

MEMORANDUM



County Administrator's Office
1112 Manatee Avenue West
Bradenton, FL 34205

MANATEE COUNTY FLORIDA

Phone: 941.745.3717
Fax: 941.745.3790
www.myanatee.org

DATE: June 3, 2014
TO: Ed Hunzeker, County Administrator
FROM: Diane Vollmer, Agenda Coordinator
SUBJECT: AGENDA UPDATE FOR MEETING OF JUNE 3, 2014

THIS MEMO AND THE CHANGES INDICATED BELOW ARE REFLECTED IN THE ELECTRONIC AGENDA (E-AGENDA)

CHANGES TO CONSENT AGENDA

PARKS AND NATURAL RESOURCES

27. **Barge Loading Dock Facility –**

- The Agreement between the City of Bradenton Beach and Manatee County Pertaining to the Operation of the Barge Loading Facility has been added to the e-agenda.
- This item has been moved to the Regular Agenda.

CHANGES TO ADVERTISED PUBLIC HEARINGS

NEIGHBORHOOD SERVICES

40. **Manatee County Ordinance 14-31 Economic Development Ad Valorem Tax Exemption** – Resolution Exhibits A (EDTA Policy Guide) and D (EDTE Business Ordinance) were replaced with the most recent versions.

ADDITIONS TO AWARDS/PRESENTATIONS/PROCLAMATIONS

PROCLAMATIONS

45. **Sam Woolf Day – June 3, 2014** – Request to adopt Proclamation designating June 3, 2014, as “Sam Woolf Day” in Manatee County, Florida.

AGREEMENT BETWEEN THE CITY OF BRADENTON BEACH, FLORIDA
AND MANATEE COUNTY, FLORIDA PERTAINING TO THE
OPERATION OF THE BARGE LOADING FACILITY ON ANNA MARIA ISLAND
IN THE CITY OF BRADENTON BEACH ON LONGBOAT PASS

This Agreement ("Agreement") is entered into by and between the The City of Bradenton Beach ("CITY") and Manatee County, a political subdivision of the State of Florida ("COUNTY"), entered into on the date approved by the Board of County Commissioners and signed by its chairman.

WHEREAS, CITY and COUNTY share a common desire to accomplish the most efficient and effective delivery of services to the public; and

WHEREAS, the COUNTY owns the real property and the facility located at 2651 Gulf Drive South, Bradenton Beach, Florida 34217, known as the barge loading facility; and

WHEREAS, the COUNTY operates the facility known as the barge loading facility; and,

WHEREAS, on February 3, 1987, the Board of County Commissioners executed an Interlocal Agreement with the CITY stipulating certain parameters of use of a County owned barge loading facility located on Anna Maria Island at Longboat Pass in the City of Bradenton Beach. The agreement was executed to govern the use and operation of the barge loading facility limiting its use to serve the construction needs for offshore artificial reefs. At the time of the agreement, and its two subsequent amendments, artificial reef construction was the only use anticipated by Manatee County.

WHEREAS, two recent construction proposals and requests for marine contractor utilization of the barge loading facility have been received from 1) the Town of Longboat Key on behalf of WCIND for dredging flood shoals of Longboat Pass and 2) the CITY for repairs to the Bridge Street Pier owned by the CITY. Strict adherence to the existing Interlocal Agreement would not permit these operations or construction requests and would require a substantial re-write and approval of the Interlocal Agreement by both parties to accommodate construction.

WHEREAS, the Town of Longboat Key through its agent, the West Coast Inland Navigation District (WCIND), a special taxing district of the State of Florida, desires to use the barge loading facility as a loading and staging area for equipment to complete the dredging of certain flood shoals of Longboat Pass and deliver beach compatible dredged spoil sand to the Gulf side beaches of the Town of Longboat Key; and

WHEREAS, The Town of Longboat Key has requested access to the barge loading facility for expedient construction of the project by WCIND on their behalf; and

WHEREAS, the CITY has requested access to the barge loading facility for mobilization by a contractor to be determined for construction materials and equipment to complete repairs to the existing Bridge Street Pier owned by the City of Bradenton Beach; and

WHEREAS, the CITY and County find that sufficient public interest is present to support the request of the Town of Longboat Key and CITY for efficient utilization of funds by allowing the Town of Longboat Key and CITY to use the barge loading facility at such hours, days and times not provided for in the Interlocal Agreement

NOW THEREFORE, the CITY and the COUNTY hereby agree as follows:

SECTION I. DURATION OF AGREEMENT

The initial term of this Agreement shall be from June 3, 2014_through June 3, 2015. This agreement may be renewed for an additional year by written agreement of the parties no later than thirty (30) days prior to its expiration date. Additional terms of renewal shall be expressed in the written agreement to renew.

