MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
October 9, 2018

Meeting video link: 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
Robin Toth, Deputy Clerk, 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 Father Timothy Harris, Our Lady Queen of Martyrs, followed by the Pledge of Allegiance.

REVISED AGENDA

Item 17, Proposed Eminent Domain Settlement: Manatee County v. Maria Villacorta et al., Case 2018 CA 3438, Parcel 130 – The Proposed Motion for Entry of Stipulated Final Judgment and Entry of Order Vacating Default was replaced with the copy signed by defense counsel.

Item 38, Local Agency Program (LAP) Agreement – Morgan Johnson Road Sidewalk – The County Attorney Review section of this item was updated to include the statement:

This LAP Agreement is identical in form to another LAP Agreement, which was reviewed by the County Attorney’s office in March of 2018. Attached is the Request for Legal Services response memorandum containing the County Attorney’s comments and suggested revisions. Staff recommends approval of this LAP Agreement despite the FDOT’s unwillingness to implement the County Attorney’s office recommended changes.

Item 44, Invitation to Negotiate 16-01 PM, Old Jail Site located at Judicial Center – A copy of the August 30, 2018, letter from Angelina Colonneso, Clerk of the Circuit Court, was attached to this item as referenced in the Background Discussion section.

Item 45, Executive Reprimands – A document titled, “BCC Policies and Procedures” was added to this item.

Item 47, Hurricane Michael Update and Declaration of Local State of Emergency – Adoption of Resolution R-18-169, declaring a State of Emergency relative to Hurricane Michael.

Item 48, Health Care Advisory Board – Federal Poverty Guidelines – Discussion of letter dated September 27, 2018, from Ernest “Sandy” Marshall, Federation of Manatee County Community Associations, Inc. – This item was requested to be deferred to October 23, 2018.

BC MB 18-19/1
• Item 49, Naming of the County Commission Chambers in Honor of Former Commissioner Pat Glass – Discussion requested by Commissioner Whitmore, of naming the County Commission Chambers in honor of former Commissioner Pat Glass

Time Certain:
46. Item 47, Hurricane Michael Update and Declaration of Local State of Emergency – 9:00 a.m.
2. Item 44, Invitation to Negotiate 16-01 PM, Old Jail Site located at Judicial Center – 10:00 a.m.
3. Item 45, Executive Reprimands – 10:30 a.m.

CONSENT AGENDA – ITEMS PULLED
Commissioner Requests:
• Items 27 and 32 – Pulled by Commissioner Whitmore
• Item 30 – Pulled by Commissioner Smith

7. PUBLIC SAFETY/HURRICANE MICHAEL UPDATE/LOCAL STATE OF EMERGENCY

Steve Litschauer, Acting Emergency Management Division Chief, utilized a slide presentation to report on the track and strength of Hurricane Michael, as well as local concerns for potential winds and storm surge. Manatee County is in a tropical storm watch, but at the tail end of the watch. Communication continues to occur throughout the day with the National Hurricane Center, and it appears the hurricane may hit the panhandle. Sandbags will be available at three locations in the County and within the City of Bradenton. Schools closures are not anticipated at this time, and it is not necessary that shelters be opened. He requested adoption of Resolution R-18-169, declaring a local State of Emergency.

A motion was made by Commissioner Whitmore and seconded by Commissioner DiSabatino, to adopt Resolution R-18-169.

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

The motion carried 7-0.

AWARDS AND PRESENTATIONS
4. October Employee of the Month - Mary Gavin, Utilities Customer Service Representative I, Utilities Department
5. A Heroism Award was presented to Janine McDonald, Transit Operator, Public Works, by Bill Steele, Transit Division Manager and Brian Medina, Transit Operator Supervisor.
6. Tampa Bay Library Consortium Library Champion Award was presented by Ava Ehde, Neighborhood Services Interim Director, members of the Library System and the Library Foundation, to John and Amanda Horne, owners of the Anna Maria Oyster Bar restaurants, for outstanding community service and charitable contributions made to literacy efforts to support local children.

