

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
September 3, 2015**

Present were Commissioners:

Betsy Benac, Chairman
Vanessa Baugh, First Vice-Chairman
John R. Chappie, Second Vice-Chairman
Charles B. Smith, Third Vice-Chairman
Lawrence E. Bustle, Jr.
Robin DiSabatino
Carol Whitmore

Absent was Commissioner:

Lawrence E. Bustle, Jr. (illness)

Also present were:

Robin Meyer, Planning Division Manager
Sarah Schenk, Assistant County Attorney
Quantana Acevedo, Deputy Clerk, representing Clerk Ad Interim of Circuit Court




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



Chairman Benac observed a moment of silence in memory of Rick Fawley, well-known architect, who passed away on September 2, 2015.

INVOCATION AND PLEDGE OF ALLEGIANCE

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


AGENDA ANNOUNCEMENTS

BC20150903DOC001



Agenda Update Memorandum: None

COMMISSIONER REQUESTS (Items to be pulled from the Consent Agenda)

-  Item 3 - RFP 15-1845MD, Voter Tabulation System and Services Agreement - Pulled by Commissioner Smith for separate action

Citizen Comments (Consent Agenda Items)

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

CONSENT AGENDA

2. **ATTORNEY/LAWSUITS/LAKE LINCOLN LLCg**
 - Approved the written amended settlement offer and written amended statement of allowable uses presented by the County Attorney's Office; and,
 - Authorized execution of same by the County Attorney and County Planning official, respectively

Sarah Schenk, Assistant County Attorney, stated public comment is not necessary on this item and submitted a statement from John Agnelli.

BC20150903DOC002

4. **FINANCIAL MANAGEMENT/AGREEMENT**

Executed Credit Authorization CA-14-02(T)

BC20150903DOC003

5. **FINANCIAL MANAGEMENT/STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM (SHIP)**

- Approved and accepted the SHIP Annual Report; and,
- Authorized the Chairman to sign the Letter of Transmittal and required State forms to transmit Manatee County’s SHIP Annual Report for Fiscal Years 2012-2013 through 2014-2015 in accordance with Florida Statutes 420.9075

BC20150903DOC004

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

- Accepted and authorized recording of Permanent Utilities Easement from LMS Commercial Real Estate LLC; and,
- Authorized recording of Affidavit of Ownership and Encumbrances from Matteo Sonatori as Managing Director for LMS Commercial Real Estate LLC

BC20150903DOC005

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

- Accepted and authorized recording of Permanent Utilities Easement from Gristmill/Masthead LLC;
- Authorized recording of Affidavit of Ownership and Encumbrances from Gristmill/Masthead LLC; and,
- Authorized recording of Joinder and Consent from Wawa Florida LLC


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8. **PUBLIC WORKS/AGREEMENT**

Authorized the County Administrator to execute the Road Improvement and Sidewalk Agreement required of the developer, Pulte Home Corporation, for the project Del Webb at Lakewood Ranch

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CONSENT MOTION

 A motion was made by Commissioner DiSabatino, seconded by Commissioner Baugh, and carried 6-0, with Commissioner Bustle absent, to approve the Consent Agenda as recommended with the deletion of Item 3, RFP 15-1845MD, Voter Tabulation System and Services Agreement.


(End Consent Agenda)

CITIZEN COMMENTS (Consideration for Future Agenda Items)


 There being no comments, Chairman Benac closed Citizen Comments.

ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)

9. **ORDINANCE/ZONING**


 A duly advertised public hearing was opened to consider adopting proposed Zoning Ordinance PDR-14-19(G), Twin River, Phases IV-C and V. Planning Commission recommended approval with stipulations. Item continued from August 6, 2015, and to be continued to November 5, 2015.


There being no comments, Chairman Benac continued the public hearing.


 A motion was made by Commissioner Baugh, seconded by Commissioner DiSabatino, and carried 6-0, with Commissioner Bustle absent, to continue the public hearing for PDR-14-19(G) to November 5, 2015, at 9:00 a.m., or as soon thereafter as same may be heard.

BC20150903DOC008


10. **ORDINANCE/LAND DEVELOPMENT CODE**


 A duly advertised public hearing was held to consider adopting proposed LDCT-14-06/Ordinance 15-03, Land Development Code Text Amendment – Manufacturing Development Program. Planning Commission recommended approval. Second of two required public hearings, first hearing was held on August 6, 2015.


