

DECEMBER 20, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:03 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
Joe McClash

Absent was Commissioner:

Donna Hayes (illness)

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 Jason Golden, Fellowship of Christian Athletes

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of December 20, 2011, and agenda update memorandum.

[BC20111220DOC001](#)

PROCLAMATIONS

Motion was made by Mrs. DiSabatino, seconded by Mr. Bustle, and carried 6 to 0, to adopt a Proclamation designating December 20, 2011, as "Steve Belack Day." Mr. Belack accepted the Proclamation.

[BC20111220DOC002](#)

COUNTY COMMISSION REDISTRICTING

Karen Windon, Deputy County Administrator, recognized **Shannon Ansbro**, GIS Technical Coordinator, Information Technology Department, for her efforts in map development and research for the 2011 County Commission Redistricting efforts.

[BC20111220DOC003](#)

TO INFORM FAMILIES FIRST

Manatee High School Key Club Member **McKenna Anderson** discussed the "To Inform Families First" program and presented a video on the program. Florida residents can register driver license numbers and emergency contact information so law enforcement officers can scan a driver's license and obtain contact information in an emergency event. Licenses can be registered at www.toinformfamiliesfirst.org. This local program is being implemented at all schools in the area, will expand to the State of Florida, and hopefully join other states.

Discussion: On legislative platform; may become mandatory with driver license renewal; etc.

[BC20111220DOC004](#)

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 6 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 the deletion of **2012 Health Plan Document Updates** and **Red Light Cameras** (both separate actions).

Items APPROVED:

CLERK'S CONSENT CALENDAR[BC20111220DOC005](#)**BONDS****Accept:**

Sheriff's Public Employees and Deputy Sheriff's Blanket Bond (6 additions, 9 deletions).

59th Avenue East and Greenbrook Boulevard East[BC20111220DOC006](#)

Release Agreement Warranting Required Improvements - Infrastructure Improvements; **and** Defect Security (Surety Bond 5034775 and any associated rider[s]), \$110,325.

Bradenton Boat Club[BC20111220DOC007](#)

Release Agreement Warranting Required Improvements; **and** Defect Security (Surety Bond 4371417 and any associated rider[s]), \$72,500.

[BC20111220DOC008](#)**Lake Club, Phase II**

1. **Release** Agreement Guaranteeing Completion of Required Improvements - Securing Final Lift of Asphalt, \$255,540.94.
2. **Accept** Agreement Guaranteeing Completion of Required Improvements with Lake Club Investors LLC - Final Lift of Asphalt, \$255,540.94.
3. **Accept** Verification Certificate **extending** Surety Bond (5034766) to December 9, 2012, \$255,540.94.
4. **Release** Agreement Guaranteeing Completion of Required Improvements - Remaining Lift Station Testing (4 and 5), \$94,534.70.
5. **Accept** Agreement Guaranteeing Completion of Required Improvements with Lake Club Investors LLC - Remaining Lift Station Testing (4 and 5), \$94,534.70.
6. **Accept** Verification Certificate **extending** Surety Bond (5034765) to December 9, 2012, \$94,534.70.
7. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements - Landscape and Irrigation in Common Area, \$320,649.30.
8. **Accept** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Lake Club Investors LLC - Landscape and Irrigation in Common Area, \$67,590.66.
9. **Accept** Reduction Rider and Verification Certificate for Surety Bond (5034639) **reducing** the amount from \$320,649.30 to \$67,590.66. [BC20111220DOC009](#)

Legends Bay

Release Agreement Warranting Required Improvements; **and** Defect Security (Surety Bond 8155-06-72 and any associated rider[s]); \$73,941. [BC20111220DOC010](#)

Residences at University Groves

Release Agreement Warranting Required Improvements - Master Infrastructure Improvements for Broadway Avenue and University Parkway Turn Lanes; **and** Defect Security (Surety Bond 104780542 and any associated rider[s]), \$120,279.36.

Reclamation Bond Adjustment for Altman Tract - Parcel 4[BC20111220DOC011](#)

Accept Surety Bond Rider (Surety Bond 08941617) **increasing** the amount from \$5,020,610 to \$5,121,465. [BC20111220DOC012](#)

[BC20111220DOC012](#)**Reclamation Bond Adjustment for Four Corners Mine - Northeast Tract and Jameson Tract**

Accept Surety Bond Rider (Surety Bond KA2977) **increasing** the amount from \$21,196,271 to \$21,992,507. [BC20111220DOC013](#)

[BC20111220DOC013](#)**Reclamation Bond Adjustment for Four Corners Mine - Southeast Tract (Manson Jenkins)**

Accept Surety Bond Rider (K06989123) **reducing** the amount from \$4,446,783 to \$4,121,513. [BC20111220DOC014](#)

[BC20111220DOC014](#)**REFUNDS**

Pope Golf LLC - Overpayment

\$750.75

WARRANT LIST

December 6, 2011, through December 19, 2011

[BC20111220DOC015](#)[BC20111220DOC016](#)**MINUTES**

November 3, 8, 21, 2011 and December 1, 2011

[BC20111220DOC017](#)

