

DECEMBER 6, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:00 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. Mark Heuberger, Sts. Peter and Paul Catholic Church

AGENDA

Agenda of December 6, 2011, and agenda update memorandums.

[BC20111206DOC001](#)

2011 EMPLOYEE OF THE YEAR

Motion was made by Mrs. DiSabatino, seconded by Mrs. Hayes, and carried 7 to 0, to adopt a Proclamation declaring December 6, 2011, as "Kathy Peel Day."

Bill Hutchinson, Public Safety Director, and Captain Larry Luh, Emergency Management Services, presented the Employee of the Year Award to **Kathy Peel**, Emergency Management Services.

[BC20111206DOC002](#)

RETIREMENT AWARD

Jim Seuffert, Financial Management Director, presented **Rob Cuthbert**, Purchasing Division Manager, a retirement award honoring his 21 years of service with Manatee County.

[BC20111206DOC003](#)

YOUTH IN GOVERNMENT DAY

Victoria (Tori) Bell discussed the role and concept of Youth in Government, and introduced the students in the Manatee County Youth Commission. She reviewed activities planned for the day with County government.

[BC20111206DOC004](#)

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, 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 **Bicycles for the Homeless** and **Central Jail Improvements/Repairs** (deferred), and **Federal Lobbying Services, Budget Amendment Resolution B-12-016**, and **Economic Development Incentive** (separate actions). Items APPROVED:

[BC20111206DOC005](#)

[BC20111206DOC006](#)

CLERK'S CONSENT CALENDAR

[BC20111206DOC007](#)

WARRANT LIST

December 1, 2011, through December 5, 2011

[BC20111206DOC008](#)

MINUTES

October 11, 18, and 25, 2011

[BC20111206DOC009](#)

ACCEPT

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

Holiday Heights, Phase III – Administrative Contract Adjustment 3 to PO P0101876 with Andrew Sitework LLC; decrease of \$48,825.32; adjusted total \$935,085.07.

[BC20111206DOC010](#)

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

Lift Station Upgrades 2012 Emergency Generators, Group A – Agreement with Lovin Construction, Inc., \$391,485; Performance Bond; Payment Bond; and Certificate of Liability Insurance.

[BC20111206DOC011](#)

COUNTY ADMINISTRATOR**FERTILIZER LEGISLATION**

Execution of letters to legislators in opposition of House Bill 421, relating to limited certification for urban landscape commercial fertilizer application.

[BC20111206DOC012](#)

DISBURSEMENT OF SURPLUS FUNDS

Authorization for disbursement of surplus funds from the Tax Deed Sale of land owned by Lawanna Lord (2009TD000148) to Jupiter Asset Recovery LLC, as assignee of Paul Lord Jr. (son), \$15, 822.44.

[BC20111206DOC013](#)

LAWSUITS

1. **44th Avenue East** – Settlement with the landowner of Parcels 127 and 827 NHC-FL119 LLC and National Home Communities, doing business as Southern Pines Mobile Home Park, \$72,600. Settlement includes (1) full payment for the acquisition of the property sum, \$66,000 [with credit for \$46,000 previously deposited in the Registry of the Court], (2) all attorney's fees, \$6,600 [pursuant to *Florida Statutes §73.092*], and (3) NHC-FL119 LLC agrees to grant Manatee County four Temporary Construction Easements for three years from date of entry of the Stipulated Final Judgment for reconstruction of drainage and removal of the tree adjacent to the right-of-way. This settlement is exclusive of expert fees and costs and is subject to apportionment proceedings in accordance with *Florida Statutes §73.101*, if any, to settle all pending claims against Manatee County for the acquisition of the aforementioned parcel, in the eminent domain case of Manatee County v. NHC-FL119 LLC, et. et al., Case 2011-CA-2443.
2. **US Bank, N.A. v Romulo Green, et al.** – Authorization to permit the County Attorney, or his designee of the County Attorney's Office, to accept \$1,000 at the closing of the short sale for a release of Manatee County's third mortgage on the property owner by Romulo Greene and Natalia E. Luguana at 2304 28th Avenue East, Palmetto.

