

**CITY OF ANNA MARIA
CITY COMMISSION WORK SESSION
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, JULY 10, 2008
7:00 P.M.**

CALL TO ORDER

Chair Quam called the Work Session to order at 7:00 p.m.

ROLL CALL: Mayor Fran Barford, Commissioner Dale Woodland, Chair John Quam, and Deputy Chair Christine Tollette.

Absent w/excuse: Commissioner Jo Ann Mattick and Commissioner Duke Miller.

Staff present: City Clerk Alice Baird, Deputy City Clerk/Director of Finance Diane Percycoe, City Attorney Jim Dye, Building Official Bob Welch, Code Enforcement Officer Gerry Rathvon, and Minutes Clerk Stacey Johnston.

Press present: Sun, Islander.

1. FPL Energy ‘Green’ Presentation.

FPL Governmental Account Manager Don Sayer and Area Manager Rae Dowling were in attendance and addressed the Commission.

Mr. Sayer presented a Power Point presentation relating to the energy component of the new ‘Green’ concept and how it can be structured into the City. His presentation included:

- Green Initiatives Resources.
- Local government building initiatives – Anna Maria initiatives would include the planning and analyzing to encourage businesses and residents to go Green – workshops and training.
- Leadership Energy & Environmental Design Program (LEADS). It was noted that Governor Crist’s executive order 07-126 adopted the US Green Building Council that certifies Green buildings. Programs are available for both new and existing buildings.
- Sarasota has mandated that all new government buildings be LEAD certified. They have also implemented the 50% reduction of permitting fees as an incentive for businesses. Manatee County, along with other cities implementing the Green concept, was referenced.
- FPL Initiatives – Alternative energy efficient program examples including air conditioning efficiency unit rebates administered through the A/C contractors, lighting rebates, on-call program controlled by FPL, water heating, building envelope methods, conservation programs, etc.

Chair Quam asked if there would be any improved efficiency by changing the City’s streetlights.

Mr. Sayer informed that the most efficient readily available streetlight at this time would be the high-pressure sodium vapor lighting. He said they are currently evaluating the new LED streetlight technology and may offer it in the future.

Commissioner Woodland said he was looking at this issue at a practical standpoint of what the City can do with a reasonable payback. He suggested the EEEEC review the Green concept in Anna Maria.

Mayor Barford agreed and informed she would contact the EEEEC to review the concept and request they forward their recommended general guidelines to the Commission. A staff member would also be included, along with a Commission liaison. The EEEEC will also be reviewing the proposed fertilizer ordinance and beach access program.

2. Continued Discussion on Development Regulations – Future Land Use Map vs. Existing Zoning Map.

Chair Quam said he had reviewed the zoning map and it was consistent with the Comprehensive Plan until the past December amendment that changed some lots in the C-1 District to ROR on the FLUM. He asked for clarification relating to this issue.

City Attorney Dye explained that both the Comp Plan and Land Development Code would have to be reviewed to determine what is allowed. He stated that no development permit could be inconsistent with the Comp Plan. Whenever the Zoning Map and Land Use Map are different, it is necessary to determine what is allowed under zoning that is also allowed in the Comp Plan. However, whenever a request is allowed in the Zoning Code but not in the Comp Plan, the City would have to turn that request down.

City Attorney Dye pointed out that the Comp Plan serves as a long-range planning document versus the Zoning Code being more of a here-and-now document. Explanation and examples followed including the example of requesting the permitting of a motel in the C-1 District which is a prohibited use under the Zoning Code, though would be allowed in the Future Land Use Category. The Comp Plan with its long-range view says that some day over the next twenty years it may be deemed or determined that a motel may be permitted in the general Commercial land-use category. He informed that when that time did arise, the City would be required to amend the Zoning Code to allow a motel, for example, to be built as a here-and-now use.

According to *City Attorney Dye*, the reason an applicant would want to amend the Zoning Code would be when they wanted to do something allowed under the Future Land Use Category but not allowed under the Zoning Code.

Mayor Barford informed that a tentative date of Thursday, August 21, 2008 from 6:00 p.m. to 8:00 p.m. had been set for a joint City Commission / P&Z Board Workshop relating to the continued discussion of the development regulations. It was noted that *Commissioner Miller* would be out of town for that meeting.

Mayor Barford said that P&Z Chair *Copeland* would work with the City's Planner to facilitate the meeting.