ADOPT

R-12-002 RESOLUTION AUTHORIZING THE SIGNATURES OF R. B. SHORE, CLERK OF CIRCUIT COURT; JOHN R. CHAPPIE, CHAIRMAN, OR LAWRENCE E. BUSTLE, JR., VICE-CHAIRMAN, BOARD OF COUNTY COMMISSIONERS, ON CHECKS WITHDRAWING FUNDS FROM BANK OF AMERICA. [BC20111220DOC018](#)

ACCEPT

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

1. **Library Collection Agency Services** - Addendum Two to Agreement with Unique Management Services, Inc., extending the Agreement one year (1/8/12-1/7/13). [BC20111220DOC019](#)
2. **Neal Preserve Restoration and Mitigation Construction** - Change Order One to Contract with Woodruff and Sons, Inc.; increase of \$91,054.68, adjusted total of \$262,647.64. [BC20111220DOC020](#)
3. **Professional Real Property Appraisal Services Agreements**
 - a. Agreement 10-1785-FL with American Acquisition Group LLC;
 - b. Agreement 10-1785-FL with Independence Acquisition and Appraisal LLC. [BC20111220DOC021](#)
4. **Stormwater Pipe Repair at G.T. Bray** - Agreement with Gator Grading and Paving LLC, \$99,960; Performance Bond; Labor and Material Payment Bond; and Certificate of Liability Insurance. [BC20111220DOC022](#)
5. **Operation of the Wood Yard Waste Processing/Recycling Facility** - Addendum One to Agreement with Consolidated Resource Recovery, Inc., **increasing** the Year 2 rate for incoming wood and yard waste from \$19.84 to \$20.44 per ton (11/30/11-11/29/12). [BC20111220DOC023](#)

AUTHORIZE CHAIRMAN TO SIGN

1. **Ordinance 11-050 - Tourist Development Plan** - Scrivener's error correcting formatting and numbering (adopted 11/21/11). [BC20111220DOC024](#)
2. **Partial Release of Special Improvement Assessment Lien: Project 5281** [BC20111220DOC025](#)

COUNTY ADMINISTRATOR**LAWSUIT - THE BEARDED CLAM WATERFRONT RESTAURANT AND TIKI BAR**

Authorization for the County Attorney's Office to pursue all applicable and appropriate legal action(s) to enforce Manatee County Ordinance PDMU-98-03(P)(R) against The Bearded Clam, its principal and 1187 Upper James of Florida LLC in the Case of Manatee County v. 1187 Upper James of Florida LLC, Teresa Pulaski and Wesley Rose, Individually and dba The Bearded Clam Waterfront Restaurant and Tiki Bar, Case 2011-CA-2740.

CODE ENFORCEMENT CASES[BC20111220DOC026](#)

1. **Robin Allee (CE2010040291)** - Reduction of fines for case CE2010040291 to \$500 (recommended by the Special Magistrate on 9/28/11), subject to: (1) The reduced fines shall be paid within 30 days, or will revert to the original amount of \$4,450; (2) Recording fees of \$20 to be collected; and (3) The Building and Development Services Director is authorized to sign Satisfactions of Liens if the reduced fines are paid. [BC20111220DOC027](#)
2. **Mark R. Cosgrove and Deanna Sheree Threewits [fka Chuck Stephens] (CE2007060122)** - Reduction of fines for case CE2007060122 to a maximum of \$1,500 (recommended by the Special Magistrate on 8/24/11), subject to: (1) The reduced fines shall be paid within 30 days, or will revert to the original amount of \$24,850; (2) Recording fees of \$20 to be collected; and (3) The Building and Development Services Director is authorized to sign Satisfactions of Liens if the reduced fines are paid.

FEE WAIVER[BC20111220DOC028](#)

Authorization for the Building and Development Services Department to write-off fees of deceased contractors, \$1,059.50. [BC20111220DOC029](#)

FINAL PLAT - RIVER CLUB PARK OF COMMERCE

1. Final Plat;
2. Mortgage's Joinder In and Ratification of the Subdivision Plat and All Dedications and Reservations Thereon for River Club Park of Commerce from Superior Bank, National Association;

3. Agreement Warranting Required Improvements with Village at Riverclub Acquisition LLC; and Defect Security (Surety Bond 479072S, Developers Surety and Indemnity Company), \$393,081.97;
4. Maintenance Agreement with River Club Park of Commerce Property Owner's Association for paver brick;
5. Maintenance Agreement with River Club Park of Commerce Property Owner's Association for right-of-way island;
6. Joinder and Consent of Mortgagee to the Conservation Easement from Superior Bank, National Association;
7. Joinder and Consent of Mortgagee to the Conservation Easement from Casvak River Club LLC;
8. Conservation Easement with Village at Riverclub Acquisition LLC; and
9. Master Declaration of Covenants and Restrictions for River Club Park of Commerce. [BC20111220DOC030](#)

WEST CENTRAL FLORIDA AREA AGENCY ON AGING, INC.

Execution of 2012 Master Agreement and Attachments I, II, III, IV, VI, VII, VIII and IX with West Central Florida Area Agency on Aging for the **Community Care for the Elderly, Home Care for the Elderly, Alzheimer's Disease Initiative and Medicaid Waiver Grant Programs** (1/1/12-12/31/12). [BC20111220DOC031](#)

NON-PROFIT AGENCY FUNDING

Execution of Non-profit Agency Funding Agreement with Manatee County Rural Health Services, Inc., for the **Prescription Benefits Program** (10/1/11-9/30/12), \$242,500.

