

OCTOBER 11, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:00 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 Rev. Fidel Diaz, First Hispanic Baptist Church.

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of October 11, 2011, and agenda update memorandum.

[BC20111011DOC001](#)

EMPLOYEE OF THE MONTH

Gus DiFonzo, Utilities Department, presented the Employee of the Month award to **Jeanne Detweiler**, Solid Waste Coordinator, Utilities Department.

[BC20111011DOC002](#)

EMPLOYEE RECOGNITION

Tina Neri, Utilities Department, was recognized for placing first in the Telecom Division, and third in the Locate Division at the International Utility Locate Rodeo.

[BC20111011DOC003](#)

TRANSIT DIVISION MANAGER

Ron Schulhofer, Public Works Director, introduced **Carl Hunsinger** as the new Transit Division Manager for the Public Works Department.

[BC20111011DOC004](#)

PROCLAMATIONS

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

1. A Proclamation designating October/October 7, 2011, as Domestic Violence Awareness Month/Go Purple Day accepted by **Laurel Lynch** of Hope Family Services, and **Kathy Wilson** of Manatee Glens. [BC20111011DOC005](#)
2. A Proclamation designating October 10, 2011, as Put the Brakes on Fatalities Day. [BC20111011DOC006](#)
3. A Proclamation designating October 16-22, 2011, as Mediation Week accepted by **Walt Smith**, Trial Court Administrator, **Kim Miller**, Chief Deputy Court Administrator, **Michelle Artman-Smith**, Alternative Dispute Resolution Director, and **Susan Gardner**, Citizen Dispute Settlement Program Director. [BC20111011DOC007](#)
4. A Proclamation designating October/October 13, 2011, as National Vision Awareness Month/White Cane Day accepted by **Jennifer Bement**, Southeastern Guide Dogs, and **Kathy Salemi**, Florida Division of Blind Services. [BC20111011DOC008](#)
5. A Proclamation designating October 29-November 5, 2011, as Week of the Family accepted by **L. Ricardo Gonzalez** and **Melinda Brown**, The Church of Jesus Christ of Latter Day Saints. [BC20111011DOC009](#)

6. A Proclamation designating October 12, 2011, as Jamie Gregorich Day accepted by **Jamie Gregorich**. (Note: presentation later in meeting) [BC20111011DOC010](#)
7. A Proclamation designating October 11, 2011, as We The Kings Day accepted by band members **Travis Clark, Hunter Thomsen, Andrew Thomsen, and Danny Duncan**. (Note: presentation later in meeting) [BC20111011DOC011](#)

VETERAN'S MEMORIAL FLAGPOLE

Donald Courtney, Manatee County Veteran's Council Chairman, displayed two photographs of the deteriorating flagpole at the Veteran's Memorial. He thanked the Board for the donation to replace the flagpole and invited all to the Veteran's Day Service on November 11, 2011.

Discussion: No inspections on flagpoles; flags removed during severe weather; smaller pole to be installed; Veterans raised money for the replacement; installation next week; etc.

(Note: Item approved on the Consent Agenda)

[BC20111011DOC012](#)

NO KILL COMMUNITY

Leonard Krueger, Dennis Vitton, Mike Picchietti, and William Wheeler spoke in opposition to the No Kill Resolution (R-11-127 on Consent Agenda) noting feral cats are a nuisance and should not be neutered and returned to the communities; shelters will become overcrowded; the shelter on Lorraine Road is noisy; Manatee County could become a dumping ground for unwanted animals; and this should have full discussion as a regular agenda item.

Sue Kolze, Laurie Crawford, Ruth Eucker, Rebecca Neal, and Jean Peelen spoke in support of the No Kill Resolution noting the animals will be adopted; euthanasia costs will be eliminated; the feral cat population will be reduced; many animals will become companions for the elderly; and Manatee County will become the first No Kill County in Florida.

Discussion: Good statistics; 85 percent of sheltered animals remain alive, goal is 90 percent; no additional funding; trap, neuter, and release (TNR) program; release feral cats in communities that want them; address noise issues; some seniors depend on animals; no restrictions in agriculture areas; noise buffering; foster homes for animals; few other No Kill communities in America; Animal Services will begin scanning animals for chips and return them to their owners instead of impounding; etc.

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, to bring back concerns identified by Mr. Picchietti in the Lorraine Road area (noise from animal shelter).

(Note: Item approved on Consent Agenda)

[BC20111011DOC013](#)

CONSENT AGENDA

Motion was made by Mr. Bustle, seconded by Mrs. Hayes, 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. **Budget Amendment – B-12-007** (separate action); [BC20111011DOC014](#)
2. **Neighborhood Stabilization Program 3 (NSP3) Plan** with Harvest Tabernacle of Sarasota, Inc. (separate action); [BC20111011DOC015](#)
3. **Neighborhood Stabilization Program 3 (NSP3) Plan** with Village Group Partner's, Inc. (separate action); and [BC20111011DOC016](#)
4. **Surplus Equipment – Bus Shelters** (separate action). [BC20111011DOC017](#)

Items APPROVED:

CLERKS CONSENT CALENDAR

[BC20111011DOC018](#)

BONDS

Accept:

Sheriff's Public Employees and Deputy Sheriff's Blanket Bond (11 additions, 10 deletions).

