

**CITY OF ANNA MARIA
CITY COMMISSION REGULAR MEETING
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, AUGUST 27, 2009
7:00 P.M.**

CALL TO ORDER

Chair Quam called the Regular 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 Chuck Webb.

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

1. Approve Minutes of City Commission Meeting held July 23, 2009.

MOTION: Commissioner Tollette moved that the Regular City Commission Meeting Minutes of July 23, 2009 be approved as written. Commissioner Woodland seconded the motion.
Motion carried – All Aye.

2. Commissioner Reports – None.

3. Mayor's Report.

Structural Inspection – City Pier

Mayor Barford reported that the structural inspection of the City Pier was completed on August 25, 2009. The final report will be received within the next couple of weeks and will be forwarded to the Commission for their review.

City Pier Renegotiations Update

A meeting will be held with the City Pier Lessor the end of October 2009 to discuss the renegotiating of the City Pier contract.

City Pier Centennial Committee Update

The City Pier Centennial Committee has been meeting and planning the 2011 Centennial events. The City Commission will be asked to take part in the events.

Interlocal Boundary Resolution Update

The Interlocal Boundary Resolution was approved by the Manatee County Commission on August 26, 2009. Staff has met with the City of Anna Maria's surveyor who will produce a document outlining the boundary dimensions that will become part of the City of Anna Maria. Areas will include one-half of Bimini Bay, areas around the Piers, and Lake LaVista.

Transportation Enhancement Grant

Commissioner Mattick and Public Works Director McKay met with Manatee County representatives on August 24, 2009 relating to the Transportation Enhancement Grant. Once the County and City have approved the agreement, the County will enter into a LAP agreement with FDOT.

Emergency Operations - Tour of Facilities

Staff members and representatives from other Island cities took part in a walk-thru with the Emergency Operations representatives on August 12, 2009. The tour included the Holiday Inn Express on Cortez and the State College of Florida facilities. Both are sites that City officials will utilize in the event of a severe storm.

City Auditor

The City's Auditor will be in-house the following week.

Anna Maria Citizen of the Year Award

The Citizen Recognition Committee met August 26, 2009 to review applications for the Citizen of the Year Award to be presented in late October 2009. Nomination forms have been distributed to the City Commission for their completion.

September BIEO Meeting Announced

The BIEO will meet on September 16, 2009 in Anna Maria.

Budget Public Hearing to be Held

The first Budget Public Hearing will be held on Wednesday, September 9, 2009 at 6:30 p.m. in the Anna Maria City Commission Chambers.

Mayor / City Commission Group Photo Date

The Mayor / City Commission group photo will be taken on Thursday, September 10, 2009 at 6:30 p.m.

4. Courtesy Report of Public Art Display in October 2009 on Anna Maria Island (Joan Voyles).

Mayor Barford announced that an art display will be held during the month of October 2009 in Anna Maria.

5. Proclamation – Cigarette Litter Prevention – August 2009.

Mayor Barford read a proclamation declaring *Cigarette Litter Prevention* in the City of Anna Maria for August 2009.

Carolyn Angiolillo, Manatee County Parks & Recreation, and *Ingrid McClellan* of Keep Manatee Beautiful, addressed the Commission and thanked them for the proclamation.

Ms. Angiolillo informed that three \$1,500 grants were received for the three beaches – Manatee Public Beach, Coquina Public Beach, and Bayfront Park. Fifty-five cigarette butt receptacles have been installed.

Ingrid McClellan informed that along with the installation of the cigarette butt bins, educational signage has also been displayed. A pre-scan of that number of cigarette butts found only around each bin location was held prior to the placement of the bins. There were 3,000 butts in Bayfront Park alone and 12,000 total for the three parks.

With the assistance of the Anna Maria Chamber of Commerce, informational tent carts have been distributed to hotels, restaurants, and businesses. 1,200 portable ash trays have been handed out and on September 8, 2009 a post scan counting of the cigarette butts will be conducted. Results will be forwarded to the Commission.

6. First Reading – Ordinance 09-703 – Two Family Dwellings – Limited Expansion.

City Clerk Baird read the Ordinance by title.

City Planner Garrett explained that draft Ordinance 09-703 follows the discussions held by the Planning & Zoning Board and the City Commission at their last City Commission Work Session. A review of the recommendations followed by Planner Garrett. It was noted that only a horizontal expansion was proposed and not any vertical expansion.

Lengthy discussion was held relating to proposed Ordinance 09-703. Discussion included:

- Whether or not expansion of additional bedrooms and bathrooms should be allowed. After discussion, it was the Commission consensus that Sec. 114-221 (5) b. "The expansion may not increase the number of bedrooms and bathrooms" be removed from the draft Ordinance.
- A pitched roof would be allowed so long as there was no additional habitable floor space.
- Whether or not a second level should be allowed.
- Allow those structures that were originally legally permitted prior to April 1, 2009 the ability to expand normally.
- Concern about allowing duplexes to expand to 40% building coverage and only allowing single-family 35%.
- Discussion relating to the 50% rule limiting the amount of square footage that could be added.
- Suggestion that prior to any addition, the property owner would need to own the property for a certain period of time.
- No requirement for an equal expansion of both sides of the duplex.

