

**CITY OF ANNA MARIA  
REGULAR COMMISSION MEETING  
JANUARY 24, 2007  
7:00 P.M.**

**CALL TO ORDER**

**PLEDGE TO THE FLAG**

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

**Also present:** City Engineer Tom Wilcox, HDR, Inc.; Building Official Kevin Donohue, Public Works Director George McKay, City Attorney Jim Dye, Deputy City Clerk Diane Percycoe, City Clerk Alice Baird

**Press:** Sun, Islander

Commission Chair Quam indicated, relative to Agenda Item #6, that the Second Reading of Ordinance No. 06-662 would be continued to a future date. Commissioner Quam stated that he wished to pull Special Event, Item 1.h. from the Consent Agenda.

1. **CONSENT AGENDA**

- a. **Minutes: City Commission Meeting 12/14/06; City Commission Special Meeting 1/11/07**
- b. **Appoint: Arlene Clarke to Environmental Enhancement & Education Committee (EEEC)**
- c. **Proclamation: Arbor Day, January 19<sup>th</sup>, 2007**
- d. **Proclamation: EPCRA Awareness Week, January 21 – 27, 2007**
- e. **Special Event: Historical Society Antique Fashion Show – 2/14/07, 11:00 a.m. to 1:00 p.m.**
- f. **Special Event: Historical Society Jazz Fest – Feb. 1<sup>st</sup> and 15<sup>th</sup>, and March 1<sup>st</sup> and 15<sup>th</sup>, 2007, 3:00 p.m. to 5:00 p.m.**
- g. **Special Event: Historical Society Heritage Day – March 3, 9:00 a.m. to 5:00 p.m.**
- h. **Special Event: Sandbar Restaurant – tent up from Jan. 1<sup>st</sup> through April 30<sup>th</sup>, 2007. (Ordinance states 3-day limit for special events. Also waiting for approval from the Fire Department and Public Works.**
- i. **Approve Payment to Vendor Kring Construction - \$5,783.76 (exceeds the \$2,500 limit to one vendor in a 30-day period)**

Commissioner Dale Woodland requested that Item 'i.' also be pulled from the Consent Agenda for discussion.

**MOTION: Commissioner John Quam moved to approve all the items in the Consent Agenda, from ‘a.’ through ‘g.’, seconded by Commissioner Duke Miller.**

**Vote: All Ayes. Motion carried.**

Commissioner Quam noted that the Sandbar special event was inadvertently placed on the Consent Agenda, instead of being listed as a separate Agenda item. He asked the Commissioners if they would prefer to discuss this item at another meeting, instead of the current meeting. **Commissioner Dale Woodland suggested discussing the Sandbar special event as an agenda item at the upcoming Commission Work Session, and there was consensus to do so.** Commissioner Quam announced that the item would appear on the February 8<sup>th</sup>, 2007 Commission Work Session Agenda. Commissioner Miller confirmed that the Sandbar Restaurant would be required to comply with the Code and the tent would be kept down until approvals are received.

Commissioner Dale Woodland asked, relative to Consent Agenda item ‘i.’, if the situation necessitating the expenditure had been an abnormal one. At the Mayor’s request, Public Works Director George McKay responded that this work had consisted of the removal of rotten wood under the eaves and the fascia of the Historical Society Building. The Public Works Director confirmed that this type of payment situation did not occur often, and had been made necessary by time constraints.

**MOTION: Commissioner Dale Woodland moved to approve Consent Agenda item ‘i.’, seconded by Commissioner Duke Miller.**

**Vote: All Ayes. Motion carried.**

## **2. REPORTS AND UPDATES**

### **Commissioners**

Deputy Commission Chair Christine Tollette reported that she had attended the Anna Maria Island Community Center (AMICC) Board of Directors meeting, where it was decided to schedule the remodeling project’s ‘topping off’ party this February. Commission liaison Tollette reported that construction work had been progressing very well, now that the Center had received the funds necessary to continue the project. She said that the next big fund raiser scheduled would be the upcoming Affair to Remember. The Commissioner noted that the Community Center would still need to raise money in order to be able to furnish the building.

### **Mayor’s Report**

Mayor Fran Barford reminded those present that there was a joint pre-budget Commission / Staff Work Session scheduled for March 5<sup>th</sup>, 2007 at 10:30 a.m., at the Island Baptist Church.