CONVENTION AND VISITORS BUREAU

[BC20111220DOC032](#)

1. **Tourism** - Approval and authorization for Ed Hunzeker, County Administrator, to execute Amendment One to Reimbursement and License Agreement with the Anna Maria Island Chamber of Commerce, \$85,950, and the Longboat Key Chamber of Commerce, \$55,000, contingent upon receiving signed original agreements from each chamber. [BC20111220DOC033](#)
2. **2012 Daily Telegraph Holiday and Travel Show** - Approval of expenditures, \$1,500, and authorization for Bill Burnley of Anna Maria Island Gulf Coast Rentals, to attend the Daily Telegraph Holiday and Travel Show in Manchester, England, January 6-8, 2012, representing Manatee County as a tourist destination. [BC20111220DOC034](#)

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

Authorization for the County Administrator or his designee to execute Change Order 3 to Work Assignment 1 with HDR Engineering to provide **professional engineering services** for the continued study and design for 44th Avenue East; increase of \$210,523.61, adjusted total \$1,222,565.39. [BC20111220DOC035](#)

BUDGET AMENDMENTS

1. **Various Departments B-12-019**
Supporting Description and Detail Attached [BC20111220DOC036](#)
2. **Neighborhood Services Department B-12-023**
14th Street Community Redevelopment Agency [BC20111220DOC037](#)

EMERGENCY MEDICAL TRANSPORTATION

Authorization for the County Administrator or his designee to execute Agreement with PST Services, Inc., a McKesson Company, for **Emergency Medical Transportation Billing Services** for a period of three years. The contractor will be entitled to 5.0 percent of net funds collected for the County or a flat fee of \$8.00 for all Medicaid accounts; it is estimated that \$7,500,000 will be billed for services, approximately 68 percent will be collected and the contractor would be entitled to an estimated annual fee of \$390,726.

LAKE MANATEE DAM

[BC20111220DOC038](#)

Authorization for the County Administrator or his designee to execute Change Order 2 (Final) to the Agreement with Johnson Brothers LLC for the repairs to the **Lake Manatee Tainter Gates** for final adjustment of quantities; decrease of \$193,582.23, adjusted total \$5,626,803.79; and an additional 30 calendar days for a revised completion date of November 10, 2011. [BC20111220DOC039](#)

MANATEE CONVENTION AND CIVIC CENTER

Authorization for the County Administrator or his designee to execute Change Order 1 with Air Mechanical & Service Corporation; increase of \$5,760, adjusted total \$1,714,655; and an additional 44 calendar days for revised completion date of November 13, 2011.

[BC20111220DOC040](#)

MANATEE COUNTY HISTORIC COURTHOUSE

Authorization for the County Administrator or his designee to execute Change Order 2 with Zirkelbach Construction, Inc., for **façade and roof/window replacement project**; increase of \$74,190.89, adjusted total \$2,502,467.63; and an additional 72 calendar days for a revised completion date of February 25, 2012.

[BC20111220DOC041](#)

PERICO PRESERVE

Execution of Amendment 1 to Agreement with Southwest Florida Water Management District to **extend the timeline for restoration activities** at Perico Preserve.

UNDERGROUND STORAGE TANK INSPECTION PROGRAM

[BC20111220DOC042](#)

Execution of Letters to the State Legislative Delegation requesting the continuance of Florida Department of Environmental Protection funding for local program inspections and reports for underground storage tanks meeting the criteria of *Chapter 376, Florida Statutes*.

[BC20111220DOC043](#)

TERRA CEIA BAY

Execution of Letter to West Coast Inland Navigation District requesting implementation of a **bathymetric survey** for the Terra Ceia entrance channel to the Tropic Isles Co-op Marina, \$10,000.

[BC20111220DOC044](#)

AFFORDABLE HOUSING ADVISORY COMMITTEE

Accept Affordable Housing Advisory Committee Recommendations/Report on Affordable Housing Incentives.

[BC20111220DOC045](#)

ECONOMIC DEVELOPMENT INCENTIVE

1. **R-11-254** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, RESCINDING RESOLUTION R-10-221 AND FINDING THAT **PROJECT CENTEC** BE APPROVED FOR AN ECONOMIC DEVELOPMENT INCENTIVE GRANT AND TRANSPORTATION IMPACT FEE REFUND FOR FISCAL YEARS 2010-2011 THROUGH 2014-2015 AND PROVIDING FOR AN EFFECTIVE DATE.
- [BC20111220DOC046](#)
2. **R-11-255** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, RESCINDING RESOLUTION R-11-222 AND FINDING THAT **PROJECT IMG ACADEMIES** BE APPROVED FOR AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR FISCAL YEARS 2010-2011 THROUGH 2014-2015 AND PROVIDING FOR AN EFFECTIVE DATE.
- [BC20111220DOC047](#)

SEGWAY TOURS

Authorization to grant a five-year extension of the current Concessions Agreement for Segway Tours at Coquina Park (with Segs by the Sea).

