

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
April 4, 2024**

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

Present were:


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

Absent was:

Amanda Ballard, First Vice-Chairman

Also present were:

Rossina Leider, Planning Section Manager
Sarah Schenk, Chief Assistant County Attorney
Nicole Knapp, Development Services Director
Julissa Santana, Deputy Clerk, Clerk of Circuit Court


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

All witnesses and staff giving testimony were duly sworn.

INVOCATION

 The Invocation was delivered by Pastor Ralph Hoehne, The Source Church.

PLEDGE OF ALLEGIANCE

 The Pledge of Allegiance was led by Commissioner Bearden.

AGENDA


BC20240404DOC001

 Agenda Update Memorandum:


BC20240404DOC002


- Item 1- Manatee County Board of County Commissioners Calendar – This revision will also include the addition of a work session for May 18, 2024, at the Lakewood Ranch High School Auditorium at 9AM, called “All Things Lakewood Ranch”;
- Item 2- Execution of Amendment Three to the Water Taxi Operating Agreement - Revised Agreement - omitting Exhibit E. Revised background and discussion last sentence removed;
- Item 7- Approval of Final Plat and Associated Documents for Palm Grove - Moved to future Agenda; BC20240404DOC012
- Item 14- PDR-23-15(Z)(G)/Mia Bella Palmetto/1955 Palmetto BTR, LLC (Owner)- Moved to Presentation Scheduled;
- Item 17- PDR-23-28(Z)(P)/Palm View-PCRAWL, LLC Rezone/Tamlake LLC- Update to Staff report PSP and Ordinance;
- Item 20- Legislative Priorities for DC Trip - added by Commissioner Rahn

CITIZEN COMMENTS (Future Agenda Items)


 Brenda Jabro expressed concern regarding retention ponds and wildlife habitats on the Creekwood roundabout project.

BC20240404DOC003


 Thomas Carter expressed concern regarding traffic related to the Creekwood roundabout project. BC20240404DOC004

 April Culbreth noted the Community Services 211 line is referring citizens to services including Planned Parenthood, which goes against the Board’s direction. BC20240404DOC005

There being no further public comments, Chairman Rahn closed public comments.

 Discussion ensued regarding the Board looking into the 211 referrals, and requests to know the annual total contribution given to United Way which manages the 211 services.

CONSENT AGENDA

 A motion was made by Commissioner Turner, seconded by Commissioner Bearden, and carried 6-0, with Commissioner Ballard absent, to approve the Consent Agenda with the changes incorporated in the Agenda Update Memorandum.

There being no public comments, Chairman Rahn closed public comments.

1. **ADMINISTRATOR/MEETING SCHEDULE**

Approved the Revised 2024 Board of County Commissioners Meeting Schedule BC20240404DOC006

2. **CONVENTION AND VISITORS BUREAU/AGREEMENT**

Executed Amendment 3 to the Water Taxi Operating Agreement with Gulf Coast Water Taxi, LLC BC20240404DOC007

3. **DEVELOPMENT SERVICES/FINAL PLAT/AVALON WOODS PHASE III AND IV**

Executed and authorized recording of Final Subdivision Plat BC20240404DOC008

4. **DEVELOPMENT SERVICES/FINAL PLAT/BUCKHEAD TRAILS PHASE III**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Public Improvements Buckhead Trails, Phase III;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Buckhead Trails, Phase III, Surety Bond 800151532, \$8,248,755.80;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Buckhead Trails, Phase III, Surety Bond 800151533, \$313,870.61;
- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Private Improvements Buckhead Trails, Phase III;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Buckhead Trails, Phase III, Surety Bond 800151534, \$558,229;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Buckhead Trails, Phase III, Surety Bond 0851594, \$46,764.90; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Buckhead Trails, Phase III, Surety Bond 0851593, \$56,216.84

BC20240404DOC009

5. **DEVELOPMENT SERVICES/FINAL PLAT/BUCKHEAD TRAILS PHASE II-A**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Public Improvements Buckhead Trails Phase II-A;
- Authorized the County Administrator to accept and execute Surety Bond for Performance

of Required Improvements, Buckhead Trails Phase II-A, Surety Bond 21BSBJB4543, \$6,360,550.44;

- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Buckhead Trails Phase II-A, Surety Bond 21BSBJB4544, \$240,583.17;
- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Private Improvements Buckhead Trails Phase II-A;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Buckhead Trails Phase II-A, Surety Bond 21BSBJB4545, \$621,446.67;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Buckhead Trails Phase II-A, Surety Bond 21BSBJB4542, \$57,530.20;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Buckhead Trails Phase II-A, Surety Bond 9445773, \$30,620.82;
- Authorized the County Administrator to Accept, Execute, and Record Agreement for Public Subdivision with Public Improvements Buckhead Trails Phase II-A (Bending Creek Trail);
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Buckhead Trails Phase II-A (Bending Creek Approval of Final Plat and Associated Documents for Agenda Item 5 - Page 1 of 308 Trail), Surety Bond 5370878, \$4,840,207;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Buckhead Trails Phase II-A (Bending Creek Trail), Surety Bond 5370876, \$215,653.13;
- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Private Improvements Buckhead Trails Phase II-A (Bending Creek Trail); and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Buckhead Trails Phase II-A (Bending Creek Trail), Surety Bond 5370877, \$659,199.58.