[BC20111206DOC014](#)

[BC20111206DOC015](#)

FORECLOSURE SALE

Approval to accept \$2,500 from the Estate of Mattie Lee Davis as full payment for the outstanding Rehabilitative State Housing Initiatives Partnership (SHIP) mortgage.

CHILDREN'S SERVICES

Approval of the Children's Services Annual Plan/Report for Fiscal Year 2013 and authorization to announce the availability of approximately \$7,500,000 of Children's Services Dedicated Millage Funding for Fiscal Year 2013.

[BC20111206DOC017](#)

NON-PROFIT AGENCIES FUNDING

Execution of FY 2011-12 non-profit agency funding agreements (10/1/11-9/30/12) totaling \$365,583:

1. Gulfcoast Legal Services, Legal Aid Services, \$13,500;
2. Legal Aid of Manasota, Inc., Pro Bono Legal Services to Indigent, \$76,500;
3. Lighthouse of Manasota, Independent Living Adult Program, \$16,250;
4. Meals on Wheels Plus of Manatee, Inc., Adult Day Care, \$38,496;
5. Mote Marine Laboratory, Inc., Stranding Investigations, \$18,015;
6. Our Daily Bread of Bradenton, Inc., Feeding the Poor & Hungry, \$7,237;
7. Manatee County Rural Health Services, Inc., Michael Bach Health Center, \$90,754;
8. The Salvation Army, Men's Shelter, \$17,361; Family Shelter, \$69,949; and
9. UCP of Southwest Florida, Inc., Adult Day Training, \$17,521.

[BC20111206DOC018](#)

PRETRIAL SERVICES

R-11-250 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA URGING THE FLORIDA LEGISLATURE TO OPPOSE BILLS DESIGNED TO MODIFY, ALTER, OR OTHERWISE RESTRICT JUDGES' ABILITY TO RELEASE DEFENDANTS TO THE SUPERVISION OF THE COUNTY'S PRETRIAL SERVICES PROGRAM ADMINISTERED BY THE TWELFTH JUDICIAL CIRCUIT COURT, AND PROVIDING AN EFFECTIVE DATE.

BUDGET AMENDMENT[BC20111206DOC019](#)

Neighborhood Services **B-12-017**

Supporting Description and Detail Attached

[BC20111206DOC020](#)**U.S. 301 ROADWAY IMPROVEMENTS**

1. Authorization for the County Administrator or his designee to execute (Final) Change Order 3 to PO P0901351 with Woodruff & Sons, Inc., for **roadway Improvements** on U.S. 301 from Erie Road to County Road 675; increase of \$511,741.73; adjusted total \$21,575,317.32; and an additional 46 calendar days for a revised completion date of August 22, 2011; and
2. **Budget Amendment**
Public Works **B-12-018**
Supporting Description and Detail Attached

[BC20111206DOC021](#)**PARKS FEE SCHEDULE**

R-11-243 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REVISING THE PARKS AND RECREATION FEE SCHEDULE; MAKING RELATED FINDINGS; PROVIDING FOR CONFLICTING PRIOR RESOLUTIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

[BC20111206DOC022](#)**51ST AVENUE EAST**

Execution of Contract for Purchase of Right-of-Way Easement from George C. Perrault, as Trustee of the George C. Perrault Living Trust, on 15th Street East (Parcel 800) inclusive of attorney fees, \$9,500.

[BC20111206DOC023](#)**DEEDS AND EASEMENTS**

1. **83rd Avenue East, Myakka City Road Project** - Warranty Deed and Affidavit of Ownership and Encumbrances from Gilberto and Heather Junqueira; Partial Releases from First America Bank and Bank of America, N.A.; **and** execution of Subordination of Utility Interests and Agreement for Reimbursement for Additional Facility Relocations from Peace River Electric Cooperative.
2. **U.S. 301, S.R. 62, and Spencer Parrish Road** - Special Warranty Deed and Affidavit of Ownership and Encumbrances from Parrish Plantation LLC; Partial Releases and State of Florida Uniform Commercial Code Financing Statement Amendment Forms from August Partners II LLC and TD Bank N.A.

