

## NOVEMBER 8, 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 (entered during meeting)

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 Bishop Mark Rice, Church of Jesus Christ of Later Day Saints

### AGENDA

Agenda of November 8, 2011, and agenda update memorandum.

[BC20111108DOC001](#)

### EMPLOYEE OF THE MONTH

Dan Gray, Utilities Director, presented the Employee of the Month award to **Tina Fletcher**, Utilities Department.

[BC20111108DOC002](#)

### FLORIDA MASTER NATURALIST

Brenda Rogers, Community Services Director, recognized **Christopher Abraham, Christine Callahan, Bruce Camardo, Daniel Charvat, Wayne Douchkoff, Chris Garber, Florence Grasso, Dorreen Irwin, Jerry Lavelle, Merrie Lynn Parker, Roy Chick Parker, Robert Rosas, Mary Sheppard, Diana Smith, and Melissa Snyder** for their successful completion of the Florida Master Naturalist Program.

[BC20111108DOC003](#)

### PROCLAMATIONS

Motion was made by Mr. Bustle, seconded by Mrs. Hayes, and carried 6 to 0, to adopt:

1. A Proclamation designating November 19, 2011 as Folk Art, Music and Mullet Day.  
[BC20111108DOC004](#)
2. A Proclamation designating November 11, 2011 as Veteran's Day accepted by **Donald Courtney**, Manatee County Veterans Council Chairman, and **Andy Huffman**, Veterans Services.  
[BC20111108DOC005](#)
3. A Proclamation designating November 8, 2011 as Vic and Faye Blackstone Day accepted by **Buddy Keen** and **Dana Parrish**.  
[BC20111108DOC006](#)
4. A Proclamation designating November 10, 2011 as HBA Leadership Day accepted by **Alan Anderson**, Home Builders Association.  
[BC20111108DOC007](#)
5. A Proclamation designating November 12-20, 2011 as Hunger and Homeless Awareness Week accepted by **Adele Erozer**, Community Coalition on Homelessness, and **Andy Guyre**, Community Services.  
[BC20111108DOC008](#)
6. A Proclamation designating November 14-19, 2011 as Farm City Week accepted by **Brenda Rogers**, Bradenton Kiwanis Club, and **Ralph Garrison**.  
[BC20111108DOC009](#)

(Enter Mr. McClash)

**Shirley Groover Bryant**, Mayor of Palmetto, spoke in support of the Proclamations, and **Jim Boyd**, State Representative, commented on the strong heritage of Manatee County.

**CONSENT AGENDA**

Motion was made by Mrs. DiSabatino, 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 the deletion of **Financial Reporting Guidelines** (deferred); **Reclaimed Water in Evers Watershed** (separate action); and **Lien Release** (separate action). Items APPROVED: [BC20111108DOC010](#)

**CLERKS CONSENT CALENDAR**[BC20111108DOC011](#)**BONDS****Buckeye Industrial Park**

**Accept** Amendment to Defect Security (Letter of Credit 400625000), **extending** the expiration date to April 5, 2012, \$142,097.19. [BC20111108DOC012](#)

**Country Meadows, Phase II**

**Release** Agreement Warranting Required Improvements - Infrastructure; **and** Defect Security (Surety Bond 533011S and any associated rider[s]), \$197,151. [BC20111108DOC013](#)

**Cypress Pond Estates**

1. **Release** Agreement Guaranteeing Completion of Required Improvements - Final Lift of Asphalt, \$56,096.30.
2. **Accept** Agreement Guaranteeing Completion of Required Improvements with Sugar Mill Developers LLC - Final Lift of Asphalt. This Agreement will be for a **one-year extension** (expiring 11/2/12) secured by a previously accepted Letter of Credit 2009-03, \$56,096.30.
3. **Accept** Amendment to Performance Bond (Letter of Credit 2009-03), **extending** the expiration date to November 2, 2012, \$56,096.30. [BC20111108DOC014](#)

**Lakewood Ranch Country Club Village, Subphase EE, Unit III-A**

1. **Release** Agreement Guaranteeing Completion of Required Improvements - Final Lift of Asphalt, \$23,159.50.
2. **Accept** Agreement Guaranteeing Completion of Required Improvements with Neal Communities Land Development, Inc. - Final Lift of Asphalt. This Agreement will be for a **one-year extension** (expiring 12/15/12), secured by previously accepted Surety Bond SU5024898, \$23,159.50.
3. **Accept** Verification Certificate for Performance Bond (Surety Bond SU5024898), \$23,159.50. [BC20111108DOC015](#)

