

**CITY OF ANNA MARIA
CITY COMMISSION REGULAR MEETING
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, MARCH 25, 2010
7:00 P.M.**

CALL TO ORDER

Chair Quam called the Regular Meeting to order at 7:04 p.m.

PLEDGE TO THE FLAG

ROLL CALL: Mayor Fran Barford, Commissioner Jo Ann Mattick, Deputy Chair Dale Woodland, Chair John Quam, Commissioner Chuck Webb, and Commissioner Harry Stoltzfus.

Staff Present: City Clerk Alice Baird, City Attorney Jim Dye, Building Official Bob Welch, Public Works Director George McKay, and Minutes Clerk Stacey Johnston.

Press: Sun and Islander.

Also present: Court Reporter – not being paid by the City of Anna Maria.

PLEDGE OF CONDUCT: Read by Chair Quam.

1. **Approve Minutes of:**
City Commission Regular Meeting held February 25, 2010
City Commission Special Meeting held March 4, 2010
City Commission Special Meeting held March 11, 2010.

MOTION: Commissioner Woodland moved that the February 25, 2010 City Commission Regular Meeting Minutes, and the March 4 and March 11, 2010 Special Commission Meeting Minutes be approved as written. Commissioner Mattick seconded the motion.

Motion carried – All Aye.

2. **Commissioner Reports** - No reports.

3. **Mayor's Report**
City Pier Lease Update

The City has successfully renegotiated the lease for the City Pier for the next five years.

Manasota League of Cities Meeting Update

Mayor Barford attended the March 11, 2010 Manasota League of Cities Meeting for a presentation of Amendment 4 on Hometown Democracy that will be placed on the November 2010 ballot. *Mayor Barford* informed that Amendment 4 was a complicated amendment with potential impact. She encouraged everyone to fully learn and understand the amendment.

She informed that the Manasota League of Cities has funding available for any elected officials wishing to attend the Florida League of Cities meetings held three times per year in Orlando. Any Commissioner interested should contact Mayor Barford.

ITPO Meeting Update

Mayor Barford attended the March 15, 2010 ITPO meeting. Micheal Howe presented a MPO review relating to the combining of the MCAT/SCAT partnership discussions for combining transportation services. Due to the current economic downfall, both Manatee and Sarasota County Administrators have recommended not joining services at this time.

BIEO Meeting

Mayor Barford also attended the March 17, 2010 BIEO meeting. The CERT (Community Emergency Response Team) was explained. Anyone interested in participating in the CERT training should contact Mayor Barford. Training will be held in Holmes Beach at the Fire Department.

Mayor's Deliveries for Meals on Wheels

Mayor Barford informed that she had participated with the Mayor's deliveries for Meals on Wheels.

Annual Fishing Tournament – Galiti's Marina

Mayor Barford informed that the Galiti's Annual Fishing Tournament, benefiting All Children's Hospital, will be taking place at Galiti's Marina from March 27, 2010 through May 30, 2010. She explained that this will be first time the event has ever been held at Galiti's Anna Maria site.

Mayor Barford said it was estimated that the event will bring over one thousand people to the Island. She noted that this type event would require a Special Event's Permit. Traditionally, no fee is taken for any non-profit event. However, she recommended the City require a fee this time pointing out that one lane of traffic will be shut down, law enforcement will be required, there will be impact on the streets, a huge impact to the roadways and structures, etc.

4. Sarasota Bay Estuary Program Presentation.

Mayor Barford introduced Sara Petrosky, Sarasota Bay Estuary Program Presentation Outreach Coordinator. Ms. Petrosky addressed the Commission and noted that she was originally going to show a video relating to the program, however would not be that evening. She explained that they had won a first place award for the Seagrass Recovery Efforts. Explanation followed. She informed that the video would be available to anyone wishing to see it.

Commissioner Mattick said she saw the video in Bradenton and that it was amazing how much had been accomplished on the project.

5. First Reading – Ordinance 10-710 – Election Qualifying Dates.

City Clerk Baird read the Ordinance by title.

City Attorney Dye explained that the Ordinance was presented to the City by the Manatee County Supervisor's Election Office. He noted that the City's present election qualifying period ends after the county sends their ballots out for printing.

If no change is made, the City would then be responsible to hold a special election.

City Attorney Dye was in favor of the amendment and noted once the Ordinance is approved; the new qualifying period would end the last Friday in August.

Chair Quam informed that the Second Reading of Ordinance 10-710 will be held on April 22, 2010.

6. Approval to Proceed with Transportation Enhancement Grant/Pier Boardwalk Project.

Commissioner Mattick addressed the concerns voiced in a previous meeting in regard to the proposed Transportation Enhancement Grant/Pier Boardwalk Project as follows:

Concerns:

- That parking on the south leg of the boardwalk would bring cars closer to the street.
- Question regarding the number of parking spaces.
- Possibility of the Pier Restaurant losing business as a result of the project.
- As a design/build project, there would be no plans available.
- Need for more public input.

