

**CITY OF ANNA MARIA
REGULAR CITY COMMISSION MEETING MINUTES
MEETING HELD AT HOLMES BEACH COMMISSION CHAMBERS
THURSDAY, FEBRUARY 22, 2007
7:00 P.M.**

CALL TO ORDER

Commission Chair John Quam called the Meeting to order at 7:00 p.m.

PLEDGE TO THE FLAG

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

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

Press present: Sun, Islander.

1. CONSENT AGENDA

- a. **Minutes –**
 - Special City Commission Mtg – January 17, 2007
 - Regular City Commission Mtg – January 24, 2007
 - Special City Commission Mtg – February 6, 2007
 - Special City Commission Mtg – February 8, 2007
- b. **Reappoint:** Robin Wall to Environmental Enhancement & Education Committee
- c. **Special Event:** Historical Society Yard Sale – 3/24/07, 9AM - 10PM
- d. **Special Event:** Community Ctr. Tour of Homes – 801 & 809 N. Shore, 3/17/07, 10AM - 4PM
- e. **Special Event:** Community Chorus/Orchestra Garden Tour 3/31/07, 10AM – 4PM - 217 Oak; 266 Gladiolus; 5 Lakeview Place
- f. **Special Event:** Sandbar Wedding Tent – 3/23/07, 9AM – 10PM
- g. **Special Event:** Sandbar Wedding Tent – 3/24/07, 9AM – 10PM
- h. **Special Event:** Sandbar Wedding Tent – 3/31/07, 9AM – 10PM
- i. **Special Event:** Sandbar Wedding Tent – 4/1/07, 9AM – 10PM
- j. **Special Event:** Sandbar Wedding Tent – 4/5/07, 9AM – 10PM
- k. **Special Event:** Sandbar Wedding Tent – 4/7/07, 9AM – 10PM
- l. **Special Event:** Sandbar Wedding Tent – 4/8/07, 9AM – 10PM
- m. **Special Event:** Sandbar Wedding Tent – 4/14/07, 4PM – 10PM
- n. **Special Event:** Sandbar Wedding Tent – 4/21/07, 9AM – 10PM
- o. **Special Event:** Sandbar Wedding Tent – 4/27/07, 9AM – 10PM
- p. **Special Event:** Sandbar Wedding Tent – 4/28/07, 9AM – 10PM

Commissioner Miller asked that Items f. through p. be removed from the Consent Agenda for separate consideration.

MOTION: Commissioner Woodland moved that Consent Agenda, Items A – E, be approved. Commissioner Miller seconded the motion. Motion carried – All Aye.

-- Items f. through p. – Special Events Permits – Sandbar Wedding Tent

Commissioner Miller did not feel the City Code was clear in determining that a private event should fall under the definition of a special event. He pointed out that the code specifies that special events are open to the public. Weddings at the Sandbar, however, are private and not open to the public.

Commissioner Miller further pointed out that during the site-plan review the issue of insuring enough parking spaces to fit the capacity of the new pavilion was determined. He suggested that if the weddings occur at the same time as the Pavilion usage, parking would be inadequate and therefore in violation of the Anna Maria code and would make a huge impact on the City.

Commissioner Tollette stated that many times arrangements have been made by the wedding parties to park off-site and be brought into the sandbar. She felt this is an issue that the Commission needs to know.

Chair Quam felt that the City's Special Events Ordinance should be reviewed and amended. He pointed out there is currently no limit to the number of events that can take place annually at one location. Fees for the Special Events should also be considered.

Chair Quam recommended approval of the Special Events Permits on the meeting agenda and that the Ordinance be reviewed at a future Work session.

Commissioner Miller stated not only is a wedding being held in the Pavilion but a second wedding is also being held in the tent at the same time, thus creating a problem for the residents.

Mayor Barford said in reviewing the June 2004 minutes, *Commissioner Miller* had asked *Mr. Chiles* for clarification on erecting a tent. According to the minutes, *Mr. Chiles* had stated if there were an overflow or a need, it would be erected. However, when the Commission approved the final draft, there was no mention of tents.

Noting it was not an administrative decision, *Mayor Barford* asked for direction from the City Commission relating to this issue.

