

**CITY OF ANNA MARIA
REGULAR CITY COMMISSION MEETING MINUTES
MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS
1005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, JUNE 28, 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 Jo Ann Mattick, Commissioner Dale Woodland, Chair John Quam, Deputy Chair Christine Tollette, and Commissioner Duke Miller.

Staff present: City Clerk Alice Baird, Deputy City/Finance Director Diane Percycoe, City Attorney Jim Dye, City Planner Alan Garrett, and Minutes Clerk Stacey Johnston.

Press present: Sun, Islander.

Chair Quam read the Pledge of Conduct.

1. CONSENT AGENDA

- a. **Minutes – Regular City Commission Mtg – May 2, 2007
– Special City Commission Mtg – June 14, 2007**
- b. **Approve Proclamation: Children’s Day Summit – August 11, 2007
(Tameka Moore – Manatee County Human Services to accept)**
- c. **Special Event: Privateers July 4 Parade – 10AM – 1PM**
- d. **Special Event: July 4 Fireworks – Sandbar**
- e. **Special Event: Bayfest AMI Chamber of Commerce,
October 19 - 5PM – 10PM and October 20 – 10AM – 7PM**
- f. **Approve Letter to Opt-In for County Wide Ordinance Requiring
Licensed Family Day Care Homes.**
- g. **New Historic Marker at Historical Park is deemed “Historic” as per
Sec. 98-72 (2) of the Sign Ordinance.**
- h. **Authorize Letter to Manatee County to Continue Free Island Trolley
Service.**
- i. **Appoint Citizen Recommendation Committee Members:
Joan Dickinson, Don Schmitzerle, Tom Tollette, Margaret Jenkins,
Rick DeFrank, and Betty Yanger.**

Commissioner Miller asked that item # a. be pulled from the Consent Agenda for discussion and consideration separately.

Commissioner Woodland asked that items # e. and f. be pulled from the Consent Agenda for discussion and consideration separately.

MOTION: Commissioner Woodland moved to approve Consent Agenda items b., c., d., g., h., and i. Commissioner Miller seconded the motion. Motion carried – All Aye.

- a. **Minutes – Regular City Commission Mtg – May 2, 2007
– Special City Commission Mtg – June 14, 2007**

MOTION: Chair Quam moved to approve Consent Agenda Item # a. Minutes, as written. Commissioner Woodland seconded the motion. Motion carried – All Aye.

- e. **Special Event: Bayfest AMI Chamber of Commerce, October 19 - 5PM – 10PM and October 20 – 10AM – 7PM**
Commissioner Woodland said he had no objection to the Bayfest Special Event, however, wanted to bring to everyone's attention that an extra day had been added for the event. He suggested that the residents have an opportunity to make any comments regarding the event.

ACTION: It was the consensus of the Commission to ask a representative from the Chamber of Commerce to attend the Commission's July 26, 2007 Regular Meeting to give a report of the upcoming Bayfest AMI Special Event.

- f. **Approve Letter to Opt-In for County Wide Ordinance Requiring Licensed Family Day Care Homes.**
Commissioner Woodland said he was opposed to the City joining in with the County Wide Ordinance requiring Licensed Family Day Care Homes for the reasons he discussed at the July Work Session. He had voiced a concern relating to the possibility this Ordinance may effect home schooling.

MOTION: Motion was made by Commissioner Miller to approve Consent Agenda item # f. Commissioner Tollette seconded the motion. Motion carried on vote of 4-1 with Commissioner Woodland voting No.

- b. **Proclamation - Children's Day Summit – August 11, 2007.**
Mayor Barford stated the Children's Day Summit Proclamation was to be presented to Tameka Moore, Manatee County Human Services. She would formally present the Proclamation if Ms. Moore arrived.

2. REPORTS AND UPDATES.

- a. **Commissioners.**
Commissioner Woodland
SWFWMD Meeting Update

Commissioner Woodland informed that a SWFWMD meeting was originally scheduled for June 13 and had been postponed until June 27. The meeting has again been rescheduled to July 25, 2007.

