

**CITY OF ANNA MARIA
CITY COMMISSION REGULAR MEETING
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, JANUARY 27, 2011
6:00 P.M.**

CALL TO ORDER

Chair Webb called the Regular Meeting to order at 6:00 p.m.

PLEDGE TO THE FLAG

ROLL CALL: Mayor Michael Selby, Deputy Chair Jo Ann Mattick, Commissioner Dale Woodland, Commission Chair Chuck Webb, Commissioner John Quam, and Commissioner Eugene Aubry.

Staff Present: City Clerk Alice Baird, Finance Director/Deputy City Clerk Diane Percycoe, Building Department Administrative Assistant Diane Sacca, City Attorney Jim Dye, Building Official Bob Welch, City Planner Alan Garrett, and Minutes Clerk Stacey Johnston.

Press: Sun and Islander.

1. Beach Renourishment – North End of Island – County Commissioners John Chappie and Carol Whitmore.

County Commissioner John Chappie introduced Manatee County Director of Natural Resources Department Charlie Hunsicker who presented a PowerPoint presentation relating to the Manatee County Shore Protection Program. Mr. Hunsicker introduced Richard Spadoni, Senior Vice President, Coastal Planning & Engineering, Inc. of Boca Raton who assisted Mr. Hunsicker with the detailed presentation.

Mr. Hunsicker presented a handout to the Commission, staff, and public and referred to articles previously printed in the Longboat Observer and the AMI Islander newspapers. He explained that Anna Maria was not alone when it comes to addressing the problem of losing sand along the shoreline. He stated that Longboat Key, for example, has no Federal funding to assist and that receiving Federal funding could take as long as 10 to 15 years to obtain.

Mr. Hunsicker and Mr. Spadoni then presented the PowerPoint presentation. The Manatee County Shore Protection Program presentation included discussion and explanation relating to the following:

- Successive waves carry sand downdrift along a longshore current. Explanation followed relating to how the winds from the NW set up the wave pattern.
- Storms and seasonal changes cause an unstoppable force to remove sand from the Island.
- Present dynamics effecting the north end of AMI.
 - High currents and deep channel.
 - Waves and currents eroding the beach.
 - Sand moves to the south on AMI.
- Explanation on how the County has been addressing the renourishment of sand since the early 1990's on AMI. Mr. Spadoni informed he had been involved for 23 years. He addressed the AMI coastal projects referred to the "Northern", "Central", and "Southern" areas.
- Future planned projects include:
 - Coquina Beach renourishment – March/April 2011 – 200,000 cu yds of sand.
 - City of Anna Maria renourishment.
 - Coquina Beach – Jetty at Longboat Pass – summer 2011 (pending sea turtle and shorebird protection requirements). Bid docs are currently being prepared.
 - Coquina Beach – artificial reef. Plans and specs are in the preparation stage. Construction to begin late April 2011
 - Coquina Beach groin replacement. The existing groins will be removed and replaced with permeable/adjustable groins. Project scheduled for 2012/2013.

- Port Dolphin renourishment – 2012 (will benefit City of Anna Maria). 150 cu yds (210,000 tons) of sand to be moved prior to placement of the pipeline. This project will alleviate some of the erosion pressures along the north end of the Island. Port Dolphin LLC has committed to contribute \$5 mil towards the construction.
- Central project renourishment of the 2002 project – 2014/2015. It was noted that in 2002 there were not enough companies willing to enter into an agreement with the County and State. The County has now awarded a bid to Great Lakes Dredge and Dock.
- Elm Ave & Oak Ave to be combined with Coquina Beach – March/April 2011.
- Funding and project costs were explained that includes FEMA, State cost share, Port Dolphin contributions, and proceeds from the Manatee County bed taxes.

 The Northern AMI long-term and short-term changes, challenges, solutions, and the costs involved were discussed. It was noted that a Corp of Engineers meeting was held. To create a Federal authorization for adding the north end area of Anna Maria Island would require developing a General Re-evaluation Report (GRR). A Limited Re-evaluation Report (LRR) is normally what is provided which takes 3 years for approval.

Adding the north end of developing a GRR would take a 6-year minimum. Doing so could mean delaying the rest of the Island. It was determined that the LRR process was the best.