Public Comment

Tom Turner, N. Shore Dr., stated that the current Code language requires that a single-family structure must have 900 sq. feet. However, there is no requirement for duplexes. He voiced concern about expanding to 40% and felt expanding to a second floor should be allowed. He felt a person should be allowed to make their duplex more livable.

Mr. Turner noted that many of the duplexes in Anna Maria were rentals.

Micheal Coleman, Pine Ave., stated that speculators purchase properties when the costs are low and then they have the ability to remove the existing structure and rebuild a large home on the lot.

Mr. Coleman felt it was important to protect the small structures in Anna Maria. Allowing to expand to 40% would provide an incentive for an individual to expand their home. He also felt it was important that the properties remain as a single-story.

Ray Sackett, residing in duplex at 307 Palm Ave., wants to build a second story onto his property. He said building up was less expensive and would provide room in the yard for a pool. It was his opinion that the homeowner should have the option of either increasing on the ground level only or building a second story.

Noting that many of the duplexes were rentals, **Robin Wall**, Palmetto Ave., voiced concern about allowing additional bedrooms. She suggested that only those properties that were conforming prior to April 1, 2009 should have the ability to expand.

Ms. Wall said that the Comp Plan states that the City was not suppose to increase population in a High Coastal area.

Ms. Wall stated that she was not opposed to increasing the number of bathrooms. She voiced concern that there was consensus taken on the draft Ordinance prior to any public comment.

ACTION: No action was taken. It was a majority consensus that Ordinance 09-703 be placed on the September 10, 2009 Work Session for further discussion.

7. **First Reading – Ordinance No. 09-704 – AMI Boat Slip / Utilities.**
City Clerk Baird read the Ordinance by title.

Attorney Scott Rudacille addressed the Commission and handed them a copy of a map on behalf of his client. He explained that his client's parcel shares the seawall with Galati Marina on S. Bay Blvd. The property has four existing non-conforming boat slips at that location. A proposal was being presented to the Commission as a result of the First Reading of Ordinance No. 09-704. His client is requesting to increase the number of boat slips from four to six. The slips would be limited to residents of Anna Maria. He stated that the lots were not platted.

City Attorney Dye explained that Ordinance 09-704 was brought forward as a result of lots platted as part of a formal subdivision. He said it was unusual for a single lot to have six slips and that it was additionally difficult to monitor the limitation of slips to Anna Maria property owners. He said there were no legal prohibitions, only policy issues that needed to be taken into consideration.

City Attorney Dye pointed out that *Attorney Rudacille's* client's docks were located in the County and therefore not covered by City regulations at this time. He noted that the property referred to in Ordinance 09-704 was located in a canal.

Planner Garrett discouraged allowing any live aboard situations.

Commissioner Webb pointed out that a live aboard was limited to not providing sewage. He asked that Section 110-96 (1) c. Adequate provisions shall be made for waste removal - be made clearer in order to only refer to garbage.

Planner Garrett referred to an August 20, 2009 letter received from Architect Laura Gee on behalf of her clients Heidi Gross and Suzanne Chandler, owners of 408 Pine Ave. She recommended that Section Two (4) of the draft Ordinance be amended to read as follows: "(4) Mooring pilings shall be no closer than 20 feet to the centerline of the waterway as measured from the portion of the waterway where the facility is to be located."

Planner Garrett explained his concern was that the current Code states that the mooring pilings may be placed no more than 20 feet from the bulkhead, seawall or waterway boundary. He said many times, due to the mangroves and lot configurations, the pilings may need to be out 22 feet. He said he was unsure why the provision was ever placed in the Code. He suggested rather than being concerned about how far out the mooring pilings were placed, it was more important that they meet the 20 feet distance from the centerline of the waterway.

Planner Garrett said he would also agree to language stating that the mooring pilings may be placed no more than 25 feet from the bulkhead, seawall or waterway boundary and no more than 20 feet from the centerline. *Building Official Welch* suggested it state either / or.

Discussion and examples followed.

ACTION: Ordinance No. 09-704 will be considered for Second Reading on September 24, 2009. City Planner Garrett will have diagrams available.

8. First Reading – Ordinance 09-705 – Flood Protection Revision.

City Clerk Baird read the Ordinance by title.

Building Official Welch reviewed the proposed Ordinance changes. He informed that the Ordinance is graded as part of the CRS program. The citizens pay total premiums of \$1,232,163 for Flood Insurance. The total discount for the City is \$410,723 regulating in an average discount of \$332 per policy.

Building Official informed that issues not relating to Anna Maria had been removed such as mudslides, etc.

