

**CITY OF ANNA MARIA
CITY COMMISSION WORK SESSION
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, JUNE 10, 2010
6:00 P.M.**

CALL TO ORDER

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

PLEDGE TO THE FLAG

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

Staff Present: City Clerk Alice Baird, Code Enforcement Officer Gerry Rathvon, City Attorney Jim Dye, Building Official Bob Welch, and Minutes Clerk Stacey Johnston.

Press: Sun and Islander.

Also present: Court Reporter not paid by City.

1. On-Site Business Signs, Sec. 98-62 (5) – A-Framed Sandwich Board with Chalkboard Writing Surface.

Building Official Welch informed that the City had been receiving complaints relating to the A-Frame signs in the City. Pictures of all but one (General Store) of the A-Frame signs had been presented to the Commission for their review. He informed that none of the signs were totally compliant with the Code requirements.

While dealing with complaints in the past involving the location and size of the A-Frame signs, new complaints are now being received regarding the composition of the signs. The Code requires that they have a chalkboard surface and none of the ones in the City have a true chalkboard surface.

Code Enforcement Officer Rathvon stated she informed the business owners of the Code requirements. Their feedback was that the plastic signs they were using were better for withstanding the wind and weather, wording can be changed for advertising specials, etc., and up to \$300 has been spent on creating the signs. Some of the signs are not true sandwich board signs – they have a stand on the bottom. Many of the signs also include the name of the business on the sign which is also not allowed by Code, yet all signs do meet the size requirements. Ms. Rathvon explained what the requirements were in Bradenton Beach and Holmes Beach.

Commission discussion followed. *Commissioner Mattick* noted she was not on the Commission when the decision was made for requiring a chalkboard surface on the signs. She felt the chalkboard signs were hard to read, felt all the signs currently being used by the businesses were attractive, and she had no objection to the business name being on the signs. It was her opinion that the size of the sign was most important.

Commissioner Webb informed that the original intent was to allow a business to have a changeable sign. He asked if the Commission was in favor of a business having two “place signs” – by having their name on both the A-Frame sign and on their building.

Building Official Welch said if the Commission was in favor of the business name remaining on the A-Frame signs, rather than amending two separate sections of the Code, it could be specified in the A-Frame sign Ordinance that it can contain the name of the business.

City Attorney Dye stated that anytime signs are being regulated, the First Amendment issues could be triggered - due to it being a type of speech. He advised that the Commission should avoid regulating what the speech is by regulating what the sign can or cannot state. Time (when the sign can be displayed), place (where the sign can

be placed), and manner (size of the sign), on the other hand, can be regulated by the City.

ACTION: After discussion, it was the consensus of the Commission that the City Attorney proceed with drafting an Ordinance amendment by removing the wording “chalkboard writing surface” from Sec. 98-62 (5) (A-Frame Signs) and adding language allowing the business name to be placed on the signs. It was agreed that the Ordinance language requiring the A-Frame signs to be put away during non-business hours would remain.

2. Sales from Vehicles or Carts in Right-of-Way Prohibited – Sec. 42-7.

Building Official Welch informed that the summer months bring in vendors wishing to sell shaved ice, smoked meats, etc. from their vehicle or carts. He noted that when a portable vendor wishes to sell their product from a commercial location, the business Site Plan must be amended to allow for it. As a result, the City has been able to resolve the requests; however, a lot of staff time is required.

The City currently prohibits vendors from selling on public streets, rights-of-ways, alleys, sidewalks, or walkways within the City limits. He suggested that “on any public streets, public street rights-of-way, alleys, sidewalks or walkways within the city limits”, is removed from the Code language so that it will also address commercial property as well. It would not prohibit someone from applying for a Special Events Permits or applying for an amendment to their Site Plan if they so desired.

Commissioner Webb asked if changing the Code language would prohibit an ice cream truck in the City and questioned if a Code change was really necessary.

Building Official Welch informed that an ice cream truck, for example, has always been prohibited. He further suggested that a special permit could be issued to allow for certain vendors.

