


**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
September 26, 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 9:01 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

1. The Invocation was delivered by Pastor Geoff Henderson, Harbor Community Church, followed by the Pledge of Allegiance.

REVISED AGENDA, UPDATE MEMORANDUM AND ANNOUNCEMENTS

BC20170926DOC001


-  Item 33, Fort Hamer Extension Interlocal Agreement - The agenda item was updated to include the Interlocal Agreement
- Add-On Item 37, Low Income Pool Agreements - Request for:
 1. Approval of Low Income Pool (LIP) funds and the associated Letter of Agreement (LOA) with the Florida Agency of Health Care Administration (AHCA) for Manatee Memorial Hospital (\$3,426,586), Blake Hospital (\$280,732), and Manatee County Rural Health Services (\$1,419,268), and authorization for \$200,000 to be used for results-based contracting with each provider, for a total approved budget amount of \$5,326,586; and
 2. Authorization for the Neighborhood Services Department Director, and/or their designee, to sign AHCA Letters of Agreement

CONSENT AGENDA

 Commissioner Requests:


- Item 13, Reduction of Code Enforcement Fines for Donald G. Spiller, Code Enforcement Case CE2011040316 - Pulled by Commissioner Smith
- Item 14, Reduction of Code Enforcement Fines for Brian J. Keifer, Code Enforcement Case CE1999040338 - Pulled by Commissioner Smith

AWARDS

2.  Retirement Award - Frances Barba, Librarian I, Neighborhood Services Department, honoring her 35 years of service.


BC20170926DOC002

PROCLAMATIONS


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

3. Manufacturing Awareness Month – October 2017, accepted by Peter Straw, Sarasota-Manatee Area Manufacturers Association. BC20170926DOC003
4. Walter L. “Mickey” Presha Day – October 19, 2017, Mr. Presha will be presented the Proclamation BC20170926DOC004


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


 Alice Newlon, Manatee Solar Co-op, distributed informational materials explaining how the Co-op works and requested the Board’s assistance in reaching Manatee County homeowners.


Chairman Benac suggested that Ms. Newlon contact Cheri Coryea, Neighborhood Services Director and staff to help get this information out to the residents.

 Leola Meyer, Shadybrook Village Homeowners’ Association, submitted her comments, photographs, a petition of 200+ signatures and spoke about flooding in Shadybrook Village and surrounding Whitfield neighborhoods. Residents are requesting ditch cleanout, creek dredging, tree removal and financial assistance to those whose homes flooded. She requested the County halt all future development of natural wetland retention areas along Bowlees Creek.

 Robin Moore stated her home is damaged from the flooding.


 Dr. Raymond Hundley stated the Whitfield area neighborhood has flooded 22 inches this year. He requested assistance in dredging Bowlees Creek to alleviate the flooding.

 Sharyn Hundley submitted her statements and expressed anguish caused by the loss of her property due to the flooding.

 John Vos, Margaret May Dutton, Debra Wicherman and Robert Watson were not present to speak.


Paula Knudsen lost three to six feet of creek bank. The trees in Shadybrook are falling, because there is no tree base due to the large amount of flooding.

 Barbara Hicks, resident in Flood Zone C, requested remediation of this flooding problem.

 Leonore MacDonald, resident in Flood Zone C, stated her home is 14 feet above sea level, but the back side of her home is sinking into the ground.

Bonnie Meininger and Richard Meininger were not present to speak.


Casandra Burns, Member of the Board of Directors of Shadybrook Homeowners’ Association, stated the dredging of Bowlees Creek must be addressed.


 Carolyn Jeanne Jochens stated her former address was on Danny Drive and Bowlees Creek was behind her yard. The Army Corps of Engineers denied her request to build a sea wall as she was advised this would cause further flooding problems.


 Glen Gibellina questioned how the County plans to address the Shadybrook flooding problem; displayed a sheet on the lack of County-owned shelters, solar Co-op, PACE Program, the completion of 28th Street East in the New Pierce neighborhood, and affordable housing.

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


Commissioner Trace questioned if 45 days would be enough time for staff to examine the flooding issue and report back to the Board.

 Ron Schulhofer, Public Works Director, stated that staff is currently examining the problem, and that 45 days is sufficient to bring back a report.


 A motion was made by Commissioner Trace, seconded by Commissioner DiSabatino and carried 7-0, to have a work session within 45 days to get an update on and discuss these issues (flooding in the Shadybrook/Whitfield areas).