Possible solutions –

- Permanent Solution - Placement of T-end groin structures – may need 5. Results in a curved beach that sets up between the groins. Minimum cost of \$3 mil and would need coupled with some type of dredging to keep the cost from rising to \$6 to \$8 mil. Rock groins and beach renourishment requires federal authorization. Of the total estimated cost of \$4,815,000, almost \$3 mil would be federally funded with the remaining costs to be split between the state and local governments.
- Interim Solution - Potential Geotextile Tube Solution by placing it along the seawall on the north side to provide a barrier form wave activity. It would not provide a beach but would block the waves and help protect the properties. It was noted that unfortunately the homes there were not built to today's elevation. Therefore, during a 4-ft tide, groins, tubes, etc. would not stop the Gulf from encroaching onto the Island. Only a dike – similar to that being built in Louisiana – would prohibit the north end of AMI from being damaged in the event of a storm surge coming up Tampa Bay.
 Total project cost would be approximately \$850,000 to \$1 mil – resulting in 15% to 20% of the cost it would take to build a seawall that would last longer.

Mr. Hunsicker informed that there is no County funding available for the interim or permanent solutions. They would, however, at the Board's direction, continue taking the steps necessary to line up Federal support for the north end of the Island. The process though requires a 10-yr or greater journey.

Public Comment

Amy Cruise, Arcadia resident and Anna Maria Island N. Shore property owner, questioned how much of the north end area the Port Dolphin project would impact.

Mr. Spadoni informed that the design would be completed closer to the time the sand will go in. However, there should be 100 to 200-ft of added beach width, along with additional sand being added in 2015.

Manatee County Commission Chair Carol Whitmore informed that the presentation that evening was as a result of the letter written to the editor from an Anna Maria resident asking her to explain the County's position.

Anna Maria resident **Diane Caniff** questioned the history of when the seawall at the north end of the Island was built and if there was a wide beach at that time.

Mr. Spadoni said he was unaware of when the seawall was originally built; however, seawalls are not historically built unless there is an erosion problem. They are generally setback from the shoreline and not placed in the water. His belief as a Coastal Engineer was that the loss of Pigeon Key was allowing more wave activity and thus causing the water to come up over the existing seawall.

Joan Dickinson, 865 N. Shore Dr, said it was a real disappointment that funding is not available for the renourishments program between the Rod & Reel Pier up to Bean Point that she and others had worked so hard for over the past eight years.

Ms. Dickinson stated that based on the survey of her home purchased in 1998, her property has been diminished by 50-ft. She noted that N. Shore Dr. was completely flooded during the last hurricanes taking place in the Gulf. Ms. Dickinson questioned if the existing groins could be repaired.

Mr. Spadoni said it was possible that the existing rock groins could be repaired and built on - and that doing so would help. An evaluation would need to be made to determine if it would be a positive contribution and solution. Discussion followed.

Jason Suzor, 111 S. Bay Blvd, asked if rock rip-rap revetment could be utilized and served as a seawall.

Mr. Spadoni informed that a revetment would cost approximately \$1,500 to \$2,000 per foot and would cost nearly what a seawall would cost to install – as compared to the geotube costing only \$350 per foot. He agreed, however, that a seawall or revetment would be the better solution.

Palma Sola resident/contractor referred to a project his company put in that only cost \$450,000.

Mr. Spadoni responded noting that the north end was an area of intense wave activity. He invited the contractor to bid on the artificial reef project.

Sydney Gruters spoke on behalf of Congressman Vern Buchanan, stating that though Congressman Buchanan did not make the decisions relating to Federal funding, his office would assist as a liaison in any way possible.

Mr. Hunsicker responded that Manatee County is no better served than by Congressman Buchanan. He stated that the current President's budget is supporting the funding to the Army Corp of Engineers employees and engineers to help advance the study and permits. However, every area of discretionary spending is also being looked at – and the beaches are a discretionary expenditure of the U.S. Federal Government.

Diana Melsko, 832 S. Bay Blvd, explained how the sand would flow towards her home. She questioned if a groin could be built out on the edge of the Bimini Bay channel.

Mr. Spadoni explained that groins are structures that trap and hold sand and would work for that situation.

