

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
September 7, 2017**

Present were:

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

Absent was:

Betsy Benac, Chairman (absent)

Also present were:

Nicole Knapp, Planning Section Manager
Sarah Schenk, Assistant County Attorney
Quantana Acevedo, Deputy Clerk, Clerk of the Circuit Court



First Vice-Chairman DiSabatino called the meeting to order at 9:00 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

1.  The Invocation was delivered by Reverend Thomas Walsh, Cortez Road Baptist Church, followed by the Pledge of Allegiance.

ANNOUNCEMENTS

First Vice-Chairman DiSabatino announced the County will be closing the Manatee County Administrative Center at 12:00 p.m., in order to redirect staff in advance of Hurricane Irma, and Chairman Benac will not be in attendance, because she is out of the country.

AGENDA

BC20170907DOC001

Agenda Update Memorandum 

BC20170907DOC002

- Item 4, Resolution R-17-103, Affordable Housing Development – Revised Land Use Restriction Agreement
 - Item 12, SSP-17-01/Resolution R-17-088, North County High School – The applicant requested additional presentation time
- BC20170907DOC003

Time Certain

2. Item 12, SSP-17-01/Resolution R-17-088, North County High School – 9:00 a.m.

ADVERTISED PUBLIC HEARING (Presentation Scheduled)

12.  A duly advertised public hearing was held to consider SSP-17-01/Resolution R-17-088, North County High School (School Site Plan). This item was continued from August 3, 2017, and August 22, 2017. Staff recommended approval.
and

14. **BUILDING AND DEVELOPMENT SERVICES/INTERLOCAL AGREEMENT/FORT HAMER ROAD EXTENSION**

 Nicole Knapp, Planning Section Manager, outlined the history of the request (found with staff's slide presentation).

Commissioner Trace disclosed she has been approached by residents, but she did not dialogue about the project.

Commissioner Smith disclosed that he questioned Reverend Fletcher Lawson, Pastor of St. Mary's Missionary Baptist Church (located on Erie Road) to know if he was present for the public hearing regarding the school site.

Commissioner Whitmore disclosed the request was discussed on Facebook, but she only read the posts.

First Vice-Chairman DiSabatino, and Commissioners Baugh and Jonsson did not have ex-parte communications.

 Michael Pendley, Executive Planner for the School District, utilized a slide presentation and gave an overview of why the high school is necessary, why the high school is needed in the northeast portion of the County, and why the site is the correct site for the high school.

 Katie LaBarr, planner for the applicant, continued the slide presentation while highlighting the proposed improvements, the aerial location map (project site, surrounding uses, water and sewer, parking spaces, access points, and landscaping), master site plan and key sheet, and the Fort Hamer Road alternate alignment.

 Richard Styles, transportation planner for the applicant, discussed the location of student parking, the traffic analysis and queuing of vehicles.

 Patricia Petruff, attorney for the applicant, read proposed language for Stipulation E.1.(a)iii: Pursuant to Florida Statutes, Section 1013.51, the applicant shall be reimbursed for all road improvement costs for Martha Road and 69th Street East that exceed its proportionate share.

 Discussion took place regarding the flow of traffic from Erie Road onto the site (school site traffic patterns map displayed), parental access to the school, the school has been designed to prevent vehicles from parking on private property or blocking Erie Road, expansion of the school may be possible in the future, cannot guarantee that every parent will utilize the pick-up and drop-off loop, turn lanes (compressed time frame and lengths), traffic signal will be maintained by the County, number of vehicles accessing the site, sidewalks will be constructed, adequate amount of parking spaces for students, preventing students from utilizing Martha Road, County share of costs for road improvements, safety concerns, concerned with the County paying the School Board interest per the interlocal agreement, and consideration of a parking garage for students.

 Sarah Schenk, Assistant County Attorney, clarified Stipulation E.1.(a)iii from Ms. Petruff as follows: Pursuant to Florida Statutes, Section 1013.51(1)(b), the applicant shall be reimbursed for road improvement costs for Martha Road and 69th Street East that exceed its proportionate share to the extent that other development occurs, which demands use of such

infrastructure.

Ms. Petruff concurred with the stipulation as revised.

 Ms. Knapp presented a slide presentation to review background, the aerial, future land use, zoning, school site plan including parent loop and auditorium), sidewalks, site details, special approval, positive aspects, potential negative aspects and mitigation, and staff's recommendation for approval.

