

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
June 21, 2016**

Present were:

Vanessa Baugh, Chairman
John R. Chappie, First Vice-Chairman
Charles B. Smith, Third Vice-Chairman
Betsy Benac
Lawrence E. Bustle, Jr.
Carol Whitmore

Absent was:

Robin DiSabatino, Second Vice-Chairman


Also present were:

Ed Hunzeker, County Administrator
Mitchell O. Palmer, County Attorney
Angelina Colonnese, Clerk of the Circuit Court
Robin Toth, Deputy Clerk, Clerk of the Circuit Court




Chairman Baugh called the meeting to order at 9:01 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

1.  The Invocation was delivered by Pastor Wende Thompson, Glory Cloud Ministries, followed by the Pledge of Allegiance.


AGENDA ANNOUNCEMENTS

BC20160621DOC001



-  Item 15 – Final Plat – Harmony Phase II, Subphase A-b – Item 17 under the Action Requested was updated to read: Authorize the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Surety Bond No. 0202150 and the attached Rider from Berkley Insurance Company for \$711,514.70;
- Item 51 – Enforcement of Parking Spaces on County Facilities Designated as No Parking or Restricted Access Parking Ordinance 16-29 – Section 1 of the Ordinance was updated to include additional language (highlighted in yellow);
- Item 52 – Local Governmental Infrastructure Sales Tax Ordinance 16-35 – The Ordinance was updated as follows:
 - Section 2.A., Use of Sales Surtax Proceeds – *Street lights* was added as a project type; and,
 - Section 4, the referendum question, was updated to read: “*To provide for safer neighborhoods, reduce traffic congestion, and improve roadways and public facilities, shall Manatee County levy a half cent sales surtax for a period of fifteen years to fund roadways, sidewalks, intersections, street lights, infrastructure for law enforcement, emergency response, libraries, parks, waterways, public buildings and storm water, all projects located exclusively in Manatee County, with citizen oversight?*”;
- Item 53 – PA-16-01/Ordinance 16-07 – Urban Corridors Plan Amendment – A public comment letter from Ernest “Sandy” Marshall was added to the e-agenda item; and,
- Item 56 – Pretrial, Probation, and Parole Supervision Week – Adoption of Proclamation designating July 17-23, 2016

Time Certain:


2. Item 49 – Public hearing and adoption of Resolution R-16-98, providing for TEFRA approval of Manatee County Port Authority’s borrowing up to \$2,000,000 – 10:00 a.m.
3. Item 46 – Port Authority Meeting (to follow Item 49) – 10:00 a.m.
4. Item 52 – Local Governmental Infrastructure Sales Tax Ordinance 16-35 – 10:30 a.m.
5. Item 48 – LDA-09-04(R3) – Second Amendment to the Summer Woods LDA – To be followed by Items 53 and 54 – Plan Amendments PA-16-01/Ordinance 16-07 and PA-16-03/Ordinance 16-23 – 1:30 p.m.


 Chairman Baugh observed a moment of silence in memory of the Orlando victims and the bravery of the first responders.

AWARDS AND PRESENTATIONS


6.  July Employee of the Month Award: Kevin Beach, Library Operations Manager, Neighborhood Services, b BC20160621DOC002
7.  Retirement Award: Mark Mayer, Senior Development Review Specialist, Public Works, BC20160621DOC003

PROCLAMATIONS

 A motion was made by Commissioner Whitmore, seconded by Commissioner Benac, and carried 6-0, with Commissioner DiSabatino absent, to approve the following Proclamations:

8. Park and Recreation Month – July 2016, was accepted by Charlie Hunsicker, Parks and Natural Resources Director, and Danny Hopkins, Recreation Division Manager BC20160621DOC004
56.  Pretrial, Probation, and Parole Supervision Week – July 17-23, 2016, was accepted by Jennifer Burgh, Probation Services Manager, and Stephanie Detroya, Circuit Administrator BC20160621DOC005

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


 Philip Brown, United Way President, spoke about the campaign for grade level reading and requested the Board support the School District.

 Glen Gibellina commented on the constitutional right to address governmental bodies; Manatee Memorial Hospital; Property Management Department; and, the Port Authority.

 Debra Glow commented on public records requests and Animal Services.


 Agatha Mantanes reiterated comments by Debra Glow.

 Ed Goff spoke on residential growth in the County and impact fees.


 School Board Member Charles Kennedy thanked the Board for addressing the School Board’s half-cent sales tax initiative for referendum language (Item 12, Resolution R-16-109).

There being no further citizen comments on future agenda items, Chairman Baugh closed citizen comments. BC20160621DOC006

49. **FINANCIAL MANAGEMENT/TEFRA HEARING/PORT AUTHORITY/LINE OF CREDIT INCREASE**

 Jan Brewer, Financial Management Director, reviewed the request for the Port Authority’s issuance of revenue bonds for berth rehabilitation. She recommended adoption of Resolution R-16-98, approving the issuance of the revenue notes within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the conducting of a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing on behalf of Manatee County Port Authority in connection with the Authority’s borrowing up to \$2,000,000 outstanding at any one time, to finance a portion of the costs of berth rehabilitation, through the issuance of a tax-exempt revenue note.

Commissioner Whitmore moved to approve the recommended motion. The motion was seconded by Commissioner Smith.

 Barbara Hines opposed the request.

Ms. Brewer clarified this is a line of credit with Port revenues and not County revenues, and, the County is not guaranteeing this loan.

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

Discussion ensued that the investments in Port Manatee benefit the County.


The motion carried 6-0, with Commissioner DiSabatino absent.

