

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
April 21, 2022**

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

Present were:

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


Also present were:

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


Chairman Van Ostenbridge called the meeting to order at 1:30 p.m.

All witnesses and staff giving testimony were duly sworn.

INVOCATION AND PLEDGE OF ALLEGIANCE


1.  The Invocation was delivered by Pastor Joreatha Capers, Rogers Community United Methodist Church, followed by the Pledge of Allegiance led by Commissioner Bellamy.

AGENDA

- Agenda Update Memorandum (Version 1):  BC20220421DOC001
BC20220421DOC002
- Advertised Public Hearing (Presentation Scheduled)
- Item 3, Comprehensive Plan Text Amendment PA-20-05/Ordinance 22-29 – Evaluation and Appraisal Report/Peril of Flood Act – Public comment correspondence presented
- Agenda Update Memorandum (Version 2): BC20220421DOC003
- Report
- Add-On Item, Update on Emergency Services Grant and Community Development Block Grant
- Advertised Public Hearing (Presentation Scheduled)
- Item 3, Comprehensive Plan Text Amendment PA-20-05/Ordinance 22-29 – Evaluation and Appraisal Report/Peril of Flood Act – Public comment correspondence presented
- Agenda Update Memorandum (Version 3): BC20220421DOC004
- Advertised Public Hearing (Presentation Scheduled)
- Item 3, Comprehensive Plan Text Amendment PA-20-05/Ordinance 22-29 – Evaluation and Appraisal Report/Peril of Flood Act – Presented were revisions to A-1 and Exhibit J, and additional public comment correspondence

REPORT

COMMUNITY AND VETERAN SERVICES/UPDATE ON EMERGENCY SERVICES GRANT AND COMMUNITY DEVELOPMENT BLOCK GRANT

 Lee Washington, Community and Veteran Services Director, introduced Jennifer Yost,
BC MB FY 21-22/1


Community Development Project Manager.

Jennifer Yost, Community and Veterans Services, noted at the Special Meeting on April 19, 2022, Commissioners requested information on the amount of Community Development Block Grant (CDBG) funds being used for rapid rehousing or motel vouchers. Following the meeting, Commissioner Whitmore clarified that she was really focused on the motel vouchers, which was addressed in the handout that was presented to each Commissioner. CDBG funding may be used for emergency rental assistance or non-congregate sheltering which is motel vouchers. These are subject to our public service cap, and the regular CDGB funding is capped at 15 percent. The existing CDBG grants have maxed out however, there is funding available under CDBG COVID-19, and COVID-19 funding has no public service cap. ESG-CV (Emergency Services Grant-COVID-19) and ESG regular can also be used for non-congregate sheltering and rental assistance. That funding has already been allocated out to for three entities (Turning Points, Salvation Army and St. Vincent de Paul) who are all doing rapid rehousing. St. Vincent de Paul is the only one doing non-congregate sheltering, however the other two entities have requested amendments to their ESG-CV agreements to add non-congregate sheltering for people that are enrolled in rapid rehousing to stay in while they are looking for permanent housing. CDBG-CV funding is available for reallocation (\$682,000) and the two entities have 30 days to submit their final payment request. Staff would need to come back to the County Commission with actual figures, once the exact amounts with the entities have been confirmed.


There are two Solicitation Options:

- Option 1 – Issue a Request for Application through a public solicitation process for the award distribution of CDBG-CV funds to provide non-congregate shelter through Motel/Hotel Vouchers and Case Management (60-90 days); or
- Option 2 – Issue a Direct Solicitation of Qualified Organizations for the distribution of CDBG-CV to all agencies that currently are recipients (Turning Points, Salvation Army and St. Vincent de Paul) of ESG/ESG-CV funding to be used for Motel/Hotel Vouchers and Case Management for Rapid Rehousing clients as the clients are looking for permanent housing (45 days).


She noted a Substantial Amendment to the U.S. Department of Housing and Urban Development (HUD) would be necessary to the County's action plan as well as a 30-day comment period in order to inform the public, and obtain final approval by the County Commission. Staff supported Option 2, because it would provide Motel/Hotel Vouchers for rapid rehousing clients for the agencies that have ESG-CV funding.

 Discussion ensued on desiring the County Administrator to select a dollar amount and if more is needed come back to the County Commission, having more available Motel/Hotel rooms gives the County the greatest flexibility, and the other funds could be used for rental assistance, \$682,000 is available for reallocation, and whether the County Commission would need to vote on Option 2.

Motion

 Ms. Yost read a proposed motion: I move to approve the County Administrator to take the steps to allocate the CDBG-CV funding to issue a direct solicitation of qualified organizations for Motel/Hotel Vouchers.

The motion as read was moved by Commissioner Whitmore and seconded by Commissioner Servia.

