

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
January 23, 2018**

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

Present were:

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

Also present were:

Ed Hunzeker, County Administrator
Mitchell O. Palmer, County Attorney
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court (entered later in meeting)
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 Tim Shrimpton, Baha'i Faith of Manatee County, followed by the Pledge of Allegiance.

REVISED AGENDA, UPDATE MEMORANDUM AND ANNOUNCEMENTS

BC20180123DOC001

- Item 19, Vesta NEXT Portfolio Master Service Agreement and Airbus DS Communications Service Order Agreement No. 1, 9-1-1 Emergency Services Next Generation Routing System –
 - Budget Resolution B-18-038 was replaced with Budget Resolution B-18-037; and
 - The requested action was updated to include: Adoption of Budget Resolution B-18-037, amending the annual budget for Manatee County, Florida, for Fiscal Year 2018
- Item 24, Peoples Gas System, A Division of Tampa Electric Company, Grant of Non-Exclusive Utility Easement located at 2651 Gulf Drive South, Bradenton Beach – DeferredBC20180123DOC002
- Item 46, Port Authority Meeting – The Agenda and supporting materials document was updated to include the Contract for Bed Leveling Project
- Item 48, First Amendment to Potable Water Agreement with Sarasota County adding Two (2) Meter Locations – The requested action was updated to read: Authorization for Chairman to execute First Amendment to Interlocal Agreement with Sarasota County for provision of potable water
- Item 50, Dashboard Report for December 2017 – The Half-Cent Sales Tax dashboard was updated to include cumulative totals for FY17 and FY18
- Item 53, Recognition of the 100th Birthday of Marjorie Scheick – Request to Adopt Proclamation recognizing the 100th birthday of Marjorie Scheick

Time Certain:

2. Item 46, Port Authority Meeting – 10:30 a.m.
3. Item 52, Save Our Woods – Presentation by Commissioner Baugh – 10:45 a.m.

CONSENT AGENDA

There were no Commissioner requests.

AWARDS

- 4. Chairman Trace recognized Commissioners for their service as Chairman of various boards during 2017: Betsy Benac, Chairman of the Board of County Commissioners; Carol Whitmore, Chairman of the Tourist Development Council; and Vanessa Baugh, Chairman of the Port Authority. BC20180123DOC003

PROCLAMATIONS

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

- 53. 100th Birthday Proclamation was presented to Marjorie Scheick. BC20180123DOC004
- 5. 29th Annual Gulf Coast Games for Life Week, February 10-17, 2018, was accepted by Matt Porter, Aquatics Recreation Supervisor, Parks and Natural Resources Department. BC20180123DOC005
- 6. Black History Month, February 2018, was accepted by Derrick Randall. BC20180123DOC006
- 7. **CITIZEN COMMENTS** (Future Agenda Items)
There being no citizen comments, Chairman Trace closed Citizen Comments. BC20180123DOC007

CONSENT AGENDA

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 deletion of Item 24 (deferred).

- 8. **CITIZEN COMMENTS** (Consent Agenda Items Only)
There being no citizen comments, Chairman Trace closed Citizen Comments. BC20180123DOC008

Vote – Consent Agenda

The motion to approve the Consent Agenda with the changes noted carried 7-0.

- 9. **CLERK’S CONSENT AGENDA** BC20180123DOC009

A. MINUTES

Approved the Minutes of November 14 and December 19, 2017, and January 11 and 16, 2018

B. REFUNDS

- 1. Ashton Tampa Residential – Utility Fee Refund, \$4,885 BC20180123DOC010
- 2. L3 Partnership – Overpayment, \$2,500 BC20180123DOC011
- 3. Utility Customer 102109-66534 – Billing adjustment, \$795.35 BC20180123DOC012
- 4. Utility Customer 277505-65340 – Billing adjustment, \$981.13 BC20180123DOC013

C. CONTRACTS

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

- 1. Agreement with Johnson Controls, Inc., for Chiller and exhaust fan replacement at the Water Treatment Lab, \$361,491.47 BC20180123DOC014
- 2. Change Order 1 to Agreement with Traffic Control Devices, Inc., for Advanced Traffic Management System S.R. 70 Adaptive Signal Control Project, adding 36 calendar days to contract time, for a final completion date of February 3, 2018 BC20180123DOC015

D. REPORT

Accepted the following:

- 1. Housing Finance Authority of Manatee County – Audited Financial Statements for Year Ended September 30, 2017 and Annual Local Government Financial Report for FY 16/17 BC20180123DOC016

