


**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
May 9, 2017**

Present were:

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

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

INVOCATION AND PLEDGE OF ALLEGIANCE

1. The Invocation was delivered by Chaplain Fidel Diaz, Grace Bible Church, followed by the Pledge of Allegiance.

AGENDA, UPDATE MEMORANDUM AND ANNOUNCEMENTS


BC20170509DOC001

-  Item 19, Final Plat – Esplanade, Phase VII – The requested action was updated to include:
 9. Accept, execute, and record Mortgagee’s Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon with SMR North 70 LLC; and
 10. Accept and record Mortgagee’s Joinder and Consent for SMR North 70 LLC
- Item 25, Invitation for Bid 16-3094OV, Force Main 13A Rehabilitation, Bradenton, Florida – The General Conditions of the Construction Agreement and the signed Exhibit C, which were inadvertently omitted, have been included with the agreement.
- Item 28, Lease Agreement with the State of Florida, Department of Transportation Manatee County for North Coquina Boat Ramp Improvements and Parking Lot Expansion located at 1343 Gulf Drive South, Bradenton Beach – The requested action was updated to include authorization to record the Lease Agreement.
- Item 30, Resolution R-17-025 – A resolution authorizing conveyance of county property to Manatee River Fair Association, Inc., a non-profit corporation – Deferred to May 23, 2017 (comments later in the meeting)
- Item 43, PA-16-06/Ordinance 17-14 – SMR North 70 LLC/Lakewood Centre
- Item 44, Ordinance 17-16 – Lakewood Centre (DRI 27)
- Item 45, PDMU-06-30(G)(R4) SMR North 70 LLC and SMR Northwest Land LLC/Lakewood Centre – The following bullet point was added to the Background Discussion section for items 43, 44 and 45:
 - On May 4, 2017, the Board of County Commissioners unanimously voted to continue this public hearing to May 9, 2017. There was no public comment.
- Item 49, Parks Master Plan Update – The presentation attached to the agenda item was replaced with the final version Time Certain:


BC20170509DOC002

2. Item 42, Port Authority Meeting – 10:00 a.m.
3. Item 48, Tampa Bay Estuary Program Annual Progress Report – 10:15 a.m.
4. Item 49, Parks Master Plan Update – 10:30 a.m.
5. Item 50, North County Community Pool – 11:15 a.m.

AWARDS

6.  May Employee of the Month – Angela Wilder, Lieutenant – Emergency Communications Center, Public Safety BC20170509DOC003


PROCLAMATIONS


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


7. Hernando DeSoto Day – May 9, 2017, was accepted by Ron Hernden and other members of the Hernando DeSoto crew. BC20170509DOC004
8. Tourism Week – May 7-13, 2017, was accepted by Kelly Clark, Communications Manager, Convention and Visitors Bureau. BC20170509DOC005
9. Economic Development Week – May 8-13, 2017, was accepted by Karen Stewart, Economic Development Division Manager, members of the County economic development staff, and economic development partners throughout the County. BC20170509DOC006
10. Law Enforcement Week – May 14-20, 2017, was accepted by Sheriff Rick Wells. He extended an invitation to the Law Enforcement Memorial Ceremony on Thursday, May 18, 2017. BC20170509DOC007
11. Salvation Army Week – May 14-20, 2017, was accepted by Major Dwayne Durham, The Salvation Army of Manatee County. BC20170509DOC008
12. Drug Court Month – May 2017, was accepted by June Schmidt, Drug Court Program, and graduates of the Drug Court Program. BC20170509DOC009
13. Teen Pregnancy Prevention Month – May 2017, was accepted by youth participants of the Healthy Teens Coalition. They invited the Board to attend the awards Health Teens Coalition reception May 16, 2017. BC20170509DOC010

RECESS: The County Commission meeting recessed at 10:00 a.m., in order to hold a regular meeting of the Manatee County Port Authority. The County Commission meeting reconvened at 10:06 a.m., with all Commissioners present.


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


 Mike Meehan reiterated previous concerns expressed (4/25/17) with the pipe on the causeway (Emerald Isles plumbing system) that continues to spew water.


 Glen Gibellina commented on electronic public comment cards, a dumpster located on a Medallion Homes development site, street sweeping, the last payment of \$1 million to Manatee Memorial Hospital, and the conduct of County Commission meetings.