PROCLAMATIONS

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

7. Judge Tom Gallen, Jr., Day – October 25, 2018, accepted by Michael Gallen, son, on behalf of Judge Tom Gallen, Jr. Judge Gallen will be honored by the Manatee County Rural Health Services Foundation with the 11th Annual Edgar H. Price, Jr., Lifetime Achievement Award on October 25, 2018
8. Hispanic Heritage Month – September 15 through October 15, 2018, accepted by Kelly Kirscher, Co-founder/Chairman of Unidos Now, and representatives from Realize Bradenton

9. Domestic Violence Awareness Month – October 2018, accepted by representatives of HOPE Family Services

10. Manufacturing Awareness Month – October 2018, accepted by Peter Straw, Sarasota-Manatee Area Manufacturers Association, and Rob Harris, Sun Technologies

51. Tampa Bay Regional Planning Council – Commissioner DiSabatino presented an award to City of Bradenton Councilman Patrick Roff, recognizing his efforts regarding Climate Resiliency in the Tampa Bay Region.

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

   Dan Powers spoke about the recent death of his son and a friend from an automobile accident on S.R. 64 and Pope Road. He also spoke of traffic dangers along S.R. 64, Rye Road, Lorraine Road and S.R. 70, due to increased growth and development. He requested Commissioners slow the pace of development until necessary infrastructure and public safety improvements are done.

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

   Discussion ensued regarding rushing roadway improvements.

44. **PROPERTY MANAGEMENT/INVITATION TO NEGOTIATE/OLD JAIL SITE**

   Charlie Bishop, Property Management Director, requested authorization for staff to enter into negotiations with The Croghan Company (dba Connect Bradenton), to enter into a long-term lease for redevelopment of the Old Jail section of the Judicial Center to multifamily residential housing.

   An Invitation to Negotiate (ITN 16-01 PM) was issued in July 2016, seeking proposals for a long-term lease of the Old Jail section of the Judicial Center, for redevelopment into multifamily housing (with agenda packet). The sole response was received from The Croghan Company; however, the ITN was placed on hold (11/2/16) due to concerns expressed by Constitutional Officers (Sheriff, Clerk of the Circuit Court and Judicial Judges). The Board held a work session on the issue (2/14/17), and staff reviewed the concerns presented. Meetings and discussions held among County staff, impacted Constitutional officers and Mr. Croghan.

   Authorization to negotiate an agreement would allow the development proposal to move forward and develop details to address concerns raised by the impacted Constitutional officers, including those concerns outlined in a letter (8/30/18) from Angelina Colonneseo, Clerk of the Circuit Court (with agenda packet).

   Commissioner DiSabatino summarized the concerns outlined in Ms. Colonneseo’s letter.

   Discussion occurred regarding fair housing laws, public purpose, a plan is needed from Constitutional Officers as to what they would want to do with the space, this is just the beginning, amount of vacant space in the building, cost estimates to renovate the facility for office use and/or storage, and questions and concerns must be addressed.
Ed Hunzeker, County Administrator, stated the purpose of this item is to request the Board to authorize staff to enter into negotiations with The Croghan Company, in order to evaluate all the issues raised by Commissioner DiSabatino. Staff’s objective is to work through the concerns of Constitutional officers, the Sheriff and the Clerk with Mr. Croghan, and come back to the Board with a transaction for the redevelopment of the old jail site.

Commissioner DiSabatino stated the Clerk’s concerns are very important. She requested a legal opinion before the Board proceeds to determine if these concerns are valid.

Mitchell O. Palmer, County Attorney, stated his office could opine on matters of public purpose at this time, as it is far too premature and more facts are necessary, which will be ferreted out during the negotiation process.

Bill Clague, Assistant County Attorney, commented on the concerns with locating a multifamily housing development within a courthouse building that is inextricably attached and connected to an old jail facility. This is unprecedented and creates practical and legal challenges.

Mr. Clague stated the extensive concerns by the Clerk are valid and must be addressed; however, unlike Cities, Counties are immune from ad valorem taxation. There is a heightened standard of public purpose doctrine in the Internal Revenue Code for tax exempt bonds. Without some kind of plan on how much money was used for the entire facility, how much was used for the jail, how much came from bond proceeds, and from line items and other items, staff cannot give the Board assurance.

Discussion ensued that former Sheriff Steube had concerns of security, three Request for Legal Service responses are in the agenda packet, the Clerk added specific concerns, legal staff deals strictly with legal issues, Clerk’s concern of security and safety, this matter has been discussed in a public meeting over a year, this project will bring other potential development downtown, Constitutional Officers have requested additional office space but do not want space in the old jail site, and the issue of public safety has not been addressed.

Mr. Palmer quoted the first bullet statement in the Clerk’s letter (8/30/18) stating that “No written plan exists to allow me to determine whether the housing project serves a lawful public purpose.” Mr. Palmer echoed the concern of the Clerk in this bullet statement.

