

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
COUNTY ADMINISTRATION BUILDING, HONORABLE PATRICIA M. GLASS CHAMBERS  
1112 Manatee Avenue West  
Bradenton, Florida  
January 31, 2023**

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

**Present were:**

Kevin Van Ostenbridge, Chairman  
Mike Rahn, Second Vice-Chairman  
Amanda Ballard, Third Vice-Chairman  
James A. Satcher, III  
George Kruse  
Jason Bearden

**Absent was:**

Vanessa Baugh, First Vice-Chairman

**Also present were:**

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



Chairman Van Ostenbridge called the meeting to order at 9:00 a.m.

**INVOCATION**

The Invocation was delivered by Pastor Don Sturiano, Kingdom Life Christian Church.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Coach John Carlock, Army Specialist E5.

**COACH JOHN CARLOCK RECOGNITION**

Chairman Van Ostenbridge gave a brief background on John Carlock's career as he proudly served his nation in uniform and served in the Manatee County School System. He dedicated his life to service of Manatee County and to the children for four decades.

(Gavel to Vice Chairman Rahn; presiding)



A motion was made by Chairman Van Ostenbridge, to direct the County Attorney to draft a Resolution renaming Manatee High Baseball Field (number four) at G.T. Bray "Coach John Carlock Field". The motion was seconded by Commissioner Kruse.

There being no public comment, Vice Chairman Rahn closed public comment.

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

(Gavel back to Chairman Van Ostenbridge; presiding)

Mr. Carlock thanked the Board.

**RECESS/RECONVENE:** 9:08 a.m. – 9:11 a.m. The County Commission meeting recessed for the purpose of holding a Port Authority meeting. The County Commission meeting convened with all Commissioners present except Commissioner Baugh.


**REQUESTS BY COMMISSIONERS**



Item 21 – pulled by Commissioner Rahn  
Items 12, 13, 14, and 15 – pulled by Commissioner Ballard

**AGENDA**

BC20230131DOC001

 Revised Agenda 1 and Update Memorandum (dated 1/23/23) BC20230131DOC002

- Citizen Comments (Future Agenda Item) - Written Comment submitted through the online Public Comment form from Brooke Kieffer pertaining to the 59th Street Project
- Item 17 - Adoption of Budget Amendment Resolution B-23-041, and Budget Amendment Resolution B-23-043 for Infrastructure Sales Tax - updated to include a revised Budget Amendment Resolution B-23-041
- Item 42 - Adoption of Resolution R-23-018, to approve the Alignment of 27th Street East - updated to include a revised Resolution R-23-018
- Item 52 (Item 52), Authorization to Install Speed Humps on Twin Rivers Trail - moved from the Consent Agenda to the Regular Agenda, and Public Comment Correspondence was presented
- Item 46 - Authorization for the Designation and Creation of Three (3) Service Areas or Districts for Residential and Commercial Collection of Solid Waste, Recyclable Materials, and Yard Trash in Unincorporated Manatee County - Deleted from the Consent Agenda BC20230131DOC003
- Item 49 - Adoption of Ordinance No. 23-34, repealing the Prohibition on the Retail Sale of Cats and Dogs – updated to include Public Comment Correspondence
- Item 51 - Authorization to Reinstall the Confederate Memorial Monument to the Manatee County Historic Courthouse Lawn at 1115 Manatee Avenue West, Bradenton - updated to include Public Comment Correspondence

Revised Agenda 2 and Update Memorandum (dated 1/27/23)

BC20230131DOC004

- Pledge of Allegiance to be led by Coach John Carlock, Army Specialist E5
- Citizen Comments (Future Agenda Item) Written Comment submitted through the online Public Comment Form from Debra Kurdelski and Pam Leiva

**Changes to Consent Agenda**

- Item 4 - Adoption of Resolution R-23-019, rescinding Resolution R-22-042 and exhibits therein, and authorizing an Economic Development Incentive Grant - Project Woodworking - updated to include a revised Resolution R-23-019 and exhibits
- Item 14 - Authorization and Acceptance of the Library Foundation Donation; and Adoption of Budget Amendment Resolution B-23-045. Updated to read: Authorization for the Board of County Commissioners to accept a \$55,495 donation in the Library Gift fund from The Library Foundation; and Adoption of Budget Amendment Resolution B-23-045.
- Item 38 - Execution of an Agreement to Sell and Purchase with the State of Florida Department of Transportation (FDOT) for property located at 11808 and 11818 73rd Street East along the East Side of Fort Hamer Road - Moved to Presentations Upon Request (New Item 49)
- Item 44 - Authorization to Establish Solid Waste Franchise Hauler Services, Frequency of Residential Services, and Number of Franchise Haulers, Negotiated Options to Reduce Residential Costs and Service Area Allocation of Households in the Unincorporated Area of Manatee County – Added to the Agenda
- Item 46 - Adoption of Ordinance 23-30, which repeals Ordinance 20-21, and reestablishes Section 2-29-174 granting an Economic Development Ad Valorem Tax Exemption to Power Design, Inc. - Updated to include a revised Ordinance 23-30.
- Item 50 - Adoption of Ordinance 23-34, repealing the Prohibition on the Retail Sale of Cats and Dogs - Updated to include Public Comment Correspondence
- Item 51 – Adoption of Resolution 23-023, regarding Commissioner Aides Updated to include Public Comment Correspondence

