

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
September 16, 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
Reggie Bellamy, Third Vice-Chairman
James A. Satcher III
Misty Servia
Carol Whitmore

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 1:30 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

1. The Invocation was delivered by Commissioner Satcher, followed by the Pledge of Allegiance.

AGENDA

BC20210916DOC001

Agenda Update Memorandum: 

BC20210916DOC002

Consent Agenda

- Add-On Item 3, Manatee County Area Transit – Authorization to purchase eight, 35-foot Gillig Low-Floor Diesel Buses, and adoption of Budget Amendment Resolution B-21-122 presented
- Add-On Item 4, Red Tide Education and Research – Authorization to execute Agreement presented
- Add-On Item 5, Resolution R-21-159 – Authorization to submit and accept State Aid to Libraries Grant and execution of State Aid to Libraries Grant Agreement presented
- Add-on Item 6, Low Income Pool Program – Approval of Letters of Agreement presented
- Add-on Item 7, Red Tide Management – Authorization to execute Grant Agreement and adoption of Budget Amendment Resolution B-21-123

Advertised Public Hearings

- 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 – A letter (9/13/21) was presented from the applicant requesting additional presentation time

CITIZEN COMMENTS (Future Agenda Items)

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

CONSENT AGENDA

Citizen Comments (Consent Agenda Items)

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

3. **FINANCIAL MANAGEMENT/PURCHASE/BUDGET AMENDMENT RESOLUTION**

- Authorized award of Purchase Order to Gillig LLC, for eight, 35-foot Gillig Low-Floor

Diesel Buses for Manatee County Area Transit, not to exceed \$4,155,488, and utilizing the Jacksonville Transportation Authority Contract P-18-005, State of Florida Heavy Duty Buses; and

- Adopted Budget Amendment Resolution B-21-122, amending the annual budget for Fiscal Year (FY) 2021 BC20210916DOC003

4. **FINANCIAL MANAGEMENT/AGREEMENT**

Executed Agreement with Solutions to Avoid Red Tide, Inc., to provide funding for Red Tide education and research, \$9,500 BC20210916DOC004

5. **NEIGHBORHOOD SERVICES/RESOLUTION/GRANT AGREEMENT**

- Adopted Resolution R-21-159, authorizing the submission and acceptance of a State Aid to Libraries Grant;
- Executed State Aid to Libraries Grant Agreement with Florida Department of State, Division of Library and Information Services, under the State Aid to Public Library Program for the period of October 1, 2021, to September 30, 2022; and
- Executed Certification of Hours, Free Library Service and Access to Materials form BC20210916DOC005

6. **NEIGHBORHOOD SERVICES/LETTERS OF AGREEMENT**

- Approved four Letters of Agreement for the Low-Income Pool Program and Intergovernmental Transfer between Florida Agency for Health Care Administration and Centerstone of Florida, \$287,409, Centerstone, \$1,200,276, MCR Health, \$1,788,544, and Manatee Memorial Hospital, \$787,890 (7/1/21 - 6/30/22); and
- Authorized Neighborhood Services Department Director or Public Safety Department Director to sign the Letters of Agreement and other documents required to participate in the program BC20210916DOC006

7. **PARKS AND NATURAL RESOURCES/GRANT AGREEMENT/BUDGET AMENDMENT RESOLUTION**


- Executed Florida Department of Environmental Protection (FDEP) Grant Agreement RT003 for Red Tide management for and within Manatee County; and
- Adopted Budget Amendment Resolution B-21-123, amending annual budget for FY 21 BC20210916DOC007

MOTION – CONSENT AGENDA

 A motion was made by Commissioner Van Ostenbridge, seconded by Commissioner Kruse and carried 7-0, to approve the Consent Agenda.

ADVERTISED PUBLIC HEARINGS (Presentations Scheduled)


1. **ORDINANCE/COMPREHENSIVE PLAN**

 A duly advertised public hearing was held to consider transmittal of proposed Comprehensive Plan Amendment PA-21-02/Ordinance 21-26, Creation of a Property Rights Element Pursuant to State Statute (County-Initiated). The Planning Commission recommended transmittal (8/12/21).

