

**CITY OF ANNA MARIA
CITY COMMISSION WORK SESSION
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, AUGUST 9, 2007
7:00 P.M.**

CALL TO ORDER

Chair Quam called the Work Session 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, City Planner Alan Garrett, City Attorney Jim Dye, Sergeant John Kinney, and Minutes Clerk Stacey Johnston.

Press present: Sun, Islander.

Chair Quam read the Pledge of Conduct.

1. Manatee County Boating Safety Speed Zone Near Bean Point.

Mayor Barford reported that she met with Sergeant Kinney and several Manatee County representatives from the Coastal Program Management regarding citizen concerns for the safety of the channel at the north end of the beach near Bean Point.

Bill O'Shea, Manatee County Coastal Programs Manager, addressed the Commission and provided them with a history of the Manatee County's Boating Safety Ordinances. He pointed out there have been many Ordinance revisions since the mid 1980's and the older Ordinances were far more restrictive than those of today.

Mr. O'Shea explained that in 2004 Manatee County adopted a new Manatee Protection Ordinance for the Corp to begin issuing permits. Also adopted at that time was a new Boating Safety Ordinance. Later, in working with the State of Florida, both Ordinances were combined into one Ordinance relating to the Speed Zone, Boating Safety, and Manatee Protection for the County.

Mr. O'Shea explained that the current Safety Ordinance addressed a slow speed minimum wake zone extending from the tip of Anna Maria to the county line in Longboat Key. He stated that as a result of public testimony, the County approved a 25 m.p.h. corridor from Sarasota Bay into the Gulf of Mexico. The intent was that boaters were concerned they could not get out into the Gulf without going out into the Gulf, around the sandbars and then having to come back in.

Mr. O'Shea addressed a Vessel Speed Regulations map presented to the Commission. He brought attention to a blue line depicting a 300-foot buffer measured from the shore line stating that its intent was to provide an exception to

the slow speed area around the tip of Anna Maria to accommodate the boaters that had raised concerns.

Mr. O'Shea then addressed a 2006 Aerial Photo presented to the Commission showing the buoys recently installed by the County. He explained that the markings of the buoys on the bay side indicate the Manatee zone whereas those on the Gulf side depict the boating safety zone. He pointed out that no marking of the zone appeared on the Bean Point end knowing that the channel was in place. He stated that with the end of the beach being very dynamic in nature and the sand shifts all the time, if the County was to mark a channel through there, they would held liable and would have to insure that the channel had adequate depths at all times.

Mr. O'Shea stated that putting in buoys and channel markers did not automatically equate to compliance. There was an enforcement issue and not enough adequate law enforcement on the water in Manatee County. He said though it was not a good idea to swim in the channel it was not prohibited so having the additional markers would not keep a swimmer from going into the channel.

According to Mr. O'Shea, many citizens assumed that when the County installed the buoys it was a slow speed zone all the way around the Island when in fact it was not. He felt the problem could only be solved by holding Public Workshops and Public Hearings and for the County to amend the Ordinance to remove the 25 m.p.h. channel.

He suggested the area in question could be marked as a no swimming area; however, there were no lifeguards to regulate it. He also pointed out the County was unable to post signs along the beach area because it is privately owned to the water.

Mr. O'Shea informed that the County held a Work Session last February 2007 and had initiated an amendment to the Ordinance with the hopes of having it completed by July 24, 2007. However, the amendment has been placed on hold due to the issue in Anna Maria and one in Longboat Key. It was hoped that the County could readdress the issue in September but due to their extensive amount of scheduled agenda items that month it may be late November until a Work Session could be held on the issue. The amended Ordinance could then be moved forward after the Work Session and placed into effect after the beginning of the year if the County Boardmembers voted to remove the 25 m.p.h. speed zone.

Mr. O'Shea suggested that the City Commission write a letter to the Manatee County Board of County Commissioners requesting that the 25 m.p.h. speed zone in the corridor is removed.

Sergeant John Kinney, Manatee County Sheriff's Office, said the Sheriff's Office, with the boating traffic and no buoys in place to mark off the swimming area, was

really concerned about the safety of persons using the beaches. The boaters coming in at 25 m.p.h. do not see the swimmers.

