

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
OCTOBER 25, 2016**

Present were:


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

Also present were:

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

Chairman Baugh called the meeting to order at 9:00 a.m., and read the Pledge of Public Comment.

INVOCATION AND PLEDGE OF ALLEGIANCE

1.  The Invocation was delivered by Pastor Gerrit Besteman, Bradenton Christian Reformed Church.
2. Presentation of Colors and Pledge of Allegiance by VFW Post 10141

AGENDA ANNOUNCEMENTS

Time Certain

3. Item 46 – Clerk of the Circuit Court, Update on One Solution/ On Base Project – 9:45 a.m.
4. Item 49 – Medical Marijuana – 10:00 a.m.
51. Item 50 – Agency for Health Care Administration - 11:00 a.m.




AGENDA UPDATE MEMORANDUM



BC20161025DOC001

- Item 21 – Fifth Amendment to Agreement 10-3347MA: Franchise License Agreement for Operations and Management of Concessions at County Facilities at Manatee Beach – An email regarding the compensation terms of the Franchise License Agreement was added to this agenda item.
- Item 24 – Florida Department of Revenue Power of Attorney Form – An email clarifying the purpose of the Power of Attorney form was attached to the agenda item.
- Item 31 – Winston Tract Lease – An aerial map of the property and a Coastal Acquisitions and Preserves map were added to the agenda item.
- Item 43 – Self-Insurance Ordinance Public Hearing – the Ordinance was updated to incorporate minor revisions
- Item 50 – Agency for Health Care Administration Low Income Pool Agreement – Request for:
- Authorization for the Chairman to execute a Letter of Agreement (LOA) with the Agency for Health Care Administration (AHCA) for the SFY 2016-2017 Low Income Pool (LIP) program; permitting electronic signature by Neighborhood Services


- Department Director; and
- Adoption of Budget Amendment Resolutions B-16-093 and B-17-012.


PROCLAMATIONS


 Motion was made by Commissioner DiSabatino, seconded by Commissioner Chappie and carried 7-0 to accept the following proclamations:


- 5.  Veteran’s Day – November 11, 2016 – Accepted by Lee Washington, Manatee County Veterans Service Officer, and Carl Hunsinger, Manatee County Veterans Council Chairman. BC20161025DOC002
- 6.  Farm City Week – November 9-19, 2016 – Accepted by Ralph Garrison, Manatee County Farm Bureau. BC20161025DOC003

7. **CITIZEN COMMENTS** (Consideration for Future Agenda Items – 30 minutes) BC20161025DOC004


 Sheryl Wilson, Manatee County Democratic Party, Rodney Jones, and Kevin Piper spoke against the memorandum received from the County Administrator concerning the placement of political signs at early voting sites as well as precincts on Election Day.

 Mike Meehan requested that the Board install sidewalks along 26th Street West and Riverview Boulevard. He commented on health care for the medically needy and suggested that County funds be applied to create a deductible support program.

 Bob Henderson expressed concerns over the proposed half-cent sales tax increase.

 Discussion ensued regarding possible sidewalk improvements, restriction of political sign placement, complaints of political activity interfering with business at the Convention Center and parking blocked at the Supervisor of Elections office, and possible improvements that would be funded by the proposed half-cent sales tax.

Motion was made by Commissioner Smith to rescind the letter regulating political signs on County property. The motion died for lack of a second.

- 46.  **CLERK OF THE CIRCUIT COURT/ UPDATE ON ONE SOLUTION/ ON BASE PROJECT**
Angelina Colonnese, Clerk of Circuit Court, commented on the Resource Forest project and stated the County and Clerk’s IT staffs are working together on a governance agreement, which she requested that the Board consider in January 2017.


 Discussion ensued regarding the cost effectiveness of projects underway.

There being no comment, Chairman Baugh closed public comment. BC20161025DOC005


CONSENT AGENDA


 **Commissioner Requests**

Items 15 and 21 were pulled for individual consideration.


- 49.  **MEDICAL MARIJUANA**
John Barnott, Building and Development Services Director, stated the vote on Amendment 2 will decide whether or not medical marijuana is legalized statewide, and asked for a motion for a 180-day moratorium to allow for zoning laws to be put in place in the event it passes. Motion was made by Commissioner Chappie, seconded by Commissioner DiSabatino and

carried 7-0, for staff and the County Attorney to draft, and schedule public hearings for consideration of an Ordinance imposing moratorium on the acceptance and processing of new applications for the establishment of medical marijuana processing and dispensing facilities in Manatee County for a period of 180 days.


 Discussion ensued regarding similar actions by other municipalities, any moratorium would need to be in place before the amendment's effective date, and the requested motion will advertize an ordinance imposing a moratorium.


 Sarah Schenk, Assistant County Attorney, advised that the requested motion only sets a public hearing and does not enact a moratorium. She added that an approved moratorium would apply to land use and businesses, and that the proposed amendment would not take effect until January 3, 2017.


 Ellen Snelling, Dr. Jessica Spencer and Pastor Bill Pierson spoke in favor of advertising an ordinance to impose a moratorium.


 Sharon Kramer, Drug Free Manatee, distributed materials and supported the motion to advertize the proposed ordinance.


