,300;

Manatee County – Lost and Abandoned Vessel Removal, M242, \$75,000;

Port Authority – Sea Grass Protection Buoys, M243, \$15,000;

Manatee County – Aids to Navigation Regulatory Signage, M244, \$75,000;

Manatee County – Swim Zone Buoys, M245, \$30,000;

City of Anna Maria – Lake LaVista Inlet Maintenance, M246, \$149,500;

United States Coast Guard Auxiliary Flotilla 83 – Safe Boating Through Public Awareness, M247, \$1,500;

United States Coast Guard Auxiliary Flotilla 84 – Boating Education, M248, \$3,000;

United States Coast Guard Auxiliary Flotilla 85 – Boating Safety and Communication Equipment, M249, \$2,000;

Florida Civil Air Patrol – Flyovers of Area Waterways, M250, \$10,500;

GWIZ – The Science Museum Water Workshop Program for Manatee County, M251, \$21,360;

Town of Longboat Key – Fire Rescue Boat, M252, \$50,000;

Manatee County – Ft. Hamer/Hidden Harbour Boat Ramp, M253, \$125,000;

Town of Longboat Key – Linley Street Boat Ramp, M254, \$31,000; and

Manatee County – Stow It Don't Throw It, M255, \$1,000.

(Note: Discussion later in the meeting)

[BC20110920DOC046](#)

ECONOMIC DEVELOPMENT INCENTIVE GRANTS

1. **R-11-211** A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RECOMMENDING THAT “**PROJECT JADE**,” BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO *s.288.106, FLORIDA STATUTES*, AND PROVIDING LOCAL FINANCIAL SUPPORT FOR FISCAL YEAR 2013-2014 THROUGH 2018-2019; AND PROVIDING FOR AN EFFECTIVE DATE.

[BC20110920DOC047](#)

2. **R-11-207** A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RECOMMENDING THAT “**PROJECT TORCHLIGHT,**” BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO *s.288.106, FLORIDA STATUTES*, AND PROVIDING LOCAL FINANCIAL SUPPORT FOR PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY (QTI) TAX REFUND PROGRAM, FOR FISCAL YEARS 2012-2013 THROUGH 2018-2019 AND PROVIDING FOR AN EFFECTIVE DATE; and
3. **R-11-210** A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RECOMMENDING THAT “**PROJECT TORCHLIGHT,**” BE APPROVED FOR AN ECONOMIC DEVELOPMENT INCENTIVE (EDI) GRANT AND FOR A TRANSPORTATION IMPACT FEE INCENTIVE (TIFI) FOR FISCAL YEARS 2012-2013 THROUGH 2018-2019 AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110920DOC048](#)

BAD DEBT WRITE-OFFS

Authorization to write off bad debts:

1. **Parks and Recreation Department** - annual bad debt, \$85 for FY 2011. [BC20110920DOC049](#)
2. **Utilities Department** - \$7,827.59 Water/Sewer Fund 401, and \$79.20 Solid Waste Fund 480 for September 2011. [BC20110920DOC050](#)

JUNIOR GOLF GRANT

Accept the Florida Junior Golf Council Grant, \$45,000; and authorization for the County Administrator or designee to execute the Junior Golf Grant Program Grant Agreement with the Florida Junior Golf Council for youth golf camp at Buffalo Creek Golf Course, (9/27/11-11/17/11). [BC20110920DOC051](#)

DEEDS AND EASEMENTS

1. **4th Avenue Boulevard East, Palmetto** - Drainage Easements (2), Temporary Construction Easements (2), and Affidavits of Ownership and Encumbrances (2) from Logan O. Johnson and James Johnson. [BC20110920DOC052](#)
2. **15th Street East at 51st Avenue East**
 - A. Warranty Deed and Affidavit of Ownership and Encumbrances from John W. Walls, Trustee of the John W. Walls Revocable Living Trust Dated February 11, 2004 (Parcel 109). [BC20110920DOC053](#)
 - B. Right-of-Way Easement, Temporary Construction Easement, and Affidavit of Ownership and Encumbrances from Ali F. Arin and Fatma S. Arin. [BC20110920DOC054](#)
3. **37th Street East Generator Improvements** - Utility Easement and Affidavit of Ownership and Encumbrances from Westport Ventures LLC. [BC20110920DOC055](#)
4. **11030 S.R. 64 East** - Utility Easement and Affidavit of Ownership and Encumbrances from JPMorgan Chase Bank National Association. [BC20110920DOC056](#)

