

OCTOBER 25, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:02 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 Chaplain Paul Scheele, Water's Edge Community.

All witnesses and staff giving testimony were duly sworn.

#### AGENDA

Agenda of October 25, 2011, and agenda update memorandum.

[BC20111025DOC001](#)

#### PROCLAMATIONS

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

1. A Proclamation designating October 23-31, 2011, as National Red Ribbon Week was accepted by **Rachelle Madrigal**, Manatee County Substance Abuse Coalition and **Tonya Bloome**, DeSoto Young Marines.
2. A Proclamation designating November 2011, as Pancreatic Cancer Awareness Month.

[BC20111025DOC002](#)

[BC20111025DOC003](#)

#### SUNCOAST WORKFORCE

**Leslie Loveless**, Chief Administrative Officer of the Suncoast Workforce, utilized a slide presentation and video (on file) to discuss the Suncoast Workforce, job seeker services, business services, special initiatives, and the Empowerment Project. The Empowerment Project is a pilot project funded by the Department of Economic Opportunity to provide workforce services to survivors of domestic violence.

Discussion: Services for employers and employees; many employers were unaware of the services; battered women and their children have to go to shelters in Sarasota County due to the lack of shelters in the area (discussed at METV seminar on 10/14/11); County works with Suncoast Workforce and the Economic Development Council; One Stop Center is under Suncoast Workforce; etc.

[BC20111025DOC004](#)

#### LAKE ERIE COLLEGE OF OSTEOPATHIC MEDICINE (LECOM) - SCHOOL OF DENTAL MEDICINE

**Dr. Francis Curd**, Assistant Dean of Clinical Education, displayed a slide presentation to highlight the goals of the dental school, patient services to be provided by dental students, estimated annual economic impact, facility expenditure and yearly operating costs, and the site plan. He discussed the economic and employment impacts on the greater Bradenton area and the State of Florida. Extending the Manatee County Area Transit (MCAT) bus route from S.R. 64 to Lakewood Ranch Boulevard would benefit students.

Discussion: Funding to extend the bus route; will dental students assist at the One Stop Center; will the dental school accommodate those without insurance; report on how much the County currently spends on indigent care; morning and afternoon express bus; the State has tentatively approved the transit grant for 2015; the dental school opens on July 25, 2012; etc.

(Depart Mr. McClash)

**Dr. David Reid**, Keiser College, expressed his support of LECOM’s efforts to improve mass transit in the area. In order for students to be successful, public transportation is needed.

Discussion: Rural Health Services; One Stop Center can work with Sarasota County regarding transit; 2015 grant will have conditions; funding for maintenance; etc. [BC20111025DOC005](#)

(Enter Mr. McClash)

**CONSENT AGENDA**

Motion was made by Mrs. DiSabatino, seconded by Mr. Chappie, and carried 7 to 0, to approve the Consent Agenda incorporating the language in the recommended motions in the agenda memoranda (as may have been amended in the supplemental agenda) with deletion of the **Interlocal Agreement** with the City of Bradenton for the use of reclaimed water in the Evers Reservoir Watershed (deferred to 11/8/11). Items APPROVED: [BC20111025DOC006](#)

**CLERK’S CONSENT CALENDAR**

[BC20111025DOC007](#)

**BONDS**

**Bunker Hill Community Park**

**Release** Performance Bond (Surety Bond 09025136 and any associated rider[s]), \$90,000. [BC20111025DOC008](#)

**Heritage Harbour, Phase I, Subphase F, Units 1, 2, and 3**

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Final Lift of Asphalt, \$262,927.28.
2. **Accept** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Lennar Homes LLC – Final Lift of Asphalt; **and** Performance Bond (Amendment 7 to Letter of Credit FGAC-05253) extending the expiration date to December 28, 2012, \$262,927.28.

**Old Mill Preserve** (fka Jacklyn Oaks)

[BC20111025DOC009](#)

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Final Lift of Asphalt; **and** Performance Bond (Wire Transfer from Wachovia Bank), \$74,839.80.
2. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Replacement Trees; **and** Performance Bond (Wire Transfer from Wachovia Bank), \$10,295.88.
3. **Release** Agreement Warranting Required Improvements; **and** Defect Security (Wire Transfer from Wachovia Bank), \$141,902.40.
4. **Accept** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Taylor Morrison of Florida, Inc. – Final Lift of Asphalt; **and** Performance Bond (Surety Bond 1070976), \$74,839.80.
5. **Accept** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Taylor Morrison of Florida, Inc. – Replacement Trees; **and** Performance Bond (Surety Bond 1070977), \$10,295.88.
6. **Accept** Agreement Warranting Required Improvements with Taylor Morrison of Florida, Inc.; **and** Defect Security (Surety Bond 1070978), \$141,902.40. [BC20111025DOC010](#)

**REFUNDS**

Barnes, Walker, Goethe, and Hoonhout – Overcharge/CLOS	\$2,150.00
SMR North 70 LLC – Overcharge/Cypress Banks	\$1,050.00

SMR North 70 LLC – Overcharge/University Lakes	\$1,050.00
SMR North 70 LLC – Overcharge/Lakewood Centre	\$1,050.00
SMR North 70 LLC – Overcharge/Northwest Sector	\$1,050.00

**WARRANT LIST**

October 11, 2011, through October 24, 2011

[BC20111025DOC011](#)  
[BC20111025DOC012](#)

**ACCEPT**

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

**Manatee County Convention Center – HVAC and Control Replacement Project** – Adjustment 1 to Contract with Air Mechanical & Service Corp.; increase of \$11,133, adjusted total \$1,707,406.93; and an additional 18 calendar days for a revised completion date of September 30, 2011.