BC20160621DOC007


RECESS: 10:04 A.M. – 10:18 A.M. to a Port Authority Meeting. The County Commission meeting reconvened with all members present except Commissioner DiSabatino.

CONSENT AGENDA


Commissioner Requests

-  Item 51, Enforcement of Parking Spaces on County Facilities Designated as No Parking or Restricted Access Parking Ordinance 16-29 – Commissioner Whitmore commented; and,
- Item 13 – DiSabatino v. Manatee County and Eschenfelder – Pulled by Commissioner Smith

10. **CITIZEN COMMENTS (Consent Agenda Items Only)**

 Glen Gibellina commented on Items 6, 11, 25 and 39.

 Brian Schirmer spoke in favor of Item 28.

 Philip Brown, President of United Way, endorsed Item 12.

There being no further citizen comments on the Consent Agenda, Chairman Baugh closed citizen comments.

BC20160621DOC008

11. **CLERK OF THE CIRCUIT COURT – CONSENT AGENDA**

BC20160621DOC009

A. **MINUTES**

Approved the Minutes of, May 3 (Joint with School Board), 5, 25 (Joint with Sarasota Board of County Commissioners) and June 8 and 15 (Work Sessions), 2016

B. **REFUNDS**

Approved the following refunds:

1. Highland Holdings, Inc. – Palmetto Estates Lot 1 – Affordable housing impact fees, \$5,726.78 BC20160621DOC010
2. Rich Overlin, Inc. – Impact Fee Refund, \$11,585.36 BC20160621DOC011
3. SMR Communities Joint Venture – Impact Fee Refund, \$40,861.05 BC20160621DOC012

C. REFUNDS/UTILITIES

Approved a refund for Utilities Customer 45610-145761, \$1,346.83 BC20160621DOC013

D. CONTRACTS

Accepted Agreement for Master Lift Station 12A Wet Well Rehabilitation with Granger Maintenance and Construction, Inc., \$650,932.70 (Bid A), 150 calendar days for completion BC20160621DOC014

E. FINANCIAL REPORTS

Accepted the following Financial Reports:

1. Buckeye Park Community Development District (CDD) – Proposed FY2017 Annual Operations Budget BC20160621DOC015
2. Cone Ranch South CDD – Proposed FY 2017 Annual Operations Budget BC20160621DOC016
3. Eagle Pointe CDD – Proposed FY 2016/17 Budget BC20160621DOC017
4. Gamble Creek CDD – Proposed FY 2017 Annual Operations Budget BC20160621DOC018
5. Summer Woods CDD – Proposed FY 2017 Annual Operations Budget BC20160621DOC019
6. Tara CDD – Proposed FY 2016/17 Budget BC20160621DOC020
7. University Place CDD – Proposed FY 2017 Annual Operations Budget BC20160621DOC021
8. Water’s Edge CDD – Proposed FY 2017 Annual Operations Budget BC20160621DOC022
9. Villages of Glen Creek CDD – Proposed FY 2016/17 Budget BC20160621DOC023
10. Waterlefe CDD – Proposed FY 2016/17 Budget BC20160621DOC024

F. LIEN/PARTIAL RELEASE

Accepted and authorized recording of the Partial Release of Special Improvement Assessment Lien for Project 3129 – 29th Street East Sewer, Richard L. and Karin Watson BC20160621DOC025

12. ADMINISTRATOR/MANATEE COUNTY SCHOOL BOARD HALF-CENT SALES TAX RESOLUTION R-16-109

Adopted Resolution R-16-109, placing the proposed referendum for a School Sales Surtax of one-half cent on the ballot in the November 2016 election BC20160621DOC026

14. ATTORNEY/EMINENT DOMAIN

Authorized the County Attorney, or his designee, or the Interim Property Acquisition Division Manager, or her designee, to make a counteroffer of \$38,000 to Ellenton Food Mart, Inc., doing business as Stop & Shop, in response to their business damage claim offer of \$117,753 BC20160621DOC027

15. BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/HARMONY AT LAKEWOOD RANCH, PHASE II, SUBPHASE A-B

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of Second Amendment and Supplemental Declaration to the Master Declaration of Covenants, Conditions, Restrictions, and Easements for Harmony at Lakewood Ranch;
- Accepted, executed and authorized recording of Mortgagee’s Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from SMR North 70 LLC;
- Accepted and authorized execution and recording of Consent to Subdivision Plat and All Dedications and Reservations Thereon from Lakewood Ranch Stewardship District;

- Accepted and authorized recording of Conservation Easement from Mattamy Tampa/Sarasota LLC;
- Accepted and authorized recording of Consent to Conservation Easement from Lakewood Ranch Stewardship District;
- Accepted and authorized execution and recording of Agreement for Right-of-Way Island Improvements from Lakewood Ranch Stewardship District;
- Accepted and authorized recording of Temporary Turnaround Easement from Mattamy Tampa/Sarasota LLC;
- Authorized the County Administrator to accept, execute and record Agreement for Public Improvements for a Private Subdivision from Mattamy Tampa/Sarasota LLC;
- Authorized the County Administrator to accept, execute and record Agreement for Private Subdivision Improvements from Mattamy Tampa/Sarasota LLC;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond 0201048 from Berkley Insurance Company for \$501,900.69;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond 0201049 from Berkley Insurance Company for \$521,297.60;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Surety Bond 0202152 from Berkley Insurance Company for \$1,103,424.92;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Surety Bond 0202154 from Berkley Insurance Company for \$3,083,346.37;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Surety Bond 0202151 from Berkley Insurance Company for \$67,317.64;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Surety Bond 0202153 from Berkley Insurance Company for \$56,139.20; and,
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Surety Bond 0202150 and the attached Rider from Berkley Insurance Company for \$711,514.70