 Greg and Jana Hennis questioned the status of any plans for dredging and/or mangrove removals in the canals of Manatee Subdivision.

There being no further citizen comment, Chairman Benac closed Citizen Comments.


 Ed Hunzeker, County Administrator, advised that a work session on dredging should be scheduled prior to the Board's summer recess. A previous report to the Board will be resurrected.

 Charlie Hunsicker, Parks and Natural Resource Director, stated the West Coast Inland Navigation District is the principal funding source to maintain navigation in the County's waterways.

 Discussion occurred to request an update on the memo sent to Commissioners by the Utilities Director (5/1/17) regarding the pipe on the causeway, discuss Municipal Services Taxing Units for canal dredging, and there is no record of the canals in Manatee Subdivision ever being dredged.

BC20170509DOC011


48. **PARKS AND NATURAL RESOURCES/TAMPA BAY ESTUARY PROGRAM**

 Holly Greening, Executive Director, Tampa Bay Estuary Program, presented the Tampa Bay Estuary Program (TBEP) Annual Update, May 2017. She reported on the County's partnership with TBEP, highlighting the nitrogen management consortium, water quality improvements, underwater sea grass restoration, return on investments, grants, and outreach efforts conducted within the County.


Discussion was held regarding the future of the region awards, Manatee County is the only county participating in three estuary programs, working on a Florida Estuaries Alliance, storm water regulations, and regional education campaigns.

BC20170509DOC012

49. **PARKS AND NATURAL RESOURCES/PARKS MASTER PLAN**


 Charlie Hunsicker, Parks and Natural Resources Director, introduced County Parks staff, Kelly Klepper and Emmitt Gregory with Kimley-Horn, and David Barth of Barth Associates. This is an interim report summarizing what is offered in the parks and the next steps for parks. The Parks Master Plan has not been updated since 1975. The Parks Master Plan Update covers park inventories, public input to date, and park facility assessments. The Parks Master Plan will provide guidance to decision makers on capital and operational issues based upon the latest priorities of the stakeholders, demographics, trends in recreation, and economic realities.

Mr. Klepper gave a slide presentation of county parks, recreational facilities, and Open Spaces Master Plan. They reported on the parks existing conditions analysis, a needs assessment, results of a public survey, and community workshop, level of service standards, and the long-range vision. It is anticipated the Parks Master Plan will be finalized by July or August 2017.

 Discussion ensued regarding geographic-specific needs, inclusion/exclusion of private recreation facilities in determining level of service standards, private facilities, creating parks through environmental restoration, year-round availability of John Marble Park, partnerships with the School District and local churches, and a goal to provide a program that will not have a significant draw on the general fund.

BC20170509DOC013

50. **PARKS AND NATURAL RESOURCES/NORTH COUNTY COMMUNITY POOL**

 Ed Hunzeker, County Administrator, stated staff continues to work on a plan to provide a pool north of the river at Lincoln Park. The City of Palmetto has committed to a cash contribution of \$850,000 over a 15-year period toward the construction and the donation of four acres of land at Lincoln Park valued at \$440,000, for a total City of Palmetto contribution of \$1,290,000. He distributed a financing plan of estimated project costs and funding considerations. Sales tax funds of \$300,000 previously designated for a Splash Park at Lincoln Park could be relocated toward the balance, leaving a remaining balance of \$1,850,000. Other County revenue (impact fees, sales tax and property taxes) individually, or

a combination of revenues, could fund the \$1,850,000. He suggested the Board consider this plan while discussing the budget during the month of June.

Discussion ensued that some sort of an analysis is needed to justify spending impact fees, and this is dependent on how much impact fee money would be put into the project as opposed to sales tax or property tax revenues.

Motion



A motion was made by Commissioner Smith, to move the body to accept the recommendation that the Palmetto City Commission recommended to the Board of County Commissioners of \$850,000, and \$440,000 in land value, for a total of \$1,290,000, to be accepted by this Board, and in the future, for the County Administrator coming backing back during the budget process. The motion was seconded by Commissioner DiSabatino.

Discussion ensued.



Mitchell O. Palmer, County Attorney, recommended a contractual document be provided prior to the acceptance of the City's offer.

Amendment One



Commissioner Smith amended his motion to add the words, pending the budgetary process of the Board of County Commissioners. Commissioner DiSabatino agreed to the amendment.

