

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
March 20, 2017**

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

Present were:


Priscilla Whisenant Trace, Chairman
Robin DiSabatino, First Vice-Chairman
Carol Whitmore, Second Vice-Chairman
Charles B. Smith, Third Vice-Chairman
Betsy Benac
Vanessa Baugh
Stephen R. Jonsson

Also present were:

Ed Hunzeker, County Administrator
Mitchell O. Palmer, County Attorney
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court

Chairman Trace called the meeting to order at 9:00 a.m.


INVOCATION AND PLEDGE OF ALLEGIANCE

1.  The Invocation was delivered by Rev. Brian Bagley-Bonner, Faith United Church of Christ, followed by the Pledge of Allegiance

AGENDA ANNOUNCEMENTS




BC20180230DOC001

Time Certain


2.  Item 49 - 11:00 a.m. Bradenton River Preserve, Establishment of a Municipal Services Taxing Unit
3. Item 50 - 2:30 p.m. Parks and Community Facilities Infrastructure Sales Tax - Addition to Project and Equipment List
56. Agenda Update Memorandum BC20180230DOC002
 - Item 33 - Execution of Contract for Sale and Purchase from Thomas A. Quinn, individually and as Trustee of the Thomas A. Quinn Revocable Trust, dated November 25, 1997 - Request for Legal Services (RLS) response memorandum was updated to include attachments
 - Item 36 - Resolution R-18-039 - Resolution updated to correct typographical errors and RLS response memo random was updated to include attachments
 - Item 40 - Federal Fiscal Year (2018) Certification and Assurances - Document updated and replaced to correct minor scrivener errors
 - Item 45 - Lakewood Ranch Community Development District Districts 2 and 6, Transfer of Wastewater Facilities/Lift Station Turnover - Agreements updated - Pages 4 and 9 replaced to include the date of March 30, 2018, in Paragraph 2.5 Closing and Paragraph 8.1 Termination Events, Exhibit A was added as referenced in each agreement
 - Item 48 - Impact Fees - Additional Materials: Charts depicting the 2018 City- County Comparison of Impact Fees/FIF for (1) Utilities Only and (2) Residential Impact Fees (including schools, utilities, fire, etc.); and additional public comment
 - Item 51 - Assignment of Option Agreement - Resolution R-18-049 updated to correct a typographical error in the not to exceed amount of \$3 million in Section 1; and




- Assignment of Option was updated to include Exhibit A
- Item 54 – Dashboard Report February 2018 – Half-Cent Sales Tax Report updated to reflect the totals for the full month of December
- Item 55 – Opportunity Zone Designations – Request for “Identification of preferred eligible Manatee County low-income census tracts for possible designation as Opportunity Zones” by the Governor

AWARDS AND PRESENTATIONS

4.  Karen Stewart, County Economic Development Official, introduced Mark Reinig, CECD and International Economic Development Council Volunteer, and John Zakian, for their work regarding best practices with post disaster situations. BC20180230DOC003
5.  Retirement Award: Ron Schulhofer, Public Works Director, honoring his 17 years of service. Chad Butzow, Deputy Director Field Operations Services, Mike Brennan, Fleet Services Division Manager, Stan Drigger, Fleet Superintendent, Sage Kamiya, Deputy Director Traffic Management, Vishal Kakkad, Traffic Design Division Manager, Charlie Hunsicker, Parks and Natural Resources Director, and Dan Schlandt, Deputy County Administrator, spoke. BC20180230DOC004
6.  Florida Master Naturalist Program Coastal Systems Module - Lisa Hickey, Master Gardner Coordinator, presented certificates to seven graduates of the Florida Master Naturalist Program, Coastal Systems Module. BC20180230DOC005

PROCLAMATIONS


 A motion was made by Commissioner DiSabatino, seconded by Commissioner Baugh and carried 7-0, to approve the following Proclamations:

7. Sexual Assault Awareness Day – April 5, 2018, accepted by Terri Allen, Centerstone Sexual Assault Services Trauma Manager BC20180230DOC006
8. Florida Surveyors and Mappers Week – March 18-24, 2018, accepted by Ralph Rhodes, and other members of the Florida Surveying and Mapping Society BC20180230DOC007
9. Paint the Town Purple Week, March 30-April 6, 2018, accepted by American Cancer Society representatives BC20180230DOC008
10.  National Library Week – April 8-14, 2018, accepted by Glenda Lammers, Assistant Library Services Manager, and Neighborhood Services staff BC20180230DOC009
11. National County Government Month – April 2018, accepted by Ava Ehde, Interim Neighborhood Services Director and Neighborhood Services staff BC20180230DOC010
12. Water Conversation Month – April 2018, accepted by Olga Wolanin, Superintendent Water Division Compliance and Ingrida Barkauskaite, Utilities Department BC20180230DOC011
13. **CITIZEN COMMENTS** (Future Agenda Items)
-  Margie Dawson, Turning Points, addressed assistance provided to homeless citizens, and extended an invitation to “Walk a Mile in Their Shoes”. BC20180230DOC012
-  Katherine Edwards addressed the purchase of the Sheriff’s helicopter and submitted a binder. BC20180230DOC013

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

CONSENT AGENDA

Commissioner Requests

 Commissioner Smith pulled Item 36 for further discussion.

