

**CITY OF ANNA MARIA
REGULAR CITY COMMISSION MEETING MINUTES
MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, AUGUST 23, 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 Clerk/Finance Director Diane Percycoe, City Attorney Jim Dye, City Planner Alan Garrett, Public Works Director George McKay, and Minutes Clerk Stacey Johnston.

Press present: Sun and Islander

Chair Quam read the Pledge of Conduct.

1. CONSENT AGENDA

- a. ***Minutes*** – Regular City Commission Mtg – July 26, 2007
– Special City Commission Mtg – July 31, 2007
– Special City Commission Mtg – August 13, 2007
- b. ***Special Event*** – Sandbar Weddings:
September 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, and 30, 2007
- c. **Adopt Resolution R07-627** – Protesting Oil Drilling in Gulf

MOTION: The Consent Agenda was approved on motion made by Commissioner Woodland and seconded by Commissioner Tollette.
Motion carried – All Aye.

2. REPORTS AND UPDATES.

- a. **Commissioners.**
Preview of the Community Center

Commissioner Mattick reported on her attending of the preview for the Community Center. The City Commission, County Commission, County Administrator, and certain other guests were invited. She said she was very impressed with the project stating it will be a totally safe environment for the children.

Commissioner Mattick announced that counseling services would also be provided at the Community Center.

An additional \$90,000 is still needed to complete the goals of the Community Center. She encouraged anyone wishing to contribute to do so.

Stormwater Project Meeting Report

Commissioner Mattick spoke regarding the Stormwater Project Meeting held August 22, 2007 noting that 75% of the meeting hall was filled with residents. The comments made by the residents in attendance were that they felt that the Stormwater Project was already determined and that the residents should have been included in the process.

Commissioner Mattick felt the Commission should address some of the issues that came up at the meeting and voiced her concern about some of the aspects that will be part of the project. Several residents in attendance indicated there had been no flooding in their areas and did not feel a need for the project in their neighborhoods.

Commissioner Mattick questioned the need for the project as proposed. She suggested that since the City has to provide matching funds they should look at a possible lesser scope for the project that can still accomplish their goals. Commissioner Mattick asked that the issue be placed on a future Commission agenda prior to any final recommendations made to proceed with the project.

- 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. **Financial Report (Written).**
- i. **Line of Credit Report (Written).**

- j. **Mayor's Report.**
Comprehensive Plan Update

Mayor Barford commented in response to Commissioner Miller's request to update the Commission on the Comprehensive Plan. She informed that the Commission had been provided the updated documents from DCA. She explained that DCA originally notified Mr. Arrant regarding their receipt of the Comprehensive Plan, however, Mr. Arrant did not notify Anna Maria of such.

After contacting DCA, the City had received notice from them that they had received Anna Maria's complete packet of materials on August 17, 2007. The August 17, 2007 date triggers the official date for residents to submit any concerns to DCA.

Mayor Barford informed that attorneys representing two residents in the City had been notified and would be proceeding with contacting DCA of their concerns – 6 lots by the City Pier and the Cramer property.

Planner Tony Arrant will be drafting an Ordinance for the Comprehensive Plan; however, no action will be taken for approximately thirty days (by

September 19, 2007) after DCA responds back to the City relating to the recommended amendments. The City can schedule a Public Hearing at that time.

She stated that Mr. Arrant and Planner Garrett would be meeting in September regarding the LDR's and compliance issues involved with the Comprehensive Plan.

Update on Trolley Issue

Mayor Barford explained that the Commission at their recent Budget Meeting had approved the requested \$8,000 contribution portion. She informed that a \$4,000 contribution would be coming from the business community and the additional \$4,000 would be used from the reduction from the Florida Municipal Insurance Trust due to a decrease in the City's costs. No funds would be taken from the City's reserves.

Florida League of Cities Meeting Update

Mayor Barford said she attended the Florida League of Cities meeting the prior week. Budget issues were at the top of the docket.

Bean Point / Channel Issue

Mayor Barford announced that the news media had interviewed the City relating to the Bean Point issue and would be doing a story relating to the channel. The story is scheduled to air on Saturday, August 25, 2007.

3. 303 Pine Avenue – Request for Approval of Final Site Plan.

Request for a 24 month Extension to Apply for Building Permit.

Chair Quam announced that the City Administration would be working with the Applicant relating to this item and it would be pulled from the agenda that evening.

4. Authorize City Attorney Jim Dye to Draft an Ordinance to Adopt the Amended Comprehensive Plan.

Mayor Barford explained that the Comprehensive Plan Public Hearing could be scheduled after hearing back from DCA. She informed that Mr. Arrant has recommended to DCA that they not review the proposed amendments.