BC20160621DOC028

16. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/INDIGO, PHASES IV & V**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of Supplemental Declaration of Covenants, Conditions and Restrictions for Indigo to add Indigo, Phases IV & V;
- Accepted and authorized execution and recording of Mortgagee's Joinder In and Ratification of (I) the Subdivision Plat and All Dedications and Reservations Thereon for Indigo, Phases IV & V; and, (II) The Supplemental Declaration of Covenants, Conditions and Restrictions for Indigo to add Indigo, Phases IV & V; and, All Reservations, Covenants and Restrictions Therein from Cassata Funding LLC;
- Accepted and authorized execution and recording of Joinder In and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Lakewood Ranch Stewardship District;
- Authorized the County Administrator to accept, execute and record Agreement for Private Subdivision with Public Improvements for Indigo, Phase IV, from Neal Communities of Southwest Florida LLC;

- Authorized the County Administrator to accept, execute and record Agreement for Private Subdivision Improvements for Indigo, Phase IV, from Neal Communities of Southwest Florida LLC;
- Authorized the County Administrator to accept, execute and record Agreement for Private Subdivision Improvements for Indigo, Phase V, from Neal Communities of Southwest Florida LLC;
- Authorized the County Administrator to accept, execute and record Agreement for Private Subdivision Improvements for Indigo, Phase V, from Neal Communities of Southwest Florida LLC;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond SU1138709 from Arch Insurance Company for \$1,561,385.80;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond SU1138710 from Arch Insurance Company for \$2,528,777.16;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond SU1138711 from Arch Insurance Company for \$101,474.10;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond SU1138707 from Arch Insurance Company for \$497,951.68;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond SU1138708 from Arch Insurance Company for \$2,814,376.96; and,
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond SU1138706 from Arch Insurance Company for \$83,348.85

BC20160621DOC029

17. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/TWIN RIVERS, PHASE IV-C-A**

- Executed and authorized recording of Final Subdivision Plat;
- Accepted and authorized execution and recording of Maintenance Agreement for Right-of-Way Island from Twin Rivers Association, Inc.;
- Accepted and authorized recording of Conservation Easement from Gamble Creek LC;
- Accepted and authorized recording of Temporary Turnaround Easement from Gamble Creek LC;
- Authorized recording of Affidavit of Ownership and Encumbrances from Gamble Creek LC;
- Authorized recording of Tenth Amendment to Amended and Restated Declaration of Covenants, Conditions, Easements and Restrictions of Twin Rivers;
- Authorized recording of Fiscal and Budgetary Information Respecting Twin Rivers, Phase IV-C-A, Subdivision;
- Authorized recording of Twin Rivers, Phase IV-C-A, Subdivision List of Holdings;
- Authorized recording of Maintenance Program for Twin Rivers, Phase IV-C-A, Subdivision;
- Authorized recording of Notice to Buyers;
- Authorized the County Administrator to accept, execute and record Agreement for Public Subdivision with Public Improvements from Gamble Creek, LC; and,
- Authorized the County Administrator to accept and execute Letter of Credit Number ISO411300U in the amount of \$137,132.11, from Wells Fargo Bank, N.A.

BC20160621DOC030

18. **BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT**
Dismissed the remaining fines for CE2008070167 in the amount of \$347,881.33 (\$18,318.67 in surplus tax funds received on 12/7/15, and applied towards this case), and (as previously recommended by the Special Magistrate on 5/25/16), subject to the following conditions:
1. Recording fees of \$40 will be waived; and,
 2. Building and Development Services Department Director is authorized to sign the satisfaction of lien. BC20160621DOC031
19. **BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT**
Reduced the fines for CE2004010054 to \$1,000 (as previously recommended by the Special Magistrate on 5/25/16), subject to the following conditions:
1. The reduced fines shall be paid within 90 days, or will revert back to the original fine amount of \$342,250 ;
 2. Recording fees need to be collected, which total \$20; and,
 3. Building and Development Services Department Director is authorized to sign the satisfaction of lien. BC20160621DOC032
20. **COMMUNITY SERVICES/AGREEMENT**
- Adopted Resolution R-16-105, authorizing acceptance of Agreement ADI-16/17-MAN from the Senior Connection Center, Inc., for the Alzheimer’s Disease Initiative Grant Program in the amount of \$344,747 (\$332,498 State Funds; \$12,249 Client Co-Payments) for the period July 1, 2016, to September 30, 2017; and,
 - Adopted Budget Resolution B-16-074 BC20160621DOC033
21. **COMMUNITY SERVICES/AGREEMENT**
- Adopted Resolution R-16-103, authorizing acceptance of Agreement CCE-16/17-MAN from the Senior Connection Center, Inc., for the Community Care for the Elderly Grant Program in the amount of \$1,187,679 (\$1,051,165 State Funds; \$116,796 County Match; \$19,718 Client Co-Payments) for the period July 1, 2016, to September 30, 2017; and,
 - Adopted Budget Resolution B-16-072 BC20160621DOC034
22. **COMMUNITY SERVICES/AGREEMENT**
- Adopted Resolution R-16-104, authorizing acceptance of Agreement HCE-16/17-MAN from the Senior Connection Center, Inc., for the Home Care for the Elderly Grant Program in the amount of \$41,024 in State Funds for the period July 1, 2016, to September 30, 2017; and,
 - Adopted Budget Resolution B-16-073 BC20160621DOC035
23. **COMMUNITY SERVICES/AGREEMENT**
- Executed Amendment 3 to the FY 15/16 Community Care for the Elderly Agreement CCE-15/16-MAN with Senior Connection Center, Inc., decreasing the agreement amount and replacing the Budget Summary; and,
 - Adopted Budget Resolution B-16-071 BC20160621DOC036
24. **COMMUNITY SERVICE/DISINTERMENT AT NEW MEMPHIS CEMETERY**
Authorized disinterment of the cremated remains of Samuel Mull from County-owned, New Memphis Cemetery by a license funeral director for final disposition elsewhere and in accordance with state law BC20160621DOC037
25. **FINANCIAL MANAGEMENT/BUDGET RESOLUTION**
Adopted Budget Resolution B-16-067 BC20160621DOC038

