

BOARD OF COUNTY COMMISSIONERS
PORT AUTHORITY
CIVIC CENTER AUTHORITY
COMMUNITY REDEVELOPMENT AGENCY
MANATEE COUNTY, FLORIDA

WEBSITE: WWW.MYMANATEE.ORG

Manatee County Administrative Center
Commission Chambers - First Floor - 1112 Manatee Avenue West
Bradenton, Florida 34205

Commission Office: (941) 745-3700
Commission Fax: (941) 745-3790

PLEDGE OF PUBLIC CONDUCT
WE MAY DISAGREE, BUT WE WILL BE RESPECTFUL OF ONE ANOTHER
WE WILL DIRECT ALL COMMENTS TO ISSUES
WE WILL AVOID PERSONAL ATTACKS

AGENDA
and
NOTICE OF PUBLIC MEETING

9:00 a.m. REGULAR MEETING February 9, 2010

MEETING CALLED TO ORDER:

Donna G. Hayes, Chairman

INVOCATION:

Bishop Raymond Trice, True Deliverance Fellowship

PLEDGE OF ALLEGIANCE

ITEMS SCHEDULED FOR TIME CERTAIN

TO THE EXTENT POSSIBLE, THE FOLLOWING ITEMS WILL BE CONSIDERED AT THE TIMES INDICATED

10:00 A.M.

46. **HEALTH INFORMATION EXCHANGE**

CITIZEN'S COMMENTS

COMMENTS SHOULD BE LIMITED TO TWO MINUTES PER PERSON AND SHOULD CONCERN ITEMS ON CONSENT AGENDA.

CONSENT AGENDA

*THE FOLLOWING ITEMS ARE DETERMINED TO BE ROUTINE IN NATURE AND SHOULD BE CONSIDERED IN A SINGLE MOTION.
ITEMS DETERMINED TO WARRANT INDIVIDUAL DISCUSSION SHOULD BE REMOVED FROM THIS LIST PRIOR TO THE MOTION TO ADOPT.
SUCH ITEMS SHOULD BE DISCUSSED SEPARATELY.*

CLERK OF CIRCUIT COURT

- **Clerk's Consent Calendar:** Approval

PROCLAMATIONS

1. **National Family, Career and Community Leaders of America Week** – February 7-13, 2010
2. **Cortez Festival Days** – February 20-21, 2010
3. **Gulf Coast Senior Games Week** – February 16-21, 2010

ATTORNEY

4. **Buffalo Road Realignment Project** – Adopt Resolution R-10-029 determining public purpose and necessity, and Resolution R-10-030 authorizing use of eminent domain "quick take" proceedings, in the acquisition of certain parcels of privately owned realty, as related to the proposed construction of the Buffalo Road-Realignment Project
5. **Eminent Domain: 17th Street West (Memphis Road), Palmetto** - Approve Offer of Judgment/Proposal for Settlement by Manatee County to Defendant Jimmy D. Green in the eminent domain case, Manatee County v. Henry Lawrence, et al., Case 2008-CA-1398, Parcel 135
6. **SHIP Mortgage Property** – Authorize County Attorney's Office to negotiate settlement for payment of the amount of the Manatee County SHIP loan or for a deed to the property in lieu of foreclosure; or if settlement fails, to file a foreclosure action against the Estate of James Richard Gilreath for repayment of a SHIP mortgage in the amount of \$38,672, or for sale of the property*

Donna G. Hayes, District 5, Chairman

Carol Whitmore, District 6 At-Large, 1st Vice-Chairman; John R. Chapple, District 3, 2nd Vice-Chairman; Larry Bustle, District 1, 3rd Vice-Chairman
Dr. Gwendolyn Y. Brown, District 2; Ron Getman, District 4; Joe McClash, District 7 At-Large