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

There being no citizen comments, Chairman Trace closed Citizen Comments.

15. **CLERK CONSENT AGENDA**

BC20180230DOC0014

A. **WARRANTS**

Accept the warrants for the month of February 2018, as issued by the Finance Department

BC20180230DOC0015

B. **MINUTES**

Approve the Minutes of October 10, 2017 and March 1 (Work Session), and 13, 2018

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. Administrative Contract Adjustment 4 to Contract with Woodruff & Sons, Inc. for 53Rd Avenue West (From 43Rd Street West to 75Th Street West, increase of \$46,999.09, adjusted total \$12,068,696.16

BC20180230DOC016

D. **REPORTS**

Accept the following Reports:

1. City of Palmetto – Comprehensive Annual Financial Report, FY ending September 30, 2017
2. Letter from Shinn and Co. regarding audited financial statements of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information of Manatee County, Florida for the year ended September 30, 2017
2. Peace River Manasota Regional Water Supply Authority – Independent Auditor's Report for FY ended September 30, 2017
3. West Coast Inland Navigational District – Public Facilities Report per FS 189.415
4. State of Florida Annual Local Government Financial Report/Manatee County FY2016/17

BC20180230DOC017

BC20180230DOC018

BC20180230DOC019

BC20180230DOC020

BC20180230DOC021

E. **SHERIFF BOND**

Accept the list of four additional employees and the deletion of eight employees from the Sheriff's Public Employee Bond

BC20180230DOC022

F. **BONDS**

Accept the following Bonds:

1. Del Tierra, Phase IV-A – Accepted and execute Surety Bond SNN4007876, Performance, in conjunction with Agreement for Private Subdivision improvements, \$111,845.50
2. Indigo Phase VI, Subphases 6-A, 6-B, and 6.C, Subphases 6-A, and 6-C only
 - Released and returned Surety Bond CS9826562, for Subphase 6-A, and any associated riders in conjunction with the performance portion in the Agreement for Public Improvements for a Private Subdivision, \$450,377.07; Released and returned Surety Bond CS9826730, for Subphase 6-C, and any associated riders in conjunction with the performance portion in the Agreement for Public Improvements for a Private Subdivision, \$601.625.51;
 - Accepted and executed Surety Bond CS9826975 for Subphase A securing Section 1.5 "Maintenance, Defects" of the Agreement for Private Subdivision with Public Improvements accepted April 25, 2017, securing potable water

BC20180230DOC023

and sanitary sewer improvements, Defect Security \$26,491.03; and Surety Bond CS9826976 for Subphase C, Defect Security, \$39,116.98; and

- Accepted and Executed Bill of Sale BC20180230DOC024
3. Ridge at Crossing Creek, Phase II
- Released and returned Surety Bond CS9826549 and any associated riders in conjunction with the performance portion of the Agreement for Private Subdivision with Public Improvements, \$392,154.10;
 - Accepted and executed Surety Bond CS9826973 securing Section 1.5 “Maintenance, Defects” of the Agreement for Public Subdivision Improvements accepted August 23, 2017 securing potable water, reclaimed water and sanitary sewer improvements, Defect Security \$24,990.20; and
 - Accepted and executed Bill of Sale BC20180230DOC025
4. Savanna at Lakewood Ranch, Phase II, Subphase A and B
- Accepted, executed and recorded Bill of Sale in conjunction with Section 1.5 “Maintenance, Defects” of the Agreement for Public Subdivision Improvements securing potable water and sanitary sewer improvements BC20180230DOC026
5. Thompson Aggregate and Materials
- Released Required Improvements Agreement, \$27,300; Letter of Credit S-4322 will remain in place and will be used to secure the one year extension for the required improvements agreement;
 - Accepted and authorized the County Administrator to execute the Required Improvements Agreement for a one year extension secured by previously accepted Letter of Credit; and
 - Accepted amended Letter of Credit S-4322, Amendment 9, Dated December 22, 2016, expiring January 26, 2019, \$27,300 BC20180230DOC027
6. Willow Walk, Phase I-B
- Accepted Addendum to the Public Improvements Agreement securing the final lift of asphalt improvement; and
 - Accepted and authorized County Administrator to execute Surety Bond 1154955 in conjunction with the Agreement, expiration January 19, 2019, \$60,297.25 BC20180230DOC028
7. Willow Walk, Phase I-C
- Released and returned Surety Bond SUR60001362 and any associated riders in conjunction with the performance section of the Agreement for Public Subdivision with Public Improvements, \$774,329.40;
 - Accepted and executed Addendum in conjunction with Section 1.5 “Maintenance, Defects” of the Agreement for Private Subdivision with Public Improvements accepted by the Board of County Commissioners 7/26/16 securing pavement, storm drainage system, sanitary sewer system and water and fire distribution improvements, Defect Security, Surety Bond 1151442, \$55,996.05;
 - Accepted Performance Portion of agreement securing public final lift of asphalt improvement as required by the certificate of Completion dated 10/26/17, Performance Security, Surety Bond 1151508, \$70,281.90; and
 - Accepted executed Bill of Sale BC20180230DOC029