City Attorney Dye pointed out that permitting from the Health Department is required when selling food from the back of a vehicle, for example. Unfortunately, many of the individuals selling off the right-of-way do not go through Health Department permitting – therefore creating a safety issue. Also, when a person is selling from the right-of-way, it can cause resentment from a business owner who has a permanent business location in the City and has obtained all required permitting.

Commissioner Webb suggested the alternative of allowing a permit to be issued to an individual who has obtained sufficient permitting through the Health Department, and that the duration of time for selling the product is limited at a specific location.

ACTION: It was the consensus of the Commission that an Ordinance be drafted with the language recommended by Building Official Welch and Code Enforcement Officer Rathvon.

3. Sec. 114-281 –

(c) Accessory Uses. (1) Outdoor Storage of Equipment...

(d) Prohibited Uses. (8) Outdoor Storage, Staging...

Building Official Welch informed that the Code Enforcement Officer has been meeting with certain business owners in the ROR district for their compliance relating to the outdoor display of merchandise and goods.

Building Official Welch informed that several anonymous complaints have been received relating to the display of goods and merchandise. However, the language and intent of the Code language – Sec. 114-281 (c) Accessory Uses (1) and Sec. 114-281 (d) Prohibited Uses (8) needs to be clarified. He asked for guidance in interrupting what uses are not prohibited outside the non-residential portion of the establishment. Reference was made to the current Code language and explanation followed – specifically relating to the following language in Sec. 114-281 (d) Prohibited Uses (8) –
“...except as a direct accessory use in the operation of a permitted business on the premises, except as permitted as an accessory use”

Building Official Welch explained that the language does not define what items would be prohibited. He pointed out that Sec. 114-281 (c) Accessory Uses is silent on “merchandise”, whereas Sec. 114-281 (d) Prohibited Uses (8) allows for merchandise.

Beach Bums display of their bicycles was used as an example. Other examples include the display of Segways, furniture, etc.

Commissioner Webb suggested that all outdoor storage be screened and that outdoor storage, staging, or merchandising of products is allowed with some limitations such as a specific area, etc. - so not to take over the entire area outside the building – or shift the entire product line outside.

Commissioner Stoltzfus felt there was a distinction of use – rental (bicycles, Segways, etc.) versus merchandise for sale. He felt placement of the rental items was appropriate. However, to place and advertise merchandise on a porch or parking lot should be treated differently.

Chair Quam felt the business should be transacted based on the square footage approved on the Site Plan.

In answer to *Commissioner Webb*, *Building Official Welch* stated that the porches on the Site Plan were part of the building but were not used as part of the parking calculations. Noting that both were commercial activity, *Commissioner Webb* stated he saw no distinction between the impacts of rental merchandise versus merchandise for sale. He felt only the volume of merchandise would have impact.

Commissioner Mattick suggested allowing that only a certain amount of square footage could be used for the display of merchandise.

Commissioner Woodland felt the City was being too restrictive and that the business owners knew what would make their business work. He suggested the City only address restrictions if something truly became a problem. He recommended that the Code language be amended that will allow the display of merchandise to become legal.

Commissioner Webb pointed out that merchandise should not be displayed on the sidewalks.

ACTION: It was the consensus that amended Code language be drafted and presented to the Commission for their consideration.

4. Segway and Three-Wheeled Electric Scooters Regulations.

Chair Quam explained that Sgt. Turner has complained about the City having no regulations relating to Segways. A copy of the Sanibel, FL Ordinance was presented as an example. *Chair Quam* asked for a consensus as to whether or not the City should

adopt an Ordinance establishing regulations for Segways. Chair Quam suggested that City Attorney Dye be asked to draft an Ordinance for Anna Maria based on Sanibel's Ordinance. It was later agreed that additional information will be reviewed prior to authorizing the City Attorney to draft an amended Ordinance.

ACTION; It was the consensus that the City should establish regulations for Segways.

Mayor Barford explained that the following observations had been made by the Sheriff's Deputies:

- Segways having two or three abreast
- Children appearing younger than 5-years of age operating the Segways
- Children operating Segways with no parental supervision
- Children riding with parents on Segways

Code Enforcement Officer Rathvon informed that Sgt. Turner has researched the issue of Segways in detail. A copy of his findings is available for the Commission's review.