Lisa Wenzel, Planning Section Manager, explained during the 2021 Florida Legislative Session, Chapter 2021-195, Fla. Laws, was passed providing for amendments to Section 163.3177, Florida Statutes, requiring local governments to include a Property Rights Element (Element 13) in their Comprehensive Plan. The purpose is for the County to consider private property rights in the decision making as governed by the Comprehensive Plan. The language under Objective 13.11, Private Property Rights, is the exact same language as outlined in the statement of rights reflected in State Statute.


Sarah Schenk, Chief Assistant County Attorney, emphasized this is a mandatory requirement, and the text as it is written must be adopted.

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


 Based upon the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission and finding the request to be consistent with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes, and the Manatee County Comprehensive Plan, Commissioner Kruse moved to transmit Comprehensive Plan Amendment PA-21-02 (Ordinance 21-26), as recommended by the Planning Commission. The motion was seconded by Commissioner Servia and carried 7-0.

BC20210916DOC008

2. **ORDINANCE/COMPREHENSIVE PLAN**


 A duly advertised public hearing was held to consider transmittal of proposed Comprehensive Plan Text Amendment PA-18-03/Ordinance 21-17 (fka 19-38), and Map Amendment PA-18-04/Ordinance 21-18 (fka 19-39), L3 Partnership/Gamble Creek Villages. The Planning Commission recommended transmittal (4/8/21). This item was continued by the County Commission on May 20, 2021, and August 19, 2021.

Sarah Schenk, Chief Assistant County Attorney, reported that Attorney Mark Barnebey requested 60 minutes for presentation, but she recommended 45 minutes.

 Mark Barnebey, Attorney for the applicant, explained this is the first step in a multi-step process, project specifics, boundary map, Gamble Creek Village is our vision, what is an agrihood or rural village, agrihoods, options, current Comprehensive Plan and zoning provisions, one house per five acres, another alternative is the standard suburban isolated subdivision, traditional isolated subdivision, review of the County's goals for smart planning in the Comprehensive Plan, some of the projects examined (Serenbe, Babcock Ranch, Ave Maria and Fishhawk Ranch), what a successful agrihood needs, new town concept (Section 163.3164(9), Florida Statutes), Urban Sprawl [Section 163.3164(52), Florida Statutes], agrihood concept is not provided in the Comprehensive Plan, Gamble Creek Village proposal, and proposed amendments.


A video of Serenbe, Chattahoochee Hills, Georgia, which is considered an agrihood community that include homes (mixed types), restaurants, stores, farms, a theatre and schools was shown.


Carol Clarke, Planner for the applicant, continued the slide presentation to review the Future Land Use Map (FLUM), use of a Village Overlay, agriculture/open space and development totals, FLUM designations, mixed-use (village center, school site, park), envisioning mixed use and a village center, other locations, RES-3 (Residential, 3 dwelling units per acre) FLUC, employment center and light industrial, R/O/R (Retail/Office/Residential), and public/semi-public utilities.


 Robert Lombardo, Consulting Engineer for the applicant, continued the slide presentation to review infrastructure - sewer, water, financing, drainage, FEMA 100-year floodplain, FLUM revisions, emergency evacuation, elementary school, middle school and park site, high school site and park location, and additional public facilities.

 Mr. Barnebey continued the slide presentation to review the project site location - roads,

traffic analysis, bike paths and walking trail, forward thinking multi-modal transportation, new modes of public transit, key project evolution points, effective dates, village master plan components and detailed financial strategy, impact fees, transportation principles, guiding principles, staff concerns (timing and sprawl), community outreach, media acclaim, social media, and Planning Commission recommendation.