Motion

A motion was made by Commissioner Whitmore and seconded by Commissioner Baugh, to authorize staff to enter into negotiations with The Croghan Company (dba Connect Bradenton), to enter into a long-term lease for redevelopment of the Old Jail section of the Judicial Center to multifamily residential housing.

Discussion occurred that there are major issues that must be examined, 80,000± square feet is available in the Old Jail section, the building has been vacated since 2005/2006, support the requested action and move forward, and emphasis that it is not the prerogative of the County Administrator and the developer to move forward, but it is the decision of the County Commission as policy setters.

Mr. Clague stated this action was placed on the agenda based on the recommendation of the County Administrator.
Mr. Bishop stated that two, independent structural engineers evaluated the building. An independent audit on the construction costs was done to tear the building down at a cost in the range of $6-9 million; the building can be turned into an office space in excess of $12-16 million; the facilities and utilities can be separated from the Judicial Center at a cost of over $500,000; and the jail cells can be torn out and the space converted into a “white envelope”, at a cost of $1.1 million. The independent cost estimates are from February 2018 and are fairly accurate.

Discussion continued that effort should be made to try to move forward, affordable housing is a public purpose, whether this project meets this test, questions must be answered, place all concerns and questions on the table, and obtain the information needed in order to make a good decision.

Motion – Call the Question

Commissioner Baugh moved to call the question. The motion was seconded by Commissioner Whitmore and carried 4-3, with Commissioners Benac, DiSabatino, and Smith voting nay.

Mr. Palmer stated the Board must take public comment.

Bernard Croghan, The Croghan Group (Developer), stated that his mission is to transform a deteriorating prison into an all-inclusive, co-living affordable housing development. All-inclusive living would consist of furnished rental studio and shared suites with full-time attentive staff, hotel services, curated events, and extraordinary amenities. The objective is attainable, workforce housing in downtown Bradenton for young, public service employees. He emphasized that the number one priority of this development plan is transparency.

Mr. Croghan stated he has not had the opportunity to share details of the proposed project. The ITN process would allow him to work with staff. He had preliminary conversations with many of the Constitutional Officers to learn of their concerns and to respond on how he intends to address those concerns. He requested the Board determine at this meeting if this project will serve a public purpose.

Johnette Isham downtown resident and employee, spoke in support of commencing negotiations with The Croghan Group.

Michael Gallen, Manatee Chamber of Commerce, stated workforce affordable housing has been a primary concern in this area. The Affordable Housing Task Force was created to address strategies and solutions to this issue. He spoke in support and urged the Board to continue looking at ways to retain young, public service employees.

Catherine Ferrer, Realize Bradenton, spoke in support to proceed to negotiate with The Croghan Group.

Cassandra Burns, Manatee Professionals, spoke in support of the request.

Patrick Roff, spoke as Bradenton City Councilman of Ward 3, but emphasized that he had not discussed this issue with City staff. The current condition of the site is 80,000± square feet of dead real estate and something should be done with the space; the building has potential and concerns should be addressed; and affordable housing is a public use.
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There being no further public comment, Chairman Trace closed public comment.

The original motion carried 7-0.

Brief discussion occurred.

45. BOARD OF COUNTY COMMISSIONERS/EXECUTIVE REPRIMANDS

Chairman Trace stated she was uncomfortable proceeding with a public reprimand of the County Attorney. It was the consensus of the Board that Commissioner Jonsson privately reprimand Mitchell O. Palmer, County Attorney. Commissioner Jonsson accepted the task.

Pursuant to Board action (10/4/18), Commissioner Baugh provided the Board with a copy of the County Administrator’s reprimand letter.

Chairman Trace suggested the Board take a brief recess to review the County Administrator’s reprimand letter.

RECESS/RECONVENE: 11:15 a.m. – 11:20 a.m. All Commissioners were present.

Commissioner Baugh stated the County Attorney concurred with the reprimand letter.

It was the consensus of the Board that the letter be signed by only those Commissioners, who wished to do so. No further action was required.

CONSENT AGENDA MOTION

A motion was made by Commissioner Jonsson and seconded by Commissioner Baugh, to approve the Consent Agenda, with the changes noted in the Agenda Update Memorandum, and with the deletion of Items 27, 30 and 32 for separate consideration.

12. CITIZEN COMMENTS (Consent Agenda Items Only)

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

The motion to approve the Consent Agenda carried 7 to 0.

13. CLERK’S CONSENT AGENDA

A. WARRANTS

Accepted the Warrants for the month of September 2018, as issued by the Finance Department.

