

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
COUNTY ADMINISTRATION BUILDING; HONORABLE PATRICIA M. GLASS CHAMBERS  
1112 Manatee Avenue West  
Bradenton, Florida  
MAY 11, 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 (entered during meeting)  
Carol Whitmore

Also present were:

Dr. Scott L. Hopes, Acting County Administrator  
William Clague, County Attorney  
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court

Chairman Baugh called the meeting to order at 8:34 a.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

1. The Invocation was delivered by Pastor Alan Bosmeny, Bayside Community Church, North River Campus, followed by the Pledge of Allegiance

**AGENDA**

BC20210511DOC001

Time Certain

- Item 48 – 1:30 p.m. Legislative Session Report
- Item 18 – 1:45 p.m. Resolution R-21-085, Ballot question for School Board millage

Agenda Update Memorandum




BC20210511DOC002



- Item 8 – Citizen Comments, Written comments submitted through the online Public Comment form were added
- Item 18 – Adoption of Resolution R-21-085 regarding Ballot question for School Board millage and adoption of Budget Amendment B-21-086, pulled for Consent to New Business, 1:30 p.m. time certain
- Item 47 – Adoption of Resolution R-21-082 Authorizing execution of a Public Transportation Grant Agreement with the Florida Department of Transportation for Public Transit Corridor Development Program funding for Route 99 Peak-Period Service, agreement updated to include a list of goals and objectives in Exhibit A
- Item 51 – Adoption and presentation of Proclamation designating May 2021 as Drug Court Month, added to agenda
- Item 52 – Execution of Letter of Appreciation to State Lawmakers and the Florida Department of Environmental Protection following a recent trip of Commissioners and staff to Tallahassee regarding the Board's 2021 Legislative Platform added to agenda
- Item 53 – Future Work Session Planning, added to agenda
- Item 54 – Manatee County's Emergency Order related to COVID 19 and the Piney Point Phosphogypsum Stack added to the agenda
- Item 55 – Authorization for the Chairperson to Negotiate a Resolution and Agreement appointing Dr. Scott Hopes as Permanent County Administrator and to schedule it for Board Consideration at its regular meeting on May 25, 2021, added to regular agenda
- Item 56 – Execution of letter to Representative Greg Stuebe in Support of the West Coast



Inland Navigation District’s request for funding for maintenance dredging of the intracoastal waterway Anclote to Caloosahatchee River (aka the Gulf Intracoastal Waterway, added to the agenda

**AWARDS**

- 1.  Employee of the Month, Paula Pesmark, Building Supervisor, Property Management Department BC20210511DOC003
- 2.  Team Award – Jeff Pace, Priscilla Thoopthong, Tim LaBarr and Ian McNair, Information Technology Service/GIS; Rick Ingle, Kyra Lamb, and Jake Saur, Public Safety; and Nick Azzara and Rachel Taft, County Administration/Public Outreach, for being instrumental in the development and implementation of the COVID-19 Dashboard and Heat Map Animation BC20210511DOC004
-  Mark Murphy, Information Technology Supervisor, thanked the team for all they did.





Commissioners thanked the team for all their efforts and keeping citizens informed.

**PROCLAMATIONS**

-  A motion was made by Commissioner Whitmore, seconded by Commissioner Kruse, and carried 6-0, with Commissioner Satcher absent to adopt the following proclamations:
- 3.  Tuberos Sclerosis Complex Awareness Day – May 15, 2021, accepted by Megan Della Costa BC20210511DOC005
- 4. National Economic Development Week – May 9-15, 2021, accepted by Ruth Buchannan, Redevelopment and Economic Opportunity Division Manager, Sharon Hillstrom, Bradenton Area Economic Development Corporation, and Sara Hand, Spark Growth BC20210511DOC006
- 5. Emergency Medical Services Week – May 16-22, 2021, accepted by Jacob Saur, Public Safety Director, and Chloe Conboy, Public Safety Strategic Affairs Manager BC20210511DOC007
- 6. Mental Health Awareness Month – May 2021, accepted by Melissa Larkin Skinner, Regional Chief Executive Officer, Centerstone BC20210511DOC008
- 7. Teen Pregnancy Prevention Month – May 2021 accepted via video by Teen Health Educators of the Healthy Teen Coalition BC20210511DOC009
- 51. Drug Court Month – May 2021, accepted by , Alfred James, Drug Court Manager, Cynthia Ever, State Attorney’s Office and Adina James, Drug Court graduate BC20210511DOC010


Chairman Baugh read the Pledge of Public Comment into the record.


(Enter Commissioner Satcher)


- 8. **CITIZEN COMMENTS** (Future Agenda Items) BC20210511DOC011
-  Mike Meehan submitted an accounting and commented on the County’s finances and suggested a tax credit be applied to next year’s property tax bills. BC20210511DOC012
-  Tina Shope addressed ethics and favoritism to certain residents.
-  Andra Griffin commented on the oath of office for County Commissioners and First Amendment rights.
-  Betty Sales Rhodes asked if the Lincoln Park pool will be completed by August 21, 2021, if the Lincoln Tunnel will be rebuilt, and when work on the football field will begin.

Glen Gibellina, submitted information, and commented on funding for veterans, for profit builders being allowed to build on surplus property, bridge loans for small builders, accessory dwelling units, Affordable Housing Advisory Committee vacancies, funding for Livable Manatee, Sadowski funds, and waiving fees on affordable housing approvals.


BC20210511DOC013


 Bob Davis thanked the Board for the improvements to the tennis courts at G.T. Bray and encouraged additional courts at the facility.

 Rodney Jones commented on racial oppression in Manatee County.


 Mark Mullin addressed the need for additional clay tennis courts in the County.


 Michelle Martin requested the Board ask Dr. Hopes to resign from the School Board.