**Lakewood Ranch Country Club Village, Subphase EE, Unit III-B-1**

1. **Release** Agreement Guaranteeing Completion of Required Improvements - Final Lift of Asphalt, \$32,760.
2. **Accept** Agreement Guaranteeing Completion of Required Improvements with Neal Communities Land Development, Inc. - Final Lift of Asphalt. This Agreement will be for a **one-year extension** (expiring 12/15/12), secured by previously accepted Surety Bond SU5024899, \$32,760.
3. **Accept** Verification Certificate for Performance Bond (Surety Bond SU5024899), \$32,760. [BC20111108DOC016](#)

**Marshall's Landing**

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements - Conservation Easement Signage, \$6,798.
2. **Accept** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Braden River Investments LLC - Conservation Easement Signage, \$6,798. This Agreement will be for a **one-year extension** (expiring 10/23/12) secured by previously accepted Surety Bond 1020050, \$6,798.
3. **Accept** Verification Certificate for Performance Bond (Surety Bond 1020050), \$6,798.
4. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements - Landscape and Irrigation, \$363,622.

5. **Accept** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Braden River Investments LLC - Landscape and Irrigation, \$363,622. This Agreement will be for a **one-year extension** (expiring 10/23/12) secured by previously accepted Surety Bond 1020051, \$363,622.
6. **Accept** Verification Certificate for Performance Bond (Surety Bond 1020051), \$363,622. [BC20111108DOC017](#)

**REFUNDS**

Benderson Development Co. LLC - Overpayment \$3,135.11

**WARRANT LIST**

November 3, 2011 through November 7, 2011 [BC20111108DOC018](#)  
[BC20111108DOC019](#)

**COUNTY ADMINISTRATOR**

**LAWSUITS**

1. **Ware's Creek - Canal Dredging**

a. RESOLUTIONS OF NECESSITY AND FOR EMINENT DOMAIN PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTION ACTIVITIES, WIDENING, DEEPENING, DREDGING, CLEARING AND SNAGGING OF THE BANKS, OR OTHERWISE IMPROVING THE WARE'S CREEK FLOODWAY AND STORM WATER IMPROVEMENT AREA AS PART OF THE WARE'S CREEK STORM WATER FLOOD CONTROL PUBLIC PROJECT IN MANATEE COUNTY, FLORIDA

**R-11-235 - Property Owner:** Airane St. Previl (Parcel E-138.2); and

**R-11-237 - Property Owner:** Daniel L. Fradley (Parcel E-142.2)

b. RESOLUTIONS AUTHORIZING USE OF "QUICK TAKING" CONDEMNATION PROCEEDINGS FOR THE PUBLIC USE AND PUBLIC PURPOSE OF CONSTRUCTION ACTIVITIES, WIDENING, DEEPENING, DREDGING, CLEARING AND SNAGGING OF THE BANKS, OR OTHERWISE IMPROVING THE WARE'S CREEK FLOODWAY AND STORM WATER IMPROVEMENT AREA AS PART OF THE WARE'S CREEK STORM WATER FLOOD CONTROL PUBLIC PROJECT IN MANATEE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

**R-11-236** (Parcel E-138.2); and

**R-11-238** (Parcel E-142.2).

[BC20111108DOC020](#)

2. **Evelyn Liberator v. Manatee County** - Authorization for the County Attorney's Office to settle the claim of Evelyn Liberator, and allow the County Attorney or his designee to execute all related documents, \$28,000.

[BC20111108DOC021](#)

**TAX DEED SALE**

Authorization for disbursement of surplus funds to Larry and Shirley Mattacchione from a Tax Deed Sale, \$6,473.78. [BC20111108DOC022](#)

**WARES CREEK STORM WATER IMPROVEMENT PROJECT**

1. **R-11-240** A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO ENTER INTO A TEMPORARY WORK AREA EASEMENT WITH U.S. DEPARTMENT OF THE ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT; and
2. Execution of Temporary Work Area Easement to U. S. Department of the Army Corps of Engineers, Jacksonville District, an agency of the United States Government.

