

**CITY OF ANNA MARIA
CITY COMMISSION WORK SESSION
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, JULY 12, 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: Mayor Fran Barford, Commissioner Jo Ann Mattick, Commissioner Dale Woodland, Chair John Quam, Deputy Chair Christine Tollette, and Commissioner Duke Miller.

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

Press present: Sun, Islander.

1. Pine Avenue Restoration Project.

Mayor Barford stated that a week prior Mr. Michael Coleman came to her office and presented her with a tremendous vision on Pine Ave. She asked Mr. Coleman to present the Pine Ave. Restoration project to the Commission.

Michael Coleman, 311 Pine Ave., said he first appeared before the Commission when the Hunt project was being considered at the corner of Pine and North Shore Dr. After hearing the Commission discussion at that meeting he decided to build a two-story house on his property and preserve the downstairs area for whatever he decided to use the space for in the future. All his living area was built on the top floor level.

Mr. Coleman said he then studied what type of building could be accomplished on other lots on Pine Ave. if the setbacks were right. He felt, after listening to the comments during the Comprehensive Plan process, that what most would like to see happen is for Pine Ave. remain as it is and that the ROR District remain as a ROR District with mixed use, residential, commercial, etc.

Mr. Coleman stated it was his hope to have a store and office at his location. However, he was unsure that he could take his proposal to the P&Z and due to all the Code requirements it would be approved.

With all the lots becoming available on Pine Ave., Mr. Coleman said he began to realize that once the lots were bought, based on FEMA requirements and setback requirements the original home would be removed and rebuilt to a three-story home.

Mr. Coleman informed that over the past two weeks, twenty-one lots along Pine Ave. have been placed on contract for sale. He said due to his vision on Pine Ave. he wants to work with the City Commission, the P&Z Board, and the

community to limit all the lots to two levels of occupancy - a lower level of commercial space and an upper level of residential space. He gave the example of Roser Cottage and Mango Cottage and the theme of "Gulf Coast Cracker."

Two renderings were presented to the City Commission and public.

After meeting with Mayor Barford, Mr. Coleman informed that she then put together a meeting that included Mayor Barford, City Attorney Dye, City Planner Alan Garrett, the Building Official, and Mr. Coleman. He was informed at that meeting that his vision could be accomplished in the framework currently existing in the Anna Maria codes. Mr. Gene Aubrey was asked to determine how it could be accomplished on each different size lots and on the corner lots.

Mr. Coleman explained that the existing homes would be removed from their foundation and then placed on the commercial shop that would be built underneath it. This would be the building type on all lots and would work within the existing codes.

Mr. Coleman stated:

- There may be some parking issues. Mr. Coleman discussed parking being down the sides of the buildings.
- Mr. Coleman commented on the 20 ft. standardized setbacks along Pine Ave. With the proposed wide porches, he suggested the porches be placed 10 feet off the setback. Use the 10 feet off the setback and then begin the habitual space at 20 feet. The porches would serve as a covered sidewalk.

Commissioner Tollette asked if Mr. Coleman envisioned sidewalks on both sides of Pine and no parking.

Mr. Coleman felt that was an ideal vision and would need to be worked out with the City's Planner to see how to accomplish that.

Commissioner Tollette stated there are some historic homes on the Island that are for sale and suggested those homes be moved to Pine Ave. in order to preserve them. Commissioner Tollette applauded Mr. Coleman on his vision for Anna Maria.

Mr. Coleman agreed with Commissioner Tollette's suggestion and gave examples of other possibilities.

Commissioner Mattick agreed this was a unique opportunity for the City that may never come again and was perfect timing while working on the beautification grant. She stated she would be willing to serve on any committee to assist in obtaining the vision.

Pointing out that the Pier was built in 1922, Mr. Coleman said he had a 2011 Centennial Vision for the 4th of July.

Mayor Barford commented on what a great opportunity Mr. Coleman's vision is for Anna Maria and encouraged the City to support his concept.

Public Comment

Tom Turner, 850 N. Shore Dr., pointed out there are dormers shown on the renderings. He suggested if the dormer area would not be turned into a third story, that the windows be removed.

Randall Stover, N. Shore Dr., felt Mr. Coleman's idea was a terrific idea. He felt that one of the challenges would be who would be renting the commercial spaces and how they could afford the rent and taxes for the property.

Mr. Stover suggested that the City and businesses bond together to approach the County and explain their situation and how it would be important to have a tax break.