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

 Discussion continued requesting communication between the County Attorney's office and city municipalities, ordinance cannot establish moratorium within city municipalities, clarification on the current use of medical marijuana, questions of what zoning designation would be required for the sale of marijuana, and clarification that the moratorium would suspend permitting activity to allow the Board to consider additional regulations and land use changes.


 Mitchell O. Palmer, County Attorney, clarified comments that the County is not insulated from legal actions.

 Bill Claque, Assistant County Attorney, spoke on potential litigation and defined a moratorium as a tool to suspend permitting activities while rules are adopted. He clarified that it does not exist as a prohibition on medical marijuana and that the Board is merely being asked to consider a suspension of permitting activities. He added that a draft will be issued to City attorneys although a County moratorium cannot be applied to City municipalities.

 Mr. Palmer stated that communication will take place with various municipalities, and that city governments can utilize the County ordinance as a model if approved.

 Mr. Palmer advised that the State Department of Health will be charged with creating rules and regulations to govern the product; he added that a recommended moratorium length of 180 days is his office's considered legal opinion.

 Priscilla Whisnant-Trace stated that five growers have been selected statewide.

 Bill Claque, Assistant County Attorney, clarified that agriculture is a lesser included use in most zoning categories and an agriculture zoning designation is not necessary to utilize land for marijuana growth and processing. He advised that the recommended moratorium length of 180 days can be extended if necessary. BC20161025DOC006

RECESS 10:40 a.m. to 10:52 a.m.

8. **CITIZEN COMMENTS (Consent Agenda Items)**

There being no comment, Chairman Baugh closed public comment.

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

BC20161025DOC007

A. **MINUTES**

Approve the Minutes of September 27, 2016

B. **REFUNDS:**

Approve the following refunds

- 1. Neal Communities of Southwest Florida LLC, Overpayment, \$925.00

BC20161025DOC008

- 2. Pulte Home Corporation, Road/Transportation Impact Fees, \$707,407.50

BC20161025DOC009

- 3. Retail Maintenance Specialists & Team Apparel, Construction Plan Drawing, \$618.75

BC20161025DOC010

C. **LIENS/PARTIAL RELEASE**

BC20161025DOC011

Accept and authorize recording of the following Partial Release of Special Improvement Assessment Liens

- 1. Project 4213 – Coral Shores Canal Dredging, Elinor DeAngelis, Alfred DeAngelis and DeAngelis Family Trust
- 2. Project 5288 – 55th Avenue East Paving, Cheryl A. and Joseph Vandewalle

D. **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 1 (Final) with Granger Maintenance and Construction, Inc., for Satellite Lift Station R&R, 2014, Group 2, decrease of \$39,634.30, adjusted total \$316,952.40 and an additional three calendar days of January 14, 2016. BC20161025DOC012
- 2. Agreement with J&H Waterstop Utilities, Inc., for Satellite Lift Station R&R 2015, Group 1, \$352,566.50 BC20161025DOC013

10. **COUNTY ATTORNEY/ GARY A. SELLITTO WORKERS’ COMPENSATION CLAIMS**

Approved the settlement of consolidated claims for \$120,000, inclusive of attorney’s fees, and authorized the County Attorney or his designee to execute all documentation necessary to effect the settlement, in the workers’ compensation matters of Gary A. Sellitto v. Manatee County Sheriff’s Office. BC20161025DOC014

11. **BUILDING AND DEVELOPMENT SERVICES/ FINAL PLAT/ MAGNOLIA POINT II**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of Supplemental Declaration of Covenants, Conditions, and Restrictions for Magnolia Point to Add Magnolia Point II;
- Accepted and authorized recording of Conservation Easement from Neal Communities of Southwest Florida, LLC;
- Authorized the County Administrator to accept, execute, and record Agreement for Private Subdivision with Public Improvements for Magnolia Point II from Neal Communities of Southwest Florida, LLC;

- Authorized the County Administrator to accept, execute and record Agreement for Private Subdivision Improvements for Magnolia Point II, 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. CS9826540 from Great American Insurance Company for \$287,664.65;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Surety Bond No. CS9826539 from Great American Insurance Company for \$1,188,437.58; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Surety Bond No. CS9826541 from Great American Insurance Company for \$54,834.

BC20161025DOC015

12. **BUILDING AND DEVELOPMENT SERVICES/ FINAL PLAT/ TILLET BAYOU PRESERVE PHASE I**

- Executed and authorized recording of Final Subdivision Plat;
- Accepted, executed and authorized recording of Mortgagee's Joinder In And Ratification Of Subdivision Plat And All Dedications And Reservations Thereon from Bank of the Ozarks;
- Accepted and authorized recording of Conservation Easement;
- Authorized recording of Declaration of Covenants, Conditions and Restrictions of Tillett Bayou Preserve;
- Authorized the County Administrator to accept, execute and record Agreement For Private Subdivision With Public Improvements from William McClatchy, and to accept Cashier's Check No. 0009509 from Bank of the Ozarks in the amount of \$6,335.97; and
- Authorized the County Administrator to accept, execute and record Agreement for Private Subdivision Improvements from William McClatchy, and to accept Cashier's Check No. 0009510 from Bank of the Ozarks in the amount of \$5,498.79.