16. **ADMINISTRATOR/IMPACT FEE CREDIT**

Executed amended Credit Authorization/Final Credit Authorization CA-15-04(T)(A) for Artisan Lakes Parkway and Moccasin-Wallow Road/Transportation Impact Fee Credit Authorization with amendment to Final Authorization of Transportation Impact Fee Credit BC20180230DOC030

17. **ADMINISTRATOR/RESOLUTION**

Adopted Resolution R-18-048 authorizing the Manatee County Commission to participate in a joint meeting with the Sarasota County Commission BC20180230DOC031

18. **ATTORNEY/LAWSUITS**

Executed Amended and Restated Grant of Easement for Access to Reeder Property Through Port Manatee (South Dock Street) BC20180230DOC032

19. **ATTORNEY/LAWSUITS**

Considered and accepted Plaintiff's \$100,000.00 Proposal for Settlement to Manatee County in the matter of Daniel L. Kays v. Manatee County, Case No. 2017-CA-0757 BC20180230DOC0033

20. **ATTORNEY/LAWSUITS**

Approved settlement of all claims for \$100,000, inclusive of attorney fees and \$100 for a general release, and authorized the County Attorney or his designee to execute all documents necessary to effect the settlement in the workers' compensation matter of Jeremy Geiger v. Manatee County Sheriff's Office BC20180230DOC034

21. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/SILVERLEAF PHASE II & III**

- Executed and authorized recording of Final Subdivision Plat;
 - Authorized recording of Supplemental Declaration of Covenants, Conditions And Restrictions for Silverleaf To Add Silverleaf Phase II & III;
 - Accepted, executed, and authorized recording Joinder In And Ratification of Subdivision Plat And All Dedications And Reservations Thereon from Silverleaf Community Development District;
 - Authorized the County Administrator to accept, execute, and record Agreement for Private Subdivision with Public Improvements for Silverleaf, Phase II & III from Neal Communities of Southwest Florida, LLC;
 - Authorized the County Administrator to accept, execute, and record Agreement for Private Subdivision Improvements for Silverleaf, Phase II & III from Neal Communities of Southwest Florida, LLC;
 - Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond No. US00082109SU18A, \$167,210.55;
 - Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond No. US00082111SU18A, \$195,251.55;
 - Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond No. US00082113SU18A, \$967,864.95;
 - Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond No. US00082115SU18A, \$226,721.30;
 - Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond No. US00082117SU18A, \$2,152,505.68;
 - Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Surety Bond No. US00082110SU18A, \$282,661.60;
 - Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Surety Bond No. US00082112SU18A, \$352,786.53;
 - Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Surety Bond No. US00082114SU18A, \$344,358.95;
 - Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Surety Bond No. US00082116SU18A, \$212,361.50;
 - Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Surety Bond No. US00082118SU18A, \$987,567.75;
- and

- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Surety Bond No. US00080520SU17A, \$929,506.47
BC20180230DOC035
- 22. **BUILDING AND DEVELOPMENT SERVICES/HISTORICAL RESOURCES**
Authorized transmitting recommendation that the Duette School House meets the eligibility criteria to the State Historic Preservation Officer
BC20180230DOC036
- 23. **BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT**
Reduced the fines for CE201120343 to \$1,000.00 plus \$20.00 recording fees (as previously recommended by the Special Magistrate on February 28, 2018), subject to the following conditions:
 - The reduced fines shall be paid within 90 days or will revert back to the original fine amount of \$59, 020.00;
 - Recording fees need to be collected, which total \$20.00; and
 - Building and Development Services Department Director is authorized to sign satisfactions of liens if the reduced fines are paid
BC20180230DOC037
- 24. **BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT**
Reduced the fines for CE2017071099 to \$500.00 (as previously recommended by the Special Magistrate on February 28, 2018), subject to the following conditions:
 - The reduced fines shall be paid within 90 days or will revert back to the original fine amount of \$3,318.50;
 - Recording fees need to be collected, which total \$18.50; and
 - Building and Development Services Department Director is authorized to sign satisfactions of liens if the reduced fines are paid
BC20180230DOC038
- 25. **BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT**
Reduced the fines for CE2016100231 to \$2,000.00 plus \$40.00 recording fees (as previously recommended by the Special Magistrate on February 28, 2018), subject to the following conditions:
 - The reduced fines shall be paid within 90 days or will revert back to the original fine amount of \$22,575.00;
 - Recording fees need to be collected, which total \$40.00; and
 - Building and Development Services Department Director is authorized to sign satisfactions of liens if the reduced fines are paid
BC20180230DOC039
- 26. **FINANCIAL MANAGEMENT/AGREEMENT**
Adopted Budget Amendment Resolution B-18-048
BC20180230DOC040
- 27. **NEIGHBORHOOD SERVICES/GRANT**
Authorized the County Administrator to execute the agreement with the School District of Manatee County for Driver Education in the amount of \$132,558 (Slosberg Funds) for the time period October 1, 2017, through September 30, 2018; and adoption of Budget Resolution B-18-053 amending the annual budget for Manatee County, FL for Fiscal Year 2018
BC20180230DOC041
- 28. **NEIGHBORHOOD SERVICES/CONFERENCE**
Authorized sponsoring the conference attendance expenses for two representatives from Rubonia, not to exceed \$2,700, total, to co-present with County staff a work session topic, "Rubonia, the Neighborhood that Could and Did", at the 2018 National Neighborhoods USA (NUSA) conference in Birmingham, Alabama, May 23-26, 2018
BC20180230DOC042


