

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
WORK SESSION  
COUNTY ADMINISTRATIVE CENTER  
1112 Manatee Avenue West  
Bradenton, Florida  
January 30, 2018**

Present were:

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

Also present were:

Ed Hunzeker, County Administrator  
Dan Schlandt, Deputy County Administrator  
Cheri Coryea, Deputy County Administrator  
Mitchell O. Palmer, County Attorney  
William Clague, Assistant County Attorney  
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court

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

**AGENDA**

BC20180130DOC001

**1. STORMWATER FACILITY FEES**

 Ed Hunzeker, County Administrator, introduced Sia Mollanazar, Deputy Director Engineering Services.

 Mr. Mollanazar introduced presenters from the HDR Group: Teri Holcomb, Melanie Fowler, Daniel Suarez, and Henry Thomas, Public Resources Management Group.

 Teri Holcomb, HDR Group, began a slide presentation to provide an overview of the Stormwater Utility Rate study.

 Melanie Fowler, HDR, continued the slides and reviewed the benefits of setting up a Stormwater Utility Fee (Utility). The Utility would create dedicated revenue, help with regulatory compliance, water quality, help with flood control, and repairing aging infrastructure. The County could set the fee up as an enterprise fund or a tax assessment. Keys to a successful Utility include demonstrating that is important to show that projects will be started in a reasonable time and having an equitable distribution of fees. It is important to determine a level of service and creating a proactive program to protect the community's natural resources. Service fees are normally based on impervious are or equivalent residential units, where single family homes would be paying one rate and other uses would pay equivalent rates. Multi-family, commercial and industrial lots create more runoff then a single family home. Other considerations would be who is responsible for collecting the fees, what can be done for non-payment, and credits and exemptions for actions that help avoid costs to the utility. Any exemptions have to be subsidized by other payers.

 Ms. Holcomb continued the slides and discussed the next steps including accessing the County's stormwater GIS data, current stormwater programs, estimating operation and maintenance for repair and replacement budgets and a capital funding program. HDK would meet with the County to review stormwater needs and funding sources. Rate alternatives will be provided in the final Stormwater Utility Report. There should be workshops for public input, and the process could take a year.

 Chairman Trace submitted photos of property off S.R. 62 depicting flooding in the area. Fees should go into the mapping to see where the water goes in the watershed.

 Discussion ensued regarding meandering creeks, all municipalities in Manatee County have stormwater utility fees, historical background and growth in the County, evaluation of best practices in other areas, sea level rise, concerns with equity, Tampa Bay Area Regional Planning Council, recent flooding events, identify areas that are problematic, prototype with just certain areas that are prone to flooding, cannot control every flood, rural areas have flooding problems, anticipated cost, Wares Creek, avoid development in areas that are prone to flooding, direct water to the river, fees must be County wide, maintain ditches, drainage districts in the past, Federal Emergency Management Agency (FEMA) maps can be behind, and should not be relied upon, minimum flows and levels of the rivers, are there better standards, determine if Southwest Florida Water Management District (SWFWMD) standards are the best, flooding in Myakka, make this a priority, water basin maps, responsibility to maintain the creeks and canals once land is tilled, and review the need for additional staff in Public Works to keep up with the maintenance of drainage facilities.

 Mr. Hunzeker stated the Stormwater Ordinance will be provided to the Board.

 Discussion continued about law suits being filed regarding the flooding, and water is going to flow to the river.

 Mr. Mollanazar stated Ordinance 91-25 is incorporated into the study and mapping is currently being done for certain areas. Stormwater facility fees can be used to fund further mapping and would provide a dedicated fund.

 William Clague, Assistant County Attorney, noted the Board should decide where the service area would be for a Utility Fee. There is no requirement for covering the entire County. Historically, Manatee County has not maintained stormwater facilities east of the development line in Manatee County. The Florida Department of Environmental Protection (DEP) has been encouraging the County to take care of those areas. Special assessments can be established for certain basin areas, but there are restrictions.