Don Schroeder, Holmes Beach, said he had lived on the Island since 1986 and felt the vision was a very unique opportunity that will affect the entire Island.

He stated as the past Chamber of Commerce President he recently had a meeting with each Representative. He said they are working very hard to get businesses taxed on their current use and to grandfather in properties.

Further Commission Discussion

Commissioner Woodland suggested Mr. Coleman contact Mr. Joe Chiles on N. Shore Dr. who has a home for sale that he hopes to preserve.

City Planner Garrett felt Mr. Coleman's plan was very exciting and creative and would bring in a lot of urbanism and pedestrianism into the community.

Planner Garrett pointed out that parking along the sides of businesses has worked for years in other parts of the City and felt the ROR Code needs re-worked. In addition, the timing for molding this proposal was perfect.

2. Review of Proposed Site Plan Procedure. (Proposed Ord. 07-680)

City Planner Garrett presented the item to the City Commission involving the concerns regarding the deviations and superior design. Concerns had also been discussed regarding the City's variance procedure.

Planner Garrett brought before the Commission the thought of bringing in the Site Plan procedure a "modification" instead of a "deviation." He then presented and explained in detail the six factors presented in his staff report that would need to be determined in making the decision of whether or not the modification should be approved. Planner Garrett explained that the applicant could address each criterion and how they feel it complies.

He felt that with Anna Maria being so special and unique it was important to have the ability to have some type of modifications. The language would allow for the City Commission to have total control as to determining whether it should be approved or denied and felt having specific criteria would prevent an applicant from taking advantage. He pointed out that currently the code is more prohibitive than encouraging.

Commissioner Woodland stated he did not feel the modification language should be part of the 2nd Reading and if it is it should first go back to the P&Z Board for their review.

Commissioner Woodland then discussed the previous comments that the City's variance procedure is currently too strict. He asked if the City's Ordinances were too strict and asked why the City would have a set of Ordinances that easily allows for variances. City Planner Garrett responded and example situations followed.

Commissioner Woodland said he could see where some of the City's Ordinances should be modified and gave the example of certain allowances in a setback. He suggested that other avenues be researched versus a strict set of rules with what he considers a lazy way of getting around them. He used the example of the Community Center and what someone's idea of a superior design would be.

City Attorney Dye explained that what Planner Garrett was proposing involved discussion on the Site Plan Ordinance and cautioned the Commission to not bring the variance process in that discussion. He stated the site plan process versus the variance process inhabit two different niches in the land use law.

City Attorney Dye informed that the legal basis for the variance process is that if the zoning regulations are so restrictive that someone could not have a use of their property, there had to be an escape clause to allow the person to have some minimal legal use of the property. The possibility of someone filing suit against the City for not being able to use his or her property could occur.

The site planning process basis on the other hand, is to create flexibility in land use. He stated that there's been discussion that someone coming in for a variance should have to meet the same requirements as for a site plan. Though it's legally possible, he did not feel it was good planning.

City Attorney Dye informed he was the original author of the "superior design" phrase in the current Code. He pointed out that until a few years ago the City never had a Site Plan Ordinance. No legal language was in place to allow the Commission to relax a regulation for a specific project.

City Attorney Dye stated that the current Site Plan Ordinance allows for relaxation of regulations. However, if for instance the modifications language were adopted as presented that evening, it would allow for the additional ability to acknowledge whether or not it would be a superior design.

Commissioner Miller also agreed the issue should be sent back to the P&Z Board for their comments. He felt all six of the proposed modifications listed were subjective and that they need to be more concise.

Public Comment

P&Z Boardmember Jim Conoly, N. Shore Dr., suggested clarification is determined on how to answer a homeowner's question as to what building allowances can be accomplished on their property.

Chair Quam suggested Mr. Conoly's question be addressed by the P&Z Board when discussing the issue.

Michael Coleman, 311 N. Pine Ave., agreed that the deviation/superior design language was too subjective. He felt, however, that the ability for the officials to have some type of flexibility was important. He gave the example of the proposed Pine Avenue Restoration Project as presented by him earlier.

P&Z Boardmember Randall Stover, 815 N. Shore Dr., stated the P&Z Board felt that the City needed to have a system in place to work by. In addition, every property owner needs the opportunity for flexibility and to apply for permits easily and smoothly.

ACTION: It was the consensus of the Commission that Ordinance No. 07-680 is considered for Second Reading at the July 26, 2007 meeting. The proposed modification language would be sent to the P& Z Board for their consideration.

