

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION CENTER, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
November 19, 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
Jason Bearden, District 6
Carol Ann Felts, District 1
George Kruse, District 7
Dr. Bob McCann, District 5
Tal Siddique, District 3

Also present were:

Nicole Knapp, Director Development Services
Rachel Layton, Division Manager and Impact Fee Administrator
Sarah Schenk, Chief Assistant County Attorney
Vicki Tessmer, Deputy Clerk, Clerk of the Circuit Court

 Chairman Rahn called the meeting to order at 10:00 a.m.

RECESS/RECONVENE: 10:00 a.m. – 1:30 p.m. All Commissioners present.

All witnesses and staff giving testimony were duly sworn.

INVOCATION AND PLEDGE OF ALLEGIANCE

 The Invocation was delivered by Pastor Bernard Scott, Bayside Community Church, followed by the Pledge of Allegiance led by Commissioner Siddique.

AGENDA

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| Agenda Update Memorandum 1 (dated 11/13/24) | BC20241119DOC001 |
| • Item 12, Budget Amendment Resolution B-24-128 – Added to the agenda | BC20241119DOC002 |
| • Item 13, Hurricane Debris Response Update – Added to the Agenda | |
| Agenda Update Memorandum 2 (dated 11/15/24) | BC20241119DOC003 |
| • Item 3, Approval of Final Plat and Associated Documents for Palm Grove, Phase I – Updated Cover Sheet in strikethrough/underline format | |
| • Item 13, Hurricane Debris Response Update – Presentation added to agenda | |
| • Item 14, Commissioner Agenda Item, Commissioner Kruse – Meeting Calendar | |
| Agenda Update Memorandum 3 (dated 11/18/24) | BC20241119DOC004 |
| • Item 12, Budget Amendment Resolution B-24-128 – Final Budget Amendment Resolution attached | |
| • Item 13, Hurricane Debris Response Update – Updated Presentation from Financial Management | |
| • Item 11, ZL-23-29/Marker 37 Holdings LLC Rezone/Marker 37 Holdings LLC (Owner) – Revised Ordinance with revised Stipulation 1 in strikethrough/underline format | |
| • Item 15, Resolution R-24-212 – Added to the Agenda, Scrivener’s Error | |

RECESS/RECONVENE: 1:32 p.m. – 1:35 p.m. The Board of County Commissioners recessed for the purpose of holding a Port Authority meeting. The County Commission reconvened with all Commissioners present.


PRESENTATIONS

1.  November 2024 Employee of the Month presented to Brianna Andersen, D Shift

Lieutenant, Public Safety.


BC20241119DOC005

CITIZEN COMMENTS (Future Agenda Items Only)

 Joe McClash welcomed new Commissioners and encouraged Commissioners to respect the public and serve. He requested staff be instructed to set hearing dates on the Comprehensive Plan Amendment regarding wetland buffers, and to reconsider the attorney fees for a lawsuit filed. He suggested optional motions to waive all the fees, or allow him to pay part of the fees similar to Code Enforcement liens. He is willing to pay \$1,960.

BC20241119DOC006


Glen Gibellina expressed concern regarding this meeting being recessed at 10:00 a.m.


 Charlene Kow welcomed new Commissioners, and reiterated Mr. McClash's comments regarding attorney fees, addressed using the Lena Road property, and questioned the report regarding Hurricane Debby.

 Abby Tyrna, Suncoast Waterkeepers, welcomed the new Commissioners, requested staff schedule the public hearing regarding wetland buffers, and reduce the attorney fees for Mr. McClash.

Tim Mays welcomed the new Commissioners.


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


 Discussion ensued regarding attorney fees for Mr. McClash, and in favor of dismissing the attorney fees since the County is reversing the decision.


 Pamela D'Agostino, County Attorney, requested an opportunity to brief the new Commissioners.

Discussion ensued regarding not seeing a public purpose to dismiss the fees, allow the Judge to rule in Court regarding the fees, and will there be another hearing.

Christopher DeCarlo, Deputy County Attorney, responded there is no hearing scheduled before the Board has briefings. The Court has agreed to a reschedule of the hearing, which will not happen until February 2025.


