

**CITY OF ANNA MARIA  
CITY COMMISSION WORK SESSION  
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS  
10005 GULF DRIVE – ANNA MARIA, FL  
THURSDAY, JUNE 14, 2007  
7:00 P.M.**

**CALL TO ORDER**

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

**PLEDGE TO THE FLAG**

**ROLL CALL:** Commissioner Duke Miller, Deputy Chair Christine Tollette, Chair John Quam, Commissioner Dale Woodland, Commissioner Jo Ann Mattick, and Mayor Fran Barford.

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

**Press present:** Sun, Islander.

*Chair Quam* informed that the Request of the P&Z Board for the Commission to Review Variance Ordinance would follow item # 1 relating to the Review of the Proposed Amended Site Plan Procedure.

A lawsuit update by City Attorney Dye would also be heard that evening.

**1. Review Proposed Amended Site Plan Procedure.**

City Planner *Alan Garrett* informed that the draft proposal for the Site Plan was presented to the Planning & Zoning Board for their review. He pointed out that the P&Z Board Chair Doug Copeland was in attendance should the Commission have any questions of him.

Noting that the meeting went well, Planner Garrett stated that the P&Z Board did seem to be somewhat apprehensive of taking on some of the duties involved with the Site Plan review, however, are happy that the City Commission are looking to them for their expertise for providing guidance through the process.

Planner Alan Garrett reminded that a 3-tier system is being proposed – Site Plan review Administrative, those reviewed by the Planning & Zoning Board, and then those having Planning & Zoning Board recommendations then forwarded to the City Commission for their final consideration.

Changes to the Draft Ordinance as recommended by the P&Z Board were presented to the Commission by Planner Garrett and included:

- Adjacent or adjoining used as language throughout the Ordinance.
- Providing a distance radius of 500 feet from the subject partial.
- Definition of City means the Building Official or such person as designated by the Mayor.

Planner Garrett explained that the bulk of the P&Z Board discussion involved language that currently exists in the City's Ordinance that allows an applicant through the Site Plan process to ask for a deviation or a variance from the bulk requirements of the Ordinance.

The proposed changes includes that an applicant must demonstrate that the deviation would result in a superior design and that it has superior standard requirements. The P&Z Board had expressed concern that the language may be too subjective. City Planner Garrett explained that many issues in reviewing zoning and land use such as compatibility could also be subjective.

The P&Z Board was concerned that when coming through the Site Plan review procedure a request for a deviation or variance would have to demonstrate a superior design. However, when asking for a variance and not going through the Site Plan process, the review is handled under more stringent findings.

Examples and explanation followed by Planner Garrett. He also provided examples of what would make a property unique or cause a hardship.

Planner Garrett stated that the P&Z Board suggested that criteria be added relating to the terminology in the deviation of the superior design - in order to base the decision making on.

The P&Z Board also suggested reviewing the City's variance procedure in order for it to match with the deviation procedures.

Commissioner Woodland addressed the following:

- Also felt Section 74-350 of the proposed Ordinance was too subjective.
- Agreed that the process should be the same for the Site Plan variance and for the deviation.
- Sec. 74-350, Part - 1, a. Exemptions, 3) – add “buffering.”
- Sec. 74-350, c. Planning and Zoning Board Approval, 3) – add “buffering.”
- Part – 3, A. Site Plan Submission and Completeness Review, 2. – Agreed that a written determination by the City of the application's sufficiency was important.
- Part – 3, B. Administrative Procedure, 1. – add "or denial."

Planner Garrett announced that a meeting had been set up with himself, Mayor Barford, and Deputy City Clerk/Finance Director Percycocoe to review the fee schedule. A fee schedule will be presented to the Commission for their consideration that will cover all fees collected, and therefore would not burden the Ordinance. He stated that the applicant should cover all costs and in many cases Anna Maria's costs are currently too low in comparison to other jurisdictions.

Commissioner Woodland stated he did not see the inconsistencies with the City's variance procedure or where it was unfair.

Explanation followed by Planner Garrett of those type applications falling under the Administrative Approval, who was determined as the Administrative staff, and exemptions from the requirements of the section.

In relating to Part – 3, A. Site Plan Submission and Completeness Review, Item #10., *Commissioner Tollette* asked when determining the number of required parking places for restaurants why the number of persons who walk, ride bicycles, or take the trolley to the location is not taken into consideration.

Planner Garrett said last year he was charged at looking at the parking and signage. The issue of providing bike racks was brought to his attention at that time. He explained that some communities allow an applicant to file an alternate parking plan and if the Commission desired to do so it can be placed in Section 90 of the City's Code.