[BC20111025DOC013](#)

1. **Satellite Lift Stations – 2010 Emergency Generators/Group 3** – Adjustment 1 to Contract with Henriquez Electric Corporation; increase of \$4,024.02, adjusted total \$252,864.02.

[BC20111025DOC014](#)

2. **Southwest Water Reclamation Facility – Reclaimed Water Automation** – Adjustment 1 to Contract with Brandes Design-Build, Inc.; increase of \$47,513.56, adjusted total \$1,801,513.56; and an additional 30 calendar days for a revised completion date of November 14, 2011.

[BC20111025DOC015](#)

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

1. **Coral Shores Canal Dredging** – Change Order 1 to Contract with Custom Built Marine Construction, Inc.; increase of \$130,537.50, adjusted total \$851,797.50.

[BC20111025DOC016](#)

2. **United Kingdom Marketing and Representation Services** – Addendum Nine to Agreement with GOSH PR for a six-month extension (10/1/11-3/31/12), not to exceed \$35,817.

[BC20111025DOC017](#)

**AUTHORIZE CHAIRMAN TO SIGN**

**Partial Release of Special Improvement Assessment Lien:**  
Project 5288

[BC20111025DOC018](#)

**COUNTY ADMINISTRATOR**

**ORDINANCE 11-045 – FIRE MARSHAL APPEALS BOARD AND THE FIRE PREVENTION CODE ENFORCEMENT BOARD**

Authorization to publish a Notice of Public Hearing on Ordinance 11-045 to sunset the Fire Marshal Appeals Board and the Fire Prevention Code Enforcement Board.

**ORDINANCE 11-047 – PAIN MANAGEMENT CLINICS**

[BC20111025DOC019](#)

Authorization to publish a Notice of Public Hearing on Proposed Permanent Ordinance 11-047 regarding the Licensing and Registration requirements of Pain Management Clinics.

[BC20111025DOC020](#)

**LAWSUIT – YOUMANS V. MANATEE COUNTY**

Approval of Mediated Settlement Agreement in the case of Dareki Daniel Youmans, as legal guardian of Arion Youmans, a minor, v. Manatee County, Case 2010-CA-6619, \$40,000.

[BC20111025DOC021](#)

**FINAL PLAT – CENTRAL PARK, SUBPHASE A-2B**

1. Final Plat;
2. Lot Drainage and Grading Plans;
3. Mortgagee's Joinder from FC LLC;
4. Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Central Park Lifestyles LLC – Final Lift of Asphalt; and Performance Bond (Surety Bond 5039901, Bond Safeguard Insurance Company), \$38,706.25;
5. Agreement for Final Wearing Course of Asphalt on Roadways with Central Park Lifestyles LLC; and
6. Supplemental Amendment to Declaration of Covenants, Conditions, and Restrictions for Central Park to add Subphase A-2B.

[BC20111025DOC022](#)

**FLORIDA FRIENDLY LANDSCAPING**

1. Accept funding, \$50,000, from Southwest Florida Water Management District to continue the current **Florida-Friendly Landscaping Coordinator Program**; and
2. **Budget Amendment**  
**Community Services**      **B-12-010**      [BC20111025DOC023](#)

**NON-PROFIT AGENCY FUNDING**

Execution of FY 2011-12 Non-profit Agency Funding Agreements with Manatee Glens Corporation for the following:

1. **Baker Act (Adult)**, \$514,745; **Rape Crisis (Adult)**, \$52,343;
2. **Inpatient Detoxification (Adult)**, \$346,158; **Outpatient Detoxification (Adult)**, \$114,942; and
3. **Baker Act (Youth)**, \$131,759      [BC20111025DOC024](#)

**BENNETT PARK**

Execution of Change Order Four (Final) with Holland Construction, which provides a final reconciliation changing the scope of work at Bennett Park with no additional cost to the project or calendar days to the construction schedule.

Discussion: Dog park; etc.      [BC20111025DOC025](#)

**SOUTHEAST WATER RECLAMATION FACILITY RECLAIMED WATER AUTOMATION**

Execution of Change Order 1 to T1100043 with Brandes Design-Build, Inc., for the **installation of a reclaimed water connection to the bio-solids dryer**; increase of \$22,163.10, adjusted total \$1,823,676.66; and an additional 28 contract days for a revised completion date of December 12, 2011.      [BC20111025DOC026](#)

**BUDGET AMENDMENTS**

1. **Various Departments**      **B-11-078**  
Supporting Description and Detail Attached      [BC20111025DOC027](#)
2. **Various Departments**      **B-12-009**  
Supporting Description and Detail Attached      [BC20111025DOC028](#)

**RED TIDE**

Execution of FY 2011-12 Agreement with Solutions to Avoid Red Tide (START) to provide funding for **red tide education and outreach**, \$9,500.      [BC20111025DOC029](#)

**WEST COAST INLAND NAVIGATION DISTRICT**

Authorization for the County Administrator to submit an application to West Coast Inland Navigation District (WCIND) for **two replacement outboard motors** for use by the Natural Resources Department; and execution of any subsequent agreements with WCIND (executed 10/26/11), \$26,000.      [BC20111025DOC030](#)

