

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION BUILDING – HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
February 23, 2021**


Meeting video link: <https://www.youtube.com/channel/UCUlgjuGhS-qV966RU2Z7AtA>

Present were:

Vanessa Baugh, Chairman
George Kruse, First Vice-Chairman
Kevin Van Ostenbridge, Second Vice-Chairman
Reggie Bellamy, Third Vice-Chairman
Misty Servia
James A. Satcher III
Carol Whitmore

Also present were:

Cheri Coryea, County Administrator
William Clague, County Attorney
Robin Toth, Deputy Clerk, Clerk of the Circuit Court

 Chairman Baugh called the meeting to order at 9:03 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE 

1. The Invocation was delivered by Joan Irwin, Baha'i Faith of Manatee County, followed by the Pledge of Allegiance

RECESS/RECONVENE: 9:07 a.m. – 9:26 a.m. The County Commission meeting recessed for the purpose of holding a Port Authority meeting. The County Commission meeting reconvened with all Commissioners present.

REVISED AGENDA 

BC20210223DOC001

Agenda Update Memorandum (2/23/21)

BC20210223DOC002

- Item 5, Written comments submitted through the online Public Comment Form were added February 22, 2021
- Item 26, Appointments of Two Individuals to the Environmental Lands Management and Acquisition Advisory Committee (ELMAC) – The Background Discussion section was updated February 22, 2021, to reflect the withdrawal of Ed Beidel's application for the Resident of Anna Maria Island or Longboat Key position
- Item 27, Port Authority Meeting – Written Comments submitted through the online Public Comment form were added February 22, 2021
- Item 28, Adoption of Resolution R-21-022, amending the 2018/19 and 2019/20 Housing and Urban Development (HUD) Annual Action Plans to allocate ESG-CV supplemental funding to prevent, prepare for, and respond to the Coronavirus Pandemic and to reallocate unexpended HOME Funds – Written comments submitted through the online Public Comment form were added February 22, 2021
- Item 29, Updates on CARES Act Strategies, the Emergency Rental Assistance Program, and Coronavirus Local Strategies involved with Testing, Local Data, Statistics, and Vaccine Distribution; Extension of Local State of Emergency. The following items were added February 22, 2021:
 - The on-going Response to COVID-19 Pandemic PowerPoint presentation; and
 - Written comments submitted through the online Public Comment form

- Item 30, Acceptance and Approval of the County Administrator’s Annual Report for 2020 – The Report was added to this agenda item February 19, 2021
- Item 32, Rebecca Richardson v. Manatee County, Case 2020-CA-3751 – Motion to allow Plaintiff’s Proposal for Settlement in the amount of \$200,000 to Manatee County to expire, and take no action regarding the Proposal for Settlement – Request for: Motion to allow Plaintiff’s Proposal for Settlement in the amount of \$200,000 to Manatee County to expire and take no action regarding the Proposal Settlement. This item was added to the Consent Agenda under the Attorney
- Item 33, Approval of Separation Agreement with County Administrator Cheri Coryea –
 - Request for: Motion to approve the Separation Agreement with County Administrator Cheri Coryea, in the form provided by the County Attorney; and
 - Written comments submitted through the online Public Comment form were added February 22, 2021
- Item 34, Adoption of Resolution R-21-031, appointing Charles Hines as Acting County Administrator
 - Request for: Motion to adopt Resolution R-21-031, appointing Charles Hines as Acting County Administrator; and
 - Written comments submitted through the online Public Comment form were added February 22, 2021
- Item 35, Discussion of Procedures for Board Meetings and Decorum – This Item was added to the Commission Agenda under Commissioner Whitmore

Time Certain:

- Item 27, 9:00 a.m. – Port Authority Meeting
- Item 29, 11:00 a.m. – Update on CARES Act Strategies, the Emergency Rental Assistance Program, and Coronavirus Local Strategies involved with Testing, Local Data, Statistics, and Vaccine Distribution; Extension of Local State of Emergency
- Item 33, 2:30 p.m. – Approval of Separation Agreement with County Administrator Cheri Coryea
- Item 34, 2:45 p.m. – Adoption of Resolution R-21-031, appointing Charlies Hines as Acting County Administrator

CONSENT AGENDA

Items 10, 11, 12, 14 – Pulled by Commissioner Whitmore

PRESENTATION 


1. MANATEE COUNTY SEARCH AND RESCUE



John Elwood, Manatee Search and Rescue Operations/K9 Handler, gave a presentation on the Manatee County Search and Rescue Organization, outlining the assets and capabilities this organization delivers to citizens, as well as the new Flood/Water Rescue Program.

He asked that staff be directed to move forward with a memorandum of understanding between the County and Manatee County Search and Rescue.

BC20210223DOC003


PROCLAMATIONS


 A motion was made by Commissioner Servia, seconded by Commissioner Bellamy and carried 7-0, to adopt the following Proclamations:


- 2.  Wildlife Inc., Day – March 3, 2021, was accepted by Linda Hamilton, Wildlife, Inc. BC20210223DOC004
- 3.  Parrish Heritage Day – March 6, 2021, was accepted by Gretchen Fowler and other members of the Parrish Community Association BC20210223DOC005


4.  National Eating Disorder Awareness Week – February 22-28, 2021, was accepted by Daniel Geyer and Molly White, Parks and Natural Resources BC20210223DOC006


5. **CITIZEN COMMENTS** (Future Agenda Items)


 James Parrott referenced a letter to Commissioners regarding recent distributions of the COVID vaccine and a request for an investigation.

 Pam Freni, Shelter Manatee, and Nathan Levinson commented on funding for a new County animal shelter. Mr. Levinson also spoke in favor of Charter County Government.


 Glen Gibellina suggested impact fees be imposed for density bonuses to benefit affordable housing.


