MANATEE COUNTY AFFORDABLE HOUSING ADVISORY COMMITTEE REGULAR MEETING
BRADENTON AREA CONVENTION CENTER, NORTH CENTER HALL
One Haben Boulevard
Palmetto, Florida
November 16, 2020

Present were:
Charlie Kennedy, Chairman
Glen Gibellina, First Vice-Chairman
Frank Conorozzo, Second Vice-Chairman
Amy Farrington
Vallerie Guillory
George Kruse
Steve Rinehart (entered during the meeting)

Absent were:
Erin Bodie
Sandra Suite

Two seats are vacant

Also present were:
Denise Thomas, Redevelopment and Economic Opportunity Manager
Deborah Ash, Redevelopment and Economic Opportunity
William O'Shea, Building and Development Services
Robin Toth, Deputy Clerk, Clerk of the Circuit Court

County Commissioner Misty Servia, representing District 4, entered later in the meeting.

REVISED AGENDA

I. CALL TO ORDER
Chairman Kennedy called the meeting of the Affordable Housing Advisory Committee (AHAC) to order at 3:01 p.m.

II. PLEDGE OF ALLEGIANCE
Chairman Kennedy led the Pledge of Allegiance.

III. ROLL CALL
Chairman Kennedy conducted the Roll Call.

IV. DECLARATION OF A QUORUM
A quorum was declared with Members Bodie, Rinehart and Suite absent.

V. APPROVAL OF MINUTES
A motion was by Member Kruse, to approve the work session minutes of September 28, 2020. The motion was seconded by Member Gibellina and carried 6-0, with Members Bodie, Rinehart and Suite absent, and two seats vacant.

VI. GENERAL PUBLIC COMMENTS
There being no public comment, Chairman Kennedy closed public comment.

VII. DRAFT 2020 INCENTIVE REVIEW AND RECOMMENDATION REPORT
A duly advertised public hearing was held for review, consideration and approval of the Affordable Housing Advisory Committee Draft 2020 Incentive Review and Recommendation Report.

Denise Thomas, Redevelopment and Economic Opportunity Manager, stated the Committee’s comments and recommendations for Affordable Housing Incentives (a)-(k) per Florida Statute 420.9076(4), have been incorporated into the 2020 Draft Report. Following AHAC approval, the Draft Report with AHAC recommendations will be presented for acceptance by the Manatee County Board of County Commissioners on December 15, 2020.

Deborah Ash, Redevelopment and Economic Opportunity, read AHAC recommendations into the record on Incentives (a)-(k) in the Draft Report, including two Other AHAC Considerations under Incentive L., as follows (Pages 5-6 of the Report):

a. Continue funding support for the Livable Manatee Incentive Program for payment of impact fees for affordable housing projects, and
b. Establish a policy of the Board to prioritize funding from the Tree Protection Trust Fund for affordable housing projects.

Additional Incentive B.(3)

Geri Lopez, Redevelopment and Economic Opportunity Director, stated that at the previous AHAC meeting (10/19/20), John Barnott, Building and Development Services Director, offered the following, additional recommended Incentive to be included in the Draft Report as Incentive B.(3), but a motion was never made. Staff requested the Committee make a motion to add the following, additional Incentive B.(3) to the Draft 2020 Report:

Incentive B.(3): “Allow the Building and Development Department (BADS) to bill a certified affordable housing project planning and building fees without collecting them. Once the project is complete and they remain certified as an affordable housing development, BADS will apply a journal entry to credit the fees rather than collect and refund those fees up front. If the project does not meet affordable standards, the fees must be paid prior to final site plan approval, or before the first inspection for construction.”

Ms. Lopez requested the Committee use staff’s recommended Motions 1 and 2 (per 11/16/20 email) to take action on the Report.

Recommended Motion 1 – Incentive B.(3)

A motion was made by Member Conorozzo and seconded by Member Guillorey to include the additional language for Incentive B.(3) in the Draft Report, as recommended by staff.

Ms. Thomas stated the action on each of the Incentives (a)-(k) is the same and that separate motions for each Incentive was not necessary. One motion to accept the Affordable Housing Advisory Committee Draft 2020 Incentive Review and Recommendation Report as presented, would approve all of the Incentives (a)-(k).

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

The motion to add Incentive B.(3) carried 7-0, with Members Bodie and Suite absent and two seats vacant.

Ms. Ash continued to read AHAC recommendations into the record on Incentives (a)-(k) in
the 2020 Incentive Review and Recommendation Report.