Commissioner Tollette suggested the following change:

- Part – 3, A. Site Plan Submission and Completeness Review, 1. – Add that the applicant will be notified.

Commissioner Tollette asked that the Commission be provided with a monthly report of persons who had applied for a Site Plan.

*Commissioner Miller* voiced concern relating to the issue of superior design and the possibility of a Judge ruling it as not definitive. He suggested that relating to the superior design issue, the City should be measurable and specific.

Commissioner Miller also felt the same about the parking issue, pointing out that the parking situation would be different during the off-season. He suggested sticking with the current code requirements.

The following changes were suggested by Commissioner Miller:

- Discussion and examples followed by Planner Garrett relating to Sec. 75-350, C. b. Administrative Approval, 1) – In any district, a subdivision of two lots. Commissioner Miller suggested the language be clarified. It was agreed to change it to read – “In any district, a subdivision plat of two lots.”
- Sec. 75-350, C. c. Planning and Zoning Board Approval, 4) – change “list” to “listed.”
- Sec. 75-350, C. b. Administrative Approval, 5) – Add “parking.”

Commissioner Mattick suggested the following changes:

- Sec. 75-350, C. a. Exemption, 3) – Remove “intensity” and “change of permitted use.”
- Part – 1, A. Pre-application conference – Add language where when an applicant actually brings in a variance request they are required to have justification at the preliminary.
- Part – 2, C. Required Information on the Site Plan, j) Number of seats – add “(restaurants).”

- Part – 2, C. Required Information on the Site Plan, 10. – Add “and outdoor seating.”
- Part – 3, D. City Commission Procedure – Add language that the applicant must respond in writing.

*Chair Quam* asked that the issue of ROR Parking be placed back on the Old/New Business list.

### **Public Comment**

*Tom Turner*, 850 N. Shore Dr., said he was glad to see the Site Plan Procedures being simplified.

Mr. Turner felt the Building Official should establish a dollar value when an application has to go before a Site Plan approval. He suggested any project cost of less than \$25,000 should not require Site Plan approval.

*Diane Caniff*, Tarpon, asked for clarification on the definition of a subdivision. Planner Garrett and the City Commission responded. Ms. Caniff suggested language of “the maximum of two lots” be added in order to clarify the meaning of a subdivision.

P&Z Chair *Doug Copeland*, 708 N. Bay Blvd., asked that the Commission, when considering a superior design and deviations, not create two unequal elements for one individual property owner and for a Site Plan having a greater impact on the neighborhood.

**ACTION:** Mayor Barford informed the Commission’s input would be reworked into the Proposed Amendment to the Site Plan Procedures and would be brought back for their consideration at the July Work Session.

## **2. Discussion on Request of P&Z Board for Commission to Review Variance Ordinance.**

*City Planner Garrett* announced that discussion on this issue had been included with Item # 1 and no further discussion would be required at this time.

## **3. Re-open Discussion on a Proposed Stormwater Utility Fee.**

*Mayor Barford* introduced Mr. Chris Collins who was in attendance to discuss the Stormwater Utility Fee proposed for 2009.

*Chris Collins*, 103 Willow, addressed the Commission referencing a prepared three-page spreadsheet. Mr. Collins explained the 10-year program in detail that included the following categories.

- Description of completed and proposed projects and their costs.
- The ERU calculation which includes all proposed stormwater construction costs plus future maintenance costs, and

- ERU calculations for construction costs only without proposed future maintenance costs.

Mr. Collins estimated a three-year period for completing the projects.

Mr. Collins explained that each ERU calculation is based on:

- Knowing the total costs to complete the projects.
- Knowing the number of taxable units and determining each ERU % ratio, and
- Selecting the 3-year build plan.

After explanation of the proposed cost comparisons, Mr. Collins informed he would be happy to work with the City regarding the cash flow and number crunching portion, however, total costs, the number of taxable units, and the type of percentage to be assigned to each of the units all will have to be determined first.

*City Attorney Dye* explained the initial notification to use the tax collection system must be provided to the tax collector and property appraiser no later than June 1. The information can then be provided to them the following August.

*Commissioner Mattick* pointed out the City's Resolution must be passed by January 1 and the Statue allows that time to be extended until March 1 if the tax collector and property appraiser agrees.

Mr. Collins also suggested utilizing Commissioner Woodland's expertise in obtaining possible grant funding.

*Commissioner Woodland* stated the information presented was different than what he was expecting. He said he had previously suggested implementing a stormwater utility fee as an excellent way to pay for the maintenance of the projects completed last year, those scheduled this year, and those scheduled in the next few years.

Commissioner Woodland explained the reason he felt the continuous stormwater utility fee was a good way to provide for the maintenance of the completed and already scheduled projects was maintenance is quite an investment for the City and the Commission should insure the project maintenance from now on.