 Andra Griffin commented on the COVID vaccine pop-up site in Lakewood Ranch, an MCR COVID vaccine drive through in Rubonia, and pharmacies with supplies of the vaccine.

 Tracie Pratt, Manatee County Democratic Executive Committee, read a letter regarding COVID vaccines and requested the resignation of Commissioner Baugh.


 Frank McAndrews suggested the Board hold a facilitated, closed meeting to address core issues, with the priority of healing the divisions of the Board.


 Betty Sailes Rhodes spoke on the actions regarding the distribution of COVID vaccines.

 By telephone, Amanda Ballard commented on the COVID vaccine plan by Chairman Baugh.


 By telephone, Dawn Kitterman, commented on COVID vaccine sites.

 By telephone, Caroline Perzan asked for the resignation of Chairman Baugh.

 Dr. SuAnne Miller, Friends of the East Manatee Library, spoke about positive experiences with the County's Library system.

 By telephone, Junior Salazar, Latin Chamber of Commerce, addressed comments regarding the availability of COVID vaccines in retail locations.

 By telephone, Matt Bower suggested Chairman Baugh step-down as Chairman and Commissioner Bellamy be appointed as Chairman.

 By telephone, Corey Holmes responded to comments regarding racism and opposed any changes to the County Commission Chairmanship.


 By telephone, Shane Wedel echoed comments by Ms. Kitterman and Mr. Bower.

There being no further citizen comments, Chairman Baugh closed Citizen Comments.


BC20210223DOC007

REQUEST FOR RESIGNATION – CHAIRMAN VANESSA BAUGH

Lengthy discussion occurred regarding actions by Chairman Baugh, responsibility and accountability of the County Commission to the citizens of Manatee County, Chairman Baugh apologized for her actions, deep concern that staff and citizens have lost confidence in the County Commission, steps that should be taken to make sure this does not happen again, there should be consequences, and the Board needs to continue to move forward.


 Upon question, Chairman Baugh stated she had no intention of resigning from the County Commission.


Motion


 A motion was made by Commissioner Bellamy, for the Board of Manatee County Commissioners to ask Commissioner Baugh to resign as Chairman. The motion was seconded by Commissioner Whitmore.


Amendment

Commissioner Whitmore amended the motion to remove the Chair from her position. Commissioner Bellamy agreed.


 William Clague, County Attorney, addressed the procedural context of the proposed action and referred to Section 3.1 of Board Rules and Procedures and Roberts Rules of Order. It is a question for a majority vote of the Board.


 Commissioner Whitmore suggested Commissioner Kruse assume the position of Chairman. She also suggested the Board write a letter to the Governor's office, explaining that the action by Commissioner Baugh was not the action of the entire Board.

 Commissioner Kruse declined the position of Chairman and opposed the removal of Vanessa Baugh as Chairman.

 Discussion continued about Resolution R-09-234 (10/20/09) regarding non-interference in Administrative matters by members of the Board of County Commissioners, there needs to be a true transition to respond to the public outcry in disappointment of the actions that occurred, this was a documented action that occurred by leadership and no leader should act this way, Chapter 112, Florida Statutes regarding standards of conduct for a public officer and the vaccine policy voted on by the Board was not followed.


Motion – Call the Question

 A motion to call the question was made by Commissioner Whitmore, seconded by Commissioner Van Ostenbridge and carried 7-0.

 Following further discussion, Mr. Clague stated that, under Board Rules and Procedures, the motion should read as a motion to remove the Chair, with no reference to appointing Commissioner Kruse as the next Chair.

The amended motion failed 4-3, with Commissioners Kruse, Baugh, Satcher and Van Ostenbridge voting nay.

 Commissioner Whitmore declared a point of order to take public comment.

 Mr. Clague advised that Florida Statute was satisfied and additional public comment was unnecessary.

RECESS/RECONVENE: 11:56 a.m. – 1:03 p.m. All Members were present.

10. **BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT**

Request to reduce the fines for Case CE1810-0007, Alexander Guntang and Larry Schrock, to \$1,000, plus \$28.50 in recording fees (as previously recommended by the Special Magistrate on 1/27/21), subject to the following conditions:

- The reduced fines shall be paid within 90 days, or will revert to the original fine amount of \$13,150;
- Recording fees shall be paid, which total \$28.50; and
- Building and Development Services Director is authorized to sign Satisfaction of Lien if the reduced fine is paid

BC20210223DOC008


and


11. **BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT**


Reduction of the fines for Case CE1904-0142, Alexander Guntang and Larry Schrock, to \$1,000, plus \$28.50 in recording fees (as previously recommended by the Special Magistrate on 1/27/21), subject to the following conditions:

- The reduced fines shall be paid within 90 days, or will revert to the original fine amount of \$13,150;
- Recording fees shall be paid, which total \$28.50; and
- Building and Development Services Director is authorized to sign Satisfaction of Lien if the reduced fine is paid

BC20210223DOC009

 Commissioner Whitmore noted that both Agenda Items 10 and 11 are properties owned by the same person, who is elderly and on a fixed income.

 A motion was made by Commissioner Whitmore, to waive the fines (for Agenda Items 10 and 11) and that the respondent(s) only pay the recording fees. The motion was seconded by Commissioner Kruse.

 Andra Griffin spoke in favor of waiving the fines.

 John Barnott, Building and Development Services Director, explained the process for bringing Code Enforcement Cases into compliance.

 There was discussion that the process of Code Enforcement fine reductions would be discussed at a future work session.

There being no further public comment, Chairman Baugh closed public comment.


The motion carried 7-0.