[BC20111011DOC019](#)

REFUNDS

- Pierce Manufacturing, Inc. – Partial Refund for Road Impact Fees \$4,875.96
[BC20111011DOC020](#)
- Utilities Customer 53786-53587 – Refund/Fee Waiver (Duplicate Billing) \$1,355.65

WARRANT LIST

October 6, 2011 through October 10, 2011 [BC20111011DOC021](#)

MINUTES

September 6, 7, and 15, 2011 [BC20111011DOC022](#)

ACCEPT

1. **Eagle Pointe Community Development District** – Resolution 2011-06 Designating Dates, Time, and Location for Regular Meetings, FY 2011-12. [BC20111011DOC024](#)
2. **Greyhawk Landing Community Development District** – Resolution 2011-08 Adopting Annual Meeting Schedule for FY 2011-12. [BC20111011DOC025](#)
3. **Palma Sola Trace Community Development District** – Resolution 2011-09 Revising the Annual Meeting Schedule for FY 2011-12. [BC20111011DOC026](#)

Administrative Contract Adjustments (Pursuant to Resolution R-07-189):

65th Avenue West Storm Pipe Replacement – Adjustment 1 (Final) to Contract with Canio Construction LLC; decrease of \$36,715.37; adjusted total \$423,428.63. [BC20111011DOC027](#)

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

1. **17th Street West from Amberwynd Circle (West) to Emerson Point Trail, Snead Island – Asphalt Installation** – Contract with Woodruff & Sons, Inc., \$515,718.44; Performance Bond; Payment Bond; and Certificate of Liability Insurance. [BC20111011DOC028](#)
2. **Bennett Park – Habitat Restoration** – Agreement with Woodruff & Sons, Inc., \$622,990.52; Performance Bond; Payment Bond; and Certificate of Liability Insurance. [BC20111011DOC029](#)
3. **Hand Held Meter Reading System** – Addendum 5 to the Automatic Meter Reading Capabilities Agreement with Sunstate Meter & Supply, Inc., incorporating a revised Exhibit “3” Future Acquisition Pricing. [BC20111011DOC030](#)

APPROVE

EMS Billing Adjustments – August 2011 \$-3,080.60
[BC20111011DOC031](#)

COUNTY ADMINISTRATOR

2012 MEETING CALENDAR

Adopt Manatee County Board of County Commissioners 2012 meeting schedule.

TRAVEL AUTHORIZATION

1. Authorization for the County Administrator to travel out of the County to conduct business for and on behalf of Manatee County for FY 2011-12. [BC20111011DOC032](#)
[BC20111011DOC033](#)
2. **R-11-218** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING TRAVEL FOR THE BOARD OF COUNTY COMMISSIONERS FOR FISCAL YEAR 2011-2012. [BC20111011DOC034](#)
3. Authorization for the County Attorney to engage in travel associated with the conduct of County business in FY 2011-2012. [BC20111011DOC035](#)

PHARMACY BENEFIT

Approval of the 2012 Pharmacy Benefit Changes for the Your Choice Health Plan.

RETIREE MEDICAL PLAN

Approval of the 2012 Retiree Premium Rates for the Your Choice Health Plan and the Medicare Supplements. [BC20111011DOC036](#)
[BC20111011DOC037](#)

LAWSUITS

1. **17th Street West (Memphis Road)** – Approval of the settlement of expert fees and costs and all attorneys fees with **James Edward Jefferson**, one of the landowners of Parcel 136, in the eminent domain case of Manatee County v. Henry Lawrence, et al., Case 2008-CA-1398, \$18,875. [BC20111011DOC038](#)
2. **Jerry L. Herlong** – Approval of Settlement Agreement for Jerry L. Herlong v. Manatee County, Florida, Case 2010-CA-10224, \$90,000. [BC20111011DOC039](#)

EXCESS AUTO/GENERAL LIABILITY AND WORKERS COMPENSATION INSURANCE

Authorization for Risk Management to expend up to \$364,680 to renew expiring excess Auto/General Liability and Workers Compensation policies and to allow the County Attorney or his designee to sign the Uninsured and Underinsured motorist's rejection of coverage form. [BC20111011DOC040](#)

AGENCY FOR HEALTH CARE ADMINISTRATION

Ratify executed amendment to the September 6, 2011, Letter of Agreement (Low Income Pool program) with the Agency for Healthcare Administration (AHCA). [BC20111011DOC041](#)

VETERAN'S MEMORIAL FLAGPOLE

1. Authorization for contribution to the Manatee County Veteran's Council for a new Veteran's Memorial flagpole, \$5,000; and

2. **Budget Amendment**

Community Services Department

B-12-008

[BC20111011DOC012](#)

17TH STREET WEST, PALMETTO

Authorization for the County Administrator or his designee to execute Change Order 1 (final) to P0100377 with McLeod Land Services; decrease of \$97,834.58; adjust total \$3,344,988.04. [BC20111011DOC042](#)