Response and solutions:

- The width of the boardwalk in that area will be reduced from 12-ft to 8-ft.
- The project will actually increase the number of parking spaces available for restaurant customers.
- Project will meet ADA requirements for access to the pier.
- Plans are to reduce the current three picnic tables in existence to two – one in each shelter – in order to reduce the incentive to picnic.
- The project would not have been considered if it were felt it would cause a negative impact on the Pier tenant.
- Project drawings have been posted for review in the Commission chambers and there have been discussions with FDOT. The City will be informed of the plans.
- There have been numerous opportunities for public participation at the open and advertised TEG meetings. A formal presentation of the Boardwalk Project was made by Tim Eiseler at the January 2009 Commission Meeting - with no dissenting voices from the Commission or from the public. There has been a significant outpouring in the form of letters, emails, and phone calls – all in support of the project.

Commissioner Mattick informed that a draft RFP and specifications had been received that will be incorporated into the document.

Commissioner Mattick confirmed for Chair Quam that the sidewalk along N. Bay Blvd. from the bridge will be demolished and that area will be utilized for loading. She noted there would be a 10-ft strip area with the same surface as at City Hall to accommodate the trucks and allow them to be closer to the Pier entrance.

Explanation followed relating to the plantings that will occur and that there should be very little maintenance required. Cabbage Palms will be used and it is not recommended that they be trimmed.

Commissioner Woodland said his only concerns were in regard to the City's future maintenance requirements.

Mayor Barford informed that the Pier tenant is responsible for 150-ft of boardwalk on the north and 100-ft of the boardwalk going south. The parking lot is also to be maintained by the tenant. She confirmed that both issues were part of the lease between the City and the Pier tenant.

Commissioner Mattick pointed out that due to its size, the Boardwalk will actually reduce the maintenance of the parking. It has been designed with the same surface as at City Hall with a 10-ft apron in front of where the new trash enclosure will be placed. After

speaking to Charlie Hunsicker, Commissioner Mattick was informed that the earliest any maintenance may be required on the Boardwalk would be years seven or later.

Mayor Barford informed that the work would occur during the slow time for the Pier tenant – September or October. Only one portion of the parking lot will be worked on at a time, therefore, parking will always be available. No monetary compensation during the construction has been requested by the Pier tenant.

Commissioner Mattick informed that Mr. Chiles and Mr. Coleman have agreed to the use of the lot on N. Bay Blvd. if required. Further explanation followed.

FDOT Project Engineer *David Panlilo* addressed questions from the Commission as follows:

- Agreed that “shall” will be used in place of “should” in the RFP.
- All attachments to the RFP will be as binding to the contractor as the RFP itself.
- Suggested that a premium be included in the RFP to the contractor/bidder that provides highly maintainable projects. Those including highly maintainable products would receive additional points towards their score - which would affect their bid price – the higher the score the lower their bid. Pressure treated Pine is what is currently being specified.
- Explanation followed relating to providing for “optional bids” – one that fits within the budget and one that does not.
- *Commissioner Webb* warned that there is currently a recall on a certain line of composite materials.

Public Comment

Gene Aubry, 410 Spring, stated that the City spends a lot of time dealing with natural landscaping. He did not feel that in a “natural” type place that the City would want to utilize manmade wood with a fake grade in it at the Boardwalk. He recommended the use of Pine so it would not have a manmade look.

The following Committee members addressed the Commission:

Betty Yanger, 112 Park Ave., said she had never worked with a group that could be more committed to a project from the very beginning. Examples followed.

Ms. Yanger gave the example of a committee member approaching an individual parked at the Pier. The committee member inquired why they were only sitting in their vehicle. The individual explained they were unable to get their walker up to the Pier so they sit in their car to view the water, manatees, fish, etc.

Ms. Yanger said the goal of the Committee is that the Pier will look the same, yet be more user-friendly, and have a cleaner look.

Sissy Quinn, 301 N. Bay Blvd. asked that the Commission vote favorably for the grant opportunity. Ms. Quinn has ordered the Historical Plaque and she announced that the Anna Maria Historical Society will be paying for the plaque. She hoped to have a beautiful place to erect the plaque.

Nancy Colcord, 118 Oak, had also served on the Committee from the very beginning. She said one her biggest motivation on the Committee was due to not being able to roll her husband’s wheel chair onto the Pier walkway prior to his death.

Micheal Coleman, Pine Ave., said the Committee was formed with a good cross-section of individuals from the community – all having common agreement. Mr. Coleman explained that the view of the Pier from Pine Ave. will be the same and the shelters will be the same. He pointed out that the Committee had worked very hard on the project and he hoped it would be approved that evening.

FDOT Community Liaison *Manon Lavoie* said she had been attending the TEG meetings since the start. She said when the additional funding was available; Ms. Lavoie, realizing how hard the Committee had worked on the project, requested it be utilized for the Boardwalk project. She encouraged the Commission's approval of the project.