B. MINUTES

Approved the Minutes of August 2 and 7, 2018 and September 18, 2018

C. REFUNDS

Approved:

1. CP Danner Construction, Inc. – Overcharge, $550
2. Geartz Construction – Impact Fee Refund, $11,349
3. Aaron Guthrie – Overpayment, $800
4. Alex Kutzy – Park Permit Fees, $749
5. Lennar Homes LLC – Accela Error and Overpayment, $4,324.45
6. Signstine Signs, Inc. – Duplicate Payments, $729.80
7. Utility Customer 152535-111112, Billing Adjustment, $1,572.86
8. Utility Customer 235084-18394, Billing Adjustment, $55,503.78
D. **CONTRACT**

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

1. Contract with Westra Construction Corporation, for pond control measures at IMG, $303,435

E. **REPORTS**

Accepted:

1. Forest Creek Community Development District (CDD) – Final Adopted FY 2018/2019 Budget
4. Parrish Fire Department – Resolution 2018-08, adopting the FY 2018/2019 Budget
5. Southern Manatee Fire and Rescue District – Resolution 2018-09 adopting the FY 2018/2019 Budget and Meeting Schedule
6. Southwest Florida Water Management District – FY 2019 Meeting Schedule and map of District boundaries
7. Summer Woods CDD – Final Adopted FY 2018/2019 Budget

F. **BONDS**

Accepted:

1. Performance Bond – Continuation Certificate for Waste Pro of Florida, Inc., Bond CMS0270853, $5,000,000, ending September 30, 2019; and
2. Performance Bond – Extension Certificate for Waste Management, Inc. of Florida, Bond PB08-0004, $10,000,000, ending September 30, 2019

G. **SHERIFF BOND**

Accepted the list of 12 additional employees and deletion of 12 employees from the Sheriff’s Public Employee Bond

14. **ADMINISTRATOR/2019 BOARD OF COUNTY COMMISSIONERS MEETING SCHEDULE**

Approved Manatee County Board of County Commissioners 2019 Meeting Schedule

15. **ADMINISTRATOR/IMPACT FEE CREDIT AUTHORIZATION**

Executed Final Credit Authorization CA-18-05(T) [related to CA-16-02(T)], for Transportation Impact Fee Credit in the amount of $469,913.11, for eligible construction of Newhaven Boulevard

16. **ATTORNEY/EMINENT DOMAIN SETTLEMENT/EL RANCHO VILLAGE, INC.**

   • Approved proposed settlement with El Rancho Village, Inc., to resolve the County’s claim for sanctions against attorney Robert Gill, in the eminent domain matter of Manatee County v. El Rancho Village, Inc., Case 2011-CA-2445, pursuant to which the County will receive $34,500;
   • Authorized the County Attorney, or his designee, to execute the attached Settlement Agreement and Joint Motion to Approve Settlement and Enter Stipulated Final Order Taxing Fees and Costs Pursuant to Section 57.105, Florida Statutes; and
   • Authorized the County Attorney, or his designee, to take other action in furtherance of this settlement, including furnishing executed copies of the attachments and other necessary paperwork to opposing counsel and the Court as appropriate

17. **ATTORNEY/EMINENT DOMAIN SETTLEMENT/VILLACORTA**

   • Approved proposed settlement with Defendants Maria Villacorta, also known as Maria H. Villacorta, Rigoberto Villacorta, and U.S. Bank National Association, in Manatee County Circuit Case 2018-CA-3438, relative to the taking of Parcel 130 for the 44th
Avenue East Road Improvement Project, from 45th Street East to 44th Avenue Plaza East, as delineated in the attached Stipulated Final Judgment;

- Authorized the County Attorney, or his designee, to execute the attached Motion for Entry of Stipulated Final Judgment Entry of Order Vacating Default (the default relates to defendant U.S. Bank National Association) and all other necessary paperwork associated with said settlement; and
- Authorized the County Attorney, or his designee, to take other action in furtherance of this settlement, including furnishing executed copies of the attachments and other necessary paperwork to opposing counsel and the Court as appropriate.

18. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/WARNER CROSSING**
- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of Declaration of Covenants, Conditions and Restrictions for Warner Crossing;
- Authorized the County Administrator to execute and record Bill of Sale;
- Authorized the County Administrator to accept, execute and record Agreement for Private Subdivision with Public Improvements from Warner Crossing LLC; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Public Improvements, Surety Bond 3301475, FCCI Insurance Company for $26,539.80.