COMMUNITY SERVICES

7. **Driver Education Program** – Execute agreement with School Board of Manatee County for program in the amount of \$171,093*
8. **Emergency Home Energy Assistance Program** – Execute Amendment 3 to agreement with West Central Florida Area Agency on Aging, Inc., increasing funding amount, and adopt Budget Resolution B-10-023 amending annual budget for Manatee County for FY 2009-10
9. **Forensic Medical Exams** – Adopt Resolution R-010-021 accepting the billing and collection procedures for reimbursement of forensic medical examinations*
10. **Home Care for the Elderly** - Execute Amendment 2 to agreement with West Central Florida Area Agency on Aging, Inc., transferring funds from Subsidies to Case Management category, and adopt Budget Resolution B-10-022 amending annual budget for Manatee County for FY 2009-10

FINANCIAL MANAGEMENT

11. **Bailiffs for Juvenile Cases** – Approve Budget Resolution B-10-025 to provide additional \$152,058 to the Sheriff for the cost of providing three additional bailiffs to handle Juvenile Court cases
12. **Budget Amendment Resolution** – Adopt Budget Resolution B-10-021
13. **Property with Delinquent Tax** – Award IFB 10-0693TR to Herald Tribune, and authorize Chairman to sign letter notifying Manatee County Tax Collector of Board's action

NATURAL RESOURCES

14. **Tree Trust Fund** – Update proposed sites and authorize Property Management to acquire funds from Tree Trust Fund for the G.T. Bray Recreation Center/Administration Building; and adopt Budget Resolution B-10-024 amending the annual budget for Manatee County for FY 2009-10

NEIGHBORHOOD SERVICES

15. **Economic Development Incentive (EDI) Grant** – Adopt Resolution R-10-025 finding that "Project Oliphant 2010" is approved for an EDI grant up to \$133,000 over a five-year period
16. **Economic Development Incentive (EDI) Grant** – Adopt Resolution R-10-026 finding that "Project Star to Star 2010" is approved for an EDI grant up to \$80,000 over a five-year period
17. **Land Use/Deed Restriction Agreement** – Execute agreement with Manatee County Housing Authority for a Neighborhood Stabilization Program housing development at 5827 21st Street West, Bradenton
18. **Land Use/Deed Restriction Agreement** – Execute agreement with Educational Consultants Consortium, Inc., for a Community Development Block Grant program for rehabilitation of the Anna E. Gayle Community Center – Mary Kelly House
19. **Norma Lloyd Park** – Accept contribution of \$500,000 from the Central Community Redevelopment Agency to match a Florida Recreational Trails grant for design and construction of a multi-use trail

PLANNING

20. **Final Plat: Royal Palm Crossing** – Approve, execute, and record

PROPERTY MANAGEMENT

21. **9th Street East, Bradenton** – Execute Utility Easement to City of Bradenton required for constructing a sewer force main
22. **44th Avenue East** - Adopt Resolution R-10-022 authorizing Property Management to conduct pre-suit negotiations and make written offers to purchase certain parcels required for the road improvement project before proceeding with eminent domain
23. **Bayway Park** – Adopt Resolution R-10-014-V declaring a public hearing on March 16, 2010, to consider application to vacate a portion of a platted easement for improvements*
24. **Concession Golf Club** – Accept and record Utility Easement from The Concession Golf Club, LLC; Affidavit of Ownership and Encumbrances; Joinder
25. **Natures Way** – Accept and record Utility Easement from Schroeder-Manatee Ranch, Inc., required for a sanitary sewer lift station; Affidavit of Ownership and Encumbrances
26. **Wares Creek Stormwater Improvement Project (Parcel E105.2)** – Accept and record Access and Maintenance Easement from Christopher E. Costantino, Ralph F. Costantino and Donnatta Costantino-Lowenhaupt; Affidavit of Ownership and Encumbrances; Quit Claim Deed
27. **Wares Creek Stormwater Improvement Project (Parcel E106.2)** – Execute Contract for Sale and Purchase for an Access and Maintenance Easement from Donald R. Olmstead in the amount of \$5,400
28. **Wares Creek Stormwater Improvement Project (Parcel 150.2)** – Execute Contract for Sale and Purchase for an Access and Maintenance Easement from James M. and Virginia O. Variot in the amount of \$33,990.25*