Mr. Hunsicker informed that Ms. Melsko's concerns would be a different problem for the City to tackle – resulting in another level of review by a different agency within the State.

Commission Discussion

Commissioner Woodland referred to the materials used for the channel in Lake LaVista in 1993. He noted that in regard to Ms. Dickinson's situation there are several existing jetty's at that location. He suggested that simple sand tightening methods be utilized at her location that would be affordable and serve as an interim solution.

2. City Pier Proclamation – Mayor Selby.

Mayor Selby presented Sissy Quinn with a Proclamation designating May 14, 2011, as the "Centennial Celebration Day" to acknowledge the 100th anniversary of the Anna Maria City Pier's construction.

Ms. Quinn expressed her appreciation for the Proclamation and invited everyone to join the May 14, 2011 celebration event.

3. Second Reading and Public Hearing – Ordinance 11-720 – Rezone C1 to ROR.

City Clerk Baird read the Ordinance by title.

City Planner Garrett stated that 24 lots will be rezoned from C1 to ROR in consistency and compliance with the City's Comprehensive Plan. The City has provided all correct notification and advertising for the Public Hearing that evening.

Referring to property owned by members of her family, *Commissioner Mattick* asked for clarification relating to the description versus how the two lots are shown on the map.

Planner Garrett explained that the map reflects tax parcel ID's and the two lots described by Commissioner Mattick were combined as one taxing parcel - but still retains its two-lot designation.

Public Comment

Chair Webb officially declared the public comments portion of the Hearing open. Hearing no public comment, *Chair Webb* declared the public comments portion of the Hearing closed.

MOTION: Commissioner Quam moved that Ordinance 11-720 be approved for adoption. Commissioner Mattick seconded the motion.
On Roll Call Vote, the motion carried unanimously.

4. Public Hearing – Variance for Waterfront Restaurant at 111 S. Bay Blvd. Applicant – Jason Suzor, Suzor Properties LLC.

Planner Garrett reported that the packet materials include the staff report and the P&Z Board's recommendation for approval (by a 5 to 1 vote), along with their Findings Relating to Variances.

Recognizing the quasi-judicial hearing, *Chair Webb* asked the Commission if there were any ex-parte communications. There were none.

City Clerk Baird administered the oath to all persons wishing to speak.

Applicant Presentation

Applicant **Jason Suzor** said the variance request was to extend the existing awning and railing at the Waterfront Restaurant. Mr. Suzor stated that when the restaurant was first rebuilt, rather than waiting for a variance for the existing railing, they went ahead and cut the railing down and placed planter boxes in its place. As a result, there have since been numerous instances where individuals will cut through the planter boxes, a person will have fallen, etc. The situation has become a safety concern. He explained that the umbrellas currently on the porch there to protect the patrons from the sun will often get blown over from the wind and end up blowing down the street.

Mr. Suzor felt it would be best to request the variance in order to extend the railing in order to block that section off and to extend the awning to the side of the building.

In response to a request by *Commissioner Woodland*, *Planner Garrett* acknowledged that a more detailed/expanded analysis will be provided in the future on how the P&Z Board felt the eight findings meet – or does not meet – the criteria.

Commissioner Woodland agreed there was a safety issue to be considered. He acknowledged that Mr. Suzor had tried working with what they had and has now recognized it was not working. Commissioner Woodland questioned if the variance request would serve as the “minimum solution” but said he was in favor of the variance request.

Commissioner Quam pointed out that the awning in place was approved by a variance in 2001. He questioned if approval of the variance that evening would cause the non-conformity to become more non-conforming.

City Attorney Dye responded and later stated he did not believe an earlier variance would be non-conforming since it was permitted. Therefore, the non-conformity rules would not apply to something previously permitted as a variance – and that it was legal when built once the variance was approved.

Commissioner Aubry pointed out that the existing deck holds patrons who set out in the rain. He also acknowledged the safety issue which he felt was a serious situation. He said he was in favor of approving the variance request.

A review of the findings related to variances followed by Chair Webb and Mr. Suzor.

Planner Garrett informed that the P&Z Board recommended limiting the variance to only the specific request so as to not preclude or allow any additional expansions further along the side setback. *Mr. Suzor* confirmed that the deck itself would not be extended.

Chair Webb officially opened the public comments portion of the Hearing.