[BC20111220DOC048](#)

FEE WAIVER

Authorization for the Parks and Recreation Department to facilitate and waive fees for the annual **Anna Maria Island Household Hazardous Waste/E-Scrap Collection event** at Coquina Beach on January 28, 2012, in accordance with the provisions of Resolution R-10-121, waiving facility fees for special events in County parks.

[BC20111220DOC049](#)

15TH STREET EAST AT 51ST AVENUE EAST

R-11-256 A RESOLUTION OF MANATEE COUNTY, FLORIDA, DELEGATING THE AUTHORITY TO MAKE PRE-SUIT OFFERS IN EMINENT DOMAIN CASES FOR THE RIGHT-OF-WAY REQUIRED FOR THE **15TH STREET EAST (301 BOULEVARD) AT 51ST AVENUE EAST ROAD RIGHT-OF-WAY IMPROVEMENT PROJECT**, PARCELS ARE IDENTIFIED AS EXHIBIT "A", TO THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS, FOR THE AMOUNT UP TO THE APPROVED APPRAISED VALUE OF THE PROPERTIES SOUGHT TO BE ACQUIRED
(**Property Owner:** Sunstone Properties & Real Estate LLC, \$68,160).

[BC20111220DOC050](#)

DEEDS AND EASEMENTS

1. **44th Avenue East** (12th Street East to 19th Street Court East) – Warranty Deed and Affidavit of Ownership and Encumbrances from Manasota Industrial Park Associates LLC. [BC20111220DOC051](#)
2. **Heritage Harbour Subphase G, Unit 3 (Grand Estuary Trail)** – Utility Easement and Affidavit of Ownership and Encumbrances from Lennar Homes LLC. [BC20111220DOC052](#)
3. **Buckeye Road and East of U.S. 41 North, Manatee One Mitigation Site** – Warranty Deed from Gulfstream Natural Gas System LLC. [BC20111220DOC053](#)
4. **Rowlett Sidewalk Project, Phase V** – Pedestrian Sidewalk Easement and Affidavit of Ownership and Encumbrances from Alex and Geneva Dickens; Joinder from Mortgage Electronic Systems. [BC20111220DOC054](#)
5. **Toyota of Lakewood S.R. 64** – Utility Easement and Affidavit of Ownership and Encumbrances from JG 64 LLC. [BC20111220DOC055](#)

EMPLOYEE HEALTH BENEFITS

Execution of Contracts for Sale and Purchase for a Warranty Deed from Beach Court Investments LLC for the **purchase of a commercial office building** located at 5213 4th Avenue Circle East, \$724,999; and authorization for Finance to issue a check, \$724,999, payable to Signature Title Company. [BC20111220DOC056](#)

69TH STREET EAST AND ERIE ROAD INTERSECTION

Execution of Easements (69th Street Vehicle Crossing, 69th Street Drainage, and 69th Street Temporary Construction Area) from Florida Power and Light Company. The easements are for the reconfiguration/relocation of the road crossing at the intersection.

MANATEE GLENS CORPORATION

[BC20111220DOC057](#)

1. **R-11-232** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING CONVEYANCE OF COUNTY PROPERTY TO MANATEE GLENS CORPORATION, A NON-PROFIT CORPORATION, FOR THE PURPOSES OF PROMOTING PUBLIC OR COMMUNITY INTEREST AND WELFARE;
2. Execution of Contract for Sale and Purchase of Real Property from Manatee County to Manatee Glens Corporation; and
3. Execution of Deed to Manatee Glens Corporation. [BC20111220DOC058](#)

WOODSTOCK ROAD AND RYE WILDERNESS ROAD

Execution of Temporary Work Space Agreement to Florida Gas Transmission Company LLC required for the **replacement of a portion of an existing gas line** located under the Manatee River. [BC20111220DOC059](#)

LAW ENFORCEMENT SERVICES

Execution of an Interlocal Agreement with the City of Bradenton Beach for enforcement services at **Coquina Beach, Cortez Beach, Leffis Key, and Coquina Bayside Park** for FY 2011-12, \$87,252. [BC20111220DOC060](#)

EMERGENCY MEDICAL SERVICES - UNCOLLECTIBLE ACCOUNTS

R-11-252 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. [BC20111220DOC061](#)

CONSENT ORDER – FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Execution of the terms of the settlement offer identified in the attached letter from the Florida Department of Environmental Protection dated 12/6/11 (GLE Associates, Inc., as consulting engineer for the Port Manatee Jack & Bore waterline installation).

SPEED TABLE INSTALLATION

[BC20111220DOC062](#)

Authorization to install one speed table (raised crosswalk) on Country Parkway (Bradenton) at 8355 Country Parkway. [BC20111220DOC063](#)

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 authorization thereafter to dispose of such property; and

2. **R-11-249** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CLASSIFYING CERTAIN TANGIBLE PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING THE DONATION THEREOF PURSUANT TO *SECTION 274.05, FLORIDA STATUTE*

(Computer equipment to **Victorious Life Christian Center**).

[BC20111220DOC064](#)

SURPLUS VEHICLES

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

[BC20111220DOC065](#)

SERVICE FEE WAIVERS

Authorization to waive \$255 in service fees assessed to various utility customer accounts for returned bank items.