 Discussion continued that this request would not interfere with the other projects, the motion gives staff the authority to submit the substantial amendment to HUD, consideration of unintended consequences such as skyrocketed hotel rates, needy families have to be matched with funding, mechanisms in place to prevent abuse of the system, 45 days is the average amount of days in a motel if not longer, due to the lack of affordable rental rates, leaving it up to staff on whether or not to cap the number days or the amount, staff would come back to the County Commission for an approval amount, whether or not families receive priority, because of children, and a rapid solution to take \$5,000 or \$10,000 out of general fund to help people now.


Sarah Schenk, Chief Assistant County Attorney, asked that the motion include the language "subject to legal review."

Commissioners Whitmore and Servia agreed with the language as amended.

There being no public comment, Chairman Van Ostenbridge closed public comment.

 The motion carried 7-0.

Motion – Withdrawn

 Commissioner Whitmore moved to take \$12,000 out of reserves for general fund unrestricted (Commission reserves) to fund rapid rehousing to last up to the 45 day limit or until we get it approved. The motion was seconded by Commissioner Bellamy.

Commissioner Bellamy inquired if the reserves could be replaced from the allocated funds.

Dr. Scott Hopes, County Administrator, stated the motion as carried has provided staff with what they need to proceed and funds are available to direct to the matter.

The motion was withdrawn by Commissioner Whitmore.

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COMMISSIONER REQUESTS

No items were pulled by Commissioners.

CONSENT AGENDA

A motion was made by Commissioner Servia and seconded by Commissioner Kruse to approve the Consent Agenda.

There being no citizen comments, Chairman Van Ostenbridge closed citizen comments.

The motion carried 7-0.

1. DEVELOPMENT SERVICES/FINAL PLAT/PARK EAST AT AZARIO, PHASE II

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of the Supplemental Declaration to the Declaration of Covenants, Conditions and Restrictions for Park East at Azario;
- Accepted, executed, and authorized Recording of Consent to Subdivision Plat and All Dedications and Preservations Thereon for Park East at Azario, Phase II;

- Authorized the County Administrator to accept, execute, and record Agreement for Private Subdivision with Public Improvements for Park East at Azario, Phase II;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Park East at Azario, Phase II, Surety Bond SU1180802, \$875,813.58;
- Authorized the County Administrator to accept, execute, and record Agreement for Private Subdivision with Private Improvements for Park East at Azario, Phase II;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Park East at Azario, Phase II, Surety Bond SU1180804, \$2,953,944.19;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Park East at Azario, Phase II, Surety Bond SU82380278, \$102,603.93; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Park East at Azario, Phase II, Surety Bond SU1180803, \$78,799.50

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2. **DEVELOPMENT SERVICES/FINAL PLAT/EVERGREEN, PHASE II**

- Executed and authorized recording Final Subdivision Plat;
- Accepted, executed, and authorized recording of the First Supplement and Third Amendment to the Declaration of Covenant, Conditions, and Restrictions of Evergreen;
- Accept, Execute, and Record Mortgagee's Joinder and Consent in and Ratification of Subdivision Plat and all Dedications and Reservations Thereon for Evergreen Phase II by SFTEN, LLC;
- Accepted, executed, and authorized recording Consent to Subdivision Plat and All Dedications and Preservations Thereon for Evergreen Phase II;
- Accepted, executed, and authorized recording of Consent and Joinder of CDD to Subdivision Plat and All Dedications and Preservations Thereon for Evergreen Phase II;
- Accepted, executed, and authorized recording of Joinder of Association to Subdivision Plat and All Dedications and Preservations Thereon for Evergreen Phase II;
- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Public Improvements for Evergreen, Phase II;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Evergreen Phase II, Surety Bond SUR0072557, \$2,735,125.25;
- Authorized the County Administrator to accept, execute, and record Agreement for Private Subdivision with Private Improvements for Evergreen Phase II;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Evergreen Phase II, Surety Bond SUR0072558, \$731,573.05; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Evergreen Phase II, Surety Bond SUR0072561, \$235,773.62 (Note: Mortgagee's Joinder and Miscellaneous Joinders were included in error)

(End Consent Agenda)


BC20220421DOC007


ADVERTISED PUBLIC HEARING

3. **ORDINANCE/COMPREHENSIVE PLAN**


A duly advertised public hearing was held to consider adoption of proposed Comprehensive Plan Text Amendment PA-20-05/Ordinance 22-29 (fka 21-07), Evaluation and Appraisal Report/Peril of Flood Act (County-Initiated). The Planning Commission recommended


transmittal on October 14, 2021, and the County Commission approved transmittal on November 18, 2021. This item was continued on March 3, 2022, to this date.


 Nicole Knapp, Comprehensive Planning Manager, submitted additional public comment correspondence. She used a slide presentation to review the Peril of Flood Act, 2015 Peril of Flood: 163.3178(2)(f), transmittal hearing, State Land Planning Agency Review, Department of Economic Opportunity's objections and comment, new policy for consideration, and Update Memorandum comparison. She asked the County Commission to adopt PA-20-02/Ordinance 22-29.