 Discussion proceeded about the current elevation of the site, flood zones and 100-year floodplain, possibility of flooding and runoff, fill in order to have the site above base flood elevation, drainage design and grading in regards to stadium and parking), language for Stipulation E.1.(a)iii is vague, are Martha Road and 69th Street East listed on the Capital Improvements Program (CIP) for widening, will the high school be built to hurricane standards, height of the gymnasium, parking for the stadium, will the school site be fenced, sidewalks, details of the Interlocal agreement, and options for transportation stipulations.

 Thomas Gerstenberger, Stormwater Engineering Division Manager, reported the elevation contours of the site vary from 37 feet to 30 feet. The site is partially located within the 100-year floodplain and there are areas on-site that are identified with base flood elevations in the flood insurance rate maps effective since 2014. The flood elevations identified for the project area are 35 feet. The project is located within the Buffalo Canal/Frog Creek watershed, which is identified by the County as a flood prone area, and would be required to reduce the level of run-off rate by 50 percent (Stipulation D.2). There are no proposed elevations identified in the school site plan, and he deferred to the applicant as to whether or not the areas would be graded above the 100-year floodplain.

 Clarke Davis, Transportation Planning Division Manager, stated Martha Road and 69th Street East are not listed in the CIP. Most of Martha Road and 69th Street East directly abuts the school and are not identified for capacity improvements. In the future there will be a discussion about proportionate share for 69th Street East, which extends from the southeast corner of the site to 121st Avenue East.

Upon question from First Vice-Chairman DiSabatino, Ms. Schenk stated Stipulation E.1.(a)iii as revised, mirrors Florida Statute, which does not obligate the County for anything additional.

 Mr. Davis reported there will be a functional improvement for Erie Road, and on the agenda for approval is the Interlocal Agreement for the Fort Hamer Road Extension, which would start the process for the construction of Fort Hamer Road between U.S. 301 and Erie Road.

Ms. Schenk stated Section 1013.51(1)(a), Florida Statutes, expressly provides that the School Board is only responsible for improving roads or sidewalks contiguous to or running through their property.

Mr. Davis displayed an aerial map (Erie Road four-lane improvements) to discuss options for Stipulation E.1 and the interlocal agreement.

 Upon question, Sia Mollanazar, Deputy Director of Engineering Services, stated 11 parcels would need to be acquired for the southern portion of the Fort Hamer Road Extension.

 Discussion continued about borrowing money from the School District versus utilizing impact fees, will the final agreement between all parties come before the Board for approval, rainfall (one-inch per hour) in relation to Buffalo Creek Canal, and retention ponds.

Mr. Gerstenberger explained the one-inch per hour references water quality treatment only, so the stormwater management facility would be required to provide water quality treatment for the volume of runoff that equates to one-inch runoff. The project is also required to provide attenuation to hold onsite in the onsite stormwater facilities for the 25-year, 24-hour storm event, which equates to eight inches of runoff. For the 100-year floodplain, the project is required to provide floodplain mitigation for 100-year storm event, 24-hour period, which equates to 10 inches of rain. The intent of the school site plan is to utilize the existing stormwater facilities and ponds associated with the nursery and create additional stormwater facilities for water quality treatment attenuation and floodplain mitigation for the project.

Public Comment

 Tami Vaughan expressed concern with the location of the high school, traffic, safety, parking, and the private property owned by James and Marie Davis. She opposed SSP-17-01/Resolution R-17-088.

 William Coleman stated the infrastructure should be in place prior to the school site being built to prevent further traffic issues.

 Glen Gibellina stated the interlocal agreement is not in the best interest of the County, and impact fees should be used for the Fort Hamer Road Extension.

 Ed Goff stated the school plan should include bicycle trails, which would alleviate the additional traffic in the area, and impact fees should be paying for the school and collected at 100 percent.

There being no additional public comment, First Vice-Chairman DiSabatino closed public comment.

 Discussion took place about the interlocal agreement and the associated costs, impact fees are designated by zones, interest on the \$2 million will be paid back from impact fees, did anyone speak to Mr. and Mrs. Davis, location of the sport fields in relation to the residents to prevent noise pollution, stipulating that the school cannot be opened until the year 2020, do not want further impact 69th Street East and 121st Avenue East, concerned that the school is being rushed, possible continuation of the item, possibility of not obtaining a certificate of occupancy without the roads being built, and can the Fort Hamer Road Extension be completed in 23 months.

