

**CITY OF ANNA MARIA
CITY COMMISSION REGULAR MEETING
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, MAY 27, 2010
7:00 P.M.**

CALL TO ORDER

Chair Quam called the Regular Meeting to order at 7:00 p.m.

PLEDGE TO THE FLAG

ROLL CALL: Mayor Fran Barford, Commissioner Jo Ann Mattick, Deputy Chair Dale Woodland, Chair John Quam, Commissioner Chuck Webb, and Commissioner Harry Stoltzfus.

Staff Present: City Clerk Alice Baird, Finance Director/Deputy City Clerk Diane Percycoe, City Attorney Jim Dye, City Planner Alan Garrett, Public Works Director George McKay, and Minutes Clerk Stacey Johnston.

Press: Sun and Islander.

Chair Quam asked that consideration for rescheduling the June 3, 2010 City Commission/P&Z Board Joint Workshop is added to the Agenda as item # 11.

1. Approve Minutes of City Commission Regular Meeting held April 22, 2010.

MOTION: Commissioner Woodland moved that the April 22, 2010 City Commission Meeting Minutes be approved as written. Commissioner Mattick seconded the motion.
Motion carried – All Aye.

2. Commissioner Reports – None.

3. Mayor's Report

Extra Law Enforcement for Memorial Day Weekend

All Anna Maria Deputies will be on duty for the Memorial Day Holiday. The Sheriff has authorized additional members from two separate units to assist the Deputies for enforcing and ticketing those in violation of the seatbelt laws, right-of-way violations, speed violations, pedestrian safety laws, improper backing violations, and parking violations. Vehicles parked the wrong direction on the streets, or cars parked with any part or portion of the tire on the street, will also be ticketed.

The City Hall parking lot will be closed to the public and utilized by the Sheriff's units. Violators will be brought into the parking lot for the enforcement and apprehension follow-up.

Bridge Status Update

The North Bay Bridge is open and the Crescent Bridge will be opened for the weekend. Additional work will be conducted on both bridges but will not impede traffic.

Stimulus Funds for North Bay Bridge

Mayor Barford attended the May 11, 2010 Manatee County Commission Meeting to request stimulus funds for repairing the North Bay Bridge retaining walls. As a result, the City was awarded the funding.

The historic Sears House (Rosedale property) at 308 Pine Ave. will be moved to 503 Pine Ave. on June 8, 2010. The one-hour move will begin at 9:00 a.m.

Phase II Drainage Project Update

The City will soon be closing out the Phase II Drainage Project.

4. **Proclamation – Mote Marine Laboratory Week – June 13 through June 19, 2010.**
Mayor Barford read the proclamation and presented it to Mr. Bob Carter, Vice-Chairman of Changing Our World and Boardmember of the Mote Marine.

Bob Carter, on behalf of the Mote trustees, staff, volunteers, and children expressed his thanks for the recognition. He explained that Mote will have the first collaboration with Cuba and Mexico – with Mote representing the United States for that collaboration on the waters that are shared.

Mr. Carter informed he serves on the Executive Committee of the National Aquarium. He said for those able to go to the Mote, they will assist by explaining the science behind the organization. Weekly updates for the Trustees and Friends of Mote are being provided.

5. **Public Hearing on Preliminary & Final Site Plan for PAR Project at 308 Pine Ave.**
Planner Garrett acknowledged that he had proof of publication for the Public Hearing from the newspaper and a certificate of mailing for all mailed notices.

City Clerk Baird swore in all persons wishing to speak.

Applicant Presentation

Ricinda Perry, Legal Counsel for the applicant addressed the Commission. Attorney Perry asked if any ex-parte communications had taken place by any City Commissioner.

Only *Commissioner Stoltzfus* stated he did have outside communications. Commissioner Stoltzfus announced he had much communication about the Site Plan, however, not with other Commissioners.

City Attorney Dye informed that any ex-parte communications between individuals and Commissioners needed to be disclosed on the record as to what those communications were. Therefore, the information heard can be addressed. He asked that Commissioner Stoltzfus inform who the discussions were with and in as much detail as he could remember.