**CHILDREN'S SERVICES DEDICATED MILLAGE**

[BC20111108DOC023](#)

Authorization to set a public hearing to allocate additional funds from the Children's Services Dedicated Millage to Manatee Community Action Agency, Inc., for **Whole Child Manatee**.

[BC20111108DOC024](#)

**CHILDREN'S SERVICES FUNDING**

Execution of FY 2011-12 funding agreements with the following non-profit agencies:

1. **Anna Maria Island Community Center**
  - a. **TLC (Time for Learning Creatively)/LEAD**, \$34,936;
  - b. **Family Foundations**, \$42,634;
  - c. **Responsible Educated Adolescents Can Help (REACH)/LEAD**, \$24,254;
2. **Big Brothers Big Sisters of the Sun Coast, Inc. - Site Based Mentoring**, \$30,319;

3. Boys and Girls Clubs of Manatee County, Inc.
  - a. **Dental Services**, \$13,110;
  - b. **Destination 4 Kids Program**, \$241,956;
  - c. **Manatee County Youth Commission**, \$11,212;
  - d. **Project Learn**, \$64,922;
  - e. **The Club at Southeast High School**, \$74,011;
  - f. **Smart Moves Program**, \$27,959;
  - g. **Teen Supreme Program**, \$69,986;
4. CareNet, Manasota Crisis Pregnancy Center, Inc. - Get REAL, \$21,743;
5. Children's Academy of Southwest Florida, Inc. - Comprehensive Pre-K, \$32,996;
6. Community Center for the Deaf and Hard of Hearing of Manatee & Sarasota, Inc. - The Bridge Program, \$12,071;
7. Community Haven for Adults and Children with Disabilities, Inc. - Children and Youth Services and Whole Child Project, \$70,324;
8. Early Learning Coalition of Manatee County - Early Care and Education, \$1,427,243;
9. Easter Seals Southwest Florida, Inc.
  - a. **Children's Therapy Center**, \$26,215;
  - b. **Project Rainbow Children's Respite Care**, \$27,994;
10. Educational Consultants Consortium, Inc. - Iron Sharpening Iron Program, \$53,544;
11. Family Creations, Inc. - Adoption Preservation Program, \$53,441;
12. Family Network on Disabilities Manatee/Sarasota, Inc.
  - a. **More Alike Than Different**, \$11,953;
  - b. **Manatee/Sarasota Respite Services**, \$19,262;
13. Family Partnership Center
  - a. **Parent Partner Program (PPP)**, \$23,000;
  - b. **Partners in Education and Support (PIES)**, \$48,000;
14. Family Resources, Inc.
  - a. **Family Resolutions**, \$19,551;
  - b. **Residential Shelter**, \$27,600;
15. Foundation for Dreams, Inc. - Dream Oaks Camp, \$75,696;
16. HOPE Family Services, Inc. - Children's Counseling Services, \$202,295;
17. Insight Counseling Services, Inc. - Sexual Offense and Abuse Rehabilitation (SOAR) Program, \$61,769;
18. Jewish Family and Children's Services of Sarasota/Manatee, Inc. - Safe Alternative to Out-of-School Suspension Program (SATOSS), \$44,509;
19. Keep Manatee Beautiful, Inc. - Adopt-A-Program(s), \$30,128; **Earth Day**, \$2,375; **Storm Drain Stenciling Program**, \$5,990; and **Program Coordination**, \$14,621;
20. Manatee Children's Services, Inc.
  - a. **Building Resiliency in Communities (BRIC) Program**, \$91,111;
  - b. **Crisis Intervention Specialist**, \$47,362;
  - c. **Emergency Foster Care Shelter and Group Homes**, \$129,985;
  - d. **Forensic Medical Examinations**, \$33,120;
  - e. **Grandparents as Parents**, \$49,094;
  - f. **K.I.D.S. Personal Safety Program**, \$67,576;
  - g. **Services to Children Abused by Non-Caregiver (SCAN)**, \$36,291;
  - h. **Sexual Abuse Treatment Program**, \$11,375;
  - i. **Teaching Respect and Understanding Through Healthy Relationships (TRUTH)**, \$149,159;
21. Manatee Community Action Agency, Inc.
  - a. **Collaborative Action Therapy for Children's Health and Well Being (CATCH)**, \$32,342;
  - b. **Healthy Families Manatee**, \$84,493;
  - c. **Home Instruction Program for Parents of Preschool Youngsters (HIPPY)**, \$38,722;
22. Manatee County Citizens Review, Inc. - Citizens Review Program, \$95,335;