12. **BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT**


Reduction of the fines for Case CE2018020317, J. Ryan Routh, to \$2,000, plus \$28.50 in recording fees (previously recommended by the Special Magistrate on 1/27/21), subject to the following conditions:

- The reduced fines shall be paid within 90 days, or will revert to the original fine amount of \$20,000;

- Recording fees shall be paid, which total \$28.50; and
- Building and Development Services Director is authorized to sign Satisfaction of Lien if the reduced fine is paid


 A motion was made by Commissioner Whitmore, to waive the fines and that the respondent only pay the recording fees. The motion was seconded by Commissioner Bellamy.


There being no public comment, Chairman Baugh closed public comment.


 The motion carried 7-0.

BC20210223DOC010

14. **FINANCIAL MANAGEMENT/CHANGE ORDER/60TH AVENUE EAST/U.S. 301 OUTLET MALL ENTRANCE PROJECT**

 A motion was made by Commissioner Whitmore and seconded by Commissioner Van Ostenbridge, to authorize the Procurement Official, or designee, to execute Change Order 2 to Work Assignment 1 for Agreement 15-0909JE, with Kisinger Campo and Associates, Corp., providing an additional \$2,762,167.05 to provide design services for roadway improvements along 60th Avenue East - U.S. 301/Outlet Mall Entrance Project, in the amount of \$2,762,167.05, for a revised, not-to-exceed amount of \$3,205,319.05.

 Jan Brewer, Financial Management Director, noted that the funding for this project is from the infrastructure sales tax.

 There was discussion on the continuous increase in project costs, fast-tracking some of the projects through bonding or depleting Reserves because costs keep going up, and that is why it is so imperative to get these projects started as soon as possible.


 The motion carried 7-0.

BC20210223DOC011

CONSENT AGENDA

6. **Citizen Comments** (Consent Agenda Items)

There being no public comments, Chairman Baugh closed public comments. BC20210223DOC012

 A motion was made by Commissioner Servia, seconded by Commissioner Bellamy and carried 7-0, to approve the Consent Agenda, with the changes incorporated in the Agenda Update Memorandum, and with the deletion of Items 10, 11, 12 and 14 (all separate action).

7. **CLERKS CONSENT AGENDA**

BC20210223DOC013

A. **MINUTES**

Approved the Minutes of January 26, and February 2 (morning and afternoon work sessions), 2021

B. **REFUNDS**

Approved:

1. 423 Partners LLC - Facility Investment Fees, \$6,652 BC20210223DOC014

2. Mattamy Tampa/Sarasota LLC - Transportation Impact Fees, \$115,415 BC20210223DOC015

3. SPCA of Manatee County Florida, Inc. - Facility Investment Fees, \$3,448 BC20210223DOC016

C. **CONTRACT**

Accepted the following Contract per Chapter 2-26 of the Manatee County Code and pursuant to Purchasing Division's Administrative Standards and Procedures Manual:

1. Agreement with Cost Management, Inc., dba CMI for Construction Cost Estimating Services as outlined in Exhibit A, and compensation set forth in Exhibit B BC20210223DOC017

D. BONDS

Accepted:

1. Heron Creek, Phase II
 - Released Agreement in Conjunction with Letter of Credit 335 as Defect Security Warranting Required Improvement securing roadway, drainage, sewer and water collection improvements, \$71,163.83; and
 - Released and Returned Letter of Credit (Defect) 335 and any associated riders, \$71,163.83 BC20210223DOC018
2. Watercolor Place I
 - Accepted and executed Agreement for Public Improvements securing water distribution system, sanitary sewer system, paving, and stormwater improvements;
 - Accepted and executed Surety Bond (Defect) CS2161179, \$69,686.18
 - Accepted and executed Surety Bond (Defect) CS2161178, \$215,858.75; and
 - Accepted and executed Bill of Sale BC20210223DOC019

E. PARTIAL RELEASE OF SPECIAL IMPROVEMENT ASSESSMENT LIEN

Executed and recorded the following:

1. Project 5288 – 55th Avenue East Paving, Beverly Saver and Joshua, Richie, and Amanda Saver BC20210223DOC020

F. SHERIFF BOND

Accepted the list of 22 additional employees and the deletion of 10 employees from the Sheriff's Public Employee Bond BC20210223DOC021

32. ATTORNEY/LAWSUIT

Approved to allow Plaintiff's Proposal for Settlement in the amount of \$200,000, to Manatee County to expire and take no action regarding the Proposal for Settlement in the case of Rebecca Richardson v. Manatee County, Case 2020-CA-3751 BC20210223DOC022

8. BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/ISLES AT BAYVIEW, PHASE I, SUBPHASES A AND B

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of Community Declaration for the Isles at Bayview, Phase I, Subphases A and B;
- Accepted, executed and authorized recording of Mortgagee's Joinder in Ratification of Subdivision Plat and All Dedications and Reservations Thereon;
- Authorized the County Administrator, or designee, to Accept, execute and record Agreement for Private CDD Subdivision with Public Improvements, Isles at Bayview, Phase I, Subphases A and B;
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Isles at Bayview, Phase I, Subphase A, Surety Bond LICX1202722, \$1,622,194.64;
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Isles at Bayview, Phase I, Subphase B, Surety Bond LICX1202725, \$413,488.80;
- Authorized the County Administrator, or designee, to Accept, Execute and Record Agreement for Private CDD Subdivision with Private Improvements, Isles at Bayview, Phase I, Subphases A and B;
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Isles at Bayview, Phase I, Subphase A,

- Surety Bond LICX1202723, \$2,891,103.64;
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Isles at Bayview, Phase I, Subphase A, Surety Bond LICX1202742, \$461,062.68;
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Isles at Bayview, Phase I, Subphase A, Surety Bond LICX202724, \$152,353.76;
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Isles at Bayview, Phase I, Subphase B, Surety Bond LICX202726, \$1,061,655.62;
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Isles at Bayview, Phase I, Subphase B, Surety Bond LICX202741, \$299,029.12;
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Isles at Bayview, Phase I, Subphase B, Surety Bond LICX202727, \$59,175.58; and
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Isles at Bayview, Phase I, Subphases A and B, Surety Bond LICX1202743, \$111,195.50