29. **PARKS AND NATURAL RESOURCES/DONATION**
Accepted a \$25,000 donation from Coastal Conservation Association Florida and Building Conservation Trust for use toward construction costs of the Larry Borden Artificial Reef project, and adoption of Budget Resolution B-18-050 amending the Annual Budget of Manatee County, FL, for FY 2018 BC20180230DOC043
30. **PARKS AND NATURAL RESOURCES/FEE SCHEDULE**
Adopted Resolution R-18-038, amending R-17-132, and providing for changes to the Parks and Natural Resources Department Fee Schedule, with an effective date BC20180230DOC044
31. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
Accepted Non-Exclusive Permanent Easement from Robert Webster II as Partner of LWR Land Holdings LLC BC20180230DOC0045
32. **PROPERTY MANAGEMENT/CONTRACT**
Executed Contract for Sale and Purchase with Morris H. Griggs and Anginette Griggs for the purpose for the purpose of the 44th Avenue East Road Improvement Project from 45th Street East to 44th Avenue Plaza East BC20180230DOC046
33. **PROPERTY MANAGEMENT/CONTRACT**
Executed Contract for Sale and Purchase with Thomas A. Quinn, individually and as Trustee of the Thomas A. Quinn Revocable Trust, dated November 25, 1997, for the purpose of the Fort Hamer Extension, U.S. 301 North to Erie Road Alignment, in the amount of \$295,000 BC20180230DOC047
34. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
- Accepted and authorized recording of Permanent Utilities Easement from DKG Properties, Inc. (includes Consent and Joinder from Premier Community Bank); and
 - Authorized recording Affidavit of Ownership and Encumbrances from Darren Gutzmann, as owner of DKG Properties, Inc. BC20180230DOC048
35. **PROPERTY MANAGEMENT/RESOLUTION**
Adopted Resolution R-18-35 declaring a public hearing on April 24, 2018, at 9:00 a.m. for vacating a portion of a plat within Hidden Meadows for property located at 6232 28th Avenue East BC20180230DOC049
37. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
- Accepted Warranty Deed from David Kilgour, Jr., and Mary Jo Kilgour;
 - Accepted Partial Release of Mortgage from Timothy Skinner as Assistant Secretary for Mortgage Electronic Registration Systems, Inc., as Nominee for Everbank, its Successors and Assigns; and
 - Accepted Release of Road Reservation from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida BC20180230DOC050
38. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
Accepted Warranty Deed from Dianna L. Hartshorn. BC20180230DOC051
39. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
Accepted Warranty Deed from John W. Payne Jr. and Marilyn Y. Payne; and Execution and Recording of Subordination of Utility Interests and Agreement for Reimbursement for Additional Facility Relocations between Manatee County and Florida Power & Light Company BC20180230DOC052