 John Barnott, Building and Development Services Director, was available to answer questions.

 Commissioner Smith read an email from City of Bradenton Councilman Harold Byrd, who expressed concern with stormwater runoff and drainage into Glen Creek from Tropicana. Tropicana is built-out in the City of Bradenton and could possibly expand into unincorporated Manatee County. He expressed concern with Tropicana being given leverage with the proposed ordinance.


 Mr. Barnott explained the Florida Legislature passed the Manufacturing Competitiveness Act in 2013, which allows local governments to streamline regulation approvals and voluntarily adopt by ordinance a Local Manufacturing Development Program. This program would allow manufacturers to obtain Master Development Plan (MDP) approval for manufacturing sites. A manufacturer has to seek Board approval for a MDP after it has been reviewed by staff. He read from the Ordinance Sections 357.6.4(f), Additional Requirements, and 357.10.3, Modification of an approved MDP.


 Thomas Gerstenberger, Stormwater Engineering Division Manager, noted the ordinance would apply to Tropicana and any other project. They would have to abide by the Land Development Code and Public Works Standards stormwater requirements for both water quality and attenuation. They would also have to provide floodplain mitigation should there be any impacts to the 100-year or 25-year floodplains. With respect to the Villages of Glen Creek, staff has been actively involved in that project even though it is within the City of Bradenton. The drainage is going into a system that is collecting and conveying runoff from the City of Bradenton and the County. Villages of Glen Creek will be required to provide typical water quality treatment and attenuation, and staff has sought 50 percent reduction and runoff as well. In regards to Tropicana, over time there has been a series of stormwater facilities that have been constructed onsite and offsite and numerous stormwater improvements.


 Discussion ensued regarding parcels that qualify (map shown), MDP has to be approved by the Board and comply with requirements, where else in Manatee County can this be done legally without adopting the ordinance, is a representative from Tropicana present at the hearing to address the flooding concerns, need clarification on the process, Tropicana has not communicated with the area residents, County-initiated text amendment, opposition email from Manasota-88 (included with staff report), was this ordinance addressed with property owners near the Port, is the flooding in the County or City of Bradenton, how much time is saved by utilizing the MDP, fast tracking allows the applicant to skip the administrative process but not the public hearing process; what has been done to address the flooding issues, Qualified Target Industry, Tropicana employs numerous residents, and can Tropicana be excluded from the ordinance.


 Sarah Schenk, Assistant County Attorney, explained identification of the development impacts including drainage is reviewed for MDP. Section 357 of the Ordinance refers to

vested rights and if the manufacturer has existing development rights before approval of the MDP, and associated with the area included in the MDP application, the County is required to recognize the vested rights. Thus, the County cannot require the manufacturer to fix a pre-existing drainage problem.


 Mr. Gerstenberger elucidated on redevelopment and impervious surfaces.


 Discussion continued on legislation for this ordinance to encourage manufacturing was introduced by Tropicana, there are no plans currently for Tropicana to expand their business, property values will be decreased, vested rights, companies in South County could benefit from the program, identifying areas for potential manufacturing to businesses, work session or memorandums to assure the Board that this issue is being addressed, new development in the City of Bradenton has to comply with stormwater requirements, grant funding to mitigate flooding damage for homes, briefing from staff on the Tropicana area, the former Kmart had flooding issues (Cortez Road and U.S. 41), testing performed by Tropicana currently, not the time and place for these conversations since an application has not been submitted, and concerned with Tropicana obtaining special privileges.


 William Clague, Assistant County Attorney, spoke on vested rights and stormwater issues.

 Ms. Schenk reported this is a legislative enactment and similar to an overlay zoning district.


Mr. Clague cautioned the Board on making changes to the map of parcels that qualify, because it would require re-advertising the ordinance. The ordinance is procedural, and it is up to the Board to decide whether or not an area should be included on the map of parcels that qualify. He confirmed any new development that comes through under the process, if the ordinance is adopted, would have to comply with the County's stormwater concurrency requirements that are rooted in the Comprehensive Plan and Land Development Code.