Commissioner Stoltzfus said the communications he had regarding the Site Plan involved density issues and the ongoing debate presently being reviewed by the DCA, along with the way the City is calculating the density. He said he had also discussed what seemed to him as discrepancies in the LDRs relating to parking.

Commissioner Stoltzfus informed that most of the discussions had been with Mr. and Mrs. Bob Hunt and involved the formulas for calculating density, the difference between the point of view the City has put forward to the DCA, parking issues, and the apparent discrepancies in the LDR. He said no discussions occurred that he would not cover that evening.

City Attorney Dye said though he could not point to a case stating that Commissioner Stoltzfus' communications were illegal, he advised that those type discussions are strongly discouraged. The idea behind the quasi-judicial hearing proceeding is that the information presented during the hearing is the information the Commission makes their decision upon.

Commissioner Stoltzfus replied that the conversations were all in the general sense regarding his, and previous Site Plan, similarities – and are not new topics. Commissioner Stoltzfus said he had a discussion with his Attorney who indicated that he would only need to state the concept of the discussions.

City Attorney Dye advised as the Attorney for the City that the discussions should be avoided as much as possible.

Attorney Perry provided a background on the Site Plan project noting that the P&Z Board had approved the Site Plan on March 20, 2010. She stated that P&Z Boardmembers Barlow and Yetter both asked the question of the staff as to whether or not the Site Plan application was in conformity with the LDC and the City's Comp Plan. Staff responded that they were in compliance.

Attorney Perry informed that the notices were valid. The City Planner provided a written analysis recommending approval of the Site Plan with stipulations that the applicant did not oppose to. The City Planner found that the project was also in compliance with the City's Comp Code and LDC. Attorney Perry then introduced Engineer Lynn Townsend-Burnett who would be providing information as to whether or not the information provided on the Site Plan meets the LDC and Comp Plan requirements.

Attorney Perry presented the City Clerk with Lynn Townsend-Burnett's resume as an expert witness. She further asked for the opportunity to cross-examine any of the witnesses. She stated that the Site Plan does meet the City's requirements; so therefore, the applicant is entitled to an approved Site Plan.

Lynn Townsend-Burnett addressed the Commission representing the applicant as Engineer for the project. A signed and sealed Engineering analysis of the 308 Pine Avenue Site Plan was presented to the City Clerk for the official record.

Ms. Burnett informed that:

- The project was located in the ROR District.
- There is only one residential unit per lot, per structure, proposed.
- Provisions have been made for separate entrances for the residential and commercial uses.
- Separate parking is identified and reserved for the residential uses.
- In keeping with the common engineering practices for parking, all off-street parking does comply with the Ordinances, the State of Florida, and all other typical governmental agencies.
- The parking configuration is consistent with several recently approved projects including the new Boardwalk project, sidewalks are provided per Code, and the stormwater management plan is extensive.
- Ms. Burnett read a May 27, 2010 letter addressed to the City Commission referencing 308 Pine Ave – Net Effect of Lot Coverage – LTA Project No.: 408.05.01.09. The letter informed that though cistern rainwater collection systems are not required by Code, they have been proposed for the project in order to further meet the City's Comprehensive Plan objectives. Details were provided.
- Explanation followed regarding a Stormwater Permit Application and Modification Permit that was being applied for behind 315 Pine Ave. for correcting some of the stormwater problems.

Chair Quam asked staff if it would be possible within the current Code requirements to move the sidewalk in front of the parking spaces.

Planner Garrett stated that the LDR requires sidewalks on both sides of Pine Ave. It does not, however, specify where they should be located. So long as there is a sidewalk that can function for the pedestrians, he felt it could be moved - and would comply with the LDR.

Ms. Burnett informed that the applicant is more than willing to accept a stipulation, as part of the approval, that upon approval of any Pine Ave. parking or sidewalk plan by the City, they would be willing to put the plan in place - with an administrative review - for the 308 Pine Ave. project, as well as for all prior approved PAR projects.

Commissioner Stoltzfus stated that the present LDRs require sidewalks to be located within the right-of-way. He said the LDRs would need to be modified before the sidewalk could be moved.