 Discussion ensued regarding Senate Bill 250, County Attorney is reviewing the Senate Bill, regarding rolling back setbacks that will make it more burdensome on citizens.


 A motion was made by Commissioner Bearden, and seconded by Commissioner Kruse, for the Board to instruct the County Attorney to voluntarily dismiss any and all claims including its pending attorney fee claim with prejudice against Joe McClash in the matter of Joe McClash v. Manatee County Case number 24-2050.

 Discussion ensued regarding allowing the new Commissioners to have a briefing on this vote, hold a work session, a policy decision needs to be made, have a briefing, follow the correct process, fiduciary responsibility, not overstep bounds, and be mindful of legal scenarios.

A motion was made by Commissioner McCann, seconded by Commissioner Bearden, and carried 7-0, to call the question.

Joe McClash thanked the Board for trying to take care of this today.

 Glen Gibellina addressed hiring outside firms to handle lawsuits.


 Charlene Kow expressed concern regarding allowing citizens the right to fight government.

Abby Tyrna read Florida Statute 163.321(5), regarding attorney fees.

Tim Mays encouraged waiving the attorney fees.


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

The motion carried 6-1, Chairman Rahn voting nay.

 Discussion continued regarding appreciating the vote, and look at being fair or just.

CONSENT AGENDA

Citizen Comments (Consent Agenda Items)


 Glen Gibellina spoke to Agenda Item 4 and requested the units be specified for certain percentages, and doing away with the 120 percent, as that is market rate.

Charlene Kow does not feel Item 2 should be on a land use agenda.

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

Discussion ensued regarding this is how every Land Use Restriction Agreement is written, the County cannot dictate the percentages for units, impact fee waiver is irrelevant, and there is no financial benefit to the developer.


Motion - Consent Agenda

 A motion was made by Commissioner Siddique, and seconded by Commissioner Ballard, to approve the Consent Agenda, with the changes incorporated in the Agenda Update Memorandum.

 Commissioner McCann requested removing Items 3 and 5.

Motion - Withdrawn


Commissioner Siddique **withdrew** his motion, and Commissioner Ballard agreed.

 Discussion ensued that pulling an item for further review, is not the same as deferring the item to a different date.


A motion was made to defer Items 3 and 5 to a different day. The motion was seconded by Commissioner Bearden.


Charlene Kow agreed with deferring Items 3 and 5.


There was further discussion to allow the Commissioners to defer the items, these are final plats, which are at the final stage of the approval process, and the developments have already been approved.

 Nicole Knapp, Development Services Director, noted the next meeting is December 10. New Commissioners should have a chance to review, but this is a final plat, and closings are scheduled.

Chairman Rahn noted if these items are deferred for three weeks, this will affect buyers, who wish to purchase lots in the developments.

 Discussion ensued regarding the rescheduling of this meeting to today, rather than on Thursday, new Commissioners need to be set up for success, there is no legal recourse to deny a plat, since it has gone through the entire approval process, large risk to home buyers for these plats, and provide information new Commissioners need today in a recess.


 Ms. Knapp noted staff is able to explain the information to the new Commissioners.

 Courtney DePol, Deputy County Administrator, noted staff can do a presentation on the plats.

Motion – Items 3 and 5

A motion was made by Commissioner McCann, and seconded by Commissioner Bearden, to defer Items 3 and 5 to December 12, 2024.

Taylor Falkner, Blalock Walters, requested the LURA (Item 5) be moved to the next possible meeting, so they can get final site plan approval.

 Charlene Kow suggested providing the information to not jeopardize closings.

Glen Gibellina disagreed with land use items being heard on a Tuesday.

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

Discussion ensued regarding asking to go on a recess to try to get these voted on.

The motion carried 5-2, with Chairman Rahn and Commissioner Siddique voting nay.

Motion – Item 4

A motion was made by Commissioner Felts, to defer Item 4 to December 12 land use meeting. The motion was seconded by Commissioner Bearden.

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

The motion carried 5-2, with Chairman Rahn and Commissioner Siddique voting nay.

