

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION BUILDING; HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
August 10, 2021**

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

Present were:

Vanessa Baugh, Chairman
George Kruse, First Vice-Chairman
Kevin Van Ostenbridge, Second Vice-Chairman (Attended via Zoom)
Reggie Bellamy, Third Vice-Chairman
Misty Servia
James A. Satcher III (Attended via Zoom)
Carol Whitmore

Also present were:

Dr. Scott L. Hopes, Acting County Administrator
William Clague, County Attorney
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court



Chairman Baugh called the meeting to order at 8:30 a.m.

INVOCATION

The Invocation was delivered by Pastor Geoff Henderson, Harbor Community Church.

VETERAN LED PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lee Washington, Staff Sergeant, U.S. Marine Corps.

AGENDA

BC20210810DOC001

Time Certain

Item 42 - 10:00 a.m. Sarasota Homeless Outreach Teams (HOT) Program

Item 39 - 1:30 p.m. Ordinance 21-28, Retail Ban on the Sales of Dogs and Cats

Agenda Update Memorandum

BC20210810DOC002

Citizen Comments - Consideration for Future Agenda Items submitted

Item 9 - Deputy County Administrator - Moved from the Consent Agenda to Items Removed from the Consent Agenda

Item 16 - Ordinance 21-13, Updates to the Parks and Recreation Ordinance, The requested action was updated to read "Approval by the Board of County Commissioners to advertise and set a public hearing for Ordinance 21-13 on September 14, 2021 to review and approve changes made to the Parks and Recreation Ordinance, Chapter 2-24 of the Manatee County Code"

Item 20 - Road Right-of-Way Map for Jim Davis Road, the requested action was updated to read Accept, execute, and record a Specific Purpose Survey of the Maintained Right-of-Way for a portion of Jim David Road from the South Line of Section 34-33-19 to County Road 675

Item 37 - Ordinance 21-31 fka Ordinance 19-33, Parrish Plantation Community Development District (CDD), Deferred to August 24, 2021

BC20210810DOC003

Item 38 - Ordinance 21-32 fka Ordinance 19-33, Cone Ranch CDD, Deferred to August 24, 2021

BC20210810DOC004


Item 39 - Ordinance 39, Retail Ban on the Sale of Dogs and Cats, The Ordinance, Notice of Public Hearing, and proposed amendment from Petland were added to this agenda item

Item 42 - Report on the Success of the Sarasota Homeless Outreach Teams (HOT) Program, the Item was scheduled for a 10:00 a.m. time certain

Item 43 - Northern Alignment for Moccasin Wallow Road, Segment 1 - U.S. 301 to 115th Street East,

Requested Action “Motion to approve the Northern Alignment for Moccasin Wallow Road, Segment 1, From U.S. 301t to 115th Avenue East as recommended by staff”


CONSENT AGENDA (Items pulled for consideration)


 Commissioner Bellamy requested Item 13, Contract with Johnston & Stewart Government Strategies LLC, be pulled from the Consent Agenda.

AWARDS

1. Employee of the Month – Tim LaBarr, IT Senior Specialist, Information Technology Department BC20210810DOC005

2. Safety Award – Melissa Dickey, Utilities Maintenance Supervisor, Utilities Department

 Chuck Foreman, stated Ms. Dickey was recognized for receiving safety awards through national organizations.


 Mike Gore, Utilities Director, relayed the achievement by Ms. Dickey at the Water Treatment Plant and presented a plaque to her. BC20210810DOC006

3. Recognition of Kevin DiLallo, Group Vice President, Florida, Universal Health Services Acute Care Division; and BC20210810DOC007


4. Recognition of Randy Currin, Jr., Former President and CEO Blake Medical Center BC20210810DOC008

 Commissioner Whitmore recognized Kevin DiLallo and Randy Currin for their leadership at the local hospitals when COVID-19 began in Manatee County. She presented Manatee County Challenge coins to both.


Mr. DiLallo thanked the staff at Manatee Memorial Hospital for their dedication.

 Mr. Currin expressed appreciation to the staff at Blake Medical Center and the County. (Enter Commissioner Satcher)

Discussion ensued regarding the success and careers of both gentleman, and the Board’s appreciation for all they do.


 Mr. DiLallo provided an update on conditions in the Intensive Care Unit.

PROCLAMATIONS

 A motion was made by Commissioner Servia, seconded by Commissioner Bellamy, and carried 7-0, to adopt the following Proclamations:

5. Tribute to Heroes Day – September 11, 2021, accepted by Chief Lee Whitehurst, President of the Fire Chief Association, representing first responders BC20210810DOC009

Discussion ensued regarding the importance of remembering the events of September 11, 2001, and thanking first responders for all they do.

6.  National Preparedness Month – September 2021, accepted by Jacob Saur, Public Safety Director, Steve Litschauer, Emergency Management Chief, and Public Safety staff

Discussion ensued on the importance of planning for the unexpected, and emergency management.