40. **PUBLIC WORKS/CERTIFICATIONS AND ASSURANCES**
Adopted Resolution R-18-040 authorizing the Chairperson to sign the FY 2018 annual Federal Transit Administration (FTA) Certifications and Assurances; and authorized the Public Works Department Director or designee to electronically transmit the updated FY 2018 Certification and Assurances to the FTA BC20180230DOC053
41. **PUBLIC WORKS/SURPLUS PROPERTY**
Authorized classification of property, which is uneconomical to upgrade or repair as surplus per Florida Statute 274.05, to enable appropriate and authorized disposition of said property and authorization to thereafter to dispose of such property BC20180230DOC054
42. **PUBLIC WORKS/TRANSIT**
Adopted Resolution R-18-028 declaring April 20, 2018 as “Try Transit Day” and authorizing Manatee County Area Transit (MCAT) to offer free fixed route bus rides on April 20, 2018 BC20180230DOC055
43. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/GRANT**
Adopted Resolution R-18-041 finding that Project Gazelle is approved for an Economic Development Incentive Grant BC20180230DOC056
44. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/GRANT**
Adopted Resolution R-18-042 finding that Project Galleon is approved for an Economic Development Incentive Grant BC20180230DOC057
45. **UTILITIES/WASTEWATER FACILITIES**
- Authorized the County Administrator to execute the Agreement for Transfer of Wastewater Facilities regarding Lift Stations 6 & 7 in CDD 2 and Agreement for Transfer of Wastewater Facilities regarding Lift Station 9 in CDD 6.
 - Authorized the County Administrator to execute the Bill of Sale from Lakewood Ranch Community Development District 2 and the Bill of Sale from Lakewood Ranch Community Development District 6.
 - Accepted Utility Easements from Lakewood Ranch CDD 2 and Lakewood Ranch CDD 6.
 - Accepted Affidavit of Ownership and Encumbrances. BC20180230DOC058
46. **UTILITIES/FEE WAIVERS**
Authorized waiving a total of \$400 in service fees that were assessed to utility customer accounts for returned bank items BC20180230DOC059
47. **APPROVAL OF CONSENT AGENDA**
Motion was made by Commissioner DiSabatino, seconded by Commissioner Jonsson, and carried 7-0, to approved the consent agenda with the deletion of Item 36 (pulled for separate action)


Discussion ensued regarding Turning Points and their work in the community, choices homeless make, and funding law enforcement.

ADVERTISED PUBLIC HEARINGS (Presentations upon request)

48. **ADMINISTRATOR/ORDINANCE/IMPACT FEES**
A duly advertised public hearing was held to consider adoption of proposed Ordinance 18-07 to consider capping County Impact Fees at 90 percent.

 Mitchell O. Palmer, County Attorney, announced Commissioner Jonsson may have a voting Conflict due to his son working for a developer. Form 8B, Voting Conflict was submitted to the Clerk.

 John Mass, David Hunihan, Peter Logan and Michael Stevens, addressed the impact raising impact fees would have on the building industry and restrictions placed on the use of impact fees, and support the cap.

 Matt Bower spoke on the need for impact fees and requested information on current debt. He suggested a compromise of 95 percent.

 Ed Goff submitted exhibits and suggested 100 percent of impact fees be collected to pay for new growth and amending the Land Development Code (LDC).

Commissioner Trace continued the public hearing to later in the meeting


Recess/Reconvene: 11:03 am – 11:10 a.m. All Commissioners present.

ADVERTISED PUBLIC HEARINGS (Presentations scheduled)

49. **ADMINISTRATOR/ORDINANCE/BRADEN WOODS**


A duly advertised public hearing was held to consider adoption of Ordinance 18-14 to establish a Municipal Services Taxing Unit (MSTU)

 Dan Schlandt, Deputy County Administrator, announced that Sherri Robinson, unexpectedly passed away.

 Mr. Schlandt provided a history of the item and stated the Board continued the hearing until today to see if more funds could be raised to purchase the property. Taking into consideration what funds have been raised to date, the MSTU would be approximately \$35, per \$100,000 of home value. The Conservation Foundation has raised over \$1 million toward the purchase price.


Discussion ensued that the property was originally purchased for \$1.8 million, difficult decision, and residents support having a tax to preserve valuable green space.


Motion:

 Motion was made by Commissioner Benac to have the Board go out in faith and buy the property and figure out the funding for this smaller urban green space before the budget is discussed this year, and not set up the MSTU.


Mr. Clauge stated a motion can be made prior to the motion for the MSTU.

Suggested wording for Motion:


 Ed Hunzeker, County Administrator, suggested the motion be to accept the donation from the Conservation Foundation of roughly \$1 million, and the rest of the funding would come from an inter-fund loan. Commissioner Benac stated this was her intent for the motion and the motion was seconded by Commissioner Baugh.

 Mr. Schlandt clarified the inter-fund loan would be for the purchase price of approximately \$3 million, and the donation from the Conservation Foundation would be


applied to the loan after the closing.


 Discussion ensued regarding raising more funds, setting up a precedent for the County to purchase other lands so development can be halted, not supporting MSTU or the County purchasing the land, County will be short on funds if the additional homestead exemption is established and voted in, unfair to other Commission districts, a Commissioner's job is to come up with solutions, the north county pool is already funded, land was on a Southwest Florida Water Management District (SWFWMD) plan for conservation, a good opportunity, difference between appraised, market, and assessed values, is this land unique enough that there is not a precedent, add to the millage for the Countywide MSTU, University Park wants a recreational district and there is no County funding involved, there should be an increase in revenue due to property values going up, and fallacies regarding the loss of revenue due to the proposed additional homestead exemption.