Discussion ensued regarding how much money is remaining from old impact fees and determine where funding will come from for net operating costs.

Amendment Two



Commissioner Whitmore further amended the motion to include the words, conceptually accept the City of Palmetto's proposal and direct our staff to work with Palmetto to come up the County's portion of the funding.

Motion - Call the Question



Commissioner DiSabatino moved to call the question. The motion was seconded by Commissioner Jonsson and carried 7-0.

Vote


The Clerk read the motion as amended, and it carried 6-1, with Chairman Benac voting nay.

BC20170509DOC014

RECESS: 12:09 p.m. – 1:31 p.m. All Commissioners were present.

CONSENT AGENDA

Commissioner Requests:

-  Item 16, Clerk's Consent Agenda – Commissioner DiSabatino pulled this item and stated she would abstain from voting.
- Item 18, Brigandi v. Manatee County, Circuit Court Case 2015 CA 2570 – Commissioner DiSabatino pulled this item.
- Item 23, Budget Amendment Resolution B-17-046 – Commissioner DiSabatino pulled this item.

- Item 24, Change Order 1 to Agreement 14-3257CD, Fort Hamer Bridge Project with Road Improvements on Fort Hamer Road and Upper Manatee River Road – Commissioner DiSabatino pulled this item.
- Item 36, Economic Development Incentive Grant – Project Leaf/Resolution R-17-046 – Commissioner DiSabatino commented.

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



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

17. **ATTORNEY/2015 COUNTY HELD TAX CERTIFICATES**

Executed Notice to Proceed with Application for Tax Deeds for 22 properties identified by the Tax Collector in compliance with Rule 12D-13.060(2), Florida Administrative Code; and authorized payment of \$15,950 for the associated tax deed application fees in compliance with 197.502(3), Florida Statutes

BC20170509DOC015

19. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/ESPLANADE, PHASE VII**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of Supplemental Declaration to the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Esplanade, Golf and County Club at Lakewood Ranch;
- Accepted, executed and authorized recording of Consent to Subdivision Plat and All Dedications and Reservations Thereon from Lakewood Ranch Stewardship District;
- Accepted, executed, and authorized recording of Agreement for Public Improvements for a Private Subdivision from Taylor Morrison of Florida, Inc.;
- Accepted, executed, and authorized recording of Agreement for Private Improvements for a Private Subdivision from Taylor Morrison of Florida, Inc.;
- Accepted and executed Surety Bond for Performance of Required Private Improvements, Esplanade Phase VII, Surety Bond SU1145030 from Arch Insurance Company, \$247,984.27;
- Accepted and executed Surety Bond for Performance of Required Private Improvements, Esplanade Phase VII, Surety Bond SU1145031 from Arch Insurance Company, \$6,180.85;
- Accepted and executed Surety Bond for Performance of Required Private Improvements, Esplanade Phase VII, Surety Bond SU1145029 from Arch Insurance Company, \$162,326.37;
- Accepted, executed, and authorized recording of Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon with SMR North 70 LLC; and
- Accepted and authorized recording of Mortgagee's Joinder and Consent from SMR North 70 LLC

B20170509DOC016

20. **BUILDING AND DEVELOPMENT SERVICES/AGREEMENT/FIRE DISTRICT FEES**

Executed Interlocal Agreement with Myakka City Fire Control District, to provide enhanced customer service for owners/applicants involved in construction projects within the County

BC20170509DOC017

21. **BUILDING AND DEVELOPMENT SERVICES/PARRISH LAKES DRI 28**

Scheduled public hearings for the July 13, 2017, Planning Commission meeting and August 3, 2017, Board of County Commissioners meeting to consider the Parrish Lakes Development of Regional Impact DRI 28, in accordance with Florida Statute 380.06(11) and Rule 9J-2.022, Florida Administrative Code

BC20170509DOC018

22. **CONVENTION AND VISITORS BUREAU/AMENDMENT**

Authorized the County Administrator to execute Amendment Four to Reimbursement Agreement and License Agreement for Promotion of Tourism with Longboat Key Chamber of Commerce, outlining changes:

- Instead of the Convention and Visitors Bureau (CVB) budgeting for and planning, negotiating, developing ad slicks, and buying media to promote north Longboat Key, the Longboat Key Chamber will do so on a reimbursement basis with the County; and
- The Longboat Key Chamber will develop cooperative programs specifically geared towards north Longboat Key tourism industry, instead of the CVB developing programs for the Chamber.