- Item 51 - (Former), Authorization to Reinstall the Confederate Memorial Monument to the Manatee County Historic Courthouse Lawn at 1115 Manatee Avenue West, Bradenton - District 3 - Deleted from the Agenda BC20230131DOC005
- Item 52, Authorization to Install Speed Humps on Twin Rivers Trail - Updated to correct typos under the Background Discussion, and Public Comment Correspondence was presented

**AWARDS**

1. January Employee of the Month - Matthew Davis, Senior Fleet Maintenance Technician, Fleet, Public Works. BC20230131DOC006

**PROCLAMATION**

A motion was made by Commissioner Ballard, seconded by Commissioner Rahn, and carried 6-0, with Commissioner Baugh absent, to adopt the Proclamation:

2. Gulf Coast Games for Life Week - January 14 - February 5, 2023, was accepted by Molly White, Deputy Director, Sports and Leisure. BC20230131DOC007

**CITIZEN COMMENTS** (Future Agenda Items Only)

Tina Shope asked if the Board would reconsider allowing citizens to call in on public comments. She expressed concern about reinstalling the Confederate monument.

Shannon Keever expressed concern regarding reinstallation of the Confederate Monument, and proposed the Board make a statement as to what has to be done with the monument if anything. She requested the Board call for the resignation of Vanessa Baugh. It was suggested to change the times of the Board meetings or have at least one night meeting per month and reinstate the ability for the public to call in, and asked the Board sign a transparency agreement.

Jerrold Hill asked to not reinstall the Confederate monument at our Historical Courthouse or anywhere else in Manatee County.

Seneca Bristoll opposed reinstallation of the Confederate monument.

Sarah Hill stated the Confederacy stands for hate and slavery, and she is opposed to reinstalling the Confederate monument.

Sarah Parker expressed concern regarding the monument being pulled from the agenda. It is important citizens know when it will be reinstalled or not, and asked to not put monuments on public property.


Harrison Lundy, Hillsborough County, opposed reinstalling the Confederate monument as it is a symbol of hate.




Ruth Beltran addressed concern on spending time and money on things that are not needed in our community, and suggested the funds that are used for the monument be placed towards homelessness, veterans' homelessness, or funds towards the working class who are underpaid.





Jack Wallace opposed reinstalling the monument, and noted there are bigger priorities to tackle.


 Karla Correa opposed reinstalling the monument.


 Walter Sarkozy asked to deny a permit for 6719 3rd Street Court West, Bradenton, FL 34207, to install a side door on the house. An air conditioning unit has been permitted and installed, and electrical has been installed without permits and falsified by the homeowner. This is allowing a multi-family house on a single family residential property. He submitted photographs of the property in question.

William Clague, County Attorney, stated this is a quasi-judicial item and is not in the Board's jurisdiction, as this could be appealed to the Board at some point. The Chairman asked Mr. Sarkozy to email the information. Mr. Clague requested to refer to the appropriate staff person.


 Betty Rhodes expressed concern stating the Board works for the people of Manatee County and asked the Board to stop with their own agenda. She opposed reinstalling the monument, and suggested using the \$40,000 for something else.


 Kaity Danehy-Samitz questioned why there was no proclamation regarding Black History Month. She reported within the country, not one monument that was taken down has been put back up. She requested reinstating call-in comments.

 Ruth Lawler addressed concerns regarding impact fees, and requested raising fees.

 Joseph Molnar addressed issues regarding environmental concerns with septic systems ruining our water.

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

 Discussion ensued regarding night meetings are difficult to hold, environmental concerns with septic system issues and are a costly problem especially in water ways, unaware of why the Confederate monument was taken off the agenda, will not vote for reinstallation, do not spend money to fix the monument, interested in getting community input on a different kind of monument, commemorating the civil rights history in Manatee County, history on the importance of knowing where that monument came from, and do not want to erase our history.