Applicant Micheal Coleman informed that the parking issue was addressed in some detail at the P&Z Board Public Hearing. He recognized that the City's parking regulations are currently in flux. At the P&Z Board Public Hearing, it was agreed and stipulated that any plan adopted by the City that takes property rights would be adhered to by PAR – not only for the 308 Pine Ave. property, but retroactively with all those projects that have already been built.

Chair Quam pointed out that Comp Plan Policy 1.3.4 (traffic) states that the City shall provide crosswalks and sidewalks on the roadways for high pedestrian usage. The LDR states that both sides of Pine Ave. shall have sidewalks, however, the Comp Plan does not include that language.

City Attorney Dye explained that the Comp Plan provides the general policy and the LDRs provide the more detailed implementation of that policy. He informed that in order to move the sidewalks in front of the parking on private property, a legal easement document (or dedication of additional right-of-way) would need to be drawn up between the City and property owner.

Attorney Perry informed that the applicant would be willing to sign the appropriate document. She informed that the City had entered into this type agreement in the past by dedicating a portion of the right-of-way to the City in order to provide a sidewalk with the Sandbar Restaurant pavilion request.

Commissioner Woodland said he saw no relevance with going outside the City's Comp Plan and LDRs.

Ms. Burnett responded that the City has a current practice and procedure interpretation that has been in existence – and is the only commonly accepted traffic practices in the City of Anna Maria. If it is the City's desire and intent to re-interpret it, then the City has the option of reevaluating Chapter 90 regulations by incorporating a new Pine Ave. model that would work for all the projects. She noted that there was no moratorium in place so a decision could not be withheld. The Commission did, however, have the ability to adopt stipulations.

Commissioner Woodland stated there was no active development until recently. He used the example of the Sun Plaza and the Post Office as being interpreted differently.

Ms. Burnett made reference to the parking configuration for the 2004 project at 303 Pine Ave. (Hunt project) where the same question was raised. As a result, it was addressed that it was commonly accepted traffic practices. She pointed out that there was not as much traffic in 2004. There was also not as much of a retail/office district as what is presently being presented. As a result, it is making the City a bit nervous. She quoted ongoing Objective 1.4 stating that as progress happens in the City, Comp Plan objectives are in place to allow for reconsidering and looking ahead to the future to provide for safety and esthetics – of which the City is in the process of doing.

Ms. Burnett read LDC language relating to isles and driveways and when a driveway or specific isle way is required. She informed that the parking was built and designed in conjunction with the requirements of the LDC.

Chair Quam read Policy 1.3.7 stating that all commercial uses shall be located and designed so as to enhance safety by providing adequate off-street parking and loading areas and by separating pedestrian and vehicular traffic. He stated that the proposed Site Plan did not separate the vehicles from the pedestrians.

Ms. Burnett informed that the City is doing the right thing by pursuing a corridor plan and following the procedures to reconcile those discrepancies between the Comp Plan and LDC – or further redefining the Land Development Codes and regulations so that they match what the objectives are.

Planner Garrett responded that the Policy has been in the Comp Plan. The City had one year to change the LDRs to bring them into compliance. Therefore, the City is now saying the LDRs are in compliance. Now recognizing they may not be in compliance, the City is looking into making the appropriate amendments.

City Attorney Dye quoted Chapter 90-2 (3) – separation of vehicular and pedestrian traffic. Whether or not the separation between the two is the sufficient amount of separation would be a Commission policy issue. He informed that when the Site Plans go through the review process, they are reviewed per code compliance, including that particular provision.

Commissioner Woodland did not feel based on the Comp Plan and LDRs that the Code had been interpreted properly. He wants to change Chapter 90 for other purposes. He said he never remembers the safety issue being a part of Commission discussions until just recently.

City Attorney Dye advised that when language has been in the Code for a number of years and is interpreted a specific way, changing the interpretation without changing the language can result in a loss of confidence in the rules – and therefore consequences can occur. He advised that the language should be changed rather than the interpretation.

Applicant Micheal Coleman informed that in 2004 the City hired Mr. Freeman of BDI Consulting Firm, to review the Hunt's Site Plan for the exact type parking issue. Mr. Freeman's report stated that the back-out parking was inconsistent with the language in Sec. 90-3.