PUBLIC COMMENT

County Commissioner Carol Whitmore said she has seen weddings at the Sandbar since she moved to the Island in 1969. She felt it was an Island tradition and the character of the Island.

Commissioner Whitmore pointed out that most weddings are held during weekends and evenings and not during business hours. Therefore, she did not feel that overflow parking was an issue.

She stated that the weddings have not been a problem in the past and encouraged the Commission to take that into consideration.

Robin Wall, 112 Palmetto Ave., said it was her understanding that the Pavilion was built to have weddings and was built to replace the 30' X 50' tent. The usage is allowed from 9:00 a.m. to 10:00 a.m. daily.

She stated the Pavilion was built to control the sound better and Mr. Chiles had stated at that time there would be a "House Sound Engineer" hired to oversee the sound issues.

She stated that by applying for a Special Event Permit the Anna Maria code allows relief from the noise ordinance. Ms. Wall said she lives four blocks south of the Sandbar and did not feel she should have her property degraded by sound coming to her property from so far away.

Feeling it was a noise issue rather than a parking issue, Ms. Wall suggested the Commission limit the number of events to six per year, the same as allowed in the City of Sanibel.

Mark Alonzo, 406 N. Shore, stated the Sandbar was the largest taxpayer and employer on the Island.

Ed Chiles, Sandbar Restaurant, said the Pavilion has been completed and the restrooms will be completed in the next couple of weeks.

Mr. Chiles stated a Sound Engineer had been brought in to re-engineer the sound system. He said speakers are located in each quadrant and all face in. The only noise complaints he had received were from Mrs. White and Mrs. Wall. He said he has accomplished all issues he had promised in order to create a better environment.

Mr. Chiles said he was unaware that obtaining a Special Events Permit would allow him to go over the decibel reading. He stated they do not violate the noise ordinance and never have.

He asked that the Commission vote to keep this type of business on the Island.

In answer to Commissioner Miller question, Mr. Chiles acknowledged that whenever possible two weddings would be held at the same time – one in the Pavilion and the other in the tent.

In reference to Commissioner Miller's question relating to the parking issue, Mr. Chiles clarified there was enough parking for 100 for the Pavilion and there are two parking lots not included in the site plan. When required, ancillary parking facilities or valets will be scheduled. The two additional parking lots measure 100' X 50' and 150' X 50'.

John Cagnini, IGA, 9807 Gulf Drive, said his property will allow for 30 - 45 vehicles and is available to Mr. Chiles whenever needed.

Mr. Cagnini did not feel it was appropriate to only reference an Ordinance in Sanibel to Anna Maria's situation when there are numerous other cities and counties that can be referenced in relation to the noise ordinance.

He further stated he did not feel that one's right to have peace and quiet is greater than one's right to express oneself.

Diane Caniff, Tarpon, said surpassing eleven events in thirty-five days makes the events pretty common and therefore no longer qualifies as a special event.

Ms. Caniff provided the Commission with an analogy suggesting that greed may be involved.

MOTION: Commissioner Mattick moved to approve the Special Events for the Sandbar Wedding Tent – Consent Items f. through p. The motion was seconded by Commissioner Woodland and passed on a vote of 4 to 1 with Commissioner Miller voting NO.

Chair Quam acknowledged he would follow-up with Mayor Barford for placing discussion relating to this issue on the Commission's future Work session agenda.

2. REPORTS AND UPDATES.

- a. Commissioners – None.
- b. Sheriff's Report (Written).
- c. Building Department Report (Written).
- d. Public Works Department Report (Written).
- e. Code Enforcement Report (Written).
- f. Ordinance Update (Written).

g. Mayor's Report.

City Maps

Mayor Barford asked that the Commissioners please leave the City Maps she prepared so they may be re-distributed to them at each meeting.

Comprehensive Plan Update

Mayor Barford announced that the Evaluation Appraisal Report has been transmitted to the appropriate State Agencies.

Public Hearings will be held to begin the legal process for updating and amending the Comprehensive Plan. The City's Planning & Zoning Board has scheduled the first Public Hearing for March 6, 2007 at 7:00 p.m. The City Commission will then hold a final Public Hearing prior to it being submitted to DCA.