 Discussion occurred to determine if the apartment complex is retaining the necessary water on the property, recent extreme rain events, engineering of the apartment complex and the retention ponds, find out if there are grants that can be used to help address this issue, 60 Minutes special on nationwide flooding issues due to development, small retention ponds, and the convergence of Pittsburgh and Pearce Drains into Bowlees Creek. BC20170926DOC005

CONSENT AGENDA MOTION

 A motion was made by Commissioner Trace, and seconded by Commissioner Smith, and carried 7-0 to approve the Consent Agenda, with the changes noted in the Agenda Update Memorandum, and with the deletion of Items 13 and 14 (separate action).

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

 There being no further citizen comments, Chairman Benac closed Citizen Comments. BC20170926DOC006

Vote - To Approve the Consent Agenda

The motion carried 7-0.

7. **CLERK'S CONSENT AGENDA**

BC20170926DOC007

A. **REFUNDS:**

Approved:

- 1. Utility Customer 260330-148971 - Maintenance Fee Adjustment, \$919.34 BC20170926DOC008
- 2. Utility Customer 68955-152382 - Maintenance Fee Adjustment, \$670.95 BC20170926DOC009
- 3. Utility Customer 100374-73758 - Irrigation Leak, \$932.46 BC20170923DOC010
- 4. Utility Customer 232624-129149 - Billing Adjustment, \$736.51 BC20170926DOC011

B. **LIENS/PARTIAL RELEASE**

Accepted and authorized recording of the following Partial Release of Special Improvement Assessment Liens:

- 1. Project 3138 - 47th Avenue East Sewer, Katie and Haydon McPartland BC20170926DOC012

- 2. Project 4218 – Warner’s West Canal Dredging, Kathryn Clark BC20170926DOC013
- C. **REPORTS**
 - Accepted:
 - 1. Heritage Harbour South Community Development District, Resolution 2017-08 for FY17/18 Meeting Schedule BC20170923DOC014
 - 2. Manatee County Mosquito Control District – Resolutions setting meeting dates, adopting millage and adopting budget for FY17/18 BC20170923DOC015
 - 3. Southwest Florida Water Management District – FY18 Meeting Schedule and map of District boundaries BC20170926DOC016
- D. **BONDS**
 - 1. Brookside Estates – Accepted Continuation Certificate in Conjunction with Agreement previously approved, Surety Bond 0190837, expiration 9/18/18, \$43,218.50 BC20170926DOC017
 - 2. Dakin Natural Soils Borrow Pit – Released Agreement in Conjunction with Letter of Credit as Security Insurance Performance and Compliance of Site Reclamation, Letter of Credit 264237321, \$133,949; accepted Agreement in Conjunction with Letter of Credit as Security Insuring Performance and Compliance of Site Reclamation, and accepted and executed Letter of Credit 281204-001, expiration 4/1/20, \$133,949 BC20170926DOC018
 - 3. Enclave at Country Meadows – Accepted Consent of Surety Bond Rider in conjunction with Agreement Warranting Required Improvement securing sanitary sewer system improvements, Surety Bond SEIFSU0632714, expiration 4/3/19, \$9,931.10 BC20170926DOC019
 - 4. Estuary – Released and returned Surety Bond and any riders associated with Surety in conjunction with the performance portion of Agreement for Private Subdivision with Public Improvements, Surety Bond CS9826737, \$1,055,496; executed and recorded addendum in conjunction with Section 1.5 “Maintenance Defects” of Agreement for Public Subdivision Improvements, Surety Bond CS9826742, \$70,229.20; and accepted, executed and recorded Bill of Sale BC20170923DOC020
 - 5. Harrison Ranch, Phase 11 B-5A – Accepted Verification Certificate in Conjunction with Agreement Warranting Required Improvements, for Surety Bond 1102069, expiration date 10/21/18, \$177,486.05 BC20170923DOC021
 - 6. Heritage Harbour Subphase G, Unit 1-A – Released Defect Security Agreement Warranting Required Improvements, \$41,211.40, and released and returned Letter of Credit FGAC-13159, \$41,211.40 BC20170926DOC022
 - 7. Mallory Park, Phase 1, Subphase A, C, and E – Released and returned Surety Bond and any riders associated with this Surety in conjunction with the performance portion of Agreement for Private Subdivision with Public Improvements, Surety Bond 268007746, \$1,042,725; accepted and executed Addendum in conjunction with Section 1.5 “Maintenance Defects” of Agreement for Private Subdivision with Public Improvements, Surety Bond CMS290989, \$80,209.60, and accepted and executed Bill of Sale BC20170926DOC023
 - 8. Prospect Point – Released Agreement in Conjunction with Surety Bond (Attachment A) as Defect Security Warranting Required Improvements, released and returned Letter of Credit 466964, and any amendments, \$40,780.97; accepted and executed Agreement and Cash Bond/Cashier’s Check/Certificate of Deposit as Defect Security Warranting Required Improvements, and accepted Cashier’s Check 1671807909, \$3,059.60 BC20170926DOC024
 - 9. River’s Reach, Phase 1-A – Released Agreement in Conjunction with Surety Bond as Defect Security Warranting Required Improvements and released and returned Surety Bond SEIFSU0650039 and any riders, \$1,659.35 BC20170926DOC025