BC20210810DOC010

7. Teen Court/Teen Court Too Month – September 2021, accepted by Angel Colonnese, Clerk of the Circuit Court and Yantee Hines, Teen Court Supervisor, Clerk of the Circuit Court

Discussion ensued regarding making a difference in the lives of teens.

BC20210810DOC011

CITIZEN COMMENTS (Future Agenda Items)

BC20210810DOC012

Brian Kerwin, SOLVE Maternity Homes, spoke on the program and thanked the Board for voting to fund their programs, but respectfully declined the funding.



Pat Simmons spoke about partnering social and mental health workers with law enforcement officers to help individuals, questioned if any parks work with the disabled, requested hurricane tracking charts in the Hurricane guide, and asked who is responsible for enforcing parking in handicap spots.



Rodney Jones addressed procedures and policies for citizen comments and submitted a summary judgement and a sworn criminal affidavit from Charlie Kennedy.

BC20210810DOC013



Glen Gibellina (distributed documents), Divina Maruca, Michelle Martin and Carol Felts spoke regarding affordable housing policies/procedures and the Community Solution 360 organization.

BC20210810DOC014

Reverend Arthur Huggins spoke about the treatment of citizens speaking under Citizen Comments.



William Clague, County Attorney, stated the Statute is regarding the solicitation of funds by organizations, and the contract with Community 360 is not against the Law. Regarding the First Amendment, the Board provides the public the ability to speak their opinions, but the courts have recognized that local government has the ability to remove citizens for addressing the Board in a disrespectful manner.



Dr. Hopes stated there is nothing that prohibits the Board from entering into agreements regarding for-profits and they are looking at all surplus property and evaluating it for use as sites for single-family or multifamily housing.



Discussion ensued regarding supporting staff, people should be able to speak during citizen comments, yet citizens need to abide by the Civility Pledge, events at the last meeting should not have taken place, equal treatment for citizens when addressing the Board, constructive criticism, and there needs to be training for ensuring diversity and equity.



Dr. Hopes expressed appreciation for staff and the Board, and protecting staff against attacks. County staff are public servants and deserve respect.


RECESS/RECONVENE: 10:21 a.m. - 10:32 a.m. All Commissioners were present.


COMMISSIONER AGENDA


42. **SARASOTA HOMELESS OUTREACH TEAMS (HOT) PROGRAM (COMMISSIONER SERVIA)**


Commissioner Servia addressed the need for programs to assist the homeless and introduced Bill Spitler, formerly of the Sarasota County Sheriff's Office.


Bill Spitler reported on Sarasota's HOT Program and addressed policy, provided an overview of the current costs to house homeless people in jail, possible ways to assist the homeless, program models in other cities, the need to enforce panhandling, storage of personal property, and the HOT team's methods for engaging, educating, encouraging, and then enforcing the rules of the County regarding the homeless. The Sarasota HOT team has 25 beds at the Salvation Army for a 30-day program. He proceeded to provide statistics regarding the homeless in Sarasota County and accomplishments of the HOT Team. Housing and Urban Development vouchers are available to individuals as long as they meet the federal requirements. The HOT Team provides access to mental health care and helping individuals overcome obstacles. The objective is get the homeless off the street, not aid in keeping them on the street. They also assist with obtaining medications, applying for social security, and connecting individuals to other agencies. The 90-day program is \$.86 cents a day, for a total of \$497,000 a year, and The Salvation Army program is \$319,000 per year.


 Discussion ensued regarding the need to have a work session to delve deeper into what can be done.


 Dr. Scott Hopes stated a work session can be scheduled, and noted that some of the services are also provided in Manatee County through the community paramedic program.


 Mr. Spitler stated he would be happy to attend a work session.


 Discussion continued regarding Commissioner Servia making a difference for the homeless, cannot solve the issues in a day, identify action steps in the work session, provide funding to the Salvation Army, need to look at people's biases, helping women with crisis pregnancies, need to support faith based organizations, thanking Mr. Spitler for his time, question if the County supports faith based organizations, all organizations must meet results first requirements to receive County funding, and put CareNet on the next agenda.

 Glen Gibellina urged the Board to recognize need for transitional housing for the homeless, and suggested using County property for pallet shelters.

 Carol Felts suggested ways to address the homeless problem by providing faith based counseling for men, Accessory Dwelling Units, and provide housing in a rural community.

 Keith Green expressed concern that the SOLVE House declined County funding.


 There being no further citizen comment, Chairman Baugh closed citizen comments.


 Discussion ensued that Commissioners honor their own Civility Pledge and allow people to talk, temporary tent areas that are monitored, preventative actions are always less expensive, transitional housing must also have services such as assistance with employment, and schedule as a special meeting rather than a work session.