[BC20111206DOC024](#)[BC20111206DOC025](#)**800 MHz RADIO SYSTEM**

R-11-244 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING AN 800 MHz SYSTEM ACCESS AND MAINTENANCE FEE SCHEDULE; PROHIBITING SYSTEM ACCESS FOR NON-COMPLIANT USERS; AUTHORIZING DEVELOPMENT OF BASE MAINTENANCE STANDARDS AND A SERVICE AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

[BC20111206DOC026](#)**PRECINCT CHANGES**

Acceptance of recommendations from Supervisor of Elections Robert Sweat for minor line changes resulting from adoption of **Redistricting Plan D**.

[BC20111206DOC027](#)**DASHBOARD REPORTS**

Acceptance of Dashboard Reports for October, 2011.

[BC20111206DOC028](#)**LAW ENFORCEMENT SERVICES**

Execution of a Service Agreement with the City of Anna Maria and Manatee County Sheriff's Office, for law enforcement services within the city through the MSO substation in Anna Maria.

[BC20111206DOC029](#)

(End Consent Agenda)

CITIZENS' COMMENTS

County Attorney

William Wheeler discussed the selection process for the new County Attorney and suggested internal applicants be given preference. [BC20111206DOC030](#)

Financial Management

Corie Holmes questioned the lack of fiscal responsibility by the Sheriff's Office regarding the Jail, as well as other county-related expenditures. [BC20111206DOC031](#)

(Depart Mr. McClash)

ORDINANCE 11-49 - CROSSCREEK COMMUNITY DEVELOPMENT DISTRICT

Public hearing (Notice published) was held to consider

ORDINANCE 11-49 AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, RELATING TO CROSSCREEK COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; CONTRACTING THE BOUNDARIES OF THE DISTRICT PURSUANT TO *SUBSECTION 190.046(1), FLORIDA STATUTES*, BY DELETING APPROXIMATELY 341.629 ACRES OF LAND; AMENDING SUBSECTION 2-8-36(b) OF THE MANATEE COUNTY CODE OF ORDINANCES TO DESCRIBE THE AMENDED BOUNDARIES OF THE DISTRICT AS CONTRACTED; PROVIDING FOR RELIANCE UPON REPRESENTATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

John Verec, representing CrossCreek Community Development District, was available to answer questions.

Motion was made by Mr. Chappie, seconded by Mr. Bustle, and carried 6 to 0, to adopt Ordinance 11-49. [BC20111206DOC032](#)

CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT

Public hearing (Notices published) was held to receive comments on the Draft 2010-11 Manatee County Consolidated Annual Performance and Evaluation Report (CAPER), which details how Community Development Block Grant (CDBG) and HOME Investment Partnership funds were expended, and the status of activities undertaken during the program year.

Motion was made by Mr. Chappie, seconded by Mr. Bustle, and carried 6 to 0, to approve the 2010-11 Consolidated Annual Performance and Evaluation Report. [BC20111206DOC033](#)

(Enter Mr. McClash)

STREET VACATIONS

Paradise Bay Estates

Public hearing (Notice published) was held to consider Resolution:

R-11-217V A RESOLUTION ON APPLICATION BY PARADISE BAY ESTATES, INC., VACATING A PORTION OF AN IMPROVED, PUBLIC RIGHT-OF-WAY OF **PENINSULA TERRACE WEST, PENINSULA TERRACE EAST, AND PASADISO DRIVE (104TH STREET COURT WEST)** PURSUANT TO *SECTIONS 336.09 ET SEQ., FLORIDA STATUTES*, AND SECTION 911, LAND DEVELOPMENT CODE, MANATEE COUNTY, FLORIDA.