SECTION II. DUTIES OF CITY

1. CITY shall allow the use of the barge loading facility for the construction of the Longboat Pass flood shoal dredging by the WCIND, on behalf of the Town of Longboat Key, for the duration of construction, not exceeding the duration of this agreement, and shall require that the contractor for WCIND 1) observe hours of operation limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday, except for those days designated as national holidays; 2) CITY will require an insurance policy addendum from the Contractor performing work naming CITY as additionally insured for liability up to \$2 million; 3) vessels and or barges utilized in construction activities at the barge loading facility may not be moored at the barge loading facility during non-operating hours and then for periods of active loading or unloading by captain and crew only during the hours of operation; and 4) no more than one barge and supporting vessel may be moored at any time during hours of operation to the barge loading facility.
2. CITY shall enforce all other provisions of the Interlocal Agreement not in conflict with the special provision of number one above.

SECTION III. DUTIES OF COUNTY

1. COUNTY shall allow the use of the barge loading facility for the construction of the Longboat Pass flood shoal dredging by the WCIND on behalf of the Town of Longboat Key for the duration of construction, not exceeding the duration of this agreement, and shall require that the contractor for WCIND 1) observe hours of operation limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday, except for those days designated as national holidays; 2) COUNTY will require an insurance policy addendum from the Contractor performing work naming COUNTY as additionally insured for liability up to \$2 million;

- 3) vessels and or barges utilized in construction activities at the barge loading facility may not be moored at the barge loading facility during non-operating hours and only for periods of active loading or unloading by captain and crew during the hours of operation ; and 4) no more than one barge and supporting vessel may be moored at any time during hours of operation to the barge loading facility.
2. COUNTY shall allow the use of the barge loading facility for construction activities associated with the construction repairs for the Bridge Street Pier owned by the City of Bradenton Beach for construction for the duration of this agreement, and shall require that the contractor for the CITY 1) observe hours of operation limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday, except for those days designated as national holidays; 2) COUNTY will require an insurance policy addendum from the Contractor performing work naming COUNTY as additionally insured for liability up to \$2 million; 3) vessels and or barges utilized in construction activities at the barge loading facility may not be moored at the barge loading facility during non-operating hours and only for periods of active loading or unloading by captain and crew during the hours of operation; and 4) no more than one barge and supporting vessel may be moored at any time to the barge loading facility during hours of operation.
3. COUNTY shall enforce all other provisions of the Interlocal Agreement not in conflict with the special provision of numbers one and two above.

SECTION IV. AMENDMENTS AND NOTICES

1. This Agreement constitutes the full agreement between the Parties. There are no other written or oral terms not contained within this Agreement. Any amendment to this Agreement shall be in writing signed by both Parties.
2. Where any notice is required under this Agreement or applicable law, such notice shall be provided by U.S. First Class Mail, as follows:

FOR CITY

Building Official Steve Gilbert
107 Gulf Drive North
Bradenton Beach, Florida 34217

FOR COUNTY

Charlie Hunsicker
5502 33rd Avenue Drive West
Bradenton, Florida 34209

SECTION V. TERMINATION

This Agreement may be terminated by either Party for any reason or no reason, at any time, upon 30 days prior written notice to the other Party.

SECTION VI. EFFECTIVE DATE

This Agreement shall become effective upon the filing of a fully executed copy of same with the Clerk of the Circuit Court, as required by §163.01(11), Florida Statutes.

SECTION VII. SEVERABILITY

Should any section, sentence or clause of this Agreement be deemed unlawful by a court of competent jurisdiction, no other provision hereof shall be affected and all other provisions of this Agreement shall continue in full force and effect.

SECTION VIII. INDEMNIFICATION

Each Party, as a political subdivision as defined by Florida Statute §768.28, agrees to indemnify each other Party and hold it harmless as to any claim, judgment, or damage award whatsoever arising out of or related to that indemnifying Party's own negligent or wrongful acts or omissions, to the extent permitted by law. The Parties understand that pursuant to Florida Statute §768.28(19), no Party is entitled to be indemnified or held harmless by another Party for its own negligent or wrongful acts or omissions. Nothing herein is intended to serve as a waiver of sovereign immunity by any Party to which sovereign immunity may be applicable, and each Party claims all of the privileges and immunities and other benefits and protections afforded by Florida Statute §163.01(9). The Parties to this Agreement do not intend that this Agreement benefit any third party, and nothing herein should be construed as consent by a state agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of this Agreement.