Donna G. Hayes, District 5, Chairman

PUBLIC SAFETY

- 29. **Spay and Neuter Program** – Adopt Resolution R-10-019 establishing a program for dogs and cats transferred from Manatee County Animal Services to Animal Welfare Organizations; and adopt Budget Resolution B-10-026 providing \$20,000 in funding for this program from the Reserve for Contingency

PUBLIC WORKS

- 30. **Hazard Mitigation Grant** – Authorize Chairman to sign agreements awarding \$70,582.60 for FEMA Project 1785-018-R*
- 31. **Surplus Vehicles** - Classify vehicles which are uneconomical to operate as surplus per Florida Statute §274.05 to enable appropriate and authorized disposition, and authorize disposal

UTILITIES

- 32. **Fee Waivers** – Waive \$1,388.10 in service fees assessed to utility customer accounts for returned bank items
- 33. **Uncollectible EMS Accounts** – Adopt Resolution R-10-023 to remove uncollectible accounts for ambulance services totaling \$187,301.05

REPORTS

- 34. **Responses to Board Inquiries** - Accept into the record responses from various County departments to inquiries of the Board of County Commissioners: 1) Sidewalk at Kingfish Boat Ramp (B905139), 2) Palmetto Transit Center (B1000132)

RECOMMENDED MOTION: I MOVE TO APPROVE THE CONSENT AGENDA INCORPORATING THE LANGUAGE AS STATED IN THE RECOMMENDED MOTIONS IN THE AGENDA MEMORANDA (AS MAY HAVE BEEN AMENDED IN THE SUPPLEMENTAL AGENDA).
(END CONSENT)

AWARDS/PRESENTATIONS/PROCLAMATIONS

HUMAN RESOURCES

- 35. **February Employee of the Month** – Present award to **Rebecca Northrup**, Customer Service Representative II, Utilities Department
- 36. **Team Award** – Present award to **Aaron Burkett, William Mason, Cory Miles, Larry Johnson, Nicholas Weckesser, Thomas Micke, Shayne Greene, Chris Hastie, Steven Jahn, Michael Hilleshiem, LeeRoy Santos, William Bevelle, Jon Wunderlich, Travis Luke, Thomas Wood, Art Chesley, and Larry McKee**, Public Works Department, in recognition of outstanding service to Manatee County

ADMINISTRATOR

- 37. **2010 County Fair** – Present Certificates of Appreciation to **Tamie Langman**, Chairman, **Clayton Allen, Vikki Comarsh-White, Darin Cushing, Janice Dunbar-Smith, Will Reed, and Kay Rogers**, for service on the 2010 Manatee County Fair Committee
- 38. **Gulf Guardian Award** – Presentation by **Mark Alderson**, Executive Director, Sarasota Bay Estuary Program
- 39. **Realize Bradenton** – Update by **Johnette Isham**, Executive Director, Realize Bradenton

PROCLAMATIONS (APPROVED WITH CONSENT AGENDA)

- **National Family, Career and Community Leaders of America Week** – February 7-13, 2010
- **Cortez Festival Days** – February 20-21, 2010
- **Gulf Coast Senior Games Week** – February 16-21, 2010

CITIZEN'S COMMENTS
*COMMENTS SHOULD BE LIMITED TO TWO MINUTES PER PERSON
AND SHOULD CONCERN BUSINESS WHICH MAY, IF APPROPRIATE, BE PLACED ON A FUTURE AGENDA.*

MANATEE COUNTY PORT AUTHORITY

NOTHING SCHEDULED

MANATEE COUNTY CIVIC CENTER AUTHORITY

NOTHING SCHEDULED

MANATEE COUNTY COMMUNITY REDEVELOPMENT AGENCY

NOTHING SCHEDULED

ADVISORY BOARD/COMMITTEE APPOINTMENTS

NEIGHBORHOOD SERVICES

- 40. **Affordable Housing Advisory Committee** – Appoint two representatives to Seat 5 and Seat 7, and adopt Resolution R-10-027 confirming appointment of members to Seat 5 and Seat 7
- 41. **Library Board of Trustees** – Appoint two citizens to the At-Large and Unincorporated Seats