He stated that in mid July he will be asking City Engineer Tom Wilcox to contact the SWFWMD Program Manager. Commissioner Woodland said he will be contacting the Budget Director prior to the July meeting.

- b. **Sheriff's Report (Written).**
- c. **Building Department Report (Written).**
- d. **Public Works Department Report (Written).**
- e. **Code Enforcement Report (Written).**
- f. **City Pier Report (Written).**
- g. **Ordinance Update (Written).**

- h. **Mayor's Report.**

Sergeant John Kenney Reception

Mayor Barford announced that Sergeant John Kenney has accepted a new position. An open house is scheduled in honor of Sergeant Kenney on Friday, July 6, 12:30 p.m. to 1:30 p.m. Everyone is invited to attend.

She informed that the new Sergeant will be meeting with her on Friday, June 29.

City Hall In-house Re-organization

Mayor Barford informed that Diane Percycoe, Deputy City Clerk/Finance Director, has been appointed to serve as the Disaster Emergency Management Liaison, along with Public Works Director George McKay.

Report – Line of Credit

Diane Percycoe, Deputy City Clerk/Finance Director, presented the Commission with information she prepared regarding the Line of Credit. Ms. Percycoe reported that the payment on the Line of Credit for FY 2006-2007 is \$225,000. To date the City has paid out monthly interest and fees, along with quarterly payments of \$40,000 on the principal, an amount totaling \$154,031.69. The balance in the budget for that line item is \$70,968.31. Ms. Percycoe reviewed a spreadsheet of payments made to-date. She further informed that the City has a Capital Improvement Fund Balance of \$258,642.76 as of this date.

Commissioner Mattick asked why the principal was only paid quarterly rather than monthly.

Ms. Percycoe explained it is a requirement of the Line of Credit. If she were to pay an additional amount other than the quarterly requirements, she is required to call ahead and advise them of the amount.

Commissioner Woodland asked that the principal balance of the loan be added to Ms. Percycoe's reports.

Commissioner Woodland then suggested that regarding the Line of Credit, that any future Resolutions be referenced as amending the previous ones.

This would allow all Resolutions involving the Line of Credit to be tied together.

Emergency Management Update

Diane Percycoe, Deputy City Clerk/Finance Director, informed that Mayor Barford had appointed her to serve as the Emergency Management Liaison. She said Mayor Barford, the City's Department Heads, and she had been reviewing the City's Emergency Disaster Plan and is in the process of making a few revisions and updates.

Ms. Percycoe stated that an all-staff meeting was held the previous week. After the meeting, the yearly ritual of a lights out luncheon that kicks off the hurricane season was held.

Ms. Percycoe said she had distributed the packet for taking the IS 700 exam. Mayor Barford, Commissioners Mattick, Quam, and Woodland had all submitted their certificates in compliance with FEMA. Additional exams for Public Works and other staff members will be required in order to be in full compliance with FEMA.

Anna Maria's Website Update

Diane Percycoe, Deputy City Clerk/Finance Director, said Mayor Barford has given her the task of managing the website. She explained that the staff has been updating the website on a weekly and daily basis. The minutes and calendar have all been updated on a timely fashion.

She explained that the business section of the website will be reviewed as an additional source of revenue. She said she will be submitting a draft regarding the process to the Mayor and City Commission within the next two weeks. Businesses will be allowed to have a web link and listing of their address and phone numbers on the City's website for a fee.

Commissioner Mattick asked if private entities could also advertise.

Ms. Percycoe said that would be determined and presented to the Mayor and City Commission.

Building Department Update

Mayor Barford explained that City Clerk Alice Baird has been appointed to oversee the Building Department. The outsourced Building Inspector Consultants will be responsible directly to Mayor Barford.

Alice Baird, City Clerk, said the City welcomed Building Consultants Steve Gilbert and Omar Shepard.