James Cribbs, shareholder in Paradise Bay, stated the No Parking signs were placed on Peninsula Terrace East several years ago. Despite signage, the adjacent business continues to use streets for overflow parking. He requested the Commission communicate with the Manatee County Sheriff's Office to enforce the parking violations.

Discussion: Ability to tow vehicles requires a tow away zone; requested review and follow-up by staff; property should not have junk vehicles on the site; safety issue; etc.

Don Howard, President of Paradise Bay Board, submitted recent photographs of the parking violations and disabled vehicles (one at the same location for five months) noting this has been a problem since 2009. Paradise Bay has sealed 104th Street (not County-owned), bought and demolished two drug houses, and constructed a wall to aid with security. Paradise Bay would like to improve the street lighting on the County-owned streets to create a safer community.

Motion was made by Mr. Chappie, seconded by Mr. McClash, and carried 7 to 0, to adopt Resolution **R-11-217V**; and accept a Permanent Easement and Affidavit of Ownership and Encumbrances from Paradise Bay Estates, Inc. [BC20111206DOC034](#)

Pennsylvania Court

Public hearing (Notices published) was held to consider

R-11-228V A RESOLUTION ON APPLICATION BY SUN HYDRAULICS CORPORATION VACATING A PORTION OF AN IMPROVED, PUBLIC RIGHT-OF-WAY OF **PENNSYLVANIA COURT** PURSUANT TO *SECTIONS 336.09 ET SEQ., FLORIDA STATUTES*, AND SECTION 911, LAND DEVELOPMENT CODE, MANATEE COUNTY, FLORIDA.

Motion was made by Mr. Bustle, seconded by Mrs. DiSabatino, and carried 7 to 0, to adopt Resolution **R-11-228V**, and accept a Permanent Easement and Affidavit of Ownership and Encumbrances from Sun Hydraulics Corporation. [BC20111206DOC035](#)

Stewart Street

Public hearing (Notice published) was held to consider

R-11-247V A RESOLUTION ON APPLICATION BY KENNETH L. THOMAS AND SHARON E. THOMAS VACATING A PORTION OF AN UNIMPROVED, PUBLIC RIGHT-OF-WAY OF **1ST AVENUE WEST (STEWART STREET)** PURSUANT TO *SECTIONS 336.09 ET SEQ., FLORIDA STATUTES*, AND SECTION 911, LAND DEVELOPMENT CODE, MANATEE COUNTY, FLORIDA.

Motion was made by Mrs. DiSabatino, seconded by Mr. Gallen, and carried 7 to 0, to adopt Resolution **R-11-247V** and accept a Permanent Easement and Affidavit of Ownership and Encumbrances from Kenneth L. and Sharon E. Thomas. [BC20111206DOC036](#)

Tropicana Manufacturing, Inc.

Public hearing (No notice provided and continued from 9/20/11) was opened and continued pursuant to a request by the counsel for Tropicana Manufacturing Company, Inc.

Lynn Willis, Property Management Department, noted details are being resolved by Florida Power and Light and Tropicana Manufacturing.

Motion was made by Mr. McClash, seconded by Mrs. Hayes, and carried 7 to 0, to continue the public hearing for Resolution **R-10-101-V** on application by Tropicana Manufacturing, Inc., to vacate certain public rights-of-way on 12th Street Court East and 13th Avenue East to March 13, 2012, at 9:00 a.m., or as soon thereafter as may be heard. [BC20111206DOC037](#)

NON-AD VALOREM ASSESSMENTS

Public hearing (Notices published) was held to consider

R-11-215 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING THE INTENT OF THE BOARD TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS FOR ROAD PAVING, SANITARY SEWER, STORMWATER, STREET LIGHTING, CANAL DREDGING, DRAINAGE IMPROVEMENT AND LANDSCAPE BEAUTIFICATION PROJECTS AUTHORIZED PURSUANT TO *CHAPTER 197, FLORIDA STATUTES*; STATING THE NEED FOR THE LEVY OF NON-AD VALOREM ASSESSMENTS, INCLUDING A LEGAL DESCRIPTION OF THE BOUNDARIES OF THE REAL PROPERTY SUBJECT TO THE LEVY, AND PROVIDING AN EFFECTIVE DATE.