The Mayor indicated that this evening’s Regular Meeting would be the last meeting held at City Hall until completion of the mold remediation. Mayor Barford said that

the City would be signing the contract with Instar, Inc. the day following this meeting, and that remediation should begin within three days after the signing.

Mayor Fran Barford recommended scheduling the golf cart issue, as well as the expansion of handicapped parking at the beach, as Agenda items at the February 8<sup>th</sup>, 2007 Commission Work Session. The Mayor acknowledged that these were among concerns members of the public had addressed to Commissioners.

Mayor Barford reported that she had attended the Arbor Day planting ceremony on January 19<sup>th</sup>, 2007. She expressed pride in the citizen attendance and appreciation for her own opportunity to participate.

The Mayor indicated that the trolley service issue was scheduled to appear on the February Commission Work Session Agenda. She said that this matter was being addressed as a result of input from City of Anna Maria residents at the last Island Transportation & Planning Organization (ITPO) meeting. Mayor Barford noted that these residents were calling for the extension of the trolley service to the north end of the Island. The Mayor said that she voiced concerns relative to scheduling and also possible costs to the City's citizens, which she would like to see the Commission prepared to discuss at their upcoming Work Session. She noted that when the trolley service first began, the route had gone to the Rod 'n' Reel Pier, where it turned around. Mayor Barford recalled that this route had been discontinued due to lack of use.

Mayor Fran Barford informed those present that it was at this time too early to make any challenges to the proposed Comprehensive Plan revisions. The Mayor reported that all the City had done thus far was send the EAR Report to Tallahassee. She said that state planning consultant and facilitator Tony Arrant had been preparing the packets for the local planning organization (LPO), i.e., the Planning Zoning Board to hold a public hearing, most likely in February. Mayor Barford said that Comprehensive Plan would come before the Commissioners toward the end of February or the first part of March. She noted that the public could only begin any challenge after the public hearing was held.

Mayor Barford said that the buoys to be placed around the beach near the north end of the Island and the Pier would be installed in February. During the discussion that followed, it was pointed out that these were intended for the safety of swimmers.

The Mayor announced, as the final item in her report, that the new bridge openings and closings would begin on February 21<sup>st</sup>, 2007 and run through May 2007. The bridge will now open upon the half hour.

Commissioner John Quam confirmed that the Planning & Zoning Board and the Commission would have another chance to change the revised Comprehensive Plan as the review process progresses.

**MOTION: Commissioner John Quam moved hear Agenda item #7 after Agenda Item #3, and to add to Agenda item #8 an approval of Task Order #2007-01. Commissioner Christine Tollette seconded the motion.**

**Vote: All Ayes. Motion carried.**

**3. Public Hearing on Preliminary & Final Site Plan for 519 Pine Avenue – Conversion from Resident to Real Estate Office Use. (P&Z Recommendation)**

Commission Chair Quam declared the Public Hearing on the Preliminary and Final Site Plan for 519 Pine Avenue open. He invited City Building Official Kevin Donohue to come forward and present the Planning & Zoning Board's Recommendation.

Building Official Donohue reported that at a Public Hearing held on January 22, 2007, Planning & Zoning Board member Sandra Mattick had made a motion, seconded by Margaret Jenkins, for recommendation for approval of the Preliminary Site Plan for 519 Pine Avenue. The Building Official read the motion, (which also included a recommendation for the granting of a variance to approve the north side yard setback of 2 ft. 9 in.) aloud for those present.

Building Official Kevin Donohue pointed out to the Commissioners that Section 74-350 (d) of the City of Anna Maria Code of Ordinances allows deviations to be approved along with the site plan process.

The Building Official confirmed to Commissioner Quam that a portion of the existing building was already in the setback.

Commission Chair John Quam invited the representative of the property owners and Applicants to take the floor.

Scott Rudacille, of Kirk-Pinkerton P.A., introduced himself to the Commission and to the Mayor as the attorney of the Applicant, Sato Real Estate, and Jacob Martin, the owner of the 519 Pine Avenue property. He began his presentation by thanking the Mayor, as well as the entire City staff and its consultants for their hard work and efficiency in bringing this application through the process quickly.