City Attorney Dye confirmed that a first and second reading of the proposed Ordinance adopting the Comprehensive Plan would be required.

ACTION: After discussion it was agreed that Mr. Arrant be informed it was the goal of the Commission to consider the Ordinance for First Reading at the Commissioner's October 11, 2007 meeting and Second Reading and adoption on October 25, 2007.

Public Comment – None.

Continued Discussion on Approval Method for Amendments to the Comprehensive Plan.

Commissioner Miller referenced the memo he sent relating to voter approval of Anna Maria City Comp Plan Changes proposing a compromise to the Commission's former discussions.

Commissioner Miller now proposes that the only portion of the Comprehensive Plan subject to voter approval would be any changes to the Future Land Use Element (FLUE).

In answer to *Chair Quam's* question, *City Attorney Dye* said the best place for the proposed language would be the Comprehensive Plan itself. He further stated that language could also be placed in the Charter that any amendments to certain elements of the Comprehensive Plan must be by referendum.

City Attorney Dye stated language could be inserted referring to "any non-statutory required amendments to the Comprehensive Plan effective after (a specific date)."

Commissioner Tollette asked if any residents had spoken to the Commission relating to *Commissioner Miller's* proposal. *Chair Quam* said he heard from only one person. She suggested the Commission allow time to speak to the citizens in the community for their comments prior to making a decision.

Discussion followed relating to the cost of elections. *Mayor Barford* informed that the Charter Review Committee would be meeting to look at the City's Charter. One of the City's cost savings would be to not require an election each year and only have an election during the regular election process.

ACTION: After discussion, it was agreed that the Commission consider this issue as a part of the Comprehensive Amendment and First Reading of the Ordinance. *Commissioner Miller* noted he may not be in attendance at that meeting and would like to be present by telephone.

Public Comment

Robin Wall, Palmetto Ave., asked for clarification on the dates set for consideration of the Ordinance.

Chair Quam clarified that the tentative date for the First Reading of the Ordinance would be held at the October 11, 2007 meeting and the Second Reading at the October 25, 2007 meeting.

5. **Approve the Service Agreement: Manatee County Government, Manatee County Sheriff's Office and City of Anna Maria.**

MOTION: Motion was made by Commissioner Tollette and seconded by Commissioner Miller to approve the service agreement with the Manatee County Government, Manatee County Sheriff's Office, and City of Anna Maria for fiscal year 2007-2008.

Public Comment

Jim Conoly, N. Shore Dr., felt Anna Maria was receiving more service from the Sheriff's Department for the cost than any other City on the Island. He was happy the City was supporting the Sheriff's Office pointing out that Sergeant Kenney had supporting documentation for the need of seven personnel.

He asked that Anna Maria recognize that the Sheriff's Office was doing an excellent job in the City and that any citizens concern or objections be directed to Mayor Barford.

ACTION: Motion carried – All Aye

6. **Approve the Service Agreement Between City of Anna Maria and Manatee County Sheriff's Office.**

MOTION: Commissioner Miller moved to approve the Service Agreement Between City of Anna Maria and Manatee County Sheriff's Office. Commissioner Tollette seconded the motion.

Public Comment

Jim Conoly, N. Shore Dr., reconfirmed his previous comments during item # 5.

ACTION: Motion carried – All Aye.

7.
 - a. **Decision on bid Quotation Submitted by Superior Asphalt for Paving Magnolia Ave., Gulf Dr. to So. Bay Blvd., and Crescent Dr./Palm Ave./Maxine Pl. Around the Community Center. Authorize the Mayor to Enter Into Contract with Superior.**

Diane Percycoe, Deputy City Clerk/Finance Director, referenced the Commission handout that included Superior Asphalt, Inc.'s bid quotation for Magnolia, Crescent, Palm, and Maxine. She informed that City Engineer Tom Wilcox had reviewed the bid and did remove a couple of the items bringing the new total to

\$69,709.36. Twelve hours of inspections by HDR in the amount of \$1,860.00, along with Owner's Contingency costs of \$2,000.00 were then added for a total final cost of \$73,569.36.

In response to *Chair Quam's* comments that the bid was more than that discussed at their Work Session, *Public Works Director George McKay* informed that the portion of Maxine had been included, thus resulting in a higher bid.

Mr. McKay further explained that in order to bring the total bid in under a certain amount, the shoulders would be cut back approximately to four to five inches (edging) rather than twelve inches.

MOTION: Commissioner Woodland moved to accept the bid quotation submitted and authorize the Mayor to enter into a contract with Superior Asphalt for the roadway project at the locations identified in Exhibit B in Resolution No. R07-628 in the total amount of \$73,569.36. Commissioner Tollette seconded the motion.