Mr. Mollanazar explained the School Board does not pay impact fees but the site does front two future thoroughfares. For the Fort Hamer Road Extension, the School Board will have some obligation in terms of construction cost. He elaborated on the reasoning for the cost, which totals \$4 million.

Ms. Petruff stated the School Board's share of the cost is \$2 million, and the County shall reimburse the School Board \$2 million dollars plus interest per Florida Statute. Due to other project commitments, the County is unable to use impact fees for the Fort Hamer Road Extension.

Mr. Pendley reported the School District did not approach Mr. and Mrs. Davis to acquire their property and the school site plan was planned around their property. A substantial buffer will be provided around their property; however, the School District is willing to meet with them if they are interested.

Ms. Schenk pointed out the timing and opening of the high school has to be decided by the School Board. She read Section 1013.33(7), Florida Statutes: A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the Comprehensive Plan's land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application, but it may impose reasonable development standards and conditions in accordance with s. 1013.51(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property.

Mr. Mollanazar stated the plan is to complete the northern portion of the Fort Hamer Road Extension for the first day of school, which will take access to the parking lot.

Upon question from Commissioner Whitmore, Mr. Pendley stated the School District cannot concur with a continuation, because the school is set to be completed by August 2019. He pointed out schools are necessary just like roads, water, and sewer.



Ms. Schenk explained by failure of the County Commission to make a determination in writing within 90 days, and after the School District's request for a determination of consistency, it shall be deemed approved (Section 1013.33(6), Florida Statutes). She noted 90 days have passed due to extensions, so the school site plan will be approved (without stipulations) if the Board does not vote, and only if the School District requests an extension.



Pat Neal, Neal Communities, reported work has already begun on the Fort Hamer Road Extension, and in 23 months the road will be completed from Moccasin Wallow Road to 200 feet south of Erie Road.



Ms. Knapp discussed the following: the item will not be heard by the Board again after today's hearing, the determination of consistency is outside of the 90 days due to advertising issues, staff did not provide any recommendations on fencing, because it is up to the School District, parking will be provided within proximity of the football fields, landscaping around the Davis' property meets the Land Development Code even though School District is not required to do so, the School District will not need to obtain Certificates of Occupancy, because it is regulated by the State of Florida, and the school site plan is consistent with Land Development Code and the Comprehensive Plan.



Ms. Petruff's rebuttal included: the School District is required to build in conformance with School Building Code standards and Florida Statute, and the high school will not be built for use as a hurricane shelter, the School District will make contact with Mr. and Mrs. Davis regarding their property, if the high school is not approved all development will cease due to the lack of school concurrency, the School District is in agreement with all stipulations, the high school will be secured by fencing, agreement with Mr. Gerstenberger's explanation regarding rainfall, and if the Fort Hamer Road Extension is not completed by the opening of the high school, the County Commission will have to make decisions about 69th Street East and Martha Road.

Ms. LaBarr stated additional height is not necessary for the gymnasium which is proposed to be built at 35 feet and there will be supplemental parking on grass fields and areas for school events.

Deliberations ensued about needing a hurricane shelter in North County that meets special needs and will accommodate pets.

Motion – SSP-17-01/Resolution R-17-088 (Item 12)

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Commissioner Whitmore moved to adopt Manatee County Resolution 17-088 (SSP-17-01); Approval of a Determination of Consistency for a School Site Plan to consist of an 334,000-square-foot Educational Facility in the form of a high school campus with Conditions of Approval/Stipulations A.1–A.4, B.1, C.1–C.-4, D.1-D.4 and E.1-E.11 (including new Stipulation E.1.(a)iii as read at the hearing); Granting Special Approval for a non-residential project exceeding 30,000 square feet in the UF-3 Future Land Use Category; and Making Specific Findings that the proposed auditorium building with a height exceeding 35 feet is consistent with the Land Development Code; as recommended by staff. The motion was seconded by Commissioner Trace.

Discussion ensued about amending the motion to include the school being hardened to be designated as a hurricane shelter.

Ms. Petruff explained there is a specific statutory provision for when a school has to be built as a hardened structure for shelter purposes, and those requirements were not met. Hardening a school adds significant costs to construction (7-10 percent). The School District cannot use taxpayer dollars for the hardening of the school, only for educational purposes.