 Discussion ensued on the original Lakewood Ranch Master Plan and how there is a struggle for commercial aspects, Celebration project had commercial subsidized, Serenebe business model, marketing study, possible stewardship district, whether this is a leap frog concept, change in circumstances to support the request, were studies like How We Will Grow wrong, how would the vision be guaranteed, guaranteed developer for the first phase, how would utilities work, would the applicant be willing to do some type of bonding to prevent the County from being burdened such as in the case of package plants, Babcock Ranch has reliable funding packages in which the applicant would follow, affordable housing has been a challenge with developments in North County, do not want enclaves of retirees, whoever bought the property would have to follow the rules established with the text and map amendment, the necessity of a second means of access outside of S.R. 62, the language is written with specificity including size of the project and number of rooftops, AG/OS (Agricultural/Open Space) FLUC, 1,000 septic tank systems are a concern (no septic tank systems are being proposed), project is diverse and cookie cutter, open space is 48 percent, farmland currently makes up the majority percentage of open space, Saffold Road is directly north of the site, and whether this project would prevent future roads.


 Lisa Wenzel, Planning Section Manager, used a slide presentation to review the submittal history, results of the Planning Commission meeting (April 2021), existing FLUM designation (Agricultural/Rural) Range of Potential Uses, text amendment details, changes since November 2019, urban sprawl, Section 163.3177, Florida Statutes (F.S.), and Comprehensive Plan map.

 Clarke Davis, Deputy Director of Traffic Management, elucidated the traffic study was prepared on the premise that the project would serve as a Planned Village area. The project would be outside of the Future Development Area Boundary (FDAB); however, it is not very far outside of it and the land in between is either sparsely developed or underdeveloped. He continued the slide presentation to review Planned Village, short-term analysis, policy structure and infrastructure, thoroughfare network, and off-site/on-site roads.


Jeff Goodwin, Deputy Director of Utilities, stated the proposed development is outside of the utilities service area and is not part of the utilities master plan or any future build-out scenarios. It would be served by non-County owned and maintained water and sewer systems, and the Utilities Department would not have jurisdiction.


He continued the slide presentation to review (a) how a private utility system is inconsistent with historical policy of centralizing water and wastewater treatment, (b) Operations and Maintenance needs are often underfunded, because private facilities are not designed and constructed to the same standards as public utilities. The applicant has committed to constructing the private facilities to certain standards, and (c) private utility systems most often have reached the end of useful life when acquired by the County for public utility. The County has not acquired a private utility system like this one, so the technology may have improved to the point that when the County does a reset for East County, it would not be a burden to assume. Mr. Goodwin noted that he did not have enough information to say yes or no on the private utility system, but staff's experience has been that the County

has taken on the cost burden to take over private facilities.

 Thomas Gerstenberger, Stormwater Engineering Division Manager, concluded the slide presentation to review the Gamble Creek Watershed, watershed aerial map, Federal Emergency Management Agency Flood Insurance Rate Map (8/10/21) map, stormwater requirements, water quality and watershed status.

RECESS/RECONVENE: 3:24 p.m. – 3:36 p.m. All Commissioners were present.

 Discussion ensued on the distance of the western boundary from the FDAB (two miles), all residents would be able to access all open space, have the unit types been identified, proposed thoroughfares for the public would not be gated, set aside land for parks, future developer would have to come back to the County Commission for a use change, and cannot ask the applicant to make guarantees at a transmittal hearing.

 Ms. Schenk stated that staff had a discussion with Mr. Barnebey on the implementation mechanism to address issues. She outlined her comments from the legal review she provided to staff (3/3/21), and noted Mr. Barnebey is aware of her comments, but she wanted it on the record in case there is a recommendation for transmittal. She sought Mr. Barnebey's acknowledgment that issues would be worked on prior to the adoption hearing.

Mr. Barnebey stated he was in agreement with the language changes as reflected in Ms. Schenk's legal review.

Discussion continued on whether there is a conservation easement, 50 percent open space, conservation and agriculture is required in an overlay (no requirement for AG/OS), the project is proposing 47 percent AG/OS, underground infrastructure (conveyance pipes and pump stations), there are no private treatment systems in the County, package plants, staff is concerned with the treatment plants, FDEP National Pollutant Discharge Elimination System (NPDES) Permit, would the project affect Gamble Creek which is impaired, Public Service Commission, and Lakewood Ranch has an MS4 (Municipal Separate Storm Sewer System) Phase 2 permit.

