

**MANATEE COUNTY AFFORDABLE HOUSING
ADVISORY COMMITTEE REGULAR MEETING
BRADENTON AREA CONVENTION CENTER, NORTH CENTER HALL
One Haben Boulevard
Palmetto, Florida
September 28, 2020**

Present were:

Charlie Kennedy, Chairman
Glen Gibellina, First Vice-Chairman
Frank Conorozzo, Second Vice-Chairman
Erin Bodie
Amy Farrington (entered later in the meeting)
George Kruse
Steve Rinehart
Sandra Suite

Absent was:

Vallerie Guillory

Two seats are vacant

Also present were:

Geri Lopez, Redevelopment and Economic Opportunity Director
Denise Thomas, Redevelopment and Economic Opportunity Manager
Deborah Ash, Redevelopment and Economic Opportunity
Lisa Barrett, Building and Development Services
William O'Shea, Building and Development Services
Robin Toth, Deputy Clerk, Clerk of the Circuit Court

Commissioner Misty Servia, representing District 4, was present and observing on behalf of the County Commission

AGENDA AND SIGN-IN SHEETS

HC20200928DOC004

- I.  Chairman Kennedy called the meeting of the Affordable Housing Advisory Committee (AHAC) to order at 3:06 p.m.
- II. **PLEDGE OF ALLEGIANCE/ROLL CALL**
 Chairman Kennedy led the Pledge of Allegiance.
- III. **DECLARATION OF A QUORUM**
 A quorum was declared, with Members Randall and Guillory absent.
- IV. **MINUTES FOR APPROVAL**
 A motion was made by Member Conorozzo and seconded by Member Gibellina, to approve the Minutes of July 20 and August 17, 2020. The motion carried 7-0, with Members Farrington and Guillory absent and two seats vacant.
- V. **THE PROCESSING OF APPROVALS OF DEVELOPMENT ORDERS OR PERMITS, AS DEFINED IN F.S. 163.3164(7) AND (8), FOR AFFORDABLE HOUSING PROJECTS IS EXPEDITED TO A GREATER DEGREE THAN OTHER PROJECTS - INCENTIVE (A)**
(The working document is the Revised June 2020 Affordable Housing Incentives, per Florida Statute (F.S.) 420.9076[4]).

HC20200928DOC005

 Member Rinehart suggested the language for Incentive (A) be retained.

 **Disposition:** There was no other feedback from AHAC members, and no recommended language changes were offered for Incentive (A).

 Geri Lopez, Redevelopment and Economic Opportunity Director, expounded on the expedited process for approving development orders or permits for affordable housing projects. A scope meeting is held to make sure staff gets feedback from the other departments on what the developer wants to do in an affordable housing project (transportation, infrastructure, etc.). Projects in which ten percent or more of the entire project is affordable receive the assistance of the County's Housing Rapid Response Team. The Team assists with fast-tracking the project through the necessary permitting procedures. The developer subsequently receives a rapid response certificate to proceed with the site plan process. This also triggers staff to evaluate any other incentives that would qualify and assist the developer through the process. The process was modified in accordance with House Bill 7103 (Florida's 2019 Community Planning and Growth Management Bill).

 Ms. Lopez introduced Jamie Schindewolf, Redevelopment Coordinator, who will be working with the affordable housing application process.

 Member Conorozzo requested AHAC Members be provided with a list of ongoing and upcoming affordable housing projects.

 Ms. Lopez stated the list would be assembled and distributed.

AHAC MEMBER – KENYATTA RANDALL

 Chairman Kennedy announced that Kenyatta Randall, Third Vice-Chairman, relocated out of state and is no longer a member of the AHAC. HC20200928DOC006

VI. THE RESERVATION OF INFRASTRUCTURE CAPACITY FOR HOUSING FOR VERY LOW INCOME PERSONS, LOW-INCOME PERSONS AND MODERATE INCOME PERSONS - INCENTIVE (D)

 Upon question, Ms. Lopez stated that in terms of infrastructure, staff cannot reserve capacity for any project. Staff has no knowledge on what the State's intention was for this incentive. As long as a residential project is approved, capacity can be reserved regardless of the project.

 Lisa Barrett, Planning Section Manager, spoke about a provision in the Land Development Code (LDC), addressing extension requests for a Certificate of Level of Service (CLOS).

 William O'Shea, Building and Development Services, added that to date, staff does not recall ever having to use this provision.

 Denise Thomas, Redevelopment and Economic Opportunity Manager, stated the AHAC Committee should state their position on Items V. and VI.

 Nelson Galeano, Transportation Systems Engineer, commented on concurrency as it relates to affordable housing.