 Diana Marmarsteen asked that developers be required to mulch tree debris, rather than burn it when clearing land for development.

 Beth Talucci asked that a family be removed from nuisance property in River Club due to public safety concerns.

There being no additional citizen comments, Chairman Baugh closed citizen comments.

 Commissioner Servia addressed misleading information provided by Ms. Griffin, and explained Ms. Griffin had been banned from her Public Facebook page due to language.

 Discussion ensued regrading considering information that is given by citizens that may be misleading, the Lincoln Pool is scheduled to be complete by March 22, 2022, supporting programs for veterans, parking meter issues are being addressed, Mr. Davis's background and efforts to bring tennis to citizens, River Club incident is being investigated by the Sheriff's Office, and the Board cannot evict people.


**RECESS/RECONVENE:** 10: 23 p.m.- 10:33 p.m. All Commissioners present.

**CONSENT AGENDA**

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

 There being no citizen comments, Chairman Baugh closed citizen comments.

**MOTION/CONSENT AGENDA**

 A motion was made by Commissioner Servia, seconded by Commissioner Satcher, and carried 7-0, to approve the Consent Agenda, with the changes incorporated in the Agenda Update Memorandum.

10. **CLERKS CONSENT AGENDA**

BC20210511DOC014

A. **MINUTES**

Approve the Minutes of, March 30 and April 6 and 13, 2021

B. **REFUNDS**

Approve the following Refunds:

1. Carlos Bento – Permitting Fee, \$510.80

BC20210511DOC015

2. Saulo Ferreira Campos/SFC Pool Corp – Construction Drawing, \$990

BC20210511DOC016

- 3. Forestar (USA) Real Estate Group, Inc. – Special Permit Fee, \$7,200 BC20210511DOC017
- 4. Sigrid A. Frank – Billing Adjustment, \$2,381.33 BC20210511DOC018
- 5. Weldon Gahring – Billing Adjustment, \$942.63 BC20210511DOC019
- 6. Werther Marciales – Billing Adjustment, \$1,494.85 BC20210511DOC020
- 7. NVR, Inc., dba Ryan Homes – Impact Fees, \$2,297 BC20210511DOC021
- 8. Jose F. Pacehco – Billing Adjustment, \$555.54 BC20210511DOC022

**C. CONTRACTS**

Accept the following Contracts per Chapter 2-26 of the Manatee County Code and pursuant to the Purchasing Division’s Administrative Standards and Procedures Manual

- 1. Executed Appendix A to the Master Agreement University of Florida (UF) Agreement Task Order 01/Change Order 1, which replaces Appendix A to the Master agreement UF Agreement Task Order 1 previously accepted in open session on March 10, 2020 and is an addendum to the existing Interlocal Agreement with the UF Board of Trustees BC20210511DOC023

**D. REPORTS**

Accept the following Reports:

- 1. Copperstone Community Development District (CDD) – Annual Financial Report for the FY ended September 30, 2020 BC20210511DOC024
- 2. First Quarter 2021 Grant Amendments and Donations/Gifts BC20210511DOC025
- 3. Harbourage at Braden River CDD – Annual Financial Audit Report for FY ended September 30, 2020 BC20210511DOC026
- 4. Manatee County Mosquito Control District – Annual Post Audit report for FY ending September 30, 2020, and District map BC20210511DOC027

**E. BONDS**

Accept the following Bonds:

- 1. Jackson Crossing, Phase I
  - Released and returned Surety Bond (Performance) 70NGP184717 and any associated riders in conjunction with the performance of the Agreement for Public Improvements for Public Subdivision, \$1,607,782.02;
  - Released and returned Surety Bond (Performance) 70NGP184719 and any associated riders in conjunction with the performance of the Agreement for Public Improvements for Public Subdivision, \$867,282.13;
  - Accepted and executed Surety Bond (Defect) 70NGP184996 securing Section 1.5 “Maintenance, Defects” of the Agreement for Public Subdivision Improvements accepted by the Board of County Commissioners on February, 11, 2020, securing earthwork, roadway, storm drainage, potable water, sanitary sewer, and offsite improvements, \$102,684.54; and
  - Accepted and executed Bill of Sale BC20210511DOC028
- 2. North River Ranch, Phase IA-2
  - Released and returned Surety Bond (Performance) 59BSBIL7905 and any associated riders in conjunction with the performance of the Agreement for Public Improvements for Public Subdivision, \$935,441.33;
  - Released and returned Surety Bond (Performance) 59BSBIL7904 and any associated riders in conjunction with the performance of the Agreement for Public Improvements for Public Subdivision, \$168,114.05;
  - Accepted and executed Surety Bond (Defect) 59BSBIL7996 securing Section 1.5 “Maintenance, Defects” of the Agreement for Public Subdivision Improvements accepted by the Board of County Commissioners on January 12, 2021, for Phase IA-2 securing earthwork, roadways and pavement, drainage, sanitary sewer, potable water, and reclaimed water improvements; and

- Accepted and executed Bill of Sale BC20210511DOC029
- 3. Villages of Glen Creek, Phase MC-1
  - Released Agreement for Private Subdivision Improvements securing earthwork, paving, drainage, and general improvements, \$361,205.13; and
  - Released and returned Surety Bond (Defect) LICX1167286 and any associated riders with the security, \$361,205.13 BC20210511DOC030

**F. PARTIAL RELEASE OF SPECIAL IMPROVEMENT ASSESSMENT LIEN**

Executed and authorized recording of the following:

- Project 3137 – Winterland Estates Sewer, Dawn Michelle Matthews BC20210511DOC031