BC20210223DOC023

9. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/AZARIO, PHASE I, SUBPHASES A AND B**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized Recording of Declaration of Covenants, Conditions and Restrictions for Park East at Azario;
- Accepted, executed and authorized recording of Consent to Subdivision Plat and All Dedications and Preservations Thereon for Park East at Azario, Phase I, Subphases A and B, by Lakewood Ranch Stewardship District;
- Accepted, executed and authorized recording of Mortgagee's Joinder in and Ratification of Subdivision Plat and all Dedications and Reservations Thereon for Park East at Azario, Phase I, Subphases A and B by SMR Northeast LLC;
- Authorized the County Administrator, or designee, to accept, execute and record Agreement for Private Subdivision with Public Improvements for Park East at Azario, Phase I, Subphases A and B;
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Park East at Azario, Phase I, Subphases A and B, Surety Bond LCIX1134700, \$1,402,824.48;
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Park East at Azario, Phase I, Subphases A and B, Surety Bond LCIX1134702, \$752,398.08;
- Authorized the County Administrator, or designee, to accept, execute and record Agreement for Private Subdivision with Private Improvements for Park East at Azario, Phase I, Subphases A and B;
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Park East at Azario, Phase I, Subphases A and B, Surety Bond LCIX1134701, \$2,105,056.32;
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Park East at Azario, Phase I, Subphases A and B, Surety Bond LCIX1134699, \$106,470.65;
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Park East at Azario, Phase I, Subphases A and B, Surety Bond SU1168617, \$44,361.59;

- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Park East at Azario, Phase I, Subphases A and B, Surety Bond SU1169926, \$22,418.96;
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Park East at Azario, Phase I, Subphases A and B, Surety Bond LCIX1134704, \$1,550,887.47;
- Authorized the County Administrator, or designee, to accept and execute Surety bond for Performance of Required Improvements, Park East at Azario, Phase I, Subphases A and B, Surety Bond LCIX1134703, \$71,744.40; and
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Park East at Azario, Phase I, Subphases A and B, Surety Bond SU1168620, \$30,316.72

BC20210223DOC024

13. **FINANCIAL MANAGEMENT/BUDGET RESOLUTION**

Adopted Budget Amendment Resolution B-21-048

BC20210223DOC025

15. **NEIGHBORHOOD SERVICES/GRANT/MOTE RANCH HOMEOWNERS ASSOCIATION**

- Approved FY 20/21 Neighborhood Enhancement Grant for Mote Ranch Homeowners Association, for a reimbursement total of up to, but not exceeding \$10,000; and
- Authorized the County Administrator, or designee, to approve and execute Reimbursement Agreements for these same projects funded through the FY 20/21 Neighborhood Enhancement Grant Program

BC20210223DOC026

16. **NEIGHBORHOOD SERVICES/LETTER/GRANT**

Executed Designation Letter authorizing Centerstone of Florida, Inc., to apply for a Criminal Justice, Mental Health and Substance Abuse Reinvestment Grant, as recommended by the Public Safety Coordinating Council and Criminal Justice Mental Health and Substance Abuse Planning County Advisory Board to the Board of County Commissioners

BC20210223DOC027

17. **PARKS AND NATURAL RESOURCES/ANNA MARIA ISLAND BEACH HURRICANE IRMA RECOVERY PROJECT**

- Executed Change Order 1 to Florida Department of Environmental Protection (FDEP) Agreement 19ME2, Anna Maria Island Beach Hurricane Irma Recovery Project; and
- Adopted Budget Resolution B-21-052, amending the Annual Budget for FY 21, for State Funding for the Anna Maria Island Beach Hurricane Irma Recovery Project (This amendment adjusts the FY 21/25 Capital Improvement Plan [CIP])

BC20210223DOC028

18. **PARKS AND NATURAL RESOURCES/PERICO/ROBINSON PRESERVE CONNECTOR TRAIL PROJECT**

- Executed FDEP Grant Agreement T1910, for the Perico/Robinson Preserve Connector Trail Project; and
- Adopted Budget Resolution B-21-051, amending Annual Budget for FY 21, for the Perico/Robinson Preserve Connector Trail Project (This amendment adjusts the FY 21/25 CIP)

BC20210223DOC029

19. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**

Accepted recorded Temporary Construction Easement from Sugar Creek Estates, Inc., for property located along 26th Avenue East, required for the 26th Avenue East Sidewalk Project

BC20210223DOC030

20. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**

- Accepted recorded Warranty Deed from Jose R. Ramirez and Maria Del Carmen Ramirez;

- Accepted recorded Temporary Construction Easement from Jose R. Ramirez and Maria Del Carmen Ramirez, for Parcels 136 and 136.03 of the Moccasin Wallow Road, U.S. 41 to Gateway Boulevard Expansion Project (CIP Project 6092560); and
- Accepted recorded Affidavit of Ownership and Encumbrances from Jose R. Ramirez and Maria Del Carmen Ramirez BC20210223DOC031

21. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**

- Accepted recorded Warranty Deed from Arthur Donald Dole and Linda Lee Dole;
- Accepted Temporary Construction Easement from Arthur Donald Dole and Linda Lee Dole, for Parcels 146 and 146.03 of the Moccasin Wallow Road, U.S. 41 to Gateway Boulevard Expansion Project (CIP Project 6092560); and
- Accepted recorded Affidavit of Ownership and Encumbrances from Arthur Donald Dole and Linda Lee Dole BC20210223DOC032