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

Execution of Contract for Sale and Purchase for a Warranty Deed from Clifford L. and April Sumner, Personal Representatives of the Estate of Russell Hollis Sumner, deceased, \$159,000, inclusive of attorney fees and other related fees and costs; and authorization for Finance to make check payable to the Escrow Account of Signature Title Company. [BC20110920DOC057](#)

TRANSIT - BUS FARE

R-11-157 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING FIXED ROUTE TRANSIT BUS FARES; RESCINDING RESOLUTION R-10-102 AND ANY OTHER PREVIOUSLY ADOPTED RESOLUTIONS ESTABLISHING FIXED ROUTE TRANSIT BUS FARES; AND PROVIDING AN EFFECTIVE DATE. [BC20110920DOC058](#)

SURPLUS PROPERTY

1. Authorization to classify property, which is uneconomical to upgrade or repair as surplus per *Florida Statute 274.05* to enable appropriate and authorized disposition of said property, and authorization to thereafter dispose of such property; and
2. RESOLUTIONS OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CLASSIFYING CERTAIN TANGIBLE PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING THE DONATION THEREOF PURSUANT TO *SECTION 274.05, FLORIDA STATUTE*
R-11-203 - Modular trailer to **Myakka Family Worship Center**; and
R-11-204 - Computer equipment to **Animal Network, Inc.** [BC20110920DOC059](#)

3. Authorization to classify vehicles, which are uneconomical to operate as surplus per *Florida Statute 274.05* to enable appropriate and authorized disposition of said property, and authorization to thereafter dispose of such property.

(Note: Asset Item 46379 – 2004 Chevrolet Silverado 2500 was deleted)

INDOOR WATER CONSERVATION PROJECT

[BC20110920DOC060](#)

Execution of Cooperative Funding Agreement with Southwest Florida Water Management District (SWFWMD) for **toilet rebate program**, (Phase V-N325), \$217,500 (\$108,750 SWFWMD; \$108,750 County).

[BC20110920DOC061](#)

DASHBOARD REPORTS

Acceptance of the monthly Dashboard Report for August 2011.

[BC20110920DOC062](#)

(End Consent Agenda)

HONOR DOG SANCTUARY

Mike Picchietti, submitted a photograph of the Honor Sanctuary next to his residence and requested County help regarding the noise coming from the dog sanctuary.

[BC20110920DOC063](#)

CONSTRUCTION TRADES BOARD

Motion was made by Mr. McClash, seconded by Mrs. Hayes, and carried 7 to 0, to reappoint **Dale Cheetham** to Mechanical Contractor – Seat 2, term to expire October 14, 2013.

[BC20110920DOC064](#)

CHILDREN'S SERVICES ADVISORY BOARD

Motion was made by Mr. McClash, seconded by Mr. Bustle, and carried 7 to 0, to reappoint **Barbara Harvey**, as School Board member, and to appoint **Melton Little** and **Jeb Mulock**, as Child Advocates, to serve three-year terms (10/1/11 – 9/30/14).

[BC20110920DOC065](#)

14TH STREET WEST COMMUNITY REDEVELOPMENT AGENCY ADVISORY BOARD

Motion was made by Mr. McClash, seconded by Mrs. Hayes, and carried 7 to 0, to appoint **Karin S. Peters**, to the 14th Street West Community Redevelopment Agency Advisory Board for a three-year term beginning September 21, 2011.

[BC20110920DOC066](#)

SOUTH COUNTY COMMUNITY REDEVELOPMENT AGENCY ADVISORY BOARD

Motion was made by Mr. McClash, seconded by Mrs. Hayes, and carried 7 to 0, to reappoint **Timothy Sumey** and **Arnold M. Bush**, and to appoint **Kerry Kacherian** and **Earl Wilson**, to the South County Community Redevelopment Agency Advisory Board for three-year terms beginning September 21, 2011.

[BC20110920DOC067](#)

ECONOMIC DEVELOPMENT

Karen Stewart, Neighborhood Services Department, stated in 2009 Creonix LLC was brought before the Board as Project "Summer." It is anticipated the project will create 105 new jobs in the County over the next four years.