BC20210810DOC015

CONSENT AGENDA

Citizen Comments (Consent Agenda Items)

 David Ballard stated the lobbyists work well with legislatures.

 Betsy Holden encouraged funding for women who are pregnant and need assistance with shelter.

There being no further citizen comments, Chairman Baugh closed citizen comments.

CONSENT AGENDA

A motion was made by Commissioner Kruse, seconded by Commissioner Servia, and carried 7-0, to approve the Consent Agenda, with the changes incorporated in the Agenda Update Memorandum with the deletion of Items 9 and 13 (separate action).

8. CLERK’S CONSENT AGENDA

BC20210810DOC016

A. MINUTES

Approved the Minutes of June 9 and 17, 2021

B. REFUNDS

Approved:

- 1. Jose Mendez – Pre-application fees, \$1,500

BC20210810DOC017

C. REPORTS

Accepted:

- 1. 2nd Quarter 2021 Grants and Donations Report

BC20210810DOC018

D. BONDS

Accepted:

- 1. Jackson Crossing Phase I

- Released and returned Surety Bond (Performance) LPM0505423 and any associated amendments in conjunction with the Agreement for Private Subdivision with Public Improvements, \$72,057.96; and
- Accepted Surety Bond (Performance) 6135007554 in conjunction with the Agreement for Private Subdivision with Public Improvements, \$72,057.96

BC20210810DOC019

- 2. Rye Wilderness, Phase IV-A

- Released Agreement in Conjunction with Surety Bond (Attachment “A”) as Defect Security Warranting Required Improvements securing general and earthwork, paving, potable water, sanitary sewer and reclaim improvements, \$70,494.15; and
- Released and returned Surety Bond (Defect) 1029753 and any associated riders, \$70,494.15

BC20210810DOC020

- 3. Summerwoods Phase IIB

- Released and returned Surety Bond (Performance) 6135002847 and any associated riders in conjunction with the performance portion of the Agreement for Public Improvements, \$1,430,686.40;
- Released and returned Surety Bond (Performance) 6135002865 and any associated riders in conjunction with the performance portion of the Agreement for Public Improvements, \$831,540.60;
- Accepted and executed Surety Bond (Defect) 800120181 securint Section 1.5 “Maintenance, Defects” of the Agreement for Public Subdivision Improvements accepted by the Board of County Commissioners on November 10, 2020, securing earthwork, roadway sanitary sewer, potable water, and reclaimed water improvements, \$103,432.80; and
- Accepted and executed Bill of Sale

BC20210810DOC021

E. SHERIFF BOND

Accepted the list of 12 additional employees and deletion of 10 employees from the Sheriff’s Public Employee Bond

BC20210810DOC022

10. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/WILLOW BEND, PHASE II**
- Executed and authorized recording of Final Subdivision Plat;
 - Executed and authorized recording of the Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions for Willow Bend Home Owners Association of Manatee County, Inc., and Amendment to the Bylaws of Willow Bend Home Owners Association of Manatee County, Inc.;
 - Accepted, executed, and authorized recording of Mortgagee's Joinder in and Ratification of the Subdivision Plat and All Dedications and Preservations Thereon for Willow Bend Phase III by AA Reinvest - Willow Bend LLC;
 - Accepted, executed, and authorized recording of Mortgagee's Joinder in Consent to and Ratification of the Subdivision Plat and All Dedications and Preservations Thereon for the Residences at Willow Bend Phase III by NVR, Inc.;
 - Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Public Improvements, Willow Bend Phase III, from CWES IV LLC, a Limited Liability Company;
 - Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Willow Bend Phase III, Surety Bond GM211853, \$1,536,018.18;
 - Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Willow Bend Phase III, Surety Bond GM211854, \$50,904.75;
 - Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Private Improvements, Willow Bend Phase III, from CWES IV LLC, a Limited Liability Company; and
 - Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Willow Bend Phase III, Surety Bond GM209871, \$71,324.50
11. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT RESOLUTION**
Adopted Budget Amendment Resolution B-21-106 BC20210810DOC023
BC20210810DOC024
12. **FINANCIAL MANAGEMENT/CONTRACT**
Authorized rescinding the aggregate not-to-exceed amount for Agreements 18-TA067912DW with Harris-McBurney Company and Precision Contracting Services, Inc., for Outside Plant Installation of Fiber Optic Cable, Conduit Systems, Pull Boxes, Maintenance and Emergency Repair Services BC20210810DOC025
14. **FINANCIAL MANAGEMENT/CONTRACT**
Authorized the Procurement Official, or designee, to execute Amendment 1 to Blanket Purchase Order Agreement P2100815 for Quicklime with Mississippi Lime Company, extending the agreement from August 3, 2021 to April 30, 2022 BC20210810DOC026
15. **NEIGHBORHOOD SERVICES/CONTRACT**
Executed Amendment 002 to Emergency Home Energy Assistance for the Elderly Program (EHEAP) Agreement EH-21/23-MAN between Manatee County and Senior Connection Center, Inc., which revises the budget summary releasing the remaining funds for use and increases the amount of assistance per applicant BC20210810DOC027
16. **PARKS AND NATURAL RESOURCES/ORDINANCE**
Authorized advertising and setting a public hearing for Ordinance 21-13 on September 14, 2021, to review and approve changes made to the Parks and Recreation Ordinance, Chapter 2-24 of Manatee County Code BC20210810DOC028