William Wheeler questioned the financial impact of this assessment to property owners.

Phillip Carter, representing Coral Shores, thanked the Board and Mr. Chappie for the successful completion of the canal dredging project.

Tedd Williams, County Attorney, stated this is a statutory requirement authorizing the County to go forward with projects. Being on the list, does not mean the project will take place. Each project will have a public hearing with notice to affected residents.

Following discussion, motion was made by Mr. Chappie, seconded by Mrs. Hayes, and carried 7 to 0, to adopt Resolution **R-11-215**. [BC20111206DOC038](#)

MANATEE COUNTY AREA TRANSIT

Carl Hunsinger, Transit Manager, stated staff recommends continuing the current policy, which mirrors neighboring industry (such as Sarasota County Area Transit and Hillsborough Area Regional Transit), requiring riders to wear a shirt and shoes while on any buses, including trolleys. This is for safety and the health of the environment for the system. Three options for review follow:

1. Keep current policy unchanged and continue requiring shirt and shoes for riders on all parts of the transit system.
2. Modify current policy and make shirts and shoes optional on the island trolley portion of the Manatee County transit system only.
3. Modify current policy and make shirts and shoes optional for the entire Manatee County transit system.

Discussion: Establish policies for different situations; dependent on tourists to boost economy; trolley should be different from regular transit; legal review for language regarding shirt policy; shoes were the only issue; provide disposable sandals; applies to a very small number of total riders; maintain consistent policy for all transit; make shoes optional on a trial basis; enforcement issues; provision for a case-by-case issue; liability issue; etc.

Motion was made by Mr. McClash to keep the current policy unchanged and continue requiring shirt and shoes for riders on all parts of the transit system; however, to have staff look at the option of providing some type of inexpensive sandals to allow people without shoes ridership. The motion was seconded by Mrs. Hayes.

Discussion: Younger riders would prefer Option 2; recommend shoes but do not refuse service; at the discretion of the driver on the island; legal review of recommend v. requires; etc.

Motion was made by Mr. Chappie to amend the motion to start on January 1st a six-month trial period of shoes optional. The motion **failed** due to lack of a second.

Discussion: No money to buy inexpensive sandals; staff should talk with drivers and include a policy in the training manual; etc.

(Gavel to Mr. Chappie, presiding)

Motion - Call the Question

Motion was made by Ms. Whitmore and seconded by Mr. Gallen to Call the Question. The motion carried 5 to 2, with Mrs. DiSabatino and Mr. McClash voting nay.

Vote - Motion

The motion **failed** 3 to 4, with Mr. Bustle, Mr. Chappie, Mr. Gallen, and Ms. Whitmore voting nay.

(Gavel to Ms. Whitmore, presiding)

Discussion: Calling the question to avoid dialogue; cost to provide inexpensive sandals (2-4 pairs) at \$1 per pair for three trolleys or \$24; liability issues; consider a disclaimer regarding liability for riders without shoes; maintain current requirement but do not deny service; etc.

Tedd Williams, County Attorney, stated barefoot riders could track blood through the bus providing opportunities for people to make claims against the County. Regarding Calling the Question, under Robert Rules the question should not be called unless everyone has had an opportunity to express their views. The rule of thumb under Roberts Rules is that each speaker should have two opportunities to speak.

Motion was made by Mr. Chappie to keep the current policy unchanged and continue requiring shirts and shoes for rides on all parts of the transit system with discretion of the driver for emergency situations. The motion was seconded by Mrs. Hayes.

Mr. Williams advised that he was not in favor of the motion.

Mr. Chappie restated the motion to leave the current policy as is, and Mrs. Hayes agreed.

Discussion: Address issue at a later date; staff and driver discussions; is there objection to providing footwear (shower sandals) if it was donated to the trolleys; customer service for tourists; character of the beach; case-by-case issue; do not deny service; etc.