 Mr. Clague reminded the audience to maintain decorum. This is a government meeting and a place where people come to speak without interruption. He asked the audience to respect the rules.

BC20230131DOC008

### **CONSENT AGENDA**

A motion was made by Commissioner Rahn and seconded by Commissioner Kruse, to approve the Consent Agenda with the changes incorporated in the Agenda Update Memorandums, and with the deletion of Items 12, 13, 14, 15 and 21 (separate action).

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

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

3. **CLERK'S CONSENT AGENDA** BC20230131DOC009
- A. **WARRANT LISTING**  
Accepted the Warrant (Check) Listing for the Month of December, issued by the Finance Department BC20230131DOC010
- B. **MINUTES**  
Approved the Minutes of November 18, December 2, and December 16, 2021, and February 3, 17, and May 17, 2022 and January 5, 2023
- C. **REFUNDS**  
Approved the following Refunds:
1. EMJ Corporation – Billing Adjustment, \$5,100 BC20230131DOC011
2. Mattamy Tampa/Sarasota LLC – Transportation Impact Fees, \$248,546.23 BC20230131DOC012
- D. **INSURANCE CERTIFICATES**  
Accepted the following:
1. Accepted Certificate of Liability Insurance for Waste Management Holdings, Inc., issued by Lockton Companies BC20230131DOC013
2. Accepted Certificate of Liability Insurance for Waste Pro USA, Inc., issued by Marsh USA, Inc. BC20230131DOC014
- E. **PARTIAL RELEASE OF SPECIAL ASSESSMENT**  
Accepted and recorded the following:
1. Project 3138 – 47th Avenue East Sewer, Ricky G. Wren and Carmen D. Wren BC20230131DOC015
4. **COUNTY ADMINISTRATOR/RESOLUTION R-23-019**  
Rescinded Resolution R-22-042 and exhibits therein and adopted R-23-019 finding that Project Woodworking is approved for an Economic Development Incentive Grant, Southwest District Economic Development Incentive Grant, Southwest District Local Jobs Bonus, Inclusive Economic Development Bonus, Southwest District Multi-Modal Transportation Impact Fee Incentive, Southwest District Permit Fee Refund, and Southwest District Facilities Investment Fees Refund BC20230131DOC016
5. **COUNTY ADMINISTRATOR/RESOLUTION R-23-026**  
Adopted Resolution R-23-026, authorizing the Manatee County Commissioners to participate in a joint meeting with the Council of Governments on February 7, 2023, to discuss and plan matters of mutual interest BC20230131DOC017
6. **COUNTY ADMINISTRATOR/AGREEMENT**  
Authorized the County Administrator, or designee, to execute the Marketing and Business Development Funding Agreement between Manatee County Government and the Bradenton Area Economic Development Corporation for economic development activities for FY 2022-2023 BC20230131DOC018
7. **COUNTY ATTORNEY/LAWSUIT**  
Approved December 8, 2022 mediation settlement between Plaintiff, Kaylie Bosner, and Sheriff Wells to settle the pending lawsuit against Sheriff Wells for \$50,000 and to authorize the County Attorney, or his designee, to pay \$50,000 from the self-insurance fund in full and final settlement of any and all claims against Sheriff Wells in the matter of Kaylie Bosner v. Rick Wells, Sheriff of Manatee County, Case 2020-CA-0289 BC20230131DOC019
8. **COUNTY ATTORNEY/LAWSUIT**  
Allowed Plaintiff's January 11, 2023 Proposal for Settlement for \$38,000 to Manatee County to expire and to take no action regarding the Proposal for Settlement in the matter of John Maguire, III v. Manatee County, Case 2021-CA-0796 BC20230131DOC020

9. **COUNTY ATTORNEY/LAWSUIT**

- Approved the proposed settlement with Defendants David C. Lewis and Irma L. Lewis, in Manatee County Circuit Court Case 2021 CA 4945, as delineated in the attached proposed Stipulated Final Judgment
- Authorized the County Attorney or his designee to execute the attached Motion for Entry of Stipulated Final Judgment and all other necessary paperwork associated with said settlement; and
- Authorized the County Attorney or his designee to take any other action in furtherance of the settlement outlined pursuant to this proposed Stipulated Final Judgment, including furnishing executed copies of the attachments and other necessary paperwork to opposing counsel and the Court as appropriate and to enforce the terms of this settlement