- 17. **PARKS AND NATURAL RESOURCES/CONTRACT**
Executed Fifth Amendment to the Golf Course Management Agreement between Manatee County and Pope Golf, LLC (new Exhibit A, Site Locations, and effective end date, 4/30/25)
BC20210810DOC029
- 18. **PARKS AND NATURAL RESOURCES/CONTRACT**
Executed Contract W1219 with the Florida Department of Corrections (FDOC) for inmate labor, October 25, 2021, through October 24, 2024, plus one, three-year renewal
BC20210810DOC030
- 19. **PARKS AND NATURAL RESOURCES/CONTRACT**
Executed Contract W1232 with the Florida Department of Corrections (FDOC) for inmate labor, November 15, 2021, through November 14, 2024, plus one, three-year renewal
BC20210810DOC031
- 20. **PROPERTY MANAGEMENT/ROAD RIGHT-OF-WAY**
Accepted, executed, and authorized recording of Specific Purpose Survey of the Maintained Right-of-Way for a portion of Jim Davis Road, from south of Section 34-33-19 to County Road 675
BC20210810DOC032
- 21. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
 - Accepted previously recorded Warranty Deed from Gary C. and Sarah Hensley Hornsby for Parcels 131A, 131B and 131.03 of the Moccasin Wallow Road – U.S. 41 to Gateway Boulevard Expansion Project, CIP Project 6092560; and
 - Accepted previously recorded Temporary Construction Easement from Gary C. and Sarah Hensley Hornsby
BC20210810DOC033
- 22. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
 - Accepted previously recorded Warranty Deed from Michael J. Gardner and Tammy Strope for Parcels 121 and 121.03 of the Moccasin Wallow Road – U.S. 41 to Gateway Boulevard Expansion Project, CIP Project 6092560; and
 - Accepted previously recorded Temporary Construction Easement from Michael J. Gardner and Tammy Strope; and
 - Accepted previously recorded Release of Mortgage from Carrington Mortgage Services, Inc.
BC20210810DOC034
- 23. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
 - Accepted previously recorded Warranty Deed from Brianna Marie Koperna and Stephen Thomas Koperna, II for Parcels 138 and 138.03 of the Moccasin Wallow Road – U.S. 41 to Gateway Boulevard Expansion Project, CIP Project 6092560; and
 - Accepted previously recorded Temporary Construction Easement from Brianna Marie Koperna and Stephen Thomas Koperna, II; and
 - Accepted previously recorded Affidavit of Ownership and Encumbrances from Brianne Marie Koperna and Stephen Thomas Koperna, II
BC20210810DOC035
- 24. **PROPERTY MANAGEMENT/AGREEMENT**
Executed and authorized recording of Agreement to Subordinate Utility Interests and Reimburse for Additional Facility Relocations from Charter Communications, Inc. for parcels 137, 137.03a, and 137.03b of the Moccasin Wallow Road – U.S. 41 to Gateway Boulevard Expansion Project – CIP Project 6092560
BC20210810DOC036
- 25. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
Executed and authorized recording of an Easement to Florida Power and Light for property located at 501 17th Street East, Palmetto
BC20210810DOC037