REST OF PAGE LEFT INTENTIONALLY BLANK

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

Chairman

Date

ATTEST:

R.B. Shore
Clerk of the Circuit Court

Deputy Clerk

CITY OF BRADENTON BEACH
MANATEE COUNTY, FLORIDA

Mayor

Date

ATTEST:

City Clerk

Exhibit "A"
Manatee County Economic Development Policy Guidelines

- I. Pursuant to Section 2-29-157 of the Manatee County Code, the following factors shall be applied when the Board makes its determination as to whether to grant an ad valorem tax exemption to a business applicant, and, if so, the percentage and duration of the exemption:
 - a. Number of new full-time Manatee County positions created by the Business as the result of relocating or expanding in Manatee County;
 - b. Average Wage of the new Employees of the Business located in the County;
 - c. Amount of Capital Investment;
 - d. Commitment to local procurement;
 - e. Net positive contribution to the local economy (return on investment); and
 - f. Any other activity or factor that provides sustainability of Economic Development within the unincorporated areas of Manatee County.

- II. In making its determination, the following analysis shall be used by the Board to quantify the factors related to number of jobs created, the average wage paid to new employees and the amount of capital investment:
 - a. Number of new full-time Manatee County positions created by the Business as the result of relocating or expanding in Manatee County:
 1. Under 10 employees – below average score;
 2. 10– 40 employees – average score;
 3. 41-75 employees – above average score; or
 4. over 75 employees – excellent score.

 - b. Average Wage of the new Employees of the Business located in the County;
 - For purposes of this Program, average wage shall be measured against the current average annual wage of the Metropolitan Statistical Area (MSA) at the time of application/request submittal.
 - It is intended that the average wage of management staff be considered independent of non-management staff.
 1. Average wage under MSA annual average – below average score;
 2. Average wage between MSA annual average and up to 150% of MSA annual average – average score;
 3. Average wage between 150% of MSA annual average and up to 200% of MSA annual average – above average score; or
 4. Average wage over 200% of MSA annual average – excellent score

 - c. Amount of Capital Investment;
 1. Capital investment under \$5 million – below average score;
 2. Capital investment between \$5 million and \$10 million – average score;
 3. Capital investment between \$10 million and \$15 million – above average score; or
 4. Capital investment over \$15 million – excellent score.

d. Innovative Business Concepts;

The extent to which the company creates a good or service that adds value to Manatee County and consumers through innovative techniques that enhance the goals and objectives of the Manatee County Economic Development Program – score from below average to excellent based on assessment of application response submittal.

e. Commitment to local procurement;

The demonstrated ability to which the Company provides a positive impact to local procurement both directly and indirectly with the use of local vendors to conduct aspects of their business growth – score from below average to excellent based on assessment of application response submittal.

f. Net positive contribution to local economy;

Efforts of the Company to continue to commit to operate a responsible business and contribute to the positive economic development of Manatee County while improving the quality of life of the workforce as well as that of the local community – score from below average to excellent based on assessment of application response submittal.

III. The Economic Development Policy Guideline Worksheet shall be used as a means to score the factors set forth in Section 38-238 of the Code:

Enter an "x" in the scoring boxes (only one per row) 1 2 3 4 Score:	Score: Below Avg. 1	Score: Average 2	Score: Above Avg. 3	Score: Excellent 4	Score:
1. Number of current and projected employees					
2. Average Wage of Employees					
3. Amount of capital investment					
4. Innovative Business					
5. Commitment to local procurement					
6. Net positive contribution to local economy					

Tax exemption score percentage:_____

AWARD CATEGORIES

TOTAL POINTS	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
12-16	100%	80%	60%	40%	20%	0%	0%	0%	0%	0%
17-20	100%	100%	90%	80%	60%	40%	20%	10%	0%	0%
21 or more	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

ORDINANCE NO. __-__

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING ECONOMIC DEVELOPMENT; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING ARTICLE XV OF CHAPTER 2-29 OF THE MANATEE COUNTY CODE OF ORDINANCES TO ESTABLISH A NEW SECTION 2-29-__ GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION TO [[EXAMPLE COMPANY]] IN ACCORDANCE WITH APPLICABLE LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 196.1995, *Florida Statutes*, and Section 3, Article VII of the Florida Constitution (collectively, the "Act"), provide that the Board of County Commissioners (the "Board") may call a referendum to determine whether the Board may grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses in Manatee County; and