BC20230131DOC021

10. **COUNTY ATTORNEY/INSURANCE**

Approved Renewal of Property and Casualty Insurance Agent of Record to First Florida Insurance Brokers, Tampa, Florida for a total not-to-exceed amount of \$420,000, and to approve the County Attorney, or his designee, to execute all required documents

BC20230131DOC022

11. **COMMUNITY AND VETERANS SERVICES/GRANTS**

- Approved three (3) 2022-2023 Neighborhood Enhancement Grant projects to the recipients listed below and their respective project funding amounts:
  - RioMar at Sarasota Residents Association, Inc. - Invasive Species Removal - up to \$8,700
  - Fresh Meadows Homeowners Association, Inc. - Neighborhood Parklet - up to \$2,117.50
  - Harrison Ranch Community Development District - Community Trail Benches - up to \$4,725; and
- Authorized the County Administrator, or designee, to approve and execute reimbursement agreements for these same projects funded through the FY 2022-2023 Neighborhood Enhancement Grant program

BC20230131DOC023

16. **DEVELOPMENT SERVICES/FINAL PLAT**

- Accepted, executed and authorized need to add project funds, recording of Mortgagee's Joinder in Ratification of Subdivision Plat and All Dedications and Reservations Thereon for Lake Club aka Genoa Phase IV Subphases B-2; and
- Accepted, executed and authorized recording of Mortgagee's Joinder in Ratification of Subdivision Plat and All Dedications and Reservations Thereon for Lake Club aka Genoa Phase IV Subphases C-1

BC20230131DOC024

17. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT**

- Adopted Budget Amendment Resolution B-23-041
- Adopted Budget Amendment Resolution for Infrastructure Sales Tax B-23-043

BC20230131DOC025

18. **FINANCIAL MANAGEMENT/AGREEMENT**

Authorized the Purchasing Official or designee, to approve the allocation of additional departmental budgeted funding to Blanket Purchase Order Agreement P1601066 - Landscape Maintenance for Various County Locations

BC20230131DOC026

19. **FINANCIAL MANAGEMENT/INVITATION FOR BID**

Authorized for the Purchasing Official, or designee, to issue Blanket Purchase Order Agreements for Pavement Marking Installation and Maintenance on an "as-needed" basis to the lowest responsive and responsible bidders: Emerald Coast Striping, LLC; McShea Contracting, LLC; and Oglesby Construction, Inc.

BC20230131DOC027

**20. FINANCIAL MANAGEMENT/AGREEMENT**

- Authorized for Purchasing Official, or designee, to execute Agreement 22-TA004368SAM - Master Lift Station N1-B Rehabilitation, and accept and date the Public Construction Bond, to the lowest responsive and responsible bidder: Bearing Point Construction, LLC, for a not-to-exceed amount of \$3,468,891.20 based on a construction completion time of 270 calendar days; and
- Adopted Budget Amendment Resolution B-23-050, amending the annual budget for Manatee County, FL for fiscal year 2023.

BC20230131DOC028

**22. FINANCIAL MANAGEMENT/AGREEMENT**

Authorized the Purchasing Official, or designee, to execute Change Order 1 to Work Assignment 1 to Agreement 22-R079156SB with Tetra Tech, Inc., for Debris Monitoring and Disaster Planning Services related to Hurricane Ian in the amount of \$2,364,200 for a revised not-to-exceed amount of \$2,374,200

BC20230131DOC029

**23. FINANCIAL MANAGEMENT/AGREEMENT**

- Authorized the Purchasing Official, or designee, to execute the Guaranteed Maximum Price(GMP) Addendum 1 to Agreement 22-R078920SAM, Construction Management at Risk Services for 44th Avenue East from I-75 to Lakewood Ranch Blvd. and East Lake Expansion project, with SEMA Construction, Inc. in a not-to-exceed amount of \$908,863.36 with a construction schedule of 900 calendar days and accept and date the public construction bond; and
- Adopted Budget Amendment Resolution B-23-058, amending the annual budget for Manatee County, FL for fiscal year 2023

BC20230131DOC030

**24. FINANCIAL MANAGEMENT/AGREEMENT**

Authorized Purchasing Official, or designee, to execute the GMP Addendum to Agreement 22-TA004285SAM, Construction Management at Risk Services for Generator Installation -Multiple Locations project with McIntyre Elwell & Strammer General Contractors, Inc.

BC20230131DOC031

**25. NATURAL RESOURCES/AGREEMENT**

Approved Amendment 1 to Agreement 17ME5 with the Florida Department of Environmental Protection for Passage Key Inlet Management Study Amendment extending the agreement for one year.