26. **PROPERTY MANAGEMENT/CONTRACT**
Executed Contract for Sale and Purchase between Joyce B. Case, Individually and as Trustee U/A The Joyce B Case Trust Dated October 10, 2006, as Amended and Restated on February 11, 2016, and Manatee County for Parcel 102 of the Moccasin Wallow Road – U.S. 41 to Gateway Boulevard Expansion Project – CIP Project 6092560, \$140,000 BC20210810DOC038
27. **PROPERTY MANAGEMENT/CONTRACT**
Executed Contract for Sale and Purchase for fee simple acquisition with Mindy Carver and Ryan Stoneking for Parcel 104, \$114,800; and Executed Contract for Sale and Purchase for a Temporary Easement with Mindy Carver and Ryan Stoneking for Parcel 104.03, \$200, for Moccasin Wallow Road, U.S. Gateway Boulevard Expansion Project, CIP Project 6092560 BC20210810DOC039
28. **PROPERTY MANAGEMENT/CONTRACT**
Executed Contract for Sale and Purchase with 2903 Moccasin LLC for Parcels 137, 137.03A and 137.03B, for property located at 2903 Moccasin Wallow Road, \$150,000 BC20210810DOC040
29. **PROPERTY MANAGEMENT/CONTRACT**
Executed Contract for Sale and Purchase with Cynthia M. Spencer as Personal Representative of the Estate of Charles J. Elmore for property located at 9750 Bud Rhoden Road, Parcels 120, 120.03, 120.03A and 120.03B of the Moccasin Wallow Road – U.S. 41 to Gateway Boulevard Expansion Project – CIP Project 6092560, \$444,189 BC20210810DOC041
30. **PROPERTY MANAGEMENT/CONTRACT**
Executed Contract for Sale and Purchase with Mixon Fruit Farms, Inc. for property located along 26th Avenue East, \$86,000 BC20210810DOC042
31. **PROPERTY MANAGEMENT/CONTRACT**
- Executed Subordination of Utility Interests for Temporary Easements to the Florida Department of Transportation (FDOT) for Parcel 726.4 (aka Parcel 726), for FDOT Financial Project 433592-1-52-01 located along the U.S. 41 Pedestrian Corridor; and
 - Executed Subordination of County Utility Interest for Parcel 815.2 BC20210810DOC043
32. **PROPERTY MANAGEMENT/CONTRACT**
Executed a Utility Easement to Peoples Gas System, a Division of Tampa Electric Company for the Braden River Library, located at 915 53rd Avenue East BC20210810DOC044
33. **PUBLIC WORKS/RESOLUTION**
Adopted Resolution R-21-131 authorizing the Public Works Director to initiate a digital advertising pilot program, for the Transit/Trolley System, effective September 2021 BC20210810DOC045
34. **PUBLIC WORKS/RESOLUTION**
- Adopted Resolution R-21-136 approving the Manatee County Government 2021 Transit Development Plan (TDP) Annual Progress Report; and
 - Authorized submitting the 2021 TDP Annual Progress Report to the Florida Department of Transportation, District 1 Public Transit Office BC20210810DOC046
35. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/RESOLUTION**
Adopted Resolution R-21-133 finding that Project Falcon is approved for an Economic Development Incentive (EDI) Flex Grant and Multimodal Transportation Impact Fee Incentive (MTIFI) for Project Falcon and rescinding Resolution R-19-070 BC20210810DOC047


43 **PUBLIC WORKS/ROAD ALIGNMENT**

Approved the Northern Alignment for Moccasin Wallow Road, Segment 1 - U.S. 301 to 115th Avenue East as recommended by staff

BC20210810DOC048

(End Consent Agenda)


9. **COUNTY ADMINISTRATOR/DEPUTY COUNTY ADMINSTRATOR**

 Dr. Scott L. Hopes, County Administrator, sought confirmation of Charlie Bishop as a Deputy County Administrator. This appointment would round out the new administrative structure. He reclassified positions for a team of four deputy administrators. There are no new full-time employees, and these positions are signs of the leadership shown by the individuals. He continued to provide the new structure and which departments will be under the Deputy Administrators.


 A motion was made by Commissioner Whitmore, and seconded by Commissioner Bellamy to confirm the appointment of Charlie Bishop as Deputy County Administrator.


 Discussion ensued that the two directors promoted are deserving of the positions.


The motion carried 7-0.


 Andra Griffin agreed with the new structure of the Board and supported Mr. Bishop.

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

 Charlie Bishop, Deputy County Administrator, thanked the Board for the appointment and his staff for all their support.


 Mr. Bishop announced Todd Boyles's (Surveyor) retirement.


 Mr. Boyle expressed his appreciation for the time he has been with Manatee County.

 Dr. Hopes thanked his team.

BC20210810DOC049

13. **FINANCIAL MANAGEMENT/CONTACT**

 Commissioner Bellamy expressed concern regarding the need to have a conversation when a lobbyist is appointed and questioned if there needs to be a Request for Proposal.

 Discussion ensued regarding the manner in which lobbyists have been hired in the past, and Dr. Hopes used his expertise to select a lobbyist to meet the needs of the County.

A motion was made by Commissioner Kruse and seconded by Commissioner Whitmore, to execute Agreement 21-TA003794JE for Lobbying and Related Governmental Consulting Services with Johnston and Stewart Government Strategies LLC, for an annual, not-to-exceed amount of \$90,000.

 Glen Gibellina supported the motion.

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

Following a brief discussion, the motion carried 7-0.

BC20210810DOC050

(Depart Commissioner Servia)

PUBLIC HEARINGS (Presentations upon request)

36. **BUILDING AND DEVELOPMENT SERVICES/ORDINANCE**

A duly advertised public hearing was held to consider adoption of proposed Ordinance 21-30, expanding the boundaries of the Summer Woods Community Development District (CDD).

William Clague, County Attorney, stated this is a routine item.