BUDGET AMENDMENT

Various Departments **B-11-076**

Supporting Description and Detail Attached

[BC20111011DOC043](#)

BUFFALO ROAD

Authorization for the County Administrator or his designee to execute Change Order 1 (final) to P0100526 with City Excavating LLC, for the realignment of Buffalo Road; decrease of \$201,327.28, adjusted total \$1,347,556.44, and an additional 138 calendar days for revised a completion date of April 30, 2011. [BC20111011DOC044](#)

EL CONQUISTADOR PARKWAY

Award IFB11-1949DS El Conquistador Parkway Extension Phase II A to McLeod Land Services for a total base bid of \$2,224,427.61 (Option "B" 150 calendar days); and authorization for the County Administrator or his designee to subsequently execute contract with simultaneous dating of performance/payment bonds and acceptance of insurance certificate. [BC20111011DOC045](#)

CORRECTIONAL HEALTH CARE SERVICES

Execution of Addendum 5 to Correctional Healthcare Services Agreement with Prison Health Services, Inc., to incorporate a corporate name change to **Corizon Health Inc.**

EMPLOYEE HEALTH BENEFITS CONSULTING AGREEMENT

[BC20111011DOC046](#)

Authorization for the County Administrator or his designee to execute the Second Amendment to Employee Health Benefits Plan Benefits and Health Management Consulting Services Agreement with Third Party Benefits of Florida, Inc.; decrease of \$42,000, adjusted total \$2,048,904. [BC20111011DOC047](#)

DEEDS AND EASEMENTS1. **15th Street East at 51st Avenue East Right-of-Way**

a. Drainage Easement, Temporary Construction Easement, and Affidavit of Ownership and Encumbrances from Urban Car Wash No. 1 LLC; Joinder from Bank of the Ozarks; and Joinder from Cox Properties. [BC20111011DOC048](#)

b. Warranty Deed and Affidavit of Ownership and Encumbrances from John L. Legault; and Partial Release from Robert C. Rickards and Birgit A. Hesse-Rickards. [BC20111011DOC049](#)

2. **24th Street East Extension** – Quit Claim Deed from United States Postal Service. [BC20111011DOC050](#)3. **37th Street East** – Joinder from American Momentum Bank, as successor and interest to Landmark Bank of Florida for generator utility improvements (previously accepted Utility Easement from Westport Ventures LLC 9/20/11). [BC20111011DOC051](#)**STREET VACATION – PARADISE BAY ESTATES**

R-11-216-V A RESOLUTION DECLARING A PUBLIC HEARING ON DECEMBER 6, 2011, AT 9:00 A.M. OR AS SOON THEREAFTER AS POSSIBLE, ON APPLICATION BY PARADISE BAY ESTATES, INC., TO CONSIDER AN APPLICATION TO VACATE CERTAIN PORTIONS OF A

SUBDIVISION PLAT, PARADISE BAY ESTATES.

[BC20111011DOC052](#)

DISASTER PREPAREDNESS VIDEO

1. **R-11-214** A RESOLUTION AUTHORIZING THE MANATEE COUNTY BOARD OF COMMISSIONERS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE STATE COLLEGE OF FLORIDA, MANATEE-SARASOTA (SCF) TO DEVELOP A DISABILITIES PREPAREDNESS VIDEO; **and**
2. Execution of the Memorandum of Understanding with the State College of Florida, Manatee-Sarasota, \$7,000.

[BC20111011DOC053](#)

EMERGENCY MEDICAL SERVICES STUDENT CLINICAL AGREEMENT

Execution of Agreement for Student Clinical Practice with the School Board of Manatee County, Florida dba Manatee Technical Institute providing for student field internship with the Public Safety Department, Division of Emergency Medical Services.

NO KILL COMMUNITY

[BC20111011DOC54](#)

R-11-127 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, WHICH AUTHORIZES A PROGRAM FOR MANATEE COUNTY TO DO ALL IN ITS POWER TO BECOME A NO KILL COMMUNITY; PROVIDING A STRATEGIC PLAN TO SAVE MORE LIVES OF THE DOGS AND CATS IMPOUNDED AT ANIMAL SERVICES; PROVIDING AN EFFECTIVE DATE.

Dave Miner thanked the Board for adopting the No Kill policy.

[BC20111011DOC013](#)

EMERGENCY MEDICAL SERVICES - UNCOLLECTIBLE ACCOUNTS

R-11-206 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.

[BC20111011DOC055](#)

GAMBLE CREEK WATERSHED

Execution of the Second Amendment to the Cooperative Funding Agreement with Southwest Florida Water Management District (SWFWMD) to extend the completion date to October 1, 2012.

[BC20111011DOC056](#)

NON-AD VALOREM ASSESSMENTS

Authorization to set a public hearing on December 6, 2011, at 9:00 a.m., or as soon thereafter as possible to consider adoption of Resolution **R-11-215** declaring its intent to place road paving, sanitary sewer, stormwater, street lighting, canal dredging, drainage improvement, and landscape beautification projects on the tax bills as non-ad valorem assessments commencing in 2012.