Ken Piela, Creonix LLC Chief Executive Officer, utilized a slide presentation outlining the history of Creonix LLC, which remained in Manatee County due to the economic incentive package and support. Business has doubled due to the purchase of a competitor and a \$2.4 million E Source contract. Company revenues will improve due to capital purchases, company re-certifications, employee training, and a strong sales and marketing team.

Discussion: Board should visit businesses yearly; promote local businesses on County website; Business Expo; training from Suncoast Work Force; Engineering, Technology, and Advanced Manufacturing courses at State College of Florida; etc.

[BC20110920DOC068](#)

ANNA MARIA ISLAND TURTLE WATCH

Charlie Hunsicker, Natural Resources Director, stated that wildlife and endangered species are impacted during the beach renourishment process. Federal and State requirements mandate the monitoring of species present before, during, and after the renourishment process.

Manatee County contributes to Anna Maria Island Turtle Watch to help with the necessary reporting services as mandated by State and Federal agencies.

Suzie Fox, Anna Maria Island Turtle Watch Director, thanked the County for installing lights at the Kingfish Boat Ramp. She reviewed a slide presentation detailing how County beaches are monitored by volunteers. Tourist and youth educational programs are provided including nesting beach tours and shore bird identification classes. Grant funding has been utilized.

[BC20110920DOC069](#)

Recess/Reconvene. All members present.

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

Sia Mollanazar, Public Works Department, reported that Highland Ridge, Oak Trace, and Wallingford subdivisions were constructed with right-of-way and tie-in plans for 44th Avenue East. Purchasers received the Notice to Buyer at the time of sale, and when joining the Homeowner's Association (HOA). Language included connection to 44th Avenue East, landscaping requirements, interneighborhood connection, and the County's responsibility to enforce the requirements. The Wallingford Notice to Buyer did not include landscaping language. The road design remains as presented by staff at the August 9, 2011, meeting.

Mr. Mollanazar stated a meeting was held with Florida Power and Light (FPL), the HOAs, and staff regarding landscaping, and it was decided that the County will install a hedge that will not intrude into the FPL easement. The County will water the hedge for the first 90 days, after which the HOAs will be responsible for watering and any costs. A traffic study completed in September 2011 indicated a 40-mph speed limit, and travel lanes 12 feet wide, as this is an arterial road. To change the lanes to 11 feet would require additional funds for redesign and would not conform to the other sections. Staff recommended the 12-foot design, as 11 feet would not conform to the remainder of the road. The County will relinquish 20 feet as the FPL easement is 18 feet wide (inclusive of a sidewalk), and the hedge is 2 feet wide. That land value is \$109,000 and engineering and construction costs are \$140,000, totaling \$250,000 to accommodate the neighborhoods.

Jim Rigo, representing Oak Trace and Wallingford, stated both communities will accept the landscape maintenance agreement. He requested a 35-mph speed limit and expressed concern regarding anticipated noise.

Norman Feig, Oak Trace HOA President, suggested bollards instead of reflectors and upgrading 45th Street East (from 44th Avenue East to S.R. 70) prior to finalizing 44th Avenue East. He requested a two-lane road with a 35-mph speed limit.

Sage Kamiya, Public Works Department, discussed slower speed limits on Honore Avenue.

Jim Minix, Chief Deputy County Attorney, stated it would be difficult to defend future litigation if an exception is made regarding reduction of the lane size.

Rodney Wade, Deputy County Attorney, stated there is no standard for roads to be 12 feet.

John Barnott, Building and Development Services Director, noted foliage modifications will be made regarding the design of the hedge.

Discussion: Existing right-of-way behind the hedge will not be used; reflectors or bollards; 45th Street East construction status; speed limits; liability; costs to redesign the road; lane width; Comprehensive Plan does not reference Green Book transportation design standards, Land Development Code cites standards; type of hedge; standard width of roads with bike lanes; consensus to change the road width to 11 feet and bike path to 5 feet with 35 mph; etc.

Motion was made by Mr. McClash to direct staff to redesign 44th Avenue with the speed limit initially at 35 mph, shift the road seven and one-half feet north and narrow the median as recommended, construct median openings as proposed with a stabilized sod at those intersections, prepare for execution of maintenance agreements with HOAs for landscaping maintenance in the rights-of-way, installation of a living wall with an equivalent of a Ficus hedge and also to stripe the roads to 11 feet lane widths with approximately a five-foot bike lane, which is the intent of the Board. Mrs. DiSabatino seconded the motion.