BC20161025DOC016

13. **BUILDING AND DEVELOPMENT SERVICES/ REDUCTION OF CODE ENFORCEMENT FINES / CE2015070669**

Approved reduction of the fines for case number CE2015070669 totaling \$26,700 to \$2,000 (as previously recommended by the Special Magistrate on September 28, 2016), 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 \$26,700.
2. Recording fees need to be collected totaling \$40.
3. Building and Development Services Department Director is authorized to sign satisfaction of liens if reduced fine is paid.

BC20161025DOC017

14. **BUILDING AND DEVELOPMENT SERVICES/ REDUCTION OF CODE ENFORCEMENT FINES/ CE2002040175**

Approved reduction of the fines for case number CE2002040175 totaling \$27,000 to \$3,800 (as previously recommended by the Special Magistrate on September 28, 2016), subject to the following conditions:

1. The reduced fine shall be paid within 90 days or will revert back to the original fine amounts of \$27,000 for case number CE2002040175.
2. Recording fees need to be collected totaling \$20.
3. Building and Development Services Department Director is authorized to sign satisfactions of liens if reduced fines are paid.

BC20161025DOC018

16. **COMMUNITY SERVICES/ AGREEMENT**

Authorized the County Administrator to execute the Funding Agreement with Sarasota Board of County Commissioners and the Florida Department of Health in Sarasota County to provide for a Child Welfare System Advocate position for the time period of October 1, 2016, through September 30, 2017. BC20161025DOC019

17. **COMMUNITY SERVICES/ FUNDING AGREEMENTS**

Authorized the County Administrator to execute FY 2016-2017 Non-Profit Agency funding agreements for the time period October 1, 2016, through September 30, 2017, with the agencies listed, in the respective amounts:

Children's Services Fund

- Big Brothers/Big Sisters, Site-Based Mentoring, \$37,000 BC20161025DOC020
- Big Brothers/ Big Sisters, Juvenile Justice Mentoring Initiative, \$35,000 BC20161025DOC021
- Community Haven for Adults and Children with Disabilities, Inc., Selby Preschool: Therapists & Behaviorist, \$6,804 BC20161025DOC022
- Community Haven or Adults and Children with Disabilities, Inc., Transitions –MCG CS, \$36,419 BC20161025DOC023
- Early Learning Coalition of Manatee County, Inc., Early Care & Education, \$2,182,967 BC20161025DOC024
- Easter Seals Southwest Florida, Inc., Children's Therapy Center, \$49,900 BC20161025DOC025
- Easter Seals Southwest Florida, Inc., Project Rainbow Respite, \$48,000 BC20161025DOC026
- Family Network on Disabilities of Manatee/Sarasota, Inc., More Alike Than Different, \$28,500 BC20161025DOC027
- Family Network on Disabilities of Manatee/Sarasota, Inc., Pediatric Enrichment Program, \$30,000 BC20161025DOC028
- Family Network on Disabilities of Manatee/Sarasota, Inc., Parent Mentoring & Support, \$14,000 BC20161025DOC029
- Feeding Empty Little Tummys, Weekend Meals, \$100,000 BC20161025DOC030
- Insight Counseling Services, Inc., SOAR, \$85,720 BC20161025DOC031
- Manatee Community Action Agency, Inc., CATCH Speech/ Language Evaluation, \$91,393 BC20161025DOC032
- Manatee Community Action Agency, Inc. Healthy Families Manatee, \$218,750 BC20161025DOC033
- Manatee Community Action Agency, Inc., Head Start/ Early Head Start, \$100,000 BC20161025DOC034
- Manatee Community Action Agency, Inc., Home Instruction for Parents of Preschool Youngsters, HIPPY, \$179,825 BC20161025DOC035
- Manatee Community Action Agency, Inc., Parents as Teachers, \$100,000 BC20161025DOC036
- Manatee Community Action Agency, Inc., Teaching Our Toddlers, \$91,955 BC20161025DOC037
- Manatee Community Action Agency, Inc., Whole Child Manatee, \$251,582 BC20161025DOC038
- Myakka City Community Center, Inc., MAC, \$132,002 BC20161025DOC039
- Sarasota Manatee Association for Riding Therapy, Inc., Therapeutic Horseback Riding, \$12,500 BC20161025DOC040
- Tallevast Community Association, Inc., After School Enhancement, \$90,000 BC20161025DOC041

General Fund

- Community Haven for Adults and Children with Disability, Inc., Transitions-Work Trek and High School/High Tech, \$15,000 BC20161025DOC042
- Community Coalition on Homelessness dba Turning Points, Transitional Development, \$46,638 BC20161025DOC043