City Clerk Baird informed that for the convenience of the Contractors and the new Inspectors, the Building Department will now open at 8:00 a.m. The new Inspectors will be in the office from 8:00 a.m. to 12:00 noon daily.

She stated that City Planner Alan Garrett had served as a great asset this past week during the transition.

City Clerk Baird reported that Building Department Administrative Assistant Diane Sacca, Codes Enforcement Officer Gerry Rathvon, Steve Gilbert, and she recently attended a meeting at the West Manatee Fire District regarding the new impact fees that will be required prior to the issuance of a Building Permit.

Roof USA Update

City Clerk Baird informed that the Roof USA lawsuit is proceeding forward. Roof USA has filed an answer and have asked for a jury trial. She explained that the actual cost for the mold and asbestos remediation is \$108,879.81. The total legal fees to date total between \$3,000 and \$4,000.

Comprehensive Plan Update

City Clerk Baird said she would be meeting the next day with Consultant Tony Arrant. The May 21, 2007 Public Hearing documents would be provided to Mr. Arrant who will then forward them to DCA.

3. First Reading – Amended Site Plan Ordinance No. 07-680.

City Clerk Baird read the Ordinance by title.

Alan Garrett, City Planner, presented the incorporated changes as a result of the Commission's July Work Session. He pointed out that the major changes remove Sec. 74-350. Purpose, B. relating to the deviation procedure. In addition, "deviation" has now been replaced by "variance" in the proposed Ordinance.

In answer to *Commissioner Miller's* question:

- Mr. Garrett confirmed that "Deviation" should remain in new Section B. of Sec. 74-350.Purpose.
- Sec. 74-350. b. Administrative Approval, 1) – Change "plat consisting with a maximum of two lots." to "plat consisting of a maximum of two lots." He further pointed out that no qualifiers had been stated in the proposed Ordinance relating to this section.

Commissioner Mattick suggested the following changes:

- Sec. 74-350. a. Exemption, 3) – Commissioner Mattick asked for clarification. City Planner Garrett confirmed the wording would be changed for clarification.
- Agreed with Commissioner Miller to change "with" to "of" in Sec. 74-350. b. Administrative Approval, 1).
- PART – 1, Sec. 74-354, A. Pre-application conference, 4) – Change "The location of and nearby" to "The location of nearby.....".

Public Comment

Jim Conoly, N. Shore Dr., asked if the Ordinance allows for the permit process to now be streamlined.

City Planner Garrett said the Ordinance will help in streamlining the process and assist in determining what procedure to follow.

Planning & Zoning Board member **Sandy Mattick**, 307 Pine, said she would like to see the Commission put the Deviation paragraph back into the Ordinance. She said the concern of the Planning & Zoning Board was it was allowed for only businesses and not residential.

Tom Turner, 815 N. Shore Dr., suggested that the sections of the proposed Ordinance be renumbered since there are no sections between 74-351 and 74-354.

Planner Garrett said that can be corrected for the Second Reading since Sections 74-352 and 74-353 are being repealed.

ACTION: Ordinance 07-680 will be considered for Second Reading at the regular Commission Meeting scheduled for July 26, 2007.

4. Review Section 114-133 Regarding a Two Family Dwelling at 211 Elm Avenue Requesting to Replace an Existing Flat Roof With a Pitched Roof.

Attorney Scott Rudacille, Kirk Pinkerton, addressed the Commission on behalf of his client and property owner of 211 Elm.

Mr. Rudacille explained that his client purchased a duplex at 211 Elm, which is a non-conforming use due to being a duplex in an R-1 zoning district. He said his client would like to renovate the existing structure and would like to replace the existing damaged flat roof with a pitched roof. Mr. Rudacille distributed a copy of the City's code relating to the issue and explained his concern to the Commission.

Discussion and explanation followed with Mr. Rudacille pointing out that a flat roof was more vulnerable to winds than pitched roofs, along with being more aesthetically appealing. A pitched roof will also allow for more headroom or attic in the home, though not allowing additional floor space.