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

(Enter Commissioner Servia)

Recommended Motion 2

A motion was made by Member Conorozzo, to approve the County of Manatee Affordable Housing Advisory Committee 2020 Incentive Review and Recommendation Report as outlined with no changes or comments, for submission to the Board of County Commissioners. The motion was seconded by Member Rinehart.

Member Gibellina stated he understood that the language in the Review Synopsis for Incentive E., “Florida State Statutes 163.31771 encourages the permitting of accessory dwelling units in the single family residential areas to provide affordable rentals/housing for the extremely low, very low, low- and moderate-income persons” was removed during a previous AHAC meeting due to the associated paperwork involved. He requested clarification.

William O'Shea, Building and Development Services, explained this wording is from Florida Statute and not in the County’s Accessory Dwelling Unit (ADU) Ordinance, and is not being proposed in the Land Development Code under ADUs. The County Commission opted not to regulate them, so there is no language in the ADU Ordinance to regulate them as true affordable units.

Member Gibellina also stated that, at the previous meeting, the minimum square footage home was also removed, and theoretically, a 150-square-foot house could be built. He recommended that, as long as the building meets the setbacks on the size house being built, that the house should be allowed. He referred to Table 5-7: Schedule of Bulk and Dimensional Standards for Single-Family Residential Districts (Page 3 of the Draft Report), stating there should be flexibility on infill lots in order to make the best use of them, and a set minimum lot width of 35 feet would hurt vacant available lots.

Mr. O'Shea stated a development lot size below the 3,500 square-foot minimum threshold would need to go Planned Development in order to get the minimum lot size reduction. Should the Board chose to go in that direction, a distinction between lots for affordable housing and lots for standard housing would be necessary and written very specifically to address affordable housing stock and not necessarily any lot of record that is nonconforming at this time.

Member Conorozzo noted that this topic was discussed in detail in the July 20 meeting.

Ms. Lopez stated this topic deals with densities and additional bonus densities and not necessarily with infill lots. She recommended this be deferred for the second phase and look at infill lots separately.

Member Rinehart stated he previously dealt with non-conforming lots and it is something that needs to be addressed. The intent of Table 5-7 was strictly for new home development.
As to Member Rinehart’s recommendation to reduce the front-yard setback to 23.5 feet, Mr. O’Shea stated Member Rinehart may want to be specific as to front-loading garages, because in the standard RSF-4.5, RSF-6 and RSF-9 zoning districts, the standard front-yard setback is 25/25/25, but could be reduced to 23.5 feet for a front-loaded garage and to have flexibility for consistency with what is already there. There currently is no change; however, if staff works on Code Amendments to allow that kind of flexibility, this could be addressed now, but it is actually more restrictive than what was intended.

Upon question by Member Rinehart, Mr. O’Shea stated the wording “minimum setback on a front-loaded garage” could be added to Table 5-7.

Inasmuch as Member Conorozzo’s motion is to approve the Report as outlined with no changes or comments, the motion should be amended if changes were made to the Report.

Commissioner Servia stated the front setbacks in Table 5-7 are reduced to 23.5 square feet but are largely based on right-of-way design. The goal is to keep vehicles from encroaching onto the sidewalk.

Member Rinehart explained why he would not make roads private in an affordable housing community and indicated that he wanted to change the existing wording.

Ms. Lopez stated the AHAC could continue discussion in future meetings on the objectives and strategies of tiny home villages, but not necessarily include it in this Report.

Member Rinehart presented requested wording and changes to Table 5-7 of the Report, under the minimum front setback line in the first column.

Commissioner Servia suggested inserting an asterisk next to the minimum front setback in the first column of Table 5-7 for RSF-4.5/H, RSF-6H and RSF-9/H, with corresponding asterisks and notes at the bottom of the chart explaining the recommended changes to the setbacks.

Member Rinehart also suggested the language in the columns be amended to add the words, “minimum front setback for front-loaded garages.”

Mr. O’Shea read additional language to be added as written in the current bulk and dimensional standards table as Footnote 5 under Table 5-7 “Front loaded carports and garages, detached or attached to a single-family dwelling unit, require a 25-foot-front yard setback”, and showing the reduced numbers in the event that they can be mitigated in a different way.

Motion – Amendment

A motion was made by Member Rinehart, to amend Table 5-7 (of the AHAC Draft 2020 Incentive Review and Recommendation Report) to include the additional description on front setbacks. The motion was seconded by Member Guillory and carried 7-0, with Members Bodie and Suite absent and two seats vacant.