 Discussion took place about the City of Holmes Beach requiring drainage fields, concerned with the process and additional language, why not just state per Florida Statute, guidance from the State has a section in it, the Peril of Flood language from Florida Statute has been included in the ordinance verbatim, not adding the Peril of Flood language would cause staff to repeatedly look it up in the future, the County Commission has to remember the intent behind the act, voting for this today gives options for the future, changes are ongoing and next year there could be new policies or thoughts, Comprehensive Plan Policy 4.4.4.9 does not reference mangroves and seawalls, the State has a Resiliency Committee, the County Commission has an obligation to the residents, Manatee County is most at risk for property value losses based on sea level rise and Tampa Bay is already experiencing a rise in sea level, only the replacement of existing sea walls are allowed, and Florida Statute Chapter 163.3178(2)(f) is directly referenced in Comprehensive Plan Policy 4.4.4.9 the ordinance with the addition of the word environmentally.


Public Comment


 Halle Goldsmith, Audubon Florida Member, recognized the County for their focus on green infrastructure for a resilient future which strengthens the County's ability to leverage natural resources for flood risk reduction and water quality benefits while still protecting our coasts and communities for future generations to enjoy. The purpose of the Peril of Flood Act is to reduce flood risk by preparing for coastal flooding and sea level rise. The staff recommended updates to the Comprehensive Plan do exactly that by protecting the natural areas of the County's important coastal habitat and providing strategies for development and redevelopment of vulnerable properties. She asked the County Commission to refrain from amending the Comprehensive Plan to codify seawalls and backfills as the solution to erosion and flood control along County coastlines. Tampa and Sarasota Bay have already lost over 44 percent of their mangrove forests and the requested amendment by Attorney Edward Vogler (see letter) on behalf of various developers relies on even more seawalls and backfills as a solution to flooding and resiliency. Audubon Florida is fully supportive of the updates to the Comprehensive Plan.


 Richard Andrews discussed the importance of preserves and natural shorelines (displayed a world map), and suggested the request change be denied.


 Maggie Harvey expressed concern with the protection of mangroves, and suggested the County Commission stand up to developers (handout submitted).


 Stafford McLean expressed concern with seawalls and is glad to know the County does not allow new seawalls.

 Patti Shannon discussed the importance of mangroves including protecting wildlife, benefiting the economy, provide food and protection to fish, and stabilize the coastline.

 Larry Grossman expressed concern with whether mangroves for Aqua by the Bay development would be impacted, manatees, and Sarasota Bay.


 Maureen Zaremba expressed concern with Edward Vogler's letter and thanked the Board for their diligence.


 Bill Webster expressed concern with vague language and strategies, and questioned sensible responses to potential sea level rises, enabling development, and destruction of shoreline protections.

 Ruth Lawler remarked on how Peril of Flood is best addressed through living shorelines, and mangroves serve as carbon catchers and cited Comprehensive Plan Policy 4.4.2.6


 Frank Zaremba supported the Ordinance.


 Karen Willey did not support Comprehensive Plan Policy 4.4.4.9

 Katherine Prophet stated environmental solutions are vague and there should be a rule to not use seawalls and fill.

 Edward Vogler stated his question is not development driven and there are property owners who want the County Commission to implement the law. The ordinance does not comply with the requirements of Florida Statute, Chapter 163.3178(2)(f), because the Comprehensive Plan does not provide principles, strategies, and engineering solutions that seek to reduce flood risks or result in the removal of coastal real property from flood zone designations.

There being no further public comment, Chairman Van Ostenbridge closed public comment.

 There was discussion on seawalls and fill not being a part of the amendment, there are new engineering strategies to protect uplands and the water bodies, policies protecting shorelines may not be liked by all in the future, the language is broad on purpose, Public Safety, and environmental solutions are challenging.


 Sarah Schenk, Chief Assistant County Attorney Florida cited Statute Chapters 163.3771 and 163.3772.

Based on 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 Satcher moved to adopt Comprehensive Plan Amendment PA-20-05/Ordinance 22-29 (fka 21-07), as recommended by the Planning Commission. The motion was seconded by Commissioner Servia and carried 7-0.

Commissioner Whitmore reiterated it is unlawful to build seawalls, unless you are replacing an existing one.

BC20220421DOC008

CITIZEN COMMENTS (Future Agenda Items)

 Larry Grossman expressed concern for manatee safety since they are being placed on the endangered species list.

There being no additional citizen comments, Chairman Van Ostenbridge closed citizen comments.

Commissioner Whitmore stated the County Commission could consider a manatee being placed on the County's seal in the future.

ADJOURN

There being no further business, Chairman Van Ostenbridge adjourned the meeting at 3:16 p.m.

Minutes Approved: March 28, 2023