

**CITY OF ANNA MARIA
CITY COMMISSION WORK SESSION
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, MAY 12, 2011
6:00 P.M.**

CALL TO ORDER

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

PRESENT: Mayor Michael Selby, Vice-Chair Jo Ann Mattick, Commissioner Dale Woodland, Chair Chuck Webb, and Commissioner John Quam.

Absent w/excuse: Commissioner Eugene Aubry.

Staff Present: City Clerk Alice Baird, City Attorney Jim Dye, Building Official Bob Welch, Planner Alan Garrett, and Minutes Clerk Stacey Johnston.

Press: Sun and Islander.

1. Request Authorization to Advertise LDR Amendments – Ordinance No. 11-719.

City Planner Garrett noted that the Commission had discussed LDR changes as part of their October and November 2010 workshops. The changes have been incorporated into a draft Ordinance – Ordinance No. 11-719 – and staff is requesting authorization to proceed with allowing the Ordinance to be advertised. The Ordinance will be considered by the P&Z Board for their recommendation prior to the Public Hearing and final approval by the City Commission.

MOTION: Commissioner Mattick moved to authorize staff to proceed with advertising Ordinance No. 11-719. Commissioner Woodland seconded the motion. Motion carried – All Aye.

2. Discussion – Review Changes to Island Transportation Planning Organization Interlocal Agreement and Rules of Procedure.

Mayor Selby informed that the three Island cities have an Interlocal agreement establishing the Island Transportation Planning Organization (ITPO) and the ITPO Rules of Procedures. Changes are now being recommended by the ITPO and will need to be approved by the elected officials for all three cities – Anna Maria, Bradenton Beach, and Holmes Beach. Recommended changes to the agreement include:

- The Agreement currently reads that the Mayor's of each City shall be the member appointed to the ITPO. The change would read that the members of the ITPO shall be an elected official of the member municipalities. In the event of a vacancy in the ITPO membership as a result of a public election or incapacity of an ITPO member, the respective municipality shall appoint a replacement.
- Change the ITPO Interlocal Agreement so that the ITPO shall annually in December (versus April) elect one of its members to serve as the representative to the MPO – in order to correspond with the MPO's rotation. It was noted that Mayor Bohnenberger will continue serving as the ITPO representative on the MPO through December.
- As the hosting City changes, traditionally the host City Mayor serves as the ITPO representative on the MPO. Mayor Selby noted that the host City has now transferred to Anna Maria. He said as a new member on the committee, he felt it was in the best interest that Holmes Beach Mayor Bohnenberger continues to serve his position on the MPO. It is recommended that the agreement be changed to read that any person setting on the ITPO can serve on the MPO rather than only the ITPO Chair.

MOTION: Commissioner Quam moved to approve the changes to the ITPO Interlocal Agreement and the ITPO Rules of Procedures. Commissioner Mattick seconded the motion.

City Attorney Dye informed that if the Interlocal Agreement itself was being changed, then an Ordinance change may be required pursuant to the Statutes that govern Interlocal Agreements.

Commissioner Woodland said he was reluctant to vote in Work Sessions except in emergency situations.

ACTION: Commissioner Quam withdrew his motion. It was agreed that *City Attorney Dye* would research the Statutes and the item would be placed on the May 26, 2011 regular meeting agenda.

3. Presentation by Rusty Monroe of The Center for Municipal Solutions (CMS) Regarding Regulating Towers & Wireless Facilities.

Rusty Monroe, Founder of The Center for Municipal Solution (CMS), addressed the Commission to answer any questions they might have. Mr. Monroe is currently assisting the City of Bradenton Beach and was asked by Mayor Selby, at the Commission's request, to make a presentation before the Anna Maria City Commission. Comments included:

- That towers are not regulated by the FCC; however, the tower companies are required to notify the FCC as to where the tower will be built and its longitude, latitude, and height. No entity at the Federal or State level regulates towers. Tower companies have no protection under the '96 Telecommunications Act.
- As far as service boundaries – it has not been considered as an Interstate Commerce Issue under any court. Tower companies are not required to service another community.
- Felt that the reason Anna Maria had not received any applications to place a tower in the City was due to the lack of revenue that would be received. Mr. Monroe noted that each carrier on a site must receive \$90,000 to \$100,000 per month per site before they will consider building a site.
- Discussion relating to why one cell phone works in the City when another with the same carrier does not work. Mr. Monroe suggested it may be an individual phone issue or the orientation of antennas – being between lobes.
- Discussion between the 3G (primarily voice) technology and the 4G (industry release - reserving for data) technology. RF technology, industry changes, cell phone ranges, etc. were discussed. Mr. Monroe informed that the industry has just acknowledged there are over 200,000 wireless sites in the nation. Over the next few years, 2 million wireless sites will be required. The question will be as to how it will be dealt with in residential areas, etc. He stated the carriers will each need a site from between every 50 to 75 living areas due to the bandwidth demand. AT&T has reported an 8,000% increase in data usage in the last two years.
- The cable industry is out of bandwidth and will all soon become wireless. Cable companies are currently pursuing joint ventures with wireless companies.
- Tower sites should be sited in a location where the public is comfortable – visually and for safety purposes. Explanation followed.
- Mr. Monroe recommended that most all communities should look at redoing their Ordinance regulations in order to have the appropriate regulations in place. Explanation followed relating to the requirement of a company providing "a proof of need."

