



City of Anna Maria

P.O. Box 779, 10005 Gulf Drive Anna Maria, FL 34216-0779, (941) 708-6130, Fax (941) 708-6134. SUNCOM: 516-6740

MINUTES CITY COMMISSION REGULAR MEETING/WORKSESSION AUGUST 27, 2015 – 6:00 P.M.

Pledge of Conduct: We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks.

CALL TO ORDER

Chair Webb called the meeting to order at 6:00 p.m.

PLEDGE TO THE FLAG

ROLL CALL

Present: Mayor Dan Murphy, Commissioner Carol Carter, Commissioner Doug Copeland, Chair Chuck Webb, Commissioner Dale Woodland, and Vice-Chair Nancy Yetter.

Also Present: Finance/Deputy Clerk II/Code Enforcement D. Carmela Sacca, and City Planner Alan Garrett.

Press: Sun and Islander.

General Public Comment regarding non-agenda items and items not scheduled for future agendas will be taken at the beginning of the meeting with a limitation of three minutes. The Commission's intent is that General Public comment is to be used for the public to inform the Commission of new issues within the City. Public Comment regarding agenda items will be taken with each agenda item with a limitation of three minutes.

1. General Public Comment

Trash Cans at Curb

Commissioner Woodland was asked by a resident when they are allowed to put their trash cans out for trash pickup. The earliest is Sunday at 5:00 p.m.

2. M. T. Causley Contract, Building Official Services – 2015-2016 – *Mayor Murphy*

Mayor Murphy presented an amendment to the M. T. Causley contract. The following changes to the contract are:

- Mr. Causley asked for a 5% increase which Mayor Murphy negotiated down to a 2.3% increase.
- The proposed 90-day cancellation term was negotiated down to a 60-day cancellation term.
- The current contract allows for overtime at time and one-half anytime the Building Official works after 5:00 p.m. The amended contract has now been changed where overtime would begin after 40 hours. With that change, Mayor Murphy can adjust the Building Official's work schedule if he would be needed for Commission meetings, etc.

Motion: Move to authorize the Mayor to execute the amended agreement with M. T. Causley to supply Building Department Services to the City of Anna Maria.

Action: Approved. Moved by Commissioner Doug Copeland, Seconded by Commissioner Carol Carter.

Motion carried – All Aye.

2. Mayor's Report

Proclamation – "Attendance Awareness Month" – September 2015.

Mayor Murphy read the Proclamation and presented it to Ms. Pierrette Kelly.

Ms. Kelly introduced Mr. Phillip Brown, United Way CEO.

Phillip Brown addressed the Commission and thanked the Mayor and Commission for the Proclamation. He then provided information relating to Attendance Awareness Month for grade-level reading. The purpose of the program is to make sure 100% of third graders will be able to read at or above the third grade reading level. He informed last year in Manatee County, only 51% of the third graders were reading at third grade level. Further details about the program followed.

4. City Commissioners Reports - None.

5. **CONSENT AGENDA:** The following items are considered routine in nature and should be considered in a single motion. Items, which warrant individual discussion, should be removed from this list prior to the motion to adopt. Such items will be discussed separately.
- a. Approve Minutes: 7/23/15 CC Reg Mtg/WS; 8/12/15 Budget WS; 8/13/15 Shade Meeting; 8/13/15 Worksession; 8/20/15 Special Meeting
 - b. Island Bayfest – October 17, 2015 – 10am – 10pm – One Day
 - c. Proclamation: “Attendance Awareness Month”
 - d. Anna Maria Historical Society – Building Permit – Fee Waiver Request

Motion: Move that the Consent Agent be approved.

Action: Approved. Moved by Commissioner Dale Woodland, Seconded by Commissioner Carol Carter.

Motion carried – All Aye.

6. **REPORTS AND UPDATES:**

- a. Sheriff’s Report (Written)
- b. Building Department Reports (Written)
- c. Public Works’ Department Report (Written)
- d. Code Enforcement/City Pier Report (Written)
- e. Ordinance Update (Written)
- f. Financial Report (Written)

Commissioner Woodland thanked the Code Enforcement for their report.

Chair Webb adjourned the Regular meeting at 6:14 p.m.

WORKSESSION

Worksessions provide the Commission with an opportunity to informally discuss topics of common concern and interest and to exchange ideas with staff. In order to make efficient use of time, public comments and questions generally are not entertained during worksessions. Public Comment is taken at meetings such as Regular Meetings and Special Meetings where action items are officially voted on.

Chair Webb called the Work Session to order at 6:14 p.m.

Chair Webb questioned where former Building Official Welch’s glitz list was located. *Planner Garrett* will research.

7. **Discussion on the following subjects:**

- h. **No lot clearing or demolition until building permit issued:**

Chair Webb noted many people will obtain their lot clearing permit, and it will be months before there is any construction. He proposed adding language stating a person cannot obtain a lot clearing permit until for example, their Building Permit has been applied for or has been issued. Explanation and purpose for the proposed change followed.

Commission discussion followed.

Action: There was Commission Consensus that City Planner Garrett begins obtaining language to address the proposed changes as discussed.