26. **FINANCIAL MANAGEMENT/CHANGE ORDER**
Authorized County Administrator or his designee, to execute Change Order 1 to Agreement 14-3134CD, Automatic Backwash Filter Rehabilitation at the Southwest Water Reclamation Facility, with Brandes Design-Build, Inc. This Change Order increases the contract sum by \$62,157.04 and adds 111 calendar days, for an adjusted contract sum of \$1,422,153.04 and a revised completion date of July 8, 2016 BC20160621DOC039
27. **NEIGHBORHOOD SERVICES/2017 CYCLOVIA EVENT**
- Acceptance of a grant from 880 Cities in the amount of \$5,000 to provide funding for the Cyclovia Bradenton Event;
 - Cheri Coryea, Neighborhood Services Director, authorized to execute participant funding agreement and all other documents related to the grant and project; and,
 - Adopted Budget Resolution B-16-076, increasing funds to align revenue and project expenditures BC20160621DOC040
28. **NEIGHBORHOOD SERVICES/SHIP LIEN RELEASE**
Authorized County Administrator, or his designee, to accept \$12,336.94 at the closing of the short sale for a release of Manatee County's second mortgage on the property owned by John J. Marco, 1315 34th Avenue East, Bradenton BC20160621DOC041
29. **NEIGHBORHOOD SERVICES/GRANT AMENDMENT**
Executed FY 2015-2016 State Aid to Library Grant Amendment 1 with Florida Department of State, Division of Library and Information Services, increasing the grant amount by \$353. BC20160621DOC042
30. **PARKS AND NATURAL RESOURCES/ANNUAL REPORT**
Executed National Pollutant Discharge Elimination System – Municipal Separate Storm Sewer System (NPDES-MS-4) Year 3 Annual Report Form, for submission to the Florida Department of Environmental Protection as required by Permit FLS000036 BC20160621DOC043
31. **PROPERTY MANAGEMENT/VACATION**
Adopted Resolution R-16-090, declaring a public hearing on July 26, 2016, at 9:00 a.m., to consider an application to vacate a portion of unimproved right-of-way at 51st Street East, Bradenton BC20160621DOC044
32. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
- Accepted and authorized recording of Warranty Deed from B & J Citrus Groves, Inc.; and,
 - Authorized recording of Affidavit of Ownership and Encumbrances from B & J Citrus Groves, Inc. BC20160621DOC045
33. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
- Accepted and authorized recording of Warranty Deed from Zachary Putnal, Trustee of the Desoto Ranch Estates Trust dated October 4, 2008; and,
 - Authorized recording of Affidavit of Ownership and Encumbrances from Zachary Putnal, Trustee of the Desoto Ranch Estates Trust dated October 4, 2008 BC20160621DOC046
34. **PUBLIC SAFETY/GRANT/PARAMEDIC PROGRAM**
- Adopted Resolution R-16-106, accepting a grant award from Department of Health – Manatee, for the implementation and start up of a Community Paramedic Program;
 - Authorized County Administrator to execute State of Florida Department of Health Standard Contract MA-400; and,

- Adopted Budget Resolution B-16-069 BV20160621DOC047

- 35. **PUBLIC SAFETY/HAZARD ANALYSIS CONTRACT**
 - Adopted Resolution R-16-096, accepting a State-Funded Subgrant Agreement from the State of Florida, Division of Emergency Management, for funds in the amount of \$7,446, with no match required, and authorizing the Chairperson, or in their absence, the Vice-Chairperson, to execute all related documents; and,
 - Adopted Budget Resolution B-16-068 BC20160621DOC048

- 36. **PUBLIC WORKS/BONDS/WINGATE CREEK MINE**

Accepted Reclamation Bond Rider Adjustment, Surety Bond Rider 09079662, in the increased amount of \$2,775,894 (from \$2,456,764) for the 2016/2017 Annual Report period BC20160621DOC049

- 37. **PUBLIC WORKS/MEMORANDUM OF AGREEMENT**

Adopted Resolution R-16-097, authorizing the Chairman to execute a five-year Memorandum of Agreement with the Florida Commission for the Transportation Disadvantaged so that Manatee County Government continues serving as Community Transportation Coordinator for the Manatee Service Area BC20160621DOC050

- 38. **PUBLIC WORKS/AGREEMENT**

Executed Annual Exhibit A to FY 2016/17 Florida Department of Transportation (FDOT) Work Order of the State Highway Lighting Maintenance and Compensation Agreement, setting forth the number of street lights and amount of compensation due under the statewide formula developed by FDOT (\$344,832.58) BC20160621DOC051

- 39. **PUBLIC WORKS/SURPLUS EQUIPMENT**
 - Authorized to classify property, which is economical to upgrade or repair as surplus per Florida Statute 274.05, to enable appropriate and authorized disposition of said property and authorization to thereafter dispose of such property; and,
 - Adopted Resolution R-16-095, authorizing donation to Children's Guardian Fund BC20160621DOC052