22. **PARKS AND NATURAL RESOURCES/DEEDS AND EASEMENTS**

- Adopted Resolution R-21-014, authorizing exchange of Property Agreement and Amendment to Impact Fee Credit Agreement with Moccasin Wallow Associates LLC, for property located on Fort Hamer Road, Parrish;
- Authorized execution and recording of Exchange of Property Agreement and Amendment to Impact Fee Credit Agreement with Moccasin Wallow Associates LLC,
- Authorized execution and recording of County Deed, to release 8.150 acres of County land to Moccasin Wallow Associates LLC; and
- Accepted and authorized recording of Special Warranty Deed form Moccasin Wallow Associates LLC, to receive 8.38 acres of land BC20210223DOC033

23. **PUBLIC WORKS/BOND**

Accepted Rider to Reclamation Surety Bond 08941617, for Altman Tract Parcel 4, decreasing the bond amount from \$6,500,447 to \$5,555,230 (effective 7/1/20) BC20210223DOC034

24. **PUBLIC WORKS/SURPLUS PROPERTY**


Authorized 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 authorized to thereafter dispose of such property BC20210223DOC035

25. **PUBLIC WORKS/SURPLUS VEHICLES**


Authorized 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 authorized to thereafter dispose of such property BC20210223DOC036

(End Consent Agenda)


29. **UPDATES ON CARES ACT STRATEGIES, THE EMERGENCY RENTAL ASSISTANCE PROGRAM, AND CORONAVIRUS LOCAL STRATEGIES AND EXTENSION OF LOCAL STATE OF EMERGENCY**

 Karen Stewart, Deputy County Administrator, provided an update on the CARES Act Extension, as outlined in the agenda memorandum. The County has not yet received the Amendment from the State. If it is not received prior to the March 9 Board meeting, alternative options would be presented.


 Angelina Colonnese, Clerk of the Circuit Court, advised that the Inspector General's Office audited every application for CARES Act Funds. Potential fraud was discovered and stopped.

 There was discussion to schedule a work session for Ms. Colonnese to explain the roles of the Clerk's office.


 There being no public comment, Chairman Baugh closed public comment.


 Ms. Stewart also provided an update on the Emergency Rental Assistance Program.

Discussion occurred on the need to make sure there is continued communication to the public and the Creole community.


 Jacob Saur, Public Safety Director, utilized a slide presentation to report on the on-going response to the COVID-19 Pandemic, including vaccine operations and distribution.


Mr. Saur introduced Chloe Convoy, Emergency Management's Strategic Affairs Manager.


 Cheri Coryea, County Administrator, responded to concerns raised earlier in the meeting regarding vaccines administered at MCR Health. She noted that no one has been charged to receive the vaccine administered at the Rubonia site.

 Further discussion occurred regarding the vaccine lottery pool.

Motion

 A motion was made by Commissioner Van Ostenbridge, that no members of this Board will, in any way, shape or form, jeopardize the fairness of the lottery system. The motion was seconded by Commissioner Whitmore.

 Andra Griffin disagreed with the entire lottery process, because it has been proven that it can be compromised, and it should be on a first-come, first-serve basis.


 Glen Gibellina asked how the use of the lottery system was determined.

Motion - Call the Question

 A motion to call the question was made by Commissioner Van Ostenbridge, seconded by Commissioner Baugh and carried 7-0.

Vote - Original Motion


 The motion carried 5-2, with Commissioners Baugh and Satcher voting nay.

 Due to misinterpretation of the original motion, Mr. Clague stated the motion could be reconsidered.

Motion to Reconsider


Chairman Baugh moved to reconsider the motion. The motion was seconded by Commissioner Satcher and carried 7-0.


The original motion carried 7-0.

 Discussion followed regarding vaccines administered at the Rubonia pop-up site were under the control of MCR Health, distribution of vaccines through the Department of Health, MCR's flier says a person may be charged to get the vaccine, upcoming weekly vaccine allotments of 11,000 doses, look at changing the lottery system to a first-come/first-serve basis, tier the vaccine lottery system in groups of 25,000 people, an automated scheduling system is in testing, run the existing vaccine lottery now and notify people what number they are within the system, ask people to call 311 to remove their name from the vaccine lottery pool if they were vaccinated at another location, three options to move forward, discuss the cost and length of time to implement each option in a future meeting. BC20210223DOC037

RECESS/RECONVENE: 2:50 p.m. – 3:02 p.m. All Commissioners were present.


33. **COUNTY ATTORNEY/SEPARATION AGREEMENT/COUNTY ADMINISTRATOR/CHERI CORYEA**


 William Clague, County Attorney, presented a Separation Agreement with Cheri Coryea, County Administrator. A typo in the date in the agenda memorandum should indicate February 9, 2021. The Agreement reflects an amical separation and a without-cause scenario, it avoids litigation or other disputes, and includes compensation and benefits over and above what Ms. Coryea would otherwise receive, as outlined in the exhibit to the Agreement. He negotiated the terms of the Agreement and the compensation is reasonable. If approved, the agreement is effective at the close of business this date.

 Kim Stroud, Human Resources Director, responded to questions regarding the County's policy for the payout of accrued vacation and sick leave hours. Unlimited vacation time is accrued, but maximum payout is 400 hours. Unlimited sick time is accrued, but maximum payout is 500 hours. Ms. Coryea accrued in excess of 3,000 hours sick time. She had no negative evaluations during her 31-year tenure with Manatee County Government.

There was discussion that one Commissioner did not submit an evaluation of Ms. Coryea, former Commissioner Stephen Jonsson submitted a negative evaluation, it was emphasized that this is a separation agreement and not a termination agreement, show respect at this time, Ms. Coryea's position is based on performance, Ms. Coryea was to be given a year and then be evaluated on her work performance, but this has not occurred, countless citizens disagree on the removal of Ms. Coryea, and Ms. Coryea has done nothing wrong and has not been given an opportunity to be evaluated by this Board.