E. INSURANCE

Accepted the following insurance certificates:

1. Certificate of Liability Insurance for Waste Management Holdings, Inc., and all affiliated related subsidiary companies including Waste Management of Manatee County, ACE American Insurance Company, Indemnity Insurance Co of North America and ACE Fire Underwriters Insurance Company BC20180123DOC017
2. Certificate of Liability Insurance for Waste Pro USA, Inc., and its subsidiaries – Greenwich Insurance Company, XL Insurance America, Inc., North American Elite Insurance Company, XL Specialty Insurance Company and Westchester Fire Insurance Company BC20180123DOC018

F. SHERIFF BOND

Accepted the list of 20 additional employees and deletion of eight employees from the Sheriff's Public Employee Bond BC20180123DOC019

10. ATTORNEY/CONTRACT

- Accepted offer to sell from Dianna L. Hartshorn in the amount of \$675,000; and
- Executed Contract for Sale and Purchase for acquisition for property located at 4419 52nd East (Parcel 122) for the 44th Avenue East Road Improvement Project, from 45th Street East to 44th Avenue Plaza East, \$675,000 BC20180123DOC020

11. ATTORNEY/PROPOSAL FOR SETTLEMENT

Considered and rejected Plaintiff's \$200,000 Proposal for Settlement to Manatee County in the matter of Daniel L. Kays v. Manatee County, Case 2017-CA-0757 BC20180123DOC021

12. ATTORNEY/CONFLICT RESOLUTION

Approved and executed Agreement to extend Time Requirements for Governmental Conflict Resolution Procedures in the matter of Manatee County v. BB Bayfront, City of Bradenton Beach et al., Case 2017-CA-3705 BC20180123DOC022

13. ATTORNEY/INSURANCE

Approved the purchase of cyber liability insurance coverage in the amount of \$13,190, which is the Short-Term Option 1 of the attached proposal from First Florida Insurance Brokers, and approved execution by the County Attorney, or his designee, of all required documents (the proposed short-term policy period from 2/1/18-10/1/18, is in order to bring this coverage in line for renewal with the current liability coverage in place.) BC20180123DOC023

14. BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/ESPLANADE, PHASE VIII, SUBPHASES A AND B

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of Supplemental Declaration to Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Esplanade Golf & Country 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;
- Authorized the County Administrator to accept, execute and record Agreement for Private Subdivision with Public Improvements from Taylor Morrison of Florida, Inc.;
- Authorized the County Administrator to accept, execute and record Agreement for Private Subdivision Improvements from Taylor Morrison of Florida, Inc.;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Public Improvements, Esplanade, Phase VIII, Subphase B, Surety Bond SU1147517 from Arch Insurance Company, \$283,773.92;
- Authorized the County Administrator to accept and execute Surety Bond for

Performance of Required Public Improvements, Esplanade, Phase VIII, Subphase A, Surety Bond SU1147519 from Arch Insurance Company, \$898,131.25;

- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Esplanade, Phase VIII, Subphase A, Surety Bond SU1147520 from Arch Insurance Company, \$1,057,651.84;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Esplanade, Phase VIII, Subphase A, Surety Bond SU1147521 from Arch Insurance Company, \$63,097.06;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Esplanade, Phase VIII, Subphase B, Surety Bond SU1147518 from Arch Insurance Company, \$513,771.18;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Esplanade, Phase VIII, Subphase B, Surety Bond SU1147522 from Arch Insurance Company, \$35,153.30;
- Accepted and authorized recording of Mortgagee's Joinder and Consent from SMR North 70 LLC; and
- 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

BC20180123DOC024

15. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/NALANDA ESTATES**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of Declaration of Protective Covenants, Restrictions and Easements of Nalanda Estates LLC;
- Authorized the County Administrator to accept, execute and record Agreement for Private Subdivision with Public Improvements for Nalanda Estates from Nalanda Estates LLC;
- Authorized the County Administrator to accept, execute and record Agreement for Private Subdivision Improvements for Nalanda Estates from Nalanda Estates LLC;
- Accepted Irrevocable Form for Letter of Credit as Defect Security Warranting Required Improvements, Reference Credit No. 345 for Nalanda Estates from Harbor Community Bank, \$79,546.35;
- Accepted Irrevocable Form for Letter of Credit as Defect Security Warranting Required Improvements Reference Credit No. 344 for Nalanda Estates from Harbor Community Bank, \$65,600.60; and
- Accepted and executed Bill of Sale from Nalanda Estates LLC