- 10. Trevest Phase 1-A - Released Surety Bond SUR60000819 in conjunction with the performance portion of Agreement for Public Subdivision Improvements, \$6,356,876.86; accepted and executed Addendum in conjunction with Section 1.5 "Maintenance Defects" of Agreement for Private Subdivision with Public Improvements with Surety Bond 1148535, \$371,988; accepted Addendum for final lift of asphalt improvements publicly maintained Surety Bond 1148722, \$111,887.15, and accepted and executed Bill of Sale BC20170926DOC026
- 11. Venue at Lakewood Ranch - Released Agreement in Conjunction with Surety Bond as Defect Security Warranting Required Improvements, and released and returned Surety Bond B1215477, \$5,897.53 BC20170926DOC027

E. SHERIFF BOND

Accepted the list of 14 additional employees and deletion of 12 employees from the Sheriff's Public Employee Bond BC20170923DOC028

8. ADMINISTRATOR/RESOLUTION

Adopted Resolution R-17-113, authorizing expenditure of \$10,000 to the Manatee County Fair Association for major sponsorship during the 2018 Manatee County Fair BC20170926DOC029

9. ADMINISTRATOR/LICENSE AGREEMENT

Executed License Agreement for Exhibitors and Concessionaires with Manatee River Fair Association BC20170926DOC030

10. ATTORNEY/SETTLEMENT

Ratified Manatee County's Proposal for Settlement in the matter of Mandarin Development, Inc., v. Manatee County, Case 2015-CA-2563, as it relates to the development of the Riva Trace residential subdivision BC20170926DOC031

11. BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT

Approved Partial Release of Lien and authorized Building and Development Services Department Director to execute Partial Release of Lien in Code Enforcement Case CE2016050165 BC20170926DOC032

12. BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT

Reduced the fine for Case CE201409025 to \$5,000 (as previously recommended by the Special Magistrate on 8/30/17), subject to the following conditions:

- The reduced fine shall be paid within 90 days, or will revert back to the original fine amount of \$94,050, for Case CE2014090205;
- Recording fees need to be collected, which total \$40; and
- Building and Development Services Department Director is authorized to sign satisfactions of liens if the reduced fines are paid BC20170926DOC033





15. CONVENTION AND VISITORS BUREAU/AGREEMENT

Authorized the County Administrator to execute Amendment One to Reimbursement Agreement for Capital Improvements with Realize Bradenton (12/1/15), extending the agreement by one year and three months (12/31/18), in order to complete the three-mile cultural corridor of public art to connect Riverwalk, Main Street, South Florida Museum, Manatee performing Arts Hall, Art Center Manatee and the Village of the Arts BC20170926DOC034


16. CONVENTION AND VISITORS BUREAU/GRANT/AGREEMENT

Authorized the Convention and Visitors Bureau (CVB) Director to execute a Grant Agreement between the Florida Sports Foundation, Inc., and the Bradenton Area Sports Commission, for