- Community Coalition on Homelessness dba Turning Points, One Stop Center, \$107,672 BC20161025DOC044
 - Easter Seals Southwest Florida, Inc., Adult Day Training, \$26,328 BC20161025DOC045
 - Legal Aid of Manasota, Inc., Pro Bono Legal Services, \$59,677 BC20161025DOC046
 - Manatee County Rural Health Services, Inc., Michael Bach Health Center, \$41,532 BC20161025DOC047
 - Mana-sota Lighthouse for the Blind, Inc., dba Lighthouse of Manasota, Independent Living Adult Program, \$16,250 BC20161025DOC048
 - Mote Marine Laboratory, Inc., Stranding Investigations, \$18,015 BC20161025DOC049
 - Myakka City Community Center, Inc., Super Senior & Special People, \$13,301 BC20161025DOC050
 - Our Daily Bread, Loaves & Fishes, \$15,000 BC20161025DOC051
 - Suncoast Center for Independent Living, Inc., Equipment Loan & Repair, \$16,066 BC20161025DOC052
 - Suncoast Center for Independent Living, Inc., Portable Modular Ramp Loan, \$12,789 BC20161025DOC053
18. **FINANCIAL MANAGEMENT/ FY16 BUDGET AMENDMENT RESOLUTIONS**
Adopted Budget Amendment Resolution B-16-090. BC20161025DOC054
19. **FINANCIAL MANAGEMENT/ FY17 BUDGET AMENDMENT RESOLUTIONS**
Adopted Budget Amendment Resolution B-17-009. BC20161025DOC055
20. **FINANCIAL MANAGEMENT/ CHANGE ORDER**
Authorized the County Administrator or his designee to execute Change Order 1 to Agreement 16-0378OV, Tallevast Road Sidewalk from 15th Street East to Post Office, Bradenton, FL, with Woodruff & Sons, Inc., adding 96 calendar days to the construction schedule with no additional cost to the Agreement. BC20161025DOC056
22. **FINANCIAL MANAGEMENT/PRICE ADDENDUM TO AGREEMENT**
Authorized the County Administrator or his designee to execute the Guaranteed Maximum Price (GMP) Addendum to Agreement 13-2061DC, Construction Manager at Risk Services for Utilities Department Business Operations Facilities with Halfacre Construction Company of Sarasota, Florida, in the not to exceed amount of \$1,815,763.16. BC20161025DOC057
23. **FINANCIAL MANAGEMENT/S.T.A.R.T. AGREEMENT**
Executed Agreement with Solutions to Avoid Red Tide, Inc. (S.T.A.R.T.) to provide funding for red tide education and research. BC20161025DOC058
24. **HUMAN RESOURCES/ POWER OF ATTORNEY FOR FLORIDA DEPARTMENT OF REVENUE**
Authorized the Human Resources Director to execute the Power of Attorney to allow DeGroot Management Services, Inc., to continue to act on the County's behalf for purposes of Re-employment Assistance. BC20161025DOC059
25. **NEIGHBORHOOD SERVICES/ ECONOMIC DEVELOPMENT INCENTIVE GRANT/ PROJECT CRICKET**
Adopted Resolution R-16-159 finding that Project Cricket is approved for an Economic Development Incentive Grant and a Transportation Impact Fee Incentive. BC20161025DOC060
26. **NEIGHBORHOOD SERVICES/ ECONOMIC DEVELOPMENT INCENTIVE GRANT/ PROJECT FIREBIRD**
Adopted Resolution R-16-160 finding that Project Firebird is approved for an Economic Development Incentive Grant and a Transportation Impact Fee Incentive. BC20161025DOC061

27. **NEIGHBORHOOD SERVICES/ ECONOMIC DEVELOPMENT INCENTIVE GRANT/ PROJECT SEVILLE**
Adopted Resolution R-16-158 finding that Project SEVILLE is approved for an Economic Development Incentive Grant (EDI) and a Transportation Impact Fee Incentive. BC20161025DOC062
28. **NEIGHBORHOOD SERVICES/ AGREEMENT**
Executed a lease agreement and funding agreement with the Rubonia Community Association, Incorporated, for the operation of the Rubonia Community Center for the time period October 1, 2016, through September 30, 2017. BC20161025DOC063
29. **PARKS AND NATURAL RESOURCES/ GRANT AGREEMENT**
Executed National Fish and Wildlife Grant Agreement #6001.16.052608 in the amount of \$82,000. BC20161025DOC064
30. **PARKS AND NATURAL RESOURCES/ GRANT**
Executed the Coastal Partnership Initiative Grant Agreement #CM511 in the amount of \$30,000. BC20161025DOC065
31. **PARKS AND NATURAL RESOURCES/ WINSTON TRACT LEASE**
Executed a lease agreement with the State of Florida, Department of Environmental Protection for the Winston Tract (52 acres). BC20161025DOC066
32. **PROPERTY MANAGEMENT/ DEEDS AND EASEMENTS**
Executed Contract for Sale and Purchase for a Permanent Easement from 57th Ave Rentals, LLC, for Parcel 814 located at 1411 57th Avenue West, Bradenton, \$9,800. BC20161025DOC067
33. **PROPERTY MANAGEMENT/ DEEDS AND EASEMENTS**
Executed Contract for Sale and Purchase for a Permanent Easement from 57th Ave Rentals, LLC, for Parcel 815 located at 1407 57th Avenue West, Bradenton, \$10,000. BC20161025DOC068
34. **PROPERTY MANAGEMENT/ DEEDS AND EASEMENTS**
Executed Contract for Sale and Purchase for a Permanent Easement from Plaza Paradiso, LLC, for Parcel 816 located at 5612 14th Street West, Bradenton, \$5,000. BC20161025DOC069
35. **PUBLIC WORKS/ BOND**
Accepted Surety Bond Rider No. 29S107624 in conjunction with Operating Permit R-13-002 - Number Change Only (from 6307933 to 29S107624), and accepted Surety Rider No. 29S107624 Increased amount of \$8,813,120 with Mosaic Fertilizer. BC20161025DOC070
36. **PUBLIC WORKS/MAINTENANCE AGREEMENT**
Adopted Resolution R-16-067, a resolution of the Board of County Commissioners of Manatee County, Florida, regarding maintenance and locally funded agreements with the State of Florida Department of Transportation; authorizing the execution of the agreements, and providing an effective date. BC20161025DOC071
37. **PUBLIC WORKS/ OPERATIONS FUNDING AGREEMENT**
Adopted Resolution R-16-161 authorizing the Chairperson to execute an Agreement with the Florida Department of Transportation for the Operation Funding of the Regional Traffic Management Center. BC20161025DOC072