A motion was made by Commissioner Kruse and seconded by Commissioner Whitmore, to adopt Ordinance 21-30, to expand the boundaries of Summer Woods CDD.

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

The motion carried 6-0, with Commissioner Servia absent.

BC20210810DOC051

PUBLIC HEARINGS (Presentations scheduled)

40. **COUNTY ATTORNEY/RESOLUTION**

A duly advertised public hearing was held to consider adoption of proposed Resolution R-21-124 designating the Manatee County Law Library as the Honorable Layon F. Robinson, II Law Library.



A motion was made by Commissioner Whitmore and seconded by Commissioner Kruse, to designate the Manatee County Law Library as the Honorable Layon F. Robinson, II Law Library.

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

The motion carried 6-0, with Commissioner Servia absent.

BC20210810DOC052

41. **COUNTY ATTORNEY/LEGAL EXPENSES**

William Clague, County Attorney, stated this is the same situation as when the legal expenses were paid for Commissioners Satcher and Van Ostenbridge. There is an additional \$4,000 settlement amount that was not included.

A motion was made by Commissioner Van Ostenbridge and seconded by Commissioner Kruse, for the Board to find that in Case 2020-CA-46, Commissioner Baugh incurred legal expenses (legal fees, costs, \$64,000, and settlement payments) resulting from performance of her official duties and while serving a public purpose, and (2) authorize reimbursement of such legal expenses, as recommended by the County Attorney including the \$4,000 settlement.



Andra Griffin expressed concern regarding issues between Commissioners and unnecessary lawsuits.




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


A motion was made by Commissioner Kruse, seconded by Commissioner Van Ostenbridge and carried 6-0, with Commissioner Servia absent, to call the question.

The motion carried 6-0, with Commissioner Servia absent.

Discussion ensued that all the money spent was regarding a Resolution that was passed on November 19, 2021, and questions regarding invoices.

Mr. Clague stated the expenses are legally defensible.

 Discussion ensued regarding the plaintiff of the lawsuit.


 Chairman Baugh spoke to the allegations, and thanked the Board for their support.

BC20210810DOC053


RECESS/RECONVENE: 12:15 p.m. – 1:30 p.m. All Commissioners were present.


39. **PUBLIC SAFETY/ORDINANCE**

A duly advertised public hearing was held to consider adoption of proposed Ordinance 21-28, prohibiting the retail sale of dogs and cats in stores and flea markets.

 Sarah Brown, Animal Services Division Chief, used a slide presentation to review the background of the Ordinance, a breakdown of the Ordinance including humane treatment of animals, the Animal Welfare Act, inhumane facilities that sell animals to retail stores, definitions in the Ordinance, Article II and the prohibition of animal sales, the amortization period, retail stores can partner with rescues to adopt animals, and a breakdown of the counties that prohibit the retail sale of animals. The certificate of source is information provided from the breeder regarding the animal.


Commissioner Whitmore read a statement.

 Commissioner Van Ostenbridge questioned what the role of government should be when banning sales from a retail business.

 William Clague, County Attorney, suggested the proponents of the amendment discuss the amendments themselves.


Discussion ensued regarding providing additional time to present the amendments, and put the motion on the table so public comment can commence.

Motion

 A motion was made by Commissioner Whitmore and seconded by Commissioner Kruse, to adopt Ordinance 21-28.


Commissioner Van Ostenbridge suggested amending the motion to include the amendment presented by Petland.

 Mr. Clague suggested the attorney for Petland read the amendment.


 Commissioner Van Ostenbridge amended the motion to incorporate the amendment supplied by Petland's attorney. The motion to amend was seconded by Commissioner Baugh.

Public Comment


Speaking in favor of the Ordinance were:

 Nathan Levinson (displayed the First Amendment), Patty Ingle, Mary Lupi, Karen Anckerstar (displayed photographs), Christina Arriaga, Sue Kolze (distributed a statement), Kate MacFall, Carmela DelVeccio, Cynthia Kahn, Melissa Zepeta, Susan Lipton, Stacey Mazza-Gilkison, Tracy Lipton (displayed photograph), Wendy Payne, Stewart David, Diana Dobsos, Terry Paserelli, Renee Rivard, Laura Weiss, Gloria Nova-Fusen and M.K. Means, supported the Ordinance.


Kathy Harter, Ashley Berke, Sunje Schwarz, Kathy Goetschius, Kurtis Marsh, asked that rabbits be added to the ordinance.

 Michelle Martin and David Smith opposed the ordinance, spoke regarding the role of government and urged the Board to not restrict civil liberties, or stop commerce.


Mr. Clague stated if another breed of animal is added, the ordinance would need to be re-advertised.


 Commissioner Van Ostenbridge requested that comments regarding rabbits not be addressed since the Ordinance only pertains to cats and dogs.