- a grant award of \$6,000 to the Commission (Division of the Bradenton Area for the CVB) for the USA Ultimate (Frisbee) Club Championship Event (10/19-22/17) BC20170926DOC035
17. **CONVENTION AND VISITORS BUREAU/RESOLUTION**
Adopted Resolution R-17-038, designating the Convention and Visitors Bureau (CVB) as the Arts Agency of Record, allowing the CVB to receive funds derived from the County's Arts Specialty License Plate BC20170926DOC036
18. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT RESOLUTION**
Adopted Budget Amendment Resolution B-17-074 BC20170926DOC037
19. **NEIGHBORHOOD SERVICES/AGREEMENT**
Authorized the County Administrator to execute Amendment Number One to the FY 16/17 Nonprofit Agency Services Agreement with Manatee Community Action Agency, for the Teaching Our Toddlers' Program (effective 10/1/16) BC20170926DOC038
20. **PARKS AND NATURAL RESOURCES**
Executed Amended and Restated Interlocal Agreement with the Environmental Protection Commission of Hillsborough County, for the Storage Tank System Compliance Verification Program, for a period of five years (7/1/17-7/30/22) BC20170926DOC039
21. **PROPERTY MANAGEMENT/CONTRACT**
Executed Contract for Sale and Purchase with David Kilgour, Jr., and Mary Jo Kilgour, for property located at 8410 36th Avenue East, Palmetto, for the purpose of the Ellenton Gillette Road Functional Improvement Project (U.S. 301 to Moccasin Wallow Road), in the amount of \$56,000 BC20170926DOC040
22. **PUBLIC SAFETY/GRANT AGREEMENT**
- Adopted Resolution R-17-086, accepting a grant award from the State of Florida, Division of Emergency Management, for the Emergency Management Preparedness and Assistance Trust Fund (7/1/17-6/30/18), in the amount of \$115,806;
 - Authorized the Chairman, or in their absence, the First Vice-Chairman to execute all related documents; and
 - Adopted Budget Resolution B-17-061 BC20170926DOC041
23. **PUBLIC SAFETY/GRANT AGREEMENT**
- Adopted Resolution R-17-087, accepting a grant award from the State of Florida, Division of Emergency Management, under the Federally-funded Emergency Management Performance Grant, (7/1/17-6/30/18), in the amount of \$116,140;
 - Authorized the Chairman, or in their absence, the First Vice-Chairman to execute all related documents; and
 - Adopted Budget Resolution B-17-062 BC20170926DOC042
24. **PUBLIC SAFETY/GRANT AGREEMENT**
- Adopted Resolution R-17-104, accepting a grant award from the State of Florida, Division of Emergency Management, for the annual update of the State Hazardous Materials Emergency Response Plan, (7/1/17-6/30/18), in the amount of \$6,809 (no match required);
 - Authorized the Chairman, or in their absence, the First Vice-Chairman to execute all related documents; and
 - Adopted Budget Resolution B-17-072 BC20170926DOC043

25. **PUBLIC WORKS/BONDS/WINGATE CREEK MINE**
Accepted Surety Bond Rider 09079662, increasing the Bond amount from \$2,775,894 to \$3,465,859, for the 2017/2018 Annual Report period BC20170926DOC044
26. **PUBLIC WORKS/STATE TRANSIT CORRIDOR PROGRAM**
Executed Time Extension Request Form for the Fiscal Year 16/17 Multi-Year Joint Participation Agreement (JPA) Notice of Funding for the State Transit Corridor Program, extending the JPA for the project until September 30, 2018 BC20170926DOC045
27. **PUBLIC WORKS/AGREEMENT**
Authorized the County Administrator to execute the Second Amendment to Agreement with the Southwest Florida Water Management District, to Provide Access to Near Real-Time District Data Collection to add eight, additional surface water and rainfall monitoring sites, add one rain gauge at the Manatee County Public Works Department office, and modify contract language BC20170926DOC046
28. **UTILITIES/BAD DEB WRITE-OFFS**
Authorized to write off bad debts of the Utilities Department, not to exceed \$156,525.80 in Fund 401 (Potable Water/Wastewater), \$38,774.62 in Fund 480 (Solid Waste), and \$1,026.48 in miscellaneous Tort Claims BC20170926DOC047
(End Consent Agenda)
30. **NEIGHBORHOOD SERVICES/PUBLIC SAFETY COORDINATING COUNCIL**
 Renese Remy, Criminal Justice Liaison, summarized the request and referenced the additional seats (as a subcommittee of this Council) that will filled by the Chiefs of Police from each municipality in order to obtain grant funding.
-  A motion was made by Commissioner Whitmore, seconded by Commissioner Smith and carried 7-0, to 1) approve the appointment of the director of a local substance treatment program, or a member designated by the director, to be appointed to a four-year term (10/1/17 - 9/30/20), specifically, Centerstone; and 2) approve the appointment of representatives from County and State jobs programs, and other community groups who work with offenders and victims, appointed by the Chairman of the Board of County Commissions to four-year terms (10/1/17 - 9/30/20), specifically, the Bradenton Police Department and Manatee County Drug Court. BC20170926DOC048
31. **BUILDING AND DEVELOPMENT SERVICES/ORDINANCES**
 A duly advertised public hearing was held to consider adoption of proposed Ordinance 17-44, relating to Code Enforcement Special Magistrates and Civil Citations - Repealing Article I of Chapter 2-9 and Section 2-2-25 of the County Code and Creating Chapter 2-7.
- Upon question, Jeff Bowman, Code Enforcement Chief, explained the civil citation process.
- There being no public comment, Chairman Benac closed public comment.
-  A motion was made by Commissioner DiSabatino, seconded by Commissioner Trace, and carried 7-0, to adopt Ordinance 17-44, relating to Code Enforcement Special Magistrates and Civil Citations, creating Chapter 2-7 of the Manatee County Code, and repealing Article I of Chapter 2-9 and Section 2-2-25 of the County Code. BC20170926DOC049