38. **PUBLIC WORKS/ SURPLUS EQUIPMENT**

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 such property, and authorization to thereafter dispose of such property. BC20161025DOC073

39. **PUBLIC WORKS/UNIFORM METHOD FOR COLLECTING ASSESSMENTS**

Authorized setting the annual Public Hearing on December 13, 2016, at 9:00 a.m. or as soon thereafter to consider adoption of Resolution R-16-157 declaring its intent to place road paving, sanitary sewer, street lighting, reclaimed water, sidewalks, canal dredging, and landscape beautification projects on the tax bills as non-ad valorem assessments commencing in 2017. BC20161025DOC074

40. **PUBLIC WORKS/ WILLOW HAMMOCK AGREEMENT**


- Authorized the County Administrator or his designee to execute the Willow Hammock Utility Participation Agreement for Force Main construction with Willow Lane Holdings LLC, a Florida Limited Liability Company, for a total agreement amount not to exceed \$377,970;
- Authorized the County Administrator or his designee to execute the Wastewater Connection Agreement for Willow Hammock with Willow Lane Holdings LLC, a Florida Limited Liability Company, for allowing developer connection into an Alternative Connection Point and receipt of upfront payment for the Line Capacity Fee of \$212,888; and
- Authorized the Chairperson to execute Budget Resolution B-17-008, amending the annual budget for Manatee County, FY2016-2017, for Utility Improvements. BC20161025DOC075

41. **MOTION TO APPROVE CONSENT AGENDA**

Motion was made by Commissioner DiSabatino, seconded by Commissioner Smith and carried 7-0, to approve the Consent Agenda with items 15 and 21 pulled for individual consideration.

42.  **CONVENTION AND VISITORS BUREAU/ TOURIST DEVELOPMENT COUNCIL**

Elliot Falcione introduced the request for appointment of one (1) person to the Tourist Development Council (TDC) for the "Hotelier" position following the resignation of Trevor Gooby.

 Discussion ensued regarding the number of current TDC members located in the island municipalities, and the importance of those municipalities as high tourism tax revenue generators.

Nominations

Jiten "Jay" Patel - Nominated by Commissioner Benac


Eric Cairns - Nominated by Commissioner Chappie

 Mr. Palmer, County Attorney, advised that Chairman Baugh should invite public comment.


There being no comment, Chairman Baugh closed public comment.


Jiten "Jay" Patel was appointed by majority vote. BC20161025DOC076


50. **AGENCY FOR HEALTH CARE ADMINISTRATION LOW INCOME POOL AGREEMENT**

 Karen Windon, Deputy County Administrator, reviewed the request to execute the agreement. She stated that Manatee Memorial Hospital is slated to receive \$8.4 million to


allow for the payment of uncompensated care provided to the community, adding that the County's contribution of \$500,000 will assist in paying for uncompensated care.


 Discussion ensued regarding the application of funds, a component included for local and intergovernmental transfers of funding, no guarantees that the program will continue the following year, the agreement represents a one year allocation of funding, and the need for State and Federal funding to address the high rate of opioid overdoses in the County.

 Kevin DiLallo, Manatee Memorial Health Systems CEO, clarified that the requested funding will compensate for funds not received from Medicaid. He requested that the \$500,000 be provided from the County's reserves for health care.

 Philip Brown, United Way President, supported the funding request.

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


 Discussion ensued regarding request from Manatee Memorial Hospital, separate meeting to make a policy decision regarding funding, need to continue to advocate for funding from the State level, Manatee Memorial's importance in addressing overdose cases, the number of overdoses directed to Manatee Memorial vs. Blake Hospital, and politics impacting prioritization of federal funding for healthcare.


 Ms. Windon advised that no recommendations have been brought forward for funding allocations, the dollar amount remaining in reserves is not yet known, and the requested action complies with the State decision.


Motion was made by Commissioner Bustle, seconded by Commissioner Chappie and carried 7-0, to authorize the Chairman to execute a Letter of Agreement (LOA) with the Agency for Health Care Administration (AHCA) for the SFY 2016-2017 Low Income Pool (LIP) program, permitting electronic signature by the Neighborhood Services Department Director, and adopting Budget Amendment Resolutions B-16-093 and B-17-012. BC20161025DOC077

15.  **COMMUNITY SERVICES/ AMENDMENT**

Motion was made by Commissioner DiSabatino, seconded by Commissioner Whitmore, to fund the amount of \$2,079 out of contingency reserves for the Emergency Home Energy Assistance for the Elderly Program. The second was withdrawn by Commissioner Whitmore and the motion died for lack of a second.