- 40. **PUBLIC WORKS/GRANT AGREEMENT**
 - Adopted Resolution R-16-100, authorizing the Chairman to execute FY 16/17 Trip & Equipment Grant Agreement with Florida Commission for the Transportation Disadvantaged for the period July 1, 2016, through June 30, 2017, in the amount of \$713,101; and,
 - Approved updated rate model worksheet and corresponding trip reimbursement rates BC20160621DOC053

- 41. **PUBLIC WORKS/AGREEMENTS/UNIVERSAL ACCESS PROGRAM**

Executed Universal Access Program Agreements with Sarasota County and Ringling College of Art and Design, Inc., and Sarasota County and New College of Florida, allowing college students, faculty, and employees to ride public transit, fixed-route/fixed-schedule service for free when presenting a valid college-issued photo identification upon boarding BC20160621DOC054

- 42. **UTILITIES/LETTER OF SUPPORT/ORANGE HAMMOCK RANCH**

Executed letter of support for acquisition of the Orange Hammock Ranch property in Sarasota County for conservation and water quality improvements. The property will be acquired in joint effort by Sarasota County, City of North Port, the Conservation Foundation of the Gulf Coast, and, Southwest Florida Water Management District BC20160621DOC055

- 43. **UTILITIES/SERVICE FEE WAIVERS**

Authorized to waive a total of \$115 in service fees that were assessed to utility customer accounts for returned bank items BC20160621DOC056

44. UTILITIES/WRITE-OFF OF BAD DEBT

Authorized the write-off bad debts of the Utilities Department not to exceed \$263,845.92 in Fund 401 (Potable Water/Wastewater) and \$73,166.92 in Fund 480 (Solid Waste)


BC20160621DOC057

CONSENT AGENDA MOTION

A motion was made by Commissioner Whitmore, seconded by Commissioner Chappie and carried 6-0, with Commissioner DiSabatino absent, to approve the Consent Agenda, with deletion of Item 13 (separate action).

(End Consent Agenda)

52. ADMINISTRATOR/LOCAL GOVERNMENT INFRASTRUCTURE SALES TAX/ORDINANCE 16-35

 Ed Hunzeker, County Administrator, stated the request is for the Board to adopt Ordinance 16-35, regarding taxation, providing for the levy, imposition and setting of a discretionary local government infrastructure surtax, at a rate of .5 percent (one-half percent) to become effective January 1, 2017, for a term of 15 years, pursuant to Section 212.055(2), Florida Statutes, subject to approval by the electors of the County in a referendum to be held during the general election on November 8, 2016.


Dan Schlandt, Deputy County Administrator, reviewed the provisions of Ordinance 16-35 and the changes made as outlined in the update memorandum and since the draft Ordinance was presented at the June 7, 2016, meeting:

- Section 2.A., Use of Sales Surtax Proceeds – The words *Street lights* were added as a project type; and, the word *projects* was added at the end of the referendum language;
- Section 4., the referendum question, was updated to read:
“To provide for safer neighborhoods, reduce traffic congestion, and improve roadways and public facilities, shall Manatee County levy a half cent sales surtax for a period of fifteen years to fund roadways, sidewalk, intersections, street lights, infrastructure for law enforcement, emergency response, libraries, parks, waterways, public buildings and stormwater, all projects located exclusively in Manatee County, with citizen oversight?”
- Section 7.C., Citizen Oversight – Remove the words, “shall meet at least quarterly”; and,
- Section 2.A., Use of Sales Surtax Proceeds – Insert the words, “and equipment” after the word projects in the third line

 Mr. Schlandt read into the record the proposed ballot language.


Motion – Adopt Ordinance 16-35


A motion was made by Commissioner Bustle, to adopt Ordinance 16-35, with the changes outlined earlier in the meeting and on the update memorandum. The motion was seconded by Commissioner Benac.


 Discussion ensued regarding concern by Island communities of the distribution of funds due to the impact of tourism on the Island’s infrastructure, City of Bradenton is not in favor of making a change in the distribution of funds, need a funding mechanism to maintain existing infrastructure, can enter into interlocal agreements with individual municipalities for specific projects, the placement of a referendum on the ballot will allow voters to determine if they want the sales tax, infrastructure improvements in District 3, a sales tax would decrease the burden on property owners, and commend the Citizen’s Financial Structure Advisory Board.

Mitchell O. Palmer, County Attorney, referred to the statutory formula for distribution of sales tax proceeds (Florida Statute 212.055). The County would have to enter into an interlocal agreement with the City of Bradenton to alter the distribution formula and may have to enter into interlocal agreements with each of the municipalities.


RECESS: 10:49 A.M. - 11:00 A.M. All members were present except Commissioner DiSabatino.


 Discussion continued that the County's lobbyist has been asked to review tourist development tax legislation, other revenue sources, the half-cent sales tax is a step in the right direction, and the formula requested by the Island Mayors is not unreasonable.

 Barbara Hines commented on the constraints of Island infrastructure and suggested funds be directed to poorer communities.


 Nancy Deal spoke in support of the letter from the Island Mayors (attached to agenda packet) and commented on the impacts of tourism and development.

 Maggie Mooney-Portale, attorney for the Town of Longboat Key, stated no objection to the changes in the Ordinance as outlined.


 Dave Bullock, representing Island Mayors, supported the Board's efforts to place the referendum on the ballot; however, he requested reallocation of a portion of tax proceeds (as outlined in the letter from the Mayors).


 Mayors Jack Duncan, Town of Longboat Key; Bob Johnson, City of Holmes Beach; Dan Murphy, City of Anna Maria; and Bill Shearon, City of Bradenton Beach, endorsed the referendum and stressed the request for reallocation of the proceeds.