23. Manatee County Family Young Men's Christian Association, Inc. (YMCA)
  - a. **Middle School Program**, \$185,822;
  - b. **Pride Park Juvenile Gang Intervention and Prevention**, \$53,116;
  - c. **School Age Child Care**, \$16,554;
  - d. **South Branch YMCA**, \$32,750;
24. Manatee County Girls Club, Inc. dba Just For Girls
  - a. **Assets for Life and Prevention Program (REAP)**, \$195,882;
  - b. **Girls Alternative Program for Success (GAPS)**, \$200,195;
  - c. **Stepping up to Success**, \$282,917;
25. Manatee County Health Department - PWA (People with AIDS) Speakers Bureau, \$7,172;
26. Manatee County Rural Health Services, Inc.
  - a. **Children's Dental**, \$81,334;
  - b. **Perinatology Services**, \$29,946;
27. Manatee Glens Corporation
  - a. **Adoption Preservation**, \$40,603;
  - b. **Youth Substance Abuse Outpatient/Teen Choice and Children's Community Action Team (CCAT)**, \$572,543;
  - c. **K.I.T.E. (Kids Intervention, Treatment, and Empowerment)**, \$56,096;
  - d. **Rape Crisis Child Advocacy Program**, \$30,939;
28. Meals on Wheels Plus of Manatee, Inc. - Emergency Family and Baby Baskets, \$26,496;
29. Manatee Educational Television Consortium (METV) - Programming, \$135,616;
30. Myakka City Community Center, Inc.
  - a. **Morning Care/After School Care/Camp Myakka Program**, \$71,254;
  - b. **Choices**, \$14,605;
  - c. **Project Smart**, \$16,547;
  - d. **Teen Club**, \$15,548;
  - e. **Youth Empowerment**, \$15,381;
31. P.A.C.E. Center for Girls, Inc. - Teen Pregnancy Prevention Project/Student Support/Ready or Not, \$186,137;
32. Palmetto Youth Center, Inc.
  - a. **Athletic Program**, \$6,741;
  - b. **Bridge to Next Step Program**, \$59,599;
  - c. **Foundation for Excellence Program**, \$123,246;
  - d. **Intervention/Positive Futures Program**, \$32,955;
33. Sarasota Manatee Association for Riding Therapy, Inc. - Therapeutic Horseback Riding, \$9,907;
34. School Board of Manatee County - It's Your Choice, \$279,715;
35. Tallevast Community Center, Inc. - After School Enhancement, \$41,985;
36. United Community Centers, Inc.
  - a. **B.A.S.E. (Before and After School Summer Enrichment)**, \$189,050;
  - b. **B.A.D. (Building Alternatives to Drugs)**, \$22,268;
  - c. **Peer Empowerment**, \$35,075;
  - d. **Cultural Arts and Physical Education**, \$14,192;
37. Volunteers Service of Manatee County, Inc. - Manateens, \$32,200. [BC20111108DOC025](#)

#### **NON-PROFIT AGENCY FUNDING**

Execution of FY 2011-12 funding agreements with the following non-profit agencies:

1. Catholic Charities Diocese of Venice, Inc. - Direct Assistance, \$5,933; **Families United**, \$24,538;
2. Community Center for the Deaf and Hard of Hearing of Manatee and Sarasota, Inc. - Community Access Program (CAP), \$28,913; **Community Advocacy and Resource Education (CARE)**, \$23,657;
3. Community Coalition on Homelessness, Inc.
  - a. **Transitional Development Program**, \$45,738; **Open Door Day Resource Center**, \$35,852;

- b. **One Stop Resource Center**, \$71,820; **Stand Down**, \$900;
- 4. Easter Seals Southwest Florida, Inc. – **Adult Day Training**, \$26,328;
- 5. Manasota Association for Retarded Citizens, Inc. – **Employment Services Program**, \$14,682;
- 6. Myakka City Community Center, Inc. – **Super Seniors and Special People**, \$13,301;
- 7. Suncoast Community Capital, Inc. – **Enterprise and Asset-Building Center**, \$10,418;
- 8. Volunteer Services of Manatee County, Inc. – **Volunteer Referral Services**, \$8,000;
- 9. We Care Manatee, Inc.
  - a. **Specialty Physician Service**, \$52,413;
  - b. **Pharmaceutical Program**, \$22,562; and
- 10. Women’s Resource Center of Manatee, Inc. – **Smart Women Program**, \$24,345.