Handicap Parking Update – Gulf Blvd

Mayor Barford informed the handicap specs are now available and the proposed areas will be measured out. The results will be presented to the City Commission for their consideration.

City Hall Mold & Asbestos Update

Mayor Barford said the report on the Asbestos assessment was just received. She had not had an opportunity to review the report since it was just received but she and the staff will be accessing the issues and determine how the situation will be handled in regard to the treating of the mold and asbestos, rebuilding, etc.

Mayor Barford said bids would most likely be required for the treatment of the asbestos. A copy of the report will be provided to the City Commission for their review.

Preliminary Budget Meeting

Mayor Barford reminded that a Preliminary Budget Meeting is scheduled for Monday, March 5, 2007 at 10:30 a.m.

She informed that the Environmental Enhancement and Education Committee (EEEC) Committee will be pursuing the Gulf Front Park Habitat Restoration Project to remove five Australian Pine trees from the park between Willow and Cedar Avenues. This item is covered by a budgetary line item.

MOTION: Commissioner Miller moved to:

- **Move Item # 8 (Second Reading & Public Hearing of Ordinance No. 06-662), and**
- **Item # 9 (First Reading of Ordinance No. 07-677) after Item # 4 on the Agenda.**

Commissioner Woodland seconded the motion.

Motion carried – All Aye.

3. Acceptance of City Audit Report for Fiscal Year 2005/2006.

Ed Leonard, Christopher, Smith, Leonard, Bristow, Stanell & Wells, P.A. thanked the Staff and City Commission for all their assistance in performing the audit.

Mr. Leonard informed that the audit went well and the basic opinion on the financial statement is a clean unqualified audit report, the highest-level opinion a CPA firm can place on a set of financial statements.

According to Mr. Leonard, the only new significant unusual audit adjustment involved the recording of the accounts payable at the end of the year and depreciation. An audit adjustment was required due to the receipt of the September 28, 2006 \$1 million loan proceeds.

Mr. Leonard then presented and explained the 27-page Audit report to the City Commission. The fund-level statements were explained, along with the general fund balance sheet, the reserve for the Capital Projects, statement of revenues and expenditures and changes in fund balance in the General Fund, grants received, explanation of the footnotes in the audit and the City's long-term debt, and the budget comparison statement.

Mr. Leonard pointed out that the City had a very good fiscal year and has improved from the prior year.

In addition to the audit, a compliance audit was also performed, according to Mr. Leonard. No significant deficiencies or large problems were reported. Only one comment was addressed relating to last year's comment regarding Building Permits, however, that the City is currently addressing issue.

Mr. Leonard reported that the comment relating to last year's City Fund Balance going down has now been corrected.

Commissioner Miller congratulated Deputy City Clerk Diane Percycoe on a successful audit report.

Commissioner Miller asked that Mr. Leonard advise the City relating to the tax plan for covering the advalorem taxes that may soon be approved by the Legislature. Mr. Leonard acknowledged that he will be watching the developments and will advise the City accordingly. Further comments followed.

Commissioner Woodland asked for clarification relating to the "internal control over financial reporting" language. Mr. Leonard responded pointing out that the language was in all management letters.

Commissioner Woodland discussed the Resolution adopted by the City Commission relating to the line-of-credit and details replicated in the City's budget.

Commissioner Woodland asked if since there are so many detail items involved in the infrastructure, roads and drainage projects, could the Resolution be referenced with one or two line items in the budget to allow for more flexibility.

Mr. Leonard explained there is a specific State Law dealing with municipal budgets. The only guidance is that if you are going to increase the total amount of spending, then the amendment has to be passed the same way as the original budget. However, if you want to move items from one line item to another, only City Commission approval is required.

Mayor Barford confirmed she is addressing the issue relating to the Building Permits, and updates will be presented to the City Commission.

MOTION: Commissioner Miller moved to accept the City Audit report as submitted for Fiscal Year 2005 – 2006. Commissioner Tollette seconded the motion.

PUBLIC COMMENT

Diane Caniff asked for clarification relating to the City's surplus this year versus next years debt service. She voiced concern that if next year's surplus is the same as this year; it would not even cover the debt service.