RECESS/RECONVENE: 3:00 p.m. – 3:15 p.m. All Commissioners were present.

 Maryanne Conlon, TomDiSilva, Stephanie Shantz, Alison Agnello, Caryn Hodge, Dr. Sy Woon, Victoria Rubiells, Terri Bridge, Jennifer Hobgood, Jacklyn Royce and Marilyn Weaver also supported the Ordinance.

Speaking against the Ordinance were:

 Taylor Beneke (distributed a packet) , Neal Beneke, Shelly Anderson, Mikayla Taylor, Brad Parker, Victoria Martinez, Ashley Tomes, Michael Knestaut, Yasmeen Arslanagic, Aerial Gluckstal, Brian Winslow (distributed a handout), Elizabeth Kunzelman, Samir Sutaria, Ayaz Sutaria, Leah Vice, Judith Seltrecht, Arthur Perolla, Hahley Love, Kaylin Neilson (submitted packet), Natalia Sanabria (submitted information), Pedro Hernandez, Teagan Moy, Stephen Benecke, Andra Griffin, Alexandria Julien, Patt Van Sticklen, Aaron Haas and Glen Gibellina.


 Mark Barnebey, representing Petland of Bradenton and Petland of Sarasota (in Manatee County) requested the following amendments be added to the Ordinance Article II.(B).3. Commercial establishments within Manatee County that only offer for retail sale may live dog or cat from small, local hobby breeders or breeders that are licensed by the United States Department of Agriculture (USDA) under 7.U.S.C Section 2123 and all breeders have been issued a report of direct noncompliance violation by the USDA under the Federal Animal Welfare Act for a period of three years prior to offering for sale, delivery , bartering, auctioning, brokering, transferring or selling a dog. Such Commercial Establishments shall provide the USDA License number of the breeder that bred the dog, and a copy of the most current USDA inspection report for the breeder to Animal Services Division upon request. And adding to Article II.(C) after the adoption date “and does not meet the standards contained herein”

He stated the Ordinance is off target and there are bad breeders that should be eliminated. He suggested more regulation from the USDA, and noted the investment Petland has made to the community. He referenced a letter from Ed Sayers in opposition to the Ordinance and elucidated on the issues with some breeders. Puppies from Petland are seen by three veterinarians prior to being sold, and the proposed language will protect businesses and


consumers.


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


RECESS/RECONVENE: 5:20 p.m. - 5:31 p.m. All Commissioners were present.


 William Clague, County Attorney, advised that legal counsel for the Humane Society had a presentation.


Tamara Feliciano, ASPCA, used a slide presentation to support a ban on the retail sale of pets, citing federal lawsuits challenging the USDA, the USDA does not file reports, and other Ordinances banning the retail sale of pets have held up in Court.


 Discussion ensued regarding the Humane Society, the number of violations allowed for puppy mills in Florida, and language in the current ordinance.


 Ms. Brown responded she had no knowledge that rescues are purchasing dogs from puppy mills. There is a holding period for dogs at the shelter, and as soon as a smaller dog is obtained, they are taken by rescues. Dogs are required to be sterilized before they are adopted out. Larger dogs are harder to adopt.


 Discussion continued to support the ordinance, appreciate everyone for taking the time to be at the meeting, cannot vote based on emotion, government cannot regulate the supply chain issue, going beyond the role of government, and people have a choice as to where they purchase a pet.

 Mr. Barnebey stated the current draft of the Ordinance provided eliminating the retail sale of dogs and cats, and the proposed amendment allows for an exemption, that the animals must come from small hobby breeders or be licensed under the UDSA. The last version of the animal inspection report must be made available to Animal Services upon request. There has not been a problem with the animals at Petland as far as he knows. They carefully select the breeders they use.


 Discussion ensued regarding the number of people for and against the ordinance, the ordinance can be changed if there is a need, no definitive results that Petland is doing something wrong, the Board is divided, and is there a community where a similar ordinance has worked.

 Mr. Barnebey stated the Hillsborough Ordinance was working well until it was repealed due to one pet store. The origin chain of where the animals come from is available at Petland.


 Mr. Clague explained there should not be open dialogue with members of the audience.


 Discussion ensued that if the USDA did their job, this discussion would not be happening, there is not enough staff to follow up on violations, what is best for Manatee County, economic impact to jobs and tax revenue, the County is required to address animal welfare, where is the transparency in the breeding industry, every action has emotion tied to it, and there are preconceived thoughts on what they feel is best, role of government is the safety and welfare of the citizens, animals play a role in quality of life, government has effected businesses in the past, State regulations, purchasers were not given the information on the


puppies at Petland, how animals are treated is how you treat your fellow man, technical difference between adopting and buying, what is the amount of money going into Nate's Honor Animal Rescue.


