

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION BUILDING, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
October 22, 2024**

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

Present were:

Mike Rahn, Chairman, District 4
Amanda Ballard, First Vice-Chairman, District 2
Ray Turner, Second Vice-Chairman, District 5
Jason Bearden, District 6
George Kruse, District 7
Kevin Van Ostenbridge, District 3, entered during the meeting

District 1 seat is vacant.

Present were:

Charlie Bishop, County Administrator
Pamela D'Agostino, County Attorney
Robin Toth, Deputy Clerk, Clerk of the Circuit Court



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

INVOCATION

The Invocation was led by Pastor Bryan Meadows, Bayside Community Church, Lakewood.

PLEDGE OF ALLEGIANCE



The Pledge of Allegiance was led by Commissioner Bearden.

AGENDA

Revised Agenda and Agenda Update Memorandum 1 (dated 10/18/24)

BC20241022DOC001

BC20241022DOC002

- Citizen Comments (Future Agenda Items) – Updated to include public comment
- Item 32, Adoption of Resolution R-24-204, delegating authority to the County Attorney, or his/her designee, to initiate and prosecute civil actions to enforce violations of Manatee County Codes and Ordinances – Added to Agenda
- Item 33, Authorization for Temporary Use of the City of Anna Maria City Pier parking lot as a temporary water ferry landing area as granted by Resolution R-24-804 – Added to Agenda
- Item 10, Adoption of Budget Amendment Resolution B-24-124 – Updated to include Budget Amendment Resolution B-24-124
- Item 11, Adoption of Budget Amendment Resolution B-25-015 – Updated to include Budget Amendment Resolution B-25-015
- Item 34, Adoption of Resolution R-24-202 (the Resolution) authorizing issuance of the Revenue Improvement Note, Series 2024B (2024B Note) in the amount not to exceed \$140,000,000 – Added to Agenda
- Item 35, Adoption of Resolution R-24-203, to approve, ratify and confirm an Interfund Loan from the General Fund to Court Technology Fee Fund; and Adoption of Budget Amendment Resolution B-24-126 – Added to Agenda
- Item 36, Authorization to Allocate Additional Departmental Budgeted Funding to Blanket Purchase Order P1700411 for Maintenance of Traffic Materials and Services – Added to Agenda
- Item 37, Execution of LDA-23-02, Local Development Agreement for SM Ranch, PLN2306-0507 – Quasi-Judicial – Rachel Layton, AICP, Planning Division Manager/Impact Fee

Administrator; and Adoption of Budget Amendment Resolution B-24-109 – Added to Agenda (continued from 10/17/24)

- Item 31, Execution of Guaranteed Maximum Price (GMP) Addendum 6 to Agreement 22-R078920SAM for 44th Avenue East, from I-75 to Lakewood Ranch Boulevard and East Lake Expansion Project with SEMA Construction, Inc. – Moved to November 7, 2024 (motion to continue later in the meeting) BC20241022DOC003
- Revised Agenda and Agenda Update Memorandum 2 (dated 10/21/24) BC20241022DOC004
- Item 38, Presentation of October Employee of the Month to Kate Quilty – Added to Agenda
- Item 34, Adoption of Resolution R-24-202 (the Resolution) authorizing issuance of Revenue Improvement Note, Series 2024B ("2024B Note") in the amount not to exceed \$140,000,000 – Updated with revised Resolution R-24-202
- Item 27, Execution of Reimbursement and Impact Fee Credit Agreement with Hawk Parrish Lakes LLC, for Transportation Improvements and Right-of-Way Dedication – District 1 – Moved to November 12, 2024 BC20241022DOC005
- Item 39, Execution of Third Amendment to Peace River Manasota Regional Water Supply Authority (PRMRWSA) Master Water Supply Contract – Added to Agenda
- Item 37, Execution of LDA-23-02, Local Development Agreement for SM Ranch, and Adoption of Budget Amendment Resolution B-24-109 – Updated with a revised motion and cover sheet
- Item 40, Adoption of Resolution R-24-207, expressing the Board of County Commissioners' opposition to Amendment 4, proposed Florida Constitutional Amendment concerning abortion – Added to Agenda

Charlie Bishop, County Administrator, noted that a Proclamation designating November 11, 2024, as Veterans Day, was just added to the Agenda (no agenda item number assigned).