Diane Percycoe, Deputy City Clerk, said she would research Ms. Caniff's question and bring a report back to the Commission at the next meeting.

ACTION: Motion carried unanimously.

MOTION: Commissioner Miller moved to:

- **Move Item # 10 (Contract for Legal Representation), up on the Agenda to after Item # 3.**

Commissioner Woodland seconded the motion.
Motion carried – All Aye.

10. Authorize Contract with Attorney Mark Nelson for Legal Representation of City Hall Litigation for Mold, Asbestos & Reconstruction.

City Attorney Dye informed that he, Mayor Barford, and Attorney Mark Nelson, representing Ozark, Perron & Nelson, PA, had a phone conference to review the background relating to the City's Litigation for Mold, Asbestos & Reconstruction.

As a result of the phone conference, Mr. Nelson forwarded his engagement letter to City Attorney Dye who acknowledged that the form and style of the letter is almost identical to the ones used by his office. City Attorney Dye stated that Mr. Nelson's rates are in line with what other Law Firms in this area are charging.

Based on Attorney Nelson's experience and the rates he is charging, City Attorney Dye recommended engaging the services of Ozark, Perron & Nelson.

Attorney Mark Nelson addressed the Commission stating he had been an Attorney for 19 years and his practice is primarily in the construction litigation area. He said he had handled other issues substantially comparable to Anna Maria's claim.

Attorney Nelson explained that either litigation or an arbitration would be utilized for recovering money to compensate for the cost of the damages that have resulted. He informed he handled two previous cases involving the same type mold issues and both resulted in settlements.

Commissioner Tollette asked Attorney Nelson if he was familiar with USA Roofing. He stated he was not.

Commissioner Tollette stated after speaking with her own Insurance Agent, he asked if the Roofing Company had filed any type claim against their business liability policy.

Attorney Nelson responded that a business liability policy is not required of a roofer, however, those that do have policies often do not cover the cost to re-do defective work by the roofer or contractor. He felt the City's damage could be covered by the roofer's insurance if they have it. However, some insurance companies have started adding mold exclusions to their policies.

City Attorney Dye informed that the City was previously in negotiation trying to settle the matter with the roofer's insurance company. A tentative amount had been reached. However, when the mold issue was brought up the insurance company quit returning calls, thus leading the City to where it is now.

Commissioner Mattick asked if suit could be filed for issues other than just the damage, such as disrupting the City's business, etc.

Attorney Nelson said if hired, he would carefully read the contract between the City and USA Roofing for any language or clauses that limit the damages that are recoverable by the contract. Unless there is exclusion in the contract, many times relocation costs are recoverable.

MOTION: Commissioner Miller moved to authorize the Mayor to enter into a contract with Attorney Mark Nelson for the legal representation of the City Hall litigation for mold, asbestos and reconstruction. Commissioner Woodland seconded the motion.

City Attorney Dye pointed out that the City would technically be hiring the firm of Ozark, Perron & Nelson and Mr. Nelson would be the primary contact for the firm.

Commissioner Miller withdrew his original motion and Commissioner Woodland withdrew the second. The following motion was then introduced:

MOTION: Commissioner Woodland moved to authorize the Mayor to enter into a contract with Ozark, Perron & Nelson for representing the City Hall in the litigation for mold, asbestos and reconstruction. Commissioner Miller seconded the motion. Motion carried unanimously.

4. Final Site Plan Approval – 303 Pine Avenue – Hunt.

Chair Quam stated that Robert and Nicky Hunt had submitted a letter of request dated February 20, 2007 asking for the granting of an extension.

Robert Hunt, 303 Pine Ave, addressed the Commission and asked for an extension of one year rather than six months between the approval of the Final Site Plan and for applying for the Building Permit.

Mr. Hunt informed his extension request is based on the situation of the current building industry and the costs doubling, insurance rates, etc.

City Attorney Dye advised that the Code allows for extension of the Final Site Plan, however, not having immediate access to the Code, he was unsure if it allowed for extending time between the Site Plan approval and issuance of the Building Permit.

Commissioner Mattick asked if possibly delaying approval of the Site Plan would solve the request.