32. **FINANCIAL MANAGEMENT/ORDINANCES**


 A duly advertised public hearing was held to consider adoption of proposed Ordinance 17-51, amending Chapter 2-29 of the County Code, to clarify the boundaries of the Port Manatee Improvement District.

Jan Brewer, Financial Management Director, stated this Ordinance clarifies the boundaries of the Port Manatee Improvement District through an update to Attachment A, which is the map depicting the boundaries.

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

A motion was made by Commissioner Trace, seconded by Commissioner DiSabatino and carried 7-0, to adopt Ordinance 17-51, amending Chapter 2-29 of the Manatee County Code of Laws to clarify the boundaries of the Port Manatee Improvement District. BC20170926DOC050

33. **PUBLIC WORKS/INTERLOCAL AGREEMENT/FORT HAMER EXTENSION**

 Sia Mollanazar, Public Works Deputy Director, reviewed the request to authorize the County Administrator to execute the Interlocal Agreement with the School Board, which will coordinate funding and accelerated construction extension of Fort Hamer Road, from U.S. 301 to Erie Road, so that it will be in place when a new high school is completed in that area.


Staff is in negotiations to acquire property; the estimated 31 percent of the total length of that stretch will be serving the school for better access rather than congesting Erie Road. The School District's share of the cost is \$2 million, and this amount shall not be reimbursed. The County shall reimburse the School District the remaining balance of \$2 million plus interest at an annual rate of 1.74 percent, with repayment of the principal amounts as follows: one-third in 2022, one-third in 2023, and the remaining one-third balance in 2024.


The alignment is already in discussion with Neal Communities and 12 properties must be acquired. The Agreement provides that the School District is to the advance funds for the engineering design, permitting, right-of-way acquisition, construction management services and construction of that portion of the 2,220 feet of the school access segment of Fort Hamer Road. The design is a two-lane roadway with a seven-foot bike lane on each side, an eight-foot sidewalk on the west side (school property) and a five-foot sidewalk on the east side.


Motion – Interlocal Agreement

A motion was made by Commissioner Trace and seconded by Commissioner DiSabatino, to authorize the County Administrator to execute the Interlocal Agreement regarding Fort Hamer Extension between Manatee County and the School Board of Manatee County.


 Discussion ensued.

 Mike Pendley, Manatee County School District, responded to question regarding the phasing in of students upon completion of the high school.

 Xavier Colon displayed an aerial map to reference a request by Parrish residents for a multi-use trail along the Fort Hamer extension, rather than a five or seven-foot sidewalk.


 Pat Neal, Neal Communities, spoke of his commitment of \$60,000 toward the improvements, and that the Neal group has proposed a ten-foot, multi-use trail.

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

 Mr. Mollanazar reiterated the County is planning for an eight-foot sidewalk on the west side of the road, a five-foot sidewalk on the east side, and two, seven-foot bike lanes.

Amendment – Withdrawn

Commissioner Trace amended the motion to keep the five feet on one side and a ten-foot, multi-use trail on the other side of the roadway. The motion was seconded by Commissioner Smith.


 Inasmuch as the agreement is a financial transaction and is silent on specifics such as the size of the sidewalks, Bill Clague, Assistant County Attorney, recommended that separate motions be made for each of those issues.

The amendment to the motion was **withdrawn**.

Discussion continued that sidewalks should be wider than five feet, and the County’s share of funding in this agreement will come from impact fees.