BC20230131DOC032

**26. NATURAL RESOURCES/DECLARATION**

Executed Amendment II to the Declaration of Restrictive Covenants with Florida Community Trust providing for an additional 4.03 acres inside of the FCT Management Boundary at Hidden Harbor Preserve

BC20230131DOC033

**27. NATURAL RESOURCES/AGREEMENT**

Executed Amendment Number 2 to Florida Department of Environmental Protection Agreement 19ME2, for Anna Maria Island Beach Hurricane Irma Recovery Project extending the agreement for one year.

BC20230131DOC034

**28. PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**

Accepted Corrective Special Warranty Deed from The Society for the Prevention of Cruelty to Animals of Manatee County, Florida, Inc., a Florida not-for-profit corporation, d/b/a Edward E and Lillian Bishop Animal Shelter for property located at 5718 21st Avenue West

BC20230131DOC035

29. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**  
Accepted Permanent Utilities Easement from VM Pronto, LLC for property located at 4506 9th Street West, Bradenton/Tangelo Park Water Main Replacement. BC20230131DOC036
30. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**  
  - Accepted Special Warranty Deed from Sanctuary Cove (Bradenton) ASLI VI, L.L.L.P. for property located within the Sanctuary Cove Subdivision in Palmetto/Canal Rd US 301-US 41; and
  - Accepted Temporary Construction Easement from Sanctuary Cove (Bradenton) ASLI VI, L.L.L.P. BC20230131DOC037
31. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**  
Accepted Warranty Deed from Lorna McMullen and James E. Burns for property located at 11106 Winding Stream Way, Bradenton BC20230131DOC038
32. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**  
Accepted Warranty Deed from MGM of West Florida LLC, a Florida limited liability company, for property located at 6525 33rd Street East, Sarasota BC20230131DOC039
33. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**  
  - Accepted and Recorded Conservation Easement from Palmview Land Partners LLC, for Jackson Crossing Phase II, a subdivision located at 2551 58th Circle East, Palmetto; and
  - Recorded an Affidavit of Ownership and Encumbrances from D. Joel Adams BC20230131DOC040
34. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**  
  - Accepted and Recorded Permanent Right-of-Way Easement from Christopher Michael Lundeen (includes Consent and Joinder from Van Dyk Mortgage); for property located at 1501 71st Street East, Palmetto; and
  - Recorded Affidavit of Ownership and Encumbrances from Christopher Michael Lundeen BC20230131DOC041
35. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**  
Accepted and Recorded Temporary Construction Easement from Harbor Pines of Manatee Owners Association, Inc., for property located at 6033 34th Street West, Bradenton BC20230131DOC042
36. **PROPERTY MANAGEMENT/RESOLUTION**  
Adopted Resolution R-23-005 declaring a public hearing on March 28, 2023 to vacate a portion of a platted right-of-way located at 225th Street East, Bradenton, Florida 34211, as recorded in the plat of the Waterbury Grape Fruit Tracts BC20230131DOC043
37. **PROPERTY MANAGEMENT/RESOLUTION**  
Adopted Resolution R-23-011 declaring a public hearing on February 28, 2023, to vacate certain roads and alleys within The Riverview J.R. Etter's Subdivision Plat, Ellenton BC20230131DOC044
38. **PROPERTY MANAGEMENT/RESOLUTION**  
Adopted Resolution R-23-020, authorizing the execution of the Landscape Maintenance and Installation Agreement with the Florida Department of Transportation for Improvements to State Road 45 - District 3 BC20230131DOC045
39. **PROPERTY MANAGEMENT/CONTRACT**  
Executed Contract for Sale and Purchase with Fifth Third Bank, National Association, for property located at 5441 45th Street East, Bradenton, Lockwood Ridge Shopping Center entrance, CIP Project 6099860, \$3,000 BC20230131DOC046



40. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**

- Executed and Recorded Notice of Partial Termination of a Utility Easement for property located at 6500 Manatee Avenue West, Bradenton; and
- Accepted and Recorded a Permanent Utilities Easement from PS Florida BSS Bradenton LLC; and
- Recorded Affidavit of Ownership and Encumbrances from Sharon Linder BC20230131DOC047

41. **PUBLIC WORKS/RESOLUTION**

Adopted Resolution R-23-018, approving the recommended alignment of 27th Street East from 38th Avenue East to 26th Avenue East BC20230131DOC048

42. **PUBLIC WORKS/PUBLIC HEARING**

Authorized to advertise and set a public hearing on February 14, 2023, to consider adoption of Ordinance 23-48, amending Subsection 2-22-7(a) of the Manatee County Code; adding Whitfield Avenue from Lockwood Ridge Road to University Parkway to the No Commercial Vehicle Through Zones on the enumerated streets in the unincorporated areas of Manatee County, Florida; providing for codification; providing for severability; and providing an effective date BC20230131DOC049

