

**CITY OF ANNA MARIA
CITY COMMISSION WORK SESSION
MEETING HELD AT HOLMES BEACH COUNCIL CHAMBERS
THURSDAY, MARCH 8, 2007
7:00 P.M.**

CALL TO ORDER

Chair Quam called the Work Session to order at 7:05 p.m.

PLEDGE TO THE FLAG

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

Staff present: City Clerk Baird, Deputy City Clerk Diane Percycoe, City Planner Alan Garrett, Public Works Director George McKay, City Engineer Tom Wilcox, and Minutes Clerk Stacey Johnston.

Press present: Sun, Islander.

1. Discussion on HDR Task Order No. 2007-03---

Joint Permit Application for Modification of Lake La Vista Jetty Extension

City Engineer Tom Wilcox addressed the Commission relating to discussion on HDR Task Order No. 2007-03.

Commissioner Woodland stated the City has a good handle of how much time it takes to do a normal dredge and its cost, however, are asking clarification of what the payback would be if the City agreed to extend the Jetty. He also asked if the Jetty were to be installed, how much longer would the dredging time be extended.

Mr. Wilcox responded it was difficult to answer due to the number of variables involved. He said he was hoping to provide the Commission with a benefit cost ratio that evening. However, the Coastal Engineers have informed a benefit cost ratio could not be provided until a study has been conducted. He informed that DEP adopts the study and then they implement it.

Mr. Wilcox said the two HDI consultants who would be working on the project for the City have reminded him that the DEP Dredge Permit will expire in 2009 and with the Corp in 2010. It was their opinion, both the DEP and Corp may require that an underwater survey of the beaches and channel be completed prior to their renewing the City's permits.

Mr. Wilcox explained what was required in a study in order to extend the Jetty. He further explained the advantages of extending the Jetty an additional 200 feet and the alternative of putting a spur on the up-drift side of the Jetty. However, to do so would require a study in order to know how deep the water is and what the current and tide is doing.

Dredging costs the City approximately \$90,000 per year according to Mr. Wilcox. Explanation followed regarding why the dredging and a Jetty system are required.

In answer to Chair Quam's question if extending both Jetty's would be required, Mr. Wilcox said it seems that only the up-drift side would need to be extended if the sand always drifted one direction. However, he was unsure at this point.

Chair Quam said he walks over the humpback bridge everyday and he has noticed it has filled in on both sides.

Mr. Wilcox said that was his observation also, but the study would confirm the appropriate needs.

Public Works Director McKay informed that the estimated cost to extend both sides was \$250,000.

Commissioner Woodland said that in 1993 when the City received the Dredging Permit, Mr. Chris Jones said based on the study analysis provided by his firm, it was recommended extending the Jetty at that time. However, DER would not allow it.

Commissioner Woodland discussed his concerns relating to the fillet not ever being maintained and cleared by the City, wondering if it had been cleared, would that alone have solved the problem without even having to extend the Jetty. He felt they might not have installed the fillet at that time if the Jetty extension would have been approved by DER.

He said under normal circumstances, he has observed the channel always fills at the ends of the Jetty's. Discussion followed relating to causes due to storms and the emergency permit granted to the City in March 1993.

Commissioner Tollette asked when the \$250,000 estimate was obtained for continuing the Jetty.

Public Works Director McKay informed approximately three years ago.

Mr. Wilcox explained the type of materials used in extending the Jetty.

Commissioner Mattick asked who did the dredging for the City and what the cost was each time it was required.

Public Works Director McKay responded stating there is both a mobilization and demobilization fee required and each time it has cost the City approximately \$100,000. The last time it was dredged was December 2005.

Mr. Wilcox explained that the only time the survey could be completed was between April and October, during the growing season.

Commissioner Woodland reiterated he would still like an answer to his question relating to if cleaning out of the filet three or four times per year would delay the dredging. He felt doing so might give the City the same result as extending the Jetty's would.

Public Works Director McKay stated he was unaware of the Engineer's suggestion that the filet needed cleaned out three or four times per year and had never seen that statement in writing.

Mr. Wilcox agreed to consultant with the experts to provide an answer to Commissioner Woodland's question relating to the filet.

Commissioner Woodland suggested Mr. Wilcox contact Chris Jones for further clarification.

ACTION: It was the consensus of the Commission to direct Mr. Wilcox to research the issue of cleaning out the filet and report back to them at the April Work Session.

PUBLIC COMMENT

Jim Conoly, N. Shore Dr., said he had not heard any discussion relating to the survey completed by the University of Florida regarding the beach erosion on the Bay side. He asked if that survey was available for review and did it have anything to do with the issue that evening.

Commissioner Woodland said he was not sure Dr. Dean's survey would be relevant since it was from Bean Point to the south of the Rod & Real Pier and not in the location being discussed that evening.