- g. **Procedure for determination of legal nonconforming use, and conformance of zoning code:**

Chair Webb informed the City’s zoning code allows for legal non-conforming uses (refers to when a structure was built prior to a Code change). He noted there is currently no method to determine whether a property is actually conforming or non-conforming. *Chair Webb* felt if a person has proof as to whether or not their structure is conforming or non-conforming, they should be allowed to come in and provide the City with that proof. In his opinion, there should be a procedure in place on lot coverage where things can

be done on the lot. He noted a new owner would want to know if a property is non-conforming. Having that in place would help eliminate disputes – and allow the owner to know if a property is legal or not.

Planner Garrett responded stating the majority of issues he has dealt with are mostly on the structure. He and Chair Webb presented options for addressing the issue. Discussion continued. Chair Webb presented an example of an office/small bungalow renovated approximately eight years ago that got remodeled. The Building Official found that the roof overhang was positioned in the setback. However, the owner stated it had always been that way. In that example, if a procedure would have been in place at that time to establish their position, there would have never been the dispute. Explanation followed.

Chair Webb stated the side yards are the locations where some people are sneaking in additional coverage. He recommended a procedure be adopted on lot coverage where things can be done on the lot.

Commissioner Copeland stated while he does see the problem, he felt addressing it would be an additional bureaucracy for the staff to have to address.

Planner Garrett pointed out if a process is decided upon, the burden should be on the owner to provide the appropriate documentation. Once that information is reviewed, he could then inform if the property was legal or non-conforming. Regardless of when the home was built, any new addition must meet the current codes.

Planner Garrett pointed out there are currently no procedures relating to lots that are over the coverage. He said what would really help him is adopting Ordinance language that supports the 40% lot coverage.

Chair Webb presented examples that occurred in Broward County.

Action: After discussion, the majority of the Commission did not wish to pursue at this time. Discussion relating to the 40% lot coverage will be discussed on a future Commission agenda.

h. Consistency of zoning code to applicable sections of the Comprehensive Plan:

Chair Webb noted the Comp Plan was amended in 2007. Once adopted, the LDC is required to be reviewed to insure it is consistent with the Comprehensive Plan. Statute requires that it be reviewed annually. To his knowledge, no review has been completed since 2007.

Chair Webb suggested the Planning & Zoning Board begin the review (his preference) – or a Citizen's Committee could be established.

Planner Garrett informed the P&Z Board is currently working on goals and objectives. They are currently working on the Historic Pier and a Marina District, so adding the suggested Comp Plan review comes at a good time.

It was noted there had also been changes to the duplex lots and changes to zoning on Pine Avenue. Also, the Piers and Spoil Island must be brought into the LDC, along with duplex lots, and zoning on Pine Avenue changes throughout the code. In addition, over the years, there have been a number of changes made to the Land Development Code which may not have been compared to the Comp Plan.

Commissioner Woodland asked that the P&Z creates the mechanism for reviewing compliance going forward. He would like the P&Z to address compliance with the approval of each LDC Ordinance change.

Action: The Commission agreed the P&Z Board should begin reviewing the LDC to insure compliance with the Comprehensive Plan as an ongoing process.

i. Renovation of non-elevated structures – improvement limit, and time period for restart of improvement limit:

Chair Webb reminded approximately five years ago, there was a push to save the non-elevated structures and additional opportunities were allowed for people to remodel their homes. Currently, someone can come in for a 50% ground level structure modification every year. As a result, someone can complete a modification which will increase the 50% and just keep rolling it over for improvements to be made on a larger structure the following year. When continuing to increase a structure, he felt that was no longer the intent of the Commission since they can continuously expanding the ground-level structures - which is not the intent of the 50% rule. He recommended expanding the one-year renovation allowance to allowing renovations every three to five years.

Planner Garrett noted the flood insurance for ground level homes is very high. As a result, people are coming in wanting to know how to remove their structures because of the high FEMA insurance premiums.

Chair Webb stated with continuous expansions, they would no longer be a bungalow.

Commission discussion followed. *Commissioner Woodland* would rather encourage the ground level homes - even if they might get larger than some like - and do whatever is possible to keep them on the ground.

Commissioner Copeland said he would also prefer seeing a larger ground-level home than a large structure – feeling it was more esthetically pleasing. *Commissioner Carter* agreed.

Action: The Commission consensus was to not pursue at this time.

Moratorium Status

The following Ordinance revisions need to be written and brought back to the Commission for their consideration: Living Area Ratio; Pool; and No lot clearing or demolition. *Planner Garrett* and *City Attorney Vose* are in the process of drafting the Ordinances. The LAR Ordinance will be reviewed by the P&Z Board on Tuesday, September 8.


Planner Garrett noted he would also like to discuss how to address all the homes counting new pools as lot coverage. He noted they are all over their lot coverage. The person who built their pool first would be allowed to have more lot coverage than someone who built their pool later. It was noted the Commission had previously discussed – any pool built before a prior date does not count towards the lot coverage – those built after that date would count toward the lot coverage.

Action: Planner Garrett and Attorney Vose have been drafting Ordinance language that will be placed on a future Commission meeting for discussion.

Press Comment - None

Adjournment

The meeting was adjourned at 7:10 p.m.



Diana L. Percycoc, CMC, City Clerk

Minutes approved: 9/24/15