

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
WORK SESSION
BRADENTON AREA CONVENTION CENTER, LONGBOAT KEY ROOM
One Haben Boulevard
Palmetto, Florida
January 19, 2021**

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

Present were:

Vanessa Baugh, Chairman
George Kruse, First Vice-Chairman
Kevin Van Ostenbridge, Second Vice-Chairman
Reggie Bellamy, Third Vice-Chairman
Misty Servia
James A. Satcher III (attended via Zoom)
Carol Whitmore

Also present were:

Cheri Coryea, County Administrator
William Clague, Chief Assistant County Attorney
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court



Chairman Baugh called the meeting to order at 9:02 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

1. The Invocation was delivered by Commissioner Bellamy, followed by the Pledge of Allegiance.

AGENDA

5. Agenda Update Memorandum BC20210119DOC001
Item 3 – Parking of Vehicles and Restricted Vehicles, Written Comments added to the agenda BC20210119DOC002
Item 4 – Stormwater Report, Written Comments added to the agenda memorandum

WILD HOGS

Chairman Baugh mentioned there is an issue with wild hogs in Lakewood Ranch.



John Osborne, Deputy County Administrator, stated the County refers residents to the Florida Fish and Wildlife Commission (FWC) when there are complaints about wild hogs. One of FWC's suggestions is to contact a trapper. If the Board wishes for the County to begin trapping, they could only trap on County property. There is also a risk of having to trap animals in other parts of the County.



Discussion ensued that many of the areas involved have Homeowners' Associations and Community Development Districts, it is not possible to put traps on Lakewood Ranch Boulevard, hunting cannot occur in residential areas, trapping is the best answer, coyotes are also in residential areas, and FWC issues permits to hunt in Duette Preserve.

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

Chairman Baugh distributed the tentative schedule for work sessions.

BC20210119DOC003

1. **IMPACT FEE STUDY**



Nicole Knapp, Impact Fee Administrator, used a slide presentation to provide a history of impact fees, timing requirements, and the impact fee team.

 William Clague, Chief Assistant County Attorney, continued the slides to provide the legal framework of impact fees including, creation of new land uses, limitations on local government, case law regarding property rights, impact fees are charged to development to cover the cost to government resulting from infrastructure impacts, legal principles, Impact Fee Act (Florida Statute 163.31801), Dual Rational Nexus Test, other legal requirements, studies and analysis, impact fees must be supported by studies to be legally defensible, and impact fees are a fiscal policy for the Board.

 Ms. Knapp, continued the slides to compare the 2015 study to the 2020 study including residential land use differences, keeping the square footages the same, treating assisted living facilities as their own category, adding additional non-residential uses, no changes to the funds, educational fees are not part of this study, and there are four road-impact benefit districts.

 Nilgun Kamp, Tindale Oliver, used a slide presentation to review the new study, the basic impact fee formula $[(\text{Cost} - \text{Credit}) \times \text{Demand}]$, impact fee components, summary of calculated impact fees for residential with and without educational facilities, non-residential fees, service areas including public safety, law enforcement, library, parks and recreation, and multi-modal transportation, the breakdowns for each study including level of services, cost components, credit component, net impact cost, calculated impact fee, and impact fee comparison with other jurisdictions. She continued the slides to discuss the fee differentiation by district and noted the most congested district is the Southwest District, and the increase in fees by district. There is an average increase of 35 percent.

Ms. Knapp concluded the slides to review the next steps, examples of stakeholder engagements, and supporting documents.

Discussion ensued regarding impact fees were reduced in 2009 due to a reduction in construction costs, impact fees are not used to fix current conditions, as population grows, more services are needed, examples of what impacts fees can be used for in Public Safety, roads are calculated with a per lane mile cost, impact fees can be updated to meet trends, increase is overall, new proposal is for 100 percent not 90 percent, and why do impact fee calculations start at 1,000 square feet.

Ms. Kamp stated most counties have a three-tier calculation, and there are trends to consider smaller dwellings less than 1,000 square feet.

 Following discussion regarding other possible funding sources, Mr. Clague explained that the legislature limits County funding to certain sources. There are other ways to fund roads including special taxing districts. The County does not receive revenue from Documentary Stamps which are controlled by State Law.

 Chairman Baugh clarified impact fees are passed down to the buyer; therefore, the builders get their money back. There should be a way to assist homebuyers, so they have fewer costs. When the percentage was reduced to 90 percent, impact fees were over \$16,000. Impact fees are only collected on new construction. The recession was also a factor to lower the percent collected.

Discussion took place regarding how certain uses are assessed, a Wawa would be categorized as a service station, impact fees are challenging, methodology assumes that the larger a home is, more people live there, and data is also taken from the census.

 Jacob Saur, Public Safety Director, responded to questions and explained there are two private ambulance services in the County, but these companies do not respond to 911 calls.