[BC20111011DOC057](#)

SURPLUS EQUIPMENT

1. 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 therefore dispose of such property; [BC20111011DOC058](#)
2. **R-11-196** RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CLASSIFYING CERTAIN TANGIBLE PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING THE DONATION THEREOF PURSUANT TO *SECTION 274.05, FLORIDA STATUTES*
(Chevy Truck to the **Humane Society at Lakewood Ranch**).

[BC20111011DOC059](#)

(End Consent Agenda)

TRAFFIC SIGNAL TRIGGERS

William Wheeler spoke of drivers being unaware of the magnetic devices under the asphalt that trigger the signals to change when a vehicle drives over them. He suggested infomercials, signs, or painting logos on the roadways to inform drivers where they must stop to trigger the traffic signal.

(Depart Ms. Whitmore; Mr. Chappie presiding)

Discussion followed.

[BC20111011DOC060](#)

REDISTRICTING

Dave Miner spoke of prior discussion on redistricting. He suggested forming an independent committee with members appointed by the Board of County Commissioners, the School Board, and the Supervisor of Elections.

(Enter Ms. Whitmore, presiding)

Discussion: Staff preparing maps; done by independent party; geographical lines; not splitting precinct boundaries; School Board to use the County Commission boundaries; equalizing populations; contiguous areas; demographic projections; square off districts; some precincts in Lockwood Ridge Road area; bring back on next agenda; etc. [BC20111011DOC061](#)

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Nick Baden commented on the State proposing to sell conservation lands, possibly the Terra Ceia Preserve. He requested sending a resolution to the Governor objecting to the sale of any Manatee County conservation lands, and questioned the designated zoning, and who holds the deeds. Terra Ceia is a good mitigation area for the expanding Port Manatee.

Discussion: If selling, County should have first option to lands acquired with public funds; add to legislative platform; etc.

(Note: More discussion under the 2012 Legislative Platform)

[BC20111011DOC062](#)

CONSTRUCTION TRADES BOARD

Motion was made by Mr. McClash, seconded by Mrs. Hayes, and carried 7 to 0, to reappoint **James Cook** to Lay Seat 8, (term to expire October 14, 2015) to the Construction Trades Board.

[BC20111011DOC063](#)

HOUSING FINANCE AUTHORITY

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 7 to 0, to adopt **R-11-212** RESOLUTION APPOINTING A MEMBER OF THE HOUSING FINANCE AUTHORITY OF MANATEE COUNTY, FLORIDA (Reappointing Hugh D. Miller for a term to expire October 31, 2015, and authorizing execution of a Certificate of Membership.) [BC20111011DOC064](#)

ORDINANCE 11-36 - FIREARM REGULATIONS

Public hearing (Notice published) was held to consider

ORDINANCE 11-036

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REPEALING ORDINANCE 84-19, CODIFIED AT ARTICLE I, CHAPTER 2-21 OF THE MANATEE COUNTY CODE RELATED TO TARGET PRACTICE RANGES; AND REPEALING ORDINANCE 81-9, CODIFIED AT ARTICLE V, CHAPTER 2-21 OF THE MANATEE COUNTY CODE RELATED TO CONCEALED PISTOL PERMIT; AND REPEALING SECTION 1-17-1 OF THE MANATEE COUNTY CODE REGULATING THE DISCHARGE OF FIREARMS ON ROADS, HIGHWAYS OR STREETS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

William Wheeler requested discussion on the Ordinance changes and rights of weapon owners.

Jim Minix, Chief Deputy County Attorney, explained the new Ordinance repeals three firearms Ordinances. State Legislation has amended the Firearm Statute to provide personal penalties on Commissioners for attempting to enforce those Ordinances.

Discussion: All firearm regulations now governed by State law; concealed weapons; practice ranges; discharge of firearms; State Statutes enforced by local law enforcement; etc.

Motion was made by Mrs. DiSabatino, seconded by Mrs. Hayes, and carried 7 to 0, to adopt **Ordinance 11-036** repealing Ordinances 81-9 and 84-19, and Section 1-17-1 of the Manatee County Code relating to the regulation and use of firearms and ammunition. [BC20111011DOC065](#)

ORDINANCE 11-37 – SEXUALLY ORIENTED BUSINESSES

Public hearing (Notice published) was held to consider

ORDINANCE 11-037

AN ORDINANCE PROVIDING FOR THE PARTIAL REPEAL OF ORDINANCE 05-21, AS TO SECTION 2-2.5-6 RELATING TO **LICENSING FEES FOR SEXUALLY ORIENTED BUSINESSES**; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Also submitted for adoption was Resolution

R-11-189 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING THE **RATES AND FEES FOR LICENSING SEXUALLY ORIENTED BUSINESSES** IN MANATEE COUNTY; MAKING RELATED FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Mrs. DiSabatino, seconded by Mr. Chappie, and carried 7 to 0, to adopt **Ordinance 11-037** repealing Section 2-2.5-6 of the Manatee County Code; and to adopt **Resolution R-11-189**. [BC20111011DOC066](#)

