

City of Anna Maria

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MINUTES
CITY OF ANNA MARIA
CITY COMMISSION WORKSESSION
THURSDAY, JULY 14, 2011
6:00 P.M.

Pledge of Conduct: We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks.

CALL TO ORDER


Chair Webb called the meeting to order at 6:05 p.m.

PLEDGE TO THE FLAG

ROLL CALL


Present: Mayor Selby (Not voting), Vice-Chair Mattick, Commissioner Woodland, Chair Webb, Commissioner Quam.

Absent/Excused: Commissioner Aubry.

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

Press: Sun, Islander.

1. Discuss Local Green Government Certification – Drew Smith.


 **Drew Smith**, representing Two Trails, Sarasota, addressed the Commission relating to Green Certifying the City. He discussed various ways to save money for the City such as utilities, lighting, recycling, efforts made in parks, and air conditioning efficiency. A proposal has been submitted to Mayor Selby by Mr. Smith to work pro-bono towards Green Certifying the City. He said certifying the City will enhance marketing for tourism.


Mayor Selby said he met with Mr. Smith. He pointed out that the City Hall parking lot will also add to the Green City Certification. He recommended the City follow-up on the Green Certifying process. *Mr. Smith* explained the various certifications available for the City.


Commissioner Mattick asked about the emails the Commissioners had received regarding Solar Panels. Explanation followed relating to the purchase of Solar Panels and rebates available.


Mr. Smith acknowledged that his company has chosen Anna Maria to work with on a pro-bono basis until Green Certification can be achieved.

Public Comment


 **Wayne George**, 212 Periwinkle, questioned why home mail delivery was stopped and if it could be revisited with the postal service.


 **Margaret Jenkins**, Chilson Ave, informed that a minimum number of residents are required in order to have home mail delivery.

 *Sandy Mattick*, 522 Pine Ave, spoke regarding solar energy and solar panels and her conversations with Lizzie Thrasher and the Green Village. She suggested City Hall pursue solar energy right away.

 *Micheal Coleman*, Pine Ave, felt solar would be the last thing to pursue – except for emergency purposes.

2. **Consider Voting on Proposal Received From Blackhawk Bank & Trust Regarding 6 Lots at North Bay Blvd. and Pine Ave. – Presentation by Mitchell O. Palmer Esquire, PA on Eminent Domain.**

 *Chair Webb* introduced Attorney Mitch Palmer to provide information on eminent domain.


 *Attorney Mitch (Mickey) Palmer*, Manatee County resident, represents government entities & private property owners regarding eminent domain. Attorney Palmer provided a detailed overall of how eminent domain works pursuant to Florida Statutes. He noted that purchasing the lots for purpose of a park is allowed under the law. Quick-Take, Slow-Take (extremely rare) processes, jury trials, etc. were explained in detail. The fees paid to the Attorney were also explained. Attorney Palmer stated his fee is an hourly rate and that he would extend the same rate of \$200 per hour to Anna Maria – same rate as currently being paid by Manatee County. Some negotiation of the cost could occur.

Attorney Palmer stated it was important for the City to obtain a solid real estate appraisal prior to negotiating any price. He stated that in eminent domain circumstances; the City is required to pay fair market value – nothing more/nothing less. Explanation followed relating to:

- Mortgage lender involvement.
- Higher and best use of the property.
- Initial deposit required and procedure for paying for the property upon award within 20 days.
- Approximate time the eminent domain process would take beginning to end.
- Noted 95% of eminent domain matters settle short of a jury trial.
- Importance of obtaining a solid appraisal by specific type appraiser.

Commissioner Woodland voiced his opposition to pursuing eminent domain. He felt it would send the wrong message.

Public Comment

 *Sandy Mattick*, 522 Pine Ave, reminded the City has a valid need for a portion of the lots for the Humpback Bridge. She stated that the use of lots is limited under current LDR's and she felt the lots were valued at less than many may think.

Micheal Coleman, Pine Ave, asked why the slow-take process had never handled by Attorney Palmer. Mr. Coleman discussed the current offers that have been denied, offers that are currently on the table, and amount that other persons in the area have paid for their lots. He asked for Attorney Palmer's response. Mr. Coleman felt it would be a long-term defense and could be costly to utilize eminent domain.

Attorney Palmer responded to Mr. Coleman's questions. Further requirements prior to the eminent domain process were also explained.

Commission discussion followed regarding item # 2 and consideration of voting.

Chair Webb gave examples of lots sold and the amounts. He stated that the properties had depreciated since the sale of the lots. He then referenced a spreadsheet relating to the offers previously presented by Mayor Selby.

Chair Webb reiterated the need for an approximate fair market value of the property and the need for an appraisal – he estimated the value of the 6 lots at \$2.1 million).


