

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
WORK SESSION  
COUNTY ADMINISTRATIVE CENTER  
1112 Manatee Avenue West  
Bradenton, Florida  
December 11, 2018**

Present were:

Priscilla Whisenant Trace, Chairman  
Carol Whitmore, Second Vice-Chairman  
Vanessa Baugh  
Reggie Bellamy  
Betsy Benac  
Stephen R. Jonsson  
Misty Servia

Also present were:

Dan Schlandt, Deputy County Administrator  
Bill Clague, Assistant County Attorney  
Vicki Tessmer, Supervisor, Clerk of the Circuit Court  
Amy Beck, Clerk I, Clerk of the Circuit Court

Chairman Trace called the work session to order at 9:00 a.m.

**AGENDA**

BC20181211DOC001

1. **STORMWATER 101**

 Chad Butzow, Public Works Interim Director, used a slide presentation to display an interactive map demonstrating County growth from 1984-2017. A Utility Stormwater ordinance was established in 1991 without designating a funding source. In October 2017, the Board requested Public Works staff to investigate the elements for a stormwater fee. The two elements of stormwater are Quantity and Quality. Quantity is drainage related assets that channel stormwater to the Gulf of Mexico, and quality is assuring surface and ground waters meet State and Federal standards. The Stormwater system consists of streams, canals, ponds, roadside ditches, pipes, and inlets. Rural stormwater and sewer facilities use septic as a drainage system.

Discussion ensued if pose an issue to the environment.

Charlie Hunsicker, Parks and Natural Resources Director, responded the County is the first to attempt to add septic to the County systems in comparison to other counties such as Sarasota.

Discussion continued if the stormwater draining to the Gulf of Mexico or bays is untreated, and if subdivision stormwater is directly discharged from older neighborhoods.

Mr. Butzow continued the presentation that pre-1985, stormwater would drain to creeks, rivers or bays. Post-1985, stormwater drains into ponds, outfalls to creeks and then flows to rivers or bays.

Discussion ensued about the Community Development Districts (CDD), pipes are in place for stormwater treatment, algae treatment options, what various laws exist regarding treatment, and responsibilities for ponds in private developments.

Mr. Hunsicker stated that treatment plants are required to treat stormwater runoff, and

construction methods are set to meet standards in the Land Development Code (LDC). In private neighborhoods, Home Owners Associations (HOA) are responsible for vegetative maintenance of ponds.

Discussion ensued regarding Manatee County being stricter than surrounding counties, and minimum requirements are reflected in our Code.

Mr. Butzow continued the slides and displayed a map of the County's stormwater system which maintains 181 miles of canals, 503 miles of storm pipes, 655 miles of roadside ditches, 758 acres of stormwater ponds and 14,700 stormwater inlets. The County is not responsible for city or private development. Inlets do not contain blocking mechanisms which allows trash buildup in pipe lines. Pond maintenance is mainly vegetative control using aquatic-approved chemical treatments. The County has existing levels of service for Stormwater system cleanup.

Discussion ensued if pipe participation programs created less maintenance for the County, size of pipe installation, and the County's responsibilities for a pond in private locations.

Sia Mollanazar, Engineering Services Deputy Director, stated subdivision and roadway projects for County facilities follow State guidelines for stormwater drainage. The County is responsible for the public infrastructure of a pond in a residential area, but the remainder of the maintenance is completed by the HOA.

Mr. Butzow stated that standalone ponds on road ways are important. Residential areas have incorporated standalone ponds into their development which eased the burden off the County.

Discussion ensued regarding upkeep for various systems, issues created by storms, red tide, and how to fund the additional maintenance.

Dan Schlandt, Deputy County Administrator, clarified that Solid Waste is part of the County's Utility System that funds stormwater maintenance. A stormwater fee needs to be assessed to push the current operations from upkeep to proactive maintenance.

Discussion ensued that previous Boards repetitively denied funding for stormwater, and what is the definition of a pond versus a lake.

Tom Gerstenberger, Stormwater Engineering Manager, answered that lakes are not man-made and are associated with a natural system while a pond is excavated for a stormwater system.

Discussion continued regarding if there is a utility tools shortage for stormwater maintenance, how do we compare to other Counties, stormwater methods for developments built prior to 1985, how cleaning and treatment of ponds have shifted to cleaning only, if a storm fee could help with additional treatments of ponds, and differences in levels of service.

Mr. Butzow stated that the storm fee may have a level of service incorporated for maintenance in private land. There are questions as to who should fund the maintenance of pond systems that are in the center of major canals.