Margaret Jenkins, Chilson Avenue, agreed with Commissioner Woodland's comments relating to the cleaning of the filet. She suggested that be addressed first. If it did not work, the Jetty could then be considered.

2. Discuss Proposals for Uniform Setback Standards and Proposals to Modify Lot Coverage.

Alan Garrett, City Planner, brought attention to and explained in detail the Matrix prepared and handed out to the Commission. Included were Zone Districts R1, R2 One Family, R2 Two Family, ROR, C1, PSP, and PRA that matched up with Front, Front 140-, Front 140+, Side 1 Story, Side 2 Story, Rear, Through Lot, Street Side, Water Front, Lot Area, Build Coverage, and Impervious.

Mr. Garrett pointed out the different inconsistencies in the City based on Matrix. He stated there is really no rationale as to why there are different setbacks in certain areas.

He said the only thing a little consistent in the ROR District was under the Impervious – a residence with a 5,000 sq. foot lot is limited to 40% of the lot area for impervious coverage (3,000 sq. feet). Offices and retail with a 5,000 sq. foot

lot area is limited to 60% impervious coverage (also 3,000 sq. feet). Also, those with a waterfront have a 15-foot setback regardless.

Mr. Garrett said he was glad this issue was being discussed because he prefers having Ordinances with consistency and rationale. He suggested the setbacks be reviewed and streamlined and that the Commission gives him direction as to what information he can come back and provide them with.

Further clarification and examples of the changes he proposed followed by Planner Garrett.

In answer to *Commissioner Miller's* question, Mr. Garrett informed that even though R2 has been removed from the Comprehensive Plan, it would also have to be removed from the Zoning District. Either all R2's will have to be rezoned to R1 or they become an inactive zone district.

Commissioner Mattick asked what happens if existing buildings were destroyed in a hurricane and want to rebuild.

Planner Garrett explained that generally hurricanes are treated differently and City's may pass an emergency Ordinance allowing them to build back to their existing footprint, though non-conforming. However, they cannot expand the non-conformity.

In the event of fire damage, for example, building back to the current codes would be required.

Commissioner Tollette asked how long it would take for Mr. Garrett to complete his review of the setbacks. Mr. Garrett answered only one hour.

Commissioner Woodland said Tom Turner would most likely be able to explain how the setback inconsistency occurred. Planner Garrett suggested Mr. Turner meet with him.

Commissioner Woodland said he first become interested in the setback issue when the three new homes in the ROR District were built with a 20 foot setback on Pine Avenue and they should have been built to a 29 foot setback. In asking Building Official Kevin Donohue why that was allowed to occur, he was informed that all the lots on Pine Avenue were non-conforming.

He voiced his concern that since the lots on Pine Avenue were non-conforming they were then reverted to the R1 setback requirements. He said he wanted the R1 and R2 District setback requirements increased to either 29 feet or 35 feet.

Commissioner Mattick suggested the Commission provide Mr. Garrett with perimeters to follow.

Chair Quam asked that each Commissioner provide their recommendations to Mayor Barford to be forwarded to City Planner Garrett and brought back at the April Work Session.

City Planner Garrett said he would be working in Anna Maria on Thursday, March 15 and asked that all recommendations be provided prior to that date.

PUBLIC COMMENT

Tom Turner, 815 N. Shore Dr, said he would like to have the opportunity to meet with Planner Garrett and Mayor Barford in order to pass on his knowledge of the City based on his living in Anna Maria for 25-years and serving as a property owner for 40-years.

Mr. Turner referred to his memo previously sent to Mayor Barford and discussed some of his recommendations relating to standard setback requirements. He pointed out that the City never wanted the R2 District, however, the DEP required it.

It was his opinion the setback requirements for the ROR should be 29 feet. He further felt the City should encourage one-story over parking. Discussion followed.

Lawrence Alenes, 4913 Gulf Dr., disagreed with the 29 foot setback and felt those homes in the ROR District did have a uniformity and all residential should have a 20 foot setback.

Commissioner Woodland commented on the lot coverage based on his January 30 memo (revised from his original memo written in 2002.)

If referring to his memo, he had made suggestions on a scale decreasing lot coverage, as the lots get bigger on 15,000 to 20,000 sq. foot lots. He felt the large lots were a detriment as a whole.

Commissioner Woodland suggested the City consider a maximum building footprint. He gave the example of the new home built on the street where he grew up.

Commissioner Tollette asked didn't the setbacks allow for the maximum footprint.

She said the City had previously discussed that a Review Board be formed that would offer suggestions on how a home should be built on a Barrier Island.

Commissioner Mattick agreed with Commissioner Woodland that percentages be established - the larger the lot the smaller the footprint. She expressed concern in the event homes were destroyed as a result of a hurricane.

Commissioner Tollette asked that City Planner Garrett provide a scaled diagram depicting the lot and home on the lot.