- Towers are a cost savings/convenience for the carriers and will not be going away. However, it will be tricky to sight the towers in the residential areas.
- Discussion followed relating to tower height, Distributed Antenna Systems (DAS),

CMS would provide the following services for the City:

- Recommends alternatives in order for the City to make informed decisions based on all options in the effort of providing a win-win situation.
- There is no cost to the City and no cost for CMS to review the City's Ordinance. With the technology changes, the Ordinance should be written that will prevent it from having to be changed every time the technology changes.
- CMS will make recommendations based on the long-term effects.
- CMS would serve as consultants to review all applications and make all recommendations. The applicant is required to put up money to pay for the cost of services provided by CMS before the process begins. CMS then bills hourly against that deposit.
- Local governments generally charge \$5,000 to \$6,000 per application. Rents are collected for use of rights-of-way, etc. Mr. Monroe noted that Bradenton Beach has prohibited towers in their City except on municipally-owned property. He noted that costs will not keep a company out.

Public Comment

Boyd Hoskins, Fir Ave, stated he has no trouble getting a signal in Anna Maria. He stated he has had tower companies calling him wanting to put a tower on his property. Mr. Hoskins provided recommendations relating to pro-rating every five years or insuring that the City would own the tower after 15 to 20^{ASA} years.

Mr. Monroe stated that the Lessor can be underpaid unless they have someone representing them. He stated that Tower Companies will come back to the Lessor ten-years prior to expiration of the lease to re-negotiate. Examples followed. He noted that private property owners will often be underpaid.

Stacy Frank, Anna Maria homeowner, informed as an attorney she has represented AT&T and T-Mobile and has negotiated many leases. Ms. Frank now represents the property owner and is currently representing the Hillsborough School District.

Ms. Frank agreed that the coverage on the north end of the Island was not good and suggested only one tower would be required for Anna Maria. She felt the reason Anna Maria had not received any applications was due to the City's Ordinance being too cost prohibitive – that the cost of the infrastructure would not warrant the cost the company would receive on the service.

Ms. Frank stated she has spoke to carriers regarding the DAS System and they will only go where it is warranted and makes economic sense and that management in this area will not implement DAS here.

Explanation followed relating to the application fees that are unique to Florida, the Communications Service Tax Implication Act and no longer having the right to charge franchise fees, the fees that are normally paid by the taxpayers on their monthly bills, the 37-ft height limitation in Anna Maria and why there is a need for a specific height in order to obtain good service, explanation relating to the UHF channel being reassigned, and discussion on how the technology has advanced.

Mr. Monroe suggested the City talk with other communities to obtain information on their experience with CMS and what the benefits have been. Mr. Monroe informed he is a

former executive of Verizon. Discussion followed relating to how more than 70% of towers fails the ANSI safety inspection.

James Eatrdes, Longboat Key, and representing Alpha-Omega Communications - Ridan Industries, stated he is looking to develop a location in Anna Maria. Mr. Eatrdes addressed the Verizon issue (Verizon PCS versus their buying out Alltel) noting they use two different frequencies – 800 mg and 1900 mg. Signals are reduced based on the system being used by customers.

It was Mr. Eatrdes opinion that Anna Maria had not received any applications based on not having the user density to justify. He further noted that any structure built must meet the FL Building Codes and that it was best to have a tower a minimum of 90-ft in order to be high enough to get up over the trees. He presented an example of the antenna technology.

Bradenton Beach Mayor Bob Bartelt spoke highly of his experience with Rusty Monroe. He noted that Mr. Monroe will always answer his phone when called and can always answer any questions immediately. Mr. Monroe had worked with both the Bradenton Beach P&Z and with the City Commission.

Mayor Bartelt pointed out that cell towers were not part of the City's expertise and that it was important to have someone to negotiate the contracts on behalf the City.

Additional Commission Comments

Pier Centennial Celebration

Commissioner Mattick invited everyone to attend the May 13 and 14 Pier Centennial Celebration that would begin with the parade on Friday evening and end with a fireworks display on Saturday night.

Public and Press Comment on Agenda Items Only – None.

Adjournment

The meeting was adjourned at 7:34 p.m. on motion made by Commissioner Woodland and seconded by Commissioner Quam. Motion carried – All Aye.

The next Regular Commission Meeting is scheduled for Thursday, May 26, 2011.



Alice Baird, CMC, City Clerk