

**CITY OF ANNA MARIA
REGULAR COMMISSION MEETING
AUGUST 24, 2006
7:00 P.M.**

CALL TO ORDER

PLEDGE TO THE FLAG

ROLL CALL: Mayor SueLynn, Commissioner Christine Tollette, Commissioner Dale Woodland, Commission Chair John Quam, Deputy Commission Chair Linda Cramer, Commissioner Duke Miller

Also present: City Engineer Tom Wilcox (BDI, Inc.); Public Works Director George McKay; Terry and Pat Oleson (504 South Bay Blvd.); Ronald and Nicki Hunt (303 Pine Avenue); City Planner Alan Garrett, Building Official Kevin Donohue, City Attorney Jim Dye, Deputy City Clerk Diane Percycoe

Press: Sun, Islander

1. CONSENT AGENDA

- a. **Approval of June 29th, 2006 Commission Meeting Minutes (7:00 p.m.) and July 27th, 2006 Regular Commission Meeting Minutes**
- b. **Special Event Permit 09/22/06 – AMI Historical Society “Open House”**
- c. **Special Event Permit 10/21/06 – Anna Maria Island “Bayfest”**
- d. **Chevrolet Pick-Up – Declare as Surplus**

MOTION: Commissioner Dale Woodland moved to approve the Consent Agenda, seconded by Commissioner Cramer.

Vote: All Ayes. Motion carried.

2. REPORTS AND UPDATES

3. Second Reading and Public Hearing on Ordinance No. 06-655 Amending Sign Regulations.

MOTION: Motion made by Chair Quam to approve Ordinance No. 06-655, adopting Amending Sign Regulations, seconded by Commissioner Miller. Roll Call Vote: Commissioner Tollette, Aye; Commissioner Woodland, Nay; Commissioner Quam, Aye; Commissioner Cramer, Nay; Commissioner Miller, Aye. Motion carries: 3 Ayes, 2 Nays.

4. Second Reading and Public Hearing on Ordinance No. 06-665, Amending Setback for Swimming Pools on Through Lots.

MOTION: Commissioner Linda Cramer moved to adopt Ordinance No. 06-665, Amending Setback for Swimming Pools on Through Lots. Commissioner Duke Miller seconded the motion.

**Roll call vote: Commissioner Tollette - Aye; Commissioner Woodland - Aye; Commissioner Quam - Aye; Commissioner Cramer - Aye; Commissioner Miller - Aye.
Motion carried unanimously.**

Public Comment

5. Final Review of Roads and Stormwater Projects for the Line of Credit and Approval for \$1 million Draw Down.

Commission Chair John Quam asked City Engineer Tom Wilcox to take the floor to begin the review. The City Engineer indicated that he had prepared a slide show presentation for the Commission this evening, and said that he would like to begin by giving them an update on the Gladiolus / North Shore Project.

Mr. Wilcox reported that on August 11, 2006, BDI had given the contractor Notice of Substantial Completion relative to the contract at North Shore, noting that the remaining items on the punch list would need to be completed by September 3rd, 2006. He said that currently the list consisted of two items: 1) that the contractor needed to provide the City with a copy of the revised as-built drawings; and 2) add concrete header to a couple of small pipes in one of the ditches so that it will be easier to maintain.

The City Engineer further reported that on August 18th, 2006, BDI, Inc. had inspected the work with the Southwest Florida Water Management District (SWFWMD) Project Manager, who had found it to be satisfactory. He said that the Deputy City Clerk had sent in the reimbursement application to receive the remaining grant matching funds. Mr. Wilcox said that the project manager had informed him that as soon as the as-built drawings were received, the monies would be released. He showed the Commission slides of photographs of various sites, including some 'before and after' shots, as well as an example of the duckbill discharge mechanism.

City Engineer Wilcox informed the Commissioners that he had received a Change Order from the contractor, requesting \$46,904. He noted that he and Public Works Director George McKay had revised this amount to \$16,000. Mr. Wilcox indicated that the reason for the Change Order was modifications made necessary due to changes in site conditions. He said that there were many stumps found beneath ground level, and that one, in particular, was extremely large. The City Engineer indicated that when this stump was removed, it had a sewer line inside it, as well as a storm drain line, and the work set the project back several days. He noted that the work was well worth the \$16,000 cost, and further recommended that the City consider the contractor for future projects.

