

The City Commission of the City of Fernandina Beach, Florida, met in a Work Session on Tuesday, July 19, 2011 at 5:00 pm in the City Commission Chambers. Present were Mayor Susan Steger presiding, Commissioners Jeffrey Bunch, Eric Childers, and Arlene Filkoff. Also present were City Manager Michael Czymbor, City Attorney Tammi Bach, and City Clerk Mary Mercer. Vice-Mayor Tim Poynter was absent.

Mayor Steger called the meeting to order and dispensed with normal formalities.

3.1 DISCUSSION WITH CITY PLANNING STAFF OF THE EVALUATION AND APPRAISAL REVIEW (EAR) BASED COMPREHENSIVE PLAN AMENDMENTS: City Planner Kelly Gibson provided background information about the EAR amendments from a PowerPoint Presentation. Included in the presentation was that growth management & comprehensive planning has been around since the early 1970's. The 2011 legislation repealed the Florida Administrative Code Section 9J5, but 10 pages of 9J5 were incorporated into the new legislation. City Planner Gibson pointed out that the Comprehensive Plan amendment process was revised and streamlined to reduce the amount of time that it takes for Comprehensive Plan amendments. She provided further clarification of the 2011 legislation changes, which allow local Comprehensive Plans to better respond to the community needs. The Comprehensive Plan is the long range plan and vision document for the City, while the Land Development Code (LDC) creates the regulatory framework to implement the Comprehensive Plan. The EAR is required every seven years (done in 2009) and part of the process is to identify major issues of the community. City Planner Gibson outlined some of the common themes in the revisions including: multi-modal transportation, enhanced level of service (LOS) metrics, long range capital improvement planning, and energy efficient land use patterns to reduce greenhouse gases. She briefly explained the timeline of the EAR based amendments that started in 2009 with the adoption of the EAR and identifying element champions in early 2010 as shown in the PowerPoint presentation. She pointed out that the Planning Advisory Board (PAB) finalized the EAR based amendments last Wednesday and recommended approval for the City Commission's consideration. She reminded the City Commission that the first reading of the Ordinance for transmittal to the Department of Community Affairs (DCA) was scheduled for August 2nd. She pointed out that the State has a 30 days review period and she anticipated that second reading and adoption of the EAR based amendments would be on November 1st. She explained that staff anticipated adoption of all the amendments to implement the Comprehensive Plan amendments by the end of next November. She briefly reviewed the 11 elements:

- 1) **Future Land Use Element** – mandatory per State Statute; new topics such as water supply planning, energy efficient development, sustainable growth strategies, neighborhood planning, infill/redevelopment targeted areas, clarification of non-conforming structures and uses, and focus on mixed uses within existing commercial corridors.
- 2) **Multi-Modal Element** – optional element per 2011 legislation: new topics include strategies for mobility and creation of multi-modal networks, reduce vehicle miles traveled, enhanced coordination between agencies, direction for parking requirements, and added quality of service measurements.
- 3) **Housing Element** - mandatory per State Statute; new topics included housing needs assessment, housing preservation, policies encouraging provisions for affordable/workforce housing, and energy efficient and sustainable housing.
- 4) **Public Facilities and Services Element** - mandatory per State Statute; new topics addressing stormwater requirements and an emphasis on recycling programs.
- 5) **Conservation and Coastal Management Element** - mandatory per State Statute; new topics for disaster preparedness/post-disaster redevelopment, waterfront planning, water conservation, excavation activities, wildlife planning, tree preservation, energy conservation, and intergovernmental coordination.

6) Recreation and Open Space Element – optional element per 2011 legislation; new topics include open space master planning, facility management, boating and waterways, community services, and Bosque Bello.

7) Intergovernmental Coordination Element - mandatory per State Statute; new topics for identifying the need for a database for all intergovernmental agreements, establish joint municipal planning areas for annexation planning, and adding specific coordination activities.

8) Capital Improvements Element - mandatory per State Statute; new topics include going from a 5 year plan to a 20 year schedule for capital improvements, updated ranking criteria, planning department review for consistency with the overall Comprehensive Plan, LOS standards for other City services and facilities, LOS tracking system, and sustainability.

9) Port Element – no proposed changes, but the Ocean Highway and Port Authority appointed a Commissioner to update the element.