BC20180123DOC025

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

Adopted Budget Amendment Resolution B-18-033

BC20180123DOC026

17. **FINANCIAL MANAGEMENT/INVITATION FOR BID**

- Awarded IFB 18-TA002587DC, Force Main 11 Replacement, to the responsive and responsible bidder having the lowest total cost, Harris-McBurney Company, for a total cost of \$1,190,403.50, based on Bid B construction completion time of 253 calendar days;
- Authorized the County Administrator, or his designee, to execute the Agreement and accept and date the Performance and Payment Bonds; and
- Adopted Budget Resolution B-18-038, amending the annual budget for Manatee County for Fiscal Year 2018

BC20180123DOC027

18. **FINANCIAL MANAGEMENT/INVITATION TO QUOTE**

Awarded Invitation To Quote 18R067898GE, Advertisement of Property with Delinquent Tax, to the lowest, responsive and responsible quoter, Herald Tribune Media Group of Sarasota, for a total estimated cost of \$1,800 annually

BC20180123DOC028

19. **FINANCIAL MANAGEMENT/AGREEMENT**

- Awarded Vesta NEXT Portfolio Master Service Agreement and Airbus DS Communications Service Order Agreement No. 1, 9-1-1 Emergency Services Next Generation Routing System to Airbus DS Communications, Inc., with a one-time charge of \$112,766.50, and a monthly recurring cost of \$33,830 for a five-year contract total cost not to exceed \$2,142,566.50;
- Authorized the County Administrator, or designee, to execute the Agreement; and
- Adopted Budget Resolution B-18-037, amending the annual budget for Manatee County for Fiscal Year 2018

BC20180123DOC029

20. **NEIGHBORHOOD SERVICES/CHILDREN'S SERVICES ANNUAL PLAN**

- Approved Children's Services Annual Plan and Report FY 18/19; and
- Authorized to announce funding availability of approximately \$11,314,875 in County Children's Services Dedicated Millage for programs and services for children and their families in the community

BC20180123DOC030

21. **NEIGHBORHOOD SERVICES/AGREEMENT/KEEP MANATEE BEAUTIFUL**

- Authorized the County Administrator to execute Agreement with Keep Manatee Beautiful, Inc., for the Highway Litter Removal program in the amount of \$49,122 (FDOT Grant Funds) for the period October 1, 2017, through September 30, 2018; and
- Adopted Budget Resolution B-18-034, amending the annual budget for Manatee County for Fiscal Year 2018

BC20180123DOC031

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

Executed and authorized recording of Easement with Florida Power and Light Company, for a ten-foot easement, encompassing 8,837 more or less square feet over the Robinson Preserve property along the roadway of 9th Avenue Northwest, for maintenance and repair of an underground electric line

BC20180123DOC032

23. **PROPERTY MANAGEMENT/CONTRACT**

Executed Contract for Sale and Purchase with Rene Hernandez and Helen G. Hernandez, for property located at 4304 65th Street East (Parcel 138), for the 44th Avenue East Road Improvement Project, from 45th Street East to 44th Avenue Plaza East, \$432,562

BC20180123DOC033

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

Executed and authorized recording of Subordination of Utility Interests and Agreement for Reimbursement for additional facility relocations from Florida Power and Light Company, for certain lands necessary for the 44th Avenue Improvement Project, from 45th Street East to 44th Avenue Plaza East

BC20180123DOC034

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

Accepted recorded Warranty Deed from Timothy S. Amick, for partial acquisition of 4,656 square feet of a vacant, non-homestead site located at 6602 44th Avenue East (Parcel 142), for the 44th Avenue Improvement Project

BC20180123DOC035

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

- Accepted recorded Warranty Deed from James T. Brinn and Debra A. Brinn, for partial acquisition of 2,948 square feet of property located at 4609 44th Avenue East (Parcel 102), for the 44th Avenue East Road Improvement Project, from 45th Street East to 44th Avenue Plaza East; and
- Accepted (recorded) Partial Release from Fidelity Bank BC20180123DOC036

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

Accepted recorded Warranty Deed from Remer J. Clayton and Iris M. Cordero nka Iris M. Clayton, for property located at 4417 51st Street East (Parcel 116), for the 44th Avenue East Road Improvement Project, from 45th Street East to 44th Avenue Plaza East BC20180123DOC037

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

Accepted recorded Warranty Deed from Johnathan William Davison and Nevah Jane Cabornida Davison, for property located at 4412 51st Street East (Parcel 115), for the 44th Avenue East Road Improvement Project, from 45th Street East to 44th Avenue Plaza East BC20180123DOC038