Commissioner Woodland expressed his objection of eminent domain and of pursuing an appraisal and *Commissioner Mattick* discussed her experience with appraisals.


Mayor Selby stated that an eminent domain appraisal will cost approximately \$4,500 to \$5,000. Backup for court would be provided.

Commission discussion followed.


Commissioner Quam suggested that the use of the property is important. He agreed an appraisal is needed.

Public Comment


 *Wayne George*, 212 Periwinkle, spoke in opposition of the City purchasing the property and taking it off the tax rolls and the taxes being gone forever. Mr. George said he was unaware of what the use will be. He stated that there was no money available for paving streets and pointed out he has now been taxed with a stormwater fee and yet areas still flood. He felt purchase of the property should have been discussed in the 2010/2011 budget if being considered and he did not understand the urgency to purchase the lots.

 *Sandy Mattick*, 522 Pine Ave, said she was in favor of community use for the 6 lots. She agreed that an appraisal was a must and did not feel any other entity would agree to pay \$500,000 per lot.

Ms. Mattick suggested the City at least get right-of-way for the Humpback Bridge.

 *Micheal Coleman*, Pine Ave, felt revenues generated by the City would out way the taxes that would be received. Mr. Coleman did not feel an appraisal was necessary. He discussed what he felt was the purpose for any urgency.

Commission Discussion - Continued

 *Mayor Selby* referred to the blank contract received the previous day from Blackhawk's counsel. Mayor Selby recommended postponing any vote until the July 28 meeting noting that Attorney Dye advised the contract needs reviewed.

Commissioner Mattick said she was opposed to an appraisal and would not want to go to eminent domain. Commissioner Mattick felt that with the City Pier improvements, the lots would be worth more money. Discussion followed relating to the access to the lots, etc.

Commissioner Woodland and *Commissioner Mattick* said they were in favor of purchasing the lots. *Chair Webb* said he was also in favor for the right price and use.

Commissioner Quam agreed with purchase of the lots but said he had received mixed public comments. He felt the lots will cost the City more every year and that the City should move cautiously. An appraisal is needed. He said he would not approve the purchase based on the vision statement previously presented to the Commission and felt it needed to be revised.


Commissioner Mattick recommended that fees for tourist parking be generated at the City Pier.

Commissioner Woodland reinitiated his belief that the public private partnership and community involvement is the only way the property could be purchased. *Commissioner Quam* agreed only the amount should be received at the front of the purchase versus the end of the mortgage period.


Commissioner Woodland questioned City Attorney Dye on how private donations could be used as far as the budget. Examples followed.


City Attorney Dye explained that if the private donor has no restrictions on the gift, the City can apply it as they want. If the City designates what the donations will be used for from the start, they will be obligated to utilize the funds for that purpose.

Public Comment Reopened


 **Sandy Mattick**, 522 Pine Ave, felt the fundraising efforts to be performed by Bob Carter will require an appraisal. Ms. Mattick stated she was in favor of an appraisal.


Commissioner Woodland said he spoke with Mr. Carter and was informed that an appraisal was not needed.


 **George McKay**, Iris St, reminded that the vision will need to include the Humpback Bridge and the need for additional right-of-way.

 **Micheal Coleman** spoke relating to amortization schedules.


3. First Reading Ordinance 11-722 Film Permit Revisions.

 *City Clerk Baird* read the Ordinance title.

 *Building Official Welch* informed that the current Venus Swim Suit filming is paying \$250 per day. The City's Ordinance allows for the permit to be brought before the Commission as a consent item.

 *City Attorney Dye* informed that most Cities will be retaining the permit application approval in-house. The proposed Ordinance will allow administrative approval in order to expedite the process.

Additional Business

 City Pier Boardwalk and Parking Lot Update
Presented by *Commissioner Mattick*.



Agenda Item # 2 - Continued

Mayor Selby asked for direction relating to obtaining an appraisal for the 6 lots. He felt that an appraisal was important in order to know how much the City would be overpaying for the property. The Appraiser to be utilized has been recommended by Attorney Palmer and is one that is very familiar with Manatee County. The total estimated cost for the appraisal would be \$4,500 to \$5,000.

Motion: That an appraisal is performed on the 6 lots at N. Bay and Pine Ave.

Motion made by Commissioner Quam, Seconded by Vice-Chair Mattick.

Vote: Motion passed (summary: Yes = 3, No = 1, Absent = 1).

Yes: Chair Webb, Commissioner Quam, Vice-Chair Mattick.

No: Commissioner Woodland.



Public Comment on agenda items – None.
Press Comment – None.

Adjournment

Chair Webb adjourned the meeting at 8:13 p.m.

The next Regular Commission Meeting is scheduled for Thursday, July 28, 2011.

A handwritten signature in cursive script that reads "Alice Baird".

Alice Baird, CMC, City Clerk