The report went before the P&Z Board. Several members of that board said that the conclusions reached by Freeman were not practically applicable. The plan then went before the City Commission and was discounted at that level.

Mr. Coleman stated that they were before the Commission that evening with an application based on the Ordinances currently in place. The application has been found to be in compliance by the City's staff. The P&Z Board also reviewed the plan and found it to be in compliance. Therefore, unless there is some basis that finds the Site Plan not in compliance, they are seeking the Commission's approval. He reiterated that PAR would comply with any changes to the parking plan on Pine Ave. as a stipulation. They recognized that the language would be changed.

Commissioner Webb explained that the Commissioner's job is to apply the Codes as they currently exist. Any additional requirements that are not required by the Code also

cannot be added. Until a Code provision is adopted that specifies where the sidewalks will be located, the City would not be able to require the Applicant to place them elsewhere.

Commissioner Mattick stated that never had a City Board of Commission rejected a project based upon the fact that it contained parking which resulted in backing out over a sidewalk or into the public right-of-way. She pointed out that the LDRs for the ROR district had been reviewed and revised a number of times - and most recently in January 2009. Ordinance 09-697 was adopted by the City Commission on February 12, 2009 and nowhere was there a prohibition against parking which resulted in backing out over a sidewalk or into the public right-of-way.

Commissioner Mattick said everyone agreed that the LDRs are intended to reflect the objectives set forth in the Comp Plan. However, in recent years the City has approved numerous building permits containing back-out parking – examples include the Community Center, Hunt property on Pine Ave, Waterfront Restaurant (includes six City-owned back-out parking spots), and several PAR projects. She said it is therefore clear that the approving boards believed that all those projects met all the criteria set forth in the LDRs and Comp Plan.

Commissioner Mattick felt it was the Commission's obligation to make decisions based on the information provided to them at the Public Hearing, along with the criteria set forth in the LDRs. The subjective insertion of one's personal opinion, with regard to a hypothetical public safety issue, cannot be considered, nor can one's personal interpretation of the Comp Plan. She stated that until the LDRs are revised, the Commission must make their decision based on whether or not the Site Plan complies with the existing LDRs. She said it was her opinion that if that is not done, it would clearly be a political decision and nothing based on the facts.

Commissioner Stoltzfus made comments and asked questions in regard to the Site Plan application as follows:

- Reviewed the square footage calculations and asked how the commercial square footage for the first floor retail was arrived at.

Lynn Townsend-Burnett explained. She noted that the actual sq. footage is what was being asked for approval. The footprint and the shape is a design concept. There are no final building plans yet but they need to show that all the minimum setbacks have been met. There will be flexibility when applying for an actual building permit.

- *Commissioner Stoltzfus* asked how the parking spaces could be calculated unless square footage was calculated.
- Suggested that the proposed Site Plan not be approved until the gross acreage determination currently in dispute was resolved.
- Questioned if the development was two lots or a single parcel. He noted that the plans refer to a parcel number.

Ms. Burnett informed it was two lots. The parcel number refers to the property ID number assigned by the County Appraiser.

- Asked for clarification relating to the setbacks between the two buildings.

Ms. Burnett explained that the LDC provides for creative uses and part of the allowed flexibility is for reducing the side-yard setbacks down to 0. A minimum separation must still be maintained to meet Fire and Safety Codes. The buildings have been designed in accordance with those requirements.

Noting a fence is being shown between the buildings; *Commissioner Stoltzfus* stated there was a prohibition against fences between buildings.

Planner Garrett explained that when staff reviewed the Site Plan they did not allow the fence to run the entire length – only a portion in order to screen the mechanical equipment, yet not isolate the two buildings from each other. The applicant has agreed to remove the screen if it is the Commission's desire.

Commissioner Stoltzfus noted there were two fences shown – one running parallel to the street and one running parallel to the edge of the building. Section 114-282 4 (c) does not permit wall or fences between the buildings. He asked that *Planner Garrett* explain how emergency vehicles could get into that area. Noting that there was parking on the side, he felt the emergency access would be blocked and there would be no way to get to the back of the building or between the buildings.