**LOCAL QUALIFIED TARGET INDUSTRY**

**R-11-219** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RESCINDING RESOLUTION R-07-178, AND FINDING THAT **“PROJECT LIBERTY”** IS 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 YEARS 2008-2009 THROUGH 2015-2016, AND PROVIDING FOR AN EFFECTIVE DATE.      [BC20111025DOC031](#)

**BUFFALO CREEK CONCESSION BUILDING**

Execution of License Agreement with Buffalo Creek Little League, Inc., for the **expansion of the concession building**.      [BC20111025DOC032](#)

**MANATEE COUNTY CENTRAL JAIL**

Execution of a Memorandum of Understanding (MOU) with the Manatee County Sheriff's Office; and authorization for the Parks and Recreation Department to **donate landscape maintenance equipment** to the Manatee County Sheriff's Office.      [BC20111025DOC033](#)

**MCLEWIS BAYOU**

Acceptance and execution of Sovereign Submerged Lands Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the conveyance of public access over State owned waters, known as McLewis Bayou, on Riverview Boulevard.      [BC20111025DOC034](#)

**STREET VACATIONS**

1. **R-11-223-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 SUN HYDRAULICS CORPORATION TO VACATE CERTAIN IMPROVED RIGHTS-OF-WAY OF **PENNSYLVANIA COURT**, A 50-FOOT-WIDE RIGHT-OF-WAY DEDICATED BY THE PLAT OF UNIVERSITY PARK OF COMMERCE, A SUBDIVISION, SECTION THREE (PLAT BOOK 24, PAGES 121-125).  
[BC20111025DOC035](#)
2. **R-11-224-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 KENNETH L. AND SHARON E. THOMAS TO VACATE CERTAIN UNIMPROVED RIGHTS-OF-WAY OF **1ST AVENUE WEST AKA STEWART STREET**, A 25-FOOT-WIDE RIGHT-OF-WAY DEDICATED BY THE PLAT OF HARBOR CREST (PLAT BOOK 4, PAGES 79-79A).  
[BC20111025DOC036](#)

**UNCOLLECTIBLE EMS ACCOUNTS**

1. **R-11-220** 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.  
[BC20111025DOC037](#)
2. **R-11-222** 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.  
[BC20111025DOC038](#)

**BRADEN RIVER WATERSHED MANAGEMENT PROGRAM**

Execution of First Amendment to Cooperative Funding Agreement with Southwest Florida Water Management District, Sarasota County, and the City of Bradenton to extend the contract date to September 30, 2012.  
[BC20111025DOC039](#)

**COMMUNITY TRANSPORTATION COORDINATION**

Execution of 2012 Community Transportation Coordination Agreements with Transportation Management Services of Brevard, Inc., Manatee Glens, Anna Maria Community Center, Manasota ARC, Just for Girls, The Ride, Easter Seals, Meals on Wheels Plus of Manatee, Inc., Westside Group Home, and Suncoast Center for Independent Living, Inc., providers with **Manatee County Area Transit (MCAT)**.  
[BC20111025DOC040](#)

**49TH AVENUE DRIVE WEST**

Authorization to **install one speed table** on 49th Avenue Drive West, Bradenton, between properties 3203 and 3205.  
[BC20111025DOC041](#)

**SERVICE FEE WAIVERS**

Authorization to waive \$470 in service fees assessed to utility customer accounts for returned bank items.  
[BC20111025DOC042](#)

**DASHBOARD REPORTS**

Acceptance of the monthly Dashboard Report for September 2011.  
[BC20111025DOC043](#)

(End Consent Agenda)

**COMMISSIONERS' COMMENTS**

**Cathy Woolley** stated items discussed during Commissioners' Comments prevent public comment(s).

Discussion: Discuss the item and put on a future agenda; motions give staff direction; etc.  
[BC20111025DOC044](#)

**COMMISSION REDISTRICTING**

Karen Windon, Deputy County Administrator, submitted the 2011 Redistricting Proposal and proposed Commission Districts Plans C and D. An open house and a work session were held to allow public comment, and staff continues to solicit input on the process and maps. Ms. Windon thanked the Supervisor of Elections Office for their efforts throughout the process. The School Board voted to have the same districts as the Commission. *Chapter 124, Florida Statutes* regulates this process, and district populations should be equal. The difference between Plans C

and D is the impacts to Districts 2 and 5, which moves the area north of S.R. 64 and east of the Braden River from District 2 to District 5. The process must be completed in the odd numbered years, and the School District needs to adopt its boundaries by November 15, 2011.

Discussion: Land west of 45th Street East (Lockwood Ridge Road) should be incorporated into District 4, because it is built-out; County Attorney's office found one case history where future growth was considered into the redistricting process; should redistrict as growth occurs; portion of District 2 that should be in District 3 (precinct is split); clear district boundaries; District 2 north of the Manatee River should follow U.S. 41; District 2 should curve all the way to I-275 due to population but would affect precinct boundaries; etc.

**Bob Sweat**, Supervisor of Elections, confirmed he would like to align the voting precincts with Commission districts. Over 2,000 residents would be affected if the land west of 45th Street East (Lockwood Ridge Road) is incorporated into District 4. The precincts could be split between Districts 4 and 5; however, this would cause confusion.