Public Comment

Jim Conoly, N. Shore Ave., commented on the amount allowed for the inspections of the projects. He felt the City should have assurance that the project would be of a higher quality than before and that any errors should be corrected at the expense of the Contractor and not the City. It was his opinion that a representative of the City should be onsite to look after the interest of the City.

Carol Ann Miguel, 403 Spring Ave., asked if the changing of the shoulder edging would cause a safety hazard being around the Community Center, children with bicycles, etc.

Public Works Director McKay pointed out that City Engineer Wilcox will provide three separate inspections – one prior to work performed, one during, and one after. Mr. McKay said he would also be reviewing the work while being performed.

In response to Ms. Miguel's concerns, Mr. McKay pointed out that the edging would allow for it to be flush and having no swale.

ACTION: Motion carried – All Aye.

b. Paving Project to be Funded With a Line of Credit Draw, Amending Resolution Mo. R06-614 with Resolution No. R-07-628.

Deputy Clerk/Finance Director Percycoe read the Resolution title.

Ms. Percycoe explained that the change includes the attached Exhibit A to the Resolution where the Capital Improvement Fund balance had been reduced.

The current annual payment would remain the same and the payback period had not been affected. Ms. Percyoe also explained the attached Exhibit B.

MOTION: Commissioner Woodland moved to approve and adopt Resolution No. R07-628 amending Resolution No. R06-614 for the paving projects with locations identified in Exhibit B and the approval of said project to be funded with the Line of Credit, Capital Improvement Funds. Commissioner Tollette seconded the motion.

Commissioner Woodland pointed out that the Capital Improvement Fund balance was not on the original Resolution and had now been added. He explained that the Resolution amendment was due to a change in the Scope of Work.

Commissioner Woodland voiced his approval of the proposed Resolution documents as submitted.

Public Comment – None.

ACTION: Motion carried – All Aye.

8. Authorization to Proceed with RFP for Emergency Debris Removal.

Diane Percyoe, who serves as the City's Emergency Management Director, informed that though FEMA does require Emergency Debris Removal, they no longer allow the City's in Florida to piggyback with another entity. All City's and County's in the State of Florida must now proceed with their own RFP for the Emergency Debris Removal in order to get reimbursement from FEMA.

MOTION: Motion was made by Commissioner Miller and seconded by Commissioner Tollette to authorize the Mayor to proceed with an RFP for Emergency Debris Removal.

Public Comment – None.

ACTION: Motion carried – All Aye.

--- SET SHADE MEETING DATE

The Commission agreed to set Tuesday, August 28, 2007 at 5:30 p.m. as the date for a Shade Meeting relating to the Olesen Lawsuit.

PUBLIC COMMENT

Anna Maria Contribution towards Trolley

Manatee County Commissioner Carol Whitmore confirmed that the City did approve the \$8,000 portion of funding for the Trolley services.

Commissioner Whitmore informed she would be working with the County Staff the following week to determine how to fund the Trolley for the following year. She will be meeting with the Transit to determine their marketing plan and also with the business community to raise the required funds needed for the following year.

Request to Replace Bicycle Rack

Carol Ann Miguel, 403 Spring Ave., stated that two bicycle racks were removed during the recent paving projects. She requested that they be reinstalled since many residents use them.

Question Relating to Special Events Permits for Weddings at Sandbar

Tony Minneli, 105 Pine Ave., asked for clarification on the City still approving the weddings at the Sandbar by Special Event Permits. He asked if the Sandbar would be continuing to request Special Event Permits every month.

Mayor Barford explained that after reviewing the issue with the City's Planner and Staff, they are trying to resolve the issue and determine how best to solve the solution. A recommendation will be brought to the Commission for their consideration. She explained that presently the City has no other way to deal with the issue of weddings at the Sandbar except through the ineffective use of Special Permits. A solution is being sought so as not to impact the neighbors and the City negatively.

Robin Wall, Palmetto Ave., said it was her understanding that the Sandbar / Mr. Chiles was to apply for a Site Plan Amendment.

Mayor Barford explained that a Site Plan Amendment would not work to address the situation and that other alternatives were being sought.

Pointing out that the Sandbar has the pavilion, Ms. Wall felt the City should no longer allow for Special Events in the tent area.

PRESS COMMENT - None

ADJOURNMENT.

On motion made by Commissioner Miller and seconded by Commissioner Tollette, the meeting was adjourned at 8:00 p.m. Motion carried unanimously.

The next regular Work Session is scheduled for Thursday, September 13, 2007 and the next regular meeting is scheduled for Thursday, September 27, 2007.

Alice Baird, CMC, City Clerk

Minutes approved: _____