 Discussion ensued regarding the decrease in funding and when it will take effect, the possibility of funding amount out of contingency reserves, and the need to wait to determine if an increase will be received before funding from the contingency reserves.


 Tracy Adams, Human Services Manager, stated that historically the County receives a decrease of funding around this time each year, and a notification of an increase and release of additional funds is normally received in November or December.

 Ed Hunzeker, County Administrator, stated that any service reductions would take place at the end of the contract period.

Commissioner DiSabatino modified the motion, seconded by Commissioner Bustle, to give the County Administrator authority as the results from the State unfold to modify the funding to

avoid reduction of services. Second was withdrawn by Commissioner Bustle, and motion was withdrawn by Commissioner DiSabatino.

 Mr. Hunzeker requested approval of the amendment before any additional action was taken enabling him to modify funding.

 Mitchell O. Palmer, County Attorney, clarified that a State mandate prompted the requested action.

Ms. Adams confirmed that funding will not be depleted by the decrease.


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


Motion was made by Commissioner Chappie, seconded by Commissioner Benac, and carried 6-1 with Commissioner DiSabatino voting nay, to authorize the Chairman to execute Amendment #1 to the FY 16/17 Emergency Home Energy Assistance for the Elderly Program (EHEAP) agreement EH-16/17-MAN with the Senior Connection Center, Inc., which includes decreasing the funding amount from \$2,079, revisiting the budget summary, and language changes; and adopted Budget Resolution B-17-010 amending the annual budget for Manatee County for FY 2016/2017.

BC20161025DOC078

21.  **FINANCIAL MANAGEMENT/ AGREEMENT AMENDMENT**


Melissa Wendell, Purchasing Official, provided an overview of the amendment for the Fifth Amendment to the Franchise License Agreement for Operations and Management to concessions at the County facilities at Manatee Beach and outlined the changes being made to the agreement.

 Discussion ensued regarding maintenance obligations and the responsibility being transferred, County role in the future, City of Holmes Beach notified that the agreement is being renegotiated, various technicalities of the existing agreement being corrected, and excess concession funds.

 Ed Hunzeker, County Administrator, clarified the source of the excess concession revenue fund and advised that the amendment will likely increase revenue into that fund.


(Exit Commissioner Smith)

There being no comment, Chairman Baugh closed public comment.


 Motion was made by Commissioner Whitmore, seconded by Commissioner Benac and carried 6-0 with Commissioner Smith absent, to approve the Fifth Amendment to the Franchise License Agreement with United Park Services, Inc., for Operations and Management of Concessions at County Facilities at Manatee Beach, and authorized the County Administrator or his designee to execute the Fifth Amendment.


BC20161025DOC079


COUNTY ADMINISTRATOR

 Ed Hunzeker, County Administrator, spoke on the administrative response to issues with political signage at public polling places. He stated that staff had received concerns and complaints about difficulties with accessing facilities and maintaining lawns. He stated he will rescind the memorandum, document staff's concerns and complaints from citizens, and will be prepared to bring more information back to the Board after the first of the year.


(Enter Commissioner Smith)


 Discussion continued regarding importance of documenting a consensus from the Board, rescinding the memorandum will set policy back to the existing rules governing political promotion, importance of deferring to the Supervisor of Elections, and the possibility of holding a work session to review regulations.


 Robert Eschenfelder, Chief Deputy County Attorney, advised that the Administrator's memorandum did not contradict the Supervisor of Elections code, and cautioned that if signage is consistently allowed an argument could be made that the County is allowing that as a public forum.

 Motion was made by Commissioner Whitmore, seconded by Commissioner DiSabatino to rescind the memorandum sent by the County Administrator regulating political signs on County property. Motion was withdrawn by Commissioner Whitmore.

Motion was made by Commissioner DiSabatino, seconded by Commissioner Smith, to rescind the memorandum sent by the County Administrator regulating political signs on County property.

 Mr. Palmer advised that the Board not take official action on the issue, and accept the Administrator's decision to revoke the memorandum.


 Discussion continued regarding the legal implications of regulations, the possibility of prejudicing future actions by voting formally to reverse the Administrator's action, and recommendation to accept the administrator's decision.

 Mr. Palmer clarified that the memorandum from his office preceded the Administrator's memorandum, and advised that the administrator's offer to remove the directive resolves the issue for the time being.


A friendly amendment to the motion was made by Commissioner Benac, to add that no change to the policy be made as it exists today, and that a workshop be scheduled to discuss this policy. Commissioner DiSabatino declined the amendment.


Motion to call the question was made by Commissioner Whitmore, seconded by Commissioner DiSabatino, and carried 5-2 with Commissioners Bustle and Chappie voting nay.

The motion carried 4-3, with Commissioners Chappie, Bustle and Whitmore voting nay, to rescind the memorandum sent by the County Administrator regulating political signs on County property.

 Mr. Eschenfelder advised that Board action requires an opportunity for public comment.

 Sheryl Wilson commented on freedom of expression in the political process.

 Alutari Salazar commented on actions taken by County employees to remove political signs from the Supervisor of Elections property.

 Kevin Piper expressed concern that the public is still unclear on what is allowable regarding political signage.

BC20161025DOC080

RECESS 12:23 p.m. to 1:32 p.m.