Mr. Mollanazar stated that staff's intent for the modifications were 2,000 feet from 30th Street East. Mr. McClash clarified that his intent was from 30th Street East to 45th Street East for the speed limit, and for the striping of the road. The shift of the lanes was only by the three subdivisions as proposed by Mr. Mollanazar, as are the HOA maintenance agreements. Mrs. DiSabatino agreed with the clarification.

Discussion: Not in public interest to reduce speed all the way to 45th Street East; staff is discussing 30th Street East to the end of Wallingford; etc.

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

[BC20110920DOC070](#)

TARA BOULEVARD BRIDGE – MEDIATED SETTLEMENT AGREEMENT

Mr. Wade stated the County has reached an agreement regarding Parcel 100 (3.86 acres) in the eminent domain case with Northern Capital Group. If the Board does not agree to the settlement, the case will move forward. The County appraisal is \$299,750, and the landowner's appraisal is \$1.975 million, with the discrepancy being the valuation date in the appraisals. After mediation, it was agreed the County would purchase the 3.6 acres for \$1.07 million and the remaining 22.5 acres for \$511,850. Additional costs include the landowner's fees and costs which are capped at \$60,000, and attorney's fees of \$96,975. An aerial of the additional acreage was displayed. After this purchase, the County will own all the land necessary for the Tara Bridge.

The Chairman read an email from the County Attorney addressing the action today. Mr. Minix stated the County has title to the property, and at issue is what the County will pay.

Cathy Woolley and **A. C. Boughton** opposed the settlement agreement.

Motion was made by Mrs. Hayes, seconded by Mr. Bustle, and carried 7 to 0, to approve the mediated settlement agreement with Northern Capital Group, the landowner of Parcel 100, for the total settlement of \$1,738,825 and adoption of the Budget Amendment Resolution **B-11-075** to provide financing of the settlement; and authorization for Finance to issue settlement checks payable to the Trust Account of Bingham Moore LLP, and Signature Title Company.

Discussion followed regarding the Tara Bridge.

[BC20110920DOC071](#)

(Note: Further discussion later in the meeting)

MANATEE ONE MITIGATION SITE – LAND DONATION

Charlie Hunsicker, Natural Resources Director, thanked Gulfstream Natural Gas System LLC for the donation of 199 acres. He explained the history of the pipeline and the environmental permit requirements for mitigation. He displayed a map of the donated land, just north of Piney Point. Millions of dollars have been spent to restore the property to pristine condition. Gulfstream also agreed to a one-time donation of \$50,000 to cover ongoing maintenance for the next three years. Gulfstream will construct a bat house to help with the mosquito population.

James Morris, Gulfstream Natural Gas System LLC representative, thanked the Board for their cooperation regarding the pipeline and requested the Board accept the donation. Motion was made by Mr. McClash and seconded by Mrs. DiSabatino, to accept 199± acres from Gulfstream Natural Gas LLC, for \$1.00, and \$50,000 for maintenance of the acreage. After discussion, the motion carried 7 to 0.

[BC20110920DOC072](#)

STREET VACATION – RICHLAND FARMS SUBDIVISION

Public hearing (continued from 8/23/11) 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 Mr. Chappie, and carried 7 to 0, to continue the public hearing for Resolution **R-11-019-V** to October 25, 2011, at 9:00 a.m.

[BC20110920DOC073](#)

STREET VACATION – TROPICANA MANUFACTURING, INC.

Public hearing (No Notice provided and continued from 3/29/11) was opened and continued pursuant to a request by the counsel for Tropicana Manufacturing Company, Inc.

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 7 to 0, to continue the public hearing for Resolution **R-10-101-V** on application by Tropicana Manufacturing, Inc., to vacate certain public rights-of-way on 12th Street Court East and 13th Avenue East to December 6, 2011, at 9:00 a.m., or as soon thereafter as may be heard.

[BC20110920DOC074](#)

FORENSIC MEDICAL EXAMS

Public hearing (Notice published) was held to consider an emergency request by Manatee Children’s Services, Inc., for additional funding in an amount not to exceed \$15,000 for the forensic medical exam program for the time period October 1, 2010 through September 30, 2011.