**11. COUNTY ATTORNEY/INSURANCE**

Approved the renewal purchase of Boiler & Machinery insurance coverage in the amount of \$54,575, Crime insurance coverage in the amount of \$5,472 and Railroad General Liability insurance coverage in the amount of \$30,946 for a total cost of \$90,993, and to allow the County Attorney, or his designee, to execute all related documents BC20210511DOC032

**12. COUNTY ATTORNEY/INSURANCE**

Approved the renewal of excess property and terrorism insurance policies in an amount not to exceed \$3,702,267 (inclusive of term premium and all Federal/State mandated fees) as shown in the attached proposal from First Florida Insurance Brokers, and to approve the County Attorney, or his designee, to execute all related required documents BC20210511DOC033

**13. COUNTY ATTORNEY/LAWSUIT**

Authorized the County Attorney, or his designee, to settle all claims and causes of action against Rick Wells, Sheriff of Manatee County, in the matter of Tiffany Hendricks versus Manatee County Sheriff's Office; Case 2018-CA-005458, for \$35,000 BC20210511DOC034

**14. BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/ARTISAN LAKES ESPLANDE PHASE V**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of the Supplemental Declaration to the Community Declaration of Covenants, Conditions, Restrictions and Easements for Esplanade at Artisan Lakes;
- Authorized recording of the Supplemental Declaration to the Master Declaration of Covenants, Conditions, Restrictions and Easements for Esplanade at Artisan Lakes;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Private Subdivision with Public Improvements, Artisan Lakes Esplanade Phase V, Subphases B & C;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Artisan Lakes Esplanade Phase V, Subphase B, Surety Bond PB03010407559; \$342,770.35;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Artisan Lakes Esplanade Phase V, Subphase C, Surety Bond PB03010407562, \$219,964.16;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Private Subdivision with Private Improvements, Artisan Lakes Esplanade Phase V, Subphases B & C;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Artisan Lakes Esplanade Phase V, Subphase B, Surety Bond PB03010407558, \$587,585.77
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Artisan Lakes Esplanade Phase V, Subphase B, Surety Bond PB030104073557, \$50,203.08;

- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Artisan Lakes Esplanade Phase V, Subphase C, Surety Bond PB03010407561, \$512,814.45;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Artisan Lakes Esplanade Phase V, Subphase C, Surety Bond PB03010407560, \$36,870.93;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Artisan Lakes Esplanade Phase V, Subphases B & C, Surety Bond SU1169940, \$173,672.20; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Artisan Lakes Esplanade Phase V, Subphases B & C, Surety Bond SU1169941, \$5,719.48

BC20210511DOC035

15. **BUILDING AND DEVELOPMENT SERVICES/RESOLUTION**

Adopted Resolution R-21-069, adopting the Florida Building Code 7th Edition (2020)

BC20210511DOC036

16. **CONVENTION AND VISITORS BUREAU/AGREEMENT**

Authorized Acting County Administrator to execute Amendment One to Reimbursement Agreement with Florida Railroad Museum, Inc. for capital improvements project

BC20210511DOC037

17. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT**

- Adopted Budget Amendment Resolution B-21-069; and
- Adopted Budget Amendment Resolution for Infrastructure Sales Tax B-21-077

BC20210511DOC038

18. **FINANCIAL MANAGEMENT/AGREEMENT**

- Awarded Agreement 21-TA003556CD, Design-Build Services for MLS 5 Force Main Extension to MLS 1-M to Woodruff & Sons, Inc., in the not-to-exceed amount of \$984,000 for design and pre-construction services and for the development of a guaranteed maximum price (GMP) and schedule for construction;
- Authorized the Procurement Official, or designee, to execute Design-Build Agreement 21-TA003556CD;
- Adopted Budget Resolution B-21-070 amending the annual budget for Manatee County for fiscal year 2021. This budget amendment adjusts the FY21-25 CIP

BC20210511DOC039

19. **FINANCIAL MANAGEMENT/AGREEMENT**

- Awarded IFB 21-R076017BB for water, sewer, backflow, and related parts on an as-needed basis to the lowest, responsive, and responsible bidders: Core & Main LP; Ferguson Enterprises, LLC; and Fortiline, Inc.; and
- Authorized the Procurement Official, or designee, to execute Agreements 21-R076017BB for water, sewer, backflow, and related parts on an as-needed basis with the following firms: Core & Main LP; Ferguson Enterprises, LLC; and Fortiline, Inc.

BC20210511DOC040

20. **FINANCIAL MANAGEMENT/AGREEMENT**

- Awarded IFBC 21-TA003622SAM, Satellite Lift Station R&R 2020 Group 3 to the lowest responsive and responsible bidder: Granger Maintenance and Construction, Inc., for a not-to-exceed total of \$899,805.50 based on a construction time of 270 calendar days; and
- Authorized the Procurement Official, or Designee, to execute the Agreement and accept and date the Public Construction Bond

BC20210511DOC041

21. **FINANCIAL MANAGEMENT/AGREEMENT**

- Awarded IFBC 21-TA003638SAM for the Fogarty Subdivision Water Main Replacement to the lowest responsive and responsible bidder: Dallas 1 Corporation dba Dallas 1

Construction and Development for a not-to-exceed total of \$1,132,156.74 based on a construction time of 540 calendar day;

- Authorized the Procurement Official, or designee, to execute the Agreement and accept and date the Public Construction Bond;
- Adopted Budget Resolution B-21-075 amending the annual budget for Manatee County, for fiscal year 2021. This budget amendment adjusts the FY 21-25 CIP BC20210511DOC042

22. **FINANCIAL MANAGEMENT/AGREEMENT**

- Authorized the Procurement Official, or designee, to execute Agreement 20-TA003404CD, Design-Build Services for Southwest Water Reclamation Facility Electrical Distribution System Rehabilitation with Wharton-Smith, Inc. in the not-to-exceed amount of \$751,423.50 for design and pre-construction services and for the development of a guaranteed maximum price (GMP) and schedule for construction.
- Adopted Budget Resolution B-21-076 amending the annual budget for Manatee County, for fiscal year 2021. This budget amendment adjusts the FY 21-25 CIP BC20210511DOC043