Vote – Interlocal Agreement


The motion to authorize execution of the Interlocal agreement carried 7-0.

 Ron Schulhofer, Public Works Director, stated this roadway is in the alignment phase. The community will be included in the discussions and staff will return to the Board on what the typical road is to look like based on community input.

Further discussion was held regarding providing the Board with the costs for a ten-foot multi-use trail and sidewalk standards, and these infrastructure improvements are being paid with impact fees.

BC20170926DOC051

34. **PUBLIC WORKS/HIDDEN RIVER TRAIL BICYCLE USAGE**

 Vishal Kakkad, Traffic Design Division Manager, requested the Board provide direction to staff on whether to prohibit bicycle usage or not on Hidden River Trail. He utilized a slide presentation outlining roadway geometry, existing conditions, the average speed of drivers on that roadway, the history of signage prohibiting bicycles and golf carts on Hidden River Trail between Lakewood Ranch Boulevard to Lorraine Road, changes to the ramp onto the multi-use trail for easier use by bicyclists, and a request by the Sheriff’s office for an ordinance to enforce the no bicycle and golf cart restrictions.

Hidden River Trail is a two-lane roadway with ten-foot travel lanes in both directions with ten-foot multi-use paths on the north side and intermittent medians located south of State Road 70, north between University Parkway and State Road 70, between Lakewood Ranch Boulevard and Lorraine Road. This section is a no-passing zone and the posted speed limit is 25mph.

Discussion ensued that it was discovered that between 2011 and 2014, signs prohibiting bicycles and golf carts on Hidden River Trail were missing but were re-installed by staff, bicycles should use the multi-use path, ticketing speeders on this road, Schroeder-Manatee Ranch was required to construct this road, bicycles and motor vehicles have the same rights on the road, regulations for bicyclists to ride single file, bicycle clubs staying on the road with a sharrow, the multi-use path can be used by bicyclists, pedestrian use of the multi-use paths,

possibility of lowering the speed limit on Hidden River Trail, use of flashing signs to remind drivers of the speed limit, and the request does not include golf carts.

Mr. Kakkad outlined Options:

- Follow the signed and sealed engineering plans – Requires adoption of an Ordinance by the Board
- Restrict the use of motorized vehicles on Hidden River Trail – Inconsistent with Transportation Planning principles as it will impact the roadway network connectivity
- Allow the roadway to be used by both automobiles and bicycles – Removal of existing signs prohibiting the use of bicycles



Further discussion occurred as to whether a request was made by the Sheriff's office, this road is not a collector, this is the only road that connects Lakewood Ranch Boulevard and Lorraine Road, this road carries approximately 1,100 vehicles per day, unaware of any violation of law by marking the road a sharrow, removing Option 3 would not break any law, the road construction plans would not need to be revised, three-foot clearance requirement in order to pass a bicycle, and explore the idea of marking this road as a sharrow.



Mitchell O. Palmer, County Attorney, stated Florida Statute regulates the number of bicyclists that can ride abreast; it does not mandate single file. He referenced a memo (11/20/15) authored by Anne Morris, Assistant County Attorney, summarizing that if bicycles are prohibited on the segment of roadway, which the County has lawful authority to implement, then there will be no bicycles. It is only in those scenarios where bicycles are allowed that they have an equal right to share the road.



A motion was made by Commissioner Baugh to open Hidden River Trail to all traffic. The motion was seconded by Commissioner DiSabatino.

Discussion continued about marking the road as a sharrow so that people know that bicycles have the right to share the road.

Commissioner Baugh agreed to include in the motion the marking of the road with a sharrow. The seconder also agreed.

Mr. Palmer stated the existing signage prohibits golf carts and golf carts have not been discussed on this issue. He asked the Board if they wished to also address golf carts, inasmuch as earlier comments referred to all forms of traffic.

It was clarified that the issue of golf carts is a separate ordinance and was not being proposed with this item.



Neal Levesque spoke in support of the use of bicycles on Hidden River Trail.




Richard Bedford, Schroeder-Manatee Ranch, stated they are not opposed to the multi-modal use of this roadway; however, the roadway was designated for vehicles and not bicycles.

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

Vote


The motion carried 7-0.


14. **BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT**

 In reference to Items 13 and 14, Commissioner Smith asked if banks are passing on fine reductions to prior property owners who experienced foreclosure.