Chair Quam said there was a serious safety hazard and something should be done quickly. He stated that at low tide the channel was within the 300-foot mark.

Mr. O'Shea reiterated that the only way to rectify the issue is to amend the Ordinance. He explained that the 25 m.p.h. channel would be removed and then the County would follow-up with buoys marking the 300-foot zone around the tip of the Island and everything within the buoy line would be slow-speed minimum wake.

Mr. O'Shea clarified that the only two areas regulated as swim areas on the Island were Coquina Beach and Manatee Beach. Vessels are not allowed in those areas at all.

Lengthy discussion followed relating to the serious safety issue and the location of the Manatees. Mr. O'Shea discussed the current County Ordinances and the need to update them.

Commissioner Tollette asked if the area could be designated as a 'Swim Only' area. Mr. O'Shea did not think it could be due to being attached to privately owned property but said he would check into it.

Commissioner Miller stated due to the danger to the citizens and the Manatees, he was in favor of the City Commission adopting a Resolution to be forwarded to the Board of County Commissioner's that the 25 m.p.h. speed zone should be eliminated.

Mr. O'Shea suggested the support be tied to Boating Safety versus Manatee Protection.

Buoy Update - *Mr. O'Shea* said the biggest concern by the Board of Commissioner's and citizens was that signs were being added to the water and that potential obstacles that boats could have conflict with would be a concern. Direction was given to them to put out only enough buoys to adequately mark enforcement.

He stated they are prepared to reduce the spacing of the buoys along Anna Maria Island (Bradenton Beach and Anna Maria) with the exception of the public beaches and in the location of the Sandbar. Two buoy installations will be made in front of the Sandbar since it is used as a swim area.

Mr. O'Shea informed that the same type project would be accomplished along Longboat Key. In order to get the most competitive price for the buoys, the entire project would need to be priced. Also, the monies for the buoys had been frozen in the County's budget but have just recently been released.

He stated that the buoys should be placed within the next sixty to ninety days. That time period allows for the time to process the Purchase Order and for the contractor to order the buoys.

Public Comment

Charlie Daniels, 725 Holly Rd., said he was disappointed that a County Commission representative was not in attendance at the meeting that evening.

Mr. Daniels felt there were a larger number of swimmers in the water than boaters at that location. It was his opinion that the County should enforce the concerns since it was such a serious issue.

Mr. Daniels then asked how the County had the authority to recently drop the speed limit from 50 m.p.h. to 30 m.p.h. on Manatee Ave. while working on the road at that location.

He encouraged the City Commission to address the County and express a need for an emergency change to their Ordinance.

Suzanne VanGundy, North Shore Dr., asked if the County would be responsible in the event of a death. She felt it was important to address the issue not only for the safety of the swimmers but also for the safety of the boaters.

ACTION: It was agreed that Mayor Barford would draft a letter to the Manatee County Board of County Commissioners to be signed by Chair Quam and co-signed by Mayor Barford relating to this issue.

2. Continue Discussion of Proposed Ordinance No. 06-651 – Creating a Coastal Overlay District.

Chair Quam reported that the City Commission had numerous meetings relating to the Coastal Overlay District. The last meeting was held in July 2006 whereas a temporary moratorium was placed that will expire on September 4, 2007.

City Attorney Dye referred to his e-mail dated August 9, 2007 and addressed the concerns that originally created the moratorium. He further advised the Commission of certain issues that have recently occurred and the revision of several of the City's existing regulations that affect development within the City.

City Attorney Dye felt there was an argument that the immediate concern that came up when the moratorium was passed is now not as immediate due to the recent market changes. He noted that by requiring all future lots and plats and re-subdivisions to be on public streets, it would remove the ability to have private/walled communities, which was the original concern.

City Planner Garrett agreed there has been a change in the market and Ordinances drafted by the City and did not see the need for creating a Coastal

Overlay District at this time. He referred to the Burt Harris Act that deals with existing invested rights.