[BC20111220DOC066](#)

LIEN RELEASE

Execution and release of liens for satisfied Time Payment Agreements with Gokhan and Tracy L. Durmaz; Rosemary R. Shea and Rose A. Shorter; Frank D. and Patricia Anne Given; Brenda Joy Murray; Nathaniel B. Smelser; James Richard Gilreath; William O. and Sally Phillips; R.G. Sr., and Zula Fleming; Terrance E. Quinlan; Norma J. Gamble aka Norma J. Gamble-Johnson; Carla Ann Buck; Manatee Realty Investments, LTD; James and Darlene Betts.

[BC20111220DOC067](#)

WATER AND WASTEWATER FRANCHISE AGREEMENTS

Execution of Franchise Agreements (through 12/31/26) with:

1. City of Bradenton Beach, and
2. City of Holmes Beach.

[BC20111220DOC068](#)

[BC20111220DOC069](#)

DASHBOARD REPORT

Acceptance of the dashboard report for the month of November 2011.

[BC20111220DOC070](#)

WARES CREEK STORM WATER IMPROVEMENT PROJECT

Authorization for the County Administrator to execute Certificate of Lands showing that the necessary interests in the required real estate have been obtained for the construction of the Phase IIa segment of the Cedar Hammock (Wares Creek), flood Damage Reduction Project, Manatee County, Florida (the "Project").

[BC20111220DOC071](#)

2010 ENTITLEMENT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Execution of a Certification for Reallocated Fiscal Year 2010 Entitlement Community Development Block Grant funds.

[BC20111220DOC072](#)

(End Consent Agenda)

STREET NUMBERING SIGNS

James Steffens submitted a letter and background information on a correct street signage system. He pointed out inconsistencies with street numbering and recommended the incorrect street signs be replaced in accordance with the regular sign renewal schedule.

[BC20111220DOC073](#)

SURETY BONDS

Mark Barnebey, representing North Manatee LLC, noted the company posted two surety bonds in 2007 for wetland mitigation systems in Wellington Manor and Stone Dam Preserve. North Manatee LLC no longer holds any interest in the properties; therefore, he requested the bonds be released and the company be released from financial liability through the related agreements. The current owner has no financial obligation and no incentive not to damage the wetlands. He requested this be brought back in January after conferring with staff.

Discussion: Report to be brought back; contact with Sue Sandhoff in Public Works Department; etc.

[BC20111220DOC074](#)

FLORIDA POWER & LIGHT COMPANY UPDATE

Rae Dowling, Florida Power & Light Company (FP&L), presented an update on improvements, preventative maintenance, and infrastructure, including pole inspections, line strengthening, vegetation management, and thermo scanning to identify hot spots in the lines.

FP&L provides some of the lowest rates in the state, new service accounts are increasing, new business discounts are offered, and Manatee Solar is a project priority awaiting legislative and Public Service Commission approval. Rebates will be offered for the next five years to customers who install solar photovoltaics (PV) systems or solar water heaters.

Discussion: Economic development; attract new businesses; help existing businesses; destroying trees while trimming around lines; supervised trimming; standards; supply pollution report regarding pollution recovery methods and gas generation for environmental quality; etc. [BC20111220DOC075](#)

SCHOOL BOARD REDISTRICTING

Dave Miner referred to the work session held in November (11/15/11) with the School Board where discussion was held on shared districting and numbering. The School Board redistricting resolution was adopted with the same district numbers. Per *Florida Statute*, redistricting must be accomplished during odd numbered years which the School Board has noted cannot be done before the end of the year due to public notice requirements for a special meeting. It was requested that the County Commission District numbers be amended to match the School Board District numbers, but Statute requires that odd numbered commission districts be elected during years with a multiple of four; therefore, the School Board must change its district numbers, or no changes can be made until 2013.

Discussion: School Board Attorney John Bowen has not contacted the County; technically not redistricting when only changing numbers; etc.

Jim Minix, Chief Deputy County Attorney, explained a cautious approach is being taken due to the end of the year time frame and statutory requirements. The renumbering must be done in an odd numbered year, and since there is no case law on renumbering, redistricting requirements will be followed. More time will be needed for notices and public hearings.

Motion was made by Mr. Chappie, seconded by Mr. McClash, and carried 6 to 0, to send a letter requesting the School Board to address this issue (changing School Board district numbers to match County district numbers) and make the appropriate changes so the districts are the same at the School Board as they are with the County.

Discussion: If not done before end of year, pursue at next Council of Governments meeting; how to transition numbers during elections next year; approve to be effective in 2014; School Board members are supportive; no case law; etc.

Later in the meeting, Tedd Williams, County Attorney, read the letter. [BC20111220DOC076](#)
(Depart Mr. Gallen)

STREET VACATION – RICHLAND FARMS SUBDIVISION

Public hearing (continued from 10/25/11) 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. Chappie, and carried 5 to 0, to continue the public hearing on Resolution **R-11-019-V** to February 28, 2012, at 9:00 a.m. [BC20111220DOC077](#)

ZONING

Public hearing (Notices published) was opened to consider **PDR-11-14(G) MML I LLC & PGCI IV LLC/SILVERLEAF** AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A GENERAL DEVELOPMENT

PLAN FOR 732 SINGLE FAMILY DETACHED UNITS ON APPROXIMATELY 263.35 ACRES ON THE SOUTH SIDE OF U.S. 301, SOUTH OF HARRISON RANCH BOULEVARD, WEST OF CHIN ROAD, AND NORTH OF OLD TAMPA ROAD; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL.