Scott Hoops, representing the School District, suggested collaborating on emergency planning needs for the proposed elementary school that will be located north of the high school.

Commissioner Smith stated he will not support the motion without the facility being built to hurricane standards.

Discussion ensued about how the facility has to be suitable for the shelter and how it is up to the School District, and if the motion ties the high school will be built without the stipulations.



Ms. Schenk suggested the Board consider the following motions: (a) the recommended motion with the modification (on the floor); (b) ask the School District on a voluntary basis to reconsider their decision to harden the high school; and (c) the recommended motion for the Interlocal Agreement for the Fort Hamer Road Extension.

First Vice-Chairman DiSabatino read a text message from Ed Hunzeker, County Administrator: “We need the building to be built for a shelter.”

Ms. Petruff explained it would cost \$8-10 million to harden the high school and inquired if the County would be providing this funding.

Discussion took place about voting on the motion, and any testimony from the County Administrator should be on record, because this is a quasi-judicial hearing.

RECESS/RECONVENE: 11:48 a.m. – 11:55 a.m. All Commissioners were present except Chairman Benac.

First Vice-Chairman DiSabatino reported Public Safety staff has recommended this high school, and all future schools be built to hurricane standards.

 Ms. Petruff explained the recommendation from Public Safety was received after the high school had been designed. Per Florida Statute, if there is no deficit in regional shelter capacity, the School District is not required to harden the school.

First Vice-Chairman DiSabatino read email from Sherilyn Burris, Emergency Management Chief, regarding shelter exemptions for new schools.

Motion – Call the Question (Item 12)

A motion to call the question was made by Commissioner Whitmore, seconded by Commissioner Jonsson, and carried 5-1, with Commissioner Smith voting nay and Chairman Benac absent.

Motion – Tied (Item 12)

 The motion tied with Commissioners Jonsson, Trace and Whitmore voting in favor, and Commissioners Baugh, DiSabatino, and Smith voting nay with Chairman Benac absent.

BC20170907DOC004

 Commissioner Smith relayed he did not support the motion, because hurricane shelters are needed in the County, and the School District should have budgeted the 7-10 percent and/or negotiated with the County.

 Commissioner Whitmore noted the School District does not have to adhere to the stipulations, because the vote was tied.

 Ms. Schenk read Section 1013.33(6), Florida Statutes: Failure of the local governing body to make a determination in writing within 90 days after a district school board's request for a determination of consistency shall be considered an approval of the district school board's application.

 Commissioner Baugh stated she did not support the motion, because it is not public safety to build a school that the residents and children are not safe in during hurricane season.

 First Vice-Chairman DiSabatino expressed concern that the Board is voting on an item in which they have no authority.

 Ms. Petruff reported there are two hardened schools (Virgil Mills Elementary and Buffalo Creek Middle School) north of the river, and reiterated if the County wants the school to be hardened, then the County would have to pay for this, because it is not required by law.

 Commissioner Smith stated safety of the children is what is most important.

First Vice-Chairman DiSabatino stated she would like to reopen public comment for only Item 14, Fort Hamer Road Extension Interlocal Agreement.

Discussion ensued regarding the reopening of public comment, and the Fort Hamer Road Extension Interlocal Agreement must be rewritten due to the tie vote on SSP-17-01/Resolution R-17-088 (Item 12), which requires a continuation.

 Barbara Hines expressed concern that the Fort Hamer Road Extension has not been planned adequately.

 Ed Goff remarked on the collection impact fees.

 Melinda Benson expressed concern that the Board is not addressing public safety for residents.

 Ya Ya Stanford expressed concern that the Board did not know that the high school was not designed to hurricane standards.

There being no further public comment, First Vice-Chairman DiSabatino closed public comment.

 Ms. Schenk questioned if staff would have enough time to make changes to Item 14, Fort Hamer Extension Interlocal Agreement, if it is continued to October 5, 2017. Brief discussion ensued.

Motion – Fort Hamer Road Extension Interlocal Agreement (Item 14)

 Ms. Schenk read the recommended motion as: I move to continue the Interlocal Agreement for the Fort Hamer Road Extension from today's date to October 5, 2017 (next scheduled land use hearing), at 9:00 a.m., or as soon thereafter as same may be heard to allow amendments to be made to be consistent with the Board's action today on School Site Plan request (SSP-17-01/Resolution R-17-088).