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

Accepted recorded Warranty Deed from Timothy Joseph Kenney and Kristyne Rose Kosenkov, for property located at 4423 51st Street East (Parcel 120), for the 44th Avenue East Road Improvement Project, from 45th Street East to 44th Avenue Plaza East BC20180123DOC039

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

Accepted recorded Warranty Deed from Dorothy C. Kenney and Timothy P. Kenney, for property located at 4420 52nd Street East (Parcel 121), for the 44th Avenue East Road Improvement Project, from 45th Street East to 44th Avenue Plaza East BC20180123DOC040

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

Accepted recorded Warranty Deed from Gary M. Knuckles and Dorothy S. Knuckles, for partial acquisition of 20,004 square feet of property located at 6301 44th Avenue East (Parcel 137), for the 44th Avenue East Road Improvement Project, from 45th Street East to 44th Avenue Plaza East BC20180123DOC041

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

Accepted (recorded) Warranty Deed from Bong Thi Nguyen and Tay Van Nguyen, for partial acquisition of 9,122 square feet of vacant, non-homesteaded property located at 3501 61st Street East, Palmetto (Parcel 1) BC20180123DOC042

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

Accepted (recorded) Warranty Deed from Benjamin Rivera and Ana Rosa Rivera, for partial acquisition of 34,848 square feet of property located at 5004 44th Avenue East (Parcel 111), for the 44th Avenue East Road Improvement Project, from 45th Street East to 44th Avenue Plaza East BC20180123DOC043

35. **PUBLIC WORKS/AGREEMENT**

Executed Agreement for Payment in Satisfaction of Proportionate Share Requirement between Manatee County and LWR Land Holdings LLC, for the developer's proportionate share of \$180,763, representing 31.9 percent of the cost of a westbound, right-turn lane improvement on Gatewood Drive at the Lakewood Ranch Boulevard intersection, for an estimated cost of \$566,654 BC20180123DOC044

36. **PUBLIC WORKS/BOND/ALTMAN TRACT**
Accepted Reclamation Bond Rider Adjustment to Surety Bond 08941617, decreasing the bond amount from \$7,526,442 to \$7,346,633 (Parcel 4), which covers reclamation and wetland mitigations requirements, including the fixed wetland bonding amount of \$2,000,000 as well as for each acre of land to be disturbed during the 2017/2018 annual report year
BC20180123DOC045
37. **PUBLIC WORKS/BOND/FOUR CORNERS MINE**
Accepted Reclamation Bond Rider Adjustment to Surety Bond KA2977, decreasing the bond amount from \$26,319,479 to \$25,513,742 for the 2017/2018 annual report year
BC20180123DOC046
38. **PUBLIC WORKS/MULTI-WAY STOP INSTALLATION**
Authorized the installation of a multi-way stop at the intersection of 15th Avenue West at 39th Street West (total cost \$1,100)
BC20180123DOC047
39. **PUBLIC WORKS/SURPLUS VEHICLES**
- Authorized to classify vehicles, which are uneconomical to operate as surplus, per Florida Statute 274.05, to enable appropriate and authorized disposition of said property, and authorization to thereafter dispose of such property; and
 - Authorized to sell eight vehicles to Port Manatee
BC20180123DOC048
40. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/AGREEMENT**
Authorized the County Administrator to execute Agreement between Manatee County Government and the Bradenton Area Economic Development Corporation for economic development activities to promote the business brand in Manatee County through aggressive local and global marketing and business development activities for FY 2017-2018
BC20180123DOC049
41. **UTILITIES/LETTER/PEACE RIVER MANASOTA REGIONAL WATER SUPPLY AUTHORITY**
Approved letter to the Peace River Manasota Regional Water Supply Authority (PRMRWSA) with revised water supply demands and supply needs from sources developed by the PRMRWSA beginning in the year 2037
BC20180123DOC050
42. **UTILITIES/TIME PAYMENT AGREEMENTS**
Executed and authorized recording of Time Payment Agreements for Facility Investment, Connection and Line Fees for Kelly Duane Parks (1597) and Curtis G. Myhree and Michelle Rowley-Myrhee (1598)
BC20180123DOC051
43. **UTILITIES/TOILET REBATE PROJECT**
Executed Cooperative Funding Agreement 18CF0000972 with Southwest Florida Water Management District, for the Toilet Rebate Project (Phase 11, N877)
BC20180123DOC052
- (End Consent Agenda)
45. **PUBLIC SAFETY/ANIMAL SERVICES ADVISORY BOARD**
Nominations were taken for the appointment of two individuals to fill two vacant positions on the Manatee County Animal Services Advisory Board.