WHEREAS, the Board called a referendum to be held on June 18, 2013, in which a majority of the qualified electors of Manatee County voted to authorize the Board to grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses pursuant to the Act; and

WHEREAS, the Board has adopted Article XIV of Chapter 2-29 of the Manatee County Code of Ordinances (the "Code"), establishing an application process for economic development ad valorem tax exemptions for new businesses and expansions of existing businesses; and

WHEREAS, [Example Company] has submitted an application in accordance with Article XIV of Chapter 2-29 of the Code, and the Board has determined that granting an economic development ad valorem tax exemption to [Example Company] is in the best interests of the public health, safety and welfare and will create employment opportunities that will benefit the entire community.

BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set forth in the Act.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. The recitals set forth above are true and correct;

2. It is in the best interest of Manatee County, and furthers the public health, safety and welfare of the County, to grant an economic development ad valorem tax exemption to [Example Company], as authorized in the Act.

Section 3. Amendment of Chapter 2-29 of the Code. Article XV of Chapter 2-29 of the Code is hereby amended to establish a new Section 2-29-__ as set forth in Exhibit "A" to this Ordinance.

Section 4. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendment in Section 3 of this Ordinance into the Code.

Section 5. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the __ day of ____, 20__.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: _____
Chairman

ATTEST: R.B. SHORE
Clerk of the Circuit Court

By: _____
Deputy Clerk

Exhibit "A"
New Section 2-29-__
Manatee County Code of Ordinances
Economic Development Ad Valorem Tax Exemption
[Example Company]

2-29-__. [Example Company], tax year 20__ through tax year 20__.

(1) *Findings of Fact.*

- A. Article VII, Section 3, of the Constitution of the State of Florida and Section 196.1995, Florida Statutes (collectively and as amended, the "Act"), provide that the County may grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined in Sections 196.012(15) & (16), Florida Statutes, by ordinance provided that the electors of the County, voting on the question in a referendum, authorize the County to adopt such ordinances. The Board called a referendum to be held on June 18, 2013, in which a majority of the qualified electors of Manatee County voted to authorize the Board to grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses pursuant to the Act.
- B. Article XIV of Chapter 2-29 of the Manatee County Code of Ordinances (the "Code") sets forth the process and procedures for implementing the economic development ad valorem tax exemption program.
- C. Pursuant to Section 2-29-156 of the Code, [Example Company] ("[Example]") submitted an application to the County requesting an ad valorem tax exemption for 100 percent of the assessed value of the qualifying improvements to real property and qualifying tangible personal property specified in its application for a period of ten years, commencing with Tax Year 20__ (the "[Example] Application"). The [Example] Application is incorporated herein by reference, and a copy of said Application shall be retained by the Manatee County _____ Department for at least the duration of the exemption period.
- D. In its application, [Example] stated the following:
 - 1. Name of business: [Example]; Location: _____; Business owner: _____;
 - 2. It will create a total of ____ new jobs by January 1, 20__, comprised of ____ new full-time jobs with an average wage of \$_____ for all non-management jobs and an average wage of \$_____ for all management jobs and ____ new seasonal jobs with an average wage of \$_____;
 - 3. Through January 1, 20__, it will invest approximately \$_____ in the creation / expansion of its Manatee County facility, including the purchase of new equipment;

4. It produces an innovative line of products with unique licensed designs;
 5. It is committed to local procurement and its number one supplier is located in Manatee County, generating to that supplier approximately \$_____ in annual revenues;
 6. It is committed to environmental sustainability through recycling, waste reduction and energy conservation; and
 7. It is growing at __ percent per year and more than __% of its revenues are generated from sales outside the metropolitan statistical area.
- E. Pursuant to Section 2-29-157(1) of the Code, the Property Appraiser completed its review of the [Example] Application and submitted its report to the County, dated _____. The Property Appraiser report included the following information:
1. Total revenue available to the County for the current fiscal year from ad valorem tax sources: \$_____ (reported in ____ first certification).
 2. Revenue lost to the County for the current fiscal year by virtue of exemptions previously granted under this section: \$_____.
 3. Estimate of the revenue which would be lost to the County during the current fiscal year if the exemption were granted, assuming that the subject property would otherwise have been subject to taxation: \$_____ (____) applying ____ millage rate of _____.
 4. Estimate of the taxable value lost to the County if the exemption were granted: Improvements to real property: \$_____ (____); personal property: \$_____ (____).
 5. A determination that the property listed in the [Example] Application met the definition of creation of a “new business” as defined in Section 196.012(15), Florida Statutes / “expansion of an existing business”, as defined in Section 196.012(16), Florida Statutes.
- F. The [Example] Application meets all statutory and ordinance requirements.
- G. Pursuant to 2-29-157(4) of the Code, the Board has reviewed the [Example] Application, has applied the Manatee County Economic Development Policy Guidelines, and hereby determines that:
1. [Example] currently employs ____ full-time employees at its Manatee County facility and represents that it will create a total of ____ new jobs by January 1, 20____, comprised of ____ new full-time jobs with an average wage of \$_____ for all non-management employees and an average wage

of \$_____ for all management employees, and ___ new seasonal jobs with an average wage of \$_____;