Jeff Bowman, Code Enforcement Division Chief, stated the new owners have mitigated the violations on these properties.

Gene Streabel, representing Federal National Mortgage Association, stated that Federal National remediated the violations on this property and they will not go back to the prior owners to seek compensation. He requested approval of the recommendation of the Special Magistrate (7/26/17), as outlined in the action requested on the agenda memorandum.

 Kate Zamboni, Assistant County Attorney, advised that the County does not actively pursue violators to collect liens. The requested action will satisfy the liens.

 A motion was made by Commissioner Whitmore and seconded by Commissioner Trace, to approve Item 14 and reduce the fines for Brian J. Keifer, Case CE1999040338 from \$161,915 to \$1,500 (as previously recommended by the Special Magistrate on 7/26/17), subject to the following conditions:

- The reduced fine shall be paid within 90 days, or will revert back to the original fine amount of \$161,915 for Case CE1999040338;
- Recording fees need to be collected, which total \$34; and
- Building and Development Services Department Director is authorized to sign satisfactions of liens if the reduced fines are paid.

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

The motion carried 7-0.

BC20170926DOC053



13. **BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT**

A motion was made by Commissioner Whitmore, and seconded by Commissioner Trace, to approve Item 13 and reduce the fines for Donald G. Spiller, Case CE2011040316 from \$429,100 to \$1,000 (as previously recommended by the Special Magistrate on 8/30/17), subject to the following conditions:

- The reduced fine shall be paid within 90 days, or will revert back to the original fine amount of \$429,100 for Case CE2011040316;
- Recording fees need to be collected, which total \$40; and
- Building and Development Services Department Director is authorized to sign satisfactions of liens if the reduced fines are paid.

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

The motion carried 7-0.

BC20170926DOC054



35. **ADMINISTRATOR/DASHBOARD REPORT – AUGUST 2017**

Ed Hunzeker, County Administrator, presented the Dashboard Report for August 2017.

Discussion occurred regarding the Longboat Key trolley.

Glen Gibellina signed up to speak, but was not present.


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

No Board action is requested.


BC20170926DOC055


RECESS/RECONVENE: 11:50 a.m. – 1:30 p.m. All Commissioners were present.

36. **ADMINISTRATOR/STORM DEBRIS**

 Mike Gore, Utilities Director, reported on debris removal from Hurricane Irma and related Federal Emergency Management Agency (FEMA) requirements. The County's contracted debris hauler has 16, 100-yard trucks working to remove the debris. By the end of this week, there will be 17 more trucks. The first safety priority was to remove the debris from areas where children have to walk to school. There was an estimate of 600,000 yards of debris to be removed; however, FEMA estimates are at 1.2 to 1.4 million yards. A FEMA representative was assigned to Manatee County today and many of the resources are being sent to areas around the State that have greater needs. Staff is examining every option to process the debris. It is estimated that \$27 million will be paid to the contractor for the debris removal.

Mr. Gore also commented on the removal of debris on private roads and in private developments and the FEMA regulations pertaining to collections in those areas. Staff is monitoring the debris collection on maps, and contractors are working seven days a week.

 Discussion ensued that it could take two to three years to be reimbursed by FEMA for these collection services, everyone is working as hard as they can to get debris removed, provide updates at future meetings, Utilities have a call center devoted to debris removal telephone calls, price gouging, it cannot be determined at this time how long it will take to remove all of the debris county-wide, time is needed to evaluate progress, local debris haulers who want to help with debris collection can contact the Utilities Director and/or the contractor (AshBritt Environmental) to determine if they meet FEMA guidelines for those collections, debris collection within the municipalities, regulate yard-waste collections, staff is working on contractual arrangements with Waste Management and Waste Pro to help with debris removal, make sure Waste Management and Waste Pro maintain regular route trash and bundled yard collection, Florida is dealing with a state-wide debris dilemma, haulers are honoring their negotiated contracts, there has been a lift from the Fire Marshall on burning, residents should check with the Fire Marshall first before burning debris, how many truck loads per day can each truck haul, some homeowners' associations have sent their residents letters about the debris on their property, developments are allowed to clean up their own properties, many of the debris haulers are still working in Texas due to Hurricane Harvey, there is a shortage of debris removal companies, staff is looking for a way to accomplish this project quicker, FEMA is bankrupt, individual homeowners can have a contractor pick up their storm debris or haul it to the landfill themselves, and encourage citizens to remain patient during this process.