Commissioner Miller suggested Planner Garrett include a more restrictive category and gave examples.

Planner Garrett stated in looking at the idea of a lesser percentage basis, it would also follow the floodplain management.

3. Discuss Proposed Amendments to Special Event Ordinance.

In response to the previous comments relating to a Special Event Ordinance, *Planner Garrett* said he had met with Mayor Barford. A working draft was reviewed by the Commission – Sec. 114-428. Special events.

Planner Garrett first pointed out that the proposed Special Event Ordinance splits the classifications between Minor Special Events and Major Special Events. The major difference between the two classifications is that a Minor Special Event shall last no longer than a 24-hour period and shall not be for more than sixty participants versus a Major Event such as a street festival, weekend Pancake Breakfast at the Church, etc. lasting longer than a consecutive 24-hour period and having sixty-one or more participants.

In working with Mayor Barford, Planner Garrett pointed out a fee schedule for Minor and Major events, profit versus non-profit organizations, has also been included in the proposed Ordinance.

Planner Garrett informed that the current Code already requires more information than the application requires. He stated most of the existing problem currently exists in the lack of information being received upon application, pointing out that a site plan was required.

He is proposing that the site plan be provided to scale, showing setbacks for all proposed temporary structures. The site plan shall also include a traffic flow plan, parking allocated specifically for the special event, and include components of the use such bandstands, food booths, and restroom facilities. Most all these elements are currently in the current Code but the application should be revised to reflect so.

Continuing the review of the proposed Ordinance, Minor Events would be more administrative through the Mayor's review. The Mayor would have the authority to approve or deny the Minor Event. In the event of denial, it could then be appealed to the City Commission.

Major Events would follow the current procedure of approval by the City Commission.

Planner Garrett said it is presently very confusing as to when the application has to be filed with the City. The proposed changes are that for Minor Events it must be received by the Public Works Department at least three weeks prior to the date of the Special Event and at least six weeks prior to the date of a Major Event.

Commissioner Miller complemented Planner Garrett on a good job in preparing the proposed changes. He asked if a Special Event with the use of a tent fell under any specific category.

Planner Garrett said if a tent were to be used, it would require that it be placed on the site plan. The function itself would trigger the difference between a Minor and Major Event.

Commissioner Miller suggested that item be further defined.

He pointed out that a Garage Sale in the City was restricted to waiting an additional 90-days prior to holding another one but all other events have no restriction. He suggested restrictions be considered.

In regard to a Minor Event being denied by the Mayor, he suggested application be changed from three weeks to six weeks in order to provide sufficient time for the applicant to make appeal to the City Commission, if they so desired. This would avoid a Special Meeting having to be held.

Commissioner Tollette asked where the number of 60 participants came from and was informed by Planner Garrett that any number could be inserted, based on the Commission's desire. He said he had literature that states the number of square feet a human is suppose to have for a room of assembly. That number would be open for discussion.

Commissioner Tollette felt a minimum of attendees be inserted so those having a small gathering would not be required to obtain a permit.

Commissioner Mattick noted persons often have small parties and asked how that could be monitored and also what consequences would occur in the event they did not get a permit and should have.

Discussion followed relating to non-profit versus profit events.

Mayor Barford explained it takes the City four and one-half hours to process a Special Event Permit.

Commissioner Woodland suggested the problem at hand be determined prior to drafting the Ordinance.

Planner Garrett said he approached the problem as the Special Events not having a tier to it. He further felt the Commissioner's have indicated they do not always have enough information to provide a valid recommendation.

In referring to the wedding events held at the Sandbar, for example, Commissioner Woodland suggested a Police Officer be on-site at the applicants expense during the Special Events.

Commissioner Tollette said she would want to hear from the Police Department on the number of complaints prior to a Police Officer being required at the Sandbar.

Commissioner Tollette said she had no objection to requiring a nominal fee for non-profit organizations and asked if the events she and her husband had held at their home for USF and the Community Center would fall under the Special Event requirements.

Planner Garrett informed that the present code requires all charitable or fund-raising events to obtain a permit.

Discussion followed with *Commissioner Miller* suggesting a distinction is determined between a public and private event.

Chair Quam stated the City should address this issue as to what type issues may arise in the future. He further pointed out the Noise Ordinance was not referenced in the proposal.

Planner Garrett said he felt the issues could be waived in regard to the Noise Ordinance when a Special Events Permit is approved.

Chair Quam asked that the Ordinance reflect there can be no violation to State Statute.

Commissioner Miller suggested Special Events only be allowed in the ROR and Commercial Districts.

He asked that other City's Ordinances be provided to the Commission for samples.

PUBLIC COMMENT

Mark Alonzo, 406 N. Shore Dr., did not feel the City was being business or people friendly.

Deputy City Diane Percycoe suggested verification for being a non-profit organization be required.