Discussion continued regarding the history of older lakes and how they were used for stormwater drainage, existing levels of service, several Public Works requests for more stormwater maintenance employees, issues with older and newer developments, and

hurricanes create a severe problem with canal cleaning.

Mr. Butzow stated the county had sizable storm damage from the 2016-2017 hurricane season, and the crews efforts have been on repairs. The current problem with a limited crew creates a lack of resources to concentrate on proactive maintenance or cleaning.

Mr. Gerstenberger stated the levels of service numbers will increase due to development within the county.

Discussion ensued about new communities stormwater runoff passing through older communities, good canal maintenance completed during October-May due to the rainy season, channels can be dredged with the stormwater fee, and how to identify level of impact in older flood prone areas.

Bill Clague, Assistant County Attorney, stated the county's responsibilities are limited by funding resources. The County's focus should be on draining stormwater to appropriate areas.

Discussion continued regarding funding sources from grants or fees, how to improve older areas, improving water quality, possible partnership for improvements with public and private landowners, and how to handle areas without HOAs.

BC20181211DOC002

**RECESS/RECONVENE:** 10:15 a.m. - 10:26 a.m. All Commissioners were present.

 Mr. Hunsicker continued the slides to display the County's existing water quality program. The goal is to guarantee stormwater runoff does not affect the Gulf of Mexico. Water quality is focused on public health, supply, and the habitat for aquatic flora. The introduction of the Clean Water Act in 1972 placed focus on clean water and reducing pollution as industrialization grew. The County incorporated handling consumption, quality, and treatment of the water, and required developers to meet Federal and State guidelines prior to being granted a permit. Natural systems provide water quality protection in addition to engineered pipes and conveyances. Federal and State permits set pollution limits that assess penalties for noncompliance. The County could reduce pollutant sources, introduce fertilizer ordinances, provide public education, and continue ongoing water quality monitoring. Dedication of more area for wetland conservation, land preservation and prioritization using watershed master planning will increase water quality. Current basin management studies at Mill Creek, Bowles Creek, and Pearce Drain where conducted to discover which direction and location the water flows. Basins are evaluated for water quality values and the need to create a management plan for identified problems within those basins. The State will fund half of the management programs, and the County should create a matching funding source. Safety nets are needed to protect water quality. Education and volunteer programs impact human activity on the watershed, restore wetlands, allow for research, and help monitor and clean the waterways.

Mr. Clague stated the County is the first action response to a polluted area. The State can halt development in the County for noncompliance in water quality. Funding for additional staff may be necessary to meet the State's requirements.

Mr. Butzow reviewed what actions are taken in the current stormwater program; efforts are for maintenance, and not appearance. The stormwater program includes maintaining drainage infrastructure and conservation lands in existing areas. No structures are in place to improve current projects or upkeep the natural areas of canals. If the County implements a

fee, criteria can then be established for a desired service level for residential and commercial properties.

Robert Brown, Environmental Protection Manager, stated that current monitored systems lack standard guidelines. Statistical information for decision making requires 30 points of data spanning a time frame. The State requires water quality data to survey what areas are not meeting the set criteria.

Mr. Hunsicker stated the County monitors water samples to gage if the environment is healthy in comparison to surrounding areas.

Mr. Gerstenburger stated the County has set higher quality standards for runoff and stormwater treatment than what is required by the State. The County identified flood prone areas to reduce unnecessary runoff.

Discussion ensued if ocean tides affect older water ways, the responsibilities of the County, and if a stormwater fee was introduced to the Board after the 1991 Ordinance.

Mr. Mollanazar responded that Public Works made several attempts to introduce a stormwater fee for implementation, but each attempt was denied by the Board. In response to questions, he stated a study was conducted to discover the flow and direction of the water. With funding in place, the goal is to upgrade or expand watersheds that would reduce the level of service in flood prone areas in the future.

Discussion continued regarding the intensity of the red tide issue, previous staff increase request from Public Works, keeping County's responsibilities, City permits, and ownership of river pollution.

Mr. Brown stated that the County and City are obligated to correct over-pollutants to meet the permit criteria. Cities conduct maintenance, but the County is the ultimate permit holder and is required to identify problems and coordinate solutions.

Discussion ensued about implementation of previous studies within the County, funding issues from Southwest Florida Water Management District (SWFWMD), lack of money for improvements, naturalizing water drainage, and current crisis of the County's water quality and quantity.