ORDINANCE 11-40 – RED LIGHT RUNNING

Public hearing (Notice published) was held to consider

ORDINANCE 11-40

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REPEALING CHAPTER 2-22, ARTICLE V, SECTIONS 2-22-70 THROUGH 2-22-74, MANATEE COUNTY CODE OF ORDINANCES, ENTITLED **RED LIGHT RUNNING**; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mrs. DiSabatino, seconded by Mr. Gallen, and carried 7 to 0, to adopt **Ordinance 11-40**. [BC20111011DOC067](#)

LDA-11-03 – MANATEE FRUIT COMPANY/CROSSROADS AND PENINSULA BAY LANDS

Public hearing (Notices published) was held to consider

APPROVAL OF LDA-11-03 RELATING TO MANATEE FRUIT COMPANY'S CROSSROADS AND PENINSULA BAY LANDS; RECOGNIZING PAST CONTRIBUTIONS OF RIGHTS-OF-WAY AND OTHER LANDS FOR ROAD PROJECTS BY THE APPLICANT; PROVIDING FOR FUTURE DEDICATIONS OF CERTAIN RIGHTS-OF-WAY AND OTHER LANDS FOR ROAD PROJECTS BY THE APPLICANT UPON REQUEST OF THE COUNTY; ALLOWING SUCH PAST AND FUTURE DEDICATIONS TO BE CREDITED TOWARDS PROPORTIONATE SHARE MITIGATION FOR THE PURPOSES OF MEETING TRANSPORTATION CONCURRENCY REQUIREMENTS FOR THE FUTURE DEVELOPMENT OF THE INCLUDED LANDS; RECOGNIZING ALTERNATIVELY THAT SUCH FUTURE CONTRIBUTIONS MAY BE ENTITLED TO AN AWARD OF IMPACT FEE CREDITS IN ACCORDANCE WITH THE COUNTY'S LAND DEVELOPMENT CODE; AND ALLOWING THE APPLICANT TO UTILIZE PROPORTIONATE SHARE MITIGATION AS A MEANS TO MEET TRANSPORTATION CONCURRENCY REQUIREMENTS AT THE TIME THE INCLUDED LANDS ARE TO BE DEVELOPED. THE LANDS INCLUDED ARE: (I) APPROXIMATELY ONE THOUSAND FOUR HUNDRED TWENTY-TWO (±1,422) ACRES OF REAL PROPERTY LOCATED IN UNINCORPORATED MANATEE COUNTY, FLORIDA, AT AND NEAR THE INTERSECTIONS OF 75TH STREET WEST WITH CORTEZ ROAD AND 53RD AVENUE WEST; AND (II) APPROXIMATELY THREE HUNDRED TWENTY-SEVEN (±327) ACRES OF REAL PROPERTY LOCATED IN UNINCORPORATED MANATEE COUNTY, FLORIDA, ON THE NORTH SIDE OF CORTEZ ROAD AND SOUTH OF PALMA SOLA BAY. IN TOTAL, THE INCLUDED LANDS CAN BE DEVELOPED PURSUANT TO THE CURRENT ZONING AND WITHOUT ANY FURTHER SITE PLAN APPROVALS BY THE BOARD OF COUNTY COMMISSIONERS WITH A MAXIMUM OF NINE HUNDRED SEVEN (907) RESIDENTIAL UNITS FOR A CURRENT MAXIMUM GROSS DENSITY FOR THE INCLUDED LANDS OF 0.52 UNITS PER ACRE. THE CURRENT MAXIMUM PERMITTED HEIGHT FOR ALL USES ON THE INCLUDED LANDS IS THIRTY-FIVE (35) FEET.

Dan Schlandt, Deputy County Attorney, noted a full presentation was given on October 6, 2011, and the applicant will discuss the changes.

Caleb Grimes, representing the applicant, noted the change on Page 10, **Section 4.1.b** added that the right to move the facilities would be at the Grantors expense; **Section 4.2** added that impact fee credits would only be for lands that were truly dedicated and for which compensation was not previously given; the acreage in **Exhibit C** was decreased as reflected in **Section 4.1**; and **Exhibit D** has a new legal description, the 25-foot easement is now the same size as the ditch.

Mr. Grimes confirmed Manatee Fruit Company transferred lands to the County for the roundabout to widen El Conquistador Parkway right-of-way and to provide drainage easements. Values were not determined, but the dedications are recognized as impact fee creditable.

Discussion: Dedicated lands value; super impact fee; impact fees for Long Bar Pointe roadway; El Conquistador Parkway extension contract approved on Consent Agenda; etc.

Joe Shea, El Conquistador resident, spoke in opposition to the road projects and housing developments. He stated El Conquistador residents were not informed of these changes, and the land should be preserved.

Jim Germer inquired as to plans for the area around 53rd Avenue West and 75th Street West.

Discussion: Staff to update Mr. Germer; no projects approved, just future land use classification; public hearings required for approvals; future planning efforts for transportation concurrency; quarterly staff reports; keep low speed limit; no through truck traffic; will have bicycle lanes and sidewalks; easements on 53rd Avenue West; etc.