**FOSTER CARE**

[BC20111108DOC026](#)

Execution of Amendment 5 to the Interagency Agreement with the Florida Department of Children and Families to access Title IV-E Federal fund reimbursement, \$81,134 (10/1/11-9/30/12). [BC20111108DOC027](#)

**BUDGET AMENDMENTS**

- 1. **Various Departments** **B-11-079**  
Supporting Description and Detail Attached. [BC20111108DOC028](#)
- 2. **Various Departments** **B-12-011**  
Supporting Description and Detail Attached. [BC20111108DOC029](#)

**UTILITIES AND PUBLIC WORKS ENGINEERING SERVICES**

Authorization for the County Administrator or his designee to execute Agreement with Carollo Engineers, Inc., for Utilities Engineer of Record, \$749,000. [BC20111108DOC030](#)

**JUDICIAL CENTER - CONCESSION SERVICES**

Authorization for the County Administrator or his designee to execute the Franchise License Agreement with Wild Monkey Gourmet, Inc., dba You’ve Been Served Café, to provide fresh food concession services. [BC20111108DOC031](#)

**IMPACT FEE CREDIT**

Execution of Credit Authorization CA-10-07(T) **and** Final Authorization of Transportation Credit for Property Reserve, Inc. for eligible right-of-way dedication for **Gateway North (aka Artisan Lakes)**, \$88,218.10. [BC20111108DOC032](#)

**PROFESSIONAL SERVICES FOR SURVEYING AND LAND/AERIAL MAPPING**

Execution of Addendum 3 to the Agreements with ZNS Engineering, George F. Young, Inc., and Hyatt Survey Services, Inc., for a one-year extension (12/16/11-12/15/12) and no fee increases in accordance with the same prices, terms, and conditions of the original agreements (12/16/08). [BC20111108DOC033](#)

**U.S. 41 - BROWNFIELDS COALITION GRANT**

Execution of Interlocal Agreements to Create and Administer a Brownfields Assessment Coalition with Sarasota/Manatee Metropolitan Planning Organization, Sarasota County, and the Cities of Palmetto, Bradenton, Sarasota, Venice, and North Port for a Brownfields Coalition grant. [BC20111108DOC034](#)

**HOUSING AND URBAN DEVELOPMENT GRANTS**

Execution of Community Development Block Grant (CDBG) B-11-UC-12-0018, \$1,392,655; and HOME Investment Partnerships Program Grant Agreement M11-UC120219, \$571,750. [BC20111108DOC035](#)

**ERIE ROAD INTERSECTION**

Execution of a Contract for Purchase of an Easement with Florida Power and Light Company, for the improvements at the intersection of 69th Street East and Erie Road, \$7,409. [BC20111108DOC036](#)

**DEEDS AND EASEMENTS**

- 1. **Lakewood Ranch Boulevard** – Conservation Easement and Affidavit of Ownership and Encumbrances from SMR North 70 LLC; and Consent and Joinder from Lakewood Ranch Stewardship District. [BC20111108DOC037](#)
- 2. **Technology Terrace** – Utility Easement and Affidavit of Ownership and Encumbrances from Stellaris LLC. [BC20111108DOC038](#)

LAW ENFORCEMENT SERVICES

Execution of Interlocal Agreements for law enforcement services for FY 2010-11 with:

1. City of Anna Maria at **Bayfront Park**, \$5,280; [BC20111108DOC039](#)
2. City of Holmes Beach at **Manatee Public Beach** and **Kingfish Boat Ramp**, \$10,000. [BC20111108DOC040](#)

RIVERVIEW BOULEVARD AT 47TH STREET NORTHWEST

Authorization for the installation of a multi-way stop on Riverview Boulevard at 47th Street Northwest. [BC20111108DOC041](#)