2. [Example] represents that it will invest \$_____ in the expansion of its Manatee County facility, including the purchase of new equipment;
3. [Example] is an innovative business with an aggressive marketing plan to expand its presence throughout the country;
4. [Example] represents that to the extent that qualified suppliers are available in Manatee County, it will purchase its materials and equipment locally;
5. [Example] represents the majority of its workforce will reside in Manatee County;
6. [Example] makes a net positive contribution to the local economy; and
7. More than ___ percent of its product is shipped outside of the metropolitan statistical area.

H. After consideration of the [Example] Application and the Property Appraiser's report, the Board finds that granting an economic development ad valorem tax exemption to [Example] to encourage expansion of its business will promote economic sustainability within the County through the creation of jobs and utilization of local resources.

(2) *Grant of Ad Valorem Tax Exemption.*

- A. The Board hereby grants to [Example] and establishes on behalf of [Example] an economic development ad valorem tax exemption of ___ percent of the assessed value of the net increase in qualifying improvements to real property and qualifying tangible personal property as set forth in the [Example] Application, acquired by [Example] after _____, _____ to facilitate the expansion of its business (the “[Example] Ad Valorem Tax Exemption”).
- B. The [Example] Ad Valorem Tax Exemption shall be effective for a period of ten tax years (the “Exemption Period”), commencing with Tax Year 20__ through Tax Year 20__. Pursuant to Section 2-29-156(3) of the Code, the [Example] Ad Valorem Tax Exemption is conditioned upon [Example] entering into a performance agreement, in the form established by the Board by resolution, with the County stating that it shall remain in compliance with Article XIV of Chapter 2-29 of the Code throughout the exemption period as well as the business maintenance and continuing performance provision of the [Example] Application. Should [Example] fail to comply with Article XIV of Chapter 2-29 of the Code, the maintenance and continuing performance provision of the [Example] Application, or the requirements of the performance agreement, the Board may

revoke the [Example] Ad Valorem Tax Exemption and recover any taxes exempted during the exemption period pursuant to 2-29-160 of the Code.

- (3) *Applicability.* The County ad valorem tax exemption granted herein applies only to ad valorem taxes levied by Manatee County on the qualifying improvements to real property and qualifying tangible property specified in the [Example] Application. The exemption does not apply to taxes levied by a municipality, school district, any special taxing district or any other governmental entity, or to taxes levied by the County for the payment of bonds or taxes authorized by a vote of the electors pursuant to Section 9 and Section 12, Article VII of the State Constitution.
- (4) *Sunset Date.* The [Example] Ad Valorem Tax Exemption shall be in effect through Tax Year 20__, at which time this ordinance shall automatically sunset and no longer be in force and effect.



Proclamation

Board of County Commissioners
Manatee County, Florida

WHEREAS, Sam Woolf is a Manatee County resident and a student at Braden River High School who has been an active performer in our area for several years, which has helped our community's emphasis on the arts; and

WHEREAS, Sam attended the Del Couch Music Education Foundation in Palmetto where a scholarship has been created in his name to assist the young people of Manatee County with unique opportunities in the performing arts; and

WHEREAS, Sam showcased his incredible talent on the 13th season of *American Idol* and placed fifth among the country's brightest upcoming stars; and

WHEREAS, Sam plans to attend Boston's Berklee College of Music, one of the country's foremost learning institutions for jazz and modern American music.

NOW, THEREFORE, BE IT PROCLAIMED by the Board of County Commissioners of Manatee County, Florida, that Tuesday, June 3, 2014, shall be known, designated, and set aside as

SAM WOOLF DAY

in Manatee County, Florida.

ADOPTED with a quorum present and voting this 3rd day of June 2014.

**BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA**

By: _____

Larry Bustle, Chairman

ATTEST: _____

R. B. "Chips" Shore
Clerk of Circuit Court

By: _____

Deputy Clerk