BC20170509DOC019

25. **FINANCIAL MANAGEMENT/INVITATION FOR BID (IFB)**

- Awarded IFB 16-3094OV, Force Main 13A Rehabilitation to the lowest, responsive, and responsible bidder, Woodruff & Sons, Inc., for a total of \$5,854,306.04, based on a construction completion time of 660 calendar days (Bid B); and
- Authorized the County Administrator, or his designee, to execute the Agreement and accept and date the Performance and Payment Bonds

BC20170509DOC020

26. **FINANCIAL MANAGEMENT/INVITATION FOR BID (IFB)**

- Awarded IFB 16-3200DC, Force Main 1M Replacement, to the lowest, responsive, and responsible bidder, Pospiech Contracting, Inc., for a total of \$6,510,961.88, based on a construction completion time of 570 calendar days; and
- Authorized the County Administrator, or his designee, to execute the Agreement and accept and date the Performance and Payment Bonds

BC20170529DOC021

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

Allow staff to move forward with a competitive selection process for a Small Dollar Concession Agreement, valued at less than \$50,000, to manage sand volleyball camps, classes, and tournaments at Coquina Beach. (There may also be other sand volleyball opportunities in park settings such as Bennett Park and others developed in the future)

BC20170509DOC022

28. **PROPERTY MANAGEMENT/LEASE AGREEMENT**

- Adopted Resolution R-17-016; and
- Executed and authorized recording of the fully-executed Lease Agreement between the State of Florida Department of Transportation and Manatee County, for North Coquina Boat Ramp Improvements and Parking Lot Expansion, located at 1343 Gulf Drive South, Bradenton Beach

BC20170509DOC023

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

- Accepted and authorized recording of Permanent Utilities Easement from Mandarin Development, Inc., for dedication of a 600-square-foot permanent utilities easement for access to inspect and maintain the potable water and sanitary sewer system (San Riva Trace Subdivision/Carriage Run at University Place); and
- Authorized recording of Affidavit of Ownership and Encumbrances from Pete R. Logan, as Vice-President for Mandarin Development, Inc.

BC20170509DOC024

31. **PUBLIC SAFETY/INTERLOCAL AGREEMENTS**

Executed Interlocal Agreements between Manatee County and the Cities of Bradenton Beach (\$7,853/month, for a FY17 total of \$94,236), Holmes Beach (\$10,000), and Anna Maria Island (\$5,280, to provide FY17 funding for enhanced law enforcement for Manatee Public Beach, Coquina Beach, Leffis Key, Cortez Beach, and Bayside Park

BC20170509DOC025

- 32. **PUBLIC WORKS/ORDINANCE/GOLF CARTS**
Authorized to advertise and set a public hearing on June 6, 2017, to consider adoption of Ordinance 17-35, amending Section 2-22-9 of the Manatee County Code, creating golf cart road designations within Terra Ceia Island; providing for codification, severability, and an effective date BC20170509DOC026

- 33. **PUBLIC WORKS/SPEED TABLE INSTALLATIONS**
Authorized Public Works staff to install two speed tables on 18th Avenue East, between Morgan Johnson Road and 64th Street Court East BC20170509DOC027

- 34. **PUBLIC WORKS/SURPLUS EQUIPMENT**
Authorized to classify 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 dispose of such property BC20170509DOC028

- 35. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/LETTER OF SUPPORT**
Executed letter of support of grant application by Allied New Technologies (ANT) 2, Inc., to Florida Department of Transportation, for ANT2 to develop a manufacturing and logistics center adjacent to Port Manatee BC20170509DOC029


- 36. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/RESOLUTION**
Adopted Resolution R-17-046, finding that Project Leaf is approved for an Economic Development Incentive Grant and a Transportation Impact Fee Incentive BC20170509DOC030

- 37. **UTILITIES/SERVICE FEE WAIVERS**
Waive a total of \$260 in service fees assessed to utility customer accounts for returned bank items BC20170509DOC031


