


**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
COUNTY ADMINISTRATIVE CENTER  
1112 Manatee Avenue West  
Bradenton, Florida  
August 22, 2017**

Present were:

Betsy Benac, Chairman  
Robin DiSabatino, First Vice-Chairman  
Charles B. Smith, Second Vice-Chairman  
Stephen R. Jonsson, Third Vice-Chairman  
Vanessa Baugh  
Carol Whitmore  
Priscilla Whisenant Trace

Also present were:

Ed Hunzeker, County Administrator  
Mitchell O. Palmer, County Attorney  
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court  
Robin Toth, Deputy Clerk, Clerk of the Circuit Court


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

**INVOCATION AND PLEDGE OF ALLEGIANCE**

1.  The Invocation was delivered by Pastor Philip Hamm, First Baptist Church of Palmetto, followed by the Pledge of Allegiance.

**AGENDA, UPDATE MEMORANDUM, AND ANNOUNCEMENTS**

BC20170822DOC001

-  Item 16, Amendment Three to the Amended and Restated Agreement 08-2728FL, for Automated Red Light Enforcement System and Services – Deferred to September 12, 2017  
BC20170822DOC002
- Item 29, Interlocal Agreement for 9-1-1 Public Safety Services – Deferred to a later date  
BC20170822DOC003
- Item 33, Project Jigsaw Economic Development Incentive – Deferred to a later date  
BC20170822DOC004
- **Added Consent Agenda** Item 45, FFY 2017 Edward Byrne Memorial Justice Assistance Grant – Request for:
  - Approval of FFY 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) from the Bureau of Justice Assistance (BJA) in the amount of \$113,322, as recommended by the Public Safety Coordinating Council,
  - Adoption of Resolution R-17-095,
  - Authorization for the Chairman to sign the Certification and Assurances by the Chief Executive of the Applicant Government as required; and
  - Authorization for the County Attorney as Chief Legal Officer, to sign the Certification of Compliance with 8 U.S.C. (United States Code) § 1373 on behalf of Manatee County, as required by the Office of Justice Programs of the U.S. Department of Justice

Time Certain:

2. Item 43, Adoption of Resolution R-17-069, Establishing the Livable Manatee Incentive Program – 10:30 a.m.
3. Item 41, 2018 Legislative Platform – 11:00 a.m.

**CONSENT AGENDA**

Commissioner Requests:

- Item 45, FFY 2017 Edward Byrne Memorial Justice Assistance Grant – Pulled by Commissioner Baugh for more information
- Item 24, Adoption of Resolution R-17-93 and approval of the Updated Phosphate Mining Fee Schedule – Pulled by Commissioner Smith

**AWARDS AND PRESENTATIONS**

4. **2017 Florida Planning and Zoning Association Award**


 The 2017 Florida Planning and Zoning Association Award for the 2017 Outstanding Long Range Plan was accepted by Lisa Barrett, Planning Manager, on behalf of staff and community involved in bringing this Plan to fruition.

 Pat Tyjeski, Littlejohn consultant, commended staff.

BC20170822DOC005

5. **CITIZEN COMMENTS** (Future Agenda Items)

**1924 Confederate Monument**

 Kathryn Brightbill commented about the 1924 Confederate Monument on the Courthouse lawn and the recent protest (8/21/17). She requested the removal of the Monument be placed on a future agenda.

Gregory Cruz commented on law enforcement resources used during the August 21st protest, and also requested that the subject regarding removal of the Monument be placed on a future agenda. He stated that six more, similar events are planned over the next six weeks.

David West questioned what the Board plans to do to honor the veteran soldiers.

Melinda Benson requested the Confederate Monument remain at its current location.

Ruthanne Bell commented on actions taken during the protest and complimented law enforcement agencies for their strong, visible presence.

Robert Phillipoff urged the immediate removal of the Monument.

David Dean spoke in favor of relocating the Monument to the Gamble Plantation property or the historical park.

Katharine Wight commented about the protest and urged the Board to attend future events.


Bob Bolus asked that the Riva Trace project be placed on a future agenda to address the emergency gate. He also commented on the August 21 protest and opposed the removal of the Monument.

David McCallister addressed the costs to relocate the Monument, and that taxpayer's dollars should not be used.


Cynthia Finn commented on the history of Fort Hamer.


Katherine Edwards supported the removal of the Monument, commented on medical marijuana, and spoke about affordable housing and the infrastructure sales tax.


There being no further citizen comments, Chairman Benac closed Citizen Comments.

 Commissioner Smith offered a \$500 donation to help with the costs to remove the Monument (estimated \$12,000) and encouraged others to do the same.

Discussion ensued that the protest was peaceful but white supremacy groups have stated they will return, Law Enforcement was commended for their actions during the protest, do not destroy the Monument but remove it from the Courthouse lawn, discussion at the August 18th Board meeting included placing the issue of the Monument on a future agenda, the Monument represents history, the need to honor the veterans who fought in the war, the Monument would be better served at the Veteran’s Memorial, let citizens decide through a referendum, what should be done with the Monument, the need to stop hate, the Board has to vote on this issue, let the Clerk of the Circuit Court or those in charge of historic preservation make the decision to leave or relocate the Monument, do the Daughters of the Confederacy want the Monument removed and/or relocated, and the need to make a decision.