Following discussion, the motion carried 7 to 0.

[BC20111206DOC039](#)

CONSTITUTIONAL OFFICER BUDGETS

Motion was made by Mr. McClash and seconded by Mr. Gallen, to adopt Budget Resolution **B-12-021** providing for reallocation to Constitutional Officers of "Excess Fees" from Fiscal Year 2011.

Jim Seuffert, Financial Management Director, noted excess fees returned to the Constitutional Officers are as follows: Sheriff – \$1,769,092; Clerk of Circuit Court – \$1,418,477; Supervisor of Elections – \$460,190; and Property Appraiser – \$247,712.

Following discussion, the motion carried 7 to 0.

[BC20111206DOC040](#)

ELECTION OF OFFICERS - 2012

COUNTY COMMISSION

Ms. Whitmore opened the floor for nominations for Chairman of the Board of County Commissioners.

Chairman – John Chappie

Nomination: Mr. Chappie – by Mr. McClash

Motion was made Mr. McClash, seconded Mrs. DiSabatino, and carried unanimously, to close nominations. **Mr. Chappie** was elected Chairman.

First Vice-Chairman – Larry Bustle

Nominations: Mr. Bustle – by Ms. Whitmore
Mr. Gallen – by Mrs. DiSabatino

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried unanimously, to close nominations. **Mr. Bustle** was elected First Vice-Chairman by majority vote.

Second Vice-Chairman – Michael Gallen

Nomination: Mr. Gallen – by Ms. Whitmore

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried unanimously, to close nominations. **Mr. Gallen** was elected Second Vice-Chairman.

Third Vice-Chairman – Robin DiSabatino

Nomination: Mrs. DiSabatino – by Mr. McClash

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried unanimously, to close nominations. **Mrs. DiSabatino** was elected Third Vice-Chairman.

CIVIC CENTER AUTHORITY

Chairman – Donna Hayes

Nominations: Mr. McClash – by Mrs. DiSabatino
Mrs. Hayes – by Ms. Whitmore

Motion was made by Mrs. DiSabatino, seconded by Mrs. Hayes, and carried unanimously, to close nominations. **Mrs. Hayes** was elected Chairman by majority vote.

First Vice-Chairman – Joe McClash

Nomination: Mr. McClash – by Mrs. DiSabatino

Motion was made by Mrs. DiSabatino, seconded by Mr. Chappie, and carried unanimously, to close nominations. **Mr. McClash** was elected First Vice-Chairman.

Second Vice-Chairman – Michael Gallen

Nominations: Mr. Gallen – by Mr. McClash
Ms. Whitmore – by Mrs. Hayes

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried unanimously, to close nominations. **Mr. Gallen** was elected Second Vice-Chairman by majority vote.

Third Vice-Chairman – Carol Whitmore

Nomination: Ms. Whitmore – by Mrs. DiSabatino

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried unanimously, to close nominations. **Ms. Whitmore** was elected Third Vice-Chairman.

PORT AUTHORITY

Chairman – Larry Bustle

Nominations: Mr. Bustle – by Ms. Whitmore
Mr. McClash – by Mr. Gallen
Ms. Whitmore – by Mrs. Disabatino

Motion was made by Mr. Chappie, seconded by Mr. McClash, and carried unanimously to close nominations. **Mr. Bustle** was elected Chairman by majority vote.

First Vice-Chairman – Carol Whitmore

Nominations: Ms. Whitmore – by Ms. Whitmore
Mrs. DiSabatino – by Mr. McClash

Motion was made by Mr. Bustle, seconded by Mr. McClash, and carried unanimously to close nominations. **Ms. Whitmore** was elected First Vice-Chairman by majority vote.

Second Vice-Chairman – Robin DiSabatino

Nomination: Mrs. DiSabatino – by Mr. Chappie

Motion was made by Mr. McClash, seconded by Mr. Gallen, and carried unanimously, to close nominations. **Mrs. DiSabatino** was elected Second Vice-Chairman.