3. First Reading of Ordinance No. 07-681 – Amendment Sections 133 and 134, Alterations and Repair of a Non-Conforming Structure.

City Clerk Baird read the Ordinance by title.

City Planner Garrett presented all changes to the Ordinance pursuant to comments provided by the P&Z Board. He explained the P&Z Board's determination for deleting the word "volume" and adding "total habitual floor" in Sec. 114-133 (d) and Sec. 114-134 (f). Discussion and clarification followed.

Commissioner Miller suggested for clarification purposes "occupied by the nonconforming use" in both sections be changed to read "within the nonconforming use."

City Attorney Dye informed that the two revisions authorize repair and maintenance and adding new livable space in a home go over and beyond any maintenance and repairs. Examples followed.

Public Comment

Randall Stover discussed the terminology of “area” stating it would only pertain to one floor. He explained that habitual area would refer to only that space as it currently exists and having to remain the same.

Scott Rudacille, Kirk Pinkerton, gave an example of what he felt the P&Z Board were addressing. He asked if the Commission would want to duplicate the Code section relating to expansion consistent with alteration and repair.

City Planner Garrett informed that the P&Z Board discussed the possibility of looking into the Code language relating to a non-conforming structure with a non-conforming use. He suggested the sections relating to the extension, relocation, and expansion of the structure be reviewed during the total review of the Codes.

City Attorney Dye pointed out that the City’s policies as set out in its Code is that non-conforming uses and structures are not favored and would eventually go away. He stated when discussing the addition of a porch, etc. to non-conforming uses and structures, it does go against the City’s stated policy.

ACTION: Ordinance No. 07-681 will be considered for Second Reading at the July 26, 2007 meeting.

4. Continue Discussion on Approval Method for Proposed Amendments to the Comprehensive Plan.

This item was originally placed on the Agenda for consideration as recommended by Commissioner Miller.

City Attorney Dye stated the process as set up by Statute is following through with the EAR process that will be turned into an Ordinance that changes the Comprehensive Plan. A hearing will then be held whereas the Commission will either adopt or modify the Ordinance then sent to DCA for their approval prior to being sent back to the City Commission for their final adoption. That process will take approximately six to nine months.

He explained that if a referendum is required it would need to be determined when that process would take place. There would be no cost to the City if placed on a General Ballot, however, the City would absorb the costs if placed on a Special Ballot.

Commissioner Miller suggested that the document not be sent to DCA until approved by a referendum first.

In answer to *Commissioner Tollette’s* question, *City Attorney Dye* stated he has no reclamation of any amendments to the City’s current Site Plan adopted in 1989.

Commissioner Tollette stated her concern is that the Commissioners are voted in to make certain decisions on behalf of the City and felt the citizens expect them

to take into consideration all possible results of the language that should be adopted. She voiced concern that the general population may not understand the question that would be placed on the ballot and may not be able to vote accurately.

Mayor Barford explained that the City was in the process of reviewing the budget and certain budgetary cuts at this time. An election process costs approximately \$5,800. As a result, she informed that the Commission will be presented with the recommendation of amending the City's Charter.

Mayor Barford suggested the Commission proceed through the budget process prior to making a decision on this issue.

Chair Quam said he was not in favor of approving the requirement of a referendum, however, would like to see language relating to the requirement of a super majority vs. majority be added to the Comprehensive Plan.

Commissioner Woodland said he agreed that it should not be easy to modify the Comprehensive Plan and suggested the Commission continue discussion on the issue until determined.

Public Comment – None.

5. Continue Discussion on a Proposed Stormwater Utility Fee.

Diane Percycoe, Deputy City Clerk/ Director of Finance, presented a detailed report and discussed the updated spreadsheet as prepared by Chris Collins. She informed that she, Commissioner Woodland, and Chris Collins previously met to review the spreadsheet details.

Ms. Percycoe explained that in her research she found that stormwater run-off was the number one threat to Florida's waterways. It was also the most significant source of pollution of waterways in Florida.

Pointing out that the Comprehensive Plan has a section relating to the safe and effective removal and treatment of stormwater, the two issues City's face today are quantity/flooding and quantity/pollution being washed into the bays and canals.

Ms. Percycoe then discussed the lack of funding to complete the drainage improvement system and satisfy the requirement of mandates. She explained that the General Fund, grant funds, and just recently the line-of-credit has been used by the City for the past two years for the Gladiolus drainage project, major road work, and Phase I of the Manasota Basin Grant project.