Utilizing a stormwater utility fee would allow the City to take it out of the budget process by approving it one time and it would then carry on forever, according to Commissioner Woodland.

Commissioner Woodland further suggested the City's mill levy also be adjusted to compensate for a stormwater utility fee.

*Chair Quam* asked if the stormwater utility fee could be utilized to pay down the City's \$1 million loan debt.

*City Attorney Dye* informed the fee is authorized to go for stormwater maintenance and improvements. If the existing loan was utilized for that purpose only, it could in fact be used to retire the loan.

*Commissioner Miller* stated that when the City experiences the tax rollback; the stormwater utility fee could be utilized as a way to offset what had been budgeted to pay the Line-of-Credit. Therefore, the citizens could pay for the system over a ten-year period. He said he liked the idea of paying off the loan.

*Commissioner Woodland* answered that when the original stormwater utility fee was proposed, there was a 10 to 20-year payback. It was his opinion the payback period was too long compared to the construction period. He did not feel having the citizens' payback a project that was completed several years earlier was a good financial move. Examples followed.

*Commissioner Mattick* stated that since the City did not have a system in place such as the stormwater utility fee that was possibly the reason for having to take out the Line-of-Credit. She felt it would be wise for the City to proceed with implementing a stormwater utility fee and that the amount each property owner would have to pay should not be a burden.

*Chair Quam* pointed out the reason the consideration of a stormwater utility fee was placed on hold during 2005 was the requirement to provide an estimated \$10,000 engineering study to validate the ERU's.

*City Attorney Dye* explained that the City of Gainesville serves as the model used for establishing a stormwater utility fee. He noted their ordinances have been tested many times. Pointing out that the ERU's are the basic multiplier in determining the budget and how much to charge each property owner, because it is a fee for services, the amount charged has to have some type of relationship to what each property contributes to the City's stormwater load. A legitimate study would be needed in order to establish that amount.

*City Attorney Dye* informed the engineering firm retained by the City of Holmes Beach surveyed all single-family housing in the City and come up with an average home size of 2,700 square feet of impervious surface. That number was used in creating the City of Holmes Beach system. *City Attorney Dye* suggested the City might want to utilize the same engineering firm.

*Commissioner Woodland* said he disagreed with *Commissioner Mattick* that the amount per year for each property owner would not be a burden. He stated that the original discussions settled on an amount of only \$50.

*Commissioner Woodland* stated he was disappointed that the Commission did not understand the financial implications he was trying to relay. He said the original \$10,000 engineering study had no impact on his decision at that time, when actually it was because he felt it would serve as a bad way to pay for the projects and a poor financial decision on behalf of the City. He did not agree that

utilizing a stormwater utility fee was the appropriate way to do construction projects. Further explanation followed by Commissioner Woodland.

**ACTION: Mayor Barford will meet with Mr. Collins relating to this issue and will bring the item back for discussion at the July Work Session.**

**4. Discuss Manatee County Ordinance Relating to the Regulation of Family Day Care Homes.**

*Mayor Barford* introduced *JoAnne Stewart* and explained the City had questions for joining in with the County's Ordinance and its impact on Anna Maria. She asked if home schooling was involved.

*JoAnne Stewart*, Department of Children and Family Child Care Licensing, informed that home schooling was not included. The proposed ordinance relates strictly with an individual who is caring for someone else's children in their home and are receiving payment for their care.

In answer to *Commissioner Tollette's* question, Ms. Stewart acknowledged there are currently no registered or licensed homes in the City of Anna Maria. It was pointed out that joining under the County's ordinance would protect Anna Maria in the event of any future registered or licensed homes in the City. The Ordinance simply adopts State Legislation at a local level.

Explanation followed relating to how the Department of Children and Family Child Care would enforce the Ordinance. Ms. Stewart explained they have the authority to inspect licensed homes, however, no authority on registered homes unless a complaint had been received.

*Chair Quam* gave the example of a report received that day of a daycare being understaffed, unsafe, and not clean. Ms. Stewart said their department had not yet received that complaint. Their department is required to address the complaint within 24-hours of its receipt.

*Commissioner Woodland* said it was he that had a concern regarding the home schooling, pointing out home schooling continues to grow throughout all communities. He stated he would only support the ordinance if language is added that it exempts home schools.