Third Vice-Chairman – Michael Gallen

Nomination: Mr. Gallen – by Mr. Chappie

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried unanimously, to close nominations. **Mr. Gallen** was elected Third Vice-Chairman.

COMMUNITY REDEVELOPMENT AGENCY

Chairman – Robin DiSabatino

Nomination: Mrs. DiSabatino – by Mr. Gallen

Motion was made by Mr. McClash, seconded by Mr. Gallen, and carried unanimously, to close nominations. **Mrs. DiSabatino** was elected Chairman.

Discussion: Having district Commissioners chair and represent their CRAs; County Attorney review Statute; recommendation for Chairman and Vice-Chairman; CRA Board should appoint the appropriate commissioner as liaison; Statute prohibits establishment of more than one agency as a non-charter County; etc.

Vice-Chairman – Michael Gallen

Nomination: Mr. Gallen – by Mr. Chappie

Motion was made by Mr. Chappie, seconded by Mr. Bustle, and carried unanimously, to close nominations. **Mr. Gallen** was elected as Vice-Chairman.

TOURIST DEVELOPMENT COUNCIL

Chairman – Carol Whitmore

Nominations: Ms. Whitmore – by Mr. Gallen
Mrs. Hayes – by Mr. McClash

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried unanimously, to close nominations. **Ms. Whitmore** was appointed to the Tourist Development Council by majority vote.

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 7 to 0, that the Tourist Development Council representative be Chairman of the Tourist Development Council.

Ms. Whitmore noted the terms will begin January 2, 2012.

[BC20111206DOC041](#)

FEDERAL LOBBYING SERVICES

Discussion: Questions regarding \$20,000 per month to support lobbying firm; request for clarification of referenced Port dollars; limited transportation funding is an issue; etc.

Motion was made by Mrs. Hayes to execute contract agreement in the amount of \$20,000 per month, for one year with the provision to renew automatically for successive one-year terms, unless terminated by the parties, for federal legislative services with Twenty-First Century Group, Inc. Motion was seconded by Mr. Bustle.

Discussion: Washington D.C. effort must be consistent; importance of lobbying; Port Connector Road; opportunity to save some dollars by Port retaining a lobbyist; reduction from last year's fee; use congressional delegation more forcefully; no sequencing plan to request funds for the Port Connector Road; evaluate the contracts with the new Port Director; etc.

The motion carried 6 to 1, with Mr. McClash voting nay.

[BC20111206DOC042](#)

BUDGET AMENDMENT

In response to a query regarding the Kingfish Boat Ramp project, Mr. Seuffert explained the project may not be complete and action may be premature.

Discussion: Premature to appropriate cash balances for certain issues without the Board being included in the decision; consider Budget Stabilization Fund; Item 5 Rowlett Elementary Sidewalk refund; can funds be used to complete the sidewalk in front of Johnson Middle School; grant, if approved, will not be funded until 2017; Rowlett funds transferred to reserves and available for reallocation; consider transfer funds for 26th Avenue for the project; public safety issue; animal services revenue was above anticipated level; etc.

Ron Schulhofer, Public Works Director, explained the Johnson Middle School sidewalk was delayed due to right-of-way issues. The south side right-of-way has been completed, and a transfer of funds may be available for the south side. North side right-of-way issues are not resolved.

Ed Hunzeker, County Administrator, requested that staff have the opportunity to research cost estimates and place funds in reserves until the item is brought back to the Board.

Following discussion, motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 7 to 0 to adopt Resolution **B-12-016** with the deletion of Item 2:

BUDGET AMENDMENT

Various B-12-016

Supporting Description and Detail Attached

[BC20111206DOC043](#)

PROJECT WIDEWATERS

Regarding the Economic Development Incentive for Project Widewaters, Mr. McClash voiced concern regarding Paragraph 4 in which the County intends to develop an agreement for the use of parking spaces, owned by Manatee County, for use by Widewaters (hotel) customers. This is not appropriate due to State laws regarding public property for private use.