 Commissioner Baugh commented on the Board’s recent decision (8/18/17) to place this on a future agenda. She supported moving the Monument to the Veterans Memorial and private donations toward moving costs.

 Discussion continued regarding the protest and that the matter should go to referendum.

 Chairman Benac asked the County Administrator to place this matter on a future agenda, for the Board to take formal action. BC20170822DOC006

(Further action later in the meeting)

**CONSENT AGENDA MOTION**

 A motion was made by Commissioner Trace and seconded by Commissioner Baugh, to approve the Consent Agenda, with the changes noted in the Agenda Update Memorandum, with the deletion of **Item 16** (deferred to 9/12/17), **Item 29** (deferred to a later date), **Item 33** (deferred to a later date), **Item 24** (separate action), and **Item 45** (separate action).

6. **CITIZEN COMMENTS** (Consent Agenda Items Only)

There being no citizen comments, Chairman Benac closed Citizen Comments. BC20170822DOC007

**Vote – Consent Agenda**

 The motion to approve the Consent Agenda with the changes noted carried 7-0.

7. **CLERK’S CONSENT AGENDA**

BC20170822DOC008

A. **MINUTES**

Approved the Minutes August 1, 2017

B. **REFUNDS:**

Approved the following:

- 1. Maronda Homes – Utility Waste Water Facility Investment Fees, \$712 BC20170822DOC009
- 2. Rinehart Homes – Cortez Landings Lot 24, Affordable Housing Impact Fees and Building Permit Fees, \$4,823.81 BC20170822DOC010
- 3. Taylor Woodrow Communities – Transportation Impact Fees (46 permits), \$271,981.45 BC20170822DOC011
- 4. Utility Customer 78473-154862 – Facility Investment Fees, \$39,976 BC20170822DOC012

C. **LIENS/PARTIAL RELEASE**

Accepted and authorized recording of Partial Release of Special Improvement Assessment Lien

- Project 5284 – 29th Street East Paving, Russel D. and Susan Smoke  
BC20170822DOC013

**D. CONTRACTS**

Accepted the following contracts per Chapter 2-26 of the Manatee County Code and pursuant to Purchasing Division’s Administrative Standards and Procedures Manual:

1. Administrative Contract Adjustment 1 to Agreement with Expert Construction Managers, Inc., for MLS 1M Emergency Generator Replacement, with no increase to the contract amount of \$506,584.31, and adding 48 calendar days, for a changed, final completion date of September 15, 2017  
BC20170822DOC014
2. Agreement with Traffic Control Devices, Inc., for Advanced Traffic Management System S.R. 70, Adaptive Signal Control Project (6084261 6.2), \$267,190  
BC20170822DOC015
3. Construction Agreement (17-1067DC) with Woodruff & Sons, Inc., for Greenbrook Sub-Drain Replacement, \$188,368.62  
BC20170822DOC016

**E. REPORTS**

Accepted the following:

1. Copperstone Community Development District – Final Adopted FY 2017/2018 Budget  
BC20170822DOC017
2. Housing Finance Authority of Manatee County Resolution 17-03 adopting the FY2017/2018 Budget  
BC20170822DOC018

**F. BONDS**

Accept the list of seven additional employees and deletion of seven employees from the Sheriff’s Public Employee Bond  
BC20170822DOC019

**8. ATTORNEY/SETTLEMENT**

- Approved settlement with Defendant, El Rancho Village, Inc., in the amount of \$62,250, for all reasonable and necessary supplemental attorney’s fees and costs in the eminent domain matter of Manatee County v. El Rancho Village, Inc., et al., Case 2011 CA 2455; and
- Authorized the County Attorney, or his designee, to sign all necessary paperwork associated with the aforementioned settlement  
BC20170822DOC020

**9. BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/HERON CREEK, PHASE II**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of First Amendment and Supplement to Declaration of Covenants, Conditions and Restrictions for Heron Creek;
- Accepted, executed, and authorized recording of Maintenance Agreement for Right-of-Way Improvements;
- Authorized the County Administrator to accept, execute and authorize recording of Agreement for Public Subdivision with Private Improvements for Heron Creek, Phase II;
- Authorized the County Administrator to accept and execute Irrevocable Letter of Credit for Performance of Required Private Improvements, Irrevocable Letter 333, from Harbor Community Bank for \$216,242;
- Authorized the County Administrator to accept, execute and record Agreement for Public Subdivision with Public Improvements for Heron Creek, Phase II;
- Authorized the County Administrator to accept and execute Irrevocable Letter of Credit for a Defect Security Warranty Required Improvements (roadway, drainage, sewer system, and water system), Irrevocable Letter 335, Harbor Community Bank for \$71,163.83; and
- Authorized the County Administrator to accept, execute, and record the Bill of Sale for

Heron Creek, Phase II, sanitary sewer system, potable water system, all roadways and drainage improvements BC20170822DOC021