Commissioner Woodland complimented Building Official Welch on the draft Ordinance format. In answer to Commissioner Woodland's question, Building Official Welch confirmed that both Bradenton Beach and Holmes Beach would be adopting the same Ordinance language. Commissioner Woodland suggested that an opportunity to save money relating to the adoption of the Ordinance be pursued.

Discussion followed relating to substantial demolition, the City considering lowering the substantial improvement from 50 percent to 40 percent, and explanation of Comfort Stations.

ACTION: Ordinance No. 09-704 will be considered for Second Reading on September 24, 2009.

9. First Reading – Ordinance 09-706 - Addition of Administrative Regulations to Chapter 74 – Request for Height and Setback Survey.

No action taken. The agenda was amended August 25, 2009 to delete this item.

10. Resolution R09-657 – Adoption of Manatee County's Disaster Re-Development Plan.

City Clerk Baird read the Resolution by title.

Building Official Welch informed that in 2004, the City adopted the Manatee County Local Mitigation Strategy. Though not currently adopted at the State level, the Manatee County Post Disaster Redevelopment Plan (PDRP) is currently under re-adoption. Building Official Welch recommended that the plan be adopted by the City Commission in order to be covered prior to the storms.

MOTION: Commissioner Woodland moved that Resolution R09-657 be approved for adoption. Commissioner Webb seconded the motion. On Roll Call Vote, the motion carried unanimously.

11. Special Event Application – Bayfest – Anna Maria Chamber - October 16, 2009 (6pm – 10pm) and October 17, 2009 (10am – 10pm)

Mayor Barford informed that the Bayfest Special Event Application was pulled from the Consent Agenda due to an additional day (Friday, October 16, 2009) being requested by the Chamber too late for the City to run it through the process for approval.

- * *Commissioner Webb* stated that he would need to abstain from voting on this issue due to serving on the Chamber Board of Directors and as the Chamber's Attorney.

Cindy Thompson and *Mary Ann Brockman*, Chamber of Commerce, addressed the Commission.

Ms. Thompson informed that the Chamber had a Friday night event the previous year for the purpose of setting up. The streets would only be closed on Saturday, the same as last year. She apologized for submitting the Friday request at the late hour but was unsure they would have enough volunteers for Friday.

Discussion followed relating to the alcohol that will be served. Ms. Thompson explained that beginning this year, a nonprofit organization is only allowed three State licenses per year for serving alcohol. Since the Chamber had already received three licenses in 2009, the State recommended the Chamber contact another entity to apply for the license. As a result, the Historical Society has agreed to apply for the license for the Bayfest.

MOTION: Commissioner Woodland moved that the Special Event Application – Bayfest – Anna Maria Chamber for Friday, October 16, 2009 (6pm to 10pm) and Saturday, October 17, 2009 (10am to 10pm) be approved, provided that the Special Event Permit request for Friday, October 16, 2009 is approved by all required entities. Commissioner Tollette seconded the motion. Motion carried on a vote of 4 to 1 with Commissioner Webb abstaining.

**Form 8B – Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, signed by Commissioner Charles Webb, is attached to the original minutes and made part of the official record.*

12. Consent Agenda

- a. Approval of Sheriff's Contract 2009-1020.
- b. Approval of Sheriff's Service Agreement FY 2009-2010.
- c. Authorize Mayor's Signature on Application for WCIND Project M-202 Grant for Lake LaVista Inlet Maintenance Funding Amount \$50,000 FY 09/10.

Commissioner Woodland asked that Consent Agenda item # c. be removed and considered separately.

MOTION: Commissioner Woodland moved that Consent Agenda items a. and b. be approved. Commissioner Tollette seconded the motion. Motion carried – All Aye.

- c. **Authorize Mayor’s Signature on Application for WCIND Project M-202 Grant for Lake LaVista Inlet Maintenance Funding Amount \$50,000 FY 09/10.**
Commissioner Woodland asked for clarification relating to the application. It was agreed that he, Mayor Barford, and Public Works Director McKay would meet to discuss the application.

MOTION: Commissioner Webb moved that Consent Agenda item c. be approved. Commissioner Tollette seconded the motion.
Motion carried – All Aye.

- 13. **Reports and Written Updates:**
 - a. **Sheriff’s Report.**
 - b. **Building Department Report.**
 - c. **Public Works’ Department Report.**
 - d. **Code Enforcement Report.**
 - e. **City Pier Report.**
 - f. **Ordinance Update.**
 - g. **Financial Report.**
 - h. **Line of Credit Report.**

Additional Business

High Bacteria Count at Bayfront Park

Commissioner Webb pointed out that a high bacteria count occurs in Bayfront Park that’s associated with rainfall. He suggested that the Public Works department obtain a sample from both sides of the area in order to try and track the cause.

Public Comment – None.

Press Comment – None.

Adjournment

On motion made by Commissioner Webb and seconded by Commissioner Woodland, the meeting was adjourned at 9:03 p.m. The next regular meeting will be held on Thursday, September 24, 2009, 7:00 p.m.

Alice Baird, CMC, City Clerk

MINUTES APPROVED: _____