23. **FINANCIAL MANAGEMENT/AGREEMENT**

- Awarded Agreement 21-TA003712DJ for SR 789 Water Main Improvements to AF USA Construction Corp for \$261,824.43 based on a construction completion time of 100 days.
- Authorized the Procurement Official, or designee, to execute the Agreement and accept and date the Public Construction Bond.
- Adopted Budget Resolution B-21-080 amending the annual budget for Manatee County, FL, for fiscal year 2021. This budget amendment adjusts the FY 21-25 CIP BC20210511DOC044

24. **NEIGHBORHOOD SERVICES/GRANT/RESOLUTION**

- Adopted Resolution R-21-075 authorizing the submission and acceptance of an Edward Byrne Memorial Justice Assistance grant from the Florida Department of Law Enforcement (FDLE) in the amount of \$103,811; authorizing the Chairperson, the County Administrator, or Deputy County Administrator to execute all necessary documents related to the grant submission and acceptance; and authorizing the Neighborhood Services Department Director or her designee to execute all appropriate documents and agreements required in connection with the grant functions; and
- Authorization for the Chairperson to sign a letter to FDLE approving the allocation of grants funds to Manatee County Drug Court and Manatee County Probation in compliance with the State of Florida Rule 11D-9 FL Administrative Code BC20210511DOC045

25. **PARKS AND NATURAL RESOURCES/AGREEMENT**

Executed a License Agreement for Construction Staging Activities between Manatee County and Kelly Brothers Inc., at the County's barge loading facility, \$5,000 per month/\$40,714 contract term BC20210511DOC046

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

- Accepted Cross Access Easement from Tuff Holdings LLC for property located at 3010 53rd Avenue East; and
- Accepted Affidavit of Ownership and Encumbrances from Michael Sporer BC20210511DOC047

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

- Accepted Permanent Drainage Easement from The Oasis at Manatee River LLC for property located at 1703 Pope Road
- Accepted Affidavit of Ownership and Encumbrances from Richard R. Haley as Vice President of the Oasis at Manatee River LLC BC20210511DOC048


28. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
- Accepted Permanent Utilities Easement from Boos Sarasota - U&L I LLC for property located at 7190 University Parkway; and
  - Accepted Affidavit of Ownership and Encumbrances from Boos Sarasota - U&L I LLC  
BC20210511DOC049
29. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
- Accept Permanent Utilities Easement from DST Cortez LLC for property located at 2300 Cortez Road West; and
  - Accept Affidavit of Ownership and Encumbrances from Thomas E. Johnson  
BC20210511DOC050
30. **PROPERTY MANAGEMENT/RESOLUTION**
- Adopted Resolution R-21-073 scheduling a public hearing to vacate certain roads and alleys within New Pearce and Pearce Vegetable Farms Plat  
BC20210511DOC051
31. **PROPERTY MANAGEMENT/CONTRACT**
- Executed Contract for Sale and Purchase for a Permanent Easement with Commercial Ownership, Ltd., for the purpose of the Force Main-Lift Station 36A Replacement Project for property located at 4104 20th Street West, \$2,000  
BC20210511DOC052
32. **PROPERTY MANAGEMENT/CONTRACT**
- Executed Contract for Sale and Purchase between Alice Beatrice Smith and Manatee County for fee simple acquisition of Parcel 108/Moccasin Wallow Road – US. 41 to Gateway Boulevard, \$138,450;
  - Executed Contract for Sale and Purchase between Alice Beatrice Smith and Manatee County for fee simple acquisition of Parcel 109/Moccasin Wallow Road – US. 41 to Gateway Boulevard, \$141,050; and
  - Executed Contract for Sale and Purchase between Alice Smith and Manatee County for fee simple acquisition of Parcel 110/Moccasin Wallow Road – US. 41 to Gateway Boulevard, \$7,316.25  
BC20210511DOC053
33. **PROPERTY MANAGEMENT/AGREEMENT**
- Executed Subordination of County Utility Interests Agreement for Parcel 111.2 (also known as Parcel 111), which is located within the boundaries of Florida Department of Transportation (FDOT) Financial Project 433592-1-52-01 (FPID 4335921)/US 41 (SR 45) Sidewalk Improvement Project  
BC20210511DOC054
34. **PROPERTY MANAGEMENT/AGREEMENT**
- Executed Subordination of County Utility Interests Agreement for Parcel 129.2 (also known as Parcel 129), which is located within the boundaries of FDOT Financial Project 433592-1-52-01 (FPID 4335921)/US 41 (SR 45) Sidewalk Improvement Project  
BC20210511DOC055
35. **PROPERTY MANAGEMENT/AGREEMENT**
- Executed Subordination of County Utility Interests Agreement for Parcel 167.2 (also known as Parcel 167), which is located within the boundaries of FDOT Financial Project 433592-1-52-01 (FPID 4335921)/US 41 (SR 45) Sidewalk Improvement Project  
BC20210511DOC056
36. **PROPERTY MANAGEMENT/AGREEMENT**
- Executed Subordination of County Utility Interests Agreement for Parcel 170.3 (also known as Parcel 170), which is located within the boundaries of FDOT Financial Project 433592-1-52-01 (FPID 4335921)/US 41 (SR 45) Sidewalk Improvement Project  
BC20210511DOC057