19. **CONVENTION AND VISITORS BUREAU/GRANT AGREEMENT**
- Authorized the Convention and Visitors Bureau Director to execute Florida Sports Foundation Grant Agreements with Bradenton Area Sports Commission:
  - U.S. Soccer Development Academy Boys Winter Showcase and Nike Friendlies (11/29/18-12/4/18) at Premier Sports Campus, $25,000;
  - U.S. Soccer Development Academy Girls Winter Showcase and Nike Friendlies (12/5-9/18) at Premier Sports Campus, $20,000;
  - YSL (USL) Super Y National Championship (12/7-11/18) at IMG Academy, $17,500; and
- Adopted Budget Amendment Resolution B-19-009.

20. **FINANCIAL MANAGEMENT/FY 2018 BUDGET AMENDMENT RESOLUTION**
- Adopted Budget Amendment Resolution B-18-114.

21. **FINANCIAL MANAGEMENT/FY 2019 BUDGET AMENDMENT RESOLUTIONS**
- Adopted Budget Amendment Resolution B-19-007; and
- Adopted Budget Amendment Resolution B-19-012 for Infrastructure Sales Tax.

22. **FINANCIAL MANAGEMENT/AGREEMENT/BEACH RENOURISHMENT**
- Authorized the County Administrator, or his designee, to execute Agreement 18-TA002645JE, for Engineering and Consulting Services for Beach Renourishment with APTIM Environmental and Infrastructure, Inc.

23. **FINANCIAL MANAGEMENT/RESOLUTION/INFRASTRUCTURE SALES TAX**
- Adopted Resolution R-18-166, authorizing a short-term loan, not to exceed $347,172, from the Infrastructure Sales Tax Transportation Capital Projects Fund (Fund 850) to the Infrastructure Sales Tax Public Safety and Law Enforcement Capital Projects Fund (Fund 851), for the funding of FY 2019 projects; and
- Adopted Budget Resolution B-19-014, adjusting the FY 2019/2023 CIP, amending the annual budget for Manatee County, for Fiscal Year 2019.
24. **FINANCIAL MANAGEMENT/LETTER OF ENGAGEMENT/AUDITING SERVICES**  
Executed Letter of Engagement with Carr, Riggs and Ingram LLC, for Auditing Services, for year ended September 30, 2018

25. **FINANCIAL MANAGEMENT/RESOLUTION/MANATEE COUNTY FAIR SPONSORSHIP**  
 Adopted Resolution R-18-162, authorizing the disbursement of funds in an amount not to exceed $10,000 to the Manatee County Fair Association, for major sponsorship during the 2019 Manatee County Fair

26. **FINANCIAL MANAGEMENT/LEASE AGREEMENT/MANATEE RIVER FAIR ASSOCIATION**  
Executed License Agreement with Manatee River Fair Association, Inc., for inside exhibit space at the 2019 Manatee County Fair in the amount of $800

28. **INFORMATION TECHNOLOGY/AGREEMENTS/GIS LICENSES**  
- Approved and authorized execution of Enterprise Agreement 332623, and Exhibit G (Master License Agreement 332674) with Environmental Systems Research Institute, Inc. (ESRI), for the provision of Geographic Information Systems business services to be used throughout Manatee County; and
- Adopted Budget Resolution B-19-010, amending the annual budget for Manatee County, for Fiscal Year 2019

29. **NEIGHBORHOOD SERVICES/GRANT/OLD MANATEE FLORIDA STORIES WALKING**  
- Authorized the Board of County Commissioners to accept a $5,000 grant from the Florida Humanities Council, Florida Stories Walking Tours, for the period of November 1, 2018, through July 31, 2019; and
- Authorized Neighborhood Services Department Director to execute all appropriate documents and agreements with regard to the submission and administration of the grant award

31. **PARKS AND NATURAL RESOURCES/AGREEMENT/LAKE MANATEE RIVER WATER SUPPLY AND WATER QUALITY IMPROVEMENT, PHASE 2 PROJECT**  
Executed Change Order 1 to Florida Department of Environmental Protection Agreement LP41016, Lake Manatee Water Supply and Water Quality Improvement Phase 2 Project, reallocating the budget between the tasks in the grant work plan, with no cost increase or time extension

33. **PROPERTY MANAGEMENT/DONATION/BRADEN RIVER PRESERVE**  
- Accepted donation in the amount of $10,183.01, from the Conservation Foundation of the Gulf Coast (CFG) toward the purchase of land for the Braden River Preserve (5/8/18), representing the final collection of contributions (CFG total contribution $1,039,828.01); and
- Adopted Budget Resolution B-18-115, amending the annual budget for Manatee County for Fiscal Year 2019

34. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**  
Renounced and Rejected Temporary Utilities Easements from OK Willow Walk LLC, which coincide with Willow Walk, Phase 2, Subphases A, B and D, for property located at 4110 41st Street East, Palmetto:
- Temporary Utilities Easement from OK Willow Walk LLC, recorded in Official Records Book 2726, Page 2881;
- Temporary Utilities Easement from OK Willow Walk LLC, recorded in Official Records Book 2726, Page 2885; and
35. **PUBLIC SAFETY/GRANT/COMMUNITY PARAMEDICINE FLORIDA BLUE FOUNDATION**

- Adopted Resolution R-18-165, accepting a non-matching grant from Florida Blue Foundation for Manatee County’s Community Paramedicine COMPASS Program (Community, Oriented, Medical, Partnerships for Assistance and Social Support) in the amount of $364,946, for the period of January 7, 2019 through January 6, 2023;
- Authorized execution of Grant Agreement with Florida Blue Foundation; and
- Adopted Budget Resolution B-19-013, amending the annual budget for Manatee County, for FY 2018/2019

36. **PUBLIC SAFETY/AGREEMENT/WEST COAST SOUTHERN MEDICAL, INC.**

Executed Amended Agreement (First Amendment to Agreement 7/28/18) with West Coast Southern Medical Service, Inc., for Manatee County EMS to provide inter-facility transport and stand-by services at special events, correcting the effective date retroactively to December 2, 2017, and shall remain in full force and effect for five years from such date, unless terminated as provided herein

37. **PUBLIC WORKS/AGREEMENT/IMG ACADEMY/BOLLETTIERI BOULEVARD**

Authorized the County Administrator to execute Construction and Maintenance Agreement for Right-of-Way Improvements with IMG Academy LLC, to authorize IMG to construct and maintain the existing decorative street lights, traffic sign supports with attached signs and entry way sign structure

38. **PUBLIC WORKS/AGREEMENT/LAP AGREEMENT/MORGAN JOHNSON ROAD SIDEWALK**

Adopted Resolution R-18-160, authorizing the Chairperson to execute Local Agency Program (LAP) Agreement with Florida Department of Transportation (FDOT), for participation in the cost of Construction and Construction Engineering and Inspection Services for a five-foot-wide sidewalk on Morgan Johnson Road, from 18th Avenue East to 13th Avenue East (FDOT participation not to exceed $493,839; FDOT cost estimate $432,100; LAP Agreement expires 12/31/2020)

39. **PUBLIC WORKS/SPEED TABLE INSTALLATION/15TH AVENUE NORTHWEST**

Authorized Public Works Staff to install a temporary speed table on 15th Avenue Northwest, between 75th Street Northwest and Stewart Elementary School, which will remain a minimum of 90 days, to allow for further citizen reaction to the devices

40. **PUBLIC WORKS/SPEED TABLE INSTALLATION/7TH AND 8TH AVENUE DRIVE WEST**

Authorized Public Works staff to install two temporary speed tables on 7th Avenue Drive West, between 51st Street West and 59th Street West, and two temporary speed tables on 8th Avenue Drive West, between 51st Street West and 59th Street West, which will remain a minimum of 90 days to allow for further citizen reaction to the devices

41. **UTILITIES/SERVICE FEE WAIVERS**

Authorized to waive a total of $370 in service fees that were assessed to utility customer accounts for returned bank items

(End Consent Agenda)

49. **COMMISSIONER AGENDA/NAMING OF COUNTY COMMISSION CHAMBERS**

Commissioner Whitmore read an email from Rex Jensen, Schroeder-Manatee Ranch, Inc., suggesting the Commission Chambers be named in honor of former Commissioner Pat Glass. She asked that a public hearing on this request be placed on the October 23rd agenda.
Mitchell O. Palmer, County Attorney, stated Resolution R-93-156 authorizing the naming of County facilities after dignitaries can only be accomplished after conducting of an advertised public hearing and by way of a formal resolution. The advertising of a public hearing may not be able to be met by October 23rd as the actual resolution must be crafted and available for public inspection at the time of advertisement.

Discussion occurred that family members will need to be interviewed in order to obtain a complete biography of Commissioner Glass to craft the resolution, schedule the public hearing on November 27th and hold a ceremony in December, schedule a reception, and a fiscal impact statement must also be prepared.

A motion was made by Commissioner Benac, that we set a public hearing for naming the Chambers after Patricia Glass. The motion was seconded by Commissioner Whitmore.