Member Gibellina addressed Incentive L. Other Considerations, Paragraph a., noting that other counties defer the payment of impact fees and that this is something worth looking
into. He stated the money that is spent by the Livable Manatee incentive program for payment of impact fees for affordable housing projects should stay in a funding pot for either down payment or some other avenues. He questioned the amount of impact fees compared to the 10-20,000 housing permits and the amount of impact fees that were paid in 2019 for affordable housing.

Ms. Lopez stated the issue with impact fees is the legal interpretation. The County Attorney’s office has advised that the impact fees cannot be waived and must be paid.

Ms. Thomas stated that for the first time, Manatee County has had developers come forward to compete for state dollars to provide affordable rental units.

Commissioner Servia stated she would weigh in not as a County Commissioner, but as a former Planner to say that, in order to protect the integrity of any impact fee ordinance by Manatee County, everybody pays the same impact fee. Waiving impact fees would result in unintended consequences that would not be good for Manatee County. She suggested the County Attorney’s office weigh in on the subject of waiving impact fees versus the deferral of impact fees.

Chairman Kennedy stated this was a good topic for the AHAC to begin discussion in 2021.

Vote – Recommended Motion 2
The motion as amended, carried 7-0, with Members Bodie and Suite absent and two seats vacant.

VIII. REVIEW OF NEW REQUIREMENTS FOR AHAC BOARD
Denise Thomas, Redevelopment and Economic Opportunity Manager, addressed House Bill (HB) 1339 and changes to the AHAC Committee. She utilized a slide presentation on the Committee regulatory incentives, pursuant to Florida Statute (F.S.) 420.9076 and Rule 67-37.010, and addressed Committee updates per the last legislative session HB 1339 (bullet changes). In the past under F.S., the Committee was only required to meet tri-annually to review the Land Development Code and Comprehensive Plan for affordable housing. HB 1339 changed this to an annual requirement. HB 1339 also makes the Board of County Commissioner representative a voting member at AHAC meetings, AHAC Committee Biannual regional workshops, ten training regions and two rounds of virtual trainings before July 2021, so that officials are educated on local incentives. The AHAC Report must be completed annually by the end of December, or when SHIP allocation exceeds $350,000. She reviewed the new AHAC Report Timeline and the recruitment of AHAC Committee Members which would no longer be required to be appointed by resolution.

Ms. Thomas reviewed Affordable Housing Incentive Strategies, F.S. 420.9076(4) on the submission of a report to the local governing body and Florida Housing Coalition (FHC) that includes recommendations and the evaluation of at least 11 specified affordable housing incentives. Additionally, all recommendations must be considered by the local government, but only two are required to be implemented in the Local Housing Assistance Plan. She also addressed the Next Steps. Continuous meetings would be required in January 2021.

Following discussion, Ms. Thomas revised Pages 1 and 2 of the slide presentation, with additional wording in red text.
Ms. Thomas urged current members to continue their membership on the Committee. Any current member, who does not anticipate continued membership on the Committee, would be required to submit a formal letter of resignation by December in order to fill all vacant seats for the continuation of the AHAC in accordance with HB 1339, and to ensure compliance and continuation of Manatee County’s SHIP allocation.

Ms. Thomas stated she approached members of the Planning Commission on their interest to serve on the AHAC, but did not get a response. She also stated that she would seek the advice of the County Attorney as to whether George Kruse could continue to serve.

Ms. Lopez spoke about the former process for selecting members to the AHAC, but stated that a new member selection process is required to comply with HB 1339. This current committee has an understanding of this process and of the committee’s requirements.

IX. NEXT MEETING TBD – JANUARY 2021
The next meeting is scheduled in January 2021, with a date to be determined. Inasmuch as the third Monday of January 2021 is Martin Luther King Day, Chairman Kennedy suggested Tuesday, January 19. Ms. Lopez stated she would check with the Clerk’s office and the new County Commission meeting schedule.

X. MEMBERS COMMENTS
Member Gibellina complimented Member Guillory’s on her first affordable home.

Chairman Kennedy thanked everyone for serving on the Committee.

XI. PUBLIC COMMENTS
There being no public comment, Chairman Kennedy closed public comment.

XII. ADJOURN
There being no further business, Chairman Kennedy adjourned the meeting at 4:17 p.m.

Minutes Approved: ___________________