CONSENT AGENDA – ITEMS PULLED BY COMMISSIONERS

Item 34 – Pulled by Commissioner Kruse

PRESENTATIONS

(This item was initially published on the 10/8/24 Agenda)

1. **ELECTED FDOT BRADENTON PALMETTO CONNECTOR**


 Michelle Rutishauser, Florida Department of Transportation (FDOT) District One Project Manager, utilized a slide presentation, to report on the Bradenton-Palmetto Connector Alternative Corridor Evaluation (ACE). The goal is to evaluate additional capacity and transportation demand across the Manatee River as part of the regional transportation system.

(Enter Commissioner Van Ostenbridge)

No action is required.

BC20241022DOC006

38. **OCTOBER EMPLOYEE OF THE MONTH**

 October Employee of the Month Award was presented to Kate Quilty, Water Plant Superintendent, Utilities.

BC20241022DOC007

PROCLAMATIONS



 A motion was made by Commissioner Turner, seconded by Commissioner Ballard, and carried 6-0, to adopt the following Proclamations:

2.  Proclamation Designating October 2024, as Filipino American History Month, was accepted by representatives of the Gulf Coast Filipino American Chamber of Commerce.


BC20241022DOC008



 Proclamation designating November 11, 2024, as Veterans' Day.

BC20241022DOC009


- 3.  Proclamation Designating October 25 - November 2, 2024, as Mobility Week. BC20241022DOC010
- 4.  Proclamation Designating October 13-19, 2024, as National Case Management Week, was accepted by James Crutchfield, Public Safety Deputy Director and Public Safety staff. BC20241022DOC011

(Depart Commissioner Van Ostenbridge)




- 5.  Proclamation Designating October 2024, as National Disability Employment Awareness Month, was accepted by Carmine DeMilio, Deputy Director of Parks and County Grounds, Hailey Van Dam, Deputy Director, Systems Analyst, J.D. Simmons, part-time ADA Specialist, and Pat Simmons, ADA Advocate.

 Amanda Harig, Assistant Project Manager, utilized a slide presentation to address ADA statistics, public agency requirements, and the County’s list of 47 assessed facilities. BC20241022DOC012
- 6.  Proclamation designating October 20-26, 2024, as National Friends of Libraries Week, was accepted by Tammy Parrot, Library Services Manager, and volunteer staff. BC20241022DOC013

CITIZEN COMMENTS (Future Agenda Items Only)

 John Agnelli III, Boys and Girls Club of Manatee County, submitted a letter requesting County support through Opioid Settlement funds that have been distributed to each area of the State of Florida.

(Enter Commissioner Van Ostenbridge)


-  Dan Kohn, Sunshine Puppies, offered to address any inquiries by the Board.
-  Stephanie Peterson Zigar expressed concern on the lack of detailed background checks on Veteran’s workers, and that this is a national problem.
-  By telephone, Charlene Kow, stated the Board should not vote on controversial items that are placed on the agenda at the last minute, and the public cannot review them in advance.


There being no further citizen comments, Chairman Rahn closed citizen comments. BC20241022DOC014

CONSENT AGENDA 


Citizen Comments (Consent Agenda Only)

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

 Evan Pilachowski, Deputy County Administrator, stated Item 12 is United States Department of Transportation (USDOT) Bridge Investment Program Grant Application for \$61.6 million, for the Fort Hamer Bridge expansion project. Staff is working with Kimley Horn on design.

 Michele Davis, Senior Grants Manager, stated that for FY 24, there are 122 funded grants, 25 grants in progress, and 22 grants in the vetting process, for a price tag of over \$60 million.