- 10. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/McGAVIC SUBDIVISION (REPLAT)**
  - Executed and authorized recording of Final Subdivision Re-Plat (Portion of Lot 2, Piney River, a minor Subdivision); and
  - Accepted and authorized recording of Notice to Buyers BC20170822DOC022
  
- 11. **BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT/ROSA R. AND DAVID E. BROWN**

Reduced the fine for Code Enforcement Case CE2000030180 totaling \$163,430 to \$1,000 (as previously recommended by the Special Magistrate on 7/26/17), subject to the following conditions:

  - The reduced fine shall be paid within 90 days, or will revert back to the original fine amount of \$163,430, for Case CE2000030180;
  - Recording fees need to be collected, which total \$58; and
  - Building and Development Services Department Director is authorized to sign satisfactions of liens if the reduced fines are paid BC20170822DOC023
  
- 12. **BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT/US BANK NATIONAL ASSOCIATION**

Reduced the fine for Code Enforcement Case CE2015070401 totaling \$133,500 to \$10,000 (as previously recommended by the Special Magistrate on 7/26/17), subject to the following conditions:

  - The reduced fines shall be paid within 90 days, or will revert back to the original fine amount of \$133,500 for Case CE2015070401 ;
  - Recording fees need to be collected, which total \$120; and
  - Building and Development Services Department Director is authorized to sign satisfactions of liens if the reduced fines are paid BC20170822DOC024
  
- 13. **BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT/WILLIAM MITCHELL**

Reduced the fine for Code Enforcement Case CE2016040230 totaling \$20,550 to \$2,000 (as previously recommended by the Special Magistrate on 7/26/17), subject to the following conditions:

  - The reduced fine shall be paid within 90 days, or will revert back to the original fine amount of \$20,550 for Case CE2016040230; and
  - Building and Development Services Department Director is authorized to sign satisfactions of liens if the reduced fines are paid BC20170822DOC025
  
- 14. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT RESOLUTION**

Adopted Budget Amendment Resolution B-17-066 BC20170822DOC026
  
- 15. **FINANCIAL MANAGEMENT/AGREEMENT/CONSULTING SERVICES**

Authorized the County Administrator, or his designee, to execute Agreement 17-0885MS, Architectural/Engineering Consulting Services with the following eight firms: CPH, Inc., Fleischman Garcia Architecture, Stantec Consulting Services, Inc., Ugarte & Associates, Inc., Fawley Bryant Architecture, Sweet Sparkman Architects, Hall Architects, P.A., and GLE Associates, Inc., for a period of one year, with the possibility of extensions of four, one-year periods up to an aggregate total of five years at the sole discretion of the County BC20170822DOC027
  
- 17. **FINANCIAL MANAGEMENT/CHANGE ORDER/FORT HAMER BRIDGE**

Authorized the County Administrator, or his designee, to execute Change Order 3 to

Agreement 14-3257CD, Fort Hamer Bridge Project with Road Improvements on Fort Hamer Road and Upper Manatee River Road with Johnson Bros. Corporation, adding 140 calendar days to the construction schedule, with no additional increase to the Agreement

BC2017082DOC028

18. **FINANCIAL MANAGEMENT/TAX ROLL EXTENSION**

Executed letter to Ken Burton, Jr., Manatee County Tax Collector, confirming approval to extend the tax roll prior to completion of Value Adjustment Board hearings

BC20170822DOC029

19. **NEIGHBORHOOD SERVICES/ GRANT AGREEMENT/COMMUNITY CARE FOR THE ELDERLY**

Executed Amendment 1 to the FY 16/17 Community Care for the Elderly Agreement CCE-16/17-MAN between Manatee County and Senior Connection Center, Inc., increasing the client co-payment amount from \$19,780 to \$33,000, and revising the Budget Summary

BC20170822DOC030

20. **NEIGHBORHOOD SERVICES/GRANT AGREEMENT/COMMUNITY CARE FOR THE ELDERLY**

- Executed Amendment 2 to the FY 16/17 Community Care for the Elderly (CCE) Agreement CCE-16/17-MAN between Manatee County and Senior Connection Center, Inc., decreasing the agreement amount by \$14,503, and replacing the Budget Summary to reflect the decrease; and
- Adopted Budget Resolution B-17-070, amending the FY 16/17 annual budget

BC20170822DOC031

21. **NEIGHBORHOOD SERVICES/GRANT AGREEMENT/HOME CARE FOR THE ELDERLY**

- Executed Amendment 1 to the HCE-16/17-MAN agreement with the Senior Connection Center, Inc., for the Home Care for the Elderly Program, transferring \$4,500 of funds from the Subsidy category to the Case Management category, and adopting a new Budget Summary reflecting this change; and
- Adopted Budget Resolution B-17-068, amending the FY 16/17 annual budget