Ms. Barrett added that a CLOS is for a period of three years for any project, unless a local development agreement or a larger project is involved.

Motion – Agenda Item V., Incentive (A) and Item VI., Incentive (D)

 A motion was made by Member Conorozzo, to approve Items V., Incentive (A) and VI., Incentive (D) on the agenda. The motion was seconded by Member Rinehart and carried 7-0, with Members Farrington and Guillory absent and two seats vacant.

VII. **THE ESTABLISHMENT OF A PROCESS BY WHICH LOCAL GOVERNMENT CONSIDERS, BEFORE ADOPTION, POLICIES, PROCEDURES, ORDINANCES, REGULATIONS, OR PLAN PROVISIONS THAT INCREASE THE COST OF HOUSING - INCENTIVE (I)**

 Ms. Thomas stated staff communicates with the Building and Development Services (BADS) Department on procedural changes that may affect affordable housing. REO staff is relied upon to address the impact of those changes to ensure that affordable housing is not hindered.

 Member Rinehart stated the words “the cost of housing” in Incentive (I) are not necessarily for affordable housing. Public Works continues to raise the cost of water, and the cost is exorbitant for affordable housing developers. Developers are charged \$600 per water meter when an affordable home is complete. This cost for an affordable home is unjust as compared to a home in the Lakewood Ranch area. The water meter could be installed at the beginning of the project and then the developer could be charged only for the water that is used.

 Ms. Lopez stated the water rates are set by the County Commission, and REO staff has not been a part of these discussions; however, the impact fees for affordable housing have been discussed by REO staff, because they directly impact affordable housing.

 Member Gibellina stated there should be a provision in the Livable Manatee Homeownership Incentive Program to identify a dedicated funding source to pay the utilities if the County is unwilling to waive the fee, and the added fees incorporated into a new, regular home should be waived.

 Commissioner Servia stated it needs to be understood that the rest of the tax payers pay the fee, as somebody has to pay for the water. There is always a fee associated with the product, and the money must come from some source. Maybe there could be a dedicated funding source for the potable water.

 As worded in Incentive (I), Chairman Kennedy stated the Committee should discuss the establishment of a process.

 Ms. Lopez stated that pursuant to Florida Statute 420.9076(4), the Affordable Housing Advisory Committee is required to submit a report to the local governing body that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives.

 Commissioner Servia stated the County Commission discussed increasing the stormwater requirement for capture on site. This could impact affordable housing, and perhaps increasing densities in certain areas where appropriate, should be looked at simultaneously.

The County is having a problem with retaining the appropriate amount of stormwater. Changing the requirements for more attenuation and on-site storage would result in less land to build housing. At the same time, it was suggested looking at the Comprehensive Plan category and increase density where it is appropriate along the urban corridors.

 While there is discussion regarding barriers to affordable housing, Commissioner Servia suggested that discussion on irrigation be included, and the process should require that the use of potable water for affordable housing irrigation be prohibited and another source for irrigation be found.

 Member Gibellina agreed with Commissioner Servia and also suggested that cisterns be considered. Using potable water for anything but drinking and consumption should be charged at a much higher rate (\$10/gallon).

 There was discussion regarding submitting the suggested process of water meters as part of the AHAC review, establishment of a process to eliminate an across-the-board flat fee for county services and examine fees on a tiered basis, this would be more equitable from an affordable housing standpoint or for people that are willing to build smaller units, the current process for public input on affordable housing, and citizens can present comments at a County Commission meeting.

 Ms. Lopez stated that an annual work session is held with the County Commission on affordable housing, many of the topics discussed at this meeting were previously discussed at County Commission work sessions, the public can comment on LDC changes related to affordable housing when the County Commission addresses LDC amendments, and citizens can submit comments on LDC changes through the County's website. The Manatee Chamber of Commerce also has a separate process for accepting comments to forward to the County Commission and also adds items to their legislative platform.

 Commissioner Servia suggested adding a finding to the process identified in Incentive (I). This finding could be added to the standard, recommended motion language in the staff report for every project that comes before the County Commission. The following words could be added to the motion "and that the Board makes a finding that this does not inhibit affordable housing development in Manatee County." This wording would serve as a reminder with every County Commission action that is taken, or include recommended stipulations to mitigate those challenges.

 Member Rinehart stated that another reason developers go through the PDR (Planned Residential Development) process is because specific approval can be requested. There is no ability to ask for specific approval in a general rezone. This would require a project coming forward as a PDR to get the recommended finding language suggested by Commissioner Servia.