City Attorney Dye responded that an explanation from the property is required for considering the extension of the Final Site Plan. The only downside would be if the City were to make changes to the Code prior to its final approval. He suggested that the Commission consider extending the approval of the Final Site Plan to allow time to research the issue relating to extension of the Building Permit.

MOTION: Commissioner Miller moved to extend the approval of the Final Site Plan for 303 Pine Avenue until May 24, 2007. Commissioner Tulette seconded the motion. Motion carried – All aye.

Commissioner Miller asked that a report be provided at the March Work Session.

**8. Second Reading and Public Hearing of Ordinance No. 06-662--
Lot Split, Subdivision Amendment and Minimum Frontage on Public Streets.**

City Clerk Baird read the Ordinance by title.

Commissioner Mattick asked for clarification in Section 8. relating to “The existence of the access may be shown by reference to a deed or other legal document clearly showing the approved access was in existence and in use prior to January 1, 2007.” She asked what the term “in use” means.

City Attorney Dye stated the intent is that the approved access is the main access to the property. He gave an example that if a property fronts on a public street, however, over its history there may have been an easement out the back of the property, though no longer used by the property owner. The language would grandfather usage of the access currently in use. In addition, the proposed ordinance will protect tracts in the City whereas an easement, or approved access, is used in order to get to the property.

City Attorney Dye confirmed for Commissioner Mattick it was not necessary for a structure to be on the property.

In response to *Commissioner Tollette's* question relating to Beach-front lots, City Attorney Dye informed that if the property went below the mean-high water line, then the property owner lost the property to the State. If the property builds back up naturally, then it belongs to whatever the last piece of dry land was prior to starting to build back up.

City Attorney Dye said it was his understanding that though some are still paying taxes on submerged land and waiting for it to rise, once it does rise out of the water they will not get it back. The same issue results if a road goes underwater. The plat does not come back either. It would have to be re-platted.

Commissioner Mattick asked if there are land-locked properties in the City.

City Planner Garrett said in his research there are approximately six parcels that do not access directly onto a public street. He discussed one example being the Fiske property. He stated that the Ordinance would only protect those parcels that could demonstrate they had an easement to get to their home. Those property owners who do not have the proper easement and do not have access to a public street would not be protected under the proposed Ordinance.

City Planner Garrett stated it was a policy decision to either grandfather in those existing parcels of land that do not have access to a public street or only grandfather in those parcels of land that do not have access to a public street that can show they have an easement to their property.

Discussion and examples followed.

Commissioner Woodland recommended that the Ordinance be continued until the March meeting to give the Lockwood's Attorney an opportunity to review the grandfathering clause.

Commissioner Mattick asked if homes are allowed to be re-built in the event of a hurricane.

City Attorney Dye answered that if a structure is destroyed in a natural disaster the Code allows rebuilding to its previous state.

City Planner Garrett said the code did not allow, however, for expansion.

Discussion and explanation followed relating to the differences between a platted lot versus a lot of record or a lot recorded as a meets and bounds. He suggested the Ordinance read "lots of record" as of January 1, 2007.

MOTION: Commissioner Miller moved to continue Ordinance No. 06-662 until the next regular City Commission meeting to be held Thursday, March 22, 2007 at 7:00 p.m., or as soon thereafter, at the City of Holmes Beach Commission Chambers. Commissioner Woodland seconded the motion. Motion carried – All Aye.

PUBLIC COMMENT

Karen Lockwood, 703 N. Shore, stated she was just informed by her Attorney that what they thought was a legal easement was not. She stated her Attorney advised her that since they owned two properties together, the easement was “extinguished.”

Ms. Lockwood said if the proposed grandfathering language is approved their easement would be no good to them. Ms. Lockwood encouraged the Commission to consider approving the grandfathering of properties with or without easements. If not, they would want to go through the appropriate channels and pursue gaining access to their lot.

Ms. Lockwood thanked the Commission for being so fair and understanding.

9. **First Reading – Ordinance No. 07-677—Extending the Moratorium on the Subdivision of Property Seaward of the Coastal Construction Control Line.** City Clerk Baird read the Ordinance by title.