Motion – Consent Agenda

 A motion was made by Commissioner Ballard and seconded by Commissioner Turner, to approve the Consent Agenda, with the changes incorporated in the Agenda Update Memorandums, and with deletion of Item 34 (separate action). The motion carried 6-0.

7. **CLERK'S CONSENT CALENDAR** BC20241022DOC015
- A. **MINUTES**
Approved the Minutes of September 24, 2024 (Budget)
- B. **REPORTS**
Accepted:
1. Parrish Fire District – Final Adopted FY24/25 Budget BC20241022DOC016
- C. **BONDS**
Accepted:
1. Esplanade Phase V, Subphase F
• Released Agreement in Conjunction with Surety Bond (Attachment A) as Defect Security Warranting Required Improvements, securing public infrastructure improvements, \$34,228.38; and
• Released and returned Surety Bond (Defect) SU1147459, and any associated riders, \$34,228.38 BC20241022DOC017
- D. **REFUNDS**
Approved:
1. Cornerstone Solutions Group – Billing Adjustment, \$1,592.45 BC20241022DOC018
2. Pope Golf LLC – Billing Adjustment, \$1,113.21 BC20241022DOC019
8. **COUNTY ADMINISTRATOR/REVISED 2024 BOARD OF COUNTY COMMISSIONER MEETING SCHEDULE**
Approved Revised 2024 Board of County Commissioners Meeting Schedule (November 8, 2024, is being added as a Land Use Meeting Overflow Day (set to begin at 9:00 a.m.) BC20241022DOC020
32. **COUNTY ATTORNEY/RESOLUTION**
Adopted Resolution R-24-204, delegating authority to County Attorney, or his/her designee, to initiate and prosecute civil actions to enforce violations of Manatee County Codes and Ordinances BC20241022DOC021
9. **CONVENTION AND VISITORS BUREAU/AGREEMENT**
Authorized Bradenton Area Convention and Visitors Bureau Executive Director to execute Amendment to License Agreement 2022-0493 with Premier Sports Campus and Championship Tournaments LLC, dba Elite Tournaments, for Elite Tournaments for access to 25 Standard Lacrosse fields for the IWLCA Presidents Cup event on November 22-24, 2024 BC20241022DOC022
33. **CONVENTION AND VISITORS BUREAU/CITY OF ANNA MARIA CITY PIER PARKING LOT**
Authorized Temporary Use of City of Anna Maria City Pier parking lot as a temporary water ferry landing area as granted by Resolution R-24-804 (adopted by City of Anna Maria City Commission 10/17/24) BC20241022DOC023
10. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT RESOLUTION**
Adopted Budget Amendment Resolution B-24-124 BC20241022DOC024
11. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT RESOLUTION**
Adopted Budget Amendment Resolution B-25-015 BC20241022DOC025
35. **FINANCIAL MANAGEMENT/RESOLUTION/INTERFUND LOAN**
• Adopted Resolution R-24-203, to approve, ratify and confirm an Interfund Loan from the General Fund (001) to Court Technology Fee Fund (194); and
• Adopted Budget Amendment Resolution B-24-126 BC20241022DOC026