- 38. **UTILITIES/DEEDS AND EASEMENTS**
Executed Sovereignty Submerged Lands Easement 26583 with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, for a 36-inch water transmission line, from the East County Well Field to the Lake Manatee Water Plant, where it is located along S.R. 64 and crosses (either subaqueously or aerially) sovereignty submerged lands along the route BC20170509DOC032

- 39. **UTILITIES/AGREEMENT**
Executed City of Bradenton Wastewater Agreement, effective upon date of execution and expiring September 20, 2036, with a ten-year renewal option, expiring September 30, 2046 BC20170509DOC033

CONSENT AGENDA MOTION

 A motion was made by Commissioner Trace, seconded by Commissioner Baugh, and carried 7-0, to approve the Consent Agenda with changes noted in the Agenda Update Memorandum, and the deletion of Items 16, 18, 23, 24 (separate action) and Item 30 (deferred to 5/23/17).

(End Consent Agenda)

- 16. **CLERK OF THE CIRCUIT COURT – CONSENT AGENDA** BC20170509DOC034
 Commissioner DiSabatino declared a conflict of interest and abstained from voting on Item 16 regarding Warrant List Item A.2.

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

A motion was made by Commissioner Trace and seconded by Chairman Benac, to approve the Clerk’s Consent Agenda. The motion carried 6-0, with Commissioner DiSabatino abstaining. (Commissioner DiSabatino completed a Form 8B Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers.)

A. WARRANTS

- 1. Accepted the warrants for the month of April 2017, as issued by the Finance Department BC20170509DOC035
- 2. Accept the warrant listing for a check to Commissioner DiSabatino for \$30,000 BC20170509DOC036

B. MINUTES

Approved the Minutes of February 15, April 4, 28, and May 1, 2017

C. REFUNDS

Approved:

- 1. Classic Neighborhood Development LLC - Overpayment of construction drawing review fee, \$1,530 BC20170509DOC037
- 2. Maronda Homes - Utility Wastewater Facility Investment Fee, \$2,136 BC20170509DOC038
- 3. Utilities Customer 223976-53423 - Overpayment, \$8,158.52 BC20170509DOC039

D. LIEN/PARTIAL RELEASE

Accepted and authorized recording of a Partial Release of Special Improvement Assessment Lien:

- 1. Project 3134 - 87th Street Court and 89th Street Northwest Sewer, Leslie A. Robilio and Toya L. Crutchfield BC20170509DOC040

E. CONTRACTS

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. Agreement with Woodruff & Sons, Inc., for the 63rd Street East (Braden River Road) Water Main Loop, from 61st Street East to S.R. 70, and the installation of various water mains, \$281,130.18 BC20170509DOC041

F. REPORTS


Accepted:

- 1. Copperstone Community Development District (CDD) - Proposed FY 2017/2018 Budget BC20170509DOC042
- 2. Trailer Estates Park & Recreation District FY 2017/2018 Budget BC20170509DOC043
- 3. Waterlefe CDD Proposed FY 2017/2018 Budget BC20170509DOC044


18. ATTORNEY/LAWSUITS

 Mitchell O. Palmer, County Attorney, recommended the Board reject a proposal for settlement received from Paul Brigandi, Personal Representative of the Estate of Catherine Brigandi, in Circuit Court Case 2015 CA 2570.

Discussion ensued regarding the previous proposal for settlement, the plaintiff is deceased, a determination on liability has to first be established before agreeing to damages, authorize a not-to-exceed amount to settle the claim, and let the process unfold.

 Geoffrey Nichols, Assistant County Attorney, responded to questions regarding the timeframe of the filing of this suit.

Motion

 A motion was made by Commissioner Whitmore and seconded by Commissioner Trace, to approve the recommended action (to reject a proposal for settlement as received from Paul

Brigandi, Personal Representative of the Estate of Catherine Brigandi, in Circuit Court Case No. 2015 CA 2750).


Further discussion occurred regarding the responsibility of the Plaintiff to initiate settlement, staff conducted an investigation, the County Attorney outlined the steps taken on tort claims, the results of the investigation, the County's offer to settle was not accepted, and settlement is being sought between the parties.

Motion - Call the Question

Commissioner Trace moved to call the question. The motion was seconded by Commissioner Whitmore and carried 5-2, with Commissioners DiSabatino and Smith voting nay.