 Discussion continued regarding if the County chooses to fund roads in a different way, the impact fee study could be recalculated, gas stations could be calculated as mixed-use or by square footage, impact fees are a tax, impact fees collected are published for the public, \$33 million collected in impact fees, and some are held in reserves.

 Jan Brewer clarified there are three sections of impact fees calculated, and presented. The remaining balance in reserves is \$32 million, at the end of the next five years there will be \$25 million in reserves for transportation. She continued to review the other funds and noted that Impact fees must be spent within seven years of collection.

Discussion took place regarding transit impact fees, credits are given for transit, library fees started in 2016, possibility of an economic downturn and would prefer no increase in fees, reserves for impact fees are folded into the Capital Improvement Program (CIP), and all CIP projects must be fully funded.

 Ms. Brewer reviewed the total impact fees collected, spent on projects, and what funds are in reserves. At the end of the five-year plan only \$25 million will be in reserves. Impact fees can only be used in the zone they were collected from. She continued to discuss the bonding of the 44th Avenue extension project. All available sources are reviewed when a road is being built. Impact fees can be used to pay back a bond if the road is being built due to growth.

Ms. Kamp explained the figures per acre are based on past purchases by the County for land and a cost comparison analysis.

 Cheri Coryea explained the CIP is on the dashboard, the projects are updated, and all of the funding sources are listed. The CIP is presented to the Board on an annual basis.

 Ms. Brewer reviewed the bond rating, which is based on the amount of reserves. The financial advisor should respond to questions regarding how much can be borrowed to keep the Triple A bond rating.

 Mr. Clague responded that impact fees do not have to be increased each time a study is done. The impact fee ordinance should be amended to incorporate the new study, and the fee schedule, reflecting the updated fees, is included in the Code of Ordinances. .

Discussion occurred regarding the length of time to build sidewalks and complete projects, contractors are busy, and there is competition for construction projects, have more public/private partnerships, the Board needs to choose which projects need to be in the CIP, provide services immediately if there is an impact, new Board members need to learn the CIP, priorities can change, not every project in the CIP has been started, impacts fees do not fund the operation of projects such as libraries, need funds in general fund to maintain projects, collected fees have always been spent, there are needs throughout the county, why does it take so long for projects in the CIP to begin, and staff should take the initiative and listen to the Board regarding beginning projects quicker.

 Ms. Coryea explained there was a slow down last year regarding vendors and construction projects, and staff looks forward to reviewing the CIP with the Board. She suggested reviewing the Project of Record list, and the possibility of removing projects that do not have immediate plans to begin.

 Discussion continued that promises were made to residents regarding Projects of Record.

 Ms Kamp reiterated the process to calculate land values.

RECESS/RECONVENE: 11:20 a.m. – 11:28 a.m. All Commissioners present.

Public Comment

BC20210119DOC004

 Mike Meehan commented on impact fee reserves and general unrestricted reserves.

 Pat Neal referenced a handout and stated new homes represent about nine percent of the residential sales in Manatee County and he referenced a Florida Tax Handbook. About \$38 million of a half-cent sales tax is being collected. Land is being contributed by developers for transportation needs, and developers are participating in public/private partnerships.

BC20210119DOC005

 Andra Griffin noted that impact fees are charged to the buyer and residents are being forced out of Manatee County. She addressed statutory requirements regarding impact fees.

Carlos Beruff spoke against impact fees and stressed there are ways to reduce costs for road construction and encouraged public/private partnerships, stressing that developers may be able to build roads for less money.

 Ken Piper addressed impact fee studies.

 Glen Gibellina questioned if Livable Manatee projects will be reimbursed, and suggested a percentage be charged for houses under 1,000 square feet. He encouraged the creation of an affordable housing fund.

 Sally Welsh questioned the calculations for impact fees and the cost of the proposed animal shelter.

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

 Ms. Knapp stated staff will use the information gathered today and will take that to the stakeholders and put out in social media.

 Ms. Coryea explained the current CIP will be presented to the Board with multiple meetings, beginning in February.

 Discussion took place to open up projects to the private sector, and the need to trust the report the consultant provides.

 Mr. Clague clarified the County Attorney's Office did not warn the Board against a lawsuit regarding impact fees.

 Discussion continued regarding recommending projects for public/private partnerships, restricted vs. unrestricted reserves, is it possible to remove restrictions on reserves, create a transportation committee of people who can be part of public/private partnerships, history of percentage charged, local development agreements, and stabilization funds were used during the recession.

BC20210119DOC006

RECESS/RECONVENE:- 12:09 p.m - 1:04 p.m. All Commissioners present.

4. STORMWATER REPORT

 Cheri Coryea, County Administrator, explained the report is available on the website.

 Chad Butzow, Public Works Director, noted stormwater issues began in 2017, when there were direct impacts to the community due to heavy rainfall. The conclusion was made that a stormwater fee might be a solution to the problems. The study addressed if there is dedicated funding source, how would it be collected. He continued to review the components of the stormwater study.