SURPLUS EQUIPMENT

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 authorize 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-11-230** – Computer and Office Equipment to **Reliable Business Solutions**;

**R-11-231** – Office Furniture to **Manatee United Methodist Church**; and

**R-11-234** – Computer Equipment to **United Community Centers, Inc.** [BC20111108DOC042](#)

BAYSHORE ON THE LAKES WATERLINE PROJECT

Award IFB 11-1897OV to Carl Hankins, Inc., for the installation of new 6- and 8-inch potable waterlines, \$1,905,472.15; and execute contract documents, payment/performance bonds, and Certificate of Liability Insurance. [BC20111108DOC043](#)

(End Consent Agenda)

AWARDS

**Ingrid McClellan**, Keep Manatee Beautiful, presented a Public Service Award and two Landscape Awards for achieving the Green Local Certification and using native and drought-tolerant plants at Robinson Preserve and Kingfish Boat Ramp. [BC20111108DOC044](#)

ORDINANCE 11-047 – PAIN MANAGEMENT CLINICS

**Ruth Lyerly**, **Rita Chamberlain**, and **Donna Vellenga**, Manatee S.O.L.V.E.; and **Kim Lott** and **Luz Corcuera**, Healthy Start, commented on the proposed Pain Management Ordinance 11-047, and requested the Ordinance contain stricter language.

(Depart Mr. Chappie)

Discussion: A closed pain management clinic was operated by a Board Certified physician; regulations based on number of prescriptions written per month; drug monitoring program; increase in birth of drug-addicted babies; limited funds for training; methadone clinic on U.S. 41; burden of legally operating physicians to increase regulations; use of electronic prescriptions; how were drugs acquired in recent fatalities; meet with Medical Society; physician responsibility to patients ensuring they do not become addicted; personal stories of drug overdose; etc.

Jim Minix, Chief Deputy County Attorney, gave a status report on Ordinance 11-047, and recommended a Work Session. [BC20111108DOC045](#)

CODE ENFORCEMENT BOARD

Motion was made by Mrs. Hayes, seconded by Mr. McClash, and carried 6 to 0, to reappoint **Scot Findlay**, **Joseph A. Formella**, and **Remonia J. Lewis** to the Code Enforcement Board.

(Enter Mr. Chappie)

**Nomination: Suzie Copeland** - by Mrs. Hayes.

Motion was made by Mrs. Hayes, seconded by Mr. Gallen, and carried 7 to 0, to appoint **Suzie Copeland** to the Code Enforcement Board.

A letter of resignation from Code Enforcement Board member, **Barry Grooms** was accepted.  
(Depart Mr. Gallen)

Motion was made by Mr. Bustle, seconded by Mrs. Hayes, and carried 6 to 0, to appoint **C. Howard Nelson, III**, as an alternate to the Code Enforcement Board. [BC20111108DOC046](#)

### SPECIAL MAGISTRATE

Motion was made by Mr. Bustle, seconded by Mrs. Hayes, and carried 6 to 0, to reappoint **Donald L. Courtney**, and to appoint **Paul E. Olah, Jr.** as Special Magistrates. [BC20111108DOC047](#)

(Enter Mr. Gallen)

### ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS AND WELLS

**Dr. Jennifer Bencie** and **Tom Larkin**, Manatee County Health Department, gave a presentation to review regulations for sewage treatment and disposal systems, and wells in Manatee County.  
(Ms. Whitmore absent for a portion of the presentation; Mr. Chappie presiding) [BC20111108DOC048](#)

### EVERS WATERSHED - RECLAIMED WATER

Mr. Gallen voiced his concerns in using reclaimed water, and requested information on the surface water monitoring program.

Kathleen Thompson, Building and Development Services Department, and Rob Brown, Natural Resources Department, discussed the history and benefits of reclaimed water in the Evers Watershed. Mr. Brown submitted a map and aerial of proposed reuse boundaries, and locations of surface water quality monitoring sites.

Discussion: Reclaimed water is used in areas of the County; County has a good policy for watershed protection; concern for contaminated build-up; loss of nutrients; there should not be any discharge in rivers or bays; grace period for administrative fines; homeowners not required to test or pump-out septic when property is transferred; inspection costs; preventive maintenance every three to five years; alternatives if septic is found not feasible; etc.