Discussion: Splitting voting precincts; move precinct lines inside the geographic area to match Commission districts; difficulty finding new voting locations; 44th Avenue East should be one straight line; etc.

**Corie Holmes, Charles Smith**, Southern Christian Leadership Conference, and **Ruby Byrd**, concurred with Plan D. Concerns included ensuring the process is fair, federal rules and regulations are considered, and addressing the public before boundary lines are adjusted.

**David Miner** recommended the Board consider forming an Independent Boundary Committee, noting the November 15 deadline for the School Board is incorrect.

**Motion**

Mr. Chappie made a motion to move forward with proposed Commission District Plan D for the proper advertising and whatever is needed to bring it before the Board of County Commissioners for final approval. The motion was seconded by Mrs. Hayes.

Discussion: Commissioners' names next to their districts on the plans; a group of citizens can still make up a committee; not opposed to the independent opinion; district lines can be redone every two years; community involvement; etc.

**Motion - Amendment**

Mr. McClash moved to amend the motion to work with Mr. Sweat and County staff to see if the marked Area 1 on revised Plan D (west of 26th Street West and north of Manatee Avenue) could be squared off and eliminated from District 2 (added to District 3). The motion was seconded by Mr. Gallen.

**Motion - Failed**

Following discussion, the amendment **failed** 3 to 4, with Mr. Bustle, Mr. Chappie, Mrs. Hayes, and Ms. Whitmore voting nay.

**Motion - Amendment**

Mrs. DiSabatino moved to amend the motion to include the two areas marked 2 and 3 on revised Plan D (northwest and southwest of 45th Street East) in order to square off District 4. The amendment was seconded by Mr. McClash.

**Call the Question**

Following discussion, motion was made by Mr. Bustle, seconded by Mr. Gallen, and carried 7 to 0, to call the question.

**Motion – Failed**

Following discussion, the amendment **failed** 3 to 4, with Mr. Bustle, Mr. Chappie, Mrs. Hayes, and Ms. Whitmore voting nay.

**Original Motion – Call the Question**

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

**Motion – Carried**

The motion carried 6 to 1, with Mrs. DiSabatino voting nay.

Discussion: Approximately 24,000 people will have to change their districts vs. 16,000; will changes and community input be allowed at the School Board hearing on November 7, 2011; the public can email or call with their concerns; dissolution of minority voting rights; the recently passed State constitutional amendments requiring compactness do not apply to local Commission or School Board districts; etc.

Jim Minix, Chief Deputy County Attorney, reported the process is not final until the Board adopts a resolution. Tedd Williams, County Attorney, expressed concern about the Board wanting to make changes once the resolution, with metes and bounds description for the plans has been published.

Discussion ensued.

(Note: Further discussion under Commissioners' Comments)

[BC20111025DOC045](#)

(Depart Mr. Gallen)

**CONSTRUCTION TRADES BOARD**

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 6 to 0, to appoint **George "Bill" Tolson** to Commercial Pool Contractor – Seat 6, term to expire October 14, 2013.

[BC20111025DOC046](#)

**HISTORICAL COMMISSION**

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 6 to 0, to appoint **Bill Howard, Ray Lopez, Jr., Kimble (Gene) Martin, and John Stephens** to serve four-year terms beginning January 1, 2012.

[BC20111025DOC047](#)

(Enter Mr. Gallen)

**2012 LEGISLATIVE PLATFORM**

Mr. McClash stated it is anti-business to support online hotel taxes.

(Depart Mrs. Hayes)

Mr. McClash moved to adopt the Final 2012 State Legislative Platform with the elimination of the online hotel taxes. The motion **died** for lack of a second.

Motion was made to adopt the Final 2012 State Legislative Platform by Mr. Chappie, seconded by Mrs. DiSabatino, and carried 5 to 1, with Mr. McClash voting nay.

[BC20111025DOC048](#)

**2011 COUNTY HELD TAX CERTIFICATES**

Mr. McClash requested maps of the properties and questioned if the item is time sensitive.

(Enter Mrs. Hayes)

James Cooney, Deputy County Attorney, clarified the County is not taking deeds to the properties in question. Florida Statute requires the County to make the application for tax deeds for property with an appraised value in excess of \$5,000 for which the County has held the tax certificate for two years.

Following discussion, motion was made by Mr. McClash for the Chairman to sign the Notice to Proceed with application for tax deeds for the 126 properties identified by the Tax Collector in compliance with Rule 12D-13.060, Florida Administrative Code; and for authorization by the Board of County Commissioners for the payment of \$91,350, for the associated tax deed application fees in compliance with §197.502(3), *Florida Statutes* based on the information as provided on the record by Mr. Cooney and if there are changes the item be brought back to the Board. The motion was seconded by Mr. Chappie and carried 7 to 0, after Mr. Cooney confirmed the notification process for property owners is ongoing. [BC20111025DOC049](#)

**14TH STREET WEST COMMUNITY REDEVELOPMENT AGENCY ADVISORY BOARD**

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 7 to 0, to appoint **R. D. Smith, Barry Grooms, and Margaret Murray** to the 14th Street West Community Redevelopment Agency Advisory Board for three-year terms beginning October 26, 2011.