First Appointee

Thea Kinzer – by Commissioner Whitmore
Laurie Wasoski – by Commissioner Benac

A motion was made by Commissioner Smith, seconded Commissioner DiSabatino and carried 7-0, to close nominations. By a majority vote, Laurie Wasoski was appointed to the Animal Services Advisory Board.

Second Appointee

Melissa Kinder – by Commissioner Whitmore
Katie Howard – by Commissioner Benac

A motion was made by Commissioner DiSabatino, seconded by Commissioner Whitmore and carried 7-0, to close nominations. By a majority vote, Katie Howard was appointed to the Animal Services Advisory Board.

BC20180123DOC053

47. **PUBLIC WORKS/DESTINATION GUIDE SIGNS ON I-75**

Vishal Kakkad, Traffic Design Division Manager, presented a request from Manatee Technical College (MTC) to Florida Department of Transportation (FDOT), to include a destination sign on I-75 for MTC, which would result in the removal of the Oneco destination sign.

Dr. Valerie Vines, Director of Manatee Technical College, reviewed the request.

Discussion ensued regarding the history of the Oneco community, MTC is an important resource in the County, need to ensure that Oneco continues to be recognized, include a directional sign on S.R. 70 to recognize Oneco or somewhere closer to the proximity of Oneco, how did the I-75 sign for Oneco come about, have a work session on signing and branding communities within the County, and former companies and industries that used to be located in Oneco.

Ron Schulhofer, Public Works Director, stated staff will ask FDOT how the Oneco sign came about on I-75 and will look into the placement of directional signs on local roads.

Motion – Recommended Motion

A motion was made by Commissioner Whitmore, to recommend the Board’s desired supplemental destination to be used on the Interstate 75 (I-75) guide sign approach to the State Road (SR) 70 interchange. The motion was seconded by Commissioner Benac.

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

A motion was made by Commissioner Baugh to call the question. The motion was seconded by Commissioner Jonsson and carried 7-0.

The motion carried 7-0.

Motion – Sign at Oneco

A motion was made by Commissioner Baugh, to have Public Works look into putting up a sign at Oneco at the beginning of Oneco. The motion was seconded by Commissioner Smith.

Karen Stewart, Economic Development Official, and Cheri Coryea, Deputy County Administrator, responded to questions regarding the branding of the mid-Town Manatee area and signage that recognizes and identifies neighborhoods.

Amendment

Commissioner Baugh amended the motion to replace the words **Public Works** with Neighborhood Services. Commissioner Smith agreed.

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

The motion, as amended, carried 7-0.

BC20180123DOC054

(Chairman Trace opened both Items 48 and 49. Mitchell O. Palmer, County Attorney, recommended separate motions on each item)

48. **UTILITIES/FIRST AMENDMENT/POTABLE WATER AGREEMENT**

Mark Simpson, Water Division Manager, stated Manatee and Sarasota County entered into an Interlocal Agreement (10/21/03), for the provision of potable water by Manatee County to Sarasota County. This agreement replaced a previous, long-term supply agreement and established a phase-out schedule, which terminated the provision of water to Sarasota County in 2025.

Schroeder-Manatee Ranch wishes to develop property just south of University Parkway in Sarasota County to which Sarasota County cannot yet provide water and wastewater service. Sarasota County wishes to utilize potable water from the existing water supply agreement with Manatee County to serve this area.

Mr. Simpson requested execution of First Amendment to the Interlocal Agreement with Sarasota County, adding two additional meter locations for the provision of potable water to serve the property.

49. **UTILITIES/AGREEMENT/TEMPORARY WASTEWATER SERVICE**

Mark Simpson, Water Division Manager, reviewed the request to execute Agreement for Temporary Wastewater Service between Manatee County, Sarasota County and Schroeder-Manatee Ranch (SMR). The Agreement calls for Manatee County to receive up to 30,000 gallons per day of wastewater into its wastewater system for transmission and treatment at Manatee County facilities. Sarasota County will pay Manatee County for wholesale wastewater service (a monthly customer charge plus a volumetric charge based on metered wastewater flow), per the Manatee County rate resolution in effect. SMR will construct transmission facilities to direct the flow to the Manatee County system, will dedicate the improvements to Manatee County, and will pay the Facility Investment Fees required.