Public Comment

Anna Maria resident **Diane Caniff** stated that prior variance requests were requested for the Waterfront Restaurant location - such of the number of parking spaces relating to the number of seating. She said it was her understanding that the seating would not increase and asked for clarification. She questioned how expanding the awning would solve the safety concerns and felt additional variance requests could follow.

Mr. Suzor reviewed and explained what he was requesting. He confirmed that the seating had not been changed from what was originally approved. The only way he would be able to increase the seating would be if a second story was built.

City Clerk Baird administered the oath to *Sandy Mattick*.

Sandy Mattick, 305 Pine Ave. stated that the deck was not non-conforming and what makes the non-conformity would be the railing.

Hearing no further public comment, Chair Webb closed the public comments portion of the Hearing.

MOTION: Commissioner Mattick moved to approve the Variance Request for the Waterfront Restaurant at 111 S. Bay Blvd as submitted to include the recommendation provided by the P&Z Board that the Variance be limited specifically to the deck area and not any further down Spring Ave. Commissioner Aubry seconded the motion.

Diane Caniff called for a Point of Order and questioned who the architect for the project was and if there was any conflict of interest.

Applicant Jason Suzor informed there was no architect hired for the project.

The following findings relating to variance were approved as recommended by the P&Z Board:

- 1) There are substantial practical difficulties and hardships in carrying out the strict letter of the regulation, and these difficulties and hardships are due to existing special conditions and unique circumstances which are peculiar to the specific property involved and which are not generally applicable to other properties or structures in the same district;
- 2) The condition giving rise to the requested variance is due to unique circumstances not created by the applicant or any person presently having an interest in the property;
- 3) The variance request is not based exclusively upon a desire to reduce the cost of developing the site;
- 4) The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public;
- 5) The proposed variance will not substantially diminish property values in, or alter the essential character of, the area surrounding the site;
- 6) The variance request is not passed on the presence of nonconformities in the district or adjoining districts;
- 7) The proposed variance is the minimum modification of the regulation at issue that will afford viable relief, and
- 8) The effect of the proposed variance is in harmony with the general intent of the comprehensive plan, this chapter, and the specific intent of the subject area of the provision.

ACTION: Chair Webb called for the vote. The motion carried – All Aye.

5. **Pine Avenue Parking & Pedestrian Plan Discussion.**

City Planner Garrett informed that the Commission was provided two alternatives for their consideration:

Alternative One – Parking spaces would be located entirely on the lot/parcel and not within the City's right-of-way.

Alternative Two – Requires the spaces to be located partially in the City's right-of-way and partially on the lot or parcel.

Planner Garrett recommended that the Commission focus on Alternative One. He felt Alternative One was best due to giving greater distance between the car backing out and the edge of the pavement of the street for visibility purposes; provides a great width in that area within the City's right-of-way to function for loading and unloading; and maintains the City's right-of-way so the City could expand the pavement in the future for a bicycle lane. He noted that Code amendments would be required for the following:

- Changing the parking spaces to 18-ft.
- That Pine Ave. can have either have angled or 90-degree parking spaces and the side streets would be 90-degree to the street.
- Add language to Sec. – Off Street Parking Requirements (i) *Sidewalks* b. *Width and location* - That "a sidewalk shall be constructed of a material which is ADA compliant and shall be a minimum of 5-ft wide and shall be located abutting the right-of-way."

Planner Garrett informed that once agreed upon, the language can be placed into an Ordinance form. Additionally, the Commission would need to address how they wished to regulate the maximum square footage for the office and retail. He informed that the P&Z Board had discussed reducing it down to 30% for the internal lots and 35% for corner lot/parcels.

Chair Webb asked for a consensus on which Alternative the Commission wished to pursue. It was the unanimous consensus that discussion follows relating to Alternative One.

Discussion followed relating to Alternative One and included:

- Ability to install a future bicycle lane.
- Would provide for beautiful corner openings to place benches, trees, etc.
- Type of material to be used to distinguish between the parking lot and the sidewalk to allow for uniformity and it being attractive.
- Discussion that through an easement, the City would be responsible to maintain the parking areas and sidewalks to insure the safety for the pedestrians of the City.
- Can require that the installation of a sidewalk will be required on both sides of Pine Ave. even for new single-family residences.
- Discussion relating to providing for both the 90-degree and angled parking. It was noted that 90-degree parking would allow for more spaces.