Mr. Rudacille noted that the City's Comprehensive Plan encouraged the City to support the adaptive re-use of historic buildings such as Roser Cottage. He noted that the proposed site plan was consistent of all the requirements of the City's land development codes (LDR's) with the exception of the requested 2 ft. 9 in. deviation.

The attorney for the property owners explained that a handicapped access ramp was required because the building was being converted from residential to office use. He said that because of the height of the back porch and the ADA rise and run requirements for ramps. Mr. Rudacille added that he and his clients believed that since there was an existing fence and buffering, as well as a parking lot on the other

side of the building, the proposed location for the ramp embodied a superior design to that which would have resulted if the designers had strictly abided by the Code. He confirmed that the planners had provided for the required number of parking spaces, and had included a loading zone, as required by Code.

Relative to maintaining the location of the existing historic building, Scott Rudacille pointed out that its proximity to Pine Avenue, with parking located behind it, was in keeping with the 'walking street' atmosphere the City desired for the area. He noted that the Planning & Zoning Board had recommended approval of the proposed site plan, and respectfully requested the Commission's approval.

### **Public Comment**

None offered.

Commissioner Quam noted that some corrections needed to be made on the proposed Order he had prepared for approval of the preliminary and final site plan. He noted that the name 'Jacob Martin' should be substituted in instances where 'Barbara Sato' is stated as the property owner.

City Attorney Jim Dye said that it may be advantageous for record keeping to mention in the Order that an intrusion into the setback is being approved. He suggested the following language under 'E.': "The handicapped access ramp was approved to intrude into the setback as depicted on the site plan."

The City Attorney drew the Commissioners' attention to Paragraph 6 at the top of Page 2. **There was consensus among the Commissioners to state the date in this paragraph as January 22<sup>nd</sup>, 2007, and to indicate that the Planning & Zoning Board had recommended approval of the preliminary and final site plan.**

**MOTION: Commissioner John Quam moved to approve the prepared Order approving the Preliminary and Final Site Plan for 519 Pine Avenue, as amended. Commissioner Dale Woodland seconded the motion.**

**Roll call vote: Commissioner Mattick – Aye; Commissioner Woodland – Aye; Commissioner Quam – Aye; Commissioner Tollette – Aye; Commissioner Miller – Aye.**

**Motion carried unanimously.**

#### **4. First Reading of Ordinance No. 07-676 – Waste Management Contract**

At City Attorney Dye's recommendation, the First Reading of this Ordinance was rescheduled for February 8<sup>th</sup>, 2007, with the Second Reading to be noticed for February 22<sup>nd</sup>, 2007.

Commissioner Dale Woodland noted to Waste Management, Inc. Area Manager Rose Quinn-Bare that he did not see any reference to relief for owners of duplexes, a concern that had now been stated for over two years. Ms. Quinn-Bare said that she had addressed this matter with her superiors and with the Mayor of the City of

Anna Maria, and discussed what kind of precedence such relief would make relative to Manatee County. The Waste Management, Inc. representative said that if approved, a variance exemption would allow the City to supply the addresses and property owners it covered. She said that duplex owners throughout the rest of Manatee County, which is under an identical contract to that proposed with the City of Anna Maria currently are required to apply to the Manatee County Appraiser's Office to have their properties re-designated as single-family residences. Ms. Rose Quinn-Bare explained that the Waste Management, Inc. system obtains its information from the County tax rolls. The Waste Management, Inc. Area Manager said that this was the first city that had approached her office with this concern, and expressed the opinion that the variance exemption process would not be of benefit to the city as a whole because of the burden of accountability. She said that she would welcome any discussion of alternative solutions.

Commissioner Christine Tollette acknowledged that the variance exemption process could become extremely cumbersome to City staff.

Commissioner Duke Miller asked for further clarification of the issue and its history. Commissioner Dale Woodland responded that the issue pertained not only to owners using both units of their duplexes (being billed for debris pick-up for two lots), but to the idea that duplex lots are the same size as single-family residential lots.

City Attorney Dye confirmed to Commissioner Miller that re-designating a duplex residence as single-family would mean that the owners would waive their right to rent out two units as well as their right to do so in the future. He acknowledged to the Commissioner that there would be costs incurred by the City to re-zone properties, which could be recaptured by permit fees. The City Attorney noted that another measure the re-zoning could require would be the removal of interior walls so that the property could not be illegally used as a duplex.