Mr. Rudacille felt allowing a pitched roof will encourage property owners to renovate their existing cottages rather than demolishing and rebuilding a two-story over parking. He suggested the City's Code be changed to allow for the change. A review of the City of Bradenton Beach, Holmes Beach, Anna Maria, and Manatee County's codes relating to non-conforming use followed.

Commissioner Mattick said many of the homes built in the 1950's only have 7' ½" ceilings. She saw no detriment to the City to allow the elevation of the rooflines and it would allow for a more safe and also attractive structure.

City Planner Garrett said the structure in question was both a non-conforming structure and a non-conforming use. A policy decision would need to be determined by the Commission.

City Attorney Dye said there is nothing legally that addresses how non-conforming structures or non-conforming uses should be treated. He said each jurisdiction can determine how to treat their non-conforming structures as best fits the City's future. He did feel an argument could be made that the pitched roof would be safer.

Commissioner Miller said he was in favor of allowing the pitched roof. He asked why "volume" was stated in the Code. Discussion followed.

City Attorney Dye pointed out that except for commercial structures open to the public, it is very difficult to enforce what happens inside a structure after built. All new construction must follow the Code.

Commissioner Woodland said he fully supports a change and suggested the City of Bradenton Beach Code be used as an example.

Public Comment

Tom Turner, 815 N. Shore Dr., stated the City should go ahead and allow a pitched roof to be installed, however, should require a fire wall between the duplex walls.

Ms. VanCleave suggested the different types of roofs and what is best in the event of storms be investigated.

Michael Coleman, 311 Pine Ave., addressed standardizing the setbacks in the ROR District. He stated that doing so would immediately render his home, which is less than two years old, to non-conforming. Mr. Coleman said he was in favor of standardizing but not in penalizing the property owner.

ACTION: It was the consensus of the Commission that this issue is forwarded to the Planning & Zoning Board for their review at their July meeting.

5. **Transportation Enhancement Grant – Initial Informational Meeting with FDOT Representative to Review the Goals for Revitalization and Beautification of the Business District, which could consist of:**

- Installing Shelters at Trolley Stops**
- Constructing Public Bathrooms**
- Streetscaping; Tree Plantings, Flower Beds, Bike Racks, etc.**
- Placement of Informational/Directional Signs**
- Building Dune Walkover at End of Pine**
- Replacing Existing Pavilions at Entrance of City Pier**

Commissioner Mattick said in 2005 she volunteered to write a Transportation Enhancement Grant for the purpose of revitalizing and beautifying Anna Maria's business district. She worked with the Mayor and Public Works Director on the grant application. The grant was approved for funding in 2010.

Concerned about the State's cutbacks in funding, Commissioner Mattick contacted them relating to the Anna Maria grant. The FDOT informed her that the City must be certified in order for the City to manage the grant.

Christopher Piazza, FDOT Project Manager, and *Manon Lavole*, FDOT Community Liaison, were in attendance to address the Commission.

Mr. Piazza said he just recently completed a revitalization and beautification project in the City of Bradenton Beach.

He stated after looking over Anna Maria's grant application and what is available in the work program for the projects, approximately \$42,500 will be available for design funds. He would utilize those funds to give a task assignment based on a scope put together by the City. A design would be based on what they deem reasonable and feasible for the funds of \$307,020, that their program would have available for FY 2010/2011.

Mr. Piazza complemented the City stating he had never had as much influence and response from a City asking them to come two years in advance for a design. He said he truly appreciated that and it makes his job much easier.

In reviewing the City's list of proposed projects, Mr. Piazza said there is potential to fund some of the projects, however, since not all projects can be addressed based on the Grant award, the Commission would need to prioritize the list. Example of feedback concerns that will be provided by Mr. Piazza followed.