Discussion: Can Mr. Grooms serve on the Code Enforcement Board and the 14th Street West Community Redevelopment Agency Advisory Board simultaneously; etc. [BC20111025DOC050](#)

**SOUTH COUNTY COMMUNITY REDEVELOPMENT AGENCY ADVISORY BOARD**

Motion was made by Mrs. DiSabatino, seconded by Mr. Hayes, and carried 7 to 0, to appoint **Norm Luppino** to the South County Community Redevelopment Agency Advisory Board for a three-year term beginning October 26, 2011. [BC20111025DOC051](#)

**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 Mrs. DiSabatino, seconded by Mr. Gallen, and carried 7 to 0, to continue the public hearing on Resolution **R-11-019-V** to December 20, 2011, at 9:00 a.m. [BC20111025DOC052](#)

**ZONING**

Public hearing (Notices published) was held to consider **PDMU-92-01(G)(R13) SCHROEDER-MANATEE RANCH, INC.** AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RELATING TO LAND DEVELOPMENT, AMENDING STIPULATION Q.(1) OF ORDINANCE PDMU-92-01(Z)(G)(R12) AND AMENDING THE GENERAL DEVELOPMENT PLAN TO REALLOCATE 100 MULTI-FAMILY UNITS FROM PARCEL 53 TO PARCEL 15, 16,791 SQUARE FEET OF NON-RESIDENTIAL SQUARE FOOTAGE FROM PARCEL 15 TO PARCEL 4/5, AND 255 HOTEL ROOMS FROM PARCEL 15 TO PARCEL 4/5 AND AMENDING NOTE 2(E) REGARDING PARCEL 15; LOCATED AT THE NORTHEAST INTERSECTION OF THE UNIVERSITY PARKWAY AND I-75 INTERCHANGE, SOUTH OF S.R.70, NORTH OF UNIVERSITY PARKWAY, AND EAST OF I-75 TO THE CURRENT BOUNDARY AT THREE MILES EAST OF LORRAINE ROAD; THE PRESENT ZONING IS PDMU/WP-E/ST (4,101.2 ACRES); OTHER MINOR AMENDMENTS AS NECESSARY; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Planning Commission recommended APPROVAL.

(Note: Proof of Publication did not include general location and zoning details)

Mrs. DiSabatino inquired about the transition of uses and density in the area.

Katie LaBarr, Building and Development Services Department, explained the project density is analyzed at the preliminary and final site plan stages. The intensity and visual impacts will be reduced significantly with the request. The setbacks that would apply are provided on the general development plan. Details are not provided at this stage.



Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein Mrs. DiSabatino moved to ADOPT Manatee County Zoning Ordinance **PDMU-92-01(G)(R13)**; APPROVE the Revised General Development Plan; APPROVE the revisions to the stipulations; for a project that was previously granted Special Approval: (1) for a project in the Evers Reservoir Watershed; (2) a mixed-use project; and (3) a project adjacent to a perennial stream, as recommended by the Planning Commission. The motion was seconded by Mr. Chappie and carried 7 to 0. [BC20111025DOC053](#)

Recess/Reconvene. All members present.

#### ABANDONED FLOATING STRUCTURE

Mr. McClash requested staff review funds set aside for boat removal from the West Coast Inland Navigation District (WCIND).

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

1. Authorize the Chairman to submit a request to WCIND to use WCIND Countywide Navigation Improvement Funds for the complete removal and disposal of an abandoned two-story residential floating structure that is currently grounded and partially sunk under the I-75 bridge in the Manatee River, and authorization for the Chairman to execute the agreement with WCIND; **and**
2. **Budget Amendment**  
**Natural Resources**                      **B-12-012**

(Note: Further discussion later in meeting)

[BC20111025DOC054](#)

Recess/Reconvene. All members present.

#### SOLID WASTE RATES

Public hearing (Notice published) was held to consider

**R-11-221** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING REVISED RATES, FEES AND CHARGES FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES BASED ON FRANCHISE AGREEMENTS FOR UNINCORPORATED MANATEE COUNTY; REVISING DEFINITIONS; ESTABLISHING REVISED SERVICE RATES, FEES AND CHARGES; REVISING PROVISIONS FOR EXEMPTIONS; ESTABLISHING REVISED FEES AND CHARGES FOR PILOT PROGRAM; ESTABLISHING REVISED SPECIAL FEES AND CHARGES; ESTABLISHING REVISED SECURITY DEPOSITS; REVISING PROVISIONS FOR SERVICE REQUESTS; REVISING PROVISIONS FOR ROLL-OFF CONTAINER AND COMPACTOR SERVICE BILLING; REVISING PROVISIONS FOR DELINQUENT ACCOUNTS; REVISING MISCELLANEOUS PROVISIONS; PROVIDING DIRECTIONS REGARDING CODIFICATION; REPEALING AND SUPERSEDING PRIOR AND CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Bev Chiotti, Utilities Department Fiscal Service Manager, utilized a slide presentation to review: (1) proposed changes regarding tipping fees (none planned), (2) Waste Hauler Franchise Agreements, (3) 2011 index adjustments, (4) proposed monthly bill, and (5) tipping fee and rate comparisons.