Discussion followed, during which Commissioner Miller and Ms. Rose Quinn-Bare agreed that Waste Management, Inc. pick-up is provided all year-round, regardless of whether it is being used or a unit is being rented out.

Commissioner John Quam obtained more information from the Waste Management, Inc., representative regarding the break-down of yard waste pick-up fees and regular household waste pick-up fees.

Commissioner Dale Woodland noted that differences between the old and new contracts existed, and requested that someone from the City staff point these out at a meeting for discussion by the Commission.

**Mayor Fran Barford recommended that Deputy City Clerk Diane Percycoc come forward and there was consensus among the Commissioners to request her assistance.**

Deputy City Clerk Percycoe reported that she and the Mayor had read both the first and second versions of the revised contract, and that the Mayor had met with Ms. Quinn-Bare to request a few grammatical changes. She drew the Commissioners' attention to the latest version of the contract, dated January 19<sup>th</sup>, 2007, copies of which were contained in their meeting packets.

The Deputy City Clerk noted that the Spring and Fall Clean-Ups were not mentioned in this version of the contract.

David Smith came forward at the request of Ms. Rose Quinn-Bare and introduced himself as the Waste Management, Inc. District Manager. He explained that Waste Management, Inc. had basically re-printed the contract with the City of Holmes Beach for the purpose of the City of Anna Maria. He explained that the City of Anna Maria had certain items in its former contract that had been extremely costly to Waste Management, Inc. He noted that these items, as well as their associated costs, could still be included in the contract.

Deputy City Clerk Diane Percycoe indicated that she was not able to find the 'Exhibit A' referred to in the contract. It was determined that City Clerk Alice Baird had received a copy and that this would be included in the final version of the contract.

Regarding holiday trash pick-up, Deputy City Clerk Diane Percycoe indicated that several citizens had asked if pick-up could be scheduled for the day following the holiday. David Smith explained that Waste Management, Inc. would continue to pick up on the Saturday closest to the holiday, which is the Saturday preceding the holiday, since regular pick-up is already scheduled for Thursday.

Deputy Clerk Percycoe noted that the City's right to audit the franchise rebate had been omitted from this version of the contract. Mr. Smith said that there would be no problem with having City Attorney Dye re-insert that language.

Deputy City Clerk Percycoe further clarified with the Waste Management, Inc. representatives that the term 'collected gross revenues' included commercial as well as residential sources.

The Deputy City Clerk inquired about the bins for recyclable materials that Waste Management, Inc. has traditionally provided, available at City Hall, at no cost for residents who require them, and noted that no reference had been made to these in the current version of the contract. David Smith confirmed that Waste Management, Inc. would continue to supply these bins as before and agreed to including language to this effect in the contract.

Deputy City Clerk Diane Percycoe noted that the contract contained several redundant phrases, and gave as an example Paragraph 3.4, where the phrase "discarded wrapping and packaging materials and containers" was repeated twice.

David Smith requested that the Deputy City Clerk address an Email to both his and City Attorney Dye's attention covering any of the concerns being discussed, as well as typographical errors.

The Deputy City Clerk and the Waste Management, Inc. District Manager agreed that trees 3.7" in diameter could not be considered 'solid waste'.

Deputy City Clerk Diane Percycoe asked David Smith several questions regarding billing and the rebate. David Smith confirmed that billing by Waste Management, Inc. was generated three months in advance, and that the rebate was received by the City three months after the billing date because the contractor did not receive the money for services until that time.

David Smith confirmed to the Deputy City Clerk that the roll-off discount had been removed throughout the Island, and that certain services formerly provided under the previous contract had been removed to keep costs down. He again confirmed that the contract with the City of Holmes Beach was almost identical to the one now before the Commission of the City of Anna Maria. The Waste Management, Inc. representative noted that another change related to the consumer price index (CPI) and explained that the fuel portion of the CPI had been removed in the new version of the contract, since this would now be treated as a fuel surcharge.

Mr. Smith clarified for Deputy City Clerk Percycoe that pick-up at beach accesses was now being charged a single can fee, even though there can be multiple cans at beach accesses. He noted that pick-up at beach accesses had not been covered under the previous contract.