Chairman Trace requested that adequate time be reserved on the agenda and give this presentation the respect that it deserves.

The County Attorney advised that only one public hearing is required.

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

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

The floor was opened for the appointment of three persons to the Nuisance Abatement Board, for a term of two-years each. Five individuals applied and three of which are incumbents.

Motion
A motion was made by Commissioner Whitmore and seconded by Commissioner Baugh, to nominate the three incumbents: Walter Sowa, III, George Okada, and William J. Strollo.

Motion – Close Nominations
A motion was made by Commissioner Benac to close nominations. The motion was seconded by Commissioner Baugh and carried 6 to 0, with Commissioner DiSabatino absent.

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

The three incumbents were unanimously appointed by a vote of 6 to 0, with Commissioner DiSabatino absent.

Commissioner Whitmore stated she is against raising health insurance costs for employees and would vote against this item.

A motion was made by Commissioner Jonsson, to approve the 2019 premium rate changes reflected in Exhibit A – Active Medical, Dental and COBRA premium rates; Exhibit B – Prescription Coverage rates; and Exhibit C – Retiree premium rates and subsidies. The motion was seconded by Commissioner Benac.
Commissioner Smith stated he would not support the motion.

Discussion ensued regarding concern with annual medical insurance increases, and the budget will need to be amended if the increases are not approved.

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

Kim Stroud, Health Benefits Manager, stated that a four percent increase in medical insurance premiums is being triggered specifically by a 23 percent increase in pharmaceuticals due to specialty, life-saving medications. A four percent salary increase results in $1,000/year, while a four percent increase in premiums results in approximately $36/year premium increase. Manatee County continues to offer competitive health plan coverage at lower premiums than other counties.

Commissioner Whitmore stated funds are available in reserves to offset the difference.

Ms. Stroud stated there are reserves specific to the self-funded health plan; however, a portion of these reserves is allocated for future claims and is not expendable dollars.

Jan Brewer, Financial Management Director, outlined the funds in the health plan reserves.

Discussion continued regarding the ever-increasing cost of health care coverage, and revisit the subject in the future if premium increases are needed.

Mitchell O. Palmer, County Attorney, advised that all Commissioners must vote.

The motion failed by a vote of 3 to 4, with Commissioners Baugh, DiSabatino, Smith and Whitmore voting nay.

30. PARKS AND NATURAL RESOURCES/FEES SCHEDULE

Charlie Hunsicker, Parks and Natural Resources Director, reviewed the changes to the Parks and Natural Resources Fee Schedule as proposed by Resolution R-18-157. Changes include modest increases to user fees for services provided by staff after regular working hours.

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

A motion was made by Commissioner Baugh, seconded by Commissioner Whitmore and carried 7 to 0, to adopt Resolution R-18-157, amending R-18-137 and providing for changes to the Parks and Natural Resources Department Fee Schedule (Fee changes a. – q. shall take effect as of 10/9/18, and Fee Change r. shall take effect as of 8/1/19).

32. PARKS AND NATURAL RESOURCES/COOPERATIVE FUNDING AWARD/UNITED STATES FISH AND WILDLIFE SERVICE COOPERATIVE FUNDING AWARD

Charlie Hunsicker, Parks and Natural Resources Director, summarized the request as outlined on the agenda memorandum.

There being no public comment, Chairman Trace closed public comment.
A motion was made by Commissioner Whitmore and seconded by Commissioner Baugh, for the Board of County Commissioners to accept the United States Fish and Wildlife Service Cooperative Funding Agreement Award F18AC00209 - Re-Introduction of Florida Golden Aster and Aboriginal Prickly-Apple in Manatee County, in the amount of $30,000; and adopt Budget Resolution B-19-008, amending the annual budget of Manatee County for Fiscal Year 2019.

There was brief discussion regarding staff’s project proposal to engage local, nonprofit partners with experience in re-introduction of these plants and facilitate planting of these species at Perico Preserve and Emerson Point Preserve, and the County has pledged to provide $15,000 towards the project via in-kind match of volunteer and staff time.

The motion carried 7 to 0.

RECESS/RECONVENE: 12:00 P.M. – 1:30 P.M. All Commissioners present.

COMMISSIONERS’ COMMENTS

Commissioner Whitmore
- Commented on percentages of indigent care to illegal aliens at Manatee Memorial Hospital and stated the indigent care fund does not pay for the medical costs for illegal aliens.

Commissioner Benac
- Questioned the motion (10/4/18) to limit the Administrative purchasing authority to $500,000, and if this needs to be done by resolution.