The City Engineer next referred to the proposed projects that were to be funded by the draw down from the line of credit. He indicated that one of the small drainage projects was located on Chilson Avenue, and that the other was on Bayview Place. Mr. Wilcox informed the Commissioners that the City now had the opportunity to piggyback on the Gladiolus contract before the road improvements begin. The City Engineer went on to describe the work to be done. He indicated that the Public Works Engineer had determined that ten of the filters were currently in place, and that this project would be furnishing two more. Mr. Wilcox noted that the City needed to monitor them after each storm and keep a few of the filters on hand for replacing the ones in place, as it was not yet known how soon or how often this would need to be done. He said that this would be part of his report to SWFWMD. The Mayor noted that the filters would need to be included in the City's budget.

City Engineer Wilcox addressed the difficulties relative to the project on Chilson Avenue. He noted that there were low spots in the 8 ft. stormwater easement where installation of the outfall would be appropriate, and said that it would have been preferable and less costly to acquire an easement from a property owner where the conditions were more suitable for the improvement to be constructed. Mr. Wilcox indicated that the price of \$45,600 includes BDI's design, construction by DeJonge, as well as full-time supervision by BDI personnel.

Relative to the project at South Bay Blvd. and Bayview Place, the City Engineer noted that the City had received an offer of an easement from the property owner at 520 Bayview Place, however, negotiations were as yet not completed. He pointed the areas where ponding of water was frequent, and where two catch basins were located.

City Engineer Tom Wilcox reported that he made a presentation to the Capital Improvements Advisory Committee (CIAC) at their meeting on July 31st, 2006, where street priorities and assumptions were discussed. He said that the group had reached an agreement not to construct swales on two of the streets, and to install them only on streets that were scheduled for full-depth reclamation.

Mr. Wilcox indicated that swales would not be constructed on streets that were to only receive micro-surfacing overlay. The City Engineer said that those streets would have a 1 ft. area clipped back from the edge of the pavement. He noted that this, along with the single coat application of an alternate micro-surfacing material would save the City roughly \$70,000.

City Engineer Wilcox said that some of the roads scheduled for the original draft of Phase I had been removed from the list because they were first scheduled for drainage improvements, due to receipt of the SWFWMD grant since July 31st, 2006.

Mr. Wilcox pointed out on his map the roads, outlined in green, to receive full-depth reclamation work. He noted that many more roads were slated for micro-surfacing. The City Engineer pointed out the aqua outlined roads on the map that were scheduled for milling work as well as overlay. Tom Wilcox indicated that the roads outlined in blue would only receive overlay. He explained that the orange areas represented drainage improvements on South Drive, where it was hoped that the roads could be re-surfaced as part of the final phase in the project. Mr. Wilcox said that the same was hoped for the drainage improvement area on North Shore Drive. The City Engineer noted that two different contractors would be used, and that the City would be saving money by piggy-back opportunities currently available on three contracts.

The City Engineer indicated that Magnolia Avenue, east of Gulf Drive, had been removed from the list because it was scheduled for drainage work, and also because the Anna Maria Island Community Center remodeling had not yet been completed.

City Engineer Tom Wilcox said that the stormwater grant would start on October 1st, 2006. He announced that the grant application that had been submitted in December 2005 had been approved by SWFWMD in August 2006, and expressed gratitude to the staff, the Mayor, Commissioner Woodland, and everyone involved in this collective effort.

The City Engineer went on to note that the estimate, including a 5% contingency amount for the work proposed, would cover 7.24 miles for \$742,000.

In summary, City Engineer Tom Wilcox requested the City Commission's approval of the following:

- The final road improvement list
- Bayview Place drainage project and easement
- Chilson Avenue drainage project
- The first draw on the line of credit
- The stormwater grant contract

He concluded invited questions from the Commission.

Chair Quam confirmed with Deputy City Clerk Diane Percycoe and the Mayor that the Commission could approve the document listing all of the projects proposed.

MOTION: Commissioner Linda Cramer moved to approve the Phase I list of capital improvement road work projects presented and to approve expenditure of funds totaling \$742,036. Commissioner Christine Tollette seconded the motion.

Vote: All Ayes. Motion carried.

Public Comment

None offered.

Commissioner Duke Miller thanked everyone who contributed to the effort and also expressed gratitude on behalf of Margaret Jenkins and other residents for the drainage relief on Chilson Avenue.