BC20170822DOC032

22. **NEIGHBORHOOD SERVICES/GRANT AGREEMENT/HOME CARE FOR THE ELDERLY**

- Executed Amendment 2 to the HCE-16/17-MAN agreement with the Senior Connection Center, Inc., for the Home Care for the Elderly Program, increasing the Case Management category by \$2,455, and adopting a new Budget Summary reflecting this change; and
- Adopted Budget Resolution B-17-069, amending the FY 16/17 annual budget

BC20170822DOC033

23. **PARKS AND NATURAL RESOURCES/AGREEMENT/ANNA MARIA ISLAND**

Executed Amendment 2 to Florida Department of Environmental Protection Agreement 14ME1 (9/24/13), extending the agreement completion date to December 31, 2020, for the required three-year monitoring period upon completion of the project, with no cost increase

BC20170822DOC034

25. **PARKS AND NATURAL RESOURCES/DEEDS AND EASEMENTS**

- Accepted (previously recorded) Quit Claim Deed from the Southwest Florida Water Management District (SWFWMD), transferring ownership of the Pine Island Preserve property from SWFWMD to the County; and
- Executed and authorized recording of the Conservation Easement from the City of Bradenton

BC20170822DOC035

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

- Accepted and authorized recording of Permanent Utilities Easement from North Florida Government Properties LLC (including Consent and Joinder from Associated Bank); and
- Authorized recording of Affidavit of Ownership and Encumbrances from Stephan P. Hokanson, as Manager of North Florida Government Properties LLC

BC20170822DOC036

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

Accepted (previously recorded) Warranty Deed form Alan Ward Reasoner, for property located at 2401 Twin Rivers Trail, Parrish, for the Mulholland Waterline Connection Project 404-6046270 BC20170822DOC037

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

- Accepted and authorized recording of Warranty Deed from Del Tierra Homeowners' Association, Inc., for property located along Rye Road, to convey the future right-of-way setback per the plat of Del Tierra, Phase I; and
- Authorized recording of Affidavit of Ownership and Encumbrances, executed by Carlos de la Ossa, President of Del Tierra Homeowners' Association, Inc. BC20170822DOC038

30. **PUBLIC WORKS/GRANT/TRANSIT**

Adopted Resolution R-17-101, which authorizes staff to submit a FY 2017 Federal Transit Administration Bus and Bus Facilities Infrastructure Investment Program Grant Application for replacement of 11 Manatee County Area Transit fixed route buses and trolleys, and the rehabilitation (engine and transmission rebuilds) of 18 additional buses in the fixed route transit fleet BC20170822DOC039

31. **PUBLIC WORKS/AGREEMENT/TRANSIT**

- Authorized the County Administrator to execute a one-year extension to the Universal Access Program (U-Pass Program) Agreement with Sarasota County and New College of Florida, allowing New College students, faculty and employees to ride public transit, fixed-route/fixed-schedule service for free when presenting a valid, New College-issued photo identification when boarding; and
- Authorized the Public Works Director, or designee, to execute all future U-Pass renewals/extensions (current agreements include New College of Florida, Ringling College, and University of South Florida Sarasota-Manatee) BC20170822DOC040

32. **PUBLIC WORKS/SURPLUS VEHICLES**

Authorized classification of vehicles that are uneconomical to operate as surplus per Florida Statute 174.05, to enable appropriate and authorized disposition of said property, and authorization to thereafter dispose of such property BC20170822DOC041

34. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/GRANT**

- Adopted Resolution R-17-099, finding that Project Omega II be approved as a Qualified Targeted Industry business and providing local financial support for the Qualified Targeted Industry Tax Refund Program; and
- Adopted Resolution R-17-100, finding that Project Omega II is approved for an Economic Development Incentive Grant BC20170822DOC042


35. **UTILITIES/SERVICE FEE WAIVERS**

Authorized to waive a total of \$230 in service fees that were assessed to utility customer accounts for returned bank items BC20170822DOC043

(End Consent Agenda)


**1924 CONFEDERATE MONUMENT** (continued)

(Chairman Benac was absent for a portion of this item; First Vice-Chairman DiSabatino presided during the discussion)

 Discussion occurred regarding the Confederate monument protest, the recent renovation of the Courthouse property, and a decision regarding the property should be made by the Historic Preservation Board.

(Chairman Benac entered and presiding)

Chairman Benac commented on the special meeting that was held on Friday, August 18th, regarding the Confederate Monument and the desire of the community for the Board to make a decision on whether or not to remove/relocate the monument, or leave it at its current location. She relayed a request from Sheriff Wells that the Board make a decision and suggested this matter be re-addressed at the end of the meeting.


 Commissioner Jonsson spoke on inaccurate information being relayed about the Civil War, and that the Daughters of the Confederacy should be allowed to give input on the placement of the monument.

Chairman Benac asked that the President of the Daughters of the Confederacy submit their position in writing.


(Further action later in the meeting)

**RECESS/RECONVENE:** 10:45 a.m. – 10:53 a.m. All Commissioners were present.


43. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/RESOLUTION**

 Geraldine Lopez, Redevelopment and Economic Opportunity Director, presented Resolution R-17-069, establishing the Livable Manatee Incentive Program. The Program is proposed to foster the construction of new, mixed-use development and multi-family projects by paying 100 percent of the County's impact fees, education fees and facility investment fees.

