

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
August 19, 2021**

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

Present were:

Vanessa Baugh, Chairman
George Kruse, First Vice-Chairman
Reggie Bellamy, Third Vice-Chairman
James A. Satcher III
Misty Servia
Carol Whitmore

Absent was:


Kevin Van Ostenbridge, Second Vice-Chairman

Also present were:

Dr. Scott L. Hopes, County Administrator
Rossina Leider, Planning Section Manager
Sarah Schenk, Chief Assistant County Attorney
Quantana Acevedo, Deputy Clerk, Clerk of the Circuit Court

Chairman Baugh called the meeting to order at 1:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

1.  The Invocation was delivered by Dr. Joreatha McCall Capers, Rogers Community United Methodist Church, followed by the Pledge of Allegiance.

AGENDA

BC20210819DOC001


Agenda Update Memorandum: 

BC20210819DOC002

- Item 1, Comprehensive Plan Text Amendment LDCT-20-03/Ordinance 21-11, Accessory Dwelling Units – Public comment correspondence (8/13/21) from Glen Gibellina presented
- Item 2, Comprehensive Plan Text and Map Amendments PA-18-03/Ordinance 21-17 and PA-18-04/Ordinance 21-18, L3 Partnership/Gamble Creek Village – Request by applicant via email (8/18/21) to continue the matter to September 16, 2021 presented


AGENDA CHANGES

Discussion took place on continuing Item 2, Gamble Creek Village, before Citizen Comments, and offering the applicant a different hearing date, because the matter has been continued at least twice.


 Sarah Schenk, Chief Assistant County Attorney, suggested keeping the September 16, 2021, to prevent the item from being re-advertised and the uncertainty of when a full board may be present.

ADVERTISED PUBLIC HEARING (Presentation Scheduled)

2. **ORDINANCES/COMPREHENSIVE PLAN**

 A duly advertised public hearing was held to consider transmittal of proposed Comprehensive Plan Text and Map Amendments PA-18-03/Ordinance 21-17 (fka 19-38), and PA-18-04/Ordinance 21-18 (fka 19-39), L3 Partnership/Gamble Creek Village. These items were

previously heard by the Planning Commission (11/14/19) and the County Commission (12/5/19). The Planning Commission recommended transmittal (4/8/21), and the County Commission continued both items to no date set and to be re-advertised (5/20/21). This matter is to be continued to September 16, 2021.

 Commissioner Satcher moved to continue the public hearing for PA-18-03/Ordinance 21-17 and PA-18-04/Ordinance 21-18 to September 16, 2021, at 1:30 p.m., or as soon thereafter as same may be heard at the Manatee County Government Administration Building, 1112 Manatee Avenue West, First Floor, Patricia M. Glass Chambers. The motion was seconded by Commissioner Bellamy.


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


The motion carried 6-0, with Commissioner Van Ostenbridge absent.


BC20210819DOC003

CITIZENS' COMMENTS (Future Agenda Items)


BC20210819DOC004

 Ken Piper remarked on staff reports including pro and cons of projects including costs such stormwater, wetland, etc. He expressed concern with how sewers are not included in the impact fee studies, and Section 120.25, Florida Statutes, which allows an attorney to be appointed to represent citizens.

 Andra Griffin expressed concern with the lack of accountability and transparency from the Redevelopment and Economic Opportunity Department.


 Glen Gibellina concurred with Ms. Griffin's comments and remarked on housing for Veterans, lack of renewable energy, waiver of impact fees, and judicial notice for public comment.


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

 Discussion ensued on the existence of facility investment fees for sewers, funds for non-profits, and impact fees.

ADVERTISED PUBLIC HEARING (Presentation Upon Request)


1. **ORDINANCE/LAND DEVELOPMENT CODE**

 A duly advertised public hearing was held to consider adoption of proposed Land Development Code Text Amendment LDCT-20-03/Ordinance 21-11 (fka Ordinance 20-15), Accessory Dwelling Units (County-Initiated). The Planning Commission recommended adoption (5/13/21), and the County Commission held the first of two required public hearings on June 17, 2021.


 William O'Shea, Principal Planner, reported this is the adoption hearing for the ordinance and the final draft ordinance allows 750 square feet, except A and A-1 Zoning can have up to 1,000 square feet, etc.


Discussion took place on whether Glen Gibellina has the authority to speak for ten minutes as a representative of the Affordable Housing Advisory Committee (AHAC), and the authorization form from AHAC was for one instance.


Motion

 A motion was made by Commissioner Kruse, seconded by Commissioner Whitmore and carried 6-0, with Commissioner Van Ostenbridge absent, to allow Mr. Gibellina to speak for ten minutes.


Public Comment


 Glen Gibellina remarked on additional ideas for ADUs, tiny homes, the missing middle, form-based code, livable communities, and AHAC. He supported the ordinance.

 Ken Piper expressed concern with the impact of exceptions and the amount of vacant homes to assist with the homelessness problem.


 Andra Griffin expressed concern that the ADU ordinance is shortchanging residents at 750 feet instead of 1,000 feet like the City of Bradenton. She supported no impact fees for ADUs.


 Max Brandow, Realtor Association, supported the ordinance and thanked staff for their efforts.

 Jeannie Pastorello, Duette resident, stated she would like to build a house on her property.