 Robert Brown, Environmental Protection Division Manager, addressed the Sarasota Estuary Program's work with Phillippi Creek. Fish habitats are being found further up in the estuary systems with specific habitats for certain species. Stormwater is flood control, and the County is responsible for the water going into the systems. Treatment must occur inland by using natural and manmade systems.

 Mr. Clague noted outfalls are regulated under the National Pollutant Discharge System, and water treatment must not violate the Clean Water Act.

 Discussion continued regarding the need for dredging in the Ellenton area and low canals, and the County may have to acquire property to protect against flooding.

Ms. Holcomb stated a menu of fees would be provided and what would be included in each fee.

 Discussion ensued regarding the necessity to have a Countywide fee, incorporate how other entities are funding Stormwater Utility Fees, average cost of fees, the effects to renters and landlords, cannot dredge jurisdictional areas, modern stormwater systems are to trap the sediment and control the rate of runoff, design to a storm event, and the consultants will be presenting to the Board again.

Lori Galle stated homeowners need to take responsibility for the drainage areas around their property by not putting debris in the system. Ditches are not to be used for yard debris, and Homeowners' Associations must maintain the stormwater ponds in their subdivisions.

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

 Discussion ensued regarding Manatee County ditches not being cleared, littering, and protecting the citizens.

Mr. Mollanazar stated the scope of work has been done for the study, and the execution of the work assignment will be done internally. Once all the findings are established, the group will present before the Board again.

 Further discussion took place regarding what goals are to be met with the stormwater fee, and figures are needed from Public Works for additional staff. BC20180130DOC002

**RECESS/RECONVENE:** 10:27 a.m. – 1:30 p.m. All Commissioners were present.

**2. SIGN ORDINANCE**

 John Barnott, Building and Development Services Director, explained this discussion is not addressing the new sign ordinance, which will be presented in March, but to address political signs. There is a section in the Land Development Code (LDC) entitled Prohibited Signs. Signs within any public rights-of-way are prohibited. He used a slide presentation to display various photographs of political signs at public facilities.

 Discussion ensued regarding the Code prohibiting the signs, and Florida Statute addresses a distance of 100 feet from the entrance of a polling facility.

 Sarah Schenk, Assistant County Attorney, addressed the First Amendment, and that the term "Public Lands" is not defined by the LDC. The Board can make a decision regarding signs around polling locations.

 Discussion ensued regarding political parties against a prohibition on political signs at polling places.

 Mitchell O. Palmer, County Attorney, stated if the Board wants to prohibit signage in a content neutral way, there should be an amendment to the LDC.

 Ms. Schenk clarified that only public property is being addressed today.

 Mr. Palmer stated since the LDC does not define “public property”, it is preferable to have it defined.

 Sarah Schenk stated off site advertisement signs are governed by a different section of the LDC and cautioned the Board to avoid hypothetical questions.

 Discussion ensued regarding the enforcement of political signs on public property, Statute regulates the timing of when political signs can be put up, cities have regulations regarding the limited time signs can be displayed, time limitations can be put in the ordinance regarding temporary signs, special permit required for more than 50 people gathering, and not regulating all polling places but just public property.

 Mr. Barnott responded to questions and stated that signs in rights-of-way will be removed.

 Discussion continued that any candidate can erect a sign up they want, Code Enforcement contacts violators, political signs could fall under temporary signs, and possible limits on the number of signs allowed at a polling place.

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

 Mr. Barnott stated the sign ordinance will be addressed at the March 13th work session.

 Sarah Schenk outlined the timeline for Comprehensive Plan and LDC amendments.

 Mr. Barnott encouraged Commissioners to submit comments regarding the special events ordinance, which will also be addressed at the work session.

Discussion ensued regarding issuing a permit on the same day the application is submitted for certain events.

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**ADJOURN**

There being no further business, Chairman Trace adjourned the meeting at 2:10 p.m.

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