ADVERTISED PUBLIC HEARINGS

PRESENTATIONS UPON REQUEST - ITEMS 42-45

PLANNING

- 42. **LDA-06-06(R) HBT of Eagle Pointe, LLC/Eagle Pointe Subdivision; PDR-04-55(Z)(P)**
(Stephanie Moreland, Planner)
Request for approval of LDA 06-06(R) relating to the Eagle Pointe Subdivision project, approved as PDR-04-55(Z)(P); providing for the applicant's dedication of road rights-of-way for Moccasin Wallow Road and Carter Road; extending the expiration of existing Preliminary and Final Site Plan approvals and existing Certificate of Level of Service Compliance for certain public facilities for the project; and extending the expiration of the LDA. The Project is located on a 679.3± acre parcel in unincorporated Manatee County, generally bounded on the west side by Carter Road, on the south side Moccasin Wallow Road, and on the north side by Buckeye Road. Through prior approvals, the Project has been approved for 1,072 lots for single-family detached residences. The Project is approved with a maximum height of thirty-five (35) feet for all uses.

PROPERTY MANAGEMENT

- 43. **Corporate Way**
Adopt Resolution R-10-005-V vacating a portion of an improved, platted right-of-way

PUBLIC WORKS

- 44. **Canal Dredging Assessment (Warner's West Bayou)**
Approve and adopt Special Canal Dredging Assessment Roll for Project 6054402; and adopt Resolution R-10-006 confirming the Special Assessment Roll and imposing liens on parcels located adjacent to Warner's West Bayou
- 45. **Canal Dredging Assessment (Warner's East Bayou)**
Approve and adopt Special Canal Dredging Assessment Roll for Project 6054401; and adopt Resolution R-10-007 confirming the Special Assessment Roll and imposing liens on parcels located adjacent to Warner's East Bayou

RECOMMENDED MOTION: 1 MOVE TO APPROVE THE PRESENTATIONS UPON REQUEST AGENDA INCORPORATING THE LANGUAGE AS STATED IN THE RECOMMENDED MOTIONS IN THE AGENDA MEMORANDA (AS MAY HAVE BEEN AMENDED IN THE SUPPLEMENTAL AGENDA).

REGULAR AGENDA

COMMUNITY SERVICES

10:00 A.M. TIME CERTAIN

- 46. **Health Information Exchange** – Presentation regarding development of a Health Information Exchange in Manatee County, and authorize Chairman to execute funding agreement with Gulf Coast HIE, Inc., in an amount not to exceed \$50,000, for development of a Health Information Exchange in Manatee County*

ADMINISTRATOR

- 47. **Ring Power** – Rescind actions of the Board taken on June 19, 2007, and October 9, 2007, with respect to AP-04-14 based upon the lack of jurisdiction of the Board to take such actions*

ADMINISTRATION/COMMISSION COMMENTS

ADJOURN

* Documents have been reviewed by County Attorney's Office

The Board of County Commissioners of Manatee County, the Manatee County Port Authority, the Manatee County Civic Center Authority, and the Manatee County Community Redevelopment Agency may elect not to convene, if no business is scheduled; however, each reserves the right to take action on any matter during its meeting, including items not set forth within this agenda. The Chair of each governing body at his/her option may take business out of order if he/she determines that such a change in the schedule will expedite the business of the governing body.

The Board of County Commissioners of Manatee County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to, participation in, employment with, or treatment in, its programs or activities. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802, wait 60 seconds; FAX 745-3790.

PUBLIC NOTICE: According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by the Board of County Commissioners (or the other entities that are meeting) with respect to any matter considered at said public hearing/meeting will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Prepared/**Revised** on 2/4/2010

Donna G. Hayes, District 5, Chairman

Carol Whitmore, District 6 At-Large, 1st Vice-Chairman; John R. Chapple, District 3, 2nd Vice-Chairman; Larry Bustle, District 1, 3rd Vice-Chairman
Dr. Gwendolyn Y. Brown, District 2; Ron Getman, District 4; Joe McClash, District 7 At-Large