Deputy City Clerk Diane Percycoe asked what 'Exhibit B' consisted of. David Smith offered the Commissioners an explanation of the fuel surcharge relative to CPI's.

Public Works Director George McKay came forward and indicated that the City budget would need to be revised to accommodate this contract, if accepted, and that this would need to be done within thirty days of its signing.

David Smith explained, relative to 'Exhibit B' that the disposal rates for the City of Anna Maria had not yet been entered. He said that Waste Management, Inc. had calculated the fuel component as 9.7% of its operating costs. Mr. Smith said that the remaining service portion of the CPI was being pulled out and treated as it had been before.

Commissioner John Quam noted that the odor from commercial waste bins, such as that at the Rod 'n' Reel Pier, was often very strong, and asked if it was Waste Management, Inc.'s responsibility to clean and disinfect these containers. David Smith responded that routine maintenance generally was the responsibility of the property owner using the container, and noted that the bins at the

Rod 'n' Reel Pier had been refurbished by his firm six months prior to this evening's meeting.

Mr. Smith informed Commissioner Tollette regarding the average life of a dumpster, and indicated that bins at restaurants normally needed to be refurbished every two years. He confirmed to the Commissioner that generally, the solid waste truck drivers were responsible for identifying corroded bins along their routes and informing company management.

Commissioner Duke Miller asked the Waste Management, Inc. representatives why pick-up could not be scheduled for Mondays and Thursdays instead of Tuesdays and Fridays. Ms. Rose Quinn-Bare responded that scheduling for the whole Island relative to the County had so far not been able to accommodate this.

Commissioner Tollette noted that the franchise fee rebate was stated as 4% of gross revenues and Mr. Smith confirmed that this rate was the same as the one contained in the previous contract.

Commissioner Woodland asked that the cost of the Spring and Fall Clean-Ups be stated and included.

Ms. Rose Quinn-Bare noted that tipping fees had been waived. Commissioner Quam asked that any and all additional charges be listed in the contract.

Mayor Fran Barford reminded the Commission that under the new contract, trash would be picked up in a new way, with new containers, as part of an automated system. She said that although waste would still be removed twice per week. The Mayor said that the new system was expected to be implemented within six months after the signing of the contract.

#### **Public Comment**

Jim Conoly of North Shore Drive thanked the Waste Management, Inc. representatives and informed those present that the City had been assigned a great waste removal truck driver. He recommended getting this person reliable help.

Commission Chair Quam noted that the First Reading of the amended and restated franchise agreement with Waste Management, Inc. was scheduled for February 8<sup>th</sup>, 2007, with the Second Reading to be noticed for February 22<sup>nd</sup>, 2007.

#### **5. Waste Management FEMA Settlement Approval.**

Ms. Rose Quinn-Bare took the floor and, noting that she and Deputy City Clerk Diane Percycoe had been working together on this issue for two years, explained the Settlement and its history for those present. She noted that Waste Management, Inc. was offering the City the compromise of splitting the

difference of \$34,295.44 50/50, for a net yield to the City of Anna Maria of \$17,147.72. She confirmed that she would issue a check payable to the City upon signed acceptance of the offer.

**MOTION: Commissioner Duke Miller moved to accept the Waste Management, Inc., FEMA settlement offer of \$17, 147.72, payable to The City of Anna Maria, seconded by Commissioner Dale Woodland.**

**Vote: All Ayes. Motion carried.**

**Public Comment**

None offered.

**6. Second Reading and Public Hearing of Ordinance No. 06-662 – Lot Split and Lot Division Amendment.**

Commissioner John Quam noted that the location for the Second Reading of the Ordinance had been advertised as scheduled to take place at Anna Maria City Hall, and that the Commission would not be meeting at this facility in February. City Attorney Dye advised that the Commission could include the relocation of the hearing in its motion to continue.

**MOTION: Commissioner Duke Miller moved to continue the Second Reading of Ordinance No. 06-662 – Lot Split and Lot Division Amendment to the City of Anna Maria Commission Meeting scheduled for February 22<sup>nd</sup>, 2007 at 7:00 p.m. at Holmes Beach City Hall. Commissioner Dale Woodland seconded the motion.**

**Vote: All Ayes. Motion carried.**

Mayor Barford confirmed with Commissioner Quam that this would also be a topic scheduled for discussion at the February 8<sup>th</sup>, 2007 Commission Work Session.