A motion was made by Commissioner Ballard, and seconded by Commissioner Bearden, to approve the Consent Agenda, with the changes incorporated in the Agenda Update Memorandum with the deferral of Items 3, 4 and 5 to December 12, 2024. The motion carried 7-0.

2. COUNTY ATTORNEY/LAWSUIT

Approved Mediated Settlement Agreement and authorized the County Attorney’s Office to pay \$97,000 to Plaintiff, Thomas Noble, to settle all claims against the County in Manatee County Circuit Court Case, Thomas Richard Noble v. Manatee County, Case 2024CA0750

BC20241119DOC007

3. DEVELOPMENT SERVICES/FINAL PLAT/PALM GROVE AT LAKEWOOD RANCH – Deferred to

December 12 BC20241119DOC008


4. **DEVELOPMENT SERVICES/FINAL PLAT/NORTH RIVER RANCH, PHASES IV-E AND IV-F-**
Deferred to December 12 BC20241119DOC009

5. **DEVELOPMENT SERVICES/LAND USE RESTRICTION AGREEMENT** - Deferred to December 12
BC20241119DOC010


12. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT**
Adopted Budget Amendment Resolution B-24-128 BC20241119DOC011
(End Consent Agenda)

PUBLIC HEARINGS (Presentations upon Request)

6. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was opened to adopt proposed Ordinance 24-90/Schroeder Manatee Ranch, Inc./Cypress Banks DRI 17. To be continued to January 9, 2025.

A motion was made by Commissioner Ballard, and seconded by Commissioner Siddique, to continue the public hearing for Ordinance 24-90 to January 9, 2025, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administration Building, 1112 Manatee Avenue West, 1st Floor, Patricia M. Glass Chambers.


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

The motion carried 7-0. BC20241119DOC012

7. **DEVELOPMENT SERVICES/ORDINANCE**


 A duly advertised public hearing was opened to adopt proposed Ordinance Z-86-30(G)(R17) - Cypress Banks GDP Amendment - Schroeder Manatee Ranch, Inc. Locust Valley Investment L.L.C., and Arvida Corporate Park Associates (Owner) -Casto Net Lease Property (Contract Purchaser). To be continued to January 9, 2025.

A motion was made by Commissioner Ballard and seconded by Commissioner Siddique, to continue the public hearing for Z-86-30(G)(R17) to January 9, 2025, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administration Building, 1112 Manatee Avenue West, 1st Floor, Patricia M. Glass Chambers.

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

The motion carried 7-0. BC20241119DOC013

8. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was opened to adopt proposed Ordinance PDPI-19-22(Z)(G)(R) - East County Facilities - (Manatee County - Applicant). To be Continued to December 12, 2024.


A motion was made by Commissioner Ballard, and seconded by Commissioner Kruse, to continue the public hearing for PDPI-19-22(Z)(G)(R) to December 12, 2024, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administration Building, 1112 Manatee Avenue West, 1st Floor, Patricia M. Glass Chambers.

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

The motion carried 7-0. BC20241119DOC014

9. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was opened to adopt proposed Ordinance LDCT-24-04/Ordinance 24-65 County-Initiated Land Development Code Text Amendment Chapter 10 General Clean-Up. To be continued to December 12, 2024.


 A motion was made by Commissioner Ballard, and seconded by Commissioner McCann, to continue the public hearing for LDCT-24-04/Ordinance 24-65 to December 12, 2024, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administration Building, 1112 Manatee Avenue West, 1st Floor, Patricia M. Glass Chambers.

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

The motion carried 7-0.

BC20241119DOC015

10. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was opened to adopt proposed Ordinance LDCT-24-08/Ordinance 24-84 County-Initiated Land Development Code Text Amendment Earthmoving Revisions. To be continued to December 12, 2024.


A motion was made by Commissioner Ballard, and seconded by Commissioner McCann, to continue the public hearing for LDCT-24-08/Ordinance 24-84 to December 12, 2024, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administration Building, 1112 Manatee Avenue West, 1st Floor, Patricia M. Glass Chambers.

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

The motion carried 7-0.