12. **FINANCIAL MANAGEMENT/GRANT/FORT HAMER BRIDGE WIDENING PROJECT**
- Authorized submission of USDOT Bridge Investment Program (BIP) Grant Application, for the construction of the Fort Hamer Bridge Widening Project (anticipated cost \$77 million: Federal Share 80% \$61,600,000; County Share 20% \$15,400,000); and
 - Authorized Chairman, County Administrator, Deputy County Administrator, Public Works Department Director or his designees, and Senior Grants Manager, to execute all necessary documents related to the Grant submission BC20241022DOC027
36. **FINANCIAL MANAGEMENT/BLANKET PURCHASE ORDER**
Authorized Procurement Official, or designee, to allocate additional departmental budgeted funding to Blanket Purchase Order P1700411 with ACME Barricades L.C., for Maintenance of Traffic Materials and Services BC20241022DOC028
13. **FINANCIAL MANAGEMENT/AGREEMENT/HARD WASTE PROCESSING SERVICES**
Authorized Purchasing Official, or designee, to execute Agreement 24-R085012SB Yard Waste Processing Services with Cooper Timber Harvesting, Inc. (annual expenditure \$926,050) BC20241022DOC029
14. **FINANCIAL MANAGEMENT/AGREEMENT**
Authorized Purchasing Official, or designee, to execute Change Order 1 to Work Assignment 1 under Agreement 21-TA003647SAM, Duette Bridge Replacement Project, with Stantec Consulting Services, Inc., authorizing an additional \$83,415; revised not-to-exceed amount of \$518,865.85 BC20241022DOC030
15. **FINANCIAL MANAGEMENT/AGREEMENT**
Authorized Purchasing Official, or designee, to execute Change Order 5 to Agreement 22-R079612SAM, Construction Management at Risk Services for Bradenton Area Convention Center Expansion, with Manhattan Construction Company, adding seven additional calendar days to construction schedule, for revised substantial completion date of August 4, 2025, and an additional contract contingency of \$2,507,464; revised not-to-exceed contract total of \$48,035,622.75 BC20241022DOC031
16. **FINANCIAL MANAGEMENT/AGREEMENT**
- Authorized Purchasing Official, or designee, to execute Guaranteed Maximum Price (GMP) Addendum to Agreement 24-TA005507JH, Construction Management at Risk Services for Village of Parrish Sanitary Sewer Expansion, with Woodruff & Sons, Inc., in a not-to-exceed amount of \$1,968,229.37, with construction schedule of 261 calendar days; and
 - Accepted and dated Public Construction Bond BC20241022DOC032
17. **NATURAL RESOURCES/MUNICIPAL SEPARATE STORM SEWER SYSTEM**
Executed National Pollutant Discharge Elimination System – Municipal Separate Storm Sewer System (NPDES-MS4) Year Six Annual Report Form for submission to Florida Department of Environmental Protection (FDEP) as required by Permit FLS000036-004 BC20241022DOC033
18. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
Accepted and authorized recording of Permanent Utilities Easement from Rye Ranch LLC, for property located at North Rye Road, Parrish, required for Rye Ranch LLC, to receive Certificate of Occupancy BC20241022DOC034
19. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
Accepted recorded Permanent Utilities and Drainage Easement from Gerald Adams, for property located at 703 and 711 59th Avenue East, Bradenton, required for future drainage and utilities improvements at Meadors Subdivision and Pennsylvania Avenue Area, CIP Project 6106400, Bowlees Creek Watershed BC20211022DOC035

20. **PROPERTY MANAGEMENT/RESOLUTION**

- Adopted Resolution R-24-076; and
- Executed Road Jurisdiction Transfer Agreement with FDOT, requesting a portion of State Road 62 be transferred back to the County, located at the intersection of State Road 62 and U.S. 301 North, consisting of approximately 6.355 acres BC20241022DOC036

21. **PROPERTY MANAGEMENT/CONTRACT FOR SALE AND PURCHASE**

Executed Contract for Sale and Purchase for Parcels 102 and 702 from Colb-Brandenton LLC, for intersection improvements at 43rd Street West and Manatee Avenue West, \$299,000 BC20241022DOC037

22. **PROPERTY MANAGEMENT/CONTRACT FOR SALE AND PURCHASE**

Executed Contract for Sale and Purchase from Allison Trice Kaffka and Cindy E. Trice, as Co-Trustees of the Louis Gary Trice Revocable Trust u/a dated October 1, 1991, for intersection improvements at 43rd Street West and Manatee Avenue West, \$20,500 BC20241022DOC038