She outlined the Program incentives and noted the Affordable Housing Advisory Committee voted to support the Program. Additional tools for affordable housing will be sought.

 Discussion ensued that there has been a demand to revamp the current Program, staff is in the process of finalizing procedures, promoting the Program, requesting legislation to allow the County to waive impact fees; developers designate a certain percentage of affordable housing within residential projects, and square footage and sales price limitations.

A motion was made by Commissioner Trace and seconded by Commissioner Whitmore, to adopt Resolution R-17-069, regarding affordable housing, establishing the Livable Manatee Incentive Program for qualified new affordable housing in unincorporated Manatee County, authorizing the establishment of administrative procedures, rescinding and replacing Resolution R-07-37 and R-07-58, providing for severability; and providing an effective date.

 Discussion continued on how staff will promote the Program, the incentive is to encourage the construction of new affordable housing units within mixed-income developments, staff is finalizing policies and procedures, an informational packet will be distributed to promote the Program, and take this matter to Tallahassee to require every county in Florida to forfeit impact fees and allocate the money to other needs.

Diane Schumacher, representing Habitat for Humanity and the Affordable Housing Advisory Committee, encouraged the Board to continue building the funding to sustain this Program.

 Tim Polk, Urban Planning Solutions, spoke in support of the Program.

Katherine Edwards spoke in favor of the Program and asked Commissioners to find out the reasons why the need for affordable housing is so great.




Michael Gallen, Manatee Chamber of Commerce, spoke in support of the Program.

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


The motion carried 7-0.

BC20170822DOC044

41. **ADMINISTRATOR/2018 LEGISLATIVE PLATFORM**

 Nick Azzara, Information Outreach Manager, utilized a slide presentation to present the Draft 2018 State Legislative Platform, including Legislative funding requests and Legislative Policy Statements (carry over from 2017 and new for 2018 consideration). He provided an outline of dates for conferences/meetings at which legislative issues will be discussed. He also reviewed new policy statements regarding texting while driving, decoupling, which would end the requirement for horse and dog tracks to conduct live races as a condition of gambling permits, impact fees, and home rule protection.

Commissioner Baugh stated she forwarded the Impact Fee policy statement to Representative Joseph Gruters for input and comment.

 Discussion ensued regarding the Robinson Preservation project, beach groin renourishment, work with affordable housing experts to narrowly word the impact fee language, need to get these issues to the Florida Association of Counties and Florida League of Cities, the decoupling issue will probably be included with other legislation, opening up Tourist Development Council funds for public safety, need specific language for Remote Area Medical (RAM) request, language in the RAM issue should say that physicians are actively licensed, does the word "physicians" include optometrists and dentists, and the need to look at issues that have a greater impact on the County.

 A motion was made by Commissioner Whitmore and seconded by Commissioner DiSabatino, to approve the Draft 2018 Legislative Platform.

Mr. Azzara stated a final version of this document will be brought back to the Board.

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


The motion carried 7-0.

BC20170822DOC045

Chairman Benac noted that Sheriff Wells would be present later in the meeting to discuss protests at the Confederate Monument. She emphasized that public comment is closed on the matter.

(Depart/Enter Commissioner Whitmore)

24. **PARKS AND NATURAL RESOURCES/PHOSPHATE MINING FEE SCHEDULE**

 Rob Brown, Environmental Protection Division Manager, reviewed the request to adopt Resolution R-17-93, establishing a revised fee schedule for Phosphate Mining related activities.

Alissa Powers, Environmental Program Manager-Mining, utilized a slide presentation and explained how the new fees were determined.

A motion was made by Commissioner Whitmore, and seconded by Chairman Benac, to adopt Resolution R-17-93, and approve the Updated Phosphate Mining Fee Schedule (with an effective date of 10/1/17).

 Katherine Edwards commented on Special Approval requirements according to the Land Development Code.


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

Discussion occurred regarding economic development opportunities through funding received from phosphate mining.


The motion carried 7-0.

BC20170822DOC046

45. **NEIGHBORHOOD SERVICES/FY 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**


 In response to request by Commissioner Baugh for more information, Cheri Coryea, Acting Deputy County Administrator, stated the Public Safety Coordinating Council (PSCC) voted to award funds from the Edward Byrne Memorial Justice Assistance Grant (JAG; \$113,322) to assist with the Manatee County Drug Court Program.

Discussion ensued.

 A motion was made by Commissioner Trace, and seconded by Commissioner Jonsson, to:

- Approve the FFY 2017 Edward Byrne Memorial Justice Assistance Grant from the Bureau of Justice Assistance in the amount of \$113,322, as recommended by the Public Safety Coordinating Council;
- Adopt Resolution R-17-095, authorizing the submission and acceptance of FFY 2017 Edward Byrne Safety Coordinating Council as the grant advisory board, authorizing the Chairman, the County Administrator, or the Deputy County Administrator to execute documents regarding grant submission and acceptance, and authorizing the Neighborhood Services Department Director, or her designee, to execute documents regarding grant administrative functions;
- Authorize the Chairman to sign the Certification and Assurances by the Chief Executive of the Applicant Government as required; and
- Authorize the County Attorney, as Chief Legal Officer, to sign the Certification of Compliance with 8 U.S.C. (United States Code) § 1373 on behalf of Manatee County, as required by the Office of Justice Programs of the U.S. Department of Justice.