Discussion: Pull item for additional information; Bradenton Downtown Development Authority and hotel information never indicated County was participating; job creation; legal opinion; etc.

Tedd Williams, County Attorney, indicated this expresses the intent of the Board, but is not a legally binding commitment.

Bill Clague, Deputy County Attorney, stated he drafted the Resolution so as not to be legally binding and subject to agreements coming back to the Board.

Discussion: County property commitment without discussion with the Board; elevated parking garage was shown in plans; important project for downtown revitalization; etc.

Motion was made by Mr. Bustle, seconded by Mr. Chappie, and carried 6 to 1, with Mr. McClash voting nay, to adopt Resolution

R-11-251 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RECOMMENDING THAT "PROJECT WIDEWATERS," BE APPROVED FOR AN ECONOMIC DEVELOPMENT INCENTIVE (EDI) GRANT FOR FISCAL YEARS 2012-2013 THROUGH 2014-2015 AND PROVIDING FOR AN EFFECTIVE DATE.. [BC20111206DOC044](#)

SIDEWALKS

Motion was made by Mr. Gallen that at the next regular Board meeting, have the sidewalk issue (for Johnson Middle School) on the agenda after Ron Schulhofer, Public Works Director, and Public Works look at the costs associated with it. The motion was seconded by Mr. McClash and carried 7 to 0. [BC20111206DOC045](#)

SUNCOAST WORKFORCE BOARD

Mrs. Hayes gave an overview of legislation that will affect Suncoast Workforce Board, which is a locally controlled agency. In the last three years, the agency has been training individuals to enter the workforce. The Workforce Accountability Act would place control in the Governor's Office on the State level, and she encouraged support to keep this a local issue.

Mrs. Hayes moved to authorize the Chairman to write a letter supporting local control for the Suncoast Workforce Agency. The motion was seconded by Mr. Bustle and carried 7 to 0.

Motion was made by Mrs. Hayes, seconded by Mr. Gallen, and carried 7 to 0, to add the following to the Legislative Platform:

Manatee County supports proposed Legislation that would increase accountability and transparency of regional Workforce Boards, but is opposed to any Legislation that would limit the ability of local governments to hire executives and appoint members to regional Workforce Boards. [BC20111206DOC046](#)

COMMISSIONERS' COMMENTS

Non-Profit Agency Funding

Mrs. DiSabatino requested a meeting with Gulfcoast Legal Services and Legal Aid of Manasota to include a presentation of their services. [BC20111206DOC047](#)

ADA Guidelines

Mrs. DiSabatino noted some small businesses were sued for non-compliance with ADA requirements. She submitted an [ADA Guide for Small Businesses](#). [BC20111206DOC048](#)

Federal Lobbying Services

Mr. Bustle noted earlier discussion at a Port Authority meeting regarding a presentation by the Twenty-First Century Group to include federal lobbying services for the County and the Port. He suggested review of same by the new Port Executive Director and a future presentation. [BC20111206DOC047](#)

Land Use Meeting

Ms. Whitmore remarked on comments made by Mr. McClash during the last Land Use meeting regarding the absence of the District Commissioner, Mr. Bustle, and the resultant request for continuation of a public hearing. [BC20111206DOC047](#)

Port Authority

Ms. Whitmore stated a letter to the editor by Mr. McClash regarding action by the Port Authority Chairman was printed in the *Bradenton Herald*. [BC20111206DOC047](#)

Tourist Development Council

Mrs. Hayes requested newly elected Tourist Development Council Chairman, Ms. Whitmore, remember East County. Ms. Whitmore noted the Convention and Visitors Bureau Director Elliott Falcione has information regarding expenditures in that district. [BC20111206DOC047](#)

Animal Services

Mrs. Hayes noted an article by Kris Weiskopf, Animal Services Manager, in the *Bradenton Herald* regarding the "Animal Rescue Act" (Senate Bill 818) introduced by Senator Mike Bennett. [BC20111206DOC049](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 11:47 a.m.
/njh

Minutes Approved: January 10, 2012