Motion was made by Mr. Chappie, seconded by Mrs. DiSabatino, and carried 7 to 0, to ADOPT Resolution **R-11-221**. [BC20111025DOC055](#)

#### WATER/WASTEWATER RATES

Public hearings (Notice published) were held to consider

**R-11-208** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING REVISED POTABLE WATER, RECLAIMED WATER, AND

WASTEWATER RATES, FEES, AND OTHER CHARGES FOR FACILITIES AND SERVICES FURNISHED OR TO BE FURNISHED BY THE MANATEE COUNTY PUBLIC UTILITIES SYSTEM; ESTABLISHING REVISED DIRECT CONNECTION FEES AND CHARGES; ESTABLISHING REVISED SECURITY DEPOSITS; ESTABLISHING REVISED CONNECTION FEES; ESTABLISHING REVISED LINE FEES; ESTABLISHING REVISED LINE EXTENSION FEES AND CHARGES; ESTABLISHING REVISED FIRE SERVICE FEES AND CHARGES; ESTABLISHING REVISED UTILITY INFRASTRUCTURE FEES AND CHARGES; ESTABLISHING REVISED MISCELLANEOUS FEES AND CHARGES; ESTABLISHING REVISED MONTHLY RETAIL CUSTOMER BASE CHARGES; ESTABLISHING REVISED MONTHLY RETAIL QUANTITY RATES; ESTABLISHING REVISED WHOLESALE POTABLE WATER AND WASTEWATER RATES, FEES, AND CHARGES; PROVIDING DIRECTIONS REGARDING CODIFICATION; REPEALING AND SUPERSEDING PRIOR AND CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

and

**R-11-209** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING REVISED POTABLE WATER, RECLAIMED WATER, AND WASTEWATER RATES, FEES, AND OTHER CHARGES FOR FACILITIES AND SERVICES FURNISHED OR TO BE FURNISHED BY THE MANATEE COUNTY PUBLIC UTILITIES SYSTEM; ESTABLISHING REVISED DIRECT CONNECTION FEES AND CHARGES; ESTABLISHING REVISED SECURITY DEPOSITS; ESTABLISHING REVISED CONNECTION FEES; ESTABLISHING REVISED LINE FEES; ESTABLISHING REVISED LINE EXTENSION FEES AND CHARGES; ESTABLISHING REVISED FIRE SERVICE FEES AND CHARGES; ESTABLISHING REVISED UTILITY INFRASTRUCTURE FEES AND CHARGES; ESTABLISHING REVISED MISCELLANEOUS FEES AND CHARGES; ESTABLISHING REVISED MONTHLY RETAIL CUSTOMER BASE CHARGES; ESTABLISHING REVISED MONTHLY RETAIL QUANTITY RATES; ESTABLISHING REVISED WHOLESALE POTABLE WATER AND WASTEWATER RATES; FEES; AND CHARGES; PROVIDING DIRECTIONS REGARDING CODIFICATION; REPEALING AND SUPERSEDING PRIOR AND CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ms. Chiotti continued the slide presentation and highlighted the two-year rate proposal, financial results and outlook, fiscal review, proposed monthly bill, retail customer rates, proposed changes (reclaimed water rates), and wholesale customer rates.

Discussion: Capital Improvements Program funding; the County Administrator will send an email to the Commission regarding Utility Bonds amount that will be dropping off in 2014; cost of fluoridation; comments from the municipalities regarding wholesale customer rates; etc.

(Depart Ms. Whitmore during discussion; Mr. Chappie presiding)

Dan Gray, Utilities Director, expressed his appreciation for the support of staff.

**Motion – Resolution R-11-208**

Motion was made by Mrs. Hayes, seconded by Mr. McClash, and carried 6 to 0, to ADOPT Resolution R-11-208. Brief discussion ensued.

**Motion – Resolution R-11-209**

Motion was made by Mrs. Hayes, seconded by Mr. Bustle, and carried 6 to 0, to ADOPT Resolution R-11-209. [BC20111025DOC056](#)

**UTILITIES REVENUE REFUNDING AND IMPROVEMENT BONDS**

**R-11-225** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, SUPPLEMENTING RESOLUTION R-91-21, AS AMENDED AND SUPPLEMENTED (THE “ORIGINAL RESOLUTION”), FOR THE PURPOSE OF AUTHORIZING A SERIES OF PUBLIC UTILITIES REVENUE BONDS DESIGNATED AS PUBLIC UTILITIES REVENUE REFUNDING BONDS, SERIES 2011 IN THE AGGREGATE INITIAL PRINCIPAL AMOUNT OF NOT

EXCEEDING \$30,000,000, FOR THE PURPOSE OF PAYING AND DEFEASING IN WHOLE OR IN PART THE OUTSTANDING PUBLIC UTILITIES REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 2003, SUBJECT TO ACHIEVING THE REQUIRED ACCEPTABLE LEVEL OF SAVINGS; PROVIDING FOR THE TERMS AND PAYMENT FOR SAID BONDS; PROVIDING FOR THE RIGHTS, REMEDIES AND SECURITY OF THE HOLDERS OF SAID BONDS; PROVIDING FOR THE UNDERTAKING BY THE COUNTY REQUIRED BY RULE 15C-2-12 OF THE SECURITIES AND EXCHANGE COMMISSION; PROVIDING THE PARAMETERS BY WHICH THE FINAL TERMS AND OTHER DETAILS OF SUCH BONDS WILL BE ESTABLISHED; APPOINTING THE UNDERWRITERS; APPROVING THE FORM OF AND DELEGATING TO THE CHAIR OR ANY VICE CHAIRMAN THE AUTHORITY TO EXECUTE AND DELIVER A PURCHASE CONTRACT TO BE USED FOR THE NEGOTIATED SALE OF THE BONDS; APPOINTING A PAYING AGENT AND REGISTRAR; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT; APPOINTING AN ESCROW AGENT; AUTHORIZING THE REGISTRATION OF THE BONDS UNDER A BOOK-ENTRY SYSTEM; APPROVING THE FORM OF A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING THE ELECTRONIC DISTRIBUTION THEREOF AND APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND THE ELECTRONIC DISTRIBUTION THEREOF; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Jim Seuffert, Financial Management Director, reported on September 20, 2011, the Commission authorized staff to proceed with refunding a portion of Utility System bonded debt obligations issued in 2003. Estimated net present value savings are approximately \$1.2 million, which will be realized by reductions in annual debt service.