37. **PROPERTY MANAGEMENT/AGREEMENT**  
Executed Subordination of County Utility Interests Agreement for Parcel 177.3 (also known as Parcel 177), which is located within the boundaries of FDOT Financial Project 433592-1-52-01 (FPID 4335921)/US 41 (SR 45) Sidewalk Improvement Project BC20210511DOC058
38. **PROPERTY MANAGEMENT/AGREEMENT**  
Executed Subordination of County Utility Interests Agreement for Parcel 182.3 (also known as Parcel 182), which is located within the boundaries of FDOT Financial Project 433592-1-52-01 (FPID 4335921)/US 41 (SR 45) Sidewalk Improvement Project BC20210511DOC059
39. **PUBLIC SAFETY/RESOLUTION**
- Adopted Resolution R-21-037 authorizing the Acting County Administrator or his designee the authority to execute all appropriate documents required for MA501, a Grant with Florida Department of Health - Manatee, to provide \$50,000 to the Community Paramedic program to provide services to the medically underserved; and
  - Executed Contract MA501 with the State of Florida, Department of Health; and
  - Executed Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion BC20210511DOC060
40. **PUBLIC WORKS/SURPLUS VEHICLES**  
Authorized classifying 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 BC20210511DOC061
41. **PUBLIC WORKS/RESOLUTION**  
Adopted Resolution R-21-083 authorizing the Public Works Director to initiate the Port Manatee ConneXion Shuttle Mobility On-Demand (MOD) service, effective June 2021 BC20210511DOC062
42. **PUBLIC WORKS/GRANT**  
Executed a Florida Department of Transportation State-Funded Grant Supplemental Agreement required for Manatee County to receive an additional \$10,000,000 of State funding to the previously executed \$10,000, for a total of \$20,000,000 in State funding for the construction of the portion of the 44th Avenue East roadway project between 45th Street East and 44th Avenue Plaza East, including a bridge over the Braden River (Note: This grant was reaffirmed by Resolution R-21-103, adopted 6/8/21) BC20210511DOC063
43. **PUBLIC UTILITIES/FEE WAIVER**  
Authorized waiving a total of \$1,315 in service fees that were assessed to utility customer accounts for return bank items BC20210511DOC064
52. **COUNTY ADMINISTRATOR/LEGISLATION**  
Executed letters of appreciation to State lawmakers and the Florida Department of Environmental Protection following a recent trip of Commissioners and staff to Tallahassee regarding the Board's 2021 Legislative Platform BC20210511DOC065
- (End Consent Agenda)


**PUBLIC HEARINGS** (Presentations upon request)

45. **FINANCIAL MANAGEMENT/RESOLUTION**  
A duly advertised public hearing was held to consider adoption of proposed Resolution R-21-070, regarding the Infrastructure Sales Tax.

 Jan Brewer, Financial Management Director, used a slide presentation to address seven projects in the Memphis area. The engineers suggested enhancements to projects, and the seven original projects are being eliminated by a larger scale project that encompasses these projects and an expanded area. Due to efficiency, no additional funding is being sought.

Discussion ensued regarding appreciating the changes.


 Ms. Brewer continued the slides to address the changes at G.T. Bray for an additional clay court.

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

A motion was made by Commissioner Van Ostenbridge, seconded by Commissioner Servia, and carried 7-0 to adopt Resolution R-21-070, regarding the Infrastructure Sales Tax removing and adding sidewalks in the Memphis area in the Transportation category and amending a project's scope in the Parks and Community Facilities category; and to adopt Budget Resolution B-21-071.

BC20210511DOC066


46. **ATTORNEY/COMMISSIONER LEGAL EXPENSES**


 William Clague, County Attorney, explained that Commissioners Van Ostenbridge and Satcher are seeking compensation regarding a lawsuit brought against them seeking emails and communication between Commissioners. Since the Board may pay these expenses, and it is his recommendation to do so. Each Commissioner had their own private council since the lawsuit named them as individuals. Mr. Barfield, who filed the suit, voluntarily dismissed the cases in exchange for a nominal settlement. Upon speaking to public records staff there were 20 requests regarding this. The fees cover attorney fees and the settlements. He cited the appropriate Florida Statute. He cited case law and noted the law recognizes that the court system should not be used to argue issues, where the public does not agree with a decision of the Board. There has been no finding of a violation of law in the litigation. The County Attorney's Office represents the entire Board, and he would make the same decision regarding all the Commissioners. He addressed if the County should rely on case law, and the issue law dealing with government authority and the award of legal fees between litigants. Commissioners are prevailing parties since the case was voluntarily settled. The records request included everything that may come before the Board at any time. Regarding the timely filling of the requests, County staff took approximately one month to fulfill the requests.


Mr. Clague addressed the \$3,000 settlement to be paid to Mr. Barfield which would avoid further litigation and further requests by the Commissioners for legal fees. Invoices were provided to the Clerk as back up is required for payment. The total is \$55,000, and the \$60,000 is an estimate in case additional billing is submitted prior to final distribution. The Board authorizes expenditures, not invoices. The entire process is transparent and available to the public, but available after the Board authorizes the expenditures. This the same process that takes place for every County payment.. In response to questions, he clarified Commissioners Satcher and Van Ostenbridge can vote. He reviewed this with the ethics commission, and there is no legal prohibition for the Commissioners to vote on this.


 Mr. Clague responded to questions by Commissioner Whitmore that the as soon as someone is elected they are subject to the Public Records Act. Commissioner Kruse was not named as a party in the lawsuit, and Commissioner's Baugh's litigation is still pending. All of the public records were submitted by the public records custodian of the County. The Clerk


will review the detailed invoices. The Board needs to make the final decision. If a Commissioner is not going to vote, they would have to leave the room, they cannot be recused.


 Commissioner Whitmore read a statement expressing her beliefs regarding the events that led up to the lawsuit. She questioned who negotiated the fees, and would like for this to come back before the Board with a settlement agreement. She understands the statements provided by the County Attorney, but requested a reduction in the fees.