Commissioner Quam asked City Attorney Jim Dye to comment relative to the acquisition of the easement necessary for the drainage project mentioned by City Engineer Tom Wilcox. The City Attorney referred to the E-mail he had sent on August 17th, 2006 relative to his discussions with the property owner at 520 Bayview Place, and policy issues that needed to be discussed with the Mayor and the Public Works Director, relative to conditions the property owner had proposed.

Commissioner Tollette said that the property owner was a personal friend and that she knew they were planning to travel soon. Commissioner Cramer confirmed that other property owners on the street had not yet been approached. Mayor SueLynn confirmed that the agreement document to be drawn up by the City Attorney would be relatively simple. City Attorney Dye indicated that the only things that needed to be decided upon to complete the document were the conditions proposed by the property owner. Public Works Director George McKay indicated that the property owner was anxious to resolve the matter.

The Mayor confirmed with City Engineer Tom Wilcox that it would be possible to defer the Bayview project, possibly to Phase II.

Commissioner Dale Woodland said that he was opposed to everything the property owner of the easement in question had asked for, noting that the objective for the City's acquisition of the easement was to improve conditions for his property. City Attorney Dye agreed, and indicated that he had pointed out to the property owner that it would be unlikely that improvements in drainage would decrease the value of his property.

Commissioner Woodland went on to express the opinion that the City would be wasting money on road work if it could not remove the deep standing water at the east end of the street.

Commissioner Duke Miller said that he agreed with Commissioner Woodland that the conditions the property owner had asked for were unacceptable. He suggested approaching other property owners on the street relative to acquiring an easement. City Engineer pointed out that the location of the proposed easement area would be particularly effective.

MOTION: Commissioner Linda Cramer moved to approve the drainage projects for Phase I 2006/07 in the amount of \$25,599, seconded by Commissioner Duke Miller.

Public Comment

Margaret Jenkins of Chilson Avenue strongly expressed that opinion that it would be wrong to require her to have two easements on her property in exchange for relief from the standing water in the street. She noted that the water collects and goes toward the property across the street from hers, which is the lowest point on the street. She confirmed to Commissioner Woodland that there was already an easement on the west side of her property. Margaret Jenkins confirmed to City Engineer Wilcox that she owned Blocks 38 and 39, and that there was already an easement between 243 and 242 Chilson Avenue.

City Engineer Tom Wilcox indicated that encroaching vegetation, such as shrubs and trees, posed a problem in some alternative easement locations.

Commissioner Woodland asked Ms. Jenkins if the existing easement were to somehow go away, if she would object to the easement proposed on the other side of the property. Margaret Jenkins responded that she would in that the side Commissioner Woodland was referring to was on the bay.

Commissioner Quam recommended further study on the subject.

MOTION: Commissioner Linda Cramer moved to withdraw her motion until further information relative to easements became available, seconded by Commissioner Duke Miller.

Vote: All Ayes. Motion carried.

Chair John Quam recalled that the Commission had approved the proposed draw down from the line of credit for \$1 million in February 2006.

Mayor SueLynn indicated that if the Chilson Avenue and Bayview Place projects were not to be on the current project list, the required draw down amount would be reduced to \$1,011,536.

Commissioner Dale Woodland referred to the cover sheet prepared by Deputy City Clerk Diane Percycoe, and asked for a back-up synopsis of all of the projects to be funded by the draw down. He suggested that this could be reviewed at the next budget meeting.

Commissioner John Quam asked where the \$1 million plus was going to come from to fund Phase II projects in 2007, which includes Crescent and Willow. He confirmed with Deputy City Clerk Percycoe that the \$742,000 worth of road and drainage projects just discussed was going to be paid for in fiscal year 06/07. The Commissioner questioned why the funds needed to be drawn down at this

particular time, when bills had not yet been received. He indicated that his understanding had been that the Commission had already approved a draw down of \$1 million, and that approval was not needed until it could review invoices and other documentation.

Commissioner Dale Woodland said that his recollection was that the Commission had authorized the Mayor to enter into a contract with the provider of the line of credit, and that it had not granted any authorization for a draw down from the line of credit.

Mayor SueLynn indicated that she and the staff had supplied the necessary detail. Commissioner Woodland asked that the Mayor and the Commission simply abide by Resolution 614, which spells out the amount that will be drawn down and sets the requirements for detailed breakdowns. The Mayor indicated that as far as she could tell, all of the information required had been provided.