**ACTION: It was the consensus of the Commission that Mayor Barford will forward a letter in support of Anna Maria joining in with the County relating to the Regulation of Family Day Care Homes.**

**Public Comment – None.**

**5. Discussion on Future Changes/Amendments to an Adopted Comprehensive Plan.**

*Commissioner Miller* suggested that either an attachment to the Administrative portion of the Comprehensive Plan be approved after returned by the DCA or placing a referendum on the ballot for the citizens to vote on changing the Charter in order to provide a layer of protection for the proposed Comprehensive Plan be established. *Commissioner Miller* spoke in support of establishing that the citizens of Anna Maria must first approve any future changes to the Comprehensive Plan that any future Commission may suggest. He pointed out that any changes to the Comp Plan effects the entire City.

*City Attorney Dye* said though he first felt *Commissioner Miller's* suggestion could be pursued, he now has doubts after looking at the Statute. He explained there is a new requirement that the City Commission must approve an annual update amendment to the Comp Plan such as an update to the Capital Improvements or just some type of housekeeping. Examples were given.

*City Attorney Dye* informed the Statute requires the duty for maintaining the local Comp Plan be placed on the "local governing body." His concern is that if the local governing body cannot make an amendment because it has to be further authorized by a vote of the citizens, it may be in violation of the Statute. He said he would follow through in researching the issue if the Commission so desired.

*Commissioner Miller* asked that *City Attorney Dye* does research the statutory requirements pointing out that the City of St. Petersburg Beach just voted in the language at the last election. Also, he stated there is currently an effort to change the State Constitution to require it.

It was *Commissioner Woodland's* opinion that the Commission would want the ability to quickly modify the Comp Plan in the event of an emergency.

*Commissioner Mattick* was concerned that future City Commissioner's hands would be tied if any change to the Comp Plan must first be voted on. She did not feel it would be fair to future Commissions.

**Public Comment** – None.

**ACTION:** **City Attorney Dye agreed to research Commissioner Miller's recommendation and bring the information back for discussion at the July Work Session.**

**6. Old/New Business Items.**

**a. City Attorney Report – Nally Litigation Issue regarding the Sandbar.**

*City Attorney Dye* informed that the Court issued an Order today regarding Mr. and Mrs. Nally's challenge to the approval of the Sandbar Site Plan. The Site Plan was found to be in full compliance with the law.

He announced the Nally's now have thirty-days to take it to another appeal, if they so desired.

City Attorney Dye then reported on the Nally's lawsuit involving the Special Permits for the weddings held at the Sandbar last spring. He said a motion to dismiss the lawsuit had been filed by the City.

Reminding the Commission that Judge Logan served as the Judge hearing the Site Plan issue, City Attorney Dye informed Judge Logan had also been assigned to the Special Permits lawsuit. Judge Logan has a social relationship with a part-time Assistant Manager at the Sandbar. A written notification from the City is required for Judge Logan to remain as the Judge. The hearing had been rescheduled for July.

**ACTION: It was the consensus of the Commission that Judge Logan remain as the Judge on the case of the Nally's lawsuit involving the Special Permits for the weddings held at the Sandbar last spring.**

**b. Commission Appointments to Citizen Recognition Committee.**

*Mayor Barford* asked that the Commissioner's each give her a name of an individual to serve on the Citizen Recognition Committee who will be charged to meet, elect a Chairman, and review nominations of outstanding Anna Maria citizens. The Committee will recommend an individual to receive the award.

The Citizen Award will be presented at the October City Commission meeting.

**c. Transportation Enhancement Grant.**

*Chair Quam* informed he had very few agenda items scheduled for discussion at the June 28 Commission Meeting.

*Commissioner Mattick* said she confirmed with the State that the City's Transportation Enhancement Grant would not be delayed due to other cutbacks in the budget. She was informed that grant money had been set aside and the City is scheduled to receive the grant funds in 2010. However, the City must begin the Planning Phase of the project. To do so the City must be certified in order to administrator the funds.

Commissioner Mattick spoke to a representative from the State and was informed that the certification process may be too much for the City to take on. The representative suggested that a presentation be made by their department to give a broad view of the grant fund process.

**ACTION: It was agreed to place the presentation on the June 28 agenda as a Work Session item for informational purposes only. No official action will be taken.**

**Public Comment on Agenda Items Only**

*Robin Wall*, 112 Palmetto Ave, asked when the City Commission would sign the transmittal letter relating to the Comprehensive Plan.

*Mayor Barford* explained that by the approval of the minutes that evening a letter would then be sent to DCA.

Ms. Wall stated it was her understanding that the letter must be received in Tallahassee and there's a five-day time frame for the DCA to acknowledge receipt of the letter prior to the 90-day time requirement taking effect. She suggested the City mail the letter as soon as possible.

**ADJOURNMENT**

**The meeting was adjourned at 9:04 p.m. on motion made by Chair Quam and seconded by Commissioner Tollette. All Ayes.**

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**Alice Baird, CMC, City Clerk**