23. **PUBLIC SAFETY/AGREEMENT**

Ratified and executed Collective Bargaining Agreement between Manatee County and International Association of EMT's and Paramedics, a Division of the National Association of Government Employees International (NAGE), Union Local 5000, Local R5-121 BC20241022DOC039

24. **PUBLIC WORKS/RESOLUTION**

- Adopted Resolution R-24-185; and
- Executed Local Agency Program (LAP) Agreement with FDOT for Design Services along 15th Street East (301 Boulevard, 63rd Avenue East-51st Avenue East) BC20241022DOC040

25. **PUBLIC WORKS/TRANSIT GRANT/RESOLUTION**

- Adopted Resolution R-24-190, authorizing Public Works Director to initiate the Route 6 Service Frequency Improvement serving Cortez Road, effective November 2, 2024, increasing frequency from 60-minute to 30-minute intervals;
- Authorized Public Works Director to begin recruitment and hiring of six bus operators and one supervisor; and
- Authorized Chairperson, or in their absence, Vice-Chairperson, to sign the authorizing Resolution and enter into, modify, or terminate the Public Transportation Grant Agreement (PTGA) with State of Florida Department of Transportation, as well as other pertinent documents affiliated with the PTGA, unless specifically rescinded (There is no executed PTGA with this action. The PTGA Financial Project Number 45222-84-01 was executed and approved 5/14/24 by R-24-078) BC20241022DOC041

26. **PUBLIC WORKS/FEMA GRANT**

Executed Federally-Funded Subaward and Grant Agreement with Florida Emergency Management Agency (FEMA), for Myakka Yard Rural Public Works Generator (Grant Award: \$420,000; County obligation \$203,820; total estimated project cost \$623,820) BC20241022DOC042

28. **PUBLIC WORKS/REIMBURSEMENT AGREEMENT**

- Executed Reimbursement Agreement with Lakewood Ranch Stewardship District for Utility Improvements; and
- Adopted Budget Resolution B-25-017, amending the annual budget for FY 25 This budget amendment adjusts the FY 25-29 CIP BC20241022DOC043

39. **UTILITIES/PEACE RIVER MANASOTA REGIONAL WATER REGIONAL SUPPLY AUTHORITY**


Executed Third Amendment to Peace River Manasota Regional Water Supply Authority Master Water Supply Contract BC20241022DOC044

(End Consent Agenda)


34. **FINANCIAL MANAGEMENT/RESOLUTION/REVENUE IMPROVEMENT NOTE, SERIES 2024B**

Commissioner Kruse stated Item 34 is to adopt Resolution R-24-202, authorizing the issuance of Revenue improvement Note, Series 2024, in the amount not to exceed \$140,000,000 of additional bonding for infrastructure.

This current Board made decisions relative to revenue streams and needs to act on the decisions made. The Board previously discussed (9/10/24) whether or not to circulate a Request for Proposal. The Board voted for a \$10.5 million millage reduction. Two hurricanes then occurred and staff is determining how to manage recovery efforts with a source of revenue stream without Reserves. This line of credit will cost the Board \$4 million of general funds per year.


 The Board has a responsibility to prioritize projects with the available funds and within the means determined to collect those revenue streams. The Board needs to discuss what projects need to be put on hold and reallocate those funds to other priority projects, and to determine what is the best use of taxpayer dollars.


Commissioner Kruse does not support this request, nor it being placed on the Consent Agenda without any discussion about alternative options outside of bonding.


 Sheila McLean, Financial Management Director, stated this line of credit was presented to the Board on September 10, providing the best use of tax dollars. Six projects will be financed under this line of credit, two of which are 44th Avenue and Upper Manatee River Road, and both these projects are already in motion.


By request, Ms. McLean listed the six projects covered by this line of credit:


- 44th Avenue East, from 44th Avenue Plaza East to Lakewood Ranch);
- Upper Manatee River Road, north of S.R. 64 to Fort Hamer Bridge;
- 51st Street West Extension, 53rd Avenue West to El Conquistador;
- VMA Property Office Space Renovation;
- Lakewood Ranch Library second floor buildout; and
- Country Club East Park Baseball Improvements


 Commissioner Kruse stated there are other projects in the CIP that can repurposed to higher priority projects, and reiterated the revenue stream needs to be re-prioritized.