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

1. Execution of Amendment 1 to FY 2010-11 Non-Profit Agency Funding Agreement with Manatee Children’s Services for **Forensic Medical Examinations**; increase of \$15,000, adjusted total \$48,120; and
2. **Budget Amendment**
Community Services **B-11-073**

[BC20110920DOC075](#)

FINANCIAL ADVISOR SERVICES

Motion was made by Mr. McClash and seconded by Mr. Chappie, for execution of Addendum 1 to Agreement with Prager, Sealy & Co. LLC. Assignment of Financial Advisor Services from Prager, Sealy & Co. LLC to **MBS Capital Markets LLC**, and revising rate schedule; and authorize negotiations with underwriters Wells Fargo Bank, Citibank, and Morgan Keegan for refunding of 2003 Utility Bonds at a reduced interest rate.

Jim Seuffert, Financial Management Director, stated the executed agreement has not been received. He requested the motion state, “authorization to execute upon receipt of assignment agreement.”

Mr. McClash and Mr. Chappie agreed to the amendment, and the motion carried 7 to 0.

[BC20110920DOC076](#)

JOHN H. MARBLE CENTER

Discussion: Request received from Bible Baptist Church for a one-time repair to the air conditioner unit in the gym; costs of demolishing the building versus air condition repair; etc.

Motion was made by Mr. McClash and seconded by Mrs. Hayes, to authorize the County to repair the air conditioner unit at the John H. Marble Center at a cost not to exceed \$10,000.

Pastor Mark Campbell discussed the upgrades made to the facility and requested assistance in repairing the air conditioner unit.

Discussion: Air conditioner not working at time of Request for Proposal (RFP); non-profits that did not respond to the RFP due to the needed repairs; funding source for repairs; precedent; public purpose; County obligated to make repairs at Old Parrish Schoolhouse; lease agreement stated "as is"; condition of unit on date of possession; etc.

Charlie Bishop, Property Management Director, stated at the time of possession, County staff could have repaired the chiller for approximately \$6,000-\$8,000.

Tom Yarger, Property Management Department, stated it was disclosed that one of the compressors did not work, and staff was not instructed to repair it. The RFP contained "as is" language, and each party was urged to conduct an inspection.

Discussion: Lease brings no revenue; use Contingency Fund; volunteers raise repair funds; etc.

(Gavel to Mr. Chappie, presiding)

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

The motion **failed** 3 to 4, with Mr. Bustle, Mr. Chappie, Ms. DiSabatino, and Ms. Whitmore voting nay. [BC20110920DOC077](#)

(Ms. Whitmore presiding)

ELECTRIC VEHICLE CHARGING STATION

Mr. Bishop stated after due diligence he cannot support installing electric vehicle charging stations as discussed at the August 16, 2011, work session, due to the costs, liability, and contract defects.

Discussion: Charging stations are a Tampa Bay Regional Planning Council main initiative; electric companies underwriting costs in other counties; private/public partnership; at-home vehicle charging; questions regarding contract; Federal government "Green" funds; County would need funding amendment if item approved; incorporate into service stations; City of Bradenton will put one station in garage; etc.

Motion was made by Mr. McClash, seconded by Mrs. Hayes, and carried 7 to 0, to approve staff's recommendation against accepting the agreement (with Coulomb Technologies, Inc.) at this time. [BC20110920DOC078](#)

BUDGET RESOLUTION (Continued)

Jim Seuffert, Financial Management Director, stated Budget Resolution B-11-072 was needed to account for Sheriff's encumbrances, revenues, and reimbursements. Any reimbursements made to the County will go into the County's Budget Stabilization Fund. [BC20110920DOC041](#)

WEST COAST INLAND NAVIGATION DISTRICT (Continued)

Discussion: Funds expended on Longboat Key Fire Boat; different application process depending on available funding; consistency among counties on spending WCIND funds; sea grass in Coquina channel; Palmetto Boat Ramp renovations and parking spaces; email from City of Palmetto regarding Interlocal Agreement; etc. [BC20110920DOC046](#)

COMMISSIONERS' COMMENTS

Central Economic Development Council Contracts

Mr. Gallen requested an update on contracts with the Central Economic Development Council, Inc., for 14th Street West CRA and the South County CRA. [BC20110920DOC079](#)

Park Concurrency and School Property

Mr. Gallen questioned why schools lock their gates when their fields are used as parks.