Discussion ensued regarding the authority to execute contracts up to $1 million is delegated to the Procurement Official for items that are approved in the budget, can bring back a list of the items that have been signed, the limits are outlined in a resolution adopted in 2008, need to know the impacts of a change, it has been ten years since the limit was raised, keep the limits at the amounts in the 2008 resolution until a resolution comes back, possibility of increasing the limit, and items authorized/approved during the Board’s recess.

Mitchell O. Palmer, County Attorney, advised that since the original authorization was by resolution, it can only be modified by resolution. A resolution accomplishing the $500,000 reduction has been prepared for potential consideration and would be forwarded to Commissioners for review. He referred to a comprehensive list provided by the Procurement Division of documents executed in excess of $500,000 and that list would be sent to Commissioners. Regarding previous discussion (10/4/18) on the Administrative Procedures Manual that is published on the iNet, Mr. Palmer stated that notebooks would be provided to Commissioners, containing the Procedures.

Ed Hunzeker, County Administrator, suggested a list of annual procurements be provided to the Board. He stated that, due to the October 4th motion, nothing will be signed in excess of $500,000.

Theresa Webb, Purchasing Official, stated the items included on the list from the Procurement Division are all budgeted items.

Brief discussion occurred regarding information to be brought back at the October 23rd meeting.
• Referenced an email from Commissioner Baugh, regarding the placement of a cell tower on the Premier Sports Complex Property. She stated that discussion needs to be held before a plan is revised to include a cell tower on the property.

The County Administrator stated that staff is preparing to talk about the options for how a cell tower on a County-owned property would take place. No designs are being made/revised at this time.

Commissioner Baugh stated the purpose of the email was to determine the options and what would need to be done if it could happen.

Discussion occurred on the need to know the up side and down side of the County providing cell tower sites, concern with it being a County-provided service, it would be a private business on County property, Board discussion is necessary on the option for how a cell tower on a County-owned parcel would occur, and information will be presented on October 23rd.

• Announced the Remote Area Medical (RAM) event will be held this weekend (10/13-14/18).

Commissioner Smith
• Stated the Florida Association of Counties acted to spend $1 million on the homestead exemption.

COUNTY ATTORNEY/ETHICS TRAINING SEMINAR

Commissioner Jonsson stated he received notice from the County Attorney that his office is no longer providing the ethics training seminar.

Following discussion, a motion was made by Commissioner Whitmore and seconded by Commissioner Baugh, that the County Attorney continue offering this training in the same format as has been done in the past.

Mitchell O. Palmer, County Attorney, explained why his office is no longer providing this training. The Commission on Ethics training course offered on line is sufficient for getting mandatory hours.

(Depart Commissioner DiSabatino)
Following discussion, Mr. Palmer agreed to continue to offer the seminar to Manatee County Commissioners; however, it will have to be a noticed, public meeting pursuant to Florida Statute 286, and anyone can attend.

Commissioner Whitmore added to her motion, the option for the County Attorney to not take questions at the beginning of the seminar. Commissioner Baugh agreed.

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

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

(Enter Commissioner DiSabatino)

Commissioner DiSabatino
• Commented on emails between Commissioners
• Referred to the letter from Ernest “Sandy” Marshall (Item 48), and asked about the
authority of an individual Commissioner to make a request for legal services (RLS) to the County Attorney

Discussion occurred regarding individual Commissioners should be able to ask the County Attorney’s office for guidance, public record requests, the Attorney and the Administrator represent the full Board and not individual Commissioners, Mr. Marshall was asking for an explanation of why the federal poverty guidelines were increased, Commissioners receive copies of the RLS’s, RLS’s from staff are in pursuit of policy that has already been established by the Board, bring back a report on the federal poverty guideline eligibility in Manatee County, what percentage of the citizens are covered, and how that affects our budget issues outlined in Mr. Marshall’s letter.

- Referenced correspondence from Marley Boss, resident near Kinnan Park, about the P25 radio tower, and requested an explanation by October 23rd, of how the setback requirements were determined for this tower, an explanation of the distance in setbacks by property line or a structure, and what the setbacks are for a P25 radio tower versus a cell phone tower according to Florida Statute versus County guidelines.

The County Administrator noted that the engineering for the two types of towers is different. The response will be provided to the Board in writing.

- Asked that resolution dates be provided for the Public Safety tower items on the green agenda summary sheet.

ADJOURN

There being no further business, Chairman Trace adjourned the meeting at 3:24 p.m.

Minutes Approved: ______________