

**CITY OF ANNA MARIA
CITY COMMISSION WORK SESSION
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, JULY 8, 2010
6:00 P.M.**

CALL TO ORDER

Chair Quam called the Work Session to order at 6:00 p.m.

PLEDGE TO THE FLAG

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

Absent: Commissioner Harry Stoltzfus.

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

Press: Sun and Islander.

Pledge of Conduct: Read by Chair Quam.

1. Proposed Code Amendment for Rehabilitation of Sandpiper Inn.

Attorney Scott Rudacille addressed the Commission on behalf of his client Erik Abrahamson – current property owner of the Sandpiper Inn duplexes located at 902 N. Shore Dr. and 516 N. Bay Blvd.

Attorney Rudacille informed that the Sandpiper Inn consists of two very old duplexes. The units are very small thus making them very transient. They do not meet the City's minimum housing size. The duplexes are in need of upgrading and improvement. Due to the non-conformities, however, there is not much that can be done under the current Codes to improve the buildings.

The City Commission adopted an Ordinance approximately one year ago allowing existing duplexes to be upgraded and approved. The Sandpiper Inn duplexes are permitted uses under that section of the Code.

Configuration drawings were displayed by Attorney Rudacille that showed the existing structures versus the proposed structures. There are currently two duplexes on two lots. However, rather than having one duplex on each lot (allowing them to be permitted uses), the Sandpiper Inn duplexes cross the lot line causing them to be perpendicular to the two lots. Attorney Rudacille explained that the City's Code provisions allow for only one permitted use per lot. The Sandpiper Inn property has two half duplexes on each lot.

Attorney Rudacille said he had met with City staff to review the issue. As a result, he was addressing the Commission that evening to propose a Code amendment.

The breezeways have been removed on the property in anticipation that they would be replaced – and under the Code as currently written, they are required to be replaced. The breezeways were removed prior to April 2009 and were under permit at that time to be reattached. He stated that the Code provides that duplexes existing as of April 2009 are permitted uses. The Sandpiper Inn duplexes, however, may now be construed as no longer existing as of last April since they are now new duplexes with different configurations.

Amended Code language was proposed by Attorney Rudacille that would only apply to duplexes already grandfathered under last year's amendment. It would also only apply to duplexes where it is required to bring the property into compliance with the Code. He felt the Sandpiper Inn site may be the only site the language change would apply to,

however, if other properties are found to be impacted, Attorney Rudacille will advise of such.

Attorney Rudacille stated that the benefits for adopting the new Code language would be to eliminate nonconformities, the buildings will be able to be upgraded and improved, and it will also allow the property to not have to be maintained as a unified site. He informed that as a property owner initiated Code amendment, his client would pay for all costs required for the adoption of the new Code language.

City Planner Garrett explained that the request was for Attorney Rudacille to move forward in obtaining an LDR Zoning Code amendment. All costs to the City would be documented and totally reimbursed by the Applicant. He stated if the amendment is not approved, the duplexes may be torn down and two homes would be built in their place. He noted that the duplexes are Pre-FIRM and would be governed by the Floodplain Ordinance.

Attorney Rudacille said the hope is to increase each building to the minimum unit size of 900-sf. The buildings would be limited by the set-backs on each lot and also by the 50% rule.

Commissioner Mattick asked if the intent was for the buildings to have a shared wall.

Attorney Rudacille answered that it could be done. *Planner Garrett* stated the buildings would need to be reconnected in order to reestablish them as a duplex.

Commissioner Webb asked that Attorney Rudacille, while going through the process, look for any "ripple effect" to determine any unforeseen consequences because of the change.

**MOTION: Commissioner Webb moved that Attorney Scott Rudacille move forward with the proposed LDC Zoning Code Amendment. Commissioner Mattick seconded the motion.
Motion carried – All Aye.**

2. Conservation Future Land Use Element.

No discussion. This item was removed from the agenda prior to the meeting.