(Enter Mr. Gallen)

Motion was made by Mrs. DiSabatino, seconded by Mr. Bustle, and carried 6 to 0, to continue the public hearing on **PDR-11-14(G)** to February 2, 2012, at 9:00 a.m. [BC20111220DOC078](#)

ORDINANCE 11-46 - COMPREHENSIVE PLAN AMENDMENT

Public hearing (Notices published) was held to consider

ORDINANCE 11-46 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING A PURPOSE AND INTENT; PROVIDING FINDINGS; AND PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT TO DESIGNATE SPECIFIC REAL PROPERTY FROM THE **RES-6** FUTURE LAND USE CLASSIFICATION TO **R/O/R** FUTURE LAND USE CLASSIFICATION (1.89 ACRES); SAID PROPERTY BEING LOCATED AT 8154 NORTH TAMIAMI TRAIL (U.S. 41); PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

(PA-11-04; **Property Owner:** 8154 LLC).

Planning Commission recommended APPROVAL.

Based upon the evidence presented, comments made at the public hearing, upon the Technical Support Documents, the action of the Planning Commission, and finding the request to be CONSISTENT with the provisions of *Chapter 163, Part II, Florida Statutes*, and the Manatee County Comprehensive Plan, Mr. Chappie moved to ADOPT Manatee County Plan Amendment 11-04/Ordinance **11-46**, as recommended by the Planning Commission. The motion was seconded by Mr. McClash and following discussion, carried 6 to 0.

[BC20111220DOC079](#)

ZONING

Public hearing (Notices published) was held to consider

PDC-11-16(Z)(G) - 8154 LLC/BAYSIDE PET RESORT

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 3.24± ACRES ON THE WEST SIDE OF U.S. 41, AT 8154 N. TAMIAMI TRAIL, BRADENTON FROM **GC/AI** AND **RSF-3** TO THE **PDC/AI** AND **PDC** ZONING DISTRICT; APPROVE A GENERAL DEVELOPMENT PLAN FOR USE OF AN EXISTING COMMERCIAL BUILDING FOR A KENNEL; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL.

Misty Servia, representing the applicant, pointed out letters of support from adjacent property owners **McDonalds**, **Easter Seals**, and the **Whitfield-Ballentine Manor Association**. A letter was submitted from **Architect George Palermo** explaining the soundproofing of the existing building. She spoke of refurbishing the former Rip Van Winkle bowling alley, which has been vacant for years, creating jobs, and bringing a new business to Manatee County. This is the entranceway into Manatee County and redevelopment will enhance the perception of the area. She displayed an aerial of the site, across from the Sarasota-Bradenton International Airport, while pointing out surrounding businesses and homes. The site plan

was displayed. The grassy area in the rear of the building will remain vacant and be used to walk dogs on leashes. A partnership has been fostered with Easter Seals for some of their graduates to work and volunteer at the kennel.

Ms. Whitmore disclosed ex parte communication regarding the facility with **Mary Lupe** from Safe Haven Animal Rescue. Mrs. DiSabatino disclosed attending an event over the weekend where discussion was held with Longbay Boulevard residents in support of the kennel.

Lisa Barrett, Building and Development Services Department, narrated a slide presentation with an aerial of the site.

Discussion: Noise concerns; lighting in the rear area; Stipulation A.1 regarding no outdoor boarding runs; lighting issues will be reviewed with Final Site Plan; waste removal; noise from the Airport; buffering; open space; etc.

Jim Sullivan, adjoining property owner, expressed concern with noise from 161 kennels and the impact to his renters. He requested a sound buffer other than hedges and noted holidays would be the busiest time. He asked if the kennel would have backup generators.

Mary Lupe, President of Safe Haven Animal Rescue, noted she met with the kennel owner and that the building plans exceed expectations. The owner is concerned with the health and welfare of the animals and will allow animals to be shown to promote adoptions.

Daniel Young, area resident, spoke of an email sent to Commissioners that expressed concern with traffic, noise, pollution, and neighborhood impacts. Rezoning changes the boundaries and there should be appropriate stipulations to avoid future problems.

Ms. Barrett noted noise would be governed by the Noise Ordinance, and the dogs will be supervised while outdoors.

Mrs. Servia explained the operation of the facility; how the dogs will be supervised outdoors while kennels are cleaned; the use of synthetic grass that kills odors on contact; disposal of solid waste; indoor play areas; no proposed outdoor lighting; the use of the Planned Development zoning; partnering with the "No Kill" program; and state of the art amenities including executive suites, flat screen televisions, internet monitoring, and doggie daycare.

Mr. McClash suggested adding **Stipulation A.6**: A noise mitigation plan shall be approved by the County prior to the Final Site Plan to ensure compatibility with adjoining properties.