 Commissioner Kruse encouraged the Board members to stop putting a sense of fear into people and discourage accusing each other. The Clerk is going to review the payments and delve deep into the analysis of every invoice that goes before them. He is comfortable with the payment.


 Commissioner Van Ostenbridge questioned Commissioner Whitmore's request for the itemized bill.


 Commissioner Servia met with Mr. Clague and values his opinion, and stressed the importance of transparency. She thanked Mr. Clague for his ethics and professionalism in this matter, and stressed the importance of relying on experts regarding items such as this. Allegations should not be considered.

 Commissioner Whitmore addressed remarks from other Commissioners.

 Commissioner Bellamy stressed the importance of taking emotions out of the decision brought before the Board. He complimented Mr. Clague for his explanation regarding the payments, and stated Board members must have the ability to defend themselves. This does set a legal precedence to give ground for future Boards to stand on.


 Commissioner Satcher reviewed the events that led to the lawsuit and the settlement. He assured the public that the records were turned over as quickly as possible.


 Mr. Clague stated the Court did not make a decision and the cases were settled, but the Florida Department of Law Enforcement stated there was no violation of the law.


 Chairman Baugh addressed paying a fee for public records requests. She reviewed events concerning former Commissioner Robin DiSabatino, and stated she was wrong to not vote for her attorney fees. Piney Point has nothing to do with this decision, and the situation has been difficult on the Commissioner's families.


#### Motion


A motion was made by Commissioner Kruse and seconded by Chairman Baugh that the Board (1) find that in Case 2020-CA-46, Commissioner Satcher and Commissioner Van Ostenbridge incurred legal expenses (including legal fees, costs, and settlement payments) resulting from the performance of their official duties and while serving a public purpose, and (2) authorize payment of such legal expenses, as recommended by the County Attorney.


 Mr. Clague stated the file date of the lawsuit was December 7, and the public record request was submitted on November 20. He provided a brief overview of the issues regarding Commissioner DiSabatino and clarified the circumstances were different.

 Chairman Baugh chastised the press for the information they printed.

 Angel Colonnese, Clerk of the Circuit Court, stated she called each commissioner and requested itemized bills ahead of time to ensure a smooth payment, and the request will go through the payment process just like any other bill that is presented to the Clerk. She assured the Board that there is process for the Accounting Department, and her office follows the law.


 Matt Bower submitted a Florida Attorney Advisory Legal Opinion and spoke in opposition to the request.


 Andra Griffin urged the Board to pay the fees

 Glen Gibellina stressed the need for transparency for items that go before the Board and opposed the request.

 Ken Piper commended the County Attorney for his explanation of Florida Statute and case law pertaining to the payment of legal expenses incurred by Commissioners.


 Michelle Martin spoke in favor of the request.

 Dawn Kitterman appreciated the County Attorney's explanation and addressed actions by Commissioners

 Tjet Martin commented on legal expenses incurred by Bradenton Beach officials in another legal matter.

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

#### Motion - Call the Question

 A motion was made by Commissioner Kruse, seconded by Commissioner Bellamy, and carried 7-0, to call the question.


(Depart Commission Satcher)

#### Motion - Carried

The motion carried 6-0 with Commissioner Satcher absent.

 Mr. Clague stated these are fees regarding the public records request. BC20210511DOC067  
(Enter Commissioner Satcher; Depart Commissioner Whitmore)

#### 47. **PUBLIC WORKS/RESOLUTION**

 William Steele, Transit Division Manager, stated the funding is paid 100 percent by the Florida Department of Transportation (FDOT), and the proposal changes the trips to 20 minutes. They have asked FDOT to expedite this.

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


A motion was made by Commissioner Kruse and Seconded by Commissioner RB to adopt Resolution R-21-082 authorizing the Public Works Director to execute a Public Transportation

Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT), Financial Project Number 448716-1-84-01, in the amount of \$525,100. The motion carried 6-0 with Commissioner Whitmore absent. BC20210511DOC068


**RECESS/RECONVENE:** 12:12 p.m. - 1:31 p.m. All Commissioners present.


48. **LEGISLATIVE SESSION**

Senator Jim Boyd reported on accomplishments made during the legislative session including funding approved for the following: Pine Point, education, Visit Florida, affordable housing (SHIP funding), Easter Seals, a residency program at Centerstone, Early Childhood Court, State College of Florida, and flood prevention improvements in the City of Holmes Beach. He noted changes accomplished through property insurance reform, as well as a Port bill that would alleviate impacts to commerce at Florida ports. He also commented on an upcoming special session to consider Seminole gaming.


 Discussion ensued regarding being grateful to the representatives for all they do, next steps for the Florida Birth Related neurological Fund, intention behind the home based business bill, funding approved for projects within District 1, outcome of an abortion bill, and nothing passed that changed anything related to Airbnb's. BC20210511DOC069

18 (44). **FINANCIAL MANAGEMENT/RESOLUTION**

 Jan Brewer, Financial Management Director, stated this item is driven by Statute, and if the School Board wants to have a millage increase, they must provide a resolution in favor of that, to have a special election to levy and addition mill of property tax, with a cost of \$400,000 that will be paid by the School Board to finance the special election.


 Mr. Clague clarified that the School Board shall direct the County Commissioners to call a special election. This is an administrative duty of the Board that should not serve as endorsement of the millage increase. He responded that the School Board could take the County to Court if there is a no vote.


Discussion ensued regarding why the need for a special election, this can go on the August 2022 primary ballot, put the information on TRIM notice, send the School Board a letter asking them to consider changing the timing, cost of a special election, and it is important to have as many people as possible voting in the election.

 Mr. Clague recommended sending a letter to the School Board requesting they reconsider the date of the proposed election.