The motion to reject the settlement proposal carried 5-2, with Commissioners DiSabatino and Smith voting nay. BC20170509DOC045

23. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT RESOLUTION**

 Jan Brewer, Financial Management Director, explained the request by the County Attorney for a transfer of \$50,000 from contingency reserves (Budget Amendment Item No. 4) as part of Budget Amendment Resolution B-17-046.


Discussion occurred regarding a request to send a report to Commissioners outlining funds paid out to date for outside counsel, and funds set aside for outside counsel services.

 A motion was made by Commissioner Whitmore and seconded by Commissioner Trace, to adopt Budget Amendment Resolution B-17-046.

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


The motion carried 6-1, with Commissioner DiSabatino voting nay. BC20170509DOC046

24. **FINANCIAL MANAGEMENT/CHANGE ORDER**

 Jan Brewer, Financial Management Director, requested this item be presented later in the meeting so that Project Management staff can address questions. BC20170509DOC047


(Continued to later in the meeting)

30. **PROPERTY MANAGEMENT/RESOLUTION R-17-025/MANATEE RIVER FAIR ASSOCIATION, INC.** (continued)

 Dan Schlandt, Deputy County Administrator, stated this item is deferred to May 23rd, as the Fair Board requested an opportunity to make a presentation to Board. BC20170509DOC002

41. **ADMINISTRATOR/MYAKKA CITY FIRE CONTROL DISTRICT**


 Chief Daniel Cacchiotti, Myakka City Fire Control District, requested adoption of Resolution R-17-044, to appoint Fire Commissioners to fill District Seats 2 and 4. The two incumbents have applied for reappointment.

 A motion was made by Commissioner Baugh and seconded by Commissioner Smith, to adopt Resolution R-17-044, to appoint Fire Commissioners to fill District Seat 2 (Jason McKendree) and Seat 4 (Robert Hendrickson).


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


The motion carried 7-0. BC20170509DOC048

24. **FINANCIAL MANAGEMENT/CHANGE ORDER – FORT HAMER BRIDGE PROJECT** (Continued)

 Sia Mollanazar, Public Works, responded to questions regarding the new signalization, the increase in the contract amount, and the additional time for the construction schedule. The contractor on this project has been very responsible, and it is anticipated the bridge will be open August 16th.

Discussion ensued that traffic signals are proposed at Golf Course Road and Mulholland Road, funds expended to date on this project, and impact fees expended by area.

 Jan Brewer, Financial Management Director, stated the majority of this project is funded by the northeast impact fees and gas taxes.

 A motion was made by Commissioner Trace and seconded by Commissioner Whitmore, to authorize the County Administrator, or his designee, to execute Change Order 1 to Agreement 14-3257CD, Fort Hamer Bridge Project with Road Improvements on Fort Hamer Road and Upper Manatee River Road with Johnson Bros. Corporation, increasing the contract sum by \$696,999.44, from \$32,690,155.48 to \$33,387,154.92, and adding 121 calendar days to the construction schedule.


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

 The motion carried 7-0.

BC20170509DOC047

ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)

43. **ORDINANCES/COMPREHENSIVE PLAN AMENDMENT**

 A duly advertised public hearing was held to consider adoption of Comprehensive Plan Amendment PA-16-06/Ordinance 17-14, SMR North 70 LLC/Lakewood Centre. The Planning Commission recommended adoption.

and

44. **ORDINANCE/DRI 27**

A duly advertised public hearing was held to consider adoption of Ordinance 17-16, Lakewood Centre DRI 27. The Planning Commission recommended adoption.


and

45. **ORDINANCE/ZONING**

A duly advertised public hearing was held to consider adopting proposed Zoning Ordinance PDMU-06-30(G)(R4), SMR North 70 LLC/SMR Northwest Land LLC/Lakewood Centre. The Planning Commission recommended adoption.


There being no public comment, Chairman Benac closed public comment on Items 43, 44, and 45.

Motion – PA-16-06/Ordinance 17-14


 Based upon the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission, and finding the request to be consistent with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes and the Manatee County Comprehensive Plan, Commissioner Trace moved to adopt Plan Amendment PA-16-06/Ordinance 17-14, as recommended by the Planning Commission. The motion was seconded by Commissioner Baugh and carried 7-0.