Discussion: Procedures; number of dogs; noise mitigation plan; compatibility; defer for more specific noise plan; etc.

Mrs. Servia agreed with the noise mitigation plan but noted this project is time sensitive due to a real estate deadline. During the neighborhood meeting, an animal behaviorist explained how dogs function in kennels without much barking. There will be screening and buffering to prevent external influences that may trigger barking.

Discussion: Near a noisy airport and noisy businesses; dogs may respond to airplanes; etc.

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 Land Development Code, as conditioned herein, Mr. McClash moved to ADOPT Manatee County Zoning Ordinance **PDC-11-16(Z)(G)** subject to Ordinance 11-46 amending the Comprehensive Plan becoming effective; APPROVE the General Development Plan with Stipulations A.1-5 with the addition of **Stipulation A.6** as read into the record and B.1-4, GRANT

Special Approval for a project located in the Entranceway, ADOPT the Findings for Specific Approval; and GRANT Specific Approval of an alternative(s) to Section(s) 715.3.2.c.2, 715.3.1.d and 737.5.1.1 of the Land Development Code, subject to Plan Amendment PA-11-04/Ordinance 11-46 becoming effective, as recommended by the Planning Commission. The motion was seconded by Mr. Chappie and carried 6 to 0. [BC20111220DOC080](#)

ORDINANCE 11-51 - COMPREHENSIVE PLAN AMENDMENT

Public hearing (Notices published) was held to consider

ORDINANCE 11-51 – CAPITAL IMPROVEMENTS ELEMENT

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE CAPITAL IMPROVEMENTS ELEMENT (CIE); PROVIDING FOR AN INTENT AND PURPOSE; UPDATING THE SCHEDULE OF IMPROVEMENTS (TABLE 10-1), FUNDING SOURCES (TABLE 10-2), EXPENDITURE SUMMARY (TABLE 10-3), REVENUES AND EXPENDITURES (TABLE 10-4) AND POTENTIAL REVENUE SOURCES (TABLE 10-5) APPLICABLE TO YEARS 2012-2016; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
(PA-11-05: Amending the CIE)

Mr. McClash noted conflict with the Board’s desire to expedite projects, but he requested assurance to move the dates forward. The funded projects should move forward.

John Osborne, Building and Development Services Department, explained the list can be amended as the projects evolve. These are the most recent dates as coordinated through the Public Works Department. There have been recent changes in State Legislature for the CIE process, which will allow more flexibility.

Jay King expressed concern with the estimated costs for the Fort Hamer Bridge. He requested the Metropolitan Planning Organization develop a cost estimate for the bridge using the Florida Department of Transportation construction cost estimating formula. A verbal estimate ranged from \$55 to \$60 million in 2014 dollars. Bridge benefits should be reevaluated.

Discussion: Information does not change cost much; appropriated funds; contracted price upheld; safety issue to provide new roadway; general planning dollars; etc.

Based upon the evidence presented, comments made at the public hearing, the technical support documents, and finding the request to be CONSISTENT with the applicable provisions of the Community Planning Act and the Manatee County Comprehensive Plan, Mrs. DiSabatino moved to ADOPT Plan Amendment **PA-11-05/Ordinance 11-51**, as recommended by staff. The motion was seconded by Mr. Bustle and carried 6 to 0. [BC20111220DOC081](#)

JOHNSON MIDDLE SCHOOL SIDEWALK REPORT

Jeff Streitmatter, Public Works Department, spoke of an update to be presented by project manager Walter Sowa, on the sidewalk on 26th Avenue East near Johnson Middle School.

Walter Sowa, Public Works Department, displayed an aerial to show existing crosswalks and sidewalks, sidewalks under construction, areas without sidewalks, and proposed sidewalks. The School Board provided a prioritized list of construction requests in 2011, which included a sidewalk for the north and south of 26th Avenue East to 27th Street East. Properties on 26th Avenue East were annexed by the City of Bradenton, which must grant right-of-way easements for sidewalks on the north side of the road. Sidewalks are under construction at the intersection and will be placed on the south side of 26th Avenue East on County right-of-way. This will result in contiguous sidewalks from Johnson Middle School to 27th Street East.

Mr. Gallen submitted a photograph of a Johnson Middle School student walking on the grass on the north side of 26th Avenue East.

Discussion: Project to start within six months; etc.

[BC20111220DOC082](#)

COMMISSIONER ASSIGNMENTS FOR 2012

Chair-elect Chappie submitted the 2012 County Commission Committee Assignments and noted few changes.

Motion was made by Mr. McClash and seconded by Mrs. DiSabatino, to accept the 2012 list of Board of County Commission Committee Assignments; and to allow for any letters indicating Commissioners assignments to go to the appropriate entities, if required by that entity. Following discussion, the motion carried 6 to 0.

[BC20111220DOC083](#)

COMMISSIONERS' COMMENTS

Manatee High School Football State Champions

Mr. McClash praised the football team for winning the State Championship and requested a proclamation for the team. He suggested medallions as a memento of their accomplishment.

[BC20111220DOC084](#)

Community Jobs

Mr. McClash commented on staff's focus and efforts to combat economic challenges.

[BC20111220DOC084](#)

Animal Services

Mrs. DiSabatino commented on working with local animal shelters. There will be free spay and neutering at the end of the month for Zip Code 34207.