The motion as read by Ms. Schenk was moved by Commissioner Baugh, seconded by Commissioner Smith, and carried 6-0, with Chairman Benac absent. BC20170907DOC005

Commissioner Baugh requested information from staff that the County contributed to the School District for Buffalo Creek Middle School to be hardened.

(Note: The Fort Hamer Road Extension Interlocal Agreement was reconsidered after citizen comments)

Motion – Future Elementary School

 Commissioner Trace moved to request staff meet with the School District about the future elementary school (on Moccasin Wallow Road) possibly being hardened and associated costs. The motion was seconded by Commissioner Whitmore and carried 6-0, with Chairman Benac absent.

3. **CITIZENS' COMMENTS** (Future Agenda Items) BC20170907DOC006

 Melinda Benson stated residents should research the out of town protesters who are marching against the confederate monument being located at the Historic Courthouse because of their organizational ties. She noted a commissioner was marching with the out of town protesters, and he should have recused himself from voting on the removal of the confederate monument.

 Barbara Hemingway displayed a photograph of Commissioner Smith at the rally against the confederate monument being located at the Historic Courthouse, and expressed concern with the actions of Commissioner Smith and the County Administrator.

First Vice-Chairman DiSabatino read the Pledge of Public Conduct.

 Ya Ya Stanford commented on the removal of the confederate monument from the Historic Courthouse and how the Board's action has affected the safety of residents.

 Barbara Hines stated she was mistreated at the aforementioned rally and that she is ashamed of the comments from the previous speakers.

 Barbara Angelucci questioned the timeframe that a developer has to remove tree debris from a project site. She expressed concern with the safety of residents in the area of Lockwood Ridge Road and Whitfield Avenue with Hurricane Irma approaching the State.

 Pat Neal, Neal Communities, questioned why Item 14, Fort Hamer Extension Interlocal Agreement, was continued.

There being no further citizen comments, First Vice-Chairman DiSabatino closed citizen comments.

14. **BUILDING AND DEVELOPMENT SERVICES/INTERLOCAL AGREEMENT/FORT HAMER ROAD EXTENSION** (Continued from earlier)

 Based upon Mr. Neal's question under citizen comments, Ms. Schenk explained she is unable to make the proper changes to the interlocal agreement without the appropriate staff. She offered for the item to be continued to the Board meeting on September 12, 2017, instead of October 5, 2017.

Discussion proceeded about the continuation date, and the Administrative Center may not be open on September 12, 2017, due to Hurricane Irma.

Motion - Reconsideration

 Commissioner Baugh moved to reconsider the Fort Hamer Road Extension Interlocal Agreement at the next scheduled meeting. The motion was seconded by Commissioner Whitmore.

Ms. Schenk clarified the motion to read: I move to reconsider the motion that was passed to continue the Fort Hamer Extension Interlocal Agreement to October 5, 2017.

The motion as clarified was moved by Commissioner Baugh, seconded by Commissioner Jonsson, and carried 6-0, with Chairman Benac absent

Motion - Continuance

Ms. Schenk read the proposed motion: I move to continue deliberations on Interlocal Agreement regarding the Fort Hamer Road Extension to allow it to be revised and made consistent with action taken on the School Site Plan (SSP-17-01/Resolution R-17-088) to the next regular meeting.

The motion as read by Ms. Schenk was moved by Commissioner Baugh, seconded by

Commissioner Whitmore, and carried 6-0, with Chairman Benac absent.

BC20170907DOC005

Ed Goff requested the Board continue the public hearing until a later date.

Discussion ensued.

(Depart Commissioner Whitmore)

Board Response to Citizens' Comments



Commissioner Baugh reported the County Attorney's office is working on a request for legal services regarding the confederate monument. She inquired about the cost to repair the confederate monument, and stated the residents should decide where the confederate monument should be relocated, not the Board.

First Vice-Chairman DiSabatino requested the confederate monument be scheduled for a future agenda item.



Commissioner Smith explained he wore the County Commissioner shirt for safety reasons at the aforementioned rally. He cautioned residents about making malicious comments without proper documentation and facts.

(Enter Commissioner Whitmore)

CONSENT AGENDA

4. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/RESOLUTION/LAND USE RESTRICTION AGREEMENT/DEED**

- Adopted Resolution, R-17-103, for conveyance of County-owned property located 3014 27th Court East, Palmetto, to Community Solutions 360, Inc., for development of affordable housing; and
- Executed a Land Use Restriction Agreement and conveyance Deed from Manatee County to Community Solutions 360, Inc.