Mr. Hunsicker stated the County was behind on receiving State funding, because the State only dedicated subsidies to agencies that had additional designated funding sources other than tax dollars for stormwater systems.

Discussion resumed on following State standards, what is considered impaired, and how other counties address impaired waterbodies.

Mr. Brown stated waterbody impairments can be caused by chemicals, oxygen, and other nutrients. The measurement threshold is based on how many pollutants the waterbody can handle before being considered nonviable.

Glen Gibellina, Community Activist, stated every resident should take personal accountability and recommended educating homeowners. It would be beneficial if gated communities would use the stormwater from their ponds for irrigation.

Sally McDonald stated her sea wall does not prevent flooding from high tide or intense storms, and the flooding causes mud and debris that destroys the roads. She is concerned about the lack of wildlife at her dock due to red tide and discussed ways to conserve water.

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

Discussion ensued regarding private developments should not use rainwater from ponds for landscaping.

Mr. Gerstenburger clarified the reclaimed water system use is preferred for irrigation, and gated communities are required to use reclaimed water. BC20181211DOC002

**RECESS/RECONVENE:** 11:56 a.m. -1:31 p.m. All Commissioners were present except Commissioner Baugh.

4. **ADA ACCESSIBILITY DIGITAL COMMUNICATIONS PILOT PROGRAM**

Nick Azzara, Information Outreach Coordinator, used slides to illustrate the Americans with Disabilities Act (ADA) Accessibility guidelines in relation to County facilities. The new Federal standards are called Web Content Accessibility Guidelines (WCAG) 2.0, which gives the visually impaired free access to websites information. The County plans to bring the website into compliance with the WCAG by August 2019.

 Rachel Taft, Digital Content Coordinator, stated online documents are referred to as Printable Document Format (PDF). Scanned PDFs are uploaded to the County's Website. Current efforts include tracking all uploaded and scanned images, correcting the top most downloaded PDFs and provide new templates to staff on the INet. Pilot Program Components include training, digital tools, audit, remediation and captioning.

 Discussion ensued regarding projected completion date, and if a required target date set by law exists.

 Katharine Zamboni, Assistant County Attorney, stated the County was not in compliance and was sued, and per the Fee and Negotiation of the lawsuit, August 2019 is the set date for the County to become complaint with the WCAG Aact. The County has entered a private contract that mandates the compliance target date.

 Discussion continued regarding the County being in compliance for other disabilities and what other options are available, and set requirements for Vendor applications are submitted in compliance format.

 Mrs. Zamboni explained the expectation is that Citizens can have access and understand the published information already provided on the website. If an individual submits a public records request, the County can then inquire as to what format the requested needs the information.

There being no public comment, Chairman Trace closed public comment BC20181211DOC003

2. **ACCESSORY DWELLING UNITS**

 Lisa Barrett, Planning Manager, introduced Krysten French and Josh Dan, both new Planners to Building and Development Services.

 Josh Dan, Planner, used slides to review the unaffordability of houses in the County. The County is addressing the issue by possibly adopting an Accessory Dwelling Unit (ADU) Ordinance to add to the Land Development Code (LDC). ADUs can be integrated to an existing house or be an individual housing unit. ADUs are set up behind a main structure or above a garage. Staff obtained Ordinance examples from other local jurisdictions and advice on implementation. ADU size is capped at 80 percent of principle residence size or 1,000 square feet. Size reduction requirements limit rental costs making them rent affordable. ADUs could be placed in A, A-1, Village, and RSF zoning districts which eliminates a lengthy review process. ADUs will not be permitted for short-term rentals, ensuring that new ADUs contribute to the affordable housing stock. To address parking, the ordinance would require one parking spot or create parking requirements when problems arise. The Board may consider ADUs to be implemented County-wide or focus on urbanized areas. Staff recommends holding a public hearing and formalizing a draft ordinance.

Krysten French, Planner, stated that ADUs will become popular when areas become more expensive. ADU bulk research has come from the West Coast, where over regulation made ADUs too expensive to be considered affordable. Staff recommends considering looser restrictions to keep ADUs affordable.

Discussion ensued on ADUs popularity compared to guest houses, how to prevent over occupancy of ADUs, parking issues related to high occupancy of homes, anticipate potential problems, impact fees for existing ADUs, if inventory analysis has been conducted within the County, setback requirements, front yard placements, prioritizing neighbors privacy, and if there is an LDC section regarding short-term rentals.