Chairman Trace stated public comment was closed at the previous hearing on March 6, 2018.


 Discussion continued regarding the time frame for making a decision, support the MSTU, Commissioner Benac submitted questions to Charlie Hunsicker, not ready to vote on motion, and could there be a way that tourist taxes can pay for some of this if it is a wildlife preserve.

Recess/Reconvene: 12:00 p.m. - 1:30 p.m.


 William Clague, Assistant County Attorney clarified voting no for the motion on the floor is not a "yes" vote for the MSTU.

 Upon question, Mr. Hunzeker stated \$1 million from the Conservation Foundation and \$2 million from an interfund loan would be used to purchase the property. Once the budget is discussed, the inter-fund loan would be paid back, and the loan can be from any fund.

 Mr. Schlandt stated there is an inter-fund loan proposed in Item 51, and the loan would have to be approved for \$3 million, since the \$1 million from the Conservation Foundation would be paid at closing. The Board can decide where they want the funds to come from to pay back the interfund loan. There is no purchasing issue.


 Mr. Clague stated Item 51 is an Option agreement and would be sufficient for the purchase, as well as the budget resolution accompanying the Option agreement. Upon question Mr. Clague stated tourist taxes can be used to fund a zoological park. The Tourist Development plan would need to be amended, and the park would have to be promoted for tourism to use those funds.


 Mr. Hunzeker stated the Countywide MSTU would be used to pay back the loan.


 Discussion ensued regarding it is not realistic to use tourist development funds, continue to seek outside funding sources, the \$1,029,650 raised by the Conservation Foundation, 11 acres are already included at no cost to the County, nothing new is being created today, how to address the \$2 million from the Countywide MSTU, and which funds will be used to pay back the \$2 million, if the motion on the floor passes, the residents will not have an increase in their taxes, and this purchase will not impact the proposed north


county pool that will be built in 2019.

 Mr. Hunzeker stated the Unincorporated MSTU, is essentially an unincorporated general fund to provide services going to only unincorporated residents. The millage rate will not go up.

 Mr. Schlandt stated each fund has its own balance. They look at all the funds, and consider one that has a high reserve.


 Jan Brewer, Financial Management Director , stated there is roughly \$14 million in the Unincorporated MSTU.

 Discussion continued that the Conservation Foundation owns the 11 acres at this time, and the property will be conveyed to the county.

 Christine Johnson, Conservation Foundation, confirmed the Foundation will convey the 11 acres to the County.

BC20180230DOC060


Amendment to the Motion:

 Commissioner Jonsson suggested amending the motion to include the \$1.029 million already raised, plus any future donations that may be received prior to the budget being set. Commissioners Benac and Baugh, as motioner and seconder, agreed to the amendment.


Vote:


The motion as amended carried 4-3 with Commissioners Jonsson, Whitmore, and Disabatino, voting nay. There was a short discussion following the vote.

51. **ADMINISTRATOR/ASSIGNMENT OF OPTION AGREEMENT**

 Motion was made by Commissioner Whitmore and seconded by Commissioner Benac to:


- Execute the Assignment of Option Agreement between the Conservation Foundation of the Gulf Coast, Inc., and Manatee County;
- Exercise the Option by providing written notice to the Seller pursuant to Section 3 of the Option (exception of the waived earnest money deposit) no later than March 31, 2018;
- adopt Budget Resolution B-18-054 to provide budgetary authority of \$3,000,000 to exercise the option; and
- adopt Resolution R-18-049 to establish an interfund loan from the Unincorporated Services Fund to the Parks and Recreation Capital Project Fund.

 Discussion ensued regarding the purchase figure has to be \$3 million until the funds are received from the Conservation Foundation.

 Dan Schlandt, Deputy County Administrator confirmed the MSTU is not mentioned in these document

 Melvin Hoffman discussed the Option Agreement and questioned the appraisal in the option agreement. He questioned who the principals are in the agreement. There being no further public comment, Chairman Trace closed public comment.


 Mitchell O. Palmer, County Attorney, recused himself from the item.

 William Clague, Assistant County Attorney stated he is comfortable that the contract is legal per Florida Statutes.

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

BC20180230DOC061

36. **PROPERTY MANAGEMENT/RESOLUTION**

 Joy Leggit Murphy, Property Acquisition, reviewed the request and noted the conveyance is for Haben Boulevard only.


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


Motion was made by Commissioner Smith, and seconded by Commission Whitmore to adopt Resolution R-18-039 authorizing conveyance of a County property the City of Palmetto, a municipal corporation of the State of Florida 7-0.

BC20180230DOC062


(Public Hearing continued from earlier in the meeting)

48. **ADMINISTRATOR/ORDINANCE/IMPACT FEES**


 Michael Neal, Gregg Carlson, and David Langhout, support keeping the impact fees at 90 percent.


 Sandy Marshall is against capping impact fees, citing several reasons why the fees are important. He suggested the park approved in item 49 be used as flood control.