 Discussion ensued regarding the cities in Manatee County have stormwater fees, and nothing has changed from the earlier presentations,

 Mr. Butzow noted the implementation would be a policy decision by the Board. The fee has not been approved yet, and the question remains regarding what the fee will be used for. The remaining watershed studies need to be completed. There is a balance of projects which could be added to the CIP. There can be flood control projects and a reinvestment in the existing infrastructure.

 Discussion continued regarding which projects are the most important, and studies are paid in part by the Southwest Florida Water Management District (SWFWMD).

 Mr. Butzow responded that the County partners with SWFWMD, with a 50/50 match. If there was an extra infusion of cash, remaining studies could be fast tracked, with SWFWMD providing their funding later, along with their annual funding plans.

 Ms. Coryea explained stormwater projects are in the CIP, and they can be separated out.

Discussion ensued regarding stormwater plans based on Districts.

 Mr. Butzow responded that the level of service for maintenance can be provided for problem areas and can be reviewed. Unfortunately these projects take time to show a net change.

 Tony Russo, Deputy Director, Field Operation Services, explained an ad valorem tax can be charged to a particular district for a project in that watershed. There are three options for paying, and the stormwater report provides that algorithm.

 Discussion ensued regarding dedicated uses for reserves, attribute a percentage of taxes to be set aside for stormwater projects, bring back for a work session, communities that already pay for stormwater stiff effect overall stormwater issues in the County, several extra fees in Sarasota County, and no one should be exempt from paying a stormwater fees.

 Ken Piper expressed concern with having to pay an additional tax for stormwater.

 Andra Griffin requested the Comprehensive Plan be presented in an understandable manner. She opposed a stormwater fee and any new taxes.

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

 Discussion continued regarding the Board's desire to define what projects need to be complete and the costs for those projects, get funding for the studies, 21 stormwater basins, define priorities, provide a list of all the restricted and unrestricted funds, and why the funds are considered restricted, several policy decisions that are required, provide a list of areas that are prone to flooding, what is needed in the CIP to alleviate the flooding, and flooding in older parts of the County.

BC20210119DOC007

2. **PERIL OF FLOOD ACT**

Nicole Knapp, Impact Fee Administrator, used a slide presentation to define the Peril of Flood Act (POF) legislative requirements, an evaluation and appraisal report (EAR), and building blocks for the plan. She continued the slides to review efforts within the past 24 months, interactive assessment results, and the Florida Department of Environmental Protection (DEP) Florida Resilient Coastlines Grant (\$70,000) to complete the Peril of Flood elements.

Jerry Murphy, University of Florida Institute of Food and Agricultural Sciences (IFAS), used a slide presentation to review draft Ordinance 21-07, Peril of Flood Compliance Plan integration for resilience scorecard, the Post-Disaster Redevelopment Planning Initiative timeline, University of Florida audit of the plan with recommendations, fiscal impacts of increased flooding and changing conditions, Statutory requirements, redevelopment components, the POF GAP analysis, Ordinance 21-07, the Tampa Bay Estuary program, a linked scorecard, and the next steps.

 There being no public comments, Chairman Baugh closed public comment.

Discussion ensued that resiliency is how quickly our county can recuperate from devastation.

BC20210119DOC008

3. **PARKING OF VEHICLES AND RESTRICTD VEHICLES**

 John Howard, Code Enforcement Field Supervisor, used a slide presentation to address the storage or parking of vehicles in the front yard of property if it is physically impossible to park in the side or backyard. He addressed the current code, restricted vehicles, and codes in neighboring jurisdictions.

Discussion ensued regarding allowing citizens to put other vehicles in their yard, not in favor of changing laws for one person, safety issues, line of vision, vehicles in yards can decrease property values in a neighborhood, cannot support allowing vehicles in front yards, must consider the worst case scenario, disrupting quality of life, Cortez has an overlay district, property rights, work vehicles, utility trailers would be included in restricted vehicles, amend residential standards to require driveways, and can the island be compared to unincorporated County.

William Clague, Chief Assistant County Attorney, explained there is a property maintenance code.

 Discussion continued regarding zoning categories, be consistent throughout the County, update property maintenance code to require driveways in residential districts, allow parking in the front yard up to half the width of the lot, Manatee County is diverse, have staff bring back proposals, if there is no sign regarding no parking in the street, residents can park in the street.

Mr. Clague reminded the Board that direction cannot be given to staff at a work session. Houses that do not have driveways are non-conforming. The property maintenance code has to do with how you use your property.

Mr. Howard clarified there are no regulations regarding parking in grass.

Discussion ensued regarding being in favor or not changing the Comprehensive Plan.

 Andra Griffin addressed private property rights.

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

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ADJOURN

There being no further business, Chairman Baugh adjourned the meeting at 3:14 p.m.

Minutes Approved: February 9, 2021