43. **PUBLIC WORKS/AGREEMENT**

- Executed the Facility Investment Fee Credit and Reimbursement Agreement with SK Mandarin LLC for Wastewater Improvements; and
- Adopted Budget Amendment Resolution B-23-052 amending the annual budget for Manatee County, FL for fiscal year 2023. This budget amendment adjusts the FY23-27 CIP BC20230131DOC050

44. **UTILITIES**

Authorized Establishing Solid Waste Franchise Hauler Services, Frequency of Residential Services, and Number of Franchise Haulers, Negotiated Options to Reduce Residential Costs and Service Area Allocation of Households in the Unincorporated Area of Manatee County BC20230131DOC051

45. **UTILITIES/AGREEMENT**

Executed a Joint Funding Agreement with the U.S. Geological Survey (U.S.G.S.) for data collection at three stations (for Manatee River near Myakka Head, Little Manatee River at Duette, and Manatee River at Rye Bridge). This agreement is for the period from October 1, 2022, to September 30, 2023, in the amount of \$50,740 from Manatee County

(End Consent Agenda)

BC20230131DOC052

12. **COMMUNITY AND VETERANS SERVICES/DONATION**

**Proposed Motion**

- Accepted \$15,250.00 donation from the Eaton Trust; and
- Adopted Budget Amendment Resolution B-23-048, amending the annual budget for Manatee County, FL for FY 2023

Commissioner Ballard addressed concerns regarding the pulled items and questioned restrictions for the new library on the items that can be purchased with said grant.

Tammy Parrott, Library Services Manager, explained the restrictions are for large print materials, and stated the \$100,000 coming from the Friends of the Lakewood Ranch Library has some restrictions, but only for a portion of materials regarding large print, children and Spanish language material. There are no other restrictions in the funds for the Lakewood Ranch Library, and no restrictions coming from the Library Foundation. The only restriction

on the Eaton fund is that for the local history group, and the \$55,000 is the actual reimbursement for master plan disbursement.



Discussion ensued regarding concerns with the type of material in the books, explicit material, Board has not given direction to Ms. Parrott or Mr. Washington on these matters, there is a Library work session scheduled next month, and concern with funding materials that push a certain agenda.



Shannon Kever stated she is in support of the grants for the library, and doesn't think anyone would want to have pornography in the libraries which would be inappropriate.

Graciella Greenberg addressed banning literature in the libraries. She would like to see books in Spanish and different languages.



Janette Eubanks Kelly stated she is a retired teacher and would like to make all the literature available for everyone.

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

BC20230131DOC053

**13. COMMUNITY AND VETERANS SERVICES/DONATION**

**Proposed Motion**

- Accepted a \$100,000 from the Friends of Lakewood Ranch Library; and
- Adoption of Budget Amendment Resolution B-23-047, amending the annual budget for Manatee County, FL for FY 2023

BC20230131DOC054

**14. COMMUNITY AND VETERANS SERVICES/DONATION**

**Proposed Motion**

- Accepted a \$55,495 donation in the Library Gift fund from The Library Foundation; and
- Adopted Budget Amendment Resolution B-23-045

BC20230131DOC055

**15. COMMUNITY AND VETERANS SERVICES/DONATION**

**Proposed Motion**

- Accepted a \$100,000 donation from The Library Foundation; and
- Adopted Budget Amendment Resolution B-23-046, amending the annual budget for Manatee County, FL for FY 2023

BC20230131DOC056

**MOTION - ITEMS PULLED FROM CONSENT AGENDA** (Item 12, 13, 14, and 15)

A motion was made by Commissioner Kruse, seconded by Chairman Van Ostenbridge, and carried 6-0, with Commissioner Baugh absent, to approve Items 12, 13, 14, and 15.

**RECESS/RECONVENE:** 10:38 a.m. - 10:48 a.m. All Commissioners present except Commissioners Kruse and Baugh.

Chairman Van Ostenbridge stated Item 21, pulled from the Consent Agenda, will be discussed later in the meeting.

**ADVERTISED PUBLIC HEARINGS** (Presentation Scheduled)


**50. COUNTY ATTORNEY/ORDINANCE**

A duly advertised public hearing was held to consider adoption of proposed Ordinance 23-34, repealing the Prohibition on the retail sale of cats and dogs.