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

 Ms. Coryea stated that a member of the PSCC may come back to the Board at a future date, to request additional assistance for the Drug Court and Probation Program.

The motion carried 7-0.

BC20170822DOC047

38. **PUBLIC WORKS/LOCAL DEVELOPMENT AGREEMENT**

 A duly advertised public hearing was held to consider LDA-14-03(R), First Amendment to Local Development Agreement for Rowe Ventures LLC – The Aviary at Rutland Ranch.

There were no ex-parte communications on this issue.

Sia Mollanazar, Deputy Director Engineering Services, was present for questions.

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



A motion was made by Commissioner Jonsson, seconded by Commissioner Trace, and carried 7-0, to authorize the Chairman to execute LDA-14-03(R) – First Amendment to Local Development Agreement – The Aviary at Rutland Ranch.

BC20170822DOC048

**RECESS/RECONVENE:** 12:05 p.m. – 1:30 p.m. All Commissioners were present.

**37. NEIGHBORHOOD SERVICES/CHILDREN’S SERVICES ADVISORY BOARD**



Alan Donahue, Human Services Manager, reviewed the request to appoint individuals to the Children’s Services Advisory Board. Openings were publicly advertised for one member of the NAACP, one School Board member, and four child advocates not affiliated with any agency receiving County funds.



NAACP Representative (a full, three-year term effective 10/1/17 through 9/30/20) Inasmuch as the NAACP nominated Dr. Sharon Jefferson, a motion was made by Commissioner DiSabatino, seconded by Commissioner Smith and carried 7-0, to appoint **Dr. Sharon Jefferson** to the NAACP Representative seat.



School Board Representative (a partial term, effective 8/22/17 through 9/30/17 – the remaining balance of an unexpired term due to vacancy and a full, three-year term effective 10/1/17 through 9/30/20)

The applicant, as elected by the School Board, was Gina Messenger.

A motion was made by Commissioner DiSabatino, seconded by Commissioner Whitmore and carried 7-0, to appoint **Gina Messenger** to fill the School Board seat.



Mr. Donahue stated five individuals applied for the four Child Advocate seats.



Child Advocate Representatives (two applicants to serve full, three-year terms of 10/1/17 through 9/30/20, and two appointees to serve a partial term effective 8/22/17 through 9/30/18 – the remaining balance of unexpired term due to vacancies)

Nominations (two applicants to serve three-year terms of 10/1/17 through 9/30/20)

Xtavia Bailey – by Commissioners Baugh and Smith

Richard Aubrey – by Commissioner Whitmore



A motion was made by Commissioner Baugh, seconded by Commissioner DiSabatino and carried 7-0, to close nominations.

**Xtavia Bailey** and **Richard Aubrey** were appointed to serve the two, three-year terms.

Nominations (two applicants to serve partial terms effective 8/22/17 through 9/30/18 – the remaining balance of unexpired terms):

Sandra Stone – by Commissioner Baugh


Joanne B. Hibbs – by Commissioner Jonsson

Stanley A. Groff – by Commissioner Trace

By majority vote, **Sandra Stone** and **Joanne Hibbs** were appointed to serve the two, partial terms. BC20170822DOC049

39. **BUILDING AND DEVELOPMENT SERVICES/SSP-17-01/RESOLUTION R-17-088/NORTH COUNTY HIGH SCHOOL (AKA NORTH RIVER HIGH SCHOOL) SCHOOL SITE PLAN**


A duly advertised public hearing was opened to consider SSP-17-01/Resolution R-17-088 – North County High School (aka North River High School) School Site Plan.

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

A motion was made by Commissioner Whitmore, seconded by Commissioner Smith and carried 7-0, to continue the public hearing for SSP-17-01/Resolution R-17-088, to no date set and to be re-advertised. BC20170822DOC050

40. **ORDINANCE/LAND DEVELOPMENT CODE**

A duly advertised public hearing was held to consider LDCT-17-04/Ordinance 17-47 – Land Development Code Text Amendment – Medical Marijuana Treatment Center Dispensing Facility.

 Margaret Tusing, Building and Development Services, utilized a slide presentation to review the request. Florida voters approved Amendment 2 legalizing the medical use of marijuana and authorizing the cultivation, processing, distribution and sale of marijuana and related activities by licensed “Medical Marijuana Treatment Centers.”

Florida Senate Bill 8-A, codified within Section 381.986, 2017 Florida Statutes, allows local governments to regulate medical marijuana treatment center dispensing facilities. The County has two options: 1) ban medical marijuana treatment center dispensing facilities within the County; or 2) allow medical marijuana treatment center dispensing facilities with the County by an ordinance containing permitting requirements not in conflict with State law or the implementing rules of the Florida Department of Health. If the Board chooses not to ban dispensing facilities, then a 500-foot separation from a medical marijuana dispensing facility and cultivating and processing facility to public or private elementary, middle, and secondary schools is required.