Motion was made by Mrs. Hayes and seconded by Mr. Bustle, to authorize execution of an Interlocal Agreement for Reuse of Reclaimed Water in the Evers Watershed. Following discussion, the motion carried 5 to 2, with Mr. Gallen and Mr. McClash voting nay. [BC20111108DOC049](#)

### LIEN RELEASE

Mrs. Hayes inquired about the process of paid lien releases coming before the County Commission for approval.

Dan Gray, Utilities Director, explained the execution of lien releases is an administrative process.

Motion was made by Mrs. Hayes and seconded by Mr. Gallen, to authorize the execution and release of liens of satisfaction of Time Payment Agreements with Allan W. and Barbara Ann Meyer; Luz and Rogelio Moreno; Dayana A., Mary L., and Christina C. Palomino; Ronald L. and Lisa D. Silvani; Stewart C. Thoreson; George B. and Loutreause M. Wallace; and Kenneth E. and Margaret C. Wyrick Trust.

Tedd Williams, County Attorney, explained that the authority to release the liens could be delegated by the Board.

Following discussion, motion carried 7 to 0.

Motion was made by Mrs. Hayes and seconded by Mr. Bustle, that the County Commissioners delegate to staff administratively, to approve automatically all satisfied liens without being brought back before the County Commission for approval.



Mr. Williams requested time to review the expressed language in order to prepare a resolution to change the procedure; therefore, Mrs. Hayes **withdrew** her motion and Mr. Bustle agreed.

Motion was made by Mrs. Hayes, seconded by Mr. Bustle, and carried 7 to 0, to direct the County Attorney to prepare a resolution with the effect of eliminating the step of bringing lien releases to the County Commission and delegating the processing to staff. [BC20111108DOC050](#)

**COMMISSIONERS' COMMENTS**

**Disciplinary Action Report – Manatee County School Board**

Mr. McClash submitted a copy of Manatee County's School Board Disciplinary Action Report, and voiced his concerns pertaining to schools being out half days on Wednesday.

Discussion: Hold a work session with the School Board; some disciplinary actions listed are considered petty; support of school volunteers; etc. [BC20111108DOC051](#)

**Visually Impaired**

Mrs. DiSabatino distributed information on the White Cane Law, and a new Florida license plate (Florida Vision), which benefits the blind and visually impaired. [BC20111108DOC052](#)

(Note: Commissioners' Comments continued later in meeting)

**RED LIGHT RUNNING PROGRAM**

Mr. Bustle voiced concern regarding pressure to eliminate the Red Light Running program, which involved much time and effort to create.

Motion was made by Mr. Bustle and seconded by Mrs. Hayes to request the County Administrator, within 30 days, to review the facts surrounding this development and bring back an assessment of alternatives for the successful implementation of Manatee County's Red Light Running Program.

Ed Hunzeker, County Administrator, stated the program, as it is structured, would cost the County money, noting the current vendor's contract was executed before the Legislature amended the statutes. If the program continues, the Board would have to appropriate funds to cover the costs.

Discussion: Terminate current vendor contract; six other cities are making money from the red-light running system; how are current citations issued; send out another Request for Proposal (RFP); vendors may be hesitant to respond to RFP; wait to see outcome of legislative session; City of Lakeland is not making money; Manatee County will not make money using its current vendor; need for another work session; what is being proposed in Tallahassee; look at other alternatives; bring back as an agenda item within next 30 days; etc.

Mr. Bustle **withdrew** his motion, and Mrs. Hayes agreed.

Motion was made by Mr. Bustle, seconded by Mrs. Hayes, and carried 7 to 0, to ask the County Administrator and County Attorney to bring back an agenda item to outline the short and long term plans for red light cameras, and recommendations on how to proceed based on the outcome of the legislative session. [BC20111108DOC053](#)

**COMMISSIONERS' COMMENTS** (Continued)

**Tourist Development Council**

Ms. Whitmore requested to continue as Chairman of the Tourist Development Council (TDC) for 2012.

Discussion: Place more focus on East Manatee; East Manatee needs representation; etc.