Based upon the evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mrs. DiSabatino moved to APPROVE LDA-11-03 for Manatee Fruit Company/Crossroads and Peninsula Bay Lands. The motion was seconded by Mrs. Hayes and carried 7 to 0. [BC20111011DOC068](#)

Recess/Reconvene. All members present except Mr. McClash.

JAMIE GREGORICH DAY (Continued)

Mr. Chappie read the Proclamation adopted earlier, and presented it to Ms. Gregorich, who thanked everyone for their support. [BC20111011DOC010](#)

(Enter Mr. McClash)

WE THE KINGS DAY (Continued)

A We the Kings music video was played and Ms. Whitmore presented the Proclamation adopted earlier in the day.

Travis Clark, Danny Duncan, Hunter Thomsen, and Andrew Thomsen thanked the Board and the community for all the support. [BC20111011DOC011](#)

BUDGET AMENDMENT B-12-007

Mr. Chappie questioned Item 8 (Sheriff General Fund) of the Budget Amendment regarding \$900,000 to renovate the former Merrill Lynch building for the relocation of Employee Health Benefits (EHB). He requested a work session with itemized renovation expenses.

Mr. McClash explained Ed Hunzeker, County Administrator, and Sheriff Brad Steube discussed the relocation/renovation options for evidence storage. The decision was made by the Sheriff regarding renovations to the DeSoto Center for evidence storage. Funding includes \$800,000 from the Sheriff from retirement savings realized in the fourth quarter of FY 2011; \$600,000 returned by the Sheriff and carried forward from FY 2010; and \$1,010,000 from balances in Law Enforcement Impact Fees.

Discussion: County funds that could be used elsewhere; building structure; EHB centrally located now; Sheriff functions; refrigerated evidence storage; cost breakdown; report from Property Management staff; future space problems; long term solution; etc.

Mr. Hunzeker explained renovations will be made to the DeSoto Center with all property and evidence to be housed there. EHB will move to the Merrill Lynch building. The Budget Amendment supplies funding information. No property taxes will be used, and impact fee funds are available, if needed. The Sheriff has indicated this is a high priority decision since current storage space is reaching capacity.

Discussion: Old jail not a good storage facility; EHB moved to DeSoto Center to be centrally located; have all Sheriff resources in one location; may need to keep jail; costs are estimates; future moves; elevator needed in Merrill Lynch building; downtown parking; etc.

Motion was made by Mr. McClash and seconded by Mrs. DiSabatino, to adopt Budget Amendment Resolution **B-12-007**.

Discussion: Staff will provide renovation schedule; cost efficiency; County owned space and property; time sensitive; square footage of all buildings; deciding factors; etc.

Sheriff Brad Steube pointed out the Board was given a presentation a month ago. If evidence is stored at the old jail, it would be placed on floors 2, 3, 4, and 5. Two of the floors need extensive work with costly demolition to open floor space. It would be difficult to house large items there, such as couches and riding lawn mowers, since they could not be moved in the elevators. It would be problematic to release large item evidence or rifle and gun collections to people who would have to carry them out through the Judicial Center.

Discussion: Relied on Sheriff's judgment; all information considered; responsibility for property and evidence; all money in reserves for property and evidence; direct discussion with Property Management; the money returned by the Sheriff goes back to him for needs; one time funds; least expensive option; jail renovations would take much longer than DeSoto Center; property and evidence should be under one roof with the Sheriff; Sheriff's Technology space at DeSoto Center is taken care of; etc.

(Gavel to Mr. Chappie, presiding)

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

The motion (to adopt Budget Resolution **B-12-007**) carried 5 to 2, with Mr. Chappie and Mrs. Hayes voting nay. [BC20111011DOC014](#)

(Gavel to Ms. Whitmore, presiding)

NEIGHBORHOOD STABILIZATION PROGRAM 3

Cheri Coryea, Neighborhood Services Director, explained the **Harvest Tabernacle of Sarasota, Inc.**, and **Village Group Partners, Inc.**, programs are a continuation of the Neighborhood Stabilization Program 1. The Department of Housing and Urban Development allocated \$2,989,704 for acquisition, rehabilitation, and disposition of foreclosed properties. These agencies are Community Housing Development Organizations that identify properties

that meet Federal guideline criteria. Each project will receive \$500,000, leaving a little less than \$2 million for the remaining time of March 10, 2011 through July 31, 2013. All projects are to be completed by March 4, 2014.

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, to authorize execution of the Neighborhood Stabilization Program 3 Developer Agreements with **Harvest Tabernacle of Sarasota, Inc.**, (\$500,000); and **Village Group Partners, Inc.**, (\$500,000).

[BC20111011DOC015](#)

[BC20111011DOC016](#)

SURPLUS EQUIPMENT – BUS SHELTERS

Ron Schulhofer, Public Works Director, explained 41 bus shelters have been removed and scrapped over the last three years. Most of the shelters were inferior products, and some were damaged from vehicle accidents. All have been replaced.