BC20240404DOC010

6. **DEVELOPMENT SERVICES/FINAL PLAT/BUCKHEAD TRAILS PHASE IB**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized the County Administrator to accept, execute, and record Agreement for Public Subdivision with Public Improvements for Buckhead Trails, Phase IB;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Buckhead Trails, Phase IB, Surety Bond 30208620, \$2,364,489.95;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Buckhead Trails, Phase IB, Surety Bond 0848399, \$228,739.25;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Buckhead Trails, Phase IB, Surety Bond 30208621, \$125,045.80;

BC20240404DOC011

8. **DEVELOPMENT SERVICES/RESOLUTION R-24-072**

Adopted Resolution R-24-072, authorizing and Economic Development Incentive Grant for Project Boca

BC20240404DOC013

9. **FINANCIAL MANAGEMENT/AGREEMENT**

Authorized the Purchasing Official, or designee, to execute the Guaranteed Maximum Price (GMP) Addendum to Agreement 24-TA005269DJ, MC Judicial Center Roof Replacement, with Manasota Commercial Construction Co., in the not-to-exceed amount of \$1,711,275.00 with a

construction schedule of 160 calendar days, and authorization to accept and date the Public Construction Bond BC20240404DOC014

10. **PUBLIC WORKS/AGREEMENT**


Adopted Resolution R-24-057 to authorize the Chairperson to execute the Florida Gas Transmission Company, LLC Encroachment Agreement and Cost Reimbursement Agreement for the 44th Avenue East project from east of Creekwood Boulevard to Lakewood Ranch Boulevard BC20240404DOC015

11. **PUBLIC WORKS/AGREEMENT**

Executed of the Manatee Mitigation Bank Credit Purchase Agreement with TerraBlue Environmental, LLC for 1.89 acres Freshwater Forested and 0.42 acres Freshwater Herbaceous Mitigation Bank Credits from the Manatee Mitigation Bank for County Project Lorraine Road from SR 64 to 59th Ave E (#6107660) Located in the Manatee River Basin BC20240404DOC016
(End Consent Agenda)


PUBLIC HEARINGS (Presentations Upon Request)

12. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance ZL-23-28/Jones 301 Parrish Rezone/Jones Potato Farm, Inc./Alan E. Jones (Owner). The Planning Commission recommended adoption.

There were no ex parte communications.

There being no public comments, Chairman Rahn closed public comments.


 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 compliance with the applicable review standards of the Manatee County Land Development Code, Commissioner Satcher moved to adopt Manatee County Zoning Ordinance ZL-23-28, with Stipulation A.1, as recommended by the Planning Commission. The motion was seconded by Commissioner Bearden, and carried 6-0, with Commissioner Ballard absent. BC20240404DOC017

13. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDO-23-31(Z)(G)/Gattuso Rezone/Gattuso, Joseph (Owner). The Planning Commission recommended adoption.


There were no ex parte communications.

There being no public comments, Chairman Rahn closed public comments.

 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 the applicable review standards of the Manatee County Land Development Code, Commissioner Turner moved to adopt Manatee County Zoning Ordinance PDO-23-31(Z)(G); approve the General Development Plan with Stipulations A.1 – A.4, B.1 – B.5, C.1, and D.1; adopt the Findings for Specific Approval; and grant and alternative for Specific Approval Land Development Code Sections: 1) 402.10.D.3- Side yard setback reduction from 15 feet to 8 feet allowing existing structure to remain, 2) 701.4.B.2- Variable width roadway buffer, 3) 701.4.B.3- Reduction of eastern property line landscape buffer from 10-feet to 8-feet, and 4) 900.6.B.2- Cross access required in the Entranceway, as


recommended by the Planning Commission. The motion was seconded by Commissioner Bearden and carried 6-0, with Commissioner Ballard absent. BC20240404DOC018

15. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance Z-23-12/Saltsman Distribution Substation/Peace River Electric Cooperative Inc. The Planning Commission recommended adoption.


There were no ex parte communications.

There being no public comments, Chairman Rahn closed public comments.