 Jean Peelen, Holmes Beach City Commission, supported the request for reallocation of tax proceeds due to the large tourism population in the Island communities.

 Mac Carraway, Citizen's Structure Advisory Board (CSAB), spoke in favor of the Ordinance and the project list (presented 6/7/16).

 Mayor Shirley Groover-Bryant, City of Palmetto, requested the Board support the distribution of sales tax proceeds as outlined in Florida Statute.

 Mayor Wayne Poston, City of Bradenton, commented on the request of the Island Mayors, and supported the statutory distribution of the tax proceeds.


 Robert Bartz, Chamber of Commerce, read a letter urging the Board to place the referendum on the ballot.

 Tammy Dowdy spoke in support of the referendum being placed on the ballot.

 Patrick Roth, City of Bradenton Councilman, endorsed the referendum.


 Jim Kihm supported the Island Mayors' request for a change in the distribution of tax


proceeds, as well as a change in tourist development tax laws.

 Peggy Simone opposed a sales tax increase and that ad valorem taxes could be raised.

 Chuck Slater, CSAB member, urged the Board to proceed.

Glen Gibellina stated other options should be considered.


 Ed Goff expressed concern with the proposed sales tax, and that impact fees should be charged at 100 percent of the allowable rate.

 Philip Brown spoke in support of the referendum.

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

Discussion occurred regarding public confusion with the proposed referendum, and clarification that the Board is not voting to increase sales tax, but seeking to place language on the November ballot and let voters decide.

RECESS: 12:12 P.M. – 12:34 P.M. All members present except Commissioner DiSabatino

 Discussion continued that the County's lobbyist has been asked to look into legislation (on the tourist development tax), other revenue sources, the half-cent sales tax is a step in the right direction, and, the formula requested by the Island Mayors is not unreasonable.


Motion – Amendment

A motion was made by Commissioner Chappie, to amend the motion to use the language as proposed in the Island Mayor's letter for Section 3 of the draft Ordinance. The motion was seconded by Commissioner Smith.

Discussion was held that the only manner in which the Board can vary from the Statute formula is through an interlocal agreement, and the City of Bradenton would have to sign the agreement, but they have stated they are not in favor of doing so.


Following discussion, Commissioner Smith withdrew the second to the motion, and the amendment died for lack of a second.


Motion – Call the Question


 Commissioner Bustle moved to call the question. Chairman Baugh passed the gavel to First Vice-Chairman Chappie, who was presiding.

Chairman Baugh seconded the motion to call the question, but the motion failed by a vote of 2-4, with Commissioners Smith, Benac, Chappie and Whitmore voting nay.

Chairman Baugh resumed the gavel and resumed presiding.


 Further discussion continued on the need to see documentation as to how the 30 percent (sales tax proceeds generated by tourists) is calculated, and the need to address what is happening in the Island communities.

 Commissioner Whitmore asked the Mayors to support the sales tax referendum language.

 Deputy Clerk Toth read the motion on the floor. Commissioners Bustle and Benac agreed with the changes as noted and as shown on the revised memorandum.

The motion carried 6-0, with Commissioner DiSabatino absent.


Motion

 A motion was made by Commissioner Chappie, to direct the County Administrator to schedule a joint work shop with the County Commission and the four, Island City Mayors to work with them to develop an understanding of the infrastructure and programs the Mayors believe to be impacted by tourism. The work shop should be scheduled within the next few months, so we can consider this input before our final budget adoption in September. The motion was seconded by Commissioner Smith.


Commissioner Chappie stated there are unique differences between the Cities of Bradenton and Palmetto as compared to the Island communities, and that a separate work shop should be scheduled with the two cities.

Discussion was held on the need to receive project lists, budget constraints, and the need to ensure the Island communities are receiving their fair share of projects.

Commissioner Chappie changed his motion to add and along with that, another workshop between the Board of County Commissioners and the Cities of Bradenton and Palmetto.

 Mayor Bryant stated the City of Palmetto has been working on a project list and agreed to meet with the Commission.

 Mayor Duncan stated support of the referendum and requested the Board's guidance.

 Ernest "Sandy" Marshall, Federation of Manatee County Community Associations, spoke in support of the referendum.


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

 The motion carried 6-0, with Commissioner DiSabatino absent.

BC20160621DOC058


RECESS: 2:35 P.M. - 2:42 P.M. All members were present except Commissioner DiSabatino.


48. **BUILDING AND DEVELOPMENT SERVICES/LOCAL DEVELOPMENT AGREEMENT LDA-09-04(R3)**


 A duly advertised public hearing was held to consider a Second Amendment to the Amended and Restated Local Development Agreement for Summer Woods, LDA-09-04(R3). Staff recommended approval.


Clarke Davis, Transportation Planning Manager, stated this is the second of two, required public hearings. The Amendment is administrative, and changes are limited to modifying an internal milestone date for required, fair share payment of offsite impacts and amending the required development activity to make the development eligible for a second Certificate of

Level of Service Compliance extension.

 No Commissioner indicated ex-parte communications.

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

 Based upon the staff report, evidence presented, and finding the request to be consistent with the Manatee County Land Development Code and Comprehensive Plan, a motion was made by Commissioner Chappie, seconded by Commissioner Smith and carried 6-0, with Commissioner DiSabatino absent, to approve the Second Amendment to the Summer Woods Amended and Restated Local Development Agreement LDA-09-04(R3). BC0160621DOC059

 Sarah Schenk, Assistant County Attorney, stated both Items 53 and 54 can be taken together.