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

[BC20111011DOC017](#)

COUNTY ATTORNEY – SELECTION PROCESS

Mr. Bustle submitted a proposal for the selection of the new County Attorney to add to the two options proposed by Tedd Williams, County Attorney, in the Agenda Memorandum.
(Depart Mr. McClash)

Mr. Williams read Mr. Bustle's option, which would form an Advisory Committee to propose a process for the nomination, review, and selection of the next County Attorney upon his retirement in April 2012. He explained Option 1 would be to choose a successor from the existing County Attorney staff, and Option 2 would be to advertise in the Florida Bar News, which could result in a large number of applicants.

Mr. Bustle noted the five individuals he suggested to form the Advisory Committee have agreed to serve.

Discussion: Some may not apply for fear of losing current position; staff could also apply with Option 2; local attorneys interested; include a Judge in committee; open to State for better pool; may get too many applicants; Committee to determine process; etc.

Mr. Williams noted it may not be ethical for a Judge to be on the Committee. Applicants could be narrowed by qualification requirements, and most should be able to apply with their employer's approval instead of being fired.

Motion was made by Mr. Chappie and seconded by Mr. Bustle, to accept the County Attorney Selection Process Advisory Committee as proposed by Commissioner Bustle.

Discussion: Let Committee make recommendation; can start over if no satisfactory process recommendations; seven other attorneys in County Attorney's Office; Chief Deputy County Attorney in Deferred Retirement Option Program; Mr. Williams agrees with motion but did not recommend process in his options; will not exclude anyone; may accept, reject, or modify committee proposals; conflict of interest; peer review; why add step of forming committee; have County Attorney and County Administrator do process; etc.

The motion carried 4 to 2, with Mrs. DiSabatino and Mr. Gallen voting nay.
(Note: More discussion during Commissioners' Comments)

[BC20111011DOC069](#)

Recess/Reconvene. All members present except Mrs. Hayes and Mr. McClash.

PROPOSED ADDITION TO 2012 LEGISLATIVE PLATFORM

Sarah Schenk, Deputy County Attorney, spoke of a request to amend the Community Planning Act to revise the process by which administrative challenges to Comprehensive Plan Amendments are processed. A Recommended Order of an Administrative Law Judge should be consistent in being submitted to the State Land Planning Agency for issuance of a Final Order whether a Comprehensive Plan Amendment is in compliance or not, as the rule only applies to amendments in compliance. The Administrative Law Judge is required to submit the Recommended Order to the Administration Commission for final agency action if the amendment is found not in compliance. Lobbyist Cari Roth is of the opinion the Legislature will not delve into substantive amendments to the Growth Management Legislation during this session. It is recommended to wait and see what type of glitch bill the Legislature decides on rather than taking action today.

Following discussion, motion was made by Mr. Gallen to alert the League of Cities and the Florida Association of Counties as to the issue at hand, and potentially create glitch amendments to fix this Growth Management Act, if necessary. The motion was seconded by Mr. Chappie and carried 5 to 0. [BC20111011DOC070](#)

2012 LEGISLATIVE PLATFORM

Nick Azzara, Information Outreach Coordinator, spoke of previous Legislative Priority discussion and the early session in 2012. The language for Growth Management was created by the Chamber of Commerce and will be corrected. He noted working with Utilities Department staff to bring forward the idea of an Advisory Committee for Basin Boards.

Mr. Azzara also discussed Numeric Nutrient Standards, which is supportive of the Department of Environmental Protection efforts to create a scientific group of numeric nutrient standards in anticipation of the Environmental Protection Agency's deadline of March 2012. Manatee County supports legislation that enhances the collection of existing Tourist Development Tax revenue not currently remitted by online travel companies. The Florida Retirement System (FRS) reform issue opposes forfeiture of government savings realized from reduced employer contributions. Home Rule supports the Keep it Local Florida campaign composed of the Association of Counties, League of Cities, and the School Board Association, to preserve local control and ensure local taxpayers have the greatest say in how they are governed.

Discussion: Importance of water; growth management; Tampa Bay Regional Planning Council; state funding; grants; propose resolution to support regional planning councils; FRS savings helped lower millage rate; State structure for FRS; etc.

(Enter Mrs. Hayes during discussion)

Mr. Azzara noted Natural Resources Director, Charlie Hunsicker, met with the Commissioner of Agriculture regarding the Southwest Florida Water Management District (SWFWMD) lands (discussed earlier in the meeting), and they will work together on supportive language, and to determine how SWFWMD will analyze the lands for possible sale.

Discussion: Bring back for consent; move forward; County should manage lands; preserved lands; State or County titled land; should be in queue; etc.

Mr. Azzara discussed the Pretrial Release issue and noted the Bail Bonds industry has significant lobbying representation in Tallahassee suggesting legislation limiting the ability of local governments to offer pretrial remediation programs to keep inmates out of jail. Pretrial remediation would be a cost savings to taxpayers. He suggested inviting Sarasota County, Sheriff Brad Steube, the Clerk of Court, and the Safety Coordinating Council, for discussion during the Legislative Delegation meeting on October 27.