**Motion**

A motion was made by Commissioner Servia, and seconded by Commissioner Bellamy to adopt Resolution R-21-085 authorizing the placement of the proposed referendum for a levy of one mill of ad valorem property tax by the School Board on the ballot in a special election, and adopt Budget Resolution B-21-086 amending the annual budget for Manatee County, Florida for Fiscal Year 2020-2021.

 Discussion ensued to be more prudent regarding this matter, possibility of requesting a change to the language to the Statute, no other action except for sending a letter to the School Board, good to keep a good relationship with the School Board and yet still save the tax payers money, and can the Board approve an election on a date the Board stipulates.

 Mr. Clague stated he will need to research this, and the better option may be sending a letter asking the School Board to reconsider the date.


 Discussion ensued regarding changing the Resolution to the August 2022 date, citizens angry at tax dollars being spent on special elections, home rule is important, and more voters come out for regular elections than special elections.

Motion -Withdrawn

 Commissioner Servia withdrew her motion


Motion


A motion was made by Commissioner Satcher and seconded by Commissioner Whitmore to table adoption of Resolution R-21-085, and request the Chairman write a letter to the School Board requesting a later date for the election.

 Glen Gibellina expressed concern over the cost of the special election.

 Andra Griffin supported sending a letter to the School Board.


Ken Piper addressed the amount of taxes being collected by the School Board.

 Michelle Martin agrees the Board is the gate keeper for the School Board.


 Charlie Kennedy, School Board Member, stated he will report the Board's concerns at the School Board meeting this evening.

 Garrin Hoover suggested the millage rate be reduced to half a mill.

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

 Cynthia Saunders, School Board Superintendent, explained the need for continuing the millage rate and why the November date was selected for a special election. She also noted that taxpayer dollars cannot be used to pay for a special election.

Motion - Amended/Carried

 Commissioner Kruse amended the motion to modify the resolution to have millage election on Aug 16, 2022, The amendment was seconded by Commission Satcher, and the amended motion carried 7-0.


BC20210511DOC070


49. **PUBLIC WORKS/ROADWAY LIGHTING PRACTICES**

Aaron Burkett, Traffic Operation Division Manager, used a slide presentation to provide an overview and background regarding roadway light practices including the following: current lighting, maintenance costs and ownership, percentage of roadway lighting by owner, and current practices for new lights including Municipal Services Benefit Unit (MSBU). There is no formal policy or capital program for installation of lighting.

Clarke Davis, Traffic Management Deputy Director, responded that there is no set policy regarding street lighting regarding which intersections and roadways should have lighting.

Dr. Scott L. Hopes, County Administrator, reviewed the purpose of the presentation, and staff can come back at a later date with ideas to set priorities and fund lighting.


 Discussion ensued to consider looking at safety, crime issues, neighborhood buy in, low direction lighting, partner with the Sheriff, projects in District 2 and safety concerns for areas where kids walk to school (within two miles), motion lighting, economical types of lighting., and schedule a work session for further discussion.

 Glen Gibellina addressed costs and suggested LED lighting with solar panels.


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


BC20210511DOC071

50. **PUBLIC WORKS/STORMWATER UPDATES AND FOLLOW-UP**


 Tony Russo, Public Works Deputy Director, used a slide presentation to provide a follow up from the January 19, 2021 Work Session, to develop a list of hot spots, basin studies are on-going, stormwater projects by District, watershed management plans and estimated costs, the different basins, list of services for enhancements, projects for enhancements, the total list of projects, and available funds.


 Discussion ensued to have budget line items for stormwater projects.

 Ken Piper addressed the lack of studies for Manatee County and setting priorities.

 Andra Griffin agreed with Mr. Piper's comments regarding needing studies.

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

 Discussion ensued regarding three watershed management plans have been completed.

 Thomas Gerstenberger, Engineering Division Manager, addressed watershed management plans that will be coming before the Board on June 8.

BC20210511DOC072

**RECESS/RECONVENE:** 3:46 p.m. – 3:56 p.m. All Commissioners present.


54. **EMERGENCY ORDERS RELATED BY COVID-19 AND PINEY POINT PHOSOHOGYPSUM STACK (COMMISSIONER KRUSE)**

Commissioner Kruse addressed the emergency orders and their purpose. These orders have to be kept in place in order to get funding. Vaccines are readily available, and he requested that mask requirements be lifted at County buildings.

Motion:

A motion was made by Commissioner Kruse and seconded by Commissioner Baugh to abolish Resolution 20-116 to eliminate mask requirements at County properties.

Discussion ensued regarding still contracting COVID if you have been vaccinated, and what is the risk.

 Dr. Jennifer Bencie, County Health Officer, displayed a flyer regarding the flu, and data shows there was virtually no flu due to people wearing masks. There are five different variants in Manatee County and she reviewed the statistics. The State testing sites are closing

next week, but residents can get tests at the Health Department and pharmacies. She continued to provide statistics on the number of people vaccinated and CDC guidelines.



Discussion ensued that people need to make their own decisions, it is not known if the India variant is here or not, there is a minimal risk with surface transmission, but research is still needed, N95 masks are the better choice and make them available to the public in County buildings, remove temperature checks in the lobby, return Chambers to its original state, allow people to be personally responsible for themselves, and businesses have the right to make a determination about their property.

Motion - Amended



Commissioner Kruse clarified the motion to abolish all COVID regulation instituted by the Board immediately, including the removal of temperature checks at the doors, and that N95 or equivalent masks be provided to employees and visitors on Manatee County property if requested. Commissioner Baugh agreed as seconder.



Discussion ensued regarding encouraging businesses to lift the requirements, safety precautions should be voluntary, variants change every year, cost effective to have 3M masks,



Discussion ensued that variants change every year, 3M masks may be cost effective, and employees have expressed concern for their safety.