Mr. Piazza recommended the following:

- Shelters or permanent structures should be addressed first since it would be more expensive down the road. He suggested that the structures such as the Pavilions or Dune Walks be considered since they are highly used stops/structures.
- Landscaping has an even trend in regards to its cost. DEP permits are often required and there is no guarantee a permit would be approved.

Commissioner Mattick asked if a committee were formed for this project, could they get compensated for their work.

Mr. Piazza explained that the Department could not compensate them for their work. Federal guidelines and checklists must be followed during the design and construction phases. He stated he has registered engineers and landscape architects working for him.

Commissioner Mattick asked if benches, bike racks, etc. could be placed on private property.

Mr. Piazza said doing so would require the DOT to obtain a temporary construction easement. Any type of right-of-way phase through the projects would not work since it would be a compensating item and they would have to pay the private property owner for the easement. Scenic Enhancement Funds should only be used for within right-of-way purposes only.

Commissioner Woodland asked if the conceptual designs included all estimated maintenance costs.

Mr. Piazza answered they do and he would provide that information to the Commission.

Manon Lavole, FDOT Community Liaison, said if a Committee is generated that the Commission should keep in mind that other sources of public or agency funding may also be generated. Often private property owners will begin to beautify their areas also since it is very encouraging for the community to see the beautification changes.

Public Comment

Tom Turner, 815 N. Shore Dr., stated the City maintains all streets and no State funds are used for that purpose.

He further voiced his concern relating to the grant project. He stated that if additional public restrooms are built, sewer, water and electric will also be required, along with daily maintenance. Any landscaping projects would also have to be maintained by the City.

Mr. Turner felt the City should put the grant "on the shelf" due to other costs that will be required of the City.

Tim Eiseler, Tarpon St, asked for clarification if all projects on the list were eligible under the grant.

Mr. Piazza informed they all seemed to qualify, however, he would need to verify that they all did meet the requirements of the grant.

Mr. Eiseler pointed out that the Environmental Committee had previously looked at streetscaping. He asked if a private property owner could provide an easement for a tree, etc.

Mr. Piazza explained all DOT projects must follow all State guidelines until such time the project is turned over to the City. He reiterated that the property owner would have to be compensated for the use of the temporary construction easement. A right-of-way phase would have to be added to the project and that would most likely deplete the funds. It would not be in the best interest of the City to do so.

Mr. Eiseler suggested that the Environmental Committee be part of the plan for the City. He said they are very sensitive to the maintenance designs and felt there are many designs that can be maintenance free.

Mr. Piazza explained that in the DOT specification guidelines there is a twelve-month establishment period after the construction in regard to landscaping maintenance. The guidelines require that the contractor will come out and water and maintain the landscaping for twelve months following construction. Surety bonds are required for all the projects.

Mr. Piazza then discussed DOT Clear Zone requirements relating to right-of-way issues. He stated that a survey of the area could be performed after the grant funds were available. He said they would rely on property appraiser's websites, review of maps, etc. until that time.

Mr. Piazza further informed that if a reduced scope of work of less than programmed was agreed upon, the design costs would also be reduced.

Public Comment

Ed Chiles, 113 Turner, congratulated Commissioner Mattick on the incredible job of being awarded the largest grant the City had ever received. Mr. Chiles said he spoke to Bob Herrington, MPO, who had indicated the grant was one of the best ever submitted under the program.

Mr. Chiles asked if the City would continue to apply for the grant on an annual basis and if not he suggested they do.

Mr. Chiles said he was in favor of forming a committee and felt they should start meeting now. He suggested Tim Eiseler and Mike Miller be actively involved in the community. He said he too would be willing to actively participate on the committee. Mr. Chiles recommended Mike Miller putting together the survey and felt the business district owners would be more than willing and would look forward to participating.

Manon Lavole, said the DOT is currently reviewing its policy for Enhancement Funds. Ms. Lavole informed that the MPO still request landscaping and enhancement funds, however, the DOT is not programming any more funding. She explained that other jurisdictions are not as diligent in prioritizing the projects in a timely manner.