Discussion: Make position clear; reduce jail population; unite for strength on issues; etc.

[BC20111011DOC071](#)

COMMISSIONERS' COMMENTS

Travel

Mrs. DiSabatino questioned how many Commissioners will be traveling to Washington D.C. and Tallahassee this year.

(Depart Mrs. Hayes)

Discussion: Going as a group helps to be successful; fight for every dollar; receive more after face to face meetings; work with lobbyists; bring back recommendations for travel; etc.

[BC20111011DOC034](#)

Holiday Inn Sarasota Bradenton Airport

Mrs. DiSabatino submitted an email from Beverly Hunter, Holiday Inn Director of Sales, who noted the hotel is ranked number 2 in customer service out of 787 hotels in North America and Mexico, and ranked number 3 in the world.

[BC20111011DOC072](#)

Selection Process for New County Attorney (Continued)

Mrs. DiSabatino expressed concern that the approved Committee is made up of attorneys that may be in conflict with attorney applicants.

Discussion: Professionals; should not preclude anyone; only approved forming committee to bring back process within 30 days; etc.

[BC20111011DOC069](#)

Berth 12 Dredging

Mr. Bustle noted the mediation process for Port Manatee Berth 12 dredging will begin tomorrow.

[BC20111011DOC072](#)

Brazil Trade Mission

Mr. Bustle submitted an email sent to all Commissioners regarding the trade mission to Brazil. There are 167 listed for the trip, including Governor Rick Scott, the County Attorney, and four of the Port Director applicants.

[BC20111011DOC072](#)

Shark Attack

Ms. Whitmore commented that recognition should be given to the 911 operator who fielded the call for the shark bite victim off of Anna Maria Island.

[BC20111011DOC072](#)

Commissioner Salaries

Ms. Whitmore explained Commissioner's salaries are based on population and due to County growth they have been given a \$355 raise this year. She asked that her raise be returned and encouraged other Commissioners to do the same.

[BC20111011DOC072](#)

Ben Gullett Mullet Tournament

Ms. Whitmore attended the event, where the winner caught a 25-pound mullet. The Clam Factory on Cortez Road won the Privateers Bean Soup Contest.

[BC20111011DOC072](#)

Anonymous Mail

Ms. Whitmore displayed a flyer sent to her with a derogatory comment.

[BC20111011DOC072](#)

John H. Marble Community Center – Bible Baptist Church

Ms. Whitmore spoke of reviewing the item from the October 6, 2011m meeting and requesting legal review. Deputy County Attorney Rob Eschenfelder submitted a written review stating the Church understood the air conditioner was broken before the agreement was executed. She requested confirmation by County staff.

Mr. Hunzeker had confirmed with all staff involved that it was well known during the agreement process that the air conditioner did not work, and that information was conveyed to the Church.

Mr. Chappie read excerpts from the lease agreement for the Facilities Equipment Maintenance and Additional Improvements, and Obligations of the County that stated the Lessee was aware of the condition of the equipment, and the County had no obligation to make any repairs or improvements other than those listed in the agreement.

Mr. Gallen commented that the Church knew one compressor was inoperable, but the air conditioners were functioning. When the Church occupied the building, they found the air was not adequate and needed help with repair costs. A contract should have the meeting of the minds element, and this one did not.

Discussion: Good for community; funded bushes and plants for Anna Maria; changed contract; have many Change Orders; social services; many policy changes; written contract; cannot ignore process; many organizations need funding; reconsidering vote for Bible Baptist; etc.

Mr. Williams noted a principal of law called Res Judicata (the matter has been decided), which means when you lose a case you have to let it drop. [BC20111011DOC072](#)

South County Community Redevelopment Agency

Mr. Chappie submitted an email from Michael Neuges, Community Services Department, regarding South County programs funded by the Children's Services Dedicated Millage. Current funding is for the Boys and Girls Clubs and Manatee Family YMCA at Harlee Middle School; the Manatee Family YMCA Summer Programs at Daughtrey Elementary School; and the Manatee Family YMCA Pride Park Gang Prevention Program.

Discussion: Organizations to help children; school programs; Bible Baptist programs on weekends and evenings for teens; funding air conditioner repair keeps programs running; consider CRA funding to partner more with Harlee and Daughtrey School Programs; transportation help; utilize school portable buildings; could reconsider vote to fund air conditioner repairs; Jerry Parrish paid by YMCA; County funds CRA law enforcement program; precedent for other non-profit agencies seeking money; etc. [BC20111011DOC072](#)

Palmetto Community Meeting

Mr. Gallen noted a meeting will be held on October 20, 2011, at the Palmetto Youth Center from 6:00 to 8:00 p.m., to discuss community issues and concerns. [BC20111011DOC072](#)

Groover's Market

Mr. Gallen stated the legal process for the Administrative Hearing is moving forward slowly. There are bankruptcy and foreclosure claims on the property as well as the County's nuisance claim. [BC20111011DOC072](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 4:19 p.m.
/vj/mr

Minutes Approved: December 6, 2011