City Attorney Dye advised Ordinance No. 07-677 was a Public Hearing item. Also, a date needed to be determined under Section 2. Temporary Effect. After discussion, the agreed date was September 4, 2007.

Chair Quam officially opened the Public Hearing for public comment.

Hearing no public comments, Chair Quam officially closed the Public Hearing.

ACTION: Ordinance No. 07-677 will be considered for Second Reading and adoption on February 28, 2007 at 4:00 p.m. at the Baptist Church.

5. **Approve HDR Task Order No. 2007-02 – Misc. Work.**

George McKay, Public Works Director, presented the request to the Commission noting Task Order 2007-02 was for Miscellaneous City Engineering Duties in amounts of \$2,000 - \$5,000. Examples followed.

Commissioner Woodland asked if a dollar figure was associated with the Task Order. Mr. McKay informed it would revert to the hourly rates as approved in the original contract.

Discussion followed relating to the charges involved when consultants attend meetings at the request of the City. Commissioner Woodland suggested those charges should be included as part of the contract. He suggested a not-to-exceed clause be added to the motion.

Mayor Barford pointed out that due to the charge to the City, HDR was not asked to attend the meeting that evening for that particular agenda item.

Commissioner Woodland felt these type expenses should be budgetary line items.

Deputy City Clerk Percycoc responded that HDR's Task Order is similar to BDI's. She explained that similar miscellaneous Task Order's come out of engineering funds. Task Order 2007-02 (a/k/a/ "Work Assignment") is for any miscellaneous duties and is a routine item. She informed that the Work Assignment is added when paying the invoice and all miscellaneous fees would come from the engineering fees line item.

After discussion, the following action was taken:

MOTION: Commissioner Miller moved to approve HDR Engineering Inc. Task Order 2007-02 for Miscellaneous City Engineering Duties. Chair Quam seconded the motion. Motion carried – All Aye.

6. Approve HDR Task Order No. 2007-03 – Joint Permit Application for Modification of Lake La Vista Jetty Extension.

Public Works Director McKay stated the Jetty Extension has been in the budget for several years and is now ready for the Permit.

Task Order 2007-03, in the amount of \$65,000, contracts with HDR, and sub-consultants OAI and DSA for the purpose of engineering and environmental permitting services from the FDEP.

Mr. McKay informed there is a line item in the budget called Jetty Extension. The grant funding is under Lake La Vista Dredging Maintenance. He stated the hope is that the cost of the Jetty's, once a permit has been received, will account for the cost reduction of dredging less frequently. He said he is requesting he construction and engineering fees be included in the 2007-2008 budget.

Commissioner Woodland said for the past fifteen years, the file had not been properly maintained.

Commissioner Woodland asked for clarification that the "Jetty modifications" were indeed the "extension" and asked if it would include both the north and the south. Mr. McKay stated at this time he sees it coming down on the north side.

In referencing a need for a Hydro-graphic Survey, Commissioner Woodland asked why there would be a need to extend the south Jetty since it had been determined that the lateral drift ran from the north to the south.

Discussion followed relating to the channel deposition basin, widening of the channel, definition of a "spur", and clarification that the \$65,000 payment would be the accumulation of all fees.

Commissioner Woodland further questioned what remaining costs will be involved and how those costs would be funded.

Mr. McKay explained that the dredging is performed on a schedule every eighteen months. Though never escaping the dredging process, by extending the Jetty, it will stretch it out approximately another two years before having to dredge again. Discussion and explanation followed.

Mr. McKay informed that the permit for dredging expires in 2009. The process to begin its renewal will begin in 2008.

Commissioner Woodland stated that Engineer Chris Jones determined the time frame for the filet was for maintenance three to four times per year. He questioned if the dredging would have significantly been reduced if the City had maintained the filet pursuant to the early 1990's recommended schedule.

Mr. McKay stated he did not see anything in the permit that related to the three to four times per year requirement. He explained that a limited window exists for taking the machinery on the beach. The only prime opportunity was in the fall prior to spring. Explanation followed.

-- 9:00 p.m.

MOTION: Chair Quam moved to continue the City Commission Meeting until the completion of the entire agenda. Commissioner Miller seconded the motion. Motion carried – All aye.