 Discussion ensued that Lakewood Ranch is struggling for fields, the County does not have money to fund all the projects, this item can be approved today and the new Board can swap out projects, how restricted is the County with these funds, there are prohibitions with this loan agreement and restrictions on project swapping, the six projects are shovel ready, there is room to make changes in the future, no one is changing 44th Avenue and Upper Manatee River Road projects, there is cash on hand, the current Board took action to lower the millage and have less money come in, the entire CIP should be examined and re-prioritized, and the majority of the CIP projects should go forward.


 Given the circumstances, Ms. McLean stated the millage rates will be evaluated when the General Fund is examined. Currently, the 44th Avenue East Project is in the CIP for \$272 million for FY25-26. With all that has occurred, it is unsure what bonding companies will do.

 Ms. McLean responded to question if there is an unused funds fee with this line of credit.


 Commissioner Van Ostenbridge stated he did not understand why this Board would want to delay needed road infrastructure.

 Commissioner Bearden stated the funding should be secured now as projects are getting increasingly more expensive and interest rates will skyrocket after the election.


 Ms. McLean commented about the ceiling on debt service.

 Further discussion continued on revenue streams, ceiling on debt service, this is a short-term line of credit, if the market gets progressively worse the Board will be required to pay this line of credit, rate of inflation versus interest rates, is there a way to extend this line of credit, is this rate adjusting monthly, and is there capacity to extend this credit line beyond the two-year period.

Motion

 A motion was made by Commissioner Van Ostenbridge, and seconded by Commissioner Turner, to

- Adopt Resolution R-24-202 (the Resolution) authorizing issuance of Revenue Improvement Note, Series 2024B (2024B Note) in the amount not to exceed \$140,000,000; and
- Authorize the Chairman to execute the Non-Revolving Credit Agreement with Wells Fargo Municipal Capital Strategies LLC

 Steve Sanford, Greenberg Traurig LLP, Bond Counsel, pointed out that if \$140 million has to be refinanced, it would be with a bond issue with a rating and fixed rate. There is not enough time to do a long-term bond, but it can be done at any time.


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


 The motion carried 4-2, with Commissioners Ballard and Kruse voting nay. BC20241022DOC045

RECESS/RECONVENE: 10:44 a.m. – 10:54 a.m. All Commissioners were present.

ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)


29. **COMMUNITY AND VETERANS SERVICES/ORDINANCE 24-92**

 A duly advertised public hearing was held to consider adoption of Ordinance 24-92, providing for the creation of Article II, Inspection and Regulation of Pet Stores and Breeders.

 Sarah Brown, Deputy Director of Community Services, used a slide presentation to address the inspection and regulation of pet stores and breeders. This would be a step for the County to enforce regulations. Ordinance addresses Application and Licensing Requirements (2-4-6), Standards for Care and Treatment of Animals (2-4-27), Inspection Protocols (Section 2-4-29), Enforcement Provisions (Section 2 -4-30). Key Benefits are standards, stop work orders, and legal enforcement tools.


Motion – Adopt Ordinance 24-92


A motion was made by Commissioner Kruse, and seconded by Chairman Rahn, to adopt Ordinance 24-92.

 Douglas Polk, Assistant County Attorney, stated that currently, Code Enforcement staff cannot access the property to address a complaint. This Ordinance allows for inspections to occur; and is defensible from a legal standpoint. He recommended an amendment to the

recommended motion to make it as defensible as possible, to ask the Board to make a finding that this is an emergency situation based on what is being seen recently. This would go into effect immediately and would require two motions; the first motion would be a finding that this entire situation constitutes an emergency, followed by a second motion to adopt Ordinance 24-92.