 Al Horrigan does not support the cap on impact fees.


 Arlene Flisick suggested impact fees not be capped.


There being no further public comment, Chairman Trace closed the public hearing.


 Discussion ensued regarding impact fees being reduced to 50 percent during the recession to keep people employed, and must abide by the law as to what impact fees can be used for.

 John Osborne, Infrastructure Strategic Plan Official, stated seven years should be the maximum amount of time that impacts should be kept unspent. Typically impact fees are paid by the home buyer, and the county pays the impact fees on qualified housing. There are three transportation benefit districts in District 2.

 Discussion continued that there are many misconceptions regarding impact fees, impact fees were set at a reduced rate in Manatee County when they were first established, impact fees cannot be used to solve budget problems, there is a housing crisis and a labor crisis, facility investment fees are at 100 percent as well as school impact fees, impact fees are already at 90 percent, impact fee studies every five years, mobility fees are more flexible, and District 2 only takes in \$46,000 in impact fees.

 Ed Hunzeker, County Administrator stated mobility fees will be addressed later in the year.


 Mr. Osborne stated approximately \$24 million in impact fees is collected each year.


 Discussion ensued regarding the cost of living is currently higher then when the study was done, and multimodel, public safety, law enforcement, parks and libraries are all types of impact fees.


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 consistent with the general purpose and standards of Chapter 11 of the Manatee County Land Development Code, Commissioner Baugh moved to adopt Manatee County Ordinance 18-07, as recommended by the Planning Commission. The motion was seconded by Commissioner Smith and carried 4-2, with Commissioner Jonsson recused, and Commissioners Trace and DiSabatino voting nay BC20180230DOC063


50. **FINANCIAL MANAGEMENT/RESOLUTION**

A duly advertised public hearing was held to consider adoption of Resolutions R-18-044 and R-18-041 approving the addition of Washington Park Phase I to the Parks and Community Facilities Infrastructure Sales Tax Project.

 Jan Brewer, Financial Management Director, reviewed the history of the infrastructure sales-tax, and the list of total projects. An oversight committee was established. If a change is implemented, it must go before the Board for approval.

 Charlie Hunsicker displayed a location map and plan for Washington Park and reviewed the plan for the Park using Community Development Block grant funds as well.

 Discussion ensued this is a good step for the community.

 Doctor MacArthur Sellars and Reverend Lawrence Livingston support the project and thanked the Board.

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


Motion was made by Commissioner Benac and seconded by Commissioner Smith to:

- Adopt Resolution R-18-044 - Approval for the proposed change of the addition of Washington Park Phase I to the Parks and Community Facilities Infrastructure Sales Tax Project and Equipment List Exhibit B-18.2.;
- Adopt Resolution R-18-051 authorizing a short term loan not to exceed \$144,900 from the Infrastructure Transportation Capital Projects fund (Fund 850) to the Infrastructure Sales Tax Parks Capital Projects Fund (Fund 852) for the funding of FY18 projects; and
- Adopt Budget Resolution B-18-051 adjusting the FY18022 CIP amending the annual Budget for FY 2018.


The motion carried 7-0.

BC20180230DOC064


52. **ATTORNEY/LAWSUIT**


 Mitchell O. Palmer, County Attorney, addressed lawsuits seeking compensation for costs incurred by government dealing with opioid overdoses. He listed various consortiums for representation. There are three Florida Counties that have filed suit. If the Board desires to pursue a lawsuit, they are in a good position at this time.


Motion was made by Commissioner Jonsson and seconded by Commissioner Smith to authorize the County Attorney to permit the filing and prosecution of a lawsuit in either the circuit court or the federal court against one or more opioid manufacturers and distributors, utilizing outside counsel to be chosen by the County Attorney under a contingency fee arrangement to be negotiated by the County Attorney, which contingency fee shall not exceed 25 percent.

 Discussion ensued regarding the lawsuit focusing on marketing practices, the action does not name physicians or physician groups, but focuses on distributors and manufacturers, and Governor Rick Scott signed a new opioid bill.

 Mr. Palmer highlighted the bill and limitation that will set forth due to legislation.

 Joshua Barnett, Health Care Services Manager, responded to questions regarding the prescription drug monitoring program. He also commented on the marketing practices for these medications.

 Discussion continued that Manatee County has a high rate of opioid abuse, and similar to tobacco industry with incorrect information regarding the drugs.

 Katherine Edwards discussed opioid abuse, and supports the litigation.

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


Motion carried 7-0


BC20180230DOC065

AIRBNB

Commissioner Benac met with Airbnb to discuss agreements with other Tax Collectors and missing out on tax revenues. She asked if the Board wants to try to pursue an agreement with Airbnb and amend the ordinance so there can be a collection of tourist taxes.

Motion was made by Commissioner Benac and seconded by Commissioner Baugh to direct the County Attorney to look at this and bring back direction to possibly enter into an agreement with Airbnb.