Commissioner Tollette suggested the expense for the Jetty is put on hold until the final determination of expenses was determined relating to the City Hall mold and asbestos repairs.

Commissioner Miller voiced his agreement with Commissioner Tollette.

Mayor Barford suggested Mr. Wilcox be available at the next meeting for discussion of this issue.

Commissioner Woodland gave a background relating to the Jetty and its purpose. He agreed that Mr. Wilcox should address the Commission.

Mr. McKay recommended that the City Commission approve applying for the Permit renewal through the FDEP.

He informed that the current budget has two separate line items – 1) Jetty extension, and 2) Lake La Vista dredging.

ACTION: After discussion, it was the consensus of the Commission that this item be placed on the agenda for the March 8 Work session.

7. Authorize Mayor to Execute contract/Agreement with Dyer, Riddle, Mills & Precourt for Engineering Services.

Jim Tombs, Dyer, Riddle, Mills and Precourt, Inc., (RMP) addressed the Commission stating their Florida-based firm's headquarters are in Orlando. Having approximately 450 employees, Mr. Tombs informed they served numerous municipalities across the State.

In answer to *Chair Quam's* questions, Mr. Tombs informed RMP is currently working with the City's of Sarasota, Crystal River, Tampa, Plant City, Pinellas County, Hillsborough County, and Citrus County.

Mr. Tombs stated their firm would do their very best to be responsive and provide good services to the City.

MOTION: Commissioner Woodland moved to authorize the Mayor to execute a contract agreement with Dyer, Riddle, Mills and Precourt, Inc. for Engineering Services. Commissioner Mattick seconded the motion. Motion carried – All Aye.

11. Approve Drainage Improvement Project for Bayview Place and Line Item Transfer of Funds (\$30,000).

Deputy City Clerk Percycoe presented the Administrative Appropriation Transfer and line item transfer.

MOTION: Chair Quam moved to approve creating a line item for Bayview Place in the amount of \$30,000 and transfer funds from the General Contingency Fund of \$24,000.00 - then transfer funds from the Lake La Vista Jetty Extension in the amount of \$6,000. Commissioner Tollette seconded the motion.

Commissioner Tollette asked if the necessary paperwork was in place to begin the easement process with the Slavins.

City Attorney Dye informed that Mr. McKay has all the necessary documents to attach the legal description and obtain the appropriate signatures.

ACTION: Motion carried – All Aye.

ADDITIONAL BUSINESS – None.

PUBLIC COMMENT

- *Tom Turner*, 815 N. Shore, said Planner Garrett had previously been asked to review the setbacks on Pine Ave. He said he had presented information relating to setbacks to Mayor Barford and requested the issue be moved forward in an effort to standardize the setbacks throughout the City.

Chair Quam asked that the setback issue be added to the March 8 Work session.

Mr. Turner said in regard to submerged lots, it was his understanding that when the Corp of Engineers performs their beach re-nourishment, everything seaward of a hypothetical line along the beach on a survey becomes part of the sovereign State of Florida.

- *Mark Alonzo*, 406 N. Shore Dr., stated he attended and spoke at the ITPO meeting on February 20 relating to the Trolley extension issue.

Mr. Alonzo said he thanked the ITPO Board for their work involved relating to the Trolley issue. He said he also apologized to the Board for his City Mothers and Fathers for being so blind that they could not “see the light at the end of the tunnel.”

Mr. Alonzo felt the use of the Trolley aids in saving gas, thus savings lives in the Middle East. He asked if the Commission would be willing to reconsider the Trolley issue if it did not travel over the humpback bridge.

Chair Quam explained to Mr. Alonzo that if one of the Commissioners brings the issue up before the Commission, the subject would then be discussed further.

- *Jim Conoly*, N. Shore Dr., said he did not believe Mr. Alonzo speaks for the majority. He felt all the problems that would keep the Trolley from being successful are well founded and it was a wise decision for the Commission to not pursue the issue any further.

PRESS COMMENT – None.

ADJOURNMENT

On motion made by Chair Quam and seconded by Commissioner Tollette, the meeting was adjourned at 9:22 p.m. Motion carried unanimously.

Alice Baird, CMC, City Clerk

Minutes approved: _____