43.  **COUNTY ATTORNEY/ SELF-INSURANCE ORDINANCE PUBLIC HEARING**

Public hearing was held to consider adopting proposed Ordinance 16-26 regarding the County's Self-Insurance program.


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


Motion was made by Commissioner Bustle, seconded by Commissioner Chappie and carried 7-0, to adopt Ordinance 16-26, revising Chapter 2-2 of the Manatee County Code as it relates to the County's self-insurance program and the County Attorney.


BC20161025DOC081


44.  **HUMAN RESOURCES/ BUDGET AMENDMENT**


Kim Straud, Employee Health Benefits Division Manager, outlined the impacts to the self-insurance fund due to high-cost and catastrophic claims during FY16. She requested approval of a budget amendment of \$4,610,000 from the reserves in the health insurance fund.

 Discussion ensued regarding the possible frequency of budget amendments, amount in this particular reserve account, the amendment does not necessarily indicate a straight-line increase, the result of episodic increases, possibility of an increase in employee cost, and discussions with County physicians to increase efficiency of the plan.


 Ms. Straud stated that projections suggest that the 2018 plan year will also require an increase. She cited instances of claimants experiencing catastrophic illnesses, as well as growth in the average age of employees leading to higher utilization of healthcare. She added that prioritization of preventative care has resulted in a negative cost trend for the County, and other employers are also seeing increase in healthcare costs.

 Jan Brewer stated that the reserves currently meet the 20 percent requirement, and reiterated that catastrophic incidents are creating additional cost.

 Ed Hunzeker, County Administrator, advised there has been no increase in healthcare premiums to employees in the past several years.

 Ms. Straud spoke on issues with County compensation, emphasizing that certain benefits are attractive to younger employees. She commented on the Stop Loss insurance policy, increasing policy costs, and opportunities to partner with local health systems.


 Phillip Brown, United Way President, supported the increase.


 Motion was made by Commissioner Whitmore, seconded by Commissioner Chappie and carried 7-0, to adopt Budget Amendment Resolution B-16-094 approving the transfer of funds from Reserves in the Health Self Insurance fund to claims payment cost centers.


BC20161025DOC082


45.  **PARKS AND NATURAL RESOURCES/ NORTH COUNTY AQUATIC FACILITY**


Danny Hopkins, Recreation Division Manager, utilized a slide presentation to review the request to locate a North County Aquatic Facility at Buffalo Creek Park, and outlined the benefits of placing the facility on that site.


 John Osborne, Planning Official, spoke on north county growth and approved units in that area, highlighting the area demographics that would benefit from an aquatic facility at that location.


 Discussion ensued regarding the placement of the proposed site adjacent to existing County facilities, funding sources, previous plans for aquatic facility in Palmetto, projected population of the north county, projected maintenance costs, questions of whether a Buffalo Creek facility would prevent an aquatic facility being built in Palmetto, the proposed site will allow for a facility on par with south county facilities, Buffalo Creek is the epicenter of development in the north county, possibility of land adjacent to Blackstone Park in Palmetto being developed, projected timeline of Buffalo Creek construction, and design and location to determine cost and timeline.


 Ed Hunzeker, County Administrator, stated that impact fees can be utilized to fund construction at the Buffalo Creek location.


 Bill Claque, Assistant County Attorney, confirmed that infrastructure funded with impact fees has to benefit the development that paid those fees.


 Mr. Osborne spoke on percentages of impact fees generated in various areas of north county.


 Mr. Hopkins confirmed that the G.T. Bray facility was built in 1988 utilizing Public Cooperation Outlay funds. He spoke on trends in multi-faceted facility designs, stating that Blackstone Park does not have sufficient land to accommodate an aquatic facility without the purchase of private property. He advised that \$4.5 million has been identified for an aquatic facility in the Capital Improvement Plan, which denotes a multi-use, multi-pool facility.

 Mr. Hunzeker stated that if the County half-cent sales tax is passed, parks and recreation would be approved within the referendum language for the use of the City of Palmetto. He added that cost will be determined based on design, and constrained by the site selected.

 Discussion continued regarding possible locations for an aquatic facility, need for more information to move forward, has a public survey been distributed in the area, were other locations considered, support to name the proposed facility after Commissioner Bustle, possibility of workshop to address public concerns, how many acres are available at the Buffalo Creek site, importance of pool access for drowning prevention and swim lessons, and this proposal prompted by Board requests.


 Mr. Hopkins stated that staff's recommendation assessed the congestion in existent facilities. The Parks' master plan will be brought to the Board in the near future, and that preliminary survey gathering took place in evaluating the Buffalo Creek site, which would utilize an estimated 4-5 acres. The Buffalo Creeks site was selected for reasons of cost effectiveness and existing infrastructure.

 Mr. Osborne stated approximation one third of the total county population is located in north County.


 Mr. Hunzeker advised that in the first quarter of the year a work session could be facilitated and that the Board will be notified of the earliest possible date.

 Mayor Shirley Groover Bryant, City of Palmetto, spoke on impact fee use in City of Palmetto improvements and supported a pool component being added to Blackstone Park.


 Lori Gale expressed support for a work session and requested information about the cost of land surrounding Blackstone Park.


 Brian Williams, Palmetto City Commissioner, supported a future workshop discussion and promoted site development within the City of Palmetto.