3. Weddings in Residential Zone Districts.

Commissioner Woodland explained that the issue of addressing weddings in residential zone districts was based on a letter the Commission received regarding weddings on Fur that resulted in noise and private property issues. The Commission has since received additional letters. Sgt. Turner has been asked to address the situation.

Building Official Welch noted that the weddings would fall under the noise Ordinance. However, he said the Noise Ordinance is very difficult to enforce.

Sgt. Turner addressed the Commission and those in attendance. Sgt. Turner said he had contacted his executive staff, the MSO legal staff, and the City's Planning & Zoning staff. He said he had reviewed the newspaper archives and City Commission minutes since the 1950's and found articles and minutes relating to noise, parties on the Beach, and weddings.

Sgt. Turner emphasized that the noise issue was caused by a zoning density, is ongoing, and will probably continue. He said the noise problem is caused by a zoning problem – when a residence has been turned into a business it thus causes a zoning problem. He noted that over the last couple of weeks, the deputies only responded to nine noise complaints. All calls are taped. Once a call is received and the Sheriff's office has legal authority to investigate the claim, they will respond and address the complaint. He gave the example of an incident called-in on May 25.

Sgt. Turner stated that noise is a nuisance and zoning problem. The Sheriff and executive staff does not want the department shutting down weddings on the Beach. It also does not occur in any other jurisdictions. He said the department will address parking issues by writing parking tickets and towing vehicles if necessary. Parties that are out-of-control will also be shut down by the Sheriff's department.

He stated that the problems are not being caused by the local residents but by persons who live elsewhere and purchase all their ice, food, beer, etc. off the Island. They then come to the free beaches.

Commissioner Webb agreed that the noise problem was a zoning issue but noted that the problem was difficult to enforce. He pointed out that the Code Enforcement Officer was not available on the weekends or at night when the majority of issues occur. He noted that Statute provides for a citation process that allows the property owner to address the Code Enforcement Board to challenge the citation. It would require, however, someone to be available on the weekends and evenings to issue the citations.

Sgt. Turner responded pointing out that the Ordinance needs an enforcement provision. He stated that he has been directed to not get involved as zoning enforcement officers. He further stated that the City Ordinances that address the City Pier were not enforceable.

Sgt. Turner suggested that the City's website include vacation requests and also a web-based system for a person to report nuisance violations.

4. Noise Ordinance – Swimming Pool Noise – Residential Properties.

Sgt. Turner said he did not know how his department could stop swimming pool noise.

Commissioner Webb agreed that the Noise Ordinance was almost impossible to enforce and will result in a lot of litigation.

Chair Quam said he receives a lot of calls relating to the noise issues and asked what the quiet time was for the City.

Sgt. Turner informed that the cut-off was 10 p.m. at which time the individuals either need to be quiet or go inside. The deputies do enforce the quiet time.

Chair Quam stated that certain addresses were phoned into dispatch where a deputy was sent out and the noise was stopped. However, the addresses were not listed on the department's report. *Sgt. Turner* explained.

5. Anonymous Complaints.

Building Official Welch informed that Code Enforcement Officer Rathvon contacted the surrounding Cities relating to their policy on anonymous complaints. All those contacted do accept anonymous complaints. Many people do not want to face their accuser and

often times the Code Enforcement Officer will serve as the accuser on the person's behalf.

Chair Quam referred to the January 2006 minutes noting that Code Enforcement Officer Rathvon had indicated that she had yet to find that any of the anonymous complaints she had received were unfounded. *Chair Quam* suggested that based on the information received from the other communities that Anna Maria continues to accept anonymous complaints.

Commissioner Woodland disagreed and referred to his January 2004 letter and also the June 2010 letter written from Micheal Coleman to Code Enforcement Officer Rathvon. Mr. Coleman's letter referred to the anonymous complaints received regarding merchandise on porches, etc. Commissioner Woodland felt that the complaint was pure harassment regardless of whether it was legitimate or not. He stated that the time involved by the City to investigate the complaints takes up the City and Code Enforcement Officer's time.