(Depart Mr. McClash during presentation)

Motion was made by Mr. Gallen, seconded by Mr. Bustle, and carried 5 to 0, to ADOPT Resolution R-11-225. [BC20111025DOC057](#)

**MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) PERMIT**

Bill Clague, Deputy County Attorney, explained the Florida Department of Environmental Protection (DEP) has proposed the issuance of a MS4 permit for the County that could create a fiscal impact. The County must file a petition for an administrative hearing to challenge the permit conditions by October 28, 2011.

(Enter Mr. McClash during presentation)

Rob Brown, Natural Resources Department, reported this the third phase of the National Pollutant Discharge Elimination System (NPDES) permit. Over time, the permitting has matured and become restrictive to the point that the draft MS4 permit is going to require the permittees (the County, the City of Palmetto, and Island Communities) to be more involved in the Total Maximum Daily Load (TMDL) process. TMDL is impaired waters that require management to return water quality to its designated use. The new criteria proposes that it will be the County's responsibility to perform assessments on all of the TMDLs within the County that do not have Basin Management Action Plans or improvement plans. In the rural communities, the County only owns or manages County roads and swales. Staff is concerned about the shift in requiring the permittees to take on DEP's responsibilities. Plans would have to be approved by DEP, and the approval strategies are questionable.

Charlie Hunsicker, Natural Resources Director, reiterated taking on the responsibilities of DEP will cost the County millions of dollars.

(Enter Ms. Whitmore, presiding)

Discussion: DEP has had the authority for permitting; implementing the TMDL process is based on Florida Statute; significant changes in the practices of DEP and conditions they put in the permit; report at a later date; engaging State and Federal delegation; Pinellas County has filed its petition; Florida Association of Counties; etc.

Motion was made by Mr. Chappie, seconded by Mr. Gallen, and carried 7 to 0, to authorize the County Attorney to file a petition for an administrative hearing regarding DEP's proposed MS4 permit for the County. [BC20111025DOC058](#)

### COUNTY ATTORNEY 27TH ANNUAL REPORT

Tedd Williams, County Attorney, presented his Annual Report reflecting the annual budget for FY 2011-12 is \$2,024,437, with a decrease of \$182,889 from the prior year. The Risk Management budget is \$8,551,375, which is \$35,317 less than the previous year's budget. Mr. Williams submitted a supplement to the Annual Report and recognized the efforts of his staff. [BC20111025DOC059](#)

### ABANDONED FLOATING STRUCTURE (Continued)

Mr. Hunsicker noted this is a floating structure, not an abandoned structure. The regulating ordinance and funding source is only for abandoned vessels. Funds to remove the structure will be drawn from the general fund Reserves for Contingencies and will be reimbursed by the WCIND. A vessel is defined as a navigational object with a registration and independent means of power. This structure has neither; therefore, staff was unable to remove it under the abandoned vessel statute or available funds. [BC20111025DOC054](#)

### COMMISSIONERS' COMMENTS

#### Sarasota/Manatee Metropolitan Planning Organization

Mr. McClash reviewed the Florida Department of Transportation (FDOT) five-year tentative work program. He expressed concern that FDOT wants to do a Planning Design & Engineering Report (PD&E) Study for Ellenton-Gillette Road (from 69th Street to Buckeye Road) when it is not consistent with the Long Range Transportation Plan (LRTP). He recommended using the \$1.6 million for the U.S. 301 Corridor Study (17th Street in Palmetto to 13th Avenue in Bradenton), which is consistent with the LRTP (see MPO Major Improvement Project Priorities list). The recommended motion to change the five-year work program was passed by the MPO contingent upon the Board's approval.

Discussion: Mobility Study; U.S. 301 Bridge lacks sidewalks and pull-out lanes; work program was introduced at the MPO, but the Board was not given the opportunity to comment on it prior to the MPO vote; spend the \$1.6 million on something more realistic; Fort Hamer Bridge will relieve the Desoto and U.S. 301 Bridges; study for Cortez Bridge; focus on one project; etc. [BC20111025DOC060](#)

#### Island Trolley

Mr. McClash requested clarification on the policy regarding Trolley passengers wearing shoes. [BC20111025DOC061](#)

#### Homestead Exemption

Mrs. DiSabatino reported the Florida Legislature passed an additional homestead exemption for active duty services members deployed in 2010, outside of the continental United States, Alaska, or Hawaii serving in Enduring Freedom, Iraqi Freedom, or New Dawn. Landowners who can establish residency on or before January 1, 2012, and have moved residences in Manatee County may now file for 2012 homestead exemption. [BC20111025DOC061](#)