William Clague, County Attorney, introduced Ordinance 23-34, repealing Ordinance 21-28, prohibition on the retail sale of cats and dogs. On January 10, 2023, he reported on the litigation concerning Ordinance 21-28. This public hearing is to consider a legislative policy decision. The Board can continue the prohibition or repeal it, and there are strong opinions on either side of the issue.


(Enter Commissioner Kruse)


Discussion ensued regarding businesses should not be shut down, a bad precedent is being set for the State of Florida if the Ordinance is repealed, banning puppy mills is a laudable goal, unfortunately, this Ordinance doesn't achieve that goal, sends breeding underground, protect the rights of the small businesses, and this is federal issue.


 Jean Shanahan, Stacy Wilkinson, Christine Noriaga, Laura Weiss and Lucy Kacela, Shannon Keever, Luther Wilkins, Holly Barber and Kate McFall urged the Board to keep the ban on the retail sale of cats and dogs.

 Samir Sutaria stated his family owns Petland in Sarasota and have been in operation for two years. Petland strives to maintain the best environment with the highest standard of quality and care, and only works with licensed breeders. If there are violations with the breeders, Petland refuses to continue business with them. He urged the Board to reverse the ban on the retail sale of puppies.

 Carol Whitmore noted the program has not even started yet, and the judge ruled the County was not in the wrong instituting the ban. She encouraged the Board to continue the ban on the retail sale of pets.


 Neil Benecke stated he is one of the three brothers that own the Petland Bradenton store and have been owners for the last 16 years. They are family owned and operated with 50 year experience in the pet business. He requested the ban be repealed so consumers can purchase healthy pets.

 Melissa Zapata, resident of Pinellas County, quoted Article 10, Section 32 of the Florida State Constitution regarding the humane treatment of animals, which is a fundamental value to the people of the State of Florida.

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

#### Motion – Adopt

A motion was made by Commissioner Rahn and seconded by Chairman Van Ostenbridge, to adopt Ordinance 23-34.

 Discussion continued to do the right thing, local, state and federal levels, to protect the Constitution, having a grass roots effort to accomplish things, as more and more municipalities agree on things, actually believe in protecting animal rights, do the right thing for Manatee County, the ban is not illegal, inhumane practices are wrong, and there is no evidence PetLand is treating their animals inhumanely, and there is an enforceable tethering ordinance in Manatee County.



The motion carried 5-1, with Commissioner Kruse voting nay, and Commissioner Baugh absent.

BC20230131DOC057

21. **FINANCIAL MANAGEMENT/AGREEMENT**

Commissioner Rahn asked to pull the item from the Consent Agenda to thank staff for bringing it forward and seeing the need regarding poor conditions (i.e. potholes).

A motion was made by Commissioner Bearden and seconded by Commissioner Ballard to:

- Authorize the Purchasing Official, or designee, to execute Agreement 22-TA004242DJ for Lockwood Ridge Rebase and Resurface, University Parkway to 56th Avenue Terrace East, and accepted and date the Public Construction Bond, to the lowest responsive and responsible bidder: Ajax Paving Industries of Florida, LLC., for a not-to-exceed amount of \$10,315,469.99 based on a construction completion time of 240 calendar days; and
- Adopt Budget Amendment Resolutions B-23-056 and B-23-057, amending the annual budget for Manatee County, FL for fiscal year 2023. These budget amendments adjust the FY23-27 CIP.

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

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

BC20230131DOC058

**ADVERTISED PUBLIC HEARINGS** (Presentation upon Request)

46. **COUNTY ADMINISTRATOR/ORDINANCE**

A duly-advertised public hearing was held to consider adoption of proposed Ordinance 23-30, which repeals Ordinance 20-21, and reestablishes Section 2-29-174 granting an Economic Development Ad Valorem Tax Exemption to Power Design, Inc.

Dr. Scott L. Hopes, County Administrator, explained that this tax exemption would have started last year on the opening date of the manufacturing facility, but construction delays occurred.

A motion was made by Commissioner Bearden and seconded by Commissioner Satcher, to adopt Ordinance 23-30.

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

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

BC20230131DOC059

47. **COUNTY ADMINISTRATOR/ORDINANCE**

A duly-advertised public hearing was held to consider adoption of proposed Ordinance 23-33, amending Chapter 2-29 of the Manatee County Code of Laws clarifying the Boundaries of the Parrish Area Improvement District.

Dr. Scott L. Hopes, County Administrator, explained this is a clarification of a scrivener's error in the description for the Parrish Area Improvement District.