 Chairman Kennedy questioned if the finding as stated, could be presented to the County Commission as a suggestion on projects on an as-needed basis rather than creating a broad-based change to the AHAC process.

 Member Gibellina spoke in support of this idea.

 In looking at the AHAC meeting timeline, Member Conorozzo suggested that Incentive

(B), The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing, could be discussed at the October 19 meeting.

 Member Rinehart stated he was fine with Incentive (I) as written, but would not support the idea of applying it to every project, and that it should be applied on a case-by-case basis.

Motion – Agenda Item VII., Incentive (I)

 A motion was made by Member Rinehart, to accept Item VII., Incentive (I) as it is written. The motion was seconded by Member Conorozzo and carried 7-0, with Members Farrington and Guillory absent and two seats vacant.

VIII. THE SUPPORT OF DEVELOPMENT NEAR TRANSPORTATION HUBS AND MAJOR EMPLOYMENT CENTERS AND MIXED-USE DEVELOPMENTS - Incentive (K)

 Member Kruse stated he is an advocate of Incentive (K) and emphasized the need for more density, higher height restrictions and less parking. Support is needed for development near transportation hubs, and express transportation should be examined, from Port Manatee to downtown Palmetto, Bradenton, and the Sarasota-Bradenton International Airport.

 Ms. Thomas reiterated that pursuant to Florida Statute 420.9076(4), the Affordable Housing Advisory Committee is required to submit a report to the local governing body that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives.

 Member Conorozzo stated that more incentives should be offered to developers to provide affordable housing.

 Commissioner Servia stated she did not like the way in which the word “and” was used in Incentive (K).

 Discussion occurred regarding Incentive (K) language, the intent is to review the LDC and Comprehensive Plan to make sure there are incentives to support the concept of development near transportation hubs, whether the language as submitted is sufficient or is more language required, whether to pursue this further to encourage higher density in certain areas, the breaking point in seeing affordable housing projects being built, why has there not been an increase in affordable housing projects, and should the AHAC be recommending increased height and density.

 Ms. Lopez stated that staff conducted a market analysis of the Southwest Redevelopment District to determine whether the existing zoning and densities align. Height was not a major issue, but density was an issue. Though the market has changed since the COVID-19 outbreak, there is interest from affordable housing developers; however challenges continue to be experienced.

 Member Kruse summarized the need to continually offer incentives to developers to provide affordable housing, in order to retain the work force in Manatee County.

 Member Gibellina asked staff to focus on the small square footage of Hunter’s Point development.

 Ms. Lopez stated one of the topics scheduled for the October meeting is Impact Fees. Impact Fee staff plans to attend the October meeting to discuss the Impact Fee Study currently underway, right sizing the fees (discussed by the previous AHAC Committee), and water fees.

 Nelson Galeano, Transportation Systems Engineer, commented on making corridors more accessible.

(Enter Member Farrington)

Chairman Kennedy suggested adding the language by Member Kruse to Incentive (K).

 Member Kruse suggested increasing density, height, and reducing parking ratios.

Motion – Agenda Item VIII., Incentive (K)

 A motion was made by Member Conorozzo, to approve Item VIII., Incentive (K). The motion was seconded by Member Rinehart and carried 8-0, with Member Guillory absent and two seats vacant.

OCTOBER MEETING – REQUEST FOR COUNTY ATTORNEY PRESENCE

 Member Gibellina asked for the Committee to request Mitchell O. Palmer, County Attorney, attend the next AHAC meeting, to address the Sunshine Law, specifically concerning the process of communicating between members and the exchange of emails.

 A motion was made by Member Gibellina, that Mr. Palmer, or one of his staff, attend the next AHAC meeting, to explain the Sunshine Law.

 Commissioner Servia suggested AHAC members attend the Annual Local Government Law Seminar via ZOOM by the County Attorney’s office, on Wednesday, September 30, 8:30 a.m. to 12:30 p.m.

 Ms. Lopez commented on the policy of communicating between members and the exchange of emails.

 Commissioner Servia stated she forwarded a request to the County Attorney to invite AHAC members to attend the Seminar.

Commissioner Servia suggested adding the words “or a member of his staff” to the motion.

 Member Gibellina restated his motion with the suggested language by Commissioner Servia. The motion was seconded by Member Conorozzo.

 Inasmuch as the County Attorney is employed by the County Commission, Commissioner Servia further suggested Member Gibellina phrase the motion to ask the County Commission to have a representative from the County Attorney’s office attend the next AHAC meeting.