Ms. Percycoe explained that over five hundred communities are collecting stormwater utility fees. The user fees are being charged to the ratepayers of the stormwater system and charged proportionately based on their contribution to runoff. Numerous advantages, requirements, and explanation followed.

The report prepared by Chris Collins was reviewed which included:

- City of Anna Maria Proposed Stormwater Projects
- Stormwater Utility Fee w/3-Yr Build
- Stormwater Utility Fee w/3-Yr Build – Only 2 Grants, and
- Two reports regarding Stormwater Utility Annual Maintenance Fee

Ms. Percycocoe informed that the City would be submitting a \$352,500 matching grant application. Discussion followed relating to the impact on the City in the event the grant was not awarded.

Ms. Percycocoe asked the Commission to address:

- Should the City move forward with the Stormwater Utility Fee. If so, when.
- Should the City proceed with a feasibility study. If so, when.
- Should Capital Improvement Projects be funded with a Stormwater Utility Fee.
- Should City fund maintenance of Capital Improvement Projects with a Stormwater Utility Fee.

Chair Quam questioned why only a ten-year program was being considered.

Ms. Percycocoe answered it would be to pay for the projects. The maintenance fee would be placed in perpetuity.

Lengthy discussion followed by the Commission relating to the number of years for collection, status of the line-of-credit, future reserve requirements, need for a capital improvements plan, potential costs to residents, and maintenance fee requirements.

The discussion as to whether or not a feasibility study be conducted and its cost followed. It was pointed out that a study had already been completed in both Bradenton Beach and Holmes Beach.

City Attorney Dye advised that the Bradenton Beach and Holmes Beach study would indeed include valuable information, however, someone with an Engineering background would need to review the study to see what percentage would apply to Anna Maria. A custom study would then need to be completed to close any gaps. He pointed out that the Property Appraiser's database has a listing of all structures and their sizes on all properties.

Commissioner Miller agreed that a feasibility study would be needed for the purpose of what the ERU would be in Anna Maria.

Commissioner Mattick asked if bids would be obtained relating to the feasibility study.

Mayor Barford said she would first get direction from Engineer Tom Wilcox.

Public Comment

Tom Turner, 850 N. Shore Dr., said he felt obtaining a feasibility study was a good idea. Pointing out that the stormwater runs into the canals, he asked how many of the canals the City owned. Mr. Turner felt the canals should be included in the project in regard to maintenance and dredging.

Margaret Jenkins, Chilson Ave., stated that the Commission should consider that costs would rise. She stated that it is hard for homeowners to pay the current taxes and hated to see an additional fee placed on the tax statements.

Ms. Jenkins suggested that the City search out grants.

Ms. Jenkins informed that Chilson is still flooding and asked that it be placed back on the Phase I list.

-- **MOTION:** **Noting it was 9:00 p.m., Chair Quam moved to continue the meeting until the completion of the agenda. Commissioner Woodland seconded the motion. Motion carried – All Aye.**

6. Form a Committee to Prioritize Potential Items of the Transportation Enhancement Grant.

Mayor Barford stated she would like to form a Committee for the purpose of the Transportation Enhancement Grant opportunity.

Mayor Barford informed that the Committee would require Sunshine responsibilities and administrative needs. The City Commission would approve all twelve appointees.

Appointed will be:

- Mayor Barford to serve as Chair in a non-voting capacity.
- Commissioner Mattick – responsible for writing the Grant.
- One appointee recommended by each Commissioner and one from Mayor Barford.
- Two EEEEC appointments.
- Three public appointments from the business committee appointed by Mayor Barford.

Commissioner Mattick provided the name of Janet Aubrey as her appointee to serve on the Committee.

7. Old/New Business Items – None.

Public Comments on agenda items only – None.
Additional Business – Budget Work Sessions Scheduled.

a. *Diane Percycoe*, Deputy City Clerk/Director of Finance, informed the Commission that the following Budget Work Session dates have been set:

Tuesday, July 24 – 6:30 p.m.

Tuesday, August 7 – 6:30 p.m.

Tuesday, August 21 – 6:30 p.m.

Wednesday, August 29 – 6:30 p.m.

ADJOURNMENT

The meeting was adjourned at 9:02 p.m. on motion made by Commissioner Miller and seconded by Commissioner Woodland. All Ayes.

Alice Baird, CMC, City Clerk