MOTION: Commissioner Linda Cramer moved to approve the draw down from the line of credit in the amount of \$269,500 for the Manasota Basin Board Grant project, seconded by Commissioner Christine Tollette. Vote: Four Ayes, One Nay. Motion carried.

Deputy City Clerk Diane Percycoe indicated that she would need to revise the Capital Improvements Line of Credit Worksheet because the Bayview and Chilson drainage projects had been deferred.

Commissioner Linda Cramer indicated that she would like to clarify that the Mayor was authorized to draw the initial \$1 million down from the line of credit.

AMENDED MOTION: Commissioner Linda Cramer moved to authorize the Mayor to make the initial \$1 million draw down from the line of credit, seconded by Commissioner Christine Tollette. Vote: Four Ayes, One Nay. Motion carried.

Commissioner Woodland said that he would insist on compliance with No. 7 in Resolution 614, which requires that the administration present to the Commission a separate monthly cumulative spreadsheet reflecting all activity on approved projects. There was consensus among the Commissioners that all nine instructions in the Resolution be followed.

MOTION: At 9:11 p.m., Commissioner Linda Cramer moved to continue the meeting. Motion seconded and passed.

MOTION: Commissioner Cramer moved for a five-minute recess. Motion seconded and passed.

Meeting resumed at 9:16 p.m.

Commissioner Tollette requested permission to reconsider her vote on Amending Sign Regulations, Ordinance 06-655. Attorney Dye reviewed Robert's Rules of Order and stated that the motion to reconsider is allowed if the motion is made by a member of the prevailing vote. Commissioner Tollette stated that her reasons are based on the fact that she believes the ordinance should allow owners to be able to place two signs on the ir property when the property is for sale and rent at the same time. Deputy Chair Quam indicated that our current ordinance does not allow it, and he does not see it as being a critical point. Attorney Dye informed the Commission that if the motion to reconsider passes, the City would have to set a future date and re-advertise.

MOTION: Commissioner Tollette moved to reconsider her vote on adopting Ordinance 06-655. Commissioner Cramer seconded. Roll call vote. Commissioner Tollette, Aye; Commissioner Woodland, Aye; Commissioner Quam, No; Commissioner Cramer, Aye; Commissioner Miller, No. Three Ayes and Two Nays. Motion to reconsider carried.

A tentative date of October 19 was set for the second reading of the Amended Sign Ordinance 06-655. Attorney Dye indicated that at least two weeks advance notice should be given in order to place the ad.

MOTION: Commissioner Miller moved that the Commission authorize the City Engineer to negotiate and enter into contracts for the Summary, Phase I, of the roadwork not to exceed \$742,036. Commissioner Cramer seconded. Motion carried unanimously.

6. Second Reading and Public Hearing on Ordinance No. 06-663, Adopting the Manatee County Animal Ordinance 06-18.

Commissioner Linda Cramer read the Ordinance by title. Commissioner Quam declared the Public Hearing open.

MOTION: Commissioner Linda Cramer moved to adopt Ordinance No. 06-663, seconded by Commissioner Christine Tollette.

Roll call vote: Commissioner Tollette - Aye; Commissioner Woodland - Aye; Commissioner Quam - Aye; Commissioner Cramer - Aye; Commissioner Miller - Aye.

Motion carried unanimously.

Public Comment

None offered.

7. Second Reading and Public Hearing on Ordinance No. 06-660 and Ordinance No. 06-667, Amending Portions of the City Charter and the Swearing in of Newly Elected Officials.

Commissioner Linda Cramer read the Ordinance by title. Commissioner John Quam declared the Public Hearing open.

MOTION: Commissioner Linda Cramer moved to adopt Ordinance No. 06-660, seconded by Commissioner Dale Woodland.

Roll call vote: Commissioner Tollette - Aye; Commissioner Woodland - Aye; Commissioner Quam - Aye; Commissioner Cramer - Aye; Commissioner Miller - Aye.

Motion carried unanimously.

Public Comment

None offered.

8. First Reading of Ordinance No. 06-661, Amending Sec. 114-194, Official Zoning Map.

Commissioner John Quam announced that the Second Reading and Public Hearing of the Ordinance would be scheduled for September 28th, 2006.

9. Status Report on 504 S. Bay Blvd. – Encroachment onto City Beach Access Walkway.

City Attorney Jim Dye reported that the status relative to the walkway remained the same as when the Commission last addressed the issue. He indicated that the property owners had been given the opportunity to apply for a variance, and that he was still in communication with their attorney. The City Attorney said he did not recommend that the City make any changes at this time.