Planner Garrett disagreed with *Ms. Burnett* that the Site Plan was looked at as two lots. He informed that the setbacks were taken from the lot or parcel. In conferring with City Attorney Dye, there were not the internal setbacks. Therefore, between the two buildings, in essence do not have side-yard setbacks – they were moved to the edge of the parcel for the parcel side-yard setbacks.

He explained there were gates along the side to insure emergency personnel could go into the rear yard. The fencing was only for screening the mechanical equipment. If the Commission did not want the fence between the two buildings, it could stop at the back of the two buildings.

Explanation followed by *Planner Garrett* relating to the definition of a "single use". The ROR only allows for three permitted uses – 1) Single-family detached dwelling, 2) Office/Retail, and 3) one residential unit above the ground floor over permitted retail service or office use. (Reference ROR 114-281 (b) Permitted uses)

Discussion followed relating to the Code language. *Chair Quam* asked if a fence between the buildings was allowed.

Planner Garrett agreed that that if adhering to the strict reading of the Code the fence would not be allowed.

- *Commissioner Stoltzfus* felt the LDRs would need to be changed in order to move the sidewalks. He noted that the Site Plan requires maneuvering in the right-of-way to enter the parking spaces – which is prohibited by the language in the LDR. He stated that the Site Plan was in conflict with the Comp Plan that states the pedestrians must be separated from the vehicular traffic. He said State Statute prohibits driving across a sidewalk unless in a driveway.

Commissioner Webb felt the Site Plan was in compliance with the current LDRs with the sidewalks as they currently exist.

In response to *Commissioner Stoltzfus'* question, *Planner Garrett* responded to his questions relating to maneuvering.

Lengthy discussion relating to the various Code interpretations for maneuvering and driveways followed.

- *Commissioner Stoltzfus* noted he had not heard a satisfactory explanation for between the building setbacks.

City Planner Garrett in referring to the definition of “yard” informed that yard side, yard front, and yard rear – that it always sets from the lot or parcel. The Community Center was used as an example. He explained that when combining two lots to a parcel and the side-yard setbacks are from the parcel, he then confers with the Building Official internally to make sure it meets the Fire Codes.

The definition of yard side was read by *City Attorney Dye*.

City Planner Garrett reiterated that he disagreed with the Applicant and that the Site Plan was reviewed as a parcel and not two lots. He stated that each lot could not stand on its own, each lot cannot provide the parking, each lot does not have a loading space, and each lot does not have a handicap space – it functions as a parcel.

- Questioned why two loading zones were not shown on the Site Plan.

Planner Garrett gave the example of eight commercial uses by the Post Office, though there were not eight loading zones. The Slims' location was also used as an example. He again informed that the Site Plan was reviewed as a parcel.

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- *Commissioner Woodland* agreed with Comp Plan 1.3.7 relating to separating pedestrians from vehicular traffic. He then referenced Plan Procedures 74-354 – Standards for Review (4) relating to the design so as not to impede accessibility. He therefore disagreed with the Site Plan design.
 - Commissioner Woodland asked for clarification relating to the curb cuts. He also addressed the “shall” indicated in Policy 1.3.1.

Lynn Townsend-Burnett responded noting that the section related to driveways and isle ways only – which is not required by the LDC unless in excess of ten parking spaces.

Commissioner Woodland did not feel the plan met the standards for review.

Chair Quam called for a short recess at 8:49 p.m. He asked that the Commission not discuss any of the details with anyone else during the recess.

Chair Quam reconvened the meeting at 9:01 p.m.

- *Commissioner Stoltzfus* referred to curb cuts in the LDRs. He read 1.3.8 feeling that if there are no curb cuts then minimizing direct access could be ignored. He felt it contradicts the intent of the Comp Plan. Explanation followed. He did not feel there was anything in the Site Plan that would minimize direct access.

Planner Garrett reminded that standards are needed for curb cuts and what the maximum width would be for a curb cut. He noted there are no standards as far as how wide they must be.

Chair Quam officially opened the Public Comments portion of the Public Hearing.