 Janette Detweiler, Solid Waste Enforcement Superintendent, explained how the determination was made as to which school areas received debris collection first.

Chairman Benac read portions of an article from WSVN in Pompano Beach regarding a statewide storm debris cleanup, <https://wsvn.com/news/local/florida-cities-work-to-speed-up-debris-removal/>.



Mitchell O. Palmer, County Attorney, reminded the Board that the County has an open burning ordinance and concurrent jurisdiction with the relevant fire district to issue open burn permits for yard trash. The regulations appear at Appendix A, Article 3 of the Manatee County Code.

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

No Board action is requested.

BC20170926DOC0056



37.

NEIGHBORHOOD SERVICES/LOW INCOME POOL AGREEMENTS

Joshua Barnett, Health Care Services Manager, reviewed a request for approval of Low Income Pool (LIP) funds and the associated Letter of Agreement (LOA) with the Florida Agency of Health Care Administration (AHCA) funds for three health care entities: Manatee Memorial Hospital (\$3,426,586), Manatee County Rural Health Services (\$1,419,268), and Blake Medical Center (\$280,732); authorization for \$200,000 to be used for results-based contracting with each provider, for a total approved budget amount of \$5,326,586; and authorization for the Neighborhood Services Department Director, or their designee, to sign AHCA Letters of Agreement.

Discussion ensued that the funds are already budgeted, hospital performance measures, Intergovernmental Transfer (IGT) funds, borrowing from the pool funds, Rural Health Services is joining in the Health Information Exchange (HIE), providing LIP funding dollars to the State helps underinsured Manatee County residents, incentives to ensure the entities remain in the HIE, the funds have to be used for uncompensated care, there is a health care crisis in Manatee County, and if these entities did not provide the medical services the County would be responsible for providing those services.



A motion was made by Commissioner Smith and seconded by Commissioner Whitmore, to approve the request as presented.

Further discussion was held as to whether Manatee Rural Health is joining in the HIE, there is a guarantee that unused funds for Federally-qualified health centers will be returned and used for Manatee County residents for services provided in Manatee County, the Letters of Agreement allow the County to stop payment if the contract is violated, the funds are used for patient care and not administrative costs, this has nothing to do with the Opioid epidemic, this can cover overdoses, this is in compliance with State rules, and Rural Health is a Federally-qualified health center.

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



The motion carried 7-0.

BC20170926DOC057

COMMISSIONER COMMENTS



Commissioner Smith

- Stated he will be attending the Florida Association of Counties (FAC) Public Policy Committee Conference the remainder of this week. He anticipates discussions on the upcoming ballot question regarding the additional homestead exemption, affordable housing, and legislative priorities

Commissioner Whitmore

- Advised that she will be attending a Gulf Coast Consortium meeting tomorrow
- Referenced a newspaper article on former Commissioner Larry Bustle


BC20170926DOC058


- Commented on the success of the 2017 World Rowing Championships opening ceremonies
- Commissioner Baugh
- Stated she will be attending FAC meetings this week


MANATEE COUNTY – EMERGENCY SHELTERS

Chairman Benac distributed and requested authorization to sign a letter to the School Board, regarding the need for additional shelter capacity. She noted the issue of shelter capacity will be included in the legislative platform.

Discussion ensued on the need to get support from FAC, if there are any County facilities large enough to harden and utilize as shelters, pet friendly shelters, and the purpose of the letter is to ask the School Board to be a partner in having sufficient shelter capacity.

 Mitchell O. Palmer, County Attorney, recommended that Page 2 of the letter (Paragraph 4, first sentence), be amended to read, “We hope the School Board will join the County Commission this fall in requesting that the state use more accurate population statistics to make hurricane shelter space recommendations, and that the state consider modifying the geographic boundaries pursuant to which shelter capacity is analyzed.”


 A motion was made by Commissioner Trace and seconded by Commissioner Smith, to accept the letter and authorize Chairman Benac to sign the letter with the additional wording by Mr. Palmer.

 Nick Azzara, Information Outreach Coordinator, suggested that this item, along with other items that may come up during the FAC Conference, come back for the possible inclusion in the legislative platform to come back to the Board in October.

The motion carried 7-0.

BC20170926DOC059

COMMISSIONER COMMENTS (continued)

-  Commissioner Benac
- Commented on how everyone is pleased with the venue for the 2017 World Rowing Championships

ADJOURN

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

Minutes Approved: _____