Motion – Situational Emergency


 Mr. Polk worded the recommended motion: Based on the presentation and evidence that was submitted to you today, the Board finds this situational involving the current increase in breeders constitutes an emergency and requires immediate action.


 Commissioner Kruse rescinded his motion to adopt Ordinance 24-92. Chairman Rahn, as seconder, agreed.


 Commissioner Kruse so moved the recommended motion regarding a situational emergency as worded by Mr. Polk. The motion was seconded by Commissioner Ballard.

There being no public comment on this motion, Chairman Rahn closed public comment.


Vote – Situational Emergency


 The motion carried 6-0.

 It was noted that the motion by Commissioner Kruse and seconded by Chairman Rahn, to adopt Ordinance 24-92 still stands.

 Ms. Brown stated it is unknown how many breeders are in Manatee County. Ordinance 24-92 grants Manatee County the ability to conduct inspections, and at the very least, bi-annual inspections. There could be a penalty for establishments that violate the ordinance, and Animal Services would be the enforcement authority.

 The Board thanked Ms. Brown and Mr. Polk for their hard work on this agenda item.

 Upon question, Mr. Polk addressed the definition of commercial establishment added to the Ordinance and what constitutes a commercial establishment.

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

Vote – Ordinance 24-92

 The motion to adopt Ordinance 24-92 carried 6-0.

BC20241022DOC046

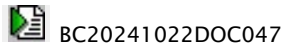
37. **DEVELOPMENT SERVICES/LOCAL DEVELOPMENT AGREEMENT**

Second public hearing (continued from 8/13/24 to 9/10/24, and 9/10/24 to 9/26/24. On 10/15/24, due to Local State of Emergency for Hurricane Milton, this item was continued to 10/17/24, and further continued to 10/22/24), was held to consider approval and execution of Local Development Agreement LDA-23-02 with Gamble Creek Associates LLC, and KH Woodland Preserve LLC, for SM Ranch, and to adopt Budget Amendment Resolution B-24-109.

Rachel Layton, Planning Division Manager, was present for questions.

There were no ex-parte communications.


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




30. **PUBLIC WORKS/ORDINANCE 24-74**

A duly advertised public hearing was held to consider adoption of Ordinance 24-74, regulating Engine Compression Release Braking on 44th Avenue East, from U.S. 301 to Bourneside Boulevard.

 Clarke Davis, Deputy Director, Public Works, summarized Ordinance 24-74.


 Discussion ensued regarding strategies that can make 44th Avenue as easy as possible, and encourage truck traffic to use S.R. 64 and S.R. 70 and not 44th Avenue.

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

 A motion was made by Commissioner Van Ostenbridge, seconded by Commissioner Ballard, and carried 6-0, to adopt Ordinance 24-74.

BC20241022DOC048


31. **FINANCIAL MANAGEMENT/AGREEMENT**


 With regard to Agenda Item 31, Execution of Guaranteed Maximum Price (GMP) Addendum 6 to Agreement 22-R078920SAM for 44th Avenue East from I-75 to Lakewood Ranch Boulevard and East Lake Expansion Project with SEMA Construction, Inc., a motion was made by Commissioner Bearden, seconded by Commissioner Turner, and carried 6-0, to move this item to the meeting of November 7, 2024.


BC20241022DOC003


COMMISSIONER COMMENTS


40. **RESOLUTION/PROPOSED FLORIDA CONSTITUTIONAL AMENDMENT 4**


 Commissioner Bearden presented and requested adoption of Resolution R-24-207, expressing the Board of County Commissioners' opposition to proposed Florida Constitutional Amendment 4, Right to Abortion Initiative.

 A motion was made by Commissioner Bearden, and seconded by Commissioner Van Ostenbridge, to approve the item (to adopt Resolution R-24-207).


 Discussion ensued that Amendment 4 provides a Constitutional right to abortion before viability, goes too far regarding late-term abortion all the way up to nine months, taxpayers would pay for this, and other counties have taken a similar position.