Scott Browning, Environmental Protection, reported the County has an NPDES Permit as do many other counties. The proposed project would have to be incorporated into the stormwater management plan boundary since it currently lies outside of the boundary as well as into the surface water monitoring program. Staff would want to see no net gain or increase in pollutants, so basically the pre-development loading rates should be the same as the post-development loading rates.

Discussion proceeded on what happens with the FDAB if this project is approved, would the County be affected by the part of the project that allows R/O/R and MU (Mixed-Use) FLUCs without being on a major road, does the project protect or challenge the County's investments in public facilities, whether the request is consistent with F.S. 163, there are 100,000 potential units of vacant land west of the FDAB, decentralized study in Jacksonville, possibility of moving the FDAB, the applicant proffering a letter of credit during the master plan stage since it is the first stage of the process, long-term potable water plans, permitted capacity for wells, and Taylor Ranch text amendment has only been transmitted (property to the southwest).


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

There were no staff closing comments.

Mr. Barnebey reported the property owners bought the property from a mining company, and expressed willingness to work with Utilities staff and area residents to address any concerns.

Deliberations ensued on this item being a text and map amendment, this project would take a long time to build if it is approved in the future, would like to see other developers use this concept, and AG/OS FLUC.


Motion – PA-18-03/Ordinance 21-17

 Based upon the evidence presented, comments made at the public hearing, the action of the Planning Commission, the technical support documents, and finding the request to be consistent with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes and the Manatee County Comprehensive Plan, Commissioner Kruse moved to approve transmittal of Comprehensive Plan Amendment PA-18-03/Ordinance 21-17, as recommended by the Planning Commission. The motion was seconded by Commissioner Van Ostenbridge and carried 6-1, with Commissioner Servia voting nay.

Motion – PA-18-04/Ordinance 21-18

Based upon the evidence presented, comments made at the public hearing, the action of the Planning Commission, the technical support documents, and finding the request to be consistent with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes and the Manatee County Comprehensive Plan, Commissioner Kruse moved to approve transmittal of Comprehensive Plan Amendment PA-18-04/Ordinance 21-18, as recommended by the Planning Commission. The motion was seconded by Commissioner Van Ostenbridge and carried 6-1, with Commissioner Servia voting nay.

Chairman Baugh stated this would be a great project and asset to the County.

 Commissioner Servia loved the concept and planning, but the project has too many risks especially for utilities.


Commissioner Whitmore thanked Commissioner Servia for her questions and expressed concern with the lack of a second means of access and details regarding the water treatment plant.

 Commissioner Satcher thanked the applicant for the project.

BC20210916DOC009

RECESS/RECONVENE: 4:36 p.m. – 4:41 p.m. All Commissioners were present. Depart Dr. Hopes, County Administrator

COMMISSIONERS' COMMENTS


 Commissioner Van Ostenbridge

- Reported on recent efforts to compromise with the City of Holmes Beach regarding the deficiency of on-street parking. He presented a letter for review and discussion.

Discussion ensued that a parking garage could not exceed 35 feet in height from the center of the street, garbage removal, additional law enforcement, trolley stop and/or park and ride, waiver of parking permit fees, Commissioner Van Ostenbridge should consider softening verbiage in the proposed letter, thank you to Commissioner Van Ostenbridge on his due

diligence in this matter, Commissioner Van Ostenbridge would be meeting with School Superintendent Cynthia Saunders to discuss several items including using the elementary school for parking, the parking garage could be built nicely to draw people away from the side streets, and contain a restaurant and a locker room with showers. BC20210916DOC010


Commissioner Whitmore

-  Thanked John Barnott, former Building and Development Services Director, for his years of service with the County. Her sentiments were echoed by Commissioners Bellamy, Servia and Van Ostenbridge.

Commissioner Satcher

- Supported Governor DeSantis's stance on employers not requiring a vaccine passport and emphasized that he supported vaccines

Chairman Baugh

-  Reported Beverly Smock, wife of Planning Commission Member William Smock, passed away from COVID-19, and a celebration of life would be held. She noted getting the vaccine is a personal choice and it can decrease your chances of succumbing to the symptoms.

Discussion ensued.

ADJOURN

There being no further business, Chairman Baugh adjourned the meeting at 5:15 p.m.

Minutes Approved: September 13, 2022