Public Comment

Tom Turner, N. Shore Dr., stated that over the past forty years of owning property in Anna Maria it has been a low-keyed residential area. He voiced concern relating to the proposed uses and felt the uses should be reviewed closely.

Mr. Turner felt only a one-story elevated building should be allowed in the commercial areas. A motel could be allowed but only a ground level building or one-story over parking. He did not feel a three-story in a commercial should be allowed.

Mr. Turner further made a comment relating to Mr. Welch becoming a full-time Building Official versus his current status of only part-time. He felt when Mr. Welch comes on board in a full-time capacity it should relieve a lot of the Planner's responsibility. It was his opinion that the Site Plan approvals should be the responsibility of the Building Official and then presented to the P&Z for approval. Mr. Turner pointed out that in previous years, the City did not have a Planner and the Building Official presented all the cases.

Michael Coleman, 311 Pine Ave., felt that the lots that had changed designation on the FLUM should be rezoned at this time.

City Attorney Dye confirmed that traditionally the applicant would come forward to request the rezoning, however, the City could request the rezoning of the lots.

3. Continued Discussion Regarding Sec. 74-351, Site Plan Approval Process.

City Attorney Dye referenced the memo presented to the Commission from City Planner Garrett. City Attorney Dye said he made a minor revision to Planner Garrett's memo and it was also in the Commission packets for their review. He explained that his proposed revision included breaking up Planner Garrett's proposed language - subsection (5) Any amendment to or any new final site plan for approved final site plans prior to July 26, 2007 – to break in up into two subsections (5) and (6) as follows:

- (5) Any amendment to any final site plan approved prior to July 26, 2007.
- (6) Any new final site plan proposed for a property which has had a final site plan approved prior to July 26, 2007.

Chair Quam read an e-mail received from *Commissioner Miller* that felt Planner Garrett's wording relating to the Final Site Plan Process was a bit awkward. It was his opinion that that whatever the final wording would be, it should be unmistakable that the City Commission shall have sole authority over any amendments, regardless of their size or nature, to site plans previously approved by the City Commission. He also asked to clarify the necessity of incorporating the July 26, 2007 date, feeling this requirement applies to all plans approved by the City Commission, regardless of the date.

Chair Quam said in reviewing Sec. 74-355. Final site plan approval., (a) of the Code, he questioned its wording of "After receiving preliminary site plan approval from the city commission...."

Chair Quam pointed out that the Planning Commission now approves the Site Plans and that section should have been changed to indicate so. The example of Villa Rosa was discussed.

Building Official Welch responded. He stated that the original Ordinance setting forth the Commission's intent was adopted on July 26, 2007 and it should be researched as to whether the Ordinance was properly codified by Municode when sent to them.

City Clerk Baird pointed out that Section 74-355 in the Code Book does not reference the July 2007 Ordinance adoption, thus indicating a possible error with Municode.

City Attorney Dye confirmed that whatever Ordinance was originally passed would override and govern regardless of how it was published in the Code by Municode.

Public Comment

Attorney Jeremy Anderson, representing Mr. and Mrs. Nally, addressed the Commission. He said he had noticed in the Site Plan approval process that there was not an Attorney present. He stated all other city and county hearings he had attended where it affects an applicant's right have had an Attorney present to insure due process. He pointed out that a recent Anna Maria P&Z Board hearing did not have an Attorney present. He felt there should be an Attorney present in the event a legal question comes up.

Attorney Anderson used the Pine Ave. Restoration Project as an example and suggested the Commission may want to look into implementing a larger Site Plan approval process. He said it was his original recommendation that whatever board had originally approved a Site Plan it should then go back before that board for final approval.

Further Commission Discussion

Commissioner Woodland said it was his interpretation as a result of the P&Z Board discussion, that once the P&Z Board made their decision relating to the Site Plans, it would then be subject to the approval of the City Commission through a Consent Agenda. Any Commissioner would have the ability to pull the item from the Consent Agenda, if desired.

City Attorney Dye explained that items placed on Consent Agendas are those that are non-controversial and get approved as a matter of ordinary business. If an item is pulled and considered separately it would then become a full hearing of the item and then voted on for or against. In the event of an item on the Consent Agenda being a Public Hearing item, the public would be given an opportunity to indicate if they wished to speak on a specific item and then a full

hearing would be required. He stated those steps and rules are normally placed in a Resolution adopted by the Commission that will govern their procedures.