 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 the Manatee County Land Development Code and in compliance with the applicable standards of review in the Land Development Code, Commissioner Kruse moved to adopt Manatee County Zoning Ordinance Z-23-12, as recommended by the Planning Commission. The motion was seconded by Commissioner Turner and carried 6-0, with Commissioner Ballard absent. BC20240404DOC019


PUBLIC HEARINGS (Presentations Scheduled)


14. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-23-15(Z)(G)/Mia Bella Palmetto/1955 Palmetto BTR, LLC (Owner). The Planning Commission recommended adoption.


There were no ex parte communications.

 Scott Rudacille, representing the applicant, utilized a slide presentation to review the request for a rezone of 9.1 acres from RSF-2 (Residential Single Family-2) (approximately 8.81 acres), and RSF-6 (Residential Single-Family-6) (approximately 0.29 acres) to the PDR (Planned Development Residential) Zoning District, and approving a General Development Plan for 30 single-family detached residential units.

 James McDevitt, Planner, used a slide presentation to review the request, future land use category, zoning, aerial of the site, surrounding uses, site plan information, positive and negative aspects, and mitigating measures.

 Discussion ensued regarding low quality wetlands, mitigation credits, and the applicants are proposing to pay into the required mitigation bank.


There being no public comments, Chairman Rahn closed public comments.

 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 compliance with the applicable standards of review in the Land Development Code, as stipulated herein, Commissioner Kruse moved to adopt Manatee County Zoning Ordinance PDR-23-15(Z)(G); approve a General Development Plan with Stipulations A.1-A.4, B.1-B.5, C.1-C.3, and D.1-D.2; adopt the Findings for Specific Approval; and grant Specific Approval for an alternative to Land Development Code Section: 402.7.D.7, to allow front yards functioning as side yards to be reduced from twenty-five (25)


feet to ten (10) feet, as recommended by the Planning Commission. The motion was seconded by Commissioner Turner and carried 6-0, with Commissioner Ballard absent.


BC20240404DOC020


16. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-23-36(Z)(G)/Hine Rutland Road PDR/Manatee Property LTD (Owner). The Planning Commission recommended adoption.


There were no ex parte communications.

 Scott Rudacille and Rhea Lopes, representing the applicant, utilized a slide presentation to review the request for a rezone of five-acres, from A (General Agriculture) to the PDR (Planned Development Residential) Zoning District, and approving a General Development Plan for a maximum of 15 single-family residential detached, attached, and semi-detached dwelling units.

 Discussion ensued regarding access points being flexible with the design.


 Kevin Oatman, Planner, displayed a slide presentation to review the request, Future Land Use Category, zoning, aerial of the site, surrounding uses, site plan information, positive and negative aspects, and mitigating measures.


There being no public comments, Chairman Rahn closed public comments.


 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 compliance with the applicable standards for review in the Land Development Code, as conditioned herein, Commissioner Turner moved to adopt Manatee County Zoning Ordinance PDR-23-36(Z)(G); approve a General Development Plan with Stipulations A.1-A.3, B.1-B.4, C.1-C.3, and D.1; adopt the Findings for Specific Approval; and grant Specific Approval for an alternative to Land Development Code Section: 402.7.D.7 - Yards and Setbacks to approve alternative designs to allow for secondary front yards on corner lots to be treated as side yards for setback purposes, with a principal structure setback of 10-feet, as recommended by the Planning Commission. The motion was seconded by Commissioner Satcher, and carried 5-1, with Commissioner Van Ostenbridge voting nay, and Commissioner Ballard absent.

BC20240404DOC021


17. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance PDR-23-28(Z)(P)/Palm View-PCRAWL, LLC Rezone/Tamlake LLC. The Planning Commission recommended adoption.


 Commissioner Van Ostenbridge disclosed that he previously discussed this site with the applicant one year ago, but does not remember details of the discussion.


 Sarah Schenk, Chief Assistant County Attorney, stated since the conversation took place before the project was filed, the Commissioner does not need to abstain from voting.

There were no other ex parte communications.


 Mark Barnebey, representing the applicant, utilized a slide presentation to review the request for a rezone of 20.46 acres from A-1/CPA (Agricultural Suburban/Coastal Planning

Area Overlay) to the PDR/CPA (Planned Development Residential) Zoning District, retaining the Coastal Planning Area Overlay District, and approving a Preliminary Site Plan for a 264 multi-family attached residential unit development.


 Discussion ensued regarding possible upgraded windows, wall buffers, sound mitigation, and further details will be presented at time of final site plan.


 Barney Salmon, Planner, displayed a slide presentation to review the request, Future Land Use Category, zoning, aerial of the site, surrounding uses, site plan information, positive and negative aspects, and mitigating measures.


 Larry Jeffries expressed concern regarding flooding and drainage on Canal Road.


 Larry Gavert expressed concerns regarding traffic and narrow roads.