Commissioner Woodland asked what specifics were different in Alternative One versus the City's current language in Chapter 90.

Planner Garrett explained there would be 1) No floor area ratio linked to a parking space. The ratio would be eliminated. In order to not overbuild Pine Ave. it would be recommended that the maximum square footage be reduced for the office/retail uses. 2) Parking would be required all along the frontage, and 3) No backing out over a sidewalk.

Commissioner Woodland felt that an Ordinance was being created that conforms to the new Site Plans on Pine Ave. that have already been approved.

Commissioner Mattick stated that if the square footage of the buildings is reduced there would then be deeper setbacks and would allow for more landscaping area. She felt moving the buildings back would still accommodate tandem parking for the residential units above.

Commissioner Woodland acknowledged there was a safety concern. His concern, however, was relating to the "accesses to the major roads" – and Chapter 90 relating to Pine Ave. and Gulf Dr. being collector roads. He feels the City is going against the Comp Plan that requires minimizing the access points to major roads – feeling that the proposed plan would maximize the access points on Pine Ave. due to using the full frontage.

At the Commission's request, *Planner Garrett* will provide a diagram of parallel parking on an interior lot, information regarding the 20% maximum office/retail sq. footage for internal lots versus a recent site plan that has been approved, and actual footprints of buildings at the 20% on the 5,000 sq. ft lots versus the 1,500 sq. ft, and what the setbacks would be to accommodate tandem parking.

Mayor Selby pointed out that the requirement for two tandem parking spaces per residential unit was established at the time the shop owner would be living upstairs - versus how now the upstairs is serving as a rental. He questioned the need to require two tandem spaces. He pointed out that during the week the spaces marked as residential parking only were not being utilized since the properties are normally only occupied by renters on the weekends. He suggested that the signs be covered during the workweek so the parking spaces can be utilized.

Commissioner Mattick suggested that if there is additional setback area on each side of the building, tandem parking could be placed on both sides of the property.

Commissioner Aubry felt that the developer should have the freedom of determining whether they want one or two parking spaces per unit.

Public Comment

Tom Turner, N. Shore Dr, felt only one tandem parking space was necessary for the mixed use and that two spaces should be allowed for single-family residences. He suggested putting a curb cut across the sidewalk to allow parking to be side-by-side.

Mr. Turner was in favor of the public parking on both sides of Pine Ave. with 90-degree parking. He further suggested one tandem parking space for each interior residential lot.

Frank Pytel, 832 S. Bay Blvd, felt the proposed plan would cause very substantial changes to the look of Pine Ave. He asked what would happen with the meandering sidewalk in the event a property owner was unwilling to give up the land. Mr. Pytel did not feel that the diagram provided the overall plan of Pine Ave. and felt it would raise more issues than solve them. He suggested the Commission advise the residents of what was being proposed in order to obtain more citizen responses.

Diana Melsko, 832 S. Bay Blvd, said she was a bike rider and utilized Pine Ave. to ride her bike on. She felt that the bike riders, Segways, or persons in wheelchairs would be using the right-of-way behind the cars instead utilizing a meandering sidewalk.

Ms. Melsko asked what the City's liability would be if a person were to back into a child, for example, that was in the right-of-way.

Ms. Melsko suggested that trees, benches, etc. be placed along the right-of-way. *Chair Webb* reminded that the safety issue involved backing out over the sidewalk and that the goal would be to move the sidewalk in front of the vehicles. He stated if an Ordinance is passed, it would make it legal. In regard to the City's liability, he explained that a policy decision by the City is covered by sovereign immunity.

City Attorney Dye explained that planning decisions are exempt – there is no liability. Implementation of the plan, however, can create liability. Examples followed.

Micheal Coleman, Pine Ave. informed that 216 Pine Ave. was an exact example of Alternative One. He reminded that the idea is to create a walking district allowing a person to walk from one business to a next without having to move their vehicle. He noted that oak trees have been planted at both corners of the 216 Pine Ave. lot.

Mr. Coleman discussed meeting with an individual the previous week that showed him how on-site parking could be accomplished and still maximize green space.