City Clerk Alice Baird stated the Fire District has previously complained they would prefer not being involved with the Special Events unless street closers, cooking, or tents are involved. She suggested this issue also be addressed.

Robin Wall, 112 Palmetto Avenue, said events with amplified sound continue to be held repeatedly. The noise includes yelling, cheering, announcements, music, DJ's, live bands, etc. and is a great disturbance to the neighbors.

Ms. Wall suggested a Police Officer be required whenever the serving of alcohol was involved.

She referenced the Sanibel Code she previously presented to the Commission that she felt is more protective to the quality of life for the citizens.

Ms. Wall felt the following should also be considered: Limiting the number of events per year; requiring a waiver if the Noise Ordinance would be effected such as fireworks, parades, etc.; and did not feel separating the events into Minor and Major would solve the problem.

She said she requested a copy of any complaints received by the Police Department and has written documentation relating to no official reports every being filed.

Marie White, 111 Spring Ave., said she is pro Anna Maria Village and she wants to keep it as is.

She said it was her understanding the Pavilion was built at the Sandbar location to take the place of the tent. She said the only reason a Special Event was recently applied for was to have two events at one time.

Ms. White spoke in opposition to a Special Event taking place every weekend and felt there should be limits to the number per year. She agreed with the fees for the profit and non-profit organizations.

Ms. White felt the parking was truly an issue and pointed out approximately twenty parking spaces were lost due to the construction at the Sandbar area. She said when an event was held there, six parking places on the fire plan are being utilized and did not feel there was enough parking for both the Pavilion and the Restaurant when a Special Event occurs.

Brendan Rowe, Law Offices of Lobeck & Hanson, 2033 Main St., Sarasota, addressed the Commission on behalf of his clients William and Barbara Nally who live at 110 Spring Avenue.

Mr. Rowe thanked the Commission for pursuing this issue and encouraged them to take a practical approach in approving amendments to the Special Events Ordinance.

A prepared letter addressed to the Mayor and City Commission was read and discussed by Mr. Rowe.

Mr. Rowe stated that creating a fictional distinction between a Minor and Major Event does nothing to eliminate the fact that multiple Special Event permit applications are being submitted for the same type of event. Having a huge impact on the surrounding neighbors, he asked that the Commission determine some type of limitation on the number of permits that can be approved per year.

He said it was their position that the Noise Ordinance would still apply and he would like to see language in the Ordinance that reflects the Noise Ordinance issue.

Commissioner Miller said he would like to see samples of other communities' Ordinances prior to submitting recommendations to Mr. Garrett. Planner Garrett agreed to do so noting the City already has a sample of Sanibel's.

Commissioner Tollette asked that Sgt. Kenney provide a report relating to any complaints that have been received.

Mayor Barford said she was aware of two complaints and will be following up on Ms. Wall's comments that no reports are on file.

ACTION: It was the consensus of the Commission to provide Mr. Garrett with their comments and recommendations for preparation of amendments to the Special Events Ordinance to be reviewed at the April Work Session.

4. **Discuss Proposed Additional Handicapped Parking – (Mayor Barford).**

Mayor Barford reported that two handicap parking spots would be added on Gulf Blvd., one at the north and one at the south end of the fenced area.

Mayor Barford informed that to add the parking spots would require an Ordinance amendment that includes two readings and a Public Hearing.

Chair Quam stated that when the Traffic Ordinance was adopted two years ago it was agreed that it would be reviewed and amended once per year. He suggested that all sections of the regulations Ordinance be reviewed prior to its final consideration.

5. **Update on City Hall Asbestos/Mold Removal – (Mayor Barford).**

Mayor Barford informed that four bids have been received for the asbestos mediation. An in-house meeting was held to review the bids and the question that the area is indeed both asbestos and mold combined was addressed.

Mayor Barford said a spreadsheet would be produced regarding the timeline and costs involved.

She reported that the City has been given good direction from the City's Attorney Mark Nelson and all issues are being documented.

Mayor Barford said she would be contacting the Commission for a Special Meeting that will be required to award a contract.

In answer to *Commissioner Tollette's* question relating to the use of the Church facility, Mayor Barford said the Church had given no deadline relating to the City's stay there. She said she will be keeping them informed about the process.

6. **Old/New Business Items.**

Walkable Communities

Commissioner Mattick said she did not feel the City should spend money on the Walkable Communities issue.

ACTION: It was the consensus of the Commission to remove Walkable Communities from the Old Business item list.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY – None.

ADJOURNMENT

The meeting was adjourned at 8:56 p.m. on motion made by Chair Quam and seconded by Commissioner Miller. All Ayes.

The next regular Commission Meeting will be held on Thursday, March 22, 2007 at the Holmes Beach Council Chambers.

Alice Baird, CMC, City Clerk