BC20170509DOC049


Motion – DRI 27/Ordinance 17-16


 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, the Manatee County Land Development Code, and Section 380.06, Florida Statutes, subject to the conditions of approval established in the Development Order, and subject to Plan Amendment PA-16-06/Ordinance 17-01 becoming effective, Commissioner Jonsson moved to approve DRI 27 and adopt Manatee County Ordinance 17-16, as recommended by the Planning Commission. The motion was seconded by Commissioner Trace and carried 7-0. BC20170509DOC050


Motion - PDMU-06-30(G)(R4)

 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, the Manatee County Land Development Code, as conditioned herein, Commissioner Trace moved to approve Manatee County Zoning Ordinance PDMU-06-30(G)(R4); approve the revised General Development Plan with Stipulations; grant Special Approval for a project in the MU (Mixed Use) Future Land Use Category; subject to Plan Amendment PA-16-06/Ordinance 17-14 becoming effective, as recommended by the Planning Commission. The motion was seconded by Commissioner Jonsson and carried 7-0. BC20170509DOC051

46. **ATTORNEY/RECORDS REQUESTS BY COUNTY COMMISSIONERS**


 Mitchell O. Palmer, County Attorney, stated this item was continued from the April 25th meeting, and that no further information is presented.

 Discussion ensued that Commissioners should be exempt from being charged for requests for emails or past history for items needed in the line of duty, other Constitutional Officers pay for public records requests out of their budget, it is important that Commissioners get the information they need to do their job without paying for it, if there is a question as to whether or not requests are for business or personal uses, allow the Board to discuss and vote, and keep the policy as it is.


 Debbie Scaccianoce, Records Manager, explained how public records requests are processed.


 Chairman Benac declared a point of order.


 Mr. Palmer addressed Florida Statute 119 and current procedures.

 A motion was made by Commissioner Baugh, to exempt Commissioners from public record request charges, unless it looks like it is personal; at which time, it comes before this Board, for us to look at it on the dais and make a decision. The motion was seconded by Commissioner Smith.


Discussion ensued.

 Ms. Scaccianoce stated her department receives approximately 5,000 public records requests per year of which, approximately 500 requests result in a special service charge.


 Mr. Palmer stated a resolution would be crafted to reflect the Board's new policy. He questioned who within the administration would make the determination that the public records request is personal in nature and requiring Board action.

 For clarification purposes, the County Attorney stated it would be the County's Records Manager that would make the determination as to whether the matter appears to be personal.

Following discussion, Mr. Palmer clarified that it would be the Public Records Manager that will make the determination to bring the matter to the Board. Commissioner Baugh agreed.


 Upon question, Ms. Scaccianoce stated she was confident to be able to tell a Commissioner that their request is personal and make the determination to bring the matter to the Board.

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

 Commissioner Baugh amended the motion to designate the Public Records Manager as the individual to make the determination to bring the public record request to the Board.

The County Attorney requested the motion also include, "to instruct the County Attorney to prepare the necessary resolution to bring back to the Board for consideration and adoption."


Commissioners Baugh and Smith agreed to the amendment and inclusion of wording.


 The motion, as amended, carried 5-2, with Commissioners Trace and Whitmore voting nay.

Discussion ensued.

BC20170509DOC052

47. **ADMINISTRATOR/DASHBOARD REPORT - MARCH 2017**


 Dan Schlandt, Deputy County Administrator, presented the Dashboard report for March 2017.

 Discussion occurred regarding the impact fees monthly totals page, and whether the facility energy usage page is still necessary.


No Board action is requested.


BC20170509DOC053

COMMISSIONERS' COMMENTS

 Chairman Benac

- Stated the Board will be hearing from the County Administrator search firm (Springsted Waters), in a work session format, on Tuesday, May 16th

 Rodney Barnes, Human Resources Director, stated time has been set aside on May 16th at 1:30 p.m., to meet with the search firm to guide the Board through the process of selecting the next County Administrator. This initial meeting will allow the firm to walk through the proposed steps of the process and for the Board to discuss with the firm, the profile for the next County Administrator.

 Discussion occurred regarding Commissioner access to the applications, Commissioners can attend committee meetings where applicants are being vetted, the Board can accept or decline the search firm recommendations and ask that the applicant search continue, whether all Commissioners met individually with Mr. Barnes, the work session will be noticed and advertised, each Commissioner should be prepared with a list of questions and the search firm will provide the Board with a questionnaire.