 A motion was restated by Member Gibellina, to request that the Manatee County Board of County Commissioners send Mr. Palmer, or a member of his staff, to the AHAC meeting on

October 19. The motion was seconded by Member Conorozzo and carried 8-0, with Member Guillory absent and two seats vacant.

IX. NEXT MEETING

 The next meeting is scheduled for October 19, 2020.

ACCESSORY DWELLING UNITS

 Ms. Lopez stated that as part of today's previous work session discussion, the AHAC wanted to take formal action in this meeting, to authorize the Chairman to write a letter to the County Commission forwarding the AHAC recommendations on Accessory Dwelling Units (ADUs).

 Member Gibellina stated the AHAC previously voted (7/20/20) to recommend to the County Commission the square footage of Accessory Dwelling Units (ADUs) at 750-square-foot of air conditioned space, with porches not included, as long as it meets the Florida Building Code for the floor plan layout, with no minimum bedroom requirements.

Chairman Kennedy stated Member Gibellina has asked that the Committee ask him to submit a letter to the County Commission. He worded the suggested motion for the Committee to direct the AHAC Chairman to draft a letter to the Planning Commission in support of this Committee's ADU recommendations, and that Member Gibellina will attend the October 8 Planning Commission meeting to represent the AHAC and to submit the letter into the record.

Mr. O'Shea stated the County Commission should be copied on the letter in advance of receiving the November 5 agenda materials.

 A motion was made by Member Conorozzo, to send a letter to the Planning Commission for the October 8 meeting, and to County Commissioners, forwarding the AHAC recommendation regarding ADUs for a maximum of 750 feet, to not include covered porches or covered balconies, and with no minimum bedroom requirements. The motion was seconded by Member Gibellina and carried 8-0, with Member Guillory absent and two seats vacant.

PROPOSED RECOMMENDATIONS TO CURRENT LDC, SECTION 545 – STEVE RINEHART

Ms. Lopez questioned whether the AHAC would make a recommendation today regarding Member Rinehart's suggested changes to LDC Section 545 – Housing Program, presented and discussed as the work session held prior to this meeting, or defer a recommendation to the October 19 meeting.

 Ms. Thomas stated this topic could be added to the October 19 meeting. Florida Statute (F.S.) 420.9076 outlines the general duties of the Committee to recommend specific initiatives and incentives to encourage or facilitate affordable housing as provided in F.S.420.9076 (4). Recommendations may include modification or repeal of existing policies, procedures, ordinances, regulations or plan revisions; the recreation of exceptions applicable to affordable housing; the adoption of new policies, procedures, regulations, ordinances or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. AHAC recommendations may also include other affordable housing incentives identified by the Committee and anything that creates a barrier to affordable housing.

 A motion was made by Member Conorozzo, to eliminate Paragraph 6.a., b. and c. (i. and ii.) in its entirety, and add RSF4.5-H to the schedule Table 5-6: Housing Density Bonus.

 Ms. Barrett recommended the motion reference the working document that was entered into the record by Member Rinehart during the September 28 work session (held prior to this meeting).

Member Conorozzo agreed with Ms. Barrett's recommendation.

The motion was seconded by Member Rinehart.

 Member Farrington questioned if she should vote on this motion since she was not present at the work session when Mr. Rinehart's working document was reviewed.

 Chairman Kennedy noted that three AHAC members were not present when the working document was reviewed. He indicated that he would not support the motion on the floor, and suggested action be deferred to the next meeting in order to give the other three members an opportunity to review the document and offer any comments.

Ms. Thomas reminded the Committee of the 2020 AHAC timeline and meeting dates for finalizing recommendations.

The motion failed 3-5, with Members Bodie, Farrington, Kennedy, Kruse and Suite voting nay, Member Guillory absent, and two seats absent.

Member Rinehart's working document was deferred to the October 19 meeting.

X. **MEMBER COMMENTS**

There were no Member comments.

STAFF COMMENTS

 Ms. Lopez expressed concern to the Committee there are a significant amount of topics the AHAC still needs to address and make recommendations, and the October 19 meeting is the last meeting to accomplish this. The Committee's recommendations must be finalized at the next meeting in order for staff to compile the AHAC Report to go to a public hearing on November 16. Staff also has additional items to present at the October 19 meeting. She suggested the AHAC have additional time for the October meeting.

There were no objections to hold the October 19 meeting from 2:00 p.m. to 5:00 p.m. Ms. Lopez stated the additional agenda items would be distributed to AHAC members in advance of the October 19 meeting.

PUBLIC COMMENTS

There were no public comments.

XII. **ADJOURN**

There being no further business, Chairman Kennedy adjourned the meeting at 4:40 p.m.

Minutes Approved: _____