Discussion: School Board requirements; etc. [BC20110920DOC079](#)

Criminal Nuisance Abatement Board

Mr. Gallen commented on the new Criminal Nuisance Abatement Board and hopes it will help with the local crime problem.

Discussion: Criminal activity; different than Code Enforcement; etc. [BC20110920DOC079](#)

Court Watch Program

Mr. Chappie noted Court Watch is in need of volunteers and recommended that the County publicize this need. [BC20110920DOC079](#)

County Commission Redistricting

Mr. Chappie announced an open house regarding redistricting maps on September 27th.

Discussion: Plan "C" indicates the Commissioners suggestions; criteria; etc.

Mrs. DiSabatino stated 34th Street West is a logical delineation for her district. [BC20110920DOC079](#)

Economic Development Council

Mr. Chappie stated a sports performance video previewing IMG Academies was shown at the Economic Development Council meeting. Manatee County should take advantage of the unique sports facilities.

Discussion: IMG and Manatee Fruit Company agreement regarding land; play video at Board meeting; approximately 600 employees; IMG received a Manatee County Economic Development Incentive Package; etc. [BC20110920DOC079](#)

One-Stop Center

Ms. Whitmore received a letter from the One-Stop Center requesting in-kind donations for birth certificates and bus passes to replace reduced funding. [BC20110920DOC079](#)

Legislative Platform

Ms. Whitmore received a telephone call from Governor Rick Scott's office apologizing for not responding earlier to a letter sent by the County regarding the Legislative Platform. [BC20110920DOC079](#)

Civic Center Renovations

Ms. Whitmore announced an open house for businesses and the public to view the renovations the first two weeks of January 2012. [BC20110920DOC079](#)

Transit

Ms. Whitmore stated the County now offers free transit for persons over 80 years of age. [BC20110920DOC079](#)

Bradenton Transition Center

Ms. Whitmore requested information on the Bradenton Transition Center.

Discussion: Types of residents living in the facility (men, women, children) and the length of time in residency; previously a half-way house; etc. [BC20110920DOC079](#)

Methadone Clinic

Ms. Whitmore requested information regarding the Methadone Clinic located in the Bayshore Promenade Shopping Plaza. [BC20110920DOC079](#)

Business Expo

Mrs. DiSabatino stated the Business Expo was a success and will be televised on METV. Ms. Whitmore stated there were job opportunities at the Expo. [BC20110920DOC080](#)

Cyclefest

Mrs. DiSabatino announced the Cyclefest will be held November 6th. [BC20110920DOC081](#)

Manatee Palms

Mrs. DiSabatino attended a meeting at Manatee Palms Group Home and noted staff is trying to give the facility a more "home like" feel. [BC20110920DOC082](#)

Children's Services Advisory Board

Mr. McClash suggested streamlining the application process for agencies which have received funding in prior years. [BC20110920DOC079](#)

"Buy Local"

Mr. McClash requested an agenda item to help local farmers and suppliers to collaborate with local businesses.

Discussion: Highlight local business on METV; sustainable growth; local farmers supplying the school system; incentive packages for businesses that support local products; etc. [BC20110920DOC079](#)

Tara Bridge Construction

Mr. McClash requested Board consensus regarding the Tara Bridge.

Mr. Chappie reviewed a written history of the bridge.

Discussion: Work session date; bring new members up-to-date regarding history of bridge; number of lanes; fire station constructed in anticipation of bridge construction; changes to Comprehensive Plan; motion regarding report on changing the number of lanes was not brought back; lane widths; MPO unfunded projects; additional bridge between U.S. 301 and Ft. Hamer Bridge; funds already expended on Tara Bridge design; pedestrian bridge incorporation; consensus is to keep the bridge on the MPO unfunded list; etc.

(Depart Ms. Whitmore; Mr. Chappie presiding)

Discussion: Preservation of the Braden River; sustaining the water supply; travel route required for EMS to respond to emergencies; no ambulance in the fire station until the bridge is built; etc. [BC20110920DOC071](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 3:44 p.m.
/vj/pk

Minutes Approved: November 3, 2011