Mr. Simpson showed a map of the area to be served (Exhibit A to the Agreement). This Agreement is for ten-years, to terminate 2028, unless Sarasota County facilities are available earlier.

There being no public comment on Items 48 and 49, Chairman Trace closed public comment.

Motion - Item 48

A motion was made by Commissioner DiSabatino and seconded by Commissioner Baugh, to execute the First Amendment to Interlocal Agreement with Sarasota County, for provision of potable water. The motion carried 7-0. BC20180123DOC055

Motion - Item 49

A motion was made by Commissioner DiSabatino, seconded by Commissioner Baugh and carried 7-0, to execute Agreement between Manatee County, Sarasota County, and Schroeder-Manatee Ranch, for Temporary Wastewater Service. (This agreement is for a 10-year period.) BC20180123DOC056

50. **ADMINISTRATOR/DASHBOARD REPORT - DECEMBER 2017**

Ed Hunzeker, County Administrator, presented the Dashboard Report for December 2017. The report is provided for information only, and no Board action is requested.

Brief discussion was held regarding the Half-Cent Sales Tax Dashboard. BC20180123DOC057

51. **PUBLIC WORKS/2017 REGIONAL TRAFFIC MANAGEMENT CENTER ANNUAL REPORT**

Sage Kamiya, Deputy Director Traffic Management, outlined the history of the Regional Traffic Management Center (RTMC).

Fabio Capillo, Regional Traffic Management Center Manager, utilized a slide presentation to highlight the functions, operations and accomplishments of 2017, as well as upcoming regional projects including a traveler information website.

Discussion ensued regarding managing expectations and perceptions, marketing the report and getting information out to the public, the RTMC is able to make temporary signal timing changes, signal timing changes are made when major roadways are shut down due to traffic accidents, communications between the County, FDOT and law enforcement, and Sarasota County pays their fair share for the RTMC.

BC20180123DOC058

RECESS/RECONVENE: 10:30 a.m. – 10:45 a.m., to convene a Port Authority meeting, followed by a short recess. The County Commission meeting reconvened at 10:38 a.m., with all Commissioners present and Chairman Trace presiding.

Mitchell O. Palmer, County Attorney, disclosed that his property is located in the boundaries of the following agenda item, and he removed himself from this item. William Clague, Assistant County Attorney, consequently represented the County Attorney's office on this matter.

52. **COMMISSIONER AGENDA/SAVE OUR WOODS**

Commissioner Baugh explained that her intent to place this item on the agenda was for discussion and to propose setting a public hearing in March to consider the establishment of a Municipal Services Taxing Unit (MSTU) to purchase land for a passive park in the Braden Woods, River Club, and adjacent area. The public was misinformed that today's action was to vote on the MSTU. For the benefit of the public, she emphasized that the Board has not established the boundaries for an MSTU, and that correct information must be presented at this meeting so the public knows that this action is to seek the opinion of citizens involved in this process. She requested a response from staff.

Dan Schlandt, Deputy County Administrator, apologized if this matter was misrepresented to the public. He explained the reason he had indicated the need to hold a public hearing before March 2018 is because, without a public hearing, an MSTU could not be established before the purchase option deadline date of March 31st.

He reiterated information previously provided to the Board (10/10/17) and reviewed his memorandum (1/17/18) outlining the background and subsequent process requiring staff to conduct a post-card poll of the effected property owners. If fifty percent or more of all property owners were in favor of establishing an MSTU project, then the matter would be placed on a Board agenda in January to consider setting a public hearing in March to consider establishing the MSTU.

The MSTU post-card ballot was mailed to 1,440, parcels and the results reflected 46.8 percent in support of the proposal. Based on these results and the process approved by the Board, the 46.8 percent in support did not meet the required 50 percent threshold.

A letter and supporting documentation (with agenda packet) was received from Friends of Keep Woods, Inc., responding to the MSTU proposal. Commissioner Baugh subsequently indicated she wanted to have discussion today, even though the post-card poll did not meet the 50 percent threshold.

William Clague, Assistant County Attorney, advised that the Board has legislative discretion to establish an MSTU, pursuant to Florida Statute 125.01(1)(q)1, and the County would have to determine the boundary of the MSTU. The main objective of the post-card poll was to get the opinion of citizens involved in the process, and staff followed the process directed by the Board. With regard to allegations that responses to the post-card poll should not have been shared in public records requests, he emphasized there is no Statute prohibiting sharing this information. Post-card poll results are not covered under the Florida Election code, and the results are public record.