**7. Second Reading and Public Hearing of Ordinance No. 06-675 – Dune Walkover Amendment.**

**Public Comment**

None offered.

**MOTION: Commissioner John Quam moved to adopt Ordinance 06-675 as amended, seconded by Commissioner Christine Tollette.**

**Roll call vote: Commissioner Mattick – Aye; Commissioner Woodland – Aye; Commissioner Quam – Aye; Commissioner Tollette – Aye; Commissioner Miller – Aye.**

**Motion carried unanimously.**

**8. Authorize Mayor to Execute Contract / Agreements with HDR, Inc. for Engineering Services.**

- a. Mayor Fran Barford noted that City Staff and the City Attorney had reviewed the contract that was before the Commission this evening, and asked City Attorney Dye to read one addition to the language in the contract to which Mr. Tom Wilcox had already agreed.

City Attorney Jim Dye took the floor noted that under Section III., on Page 2, under Compensation, he was recommending the addition of language where HDR, Inc's terms and conditions are mentioned, to incorporate the Florida Prompt Payment Act. He explained that this was a Statute that cities are required to follow when making payments to vendors. He read the recommended language aloud for the benefit of those present.

City Attorney Jim Dye drew the Commissioners' attention to a new section in the contract, Section V., which incorporates the term of the agreement from the letter of interest, i.e., three years from the effective date, with options for the agreement to be extended for three additional one-year terms, if the parties are in agreement. Commissioner Quam confirmed with Mr. Wilcox and Mayor Barford that they were in agreement with the changes.

- b. Mayor Fran Barford stated that if the Commission agreed to approve the contract, as a time sensitive matter, it would need to approve Task Order #2007-01 relative Phase I of the Southwest Florida Water Management District (SWFWMD) project. Mayor Barford noted that City Engineer Tom Wilcox was present to answer any technical questions. She recommended that the Commission move ahead with its approval of both the Professional Services Agreement and the Task Order at this evening's meeting.

**MOTION: Commissioner Christine Tollette moved to authorize the Mayor to execute a contract agreement with HDR, Inc. for engineering services, as amended. Commissioner John Quam seconded the motion.**

**Vote: All Ayes. Motion carried.**

**Public Comment**

None offered.

City Engineer Tom Wilcox took the floor to review Task Order 2007-01, which would allow the engineers to begin work on the design phase, relative to the SWFWMD grant. He stated the next grant title as "Implementation of Phase I Best Management Practices". The City Engineer noted that the scope of services and other sections had been copied directly from language contained in the SWFWMD grant. Mr. Wilcox noted that if the Commission approved the Task Order at this evening's meeting, his company would have

plenty of time to begin work by March 31, 2007. He said that his firm expected to beat the November 9<sup>th</sup>, 2007 for remitting documents by some months. Relative to Part V., Payments to Engineer, Tom Wilcox indicated that the writers had used the same dollar amount used in the SWFWMD grant application.

**MOTION: Commissioner Christine Tollette moved to approve HDR, Inc.'s Task Order 2007-01, seconded by Commissioner Dale Woodland.**  
**Vote: All Ayes. Motion carried.**

**Public Comment**  
None offered.

- 9. Resolution R06-624 – Florida League of Cities Legislative Priorities.**  
City Clerk Alice Baird read the Resolution aloud for those present.

**MOTION: Commissioner John Quam moved to adopt Resolution R07-624, seconded by Jo Ann Mattick.**  
**Vote: Four Ayes, One Nay. Motion carried.**

**PUBLIC COMMENT**  
None offered.

**PRESS COMMENT**  
A reporter from The Islander confirmed with Mayor Barford that the money to pay for Task Order 2007-01 had been budgeted by the City.

**ADJOURNMENT**

**MOTION: Commissioner John Quam moved to adjourn the meeting, seconded by Commissioner Duke Miller.**  
**Vote: All Ayes. Motion carried.**

The meeting adjourned at 8:24 p.m.

Respectfully submitted,

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City Clerk Alice Baird

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Date