 Commissioner Whitmore

- Commented on meetings regarding the Making Strides against Breast Cancer walk, and stated the event will be held at Benderson Park
 - Commented on a Florida Department of Transportation (FDOT) public hearing tonight regarding the Cortez Road improvements at 119th Street, and stated FDOT would like to meet with the County and the Clerk to resolve concerns
- Discussion ensued as to how the property was acquired.

 Commissioner Trace

- Read from her sheet of comments and asked fellow Commissioners to consider the County's priorities prior to hiring a new County Administrator BC20170509DOC054
- Discussion ensued on the need to have goals for the new County Administrator, the need to be proactive rather than reactive, and the need for a business model.

 Commissioner DiSabatino


- Commented on a previous discussion regarding the Board's procedures and Robert's Rules of Order. She questioned whether Board procedures should be modified.
 - Asked if the Board should proceed with electronic public comment cards
- Discussion occurred about pursuing a computer program that will enable electronic public comment cards, discuss during budget meetings, and the process used by the School Board.


 Chairman Baugh

- Requested a report on the status of the change to the software for the Citizens Action Center Program BC20170509DOC055


(Commissioner Comments continued to later in the meeting)

SCHOOL ZONES

 Commissioner Baugh asked that speed limit (school zone) signs be considered for private schools on major roadways. The current ordinance only references public schools.

 A motion was made by Commissioner Baugh, for the County Attorney and County Administrator's Office to work with Public Works, to look at the ordinance to see if it can be changed to include private schools, and come back to the Board within 30 days. The motion was seconded by Commissioner DiSabatino.

Discussion ensued to address this in a work session, determine how many schools will be affected, find out the process of other counties and report to the Board, and a suggestion that the request for legal services come from Public Works Department with the necessary back-up documentation.

 Commissioner Baugh amended the motion to have a report come back within 30 days with the information requested about public/private schools and traffic/speed signs.

Commissioner DiSabatino agreed, further suggesting the motion include day cares, and the motion, as amended, carried 7-0.

COMMISSIONERS' COMMENTS (continued)



Commissioner Baugh

- Stated FDOT held a recent meeting at Lakewood Ranch Town Hall regarding the Diverging Diamond Interchange. The Interchange might be open by the end of June, and improvements will then commence at State Road 70 and I-75.



Commissioner Smith

- Referred to a message he received regarding the Samoset Community Center and asked who owns the center

Discussion was held to provide the Board with a narrative of the history of that property.

- Asked the County Attorney to brief the Board on the plans for the June 14th work session on Charter Government

Mitchell O. Palmer, County Attorney, stated the session is scheduled for 6:00 p.m., at the Bradenton Convention Center. Ginger Delegal, Executive Director of the Florida Association of Counties, as well as the County Attorney's office, will make presentations. Constitutional Officers, Mayors, and Police Chiefs will be notified and asked to participate.

- Requested the Board receive a report on the outcome of the legislative session
- Requested an update on the County Hiring Fair scheduled May 10th at the Bradenton Convention Center



Chairman Benac

- Commented on the number of proclamations at each meeting and asked if the Board wished to set a maximum number for each meeting

Discussion took place about scheduling a separate meeting, once a month, for awards and proclamations.

Following discussion, Chairman Benac tabled the subject.

- Stated Constitutional Officers have asked what is expected from them at the May 26th budget work session

Discussion ensued that Constitutional Officers need to present their budgets if they are asking for an increase, the public should be able to question the Constitutional Officers, and the expectation is they would provide general information to the Board to justify their request.

- Reported that Commissioners just received an email from Karen Windon, Deputy County Administrator, regarding electronic public comment cards BC20170509DOC055


(Further Commissioners Comments following the next item)

COUNTY ATTORNEY COMMENTS



Mitchell O. Palmer, County Attorney, reported on the outside counsel component of the County Attorney's budget. An EXCEL budget worksheet will be forwarded to Commissioners.

COMMISSIONER'S COMMENTS (continued)

-  Chairman Benac announced she cannot attend the Metropolitan Planning Organization Regional Transportation Leaders workshop on May 12th, and extended an invitation for anyone to go.

ADJOURN

There being no further business, Chairman Benac adjourned the meeting at 4:43 p.m.

Minutes Approved: _____