Mr. Clague stated there has been discussion about the boundaries of the MSTU, and that some of the properties do not benefit the boundaries of the park. This is not a legal argument, but more in the form of special assessments. MSTUs are like municipal taxes and the Court gives more deference to a local government. Staff crafted the boundaries based on their analysis of the ability to access and use the park from the properties included within the MSTU.

Susan Darovec, Braden Woods resident, expressed concern with the polling process.

John Darovec declined to speak.

Lawrence Levin, River Club South resident, commented on the purpose of MSTUs.

Melvin Hoffman, River Club South resident, stated this is not a viable project for an MSTU.

Owen Harris, resident of River Club North, commented on the purpose of the polling process and the substitute polls that were taken and stated the support is there for the MSTU.

Joan Boles, Braden Woods resident, asked the Board to accept the substitute polls and advance the MSTU for the Braden River Preserve.

Peggy Klimek, resident of River Club North, commented on the polling process and notarized substitute polls.

Susan Tannenbaum, Braden Woods resident, spoke about the process residents took to obtain substitute ballots in order to reach other residents who did not respond to the first poll. She submitted a photograph of deer.

Sy Inwentasz, River Club South resident, spoke about the efforts taken to inform the Braden Woods and River Club residents about the Save Our Woods project and the polling process.

Cathy Duguay, Braden Woods resident, commented on her post-card poll experience.

Francis Wozniak also commented on the polling process.

Jane Blythe, resident of River Club North, spoke about the number of citizens who do not want the Save Our Woods property to be developed, the loss of wildlife and the trees on the property if it is to be developed.

Joseph Mullery, Braden Woods resident, declined to speak.

Ginger Hyde, River Club South resident, commented on the loss of animals and trees on the property if the property were developed.

Richard Steve Taylor, Braden Woods resident, stated the property is heavily wooded, green space that is part of the watershed.

Margi Haas, River Club South resident, asked the Board to protect the preserve.

Christine Johnson, Conservation Foundation, spoke on the polling process for the MSTU and that the option to purchase the property expires on March 31, 2018. She urged the Board to hold a public hearing on this issue.

(Further action later in the meeting)

RECESS/RECONVENE. 12:00 p.m. – 1:30 p.m. All Commissioners were present except Commissioner Smith.

52. **COMMISSIONER AGENDA/SAVE OUR WOODS** (continued)

Scott Peebles, Braden Woods resident, expressed concern with the acceptance of notarized votes and stated opposition to the MSTU.

Roger Calabrese, River Club South resident, spoke in opposition to the MSTU.

(Enter Commissioner Smith)

Patricia Petruff, attorney representing River Club Homeowners Association, Inc., submitted a letter of authorization to speak on behalf of the River Club Homeowners Association. The Association does not take a position for or against the MSTU. There is concern with the use of an MSTU for this project and the project boundary. She referenced her letter to the Board regarding the Braden River Preserve MSTU (1/19/18) and asked the Board to honor the post-card poll.

(Commissioner Smith absent for a portion of Ms. Russell's presentation)

Brenda Russell, representing Braden Woods Homeowners' Association, Inc., referred to a chart outlining the percentage of property owners who responded to the poll in favor of the MSTU. She also commented on the polling process and suggested changes that could be made to that process in the future.

Dick Eckenrod, Manatee Fish and Game Association, encouraged the Board to exercise flexibility to create an MSTU for the Braden River Preserve.

Gary Hebert, Save Our Woods, submitted a petition containing 3,600 signatures in favor of protecting this property. He asked the Board to establish the MSTU.

Mark Lawson, Braden Woods resident, spoke in favor of preserving the property.

Robert Cote had previously submitted a letter of authorization to speak for the Braden Woods Phase VI Homeowners Association, but was not present to speak.

JoAnn and Ron Labelle, residents of The Sanctuary in River Club, spoke about the confusion with the post-card process and expressed concern with the maintenance of the park.

Gregory Gallagher, River Club Homeowner Association, spoke of the results of the post-card

poll within the River Club community.

Marion Toale commented on the loss of tree canopy coverage due to development and favored the MSTU.

Philip St. John spoke in support of an MSTU.

Jay Shore, Braden Woods resident, requested the property be preserved.

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

Mr. Clague advised that the establishment of an MSTU will require a public hearing and the adoption of an ordinance. He addressed some of the legal arguments raised during citizen comments as to the County needing to find a benefit for the property, and he cited Case Law, Tucker v. Underdown, 356So.2d 251 (Florida 1978). He stated Florida Statute (F.S.) lists all of the uses in which MSTU taxes can be used and cited F.S. 125.01(1)(y) dealing with the Board's authority in placing questions or propositions on the ballot at any election.