State Law prohibits local regulations restricting Cultivation and Processing facilities, except for the 500-foot separation from public or private elementary, middle, or secondary schools. State Law requires medical marijuana treatment center dispensing facilities to be treated the same as a Pharmacy (Drug Store).

Ms. Tusing addressed the definitions/regulations and standards for specific uses, and stated the Land Development Code (LDC) has been amended to add the medical marijuana treatment center facility and show them as permitted uses as referred to in LDC Section 531.49 – Retail Sales – G. Medical Marijuana Dispensing Facility:

LDC Section 531.49 – Retail Sales – G. Medical Marijuana Dispensing Facility would include the following standards for specific uses: 1) Specific Use Survey – 500 foot separation from public or private elementary, middle or secondary schools; 2) Distance measures “as the crow flies” or, distances shall be measured from property line to property line along the shortest distance between property lines; and 3) Parking 1/300 Gross Floor Area.

The Planning Commission recommended to measure the distance from property line to property line, which is the more restrictive measurement.

Commissioner Smith declared a conflict of interest and stated he would abstain from voting on this request. (Commissioner Smith completed and submitted Voting Conflict Form 8B, indicating his reason for abstaining from voting.)

Mitchell O. Palmer, County Attorney, stated that no action is necessary, as this is the first of two public hearings, and the second public hearing is scheduled for September 7, 2017. However, the declaration of voting conflict is a personal decision by Commissioner Smith, and he has stated his reason on the record for recusing himself.


It was the consensus of the Board that there not be a ban, and that the separation measurement be from property line to property line.

There being no public comment, Chairman Benac closed public comment. BC20170822DOC051

42. **ORDINANCE/LAND DEVELOPMENT CODE**

A first, duly advertised public hearing was held to consider LDCT-17-04/Ordinance 17-47, Land Development Code Amendment Medical Marijuana Treatment Center Dispensing Facility – Request to hold second Public Hearing prior to 5:00 p.m.

 Commissioner Smith reiterated his conflict of interest in voting on this request.


 A motion was made by Commissioner Whitmore, and seconded by Commissioner Trace, to hold the second public hearing to adopt proposed Ordinance 17-47 on September 7, 2017, 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.

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

The motion carried 6-0, with Commissioner Smith abstaining from voting.


(Commissioner Smith completed and submitted Voting Conflict Form 8B, indicating his reason for abstaining from voting.) BC20170822DOC052

44. **ADMINISTRATOR/DASHBOARD REPORT – JULY 2017**

 Ed Hunzeker, County Administrator, presented the Dashboard Report for July 2017. Board action is not necessary. BC20170822DOC053

**COMMISSIONERS COMMENTS**

Commissioner Whitmore

-  Invited everyone to attend the kick-off for the Making Strides Against Breast Cancer walk on August 31st
- Expressed concern with the timing of the release of the agenda for the Aqua by the Bay hearing to be held on August 23rd

Commissioner Trace

- Expressed concern with previous discussions (8/8/17) for the Board to meet annually with each of the municipalities

The County Administrator reviewed the minutes from the August 8th meeting.


Further discussion was held that meetings with municipalities should be for single issues on an as-needed basis, do not automatically schedule annual meetings with each municipality or the governing body of a municipality nor an individual Commission or Council member, and each municipality would have to request a joint meeting if they so desired.

It was clarified that a letter would be sent to the Mayor of the City requesting a meeting.  
Commissioner DiSabatino


- Also expressed concern with the timing of the release of the agenda for the August 23rd meeting, as well as the number of attachments with that agenda

**RECESS/RECONVENE:** 2:18 p.m. – 2:30 p.m. All Commissioners were present.


**1924 CONFEDERATE MONUMENT** (continued)


 Chairman Benac commented on the special meeting held on August 18th, regarding the Confederate Monument and the community's wishes for the Board to make a decision on whether or not to move/relocate the Monument, or leave it where it is. She recommended the Board make a decision to move the Monument to storage, pending a discussion with the community on a permanent location for the Monument. Sheriff Wells was present to discuss this matter. Ms. Benac stated she spoke to the local President of the Daughters of the Confederacy and she submitted Fax correspondence (8/22/17) from Lunelle McCallister, Monuments and Memorial Markers Chairman Florida Division, United Daughters of the Confederacy.

BC20170822DOC054

 Angel Colonnese, Clerk of the Circuit Court, displayed a Landscape Plan for the Courthouse lawn, which was approved by the Board in 2013 and included the Monument. She responded to comments that Historical Resources should pay the costs to move the Monument. She further stated that she could not render a legal opinion outside of her office. She asked that the Board come to a decision on this issue.

BC20170822DOC055


 Sheriff Rick Wells noted his interest in obtaining information regarding the possibility of additional rallies.