P&Z Boardmember Sandy Mattick informed that the Planning & Zoning Board had been discussing the issue of Segways as part of their recent meetings.

Chair Quam informed that the issue of Segways was not a land-use issue.

ACTION: Discussion relating to Segways and Three-Wheeled Electric Scooter Regulations was tabled until the July Work Session. A copy of Sgt. Turner's findings will be provided to the Commissioners.

5. Angle, One-way, 9-foot spaces @ City Pier – Amend Parking Ordinance.

City Attorney Dye informed that the Pier parking lot was not a right-of-way and that the City can control it as the owner of the property. If the City wishes to authorize the Sherriff's department to ticket an individual parking or driving the wrong way, it would need to be in an Ordinance form. Adding additional parking, restriping, etc. can be done by the City as the property owner and an Ordinance would not be required. However, unless in Ordinance form, the Sherriff's Department would not have authority to issue any tickets – since there would be no law that would be broken.

Public Comment on Agenda Items

Segways

Tom Turner, N. Shore Dr. stated the Segway issue would be a P&Z agenda item. He informed he had researched the Florida Statute relating to the Segways. He said he would be researching the issue further in order to make a presentation at the next P&Z meeting.

Mr. Turner informed he had received a copy of the Segs by the Sea Segway rental agreement.

Chair Quam confirmed with City Attorney Dye that Segways would not fall under the category of Land Use. Therefore, it would be up to the Mayor to request the P&Z to address any issue outside of the Land Use.

P&Z Boardmember Sandy Mattick, 305 Pine Ave, stated that the P&Z Board had discussed the issue of Segways in two separate meetings and a third meeting had been scheduled for the purpose of forwarding a recommendation to the City Commission.

She suggested that the P&Z Chair be informed if no further discussion should be held by the P&Z Board relating to the Segway issue.

A-Frame Signs and Display of Merchandise

P&Z Boardmember Sandy Mattick, 305 Pine Ave, stated that the A-Frame signs and the issue of displaying merchandise had been occurring for a long time in Anna Maria. She said there had never been a problem with either issue until just recently when the complaints have been received and certain businesses are being targeted.

Boardmember Mattick suggested that the complaint system be changed and also that the complaints that are received be treated fairly - and that certain businesses are not allowed to be targeted.

Liza Moreau presented and read a prepared letter on behalf of **Barbara Sato** who was unable to attend. The letter addressed the issue of the A-Frame signs and the outside display of merchandise. Ms. Sato's letter indicated that it was disturbing that an anonymous complainer was impacting the ability of businesses to succeed and function well. Reference was made to the pictures taken of A-Frame signs and deemed by the anonymous complainer as acceptable versus ones that they felt were not acceptable.

Ms. Sato's letter stated that bikes had been stored in front of Beach Bums for a long time and the original Beach Bum's was even allowed to leave the bikes out over night. She questioned why after all these years; the complaint has now been made. It was felt that the anonymous complainer was mean-spirited and anti-business and that mean-spirited minorities should not ruin the community and livelihoods.

Ms. Sato asked that the individual filing the complaint introduce themselves and meet with her to discuss their concerns.

Lauren, on behalf of Beach Bums, 427 Pine Ave, thanked the Commission for their consideration towards Beach Bums and stated they would always be good stewards to the City.

Gene Aubry, 410 Spring Ave, asked that the Commission consider abandoning and no longer accept anonymous complaints in Anna Maria. He felt if an individual had a complaint or concern they should provide their name.

Commissioner Webb agreed with Mr. Aubry and felt that a signed affidavit should be required for any complaint. He noted that no other community that he is aware of will accept anonymous complaints. *Commissioner Mattick* agreed and felt a person was entitled to know who the complainant is.

Commissioner Woodland requested the issue of anonymous complaints no longer being accepted be placed on the July Work Session agenda.

Press Comment on Agenda Items Only – None.

Adjournment

Chair Quam moved to adjourn the meeting at 6:57 p.m. Commissioner Woodland seconded the motion. Motion carried – All Aye.