BC20170907DOC007

MOTION - CONSENT AGENDA

A motion was made by Commissioner Trace, seconded by Commissioner Smith, and carried 6-0, with Chairman Benac absent, to approve the Consent Agenda.

ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)

5. **ORDINANCE/LAND DEVELOPMENT CODE**



A duly advertised public hearing was opened to consider adoption of proposed LDCT-17-02/Ordinance 17-22, Land Development Code Text Amendment, Airport Zoning. The Planning Commission recommended approval. This item was continued from June 1, 2017, and to be continued to October 5, 2017.

Commissioner Trace moved to continue the public hearing for LDCT-17-02/Ordinance 17-22 to October 5, 2017, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administrative Center, first floor chambers. The motion was seconded by Commissioner Jonsson.

There being no public comment, First Vice-Chairman DiSabatino kept public comment open.

The motion carried 6-0, with Chairman Benac absent.

BC20170907DOC008

6. **ORDINANCE/DRI**

 A duly advertised public hearing was opened to consider proposed Ordinance 17-36, Parrish Lakes DRI 28. This item was continued from September 7, 2017, and to be continued to October 5, 2017.

and

7. **ORDINANCE/ZONING**

A duly advertised public hearing was opened to consider proposed Zoning Ordinance PDMU-16-16(Z)(G), FLM, Inc./Parrish Lakes. This item was continued from August 3, 2017, and to be continued to October 5, 2017.

 Tonya Byerley expressed concern with flooding.

There being no additional public comment, First Vice-Chairman DiSabatino closed public comment.

Motion – Ordinance 17-36

 Commissioner Trace moved to continue the public hearing for Ordinance 17-36 to October 5, 2017 at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administrative Building, first floor chambers. The motion was seconded by Commissioner Baugh and carried 6-0, with Chairman Benac absent. BC20170907DOC009

Motion – Zoning Ordinance PDMU-16-16(Z)(G)

 Commissioner Trace moved to continue the public hearing for PDMU-16-16(Z)(G) to October 5, 2017, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administrative Building, first floor chambers. The motion was seconded by Commissioner Jonsson and carried 6-0, with Chairman Benac absent. BC20170907DOC010

 First Vice-Chairman DiSabatino requested staff meet with the homeowner, Tonya Byerley.

Ms. Knapp stated there is a misconception that staff does not speak to the public. Staff can only answer direct questions and professional opinions on whether or not a project is compliant or consistent has to be discussed at a public hearing.

 Commissioner Trace stated she spoke with Public Works staff regarding this issue and there is a plan.

8. **ORDINANCE/ZONING**

 A duly advertised public hearing was opened to consider adoption of proposed Zoning Ordinance PDMU-16-02(P), Gulfside Homes/Bowlees Creek LLP/Blu Harbor. This item was continued from August 3, 2017, and to be continued to October 5, 2017.

There being no public comment, First Vice-Chairman DiSabatino closed public comment.

 Commissioner Trace moved to continue the public hearing for PDMU-16-02(P) to October 5, 2017, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administrative Building, first floor chambers. The motion was seconded by Commissioner Jonsson, and carried 6-0, with Chairman Benac absent. BC20170907DOC011

9. **ORDINANCE/LAND DEVELOPMENT CODE/MEDICAL MARIJUANA**

 A duly advertised public hearing was held to consider adoption of proposed Land

Development Code Amendment LDCT-17-04/Ordinance 17-47, Medical Marijuana Treatment Center Dispensing Facility. First of two required public hearings was held on August 22, 2017. The Planning Commission recommended approval.

Ms. Schenk stated Commissioner Smith has been advised to abstain from voting, and the previous Form 8B, Voting Conflict is valid and has been updated.



Commissioner Smith stated his family was involved in a United States Department of Agriculture class action lawsuit, and they may be asked to participate in the farming of medical marijuana.

There being no public comment, First Vice-Chairman DiSabatino closed public comment.



Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and in accordance with Section 341 of the Land Development Code, Commissioner Trace moved to adopt LDCT-17-04/Ordinance 17-47, amending the Manatee County Land Development Code, as recommended by the Planning Commission. The motion was seconded by Commissioner Whitmore, and carried 5-0, with Chairman Benac absent and Commissioner Smith abstaining.