 Patrick Heisey, Palma Sola resident, pointed out the ADUs are posed as a solution to a housing deficiency, but he has noticed that the commercialization of short-term rentals is increasing in the Palma Sola area. He inquired about Palma Sola being allowed to opt out of ADUs.

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

 There was discussion on the number of homeless children in the County (approximately 2,200), consideration of form-based codes in pockets, impact fees are high and a person would not make any money on affordable housing, restrictions in Coastal High Hazard Area, tiny home project is forthcoming, recreational vehicles are not safe for permanent housing, larger homes converted to apartments and vertical mixed-use in the cities, short-term rentals in Palma Sola area, ADUs are expensive to build so low-income housing would not be a consideration, and on-going impact fee study does not address impact fees.

 Mr. O'Shea explained Ms. Pastorello could build a stick-built mobile home and guest houses are not intended for long-term use.


Commissioner Kruse inquired about a decision on impact fees.


 Clarke Davis, Deputy Director of Traffic Management, reported there is an ongoing impact fee study which includes ADUs.


Chairman Baugh asked if they can approve the ordinance without impact fees. Ms. Schenk said no.

Commissioner Whitmore suggested having a 12 month moratorium for impact fees for ADUs.

Motion - Died

 Commissioner Whitmore moved for staff to look at all options for ADUs and have the County Attorney's office consider a moratorium to not levy impact fees.

 Glen Gibellina agreed there should be no impact fees assessed for ADUs.

 Max Brandow, Realtor Association of Sarasota and Manatee, agreed that options should be explored.

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

Commissioner Kruse asked about guest houses.

Ms. Schenk stated the motion should be for the County Attorney's office to explore options.

Commissioner Whitmore restated the motion: For staff to look at all options for ADUs and have the County Attorney's office consider a moratorium to not levy impact fees for 12 months until the impact fee study has been completed.


Commissioner Kruse withdrew his second. The motion died for lack of second.

Robert Wenzel, Planning Section Manager, pointed out language pertaining to coastal references have been removed.


Recommended Motion


Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and in accordance with the criteria for Land Development Code (LDC) Text Amendments in Section 341 of the LDC, as conditioned herein, Commissioner Whitmore moved to adopt Manatee County Ordinance 21-11 (LDCT-20-03), amending the Manatee County LDC, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse and carried 6-0, with Commissioner Van Ostenbridge absent.

Ms. Schenk stated Mr. O'Shea's slide presentation from March mentioned a separate ordinance for impact fees.

 Mr. Davis stated he would need to seek clarification with the impact fee administrator on whether impact fees would be levied on ADUs. He requested the opportunity to bring a report to the County Commission.

Motion

 A motion was made by Commissioner Satcher, seconded by Commissioner Baugh and carried 6-0, with Commissioner Van Ostenbridge absent, to have staff bring back options on impact fees for ADUs.

 Commissioner Kruse inquired if someone decides to build an ADU, would they be charged for impact fees.


John Barnott, Building and Development Services Director, stated if someone sought a building permit it would take five months to build due to the cost of building materials and impact fees are paid at the Certificate of Occupancy stage. He supported Mr. Davis' request.

Lisa Wenzel, Comprehensive Planning Manager, reported staff is working on a brochure to inform residents of their options, and she would seek clarification with the impact fee administrator regarding impact fees. Chairman Baugh stated she would like to see the brochure before it is distributed to the public.

BC20210819DOC005

COMMISSIONERS' COMMENTS

Commissioner Servia


-  Reported there is a lot of noise associated with Airbnbs and the noise monitoring system, NoiseAware, could be used to prevent noise issues

Discussion ensued regarding the County does not have teeth to penalize property owners especially since the renters come and go, and the County has a noise ordinance and there is no need to adopt another ordinance.


Commissioner Satcher

-  Asked that the Commissioners consider all matters including saving unborn babies


Commissioner Kruse

-  Met with the Parrish Civic Association and would be available in Myakka City for the next two Sundays for town hall meetings ahead of the work session on August 31

Commissioner Bellamy

-  Reported the exercise for the district boundaries was just an introductory exercise and he would be meeting with NAACP to discuss their concerns

Commissioner Whitmore

-  Noted the County does not have rental licenses, which makes it hard to penalize property owners of short-term rentals
- Commented that group authorizations to speak under Citizen Comments used to be kept on file. Sarah Schenk, Chief Assistant County Attorney, stated this matter should be addressed with the upcoming resolution for Board Rules and Procedures
- Remarkd that there are continued emails about increasing the speed limit on Lorraine Road. Chairman Baugh reported staff is working on the request.

SKYWAY BRIDGE

Motion

Commissioner Whitmore announced there has been a request by Janet Cook for the Skyway Bridge to be illuminated pink in support of Breast Cancer Awareness Month (October 2021).

A motion was made by Commissioner Whitmore and seconded by Commissioner Servia to authorize Chairman Baugh to sign a Letter in support of the request.

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

The motion carried 6-0, with Commissioner Van Ostenbridge absent.

BC20210819DOC006

Motion

Commissioner Kruse moved to assign the responsibility of approving “bridge lights” to the County Administrator moving forward. The motion was seconded by Commissioner Servia.

Upon question on which bridge, Commissioner Kruse stated he did not have a preference on any bridge being lit up.

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

The motion carried 5-1, with Commissioner Satcher voting nay and Commissioner Van Ostenbridge absent.

ADJOURN

There being no further business, Chairman Baugh adjourned the meeting at 2:44 p.m.

Minutes Approved: December 6, 2022