Motion – Discontinue Separation Discussion

 Following discussion, a motion was made by Commissioner Bellamy, to discontinue the separation discussion and allow our County Administrator at least a year and be evaluated so she could prove she could move this County forward. The motion was seconded by Commissioner Servia.

 Mr. Clague advised that public comment should be taken on the Separation Agreement.


 Speaking in opposition to the Separation Agreement and the removal of Ms. Coryea were Betty Sailes Rhodes, Nathan Levinson, former Commissioner Betsy Benac, and Ralph Umana.


 Andra Griffin declined to speak.


 Former Commissioner Priscilla Trace praised the leadership of Ms. Coryea.


 Cathy Slusser commended Ms. Coryea for being an exceptional leader.


 Corey Holmes commented on the need for a culture change in Manatee County.

 By telephone, Glen Gibellina stated Ms. Coryea should receive all compensation she is entitled to. He urged the Board to forego an interim County Administrator and launch a national search for a new County Administrator.


 Dawn Kitterman spoke about the change of position by Commissioner Kruse to remove Ms. Coryea.


 Shane Wedel thanked Ms. Coryea for excellent service.


 Gwendolyn Speers stated the proposed action does not represent the people.

 Mark Jaeger spoke in favor of retaining Ms. Coryea to assist in a seamless transition to a new County Administrator.


There being no further public comment, Chairman Baugh closed public comment.

 Commissioner Whitmore disclosed receiving text messages during this item and asked other Commissioners to disclose any communication on this matter. She commented on the culture change on the ninth floor and the disparaging comments by Commissioners to Directors and employees. Ms. Coryea has done her job well and is being forced out, and the Indigent Health Care Manager also submitted her resignation. Commissioner Whitmore supported the motion on the floor to discontinue separation discussion.

 Commissioner Bellamy stated Ms. Coryea has maintained focus, integrity, embraced change, has always provided quality assurance, and has 31 years of leadership and government experience while potential replacements do not. Ms. Coryea's departure will create a gap, who would respond to the Board in the interim, and she is needed through the end of the year. He stated he would not support the recommended action to approve the Separation Agreement with Ms. Coryea, and suggested she be evaluated in six months.

 Commissioner Servia questioned the timing of the disruption of government operations. The Board has a very short period of time to find a successor and there is no succession plan in place, but only chaos and public outcry.

Motion - Call the Question

 A motion by Commissioner Van Ostenbridge and seconded by Chairman Baugh to call the question carried 4-3, with Commissioners Bellamy, Servia and Whitmore voting nay.


Vote - Discontinue Separation Discussion


 By hand vote, the motion **failed** 4-3, with Commissioners Kruse, Satcher, Van Ostenbridge and Baugh voting nay.

Motion - Separation Agreement


 A motion was made by Commissioner Van Ostenbridge, to accept the resignation of the


Administrator and approve the Separation Agreement. The motion was seconded by Commissioner Satcher.


 The County Attorney read the recommended motion on the agenda memorandum, to move to approve the Separation Agreement with County Administrator Cheri Coryea in the form provided by the County Attorney. Commissioner Van Ostenbridge so moved the motion as read by the County Attorney. The motion was seconded by Chairman Baugh.

 The County Attorney stated the motion on the table could be amended by a hostile amendment that must be voted by the Board.

Hostile Amendment


 Commissioner Whitmore amended the motion to add an additional 600 hours to the Separation Agreement. The amendment was seconded by Commissioner Bellamy.

 Commissioner Whitmore clarified the additional 600 hours would be sick leave.

 The County Attorney explained the 500 hours is what Ms. Coryea was entitled to regardless of whether or not she has a contract under current policy. The amendment adds to the agreement additional hours that she is not already entitled to take pursuant to the County's employment policy.

The hostile amendment failed 5-2, with Commissioners Kruse, Satcher, Servia, Van Ostenbridge, and Baugh voting nay.

Vote - Separation Agreement


 The motion to approve the Separation Agreement carried 6-1, with Commissioner Bellamy voting nay.

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RECESS/RECONVENE: 4:30 p.m. - 4:35 p.m. All Commissioners were present.


For the record, Commissioner Whitmore stated she was approached at the dais by Michelle Martin and the Sheriff stepped in to assist.


34. **COUNTY ATTORNEY/ACTING COUNTY ADMINISTRATOR/CHARLES HINES**

 William Clague, County Attorney, stated he was directed by the Board (2/9/21) to negotiate an Employment Contract with Charles Hines as Acting County Administrator. He presented Resolution R-21-031 (with attached Employment Contract), appointing Charles Hines to the position of Acting County Administrator. There were other options to discuss, but a person must be chosen at this meeting.


Discussion occurred regarding the terms of the proposed Contract, the intention is to find a permanent Administrator in a timely manner, 30-day rolling contract, the individual chosen as Acting County Administrator must meet the residency requirements in Florida Statute, and conducting an in-depth national search.

 Charles Hines, candidate for County Administrator, clarified the intent of the terms in the Contract and stated the immediate task is to help the Board find a permanent Administrator.

 Commissioner Van Ostenbridge suggested Dr. Scott Hopes be considered as Acting County Administrator on a one-year basis while the Board conducts a national search.


 Mr. Clague advised that Karen Stewart, Deputy County Administrator, was prepared to step into the role of Acting County Administrator for a 30-day period in the event the Board wanted more time to pursue negotiations either with Mr. Hines, or someone else to fill the position, and an alternate resolution was prepared to appoint Ms. Stewart as Acting County Administrator. He emphasized that, while serving as Acting County Administrator, Ms. Stewart would continue to be employed by the County as Deputy County Administrator under the County's employment policies and procedures.