 Mr. Palmer stated the current ordinance allows the Tax Collector to make the decision regarding collecting tourist taxes.


 Discussion ensued regarding supporting the Tax Collector, but need to collect the taxes.

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

The motion carried 4-3, with Commissioners Trace, Whitmore and DiSabatino voting nay.

(Depart Commissioner Benac)

53. **FINANCIAL MANAGEMENT/REVENUE REFUNDING**

 Jan Brewer stated due to land acquisition delays, there is a need to extend this line of credit by one more year.

There being no public comments, Chairman Trace closed public comment.



Motion was made by Commissioner DiSabatino, seconded by Commissioner Baugh and carried 6-0 with Commissioner Benac absent to:

- Adopt Note Resolution R-18-046 authorizing the issuance of the Revenue Refunding and Improvement Notes, Series 2018 ("2018 Notes"), which will refund the County's Revenue Improvement Notes, Series 2016 ("2016 Notes") to be purchased by Bank of America, N.A. which were issued to finance the 44th Avenue Transportation Project and will not exceed the amount of \$36,000,000. The 2018 Notes are identical to the 2016 Notes except the interest rate formula has changed (from 70 percent of Libor plus 43bps to 79 percent of Libor plus 38bps) and the formula for any amounts not advanced within 120 days; and
- Execute the loan agreement reflecting the terms and conditions of the loan included in the agenda, as per the recommendation of Public Resources Advisory Group (PRAG), the County's Financial Advisor, and Bond Counsel, Stephen D. Sanford of Greenberg Taurig , P.A.

BC20180230DOC066

54. **ADMINISTRATOR/REPORTS**

The Dashboard Report for February 2018 was submitted. No action necessary.

BC20180230DOC067

55. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/OPPORTUNITY ZONES**



Geri Lopez, Redevelopment and Economic Opportunity Director, summarized the Opportunity Zone Designations program. Manatee County has 37 eligible zones, and approximately 13 of the zones have been selected for possible Opportunity Zone Designations.



Discussion ensued regarding can additional zones be added in the future, has the sheriff been included in discussions regarding slum and blighted areas, and the list of zones has to be submitted to the Governor's office as soon as possible.

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



Motion was made by Commissioner Smith, seconded by Commissioner DiSabatino, and carried 6-0 with Commissioner Benac absent for identification of preferred Manatee County low-income census tracts for possible designation as Opportunity Zones by the Governor.

BC20180230DOC068

COMMISSIONER COMMENTS



Commissioner Whitmore

- Thanked the City of Bradenton for help given to a gentleman with cerebral palsy.
- Commented on the Strength in Action event being held at the AMI Community Center
- Commented on a presentation by Waste Pro to the City of Holmes Beach that if recycling items are not cleaned, they will not be recycled
- Assisted a Health Care provider receive assistance due to financial difficulties
- Referred to a Doggie dining ordinance


(Continued to later in the meeting)

DOGGIE DINING

Mitchell O. Palmer advised that the Statute which allows for doggie dining requires that the ordinance be part of the Land Development Code (LDC). The previous ordinance, which expired in 2009, was not made part of the LDC. To move forward, the language from that ordinance would have to be removed from the Code of Laws, and a revision would have to be

made to the LDC.

Motion was made by Commission Whitmore and seconded by Commissioner Baugh to authorize the County Attorney take the lead to remove the ordinance form the Code of Laws, working in conjunction with Building and Development Services and bring the multipart action and forward.

 Discussion ensued regarding the original ordinance expired by its own terms in 2009, and restaurants can choose to not allow outdoor doggie dining.

There being no public comments, Chairman Trace closed public comment.

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

PUPPY SALES

Commissioner Whitmore relayed a request to prohibit the sale of puppies at retail stores.

Discussion ensued regarding needing more information regarding a ban on sales, and need a work session.

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

Motion was made by Commissioner Whitmore to have the County Attorney provide information about what other counties in Florida are doing regarding the ban on puppies in retail stores and report back to the board at work session with the status of legal actions. The motion was seconded by Commissioner Smith and carried 6-0 with Commissioner Benac absent.

NET CAMP

Commission Jonsson commented on actions by the Department of Environmental Protection (DEP) to remove net camps and relayed a request by Karen Bell to provide a letter of support to DEP regarding the historic significance of net camps.

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

Motion was made by Commissioner Jonsson to send a letter of support to DEP. The more was seconded by Commissioner Baugh and carried 6-0 with Commissioner Benac absent.

COMMISSIONER COMMENTS (Continued from earlier in meeting)

Commissioner Smith

- Reported on the death of Dr. Ed James, host of the Black Almanac show and a mentor in the Community. Funeral services will be at noon on Saturday in Sarasota

ADJOURN

There being no further business, Chairman Trace adjourned the meeting at 4:30 p.m.

Minutes Approved: _____