 Jack May spoke as a victim of an abortion by his first wife that he knew nothing about. He commended the Board for taking a position on this most Constitutional Amendment.

 Sari Lindroos-Vazmaki stated the role of the County Commission is to enforce policy and should not be involved in the personal rights of a woman's body.


 By telephone, Charlene Kow spoke in support of Amendment 4 and government should not interfere with a woman's right to choose.


(Depart Commissioner Ballard)


 By telephone, Katelyn Danehy-Samitz stated everyone should support Amendment 4 to restore human rights under Row v. Wade.


 By telephone, Shannon Keever, Women’s Voices of Southwest Florida, stated this subject should not be on the agenda, and asked the Board to stop adding agenda items at the last minute.


(Enter Commissioner Ballard)

 By telephone, Amanda Kroger expressed concern of comments by Commissioner Bearden and implored the Board to not interfere with personal medical decisions.


 By telephone, Patty Grady stated the Board has no business addressing this issue.


 By telephone, Glen Gibellina stated this is a one-sided issue of what a woman wants to do with her body, does not include the rights of the father, and no one has talked about the rights of the unborn child.

 Amanda Smith stated Commissioners do not have the right to impose their position on this subject on behalf of the County.


 Glenn Pearson shared a personal story on the decision both he and his wife made to keep a baby. The government should not be involved in personal decisions.

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

 Discussion ensued regarding Sarasota County took a position and passed a similar resolution, Amendment 4 has many flaws, this is not healthcare, legislature will not be able to put restrictions in place if Amendment 4 is approved, tax dollars will be used, a Constitutional Amendment is extreme, and it is completely appropriate for the County Commission to weigh in on taking a position on Amendment 4.

 Chairman Rahn stated Amendment 4 should not be enshrined in the State Constitution, as it will tie the hands of the legislature on what they can do with this issue. He read statistics from the Brookings Institution on the age and ethnicity of women having abortions.

 Commissioner Kruse stated he fundamentally disagrees with Resolution R-24-207, expressing the position of the County Commission.

 Commissioner Bearden addressed comments by citizens and stated constituents need to know where the County Commission stands on this item.


 The motion carried 6-0.

BC20241022DOC049


COUNTY ATTORNEY COMMENTS


 Pamela D’Agostino, County Attorney, had no comments.


COUNTY ADMINISTRATOR COMMENTS

 Charlie Bishop, County Administrator, expressed thanks to staff for their hard work during Hurricane Milton. The land fill is open 6:00 a.m. to midnight to take storm debris.


COMMISSIONER COMMENTS – LETTER TO WCIND/DERELECT AND ABANDONED VESSELS

 Commissioner Bearden requested a Letter of Support to Westcoast Inland Navigation District (WCIND), in support for the collaborative legislative proposal spearheaded by WCIND, and its coalition partners (Lee County, Charlotte County, Sarasota County and Pinellas County), to address the issue of derelict and abandoned vessel removal in waterways.

 The County Attorney recommended the Board make an official motion on this request for a Letter of Support.

 A motion was made by Commissioner Bearden, to request a Letter of Support for execution by the Chairman. The motion seconded by Commissioner Van Ostenbridge.

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

 The Board took no action on a recommendation by the County Attorney that a motion be made to amend the agenda regarding the additional agenda items. She stated this protocol is in Board Rules and Procedures.


Chairman Rahn suggested going ahead with the motion on the table.

 The motion carried 6-0.

BC20241022DOC050

SEPARATION AGREEMENT/COUNTY ATTORNEY

Commissioner Van Ostenbridge presented a Separation Agreement with Pamela D'Agostino, County Attorney, and moved to approve the Agreement, a copy of which was given to the Clerk.

 The motion died due to lack of a second.

BC20241022DOC051

ADJOURN

There being no further business, Chairman Rahn adjourned the meeting at 12:15 p.m.

Minutes Approved: November 12, 2024