Commissioner Woodland suggested that whenever frivolous or harassment type issues are received, they must be presented to the Code Enforcement Officer in person. He did not feel if the person submitting the recent complaints would have had to submit them in person, the issue would have ever occurred.

Commissioner Woodland agreed there would be cases where a neighbor may be concerned of some type of retaliation but felt they should feel comfortable meeting with the Code Enforcement Officer to process on their behalf. He further suggested that any anonymous complaints received or felt to be harassment issues need to be placed in the public records file but not processed.

Chair Quam did not believe the City would be as clean as it is today if anonymous complaints were not allowed by the City.

Commissioner Mattick agreed with Commissioner Woodland and gave the example of an individual who assumed it was a neighbor filing an anonymous complaint against them then later found out it was not. It was her opinion that if there is a serious issue that needs addressed, a person should have no problem coming in to personally file the complaint or ask Ms. Rathvon to be the complainant.

Commissioner Webb stated that his experience with anonymous complaints was that it was used for harassment purposes – often causing an attorney to be hired to defend themselves at the Code Enforcement Board meeting. He felt a person should have to sign an affidavit in order to file a complaint.

Commissioner Webb stated that he also disagreed with the policy of the Code Enforcement Officer not taking action on a code violation unless a complaint has first been received.

Chair Quam stated that the Commission had previously ruled that the Code Enforcement Officer is not to be proactive except for garbage can restrictions.

Public Comment

Micheal Coleman, Pine Ave. stated that the challenge was to balance the need for a citizen to make a legitimate complaint without fear of retaliation or retribution. The current situation he felt was clearly being used as a harassment tool. He noted there were 28 anonymous calls within 7 days by the same individuals – and he had indicated in his memo that there was no foundation for the complaints.

Mr. Coleman said that anonymous complaints can lead to selective enforcement by the individuals only calling in those persons they do not like.

Mr. Coleman felt that Commissioner Woodland's suggestion would serve as a process to thin out the really frivolous issues in order for the Code Enforcement Officer to address the public health, safety, and welfare issues that needs to be followed up on.

City Attorney Dye informed that neither the anonymous complaints nor the reactive versus proactive method was addressed in the City's Ordinances on Code Enforcement. Both are in-house policies.

ACTION: This issue will be placed on the July regular meeting agenda for further consideration.

6. Request to Relocate Historical Structure (Anglers Lodge) currently located at 117 N. Bay Blvd.

7. Anna Maria Island Historical Society Vision for Historical Park.

President of the Anna Maria Island Preservation Trust *Sissy Quinn*, 301 N. Bay Blvd, addressed the Commission informing she has had an interest in the Anglers Lodge for the past three years. She was notified approximately one month ago that the home would either be moved off its existing lot or would be demolished. The owners are willing to donate the home with the moving costs to be paid by the Preservation Trust.

The Preservation Trust Board of Directors would like to see the Anglers Lodge used for the community and non-profit and are recommending it be moved onto the City property on Pine Ave. – on the full lot next to where the Historical Society currently has a building. She noted that the upper floor of the home could be leased to non-profit organizations in order to pay for the insurance and property upkeep. The bottom level would need to be brought up to ADA regulations and examples of uses could be adult resources, friendship center, birthday parties, etc. Fundraisers will be conducted in order to pay for the moving of the building.

Ms. Quinn provided a background relating to the original construction and history of the Angler's Lodge.

Chair Quam questioned if the uses would be compatible with the other properties in the area and did not feel in reviewing the Comp Plan that they would be.

Mayor Barford informed that City staff met with the Preservation Trust and the Historical Society. She said there is also an opportunity to obtain the Joe Chiles home.