Public Comment

Attorney Jeremy Anderson, Lobeck & Hansen, representing Mr. and Mrs. Nally of 110 Spring Ave, addressed the Commission. Attorney Anderson submitted two reports prepared by Englehardt, Hammer & Associates, Inc. – “*Analysis of Proposed Development at 308 Pine Avenue*” and “*Residential/Office/Retail Density Calculation Analysis*”.

Attorney Anderson read and asked that the Commission review the definition of “driveway” in the Code. Noting that the definition states “*Driveway* means a private approach to a building, e.g., from a street to one’s carport or private garage” he stated that the Site Plan has two approaches with the use that’s dedicated for their private use – therefore a private approach to the building. He then read the language in Sec. 90-3(k) (e) *Single-family and duplex uses*. As part of his comments, he replaced the word “driveway” with its definition as follows:

“Single-family and duplexes having individual ‘private approaches to a building’ may fulfill such requirement by including spaces located in the ‘private approach to the building’ behind the right-of-way line.”

Attorney Anderson then read Sec. 90-2. Access and circulation. He stated that the Site Plan has two driveways that abut the property line. He said therefore the project could not be approved.

Attorney Anderson felt the Site Plan should also be disapproved for the following reasons: conflict with Policy 1.3.7, exceeding the density of 6 units per gross acre, and due to the use of “shall” relating to the circulation of traffic (Sec. 90.3 m).

Attorney Anderson stated that the Applicant had placed the City in a tough position by putting one project after another through. He stated that if the project is approved then there would likely be a challenge on it based on the LDR and Comp Plan provisions for density and also the separation of traffic. He said his clients and the City were the ones responsible for the expenses and felt they were being pressured by the Developer by putting forth a project that was way overdeveloped. He said if the density requirements are met, the parking rearranged, and the pools are removed, then the project would work.

Hearing no further public comment, Chair Quam officially closed the Public Comments portion of the Hearing.

Commission Discussion Continued

It was *Commissioner Mattick’s* opinion that some of the language referenced had been used to make it almost impossible for anyone to meet the requirements to get a Site Plan approved in the City and also that they were being enacted against Pine Avenue Restoration. The language had never been looked at in the same way before and she felt it was only a political tactic and had nothing to do with whether or not they met the existing LDRs.

Commissioner Mattick said the Commission had an obligation to vote on the Site Plan based on what has been provided to them and what the City Planner and City Attorney has recommended, and by not using personal subjective opinions. She agreed that the LDRs needed revised but not used as a tactic to not get the Site Plan approved.

City Attorney Dye clarified Stipulation # 3 (unified site) as approved by the P&Z Board.

Commissioner Stoltzfus recommended that the following stipulation be added – that the parking is revised on the Site Plan so that the maneuvering takes place inside the right-of-way. *Chair Quam* asked for Commission consensus. There was no consensus.

- MOTION:** **Commissioner Webb** moved that the Site Plan for 308 Pine Avenue be approved to include the following stipulations as recommended by the Planning & Zoning Board:
- 1) The parking spaces for the residential units shall be signed for residential use only.
 - 2) The retail trash receptacles shall be within a completely enclosed structure.
 - 3) The site shall be operated or managed as a unified site. If the site should cease to be operated or managed as a unified site, each lot will then be subject to additional review and amendment to ensure continued compliance with City Codes.
 - *4) The Site Plan may be modified to accommodate any future parking plan.
- Commissioner Mattick** seconded the motion.

City Attorney Dye recommended that Stipulation # 4 contain more specific detail. He noted that the intent is for the parking modifications to be approved administratively without the Applicant having to come back before the Board.

Commissioner Webb said he was uncomfortable with that request since the City did not currently have a final parking plan and there is no way to know how a new plan would impact the existing Site Plans. He had no objection to the Applicant not having to file an additional application fee; however, he would prefer seeing the modifications again.

- Commissioner Webb** amended his motion for Stipulation # 4 to:
- *4) The Site Plan may be modified to accommodate any future parking plans for the City of Anna Maria without filing a new application and paying an application fee, but with review and approval of the City Commission.
- Commissioner Mattick** agreed to amend her second to the motion.