Commissioner Van Ostenbridge stated he would support Ms. Stewart serving a 30-day period as Acting County Administrator.


 Commissioner Satcher suggested Rick Mills or Dom DiMaio be considered for the position of Acting County Administrator.


Mr. Clague stated the housing reimbursement provision in the Employment Contract with Mr. Hines (Section III-Compensation, Section 3.D.) could be changed.


Motion – Appoint Charles Hines


 Mr. Clague read the recommended motion to adopt Resolution R-21-031, appointing Charles Hines Acting County Administrator. The motion was so moved by Commissioner Whitmore and seconded by Commissioner Bellamy.


 Commissioner Servia stated Ms. Stewart was capable to serve as County Administrator, but it would be unjust, because she is already loaded with responsibility. Commissioner Bellamy agreed.


 Mr. Hines responded to questions regarding statutory requirements for administrative or executive experience.


 Mr. Clague pointed out the Contract with Mr. Hines is for an eight-month term as Acting County Administrator. The contract satisfies the residency requirement of renting a home or using a County surplus property. There is a transition period to move to a new place. He had no legal issues with the contract.


 Former Commissioner Betsy Benac corrected comments by Mr. Van Ostenbridge stating that Ms. Coryea did not resign, but she took a Settlement Agreement.


 Andra Griffin opposed an eight-month contract and certain terms of the contract with Mr. Hines. The County should be able to find a suitable County Administrator in a fairly short period of time, and the County should have a 24-hour application process.


 Corey Holmes stated Mr. Hines was brought in at the last minute and does not have executive or administrative experience.

 Cathy Slusser asked the Board to consider the effects of this decision to County staff and voiced concern in the qualifications of an Acting County Administrator.


 Dr. Scott Hopes, Manatee County School Board Member, stated that he was not in pursuit of a full-time job, but only to serve in the interim while a permanent Administrator is sought. He agreed that a national search should be done. He is a county resident and does not need rental or surplus housing. He was instrumental in adding language to Florida Statute on the requirements of a County Administrator that the candidate needs to be a permanent resident of Manatee County. He requested to be considered for the position and offered to work with no contract and no salary.


 By telephone, Glen Gibellina objected to the County Attorney soliciting another attorney to negotiate the contract with Mr. Hines, voiced concern on the terms of the contract with Mr. Hines, and spoke against taking action on this matter.


 By telephone, Carol Felts agreed with Mr. Gibellina and urged the Board to take time on filling the position of County Administrator.


 By telephone, Walter Wolczyk stated Mr. Hines was not qualified to serve as County Administrator and should not be offered the same salary as Ms. Coryea. He spoke in favor of Dr. Hopes, and agreed with an in-depth national search for County Administrator.


There being no further public comment, Chairman Baugh closed public comment.

 Commissioner Servia emphasized the need to bring stability to staff, staff have indicated they want to leave Manatee County employment, because they do not feel secure in their positions. Dr. Hopes is qualified but would leave a gap in the School Board if hired. She would like to see Dr. Hopes apply for the permanent position and put his name on the candidate list. The process of a national search is lengthy and could take approximately one year. The Board is not ready to conduct a national search, the current job description must be revised, and a consultant would need to be hired to conduct the search. The Board should begin the search process for a permanent County Administrator as soon as possible.


 Commissioner Bellamy thanked Dr. Hopes for reminding him that the Board should not have taken separation action with Ms. Coryea. He would agree to Mr. Hines, as presented by the County Attorney's office, as candidate to serve in the interim while a permanent County Administrator is sought.

 Commissioner Whitmore noted there are several items on the agenda that still need to be addressed. She noted the similarities between Mr. Hines and Dr. Hopes, and stated Dr. Hopes currently serves on a major government entity with the largest tax base in Manatee County.

 Commissioner Kruse spoke on making a hasty decision, the County needs stability, ask Ms. Stewart to serve in the capacity of Acting County Administrator for an interim period of time, have Department heads talk to both Mr. Hines and Dr. Hopes. The Board has an option in the interim to make an intelligent decision even if it takes several weeks.

 Commissioner Van Ostenbridge stated the Board has three, good interim candidates. He spoke in favor of Dr. Scott Hopes and would also be comfortable with Dom DeMaio, but he agreed with Commissioner Kruse about asking Ms. Stewart to serve in the interim. He asked if the County Attorney could prepare a contract for the three candidates (Dom DeMaio, Charles Hines and Dr. Scott Hopes) for a one-year County Administrator and present it to the Board for approval on the March 4 agenda. On March 9, the Board would make the decision

on the Interim County Administrator moving forward. Ms. Stewart would only have to serve as Acting County Administrator until March 9.


 Mr. Clague stated he would fulfill the direction of the Board. He emphasized that the position of acting County Administrator must be filled at this meeting.

Motion - Call the Question


 A motion to call the question was made by Commissioner Satcher, seconded by Commissioner Whitmore and carried 5-2, with Commissioners Bellamy and Servia voting nay.


Vote - Hire Mr. Hines

 The vote to hire Mr. Hines failed 3-4, with Commissioners' Bellamy, Servia and Whitmore voting Aye.


 Mr. Clague recommended a ten-minute recess in order to formulate the motion.


RECESS/RECONVENE: 5:53 p.m. – 6:01 p.m. All Commissioners were present.

 Mr. Clague presented revised Resolution R-21-031, outlining standard provisions, and stated that he had a recommended motion.

 Commissioner Whitmore questioned if a Board consensus was done on the three candidates.


Motion - Adopt Resolution R-21-031


 A motion was made by Commissioner Servia and seconded by Commissioner Van Ostenbridge, to adopt Resolution R-21-031.


 Mr. Clague read the recommended motion to adopt Resolution R-21-031, in the revised form distributed by the County Attorney, appointing Karen Stewart as Acting County Administrator. The motioner and seconder agreed.