Ms. Whitmore noted the weekend adopt-a-thon resulted in 21 cats and 5 dogs being adopted. Microchipping and scanning the animals will save money and time for Animal Services. The Island Walgreens has a donation barrel for animal food and all other area Walgreens will begin participating. Professional photographers have agreed to volunteer photographing animals for the Adopt-a-days program.

[BC20111220DOC084](#)

Sarasota Bradenton International Advisory Committee

Mrs. DiSabatino noted she attended the meeting, and submitted the minutes.

[BC20111220DOC085](#)

Housing Market

Mrs. DiSabatino submitted a Michael Saunders & Company newspaper article entitled *Year End Snapshot* that reported on home sales, inventory, and prices for 2011.

[BC20111220DOC086](#)

Cooper Creek Shopping Center

Mrs. DiSabatino commented on the rowing-related Christmas light display at the Benderson shopping center on the north side of University Parkway.

[BC20111220DOC084](#)

Port Manatee

Mr. Bustle expressed excitement for the new Port Director, Carlos Buqueras, and the future direction of Port Manatee.

[BC20111220DOC084](#)

Drug Abuse Coalition

Ms. Whitmore commended Chief Deputy County Attorney Jim Minix for meeting with the Medical Society and Coalition for Drug Abuse, and preparing a report for a work session.

[BC20111220DOC084](#)

BIZ 941

Ms. Whitmore commented that the publication recognized three Manatee County Commissioners for business-friendly customer service.

[BC20111220DOC084](#)

Indigent Care

Ms. Whitmore reported indigent care funds will be depleted in 2014, and new ways are needed to fund the program. She will volunteer one day a week at Florida Home Health to keep abreast of Medicare regulations and remain updated on relevant issues.

[BC20111220DOC084](#)

Blake Trauma Center

Ms. Whitmore reported the new unit has had 80 trauma calls and all is working well.

[BC20111220DOC084](#)

Lincoln High Memorial

Mr. Gallen noted the historic marker was unveiled Friday and lights are needed to illuminate the marker at night.

[BC20111220DOC084](#)

Anti-Violence Rally

Mr. Gallen announced an anti-violence rally will be held at Lincoln Park preceding the Martin Luther King, Jr. parade.

[BC20111220DOC084](#)

County Attorney Applications

Tedd Williams, Jr., County Attorney, reported that all applications have been received and there are 19 qualified applicants. Application notebooks will be distributed today to the Commissioners. The selection committee will meet on January 4, 2012, to review the applications and provide recommendations.

Discussion: Standard sheet with background information; use format that was used with Port Manatee applicants; selection committee interviews; short list will be prepared; Board will make short list at a public meeting; private interviews and then public interviews; etc.

[BC20111220DOC084](#)

Upcoming Meetings

Mr. Chappie announced a Council of Governments meeting will be held on January 3, 2012, followed by a work session with the City of Palmetto. He will be working with the Chair-elect of the Sarasota Commission to hold a joint meeting in March.

[BC20111220DOC084](#)

Sports Recognition

Mr. Chappie requested recognition for the Lakewood Ranch High School Golf Team Championship and Palmetto High School for their sports accomplishments, along with the State Champion Manatee High School Hurricanes.

Discussion: Manatee County sports recognition; diversifying the economy with activities; etc.

[BC20111220DOC084](#)

2012 HEALTH PLAN DOCUMENT UPDATES

Ms. Whitmore applauded the changes to the Health Plan, including revisions to clarify coverage for the Port Authority, and for spousal coverage.

Kim Stroud, Employee Health Benefits, explained the spousal clause, COBRA requirements, Ultimate Plan benefits, eligibility, co-pays, pre-approval for outpatient services, containing costs, case managers, plan levels, and employee responsibilities.

Following discussion, motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 6 to 0, to adopt:

R-11-257 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING REVISIONS TO THE MANATEE COUNTY HEALTH PLAN DOCUMENT FOR EMPLOYEE BENEFITS BEGINNING PLAN YEAR 2012. [BC20111220DOC087](#)

RED LIGHT CAMERAS

Mr. Gallen explained that the contract with ACS State and Local Solutions, Inc., no longer meshes with State requirements and no solution has been found. Red light cameras promote public safety, save lives, and more review is needed to continue the program.

Motion was made by Mr. Gallen to authorize County staff to discontinue negotiations regarding Agreement for Automated Red Light Enforcement System and Services, and to authorize County Attorney to send a letter to ACS State and Local Solutions, Inc. **and** to direct County staff to bring back the issue of red light cameras after the conclusion of the 2012

legislative session.

Discussion: Review requirements; certify people to issue citations instead of law enforcement; etc.

After discussion, the motion carried 6 to 0.

Discussion: Sunshine laws for recorded image uses; cost prohibitive; take storage out of legislation; deter crime; allow images to be used for crime prevention; many cameras in county; etc.

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 6 to 0, to have staff look at that issue and bring something back to look at the pros and cons of some type of legislative change to allow for the recording of these traffic cameras. [BC20111220DOC088](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 12:01 p.m.
/vj/qa/mr

Minutes Approved: January 24, 2012