53. **ORDINANCE/COMPREHENSIVE PLAN**

A duly advertised public hearing was held to consider transmittal of proposed Plan Amendment PA-16-01/Ordinance 16-07, Urban Corridors Plan Amendment. Planning Commission recommended transmittal.


and

54. **ORDINANCE/COMPREHENSIVE PLAN**

A duly advertised public hearing was held to consider transmittal of proposed Plan Amendment PA-16-03/Ordinance 16-23, Countywide Amendments – Legislative. Planning Commission recommended transmittal.

Lisa Barrett, Building and Development Services, stated Item 53 relates to proposed changes to Urban Corridors, as defined by the County. Item 54 relates to County-wide, Comprehensive Plan Amendments. She displayed an Urban Corridors and Future Land Use Map.

John Osborne, Building and Development Services, reviewed the history of the Comprehensive Plan, as well as changes to the Plan and community needs.

 Pat Tyjeski, Littlejohn Consulting, utilized a slide presentation on Urban Corridors and outlined the proposed amendments.

Sarah Schenk, Assistant County Attorney, stated this item was advertised with a corridor map.

Discussion ensued regarding urban service areas, redevelopment along commercial corridors with mixed use, ensuring consistency with existing development, focus on commercial strip areas, incentivize commercial areas, Cortez Road has issues, limit changes to 75th Street West along Manatee Avenue and Cortez Road, inclusion of the 9th Street West corridor, and, concerns with the 53rd Avenue corridor.

John Barnott, Building and Development Services Director, stated additional amendments will be forthcoming.

Discussion continued regarding Desoto Mall, quality design standards must be in the Land Development Code (LDC), landscaping standards, 75th Street West of Palma Sola, and public comments regarding Manatee Avenue are included in the agenda packet.

Ms. Tyjeski continued with her presentation.

Mr. Osborne displayed an aerial map highlighting the Desoto Mall property.



Bradley Latham, representing Palma Sola Park Association, displayed Urban Service Area maps and stated this is a continuing process requiring careful consideration.



Tim Polk, on behalf of Chamber of Commerce, read into the record a portion of a letter to Chairman Baugh (6/2/16) regarding urban infill.



Travis Vengroff spoke on one-stop housing and the need for workforce housing.



Ernest "Sandy" Marshall representing Federation of Community Associations, asked the Board to consider the recommendations in his letter (dated 6/16/16 in agenda packet).

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



Further discussion ensued regarding upcoming workshop, stop the corridor at 75th Street West, examine other areas, opportunity for redevelopment in the urban core, urban corridors for 53rd Avenue West, Cortez Road and Manatee Avenue, concern this is a major change to the Comprehensive Plan, and LDC changes eliminate a step in the development process.

Motion – Plan Amendment PA-16-01/Ordinance 16-07

Based upon the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission, and finding the request to be consistent with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes and the Manatee County Comprehensive Plan, Commissioner Benac moved to transmit Plan Amendment PA-16-01, as recommended by the Planning Commission, with the only modification being the Cortez Road corridor, stopping at 75th Street West. The motion was seconded by Commissioner Whitmore.

Deputy Clerk Toth read the motion on the floor, and the motion carried 4-2, with Commissioners Bustle and Chappie voting nay, and Commissioner DiSabatino absent.

BC20160621DOC060

Motion – Plan Amendment 16-03/Ordinance 16-23



Based upon the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission, and finding the request to be consistent with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes and the Manatee County Comprehensive Plan, Commissioner Benac moved to transmit Plan Amendment PA-16-03, as recommended by the Planning Commission. The motion was seconded by Commissioner Whitmore and carried 4-2, with Commissioners Bustle and Chappie voting nay, and Commissioner DiSabatino absent.

BC20160621DOC061


RECESS: 4:40 P.M. – 4:48 P.M. All members were present except Commissioner DiSabatino.


13. **ATTORNEY/LAWSUIT/DISABATINO V. MANATEE COUNTY AND ASSISTANT COUNTY ATTORNEY ROBERT ESCHENFELDER**



Mitchell O. Palmer, County Attorney, addressed the matter of Robin DiSabatino v. Manatee County and Assistant County Attorney Robert Eschenfelder, Case No. 2016-CA-


002483, (1) ratification of the County Attorney's decision to retain the services of Trenam Law (fka Trenam Kemker) as outside counsel, on such terms as the County Attorney deems appropriate; (2) approval of Trenam Law's representation of both Manatee County and Chief Assistant County Attorney Robert Eschenfelder; and, (3) authorization for the Chairperson to execute the attached Informed Consent document.

 Commissioner Smith expressed concern with Trenam Law representing both the Board and the Chief Assistant County Attorney.

 Mr. Palmer stated Mr. Eschenfelder noted in the agenda memorandum that he will be making separate arrangements with Trenam Law for the firm's representation of him.

Commissioner Smith is of the opinion that Manatee County and Mr. Eschenfelder should each have separate representation.


Chairman Baugh recited the Pledge of Civility with regard to any comments that are made regarding this item.

 Mr. Palmer met at length with Trenam Law firm, and Trenam is well informed on the facts of this lawsuit. Mr. Palmer referred to the Informed Consent Document from Trenam Law presented for approval and execution, in which they state it is their opinion there is no conflict of interest with them representing both the Board and the Chief Assistant County Attorney. The Board's signature on this document represents understanding of these circumstances. Mr. Palmer emphasized that the County Commissioners will be notified immediately if the law firm identifies an irreconcilable conflict.


Mr. Palmer further stated Trenam Law has determined there is alignment in the interests of County Government, and there is no conflict at this point in time. Mr. Palmer explained the nature of this public records lawsuit, and he recommended approval.