Ms. Quinn explained that the home is being passed through the Preservation Trust in order for the owner to obtain a tax break. She said the Trust has received of pledge of \$50,000 towards the \$100,000 cost to move it. Fundraising will be conducted to raise the remaining amount.

Discussion followed as to whether or not the building would fit on the property and if other locations or uses had been discussed. He suggested that the home could be moved to the City Hall property and used for City Administration offices. *Ms. Quinn* said the Preservation Trust was open to placing the home at any location so long as the building could be saved.

Mayor Barford indicated that the City is in desperate need for additional space and was very interested in exploring an opportunity for the home to be used as a City annex.

Anna Maria Island Historical Society President **Melissa Williams**, 6816 Palm Dr, Holmes Beach, displayed renderings of the lot requested by the Preservation Trust for placing the Anglers Lodge. The renderings displayed the vision the Historical Society has for the property. She informed that the City sold 18-ft of the vacant lot and that it is now 38.1-ft wide. She expressed concern that if the home were to be moved to the lot, it would require the destruction of the plantings and trees that have been there for over 20 years.

Ms. Williams noted there were actual photographs taken on the property in the 1920's. The property was utilized by day trippers, etc. who would use the park area for picnics. The Historical Society feels that the lot is a historical site of its own and noted that it is also utilized during Bayfest and also the Heritage Day Festival.

Sue Lynn, 426 Spring Ave, spoke as a member of the Preservation Trust Board of Directors and referred to the drawings of the site. Sue Lynn, former Anna Maria Mayor, said when she was in office the City had received a lot of complaints about the lot. The City was responsible for planting a lot of the vegetation on the lot and also added the gate. She said when the gate is open there are dumpsters, bricks, piping, and a chipper that can be seen on the property. Sue Lynn stated that if the home is moved to that location there would be no destruction of any of the trees along the back by the water. She felt Ms. Williams' comments were misleading since the City planted the vegetation in the front and it was never intended to be part of the park. She noted that a portion of the vegetation in the front of the property would need to be removed in order to move the home on the property; however, it can be replaced.

Maryanne Can-Detullio, Holmes Beach, asked that the Commissioners visit the site prior to making a decision. She felt the home and the existing park on the lot would enhance each other and also there would be more room in the back for additional vegetation. She indicated that the decision relating to the home would affect the enter Island.

Melissa Williams provided the dimensions of the home and felt it would encroach into the park. She voiced concern that in order to move the home onto the property, existing trees would need to be removed.

Thomas Quinn, 301 N. Bay Blvd, also asked that the City Commission visit the lot. He informed that the home is 38-ft x 36-ft and noted that it is older than any building that will be moved to the future Historic Park area. The 1913 Angler's Lodge, he feels, would be a good use for the community and can be utilized for numerous purposes – and would not cost the taxpayers anything. All upkeep, insurance, etc. will be paid for by the Preservation Trust.

Sissy Quinn reported that there would be no big trees harmed if the home is moved on the lot. She invited each City Commissioner to contact her for a tour of the Anglers Lodge.

Tom Turner, N. Shore Dr. said he, Commissioner Woodland, Doug Copeland, and George McKay bought and planted all the shrubbery on the property in the mid 1990's. He said he had no objection to moving the home on the lot but would be opposed to destroying any of the big trees. He felt that an engineering survey should be conducted, asked what type flooring the home had, and asked if the City owned the seawall.

Randall Stover, N. Shore Dr, agreed that the Anglers Lodge was a very nice building, however, would like for the City to determine its use prior to moving it. He felt it would fit

nically in the park. He also agreed it would serve as a nice City Administrative office and that the Chiles home may be a better fit for the park location.

Resident, 426 Magnolia, said according to the Manatee County records, the Anglers Lodge measures 38-ft x 42-ft. She felt the home was a great asset for the City – it just did not belong at that location. She suggested a better location on Pine Ave. be sought.

Micheal Coleman, Pine Ave. stated that trees can be removed and relocated on a property.