Discussion occurred regarding public/private partnerships, the number of responses to the polls, the post-card poll should have been extended, the need to have a better system next time, the possibility of asking Mr. Neal to extend the deadline for the purchase contract, increase the percentage to 60 percent for poll results, a 30-year tax encumbrance is too long, the possibility of excluding River Club from this project, all taxpayers within the County would absorb a responsibility for continuing costs for maintenance, what would the cost be over time and could it be paid off in less than 30 years, and neighboring counties have a land acquisition tax.

Motion

A motion was made by Commissioner Baugh, to move this forward to a March hearing so that we give the citizens the right to be able to look at moving forward with an MSTU. The motion was seconded by Commissioner Smith.

Discussion continued regarding cost implications to all taxpayers, there will be a continuing maintenance cost, repeated testimony will be heard at the public hearing, motion authorizes moving forward to a March hearing, logical MSTU boundaries need to be examined, and the MSTU would remain with the land if a property owner sold their home.

Mr. Schlandt stated the post-card poll results were based on information sent out with the poll, and that any deviation to the MSTU boundary would substantially change the assessment.

Mr. Schlandt suggested the hearing date be March 6, 2018.

Amendment

Commissioner Baugh amended the motion to include the March 6th date. Commissioner Smith agreed.

There were no objections to providing notification of the public hearing to all affected property owners.

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

RECESS/RECONVENE: 3:08 p.m. – 3:15 p.m. All Commissioners were present.

WEST COAST INLAND NAVIGATION DISTRICT (WCIND)/LEGISLATION

Commissioner Whitmore distributed information that WCIND will be discussing regarding legislation that will levy an ad valorem taxes and asked that she be allowed to vote against it.

Mitchell O. Palmer, County Attorney, stated this is a constitutional amendment.

A motion was made by Commissioner Benac, seconded by Commissioner Jonsson and carried 7-0, to allow Commissioner Whitmore to object to this proposed constitutional amendment.

BC20180123DOC060

COMMISSIONERS' COMMENTS

Commissioner Whitmore

- Referred to correspondence outlining concern with the need for additional staffing in the Building and Development Services Department

Ed Hunzeker, County Administrator, stated that a written report on the status of the staff issues can be provided to the Board. Staff is in the process of implementing a plan to alleviate the issues.

Discussion ensued on the possibility of paying for schooling and training of employees to receive licenses and certifications.

BC20180123DOC61

(Further Commissioner Comments later in the meeting)

LEGISLATION/METROPOLITAN PLANNING ORGANIZATION (MPO)

Commissioner Baugh commented on House Bill 575/SB 1516 and House Bill 815/SB 1180, which will affect MPOs. The MPO will be sending a letter to the legislators expressing their dissatisfaction with these bills, and Commissioner Baugh asked if the Board would stand with the MPO in opposing these bills.

A motion was made by Commissioner Jonsson and seconded by Commissioner Whitmore, to join in with the MPO in notifying our Legislators about our concerns with these bills progressing in Tallahassee. The motion carried 7-0.

COMMISSIONER COMMENTS (continued)

Commissioner Smith

- Stated he has received emails from people living in blighted areas, outlining ongoing issues with their landlord and housing conditions.

Discussion was held that Code Enforcement responded quickly to the issue outlined in the email, incentives are needed for people to clean up their property and hold property owners accountable, and look at the City of St. Petersburg ordinance.

COUNTY ADMINISTRATOR RECRUITMENT PROCESS

Chairman Trace distributed a proposed Succession Plan for the County Administrator, which included the extension of his contract to (January 2020). Mr. Hunzeker would then come back to the Board in January 2019 with a plan to search for a new Administrator.

Discussion occurred regarding discussing this in another meeting, allow Commissioners time to individually speak with the County Administrator, explore making the County Attorney's contract a termed contract, and the need to first have conversations with the County Administrator and the County Attorney.

Ed Hunzeker, County Administrator, stated he is comfortable with the proposal and will abide by the Board's decision. The Association of County Administrators can assist with the recruitment process.

A motion was made by Commissioner Whitmore and seconded by Commissioner Jonsson, to place this matter on the next agenda (2/13/18) as an agenda item. The motion carried 7-0.

BC20180123DOC062

ADJOURN

There being no further business, Chairman Trace adjourned the meeting at 4:05 p.m.

Minutes Approved: _____