BC20170907DOC012

10. **ORDINANCE/COMPREHENSIVE PLAN**



A duly advertised public hearing was held to consider adoption of proposed Planned Amendment PA-17-02/Ordinance 17-15, County-Initiated Water Supply Facilities Work Plan. Staff recommended approval.

Kathleen Thompson, Planning Manager, made introductory comments.

There being no public comment, First Vice-Chairman DiSabatino closed public comment.



Based upon the evidence presented, comments made at the Public Hearing, the technical support documents the action of the Planning Commission, and finding the request to be consistent with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes and the Manatee County Comprehensive Plan, Commissioner Whitmore moved to adopt Plan Amendment PA-17-02/Ordinance 17-15, as recommended by the Planning Commission. The motion was seconded by Commissioner Trace, and carried 6-0, with Chairman Benac absent.

BC20170907DOC013

11. **ORDINANCE/COMPREHENSIVE PLAN**



A duly advertised public hearing was held to consider transmittal of proposed Comprehensive Plan Amendment PA-17-05/Ordinance 17-34, Schroeder-Manatee Ranch, Inc. Staff recommended transmittal.

There being no public comment, First Vice-Chairman DiSabatino closed the public comment.

Based upon the evidence presented, comments made at the Public Hearing, the technical support documents, the action of the Planning Commission, and finding the request to be in compliance with the provisions of Chapter 163, Part II, Florida Statutes, and consistent with the Manatee County Comprehensive Plan, Commissioner Baugh moved to transmit Plan Amendment PA-17-05/Ordinance 17-34, as recommended by the Planning Commission. The

motion was seconded by Commissioner Trace, and carried 6-0, with Chairman Benac absent.

BC20170907DOC014

ADVERTISED PUBLIC HEARING (Presentation Scheduled)

13. ORDINANCE/LAND DEVELOPMENT CODE

 A duly advertised public hearing was held to consider adoption of proposed LDCT-17-01/Ordinance 17-30, TOIT Land Development Code Text Amendment. The Planning Commission recommended approval. This is the second of two required public hearings; the first public hearing was held on August 3, 2017.

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the requirements for text amendments in Section 341.2 of the Land Development Code, Commissioner Baugh moved to adopt LDCT-17-01/Ordinance 17-30, amending the Manatee County Land Development, as recommended by the Planning Commission. The motion was seconded by Commissioner Whitmore.

Commissioner Trace asked if the Tourist Development Tax (aka bed tax or tourist tax) would be applicable to a boatel.

 Misty Servia, planner for the applicant, stated tourist tax would be applicable for transient accommodations, and a boatel would be considered to be a transient type accommodation.

Rossina Leider, Building and Development Services, stated the term “transient” is defined in Florida Statute.

 Barbara Angelucci asked if the definition for boatel was recommended by Littlejohn & Co. (County Consultant) and requested copies of all correspondence between the County, staff and Littlejohn & Co. She inquired if a boatel would be subject to all of the requirements of a marina, and suggested that Planned Development Waterfront (PDW) be deleted from the Land Development Code (LDC).

 Ed Goff stated a standalone definition and LDC amendment for a boatel is not necessary. He opposed the request due to duplicity with motels/hotels with marinas.

 Barbara Hines concurred with Barbara Angelucci.

There being no further public comment, First Vice-Chairman DiSabatino closed public comment.

 Ms. Servia clarified the PDW zoning district adds extra protection for any development along the coast, and a boatel is not a marina.

 Ms. Knapp stated Planning staff works with Littlejohn & Co. and other staff members on each proposed text amendment. Staff did look at existing definitions such as marina, boat livery, and hotel to revise for a boatel and it did not fit.

 Commissioner Smith stated his questions were addressed during his meeting with Ms. Servia.

The motion carried 6-0, with Chairman Benac absent.

BC20170907DOC015

COMMISSIONER'S COMMENTS

 First Vice-DiSabatino distributed correspondence regarding Whitfield Avenue and Lockwood Ridge Road and requested the correspondence be reviewed by legal staff.

Commissioner Baugh stated she would like an opinion from the County Attorney's office on this matter.

A motion was made by Commissioner Smith, seconded by Commissioner Baugh and carried 6-0, with Chairman Benac absent, for staff to perform research on this matter.

BC20170907DOC016

ADJOURN

There being no further business, First Vice-Chairman DiSabatino adjourned the meeting at 1:29 p.m.

Minutes Approved: _____