There being no further public comments, Chairman Rahn closed public comments.


 Discussion ensued regarding stormwater concerns, 100-year floodplain onsite, a permit for residents to be able to cross the active railroad tracks, possibly require applicants to extend sidewalk 1,000-feet on the southside to Bayshore Road, and playground amenities should be available for kids to play after hours.

 Mr. Barnebey addressed the driveway being moved 70-feet to the east to not interfere with the residence next door.

 Matt Morris, Morris Engineering, spoke on the advantages to keep drainage function, will have storage within the wetland, onsite stormwater treatment and retention ponds, and have no problem working with County staff on stormwater model design.


 Mr. Barnebey stated the applicants have no objections to extending the proposed sidewalk 1,000-feet on the southside of Bayshore Road.


 Discussion continued regarding the County not having its own stormwater model in the area, post development discharge will be reduced by 50 percent, which is less than discharges at present time, and the project is in a great location.


 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 compliance with the applicable standards for review in the Manatee County Land Development Code, as stipulated herein, Commissioner Van Ostenbridge moved to adopt Manatee County Zoning Ordinance PDR-23-28(Z)(P); and approve the Preliminary Site Plan with Stipulations A.1 – A.6, B.1 – B.4, C.1, D.1 – D.4, and E.1 – E.6, as recommended by the Planning Commission. The motion was seconded by Commissioner Kruse and carried 5-1, with Commissioner Bearden voting nay, and Commissioner Ballard absent.

BC20240404DOC022

18. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance LDCT-23-12 / Ordinance 24-07 County-Initiated Land Development Code Text Amendment Food Trucks.


 Charles Andrews, Planner, utilized a slide presentation to review the request to amend the LDCT (Land Development Code Text) to add Food Truck Parks as a permitted use in select zoning districts, and to establish specific use and temporary use criteria.

 Discussion ensued regarding Premier Park food truck usage.


BC20240404DOC023

This is the first of two public hearing, the second of which will be held May 2, 2024, at 9:00 a.m., or as soon thereafter as may be heard. There is no action required.

19. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was held to consider adoption of proposed Zoning Ordinance LDCT-23-12 / Ordinance 24-07 County-Initiated Land Development Code Text Amendment Food Trucks.


There being no public comments, Chairman Rahn closed public comments.

 Commissioner Kruse moved to hold the second public hearing to adopt proposed Ordinance 24-07 on May 2, 2024, at 9:00 a.m., or as soon thereafter as same may be heard (in lieu of after 5:00 p.m.), pursuant to Section 125.66(4)(b)1. Florida Statutes. The motion was seconded by Commissioner Turner and carried 6-0, with Commissioner Ballard absent.


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
211 PHONE SUPPORT LINE


 Commissioner Rahn confirmed he would meet with the County Administrator to figure out how funds are being disbursed to the 211 support line, and what organizations they refer citizens to.

 Discussion ensued regarding the Board being in agreement, possible violation of County policy, County dollars should not fund abortion clinics, and the 211-phone line is a helpful tool and should not be shut down entirely.

20. **Legislative Priorities for DC Trip**

 Andy Butterfield, Chief of Staff, spoke on the projects being considered as Federal Legislative priorities by the Board, including the Fort Hamer Bridge, Fort Hamer Roadway, Greenway Gulfcoast Recreational Trail partnership connecting Sarasota and Manatee County, War Memorial Park with Veterans Resource Center, 15th Street East widening, Pierce Drain Stormwater Project, and the Desoto Watermain Replacement. He provided seven suggestions, and the Board may request funding for all projects listed, projects can be added or trimmed down, and the request must be submitted within the next 12 days.

 Discussion ensued regarding Fort Hamer projects being the priority request, remove Pierce Drain Stormwater Project due to the issue being resolved, Sheriff Wells is requesting a multi-use facility with the Manatee Sherriff's Office (MSO), Fire Station, and Emergency Medical Service (EMS) in Parrish using other State funds, and how the Board can show their support for MSO projects.

 A motion was made by Commissioner Van Ostenbridge, to approve the six priorities as presented (Fort Hamer Bridge, Fort Hamer Roadway, Greenway Gulfcoast Recreational Trail, War Memorial Park, 15th Street East widening, and the Desoto Watermain Replacement). The motion was seconded by Commissioner Bearden and carried 6-0, with Commissioner Ballard absent.

COMMISSIONER COMMENTS



Commissioner Kruse

- Believes the County should look into cleaning out canals going into budget season
- Spoke to Development Services regarding clear cutting dust shrouds to mitigate in the future, and it will be discussed on April 23, 2024

ADJOURN



There being no further business, Chairman Rahn adjourned the meeting at 10:37 a.m.

Minutes Approved: May 14, 2024