Commissioner Mattick informed that she was opposed to the Coastal Overlay District from the beginning, feeling it took away the property owner's rights to develop their property. She said, however, she had no problem with reducing the density in the areas of waterfront lots that could be developed.

Commissioner Mattick said she was opposed to the proposed Ordinance requiring one acre to build a home rather than three buildings per acre.

She suggested not moving forward on the proposed Ordinance and instead coming up with reasonable reduction of density in those areas seaward of North Shore and some of Gulf Drive and incorporate it into the LDR's. She said she was opposed to the City creating Ordinances that could cause potential lawsuits.

Commissioner Miller agreed with Commissioner Mattick's comments but asked for clarification relating to whether or not a person could build their own access road. He reminded that the original intent was for the City to discourage development along the coastline. He suggested the issue could be resolved by adding to the Ordinance – "50-foot boarding on an existing road".

Public Comment - None

ACTION: It was the unanimous consensus of the Commission to no longer pursue the Coastal Overlay District and Ordinance No. 07-677.

-- **COMMENTS BY THE PUBLIC**

Questions Relating to the Sandbar

Mr. Minneli addressed the Commission relating to the original approved plans relating to the Sandbar Restaurant. Mr. Minneli said he objected to the berms that were proposed for part of his property that now shows on the plans.

It was agreed that Mr. Minneli and City Planner Garrett meet in his office during the meeting to discuss the issue.

3. **Discussion on Anna Maria Beach Cottage (112 Oak Avenue) Gate in Alley.
(Re: Decision of Special Commission Meeting of October 19, 2006.)**

City Attorney Dye explained that the issue involves a gate requested on the property that was previously approved by the City Commission. He stated he was not at that meeting but had submitted a letter implying it was a violation of the Ordinances. He has since been trying to work with the Beach Cottage in an attempt to put an agreement together, however, there has been some misunderstanding on who the agreement would be with. He said he cannot put

an agreement together because he cannot find who the owner of the adjoining property is.

City Attorney Dye stated he still recommends against the installation of the gate and maintains that it is in violation of the City's Ordinances. He recommended not entering into the agreement. He said legally if there was a Commission consensus to not move forward, the City could send a letter to the Beach Cottages that on further review the City has determined that it is not in accordance with its Ordinances to enter the agreement.

In response to *Commissioner Mattick's* questioning if not following through with enforcing the original action taken by the Commission would make the City liable for a lawsuit, City Attorney Dye explained that from a legal point of view the original vote was the incorrect one and would just place things back the way it should be. He said legally the City cannot be bound to an action that its Ordinances do not authorize.

City Attorney Dye further stated that the request should have originally been presented as an application to put an obstruction in the right-of-way – the City has a permitting process to do so and it would have been flushed out through the permitting process.

Commissioner Mattick asked how the process originally occurred.

Commissioner Woodland clarified that Nigel Brown was the owner of the Beach Cottages prior to being sold as condos. There are two units each on each side of an alley and for safety issues Mr. Brown requested placing a gate between the two fences to prevent people from walking down the middle of his property. After presenting his request to the Building Official who informed him it could not be done, he then addressed the Commission.

City Attorney Dye pointed out that there are eleven units on four lots rather than only four.

Public Comment – None.

4. Old/New Business Items.

Building Permit Maximum – Community Center

Commissioner Woodland informed that Carol Ann Miguel had reminded that at one time the Community Center Building Permit was set at a maximum of \$20,000. She has suggested the Commission revisit that issue to remove the \$20,000 limit now that the Community Center is complete.

It was agreed that the item could be addressed by Resolution at the Commission's August 23, 2007 meeting.

Protest Resolution

Chair Quam referenced a memo received by the Commission.

Commissioner Miller explained there is a sample Resolution from the City of Tampa that has been submitted to the Federal Government through Senator Bennett protesting the building of drilling platforms in the Gulf.

Carol Ann Miguel, 403 Spring Ave., encouraged the City to take a position on this issue.

Public Comments/Press Comments on agenda items only – None.

ADJOURNMENT

The meeting was adjourned at 8:24 p.m. on motion made by Commissioner Miller and seconded by Commissioner Woodland. All Ayes.

Alice Baird, CMC, City Clerk