#### Bradenton Transition Center

Mrs. DiSabatino visited the center (located west of U.S. 301 on 63rd Avenue East), for women with two years or less remaining on their jail sentences. [BC20111025DOC061](#)

#### 2011 Gulf Coast Cyclefest

Mrs. DiSabatino announced that the Sarasota Manatee Bicycle Club will be having the Cyclefest on November 6, 2011. [BC20111025DOC061](#)

**Port Manatee**

Mr. Bustle reported Maggie Mooney-Portale, Port Authority Attorney, is working on the draft contract for the Executive Director position and recommended comments or ideas be sent directly to her. The October 25, 2011, mediation meeting with CH2M Hill has been rescheduled to allow staff time to review documentation. [BC20111025DOC061](#)

**Pill Mill Legislation**

Ms. Whitmore noted a group from Sarasota County is proposing additional legislation requiring physicians or anyone dispensing medications report to the State and the County in which they practice. The County Attorney's Office has expressed reservations regarding the Ordinance.

(Note: Commissioners' Comments continued later in meeting)

[BC20111025DOC061](#)

**PALMETTO BOAT RAMP**

Ms. Whitmore submitted an email from Shirley Groover Bryant, Mayor of City of Palmetto, addressing the Interlocal Agreement with the City of Palmetto regarding parking access from the Downtown Palmetto Boat Ramp.

Discussion: Vehicles and boat trailers were towed from a private lot where people have been parking for years; County has no jurisdiction; the Palmetto Community Redevelopment Agency (CRA) is planning to purchase and redevelop two parcels located at the northwest corner of Eighth Avenue and Riverside Drive (Exhibit A); the interlocal agreement would allow the County to continue to maintain the boat ramp; signage; make this a priority; work session to review funding; Ms. Windon has been working with the City of Palmetto; the interlocal agreement has been reviewed by the County Attorney's Office; etc.

Motion was made by Mr. Chappie, seconded by Mr. Gallen, and carried 7 to 0, to authorize staff to work with the City of Palmetto and the CRA to bring something back for the Board to consider as soon as possible.

Discussion: The County will work with WCIND; Florida Boat Improvement Fund; etc.

[BC20111025DOC062](#)

**ISLAND PLAYHOUSE**

Mr. Chappie explained the Anna Maria Island Preservation Trust is applying for a matching grant from the Division of Historical Resources for a state marker for the Island Playhouse.

Motion was made by Mr. Chappie, seconded by Mr. McClash, and carried 7 to 0, for the Chairman to sign a Letter of Support for the application to the Division of Historical Resources for the State of Florida to obtain funds for a historical marker for the Island Playhouse.

[BC20111025DOC063](#)

(Depart Mrs. Hayes)

**COMMISSIONERS' COMMENTS** (Continued)

**Rocky Bluff Library**

Mr. Chappie noted the grand opening for the Rocky Bluff Library is November 15, 2011, at the former Roaring 20's location on U.S. 301 in Ellenton. [BC20111025DOC061](#)

**Junior Leadership Manatee**

Mrs. DiSabatino and Mr. Hunzeker attended the Junior Leadership Manatee Program regarding government and law enforcement on October 24, 2011. [BC20111025DOC061](#)

**City of Bradenton Beach Park**

Mr. Gallen congratulated Mr. Chappie on a park named after him in the City of Bradenton Beach.

[BC20111025DOC061](#)

**Ware's Creek Project**

Mr. Gallen requested extending the speaking time at the Ware's Creek ribbon cutting ceremony in order to accommodate all speakers.

Discussion: District Commissioners should be invited to speak; the Army Corps of Engineers are in charge of the ceremony; etc. [BC20111025DOC061](#)

**Human Rights Ordinance**

Mr. Gallen stated a group has presented a Human Rights Ordinance to him, and questioned if the Commissioners are in agreement to have the County Attorney's Office review the document.

Discussion: Right intentions, but could raise a number of issues; the ordinance proposes to provide protections to classes of people who are already protected and takes it a step forward; the County Administrator agrees with the Board's concerns; etc. [BC20111025DOC061](#)

**Community Park**

Mr. Gallen inquired about scheduling a work session for the 88 acres (aka Washington Park Borrow Pit), and requested that Pastor Ryan Livingston be invited to attend.

Discussion: Staff will update all of the work sessions between now and the end of the year; etc. [BC20111025DOC061](#)

**Commission Redistricting** (Continued)

Mr. McClash spoke with the School Board Superintendent who reported the November 15 deadline is not an absolute deadline. The School Board has the flexibility to continue a hearing to another date if deemed necessary, and recommended both Boards have a joint public hearing on redistricting. He requested the County Administrator work with the School Board and inform the Board by a memorandum.

Discussion: County Administrator will send the Board a report after speaking with the Superintendent; Plan D will be sent to the School Board for review; etc. [BC20111025DOC045](#)

**Nathan Benderson Park**

Mr. Chappie informed the Board that the Sarasota County Board of County Commissioners approved the next phase of Nathan Benderson Park (south of University Parkway near I-75).

Discussion: Staff is unsure of the impact to the County; the design of the commercial development on the site adjacent to the park; how the counties will jointly fund the corporation that will manage the rowing in both counties; agreements with the Pittsburgh Pirates will be forthcoming; etc. [BC20111025DOC061](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 3:50 p.m.  
/dev/qa

Minutes Approved: December 6, 2011