BC20241119DOC016

11. **DEVELOPMENT SERVICES/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance ZL-23-29 – Marker 37 Holdings, LLC Rezone – Marker 37 Holdings LLC (Owner). The Planning Commission recommended adoption.

There were no ex parte communications.

 Nicole Knapp, Development Services Director, submitted a letter from the applicant requesting a continuance.

A motion was made by Commissioner Siddique, and seconded by Commissioner Ballard, to continue the public hearing for Ordinance ZL-23-29 to December 12, 2024.

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

The motion carried 7-0.

BC20241119DOC017

15. **FINANCIAL MANAGEMENT/RESOLUTION**

Pamela D’Agostino, County Attorney, read the corrected motion into the record:
I move to authorize and direct the County Attorney to remove page 6 of Resolution R-24-212, adopted by the Board on November 12, 2024, with revised Page 6 as furnished by the CFO to correct scriveners’ errors relative to the definition of Interest Payment Date.

The motion as read by Ms. D’Agostino, was made by Commissioner Kruse, and seconded by

Commissioner Ballard.


 Sheila McClean, Chief Financial Officer, reviewed the change to interest payment dates.

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


The motion carried 7-0.

BC20241119DOC018

13. **UTILITIES/HURRICANE DEBRIS**

 Patrick Shea, Utilities Director, used a slide presentation to update the Board on hurricane debris removal, including debris types, debris management sites, photographs of debris sites, debris dashboard, currently 36 days post storm, prioritization process, ensuring debris is not blocking the way to a hospital, schools and public safety vehicles, debris self-reporting tool, tipping fees will be reinstated the end of this week, separating debris is very important, and multiple passes are being done in neighborhoods.

 Discussion ensued regarding thanking staff for their quick response, many sites have been opened in the past week, labor is the largest challenge, size of the debris sites, number of locations is sufficient, separate project managers for sand and the other debris, and each city has its own debris hauler.

 Chris Collins, Deputy Director, Utilities, responded to a question and explained every year there is a study on the life of the land fill, and they will re-evaluate in January. Debris coming to the landfill is coming from residents and contractors, and maybe one year is removed from the life of the landfill. It was noted that FEMA reimbursement ends at 90 days.

Mr. Shea stated the County is on track to meet the FEMA reimbursement; if they do not, there would be a 25 percent cut to the reimbursement, but effort is being made to meet this deadline. The State has requested the timeline be extended to 180 days.


Sheila McClean, Chief Financial Officer used a slide presentation to review the financial impact and plan to recovery from Hurricanes Helene and Milton, the County meets all FEMA categories A-G, and there may be expedited payment due to Milton, total financial impact is \$121,968,585, and the amount they are expecting from FEMA is 50 percent. Funds should be received next week, Manatee County was the first County in Florida to receive expedited dollars, which will help the County to recover faster.

BC20241119DOC019

COMMISSIONER REQUESTS

14. **COUNTY COMMISSION MEETING SCHEDULE** – Commissioner Kruse

Commissioner Kruse noted all surrounding Counties have two meetings a month, with no separate meetings for Land Use items. The current schedule does not allow time for Commissioners to go out into the community. Meetings are ending prior to noon, and regular items and land use items can be heard the same day.


 Discussion ensued regarding agreeing with the suggestion, better to have two, six-hour meetings rather than four meetings a month, become more efficient, and avoid adding new items to the agenda at the last minute.

Pamela D’Agostino, County Attorney, suggested giving staff an opportunity to look at the calendar and work with applicants.

Ms. Knapp noted it is difficult to add over-flow days; therefore, she suggested to have a few

over-flow days on the calendar in case there is a need.

A motion was made by Commissioner Kruse, and seconded by Commissioner Ballard, to direct staff to modify the 2025 Meeting Schedule to have two meetings a month, for presentation and approval at the December 10, 2024, Board of County Commissioners regular meeting.

 Charlene Kow supported the motion, and suggested having town hall meetings.

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

The motion carried 7-0.

BC20241119DOC020

Ms. Knapp noted Legislative priorities will be presented on December 10, 2024.

ADJOURN

There being no further business, Chairman Rahn adjourned the meeting at 3:58 p.m.

Minutes Approved: December 10, 2024