Mayor Barford pointed out that the Commission had previously approved the 3-tier Site Plan review process after an extensive committee recommendation. She said she would like to protect that process and suggested it remain as is. However, she did agree the City Commission should weigh-in on Site Plans they had originally approved or sent forward.

Chair Quam said he saw no problem with the City Commission having the final authority for all Site Plans.

ACTION: It was agreed that the City Attorney would draft an Ordinance to be considered for First Reading at the July 24, 2008 meeting. City Attorney's recommendation for subsection (5) and (6) will be included. Research will be conducted relating to whether or not Municode published the originally adopted Ordinance correctly. If changes need to be made, the corrections will be placed in the new draft Ordinance for the July meeting.

4. Review Sign Ordinance – Temporary (Campaign) Signs.

Code Enforcement Officer Gerry Rathvon informed there is currently no Ordinance that addresses temporary campaign signs. After reviewing the issue with Chair Quam and City Attorney Dye, it was recommended that the Temporary Sign section should be utilized in regard to the campaign signs.

The Temporary Sign section allows for a four square-foot sign, can only be put up for thirty days, and then must be removed within seven days after an event.

Ms. Rathvon stated, however, that the Residential Sign section of the code is open for permits and felt that a change to the Ordinance to allow for campaign signs should be placed under the Exempt sign section of the Code (example real estate signs, etc)

City Attorney Dye stated after reviewing the Code, he was surprised to find that except for the few listed under the Exempt Sign section, all other signs require permits and he did not feel that was what was intended. The Commission agreed there was not intent to require permits for signs.

Commissioner Tollette said she recalled when discussing the election signs that they must be removed the following day after the election.

Ms. Rathvon informed that the Ordinance could be changed after the August 26, 2008 primary election and thirty-days prior to the November 2008 election.

ACTION: It was agreed that the Commission will discuss this issue further at their August 14, 2008 Worksession.

City Clerk Baird clarified that 2' X 2' campaign signs could be put out thirty days prior to the election on the lot and not on the right-of-way and must be removed within seven days after the election.

5. Proposed New Building Official Agreement.

Mayor Barford said a contract would be presented to the Commission for their approval at the July regular meeting to contract with for a full-time Building Official. She informed that the Building Department had become much more customer service oriented and there are many more responsibilities required of the department that need to be addressed. Examples were statutory responsibilities, community rating service, floodplain management, etc.

Mayor Barford informed that the Building Department revenues had increased over the past year. The proposed contract and fee schedule is the same as that used by the City of Bradenton Beach.

Mayor Barford confirmed that both Commissioner Miller and Commissioner Mattick are in favor of moving forward with contracting for a full-time building official.

Public Comment

Michael Coleman stated he had received outside citizen comments on how supportive the City had been towards his projects. Mr. Coleman said he appreciated asking a question in the Building Department and getting it answered quickly and correctly. He said the Building Official utilizes the Code to back up his answers and then provides a solution of how to fix the issue.

6. Old Business.

Handicap Parking – City Hall

Jim Conoly, N. Shore Dr., requested that handicap directional signage and a parking space be established in the front of the City Hall building. He stated if no action was taken by the City he intended to file a complaint against the City relative to the issue with the proper authorities.

Mayor Barford pointed out that two new additional handicap spaces had been established on Gulf Dr. She further explained that the entire City Hall reconfiguration for the drainage would be included in the Stormwater I Phase and the handicap space and signage would be addressed at that time. She said she would keep Mr. Conoly updated.

New Business

Meeting Time Change for July & August 2008

City Clerk Baird informed that the City received notice from DOT that beginning the following Thursday the Manatee Bridge would be reduced to one lane of traffic every Thursday - July through August - between the hours of 8:00 p.m. and 6:00 a.m. (Friday mornings).

ACTION: It was agreed that the July and August regular Commission Meetings (July 24 and August 28) would be changed to begin at 5:00 p.m. The August 21, 2008 joint City Commission / P&Z Board Worksession would begin at 6:00 p.m.

Public Comments on agenda items only – None.

Press Comment

Suns News Reporter **Laurie Krosney** asked for a breakdown of amounts for the annual full-time Building Official position.

Finance Director/Deputy City Clerk Percycoe reported the cost would be \$2,500 per week for a total of \$130,000 annually.

ADJOURNMENT

The meeting was adjourned at 8:27 p.m. on motion made by Chair Quam and seconded by Commissioner Tollette. All Ayes.

Alice Baird, CMC, City Clerk