There being no public comment, Chairman Baugh closed public comment.


 The motion carried 6-1, with Commissioner Whitmore voting nay.

 Mr. Clague suggested the Board direct the County Attorney to present the Board with a form of agreement on March 4.

 Mr. Clague offered the following motion:
Motion to direct the County Attorney to provide the Board with a form agreement and resolution for the position of Acting County Administrator, no later than the Board's land use meeting of March 4, 2021.

 Commissioner Van Ostenbridge moved the motion as read by the County Attorney. The motion was seconded by Commissioner Kruse.

 Corey Holmes thanked the Board for taking this action.

 By telephone, Carol Felts commented.

 The motion carried 7-0.

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26. **PARKS AND NATURAL RESOURCES/ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE**

 Charlie Hunsicker, Parks and Natural Resources Director, requested the appointment of two persons to the Environmental Land Management and Acquisition Committee.


Manatee County School District (two-year term)

 A motion was made by Commissioner Whitmore and seconded by Commissioner Bellamy, to appoint Charles Kennedy to the Manatee County School District position.


There being no public comment, Chairman Baugh closed public comment.

 By a raising of hands, the motion carried 5-2, with Commissioners Van Ostenbridge and Satcher voting nay.

Resident of Anna Maria Island or Longboat Key (one-year term)

 A motion was made by Commissioner Servia and seconded by Commissioner Kruse, to appoint Rusty Chinnis to the resident of Anna Maria Island or Longboat Key position.

There being no public comment, Chairman Baugh closed public comment.


 A motion was made by Commissioner Whitmore, seconded by Commissioner Servia and carried 7-0, to close nominations.

The motion to appoint Rusty Chinnis carried 7-0.


BC20210223DOC040

ADVERTISED PUBLIC HEARINGS (Presentation Scheduled)

28. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/RESOLUTION**

 A duly advertised public hearing was held to consider adoption of Resolution R-21-022, amending the 2018/19 and 2019/20 Housing and Urban Development (HUD) Annual Action Plans to allocate Emergency Solutions Grant Cares Act (ESG-CV) supplemental funding to prevent, prepare for, and respond to the Coronavirus Pandemic to reallocate unexpended HOME Investment Partnership (HOME) Funds.

Geri Lopez, Redevelopment and Economic Opportunity Director, introduced Jennifer Yost, Community Development Project Manager.

 A motion was made by Commissioner Whitmore and seconded by Commissioner Kruse to:

- Adopt Resolution R-21-022, approving and authorizing submission to HUD of the substantial amendments to the FY 2018/19 and FY 2019/20 Annual Action Plans and deappropriate and appropriate grant funds to align and realign revenues and expenditures for activities within said plans;
- Authorize the Chairman to sign all required HUD documents necessary to implement the program activities as approved and adopted by the Board of County Commissioners in Manatee County's Consolidated Plan and Annual Action Plans, including the Non-State Certifications and Federal assistance applications (SF424 Forms); and

- Authorize the Chairman to execute the HUD Grant Agreements upon receipt from HUD.

There being no public comment, Chairman Baugh closed public comment.



The motion carried 7-0.

BC20210223DOC041

30. **COUNTY ADMINISTRATOR ANNUAL REPORT FOR 2020**



Cheri Coryea, County Administrator, presented the 2020 Annual Report and stated it has been an honor to serve Manatee County.



A motion was made by Commissioner Whitmore, to accept and approve the County Administrator's Annual Report for 2020. The motion was seconded by Commissioner Servia.

There being no public comment, Chairman Baugh closed public comment.



The motion carried 7-0.

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31. **COUNTY ADMINISTRATOR/DASHBOARD REPORT - FEBRUARY 2021**



Chery Coryea, County Administrator, presented the Dashboard Report for February 2021. The Report is available on the Manatee County website at www.mymanatee.org/reports and is provided for information only. No Board action was required.

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35. **COUNTY COMMISSION AGENDA**

Commissioner Whitmore



Commissioner Whitmore presented for discussion, Resolution R-20-191, Board Rules and Procedures for Board meetings and decorum (adopted 11/19/20), and asked Chairman Baugh to confirm that she wrote the Resolution.



A motion was made by Commissioner Whitmore, to repeal Resolution R-20-191. The motion was seconded by Commissioner Satcher.



William Clague, County Attorney, commented on the origin of Resolution R-20-191 and advised that an update to the Board's rules and procedures would be presented to the Board at a future meeting.



Andra Griffin urged the Board to maintain the current rules and procedures.

There being no further public comment, Chairman Baugh closed public comment.



The motion carried 7-0.


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COMMISSIONER COMMENTS

Commissioner Servia

- Reported on discussions as the recent Metropolitan Planning Organization (MPO) meeting
- Reported on discussions and recommendations made at the February 22 Affordable Housing Advisory Committee meeting to approve a flat meter fee
- Commented on events to be held at Oneco Square Shopping Plaza
- Reiterated a suggestion for a facilitator to come in and provide training to


Commissioners

Commissioner Bellamy 

- Reported that Hillsborough County Senator Jeff Brandes filed Senate Bill SB 1130 seeking to dissolve the Tampa Bay Area Regional Transit Authority (TBARTA)

Commissioner Whitmore 

- Relayed discussions with the Mayor of Longboat Key for the potential of reconnecting the trolley service to Longboat Key
- Reported on discussions at a recent Government Efficiency Task Force meeting
- Asked that someone educate new Commissioners regarding the Community Emergency Response Team (CERT) Program

Commissioner Van Ostenbridge 

- Stated the MPO discussed the reimplementaion of the trolley system in Longboat Key

ADJOURN

There being no further business, Chairman Baugh adjourned the meeting at 7:06 p.m.

Minutes Approved: July 26, 2022