(Note: Commissioners' Comments continued later in meeting)

[BC20111108DOC053](#)

**COUNTY ATTORNEY SELECTION COMMITTEE**

Ms. Whitmore voiced concern on how the topic of the County Attorney Selection Committee was handled at the November 3, 2011 meeting.

Following discussion, a motion was made by Mr. Gallen and seconded by Mr. Chappie, to add Chip Rice back to the County Attorney Selection Committee.

Discussion: As former County Attorney he is knowledgeable of qualifications; the Selection Committee had a majority of attorneys; County Attorney's original option; function of the Selection Committee; etc.

Motion carried 6 to 1, with Mr. McClash voting nay.

[BC20111108DOC053](#)

**COMMISSIONERS' COMMENTS (Continued)**

**Chickens in Residential Areas**

Mr. Chappie stated the Commissioners were e-mailed a copy of Sarasota's and Palmetto's City Ordinances addressing chickens.

Discussion: Include Health Department in discussions; etc.

[BC20111108DOC054](#)

**Safe Neighborhood District**

Mr. Gallen voiced his concerns about crime in North Manatee. Per *Chapter 163, Florida Statutes*, if a plan is submitted to create a Safe Neighborhood District, the State of Florida will provide 100-percent funding. He is researching creation of a Safe Neighborhood District, and a Community Redevelopment Agency (CRA) in the Washington Gardens, Apollo Lake, and Memphis areas in Palmetto.

Discussion: Crime associated with alcohol; send Commissioners the information; creating a sub-Safe Neighborhood within a CRA; research cause(s) of crime(s); create a program allowing informants with personal knowledge to report felons owning guns; Crime Stoppers; etc.

[BC20111108DOC053](#)

**Manatee County Cub Scouts of America**

Mr. Gallen requested consideration of volunteering to host a Boy/Girl/Cub Scout troop.

Discussion followed.

[BC20111108DOC053](#)

**Business Registration License**

Mr. Gallen requested information from Cheri Coryea, Neighborhood Services Director, regarding Business Registration Licenses.

Discussion: Fee to cover costs of business data base; Occupational Licenses software; perception is the fee is a tax; use of the Utility system data base; pass Ordinance requiring sexually oriented businesses to register; penalizing professionals; costs of enforcement; etc.

[BC20111108DOC053](#)

**Brunch on the Bay**

Mrs. Hayes announced the Brunch on the fundraiser raised \$270,000 for scholarships for the University of South Florida at Sarasota-Manatee.

[BC20111108DOC053](#)

**Guardian Angels**

Mrs. Hayes announced the Guardian Angels dinner is this evening.

[BC20111108DOC053](#)

**Drug Testing**

Mrs. Hayes inquired about the legality of drug testing Manatee County welfare recipients.

Discussion: Issue with Civil Rights; etc.

[BC20111108DOC053](#)

**Utility Bonds**

Mr. Hunzeker announced the current price of Utility Bonds will result in a savings in excess of 40 percent more than anticipated. A report will be provided upon completion. [BC20111108DOC053](#)

**Meeting Procedures**

Mr. Williams reviewed procedures for governing meetings as set forth in Resolution [R-10-195](#), and the appropriate time and manner for Commissioners to ask questions.

Discussion: Notify Commissioners in advance of quasi-judicial matters; refer to the Land Development Code for a lists quasi-judicial items; amend agenda cover sheet to identify quasi-judicial topics; instructions on how to respond to public comments and/or questions regarding quasi-judicial matters; legislative vs. quasi-judicial; disclose public quasi-judicial conversations; educate public of general processes; conflict with receiving staff recommendations in quasi-judicial matters; recommendations by staff should be considered as advise; voicing opinion in advance provides the applicant and/or attorney information for rebuttal; staff appears to be an advocate for each cause; staff verifies if matter complies with the Comprehensive Plan; need for expert opinion; do not have a preconceived opinion until all parties have been heard; County Administrator instructed staff to provide the best possible recommendation; emphasis should be on current vs. Future Land Use; staff not being asked to change their opinion; the entire community needs to be considered when making decisions; staff gives their professional opinion and the Commissioners can disagree; continue with policy of receiving staff's recommendations; need to continue Future Land Use; rebuttals should be based on public comment; do not voice opinion in advance of an item being heard; etc. [BC20111108DOC053](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 1:59 p.m.  
/pk/vj

Minutes Approved: December 20, 2011