Jacob Saur, Public Safety Director, offered clarification that the internal mask requirement was instituted by County Administration.

Motion - Call the Question

A motion was made by Commissioner Van Ostenbridge, seconded by Commissioner Bellamy and carried 6-1, with Commissioner Servia voting nay, to call the question.

Motion - Amended

The motion was amended to direct County Administrator to remove all COVID related regulations immediately on County property, and to provide N95 masks to employees and visitors to County properties if requested. The motion as amended carried 6-1, with Commissioner Bellamy voting nay.



Chairman Baugh stated she will bring up at the next meeting changing the person responsible for the state of emergency from the Public Safety Director to the County Administrator.

BC20210511DOC073

**COMMISSIONER AGENDA**

**53. FUTURE WORK SESSION PLANNING (COMMISSIONER KRUSE)**




Commissioner Kruse spoke about scheduling additional work session dates to get through the backlog of pending work session topics.



Discussion ensued regarding perhaps some of the items do not require work sessions/


Dr. Scott Hopes, County Administrator, advised that staff has been looking at Commissioners' calendars to identify dates for the backlog of requests for work sessions.



 Discussion ensued to set a specific time for work sessions, still need strategic planning, schedule work sessions on Wednesday afternoons, and figure out the Boards priorities.


BC20210511DOC074


55. **NEGOTIATE APPOINTING DR. SCOTT HOPES AS PERMANENT COUNTY ADMINISTRATOR (COMMISSIONER SATCHER)**


 Commissioner Satcher recommended due to his performance so far, especially regarding the Piney Point emergency, that Dr. Scott Hopes be made the permanent County Administrator. He did express concern that Dr. Hopes is still on the School Board.


Motion:


A motion was made by Commissioner Satcher and seconded by Commissioner Whitmore to authorize the Chairperson to negotiate a resolution and agreement appointing Dr. Scott Hopes as permanent County Administrator and to schedule it for Board consideration at its regular meeting of May 25, 2021.

 Discussion ensued regarding commending Dr. Hopes leadership during the Piney Point emergency, a promise was made to the public that there would be a search for the County Administrator, at the time there was an unknown, not prudent to go out for a national search since it is very expensive, not in favor of an evergreen contract, but have an annual contract that could roll over the next year if not brought up for discussion, include a requirement for a self-evaluation and an evaluation by the Board, request that be goals be included and a performance evaluation, there is no need to rush, positive feedback regarding Dr. Hopes, and require Dr. Hopes to resign from the School Board within 30 days.


 Glen Gibellina supported Dr. Hopes as the County Administrator, but suggested the current contract remain in place for now.

 Shane Widell encouraged the Board to continue to with plans for a national search.


 Dawn Kitterman stated there is no urgency to make a decision at this time.

 Matt Bower supports Dr. Hopes, but suggested this be tabled for a few months.

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

 Discussion ensued that the current contract is valid, to keep Dr. Hopes for another six months with the current contract, six weeks is too soon to make this decision, and in favor of tabling until October 1.


Motion – Call the Question:

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

The motion carried 4-3, with Commissioners Bellamy, Kruse and Servia voting nay.

BC20210511DOC075

56. **WEST COAST INSLAND NAVIGATION DISTRICT/MAINTENANCE DREDGING OF INTRACOASTAL WATERWAY**

 Commissioner Whitmore reviewed a request regarding dredging the intracoastal water way.

A motion was made by Commissioner Van Ostenbridge and seconded by Commissioner Servia to authorize the Chairperson to execute a letter to Representative Greg Steube in support of the West Coast Inland Navigation District's request for funding for maintenance dredging of the Intracoastal Waterway, Anclote to Caloosahatchee River (aka the Gulf Intracoastal Waterway).

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

The motion carried 7-0.

BC20210511DOC076

**COMMISSIONERS' COMMENTS**

Commissioner Whitmore

- Asked if the Board would feel comfortable with the County asking the Lakewood Ranch Stewardship District to construct/improve Lorraine Road
- Questioned if Port Authority meetings could be changed to Wednesday



Discussion ensued regarding Port meetings will resume at the Port after the Board's recess

- Addressed the speed limit on Palma Sola Boulevard and requested that the speed limit on dead end streets in that lowered be lowered to 25mph
- Stated physicians assistants can sign death certificates
- Expressed Concern regarding moving the state of emergency from Public Safety to the County Administrator

Dr. Hopes clarified that this is regarding the execution of the state of emergency.



Commissioner Van Ostenbridge

- Commented on algae has been washing up along the shorelines at Robinson Preserve and Kingfish boat ramp,

Dr. Hopes commented on a vessel that can pick up and remove algae. He also noted the algae is not related to Piney Point.

(Depart Commissioner Whitmore)

Commissioner Kruse

- Requested an update on the Bishop Animal Shelter property
- Asked to modify the Board's rules that Commissioners place actionable items on the agenda rather than brining up during Commissioner Comments



Discussion ensued regarding proclamations and awards taking place at one meeting each month.

Commissioner Servia

- Attended a Whitfield Ballentine Homeowners Association meeting and stated that Airbnbs are a big concern in that area
- Suggested that lunch be ordered during work sessions to all the sessions to continue through the lunch period
- Opposed scheduling proclamations and awards to once a month

Commissioner Bellamy

- Requested the Board consider adding the topic of feeding the hungry to the work session list

Commissioner Satcher

- Toured Robinson Preserve and the algae was there prior to the Piney Point leak
- Stated there is plenty of gas at Port Manatee
- Encouraged no mask mandates in schools

Chairman Baugh

- Referred to a meeting with Building and Development Services staff regarding land use meetings and provided suggestions for expediting those meetings

**ADJOURN**

There being no further business, Chairman Baugh adjourned the meeting at 6:20 p.m.

Minutes Approved: July 27, 2021