MOTION: **Commissioner Webb moved that the City approve proceeding with the Transportation Enhancement Grant / Pier Boardwalk Project. Commissioner Mattick seconded the motion. Motion carried – All Aye.**

Commissioner Mattick and her Committee received a round of applause for all their hard work over the past three years.

7. Transportation Post Project Maintenance Agreement Between FDOT and City.

Mayor Barford explained that the project needed to be encumbered by the end of March 2010. A certified copy of the meeting minutes would be attached to the Agreement.

Commissioner Woodland asked if the Boardwalk was required to be maintained under FDOT standards.

Manon Lavoie explained that the City would be required for the maintenance and that FDOT would not annually inspect the work. She explained that Federal Funding could not be used for the purpose of maintenance.

Public Comment

Randall Stover, 815 N. Shore Dr. said he had spoke to Commissioner Mattick about his concerns relating to the turning radius coming into the parking and loading area – for Waste Management, Trolley, rainy days, etc. He felt it was important that there be some sort of paving in that area – otherwise the maintenance would end up being similar to that which exists at the Rod & Reel Pier.

FDOT Project Engineer **David Panlilio** responded to the *P&Z Board Chair Stover's* question and explained that Public Works Director McKay asked that a compacted sub grade and 12-inches of shell-washed material be specified.

Mr. Panlilio further stated that criteria could be added that the turning radius needed to be addressed.

MOTION: **Commissioner Woodland moved to authorize the Mayor to sign a Transportation Post Project Maintenance Agreement between FDOT and the City. Commissioner Webb seconded the motion. Motion carried – All Aye.**

8. Amendments to FDEP permit to include Key Royale and the Spoil (Sand Replenishing Pier Area).

Public Works Director McKay explained that for the past few months the City, County, and West Coast Inland Navigation District (WCIND) had been discussing the replacement of the spoil that will come from Key Royal Pass and how to best utilize the material that will come from the dredging of Key Royale Pass. Detailed explanation followed.

Commissioner Woodland voiced concern relating to the lateral drift. Discussion followed.

Public Works Director McKay explained that the existing dredge permit allows dredging to take place anywhere so long as it is within the quantity allowed. He noted that in the past it had been used to protect the Pier.

MOTION: Commissioner Woodland moved to authorize the Mayor to sign any documents in regard to the amendment to the FDEP permit to include Key Royale in its spoil. Commissioner Webb seconded the motion.

Motion carried – All Aye.

9. City Pier Replacement of Walkway Planks with Private Donation (Buy a Plank with Inscription program)

Commissioner Mattick said the issue had been discussed with Dave Sork earlier that week. Mr. Sork informed that it was the Pier tenant's intention to proceed with the Buy a Plank with Inscription program. No specific time period was discussed.

Commissioner Webb questioned if it should be included in the lease agreement.

City Attorney Dye responded that it was the tenant's responsibility to maintain the Pier and his choice of how that maintenance would occur. The City has no control over the type of material that has to be used, only that it be good materials. City Attorney Dye did not feel the issue would trigger any changes to the lease. He noted that there was no change to the lease – only a five-year extension.

Mayor Barford informed that the Building Official was approving all structural repairs at the Pier. All work so far has been permitted and inspected.

10. Consent Agenda

- a. **Special Event – Ginny & Jane E's Flea Market – April 3, 2010 – 8:00 a.m. to 3:00 p.m.**
- b. **Proclamation – Declaring April as *Water Conservation Month***
- c. **Proclamation – Declaring April as *Sexual Assault Awareness Month***
- d. **Waive Building Permit Fees of \$50 for Phase II Drainage Easement**

MOTION: Commissioner Webb moved that the Consent Agenda be approved. Commissioner Stoltzfus seconded the motion.

Motion carried – All Aye.

- 11. **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.**
 - h. **Line of Credit Report.**

Public Comment

Gene Aubry, 410 Spring Ave. spoke in reference to recent news articles appearing in the Sun and Islander Newspapers.

Commissioner Stoltzfus asked for a Point of Order stating that the issue Mr. Aubry was addressing was not an agenda item and that he did not want the issue discussed at that time.

Chair Quam informed it was a public meeting and asked Mr. Aubry to proceed so long as there were no personal attacks.

Mr. Aubry said he was alarmed to read of both the City's elected officials and appointed boardmembers engaging in an alleged violation of the Sunshine law. He said he was appalled after reading a portion of the emails (that has been requested by a law firm) and that were all public record.

Mr. Aubry requested as a citizen of the City that the Mayor work with the Commission, City Attorney, and the Attorney General of Florida to review all of the email data that was turned in by those from whom it was requested. He asked that it be determined if the Sunshine law had been violated and the result be given to the Anna Maria City government with any penalties to be given out according to State Law.

Press Comment – None.

Adjournment

On motion made by Chair Quam and seconded by Commissioner Webb, the meeting was adjourned at 7:40 p.m.

Alice Baird, CMC, City Clerk

MINUTES APPROVED: _____