John Osbourne, Infrastructure Strategic Plan Official, stated that impact fees may occur if the ADU is an add-on to the home, because impact fees are based off home size. Additional square footage may push a house into a higher impact fee category.

Discussion continued on regulating ADUs as rentals, consideration of ADUs to be County wide to include rural areas, requirements for owners to live on premises, and how to protect the characteristics of older neighborhoods.

Steve Ryan, Manasota Housing Coalition, stated the Housing Coalition attempted the ADU approach, but it was too complex due to zoning, and that density is a requirement to make ADUs work within the County.

Glen Gibellina, Community Activist, stated ADUs should be county-wide, and addressed shipping containers as housing to assist homeless students and veterans.

Sally McDonald, Community Activist, expressed concern regarding homeless students and the lack of affordable housing, impact fees, and shipping container housing for homeless students.

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

Discussion continued regarding ADUs should be allowed with any single-family housing unit, include protecting existing residents from eyesores, benefits of ADUs, ADUs should be placed behind structures, and privacy issues for residents in urban areas. BC20181211DOC004

**RECESS/RECONVENE:** 2:55 p.m. 3:07.m. All Commissioners were present.

3. **PERSONAL WIRELESS SERVICES FACILITIES/COUNTY PROPERTY**

Joy Leggett Murphy, Division Manager, Property Acquisition, used a slide presentation to present information on Personal Wireless Services Facilities (PWSF) on County Property and the considered Premier Sports location.

Robert Wenzel, Planning Section Manager, asked the Board to provide clarification on the motion from August 23, 2018 regarding different types of towers and the public hearing process.

Discussion ensued regarding if Public Safety Communication towers should follow the same permitting process as a PWSFs, amending the motion to clear the code for towers, various towers are approved Administratively, if towers can be processed through a planned development or the public hearing process, requirements for PWSF in rural east County, and PWSF towers are a commercial enterprise for rent or lease.

Bill Clague, Assistant County Attorney, stated PWSF towers follow federal and State Statues for wireless communication and those requirements should not apply to Public Safety Communication towers. Statues were tailored for private businesses and to eliminate local Government being overwhelmed with PWSF applications.

Sarah Schenk, Assistant County Attorney, stated the Board can draft a resolution for all Public Safety Communication towers.

Discussion ensued regarding the impact towers have on surrounding neighborhoods, public hearings are important due to information provided to citizens, places considered for future tower placements, Sarasota held public hearings regarding the P25 towers, and adding standards to a process for Public Safety Communication Towers.

Mrs. Schenk stated the Board can hold public hearing to obtain and provide information to citizens and a general standard can be considered for permitting processes.

Discussion continued about the differences between PWSF towers and Public Safety Communication towers, and if public safety communication towers should be placed where needed and not zoned.

Mrs. Schenk clarified that ordinances define Public Safety Communication towers, but the Code exempts them from PWSF requirements.

Discussion continued regarding the obligation to provide information to the community, priority is public safety, what the Board can legally accomplish, and transparency with the public on the PWSF tower process regarding placement.

Mr. Clague clarified the Code requiring a public meeting differs from voluntarily having one. The problem with the previous P-25 incident was a project management and public communication issue, not the Code.

Cheri Coryea, Deputy County Administrator, stated having public meetings could help to avoid mishaps based off the previous project.

Discussion continued regarding considering the citizens in surrounding areas prior to development, and to create criteria to apply to projects.

Mr. Wenzel reviewed the motion that Staff is to place future towers in areas not located within a certain proximity to schools. Per the Federal Communications Commission, towers could constitute a health issue for Schools and Residential areas. The School Board's position is not clear regarding tower placements.

Mr. Clague, stated the timing of public discussions is important and the County had already entered into contracts prior to holding hearings. The County Attorney's Office is attempting to place a public hearing time schedule in the code currently being developed.

Mrs. Leggett Murphy addressed the policy question if the Board wishes to place PWSF towers on County property. To place a private tower on County property, the Board would need to review the area for suitability, zoning, restrictions, consider sale versus lease, and to designate the property as surplus for a Bid Sale or Competitive Negotiation for the Premier Sports location.

Discussion continued on being against getting involved with PWSF towers, County is unaware of the needs for PWSF, private sector should handle the opportunity, and surplus the land for private purchase.

Glen Giblemma, stated public input should be considered for any future towers.

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

BC20181211DOC005

**ADJOURN**

There being no further business, Chairman Trace adjourned the work session at 3:55 p.m.

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