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

A motion was made by Commissioner Satcher, seconded by Commissioner Van Ostenbridge and carried 6-0, with Commissioner Baugh absent to adopt Ordinance 23-23. BC20230131DOC060



48. **FINANCIAL MANAGEMENT/RESOLUTION**

A duly-advertised public hearing was held to consider adoption of proposed Resolution R-23-014, regarding the infrastructure Sales Tax to change a project name, scope, and rationale in Public Safety and Law Enforcement category; and approval of changes to the Project and Equipment List, and adoption of Budget Amendment Resolution B-23-049.

Dr. Scott L. Hopes, County Administrator, stated this is a minor change in the description with the infrastructure sales tax and has to be specific with regard to budget amendments.

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

A motion was made by Commissioner Rahn, seconded by Commissioner Bearden, and carried 6-0, with Commissioner Baugh absent, to adopt Resolution R-23-014. BC20230131DOC061

49. **PROPERTY MANAGEMENT/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AGREEMENT**

Dr. Scott L. Hopes, County Administrator, reported this is a FDOT property that has been in past discussions, and this acquisition will provide the property for Phase II for the Parrish Park located off of Fort Hamer Road.



Charlie Bishop, Deputy County Administrator, presented slides and noted this is a great benefit for the community of Parrish. Charles Meador, Property Acquisition Division Manager, and Tim Cristello, Senior Real Property Specialist, have been working with FDOT to acquire the land. Tom Yarger, Property Management, will present slides of Phase I and potentially part of Phase II.

Mr. Meador, reported 14.6 acres was acquired from FDOT, and this is a standard FDOT contract to purchase the land.

Dr. Hopes noted FDOT agreed to sell the land and direct those funds to a roundabout at the north end of Longboat Key.

Mr. Yarger gave a brief overview of what has been done for Phase I and Phase II design for the Parrish Community Park. He showed the 60 percent design for Phase I.

Mr. Bishop responded the dog park will be at Ola Mae Sims Park to make the current park larger with better enhancements, since Parrish Park and Ola Mae Sims Park are close to each other.

Mr. Yarger displayed Phase II Conceptual Design and pointed out details and referred to a slide showing what both Phase I and II look like on the combined parcel.

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

A motion was made by Commissioner Satcher, seconded by Commissioner Kruse, and carried 6-0, with Commissioner Baugh absent to approve execution of an Agreement to Sell and Purchase with the State of Florida Department of Transportation (FDOT) for property located at 11808 and 11818 73rd Street East along the East Side of Fort Hamer Road, Parrish. BC20230131DOC062

52. **PUBLIC WORKS/SPEED HUMPS**



Vishal Kakkad, Traffic Engineering Division Manager, requested approval to authorize Public Works staff to install five speed humps on Twin Rivers Trail. He pointed to maps

showing the three locations and gave a brief overview. If approved today, three temporary speed tables will be placed. The community will give feedback and depending on that feedback, staff will install the permanent speed bumps.

A motion was made by Commissioner Bearden, and seconded by Commissioner Rahn, to approve Public Works staff to install five speed humps on Twin Rivers Trail.


Chairman Van Ostenbridge stated he does not believe it is the role in government to construct obstacles in the road that tear up one's vehicle and will always oppose speed bumps when they come forward.


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

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

BC20230131DOC063

51. **COUNTY ATTORNEY/RESOLUTION**

 William Clague, County Attorney, explained the Board directed him on January 10, 2023, to prepare a resolution designating Commissioner Aides be under the supervision of Commissioners rather than the County Administrator. Resolution R-23-023 follows examples researched from other jurisdictions and designates the Commissioners as supervisors, and places the Aides on the administration side under the County's personnel policy which is established by this Board. It also places authority for compensation and the number of aides under Commissioner's budgetary decision making. Hiring is facilitated by administration, but the hiring decisions are to be made by individual Commissioners.

 Commissioner Kruse stated he supports the Resolution and added that some places have the head aide be in charge of the other aides.

Mr. Clague responded that the intention is to get the process started and there are details and items to be filled in once the Resolution is adopted. Procedures will be implemented to go through the Human Resources director as far as scheduling and which aides reports to which Commissioner.

Discussion ensued making sure the framework is structured, Resolution is very clear who the aides report to, practical aspects, better framework, and have the Vice-Chairman oversee the details in question.

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

A motion was made by Commissioner Satcher, seconded by Commissioner Van Ostenbridge, and carried 6-0, with Commissioner Baugh absent, to adopt Resolution R-23-023.

BC20230131DOC064

**COMMISSIONER COMMENTS**

There were no Commissioner Comments at this time.

**ADJOURN**

There being no further business, Chairman Van Ostenbridge adjourned the meeting at 12:11 p.m.

Minutes Approved: April 25, 2023