Commission Chair Quam informed those present that this topic would reappear on the September 28th, 2006 Regular Commission Meeting Agenda.

10. Extension of Preliminary Site Plan Approval for 303 Pine Avenue.

Chair Quam confirmed that Building Official Kevin Donohue had no additional comments on this item.

MOTION: Commissioner Linda Cramer moved to approve the extension of the Preliminary Site Plan Approval for 303 Pine Avenue for an additional six months. Commissioner Duke Miller seconded the motion.

Vote: All Ayes. Motion carried.

Public Comment

Ronald Hunt of 303 Pine Avenue indicated that there had been some confusion relative to the site plan drawing.

MOTION: Commissioner Linda Cramer moved to hear Public Comment prior to completion of the agenda, seconded by Commissioner Dale Woodland. Vote: All Ayes. Motion carried.

11. Approval of Payment for Change Order for North Shore / Gladiolus Drainage Project in the Amount of \$16,000.

Mayor SueLynn stated that the information for this requested action had been presented and discussed earlier in the meeting with City Engineer Tom Wilcox.

MOTION: Commissioner Duke Millet moved to approve the payment for the Change Order submitted on the North Shore / Gladiolus Drainage project in the amount of \$16,000. Commissioner Christine Tollette seconded the motion.

Vote: All Ayes. Motion carried.

Public Comment

None offered.

12. Line Item Transfers to Cover Cost of Emergency Drainage Repairs Totaling \$24,592.

Mayor SueLynn confirmed that the information City Engineer Tom Wilcox had presented earlier in this evening's meeting was complete. She brought to the Commission's attention the fact that the City's aging below ground infrastructure had not been addressed, improved or maintained, it appeared, since its initial installation, and that it could expect to receive more of this type of request in the near future.

Public Works Director George McKay described the situation at the site. He recommended using ongoing work by various utilities as opportunities to inspect below ground fixtures. He asked that the Commission approve the line item transfer request.

MOTION: Commissioner Linda Cramer moved to approve the line item transfers to cover cost of emergency drainage repairs at 407 Pointsettia and 607 Gladiolus totaling \$24,592. Commissioner Duke Miller seconded the motion.

Vote: All Ayes. Motion carried unanimously.

PUBLIC COMMENT

A resident said that his contractor had applied for a permit to replace an existing chain link fence. He indicated that work had begun prior to the issuance of the permit, and that he subsequently was informed that the permit had been denied. The property owner explained that the original fence had been in the 10 ft. easement around his property and that he wished to install the new fence where the old one had been since 1979 when the house was built. He noted that the City of Bradenton and the Manatee County Government both had provisions for waivers under such circumstances, whereby the property owner agrees to take down the fence at his or her own expense, should the City need to use the right-of-way.

Building Official Donohue quoted language from Section 114-423, (c), 1 of the City of Anna Maria Code of Ordinances that prohibited the erection of fences in

the right-of-way. He indicated that he had conferred briefly with City Attorney Dye on the subject, and would like to recommend that the Commission consider granting a waiver.

Mayor SueLynn noted that the resident's property was situated in such a way, as were other homes on the street, so as to be contiguous, and that there was no alleyway involved.

Commissioner Linda Cramer confirmed with the property owner and Building Official Donohue that no action would be taken by the City to enforce the removal of the new fencing until the issue is resolved. She indicated that she would support the exception for the fence in exchange for a waiver whereby the property owner would remove the fence if the easement would be needed.

Commission Chair Quam announced that this topic would be put on the September 14th, 2006 Work Session Agenda, and that he would request that City Attorney Dye be present at that meeting.

Nicki Hunt of 202 Lakeview Drive asked, relative to Commissioner Tollette's decision to reverse her vote in support of the sign ordinance, if it would not have been necessary for the prevailing portion of the Commission (i.e., those who had won the vote) to elect to have the matter reheard. Commissioner Cramer explained that Commissioner Tollette's request had been approved.

PRESS COMMENT

None offered.

ADJOURNMENT

MOTION: Commissioner Linda Cramer moved to adjourn the meeting, seconded by Commissioner Dale Woodland.

Vote: All Ayes. Motion carried.

The meeting adjourned at 10:15 p.m.

Respectfully submitted,

City Clerk Alice Baird

Date