 Barbara Hines voiced concern on spending tax dollars.

 Glen Gibellina expressed concern with the use of Trenam Law firm.

 Debra Glow outlined concern with the lawsuit against Commissioner DiSabatino.

 Agatha Mantanes urged the Board to find a way to settle this lawsuit.


 Jack Richardson relayed concerns of Peggy Simone that it is not in the best policy to pursue this lawsuit.


 Corrie Holmes noted concerns.

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

Discussion was held regarding the cost to defend this lawsuit, protecting Manatee County, Trenam Law will be compensated out of the budget of the County Attorney's office, and, this lawsuit will not result in Commissioner DiSabatino recovering her attorney's fees from the public records lawsuit against her.


Mr. Palmer further commented that if Commissioner DiSabatino prevails in this particular lawsuit, she will be able to recover attorney fees, but this lawsuit is totally unrelated to her personal lawsuit.

 Commissioner Smith expressed his position on this matter.


 In the matter of Robin DiSabatino v. Manatee County and Assistant County Attorney Robert Eschenfelder, Case No. 2016-CA-002483, a motion was made by Commissioner Bustle to (1) ratify the County Attorney's decision to retain the services of Trenam Law (fka Trenam Kemker) as outside counsel, on such terms as the County Attorney deems appropriate, (2) approve Trenam Law's representation of both Manatee County and Chief Assistant County Attorney Robert Eschenfelder; and, (3) authorize the Chairperson to execute the attached Informed Consent Document. The motion was seconded by Commissioner Whitmore and carried 5-1, with Commissioner Smith voting nay and Commissioner DiSabatino absent.

BC20160621DOC062

47. **ADMINISTRATOR/ORDINANCE/SCHOOL IMPACT FEES**

 A duly advertised public hearing was held to consider adoption of Ordinance 16-32, regarding educational facilities; amending Section 2-29-85(A) of the Code of Ordinances by deleting Subsection 2-29-85(A)(4) to remove the requirement that educational facilities impact fees remain at 50 percent of the maximum allowable rate if the electors of Manatee county approve a half-cent sales tax surtax to fund school construction.

Dan Schlandt, Deputy County Administrator, outlined the request and recommended adoption.

 Philip Brown, United Way President, urged the Board to adopt the Ordinance.

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


Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and in accordance with Section 341 of the Land Development Code, Commissioner Chappie moved to adopt Manatee County Ordinance 16-32, amending the Manatee County Code of Ordinances, as amended, as recommended by the Planning Commission. The motion was seconded by Commissioner Smith and carried 6-0, with Commissioner DiSabatino absent.

BC20160621DOC063

50. **NEIGHBORHOOD SERVICES/GRANT/CDBG ANNUAL ACTION PLAN**

 A duly advertised public hearing was held to consider adoption of Resolution R-16-094, adopting the Community Development Block Grant (CDBG) 2016 Annual Action Plan.

Cheri Coryea, Community Services Director, summarized the Plan.

 A motion was made by Commissioner Chappie, to adopt Resolution R-16-094, approving the 2016/17 Annual Action Plan, and authorizing the Chairman to sign all appropriate documents for transmittal to the Department of Housing and Urban Development. The motion was seconded by Commissioner Whitmore.


 Suzie Dobbs spoke in favor of the request.

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

The motion carried 6-0, with Commissioner DiSabatino absent.

BC20160621DOC064

51. **PROPERTY MANAGEMENT/ORDINANCE/NO PARKING**

 A duly advertised public hearing was held to consider adoption of Ordinance 16-29, amending Chapter 2-22 of the Manatee County Code to provide for enforcement of parking spaces designated as no parking or restricted access parking; providing for fines and towing, signage, and enforcement authority.

Robert Eschenfelder, Chief Assistant County Attorney, summarized revisions to the Ordinance.

A motion was made by Commissioner Chappie and seconded by Commissioner Whitmore, to adopt Ordinance 16-29.


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

The motion carried 6-0, with Commissioner DiSabatino absent.

BC20160621DOC065


The Board thanked Charlie Bishop, Property Management Director, and Project Management staff for their work on the Rubonia Community Center and other County buildings/facilities.

55. **ADMINISTRATOR/DASHBOARD REPORT FOR MAY 2016**

 Ed Hunzeker, County Administrator, presented the Dashboard for May 2016. The report is provided for information only, and no Board action is required.

BC20160621DOC066

CITIZENS' COMMENTS (Future Agenda Items)

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

COMMISSIONERS' COMMENTS

 Commissioner Whitmore

- Commented on a media blitz to raise awareness of the overabundance of dogs and cats currently at the Animal Services shelter.

Commissioner Chappie

Nothing

Commissioner Benac

Nothing

Commissioner Smith

- Reminded the public of a driver's license suspension reinstatement event on September 9th. The fee is still to be determined, and volunteers are needed for this event.
- Stated that on July 19th, the University of South Florida will conduct a free athletic event at Lincoln Park in Palmetto for students through 8th grade.


Commissioner Bustle

Nothing


Chairman Baugh

Nothing

COUNTY ADMINISTRATOR COMMENTS

 Ed Hunzeker, County Administrator, noted that a request may be forthcoming for an appropriation to provide communications (website, etc.) to respond to requests for information on the sales tax.

COUNTY ATTORNEY COMMENTS

 Mitchell O. Palmer, County Attorney, corrected inaccurate public comments made earlier in the meeting on Item 13 and erroneous comments made during a recent budget work session regarding the County's pursuit in recovering damages to County property.

ADJOURN

There being no further business, Chairman Baugh adjourned the meeting at 6:06 p.m.

Minutes Approved: August 9, 2016