Lot coverage and the ratio formula percentage were discussed by Mr. Coleman. He acknowledged that PAR is in favor of keeping the footprint smaller than allowed.

Mr. Coleman stated that the two PAR Site Plans – one that has been approved and the other in the process – requires tandem parking due to being interior lots. He said so long as two parking spaces are required for residential, he would be in favor of not having to designate the residential parking spaces.

Mr. Coleman stated that the residents coming together to agree on a rational plan was a great example of the leadership that has occurred in the City over the last year.

Continued Commission Discussion

Planner Garrett confirmed that the City would not require existing Site Plans to comply with the new plan; however, the Ordinance could be drafted to allow existing approved Site Plans to be able to come in and modify their plan for parking and loading to come into compliance with the proposed plan.

Commissioner Quam suggested the Commission make observation of the two to five cars that will be parked at the rentals when considering reducing the number of required spaces for residential.

Mayor Selby noted that an on-site loading zone is required. He suggested that the requirement be eliminated since most all loading takes place in the right-of-way. Doing so would allow for one additional parking space.

After discussion it was agreed that Planner Garrett will provide proposed language as discussed that evening in an Ordinance format to the Commission for the February 10, 2011 Work Session.

6. Mayor's Report

E-Scrap & Hazardous Waste Collection

The E-Scrap & Hazardous Waste Collection will be held on January 29, 2011 at Coquina Beach from 9:00 a.m. to 3:00 p.m.

Cell Tower Update

Mayor Selby reported he had met with two different cell tower contractors and had another meeting scheduled for the following day. The meetings related to various locations for placing a smaller condensed tower similar to a flag pole. Suggested locations include Roser Church, the Community Center, and the City property.

Mayor Selby felt there was a demand and need to pursue the cell tower and said he would continue to pursue the issue in an attempt to see that providers will bring an application before the City Commission for approval.

Recognition of City Employee Anniversaries

Mayor Selby presented a bouquet of red roses and a Certificate of Appreciation to Finance Director/Deputy City Clerk Diane Percycoe in recognition of her ten-year anniversary with the City of Anna Maria.

Mayor Selby recognized Building Department Administrative Assistant Diane Sacca for her five-years of service with the City.

7. City Commission Reports.

Commissioner Mattick informed that the Pier Centennial plans were going very smooth. The Committee wants to reach out to all former Mayors and persons they feel should be honored. Anyone having information should contact the committee. She invited everyone to participate in the May 13 and 14, 2011 festivities.

6. Consent Agenda

- a. **Approve Minutes of:**
 - City Commission Regular Meeting – December 16, 2010
 - City Commission Shade Meeting – January 13, 2011
- b. **Special Event – *Ginny & Jane's Flea Market***
Sunday – February 6, 2011 – 8:00 a.m. – 4:00 p.m.
- c. **Appoint Adele Holland and Dana Casale to serve on the EEEC.**
New term to expire January 2012.
- d. **Florida Arbor Day Proclamation – January 21, 2011.**
- e. **Waiver of Building Permit Fees for Roser Church Roof Repair in the amount of \$372.91.**
- f. **Special Event – *Chamber Friday Fest***
Friday - February 18, 2011 – 5:00 p.m. – 10:00 p.m.
- g. **Special Event – *Chamber Friday Fest***
Friday - March 18, 2011 – 5:00 p.m. – 10:00 p.m.
- h. **Special Event – *Historical Society Heritage Day Festival***
Saturday - March 5, 2011 – 10:00 a.m. – 4:00 p.m.

MOTION: Commissioner Woodland moved that the consent agenda be approved. Commissioner Mattick seconded the motion.
Motion carried – All Aye.

7. Written Reports and Updates:

- a. **Sheriff's Report.**
- b. **Building Department Report.**
- c. **Public Works' Department Report.**
- d. **Code Enforcement Report.**
- e. **City Pier Report.**
- f. **Ordinance Update.**
- g. **Financial Report/Line of Credit Report.**

Public Comment – None.

Press Comment – None.

Adjournment

On motion made by Chair Webb and seconded by Commissioner Woodland, the meeting was adjourned at 9:05 p.m.



Alice Baird, CMC, City Clerk

MINUTES APPROVED: 2-24-11