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


 Bill Claque, Assistant County Attorney, spoke on a memorandum issued by the attorney's office regarding impact fees being used within the City of Palmetto for the construction of the ballpark as referenced by Mayor Bryant.

RECESS 3:40 p.m. 3:49 p.m.

 Discussion ensued regarding memorandum issued from the County Attorney's office relating to the ongoing use of impact fees in the City of Palmetto.

 Mr. Claque clarified improvement funding through impact fees, and added that the previous memorandum will be distributed to the Board.

 Mitchell O. Palmer, County Attorney, responded that an analysis will have to be undertaken, advising that if the aquatic center is located on the recommended site it can be constructed with 100 percent impact fees, whereas construction within the City of Palmetto would require utilizing other funds as well.

 Mr. Hunzeker commented on the dual-nexus rationale in the application of impact fees.

Motion was made by Commissioner Benac, seconded by Commissioner Chappie, and carried 7-0, that the Larry Bustle Aquatic Center be brought back for discussion at a work session in the coming year.

BC20161025DOC083


47.  **COUNTY ADMINISTRATOR/DASHBOARD REPORT FOR SEPTEMBER 2016**


There being no public comment, Chairman Baugh closed public comment. BC20161025DOC084


48.  **COUNTY ATTORNEY/ THIRTY FIRST ANNUAL REPORT**


Mitchell O. Palmer, County Attorney, reviewed the Thirty-First Annual Report and highlighted office statistics, accomplishments and successes on behalf of the County by individual Assistant County Attorneys and in the Risk Management Division.


There being no comment, Chairman Baugh closed public comment.

 Discussion ensued regarding the success and efficiency of the County Attorney's Office, possibility of reducing litigation costs, and questions of a comparison with other counties in terms of litigation.

 Mr. Palmer advised that preventative law is constantly being practiced to reduce the County's exposure to litigation.

 Motion was made by Commissioner Chappie, seconded by Commissioner Smith and carried 7-0, to approve and accept into the record the Thirty-First Annual Report of the County Attorney's Office.

 Kathy King, Chair, Republican Party of Manatee County, thanked the Board for their action to rescind the County Administrator's memorandum regarding political signage on County property.

 Mr. Palmer recognized the support staff of the County Attorney's Office. BC20161025DOC085


COMMISSIONER COMMENTS

Commissioner Whitmore

- Spoke about funeral services held October 6 for Jerry Hill, a former Animal Services employee.
- Commented on the success of the Making Strides for Breast Cancer walk on Saturday, October 22.
- Remarked on the Red Ribbon Champions Prevention breakfast.
- Attended roundtable discussion at Manatee Memorial Hospital on October 24 regarding heroin issues in the County.
- Attended first session of the Canvassing Board as an alternate.
- Commented that Coastal Orthopedics will be the team physician for Premier Sports.


Commissioner Chappie


- Stated the water line project on Waterline Road is associated with the project being undertaken at the dam.

 Discussion ensued regarding water and sewer lines being paid for by utility users and not with tax dollars.

COUNTY IN-HOUSE HEALTH CLINIC

Commissioner Bustle referred to an article regarding the savings accomplished in Polk County due to their in-house clinic, and questioned the status of evaluation of a County in-house clinic.

 Ed Hunzeker, County Administrator, responded that staff is in the process of gathering information and will be prepared to bring it before the Board when requested.

 Discussion ensued regarding medical information sharing, potential savings to the County through an in-house clinic, possibility of creating competition with local physicians, increasing health care costs, timing is not appropriate to consider a clinic, and need to engage local physicians and the medical society to consider other possibilities.

Motion was made by Commissioner Whitmore, seconded by Commissioner Chappie, that Manatee County not entertain the idea of an in-house clinic operated by the County.

 Valerie Vale, Manatee County Medical Society, and Phillip Brown, United Way President, supported the motion.

 Discussion continued regarding County competition with private business, and the motion not limiting future solutions addressing healthcare costs.
(Chairman Baugh turned over the gavel to First Vice-Chairman Chappie.)

Motion was made by Commissioner Baugh, seconded by Commissioner Benac and carried 5-2 with Commissioners Bustle and Smith voting nay, to call the question.


The motion carried 5-2 with Commissioners Bustle and Smith voting nay, that Manatee County not entertain the idea of an in-house clinic operated by the County.
(First Vice-Chairman Chappie returned the gavel to Chairman Baugh.)

Commissioner Bustle

- Inquired what had been done to launch the Healthcare Information Exchange (HIE) program. Discussion ensued regarding incentives being provided to the healthcare community to implement the program.


Commissioner Smith

- Questioned if the new driver license facility across from the Tax Collector's office had opened.

 Ed Hunzeker, County Administrator, responded that he would confirm if a Certificate of Occupancy had been received.

Commissioner Benac

- Stated that she raised concerns at a recent Metropolitan Planning Organization meeting about the tentative five-year work program and requested a presentation at the next Board meeting to discuss the program.
- Commented on a freight workshop held the previous day.

 Discussion ensued regarding Central Manatee analysis, request for more detail on the Island Mainland Network analysis study and request to be informed on the schedule of meetings.

Commissioner Baugh

- Requested improvement in staff communication with the Board.

ADJOURN

There being no further business, Chairman Baugh adjourned the meeting at 5:15 p.m.

Minutes Approved: _____