Ms. Lavole did encourage the City to apply for additional funds through the MPO but noted it was too late to apply this year. The time for project submission is March/April of each year.

Michael Coleman, 311 Pine Ave., said he is very much in favor of the project and felt there will be more than a compensatory response from the community. He suggested that whenever possible, contracts be administered to individuals and companies within the City. He gave an example of work designed by resident Mike Miller.

Mr. Coleman said he looked forward to the transition over the next couple of years.

Mr. Piazza reiterated that himself and his consultants would complete all work. All construction would be bid by DOT manpower. Projects can be completed alongside DOT's, however, no reimbursement would be provided by the DOT.

Mr. Piazza acknowledged that any ideas and plans submitted by private citizens could be accepted by DOT but an electronic set of biddable plans is required to be let out by them. Further explanation followed.

ACTION: It was the consensus of the Commission to discuss the forming of a committee relating to the Transportation Enhancement Grant project prioritization at the Commission's July 12 Work Session.

6. Presentation and Sharing the Conceptual Designs of 'The Open Air Performing Arts Pavilion and Eco/Nature Center' at Coquina Beach.

Emily Anne Smith, representing Legacy III, Inc., Bay Dr. S., Bradenton Beach, addressed the Commission to update them on a dream and vision formed in 1995 that they are now wanting to bring forward. She thanked the Commission for allowing her to present their dream/proposal in the hopes of seeking Anna Maria's support by means of letters of support, phone calls, etc.

Ms. Smith explained that an action committee known as Legacy III, Inc. had been formed consisting of twelve leading citizens of the Island cities.

Ms. Smith presented the Commission with an explanation of the proposed outdoor Open Air Performing Arts Pavilion to seat up to 2,500 on sod terraces, the Water Taxi program, and of the Eco-Nature Center all to be located at Coquina Beach.

Both the Open Air Performing Arts Pavilion and the Eco-Nature Center will be able to be accessed by boat and by water-taxi. She explained that the purpose of the centers is to promote environmental, cultural, and historical awareness of the Sarasota Bay.

A packet of information was presented to the Commission that included the conceptional site plan and was explained in detail by Ms. Smith. She stated that an excess of 1,636 parking spaces is proposed, along with two large grassy fields to be utilized for tents and festivals. Nine bus spaces are also included.

The intent, according to Ms. Smith, is to seat a 100-piece orchestra and allow for a large range of guest performers in the Performing Arts Pavilion.

Ms. Smith discussed the primary uses of the Open Air Performing Arts Pavilion. Uses included live performing theater products, seminars, school graduation exercises, religious services, weddings, talent shows, etc.

The floor plan of the Eco-Nature Center was then reviewed. A 25 ft., 400 cubic ft, aquarium housing the Bay's species of fish and other life forms will also be included in the Center.

Ms. Smith stated they did not want to present their project to the County without the total support of the Island cities. She said they are not asking for the City's financial support, only a written support of the project.

Commissioner Tollette said she and her husband were involved when Ms. Daniel raised over \$20 million in Naples, FL for a Performing Arts Center. She suggested that Ms. Daniel be contacted for information and support.

ACTION: It was the consensus of the Commission that Mayor Barford writes a letter in support of the proposed projects on Coquina Beach as presented by Ms. Smith.

Public Comment

John Horigan, Holmes Beach, representing the Anna Maria Chorus and Orchestra congratulated Ms. Smith on her dream. He informed a new Maestro would be joining their organization very soon.

PUBLIC COMMENT - None

PRESS COMMENT - None

ADJOURNMENT

On motion made by Commissioner Miller and seconded by Commissioner Woodland, the meeting was adjourned at 8:54 p.m. Motion carried unanimously.

The next regular Work Session is scheduled for Thursday, July 12, 2007 and the next regular meeting is scheduled for Thursday, July 26, 2007.

Alice Baird, CMC, City Clerk

Minutes approved: _____