ACTION: On Roll Call Vote, the motion failed on a vote of 3 to 2
Commissioner Webb – Aye
Commissioner Mattick – Aye
Commissioner Woodland – No
Commissioner Stoltzfus – No
Chair Quam – No

MOTION: **Commissioner Stoltzfus** moved to deny the Site Plan application submitted for 308 Pine Ave. **Chair Quam** seconded the motion.

ACTION: On Roll Call Vote, the motion carried on a vote of 3 to 2 and the Site Plan application was denied.
Commissioner Stoltzfus – Aye
Chair Quam – Aye
Commissioner Mattick – No
Commissioner Woodland – Aye
Commissioner Webb – No

6. Second Reading and Public Hearing on Ordinance No. 10-710 – Election Qualifying Dates – Continued

City Clerk Baird read the Ordinance by title.

After realizing that the qualifying dates in 2008 were between June 16 and June 20, *Commissioner Woodland* said he would withdraw the concerns he had previously.

City Clerk Baird explained the difference between the odd and even years and how the City has the current ability to piggyback off the County's election for the even years. Moving the election qualification dates up will allow for the County to print the ballots rather than the City absorbing the costs.

City Attorney Dye informed that the new qualifying dates will become effective immediately for this year's election.

**MOTION: Commissioner Woodland moved that Ordinance No. 10-710 be approved for adoption. Commissioner Webb seconded the motion.
On Roll Call Vote, the motion carried unanimously.**

7. Consider changing City Commission Meeting Times.

The Commission agreed that the City Commission Work Sessions and Regular Meeting times would be changed from 7:00 p.m. to the new time of 6:00 p.m.

8. Re-visit Resolution 10-669 – Off-shore Oil Drilling.

Commissioner Mattick said as a result of the recent oil accident, she was in favor of revisiting the off-shore oil drilling Resolution that she previously voted against.

Commissioner Woodland discussed the significant damage caused by the hurricanes to the oil rigs and platforms. He noted that any oil spill would be a negative impact on the citizens and would cause property values to plummet.

**MOTION: Commissioner Mattick moved that Resolution 10-669 relating to Off-shore Oil Drilling be reconsidered. Chair Quam seconded the motion.
Motion carried – All Aye.**

Commissioner Woodland said he was shocked to hear that the regulators bear part of the responsibility for the recent oil accident. He stated he would still vote for allowing off-shore oil drilling, but felt that what was needed is a strong regulatory agency to make sure the oil rigs and platforms are maintained and regulated appropriately.

**MOTION: Commissioner Webb moved that Resolution 10-669 be approved for adoption. Commissioner Mattick seconded the motion.
Motion carried on a vote of 4 to 1 with Commissioner Woodland voting No.**

The adopted Resolution 10-669 will be mailed to both Manatee County and to the State.

10. Consent Agenda

- e. **Planning & Zoning Board Appointment – Tom Turner**
- f. **GIS-Base Map Funds from General Contingency Fund (for FLUM & Zoning)**

MOTION: Commissioner Webb moved that the Consent Agenda be approved. Commissioner Woodland seconded the motion.
Motion carried – All Aye.

11. Reschedule the June 3, 2010 City Commission/P&Z Board Joint Workshop.

Chair Quam informed that Dan Burden would be in town and available to attend the City Commission/P&Z Board Joint Workshop on Friday, June 4, 2010.

It was the consensus of the Commission that the Joint Workshop originally scheduled for Thursday, June 3, 2010, 6:00 p.m. be canceled and rescheduled for Friday, June 4, 2010, 4:00 p.m.

12. Written Reports and Updates:

- a. **Sheriff’s Report.**
- b. **Building Department Report.**
- c. **Public Works’ Department Report.**
- d. **Code Enforcement Report.**
- e. **City Pier Report.**
- f. **Ordinance Update.**
- g. **Financial Report.**
- h. **Line of Credit Report.**

Public & Press Comment – None.

Adjournment

On motion made by Chair Quam and seconded by Commissioner Woodland, the meeting was adjourned at 9:42 p.m.

Alice Baird, CMC, City Clerk

MINUTES APPROVED: _____