 Joel Christian, Building and Development Services, stated he would have to research the water quality monitoring and creek system for Tropicana.

 Discussion continued on briefing the Board on the stormwater issues in the Tropicana area, Commissioner Smith's requests for briefings going unanswered, the State of Florida will benefit from the legislation responsible for the ordinance, staff will address concerns regarding the stormwater issues, and the ordinance is not an application.

 Alan Prather, representing Tropicana, confirmed Tropicana has a general development plan and final site plan that was approved in the 80s. Tropicana has been responsible in abiding with stormwater requirements. Tropicana is in favor of the ordinance, because it will benefit the County and the State of Florida economically.


There being no additional comments, Chairman Benac closed the public hearing.


 Discussion continued about Glen Creek, manufacturing, concerns from constituents, support any efforts regarding flooding in the Tropicana area and Rubonia, recommend the Board tour Tropicana, this ordinance provides an option for manufacturing, and Fleet Services Facility in Tallevast.

 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, Commissioner DiSabatino moved to adopt Manatee County Ordinance 15-03, amending the Manatee County Land Development Code, as amended, and recommended by the Planning Commission. The motion was seconded by Commissioner Baugh, and carried 5-1, with Commissioner Smith voting nay and Commissioner Bustle absent.


BC20150903DOC009

3. **FINANCIAL MANAGEMENT/AGREEMENT**


 Commissioner Smith expressed concern with this item being placed on the land use agenda instead of a regular agenda, which may prevent public awareness and comments. He does support the request.

 Mike Bennett, Supervisor of Elections, explained due to timing issues the item was not placed on the previous regular agenda and the equipment is needed for the upcoming elections in November 2015.

Discussion took place regarding funding has been allocated, voting redistricting and precincts, the Supervisor of Elections may need the monies usually returned to the County for overtime and/or mailings, and can Mr. Bennett contact Susie Copeland about the item.


 Sarah Schenk, Assistant County Attorney, explained land use hearing regulations do not preclude regular items from being placed on a land use agenda

There being no comments, Chairman Benac closed citizen comments.

 A motion was made by Commissioner Chappie, seconded by Commissioner DiSabatino, and carried 5-1, with Commissioner Smith voting nay and Commissioner Bustle absent, to authorize the award of RFP 15-1845MD, Voter Tabulation System and Services, to Election Systems & Software, LLC, for a total award of \$1,003,782.68, and to request the County Administrator, or his designee, to execute the Agreement.

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COMMISSIONERS' COMMENTS

 Commissioner DiSabatino



- Questioned the process for selecting someone to serve on the Financial Taskforce as proposed by the County Administrator. Discussion proceeded on waiting for direction and the possibility of needing a resolution
- Explained how she advises her constituents of items on the agenda
- Reported on Real Estate statistics

 Commissioner Baugh

- Reported the groundbreaking for the University Parkway Diverging Diamond Interchange (DDI) took place on September 2, 2015, with representation by the Florida Department of Transportation (FDOT) and Governor Rick Scott. Commissioner Whitmore thanked Commissioner Baugh for her efforts regarding the DDI. Brief discussion ensued on upcoming improvements on U.S. 301 and the Anna Maria Bridge.

 Commissioner Smith

- Expressed concern with how County government is affecting residents and how their concerns are not being addressed

-  Reported on the ongoing lawsuit between the County Manager and Purchasing Director for Collier County and the Collier County Clerk of Courts
-  Announced there is discussion being held on a State level regarding County jails keeping inmates for 24 months. Brief discussion ensued

 Commissioner Whitmore

- Requested an update on the FDOT road hardening project near the Port
- Updated the Board on the BP Oil Consortium meeting she attended regarding the disbursement of funds


 Chairman Benac

- Attended the Florida Association of Counties policy meeting
- Toured FELD Entertainment and IMG Academies

 Commissioner Chappie

- Attended a Republican Club meeting yesterday where bonds were discussed by Angelina Colonneso, Clerk Ad Interim of the Circuit Court, and Jan Brewer, Financial Management Director. He requested the presentation be given at a work session or at a Board meeting since it would be beneficial to the public.

ADJOURN

 There being no further business, Chairman Benac adjourned the meeting at 11:49 a.m.

Minutes Approved: _____