10) Public Schools Facilities Element – no proposed changes to this optional element.

11) Historic Preservation Element – optional element per the State Statute; this is a new element to address programs that already exist in the City highlighting archeology, neighborhood preservation, sustainability, and planning for the Bosque Bello Cemetery.

City Planner Gibson presented the EAR website for all the supporting documents: www.fbfl.us/ear. She pointed out that the website includes all the outreach activities, presentations, draft minutes, agendas, and the amendments. She stated that staff included a summary of changes chart, which tracks the comments received as part of the outreach efforts.

Commissioner Filkoff commented that there has been talk in the past about having an economic development component and inquired where does that fit in. City Planner Gibson replied that a policy statement was included for the creation of an economic development element to stand alone in the future, but it was contained in the intergovernmental coordination element for now. Commissioner Filkoff inquired if this could be an additional amendment at any time. City Planner Gibson replied absolutely, because the recent legislation removes the twice per year limitation on Comprehensive Plan amendments.

Commissioner Childers inquired why all this has to be sent to the State and why couldn't it be handled through the LDC locally (i.e. the density increase downtown, the floor area ratios at Main Beach). City Planner Gibson explained that the Comprehensive Plan serves as the overall guiding document by which the City creates the regulatory framework to establish those goals. Commissioner Childers commented that the City Commission was facing a possible reduction of one of the planners in next year's budget and yet this is a lengthy document that requires more work in order to go the State. He briefly explained the idea of limiting government so that it doesn't get into the position where they can steal the rights and dictate to the people what they can do within a community. He agreed with laying out guidelines, but pointed out that we can't anticipate every single contingency. He expressed his opinion that less government is better and this is a great place to start reducing the size of government. Commissioner Filkoff inquired what in the Community Redevelopment Area (CRA) matrix process slowed the City down. City Planner Gibson explained that in order to increase density at all the City would still be looking at a Comprehensive Plan update and the City needed the framework for the density bonus program in the Comprehensive Plan otherwise the City can't just lean on the LDC to allow for increased density throughout the City. She stated that some of the time under the State review slowed the process down, but developing out what the City envisioned to be allowed for density increases in the CRA area took some time. There was some discussion to clarify this further and the need for the Comprehensive Plan to serve as the policy basis for the regulatory structure and to bolster the legality of those regulations. It was noted that the recent legislation

encourages creativity and local solutions to local issues rather than having a one size fits all statewide mandate.

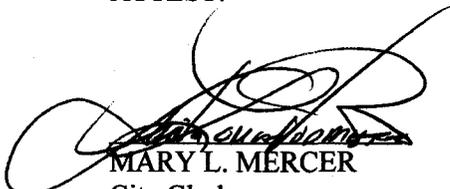
Commissioner Childers noted that in 2009 there was an additional recommendation that the Golf Course become an Audubon designated area. He questioned why it was important for this to be in the Comprehensive Plan. Community Development Department Director Marshall McCrary stated that it doesn't have to be in the Comprehensive Plan, but it is in there as a statement on behalf of the City Commission and the community to say that this is important to participate in. There was further discussion about the Comprehensive Plan and Commissioner Childer's concern about the plan burdening the City with more self-imposed requirements. It was noted that there were policy statements in the Comprehensive Plan (i.e. height restrictions) that the community feels are distinctly important. There was a brief discussion about resort rentals noting that it specifically calls out lodging activities not allowable in the low and medium density residential districts.

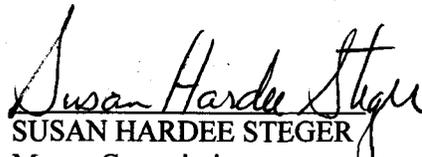
Commissioner Childers expressed his concern with the Comprehensive Plan locking the City Commission and future Commissions into a mode of behavior that is approved of now. He referred to activating the Historic Preservation Trust Fund during the annual budget process and stated that this seemed to him to be a staff mandated tax increase that has to be dealt with in the budget. He commented that the onus is being put on future Commissions to put this in the budget. He expressed his opinion that this was not appropriate.

Mayor Steger expressed her thanks for the many volunteers who've spent a lot of time on the EAR amendments and the City staff to get this done.

ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned at 5:48 pm.

ATTEST:


MARY L. MERCER
City Clerk


SUSAN HARDEE STEGER
Mayor-Commissioner