 Discussion occurred that this is a public safety issue, the majority of the people at the rally were peaceful, the Daughters of the Confederacy are agreeable to the Monument being moved if it is taken to an appropriate location, there is no guarantee that moving the Monument will take care of the problem, and question regarding the Board's authority since the Monument is located at an historically-registered property.


Upon question, Sheriff Wells stated that approximately \$20,000 - \$30,000 was spent in law enforcement resources during the August 21st rally. He commented on the planning that took place to ensure the safety of the public and individuals involved.


Mitchell O. Palmer, County Attorney, stated his office has reviewed the historic regulations, and there is nothing in the law that prohibits the Board from making a decision to remove the Monument.


Ed Hunzeker, County Administrator, responded to question regarding donations to help with the costs to remove the Monument, stating that checks should be made payable to the Board of County Commissioners and they will be forwarded to the Clerk of the Circuit Court.


 Commissioner Whitmore stated this is a volatile situation, but she is against moving the Confederate Monument, and it should remain in its current location.


Commissioner Benac stated the historic Monument should be saved, and that a decision should be made in a public meeting as to where it should be placed.

 Discussion ensued that conceding to the demands of a group is wrong, a good location to relocate the Monument is near the Veterans' Memorial, getting rid of history, and the United Daughters of the Confederacy do not want the Monument moved.

 Commissioner Baugh stated her business has been attacked on social media because of this issue.


 Commissioner Smith questioned the Sheriff as to the impact upon his budget on having to bear the cost of the recent protest. The Sheriff may have to request additional funds.

 Sheriff Wells reiterated that his office is prepared to move into action if needed. Public Safety staff is also prepared.

 Mitchell O. Palmer, County Attorney, stated his office has reviewed the historic regulations and there is nothing in the law that prohibits the Board from making a decision to remove the Monument.

The County Administrator responded to question regarding donations to help with the costs of the removal of the Monument, stating checks could be made to the Board of County Commissioners, and those checks will be forwarded to the Clerk of Circuit Court.

### **Motion**

 A motion was made by Commissioner Smith, that we remove the Monument from the Manatee County Courthouse, and follow the recommendation of the United Daughters of the Confederacy, until we come up with a committee to determine a proper location based on public input. The motion was seconded by Chairman Benac.

### **Amendment**

Following discussion, Commissioner Whitmore amended the motion to also include the words due to public safety concerns of our Manatee County residents. Commissioner Smith agreed.


Discussion ensued.

### **Amendment**

Chairman Benac further amended the motion to strike reference to "the United Daughters of the Confederacy, and include that it be moved to an equally prominent and respectful location. Commissioner Smith agreed.

Further discussion ensued that any direction from the United Daughters of the Confederacy must come from their organizational president who has not weighed in on this issue.

**RECESS/RECONVENE:** 3:29 p.m. - 3:39 p.m. All Commissioners were present.

 Chairman Benac stated that she received a telephone call from Lunelle McCallister, Chairman of the Monuments and Memorial Markers, Chairman Florida Division, United

Daughters of the Confederacy, who further clarified that per their organization's bylaws, no one can speak for the organization except their President General, who is currently Mrs. George W. Bryson.

Mr. Palmer clarified the motion with the amendments:

"Based on concerns for public safety, I move to remove the Confederate Memorial from the Courthouse grounds, until a decision can be made, with public input, as to an equally prominent and respectful replacement location; and among those replacement locations to be considered shall be the Veterans' Memorial Park adjacent to the Manatee River."

Commissioner Smith and Chairman Benac agreed to the motion as read by Mr. Palmer.

Commissioner Whitmore stated that she specifically stated Based on concerns for public safety of Manatee County residents and asked that those words be included in the motion.



Vicki Tessmer, Clerk of the Circuit Court, read the motion, including the words added by Commissioner Whitmore.

**Amendment**



Commissioner Whitmore further amended the motion to add the words and including consideration of the Gamble Plantation. Commissioner Smith and Chairman Benac agreed.



Ms. Tessmer re-read the motion:

"Based on concerns for public safety of the citizens of Manatee County, I move to remove the Confederate Memorial from the courthouse grounds, until a decision can be made, with public input, as to an equally prominent and respectful replacement location, and among those replacement locations to be considered shall be the Veterans Memorial Park adjacent to the Manatee River, and including consideration of the Gamble Plantation."

Cynthia Finn asked when the monument will be moved.



Doreen Dupont stated this action will move the County forward.



David McCallister opposed the Board taking action at this meeting, stating it should be placed on a future agenda. He also recommended this issue be placed on a referendum.

Yaya Stanford stated actions should not be taken because of threats of violence.

**Motion - Call the Question**



Commissioner Jonnson moved to call the question. The motion was seconded by Commissioner Trace and carried 6-1, with Commissioner DiSabatino voting nay.

Vicki Tessmer re-read the motion from the County Attorney, with the language added by Commissioner Whitmore.

The motion carried 4-3, with Commissioners' Baugh, DiSabatino and Jonsson voting Nay.

**ADJOURN**

There being no further business, Chairman Benac adjourned the meeting at 4:05 p.m.

Minutes Approved: \_\_\_\_\_