 Ms. Brown explained that animal welfare organizations charge adoption fees to recoup costs, and it is mandatory for not-for-profits to sterilize the animals. The non-profits are not regulated by Animal Services, and they lose profits because of animals that come in requiring extensive medical care.


 Mr. Clague stated the draft ordinance stipulates adoption fees.

 Discussion continued regarding adoption facilities and legal definition of a puppy mill.

 Mr. Clague responded that the draft ordinance addresses animal welfare organizations that have tax exempt status under the Internal Revenue Service code, but does not determine how they operate financially. There is no legal definition of puppy mill, because people have different opinions as to what that means. Hillsborough is a large County and it would be difficult for Manatee to emulate what they do. The amendment offered by Petland would be an option as it offers other solutions. Petland could not go to a local breeder to acquire puppies as the ordinance is written, and the ordinance captures hobby breeders as well. The Manatee Kennel Club has a legitimate point regarding hobby breeders. He continued to explain changes regarding the purpose of the ordinance. The amendment would not require re-advertisement, and the ordinance would encompass the municipalities until they adopt their own ordinance.

 Discussion ensued that humans assign value to dogs and cats, there are other animals that need protection, and consumer protection is a legitimate topic to address.

 Mr. Clague reviewed that there are two motions; the motion to amend needs to be considered first. If the amended motion fails, then there would be a vote on the original motion. The intent of the amendment is to add the language as presented by Mr. Barnebey. The amended motion was a hostile amendment since Commissioner Whitmore did not agree to the amendment.

 Discussion ensued regarding the number of times this ordinance has come before the Board, not wanting to impact jobs, there are other services offered at Petland, and respect everyone here and their opinions.

Motion - Call the Question

A motion was made by Commissioner Whitmore and seconded by Commissioner Servia, to call the question on the motion to amend.


Commissioner Van Ostenbridge repeated the amendment to the motion to include the amendment as read by Mr. Barnebey.

Motion - Carried


The motion to call the question carried 7-0.

 Mr. Clague clarified the motion to amend is on the floor.

Motion - Amended

 Dr. Hopes reviewed that the first motion was to adopt Ordinance 21-28, and the amended motion was to amend the original motion to add the language as presented by Mr. Barnebey.

Motion - Failed

 The motion to amend **failed**, with Commissioners Bellamy, Kruse, Servia, and Whitmore voting nay.

Motion - Call the Question

A motion was made by Commissioner Kruse, seconded by Commissioner Bellamy and carried 7-0, to call the question.

Motion - Carried

The motion to adopt Ordinance 21-28 carried 4-3, with Chairman Baugh and Commissioners Satcher and Van Ostenbridge voting nay.


BC20210810DOC054

RECESS/RECONVENE: 6:51 p.m. 6:55 -p.m. All Commissioners were present.

COMMISSIONER COMMENTS

Commissioner Servia

- Requested information from staff on whether there are disabled, inclusive parks in the County
- Commented on a vacant seat on the Affordable Housing Advisory Committee that is required to be filled by a local planning official and asked that Planning Commissioners be made aware of that requirement


 Discussion ensued that being on the Planning Commission is a volunteer job and make the Planning Commission members aware of this, and there is no action required.

- Addressed interaction among Board Members and stressed the need to be respectful.


SANCTUARY CITY ORDINANCE

A motion was made by Commissioner Satcher, for the Board to approve Commissioner Satcher to work with the County Attorney and County Administrator to draft an Ordinance similar in intent and scope to the sanctuary city ordinance in Lubbock Texas. The motion was seconded by Chairman Baugh.


 Discussion ensued to have this on a future agenda due to the late hour, there is no opportunity for the public to comment, Commissioner Satcher believes this is right, and each Commissioner has the right to have their own opinion.

 William Clague, County Attorney, stated he did quite a bit of research on this and explained scheduling a meeting and drafting an ordinance requires direction from the Board. There are significant legal concerns regarding this, and he recommended not taking a vote on this until he has time to discuss this with the Board.


 Commissioner Satcher explained this is a deliberate request to have the County Attorney prepare something, but he will put this as a Commissioner Agenda item.


 Discussion ensued that the suggestion to discuss this at another meeting has nothing to do with the topic at hand, but with the late hour, and has the Attorney General worked on this

at the State level.

 Dr. Hopes stated there is a process to go through to get an Attorney General opinion regarding this.

(Depart Commissioner Whitmore)

 Mr. Clague stated a meeting is scheduled the next morning with Commissioner Satcher regarding this topic.

 Commissioner Satcher is disappointed he has to wait for another meeting, as he has asked for this process in the past.

 Chairman Baugh rescinded her second; therefore, the motion **died**. BC20210810DOC055

Commissioner Van Ostenbridge congratulated Commissioner Whitmore on Ordinance 21-28 being adopted.

ADJOURN

There being no further business, Chairman Baugh adjourned the meeting at 7:29 p.m.

Minutes Approved: October 26, 2021