Sissy Quinn explained the route that would be taken to move the building and informed there was never an intention for it to float down the canal. She reiterated that no large trees would be affected and that any foliage could be removed and relocated.

Ms. Quinn said she would like the City Commission's support prior to signing any documents relating to the Anglers Lodge. She estimated moving the home in November or December 2011 – unless the land where the home currently exists happens to sell sooner.

ACTION: **The item will be placed on the next Work Session agenda for further consideration.**

8. First Reading – Ordinance No. 10-712 – Site Plan Ordinance Revision.

City Clerk Baird read the Ordinance by title.

City Attorney Dye briefed the Commission relating to the proposed Site Plan Ordinance revision. Ordinance 10-712 amends the effective date of Ordinance 10-708 by exempting out certain applications for land development review and approval which were in the process at the time of the enactment of Ordinance 10-708.

The Ordinance was drafted with the Walker property plats in mind and City Attorney Dye is not aware of any other project which may also be affected by the Ordinance - but felt it would be prudent to confirm that these were the only projects that were pending at the time Ordinance 10-708 was approved.

ACTION: **It was the consensus of the Commission to move Ordinance No. 10-712 to Second Reading at the July 22, 2010 meeting.**

9. Sales from Vehicles or Carts – Chapter 42 – Peddlers and Solicitors.

Building Official Welch presented an amendment to Chapter 42 Peddlers and Solicitors – Sec. 42-7. Sales from vehicles or carts in rights-of-way prohibited. The amendment removes the language “on any public streets, public street right-of-way, alleys, sidewalks or walkways.”

Commissioner Webb said he would like to see the sales from vehicles or carts to go through a licensing process.

Commissioner Mattick disagreed feeling it would be difficult to determine which businesses would or would not be allowed and also allowing them would take away from the local businesses. She agreed with the language recommended by Building Official Welch.

City Attorney Dye suggested if any changes are made to the Code, the Commission may need to consider the enforcement method that will be necessary and determine what resources are necessary to make it work.

Building Official Welch explained that Chapter 2 of the Code of Ordinances provides for a citation process. He also noted that the Noise Ordinance can be enforced by, and citations issued by, a Certified Law Enforcement Officer.

ACTION: Building Official Welch and City Attorney Dye will review.

10. On-site Business Signs – Sec. 98-62 (5) (A-frame Signs).

Building Official Welch presented proposed changes to the Sign Ordinance – Sec. 98-62. On-site business signs. (5) - by adding "...to advertise the goods or services provided" and removing the language "with chalkboard writing surface."

City Attorney Dye recommended that the language read simply "...A-frame sandwich board with changeable copy."

ACTION: After discussion, it was the consensus to change the Code language as recommended by City Attorney Dye.

11. Discussion – Horizon Bank Lawsuit – Villa Rosa Property.

City Attorney Dye advised that the City was sued by Horizon Bank in relationship to the Villa Rosa property. The City is being represented by Greg Hootman from the League. He noted that the League was covering all Attorney Hootman's fees.

According to *City Attorney Dye*, Horizon Bank prevailed against BONO Enterprises (who currently owns most of Villa Rosa), and the two parties have reached a settlement. Nothing is required of the City.

City Attorney Dye asked for a consensus authorizing the City Attorney to execute the settlement documents on behalf of the City – with the caveat that if he sees the case going in a different direction then no action would be taken until further direction is obtained.

City Attorney Dye informed there was a problem with Manatee County not getting a utility easement across the entrance to Villa Rosa. Therefore, the Blanton's who purchased the model home could not get a water/sewer sign-off from Manatee County.

ACTION: It was the consensus of the Commission that City Attorney Dye execute the settlement documents on behalf of the City with the caveat as indicated.

Public and Press Comment on Agenda Items Only – None.

Adjournment

Chair Quam moved to adjourn the meeting at 8:10 p.m. Commissioner Woodland seconded the motion. Motion carried – All Aye.